

Monday, 13 March 2023

## **CABINET**

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

**Tuesday, 21 March 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 Steve Darling (Chairman)

Councillor Carter

Councillor Long

Councillor Cowell

Councillor Morey

Councillor Law

Councillor Stockman

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# CABINET AGENDA

1. **Apologies**

To receive apologies for absence.

2. **Minutes**

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 23 February 2023.

(Pages 5 - 6)

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. **Communications**

To receive any communications or announcements from the Leader of the Council, which will include a presentation of the Virtual School Annual Report.

(Pages 7 - 71)

5. **Urgent Items**

To consider any other items the Chairman decides are urgent.

6. **Matters for Consideration**

7. **Notice of motions**

To consider the following motions, notice of which has been given in accordance with Standing Order A14 by the members indicated.

(a) Notice of Motion - Debate Not Hate Campaign

(Pages 72 - 73)

- (b) Notice of Motion - Show Us You Care (Pages 74 - 75)
8. **Appointment of a preferred bidder for the future development of homes at land located at Preston Down Road, Paignton** (Pages 76 - 117)  
To consider a report that seeks to appoint a Registered Provider delivery partner, as the successful 'preferred bidder', following a tender exercise and to enter into a Development and Sale Agreement with that partner.
9. **Staff Travel Contract Award Approval** (Pages 118 - 125)  
To consider a report that seeks to award a contract to a new staff travel supplier.
10. **Torbay Council's Risk Management Policy** (Pages 126 - 137)  
To consider a report and the recommendation for the Audit Committee regarding Torbay Council's Risk Management Policy.
11. **Budget Monitoring 2022/23 - April to December 2022, Outturn Forecast** (Pages 138 - 155)  
To consider a report which provides a high-level budget summary of the Council's revenue and capital position for the financial year 2022/23 which commenced on 1<sup>st</sup> April 2022.
12. **Capital Projects - Report of the Overview and Scrutiny Board** (Pages 156 - 159)  
To consider the recommendation of the Overview and Scrutiny Board on Capital Projects and formally respond to the recommendations contained within the submitted report.

### **Meeting Attendance**

Please note that whilst the Council is no longer implementing Covid-19 secure arrangements attendees are encouraged to sit with space in between other people. Windows will be kept open to ensure good ventilation and therefore attendees are recommended to wear suitable clothing.

If you have symptoms, including runny nose, sore throat, fever, new continuous cough and loss of taste and smell please do not come to the meeting.

### **Live Streaming and Hybrid Arrangements**

To encourage more people to engage in our public meetings the Council is trialling 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 trialling 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. As this is a trial 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**

**23 February 2023**

**-: Present :-**

Councillor Steve Darling (Chairman)

Councillors Carter, Cowell, Law, Long, Morey and Stockman

(Also in attendance: Councillors Barrand, Brooks (virtual), Bye, Douglas-Dunbar (virtual), Foster, Hill (virtual), Chris Lewis, David Thomas and Jacqueline Thomas (virtual))

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### **443. Minutes**

The Minutes of the meeting of the Cabinet held on 10 January 2023 were confirmed as a correct record and signed by the Chairman.

### **444. Disclosure of Interests**

Councillors Steve Darling, Cowell and Morey declared non-pecuniary interests details of which are set out in the Record of Decisions appended to Minute 447 and Minute 448.

### **445. Communications**

The Deputy Leader and Cabinet Member for Finance, Councillor Cowell, called upon all Members to sign the open letter to the Chancellor of Exchequer in support of the findings and recommendations set out in the Children's Society report on the Future of Local Welfare – Discretionary Support for Families Facing Crisis (<https://act.childrenssociety.org.uk/page/121919/petition>)

The Leader of the Council, Councillor Steve Darling welcomed Catherine Fritz a representative of the Citizen Advice Bureau to the meeting. Dr Fritz outlined the work of the Citizen Advice Bureau, provided details of a case study, highlighted the increase in the number of residents contacting the Citizen Advice Bureau and how the reason for contact had changed, due to the increase in the cost of living.

### **446. 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.

### **447. Revenue and Capital Budget 2023/2024**

### **448. Application to Re-designate a Torquay Neighbourhood Forum**

- 449. Housing Strategy and Public Consultation**
- 450. Domestic Abuse and Sexual Violence Strategy**
- 451. Brixham Changing Places**
- 452. Torbay Independent Reviewing Service (IRO) Annual Report 2021-22**
- 453. Torbay Council Annual Pay Policy Statement and Review of Pensions Discretions**

Chairman/woman

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**TORBAY COUNCIL**



# ANNUAL REPORT (2021-22) OF THE VIRTUAL SCHOOL GOVERNING BODY

NOVEMBER 2022



## Contents

Forward	3
The Virtual School	4
Outcomes for Cared For Children	6
End of Year Results	7
Attendance	14
Children on Part-time Timetables	16
Children not on a School Roll	16
Suspensions	18
Special Educational Needs	20
KS4 Transitions Work	24
Aspirations for Cared For Young People	27
Unaccompanied Asylum-Seeking Children	28
Early Years	29
Post Cared For Work	29
PEPS and PP+	31
PP+ Funded Projects	34
PP+ End of Year Account	40
Support Work and Case Studies	40
ILACS Inspection	45
Extended Duties	45
Cared For Children Celebrations	48
Priorities	50
Conclusions	50
Appendix 1 - End of Year Outcomes	54
Appendix 2 - Literacy Policy	56
Appendix 3 - List of Local Authorities with Torbay CFC	62
Appendix 4 - Glossary	64



## Foreword by the Chair of the VSGB

I am delighted, as Chair of the VSGB, to write this introduction to the twelfth annual report of the VSGB. The purpose of the VSGB is to take the lead in ensuring that schools fulfil their responsibilities to Cared For Children and Young People and maximise their attainment and achievement and narrow the gap between our Cared For Children and their peers. As I mentioned in the Foreword of last year's report there are now new duties for the Virtual School which relate to children with a social worker. This report will show the distinct nature of that work compared to the work with Cared For Children.

I hope you get from the Annual Report how determined we are to ensure our Cared For Children get the very best experience from their early years providers, schools and post 16 providers to ensure the best outcomes they can achieve. The members of the VSGB are very clear that schools need to ensure that our most vulnerable learners are given every opportunity to succeed. This isn't about equality of opportunity but equality of outcome.

The Virtual School works in a very inclusive way. It also looks at the empirical evidence from research about where pupils learn and achieve best. It has a determination to have our children in the very best schools and to keep them in those schools no matter what.

Just as in the two previous academic years we have seen a period of disrupted education and although schools were open for our learners the impact of this disruption is now seen in the emotional health of some of our children, and indeed their peers, as well as impacting on their outcomes.

In terms of our pupils' achievement this year it is again an unusual year. Currently we have not been able to source national performance tables so comparisons can only be made with last year's data. In both KS2 and 4 either the Standardised Assessment Tests or GCSEs have been sat and the results, particularly at GCSE, seen a small number not get predicted grades. The good news is that all of our Y11 had destinations at the end of the academic year and the impact of the KS4 Transitions Officer is having impact.

The Virtual School in Torbay provides a tremendous amount of support to our schools and as a result receives a tremendous amount of support from our schools and positive regard. We can never underestimate the power of relationships and partnership working.

I trust that the Annual Report will demonstrate our commitment and passion to our children.

Stuart Heron

Chair - TVSGB

## The Virtual School

This is the twelfth annual report of the Virtual School Governing Body as the VSGB was formed during the academic year 2010/11. The Annual Report details the work of the Virtual School during the academic year and will highlight the educational performance of all of our Cared For Children and Young People and the wider work of the Virtual School.

The Virtual School (VS) was set up in 2010 and at that point consisted of a Head teacher (0.5 FTE) and a full time Advisory Teacher. Over the years through support of the Schools Forum and the Local Authority the staffing in the Virtual School now comprises of the Head teacher (0.6 FTE), 1 Primary CFC Teacher, 1 Secondary Maths Teacher, 1 Secondary English Teacher, an Inclusion Officer, a KS4 Transitions Officer, a PEP Co-ordinator and a 0.5 Admin Officer. In January the two members of staff commenced in posts for the Extended Duties on fixed term contracts until the end of the academic year.

From the 23 March 2020 the team worked from home, and this is continued into the current academic year however during the summer term we saw staff members work in a hybrid way which saw some home and office-based work as well as the regular school visits. The working arrangement of the team is aligned to the best outcome for the children and young people.

The four key responsibilities of the Virtual School are:

1. To make sure there is a system to track and monitor the attainment and progress of Cared For Children.
2. To ensure that all Cared For Children have a robust and effective personal education plan and access to 1:1 support, including personal tuition.
3. To champion the educational needs of Cared For Children across the authority and those placed out of authority.
4. To provide advice and guidance to schools and parents/guardians of post Cared For Children and Young People.

The purpose of the Virtual School Governing Body sees it taking a lead in ensuring that schools fulfil their responsibilities to Cared For Children and maximise their attainment and achievement. The VSGB mirrors the role of school governing bodies in that it provides a strategic view, acts as a critical friend and ensures accountability. It also expects that all its members will be actively committed to the success of the Virtual School.

All of the data about the Virtual School contained in this report will be from the academic year 2021/22.

The Virtual School consists of three groups of Cared For Children (CFC)

- All Torbay CFC who are educated in Torbay schools
- Torbay CFC who are educated in other local authority or independent schools.
- CFC from other authorities and educated in Torbay schools

The main focus of the work of the Virtual School relates to CFC who are of statutory school age but also includes those who are in Early Years settings and those who are post 16.

The school roll at the end of the academic year is shown in the following table:

Age group	Total in Torbay Virtual School  (A+B - C)	All CFC in Torbay schools  (A)	Torbay CFC in out of area schools  (B)	Out of area CFC in Torbay educational provision  (C)
Early Years	25		-	-
Reception	11	8	3	0
Year 1	11	4	7	0
Year 2	9	7	3	1
Year 3	11	8	3	0
Year 4	15	9	7	1
Year 5	11	13	1	3
Year 6	15	11	4	0
Year 7	18	12	6	0
Year 8	28	18	12	2
Year 9	30	18	16	4
Year 10	29	18	14	3
Year 11	26	14	14	2
Post 16	27	-	-	-
<b>Total of statutory school age</b>	<b>213</b>	<b>136</b>	<b>90</b>	<b>16</b>
<b>GRAND TOTAL</b>	<b>315</b>			

The number of CFC of statutory school age in the VS at the end of the academic year saw no change from the previous academic year with 213 being in Reception - Y11. Overall, there were 22 more young people in the grand total from the previous year with the increase being found in the post 16 and EY cohort.

OFSTED ratings for schools may change within an academic year. Where a school slips into Requires Improvement or Inadequate the VS looks at each individual case and decides whether it is in the child's best interests to maintain their place at that school.

The VS continues to monitor the OFSTED ratings of the schools. At the end of the academic year there were 81.8% of our CFC in schools which were rated Good or Outstanding. This is a decrease of 3.2% on the previous year. There were three children in two Inadequate schools - one in Torbay and 1 in another local authority area. Two of the children have an EHCP and one did not attend a school until they were in Y2 with the child now being in Y3. All three were making progress and the two schools have a determination to ensure the children achieve best outcomes. After reviewing their progress, it was decided that it would be detrimental for them to move schools and the SENCO and Specialist Primary Teacher in the VS closely monitors these cases and attends all PEPs.

The VS staff ensure that social workers and the SEN Caseworkers are fully aware that applications for all children but especially Reception and Y7 should only be made to Good or Outstanding schools. Obviously the same is for mid-term transfers but these are discouraged due to the adverse effect on educational attainment.

### **Outcomes for Cared For Children (CFC)**

The Department for Education only measures the educational outcomes of the children who have been cared for continuously for 12 months. For the performance measures for the academic year ending July 2022 the children whose outcomes are measured are those children who were cared for on 1 April 2021 and remained cared for until 31 March 2022. The progress and attainment of all the children in the Virtual School is important and therefore the data will be captured for the Continuous Care CFC and those who have been cared for outside of 12 months criteria.

The Virtual School measures educational attainment and progress for all Cared for Children. This is beyond the national expectation and allows accurate tracking and intervention. We do not believe the statutory focus on 12 months continuous care CFC is sufficient.

Data is captured termly in the Virtual School. As in last year's report the detail on national Cared For Children outcomes is very limited with some highlights from 2020/21 on KS4; absence and from 2019/20 on exclusions.

### **Headlines:**

1. In Reception there is a downward trend on last year's result, which was a downward trend on the previous year. Only 33% achieved a Good Level of Development.
2. At Key Stage 1 there was a downward trend after a particularly strong result from the previous year. In a small cohort 50% of the children Expected Standard in all three areas - Reading, writing and maths. It should be noted that one child achieved Greater Depth in Reading.
3. At Key Stage 2 there was a slight increase of 1% in children achieving the Expected Standard in reading over last year. A downward trend was seen in Maths with 1% below the previous year and in Writing the drop was 8% on the previous year. However, it should be noted that

there was an upward trend of 5.4% on the previous year in children achieving Expected Standard in English, Writing and Maths. Of particular note is that one child achieved Greater Depth in all 3; with 2 children gaining Greater Depth in Writing, 1 in Maths and 3 in Reading.

4. At KS4 there was a downward trend on the previous year. This was expected. It should be noted that one child in this year group achieved 10 strong passes.
5. At KS5 there were 13 young people studying in Year 13. Of these 5 were undertaking Level 3 courses. All five passed their subjects as expected at Level 3.
6. Suspensions - this year's percentage was 0.1% above the previous year. This is against a backdrop of rising suspensions in the school system nationally. There were no permanent exclusions.
7. Attendance - this has seen an upward trend with an increase of 5.5% on the previous year's figure. It should be noted that the improvement was seen in the attendance in those children in secondary schools.

### End of Year Results:

For the children at the end of Reception, the end of Key Stage 1 and Key Stage 2 the following results would, in normal circumstances, be national results and published by the DfE for those in continuous care. However, just like 2020, this academic year has not been a normal year and although there have been national tests and public examinations the publishing of results means there is not a comprehensive set to compare the results from the Virtual School. This means the only comparison can be trend data from previous years as well as expected outcomes based on Key Stage 2 data for those in Y11. For all other year groups, the results are taken from the attainment data from each child's summer term PEP. I am assured that national data for Cared For Children will be released in March 2023.

Reception: At the end of the year there were 11 children in this year group. There were six children in the continuous care cohort with two achieving a Good Level of Development (33%). In the group of 5 children who had been cared for, for less than 12 months, two achieved a Good Level of Development (40%).

Key Stage 1 - Year 1: There were 5 continuous care children in this year group with 11 Torbay CFC in total. The children should be at ARE (age related expectations) at the end of Year 1. The table below shows the number of children on track to achieve at least ARE in Reading, Writing and Maths.

In the continuous care cohort there was one child with an EHCP with Cognition and Learning as the primary need who attends a special school.

	Reading	Writing	Maths
Less than 12 months CFC	2 (1 at GD)	2	2
Continuous care CFC	2 (40%)	2 (40%)	2 (40%)

Year 2: There were 6 continuous cared for (CFC) children in this year group but with 9 Torbay CFC in total. The children are expected to be at the Expected Standard by the end of this year. The table below shows the number of children who were on track to achieve the Expected Standard in Reading, Writing and Maths if they had taken SATs. One CFC child was on track to achieve a Greater Depth judgement in Reading.

There were 3 (50%) of the continuous care cohort who reached ARE in all three measures.

There are two children in the continuous care cohort who have an EHCP, one with Cognition and Learning who attends a special school and the other as Social, Emotional and Mental Health as the primary need who attends a mainstream school. There is one child in the less than 12 months cohort who has an EHCP with the primary need being SEMH. This child attends a mainstream school.

	Reading	Writing	Maths
Less than 12 months CFC	1	1	1
Continuous care CFC	3 (50%) (1 child @GD)	3 (50%)	3 (50%)

Key Stage 2 - Year 3: There were 8 continuous cared for children in this year group but with 11 Torbay CFC in total. The children are expected to be at ARE by the end of this year.

The table shows those children on track to achieve at least ARE by the end of the year in Reading, Writing and Maths.

	Reading	Writing	Maths
Less than 12 months CFC	0	0	0
Continuous care CFC	4 (50%)	3 (37.5%)	4 (50%)

There were 3 children with EHCPs. One for Cognition and Learning currently in a mainstream school which is under review as the gap is widening between peers and two for SEMH with only one in a mainstream school.

Year 4: There were 13 continuous cared for children in this year group but with 15 Torbay CFC in total. A child is expected to achieve at least ARE by the end of this year.

The following table shows those children on track to achieve at least ARE by the end of year in Reading, Writing and Maths.

	<b>Reading</b>	<b>Writing</b>	<b>Maths</b>
Less than 12 months CFC	0	0	0
Continuous care CFC	4 (30.7%) 1 child @ GD	4 (30.7%)	6 (46.1%) 1 child @ GD

In the continuous cared for cohort there are 5 children with an EHCP. One is for Cognition and Learning and the child attends a special school and four for SEMH with only one of these four attending a mainstream school.

Year 5: There were 11 continuous cared for children in this year group with no CFC of less than twelve months. A child is expected to achieve ARE at the end of this year.

The table below shows those children on track to achieve at least ARE by the end of this year.

	<b>Reading</b>	<b>Writing</b>	<b>Maths</b>
Continuous care CFC	8 (72.7%) 1 child @ GD	7 (63.6%) 1 child @ GD	7 (63.6%)

There are three children in the continuous cared for cohort with EHCPs with three as SEMH as the primary need. All three attend mainstream schools.

Two children who received extra tuition to prepare them for the 11+ examinations in the summer.

Year 6: There were 13 continuous cared for children but with 15 children in total. This is the end of KS2 and the children undertook their SATS in May. A child is expected to achieve Expected Standard in Reading; Writing; Grammar, Punctuation and Spelling; and Maths.

The following table shows those who achieved Expected Standard in their SATS:

	<b>Reading</b>	<b>Writing</b>	<b>Maths</b>	<b>ES in Reading, Writing and Maths</b>
Less than 12 months CFC	1	1	1	1
Continuous care CFC	7 (53.8%) 3 @ GD	5 (38.4%) 2 @ GD	7 (53.8%) 2 @ GD	5 (38.4%) 1 @ GD



Whilst there is a focus through the PEP on ensuring there are interventions for each child to achieve ARE during Y6 the PRIM (performance review and intervention meeting) process commences. This sees a greater focus on individual children and will see the Primary CFC Teacher undertake interventions where necessary with individual children. When the child is placed out of area this will see the Primary CFC Teacher making individual contact with the DT to ensure that interventions are put in place and that the focus is one which meets need.

In the continuous cared for cohort there are four children with EHCPs. Of these two are in mainstream school settings and the other two in special school settings. Three have their primary need as SEMH and one as Cognition and Learning.

One continuous cared for child was assessed as Greater Depth in Reading, Writing and Maths. With two achieving Greater Depth in Writing and Maths. These children were all in schools in Torbay.

Key Stage 3 (Years 7, 8 and 9)

Year 7: There were 16 continuous cared for children but with 18 children in total. Again children need to achieve Age Related Expectations.

	<b>English</b>	<b>Maths</b>
Less than 12 months CFC	0	1
Continuous care CFC	4 (25%)	6 (37.5%)

There are 8 children with EHCPs in the continuous care cohort with 6 of the children in a specialist setting. Of the 6 there are two children with Cognition and Learning as the primary need. The remaining six have SEMH as their primary need.

Year 8: There were 24 continuous cared for children and 28 CFC in total in this year group. The minimum expectation would be ARE. The table below shows the children who have achieved at least ARE.

	<b>English</b>	<b>Maths</b>
Less than 12 months CFC	0	0
Continuous care CFC	6 (24.9%)	6 (24.9%)

There are 9 children with EHCP in the continuous cared for cohort with them all having SEMH as their primary need. Four of these children are educated in special school settings.



Year 9: There were 23 continuous cared for children and 30 Torbay CFC in total in this year group. Again the minimum national expectation is ARE by the end of Y9. The table shows the children who achieved at least ARE by the end of the year.

	<b>English</b>	<b>Maths</b>
Less than 12 months CFC	1	1
Continuous care CFC	8 (34.7%)	7 (30.4%)

There are 12 children with an EHCP in the continuous cared for cohort and 1 in the less than 12 months cohort. Ten are in specialist schools with three in mainstream schools. Five of the children have cognition and learning as the primary need and eight with SEMH as their primary need.

It should be noted that some schools are now choosing to commence GCSE courses in Y9. This now means that school will report attainment either as above, on or below ARE or as a GCSE grade. When commencing the GCSE course it is essential that the VS also receives the end of KS4 target to ensure the child is on track.

#### Key Stage 4 - Year 10:

There were 23 continuous cared for children and 29 Torbay CFC in total in this year group. At the start of the year targets for the end of KS4 were set from each school's Fisher Family Trust (D) data set. This data set uses prior attainment data and contextual factors to predict outcomes that a young person should achieve in line with the top 25% of students in similar contexts. Using this data 12 children should achieve at least a Grade 4 in English and 11 children a Grade 4 in Maths.

The table below shows the attainment at the end of Y10:

	<b>English Grade 4+</b>	<b>Maths Grade 4+</b>
Less than 12 months CFC	1	1
Continuous care CFC	10 (43.4%)	8(34.7%)

Through the PEP process for these children not on track to achieve their predicted grade interventions will be put into place.

There are 11 continuous cared for children with an EHCP. Of these children 5 have an EHCP with Cognition and Learning as the primary need with 6 with SEMH as their primary need. Of these six are in specialist settings.

It should be noted that one of this year group has been held back a year since Year 1 and will take GCSEs next year. Unfortunately, there has been a placement move which has meant a change of school. This will require careful monitoring as any move in KS4 is difficult and the impact on completing the course ready for Y11 will need oversight.

Year 11/ End of Key Stage 4: There were 23 continuous cared for young people and 26 Torbay young people in total in this year group. It should be noted that one of the continuous care group had been held back a year and thus the GCSE results are not captured in this year's results. In a normal year the DfE would publish the end of KS4 results for the continuous care group and OFSTED would scrutinise them during inspection. At the time of writing, I have a limited benchmark to measure this cohort against other than previous years as well as whether they met their targets based on their KS2 result. The following table gives details of the end of KS4 results for the continuous care young people.

	<b>5A*-C or Grade 4+ including E&amp;M</b>	<b>5A* - C</b>	<b>EBACC</b>	<b>Grade 4+ (or C+ pre 2017) in E &amp; M</b>	<b>Grade 4+ (or C+ pre 2017) in English (Lit or Lang)</b>	<b>Grade 4+ (or C+ pre 2017) in Maths</b>
Torbay CFC 2022	13.1% (3)	18.1% (4)	0	13.6% (3)	31.8% (7)	18.1% (4)
Torbay CFC 2021	24.2% (8)	27.2% (9)	3.03% (1)	27.2% (9)	42.4% (14)	30.3% (10)
Torbay CFC 2020	25% (5)	30% (6)	5% (1)	20% (4)	40% (8)	25% (5)
Torbay CFC 2019	14.3% (4)	14.3% (4)	7.1% (2)	14.3% (4)	32.1% (9)	21.4% (6)
Torbay CFC 2018	33.3% (7)	33.3% (7)	0	38.1% (8)	42.8% (9)	38.1% (8)
Torbay CFC 2017	13.6% (3)	22.7% (5)	4.5% (1)	13.6% (3)	22.7% (5)	27% (6)
Torbay CFC 2016	13.3%	13.3%	0%	20%	27%	27%

Torbay CFC 2015	14%	14%	0%	14%	18%	18%
Torbay CFC 2014	0	8%	0%	8%	20%	8%

Based on KS2 SATS results 9 (40.9%) young people in this cohort should have achieved at least a Grade 4 in English and 8 (36.3%) in Maths. It is, therefore, disappointing that they didn't achieve in line with the predictions from KS2. This underachievement, however, also needs to be seen in the context of the Stability Report which looks at placement moves and types of accommodation or school which may adversely affect outcomes for our young people.

Comparing the data over the previous eight years the outcomes this year are amongst our lowest for the cohort. The impact of two years of disrupted education whilst a factor cannot be used as an excuse. Two young people had fantastic results with one getting ten passes ranging from Grade 9 - 5 and another nine passes ranging from Grade 7 - 4. Neither of these children took a modern foreign language and in fact only two in the cohort did. One in Spanish and the other child took French and achieved a Grade 5. Unfortunately, this child did get a Grade 4 in English and three other good GCSE passes but as predicted only got a three in Maths. This was despite interventions.

There are 8 children with EHCP in the continuous cared for cohort only three attending a mainstream school.

The main points are that the results were disappointing this year but there were no major surprises as the underperformance was being predicted from Y10 and despite interventions, this was not able to be overcome. One of the Y11 who underperformed saw placement moves in Y10 and 11 and this saw a pattern of school refusal. This young person was supported with a programme to ensure engagement in Y12. Another was predicted Grade 6s but saw a change in their cared for status and whilst does not explain the underperformance it will have been a factor in the emotional health of the child. There were three children who achieved either in line or better than their KS2 outcomes. All three of these had stability in placements and no school moves since arriving at secondary school.

All of this year group had Y12 plans in place by the end of their academic year in June.

### Key Stage 5 (end of Y13)

There were 36 young people in this year group. Of this there were nine working full time; six still studying for qualifications; and five 'NEET' (not in education, employment or training).

This sees thirteen young people studying for, and completing, a qualification by the end of Y13, with a further three extending their course into a Y14 which will be completed in 2023. Of the thirteen who completed their course four achieved an ESOL qualification which enabled them to move on to another qualification either vocational or academic; 1 young person achieved an EL3 pass in Functional

Skills Numeracy and Literacy; 2 passed a L2 vocational course and 1 passed a L1 vocational course; three passed a L3 vocational course and two passed A levels - one young person completed 3 and got a C in Maths and Chemistry and a B in Physics, and the other young person passed 1 A level.

## Attendance

The Virtual School wants all children to have the best possible attendance at their individual schools to enable each and every child to reach their full potential.

There is a strong link between good school attendance and achieving good results for children. Children who frequently miss school may fall behind in their work which may affect their future prospects. Good school attendance also shows future employers that a young person is reliable, more likely to achieve well and play a positive role in their community.

Very often, prior to children becoming cared for their attendance at school has been poor although not in all cases.

As of September 2015, the Department for Education (DfE) announced that any student whose attendance falls below 90% will be classed as a Persistently Absent student. Therefore, if a student misses 19 or more days over an academic year they will be classed as Persistently Absent.

The DfE say 'If over 5 academic years a pupil has attendance of 90% the child will miss a half of a school year, that's a lot of lost education.'

The Virtual School promotes good attendance through ensuring fostering families have due diligence to good attendance as well as the children's social worker. Contact is made with children whose attendance has been a concern prior to coming into care to check what issues may have prevented good attendance. From the information received a plan will be written which will have action for all parties, the child, the school, the carer, the Social Worker and the VS. We all expect children to be at school unless the child is seriously unwell.

Each term the VS celebrates excellent attendance with the issuing of a certificate and for those with 100% attendance a book token. There are also attendance awards at our Annual Celebration of Achievement.

Attendance is now collected daily for all children but for those for whom there is a concern this is done on a twice daily basis. The Virtual School commissioned a service called WelfareCall to obtain the daily attendance of all our children no matter where they go to school and that by commissioning this service it means that our children, no matter where they go to school, have a focus on excellent attendance.

## Attendance Key Points

1. After each data drop attendance was RAG rated. The RAG is as follows:  
GREEN = 95% and above

AMBER = 91% - 94%  
RED = 90% and below.

The Inclusion Officer collects the reasons for an absence in school and will know if it is due to illness or otherwise. Analysis of the absences looks for patterns. The VS has a policy of no holidays in school time for our CFC unless it is a school based activity and part of the school curriculum.

If a child is rated as a RED the Inclusion Officer will contact all parties in order to formulate a plan around improving the attendance. When a child is rated as AMBER contact will be made with all parties to say the child's attendance rate is a concern and an expectation will be set for improvement.

2. The attendance figures in this report are for the children who have been in continuous care for 12 months and are for the complete academic year. However the figures for all CFC will also be noted.
3. Six years ago, attendance was a focus area for improvement and since then the attendance has improved incrementally. Last year, the overall attendance figure for continuous care children was 85%. For the academic year 2021/22 the attendance figure for continuous care children was 90.54%. For all cared for no matter how long they had been cared for the attendance figure was 90.26%.
4. In the last year's AR it was reported that there had been a massive increase in the number of children characterised as Persistent Absentees (PA) on the previous year's (2019-20) figure of 10. The figure had risen to 73 children and young people categorised as Persistent Absentees. For the current academic year (2021-22) the figure dropped to 47 continuous CFC and 58 for all. It is pleasing to note this drop, but we are not content to keep this figure and will work earnestly to see a significant drop next year.
5. Attendance will continue to be a focus not only for the VS but also foster carers and the child's social worker as children need to be in school to benefit from it.

	Primary	Secondary	Overall
<b>Attendance 2022</b>	<b>94%</b>	<b>87%</b>	<b>90.54%</b>
Attendance 2021	93%	82%	85%
Attendance 2020	95.3%	94%	94.8%
Attendance 2019	97%	90.15%	95%
Attendance 2018	97.5%	94%	95%

Attendance 2017	97.5%	95.1%	96%
Attendance 2016	96.8%	94.7%	95.7%
Attendance 2015	97.99%	93.33%	95.7%
Attendance 2014	92.34%	92.36%	92.35%

### **Children on Part-time Timetables**

During the academic year there were no children on part-time timetables due to behaviour concerns. There were a small number who had a part-time programme during their transition into a new school. The time period would be no longer than four weeks and for many a two-week transition was more than appropriate. These transitions are closely monitored by the allocated team member and recorded through the PEP process.

All part-time programmes are closely monitored by the Inclusion Officer in order that a timely return to full time education is achieved. If a child has an EHCP the SENCO also has a monitoring duty to ensure the rigour of the programme and will attend all PEPS.

### **Children not on a School Roll**

The following table shows the number of children not on a school roll during this academic year. All of them had an EHCP and SEN were either unable to identify provision or there was a need for a bespoke programme. Unless otherwise stated their programmes were between 20 - 25 hours per week.

Year Group	Last on roll	Plans	Actions	EOTAS Provision
R	Not applicable	Placed for adoption but several legal challenges. Court will no longer accept any more challenges so child being placed in next two weeks.	School place in Torbay was secured but as moving decided not to commence school until child moves to forever home.  Application to receiving LA for school place made	None

			week beginning 13 September.	
Y4 EHCP	October 2021	Number of placement moves. Child now placed in Wales and LA assessing most suitable school	Torbay SEN and VS SENCO closely monitoring situation.	Assessment place in specialist school.  Went on roll from start of academic year 2022.
Y7 EHCP	Sept 2021	Child was in residential provision. Moved back to live with family.	Torbay SEN and VS SENCO closely monitoring situation.	EOTAS package in place. Child now in secure setting .
Y7 EHCP	April 2022	Child was in school in Cornwall. Placement move needed but none available locally - moved to area over 150 miles away. Placement search continued and after two months returned to Cornwall and previous school.	Torbay SEN and VS SENCO closely monitoring situation	EOTAS package
Y8 EHCP	July 2021	Number of placement moves which saw SEN consulting with two local authorities.	Current LA had to be challenged at DCS level to provide school	EOTAS package while school place secured.  Autumn Term 2022 on to a school roll
Y10 EHCP	N/A		Torbay SEN and VS SENCO closely monitoring situation	EOTAS package in place when became cared for. Specialist school

				place secured and child attended.
Y10 EHCP	N/A		Torbay SEN and VS SENCO closely monitoring situation	EOTAS package in place when child became cared for. This package continues as successful and child still in Torbay.
Y11 EHCP	July 2021	Child left residential placement in August although VS had been assured this would not happen. Now placed in Plymouth within a home of a previous carer.	Torbay SEN approached Plymouth SEN for a school place in alternative provision.  Consultation started on 10 September. Place agreed at specialist setting by October half term.	Online provision from previous residential school.
Y11	July 2021	Child in a YOI.	Currently a search for a home for child is being undertaken by Placements Team. SEN will consult once it is known where the yp is living.	Educational provision within YOI until release and then a package which included English and maths and a vocational option (hairdressing).

### **Suspensions**

Please note that the Department of Education has changed the terminology to suspension rather than exclusion. There continues to be a focus on finding alternative sanctions rather than suspension.



Again, the rigour the VS has with attendance monitoring means that suspension figures are accurate and timely.

During the academic year 30 children were subject to suspensions (formerly known as fixed term exclusions FTX). This would be an exclusion rate of 14% and is for all CFC not just those cared for longer than 12 months. This is in line with last year's rate of 13.9%.

The following table gives more detail about the exclusions:

Year Group	Cared for 12m+	In area/Out of area	Number of exclusions	Number of sessions (1 day + 2 sessions)	M/F	EHCP
Y7 child a	yes	in	1	1	M	Yes
Y7 child b	yes	in	1	4	M	No
Y7 child c	yes	out	1	1	M	Yes
Y7 child d	yes	out	1	1	m	No
Y7 child e	yes	out	2	14	m	Yes
Y7 child f	yes	in	3	9	M	Yes
Y8 child a	yes	In	1	4	M	No
Y8 child b	yes	in	1	2	M	No
Y8 child c	yes	in	2	5	M	Yes
Y8 child d	yes	Out	4	16	F	Yes
Y8 child e	Yes	In	5	24	F	No
Y8 child f	Yes	In and Out	7	20	M	No
Y9 child a	No	In	1	2	F	No
Y9 child b	yes	Out	1	2	F	No

Y9 child c	Yes	In	2	4	F	Yes
Y9 child d	No	In	3	7	F	No
Y9 child e	Yes	In	3	16	M	No
Y9 child f	Yes	Out	4	10	F	No
Y10 child a	Yes	Out	1	2	M	No
Y10 child b	In	In	1	2	F	No
Y10 child c	No	In	2	4	M	Yes
Y10 child d	Yes	out	4	8	M	Yes
Y10 child e	Yes	out	7	17	F	No
Y11 child a	yes	out	1	1	F	No
Y11 child b	yes	In	1	2	F	Yes
Y11 child c	yes	Out	1	3	F	No
Y11 child d	no	In	1	2	M	Yes
Y11 child e	Yes	In	9	20	M	Yes
Y11 child f	Yes	In	12	26	M	No
Y11 child g	Yes	out	16	32	F	No

### **Special Educational Needs**

Torbay has a higher percentage of all pupils with SEN in particular those with Education Health Care Plans. This is also reflected in the number of CFC with special educational needs in the Virtual School.

At the end of the academic year there were 83 children, of statutory school age, with EHCP's in the Virtual School. This sees 38.9% of the VS's school population being subject to an EHCP. Of these 83 children and young people 42 of them are in specialist provisions. This immediately raises concerns as

the evidence from the Rees Report sees children not in mainstream schools doing less well than their peers in mainstream in terms of reaching age related expectations. This however does not mean they do not make good progress it means they do not reach the level expected for their age group set by the DfE and they are in these provisions because they best meet the child or young person's needs.

It should be noted that there is a reduction of one of children and young people with EHCP's. This has halted the previous five years of increases and whilst slight may indicate that the right support is being put in place in a timely manner.

Of the 83 young people with an EHCP, 67 are in the continuous care cohort. There were 9 young people in the Y11 cohort with an EHCP with 7 of these being in specialist provisions.

There were 56 children and young people identified as needing SEN support in those of statutory school age.

When combining the number with an EHCP and those at SEN support the data shows that 65.2% of those of statutory school age have special educational needs and are on the VS's SEN register.

The VS has supported schools in 5 Requests for Statutory Assessment during this academic year.

Our SENCO has all the children and young people with an EHCP on her caseload and liaises between our SEN Team and Designated Teachers in schools. There is a strong working link between the VS SENCO and the named CFC SEN Officer. Here is an example of one piece of case work undertaken during this year.

Our SENCO has produced three case studies to show the breadth of the work:

#### Child A

##### What was the issue?

- The young person had been in a special school out of area. During the Summer holidays he was moved back to the area - at the start of Y11.

##### What have we done?

- 
- As the young person had an EHCP, Virtual School and SEN worked to get him another education provision. This was further complicated as he had been following the Welsh Curriculum.
- As he lived in another LA it also involved liaising with that LA SEN. Virtual School liaised with the provision and carers. Visits were facilitated to several sites to find the one that best met need.

A Key adult was allocated who assisted the young person to transition into the small classes at the provision.

What difference has this made?

The young person re-engaged with education and achieved GCSE qualifications in a range of subjects.

The young person has now enrolled at SDC to get Grade 4's in Maths and English so that he can progress to an apprenticeship next year.

Child B

What was the issue?

- The young person had just started at Secondary school when he came into care. He was placed in a neighbouring Local Authority and moved schools so it was accessible for the carer. The young person did not settle and kept returning to Torbay. Social Care then placed him with parent under Schedule 3. Despite the young person wanting to return to his original Secondary school and the school accepting him he did not settle. He did not engage with interventions or lessons even when support was provided, choosing to stay in the corridors

What have we done?

- An RSA was submitted to Torbay SEN and accepted. Virtual School supported an external Mentor with whom he had developed a relationship whilst in placement. The VS also commissioned the Educational Psychologist report to support the RSA and prevent any delays.

Various other interventions were offered but the young person did not want to engage with them although the VS did fund counselling sessions within school to build relationships with adults.

An Ipad and audiobooks were purchased to help raise interest in Reading and close the gap.

Once the EHCP was in draft, the VS and Torbay SEN consulted with the maintained special school where he gained a place

### What difference has this made?

The young person has made a positive start in school and is now accessing all his lessons and goes to identified spaces if he needs time out. The smaller class sizes have allowed him to Thrive and he prefers the smaller building size.

At the PEP he commented that

*I am happier at Brunel*

*I feel safer in school and the staff here understand me.*

Child C

### What was the issue?

- The young person was struggling to manage in school prior to coming into care and was on a part-time timetable due to increasing dysregulation. The majority of this timetable was with an alternative provision. An EHCP was in draft form at this time
- 

### Our journey so far....

- The Care placement was out of area so Virtual School and SEN set up a bespoke programme keeping Play Torbay, with which the young person had already developed relationships, in place whilst his EHCP was finalised.
- 

### What we have done.

Virtual School and SEN liaised with the SEN Department in the area where he was living but before a school was identified he was moved back to Torbay. Virtual School and SEN then worked together to secure a placement at the LA special school

### What difference has this made?

The young person accesses school full-time, consistently gets over 70% of his points and has earned 2 reward trips. He is completing most of the work with 1:1 support, talks positively about school and is starting to build peer relationships. he has joined a football team and is now less reliant on electronic devices to keep himself occupied.

### Outcomes at end of Key Stage 2 and 4 for children with SEN

At Key Stage 2 there were 4 children at SEN Support and 5 with Education, Health and Care Plans. Of the children with EHCP 4 of them have Social and Emotional Health as their primary need and one a Severe Learning Difficulty. The table following gives detail of their performance in the SATS. It should be noted three of the ENCP children did not sit SATS.

	<b>CFC in VS</b>	<b>Reached at least EXS Reading</b>	<b>Reached at least EXS Writing</b>	<b>Reached at least EXS Maths</b>	<b>Reached at least EXS in Reading, Writing and Maths</b>
Number with EHCP	5	0	0	0	0
Number at School Support	4	3	1	2	1

At Key Stage 4 there are nine young people with an EHCP with a similar number at SEN support.

	Total in Y11	Grade 4+ E & M	Grade 4+ E only	Grade 4+ M only	5+ at Grade 4+
SEN Support	9	1	2	1	2
EHCP	9	0	0	1	1

One young person in Y11 and at School Support achieved fantastic results passing 10 GCSEs with the highest grade being a 9 and the lowest a 6. This young person had a difficult Y11, not in school but with other pressures. This young person has benefitted from one fostering family from the commencement of being cared for and only one school which has high aspirations for all its pupils and supports their cared for learners in an exemplary manner. This young person has an aspiration to be a doctor and I am in no doubt that this will be fulfilled.

### KS4 Transitions Work and Post 16

This is a new post to the Virtual School as a gap was identified in our work when the young people became a learner in Y12. It was agreed through the VSGB that the post would be funded though PP+. Laila Rehman commenced this post at the start of the new academic year in 2021. Laila was an existing team member who was able to build on her knowledge and experience of the VS whilst moving to this promotion.

This post sees a significant amount of time working with young people in Y11 in order to aid their transition into Y12 and ensure that in September of their Y12 their destination remains the same and aligned to their feedback and wishes.

The role is having an impact and good working relationships with the schools, colleges, foster carers and most importantly the young people are evidenced. Laila will attend all Spring and Summer PEPS of the Y11s (unless they have an EHCP when Anna Walker, our SENCO attends) and ensures all is in place and if necessary, equipment needed for the course is sourced through the final Y11 PEP.

A piece of work on the Gatsby mark was undertaken to ensure that all Y11 were in schools which gave good independent advice and guidance on next steps and a report produced for the VSGB.

Laila originally collected the attendance, but this was an onerous task and part of the way through the year it was decided that WelfareCall should be commissioned to collect the post 16 attendance data as they do the pre-16. This enabled Laila to focus on having oversight of the attendance and address concerns where necessary, enabling her time to be focused on impact for young people.

Work for post 16 also includes ensuring all NEET learners have access to support from Careers South West, or their equivalent, if out of area and training for the Care Experienced Team on PEPS as well as for post 16 providers. There are excellent links between the VS and staff at South Devon College who are our main provider of post 16 education.

Here is a piece of work from Laila's first year:



Self Assessment  
KS4 Transitions  
Torbay Virtual School



### What was the issue?

One of YP was having issues with her apprenticeship, as there were a lot of comments being made in the placement. The YP was feeling uncomfortable with going into the setting and continuing the apprenticeship. The young person during the summer term stopped attending the nursery (apprenticeship workplace).

### Our journey so far....

So far we are aiming for the YP to complete their Level 2 so that they gain their qualification at the end of year.

### What have we done?

Once the issues were identified a meeting was set up with the provider and all relevant professionals. At this point the young person's voice was heard via the Foster Carer. The young person did not feel secure in the setting and the initial meeting needed to set the scene and boundaries and then a meeting to facilitate a safe return. We have maintained communication with the YP throughout the process. We have ensured that regular meetings were held to help support the YP continue with their apprenticeship. We ensured that the YP's voice was at the centre of our work so that we knew exactly what they were feeling and what they wanted to happen at their pace.

### What difference has this made?

The difference our work has made is that with our support the YP has continued with their apprenticeship and is on track to gain their Level 2. Without our support they may not have continued with this and have left without continuing the course.

### Areas for further action

To keep up with communications with the YP to maintain open communication channels.

### Immediate next steps

- To hold a Personal Education Plan to see how the YP is progressing on the course and if there are any areas of concern.

The following example is that of a post 16 who has an Education, Health and Care Plan and this work is overseen by our SENCO:

Case Study: YP T

### What was the issue?

- The young person had struggled to access any education at his school during Y11 and did not want to access their post 16 provision. He had also previously missed



chunks of education during his statutory school years due to poor Mental Health which required him to be hospitalised.

#### Our journey so far....

- The young person had been in a special school out of area but would not engage on site
- 

#### What we have done.

Virtual School liaised with SEN to get a post-16 package to include his interests in IT and re-engage with 1:1 Maths and English tuition. Regular Meetings and PEPs were held to ensure that he was making progress

#### What difference has this made?

The young person has engaged well with his package and there was a significant increase in his in-person engagement rather than remote, despite the travel distance. He completed FS L2 English and is working towards his FS L2 Maths.

He is working towards NCFE L2 qualification in Creative Media/Games Design and IGCSE in Computer Studies.

#### **Aspirations for our Cared For Young People**

The Virtual School is determined that all of our Cared For Young People have the very best opportunity within education to achieve their academic potential.

There are many factors which can impact on outcomes and our young people will have had varied experience of education prior to becoming cared for. This may include poor attendance and parental engagement, and this may stem from the adult's own experience of education. Having stability in their home life is also important once they become cared for and we know that placement stability is a real factor in supporting better educational outcomes. Therefore, we need to encourage a system where all the adults in the young person's life have high aspirations for them. This includes school staff, fostering families, social workers as well as the VS Team. Our job in the VS is to ensure all do their utmost for our young people.

Each young person will have a different starting point in both their care and educational journey. Young people become cared for at all different ages. Many young people who become cared for in their Y10 or 11 do not achieve well in their GCSE examinations at the end of Y11 but this is not the

end of their educational journey. There needs to be an acknowledgement that our young people may not achieve outcomes in line with their peers at the usual end points such as the end of KS4 (Y11) but that with a little extra support and time they will achieve them later.

Whilst a number of care experienced young people do access higher education we also need to ensure that we offer a broad range of support to our young people to identify appropriate routes to achieve good outcomes and that university is just one avenue to explore alongside career aspirations. There are many other ways to achieve not only academic outcomes but economic well-being as well and our young people need to know the range of opportunities available to them. This will include apprenticeships and well as employment which offers future opportunity to progress.

To this end, we in the VS, will strive to support our young people to reach their potential by:

- supporting and challenging schools for both individuals and cohorts on underachievement or exclusion
- providing support to fostering families in order for them to be aspirational
- offering a wide range of opportunities such as university taster days for those in KS2 and KS4 and open these to all abilities
- good careers advice which is quality assured if school based or from Careers South West or their equivalent in the area where the young person lives
- offering literacy resources such as Letterbox, Book Buzz and access to the online Encyclopaedia Britannica
- ensuring access to 11+ coaching if appropriate
- offering wider curricular offers such as STEM days and arts based activities
- facilitating engagement with a range of careers based on a young person's interests
- our KS4 Transitions Officer attending Y11 PEPS from the Spring Term in order to gain an understanding of career aspirations and ensure that barriers are identified which may impact on this aspiration
- responding to underachievement by ensuring extra support such as 1:1 tuition is offered
- supporting all professionals to understand their role in raising aspirations.

Finally, our young people need to know that they have adults who believe in them and their potential to do well. This will allow the young people to believe in their own potential too and therefore give them the desire to do well. This is one of the most difficult things to achieve if a young person does not believe in their own abilities.

### **Unaccompanied Asylum-Seeking Children and Young People**

There have been 16 UASC in the Virtual School during the year. All 16 are male. There have been 12 who were in Y12 or 13 on arrival. Of these 10 studying on a course designed for ESOL - this was at Exeter College and had been set up with European Funding through a partnership between the college

and Careers SW. One chose not to study but a late request for him to sit GCSE English was facilitated, and the other young person arrived late in the academic year and he was set up with a course for the start of the new year.

There were 4 of statutory school age although we had to wait on an age assessment for one. So two were placed in schools - one in Y9 and one in Y10. The other two young people arrived late in Y11 and thus were set up for the next academic year.

### **Early Years**

During the academic year the Inclusion Officer, who was overseeing all Early Years PEPS has worked closely with the LA's Early Years Team in order to ensure our Cared For Children who attend Early Years settings have an evidenced, high quality experience. This has seen the allocation of an Early Years Advisory Teacher who will quality assure a sample of PEPs each term as well as attending PEPS when necessary or requested by the VS. This then enhances the links the VS has developed by attendance at the Early Years Provider network meetings and gives greater oversight and support to our Cared For Children who attend Early Years settings.

The Head of Service for Early Years also sits on the VS Governing Body.

### **Post Cared For Work**

This area of work is one added to our brief around five years ago. The work is for those children who were previously cared for and moved either to live with a family either with a final adoption order or a Special Guardianship Order. The work is one which sees the VS give advice and guidance to those holding the AO or SGO.

Below is an example of this work:

The impact of a Post Cared for officer in the virtual school: A case study of one child's

**TORBAY COUNCIL**

### **What was the Issue-**

Child S's Adoptive parent contacted the Virtual School after experiencing issues with school around Child S. This was with regards specifically the class teacher who she felt was making humiliating comments to Child S and did not recognize his past trauma nor support him in a way that recognized his lived experience.

She had already been to a meeting with the schools DT but felt this meeting wasn't productive or child focused, and she felt at a loss at the next steps as she felt communication with the school was pointless and was considering moving schools for Child S.

At the time Adopt SW did not have a social worker in place and adoptive parent wanted any support that could be offered, she discussed how she would really like to have a meeting brokered to help address the learning needs and maybe ease the tensions that were building between her and school.

Child S's adoptive parent had tried multiple times to arrange a meeting with school but had little to no success in arranging a meaningful meeting and this had left adoptive parent feeling frustrated and rather upset as she felt she was being given no reasonable or appropriate support to keep Child S in education.

### Our journey so far-

After contacting Child S's adoptive parent via a phone call to discuss the issues and what advice and guidance could be offered the meeting with the school went ahead with Sam Caunter and Tracey Powell sitting in on the meeting to provide some mediation and guidance.

The key points of the meeting were discussed as followed-

- Child S had recently lost his Grandfather who he was very close to COVID this combined with learning in lockdown had lead to Child S falling significantly on his emotional and wellbeing. DT agreed to put into place an Ed Psych as well as offering Child S a key adult at school to help support Child S.
- Also discussed were the issues around the class teacher and the inappropriate comments made. The DT for the school was very open to discussing this issue and progress was made around the comments.
- We discussed putting in a support plan for Child S around helping him process his emotions and adjusting to the return to school from working at home during COVID.

There other key part of the meeting was creating a good relationship between home and school for Child S this was something we at the Virtual School really tried to explore and develop during the meeting often ensuring that communication lines we made and kept reasonable for both parent and the DT.

The adoptive parent said she really enjoyed the PEP process when child S was cared for, and we advised as part of the process the school can provide an Epac meeting which school agreed too to help keep communication at home and school flowing.

I find its very important that we as a Virtual School make both parties aware we can only offer guidance and support; both adoptive parent and DT had similar outlooks for Child S and that by opening communication this became obvious.

### **What Difference has this made-**

The difference made has been invaluable to Child S's adoptive parent who has told me that Child S has made a complete 180 turnaround at school and is thriving at a school just 6 months ago she wished to withdraw him from.

Adoptive parent for Child S has said how happy she is with the communication between school and how the Epac meetings have really helped her feel valued and listened to as the champion for Child S's educational needs.

Adoptive parent has said how grateful she was for the support she received from the Virtual School and she was glad there was someone who made her feel supported and listened to.

## **PEPS AND PP+**

The Personal Education Plan (PEP) is the statutory tool to ensure that everyone is actively prioritising the education of the child/young person, carefully tracking their progress and supporting them to achieve and be aspirational. All children looked after (CFC) have a statutory care plan, which is drawn up and reviewed by the Local Authority who looks after them. The Personal Education Plan is a legal part of the Care Plan, which is a statutory requirement for CFC from the age of 3 years, if in educational provision, up to the age of 18.

The key personnel who should be involved in every PEP meeting are the child, the social worker, the carer and the school's Designated Teacher or Early Years Lead or FE College lead for CFC.

For children of statutory school age the PEP must be held every term. The CFC Teachers will attend PEPs of children who are struggling at school wherever possible. This also includes advising, supporting and challenging on inclusive practice in order to maintain children in their schools.

Since September 2015 the Virtual School has used an electronic PEP for children of statutory school age. This ensures that timescales for PEP completion can be monitored more easily than in previous years. The VSGB sets a target of 90% of PEPs to be completed within timescales.

The VS staff will liaise with Designated Teachers over academic targets within PEPs. The VS will target children in Y6 and Y11 who are within a 40-mile radius to work intensively towards SATS/GCSE English and maths. Where it is impossible to work directly with a child the specialist teachers will advise/liase over suitable targets and interventions funded through PP+. These children are discussed at our half termly Progress Review Intervention Monitoring (PRIM) meetings and their data is closely monitored.

In 2013 the DfE introduced Pupil Premium Plus (PP+) for children looked after and previously looked after children. In doing this, the DfE acknowledged the enduring impact of trauma and loss in the children's lives and the key role of schools in supporting children who have had a difficult start in life. Pupil Premium Plus currently stands at £2345 per child. The Local Authority who looks after the child is responsible for distributing the PP+ to schools and academies. The Virtual School Head has responsibility and accountability for making sure there are effective arrangements in place for allocating the PP+ to benefit each child looked after by the LA. Each Virtual Head must develop a policy for the funding of PP+ for the LA. The grant must be managed by the Virtual School Head and used to improve outcomes and 'narrow the gap' as identified in the PEP in consultation with the Designated Teacher in the school.

Pupil Premium Plus continues to be welcomed and embraced by schools especially by the Designated Teachers. It has given weight to the Personal Education Plan meetings as it has given the Designated

Teachers a resource to use for interventions. Torbay has a policy on PP+ which describes the process. Very simply if a target is identified through the PEP process which will enable the child to accelerate progress or engage more meaningfully in education it needs to be evidenced through the PEP as a SMART target, written with costs. This then comes to the VSHT for approval.

Another area noted through the PEP for improvement is the voice of the child. It must be noted that there are Outstanding PEPS where the voice of the child is truly captured within the PEP process but this is still not the majority of cases. This is another area of work for the next academic year with the Designated Teachers being reminded about the importance of the child's voice at each termly Designated Teachers' Forum. This will include feedback from the children to the Designated Teachers.

The vast majority of targets in the PEPS are SMART which are clear and progressive.

There continues to be 80% of targets being achieved.

There was enough funding left in the budget to see that all children in primary schools, other than those in residential settings, received Catch Up Funding. This was to be used in a variety of ways either for engagement activities or tutoring and the DTs were tasked in ensuring this was used to the best effect for each individual child.

Our new PEP and Systems Co-ordinator has had a real focus on improving the quality and standard of all PEPs and has had good impact when working with a Designated Teacher to improve practice.

## **Storyboard - School A**

### **What was the issue?**

During my first term as PEP Coordinator, I experienced real problems with School A completing statutory school age PEPs for the Cared For Children who attended. Despite numerous emails and phone calls, we reached the end of term with PEPs not being completed. This pattern began to repeat in the Spring Term and I was advised by my more experienced colleagues that this was an historical problem. Again, the deadline for PEP completion passed and I spent time repeatedly trying to communicate and receiving no response.

### **Our journey so far...**

- CFC PEPs not being completed to meet deadlines.
- Lack of communication from the school.

During the Summer term, determined to find a solution to this problem, I began my communication with the Designated Teacher much earlier - reminding of when the PEPs were happening, what our expectations were around completion time and offering online tutorials, DT forums and support.



As the same pattern continued, I asked my Headteacher to intervene, and she contacted the DT to ask for action to be taken. When this did not produce a result, the next step would have been Headteacher speaking to Headteacher, which I hoped to avoid.

From discussions I realised that this DT was someone who was very committed to the children they worked with and devoted a lot of time to face to face work. When they completed the PEPs it was to a good standard, providing comprehensive meeting notes and well-thought targets, so I recognised that the lack of action was not because of a lack of commitment. I realised that this DT was child focused and provided a supportive, attachment-based relationship with our Cared For Children, but this was at the expense of the admin side of the process. As a Virtual School, this is exactly the relationship we advocate for, but we also need to evidence that Cared For Children are having their progress monitored and supported every term.

I tried to set up a meeting in school, to discuss how best I could support, but the DT was too busy to meet.

I contacted the DT's manager and asked for a meeting. When we met, I wanted to be as positive as possible and pointed out how appreciative I was of the work the DT was doing with our children and the high quality of the PEPs when they were completed. The manager acknowledged that the face-to-face work was clearly going well, but recognised that this individual had difficulties meeting expectations around admin. I suggested that they may need some support/assistance to manage the admin side of things, especially as we didn't want to lose the relational work that was going on.

It was agreed that I would send details of all outstanding PEPs and the dates that I had sent reminders and the Manager would meet to discuss this with the DT.

When I didn't hear back, I contacted the Manager again. They confirmed that there had been a meeting and recognised there was a real problem with the PEPs not being completed. They recognised that the DT was busy working on building relationships with the children and putting into place interventions and support but was struggling. I asked if there was any support available and offered to provide training in the PEP process. Then manager agreed to have another meeting to identify what support the DT might need.

The manager contacted me to say that the DT was going to be given allocated time each week to work on admin and support had been arranged to help with this. We also agreed a timescale for the completion of each outstanding PEP.

### What have we done?

- Sent clear, concise instructions about the PEP process
- Offered tutorials and support
- Termly Designated Teacher Forums, which provide training and opportunity for problem solving
- Regular reminders of expectations around PEPs and prompts for outstanding PEPs
- Arranged meetings to discuss ongoing issues.
- Suggested areas of support needed
- Communicated how much we appreciate the work being carried out with our Cared For Children

- Used a solution focused approach to foster a working together outcome

### What difference has this made?

Soon after the meeting with the Manager, the DT began to respond to my communications. The PEPs were completed in line with the timetable agreed. The following term all PEPs were completed before the deadline

### Areas for further action

- Continued advanced communication around PEPs, to avoid lots of chasing communication.
- Continued recognition of our appreciation when deadlines are met.
- Continued offers of support.

### Immediate next steps

At the beginning of the next term, send out all PEP dates as a reminder.

### Other work:

Designated Teacher Forums each term

### PP+ funded projects

There are a number of projects and interventions which are supported through PP+ such as The Get Gritty Transition Project. This was designed to increase resilience in the child and effect a smooth transition into Y7. It uses the medium of Outdoor Education in order to set challenges which increase individual resilience and enhance teamwork. This transition project started in the summer term of 2015 and has proved very successful. It takes place after SATS and not only enables young people to have strategies to help them overcome challenges with a positive mind set but also enhances the relationship of the child with the VS staff. We should never underestimate the power of relationship and the team have found this very beneficial when working with the children in Y8 or 9. There are now five activity days in the summer term after SATS. The staff then closely monitor the group during their first weeks in secondary school. Each child who moves from Y6 to Y7 gets a transition pack which includes a rucksack which has an array of stationery and educational resources to support them in their new school.

It was possible to run Get Gritty this year and it was a pleasure to see this happening again as a group of young people not as 1:1 as it was last year. All those who took part absolutely loved it. All



received a GG Transition bag which contains stationery items as well as reading resources which are designed to support their emotional wellbeing through the transition in to their new school.

All of the Attachment in Schools Training is paid through PP+. The Attachment work commenced in October 2015 and has developed since then. There is a clear understanding that getting all professionals to understand attachment is crucial in order for all of our young people to gain the very best they can from our schools. We have a clear strategy on ensuring that training is ongoing each year and training is now not only offered to schools but also to Early Years settings as well as colleagues from social care. This appears to be showing good results with positive change happening in schools and a greater understanding that a behaviour policy has to include an understanding of the impact of attachment and trauma on the child and the behaviourist model does not work with a child with significant trauma or attachment needs. It should be noted that all but one school in Torbay has undertaken some form of training in attachment. This would be at least one day of training. It is pleasing to note that 30 schools have sent at least one member of staff on the Seven Day Attachment course with 195 training places being taken up.

It should be noted that all Educational Psychologists (EP) undertook the first tranche of Attachment Training and worked alongside school staff but there are now new EPs in post. The EPs ran a half termly attachment support group which stalled during the covid period. However the VS's Attachment Lead Officer undertook support of individual staff members as necessary in recognition of the impact of work with the children with attachment and trauma. It is planned that the EPs will resume their half termly support group in the next academic year. The other point to note is that EP reports now all have a section on the attachment needs of the child. This gives added weight to the VS's desire and belief in attachment and trauma-based work.

A major focus of training has been on attachment. The staff from Torbay schools who have attended see this as the 'missing link' in that for some children they could not make a behaviourist approach work. For example, not giving a child attention when they demonstrate attention seeking behaviour - this is a behaviourist approach. For a child with an insecure attachment ,it is vital to give the child attention otherwise it reinforces their sense of insecurity/anxiety/lack of worth.

By the end of the academic year a further 24 staff in schools had commenced their 7 Day Attachment in Schools course. This was part of the Teaching School's programme but funded by the Virtual School. We are also considering whether we now need to include a course that enhances the 7 Day attachment course.

The VS nominated two primary school for the Attachment Research Centre's Timpson Awards. At this point we know that one has gone through to the final stages. It is pleasing to report that one of these schools were the runner-up in the primary school section.

All of the teachers in the VS have completed the training as well as the Inclusion Officer. All new staff in the VS will undertake the 7 day attachment training and this may also be enhanced by the Trauma Informed Schools 10 day course on supporting mental health in schools. Attachment CPD is always on offer at the DT Forum and bespoke training for schools can be requested. Wherever

possible there is agreement for the training to take place as it may well improve the school experience for our young people.

The Inclusion Support Officer has continued to use 'Reach to Teach'. This is an assessment tool for inclusion. It is an evidence-based assessment tool which helps identify what learning and relational needs may underlie a pupil's behaviours which interrupt learning and then provides tried and tested successful strategies to enable a pupil to learn. The product was highlighted at one of our Designated Teacher Forums and a small number of schools were keen to pilot its use for the academic year. This was then funded through PP+ in order to continue to support our attachment journey. Initial feedback was very positive for those schools who have embraced the AFIT app.

One member of the team is regularly consulted by social workers around attachment and trauma and strategies for working with the children. As a result of the training and skills this member of the team has gained in Torbay over her first two years as Attendance Officer the role changed to one of Inclusion Support Officer. This also sees the post holder being our Attachment Lead in the VS.

It is also important to give concrete examples of the attachment work we undertake and its impact. The following have been produced by the VS staff who undertake attachment work with young people:

**Self Assessment  
of Support offered  
to our young  
people / carers/  
school**  
Torbay Virtual School

**October 2021**  
**February 2022**  
**March 2022**  
**June 22**  
**July 22**

**TORBAY  
COUNCIL**

### Storyboard - Child R

#### What was the issue?

Child R having difficulty with settling to learn in their secondary school. Carer and social worker were concerned to the way in which school were responding to the behaviours being displayed by Child R.

## Our journey so far....

Agreement was made to visit Child R in school and develop a positive relationship through therapy based intervention and exploration of his view of self; school and his family life

Therapy based activities and intervention based on PACE (DDP principles - Playfulness, Acceptance, Curiosity and Empathy).

Child R described himself, in our first session, as wanting to be a 'dinosaur'. Being curious and exploring further they shared that dinosaurs were extinct and that's how they yearned to be; 'extinct', 'better off dead', 'I want to die'.

Validating those feelings and acceptance of the way they were feeling we were able to explore this further. Incorporated the use of small world animals - created a story that gave a different narrative. After 3 visits Child R's narrative had changed and had become more engaging, playful, and enjoyed being in the moment. School noticed after the sessions, Child R was ready to settle into class and was accessing some learning time. There was evidence through play that Child R has some difficulties with retaining information and often misusing communication both verbal and non-verbal. Presents with cognitive, social, and emotional difficulties.

Interview with carer; understanding of his lived experiences and trauma to inform further interventions for Child R to be more successful at school and at home.

Shared intervention with carer and Child R; observation of their interaction.

Implementation of the following:

- Increased safety cues with 'meet and greet' as well as regular 'check-ins'
- Set up a team around the child within school - made a visual team template and timetable of which EAA will be available at certain times throughout the day - Inclusion room offered as a safe space
- Direct work continued
- EP assessment completed to provide insight for school and strategies relating to their learning needs.
- SALT referral made to a private therapist as it was clear that there were further deficits around language communication.

School became more difficult for Child R and further loss with their sibling being placed separately and eventually moving out of area.

- Working with professionals involved / providing support with understanding of attachment and trauma related behaviours, the communication behind the behaviour

- Communication with key professionals /school staff provide reflective space and opportunities to share best practice and understanding of response of Child R
- Continuation of work with Child R and modelling this work to key adults within the school.
- Use of AFIT and giving access to key adults (Assessment tool for attachment-based interventions)
- Regular meetings with all professionals (Foster carer, fostering social worker, child's social worker; team pupil)
- Provide the right support needed for the child and the carers

Report from EP made recommendation of a statutory assessment for an EHCP

*SALT report indicated that there was 'profound and severe communication difficulties and meets the criteria for a diagnosis of Developmental Language Disorder. He does not have the necessary basic language skills needed to access learning in the mainstream classroom, and to establish and maintain age-appropriate social relationships, despite wanting friends. On standardised testing, his overall receptive language score was found to be at the first percentile, meaning that 99% students would achieve a higher score'.*

*"Protective factors for Child R are his warm and positive relationship with his foster carers, and in school, being able to remove himself from lessons and go to the calm environment of the Inclusion Centre".*

*'Consistent with a possible diagnosis of FASD, Richard presents as being much more communicatively able than is the case. He initiates social interaction and attempts to befriend older students and has some expressive language strengths. His superficial strengths mask severe underlying difficulties with receptive and expressive language, and with social interaction'*

It has been our aim from initiating the work to offer a transparent approach to development and share information as progress is made to all involved.

### What have we done?

- To support Child R to ensure their needs are met through direct and indirect work
- Key staff provided with a level of training in Trauma Informed Practice
- Work closely with the pastoral practitioner of the school in the provision of a team around the child
- Meet and greet
- Regular check-ins from team
- Visual timetables created
- Safe space created within the Inclusion
- Ongoing support of foster carers, school staff with strategies. Home/school partnership agreement for consistency of strategies
- EP assessment completed
- SALT assessment completed
- RSA submitted with evidence from social worker, foster carer, school, TVS Inclusion Officer
- With changes in social workers there has been 'bridging' around the referrals
- Invited the paediatrician that Child R is under, for assessment of ADHD, FASD etc, to an education meeting

### What difference has this made?

- Child R has built trust in their key adults and been on a journey from dependency to being interdependent; increasing felt safety
- Able to follow direction from school staff and through intensive intervention has been more settled in school
- Increased awareness of feelings and emotions alongside some strategies to help with settling to learn
- More relaxed and able to verbalise their feelings
- Visual timetable

### Areas for further action

- Develop positive relationships within friendship groups
- Build resilience
- Build on self esteem
- RSA was submitted in May. The LA has failed to meet timescales in providing an EHCP in draft. There has been delays around them providing an EP to complete the work needed to finalise this. The matter has been escalated.

### Immediate next steps

- There has been changes in social workers. Ensure that there is a consistent social worker for Child R and develop a positive relationship. Consistency is key for Child R to thrive and build trust
- Once the EHCP is in place to see what support can be put in place to ensure Child R is successful in his education provision and to make progress

### Other work:

Offer of whole school training in Attachment and Trauma Informed Practice

Information and strategies in working with young people with FASD

The teachers in the VS are responsible for ensuring that the young people who are allocated to them also achieve their academic potential. The teachers are the first line of communication between the Designated Teachers who will have the attainment data and details of interventions. There is a real push for each school to ensure interventions are in place for English and maths in Y11 and reading and maths in Y6. On occasions the teachers will work 1:1 with children where other interventions have not

been successful. This will usually see tuition being in place until the final examination in that subject has been taken.

**The final account for PP+ (financial year to March 2022 follows:**

Pupil Premium Expenditure 2021 - 2022

INCOME	EXPENDITURE	
DfE Grant £629,230	Catch Up Funding	£70400
	Summer PP+ Targets	£117,814.58
	Autumn PP+ Targets	£114747.69
	Spring PP+ Targets	£144131.12
	Salary costs (ePEP ,Admin and KS4Transitions Officer)	£45700
	Direct spend via Business Admin	£136,427.90
	TOTAL SPEND	£629,221.29

**Support Work**

As well as our work on attachment the team in the Virtual School act as a champion for each child and will support the child and their school to navigate barriers to learning. All the team members embrace this role and enjoy the opportunity to both support and challenge in order for our children to reach their full potential.

Below are a couple of case studies of the work of the team:

### **Child K**

Child K moved to a new foster home during the pandemic which eventually resulted in a school move when the carers were matched as long term. She was enrolled at a mainstream school. Schools had 'closed' to the majority of students during this time. She found attending the reduced school service comforting and we were told she did well when the classes were very small and there was a higher staff to student ratio and the atmosphere was more friendly in some senses because people were very compassionate at this time.

When schools opened to all students again, her attendance in lessons changed dramatically and she felt unable to attend them. She found the noise, amount of people, peer relationships, learning, and staff relationships very challenging, and experienced extreme anxiety, and overwhelm which prevented her from attending lessons. This situation remained the same for some time and her anxiety grew and grew, and eventually her distress led to dysregulation which the school found hard to manage.

The school were very proactive in trying different approaches and offered her learning in the pastoral area, tutoring, off site provision at a smaller vocational centre, on site provision in a smaller area, online learning, and an Educational Psychology assessment. Unfortunately, none of these worked and we felt she needed a provision that was also therapeutic. We met very frequently to review plans and progress.

An alternative provision that sounded like it could meet her needs was identified by the VS in the autumn term and it was agreed by the VSH that this could be funded through PP+ . However, the school Headteacher would not allow his student to work with a provision that was not Ofsted registered. The school had already used provisions that were not Ofsted registered so some gentle challenge was offered around this. The provision was on the area's approved list of providers and the provision went through the Torbay QA process. After around 4 months of negotiation and trying different things, the school agreed for her to attend this AP. She has had made huge SEMH progress there and after around a year of not attending lessons she began engaging in academic learning again at the AP with smaller class sizes and high levels of adult support and therapeutic input from staff at the school.

This young person will probably not make expected progress in all her subjects, but the fact that she is engaging in some learning and her mental health and sense of wellbeing improved needs to be celebrated. She was recognised at our awards for her achievements in these areas. The social worker and CFC teacher worked very hard to support the school to make this happen and contributed to Child K's Request for Statutory Assessment as well.





March 22

June 22

July 22

Self Assessment of Support offered to our  
young person / carers/ school  
Torbay Virtual School



## Storyboard - Child J

### What was the issue?

Child J had been involved with several incidents outside of school which had spilled into his school day. This was having an impact on his presentation and being able to access his learning.

Homelife had been impacted too, with the home being targeted by a group of youths and stones thrown at the windows and further threatening comments.

### Our journey so far....

Agreement was made to visit Child J in school and as I had worked with this young person on his transition into school on coming into the care of the LA, we had a positive relationship. It was important to provide consistency and build trust as an attachment figure; gaining trust and engage with the young person to unpick the challenges faced and gain insight into what his behaviour was communicating.

Through using a strength-based intervention (art), 'draw and talk' Child J was able to share through a storyboard that gave a narrative that he did not feel safe and needed rescuing. On being curious and through empathetic conversation.

Child J explained that he had met up with some young people in the community and had been asked to steal from a local shop to be accepted into the group. This developed into Child J being further groomed and exploited. The refusal to be involved in further exploitation had resulted in Child J being a target of verbal and nonverbal threats, both out of school and within the school setting. On gaining Child J's trust they were able to share a list of names.



A meeting was set up with the child's social worker and the exploitation team. Mapping exercises were completed; intel passed on. A plan of safety devised and shared with Child J, foster carers and school.

Implementation of the following:

- Increased safety cues with 'meet and greet' as well as regular 'check-ins'
- Set up a team around the child within school - made a visual team template and timetable of which EAA will be available at certain times throughout the day
- Direct work continued
- Interventions put in place to provide education around exploitation and create space to develop trust, rich relational experience

School became more difficult for Child J as the other young people within the school setting created further distress. Child J lost his trust in the team around him and felt that they could no longer keep him safe. He withdrew and due to their fear no longer could engage with school (freeze/flight response). No longer able to leave the home.

- Working with professionals involved / providing support with to repair the relationship between Child J and school
- Communication with key professionals /school staff provide reflective space and opportunities to share best practice and understanding of response of Child J
- Continuation of work with Child J at home and encouraging to have their voice heard in what should happen next
- Develop a further safety plan with the social worker
- Request school to have discussions, based on the voice of the child, to have managed move to another school further away from the local area
- Provide the right support needed for the child and the carers
- Managed moved and robust transition plan put in place - visit to school with Child J and a second visit with Child J, foster carer and social worker; introduction to key adults and discussions around friendships that had been made at primary school - re-establish these

Additionally, we held a Planning for Success meeting between sending school and receiving school. Request was made that part of the adults modelling repair that contact was made with Child J. Sending school was able to do this and gave Child J a card and gift for the braveness shown

It has been our aim from initiating the work to offer a transparent approach to development, and share information as progress is made to all involved.

**What have we done?**

- To support the children and ensure their needs are met through direct and indirect work
- All staff provided with a level of training in Trauma Informed Practice
- Work closely with the pastoral practitioner of the school in the provision of a team around the each child
- Meet and greet
- Regular check-ins from team
- Visual timetables created to provide felt safety
- Safe space created
- Engage an outreach worker to provide continued education around gang; knife crime and exploitation; keeping safe
- Ongoing support of foster carers, school staff with strategies. Home/school partnership agreement for consistency of strategies
- Check ins with Child J. On moving home ensured there was contact made; Child J shared they would have a greenhouse and was looking forward to growing strawberries - purchased and gifted first strawberry plants to show our investment in child J.

### What difference has this made?

- The children have built trust in their key adults and been on a journey from interdependency to being independent; increasing felt safety
- Able to follow direction from school staff
- Increased awareness of feelings and emotions alongside strategies to help them settle to learn and to keep self-safe within the community
- More relaxed and able to verbalise their feelings
- School attendance has improved significantly (school described Child J as 'blossoming').

### Areas for further action

- Develop positive relationships within friendship groups
- Develop safe peer relationships and for Child J to enjoy an overseas trip with school • Build resilience
- Child J was on SEN support register but is now no longer on the register

### Immediate next steps

- There have been inconsistencies with social workers due to long term illness. Ensure that there is a consistent social worker for Child J and develop a positive relationship
- As Child J has settled into school and is blossoming there now needs to be a focus on his learning and a deficit in his subjects
- Review PEP targets

### Other work:

Discussion with exploitation and fostering team around training for foster carers as there was seen to be some naivety around this

Meeting with exploitation team / service manager around work that could incorporate training / intervention provided by John Gayle

Relational repair / restorative practice

### **ILACS Inspection**

The LA was subject to an ILACS inspection in March 2022. The feedback for the VS's work from the inspection was on the whole very good especially the support work around attachment. The one area it highlighted we should strengthen was literacy throughout all age groups. As a result, a policy has been written and the impact of this will be available in the next annual report. The Literacy Policy is to be found at the end of this report.

### **Extended Duties**

As reported in last year's report this grant and extension to the duties of the VS was in place from September 2021. As we were notified in June 2021 of this, we were not able to create roles and the recruit for September. In January 2022 two members of staff commenced this work - Katie Cavanna and Lyndsey Pengelly.

The following is their initial report presented to the VSGB in September 2022.

'The Department for Education extended the role of the Virtual School, providing additional funding to better support children and young people with social workers to make educational progress, maintaining a culture of high aspirations and raising standards. The DfE sees this as an opportunity to enhance the partnerships between education settings and local authorities. The expectation is that the Virtual School will work with the wider community to help better understand and address the disadvantages these young people can experience.

The DfE reports that children and young people with a social worker are around 3 times more likely to be persistently absent from school, and between 2 and 4 times more likely to be permanently excluded from school than their peers. This group are also more than 10 times likely to attend state-funded alternative provision settings than all other pupils. Attendance in an educational setting is vital for a young person to make educational progress, for their wellbeing, and for their wider development. Attendance is also a protective factor, offering a safe space and being visible to, as well as having access to, supportive adults and professionals.

There are a number of barriers to engagement and learning for this cohort of students. This may include family barriers, lack of access to advice and guidance, unsuitable education pathways, confidence issues, mental health, disabilities, health conditions, and social expectations. The Covid pandemic has further increased barriers to attendance and engagement. It is likely that some of

young people have increased mental health and wellbeing needs, will have been at increased risk whilst having to spend more time at home, will have had routines disrupted, feeling more vulnerable.

The DfE has agreed to continue to fund this role for the academic year of 2022/23.

## **Aim**

Our aim is to strengthen the partnership between education settings and the Local Authority through collaborative work, identifying and addressing the needs of our children and young people with a social worker to ensure that they have access to support that will ensure they make educational progress. We want to be able to offer advice and support to education providers so that our children and young people can make progress.

We look to build relationships with Headteachers, Governors, Designated Teachers, SENDCOs and Designated Safeguarding Leads, and bring together the Virtual School resource, schools, and Children's Services to focus on promoting educational outcomes for this group of children and young people.

We want to promote educational outcomes by knowing the welfare, safeguarding and child protection issues that children with a social worker are experiencing, or have experienced, and identifying the impact that these issues might be having on children's attendance, engagement and achievement at school or college.

## **Action Taken**

We have been in post since January 2022. We have had a very busy year thus far and so have listed the highlights:

- Analysing CiN and CP attendance data available to us at the end of each half term and comparing to previous data. We have also manually cross-referenced information harvested from different databases, highlighted anomalies and shared our finding with colleagues in Children's Services so further investigation can be undertaken.
- Building relationships with DSLs, including attending and contributing to DSL forums, liaising with DSLs when colleagues in Children's Services have questions, and using any data available to instigate conversations. We have also investigated further training required and liaised with the Learning Academy to provide this.
- Attended a range of meetings within Children's Services that helped us to better understand how teams work together and how our role might support moving forward. This included a PRP meeting, SEND panel and SEND Team meeting.
- Building relationships with Extended Duties colleagues from other Local Authorities, sharing good practice, resources, planning and outcomes.
- Met with Sarah James of TESS to share information gathered from schools and to better understand how TESS supports schools, then promoting TESS, reminding DSLs to use the service if they buy into it and encouraging others to consider buying into the service.

- Analysing the attendance records at training events and forums, focussing on which schools engage with services, and where we need to work harder to promote relationships between schools and services. We have then advised colleagues on how to improve engagement.
- We have developed work instigated by colleagues in Children's Services, creating a directory of local and national contacts for a range of needs that the young people and their families might have. This has been shared with colleagues and with school DSLs.
- The creation of a handout for schools to adapt and use, with key contacts for organisations their young people and families might need.
- Met with Shaun Evans and the Independent Reviewing Officer (IRO) and LADO Team. One of the IROs has become a link member of staff, meeting with us more regularly to discuss individual pupil attendance and engagement concerns.
- Met with social worker Team Managers to start building links, and we have created an information and Q&A sheet for social workers to refer to when considering a young person's education and the positive impact attendance can have on an individual.
- Met with Lucinda Wills of the Learning Academy to design further training opportunities for DSLs, DTs and school SLT.
- Supported children with a social worker in their transition from Year 6 into Year 7, and building links between schools. We have been able to organise additional school visits, supply some children with resources, and subsidise some places at summer school.
- Promoted and visited HAF and community groups, building relationships with stakeholders and better understand what is available for our children and young people.
- Attended training and seminars to enhance our understanding of adverse childhood experiences, and how our role can best support our children and young people.
- Offered advice to both schools and social workers regarding supporting individual children and young people in our cohort.
- Presented to other service teams within Children's Services about our roles and how we can work collaboratively to raise the profile of education and attendance for our children and young people.

During the Summer break for schools we worked on the following:

- Presenting to the services teams led to a number of social workers getting in touch, and we've been able to build links between them and DSLs re specific pupils as well as advising on strategies to improve school engagement.
- Created a list of simple strategies sheet to support improving attendance that we can share with social workers as needed.
- Attended Written Statement Of Action meetings for both Culture and SEND Graduated Response.
- Visited HAF groups - Play Torbay at 2 sites, Sheer Soccer, Great Parks, Roselands, Kinetics.
- Attended IRO meetings.
- Conducted a desktop analysis of behaviour policies which has resulted in a RAG-rated spreadsheet of 37 school policies and a PP presentation that Rachael Williams is going to share with Headteachers.
- Met with Dan Hamer and his team (Lauren Hockley and Shirley Hamlod) to discuss attendance, exclusions and part timetable work for the coming academic year.

- Met with Vicky Todd from YJS (YOT) to share information, and then attended the YJS team meeting.
- Pupil Voice catch up with Sue Ford.
- Made new links with the data team who have created an up to date CiN/CP list and will soon have us on PowerBI so that we can access and monitor further data.

## **Moving Forward**

- Taking on an enhanced overview of the education of children and young people with a social worker, working with colleagues in Children's Services to challenge and support schools in raising aspirations, attendance, and engagement with our young people. This is to be done by monitoring attendance, academic outcomes, liaising with schools, IROs and social workers, and attending meetings as appropriate so that we can advise, share resources, or signpost support.
- Updating resources to share with schools and services on a regular basis so that the DSLs, DTs, and school SLT have relevant materials to best support their pupils.
- Work with IROs, attending regular forums and meetings where we can discuss individuals and plan support, also building strong links between IROs and the Virtual School. The IROs will also be invited to attend DSL and DT training and forums if relevant to their role.
- Continue to develop strategies and organising events with colleagues in Children's Services and schools for transition points in education.
- Promoting, attending, and offering support at DSL, DT and SLT forums, ensuring that schools are fully aware of the support available to them.
- Promoting and contributing to training opportunities for DSLs, DTs and SLT through the Learning Academy and the Teaching School Alliance. This is to include attendance forums, attachment training, and training for school governors.
- Completing both the 7-day Touchbase Attachment Lead qualification and the TISUK Diploma in Trauma and Mental Health Informed Schools (Practitioner Status) so that we are able better to support colleagues in the Virtual School, the wider Children's Services and beyond.
- Explore how we capture the voice of the child/young person and the voice of the families being supported.
- Encourage and explore ways to support school teams to share information amongst themselves and use data to inform and share best practice, including pupil lists, training opportunities, and resources.
- From September there is new DfE guidance in place around improving school attendance, and we see ourselves as being part of the support network for both Children's Services and the schools in Torbay in finding ways of responding to this document positively and making those changes for our children and young people. ' (LP &KC Autumn 2022)

## **Cared For Children Celebrations**

This academic year the task of organising the CFC Award Ceremony was delivered effectively by the Virtual School. Due to the pandemic the Celebration was held online. It was on Friday 19 November 2021.



It proved to be a very successful event with over 200 present in homes scattered around the country.

Our keynote speaker continued in pattern of having a care experienced adult speak to our young people. This year it was Kris Akabusi. Kris spoke with passion and humour about his journey through care and then into the armed services. His enthusiasm was infectious and all found him a joy to listen to. Kris was a British athlete and has been awarded an MBE. Kris talked about beating the odds and used the example of the GB men's 4 x 100 m relay team. He really was a motivational speaker and urged the children and young people not to let things get in their way.

All of the awards and certificates were sent to the carers so they were able to present them when the names were announced by Kris.

All of the families received Co-op vouchers so that they were able to make it a special event in their own homes.

The entertainment included bingo, jokes by one of our Cared For Children and a disco hosted by Sound Communities. This saw us all dancing in our front rooms and kitchens. Whilst not a sparkling event like we hold at the ERC it was certainly a joyous affair.

Here are the names of the awards:

Acts of Kindness

Attainment

Attendance

Community Champion

Creative Genius

Growth Mindset

Musical Maestro

Overcoming Obstacles

Personal Achievement

Perseverance

Progress Award

Sporting Prowess

Triple A

For each award, bar the Triple A which is primarily aimed at those completing their Y11, there was a primary aged winner and a secondary aged winner. The winners receive a trophy and book and Amazon voucher. All nominated children receive a book voucher and Amazon voucher.

The Under 7s Celebration (Children's Tea Party) did take place on the afternoon of 17 June and was identical to previous events in that it was held in a local hotel with an children's entertainer along with food with party bags on leaving.

## Priorities

- To focus on literacy in all age groups
- To focus on English and Maths outcomes at KS4
- Strengthen the work with the Early Years Team in order to improve outcomes in the EYFS
- To continue the focus of the PRIM (progress, review, intervention meetings) on Y6 and 11 and Y5 and Y10
- To improve progress in primary writing and seek support from high performing schools
- To continue to build on the improvement in the quality of Personal Education Plans to bring consistently high-quality PEPS
- To develop the child's voice within the VS
- To continue the focus and training on attachment in schools and ensure all relevant staff in schools and the LA have an opportunity to increase their knowledge
- To continue to strengthen the relationship between the VS staff and fostering families in order to ensure all fostering families have high educational aspirations for all our CFC.
- Ensure all fostering families have up to date knowledge of the changes within the curriculum at all key stages, life without levels, progress 8 and attainment 8, as well as understanding their role in PEPs, PP+ interventions and the support they provide for children placed in their care
- To undertake the training for CFC Governors in schools in Torbay annually
- To continue to monitor suspensions and identify any impact of attachment and trauma informed practice on reducing suspensions
- To review each suspension in terms of the exclusion protocol implemented for all exclusions for children in Torbay schools
- To explore whether speech and language assessments should be prioritised for children and young people as they can have a positive impact for children and young people with attachment needs.
- To identify synergies with the Extended Duties work and our Cared For Children's work.

## Conclusions

A child needs to feel safe and secure in school and this also demonstrates to them their worth. This then optimises their belief in themselves and as the Rees Report states the young person's agency is crucial in achieving better outcomes. Indeed, without their desire to do well, no intervention will ameliorate their disadvantage.

From this report there are clear examples of the impact of our work on individual CFC but also on whole school change. As HT I am incredibly proud of the work of my team and their desire to ensure every child has a positive and successful journey through school into their adult life.

There will always be room for improvement in our attainment and whilst our children may not achieve ARE in normal timescales their progress towards this is demonstrated within their PEPS. Many achieve educational milestones later than their peers and we should remember this but not use it as an excuse for under performance. Many of our Cared For Children have had disrupted experiences of



school and whilst some are able to catch up others take longer to complete that journey. We must celebrate the milestones they achieve and also recognise that with good preparation for adult life they will achieve happy and successful lives.

It is clear that the schools in Torbay have a positive partnership and commitment to the Virtual School and I would like to thank Head teachers and Principals of our schools for their continued support.

The impact of the Virtual School's Governing Body can also be seen through their work on stability and in widening the remit of the staffing complement. I know the VSGB will monitor closely the impact of the Extended Duties as well. I appreciate the support and challenge of the members of the VSGB and the knowledge and skills they bring to our meetings.

It is testament to the positive impact of Virtual Schools that the Department of Education keeps extending its remit.

The Virtual School team consists of highly competent professionals with a passion to ensure our cared for children achieve the very best they can. They demonstrate on a daily basis their knowledge and understanding of the young people and have excellent links with their social care colleagues.

There are good systems in place to track and monitor our children. The VS knows its children and young people very well. It works with the child, with the carer, with the school and demonstrates doing 'with' rather than to. OFSTED wrote in its June 2018 report that effective oversight and scrutiny is conducted by the VS. This was replicated in the ILACS inspection of 2022. In the LGA's Peer Review the VS was acknowledged for the positive impact it has had with the attachment work both within the LA and in its schools.

The VS has taken onboard the OFSTED recommendation about Literacy and in next year's report the impact of the Literacy Strategy should be reported on.

The Virtual School will make difficult decisions when schools are clearly not the best settings for our children or resist school moves. Only the best is good enough for our children and young people.

The Virtual School offers training to a variety of professionals on educational attainment and inclusion. It also demonstrates the importance of CPD for its own staff by ensuring that team members are able to take advantage of training opportunities identified through appraisal.

The children with SEN have the benefit of oversight by the VS's SENCO as well as the SENCO in their own school. This will need to be reviewed to look at the impact of this.

Individual team members have cases allocated to them which sees our Primary Teacher now keeping the children as they move from primary to secondary schools. Once the child moves to Y8 the case will be transferred to one of the VS's Secondary Teachers.

We continue to ensure that all Personal Education Plans are rated 'Good' on every occasion and that children are encouraged to participate in a meaningful way in their PEP.

Finally, I would like to add my thanks to all who support our young people to achieve the very best they can and of course the young people themselves for all the joy they bring us along as well as the problem-solving opportunities too.



**OUTCOMES 2022**

Performance indicator	T R E N D	2022 TORBAY Council Cared for Children %	2021 Torbay Council Cared for Children %	2019 National Cared for Children %	2022 TORBAY all pupils %	RAG Based Torbay CFC v national CFC
EYFS % reached GLD	↓	* 33% (2)	40%	49%	64%	R
KS1 % Reached at least expected standard - Reading	↓	50% (3)	83%	42%	66%	G
KS1 % Reached at least expected standard - Writing	↔	50% (3)	49.8%	42%	56%	G
KS1 % Reached at least expected standard - Maths	↓	50% (3)	66.4%	49%	66%	G
KS1 % Reached at least expected standard - Reading, writing and maths	↔	50% (3)	49.8%	37%	51%	G
KS2 % Reached at least expected standard - Reading	↑	53.8% (7)	52.8%	49%	75%	G
KS2 % Reached at least expected standard - Writing	↓	38.4% (5)	46.2%	50%	68%	R
KS2 % Reached at least expected standard - Maths	↑	53.8% (7)	39.6%	51%	71%	R
KS2 % Reached at least expected standard - Reading, Writing and maths	↑	38.4% (5)	33%	36%	58%	G
KS4 % gaining a strong pass in both English and maths at Grade 5+	↓	8.7% (2)	15%	10%	53%	A
KS4 % gaining a pass in both English and maths at Grade 4+	↓	13.1% (3)	27%	Not available	66%	R
KS4 % gaining a Grade 5+ in English	↓	8.7% (2)	21%	23%	64%	R
KS4 % gaining at least a Grade 4 in English	↓	26% (6)	42%	Not available	74%	R
KS4 % gaining a Grade 5+ in maths	↓	8.7% (2)	18%	14%	57%	R
KS4 % gaining at least a Grade 4 in maths	↓	17.4% (4)	30%	Not available	71%	R

Page 60

Y1 - 11 attendance	↑	<b>90.54%</b>	85%	95.3%	91% ('21)	<b>R</b>
% receiving at least one fixed term exclusion	↔	<b>14%</b>	13.9%	11.67% (2018)	11%	<b>A</b>
% receiving a permanent exclusion	↑	<b>0</b>	0.6%	0.05% (2018)	0.1%	<b>G</b>
KS5 (Y13) % gaining L3 qualifications	↑	<b>38.4%</b>	28.4%	Not available	Not available	<b>R</b>
KS5 (Y13) % gaining L2 qualifications	↓	<b>15.4%</b>	28.4%	Not available	Not available	<b>R</b>
KS5 (Y13) % gaining L1 qualifications	↔	<b>7.7%</b>	7.1%	Not available	Not available	<b>A</b>
Total 18 - 24 year old care leavers participating in Higher Education		<b>Tbc</b>	9.3%	Not available	Not available	

Key: **Red** - well below national CFC outcome 2019

**Amber** - in line with national CFC outcome 2019

**Green** - above national CFC outcome 2019

Page 61

Please note the KS5 cohort only includes those completing courses in Y13 ( there are three continuing a course into Y14)

\*In Torbay children in care column (number) = number of CFC who achieved this measure

## Appendix 2:

Torbay Virtual School

Literacy Policy October 2022

Literacy is the ability to read, write, speak and listen in a way that lets us communicate effectively and make sense of the world. In the ILACS inspection in Torbay in 2022 it was highlighted that reading needed to be made a higher priority within each child or young person's Personal Education Plans and as writing in Torbay for all children has been either at or below the national average then it is importance that literacy per se is highlighted.

The importance of literacy

Lacking vital literacy skills holds a person back at every stage of their life. As a child they won't be able to succeed at school, as a young adult they will be locked out of the job market, and as a parent they won't be able to support their own child's learning. This intergenerational cycle makes social mobility and a fairer society more difficult.

People with low literacy skills may not be able to read a book or newspaper, understand road signs or price labels, make sense of a bus or train timetable, fill out a form, read instructions on medicines or use the internet.

Low levels of literacy undermine the UK's economic competitiveness, costing the taxpayer £2.5 billion every year (KPMG, 2009). A third of businesses are not satisfied with young people's literacy skills when they enter the workforce and a similar number have organised remedial training for young recruits to improve their basic skills, including literacy and communication.

The National Literacy Trust has some interesting statistics:

- **Children who enjoy reading and writing are happier with their lives**

Children who enjoy reading are three times more likely to have good mental wellbeing than children who don't enjoy it. [Read more.](#)

- **1 in 11 disadvantaged children in the UK say that they don't have a book of their own**

Children who say they have a book of their own are six times more likely to read above the level expected for their age than their peers who don't own a book (22% vs. 3.6%). [Read more.](#)

- **Children born into communities with the most serious literacy challenges have some of the lowest life expectancies in England**

A boy born in Stockton Town Centre (an area with serious literacy challenges) has a life expectancy 26.1 years shorter than a boy born in North Oxford. [Read more.](#)

- **1 in 2 children in the UK enjoy reading**

Only 1 in 2 (47.8%) children and young people said they enjoy reading in early 2020, the lowest level of reading enjoyment we have recorded since 2005. [Read more.](#)

- **1 in 3 children in the UK enjoy writing**

In 2021, just over one-third (34.5%) of children and young people said that they enjoy writing. This is the lowest level of writing enjoyment we have recorded since 2010. [Read more.](#)

- **Audiobooks can support wider literacy engagement**

1 in 5 (21.7%) children and young people said that listening to an audiobook or podcast has got them interested in reading books.

Oral and written language is at the heart of all learning – it is the prime medium through which all children and young people process information and express themselves across the curriculum. It is also central to life in the wider school and college community. Therefore, development of good literacy skills and effective use of language are critical in ensuring successful learning occurs in all subjects and across all phases of education. Given that the development of children’s and young people’s literacy skills results in enhancing their learning across the curriculum, everyone has a genuine stake in the cultivation of effective literacy skills as a tool for learning throughout the virtual school and our partners.

**In the Early Years Foundation Stage (Reception),** children should be given opportunities to:

- Use communication, language and literacy in every part of the curriculum;
- Become immersed in an environment rich in language, print and possibilities for communication; • To develop their confidence and skills in expressing themselves and to speak and listen in a range of situations.
- To be able to represent their ideas in their activities.
- Link sounds and letters and to begin to read and write.
- Access to a wide range of reading materials (books, poems, other written materials and computer based texts) to ignite their interest.

**At Key Stage One (Years 1 and 2):** Children should learn to speak confidently (using Standard English) and listen to what others have to say. They should begin to ask questions to deepen their understanding. Pupils should use spoken language to organise their thinking and support their writing. Pupils should read for pleasure, understand what they have read and begin to read with expression. They should begin to read and write independently and with enthusiasm. They should use and adapt language to explore their own experiences and imaginary worlds. Pupils should use their knowledge of phonics to support reading and writing. They should be encouraged to use correct spelling, grammar and punctuation in their written work. All pupils should use the skills learnt in Literacy across the curriculum.

**At Key Stage Two (Years 3-6):** Children should learn to speak clearly and convey ideas using Standard English whilst being able to adapt their vocabulary for all purposes and audiences. They should ask questions to check their understanding. They will use spoken language to clarify thinking and organise ideas for writing. They should read a range of texts and respond to different layers of meaning in them. Pupils should develop an enjoyment of reading and exploring different types of texts. They should explore the use of language in literary and non-literary texts and learn how the structure of language works. Pupils

should write extended pieces using correct grammar, punctuation and spelling. They should use their reading and writing skills across the curriculum. The writing they do should include narratives, explanations, descriptions, comparisons, summaries and evaluations.

## Reading

Reading proves the master skill of school; therefore, we need to nurture our learners' reading. The act of daily reading matters; young children who are read to daily can hear up to a million more words a year than their peers who are not read to. We aim to give learners a level of literacy that will enable them to cope with the increasing demands of subjects in terms of specific skills, knowledge and understanding. This applies particularly in the area of reading (including from the screen), as texts become more demanding. We understand how stories can act as a mirror for learners to learn about themselves, while opening a window on the world for them too. For every learner in our care, we expect schools to endeavour to fill their day with the richness of countless books (and articles/blogs etc.) that help them to access a wealth of powerful reading experiences, to develop both their imagination and their knowledge. We will build on and share existing good practice. Schools must define for students different approaches to reading, and critically appraise their impact. If a student doesn't know why they are reading a text, they won't know how to approach their reading. If they are reading to extract information, they may only need to scan the text; if they need to fully understand the entire text, they will need to read for comprehension. Weaker readers may not know the difference between the two, or what strategies to use in different situations.

It is our job to ensure these instructions are explicit for all especially our CFC:

- Skimming - Skimming is reading rapidly in order to get a general overview of the material.
- Scanning - Scanning is reading rapidly in order to find specific facts.
- Comprehension - To comprehend a text means a reader must accurately understand written material by decoding what is read, making connections between what they have read and what they already know and thinking deeply about this.
- Inference - Making an inference involves using what a reader already knows to make a guess about what they don't know. Readers who make inferences use the clues in the text along with their own experiences to help them figure out what is not directly said by the writer.
- Synthesising - Synthesising a text is the process of pulling together background knowledge, newly learned ideas, connections and inferences into a complete and original understanding of the text. The teaching of reading must be planned within the scope of reading for enjoyment and tasks should engage learners with the world beyond the classroom. Teachers should clarify learners' purpose for reading. They should relate the reading to learners' lives; pre-teach concepts that might inhibit understanding; and activate or build background and context.

One of the most important ways to make a difference to learners' lives is to ensure that children become engaged with reading from the beginning. For this to happen, however, children need to learn to read as fluently as possible and be motivated to continue reading. It is vital, therefore, that phonics is a priority in teaching reading to take away any barriers. We want all of our learners to competently and fluently learn to read and thus read to learn. Teachers will need to vary the way texts in their subject are read using a range of disciplinary strategies. Reading materials will be carefully selected and chosen to support the progression model of the curriculum. The type of activities used will depend on the purpose of the text or, what needs to be extracted. This could involve silent reading, bringing a text alive by reading to learners, oral reading by learners, audio recordings or guided reading.

A teacher must read to learners with the appropriate degree of fluency (pace, expression, stress and intonation). Typically with questions and/or explanations are interspersed throughout. Teachers should do everything to avoid reading becoming a dull and slow business – and this is not achieved by just reading extracts, but on teaching approaches that are imaginative, innovative and lively.



## **Decoding words**

Our learners with a poor understanding of language, being able to decode words is essential for equality, because their understanding of language, their vocabulary and their knowledge of the world will expand rapidly when they can read for themselves. Therefore, decoding and encoding will be taught in schools through systematic synthetic phonics. This will be recognised and reinforced by all staff through:

- Reading unfamiliar words, by saying the sounds corresponding to the letters in the words and then blending the sounds together, either aloud or silently.
- Reading familiar words accurately and silently 'at a glance', that is, no longer saying the sounds consciously. To teach word reading and spelling successfully, teachers need to understand the principles underpinning the teaching of word reading (decoding) and spelling (encoding). This should include understanding how the alphabetic code of English represents the sounds (phonemes) of the language with single letters and groups of letters (graphemes).

## **Speech and Language**

Language is one of the most important skills we will ever learn. Everything we do at home or work requires us to communicate with our families, friends and colleagues. Without language it is incredibly difficult to share our thoughts and feelings with others, to make lasting friendships, to give and receive information and to learn about the world in which we live.

The ability to use and understand language is essential for all children too. Children learn language in such a short space of time and this is why the pre-school years are so crucial - with parents and early years workers playing a vital role in encouraging children's communication development.

Problems with speech and language are the most common developmental difficulty that children encounter. Studies indicate that as many as 1 in 10 children in the UK have speech and language difficulties, and these are particularly prevalent in the early years.

Language is central to learning, but a study by the Basic Skills Agency (in 2002) reported that - in the opinion of teachers - 50% of children begin school lacking skills that are vital for getting off to a good start in education. For our Cared For Children we must not assume that their speech and language development is in line with their chronological age as their lived experience prior to being Cared For Children may not have seen or experienced effective communication and experience of trauma may also impact negatively on their speech and language development.

In order to support our desire for excellent literacy skills there may be the need for an assessment of speech and language too in order to unlock the potential of each of our Cared For Children. This will be considered as the children young person becomes Cared For.

The Virtual School has children from 2+ years right up to young people approaching their 18<sup>th</sup> birthday and with a broad spectrum of need. The majority of our children and young people are in mainstream schools and colleges while we also have children and young people in specialist provisions which are ideally suited to meeting their needs. Our policy therefore needs to reflect the diverse nature of our school population.

## **Priority 1 – Developing reading for pleasure and academic progress**

- Promote a love of reading through the use of new technology as well as by books or magazines.

- For Early Years and primary aged children ensure the Fostering Family spend time reading with the children in their care
- For all age groups ensure a reading intervention is in place for all those with a reading age significantly below their chronological age. The reading intervention will be appropriate to the learning needs of each child.
- Reading will be reviewed at each PEP and reference noted in the PEP meeting notes.
- A reading target will be a target on all children and young people's PEP no matter their reading ability.

### **Priority 2 – Assessment of reading ages**

- When a child becomes cared for a baseline assessment of their reading age is completed and the results noted on our ePEP system.
- All our cared for children from Y1 need to have either a formal or informal assessment of their reading age. This will allow each school/educational provision to use their own assessment methods but the results must be captured in the PEP.
- Many secondary schools in Y7 undertake a reading assessment for their pupils in order to plan interventions so that the children are able to access, understand and progress in learning.
- For our older cared for children it may be appropriate to utilise adult literacy programmes in order to improve their opportunities to achieve economic wellbeing or to access further or higher education.

### **Priority 3 – Improve word depth knowledge**

- Ensure that each child/young person has a targeted decoding intervention through teaching resources if necessary. This will need to be noted in the PEP.
- Ensure the teaching and learning of exam literacy
- Ensure the teaching and learning of words for work.

### **Priority 4 – Speech and language**

- Our children and young people develop confidence and competence in speaking and listening so they are able to:

Speak clearly and confidently in different situation; adapt their speech for different audiences and purposes; listen with understanding and empathy and respond sensitively and appropriately; build on others' viewpoints and attitudes as well as having their own personal opinions.

- Where it is identified that a child/young person may need a speech and language assessment this is promptly assessed for interventions and advice to be followed to improve speech and language skills.

The Virtual School aspires for all Cared For Children to achieve their academic potential and this means that each school needs to have high aspirations for each child and not let the Cared For status equate to academic under achievement. Some young people with cognition and learning needs may not reach national benchmarks but can reach their own potential. The focus on reading and then literacy in its widest

sense needs to be captured in the PEP process. Developing a love of reading will enhance not only learning but also bring a sense of fulfilment and a curiosity for the world around us. As Corporate Parents we demand the best for our children and want them to reach for the stars and dream big.

Resources:

The Virtual Schools invests in resources to support reading in the following ways:

- Our Early Years children are signed up to The Imagination Library
- We subscribe to the Book Trust's Letterbox scheme which sends a parcel of books and stationery to certain year groups over a six month period
- We subscribe also to Book Buzz which facilitates various year groups to choose a book to keep every term
- Reading interventions such as Fresh Start are offered as training opportunities to school staff
- We subscribe to the online Encyclopaedia Britannica for every Cared For Child
- Training in various reading interventions is offered to Fostering Families
- Reading projects using technology have been trialled and the results shared
- Book tokens are given as prizes

There are numerous resources on the National Literacy Trust's website and on the Book Trust website. Some useful ones are:

10 top tips for parents to support children to read

<https://www.gov.uk/.../10-top-tips-to-encourage-children-to-read>

Tips for carers and foster families

<https://www.booktrust.org.uk/books-and-reading/tips-and-advice/reading-tips/reading-tips-for-carers-and-foster-families/>

Tips and advice – Reading with your child

<https://www.booktrust.org.uk/books-and-reading/tips-and-advice/reading-tips/>

Books and the bedtime routine

<https://www.booktrust.org.uk/books-and-reading/tips-and-advice/bath-book-bed/>

### Appendix 3: Local Authorities with Torbay CFC 2021-22

Blaenau Gwent

London Borough of Richmond

Wakefield

Dorset

Bristol

Hampshire

Wiltshire

Cornwall

Northamptonshire

Cornwall

Devon

Monmouthshire

Surrey

Somerset

Plymouth

Birmingham

Norfolk

Kent

Angus

Newport (Wales)

West Sussex

Gloucestershire

Stoke-on-Trent

Liverpool

Lancashire

London Borough of Walthamstow

Bath and North East Somerset (BANES)

Derbyshire

London Borough of Southwark

Shropshire

Northumbria

Pembrokeshire

## **Appendix 4: Glossary**

ARE - Age related expectations

ASD - Autistic Spectrum Disorder (Condition)

CC - Continuous Care

CFC - Cared For Children

CPD - Continuing Professional Development

DT - Designated Teacher

EBACC - English Baccalaureate

EHCP - Education, Health and Care Plan

EOTAS - Education Other Than At School

EP - Educational Psychologist

ePEP - Electronic Personal Education Plan

EYFS - Early Years Foundation Stage

FE - Further Education

FTX - Fixed Term Exclusion

GLD - Good Level of Development

GSCE - General Certificate of Secondary Education

HEI - Higher Education Institution

KS - Key Stage

MLD - Moderate Learning Difficulty

NEET - Not in Education, Employment or Training

PA - Persistent Absence

PMLD - Profound and Multiple Learning Disabilities

PP+ - Pupil Premium Plus

PRIM - Progress review intervention monitoring

PX - Permanent Exclusion

RI - Requires Improvement (OFSTED category)

RSA - Request for Statutory Assessment

RWM - Reading, writing, maths

SALT - Speech and Language Therapist

SATS - Standardised Assessment Tests

SEMH - Social and Emotional Health

SEN - Special Educational Need

SENCO - Special Educational Needs Coordinator

SGO - Special Guardianship Order

SMART - Specific, measurable, attainable, realistic/relevant, time bound

STEM - Science, technology, engineering and maths

TA - Teaching Assistant

THRIVE - A therapeutic approach to help support children with their emotional and social development

UASC - Unaccompanied Asylum Seeking Children

VS - Virtual School

VSHT - Virtual School Head Teacher

YP - Young person

## Notice of Motion

### Cabinet

21 March 2023

### Debate Not Hate Campaign

The intimidation and abuse of Councillors, in person or otherwise, undermines democracy, preventing elected members from representing the communities they serve, deterring individuals from standing for elections, and undermining public life in democratic processes.

This Council notes that increasing levels of toxicity in public and political discourse is having a detrimental impact on local democracy and that prevention, support and responses to abuse and intimidation of local politicians must improve to ensure Councillors feel safe and able to continue representing their residents.

Torbay Council therefore commits to challenge the normalisation of abuse against Councillors and officers and uphold exemplary standards of public life and political debate in all it does. To support this the Local Government Association's has launched its Debate Not Hate campaign with the aim to raise public awareness of the role of Councillors in local communities, encourage healthy debate and improve the response to and support those in public life facing abuse and intimidation.

Therefore, the Cabinet resolves:

1. That the Council signs up to the Local Government Association's Debate Not Hate campaign.
2. that the Leader of the Council writes to the local Members of Parliament to ask them to support the Debate Not Hate campaign;
3. that the Leader of the Council writes to the Government to ask them to work with the Local Government Association to develop and implement a plan to address abuse and intimidation of politicians;
4. that the Head of Governance Support reminds all Councillors of the process to report incidents of harassment and abuse of Councillors via the Governance Support Team; and



5. that support available and relevant training to Councillors in relation to abuse and intimidation and Councillor safety is included as part of the 2023 Member Induction Programme.

Proposer Councillor Carter  
Seconder Councillor Cowell

## Notice of Motion

### Cabinet

21 March 2023

### Show Us You Care

Cabinet notes that:

- Care experienced people face significant barriers that impact them throughout their lives;
- Despite the resilience of many care experienced people, society too often does not take their needs into account;
- Care experienced people often face discrimination and stigma across housing, health, education, relationships employment and in the criminal justice system;
- As corporate parents, councillors have a collective responsibility for providing the best possible care and safeguarding for the children who are looked after by us as an authority;

#### **Cabinet believes that:**

- Care experienced people are an oppressed group who face discrimination;
- Councils have a duty to put the needs of oppressed people at the heart of decision-making through co-production and collaboration;
- All corporate parents should commit to acting as mentors, hearing the voices of looked after children and young people and to consider their needs in any aspect of council work;
- Councillors should be champions of our looked after children and challenge the negative attitudes and prejudice that exists in all aspects of society;
- Services and policies should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience.

**Cabinet resolves:**

- To formally support the Show Us You Care Too campaign which calls for care experience to be made a protected characteristic as part of the Independent Review into Children's Social Care;
- For the council to proactively seek out and listen to the voices of care experienced people when developing new policies based on their views;
- To continue to build apprenticeship opportunities for care experienced young people;

Proposer Councillor Law  
Seconder Councillor Stockman

**Meeting:** Cabinet                      **Date:** 21 March 2023

**Wards affected:** Preston and Blatchcombe Report

**Report Title:** Appointment of a preferred bidder for the future development of homes at land located at Preston Down Road, Paignton

**When does the decision need to be implemented?** Immediately

**Cabinet Member Contact Details:** Councillor Swithin Long - Cabinet Member for Economic Regeneration, Tourism and Housing, [Swithin.Long@torbay.gov.uk](mailto:Swithin.Long@torbay.gov.uk)

**Director/Divisional Director Contact Details:** Anne-Marie Bond, Chief Executive, [anne-marie.bond@torbay.gov.uk](mailto:anne-marie.bond@torbay.gov.uk), 01803 207160 and Kevin Mowat – Director of Strategic Projects, 01803 208433, [Kevin.Mowat@torbay.gov.uk](mailto:Kevin.Mowat@torbay.gov.uk)

## 1. Purpose of Report

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- 1.1 Approval is sought to appoint a Registered Provider delivery partner, as the successful 'preferred bidder', following a tender exercise and to enter into a Development and Sale Agreement with that partner.

## 2. Reason for Proposal and its benefits

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- 2.1 The Preston Down Road (PDR) site has been identified in the Local Plan for a potential housing allocation.
- 2.2 The PDR site should deliver 100 plus new homes, at least 30% of which will be affordable housing for local people. At least 5% of the affordable provision will be adapted accommodation for households with mobility difficulties.
- 2.3 The PDR site will help ensure a mixed and balanced community, supplying housing of the right type, size and design in the right locations.
- 2.4 Through building new homes, the PDR site will help deliver the corporate ambitions for thriving people; thriving economy; and tackling climate change.
- 2.5 Delivery of new homes on the PDR site will help meet the Council's responsibilities as corporate parents and for people with learning disabilities, whilst tackling poverty, deprivation and vulnerability.
- 2.5 The PDR site will deliver a Planning Policy compliant scheme for new housing.

2.6 The 'preferred bidder', as the Registered Provider housing delivery partner for PDR will:

- Ensure that the Council's strategic policies are fully adhered to
- Ensure that the Council's statutory requirements are fully adhered to
- Provide the Council with an opportunity to shape scheme outputs
- Enable the Council to influence affordable housing split
- Provide the Council with a capital receipt to contribute towards the capital programme
- Nomination rights for the Council, on the affordable units, in perpetuity

### 3. Recommendation(s) / Proposed Decision

---

3.1 That the successful Registered Provider delivery partner, identified in Exempt Appendix 3 and 4, be approved as the 'preferred bidder' for the future development of homes at Preston Down Road, Paignton (PDR) and that in principle approval is given to enter into a Development and Sale Agreement with this Registered Provider delivery partner.

3.2 That the Chief Executive be given delegated authority to agree and finalise any Heads of Terms and the details of the Housing Delivery Partner Development and Sale Agreement in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing and the Section 151 Officer.

### Appendices

Appendix 1: Preston Down Road – Site Plan

Appendix 2: PDR Tender Specification (tender reference TPL5722)

### Exempt Appendices – Part II

Appendix 3: Preferred Bidder Tender Award Questionnaire Response

Appendix 4: Further Financial Details

### Background Documents

- Torbay Local Plan: [Local Plan 2012-2030 - Torbay Council](#)
- Paignton Neighbourhood Plan: <http://www.paigntonneighbourhoodplan.org.uk/>
- Decision to transfer land - Extraordinary Council meeting on 8 October 2020  
Link - [Minutes Template](#)

# Supporting Information

## 1. Introduction

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- 1.1 The Preston Down Road site currently comprises a vacant agricultural land. It extends to approximately 4 hectares (10 acres), with potential for approximately 101 residential units. Boundaries are defined by trees and mature hedgerows. The site is bordered centrally by Preston Down Road, by residential dwellings to the east and west and open countryside or woodland to the north and south. It is in an excellent location and is well connected by road. Straddling Preston Down Road the site offers an opportunity to create a high-profile gateway development.
- 1.2 In February 2018, this site received grant funding from the Land Release Fund (LRF). This LRF funding has been used to procure various technical reports, however, not all the funding allowance for this site has been spent and a balance remains. The balance of the grant funding is available as a contribution towards further site works and surveys.
- 1.3 The Council owns the freehold of the Preston Down Road site, having previously acquired the land back from the Torbay Coast and Countryside Trust, who had held the land on a long lease arrangement.
- 1.4 In October 2020, the Council agreed to dispose of the freehold interest of the land at Preston Down Road to TorVista Homes or a company wholly owned by the Council (see Background Documents). This was in part to satisfy the terms of the LRF grant. The disposal was subsequently concluded with TorVista Homes conditional upon TorVista submitting a business plan to develop the site which would need to be approved (or not) by the Council. Also, the sale agreement has provision to either require TorVista to sell the site back to the Council, or for the Council to instruct TorVista to sell the site to a third party on behalf of the Council.
- 1.5 The TDA were asked by the Council to prepare and proceed with a full, policy compliant, planning application for the site, which will soon come forward to the Planning Committee for determination. This planning application has been subject to community consultation. The Preston Down Road site has been identified for future housing need in the Council's Adopted Local Plan (A Landscape for Success) 2012-30.
- 1.6 Following the disposal of the site to TorVista in October 2020, a structured soft market testing exercise was conducted in September 2022 with external Registered Providers (RPs). The purpose of this exercise was to test the market for interest in delivering a scheme which could meet and exceed the Council's ambition to increase the supply of affordable/social housing in Torbay. All six RPs that submitted an 'expression of interest' (EOI), said they could meet our requirements on a land receipt and deliver a minimum of

30% affordable housing on the site. All respondents also indicated they would aim to achieve more than 30% affordable housing. There was also a positive response to providing a mixed development with the ambition to deliver homes by 2026.

- 1.7 This soft market testing initiative was partly in response to the ongoing 'housing crisis', but also as the result of concerns about the financial pressure and/or risks to the Council of developing a large site through its own housing company.
- 1.8 In December 2022, following the positive outcome of the soft market testing, Cabinet Members and the Senior Leadership Team received an Emerging Issues Paper, to discuss an alternative disposal option for the Preston Down Road site. The paper proposed a two-stage tender process, with the potential to award 'preferred bidder' status to a Registered Provider delivery partner in March 2023.
- 1.9 As an outcome of the Emerging Issues Paper discussion a two-stage tender process was launched in January 2023, to select a Register Provider delivery partner for the future development of homes at Preston Down Road. The purpose of the tender was to allow RPs to bid against a benchmark scheme and to select a preferred bidder.
- 1.10 The two-stage tender process allows for the approval of a 'preferred bidder' for the future development of homes at Preston Down Road (stage one), along with in principle approval to enter into a Development and Sale Agreement with the Registered Provider delivery partner (stage two). This allows Council officers to work with the preferred bidder and the appropriate Cabinet Member, to agree the final scheme for the delivery of new homes, including affordable homes, on the site. The details of the scheme, particularly in respect of detailed design and the construction plan, will be worked through with the preferred bidder.
- 1.11 Following selection, the Registered Provider delivery partner will be expected to deliver the Objectives, Outputs and Housing Mix set out in the Tender Specification (Appendix 2), which will help ensure the following :-
  - That the Council maximise the on-site delivery of affordable housing over and above policy compliant levels while maintaining a sustainable mix and balance of tenures
  - Delivery of a capital receipt
  - To provide a good mix of house types to demonstrate a balanced community, including wheelchair accessible accommodation.
  - To deliver environmentally sustainable solutions within both the construction and occupancy of the properties
  - Nomination rights for the Council, on the affordable units, in perpetuity
- 1.12 If this disposal decision is made by Cabinet on 21<sup>st</sup> March 2023, it will override the Council's previous disposal decision made on 8<sup>th</sup> October 2020.

1.13 The selection of the successful Registered Provider delivery partner (preferred bidder) has subject to the Council's Procurement Policy and evaluation process.

## 2. Options under consideration

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2.1 The options available to the Cabinet are :

Option 1 - to appoint the successful bidder from the outcome of the tender exercise (Recommendation 3.1 above), or

Option 2 to decline to appoint.

2.2 The tender submission from the 'preferred bidder' meets the Council's Corporate objectives, including the specific expectations set out in the tender documentation (Appendix 2) and has passed the evaluation exercise criteria as can be evidenced in Exempt Appendix 3.

2.3 Option 1 is therefore recommended as set out in paragraph 3.1.

## 3. Financial Opportunities and Implications

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3.1 In February 2018 this site received grant funding from the Land Release Fund (LRF). This LRF funding has been used to procure various technical reports, however, not all the funding allowance for this site has been spent and approximately £600,000 remains. This remaining grant is available as a contribution towards further site works and surveys (where required) as it has been deemed that a developer led approach is more appropriate in respect of the following :-

- Highways enabling works, including associated fees in the design, and overseeing of the highways works
- Site surveys and investigations to include undertaking percolation tests
- Grounds maintenance works required in accordance with feedback from RSPB and specialist environmental and legal advice
- Drainage strategy review
- Traffic impact assessment
- Ecology mitigation works
- Procurement of Environmental Impact Assessments and Habitats Regulations Assessment advice and reports
- Site servicing and utilities

3.2 Some of the works identified above have already been undertaken as part of the current Planning Application for this site.



- 3.3 A net capital receipt for the Council is envisaged. The receipt should be more than the costs the Council has incurred in obtaining vacant possession.
- 3.3 See Exempt Appendix 4 for further financial details.

## 4. Legal Implications

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- 4.1 Local authorities are given powers under the Local Government Act 1972 Act to dispose of land in any manner they wish, including sale of their freehold interest. The only constraint is that a disposal must be for the best consideration reasonably obtainable, unless the Secretary of State consents to the disposal.
- 4.2 The Local Government Act 1972: General Disposal Consent (England) 2003, removes the requirement for authorities to seek specific consent from the Secretary of State and it allows a local authority to dispose of land in the circumstances specified below :-
- (a) the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;
    - (i) the promotion or improvement of economic well-being.
    - (ii) the promotion or improvement of social well-being.
    - (iii) the promotion or improvement of environmental well-being; and
  - (b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).
- 4.3 Before disposing of any interest in land, whether for a price which may be less than the best consideration reasonably obtainable, or not, local authorities are strongly advised in all cases to ensure that they obtain a realistic valuation of that interest. The TDA were instructed to obtain this valuation following the October 2020 decision and this valuation may need to be updated.
- 4.4 When the Chief Executive finalises the detailed disposal terms, the Development and Sale Agreement will ensure that the Registered Provider delivery partner will be required to deliver the Objectives, Outputs and Housing Mix set out in the Tender Specification (Appendix 2).
- 4.5 The land transfer contract will also include nomination rights for the Council, under section 25 of the Local Government Act 1988.

## 5. Engagement and Consultation

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- 5.1 Extensive consultation has occurred throughout the Local Plan planning process.
- 5.2 As part of any existing or future planning process the community will be fully consulted on the detail of any development proposed, however, there will be a benefit to the local

community in terms of additional supply of good quality housing and an improved mix of units.

- 5.3 Briefings have been held with the Cabinet and Group Leaders and further briefings with all political groups will take place throughout the process.
- 5.4 The proposed agreement will be fully compliant with Torbay's Housing Strategy 2023 – 2030 and the Planning Contributions and Affordable Housing SPD, where applicable.

## 6. Purchasing or Hiring of Goods and/or Services

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- 6.1 The Council's procurement team has been fully consulted and this tender process has been undertaken in accordance with the Council's financial regulations and standing orders. Legal advice has been and will be procured in accordance with the Council's protocol.

## 7. Tackling Climate Change

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- 7.1 On 24<sup>th</sup> June 2019, Torbay Council declared a 'Climate Emergency' and are committed to helping to tackle climate change and to become carbon neutral by 2030. We want to ensure the environmental impact of the Council's procurement of goods, services and works is minimised in line with our response to the climate emergency.
- 7.2 The Council's expectation is that the successful Registered Provider delivery partner meets the following 'Climate Emergency' criteria set out in the Tender Specification (Appendix 2) :-
- (a) know the impact their organisation has on the environment;
  - (b) have an environmental policy which embeds a culture of reducing negative environmental impacts within their organisation;
  - (c) ensure their environmental impact is measured, regularly reported, and overseen at the highest level;
  - (d) specifically in relation to this Development and Sale Agreement/Contract, can outline how carbon emissions will be minimised, with a clear action plan outlining the work to be undertaken focussing on the biggest impacts, with key targets and timelines to the actions to be undertaken, for example:
    - if travel is used, mileage is reduced. For the miles that are unable to be reduced more environmentally friendly ways to travel are used;
    - if buildings are used, environmental building survey(s) have been undertaken and any negative environmental impacts are mitigated / reduced;
    - if purchasing new vehicles low emission alternatives are considered
  - (e) work with their supply chain to know the environmental impact of the goods / services they purchase and mitigate / reduce negative impact, where the negative impact is not able to be reduced offset the impact;

(f) work towards their organisation being Carbon Net Zero by 2030.

7.3 Furthermore, the Tender Specification requires the Registered Provider delivery partner to undertake the following :-

- Integrate green infrastructure into the development
- Deliver environmentally sustainable solutions within both the construction and occupancy of the properties

## 8. Associated Risks

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- 8.1 If the Preston Down Road site is not brought forward for development it cannot help in the response the ongoing 'housing crisis'.
- 8.2 If the Preston Down Road site is not brought forward for development, it will not be able to contribute towards the Council's 5-year housing land supply. Consequently, this increases the risk to the Council of unwelcome planning applications from sites not identified in the local plan.
- 8.3 Having concluded the soft market testing in September 2022, and the most recent tendering exercise in the early months of 2023, there would be a significant reputational risk for the Council if a Registered Provider delivery partner (preferred bidder) were not identified and approved. The Council has worked hard over recent years to improve strategic relationships with housing sector partners and especially with Registered Providers.
- 8.4 Also, having previously passed this site to TorVista Homes, it is important that the Council maintains a strong and close working understanding with TorVista Homes, to avoid any risk to this important and ongoing collaborative relationship.
- 8.5 It is important to avoid any unnecessary financial pressure and/or risks to the Council of developing a large site through its own housing company (TorVista Homes), especially as the company does not currently have experience of developing a site on this scale.
- 8.6 If the Preston Down Road site is not brought forward for development it cannot help to reduce the housing waiting list.

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

---

- 9.1 The proposal will help deliver better quality housing in the Paignton area and for all age groups. As per Council policy at least 30% of the development will be affordable housing thus helping to deliver housing stock for local people and reduce the housing waiting list.

- 9.2 The proposal is consistent with Local Plan policies for planning for sustainable development in the Torbay area.
- 9.3 The proposal will consider the overall level of housing and jobs growth to represent a balanced and sustainable approach to future growth.
- 9.4 Significant social benefits will be generated by the provision of a mix of dwelling types and tenures which will encourage mixed communities and provide a range of local facilities. It is envisaged that the new development will offer the opportunity to design out crime within residential layouts and could support the vibrancy of existing local centres.
- 9.5 Public Health impacts - The scheme shall include provision of affordable housing which is likely to reduce poverty in the area and improve health.

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	Yes – increase supply of new homes		
People with caring Responsibilities			There is no differential impact
People with a disability	Yes – increase supply of accessible homes		
Women or men			There is no differential impact
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			There is no differential impact
Religion or belief (including lack of belief)			There is no differential impact
People who are lesbian, gay or bisexual			There is no differential impact
People who are transgendered			There is no differential impact
People who are in a marriage or civil partnership			There is no differential impact
Women who are pregnant / on maternity leave			There is no differential impact

Socio-economic impacts (Including impact on child poverty issues and deprivation)	Yes – increase supply of social & affordable homes		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Yes – provide new, better quality sustainable and energy efficient homes		

## 10. Cumulative Council Impact

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10.1 The proposals are compliant with Policy SS11 Sustainable Communities as there will be opportunities to contribute to sustainable community objectives.

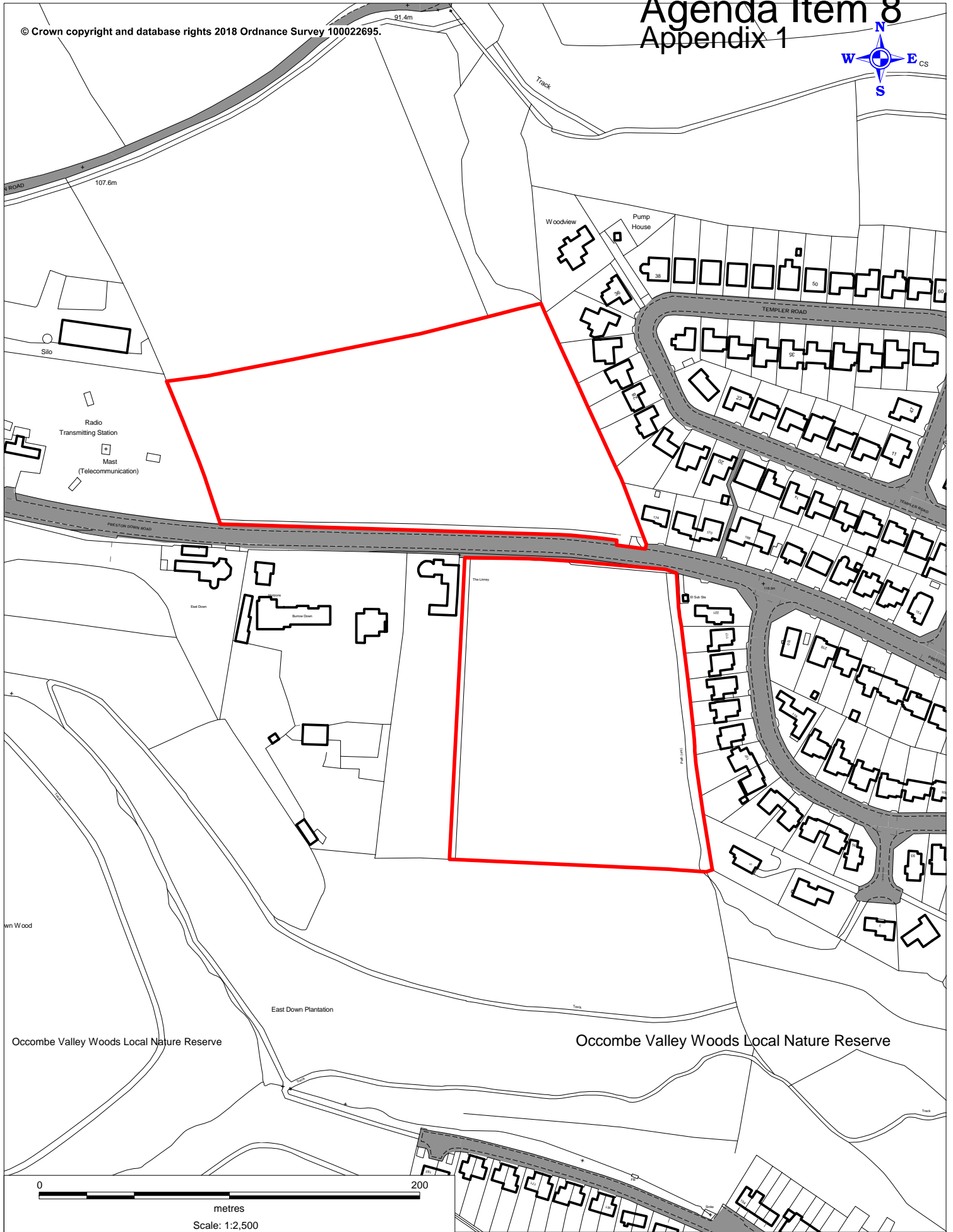
## 11. Cumulative Community Impacts

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11.1 No cumulative community impacts have been identified.

# Agenda Item 8 Appendix 1

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EM Plan No: EM3172  
Date: 5 October 2018  
Title: Land North & South of Preston Down Rd, Paignton

Asset No: P0953AB  
LR Title No: DN521239  
Area: 40,581.9 m<sup>2</sup>



## Part 2 Specification

### Title

**Registered Provider Housing Delivery Partner  
(Preston Down Road)**

### Reference

**TPL5722**

# Contents

A	Overall Scope and Nature of the Requirement .....	3
B	Mandatory Pass / Fail Requirements .....	5
C	Core Requirements .....	8
D	Additional Requirements.....	10
E	Social Value .....	11



# A Overall Scope and Nature of the Requirement

## A1 The Site

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- A1.1 The Preston Down Road site is situated approximately 2 miles from the centre of Paignton and 22 miles from the centre of Exeter.
- A1.2 The Council's ownership at Preston Down Road extends to c. 4.06 hectares (10.03 acres) provided within two separate land parcels to the north (2.11 hectares / 5.21 acres) and south (1.95 hectares / 4.82 acres) of Preston Down Road, which links Paignton sea front with the A380.
- A1.3 The site currently comprises a vacant agricultural land. It extends to approximately 4 hectares (10 acres), with potential for approximately 101 residential units. Boundaries are defined by trees and mature hedgerows. The site is bordered centrally by Preston Down Road, by residential dwellings to the east and west and open countryside or woodland to the north and south. It is in an excellent location and is well connected by road. Straddling Preston Down Road the site offers an opportunity to create a high-profile gateway development.
- A1.4 Preston Down Road is not allocated for housing in the Local Plan, however, it is identified as being suitable for development as a result of a Strategic Housing Land Availability Assessment (SHLAA). A Sustainability Appraisal confirmed that development of the site for housing would be consistent with planning for sustainable development.
- A1.5 Although the Torbay Local Plan provides for the site to be considered for allocation within the Paignton Neighbourhood Plan, the adopted Paignton Neighbourhood Plan does not allocate any sites for housing development in the Paignton area.
- A1.6 In accordance with the Torbay Local Plan, identified housing need in Paignton is 4,285 homes. In order to meet this identified housing need and demonstrate a five-year supply of deliverable housing sites Torbay Council, as Local Planning Authority, needs to make further residential site allocations.

## A2 Planning Application

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- A2.1 The surveys and assessment submitted as part of current planning application P/2022/0820 are available through the Council's planning portal and can be accessed using the following link:

<https://publicaccess.torbay.gov.uk/view/applicationDetails.do?activeTab=summary&keyVal=REZZHGQIL3500>

- A2.2 Additional supporting documents have been provided as Appendices to this opportunity.

### **A3 Cost Information and Sales Values**

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Cost and sales value information in relation to the planned development, provided in May 2022, have been provided as Appendices to this opportunity and are listed in Part 1 Information Section F2.

### **A4 Land Release Fund**

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The subject site received grant funding from the Land Release Fund (LRF). The LRF was announced in February 2018 and in total extends to a £45m cash injection into key community projects that will kick start the building of thousands of homes across the Country. Funding is only available to Local Authorities for the release of their own land.

The LRF in respect of the subject site has been used to procure various technical reports in respect of the site.

Not all of the funding allowance has been spent, approximately £600,000 remains. This grant is available as a contribution towards site works and surveys as it has been deemed that a developer led approach is more appropriate in respect of the following:

- Highways enabling works, including associated fees in the design, and overseeing of the highways works.
- Site surveys and investigations to include undertaking percolation tests.
- Grounds maintenance works required in accordance with feedback from RSPB and specialist environmental and legal advice.
- Drainage strategy review.
- Traffic impact assessment
- Ecology mitigation works
- Procurement of EIA and HRA advice and reports.
- Site servicing and utilities

## **B Mandatory Pass / Fail Requirements**

This section sets out the Authority's mandatory requirements for the successful Applicant to perform the Contract.

Evidence requirements are as set out in Part 5 Mandatory Criteria.

### **B1 Data Protection, Information Sharing and Information Security**

---

- B1.1 For the purposes of this Contract the role of the Provider will be as Data Processor, and they will be acting on behalf of the Council in respect of the processing of Personal Data. For example, individuals personal data following nomination by the Council for housing (nomination rights).
- B1.2 To ensure protection for the rights and freedoms of data subjects:
- a) The Council's data must not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to their personal data;
  - b) The successful applicant will be required to comply with all relevant data protection legislation and any changes in data protection legislation.
- B1.3 Applicants are required to have appropriate measures in place to protect personal contract data and provide confirmation within their Part 5 Mandatory Criteria response.

### **B2 Climate Emergency**

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On 24 June 2019, Torbay Council declared a 'Climate Emergency' and are committed to helping to tackle climate change and to become carbon neutral by 2030. We want to ensure the environmental impact of the Council's procurement of goods, services and works is minimised in line with our response to the climate emergency.

- B2.1 The Council's expectation is that it's Providers:
- a) know the impact their organisation has on the environment;
  - b) have an environmental policy which embeds a culture of reducing negative environmental impacts within their organisation;
  - c) ensure their environmental impact is measured, regularly reported, and overseen at the highest level;
  - d) specifically in relation to this Contract are able to outline how carbon emissions will be minimised, with a clear action plan outlining the work to be undertaken focussing on the biggest impacts, with key targets and timelines to the actions to be undertaken, for example:
    - if travel is used, mileage is reduced. For the miles that are unable

to be reduced more environmentally friendly ways to travel are used;

- if buildings are used, environmental building survey(s) have been undertaken and any negative environmental impacts are mitigated / reduced;
- if purchasing new vehicles low emission alternatives are considered/

e) work with their supply chain to know the environmental impact of the goods / services they purchase and mitigate / reduce negative impact, where the negative impact is not able to be reduced offset the impact;

f) work towards their organisation being Carbon Net Zero by 2030.

A1.2 The Council's Environment and Carbon Neutral Policy can be found at Appendix J

### **B3 Health and Safety**

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B3.1 All Provider staff who undertake work on behalf of the Council are required to fully comply with their legal duties under health, safety, and welfare legislation while at work to ensure the health and safety of themselves and others that may be affected by their acts or omissions.

B3.2 In recognition of the legal duties imposed upon them all Providers and those Provider staff undertaking work on behalf of the Council under this Contract will:

- a) co-operate with the Council's Director Responsible for Health and Safety, Managers, Supervisors, Corporate Health and Safety Department and their own Employer to enable them to comply with their legal duties;
- b) comply with ALL requirements of the Council's Health and Safety Policies and other rules and procedures in place;
- c) not intentionally or recklessly interfere with or misuse anything provided in the interests of health and safety;
- d) actively promote a positive health and safety culture;
- e) only undertake work for which they have been trained and are qualified and competent to undertake;
- f) where applicable, ensure that risk assessments and method statements relating to their work are presented to the Council's authorised officer, prior to commencement of work, if they are not following the Safe System of Work provided by Torbay Council.

B3.3 The Council's Health & Safety Policy Statement can be found at Appendix F.

B3.4 Tenderers should note that there may be unidentified hazards on site, or which arise during the progress of the works, which will require suitable controls and management procedures.

## **B4 Payment Requirements**

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- B4.1 The Provider is required to deliver a receipt to the Council of no less than £1.8 million.

## **B5 Use of Council Branding**

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- B5.1 Torbay Council owns its identity, branding devices and logos, these are protected by law.
- B5.2 The Provider must agree only to use the Council's visual identity in accordance with the terms set out in the Contract.
- B5.3 The Provider will be issued a licence number to use the Council's visual identity and use must be only in relation to this Contract, further usage will be subject to separate request and approval.
- B5.4 Permission to use the Council's visual identity does not prevent the Council from revoking that permission at a later point. Any revocation is at the sole and complete discretion of the Council.
- B5.5 The Council's identity is provided 'as is' and must not be altered in any way.

## **B6 Contract Specific Requirements**

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- B6.1 The Provider is required to be registered with the Regulator of Social Housing (RSH) at the date of submission, and must be listed on <https://www.gov.uk/government/publications/registered-providers-of-social-housing>

## C Core Requirements

This section sets out the Authority's core requirements for this Contract, which Applicants are required to demonstrate within their response that they are capable of meeting

### C1 Objectives

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- C1.1 The key objectives set out below should be integral to the Applicant's proposed scheme to ensure the best form of development whilst enhancing the site and preserving the surrounding areas:
- a) Complement the village character of the area;
  - b) Reflect the countryside setting;
  - c) Ensure a good standard of amenity;
  - d) Integrate green infrastructure into the development; and
  - e) Create well designed, safe, and visible links between the site and its surroundings.

### C2 Outputs

---

- C2.1 The Applicant's proposed scheme should meet the core outputs set out below:
- a) Maximise the on-site delivery of affordable housing over and above policy compliant levels while maintaining a sustainable mix and balance of tenures;
  - b) Provide a good mix of house types to demonstrate a balanced community, including wheelchair accessible accommodation; and
  - c) Deliver environmentally sustainable solutions within both the construction and occupancy of the properties.

### C3 Housing Mix

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- C3.1 The Applicant's proposed scheme will provide a mix of housing with reference to the Council's Housing and Economic Needs Assessment.
- C3.2 The Applicant's proposed scheme should deliver the following:
- a) 30% of the dwellings as policy compliant (Local Plan policy H2) affordable housing ("the Compliant Affordable Dwellings");
  - b) No less than 20% but no more than 30% of dwellings as additional affordable rented housing ("the Additional Affordable Dwellings");
  - c) Affordable housing designated as Affordable Rent shall be let at Local Housing Allowance level;
  - d) All affordable dwellings will be designed/constructed to a minimum of 80% of NDSS;

- e) 5% of the dwellings will be constructed to a minimum of Part M4(2) in accordance Local Plan policy H6; and
- f) 20% of the Additional Affordable Dwellings will be constructed to a minimum of Part M4(2).

#### **C4 Nomination Rights**

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C4.1 The Council is seeking nomination rights for the affordable units, in perpetuity.

#### **C5 Council Engagement**

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C5.1 The Applicant is required to engage with council officers through the planning, design, and construction phases.

## **D Additional Requirements**

### **D1 Additional Requirements**

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- D1.1 The Applicant is required to provisionally set out how they could work with the existing application, including to what extent amendments will be required, or whether a new application will be required.

### **D2 Further Services Offered**

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The Applicant will be expected to suggest as part of its response to the Evaluation Questions any additional products or services that they may be able to offer as part of this Contract or any other added value that their offer might be able to bring to the Authority. Applicants are expected to build any such offers into their submissions regardless of whether specific questions are asked along these lines or not.



## **E Social Value**

### **E1 Our Commitment**

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- E1.1 The Council is committed to its responsibilities under The Public Services (Social Value) Act 2012. Therefore the Council is seeking Participants who will add value to the Agreement by providing additional community benefits (above the services described within this specification).

### **E2 Our Priorities**

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- E2.1 We are seeking submissions that support our local priorities.
- E2.2 The Council's mission is to be a Council that supports, enables, and empowers its residents, communities, and partnerships.
- E2.3 The Council's ambition and priorities for Torbay and its residents to thrive are outlined in the Community and Corporate Plan 2019 -2023:  
<https://www.torbay.gov.uk/council/policies/corporate/corporate-plan/>
- E2.4 We are looking for Applicants to make submissions in relation to Social Value that support the collective delivery of this plan in Torbay.
- E2.5 In evaluating Social Value offers we are looking for bidders who wish to contribute and join us as partners in delivering the ambitions for Torbay and its residents. All responses are expected to demonstrate what and how they will contribute to the delivery of this plan in Torbay.
- E2.6 The Council recognises that measuring and delivering Social Value requires flexibility and a collaborative approach. Agreed Social Value commitments may require a certain amount of refinement as a result. A key requirement is the willingness of the successful Applicant to work openly and transparently with the Council, whilst bearing in mind that the overall value of Social Value commitments made must be delivered by the successful Applicant.

### **E3 Additional Information**

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- E3.1 Further information on the Council's approach to Social Value are available to bidders in Appendix H The Torbay TOMs Framework.

Document is Restricted

Document is Restricted

**Meeting:** Cabinet **Date:** 21<sup>st</sup> March 2023

**Wards affected:** All

**Report Title:** Staff Travel Contract Award Approval

**When does the decision need to be implemented?** ASAP

**Cabinet Member Contact Details:**

Cabinet Member for Corporate and Community Services, Councillor Carter,  
[Christine.carter@torbay.gov.uk](mailto:Christine.carter@torbay.gov.uk)

**Director/Divisional Director Contact Details:**

Divisional Director for Corporate Services, Matthew Fairclough-Kay, [matthew.fairclough-kay@torbay.gov.uk](mailto:matthew.fairclough-kay@torbay.gov.uk)

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## 1. Purpose of Report

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- 1.1. The current contract of hire cars for staff travel use is due to expire on 28<sup>th</sup> June 2023.
- 1.2. Hire cars are used by staff across various Council departments and mostly by Children's Services and for long-distance travel for work purposes. The current expenses policy explains that employees can elect to use a hire car for any single or return journey of 75 miles or more, but use of hire cars is compulsory for any one-off return business trips of 120 miles or more.
- 1.3. A further competition procurement exercise using the Crown Commercial Services (CCS) framework was carried out to identify a supplier to provide a new and sustainable staff travel solution from 28<sup>th</sup> June 2023.

## 2. Reason for Proposal and its benefits

---

- 2.1. The proposal in this report is the award of the contract for the new staff travel supplier who will continue providing a solution for both short and long-distance business journeys while promoting sustainability.
- 2.2. Although the new contract is not due to start until 28<sup>th</sup> June 2023, it is essential to commence the implementation work immediately to allow the supplier to order and mobilise the required electric cars for dedicated Council use.

### 3. Recommendation(s) / Proposed Decision

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- 3.1. That the preferred supplier be awarded a contract for the provision of staff travel solution for a fixed term of three (3) years from no later than 28<sup>th</sup> June 2023 and may be extended for a period of up to two (2) further year(s) in increments of up to 12-month periods.

#### **Appendices**

Appendix 1 – Supporting Information

#### **(PART 2) EXEMPT – Commercial in confidence**

Appendix 2 – Preferred Supplier and Projected Costs

## Appendix 1 - Supporting Information

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### 1. Introduction

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- 1.1. Since the Covid-19 pandemic, there is an ongoing issue with the availability of cars for staff travel hire which lead to research commissioned by the Procurement team and undertaken by Business Improvement & Change team to identify a suitable and alternative staff travel solution.
- 1.2. An Expression of Interest (EOI) procurement exercise was carried out in April 2022 to identify the market availability of suitable operators to provide a sustainable staff travel solution.
- 1.3. To continue providing a travel solution for staff business travel and especially for long-distance journeys, it is essential to procure this new contract.

### 2. Options under consideration

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- 2.1. This proposal is an outcome of a further competition call-off exercise using the CCS framework to procure a new staff travel solution provider who will meet the Council's requirements.

### 3. Financial Opportunities and Implications

---

- 3.1. The ongoing costs of this contract for the hire charges (for dedicated vehicles and short-term hire) and any other additional charges such as fines, penalties or damage costs will be funded from the existing staff travel budget of the service areas using this solution. This is consistent with the existing approach.
- 3.2. Costs associated with this contract along with any assumptions are detailed in Appendix 2.
- 3.3. The costs were estimated based on the hire car travel of Council staff over the last few years and subject to change based on staff travel behaviours. Additional costs such as fuel top-up, electric charging, and administration charges throughout the duration of this contract is not included in the costs but would be covered by service budgets as per existing arrangements.
- 3.4. Staff will be promoted to use the electric car club vehicles for shorter journeys up to a certain distance instead of own cars to help Council move towards Carbon Neutrality by 2030. These vehicles will also be used instead of fuel-based hire cars where it is practical to do so. Depending on staff use, there is an opportunity to reduce or increase the number of these electric vehicles for dedicated Council use, subject to the required budget provision.
- 3.5. As the electric charging infrastructure improves nationally, it is recommended to review the expenses policy and promote the use of electric vehicles for long distance trips as well.

- 3.6. In the interim, where the journey exceeds the range of the vehicle and/or charging infrastructure is not sufficient elsewhere, the contract allows for the hire of alternative fuel-based vehicles similar to existing arrangements.
- 3.7. With more hybrid working and encouraging staff to only travel, if necessary, the total cost of staff travel can be reduced gradually.
- 3.8. Current staff travel and expenses policies will be reviewed and updated to promote the use of sustainable and cost-effective travel methods.
- 3.9. It is expected that with the wider availability of hire cars and the dedicated electric cars, these would be utilised more reducing dependency on grey fleet resulting in lower business mileage costs. However, it is difficult to calculate this savings as it is entirely dependent on staff travel needs.

## 4. Legal Implications

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- 4.1. Nil

## 5. Engagement and Consultation

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- 5.1. Stakeholders such as key users of the hire cars in each service area will be engaged during the implementation of the new service. Launch days and user guides will be provided by supplier, including how to use the electric cars, and charging the cars.
- 5.2. A review of the existing staff travel and expenses policies are required.

## 6. Purchasing or Hiring of Goods and/or Services

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- 6.1. The service was procured through a further competition tender using the Crown Commercial Services (CCS) Framework, where social value was taken into consideration as part of the supplier bids.

## 7. Tackling Climate Change

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- 7.1. The proposal supports the use of electric cars for short distance journeys and low-emission vehicles for long-distance journeys.
- 7.2. New electric vehicle charging infrastructure will be installed at the Town Hall for dedicated use by these vehicles.
- 7.3. The supplier's fleet of hire cars are generally under 13 months old, typically resulting in lower emissions than grey fleet.
- 7.4. Further communication is planned with all users to reduce travel and encouraging staff to use sustainable travel where possible.

## 8. Associated Risks

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- 8.1. If the award of this contract is not approved, there will not be any hire car provision available for Council staff use for business travel from June 2023.
- 8.2. If a decision is delayed, it will delay the implementation of the new electric cars for dedicated staff travel use, which includes the supplier ordering the cars.

## 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			There is no differential impact
People with caring Responsibilities			There is no differential impact
People with a disability			There is no differential impact
Women or men			There is no differential impact
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			There is no differential impact
Religion or belief (including lack of belief)			There is no differential impact
People who are lesbian, gay or bisexual			There is no differential impact
People who are transgendered			There is no differential impact
People who are in a marriage or civil partnership			There is no differential impact
Women who are pregnant / on maternity leave			There is no differential impact



Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact

## 10. Cumulative Council Impact

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10.1. Nil

## 11. Cumulative Community Impacts

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11.1. Nil

## Appendix 2 (Part 2 EXEMPT) – Projected Costs and Preferred Supplier

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### 1. Contract Cost and Preferred Supplier

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- 1.1. The maximum and estimated total cost for the three (3) year fixed term of the contract is £237,000. This is the total cost of using both the electric cars for dedicated Council use alongside the daily rental hire cars numbers being maintained at current usage. This scenario is extremely unlikely, and it is assumed that the total cost will be significantly lower.
- 1.2. Following a further competition call-off from the Crown Commercial Services (CCS) framework, the preferred supplier is Enterprise Ltd.

### 2. Additional Information

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#### 2.1. Key Notes and Assumptions are:

- 2.1.1. Depending on staff travel behaviours, and unless we return any of our permanently available 3 electric cars, the minimum expense of this contract annually is approximately £39,000. This is also under the assumption that no further cars are hired on daily rental and without taking any additional charges such as penalties into account.
- 2.1.2. It is estimated that if we continue to hire cars on daily rental at the current volume alongside the use of the 3 electric cars for dedicated Council use, the maximum annual cost of this contract is approximately £79,000. This is also under the assumption that no further cars are hired on daily rental and without taking any additional charges such as penalties into account.

#### 2.2. Costs for each element of vehicle hire are as follows:

- 2.2.1. Annual cost of three (3) electric cars for Council use, including insurance, is £39,000.
- 2.2.2. Annual cost of daily rental, including insurance, for low-emission cars is £40,000.
- 2.2.3. Optional annual cost of daily rental (instead of the costs associated with A2.2.1 or A2.2.2), including insurance, for hybrid vehicles is £49,000.
- 2.2.4. Optional annual cost of daily rental (instead of the costs associated with A2.2.1 or A2.2.2), including insurance for electric cars is £98,000. The annual cost of daily rental of electric cars is only shown for comparison purposes to highlight that having them available permanently for Council use on a monthly rental is cheaper than daily hire.

#### 2.3. Other costs associated with the contract are as follows:

- 2.3.1. Implementation cost of three (3) EV charging stations at Town Hall is £10,500. This has been procured separately through TDA and has been paid using the Climate Fund.
- 2.3.2. Insurance excess per claim is £250.
- 2.3.3. Administration charge for processing speeding, parking fines, etc...per case is £25.
- 2.3.4. Delivery & Collection charge per booking if required is £10.

- 2.3.5. Out of hours delivery charge per booking if required is £25.
- 2.3.6. Cancellation of booking with less than 2 hours' notice per booking is £20.
- 2.3.7. Charge for loss of keys is £250.

**Meeting:** Cabinet **Date:** 23rd March 2023

**Wards affected:** None

**Report Title:** Torbay Council's Risk Management Policy

**When does the decision need to be implemented?** Immediately

**Cabinet Member Contact Details:** Councillor Carter, Cabinet Member for Corporate and Community Services, Christine.carter@torbay.gov.uk

**Director/Divisional Director Contact Details:** Matthew Fairclough-Kay, Divisional Director for Corporate Services, Matthew.Fairclough-Kay@torbay.gov.uk

## 1. Purpose of Report

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- 1.1 With the support of the Devon Audit Partnership Manager, the Council's Senior Performance and Risk Officer has been implementing a series of actions to improve the council's approach to its risk management.
- 1.2 To date the significant improvements, include:
  - Devising a new risk management policy, framework and supporting documentation
  - Cleansing and reconfiguring the existing risk management software (SPAR.net) ready for use
  - Training 70+ managers and staff on risk management, the council's framework and how to use the software
  - Hosting a risk training / workshop session for the Senior Leadership Team which focused on strategic and corporate risk identification
- 1.3 This report requests that Cabinet adopt the new Risk Policy.

## 2. Reason for Proposal and its benefits

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- 2.1 The risk policy is the key document that sets out the council's commitment and how it intends to manage risk within its business activities. The policy includes the legislative requirements, priorities for the council, an explanation of our registers, how we score risks, our current tolerance thresholds and details on roles and responsibilities.
- 2.2 The proposals in this report help us to deliver the corporate plan by supporting the council's ambition to become fit for the future.

- 2.3 The policy contains eight objectives and states that the council will:
- Embed risk management into the culture and decision making of the council
  - Integrate risk management into key business processes to ensure there is a consistent approach and that the risks are managed effectively
  - Manage risk in accordance with best practice, whilst developing an approach tailored to meet the council's own needs
  - Continually identify new and future risks that may impact on the council
  - Work with partners, providers and contractors to develop awareness and a common understanding of the council's expectations on risk management
  - For the cost of risk to be reduced and for assets, people and the council's reputation to be protected
  - For risk registers to be up to date, regularly maintained and challenged
  - Ensure effective monitoring and management information, reporting on the key risks facing the council through the democratic process
- 2.4 The reasons for the decision are that Torbay Council needs to have an up to date, adopted risk policy in place. The policy is a critical document that supports the council's risk management processes.

### 3. Recommendation(s) / Proposed Decision

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That Audit Committee recommends to Cabinet to adopt and implement the council's new Risk Policy attached as Appendix One.

#### **Appendices**

Appendix 1: Risk Policy – February 2023

#### **Background Documents**

None

## Supporting Information

### 1. Introduction

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- 1.1 The council's risk management framework dated December 2016 is out of date and no longer in keeping with the council's current processes. The new risk policy reflects the council's risk management practices and processes.

### 2. Options under consideration

---

- 2.1 Improvement to the council's performance and risk management processes was identified as a project within the existing Community and Corporate Plan under Council Fit For The Future. A revised, adopted Risk Policy is one of the actions required as detailed in the risk improvement plan.

### 3. Financial Opportunities and Implications

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- 3.1 N/A

### 4. Legal Implications

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- 4.1 There are no anticipated legal implications.

### 5. Engagement and Consultation

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- 5.1 This policy does not require public consultation as it is an internal facing policy document. The policy will apply to staff and members who will adopt the content within their existing working arrangements.
- 5.2 No formal consultation was held, however, the policy was drafted in collaboration with the Chief Executive Officer and her Senior Leadership Team. The policy was shared with the Devon Audit Partnership Manager and his Risk Lead for comment before bringing forward the final draft for approval.

### 6. Purchasing or Hiring of Goods and/or Services

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- 6.1 N/A

### 7. Tackling Climate Change

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- 7.1 This policy has no direct contribution to tackling climate change, however the risk management processes will ensure critical issues such as these are captured strategically and mitigations are identified and actioned.

## 8. Associated Risks

8.1 There are no anticipated risks associated with the implementation of this policy.

## 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			There is no differential impact
People with caring Responsibilities			There is no differential impact
People with a disability			There is no differential impact
Women or men			There is no differential impact
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			There is no differential impact
Religion or belief (including lack of belief)			There is no differential impact
People who are lesbian, gay or bisexual			There is no differential impact
People who are transgendered			There is no differential impact
People who are in a marriage or civil partnership			There is no differential impact
Women who are pregnant / on maternity leave			There is no differential impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact
Public Health impacts (How will your proposal			There is no differential impact

impact on the general health of the population of Torbay)			
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## 10. Cumulative Council Impact

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10.1 No known cumulative impacts within the council at this point.

## 11. Cumulative Community Impacts

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11.1 No known cumulative impacts with other public services at this point.



## Risk Policy

(Internal Use Only)

### Contents

<b>Version control</b> .....	<b>1</b>
<b>Review and Adoption</b> .....	<b>2</b>
<b>Introduction</b> .....	<b>2</b>
What is Risk? .....	2
What is Risk Management? .....	2
<b>The Council's Risk Management Objectives</b> .....	<b>3</b>
Why is Risk Management important? .....	3
<b>Risk Statement</b> .....	<b>4</b>
<b>Priorities</b> .....	<b>4</b>
<b>The Management Of Our Risks and Registers</b> .....	<b>4</b>
<b>Risk Scoring</b> .....	<b>5</b>
<b>Risk Tolerance Thresholds</b> .....	<b>6</b>
<b>Role and Responsibilities</b> .....	<b>6</b>

## Version control

Date	Details	Updated by
29th November 2022	Draft Policy SLT	Eve Bates
23rd March 2023	Policy Adopted (Cabinet)	Eve Bates
31st December 2023	Full Policy Refresh (Due)	Eve Bates

## Review and Adoption

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This Risk Management Policy should be reviewed annually to ensure that it still meets the authority's requirements, and the risk processes are proportionate to the organisation's need. The policy will be reviewed by the Senior Performance and Risk Officer in conjunction with the authority's Section 151 Officer. When significant changes are made to the policy, these must be ratified by the Senior Leadership Team and Audit Committee. The policy was adopted by Audit Committee on 6th February 2023.

The policy will be shared with managers and officers as part of our risk training. The most up-to-date version will always be available on the intranet along with other supporting documentation.

## Introduction

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Torbay Council recognises that there are risks in everything we do and that we have a duty to manage these risks in a balanced, structured and cost-effective way. The aim of this policy is to communicate why risk management is important. Its approval demonstrates the council's intention and commitment that the policy:

- Is fully supported by Members, the Chief Executive and the Senior Leadership Team who are accountable for effective risk management within the council
- Explains the council's underlying approach to risk management, setting out the roles and responsibilities of officers and members for the ongoing management of risk and
- Forms part of the council's overall internal control and governance arrangements.

This policy forms part of the council's Risk Management Framework which sets out the processes and arrangements for implementing it.

### **What is Risk?**

Risk is the uncertainty that surrounds future events and outcomes. This uncertainty can be a positive opportunity or a negative threat. Risk is defined as "the chance of something happening that will have an impact (positive or negative) on the achievement of the council's outcomes". It is measured in terms of the probability of an incident/event occurring and the impact if it does.

### **What is Risk Management?**

Risk management is the systematic way of identifying and assessing risk along with how we plan and implement our responses. If used effectively, risk management supports the council to exploit potential opportunities and promote innovation, as well as safeguarding it against potential threats. Risk management is a statutory requirement for the council as defined in the Accounts & Audit Regulation 2015.

The council accepts that risk will never be fully eliminated. The purpose of the council's Risk Management Policy is to support the development of a consistent approach to determining, analysing and managing risk to ensure that all reasonable steps are taken to mitigate risk and that the level of risk accepted is balanced against the expected reward.

Risk management is about focusing attention on the true risks, those that happen more often and those with serious consequences and taking practical steps to protect the council from risks – in most cases, it is about using common sense.

## The Council's Risk Management Objectives

---

The council's overall risk management objectives are to:

- Embed risk management into the culture and decision making of the council
- Integrate risk management into key business processes to ensure there is a consistent approach and that the risks are managed effectively
- Manage risk in accordance with best practice, whilst developing an approach tailored to meet the council's own needs
- Continually identify new and future risks that may impact on the council
- Work with partners, providers and contractors to develop awareness and a common understanding of the council's expectations on risk management
- For the cost of risk to be reduced and for assets, people and the council's reputation to be protected
- For risk registers to be up to date, regularly maintained and challenged
- Ensure effective monitoring and management information, reporting on the key risks facing the council through the democratic process

### **Why is Risk Management important?**

The council's risk management approach is designed to ensure that there is a continuous, open culture of talking about risk. The approach will ensure that:

- New and emerging risks continue to be identified promptly and assessed quickly
- Significant risks are escalated appropriately
- The focus is on risks that, because of their probability and impact, make them management priorities
- Effective mitigating action is taken to manage identified risks
- All reasonable steps are taken to reduce risks to the lowest acceptable level

The council has a statutory responsibility to have arrangements for managing risk in place. The Local Government Accounts and Audit Regulations state that, "a local government body must ensure that its financial management is adequate and effective and that it has a sound system of internal control which facilitates the effective exercise of its functions and includes effective arrangements for the management of risk".

However, embedding risk management throughout the council is not just about a legal requirement, it can contribute to; improved performance that is predicted rather than erratic, identifying opportunities where taking risks might benefit the council, supporting innovation and creative thinking, enabling more effective management of change, protecting revenue and enhancing value for money, providing stakeholders with transparent information and enhancing the council's reputation and credibility.

Risks need to be managed rather than avoided. Making the most of opportunities to improve public services, involves some amount of risk taking. Successful organisations take risks in an informed way; an unsuccessful organisation takes risks without understanding them.

## Risk Statement

---

The council recognises that some managed risk-taking is essential if it is to meet its objectives. As such the council's Policy is to be:

**'risk aware rather than risk averse by embedding the identification and management of risk to support the achievement of Torbay Council's objectives'.**

This means we will:

- Embed risk management in the strategic planning and decision making of the organisation. Without it, members and officers cannot make effective decisions to meet their objectives and to safeguard the council's assets.
- Ensure risk management is dynamic in order to capture and anticipate new risks and to assess the trade-off between risk and opportunity.
- Not mitigate all risks as this would not be cost effective. Instead, the Council will focus its attention on managing those risks that may significantly affect the achievement of its strategic and operational objectives.
- Ensure that management oversight is an ongoing cycle that will help to ensure that effective decisions are made, based on a sound understanding of the risks and opportunities we face.
- Report regularly to the Senior Leadership Team and Audit Committee.

## Priorities

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The council's priorities in relation to risk management are:

- To provide early warning on key / emerging matters to enable transparent, timely decision-making and intervention at appropriate levels
- To raise awareness of the need for risk management by all those involved in the delivery of the council's services
- To take actions, where appropriate, to minimise the likelihood of risks occurring and/or reducing the severity of consequences should risks occur
- To ensure that risks are monitored on an ongoing basis by Senior Management and reported regularly to the Audit Committee

## The Management Of Our Risks and Registers

---

The council holds all its strategic, corporate and service 'operational' risks (along with the actions taken to prevent them) on its Service Performance & Risk Database - SPAR.net. The risk registers used by the Senior Leadership Team and Audit Committee are created and maintained using the information held on the SPAR.net system.

The effective management of these risks is considered to be within the expected day-to-day roles and responsibilities of all managers. To give Page 134

identification and review of risks is a standing item on all directors and managers monthly one-to-one meetings.

The Senior Leadership Team will review and update the strategic and corporate risks continuously throughout the year and collectively meet to discuss them at least three times a year in line with the governance reporting arrangements.

In addition to the monthly discussions, Service Managers are encouraged to have a collective conversation with their teams at least once a year. This is usually carried out as part of the annual service planning process. This is when teams will collectively review their current risks and mitigations on the SPAR.net system and will identify any new emerging risks whilst setting inherent scores and mitigations.

Project and contract risks will be held and assessed by project officers either within their teams or through wider meetings when the project spans more than one service. These risks will be recorded in Project Initiation Documents (PIDs) and held on their own excel/word templated registers. An overarching risk for each project must be recorded on the SPAR.net system as a corporate risk and managed and updated in line with our framework. The mitigated risk score for each project risk must reflect any key significant issues that the individual registers might be highlighting.

## Risk Scoring

Risks are scored using a combination of the probability of the event occurring and the likely impact of the event occurring. A 5 x 5 score matrix is used as below:

		Probability				
		Rare (1)	Unlikely (2)	Possible (3)	Likely (4)	Almost Certain (5)
Impact	Critical (5)	5	10	15	20	25
	Major (4)	4	8	12	16	20
	Moderate (3)	3	6	9	12	15
	Minor (2)	2	4	6	8	10
	Insignificant (1)	1	2	3	4	5

## Risk Tolerance Thresholds

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Risk tolerance thresholds represent the levels of risk exposure which, when exceeded, trigger some form of response. Risk tolerances will be set for each individual strategic and corporate risk on the formation of our next Community and Corporate Plan 2023. These scores will be recorded on our SPAR.net system. On the formation of our next Community and Corporate Plan there will be a clear alliance to demonstrate which risks align to the delivery of each of our new priorities within it and the key performance improvements the council sets out to achieve.

The council's current approach is to manage all risks to the lowest level possible. When risk scores begin to escalate, Divisional Directors are to decide if the risk needs more senior level involvement especially when the current risk response isn't working. This would include lifting risks up and including them in strategic or corporate registers so there is greater exposure and public oversight.

Once our processes are consistently being followed, the council will look to embed an approach to delegate risks if they are being well controlled and the current score of a risk demonstrates that it is falling or remains stable. This would result in a new inherent risk score being set and updates required less frequently in line with our framework timelines.

## Role and Responsibilities

---

### **Senior Leadership Team - Chief Executive, Directors & Divisional Directors**

- The Chief Executive and Senior Leadership Team are responsible for the authority's risks and risk management processes. Collectively they will review and challenge the risks on the strategic and corporate risk registers: identifying new emerging risks, mitigations and latest updates (including mitigated scores and comments).

### **Cabinet And Audit Committee - Elected Members**

- The Cabinet members and members of Audit Committee are to ensure the council has risk management processes in place and these are carried out proportionately and effectively. They will review and challenge the information supplied on the risk reports.

### **Senior Performance and Risk Officer**

- The Senior Performance and Risk Officer is responsible for the development and implementation of the council's risk processes across the organisation. Embedding a healthy culture of risk management with officers and elected members, supporting the challenge process with advice and training.

### **Directors & Divisional Directors**

- Directors and Divisional Directors are to ensure risks (and the details for each) are discussed regularly with their managers and recorded in accordance with our risk policy and framework. They should assess the latest scores and notes given to risks ensuring they are accurately

reflecting the current situation. They are to ensure all risk information is kept up to date on the council's SPAR.net system, as well as, on any separate project and contract risk registers. It is their decision if a risk should be escalated on a corporate or strategic register.

### **Heads of Service & Service Managers**

- Managers are responsible for identifying, managing, and reviewing service (operational) risks. On occasion, they will be responsible for corporate risks or mitigations that relate to their specific service area. Managers are also responsible for ensuring that there is a good risk culture with their teams and staff are aware of our council's risk policy and risk management processes.

### **Accountable Risk Officer - (terminology used in SPAR.net)**

- The accountable person is responsible for the risks relating to this service or portfolio area. They have overall responsibility for ensuring the risk controls are in place, implemented, applied and managed. They have overall responsibility for risk management at the selected prefix level e.g. Strategic, Corporate or Service level.

### **Risk Completion Officer - (terminology used in SPAR.net)**

- The risk completion officer is responsible for updating and reviewing the risk. They are also responsible for ensuring the mitigating actions are correct. They liaise with the accountable risk officer before updating the risk on the SPAR.net system.

## **Contract & Project Risks**

### **Senior Responsible Officer**

- The Senior Responsible Officers for project programmes are responsible for establishing and reviewing the risk registers that will be used to track the delivery of the programmes. They are also responsible for ensuring an overarching risk is included on the corporate risk register which they update regularly reflecting the project programme's current position.

### **Project Manager**

- The Project Managers are responsible for ensuring the project risk registers are put in place in conjunction with those involved in the programme and reviewed and updated as part of each project programme meeting. They are also responsible for working with the SRO in updating the overarching risk.

### **Contract Risks**

- Contract Risks are established on an individual contract by contract basis and will be set and reviewed by the contract manager in conjunction with the relevant specialist within the Procurement, Contract Management and Commissioning Team.

# Agenda Item 11

## TORBAY COUNCIL

**Meeting:** Overview & Scrutiny

**Date:** 15 March 2023

**Meeting:** Cabinet

**Date:** 21 March 2023

**Wards Affected:** All Wards

**Report Title:** Budget Monitoring 2022/23 – April to December 2022, Outturn Forecast.

**Is the decision a key decision?** No

**When does the decision need to be implemented?** N/A

**Cabinet Lead Contact Details:** Darren Cowell, Cabinet Member for Finance  
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### 1. Purpose and Introduction

- 1.1. This report provides a high-level budget summary of the Council's revenue and capital position for the financial year 2022/23 which commenced on 1<sup>st</sup> April 2022. This report is based on the budget and forecasts as at 31<sup>st</sup> December 2022.
- 1.2. The Council's outturn for 2022/23 is forecast to be **breakeven** which is an improvement of **£1.7m** since the Quarter 2 / Period 7 report.
- 1.3. This is a welcome improvement albeit to deliver a balanced budget requires ongoing oversight and scrutiny from the Council's Section 151 Officer, all the Directors and their respective teams.
- 1.4. The Capital Plan budgets to spend a total of **£305m** on capital projects over the 4-year programme, with **£43m** currently scheduled to be spent in 2022/23. The Capital Plan is funded from capital receipts, capital grants and contributions, reserves and revenue budget contributions, and long-term borrowing to ensure a balanced budget over the life of the Plan.

### 2. Recommendation (s) / Proposed Decision

#### Recommendations for Overview & Scrutiny Board

- 2.1. That the Overview & Scrutiny Board notes the latest position for the Council's revenue and capital outturn position and make any comments and/or recommendations to the Cabinet.



## Recommendations for Cabinet

- 2.2. That the Cabinet notes the latest position for the Council's revenue and capital outturn position.

### 3. 2022/23 Budget Summary Position

- 3.1 The Council's outturn for 2022/23 is forecast to be **breakeven** which is an improvement of **£1.7m** since the Quarter 2 / Period 7 report.
- 3.2 The improvement is primarily due to latest the forecast of interest received on cash balances following the interest rate increases in the past few months and no borrowing to fund capital projects has been undertaken in 2022/23. In addition, further NNDR income has been released following the receipt of revised financial forecasts.
- 3.3 The Dedicated Schools Grant and in particular the Higher Needs Block which is forecast a **£2.9m** deficit in year, with a cumulative deficit of **£11.9m**.

### Capital

- 3.4 The Council is seeing extreme cost inflation in respect of Capital projects. As a result of this pressure several schemes that are in progress are facing rising costs. The viability of schemes supported by prudential borrowing are further impacted from the recent rises in borrowing rates.
- 3.5 As part of the 2022/23 budget a capital contingency of £4m was established, however based on latest scheme cost forecasts this was increased at Full Council by £8m with a specific allocation for the Harbour View project and revised governance arrangements established. In 2022/23 allocations have been made to progress Harbour View, Edginswell enabling works, Edginswell retail unit and Lymington Road.
- 3.6 The pressures outlined above could result in some capital projects no longer being viable or revised. In these cases, there is then the risk that costs incurred to date are not able to be accounted for as capital expenditure and are therefore chargeable to the revenue budget. At year end all capital projects will be reviewed for any such costs and these will be charged to revenue.

### 4. Wholly Owned Companies

- 4.0. SWISCo. remains under financial pressure in terms of operational delivery due to higher costs. The pay award has been agreed, which is a fixed £1,925 per full time employee. This has a disproportionate percentage impact on SWISCo given the average salary. As a result, the Council has agreed an additional £0.6m of funding to meet the shortfall in the pay award. As at Quarter 3, this funding remains sufficient to ensure SWISCo. delivers a balanced budget after applying this support.
- 4.1. Within the TDA Group, TorVista continues to operate with a higher level of deficit compared to their business plan. The accumulated deficit in the company to March 2022 was £0.8m with a further deficit of £0.3m forecast for the current year. Based on the forecast trading performance a request to extend TorVista Home's working capital

loan facility from £1.0m to £1.5m was approved on 13 October 2022 at Full Council. The net surplus on the remainder of the TDA group is a forecast surplus of £0.7m.

## 5. Statement of Accounts – 2020/21 and 2021/22

- 5.0. The Council’s auditors, Grant Thornton, presented their Audit Findings for 2020/21 at the Audit Committee on 6th December 2021. At the time of writing this report the 2020/21 accounts remain unsigned by Grant Thornton although CIPFA have now issued updated guidance on infrastructure assets. The 2021/22 audit started in January 2023 but will not be completed until Summer 2023.
- 5.1. The Council's 2021/22 accounts can be accessed on the following link:
- 5.2. <https://www.torbay.gov.uk/council/finance/statement-of-accounts>
- 5.3. The ongoing protracted statement of accounts process continues to put significant pressure on the finance team, for whom most of the last year have been working concurrently on four separate financial years (2020/21, 2021/22, 2022/23 and 2023/24).

## 6 Service Budgets

- 6.1 The table below contains the forecast spend for the financial year 2022/23.
- 6.2 Please note all figures in the tables rounded to the nearest £100,000.

Service	Current Budget £'000	Projected Outturn £'000	Outturn Variance £'000	Movement since Q2 £'000
Adult Services	45.9	46.1	0.2	0.2
Executive	3.2	3.6	0.4	0
Children’s Services	45.9	47.7	1.8	0.2
Corporate Services	7.0	7.7	0.7	0.2
Finance	(8.3)	(12.6)	(4.3)	(2.7)
Investment Portfolio	(4.6)	(4.6)	0	0
Place	21.6	22.8	1.2	0.4
Public Health	10.1	10.1	-	-
	<b>120.8</b>	<b>120.8</b>	<b>0</b>	<b>(1.7)</b>

- 6.3 After mitigation the overall Council position shows a **breakeven position**. More information on the service variances is contained below.

### Adult Services

- 6.4 Within Adult Social Care the majority of spend is against a fixed price financial arrangement (contract) for the delivery of services provided by the Integrated Care Organisation (ICO).

- 6.5 Community and Customer Services is reporting an overspend of £0.4m. The main cause of this is a significant increase in the costs of providing temporary accommodation to individuals and families.
- 6.6 Work is underway to directly procure and lease property to increase the stability of accommodation options available to the Housing Options team. This stability will allow more work to be done to prevent homelessness and support households to find more permanent housing. 37 homes are expected to be purchased. This will ensure a more traditional 'home' setting for approximately half of the individuals currently in Temporary Accommodation which is predominantly spot purchased B&B type accommodation. The low availability of temporary options for individuals and family groups in need of temporary accommodation is resulting in cost increases.
- 6.7 Customer services continues to see increased demand as staff are involved in the administration of several key grant schemes in addition to all the usual support and advice provided by the service. The current staffing overspend may be later offset depending on the actual level of new burdens funding received for the Council Tax Rebate and Household Support Fund schemes.

### **Corporate Services & Executive**

- 6.8 The Executive support unit shows an overspend of £0.4m due to continued income shortfalls in traded services such as Human Resources which also have overspends on staffing costs.
- 6.9 Within Corporate Services there is a forecast overspend of £0.7m. This is caused by significant continuing pressures within Legal Services from both challenges to recruit and retain suitably qualified staff result and reduced fee-earning work, increased IT spend on cyber security and the costs of the print service which has now began its first phase of their new outsourced service delivery.

### **Children's Services**

- 6.10 There is an overspend of £0.6m because of continued pressure with the provision of Home to School transport. Rising costs are due to rising fuel costs for transport providers as well as children and young people needing more bespoke arrangements to get to and from school.
- 6.11 Within Children's Safeguarding there is a net forecast overspend of £1.2m. Driving this forecast are high placement costs at £25 – 30k per week. This serves as a reminder of the significance of the need for continued and rigorous whole Council support for this service given the financial impact if the number and cost of care rises.
- 6.12 Across the southwest Councils are seeing increased numbers of Cared for Children, reliance on agency staff and number of children and young people placed out of area. This increased competition also drives the overall costs within the market even higher. This means that despite the continued oversight, challenge and support from colleagues, external factors are now significantly influencing spend.
- 6.13 As at December 2022 the above table includes 29 placements as part of Torbay's support for Unaccompanied Asylum-Seeking Children (UASC) which increases the

figures in 2022/23 as compared to previous years.

- 6.14 Following successful recruitment and retention within the service, the total number of agency staff employed has reduced from 49FTE in April 2021 to 22 FTE in December 2022. Again, the reduction seen has been steady over the last few financial years and helps provide stability within the workforce and therefore consistency when working with children and young people and their families.
- 6.15 As a result of the continued improvement, total agency costs are forecast to be £2.3m. This is compared with a total spend in 2021/22 of £4.9m. This demonstrates that Torbay Council has achieved significant improvements to influence spend where it can, but we are now seeing significantly increased salary expectations within the agency market and stiff competition from other Councils that are offering higher and higher hourly rates to stabilise their own workforces.
- 6.16 Outside of Local Authority funded activities, the schools' higher needs block in the Dedicated Schools Grant (DSG) remains under financial pressure because of an increasing level of referrals from schools for higher needs support for children. The pace of demand is far outstripping increases in dedicated funding as has been the case for several years. For 2022/23 the DSG is forecasting an overspend of **£2.9m**. As a result, the DSG cumulative deficit is forecast to be more than **£11.9m** by the end of the financial year. However, until end of 2025/26 additional legislation has been passed that, for accounting purposes, reclassifies the deficit on the Council's balance sheet.
- 6.17 The Council is part of the Education and Skills Funding Agency (ESFA) and Department for Education (DfE) Safety Valve programme. Formal discussions commenced in October, and we have submitted a final recovery plan in February 2023 with the outcome of this expected in March 2023. Agreements made with other councils suggest that if the council can deliver a balanced higher needs budget within a defined period, all or some of the historic deficit may be funded by ESFA. However, this is dependent on the council being able to deliver a recovery plan that results in a balanced budget.

## **Finance**

- 6.18 As part of setting the 2022/23 budget there were some specific centrally held contingencies established which were linked to inflation risks and held under finance. These have been released to contribute toward the known cost pressures faced such as utility costs and the 2022/23 pay award.
- 6.19 As a result of significantly increased interest rates in the second half of the financial year, the Council is expecting to receive additional interest on its cash balances and investments. In addition, given the current levels of spend on Capital projects, there is also a saving on interest payable as the Council has not had to borrow in 2022/23.
- 6.20 There is a £0.2m gainshare declared from the gainshare arrangements from the Devon-wide Business Rates Pool. In addition, NNDR income of £0.6m has been released following the receipt of revised financial forecasts.

## **Investment Portfolio**

- 6.21 The Council's Investment Portfolio's mitigated position is balanced after the use of the investment property reserve to cover lost rent, holding costs and landlord works associated with the empty retail unit at Wren Park where a new tenant has now signed a lease.
- 6.22 This means the Council's investment portfolio will still contribute £4.6m towards Council activity and maintain its Investment Fund Reserve which will help offset future pressures as and when they arise.
- 6.23 Council officers will continue to monitor existing loans made on commercial terms for any evidence of a required impairment where there is a risk that the loan will not be repaid.

## **Place**

- 6.24 The full impact of the announced 'cap' on non-domestic tariffs on the Council will be finalised later in the year as the calculations are monthly in arrears. Increased utility costs within this directorate are forecast to result in an overspend of £0.7m.
- 6.25 Waste & Recycling is forecasting an overspend of £0.6m because of SWISCo's request for additional financial support due to the implication of the 2022/23 pay award.
- 6.26 Within Torre Abbey income, there is a £0.1m income shortfall because of reduced visitor numbers.
- 6.27 Additional support for Torbay Coast and Countryside Trust has been requested, which adds a pressure of at least £0.3m for deficit funding.
- 6.28 Currently Parking Services is forecast to return a surplus of £0.3m.
- 6.29 There are increased security and health & safety related works carried out at Oldway which are forecast to cost £0.1m.
- 6.30 Contract fees are forecast to be £0.2m over budget based on the latest figures, this is partially impacted by rising costs due to increased commissioned work as well as inflationary uplifts. There are also continued pressures because of delays to the implementation of the solar farms costing £0.1m which were expected to generate a surplus for the Council.
- 6.31 Within Planning there is a forecast underspend of £0.6m is reported because of reduced costs for Concessionary Fares. The reduced costs are in part contributed to by fewer journeys being taken by concessionary fare passengers after the pandemic.
- 6.32 Elsewhere income across planning, development and building control is worsening, totalling circa £0.1m.

## Public Health

6.33 Overall Public Health is forecast to deliver a balanced budget, with spend being funded by the ringfenced grant.

### 4 Capital Plan Summary Position

9.1 The Capital Plan budgets to spend a total of £305m on capital projects over the 4-year programme, with £43m currently scheduled to be spent in 2022/23. The Capital Plan is funded from capital receipts, capital grants and contributions, reserves and revenue budget contributions, and long-term borrowing to ensure a balanced budget over the life of the Plan.

9.2 The spend and funding profile for the Capital Plan is included in Appendix 1.

9.3 Of the £7.6m capital receipts budgeted for in the Capital Plan, £1.2m has been received so far in the 2022/23 financial year. This leaves a balance of £6.4m still to be realised from both capital receipts and capital contributions. It is only after this £6.4m has been achieved that any capital receipts can be applied to new schemes. This prioritisation ensures the Capital Plan remains fully funded.

9.4 The movements in the estimate of expenditure in 2022/23 on the Capital Plan between the last monitoring report of £39.2m and the current forecast budget for 2022/23 of £43.3m are shown below.

### 10 Updates to Capital Plan

Scheme	Variation in 2022/23	Change £m	Reason
<b>Estimate as at Q2 2022/23</b>		<b>39.2</b>	<b>Capital Plan Update – 2022/23 Quarter 2 (Cabinet 13<sup>th</sup> Dec 2022)</b>
<b>Budget Changes since last report (Q2 2022/23)</b>			
<b>Thriving People and Communities</b>			
IT replacement - Children's Case Management System	Additional Resources	0.7	Revenue contribution of £669,490 made to cover implementation cost (total cost of £771,165)
Torre Marine	Rephased budget	0.5	£546,7347 from 23/24 reprofiled to 22/23.
Adult Social Care	Rephased budget	0.7	£754,000 from 23/24 reprofiled to 22/23.
Paignton Comm & Sports Academy Expansion	Resources transfer	-0.2	£187,361 underspend on project transferred back to Education Review Projects, future years, for investment in further schemes.
Brunel Academy Ph 2 Vocational Classrooms	Resources transfer	-0.2	£168,078 underspend on project transferred back to Education Review Projects, future years, for investment in further schemes.
Sixth Day Provision	Resources transfer	-0.1	£105,425 underspend on project transferred back to Education Review Projects, future years, for investment in further schemes.

Polsham Centre Development	Resources transfer	-0.1	Project cancelled - resources transferred back to High Needs capital provision, future years, for investment in further schemes. £149,462 from 22/23, £100,000 from 23/24.
Affordable Housing	Budget adjustment	0.2	Adjustment to correct budget returned from ceased project.
	Rephased budget	-0.2	Budget rephased to future years
Devolved Formula Capital	Additional Resources	0.1	£154,275 additional capital funded provided by Dept for Education for schools to improve energy efficiency.
Changing Places Toilets	Rephased budget	-0.2	£180,000 reprofiled to 23/24.
	<b>Total</b>	<b>1.2</b>	
<b>Thriving Economy</b>			
Edginswell Enabling Works	Additional Resources	0.2	Additional grant award from LEP to help with increased costs on project. £249,900 added to project.
	Rephased budget	-0.2	£249,900 reprofiled to 23/24.
SWISCO Loan - Vehicle & Equipment Replacement	Rephased budget	-0.5	£462,000 reprofiled to 23/24 as per spend projection.
SWISCO Loan - Buildings	Rephased budget	-0.4	£400,000 reprofiled to 23/24 as per spend projection.
Old Toll House (Econ Growth Fund)	Rephased budget	-0.1	£90,000 from 22/23 (and £413,726 from 23/24) reprofiled to 24/25.
Flood Alleviation - Monksbridge	Rephased budget	-0.1	£115,000 reprofiled to 23/24.
Paignton Coastal Defence Scheme	Rephased budget	-0.2	£150,000 reprofiled to future years.
Haldon & Princess Pier	Rephased budget	-0.1	£50,000 reprofiled to 23/24.
Torquay Town Deal - Union Square Ph.1	Rephased budget	4.0	£4,000,000 from 23/24 reprofiled to 22/23 re the acquisition of Union Square.
Paignton Future High Streets Fund - Torbay Road	Rephased budget	-0.1	£62,417 reprofiled to 23/24.
Paignton Future High Streets Fund - Victoria Centre Phase 1	Rephased budget	0.1	£50,000 from 23/24 reprofiled to 22/23.
Paignton Future High Streets Fund - Victoria Centre Phase 2	Rephased budget	0.6	£550,000 from 23/24 reprofiled to 22/23.
Edginswell Station	Rephased budget	1.0	£1,000,000 from 23/24 reprofiled to 22/23.

Lymington Road Business Park	Rephased budget	-1.6	£1,587,430 reprofiled to 23/24
Transport Highways Structural Maintenance	Rephased budget	0.5	£540,000 from 23/24 reprofiled to 22/23.
Transport Integrated Transport Schemes	Rephased budget	0.1	£75,941 reprofiled to 23/24.
Transport - Western Corridor	Rephased budget	-0.3	£280,273 reprofiles to future years.
	<b>Total</b>	<b>2.9</b>	
<b>Tackling Climate Change</b>			
	<b>Total</b>	<b>0.0</b>	
<b>Council Fit for the Future</b>			
	<b>Total</b>	<b>0.0</b>	
<b>Council Approvals with No Plans</b>			
	<b>Total</b>	<b>0.0</b>	
<b>Estimate – Quarter 3 2022/23</b>		<b>43.3</b>	

## 11 Receipts & Funding

- 11.1 The funding identified for the latest Capital Plan budget is shown in Appendix 1. This is based on the latest prediction of capital resources available to fund the budgeted expenditure over the next 4 years. A summary of the funding of the Capital Plan is shown in the Table below:

Funding	2022/23 £m	2023/24 £m	2024/25 £m	2025/26 £m	Totals @ Q3 22/23 (£m)
Unsupported Borrowing	17	38	152	1	208
Grants	24	45	15	1	85
Contributions	1	1	0	0	2
Revenue	1	1	0	0	2
Reserves	0	0	0	0	0
Capital Receipts	0	2	6	0	8
<b>Total</b>	<b>43</b>	<b>87</b>	<b>173</b>	<b>2</b>	<b>305</b>

## 12 Capital Receipts

- 12.1 The approved Plan relies on the generation of a total of £7.6m capital receipts from asset sales by the end of 2025/26. On 1 April 2022 the Council held a balance of £1.2m with nothing significant received by the end of January 2023, leaving a target of £6.4m still to be achieved.

## 13 Capital Grants

- 13.1 Since the last Capital Plan update (Quarter 2 2022/22) reported to Cabinet in December 2022, the Council has been notified of the following capital grant allocations:



- 13.2 Department for Education – additional devolved formula capital grant funding of £154,275 provided for schools to improve energy efficiency. Budget has been profiled for spend in 22/23.
- 13.3 UK Shared Prosperity Fund - new capital grant funding from DLUHC (Dept for Levelling Up, Housing & Communities) of £405,585 over 3 years for investment in community and place, supporting local businesses, people and skills. (£44,523 for 22/23.)
- 13.4 Capital grant funding from Youth Investment Fund for the creation, expansion and improvement of local youth facilities. £528,447 funding profiled to be spent in 23/24 and 24/25.

**14 Capital Contributions – S106 & Community Infrastructure Levy**

- 14.1 The Council’s Capital Strategy states that capital contributions are applied to support schemes already approved as part of Capital Plan and are not allocated to new schemes unless the agreement with the developer is specific to a particular scheme outside the Capital plan. No Section106 capital contributions have been received in 2022/23 to date. The Council’s Community Infrastructure Levy (CIL) scheme came into effect from 1 June 2017. The main capital project identified for funding from CIL receipts is the South Devon Highway.

**15 Borrowing and Prudential Indicators**

- 15.1. The Council has continued its policy of using internal cash resources to temporarily fund capital spending and as such, no new borrowing was undertaken during the quarter. As at 31<sup>st</sup> December 2022 the Council’s total borrowing was £385m. The Operational Boundary has not been breached being set at £530m in the approved Treasury Management Strategy. This limit is based on the expected maximum borrowing the Council would undertake to meet its Capital Financing Requirement.

**16 Risks & Sensitivity**

- 16.1 There are several financial risks facing the Council as shown below:

Risk	Impact	Mitigation
Adult Social Care funding	High	The Director of Adult Social Care is developing a range of intervention activity and savings plans.
Future funding of DSG Deficit	High	The Council is engaged in the Department for Educations Safety Valve program.
CPI at a 40 year high at 10.1% is having a major impact on both revenue and capital costs. The exact impact is still uncertain, e.g. actual cost of utililites. Some council capital projects will no longer be affordable.	High	Inflation contingencies in both the 22/23 revenue and capital budgets.  23/24 budget “build” includes a higher than usual allowance for inflationary pressures.

Rise in borrowing rates	High	The council current portfolio is at fixed rates, so the recent rises do not impact, however all new borrowing is likely to be higher than forecast in the original scheme business cases.
The “cost of living” economic impact on the Council’s residents from higher fuel and utility costs is likely to impact on both demand for council services and may result in reduced income from council tax.	High	The Council has established a cross council “cost of living” group to mitigate where possible the impact on council services and support/signpost residents to support.  The council will continue to administer payments under the Household Support Fund
Collection Fund shortfall	High	Resources allocated to support the Revenues & Benefits team
Fair Funding Formula	Medium	Development of a robust MTRP to address the expected impact on Torbay’s funding. Timing of this funding change is now expected to be 2025/26 at the earliest.
Identification, and delivery, of savings as per Medium Term Resource Plan	High	2023/24 budget agreed March 2023.  Revised MTRP to be issued May 2023
Delivery of Children’s Services cost reduction plan	Medium	Meetings continue to monitor the current rate of delivery against the identified actions from the Sufficiency Strategy.
Unable to recruit staff and need to use agency staff.	High	Recruitment & retention of staff across all council services is an increasing issue which the council’s human resources team are developing options.
Additional demand and cost pressures for services, particularly in children’s social care	Low	2022/23 Budget monitoring, use of service performance data and recovery plan.
Delivery of approved savings for 2022/23	Low	Further to regular budget monitoring for all budget holders, the Council’s Senior Leadership Team receive monthly updates on the 2022/23 position.
Investment Property Income changes	High	The investment board will continue to review future leases and manage any potential break clause implications.

## 17 **Appendices:**

### 17.1 Appendix 1 - Capital Plan summary – Quarter 3 2022/23

**CAPITAL PLAN - QUARTER 3 2022/23 - EXPENDITURE**

**Appendix 1**

	Latest Total Estimated Scheme Cost	Expend in Prev Years (active schemes only)	Actuals & Commitments 2022/23 as at 02 Dec 22	Movement between quarters & reasons			Revised 4-year Plan					
				Previous 2022/23 (@ Q2 22/23)	2022/23 Qtr 3 Adjustments	New Schemes 2022/23	Total 2022/23 Revised	2023/24	2024/25	2025/26	Total for Plan Period	
<b>PB</b> = Approved Prudential Borrowing schemes	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>Thriving People and Communities</b>												
Brunel Academy Ph 2 Vocational Classrooms	942	942	0	168	(168)		0					0
Capital Repairs & Maintenance 2019/20	267	267	5	0			0					0
Capital Repairs & Maintenance 2020/21 & 2021/22	1,031	446	313	485			485	100				585
Capital Repairs & Maintenance 2022/23	377	0	0	177			177	200				377
Schools capital from revenue				0			0					0
Devolved Formula Capital			120	246		154	400					400
Education Review Projects			46	700	0		700	1,461				2,161
High Needs Capital Provision	530	27	276	503			503					503
High Needs Capital Provision	2,920	0	0	270	0		270	2,650				2,920
Mayfield Expansion	1,575	605	854	970			970					970
Medical Tuition Service - relocation	601	569	28	32			32					32
New Paignton Primary school sites (St Michaels & W	623	623	5	0			0					0
Pgn CS Academy Expansion	1,737	1,735	29	190	(188)		2					2
Roselands Primary - additional classroom	600	489	61	111			111					111
Sixth Day Provision	145	145	14	106	(106)		0					0
Special Provision Fund (SEND)	599	550	2	49			49					49
St Cuthbert Mayne Expansion	5,395	3,148	2,256	2,247			2,247					2,247
St Cuthbert Mayne Phase 2	1,000	0		250			250	750				1,000
Torbay School Relocation (Expansion Burton Acad H	1,262	1,262	6	0			0					0
Polsham Centre Development	1	1	0	149	(149)		0	0				0
Foster Homes Adaptations	300	5	56	195			195	100				295
Acorn Centre (Youth Investment Fund)	528			0	(528)	528	0	264	264			528

IT replacement - Childrens Case Management System	1,668	898	0	101	669	<b>770</b>			<b>770</b>		
Adult Social Care	1,649		0	0	754	<b>754</b>	895		<b>1,649</b>		
<b>PB</b> Crossways, Paignton - Regen and Extra Care Hsg	25,378	478	1,582	2,500		<b>2,500</b>	5,000	17,400	<b>24,900</b>		
Extra Care Housing (Torre Marine)	4,115	<b>1,415</b>	0	0	547	<b>547</b>	2,153		<b>2,700</b>		
Brixham Town Centre Car Park - Housing	0	0	0	0		<b>0</b>	0		<b>0</b>		
Changing Places Toilets	180	0		180	(180)	<b>0</b>	180		<b>180</b>		
Disabled Facilities Grants	1,995		345	700		<b>700</b>	1,295		<b>1,995</b>		
Affordable Housing	1,058	1	0	0	0	<b>0</b>	529	528	<b>1,057</b>		
<b>PB</b> Tor Vista Homes re Preston Down Road	23,000	0	10	0		<b>0</b>	0	23,000	<b>23,000</b>		
St Kilda's, Brixham - Affordable Housing	338		0	0		<b>0</b>	338		<b>338</b>		
<b>PB</b> Temporary Accomodation	10,000	0	97	5,000		<b>5,000</b>	5,000		<b>10,000</b>		
	<b>89,814</b>	<b>13,606</b>	<b>6,108</b>	<b>15,329</b>	<b>651</b>	<b>682</b>	<b>16,662</b>	<b>20,915</b>	<b>41,192</b>	<b>0</b>	<b>78,769</b>

<b>Thriving Economy</b>												
<b>PB</b>	Claylands Redevelopment	11,150	10,697	68	453			<b>453</b>				<b>453</b>
	DfT Better Bus Areas	1,232	1,225	95	7			<b>7</b>				<b>7</b>
<b>PB</b>	Edginswell Business Park	2,983	2,983	2,219	0			<b>0</b>				<b>0</b>
<b>PB</b>	Edginswell Business Park Site 3	23	23	309	0			<b>0</b>	0			<b>0</b>
<b>PB</b>	Edginswell Business Park Unit 1	6,927	203	3	1,000	0		<b>1,000</b>	5,724			<b>6,724</b>
	Edginswell Station	12,395	33	1,802	0	1,000		<b>1,000</b>	5,000	6,262	100	<b>12,362</b>
<b>PB</b>	Innovation Centre Ph 3 (EPIC)	7,657	7,657		0			<b>0</b>				<b>0</b>
<b>PB</b>	South Devon Highway - Council contribution	20,228	20,058	306	170			<b>170</b>				<b>170</b>
<b>PB</b>	TEDC Capital Loans/Grant	4,039	3,465		0			<b>0</b>	0	574		<b>574</b>
	Transport Highways Structural Maintenance	5,398		644	1,000	540		<b>1,540</b>	2,038	1,820		<b>5,398</b>
	Transport Integrated Transport Schemes	2,718		437	576	(76)		<b>500</b>	1,147	1,071		<b>2,718</b>
	Transport - Torquay Gateway Road Improvements	3,485	3,405	58	80	(20)		<b>60</b>	20			<b>80</b>
	Transport - Western Corridor	12,292	11,668	92	399	(280)		<b>119</b>	250	255		<b>624</b>
	Babbacombe Beach Road	529	439	57	90	(31)		<b>59</b>	31			<b>90</b>
	Brixham Harbour - CCTV upgrade	86	79	0	7			<b>7</b>				<b>7</b>
	Brixham Harbour - Infrastructure Repairs	214	164	5	50			<b>50</b>				<b>50</b>
	Clennon Valley Sport Improvements	69	32	0	37			<b>37</b>				<b>37</b>
	Flood Alleviation - Cockington	328	198	116	130			<b>130</b>				<b>130</b>
	Flood Alleviation - Monksbridge	412	61	35	171	(115)		<b>56</b>	295			<b>351</b>
	Paignton Coastal Defence Scheme	3,143	215	14	250	(150)		<b>100</b>	150	1,451	1,227	<b>2,928</b>
	Torquay Flood Alleviation	50	0	10	50	(20)		<b>30</b>	20			<b>50</b>
	Haldon & Princess Pier	95	0	25	95	(50)		<b>45</b>	50			<b>95</b>
	Paignton Flood Alleviation	60	0	10	60	(40)		<b>20</b>	40			<b>60</b>
	Brixham Flood Alleviation	45	0	10	45	(25)		<b>20</b>	25			<b>45</b>
<b>PB</b>	Paignton Harbour Light Redevelopment	744	744		0			<b>0</b>				<b>0</b>
	Princess Pier - Structural repair (with Env Agency)	3,892	3,045	15	15			<b>15</b>	60	540	232	<b>847</b>
<b>PB</b>	Torquay Town Dock - Infrastructure Improvements	1,201	264	829	726			<b>726</b>	211			<b>937</b>
<b>PB</b>	Public Toilets Modernisation Programme	1,883	1,883	11	0			<b>0</b>				<b>0</b>
<b>PB</b>	Car Park Investment	1,000	0	35	500			<b>500</b>	500			<b>1,000</b>
<b>PB</b>	RICC Improvements - Backlog Repairs	1,250	401	558	849			<b>849</b>	0			<b>849</b>
	Pgn Velopark Cyclocross & Pump Tracks	60	3	(5)	57			<b>57</b>				<b>57</b>

	Torre Valley Sports Pavilion	57	28	0	29		<b>29</b>			<b>29</b>
<b>PB</b>	Regeneration Programme-Harbour View Hotel Devel	20,616	7,679	7,806	4,337		<b>4,337</b>	8,600		<b>12,937</b>
<b>PB</b>	Old Toll House (Econ Growth Fund)	1,200	186	109	100	(90)	<b>10</b>	0	1,004	<b>1,014</b>
<b>PB</b>	TCCT Ocombe Farm Development (EGF)	1,285	1,285	172	110	(110)	<b>0</b>			<b>0</b>
	Torquay Towns Fund - Accelerated Funds	787	767	6	20		<b>20</b>			<b>20</b>
	Torquay Towns Fund (General)	157	87	0	18		<b>18</b>	52		<b>70</b>
	Torquay Town Deal - Union Square Ph.1	5,050	0	19	0	4,000	<b>4,000</b>	1,050		<b>5,050</b>
	Torquay Town Deal - Strand Land Assembly & Democ	231	18	116	213		<b>213</b>			<b>213</b>
	Torquay Town Deal - Harbour Public Realm	2,506	92	163	600		<b>600</b>	1,814		<b>2,414</b>
	Torquay Town Deal - Pavilion	2,000	0	524	700		<b>700</b>	1,300		<b>2,000</b>
	Torquay Town Deal - Union Square Ph.2	5,993	0	0	0		<b>0</b>	5,993		<b>5,993</b>
	Torquay Town Deal - Core Area Public Realm	600	2	84	0		<b>0</b>	598		<b>598</b>
	Torquay Town Deal - Torquay Coastal Corridor Pinch	0	0	0	0		<b>0</b>			<b>0</b>
	Paignton Future High Streets Fund (General)	0	0		0		<b>0</b>	0		<b>0</b>
	Paignton Future High Streets Fund - Torbay Road	668	29	122	275	(62)	<b>213</b>	426		<b>639</b>
	Paignton Future High Streets Fund - Station Square	2,259	6	185	260	(34)	<b>226</b>	2,027		<b>2,253</b>
	Paignton Future High Streets Fund - Victoria Centre	652	0	0	0	50	<b>50</b>	602		<b>652</b>
	Paignton Future High Streets Fund - Picture House	1,285	184	918	734		<b>734</b>	367		<b>1,101</b>
	Paignton Future High Streets Fund - Diversification	1,300	0	0	0		<b>0</b>	1,300		<b>1,300</b>
	Paignton Future High Streets Fund - Flood Defence	571	0	66	89	(3)	<b>86</b>	485		<b>571</b>
	Paignton Future High Streets Fund - Victoria Centre	3,862	0	75	0	550	<b>550</b>	3,312		<b>3,862</b>
<b>PB</b>	Lymington Rd Business Centre (LEP GBF/EGF)	5,359	173	1,134	2,787	(1,587)	<b>1,200</b>	3,986	0	<b>5,186</b>
	Edginswell Enabling Works (LEP GBF)	4,209	207	2,108	1,752		<b>1,752</b>	2,250		<b>4,002</b>
	EPIC and SD College (LEP GBF)	1,181	999	68	182		<b>182</b>			<b>182</b>
<b>PB</b>	Corbyn Head - Development of former WCs	1,250	0	31	0		<b>0</b>	0	1,250	<b>1,250</b>
<b>PB</b>	Preston (North) - Development of former WCs	717	0	113	0		<b>0</b>	717		<b>717</b>









**CAPITAL PLAN - QUARTER 2 2022/23 - FUNDING**

Unsupported Borrowing	16,843	38,347	152,001	750	207,941
Grants	24,251	45,195	14,480	1,327	85,253
Contributions	656	569	222		1,447
Revenue	796	1,035			1,831
Reserves	471	385	34		890
Capital Receipts	287	1,513	5,613	232	7,645
<b>Total</b>	<b>43,304</b>	<b>87,044</b>	<b>172,350</b>	<b>2,309</b>	<b>305,007</b>

### Capital Projects – Report of the Overview and Scrutiny Board

#### Report to Cabinet on 21 March 2023

#### Background

1. The Overview and Scrutiny Board met on ?? to consider the delivery of capital projects. The Senior Lawyer, Cathy Fleming, outlined the submitted exempt paper on the appropriateness of the inclusion of termination provisions in leases. The Board noted that the delivery of capital projects by local authority was subject to a multitude of factors and risks. The ability to de-risk such projects was subject always to market conditions and the bargaining strength of the local authority. It was not possible to remove risk entirely and the transfer of risk away from the local authority was likely to increase the cost of the project.
2. The Board then scrutinised and received detailed updates in respect of the following Capital Projects.
  - Edginswell Station;
  - Paignton Coastal Defence Scheme;
  - Edginswell Business Park Site 3;
  - Torbay Road;
  - Victoria Centre;
  - Lymington Road Business Centre; and
  - St Kildas.

Members challenged if some of the information contained within this item could have been made public and requested future reports to include public and private information separately to allow for open discussions where appropriate on some of the Council's Capital Projects to help keep the public informed. They would then be able to exclude the press and public if they wanted to discuss the updates on the commercial or contractor elements of the schemes.

3. The Board reflected and debated the information provided to them, both in writing and orally and formed the following recommendation to the Cabinet.

4. That the Cabinet be recommended:
  1. the current economic situation is one where almost all project costs are increasing, especially in terms of materials and labour. Every project budget should have a contingency percentage built-in. The contingency percentage should be project specific and calculated by reference to a number of factors including the cost of the project and the risk profile of the project. It may be that a more robust contingency percentage needs to be applied in the current economic circumstances;
  2. it may be appropriate to review the level of financial due diligence undertaken in respect of a project, particularly in respect of prospective contractors. Thorough financial due diligence should inform the level of security that the Council should be seeking in respect of a contractor. Financial due diligence is also something that should be monitored throughout the life of the project, not simply at the outset; and
  3. a capital project will be made up of several elements and potentially multiple contracts. There needs to be a joined-up approach to reviewing and negotiating the legal documentation – as indicated in the submitted report in regard to agreements for lease and building contracts, the terms of the documents need to dovetail.

**Cabinet Response to the recommendations of the Overview and Scrutiny Board – Capital Projects**

<b>No.</b>	<b>Recommendation:</b>	<b>Cabinet Response:</b>
1.	The current economic situation is one where almost all project costs are increasing, especially in terms of materials and labour. Every project budget should have a contingency percentage built-in. The contingency percentage should be project specific and calculated by reference to a number of factors including the cost of the project and the risk profile of the project. It may be that a more robust contingency percentage needs to be applied in the current economic circumstances.	Each capital project already includes a contingency, but the Cabinet will task the Capital & Growth Board to review each project to ensure that the allocated contingency is sufficiently robust, given the current economic circumstances and consider how the development of business cases for new capital projects can be improved to provide greater assurance on costs and deliverability.  (New projects will already include current inflated costs anyway)
2.	It may be appropriate to review the level of financial due diligence undertaken in respect of a project, particularly in respect of prospective contractors. Thorough financial due diligence should inform the level of security that the Council should be seeking in respect of a contractor. Financial due diligence is also something that should be monitored throughout the life of the project, not simply at the outset.	Contractor due diligence forms part of the Council's established procurement process including financial due diligence. The Cabinet will task the Capital & Growth Board to review what further financial due diligence might be appropriate during the life of any given project.

<b>No.</b>	<b>Recommendation:</b>	<b>Cabinet Response:</b>
3.	A capital project will be made up of several elements and potentially multiple contracts. There needs to be a joined-up approach to reviewing and negotiating the legal documentation – as indicated in the submitted report in regard to agreements for lease and building contracts, the terms of the documents need to dovetail.	The Cabinet recognise that it is not possible to remove risk entirely from a project and the transfer of risk away from the local authority is likely to increase the cost of the project. It is often the case that a project will involve multiple legal documents and the Cabinet will task the Chief Executive and the Capital & Growth Board to review current processes to ensure that a joined-up approach is being undertaken to such documentation.