

Monday, 14 February 2022

**CABINET**

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

**Tuesday, 22 February 2022**

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

**Members of the Committee**

Councillor Steve Darling (Chairman)

Councillor Carter

Councillor Long

Councillor Cowell

Councillor Morey

Councillor Law

Councillor Stockman

---

**Together Torbay will thrive**

---

Download this agenda via the free modern.gov app on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#). For information relating to this meeting or to request a copy in another format or language please contact:

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

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) - [www.torbay.gov.uk](http://www.torbay.gov.uk)

# CABINET AGENDA

1. **Apologies**  
To receive apologies for absence.
2. **Minutes** (Pages 4 - 21)  
To confirm as a correct record the Minutes of the meetings of the Cabinet held on 11 January and 18 January 2022.
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** (Pages 22 - 69)  
To receive any communications or announcements from the Leader of the Council including a presentation on the Annual Report of the Virtual School Governing Body.
5. **Urgent Items**  
To consider any other items the Chairman decides are urgent.
6. **Matters for Consideration**
7. **Revenue and Capital Budget 2022/2023** (Pages 70 - 78)  
To receive the recommendations of the Overview and Scrutiny Board on the Cabinet's draft budget proposals for 2022/2023 (report attached) and to make final recommendations to the Council (report on Cabinet's final budget proposals to follow).

8. **Torbay Council Strategic Asset Management Plan** (To follow)  
To recommend to Council the Strategic Asset Management Plan.
9. **Torbay Council Annual Pay Policy Statement including Gender Pay Gap Report and Review of Pensions Discretions** (Pages 79 - 111)  
To recommend to Council the Annual Pay Policy Statement including the Gender Pay Gap Report and Review of Pensions Discretions.

**Meeting Attendance**

Torbay Council has taken the decision to continue operating in a Covid-19 secure manner in order to protect staff and visitors entering Council buildings and to help reduce the spread of Covid-19 in Torbay. This includes social distancing and other protective measures (e.g. wearing a face covering (unless exempt), signing in and using hand sanitiser). Our public meetings will continue to operate with social distancing measures in place and as such there are limited numbers that can access our meeting rooms. Also, to help prevent the spread of the virus, anyone attending meetings is asked to take Covid lateral flow test the evening before - if you have a positive test result please follow the Government's guidelines and do not attend the meeting.

If you wish to attend a public meeting please contact us to confirm arrangements for your attendance.

## **Minutes of the Cabinet**

**11 January 2022**

**-: Present :-**

Councillor Steve Darling (Chairman)

Councillors Carter, Cowell, Long, Morey and Stockman

(Also in attendance: Councillors Brooks, Brown, Bye, Douglas-Dunbar, Foster,  
Chris Lewis and David Thomas)

---

### **294. Apologies**

An apology for absence was received from Councillor Law.

### **295. Minutes**

The Minutes of the meeting of the Cabinet held on 14 December 2021 were confirmed as a correct record and signed by the Chairman.

### **296. Communications**

The Cabinet received a presentation from representatives of Sound Communities. Mike, Jack and Liam, shared their personal experiences of the impact Sound Communities had on their lives. Mike advised Members that Sound Communities used digital radio and music production to connect, engage and inspire communities. Members were informed that Sound Communities had a number of strands:

- education and community provision - going into schools and providing after school activities;
- early prevention – working with young people who were at risk of exclusion;
- employment – working with young people who were not in employment, education or training to develop confidence and skills for the work place; and
- production – an opportunity to showcase what young people have created and produced.

The presentation concluded with a rap from Liam and questions from Members.

The Leader of the Council thanked Mike, Jack and Liam for the presentation and reflected upon the need for the Council to consider how it engages with young people.

**297. Matters for Consideration**

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

**298. Revenue and Capital Budget 2022/2023 for Consultation**

Chairman/woman

---

## Record of Decisions

### Revenue and Capital Budget 2022/2023 - Consultation

#### Decision Taker

Cabinet on 11 January 2022.

#### Decision

- (i) that all Members and the Overview and Scrutiny Board consider the draft revenue and capital budgets and implications of the draft proposals for investment in services, efficiencies and income generation. The Overview and Scrutiny Board (through its Priorities and Resources Review Panel) will consider certain specific issues arising from these savings proposals and publish its recommendations by 27 January 2022 on the outcomes of its deliberations and stakeholder representations for the Cabinet to consider;
- (ii) the draft proposals for investment in services, efficiencies and income generation are based upon the provisional Local Government Finance settlement as announced by central government on 16 December 2021 and the ongoing impact of Covid-19;
- (iii) that public consultation be undertaken on the proposals. (The results from this consultation will be considered by the Cabinet with the Cabinet's final proposals being published on 22 February 2022.);
- (iv) that the Chief Finance Officer be given authority to amend these budget proposals for any technical adjustments necessary between services and within the overall envelope of funding in agreement with the Leader of the Council; and
- (v) that the Chief Finance Officer report to the meeting of the Council on 3 March 2022 on the implications for 2022/2023 as a result of these proposals currently being considered and in light of the final settlement which is expected in late January or early February 2022.

#### Reason for the Decision

To enable the consultation process on the proposed Revenue Budget and Capital Plan for 2022/2023 to begin.

#### Implementation

This decision to publish the draft revenue budget and the savings proposals will come into force immediately, so as to commence the formal four week consultation process on the budget.

#### Information

The Leader of the Council on behalf of the Cabinet has announced their provisional revenue and capital budget including proposals for service change, income generation and efficiencies for 2022/2023 (as available at [Budget 2022/23 - Torbay Council](#) to enable the consultation process to start. The proposals for investment in services, efficiencies and income generation and development of the budget will support the Council in delivering its ambitions as set out in the Community and Corporate Plan.

Additional supporting financial information will be supplied in due course to help inform the

consultation and scrutiny of the proposals. Information will be placed on the Council 2022/2023 Budget webpage at [Budget 2022/23 - Torbay Council](#).

Members and officers have been considering the financial impact of the Covid-19 pandemic which remains a significant risk to Torbay Council's finances. This is both from a continued high demand for services and support, and lost income as a result of the ongoing economic impact. The proposals have been set in recognition of the need to ensure resources are prioritised in accordance with agreed plans but mindful of the potential for future reductions to the local government grant.

The Cabinet wishes to hear the views of all Members of the Council, the Overview and Scrutiny Board and external stakeholders together with specific service users on their proposals before finally recommending a budget to the Council in March 2022.

Councillor Steve Darling proposed and Councillor Cowell seconded a motion, as set out above, which was agreed unanimously by the Cabinet.

### **Alternative Options considered and rejected at the time of the decision**

Alternative options were not considered.

### **Is this a Key Decision?**

Yes

### **Does the call-in procedure apply?**

No

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

None.

### **Published**

12 January 2022

Signed: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

Date: \_\_\_\_\_

## **Minutes of the Cabinet**

**18 January 2022**

**-: Present :-**

Councillor Cowell (Chairman)

Councillors Carter, Law, Long, Morey and Stockman

(Also in attendance: Councillors Amil, Brooks, Brown, Bye, Foster and David Thomas)

---

### **299. Apologies**

An apology for absence was received from the Leader of the Council, Councillor Steve Darling. In the absence of the Leader of the Council, the Deputy Leader of the Council, Councillor Cowell chaired the meeting.

### **300. Communications**

The Cabinet Member for Economic Regeneration, Tourism and Housing, Councillor Long informed Members that voting for the preferred artist for the Agatha Christie artwork had concluded with the winning artist being announced next week.

The Cabinet Member for Infrastructure, Environment and Culture, Councillor Morey provided an update on the waste and recycling services which had been impacted by Covid-19. Councillor Morey thanked the residents of Torbay for their patience during this challenging period.

The Cabinet Member for Children's Services, Councillor Law, thanked Sutton Seeds for donating packets of seeds to Torbay's Looked After Children as part of a project to improve mental health and wellbeing. Councillor Law also thanked Great Western Railway for providing 50 young people with work experience placements.

### **301. Matters for Consideration**

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

### **302. Listing of the whole of Parkfield as an Asset of Community Value**

### **303. Award of Contract for the Management of the Torbay Lottery**

- 304. Safeguarding Adult Annual Report**
- 305. Fostering Annual Report 2021-22**
- 306. Report of the Overview and Scrutiny Board - Childcare Sufficiency Report**
- 307. Appointment of Member Champion - Queens Platinum Jubilee**

Chairman/woman

---

## Record of Decisions

### Listing of the whole of Parkfield as an Asset of Community Value

#### Decision Taker

Cabinet on 18 January 2022.

#### Decision

- i) That the decision of the Cabinet on 16 November 2021, (as set out in Minute 277/11/21) be rescinded; and that the nomination to list the following parts of Parkfield Estate registered under title numbers DN127384 and DN311422 in the Council's list of assets of community value be approved:

- BMX Track
- Skatepark
- MyPlace
- Parkfield House Stable Block
- Parkfield House grounds
- Community Woods

as there is established community use; and

- ii) that the nomination to list the following parts of Parkfield Estate in the Council's list of assets of community value be refused:

- Parkfield House
- Ranger Stores

as there is no established community use.

#### Reason for the Decision

Following receipt of a community nomination for land to be listed as an ACV, a local authority must reach a decision whether or not to list nominated land within eight weeks of receiving the nomination.

#### Implementation

This decision will come into force and may be implemented on 1 February 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

Part of Parkfield was listed as an Asset of Community Value on 30 September 2016. That listing did not include Parkfield House and grounds or the Community Woods.

That listing expired on the 29 September 2021. A nomination to relist the whole of Parkfield, including Parkfield House and grounds and the Community Woods, has been received from the Paignton Town Centre and Preston Community Partnership and must be determined in accordance with the requirements of the Localism Act 2011 and the Assets of Community

Value (England) Regulations 2012 and with reference to the supporting information provided within the nomination.

This report and nomination was presented to Cabinet again because the decision made on 16 November 2021, was determined on the basis that the relisting should be the same as that previously approved in 2016. However, having sought clarification from the applicant, they would now like to revise their nomination to include the whole of the site.

In light of the clarification from the applicants, the Council has reviewed the nomination. Each part of Parkfield Estate has been reviewed to determine if the criteria set out in section 88 Localism Act 2011 has been fulfilled.

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

### **Alternative Options considered and rejected at the time of the decision**

Having received a valid nomination, the only other option would be to refuse to list the asset as an Asset of Community Value. However, given the previous partial listing of the property and the continued uses it is recommended that part of the property is listed as an Asset of Community Value.

### **Is this a Key Decision?**

No

### **Does the call-in procedure apply?**

Yes

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

None.

### **Published**

24 January 2022

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Deputy Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Award of Contract for the Management of the Torbay Lottery

#### Decision Taker

Cabinet on 18 January 2022.

#### Decision

That the contract for the Management of the Torbay Lottery be awarded to the successful bidder (Gatherwell Limited) from May 2022 for a period of up to six years.

#### Reason for the Decision

To ensure a new contract is in place to enable the Torbay Lottery to continue.

#### Implementation

This decision will come into force and may be implemented on 1 February 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The current contract for the management of the Torbay Lottery ends in May 2022. Following a successful procurement process the Council needs to award a new contract which will run from May 2022 for a period of four years, with the potential to extend for a further two years. As the total value of the contract will be over £50,000 for the life of the contract it requires formal Cabinet approval.

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

#### Alternative Options considered and rejected at the time of the decision

Not to award the contract. This option was not recommended as without appointing a new supplier from May 2022 the Council would be unable to continue to operate the Torbay Lottery.

#### Is this a Key Decision?

No

#### Does the call-in procedure apply?

Yes

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

None.

**Published**

24 January 2022

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Deputy Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Safeguarding Adult Annual Report

#### Decision Taker

Cabinet on 18 January 2022.

#### Decision

That the Safeguarding Adult Annual Report as set out in Appendix 1 to the submitted report be noted and published in accordance with Council's requirements.

#### Reason for the Decision

It is a statutory requirement of the Care Act 2014, for each Safeguarding Adults Board to produce and publish an Annual Report and present this to Health and Wellbeing Board(s), however given the importance of the work of the Safeguarding Adults Board wider political oversight was sought.

#### Implementation

This decision will come into force and may be implemented on 1 February 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Safeguarding Adult Annual Report sets out what has been achieved for local people in relation to the Safeguarding Adult statutory requirements and indicates the commitment to future service delivery.

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

#### Alternative Options considered and rejected at the time of the decision

None.

#### Is this a Key Decision?

No

#### Does the call-in procedure apply?

Yes

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

None.

**Published**

24 January 2022

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Deputy Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Fostering Annual Report 2021-22

#### Decision Taker

Cabinet on 18 January 2022.

#### Decision

That the Fostering Annual Report 2021-22 as set out in Appendix 1 to the submitted report be noted and published in accordance with the Council's requirements.

#### Reason for the Decision

The National Minimum Standards for Fostering required each Local Authority to produce and publish a Fostering Annual Report. The Annual Report should be considered in conjunction with the Fostering Service Statement of Purpose, required under the Fostering Services (England) Regulations 2011. Given the importance of the work of the Fostering Service in the wider context of Children's Services and the sufficiency strategy, wider political oversight was sought.

#### Implementation

This decision will come into force and may be implemented on 1 February 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Fostering Annual Report sets out Torbay's vision for the Fostering Service, its core principles, its key aims, main priorities and actions, the role of the Fostering Service and its various functions, the Fostering Service organisational structure, recruitment performance information, an outline of the fostering recruitment and marketing strategy and campaign, improvements in terms of foster carer support and retention, information relating to the Special Guardianship support team and next steps.

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

#### Alternative Options considered and rejected at the time of the decision

None.

#### Is this a Key Decision?

No

#### Does the call-in procedure apply?

Yes

**Declarations of interest** (including details of any relevant dispensations issued by the

Standards Committee)

None.

**Published**

24 January 2022

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Deputy Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Report of the Overview and Scrutiny Board - Childcare Sufficiency Report

#### Decision Taker

Cabinet on 18 January 2022.

#### Decision

That the Cabinet's response to the Overview and Scrutiny Board – Childcare Sufficiency Report be approved, as published.

#### Reason for the Decision

The Cabinet was required to respond to the findings of the review undertaken by the Overview and Scrutiny Board.

#### Implementation

This decision will come into force and may be implemented on Tuesday, 1 February 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

The Cabinet received the report of the Overview and Scrutiny Board on the Childcare Sufficiency Report. In accordance with section D7 of Standing Orders in relation to Overview and Scrutiny as set out in the Constitution, the Cabinet was required to respond to the recommendations of the Overview and Scrutiny Board within two months.

Subsequently the Cabinet prepared a response to the recommendations of the Overview and Scrutiny Board which was proposed by Councillor Law and seconded by Councillor Cowell and agreed unanimously by the Cabinet, as set out above.

#### Alternative Options considered and rejected at the time of the decision

None.

#### Is this a Key Decision?

No

#### Does the call-in procedure apply?

Yes

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

None.

**Published**

24 January 2022

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Deputy Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Appointment of Member Champion - Queens Platinum Jubilee

#### Decision Taker

Cabinet on 18 January 2022.

#### Decision

That Councillor Amil be appointed Member Champion for the Queen's Platinum Jubilee; assisting in the co-ordination of arrangements in Torbay to celebrate this great occasion.

#### Reason for the Decision

To enable Member input into the arrangements for events celebrating the Queens Platinum Jubilee in Torbay.

#### Implementation

This decision will come into force and may be implemented on 1 February 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

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

The Queens Platinum Jubilee is an historically important occasion with several community events programmed locally and nationally. The appointment of a Member Champion for the Queens Platinum Jubilee will enhance the work already being carried out by and recognises the importance of the Queen's Platinum Jubilee to the Council.

At the meeting Councillor Cowell proposed and Councillor Carter seconded a motion that was agreed unanimously, as set out above.

#### Alternative Options considered and rejected at the time of the decision

None.

#### Is this a Key Decision?

No

#### Does the call-in procedure apply?

Yes

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

None.

**Published**

24 January 2022

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Deputy Leader of Torbay Council on behalf of the Cabinet

**TORBAY COUNCIL**



ANNUAL REPORT  
(2020-21) OF THE  
VIRTUAL SCHOOL  
GOVERNING BODY

NOVEMBER 2021



## Contents

<b>Foreword by the Chair of the VSGB</b> .....	<b>5</b>
<b>The Virtual School</b> .....	<b>6</b>
<b>Outcomes for Cared For Children (CFC)</b> .....	<b>8</b>
<b>Headlines:</b> .....	<b>8</b>
<b>End of Year Results:</b> .....	<b>9</b>
Reception:.....	9
Key Stage 1 - Year 1: .....	9
Year 2:.....	10
Key Stage 2 - Year 3 .....	10
Year 4:.....	10
Year 5:.....	11
Year 6 .....	11
Key Stage 3 (Years 7, 8 and 9).....	12
Year 7:.....	12
Year 8:.....	12
Year 9 .....	12
Key Stage 4 - Year 10:.....	13
Year 11/ End of Key Stage 4 .....	14
Key Stage 5 (end of Y13) .....	15
<b>Attendance</b> .....	<b>15</b>
Attendance Key Points .....	16
<b>Children on Part-time Timetables</b> .....	<b>17</b>

<b>Children not on a School Roll .....</b>	<b>17</b>
<b>Exclusions .....</b>	<b>19</b>
Case Study Y7a.....	20
Case Study Y8a.....	21
Case Study: Y10a .....	22
School Case Study.....	25
<b>Special Educational Needs .....</b>	<b>26</b>
SEN Casework example.....	26
Outcomes at end of Key Stage 2 and 4 for children with SEN.....	27
<b>Unaccompanied Asylum-Seeking Children .....</b>	<b>28</b>
<b>Early Years .....</b>	<b>28</b>
<b>PEPS AND PP+ .....</b>	<b>28</b>
PP+ funded projects.....	30
Attachment/Inclusion - Storyboard.....	32
<b>The final account for PP+ (financial year to March 2021) follows: .....</b>	<b>35</b>
<b>Support Work.....</b>	<b>35</b>
Educational Research.....	37
John Timpson Research.....	38
<b>Data Collection .....</b>	<b>38</b>
<b>Post Care Education Advice &amp; Guidance Officer .....</b>	<b>38</b>
<b>Staffing.....</b>	<b>39</b>
<b>Cared For Children Celebrations.....</b>	<b>39</b>
<b>Priorities .....</b>	<b>40</b>
<b>Conclusions .....</b>	<b>41</b>

<b>Appendix 1: OUTCOMES 2021 .....</b>	<b>43</b>
<b>Appendix 2: Continuous Care CFC - End of Academic Year 2021 .....</b>	<b>45</b>
<b>Appendix 3: Glossary.....</b>	<b>47</b>

## Foreword by the Chair of the VSGB

I am delighted, as Chair of the VSGB, to write this introduction to the eleventh 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.

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 schools and 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 previous academic year we have seen a period of disrupted education and although schools were open for our learners throughout the year the impact of Covid and bubbles needing to be collapsed has meant continuity of learning has been interrupted.

In terms of our pupils' achievement this year it is again an unusual year. There are no national performance tables so comparisons can only be made with last year's data. There were no SATS so all of the data the Virtual School holds for the end of year is from teacher assessment. Our KS1 data sees an improving picture, but KS2 sees a dip in performance. Our KS4 data has improved in all measures.

Just at the end of the academic year the Department for Education informed all Local Authorities that it was extending the duties of the Virtual School Head to have strategic oversight of all children with a social worker. It is clear the DfE sees the positive impact of Virtual Schools on Cared For Children's outcomes and show a desire for the same for children on Children in Need and Child Protection Plans.

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 eleventh 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 PEP Co-ordinator and a 0.5 Admin Officer. During the Summer Term it was agreed that the post of a KS4 Transitions Officer be added to the team so that there is a dedicated member of staff to oversee the important transition from Y11 to Y12 and then accompany them until their 18<sup>th</sup> birthday. Since 23 March 2020 the team has been working from home.

It should be noted that the VSGB has been instrumental in the increase of staffing in the VS as demonstrated by the addition of the KS4 post most recently. They have been supportive of the work and then used this support to challenge the LA to increase capacity in the VS.

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 2020/21 with the obvious fact that they are all based on teacher assessment. For those in Y11, 12 and 13 they are nationally awarded qualifications.

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 table below:

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	20	-	-	-
Reception	7	5	2	0
Year 1	10	9	2	1
Year 2	8	6	2	0
Year 3	14	12	5	3
Year 4	10	13	0	3
Year 5	14	9	5	0
Year 6	16	13	3	0
Year 7	25	17	10	2
Year 8	25	16	13	4
Year 9	26	17	12	3
Year 10	22	11	13	2
Year 11	36	21	19	4
Post 16	58	-	-	-
<b>Total of statutory school age</b>	<b>213</b>	<b>149</b>	<b>86</b>	<b>22</b>
<b>GRAND TOTAL</b>	<b>291</b>			

The number of CFC of statutory school age in the VS at the end of the academic year saw a decrease of 9 children. This builds on the previous year's reduction in numbers and continues the downward trend. Overall, there were 17 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 RI 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 85% of our CFC in schools which were rated Good or Outstanding. This is an increase of 3.6% on the previous year. There was one child in an Inadequate school. This was a child in Y3 and the carer who was adopting the child did not want the child moved as the carer was very satisfied with the engagement of the child. This was a maintained special school located in an authority in the West Midlands. The VS SENCO paid close attention to this child's PEPS until the child was no longer cared for.

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 2021 the children whose outcomes are measured are those children who were cared for on 1 April 2020 and remained cared for until 31 March 2021. 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. Nationally reported data is for those in care from 1 April 2019 - 31 March 20.

### **Headlines:**

1. In Reception - there is a downward trend and below the 2019 national CFC outcomes. This is a small cohort of 5 and based on teacher assessment and it should be noted that 2 children achieved GLD which was the same number in the previous academic year.
2. At Key Stage 1 - It has been a successful year. There is an upward trend in reading and maths and it is just over the national CFC outcomes for 2019 in those areas. In reading and maths our Cared For Children achieved above the all Torbay figure. In Writing the CFC achieved in line with the last year's CFC data. The reading, writing and maths (RWM) outcome was 0.7% below the all Torbay pupils' figure and almost 13% higher than the all CFC figure for 2019.
3. At Key Stage 2 - there is a much weaker position when comparing with last year's data. Consequently the combined RWM outcome is 21% below the all Torbay pupils data and 3% lower than the national CFC outcome for 2019.

4. At Key Stage 4 - there was an expected upward trend in all measures with only the strong pass in English being below the national CFC from 2019 by 2%.
5. Key Stage 5 - there was a smaller number taking A levels and other L3 qualifications than the previous year. The number of Y13 achieving a L2 qualification increased by 14% but this was to be expected due to a smaller number following a L3 qualification.
6. There are 9.3% of our Care Experienced young people now at an HEI and increase of just under 3%. This increase is due to a small number achieving entry requirement in Y14.
7. Exclusions - there is an increase on the number of pupils experiencing a fixed term exclusion with 13.9% of our children. This is against a backdrop of rising exclusions for all pupils. There was 1 Permanent Exclusion for a CFC.
8. Attendance - the attendance rate had a drop of 10% on the previous year and this is attributed to Covid absences.

### **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 national tests or publishing results were abandoned. There are national results for GCSE and A Levels and BTECs but there will be no performance tables for comparison. 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.

Reception: At the end of the year there were 7 children in this year group. There were five children in the continuous care cohort with two on track to achieving a Good Level of Development.

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 EHCPs with Cognition and Learning as the primary need who attends a special school.

	<b>Reading</b>	<b>Writing</b>	<b>Maths</b>
Less than 12 months CFC	1	1	1
Continuous care CFC	3 (60%)	3 (60%)	3 (60%)

Year 2: There were 7 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 and Maths with one child in the CFC cohort working above ARE in Reading but not quite at Greater Depth.

There were 3 (49.8%) of the continuous care cohort who reached ARE in all three measures.

There is one child in the continuous care cohort who has an EHCP with Cognition and Learning who attends a mainstream school. This is being reviewed through the SEND processes as the progress gap is widening with the child's peers.

	<b>Reading</b>	<b>Writing</b>	<b>Maths</b>
Less than 12 months CFC	0	0	0
Continuous care CFC	5 (83%)	3 (49.8%)	4 (66.4%)

Key Stage 2 - Year 3: There were 12 continuous cared for children in this year group but with 15 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.

	<b>Reading</b>	<b>Writing</b>	<b>Maths</b>
Less than 12 months CFC	0	0	0
Continuous care CFC	5 (41.5%)	4 (33%)	5 (41.5%)

There were 6 children with EHCPs. One for Cognition and Learning and five for SEMH with only one in a mainstream school.

Year 4: There were 10 continuous cared for children in this year group but with 11 Torbay CFC in total. A child is expected to achieve at least ARE by the end of this year.

The table below 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	8 (80%)	6 (60%)	7 (70%)

In the continuous cared for cohort there is 1 child with an EHCP. This is for SEMH and the child attends a mainstream school.

Year 5: There were 13 continuous cared for children in this year group with one 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>
Less than 12 months CFC	0	0	0
Continuous care CFC	7 (54%)	6 (46%)	9 (69%)

There are five children in the continuous cared for cohort with EHCPs with four as SEMH as the primary need and one for Cognition and Learning. Three of the children with SEMH are in mainstream schools with two children being in special schools

Year 6: There were 15 continuous cared for children but with 18 children in total. This is the end of KS2 and in a normal year the children would sit their SATS in May. This was not the case this year. A child is expected to achieve Expected Standard in Reading; Writing; Grammar, Punctuation and Spelling; and Maths.

The following table shows those children assessed by their school as being on track to achieve at least 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	0	0	0	0
Continuous care CFC	8 (52.8%)	7 (46.2%)	6 (39.6%)	5 (33%)

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 six children with EHCPs. Of these two are in mainstream school settings and the other four in special school settings. Five have their primary need as SEMH and one as Cognition and Learning.

One continuous cared for child was assessed as Greater Depth in Maths.

### Key Stage 3 (Years 7, 8 and 9)

Year 7: There were 20 continuous cared for children but with 25 children in total. Again children need to achieve Age Related Expectations.

	English	Maths
Less than 12 months CFC	1	1
Continuous care CFC	7 (35%)	10 (50%)

There are 6 children with EHCPs in the continuous care cohort with only 1 of the children in a specialist setting. Of the 6 there is one child with Cognition and Learning as the primary need. The remaining five have SEMH as their primary need.

Year 8: There were 23 continuous cared for children and 25 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.

	English	Maths
Less than 12 months CFC	2	2
Continuous care CFC	10 (43.4%)	11 (47.7%)

There are 10 children with EHCP in the continuous cared for cohort with five having Cognition and Learning as their primary need and five have SEMH as their primary need. Six of these children are educated in special school settings.

Year 9: There were 22 continuous cared for children and 25 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	2	2
Continuous care CFC	8 (36%)	8 (36%)

There are eleven children with an EHCP in the continuous cared for cohort. Seven are in specialist schools with four in mainstream schools. Five of the children have cognition and learning as the primary need and six 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 22 continuous cared for children and 23 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	0	0
Continuous care CFC	8 (36%)	8(36%)

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

There are 12 continuous cared for children with an EHCP. Of these children 4 have an EHCP with Cognition and Learning as the primary need with 8 with SEMH as their primary need. Of these six are in mainstream schools. One of the cohort has been educated in a Young Offender Unit.

The child who became cared for in this year had not attended a school for a considerable time. A bespoke programme was created and he is on roll at a mainstream school in the Bay.

It should also be noted that one of the continuous care group is on track for Grade 7, 8 and 9 across all subjects. This young person has an aspiration to study medicine and attends one of our non-selective schools in Torbay.

Year 11/ End of Key Stage 4: There were 33 continuous cared for young people and 36 Torbay young people in total in this year group. 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. However I have no 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 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 17 (51.5%) young people in this cohort should have achieved at least a Grade 4 in English and 15 (45.4%) 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 seven years the outcomes this year are better than six of the years when outcomes were roughly in line with the national CFC figure (other than 2014) with the exception of 2018 when we were amongst the best CFC results in England. This year's results showed an upward trend.

There are 16 children with EHCP in the continuous cared for cohort and 12 of these either attended specialist provision or were on bespoke programmes.

The main points are that the results were pleasing this year and there were no major surprises. 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. Two children had managed moves to a PRU in Torbay and underperformed on their KS2 data. It should be noted that one child in an out of area PRU performed at the KS2 predictions.

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)

Our performance at the end of Y13 is very different from the previous year but far fewer were studying L3 qualifications. This relates to the fact that more were taking L2 qualifications as a result of not reaching Grade 4s when they took their GCSEs two years earlier.

### 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 foster carers 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 including the Spring Term (lockdown).
3. Five years ago, attendance was a focus area for improvement and since then the attendance has improved incrementally. This year, however, the attendance has seen a significant dip of almost 10%. Whilst some of this relates to Covid we have experienced children refusing to attend their provision. This has in two cases been as a result of experiencing placement moves with one child in Y10 and one in Y11. It will be necessary to ensure that attendance becomes a focus especially when considering placement moves or changes in status.

4. There has been a massive increase in the number of children characterised as Persistent Absentees (PA) on the previous year's figure of 10. This year there were 73 children and young people categorised as Persistent Absentees. Whilst the majority of these will be explained by illness through Covid and by the change in coding for children for whom school was open during lockdown but didn't attend. This saw them get an unauthorised absence mark.
5. During the Spring Term (during lockdown) our attendance figures overall were 64.6% in January, 67.4% in February and 89.4% in March.
6. 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 2021</b>			<b>85%</b>
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 eleven children on part-time timetables at some point during the year. Of these seven were children in the continuous cared for cohort. Eight of the children had an Education, Health and Care Plan for SEMH.

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.

	Last on Roll	Plans	Care Status	Latest care episode
Child 1 Y8 EHCP	12/04/2021	Moved to Caerphilly. SW has now completed application for mainstream school but she will access The Hive (alternative provision). This is available now but yp is not emotionally well enough to access education out of the home. Tutors x 2 hours daily	S20	26/02/2021
Child 2 Y11 EHCP	27/03/2020	Was at SFIT, then a EOTAS programme was put in place for his final term - tutoring and Outdoor Activity.  Place at SDC in September	S20	23/04/2021
Child 3 Y11 EHCP	01/04/2021	Moved out of area by social care. No school could meet need this late in Y11. EOTAS package - tutoring and sports activity.  Taunton and Bridgewater College and AEC from September	S20	17/06/2019
Child 4 Y11 EHCP	20/07/2020	Placed in Crisis placements. Moved to Kirklees - January 2021 and has been working with tutors and employability Solutions  Kirklees College in September	S20	12/10/2018
Child 5 Y11 EHCP	24/02/2021	Moved to Kent.  Kent Mentoring Service worked with yp Broadstairs College in September	FCO	06/10/2011

Child 6 Y11 EHCP	21/07/2020	Specialist independent school could not meet need. EOTAS package created.  Bicton College in September	FCO	08/11/2013
Child 7 Y11 EHCP	20/05/2020	Special school could not meet need. EOTAS package including tutoring and vocational course.  SDC in September - hairdressing	S20	22/07/2013
Child 8 Y11 EHCP	30/04/2020	Moved back to Torbay. EOTAS package.  Wants to move out of area so has not completed any applications for college	FCO	14/09/2018

## Exclusions

There continues to be a focus on finding alternative sanctions rather than exclusion. Again the rigour the VS has with attendance monitoring means that exclusion figures are accurate and timely.

During the academic year 30 children were subject to fixed term exclusions (FTX). This would be an exclusion rate of 13.9%.

The following table gives more detail about the exclusions:

Year Group	Cared For 12+	Torbay/Out of Area School	Number of Occasions	Number of sessions excluded (2 sessions = 1 day)	M/F	EHCP
Year 11a	Y	Out of area	2	5	M	SpLearning
Year 11b	Y	Torbay	1	6	F	No
Year 11c	Y	Torbay	1	1	F	No
Year 11d	Y	Torbay	4	14	M	SEMH
Year 11e	Y	Torbay	1	4	F	No
Year 11f	Y	Torbay	3	5	M	No
Year 11g	Y	Torbay	2	4	F	No
Year 11h	N	Torbay	2	4	M	MLD
Year 10a	Y	Out of area	14	25	F	RSA
Year 10b	Y	Torbay	1	1	M	No
Year 10c	Y	Out of area	1	4	F	No
Year 10d	Y	Torbay	5	9	M	SEMH
Year 10e	N	Out of area	2	13	M	No

Year 9a	Y	Torbay	3	22	M	SEMH
Year 9b	Y	Torbay	3	10	M	SEMH
Year 9c	Y	Out of area	4	12	M	SEMH
Year 8a	Y	Out of area	5	20	F	No
Year 8b	Y	Torbay	1	6	M	SEMH
Year 8c	Y	Out of area	1	14	F	No
Year 8d	Y	Torbay	1	6	F	No
Year 8e	Y	Torbay	1	4	M	No
Year 8f	N	Torbay	2	20	F	No
Year 7a	N	Torbay	7	24	M	RSA/SEMH
Year 7b	Y	Out of area	2	16	M	SEMH
Year 7c	Y	Torbay	1	10	F	No
Year 7d	Y	Torbay	2	8	F	SEMH
Year 7e	Y	Out of area	3	12	F	SEMH
Year 6a	Y	Torbay	1	6	M	RSA/SEMH
Year 6b	Y	Out of area	2	6	M	SEMH
Year 3a	Y	Torbay	1	3	F	RSA/SEMH

One continuous care child was subject to a Permanent Exclusion (PX) in July 2021. This was an out of area school. This was despite intensive support with the school who were reticent to engage with the VS on numerous occasions. The school's LA also did not assist in securing a PRU place to avoid the PX. As with all PXs our policy is to appeal any PX which was done on this occasion. Unfortunately despite the a robust appeal the Panel appointed by the school upheld the school's decision. It should be noted that the VS's Inclusion Officer secured a PRU place as soon as the PX was instigated despite the home LA saying this was not possible.

The Virtual School ensures that all schools follow the DfE's guidance on exclusions and will not allow any unofficial exclusions to take place for a Cared For Child.

The cases below highlight the work undertaken to avoid exclusions.

#### Case Study Y7a

Became Cared For on 5 October 2020.

Fist PEP evidenced that on CP Plan when commenced in Y7; attendance 80%; improvement needed in positive attitude to learning and adults.

Very distressed on entering care as not placed with 5-year-old sibling.

School had already identified that extra support needed - this included time out card; a tangle and regular check in/outs with one key member of staff.

First PEP identified support needs - Team Around the Child approach based on attachment and trauma informed practice - Team 'Billy' - as young person desperate for attention and without it unable to regulate his disappointment. Also identified adult need to co-regulate with young person in order to support. Strategies around time out card discussed.

Educational Psychologist referral to be made as possible concerns about gaps in learning/literacy and speech and language. Possible referral to WAVE project. Covid meant WAVE project postponed.

Young person not showing any concerning behaviours in his new home and carers have not experienced the dysregulation seen in school.

Regular updates between Inclusion Officer and Designated Teacher in school. These discussions included strategies based on attachment and trauma informed practice.

Also discussed amendments to timetable in order to find activities which would promote self-worth. Young person reluctant to take part even with support from VS and Carers felt that the interventions would not work if young person would not engage. VS felt that Carers may have been able to influence positive engagement but just really wanted young person in school.

By January a part-time timetable was in place - again to try to shift to positive engagement.

School submitted a Request for Statutory Assessment.

Reluctantly the VS enquired about a PRU placement as small groups may have provided an opportunity to get alongside the young person. Eventually an Assessment Place at Brunel was agreed following a meeting at the PRU.

Young person commenced at Brunel week beginning 8 March and then full time from 15 March. The child's social worker was not convinced a place at Brunel was best for the young person. This was also echoed by the carers.

Young person engaged well at Brunel. During his time a draft EHCP was issued, and SEN consulted with all mainstream schools in Torbay. All responded by saying they could not meet need. This meant that young person remained at Brunel and went on their roll.

Two exclusions were experienced in the last two weeks of term. These were both for racist abuse and occurred when a sustained period of racism to a member of staff at the school was being seen.

### Case Study Y8a

At start of Y8 moved to a Connected Carer. Despite a good link with her Y7 school the new carer, young person and SW determined for a school move for a fresh start. VS reluctantly agreed but did not consider the move or choice of school in young person's best interests. In order to support the transition in the Autumn Term the young person had some sessions at the YMCA in order to give some emotional support around the move but also recognising the impact of COVID. A referral was made to the Educational Psychologist as there had been some concerns in the summer term. The young person also continued to see the school counsellor. All discussed at the Autumn PEP in the original school. Carer did not attend but agreed that a Planning for Success meeting be held at the new school ASAP.

Evidence also that maintaining friendships is an issue and that social media is a big factor in this.

At Planning for Success meeting new school expressed concerns about the support for the young person due to impact of Covid and young person's presentation. VS agreed a short intervention at CHANCES be commissioned by the new school in order to aid the transition and provide some positive impact.

Young person had good engagement at CHANCES but the intervention was longer than anticipated due to Covid.

The VS always had a representative at PEPS in that both the Inclusion Officer and Specialist Teacher attended them. Both staff members provided the mainstream school opportunities for talking about behaviours which they found difficult to understand. Again this had an attachment and trauma focus. School felt that the carer was not as supportive as they would have expected for a Cared for Child. This was shared with Fostering. There must also be recognition that after a change of Social Worker there was excellent engagement with the young person and social worker and there was a real focus on ensuring a positive engagement with education. The YP is now in a home with different connected carers and this appears to have provided some stability.

### Case Study: Y10a

The child became Cared For in January 2019. A foster home was found in Torbay and Child Y10a remained at her Torbay school. There was one Fixed Term Exclusion (FTX) in March 2019 for not following instructions. The PEP evidenced a good start to Y9 and there was one FTX in February 2020. By the Autumn Term the child had moved into a new foster home in Falmouth. The plan was for a short-term placement while connected carers who live in Torbay were assessed and therefore Child Y10a remained on roll at her Torbay school but became a guest pupil at a school in Falmouth. The Torbay school continued to lead on the PEP process as we all were assured that the child would return. There was a FTX in November 2020 for not following instructions. Unfortunately, the foster carer gave notice and Child Y10a was moved to a new foster home. At this point the assessment of the connected carer came back as negative. It should be remembered that much of this took place during the Covid period from March 2020.

Following the move to another carer the decision was made to look for a permanent new school and there were two possibilities. A small rural school and a larger one in not such a rural area. The carer and social worker both felt the smaller school would suit Child Y10a. The VS were not so convinced as larger schools tend, although not always, to have better pastoral support.

Very detailed support was offered by the VS to the new school:

9/3/21 - On roll at Devon school and Planning for Success meeting held. School wanted to move Child Y10a to Y9.

12/3/21- FTX: Mobile phone- used on 3 occasions and refused to hand over. Escalated from here. Refusal to follow instructions. Not follow school rules. Internal isolation for 1.5 hours which she refused so FTX- 1 day.

15/3/21- Readmission meeting. School said it was not appropriate for us to join the meeting ( 2 VS staff ready to log on), so VS offered support via social worker to the school: -fund an intervention service to support SEMH needs if necessary such as SWISS and Evolve - offer a twilight session for all her specific teaching and support staff on her trauma tree to build empathy and understanding (history of trauma and losses) - offer an intro to attachment training session for all staff - also asked social worker to ask school how they can support SEMH needs

18/3/21- FTX - not attending lessons. Refused to go into lessons. Refused all offers of support. Seemed very calm. Was not rude. Defiance. School could not reason with her. School

offered different options of where she could go and who she could work with. Now she can go to see Miss Jordan at the start of lessons if she feels she cannot go in. VS Teacher explained this could be anxiety based.

23/3/21- Torbay Protocol for Admissions and Exclusion sent to the school 23/3/21- PEP and email to ask Do you have any regular timetabled SEMH support that Child Y10a would be entitled to such as Thrive, or attachment-based mentoring, or Theraplay Informed Practise or something similar? Most cared for young people are offered this but it varies from school to school what support is in place. VS also fund a service but need to talk to you about which one as all schools have their preferences. As she has received 2 FXTs, we really need to put our heads together to work out what support we can offer and VS and school to plan emotional support

23/3/21- EP referral sent in

24/3/21- FTX: Child Y10a has been defiant and refused to engage with school today. She refused to attend her lessons this morning and also refused the alternative to this which was a safe space in the HOH room working in isolation as per our procedures. This was discussed with her and explained why but she refused to comply with the rules. VS Teacher then offered her the opportunity to work with a TA for the remainder of the day where she would receive 1:1 support and could access the work from her lessons and remain on track with her work. Child Y10a again refused to engage with anything that is being offered. School informed VS of FTX and we replied in an email to say we can discuss offering SEMH support: The interventions and services we could discuss are listed here. We talked about some of these on the phone:

- Teaching Assistant to work with her in school
- 1-1 Tutors to work with her in school (child has requested this in her views)
- SWISS- Activity based therapeutic youth work
- Evolve/Adelong- Activity based therapeutic youth work. Can have outdoor education focus.
- Inspire- Activity based therapeutic youth work
- Horse Resource- Therapeutic Horsemanship

25/3/21 - FTX - no info as to why

24/3/21 or 29/3/21- Part time timetable started by school at some point in this week but date not clear. VS not notified so could not offer further support yet

31/3/21 - meeting to discuss education in light of FTXs: school said Child Y10a had been on a part time timetable for 1 week already. Planned to use SEMH support service, build timetable back up and offered to fund a Teaching Assistant. Offered training dates again for attachment intro for staff and for trauma tree work

1/4/21- VS contacted Evolve/Adelong for info about SEMH support for her but they could not work in this location

Easter holidays

20/4/21 - Contacted Inspire South West for info about SEMH support service for her

26/4/21- Part time timetable form received saying part time program started on 19/4/21 but it started before the Easter holidays, but VS not notified until meeting on 31/3/21. 3 hours a week per day in school. School acknowledges her high emotional needs and needing a go to person out of lessons but in school. Concern expressed about using extraction service where she is out of school due to potential issues with reintegration

27/4/21- VS Head agreed to fund Teaching Assistant for Child Y10a and corresponded with school

27/4/21- FTX according to above

5/5/21- FTX initial uniform issue and then her response- refusal to follow staff instructions

6/5/21- Request from VS for conversation that happened around FTX to see if we could offer Attachment Aware and Trauma Informed responses to Child Y10a and see how she responded to current staff language. Not received. Requested school send us dates and times for trauma tree work

18/5/21- Head rang to discuss concerns ahead of PEP of 25/5/21. We discussed if this was a protocol meeting or not and he said it would be - child at risk of PX.

20/5/21- VS staff visit Child Y10a home as not timetabled in school until afternoon. Invited to school but both had prior appointments that they needed to return to Torbay for. Child had a timetable of support that had been given to her.

25/5/21- PEP - PX not mentioned by school at all. Positive PEP where DT talked about support they could offer and discussed new timetable with TA support and Teacher support. VS asked DT to check with Head he was happy with this plan and to give child time to engage with support offered. Email following up PEP and asking school for dates for attachment training and trauma tree work.

27/5/21- Seen EP at school (EP offered 2 earlier dates 14/5/21 and 24/5/21) but did not receive a reply and asked us to chase a response)

31/5/-21-6/6/21 Half term

11/6/21- Tracey Powell started attachment intervention with child

17/6/21- Child isolating due to Covid and during this time she received bad news in relation to her care plan and not going home that she was devastated by and school informed on this date and with detailed info on 20/6/21 about decision making on care plan. Email chasing dates school want training and attachment support info on child and school replied asking for dates in the 1st 2 weeks of July.

21/6/21- EP report received

22/6/21- PEP meeting and email sending dates we can offer training in July.

- 23/6/21- FXT- the incident was her on the phone in the loo and a TA asking her to come out to which she replied "give me a minute" - then rushing her and getting the response "f\*\*\* off".
- 25/6/21- FXT- The incident happened while preparing for PE (a class she enjoys). She was told to get changed but explained that she wanted to change in private (which is what she has always done in the past) and was waiting for the loo (which was occupied). She was told that she couldn't and had to change now. She refused and was then told to leave the lesson; she went to the "safe space" and was again challenged to do some alternative work (not with her TA or other staff member that she trusts) and refused.
- 26/6/21- Social worker emailed school with info from Wellbeing Practitioner that Child Y10a is having suicidal thoughts.
- 1/7/21- Education review meeting with the Head: lots of issues raised re: Child Y10a but support discussed, and Head said he was committed to her and the school were not going anywhere. During meeting, child had refused to attend lessons and was in staff area. However, PX not mentioned in the meeting. Phone call received shortly after the meeting to say child was being PXed.

Torbay VS Inclusion Officer contacted Devon VS re alternative provision and was informed all were full. The Inclusion Officer contacted the PRU and was told there were spaces. As no support was forthcoming from Devon it was agreed that it was in Child Y10a's best interests to attend the PRU and we would appeal the PX.

### School Case Study

Through negotiations with a Designated Teacher and through data analysis the Inclusion Officer and VSH provided extra support to a local school in order to improve their practice around attachment and trauma. The support ensured that at least one Cared For Child (Y11) was not permanently excluded or moved onto an alternative programme although one child (Y7) needed an assessment place at a special school and now attends there full time.

Staff have been able to attend our Attachment Training and Support Groups.

The support included providing advice and support on creating and equipping a Calm Room; working with the subject teachers of our cared for children in order to understand their journey as well as to enable staff to hear of positive aspects of school life for the child as well as looking at strategies for working with a child's attachment style; supporting the DT to challenge practice which was not trauma informed as well as advice on individual children when the school felt they had become 'stuck'.

Impact - as stated earlier one child was not Permanently excluded and was not sent to an alternative provider or moved on to a part time timetable. This proved positive not only for the child but also the school. Children who we thought may struggle with being in a mainstream school are benefitting from a school whose strategies around attachment and trauma have improved and they are enjoying their time at school. The VS will continue to monitor exclusions as well as provide advice and guidance to this school (as we do for all schools).

## 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 84 children, of statutory school age, with EHCP's in the Virtual School. This sees 39.4% of the VS's school population being subject to an EHCP. Of these 84 children and young people 50 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 are 8 more children and young people with EHCP's than the previous year which also saw a significant rise in those with EHCPs. This is the fourth year in a row of an increase seen in the number of children with EHCPs.

Of the 84 young people with an EHCP, 75 are in the continuous care cohort. There were 16 young people in the Y11 cohort with an EHCP with 12 of these being in specialist provisions.

There were 63 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 69% of those of statutory school age have special educational needs.

The VS has supported schools in 3 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. Here is an example of one piece of case work undertaken during this year.

### SEN Casework example

#### What was the issue?

- The young person had struggled in school prior to coming into care but as she got older the learning and being able to settle became more difficult for her to manage.

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

- The school had previously had SALT assessment and Chestnut Outreach. An RSA was submitted and accepted

#### What have we done?

- The Virtual School provided funding for 1:1 Adult tuition to enable the young person to be supported during the day and help manage her emotions. A safe space was provided.  
Behaviours escalated during Covid - the VS had regular meetings with the school

and, in addition, the VS funded Play Torbay intervention service for afternoons to allow the young person time away from the school to have intensive support around her SEMH needs. A bespoke timetable was created whilst she was in school so she could achieve success.

At this time, the placement broke down. A new placement was identified near Exeter and the VS worked with the new school, her current school, SEN and Play Torbay so that the young person could achieve a successful transition.

The EHCP was issued during this transition period. For the rest of the Summer Term, Play Torbay supported the young person in a transition period into her new school to be a familiar trusted adult and provide stability whilst a 1:1 was recruited.

### What difference has this made?

The young person is now managing full time in her new school. She completes some work with her 1:1 away from the classroom environment but can successfully integrate with her peers in some lessons.

In order to establish peer friendships, the young person chooses children to do some activities in her quiet space at the start of the day and after lunch.

### Immediate next steps

The PEP was recently attended (second this term) so that interventions could be added if required or further support provided. The school wish to continue with the 5 day programme to further build relationships with staff and peers.

Monitor - new TA starting 1 day a week which will be another new adult, although there is some crossover so she can start building relationships and a consistent approach be established.

Anna Walker - Specialist CFC Teacher - SENCO

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

At Key Stage 2 there were 9 children at SEN Support and 4 with Education, Health and Care Plans. Of the children with EHCP all of them have Social and Emotional Health as their primary need. The table following gives detail of their performance. **Please note this is based on teacher assessment.**

	<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	6	1	1	0	0
Number at School Support	4	4	4	3	3

At Key Stage 4 there are sixteen 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	16	8	5	0	8
EHCP	16	2	0	1	1

### **Unaccompanied Asylum-Seeking Children**

There were no UASC of statutory school age this 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.

### **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, other than those in residential settings, receive 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.

### 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 team work. 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 four activity days in the summer term after SATS followed by a day prior to the start of the autumn term and their new school which ensures any last minute concerns are addressed and solutions found. 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 but it was done on a 1:1 basis so that the young people experienced the activities but did not experience the group work. All received a *GG* Transition bag.

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 175 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. The EPs now run a half termly attachment support group in recognition of the impact of work with the children with attachment and trauma. 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 completed their 7 Day Attachment in Schools course. This was part of the Teaching School's programme but funded by the Virtual School. This course was completed online for all sessions. It is hoped our next course will return to face to face. 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.

All of the teachers in the VS have completed the training as well as the Inclusion Officer. The Post Care Education Advice and Guidance Officer will undertake the course commencing in January. 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.

During the year the Inclusion Support Officer was made aware of '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. This will be reviewed during the Spring Term 2022 to look at impact over the 12 months and a decision made whether to continue to fund its use and widen the offer to other interested schools in Torbay.

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 Inclusion work Attachment/Trauma Informed Practice Implementation by Torbay Virtual School

### What was the issue?

#### Relational traumas and losses experienced: -

- ❖ House moves - 5 before age of 1; 3 more before age of 2; 1 from age of 2  
Dates of these moves: 31/07/08; 11/10/08; 30/12/08; 15/01/09; 19/03/09; 26/01/10; 16/03/09; 16/03/10; 11/05/10; 07/12/10
- ❖ During the period of time leading up to the child being taken into care there were 7 different relationships identified with moc. During this period there were episodes of DV 3 notable events- 18/08/08; 17/10/08; 15/03/09
- ❖ The young person had many admissions into hospital: 01/09; 12/09; 17/01/09; 31/01; 09/02; 07/04/09; 29/09/09; 25/02/09; 02/03/10; 27/03/12 - it had been reported that there had 91 presentations at A&E - some for the young person; some for mum. Different hospitals and under different names so was difficult to map.
- ❖ MOC was admitted into hospital for a period of time 29/10/12 - Young person at home with lodgers
- ❖ FOC - questions around this ?? (MOC seemed to be in two relationships; the dad that the young person refers to is understood to be dad)
- ❖ Cats were a feature within the family home - many cats and dogs. Some of the kittens were removed. There seemed to be many changes with regards to the animals being kept or got rid of in one form or another.

There was a period of stability with regards to house moves between 2010 until being taken into care. Household remained busy. During the period between 2010 - 2015 the young person has had 5 social workers; Current social worker has been allocated to the child since 2016

There were elements of emotional and physical abuse/neglect but nothing substantiated with regards to sexual abuse.

MOC - has mental health/PTSD and alleged epilepsy. It is to be noted that moc claims to have been groomed at 13 years of age.

Foster carers are very supportive of their child and has been a constant support since 2016. Recently her foster father has been diagnosed with prostate cancer. Their child is aware of treatment that must be undertaken.

The secondary school could not meet the young person's social and emotional needs. A transition place was made for her to attend a specialist provision for support her SEMH. This has resulted in the young person requiring to take a taxi between school and home. This has been carefully planned and supported by foster parents, however, is finding it tricky and has resulted in her distressed behaviours being supported by school staff.

Text received from foster parent requesting advice and some support for their child and home. There had been several outbursts of rage and stress response of fight/flight.

### Our journey so far....

I have worked with Child A during her time at the Secondary School to support her in using strategies to promote her safety and providing support for school staff around trauma and attachment informed responses. Team Pupil approach with her TA becoming the significant adult. To provide consistency and build trust the keyworker has remained as the attachment figure with transition from their school to the specialist provision whilst relationships were formed. Methods to date have included:-

- Increased safety cues with 'meet and greet' as well as regular 'check-ins'

- Set up a team around each child within school - made a visual team template and timetable of which EAA will be available at certain times throughout the day
- Direct work in trauma and Mental-Health informed practice/Theraplay
- Interventions to allow the child to be in the moment; have elements of surprise in a safe and contained space; develop trust; rich relational experiences
- Working with professionals involved / providing support with further transitions and supporting staff to adjust their expectations to correspond with their developmental and relational trauma - whole school approach. The specialist provision is able to meet these needs.
- Communication with key professionals /school staff provide reflective space and opportunities to share best practice
- The school staff have recently completed their Trauma and Mental-Health Informed Practice in Schools - included language used; behaviour is communication - looking at ACES/Resilience score and trauma tree
- EHCPs is in place and PEPs and education meetings are supported by TVS SENCO
- Attending reviews - TVS SENCO

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 Child A and ensure their needs are met through direct and indirect work
- Interventions that will help regulate a child
- 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 with child
- Visual timetables which have included sensory breaks
- Safe space created for each child
- As part of the support for Child A and home - Zoom session for direct work set up. Diamond Art and mindfulness session each week with myself. Child A chose a picture of a cat to complete and is enjoying the 1:1 intervention; attention and 'being emotionally held'

### What difference has this made?

- The child has built trust in their key adults and been on a journey from dependency to interdependency
- The child is able to follow direction from school staff
- Increased awareness of feelings and emotions alongside strategies to help them settle to learn
- 'Window of tolerance' for the child has improved dramatically. Dysregulation has decreased
- As is engaging with her session on Zoom and has a positive relationship with me. Shared feelings and conversations around the transport issue have been resolved.
- Taxi is more successful
- Friendships are developing
- Lead on a project around litter picking in local park

## Areas for further action

- Continued support for the child to become more dependant learners
- Strategies to be developed for unstructured times
- Share best practice so as to raise awareness for what has worked well and not so well
- Continued support for staff, as required, as well as carers
- Develop peer relationships

## Immediate next steps

- Review PEP targets

## Other work:

Through the work the interventions use:

### PROTECT:

- ✚ helping the child to feel safe enough to share feelings, thoughts and develop their own capacity for help-seeking with other trusted adults.
- ✚ Help the child to feel understood, empathy, bringing down 'toxic stress' to 'tolerable stress'
- ✚ Increase safety cues (facial expressions, use of voice)
- ✚ Stay socially engaged and use of PACE

### RELATE:

- ✚ Cross the transaction
- ✚ Attachment play
- ✚ Through PACE enable the child to optimally activate neurochemicals opioids/oxytocin etc., (CARE system)

### REGULATE:

- ✚ Affect labelling
- ✚ Affect attunement
- ✚ Created an intervention to calm the body down, sensory
- ✚ Change emotion with emotion

### REFLECT:

- ✚ Help the child make sense of what is happening and why it is happening
- ✚ Talk about 'protective factors'
- ✚ Address negative self-referencing 'it's my fault'.

Tracey Powell - Inclusion Support Office/Attachment Lead

The teachers in the VS are responsible for ensuring that the young people on their case load 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 2021) follows:**

Pupil Premium Expenditure 2020 - 2021

INCOME	EXPENDITURE	
DfE Grant £703660	Catch Up Funding Secondary	£82500.00
	Catch Up Funding Primary	£58500.00
	Summer PP+ Targets	£77097.33
	Autumn PP+ Targets	£151694.82
	Spring PP+ Targets	£133488.28
	Salary costs (ePEP and Admin)	£34813.00
	Direct spend via Business Admin	£151711.54
	Transition Funding - two pupils	£13000.00
	TOTAL SPEND	£702804.97

**Support Work**

In addition to the work we undertake with the schools and children to ensure best outcomes for our children we also have wider support work. This includes the Virtual School continuing its membership of the Letterbox Club. This is a programme where a parcel of resources is sent to a child over a period of six months. The main purpose is to improve literacy and increase a child's love of reading. The Letterbox is well received by the children and their foster carers.

Two years ago, the Virtual School joined The Imagination Library and it was a free two year programme. This is a book reading scheme funded through Dolly Parton's philanthropic work. It sees a carefully chosen book sent each month to our CFC from birth to age 5. This too has been well received by Foster Carers and works on at least two levels. Firstly, to increase a love of reading and widen imagination but will also enhance the bond between the care giver and child. We will seek to renew our subscription to this.

We have also joined a scheme called Book Buzz and this sees a number of books sent to us and the child choose their books. This is for Y7 and Y8.

The VS also ran a Reading Project using technology with one of our local secondary schools. The pandemic has meant our timescales have slipped so a review of the project will be undertaken in the next academic year.

Another priority to take forward based on the data is performance in writing which is a Bay wide issue not just for our Children who are Cared For.

All members of staff in the VS are THRIVE trained. This has seen an increase in direct support with children or support to staff delivering THRIVE in their schools. It has also linked with the foster carers and their THRIVE based training.

Training - various training is offered by the VS. This has included training 3 times a year for Foster Carers on specific educational topics. Training for Social Workers is also offered - this academic year training has been offered on the ePEP as well as attending SW Team Meetings.

Training for Designated Teachers is offered through the DT Forum which in previous years meet three times a year. This is now twice termly as they are conducted online. The sessions always include updates on policy regarding the education of CFC as well as a short workshop on a theme. As in previous years the major focus on attachment in schools has continued which DTs have reported as very useful. The DT Forum also ensures that DTs new to the role are able to network with established DTs and form informal mentoring arrangements.

The Virtual School also ran at the start of the school year an induction day for new DTs. This was well attended with DTs from schools in Torbay and Devon attending (Devon schools with Torbay children). This is now an annual event at the start of the academic year.

Other opportunities this year for the young people include the continuation of the VS Choir called Get Rhythmical which met every Tuesday at 4pm online. The children, and staff, are looking forward to resuming in person sessions at the YMCA as soon as possible.

Wherever possible the only school moves are at the normal transition points of primary to secondary. The Virtual School acts as a champion for our children and will resist school moves as often school is the only point of stability in the child's life. There are occasions when a placement move will necessitate a school move for example a new foster family is located more than an hour's journey to the child's school. As a general rule we won't agree to a move within Torbay schools unless there is compelling evidence to support this. One such case was of a child in a school who became Cared For along with a sibling. Both attended the same school. The sibling was moved to a family member and became subject to a Special Guardianship Order and the Cared For Child found this exceptionally difficult to accept and it was leading to emotional distress. Despite intensive work from both the specialist teacher and inclusion officer it was decided a school move to school nearer the carers who have an excellent inclusion record would be in the Cared For Child's best interests. A Planning For Success Meeting was held in order to plan an effective and supportive transition to the new school. This has proved the case and the child is now settled in school and making good progress to close the attainment gap with peers. Planning For Success Meetings are now standard practice in the VS for school moves.

## Educational Research

**The Educational Progress of Children Looked After in England: Linking Care and Educational Data** - this was a research project undertaken by the University of Bristol and the Rees Centre, Department of Education and the University of Oxford. It was the first major study in England to explore the relationship between educational outcomes, young people's care histories and individual characteristics. The main analysis concentrated on the progress at secondary school (KS2 - 4) of young people who had been in care for over a year at the end of KS4.

The research's key findings show the following may contribute to the educational progress of young people in care:

- **Time in care.** Young people who have been in longer-term care do better than those 'in need' (CIN) and better than those who have only been in short term care - so it appears that care may protect them educationally.
- **Placement changes.** Each additional change of care placement after age 11 is associated with one-third of a grade less at GCSE.
- **School grades.** Young people in care who changed school in Y10 or 11 scored over five grades less than those who did not.
- **School absence.** For every 5% of possible school sessions missed due to unauthorised school absences, young people in care scored over two grades less at GCSE.
- **School exclusions.** For every additional day of school missed due to a fixed term exclusion, young people in care scored one-sixth of a grade less at GCSE.
- **Placement type.** Young people living in residential or another form of care at age 16 scored over six grades less than those who were in kinship or foster care.
- **School type.** Young people who were in special schools at age 16 scored over 14 grades lower in their GCSEs compared to those with the same characteristics who were in mainstream schools. Those in Pupil Referral Units with the same characteristics scored almost 14 grades lower.
- **Educational support.** Young people report that teachers provide the most significant educational support for them but teachers suggest that they need more training to do this effectively
- **Agency** - the young people need to have the desire and determination to do well in order to achieve best outcomes.

The findings of the research have been shared with the Designated Teachers, the Virtual School Governing Body and the Corporate Parenting Body. As a Virtual Head there were no major surprises in the findings of the research but having empirical evidence showing that school moves, placement moves, types of schools etc. ensures that the message from the Virtual School is heard across a range of professionals and demonstrates that the Virtual School cannot improve outcomes for our young people on its own.

The VSGB now receives a stability report each term in order to monitor impact on our young people and to hold education and social care accountable where appropriate.

## John Timpson Research

The Rees Centre is undertaking a national research project on attachment in schools and its impact. It is pleasing to note that there are nine schools enrolled on this project which runs over a three year cycle. Five of these schools started in Year 1 (2018-19) with the rest in Year 2 (2019-20). It should be noted that the ninth school applied at the start of September 2019 and £3k was allocated for their training. The project captures the understanding of staff of attachment and trauma informed practice prior to whole school training.

Impact of the Timpson Research project - what we know about change is that the leaders of organisations need to truly believe that the change they want to implement is necessary and that they have the knowledge and understanding to ensure they take their teams with them. A number of forces have come together in Torbay. Firstly the VS focus on attachment and trauma informed practice started in 2014. Since then there have been yearly opportunities for staff to undertake the seven day attachment course. The Timpson Research project enabled schools to facilitate whole school training in order to start their attachment journey apply to whole school not just a small group.

Again the pandemic has delayed the progress of this study but the impact report will be reviewed by the VSGB as soon as it is available.

## Data Collection

There is an expectation for a data collection three times a year. This is at the end of November; March and June. The data is sent electronically from schools and it is then put into the relevant year group's data sheet. This data is RAG (red/amber/green) rated. Information on English and maths is collected for all year groups with the addition of Science at KS3 and all subjects at KS4. Also collected are the attendance and exclusions data and the date of the last PEP and whether the foster carer was present.

The data collection is quite a resource intensive process. The vast majority of schools do comply with our request but as data is put on ePEP each term there is an opportunity to check each child's PEP record from ePEP.

## Post Care Education Advice & Guidance Officer

The DfE has provided funding for this work since March 2018. At first the role was added on to the Inclusion Officers tasks but this was not a long term solution. In December 2019 Laila Rehman commenced as the Post Cared For Officer. This has seen good partnership working between the SGO Team and Adoption SW. Laila went along to the SGO support group to inform them of the advice and guidance she could offer them around educational matters and now ensures all SGO carers receive the letter informing them of PP+ entitlements once the SGO is in place. This has already had impact when a carer contacted her around the school not providing any ICT equipment. This saw Laila give the carer the information needed to challenge the school's view point with the impact being the young

person received a laptop in February. In July 2021 Laila was successful in being appointed as the VS's KS4 Transitions Officer.

### **Staffing**

Following the VSGB's decision to fund a KS4 Transitions Worker through PP+ the staffing of the VS has increased.

The Virtual School now has a 0.6 Admin Support Officer who commenced her role in the Autumn Term 2018. The hours needed to complete all tasks has seen this role have extra hours added to the post. This now sees the VS with 3 full time teachers, a fulltime Inclusion Support Officer, a full time PEP Co-ordinator, a KS4 Transitions Officer, a post LAC support officer and a 0.6 HT.

Since the completion of the SENCo qualification by one of the team the roles have shifted slightly with the SENCO taking on case work for those with EHCPs and the two remaining teachers taking on R - Y7 and Y8 - Y11. The SENCO also oversees the UASC work.

The PEP Co-ordinator left the service for a promotion at the end of February. Due to changes in the post it was necessary for a re-evaluation of the post through the JE process. This saw the grading increase. Despite extensive efforts we were unable to recruit to this post and I must thank both Laila Rehman and Tracey Powell for taking on additional duties during the Spring and Summer Terms.

### **Cared For Children Celebrations**

This academic year the task of organising the CFC Award Ceremony again fell to the Virtual School. Due to the pandemic it was held online which was a little daunting for the VS Team as we use the Zoom Platform regularly but never for more than 50 people. Obviously we don't have the technical or financial support of large media organisations in case of any internet issues. This saw the main CFC Awards Ceremony taking place on Friday 29 January 2021 after the postpone of the event at the ERC planned for October 2020.

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 Ashley-John Baptiste. He spoke very eloquently that being in care does not have to define you and that he had one teacher and his foster carers who made him realise that he could achieve in education. This saw a transformation for him and he achieved well and gained a place at Cambridge University. He is now in a media career which sees him regularly on TV programmes.

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

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.

Unfortunately the Under 7s Celebration could not take place due to Covid.

### **Priorities**

- To focus on English and Maths outcomes at KS4
- Work in partnership 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 foster carers in order to ensure all foster carers have high educational aspirations for all our CFC.
- Ensure all foster carers 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 Fixed Term Exclusions and identify any impact of attachment and trauma informed practice on reducing FTX
- To review each FTX in terms of the exclusion protocol implemented for all exclusions for children in Torbay schools.

## **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 next Extended Duties. I appreciate the support and challenge of the members of the VSGB and the knowledge and skills they bring to our meetings.

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. 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 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 now 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.

The Team 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.

## Appendix 1: OUTCOMES 2021

Performance indicator	T R E N D	2021 TORBAY children in care %	2020 Torbay Council children in care %	2019 National children in care %	2021 TORBAY all pupils %	RAG Based Torbay CFC v national CFC
EYFS % reached GLD	↓	* 40% (2)	50%	49%	56.6%	A
KS1 % Reached at least expected standard - Reading	↑	83% (5)	50%	42%	65.9%	G
KS1 % Reached at least expected standard - Writing	↔	49.8% (3)	50%	42%	55.7%	A
KS1 % Reached at least expected standard - Maths	↑	66.4% (4)	37.5%	49%	62.3%	G
KS1 % Reached at least expected standard - Reading, writing and maths	↑	49.8% (3)	37.5%	37%	50.5%	G
KS2 % Reached at least expected standard - Reading	↓	52.8% (8)	66.6%	49%	72.2%	A
KS2 % Reached at least expected standard - Writing	↓	46.2% (7)	61.1%	50%	68.2%	A
KS2 % Reached at least expected standard - Maths	↓	39.6% (6)	61.1%	51%	67.4%	R
KS2 % Reached at least expected standard - Reading, Writing and maths	↓	33% (5)	61.1%	36%	57.1%	A
KS4 % gaining a strong pass in both English and maths at Grade 5+	↑	15%	10%	10%	Not available	A
KS4 % gaining a pass in both English and maths at Grade 4+	↑	27%	20%	Not available	Not available	G
KS4 % gaining a Grade 5+ in English	↑	21%	15%	23%	Not available	A
KS4 % gaining at least a Grade 4 in English	↑	42%	40%	Not available	Not available	G
KS4 % gaining a Grade 5+ in maths	↑	18%	10%	14%	Not available	G

KS4 % gaining at least a Grade 4 in maths	↑	<b>30%</b>	25%	Not available	Not available	<b>G</b>
Y1 - 11 attendance	↓	<b>85%</b>	94.8%	95.3%	94.9 (LAIT 2019-All)	<b>R</b>
% receiving at least one fixed term exclusion	↑	<b>13.9%</b>	10.9%	11.67% (2018)	Not available	<b>R</b>
% receiving a permanent exclusion	↑	<b>0.6% (1)</b>	0	0.05% (2018)	Not available	<b>R</b>
KS5 (Y13) % gaining L3 qualifications	↓	<b>28.4%</b>	71.4%	Not available	Not available	<b>R</b>
KS5 (Y13) % gaining L2 qualifications	↑	<b>28.4%</b>	14.28%	Not available	Not available	<b>G</b>
KS5 (Y13) % gaining L1 qualifications	↓	<b>7.1%</b>	7.28%	Not available	Not available	<b>A</b>
Total 18 - 24 year old care leavers participating in Higher Education	↑	<b>9.3%</b>	6.5%	Not available	Not available	<b>G</b>

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

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

**Green** - above national CFC outcome 2019

Please note the KS5 cohort only includes those completing courses in Y13

### Appendix 2: Y11 Stability (anonymised) November 2021

	Gender	Total No. of Care Placements (inclusive)	No. of Social Workers *	Total No. of Care Episodes (inclusive)	Total No. of Schools (inclusive)	School Type	Attendance %	Continuous Care 01/04/2020-31/03/2021	Exclusions	Date Entered care	Torbay/Out of Area School	School moves this academic year	EHCP	KS2 Predicted Outcomes	Met ARE in E & M	Ofsted Rating
child 1	F	3	9	1	3	Specialist	82	Yes	0	22/03/2018	OOA	No	Yes	E&M - Grade 4	Yes	Estyn - Good
child 2	F	4	11	1	3	Main	81	Yes	3	12/04/2012	Torbay	No	No	E&M - Grade 4	E only	Good
child 3	M	3	13	1	3	Specialist	100	Yes	0	08/11/2013	Torbay	No	Yes	None	No	EDTAS
child 4	M	3	5	1	3	Main	68	Yes	0	24/06/2019	Torbay	Yes	Yes	None	No	Good
child 5	M	5	11	1	2	Specialist	50%	Yes	0	12/10/2018	OOA	Yes	Yes	None	No	EDTAS
child 6	F	6	11	2	5	PRU	59	Yes	0	05/02/2019	OOA	No	No	E&M Grade 4	yes	Good
child 7	M	7	9	2	4	Main	68	Yes	0	06/11/2014	OOA	No	No	E&M Grade 5	Yes	Outstanding
child 8	F	1	9	1	3	Main	74.2	Yes	0	01/03/2013	Torbay	No	No	E&M Grade 5	E only	Good
child 9	F	2	17	1	2	Main	66	Yes	0	08/03/2013	OOA	No	No	E&M Grade 5	Yes	Good
child 10	F	7	15	1	2	Main	70	Yes	0	19/02/2009	OOA	No	Yes	3	No	RI
child 11	M	3	7	1	2	Main	46.3	Yes	0	04/12/2017	OOA	No	Yes	None	No	Good
child 12	F	4	10	1	4	Main	69	Yes	0	15/10/2014	OOA	No	No	E&M Grade 5	Yes	Good
child 13	M	4	9	1	2	Main	75	Yes	5	28/02/2019	Torbay	No	No	E&M Grade 3	No	Good

child 14	F	2	11	1	2	Specialist	99.1	Yes	0	10/01/2013	Torbay	No	Yes	E&M Grade 2	No	Good
child 15	F	1	12	1	2	Main	66	Yes	0	05/08/2013	OOA	No	No	E&M Grade 4	E only	Good
child 16	F	3	10	3	4	PRU	98.5	Yes	0	31/05/2016	Torbay	No	No	E&M Grade 5	No	RI
child 17	M	1	6	1	1	Specialist	77.4	Yes	0	06/04/2018	Torbay	No	Yes	None	No	Good
child 18	M	8	18	1	5	EOTAS	0	Yes	0	06/10/2011	OOA	NO	No	E&M Grade 6	No	Good
child 19	M	1	19	1	3	Main	87.1	Yes	0	02/04/2013	Torbay	No	No	E&M Grade5	Yes	Good
child 20	M	2	7	1	3	Main	81.4	Yes	0	29/01/2017	Torbay	No	No	E&M Grade5	Yes	Good
child 21	M	2	5	2	5	Specialist	12.2	Yes	0	20/12/2016	OOA	No	Yes	None	No	Good
child 22	F	2	5	1	3	EOTAS	41.2	Yes	0	14/09/2018	OOA	Yes	Yes	None	No	EOTAS
child 23	M	2	12	1	6	PRU	80	Yes	2	19/02/2018	Torbay	No	No	E&M Grade 6&5	No	RI
child 24	F	3	15	1	2	Specialist	93	Yes	0	23/04/2012	OOA	No	Yes	E&M Grade2	No	Outstanding
child 25	M	3	9	1	3	Main	81.4	Yes	2.5	20/01/2012	OOA	No	Yes	E&M Grade4	No	Good
child 26	F	3	19	1	6	EOTAS	92.1	Yes	0	22/07/2013	Torbay	Yes	Yes	E&M Grade 3	No	EOTAS
child 27	F	4	10	1	2	Main	66	Yes	0	30/11/2012	OOA	No	No	E&M Grade 4	E only	Good
child 28	M	1	9	1	4	Main	86.3	Yes	0	22/03/2013	Torbay	No	No	E&M Grade 6	Yes	Good
child 29	M	2	5	1	2	Main	81	Yes	0	23/01/2018	Torbay	No	No	E&M Grade 6	Yes	Good
child 30	F	4	17	1	5	PRU (med)	72	Yes	0	13/09/2013	OOA	Yes- Jam	No	E&M Grade 5	M only	Outstanding
child 31	F	2	6	1	3	Main	71	Yes	0	07/06/2019	Torbay	No	No	E&M Grade 3	No	Good
child 32	F	1	21	1	3	Main	82.1	Yes	0	17/06/2009	Torbay	No	No	E&M Grade 3	No	Good
child 33	F	2	6	1	2	Main	84	Yes	2	12/02/2020	Torbay	No	No	E&M Grade4	No	Good
child 34	F	1	4	1	1	Main	58.2	Yes	0	24/02/2021	Torbay	No	No	E&M Grade4	E only	Good
child 35	M	1	1	1	1	specialist	98	no	2	13/11/2020	Torbay	No	Yes	None	No	Good
child 36	M	1	1	1	1	EOTAS	100%	Yes	0	23/04/2021	Torbay	No	No	E&M Grade 4	Yes	EOTAS

### **Appendix 3: 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

## **Revenue and Capital Budget 2022/2023 – Report of the Overview and Scrutiny Board**

### **Report to the Cabinet**

#### **January 2022**

#### **1. Background**

- 1.1 The Cabinet's Draft Revenue and Capital Budget proposals for 2022/2023 were published on 12 January 2022 and available on the Council's website at <https://www.torbay.gov.uk/council/finance/budget/budget-202223/>. The Revenue Budget Digest set out the proposed budget for each Council service for 2022/2023. The website also included further documents which set out: the proposals investment in services, efficiencies and income generation; proposed fees and charges; Review of Reserves, Capital Plan Budget and Strategic Asset Management Plan. The Priorities and Resources Review Panel was established to scrutinise the proposals and to make comments, observations and recommendations as necessary.
- 1.2 The Review Panel comprised the councillors on the Overview and Scrutiny Board (namely Councillors Atiya-Alla, Barrand, Brown, Bye, Mandy Darling, Douglas-Dunbar, Foster, Kennedy and Loxton and was Chaired by Councillor Douglas-Dunbar, Councillor Chris Lewis attended the meeting on 17 January 2022 in place of Councillor Bye and Councillor Dudley attended the meeting on 20 January 2022 in place of Councillor Atiya-Alla) and it met in public on 17 and 20 January 2022 to hear evidence and on 24 January 2022 in private to agree the key findings and recommendations to the Cabinet. At its public meetings the Panel heard from the Deputy Leader of the Council and the Cabinet Members as well as from officers from the Senior Leadership Team.
- 1.3 The Panel considered all of the proposals for investment in services, efficiencies and income generation for 2022/2023 as well as the overall budgets for Children's Services, Adult Services and Public Health and the findings from their meetings are set out in this report. The report was presented to the Overview and Scrutiny Board on 27 January 2022 and approved unanimously and will now be submitted to the Cabinet as part of the consultation process.
- 1.4 The background papers to the Review can be found at <https://www.torbay.gov.uk/DemocraticServices/ieListMeetings.aspx?Committeeld=1871>

## 2. Council Fit for the Future

- 2.1 Members acknowledged that the budget proposals had been developed with the continued financial impacts of Covid-19 and the Government having only provided a one-year Local Government Finance Settlement. The proposals included investment in several priority areas (thriving people, thriving economy and tackling climate change) with savings proposed to be made as a result of further efficiencies and investment, as well as allocation of an additional one-off Services Grant.
- 2.2 Members welcomed that there were no proposed cuts to services, which would adversely impact our communities who have already suffered because of Covid-19. However, Members acknowledged that the Council intended to increase the Council Tax by 1.99% allowed by the Government and the additional 1% for Adult Social Care which would increase the financial pressure on some families, especially in light of increasing energy costs. Members felt that the Council could do more to support residents who were most financially stretched through raising awareness of available support and signposting to organisations who could provide advice and guidance to them.
- 2.3 **Use of one-off investment.** Members were concerned in respect of the future sustainability of using one-off investment in certain areas within the budget proposals. They were advised that the use of one-off investment would enable the Council to have the capacity to progress with important capital and other major projects which otherwise would be delayed or not implemented without such investment. It would not be appropriate for such costs to be included within the base budget as this would result in further cuts needing to be identified for future years budgets. The Council was already expecting to need to find around £9m of savings in 2023/2024 and 2025/2026.
- 2.4 **Redesign of Council operations resulting from new ways of working (one-off funding).** Members sought assurance that the anticipated savings were realistic as they relied on changes in behaviour which would take a while to embed and were concerned over delays to the Customer Relations Management System. Members received and noted the following written response and were given such assurance to support this proposal:

“This saving chiefly depends on ways or working that have already been embedded in the Council, we are now in a position to realise savings from the changes, which do not rely upon the new Customer Relations Management system (CRM). The savings will come from a reduction in staff travel, a vastly reduced print requirement and a smaller reduction in our postage costs due to use of digital channels. Therefore we have confidence that these savings are realistic.

To note on the CRM work, Open Portal will be going live at the start of the new financial year, this is a new Civica Open Revenues product that will enable customers to process claims, pay bills, and update their accounts at a time convenient to them. This is the first of the new portal improvements this year and will be a foundation stone for the

new Civica CRM, which will bring further services online through a portal where our customers will be able to track their interaction with the Council when and where they want to use our services.”

2.5. **Increase organisational capacity (one-off funding).** Members questioned the areas which would benefit from this funding and how the capacity would be sustained and raised concern over the lack of capacity within the Overview and Scrutiny Support Function, within the Governance Support Team, which had resulted in the suspension of the Enforcement Action in Torbay Review and not allowed proposals to create an Adult and Public Health Sub-Committee, similar to that established for the Children and Young People’s Overview and Scrutiny Board, to be pursued. The Deputy Leader of the Council and Cabinet Member for Finance confirmed that this investment was designed to ensure that the Council could retain key staff and to fill the gaps where there were significant capacity pressures. The work market was very competitive at the moment and recruitment and retention is a pressure and this funding will be used to ensure that we have capacity and ability to fill vacancies and retain staff who have significant experience. A decision had not yet been made as to which specific areas would benefit from this funding but details were being developed by the Senior Leadership Team for consideration by the Cabinet.

2.6 **Investment in IT within SWISCo (one-off funding).** Members supported the review and rationalisation of IT licences to ensure consistency across the whole of the Council and to remove any unnecessary licences. However, Members sought assurance that the proposed investment of £1.5m in SWISCo after years of underfunding by Tor2 would be sufficient given the additional investment already made in 2021/2022 and the report of a significant overspend in this financial year. Members received and noted the following written response and were assured by the proposals:

“Since the end of the Tor2 contract and the start of SWISCo (1st July 2019) the Council has been working with the SWISCo Board to establish the correct level of annual funding to allow the company to deliver the core services to our communities, within a sustainable financial envelope. A new Managing Director for SWISCo will commence work at the end of January and the £400k investment in IT will improve the efficiency of the company. As the shareholder the Council has placed the Finance Director/Section 151 Officer on the SWISCo Board and the Council’s Deputy Head of Finance also attends the SWISCo Senior Management Team. The financial position of SWISCo is being heavily scrutinised to ensure that the right level of funding is made available to the company. We do not expect to apply for further revenue funding, but this cannot be ruled out, especially as the HGV driver shortage has not been fully resolved. A request for further capital funding for SWISCo can certainly be expected in future years as investment in vehicles and plant will be required.”

2.7 **Investment in Planning Services (one-off funding).** Members questioned the lack of proposals in respect of investment in housing and referred to the emerging recommendation from the Torbay's Housing Crisis Review and sought assurance on how this would be addressed to ensure that the Council is increasing available housing, especially affordable housing in Torbay:

“that a dedicated resource should be appointed to carry out appropriate enforcement on poor standards of accommodation and to bring empty properties back into use and an additional resource should be appointed to chase developers to progress sites which are not coming forward but have received planning permission; this is all linked to the establishment of the enabling role in house.”

Members received and noted the following written response:

“50% of the proposed one-off funding will be used to provide additional Development Management support and assist in clearing the backlog of older cases and reduce Officer Workloads and create a more sustainable workload per officer. In addition, we aim to provide a temporary resource to help progression with the stalled sites and untidy sites list. This will be through the use of agency staff, for a limited period. The other 50% of the funding will be used to address some of the digitisation of elements of the planning Service, in order for the more efficient operation of the service.”

Members supported the proposed investment in the Planning Team but were not satisfied that the response provided sufficiently addressed the concerns and proposals raised by Torbay's Housing Crisis Review Panel and have included their recommendation in the recommendations to Cabinet in section 6 of this report. In making this recommendation Members were aware of the difficulties in recruiting staff particularly within the Planning Team but highlighted the importance of ensuring that there was sufficient capacity within the Planning Team and Enforcement Team in order to help bring forward more housing, particularly affordable housing in Torbay and hoped that officers would be able to find a way to recruit the required officers within the additional investments proposed.

2.8 **Highways Budget.** Members noted that there were no proposed changes to the highways budget but highlighted that this was an area of concern that many local residents raised with them in their role as Ward Councillors. It was suggested that further investment should be made in our highways in terms of road safety, residents' parking and highways maintenance and that this will be explored further by the Overview and Scrutiny Board.

2.9 **Community Ward Fund.** Members supported the continuation of the Community Ward Fund to support community activity within each Council Ward.

### 3. Thriving People

- 3.1 **Adult and Children's Social Care.** Members supported the proposal to allocate the Social Care Grant to Children's and Adults Social Care to help improve the adult social care provider market and to provide a contingency for increased placement costs, additional funding for youth support and cover National Insurance and Inflationary costs for Children's Services.
- 3.2 **Adult Social Care and the Integrated Care Organisation.** Members acknowledged the increasing costs of Adult Social Care due to additional need, increasing costs for providers e.g. utility bills, staffing and other inflationary costs. Whilst the Government was increasing National Insurance this was initially being used to fund pressures within the NHS and would not reach Adult Social Care for at least three years. It was noted that the overall budget for Adult Services had already been set and was the final year of a three-year budget which had previously been agreed between the Council and the Integrated Care Organisation (ICO). Members questioned the impact of the ongoing negotiations between the Council and the ICO in respect of the agreement from 2023 and were assured that agreement was anticipated in the next few weeks and that any changes would impact on the budget for 2023/2024 and not 2022/2023.
- 3.3 **Investment in Special Educational Need and Disability (one-off funding).** Members supported the proposal to provide additional funding to help children benefit from earlier identification of targeted support for additional needs. This had been identified as an area for improvement by the Council and our partners through a recent Peer Review and Ofsted Inspection.
- 3.4 **Use of alternative funding to continue work with Groundwork South West.** Members were concerned over the intended use of Section 106 moneys when the Council had been unable to spend such money in the past due to constraints within the agreements restricting what the monies can be spent on and asked what other consideration had been given to greater use of volunteers to assist with this role and reduce costs. Members received and noted the following written response and supported this proposal:

"Green Space Section 106 monies have historically proved a challenge to allocate in accordance with the legal deed due to officer capacity and the lack of 'Friends of Groups' or such groups not necessarily being pro-active enough. With the support of SWISCo's Communities Team and the specific funding for this post, future and wider support of community volunteering and 'Friends of Groups' within green spaces, more Section 106 allocations will be achieved.

Community engagement and volunteering requires management and guidance to complete risk assessments, method statements and compliance with insurances that require officer input. The Green Spaces Engagement Officer role is to support such groups for example the Tree Warden Scheme and provide professional support and guidance.

Funding for the Green Spaces Engagement Officer within SWISCo will take a percentage top slice of the Section 106 legal deeds. This is currently a 2-year fixed role. There is a budget of £1.1m and these costs will be included.

This budget proposal relates to the commissioning of Groundwork from the Community Engagement budget but the risks around allocating Section 106 money still applies, although it is still achievable.”

## 4. Thriving Economy

- 4.1 **Review of fee structure for beach huts.** Members supported the proposal to review the fee structure for beach huts to meet the demand for sites based on location, facilities etc.
- 4.2 **Prudential borrowing costs for the Pavilion.** Members supported this proposal which would help to progress repair works to the Pavilion and start the journey to bring this disused building back into future use.
- 4.3 **Reduced contribution from the Harbour account.** Members supported transferring £75,000 back into the Harbour account as the Harbour reserves had been used over the past years to help fund the overall Council budget reducing the amount available for the Harbour to spend on unforeseen costs.
- 4.4 **Premier Resort funding (one-off funding).** Members questioned the sort of events proposed under this funding, if the level proposed was sufficient and how would more permanent funding solutions be found. Members received and noted the following written response:

“This budget is able to provide additional support to further the commitment to the visitor economy. We know from the evidence that is being collected by TDA for a new Destination Management Plan (DMP) that the sector wants to see investment which will help attract new visitors particularly visitors with an interest in cultural activities, we also know that other themes which are likely to be important include food and drink, watersports and the Geopark designation.

This investment is informed by the DMP but also by the Events Strategy which sets out that we want to achieve:

- A year-round, area-wide events offer
  - Support recovery from Covid-19 pandemic and sets direction for events in the Bay
  - Use events to meet the vision of premier resort
  - Meet social, cultural, economic, skills and sustainability needs of the local area
- And;
- o Enhance the national and international profile and reputation of the area (including profile of UNESCO Global Geopark designation)
  - o Deliver high quality events
  - o Attract visitors to the area year-round and align with the Destination Management Plan
  - o Deliver measurable benefits for local businesses

- o Encourage civic pride and community cohesion

We also know that the visitor economy sector and our visitors want to be able to see improvements in other areas of the Bay to help encourage visits and while the proposed investment is likely to support events and the objectives referenced above we will explore how the funding might support improvements in infrastructure that supports the visitor economy and potentially investment which can help improve the wider economy as a successful economy will help to provide revenues which support these activities in the future.

In addition to this funding the Council has previously allocated a further £750k of one-off funding towards Events, Culture & Heritage initiatives, which will be spread over a number of years. In the case of Events funding the money will be matched in some areas by the English Riviera BID Company, again over several years, to ensure that we continue to promote Torbay as a premier resort. Other previously allocated one-off funding includes £100k towards illuminations around Torquay Harbour, £150k towards beach/sea-front improvements and significant investment in the renewal of festoon illuminations in Torquay and Paignton.”

Members supported this proposed investment and welcomed the closer working with the English Riviera BID Company and options to explore further funding opportunities for the benefit of residents and visitors of Torbay.

## **5. Tackling Climate Change**

- 5.1 **Appointment of additional climate change officers and climate change subsidy (one-off funding).** Members supported the proposals to provide additional investment to enable the Council to increase activity to support climate change across Torbay to help reach its carbon neutral aspirations but did not feel that the funding went far enough towards reaching our targets. Members noted the joint working with Devon and the proposed communication and engagement work being undertaken to raise awareness of climate change and tips for residents to help them to make a difference. They also received and noted the following written response:

“We have commissioned the estate investment grade decarbonisation audits of a number of our buildings and the Green Fleet Review. From this we will have a pipeline of projects that the £100k can fund, but this will not go far. The 6 audits for schools are likely to suggest maybe a £1m pot would be needed to fully decarbonise. Information is being gathered from comparable Authorities as to what a reasonable figure would be required for the projects proposed, to allow us to meet our Carbon reduction targets.

The Council's bold ambition to become carbon neutral needs to be matched by bold action, which should include timely and supportive decision making. In general terms the impact of this funding on the Council's response to tackling climate change will be modest but it will certainly help identify what actions are required and the likely investment that will be necessary.”

**5.2 Reduction in cost for disposal of residual waste.** Members sought assurance that this target was achievable considering the impact that Covid-19 has had on our waste collection rates, with many residents not receiving regular collections due to staff shortages and questioned what other options had been considered to help increase recycling rates and reduce the amount of residual waste collected. Members received and noted the following written response and their concerns were alleviated although they appreciated that this was a very challenging target:

“Through the interventions of our Recycling Support Co-ordinators (RSCs), at a household level (monitoring activity, leaflets, bin stickers and door knocking), we are seeing increases in both yield and participation levels e.g. food waste collected has risen from 42.8 kg/household in 2019/20 to 48.62 kg/household in 2020/21. However, the pandemic increased both recycling and residual waste (residual more than recycling) and the arisings have not yet returned to pre-pandemic levels. We do not yet know if they ever will, as so many people might work from home on a permanent basis.

We are hoping that the RSCs will be able to attend community events this year, to further encourage participation in recycling. However, through engagement and communication alone, without any bold service changes, which could also free up the resource to establish a garden waste collection, the impact of the RSCs will be modest and incremental (estimated at circa 2% increase each year). We also need to recognise that many of our planned campaigns for recycling have been postponed during the last year due to collection delays.

Delays in waste collections may also have a longer-term impact on people’s recycling behaviour as they lose faith in the recycling process. The loss of faith in materials actually being recycled is identified nationally as a barrier to recycling by the Waste and Resources Action Programme (WRAP).

The corporate plans to increase recycling and to reduce residual waste have been laid out in the Council’s Resource and Waste Management Strategy and its associated Action Plan. In addition, we are focussing on identifying households with additional residual waste bins and asking them to re-apply for the additional bin, alongside support to recycle more.

A 1% improvement in the recycling rate saves about 500 tonnes of residual waste and this delivers a £50k saving in the waste disposal budget. Therefore, a 2.4% annual improvement delivers £120k, which would cover the cost of the work delivered by the four RSCs and a 4.8% annual improvement would also deliver a £120k base reduction but the new and improved recycling rate would need to be sustained.

In addition to the kerbside collected residual waste, this particular budget line also covers the Recycling Centre residual waste costs, as well as the street cleansing waste and some of these areas are beyond the influence of the

Recycling Support Co-ordinators. In summary this target is indeed a challenge and many variables exist which limit our ability to deliver this saving.”

## **6. Recommendations**

That the Cabinet be recommended:

- 6.1 to review the resources within the Governance Support Team in respect of the Overview and Scrutiny Function to ensure that there is sufficient capacity within the Team to enable an effective and efficient overview and scrutiny function which adds value and supports the good governance of the Council;
- 6.2 to ensure adequate support services are put in place to support our residents facing financial difficulty to raise awareness of the support available and to signpost them to relevant support and advice;
- 6.3 to consider increasing the investment in Climate Emergency to enable the Council to act upon the recommendations arising from the estate investment grade decarbonisation audits of our buildings and the Green Fleet Review in a timely manner;
- 6.4 that a dedicated resource should be appointed to carry out appropriate enforcement on poor standards of accommodation and to bring empty properties back into use and an additional resource should be appointed to chase developers to progress sites which are not coming forward but have received planning permission; this is all linked to the establishment of the housing enabling role in-house; and
- 6.5 to consider making significant investment in highways funding to be used to fund parking schemes, road safety and to help improve the highways in residential areas;

That the Overview and Scrutiny Board be recommended:

- 7.1 to add review of highways to the Overview and Scrutiny Board work programme to enable the Board to understand the current situation and explore the options available for highways improvements; and
- 7.2 to add the outcome of the Planning Advisory Service review of the Planning Service to the work programme to give the Board assurance that improvements are being put in place to support the service.

**Meeting: Cabinet/Council**      **Date: 22 February 2022 / 3 March 2022**

**Wards affected: All wards in Torbay**

**Report Title:** Torbay Council Annual Pay Policy Statement including Gender Pay Gap Report and Review of Pensions Discretions

**When does the decision need to be implemented?** By 30<sup>th</sup> March 2022

**Cabinet Member Contact Details:** Christine Carter, Cabinet Member for Corporate and Community Services, (01803) 207087, [Christine.Carter@torbay.gov.uk](mailto:Christine.Carter@torbay.gov.uk)

**Director/Divisional Director Contact Details:** Anne-Marie Bond, Chief Executive, (01803) 207160, [Anne-marie.bond@torbay.gov.uk](mailto:Anne-marie.bond@torbay.gov.uk)

## 1. Purpose of Report

---

- 1.1 Section 38 (1) of the Localism Act 2011 requires English and Welsh Authorities to produce a pay policy statement for each financial year. This is a statutory requirement, and the pay policy statement must be approved formally by Full Council. The pay policy statement draws together the Council's overarching policies on pay and conditions and will be published on the Council's Website.
- 1.2 The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires the Council to publish our gender pay gap data and provide a written statement on our public-facing website and report our data to Government.
- 1.3 Under the current Pensions Regulations, Torbay Council is able to exercise a range of discretions in regard to how the Local Government Pension Scheme (LGPS) is applied to its employees who are members of the Scheme.

## 2. Reason for Proposal and its benefits

---

- 2.1 The Annual Pay Policy Statement 2021/22 must be approved by the Council in order for the Council to be compliant with Section 38 (1) of the Localism Act 2011.
  - 2.2 The Gender Pay Gap Report contains information which ensures that the Council is compliant with Gender Pay Reporting requirements under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.
  - 2.3 The Employers Pensions Discretions must be reviewed and approved by Council annually in line with the LGPS regulations.
-

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

---

That Council be recommended to approve:

- 1) the Torbay Council Annual Pay Policy Statement 2022/23 as set out in Appendix 1 to the submitted report be approved for publication;
- 2) the Torbay Council Gender Pay Gap Report, contained within the Annual Pay Policy Statement 2022/23 in Appendix 1 be approved for publication; and
- 3) the Employers Pensions Discretions set out in Appendix 2 to the submitted report be approved for publication.

#### **Appendices**

Appendix 1: Torbay Council Pay Policy Statement and Gender Pay Gap Report 2022/23

Appendix 2: Torbay Council Pension Discretions

#### **Background Documents**

Copies of Torbay Councils associated Pay Policies will be made available upon request. All current policies are held on the Council's MyView system:-

<https://myview.torbay.gov.uk/dashboard/dashboard-ui/index.html#/landing>

The following documents/files were used to compile this report:-

Localism Act Pay Policy Guidance from the Local Government Association

<https://www.local.gov.uk/introduction-localism-act>

Gender Pay Gap Reporting guidance from GOV.UK and Acas:-

<https://www.gov.uk/guidance/gender-pay-gap-reporting-make-your-calculations>

[https://archive.acas.org.uk/media/4764/Managing-gender-pay-reporting/pdf/Managing\\_gender\\_pay\\_reporting\\_07.02.19.pdf](https://archive.acas.org.uk/media/4764/Managing-gender-pay-reporting/pdf/Managing_gender_pay_reporting_07.02.19.pdf)

## Supporting Information

---

### 1. Introduction

---

- 1.1 The publication of the Annual Salary Statement is a statutory requirement under Section 38 (1) of the Localism Act 2011. If Council does not approve the Salary Statement then the Council will be in breach of the legislation.
- 1.2 The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires all local authorities and other public, private and voluntary sector organisations to publish their gender pay gap data. They must also publish a written statement on their public website and Government website using the gender pay gap reporting service.  
  
See Annual Pay Policy Statement, Appendix 1, for full details.
- 1.3 Under the current Pensions Regulations, Torbay Council is able to exercise a range of discretions in regard to how the Local Government Pension Scheme (LGPS) is applied to its employees who are members of the Scheme. The Employers Pensions Discretions must be reviewed and approved by Council annually in line with the LGPS regulations.  
  
See Pensions Discretions, Appendix 2, for full details of the existing and recommended discretions.

### 2. Options under consideration

---

- 2.1 There are no options to be considered in regard to the publication of the Pay Policy Statement including the publication of Gender Pay Gap information as these are statutory requirements under Section 38 (1) of the Localism Act 2011 and The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.
- 2.2 There are no options to be considered in regard to the publication of the Pay Policy Statement as it is a Statutory requirement of Section 38 (1) of the Localism Act 2011.
- 2.3 The Employers Pensions Discretions were last approved by Council in February 2021. Although there are no changes proposed, Council are required to approve these discretions on an annual basis.

### 3. Financial Opportunities and Implications

---

- 3.1 There are no financial opportunities. The implications are in relation to financial penalties that the Council could face for non-compliance, for example, under equal pay legislation.

## 4. Legal Implications

---

- 4.1 The Council would be in breach of its statutory obligation if it does not publish its Annual Pay Policy Statement and Gender Pay Gap information in accordance with the Localism Act 2011 and The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.
- 4.2 The Pay Policy Statement and associated pay policies set out the processes and procedures by which the Council pays its staff. These practices are in accordance with the Equality Act 2010 and associated employment law and so must be complied with.

## 5. Engagement and Consultation

---

- 5.1 Trade Unions representing staff within Torbay Council will be consulted at Joint Consultative meetings.

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

---

- 6.1 There are no associated services or goods that need to be purchased or hired under these proposals.

## 7. Tackling Climate Change

---

- 7.1 There are no climate change implications associated with these proposals.

## 8. Associated Risks

---

- 8.1 Non-Compliance with Section 38 (1) of Localism Act 2011, The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, see above. It is currently not determined as to whether there would be a financial penalty for non-compliance with the Localism Act however, under employment law non-compliance could result in heavy penalties for the Council (e.g. Equal pay and discrimination claims).
- 8.2 In regard to non-compliance with Gender Pay Gap Reporting, this is included in the explanatory note to the Regulations that states that failure to comply with the duty will constitute an "unlawful act" within the meaning of s.34 of the Equality Act 2006, which empowers the Equality and Human Rights Commission (EHRC) to take enforcement action.
- 8.3 In addition to the risk of enforcement action by the EHRC, the Council should also consider the potential damage to their reputation of non-compliance with the gender pay gap reporting duty.

## 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			Employers Pensions Discretions affecting employees who are 55 years and above. A neutral impact as the proposal is that the discretions will not change since they were last reviewed in 2021.
People with caring Responsibilities			
People with a disability			
Women or men	<p>An Equality Impact Assessment was undertaken for the Council's Pay and Grading structure in 2019 – this indicated that men and women are both positively impacted by the new pay and grading structure.</p> <p>The current gender pay gap is narrow – this indicates that the Council's pay and grading structure, associated pay policies and processes are fair and equitable for men and women.</p>		
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			
Religion or belief (including lack of belief)			
People who are lesbian, gay or bisexual			

People who are transgendered			
People who are in a marriage or civil partnership			
Women who are pregnant / on maternity leave			
Socio-economic impacts (Including impact on child poverty issues and deprivation)	The current gender pay gap is narrow – this indicates that the Council’s pay and grading structure, associated pay policies and processes are fair and equitable for men and women. As a large employer, this assists in the recruitment and retention of local people.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			Neutral, no public health impact identified as a result of proposals.

## 10. Cumulative Council Impact

---

10.1 None.

## 11. Cumulative Community Impacts

---

11.1 None.

# Annual Pay Policy Statement 2022-23

December 2021

---

This document can be made available in other languages and formats.  
For more information please contact [hrpolicy@torbay.gov.uk](mailto:hrpolicy@torbay.gov.uk)

---

## 1. Purpose and Scope

- 1.1 Section 38 (1) of the Localism Act 2011 requires the Council to prepare an Annual Pay Policy Statement.
- 1.2 Supplementary guidance was published in February 2013 – “Openness and Accountability in Local Pay: Supplementary Guidance”. Due regard has been given to that guidance in preparation of this policy.
- 1.3 In dealing with staff pay it is the Council’s strategy to ensure that our Pay Policy facilitates the recruitment and retention of staff with the skills and capabilities the Council needs.
- 1.4 Arrangements for staff pay must comply with Equal Pay legislation.
- 1.5 Senior Officers – these are posts with specific responsibility such as Section 151 Officer and/or where the salary is above £50,000
- 1.6 This Pay Policy Statement is a supplement to Torbay Council’s overarching Pay and associated policies which form part of the terms and conditions of employees. These include but are not limited to:-
  - Torbay Council Pay Policy
  - Job Evaluation Scheme Policies (Greater London Provincial Councils Job Evaluation Scheme).
  - NJC Terms and Conditions of Employment (Green Book)

- JNC Terms and Conditions for Chief Executives
- JNC Terms and Conditions for Chief Officers (Directors within Torbay Council are appointed to these Terms and Conditions).
- NHS Terms and Conditions
- Torbay Council Local Government Pension Scheme Policy Discretions
- Employment of Apprentices Policy
- Re-evaluation Policy
- Temporary Acting Up Policy
- Temporary Additional Duties Policy
- Expenses Policy
- Market Supplement Policy
- Market Forces Policy
- Staff Travel Plan
- Key Skills Retention Policy
- Key Skills Golden Hello Scheme
- Key Skills Student Loans Allowance Scheme
- Key Skills Referral Scheme
- Key Skills Accommodation Allowance
- Flexible Retirement
- Retirement and Long Service Award
- Re-organisation and Redundancy Policy

1.7 Guidance from the Secretary of State makes reference to the Hutton Review of Fair Pay. This indicated that the most appropriate metric for pay dispersion is the multiple of Chief Executive pay to median salary. Tracking this multiple will allow the Council to ensure that public services are accountable for the relationship between top pay and that paid to the wider workforce. This annual pay policy statement will publish this multiple along with the following information:

The level of salary for each of the Officers as defined in 1.5 above;

The salary of the lowest paid employee - this information can be found in Appendix 1 of this policy.

## **2. Arrangements for officer pay**

2.1 The general terms and conditions of employment are governed by the following national agreements:

- Chief Executive/Head of Paid Service - JNC for Chief Executives of Local Authorities
- Directors and Divisional Directors - JNC for Chief Officers of Local Authorities
- Senior Officers - NJC for Local Government Services
- Educational Advisors and Inspectors/ Educational Psychologists – Soulbury Pay and Conditions
- All other Employee Groups – NJC for Local Government Services
- Public Health – NHS Terms and Conditions of Service (for employees who have transferred under TUPE)

2.2 The Council uses two forms of Job Evaluation to identify officer pay. This is either through the Council’s GLPC Job Evaluation Scheme or the Hay Evaluation Scheme. The Hay Evaluation scheme produces both a Know How Score and a total points score for each post evaluated. Torbay Council pays salary (with a pay band of 4 spinal points) on the basis of the Know How Score only (not the final points score). Know-How is the sum of every kind of knowledge, skill and experience required for standard acceptable job performance.

2.3 The Hay Job Evaluation scheme is used to evaluate the following roles within the Council:-

- Chief Executive/Head of Paid Service
- Directors and Divisional Directors
- Senior Officers

All Grade N and O roles are evaluated under GLPC and Hay (this is due to the cross over point of the two schemes).

Public Health posts are evaluated on the Council’s GLPC Job Evaluation Scheme. Public Health posts can also be evaluated using the “Agenda for Change” evaluation scheme in order to ensure pay parity for similar clinical roles in the NHS.

All other posts within the Council are evaluated under the Torbay Council GLPC evaluation scheme in accordance with the agreed policies.

2.4 A review of Hay salary data was purchased in 2018 and salaries were reviewed in line with this and with South-West public and private sector data. This salary information, together with corresponding job descriptions, is available from the Council’s internet page, link as follows:- <http://www.torbay.gov.uk/council/finance/salary-levels/>

2.5 In determining the salary for the Chief Executive/Head of Paid Service within the Council, and in the absence of appropriate data from Hay, the Council will take advice from the Head of Human Resources. In such a scenario independent advice will be sought from

South West Councils (HR and Employment Services) and other professional organisations to advise the Council as to the appropriate level of remuneration to be awarded.

- 2.6 The Chief Executive under the general scheme of delegation within the Council will determine the terms and conditions of employment of all officers. Advice will be sought from the Head of Human Resources as required.
- 2.7 Following significant changes in duties, any post can be re-evaluated. The evaluation will be based on a Job Evaluation Questionnaire which will be assessed by an independent panel of Job Evaluation trained assessors. External advice and benchmarking will also be undertaken if necessary to ensure that market conditions are taken into account for pay and grading.
- 2.8 Salary increases in relation to cost of living will be applied to all posts according to the awards made by the appropriate National Joint Council as described in paragraph 2.1.

The Council's pay and grading structure is available from the Council's website :-  
<https://www.torbay.gov.uk/council/jobs/what-we-offer/salary-and-grades/>

- 2.9 No additional payments are made to in respect of:
- Bonus payments or Performance payments to the Senior Officers defined in 1.5, unless where given as a result of protections under TUPE, i.e. a transfer from another employer.
  - Additional enhancements are paid to NJC Employees who are employed on SCP 23 or below of the Torbay Council Salary Scale. These enhancements were varied in accordance with a Collective Agreement with our Trades Unions, dated 13th December 2016.
- 2.10 Additional payments are made to any Council Officers who act as Returning Officers, Deputy Returning Officers and those who carry out specific duties at elections. These payments are calculated according to the approved scale or set by a government department depending on the nature of the election. This is treated as a separate employment as and when required.
- 2.11 In comparing the Chief Executive/Head of Paid Service pay with the wider workforce the Council will use the following definitions:
- The lowest-paid employee: the employee or group of employees with the lowest salary (full-time equivalent) employed by the Council at the date of assessment.
  - The median: the mid-point salary when full-time equivalent salaries are arranged in order of size (highest to lowest). Based on salary levels of staff on the date of assessment.

This excludes those employed on casual contracts of employment but includes part time employees where their salaries are normalised to the full-time equivalent. It also excludes Apprentices who are employed on the Torbay Council apprentice pay grade.

### 3. Pensions contributions and other terms and conditions

3.1 All staff who are members of the Local Government Pension Scheme make employee contributions to the scheme in accordance with the following LGPS contributions table. However, these figures represent the 2021/22 contribution rates and bandings which could be subject to change and have not yet been confirmed for 2022/23.

Band	Salary Range	Contribution Rate	Contribution Rate
1	£0 To £14,600	5.50%	2.75%
2	£14,601 To £22,900	5.80%	2.90%
3	£22,901 To £37,200	6.50%	3.25%
4	£37,201 To £47,100	6.80%	3.40%
5	£47,101 To £65,900	8.50%	4.25%
6	£65,901 To £93,400	9.90%	4.95%
7	£93,401 To £110,000	10.5%	5.25%
8	£110,001 To £165,000	11.4%	5.70%
9	£165,001 or more	12.5%	6.25%

3.2 The employer pension contribution rate is: 16.70% for Core Council and 18.50% for Schools based staff which has been set from 1<sup>st</sup> April 2022.

3.3 All employees are currently able to apply for a Car Parking permit, which enables employees to park on Council property for a reduced daily rate.

#### **4. Termination payments - Chief Officers**

- 4.1 The Council's approach to statutory and discretionary payments on termination of employment of Chief Officers, at retirement age or prior to this, is set out within its Redundancy policy and is in accordance with Regulation 5 of the Local Government (Early termination of Employment) (Discretionary Compensation) Regulations 2006 and Regulations 8 and 10 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007. Final payment details are submitted to Full Council for approval.

#### **5. Salary packages upon appointment**

- 5.1 Any salary package offered in respect of a new appointment for a Chief Executive /Head of Paid Service will be approved by Full Council. This will include any new salary package equating to £100,000 or more.
- 5.2 In the case of salary packages for Directors and Divisional Directors, this will need to be approved by the Council's Employment Committee, acting on behalf of Full Council. This will include any salary package equating to £100,000 or more

#### **6. Settlement agreements**

- 6.1 Torbay Council will only enter into Settlement Agreements in exceptional circumstances where it is in the Council's overall commercial and financial interests to do so. Any Settlement Agreement for the Chief Executive/Head of Paid Service will be approved by the Full Council. This will include any severance package including associated pension costs equating to £100,000 or more.
- 6.2 In the case of Settlement Agreements for Directors and Divisional Directors, this will need to be approved by the Council's Employment Committee acting on behalf of full Council. This will include any severance package including associated pension costs equating to £100,000 or more.
- 6.3 Settlement Agreements for any other member of staff will need to be authorised by the Director of the service following consultation with the Chief Executive/Head of Paid Service.

#### **7. Gender pay gap reporting**

The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires Torbay Council to calculate and publish the pay gap between male and female employees every

year. Pay data must be based on a 'snap-shot' of the pay situation as at 31st March the preceding year and must be published by 30th March 2021 to the Government and also on Torbay Council's website:- <https://www.torbay.gov.uk/council/finance/salary-levels/>

The Government publishes the results on their Gender Pay Gap Viewing Service:- <https://gender-pay-gap.service.gov.uk/>

The Pay Gap Report is included as part of this policy, see Appendix 2 – Gender Pay Gap Report.

## 8. Publication

- 8.1 Once approved by Full Council, this Policy and any subsequent amendment will be published on the Council's website. Human Resources Policy will be responsible for the annual review to ensure an accurate pay policy is published ahead of each financial year.
- 8.2 In accordance with the Code of Practice on Local Authority Accounting, the annual Statement of Accounts includes pay details of Senior Officers reporting directly to the Chief Executive/Head of Paid Service and statutory posts where the salary is above £50,000 per annum.
- 8.3 Full Council decisions in relation to staff pay matters are available from the Council's internet page, link as follows:  
<http://www.torbay.gov.uk/DemocraticServices/ieDocHome.aspx>

### **Current Salary Levels for Chief Executive/Head of Paid Service, Directors, and other Senior Officers**

Torbay Council publishes a Salary Levels list with post details, salary bands and full-time equivalent salaries, available from Torbay Council's website:-  
<https://www.torbay.gov.uk/council/finance/salary-levels/>

### **Equality Statement**

This policy applies equally to all Council employees regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership. Care will be taken to ensure that no traditionally excluded groups are

adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

## Appendix 1 - Multipliers

The idea of publishing the ratio of the pay of an organisation’s top salary to that of its median salary has been recommended in order to support the principles of Fair Pay and transparency. These multipliers will be monitored each year within the Pay Policy Statement.

In comparing the highest paid salary with the wider workforce the Council will use the following definitions:-

- The lowest-paid employee: the employee or group of employees with the lowest rate of pay (full-time equivalent) employed by the Council at the date of assessment. This includes all types of employment within the Council.
- The median: the mid-point salary when full-time equivalent salaries of all core council staff are arranged in order of size (highest to lowest). Based on the salary levels of staff on the date of assessment. This includes all types of employment within the Council.

The Council’s current ratio in this respect is 5.19:1, i.e. the highest salary earns 5.19:1 times more than the Council’s median salary. The lowest full time equivalent salary is £17,842 which is Grade A, scale point 1. When measured against the lowest salary the ratio is 8.13:1.

Date of assessment: December 2021.

	Annual Salary	Ratio to Highest
Highest Salary	Within the banding £139,999 - £145,000	
Median (Mid-point) value	£27,960	5.19:1
Lowest full-time salary	£17,842	8.13:1

There is a bigger difference in the ratio between the highest and lowest salaries currently, compared to the 2020/21 Annual Pay Policy Statement. This can be attributed to the fact that

the Local Government NJC Pay Award is still pending (as at December 2021), therefore, the lowest full-time salary has not changed since 2020 which affects the overall pay difference.

## Appendix 2 – Gender Pay Gap Report

This report is provided in compliance with the ‘The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017’ which came into force on 31st March 2017.

### Scope

This report covers all employees of Torbay Council including all staff permanently and temporarily employed on the reporting ‘snapshot date’ (31st March 2021). This includes those on casual contracts that worked during the pay period ending 31st March 2021.

In accordance with the Regulations, employees of Torbay Council’s maintained schools\* are treated as being employed by the governing body of the school and not as Council employees. Consequently, employees in maintained schools have been excluded from the Council’s gender pay calculations. The duty to report GPG information applies to organisations with 250 or more employees. None of Torbay Council’s maintained schools individually exceed this figure and so will not need to make a submission. In the case of schools who are part of a multi-academy trust and which may collectively exceed 250 employees, they will be required to report their gender pay information as the employer and take advice as appropriate.

\* Maintained schools are regarded as foundation, community, voluntary, nursery or special schools. (<https://www.gov.uk/guidance/gender-pay-gap-reporting-overview>)

### Definition of Pay

Under the regulations, and therefore in this report, ‘pay’ includes: basic pay, paid leave (including annual leave, sick leave, maternity, paternity, adoption and parental leave (except where an employee is paid less than usual because of being on leave)), allowances, shift premium pay and bonus pay. ‘Pay’ does not include: overtime pay, expenses, the value of salary sacrifice schemes (however the reduction to salary is included), benefits in kind, redundancy pay and tax credits.

### Gender pay gap and equal pay

The gender pay gap is defined as the difference between the pay of men and women. While there are many ways of presenting this data, under the regulations and in this report there are only two measures: median hourly pay and mean hourly pay. Each is represented as the percentage of the difference with men’s pay being the divisor. Therefore, where men are paid

more than women, the pay gap will be 'positive' (i.e. with a 3% pay gap women earn 97p for every £1 a man earns). Negative pay gaps are represented as minus percentages (i.e. with a negative pay gap of minus 3% women earn £1.03 for every £1 a man earns). Gender pay gap is not about men and women being paid differently for the same job which has been prohibited by equal pay legislation since 1975. Even with this legislation, historically certain occupations have attracted greater pay due to the value placed on typical masculine and feminine skills.

To comply with equal pay legislation, we operate a recognised job evaluation scheme which covers all posts within the Council. This is supported by periodic pay data reviews to ensure that our pay structure remains transparent and free from gender bias. The Council seeks external advice on JE where required and regularly benchmarks against market data.

## Defining pay gaps

A gender pay gap of less than +/- five percent is considered to be acceptable as defined by the Equality and Human Rights Commission's Equal Pay Toolkit. All gender pay gaps of three percent or more are subject to further analysis to identify the main causes and contributory factors of any pay differences.

A positive pay gap indicates that men are paid more, a negative pay gap indicates that women are paid more.

## Analysing pay gaps

In regard to Gender Pay Gap Reporting, both the mean and median figures have to be reported, however, the median is referred to, to highlight the overall gender pay gap as it is more representative of the average earnings of a typical person (Annual Survey of Hours and Earnings, 2017:5). Significant pay gaps can often be explained by length of service, market factors, pay protection and/or progression.

## Findings

The following summary has been prepared in line with the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 which requires public sector employers to publish specific details of their gender pay, as follows:-

- Median gender pay gap in hourly pay.
- Mean bonus gender pay gap.
- Median bonus gender pay gap.

- Proportion of males and females receiving a bonus payment.
- Proportion of males and females in each pay quartile.

**The difference between the average (mean and median) hourly rate of pay for male and female employees**

1. The mean pay for women is £16.01 per hour and mean pay for men is £16.09 per hour. Therefore the mean gender pay gap 0.49%.
2. The median pay for women is £15.37 and the median pay for men is £15.28 per hour. Therefore the median gender pay gap is -0.58%.

**The difference between the average (mean and median) bonuses paid to male and female employees over the period of 12 months ending with the snapshot date of 31st March 2021.**

3. No bonuses were paid to employees during this period.

**The proportion of male employees, and of female employees, who were paid bonuses during the period of 12 months ending with the snapshot date of 31st March 2021.**

4. No bonuses were paid to employees during this period.

**5. The proportions of male and female employees in each quartile of the pay distribution – to be supplied**

Quartile	Posts	Men (Count)	Men ( % )	Women (Count)	Women ( % )
A - Lower (0-25%)	245	54	22.04%	191	77.96

B - Lower Middle (25-50%)	245	76	31.02%	169	68.98%
C - Upper Middle (50-75%)	245	80	32.65%	165	67.35%
D - Upper (75-100%)	245	98	40.00%	147	60.00%
Total Posts	980	308	31.43%	672	68.57%

## Findings

Torbay Council employed 980 employees on 31st March 2021, as a headcount figure. This figure does not include our School employees.

The previous Gender Pay Gap Report highlighted a -1.3% mean gap in favour of women and a -2.8% median gap in favour of women, however this years' figure shows the gap to be 0.49% mean gap and a -0.58% median gap in favour of women, therefore highlights a more reduced gap between men and women's pay than last year.

The Council's gender pay gap position remains well below the public and private sector averages.

The mean gender pay gap for the whole economy (according to the 2021 Office for National Statistics (ONS) Annual Survey of Hours and Earnings (ASHE) figures, Table 1.12) is 14.9% and 14.8% for the public sector.

The median gender pay gap for the whole economy (according to the 2021 ONS ASHE figures, Table 13.12) is 15.4% and 18% for the public sector:-

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/annualsurveyofhoursandearningsashegenderpaygaptables>

The Council introduced a new pay and grading structure in April 2019 and a full equality impact assessment was undertaken to assess any adverse impact upon certain groups, including a gender analysis. This has since been reviewed and changes to the Council's job evaluation conventions have further been consulted on with Trades Unions to ensure that evaluation of any new and existing jobs continues to be fair and equitable. .

In addition to this, the following proposals are put forward to review and minimise any pay gaps going forward:-

- Review gender pay gap to explore the root causes contributing to any pay gaps and actions required to reduce the gap.
- Introduce strategic workforce planning that will support the fairness and equity of pay and development of all employees.
- Further work to review our pay and grading structure to ensure that it remains transparent and free from gender bias.
- Market Forces and Market Supplement process has been reviewed (October 2021), however, we will continue to review the criteria and the appropriateness of these processes to ensure they reflect market conditions.
- Recruitment Strategy and associated policy and processes will be reviewed to ensure that the Council continues to attract and retain a diverse workforce.
- Regular Audits of Job Evaluations Grading outcomes to ensure consistency, fairness and equality of approach and compliance to scheme.
- Implement consistent monitoring of internal promotions and progressions by gender.
- Continue to utilise staff development and talent management opportunities (e.g. through the management development programme, appraisals and apprenticeships).
- Continue monitoring the impact of restructures on staff with protected characteristics such as gender.
- The above listed proposals may also be applied to other protected characteristics such as age, disability and ethnicity.

Signed by:-

Print Name and Job Title:-

Date:-

Sources of Information:-

**Equality and Human Rights Commission:-**

<https://www.equalityhumanrights.com/sites/default/files/research-report-109-the-gender-pay-gap.pdf>

**ACAS:-**

[https://archive.acas.org.uk/media/4764/Managing-gender-pay-reporting/pdf/Managing\\_gender\\_pay\\_reporting\\_07.02.19.pdf](https://archive.acas.org.uk/media/4764/Managing-gender-pay-reporting/pdf/Managing_gender_pay_reporting_07.02.19.pdf)

**Office for National Statistics:-**

<https://www.ons.gov.uk/releases/understandingthegenderpaygap>

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/annualsurveyofhoursandearningsashegenderpaygaptables>

## Policy Feedback and History

---

Should you have any comments regarding this policy, please address them to the HR Policy mailbox –

[HRpolicy@torbay.gov.uk](mailto:HRpolicy@torbay.gov.uk)

### History of Policy Changes

This policy was first agreed by members of the Torbay Joint Consultative Committee in March 2012

Date	Page	Details of Change	Agreed by:
November 2012	Various	Amendment from Chief Executive to Chief Operating Officer	SSG 8.11.12 Approved by Full Council
6th December 2012	5-6	Update to pension ranges re: LGPS contribution rates Addition of Payments upon Termination Section	Approved by Full Council
6th December 2012	7	Update to Ratio + Multiplier information (Appendix 2)	Approved by Full Council
6th December 2012	6	Update to current salary levels + addition of newly appointed posts (Appendix 1)	Approved by Full Council

5th December 2013	Various	Update to current salary levels and reference to Chief Executive Officer throughout. Inclusion of Public Health information.	To be approved by Full Council – 5.12.13
5th December 2014	Various	Update to current salary levels and pension rates, reference to Executive Head of Commercial Services.	To be approved by Full Council – 4.12.14
November 2015	Various	Update to reflect structure changes, e.g. Chief Officer/Head of Paid Service and Assistant Director roles. Reference to National Living Wage from 1.4.16.  New section (5) relating to approval process for Chief Officer/Head of Paid Service appointments and changes to Section 6 (Settlement Agreements) to reflect approval process, i.e.	Approved by Full Council – 10.12.15
February 2017	Various	Update to reflect change in job title – Chief Officer to Chief Executive.  Changes to Appendix 1 – Multipliers, due to salary pay award in 2016 and introduction of National living Wage. Changes to terms and conditions relating to enhancements and other terms and conditions that have been varied through Collective Consultation.  Updated to reflect Hay 2016 rates low to medium and spinal scales.	Approved by Full Council February 2017

June 2017	Wording to 2.5 updated.	To reflect how Chief Executive salary will be reviewed following recommendation from Employment Committee.	Approved by Full Council 10 <sup>th</sup> May 2017.
January 2018	Various	<p>Changes to job titles to reflect Senior Leadership Team restructure.</p> <p>Replace external link to Salary Disclosure information.</p> <p>Update to pensions contributions information.</p>	Full Council Approval 22 <sup>nd</sup> February 2018.
January 2019	Various	<p>Insertion of new section 2.9 re:- pay and grading structure changes.</p> <p>Update to Pensions information – Section 3</p> <p>Update to Appendix 1 – multiplier information.</p> <p>Update of Appendix 2 – Gender Pay Gap Report</p> <p>Amendment to Scope of Gender Pay Gap Report – pay calculations no longer include Schools data.</p>	Full Council Approval 21 <sup>st</sup> February 2019.

January 2020	Various	<p>Update to Appendix 1 – multiplier information.</p> <p>Update of Appendix 2 – Gender Pay Gap Report.</p> <p>ONS Annual Earnings Survey Results included for private and public sectors.</p>	Full Council Approval 27th February 2020.
January 2021	Various	<p>Update to Appendix 1 – multiplier information.</p> <p>Update of Appendix 2 – Gender Pay Gap Report</p> <p>ONS Annual Earnings Survey Results figures updated for private and public sectors.</p> <p>Inclusion of Restriction of Public Sector Exit Payment Regulations 2020.</p>	Pending - Full Council Approval 24th February 2021.

December 2021	Various	<p>Update to Appendix 1 – multiplier information.</p> <p>Update of Appendix 2 – Gender Pay Gap Report</p> <p>ONS Annual Earnings Survey Results figures updated for public sector and all employers.</p> <p>Addition of Key Skills Accommodation Scheme and Key Skills Employee Referral Scheme.</p> <p>Removal of Restriction of Public Sector Exit Payment Regulations 2020.</p>	Pending - Full Council Approval 3rd March 2022.
---------------	---------	--	---

Policy to be reviewed December 2022.

DRAFT

DRAFT



Looking forward to your retirement

# Employer Pensions Discretions Policy

---

**The LGPS Regulations 2013**

**and**

**The LGPS Regulations 2014**

(Transitional Provisions and Savings)

**and**

**The LGPS Regulations 2008**

(Benefits, Membership and Contributions)

**(as at 14<sup>th</sup> May 2018)**

**Employer name:** TORBAY COUNCIL

**Policy effective from:** 01/04/2022

These policies may be subject to review from time to time. Affected employees will be notified of any subsequent change to this Policy Statement.

**Print name of authorised officer:** Anne-Marie Bond

**Job title:** Chief Executive

**Date:**

**Signature of authorised officer:**

## Mandatory LGPS 2013 & 2014 discretions

### Power of employing authority to grant additional pension Regulation R31

An employer can choose to grant extra annual pension\* (at full cost to themselves) to:

- a) an active member; or
- b) to a member, within 6 months of leaving, whose employment was terminated on the grounds of redundancy or business efficiency

*\*(Current maximum additional pension allowed is £6,822 (figure at 1 April 2018))*

Please state your decision below:

Torbay Council will not normally exercise the discretion to grant additional pension except in exceptional circumstances.

### Shared Cost Additional Pension Scheme Regulation R16 (2) (e) and R16 (4) (d)

Where an active member wishes to purchase extra annual pension by making additional pension contributions (APCs)\*, an employer can choose to voluntarily contribute towards the cost of purchasing that extra pension via a shared cost additional pension contribution (SCAPC)

*\*(Current maximum additional pension allowed is £6,822 (figure at 1 April 2018))*

**NOTE:** this discretion does not relate to cases where a member has a period of authorised unpaid leave of absence and elects within 30 days of return to work (or such a longer period as the Scheme employer may allow) to pay a SCAPC to cover the amount of pension 'lost' during that period of absence. That is because, in those cases, the Scheme employer must contribute 2/3rds of the cost to a SCAPC; there is no discretion [regulation 15(5) of the LGPS Regulations 2013].

Please state your decision below:

Torbay Council will not normally enter into a Shared Cost Additional Pension Contribution contract to count towards a member's APC purchase except in exceptional circumstances.



### **Flexible Retirement**

#### **Regulation R30 (6) and TP11 (2)**

Under the regulations, once an employee reaches age 55, they may remain in employment and draw their retirement benefits.

However, there are certain conditions that must be met:

- a) The employer must agree to the release of the pension.
- b) The employee must reduce either their hours, and/or their grade. *(The specific reduction required is not set out in the regulations, but instead must be determined by the employer, whom must specify the requirements within their flexible retirement policy).*

In such cases, pension benefits will be reduced in accordance with actuarial tables unless the employer waives reduction on compassionate grounds or a member has protected rights).

**If flexible retirement is permitted, employers will need to publish a Flexible Retirement Policy and send Peninsula Pensions a copy. This can be done on the final section of this template.**

### **Please state your decision below:**

Torbay Council will take all reasonable steps to accommodate an employee's request for Flexible Retirement.

The Council will consider waiving a reduction to pension benefits where flexibility will enable the Council to retain key skills within critical service areas.

The Council will also consider requests where an employee is aged between 55 and 60, satisfies the 85 year rule and in which case the decision incurs a pension strain cost. Such requests will be considered by the Head of Paid Service and/or the Council, dependent on the seniority of the role and the associated cost, in line with the Local Government Transparency Code 2015.

### **Waiving of actuarial reduction**

#### **Regulation R30 (8) , TP3 (1), TPSch2, Para 2(1), B30 (5) and B30 (A) (5)**

Employers have the power to waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to members' benefits paid on the grounds of flexible retirement.

Employers may also waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to members' benefits for deferred members and suspended tier 3 ill health pensioners who elect to draw benefits on or after age 60 and before normal pension age.

### **Please state your decision below:**

Torbay Council will consider waiving a reduction to pension benefits in the event of Flexible Retirement where flexibility will enable the Council to retain key skills within critical service areas.

The Council will not waive the actuarial reduction applied to deferred member's benefit requests, suspended tier 3 ill health pensioners

Employers also have the power to waive, in whole or in part, the actuarial reduction applied to active members' benefits when a member chooses to voluntarily draw benefits on or after age 55 before age 60 and on or after age 60 and before Normal Pension Age (NPA).

or active members who retire voluntarily and draw benefits from age 55 to Normal Pension Age.

**Power of employing authority to 'switch on' the 85 year rule (excludes flexible retirement) upon the voluntary early payment of benefits.**

**TP1(1)(c) Sch2**

The 85-year rule does not (other than on flexible retirement) automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their benefits on or after age 55 and before age 60.

An employer can therefore choose whether to switch on the 85-year rule for members:

- 1) who voluntarily draw their benefits on or after age 55 and before age 60 and,
- 2) former members who ceased active membership between 1<sup>st</sup> April 2008 and 31<sup>st</sup> March 2014 and choose to voluntarily draw their suspended tier 3 ill health pension (on or after 14 May 2018) on or after age 55 and before age 60.
- 3) former members who ceased active membership between 1<sup>st</sup> April 1998 and 31<sup>st</sup> March 2014) and elect for voluntary early payment of any deferred benefits

**Please state your decision below:**

Torbay Council will not 'switch on' the 85 year rule for current or former members who voluntarily draw their pension benefits early, except in exceptional circumstances.

## Non-Mandatory/Recommended LGPS 2013 & 2014 discretions

### Regulation R17 (1) and TP15 (1) (d) and A25 (3) and definition of SCAVC in RSch 1

#### Shared Cost Additional Voluntary Contribution Arrangement

An employer can choose to pay for or contribute towards a member's Additional Voluntary Contribution via a shared cost arrangement (SCAVC). An employer will also need to decide how much, and in what circumstances to contribute to a SCAVC arrangement.

#### Please state your decision below:

Torbay Council will not currently contribute to a member's Shared Cost Additional Voluntary Contribution arrangement.

### Non-mandatory policies but recommended by Peninsula Pensions:

**Reg 16(16)** - An employer can extend the 30-day deadline for a member to elect for a SCAPC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve forces service leave).

**Reg 22(7) and (8)** - Whether to extend the 12-month time limit for a member to elect not to aggregate post 31<sup>st</sup> March 2014 (or combinations of pre-April 2014 and post March 2014) deferred benefits.

**Reg 27 of the LGPS (Amendment) Regs 2018** - Whether to extend the 12-month option period for a member to elect to aggregate pre-1st April 2014 deferred benefits.

**R100 (6)** - Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS

**R9(1) & R9(3)** - Determine rate of employees' contributions and when the contribution rate will be assessed

#### Please state your decision below:

Reg 16(16) – Torbay Council will not extend the 30-day deadline upon return from a period of absence allowing for a member to elect for a SCAPC unless the Council have not provided sufficient time to enable the member to make the election.

Reg 22(7) and (8) – Torbay Council will not extend the 12-month time limit except in exceptional circumstances.

Reg 27 of the LGPS (Amendment) Regs 2018 - Torbay Council will not extend the 12-month option period except in exceptional circumstances.

R100 (6) – Torbay Council will consider member requests for the acceptance of transfer values on an individual basis.

R9(1) & R9(3) – Torbay Council will assess and determine an employee's contribution rate on a monthly basis.



## Pre LGPS 2014 discretions

To cover scheme members who ceased active membership on or after 1 April 2008 and before 1 April 2014 (no need to complete if not applicable).

### **Reg 30(5) , TP2(1) Sch2, Reg 30A(5) TP2(1) Sch 2**

#### **Early payment of benefits**

Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65

Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to any suspended tier 3 ill health pension benefits which are brought back into payment before age 65

### **Policy decision**

Torbay Council will not waive the actuarial reduction to the early payment of a deferred benefit except in exceptional circumstances.

Torbay Council will not waive the actuarial reduction to any suspended tier 3 ill health pension benefits which are brought back into payment before age 65.

To cover scheme members who ceased active membership between 1 April 1998 and 31 March 2008 (no need to complete if not applicable).

### **Regulation 31(2), 31(5), 31(7A) of the LGPS Regulations 1997 and paragraph 2(1) of Schedule 2 to the LGPS (TP) Regs2014**

#### **Early payment of benefits**

Employers can allow the early payment of deferred benefits to former members of the LGPS between the ages of 50 and 55.

Employers can also choose, on compassionate grounds, to waive any actuarial reduction that would normally be applied to benefits which are paid before age 65

#### **Regulation D11(2)(c) of the LGPS Regulations 1995**

**In relation to members who ceased active membership before 1 April 1998:**

### **Policy decision**

Torbay Council will consider requests for the early payment of deferred benefits to former members between age 55 and 55 where there is no cost to the Authority.

Torbay Council will not waive any actuarial reduction that would apply to benefits paid before age 65 where there is a cost to the Council.

Reg D11(2)(c) of the LGPS Regs 1995 – Torbay Council will only grant applications for early release of deferred pension benefits on

Whether to grant applications for the early payment of deferred pension benefits on or after age 50 and before NRD on compassionate grounds.

compassionate grounds to former members between age 50 and NRD where there is no cost to the Council.



## Flexible Retirement Additional Policy

### Flexible Retirement (Regulation R30 (6) and TP11 (2))

#### This must be completed if you allow flexible retirement

You will need to consider; -

1. The minimum reduction in hours or grade required.
2. Whether the employee should commit to a reduction in hours or grade for a minimum period.
3. Whether the employee should commit to remaining in employment with the employer for a minimum period

You should also state; -

1. Whether, in addition to the benefits the member has accrued prior to 1<sup>st</sup> April 2008(which the member must draw) to permit the member to choose to draw;
  - All, part, or none of the benefits they accrued after 31<sup>st</sup> March 2008 and before 1<sup>st</sup> April 2014 and/or,
  - All, part, or none of the benefits accrued after 31<sup>st</sup> March 2014, and,
  - Whether to waive, in whole, or in part, any actuarial reduction which would normally be applied to the benefits for Flexible retirement taken before normal retirement age.

#### Please state your decision below:

1. The minimum recommended reduction in hours is 40%, however, reductions of 20% will also be considered. The minimum reduction in grade is one full grade.
2. The employee must commit to a permanent reduction in hours or grade.
3. The employee must commit to remaining in employment for a minimum period of 1 year, however, the Council can terminate that employment prior to the 1 year deadline.
  - Torbay Council will permit Flexible Retiree's to draw all of their benefits accrued after 31<sup>st</sup> March 2008 and before 1<sup>st</sup> April 2014.
  - The Council will permit members to draw all of their benefits accrued after 31<sup>st</sup> March 2014.
  - The Council will not waive, in whole, or in part, any actuarial reduction which would normally be applied to benefits taken before NRA except in exceptional circumstances.

