

T :  
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Ms S J Kerr  
request-715232-09ace89e@whatdotheyknow.com

Our Reference: 202100132015  
Your Reference: Freedom of Information request - Specific factor relating to Parental Alienation

27 January 2021

Dear Ms S J Kerr ,

## **REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)**

Thank you for your request dated 1 January 2021 under the Freedom of Information (Scotland) Act 2002 (FOISA).

### Your request

You asked for what was the specific factor relating to parental alienation that was considered not appropriate to include the recognition of parental alienation in the Children Scotland Bill?

### Response to your request

The answer to your question is in the consultation on the Review of the Children (Scotland) Act 1995 the Scottish Government sought views on whether more should be done to prevent a child being turned against a parent. The consultation document, responses we have permission to publish and the analysis of consultation responses are at: <https://www2.gov.scot/Topics/Justice/law/17867/review-of-children-scotland-act-1995>

The Scottish Government decided not to include preventing a child being turned against a parent in the list of factors the court has to consider when deciding whether to make an order under section 11 of the 1995 Act as:

- A statutory requirement to consider this in every case is not appropriate; and
- The Children (Scotland) Act 2020 does require the court to consider the effect of its decision on the involvement of the parents in bringing the child up.

The Act is available at:

[Children \(Scotland\) Act 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

The list of factors for the court to consider before making an order is at section 16 of the Act.

### Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to the Director of Justice at Room GW-02, St Andrew's House, Regent Road, Edinburgh, EH1 3DG or by email to [DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot). Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review in accordance with FOISA as soon as possible, and not later than 20 working days from the day following the date we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at: <http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

Yours sincerely

Hannah Frodsham  
**Family Law**