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David J Rowlands
Chair of the Petitions Committee
National Assembly for Wales
Cardiff Bay
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12 April 2018

Dear David J Rowlands

Thank you for your letter asking for NSPCC Cymru/ Wales' views and further information regarding Petition P-05-751: Recognition of Parental Alienation.

We know that separations and family breakdowns can place significant emotional stress on children and temporarily impair parenting ability. In a small number of cases a child explicitly sides with one parent and rejects the other. There may be a number of reasons for this, including the impact of the behaviour of one or both parents that undermines the child's relationship with the other parent. There are a number of contributing factors to why a child may align with one parent and reject another:

- Justifiable estrangement- where a child's negative feelings towards a parent are justified as a result of abusive behaviour towards them or their other parent. In these cases reluctance or refusal to see this parent is a justifiable reaction are an attempt to keep themselves and their other parent safe.
- The pressure of a break down in family structure creates emotional pressures that undermine parenting capacity and negatively affects parent child relationships. This result is a breaking down of parental child boundaries as parents place requirements on children to provide emotional stability and security. This then negatively affects their relationships with one or both parents.
- Affinity or alignment with one parent over another based on the child individual characteristics, personality and stage of development
- Alienation by one or both parents, which can be naive or deliberate.

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National Society for the Prevention of Cruelty to Children (NSPCC). Noddwr Brenhinol: Ei Mawrhydi'r Frenhines. Llywydd: Ei Uchelder Brenhinol Iarllless Wessex. Sefydlwyd yn 1884. Ymgorfforwyd gan Siartr Frenhinol RC000374. Rhif elusen gofrestredig 216401 (Cymru a Lloegr) a SC037717 (Yr Alban).

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Parental Alienation is a contested and controversial concept where one parent turns a child against the other parent and the child then rejects this parent with no legitimate justification.¹ It is mainly applied to cases of family separation where a child refuses to see one parent due to the activity of another, and has implications for how family courts make decisions about custody and contact.

The concept of Parental Alienation is particularly advocated by fathers' pressure groups who advocate on behalf of those who believe they have been victims of parental alienation. In addition some legal advocates who recognise the features of parental alienation in the cases in the family court system and mental health practitioners.

It is opposed by advocacy organisations for survivors of domestic abuse who view parental alienation as a means of discrediting allegations of domestic abuse, or allegations of child abuse made by the other parent of the child. It is also opposed by legal advocates and mental health practitioners and researchers who dismiss the validity of the theory.

NSPCC Cymru/ Wales position:

NSPCC Cymru/ Wales principal policy position is that the best interests of the individual child should always be the primary consideration when decisions are being made. This position is consistent with:

- Article 3 of the United Nations Convention on the Rights of the Child (UNCRC) states:

'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration'²

- And the paramountcy principle as stated in the Children Act 1989: *'the child's welfare shall be the court's paramount consideration'³*

In response to the following proposed actions:

- *Recognise 'Parental Alienation' as emotional abuse of children with a definition incorporating the one given by the Ministry of Justice (paragraph 1 here <https://petition.parliament.uk/petitions/164983>).*
- *Commission and fund mandatory training for professionals including social work and Cafcass Cymru staff, in recognising Parental Alienation including pathways to protect children from harm.*

We believe that, in itself, a child being denied contact with a parent is not automatically abusive. It can be in the best interests of the child where contact with a parent would pose a risk to the child or it can be in response to the child's own wishes.

¹ C S Bruch, Parental Alienation Syndrome and Alienated Children- getting it wrong in child custody cases

² https://downloads.unicef.org/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.203887760.123060488.9.1523451048-1234611693.1523451048

³ <https://www.legislation.gov.uk/ukpga/1989/41/section/1>



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Parental alienation occurs on a spectrum. Where there is evidence that alienating behaviour of a parent is causing a child severe distress, the current legal framework requires that professionals investigate concerns of emotional abuse and take appropriate action to safeguard the child. We believe a specific recognition of parental alienation is not required as the threshold for significant harm, as outlined in the Children Act 1989, is well understood and the basis for intervention by all agencies. The Social Services and Well-being (Wales) Act 2014 defines abuse and includes psychological and emotional abuse⁴, Section 130 makes clear the duty to report a child at risk of abuse, neglect or other forms of harm⁵ and the All Wales Child Protection Procedures provide clear guidance to professionals about how to respond.

Social workers and CAFCASS staff are used to working with families in conflict and already use their professional judgement to advise courts and make recommendations on the child's best interests. Therefore we do not see the need for mandatory training on parental alienation.

In response to the following proposed action:

- *Establish and fund a national campaign to inform children and families about Parental Alienation and the harm that it causes.*

There are no robust statistics regarding the prevalence of parental alienation, not least because there is no agreement about what constitutes parental alienation. We would not recommend a national campaign on a much contested and sensitive subject.

In response to the following proposed action:

- *Place a duty on Welsh Ministers to act to protect children from abuse and harm where Parental Alienation has been identified.*

⁴ http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf

⁵ *ibid*

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Welsh Ministers are already bound by the Rights of Children and Young Persons (Wales) Measure 2011⁶ to have due regard to the Convention on the Rights of the Child when exercising their functions. Article 19 of the UNCRC states that:

*'States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child'*⁷

Any such additional duty on Welsh Ministers would duplicate responsibilities they already have to protect children from abuse and harm.

I hope you find our views helpful as you further consider this petition

Yours sincerely

Des Mannion



National Head of Service for Wales and North West

Pennaeth cenedlaethol gwasanaethau yng Nghymru a'r Gogledd Orllewin

⁶ <http://www.legislation.gov.uk/mwa/2011/2/contents>

⁷ https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.203887760.123060488.9.1523451048-1234611693.1523451048