

**FRESHFORD PRACTICE**  
**Freshwell Health Centre**  
**IG016.b Online Access for Proxy – age over 13 years**  
**Information Leaflet and Application Form**

*If you wish to have on-line access to your medical record, please read the information below, complete the form on pages 3 onward and return to Reception or by email to **freshwell.administration@nhs.net***

**Proxy Access**

A patient can grant access for another person to access their medical record. Proxy users do not have to be a registered patient at the same practice but must be registered for online services on the GP system and always use their own login credentials.

For example:

- A parent / guardian who has legal responsibility for a patient under the age of 11.
- A parent / guardian where a patient aged 11 or over has given permission
- A parent / guardian who has legal responsibility for a patient between 11 and 16 and where a GP has assessed that the patient is not capable of making their own decisions regarding medical health
- A carer for a patient over the age of 16 – a letter from the patient would be required giving them permission

To be given proxy access, a representative must have the informed consent of the patient or, in cases where the patient does not have capacity to consent, the GP has decided that it is in the best interests of the patient for them to have proxy access. The Practice can refuse or withdraw proxy access at any time if they assess that it is in the patient's best interests.

Patients aged 13yrs or above are assumed to have the capacity to consent unless there has been an assessment to indicate they do not. Young patients aged 13yrs and over who are judged as having capacity to consent by their GP may also consent to give proxy access to someone else.

Legitimate reasons for the practice to authorise proxy access without patient consent include:

- The patient has been assessed as lacking capacity to make a decision on granting proxy access and
  - the applicant has a lasting power of attorney for health and welfare registered with the Office of the Public Guardian,
  - the applicant is acting as a Court Appointed Deputy on behalf of the patient, or
  - the GP considers it to be in the patient's interest in accordance with the Mental Capacity Act 2005 code of practice.
- The patient is a child who has been assessed as not competent to make a decision on granting proxy access

On a child's 13<sup>th</sup> birthday the current proxy access will be automatically restricted by the practice, unless the GP has already assessed the child as able to make an informed decision and the child has given explicit consent for their record to be shared. This is a national standard imposed by NHS England to protect the confidentiality rights of young people.

Parents may continue to be allowed proxy access to their child's online services, after careful discussion with the GP, if it is felt to be in the child's best interests and/or after the completion of the form IG016.b Proxy online access reg form 13yrs and over.

Patients have the right to request removal of third part proxy access at any time.

# FRESHFORD PRACTICE

## Freshwell Health Centre

### ***Background information***

In UK law, a person's 18th birthday draws the line between childhood and adulthood (Children Act 1989 s105) - so in health care matters, an 18-year-old has as much autonomy as any other adult. To a more limited extent, 16 and 17-year-olds can also take medical decisions independently of their parents. The right of younger children to provide independent consent is proportionate to their competence - a child's age alone is clearly an unreliable predictor of his or her competence to make decisions.

### ***Gillick competence***

The 'Gillick Test' helps clinicians to identify children aged under the age of 16 who have the legal capacity to consent to medical examination and treatment. They must be able to demonstrate sufficient maturity and intelligence to understand the nature and implications of the proposed treatment, including the risks and alternative courses of actions.

In 1983, a judgment in the High Court laid down criteria for establishing whether a child had the capacity to provide valid consent to treatment in specified circumstances, irrespective of their age. Two years later, these criteria were approved in the House of Lords and became widely acknowledged as the Gillick test. The Gillick Test was named after a mother who had challenged health service guidance that would have allowed her daughters aged under 16 to receive confidential contraceptive advice without her knowledge.

### ***Fraser guidelines***

As one of the Law Lords responsible for the Gillick judgment, Lord Fraser specifically addressed the dilemma of providing contraceptive advice to girls without the knowledge of their parents as one of the Lords responsible for Gillick guidelines. He was particularly concerned with the welfare of girls who would not abstain from intercourse whether they were given contraception or not. The summary of his judgment referring to the provision of contraceptive advice was presented as the 'Fraser guidelines'. Fraser guidelines are narrower than Gillick competencies and relate specifically to contraception.

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## IG016.c Registration Form Access to GP Online Services PROXY ACCESS for adults aged 13+

### 1) PATIENT DETAILS

|                      |                |
|----------------------|----------------|
| Surname:             | Date of birth: |
| First name:          |                |
| Address:             |                |
| Postcode:            |                |
| Telephone No:        | Email address: |
| Mobile telephone No: |                |

### 2) ONLINE SERVICES REQUESTED

|   |                          |
|---|--------------------------|
| <b>Booking my appointments</b>                              | <input type="checkbox"/> |
| <b>Requesting my repeat prescriptions</b>                   | <input type="checkbox"/> |
| <b>Updating my contact details (demographics)</b>           | <input type="checkbox"/> |
| <b>Secure online access to my full electronic GP record</b> | <input type="checkbox"/> |

### 3) PATIENT CONSENT

*If the patient is unable to provide informed consent to allow proxy access (e.g. has severe dementia, learning difficulties etc.) then go to section 4.*

- I hereby give permission to my GP practice to give the person(s) listed below proxy access to the above-indicated online services on my behalf
- 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 proxy access to my health records, should I have authorised this

**MUST BE SIGNED IN FRONT OF A MEMBER OF THE FRESHWELL HEALTH CENTRE TEAM**

**Signature:**

**Date:**

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### 4) IF PATIENT IS UNABLE TO GIVE INFORMED CONSENT

*Please indicate why this is not possible, whether Lasting Power of Attorney is in force etc., Documentation must be provided to support this.*

### 5) PROXY USER(S) – please use additional copies of this page when appropriate.

- I will be responsible for the security of the information that I see or download
- If I choose to share information with anyone else, this is at my own risk
- I will contact the practice as soon as possible if I suspect that this account has been accessed by someone without my agreement
- If I see information in the record that is that is not about the child, or inaccurate, I will contact the practice as soon as possible

|                                 |   |
|---------------------------------|---|
| <b>Full Name:</b>               |   |
| <b>DOB:</b>                     |   |
| <b>Address:</b>                 |   |
| <b>Tel. No:</b>                 |   |
| <b>Mobile No:</b>               |   |
| <b>Email address:</b>           |   |
|                                 | <p><b>Are you a patient at Freshwell Health Centre?</b><br/> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Are you already registered at Freshwell Health Centre for SystemOnline services? You will be asked to register yourself before proxy access is arranged if not.</b><br/> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> |
| <b>Relationship to patient:</b> |   |
| <b>Signature:</b>               |   |
| <b>Date:</b>                    |   |

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*For Admin use: ID FOR ALL PARTIES REQUIRED*

|   |   |
|---|---|
| Patient NHS number:   | Registered GP:  |
| Identity verified by (FULL NAME):<br><br>Sign:<br><br>Date: | <b><u>Patient ID:</u></b> Tick all that apply:<br><br><div style="text-align: right;">                     Personal vouching <input type="checkbox"/><br/>                     Vouching with information in record <input type="checkbox"/><br/>                     Birth Certificate/Passport/Photo Driving Licence <input type="checkbox"/><br/>                     Proof of residence <input type="checkbox"/> </div>  |
| Identity verified by (FULL NAME):<br><br>Sign:<br><br>Date: | <b><u>PROXY 1:</u></b> Tick all that apply:<br><br><div style="text-align: right;">                     Personal vouching <input type="checkbox"/><br/>                     Vouching with information in record <input type="checkbox"/><br/>                     Birth Certificate/Passport/Photo Driving Licence <input type="checkbox"/><br/>                     Proof of residence <input type="checkbox"/><br/>                     Does this proxy have PARENTAL RESPONSIBILITY? <input type="checkbox"/> </div> |
| Identity verified by (FULL NAME):<br><br>Sign:<br><br>Date: | <b><u>PROXY 2:</u></b> Tick all that apply:<br><br><div style="text-align: right;">                     Personal vouching <input type="checkbox"/><br/>                     Vouching with information in record <input type="checkbox"/><br/>                     Birth Certificate/Passport/Photo Driving Licence <input type="checkbox"/><br/>                     Proof of residence <input type="checkbox"/><br/>                     Does this proxy have PARENTAL RESPONSIBILITY? <input type="checkbox"/> </div> |

***Remind proxy that the patient's GP might need to discuss this application further with either the patient, proxy or both.***  
***Advise that the practice will contact the proxy to collect registration details if proxy is not already registered for online access, or the proxy might be emailed the details directly. Otherwise, proxy access will be automatically activated once GP has approved application.***