

## Safety checking the school run

November 2016

Sunday's change of the hour, leaves us all relishing the lighter mornings (if not the darker evenings). With that in mind parents are being encouraged to take a safety check with children in readiness for the change.

This year marks the centenary for daylight saving, a practice introduced during the First World War to save on energy costs and offer people more time outdoors.

But even though it's been around for 100 years, the change still catches many people out, particularly when it comes to the darker end to the school day. For kids heading home alone or in the charge of older children and for the huge numbers of children using push scooters and bikes, it's a good time to make sure they all feel safe and out of danger.

The law does not set out an age when it's OK to leave a child on their own, or a minimum age for a babysitter. Instead, parents are legally responsible for their child's safety and must make decisions that will protect their child from risk of injury or emotional suffering. Where parents fail to keep their children safe, they can face prosecution for neglect, and a fine or even imprisonment.

Guidance from NSPCC, the child protection charity, suggests that under-5s should never be left, even for a few minutes, and between five and 12, children should be left for only very short periods. Older children may be left alone during the day or evening, but while they are still under 16 they should not be left alone overnight. It's also recommended that babysitters are at least 16.

James McMullan, our family law expert, says "Guidelines are helpful, but age should not be the determining factor, much more important is whether the child feels happy about the situation. Much depends on the circumstances, and a young person may be happy if

they know that they have neighbours or friends who are close enough to call for any help, or if they simply feel uneasy, but the same child may not be happy in different circumstances, where they may feel isolated and vulnerable.

"Similarly, if an older sibling or babysitter is being left in charge, it's important they feel confident that they can exert authority if it's needed and know what to do if there's an emergency."

The same considerations come into play when deciding about travel to and from school, to ensure children are confident and understand how to stay safe if they travel alone, what to do if they get lost and how to handle themselves around traffic.

Children travelling to school on two wheels is another thorny issue for parents. It is against the law to cycle on a footway set aside for pedestrians, unless you are using a designated cycle track, and there's a fixed penalty system to deal with the issue. Similarly, cycling on footpaths and through parks may be restricted by local by-laws. In practice, however, a fixed penalty notice cannot be issued to anyone under the age of 10 as they cannot be held criminally responsible and Home Office guidance recognises that children and young people may be afraid to cycle on the road. The guidance says the fixed penalty notices should only be used where a cyclist is riding in a way that may endanger others, as the aim is not to penalise responsible cyclists who show consideration to other pavement users.

It's even more confusing when it comes to the current craze for push scooters, as their use has not been categorised and set out in the rules of the road. The general view is that they should not be used on the road,

as they are propelled by foot, but using one on the footpath is likely to be treated in the same way as a bike.

James added that “the lack of clarity certainly leaves parents in a difficult position. A sensible approach is to make sure young people have good road safety awareness, have sensible protective and reflective kit, and that they understand about taking care around pedestrians and giving way.”