

## Policies, Procedures, Guidelines and Protocols

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Who is the document aimed at?		All staff who work with children, young adults and their families within Shropshire Community Health NHS Trust (SCHT)
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3		

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## Introduction

- 1.1 It is an offence to leave a child at home alone if doing so puts them at risk.

The law does not specify a legal minimum age when a child can be left at home alone<sup>i</sup>. There is no specific age when a child can be left at home alone as maturity and understanding differs from child to child.

There is also no law that says for how long or how often a child can be left unsupervised at home, but frequently leaving a child home alone can constitute neglect.

Whilst there is no law stating at what age a child can be left home alone, there are legal consequences that may result from a child being left at home alone where it is felt that this was not safe for the child, or placed the child at risk.

Under the Children and Young Persons Act 1993<sup>ii</sup> s.1 (1), if a parent leaves a child unsupervised 'in a manner likely to cause unnecessary suffering or injury to health', they can be prosecuted for abandonment or neglect. This means that they can be fined or sent to prison if they are judged to have placed a child at risk of harm by leaving them at home alone. The parents are committing the offence of cruelty to a child under this Act if leaving the child at home alone puts him or her at risk or it can otherwise be considered as neglect, which is a form of child abuse.

- 1.2 Age should not be used on its own to assess whether a child can be left at home on their own. Consideration should also be given to whether the child is mature enough to be able to cope with an emergency and the length of time the child is being left for.

However, the NSPCC advise that<sup>iii</sup>:

- ) Babies, toddlers and very young children should never be left alone
- ) Children under the age of 12 are rarely mature enough to cope in an emergency and should not be left at home alone for a long period of time
- ) Children under the age of 16 should not be left alone overnight
- ) A child should never be left at home alone if they do not feel comfortable with this, regardless of their age
- ) If a child has additional needs, these should be considered when leaving them at home alone or with an older sibling

Whilst outside these limits it may be appropriate to leave a child unsupervised, it depends on the child's capacity and the other circumstances. The child certainly should be:

- ) Able to understand the risks of being at home alone.
- ) Mature enough to cope with an untoward incident when at home alone; In this context an untoward incident is something which is reasonably likely to occur, and which, if not dealt with appropriately, could become an emergency for example a stranger calling at the house, being hungry or if the parent is away for longer than they thought.

And

- ) Mature enough to understand, and if necessary act upon, instructions left by parent for use in the event of an emergency.

### Alarming 200 per cent increase in mums and dads arrested for leaving their babies and young children home alone

West Midlands Police arrested 64 parents last year for abandoning their children - up from 22 in 2012

By  
JOSH LARSON



Picture posed by model (Image: Pic: ian Chadwick/ChildLine/PA Wire)

Sixty-four mums and dads have been arrested across the West Midlands for leaving their babies and young children home alone.

The police figures for last year show a dramatic 200 per cent increase from 2012, when 22 parents were arrested.

There were 46 arrests in 2013.

Alarmingly a family law expert has warned that these figures could be "just the tip of the iceberg", while other child experts have blamed the harsh economic climate and changes to benefits payments.

The latest cases include a pregnant mother-of-five from Birmingham who flew to Australia to see her boyfriend after telling her son she was going to 400A.

The Birmingham Mail previously reported the mum, who claimed her husband for legal reasons, arrested on charges of wilful abandonment and was handed a six-month suspended sentence at Birmingham Crown Court last November.

In total five of last year's cases resulted in criminal charges while the rest were dealt with by way of community resolutions, cautions or were not pursued.

(Cases include)

- A child, whose age is listed as 10, was left home alone last February, resulting in his or her parents being cautioned.
- A grandfather was arrested after a seven-year-old child was left without supervision in October.
- The arrest of a step-mother and step-father for abandoning a 25-year-old in April, the eldest child to be left home alone. No action was taken over the incident because the teenager did not support the police inquiry.

In total eight children aged one or under were left to fend for themselves in 2013.

The figures, released on the force's website, do not show how long the parents were away for.

Baroness Susan Mordaunt MP, who specialises in family law, pressed letters checks by the council, schools and police, but asked the figures might only represent the "tip of the iceberg".

He said: "I think there's an expectation by the local authority that they have to undertake more checks and there is a greater degree of vigilance and extra resources being put in to ensure children have as at school."

Mr Hadden, who is based in Birmingham with Dr Ian Chambers, added: "Another question is whether parents do this because of neglect or because they can't find time."

"Birmingham City Council went really hard but it's not easy because there is only a finite amount of resources for the care system."

"The figures may only be the tip of the iceberg as they only show the parents who got caught."

Pat Reid, of PCF, a London-based community service which also operates in Birmingham, blamed the rising costs of economic pressures, family breakdown and changes to benefits.

He said: "People are looking down time or three jobs to try and make ends meet and they don't have an extended family network to fall back on."

"The changes to the benefits system have also been a disaster for many people, they struggle to get by or have difficulty managing money paid in a lump sum."

"The knock-on effect is that people feel pretty desperate and the balancing act becomes steeper."

Chris Cooke, head of child protection awareness at the NSPCC, said: "People may be surprised to learn that there's no legal maximum age for leaving children at home alone. The law simply says that you shouldn't leave a child alone if you think they'll be at risk. However, it's never acceptable to leave babies and very young children on their own."

"Children mature at different rates so it's vital we have a common-sense approach that ensures flexibility for parents, as they are best placed to know what is right for their child."

"Ideally, parents should check that their children are happy and confident to be left at home alone and know what to do in an emergency."

"We know that deciding if your child is ready to be left at home alone can be tricky. So the NSPCC has advice online to help parents make the right decision for their child."

A spokeswoman for Birmingham City Council said: "Clearly children being left at home alone is of concern and any cases reported to us would be dealt with on a case by case basis, always in the best interests of the child."

A 'The Yell' campaign, an initiative from Birmingham Safeguarding Children Board and the NSPCC, is urging people in the city to contact the free, 24hr NSPCC helpline on 0800 800 5000 for help and advice on concerns about a child.

Source: <http://www.birminghamcc.gov.uk/news/childcare/200-per-cent-increase-64-13>

The NSPCC set out advice and guidance in 2016 for parents, asking them to think carefully before leaving their children at home on their own over the summer. Their free [Need to Know Home Alone Guide](#)<sup>iv</sup> and online tool helps parents to make safe decisions about this for their family.

It was developed after the children's charity received more than 450 calls to its helpline ChildLine relating to children being left alone between July and September 2015 – a shocking three quarters of which had to be reported to the police or social services.

## 2 Purpose

The purpose of this guideline is to give information and clear guidance to staff employed by Shropshire Community Health NHS Trust, if they believe a child is at home on their own, or at home in the care of a person who is inappropriate.

## 3 Definitions<sup>v</sup>

### 3.1 Child:

In this document, a child is defined as anyone who has not yet reached his or her 18th birthday.

### 3.2 Neglect<sup>vi</sup>:

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- protect a child from physical and emotional harm or danger;
- ensure adequate supervision (including the use of inadequate care-givers); or
- ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

### 3.3 **Safeguarding:**

Safeguarding is a term which is broader than 'child protection' and relates to the action taken to promote the welfare of children and protect them from harm.

- protecting children from maltreatment;
- preventing impairment of children's health or development;
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to have the best outcomes.

### 3.4 **Abandonment:**

Abandonment in law relates to a parent's act of leaving his or her child without making appropriate arrangements for the child's well-being and without the intention of returning. According to the law it is one of the five different types of abuse: assault, ill-treatment, neglect, abandonment and exposure.

### 3.5 **Gillick Competent<sup>vii</sup> :**

For children under 16 years the Mental Capacity Act does not apply and therefore Gillick competence is the principle used to judge capacity in children of this age. Gillick competence is actually concerned with determining a child's capacity to consent to medical treatment. To be competent the child must have sufficient understanding and intelligence to fully understand what is involved in a proposed treatment, including its purpose, nature, likely effects and risks, chances of success and the availability of other options. Gillick competence can therefore be used as a way to judge capacity in children.

### **Abbreviations:**

NSPCC: National Society for the Protection of Cruelty to Children

## **4 Duties**

### 4.1 **Chief Executive**

All health care organisations have a duty to make arrangements to safeguard and promote the welfare of children and young people, and to co-operate with other agencies to protect individual children and young people from harm.

The Chief Executive has ultimate accountability for the strategic and operational management of the Trust, including the responsibility for meeting all statutory safeguarding requirements.

### 4.2 **Executive Director Lead for Safeguarding**

The Executive Director Lead for Safeguarding takes leadership responsibility at Board level, for the organisation's safeguarding arrangements;

### 4.3 **Medical Director and Director of Nursing and Quality**

The Medical Director and Director of Nursing and Quality have responsibility for ensuring that the statutory safeguarding responsibilities are adhered to and to promote effective partnership working.

### 4.4 **Service Managers**

Service Managers are responsible for the day to day operational management and coordination of the medical workforce to allow implementation of clinical practices in accordance with this guideline and to ensure staff are aware of their responsibilities in safeguarding children. Breaches of the policy should be reported using the Trust's reporting procedures.

#### 4.5 All Staff

All members of staff that come into contact with children and young people have a responsibility to safeguard and promote their welfare and should know what to do if they have concerns about safeguarding issues, including child protection.

All staff must take action as suggested in this guideline, if a child is believed to be at home on their own, or at home in the care of a person who is inappropriate.

## 5 Guidelines

- 5.1 Action must be taken if on visiting or telephoning a home, a member of staff reasonably believes that a child (or children) has been left unattended or in the care of a person who is inappropriate or has been left without adequate adult supervision.

This would include children of primary school age or under and senior school age who are not mature enough (i.e. do not have the capacity), to understand the dangers and risks of being left at home alone or to be able to cope with an emergency i.e. they are not deemed Gillick competent.

- 5.2 An assessment of the level of risk to the safety of each child present in the premises and the key child's level of competency should be undertaken. The member of staff should consider:

- The age of the child;
- The maturity and understanding of the child, and their developmental needs;
- Any additional needs of the child;
- Whether the child is distressed; and
- Any other circumstances relevant to the child's vulnerability to harm.
- Is the child safe?
- Can they remain safe?
- What arrangements are in place to monitor the child?
- Has the child been given information about what to do if there is a problem or emergency?
- How competent is the child to act if an issue arose?

Questions, which may need to be asked:

- ) Who is with you at home?
- ) Are you/you all alright?
- ) Where is your mum/dad?
- ) Has your mum or dad been gone long?
- ) When do you expect your mum or dad back?
- ) Can you contact your mum and dad for me and ask them to return so I can talk to them?
- ) Is anyone else keeping an eye on you or is there someone you can ask to come and give you help?

Consequently the assessment of risk may conclude that the situation is:

- **Appropriate** – requiring no action;
- **Inappropriate** – requiring immediate action as set out below; or
- **Borderline inappropriate** – requiring no immediate action but the practitioner will arrange to discuss the issues with the parent later, and will record the advice given.

5.3 When a practitioner visits a home, finds a child unattended and assesses the situation as **inappropriate**:

Firstly, the practitioner should not enter the house unless there is a clear and imminent physical risk to the child/children, as this would be trespass. However, the practitioner should also wait until the parent/carer, Police or Social Worker arrives before leaving.

- If the child is distressed, or appears to be at risk of significant harm the practitioner should immediately call the Police on 999. The Police have the power to enter the home to ensure the safety and well-being of the child.

The practitioner should then telephone Children's Social Care and inform them of the situation and that the police have been notified. Agreement must be reached with the Police as to who will complete multiagency notification form<sup>viii</sup>.

At the earliest opportunity, the practitioner should advise the parent/carer of the actions taken to include informing Children's Social Care.

- If the level of risk cannot be assessed (for example because the practitioner cannot see the child), the practitioner should immediately call the Police on 999. The Police have the power to enter the home to ensure the safety and well-being of the child.

The practitioner should then telephone Children's Social Care and inform them of the situation and that the police have been notified. Agreement must be reached with the Police as to who will complete multiagency notification form.

At the earliest opportunity, the practitioner should advise the parent/carer of the actions taken to include informing Children's Social Care.

- If the level of risk allows, as the child does not appear to be in immediate danger, the practitioner may decide to wait for to see whether the parent returns. During this period the practitioner should try to establish from the child the whereabouts of the parent/carer and of the arrangements made (see questions to ask above).

If the parent, or another carer, returns while the practitioner is waiting, she/he should inform them about:

- ) Her/his concerns regarding the child being left alone.
- ) That as a parent they have responsibility to ensure their child's safety at all times.
- ) Advise that should harm come to the child during their absence they could be deemed responsible and legal action may need to be taken.
- ) Any action she/he has taken while the parent was absent.
- ) Her/his responsibility to notify Children's Social Care about the incident.

Subsequently, inform Children Social Care that the child/children have been left alone and parents have been advised regarding the risks.

If the parent/carer does not return, the practitioner should telephone the Police on the non-emergency number 101 and Children's Social Care to notify them of the matter. Agreement must be reached with the Police as to who will complete multiagency notification form. At the earliest opportunity, the practitioner should advise the parent/carer of the actions taken to include informing Children's Social Care.

5.4 If a member of staff telephones a home, discovers that a child appears to have been left unattended and assesses the situation as **inappropriate**:

- The member of staff should immediately telephone the Police on 999 and notify them of the situation. The Police have the power to enter the home to ensure the safety and well-being of the child.

• The member of staff should then telephone Children's Social Care and inform them of the situation and that the Police have been notified. This must be confirmed by a written referral within 48hours, using the inter-agency referral form.

- If possible the member of staff should then attempt to contact the child's parents and tell them that the Police and Children's Social Care have been informed.



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There will be situations in which there is scope for disagreement about whether it is appropriate to leave a particular child alone, and there will be similar situations in which the same practitioner may make different judgements depending on the exact circumstances, for example the length of time that the child is left alone.

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- 5.5 The member of staff who had to act to assess the risks to the child should document the incident and actions taken in the appropriate electronic health records. The details should be recorded accurately, in a timely manner; ensuring appropriate weight is given to the concerns according to the evidence. Please refer to the Trust Clinical Record Keeping Policy<sup>ix</sup>.

The staff member should inform the Designated or Named Nurse of the incident and action taken. Complete a Datix and record the Datix retrace number on the significant events sheet.

The staff member should also consider who else needs to know for example, if they are not the child's Health Visitor or School Health Nurse they should ensure that these practitioners are informed of the incident and action taken. According to the family composition, details of which for can be obtained from the Safeguarding Children Team or from the Child Health Department, further members of the Health Visiting and School Health Nurse Teams may also need to be contacted.

If there are any subsequent managerial discussions and decisions in line with individual agency requirements these should be recorded in the appropriate records by the practitioner responsible.

It is important to reflect possibly during supervision on what has been seen, spoken or achieved and records of this should be kept in accordance with agency regulations.

## **6 Consultation**

This guideline was shared with members of the Children's Safeguarding Team for approval, to include:

Dr Ganesh (Designated Doctor for Safeguarding)  
Steve Gregory (Executive Director of Nursing and Quality)  
Dr Saran (Consultant Paediatrician)  
Dr Mahabeer (Designated Doctor for Looked After Children)  
Julie Harris (Named Nurse Safeguarding Children)  
Liz Watson (Nurse Specialist Safeguarding Children)  
Claire Hughes (Nurse Advisor Safeguarding Children)  
Alison Wood (Child Death Overview Process Lead Nurse)

## **7 Dissemination and Implementation**

The guidelines will be disseminated as follows:

- ) Managers informed via DATIX system who then confirm they have disseminated to staff as appropriate
- ) Staff via Team Brief
- ) Published to the staff zone of the trust website

## **8 Monitoring Compliance**

Use of this guidance will be monitored through the datix notification system which is shared at the Children's Safeguarding Group meetings. Its use is expected to be infrequent, so an audit will be scheduled to take place before the guideline's review in 3 years' time, or sooner if changes are needed to ensure better safeguarding compliance.



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- <sup>i</sup> Gov.UK Law on leaving your child on their own. <https://www.gov.uk/law-on-leaving-your-child-home-alone>
- <sup>ii</sup> The Children and Young Persons (England and Wales) Act 1933. <http://www.legislation.gov.uk/ukpga/Geo5/23-24/12/section/1?view=extent>
- <sup>iii</sup> NSPCC: Staying Home Alone website. <https://www.nspcc.org.uk/preventing-abuse/keeping-children-safe/leaving-child-home-alone/>
- <sup>iv</sup> NSPCC Need to Know Home Alone Guide. <https://www.nspcc.org.uk/globalassets/documents/advice-and-info/home-alone-guide-keeping-child-safe.pdf>
- <sup>v</sup> Working together to safeguard children 2015. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/592101/Working\\_Tgether\\_to\\_Safeguard\\_Children\\_20170213.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/592101/Working_Tgether_to_Safeguard_Children_20170213.pdf)
- <sup>vi</sup> Child Abuse and Neglect. NICE Guideline 2017. <https://www.nice.org.uk/guidance/ng76/resources/child-abuse-and-neglect-pdf-1837637587141>
- <sup>vii</sup> CQC. Brief guide: capacity and competence in under 18s, 2015. <https://www.cqc.org.uk/sites/default/files/20151008%20Brief%20guide%20-%20Capacity%20and%20consent%20in%20under%2018s%20FINAL.pdf>
- <sup>viii</sup> LSCB multi-agency procedures <http://westmidlands.procedures.org.uk/>
- <sup>ix</sup> Clinical Record Keeping Policy <http://www.shropscommunityhealth.nhs.uk/content/doclib/10290.pdf>

## **10 Associated Documents**

SCHT Safeguarding Children Staff Leaflet – on Staff Zone ›Safeguarding ›Safeguarding Children & Child Protection

Policy no: 1330-37341: Safeguarding Children – on Staff Zone ›Safeguarding ›Safeguarding Children & Child Protection

Policy no: 1545-35177: Clinical Record Keeping Policy

Policy no: 1267-38576: Supervision and Staff Support Policy

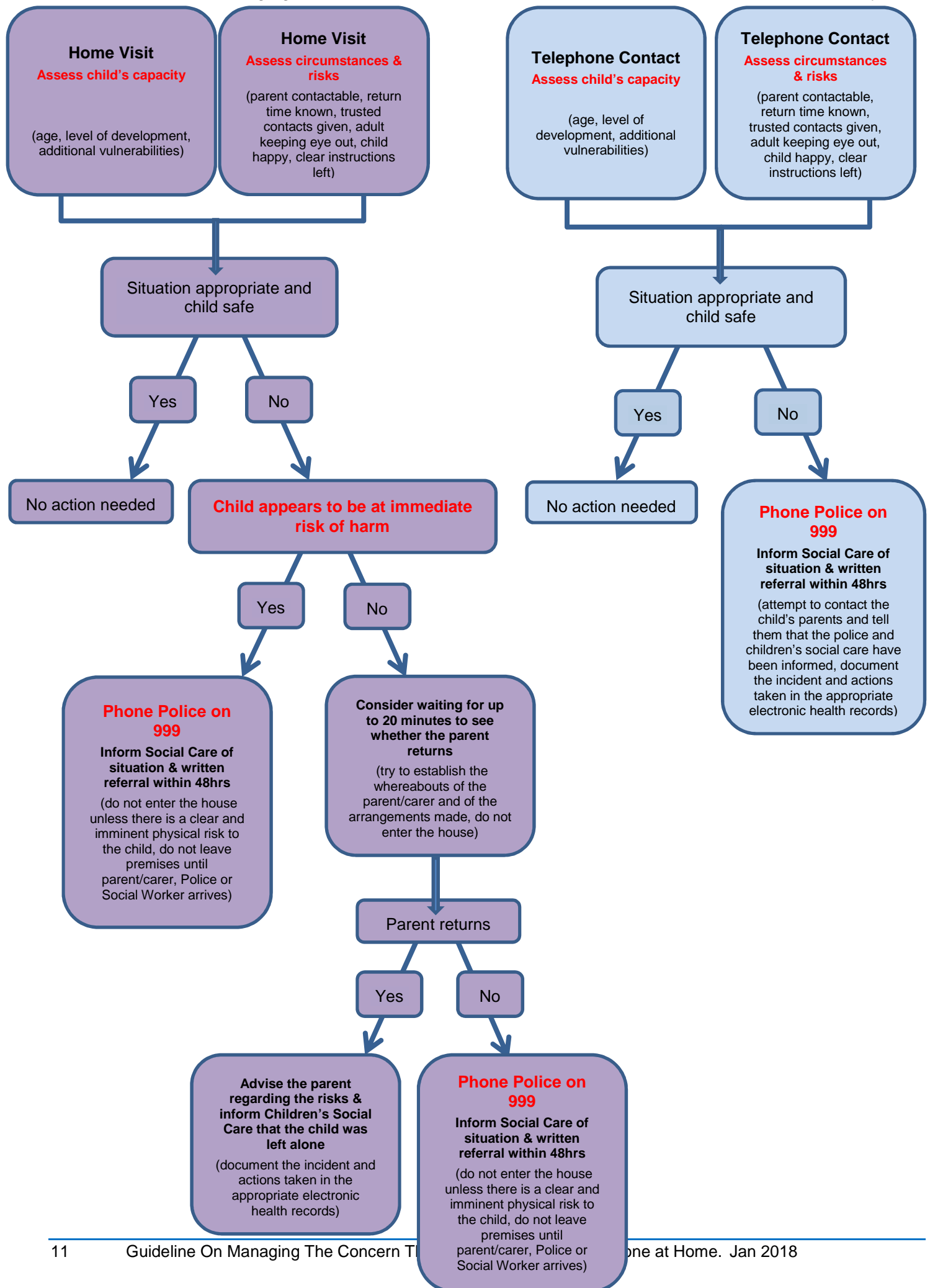
## **11 Appendices**

Appendix 1: Guidelines on Managing the Concern That a Child Has Been Left Alone at Home: Action Pathway

Appendix 2: NSPCC 2015 Need to Know Guide 'Is my child ready to be left alone'

## Appendix 1

## Guidelines on Managing the Concern That a Child Has Been Left Alone at Home: Action Pathway





### IS MY CHILD READY TO BE LEFT ALONE?

**The law doesn't actually say what age you can leave a child on their own.**

**But it's against the law to leave a child alone if it puts them at risk.**

All children are different, but follow this advice to keep your child safe.

- Never leave a baby or young child home alone, not even for a few minutes – whether they're sleeping or awake. Most accidents happen at home, and children under the age of five are most at risk of getting hurt.
- Even if your child is approaching 12 they may not be mature enough to cope with an emergency. If you do need to leave

them, make sure it's only for a short time.

- If leaving an older child alone, make sure they're happy about the arrangement and know when and how to contact you and the emergency services.
- If your child is under 16 they shouldn't be left alone overnight.
- Teach your child what to do if there's ever a problem. Keep your mobile phone with you and make sure your child knows your number. Also leave a list of people you trust for them to go to or call, such as a neighbour or relative. You can use the tear out section at the back of this booklet to help with this.

**What's neglect?**

Parents can be prosecuted for neglect if they leave a child on their own 'in a manner likely to cause unnecessary suffering or injury to health'.

If you don't meet your child's basic needs, like food and warm clothing, fail to respond to their emotional needs, or constantly leave your child alone this is known as neglect.

Neglect is as serious as other forms of abuse because the effects can be damaging and long-lasting.

Take a look at the questions on each page to help you think about how your child would cope without you.

### NSPCC NEED-TO-KNOW



## Being 'in charge'

Some children like to take every opportunity to show they can be grown up. They may even be quite keen to be left 'in charge' of the house. But if they're alone, they're going to need to know how to cope with different situations. And remember – a short amount of time can feel very long to a young child facing an emergency.

### IS MY CHILD READY TO BE LEFT ALONE?

Think about how they behave in other situations. Does your child follow your instructions at home? Are they responsible and mature at school?

Then think about how they would cope with anything unexpected. Try asking yourself the following questions, and be realistic about how your child is likely to react.

**How you learn and parenting advice online?**

You'll find some handy tools to help with lots of things, like keeping your child safe at home, and online. Visit [nspcc.org.uk/parenting](http://nspcc.org.uk/parenting)

**WHAT IF...**

there's a power cut?

a broken tap floods the bathroom?

they're hungry and need to prepare some food?

you're out for longer than you thought?

there's a stranger knocking at the door?

Run through a few different scenarios. Ask your child what they would do. Would they feel anxious or stressed? Talk to your child about these things regularly, in a way that's right for their age. By having these conversations little and often, you'll soon get a better picture of what your child is able to cope with.

### NSPCC NEED-TO-KNOW

## How does your child feel?

It's really important to find out how your child feels about being home alone. Listen to any worries they have and ask what could put them at ease. To start the conversation, you could try out this quiz together.

**I'M WORRIED ABOUT...**

**I'M NOT SURE WHAT I'D DO IF...**

- ☐ I was left alone for longer than we agreed
- ☐ I couldn't get in touch with you
- ☐ Someone came to the door
- ☐ There was an emergency



## ANYTHING BLUR?

.....

.....

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## IT WOULD HELP IF...

.....

.....

.....

If you've talked to your child about staying home alone and both of you think they're ready, make some final checks. Remember – you should never leave a child home alone if they're unhappy to be left.

A few safety checks to think about:

- Are fire alarms, locks and windows working?
- Is there a spare set of keys?
- Is there anything stopping your child from getting food or using the bathroom?

- Is there anything around that could injure or hurt your child?
- Does your child have a way of contacting you?
- Who lives nearby who they trust and could contact for help?
- What can you do to reduce any risk? (Think about where things like sharp knives, alcohol and medicine are kept.)

Remember: **Don't test the limits of how long your child is left home alone.**

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## House rules

It's a good idea to agree on some house rules that suit your child's age and maturity before leaving them at home alone. Talk to your child about what's OK and not OK, and maybe even write up a list of what you decide.



### How will your child be spending their time?

If you're OK with them having friends over, agree the limits. How many friends are allowed to come over?



### Who should they tell?

If your child uses social media to announce that they have the house to themselves, you could come back to a house party, or unwelcome guests. So be clear about who should and shouldn't know.



### Put a plan in place.

Agree what your child should do if the unexpected happens. For example, if your child smells gas or hears a burglar alarm – would they know what to do?

You should regularly review the house rules as your child grows older.

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## We're here for you 24/7

If you have any questions or worries, feel free to get in touch with us.

Our trained experts at the NSPCC helpline can listen to any worries you have about leaving your child alone, or any tough decisions you're facing.

Reading this guide may have also made you think about other children who you know have been left alone. Contact us if you're worried about any aspect of their safety, and we can help.

Call 0800 800 5000

Email [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

Or talk to us online at [nspcc.org.uk/help](https://nspcc.org.uk/help)



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## While I'm away

DATE

.....

**IMPORTANT NUMBERS**

Name

Tel

Name

Tel

Name

Tel

Name

Tel

I'LL BE OUT AT



I'LL BE BACK BY



REMEMBER

.....

.....

.....

.....

.....

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