

APPLICATION FORM FOR A NEW BREAK-CLAUSE

Please submit this application form for the new 12-month break-clause (“New Break-Clause”) by **5.00pm (UK time) on Friday 10 February 2023** by emailing it (along with any reasonably available supporting documents if relevant) to the independent adjudicator (“Adjudicator”) at apply.ess@evelyn.com.

For information on how to complete this application form and the process to be followed by the Adjudicator, please read the “Instructions: How to Apply for a New Break-Clause” available at <https://www.ess-sims.co.uk/breakoffers>.

This application form contains the following sections:

- **Section 1: Customer Details (mandatory to complete)**
- **Section 2: Applicant Contact Details (mandatory to complete)**
- **Section 3: Your Eligibility for the New Break Clause (mandatory to complete)**
- **Section 4: Optional Request for Redaction(s) (optional to complete)**
- **Section 5: Statement of Truth (mandatory to complete)**

Section 1: Customer Details

Customer name:	
(If different, name of school(s) covered by this application):	
Name(s) and address(es) including postcode(s) of school(s) covered by this application:	
DfE number(s) of school(s) covered by this application:	
Number of Pupils on Roll (“POR”) for the school(s) covered by this application, or where you are part of a Multi-Academy Trust (“MAT”) or federation, the POR for your MAT or federation:	
Quotation number* of the relevant ESS Annual Entitlement contract to which this application shall apply (with the counterparty to this contract being the “Applicant”):	

* The quotation number, referred to as a ‘Quote ID’, takes the form “QUO-xxxxxx-xxxxxx” and is shown at the head of your quotation. It was also set out in the email confirming your new SIMS Annual Entitlement agreement. Please see the visual representations at paragraphs 15 to 16 of the “Instructions: How to Apply for a New Break-Clause” available at <https://www.ess-sims.co.uk/breakoffers>.

Section 2: Applicant Contact Details

Please provide the contact details of an individual who can be contacted in relation to this application.

These contact details will be used by:

- the Adjudicator to communicate the outcome of your application to you (and to request further information from you, if needed); and
- ESS if your application is successful.

Full name of the contact person for this application (“Contact”):	
Organisation and position:	
Email address:	
Phone number:	

Please indicate below the dates of the Contact’s February half-term holiday, as the Adjudicator will try not to contact you during this period:

Monday 13 February to Friday 17 February 2023

Monday 20 February to Friday 27 February 2023

Other (please specify):

Section 3: Your Eligibility for the New Break-Clause

Please read and comply with paragraph 11 of the “Instructions: How to Apply for a New Break-Clause” (available at <https://www.ess-sims.co.uk/breakoffers>) for details on the criteria to show your eligibility for the New Break-Clause. To demonstrate your eligibility, please provide the information and, if applicable, any documents requested in the three sub-sections below:

1. Type of customer

Please tick one of the following two boxes to indicate whether you either:

- did not opt to take up the Original Break-Clause offered by ESS (between January 2022 and 20 February 2022) as, after genuine consideration, you reasonably concluded on or before 20 February 2022 that switching to an alternative supplier was not possible by 30 September 2022; or
- did opt to take up the Original Break-Clause offered by ESS (between January 2022 and 20 February 2022) but did not exercise it on or by 31 August 2022 as, after genuine consideration, you reasonably concluded in a timely manner that switching to an alternative supplier was not possible by 30 September 2022.

2. Explanation as to why you concluded that switching to an alternative supplier was not possible in the timeframes available to you

Please read and comply with paragraphs 17 to 23 of the “**Instructions: How to Apply for a New Break-Clause**” (available at <https://www.ess-sims.co.uk/breakoffers>).

Please explain (to the best of your ability and recollection and on the basis of the belief and knowledge you had at the time) how you concluded either by:

- (i) 20 February 2022 (if you did not opt to take up the Original Break-Clause); or
- (ii) 30 September 2022 (if you opted to take up the Original Break-Clause);

that it was not possible to switch to an alternative MIS supplier in the timeframes available to you.

By way of guidance, we would not expect a typical application to exceed 600 words (excluding any attachments)

3. Supporting documents

Please read and comply with paragraphs 24 to 26 of the “**Instructions: How to Apply for a New Break-Clause**” (available at <https://www.ess-sims.co.uk/breakoffers>).

Please tick whichever box below applies:

- I have attached supporting documentation
- No supporting documentation is attached because none exists
- No supporting documentation is reasonably available because such documentation as exists is either held by someone external to my school or MAT and/or can only be located by undertaking extensive searches
- Other - please provide a short explanation of why no documentation is available below:

By way of guidance, we would not expect a typical explanation to exceed 100 words

Section 4: Optional request for redaction(s)

The Adjudicator will review this application and redact any Restricted Information and personal data before disclosing a version of it to ESS. The Adjudicator will also in principle withhold from disclosure to ESS:

- (a) copies of any documentation provided in support of Section 3 of this form which contains communications with other MIS suppliers; and
- (b) any details provided within, or documentation provided in support of, Section 4 of this form (i.e. any optional requests for redaction from disclosure).

Please read paragraphs 33 to 42 of the “**Instructions: How to Apply for a New Break-Clause**” for further information about the redaction of Restricted Information and personal data.

In addition, if there are any further details provided in any section(s), or in any supporting document(s), which you believe should not be disclosed to ESS by the Adjudicator, please explain what information should be redacted (and why) in the box below.

Section 5: Statement of Truth

I have reviewed the contents of this application and can confirm on behalf of the Applicant that they are correct and give an accurate (and not misleading) account of the contemporaneous consideration that led the Applicant to conclude that switching to an alternative MIS supplier was not possible by 30 September 2022.

I also confirm that I have the authority on behalf of the Applicant to sign this Statement of Truth, and have read and accept the “**Terms and Conditions**” set out at paragraph 27 of the “**Instructions: How to Apply for a New Break-Clause**” (available at <https://www.ess-sims.co.uk/breakoffers>).

Name: [*Contact*]

On behalf of: [*Customer Name*]

Signature:

Date: