

Monday, 9 October 2023

CABINET

A meeting of **Cabinet** will be held on

Tuesday, 17 October 2023

commencing at **5.30 pm**

The meeting will be held in the Burdett Room, Riviera International Conference Centre, Chestnut Avenue, Torquay TQ2 5LZ

Members of the Committee

Councillor David Thomas (Chairman)

Councillor Bye

Councillor Chris Lewis

Councillor Tranter

Councillor Tyerman

Councillor Billings

Together Torbay will thrive

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

CABINET AGENDA

1. **Apologies**
To receive apologies for absence.
2. **Minutes** (Pages 4 - 31)
To confirm as a correct record the Minutes of the meeting of the Cabinet held on 19 September 2023.
3. **Disclosure of Interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda.

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent Items**
To consider any other items the Chairman decides are urgent.
5. **Matters for Consideration**
6. **Regeneration Partnership and appointment of Development Partner** (To Follow)
To consider a report that seeks agreement to enter into arrangements to develop a Regeneration Partnership to accelerate delivery of regeneration and growth projects in Torbay.
7. **Cornwall Council to join Adopt South West** (Pages 32 - 60)
To consider a report that seeks approval on a proposal to integrate Cornwall and the Isles of Scilly's adoption services into the Regional Adoption Agency 'Adopt South West'.

8. **Local Authority Designated Officer Annual Report 2022-23** (Pages 61 - 89)
To consider the Local Authority Designated Officer (LADO) Annual Report.
9. **Independent Reviewing Officer (IRO) Annual Report 2022-23** (Pages 90 - 124)
To consider the annual report of the Independent Reviewing Service for cared for children.
10. **Approval to award Agency Framework Agreement** (Pages 125 - 129)
To consider a report that seeks approval to award the Agency Framework Agreement for Torbay Council and SWISCo.

Live Streaming and Hybrid Arrangements

To encourage more people to engage in our public meetings the Council is live streaming our Cabinet meetings on our YouTube channel in addition to recording the meetings and publishing the recording on our website. To watch the meeting live please visit <https://www.youtube.com/user/torbaycouncil>.

We are also using hybrid meeting arrangements to enable officers and Councillors who are not members of the Cabinet to either attend the meeting in person or to attend the meeting remotely via Zoom. Anyone attending the meeting remotely must use their raise hand function when they wish to speak and to declare any interests at the appropriate time. If anyone attending the meeting remotely loses connection the meeting will continue and they will have the option to follow the meeting via the YouTube live stream.

Minutes of the Cabinet

19 September 2023

-: Present :-

Councillor David Thomas (Chairman)

Councillors Billings, Bye, Chris Lewis, Tranter and Tyerman

(Also in attendance: Councillors Brook, Steve Darling, Harvey, Barbara Lewis (virtual), Long, Maddison, Penny, Stevens (virtual), Jacqueline Thomas (virtual) and Twelves (virtual))

22. Minutes

The Minutes of the meeting of the Cabinet held on 15 August 2023 were confirmed as a correct record and signed by the Chairman.

23. Disclosure of Interests

The Director of Pride in Place declared a personal interest in Item 7 Future Options for the Structure and Operation of Torbay Economic Development Company Limited as he is a Council appointed Director on the Board of the Torbay Economic Development Company Limited.

24. Communications

The Leader of the Council welcomed Councillor Billings to the Cabinet, advising Members that Councillor Billings will be the portfolio holder for Pride in Place, Culture & Events and Parking

25. Matters for Consideration

The Cabinet considered the following matters, full details of which (including the Cabinet's decisions and recommendations to Council) are set out in the Record of Decisions appended to these Minutes.

26. Future options for the structure and operation of Torbay Economic Development Company Limited

27. Future options for the structure and operation of TorVista Homes

28. Draft Community and Corporate Plan 2023-2043

29. Adult Social Care Strategy

30. **The Big Plan - Working together to make Torbay a better place to live for people with learning disabilities 2023-2028**
31. **Adult Social Care - Annual Local Account 2022/23**
32. **Trauma Informed Practice Reflective Learning Programme Contract Award**
33. **Contract Award to Purchase E5 M365 Licences**
34. **Budget Monitoring 2023/24 - April to June 2023 Revenue and Capital Outturn Forecast**
35. **Appointment of Member Champion for Culture**
36. **Notice of Motions**
 - 36.1 **Armed Forces Covenant and Military Compensation**
 - 36.2 **Prostate Cancer UK Campaign 'Boys need bins'**

Chairman/woman

Record of Decisions

Future options for the structure and operation of Torbay Economic Development Company Limited

Decision Taker

Cabinet on 19 September 2023.

Decision

That the Cabinet recommends to Council that;

1. Torbay Economic Development Company be dissolved, with the Chief Executive overseeing the practical arrangements for the same;
2. In further of 1. above, the Chief Executive be given delegated authority to determine, in consultation with the Leader of the Council;
 - a. the transfer of subsidiary companies or component parts of the business that undertake substantial external trading activity into the Torbay Council Strategic Holding Company,
 - b. the most effective arrangements for the holding of assets currently held by Torbay Economic Development Company,
 - c. agreement of appropriate indemnities that may be required for non executive directors and Board appointments should this be necessary during the transitional period.

Reason for the Decision

The challenges which Torbay faces in making a step change in its economic performance mean it is an appropriate time to review TDA's objectives and consider what a future role might be.

Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 20 September 2023.

Information

The TDA was established as a company in 2011. It was set up as a wholly owned and controlled subsidiary of the local authority so that work could be commissioned to it in line with procurement regulations. The intention was to control the company through its sole membership, through a commissioning process, the appointment of Council directors to its board and through agreed reserved matters which reserve the decision for the Council rather than the company board. The essential activities of TDA were, and continue to be, for the Council. It was agreed the essential activities were complemented by trading activities which have delivered income in support of the Council's objectives since TDA has been operating.

There have been previous reviews of TDA's governance and purpose, most recently in 2021. This resulted in some improvements to governance of wholly owned companies which included, among other changes, the introduction of shareholder meetings. However, the need to deliver more for Torbay at a time of significant change in the regional and national economic development environment means that a review of the fundamental purpose of TDA was needed.

At the meeting Councillor Chris Lewis proposed and Councillor David Thomas seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

The alternative options were set out in the submitted report and included the following:

- Do nothing;
- Revise TDA governance and service provision; and
- Bring services in house.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

20 September 2023

Signed: _____
Leader of Torbay Council on behalf of the Cabinet

Date: _____

Record of Decisions

Future options for the structure and operation of TorVista Homes

Decision Taker

Cabinet on 19 September 2023.

Decision

That, subject to the Council's approval of recommendations 6 and 7, the following be implemented:

1. TorVista be instructed to progress the current projects of St Kilda and Torre Marine, subject to viable business cases, as directed by the Director of Adult and Community Services;
2. TorVista be instructed to refrain from taking on any new development work, or projects, until further notice unless requested to do so, in writing, by the Council's Chief Executive or formal decision from Council;
3. TorVista be instructed to reduce operating costs from £370,000 per annum to a maximum of £223,700 per annum through removing all functions, and associated costs, other than those required to provide a landlord service for the current 32 Units within their ownership;
4. Torbay Council set up a 'Torbay Council Strategic Holding Company' and, subject to ensuring compliance with the Regulator of Social Housing, move the wholly owned company of TorVista from Torbay Economic Development Company to become a wholly owned sub company of the Council 'Strategic Holding Company' and the Chief Executive, in consultation with the Leader of the Council and Cabinet Member for Finance and Corporate Services, be given delegated authority to establish all governance arrangements for the Strategic Holding Company;
5. That further work is undertaken by the Director of Finance with regards to the future management and operation of the 32 units currently owned by TorVista, (plus any subsequent units that might arise through either St Kilda and/or Torre Marine), to drive down operational costs which, subject to the compliance with the Regulator of Social Housing, might include:
 - (a) Transferring the residential assets to alternative Residential Providers and the land assets back to Torbay Council; and / or
 - (b) Integrating the TorVista landlord function with the management and maintenance of other Council owned assets such as temporary accommodation properties; and

The outcome of this work be reported to the Cabinet to enable it to make recommendations to the Council meeting on 7 December 2023, (as part of, and to inform, the budget setting process), on whether it wishes to continue to fund TorVista to develop, and deliver, specialist housing schemes which link directly to

the Council's Community and Corporate Plan and Housing Strategy priorities which could include:

- Extra Care Housing;
- Supported Living;
- Care leaver accommodation;
- Temporary Accommodation

Recommendations to Council:

That Cabinet recommends to Council:

6. The Director of Finance be instructed to write off the 'working capital' loan of £1.5m, accrued by TorVista as at September 2023, to be funded through a strategic review of Council Reserves;
7. that Council Minute 67(v) of 20 July 2017 be rescinded, thereby removing any approval of prudential borrowing to facilitate further schemes by TorVista; and
8. The Council approve revenue funding of £115,000 for maintaining TorVista operations for the six-month period from October 2023 to March 2024.

Reason for the Decision

The future options for the structure and operation of TorVista Homes was aligned to the "Future Options on the structure and operations of Torbay Economic Development Company" which was intended to accelerate delivery. In the case of TorVista however, with the assets and liabilities of TorVista being underwritten by the Council, with an accrued loan debt of £1.5m and on-going operational costs of £370k per annum, the Council needed to determine whether:

(a) it could afford to maintain the existing structure and operational arrangements of TorVista within the context of the wider Council budget and

(b) whether the annual costs incurred by TorVista represent Value for Money from public sector funding when considering the outcomes delivered to date and those forecasted over future years.

Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 20 September 2023.

Information

TorVista Homes was set up as a wholly owned company of Torbay Council, reporting into Torbay Economic Development Company in 2019. The initial objectives of the company, as reported in September 2016, was to 'develop and own homes with the overarching aim of maximising income back to the Council'.

A secondary objective was to help the Council deliver against its Housing Strategy. This was reaffirmed in a Full Council report in December 2018 which included the recommendation 'that in principle there appear to be clear benefits in merging the Housing Rental Company (RentCo) into the TDA, or a subsidiary of the TDA to enable relevant affordable housing schemes to be

delivered at pace’.

In July 2017, Council approved a loan facility of up to £25m to develop, and deliver, specific housing schemes subject to individual business cases to be submitted and approved by the Council’s Section 151 Officer (in consultation with Cabinet member). However, whilst planning permissions have been achieved at Preston Down Road, Crossways, Torre Marine, St Kildas, and Totnes Road for circa 300 homes, as at 31 August 2023, only business cases, and subsequent loans, amounting to £3.2m have been approved.

The Business model of TorVista was based on the premise of accumulating a critical mass of developments, and subsequent ownership of assets, that would cover the entire operational cost of running the company with the intention that, ultimately, TorVista would generate an on-going revenue surplus in line with the September 2016 report. However, the company currently owns, and manages, just 32 units.

When setting up TorVista, it was recognised that there would be a need to ‘pump prime’ the operational costs of the company whilst assets were being developed and accumulated. In July 2019 the Council approved that a loan of up to £1 million be approved to TDA, if required, to allow access to the necessary working capital required to set up the Housing Company with the terms of the loan delegated to the Chief Finance Officer to agree, in consultation with the Cabinet Member for Finance. This was subsequently increased to £1.5m as approved in October 2022. It was intended that this working capital loan would be repaid to the Council, by TorVista, when the level of rental income received was sufficient enough to generate a surplus position. However, the full £1.5m has now been drawdown, and spent, by the company with on-going net costs, (accounting for existing rental income), of circa £370k per annum.

Whilst there is value in the assets held by TDA, without an achievable route through to a substantial critical mass, these costs will ultimately fall back on Torbay Council and will need to be accounted for within the Council’s budget and financial framework.

At the meeting Councillor Tyerman proposed and Councillor David Thomas seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the submitted report and included the following:

- Cease trading;
- Maintain trading and continue to acquire new stock;
- Expand the remit / responsibilities of TorVista.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

20 September 2023

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Community and Corporate Plan

Decision Taker

Cabinet on 19 September 2023.

Decision

1. That the draft Community and Corporate Plan be published for consultation.
2. That the Chief Executive be authorised, in consultation with the Leader of the Council, to determine any further Policy Framework plans and strategies to be published for consultation to bring them in line with the draft Community and Corporate Plan.

Reason for the Decision

The Community and Corporate Plan is the overarching document within the Council's Policy Framework setting out the Council's vision and priorities for the next twenty years. The Cabinet was seeking feedback from the wider community in Torbay on the draft Plan and the outcomes the Council should be seeking to achieve.

Implementation

This decision will be implemented immediately.

Information

Following the Local Elections in May 2023, a draft Community and Corporate Plan had been prepared by the Cabinet which set out the vision of a healthy, happy and prosperous Torbay. The Plan had been prepared taking into account the results from the Residents Satisfaction Survey which was carried out during the summer of 2023.

As part of the Council's continuing commitment to engage with its communities (and in line with the Council's Constitution), the draft Plan would be subject to consultation. The Cabinet was seeking the views on whether the Plan sets out the right vision for Torbay in 2043 and whether the priorities identified would help the Council to achieve it.

At the meeting Councillor David Thomas proposed and Councillor Billings seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

There were no alternative options considered.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

20 September 2023

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

"Thriving Communities Where People Can Prosper"- Our Strategy for Adult Social Care in Torbay

Decision Taker

Cabinet on 19 September 2023.

Decision

That Cabinet recommends to Council:

1. That the list of Policy Framework documents set out in Torbay Council's Constitution be updated to include the Adult Social Care Strategy; and
2. Subject to 1. above, the Adult Social Care Strategy as set out in Appendix 1 to the submitted report be approved.

Reason for the Decision

To ensure that the Council has an Adult Social Care Strategy which sets out the best approach to meet the challenges it faces.

Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 20 September 2023.

Information

The Adult Social Care Strategy sets out the vision for thriving communities where people can prosper.

The Strategy outlines how by working together improved adult social care services for residents in Torbay can be delivered. It builds upon the pioneering integrated journey for social care which started in 2005 and more recently focussed on developing an integrated care model that puts a strengths-based approach at its heart focussing on what matters most to people.

At the meeting Councillor Tranter proposed and Councillor Tyerman seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

The alternative options are to amend to the strategy, or decide not to approve and therefore to not have a strategy in this respect. There was also an option to decide whether to include the strategy as a Policy Framework document. It was recommended to include it in order to recognise the importance of the strategy to the Council and its residents.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

20 September 2023

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

The Big Plan - Working together to make Torbay a better place to live for people with learning disabilities 2023-2028

Decision Taker

Cabinet on 19 September 2023.

Decision

That subject to the approval of the overarching Adult Social Care Strategy by Council on 20 September 2023, 'The Big Plan – Working Together to make Torbay a better place to live for people with learning disabilities 2023-2028' be approved.

Reason for the Decision

To ensure the rights and needs of people with a learning disability in Torbay are met.

Implementation

This decision will come into force and may be implemented on 2 October 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

"The Big Plan- Working together to make Torbay a better place to live for people with learning disabilities 2023-2028". The strategic plan has been developed to support Torbay Council and local partners in delivering better outcomes and better lives for those residents in Torbay who have a learning disability.

The Big Plan is part of an overall improvement plan for adult social care across Torbay. The intended outcomes of the Big Plan were measurable positive impacts for people with a learning disability, including:

- More people with a learning disability in work, education and/or training.
- Improved quality of life.
- Greater representation of people with a learning disability in community groups and organisations.
- Improved access to information.
- More choice and control about care and support.
- Better quality housing and choice on where to live.
- Improved health outcomes meaning people with learning disabilities will feel well, happy and healthy.
- More people with learning disabilities feeling confident and safe at home and in the community.
- Improved quality of life and access to advice and information for carers, family and friends of people with a learning disability.

At the meeting Councillor Tranter proposed and Councillor Tyerman seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

In determining the type, format and duration of the strategy, different options were considered about how to use this opportunity to:

- Provide a clear outline to the commissioners of services, providers of services and wider community about what people with a learning disability in Torbay want and need to live better, equal lives (the Vision and Goals).
- Drive measurable change that people can see, experience and know it is making a positive difference (The Actions, Activities and Outcomes).

Whilst there was an absolute priority need to improve systems, services and our community offer for those with a learning disability there was also a collective understanding and agreement that to fully achieve some of the goals outlined in the strategy could take some time.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

22 September 2023

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Adult Social Care - Annual Local Account 2022/23

Decision Taker

Cabinet on 19 September 2023.

Decision

That the Local Account set out in Appendix 1 to the submitted report be approved to enable the Local Account to be published in accordance with Government requirements.

Reason for the Decision

The Annual Local Account is a statutory reporting requirement that reflects how Adult Social Care, delegated to Torbay and South Devon Foundation Trust, has performed against national and local performance indicators.

Implementation

This decision will come into force and may be implemented on 2 October 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Local Account for Adult Social Care sets out what has been achieved for local people in relation to adult social care by outlining the level of performance for the last financial year and the Council's commitment to future service delivery.

At the meeting Councillor Tranter proposed and Councillor Billings seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

None.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

22 September 2023

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Trauma Informed Practice Reflective Learning Programme Contract Award

Decision Taker

Cabinet on 19 September 2023.

Decision

That the contract for the Trauma Informed Reflective Practice Learning Programme on the basis of a maximum total duration of 3 years be awarded to the preferred bidder as set out in exempt Appendix 1 to the submitted report.

Reason for the Decision

To award a contract to the preferred bidder following a tender exercise and evaluation of bids by a panel of evaluators from the organisations funding the programme.

Implementation

This decision will come into force and may be implemented on 2 October 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Approval was sought to award a contract for purchasing a Reflective Learning Programme on Trauma Informed Practice on behalf of several teams within the Council, as well as for partner organisations, whose staff will all be participants in the programme.

The learning programme was intended to build upon a trauma-informed practice reflective learning programme which has been delivered via external grant funding since 2021. The programme enabled front facing staff to develop and embed a trauma-informed approach to individuals seeking support. Whilst also providing new possibilities for understanding how best to engage people with multiple and complex vulnerabilities who were essentially excluded from services; by seeking to understand what had happened to them and how their experiences had shaped their behaviours and responses.

At the meeting Councillor Tranter proposed and Councillor David Thomas seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

None.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

22 September 2023

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Contract Award to Purchase E5 M365 Licences

Decision Taker

Cabinet on 19 September 2023.

Decision

That a 3-year contract be awarded to the preferred supplier as set out in Exempt Appendix 2 to the submitted report.

Reason for the Decision

If the Council does not purchase the E5 licences from one of the 7 resellers offering the Government Enterprise Agreement, the Council will not receive the annual discounts of 45%, 39% and 32% respectively for the 3-year contract period. Awarding the contract to the preferred supplier also enables the Council to take advantage of the additional benefits offered. Owing to Microsoft's lead time to process the order, the order needs to be raised before the end of November 2023.

Implementation

This decision will come into force and may be implemented on 2 October 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The current contract for E3 M365 licences ends on 31 December 2023. As well as E3 licences, we have licences for a number of other Microsoft products, including Power BI Pro, E5 Security, Project, Visio and PowerApps. The purchase of E5 M365, will cover licences for E5 M365 and the other MS products, apart from Power BI Pro and E5 Security, which form part of E5.

At the meeting Councillor Tyerman proposed and Councillor Chris Lewis seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

An alternative option was not to award to the preferred supplier. The main disadvantage with this option was that if the Council does not purchase the E5 licences from one of the 6 other Microsoft resellers offering the Government Enterprise Agreement, the costs will be significantly higher. The Council will also be at risk of not being able to raise the order by the end of November. Although not so critical, the Council would also lose the additional benefits that the preferred supplier can provide us with.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

22 September 2023

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Budget Monitoring 2023/24 - April to June 2023 Revenue and Capital Outturn Forecast

Decision Taker

Cabinet on 19 September 2023.

Decision

That the Cabinet notes the forecasted revenue outturn position and recommends that Council approves:

1. The underwriting arrangements for Combe Pafford School as detailed in paragraphs 4.17-19 of the submitted report; and
2. The addition of the following projects (as set out in paragraphs 8.4 of the submitted report) to the current capital programme:
 - Refurbishment of the changing rooms at Armada Park sports facilities at Torquay.
 - Scaling up the delivery of local charge points for electric vehicles.
 - Shiphay Lane Active Travel works.
 - Renovation of tennis courts at St Marys, Oldway and Abbey Park.

Reason for the Decision

To ensure the Council operates in a prudent manner and works to maintain a balanced budget.

Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 20 September 2023.

Information

The Budget Monitoring 2023/24 report set out a high-level budget summary of the Council's revenue and capital position for the financial year 2023/24, comparing budgets with year-end forecasts.

At the meeting, Councillor Tyerman proposed and Councillor Billings seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

There were no alternative options considered.

Is this a Key Decision?

No

Does the call-in procedure apply?

No

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

20 September 2023

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Appointment of Member Champion for Culture

Decision Taker

Cabinet on 19 September 2023.

Decision

That Councillor Maddison be appointed the Member Champion for Culture until May 2027.

Reason for the Decision

To enable a Member Champion for Culture to be appointed for the current four year term of office.

Implementation

This decision will come into force and may be implemented on 2 October 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Member champions are elected members who act as an advocate or spokesperson for a specific area of the Council's business. The main responsibility of each member champion is to encourage communication and positive action over the issue they represent.

At the meeting, Councillor David Thomas proposed and Councillor Chris Lewis seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

None.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

22 September 2023

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Notice of Motion - Armed Forces Covenant and Military Compensation

Decision Taker

Cabinet on 19 September 2023.

Decision

That the Director of Finance update the relevant policy documents (as they are rewritten) to take account of our current working practice.

Reason for the Decision

To respond to the Motion in respect of the armed forces covenant and military compensation.

Implementation

This decision will come into force and may be implemented on 2 October 2023 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

The Cabinet considered a motion in relation to the armed forces covenant and military compensation notice of which was given in accordance with Standing Order A14.

The Cabinet provided the following response:

The Cabinet support all serving and ex-serving personnel and especially all those that made the ultimate sacrifice.

Within Torbay we have a cenotaph in each of the bay's three towns Torquay, Paignton and Brixham. In addition, War Memorials online informs us that Brixham has at least 12 memorials, Paignton features 12 memorials and Torquay has a further 47 memorials. These additional memorials are in multiple forms, anything from Limestone and granite tributes, framed brass tablets, church clocks, benches, crosses and includes many plaques.

On 22nd March 2023, Torbay reconfirmed its support to the Armed Forces with a ceremony held at the Commando Training Centre in Lypstone to signify our continued commitment of the Armed Forces Covenant. The covenant includes the commitment that the Armed Forces community should not face disadvantage in the provision of services and access to benefit support.

The Council acknowledge the 'Credit their service' campaign and confirm we do not discriminate against veterans, and we disregard all military payments including the War Pension Scheme, Veterans Occupational Armed Forces Pension Scheme, Service Invaliding Pension, Service Attributable Pensions and any supplementary military payments. Indeed we do proactively ask residents to inform us if they are in receipt of any of these and in some cases it may actually increase the level of benefit support provided. Whilst this is our standard working practise, we do recognise that this process and current practice is not consistently written into our policy documents.

In light of the above, Councillor Tranter proposed and Councillor Tyerman seconded a motion

that was agreed unanimously, as set out above.

Alternative Options considered and rejected at the time of the decision

None.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

22 September 2023

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Notice of Motion - Prostate Cancer UK Campaign 'Boys need bins'

Decision Taker

Cabinet on 19 September 2023.

Decision

To take no further action in light of the existing service provision for bins in toilets.

Reason for the Decision

To respond to the Motion in respect of the Prostate Cancer UK Campaign 'Boys need bins'.

Implementation

This decision will come into force and may be implemented on 2 October 2023 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

The Cabinet considered a motion in relation to the armed forces covenant and military compensation notice of which was given in accordance with Standing Order A14.

The Cabinet provided the following response:

The Cabinet notes that Torbay Council provides 23 public toilet blocks across the bay, many of those are disabled toilets and have bins in them. These public toilets can be used by anyone with any kind of disability including hidden disabilities. We understand how vital it is that we have these toilets as the latest data tells us there are 1368 men living with and beyond prostate cancer in Torbay. It is in fact the second most common cancer after breast cancer. We should remember that incontinence affects males and females, younger and older. The Healthmatic App contains the details and locations for the public toilet facilities in Torbay.

In light of the above, Councillor Tranter proposed and Councillor Tyerman seconded a motion that was agreed unanimously, as set out above.

Alternative Options considered and rejected at the time of the decision

None.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

22 September 2023

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Meeting: Cabinet **Date:** 17th October 2023

Wards affected: All

Report Title: Cornwall Council to join Adopt South West

When does the decision need to be implemented? [Click here and enter date](#)

Cabinet Member Contact Details: Councillor Bye, Cabinet Member for Children's Services, nick.bye@torbay.gov.uk

Director Contact Details: Nancy Meehan, Director Children's Services, Nancy.meehan@torbay.gov.uk

1. Purpose of Report

- 1.1 This report has been prepared to seek approval on the proposal to integrate Cornwall and the Isles of Scilly's adoption services into the Regional Adoption Agency (RAA) 'Adopt South West'.

2. Reason for Proposal and its benefits

- 2.1 In June 2015, the Department of Education (DfE) asked all adoption agencies in England to consider how to work much more closely together on a regional basis. The Education and Adoption Act 2016 (s15) gave the Secretary of State a new power to direct one or more named local authorities to make arrangements for any or all of their adoption functions to be carried out on their behalf by one of the local authorities named, or by another agency.
- 2.2 As a result of these changes Torbay Council became a member of Adopt South West - This is a Regional Adoption Agency (RAA) whereby four separate local authority adoption services (Somerset, Plymouth Devon and Torbay) combined into a single RAA hosted by Devon County Council (the Host) – this took effect in October 2018.
- 2.3 At this time Cornwall and the Isles of Scilly did not join an RAA and are one of only 2 local authorities nationally not yet part of an RAA. As such they have recently undertaken a review of current regional adoption agency performance and have considered their options for a future relationship with Adopt South West.
- 2.4 As a result, Cornwall Council are requesting permission by Adopt South West members and host Devon County Council (DCC) to join Adopt South West.

- 2.5 The proposal is for Cornwall and the Isles of Scilly Adoption Service to join Adopt South West as a full member. Becoming a full member would lead to Cornwall joining the existing partners and sharing equal influence and accountability to further develop and improve the service. All core functions, pre and post adoption order, of Cornwall and the Isles of Scilly adoption agency would be delegated to the Adopt South West.
- 2.6 To enable this the Host (Devon County Council) will enter into a separate Inter Authority Agreement with Cornwall Council and, simultaneously enter into a deed of variation with the existing partners (of which Torbay Council is one). The Deed of Variation will seek to amend the current 'Inter Authority Agreement' to the extent necessary to admit Cornwall Council as a full partner.

3. Recommendation(s) / Proposed Decision

- 3.1 That the integration of Cornwall and the Isles of Scilly's adoption services into Adopt South West be approved; and
- 3.2 That, to facilitate 3.1 above the Director of Children's Services be given delegated authority to enter into a 'deed of variation' with the other existing partners to amend the current Inter Authority Agreement to the extent necessary to admit Cornwall Council as a full partner.

Appendices

Appendix 1: Integration of Cornwall's Adoption Services into 'Adopt South West' – Business Case – Prepared by Cornwall Council. EXEMPT

1. Introduction

- 1.1 In June 2015, the Department of Education (DfE) asked all adoption agencies in England to consider how to work much more closely together on a regional basis. The Education and Adoption Act 2016 (s15) gave the Secretary of State a new power to direct one or more named local authorities to make arrangements for any or all of their adoption functions to be carried out on their behalf by one of the local authorities named, or by another agency.
- 1.2 Cornwall and the Isles of Scilly Adoption Service did not join a regional adoption agency at this time and as such are one of only 2 local authorities nationally not yet part of a RAA.
- 1.3 Alongside this The DfE have given a clear message to Cornwall that they are expected to join a regional adoption agency. If they fail to do so the Secretary of State can direct that this happens.
- 1.4 As a result the proposal is for Cornwall and the Isles of Scilly Adoption Service to join Adopt South West as a full member. Becoming a full member would lead to Cornwall joining the existing partners and sharing equal influence and accountability. All core functions, pre and post adoption order, of Cornwall and the Isles of Scilly adoption agency would be delegated to the Adopt South West.
- 1.5 Cornwall Council have developed a Business Case setting out the proposals, the benefits to them, the key outcomes, the financial and legal implications, the suggested timeline and risks – this can be found at appendix one.

2. Options under consideration

- 2.1 N/A - no other options have been detailed within the Business Case.

3. Financial Opportunities and Implications

- 3.1 Section 6 within the appended Business Case outlines the financial analysis undertaken by Cornwall Council. As part of this they advise that 'Work has taken place over recent months to ensure that Adopt South West will have sufficient additional budget to take on the functions for which it will now be responsible. In total additional budget of £916k will be required'
- 3.2 As a result Cornwall Council advise within the business case that 'The Adopt South West Strategic Board will be asked at their August 2023 meeting to agree a new funding formula'.
- 3.3 Since the business case has been drafted all 4 existing members of Adopt South West have been contacted by the Host to seek their views on the proposals contained within Cornwall's Business Case. Various options based on implementing over different timescales from one to three years were considered - the only option that has not been ruled out by one or more participants in the partnership is to implement the new formula, phased over two years. This therefore is now the recommended option.

4. Legal Implications

4.1 The Regional Adoption Agency is governed by an Inter Authority Agreement which formalises the following amongst the current participants

- A shared service model with Devon County Council (DCC) as the host
- The transfer of specified adoption functions from the current participants to DCC to exercise on their behalf (please see Appendix 1)
- The delivery of the adoption service including ancillary services to support the adoption service and staffing
- The transfer of staff, assets, contracts, and records to DCC
- Financial arrangements including annual budget setting, funding contributions, and risk sharing
- The use of premises
- Information sharing protocols
- Governance and decision making

4.2 To admit Cornwall Council as a full member to the RAA, DCC (as the 'host') will be required to enter into a separate Inter Authority Agreement with Cornwall Council and, simultaneously enter into a deed of variation with the existing partners (of which Torbay Council is one) to amend the current Inter Authority Agreement.

5. Engagement and Consultation

5.1 N/A (*Please Note - any consultation activity required by Cornwall Council (i.e. with their staff as part of the TUPE process) is detailed in the Business case at appendix one).*

6. Purchasing or Hiring of Goods and/or Services

6.1 N/A

7. Tackling Climate Change

7.1 N/A

8. Associated Risks

8.1 Please see the risks identified by Cornwall Council as set out in sections 3.10 and 9 of the Business Case (appendix one).

8.2 We have identified the following risks to Torbay Council:

- As a result of the proposed changes the contractual basis of the existing arrangement will alter i.e. consensus of agreement

- There will be an impact on the level of funding required to sustain the delivery of the service moving forwards, however this has been mitigated against as a new funding formula is being proposed (see financial section above).

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

9.1 N/A

10. Cumulative Council Impact

10.1 N/A

11. Cumulative Community Impacts

11.1 N/A

Document is Restricted

Meeting: Cabinet **Date:** 17 October 2023

Wards affected: All

Report Title: Local Authority Designated Officer Annual Report 2022-23

When does the decision need to be implemented? For information

Cabinet Member Contact Details: Councillor Nick Bye. Cabinet Member for Children's Services. nick.bye@torbay.gov.uk

Director/Divisional Director Contact Details: Nancy Meehan, Director of Children's Services, nancy.meehan@torbay.gov.uk.

1. Purpose of Report

- 1.1 The Local Authority Designated Officer (LADO) Annual Report provides an overview of allegations referred to the LADO regarding people in a position of trust working or volunteering with children in the Torbay locality. It summarises the statutory role of the LADO and both the national and regional context of the role, the number of consultations and referrals, a breakdown of the types of allegations and the profile of the LADO's work from 1st April 2022 to 31st March 2023.

2. Reason for Proposal and its benefits

- 2.1 Whilst there is not a statutory requirement for each Local Authority to produce and publish an Annual Report in respect of the work of the LADO, there is an expectation that one is completed to inform both the local authority and partner agencies of the number and nature of contacts over the period and to identify trends and learning from the data to inform any local action plans.

- 2.2 The information within this report help us to deliver our ambition for Torbay to become child-friendly in every sense of its meaning, whereby the community and key partners are aware of their duty to consult and refer to the LADO service when safeguarding concerns about those in a position of trust become known. The nature of the LADO role, as set out within Working Together to Safeguard Children 2018 and Keeping Children Safe in Education 2021 (KCSIE), is such that it forms an integral part of the safeguarding response to children, and therefore fits with Torbay’s ambition to ensure enhanced and robust response to vulnerable groups, with children often being especially vulnerable. This is particularly the case in regards to Torbay’s corporate parenting responsibilities, especially when we considered that 109 consultations were undertaken in relation to cared for children in the 2022-23 year.

3. Recommendation(s) / Proposed Decision

1. The Local Authority Designated Officer Annual Report 2022-23 set out in Appendix 1 to the submitted report be approved to enable the Local Authority Designated Officer Annual Report 2022-23 to be published in accordance with Council’s requirements.

Appendices

Appendix 1: LADO Annual Report 2022/23.

Background Documents

[About the LADO - Torbay Council](#)

[Managing allegations - Torbay Safeguarding Children Partnership](#)

Supporting Information

1. Introduction

- 1.2 The LADO Annual Report provides an overview of allegations referred to the LADO regarding people in a position of trust working or volunteering with children in the Torbay locality. It summarises the statutory role of the LADO and both the national and regional context of the role, the number of consultations and referrals, a breakdown of the types of allegations and the profile of the LADO's work from 1st April 2022 to 31st March 2023.

2. Options under consideration

- 2.1 No options have been considered as this proposal is for information only.

3. Financial Opportunities and Implications

- 3.1 The LADO Annual Report does not make recommendations in terms of any changes to the current service or staffing structure and therefore the decision to endorse does not carry with it any financial implications.

4. Legal Implications

- 4.1 The role of the LADO and the LADO's responsibilities remain set out in Working Together to Safeguarding Children 2018, Keeping Children Safe in Education 2021 (KCSIE) and the Southwest Child Protection Procedures. There are no legal implications as a result of the decision to endorse this Annual Report.

5. Engagement and Consultation

- 5.1 The nature of the LADO role is such that engagement and consultation occurs naturally as an integral part of the role. The Torbay LADO continues to take an active role in the regional Southwest LADO network meetings, to share learning and improvement. Close informal arrangements also include peer observations and audits, to support service-led improvement and strengthen effective cross-boundary working.
- 5.2 The LADO also continues to deliver training to a wide range of agencies across Torbay. This training includes an overview of the LADO role, and the process of managing allegations.

6. Purchasing or Hiring of Goods and/or Services

6.1 The endorsement of this Report does not involve the procurement of services, the provision of services together with the purchase or hire of goods or the carrying out of works.

7. Tackling Climate Change

7.1 None.

8. Associated Risks

8.1 There are no associated risks with endorsing this Annual Report. Should the Report not be endorsed, there will be no change to the function of the LADO as this is set out within relevant legislation and policy; however, the Report would not be published and this may impact on the ability of partners and other agencies to learn from the patterns and trends identified within the report.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	The LADO service ensures that children are safeguarded from people in a position of trust appropriately.	N/A	N/A
People with caring Responsibilities	Enhanced confidence in the safeguarding procedures in place through people in a position of trust and services/providers.	N/A	N/A
People with a disability	The LADO service ensures that children are safeguarded from people in a position of trust appropriately.	N/A	N/A
Women or men	N/A	N/A	There is no differential impact.

People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)	The LADO service ensures that children of all ethnic backgrounds are safeguarded from people in a position of trust appropriately.	N/A	N/A
Religion or belief (including lack of belief)	N/A	N/A	There is no differential impact.
People who are lesbian, gay or bisexual	The LADO service ensures that children, no matter their gender identity, are safeguarded from people in a position of trust appropriately.	N/A	N/A
People who are transgendered	The LADO service ensures that children, no matter their gender identity, are safeguarded from people in a position of trust appropriately.	N/A	N/A
People who are in a marriage or civil partnership	N/A	N/A	There is no differential impact.
Women who are pregnant / on maternity leave	N/A	N/A	There is no differential impact.
Socio-economic impacts (Including impact on child poverty issues and deprivation)	The LADO service ensures that children, no matter their socio-economic status, are safeguarded from people in a position of trust appropriately.	N/A	N/A
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The role of the LADO ensures the physical, emotional and sexual safety of the children living in and supported by Torbay; as such, its integral safeguarding function has a positive impact on the general health of children and young people.	N/A	N/A

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None.

TORBAY COUNCIL

Torbay Council

Local Authority Designated Officer

Annual Report

April 2022 to March 2023

Table of Contents

1. Introduction	3
2. The statutory role of the LADO and national context	3
3. Regional/National context	4
4. Service structure and staffing	5
5. Numbers of Consultations and Referrals	5
Consultations and Referrals over period of three years (2020 – 2023)	6
Consultations and Referrals over period of three years (2020 – 2023) Chart	7
April 2022 to March 2023 (Table)	8
Early Years	9
Fostering Data (Table)	10
6. Profile of work	10
Types Of Referral (Chart)	11
Types of Allegations	12

Open Referrals:	12
Referral Source and Subject	14
Number of consultations and referrals (Chart)	14
LADO consultations	15
Of the total consultations received 410	15
7. Outcomes of Allegations	16
Allegations Management Meetings (AMM)	16
Letters to children	17
Management Oversight	17
Timescales to Close Consultations	17
Limiting Factors	18
Outcomes	18
Participation and Partnership	18
8. Complex cases	19
9. Training and Service Awareness	19
10. Actions for 2023-2024	19
11. Feedback	20

1. Introduction

This report summarises the work of Torbay Local Authority Designated Officer (LADO) for April 2022 to March 2023.

Working with statutory agencies - Children's Social Care and the Police, it is the responsibility of the LADO to manage and oversee the processes to deal with allegations of abuse against a person working with children and young people in positions of trust.

This report provides an overview of allegations referred to the LADO regarding a person in a position of trust working or volunteering with children in the Torbay area.

2. The statutory role of the LADO and national context

The Local Authority Designated Officer (LADO) responsibilities are set out in Working Together to Safeguard Children 2018 and Keeping Children Safe in Education 2022 (KCSIE Revised: 1st September 2023)

Working Together to Safeguard Children and *Keeping Children Safe in Education* are available on the links below:

[Working together to safeguard children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/672222/Working_together_to_safeguard_children_2018.pdf)

[Keeping children safe in education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/672222/Keeping_Children_Safe_in_Education_2022.pdf)

For all other organisations, the procedure falls within the Southwest Child Protection Procedures:

https://torbaychildcare.proceduresonline.com/local_resources.html

The key aspects of the LADO role include the following responsibilities:

- To coordinate the safeguarding and investigative process in response to allegations made against people working with children.

- To provide advice/guidance to employers or voluntary organisations.
- To consult with Police and other agencies including Ofsted and professional bodies such as the General Medical and the General Teaching Council.
- To monitor the progress of referrals/consultations to ensure they are dealt with as quickly as possible, consistent with a thorough and fair process.
- To resolve any inter-agency issues.
- To collect strategic data and maintain a confidential database in relation to allegations.
- To disseminate learning from LADO enquiries throughout the children’s workforce.
- To ensure that measures are in place to prevent further harm or abuse and that where required, referrals/consultations are made to the appropriate Social Care team.

The LADO should be alerted to all cases in which it is alleged that a person who works with children has:

- Behaved in a way that has harmed, or may have harmed, a child.
- Possibly committed a criminal offence against children or related to a child.
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children; or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Page 71

3. Regional/National context

The LADO continues to take an active role in the regional Southwest LADO and National LADO network meetings to share learning and improvement.

Close informal arrangements with the regional LADO network include peer observations and audits and continued regular network meetings to support service-led improvement and strengthen effective cross-boundary working.

The LADOs are consistent and comply with statutory guidance and the Southwest Child Protection Procedures. Additionally, the forum is used to share information, best practice and lessons learnt from each other’s professional experiences as well as learning from serious case reviews. This forum enables the identification of training needs and input into policy development at a local and national level.

4. Service structure and staffing

In Torbay, the LADO service consists of 1 Full Time Employment post with business support and sits within the Safeguarding and Reviewing Service (SARS).

The Safeguarding & Quality Assurance Service Business Support Office provide administrative support. Their role includes:

- maintaining an up-to-date database, including consultations and referrals.
- arranging LADO meetings and reviews.
- maintaining contact with partner agencies when necessary.
- distributing LADO minutes securely.

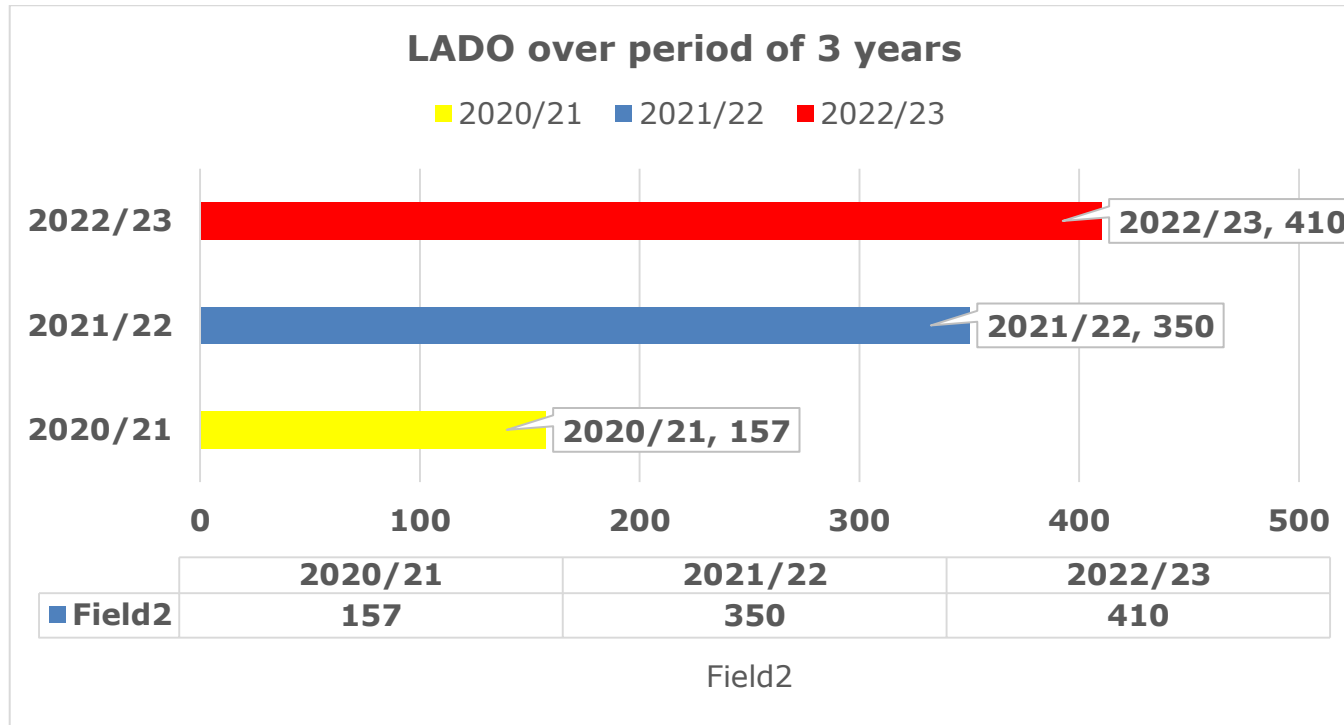
5. Numbers of Consultations and Referrals

Referrals

The LADO receives enquiries from a range of sources and most of these come in the form of a Consultation or Referral.

All Consultations and Referrals are recorded on a spreadsheet and on the LADO database. Torbay have used Liquid logic as a data system since June 2021.

Consultations and Referrals over period of three years (2020 – 2023)

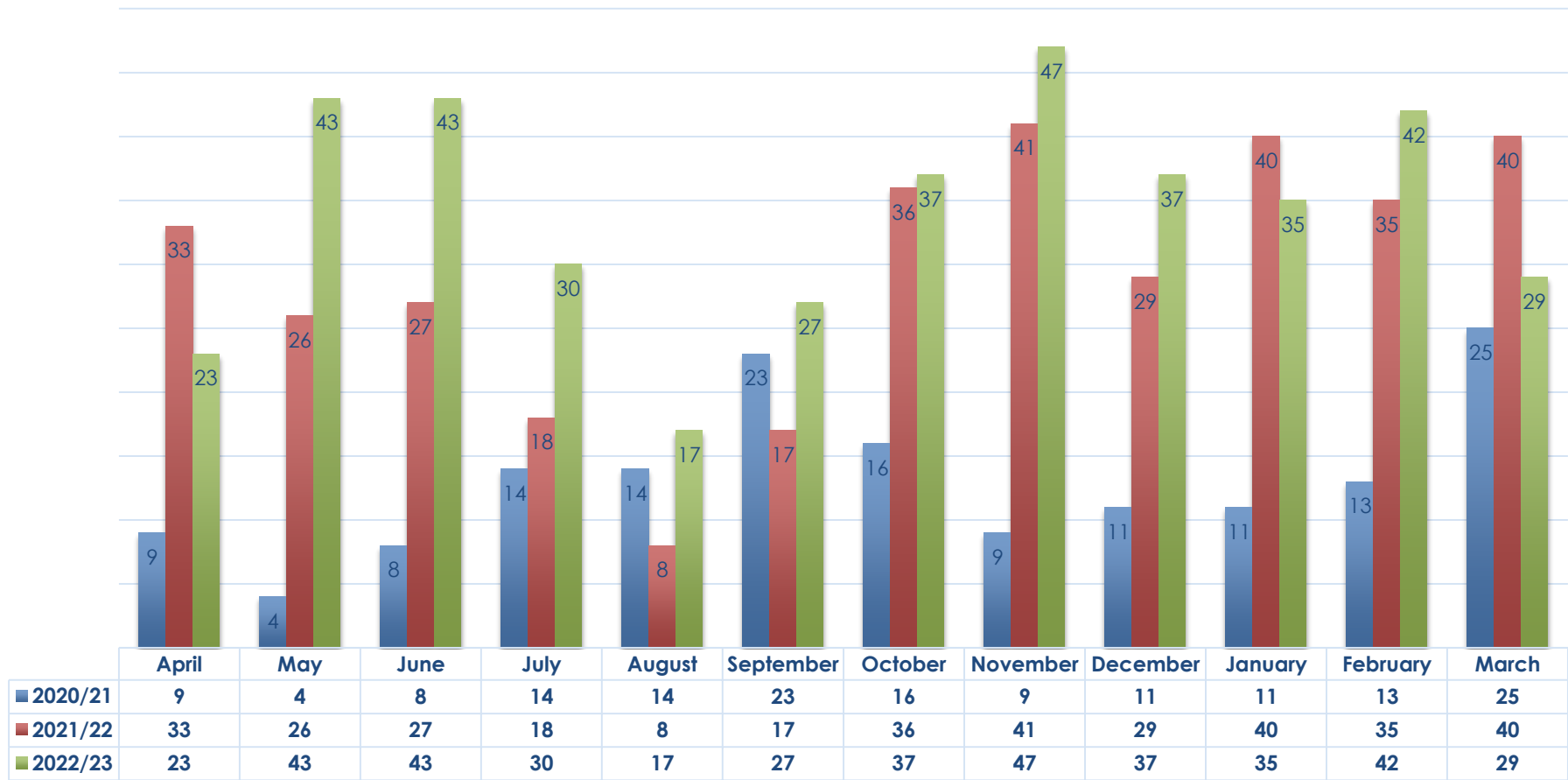


April 2020 to March 2021	Data system recorded that the LADO received 157 consultations. 27 of these met LADO thresholds and progressed to Allegation Management Meeting
April 2021 to March 2022	Data system recorded that the LADO received 350 consultations. 53 of these met LADO thresholds and progressed to Allegation Management Meeting.
April 2022 to March 2023	Data system recorded that the LADO received 410 consultations. 30 of these met LADO thresholds and progressed to Allegation Management Meeting.

There has been a year-on-year increase in the number of consultations being managed by the LADO service in Torbay. By comparison, the Gloucestershire LADO Service reported 968 contacts. Similar to Torbay, Gloucestershire log all contacts within their service, which may also include Ofsted requests for information. The Devon LADO service received 884 notifications and an additional 432 contacts for consultation.

The chart below illustrates the comparisons of LADO Consultations and Referrals received for periods: 2020-21, 2021-21 and 2022-23.

Consultations and referrals month by month 2020/21 to 2022/23



Page 75

April 2022 to March 2023:

A high volume of consultations during this period related to allegations made against education staff. These came from a combination of:

Early Years	Schools/Academies	Total
21	153	174

Early Years: Consultations come from Early Years settings and OFSTED. The providers notify the LADO of any serious accident to injury to a child or allegation from a child while in their care. Many agencies are working hard to respond to these challenges such as recruitment in the workplace. The data shows a slight drop in numbers from 29 the previous year to 21 this year.

We need to consider that the number of consultations may be due to organisations seeking clarity as to whether the alleged incident meets the harm threshold to trigger the managing allegations procedure.

The LADO ensures that all consultations are recorded as it depicts a potential pattern of behaviour of a person in a position of trust. Regardless of whether the threshold is met, each consultation generates a considerable amount of work to assess, research - including seeking additional information, and record. All correspondence, evaluation, decision making, and actions taken are recorded in detail for each matter.

During the period of 2022-23 the number of consultations /referrals, the LADO recorded in total equated to 410, compared to 350 in 2021/22. This is an increase accounting for 60 overall. This identifies the increase in activity; identifying those organisations are seeking more advice and guidance in relation to wider organisational safeguarding issues.

Anecdotally many of the consultations received may be attributed to the referrer lacking the confidence to determine if any of the criteria are met and / or wishing to have an audit trail of consultation with the LADO to satisfy expectations by regulatory bodies. Also, Torbay encourage that a chronology of low levels concerns on an adult is kept. To support an agency's decision making, often they will consult with the LADO regarding lower-level decision making.

In-House Foster Carers	Independent Fostering Agencies	Independent Residential Setting	Total
18	36	55	109

The data shows that an increase consultation for cared for children from 85 the previous year to 109 this year. Torbay are seeing an increase in allegations about care providers, where agencies providing care in the community. There is a high demand for such services, and as part of the allegations process, Torbay LADO service have collaborated with providers to look at safer recruitment process, induction, and training for staff.

Torbay LADO and Fostering Services have conducted joint work with all foster carers new and existing as well as linking in with private residential homes and unregulated homes for children.

Research would suggest that children in care are of the higher risk of being victims of abuse and neglect. It is therefore sometimes anticipated that the volume of Consultations and Referrals from this part of the children's workforce may be high.

Most consultations were in relation to allegations of physical abuse followed by neglect. The LADO found that several allegations have been made after the child has left placement or when there are times of instability, for example when there are ongoing court proceedings.

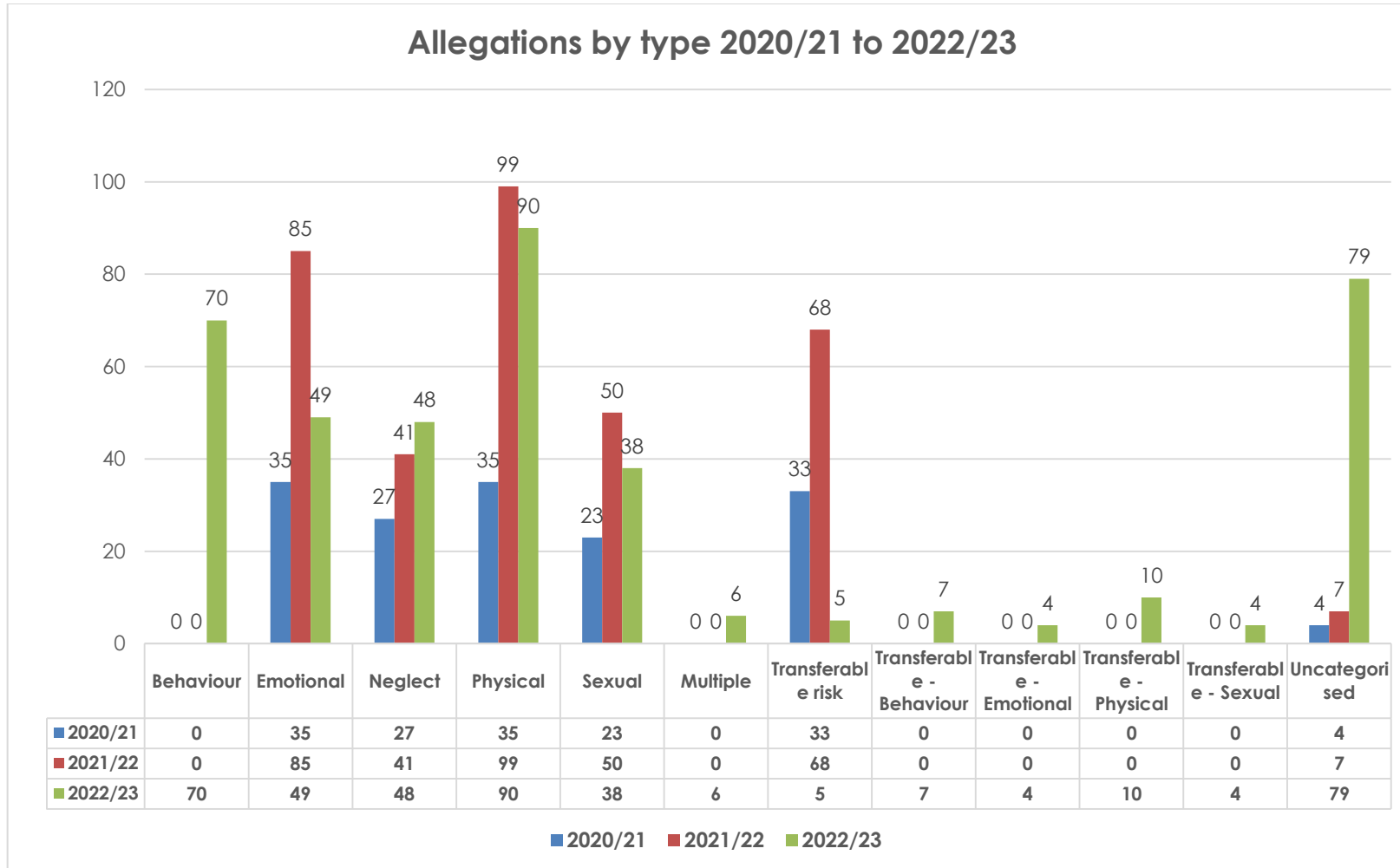
Further work is needed to understand the reason these figures are so high.

All information held by the LADO Service is compliant with Data Protection Act (2018) and General Data Protection Regulations (GDPR). Information is retained in accordance with the Council's retention policy.

6. Profile of work

There has been an improvement in the way LADO records the proportion of consultations and referrals. In this reporting period, the LADO has completed 410 consultations. The period the previous year recorded 350. This is an increase of 60 compared to the previous year.

Type of Referrals



The type of concerns referred to the LADO varies widely.

Types of Allegations

Physical harm remains the dominant concern in allegations in the Torbay area. In total a recorded of figure 97 was made. Torbay LADO service are seeing agencies dealing with children with additional needs, there are frequent reports that staff are having to use interventions to keep a child safe when they are distressed or presenting with behaviours that would place them a risk. This can result in physical contact made and reports of harm shared with the LADO.

Conduct and suitably also remains high and demonstrates a recognition of young people, parents and professionals challenging and striving for better practice and bringing to LADO attention a repeat of low-level concerns. The LADO records any low-level concern shared with them and ensure that the adult is aware that contact has been made regarding the allegations management process. The reports of behaviour of staff reported reached a high of 71.

Emotional harm is recorded at 52.

During training and awareness, the Torbay LADO services encourage a consistent approach to improve culture and practices within agencies which can in turn improve care provided for the children in Torbay.

Sexual harm records figures as high as 38. This can be a combination of non-recent matters being referred in, with older children and adults sharing reports of harm in their past.

Open Referrals:

The number of open referrals is currently 162. Within these numbers there are allegations that are open investigations to Fostering, Police and Education.

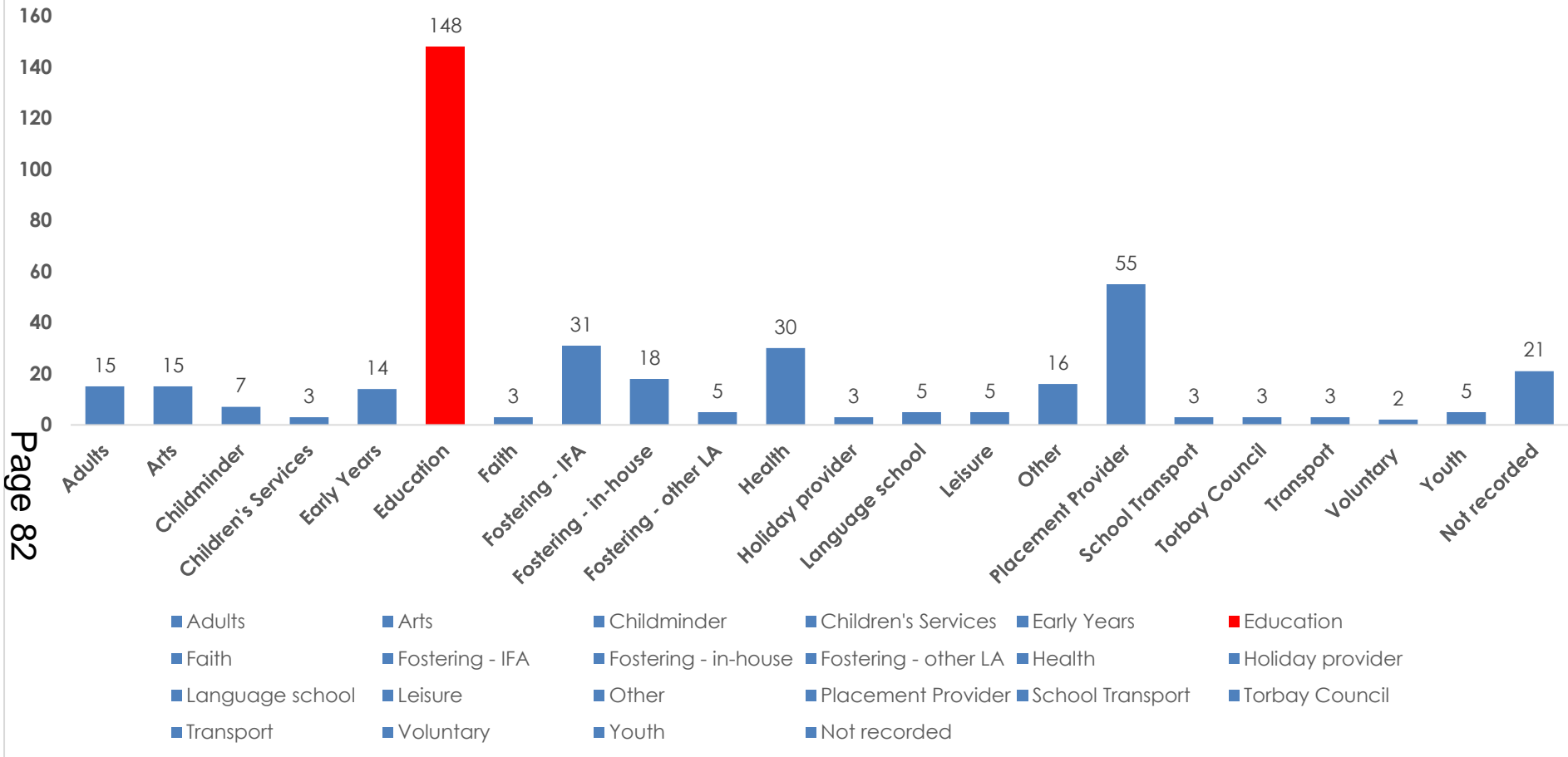
Outcomes will be recorded following the completion of a police investigation which may mean that some cases are kept open on the LADO database without a timescale.

In relation to investigations in respect of foster carers, Torbay Council have a timescale for 'internal investigations' to be completed within 21 working days. If the allegations are substantiated or unsubstantiated these must then be presented to fostering panel.

Referral Source and Subject

During 2022 – 2023 the LADO received 111 consultations from Children’s Services compared to the same sector referring into LADO a total of 139 times the previous year. This could view that the LADO role is now better understood within the Council.

Number of consultations and referrals



role of

LADO consultations

Number of Consultations for 2022 to 2023 reached 410 of which 30 reached thresholds for Allegations Management Meeting. Compared this to the previous year 2021-2022 with 350 Consultations and of 53 reached thresholds for Allegations Management Meeting.

Of the total consultations received 410

This category is further broken down into the following:

- Does Not Meet LADO Threshold: 193
- Transferred (to another LADO):24
- Does Not work with child: 7.
- Refer to another Local Authority: 24
- Pending outcome: 162

Total: 410

The high numbers of consultations, including those not meeting the threshold, continues to create capacity issue. Each consultation requires considerable administrative processing e.g., logging on databases, and evaluation of the information. The time devoted to this can be extensive including the need to collate and clarify information received before determining if the criteria is met.

One contributory factor to this high number is the requirement by Ofsted on regulatory settings to send consultations on all incidences involving inappropriate behaviour by staff. Furthermore, there has been an increase in the reporting of lower-level concerns following changes in legislation and LADO awareness training.

For instance, when an allegation is made following an incident of physical restraint where it is the judgement of the care provider that the staff member has legitimately intervened and acted in accordance with policy, procedure, and training requirements. Increasingly consultations are identifying transferable risks in which the behaviour of a professional in their private life may indicate they pose a risk of harm in their role e.g., incidences of domestic abuse.

7. Outcomes of Allegations:

Allegations Management Meetings (AMM)

Managing Allegations Meeting refers to the multi-agency meeting process in respect of the individual who is subject of the allegation or concern. The person who is the subject of the allegation or concern is referred to as the 'adult of concern'.

The following table displays the outcomes of Allegations Management Meetings:

	2020-21	2021-22	2022-23
Unfounded	4	12	4
Malicious	0	0	0
False	0	0	0
Unsubstantiated	10	21	11
Substantiated	13	15	15
Pending outcome	5	15	7
Recon	20	24	14

Managing Allegation Meetings are sometimes able to conclude the outcome of a concern at an initial meeting. Sometimes, however, additional information is needed through the completion of actions agreed at the initial meeting and attendees need to re-convene once, or more often in complex cases. This is the third year we have reported on the number of cases requiring reconvened meetings. As can be seen, 14 of matters needed more than one meeting. This is due to ongoing police investigations where all parties need to be interviewed, or where forensic examination of devices is required. This does impact on timeliness of outcome for those adults subject to the Managing Allegations Process. In these cases, it is difficult for the LADO to ensure that matters are concluded in a timely fashion, although we do consult with police colleagues for regular updates if necessary.

Of note this year is the change in outcomes for Substantiated and Unsubstantiated cases. There Substantiated outcomes recorded at 15 for 2022-23 mirrors that of the previous year 2120-22, and remarkably similar to 2020-21 recorded at 13. Unsubstantiated outcomes have decreased from 11 this year compared to 21 the previous year. This is continued evidence that the threshold decision to proceed to a formal meeting is proportionate and robust.

At the final meeting, members will decide whether the allegation is:

1. **Substantiated** – where there is sufficient identifiable evidence to prove the allegation.

2. **False** – where there is sufficient evidence to disprove the allegation.
3. **Malicious** – where there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
4. **Unfounded** – where there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.
5. **Unsubstantiated** - This is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence

Where concerns are unfounded or unsubstantiated, it may still require further internal investigation by the employer or other action to be taken and does not necessarily mean there are no concerns at all.

Letters to Children and Parents.

The parents and the child, if sufficiently mature, should be helped to understand the process and be kept informed about the process of the case and the outcome where there no criminal prosecution. This will include the outcome of any disciplinary, but not the deliberations of the hearing. During the period of 1st April 2022 to 31st March 2023 the LADO wrote to 67 children to inform them of the outcome of the allegation process.

Management Oversight.

Torbay Council ensure effective management oversight includes elements of quality assurance, LADO supervision, dealing with developing area of concern in individual cases and facilitating improvements in LADO practice.

Timescales to Close Consultations

The statutory guidance requires that all consultations are resolved as quickly as possible consistent with a fair and thorough investigation. To this end, a key aspect of the role of LADO is to be involved in the management and oversight of all consultations/referrals ensuring that agencies and organisations involved avoid unnecessary delays.

Limiting Factors

There are several factors that make these timescale targets challenging to achieve including:

- The length of time a referral may take to work through the criminal justice process to conclusion.
- Employers awaiting the outcome of a criminal investigation before formally investigating the concerns under its disciplinary procedures.
- Practical considerations such as the unavailability of people for interview.
- Capacity of the LADO to monitor and follow-up on processes being followed e.g., disciplinary investigation by the employer.

Outcomes

- Page 86
- Participants are informed of the outcome by the referrer.
 - Young people may also be written to informing them of an outcome, depending on the suitability of this in individual circumstances.
 - It is not always appropriate for the referrer to be informed of an outcome – for example if this is a member of the public – however, they are made aware that the information they have provided has been dealt with appropriately.
 - The LADO deals with sensitive information and seek guidance on the sharing of this as appropriate through the Information Governance team and HR colleagues.

Participation and Partnership

The LADO continues to work in close partnership across a variety of agencies. Information and guidance are on the Torbay Safeguarding Children's Partnership (TSCP) website to support understanding of the LADO role.

This has developed further following the redevelopment of the TSCP website to include.

- Advice for organisations.
- Attending a LADO Allegations Management Meetings.
- What happens when an allegation is made against you.

- When there are concerns raised about you in your personal life.

8. Complex cases

At times, the LADO responds to concerns of a sensitive nature that may attract public interest either by virtue of the media profile of an individual or because of information being shared that raises concerns about the wider safeguarding practices of an organisation. In these cases, the LADO provides alerts and updating information to Senior Managers who take responsibility for information management with the media and/or strategic responses.

9. Training and Service Awareness

The LADO continues deliver training to a wide range of agencies across Torbay.

The training includes an overview of the LADO role, process of managing allegations as well as how staff can protect themselves from allegations being made. This has raised the awareness for those in the children's workforce regarding appropriate behaviour and safe practices resulting in timely response to incidents as well as professionals feeling more able to contact the LADO for advice and support prior to matters escalating.

The LADO Service in Torbay advocates for the importance of safer working cultures that not only protect children dynamically but also proactively, ensuring safer recruitment practices are adhered to and advocating for all within organisations. As such, the Torbay LADO service provide joint safer recruitment training with Human Resources and can provide high quality advice to organisations to consider risk and allegations as they occur, as well as supporting organisations to improve their recruitment process and develop a safer working culture for the children and young people that use their services.

10. Actions for 2023-2024

- Quality Assurance with File Audits of LADO cases: creating a Performa to look at processes and decision making. Considering consistency in how the LADO's work and the service provided.

- Continue to work together with Local Safeguarding Partnership to assess the safeguarding issues within the secure estate, ensuring the correct agencies are actively scrutinising and challenging the use of force and care of the children within the establishment. Continue to raise awareness and offer support to agencies to ensure the young people are adequately safeguarded within the secure estate.
- Seek feedback from young people regarding their experiences on the Torbay LADO services.
- Work with the Safeguarding Partnership and Devon and Cornwall Police to ensure information sharing occurs when the criteria set out in Working Together is met for a serving officer and that there is liaison between Professional Standards and the LADO service. Also, to develop closer working relationships with the DBS department locally to ensure the appropriate exchange of data.
- Developing a LADO Induction Pack that clearly sets out all the aspects of the LADO services and the intricacies of how it works to enable any Duty LADO to assist with the service.
- There are key agencies primarily the Teacher Regulation Authority, Social Work England, and Disclosure Barring Service, that Torbay LADO service link with when there is a substantiated concern regarding an individual. As a service Torbay Council need to explore how we can collaborate more closely with them in receiving outcomes of cases referred to them.
- LADO Handbook: The sharing of the LADO handbook with senior management. The purpose of this handbook will be to provide a clear outline of the roles and responsibilities of the LADO and how these should be applied when allegations and serious concerns have been raised against people who work with children.
- In response to this, the LADO service in Torbay is progressing with the development of better practices. The LADO Service works proactively closely with Children's Services Commissioning and our regional partners to ensure information and concerns are addressed in a systemic and timely manner to protect children and young people.

11: Feedback

The Torbay LADO services like many have been faced with the challenge of improving the allegation management process. One of the most important steps in improving processes is gathering feedback from agencies.

Feedback gathered 2022-23

<p>Foster Carers Feedback April 2023</p>	<p><i>".... fed back how good the LADO training was today. She felt it was informative and appreciated your knowledge in this area...."</i></p>
<p>NSPCC: May 2023</p>	<p><i>"...I had an excellent experience. The timescale exceeded expectation. A meeting was convened within 2 days.</i></p> <p><i>The meeting was chaired with purpose and clarity. Other professionals were relevant and brought the right information to decide. Actions were agreed and time limits set..."</i></p>
<p>OFSTED April 2022:</p>	<p><i>"...The local authority designated officer is experienced, well informed, and well connected to a wide range of partner agencies. This helps to ensure a robust response to allegations against professionals and the effective protection of children..."</i></p>

Meeting: Cabinet **Date:** 17 October 2023

Wards affected: All

Report Title: Independent Reviewing Officer (IRO) Annual Report 2022-23

When does the decision need to be implemented? For information

Cabinet Member Contact Details: Councillor Nick Bye. Cabinet Member for Children's Services. nick.bye@torbay.gov.uk

Director Contact Details: Nancy Meehan, Director of Children's Services

1. Purpose of Report

1.1 An annual report of the Independent Reviewing Service (IRO) for cared for children is required in accordance with the Children and Young Person's Act 2008 and subsequent statutory guidance published by the Department for Children, Schools and Families in 2010 as set out in the IRO Handbook. The annual report should be presented to the Director of Children's Services, Lead Member for Children and the Corporate Parenting Board at minimum and should also be available as a public document on the relevant Council website. In line with our aspirational Corporate Parenting Strategy, the IRO Annual Report requires endorsement from Cabinet, reflecting each and every Member and Officers role as a corporate parent.

2. Reason for Proposal and its benefits

2.1 There is a legislative need for the IRO Annual Report to be considered as part of the Council's corporate parenting responsibilities.

2.2 Torbay's vision is one whereby its people are healthy, happy and prosperous ; in line with Torbay's corporate parenting responsibilities, our cared for and care experienced young people require particular focus and support, in order for them to achieve their goals and aspirations, and be safe, happy and healthy. This report evaluates the effectiveness and impact of the Independent Reviewing Service; Independent Reviewing Officers play a key role in ensuring that care plans for children are progressed with a central focus on their needs, their ascertainable wishes and feelings and what intervention and support is required to help children achieve their goals.

3. Recommendation(s) / Proposed Decision

1. That the Independent Reviewing Officer Annual Report 2022-23 as set out in Appendix 1 to the submitted report be approved to enable the Independent Reviewing Officer Annual Report 2022-23 to be published in accordance with the legislative requirements.

Appendices

Appendix 1 – Independent Reviewing Officer Annual Report 2022-23

Background Documents

The IRO Handbook: [iro_statutory_guidance_iros_and_las_march_2010_tagged.pdf](#)
([publishing.service.gov.uk](#))

Supporting Information

1. Introduction

- 1.1 The IRO Annual Report provides an overview of the activity of the Independent Reviewing Officer Service, which sits within the wider Safeguarding, Reviewing and Early Help service within the Children's directorate. The report also considers the staffing structure, developments within the service and the key improvement objectives for the service moving forward.
- 1.2 The report highlights the enhanced stability of the service and how this has contributed to continued progress and development. In particular, there is significant evidence on continued improvement in terms of achieving permanence for cared for children, with a high number of cared for children leaving care as a result of adoption, or becoming subject to a Special Guardianship Order in 2022-23. A large proportion of those who ceased to be cared for at aged eighteen, who had been cared for in a foster placement at the point of ceasing to be cared for, entered into a Staying Put arrangement with their former foster carer (18 of 20 young people).
- 1.3 The report reflects a range of data in relation to cared for children. As of 31st March 2023, Torbay cared for 314 children, in comparison to 299 at the same point in the year before. However, there is a notable increase in cared for numbers due to Torbay's engagement with the National Transfer Scheme and increasing numbers of Unaccompanied Asylum Seeking Children (UASC) being cared for by Torbay. Of the 314 cared for children, 23 were Unaccompanied Asylum Seeking Children, with a number remaining within the age assessment process. Despite this increase, the timeliness of reviews increased in 2022-23 to 94% completed on time, from 92% in 2021-22.
- 1.4 Despite some of the national challenges in terms of access to dental treatment, the percentage of cared for children with a dental check in the last twelve months increased and is significantly above the national average. Similar improvements are highlighted in respect of the percentage of children with review health assessments completed within the last twelve months, and those with their immunisations up to date.
- 1.5 Key areas for improvement noted within the report include: continued focus on seeking parent and child feedback, through additional work on the virtual feedback form; monitoring the impact of the Dispute Resolution Process following the reconfiguration of this pathway on the system this year; and the development of a specific service dashboard on Power BI.

2. Options under consideration

- 2.1 No options have been considered as this proposal is for information only.

3. Financial Opportunities and Implications

- 3.1 The IRO Annual Report does not make recommendations in terms of any changes to the current service or staffing structure and therefore the decision to endorse does not carry with it any financial implications.

4. Legal Implications

- 4.1 The IRO Annual Report is required in accordance with the Children and Young Person's Act 2008 and subsequent statutory guidance published by the Department for Children, Schools and Families in 2010 as set out in the IRO Handbook. There are no legal implications as a result of the decision to endorse this Annual Report.

5. Engagement and Consultation

- 5.1 A priority of the Independent Reviewing Officer service has been to enhance and develop the opportunities for children to participate and engage with their own cared for reviews, and also service improvements. This feeds into a wider participation strategy, and a continuous and embedded culture whereby the views of our cared for children and young people are sought, listened to and acted upon.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 The endorsement of this Report does not involve the procurement of services, the provision of services together with the purchase or hire of goods or the carrying out of works.

7. Tackling Climate Change

- 7.1 None.

8. Associated Risks

- 8.1 Should this Report not be endorsed, Torbay will not be compliant with the statutory requirements as outlined. Should the Report not be endorsed, there will no change in terms of the fundamental function of the service however the Report would not be published, and could not be transparently published which would limit the ability of the service to share learning in respect of patterns and trends, and achieve clarity across the service about the priorities for improvement.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	The IRO Annual Report outlines the strengths, areas to strengthen and the priorities for the Independent Reviewing service who play a critical role in overseeing the implementation of plans in relation to cared for children.	N/A	N/A
People with caring Responsibilities	The Report considers placement stability, and as part of this, feeds into the fostering service development plan in terms of continuing to enhance the support we provide to our fostering families.		
People with a disability	N/A	N/A	There is no differential impact.
Women or men	N/A	N/A	There is no differential impact.
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)	N/A	N/A	There is no differential impact.
Religion or belief (including lack of belief)	N/A	N/A	There is no differential impact.
People who are lesbian, gay or bisexual	N/A	N/A	There is no differential impact.
People who are transgendered	N/A	N/A	There is no differential impact.

People who are in a marriage or civil partnership	N/A	N/A	There is no differential impact.
Women who are pregnant / on maternity leave	N/A	N/A	There is no differential impact.
Socio-economic impacts (Including impact on child poverty issues and deprivation)	The ambition of the IRO Annual report is to ensure that any child, no matter their level of need or their socio-economic status, has access to the highest quality support as a cared for child as possible.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The IRO service plays an integral part in overseeing the holistic care plan for a child, including their educational and health needs; as such, the provision of the highest quality IRO service can have a significant, positive impact on the longer term health outcomes for cared for children.		

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None.



Torbay Independent Reviewing Service (IRO) Annual Report

2022-23

Contents

Executive Summary.....	page 3
1. Introduction - Purpose of Service and Legal Context.....	page 5
2. Professional Profile of the Torbay IRO Service and Workload.....	page 6
3. Profile of Torbay’s Cared for Children.....	page 7
4. Timeliness of Review Records Completion.....	page 21
5. Voice of the Child and Young People Participation.....	page 23
6. Dispute Resolution and Escalation.....	page 25
7. Achievements and Impact of IRO Service and Summary of Progress.....	page 26
8. Independent Reviewing Service Performance Planning Procedure.....	page 27
9. Progress Against Areas for Development noted in the 2021/22 Annual Report....	page 28
10.Areas for Development 2023/24.....	page 29

Executive Summary

The Annual Report provides an account of the activity of the Independent Reviewing Officer Service between 1st April 2022 and 31st March 2023. It evaluates the effectiveness and impact of the Independent Reviewing Service in the planning and outcomes for Torbay's cared for children and young people and ensures that Torbay Council as a corporate parent is discharging its statutory responsibilities towards them and remains ambitious in what it achieves with its cared for children and young people in Torbay. The Independent Reviewing Officers have a pivotal role to play in ensuring that care plans for children effectively address their needs, consider Torbay's cared for children and young people's ascertainable views and opinions and improve outcomes for them.

During the period relevant to this report, we emerged from a global pandemic that forced the service to work differently and enabled us to find different ways to connect with children and young people. The report demonstrates the continuous development of the Independent Reviewing Service over the last year and its role in the continuous journey of practice development in Torbay. The report also identifies areas of strength and areas for further development.

The stability of the service was impacted on during the Covid-19 pandemic which resulted in higher than usual staff sickness, long-term staff sickness for reasons other than Covid-19, and an over-reliance on agency staff that were not as invested in Torbay as permanent staff tend to be. There was also a gap at Service Manager level. However, it is positive to report that during quarter 4 of the reported financial year we were able to appoint to vacant posts and the service is now supported by a permanent IRO workforce.

Further to the above, both the Service Manager and Head of Service have been in post for a significant period of time, ensuring further stability for the service as a whole. Service stability is undoubtedly a factor in the continued progress of the IRO service and delivering better outcomes for cared for children across Torbay. An example of this is the increase in efficiency with 740 cared for reviews taking place in 2022/23 and although this was down on the number that took place last year timeliness of reviews was at 94% in time compared with 92% the previous year.

The number of cared for children increased over the year and stood at 314 as of 31st March 2023 compared with 299 at the same point the previous year. This increase was anticipated with the impact coming from the increase of unaccompanied asylum seeking children that stood at 23 at the end of the year compared with 6 the previous year. This was a result of the combination of the National Transfer Scheme coupled with a significant number of individuals placed in the area by the Home Office disputing their age and the age assessments running over the year end period. Therefore, taking this factor into account (i.e. removing unaccompanied asylum seeking children from the equation) there would have been a reduction of in the cared for population of 8 children.

The number of babies being cared for remained stable at 24 children under the age of two becoming cared for in the year compared to 25 in the previous year. However, this year's figure is lower in proportion to the overall number of children that became cared for in the year which stood at 112. That equates to 21% being under two compared to 27% the previous year. As noted previously, the higher number of unaccompanied asylum seeking children has impacted significantly on the amount of children becoming cared for in 2022/23 compared to the previous year.

With regards to gender, this remained similar to the previous year with 65% of newly cared for children being male in 2022/23 compared to 66% being male in 2021/22. However, it should be noted that this is against a trend whereby all the unaccompanied asylum seeking children were male and therefore, taking this factor into account, identifies a new trend of females being the majority group of new entries into care in real terms over 2022/23.

There has been a shift back towards boys more likely to go missing than girls with a ratio of 57% boys versus 43% girls of all missing cared for children in the year 2022/23.

Foster placement sufficiency in Torbay continues to be challenge and although the number of children placed more than 20 miles away is still significantly above the statistical neighbours and national average, the figure of 31% is similar to the previous year. However, this needs to be contextualised by the impact of the National Transfer Scheme, and the wishes and feelings of unaccompanied asylum seeking children who express a wish to be placed in more urban settings.

There is evidence to suggest that permanency for Torbay's cared for children has continued to improve with further progress in adoptions and staying put arrangements coupled with SGOs all out performing statistical neighbours and national averages.

Although long-term stability overall remained similar to the previous year, the picture fluctuates significantly by age group with the 13 year old children fairing worse in terms of more than one placement in a two year period.

44 young people ceased to be cared for in the 2022/23 year who were aged 18 at that point. 20 of those were in foster placements at the point they ceased to be cared for. Of those 20, all but two remained Staying Put with their foster carers. (Of the other two, one went to live with family and the other moved to live independently.) That is 90% of children in foster care ceasing to be cared for aged 17+ who Stayed Put.

The findings presented in this report demonstrate that more focus has been placed on the health of Torbay's care for children over the last year with significantly more children having health assessments, dental checks and immunisations compared with the previous year. It is noteworthy that despite the challenges finding dentists, this year's figures are significantly above the national average.

A long-standing challenge and area identified again for continued improvement over the next year is children and young people's participation in their cared for reviews. Participation in 2022/23 was 79%, reduced from 82% in the previous year.

The report summarises with a review of the previous year's action plan along with a set of key improvement objectives for the service over the year 2023/24.

1. Introduction – Purpose of Service and Legal Context

1.1 The Safeguarding and Reviewing Service consists of the Independent Reviewing Officers (IROs). The Service is set within the framework of the IRO Handbook (2010) and is linked to the revised Care Planning Regulations and Guidance which was introduced in April 2011.

1.2 The functions and requirements of the IRO and the service as a whole are:-

- To ensure all Cared for Children and Young People have a named IRO who, as far as reasonably possible, remain a consistent figure in the child's life, during their journey through care.
- There should be the same IRO for sibling groups where this is reasonably possible and appropriate.
- The IRO should chair the child or young person's Cared for Child Reviews (within 28 days of the child being in care, then within 3 months after the initial review, and every six months thereafter).
- The IRO should promote, and ensure that due regard is given to, the voice of the child in their cared for child review, care plan, permanence planning and care arrangements.
- The IRO should ensure that plans for the child are based on a detailed and informed assessment, which is up to date, effective and provides a real and genuine response to each individual child's needs.
- The IRO should meet with the child and consult with him or her, making sure that the child understands what is happening to them, can make a genuine contribution to their plans, fully understands the implications of any changes, and understands how an advocate could help them in their cared for child reviews.
- The IRO should ensure the child is aware of his or her entitlements from the Local Authority.
- The IRO should ensure the child is aware that they are entitled to legal representation (either directly or via a court appointed CAFCAS guardian).
- The IRO should be alive to, and if necessary, take action to prevent any unnecessary delays in care and permanence planning for children in the care of the Local Authority as well as the delivery of services to them.
- The IRO should have full oversight of the Local Authority as the corporate parent in order to ensure care plans have given proper consideration and weight to the child's wishes, feelings, needs and aspirations.
- The IRO should provide challenge and support to social workers and their managers to ensure the best life chances for children via the delivery of purposeful social work that has clear outcomes leading to positive impacts for children.
- The IRO should have access to an effective means of challenging the Local Authority including, a Dispute Resolution Procedure, with the ability to convey concerns to CAFCASS and access to independent legal advice where appropriate.

2. Profile of Torbay's Independent Reviewing Service

- 2.1 The Safeguarding and Reviewing Service is a Local Authority wide service that sits within the Children's Services Directorate of Torbay Council. However, the service is managed independent of the statutory social work services to maintain objective oversight and provide appropriate challenge and support to social workers and Team Managers to ensure the needs of children are placed above any other matters that may give rise to conflicts of interest for the Local Authority.
- 2.2 Management capacity in the IRO Service includes a permanent Head of Service (appointed December 2021) who reports to the Divisional Director for Safeguarding and a Service Manager who reports directly to the Head of Service. This has provided the service with the management capacity to lead and develop the service and provide the levels of support, supervision and monitoring necessary to deliver high quality practice.
- 2.3 As of 31st March 2023 the Safeguarding and Reviewing Service had a staffing establishment of 7.7 FTE IROs. The team consisted of:
- Permanent staff (7.3 fte).
 - Vacant posts (0.4 fte).

The above compares favourably with the service staffing arrangements of the previous year as follows:-

- Permanent staff (4.3 fte).
- Agency staff (2.3 fte).
- Vacant posts (2.3 fte).

It should also be noted that the decision has been taken to manage the 0.4fte vacancy and not recruit to that post immediately. It is proposed that this post will be amalgamated with a 0.6fte post that will become vacant towards the end of the 2023/24 year when an IRO plans to retire. It is considered that a 1.0fte equivalent post will be easier to fill and more effective than having two part-time posts.

- 2.4 During Quarters 2 and 3, Covid-19 related sickness impacted on two of the permanent IROs coupled with one IRO being on long-term sickness for a known physical health condition. This inevitably impacted on the productivity of the service and was compounded by the impact a vacant Service Manager post during that time. Capacity was further impacted upon by a high reliance on agency IROs who were not as flexible and reliable as permanent staff. However, as previously stated all these matters were resolved by the end of the financial year following an aggressive recruitment and sufficiency planning programme alongside deploying appropriate human resource procedures to significantly reduce the sickness levels. Of the workforce as of 31st March 2023 only 17 days sickness was recorded (taking Covid related sickness out of the equation). This compares favourably with the previous year whereby non-covid related sickness exceeded 100 days.
- 2.5 All IROs are skilled, knowledgeable, and experienced children's social workers, with clear minimum requirements of five years post qualifying and some social work management experience being essential elements of the role. Some of the IROs in the Service have more than 20 years practice experience.
- 2.6 The average allocation of children for an IRO in Torbay fell within the recommended levels set out within IRO handbook, with allocations reducing steadily over the year as the numbers of children subject to child protection plans decreased across all services and the IRO capacity increased.

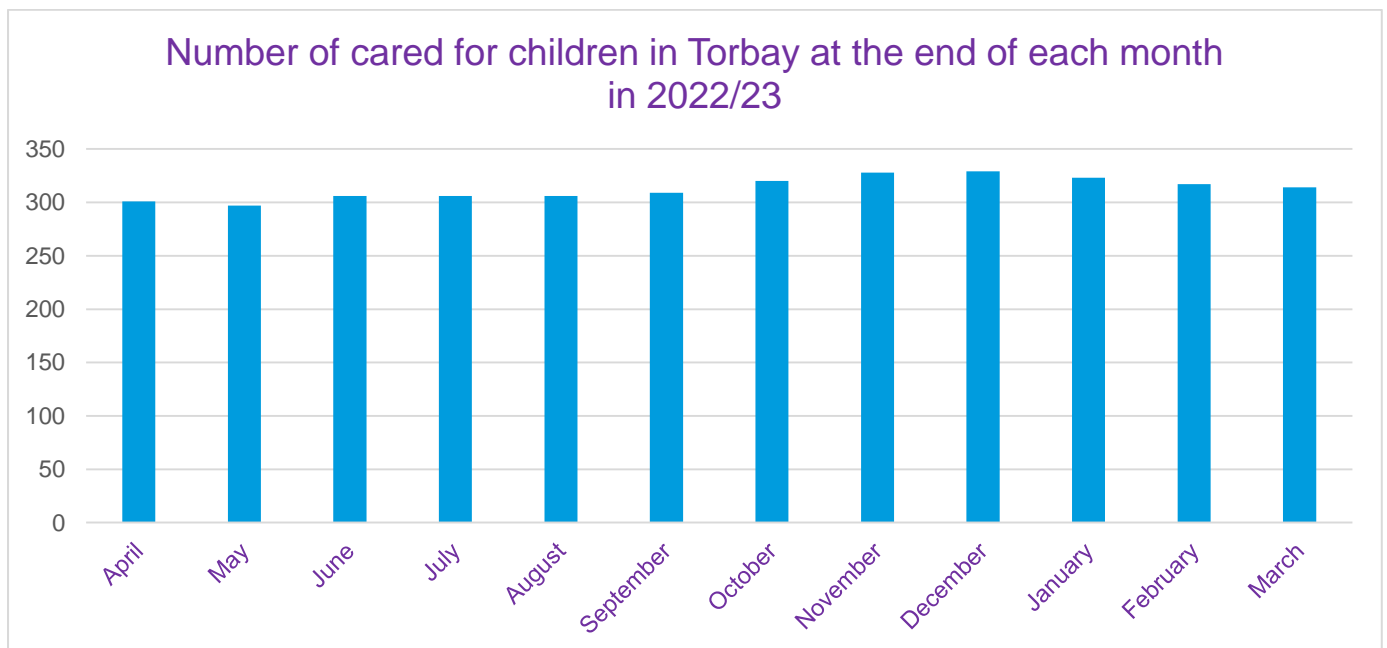
3. Profile of Torbay's Cared for Children

- 3.1 Torbay's cared for population stood at 314 children and young people on the 31st March 2023. This is up from 299 at the same time in 2022.
- 3.2 The rate of cared for children increased by 5% over the year and is 21% higher than the SN average.
- 3.3 The rate per 10,000 children also remains significantly higher than the national average, at 124 compared to 70 nationally.

Number of children cared for during the year by calendar month

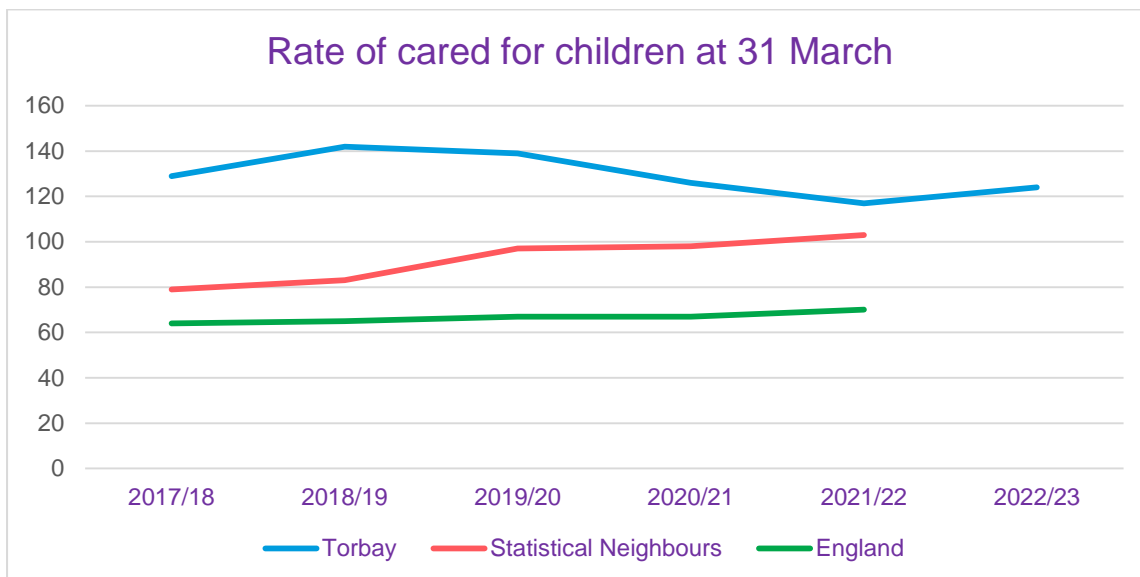
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Torbay	301	297	306	306	306	309	320	328	329	323	317	314

- 3.4 As can be seen from the graph below, Torbay's cared for population remained relatively stable until October 2022. At this point the establishment of an asylum hotel in Paignton impacted on the numbers significantly with a sudden influx of individuals disputing their Home Office age assessments. This resulted in a peak of 329 cared for children in December 2022 whilst age assessments were undertaken. Although increases were predicted in the 2021/22 IRO Annual Report, this sudden influx was not and resulted in challenges across the whole children's social care system as well as the IRO service.



Rate of cared for children per 10,000 children on 31st March each year

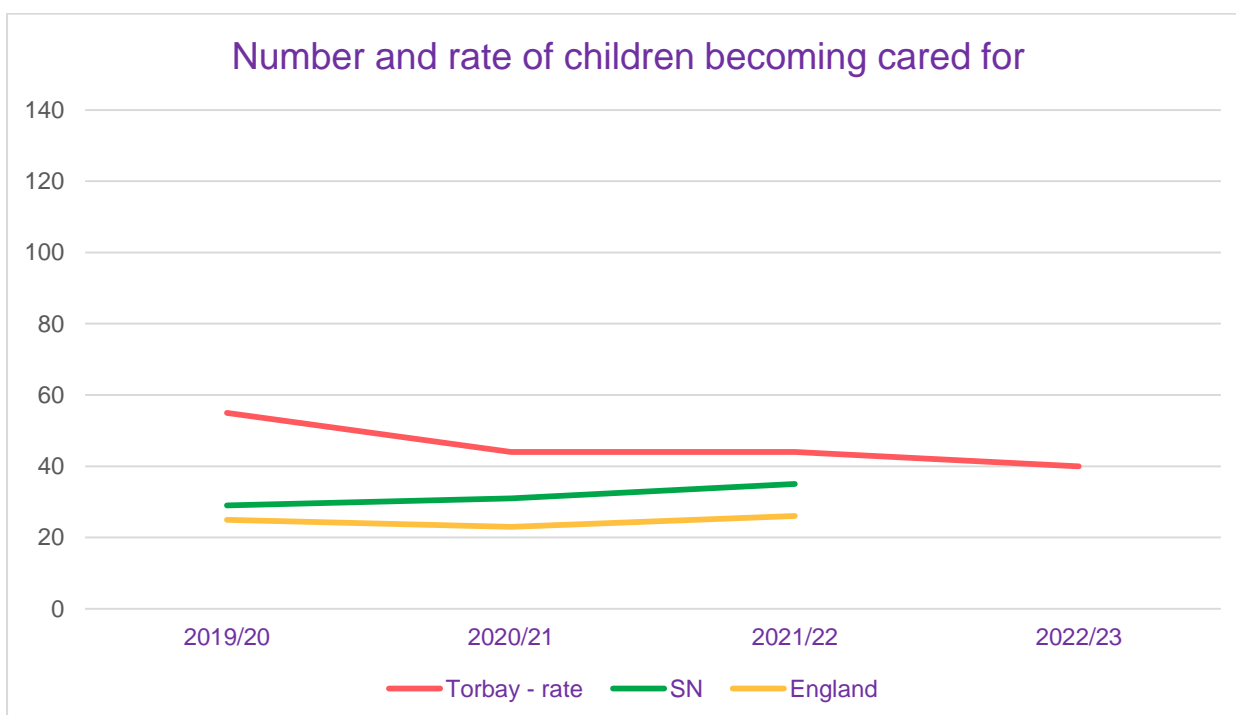
	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Torbay	129	142	139	126	117	124
Statistical Neighbours	79	83	97	98	103	
England	64	65	67	67	70	



3.5 The rate of children becoming cared for children increased by 23% in 2022/23 with 112 new children becoming cared for during the year. As noted above, the National Transfer Scheme for UASC and the establishment of an asylum hotel in Paignton was undoubtedly the primary contributing factor here. To contextual this, 32 children who became cared for in 2022/23 were unaccompanied asylum seeking children.

Children becoming cared for children

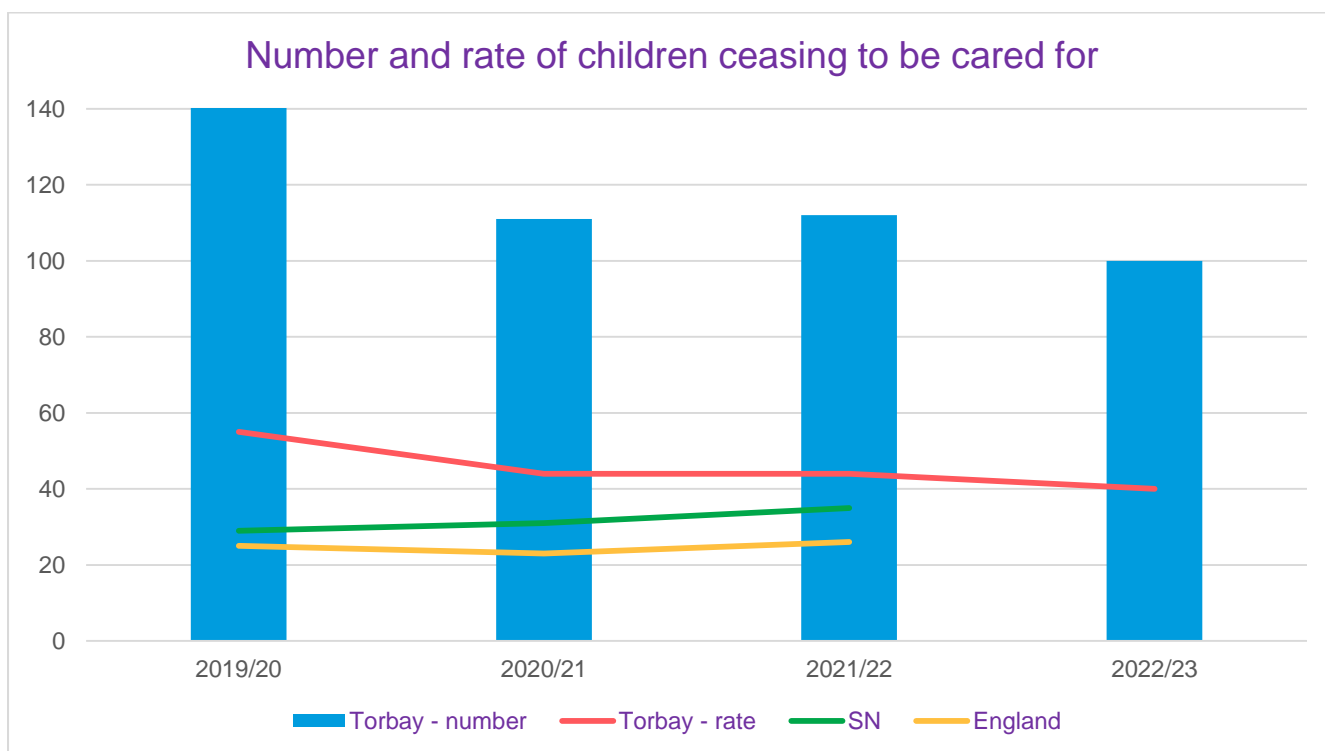
	2019/20	2020/21	2021/22	2022/23
Torbay - number	135	73	91	112
Torbay - rate	53	29	36	44
SN	36	32	37	
England	26	24	26	



3.6 The rate of children ceasing to be cared for children fell by 9% compared to 2021/22.

Children ceasing to be cared for children

	2019/20	2020/21	2021/22	2022/23
Torbay - number	143	111	112	100
Torbay - rate	55	44	44	40
SN	29	31	35	
England	25	23	26	



3.7 The proportion of children in foster care fell from 76% in 2021/22 to 73%. However, this continues to remain above the national average of 70%. Again, factors contributing to the decrease here on the previous year are linked to unaccompanied asylum seeking children who invariably are placed in non-foster care accommodation.

3.8 The proportion of children placed for adoption at the end of the year was 4% in 2022/23, a slight increase from 3% on the previous year and consistent with continued improvement in the overall adoption performance for Torbay.

Cared for children on 31st March 2023 by placement type

Placements at 31st March 2023		Number	%
Foster placement with relative or friend	Inside local authority	24	8%
	Outside local authority	23	7%
Placement with other foster carer:	Inside local authority	99	32%

Placements at 31st March 2023		Number	%
	Outside local authority	83	26%
Secure unit		2	1%
Homes and hostels (residential care, K2 code)		17	5%
Hostels and other supportive residential placements (H5 code)		26	8%
Residential schools		0	0%
Other residential settings (codes R1, R2, R3, R5)		1	0%
Placed for adoption (including placed with former foster carer)		8	3%
Placed with own parents		18	6%
In lodgings, residential employment or living independently		0	0%
Other placements (<i>DfE guidance suggests use for unregulated foster care only</i>)		13	4%

The national picture is as follows:

	2021/22
Foster care (U codes)	70%
Placed for adoption (A codes)	3%
Placed with own parents (code P1)	7%
Children's homes (code K2)	16%
Hostels / Semi-independent living accommodation not subject to Children's Homes regulations (code H5)	
Secure units (code K1)	
Residential schools (code S1)	-
Other residential (adult residential care homes, NHS provision, family centres, mother and baby units, YOIs or prison - R codes)	1%
Independent living (code P2)	2%
Other (mostly unregulated foster placements with family / friends, code Z1)	2%

NOTE: The national data groups several codes together (K2 children's homes, H5 supported living and K1 secure units), so comparisons are not straightforward, but in general the national and local pictures are similar.

In-house foster care

At 31st March 2023, 57% of children in foster care in Torbay were in in-house provision. This is below the national average of 76%. This demonstrates the ongoing challenges with in-house foster placement sufficiency connected to factors such as the aging profile of long-term foster carers who have retired and the challenges in recruiting new foster carers against a backdrop of a cost of living crisis.

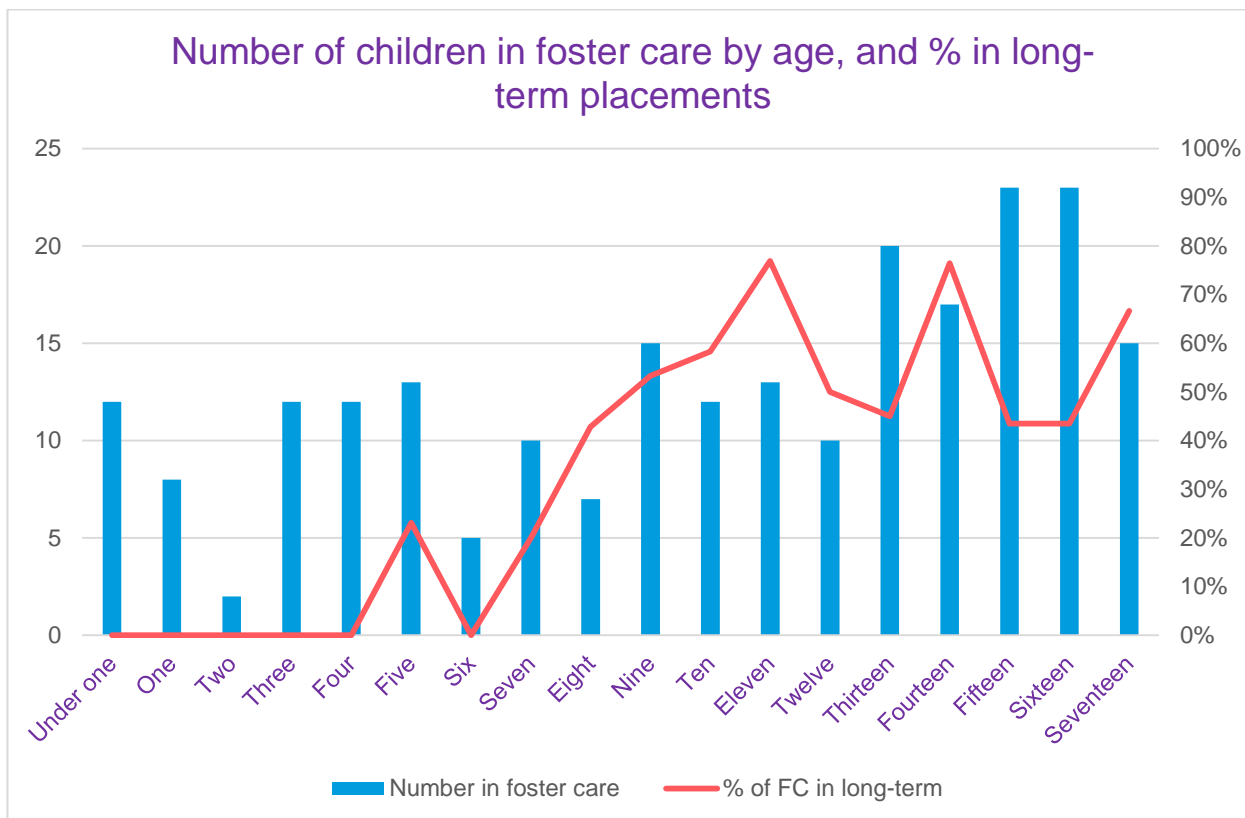
Placement type	Own provision	Private	Voluntary / third sector	Total children in placement type
U1 Foster placement with relative(s) or friend(s) – long term fostering	12	0	0	12
U2 Fostering placement with relative(s) or friend(s) who is/are also an approved adopter(s) – fostering for adoption /concurrent planning	0	0	0	0

Placement type	Own provision	Private	Voluntary / third sector	Total children in placement type
U3 Fostering placement with relative(s) or friend(s) who is/are not long term or fostering for adoption /concurrent planning	33	2	0	35
U4 Foster placement with other foster carer(s) – long term fostering	42	36	0	78
U5 Foster placement with other foster carer(s) who is/are also an approved adopter(s) – fostering for adoption /concurrent planning	2	0	0	2
U6 Foster placement with other foster carer(s) – not long term or fostering for adoption /concurrent planning	52	48	2	102
Number by provider type	141	86	2	229
% by provider type	57%	33%	0%	
England % by provider type, 2021	76%	18%	6%	

3.9 39% children in foster care were in long-term placements at the end of the year, a decrease from 47% in the previous year. However, this needs to be considered against the number of particularly younger children (10 years old and under) placed in foster care whilst care proceedings were ongoing. The profile for children aged 11 years and over remains similar to that of the previous year with regards to being in long-term foster placements.

Number and % of children in long-term fostering placements by age

Age	Number of CfC	Number in foster care	Number in long-term FC	% of FC in long-term
0	14	12	0	0%
1	12	8	0	0%
2	4	2	0	0%
3	13	12	0	0%
4	12	12	0	0%
5	14	13	3	23%
6	7	5	0	0%
7	11	10	2	20%
8	9	7	3	43%
9	16	15	8	53%
10	14	12	7	58%
11	15	13	10	77%
12	12	10	5	50%
13	27	20	9	45%
14	28	17	13	76%
15	29	23	10	43%
16	40	23	10	43%
17	37	15	10	67%
Total	314	229	90	39%



3.10 In 2021/22 it was reported that boys were more likely than girls to be in long-term foster placements. That was not the case in 2022/23, with both sexes equally likely to be in long-term foster care placements. However, it should be noted that boys are slightly less likely to be in foster care placements at all (75% of girls, 71% of boys). Again, this matter is linked to the number of unaccompanied asylum seeking children, who were all male, tend to be older and are not usually in foster care placements.

Number and % of children in long-term fostering placements by sex

	Number of CfC	Total in foster placements	Total in long-term foster placement	% in long-term foster placement
Female	136	102	41	40%
Male	178	127	49	39%
Total	314	229	90	39%

3.11 The number of babies aged under 1 becoming cared for children as a percentage of all newly cared for children increased significantly from 9% the previous year to 18% in 2022/23. This is against a backdrop of significant numbers of older children becoming cared for as a result of higher than usual numbers of unaccompanied asylum seeking children. Indeed 29% of children becoming cared for in 2022/23 were 16/17 year olds. The high percentage of babies becoming cared for strongly suggests that care proceedings are being initiated in a timely manner and children being safeguarded at the outset of their lives and not left to experience chronic neglect and/or abuse over their formative years.

Number of children becoming cared for in 2022/23 by age

Age year	Number of children becoming cared for	%
0	20	18%
1	4	4%
2	4	4%
3	8	7%
4	7	6%
5	5	4%
6	2	2%
7	4	4%
8	3	3%
9	4	4%
10	1	1%
11	1	1%
12	4	4%
13	4	4%
14	3	3%
15	6	5%
16	19	17%
17	13	12%
Total	112	

3.11 Looking at the proportion of children ceasing to be cared for by end reason in 2022/23 compared to the England average, Torbay's proportion of children adopted was significantly higher than the national average, 22% compared to 10% nationally. The proportion of children Staying Put post 18 was also higher than average, 22% compared to 13% nationally. The proportion ceasing to be cared for due to a special guardianship order being granted was in line with the national figure, at 14% compared to 13% nationally. In 2021/22 all SGOs made were to connected people, but that was not the case in 2022/23 with 6 children having special guardianship orders made to previous foster cares who were not family or friends. Overall, this demonstrates a positive picture for cared for children in terms of permanency within a forever family during childhood and also beyond via staying put arrangements. However, it should be noted that despite staying put arrangements representing positive outcomes for care experienced young people, this does impact on foster care placement sufficiency.

Children who ceased to be cared for in 2022/23 by end reason

End reason and code	England 2021/22	Torbay	
		Number	%
Accommodation on remand ended (E14)	-	0	0%
Adopted (E11, E12)	10%	22	22%
Age assessment determined child aged 18 or over (UASCs) (E15)	1%	1	1%
Aged 18 and remained with current carers (inc under staying put arrangements) (E17)	13%	22	22%
Care ceased for any other reason (E8)	11%	1	1%
Care taken by another local authority (E3)	3%	1	1%
Child moved abroad (E16)	-	0	0%
Died (E2)	-	0	0%
Left care to live with parents, relatives or other person, who had no parental responsibility (E13)	6%	5	5%

End reason and code	England 2021/22	Torbay	
		Number	%
Moved to independent living (with no formalised support) (E6)	3%	4	4%
Moved to independent living with supported accommodation (E5)	12%	12	12%
Residence order or child arrangement order granted (E41)	4%	2	2%
Returned home to live with parents or other person with parental responsibility which was not part of the care planning process (E4B)	4%	3	3%
Returned home to live with parents or other person with parental responsibility which was part of the care planning process (E4A)	14%	13	13%
Sentenced to custody (E9)	1%	0	0%
Special guardianship order to former FCs who are relatives or friends (E45)	13%	7	7%
Special guardianship order to former FCs who are not relatives or friends (E46)		6	6%
Special guardianship order to relatives or friends who were not former FCs (E47)		1	1%
Special guardianship order to people who were neither relatives or friends or former FCs (E48)		0	0%
Moved to residential care funded by adult children's social care (E7)	2%	0	0%
Total		100	

For special guardianship orders specifically –

	2020/21	2021/22	2022/23
The number of children leaving care as a result of a Special Guardianship Order in the year	20	19	14
The number of children ceasing to be looked after in the year	111	112	100
% of children leaving care as a result of an SGO	18%	17%	14%

3.12 A smaller percentage of children returned home in a managed way this year, 13% compared with 19% last year. However, the rate for Torbay is still comparable with the national average of 14%.

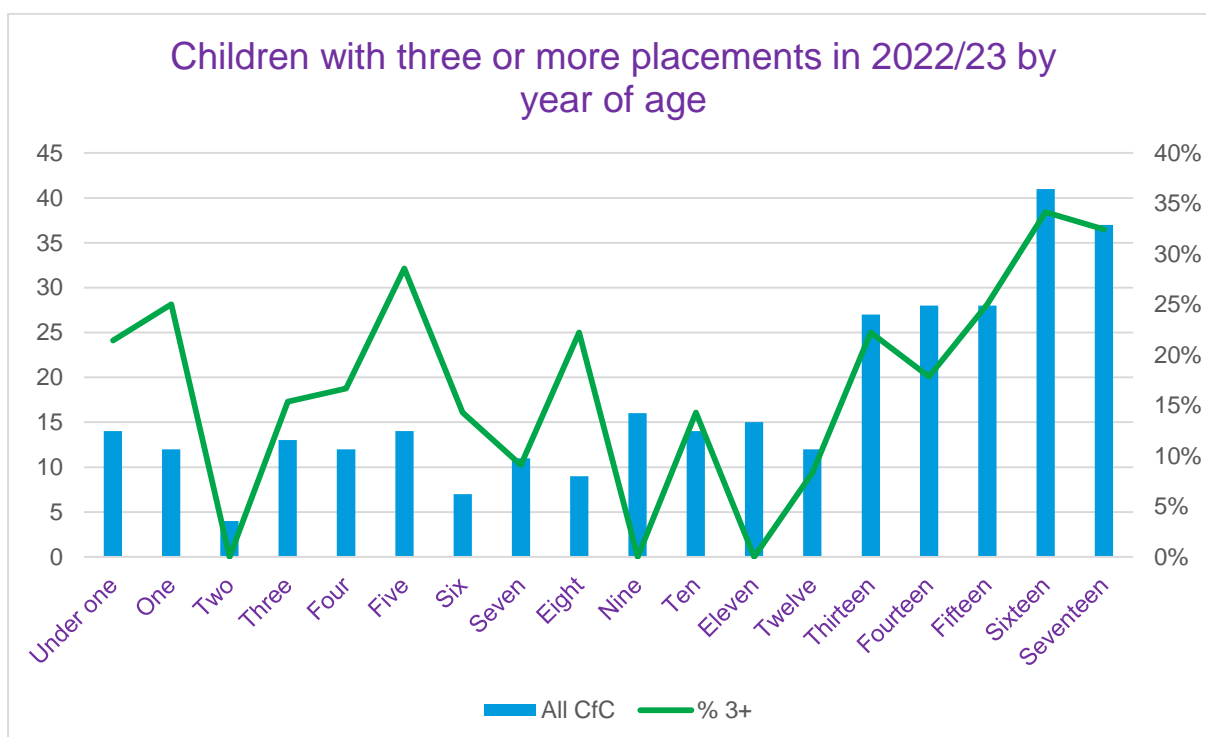
3.13 The number of young people aged 18 that remained in their foster placements as a Staying Put arrangement has increased significantly over 2022/23 to 22 from 13 the previous year. This inevitably provides stability for these young people as they transition into adulthood. However, as noted earlier, this needs to be balanced against the impact on placement sufficiency.

3.14 Short-term stability is down in 2022/23 at 21% of children having three or more placements from 14% in 2021/22. This does not compare favourably with the national and statistical neighbour trends of 10%.

Short-term stability at 31st March 2023 by age

Age year	All CfC	3+ placements	% 3+
0	15	3	20%
1	11	3	27%
2	4	0	0%
3	13	2	15%
4	12	2	17%
5	14	4	29%
6	7	1	14%
7	11	1	9%

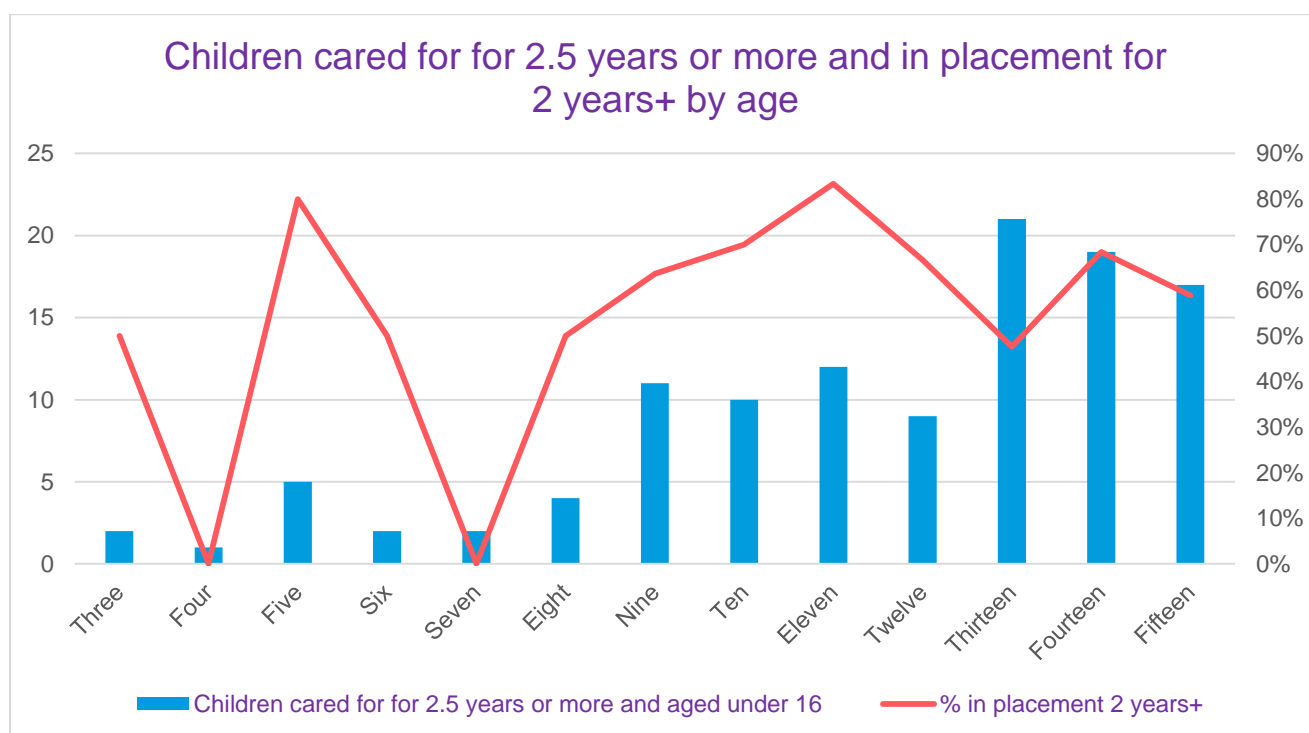
Age year	All CfC	3+ placements	% 3+
8	9	2	22%
9	16	0	0%
10	14	2	14%
11	15	0	0%
12	12	1	8%
13	27	6	22%
14	28	5	18%
15	28	7	25%
16	41	14	34%
17	37	12	32%
Total	314	65	21%



3.15 Long-term stability remains similar to 2021/22 at 62% compared with 63% last year. However, this is still below the national and statistical neighbour rates of 71%. There is a noticeable improvement for children aged 11 years with stability over the year for this age group at 83% compared with 60% in 2021/22. This bodes well for maintaining stability as children and young people transition to adolescence, and in particular the transition from primary to secondary school. However, there is a reduction in stability for the 13 year old cohort from 80% in 2021/22 to 48% in 2022/23. This is an area that warrants further investigation to ensure the care planning is appropriate to the needs of the children concerned.

Long-term stability of placement in 2022 by age

Year of age	Children cared for for 2.5 years or more and aged under 16	In placement for 2 years or more	%
3	2	1	50%
4	1	0	0%
5	5	4	80%
6	2	1	50%
7	2	0	0%
8	4	2	50%
9	11	7	64%
10	10	7	70%
11	12	10	83%
12	9	6	67%
13	21	10	48%
14	19	13	68%
15	17	10	59%
Total	115	71	62%



3.16 During 2022/23, Torbay's corporate parenting responsibilities with regards to promoting the health of cared for children improved significantly compared to 2021/22. At the end of 2022/23, dental checks, health checks and immunisations had all increased. Health checks increased from 73% in the previous year to 91% as of the end of March 2023. Dental checks increased from 35% to 83% as of the end of March 2023. Immunisations increased from 76% to 82% as of the end of March 2023. Health and dental checks are above the England averages. However, immunisations remain slightly below the England average.

Health and Dental Checks and Immunisations

	2022/23			England average 2021/22
	Cohort	Number	%	
Health assessments	224	204	91%	91%
Dental checks	224	186	83%	70%
Immunisations	224	183	82%	85%

- 3.17 The proportion of cared for children for whom an SDQ score was received was low at 27%, the same figure as the previous year and below the England average of 77%. The average score is 16.3, which is higher than the England figure of 13.8; this represents a higher level of need, but because the group of children for whom scores were returned is so small, they may not be representative of all Torbay cared for children.
- 3.18 Eleven cared for children were recorded as having a substance misuse difficulty. This is a slight decrease on the thirteen recording in 2021/22.
- 3.19 There has been a gender shift with regards to the proportion of cared for children going missing in 2022/23 compared with the previous year with 53% of boys going missing versus 48% of girls. In 2021/22, the ratio was 48% boys to 53% girls. However, these figures need to be read in conjunction the fact that the number of girls cared for is significantly less than boys. Therefore, the vulnerabilities reported in relation to girls and missing episodes in the 2021/22 annual report remains.

Missing Episodes by Gender, 2022/23 figures

	Number	%
Children with an episode of missing or away from placement	40	
Girls	19	48%
Boys	21	53%
Number of children cared for at any point in the year	411	
Girls	175	43%
Boys	236	57%

- 3.20 38 cared for children had an episode of missing in the year, which equates to 9% of children cared for in the year. This compares to 40 children in 2021/22, 10%. The national figure for 2021/22 was 11%.
- 3.21 As with previous years, more than half of children who went missing had one or two episodes, 55% compared with 58% in 2021/22.

Cared for children going missing

Episodes of missing - Torbay 2021/22	No of children	%
1 or 2	21	55%
3 to 5	8	21%
6 to 10	3	8%
11 to 15	3	8%
16 to 20	0	0%
21 to 30	2	5%

31+	1	3%
Total children	30	

NOTE: The above figures do not include episodes of away from placement, as opposed to missing, of which there were 50 in the year.

- 3.22 The duration of missing episodes for cared for children in 2022/23 was generally in line with the national average, although the small number of episodes lasting three to seven days made up a higher proportion than nationally.

Cared for children going missing

Duration of missing incidents	% of incidents of missing	
	Torbay 2022/23	England 2021/22
Incidents where duration is less than 1 day	40%	35%
Incidents where duration is between 1 and 2 days	56%	56%
Incidents where duration is between 3 and 7 days	4%	0%
Incidents where duration is between 8 and 10 days	0%	0%
Incidents where duration is between 11 and 15 days	0%	0%
Incidents where duration is between 16 and 20 days	0%	8%
Incidents where duration is between 21 and 30 days	0%	1%
Incidents where duration is more than 30 days	0%	0%

- 3.23 1.2% of Torbay's cared for population (2 children) received a conviction in 2022/23, the same as the previous year. This is lower than statistical neighbours and the England average based on 2021/22 data (Statistical neighbour 5%, England average 2%).
- 3.24 The proportion of children placed more than 20 miles away from the address from which they came into care has increased by one percentage point since 2021/22, to 31%. The England figure is 22%. It should be noted that the definition does not include unaccompanied asylum seeking children, as they have no home address in the UK.
- 3.25 Reasons for Torbay being 9% higher than the national average is in the main a reflection of placement sufficiency in the immediate locality, as well as this being reflective of some deliberate decision-making in respect of placements aligned with the wishes and feelings of young people, particularly unaccompanied asylum seeking children who have a preference for a more urban setting.

Distance from home

	2020/21	2021/22	2022/23
The number of children in care placed more than 20 miles from where they used to live	90	91	97
The number of children in care on 31st March	319	299	314
% placed more than 20 miles from where they used to live	28%	30%	31%

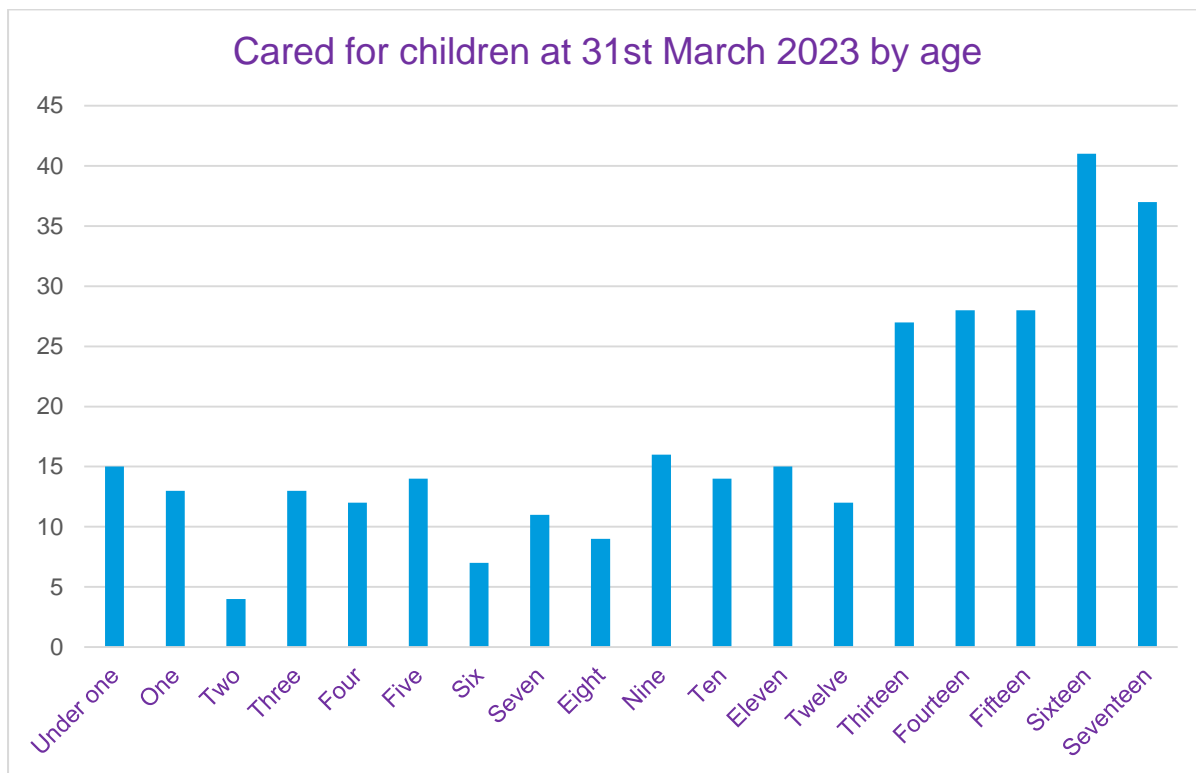
- 3.26 Children aged between 10 and 15 continue to be the highest represented within the Torbay cared for population at 31st March 2023 with children under 1 years old being the lowest represented. This is in line with the national average for year 2021/22, although Torbay has

a higher proportion of children aged 16 and 17 than the national figure. Again the latter being a consequence of the impact of unaccompanied asylum seeking children which in Torbay is a relatively higher proportion to the overall care for population compared to other areas.

Cared for children age ranges by %

	England	Torbay	
	2021/22	2021/22	2022/23
Under 1 year	5%	5%	5%
1 to 4 years	14%	13%	13%
5 to 9 years	18%	17%	18%
10 to 15 years	39%	45%	40%
16 years and over	25%	20%	25%

Age year	All CfC	% by age
0	15	5%
1	13	4%
2	4	1%
3	13	4%
4	12	4%
5	14	4%
6	7	2%
7	11	4%
8	9	3%
9	16	5%
10	14	4%
11	15	5%
12	12	4%
13	27	9%
14	28	9%
15	28	9%
16	41	13%
17	37	12%
Total	314	



3.26 The 2021/22 IRO annual report noted that there were 55% of boys compared to 45% of girls in Torbay’s cared for on 31st March 2022 which demonstrates a significant increase in boys being cared compared to girls relative to the 51% boys to 49% girls in 2020/21. This has increased further in 2022/23 to 57% boys, 43% girls. Again, this is linked to the number of unaccompanied asylum-seeking children who have all been boys.

3.27 White British remains the largest represented ethnicity (84%) by far at 31st March 2023 which reflects the ethnic profile of Torbay being predominantly White British compared to the national average which has remained constant at around the 74% to 75% for the last four years. This compares to 88% in 2021/22; the increase is in Other ethnic groups and is linked to the number of asylum-seeking children.

Cared for children by ethnicity

	England	Torbay	
	2020/21	2021/22	2022/23
White	75%	88%	84%
White and Asian, Black African or Black Caribbean	10%	8%	8%
Asian or Asian British	4%	1%	2%
Black or Black British	7%	1%	0.3%
Other ethnic groups	3%	0%	5%
Refused or information not yet available	1%	3%	1%

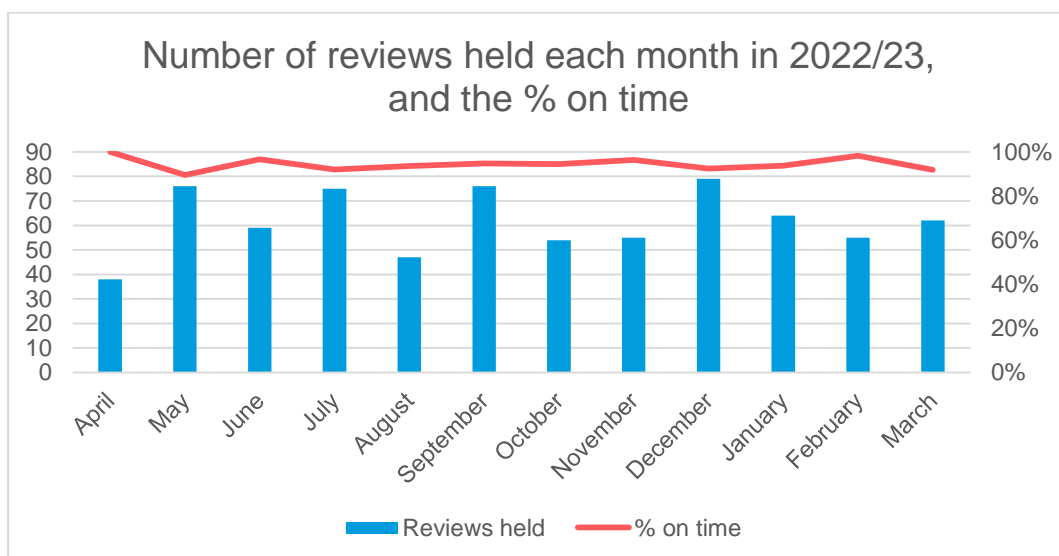
4. Timeliness of Review Records Completion

4.1 740 cared for reviews were held between 1st April 2022 and 31st March 2023. This is down on the 816 reviews held in 2021/22.

Review timescales		2019/20	2020/21	2021/22	2022/23
Numerator	The number of reviews taking place in the year which were not held on time	108	84	95	44
Denominator	The number of reviews taking place in the year	701	685	816	740
%		15%	12%	12%	6%

Reviews over the year in Torbay

Month 2022/23	Reviews held	On time	% on time
April	38	38	100%
May	76	68	89%
June	59	57	97%
July	75	69	92%
August	47	44	94%
September	76	72	95%
October	54	51	94%
November	55	53	96%
December	79	73	92%
January	64	60	94%
February	55	54	98%
March	62	57	92%
Total	740	696	94%



4.2 The service has continued to look at timeliness of completion of review records and sees this as a key measure of our effectiveness: for children’s plans to be progressed effectively, the reviews and records that drive the plans need to be available to support moving plans forward and to ensure that the impact of the plan on children maximised.

- 4.3 Work to ensure timeliness of review records has continued throughout 2022/23, building on previous work. This year there has been a modest increase of cared for reviews within statutory timescale to 94% from 92% in 2021/212. The positive progress here is moving us closer to the local target of 95% in time reviews.
- 4.4 It can be seen from the table and graph above that In 2022/23, timescale performance was reasonably consistent month on month. However, May was the lowest figure, at 89% and can be attributed to the hangover from Covid related sickness that impacted on the first quarter of the 2022/23 year.

5. Voice of the Child and Young People Participation

- 5.1 A primary objective of the IRO is to ensure children are central to decisions about them and that their voice is evident within their care plans. A key element in delivering this objective is the measure of the young person's participation in the statutory review of their care plan and care arrangements.
- 5.2 Across the year from April 2021 - March 2022, 79% of cared for children aged 4 years and over had participated in their reviews. There clearly continues to be room for improvement and plans are in place to encourage more children to not only participate in their reviews but to also co-chair them.
- 5.3 From the graph below, it can be seen that participation increases generally with age. However, there is a gap in the 9 to 12 year old cohort that requires further attention to ensure this group of cared for children are supported to participate in their cared for reviews. There may also be a link here with stability for children in the 13 year old age bracket which has previously reported is the most unstable group in terms of placement stability.

Participation in reviews, 2019/20 to 2022/23

Review participation		2019/20	2020/21	2021/22	2022/23
Numerator	The number of reviews taking place in the year where child was aged 4+ at the date of review where child participated in the review (all codes except PN4 and PN7)	457	401	527	484
Denominator	The number of reviews taking place in the year where child was aged 4+ at the date of review	564	467	641	614
%		81%	86%	82%	79%

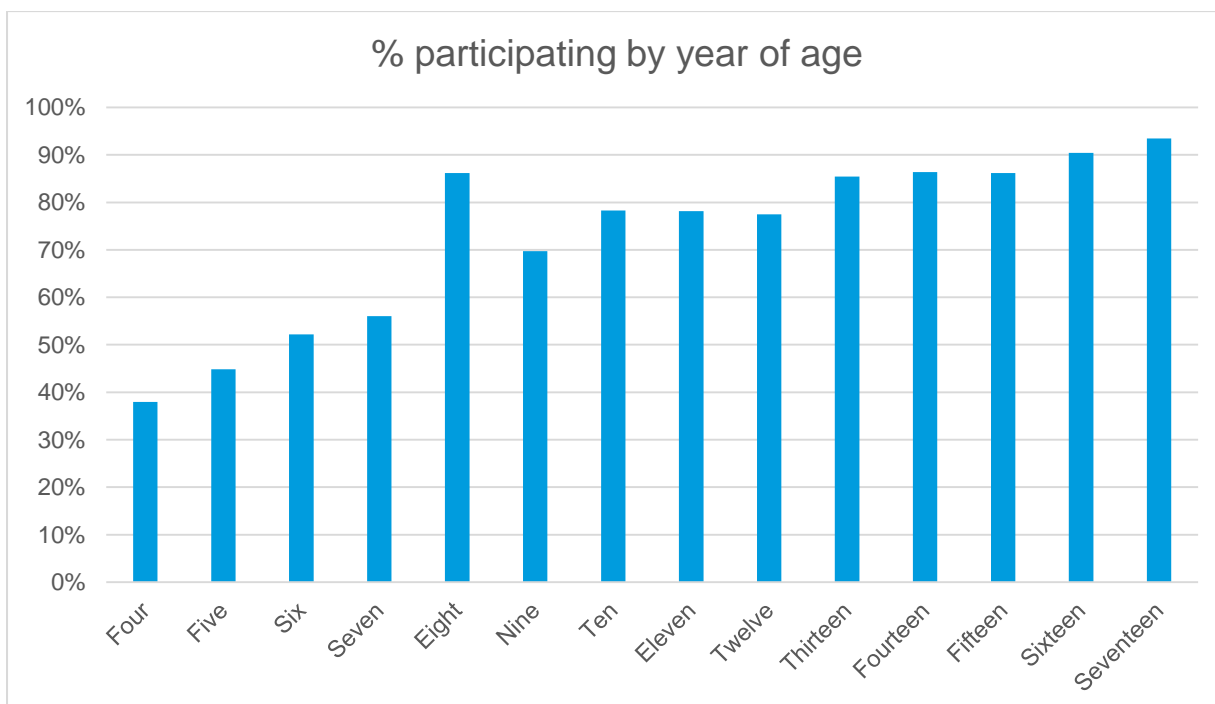
Participation in reviews – all categories of participation

Detailed review participation	2021/22 %	2022/23	2022/23 %
Child under 4 at the time of the review (PN0)	17%	126	17%
Child physically attends and speaks for him or herself (PN1)	33%	185	25%
Child physically attends and an advocate speaks on his or her behalf (PN2)	1%	14	2%
Child attends and conveys his or her view symbolically (non-verbally) (PN3)	1%	2	0%
Child physically attends but does not speak for him or herself, does not convey his or her view symbolically (non-verbally) and does not ask an advocate to speak for him or her - attendance without contribution (PN4)	1%	6	1%
Child does not attend physically but briefs an advocate to speak for him or her (PN5)	8%	140	19%
Child does not attend but conveys his or her feelings to the review by a facilitative medium (PN6)	25%	143	19%
Child does not attend nor are his or her views conveyed to the review (PN7)	14%	124	17%

Participation by age

Age of child	Reviews	Attended and participated		Attended, did not participate		Did not attend or participate		Did not attend, participated		Participated	
		Number	%	Number	%	Number	%	Number	%	Number	%
4	29		0%	1	3%	17	59%	11	38%	11	38%
5	29		0%		0%	16	55%	13	45%	13	45%
6	23	2	9%		0%	11	48%	10	43%	12	52%
7	25	4	16%	1	4%	10	40%	10	40%	14	56%
8	29	2	7%		0%	4	14%	23	79%	25	86%
9	33	7	21%		0%	10	30%	16	48%	23	70%
10	23	5	22%		0%	5	22%	13	57%	18	78%
11	32	6	19%		0%	7	22%	19	59%	25	78%
12	40	8	20%	1	3%	8	20%	23	58%	31	78%
13	55	18	33%	1	2%	7	13%	29	53%	47	85%
14	66	26	39%		0%	9	14%	31	47%	57	86%
15	65	29	45%	2	3%	7	11%	27	42%	56	86%
16	73	41	56%		0%	7	10%	25	34%	66	90%
17	92	53	58%		0%	6	7%	33	36%	86	93%
Total	614	201	27%	6	1%	124	17%	283	38%	484	79%

NOTE: The participation column in the above is the sum of those attending and participating, or not attending but participating indirectly (via an advocate or other trusted adult).

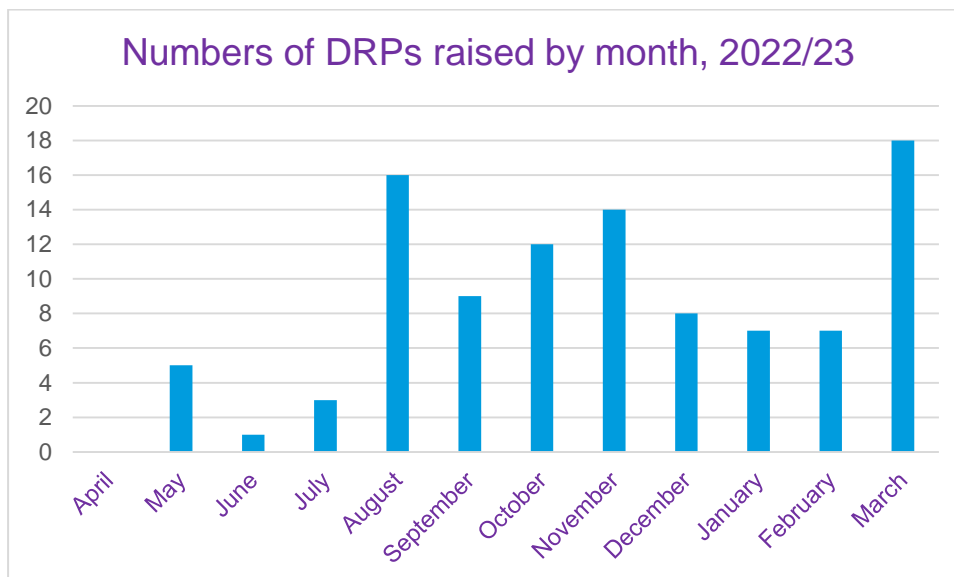


6. Dispute Resolution and Escalation

- 6.1 One of the pivotal roles of the IRO is to raise issues affecting a child’s care with the social work service where, for example, performance issues, care planning and resources are affecting the child or young person’s plans progressing and their needs being met.
- 6.2 There is an established Dispute Resolution and Escalation process available in Torbay’s procedures and practice standards. IROs continue to seek resolutions informally to issues through dialogue with the social worker or their manager before and at each stage of the procedure, but if no resolution is achieved the problem can and should be escalated to the attention of senior managers.
- 6.3 Between April 2022 to March 2023, there were 100 formal resolution and escalations completed and escalated across all the IROs which is significantly lower than the 2021/22’s figure of 183
- 6.4 It should be noted that during the first quarter of 2023/24 a new DRP process has been remapped on the Liquid Logic case recording system. It is envisaged that the new streamlined process will result in more DRP escalations along with resolutions achieved in a timelier manner.

Number of Dispute Resolution Processes raised by IROs each month

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
2021/22	1	0	11	21	7	13	14	21	27	29	32	7
2022/23	0	5	1	3	16	9	12	14	8	7	7	18



7. Achievements and Impact of the IRO Service and Summary of Progress

- 7.1 The IRO Service is continuing to make steady and purposeful improvement on many of its key activities. Children and young people continue to be provided with an IRO within three working days of becoming cared care or within two days of notification to the service, and changes in IRO have reduced and have been kept to a minimum during the year.
- 7.2 The IRO service continues to challenge through formal and informal escalation means whenever there are concerns about children's care plans not being effective or there is delay in plans being pursued. In addition, the IRO footprint on children's files as continued to improve. Case summaries are comprehensive as to are cared for child review minutes.
- 7.3 The Head of Service has been in post since December 2021 and the service manager since January 2023. Furthermore, the IRO service is now completely staffed by permanent workers who are committed to Torbay and the children they are allocated to.
- 7.4 Performance with regards to statutory reviews continues to improve and is now just 1% off the target of 95% of reviews within timescale.
- 7.5 Performance meetings continue to happen on a regular basis with data being looked from a child's lived experience perspective.
- 7.6 The IROs have continued to develop good links internally and externally with each IRO being tasked with being the link into other services throughout the statutory care services in Torbay. These links have now extended to partners such as Health and in particular Education where a significant amount of joined up work is being done with the Virtual School to improve educational outcomes for cared for children.
- 7.7 The IROs have been instrumental in developing newly qualified and international social workers over the last year by delivering training ranging from effective care planning to delivering therapeutic life story work.
- 7.8 The IROs profile within Torbay has developed significantly over the last year and working within the framework of restorative practice their high level of support and challenge is now very much evident on children's files through case recordings, midpoint reviews and care for children's review minutes.
- 7.9 The IROs have been setting a positive example with regards to audit completion with an 80% in time completion rate for the department across the year 2022/23.

8. Independent Reviewing Service Performance Planning Procedure

- 8.1 The IRO data set includes the following:-
- Timeliness and timescales for CfC reviews,
 - Timeliness of completion of review records and sharing of key decisions and Outcomes,
 - Availability of social work reports and plans for children,
 - The participation and attendance of children and young people at reviews,
 - Whether the child has a suitable plan for permanence,
 - Whether a midpoint check has been undertaken and progress of planning,
 - Details as to escalations both formal and informal,
 - Timeliness of health assessments.
- 8.2 The data set is reported to the Head of Service for Safeguarding, Early Help and Business Intelligence on a monthly basis and used as a basis for scrutiny and discussion during the monthly performance meetings.
- 8.3 Areas for learning and improvement are identified during the performance meetings and the minutes and plans shared with the Divisional Director for Safeguarding.
- 8.4 Supervision is an essential activity for providing support and development to individual IROs and to work toward creating consistency across the service in terms of practice, process, and overall service performance. The team's supervision consists of both case and personal.

9. Progress Against Areas for Development noted in the 2021/22 Annual Report

9.1.1 There were several areas identified for development across the Independent Reviewing Service for 2021/22 with the progress noted as follows:-

- i. **Service stability** – This objected has been fully met with the appointment of a permanent Service Manager as well as filling all vacant and agency posts with permanent IROs.
- ii. **Address the long-term sickness issues** – This objective has been fully met with sickness in the year at its lowest for the last 5 years.
- iii. **Ensure reviews are held within Statutory timescales** – improvements continued during the year 2022/23 with the local target of 95% in timescale reviews falling short by just 1%. There is confidence that the target will be met in the year 2023/24.
- iv. **Increased participation** – This work needs to be continued over the next year and amalgamated with the proposed restorative reviews work (see section 10 below).
- v. **Partner attendance at reviews** – This objective has been fully met with work completed with partners such as Health and Education.
- vi. **Cared for children’s health needs are met** – This objective has been partly met with significant improvements seen with health assessments, dental checks and immunisations. This is a result of IRO influence and the introduction of new into care review meetings
- vii. **Restorative relational work** – This objective has been fully met with all IROs having a specialist link role to either internal or external partners. All IROs have also completed the Restorative Practice training.
- viii. **Parent and child feedback** – The implementation of an online feedback form has been slow to take off and requires more work and focus over the next year so that we can understand the care planning and reviewing from children and parents’ perspectives.
- ix. **Practice improvement** – The delivery of training to the newly qualified and international social workers has helped here but the somewhat challenging old DRP process meant DRPs were often not responded to. The new process re-mapped into Liquid Logic means the IROs have more control over the process and eliminates the risk of non-compliance when a DRP is raised. There will be a need to monitor the effectiveness of the new DRP process and its impact on practice over the next year.

10. Areas for Development 2023/24

- i. **Ensure reviews are held within Statutory timescales** – build on this year’s improvements by understanding more the reasons for late reviews. Meet the target of 95% in times reviews.
- ii. **Increased participation** – This work to be accelerated amalgamated with the plan to develop a restorative model of practice across the IRO Service to include restorative reviews whereby children lead on these routinely.
- iii. **Parent and child feedback** – More focus on socialising the online feedback form and mechanisms with children and parents so that their opinions are fed into the development of the service and in particular the development of the restorative model of practice.
- iv. **Practice improvement** – Monitor and evaluate the effectiveness of the new DRP process and its impact on practice. Continue to explore new ways to use the IRO’s experience to develop the practice of less experienced social work practitioners.
- v. **Use data more effectively** – An IRO dashboard to be developed using PBI that focuses on measures that are routinely discussed in the IRO monthly performance surgery.

Report authored by:	Shaun Evans (Head of Service – Safeguarding, Early Help and Business Intelligence)
Date:	24th July 2023

Meeting: Cabinet **Date:** 17th October 2023

Wards affected: All

Report Title: Approval to award Agency Framework Agreement

When does the decision need to be implemented? As soon as possible.

Cabinet Member Contact Details: Councillor Alan Tyerman, Cabinet Member for Housing, Finance and Corporate Services, Alan.Tyerman@torbay.gov.uk

Director Contact Details: Matthew Fairclough-Kay, Director of Corporate Services, Matthew.FaircloughKay@torbay.gov.uk

1. Purpose of Report

- 1.1 The purpose of this report is to seek approval to award the Agency Framework Agreement for Torbay Council and SWISCo thereby appointing a number of successful suppliers following a procurement exercise.
- 1.2 The current framework comes to an end on 2nd January 2024. It is critical for service delivery that the Council and SWISCo have appropriate suppliers in place to deliver agency worker requirements, which have been appropriately procured.
- 1.3 The intended outcome is that the Council and SWISCo will have a new Agency Framework Agreement with a number of preferred Recruitment partners for interim workers who are able to meet our organisational requirements.
- 1.4 The current procurement process continues until 2nd November 2023, when the preferred suppliers will be informed of their success to be on the Framework, subject to a 'Standstill period'.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report help us to deliver this ambition by ensuring that we have several suppliers that can supply Agency workers through an agreed framework. As our customers, residents, visitors and business through their dealings with the Council will benefit the Council having suitably skilled and experience interim workers;
- By having approved Recruitment partners, who have been appropriately procured and understand our requirements, where we have need for interim support for professional roles, and frontline roles, we are able to ensure that we meet our statutory obligations in terms of supporting our customers and the community that we serve by being able to hire skilled and experience workers at short notice that will be able to support our ambition.
 - By having approved Recruitment partners for Agency workers we will be able to ensure that in the instance of SWISCo we are able to keep Torbay a beautiful place to live, work and visit by having access to competent and skilled workers that are keeping our environment clean and tidy on a daily basis at short notice.
- 2.2 The reasons for the decision are if the Council does not have an Agency Framework Agreement in place, we will not be able to source interim workers at short notice which will impact on service delivery and discharging some of our statutory functions.

3. Recommendation(s) / Proposed Decision

1. That the Director of Corporate Services be given delegated authority to appoint the successful bidders identified through the Procurement process to the Framework for a 4-year period as preferred suppliers to the Council and SWISCo for interim workers.

Supporting Information

1. Introduction

- 1.1 We currently have an Agency Framework Agreement that ends on 2nd January 2023, this is for the supply of agency workers to the Council and SWISCo.

- 1.2 The Contract is currently being re-procured and the approval is being sought for the appointment of a new Agency Framework Agreement to be in place from 3rd January 2024 to ensure that there is no interruption to service.
- 1.3 As this is a Framework Agreement, there will be several Suppliers who will be able to be contacted by managers for interim workers, subject to the specialism of the Agency.

2. Options under consideration

- 2.1 No other options have been considered, the Council and SWISCo need to ensure that there is an Agency Framework Agreement in place so that when needed interim workers can be hired to ensure that service delivery and statutory functions are discharged appropriately.
- 2.3 A Framework Agreement is best option as it allows the Council and SWISCo to use several approved suppliers to meet the needs to the services. In a challenging Recruitment market, the Council has to reach far in order to secure workers in some cases.

3. Financial Opportunities and Implications

- 3.1 The Framework is split into 3 separate lots and suppliers can bid to be a supplier for independent lots or each lot depending on their specialism. The overall contract value for each lot is as follows and is based on usage in the previous 4 years. There is no guarantee that this will be the future spend and suppliers are advised of this through the procurement process.
- 3.2 Anticipated Annual Cost:
 - LOT 1 (Core Council) £1,828,557
 - LOT 2 (Children's Social Care) £2,297,995
 - LOT 3 (SWISCO) £1,186,465
- 3.3 Anticipated Total Contract Value:
 - LOT 1 £7,314,228
 - LOT 2 £9,191,980
 - LOT 3 £4,745,860

4. Legal Implications

- 4.1 The framework is being procured in line with the Council's procurement policies and procedures.

4.2 If we are unable to appoint Recruitment partners for the supply of interim workers then the Council may be unable to fulfil some of its statutory functions as we will not have workers who are skilled and experienced in specialist areas.

5. Engagement and Consultation

5.1 Engagement has been carried out with service areas that use the current agency framework to seek views and opinions on what could be improved when the current procurement exercise commenced, this feedback has been taken into consideration when shaping the Procurement tender documentation, to ensure that we have suppliers in place that are fit for purpose and meet organisational need.

6. Purchasing or Hiring of Goods and/or Services

6.1 The procurement has been undertaken with full support and advice from the procurement team and Social Value has been incorporated into the process and contracting requirements.

7. Tackling Climate Change

7.1 There are no immediate impact on tackling Climate Change as these Contracts Procuring suppliers for Agency Workers. However, with Microsoft Teams there is the ability for a smaller carbon footprint in terms of travel with workers able to work remotely in some cases and Contract review meetings taking place virtually as a preferred option.

8. Associated Risks

8.1 The risk of not awarding contracts to have dedicated Recruitment Partners is significant. If we are unable to recruit interim employees at short notice, to meet service need across the Council and SWISCo we will be unable to fulfil some or all of our statutory duties.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			Neutral Impact
People with caring Responsibilities			Neutral Impact

People with a disability			Neutral Impact
Women or men			Neutral Impact
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			Neutral Impact
Religion or belief (including lack of belief)			Neutral Impact
People who are lesbian, gay or bisexual			Neutral Impact
People who are transgendered			Neutral Impact
People who are in a marriage or civil partnership			Neutral Impact
Women who are pregnant / on maternity leave			Neutral Impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)			Neutral Impact
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			Neutral Impact

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None.