

## DEED OF VARIATION TO THE SUPPLEMENTAL FUNDING AGREEMENT

THIS DEED is made the 26th day of September 2024

### BETWEEN

- 1) The Secretary of State for Education (the “**Secretary of State**”); and
- 2) **Our Lady of Walsingham Catholic Multi Academy Trust** , (the “**Company**”) a charitable company incorporated in England and Wales with registered number 08444133.

together, the “**Parties**”.

### INTRODUCTION

- A. The Parties entered into a supplemental funding agreement dated on or about 27<sup>th</sup> August 2019 (the “**Supplemental Funding Agreement**”) relating to the establishment, maintenance and funding of St Laurence Catholic Primary School (the “**Academy**”) in accordance with the Supplemental Funding Agreement.
- B. The Parties now wish to vary and amend certain terms and conditions of the Supplemental Funding Agreement in accordance with the terms of this Deed reflecting the opening of a new Enhanced Resource Base for up to 10 pupils with SEMH..
- C. This Deed is supplemental to the Supplemental Funding Agreement.

### 1. INTERPRETATION

- 1.1 Words, expressions and interpretations used in this Deed shall, unless the context expressly requires otherwise, have the meaning given to them in, and shall be interpreted in accordance with, the Supplemental Funding Agreement.

### 2. VARIATION OF THE SUPPLEMENTAL FUNDING AGREEMENT

- 2.1 The Parties agree that with effect from the date of this Deed the Supplemental Funding Agreement shall be amended and restated as follows:

Under ‘SEN unit / Resource provision’ in the Summary Chart on page 4, the following wording will be added: ‘Yes – SEN Unit – ASD – Enhanced Resource Base – up to 10 places where 8 pupils have EHCP plans and 2 pupils do not but are at risk of placement breakdown due to SEMH needs.’

Summary Table – Clauses 2C and 2D to be marked as applied

Clause 2.C and 2.D to be added:

The Academy must operate designated places at an Enhanced Resource Base reserved for 8 pupils with EHCP plans and 2 pupils without EHCP plans

but who are at risk of placement breakdown due to SEMH needs totalling 10 places.

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 and young people in the area.

2.2 Except as varied by this Deed, the Supplemental Funding Agreement shall remain in full force and effect.

### **3. Governing law and jurisdiction**

3.1 This Deed, and any disputes or claims arising out of or in connection with it, its subject matter or formation (including non-contractual disputes or claims), shall be governed by and construed in accordance with English law.

3.2 The parties irrevocably agree that the English courts 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).

### **4. Counterparts**

4.1 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 date first above written.

EXECUTED as a deed by affixing the corporate seal of the Secretary of State for Education authenticated by:-



J. Miller  
Duly authorised by the Secretary of State for Education

EXECUTED as a deed by Our Lady of Walsingham Catholic Multi Academy Trust acting by:

[Handwritten Signature]  
**Director**

In the presence of: IAN RICHARD STEVENSON

W	Sign	<u>[Handwritten Signature]</u>
I	Name	<u>IAN STEVENSON</u>
T	Address	<u>41, Horsecroft Rd. IP33 2DT</u>
N	Occupation	<u>CEO Edu Trust.</u>
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