



Department
for Work &
Pensions

Right to Control

End of pilot report

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Introduction

On 13 December 2013 the Right to Control Regulations ceased to have effect and the pilot to test the Right to Control ended.

This is a report on the operation of the Right to Control pilot, as required by Section 44 (8) of the Welfare Reform Act 2009. The report also considers how the principles of the Right to Control will continue through future developments.

Summary

The Right to Control pilot tested a new approach to providing support and advice services to disabled people. Right to Control brought together a range of cross-government funding streams with a view to streamlining the customer experience of accessing and utilising them. The funding streams included were: Access to Work; Adult Social Care; Disabled Facilities Grants; the Independent Living Fund; Supporting People¹ and Work Choice.

Disabled people eligible to participate in the Right to Control pilot, were offered greater choice and control over the support they received to go about their daily lives, including having the option to receive direct payments and arrange their own support.

The Right to Control pilot operated in seven geographical areas of England referred to as 'Trailblazers'. The seven Trailblazers were; Barnet, Essex, Leicester, the Manchester Area Partnership², Newham, Sheffield and Barnsley and two areas of Surrey³.

The pilot to test Right to Control started on 12 December 2010 in the majority of Trailblazer areas, with Sheffield and Barnsley starting on 1 March 2011 and the Manchester Area Partnership on 1 April 2011.

The intention of the pilot was to test how best to provide choice and control to disabled people, while also recognising that one size does not fit all. The interim evaluation report, published in February 2012, showed that there was insufficient evidence on which to make a decision about the future of Right to Control and as a result, the Government decided to extend the pilot by a further year. The additional year was intended to gather more information, test the processes within Trailblazers for a greater period of "steady-state running" and provide a longer period of time during which local authorities could realise efficiencies. The aim of the extension was to provide more sound evidence upon which to base a decision about the future of Right to Control.

The pilot was originally scheduled to end on 12 December 2012. The decision to extend the pilot by a further year required a consultation exercise on the draft amending Regulations. This was completed in September 2012. The Regulations providing for the extension were made on 6 December 2012. Consequently, the pilot finally came to an end on 12 December 2013.

Taking into account the evaluation of the pilot and relevant developments in the personalisation agenda since 2010, the Government has decided not to proceed with national roll out of the Right to Control.

¹ Now known as Housing Related Support.

² Initially this included Bury, Manchester, Oldham, Stockport and Trafford, however Oldham ceased participation in the pilot after December 2012.

³ Epsom and Ewell Borough Council and Reigate and Banstead Borough Council.

Overview of the Right to Control policy

The 2008 White Paper, “Raising expectations and increasing support: reforming welfare for the future”, set out the background and reasons for creating a legal right to control. Responses to an earlier consultation had made it clear that what disabled adults needed was support based on their own needs and ambitions, reflecting that a disabled individual is the expert in his or her own life. Services were too often structured in a way that could reinforce dependency instead of providing support in a way that enabled disabled people to have the same opportunities, and to realise their ambitions, in the same way as non-disabled people.

The Right to Control pilot tested an approach to giving disabled adults, (aged 18 and over), choice and control over certain public funding which they received to go about their daily lives. The Welfare Reform Act 2009 and the Disabled People’s Right to Control (Pilot Scheme) (England) Regulations 2010, provided the legal powers to pilot the Right to Control in the seven Trailblazer areas, for an initial period of two years, from December 2010 to December 2012. This period was subsequently extended to December 2013.

The Regulations placed a temporary duty on participating areas to inform new customers,⁴ eligible for funding streams included in the Right to Control pilot, about the Right to Control. The Right to Control Regulations⁵ required that disabled people in the Trailblazers were told how much support they were eligible to receive, then identified and agreed what outcomes they wanted to achieve together with the public body administering the funding. They were also told about the different delivery options, which were to:

- receive the support the public body would have provided before the Right to Control
- ask the public body to arrange alternative support
- receive a direct payment and buy their own support
- have a mix of these arrangements.

The Right to Control brought together a wide range of cross-government support including employment, housing, social care, community equipment and facilities. The six funding streams included in the Right to Control pilot were:

- Access to Work

⁴ Trailblazers could also choose to offer the Right to Control to existing customers.

⁵ <http://www.legislation.gov.uk/ukxi/2010/2862/contents/made>

- Adult Social Care
- The Disabled Facilities Grant (DFG)
- The Independent Living Fund (ILF)
- Supporting People (now known as Housing Related Support)
- Work Choice

For customers accessing support from more than one of these funding streams, the Right to Control pilot also aimed to streamline their journey and reduce duplication in assessment, support planning and reviews by asking the authorities administering the funding streams to work together and ensure that disabled people only had to provide information once at each stage.

The previous government decided that the initial test phase for Right to Control would take place in England only but it did have the support of the Scottish Government and discussions were taking place with the Welsh Assembly. After the change of Government in 2010, the Regulations for the Right to Control pilot were taken through Parliament by this Government and they had cross-party support.

Right to Control Trailblazers

The seven Right to Control Trailblazers were selected in a competitive process open to all local authorities in England run by the Office for Disability Issues. Local authorities had the option to bid individually or jointly with other local authorities. The seven areas chosen as Right to Control Trailblazers were:

- Essex County Council
- Leicester City Council
- London Borough of Barnet
- London Borough of Newham
- The Manchester Area Partnership (incorporating Bury Council, Manchester City Council, Oldham Council, Stockport Council and Trafford Council)
- Sheffield City Council and Barnsley Metropolitan Borough Council
- two districts within Surrey County Council (Epsom and Ewell Borough Council and Reigate and Banstead Borough Council).

Each Trailblazer was provided with a grant from the Department to help set up and deliver Right to Control until December 2012. The Trailblazers started in December 2010, except for Sheffield and Barnsley, which started in March 2011 and the Manchester Area Partnership which started in April 2011.

Right to Control statutory guidance specified that the implementation of the Right to Control pilot was co-produced with local disabled people. As a result, Trailblazers set up local co-production groups involving local disabled people, and/or local User-led Organisations in strategic decision making.

All Trailblazers agreed to the one-year extension with the exception of Oldham Council which ended its participation in the Manchester Area Partnership in December 2012.

Right to Control Funding Streams

There were six funding streams covered by the Right to Control.

Access to Work

- Delivered by Jobcentre Plus.
- Available to people aged 16 or over and resident in England, Scotland and Wales.
- Paid to disabled people who must be either in paid employment, self-employed or with a firm job offer.
- The aim of Access to Work is to address disability-related barriers to work, including: communication support at interview; support workers; special aids equipment; adaptations; and travel costs.

Adult Social Care

- Provided by local authorities.
- Provides social care services to adults on a needs-assessed basis.
- Personal budgets provided to disabled people eligible for long-term Adult Social Care.
- Aim is to overcome any disabling barriers to a disabled person's independence.

Disabled Facilities Grant

- Administered by local housing authorities in England only (there are similar programmes in Wales and Northern Ireland), and the responsibility of the Department for Communities and Local Government.
- Payable following an assessment of needs by an occupational therapist, and subject to means testing and a grant ceiling of £30,000 per applicant.
- Purpose is to enable disabled people to continue to live independently in their own homes.
- Grant can be used for adaptations such as widening doors, installing ramps, installing a stair lift etc.

Independent Living Fund

- Administered by the Independent Living Fund – an executive non-departmental public body financed by the Department for Work and Pensions and the Department for Social Development (in Northern Ireland).
- The fund is permanently closed to new applicants. The majority of customers must continue to meet set criteria to receive payments including: live in the UK for at least 26 weeks a year; receive local authority support worth at least £340 per week/£17680 a year; have less than £23,250 savings; be entitled to the highest rate care component of Disability Living Allowance.
- Purpose is to enable severely disabled people to purchase personal care or help with domestic duties.
- Maximum payment from the fund depends on when the customer first applied and is either £815 a week (for applications made before April 1993) or £475 a week (for applications made after April 1993).
- Payment can be used to pay for support and services such as using a care agency to provide personal care, or employing a Personal Assistant.

Supporting People

- Now known as Housing Related Support, this is a non-statutory programme which is delivered by top-tier local authorities' whilst the Department for Communities and Local Government has policy responsibility.
- Provides housing-related support covering a wide range of support tasks to vulnerable people to achieve or sustain independent living.

Work Choice

- Department for Work and Pensions employment programme delivered through contracted providers.
- To be eligible, people must be of working age, need support in work as well as to find a job, be able to work at least 16 hours a week, have a recognised disability and need specialist help that isn't available from other government programmes.
- Purpose is to provide support to people with disabilities to help them get into work and to remain in employment.
- Individually tailored, flexible programme and support can cover, for instance, training, confidence-building, interview coaching etc.

Delivery of the Pilot

Initially, only new customers of the six funding streams in the Trailblazer areas were eligible to take part in the Right to Control pilot, although an existing customer with agreement of the local authority in the Trailblazer area could also take part. In line with the statutory requirement many Trailblazers did in fact choose to include existing customers who agreed when their existing support package came up for review.

Local co-production groups and user-led organisations were involved in the set up of the Trailblazers and maintained their involvement throughout the operation of the pilot. Participation ranged from designing the customer journey during implementation to training delivery staff and providing information, advice and guidance to customers.

Later in the pilot in some Trailblazers, the user-led organisations expanded their involvement further, and their activity conducting eligibility checks, referrals, attending assessments and conducting support planning discussions.

The intention of the Right to Control pilot was to deliver a streamlined customer journey, giving customers choice and control over the support they received, and ensuring that customers only had to provide relevant information once at each stage. The process meant that customers should have one assessment, one support plan and one review.

Once customers had been identified as eligible to take part in the pilot, the Regulations required that they were notified of the Right to Control, told what Right to Control was and the funding streams covered and also an indication of the funding available to them.

Customers were also given information about organisations that could provide information, advice, support, advocacy and brokerage services.

Customers were then able to choose how to use the budget they had been given, they could either:

- continue with their existing services;
- allow the public body to arrange for services or equipment they needed, as far as it was reasonably practicable to do so;
- take a cash payment and arrange their own services, equipment and support; or
- to receive a combination of a cash payment and services or equipment arranged on their behalf.

The statutory guidance placed a duty on the Trailblazers to provide information to the customer in a format accessible to the person concerned, and verbally with the opportunity to ask follow-up questions both at the time and at a later date.

The statutory guidance is available from the Office for Disability Issues website at <http://odi.dwp.gov.uk/odi-projects/right-to-control-Trailblazers/resources.php>

It is estimated by indicative Management Information data that over the three years of the pilot around 83,000 individuals were notified of the Right to Control and were eligible for at least one of the six funding streams.

Commissioned research showed that the majority of individuals were notified of their legal right through Adult Social Care (77% of the population profile).⁶ Thirty-eight percent of the people notified of Right to Control were aged over 75, with none of these people being eligible for either of the employment funding streams, Access to Work and Work Choice. Forty-one percent of the Right to Control Population was aged 45-74 years old.⁷

The costs of the pilot were as follows

Set up costs.	£1,050,000
Running costs	£12, 963,514 (including DWP project management costs)

⁶ Pg 17. Purdon, S and Bryson, C. (2013) Right to Control Trailblazers: Impact Evaluation: Technical Appendix. The Office for Disability Issues. See <http://odi.dwp.gov.uk/docs/wor/rtc/rtc-impact-evaluation-technical-appendix.pdf>

⁷ Pg 18. Ibid.

Delivery methods

In addition to testing how to achieve the best outcomes for disabled people, the Right to Control pilot was also designed to test what the costs and benefits would be to public authorities.

All Trailblazers adopted similar management and governance structures. Each had a strategic board responsible for the overall direction of the Trailblazer (for example, deciding what delivery model to adopt) and a separate project management team overseeing day-to-day implementation. There were also structures in place to facilitate local co-production, either through a separate local co-production group or through partnership working with local user-led organisations (ULOs). Trailblazers generally maintained these structures throughout the pilot.

The evaluation identified that, broadly, there were two different delivery models for Right to Control:

- A centralised delivery model, chosen by one Trailblazer, where a small multi-disciplinary team of frontline staff were seconded from each funding stream. This team of staff all worked from the same location to jointly deliver the Right to Control. The Trailblazer chose this approach on the assumption that it would provide a more streamlined customer journey, with customers who were eligible for multiple funding streams having a single assessment, support plan and review.
- Other Trailblazers adopted a mainstreamed delivery model whereby all frontline staff across the six funding streams were expected to deliver their part of the Right to Control customer journey, with no relocation of staff required. Trailblazers choosing this approach did so on the assumption that it could be easily sustained in the long run, since it required no new team structures.

Relative sustainability of the different delivery models

Centralised model

Under the centralised delivery model, customers with multiple funding streams had a more streamlined experience. In one local authority area, the co-location of multidisciplinary team members within the same office enabled them to easily share information about customers, discuss suitable options and progress and more easily conduct joint assessments, support plans and reviews.

This model better met the objectives stated in the Right to Control statutory guidance than the mainstreamed model. However, the centralised model was resource-intensive and therefore not considered sustainable in the long term. Multidisciplinary team members said their workload had increased as the number of Right to Control

referrals started to rise and this was reaching a point where it would no longer be sustainable for the team to manage all referrals themselves.

Mainstreamed model

This model was considered by Trailblazers to be less resource intensive and sustainable without significant additional investment in the long run because staff did not have to change job roles, relocate or undergo intensive retraining.

However, it made it challenging to achieve a streamlined journey for customers on multiple funding streams. Some Trailblazers taking this approach had achieved this in specific instances, where there was one staff member acting as a single point of contact for the customer but this did not happen regularly.

Senior staff felt this model gave a clearer message that frontline staff did not need to become experts on other funding streams and could instead focus just on understanding and following the referral process, and offering choice and control within their own funding streams.

Although Trailblazers adopting this model did not have co-located teams, partnership working and knowledge sharing still happened in other ways, for example via the staff forums, staff surgeries and joint team meetings.

This model generally took longer to set up and implement due to the large volume of staff training and the culture change required. Trailblazers covering a large geographical area felt that a centralised model was not appropriate in their case, emphasising instead the need for a localised approach to delivery, which it was felt a mainstreamed delivery model would be better placed to achieve.

Evaluation

The Office for Disability Issues commissioned Ipsos MORI and its partners in early 2010 to evaluate the Right to Control Trailblazers. Research took place in late 2011 and throughout 2012 covering three strands of evaluation:

- A process evaluation to understand how the Right to Control was being implemented and delivered in Trailblazers.
- An impact survey to assess the impact of the Right to Control on customers in Trailblazers, relative to those in non-Trailblazer areas.
- An economic analysis to determine the costs and benefits of the Right to Control for customers, Trailblazers, and the wider economy.

Evaluation Summary

To evaluate the impact of the Right to Control, a survey of Trailblazer customers and a comparison group of customers in non-Trailblazer areas was undertaken by the research contractors. The impact assessment did not find any measurable evidence that Right to Control had had a significant, positive impact on a range of customer outcomes, including well-being and employment. There are a number of reasons why this may be the case, including the time needed to increase the availability of different service options, the challenge of changing delivery cultures and processes, and work required to put in place sustainable support networks to help disabled people understand and exercise choice and control.

However, Trailblazers had achieved a great deal, with Right to Control bringing about an 'evolution rather than revolution' in disabled people's services. The evaluation found many examples of good practice that are relevant to a range of practitioners involved in delivering support and services to disabled people. These include ULO involvement in delivering services and better partnership working between Jobcentre Plus and local authorities.

Customer awareness of Right to Control increased as the pilot progressed. However, many still did not have a full understanding of how to exercise choice and control and how the Right to Control differed from previous personalisation initiatives. The evaluation found that many customers were not following the expected customer journey, except in the Trailblazer running the centralised delivery model where customers were dealt with by a multidisciplinary team

Some customers who received and exercised their Right to Control reported that it had a positive impact on them and their carers as they received support that was strongly aligned to their needs. The evaluation identified certain conditions that had enabled customers to successfully exercise their Right to Control:

- They were aware they could request changes
- They received meaningful choice
- They had the information, advice and guidance to make confident choices
- They were comfortable managing direct payments

The economic study explored the costs and benefits of implementing the Right to Control. It concluded that the total economic cost of the Right to Control was £10.1 million or £213 per customer. These estimates cover the period from the launch of the Trailblazers to December 2012 (the original end date of the pilot) during which time over 47,000 people were notified. A large proportion of the total costs were accounted for by set-up costs – i.e. the costs of initial training, development of materials and promotion of the Right to Control. The evaluation estimated that if the policy (as conceived during the pilot phase) were to be rolled out across England, the total annual economic cost would be around £60 million, with a possible range of £30 million to £140 million depending on multiple factors, such as delivery model.

The evaluation focused on the original two years of the pilot. During the extension period we have continued to collect information about the impact of Right to Control on disabled people and delivery organisations. This has included the number of disabled people being notified of Right to Control and those taking a direct/advance payment.

Copies of the evaluation reports produced, and of the synthesis report that brings together the findings from all three strands are available on the Office for Disability Issues website at: <http://odi.dwp.gov.uk/odi-projects/right-to-control-Trailblazers/research-and-statistics.php>

Throughout the pilot the learning on how to achieve effective local co-production, how to facilitate partnership working, training methods for staff and approaches to terminating block contracts were all shared across Trailblazers. Trailblazers also developed a range of tools that other areas can potentially adapt, such as eligibility checklists, case studies and communications materials. Case studies were identified and shared and remain a powerful way of identifying the difference that greater choice and control can make.

Conclusion

The evaluation of Right to Control did not find any evidence of the pilot having a significant positive impact on customers. The evaluation did note some positive changes, notably the closer working required by co-production of the Trailblazers, the involvement of user-led organisations and increased partnership working.

The development of the personalisation agenda since the commencement of the Right to Control pilot has resulted in reforms that match or exceed the principles of individual choice that were the foundation of the Right to Control pilot.

Reform of the adult social care system already features greater choice and control for individuals through provisions in the Care Act 2014, and the Children and Families Act 2014. These reforms will also place a duty on local authorities to improve co-operation between authorities and their customers when making decisions about an individual's care and support.

The vision for Right to Control was set out in the White Paper, "Raising expectations and increasing support: reforming welfare for the future" in December 2008. In particular the White Paper said;

"Before making a decision on whether to roll out the Right to Control nationally, we will test it in trailblazing public bodies. From 2010, we will test how the right will work, how it can deliver the best outcomes for disabled people and what the costs and benefits are to public authorities. Only if we are satisfied that these pilots work will we take powers to roll out the Right to Control nationally."

Taking together the evidence from the pilot and the changes already made or planned for the funding streams involved, the Government has decided that the Right to Control will not be rolled out nationally. The learning from Right to Control has been disseminated across government and used widely in the development of policy and legislation. For example, the principles of choice and control are embedded in the policy rationale for both reform of adult social care, adoption support services and special educational needs, with this being demonstrated clearly in the Care Act 2014 and in the Children and Families Act 2014. There are also examples of local authorities taking approaches which are giving disabled people the opportunity to have more control without the need for legislation.