

DEED OF VARIATION

The parties to this Deed are:

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

- and -

(2) Chelmsford County High School for Girls a charitable company incorporated in England and Wales with registered number 07445392 ("the Academy").

together referred to as the "Parties"

INTRODUCTION

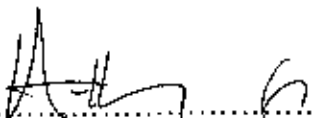
- A. The Parties entered into a funding agreement dated 1 January 2011 ("the Funding Agreement") relating to the establishment, maintenance and funding of an independent school known as Chelmsford County High School for Girls.
- B. The Parties now wish to vary and amend the terms of the Funding Agreement and wish to record their agreement as to such variations/amendments to the Funding Agreement by this Deed.

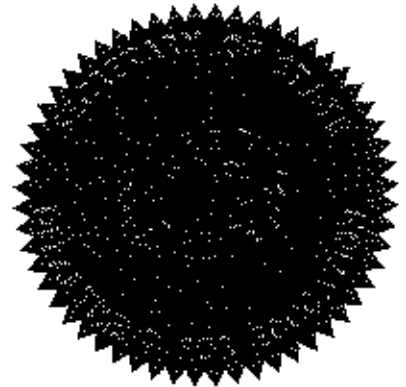
LEGAL AGREEMENT

- 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.

EXECUTED AND DELIVERED AS A DEED by the Parties on the 01 day
of April 2014

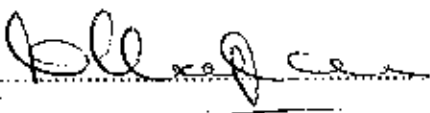
The Corporate Seal of the Secretary of State for Education hereunto affixed is
authenticated by:


..... 1/4/2014
Duly Authorised by the Secretary of State for Education

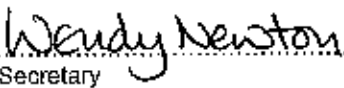


Chelmsford County High
School for Girls

acting by two directors or a
director and a secretary


.....
Director

Print name..... NICOLE CHAPMAN


.....
~~Director/Secretary~~

Print name..... WENDY NEWTON

Witnessed by S. Hoopkins

Full name..... SUSAN HOOPKINS

Address..... CHS, IFFORDFIELD ROAD, CHELMSFORD,
ESSEX CM1 1RL

Occupation..... BUSINESS MANAGER

Schedule 1

Amendments to the Funding Agreement

1. Annex B of the Funding Agreement shall be replaced with revised Annex B:-

Annex B [Pupil Premium]

REQUIREMENTS FOR THE ADMISSION OF PUPILS TO CHELMSFORD COUNTY HIGH SCHOOL FOR GIRLS

GENERAL

1. This Annex may be amended in writing at any time by agreement between the Secretary of State and the Academy Trust.
2. Except as provided in paragraphs 2A to 3 below The Academy Trust will act in accordance with, and will ensure that an Independent Appeal Panel is trained to act in accordance with, all relevant provisions of the School Admissions Code and the School Admission Appeals Code published by the Department for Education ("the Codes") as they apply at any given time to maintained schools and with equalities law and the law on admissions as they apply to maintained schools. For this purpose, reference in the Codes or legislation to "admission authorities" shall be deemed to be references to the governing body of the Academy Trust.

2A The Academy Trust is permitted to determine admission arrangements (subject to consultation in accordance with the School Admissions Code) that give priority for admission (but not above looked after children and previously looked after children¹) to other children attracting the pupil premium, including the service premium ('the pupil premium admission criterion'). Where an Academy Trust exercises this freedom it will provide information in its admission arrangements of eligibility for the premiums.

2B For the purposes of applying the pupil premium admission criterion only, sections 1.9(f) and 2.4(a) of the School Admissions Code (2012) do not apply insofar as they prevent admission authorities from giving priority to children according to the financial or occupational status of parents or using supplementary forms that ask for:
 - (a) any personal details about their financial status; or
 - (b) whether parents are serving in the armed forces (of any nation), stationed in England, and exercising parental care and responsibility for the child in question.
3. Notwithstanding the generality of paragraph 2 of this Annex, the Academy Trust will not participate in the co-ordinated admission arrangements operated by the LA for the first year of opening but will participate in such arrangements operated by the LA in subsequent years and the local Fair Access Protocol.

¹ As defined in the School Admissions Code.

4. Notwithstanding any provision in this Annex, the Secretary of State may:
- (a) direct the Academy Trust to admit a named pupil to Chelmsford County High School for Girls on application from a LA. This will include complying with a School Attendance Order². Before doing so the Secretary of State will consult the Academy Trust.
 - (b) direct the Academy Trust to admit a named pupil to Chelmsford County High School for Girls if the Academy Trust has failed to act in accordance with this Annex or has otherwise failed to comply with applicable admissions and equalities legislation or the provisions of the Codes.
 - (c) direct the Academy Trust to amend its admission arrangements where they fail to comply with the School Admissions Code or the Admission Appeals Code.

5. The Academy Trust shall ensure that parents and 'relevant children'³ will have the right of appeal to an Independent Appeal Panel if they are dissatisfied with an admission decision of the Academy Trust. The Independent Appeal Panel will be independent of the Academy Trust. The arrangements for appeals will comply with the School Admission Appeals Code published by the Department for Education as it applies to Foundation and Voluntary Aided schools. The determination of the appeal panel is binding on all parties.

Relevant Area

6. Subject to paragraph 7, the meaning of "Relevant Area" for the purposes of consultation requirements in relation to admission arrangements is that determined by the local authority for maintained schools in the area in accordance with the Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999.

7. If the Academy does not consider the relevant area determined by the local authority for the maintained schools in the area to be appropriate, it must apply to the Secretary of State by 1 August for a determination of the appropriate relevant area for the Academy, setting out the reasons for this view. The Secretary of State will consult the Academy and the LA in which the Academy is situated in reaching a decision.

Requirement to admit pupils

8. Pupils on roll in any predecessor maintained or independent school will transfer automatically to the Academy on opening. All children already offered a place at any predecessor school will be admitted.

² Local authorities are able to issue school attendance orders if a child is not attending school. These are legally binding upon parents. Such an order might, for instance, be appropriate where a child has a place at an Academy but his/her parents are refusing to send him/her to school. The order will require a parent to ensure his/her child attends a specified school.

³ 'relevant children' means:

- a) in the case of appeals for entry to a sixth form, the child, and;
- b) in any other case, children who are above compulsory school age, or will be above compulsory school age by the time they start to receive education at the school.

9. The Academy will:
- a. subject to its right of appeal to the Secretary of State in relation to a named pupil, admit all pupils with a statement of special educational needs naming the Academy;
 - b. adopt admission oversubscription criteria that give highest priority to looked after children, in accordance with the relevant provisions of the School Admissions Code.

Oversubscription criteria, admission number, consultation, determination and objections.

10. The Academy admission arrangements will include oversubscription criteria, and an admission number for each relevant age group⁴. The Academy will consult on its admission arrangements and determine them in line with the requirements within the School Admissions Code.

11. The Academy Trust must make it clear, when determining the Academy's admission arrangements, that objections should be submitted to the Schools Adjudicator.

12. A determination of an objection by the Schools Adjudicator will be binding upon the Academy.

⁴ 'Relevant age group' means 'normal point of admission to the school: for example, year R, Year7 and Year 12.

ANNEX C

Arrangements for pupils with Special Educational Needs ('SEN') and disabilities at Chelmsford County High School for Girls

Duties in relation to pupils with SEN

1. The Governing Body of the Academy Trust must comply with all of the duties imposed upon the governing bodies of maintained schools in:
 - Part 4 of the Education Act 1996 as amended from time to time¹;
 - The Education (Special Educational Needs) (Information) Regulations 1999 as amended from time to time;
 - The Education (Special Educational Needs Co-ordinators) (England) (Amendment) Regulations 2008 as amended from time to time².
2. Notwithstanding any provision in this Agreement, the Secretary of State may (whether following a complaint made to him or otherwise) direct the Academy Trust to comply with an obligation described in this Annex where the Academy Trust has failed to comply with any such obligation.
3. Where a child who has SEN is being educated in the Academy, those concerned with making special educational provision for the child must secure that the child engages in the activities of the school together with children who do not have SEN, so far as is reasonably practicable and is compatible with:
 - (a) the child receiving the special educational provision which his learning difficulty calls for,
 - (b) the provision of efficient education for the children with whom he will be educated, and
 - (c) the efficient use of resources.
4. In addition to complying with the duties imposed upon the governing bodies of maintained schools set out in The Education (Special Educational Needs) (Information) Regulations 1999 (as amended from time to time), the Academy Trust must ensure that the Academy's prospectus includes details of the arrangements for the admission of disabled pupils; the steps taken to prevent disabled pupils from being treated less favourably than other pupils; and the facilities provided to assist access to the Academy by disabled pupils (disabled pupils meaning pupils who are disabled for the purposes of the Equality Act 2010³).

Admissions

5. The Academy Trust must ensure that pupils with SEN are admitted on an

¹ Currently these duties are in sections 313 (Duty to have regard to the Special Educational Needs Code of Practice 2001); 317 (Duties in relation to pupils with special educational needs), 317A (Duty to advise parents that special educational provision is being made); and 324(5)(b) (Duty to admit the child where a school is named in the statement).

² These Regulations are amended by The Education (Special Educational Needs Co-ordinators) (England) (Amendment) Regulations 2009 (SI 2009 No 1387).

³ For the meaning of 'disabled', see section 6 of the Equality Act 2010.

ANNEX D

Serious incidents of misbehaviour leading to fixed period or permanent exclusion

General Duties

1. Subject to the exceptions in paragraph 4, the Academy Trust shall act and shall ensure that the Principal shall act in accordance with the law on exclusions as if the Academy were a maintained school. For this purpose, reference in the law on exclusions to the Head Teacher and Governing Body shall respectively be deemed to be the Principal and Governing Body of the Academy Trust.

2. Without limiting the generality of paragraph 1, the Academy Trust shall ensure that the Local Authority is informed of an exclusion decision in the same circumstances as required by maintained schools under the law on exclusions.

3. Subject to the exceptions in paragraph 4, the Academy Trust shall ensure that in carrying out their functions the Principal and the Governing Body have regard to the Secretary of State's guidance on exclusions including in relation to any appeals process¹ as if the Academy were a maintained school.

4. The exceptions to the duties imposed under paragraphs 1 and 3 are:

- The Academy Trust shall make arrangements for enabling appeals against any decision of the Governing Body to permanently exclude a pupil in accordance with the functions assigned to the Local Authority. Any appeal panel will be impartial, constituted in accordance with the Secretary of State's guidance and any decision of such a panel will be binding on the Academy Trust². The requirements in relation to appeals apply to the Academy Trust only to the extent that the Local Authority is required to carry out such functions for maintained schools under the law on exclusions.
- the Governing Body is not expected to seek the advice of a Local Authority officer when considering an exclusion, although a Local Authority officer may attend any meeting to consider an exclusion at the request of a parent; and
- subject to the Academy Trust's obligations under clause 30 of this Agreement relating to an agreement with the LA on the flow of funds following an exclusion, the arrangements for money to follow pupils who have been permanently excluded from school does not apply.

¹References in this annex to the Secretary of State's guidance are to "Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units", which is published on the DfE website at: <http://www.teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance/>. The guidance may be subject to amendment, and the Academy is required to have regard to the guidance as it stands at any given time.

² A parent may seek a judicial review of any appeal panel. A parent may not appeal to the Commissioner for Local Administration (the Local Government Ombudsman) about maladministration as the Commissioner's remit is limited to considering the conduct of appeal panels constituted by Local Authorities

DEED OF VARIATION

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- and -

(2) Chelmsford County High School For Girls a charitable company incorporated in England and Wales with registered number 07445392

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INTRODUCTION

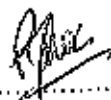
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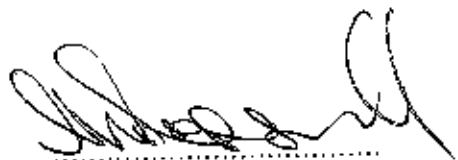
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3. As varied by this Deed, the Funding Agreement shall remain in full force and effect.

EXECUTED AND DELIVERED AS A DEED by the Parties on the 12 day
of 9 / 2011

Executed on behalf of
**Chelmsford County High
School for Girls** by:

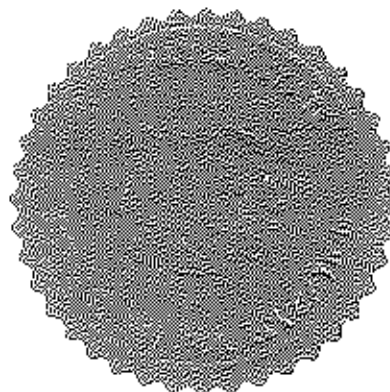


.....
P Cook
Director



.....
M Cresswell
Director

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



Schedule 1

Annex E to the Funding Agreement shall be replaced with the following Annex:

Chelmsford County High School for Girls (an Academy)
Annex E

Procedure for deciding whether Academy should retain selective arrangements

Whereas the joint intention of the parties to this agreement through this Annex is to provide for the removal of selective admission arrangements by the Academy Trust and to replicate (once the school converts into an Academy) provisions in relation to group ballots as would have applied to the maintained school prior to this agreement, it is hereby agreed:

This annex applies to the Academy which, prior to its entering into Academy arrangements with the Secretary of State under section 1 of the Academies Act 2010, was designated as a grammar school¹ and was part of a prescribed group of grammar schools ("prescribed group") as set out in Schedule 2 to the Education (Grammar School Ballots) Regulations 1998².

This Academy is in a prescribed group for the purposes of this Annex with whichever of the following schools are Academies:

King Edward VI Grammar School, Chelmsford

Proposals by the Academy Trust to remove selection

1. Where an Academy Trust for a wholly selective Academy which was part of a prescribed group wishes to remove the Academy's selective admission arrangements it will follow the process set out below.
2. The Academy Trust will ballot all parents of registered pupils at the school on the question 'are you in favour of the Academy removing selection by ability and introducing admission arrangements which admit children of all abilities?'
3. If a simple majority of parents vote to remove selection, the Academy will determine admission arrangements that do not provide for selection by ability.
4. The ballot must allow parents a minimum of five weeks within which to vote. The ballot must be initiated prior to 25 January and the ballot result must be declared by 1 March in the determination year³.

¹ Under the Education (Grammar School Designation) Order 1998 – or subsequent designation orders made under section 104 of the School Standards and Framework Act 1998. Section 104 allowed for maintained schools which had selective admission arrangements at the beginning of 1997-98 school year, to be designated as grammar schools

² SI 1998/2876.

³ A 'determination year' is the Academy Financial Year beginning two years before the Academy Financial Year which the admissions arrangements will be for e.g. consultation to

5. If a ballot is in favour of the removal of selection, non selective admission arrangements must be determined by 15 April in the determination year.

6. If a ballot does not vote in favour of the removal of selection the Academy Trust must retain the Academy's selective admission arrangements.

Parental Ballots to remove selection at an Academy which was part of a prescribed group.

7. The Ballot regulations prescribe that Chelmsford County High School for Girls, (the former name of this Academy) is grouped with King Edward VI Grammar School, Chelmsford (an academy) and may be subject to a group ballot to remove selective admission arrangements at the prescribed group of schools.

8. The Academy is required to be grouped with any of these schools that become Academies. The Academy will conduct the ballots process jointly with the other Academies within the group or they will jointly agree to appoint a contractor to conduct the process on their behalf. The Academy will abide by the result of any grouped ballot in relation to the Academy group and will change its admission arrangements accordingly.

9. For the purposes of this Annex the "Academy group" consists of all of the prescribed group of schools which have converted to become an Academy.

Moratorium

10. Where the result of a group ballot is that the Academies in the group to which the ballot relates should retain selective admission arrangements, no further ballot shall be held or petition raised within the period of 5 years from the ballot result date for that group. This moratorium does not apply to the procedures in paragraphs 1-6 of this annex.

Petitions for a ballot -general

11. The following paragraphs govern the procedure for ballots to remove selection from Academies which were formerly designated as maintained grammar schools and were part of a prescribed group of schools.

12. Eligible parents for the relevant group of schools will first need to petition for the removal of selection. If a petition is valid then the Academy will be required to jointly conduct a ballot with other Academies within its group. If a ballot is successful the Academy will be required to remove selection in accordance with paragraph 5.

Restriction on publication of material etc relating to ballots

end in March 2011 and determination to be in April 2011 for admissions in September 2012

Annex to Single Funding Agreement

13. The same restrictions as apply to the governing body of a maintained school under section 107 of the School Standards and Framework Act 1998 shall be applied to the Academy Trust/proprietor of the Academy in relation to a ballot under this Annex.

Meaning of "eligible parent"

14. A parent is eligible to sign a petition and vote in a ballot if that person is a registered parent of a child who is a pupil at a feeder school for the prescribed group of Academies in respect of which the ballot is being held or the petition raised.

15. A parent of the following description is not an eligible parent

- a. a parent who is not an individual (such as a corporate parent);
- b. a parent who is resident outside the United Kingdom;
- c. if their child is over compulsory school age on the date in question;
- d. if, on the date in question their child is over the transfer age group for the Academy in question.

16. A parent's residence shall be determined by reference to the address contained in the list of parents returned to the relevant academies by the relevant feeder schools.

17. "Transfer age group" means the highest relevant age group for that Academy, disregarding any relevant age group in which the majority of the pupils admitted to the school are over compulsory school age.

Meaning of "feeder school"

18. The feeder schools for a group of Academies are each school from which at least 5 pupils have transferred to an Academy within the group or any predecessor grammar schools during the period consisting of the school year in question and the two preceding school years.

19. Any pupils who were over the age of the transfer age group for the Academy or its predecessor grammar school when they transferred to the Academy or its predecessor grammar school shall be disregarded.

Petitions for a Ballot

Petitions for a ballot—general

20. No ballot shall be held unless a request for a ballot is made by means of a petition relating to the prescribed group of Academies, and unless this petition is sent to the Academy Trust of each Academy in the prescribed group, the Secretary of State, and YPLA.

Annex to Single Funding Agreement

21. If there is doubt over whether a ballot is necessary, the YPLA or the Secretary of State will notify the Academy.
22. The Academy Trusts of each of the prescribed group of Academies, working jointly, and if there is a dispute, the Secretary of State or YPLA, will determine whether a petition is a valid petition. A petition is valid if it complies with paragraphs 20-36.
23. A petition must be received by the Secretary of State, the YPLA, and the Academy Trusts of each Academy in the prescribed group during a petition period. "Petition period" means the period from 1st September in one year to 31st July in the next year.
24. Subject to paragraph 27, a petition must be signed by a number of relevant eligible parents which, when taken together with the number of relevant eligible parents who have signed any previous petition relating to the group of Academies (or their predecessor maintained grammar schools) received by the Academy Trusts (or designated body as set out in regulation 3 of the Education (Grammar School Ballots) Regulations 1998 during the same petition period, is at least 20% of the eligible parent population, or is equal to a previous petition threshold where this has been set within the last five years.
25. Where in paragraph 24 above, a petition relates to the predecessor grammar schools, eligible parents who have signed that petition must agree to the petition going forward in relation to the ballot to remove selection at the group of Academies for their name to continue to count for that purpose.
26. Where an Academy has previously been required to determine the eligible parent population and set a petition threshold, this threshold shall remain in place for any petition received in the following five years.
27. If a parent signs a petition on a date before the beginning of the petition period in which the petition is received, the parent's signature shall be disregarded for the purposes of paragraph 24.
28. The question of whether an eligible parent is a "relevant" eligible parent shall be determined in accordance with paragraph 24.
29. If the same parent signs a petition more than once or signs more than one petition relating to the same prescribed group of Academies any petition period, any signature in excess of one shall be disregarded; and
30. Where a parent signs a petition but the information referred to in paragraph 34 is not included, or not included in a legible form, that parent's signature shall be disregarded.
31. The Academy (working jointly with other Academies within the group) will request a list of the names and addresses of relevant eligible parents from the feeder schools for the prescribed group of Academies. It will also request a list of eligible parents which may be made public to the petition organisers. Eligible parents must be asked for consent for their details to be used for the

Annex to Single Funding Agreement

purpose of the ballot, and given the opportunity by the relevant feeder schools to remove their names from the public list if they do not want their details passed to petition organisers. The Academies will supply a copy of the public list of parents to any petition organiser who requests it.

Form of petition

32. A petition shall on each sheet state the group of Academies to which it relates

33. A petition shall, on each sheet, contain the following words:--

"We the undersigned, being eligible parents, seek a ballot on whether the listed Academies which select by academic ability should continue to do so."

34. In relation to each parent who signs a petition the following information shall be given—

- a. the first name, surname and address of the parent;
- b. the name of a child of that parent who is a pupil at a school which is a feeder school for the group of Academies to which the petition relates and who, at the date on which the petition is signed, is of compulsory school age; and
- c. the name of the school which the child named in the petition is attending; and
- d. the date on which the parent signs the petition.

35. The petition shall give the name and address of the person ("petition organiser") to whom notification should be given as to whether the petition is valid.

36. Where the Academy group has given the notification required by paragraph 35 that a valid petition has been received, any subsequent petition relating to the same group of Academies shall not be valid unless

- a. the subsequent ballot is in favour of retaining selective admission arrangements for those Academies; and
- b. no person signs it before the end of the moratorium period for the group of Academies.

Meaning of "relevant eligible parent" and "parent population"

37. A parent is a relevant eligible parent if the feeder school confirms he is an 'eligible parent' or if the Academy Trust is satisfied by other means that a parent is an 'eligible parent'.

38. Parent population means the total of eligible parents for the group of

Academies.

Notification of result of petition

39. Where the petition is a valid petition the Academy shall work jointly with other Academies in the group to notify the persons referred to in paragraph 40 of this fact and that a ballot will be held.

40. The persons to be notified are—

- a. the local authority in which the group of Academies is situated;
- b. the Secretary of State and YPLA
- c. the petition organiser(s);
- d. the governing body or proprietor of each feeder school for the group of Academies.

41. Where the petition is not a valid petition the Academy shall work jointly with other Academies in the group to notify the petition organiser and ask the petition organiser to inform other petitioners.

Ballots

Eligibility to vote in a ballot

42. The persons eligible to vote in a ballot are the persons who are "relevant eligible parents".

Question on which ballot is to be held

43. Each ballot paper shall include the following wording--

"Are you in favour of the **group of Academies/ all Academies listed** introducing admission arrangements which admit children of all abilities?

Place a cross (X) in the box of your choice.

YES

NO

Ballots--supplementary

44. The Academy working jointly with other Academies in the group will ensure that ballot papers are sent to all parents who are eligible to vote for whom they have been provided with details by the relevant feeder schools. Academies will take all reasonable steps to ensure eligible parents are identified and given the opportunity to vote.

Annex to Single Funding Agreement

45. Each ballot shall be a secret postal ballot.
46. Each ballot paper shall include the name of the Academies to which it relates.
47. Each parent who falls within paragraph 42 shall have one vote (irrespective of the number of children which a parent may have and the number of schools they attend).
48. The Academy working jointly with other Academies in the group shall secure that the date by which ballot papers must be returned to them shall be—
- a. no later than 10 weeks from the date on which the Academies notified the persons in paragraph 40 that the petition is valid; and
 - b. at least 5 weeks from the date on which ballot papers were sent to parents (or if ballot papers were sent on more than one date, the last such date).
49. Where the Academy working jointly with other Academies in the group has determined the result of a ballot it will forthwith notify the persons mentioned in paragraph 40 of that fact, and, where the ballot is in favour of retaining selective admission arrangements for the group of Academies, the date on which the moratorium period will expire.

Declaring a ballot void

50. Subject to paragraph 51 below the Secretary of State may declare a ballot void if it appears that—
- a. any requirement of this annex has been contravened
 - b. persons other than those falling within paragraph 42 have purported to vote in the ballot;
 - c. persons who fall within paragraph 42 have been prevented from voting or hindered from doing so freely in accordance with their own opinion by any other person; or
 - d. material has been provided, or meetings have been held, in a manner which does not comply with the principles for the production of such material or the standards for the holding of such meetings or debates contained in the Ballot Information Code specified in Schedule 4 of the Education (Grammar School Ballots) Regulations 1998; and
 - e. that voting in a ballot is likely to have been influenced to a significant extent as a result of any of those matters.
51. Paragraph 50 shall not apply unless before the date which is two

Annex to Single Funding Agreement

weeks after the ballot result date any person or body referred to in paragraph 52 have requested the Secretary of State in writing to declare a ballot void; specifying the reason for such a request and the grounds on which the person or body considers the ballot should be declared void.

52. The persons or bodies mentioned in paragraph 51 are—

- a. the local education authority within which the group of Academies is located
- b. any of the Academies in the group of Academies or the governing body or proprietor of any feeder school for the group of Academies;
- c. any 20 or more parents who were eligible to vote in the ballot.

53. Where a request is received under paragraph 51, the Secretary of State shall notify each Academy in the prescribed group and the local authority.

54. Where a request is received under paragraph 51 but the Secretary of State determines not to declare a ballot void he shall notify the persons or body who made the request, the group of Academies to which the ballot relates, and the local authority.

55. Where the Secretary of State declares a ballot void he shall notify the persons mentioned in paragraph 40 of that fact.

56. Where the Secretary of State declares a ballot void, a fresh ballot shall be held and the date by which ballot papers must be returned is no later than 10 weeks from the date of the notification under paragraph 55 above.

Implementation of decision that an Academy should cease to have selective admission arrangements

57. In the case of a successful group ballot which includes the Academy, the Academy Trust will secure that its admission arrangements are revised so that the Academy no longer has selective admission arrangements.

- a. where the ballot result date is on or before 31st December in any school year – or where the Secretary of State has chosen not to declare a ballot void -, it will determine non selective admission arrangements by the date in paragraph 5 of this annex; and
- b. where the ballot result date is after 31st December in any school year, it will determine non selective admission arrangements in the following determination year, by the 15 April

Annex to Single Funding Agreement

Information to be given by the Academy

58. If—

- a. 10 or more persons jointly notify the Academy in writing that they are considering raising a petition; and
- b. the notification nominates one of those persons as the person to receive information from the Academy group,

the Academy shall, as soon as practicable and working jointly with other Academies in the group, give that person the following information

- c. the names of the feeder schools for the group of Academies and
- d. the transfer age groups for the Academies in question;
- e. the number of parents who would need to sign the petition for it to comply with paragraph 24;
- f. the words to be contained in a petition in accordance with paragraph 33;
- g. where requested, the details of eligible parents who have consented to those details being made available to petition organisers.

59. To the extent that either party to this Funding Agreement (including all Annexes) considers that the terms of this Annex do not replicate the relevant statutory provisions, so far as is possible, to apply group ballot provisions to the converted Academy, the parties agree: to make all such amendments to this Annex as may be required in order to achieve, so far as is possible, equivalent provision for the Academy post conversion as it would have had as part of a group of grammar schools subject to a group ballot.

60. Further, the parties agree that where a school which was part of the prescribed group of schools converts to become an Academy that Academy, subject to their Academy arrangements, shall be included in this group.

DEED OF VARIATION TO THE FUNDING AGREEMENT

THIS DEED is made the 21 day of November 2013

BETWEEN

- 1) The Secretary of State for Education (the "**Secretary of State**"); and
- 2) The CHELMSFORD COUNTY HIGH SCHOOL FOR GIRLS, (the "**Company**") a charitable company incorporated in England and Wales, with registered number 07445392 together, the "**Parties**".

INTRODUCTION

- A. The Parties have entered into a funding agreement relating to the establishment, maintenance and funding of Chelmsford County High School opened on 1/1/2011 (the "**Funding Agreement**").
- B. The Parties now wish to vary and amend certain terms and conditions of the Funding Agreement in accordance with the terms of this Deed.
- C. This Deed is supplemental to the 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 Funding Agreement.

2. Variation of the Funding Agreement

- 2.1 The Parties agree that with effect from the date of this Deed Clause 78 of the Funding Agreement shall be deleted and replaced with the following clause:

78

At the beginning of any Academy Financial Year the Academy Trust may hold unspent GAG from previous Academy Financial Years amounting to such percentage (if any) as for the time being specified in the Academies Financial Handbook or otherwise as the Secretary of State may specify by notice in writing to the Academy Trust prior to the beginning of that Academy Financial Year of the total GAG payable for the Academy in the Academy Financial Year just ended or such higher amount as may from time to time be agreed. The Academy Trust shall use such carried forward amount for such purpose, or subject to such restriction on its use, as for the time being specified in the Academies Financial Handbook or otherwise as the Secretary of State may specify by notice in writing to the Academy Trust."

- 2.2 Except as varied by this Deed, the 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:-)
)
)



[Handwritten signature] 21.10.15
.....
Duly authorised by the Secretary of State for Education

EXECUTED as a deed by CHELMSFORD COUNTY HIGH SCHOOL FOR GIRLS, acting by:

[Handwritten signature]
.....

Director

[Handwritten signature: Wendy Newton]
.....

Director/Secretary

OR

EXECUTED as a deed by CHELMSFORD COUNTY HIGH SCHOOL FOR GIRLS, acting by:

.....
Director

In the presence of:

W	Sign
I	
T	Name
N	
E	Address
S	
S	Occupation