

Kirklands Surgery

ONLINE ACCESS FOR PROXY INFORMATION LEAFLET & APPLICATION FORM

Proxy Access

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

The proxy does not have to be a registered patient at the practice but must be registered for online services on the GP system and always use their own login credentials.

To be given proxy access, a patient's 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.

Patients aged 13 or above are assumed to have the capacity to consent unless there is an indication that they are not. Young patients between the ages of 11 and 12 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 the patient's 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.

The practice may refuse or withdraw proxy access, if they judge that it is in the patient's best interests to do so.

On a child's 11th birthday, the scope of the current proxy access will be restricted, 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.

From 11-16, a parent with proxy access will be able to manage certain elements of the young person's record, such as demographic data, and make appointments and order repeat prescriptions, but they will not be able to see the young person's past appointments or clinical record, although they would still be able to see the current repeat prescription record.

At the child's 16th birthday the remaining proxy access will be switched off, except where the young person is competent and has given explicit consent to the parental access. Again, we will send letters to the child and their parent/legal guardian to explain that all proxy access has now been switched off. If the child wants proxy access re-instated, they will need to come to the surgery in person, with proof of ID, to request it.

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.

Background Information

In the NHS a child is considered at 16 to have adult rights to their manage their own health, can have full prospective online access and make any decisions about treatment on their own – parental consent is not needed

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 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. 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.

How to request proxy access for a child over 11

To request proxy access for a child over 11 Kirklands Surgery will require an adult with parental responsibility to complete a proxy access form.

The form will need to be hand signed by the child and a subsequent follow up phone call will be undertaken by a member of staff at the practice to confirm that the child consents to their parent/ adult with parental responsibility to have access to elements of their medical record.

Once this consent has been received the adult will be able to,

- Order medication on behalf of the child
- Book, change or cancel appointments on behalf of the child

The adult will not be able to access the child's full medical record unless there is a justified reason, for example, the child has a medical condition or learning disability.

In some circumstances a GP may need to discuss the proxy access record with the child and adult with parental responsibility.

These conditions are set inline with NHS guidelines regarding proxy access. You can view these guidelines at <https://www.nhs.uk/nhs-services/gps/gp-services-for-someone-else-proxy-access/parent-and-guardian-proxy-access-for-children/>