

**DATED** 13 July **2019**

**THE SECRETARY OF STATE FOR EDUCATION** (1)

and

**LEADING LEARNERS MULTI ACADEMY TRUST** (2)

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**DEED OF VARIATION  
relating to a Supplemental Funding  
Agreement**

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## **DEED OF VARIATION**

The parties to this Deed are:

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

- and -

(2) Leading Learners Multi Academy Trust, a charitable company incorporated in England and Wales with registered number 07943227 and whose registered office is at Ennerdale Road, Astley, Tyldesley M29 7PY ("the Trust").

together referred to as the "Parties"

### **INTRODUCTION**

- A. The Parties entered into a supplemental funding agreement dated 30 November 2016 in respect of Worth Valley Primary School ("the Supplemental Funding Agreement").
- 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 to the Supplemental Funding Agreement in this Deed.
- C. This Deed is supplemental to the Supplemental Funding Agreement.

### **LEGAL AGREEMENT**

- 1. The Secretary of State and the Trust agree that with effect from 1 September 2019, the Supplemental Funding Agreement shall be amended in accordance with Schedule 1 to this Deed.
- 2. 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.
- 3. As varied by this Deed, the Supplemental Funding Agreement shall remain in full force and effect.

### **GOVERNING LAW AND JURISDICTION**

- 4. 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.
- 5. 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**

- 6. 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.

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

E. J. Morley  
Duly Authorised by the Secretary of State for Education

**EXECUTED** as a deed by  
**LEADING LEARNERS MULTI ACADEMY TRUST** acting by:

Brian M. Wilson  
Director  
Print name BRIAN M WILSON



Daniel Rocca  
Witness  
Print  
Address  
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## **Schedule 1**

### **Amendments to the Supplemental Funding Agreement**

1. That the reference "N/A" in respect of SEN/Resource provision in the Summary on page 4 shall be deleted and replaced with "Communication and interaction needs including autistic spectrum disorder."
2. That reference to clauses 2.C and 2.D on page 5 as being "Not Used" shall be deleted and they shall be marked as "Applied."
3. That the current clauses 2.B, 2.C and 2.D on page 9 shall be deleted and replaced with the following clauses:  
  
"2.B The planned capacity of the Academy is 294 in the age range 2 to 11 which for the avoidance of doubt includes pupils with designated places pursuant to clause 2.C. The Academy will be an all ability inclusive school.

#### **SEN Unit**

- 2.C The Academy must operate designated places reserved for pupils with SEN (SEN Unit or Resourced Provision) with up to 8 planned places for pupils with communication and interaction needs including autistic spectrum disorder in the age range 2 – 11.
- 2.D The Secretary of State may at any time determine that the SEN Unit or Resourced Provision should cease to operate. In making such a determination, the Secretary of State will:
  - a) consider the views of the Academy and relevant LAs (in their strategic role in the commissioning of SEN provision); and
  - b) consider how his determination will affect the LAs' ability to secure suitable SEN provision for children in the area."