



# Advocacy Toolkit:

## NHS waiting times – What are my rights as a patient?

### What is my legal right?

The NHS Constitution is a document that sets out the principles and values of the NHS, as well as what your legal rights are as a patient. Patients' legal rights are rights that are protected by the law.

As a patient you have a legal right to access certain services commissioned by NHS bodies within maximum waiting times, or for the NHS to take all reasonable steps to offer you a range of suitable alternative providers if this isn't possible.

This legal right only applies to services commissioned by the NHS in England and does not include public health services contracted by local authorities, maternity services or some mental health services.

### Did you know?

You have the legal right to ask to be seen or treated by a different provider if you're likely to wait longer than the maximum waiting time specified for your treatment.

The hospital or clinical commissioning group (NHS organisations that organise the delivery and fund NHS services in England) will have to investigate and offer you suitable alternative hospitals or clinics that could see you sooner.

### Before diagnosis

If your GP suspects that you have cancer, the maximum waiting time is two weeks from the day your appointment is booked through the NHS e-referral Service, or when the hospital or service receives your referral letter. The maximum waiting time for non-urgent referrals is 18 weeks.

Waiting times are defined by the point the hospital receives your referral letter or when you book your first appointment through the NHS e-Referral Service and ends if a clinician decides no treatment is necessary, you decide not to be treated or when your treatment begins.

### After diagnosis

Understandably, after a blood cancer diagnosis, patients will usually want to start treatment right away but many have to wait for test results or appointments before starting their treatment.

If you have been diagnosed with a blood cancer, you may experience a range of feelings including uncertainty, shock and anxiety. This can be added to if you have to wait for tests to be carried out or for your treatment to begin. The Government has set waiting time targets, so that patients are not kept waiting too long before starting their treatment.



## NHS Pledges on waiting times

Pledges go above and beyond legal rights. Although pledges are not legally binding, they are commitments by the NHS as part of their aim to deliver a high quality service.

The government waiting time targets for starting treatment for NHS patients in England and Wales are:

- Patients should wait no more than 2 months (62 days) between the date the hospital receives an urgent GP referral for suspected cancer and starting treatment.
- You should wait no more than 31 days after the meeting at which you and your doctor agree the treatment plan to start your treatment.

Most hospitals can ensure that most of their patients are treated within these time frames. Waiting times can vary depending on what type of cancer you have and what type of treatment you need to receive.

## Watch and Wait

Some blood cancers progress rapidly and treatment needs to begin immediately. Some, however, progress more slowly and patients do not need to receive treatment until the disease has progressed. This is called watch and wait.

During this time, until you are ready for treatment, you will be actively monitored, having regular blood tests and check-ups and should receive the same support as if you were receiving active treatment.

## Remember...

If your doctor thinks it is necessary, you will start your treatment sooner. Your doctor would not make you wait for treatment if they felt it was going to reduce your chance of successful treatment.

If you are worried about waiting for your treatment, it may help you to let your doctor know. They should be able to reassure you that waiting a few weeks to be treated should not change your outcome.

## What can you do if your legal right is broken?

As a NHS patient, if one of your legal rights has been broken, it's worth trying to resolve the issue with the NHS directly before considering taking legal action. However, in some situations you might have to go to court to get the problem resolved. If considering legal action, you should seek legal advice.

## What can you do if a pledge is broken?

If a pledge isn't delivered, you can make a complaint using the NHS complaints procedure. If a pledge isn't delivered, this in itself doesn't give you the legal right to challenge it in the courts. But you do have the right to make a complaint about any aspect of NHS care, treatment or services, and this is firmly written into the NHS Constitution.



## Find out more:

For more information on the NHS Constitution and waiting times visit:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/480482/NHS\\_Constitution\\_WEB.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/480482/NHS_Constitution_WEB.pdf)

## Contact us:

If you would like more information on or if you would like to speak to someone about NHS waiting times you can contact our Campaigns and Advocacy team by calling 01905 755977 or email them at [advocacy@leukaemiacare.org.uk](mailto:advocacy@leukaemiacare.org.uk).

You can also call the 24-hour CARE Line, free of charge on 08088 010 444 if you have any concerns about your diagnosis or treatment.