

AD CAP

BRISTOL CATHEDRAL CHOIR SCHOOL

To See

**DEED OF VARIATION
OF FUNDING AGREEMENT**

The Parties to this Deed are:

(1) **The Secretary of State for Education** of Sanctuary Buildings, Great Smith Street, London SW1P 3BT (the "**Secretary of State**");

- and -

(2) **Bristol Cathedral Choir School** of College Square, Bristol, BS1 5TS, a charitable company limited by guarantee with registered company no. 06516626 ("**the Academy Trust**").

together referred to as the "**Parties**".

INTRODUCTION

- A. The Parties have entered into a Funding Agreement on 3 March 2008 (the "**FA**").
- B. The Parties have agreed to amend the terms of the FA, in accordance with the terms of this Deed.

LEGAL AGREEMENT

- 1. Words, expressions and interpretations used in this Deed shall, unless the context expressly requires otherwise, have the meaning given to them in, and shall be interpreted in accordance with, the FA. For the avoidance of doubt, the Schedules form part of this Deed.
- 2. The Secretary of State and the Academy Trust agree that with effect from the date of this Deed, the FA shall be amended as set out in Schedule 1 and Schedule 2 of this Deed.

GOVERNING LAW AND JURISDICTION

- 3. This Deed, and any dispute or claim arising out of or in connection with it, its subject matter or formation (including non-contractual disputes or claims) shall be governed by and interpreted in accordance with the law of England and Wales.
- 4. The Parties irrevocably agree that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim that arises out of, or in connection with, this Deed or its subject matter or formation (including non-contractual disputes or claims).

COUNTERPARTS

- 5. This Deed may be executed in any number of counterparts and by the parties to it on separate counterparts, each of which when so executed and delivered shall be an original, but all the counterparts shall together constitute one and the same instrument.

IN WITNESS whereof this Deed has been executed by the parties hereto and is intended to be and is hereby delivered on the last date listed below.

EXECUTED as a deed by affixing the corporate seal of the Secretary of State for Education authenticated by:-)
)



David Miles
.....
Duly authorised by the Secretary of State for Education
Date..... *4th March 2015*

EXECUTED as a deed by Academy Trust acting by:

[Signature]
.....
Director
Print name..... *STEPHEN PARSONS*

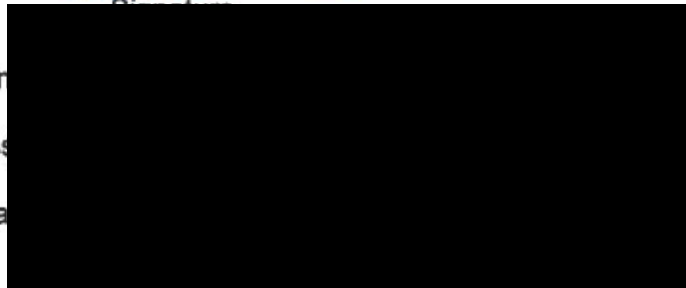
Date..... *25th February 2015*

Witnessed by..... *[Signature]*

Full name

Address

Occupation



Schedule 1

1. Clause 17 of the FA shall be removed and replaced with the following:

17 The Academy is an all-ability and inclusive school. The requirements for:

- (a) the admission of pupils to the Academy are set out in Annex 2 to this Agreement*
- (b) the admission to the Academy of and support for pupils with SEN and with disabilities are set out in Annex 3 to this Agreement. The Children and Families Act 2014 imposes duties directly on academies in respect of pupils with special educational needs, including the admission of pupils with EHCPs*
- (c) exclusions are in regulations made by virtue of section 51A of the Education Act 2002 (as may be amended from time to time, and includes any successor provisions) and in annex 4.*

2. Annex 2 of the FA shall be removed and replaced with the new Annex 2 at Schedule 2.

Schedule 2

Annex 2

REQUIREMENTS FOR THE ADMISSION OF PUPILS TO THE BRISTOL CATHEDRAL CHOIR SCHOOL

GENERAL

1 This Annex may be amended in writing at any time by agreement between the Secretary of State and the Academy Trust.

2 Except as provided in paragraph 2A below the Academy Trust will act in accordance with, and will ensure that an Independent Appeal Panel is trained to act in accordance with, all relevant provisions of the School Admissions Code and the School Admission Appeals Code published by the Department for Education ("the Codes") as they apply at any given time to maintained schools and with equalities law and the law on admissions as they apply to maintained schools. For this purpose, reference in the Codes or legislation to "admission authorities" shall be deemed to be references to the governing body of the Academy Trust.

2A The Academy Trust is permitted to determine admission arrangements (subject to consultation in accordance with the School Admissions Code) that give priority for admission (but not above looked after children and previously looked after children¹) to members of the Probationer Chorister programme at Bristol Cathedral. It may allocate such places to up to a total of 8 children, or 6.7% of the determined PAN, whichever is the greater figure.

3. Notwithstanding the generality of paragraph 2 of this Annex, the Academy Trust will participate in the co-ordinated admission arrangements operated by the Local Authority (LA) and the local Fair Access Protocol.

4. Notwithstanding any provision in this Annex, the Secretary of State may:

- (a) direct the Academy Trust to admit a named pupil to the Academy on application from an LA. This will include complying with a School Attendance Order. Before doing so the Secretary of State will consult the Academy Trust;
- (b) direct the Academy Trust to admit a named pupil to the Academy if the Academy Trust has failed to act in accordance with this Annex or has otherwise failed to comply with applicable admissions and equalities legislation or the provisions of the Codes;
- (c) direct the Academy Trust to amend its admission arrangements where they fail to comply with the School Admissions Code or the School Admission Appeals Code.

¹ As defined in the School Admissions Code.

4A Bristol Cathedral Choir School is a Church of England Academy in the diocese of Bristol.

5. The Academy Trust shall ensure that parents and 'relevant children'² will have the right of appeal to an Independent Appeal Panel if they are dissatisfied with an admission decision of the Academy Trust. The Independent Appeal Panel will be independent of the Academy Trust. The arrangements for appeals will comply with the School Admission Appeals Code published by the Department for Education as it applies to Foundation and Voluntary Aided schools. The determination of the appeal panel is binding on all parties.

Relevant Area

6. Subject to paragraph 7, the meaning of "Relevant Area" for the purposes of consultation requirements in relation to admission arrangements is that determined by the local authority for maintained schools in the area in accordance with the Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999.

7. If the Academy does not consider the relevant area determined by the local authority for the maintained schools in the area to be appropriate, it must apply to the Secretary of State by 1 August for a determination of the appropriate relevant area for the Academy, setting out the reasons for this view. The Secretary of State will consult the Academy and the LA in which the Academy is situated in reaching a decision.

Requirement to admit pupils

8. Pupils on roll in any predecessor maintained or independent school will transfer automatically to the Academy on opening. All children already offered a place at any predecessor school will be admitted.

9. The Academy will:

- a. admit all pupils with a statement of special educational needs or an education health and care plan naming the Academy;
- b. determine admission oversubscription criteria that give highest priority to looked after children and previously looked after children, in accordance with the relevant provisions of the School Admissions Code.

² 'relevant children' means:

- a) in the case of appeals for entry to a sixth form, the child, and;
- b) in any other case, children who are above compulsory school age, or will be above compulsory school age by the time they start to receive education at the school.

Oversubscription criteria, admission number, consultation, determination and objections.

10. The Academy admission arrangements will include oversubscription criteria, and an admission number for each relevant age group³. The Academy will consult on its admission arrangements and determine them in line with the requirements within the School Admissions Code.

11. The Office of the School's Adjudicator (OSA) will consider objections to the Academy's admission arrangements⁴. The Academy Trust should therefore make it clear, when determining the Academy's admission arrangements, that objections should be submitted to the OSA.

12. A determination of an objection by the OSA will be binding upon the Academy and the Academy Trust will make appropriate changes as quickly as possible.

³ 'relevant age group' means the normal point of admission to the school, for example, year R, Year 7 and Year 12.

⁴ The OSA has no jurisdiction to consider objections against the agreed variation from the Codes set out in paragraph 2A.