

## **DEED OF VARIATION**

The parties to this Deed are:

(1) The Secretary of State for Education ("the Secretary of State"),

- and -

(2) The Painsley Catholic Academy a charitable company incorporated in England and Wales with registered number 08146661 ("the Academy").

together referred to as the "Parties"

### **INTRODUCTION**

- A. The Parties entered into a supplemental funding agreement dated 1 September 2012 ("the Supplemental Funding Agreement") relating to the establishment, maintenance and funding of an independent school known as St Mary's Catholic Primary School.
- 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.

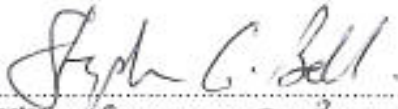
EXECUTED AND DELIVERED AS A DEED by the Parties on the 26 day of March 2013

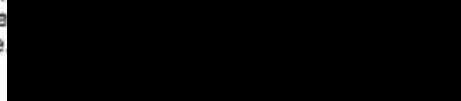
The Corporate Seal of the Secretary of State for Education hereunto affixed is authenticated by:

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



The Painsley Catholic Academy acting by two directors or a director and a secretary

  
.....  
Director  
Print name: STEPHAN G. BELL

.....  
Director/Se  
Print name  


Witnessed by .....  
Full name.....  
Address.....  
Occupation.....

## Schedule 1

### Amendments to the Supplemental Funding Agreement

1. The definition of "the Academy" clause 1.2 in of the Funding Supplemental Agreement shall be deleted and replaced with:  
  

*'the Academy' means the St Mary's Catholic Academy established at Cruso Street, Leek, Staffordshire ST13 9BN;*
2. Annex 1 of the Supplemental Funding Agreement shall be deleted and replaced with the wording attached at schedule 2 to this Deed.

**Schedule 2  
Annex 1**

**REQUIREMENTS FOR THE ADMISSION OF PUPILS TO  
ST MARY'S CATHOLIC ACADEMY**

**GENERAL**

1. This annex may be amended in writing at any time by agreement between the Secretary of State and the Company.
2. Except as provided in paragraphs 2A to 2B below the Company 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 Directors of the Company.
  - 2A The Company 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 children) to other children attracting the pupil premium, including the service premium ("the pupil premium admission criterion"). Where a Company exercises this freedom it will provide information in its admission arrangements of eligibility for the premiums.
  - 2B For the purposes of applying the pupil premium admission criterion only, sections 1.9(f) and 2.4(a) of the School Admissions Code do not apply insofar as they prevent admission authorities from giving priority to children according to the financial or occupational status of parents or using supplementary forms that ask for:
    - any personal details about their financial status; or
    - whether parents are serving in the armed forces (of any nation), stationed in England, and exercising parental care and responsibility for the child in question.
3. Notwithstanding the generality of paragraph 2 of this Annex, the Company 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 Company to admit a named pupil to St Mary's Catholic 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 Company;

- (b) direct the Company to admit a named pupil to St Mary's Catholic Academy if the Company 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 Company to amend its admission arrangements where they fail to comply with the School Admissions Code or the School Admission Appeals Code.

5. St Mary's Catholic Academy is a faith Academy in the Catholic Archdiocese of Birmingham.

6. The Company shall ensure that parents and 'relevant children' will have the right of appeal to an Independent Appeal Panel if they are dissatisfied with an admission decision of the Company. The Independent Appeal Panel will be independent of the Company. 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**

7. Subject to paragraph 8, 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.

8. If the Company 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 Company and the LA in which the Academy is situated in reaching a decision.

#### **Requirement to admit pupils**

9. 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.

10. The Company will:

- a. subject to its right of appeal to the Secretary of State in relation to a named pupil, admit all pupils with a statement of special educational needs naming the Academy;
- b. determine admission oversubscription criteria for the Academy that give highest priority to looked after children and previously looked after children, in accordance with the relevant provisions of the School Admissions Code.

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

11. The Academy admission arrangements will include oversubscription criteria, and an admission number for each relevant age group. The Company will consult on the Academy's admission arrangements and determine them in line with the requirements within the School Admissions Code.

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

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