

Briefing for the Petitions Committee

Petition number: [P-05-0751](#)

Petition title: **Recognition of Parental Alienation**

Text of petition: We call upon the Welsh Assembly to persuade the Welsh Government to protect children and young people in Wales by formally recognising 'Parental Alienation' as a form of emotional abuse of children. We further call upon the Welsh Government to take specific actions to reduce the impact of Parental Alienation on children and their families.

We propose the following action by Welsh Government

- 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 but not limited to Social Work and Cafcass Cymru staff, in recognising Parental Alienation including pathways to protect children from harm.
- Establish and fund a national campaign to inform children and families about Parental Alienation and the harm that it causes.
- Place a duty on Welsh Ministers to act to protect children from abuse and harm where Parental Alienation has been identified.

Background

As highlighted by the petitioner, the UK Ministry of Justice has described 'parental alienation' as follows:

In cases where parents are separated, parental alienation refers to a situation in which one parent (usually the parent with whom the child lives) behaves in a way which creates anxiety in the child, so that it appears the child is opposed to living or spending time with the other parent.

A recent [petition](#) called on the UK Government to 'introduce a law that recognizes Parental Alienation as a criminal offence'. In [response](#), the UK Government stated that it did not believe legislation was needed to criminalise parents who alienate their children against the other parent as the court already has the power to take effective action:

The family court has a range of powers to deal with cases where alienating behaviour features. A parent who has concerns about such behaviour could make an application to the family court about the arrangements for their child. The Children Act 1989 contains adequate provisions to deal with these concerns and the welfare of the child is the court's paramount concern in making its decision. Under legislation introduced in 2014, family courts are legally required to presume that the involvement of a parent in the life of the child concerned will further that child's welfare, unless there is evidence to the contrary.

That petition was closed on 16 February 2017.

The 2014 legislation referred to in the UK Government's response is the [Children and Families Act 2014](#). Part 2 of the Act relates to family justice and applies to both England and Wales. It includes a number of provisions which seek to improve the operation of the family justice system, as recommended by the 2011 [Family justice review](#). Section 11 of the Children and Families Act aims to reinforce the importance of children having an ongoing relationship with both parents after family separation, where that is safe and in the child's best interests. Courts are required to presume that a child's welfare will be furthered by the involvement of each of the child's parents in his or her life, unless it can be shown that this would not be the case. Involvement means any kind of direct or indirect involvement, but not any particular division of the child's time.

Welsh Government response

Responding to the Assembly petition, the Welsh Government stated that the Family Justice Network for Wales had reviewed its position on parental alienation on 28 March 2017, and had agreed that the family court already has sufficient powers to deal with cases where alienating behaviour features, and that parental alienation should continue to be dealt with under existing legislation. The response also highlights that the court can ask CAFCASS Cymru (the Children and Family Court Advisory and Support Service in Wales) to prepare a welfare report on any matters relevant to the child or family, and that CAFCASS Cymru professionals are trained to recognise the potential for implacable hostility in separation cases, and how this might impact on a child.

Further information about the Family Justice Network for Wales can be accessed via the [Welsh Government website](#).

CAFCASS Cymru

The Welsh Government assumed responsibility for CAFACASS' functions in Wales from 1 April 2005 (in the main, family law/proceedings are not devolved matters however the functions of CAFACASS are). CAFACASS is appointed by the courts but is a social work service, rather than a legal service. Its role is to:

- safeguard and promote the welfare of children;
- give advice to the court about applications in family proceedings;

- make provision for children to be represented in such proceedings;
- provide information, advice and other support to children and their families;

A [Child and Adolescent Welfare Assessment Checklist \(CAWAC\)](#) is used to assist CAFCASS Cymru practitioners in assessing the emotional/psychological risk to children who are exposed to parental conflict. Some concern about whether the CAWAC tool was fit for purpose was raised during consideration of an earlier Assembly petition ([P-04-588 Charter for Children and Fathers](#); this closed in February 2016). CAFCASS Cymru's most recent [annual report](#) states that it had commissioned a 'refresh and update' of CAWAC, and that the improvements identified will be completed in 2016-17.

Child protection and safeguarding in Wales – overview

The Welsh Government is responsible for child protection in Wales. The child protection system in Wales is similar to that in England, although the [Social Services and Well-being \(Wales\) Act 2014](#) introduced a new framework for social services and aimed to strengthen the arrangements for safeguarding children and vulnerable adults in Wales. Child protection concerns that result in court action continue to be dealt with in the same way as in England.

The Social Services and Well-being (Wales) Act 2014 established six regional safeguarding children boards (previously, there was a local safeguarding children board in each local authority area). The regional boards co-ordinate, and ensure the effectiveness of, local work to protect and promote the welfare of children. Each regional board includes any local authority, chief officer of police, local health board, NHS trust, and provider of probation services that falls within the safeguarding board area. The Act also established a National Independent Safeguarding Board to provide support to the regional safeguarding boards and to monitor their effectiveness.

[All Wales Child Protection Procedures](#) inform child protection practice in each of the safeguarding children boards across Wales. They are based on the principle that the protection of children from harm is the responsibility of all individuals and agencies working with children and families, and with adults who may pose a risk to children. They are overseen by the [All Wales Child Protection Review Group](#), which represents all of Wales' safeguarding children boards and partner agencies.

[Safeguarding Children – Working Together Under the Children Act 2004](#) sets out how organisations and individuals should work together to safeguard and promote the welfare of children.