

## Online services: Proxy Access Guidance for general practice

### Executive Summary

Formal proxy access may be given to a patient's representative (proxy) with the informed consent of the patient if the clinical system has the necessary functionality or, if the patient does not have capacity to consent, in the patient's best interests in the judgment of their GP. Patients might choose to share their login details informally with family, friends and carers. The practice must warn patients of the risks in doing so.

People aged 16 or above are assumed to be competent unless there is an indication that they are not. Young people under the age of 16 who are competent may also give consent to proxy access.

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. They should not have access to the patient's login credentials.

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

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

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

### Box 1: Definition

**Proxy** - a person authorised to act on behalf of another or the authority to represent someone else.

## Introduction

Patients may find it helpful if someone else, usually a family member, close friend or carer, has online access to their GP record as their proxy to book appointments, order repeat prescriptions for them or to access their detailed care record on their behalf to assist in their care. This is called proxy access.

Anyone with capacity to do so may give informed consent to the practice to give proxy access to online services and the GP records. If the patient lacks capacity, proxy access may be given to a family member or carer either because they hold a power of attorney for health and welfare or because the GP judges it to be in the patient's best interest.

Patients may want to simply share their login details to Patient Online with someone else but this cannot be recommended. Patients should be informed of the risks of doing so when they register for online access.

This guidance will help the practice when and how to allow, refuse or withdraw proxy access.

## Formal proxy access

If the practice clinical system has the functionality to allow it, the practice may give an individual nominated by the patient formal proxy access. This means giving the patient's proxy their own personal set of login details to the patient's record. If a patient wants to have more than one proxy, they should all have their own personal login details.

It may be possible to give the proxy a different level of access if the patient wishes. They may want to allow a family member to have access only to book appointments and order repeat prescriptions without access to the detailed care record. The practice may refuse or withdraw formal proxy access in the patient's best interests.

### **Box 2: Informal proxy access**

The practice should ensure that patients are aware of the risks associated with sharing their login details and advise them that formal proxy access is a better option.

Patients who choose to share their login details informally with family, friends and carers should be made aware that there will be no audit trail of access to their record by their proxy. It will not be clear who has been accessing the record online. The proxy will have the same access to the record as the patient.

To withdraw shared access, the practice will have to cancel the patient's current access and provide them with a new set of login details if they want to continue to have access to their GP record.

### Switching on a new formal proxy access

Before the practice provides proxy access to an individual or individuals on behalf of a patient, an authorised member of staff at the practice must

1. Satisfy themselves that they have either the explicit informed consent of the patient, including their preference for the level of access to be given to the proxy, or some other legitimate justification for authorising proxy access without the patient's consent
2. Verify the identity of the individual who is asking for proxy access (see [Identity Verification Guidance](#)).

The identity of the person authorising access, the level of access given to the proxy, and the reason should be recorded in the patient's practice record following the completion of a proxy consent form, which should be scanned and attached to the patient's record.

### Appropriate level of proxy access

An important part of establishing that the patient has given informed consent to proxy access is that the patient understands what services will become available to the proxy, where the system allows for different levels of access. For a patient with capacity, this is entirely their decision.

The options are:

1. Online appointments booking
2. Online prescription management
3. Access to health records, in full or in part.

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

### Identity Verification

Applicants for proxy access must have their identities verified in a face-to-face transaction, in the same way as applicants for access to their own record. The identity of the person giving consent for proxy access must be verified too. This will normally be the patient but may be someone else acting under a power of attorney or as a Court Appointed Deputy may give consent.

Please refer to the [Identity Verification Guidance](#).

## Proxy access without the patient's consent

There are legitimate reasons for the practice to authorise proxy access without the patient's consent:

1. The patient has been assessed as lacking capacity to make a decision on granting proxy access, and has registered the applicant as a lasting power of attorney for health and welfare with the Office of the Public Guardian
2. The patient has been assessed as lacking capacity to make a decision on granting proxy access, and the applicant is acting as a Court Appointed Deputy on behalf of the patient
3. The patient has been assessed as lacking capacity to make a decision on granting proxy access, and in accordance with the Mental Capacity Act 2005 code of practice, the GP considers it in the patient's best interests to grant the requested access to the applicant
4. The patient is a child who has been assessed as not competent (for example a baby) to make a decision on granting proxy access (please see [Proxy access on behalf of children and young people guidance.](#))

The doctor should carefully weigh the balance of benefits to the patient against the risks described in this guidance when considering proxy access for a patient who lacks capacity. Only then should proxy access be granted; after discussion with the patient's family or person(s) named in a power of attorney or a Court Appointed Deputy, and if, after the discussion, the doctor believes it to be in the patient's best interests. This may be a time consuming process.

When someone is applying for proxy access on the basis of an enduring power of attorney, a lasting power of attorney, or as a Court Appointed Deputy, their status should be verified by making an online check of the registers held by the Office of the Public Guardian. This is a free service. The result of the check should be recorded in the patient's record.

Proxy access should only be granted in these circumstances to named individuals and only for as long as the individual is responsible for the care of the patient. Each proxy for a patient should have their own login details and must not share them with anyone else. They must understand their responsibility for protecting the privacy of the patient's health data.

## Refusing proxy access

Proxy access should not be granted if:

1. Practice staff have good grounds for suspicion that the patient is not giving access freely
2. Authorised practice staff 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
3. There is a risk to the security of the patient's record by the person being considered for proxy access

4. 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
5. The patient's GP assesses that it is not in the best interests of the patient.

**Box 3: The risk of coercion**

Patients may be put under pressure to permit proxy access to their medical record or to order repeat prescriptions against their wishes. 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 when registering a proxy must be aware of any safeguarding signs to look out for. More information on this is available in the RCGP coercion guidance.

## 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.

As described above, the competence of young people between their 11th and 16th birthdays should be regularly assessed or on request by the patient or the proxies if someone has proxy access to their record and their involvement in decisions on continued access by proxies reviewed. Once a young person turns 16, the previous competence assessment by default is no longer applicable as they are assumed to have capacity unless there is an indication to the contrary. Access by proxies should be reviewed at this stage with all competent patients.

**Box 4: Further information and resources**

- [Proxy access on behalf of children and young people guidance](#)
- [NHS England Materials for patients and Patient information leaflets](#)
- [Identity verification Getting ready checklist | step-by-step guide](#)
- [Identity verification Example practice protocol](#)
- [Consent to proxy access to GP online services form](#)
- [Identity Verification Guidance for general practice](#)