

# Downend Health Group

## Proxy Access Policy

### ***Document Control***

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#### **B. Document Details**

<b>Author and Role:</b>	Nicki Jakeways – Service Quality Lead
<b>Organisation:</b>	Downend Health Group
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Proxy access is where someone is given access to another person's medical record. For example:

- A parent or guardian who has legal responsibility for a patient under the age of 11
- A parent or guardian of a patient over the age of 11 and the patient has given consent
- A parent or guardian of a patient who has legal responsibility for a patient between the ages of 11 and 16 and where a GP has assessed that the patient is not capable of making their own decisions
- A carer for a patient over the age of 16 – the patient would need to provide written consent

The proxy (the person given consent) does not have to be a registered patient at the practice but must be registered for online services at the surgery. In order to be granted proxy access, the applicant must obtain the informed consent from the patient. Should the patient not have the capacity to consent then the designated GP will decide whether it is in the best interests of the patient to have proxy access.

Any applicant requesting proxy access must have legitimate reasons for doing so and visit the practice for face to face verification. They must bring a form of photographic ID with them and complete the Proxy Access Application Form ([Appendix A](#)). Patients will be directed to the NHS 'Giving another person access to your GP online services form' to the patient/proxy. A copy of this guide can be found using the following link: <https://www.england.nhs.uk/wp-content/uploads/2016/11/pat-guid-give-another-person-access-bw.pdf>

There are legitimate reasons for the practice to authorise proxy without the patients consent and can include:

- The patient has been assessed as lacking capacity to make an informed decision on granting proxy access and the applicant has a lasting power of attorney
- The patient has been assessed as lacking capacity to make an informed decision on granting proxy access and the applicant is acting as a court appointed deputy on behalf of the patient
- The GP considers it to be in the patients interest
- The patient is a child who has been assessed as not competent to make a decision on granting proxy access

Downend Health Group may refuse or withdraw proxy access if they judge that it is in the best interest of the patient.

### **CHILDREN**

Parents/guardians are able to control access to their child's record and online services up to the age of 11. At the age of 11, proxy access becomes restricted and online services are automatically withdrawn. The parent/guardian may re-apply for proxy access using the proxy access application form ([Appendix A](#)). However, providing the child is considered competent they are entitled to:

- Stop the proxy access
- Allow proxy access but limit access to certain services
- Request their own access to online services and to manage this independently
- Turn off all online access until such a time they wish to re-instate it

For child patients that reach the age of 16 and have previously authorised proxy access, this will automatically be withdrawn on their 16<sup>th</sup> birthday. A letter will be sent to from Patient Services to the patient 3 months before this date informing them of this action.

### **CARE HOME STAFF**

Care home staff may ask for proxy access to online services for one or more of their clients. Staff may use this proxy access for example to organise appointments or order medication. A discussion with the patient about the benefits and risks of allowing proxy access, and their consent or legal justification if they lack capacity, must be recorded.

When the patient does not have capacity, online access may be allowed following discussion with the patient's family and the care home staff, if it is felt by the doctor to be in the patient's best interests.

Decisions of those with lasting powers of attorney for health and welfare or court appointed deputies should also be respected.

Proxy access will only be granted to named individuals at care homes who have legitimate reason to have access to the online services of the patients they care for. The individual staff member must have their own online service user account and must visit the practice for face to face verification and complete the consent to proxy access form ([Appendix A](#)). The individual must be advised of the importance of not sharing their log in details or allowing other staff members to access the patient's accounts. It is the responsibility of the senior management of the relevant care home to ensure proxy access is managed legitimately in-house and to update/revoke access according to patient flow in and out of the care home.

Downend Health Group must be informed and access revoked whenever a person with online access leaves the care home organisation.

## LEVELS OF ACCESS

When consent to proxy access is obtained it is important that it is made clear to the patient exactly what services are being made available to the proxy. The options are:

- Online appointment booking
- Online prescription management
- Access to medical records

For medical records access it must be agreed and made absolutely clear to the patient and the proxy what record content will be made available to the proxy. It may be the whole medical records that the proxy is granted access to or just a specified subset of records. For a patient with capacity this is entirely their decision.

When an adult patient has been assessed as lacking capacity and access is to be granted to a proxy acting in their best interests, including someone holding a lasting power of attorney, or to a court appointed deputy, it is the responsibility of the clinician authorising access to ensure that the level of access enabled is necessary for the performance of the applicant's duties. For example, it may be appropriate to enable appointment booking and ordering of repeat prescriptions but not full access to records.

## REVIEWING PROXY ACCESS

Where proxy access has been granted with the consent of the patient, the proxy access must be reviewed or withdrawn at the request of the patient. It should also be reviewed if the patient loses capacity to give consent, unless the patient consented before they lost capacity to an enduring proxy access that would continue after they lost capacity.

Where proxy access has been enabled on behalf of an adult patient who lacks capacity, this should be reviewed should there be a change in capacity resulting in the patient re-acquiring capacity.

Where proxy access has been granted to members of an organisation that has a duty of care for the patient, such as a care home or home care team, access must be withdrawn if the patient leaves the care of that organisation. It must also be reviewed every time there is a significant change in the patient's circumstances or a member of staff with proxy access leaves the organisation. In this case, the access details must be changed, although the organisation as a whole may continue to have access. The senior management team of such organisations have a responsibility to ensure that in-house proxy access is managed responsibly and legitimately. The organisation is obliged to inform the practice of any significant changes or concerns in relation to proxy access.

Patients with capacity may inform the practice in writing at any time when they wish for proxy access to be revoked. When the practice has received a letter from a patient with this instruction the proxy access link will be turned off and a letter will be sent to the proxy informing them of this decision ([Appendix B](#)).

## REFUSING PROXY ACCESS

Patients may be put under pressure to permit proxy access to their medical record or to order prescriptions. If a GP or other health professional suspects that a patient is being coerced, they should try to establish the true position with the patient. If after discussion with the patient they still believe they have good grounds for suspicion that the patient is not giving access freely, they should tell the patient that they are not going to authorise or will withdraw proxy access. Practice staff registering a proxy must also be aware of signs to look for. More information on coercion is available in <https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/consent>

Proxy access should not be granted in other circumstances, after discussion with the patient if:

- Practice staff members believe a patient aged under 16 is competent to make a decision on access but that child has not given consent for proxy access to the person who is seeking it
- There is a risk to the security of the patient's record by the person being considered for proxy access
- The patient has previously expressed the wish not to grant proxy access to specific individuals should they lose capacity, either permanently or temporarily; this should be recorded in the patient's record
- The patient's GP judges that it is not in the best interests of the patient.



Christchurch Surgery  
 North Street  
 Downend  
 Bristol  
 BS16 5SG  
 0117 9709 500

Willow Surgery  
 Hill House Road  
 Downend  
 Bristol  
 BS16 5FJ  
 0117 9709 500

**APPENDIX A**

**Consent to proxy access to GP online services**

**Note: If the patient does not have capacity to consent to grant proxy access and proxy access is considered by the practice to be in the patient’s best interest, section 1 of this form may be omitted.**

**Section 1**

I,..... (name of patient), give permission to my GP practice to give the following people ..... proxy access to the online services as indicated below in section 2.

I reserve the right to reverse any decision I make in granting proxy access at any time.

I understand the risks of allowing someone else to have access to my health records.

I have read and understand the information leaflet, available from the following link:

<https://www.england.nhs.uk/wp-content/uploads/2016/11/pat-guid-give-another-person-access-bw.pdf>

<b>Signature of patient</b>	<b>Date</b>
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**Section 2**

1. Online appointments booking	<input type="checkbox"/>
2. Online prescription management	<input type="checkbox"/>
3. Accessing the medical record for ..... (name of patient)	<input type="checkbox"/>

**Section 3**

I/we..... (names of representatives)

wish to have online access to the services ticked in the box above in section 2

for ..... (name of patient).

I/we understand my/our responsibility for safeguarding sensitive medical information and I/we understand and agree with each of the following statements:

1. I/we have read and understood the information leaflet provided by the practice and agree that I will treat the patient information as confidential	<input type="checkbox"/>
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2. I/we will be responsible for the security of the information that I/we see or download	<input type="checkbox"/>
3. I/we will contact the practice as soon as possible if I/we suspect that the account has been accessed by someone without my/our agreement	<input type="checkbox"/>
4. If I/we see information in the record that is not about the patient, or is inaccurate, I/we will contact the practice as soon as possible. I will treat any information which is not about the patient as being strictly confidential	<input type="checkbox"/>
<b>Signature/s of representative/s</b>	<b>Date/s</b>

## Section 4

### The patient

(This is the person whose records are being accessed)

Surname	Date of birth
First name	
Address	
Postcode	
Email address	
Telephone number	Mobile number

### The representatives

(These are the people seeking proxy access to the patient's online records, appointments or repeat prescription.)

Surname	Surname
First name	First name
Date of birth	Date of birth
Address	Address (tick if both same address <input type="checkbox"/> )
Postcode	Postcode
Email	Email
Telephone	Telephone
Mobile	Mobile

**Downend Health Group will process the application for proxy access within 10 working days. The proxy applicant, if not already registered for patient online access, will receive an email with a link to accessing online services.**

**For practice use only**

The patient's NHS number		The patient's practice computer ID number	
Identity verified by (initials)	Date	Method of verification Vouching <input type="checkbox"/> Vouching with information in record <input type="checkbox"/> Photo ID and proof of residence <input type="checkbox"/>	
Proxy access authorised by			Date
Date account created			
Date passphrase sent			
Level of record access enabled Prospective <input type="checkbox"/> Retrospective <input type="checkbox"/> All <input type="checkbox"/> Limited parts <input type="checkbox"/> Contractual minimum <input type="checkbox"/>		Notes / comments on proxy access	



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0117 9709 500

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0117 9709 500

## APPENDIX B

Dear

We are writing to inform you that we have received written instruction from (**insert patient name**) to revoke your proxy access.

This has now been actioned and you will no longer have access to this patient's on line services.

Should you have any queries regarding this then please do not hesitate to discuss this with one of our patient assistant members.

Yours sincerely

Andrea Mountain  
Patient Assistant Lead