

Advocacy Toolkit:

NHS (England) – Your Right to Choose

Constitutional rights

The NHS constitution establishes a set of principles and values held within the NHS. Two sections of this document relate to informed choice and involvement in your healthcare. It is here that outlines the rights you have to choose your healthcare providers, from GP services through to end of life care, and the promise of the NHS to provide you with information and involve you in your healthcare.

You can find information on the constitutional rights in the advocacy toolkit 'The NHS Constitution – what are my rights?'

The NHS Choice framework

The choices framework provides more guidance on the rights set out in the NHS constitution.

It explains in detail:

- The choices that you, as a patient, have at each stage of your healthcare
- Any exceptions at each stage where people do not have the right to choose.
- Where to find more information about services
- Where to make a complaint if you are not offered choice by your healthcare provider.

To follow is a summary of the framework.

Your right to choose at every stage

GP

Your right:

1. To choose the GP practice you want to register with.
2. To have an appointment with your preferred doctor or nurse (unless there circumstances whereby this is not possible).

These are legal rights of all UK citizens, but there are some cases whereby a GP practice may not accept you. If a GP practice does not accept you onto their register they are obliged to inform you of the reason. The cases where you may not be able to pick a GP surgery are:

- If the GP practice is not accepting new patients.
- If the GP practice covers a specific local area of residence and you do not live within this.
- Your clinical need may require that you are seen by your local GP.



Referral to outpatients

Your right: Patients should be given the choice of which hospital to attend for their first outpatient appointment, providing the hospital provides the necessary care.

Exceptions: Patients being referred for suspected cancer, however, do not have the legal right to choose. This is may be because a particular hospital provides the required service or offers an appointment within the two-week wait target for suspected cancer referrals. This does not mean you can't express a preference for a certain hospital, but it means that your choice may not necessarily be taken into consideration.

Changing hospital

You do, however, have the right to change hospital if you are waiting longer than the maximum waiting times for NHS services.

Your right: You can change hospital if you are waiting to see a cancer specialist, with suspected cancer, for more than 2 weeks.

Exception: If you miss or decline an appointment you do not have the right to change hospital.

Your right: You can change hospital if you are waiting longer than 18 weeks for non-urgent treatment to start
Exceptions: Your 18 week pathway will be paused if you are put on "watch and wait" as the likelihood is that you do not need to start treatment straight away. You do not have the right to change hospital if you decline or delay your own treatment, or if you fail to attend appointments causing your time before treatment to extend 18 weeks. If you wish to change your hospital because you have been waiting longer than the maximum waiting time, contact your local CCG (clinical commissioning group).

Right to a second opinion

Although it is not a legal right of patients to have a second opinion, if requested it is rare for a doctor to refuse to refer a patient.

If you wish to have a second GP opinion, you can make an appointment with someone else at your practice or register with a new GP practice.

If you wish for an opinion from another consultant (specialist at a hospital) you will have to discuss this with your consultant and likely need to visit your GP again to get a new referral to see another consultant. This does not necessarily mean the new consultant will take over your care; this is something you would have to arrange following the appointment if you wish.

Things to consider: seeking a second opinion may delay your care. If you have already seen a consultant, your waiting time for another consultant appointment could be longer.

Treatment options – Being involved in clinical trials/research

You have the freedom to choose on whether you wish to be involved in a clinical trial or not. There may not, however, be a suitable clinical trial for you to join or your clinician may not be aware of ongoing trials.

To find out more, read our advocacy toolkit on clinical trials.

Finding more about healthcare providers

You can find out information on GP surgeries and hospitals on the NHS Choices website, including patient feedback responses: <http://www.nhs.uk/pages/home.aspx>

Or, Healthwatch is an independent site that operates both nationally and locally to give advice about health and social care across the UK: <http://www.healthwatch.co.uk/>



Complaints procedure

If you feel you are not given the option to choose your healthcare, where you have the legal right to do so, you can complain. You can view our advocacy toolkit on the 'NHS Complaints Procedure' for more detailed information. If you are unhappy with appointments and lack of choice given by your GP surgery, you should raise this with them and make a complaint at the surgery if necessary. If the surgery does not resolve your complaint the next step is to file a complaint with NHS England.

Your clinical commissioning group has responsibility to ensure that you are given options throughout the rest of your care and therefore, if you have any issues it is normally here that you will raise a complaint.

If you are unhappy with your care in hospital, you can complain to their Patient Advice and Liaison Service (PALS).

Read the full NHS Choice Framework here:

<https://www.gov.uk/government/publications/the-nhs-choice-framework/the-nhs-choice-framework-what-choices-are-available-to-me-in-the-nhs>

Or, you can find 8 easy read leaflets on the NHS Choice Framework here:

<https://www.gov.uk/government/publications/the-nhs-choice-framework>

Further questions

If you have any further questions about your right to choose then you can contact our Campaigns and Advocacy team. They are available Monday to Friday from 9:00am – 5:30pm. If you would like to speak to them, you can:

- Call our office line on 01905 755977
- Send them an email at advocacy@leukaemiacare.org.uk
- You can also call the 24-hour CARE Line, free of charge on 08088 010 444. The team will pass your enquiry onto the Campaigns and Advocacy team.

Please note that our Campaigns and Advocacy team are unable to provide:

- Detailed medical advice or recommendations
- Legal advice
- Advocacy for a course of action which is contrary to the aims and objectives of Leukaemia CARE