

DATED 24th APRIL 2015

THE SECRETARY OF STATE FOR EDUCATION (1)

and

KINGSWAY COMMUNITY TRUST (2)

DEED OF VARIATION
relating to the Supplemental Funding
Agreement dated 1st April 2014

THIS DEED OF VARIATION is made on 24th APRIL 2015

BETWEEN:

- (1) The Secretary of State for Education ("**Secretary of State**"); and
 - (2) Kingsway Community Trust, a charitable company incorporated in England and Wales with registered number 8339302 ("**Company**")
- together referred to as the "Parties".

INTRODUCTION:

- (A) The Parties entered into a Master Funding Agreement dated 29 August 2013 ("**Master Funding Agreement**").
- (B) The Parties entered into a Supplemental Funding Agreement dated 1st April 2014 ("**Old SFA**") relating to the establishment, maintenance and funding of a school known as Cringle Brook Free School.
- (C) The Parties now wish to vary and amend the terms of the Old SFA and wish to record their agreement as to such variations/amendments by this Deed.

IT IS AGREED as follows:

- 1. The Secretary of State and the Company agree that with effect from the date of this Deed the paragraphs of the Old SFA as set out at Schedule 1 to the Deed shall be amended and restated in the form set out at Schedule 2 to this Deed.
- 2. As varied by this Deed, the Old SFA shall remain in full force and effect.
- 3. This Agreement shall be governed by and interpreted in accordance with English law.

This document has been executed and delivered as a Deed on the date stated at the beginning of this Deed.

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

Chris Gifford sign
Duly authorised by the Secretary of State for Education



SIGNED by S. L. VYAS

(Director name)

Duly authorised on behalf of the

KINGSWAY COMMUNITY TRUST

IN THE PRESENCE OF A WITNESS

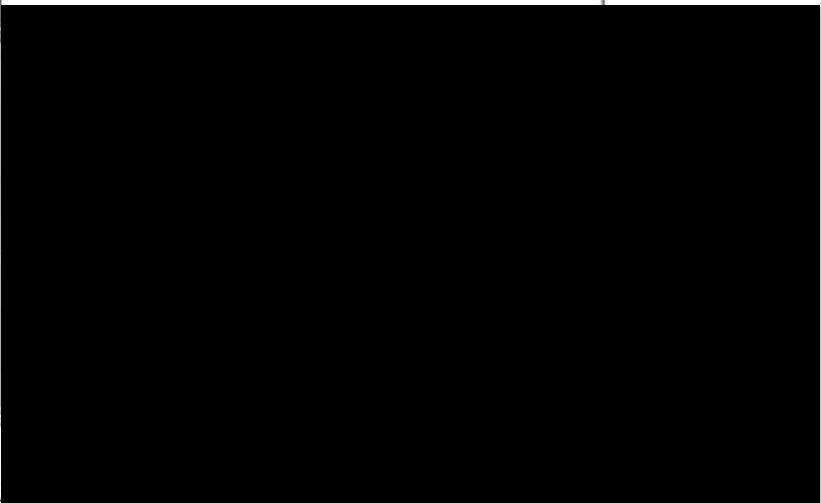
Witness signature:

Witness name:

Witness address:

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(Director sign)



SCHEDULE 1 – Current form of the Old SFA

4 GAG AND EAG

4.1 Subject to Clause 4.2 and 4.3, the Secretary of State agrees to pay GAG and EAG to the Company in relation to the Academy in accordance with the Master Agreement.

4.2 The Secretary of State agrees to pay only GAG to the Company from the date of this Agreement to 31 August 2014.

4.3 The Company will not request the Secretary of State to make any other funding from the date of this Agreement to 31 August 2014.

4A NOT USED

SCHEDULE 2 – Amended form of the Old SFA

4 GAG AND EAG

- 4.1 Subject to Clauses 4.2, 4.3 and 4.4, the Secretary of State agrees to pay GAG and EAG to the Company in relation to the Academy in accordance with the Master Agreement.
- 4.2 The Secretary of State agrees to pay only GAG to the Company from the date of this Agreement to 31 August 2014.
- 4.3 The Company will not request the Secretary of State to make any other funding from the date of this Agreement to 31 August 2014.
- 4.4 Clauses 45 to 49 of the Master Agreement are dis-applied and are replaced with the clauses set out below.
- 4.5 Subject to clause 4.7, the basis of the pupil number count for the purposes of determining GAG for an Academy Financial Year will be the Academy Trust's most recent estimate provided in accordance with clause 4.6.
- 4.6 The Secretary of State will, in advance of each Academy Financial Year for the Academy, request that the Academy Trust provides an estimate of the number of pupils on roll in the following September for the purposes of determining GAG for an Academy Financial Year. The Academy Trust must provide the requested estimate to the Secretary of State as soon as reasonably practicable.
- 4.7 In the Academy Financial Year which immediately follows the Academy Financial Year in which all planned year groups will be present at the Academy (that is, all the pupil cohorts relevant to the age range of the Academy will have some pupils present), the basis of the pupil number count for the purpose of determining GAG will no longer be the estimate provided in accordance with clause 4.6, but in that and all following Academy Financial Years will be determined in accordance with clause 4.9.
- 4.8 For any Academy Financial Year in which GAG for the Academy has been calculated in accordance with clauses 4.5 and 4.6, 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 this purpose use the Census for the relevant month (determined at the Secretary of

State's discretion) for the Academy Financial Year in question as a means of determining pupil numbers. The additional or clawed-back grant will be only the amount relevant to the number of pupils above or below that estimate.

4.9 For Academy Financial Years which immediately follow the Academy Financial Year in which all planned year groups will be present at the Academy, the basis of the pupil count for determining GAG will be:

- a) for pupils in Year 11 and below, the Schools Census which is used to fund maintained schools for the financial year overlapping with the Academy Financial Year in question; and
- b) for pupils in Year 12 and above, the formula which is in use at the time for maintained schools