

DATED 21 October. 2016

(1) SECRETARY OF STATE FOR EDUCATION

and

(2) THE CASTLEDON SCHOOL ACADEMY TRUST

DEED OF VARIATION

**Relating to the Funding Agreement for the provision of a sixth form at
Castledon School**

DEED OF VARIATION

The parties to this Deed are:

(1) The Secretary of State for Education (“the Secretary of State”),

- and –

(2) The Castledon School Academy Trust a company limited by guarantee registered in England and Wales (company number 9425197) whose registered office is at Castledon School, Bromfords Drive, Wikford, Essex, SS12 0PW (“the Academy”).

together referred to as the “Parties”

1 Definitions

1.1 In this Deed any word or phrase used, shall, if that word or phrase is defined in the Funding Agreement, bear the meaning given to it in the Funding Agreement.

2 Background

2.1 The Parties entered into a Funding Agreement dated 23rd February 2015 (“the Funding Agreement”) relating to the establishment, maintenance and funding of an independent school known as Castledon School Academy.

3 Variations

3.1 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 in accordance with Schedule 1 to this Deed.

3.2 The Parties confirm that the covenants, conditions and obligations contained in the Funding Agreement except as varied by this deed shall continue in full force and effect.

3.3 This Deed is supplemental to the Funding Agreement.

4 General

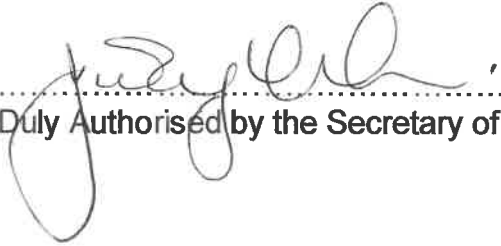
4.1 This Deed is governed by and shall be construed in accordance with English Law and shall be subject to the exclusive jurisdiction of the English courts.

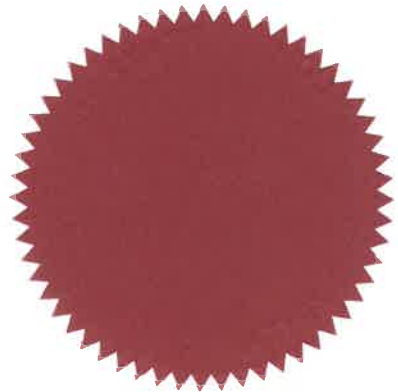
4.2 Any variation to this Deed shall be binding only if such variation is in writing and signed by an authorised representative of each party.

4.3 Nothing in this Deed is intended to confer on any person any right to enforce any term of this Deed which that person would not have had but for the Contracts (Rights of Third Parties) Act 1999.

EXECUTED AND DELIVERED AS A DEED by the Parties on the 21 day of October 2016

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


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




The Castledon School
Academy


acting by two directors or a
director and a secretary


.....
Director

Print name... OLU TEMI ADEKO


.....
Director/Secretary

Print name... AGNES CC ASHKETILE

Witnessed by 

Full name... JULIA CORAL

Address... 171 Scrub Lane Benfleet Essex S57 2JA

Occupation... Business Manager

Schedule 1

Variations

1. Summary

In the summary of the Funding Agreement the age range of 5 - 16 years shall be deleted and replaced with 5 – 19 year olds;

Also under the summary with reference to the number of sixth form places, not applicable (n/a) should be deleted and replaced with to be confirmed (tbc);

2. Clause 2: Places and Pupils

Clause 2.11 shall be deleted and replaced with the following:

“ The planned number of places at the Academy is 222 places in the age range 5 – 19.”

A new Clause 2.14 shall be inserted with the following wording:

“ Where secondary education is provided to persons of compulsory school age by the 16 to 19 Academy the Academy Trust shall secure that, except when a teacher is present in the room, no education is provided to a person who has attained the age of nineteen years at the start of the academic year (31 August), in a room in which any persons of compulsory school age are for the time being receiving secondary education. A teacher will be considered to be present in the room at a particular time even though no teacher is present if:

- a) it would be impracticable to secure the presence of a teacher in a room at that time; and*
- b) the absence of a teacher at that time has not lasted more than five minutes”*,

The original Clause 2.14 shall be replaced as 2.15.

3. Clause 2: Admissions

After Clause 2.35 insert the following clause:

“2.36 The Academy will be an educational institution concerned with providing full-time or part-time education suitable to the requirements of persons over compulsory school age but under 19, at the start of the academic year (31 August), whose requirements for:

- a) the admission of students to the Academy;*
- b) the admission to the Academy and support for students with SEN and disability ; and*
- c) student exclusions,*

are set out in written policies to be agreed by the Secretary of State prior to the signing of this agreement. Such policies to be fair, objective and transparent, and formulated in accordance with the Academy Trust’s legal powers and duties in relation to 16 to 19 provision”.

4. Clause 2: Curriculum

Clause 2.52 the words “age of 16” shall be deleted and replaced with “age of 19.”

5. Clause 4: General

Add a new Clause in at 4.5 which states the following:

“The Academy Trust shall abide by the requirements of the current 16 to 19 Funding Guidance published by the Secretary of State, as amended from time to time, or such other guidance on 16 to 19 funding issued by the Secretary of State as may from time to time be applicable, in respect of any of its provision for persons who are above compulsory school age until the academic year in which they reach the age of 19”.