

**DEED OF VARIATION TO THE SUPPLEMENTAL FUNDING AGREEMENT FOR
ST THOMAS MORE CATHOLIC PRIMARY SCHOOL, KIDLINGTON**

THIS DEED is made the day of *26 March* 2024

BETWEEN

- 1) The Secretary of State for Education (the "**Secretary of State**"); and
- 2) The Pope Francis Catholic Multi Academy Company, (the "**Company**") a charitable company incorporated in England and Wales with registered number 09113542, together, the "**Parties**".

INTRODUCTION

- A. The Parties entered into a Deed of Novation and Variation dated 21 December 2020 to novate a Supplemental funding agreement dated 27 March 2013 (the "**Supplemental Funding Agreement**") relating to the establishment, maintenance and funding of St Thomas More Catholic Primary School, Kidlington 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 Supplemental 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 to reflect the addition of a nursery provision as follows:

The defined terms shall be amended to include:

"**Funded Hours**" means the current applicable government funded entitlement to free childcare."

The summary sheet on page 4 of the Supplemental Funding Agreement shall be amended to read:

"Capacity number – 210 statutory places, plus 68 nursery provision places"

"Age range – 2 to 11"

The summary sheet on page 5 of the Supplemental Funding Agreement shall be amended to read:

Clause No.	Descriptor	Applied	Not used
2.E.1	Only applies to free schools and academies with nursery provision	X	

The summary sheet on page 6 of the Supplemental Funding Agreement shall be amended to read:

Clause No.	Descriptor	Applied	Not used
3.1.1	Only applies to free schools and academies with nursery provision	X	

Clause 2.B shall be amended to read:

“The planned capacity of the Academy is 210 and the age range is 2 to 11, plus nursery provision of 68 places. The Academy will be an all ability inclusive mixed sex school.”

Clause 2.E.1 shall be included to read:

“Clause 2.16 of the Master Agreement does not prevent the Academy Trust charging fees for nursery provisions outside the Funded Hours.”

Clause 3.1.1 shall be included to read:

“For the avoidance of doubt, the pupil number count for the purposes of determining GAG excludes nursery provision pupils. Clauses 3.A-3.I must be read with this exclusion in mind.”

- 2.2 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:-)



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Duly authorised by the Secretary of State for Education



EXECUTED as a deed by
The Pope Francis Catholic Multi Academy Company,
acting by:



Director

In the presence of:

W I T N E S S	Sign	
	Name	SARAH BUTLER
	Address	29 TARVERS WAY ADDERBURY OXON OX17 3FR
	Occupation	SECRETARY