

Standard Operating Procedure (SOP) Agreement for Care Home proxy access to GP patient online Services

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1. Introduction:

Proxy access enables authorised care home staff, who have been trained and deemed compliant to handle medication for their residents, to access the resident's patient online service portal of the GP patient record. Proxy access is for the purpose of requesting repeat medication on their resident's behalf. Other access may be considered at a later date and after further information Governance reviews. The following SOP sets out the operating procedures, roles and responsibilities, and the data sharing principles agreed between the participating GP Practice (XXXXXXXXXXXX) and Care Home (XXXXXXXXXX).

2. Purpose:

To provide named care home staff with proxy access to GP Patient Online Services of their residents, for the sole purpose of ordering repeat prescriptions that are necessary for their direct care. For the purpose of this SOP, resident and patient may be used interchangeably, but refer to the individual the Proxy Patient On Line access is on behalf of.

2.1 Proxy Access will benefit the care of the resident through:

- Improved effectiveness of the delivery of health and care services through the use of care home proxy access for repeat prescriptions
This is achieved by:
- Cost effective, efficient processes to help meet the needs of the Care Home and improve care for the residents and reduce GP time (being contacted for repeat prescriptions).
- Requesting medication via a secure online portal & being able to see that medication has been prescribed
- Use of secure electronic email messaging between GP and the care home for queries about the repeat prescriptions, saving time, increasing communication and ensuring technical measures are in place to protect confidential/special category transfer of data.
- Secure, efficient and effective controlled access for the purpose of medication management to support continuity of care.

2.2 The risk(s) of not sharing information in this way is/are:

- Potential time delays on repeat medication/prescriptions

3. Operational Procedures for Care Home Proxy Access for Repeat Prescriptions

3.1 Prior to care home proxy access set-up, and whenever new care home worker user's access is requested, the care home will provide the following assurance to the GP practice (see Application form):

- Annual completion of the DSP Toolkit
- ICO registration confirmation
- Assurance of safe storage of data held by the care home outside of the patient online system
- Use of NHS.net email addresses or similar approved secure email
- Robust leaver/staff role change process
- Robust notification change in resident status process
- Annual IG training for all staff using proxy access

- Up to date internal policy and procedures are in place for data protection, information security and governance, including but not limited to technical and organisational measures in place for secure data processing, individual rights and breach management
- Confirmation of user ID verification being completed by the Care Home Manager
- Care Home worker confirmation of understanding of Proxy access

3.2 The GP practice and care home are individually responsible for ensuring they inform data subjects (patient/resident) of their data processing activities, this includes tier individual rights and such transparency information as: Privacy Notices, information leaflets and other relevant approaches. The GP practice and care home manage data subject rights of the data they hold, including subject access requests. If the GP or care home become aware of inaccuracies, omissions etc. of data shared, they will inform the other to ensure accuracy of data held.

3.3 The GP practice is responsible for registering care home residents with access to GP patient online services, on the current GP system, which will be accessed by care home staff.

3.4 Proxy access refers to somebody acting on behalf of a patient, with the patient's consent, to access GP patient online services.

3.5 Proxy access should only be given to named individuals who have a legitimate reason to have access to the online services of the patient that they are caring for.

3.6 Guidance for GP practices to set up proxy access can be found [here](#).

3.7 All application forms for Care Home proxy access set up will be securely retained by the GP practice and in line with data retention schedules.

3.8 If the patient has capacity, they must be informed and given the choice of proxy access i.e. the change in the ordering process from paper to electronic. The patient can ask someone else to complete the form on their behalf, for example a best interest decision by the doctor can be completed or Next of Kin (NOK) or Power of Attorney (POA). The Consent form for proxy access to GP Patient Online Services can be found [here](#). One consent per resident must be completed by the Care Home Manager. A copy of the consent is saved in the resident's care plan and given to the resident/representative as it includes the consent, as well as information about care home proxy access. The practice must upload this document to the patient's electronic medical record in their system to give access by proxy for this patient.

3.9 Where the patient does not have capacity, online access may be considered by the GP, following a discussion with the patient's family and/ request from the care home manager. Access can be granted if the GP believes it to be in the patient's best interest. Decisions made by those with lasting power of attorney for health and welfare or court appointed deputies, should also be respected and documented on the Consent form.

3.10 The discussion with the patient/resident about the benefits and risks of allowing proxy access, and their consent (or legal justification if they lack capacity), must be clearly documented and retained (including copies of consent/best interest decision) in the GP medical records and the care plan in the care home. The patient/resident or NOK/POA can opt out of proxy access at any time. If the care home is informed of this they, must notify the GP practice for access to be stopped. The patient or NOK/POA can also notify the GP practice directly.

3.11 When consent for proxy access is obtained at the care home, it is important that it is made clear to the patient that the proxy access for care home staff is for the sole purpose of online repeat prescription management. This should be provided both verbally and in written leaflet information given to the patient and/family prior to obtaining consent.

3.12 The care home workers ordering medication must be set up with individual and secure, ideally NHS mail accounts, or accounts with equivalent data standards. One shared mailbox should also be set up for patient communications which all staff can access and manage.

3.13 Once secure email or NHS mail is in place in the care home, then they can be set up by the practice for proxy access to order repeat prescriptions online for their residents.

3.14 The care home must have a minimum of two members of staff designated and trained on how to use NHS mail and how to use proxy access. Care home staff given proxy access must confirm, as part of the authorisation process, that they will not share login credentials or give other individuals access to these accounts. This will be confirmed on the Application Form. An example of a staff set up form can be found here, this will be given to the practice to set up the staff member.

3.15 It is the responsibility of the care home to clearly communicate with patients and their families or carers once the changes to the proxy access for ordering repeat medication is in place.

3.16 The Care Home Manager understands that it is the responsibility of the Care Home manager to inform the GP practice immediately of any changes to staff with authorised proxy access (leavers, changes in role)

3.17 NHS mail and online systems passwords will need to be changed when prompted to maintain data security.

3.18 It is the care home's responsibility to notify the GP practice about any changes relating to the patient's status, such as;

- patient is in hospital
- patient moved to another care setting
- patient deceased
- wishes to opt-out of proxy access

4. Data Sharing Agreement

4.1 Lawful Basis for Sharing

Most of the data being disclosed for proxy access will typically already be known to the care home. All data will be relevant to the stated purpose(s) of this agreement; to provide direct care services and any relevant ID verification that is necessary to allow for proxy access to be established. The minimum data necessary to achieve the purpose(s) is obtained.

The sharing of data is necessary for the exercise of statutory functions conferred on the Parties as follows:

		Statutory Function
1	National Health Services Act 2006 – Part 1	Promotion and provision of the Health Service in England.
2	Health and Social Care Act 2012 – Sections 1 to 8	Duty to promote comprehensive health services, improve quality of services, reduce inequalities, promote autonomy, conduct research, deliver education and training, observance of the NHS Constitution and report and review performance of providers.

GDPR/DPA (2018):

Lawful Basis for personal data:

Article 6 **(e) Public task:** the processing is necessary to perform a task in the public interest or official functions for NHS or LA funded homes or 6**(b) Contract** for privately funded homes.

Condition for Special Category data:

Article 9 (h) processing is necessary for the purposes of the provision of health or social care or treatment

The Duty of Confidentiality (DoC):

DoC is satisfied with explicit consent from the patient or appropriate representative, to allow proxy access to his/her Patient Online Services. (see consent form)

4.2 Information to be Shared

The personal and special category data to be shared may include the following:

Patient:

Name, address, date of birth, NHS number, repeat prescription information, consent information of the patient and/representative for proxy access consent

Care Home Staff:

Name, date of birth, work email address for ID purposes for proxy access

4.3 Information Security

The information will be accessed by care home proxy access, after compliance assurances, as outlined in the Application Form are accepted by the GP practice. Access to authorized care home staff is by secure unique log in user name and password to the patient on line portal system. Any information relating to the repeat medication purpose that is transferred outside of the patient online portal is done so securely by way of secure NHSmail, or alternative secure electronic transfer. Measures are taken to ensure that only

the intended recipient can view the information, either through role-based access controls or encryption technology. The Recipient will keep information secure, in line with internal policy. Any accessed information will only be used for the purpose of repeat prescriptions, as outlined in this agreement.

4.3.1 Breaches

Where a breach occurs, whichever organisation the breach or near miss originates from will be responsible for managing the breach or near miss investigation, and reporting as necessary in line with organisational, DPST and ICO requirements.

The GP practice will be notified immediately of any proxy access related breach or near miss by the care home user, to ensure they can review and action appropriate security measures. The care home will be responsible for managing a breach of their employees in line with organisational, DPST and ICO requirements.

4.3.2 Audit

The GP Practice will audit the Proxy Patient Online Access in line with their internal data security auditing procedures. Any access concerns will be investigated in line with internal policy and care home participation sought where indicated. If there are any concerns about access these should be raised with to the GP Practice directly.

4.4 Accuracy:

The accuracy of the data for repeat prescriptions purposes will be the responsibility of the GP practice. If the GP practice becomes aware of any inaccuracies in data it has shared, the GP practice should inform the other party(ies) immediately for the data to be corrected or recalled. If the care home staff becomes aware of any inaccuracies or concerns about the medication available for repeat prescription, the care home staff will contact the GP practice via secure means i.e.: NHS email to NHS email or other secure method.

4.5 Transfers:

Personal data will not be transferred to a third party from the Patient Online System without the approval of the GP Practice. Personal data will not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data, which is consistent with the UK's data protection legislation and has been approved by the GP Practice.

4.6 Retention:

Any data received and/ processed by the GP practice or care home for the purpose of patient/resident medication management is retained in line with the The Records Management Code of Practice for Health and Social Care 2016 <https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/codes-of-practice-for-handling-information-in-health-and-care/records-management-code-of-practice-for-health-and-social-care-2016>

Appendix 3 of the Code contains the detailed retention schedules. It sets out how long records should be retained, either due to their ongoing administrative

value or as a result of statutory requirement.

5. Signatories

This SOP outlines the requirements for safe and secure access of patient online service and serves as the data sharing agreement between both parties. Any additions to the proxy access will require further IG considerations and update to the SOP set out here.

GP Practice:

Date

Print Name

Role

Signature

Care Home:

Date

Print Name

Role

Signature

6. References

NICE Guidance (SC1, 2014) Managing medications in care homes
<https://www.nice.org.uk/guidance/sc1>

Royal College of General Practitioners, Patient online tool kit
<https://www.rcgp.org.uk/patientonline> (accessed July 2019)

Final guidance documents:

DSPT & NHSmail

Ordering Medication using Proxy Access: guide for Care Settings & GP Practice