

DATED

2017

THE SECRETARY OF STATE FOR EDUCATION

(1)

and

TORQUAY BOYS' GRAMMAR SCHOOL

(2)

**DEED OF VARIATION
relating to a Supplemental Funding
Agreement dated 29 August 2012**

THIS DEED OF VARIATION is made on

2017

BETWEEN:

- (1) The Secretary of State for Education ("**Secretary of State**"); and
- (2) Torquay Boys' Grammar School, a charitable company incorporated in England and Wales with registered number 07394671 ("**Company**") together referred to as the "**Parties**".

INTRODUCTION:

- (A) The Parties entered into a Supplemental Funding Agreement dated 29 August 2012 ("**SFA**") relating to the establishment, maintenance and funding of a school known as Torquay Academy.
- (B) The Parties now wish to vary and amend the terms of the SFA and wish to record their agreement as to such variations/amendments by this Deed.


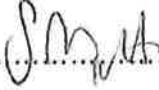
IT IS AGREED as follows:

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 Company agree that with effect from the date of this Deed the Supplemental Funding Agreement shall be amended in accordance with Schedule 1 to this Deed.
3. As varied by this Deed the SFA shall remain in full force and effect.
4. 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:

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

<p>SIGNED by <u>MR VINCENT FLOWEL</u></p> <p>(Director name)</p> <p>Duly authorised on behalf of the</p> <p>Torquay Boys' Grammar School</p> <p>IN THE PRESENCE OF A WITNESS</p> <p>Witness signature:</p> <p>Witness name:</p> <p>Witness address:</p>	<p></p> <p>.....</p> <p>(Director sign)</p> <p></p> <p>.....</p> <p>STEVE MARRETT.</p>
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SCHEDULE 1

Amendments to the Supplemental Funding Agreement

Clause 4.1 will be deleted and replaced with the following clauses:

4 GAG and EAG

- 4.1 Subject to clause 4.3, and for the duration of the academy financial year 2017 to 2018, the basis of the pupil number count for the purposes of determining GAG for an Academy Financial Year will be the Academy Trust's most recent estimate provided in accordance with clause 4.2.
- 4.2 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. In the event that this change of funding methodology is agreed after 1 September of that academy financial year, the basis of the pupil number count will be the number reported by the school in its October census of the same academy financial year.
- 4.3 In the Academy Financial Year which immediately follows the Academy Financial Year 2017 to 2018, the basis of the pupil number count for the purpose of determining GAG will no longer be the estimate provided in accordance with clause 4.2, but in that and all following Academy Financial Years will be determined in accordance with clause 4.6.
- 4.4 For any Academy Financial Year in which GAG for the Academy has been calculated in accordance with clauses 4.1 and 4.2, 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.
- 4.5 Not used.

- 4.6 For Academy Financial Years which immediately follow the Academy Financial Year 2017 to 2018, the basis of the pupil count for determining GAG will be:**
- a) for pupils in Year 11 and below, the Schools Census which is used to fund maintained schools for the financial year overlapping with the Academy Financial Year in question; and**
 - b) for pupils in Year 12 and above, the formula which is in use at the time for maintained schools.**