

**DEED OF VARIATION TO THE SUPPLEMENTAL FUNDING AGREEMENT OF  
QUARRY HILL ACADEMY**

THIS DEED is made the 29 day of April 2021

**BETWEEN**

- 1) The Secretary of State for Education (the "**Secretary of State**"); and
- 2) Catalyst Academies Trust, (the "**Company**") a charitable company incorporated in England and Wales with registered number 08407989, whose registered office is c/o Dilkes Academy, Garron Lane, South Ockendon, Essex RM15 5JQ, together, the "**Parties**".

**INTRODUCTION**

- A. The Parties entered into a supplemental funding agreement dated 11 July 2013 in respect of Quarry Hill Academy ("Academy") which was subsequently varied by deed of variation dated 23 December 2019 (the "**Supplemental Funding Agreement**") relating to the establishment, maintenance and funding of 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.
- 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 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 replaced as follows:

2.5) The planned capacity of the Academy is 518 in the age range 2-11, a nursery unit of 60 places and 28 places for the 2 year old provision, and will subject to Clause 2.3B) operate designated reserved provision for pupils with special educational needs (SEN Unit or Resourced Provision) for up to 10 planned places for pupils with Social, Emotional and Mental Health (SEMH) needs in the age range 2-11.

- 2.2 The following clauses will be inserted into the Supplemental Funding Agreement as additional clauses:

2.3A) Subject to Clause 2.3B), the academy will operate designated places reserved for pupils with special educational needs (SEN Unit and or Resourced Provision) with up to 10 planned places for pupils with SEMH needs in the age range 2-11.

29/4/21

2.3B) The Secretary of State may at any time determine that the SEN Unit should cease to operate.

2.3C) In making any determination under clause 2.3B) the Secretary of State shall:

(i) have regard to the views of the Academy and local authorities in the area (in their strategic role in the commissioning of SEN provision); and

(ii) consider the impact of such a determination on the local authorities' ability to secure suitable SEN provision for all children within the area.

2.3 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:-



*[Signature]*  
.....  
Duly authorised by the Secretary of State for Education

EXECUTED as a deed by Catalyst Academies Trust, acting by:

*[Signature]*  
.....

**Director**

In the presence of:

W  
I  
T  
N  
E  
S  
S

Sign *S D Hay*

Name *S Hayson*

Address *c/o Quarry Hill Academy  
Bradleigh Avenue*

Occupation *Personnel  
Assistant Crays  
Essex KM175UT*

