

Monday, 16 March 2020

## **CABINET**

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

**Tuesday, 24 March 2020**

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 Long

Councillor Stockman

Councillor Morey

Councillor Law

Councillor Carter

Councillor Cowell

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## **A prosperous and healthy Torbay**

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**Teresa Buckley, Town Hall, Castle Circus, Torquay, TQ1 3DR**

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# CABINET AGENDA

1. **Apologies**  
To receive apologies for absence.
2. **Minutes** (Pages 4 - 6)  
To confirm as a correct record the Minutes of the meeting of the Cabinet held on 20 February 2020.
3. **Disclosure of Interests**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda.  
  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.  
  
**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
**(Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Communications**  
To receive any communications or announcements from the Leader of the Council.
5. **Urgent Items**  
To consider any other items the Chairman decides are urgent.
6. **Matters for Consideration**
7. **One Torbay: Working for all Torbay - Cabinet Delivery Plan** (Pages 7 - 27)  
Following the Council's approval of the Corporate and Community Plan – One Torbay: Working for all Torbay, to consider the resulting Delivery Plan for its delivery.
8. **Annual Report (2018- 2019) of the Virtual School Governing Body** (Pages 28 - 75)

9. **Determination of Application to re-list Plainmoor Stadium as an Asset Of Community Value** (Pages 76 - 95)  
To consider an application to relist Plainmoor Stadium as an Asset of Community Value.
10. **Determination of Application to list the Former Police Station at Bolton Cross, Brixham (now Brixham Museum) as an Asset Of Community Value** (Pages 96 - 111)  
To consider an application to list the Former Police Station at Bolton Cross, Brixham (now Brixham Museum) as an Asset of Community Value.
11. **Community Infrastructure Levy Funds - Administration and Governance of Neighbourhood Proportion** (Pages 112 - 121)  
To consider the approach to the administration and governance of the Neighbourhood Proportion of the Community Infrastructure Levy Funds.
12. **Disposal of 51 & 53, Totnes Road, Paignton TQ4 5LE** (Pages 122 - 131)  
To consider disposal of surplus assets at 51 and 53 Totnes Road, Paignton.
13. **Exclusion of Press and Public**  
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following items on the agenda on the grounds that exempt information (as defined in Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.
14. **Children's Services - Sufficiency Strategy: Associated Business Cases** (Pages 132 - 167)  
To consider Children's Sufficiency Strategy business cases for the above.
15. **New Investment Opportunities**  
To consider potential investment opportunities.
16. **New Economic Growth Fund Opportunities** (To Follow)  
To consider any new Economic Growth Fund investment opportunities.

**Minutes of the Cabinet**

**20 February 2020**

**-: Present :-**

Councillor Steve Darling (Chairman)

Councillors Long, Morey, Carter, Stockman and Cowell

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

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**94. Apologies**

Apologies for absence were received from Councillor Law and Steve Parrock, Chief Executive.

**95. Minutes**

The Minutes of the meetings of the Cabinet held on 21 January and 4 February 2020 were confirmed as a correct record and signed by the Chairman.

**96. Communications**

The Cabinet Member for Adults and Public Health, Councillor Stockman, implored Members to lobby Government and Torbay's Members of Parliament to reconsider the funding formula for Younger Adults (18 to 24 year olds) social care, the revised funding formula could result in a 15% reduction in funds placing further pressure on the Council's supporting people budgets. Councillor Stockman also announced that the Better Care Fund 2019/20 had allocated funds to a range of projects across Torbay.

The Cabinet Member for Infrastructure, Environment and Culture, Councillor Morey, provided an update on damage caused by the recent storms and thanked staff and contractors for their hard work during difficult conditions.

The Cabinet Member for Economic Regeneration, Tourism and Housing, Councillor Long, was pleased to support South Devon College at a celebratory reception hosted by the Rt Hon. Robert Halfon MP, Chair of the Education Select Committee and former Skills and Apprenticeship Minister. The reception formally recognised the national finalists and also acknowledged outstanding apprenticeship delivery and provision across the sector. Whilst in parliament, Councillor Long also met with Anthony Mangnall MP, to discuss supporting growth of Brixham as a fishing port and how Torbay can position itself for future funding.

The Cabinet Member for Finance, Councillor Cowell announced the launch of Crowdfunding Torbay.

The Leader of the Council, Councillor Steve Darling, welcomed the Employment Committee's recommendation to appoint Nancy Meehan as the Director of Children's Services.

## **97. Matters for Consideration**

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

### **97.1 Revenue Budget 2020/2021**

This item was not required as the Council approved the Revenue Budget at its adjourned meeting held on 13 February 2020.

### **97.2 One Torbay: Working for all Torbay - Community and Corporate Plan**

### **97.3 Housing Strategy**

### **97.4 Torre Abbey Restoration Project - Phase 3 National Heritage Lottery Fund Bid**

### **97.5 Contractors Compound on Paignton Green**

### **97.6 Extension of the Joint Community Equipment Contract**

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

### **97.8 Exclusion of Press and Public**

Councillor Darling proposed and Councillor Long seconded the motion, which was agreed by the Cabinet unanimously, as set out below:

that the press and public be excluded from the meeting prior to consideration of items 15 to 18 on the agenda on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) was likely to be disclosed.

Prior to consideration of the item in Minute 97.10, the press and public were formally excluded from the meeting.

### **97.9 TDA Business Plan 2020-2025**

This item was deferred to enable the Chairman of the TDA Board to attend the meeting to present the report.

**97.10 New Economic Growth Fund Opportunities**

**97.11 New Investment Fund Opportunities**

There were no new Investment Opportunities.

**97.12 Update on Existing Investments**

There was no update at this time.

Chairman

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**Meeting:** Cabinet

**Date:** 24 March 2020

**Wards Affected:** All

**Report Title:** One Torbay: Working for all Torbay – Delivery Plan

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

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

**Cabinet Member Contact Details:** Councillor Steve Darling, Leader of the Council, [steve.darling@torbay.gov.uk](mailto:steve.darling@torbay.gov.uk)

**Supporting Officer Contact Details:** Kate Spencer, Head of Policy, Performance and Community Engagement, 01803 207014, [kate.spencer@torbay.gov.uk](mailto:kate.spencer@torbay.gov.uk)

## 1. Proposal and Introduction

- 1.1 One Torbay: Working for all Torbay – the Council's Community and Corporate Plan – was agreed by Council at its meeting on 27 February 2020.
- 1.2 There are a number of plans and strategies which sit below One Torbay: Working for all Torbay. Each one of these provides further details of how the Council is working towards meeting its ambition of a Thriving Torbay.
- 1.3 In order to provide focus, the Cabinet has prepared a Delivery Plan which sets out the specific actions which will be undertaken over the next 12 months to deliver against the Community and Corporate Plan. They will be the focus for the Leader of the Council and his Cabinet and progress against the plan will be continuously monitored.
- 1.4 As actions are delivered, the next iteration of the Delivery Plan will be developed and it is expected that the second Delivery Plan will be agreed by the Cabinet in April 2021.

## 2. Reason for Proposal and associated financial commitments

- 2.1 The Delivery Plan will ensure that there is a planned approach to the delivery of Community and Corporate Plan over the next 12 months.
- 2.2 The proposals contained in the plan do not commit the Council financially, unless where already agreed. As each aspect of the Plan is progressed, due consideration will be given to the financial impacts of each decision, and appropriate governance for the decisions will be followed.

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

That the Cabinet Delivery Plan for One Torbay: Working for all Torbay be approved.

#### **Appendices**

Appendix 1: Cabinet Delivery Plan

#### **Background Documents**

None



## Section 1: Background Information

1.	<p><b>What is the proposal / issue?</b></p> <p>The first Delivery Plan for One Torbay: Working for all Torbay has been prepared and needs to be agreed.</p>
2.	<p><b>What is the current situation?</b></p> <p>One Torbay: Working for all Torbay – the Council’s Community and Corporate Plan – was agreed by Council at its meeting on 27 February 2020.</p> <p>There are a number of plans and strategies which sit below One Torbay: Working for all Torbay. Each one of these provides further details of how the Council is working towards meeting its ambition of a Thriving Torbay.</p> <p>In order to provide focus, the Cabinet has prepared a Delivery Plan which sets out the specific actions which will be undertaken over the next 12 months to deliver against the Community and Corporate Plan. They will be the focus for the Leader of the Council and his Cabinet and progress against the plan will be continuously monitored.</p> <p>As actions are delivered, the next iteration of the Delivery Plan will be developed and it is expected that the second Delivery Plan will be agreed by the Cabinet in April 2021.</p>
3.	<p><b>What options have been considered?</b></p> <p>The actions within the other documents which make up the Policy Framework could continue to be delivered. However, it is felt that by combining the priority actions into a Delivery Plan for the next 12 months will provide a focus for both the Cabinet and the organisation as a whole.</p>
4.	<p><b>What is the relationship with the priorities within the Partnership Memorandum and the Council’s Principles?</b></p> <p>The Delivery Plan is based on the Council’s priorities and principles as set out in the Community and Corporate Plan.</p>
5.	<p><b>How does this proposal/issue contribute towards the Council’s responsibilities as corporate parents?</b></p> <p>The Council’s role and responsibility as a Corporate Parent is central to all that we do.</p>
6.	<p><b>How does this proposal/issue tackle poverty, deprivation and vulnerability?</b></p>

	Tackling poverty and inequalities is central to the Plan.
7.	<p><b>How does the proposal/issue impact on people with learning disabilities?</b></p> <p>Ensuring that all of the people in Torbay thrive is one of the visions within the Plan. This includes those people with learning disabilities.</p>
8.	<p><b>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</b></p> <p>The aim of this Plan is to impact on everyone in Torbay. The Community and Corporate Plan was subject to consultation.</p>

## Section 2: Implications and Impact Assessment

9.	<p><b>What are the financial and legal implications?</b></p> <p>The financial and legal implications of the actions within the Delivery Plan will be considered through the appropriate decision making process.</p>
10.	<p><b>What are the risks?</b></p> <p>The risks of the actions within the Delivery Plan will be considered through the appropriate decision making process.</p>
11.	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>Not applicable.</p>
12.	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>Feedback received through the Member Induction Programme, the Community Conference and the consultation on the Community and Corporate Plan has been incorporated into the Delivery Plan.</p>

## Equality Impacts

15.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	The aim of the Plan is to have a positive impact on this group.		
	People with caring Responsibilities	The aim of the Plan is to have a positive impact on this group.		
	People with a disability	The aim of the Plan is to have a positive impact on this group.		
	Women or men	The aim of the Plan is to have a positive impact on this group.		
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	The aim of the Plan is to have a positive impact on this group.		
	Religion or belief (including lack of belief)	The aim of the Plan is to have a positive impact on this group.		
	People who are lesbian, gay or bisexual	The aim of the Plan is to have a positive impact on this group.		
	People who are transgendered	The aim of the Plan is to have a positive impact on this group.		
	People who are in a marriage or civil partnership	The aim of the Plan is to have a positive impact on this group.		
	Women who are pregnant / on maternity leave	The aim of the Plan is to have a positive impact on this group. .		

	Socio-economic impacts (Including impact on child poverty issues and deprivation)	The aim of the Plan is to have a positive socio-economic impact.		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The aim of the Plan is to have a positive impact on the general health of the population of Torbay.		
<b>16.</b>	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	As the rest of the Council’s Policy Framework is reviewed and developed we will ensure that the cumulative impacts have a positive impact on the area and its residents.		
<b>17.</b>	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	The Council is continuing to work with its partners across the public sector to ensure a positive cumulative impact on the area and its residents.		

# One Torbay: Working for all Torbay Cabinet Delivery Plan

March 2020

This document can be made available in other languages and formats.

For more information please contact [engagement@torbay.gov.uk](mailto:engagement@torbay.gov.uk)

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## Our Ambition

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Our ambition is for Torbay and its residents to thrive.

We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities; where our children and older people will have high aspirations and where there are quality jobs, good pay and affordable housing for our residents.

In realising that ambition, Torbay would be the premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where our built and natural environment is celebrated and where we play our part in addressing the climate change emergency.

## Our Mission

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We will be a Council that supports, enables and empowers its residents, our communities and our partnerships.

## Working Differently

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- Change the culture in the Council and in communities
- Build trusted relationships with communities
- Improve communication with communities and individuals
- Encourage celebration of the Bay and its people

## Our Approach

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- Enable our communities
- Use reducing resources to best effect
- Reduce demand through prevention and innovation
- Integrated and joined up approach

## Our Actions

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There are a number of plans and strategies which sit below One Torbay: Working for all Torbay. Each one of these provides further details of how we are working towards meeting our ambition.

This Delivery Plan sets out the specific actions which will be undertaken over the next 12 months to deliver against the Community and Corporate Plan. They will be the focus of the Leader of the Council and his Cabinet and progress against the plan will be continuously monitored.

As actions are delivered, the next iteration of the Delivery Plan will be developed and it is expected that the second Cabinet Delivery Plan will be agreed by the Cabinet in April 2021.

# Thriving People

## We will turn the tide on poverty

We are committed to reducing deprivation within Torbay, protecting vulnerable children and adults and ensuring that we improve the affordability and quality of housing for our residents.

### Specific Actions

Action	Cabinet Portfolio	Senior Officer	Indicative Date
1. Agree the Housing Strategy action plan.	Economic Regeneration, Tourism and Housing	Director of Place	April 2020
2. Ensure Tor Vista achieves Registered Provider status and commence developments at Totnes Road, Paignton, St Kilda's, Brixham and Torre Marine, Torquay.	Economic Regeneration, Tourism and Housing	Director of Asset Management, Investment and Housing (TDA)	September 2020
3. Develop a £100 million forward investment programme for affordable and social housing in association with registered providers across Torbay.	Economic Regeneration, Tourism and Housing	Director of Place	April 2021
4. Ensure continued delivery against the Children's Services Improvement Plan.	Children's Services	Director of Children's Services	Ongoing, review April 2021
5. Agree the refreshed Children and Young People's Plan and associated action plan.	Children's Services	Director of Children's Services	July 2020
6. Explore opportunities for joining the Co-operative Councils Innovation Network and, as part of the Network, consider the options available to support communities to access affordable finance.	Leader of the Council	Director of Corporate Services	April 2021
7. Explore opportunities to bring forward a 'Torbay Promise' to identified areas in Torbay.	Children's Services	Director of Children's Services	April 2020

## We will have aspirations for all of our residents

We aspire for all of our residents to reach their potential, having fulfilled lives – educationally, socially, in their careers and beyond – enjoying to the fullest our amazing and naturally inspiring environment.

We will pay particular focus on ensuring good support to our looked after children, in our role as their corporate parent.

### Specific Actions

Action	Cabinet Portfolio	Senior Officer	Indicative Date
8. Learning from elsewhere, develop Torbay's approach to Family Friendly Torbay.	Children's Services	Assistant Director – Education, Learning and Skills	June 2020
9. Agree the refreshed Education Strategy, SEND Strategy and Disadvantaged Strategy and associated action plans.	Children's Services	Assistant Director – Education, Learning and Skills	May 2020
10. Provide Healthy Lifestyles services to those that need it whilst reviewing best practice elsewhere to inform future models of delivery.	Adults and Public Health	Director of Public Health	Ongoing, review April 2021
11. Implement the trauma-informed approach across services.	Adults and Public Health	Director of Public Health	April 2021
12. Deliver the healthy weight declaration.	Adults and Public Health	Director of Public Health	April 2021
13. Develop an oral health promotion service.	Adults and Public Health	Director of Public Health	April 2021
14. Support the roll out of Torbay (self-harm) family intervention and mental health support teams.	Adults and Public Health	Director of Public Health	April 2021



<b>Action</b>	<b>Cabinet Portfolio</b>	<b>Senior Officer</b>	<b>Indicative Date</b>
15. Work in partnership to deliver the Torbay Multi-agency Suicide and Self-harm Prevention Plan.	Adults and Public Health	Director of Public Health	April 2021
16. Improve the outcomes for those most vulnerable in our communities through the comprehensive re-procurement of substance misuse services, as part of a wider multiple complex needs alliance.	Adults and Public Health	Director of Public Health	April 2021
17. Play our part as a critical partner within the Devon-wide Sustainability and Transformation Programme.	Adults and Public Health	Director of Public Health	Ongoing, review April 2021

## We will build safer communities

We will work with partners to reduce crime and violence through collaborative prevention and intervention practices.

### Specific Actions

Action	Cabinet Portfolio	Senior Officer	Indicative Date
18. Work with the Community Safety Partnership on its next Strategic Assessment to identify priorities for building safer communities in Torbay, and ensure that Council activities align and support this approach.	Corporate and Community Services	Assistant Director – Community and Customer Services	April 2021
19. Ensure an effective partnership approach to reducing domestic abuse and sexual violence to ensure that all agencies are working together.	Corporate and Community Services	Assistant Director – Community and Customer Services	April 2021
20. Support the implementation of the Evening and Night Time Economy Strategy.	Corporate and Community Services	Assistant Director – Community and Customer Services	May 2020
21. Ensure a focus on the risk to and impact of exploitation of children and vulnerable adults, working in partnership with community groups.	Corporate and Community Services	Assistant Director – Community and Customer Services	April 2021
22. Co-locate police officers within Children's Services' teams to continue to improve outcomes for children and families.	Children's Services	Director of Children's Services	April 2021
23. Support Devon and Cornwall Police in securing a response location in Paignton.	Corporate and Community Services	Assistant Director – Community and	April 2021

Action	Cabinet Portfolio	Senior Officer	Indicative Date
		Customer Services	
24. Work proactively with local NHS partners to deliver Health and Wellbeing Hubs in Paignton and Torquay and to maximise the impact of the Health Improvement Programme.	Adults and Public Health	Director of Adult Services	April 2021

# Thriving Economy

## We will create an environment in which businesses and jobs can grow

We will create a local economy which is successful and sustainable – where businesses and jobs can grow.

### Specific Actions

Action	Cabinet Portfolio	Senior Officer	Indicative Date
25. Agree the refreshed Economic Strategy.	Economic Regeneration, Tourism and Housing	Director of Economic Strategy (TDA)	July 2020
26. Explore the potential for the community wealth building approach to develop new ways of working with our public and private sector partners to maximise local economic benefits.	Economic Regeneration, Tourism and Housing	Director of Economic Strategy (TDA)	
27. Progress, using our relevant powers, a redevelopment of the Crossways site in Paignton.	Economic Regeneration, Tourism and Housing	Director of Asset Management, Investment and Housing (TDA)	April 2021
28. Bring forward the Garfield Road development in Paignton.	Economic Regeneration, Tourism and Housing	Director of Place	April 2021
29. Support South Devon College's HE Vision including to secure Full Taught Degree Awarding Powers by 2022 and University College status by 2025.	Economic Regeneration, Tourism and Housing	Director of Economic Strategy (TDA)	Ongoing, review April 2021
30. Close the educational attainment gap and broaden the skills base within the workforce and further the growth of apprenticeships.	Children's Services	Assistant Director – Education, Learning and Skills; and Director of Economic	Ongoing, review April 2021

Action	Cabinet Portfolio	Senior Officer	Indicative Date
		Strategy (TDA)	
31. Protect and accelerate the development of employment space to accommodate business growth.	Economic Regeneration, Tourism and Housing	Director of Economic Strategy (TDA)	Ongoing, review April 2021
32. Explore funding opportunities and develop an investment programme to create greater capacity and enhanced growth potential for the fishing industry at Brixham Harbour.	Infrastructure, Environment and Culture	Director of Place	April 2021
33. Promote opportunities for investment through the Torbay Economic Growth Fund with the aim of regenerating all of our town centres and diversifying the economy.	Economic Regeneration, Tourism and Housing	Director of Economic Strategy (TDA)	Ongoing, review April 2021
34. Work as a member of the Peninsula Transport Body to improve connectivity in and to the South West and, in particular, Torbay.	Infrastructure, Environment and Culture	Assistant Director – Planning and Transport	Ongoing, review April 2021

## We will become the premier tourist resort in the UK

We have a naturally inspiring environment, amazing heritage and a long history as a leading seaside holiday destination. We aspire to build upon this to become the premier tourist resort in the UK.

For both our tourists and our residents we need to tackle the decline in our town centres, making them vibrant places.

### Specific Actions

Action	Cabinet Portfolio	Senior Officer	Indicative Date
35. Invest up to an additional £0.6 million in public toilet provision enabling investment at Goodrington South, Meadfoot,	Infrastructure, Environment and Culture	Director of Place	Ongoing, review April 2021

Action	Cabinet Portfolio	Senior Officer	Indicative Date
Broadsands, Goodrington North, Abbey Meadows and Preston Bus Shelter.			
36. Work to identify a third party provider to operate the public toilets at Corbyn Head from 2021/2022 onwards.	Infrastructure, Environment and Culture	Director of Place	April 2021
37. Support the community in their development and delivery of projects which will improve our beaches and seafront areas.	Infrastructure, Environment and Culture	Director of Place	Ongoing, review April 2021
38. Maximise the use of investment from new businesses in Torbay through the use of Section 106 monies, Community Infrastructure Levy and sponsorship.	Infrastructure, Environment and Culture	Assistant Director – Planning and Transport	Ongoing, review April 2021
39. Submit our application to the Heritage Lottery Fund for Phase 3 of the renovations at Torre Abbey	Infrastructure, Environment and Culture	Director of Place	May 2020
40. Support the Heritage Lottery Resilience Fund bid for Oldway Mansion in order to support the submission of a Heritage Lottery Fund bid, the new Oldway Trust and volunteer activities.	Infrastructure, Environment and Culture	Director of Place	May 2020
41. Develop plans for the long term future of the Pavilion in Torquay.	Infrastructure, Environment and Culture	Director of Asset Management, Investment and Housing (TDA)	May 2020
42. Work with the Destination Management Group to ensure alignment with Destination Management Plan objectives and advocate that regional partners recognise the importance of the visitor economy for Torbay.	Infrastructure, Environment and Culture	Director of Economic Strategy (TDA)	Ongoing, review April 2021

<b>Action</b>	<b>Cabinet Portfolio</b>	<b>Senior Officer</b>	<b>Indicative Date</b>
43. Work with partners to develop a Town Investment Plan for Torquay which secures the highest allocation of Town Deal investment.	Infrastructure, Environment and Culture	Director of Economic Strategy (TDA)	June 2020
44. Ensure that the Future High Streets Fund application for Paignton secures investment to accelerate the regeneration of Paignton.	Infrastructure, Environment and Culture	Director of Economic Strategy (TDA)	June 2020
45. Support Torbay Culture in advocating for the culture sector to work with partners to ensure a good quality submission to Creative People and Places.	Infrastructure, Environment and Culture	Director of Economic Strategy (TDA)	Ongoing, review April 2021
46. Work with the community to empower them to manage flower beds and promote civic pride.	Infrastructure, Environment and Culture	Director of Place	Ongoing, review April 2021
47. Work with destination management partners to maximise all available funding for Torbay.	Infrastructure, Environment and Culture	Director of Place	Ongoing, review April 2021

# Tackling Climate Change

## We will become a carbon neutral council and work with others to create a carbon neutral community

Environmental sustainability will influence everything we do. The Council will work towards carbon neutrality and strengthening Torbay's resilience to a changing environment.

### Specific Actions

Action	Cabinet Portfolio	Senior Officer	Indicative Date
48. Introduce a mechanism to ensure all council decisions are informed by an analysis of whether they would help or hinder climate change.	Infrastructure, Environment and Culture	Assistant Director – Planning and Transport	September 2020
49. Appoint a dedicated Climate Change Officer, to co-ordinate Council activities as part of the Devon Climate Emergency Response Group and develop an action plan to address climate change in Torbay.	Infrastructure, Environment and Culture	Assistant Director – Planning and Transport	May 2020
50. Bring forward Trees for the Future setting out how we will work as a community to protect and enhance our treescape and introduce appropriate re-wilding.	Infrastructure, Environment and Culture	Director of Place	April 2020
51. Explore opportunities to produce our own renewable electricity and introduce electric vehicle charging points and make best use of the planning system to drive this agenda across Torbay.	Infrastructure, Environment and Culture	Assistant Director – Planning and Transport	Ongoing, review April 2021
52. Deliver a successful transition of services to SWISCO, in particular ensuring that there is a focus on increasing recycling rates.	Infrastructure, Environment and Culture	Director of Place	July 2020
53. Maintain close oversight of the impacts of charging for household DIY waste at the Recycling Centre.	Infrastructure, Environment and Culture	Director of Place	Ongoing, review April 2021



<b>Action</b>	<b>Cabinet Portfolio</b>	<b>Senior Officer</b>	<b>Indicative Date</b>
54. Develop plans for a trial and roll out of three-weekly refuse collections	Infrastructure, Environment and Culture	Director of Place	April 2021
55. Implement the Environmental Enforcement Service.	Corporate and Community Services	Assistant Director – Community and Customer Services	Ongoing, review April 2021
56. Review and develop plans to address flooding risks within Torbay.	Infrastructure, Environment and Culture	Director of Place	Ongoing, review April 2021
57. Review and develop plans to improve communications and transport connectivity and sustainability, including the submission of a bid for Edginswell Rail Halt.	Infrastructure, Environment and Culture	Assistant Director – Planning and Transport	June 2020
58. Encourage a sustainably developed built environment through review of Local Development Scheme (Local Plan Review).	Infrastructure, Environment and Culture	Assistant Director – Planning and Transport	Ongoing, review April 2021

# Council Fit for the Future

## We will become a Council fit for the future, working with our communities to create a culture of partnership

We will be a council that supports, enables and empowers its residents, our communities and our partnerships, and we will deliver our services in the most efficient and effective way possible.

### Specific Actions

Action	Cabinet Portfolio	Senior Officer	Indicative Date
59. Agree a Community Engagement and Empowerment Strategy, including an 'Enabling Council' action plan.	Corporate and Community Services	Director of Corporate Services	April 2021
60. Strengthen relationships with the Community Partnerships through the appointment of Ward Ambassadors within the Council.	Corporate and Community Services	Director of Corporate Services	Ongoing, review April 2021
61. Strengthen relationships with the community by undertaking town visits by Leader and Chief Executive.	Leader of the Council	Chief Executive	Ongoing, review April 2021
62. Roll out and embed Crowdfunding to support community projects and establish Community Grant Funding schemes.	Corporate and Community Services	Director of Corporate Services	Ongoing, review April 2021
63. Re-energise take up of the Torbay Lottery as a means of funding for community projects.	Corporate and Community Services	Director of Corporate Services	Ongoing, review April 2021
64. Simplify and standardise how the Council works through making the best use of technology.	Corporate and Community Services	Director of Corporate Services	Ongoing, review April 2021
65. Review the continued rationalisation of council assets.	Infrastructure, Environment and Culture	Director of Place	Ongoing, review April 2021

<b>Action</b>	<b>Cabinet Portfolio</b>	<b>Senior Officer</b>	<b>Indicative Date</b>
66. Ensure that Torbay Council collaborates effectively with other authorities, locally, regionally and nationally.	Leader of the Council	Chief Executive	Ongoing, review April 2021



**Meeting: Cabinet**

**Date: 24 March 2020**

**Wards Affected: All**

**Report Title: Annual Report (2018- 2019) of the Virtual School Governing Body**

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

**When does the decision need to be implemented? March 2020**

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## **1. Proposal and Introduction**

- 1.1 The Virtual School supports the education of children looked after by the LA. It is the LA's statutory duty to promote the education of children looked after under Section 52 of the Children Act 2004.
- 1.2 In order to fulfil this duty the Virtual School writes an annual report for its Governing Body which is presented to Elected Members. This ensures the Elected members are aware of the progress and attainment of their children looked after and the work of the Virtual School.
- 1.3 A copy of the Annual Report is attached to this report at Appendix 1.

The report gives the detail of attainment at the end of each year group including the children who are in the continuous care cohort (1 April 2018 – 31 March 2019). It is the data for the continuous care cohort which is published by the Department for Education annually and used by OFSTED during full inspection. The Annual Report also gives details of attendance, exclusions, the OFSTED grades for the schools the Children Looked After attend and Pupil Premium Plus expenditure as well as further details on the wider work of the Virtual School.

## **2. Reason for Proposal and associated financial commitments**

- 2.1 The Annual Report provides an overview of the work and impact of the Virtual School. It enables the Elected Members to act on the information included in

the report where necessary and uphold their statutory duty to their Children Looked After.

- 2.2 The proposals contained in this report will not commit the LA to any increased financial expenditure, but instead this report provides accountability on the impact of financial resources provided.
- 

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

- (i) That the Annual Report (2018 – 2019) of the Virtual School Governing Body be approved enabling its publication on the Virtual School's webpage.

### **Appendices**

Appendix 1: Annual Report (2018 – 19) of the Virtual School Governing Body.



# ANNUAL REPORT (2018-19) OF THE VIRTUAL SCHOOL GOVERNING BODY

NOVEMBER 2019



## Contents

Foreword by the Chair of the VSGB	4
The Virtual School	5
Outcomes for CLA	7
Headlines	7
End of Year Results	8
Reception	8
Key Stage 1 - Year 1	8
Year 2	9
Key Stage 2 - Year 3	9
Year 4	10
Year 5	10
Year 6	10
Key Stage 3 (Years 7, 8 and 9)	11
Year 7	11
Year 8	12
Year 9	12
Key Stage 4 - Year 10	13
Year 11/ End of Key Stage 4	13
Key Stage 5	15
Attendance	16
Attendance Key Points	17
Children on Part-time Timetables	18
Exclusions	18
Special Educational Needs	19
Outcomes at end of KS2 and 4 for children with SEN	20
Unaccompanied Asylum Seeking Children	20
PEPS AND PP+	21

<b>PP+ funded projects</b>	<b>22</b>
<b>Storyboard 1 - Y10 Female</b>	<b>26</b>
<b>Storyboard 2 - male 13 years old - school refuser</b>	<b>29</b>
<b>Storyboard 3 - female 5 year old</b>	<b>32</b>
<b>The final account for PP+ (financial year to March 2019)</b>	<b>36</b>
<b>Support Work</b>	<b>36</b>
<b>Educational Research</b>	<b>37</b>
<b>John Timpson Research</b>	<b>38</b>
<b>Data Collection</b>	<b>39</b>
<b>Staffing</b>	<b>39</b>
<b>Children Looked After Celebrations</b>	<b>39</b>
<b>Priorities</b>	<b>41</b>
<b>Conclusions</b>	<b>41</b>
<b>Appendix 1: Outcomes - November 2019</b>	<b>44</b>
<b>Appendix 2: Glossary</b>	<b>46</b>



## Foreword by the Chair of the VSGB

I am delighted, as Chair of the VSGB, to write this introduction to the ninth annual report of the VSGB. The purpose of the VSGB is to take the lead in ensuring that schools fulfil their responsibilities to Children Looked After and maximise their attainment and achievement and narrow the gap between our Children Looked After and their peers.

I hope you get from the Annual Report how determined we are to ensure our Children Looked After 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.

In terms of our pupils' achievement this year we have seen a mixed picture. Despite an increase in those achieving a Good Level of Development it is disappointing to see this result is below the national CLA data. A similar picture was seen with KS2 SATS with an increase across the board but still below national data. At KS1 there was a terrifically improved result in maths which saw this cohort perform better than the national cohort. This is particularly pleasing as maths was highlighted last year as a problem area. The GCSE results dipped from the previous year when we were amongst the best in the country however it should be noted that this had been predicted all through the year so came as no surprise.

The Virtual School in Torbay appears to be fairly unique in that it 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.

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

Nikki Prentice,

Chair, TVSGB

## The Virtual School

This is the ninth 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 Children Looked After and the wider work of the Virtual School.

The Virtual School was set up in 2010 and at that point consisted of a Headteacher (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 Headteacher (0.6 FTE), 1 Primary CLA Teacher, 1 Secondary Maths Teacher, 1 Secondary English Teacher, an Inclusion Officer, a PEP Co-ordinator and a 0.5 Admin Officer. The Virtual School staff sit within social care teams with half of the team located in the SAFS Team in Electric House and the teachers located with Specialist Services in Torhill House in Torquay.

It should be noted that the VSGB has been instrumental in the increase of staffing in the VS. 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 children looked after.
2. To ensure that all children looked after have a robust and effective personal education plan and access to 1:1 support, including personal tuition.
3. To champion the educational needs of children looked after across the authority and those placed out of authority.
4. To provide advice and guidance to schools and parents/guardians of post LAC 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 Children Looked After 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 2018/19.

The Virtual School consists of three groups of CLA

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

The main focus of the work of the Virtual School relates to CLA 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 CLA in Torbay schools  (A)	Torbay CLA in out of area schools  (B)	Out of area CLA in Torbay educational provision
Early Years	20			
Reception	10	5	5	0
Year 1	11	9	4	2
Year 2	10	8	2	0
Year 3	11	12	2	3
Year 4	16	13	4	1
Year 5	20	18	8	6
Year 6	28	26	8	6
Year 7	25	13	14	2
Year 8	27	16	12	1
Year 9	33	23	18	8
Year 10	21	16	7	2
Year 11	37	21	19	3
Post 16	46			
<b>Total of statutory school age</b>	<b>249</b>	<b>180</b>	<b>103</b>	<b>34</b>
<b>GRAND TOTAL</b>	<b>315</b>			

The number of CLA of statutory school age in the VS at the end of the academic year saw a decrease of 23 on the previous year which had seen an increase of 60. Whilst this does not take the numbers back to the numbers of two years ago it is a trend in the right direction. It should also be noted that there was a decrease of 7 of out of area CLA in schools in Torbay.

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. Fortunately no school became Inadequate during this academic year. It should be noted that one of the children moved from an Inadequate school to a Good school during the previous academic year reached the Expected Standard in all four areas of KS2 SATS and indeed gained Greater Depth in Reading. Looking at the forecast data from the

Inadequate school this may not have been the case if the child had remained on their roll. A really positive outcome for our child and an excellent base to commence the new school in Y7.

The VS continues to monitor the OFSTED ratings of the schools. At the end of the academic year there were 88% of our CLA in schools which were rated Good or Outstanding. This is a decline of 1% on the previous year. It should be noted that 4% of our CLA are in schools which do not have an OFSTED rating due to them being academy converters and the schools are awaiting an inspection. In these situations close monitoring of the progress of the children is undertaken.

### **Outcomes for CLA**

The Department for Education only measures the educational outcomes of the children who have been in continuous care for 12 months. For the performance measures for the academic year ending July 2019 the children whose outcomes are measured are those children who were in care on 1 April 2018 and remained in care until 31 March 2019. 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 CLA and those who have been in care outside of 12 months criteria.

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

Data is captured termly. Nationally reported data is for those in care from 1 April 2018 - 31 March 2019.

### **Headlines:**

1. In Reception there was a slight increase in the numbers achieving a Good Level of Development from the previous year from 25% to 28.5%. However this is still below the national CLA figure of 49%. This needs further investigation looking not only at the quality of education but also if the good record on adoption the LA has impacts on this cohort.
2. At KS1 there was a downward trend on the previous year. However it should be noted there were only two in last year's cohort which meant only one of the two achieved the Expected Standard in Reading, Writing and Maths. This cohort whilst still small with 7 children in the continuous care cohort, did see more children achieve the Expected Standard in Reading, Writing and Maths. This saw Torbay CLA in line with national CLA in Reading and Writing and above national data by 15% in Maths.

3. At KS2 whilst there was an upward trend in all areas from the previous year this still saw Torbay below national data in all of the SATs. It should be noted that 47% of the children in Year 6 had an EHCP with either Cognition and Learning or SEMH as the primary need. Further investigation needs to see how that relates to the national continuous care data set for this year group but that detail is not yet available at the time of writing.
4. At KS4 there was an expected downward trend in all areas. Currently the national data set for this age group is not yet available. It should be noted that this group had 10 children with EHCPs and of these only two attended mainstream schools.
5. The Attainment 8 score reduced this year. This is not surprising due to the high numbers attending special schools in this cohort. The range of Progress 8 scores was considerable. The best was +0.72 and the least was -4.41. It should be noted that the least P8 score was for a young person in a Tier 4 mental health unit. There were five young people in this cohort with positive P8 scores. This means they performed better than expected against their peers nationally.
6. KS5 - the good news is that 25% of this cohort successfully completed Level 3 qualifications.
7. Exclusions - there was a 1% decrease in the number of children experiencing a least one fixed term exclusion throughout this academic year.
8. Attendance remained level with the previous year and stood at 95% for the whole school. However the attendance at the secondary phase dropped and therefore the focus will remain on attendance as the excellent attendance in the primary phase of 97% masked the poor attendance in the secondary phase.

### **End of Year Results:**

For the children at the end of Reception, the end of KS1 and KS2 and the end of KS4 the following results are national results and published by the DfE for those in continuous care. For all other year groups the results are taken from the data drop at the end of June.

**Reception:** At the end of the year there were 10 children in this year group. There were seven children in the continuous care cohort with only two achieving a Good Level of Development with a further 3 who were CLA by the end of the year but had not been in care for 12 months. From this group 2 achieved a Good Level of Development. One child in the continuous care cohort has an EHCP for Cognition and Learning.

**Key Stage 1 - Year 1:** There were 6 continuous care children in this year group with 11 Torbay CLA in total. Due to the changes in assessment children should be at ARE (age related expectations) at the end of Year 1. The table below shows the number of children achieving at least ARE in Reading, Writing and Maths.

In the continuous care cohort there were two children with EHCPs one for Cognition and Learning and the other for Social Emotional Mental Health. Both children are in special school settings.

	<b>Reading</b>	<b>Writing</b>	<b>Maths</b>
Less than 12 months CLA	4	3	3
Continuous care CLA	4 (66%)	4 (66%)	4 (66%)

Year 2: There were 7 continuous care children in this year group but with 10 Torbay CLA 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 achieved the Expected Standard in Reading, Writing and Maths in SATs. It should be noted that in the continuous care cohort 3 achieved Greater Depth in Maths, 2 achieved Greater Depth in Reading and 1 achieved Greater Depth in Writing.

There are two children in the continuous care cohort who have EHCPs. One for Cognition and Learning and the other for SEMH. Both of these children are currently in mainstream settings and the child with the SEMH diagnosis is working at ARE.

	<b>Reading</b>	<b>Writing</b>	<b>Maths</b>
Less than 12 months CLA	2	2	2
Continuous care CLA	3 (42.6%)	3 (42.6%)	4 (56.8%)

Key Stage 2 - Year 3: There were 5 continuous care children in this year group but with 11 Torbay CLA in total. The children are expected to be at ARE by the end of this year.

The table shows those children achieving 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 CLA	2	1	2
Continuous care CLA	3 (60%)	2 (40%)	3 (60%)

Again there were 2 children with EHCPs. One for Cognition and Learning and this child is in a special school setting and the other for SEMH but in mainstream.

Year 4: There were 9 continuous care children in this year group but with 16 Torbay CLA in total. A child is expected to achieve at least ARE by the end of this year.

The table below shows those children achieving 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 CLA	1	1	2
Continuous care CLA	4 (44.4%)	4 (44.4%)	3 (33.3%)

In the continuous care cohort there are 3 children with EHCPs. Two for Cognition and Learning with one child in mainstream and the other in a special school setting and the other for SEMH within a mainstream setting.

Year 5: There were 15 continuous care children in this year group but with 20 Torbay CLA in total. A child is expected to achieve ARE at the end of this year.

The table below shows those children achieving at least ARE by the end of this year.

	<b>Reading</b>	<b>Writing</b>	<b>Maths</b>
Less than 12 months CLA	1	1	1
Continuous care CLA	7 (46.2%)	7 (46.2%)	6 (39.9%)

There are two children in the continuous care cohort with EHCPs both for SEMH and both children are in mainstream schools.

Year 6: There were 19 continuous care children but with 28 children in total. This is the end of KS2 and the results of the continuous care children are published by the DfE and scrutinised by OFSTED. A child is expected to achieve Expected Standard in Reading; Writing; Grammar, Punctuation and Spelling; and Maths.

The following table shows those children achieving at least Expected Standard in their SATS:

	<b>Reading</b>	<b>Writing</b>	<b>Grammar, Punctuation &amp; Spelling</b>	<b>Maths</b>	<b>ES in Reading, Writing and Maths</b>
Less than 12 months CLA	4	3	4	4	2
Continuous care CLA	8 (42.1%)	7 (36.8%)	5 (26.3%)	8 (42.1%)	5 (26.3%)

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 CLA Teacher undertake interventions where necessary with individual children. When the child is placed out of area this will see the Primary CLA Teacher making individual contact with the DT to ensure that interventions are put in place and that the focus is one which meets need.

There were three children in the continuous care cohort who achieved Greater Depth in Reading and one in the less than 12 months cohort. Three of these children were educated in schools in Torbay and the other was out of area. There was one child who achieved Greater Depth in writing. This child was in an out of area school.

In the continuous care cohort there are nine children with EHCPs. Of these five are in mainstream school settings. There are five children with Cognition and Learning named as their primary need and the rest have SEMH as their primary need.

The table below shows the progress measures for the continuous care cohort. It will pose some questions for Headteachers with CLA in schools within Torbay as the data demonstrates that for our CLA in Torbay their progress compares negatively with our CLA education out of area.

	Reading	Writing	Maths
All continuous care CLA	-3.09	-0.97	0.67
All continuous care CLA in Torbay schools	-4.53	-2.71	-0.95
All continuous care in out of area schools	-1.86	+0.52	-0.44

It should also be noted that the data for children in the continuous care cohort with no reported SEN shows their progress in Reading as +1.11; writing +2.65 and maths -0.81. All of these were in out of area schools.

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

Year 7: There were 21 continuous care children but with 25 children in total. Again children need to achieve Age Related Expectations.



	<b>English</b>	<b>Maths</b>	<b>Science</b>
Less than 12 months CLA	0	1	0
Continuous care CLA	6 (28.6%)	5 (23.8%)	8 (38.1%)

There are 9 children with EHCPs in the continuous care cohort with only 3 of these in mainstream schools. Of the 9 there are seven children with Cognition and Learning as their primary need. The remaining two have SEMH as their primary need.

Year 8: There were 21 continuous care children and 27 CLA in total in this year group. The minimum expectation would be ARE. The table below shows the children who have achieved at least ARE.

	<b>English</b>	<b>Maths</b>	<b>Science</b>
Less than 12 months CLA	1	2	2
Continuous care CLA	8 (38.1%)	5 (23.8%)	9 (42.8%)

There are 8 children with EHCP in the continuous care cohort with 2 having Cognition and Learning as their primary need and seven have SEMH as their primary need. Seven of these children are educated in special school settings.

Year 9: There were 27 continuous care children and 33 Torbay CLA 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>	<b>Science</b>
Less than 12 months CLA	0	0	0
Continuous care CLA	13 (48.1%)	12 (44.4%)	13 (48.1%)

There are 9 children with an EHCP in the continuous care cohort. Only two attend mainstream schools.

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 19 continuous care children and 21 Torbay CLA 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.

Of the continuous care cohort 13 have at least a Grade 4 as a target in English and 11 have a target in Maths. At the end of term 8 were on track in English (42.1%) and 4 (21%) in Maths. This would see 21% achieving 5 A\* - C including English and Maths. However the young people who were not working to target are receiving interventions to try to get them back on to target.

There are 6 children with EHCP in the continuous care cohort who are all educated in special school settings.

Year 11/ End of Key Stage 4: There were 28 continuous care young people and 37 Torbay young people in total in this year group. The DfE publishes the end of KS4 results for the continuous care group and OFSTED will scrutinise them during inspection. 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 CLA 2019	14.3% (4)	14.3% (4)	2 (7.1%)	14.3% (4)	32.1% (9)	21.4% (6)
Torbay CLA 2018	33.3% (7)	33.3% (7)	0	38.1% (8)	42.8% (9)	38.1% (8)
Torbay CLA 2017	13.6% (3)	22.7% (5)	4.5% (1)	13.6% (3)	22.7% (5)	27% (6)
Torbay CLA 2016	13.3%	13.3%	0%	20%	27%	27%
Torbay CLA 2015	14%	14%	0%	14%	18%	18%
Torbay CLA 2014	0	8%	0%	8%	20%	8%

It is really positive to report that two of the young people in the continuous care cohort achieved the EBACC this year.

The following table includes Y11 CLA who had not been in care for 12+ months:

	5A*-C inc E&M	5A* - C	EBACC	Grade 4+ (or C+ pre 2017) in E & M	Grade 4+ (or C+ pre 2017) in English (Lit or Lang)	Grade 4+ (or C+ pre 2017) in Maths
ALL Torbay CLA 2019	0	0	0	0	2	1

There are 10 children with EHCP in the continuous care cohort and only 2 attended mainstream schools.

Attainment 8 measures the average achievement of pupils in up to eight qualifications including English (double weighted if both Language and Literature are taken), Maths (double weighted), three further qualifications that count in the EBACC and three further qualifications that can be GCSE or any other non-GCSE qualification on the DfE approved list.

In terms of Attainment 8 the score for the continuous care group was 21.9. The following table gives a comparison for both A8 and P8:

	Torbay CLA (100% coverage)	SW Region CLA (94% coverage)	National CLA (92% coverage)
A8	21.9	22.1	25.2
P8	-1.17	-1.19	-0.96

Progress 8 is a relative measure, which means that the overall national score remains the same between years. Progress 8 is more relevant where we can compare between groups. The Progress 8 measure should not be compared year on year, however, at school level it may be useful to compare a school's percentile rank based on Progress 8. For example, knowing a school had a Progress 8 score of -0.2 in 2018 and a score of -0.2 in 2019 tells you how the school did compared to national average in those years but not whether their performance improved across years. However, knowing that they were in the 86th percentile in 2018 and in the 70th percentile in 2019 tells you they have improved over time compared to other schools.

Percentile ranks should still be comparable despite possible changes in the distribution of Progress 8 scores and are a good starting point for understanding performance on this measure over time. Progress 8 aims to capture the progress a pupil makes from the end of key stage 2 to the end of key stage 4. It compares pupils' achievement - their Attainment 8 score - with the average Attainment 8 score of all pupils nationally who

had a similar starting point (or 'prior attainment'), calculated using assessment results from the end of primary school. Progress 8 is a relative measure, therefore the national average Progress 8 score for mainstream schools is very close to zero. When including pupils at special schools the national average is not zero as Progress 8 scores for special schools are calculated using Attainment 8 estimates based on pupils in mainstream schools.

In terms of Progress 8 the score was -1.17 this year for our CLA whereas the national CLA P8 was -0.96. It should be noted that we had 100% coverage included in the data whereas the national data was only 92% which means some young people nationally were not included. It should also be noted that neither our A8 nor P8 is seen as significantly below the national or regional data.

As with KS2 there are questions to be asked when looking at P8 and A8 data for the continuous care cohort in Torbay schools against those in out of area schools.

	Continuous care CLA in Torbay schools	Continuous care CLA in out of area schools
Progress8	-1.58	-0.89
Attainment8	17.6	24.9

It is important to recognise that the results of GCSEs were predicted to decline this year. There were no surprises and although interventions were in place both through PEPS and the PRIM process in order to successfully engage young people we need their commitment and desire to do well. Whilst some of the young people had been in care for a long time a number of children became looked after during their Y10 and became part of the continuous care cohort. This included one Unaccompanied Asylum Seeking Child, five other children who entered care in KS4 and from within the longer term continuous care cohort one child questioning their gender and another focussing only on returning home to mum.

### Key Stage 5

In KS5 the young people may be following a L1, L2 or L3 course and as often our young people need a longer time to complete the expected courses for Y11 it can be quite complex to track their achievements. However the data is that 25% completed a L3 course with one of these being A levels and the others vocational L3. The young person studying the A levels achieved a BBC in English, Psychology and Sociology and commenced studies at Bath Spa University in September. This child came into care during Y11. Another 25% completed a L2 qualification with a further 15% completing a L1.

In terms of post 16 there were 5 young people with Education Health Care Plans. The primary needs were for 1 x SLD; 1 x SEMH; 3 x MLD.

### **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 looked after 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 SW 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 CLA 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.
3. Three years ago attendance was a focus area for improvement and since then the attendance has improved incrementally. This year the attendance has remained at 95% which is the same as last year. This is sustained progress.
4. There is an increase in the number of children characterised as Persistent Absentees on the previous year's figure of eight. This year there were 11 children and young people categorised as Persistent Absentees. Of these six were in Y11. It should be noted that for some of the young people whilst they were still PA their attendance improved significantly from the previous year. Two of the young people increased their attendance by 17% and 10% on the previous year's attendance and it should be noted that these two young people came into care during their Y10 and had a long history of poor attendance.
5. There were only 21 continuous care children and young people with 100% attendance. This is a decline from the previous year. These children all received a certificate and gift token to mark their achievement.
6. Attendance will continue to be a focus for the VS as children need to be in school to benefit from it.

	Primary	Secondary	Overall
<b>Attendance 2019</b>	<b>97%</b>	<b>90.15%</b>	<b>95%</b>
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.

One of these was a Y9 children who upon entering care had not been in school for a number of years and was electively home educated. One child was in a mainstream school and had a package of 21 hours over five days. Two were children with EHCPs for whom part-time packages were created as there were no schools in the area where they were residing which could meet need and both young people had packages of 21 hours per week over five days. Two children had part-time provision whilst a school place was being sought. This took the form of online learning packages and a tutor.

Five children had part-time transitions into schools following being placed out of area and therefore changing schools. These were closely monitored by the Inclusion Officer in order that a timely return to full time education was achieved.

### 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 32 children were subject to fixed term exclusions. This would be an exclusion rate of 12.8%. When you extract the continuous care children there were 26 who were subject to at least one FTX. This would see 13% of continuous care children subject to a FTX. This is a small reduction of 1% on last year's FTX rate. Looking at the data on continuous care children there is an equal split of children subject to FTX.

It should be noted that one Y11 children who was a new entrant into care was Permanently Excluded by their school. Following a great deal of research by the Inclusion Officer this was successfully challenged and the PX was overturned.

A child in Y1 who was another new care entrant was subject to a PX. This was a situation whereby the school had not acted soon enough in terms of engaging the Educational Psychologist, when the child started attending the school in order to get

some strategies and eventually put in a Request for Statutory Assessment. When the child came into care the behaviours in school escalated and a number of staff received physical injuries. The VS attempted to put in support and alternatives but it was clear the child needed specialist provision. An application was sought for this but at this point the LA had a policy of only children subject to PX being taken on at the LA's Behaviour Unit. This then saw the VSHT reluctantly advise the school to PX the child. It should be noted that the LA has now renewed its policy and this situation will not arise again for a CLA.

No continuous care child was subject to a PX and no managed moves were used during the year.

### **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 CLA with special educational needs in the Virtual School.

At the end of the academic year there were 69 children, of statutory school age, with EHCP's in the Virtual School. This sees 27.6% of the VS's school population being subject to an EHCP. Of these 69 children and young people 47 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.

It should be noted that there are 12 more children and young people with EHCP's than the previous year which also saw a significant rise in those with EHCPs.

In Y11 there were eleven children with EHCPs, ten of whom are categorised as in the continuous care cohort. Only three of the eleven were in mainstream schools and one of these was not in the continuous care cohort.

There were 44 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 45.2% of those of statutory school age have special educational needs.

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



## Outcomes at end of KS2 and 4 for children with SEN

At KS2 there were 4 children at SEN Support and 11 with Education, Health and Care Plans. Of the children with EHCP six children's primary need is a moderate learning difficulty with the remaining five being social, emotional and mental health. The table following gives detail of their performance.

	<b>CLA 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 EXS SPAG</b>	<b>Reached at least EXS in Reading, Writing and Maths</b>
Number with EHCP	11	3	2	1	3	1
Number at School Support	4	2	1	1	1	0

At KS4 there are eleven young people with an EHCP. There are three with the primary need being a moderate learning difficulty; and eight with social, emotional and mental health needs. From this EHCP cohort no one achieved a Grade 4 in either maths or English. However the young people at SEN support did achieve some good results. One child achieved nine GCSEs. In fact the achievement was one Grade 6, five Grade 5s and 3 Grade 4s. This included Grade 5 passes in both English and maths. One young person achieved seven GCSEs at Grades 4 and 4 and this included a strong pass in maths and a Grade 4 in English. The third young person achieved 5 GCSEs at Grade 4s and 5s including a strong pass in English and a Grade 4 in maths. It should be noted that these three young people (all boys) also received tuition from the VS in both English and maths throughout the year.

As noted by the Rees Report the type of school a child attends is one of the strongest predictor of outcomes. The educational outcomes for children attending non-mainstream schools are far lower than for those who attend mainstream. In the Y6 cohort five of the continuous care children attended special or residential schools. In the Y11 continuous care cohort eight young people either attended special schools or alternative provision.

### Unaccompanied Asylum Seeking Children

During the year there has been one UASC of statutory school age. This child was in an out of area school and in Y11. A detailed plan of support for English lessons were in place throughout the year. It is pleasing to note that this child passed GCSE maths

with a Grade 4 along with Double Science at Grade 2 and a BTEC Level 1 in Hospitality. This young person is planning to undertake a L1 Hair and Beauty course at the local FE College from September.

There were three UASC in Y12 and 13. They were all undertaking vocational courses in their local FE colleges.

### **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 (CLA) have a statutory care plan, which is drawn up and reviewed by the Local Authority who looks after them. The Personal Education Plan (PEP) is a legal part of the Care Plan; which is a statutory requirement for CLA 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 CLA.

For children of statutory school age the PEP must be held every term. The CLA 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/liaise 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 £2300 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 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.

#### PP+ funded projects

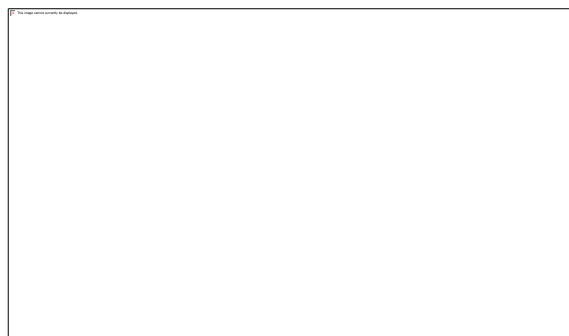
There are a number of projects and interventions which are supported through PP+ such as The Get Gritty Transition Project. This was designed to increase resilience in the child and effect a smooth transition into Y7. It uses the medium of Outdoor Education in order to set challenges which increase individual 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.

As with every educational experience there is the process of plan, do and review. Following the review of *Get Gritty* in 2018 it was decided to use a new provider in 2019. This proved very beneficial and added value to the experience of the young people. We will continue to use this new provider in 2020.

It was also decided this year to focus on the children who had been in the first *Get Gritty* cohort who were now in Y10. It was felt important for the group to come together and re-visit some of the outcomes of *Get Gritty*. It was important, of course, to ensure the young people didn't just have a replica of *Get Gritty* so after much research it was decided to use wild water rafting as the medium. Hence *Get Grafting* took place in the Spring Term. This was very well received by the young people and enabled good working relationships between the staff and young people. We should never underestimate the power of relationships and indeed it is the building block of good attachment work.

Other activities funded through PP+ include the university taster days - one day with Y6 and one day with KS4; the Science Technology Engineering and Maths (STEM) day for those in KS1 and in KS2; the Surf Day for Y10 and Y11; and for this year a second STEM experience was added. This saw a group of secondary aged pupils build two boats from cardboard, having first designed the boats, during the latter half of the summer term. The boats once built then had to be painted in order to make them watertight. This was so they could take part in the final element of the Boat Challenge Project. This saw a group of 4 boys take to the water in Plymouth Sound to race against five other schools. It was a very rewarding project and not only were STEM principles used but the young men involved learnt much about themselves and how to work as a team. Ultimately the teams had success in coming first and second in the race. This was quite an achievement for a Virtual School and an amazing achievement and experience for the young men involved.



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 127 training places being taken up.

It should be noted that all Educational Psychologists 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. A further 24 will commence the same course in September 2019 which will again be hosted through the Torbay Teaching School.

All of the teachers in the VS have completed the training as well as the Attendance Officer. 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.

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:

## Storyboard 1- Y10 Female

### What was the issue?

The young person had experienced trauma, bereavement of birth mother and loss of long term placement. This led to further feelings of rejection as the siblings remained in the placement. There had been changes to social care professionals and a period of instability whilst the previous foster carers discussed ending the placement.

The change in placement meant a school move so she also lost peer support and loss of her therapist. Some of the behaviours due to her distress included dysregulation; refusal to engage with adults; class based learning was difficult with refusal to attend lessons or leaving the lesson/site; anger issues and friendship difficulties.

The young person also had experienced a period of stability as she was originally placed as a respite whilst an appropriate therapeutic placement was sought. She remains with the respite carer. The student had a period at YMCA and with tutors whilst the placement was uncertain and then ensured a school place was obtained.

This included liaising with the school on previous, current and future plans

### Our journey so far....

The Keyworker with the Virtual School has become the significant adult that the student turns to when she has education issues. Due to changes in social worker and not currently having an allocated social worker the key worker has provided consistency and an adult she can approach and also ensures social care are updated on changes that occur. Since working with the children the keyworker at the Virtual School had become their significant adult.

Methods have included:-

- Direct work in attachment and trauma informed practice/Theraplay
- Communication with key professionals
- Through PEPs provide the right support needed for these children
- Attending reviews/PEPs
- PSHE activities (as the young person refuses to attend lessons)
- Working with the school on adapting the timetable to meet the current needs
- Liaising with CAMHs nurse to get therapy restarted
- College Course at SDC established
- Request for Ed Psych assessment
- Working with other involved professionals

### What have we done?

- To support the student and ensure her needs are met through direct and indirect work
- Regular check-ins from team/pastoral support
- Sensory breaks and safe space created
- Ongoing support of foster carers, school staff with strategies
- Student provided with opportunities to E build their self-awareness, self-esteem, and confidence as well as building resilience.
- Encouraged the children to engage in days provided by VS e.g. Exeter College
- Individual teaching of 'how our brains work' - hand model of the brain (Dan Siegal) and reflection when the student has calmed
- PP+ supported a 1:1 to encourage student to attend and stay in lessons
- Worked with SDC to find a suitable mentor to support young person when heightened at college

### What difference has this made?

- The student has built some trust in their key adults in school
- The student is engaging positively with college as she is studying a course related to her interests
- Student is starting to make some plans for the future
- Starting to develop an awareness of feelings and emotions
- Attending some Maths and Art lessons independently
- Engaging well with small group class based learning set up by school
- Engaged appropriately on school trip
- Accesses intervention centre at break and lunchtimes
- Can sometimes follow direction by staff in school

### Areas for further action

- Whole school training in attachment for school staff - Spring Term
- Further strategies to be developed for unstructured times to be more successful
- School encouraged to share strategies that work well
- Student to independently seek out key adults, safe space and calming techniques
- CAMHs to commence
- To access more of her lessons
- To increase her feelings of self-worth

### Immediate next steps

- Work with named member of pastoral staff to ensure students' needs are met
- Review PEP targets



- Work on student taking responsibility for some choices

**Author**

Anna Walker - Secondary Teacher/SENDCo

## Storyboard 2 - male 13 years old - school refuser

### What was the issue?

This young man had become a school refuser. His lived experiences had resulted in many complex needs due to trauma as well as being diagnosed with ADHD. He had been placed locally with a sole carer. Sole carer struggled with this young person refusing to attend school; get out of bed; nocturnal traits and lack of social engagement.

This did eventually result in a placement breakdown; a move out of area which caused distress; change in social care professionals and a subsequent school move. Most of this young person's behaviours was due to his distress included dysregulation; wetting; refusal to engage with adults; class based learning was impossible; seeking solitude; hypervigilance; refusal to eat.

The young person was unable to recognise or verbalise his feelings and emotions due to receiving messages from his parents that 'he was different from everyone due to his ADHD'.

### Our journey so far....

Initially, support was given to his carer in providing strategies to help the young person engage; leave his bed. It was explained to the young person that he had a 'team' around him. This would include a keyworker from the Virtual School, his carer, social worker and the assigned Community Care Worker (CCW). The keyworker at the Virtual School had become a significant adult. To provide consistency and build trust the keyworker visited each morning and demonstrated for carer the strategies to encourage the young person to develop a morning routine. This was extended in transporting him to school.

Methods have included:-

- Thrive sessions
- Sensory work
- Working with professionals involved / providing support with further transitions
- Direct work in attachment and trauma informed practice/Theraplay/Getting alongside the child
- Communication with key professionals
- Training of school staff in Trauma Informed Practice
- Training of foster carer in Trauma Informed Practice
- Set up a team around each child within school; meet and greet; key adult
- Through PEPs provide the right support needed for him
- Attending reviews/PEPs
- YMCA keyworker introduced to support the plan

Additionally, we have produced a range of supporting literature, videos and strategies for carer and professionals regarding different aspects of attachment and trauma related behaviours to meet the needs of the child. We meet regularly to discuss the progress of the young person and review the work.

To help this young person build on his routine a part time timetable was agreed and a bespoke timetable to suit his educational needs. Drumming lessons were included (rhythm and music stimulates the vagus nerve and results in calming and improving the vagal tone). Included in his timetable was support from a YMCA keyworker to improve his social, emotional and mental health.

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.

With the placement breakdown further support was given to this young person. As he was moved out of area support was given during the transition. A visit was completed to reassure him that he was being 'kept in mind'. This young person had a love for playing Chess - Chess set purchased and sent through the post as a reward to his engagement. Schools were explored. A school with a small cohort was chosen; a meeting held with Head and pastoral support alongside the social worker and carer. Transition plan was made to ensure success.

### What have we done?

- To support the child and ensure his needs are met through direct and indirect work
- A keyworker was engaged to deliver tutoring within the home and to develop a positive relationship in order to provide support with transition into school
- All staff provided with a level of training in Trauma Informed Practice and Theraplay informed
- intervention in person; by phone and email
- Work closely with the Thrive practitioner of the school via telephone in the provision of a team around the child
- Meet and greet
- Regular check-ins from team
- Visual timetable which included sensory breaks
- Safe space created for child
- Work in line with the educational psychologist assessment and request made for EHCP
- Ongoing support of foster carers, school staff with strategies. Home/school partnership agreement for consistency of strategies/communication with the keyworker (tutor)

- Provision of Therapeutic Horsemanship care; Drumming lessons within school; continuation to build his self-awareness, self-esteem, and confidence as well as building resilience; Chess club; Archery lessons
- Encouraged the child to engage in whole school events - resilience building; team work; trust.
- Transition plan made ready for moving from Middle School to High School for September 2019; encouraged school to employ a member of staff to support this young person 1:1 for lessons he found tricky - suggested a meal time assistant (someone that this young person would already be familiar with)
- Work alongside new social worker so that there is consistency with the support this young person is receiving.

### What difference has this made?

- The child has built trust in his key adults and been on a journey from dependency to interdependency
- He is able to follow direction from school staff
- Increased awareness of feelings and emotions alongside strategies to help him settle to learn
- 'Window of tolerance' has improved dramatically. Dysregulation has decreased
- He has developed some friendships; has a sense of belonging
- He is accessing class based education 85 -90% of time
- Eating well and sleeping much better
- School have an understanding of the effects of trauma on the brain, becoming more aware and develop empathy
- He is more relaxed and able to verbalise his feelings
- Tutor is no longer required; he now has an established relationship with his key adult within the school setting and has transitioned into the High School well
- Recent events have included one of the carers being seriously ill. He has coped with the uncertainty of placement, showing a level of resilience
- Equine therapy has been positive: recent comments - *It is evident that x's confidence around the horses has grown hugely and he has demonstrated real empathy and developed a lovely relationship with both Jodi and Webster. This enabled x to achieve his own goal of leading a horse at liberty which clearly made him happy and proud. He is also showing an emerging resilience and emotional intelligence that was evident during his final session when both horses were reluctant to do what he was asking. This has also been noticed and commented on by his foster carer, Y.*

*Moving forward, x has identified and expressed a couple of things that he would like to work on, including "letting go of his self-consciousness", which he is aware is limiting him from doing certain things. As well as practicing more techniques to help him to "manage his anxiety", and to*

*"focus and manage his ADHD" better, without medication. He is also aware that this will help him to cope with the transitions and changes ahead, as well as help him become more successful at Archery which he is currently enjoying doing. I would therefore be happy to offer a follow up bespoke programme that would focus more on these areas.*

### Areas for further action

- Continued support for him 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 school staff with training in trauma informed practice

### Immediate next steps

- Work with new staff to ensure they have an understanding of team around the child
- Review home/school partnership agreement and look for areas to improve
- Review PEP targets

### Author

Tracey Powell - Inclusion Support Office/Attachment Lead

## Storyboard 3 - female 5 year old

### What was the issue?

The young person had difficulty settling in class. To illicit care had taken on baby voice; wetting. She was having difficulty with peer friendship; play was challenging and she would refuse any help from the adults around her. She was relatively isolated as she lacked emotional engagement with other children or with adults. This was impacting within her placement. The young person's behaviours was due to her lived experiences and included sudden and apparently inexplicable tantrums which was quickly over. Generally appeared happy.

The young person was unable to understand or verbalise her feelings and emotions. Her coping mechanism was to say, 'everything is ok', 'I'm fine' and presented as anxious avoidant. She would rely on knowledge and ignore feelings to guide her behaviour.

When stressed she would wet; teacher felt this was deliberate act for attention. Feelings of failure and toxic shame.

### Our journey so far....

Direct work commenced with the young person. The keyworker at the Virtual School had become a significant adult within school base initially. To provide consistency and build trust the keyworker visited once a week for 40 minutes. Communication with class teacher and carer was done on a regular basis. Extended a team around the child which included the class teaching assistant and class teacher. Methods have included:-

- Working with professionals involved / providing support with further transitions
- Direct work in attachment and trauma informed practice/Theraplay/Getting alongside the child
- Communication with key professionals
- Training of school staff in Trauma Informed Practice
- Communication with foster carer in Trauma Informed Practice as well as training
- Set up a team around each child within school; meet and greet; key adult
- Through PEPs provide the right support needed for her
- Attending reviews/PEPs
- Peer whole group Theraplay activities
- Shining the light on positive behaviour of others around and on her rather than focus on negative behaviours

Additionally, we have produced a range of supporting literature, videos and strategies for carer and professionals regarding different aspects of attachment and trauma related behaviours to meet the needs of the child. We meet regularly to discuss the progress of the young person and review the work. Consistent strategies between home and school have been important. Story time has been an important aspect of time with this young person. We have used therapeutic story telling. Time to explore feelings and make circle of trust bracelet.

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.

Work began early on within the Summer term to ensure that a robust planned transition into Year 1 was made and executed.

### What have we done?

- To support the child and ensure her needs are met through direct and indirect work
- A keyworker to develop a positive relationship in order to provide support with transitions in school

- Staff member provided with a level of training in Trauma Informed Practice and Theraplay informed intervention in person; by phone and email
- Work closely with the Designated Teacher of the school via telephone in the provision of a team around the each child
- Meet and greet
- Regular check-ins from team
- Ongoing support of foster carers, school staff with strategies. Home/school partnership agreement for consistency of strategies
- Encouraged the child to engage in whole class activities - resilience building; team work; trust. Play with class peers initiated in the time scheduled for Virtual School keyworker
- Transition plan made ready for moving from Reception to Year 1 for September 2019; suggested teacher have lunch with young person and 1:1 time allocated to build on relationship and familiarise.
- Work alongside new social worker so that there is consistency with the support this young person is receiving

### What difference has this made?

- The child has built trust in his key adults and been on a journey from dependency to interdependency
- She is able to follow direction from school staff
- Increased awareness of feelings and emotions alongside strategies to help her settle to learn
- 'Window of tolerance' has improved. Dysregulation has decreased at school. Home is a work in progress but there has been improvement
- She has developed some friendships; has a sense of belonging
- School have an understanding of the effects of trauma on the brain, becoming more aware and develop empathy
- She is more relaxed and able to verbalise her feelings

*Quote from carer:*

*Thanks so much Tracey!*

*x has always struggled with imaginative play- I would pretend to feed her my little pony and she would say things like "it's not real!!" More recently she is beginning to play with a baby doll, she mirrors what I do with her sister sometimes but her play is often centred on the baby being "good" which I find interesting as it's not something I have ever said. She is also quite fixated on having "real food" for her baby and looks at me as if I've lost the plot if I give her an empty bowl and ask her to pretend "but it's EMPTY!!"*

*According to x mum did very little playing at her home, instead using an old mobile phone of mums which she played games on and watched YouTube. She has the phone here with her at our house but we highly discourage her use of it.*

*We have had some breakthrough with x recently, in terms of her outbursts. We've put the strategies in place. She is calmer in her nature this week which helps her concentration for sure!*

#### Areas for further action

- Continued support 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 school staff with training in trauma informed practice

#### Immediate next steps

- Work with new staff to ensure they have an understanding of team around the child
- Review home/school partnership agreement and look for areas to improve
- Review PEP targets

#### Author

Tracey Powell - Inclusion Support Office/Attachment Lead



**The final account for PP+ (financial year to March 2019) follows:**

PP+ Grant from the DfE	- £563,500	Direct Expenditure through Action Plans	- £418462.76
		Direct work and resources	- £3236.59
		Salary costs	- £30,043.92
		Training for staff	- £804.40
		CLA Awards	- £183.77
		Get Gritty Y6 Transition Project	- £2083.26
		Bus hire	- £726.51
		Attachment Training (17-18)	- £5548.45
		Attachment Training (18-19)	- £17135.90
		STEM Day	- £1335
		NIMBL annual licence	- £17635
		Room hire	- £939.15
		Letterbox Club	- £9972.53
		ePEP annual renewal	- £9360
		WelfareCall	- £15242
		PGL Activities	- £1056
		Music Project	- £5000
		Mindfulness Training (DT and FC)	- £3990
		Book and Amazon Vouchers	- £4000
		Residue (CLA Awards)	- £16744.76
		<b>TOTAL</b>	<b>£563,500</b>

**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. A total of 81 young people are in Letterbox: 16 children in Y1; 15 children in Y3; 24 children in Y5; 25 children in Y7; and 1 for SEN. The Letterbox is well received by the children and their foster carers.

An innovation was this that the Virtual School joined The Imagination Library. This is a book reading scheme funded through Dolly Parton's philanthropic work. It sees a carefully chosen book sent each month to our CLA 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 carer giver and child.

Looking at our data it is clear that there now needs to be not only a focus on reading but also on writing. One action will be to not only identify a writing programme to support our CLA but also promote this.

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.

Mindfulness continues to have a focus with training for school staff as well as pupils and foster carers. There are 12 teachers trained to teach mindfulness to their pupils - PAWS-B. (Mindfulness with primary aged pupils.) Following the training there are mindfulness groups operating in six of these schools. The CLA Teacher trained in PAWS-B is also trained to teach secondary aged pupils.

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 meets three times a year as well as bespoke training. The sessions always include updates on policy regarding the education of CLA as well as a short workshop on a theme. Over the last year 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 which meets every Tuesday at 4pm at Sacred Heart School. A professional singing teacher is used to facilitate the sessions. Anecdotal evidence has seen the children grow in confidence as well as improving their singing ability. In the summer term whilst the young people attending were growing in confidence the choir numbers had dropped so following our plan, do and review cycle it was identified that we needed to re-invigorate the choir for the September term.

It was also decided to have a branding for the Virtual School activities. So the branding is now 'Get Gritty', Get Rhythmical, Get Grafting etc..

### 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.

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.

### 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 eight 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 commencing in Year 2 (2019-20). The project will capture the understanding of staff of attachment and trauma informed practice prior to whole school training. Then the impact of the training on the attitudes, values and ways of working of the staff will be monitored.

Depending on the outcomes of the research this may influence, hopefully, inclusion and behaviour policies and practice in all schools.

### **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.

### **Staffing**

The Virtual School now has a 0.5 Admin Support Officer who commenced her role in the Autumn Term 2018. This now sees the VS with 3 full time teachers, a fulltime Inclusion Support Officer, a full time PEP Co-ordinator, and a 0.6 HT.

The vacancy for a Post LAC Advice and Guidance Officer will be advertised in the next academic year. This post is funded by the DfE.

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 will also oversee the post 16 work.

### **Children Looked After Celebrations**

This academic year the task of organising the CLA Award Ceremony again fell to the Virtual School. This saw the main CLA Awards Ceremony taking place on Friday 5 October 2018. It was held at the English Riviera Centre and was a sparkling affair.

There were 300 people in attendance with 125 being our CLA. The event looked very like the Brit Awards with round tables for the child and their carers to sit on with a

veritable feast to enjoy. There were side events to enjoy after the presentations and formal aspects of the evening. The VS choir, whilst small, also gave a performance.

The main attraction was a young man who had been in care in the South West and he writes about his experience of being in care and now being a care leaver. His name was Solomon OB and he is a rapper and poet (spoken word artiste) and a musician. He gave very powerful performances and inspirational words which really resonated with the young people and their carers.

Here are the names of the awards and the numbers of nominations:

Acts of Kindness - 13 nominations

Attainment - 11 nominations

Attendance - 15 nominations

Community Champion - 7 nominations

Creative Genius - 15 nominations

Growth Mindset - 18 nominations

Musical Maestro - 4 nominations

Overcoming Obstacles - 50 nominations

Personal Achievement - 50 nominations

Progress Award - 21 nominations

Sporting Prowess - 12 nominations

Triple A - 1 nomination

For each award, bar the Triple A, there was a primary aged winner and a secondary aged winner. It was a fabulous affair and a great improvement on previous years. All children received a certificate for the nominations and every one received a gift bag with a range of items including a book token.

On 21 June the VS arranged a celebration for the Under 7s. This was hosted in a local hotel and an entertainer was booked to provide a party atmosphere and some structure to the event. This was attended by 28 children and they were accompanied by their carers. Every child was presented with a goody bag which included a book, some bubbles to aid their breathing and calmness, some sensory putty and a certificate. This event was also well received and will become a permanent fixture in the VS's calendar.

## **Priorities**

- To identify the causes of the low percentage of children achieving a Good Level of Development at the end of the EYFS and research solutions
- To focus on English and Maths outcomes at KS4
- To continue the focus of the PRIM (progress, review, intervention meetings) on Y6 and 11 with a view to commence these in Y5 and Y10
- To improve progress in primary writing
- To build on the improvement in the quality of Personal Education Plans to bring consistently high quality PEPS
- To continue the focus and training on attachment in schools and to identify ways to influence the practice of staff working with our CLA particularly in secondary schools.
- To continue to improve the completion and quality of post 16 PEPS.
- 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 CLA.
- To identify how Foster Carers can support the work of schools particularly in the primary phase with reading as well as expectations on supporting their CLA into and during HEIs.
- 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 repeat the training for CLA Governors in schools in Torbay
- 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**

It has been another busy and successful year for the Virtual School. The focus on achieving the best outcomes for our children remains and is our primary focus. It should be noted when considering the data for the cohorts in the under 12 months in care that almost all children when entering care in the 2018/19 academic year were below age related expectations. This is not unusual and has been the case in all the years the Virtual School has been in place. However it exemplifies the importance of

the personal education plan in ensuring that each child has a tailored approach to her or his learning in order to address any barriers to learning.

There was mixed success with our attainment this year. Some individual children and young people made excellent progress and met age related expectations. Others made good progress but did not meet these expectations.

The focus on attachment will continue as FTX only reduced by 1% and there was no difference in the number of FTX between Torbay and out of area schools. The work on attachment should ultimately impact on attainment but is not a quick fix. The Virtual School understands that all professionals need to be attachment aware and has widened its training to all professionals. The attachment training will continue in the next academic year but we will consider how we can ensure that more staff understand how their teaching style and relationships with the children and young people impact on their engagement in learning.

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.

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

The Virtual School team consists of highly competent professionals with a passion to ensure our children looked after 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.

The Virtual School will make difficult decisions when schools are clearly not the best settings for our children. 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 2019

2.OUTCOMES 2019						
Performance indicator	T R E N D	2019 TORBAY children in care %	2019 National children in care %	2019 TORBAY all pupils %	2018 National all pupils %	RAG Based Torbay CLA v national CLA
EYFS % reached GLD	↑	28.5% (2) *	49%	71%	71.5%	<span style="background-color: red; color: white;">D</span>
KS1 % Reached at least expected standard - Reading	↓	42.9% (3)	42%	76.2%	75%	<span style="background-color: yellow;">A</span>
KS1 % Reached at least expected standard - Writing	↓	42.9% (3)	42%	69.2%	70%	<span style="background-color: yellow;">A</span>
KS1 % Reached at least expected standard - Maths	↑	57.1% (4)	49%	75.4%	76%	<span style="background-color: green;">C</span>
KS1 % Reached at least expected standard - Reading, writing and maths	↓	42.9% (3)	37%	64.9%	Not available	<span style="background-color: green;">C</span>
KS2 % Reached at least expected standard - Reading	↑	42.1% (8)	49%	75%	75%	<span style="background-color: red;">D</span>
KS2 % Reached at least expected standard - Writing	↑	31.5% (6)	50%	77%	78%	<span style="background-color: red;">D</span>
KS2 % Reached at least expected standard - SPAG	↑	31.5% (6)	53%	74%	78%	<span style="background-color: red;">D</span>
KS2 % Reached at least expected standard - Maths	↑	42.1% (8)	51%	79%	76%	<span style="background-color: red;">D</span>
KS2 % Reached at least expected standard - Reading, Writing and maths	↑	26.3% (5)	36%	66%	64%	<span style="background-color: red;">D</span>
KS4 % 5+ GCSEs at grades A*-C including English (Grade 4+) and Maths (Grade 4+)	↓	14.3% (4)	Not available	Not available	Not available	<span style="background-color: red;">D</span>
KS4 % 5+ GCSEs at grades A*-C	↓	14.3% (4)	Not available	Not available	Not available	<span style="background-color: red;">D</span>
KS4 % gaining a strong pass in both English and maths at Grade 5+	↓	3.57% (1)	10%	47.8%	40.2%	<span style="background-color: red;">D</span>

## Appendix 1 - Outcomes 2019

KS4 % gaining a Grade 5+ in English	↓	17.8% (5)	23%	58.8%	Not available	R
KS4 % gaining at least a Grade 4 in English	↓	32.1% (9)	Not available	71.2%	Not available	A
KS4 % gaining a Grade 5+ in maths	↓	7.1% (2)	14%	50.6%	Not available	R
KS4 % gaining at least a Grade 4 in maths	↓	21.4% (6)	Not available	68.4%	Not available	A
KS4 Attainment 8 score		21.9	25.1	47.7	44.5	A
KS4 Progress 8 score		-1.17	-0.97	-0.12	0.22	A
Y1 - Y11 attendance	↔	95%	TBC	TBC	TBC	G
% receiving at least one fixed term exclusion	↓	13%	TBC	TBC	TBC	G
% receiving a permanent exclusion	↔	0	TBC	TBC	TBC	G
KS5 % gaining L3 qualifications	new	25% (5)	Not available	Not available	TBC	
KS5 % gaining L2 qualifications	new	25% (5)	Not available	Not available	TBC	
KS5 % gaining L1 qualifications	new	15% (3)	Not available	Not available	TBC	
Total of 18 - 24 year old care leavers participating in Higher Education		8% (2018)	6% (2018)	TBC	TBC	

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

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

**Green** - above national CLA outcome 2019

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

## **Appendix 2 - Glossary**

### Glossary

EYFS - Early Years Foundation Stage

GLD - Good Level of Development

DT - Designated Teacher

EHCP - Education, Health and Care Plan

SEMH - Social and Emotional Health

MLD - Moderate Learning Difficulty

ASD - Autistic Spectrum Disorder (Condition)

PMLD - Profound and Multiple Learning Disabilities

SEN - Special Educational Need

EBACC - English Baccalaureate

NEET - Not in Education, Employment or Training

VS - Virtual School

SGO - Special Guardianship Order

RI - Requires Improvement (OFSTED category)

KS - Key Stage

FE - Further Education

ARE - Age related expectations

PA - Persistent Absence

SATS - Standardised Assessment Tests

GSCE - General Certificate of Secondary Education

SMART - Specific, measurable, attainable, realistic/relevant, timebound

STEM - Science, technology, engineering and maths

PRIM - Progress review intervention monitoring

PP+ - Pupil Premium Plus

EP - Educational Psychologist

CPD - Continuing Professional Development

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

ePEP - Electronic Personal Education Plan

UASC - Unaccompanied Asylum Seeking Children

PX - Permanent Exclusion

FTX - Fixed Term Exclusion



**Meeting: Cabinet**

**Date: 27 March 2020**

**Wards Affected: St Marychurch**

**Report Title: Determination of Application to re-list Plainmoor Stadium as an Asset Of Community Value**

**Is the decision a key decision? Yes/No**-(delete as appropriate)

**When does the decision need to be implemented? 31 March 2020**

**Cabinet Member Contact Details: Cllr Christine Carter**, Cabinet Member for Corporate and Community Services, phone no. 07848829159, email christine.carter@torbay.gov.uk

**Supporting Officer Contact Details: James Oram**, Senior Lawyer, phone no. 01803 207286, email james.oram@torbay.gov.uk

## **1. Proposal and Introduction**

- 1.1 Plainmoor Stadium is currently listed as an Asset of Community Value ('ACV'). This listing will expire on 31 March 2020. An application to relist has been received from Torquay United Supporters' Society Limited (AKA Torquay United Supporters Trust) and must be determined by the Cabinet in accordance with the requirements of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012
- 1.2 The application has been considered by Officers who recommend approval of the above application and the re-listing of Plainmoor Football Stadium as an ACV.

## **2. Reason for Proposal and associated financial commitments**

- 2.1 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:
- 2.2 The proposals contained in this report will potentially commit the Council financially in respect of: Potential Compensation payments; if an owner or former owner of land listed or previously listed as an ACV incurs loss or expense that it is likely they would not have incurred had the land not been listed as an ACV, they may be able to claim compensation under regulation 14 of the ACV Regulations 2012.

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

To re-list Plainmoor Football Stadium in the Council's list of assets of community value from 1 April 2020

#### Appendices

Appendix 1: Application to include Plainmoor Football Stadium submitted by Torquay United Supporters' Society Limited (AKA Torquay United Supporters Trust)

#### Background Documents

Torbay Council Assets of Community Value Policy:-

<https://www.torbay.gov.uk/planning-and-building/land-charges/assets-of-community-value/>

#### Report Clearance

<b>Report clearance:</b>	<b>This report has been reviewed and approved by:</b>	<b>Date:</b>
Chief Executive	Steve Parrock	
Monitoring Officer	Anne-Marie Bond	
Chief Finance Officer	Martin Phillips	
Relevant Director/Assistant Director	Anne-Marie Bond	

## Section 1: Background Information

<b>1.</b>	<b>What is the proposal / issue?</b>  To relist Plainmoor Football Stadium as an Asset of Community Value on expiry of its current listing on 31 March 2020
<b>2.</b>	<b>What is the current situation?</b>  Plainmoor Football Stadium is currently listed as an Asset of Community Value. Such listings last for a period of 5 years and the current listing will expire on 31 March 2020  A community interest group, the Torquay United Supporters' Society Limited (AKA Torquay United Supporters Trust), have made an application for a new listing to protect the asset for a further 5 years.  A community asset is a local building or piece of land which the community considers to be of particular value to the local community. Section 88 of the Localism Act 2011 sets out the definition of a community asset. Land or a building will be considered of community value if in the opinion of the Council if: <ul style="list-style-type: none"><li>• an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and</li><li>• it is realistic to think that now or in the next 5 years there could continue to be a primary use of the building/land which will further (whether or not in the same way) the social, well-being or social interests of the local community.</li></ul> Members' attention is particularly drawn to pages 8 and 9 of the application appended to this report with regard to the merits of the Application and the established community use and value of the stadium. From the information contained in the application to list the property as an ACV, it is clear that the above test has been satisfied and that the property should be included in the Council's list of ACVs.
<b>3.</b>	<b>What options have been considered?</b>  Having received a valid application the only other option would be to refuse to list the asset as an Asset of Community Value. It is however well established that sports grounds, even when operated primarily as a private commercial venture, can be listed as an ACV (for example Old Trafford, the football stadium of Manchester United FC).

4.	<p><b>What is the relationship with the priorities within the Partnership Memorandum and the Council's Principles?</b></p> <p>The protection of Assets of Community Value supports the Partnership's priority of 'Thriving People and Communities'. The protection of this particular asset also supports the Partnership's priority of 'A Thriving Economy' given the direct employment of numerous staff at the stadium and the additional income generated in Torbay generally by visiting supporters.</p>
5.	<p><b>How does this proposal/issue contribute towards the Council's responsibilities as corporate parents?</b></p> <p>N/A</p>
6.	<p><b>How does this proposal/issue tackle poverty, deprivation and vulnerability?</b></p> <p>N/A.</p>
7.	<p><b>How does the proposal/issue impact on people with learning disabilities?</b></p> <p>N/A, no differential impact</p>
8.	<p><b>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</b></p> <p>The Owner of the long lease of the property (Torquay United Association Football Club Limited) is the only party directly affected by the proposals. The Council's solicitor has written to the company asking for any representations or comments. In addition the views of the local community partnership and Ward Members has been sought.</p>

## Section 2: Implications and Impact Assessment

<b>9.</b>	<p><b>What are the financial and legal implications?</b></p> <p>The proposals contained in this report will potentially commit the Council financially in respect of: Potential Compensation payments; if an owner or former owner of land listed or previously listed as an ACV incurs loss or expense that it is likely they would not have incurred had the land not been listed as an ACV, they may be able to claim compensation under regulation 14 of the ACV Regulations 2012. However, in order to claim such compensation the claimant will need to prove and demonstrate their actual loss so the likelihood of such claims is low.</p> <p>The legal effect of listing the property as an ACV is set out in the Torbay Council Assets of Community Value Policy:- <a href="https://www.torbay.gov.uk/planning-and-building/land-charges/assets-of-community-value/">https://www.torbay.gov.uk/planning-and-building/land-charges/assets-of-community-value/</a></p>
<b>10.</b>	<p><b>What are the risks?</b></p> <p>If the Council does not determine the application before 31 March 2020 it will be in breach of its statutory duty to do so. This would leave the Council vulnerable to a potential ombudsman complaint.</p> <p>If the Council register the property as an ACV in circumstances where it should not have done so, then the owner is entitled to appeal and may potentially recover the costs incurred in a successful appeal.</p> <p>If the Council decides not to list the property as an ACV in circumstances where it should have done so, there is no right of appeal. The only remedy available to an aggrieved applicant would be by way of judicial review.</p>
<b>11.</b>	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>N/A – the Council is not procuring any goods or services in relation to this decision</p>
<b>12.</b>	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>The evidence supporting the application for listing is sufficient to demonstrate that the current use of the property is of community value. No evidence has been received to contradict this position.</p>



13.	<b>What are key findings from the consultation you have carried out?</b>  No comments or representations received as at the date of this report
14.	<b>Amendments to Proposal / Mitigating Actions</b>  N/A

## Equality Impacts

15.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			No differential impact
	People with caring Responsibilities			No differential impact
	People with a disability			No differential impact
	Women or men			No differential impact
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			No differential impact
	Religion or belief (including lack of belief)			No differential impact
	People who are lesbian, gay or bisexual			No differential impact
	People who are transgendered			No differential impact
	People who are in a marriage or civil partnership			No differential impact
	Women who are pregnant / on maternity leave			No differential impact

	Socio-economic impacts (Including impact on child poverty issues and deprivation)	The presence of a professional sports club generates employment opportunities and brings income into the local economy due to visiting supporters spending money in the local area	
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The sports and fitness facilities available at the club make an important contribution to the promotion of physical health	
16.	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	None	
17.	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	None	

Appendix A



## Assets of Community Value

### Nomination Form

Please complete this form fully. The details you place in this form will be the basis for which the Council will come to an informed decision on whether the asset can and should be placed on the List of Assets of Community Value, or not.

#### HOW WE USE YOUR PERSONAL INFORMATION

##### **What personal information do we need?**

In order to process a nomination we require the name, address, telephone number and email address of the nominating body and the owner/occupier of the nominated asset. In cases of applications made by unincorporated bodies with at least 21 individual members, all the 21+ members' names and addresses should also be provided.

##### **Who is collecting it?**

The data controller is Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR.

##### **Why is it being collected?**

Under the Localism Act 2011: Assets of Community Value (England) Regulations 2012, we have a statutory duty to receive, process and make a decision on nominations for Assets of Community Value.

##### **How will it be used?**

Personal information is used to process the nomination, to make a decision on the nomination, and inform the owner(s) and other interested parties of the nomination, its progress and the eventual decision.

##### **Who will it be shared with?**

We will share the personal contact details used to process the nomination with internal departments within the Council e.g. Local Land Charges, Legal Department, Governance Support and Elected Representatives Information will also be shared with the Torbay Development Agency as the Council's Asset Management body.

##### **How long will the information be kept for?**

Nomination forms and information relating to the nomination will be kept for 6 years.

##### **Your rights**

If you feel that the information the Council holds about you is incorrect, you have the right to request it is rectified. You are also able to request a copy of the personal data the Council holds about you. To see more information about your rights, please see our [Information Rights Policy](#).

If you wish to raise a complaint about how the Council has processed your information please contact the Council's Data Protection Officer via [infocompliance@torbay.gov.uk](mailto:infocompliance@torbay.gov.uk)

**IMPORTANT NOTES:**

The assessment period will commence once the Council is in receipt of a fully valid application. **Incomplete application forms and forms missing required documentation will not be accepted as valid and will be returned to the applicant to provide the missing information.**

A landowner/occupier is entitled to see this form during the 8 week consultation period (once the nomination is validated) or following any decision to list the asset concerned as an Asset of Community Value.

Please complete this form electronically, or if completing by hand, only use **BLOCK CAPITALS** and **black or blue ink**.

## Section 1. About your Organisation

1a. Nominating Organisation's Name and Address:
Organisation Name*: Torquay United Supporters' Society Limited (commonly known as Torquay United Supporters' Trust)
[REDACTED]
[REDACTED]
[REDACTED]
<i>*full name as written in your constitution or rules (if appropriate)</i>

1b. Please provide a named contact for us to get in touch with, should we need to discuss your nomination:
Name: [REDACTED]
Address: [REDACTED]
Telephone / Mobile Number: [REDACTED]
Email Address: [REDACTED]

1c. Please specify which of the following categories your organisation relates to		
Category of Organisation		
Description:	Please tick only one box:	Registration / Charity number (if applicable)
Town or Parish Council	<input type="checkbox"/>	[REDACTED]
Body designated as a neighbourhood forum under the Town and Country Planning Act	<input type="checkbox"/>	[REDACTED]
Unincorporated bodies with at least 21 individual members and which does not distribute any surplus it makes to its members	<input type="checkbox"/>	[REDACTED]
Charity	<input type="checkbox"/>	
Company limited by guarantee which does not distribute any surplus it makes to its members	<input type="checkbox"/>	
Industrial and provident society which does not distribute any surplus it makes to its members	<input checked="" type="checkbox"/>	Now termed a Registered Society under the Co-operative and Community Benefit Societies Act 2014
Community interest company	<input type="checkbox"/>	

ACV Form: (16/01/2019)

**1d. Evidence Organisation**

Please provide a copy of the following as relevant to your organisation (tick all documents provided):

Memorandum of Association	<input checked="" type="checkbox"/>
Articles of Association	<input type="checkbox"/>
Companies House return	<input type="checkbox"/>
Trust Deed	<input type="checkbox"/>
Constitution / Terms of reference	<input checked="" type="checkbox"/>
Standing Orders	<input type="checkbox"/>
Interest Statement for Community Interest Company	<input type="checkbox"/>

**1e. Evidence of a local connection**

All nominating organisations must have a local connection. Tick all relevant statements that apply, or provide a description of how your organisation is connected to Torbay, or a neighbouring authority's area (South Hams or Teignbridge):

The body's activities are wholly or partly within Torbay, South Hams and/or Teignbridge	<input checked="" type="checkbox"/>
At least 21 of the members of the body are local (see point 1f. below)	<input checked="" type="checkbox"/>
Any profits made by the body are wholly or partly applied for the benefit of Torbay, South Hams or Teignbridge	<input type="checkbox"/>
It is a parish council within Torbay's boundary or it shares a boundary with Torbay	<input type="checkbox"/>

Description / additional information:

**1f. Membership of unincorporated bodies**

For unincorporated bodies please confirm that at least 21\* members are included on Torbay's register of electors and provide their names, addresses and signatures below:

Name:	Address:	Signature:
1.		
2.		
3.		
4.		
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7.		
8.		
9.		
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21.		

*\* if you have more than 21 members, please provide additional details on a separate page annexed to this application.*



**Section 2. About the Asset you are nominating:**

<b>2a. Please provide the name of the asset (if relevant), and the location/address of the asset:</b>
Name: Plainmoor Stadium
Address: Plainmoor, Torquay
Postcode: TQ1 3PS
Is the asset defined as operational land under section 263 of the Town and Country planning Act 1990, or owned by statutory undertakers such as utility companies? Please provide details:

<b>2b. Please provide details of the boundary of the asset. Please submit a boundary map/plan at the end of this application which helps to clarify the exact location and extent of the asset being nominated. Where possible this should be a Land Registry Title and Title Plan for the asset (less than one month old). You can get electronic copies of the Land Registry Title and Title Plan from the Land Registry at <a href="https://www.gov.uk/search-property-information-land-registry">https://www.gov.uk/search-property-information-land-registry</a> (there is a fee for this service). If the asset is unregistered, alternatives include a Site Location Plan, or OS map with boundaries clearly marked in red with a North point, and a scale.</b>
Please note that you are required to provide correct boundary and ownership information for the asset you wish to nominate. Incomplete or ambiguous information will be considered an incomplete application form and not be accepted as valid.
See Title Plan from Land Registry attached.

**2c. Owner and occupier details** (Please provide all information available to you, and copies of the Land Registry Titles and Plans. Note: where there is leasehold(s) and freehold, please provide copies of the Land Registry Titles and Plans for both the leasehold(s) and freehold):

	Name	Address	Delete as appropriate
Owner/s	Torquay United Association Football Club	Plainmoor Torquay TQ1 3PS	Current
Lawful occupiers	Torquay United Association Football Club	Plainmoor Torquay TQ1 3PS	Current
Holder/s of freehold estate (if not the Owner)	Torbay Council	Town Hall, Castle Circus, Torquay, TQ1 3DR	Current
Holder/s of any leasehold estate	Torquay United Association Football Club	Plainmoor Torquay TQ1 3PS	Current
Further detail / other:			

**2d. Current use of asset**

What is the asset / What is the <u>current</u> main use of the asset? e.g. shop, pub, community facility, playing field	The stadium consists of a football pitch, 4 spectator stands, attached restaurant, bar, offices, club shop, training facilities, changing and treatment rooms, Boots & Laces public house, indoor bowling rink and car park.
---	--

Describe fully how you consider that the current and main use of the asset furthers the social wellbeing or cultural, recreational or sporting interests of the local community?

Torquay United delivers both social value and community benefit to Torquay and Devon more broadly as an integral part of the local area. The Club's history in Torquay goes back to its founding in 1899. Torquay United moved to its current location in 1910. Its principal activity is the furtherance of local sporting interest, listed by the Localism Act as a social interest that a Community Asset should further.

Please note that there is a formal lease agreement in place between the Club, Torbay Council and Westlands School (adjacent to the site), who have a computer suite and fitness suite in the Bristows Bench stand.

**The Club:**

- Promotes the enjoyment of sport and exercise to local people throughout the community, particularly young people, both through its own matches (a range of concessions are offered) and through activities the Club undertakes through its Community Sports Trust (see below).
- Serves as a focus for community pride, providing Torquay with a shared history and heritage through the achievements of the Club and the many celebrated players from its history, and regularly celebrating the contribution that the Club's non-player employees, volunteers, and supporters make to the Club's success.
- Helps build a sense of community identity, bringing together diverse elements of Devon, across a range of ages and social and economic backgrounds, on a regular basis for a shared purpose.
- Provides local people with an inclusive social environment open to all members of the community which the Club works to foster, for example through its regular support of such initiatives as the 'Kick it Out' campaign (an equality and inclusion campaign for football and the wider community).
- Engages fans in the support of local charitable causes, raising money for specific charitable causes as well as regular 'bucket' collections for local and national charities at home games.
- Provides economic benefits to local businesses such as increasing trade for nearby and associated pubs and restaurants on matchdays, as well as working to bring together a network of local businesses for mutual benefit.
- Hosts a number of entertainment events including Business Breakfast Club, Quiz Nights, .
- Represents Torquay and Devon nationally, routinely promoting the town's name whenever the club is mentioned)
- The average home attendance in season 2018/19 was 2,550.

As well as acting as a focus for the people of Torquay, Torquay United Football Club also works within the Torbay community, operating a range of sporting, social, and educational activities and programmes under the aegis of its Torquay United Community Sports Trust. This Community Sports Trust reaches tens of thousands of young people in the Devon area every year, with a particular focus on local schools and sports clubs. The Community Sports Trust runs specific programs for disabled young people and other minority groups.

The Stadium is crucial in enabling Torquay United Football Club to deliver this social value and community benefit through sporting and community activities, in that the Club needs a suitable home to host its football matches. Listing The Stadium as a Community Asset would mean that in any circumstance where The Stadium's current owner were to look to dispose of it, the community would have the opportunity to secure the Football Club's future. This step would:

- Protect the Stadium's viable use as venue for Torquay United Football Club for current and future generations,
- Ensure it continues as a site for delivering social benefit and community value, both through the continued hosting of Torquay United's games, and through the associated community activities Torquay United undertakes.
- Help ensure a sustainable future for Torquay United within the community, with the community owning a stake in The Stadium.
- Provide the opportunity to use the non-football revenues generated by The Stadium to support Torquay United and its sporting and community activities.

If there was the potential of losing the Stadium without a suitable alternative being available, Torquay United Supporters Trust would wish to preserve the use of the ground as the home of Torquay United FC.

Community interest group acquisition could happen in a number of different ways, either by raising the capital funds directly from supporters, by seeking out other sources of investment that would guarantee the club's continued tenure at the ground, or by a combination of these two routes. If funds were to be raised directly from supporters, this would be planned through a Community Shares issue, which the society is empowered to conduct under its Rules (see especially Rule 20 'Capital Funding Share Provisions'). In such an eventuality, the society would be able to rely on the professional advice and support of the Football Supporters Association, which is the national body for Supporters' Trusts.

Over what period is this main use of the asset anticipated to continue?	The football club's lease runs until 2081 but the owners have indicated an intention to relocate the club within five years.
Does the local community have legal and authorised use of the land or property?	Yes. Part of the stadium is used by the adjoining college for example.
If the main use of the asset does not <u>currently</u> further the social wellbeing or cultural, recreational or sporting interests of the local community, did it do so at some stage in the recent past? <i>(Please provide details of how the asset was used in the past and dates of this usage)</i>	Not applicable – it currently does as described above.

**Can you demonstrate / how do you anticipate that the asset would return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?**

**Not applicable**

**When do you consider that the asset could realistically return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?**

**Not applicable**

**Section 3. Supporting Information for your Nomination**

**3a. Please provide any further information to support your nomination**

Torquay United Supporters' Trust

The Trust is a Registered Society under the Co-operative and Community Benefit Societies Act 2014 (formerly an Industrial and Provident Society), with membership open to all supporters of Torquay United. It promotes good governance and seeks to ensure the long-term sustainability of the club for the benefit of current and future supporters and the wider community.

**Declaration I confirm that I am authorised to submit this nomination form on behalf of the applicant organisation and that all of the information given or referred to in this form is true, accurate, and complete and that all relevant information has been submitted.**

Name: [Redacted] Secretary of Torquay United Supporters' Trust

Signature: \_\_\_\_\_

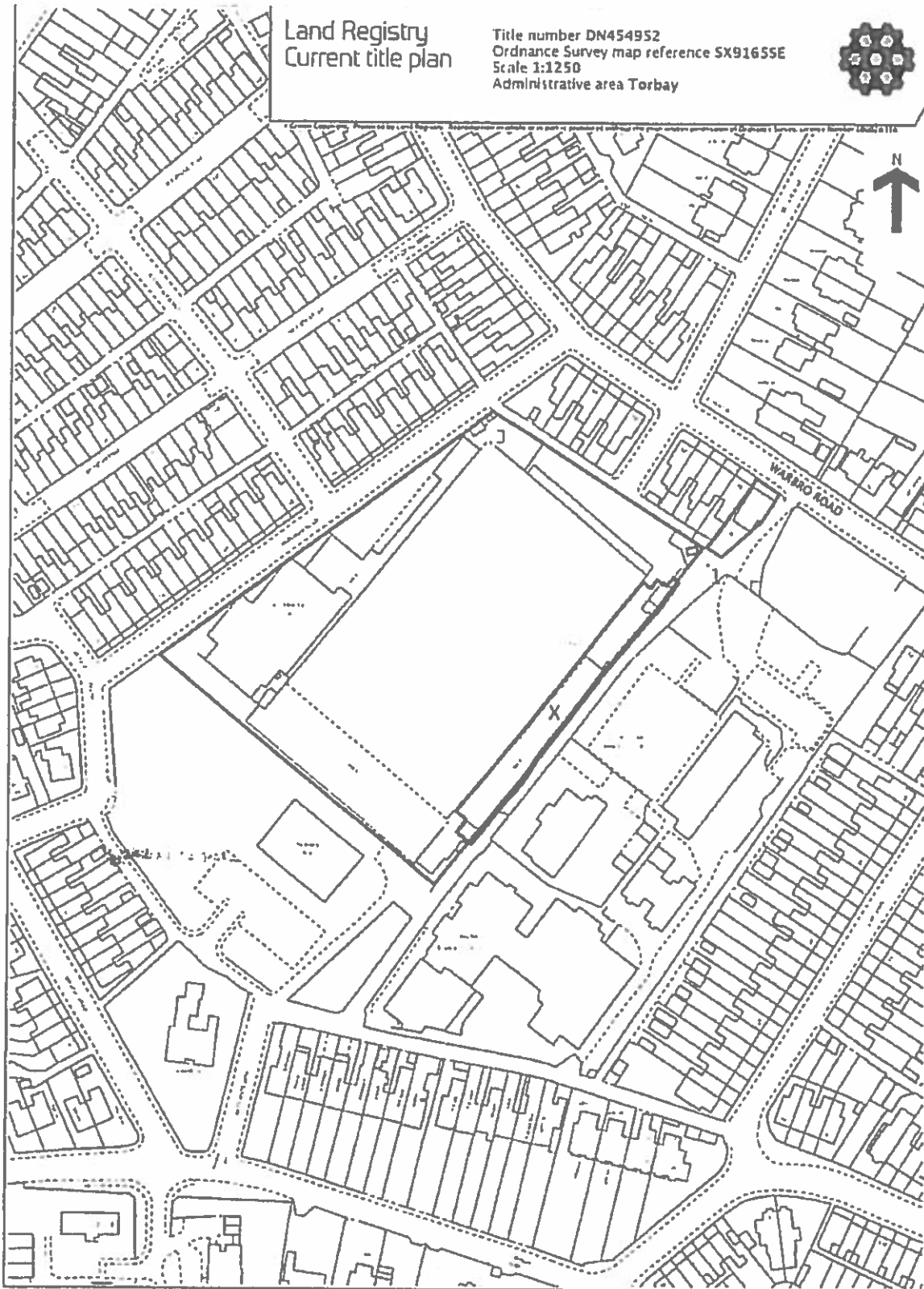
Date: 1st FEBRUARY 2020.

Please return to Land Charges, Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR or [landcharges@torbay.gov.uk](mailto:landcharges@torbay.gov.uk)  
Tel: 01803 207107

*We will acknowledge receipt of your nomination and will check through your form and let you know if any information is missing or if any further information is required. If all the requested information is provided, we will accept the form. We have 8 weeks from formally accepting the form to determine whether the asset you have nominated should be placed on the List of Assets of Community Value.*

Land Registry  
Current title plan

Title number DN454952  
Ordnance Survey map reference SX91655E  
Scale 1:1250  
Administrative area Torbay



This is a copy of the title plan on 9 DEC 2014 at 17:48:01. This copy does not take account of any application made after that time even if still pending in the Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the title plan. An official copy of the title plan is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the Land Registry web site explains how to do this.

The Land Registry endeavours to maintain high quality and scale accuracy of title plan images. The quality and accuracy of any print will depend on your printer, your computer and its print settings. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by Land Registry, Plymouth Office.



**Meeting: Cabinet**

**Date: 24 March 2020**

**Wards Affected: Furzeham and Summercombe**

**Report Title: Determination of Application to list the Former Police Station at Bolton Cross, Brixham (now Brixham Museum) as an Asset Of Community Value**

**Is the decision a key decision? Yes**

**When does the decision need to be implemented? 16 April 2020**

**Cabinet Member Contact Details: Cllr Christine Carter**, Cabinet Member for Corporate and Community Services, phone no. 07848829159, email christine.carter@torbay.gov.uk

**Supporting Officer Contact Details: James Oram**, Senior Lawyer, phone no. 01803 207286, email james.oram@torbay.gov.uk

## **1. Proposal and Introduction**

- 1.1 An application to list the Former Police Station at Bolton Cross, Brixham (now Brixham Museum) as an Asset of Community Value has been received from Brixham Heritage and Museum Society and must be determined by the Cabinet in accordance with the requirements of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012
- 1.2 The application has been considered by Officers who recommend approval of the above application and the listing of property as an ACV.

## **2. Reason for Proposal and associated financial commitments**

- 2.1 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:
- 2.2 The proposals contained in this report will potentially commit the Council financially in respect of: Potential Compensation payments; if an owner or former owner of land listed or previously listed as an ACV incurs loss or expense that it is likely they would not have incurred had the land not been listed as an ACV, they may be able to claim compensation under regulation 14 of the ACV Regulations 2012.

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

To list the Former Police Station in the Council's list of assets of community value before 16 April 2020.



## Appendices

Appendix 1: Application to include the Former Police Station at Bolton Cross, Brixham as an Asset of Community Value received from Brixham Heritage and Museum Society

### Background Documents

Torbay Council Assets of Community Value Policy:-

<https://www.torbay.gov.uk/planning-and-building/land-charges/assets-of-community-value/>

### Report Clearance

<b>Report clearance:</b>	<b>This report has been reviewed and approved by:</b>	<b>Date:</b>
Chief Executive	Steve Parrock	
Monitoring Officer	Anne-Marie Bond	
Chief Finance Officer	Martin Phillips	
Relevant Director/Assistant Director	Anne-Marie Bond	

## Section 1: Background Information

<b>1.</b>	<b>What is the proposal / issue?</b>  To consider listing The Former Police Station as an Asset of Community Value
<b>2.</b>	<b>What is the current situation?</b>  The Former Police Station is not currently listed as an Asset of Community Value.  A community interest group (the Brixham Heritage and Museum Society), have made an application for a new listing to protect the asset for the next 5 years.  A community asset is a local building or piece of land which the community considers to be of particular value to the local community. Section 88 of the Localism Act 2011 sets out the definition of a community asset. Land or a building will be considered of community value if in the opinion of the Council if: <ul style="list-style-type: none"><li>• an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and</li><li>• it is realistic to think that now or in the next 5 years there could continue to be a primary use of the building/land which will further (whether or not in the same way) the social, well-being or social interests of the local community.</li></ul> From the information contained in the application to list the property as an ACV (particularly see numbered pages 8 and 9 of the application form), it is considered the above test has been satisfied and that the property should be included in the Council's list of ACVs.
<b>3.</b>	<b>What options have been considered?</b>  Having received a valid application the only other option would be to refuse to list the asset as an Asset of Community Value.
<b>4.</b>	<b>What is the relationship with the priorities within the Partnership Memorandum and the Council's Principles?</b>  The protection of Assets of Community Value supports the Partnership's priority of 'Thriving People and Communities'. The protection of this particular

	asset also supports the Partnership's priority of 'A Thriving Economy' given the additional income generated in Brixham by visitors to the museum.
5.	<p><b>How does this proposal/issue contribute towards the Council's responsibilities as corporate parents?</b></p> <p>N/A</p>
6.	<p><b>How does this proposal/issue tackle poverty, deprivation and vulnerability?</b></p> <p>N/A.</p>
7.	<p><b>How does the proposal/issue impact on people with learning disabilities?</b></p> <p>N/A, no differential impact</p>
8.	<p><b>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</b></p> <p>The Council, being the freehold owner of the building is the only party directly affected by the proposals. The Council's solicitor has sought the views of the local community partnership and Ward Members for Furzeham and Summercombe and the nearby St Peters with St Marys.</p>

## Section 2: Implications and Impact Assessment

<b>9.</b>	<p><b>What are the financial and legal implications?</b></p> <p>The proposals contained in this report will potentially commit the Council financially in respect of: Potential Compensation payments; if an owner or former owner of land listed or previously listed as an ACV incurs loss or expense that it is likely they would not have incurred had the land not been listed as an ACV, they may be able to claim compensation under regulation 14 of the ACV Regulations 2012. However, in order to claim such compensation the claimant will need to prove and demonstrate their actual loss so the likelihood of such claims is low.</p> <p>The legal effect of listing the property as an ACV is set out in the Torbay Council Assets of Community Value Policy:- <a href="https://www.torbay.gov.uk/planning-and-building/land-charges/assets-of-community-value/">https://www.torbay.gov.uk/planning-and-building/land-charges/assets-of-community-value/</a></p>
<b>10.</b>	<p><b>What are the risks?</b></p> <p>If the Council does not determine the application before 16 April 2020 it will be in breach of its statutory duty to do so. This would leave the Council vulnerable to a potential ombudsman complaint.</p> <p>If the Council register the property as an ACV in circumstances where it should not have done so, then the owner is entitled to appeal and may potentially recover the costs incurred in a successful appeal.</p> <p>If the Council decides not to list the property as an ACV in circumstances where it should have done so, there is no right of appeal. The only remedy available to an aggrieved applicant would be by way of judicial review.</p>
<b>11.</b>	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>N/A – the Council is not procuring any goods or services in relation to this decision</p>
<b>12.</b>	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>The evidence supporting the application for listing is sufficient to demonstrate that the current use of the property is of community value. No evidence has been received to contradict this position.</p>

13.	<b>What are key findings from the consultation you have carried out?</b>  No comments or representations received as at the date of this report
14.	<b>Amendments to Proposal / Mitigating Actions</b>  N/A

## Equality Impacts

15.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			No differential impact
	People with caring Responsibilities			No differential impact
	People with a disability			No differential impact
	Women or men			No differential impact
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			No differential impact
	Religion or belief (including lack of belief)			No differential impact
	People who are lesbian, gay or bisexual			No differential impact
	People who are transgendered			No differential impact
	People who are in a marriage or civil partnership			No differential impact
	Women who are pregnant / on maternity leave			No differential impact

	Socio-economic impacts (Including impact on child poverty issues and deprivation)	The presence of tourist attractions brings income into the local economy due to visitors spending money in the local area	
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		No differential impact
16.	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	None	
17.	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	None	

Section 1. About your Organisation

**1a. Nominating Organisation's Name and Address:**

Organisation Name: Brixham Heritage Museum & History Society.

Address: The Old Police Station, Bolton Cross, New Road, Brixham, TQ5 8LZ

*\*full name as written in your constitution or rules (if appropriate)*

**1b. Please provide a named contact for us to get in touch with, should we need to discuss your nomination:**

Name: \_\_\_\_\_

Address: Brixham Heritage Museum, The Old Police Station, Bolton Cross, New Road, Brixham, TQ5 8LZ

Telephone / Mobile Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**1c. Please specify which of the following categories your organisation relates to**

Category of Organisation	Please tick only one box:	Registration / Charity number (if applicable)
Description:		
Town or Parish Council	<input type="checkbox"/>	
Body designated as a neighbourhood forum under the Town and Country Planning Act	<input type="checkbox"/>	
Unincorporated bodies with at least 21 individual members and which does not distribute any surplus it makes to its members	<input type="checkbox"/>	
Charity	<input checked="" type="checkbox"/>	306633
Company limited by guarantee which does not distribute any surplus it makes to its members	<input type="checkbox"/>	
Industrial and provident society which does not distribute any surplus it makes to its members	<input type="checkbox"/>	
Community interest company	<input type="checkbox"/>	



<b>1d. Evidence Organisation</b> Please provide a copy of the following as relevant to your organisation (tick all documents provided):	
Memorandum of Association	<input type="checkbox"/>
Articles of Association - ByLaws	<input checked="" type="checkbox"/>
Companies House return	<input type="checkbox"/>
Trust Deed	<input type="checkbox"/>
Constitution / Terms of reference	<input type="checkbox"/>
Standing Orders	<input type="checkbox"/>
Interest Statement for Community Interest Company	<input type="checkbox"/>

<b>1e. Evidence of a local connection</b> All non-profit organisations must have a local connection, please tick all the relevant statements that apply, or provide a description of how your organisation is connected to Torbay, or a neighbouring authority's area (South Hams or Teignbridge):	
The body's activities are wholly or partly within Torbay, South Hams and/or Teignbridge	<input checked="" type="checkbox"/>
At least 21 of the members of the body are local (see point 1f. below)	<input checked="" type="checkbox"/>
Any profits made by the body are wholly or partly applied for the benefit of Torbay, South Hams or Teignbridge	<input checked="" type="checkbox"/>
It is a parish council within Torbay's boundary or it shares a boundary with Torbay	<input type="checkbox"/>
<b>Description / additional information:</b>	

**11. Membership of unincorporated bodies**

For unincorporated bodies please confirm that at least 21\* members are included on Torbay's register of electors and provide their names, addresses and signatures below.

Name:	Address:	Signature:
1.		
2.		
3.		
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20.		
21.		

*\* if you have more than 21 members, please provide additional details on a separate page annexed to this application.*

**Section 2. About the Asset you are nominating:**

**21. Please provide the name of the asset (if relevant), and the location/address of the asset:**

Name: The Old Police Station

Address: Bolton Cross, New Road, Brixham.

Postcode: TQ5 8LZ

Is the asset defined as operational land under section 263 of the Town and Country planning Act 1990, or owned by statutory undertakers such as utility companies? Please provide details:

No

**26. Please provide details of the boundary of the asset. Please submit a boundary map/plan at the end of this application which helps to clarify the exact location and extent of the asset being nominated. Where possible this should be a Land Registry Title and Title Plan for the asset (less than one month old). You can get electronic copies of the Land Registry Title and Title Plan from the Land Registry at <http://www.gov.uk/search/property>. If the asset is not registered, alternatives include a Site Location Plan, or OS map with boundaries clearly marked in red, with a North point, and a scale.**

**Please note that you are required to provide correct boundary and ownership information for the asset you wish to nominate. Incorrect or ambiguous information will be considered an incomplete application form and not be accepted as valid.**

Plan enclosed.

**2c. Owner and occupier details (Please provide all information available to you, and copies of the Land Registry Titles and Plans. Note: where there is leasehold(s) and freehold, please provide copies of the Land Registry Titles and Plans for both the leasehold(s) and freehold):**

	Name	Address	Delete as appropriate
Owner/s	Torbay Council	Town Hall Castle Circus Torquay TQ1 3DR	Current
Lawful occupiers	Brixham Heritage Museum	The Old Police Station, Bolton Cross, New Road, Brixham, TQ5 8LZ.	Current
Holder/s of freehold estate (if not the Owner)	Torbay Council	Town Hall Castle Circus Torquay TQ1 3DR	Current
Holder/s of any leasehold estate	Brixham Heritage Museum	The Old Police Station, Bolton Cross, New Road, Brixham, TQ5 8LZ.	Current
Further detail / other:			

**2d. Current use of asset**

What is the asset / What is the current main use of the asset? e.g. shop, pub, community facility, playing field

Museum

Describe fully how you consider that the current a main use of the asset furthers the social wellbeing or cultural, recreational or sporting interests of the local community?

We have occupied the (asset) building since 1976. We serve initially, as an accredited museum displaying, preserving, protecting and promoting the heritage of Brixham. We are a service point for the Devon Records Office holding parish records for Brixham, Churston and Kinswear. We also provide a family history service for the public using not only parish records but our extensive records of all the fishing and trading boats that have used Brixham over the years. We also handle general historic enquiries. The museum is open to the public free of charge.

We undertake active research and have published many books in the past, the most recent at the end of 2019 by Edgar Lawrence on the fortifications at Berry Head. We have 2 books waiting to be published this spring, one about the building of the Mayflower II at Brixham and the other about the maritime history of Brixham.

We provide an interest for the local community and have over 80 volunteers who gave the museum over 9,000 hours of their time last year.

As a museum we respect the heritage of Brixham but we also respect the heritage of the building we occupy as it was the old police station built in 1902. In acknowledgement of this we have refurbished one of the original police cells and returned it to how would have looked when it was first built. We also have signs all around the building stating what part of the police station it was originally.

We are an integral part of Brixham and we are seeing an increase in the number of locals and tourists coming to the museum. In 2019 we saw an increase of over 1,500 visitors on the previous year. The museum is usually the first point of contact for the film and TV companies who approach us for information of historical content. The last time recently was the BBC Inside Out Programme who actually filmed inside the museum concerning the Mayflower II.

We work with many local organisations and 2019 saw all the primary schools in Brixham use the museum for school trips at least once. We also have links with South Devon College who have visited the museum on many occasions and we hope to be a resource centre for the students to do research. We are also working with many local charities and businesses with our Welcome Pack Initiative introducing ourselves and participating organisations to newcomers moving to Brixham.

The asset is used to preserve the history of Brixham and has done so since the society took over the building in 1976. This is carried out through the preservation of artefacts, records, verbal recordings, organized school visits and lectures. The museum is open to the public free of charge for 4 ½ days a week for approximately 35 weeks each year and is run almost exclusively by local volunteers. The building was originally a Police Station built 1902/03 and its contribution to the town's history is celebrated here too.

Over what period is this main use of the asset anticipated to continue?	Indefinitely. We have been in existence for over 60 years and aim to continue as long as we can remain financially viable.
Does the local community have legal and authorised use of the land or property?	Yes, it is a museum for the general public to use.
If the main use of the asset does not <u>currently</u> further the social wellbeing or cultural, recreational or sporting interests of the local community, did it do so at some stage in the recent past? <i>(Please provide details of how the asset was used in the past and dates of this usage)</i>	N/A
Can you demonstrate / how do you anticipate that the asset would return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?	N/A
When do you consider that the asset could realistically return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?	N/A

**Section 3. Supporting Information for your Nomination**

**3a. Please provide any further information to support your nomination**

[Empty box for providing supporting information]

**Declaration I confirm that I am authorized to submit this nomination form on behalf of the applicant organisation and that all of the information given or referred to in this form is true, accurate, and complete and that all relevant information has been submitted.**

Name: [Redacted] (Vice-Chair of Brixham Heritage Museum)

.....

Signature: [Handwritten Signature]

Date: 19.2.20

Please return to Land Charges, Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR or [landcharges@torbay.gov.uk](mailto:landcharges@torbay.gov.uk)  
Tel: 01803 207107

*We will acknowledge receipt of your nomination and will check through your form and let you know if any information is missing or if any further information is required. If all the requested information is provided, we will accept the form. We have 8 weeks from formally accepting the form to determine whether the asset you have nominated should be placed on the List of Assets of Community Value.*



**Meeting: Cabinet**

**Date: 24 March 2020**

**Wards Affected: All**

**Report Title: Community Infrastructure Levy Funds – Administration and Governance of Neighbourhood Proportion**

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

**When does the decision need to be implemented?** No critical deadline

**Cabinet Member Contact Details:** Councillor Mike Morey, Cabinet Member for Infrastructure, Environment and Culture, [Mike.Morey@torbay.gov.uk](mailto:Mike.Morey@torbay.gov.uk)

**Supporting Officer Contact Details:** Andrew England, Assistant Director Planning & Transport, [Andrew.england@torbay.gov.uk](mailto:Andrew.england@torbay.gov.uk)

## **1. Proposal and Introduction**

1.1 The Council has implemented the Community Infrastructure Levy (CIL) which generates funds from defined new developments which pay a set levy type contribution towards local infrastructure. The majority of the funds are already allocated to key infrastructure projects, including for example the costs of providing the South Devon link road. However, 25% of the levy funds form what is called the local or neighbourhood proportion, which should be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on the area. The neighbourhood proportion should be spent within the neighbourhood of the development which paid the levy, which in the Torbay context would normally be expected to relate to the Neighbourhood Plan areas namely, Brixham, Paignton and Torquay.

1.2 With regard to CIL chargeable development which falls within the administrative boundary of Brixham Town Council, national guidance is clear and explains that the Charging Authority (Torbay Council) must pass 25% of the relevant CIL receipts to the parish council (in this case Brixham Town Council) for that area. The town council must use the CIL receipts passed to it to support the development of the Town Council's area by funding the provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on the area. There is scope for the Town Council to allow Torbay Council to retain the neighbourhood funding to spend on agreed larger infrastructure (eg a school) if this should arise. If an area does not spend its levy share within 5 years of receipt, or does not spend it on initiatives that support the development of the area, Torbay Council has scope to require it to repay some or all of those funds. Unfortunately at the time of drafting this report no CIL payments have been received for Brixham. It should be noted that part of the Brixham Neighbourhood Plan area falls outside of the administrative boundary of Brixham Town Council, however for administrative



convenience it is recommended that any neighbourhood proportion CIL funds received within the Brixham plan area are passed to the Town Council to administer.

1.3 With regard to the development falling outside of the Brixham Town Council administrative area, Torbay Council is required to consult with the community about how the neighbourhood proportion funds can be used, including to support priorities set out in neighbourhood plans. The national guidance in such cases is as follows:-

*'If there is no parish or town council, the charging authority will retain the levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding. Charging authorities should set out clearly and transparently their approach to engaging with neighbourhoods using their regular communication tools for example, website, newsletters, etc. The use of neighbourhood funds should therefore match priorities expressed by local communities, including priorities set out formally in neighbourhood plans.*

*The law does not prescribe a specific process for agreeing how the neighbourhood portion should be spent. Charging authorities should use existing community consultation and engagement processes. This should include working with any designated neighbourhood forums preparing neighbourhood plans that exist in the area, theme specific neighbourhood groups, local businesses (particularly those working on business led neighbourhood plans) and using networks that ward councillors use. Crucially this consultation should be at the neighbourhood level. It should be proportionate to the level of levy receipts and the scale of the proposed development to which the neighbourhood funding relates.*

*Where the charging authority retains the neighbourhood funding, they can use those funds on the wider range of spending that are open to local councils. In deciding what to spend the neighbourhood portion on, the charging authority and communities should consider such issues as the phasing of development, the costs of different projects (for example, a new road, a new school), the prioritisation, delivery and phasing of projects, the amount of the levy that is expected to be retained in this way and the importance of certain projects for delivering development that the area needs. Where a neighbourhood plan has been made, the charging authority and communities should consider how the neighbourhood portion can be used to deliver the infrastructure identified in the neighbourhood plan as required to address the demands of development. They should also have regard to the infrastructure needs of the wider area.*

*The charging authority and communities may also wish to consider appropriate linkages to the growth plans for the area and how neighbourhood levy spending might support these objectives.'*

1.4 In summary (outside of the Brixham Town Council administrative boundary) Torbay Council retains the 25% neighbourhood proportion and determines how this should be spent accounting for the guidance detailed above. At the time of drafting this report the total neighbourhood proportion amounts to circa £100,000 (although one payment is the subject of an appeal). Of the £100,000 the greater proportion relates to the Paignton Neighbourhood area.

1.5 The guidance suggests that we should consider using existing community consultation and engagement processes, which is logical in that it can avoid setting up a separate process which in itself could take up already limited resources. One option in this respect is the opportunity to consider the use of Crowdfunding which has just come into operation in Torbay. This could be used as a very effective means of identifying potential local

infrastructure projects, provide additional income by way of pledges which the CIL neighbourhood proportion could contribute and importantly provide for people to indicate their support for suitable projects. In Plymouth for example it was reported that Crowdfund Plymouth raised over £434,593 for 100+ city projects from 4,550 pledgers, from an initial funding pot of £60k.

1.6 Given that the Crowdfunding option is now in use by the Council there is the potential for use in respect of the CIL Neighbourhood proportion. Such an approach is considered to be appropriate with regard to some of the messages provided from the Community Conference. However, Crowdfunding in Torbay is a new process and has yet to be tested so it is not known how successful it will prove.

1.7 In the interim, pending a review of the success of crowdfunding it is recommended that the Council invites bids annually from the community and community organisations, to identify potential projects which might reasonably be funded from the CIL Neighbourhood proportion. It is expected that the Neighbourhood Forums/Community Partnerships would have a key role in terms of identifying and presenting priority projects. Any such bids would need to be assessed to ensure that they meet suitable criteria which accords with the national guidance on the types of projects which might be funded (including meeting infrastructure requirements compatible with or identified in the relevant Neighbourhood Plans). It is suggested that the detail of the criteria for assessment should be finalised in consultation with the Neighbourhood Forums/Community Partnerships, who will be a key stakeholder in the process.

1.8 It is recommended that bids are evaluated against an agreed set of criteria by a panel consisting of representatives from the Neighbourhood Forum and representatives of the Community Partnership in which the project is planned, the Cabinet member for Infrastructure, Environment and Culture and Ward member(s) for the area which the bid concerns. The final decision to award funding for the bid will be made by the Director of Place in consultation with the Cabinet member for Infrastructure, Environment and Culture. In all cases Torbay Council will only fund projects and release monies in accordance with its financial, procurement and legal rules and regulations.

## **2. Reason for Proposal and associated financial commitments**

2.1 Whilst the law does not prescribe a specific process for agreeing how the neighbourhood portion should be spent, the guidance indicates that the Council should identify a suitable administration process in order to ensure that CIL is spent appropriately. The process can however be reviewed at any time and it is recommended that this should take place annually with consideration given to either using the crowdfunding option or possibility a combination of the bidding process and crowdfunding in the future.

2.2 There is an ongoing financial commitment to use the Neighbourhood proportion of CIL to fund suitable projects however, as the funds are paid specifically for this purpose there is no financial burden for the Council

2.2 The proposals contained in this report will commit the Council financially in respect of:

*Spending the Neighbourhood proportion of CIL collected by the Council on an ongoing basis.*

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

That Cabinet agree the following:

- (i) That the neighbourhood proportion collected in respect of development located within the Brixham Neighbourhood Plan area shall be paid directly to the Brixham Town Council to administer. With the spend of any funds received by the Brixham Town Council in respect of development located outside of the administrative area of the town council, but located within the neighbourhood plan area, shall be in consultation with the relevant Torbay Council members for the wards concerned.
- (ii) A standalone bidding process is introduced to determine what local projects the CIL Neighbourhood proportion should be spent on (as set out in the main body of the report).
- (iii) Within a year of operation the bidding procedure should be reviewed and reassessed against the success of Crowdfunding Torbay to determine whether the bidding process should continue or by subsumed in whole or part of Crowdfunding.

#### **Appendices**

None

#### **Background Documents**

Existing Torbay Council CIL documents including fact sheet and charging schedule can be viewed at:-

<https://www.torbay.gov.uk/council/policies/planning-policies/local-plan/cil/>

<b>Section 1: Background Information</b>	
<b>1.</b>	<p><b>What is the proposal / issue?</b></p> <p>Agreement of the administrative process most appropriate for the Community Infrastructure Neighbourhood proportion funds.</p>
<b>2.</b>	<p><b>What is the current situation?</b></p> <p>There is currently no process in place although funds are being collected.</p>
<b>3.</b>	<p><b>What options have been considered?</b></p> <p><i>The body of the report explains that the option of using the crowdfunding exists and this has the potential to successfully deal with bids for CIL funding in a transparent and open manner and also allows form community support to be confirmed and match funding achieved. On the face of it this presents a potentially ideal long term solution but has yet to be proven in the context of Torbay. Hence, an alternative bidding arrangement has been presented as a short term solution but could equally form the long term solution. The make-up of the selection panel does present options, however it is considered important to ensure that there is both community representation but critically democratically elected members of Torbay Council, as the Council are ultimately responsible for the collection of CIL and ensuring that it is spent appropriately.</i></p>
<b>4.</b>	<p><b>What is the relationship with the priorities within the Partnership Memorandum and the Council's Principles?</b></p> <p><i>Priorities:</i></p> <ul style="list-style-type: none"> <li>• <i>Thriving People and Communities</i></li> <li>• <i>A Thriving Economy</i></li> <li>• <i>A Climate Fit for the Future</i></li> <li>• <i>A Council Fit for the Future</i></li> </ul> <p><i>Principles:</i></p> <ul style="list-style-type: none"> <li>• <i>Use reducing resources to best effect</i></li> <li>• <i>Integrated and joined up approach</i></li> </ul>
<b>5.</b>	<p><b>How does this proposal/issue contribute towards the Council's responsibilities as corporate parents?</b></p> <p><i>No conflicts identified.</i></p>

6.	<p><b>How does this proposal/issue tackle poverty, deprivation and vulnerability?</b></p> <p><i>The proposal seeks to administer funds for local infrastructure provision which has the potential to address deprivation and reduce inequalities.</i></p>
7.	<p><b>How does the proposal/issue impact on people with learning disabilities?</b></p> <p><i>The proposal does not directly impact on those with Learning Disabilities/ autism or those living with mental health issues, however suitable infrastructure projects might be funded which could help to provide positive impacts on identified needs.</i></p>
8.	<p><b>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</b></p> <p><i>The proposal relies on community support to both bid for proposals but also for a clear indication of community support for projects to be success. The funds for example can be used to empower communities to provide their own infrastructure projects.</i></p>

## Section 2: Implications and Impact Assessment

9.	<p><b>What are the financial and legal implications?</b></p> <p>The CIL funds are collected for the express purpose of providing local infrastructure and are ring fenced for this purpose.</p>
10.	<p><b>What are the risks?</b></p> <p>Whilst not a formal legal requirement the relevant guidance provides for a clear expectation for the process to be transparent and directly involve the community. Funding of projects will require a robust process of financial management to ensure that funds are spent appropriately.</p>
11.	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>N/A</p>
12.	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>The CIL funding regime is the subject of national guidance.</p>
13.	<p><b>What are key findings from the consultation you have carried out?</b></p> <p>No formal consultation carried out with regard to proposed process however consultation will be critical to identify potentially successful project bids.</p>
14.	<p><b>Amendments to Proposal / Mitigating Actions</b></p> <p>Not directly applicable however options have been identified in the body of the report.</p>

## Equality Impacts

15.	Identify the potential positive and negative impacts on specific groups			
	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact	
Older or younger people	The aim of the process of CIL funding is to have a positive impact recognising the need to ensure access for all the selected bidding opportunities.			
People with caring Responsibilities	The aim of the process of CIL funding is to have a positive impact recognising the need to ensure access for all the selected bidding opportunities.			
People with a disability	The aim of the process of CIL funding is to have a positive impact recognising the need to ensure access for all the selected bidding opportunities.			
Women or men	The aim of the process of CIL funding is to have a positive impact recognising the need to ensure access for all the selected bidding opportunities.			
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	The aim of the process of CIL funding is to have a positive impact recognising the need to ensure access for all the selected bidding opportunities.			
Religion or belief (including lack of belief)	The aim of the process of CIL funding is to have a positive impact recognising the need to			

	ensure access for all the selected bidding opportunities.		
People who are lesbian, gay or bisexual	The aim of the process of CIL funding is to have a positive impact recognising the need to ensure access for all the selected bidding opportunities.		
People who are transgendered	The aim of the process of CIL funding is to have a positive impact recognising the need to ensure access for all the selected bidding opportunities.		
People who are in a marriage or civil partnership	The aim of the process of CIL funding is to have a positive impact recognising the need to ensure access for all the selected bidding opportunities.		
Women who are pregnant / on maternity leave	The aim of the process of CIL funding is to have a positive impact recognising the need to ensure access for all the selected bidding opportunities.		
Socio-economic impacts (Including impact on child poverty issues and deprivation)	The aim of the process of CIL funding is to have a positive impact recognising the need to ensure access for all the selected bidding opportunities.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The aim of the process of CIL funding is to have a positive impact recognising the need to ensure access for all the selected bidding opportunities.		
<b>16. Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might	Consideration of the cumulative impacts across the Council will be undertaken during a review of the operation of the selected process.		



	worsen the impacts identified above)	
17.	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	Consideration of the cumulative impacts across the Council will be undertaken during a review of the operation of the selected process.



**Meeting: Cabinet**

**Date:** 24<sup>th</sup> March 2020

**Wards Affected:** Roundham with Hyde

**Report Title:** Disposal of 51 & 53, Totnes Road, Paignton TQ4 5LE.

**Is the decision a key decision?** Yes

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

**Cabinet Member Contact Details:** Councillor Swithin Long, Cabinet Member for Economic Regeneration, Tourism & Housing, 07419 111618, [Swithin.Long@torbay.gov.uk](mailto:Swithin.Long@torbay.gov.uk)

**Supporting Officer Contact Details:** Paul Palmer, TDA Head of Assets & Facilities Management, 01803 207920, [paul.palmer@tda.uk.net](mailto:paul.palmer@tda.uk.net)

**Supporting Director Contact Details:** Kevin Mowat, Director of Place, Torbay Council.

## **1. Proposal and Introduction**

- 1.1 Both properties, known as Scotleigh House, 51 Totnes Road and Halswell House, 53 Totnes Road, Paignton TQ4 5LE have both become vacant in the last 6 months. Both assets are now void and considered surplus to the Council's operational requirement. Both properties are adjacent to each other and form a total site measuring c.1, 475 sq. m. A site location plan of both properties can be found at Appendix 1
- 1.2 In line with policy and to reduce operational and holding costs the Council should now look to dispose of both assets thereby removing any ongoing liabilities. The Council now needs to consider how it wishes to dispose of the assets either directly on the open market seeking to maximise the capital receipt or by way of a transfer to TorVista Homes Ltd at a nil receipt for the delivery of affordable housing which the Council would receive nomination rights on 100% of the properties in perpetuity.

## **2. Reason for Proposal and associated financial commitments**

- 2.1 Whilst the condition of both buildings is fair given the previous uses, the buildings are now noticeably deteriorating since being left vacant and not in use. As both buildings remain in the ownership of Torbay Council the ongoing maintenance and repair liability remains with the Council. The Council has no operational requirement for either property. The assets do have site constraints notably Halswell House is a Grade II Listed building and the site sits within the Old Paignton Conservation Area. Whilst these constraints do have an impact on future use and disposal value this should not be considered as prohibitive. However,

before a decision is ultimately taken on the route of disposal further feasibility work on the re-development of the site should be undertaken.

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

That the Cabinet adopt one of the following recommendations:

- 3.1 That a recommendation is made to Council that the land edged red at Appendix 1 be transferred to TorVista Homes for the delivery of housing at nil value in return for nomination rights under section 25 of the Local Government Act 1988. In the event that the delivery of housing development is undeliverable or not viable due to planning constraints then the land would then be disposed of at full open market value with the Council retaining all receipts generated; OR
- 3.2 That the land edged red at Appendix 1 be disposed of at full market value, as is and on the open market.

### **Appendices**

Appendix 1: Site Plan – EM 3412

## Section 1: Background Information

### 1. What is the proposal / issue?

It is proposed that the Council dispose of the freehold interest 51 Totnes Road (Gross Internal Area 257sq m) and 53 Totnes Road (Gross Internal Area 361sq m), Paignton TQ4 5LE. Total site area measuring 1, 475 sq. m. There are buildings and site constraints, notably Halswell House is a Grade II Listed building and the site sits within the Old Paignton Conservation Area. The impact of these constraints need to be considered in relation to the feasibility of a future redevelopment.

This site on disposal will nevertheless either provide a capital receipt to help supplement the Council's capital programme if disposed on the open market. Or, if transferred to TorVista Homes Ltd to be redeveloped, will help deliver affordable housing and meet the objectives identified in Torbay Council's Housing Strategy.

Both methods of disposal will also reduce the Council's liability of further maintenance spending and other on-going holding costs.

### 2. What is the current situation?

Both assets are located on Totnes Road, Paignton a mixed residential and commercial area. The site falls within the Old Paignton Conservation Area.

Scotleigh House, 51 Totnes Road a detached former Community Mental Health Services facility previously occupied by Step One Daybreak Learning Community has been vacant since September 2019. The property has accommodation over two floors and benefits from vehicular access from Totnes Road with a reasonable parking / turning area and large garden to the rear.

Halswell House, 53 Totnes Road a detached two storey Grade II Listed early Victorian villa currently configured for the purpose required by the most recent occupier, Halswell House Family Centre. The property was vacated in October 2019. The building sits within mature gardens and grounds although it does not have the benefit of vehicular access.

The condition surveys on both properties identify a total of £105k of disrepair and as a consequence would require significant amount of investment to bring them up to standard that would result in re-occupation by a service area. Currently, both assets are considered surplus to the Council's operational requirement and given the identified levels of disrepair and on-going holding costs it is necessary for the Council to dispose of the assets as soon as possible.

The Council needs to consider how it wishes to dispose of the site. It can be sold on the open market, either at auction or via private treaty, notwithstanding the site constraints identified, and the assets will realise a

	<p>capital receipt. Interest would most likely be generated from owner – occupiers and residential developers. Planning consent for a change of use to residential was obtained for Halswell House in 2009 and a residential use was obtained for Scotleigh House under Permitted Development Rights in 2006. Both these previous planning consents would provide comfort to a future purchase, based on the assumption of refurbishment of the existing buildings.</p> <p>Alternatively the Council may choose to dispose of the assets to TorVista Homes Ltd to be redeveloped for the purpose of augmenting the supply of affordable housing sites. This would stimulate the delivery of affordable housing and meet the objectives identified in Torbay Council’s Housing Strategy. A transfer to TorVista Homes Ltd would be at a nil receipt for which the Council would receive nomination rights on 100% of the properties in perpetuity.</p> <p>Before a clear indication on the potential outputs and number of homes that could be delivered further feasibility work is needed to be undertaken on the viability of any proposed redevelopment. The feasibility work would need to consider the constraints of the Grade II Listing on Halswell House and the impact of the Old Paignton Conservation Area on the site as a whole.</p>
<p><b>3.</b></p>	<p><b>What options have been considered?</b></p> <ol style="list-style-type: none"> <li>1. Retain the properties and attempt to re-let within the Council’s commercial let estate. Significant expenditure would be required to bring the properties up to a sufficient standard. In the current condition the Council would need to offer rental concessions to secure tenants. Little or no evidence exists suggesting demand exists for these assets.</li> <li>2. Sell the assets either independently or collectively as soon as possible at full market value, maximising the capital receipt at auction or by way of private treaty. The Council’s Corporate Asset Management Plan 2015 to 2019 makes specific that the Council will ‘always seek to maximise the full market receipt for their assets whether by way of freehold disposal or leasehold interest’. The disposal of the asset by this method will meet that requirement.</li> <li>3. Transfer both assets to TorVista Homes Ltd. A transfer to TorVista Homes Ltd would be at a nil receipt for which the Council would receive nomination rights on 100% of the properties in perpetuity. A transfer would be predicated on feasibility studies showing the site can deliver affordable housing and meet the objectives identified in Torbay Council’s Housing Strategy.</li> </ol>
<p><b>4.</b></p>	<p><b>What is the relationship with the priorities within the Partnership Memorandum and the Council’s Principles?</b></p>

	<p>Disposing of the land will help to support the ambitions and principles of the Corporate Plan by bringing back into beneficial use buildings currently void helping to create a more prosperous Torbay. The redevelopment of the site, most probably for residential use will improve the locality, ensuring this area of Paignton is an attractive and safe place to live.</p>
5.	<p><b>How does this proposal/issue contribute towards the Council's responsibilities as corporate parents?</b></p> <p>When considering all matters in relation to the provision of affordable housing the Council will take into account how they can assist looked after children to help give them the best start in life.</p>
6.	<p><b>How does this proposal/issue tackle poverty, deprivation and vulnerability?</b></p> <p>Not applicable.</p>
7.	<p><b>How does the proposal/issue impact on people with learning disabilities?</b></p> <p>Not applicable.</p>
8.	<p><b>Who will be affected by this proposal and who do you need to consult with ? How will the Council engage with the community ? How can the Council empower the community ?</b></p> <p>Not applicable.</p>

## Section 2: Implications and Impact Assessment

<b>9.</b>	<p><b>What are the financial and legal implications?</b></p> <p>Open Market Disposal – this would be a freehold disposal with the capital receipt passing to the Council to be used in line with the asset disposal policy i.e. to help supplement the Council's capital programme.</p> <p>Asset Transfer to TorVista – following further feasibility studies, which will establish whether the assets and land can deliver affordable housing and meet the objectives identified in Torbay Council's Housing Strategy, the assets transfer to TorVista Homes Ltd at a nil receipt. The Council would therefore forego a capital receipt which could otherwise be used to support the Council's capital programme.</p> <p>The disposal to TorVista Homes Ltd or on the open market will nevertheless reduce the Council's liability of further maintenance spending and so relieve pressure on the revenue budget.</p> <p>Legal Impact – There are no legal implications anticipated with this disposal.</p>
<b>10.</b>	<p><b>What are the risks?</b></p> <p>If the disposal of this asset is not authorised then the repair and maintenance of both buildings will remain with the Council resulting in an ongoing financial pressure.</p> <p>The Council would either lose the potential delivery of much needed affordable housing or lose the capital receipt.</p> <p>Disposal to the open market reduces the level of control and influence that the Council has over the pace of delivery of new homes.</p>
<b>11.</b>	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>Not applicable.</p>
<b>12.</b>	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>This proposal has been discussed with relevant officers within the Council. Any decision to accept the site by TorVista Homes Ltd will need to be discussed and agreed by the Board and Directors of TorVista Homes Ltd.</p>

13.	<b>What are key findings from the consultation you have carried out?</b>  No consultation undertaken.
14.	<b>Amendments to Proposal / Mitigating Actions</b>  Not applicable.

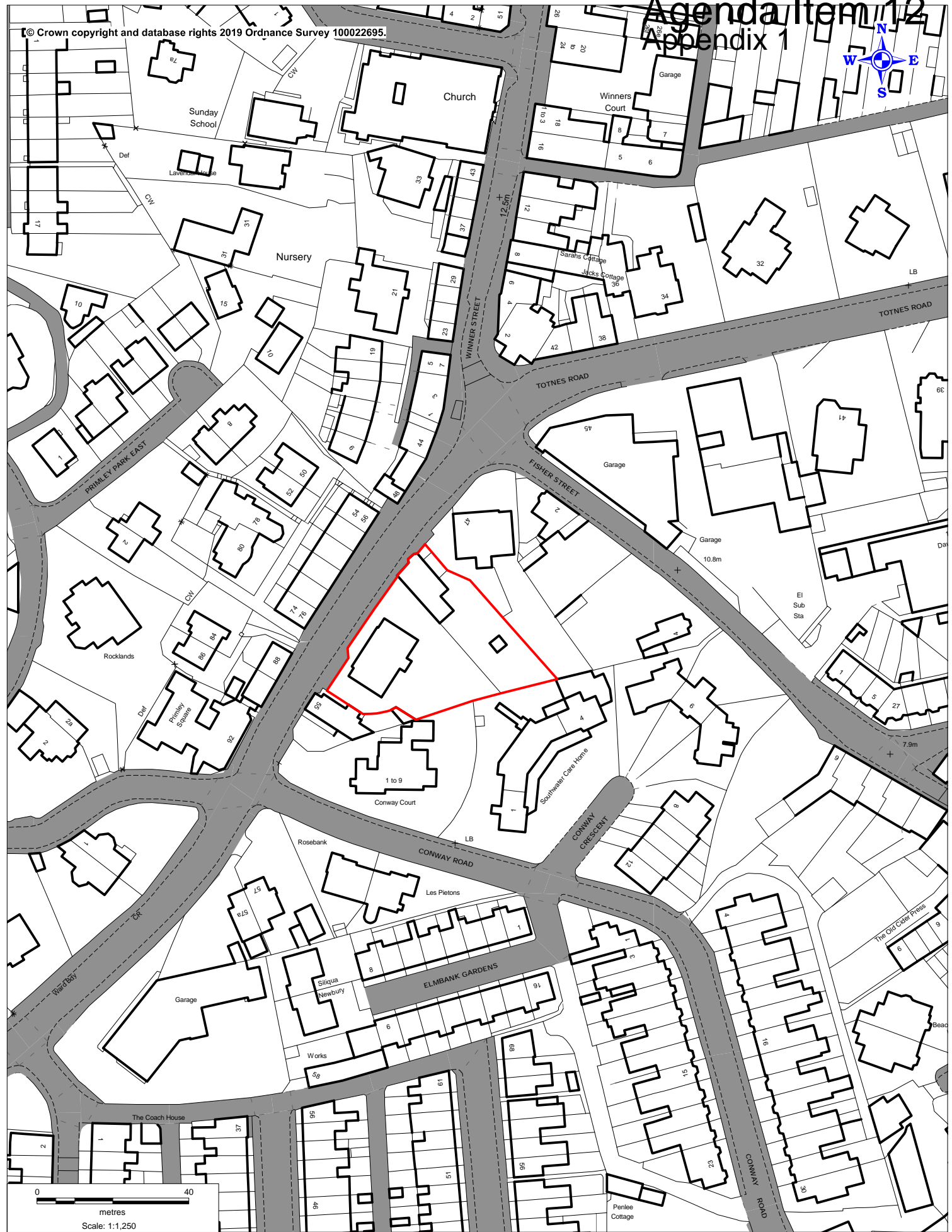


## Equality Impacts

15.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			There is no differential impact.
	People with caring Responsibilities			There is no differential impact.
	People with a disability			There is no differential impact.
	Women or men			There is no differential impact.
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact.
	Religion or belief (including lack of belief)			There is no differential impact.
	People who are lesbian, gay or bisexual			There is no differential impact.
	People who are transgendered			There is no differential impact.
	People who are in a marriage or civil partnership			There is no differential impact.
	Women who are pregnant / on maternity leave			There is no differential impact.

	Socio-economic impacts (Including impact on child poverty issues and deprivation)	The disposal of the land and subsequent redevelopment of the wider area is likely to have a positive impact on deprivation.	
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		There is no differential impact.
16.	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	None	
17.	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	None	

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EM Plan No: EM3412  
Date: 8 January 2020  
Title: 51 & 53 Totnes Rd, Paignton

Asset No: P3022 & P3026  
LR Title No: DN98160 & DN545042  
Scale: 1:1250



Page 131 Area: 1,473 m<sup>2</sup> / 15,861 ft<sup>2</sup>



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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