

THIS AGREEMENT is made on 22 June 2020

BETWEEN:-

- (1) **THE SECRETARY OF STATE FOR EDUCATION** whose Head Office is at Sanctuary Buildings, Great Smith Street, London, SW1P 3BT (the "**Department**"); and
- (2) **HELEN LINCOLN and ESSEX COUNTY COUNCIL**, whose registered office is situated at **County Hall, Market Road, Chelmsford, Essex, CM1 1LX (the Contractor)**.

RECITALS:-

- (A) The Department and the Contractor entered into a contract for Children's Services Commissioner Services for Blackpool dated 8 March 2019 with the Department's reference number of RFX227/March 2019/ Blackpool/Helen Lincoln and Essex County Council ("**Original Contract**").
- (B) The Department and the Contractor have agreed to vary the terms of the Original Contract as set out in this Agreement.
- (C) The Department's reference number for this Variation Agreement is 01/2020.

IT IS AGREED as follows:-

1. **CONSIDERATION**

In consideration of each of the parties entering into this Agreement (such consideration being agreed by the parties to be good and valuable consideration, the adequacy and sufficiency of which is hereby acknowledged and agreed), the parties have agreed to vary the Original Contract in accordance with the DfE Dynamic Purchasing System, RFX227, order number: RD1002078.

2. **VARIATION OF THE ORIGINAL CONTRACT**

- 2.1 The parties agree with effect from the date of this Agreement the Original Contract shall be varied as set out in Annex 1 attached.
- 2.2 Subject to the variations set out in Annex 1, the Original Contract shall continue in full force and effect in all respects.
- 2.3 In addition to the amendments set out in Annex 1, the Original Contract shall be construed and interpreted with such further consequential amendments as are necessary to give effect to the amendments set out in Annex 1 of this Agreement, as if such further amendments were also expressly set out in Annex 1.
- 2.4 Except as provided in Clause 2.3 and Annex 1, the parties agree that no other liabilities, financial or otherwise, shall accrue to the Department because of this Variation Agreement.

3. **SEVERABILITY**

The provisions of this Agreement are intended by the parties to be severable in the event that any part of it is held to be illegal or unenforceable (in whole or in part) and such part shall not affect the validity and enforceability of the remaining provisions or the remainder of the affected provision under this Agreement.

4. **AUTHORITY AND COSTS**

Each party undertakes that it has full power and authority to enter into and shall be responsible for its own costs arising in relation to this Agreement.

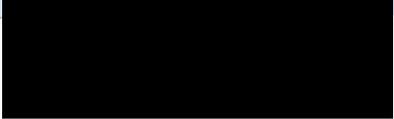
5. **THE CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999**

- 5.1 Subject to Clause 5.2 below, this Agreement is not intended to create any benefit, claim or rights of any kind whatsoever enforceable by any person who is not a party to this Agreement. Accordingly, the parties confirm that no term of this Agreement is enforceable under the Contracts (Rights of Third Parties) Act 1999 by a person who is not a party to this Agreement.
- 5.2 It is the intention of the parties that any other department, officer or agency of the Crown, may as required from time to time act as the Department's agent in enforcing the Department's rights under this Agreement.

6. **GOVERNING LAW AND JURISDICTION**

The parties agree that this Agreement and any dispute arising under or in any way connected with the subject matter of this Agreement (whether of a contractual or tortious nature or otherwise) shall be governed by and construed in accordance with the laws of England, and the parties submit to the jurisdiction of the English Courts.

EXECUTED by the parties on the first date in this Agreement.

For and on behalf of HELEN LINCOLN and ESSEX COUNTY COUNCIL:		For and on behalf of the SECRETARY OF STATE FOR EDUCATION:	
Signature:		Signature:	
Name:	Helen Lincoln	Name:	Carolan Goggin
Role:	Executive Director Cl	Role:	Deputy Director, Chil
Date:	Aug 12, 2020	Date:	Nov 4, 2020

ANNEX 1

7. Variations to Original Contract

All references to Clauses in this Annex 1 are to Clauses in the Original Contract.

The parties have agreed to vary the Original Contract in accordance with the DfE Dynamic Purchasing System, RFX227/March 2019/ Blackpool/Helen Lincoln and Essex County Council ,order number: RD1002078. It shall be amended to include the following definitions:

The original contract was extended to 25th June 2020 to allow for 2 further reviews to take place. Due to COVID-19 the final Commissioner report has been delayed until December 2020. The Department would like to extend the term of the contract to an end date of 31 December 2020 to allow the Commissioner to complete the final report