

DEED OF VARIATION TO THE FUNDING AGREEMENT

THIS DEED is made the 31 day of JANUARY 2024

BETWEEN

- 1) The Secretary of State for Education (the "**Secretary of State**"); and
- 2) Ribston Hall High School Academy Trust, a charitable company incorporated in England and Wales with registered number 07625308 whose registered office is at Ribston Hall High School, Stroud Road, Gloucester, Gloucestershire, GL1 5LE (the "**Company**"),

together, the "**Parties**".

INTRODUCTION

- A. The Parties entered into a funding agreement dated on or about 30 May 2011 and amended and restated by way of a deed of variation dated 10 December 2021 (the "**Funding Agreement**") relating to the establishment, maintenance and funding of an Academy in accordance with 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 the Funding Agreement shall be amended in accordance with Schedule 1 to this Deed.
- 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:-



M. Mathew Main
..... MATHEW MAIN
Duly authorised by the Secretary of State for Education

EXECUTED as a deed by Ribston Hall High School Academy Trust, acting by:

[Signature]
.....
Director

In the presence of:

W Sign *S. Hunt*
I Name *S HUNT*
T Address
N Occupation
E
S
S *Clerk to the Trustees*

Schedule 1

1. Annex B

PROCESS FOR REMOVAL OF SELECTION AT RIBSTON HALL GRAMMAR SCHOOL

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 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 the following schools:

- **SIR THOMAS RICH’S SCHOOL;**
- **DENMARK ROAD HIGH SCHOOL (FORMERLY KNOWN AS THE HIGH SCHOOL FOR GIRLS); AND**
- **THE CRYPT SCHOOL.**

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.

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.

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.

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 **RIBSTON HALL GRAMMAR SCHOOL** is grouped with the following schools:

- **SIR THOMAS RICH'S SCHOOL;**
- **DENMARK ROAD HIGH SCHOOL (FORMERLY KNOWN AS THE HIGH SCHOOL FOR GIRLS); AND**
- **THE CRYPT SCHOOL.**

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

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

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 in accordance with paragraph 49(c), the Academy will be required to remove selection in accordance with paragraph 5.

Restriction on publication of material etc relating to ballots

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 ESFA.

21. If there is doubt over whether a ballot is necessary, the ESFA 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 ESFA, 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 ESFA, 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.

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 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 ESFA
- 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.
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:
- a. it will forthwith notify the persons mentioned in paragraph 40 of that fact; and,
 - b. 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;
 - c. where a majority of the votes cast by relevant eligible parents for the prescribed group are in favour of removing selection (a “successful group ballot”), the admission arrangements for the Academy shall be revised in accordance with paragraph 57.

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 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.

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.

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.

