

DEED OF VARIATION

The parties to this Deed are:

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

- and –

(2) The Hertfordshire & Essex High School and Science College a charitable company incorporated in England and Wales with registered number 08704162 ("the Academy").

together referred to as the "Parties"

INTRODUCTION

- A. The Parties entered into a funding agreement dated 27 March 2014 ("the Funding Agreement") relating to the establishment, maintenance and funding of an independent school known as The Hertfordshire & Essex High School and Science College.
- 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.

LEGAL AGREEMENT

- 1. Any word or phrase used in this Deed shall, if that word or phrase is defined in the Funding Agreement, bear the meaning given to it in the Funding Agreement.
- 2. The Secretary of State and the Academy agree that with effect from the date of this Deed the Funding Agreement shall be amended in accordance with Schedule 1 to this Deed.
- 3. As varied by this Deed, the Funding Agreement shall remain in full force and effect.

Schedule 1

Amendments to the Funding Agreement

1. Clause 17 of the Funding Agreement shall be replaced with:

The planned capacity of the Academy is 1360 in the age range 11-19 including a sixth form of 460 places. The Academy will be an all ability inclusive school whose requirements for:

- a) the admission of pupils to the academy are set out in Annex B to this Agreement;
- b) the admission to the Academy of and support for pupils with SEN and with disabilities (for pupils who have and who do not have statements of SEN) are set out in Annex C to this Agreement;
- c) pupil exclusions are set out in regulations made by virtue of section 51A of the Education Act 2002 (as may be amended from time to time, and includes any successful provisions).

2. Clause 46 of the Funding Agreement shall be replaced with:

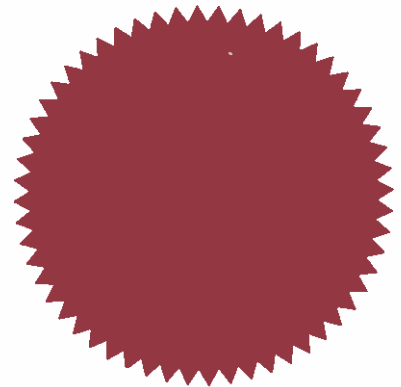
Where either of the following conditions applies in respect of an Academy Financial Year, the basis of the pupil count shall be determined by the Secretary of State, taking account of any diseconomies of scale that the Academy will be under as a result of such condition(s) applying. The conditions are:

- a) not all planned Year groups will be present at the Academy (that is, not all the pupil cohorts relevant to the age-range of the Academy will have some pupils present); or
- b) the total number of pupils as measures in the School Census which is used to fund maintained schools for the financial year overlapping with the Academy Financial Year in question is less than 90% of the planned final size of the Academy, which is 1360, and has not at any previous time been 90% or more of that number.

EXECUTED AND DELIVERED AS A DEED by the Parties on the 29th day
of November 2016

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

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



The Hertfordshire & Essex
High School and Science
College

acting by two directors or a
director and a secretary

Cathy Todd
.....

Director

Print name CATHY TODD

Nicola Christopher
.....

Director/Secretary

Print name NICOLA CHRISTOPHER

Witnessed by D. Todd

Full name DEBORAH TODD

Address. [REDACTED]

Occupation. [REDACTED]