

2013 No. 317

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (Revision of NHS Constitution—
Principles) Regulations 2013**

<i>Made</i> - - - -	<i>14th February 2013</i>
<i>Laid before Parliament</i>	<i>20th February 2013</i>
<i>Coming into force</i> - -	<i>1st April 2013</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 4(4) of the Health Act 2009(a), and after undertaking the consultation required by section 4(2) and (3) of that Act(b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Revision of NHS Constitution—Principles) Regulations 2013 and come into force on 1st April 2013.

(2) In these Regulations, “guiding principle” means one of the guiding principles set out in the NHS Constitution, within the meaning of Chapter 1 of the Health Act 2009(c).

Revision of guiding principles

2. The guiding principles are revised in accordance with regulations 3 to 6.

Revision of first guiding principle

3. For the first guiding principle substitute—

“**1. The NHS provides a comprehensive service, available to all** irrespective of gender, race, disability, age, sexual orientation, religion, belief, gender reassignment, pregnancy and maternity or marital or civil partnership status. The service is designed to diagnose, treat and improve both physical and mental health. It has a duty to each and every individual that it serves and must respect their human rights. At the same time, it has a wider social duty to promote equality through the services it provides and to pay particular attention to groups or sections of society where improvements in health and life expectancy are not keeping pace with the rest of the population.”

(a) 2009 c. 21.

(b) A consultation document entitled *A consultation on strengthening the NHS Constitution* was published by the Department of Health on 5th November 2012.

(c) The version of the NHS Constitution in force on the date these Regulations were made was that published by the Department of Health on 8th March 2012. It applies only in relation to England.

Revision of third guiding principle

4. For the third guiding principle substitute—

“3. The NHS aspires to the highest standards of excellence and professionalism - in the provision of high quality care that is safe, effective and focused on patient experience; in the people it employs, and in the support, education, training and development they receive; in the leadership and management of its organisations; and through its commitment to innovation and to the promotion, conduct and use of research to improve the current and future health and care of the population. Respect, dignity, compassion and care should be at the core of how patients and staff are treated not only because that is the right thing to do but because patient safety, experience and outcomes are all improved when staff are valued, empowered and supported.”

Revision of fourth guiding principle

5. For the fourth guiding principle substitute—

“4. The NHS aspires to put patients at the heart of everything it does. It should support individuals to promote and manage their own health. NHS services must reflect, and should be coordinated around and tailored to, the needs and preferences of patients, their families and their carers. Patients, with their families and carers, where appropriate, will be involved in and consulted on all decisions about their care and treatment. The NHS will actively encourage feedback from the public, patients and staff, welcome it and use it to improve its services.”

Revision of fifth guiding principle

6. For the fifth guiding principle substitute—

“5. The NHS works across organisational boundaries and in partnership with other organisations in the interest of patients, local communities and the wider population. The NHS is an integrated system of organisations and services bound together by the principles and values reflected in the Constitution. The NHS is committed to working jointly with other local authority services, other public sector organisations and a wide range of private and voluntary sector organisations to provide and deliver improvements in health and well-being.”

Signed by authority of the Secretary of State for Health.

14th February 2013

Norman Lamb
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

The NHS Constitution was established in law by section 1 of the Health Act 2009. It applies only in relation to the health service in England (which is provided for mainly by the National Health Service Act 2006, as amended). The first version of the NHS Constitution was that published by the Department of Health on 21st January 2009. A revised version was published in 2010, and a further revised version was published on 8th March 2012. It is that version which was in force when these Regulations were made. Any revision to the seven guiding principles contained in the NHS Constitution (which have until now remained unchanged) must be made by Regulations. These Regulations substitute four of the guiding principles: the other three remain unchanged.

The 8th March 2012 version of the NHS Constitution is available online at: http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_132961; and in hard copy from: NHS Constitution Team, Department of Health, Richmond House, 79 Whitehall, London, SW1A 2NS (email NHSConstitution@dh.gsi.gov.uk).

A full Impact Assessment has not been produced for this instrument as no impact on the private sector or civil society organisations is foreseen.

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