

**Making choice and control a reality  
for disabled people:  
Government response to  
consultation on the Right to Control  
Trailblazers regulations**

12 October 2010  
Office for Disability Issues

## **Ministerial foreword**

It gives me great pleasure to publish the Government's response to the recent consultation on the regulations which will govern the Right to Control Trailblazers. The Trailblazers are a vital step in establishing how disabled people could take greater control of the support they receive, and in helping grow a flexible and dynamic market for the provision of higher quality services.

The regulations will put in place in the test area the concept of a legal 'right to control', which enables disabled people to access all those funding streams for which they are eligible in one streamlined process.

We have received invaluable support from Baroness Jane Campbell, and the Right to Control Advisory Group, who have provided advice throughout the process of drafting these regulations. I would like to offer my thanks to all members for their time.

I would also like to thank all the organisations and individuals who took the time to respond to the consultation. This will help us ensure that our Trailblazers will be governed by regulations that will support disabled people in receiving the Right to Control, whilst reducing barriers for those authorities who will be delivering it.

The majority of our Trailblazers are due to commence from December 2010, with the more complex sites starting in March and April 2011. With your continued support, I am sure the Right to Control will help provide the choice and control disabled people have told us they want.



Maria Miller MP  
Minister for Disabled People

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## Introduction

- 1.1 The government is introducing legislation to empower disabled people by giving them greater choice and control over public funding that is currently spent on their behalf. The Right to Control will put disabled people at the heart of deciding how their support needs can best be met, and will ensure that the relevant authorities work with, and support, the disabled person in achieving them.
- 1.2 The Welfare Reform Act 2009 paves the way to this aim, by putting in place a Right for disabled people to have choice and control over certain public funding they receive to go about their daily lives. This includes:
  - being told the monetary value of resources available to them
  - having choice and control over how resources are used to meet agreed outcomes
  - being entitled to receive a direct payment, or to receive services commissioned on their behalf, or to take a mixture of both.
- 1.3 The Right will be tested in seven local authority areas, known as Trailblazers, for a period of two years. The majority of the Trailblazers will commence testing from December 2010, with the two more complex sites joining in March and April 2011. This pilot scheme will help identify the best ways of delivering choice and control, and the outcomes will be used to inform the decisions on any future roll-out.

## Regulations

- 1.4 Regulations are the next legislative step and lead on from the Welfare Reform Act 2009. They set out the formal requirements and powers that a relevant authority must undertake to deliver the Right, and will ensure that it is done in a consistent manner. They cover:
  - the scope of the Trailblazers
  - the duty to impart information to disabled people in Trailblazer areas, and
  - allowing the Trailblazers to take certain actions necessary for delivery, such as sharing information.

- 1.5 In line with the earlier stages of the Right to Control these draft regulations were developed in partnership with disabled people, their organisations and other stakeholders.
- 1.6 Particular thanks go to the legislative sub-group of the Right to Control Advisory Group, chaired by Frances Hasler. This group worked with officials to develop the regulations and provided advice and support.

## **Consultation**

- 1.7 The Welfare Reform Act 2009 requires the Minister for Disabled People to publish draft regulations and consult on this draft for a period of not less than 12 weeks.
- 1.8 The government published the consultation document<sup>1</sup> on 25 February 2010. The consultation lasted a period of 13 weeks and finished on the 26 May 2010.
- 1.9 The aim of the consultation was to ensure that the pilot schemes would be set up effectively by providing appropriate regulations. It was therefore important that those who will benefit from the Right as well as those delivering it had the opportunity to comment.
- 1.10 To make the consultation as straightforward as possible, we grouped the regulations together under appropriate headings. We asked each consultation question following the relevant part of the regulations. This document will use the same headings to summarise the comments received and provide the government response.
- 1.11 We received 34 responses to the consultation and are very grateful to all those who took the time and trouble to comment, especially those who also ran consultation events.
- 1.12 The eight original 'Trailblazer' sites each provided a response to the consultation. Where possible these took into account

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<sup>1</sup> ODI, 2010, 'Making choice and control a reality for disabled people: Consultation on the Right to Control Trailblazer Regulations' available at: [www.officefordisability.gov.uk/docs/wor/rtc/rtc-consultation-trailblazer.pdf](http://www.officefordisability.gov.uk/docs/wor/rtc/rtc-consultation-trailblazer.pdf) (last accessed 14 July 2010)

comments received from disability organisations within their areas, including from consultation events. In addition 20 separate responses were received directly from disability organisations, and a further six individuals also took the time to give their opinions.

- 1.13 A list of all the Trailblazer areas and the disability organisations that provided a separate response can be found at annex A.
- 1.14 In general the responses received remained positive and supportive of the Right to Control, with only one response that was against the overall principle. Several concerns were raised over the complexity of these regulations. It was felt that exercising the Right to Control across a range of funding streams, some of which already have their own legal frameworks, required more detail and clarity to be put into the regulations.
- 1.15 The analysis of the comments received and how the government is responding to them are set out in the following chapters of this document.

# 1 The scope of the pilot scheme

Question 1: Do regulations 1 to 6 provide sufficient detail about where the Trailblazers will take place, and who and what will be included?

- 1.1 Regulations 1 to 6 cover the scope of the Trailblazers and include:
  - the pilot areas
  - the qualifying services included within the Right
  - the authorities responsible for delivering these services, and
  - the cases in which the Right will apply.
- 1.2 The three qualifying services to which these regulations apply are Work Choice, Access to Work and housing-related support (also known as Supporting People).

## Consultees' views

- 1.3 Specific comments are summarised below. General comments mentioned the complexity of the regulations and the difference between 'Qualifying Services' and 'Right to Control Services'.

## Pilot areas

- 1.4 Amendments were requested to the titles of some of the local authority pilot areas, to ensure references to Councils in Trailblazer areas were correct.
- 1.5 One response was that the Disabled Facilities Grants provision does not enable the grant to be used to fund a disabled person's move to a property in the area of another local authority, perhaps to live closer to relatives and obtain greater support.

## Definitions

- 1.6 A few responses queried the lack of some definitions within the regulations. For example, one Trailblazer asked why no definition of disability had been included within the interpretation: "The lack of a definition of disability within the

regulations makes it more difficult for the pilot areas to interpret and apply the regulations consistently and fairly.”

- 1.7 One respondent sought clarification about how the definition in the regulations of eligible Supporting People<sup>2</sup> services, being that of floating support lasting for two years or more, will apply in areas where the support is provided on a twelve month basis.
- 1.8 An individual disabled person raised a concern over the definition of who can act on behalf of a disabled person, and in what circumstances. She wanted to ensure that a disabled person who has capacity could still authorise a competent person to be involved in their care.

### **Funding streams**

- 1.9 As during the earlier Right to Control consultation,<sup>3</sup> requests were made again to extend the funding streams covered, particularly to include health and education services.
- 1.10 Some respondents commented that all adults in receipt of a Disabled Facilities Grant should be able to exercise the Right to Control, including private sector tenants.

### **Government response**

- 1.11 We recognise that the Right to Control regulations are complex, in part because they fully govern only three of the funding streams, known as the ‘Qualifying Services’. The other three funding streams, known as the ‘Right to Control Services’ (Adult Community Care; Independent Living Fund and Disabled Facilities Grant) are already governed by their own legislation which will need to be either supplemented or modified to allow them to offer the same flexibilities.

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<sup>2</sup> The regulations only require the Right to be offered where the Supporting People service will be required for a period of more than two years, and only relates to their ‘floating’ housing-related support service.

<sup>3</sup> ODI, 2009, ‘Making choice and control a reality for disabled people: Consultation on the Right to Control’ available at: <http://www.odi.gov.uk/docs/wor/rtc/rtc-consult-standard.pdf> (last accessed 14 July 2010)

1.12 We want to support Trailblazers and disabled people to understand the holistic legislative framework which together either governs the Right to Control, or delivers equivalent flexibilities. We will provide details within statutory guidance of what other legislation should be considered as relevant alongside the Right to Control legislation, so that the processes required are all within one document.

### **Pilot areas**

1.13 The wording used to cover the pilot areas has been checked and amended where necessary to ensure correct boundaries for the Right to Control Trailblazers.

1.14 We will not be making funding streams portable across authority boundaries at this time. However, those Trailblazer areas which cover more than one authority will be encouraged to work closely together and take a flexible approach to test out how this might work for Disabled Facilities Grants and the other funding streams.

### **Definitions**

1.15 The Right to Control changes the way in which a service is delivered to those disabled people who have already been assessed as eligible to receive it. It does not change the underlying eligibility criteria for that service: someone who is not eligible for a funding stream included in the Right to Control cannot become eligible for it as a result of the Right to Control.

1.16 In most cases the Right to Control is automatically triggered as a result of a disabled person becoming eligible for a funding stream. This is because most of the funding streams have been designed to offer services and equipment solely to disabled people. The only exception to this is in the case of Supporting People, which is intended to help people facing a range of difficulties and is not limited to disabled people. The Right to Control will only be offered to those people in receipt of Supporting People who are receiving this funding stream to help them overcome difficulties directly linked to their disability. In these cases we are asking local authorities to decide whether or not the Right to Control applies.

- 1.17 The definition of Supporting People in the regulations refers to the disabled person's need being expected to last for two years or more. A disabled person with that need will be eligible for the Right to Control regardless of how Supporting People is implemented in each Trailblazer area. This will be clearly set out in statutory guidance.
- 1.18 We have taken advice to ensure that we do not prevent those individuals who are not incapable, but who need assistance, from authorising someone to act on their behalf. Within these regulations it is possible for any person with capacity to authorise another person to act on their behalf. This would apply both at the preparation of the support plan and for managing a direct payment.

### **Funding Streams**

- 1.19 We considered closely the inclusion of other funding streams last year and responded fully in the government response to the consultation<sup>4</sup>. This included:
- Support relating to disabled people's health care needs. This will not be included in the Right to Control. The Department of Health is testing personal health budgets in a number of Primary Care Trusts across England. We are working with the Department of Health to identify whether any of our Trailblazers could be co-located with a personal health budget pilot.
  - Disabled Students Allowance was also not included at this time as it was considered likely that there was to be a review into the delivery of funding for students later in the year.
- 1.20 Those funding streams not currently included within the Trailblazers may be included in future, should the Right to Control be rolled out more widely. The primary legislation has broad enough powers to include further funding streams at this stage.
- 1.21 Private sector tenants receiving a Disabled Facilities Grant are not included in the Right to Control regulations, although we

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<sup>4</sup> ODI, 2009, 'Making Choice and Control a reality for disabled people: Government response to the consultation on the Right to Control' available at: insert web address (last accessed etc)

are exploring possible ways of including them in the future. Local authorities are currently able to administratively provide all grant recipients, including these tenants, with choice and control over their funding administratively and those operating in Trailblazer areas will be strongly encouraged to do so.

## **2 How the Right to Control will be delivered**

Question 2: Do regulations 7 to 13 provide an adequate basis for the Trailblazers to deliver information, support planning and choice to the disabled person?

2.1 These seven regulations cover how the Right to Control should be delivered to disabled people. The consultation sought views on whether they covered the duties of the responsible authorities sufficiently to do this.

### **Consultees' views**

2.2 The majority of respondents felt that the regulations provided an adequate basis to deliver information, support and choice to disabled people. However comments were raised requesting that strong guidance also be provided particularly around regulation 11(2) which covers when a request for the Right to Control may be refused by a responsible authority.

2.3 There were several requests to include more specific details in the regulations, such as that the outcomes of a review should be recorded and an update provided to the disabled person in writing.

2.4 The other main concern raised was that the requirement for information to be provided in writing was unfair and contrary to the principles of the Disability Discrimination Act.

### **Disabled Facilities Grants**

2.5 A number of respondents emphasised the need to provide safeguards for disabled people exercising their Right to Control over a Disabled Facilities Grant, particularly when they receive the funding as a direct payment, and to ensure that works are carried out to a suitable standard.

2.6 Schedule 2 sets out that the contents of a support plan for a Disabled Facilities Grant must be approved by the property owner, where the disabled person is not the owner. One respondent suggested that this approval should be for relevant sections only, not of the entire support plan.

### **Government response**

- 2.7 We will provide additional information in our statutory guidance to enable the effective delivery of the Trailblazers. This will include examples of when the Right to Control may be refused, to ensure a correct and consistent application across all areas.
- 2.8 We do not think it is appropriate to provide additional detail in the regulations stating, for example, whether the outcomes of a review should be recorded and an update provided to the disabled person in writing. We consider this to be unnecessary as the completion of these actions is implied by the regulations as they already stand. For example, we would expect any action taken following a review to follow the normal process of recording and sharing information about outcomes. However, we will ensure that this is clarified in more depth in the statutory guidance issued to the Trailblazers.
- 2.9 We are aware that the regulations state in several places that the “responsible authority must inform P in writing of ....”. However, regulation 2(3) is an overriding regulation. This means that where any provision of the regulations requires a relevant authority to inform a person in writing, this should be read as requiring the authority to inform the person in a format accessible to that person.
- 2.10 Regulation 2(3) also states that information should be provided in an acceptable format where ‘reasonably practicable’, which has raised a few concerns. This wording has been included to ensure that although information provided to a disabled person must be in an accessible format, that there is no obligation on authorities to provide all information in all formats as a matter of course.

### **Disabled Facilities Grants**

- 2.11 It is essential that both disabled people who are exercising the Right to Control and public money are protected. We will be issuing statutory guidance to authorities setting out how they can ensure this. For example, a Disabled Facilities Grant support plan will set out the standard to which works must be completed and payment can be withheld from the contractor until this standard is met.

2.12 We agree that a property owner should only be required to approve the section of the support plan relating to the works carried out to their property and the contractor used, not the entire plan. This has now been amended in the regulations.

### 3 Direct payments

Question 3: Do regulations 14 to 18 provide a sufficient framework for making direct payments?

- 3.1 The consultation sought views as to whether these five regulations would provide a sufficient framework for when a disabled person chooses to take cash payments which they can use to purchase services.
- 3.2 These regulations mirror those set out within the Adult Community Care regulations<sup>5</sup> to ensure consistency in the delivery of direct payments for public funding.

#### Consultees' views

- 3.3 Again, the majority of the responses received were supportive. The Shaw Trust felt that “the regulations do provide a sufficient framework for making direct payments” and that the example provided was “helpful in highlighting the difficulties some local authorities and some users will confront when trying to support choice in a fair and balanced way”.
- 3.4 A couple of respondents requested clarification as to whether these regulations were creating a specific form of direct payment for Right to Control outside of the existing Direct Payments Regulatory Framework. They also requested that regulations be amended to exercise the same discretion in relation to relatives who live outside the home as to those living with the person.
- 3.5 In general, although the regulations were understood, several requests were made again for greater clarity. Requests were also made for inclusion in the statutory guidance for examples of when a relevant authority can refuse a direct payment for all or part of the support available.

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<sup>5</sup> Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009

## **Government response**

- 3.6 We can confirm that the Right to Control direct payments are legislatively distinct from existing payments for community care services, in order to avoid confusion between the two. However, we are aware that our regulations do not give much detail on the procedures for making direct payments in the Right to Control. Provided that the payments are made in accordance with the eligibility criteria in the Right to Control regulations, the greater detail of how these should be made can be taken from the community care provisions.
- 3.7 We are, where possible, mirroring the legislation on direct payments for community care services to ensure consistency across the funding streams included in the Right to Control. We will therefore not change detail such as legislation around family members, as this could lead to Trailblazers having different rules for direct payments for different funding streams. This could be confusing for both disabled people and Trailblazers, and will go against the consistent approach that we aim to achieve.
- 3.8 We have, however, amended the Right to Control regulations as requested to provide more clarity around the obligation of the disabled person to make repayments where funding has not been spent in accordance with their support plan.
- 3.9 Further clarification will be provided within statutory guidance to provide more detail on correct procedures for refusing all or part of a direct payment.

## 4 Reviewing decisions

Question 4: Does regulation 19 provide a sufficient framework for reviewing decisions?

- 4.1 This regulation requires authorities to ensure that their existing review and complaints processes are extended to enable disabled people to request a review of a decision to refuse the Right to Control.

### Consultees' views

- 4.2 Overall the majority of responses felt that the regulation was clear and provided a suitable framework for reviewing decisions. Specific comments raised are summarised below.
- 4.3 Some respondents expressed concerns that the current review system may not be the best way to undertake reviews, with Greater Manchester Coalition of Disabled People stating that “present review systems are inflexible and can be expensive”. The Leicester Trailblazer felt that “perhaps it would have been better to establish a single procedure ... to examine how the Right to Control was working across the board”.
- 4.4 In addition, several respondents requested a national independent complaints body where disabled people could go to challenge the decisions where the Right to Control or a direct payment has been refused.
- 4.5 While a number of respondents commented on the importance of advocacy during the review and appeals process, one respondent emphasised the particular need for advocacy when appealing a decision by a Supporting People service provider, as many do not currently have a clear complaints procedure in place.

### Government response

- 4.6 The decision to continue to use the existing review processes and complaints mechanisms was informed by consultation with local authorities, disabled people and service providers who felt that it could make it easier for a disabled person to

identify who to contact for a review. The evaluation of Trailblazers will include people's experiences of the review process, and whether this approach is effective.

- 4.7 Having a national body to consider decisions to ensure consistency was considered prior to the Welfare Reform Act 2009 being introduced. Due to these regulations being limited to a pilot period and only covering seven Trailblazer sites, it was considered that setting up a national body would be a disproportionate measure. It was also agreed that this would be kept under review during the pilot period to determine what might be more appropriate for any future roll-out.
- 4.8 We recognise advocates may be needed during the review process and are working closely with Trailblazer authorities to ensure this happens. We will also set out guidance that where local authorities delegate the support planning function, they ensure that any complaints about the Right to Control are referred back to the local authority which will use their own appeals process.

## 5 Removing barriers

Question 5: Are regulations 20 and 21 sufficient to allow relevant authorities to work together to provide a more streamlined service for the disabled person?

5.1 These two regulations enable an authority to delegate functions and share information. They allow for all six of the Right to Control services to work together to streamline procedures for the benefit of the recipient as well as the deliverer.

### Consultees' views

- 5.2 The ability to delegate and share information across different funding streams, to help ensure that disabled people did not have to deal with several authorities or to duplicate information, was widely welcomed. Some respondents, such as the Manchester Trailblazer also highlighted that “the effectiveness of [delegating functions] will need testing during trailblazers but the regulation enables us to [do] this”.
- 5.3 Some concerns were raised that these regulations did not go far enough in providing sufficient authority to delegate actions to third party service providers. Others were concerned that if too much delegation was used, disabled people may be left to deal with service providers alone and that the duty of care should remain with the responsible authority.
- 5.4 More guidance was also requested to ensure that the provisions of the Data Protection Act (1998) are respected and that the Right to Control does not threaten individual privacy.

### Government response

5.5 We support the delegation of some processes to allow third parties, for example user-led organisations, to participate in delivering the Right to Control, which will enable disabled people’s expertise and experience to support individuals and provide more informed choice and control over services.

- 5.6 We are working with the Department of Health to consider allowing, within the Trailblazers only, third parties to carry out non-complex assessment reviews. This would require consultation and separate legislation which would need to be approved by both Houses of Parliament. Therefore delegation would not be possible at the time when the Trailblazers commence, but subject to consultation, it might be possible at the time when the first reviews are required.
- 5.7 However, we also appreciate that responsibility for this function should remain with the relevant authority. The relevant authority will therefore retain responsibility for the award of funding or for taking recovery action if the funding has not been appropriately awarded, or spent in accordance with the disabled persons support plan.
- 5.8 We also understand the importance of only sharing data when it is relevant and necessary and within the guidelines of the Data Protection Act 1998. Separate statutory guidance will be issued to specifically cover data sharing for the Right to Control, and to provide help to authorities on what steps need to be in place to allow the sharing of data on an individual basis.

## 6 Statutory guidance

Question 6: Are there any further areas where statutory guidance is essential to support delivery of the Right to Control?

6.1 Regulation 24 requires authorities to have regard to statutory guidance, and this will be important in ensuring that both the Trailblazers and disabled people understand in greater detail how the Right to Control will work.

### Consultees' views

6.2 All respondents felt that statutory guidance would be necessary in delivering the Right to Control successfully and that greater detail on the areas suggested within the consultation document would be welcome.

6.3 Many requests were made for the legislation to be made clearer, and for examples on when the Right to Control would be refused as previously stated in this document. Other requests included:

- highlighting the need for staff training and development
- supporting disabled people with high support needs and with limited capacity to develop support plans
- what happens to the support plan and direct payments if a person is 'sectioned' under the Mental Health Act 1983 and how they can restart as smoothly as possible

6.4 Finally, a request was also made for the statutory guidance to be in place before any Trailblazer sites are launched.

### Government response

6.5 We recognise that Right to Control and the approach engaging different funding streams is new, unfamiliar and complex. We will therefore ensure that the statutory guidance will provide comprehensive advice on how the Right to Control should be applied. This guidance will be useful for not just the Trailblazer sites which must have regard to the guidance, but also to disabled people applying for and receiving the Right to Control.

6.6 We can confirm that this guidance will be in place before the Trailblazers are due to commence.

## 7 Adult Community Care Directions

Question 7: Do you think there are any further steps that should be included in the Adult Community Care Directions?

- 7.1 The Department of Health will be issuing Directions to local authorities to ensure people assessed for Adult Community Care Services living in the pilot areas can also have the flexibilities of the Right to Control.
- 7.2 We set out within the consultation document the areas that we considered needed to be covered by Directions and asked whether any additional steps needed to be included.

### Consultees' views

- 7.3 The changes to Directions were welcomed to enable the greater flexibilities to combine funds, but requests were made as to whether the review of assessments could also be delegated.
- 7.4 Again the issue of complexity was raised about having to use a variety of legislation.

### Government response

- 7.5 Local authorities can and do already request other bodies to collect information on their behalf in support of an assessment or review. However, the actual assessment/review functions are only for local authorities to carry out and this position cannot be changed through Directions. As mentioned in Chapter 6, this is currently being considered by the Department of Health for the Trailblazer sites only.
- 7.6 The Department of Health Directions will cover aspects required to ensure that those people being assessed for Adult Social Care Services living in the pilot areas can have equivalent flexibilities to those under the Right to Control. To ensure that clear information is readily accessible to the Trailblazers, more detail will be provided within statutory guidance. The guidance will highlight which Directions are relevant and where they can be found.

## 8 Independent Living Fund

Question 8: Do the suggested changes provide a sufficient framework to enable the Independent Living Fund to participate fully in the Right to Control?

8.1 To enable the Independent Living Fund (ILF) to take a full part within the Right to Control we must amend the Trust Deed, which sets out the framework for the issuing of payments and the support recipients are able to purchase. We listed the key changes that were being proposed and asked for comments.

### Consultees' views

8.2 It was acknowledged that the proposed changes were required, and that they would provide a sufficient framework to enable the ILF to participate. Mencap in their response stated that "this is an attempt to make ILF more flexible in an environment where choice and control is the ultimate ambition".

8.3 A number of concerns were raised as to whether it was useful to continue to include ILF recipients, whose numbers would be reduced following changes to ILF eligibility criteria.

### Government response

8.4 It has always been a core design principle of the Trailblazers that the Right to Control would be available to existing ILF customers. The recent announcement that ILF will now not be accepting any new applications for the remainder of the year has made this aspect even more relevant.

8.5 The ILF will remain as one of the funding streams for the Right to Control. The proposed changes to the Trust Deed will go ahead as explained within the consultation document, to offer the Right to those existing ILF customers. We will work with both the Trailblazers and the ILF in evaluating the impact this may have for the future.

## **9 Next steps**

### **Regulations**

- 9.1 Following this consultation exercise we have amended the draft regulations as appropriate and they will now be laid in October 2010 and will be debated in Parliament this autumn. If approved by Parliament, the following five Trailblazers will commence from December 2010:
- Essex County Council
  - Leicester City Council
  - London Borough of Barnet
  - London Borough of Newham
  - Surrey City Council (Epsom and Ewell Borough Council, and Reigate and Banstead Borough Council)
- 9.2 Barnsley Metropolitan Borough Council and Sheffield City Council Trailblazer will now commence in March 2011, with the Greater Manchester Consortium Trailblazer commencing in April 2011. These later start dates reflect the complexity of these two sites, in working across more than one local authority and the additional time required for them to plan effectively to deliver the Right to Control.
- 9.3 Since the consultation and draft regulations were originally published Redcar and Cleveland Borough Council has withdrawn from being a Trailblazer site. There have recently been significant management changes within the Council and they now feel the need to dedicate existing available resources to other priority areas within Adult Services.

### **Department of Health Directions**

- 9.4 The Department of Health are drafting the necessary Directions for local authorities to allow people assessed for Adult Community Care Services living in the Trailblazer areas to have the flexibilities of the Right to Control. These will be completed prior to the laying of the draft regulations.

### **Statutory Guidance**

- 9.5 We are drafting comprehensive statutory guidance in discussion with our Advisory Group and the Trailblazers. The

guidance will take into account requests for additional detail and will include examples from the consultation responses. It will be published before the Right to Control is introduced in December.

## **Annex A: List of Trailblazers and disability organisations who responded to the consultation**

### **Original Trailblazer areas**

Barnsley Metropolitan Borough Council and Sheffield City Council  
Essex County Council  
Greater Manchester – incorporating Manchester City Council, Oldham Council, Bury Council, Stockport Metropolitan Borough Council and Trafford Council  
Leicester City Council  
London Borough of Barnet  
London Borough of Newham  
Redcar and Cleveland Borough Council  
Surrey City Council (Epsom and Ewell Borough Council, and Reigate and Banstead Borough Council)

### **Disability organisations**

ADASS  
Disability Action  
Greater Manchester Coalition of Disabled People  
Independent Living Fund  
Key Ring  
Leicester Centre for Integrated Living  
Low Income Tax Reform Group  
Mencap  
Mind  
National Centre for Independent Living  
National Housing Federation  
Newham Coalition  
Royal Institute for the Blind  
Royal National Institute for the Deaf  
Scope  
Shaw Trust  
SITRA  
South Yorkshire Centre for Inclusive Living  
Spinal Injuries Association  
Stockport Local Involvement Network

## **Annex B: Glossary**

### **Consultation**

This is when we ask people what they think about our plans.

### **Direct payment**

This is when a disabled person is given money in lieu of services, so that they can pay for their own support rather than receiving commissioned services.

### **Funding stream(s)**

The money that a public body spends to deliver a service.

### **Qualifying service**

The name of the three services governed by the Right to Control Regulations: These are Work Choice, Access to Work and Supporting People

### **Regulations**

Regulations set out the formal legal requirements and powers that an authority must do to deliver the Right to Control.

### **Right to Control service**

This term covers all of the Right to Control funding streams, both those provided by a qualifying service, and those with their own legal frameworks that we are proposing to modify.

### **Statutory guidance**

Guidance issued under the powers contained in the Welfare Reform Act 2009, which gives responsible authorities greater detail about how the regulations should be applied.

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We welcome your feedback on this report. Please use the contact details below if you wish to do so.

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ISBN 978-1-84947-434-4

Produced by the Office for Disability Issues

Printed in the UK, October 2010

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