



# SCHOOL TRANSPORT POLICY

**MAY 2009**

(Version 1.1)

**AUGUST 2010**

**Trafford's Home to School Transport Policy is currently under review, as such some of the content may be subject to change. Any transport arrangements agreed under the existing policy will be reviewed if there is any change to the policy.**



**TRAFFORD**  
COUNCIL

Trafford Healthcare  
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Primary Care Trust

Trafford CYPS brings together council and health services to improve outcomes for children, young people, their families and schools.

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## **SECTION 1: FREE TRAVEL ARRANGEMENTS FOR ELIGIBLE CHILDREN OF COMPULSORY SCHOOL AGE**

### *1.1 Introduction*

Parents are responsible for ensuring that their child of compulsory school age attends school regularly at the appropriate times each day. However, the Council is legally required to provide or pay for eligible children to receive free school transport.

In order to qualify as an eligible child (for a full definition of eligible child - see Appendix 2) a child must be a resident in the Borough of Trafford and be of compulsory school age. A child ceases to be of compulsory school age on the last Friday in June of the School Year in which s/he reaches 16. The Council will have regard to parental preference, where possible, but it will only provide free transport to a qualifying (zoned) school, provided that it is beyond the defined walking distance, or the child qualifies as an eligible child in another way.

The legal circumstances that require the Council to provide free school transport are detailed in the paragraphs below (sections 1.2 to 1.5 below). In applying this policy the Council will at all times comply with the law in force at the time.

### *1.2 Explanation of **walking distance** criteria for free travel*

Section 444(5) of the Education Act 1996 defines the maximum walking distance for this purpose as 2 miles (approximately 3.2 Kilometres) for a child who is under the age of eight and 3 miles (approximately 4.8 Kilometres) for a child aged eight or over.

For free transport purposes the defined walking distance is measured from the pupil's home to the main entrance of the zoned school, by way of the shortest walking route. In order to ensure consistency and fairness the measurement is calculated through the use of various GIS systems, as appropriate, and is strictly applied.

The Education Act 1996 has further extended the duty on local authorities to provide free transport to financially disadvantaged pupils (children entitled to free school meals and/or those receiving the maximum level of Working Tax Credit) who live at least 2 miles from their school.

When an excluded pupil (either permanent or fixed) is directed elsewhere for their education there is a duty upon the Council to provide free transport from the sixth day if the provision is more than the statutory walking distance away from the pupil's home. Once the pupil is "transferred" to the new site from day 6 that becomes the nearest suitable school for these purposes.

### *1.3 Explanation of nearest **qualifying** (zoned) school*

**The qualifying primary schools are:**

- (i) the catchment area school (or, where no places are available at the catchment area school, the nearest maintained primary school with available places to the child's home address);

- (ii) for pupils applying for a school on the grounds of religion or belief, the nearest Trafford maintained school to the child's home address which meets the parents' religious preference, and which has an available place. Eligible pupils may also be entitled to travel assistance to maintained denominational schools outside the Trafford area where appropriate provision is not available within Trafford and where the school is between 2 miles (for a child who is under the age of eight) or 3 miles (for a child aged eight or over) and fifteen miles away.

In the case of applications on the grounds of religion or belief free transport will be provided only if the school is of the same religion or denomination or belief to which the parent adheres and where they can demonstrate an on-going commitment in accordance with the school's admission policy e.g. when transferring from primary to secondary school the pupil must have attended the same character of school (i.e. in order to attend a Catholic High or Grammar school the pupil must have attended a Catholic Junior or Primary school).

**The qualifying secondary schools are:**

- (i) Those schools designated by Trafford as serving the relevant area (see table below)

Altrincham Area	Altrincham College of Arts, Altrincham Grammar Schools (Boys and Girls), Blessed Thomas Holford, Loreto Grammar School, St Ambrose College and Wellington School
Partington Area	Blessed Thomas Holford, Broadoak School, Loreto Grammar School, St Ambrose College, Sale Grammar School and Urmston Grammar School
Sale Area	Ashton on Mersey School, Blessed Thomas Holford, Loreto Grammar School, St Ambrose College, Sale Grammar School and Sale High School
Stretford Area	Loreto Grammar School, Lostock College, St Ambrose College, St Antony's Catholic College, Stretford Grammar School and Stretford High School
Urmston Area	Flixton Girls' School, Loreto Grammar School, St Ambrose College, St Antony's Catholic College, Urmston Grammar School and Wellacre Technology College

- (ii) the nearest school with available places where no places are available at a zoned school;
- (iii) a school named in a Statement of Special Educational Needs;

**1.4 Children entitled to free school meals and/or those receiving the maximum level of Working Tax Credit.**

In accordance with the Education Act 1996 low income families (defined as those whose children are entitled to free school meals or who are in receipt of their maximum level of Working Tax Credit) **who are resident in Trafford** and who live at least 2 miles from their school, will be eligible to receive travel assistance to:

- (a) the Trafford primary school, with available places, nearest to the child's home address; or
- (b) for pupils applying for a primary school on the grounds of religion or belief, the nearest Trafford school to the child's home address which meets the parents' religious preference, and which has an available place. Eligible pupils may also be entitled to travel assistance to maintained denominational primary schools outside the Trafford area where appropriate provision is not available within Trafford and where the school is between two and fifteen miles away.
- (c) any Trafford secondary school, where the school is more than two or less than six miles away.

#### *1.5 Children unable to walk to school because of the nature of the route*

Free transport will be provided for children who live within the specified walking distance when the nature of the route is such that a child could not reasonably be expected to walk accompanied as necessary in reasonable safety.

#### *1.6 Children unable to walk to school because of other reasons e.g. special educational needs, disability or mobility problems (including medical)*

The Council will provide free school transport to children who could not reasonably be expected to walk to school by reason of their special educational needs and/ or disability or mobility problems.

## **SECTION 2: DISCRETIONARY TRANSPORT**

### *2.1 Travel arrangements for post-16 students with special educational needs*

Young people who are in receipt of transport in Year 11 and who remain at Brentwood School or an out of borough Special School may continue to be eligible for free transport until the end of the academic year in which they reach the age of 19.

The Council is not required to provide support for pupils with SEN or disabilities who attend mainstream sixth forms or colleges of further education. However, discretionary support may be provided in certain circumstances (some of the criteria in Section 4 below will be used to determine eligibility).

If the Council has ceased to maintain a Statement of SEN, parents, guardians or carers of young people (aged 16-19) who live more than the defined walking distance from the college of further education (i.e. 3 miles or 2 if from low income families) may, subsequent to paying a £200 annual contribution, be provided with travel support. The

annual contribution can be paid either in one instalment or termly, in advance, of £70, £70 and £60. Attendance must be at the nearest suitable further education college.

## *2.2 Free travel for pupils attending schools on the grounds of religion or belief*

It is expressly understood that the provision of free transport for pupils who are not eligible pupils and whose parents have applied for a place at a school on the grounds of religion or belief (outlined in Section 1.3 above) is discretionary and not an automatic entitlement.

Free transport will be provided only if the school is of the same religion or denomination or belief to which the parent adheres and where they can demonstrate an on-going commitment in accordance with the school's admissions policy e.g. when transferring from primary to secondary school the pupil must have attended the same character of school (i.e. in order to attend a Catholic High or Grammar school the pupil must have attended a catholic Junior or Primary school).

The Education Act 1996 defines "religion" as meaning "any religion" and "belief" as meaning "any religious or philosophical belief".

## *2.3 Other exceptional circumstances*

Free transport may be provided where there are two or more children of primary age in a family (living at the same address) and where the Council has determined for one child specialist transport provision making it impossible to make alternative transport arrangements for the second and/ or other children to get to school.

Free transport, or a contribution towards the cost, may be provided where, in the opinion of the Director Commissioning, Performance and Strategy (CYPS), other exceptional circumstances apply.

In order to facilitate educational continuity for a child, free transport will be provided during the final year of secondary school and during preparation for public examinations in secondary schools until completion of those public examinations.

## **SECTION 3: CIRCUMSTANCES IN WHICH FREE TRAVEL IS NOT PROVIDED**

Except as mentioned in Section 2.1 free transport will not be provided for pupils above compulsory school age or outside of the normal school start and end times of the school day, nor will it be provided to support work experience or other extra curricular activities or if the parent chooses a school which is not the nearest qualifying school (as described elsewhere in the Policy).

### *3.1 Travel for post-16 college or sixth form students*

Students attending sixth form or college may be entitled to child benefit and/ or educational maintenance allowance (EMA) which includes an element to help with travel costs. Students aged 16-18 attending a full time course (school or college) can obtain a Scholars Concessionary Travel Permit from Greater Manchester Passenger Transport Executive entitling them to reduced fares (see Section 6 for where to apply).

### *3.2 Travel assistance outside of the normal start and end of the school day*

The Council will only fund free transport for eligible children at the normal start and end of the school day. Travel assistance at all other times between schools or to other specialist provision is considered to be the school's responsibility

### *3.3 Travel to an establishment other than a zoned school*

As mentioned previously whilst the Council will have regard to parental preference, where possible, it will only provide free transport to a zoned school, provided that it is beyond the defined walking distance (explained in Section 1.3 above).

In determining whether places are available at a school, account will be taken of the position at the time when places were allocated. It cannot be assumed that a place was not available for a pupil at his/her nearest school, if his/her parent did not apply unsuccessfully for a place. In the case of children moving into the area, the availability of places at the time of application will be considered.

## **SECTION 4: SPECIAL EDUCATIONAL NEEDS**

As mentioned previously (Section 1.3 and 1.5 above) the eligibility for free transport for pupils with special educational needs is governed by the following criteria and in the understanding that the encouragement and development of independence is integral to inclusion. Therefore, the factors for consideration as to whether the pupil could reasonably be expected to walk to school include:

- (i) the pupil's age;
- (ii) the distance between the child's home and nearest qualifying school;
- (iii) the nature of the child's SEN or disability;
- (iv) whether the pupil has physical, medical or communication difficulties that would prevent them from reasonably being expected to walk to school;
- (v) whether suitably modified public transport is available (e.g. for wheelchairs, specialist seating etc.);
- (vi) whether the pupil's disability prevents them from travelling the whole distance from school;
- (vii) whether the assessed behaviours and/ or social independence skills of the pupil are such that s/he is unable to travel safely;
- (viii) whether the pupil would present a danger to others;
- (ix) the specific terms of a pupil's Statement of Special Educational Needs
- (x) the efficient use of the Authority's resources; and
- (xi) any other individual circumstance.

The list above is for guidance only and satisfaction of one or more of the criteria does not automatically show that a pupil could not reasonably be expected to walk to a school which is within the defined walking distance from his/her home. Where an application for transport on the grounds of special educational needs, disability or mobility problems is made there must be substantive medical evidence to support this. For example, providing a report from a consultant doctor based on an examination of the pupil. Each case is considered on its own merits and the local authority may consult

its own medical advisers in determining whether free transport will be provided. No provision will be made for pupils who can reasonably make their own way without assistance.

## **SECTION 5: TRAVEL ARRANGEMENTS**

At the discretion of the Council it will provide or pay for the transport to school in one of the following ways:

### *5.1 Travel Pass*

Pupils eligible for free transport may be issued with a travel pass from Greater Manchester Passenger Transport Executive for use on commercial vehicles.

### *5.2 Journey Variance Vouchers*

A free travel pass entitles a child to make a single journey to and from school each day. However Journey Variance Vouchers are available from the school. If authorised by the Head and endorsed with the school stamp, these vouchers allow travel pass holders to travel between home and school at other than the usual times. This is to enable the child to take part in after-school activities.

### *5.3 Provision of a seat in a vehicle hired by the Council*

The Council will, where appropriate, provide transport for pupils on a hired bus or taxi.

### *5.4 Taxi*

In exceptional circumstances the Council may consider reimbursement of taxi fares e.g. if a pupil has a short term medical need to be transported to school and he/she cannot be included on the local authority provision and the family are unable to transport the child to school themselves.

### *5.5 Car Mileage allowance*

In exceptional circumstances, where the Council has a duty to provide free or assisted transport and there are difficulties in negotiating a suitable transport contract, parents, who are willing to convey their child(ren) to school, or students willing to use their own transport may have reasonable and agreed expenses reimbursed. Where a parent consents to driving his/her child to school in lieu of the Council making arrangements to transport the child a mileage allowance of 20p per mile may be claimed or the equivalent cost of a free travel pass, whichever is the lesser. Costs will be reimbursed termly in arrears based on the pupil's attendance at school. An application form for this allowance is available on request from the Travel Assistance Team.

### *5.6 Cycle Allowance*

A cycle allowance of £90 per academic year is payable to those pupils eligible to receive a free travel pass. The child must have successfully completed an accredited programme of road safety training and parents must be satisfied that the home to school route is within the

capabilities of their child and that the cycle is properly maintained. The cycle should have appropriate lighting and the child should wear suitable reflective/ protective clothing e.g. helmet.

An application form for this allowance is available on request from the Travel Assistance Team, 4<sup>th</sup> Floor Waterside House, Sale Telephone No. 0161 912 5080.

### 5.7 *Travel Arrangements*

It will be for the Council to determine the means of transport between home and school based on the individual needs of the pupil. Such transport may be by way of contracted services or public transport (generally local service bus) and not normally individual transport e.g. a taxi.

### 5.8 *Picking up / setting down points*

Pupils will be collected from as near to their home as is reasonably possible. Some pupils may, however, have to walk a reasonable distance to and from home to meet the transport. Responsibility for ensuring a child's safety in getting to and from the designated picking up/ setting down point rests with the parent/carer/guardian. Every effort is made to ensure that waiting time on school premises, before and after school, and at pick up and set down points, does not exceed 15 minutes.

### 5.9 *Journey times*

The Council will make every effort, unless exceptional circumstances prevent it, that the following daily maximum total return travelling times are not exceeded: -

- 60 minutes per day for "infant" school aged pupils;
- 90 minutes per day for "junior" school aged pupils; and
- 120 minutes per day for "secondary" school aged pupils.

### 5.10 *Passenger Assistants (PAs)*

PAs are normally only provided on transport conveying pupils with Statements of SEN following a risk assessment by the Trafford Transport Provision staff. Escorts may be provided where it is deemed necessary in the interests of safety, taking into account the special needs of the pupil or pupils being transported.

## **SECTION 6: HOW AND WHERE TO APPLY FOR TRAVEL ASSISTANCE**

Parents or carers wishing to apply for free or assisted transport for their child should contact:-

### **Free Travel Passes:**

School Admissions Team, Travel Assistance, 4 Floor, Waterside House, Sale M33 7ZF  
Telephone No. 0161 912 5080 Fax. No. 0161 912 5083

### **For Pupils with SEN/ Disability applying for eligibility to free transport:-**

SEN Assessment Team, Stretford Public Hall, Chester Road, Stretford, Manchester M32 0LG

Tel No. 0161 912 5122/5143/5145/5165

Fax No. 0161 912 5147

### **Education Maintenance Allowance (post Compulsory School Age)**

CONNEXIONS, Unit 122 Arndale Centre, Chester Road Stretford, Manchester M32 9BH

Tel No. 0161 911 8600

Email: [contactus@traffordconnexions.co.uk](mailto:contactus@traffordconnexions.co.uk)

### **Under 16 Card to prove age and Scholar's Concessionary Permit from Greater Manchester Passenger Transport Executive (GMPTE)**

G.M.P.T.E. Passes and Permits, PO Box 429 Portland Street, Manchester M60 1HX

Tel No. 0161 242 6116

### **Concessionary Fares and Free Travel for Disabled People**

Disabled young people may be eligible to get free travel at all times on local buses, local trains and Metrolink Trams in Greater Manchester, and on local buses elsewhere in England between 9.30 a.m. and 11.00 p.m. Monday to Friday and all day at weekends and on public holidays if they:

- are registered blind;
- are profoundly deaf or cannot speak or have limited speech that is difficult to understand; or
- have learning difficulties
- have severe walking difficulties;
- are registered partially sighted;
- are profoundly or severely deaf; and
- have been refused a driving licence for medical reasons.

To apply for a National Travel Pass or a National Travel Concessionary Plus Pass for disabled people they should write to (or phone for an application form):

Travel Concessions, Customer Services, GMPTE, P O Bo x 429, Manchester M60 1HX

Tel. No. 0161 244 1050 see also [www.gmppte.com](http://www.gmppte.com)

## SECTION 7: APPEALS PROCESS

In the case of a dispute over the eligibility of a pupil for free transport or transport assistance a parent or student may bring a written appeal against the Council's decision. A disappointed parent who wishes to appeal must send a written statement setting out why s/he thinks that this Policy requires that his/her child should be given free home to school transport by the Council. The parent must send the written appeal to the person identified in the 3<sup>rd</sup> column of the table below. This is a three stage process see below:

STAGE	GROUNDS FOR APPEAL	OFFICER RESPONSIBLE/ ADDRESS	WHEN (IN WRITING)
1	SEN	<b>SEN SERVICE MANAGER</b> Children and Young People's Service SEN Assessment, Stretford Public Hall Chester Road, STRETFORD M32 0LG	Within 14 days of notification by the Council that the application does not qualify for free travel appellants must set out why they think the Home to School Transport Policy has not been properly applied.
	OTHER FREE BUS PASS APPEALS	<b>ADMISSIONS SERVICE MANAGER</b> Children and Young People's Service 4 <sup>th</sup> Floor Waterside House, Sale Waterside SALE M33 7ZF	
2	ALL APPEALS (both SEN and Free Bus Pass applications)	<b>POLICY AND PROJECTS MANAGER</b> Children and Young People's Service Room 206D, Trafford Town Hall, Talbot Road, STRETFORD M32 0TH	Within 14 days of receipt of a response from the local authority to the written appeal, appellants must set out why they think the Home to School Transport Policy has not been properly applied
3	ALL APPEALS	<b>APPEALS SECTION LEGAL AND DEMOCRATIC SERVICES</b> Room 123, Trafford Town Hall, Talbot Road STRETFORD M32 0YT	Within 14 days receipt of a response to the re-submitted appeal, if the appellant believes that there is evidence of maladministration, the appellant can submit a written appeal setting out the grounds for that belief.

### LEGAL FRAMEWORK

Section 508B – C, 509AD and Schedule 35B of the Education Act 1996 (the Act) as inserted by Part 6 of the Education and Inspections Act 2006 relate to the Local Authority's duties with regard to school travel.

#### **Section 508B**

Section 508B of the Act places a duty on local authorities to:

*'make in the case of an eligible child in the Authority's area such travel arrangements as they consider necessary in order to secure that suitable home to school travel arrangements, for the purposes of facilitating the child's attendance at the relevant educational establishment in relation to him, are made and provided free of charge in relation to the child.'*

This duty applies to travel in both directions between the child's home and the relevant educational establishment at the start and end of the school day. It does not relate to travel between educational institutions during the school day.

#### **Section 508C**

Section 508C of the Act gives local authorities the discretionary power to provide free school transport to pupils who are not eligible.

#### **Section 509AD**

Section 509AD places a duty on local authorities to have regard to religion or belief in exercise of travel functions.

#### **Schedule 35B**

This defines the meaning of 'eligible child' for the purposes of Section 508B, and is set out in Appendix 2.

#### **Section 444**

If a child of compulsory school age who is a registered pupil at a school fails to attend regularly, his or her parent is guilty of an offence. However, the child shall not be taken to have failed to attend regularly if the parent proves that:

- The child's school is not within walking distance of his/her home;
- That the Local Authority has not made suitable arrangements for:
  - a. the child's transport to and from school;
  - b. boarding accommodation at or near the school (where appropriate);
  - c. the child to become a registered pupil at a school nearer to his/her home.

## APPENDIX 2

### DEFINITION OF “ELIGIBLE CHILD”

For the purposes of section 508B of the Education Act 1996 an “eligible child” means a child who falls within any of paragraphs 2 to 7 or 9 to 13 below, which are taken from Schedule 35B of the Act:

#### Children with special educational needs, a disability or mobility problems

2. A child falls within this paragraph if:-

- (a) is of compulsory school age and is any of the following;
  - i) a child with special educational needs;
  - ii) a disabled child;
  - iii) a child with mobility problems
- (b) is a registered pupil at a qualifying school which is within walking distance of home
- (c) no suitable arrangements have been made by the local authority for enabling him/her to become a registered pupil at a qualifying school nearer to his/her home; and
- (d) having regard to whichever of the following are relevant:
  - i) his/her special educational needs;
  - ii) his/her disability;
  - iii) his/her mobility problems

s/he cannot reasonably be expected to walk to the school mentioned in paragraph (b).

3. A child falls within this paragraph if:-

- (a) s/he is of compulsory school age and is any of the following;
  - i) a child with special educational needs;
  - ii) a disabled child;
  - iii) a child with mobility problems
- (b) s/he is receiving education at a place other than school by virtue of arrangements made in pursuance of Section 19(1); and
- (c) having regard to whichever of the following are relevant:
  - i) his/her special educational needs;
  - ii) his/her disability;
  - iii) his/her mobility problems

s/he cannot reasonably be expected to walk to that place

## **Children who cannot reasonably be expected to walk because of the nature of routes**

4. A child falls within this paragraph if:-
  - (a) s/he is of compulsory school age and is a registered pupil at a qualifying school which is within walking distance of his home,
  - (b) no suitable arrangements have been made by the local authority for enabling him/her to become a registered pupil at a qualifying school nearer to his/her home, and
  - (c) having regard to the nature of the routes which s/he could reasonably be expected to take, s/he cannot reasonably be expected to walk to the school mentioned in paragraph (a).
  
5. A child falls within this paragraph if:-
  - (a) s/he is of compulsory school age and is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1), and
  - (b) having regard to the nature of the routes which s/he could reasonably be expected to take, s/he cannot reasonably be expected to walk to that place.

## **Children outside walking distance where no suitable alternative arrangements made**

6. A child falls within this paragraph if:-
  - (a) s/he is of compulsory school age and is a registered pupil at a qualifying school which is not within walking distance of his/ her home,
  - (b) no suitable arrangements have been made by the local education authority for boarding accommodation for him/her at or near the school, and
  - (c) no suitable arrangements have been made by the local education authority for enabling him/her to become a registered pupil at a qualifying school nearer to his/her home.
  
7. A child falls within this paragraph if:-
  - (a) s/he is of compulsory school age and is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1),
  - (b) that place is not within walking distance of his/her home,
  - (c) no suitable arrangements have been made by the local education authority for boarding accommodation for him/her at or near that place, and

- (d) no suitable arrangements have been made by the local education authority for enabling him/her to become a registered pupil at a qualifying school nearer to his/her home.

8. A child falls within this paragraph

(1) Where:-

- (a) a child of compulsory school age has been excluded from a relevant school,
- (b) s/he remains for the time being a registered pupil at the school, and
- (c) s/he is required by the appropriate authority for the school to attend at a place outside the school premises for the purpose of receiving any instruction or training,

paragraph 6 has effect as if the place at which the child is required to attend were a qualifying school and the child was a registered pupil at that school (and not at the school mentioned in paragraph (b)).

(2) For the purposes of sub-paragraph (1):-

- (a) "relevant school" and "appropriate authority" have the same meaning as in section 444ZA (application of section 444 to alternative educational provision), and
- (b) subsection (3) of that section applies in relation to that sub-paragraph as it applies in relation to subsection (2) of that section.

### **Children entitled to free school meals and/or those receiving the maximum level of Working Tax Credit**

9. A child falls within this paragraph if:-

- (a) s/he has attained the age of 8 but not the age of 11,
- (b) s/he is a registered pupil at a qualifying school which is more than two miles from his home,
- (c) no suitable arrangements have been made by the local education authority for enabling him/her to become a registered pupil at a qualifying school nearer to his/her home, and
- (d) the appropriate condition is met in relation to him/her.

10. A child falls within this paragraph if:-

- (a) s/he has attained the age of 8 but not the age of 11,
- (b) s/he is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1),
- (c) that place is more than two miles from his/her home, and
- (d) the appropriate condition is met in relation to him/her.

11. A child falls within this paragraph if:-
- (a) s/he has attained the age of 11,
  - (b) s/he is a registered pupil at a qualifying school which is more than two miles, but not more than six miles, from his/her home,
  - (c) there are not three or more suitable qualifying schools which are nearer to his/her home, and
  - (d) the appropriate condition is met in relation to him/her.

12. A child falls within this paragraph if:-
- (a) s/he has attained the age of 11,
  - (b) s/he is a registered pupil at a qualifying school which is more than two miles, but not more than fifteen miles, from his/her home,
  - (c) his/her parent has expressed a wish, based on the parent's religion or belief, for him/her to be provided with education at that school,
  - (d) having regard to the religion or belief on which the parent's wish is based, there is no suitable qualifying school which is nearer to the child's home, and
  - (e) the appropriate condition is met in relation to him/her.

13. A child falls within this paragraph if:-
- (a) s/he has attained the age of 11,
  - (b) s/he is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1),
  - (c) that place is more than two miles, but not more than six miles, from his/her home, and
  - (d) the appropriate condition is met in relation to him/her.

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- (1) For the purposes of paragraphs 9 to 13, the appropriate condition is met in relation to a child if condition A or condition B is met.
- (2) Condition A is met if the child is within section 512ZB (4) (provision of free school lunches and milk).
- (3) Condition B is met if:
  - (a) a parent of the child, with whom the child is ordinarily resident, is a person to whom working tax credit is awarded, and
  - (b) the award is at the rate which is the maximum rate for the parent's case or, in the case of an award to him/her jointly with another, at the rate which is the maximum rate for their case.