

DEED OF VARIATION TO THE FUNDING AGREEMENT

THIS DEED is made the 18 day of July 2023

BETWEEN

- 1) The Secretary of State for Education of Sanctuary Buildings, Great Smith Street, London, SW1P 3BT (the "Secretary of State"); and
- 2) Sir Roger Manwood's School of a charitable company incorporated in England and Wales with registered number 07539918 whose registered office is at Manwood Road, Sandwich, Kent, CT13 9JX (the "Company").

together, the "Parties".

INTRODUCTION

A. The Parties entered into a funding agreement dated on 1 March 2011 (the "Existing MFA") relating to the establishment, maintenance and funding of a wholly selective Academy in accordance with the Existing MFA. By a deed of variation dated 21 December 2020 (the "First Deed"), the Existing MFA was amended and restated in the form of the single funding agreement set out in Schedule 2 to the First Deed (the "Amended Master Funding Agreement").

B. The Parties now wish to vary and amend certain terms and conditions of the Amended Master Funding Agreement in accordance with the terms of this Deed.

C. This Deed is supplemental to the Amended Master 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 Amended Master Funding Agreement.

2. VARIATION OF THE FUNDING AGREEMENT

2.1 The Parties agree that with effect from the date of this Deed the Amended Master Funding Agreement shall be amended in accordance with this clause.

2.2 Paragraph 2.33 is replaced with:

"2.33 Where the Academy is a former maintained grammar school designated as such under section 104 of the School Standards and Framework Act 1998 and the Education (Grammar School Designation) Order 1998, then it may continue to select its intake by reference to ability. A deed of variation dated 18 JULY 2023 between the Secretary of State and the Academy Trust, sets out the procedures for removing selective arrangements."

2.3 Clause 3 of, and Schedule 3 to, the First Deed (which introduced and set out the procedure to be followed under the Amended Master Funding Agreement for the

removal of selective admission arrangements at wholly selective academies) are deleted, the Schedule to this Deed sets out the procedure for removing selective arrangements.

2.4 Except as varied by this Deed, the Amended Master 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.

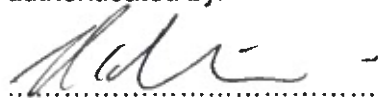
3.2 The parties irrevocably agree that the English courts have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with this Deed or its subject matter or formation (including non-contractual disputes or claims).

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:-



Duly authorised by the Secretary of State for Education

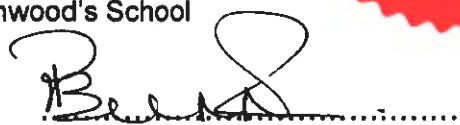


EXECUTED as a deed by Sir Roger Manwood's School acting by:

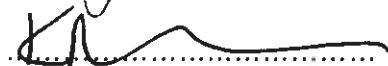


Director

In the presence of:



Director/Secretary



[SIGNATURE OF WITNESS]

Name: Kevie Robinson

Address: 9 Wellesley Road, Margate, Kent, CT9 2UH

Occupation: PA to Headteacher

Schedule

Removal of selection at wholly selective Academies.

1. This Schedule applies to any Academy which was designated as a grammar school under the Education (Grammar School Designation) Order 1998 – or subsequent designation orders made under section 104 of the School Standards and Framework Act 1998- prior to their entering into Academy arrangements with the Secretary of State under section 1 of the Academies Act 2010.

Proposals by the Academy Trust to remove selection

2. Where an Academy Trust for a wholly selective Academy wishes to remove the Academy's selective admission arrangements they will follow the process set out below.

3. 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?'

4. If a simple majority of parents vote to remove selection, the Academy will determine admission arrangements that do not provide for selection by ability.

5. The ballot must allow parents a minimum of five weeks within which to vote. The ballot must be initiated prior to 25th January and the ballot result must be declared by 1 March in the determination year¹.

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

7. 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.

8. There are three ways of removing selection at wholly selective Academies via a parental ballot.

9. The arrangements are changed as result of a **whole area ballot**², ("area ballot"), where the Academy in question is subject to a **stand alone ballot**³ or where the school is subject to a **group ballot**⁴.

10. The **moratorium period** set out in regulation 16 of the Ballots Regulations will apply. That is, where the result of a ballot is that the grammar schools in a

¹ 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 end in March 2024 and determination to be in April 2024 for admissions in September 2025.

² A "whole area ballot" has the same meaning as an "area ballot" (as defined by regulation 11(2) of the Ballot Regulations: a ballot which relates to all grammar schools within a relevant area.)

³ A "stand alone ballot" is a ballot which relates to a stand alone grammar school as defined in regulation 11(1)(c) of the Ballots Regulations.

⁴ A 'group ballot' is a ballot which relates to a prescribed group of schools as set out in Schedule 2 to the Education (Grammar School Ballots) Regulations 1998.

selective area, 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. This moratorium does not apply to the procedures in paragraphs 2-7 of this Schedule.

11. **Sir Roger Manwood's School** is subject to the result of a whole-area ballot concerning the grammar schools in **Kent**.

Academies subject to the result of whole area ballots.

12. Where the Academy is located within the local authority areas set out under regulation 2(1) and schedule 1 to the Ballots Regulations⁵ (**Bexley, Buckinghamshire, Kent, Lincolnshire, Medway, Slough, Southend, Torbay, Trafford or Sutton and Nonsuch Ward**) and would thus, prior to becoming an Academy, have been subject to any ballot on selective admission arrangements in that area, if there is a ballot of parents, under the provisions of the Ballot Regulations, within those areas, the Academy must abide by the result of the ballot .

13. Where the result of the whole area ballot is to remove selection, the Academy will determine non-selective admission arrangements by the date set out in paragraph 14 of this Schedule. If the ballot does not vote in favour of removal of selection the Academy Trust must retain the Academy's selective admission arrangements.

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

14. In the case of a successful ballot, the Academy Trust will secure that their 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 6 of this Schedule; 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 15th April.”.

⁵In this Schedule, Ballot Regulations means the Education (Grammar School Ballots) Regulations 1998.