**ON LINE 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 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 16 or above are assumed to have the capacity to consent unless there is an indication that they are not.

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.

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 booking appointments and ordering repeat prescriptions, however they will not be able to see the young person’s past or present medical history.

At the child’s 16th birthday the remaining proxy access will be terminated.

We will send a letter to the young adult to explain that all proxy access has now been ended. If the young adult wants online access, they will need to contact the surgery or go online and set up their own online access account.

**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.