

## DEED OF VARIATION

The parties to this Deed are:

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

- and –

(2) Greenshaw Learning Trust a charitable company incorporated in England and Wales with registered number 07633694 (the "**Academy Trust**").

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

### INTRODUCTION

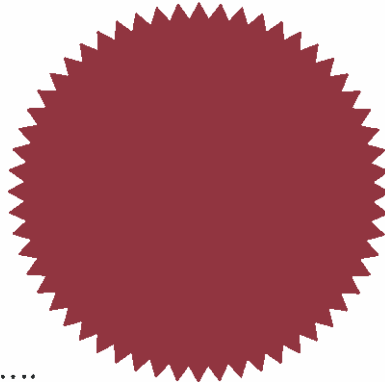
- A. The Parties entered into a supplemental funding agreement dated 1 April 2016 (the "**Supplemental Funding Agreement**") relating to the establishment, maintenance and funding of an independent school known as The Brakenhale School.
- B. The Parties now wish to vary and amend the terms of the Supplemental 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 Trust 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 18 day  
of October 2016

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



A handwritten signature in black ink, appearing to be 'J. G. ...', written over a dotted line.

Duly Authorised by the Secretary of State for Education

EXECUTED as a deed by  
GREENSHAW LEARNING  
TRUST acting by:

A handwritten signature in blue ink, appearing to be 'Mike Cooper', written over a dotted line.

Director  
Print name... MIKE COOPER

In the presence of

A handwritten signature in blue ink, appearing to be 'Stephen Paul Bradford', written over a dotted line.

Witnessed by  
Full name... Stephen Paul Bradford  
Address... [REDACTED]  
Occupation.. [REDACTED]

## Schedule 1

### Amendments to the Supplemental Funding Agreement

1. A new clause 3.A1 shall be inserted in the Supplemental Funding Agreement as follows:

*3.A1 In respect of the calculation of GAG for the 2016/17 Academy Financial Year only, clauses 3.E and 3.F shall be disapplied and clauses 3.A to 3.D shall apply.*

2. Clauses 3.E and 3.F in the Supplemental Funding Agreement shall be deleted and replaced with:

*3.E Subject to clause 3.A1, the Secretary of State will calculate GAG based on the pupil count at the Academy. In order to calculate GAG for the Academy Financial Year in which the Academy opens, the pupil count will be determined on the same basis as that used by the relevant LA for determining the budget of the maintained Predecessor School.*

*3.F Subject to clause 3.A1, for Academy Financial Years after that referred to in clause 3.E, 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.*

3. New clauses 3.A to 3.D shall be inserted in the Funding Agreement as follows:

*3.A The basis of the pupil number count for the purposes of determining GAG in respect of the Academy for the 2016/17 Academy Financial Year will be the Academy Trust's most recent estimate provided in accordance with clause 3.B.*

**3.B** *The Secretary of State will, in advance of the 2016/17 Academy Financial Year, request that the Academy Trust provides an estimate of the number of pupils on roll at the Academy in the following September for the purposes of determining GAG for the 2016/17 Academy Financial Year. The Academy Trust must provide the requested estimate to the Secretary of State as soon as reasonably practicable.*

**3.C** *Not used*

**3.D** *For the Academy Financial Year in which GAG for the Academy has been calculated in accordance with clauses 3.A and 3.B, 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.*