



## Personalisation and The Right to Control

### What are the differences?

#### Personalisation

This means finding new collaborative ways of working and developing local partnerships, which produce a range of services for people to choose from and opportunities for social inclusion

- tailoring support to people's individual needs
- recognising and supporting carers in their role, while enabling them to maintain a life beyond their caring responsibilities
- access to universal community services and resources - a total system response
- early intervention and prevention so that people are supported early on and in a way that's right for them

#### What Personalisation is:

- This begins with the person, not the service.
- It recognises the individual's strengths, preferences, networks of support, friendship etc
- It acknowledges that the individual is best placed to make decisions about their life, with access to information, advice from providers, irrespective of whether 'self' funded or publicly funded
- It is about giving people choice and control over their lives

## **What personalisation is *not*:**

- a completely new idea
- just about giving people individual budgets
- only for people eligible for Council funding, or those needing traditional services only

## **The Right to Control**

The Right to Control is a new legal right for disabled people.

This new right recognises that disabled people are the experts in their own lives and know what support they need to meet their needs and achieve their ambitions.

The Right to Control will give disabled people more control not just over specific social care, but also housing and employment support, making it easier for individuals to join up the support they require.

The Right to Control builds on recent progress in personalisation, particularly the use of personal budgets for the payment of adult social care.

It will give disabled people more control over specific social care, housing and employment support. It will make it easier for disabled people to join up the support they receive from different services.

A disabled person will be able to choose how money is spent to support them if they are a new applicant for, or as of December 2011, an existing customer, of one or more of these services:

- Access to Work
- Adult Social Care
- Disabled Facilities Grant
- Supporting People
- Work Choice

Individuals that already receive support from the Independent Living Fund will also be able to have more control over their support.

A disabled person will be able to choose how they receive their support. They can choose to:

- use the support service that is offered now, if they want to use that service
- let a public body arrange a different support service
- where possible, buy their own support using money given to them by a public body
- have a mix of these.

## **Eligibility Criteria**

### **1. Access to Work, which helps meet the costs of getting and being in work.**

To be eligible for Access to Work you must be in paid employment or self-employment, or with a confirmed start date, and:

- have a disability or health condition which affects your ability to work
- be aged 16 or over
- live and work in England, Scotland or Wales

In addition, you may not qualify for Access to Work if you receive any of the following benefits:

- Incapacity Benefit
- Employment and Support Allowance
- Severe Disablement Allowance
- Income Support
- National Insurance Credits

### **2. The Independent Living Fund, which provide cash payments to provide social care for disabled people.(at point of review only, no new customers as funding will stop in 2013)**

The ILF is permanently closed to new applications.

To continue to get funding from the ILF, in the majority of cases customers must:

- get social services support worth at least £340 a week or £17,680 a year. This can include direct payments or services from your local council, like going to a day centre
- be living in the UK for at least 26 weeks a year
- have less than £23,250 in savings or capital. This includes any money their partner has, if they have a partner
- get or be entitled to the highest rate care component of Disability Living Allowance

### **3. Supporting People, which funds supported housing.**

Many older, vulnerable or disadvantaged people experience crises that affect their health or wellbeing. They need housing support to help them lead full and active lives. A home should help people be independent and give them the security to be active members of their communities.

### **4. Disabled Facilities Grant, which funds home adaptations.**

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#### **Who can get a Disabled Facilities Grant?**

You can claim if you, or someone living in your property, is disabled and:

- you, or the person on whose behalf you are applying, are either the owner or tenant (including licensees) of the property
- you can certify that you, or the person on whose behalf you are applying, intend to occupy the property as your/their only or main residence throughout the grant period - currently five years

A landlord may apply on behalf of a disabled tenant.

### **5. Work Choice which provides supported employment for disabled people.**

#### **ELIGIBILITY AND TARGET GROUP**

Participation will be voluntary and any candidate for Work Choice must be disabled as defined by the Disability Discrimination Act 1995, amended 2005.

Suitable candidates for Work Choice:

- experience complex work-related support needs arising primarily from disability;  
AND
- have requirements in work which cannot be overcome through workplace adjustments required under the Disability Discrimination Act and/or Access to Work support; AND
- need support in work as well as help with finding work, AND
- Cannot be helped through other DWP programme

### **Differences between the two:**

Key differences between the two schemes include the fact that 'right to control' will apply to all disabled people, not just social care service users, and that it will also be backed by legislation.

For the first time, disabled people in the Trailblazer areas can combine money from different state funding streams, for example as a cash payment, to be spent on whatever they think most appropriate for their needs. This will allow a more personalised service, joining up housing, employment and community care.

There will be advice to help people choose services and decide how to spend their money, or if people are happy with the support they currently receive, they won't have to change anything.

#### **Funding streams**

**Independent Living Fund**

**Supporting People**

**Disabled Facilities Grant**

**Access to Work**

**Work Choice**

A disabled person will be able to choose how they receive their support. They can choose to:

- use the support service that is offered now, if they want to use that service

- let a public body arrange a different support service
- where possible, buy their own support using money given to them by a public body
- have a mix of these.

**KEY MESSAGE:**

**The Right to Control Centre for Independent Living provides independent support for and with customers via services that recognise their legal right.**

**Each RtC Customer, should be informed of the option, at the point of assessment, of having access to peer support, independent advocacy, brokerage, information, and support planning provided by the Breakthrough RtC CIL to enable and empower, provide control and choice over the way their needs and aspirations are met.**

“I need to make it clear, that Right to Control does not change eligibility for these services, but means that disabled people can use their funding more flexibly.” Maria Miller

### **The definition of ‘disability’ under the Equality Act 2010**

In the Act, a person has a disability if:

- they have a physical or mental impairment
- the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities

For the purposes of the Act, these words have the following meanings:

- 'substantial' means more than minor or trivial
- 'long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions)
- 'normal day-to-day activities' include everyday things like eating, washing, walking and going shopping

People who have had a disability in the past that meets this definition are also protected by the Act.

Progressive conditions considered to be a disability

There are additional provisions relating to people with progressive conditions. People with HIV, cancer or multiple sclerosis are protected by the Act from the point of diagnosis. People with some visual impairments are automatically deemed to be disabled.