

PE1790/L

Minister for Community Safety submission of 12 August 2020

Thank you for your email dated 28 May 2020 regarding Public Petition PE01790. The petitioner is calling on the Scottish Parliament to urge the Scottish Government to recognise parental and familial alienation as a specific and serious form of pathological psychological child abuse.

I appreciate there may be situations where a child has been deliberately turned against one parent and this can be very distressing. In cases where the court is considering an order under section 11 of the Children (Scotland) Act 1995 (“the 1995 Act”) the paramount consideration for the court is the welfare of the child concerned.

The Children (Scotland) Bill was introduced into the Scottish Parliament on 2 September 2019. Further information on the Bill is at the link below:

<https://beta.parliament.scot/bills/children-scotland-bill>

It was not considered appropriate or necessary to include provision in the Bill imposing a requirement on the court to consider the possibility of one parent deliberately turning a child against the other parent in **every** case

Whilst the Bill does not include direct reference to a parent deliberately turning a child against the other parent, section 8 includes the establishment of a register of Child Welfare Reporters to ensure individuals appointed to this role meet minimum standards in terms of training.

Child Welfare Reporters are appointed by the court in cases under section 11 of the 1995 Act to either seek the views of the child concerned or produce a report on the best interests of the child. It is envisaged that training would include recognising situations where a child has been turned against a parent. Training requirements will be set by regulations and there will be a full public consultation on these criteria in due course. The Financial Memorandum which accompanies the Bill sets out an indicative timeframe:

<https://beta.parliament.scot/-/media/files/legislation/bills/current-bills/children-scotland-bill/introduced/financial-memorandum-children-scotland-bill.pdf>

In addition, section 12 of the Bill introduces as one of the factors the court must consider when deciding whether or not to make an order under section 11 of the 1995 Act, the effect the order might have on the involvement of the child’s parents in bringing the child up.

My view is the provisions of the Children (Scotland) Act 1995, as amended by the Bill currently before Parliament, recognise the role which both parents can play in a child’s life. The key issue here is that the welfare of the child must remain paramount.