

Agenda Item No:	17
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Report to:	Humber and North Yorkshire Integrated Care Board
Date of Meeting:	10 July 2024
Subject:	NHS Constitution: 10 Year Review
Director Sponsor:	Sue Symington, Chair / Karina Ellis, Executive Director of Corporate Affairs
Author:	Mike Napier, Director of Governance and Board Secretary

STATUS OF THE REPORT:

Approve Discuss Assurance Information A Regulatory Requirement

SUMMARY OF REPORT:

The NHS Constitution sets out the principles, values, rights and pledges underpinning the NHS as a comprehensive health service, free at the point of use for all who need it.

The Department of Health and Social Care (DHSC) is consulting on a specific number of proposed updates to the NHS Constitution as part of the process to complete the 10-year review, as legislated for in the Health Act 2009.

The ICB Board consider the DHSC consultation at a previous meeting and agreed that a written submission would alternatively be sent by the Chair which captured the wider observations of the Board about the positive opportunities to update and refresh the NHS Constitution.

RECOMMENDATIONS:

Members are asked to:

- i) Review and approve the draft letter of response from the ICB to the NHS Constitution consultation.

ICB STRATEGIC OBJECTIVE

Leading for Excellence	<input checked="" type="checkbox"/>
Leading for Prevention	<input checked="" type="checkbox"/>
Leading for Sustainability	<input checked="" type="checkbox"/>
Voice at the Heart	<input checked="" type="checkbox"/>

IMPLICATIONS

Finance	No direct adverse implications identified in the paper
Quality	No direct adverse implications identified in the paper
HR	No direct adverse implications identified in the paper
Legal / Regulatory	No direct adverse implications identified in the paper
Data Protection / IG	No direct adverse implications identified in the paper
Health inequality / equality	The implications associated with the NHS Constitution consultation are set out in the draft ICB response
Conflict of Interest Aspects	No adverse implications identified through the paper
Sustainability	The implications associated with the NHS Constitution consultation are set out in the draft ICB response

ASSESSED RISK:

There is a risk that the opportunity for a broader public conversation as to how the additional rights and pledges set out in the NHS Constitution Handbook can remain fit for purpose for the next decade and beyond. This included, but was not limited to, rights relating to access and services. is lost through the current 10-year review of the NHS Constitution

MONITORING AND ASSURANCE:

ENGAGEMENT:

The Board has previously been engaged on the NHS Constitution consultation proposals.

REPORT EXEMPT FROM PUBLIC DISCLOSURE

No Yes

If yes, please detail the specific grounds for exemption.



DRAFT

11 July 2024

NHS Constitution Consultation,
Department of Health and Social Care,
39 Victoria Street
London
SW1H 0EU

Dear

I am writing on behalf of the Board of NHS Humber and North Yorkshire Integrated Care Board in response to the consultation on the 10-year review of the NHS Constitution. The ICB Board has considered the review on two occasions, both before and following the NHS pre-election guidance period, as it felt it was important that its deliberations be conducted in a public environment.

First and foremost, we fully endorse the continued value of the NHS Constitution in setting out the NHS principles, values and rights as well as reaffirming the concordance and respective responsibilities of NHS policy makers, staff, patients, the public and those who advocate for them.

The ICB Board agrees with most of the specific questions posed in the consultation, which are viewed as positive, and it neither agrees or disagrees with the remainder. I set out below however further Board observations which, while sitting outside the limited scope of the current consultation, we believe are helpful as part of an ongoing debate needed about other aspects of the NHS Constitution between the many and diverse parties who are invested in the NHS. We hope this engagement will continue beyond the end of the consultation and pre-election periods.

It is recognised that the original document helpfully brought together for the first time the clear rights, commitments and responsibilities associated with the NHS and Board members felt that the 10-year review provided the impetus for a broader public conversation as to how the additional rights and pledges set out in the NHS Constitution Handbook can remain fit for purpose for the next decade and beyond. This included, but was not limited to, rights relating to access and services.

The Board also felt that there was greater value in placing inclusivity and eliminating any form of discrimination at the core of the NHS Constitution rather than the narrower focus of biological sex and gender that the consultation considered. There is also merit in being explicit through the NHS Constitution about the commitment to meet the healthcare needs of those, for example, with protected characteristics or identify with other inclusion groups, as well as womens health specifically.

Finally, the timing of this 10-year review provides an ideal opportunity to consider and enshrine within the NHS Constitution the longer term pledge for the NHS to work with its partners to meet the population health challenge and tackle the wider determinants of health and wellbeing.

Yours faithfully

Sue Symington

Chair

NHS Humber and North Yorkshire Integrated Care Board