

Right to Control – Frequently Asked Questions

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Bids

Q - What is the closing date for bids?

A - The closing date for bids is 29 January 2010. (Extension from 15 January.)

Q - Should the presentation of the area bid to the selection panel be made jointly by local authority and Jobcentre Plus staff?

A - The Trailblazer bid should demonstrate how Jobcentre Plus and local authority partners will work together, and so it would be reasonable for local authority partners to invite Jobcentre Plus colleagues to take part.

Q - If a consortium puts in a bid, is that one Trailblazer area?

A – Yes. In which case it may be that several Jobcentre Plus offices or districts are affected.

Q - If there are too many applications will any be refused?

A – Yes. In the first instance bids will be assessed to ensure they meet the minimum criteria for delivering the Right to Control (outlined in the prospectus). Then the selection panel will consider the strength of the bid in terms of the quality of the proposals (also outlined in the prospectus) and the likelihood of its delivery.

Q - If an Expression of Interest was not submitted can a local authority still bid?

A - Yes. The Expression of Interest process was to help us target newsletters and other advice to interested authorities, but we have also made these available more widely on the Office for Disability Issues website.

Q - If only 8 bids are submitted are they guaranteed to be selected?

A – No. Trailblazers will be selected by the quality and detail of the bid.

Q - What role is it envisaged that Jobcentre Plus will play in the bidding process?

A - The objective is to work in partnership with the local authority to put together a bid that demonstrates how that area would deliver the Right to Control initiative across all the funding streams in a way that meets the criteria set down in the prospectus. Innovation and joint working will be a key factor in Trailblazer selection. An approach which proposes Jobcentre Plus simply delivers the Right to Control across its own funding streams is unlikely to be successful as it will fail to meet the aims for the initiative in respect of joining up processes and the 'customer journey' across agencies Jobcentre Plus has a key role to play as sites linked to a Trailblazer are also likely to be one of a number of awareness raising / gateways to Right to Control in the area and so effective communications with customers and timely and accurate signposting will be particularly important.

Q - Could Jobcentre Plus staff be involved in meetings with disability groups?

A - Yes. A key component of preparing your bid to become a Right to Control Trailblazer is to co-produce your proposal with input from disabled people and groups representing them.

Q - Is question 1.5 of the prospectus asking for the predicted total numbers of those customers that would be eligible to exercise their 'Right to Control' or is it how many of the total eligible cohort do we expect to take up their 'Right to Control'?

A - Question 1.5 is designed to give us approximate numbers of who is likely to be eligible for the Right to Control in each area. This is so we can ensure we have the numbers we need to make our evaluation meaningful. So we would be interested in the predicted total numbers of customers eligible for the Right to Control. Smaller areas shouldn't worry if they have fewer numbers, as there are likely to be larger areas or joint bids which, when combined, will give us the numbers we need.

Q – Will a joint bid to become a Trailblazer be stronger than a single bid?

A – We have no preference for different types of bid, although we think it is important to test a range of approaches. All bids must meet the legal and minimum requirements we have set out in the prospectus.

(If you had originally planned to be part of a joint bid but that option is no longer possible, we would encourage you to apply as a single authority.)

Q – With regards to non-statutory housing-related support (Supporting People) what are you expecting to see included in the bids?

A – Supporting People is complex and covers a diverse set of clients and needs. We have identified long-term floating support to disabled people as the minimum to be included in the bids. However, we encourage all potential trailblazers to submit proposals for extending Right to Control to other elements of Supporting People delivered to disabled people.

Q – Does the word limit on the application apply to joint bids?

A – A number of joint bidders have asked for additional space to set out their bids, which are inevitably more complex to explain. We are prepared to allow joint bidders to have an additional 1000 words for section 1 and 750 words for answers within section 2.

Q – Can the Right to Control team comment on a draft bid?

A - No. It would not be fair or practicable for the team to comment on draft bids. However, we can respond to specific questions by phone or email, and will then reproduce these as Frequently Ask Questions.

Q – We won't be able to finalise all aspects of our bid in time.

A – We appreciate that the detailed design of the trailblazers will take time and this is why trailblazers would not be implemented until late 2010. We do not expect all aspects of the Trailblazer to be finalised by the time you submit your bid. We are, however, keen to understand from your bid what issues your local authority

will be facing in order to deliver the Right to Control and how you plan to tackle these.

The prospectus outlines the support ODI will be providing after the Trailblazers are selected to enable them to go live late in 2010.

Q – Will areas that have been involved in other pilots or schemes (for example the Personal Health Budget pilots) be at an advantage?

A – No. Although some areas are more advanced in delivering the personalisation agenda, we are keen to test how the Right to Control works in a range of areas. Your application should outline what other initiatives are underway in your area, and how the Right to Control will fit with, and contribute to, your current priorities.

Q – In the Trailblazers bids you talk about long-term floating support as a minimum requirement. What do you expect to see in terms of other support provided through Supporting People funding?

A – Long-term floating support, expected to last for two years or more, has been included as a minimum requirement for Trailblazers as this funding should not effect a disabled person's financial commitment, through their tenancy agreement, to their landlord. We have also not required the inclusion of short term support as we understand the difficulties associated with tracking people in receipt of this support, and with block commissioning.

However, we are keen to see in your bids how the Right to Control could also apply for these other elements of Supporting People. If you feel any short term support could be included, we would like to hear about it. We are also keen to explore how the Right to Control could apply for disabled people whose support services are tied in with their tenancy. We understand that this presents challenges around contracting, but any innovation you can display in this area will be welcome. One possible way of doing this could be to determine a unit cost for the support received by a disabled tenant, as separate from their tenancy funding, enabling the disabled person to exercise the Right to Control over this portion of the funding.

Page 14 of the prospectus outlines our requirements for Supporting People in the Trailblazers.

Q – Can a local authority only test the Right to Control on a limited number of client groups – for example just Learning Disabled Adults – or on a few of the named funding streams?

A – No. The Right must apply to all new applicants in the Trailblazer area, and across all the designated funding streams. There is no discretion to select client groups, or funding streams (unlike the individual budget pilots).

However, for two tier authorities, we recognise that not all Districts may be able to achieve this for Disabled Facilities Grant (DFGs), and we don't want this to prevent bids from coming forward. We can name in our regulations the districts where the Right to Control will apply to Disabled Facilities Grant. We have provided more information on DFGs online: www.odi.gov.uk/working/information-la.php

Q - How should we assess whether people are eligible for the Right to Control?

A – We are not changing the eligibility criteria for any of the funding streams covered by the Right to Control. You should keep the same criteria for assessing eligibility that you use at present.

Q – Can we include diagrams in our bids?

A - Yes. You may want to show how the customer journey would work in your area with a diagram, for example.

Q – Can we develop different customer journeys for different client groups?

A – Any customer journey would have to capture the stages laid down in legislation (outlined in sections 3.2 and 3.3 of the prospectus). However, at stage 3 of the customer journey (information about and access to other funding streams), if the person was very unlikely to be eligible, there would be no need to refer them to other funding streams (eg Work Choice).

Q – Will there be new IT systems introduced into Trailblazer areas to deliver the Right to Control?

A – No. You may wish to outline how you would adapt existing systems to help you deliver the Right to Control in your bid.

Q – How do we monitor Right to Control spending? What level of auditing is appropriate?

A – We would expect your bid to outline how the support plan is monitored to ensure the individual is meeting their agreed objectives.

Q – Some areas only have a few providers that customers will be able to use. Equally, some areas are tied into block contracts for some services. How can we deliver the Right to Control?

A – The Right to Control is about a fundamental change in culture and commissioning strategies. We realise that developing a market may take some time and Trailblazers will need to consider these issues as part of their bids. However, we know that the best providers are already keen to work in partnership with service users to design and deliver services, and we would expect the Right to Control to further assist with this development of best practice.

Q – How can we bring assessment processes together to reduce burdens on the individual?

A – We would expect your bid to outline how you intend to streamline the different customer journeys for the funding streams in your area to deliver a more joined up service to your customers.

Q - Can we implement the Right to Control if we are not selected to be a Trailblazer?

A - No. Regulations will clearly state where the Right to Control Trailblazers will be. However, we may ask you to be a control area, depending on the final selection of sites.

Access to Work and Work Choice

Q - Have possible approaches to incorporating the Jobcentre Plus funding streams of Work Choice and Access to Work been discussed with local authorities?

A - Jobcentre Plus has devised a number of possible models for delivering Work Choice and Access to Work as part of a Right to Control Trailblazer. These models outline possible customer journeys and are starting points for discussing how the Right to Control could be delivered. These should be discussed with local authorities' partners as part of the bidding process.

Q - Does the customer have the option of returning to mainstream provision ie Work Choice through the Prime Provider?

A - Yes, at certain defined points. Details of how this will work in practice, particularly around funding, have yet to be determined but it is envisaged these will be based around transition to new modules.

Q - Is there a limit to the numbers of people who can take a direct payment from Work Choice?

A - We have set aside a sum of money for customers who wish to take a cash payment instead of the Work Choice services. We do not expect this money to run out, but if it does, we will not be able to offer cash payments to people on Work Choice. We will let Trailblazers know if this happens.

Q - Access to Work is not delivered locally by Jobcentre Plus. Are the national and regional Access to Work teams aware of the Right to Control?

A - The Access to Work strategy area in Department of Work and Pension Disability and Work Division and national/regional Access to Work teams are key project stakeholders and are supporting all of the development work.

Q - When might cash payments of Access to Work funding and Work Choice provision be appropriate and how might they be spent?

A - Ultimately the customer will decide. Currently, Access to Work supplies a grant to the customer to allow them to procure the support they require. For example, if a customer requires travel to work support in the form of taxis the customer uses the taxi company of their choice. If the customer requires a type of support worker or interpreter the customer chooses the support worker or interpreter they would like to use. The only exception to this is in the supply of special aids and equipment as currently the customer is advised by a workplace assessor the type of equipment which will meet their needs and a grant is offered based on these recommendations. The customer is offered a grant based on the most cost effective supplier but the customer can choose to purchase the equipment from a different supplier.

For Work Choice the customer could choose to receive a cash payment instead of using the services offered by the Provider in their area. They could then spend the cash payment as they wished, as long as it was agreed by the public body (which could be the local authority or Jobcentre Plus) that it was meeting the employment outcomes agreed in their support plan.

Q - There is a lack of clarity on how the customer journey for Access to Work and Work Choice will work. For example, where will the money to provide direct payments for Work Choice sit?

A - Jobcentre Plus has developed some possible customer journeys for Access to Work and Work Choice to assist with putting together the Trailblazer bid. For customers who wish to take a direct payment from the Work Choice funding stream, a pot of money to enable this will be held centrally.

Funding and payments

Q - If a customer chooses to take cash payments from a number of funding streams will the total funding available be paid as a lump sum?

A - Trailblazer bids have been asked to demonstrate how the payments process could be streamlined so that the customer doesn't receive multiple payments. The Right to Control will not change the accountability for how funding streams resources are intended to be used and are set out in support plans.

Q - Is the £7 million available to fund the Trailblazers to be evenly distributed amongst the successful Trailblazer areas?

A - We have a maximum of £7 million available for Trailblazer implementation. This total amount will cover local authority delivery and that of Jobcentre Plus and any other local organisations involved in the project.

We have not decided precisely how to split this money between Trailblazers as we want final decisions to be informed by the bids themselves, although Trailblazer bids can assume a fairly even split. However, we stated in the prospectus that we will reserve some limited flexibility to have fewer areas and give slightly more resources to joint bids if this provides the best overall 'package'.

Q - How will cash payments from Work Choice be funded?

A - Work Choice funding will be set aside and held centrally by Department of Work and Pension. We will work with selected Trailblazer areas to agree how this money will then be made available to the individuals who request a cash payment.

Q - If a cash payment is not fully spent will the surplus be recovered?

A - The right to withdraw funds has been included within the regulations. We would hope to avoid this through regular reviews with the customer and by using incremental payments where appropriate.

Q - What funding is available to deliver the Right to Control Trailblazers?

A - As set out in question 17 is set out the £7 million is to deliver the Trailblazers We would expect the local split of Trailblazer funding between the local authority, Jobcentre Plus and other delivery agencies to be agreed locally, and, where possible, outlined in the bid.

Q - How will customers who choose to take a full or partial cash payment of Access to Work or Work Choice provision be paid?

A - For Access to Work this will most likely be through existing arrangements. Mechanisms for Work Choice are still being decided.

Q - How is Access to Work funded?

A - Access to Work is funded nationally by Department of Work and Pension and delivered through Jobcentre Plus.

Q - Will money be top sliced off the Work Choice and Access to Work programme funding allocated to providers in order to allow funds from Department of Work and Pension for those who want to be more creative in their spend?

A - The Right to Control will be delivered using the current Work Choice and Access to Work budgets.

We want to test how the Right to Control can help disabled people to achieve better outcomes by being innovative in how their support is used; it is not about providing additional resources.

Q - If the money runs out in one area can funds be vied between Trailblazer areas?

A - No. The funding for Trailblazers cannot be transferred between areas if one is overspent.

Q – Is there any flexibility in people’s personal budget to use monies from different funding streams flexibly?

A – It has always been made clear, during the passage of the Bill through Parliament, that the monies from the funding streams must be spent on the outcomes those streams have been voted for in Parliament. However, an outcome based approach should enable more innovative and flexible solutions (for example it may be appropriate to combine adult Social Care and Supporting People funding to employ a personal 9 assistant to deliver outcomes in relation to both personal care and housing related support). We would expect Trailblazers to enable people to spend funding in innovative ways to achieve their agreed outcomes. For example, Access to Work is paid under the Employment and Training Act (1973) to 'assist persons to select, train for, and retain employment', therefore we would expect funding to be used to achieve this outcome but we would not be prescriptive about how people could use the funding to achieve employment.

Disabled Facilities Grant

Q - How will Right to Control extend to Disabled Facilities Grants for tenants?

A – We have received a number of queries from local authorities about how the Right to Control can be extended to Disabled Facilities Grants particularly for tenants. Firstly, we know that there are good examples of personalisation and flexibility being applied within Disabled Facilities Grants and Right to Control presents an opportunity to develop these approaches and apply them more widely. We recognise there are specific challenges in extending the Right to Control to Disabled Facilities Grants where the dwelling is rented, and have been working with Communities and Local Government on this.

Private rented sector

The landlord's consent is necessary for a private tenant to apply for a Disabled Facilities Grants and we intend to provide that the landlord's consent will also be necessary if an eligible person wishes to exercise the Right to Control.

Social tenants

In the case of social tenants, the best solution may be for an authority or housing association to move the tenant to a more appropriate property rather than make adaptations to an existing property. Where adaptations are the answer, then the tenant may apply for a Disabled Facilities Grants. The Right to Control is a legal right, which is triggered once a disabled person is eligible for a relevant funding stream. So for someone to have the Right to Control over Disabled Facilities Grants, they must have made a Disabled Facilities Grants application and been deemed eligible (e.g. passed the means test etc). If a social tenant has not made an application and been assessed as eligible for Disabled Facilities Grants, but has simply discussed their needs with their landlord who has agreed to make the necessary adaptations (e.g. handrails, ramps), then the Right to Control would not apply.

We know that there are cases where adaptations for disabled people are undertaken by the landlord (whether Registered Social Landlord or local authority), without pursuing the formal Disabled Facilities Grants process. We are keen to hear innovative ways of

including Registered Social Landlord and local authority customers, but would want bidders to focus on the delivery of the Right to Control to Disabled Facilities Grants applicants as the full legal Right to Control can only be triggered once a tenant has made an application and is deemed eligible for a Disabled Facilities Grants.

Direct payments

Right to Control provides for direct payment to the disabled person. In relation to tenanted property, if a tenant is eligible for a Disabled Facilities Grants, we propose to provide that a direct payment to the tenant could be made with the landlord's consent.

Q – Will there be an increase to the Disabled Facilities Grant budget when Right to Control is brought in?

A – No. The amount of resource available will remain the same. The Right to Control is about improving how existing budgets are accessed and used by people.

Customer service

Q - Will the Right to Control only apply to new customers to the qualifying funding streams?

A - That is our minimum requirement. However, with the exception of Work Choice customers, sites can extend the Right to Control to existing customers if they wish. See prospectus section 3.4.

Q - What will determine whether a Jobcentre Plus customer, served by a particular district will come within a Trailblazer area?

A - It is based on the customer's home address within the boundary of the local authority/authorities delivering the Trailblazer. The Trailblazer could be a mix of one large consortium that covers the whole district or one local authority which will cover only part of the district. It depends on the area covered in the bids.

Q - Is help available to a customer who wishes to source alternative provision?

A - Trailblazers will need to set out in their bids what arrangements they will make to accommodate this.

Q - What are the arrangements if a customer takes a cash payment?

A - This will depend on how the Trailblazer is organised, particularly around support plans and monitoring payments.

Q - Could customers come into Jobcentre Plus from anywhere?

A - Yes - they could come direct to Jobcentre Plus providing they live within the Trailblazer area. They do not necessarily have to be a Jobcentre Plus customer but could be eligible for one of the local authority administered funding streams or the Independent Living Fund. Your bid would need to outline how you could direct or signpost customers towards the support they would be eligible for.

Q - If a customer in receipt of Jobseekers Allowance with lower rate Disability Living Allowance sees the Disability Employment Adviser in Jobcentre Plus and decides not to accept an opportunity to go on Work Choice; would it affect entitlement to Jobseekers Allowance?

A - Conditionality for Jobseekers Allowance would still stand - the DLA should not default on any Jobseekers Allowance payment as Work Choice is voluntary

Q - What role might be played by Jobcentre Plus Benefit Delivery Centres and Contact Centres?

A - The customer journey process is about setting objectives and goals by action planning, then monitoring and taking appropriate action. However, bids should consider how the Trailblazer will guard against fraud as well as how it will support customers to meet their agreed outcomes.

Q - Who will create support plans, at what stage in the process and what form will they take?

A - Trailblazer proposals should outline when this would happen in the customer journey. This could be done in a variety of ways depending on what funding streams the customer is eligible for, and how you plan to deliver the Right to Control in your area.

Evaluation

Q - How will evaluation be conducted if it is based on different models?

A - A feasibility study of how the evaluation could be structured, and what it needs to measure was published online on 14 December 2009. See: www.odi.gov.uk/working/information-la.php. We are developing an evaluation strategy at present, involving many of our stakeholders. The evaluation team will be able to work with the selected Trailblazer sites from summer 2010.

Q - How long will the evaluation take?

A - The evaluation will be ongoing throughout the two years of the Trailblazer period and will take an 'action/learning' approach to address any problems in delivering the Right to Control.

Q - Is the evaluation being funded out of the £7 million available to Trailblazer areas to cover costs?

A - No. There are separate funding arrangements for the evaluation (£1.5 million).

Q – Will the evaluation be focussed on the cost of delivering the Right to Control?

A – The evaluation will cover a broad range of outcomes – including the impact of the Right to Control Trailblazers on the experiences of, and outcomes for, disabled adults. It will also cover any costs associated with, eg streamlining across funding streams and advice, information and assistance required by disabled people to, eg develop a Support Plan. Section 6 of the prospectus outlines the evaluation in more detail

Other questions

Q - Does the Project have a comprehensive communications strategy?

A - Yes and it will be developed in more detail once the Trailblazers are selected. It will include communications to Jobcentre Plus staff in the Trailblazer areas.

Q - What Management Information will Trailblazer authorities be expected to collect?

A - Trailblazers will be required to provide specified management information to inform the evaluation and programme performance returns for Work Choice. More information can be found in section 6 of the prospectus.

Q – How much contact has there been the Department of Health and the ODI about the Right to Control?

A – We work closely with colleagues in the Department of Health. The Right to Control builds on work already underway, in particular the government’s investment in implementing the Putting People First agenda.

Q – Is Adult Social Care included in the legislation for the Right to Control?

A – The Welfare Reform Act 2009 enables Adult Social Care to be fully aligned with the Right to Control Trailblazers. The Department of Health will issue Directions to the Trailblazer areas to enable the full flexibilities of the Right to Control to be delivered to individuals in receipt of Adult Social Care.

Q – What are your plans for the wider roll out of the Right to Control?

A – Our evaluation will inform any decisions on the wider roll out of the Right to Control.

Q – What scope is there to offer people with different needs the Right to Control eg women suffering domestic violence?

A – The Right to Control will only extend to people in these circumstances if they have support needs relating to an impairment, long term illness/condition or disabling barriers. For example, support given to a disabled woman fleeing domestic violence would not be included in the Right to Control unless it were being given to overcome barriers associated with her impairment. The Right would not cover support being given to meet any needs that she might have in common with other women fleeing domestic violence.

Please also refer to the prospectus and other information provided on the following web site:

www.odi.gov.uk/working/information-la.php.