

**DATED** November **2015**

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

**and**

**THE JCB ACADEMY EDUCATION TRUST (2)**

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**DEED OF VARIATION**  
**relating to a Funding Agreement**  
**dated 6 November 2008**

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THIS DEED OF VARIATION is made on  
2015

November

**BETWEEN:**

- (1) The Secretary of State for Education (“Secretary of State”); and
- (2) The JCB Academy Education Trust, a charitable company incorporated in England and Wales with registered number 6346630 (“Company”)

together referred to as the “Parties”.

**INTRODUCTION:**

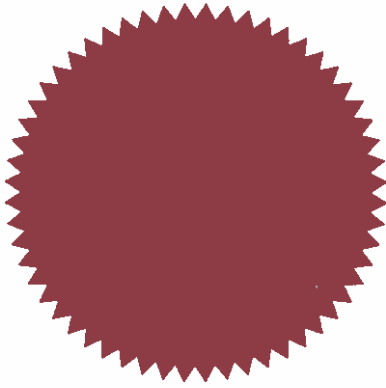
- (A) The Parties entered into a funding agreement dated 6 November 2008 (“Funding Agreement”) relating to the establishment, maintenance and funding of a school known as The JCB Academy.
- (B) The Parties now wish to vary and amend the terms of the Funding Agreement and wish to record their agreement as to such variations/amendments to the Funding Agreement 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 Funding Agreement shall be amended and restated in the form set out at Schedule 1 to this Deed.
2. As varied by this Deed, the Funding Agreement 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:



David Mellor

Duly Authorised by the Secretary of State for  
Education

Executed as a deed by The JCB Academy )  
Education Trust )  
acting by )  
a Director )  
in the presence of:-

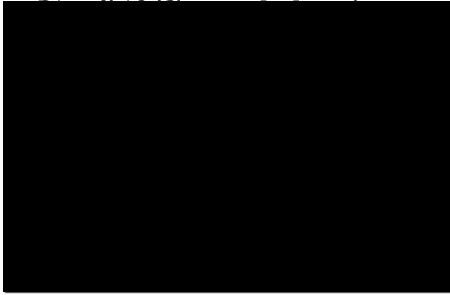
DAVID BELL  
[Signature]  
Director

Witness

Signature: [Signature]

Witness Name: GAIL STURBS

Address:



Occupation:

The following clauses replace clauses 72 to 76 of the Funding Agreement dated 6 November 2008.

**SCHEDULE 1 - Restated form of Funding Agreement**

72) For the three Academy Financial Years from 2015/16 to 2017/18 the basis of the pupil number count for the purposes of determining GAG for each Academy Financial Year will be the Academy Trust's estimate. 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.

73) For any Academy Financial Year in which GAG for the Academy has been calculated in accordance with clauses 72, 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.

74) From the Academy Financial Year 2018/2019 onwards the basis of the pupil number counts for the purpose of determining GAG for the Academy will be:

- a) for the pupil number count for pupils in Year 11 below, the Schools Census for the January preceding the Academy Financial Year in question; and
- b) for the pupil number count for pupils in Year 12 and above, the formula which for the time being is in use for maintained schools for the calculation of pupil

numbers in Year 12 and above for the purpose of calculating their level of funding.

75) For any Academy Financial Year in which GAG for the Academy is calculated in accordance with clause 74, no adjustment will be made to the formula element of GAG unless the Academy Trust demonstrates to the satisfaction of the Secretary of State that there has been a significant impact on costs, such as an extra classroom. For any other element of GAG the Secretary of State may make adjustments to recognise a variation in pupil numbers from that used to calculate the element of grant in question; the basis of these will be set out in the annual funding letter.

76) Not used.

