
Comisiynydd Plant Cymru Children's Commissioner for Wales

Sally Holland

By e-mail only.

16th March 2017

Dear Mr Apreda

Thank you for your email raising awareness of your 'Call to Action in relation to Parental Alienation', and the current petition before the Welsh Assembly, seeking to influence the Welsh Government to formally recognise Parental Alienation as a form of emotional abuse.

I note that the petition refers to a 'definition' of Parental Alienation as given by the Ministry of Justice, but this wording appears in response to a petition to the UK Government and has not subsequently been replicated in any legislation or their statutory guidance "Working Together". The definition of emotional abuse in Working Together is very similar to the definition in the All Wales Child Protection Procedures. Neither definition is overly prescriptive so as to encompass any forms of harm or abuse that are having a negative and long term impact on a child and their development.

Whilst the quote from Anthony Douglas of CAFCASS contained in the petition information states that parental alienation is a form of neglect or abuse, in the Telegraph article¹ he goes on to note that it is "fraught with difficulty" and that removing a child from a parents' care in these circumstances is "a rocky road and a difficult process".

Article 3 of the UNCRC protects the best interests of children and Article 9 states the rights of children to retain contact with both parents unless doing so would cause them further harm. In any cases before the courts it is incumbent on the professionals and the judge or magistrates to treat the child's welfare as the paramount consideration and to apply the welfare checklist contained in section 1(3) of the Children Act 1989. The systems that are currently in place seem broad enough to encompass parental alienation as a form of abuse, to be taken into account as part of the balancing exercise being undertaken.

The All Wales Child Protection Procedures are to be updated to reflect the introduction of the Social Services and Well-being (Wales) Act 2014; this might create an opportunity to raise your concerns as part of that process. As these procedures belong to practitioners and are not a product of the Welsh Government, it might perhaps be prudent to approach the Regional Safeguarding Boards in relation to this matter. In addition, these boards are responsible for co-ordinating training across a range of agencies so again it may be a relevant issue to draw to their attention.

¹ <http://www.telegraph.co.uk/news/2017/02/12/divorced-parents-pit-children-against-former-partners-guilty/>

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There is also an ongoing Welsh Government consultation in relation to the Working Together to Safeguard Children guidance. The guidance throughout refers to “abuse, neglect or harm” so these are wide ranging definitions. I would encourage you to share any views you have through that formal consultation process, which can be found here -

https://consultations.gov.wales/sites/default/files/consultation_doc_files/170131guidance-childrenen.pdf

Yours sincerely



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