

DEED OF VARIATION

The parties to this Deed are:

- (1) The Secretary of State for Education (“the Secretary of State”); and
- (2) The White Horse Federation a charitable company incorporated in England and Wales with registered number 08075785 (“the Academy”).

together referred to as the “Parties”

INTRODUCTION

- A. The Parties entered into a supplemental funding agreement dated 15 August 2012 (the “Supplemental Funding Agreement”) relating to the establishment, maintenance and funding of an independent school known as the Croft Primary School Academy.
- B. The Parties now wish to vary and amend the terms of the Supplemental Funding Agreement and wish to record their agreement as to such variations/amendments to the Supplemental Funding Agreement by this Deed.

LEGAL AGREEMENT

1. Any word or phrase used in this Deed shall, if that word or phrase is defined in the Supplemental Funding Agreement, bear the meaning given to it in the Supplemental Funding Agreement.
2. The Secretary of State and the Academy agree that with effect from the date of this Deed the Supplemental Funding Agreement shall be amended in accordance with Schedule 1 to this Deed.
3. As varied by this Deed, the Supplemental Funding Agreement shall remain in full force and effect.
4. This Deed shall be governed by and interpreted in accordance with English law

EXECUTED AND DELIVERED AS A DEED by the Parties on the 14th day of July 2014

The Corporate Seal of the Secretary of State for Education hereunto affixed is authenticated by:

[Redacted signature]

.....
Duly Authorised by the Secretary of State for Education



Executed on behalf of The White Horse Federation by:

[Redacted signature]

.....
Director

Witnessed by [Redacted signature]

Full name [Redacted]

Address [Redacted]

Occupation..... [Redacted]

SCHEDULE 1

AMENDMENTS TO THE SUPPLEMENTAL FUNDING AGREEMENT

The following Clause shall replace Clause 4.1 of the Supplemental Funding Agreement:

- 4.1 Clauses 45 to 49 of the Master Agreement do not apply and shall be replaced by the following clauses for the Academy:
- 45) Subject to clause 46, the basis of the pupil number count for the purposes of determining GAG for an Academy Financial Year will be the Company's most recent estimate provided in accordance with clause 45A.
 - 45A) The Secretary of State shall in advance of each Academy Financial Year for the Academy, at such time or times as he shall determine, request that the Company provides an estimate of the number of pupils on roll in the following September for the Academy for the purposes of determining GAG for an Academy Financial Year, and the Company shall provide the requested estimate (based on an objective assessment of numbers) to the Secretary of State as soon as reasonably practicable.
 - 46) Once the condition specified in clause 47 has been satisfied, the basis of the pupil number count for the purpose of determining GAG for the Academy for the Academy Financial Year in question will be the Schools Census which is used to fund maintained schools for the financial year overlapping with preceding the Academy Financial Year in question.
 - 47) For the purpose of clause 46, the condition is satisfied after the end of the Academy Financial Year 2018/19 (for the avoidance

of doubt the Academy will be funded in accordance with clause 46 in the Academy Financial Year 2019/20 and thereafter).

- 48) For any Academy Financial Year in which GAG for the Academy has been calculated in accordance with clauses 45 and 45A, an adjustment may be made to the following Academy Financial Year's formula funding element of GAG for the Academy to recognise any variation from that estimate. The Secretary of State may for the purpose of calculating any adjustment to the formula funding element of GAG under this clause, use the Schools Census which is used to fund maintained schools for the financial year overlapping with the Academy Financial Year in question as a means of determining pupil numbers in an Academy Financial Year. The additional or clawed-back grant will be only that amount relevant to the number of pupils above or below that estimate.

- 49) For any Academy Financial Year in which GAG for the Academy is calculated in accordance with clause 46, no adjustment will be made to the formula funding element in the following Academy Financial Year's formula funding element of GAG unless the Company demonstrates to the satisfaction of the Secretary of State that there has been a significant impact on balances. For any other element of GAG the Secretary of State may make adjustments to recognise a variation in pupil numbers from that used to calculate the element of grant in question; the basis of these will be set out in the Annual Letter of Funding or its equivalent.