



Right to control: a guide for local delivery agencies

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Foreword by Stephen Martin, Director of the Office for Disability Issues

The Office for Disability Issues is working towards equality for disabled people. The Government's vision is that by 2025 all disabled people in Britain should have the same opportunities and choices as non-disabled people to improve their quality of life and be respected and included as equal members of society. We recognise that many of the agencies that deliver support and services to disabled people have already made real progress towards achieving this. The work undertaken as part of *Putting People First* means that more disabled people are able to exercise choice and control over their lives than ever before. We also know, however, that there is still a long way to go before our vision is realised.

The right to control has the potential to transform people's lives and promote equality for disabled people. It seeks to build on the work already undertaken by many local delivery agencies and to extend this to cover a wider range of funding streams and public bodies. We want disabled adults to have choice and control over all aspects of their lives and recognise that this means that personalisation has to extend beyond adult social care, to other services and support used by disabled people.

We plan to test the right in a small number of trailblazing local authority areas, and will encourage agencies within these areas to work together to align or integrate their services for disabled people. We understand that this will not be easy. The Individual Budget pilots showed us that attempts to bring together funding from a range of sources are often hampered by legislative and administrative barriers. With your help, we intend to use the learning from these pilots and apply them to the right to control trailblazers so that we can overcome these challenges.

I would like to encourage you to consider whether your organisation could be a part of the right to control trailblazers. The trailblazers represent a fantastic opportunity to be at the forefront of promoting disability equality and developing innovative local approaches to service delivery.

A handwritten signature in black ink, appearing to read 'SM', followed by a long horizontal line extending to the right.

Stephen Martin, Director of the Office for Disability Issues

1. Background

1.1. Ensuring equality for disabled people

The Government is committed to delivering policies which promote full and equal citizenship for disabled people. Following the publication in 2005 of *Improving the Life Chances of Disabled People*, the Office for Disability Issues was set up to work with government, disabled people and others to deliver the vision that:

By 2025, disabled people in Britain should have the same opportunities and choices as non-disabled people to improve their quality of life and be respected and included as equal members of society.

Disabled people have told us that many of them do not have the sort of choice and control over their lives that non-disabled people take for granted. This is partly explained by the fact that their support needs are often met in ways which do not put them in the driving seat of deciding how best to meet those needs.

This lack of choice and control is a key barrier to participating and contributing as equal citizens. The government is therefore committed to delivering policies which enable disabled people to have choice and control over the support needed to go about their daily lives.

The cross-sector concordat 'Putting People First: A shared vision and commitment to the transformation of adult social care' established an agreement between central government, local government and other partners in December 2007. It means transforming services to improve outcomes for people, and emphasises the need for citizens to shape their own lives, their communities and the services they need. At its heart is a pledge to ensure that all public bodies work together towards a society that enables individuals to have maximum choice and control over their lives, and values contributions that all citizens can make, whether they need support from others now or in the future. A great deal of work has already been undertaken to implement 'Putting People First', and the right to control recognises this and seeks to build upon it.

Following an extensive public engagement, the forthcoming Care and Support Green Paper will consult on a range of options to reform the existing social care system and other forms of support, to create a new offer for people who need it. The Department of Health will shortly begin piloting personal health budgets across a range of conditions and locations and there will be an opportunity to share experiences and practical lessons between these pilots and the right to control trailblazers.

The cross-government Independent Living Strategy, published in March 2008, set out the government's aim that every locality should have:

a single community based support system which focuses on all aspects of what people need to maximise their health and wellbeing and to participate in family and community life. The right of the individual disabled person to

determine the kinds of services and support that they need will be at the heart of this reformed system.

A range of models and pilots have recently been tested with the aim of promoting choice and control amongst users of adult social care and the Department of Health will shortly begin piloting personal health budgets. We recognise, however, that many disabled people access a wide range of state funding and services in the course of their daily lives and that we need to do more to enable not only choice and control over such support but also a more effective alignment or integration of different services.

The White Paper published in December 2008, 'Raising Expectations and Increasing Support' set out our commitment to delivering a right to control over the range of funding available to meet disabled people's support needs.

1.2. What is the right to control?

The right to control is about disabled people having control over certain state support they receive that they need to go about their daily lives. The government wants to shift the balance of power from the state to the individual. The Welfare Reform Bill, which is currently going through Parliament, will help to bring this about.

From 2010, we will test how the right to control will work. We will do this by trying out the right to control in a number of local authority areas in England. These will be called trailblazer sites. Our aim is to build on the approaches used by the Department of Health in piloting individual budgets for adults in receipt of social care, and by the Department for Children, Schools and Families to support disabled children. Once we have reviewed the results from the trailblazers we will have a better understanding of the risks and benefits involved in wider roll-out of the right to control.

Disabled people taking part in the right to control trailblazers will:

- be told how much support they are eligible to receive
- decide and agree, with the public body, the outcomes they want to achieve with the support based on the objective of the funding streams they access
- have choice and control over the support they receive
- be able to choose how they receive the support.

Disabled people taking part in the trailblazers may choose:

- for the public body to arrange for services or equipment that they need
- to take a direct cash payment and buy services or equipment and support themselves

or a combination of both.

We will make sure that a wide range of disabled people are involved in the trailblazer sites, including those with learning difficulties and people with mental health support needs to help us make decisions about implementing the right to control nationally.

1.3. What funding streams will be included under the right to control?

Funding streams for inclusion in the trailblazing stage of implementation will be decided through consultation with disabled people and local authorities and will be written into secondary legislation before the trailblazers commence. The funding streams included under the right to control will remain static for the duration of the trailblazers. If the right to control is rolled out nationally there will be regular opportunities to review the inclusion of funding streams.

The funding streams to be included under the right to control will be determined following national consultation, however we anticipate that the following funding streams will be included:

- Access to Work
- Specialist disability employment programmes
- The Independent Living Fund

We will also be working closely with colleagues in the Department of Communities and Local Government to explore whether the Disabled Facilities Grant and non-statutory housing support (formerly Supporting People) can be included or aligned, and we will maintain close links with the Department of Health to ensure that adult social care can be aligned with the right to control.

Any other funding streams identified through the consultation process will be considered for inclusion if it is accessed by disabled adults and meets criteria including:

- (a) The focus of the funding stream is to enable individuals to overcome barriers associated with illness or impairment;
- (b) The funding stream seeks to address the additional needs and difficulties experienced by disabled people, thus enabling disabled people to fully participate in all aspects of their lives, including at home, at work and in the community; or
- (c) Inclusion of the funding is likely to have a positive impact on the lives of disabled people and will enable more efficient delivery of services administered by public authorities.

Funding streams will not be included under the right to control either in pilots or in any subsequent extension if:

- (a) The funding stream is paid as a cash benefit. (There is little advantage to including benefit payments within the right to control as they are already cash payments); or
- (b) The funding stream is for a universal service where eligibility is not determined by an individual needs assessment, such as defence, primary and secondary

education, public transport, refuse collection or libraries.

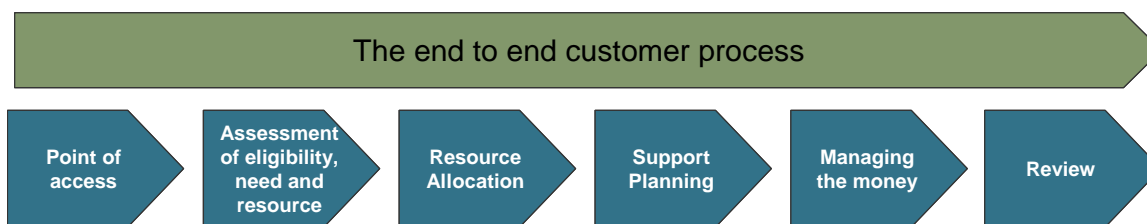
1.4. Which delivery agencies will be affected?

Based on the list of funding streams above, we know that local authorities, Jobcentre Plus and the Independent Living Fund will be affected by the introduction of the right to control, and may have to change how they are delivering support, in order to comply with the new legislation. Initially only affected delivery agencies within the trailblazing areas will need to change what they are doing. Different agencies may need to approach implementation in different ways, depending on how they currently deliver support to disabled people.

1.5. What does this mean for delivery agencies?

The right to control will require agencies to change how they deliver support to their customers. We want the trailblazers to enable effective alignment or integration of different services and funding streams, within an approach that offers choice and control. Our aim is to avoid the fragmentation of support too often experienced by disabled people. In implementing the right to control we would want to see funding streams being integrated or aligned to streamline processes and avoid duplication from a customer point of view. There are various stages in the end to end customer process where we consider streamlining could take place.

The diagram below sets out the simplified process that customers will go through in the right to control trailblazers in order to receive the support they need.



Point of access

- Agencies will be encouraged to explore opportunities for greater cross-department/agency co-ordination to ensure that people are informed of all relevant funding streams they are eligible for at any point of entry.

Assessment of eligibility, need and resource

- Agencies will be encouraged to explore whether assessments can be integrated or aligned.
- Agencies not already using self-assessment will be encouraged to develop this approach, where possible.

- Agencies will be encouraged to work together to share information in order to reduce the need for the customer to provide the same information again and again.
- Agencies will be encouraged to consider working together to create a universal information, advice and advocacy service for people needing services. This could take the form of a 'first stop shop', which could be accessed by phone, letter, e-mail, or internet or at accessible community locations.

Resource allocation

- The right to control will seek to build on the considerable work undertaken by many local authorities in developing effective resource allocation systems. Local authorities within the trailblazing areas will be encouraged to support other agencies with developing their own systems for allocating resources.
- Agencies without resource allocation systems will be supported to develop transparent, speedy and equitable systems for calculating the resources available under each funding stream. Working within existing eligibility criteria, resource allocation should be focussed on the outcomes that the individual and the funding agency agree need to be achieved. This requires a shift away from a service-led approach, where an individual is assessed on their eligibility for a particular service.

Support planning

- The right to control seeks to build on the excellent work undertaken by many local authorities to offer personalised Support Planning services.
- Agencies will be encouraged to explore the extent to which support planning can be integrated for different funding streams.
- Agencies will be encouraged to maximise opportunities for accessing brokerage and advocacy services (particularly those delivered by user-led organisations) which support individuals with articulating their needs and/or utilising their budget.

Managing the money

- Agencies will be encouraged to work together to create or share processes for enabling disabled people to access their support in the form of a cash payment. This could include the integration of existing payments and the development of protocols to allow recharging between departments and agencies. Agencies will be encouraged to build on the lessons learnt from the Department of Health-led Individual Budget pilots, which aimed to include six different funding streams.
- Agencies will be encouraged to think about opportunities for working together to create commissioning strategies and develop the market.

Review

- Agencies will be encouraged to explore opportunities for integrating or aligning review processes and administrative procedures.

- Opportunities for passing accountability to one ‘lead’ organisation may be explored.
- Reviews will be focussed on the outcomes identified by the initial resource allocation, and will determine any adjustments.
- Reviews should allow for the possibility that an individual may wish to increase the extent of choice and control that they initially opted for over a particular funding stream.

2. Developing the trailblazers

Before a decision is made on whether to implement the right to control nationally, we want to test how it could work in practice in a limited number of areas. These areas will be trailblazers for the right to control.

2.1. Principles

We want to encourage innovation in the trailblazing areas and therefore we will not issue prescriptive instructions setting out how implementation should take place. However, there are several core principles which we will expect all trailblazers to abide by. These are:

- The purpose of the trailblazers is to test both “if” the right to control should be rolled out nationally, and also “how” the right to control can be successfully implemented. This will mean that the trailblazers will test different ways in which the right can be implemented.
- Trailblazing areas are to embed co-production with disabled people into the development, implementation and evaluation
- The focus of the right to control trailblazers is to promote active citizenship and economic and social participation amongst disabled people by enabling them to have greater choice and control over how resources are spent to support their needs.
- Testing the right to control will mean that all the relevant public bodies with responsibility for administering the selected funding streams, will need to change the way they work. Although local authorities will play a large part in implementing the right, they are not considered to be the sole delivery mechanism for the right. All relevant agencies will need to work closely together in both developing and implementing the right to control during the trailblazers.
- Trailblazer sites will be expected to provide both qualitative and quantitative data to support the research team in evaluating the right to control.

2.2. Hypotheses to test

The trailblazers will be required to provide answers to a series of questions. This will enable effective evaluation of the trailblazers. The table below sets out the 10 “if “and “how hypotheses that will need to be tested. In case of variance between areas, we would expect there to be enough evidence to allow us to fully understand why the

right had operated in certain ways in certain areas.

<p>“If” hypotheses – these must be tested in order to get agreement on whether RTC should be rolled out nationally</p>	<p>The right to control can work without creating unmanageable or unaffordable financial risks</p>
	<p>The right to control has positive outcomes for disabled adults, enabling independent living and access to employment</p>
	<p>The results from the trailblazers can be extrapolated to show the likely impact of the right to control if rolled out nationally</p>
	<p>The cross-sector benefits of delivering the right to control outweigh the costs</p>
<p>“How” hypotheses – these must be tested in order to gather information on how RTC could be rolled out nationally</p>	<p>Support, brokerage and advocacy arrangements are sufficient, or can be adapted, to enable national roll-out of the right to control</p>
	<p>A variety of approaches can be taken to implementing the right to control to adapt to local circumstances</p>
	<p>The right to control can be implemented in a way that does not damage an agency’s capacity to provide support</p>
	<p>The right to control can be implemented in a way that does not conflict with other policies</p>
	<p>The right to control can be implemented in a way that protects the integrity of the funding streams included</p>
	<p>The right to control can be implemented in a way that does not place additional unwanted responsibilities on disabled people and/or carers</p>

2.3. How will the trailblazers work?

The trailblazers are expected to go live in October 2010. Approximately eight local authority areas will be chosen to be trailblazers for the right to control. We anticipate that each of the trailblazers will test out different ways of implementing the right to control. This may mean that some areas focus on streamlining certain parts of the customer journey whilst others may be more ambitious and seek to test out streamlining the entire process. The trailblazers will initially last for 2 years, although a

decision may be taken to extend them for a further year.

2.4. Evaluation approach

The trailblazers are intended to collect evidence on if the right to control should be rolled out nationally, and if so, how it should operate. It is our intention that the trailblazers should function in a way that is as close to how a national roll-out would operate as practical. This means we want to have a flexible evaluation approach that allows for learning from best practice during the trailblazing phase. Conducting a robust evaluation, including the collection of information from disabled adults and the agencies involved in delivering the right to control, is of paramount importance. Cooperation with the evaluation study by the trailblazers is therefore imperative.

2.5. Funding available

Funding will be made available to the delivery agencies taking part in the trailblazers. £5,000,000 has been set aside to fund the trailblazers and the evaluation.

2.6. How will this fit with other pilots?

The Government has committed to exploring how the right to control trailblazers can align with the Department of Health personal health budget pilots, which will commence shortly across a range of conditions and locations.

2.7. Information events

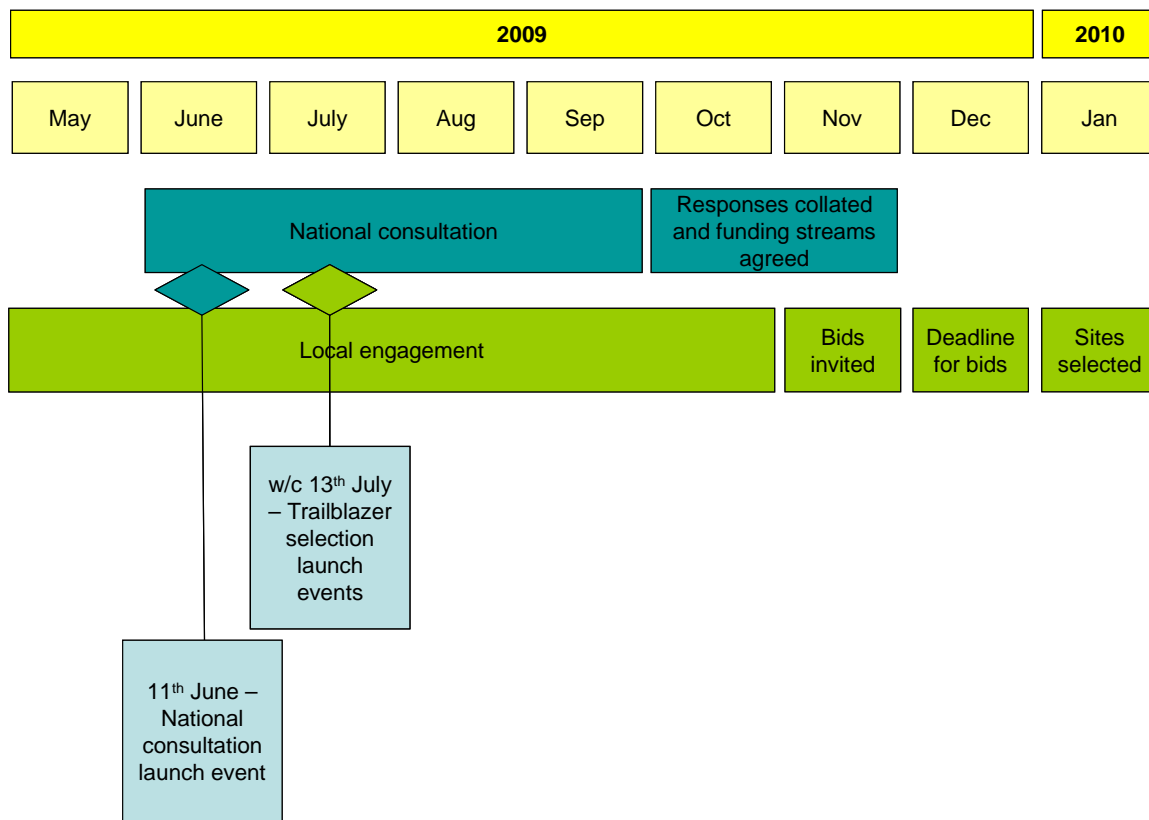
All local delivery agencies will be invited to submit proposals to become trailblazers. Details on what form the proposals must take, and the criteria on which they will be selected will be provided at two trailblazer information days, which local representatives are invited to attend. The events will be an opportunity for interested local stakeholders to find out more about the requirements of the trailblazers and the process that will be put in place for selecting trailblazers. Ministers will present their vision for the right to control and officials will be on hand to answer any questions you may have regarding the trailblazers.

The events will be:

- **14 July 2009 – The St Johns Hotel, Solihull – 10.00am – 2.30pm**
- **15 July 2009 – Church House Conference Centre, Westminster, London – 10.00am – 2.30pm**

Places are limited so please book your place early, to avoid disappointment. Please email right.control@dwp.gsi.gov.uk for more information and to book your place at one of the events

2.8. The timetable



The timetable for consultation and engagement is set out above. We anticipate formally inviting bids to become trailblazers in November this year (subject to Royal Assent), with a view to selecting areas in January 2010. This would allow us 10 months to work closely with the chosen trailblazers to identify legislative and administrative barriers to streamlining and aligning funding ahead of the trailblazers going live in October 2010.

We anticipate that the funding streams for inclusion during the trailblazers will be identified in early November, before we invite proposals from prospective trailblazers.

2.9. Next steps

Please email right.control@dwp.gsi.gov.uk to book your place for one of the trailblazer information events. This document, along with further information on the right to control, is also available to download at www.odi.gov.uk.

3. The national consultation

3.1. Why we need to consult

In order to make sure that we learn as much as possible from the trailblazer sites, it is important that we involve disabled people, local public bodies and service providers in the planning and delivery of them.

To do this we need to design the trailblazer sites in partnership with all interested parties and consultation is the first step in this process of working together. The consultation is open to everyone. In particular we are seeking the views of disabled people, user-led organisations, local delivery agencies, providers and commissioners.

3.2. What are we consulting on?

There are a number of issues that we will be consulting on, these include:

- Which funding streams could be covered by the right to control
- How can we overcome barriers to the right to control
- What support people will need to exercise the right to control
- How departments and organisations can work together to develop the trailblazer sites
- What the implications are for service providers and commissioners implementing the right to control

3.3. How long does the consultation last?

The consultation will be launched on 11 June 2009 and will run until 30 September 2009.

3.4. Consultation documentation

More information on the national consultation can be found at www.odi.gov.uk from 11 June, including the consultation document itself and a toolkit to help people to carry out their own consultation events across the country. All the responses to the consultation will be published online, along with the Government response setting out how the information will be used in designing and implementing the trailblazers.

4. Contact details

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