

FAMILY DRUG AND ALCOHOL COURTS (FDACs)

The business case for
roll-out

 Centre
for
Justice
Innovation

FDAC ROLL-OUT

CONTENTS

1. Summary p. 1-6
2. Parental substance misuse & the care system p.7-14
3. Family Drug and Alcohol Courts (FDACs) p.15-21
4. The FDAC experience p.22-26
5. Research p.27-39
6. Value for money p.40-56
7. Roll-out p.57-69
8. Recommendations p.70-72
9. Footnotes p.73-76
10. Technical annex p.77-86

FDAC ROLL-OUT

1. Summary



Summary: Parental substance misuse and the care system

- The Children's Commissioner estimates that there were 478,000 children living in English households where a parent was suffering from significant alcohol or drug misuse in 2019/20.
- The harms and trauma that children whose parents are addicted to drugs and alcohol experience are often deep and long lasting, marked by an increased likelihood of emotional and physical abuse, neglect, and an increased likelihood of a range of negative impacts on their future life chances.
- The presence of significant parental substance misuse, and the neglect and abuse that stem from it, often leads families into the care and public family law system. Research suggests that 40% of children under child protection and just over 60% of children within care proceedings* live in families with significant parental substance misuse.
- A significant number of parents who continue to struggle with substance misuse return to court (often repeatedly). These 'recurrent care proceedings' are estimated to make up 20% of cases in the public family law system.
- The Independent Review of Children's Social Care highlights that care proceedings cost on average £80,000, and that the total cost to the state is £1.1bn per year. We estimate that, of the 112,521 children in care proceedings in the past five years, there have been over 67,000 children whose parents suffer from parental substance misuse.

Summary: The strategic case for FDAC roll-out

- Family Drug and Alcohol Courts (FDACs) aim to stop parental substance misuse and keep families together where it is safe to do so, through a court process where trained judges and a specialist multi-disciplinary FDAC team collaborate to give parents a ‘trial for change.’
- Research suggests that, compared to the outcomes of standard care proceedings for similar types of case, FDACs significantly increase safe, stable family reunification and parental substance misuse cessation, decrease the likelihood of future child neglect and abuse, and decrease recurrent care proceedings. Moreover, research, looking at a five year follow-up period after proceedings end, strongly suggests that FDACs’ positive outcomes are durable over time.
- Qualitative research suggests that these positive outcomes are due to FDACs’ intensive, holistic approach and the non-antagonistic supportive culture it creates around families. There is clear evidence that parents find the FDAC process much more supportive, with a high number of parents identifying the role of the judge as a key factor in motivating them to change. These dynamics, found in the original pilot, have also been successfully replicated in other sites.
- The interim report of the Independent Care Review specifically identifies FDAC as exemplifying a future care system which “builds, not breaks, families.”

Summary: FDAC delivers better value for money

- While previous research has suggested FDAC provides value for money to the taxpayer, the up-front cost of an FDAC team has been seen by some local authorities as “an investment too far” and this initial cost has impeded its roll-out.
- However, our new value for money analysis suggests that FDAC is a significantly less expensive way of hearing care proceedings than the standard approach.* By avoiding lengthy legal disputes, FDAC saves local authorities and the Legal Aid Agency £25,300 per case in the legal costs of care proceedings, and most of these savings are cashable.
- Moreover, due to its better outcomes following proceedings, FDAC saves a further £17,574 per case because it avoids the costs of recurrent care proceedings and care placements.
- Our analysis suggests that each FDAC team (hearing 30 cases a year and covering three local authorities each) pays back its annual operating cost and generates additional net savings of £271,994 in-year, and, post-proceedings, generates additional savings of £527,222.
- Overall, each FDAC team generates net savings of £799,217 over five years, with £271,994 saved with the year, rising to £628,897 saved within three years.
- If there were FDAC teams covering all of the 155 local authorities today, our analysis suggest this would result in total net savings of £41,559,284 for each year’s FDAC caseload.**

*This cost benefit analysis explicitly looked at local authority and justice savings. However, previous studies have strongly suggested FDAC avoids costs for a range of other public bodies.

**The savings for each year’s caseload savings would accrue over five years, with £32,702,638 accruing within three years.

Summary: Our plan to roll-out FDACs

- Care proceedings are one of the most serious (and expensive) interventions the state can take in a family's life. Parents caught in the grip of substance misuse pose a risk to their children, themselves and others, and place significant burdens on society.
- The evidence clearly suggests that FDAC is a more effective and fairer way of hearing care proceedings which involve parental substance misuse, and that the financial and social costs of continuing with the current approach are unsustainable.
- We, therefore, strongly recommend that the Government use the opportunity of the forthcoming Spending Review to invest in rolling the FDAC model out across all local authorities in England and Wales* by the end of 24/25.
- To that end, we have modelled the costs and benefits of our plan to roll FDAC out by the end of 2024/25. Our roll-out plan envisages the establishment of 52 FDAC teams, serving the 44 family court 'care centres', with FDACs being set up in phases over the next three years.
- We have included assumptions in our modeling including (i) each FDAC team's caseload would expand by 25% and (ii) that there would be conservative economies of scale; (iii) matched funding arrangements between local and national Government, as we believe this is likely to make the FDAC roll-out sustainable.

Summary: Our plan to roll-out FDACs

- Our modeling of the impacts of our roll-out plan suggest:
 - FDAC roll-out will cost Government £34m over three years (based on 50/50 matched funding with local authorities).*
 - FDAC roll-out will generate savings for local authorities and justice agencies totaling £91m over three years, and there are likely to be wider savings for other public agencies.
 - FDAC roll-out will expand the number of FDAC cases from 378 in 2021/22 to 1,586 cases by 2024/25 (from 5% to around 21% of all relevant care proceedings), for a total of 3,538 cases over the period.
 - FDAC roll-out will increase the number of children subject to FDAC care proceedings from 643 in 2021/22 to over 2,500 by 24/25, for a total of 6,014 children over the period.
 - FDAC roll-out will stop 1,627 mothers using drugs and alcohol by the end of their proceedings, compared to 1,061 if they went through standard care proceedings (566 additional mothers). 944 of those 1,627 mothers will sustain their substance misuse cessation for at least five years after their FDAC proceedings (compared to 255 through standard proceedings – an additional 689 mothers).**
 - FDAC roll-out will lead to 425 more families being reunited (or continuing to live together) compared to if they went through standard care proceedings.

*We have also included within these costs a number of centrally incurred costs: funding to deepen the evidence base on FDAC, including research on whether the FDAC approach works with other types of cases, and to support the implementation of national roll-out.

**These figures assume all FDAC cases in the roll-out plan involve maternal substance misuse. All outcome assumptions drawn from: After FDAC: outcomes 5 years later - Final Report (December 2016).

FDAC ROLL-OUT

2. Parental substance misuse and the care system



Parental substance misuse: Immediate impact on children

There are 478,000 children in England whose parents are addicted to drugs and alcohol. Research shows that parental substance misuse often leads to impaired brain development, emotional and physical abuse, neglect and trauma.

- The Children's Commissioner estimates that there were 478,000 children* living in households where a parent was suffering from significant alcohol or drug misuse in 2019/20.¹
- The impacts of parental substance misuse on children include:²
 - Impeding brain development, which can stretch beyond childhood and into adulthood;
 - Physical abuse, with parental substance misuse recorded in over a third (36%) of serious case reviews carried out when a child has died or been seriously harmed;
 - Emotional abuse, including parents being emotionally unavailable to their children and being unresponsive to their babies and/or not engaging in meaningful play;
 - Neglect, for example when parents do not have routines and are unable to give their children effective and consistent support or keep their home and family clean;
 - Exposure to criminal activity, including parents engaging in crime to fund their dependency and being absent due to imprisonment.

Parental substance misuse: Impact on children's life chances

Moreover, the impact of parental substance misuse on children often has deep and long lasting impacts for their future life chances, increasing the likelihood of a range of negative outcomes.

- Evidence suggests there is a significant correlation between parents misusing alcohol or drugs and a range of negative long-term outcomes for their children, including:³
 - Poorer school attainment and a higher risk of emotional and behavioural problems whilst in education than other children;
 - A higher likelihood of going to prison in adulthood than other children;
 - A higher likelihood of becoming homeless in adulthood than other children;
 - A higher likelihood of involvement with psychiatric services in adulthood than other children;
 - A higher likelihood of developing an addiction to alcohol or drugs in adulthood than other children.

Parental substance misuse: Involvement of children's services

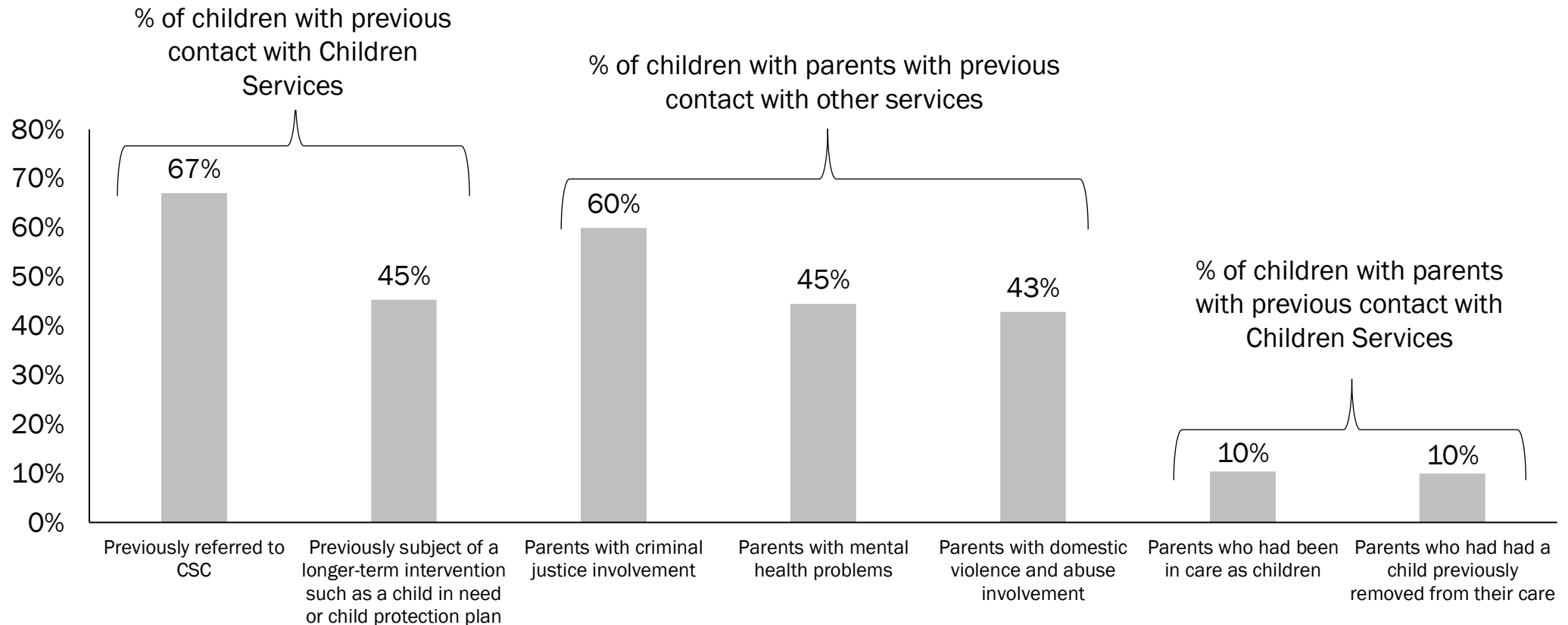
The neglect and abuse that can stem from significant parental substance misuse often leads families into the care system, and can lead to care proceedings, where the state applies to family court to remove children from their parent's care.

- Due to the neglect and abuse that stem from parental substance misuse, affected families are often in contact with children services. As harm/abuse/neglect gets more serious, the response is more serious. At the highest level of concern, local authorities can initiate care proceedings, an application of the family court to remove a child from their parent.
- Care proceedings are one of the most serious (and expensive) interventions the state can take in a family's life. A negative outcome can mean a family loses their rights over, and access to, their child forever. Moreover, as the Independent Review of Children's Social Care notes, "It was estimated that the total cost of care proceedings to the state was £1.1 billion in 2009/10, with a single public law case costing one local authority £80,000 on average. Factoring in inflation and the increase in care proceedings, the cost would be significantly higher today."
- Care proceedings are often long, contested court hearings. While they ought to be completed in 26 weeks, in the last quarter prior to the covid-19 pandemic, the average was 34 weeks.

Parental substance misuse: Families in children services

Families with parental substance misuse and who are in contact with children services often have long histories of prior involvement with the care system, and also with criminal justice and mental health services.

Characteristics of families with parental substance misuse referred to children services*⁴

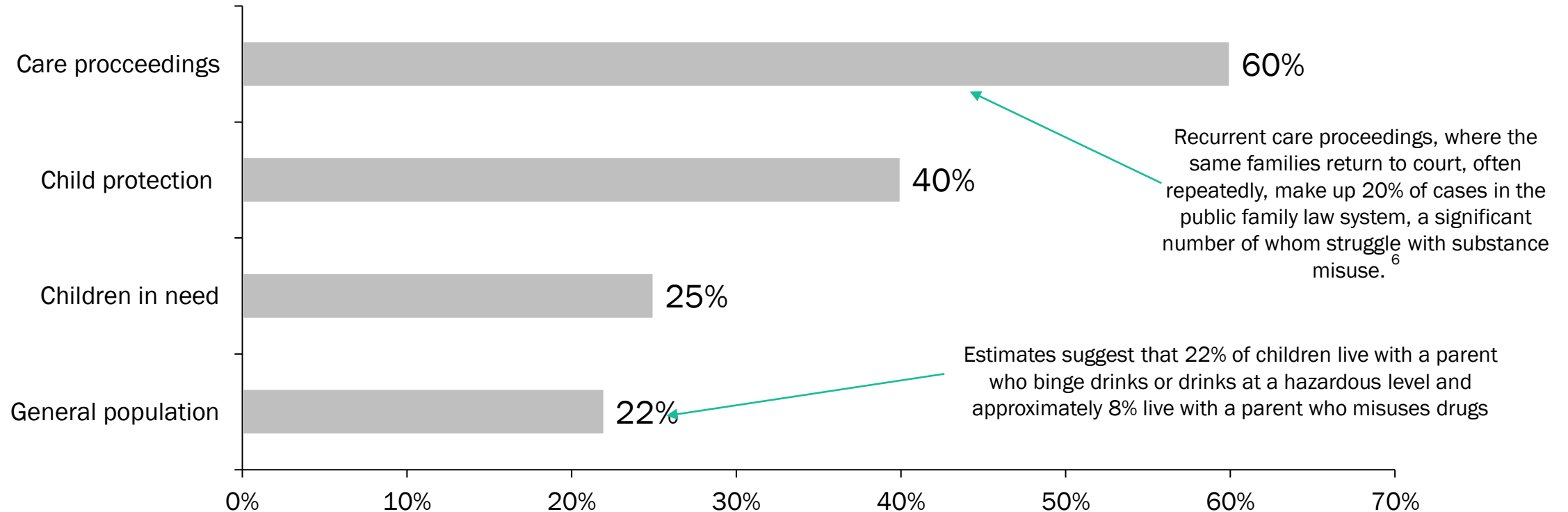


* There is no national data on parental substance misuse within children service's cases. These estimates derive from a 2020 study looking at rates of parental substance misuse in one local authority and therefore may not be generalisable.

Parental substance misuse: Prevalence and care stage

Parental substance misuse is more prevalent in those families who come to the attention of children's services than in other families, and the more intense the care stage, the higher the prevalence.

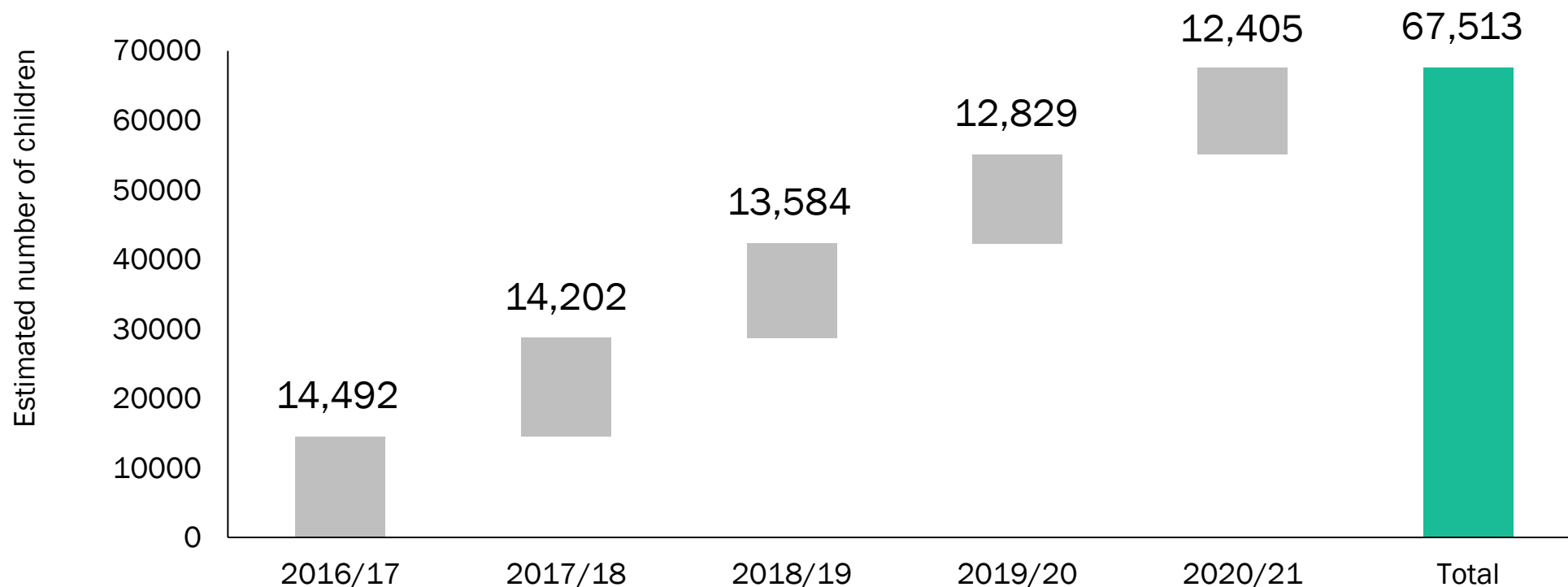
Estimates of parental substance misuse prevalence in the UK, by care stage ⁵



Parental substance misuse and children's services

We estimate that of 112,521 children in care proceedings in the past five years, there have been over 67,000 children whose parents suffer from significant parental substance (equating to just under 40,000 care proceedings).

Estimated* number of children subject to parental substance misuse care proceedings ⁷



*In England and Wales, there is no systematic national data available about the number of care proceedings in which families are affected by parental substance misuse.

Parental substance misuse: Experience of care proceedings

Parents' experience of standard care proceedings is often poor. Research suggests they can often feel that they have not been listened to, they are unsupported to participate and are unable to clearly demonstrate their capacity to change.

- When FDAC was first piloted in 2008, part of the rationale was the evidence that parents' experience of standard care proceedings was poor. A review of the research on parents perspectives on the family justice system in 2010 had found that:
 - parents experienced difficulties in giving evidence in care proceedings (*"There was no time to say how you felt before they would go on to something else..."*);
 - parents were practically as well as psychologically unprepared for care proceedings (*"If I had had someone who had explained to me what was going on it would have been easier."*);⁸
- Later research and media around parents perspectives of care proceedings suggest that the process remains confusing and upsetting for parents (*"I didn't know where to sit, when to stand up, when to sit down, when to speak, when to be quiet. It was a lot like going to church for the first time, but with less musical interludes and floral displays."*)⁹

FDAC ROLL-OUT

3. Family Drug and Alcohol Courts (FDACs)



FDAC: The history and origins

Inspired by Family Treatment Courts in the USA, the first Family Drug and Alcohol Court (FDAC) was created in 2008 to test whether addressing parental substance misuse could lead to better outcomes for children and their families.

“What is it that family courts are there to do? Just take away children? Or are we there to provide part of the whole construct of support around families to try to enable children to remain within their families? If we are looking to remove the 8th, 9th or 10th child, the family courts can’t be doing very well by this family”.

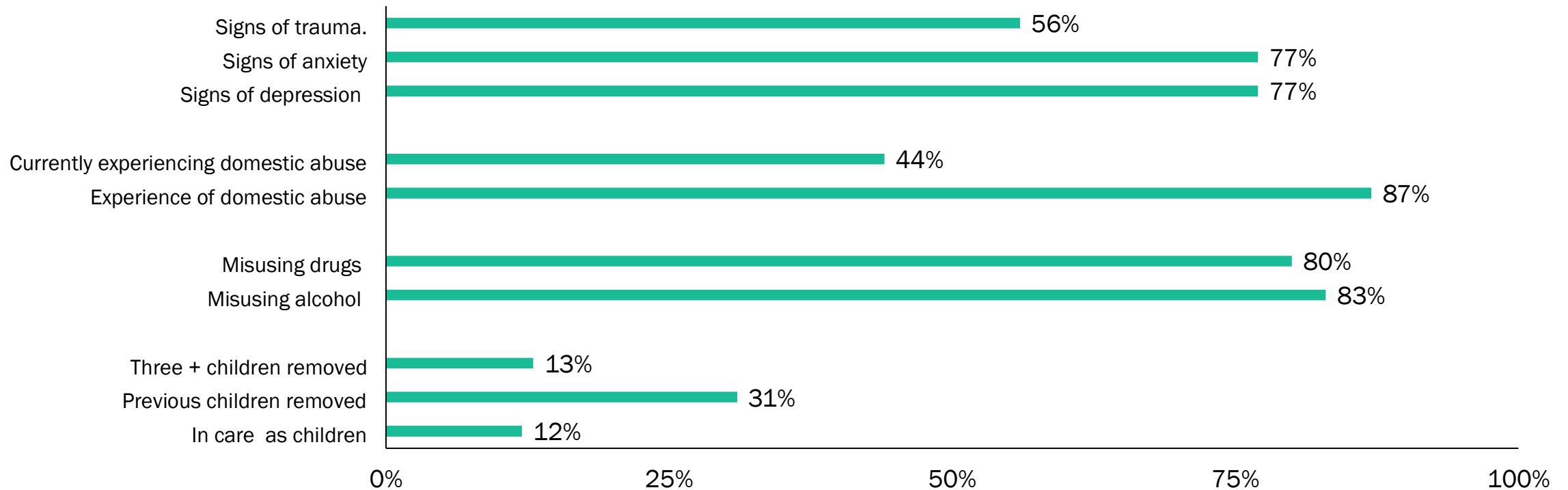
District Judge Nicholas Crichton, the first FDAC judge

- Frustrated by repeat removals of children from the same families, and inspired by the work of Family Treatment Courts in the USA, District Judge Nicholas helped establish the London Family Drug and Alcohol Court (FDAC) pilot in 2008.
- This pilot was funded via a cross-Government funding arrangement, involving the Home Office and the Departments for Health and Education.

FDAC: Profile of parents' multiple needs

Our latest analysis of the current caseload demonstrates the complex lives that FDAC parents lead, marked by prior care experience, substance misuse, domestic abuse and mental health issues.

FDAC parental assessment results (at start of proceedings), 2021¹⁰



FDAC: Aims to improve outcomes and improve the experience of justice

FDAC aims to improve outcomes for children and families, by providing problem-solving interventions and support to tackle parental substance misuse and delivering a more procedurally fair court process in which families feel treated with respect.

- The FDAC model seeks to deliver better outcomes for children and families, including:
 - keeping families together by delivering sustainable safe reunification (where it is safe to do so) or, if reunification is not possible, delivering swifter care arrangements out of the parental home;
 - Achieving higher rates of control or cessation of parental substance misuse by delivering durable substance misuse treatment and interventions.
- The FDAC model seeks to deliver better justice, by delivering a more procedurally fair court process,¹¹ in which parents are treated with respect, where they feel the court is acting as a neutral, independent arbiter, where they understand the court process clearly and participate in a process in which they have a voice.

FDAC: A therapeutic problem-solving court process

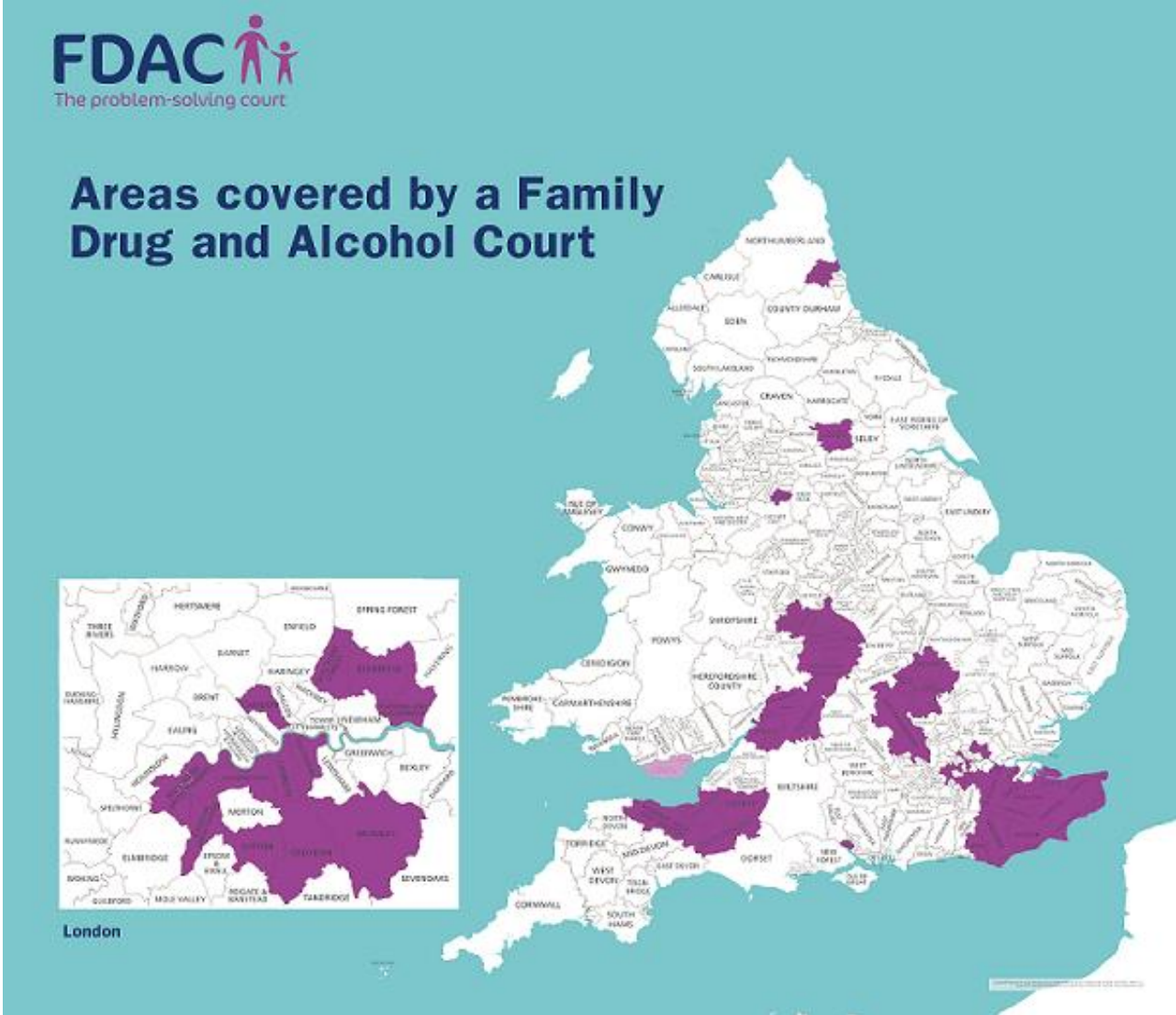
The FDAC model tries to deliver these outcomes through a therapeutic problem-solving court process, involving specially-trained judges and an independent, multidisciplinary assessment and intervention team.

- For families where one of the main presenting concerns is substance misuse, FDAC provides a different way of hearing their care proceeding case through a ‘trial for change’, including:
 - Trained judges who motivate parents through a treatment plan while reminding them of consequences and timescales;
 - Judicial continuity, where parent(s) see the same judge throughout care proceedings;
 - A multi-disciplinary team which assists the judge, delivers interventions and assessment with parents and co-ordinates a network of services to promote change and sobriety;
 - Non-lawyer reviews – fortnightly review hearings with the judge, without lawyers present;
 - Parents being subject to regular testing for drug and alcohol use;
 - Where progress is being made, proceedings can be extended.

FDAC: The growth of the model

Since the creation of the London FDAC in 2008, there has been significant replication of the model, often with joint local and national funding.

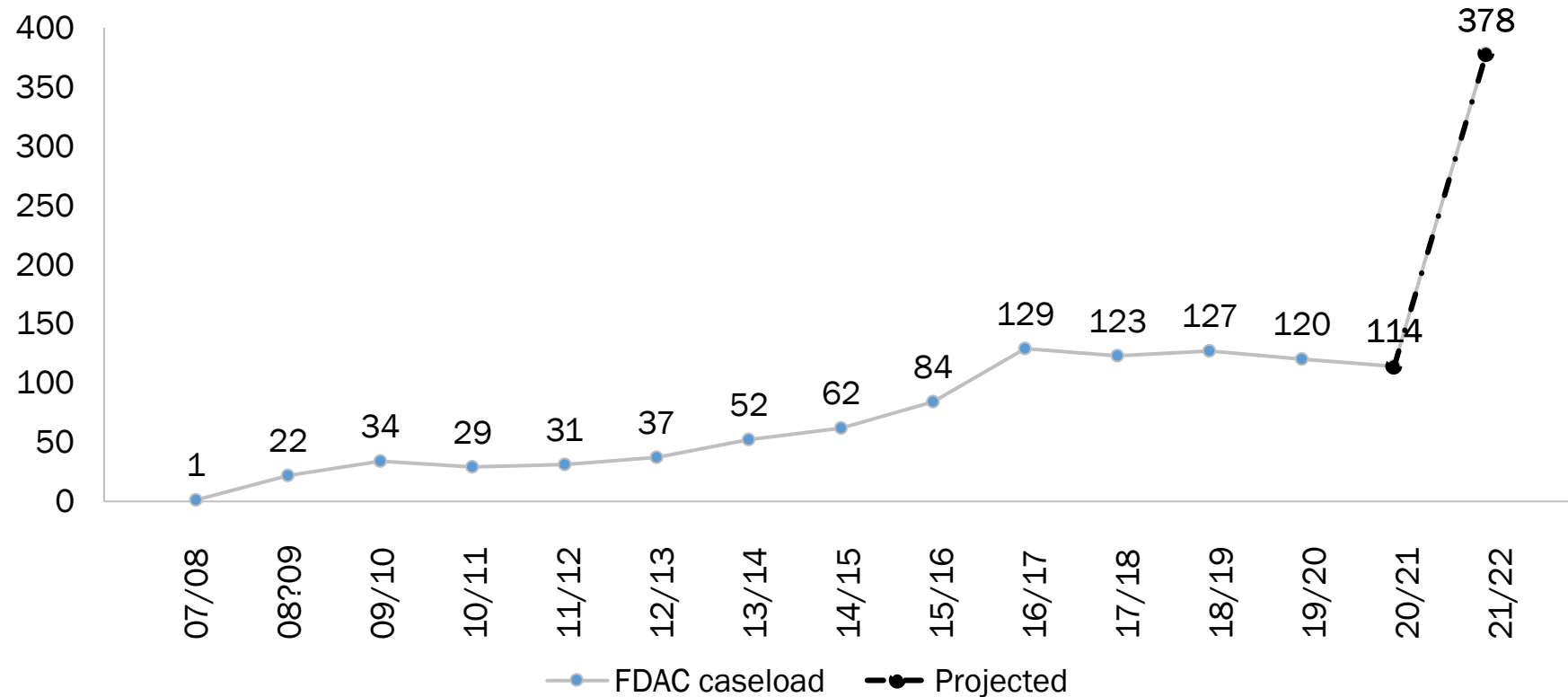
- Local authorities provide the majority of funding for FDAC teams but, in 2015 and again in 2019, the Department for Education funded the creation of new FDACs through their Innovation programmes.
- We anticipate that, by April 2022, there will be 16 FDAC teams, covering 37 local authorities and serving 25 family courts, including the first FDAC pilot in Wales.



FDAC: The national caseload

Due to the replication of the model, the FDAC caseload has grown over time. Most recently, investment from the Department for Education to expand the number of FDACs is likely to triple the number of FDAC cases completed across England in 2020/21.

FDAC cases completed per year, 07/08 to 21/22 ¹²



FDAC ROLL-OUT

5. The FDAC experience: Case studies



The FDAC experience: A child's perspective

“When he came into FDAC, Leo talked about being worried, sad, ashamed and angry all the time...He stayed in his room and was starting to stay out overnight, school reported he often had angry outbursts in class and was slowly slipping behind...*

School now report excellent attendance, good communication with parents and Leo is steadily making progress... Leo tells us about having fun in family activities with his parents and enjoying just hanging out with them... Leo identifies in therapy that he is more ‘grown up’ than his friends and sometimes he feels they do not understand him and this can make him feel lonely...

FDAC made a charity application for two guitars and amps, which Leo's father plays and is teaching Leo to play.”

Leo* is twelve and had been subject to two Child Protection Plans before the case was issued in to FDAC. This was after his mother had a fall and seizure whilst being intoxicated. Leo was at home and called an ambulance. The case had been in FDAC for 6 months, and from which the family ‘graduated’ to a 12 month Supervision Order, which they were 7 months through at the time of writing.

The FDAC experience: A parent's perspective

“When I first joined FDAC, I felt empty, struggling with anxiety... not being able to cope with life stressors such as being a victim of domestic abuse, trafficked to the UK. I had turned to alcohol and I felt worthless.

‘Trial for change’- that’s what FDAC is for, you to change, accept and identify your problem... I was honest, committed to FDAC and motivated to get my son back, able to identify my problem and work on it especially by looking after myself first so as to be able to look after my son.

Thanks to the local authority, especially my son’s guardian, for referring me to FDAC as they saw the potential in me... I count myself lucky, because not everyone will get accepted to FDAC or a second chance.

If a plane is having a technical issue, you have to put your mask on first so as to be able to attend to your child/children, and that’s what I did in FDAC. I had to break the cycle of what led to me being referred to FDAC in the first place.

Thank you FDAC for mending my broken wings, I able to fly again but this time following the right direction.”

The FDAC experience: A judge's perspective

“The differences between standard care proceedings and FDAC proceedings... “chalk and cheese”!... One of the major differences is the interaction with the parents. In standard proceedings, the parents sit behind their respective lawyers and generally will say very little or nothing at all... Contrast that with the interaction and engagement between the judge and the parents in non-lawyer reviews and the difference between the two could not be more stark. The FDAC judge is in direct conversation with the parents in a way in which he or she could never be in standard proceedings.”

“The same can be said about the interaction between the judge and FDAC team. It’s very much a collaborative working relationship which is very different to the adversarial nature of standard proceedings...in FDAC cases, once a parent has signed up, they come in every two weeks. This allows the judge to build a rapport with the parents... it allows the judge to keep a much closer eye on what is going on in the proceedings...”

FDAC does require judges to be more versatile in their approach, having to switch from the more formal style of the lawyer attended hearings to the structured but informal style of the non-lawyer review. It is a very different but rewarding way of working for the judge.”

The FDAC experience: A social worker's perspective

“What has struck me most about FDAC compared to standard Care Proceedings is the time given to building a relationship with parents whilst working to the same 26 week timescale. I feel I have more space to get to know parents, whilst still working in a transparent, child-focused and problem-solving way...

...Non-Lawyer reviews feel much more person-centred and gives parents the space to tell their story, which has been powerful for me to see happen in real time. Having sat in court hearings, I find being able to speak directly to the judge helpful in terms of feeling listened to and valued...

...The expectations placed on (FDAC) parents is very high; with contacts being up to and, with everything else in mind, upwards of five times per week. The FDAC model remains one of high challenge, high support, with children at the core...

...A concern I had joining FDAC was the risk of becoming over-focused on the needs of parents and losing sight of the child. My fears have been allayed, as the regularity in which we see parents enables an on-going open dialogue about what their actions mean for their children. Further, the communication with the local authority, the guardian and other important people help keep the children in mind throughout...”

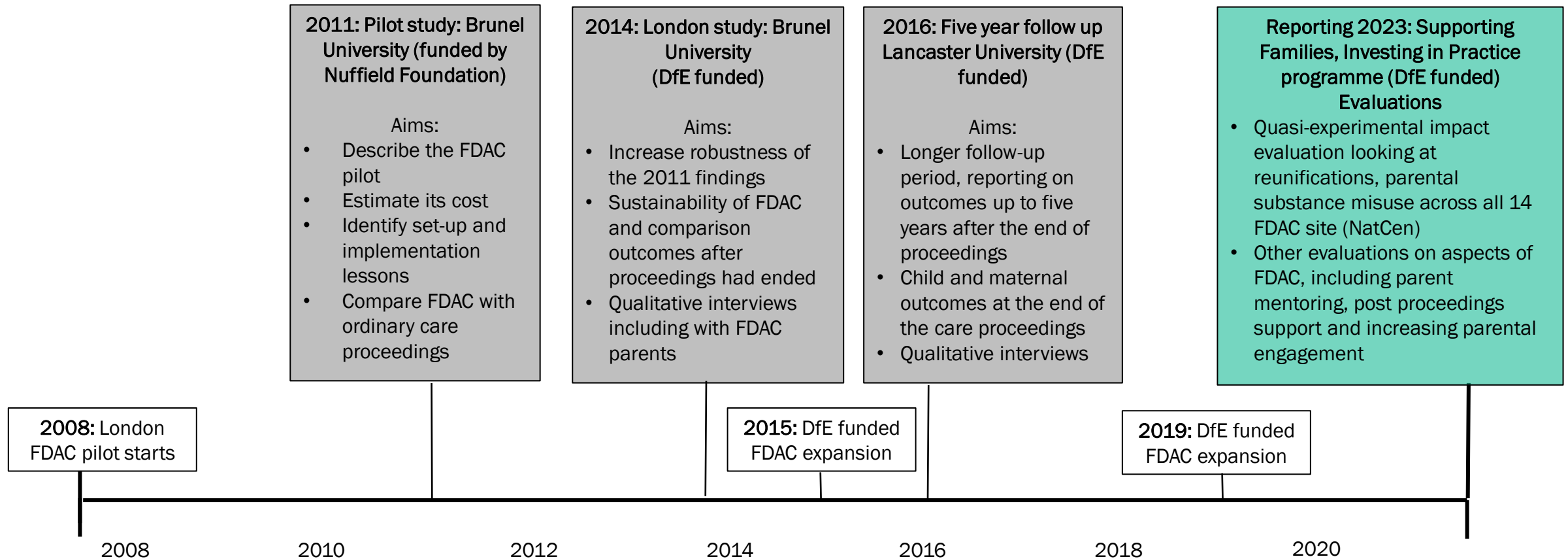
FDAC ROLL-OUT

6. Research



Research: Evaluation timeline

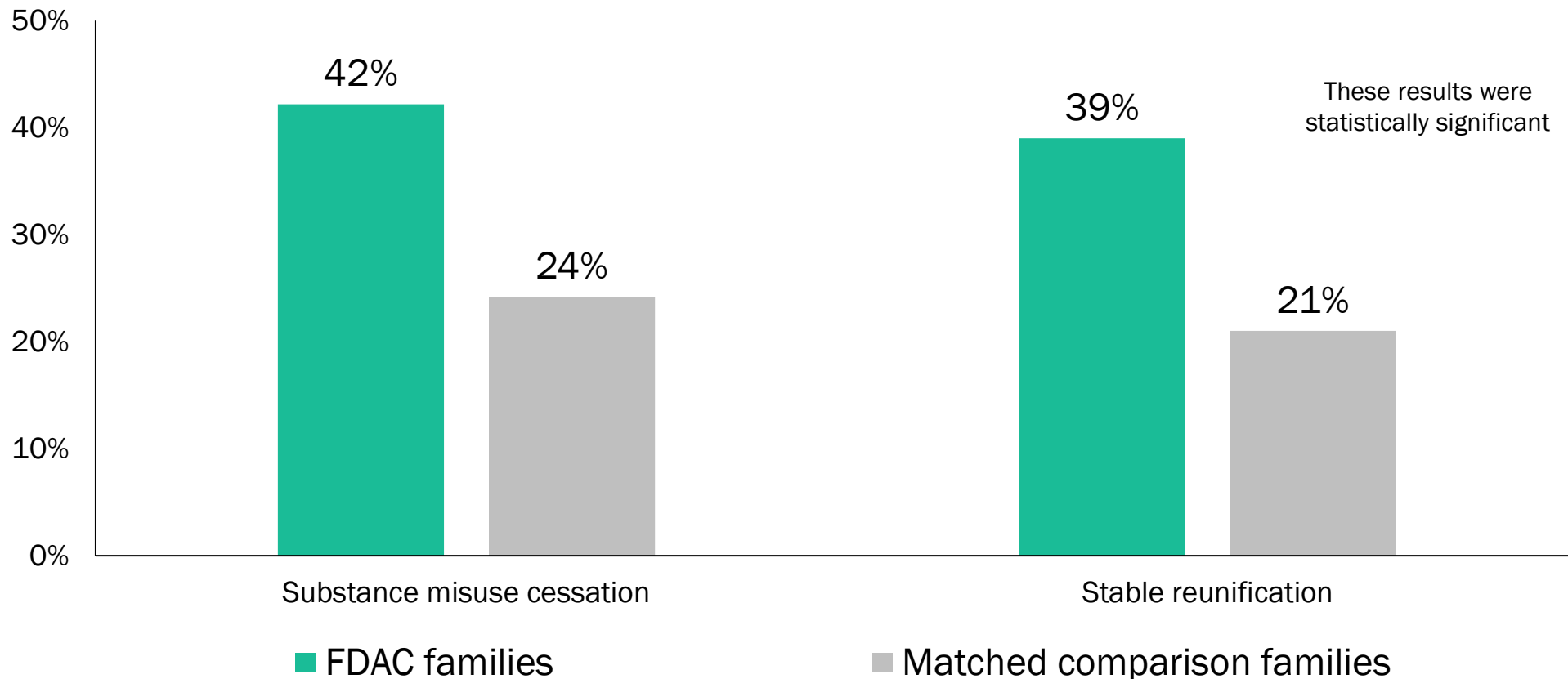
Since its creation in 2008, there has been a strong emphasis on the evaluation of FDAC. It has been subject to three major, independent academic studies, including quantitative outcome evaluations as well as qualitative evaluation.



Research: Initial findings of better outcomes at the end of proceedings

The 2011 study of the London FDAC pilot found promising evidence that it reduced parental substance misuse and increased stable family reunification by the end of proceedings.

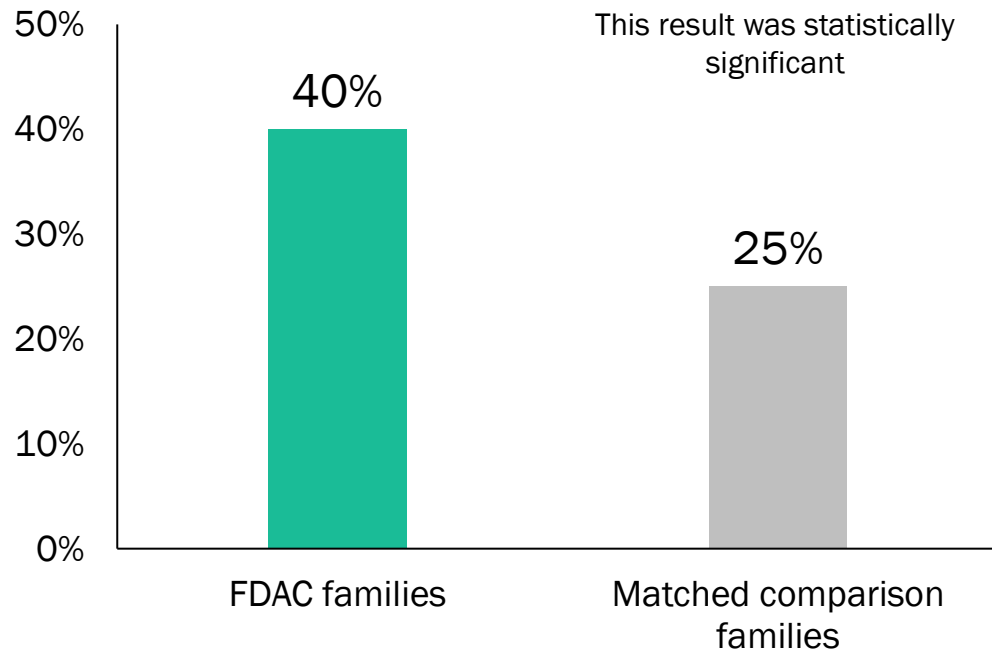
Substance misuse and stable family reunification by the end of proceedings, 2011¹³
(n= FDAC 41; non-FDAC= 19)



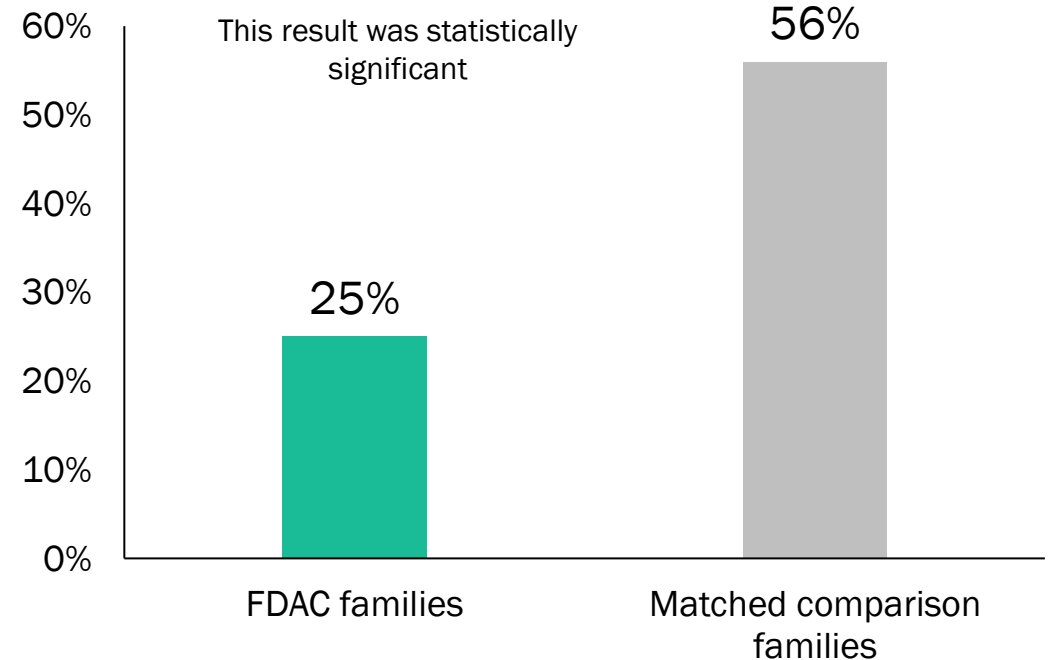
Research: Better outcomes found one year post-proceedings

A second study of the FDAC pilot (2014) confirmed the early results and found evidence of longer term impact one year after the end of proceedings.

Substance misuse cessation at end of proceedings, 2014 (n= FDAC 106; non-FDAC= 101)



Evidence of neglect & abuse one year after proceedings, 2014 (n= FDAC 106; non-FDAC= 101)¹⁴



Research: FDAC families are more complex than families in standard cases

This study also identified that though the FDAC families had been matched to a similar cohort of parents in ordinary care proceedings, FDAC families generally had more complex and entrenched needs.

- There were a number of statistically significant differences between the two samples used in 2014 evaluation,¹⁵ despite the use of the same selection criteria:
 - A higher proportion of FDAC mothers misused heroin, cocaine and prescription drugs, had been convicted of drug offences, and had received substance misuse treatment in the past;
 - A higher proportion of FDAC children had health difficulties and were withdrawing from drugs at birth;
 - A higher proportion of FDAC fathers misused cocaine and cannabis and had been offered services for substance misuse in the past;
 - A higher proportion of FDAC mothers experienced domestic abuse.

Research: The role of the judge is found important in driving better outcomes

The study also found clear evidence that parents found the FDAC process supportive, with a high number of parents identifying the role of the judge as a key factor in motivating them to change.

- A high number of parents interviewed suggested FDAC had transformed their lives: *“FDAC has been of enormous benefit to us. I have been freed from addiction, and my child has gained a father.”*
- A number of parents particularly singled out the judge’s role in FDAC: *“At first I didn’t like him because he was honest. He was saying it how it was and it was bad. But now I know it was the truth.” “No-one ever praised me before.”*
- There was also praise from parents for the FDAC team and the way they worked with them: *“Instead of fibbing, we’re encouraged to be honest and if we relapse, or lapse even, we’re told it wouldn’t be the end of it, because they would work with us about that. They were being honest with us and making it easier for us to be honest with them.”*
- Some parents contrasted their experience in FDAC with previous experience of care proceedings: *“I’ve been through an ordinary care case before... normally you wouldn’t get any advice... no-one actually works with you. All that the social workers said was ‘go to rehab’.”*¹⁶

Research: Evidence of successful replication of FDAC approach

Qualitative research suggests that these positive outcomes are due to FDACs' intensive and holistic approach and the non-antagonistic supportive culture it creates around families, and that these dynamics can be replicated.

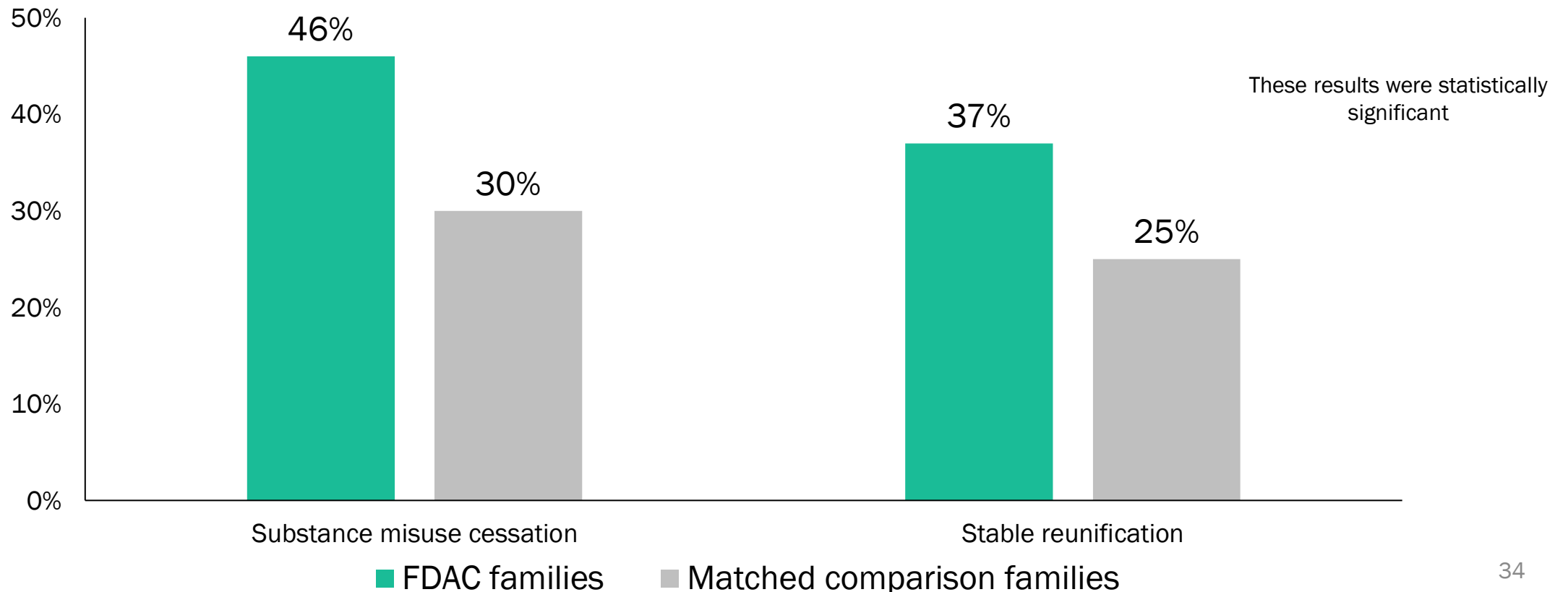
- Researchers examined the 'fidelity to the model' through court observations in 10 FDACs using a schedule of problem-solving practices and principles in 2016.¹⁷ They found that:
 - The FDAC approach was marked by a non-antagonistic supportive culture with appropriate mechanisms to motivate, support and remind parents of their responsibilities within a problem-solving model;
 - The services provided are experienced as intensive and holistic: parental substance misuse is never the only problem;
 - The approach is replicable and that the approach is not just down to a charismatic judge;
 - The approach has strong judicial support.

Research: Better outcomes at the end of proceedings re-confirmed

The 2016 'follow up' study confirmed the positive substance misuse cessation and stable reunification results at the end of proceedings that had been found in 2011 and 2014.

Substance misuse and stable family reunification by the end of proceedings, 2016¹⁸

(n= FDAC 139; non-FDAC= 100)

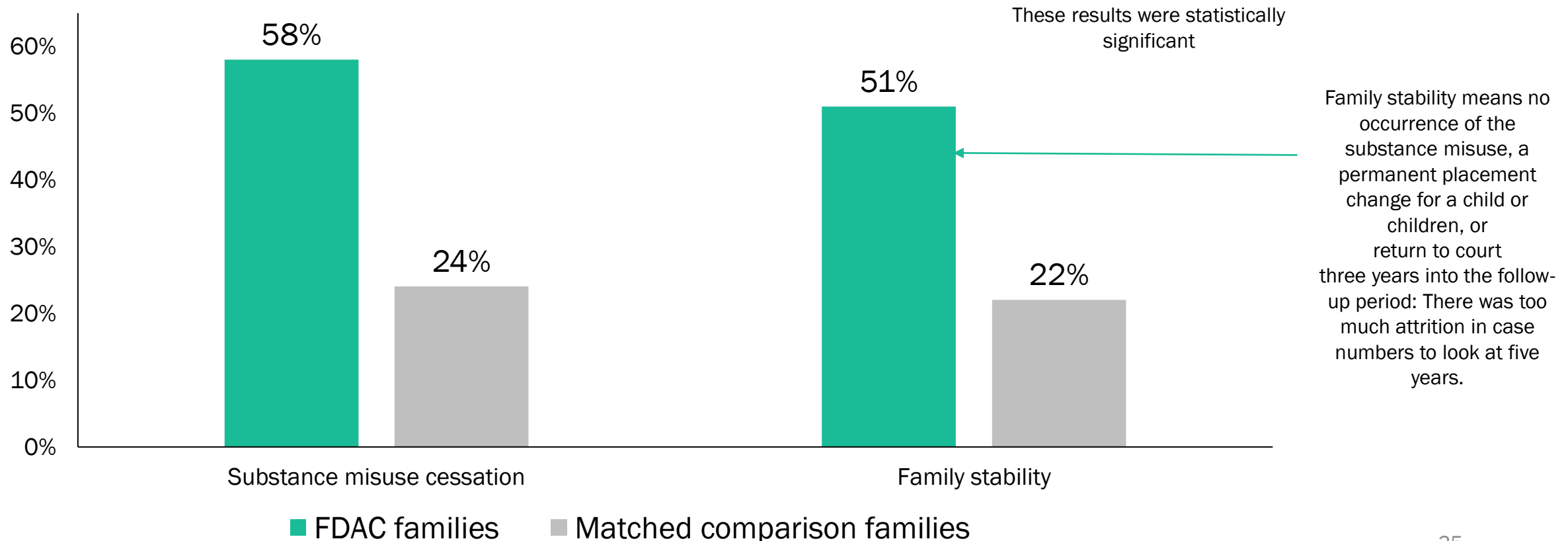


Research: Better outcomes found to endure five years post-proceedings

The 2016 'follow-up' study crucially found that FDAC's positive outcomes had significantly more durability in the five year follow up period after the end of proceedings than standard proceedings.

Substance misuse and family stability in reunified families up to five years after proceedings, 2016 ¹⁹

(n= FDAC 52; non-FDAC= 27)



Research: Promising evidence of other improved outcomes

The 2016 study found encouraging evidence of other positive outcomes over the five year follow up period, including fewer returns to court. However, it found similar patterns of subsequent domestic violence and mental health issues amongst all mothers.

- Though not reaching statistical significance, a higher proportion of FDAC children were estimated to experience no disruption in the three-year period after proceedings ended (57% v 39%) than comparison reunified children. No disruption was defined as a combination of no permanent placement change, no subsequent neglect, and no return to court for new proceedings.
- A lower proportion of FDAC children were estimated to return to court in the follow-up period (34% v 55%) compared to comparison reunified children.
- However, over the 5-year period, around a quarter of all reunified mothers were estimated to experience domestic violence or mental health issues; approximately one fifth of FDAC and comparison mothers gave birth to subsequent children; and around one fifth of FDAC and over one third of comparison children experienced neglect.²⁰

Research: Wider evidence base on the model

Research on FDAC forms part of a wider body of research on Family Treatment Courts, which shows strong evidence of impact on family reunification, as recognised by the What Works Centre for Children’s Social Care.

- The What Works Centre for Children’s Social Care ‘Evidence Store’ reports that “FDTCS/FDAC has a positive effect on reunification, based on high strength evidence.”²¹
- A 2019 meta analysis looking at 17 studies of Family Treatment Courts (mostly in the US) and their reunification outcomes (looking at 3,402 FDTC parents (including FDAC parents) v 3,683 comparisons) showed that the model demonstrates strong evidence for reunification at the end of proceedings. FTDC participants are roughly twice as likely to be reunited.²²
- This study found that the evidence base on longer term child and parent outcomes was not considered strong, largely due to the absence of studies looking at those issues.²³ However, the 2016 FDAC study is the only study included which considered outcomes beyond a year of proceedings ending.
- Separately, we have reviewed the records of 501 cases completed between 2013 and 2019, and found 199 cases (40%) ended in partial or total reunification.

Research: Caveats, limitations and gaps

Despite the strong evidence for the FDAC model, there remain caveats and limitations to the existing evidence. Moreover, there remains significant gaps in the evidence base, not least on which types of cases do best in FDAC, racial disparity and on cost effectiveness.

- The evidence that FDAC significantly improves outcomes is strong, especially around family reunification, and these outcomes appear durable over time. However, it remains the case that many FDAC parents are not reunited with their children, despite engaging with FDAC.*
- There are also significant limitations to the current research base, including: small sample sizes; replication of outcomes outside London; potential outcome variations due to subsequent changes in legislation; patchy information on fathers.
- There also remain significant unanswered questions:
 - Which types of families do best in FDAC? Does the FDAC approach work with other types of cases?
 - Is there unmerited racial disparity in care proceedings and in FDAC specifically?***
 - What is FDAC's impact on offending, domestic abuse, physical and mental health?

*Significantly, though, these FDAC parents usually recognise they have not made sufficient progress for it to be safe for the child to be returned to their care and the cases are normally concluded at a final, non-contested hearing. This is in contrast to parents in standard proceedings who usually feel they have lost a legal case without reflecting on what changes they need to make.

***Research into FDAC has found that a statistically significant higher proportion of FDAC mothers and children were White, compared to matched samples.

Research: Future research

Under the Department for Education's 'Supporting Families: Investing in Practice' (SFIP) programme, there are a range of ongoing research projects on FDAC, most importantly a new evaluation looking at outcomes across 14 FDAC sites.

- FDAC National Evaluation (NatCen): This project includes a quasi-experimental impact evaluation looking at reunifications, parental substance misuse across all 14 FDAC sites. The project will report in winter 2022.
- Parent Mentoring: Implementation Evaluation (University of Sussex): This qualitative study will look at the experience of using parent mentors in two FDACs – London and Kent. The project will report in March 2023.
- Post-proceedings support pilot evaluation (King's College London): This project will look at the implementation of post-proceedings support in the Gloucestershire Turn Around for Children Service (an FDAC variant).
- Evaluation of Parent-to-Parent Letters to Increase Engagement with FDACs (Centre for Evidence and Implementation and Bryson Purdon Social Research). It will report in October 2022.

FDAC ROLL-OUT

7. Value for money



Value for money: FDAC growth held back by value for money doubts

Based on the evidence of its efficacy, there is growing support for the roll-out of the FDAC model across the country. However, the perceived up-front cost of FDAC, and pressures on local authority budgets, has impeded the growth of the FDAC model.

- There have been calls to roll-out FDAC nationally. The Public Family Law Working Group’s interim report stated that that FDAC “should become the standard rather than the exception.”²⁴ The President of the Family Division wants to see “an FDAC in every postcode.”²⁵
- However, despite growth of the model from its London pilot in 2008 to the 14 FDACs serving 34 local authorities and 22 family courts we have now, FDAC growth has been reliant on the matching of local resources (primarily from local authorities), with occasional bursts of short-term central Government funding.
- The necessity of central Government funding for growth has been, in part, because creating an FDAC involves a significant up-front investment, especially to create a new specialist FDAC team. Some local authorities, struggling with difficult budget choices, have been reluctant to do so.
- A 2016 review on FDAC sustainability identified that commissioners were sometimes unsure whether FDAC investment represents value for money, especially around the ‘cashability’ of savings. One commissioner described FDAC as “an investment too far.”²⁶

Value for money: Previous research has suggested significant savings from FDAC

FDAC has been subject to previous value for money (VfM) studies, including an analysis which found it generated significant avoided costs for a range of public bodies. However, to date, these analyses have only looked at London FDAC costs/benefits.

- In 2011, Harwin et al found that FDAC generated immediate cost savings, including less time in foster care for children (at an average savings of £4000/family) and reduced court costs (£1882/family).²⁷
- In 2012, Ernst & Young with RyanTunnardBrown estimated that FDAC saved the public purse £40,000 per year for each family that were reunified.²⁸
- A VfM analysis, conducted by the Centre for Justice Innovation and funded by Department for Education, found that FDAC broke even within two years of the start of the case (through the avoided cost savings generated by FDAC) and for each £1 in initial investment, £2.30 was saved over five years.²⁹
- However, to date, all these analyses have only assessed on the London FDAC and all pre-date the implementation of the Children and Families Act 2014, which changed some aspects of the legal process around proceedings, including timescales.

Value for money: Aims of our new analysis

In this new analysis, we have been able to incorporate updated cost data, drawn from multiple FDAC sites, and aimed to identify whether, and to whom, FDAC generates cashable savings which either local authorities or justice agencies can reallocate.

- Our new analysis has been able to draw together newer unit cost data on FDAC from multiple FDAC sites. It has also been able to draw on updated unit cost data on standard care proceedings.
- Because of this, our analysis has been able to more specifically identify where FDAC generates cashable savings and avoided costs, and to whom these types of savings accrue. ‘Cashability’ refers to the extent to which a change in an outcome or output (e.g. fewer children in care) or an improvement in the way these outcomes are achieved (e.g. court process efficiencies) will result in a reduction in fiscal expenditure, such that the expenditure released from that change can be reallocated elsewhere. Avoided costs refer to the incremental costs that are not incurred when the additional output is not produced (i.e. while this may free up resources, it may not be cashable).
- In the time we have had, we have focused on costs and savings for local authorities and justice agencies but we are aware other public bodies may benefit from FDAC too.

Value for money: Local authority and justice cost areas

We have identified a range of specific 'cost areas' which apply to both FDAC and standard care proceedings cases (both in proceedings and post). We have explicitly included those cost areas which relate to local authority and justice agency costs.

Stage 1: Care proceedings (costs within the 26 week court process)

1. FDAC team	Local Authority (LA) costs for FDAC multi-disciplinary team
2. LA legal	LA costs for legal representation in proceedings (in house and external lawyers)
3. Expert assessments	LA costs for commissioning expert assessments in proceedings
4. Drug testing	LA costs for testing parents during proceedings
5. In proceeding placement	LA costs for placing children away from parents during proceedings
6. Social worker court time	LA costs of providing social workers for proceedings
7. Parents legal representation	Parents legal representation (Legal Aid Agency)
8. CAFCASS guardian	Child guardian representation costs (CAFCASS)
9. Court hearings	Court time and judicial costs of hearing proceedings (HMCTS)

Stage 2: Post-proceedings: using longer term outcomes from the follow up study (1 year to 5 years following proceeding)

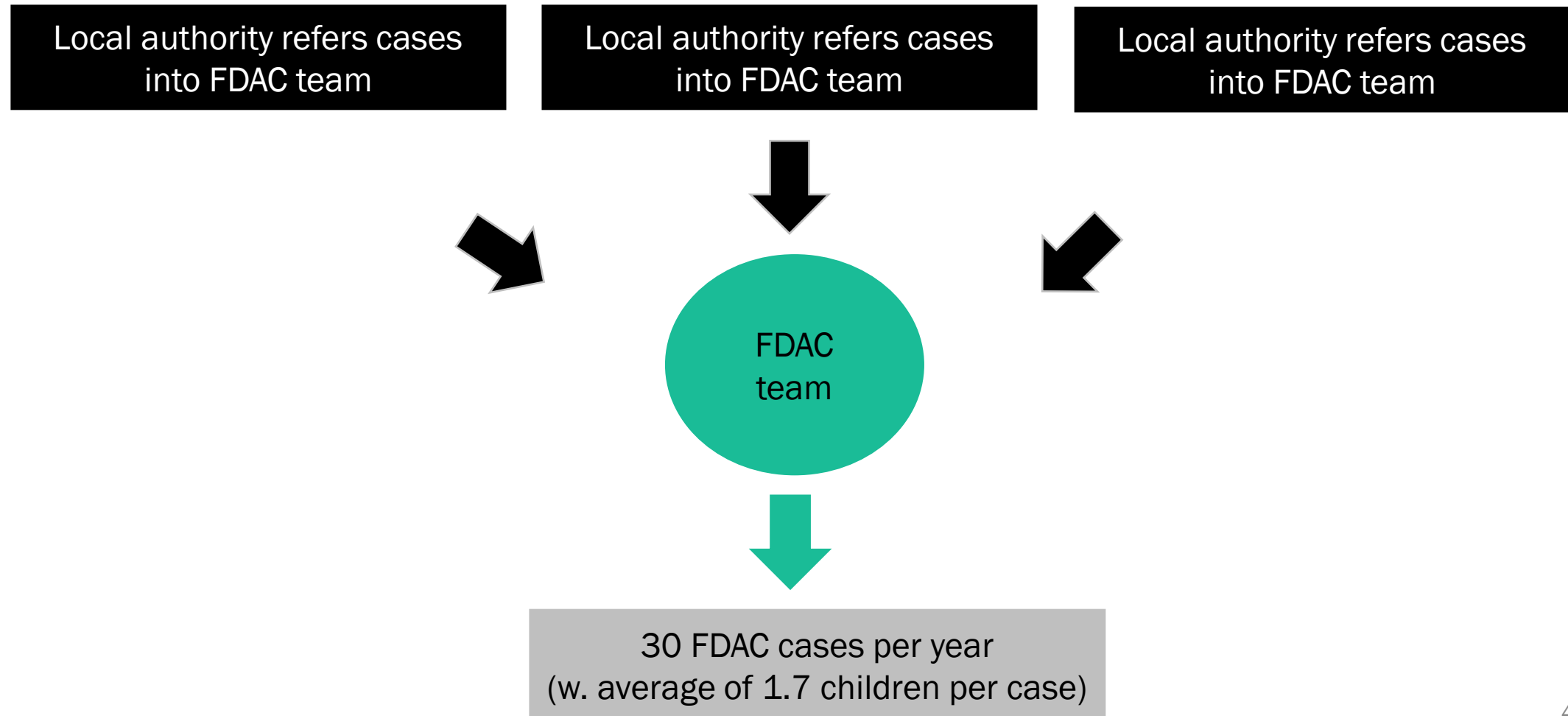
10. Care costs	LA costs for post-proceedings care
11. Recurrent care proceedings	Global costs for recurrent care proceedings (see Technical Annex)

EXCLUDED FROM ANALYSIS

Stable reunification	Including avoided costs for children's outcomes such as education
Subsequent treatment	Post-proceedings substance abuse treatment costs (NHS/PHE)
Subsequent CJS costs	Cost to the criminal justice system of substance misuse related crime (MoJ/PHE)

Value for money: Our unit of study

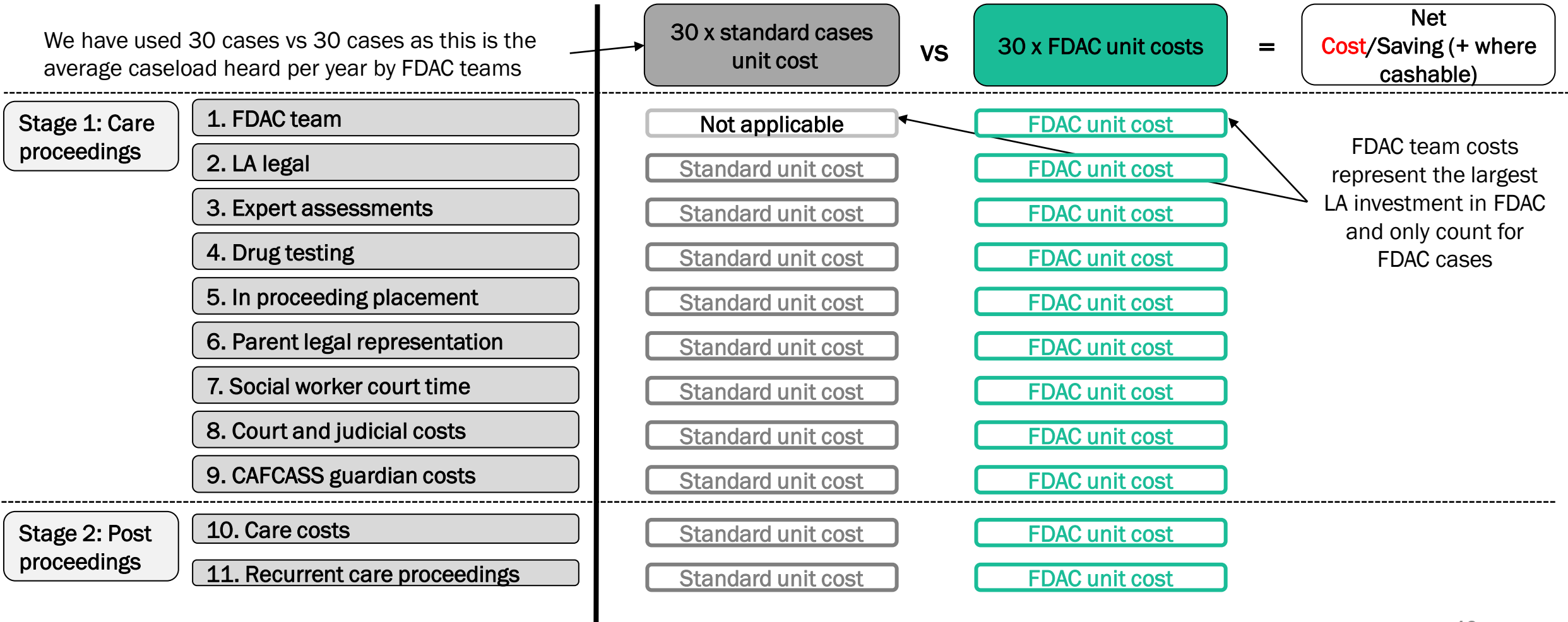
In developing this analysis, we have focused our attention on the value for money of one FDAC team. In the analysis, one FDAC team hears 30 cases per year, working across three local authorities.



Value for money: Standard vs FDAC= net cost/savings

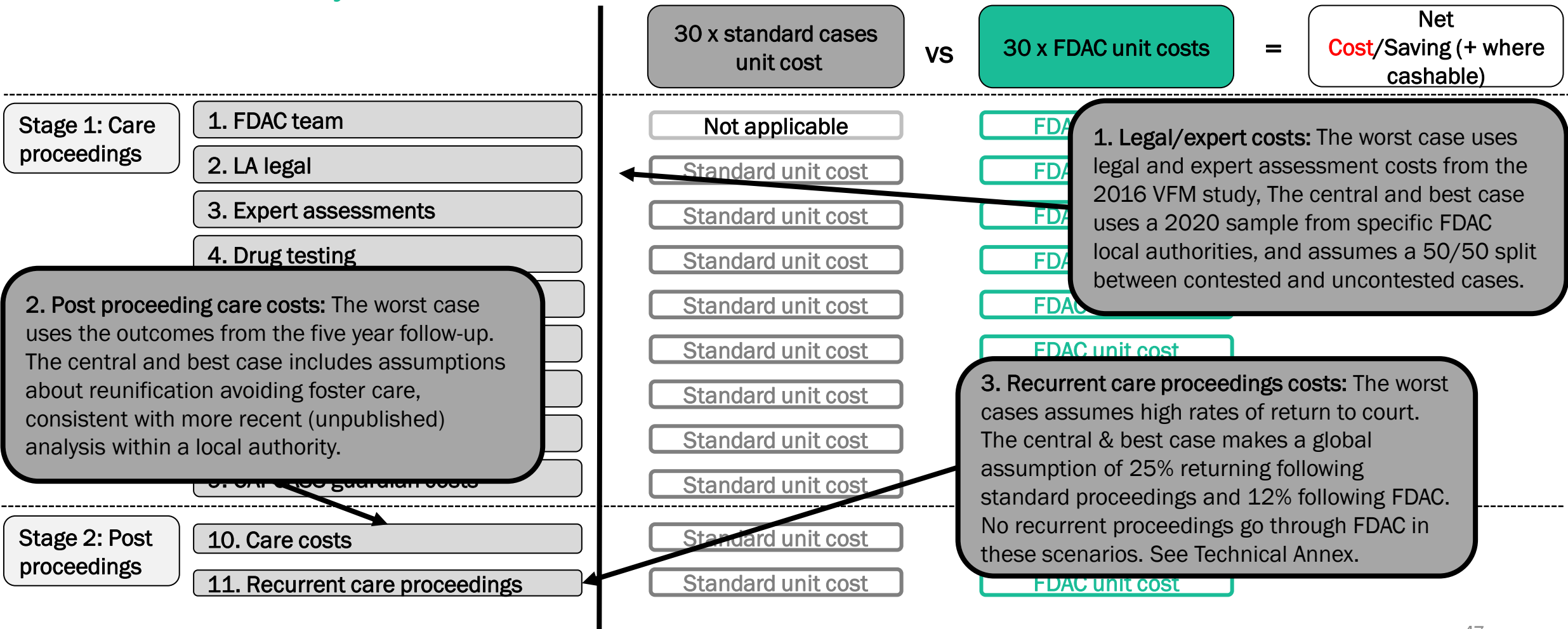
Due to our ability to collect better unit costs data, we have been able to look at the same costs for 30 standard vs 30 FDAC cases and compare them, identifying net costs and savings (and indicate where those savings are likely to be cashable).

We have used 30 cases vs 30 cases as this is the average caseload heard per year by FDAC teams



FDAC value for money: Our central scenario

In developing our analysis, we developed three scenarios: worst, central and best case.* However, our central scenario represents our best judgement of the most likely costs/savings per cost area and forms the basis of our analysis.



*Other scenarios and results of these available on request.

Value for money: FDAC is a cheaper way of hearing care proceedings

Our analysis suggests that one FDAC team, hearing 30 FDAC care proceedings, costs £1,456,863 (£48,562 per case) against £1,728,858 for the cost of 30 standard care proceedings (£57,629 per case), resulting in total net savings in-year of £271,994 (£9,066 per case).

		30 x Standard	VS	30 x FDAC	=	Net
Stage 1: Care proceedings	1. FDAC team	Not applicable		£540,000		-£540,000
	2. LA legal	£973,215		£364,770		£608,445+
	3. Expert assessments	£0		£13,740		-£13,740
	4. Drug testing	£28,440		£0		£28,440+
	5. In proceeding placement	£327,893		£256,290		£71,603+
	6. Parent legal representation	£263,700		£98,837		£164,863+
	<i>Sub-total in-year cashable costs</i>	£1,593,248		£1,273,637		£319,610
	7. Social worker court time	£14,918		£44,936		-£30,018
	8. Court and judicial costs	£59,100		£59,100		£0
	9. CAFCASS guardian costs	£61,593		£79,191		-£17,598
Total in-year costs		£1,728,858		£1,456,863		£271,994
Stage 2: Post proceedings	10. Care costs					
	11. Recurrent care proceedings					
Total post-proceedings costs						
TOTAL						

Our analysis suggests that the total net savings in-year across both local authorities and justice agencies is £271,994

Value for money: FDAC generates cashable savings in-year of £319,610

Our analysis suggests that an FDAC team generates net cashable savings of £154,748 for local authorities (£5,158 per case, primarily due to saving on LA legal costs) and £164,863 for the Legal Aid Agency (£5,95 per case, due to saving on parental legal representation).

		30 x Standard	VS	30 x FDAC	=	Net	
Stage 1: Care proceedings	1. FDAC team	Not applicable		£540,000		-£540,000	
	2. LA legal	£973,215		£364,770		£608,445	
	3. Expert assessments	£0		£13,740		-£13,740	
	4. Drug testing	£28,440		£0		£28,440	
	5. In proceeding placement	£327,893		£256,290		£71,603	
	6. Parent legal representation	£263,700		£98,837		£164,863	
	<i>Sub-total In year cashable costs</i>		£1,593,248				£319,610
	7. Social worker court time	£14,918				-£30,018	
	8. Court and judicial costs	£59,100				£0	
	9. CAFCASS guardian costs	£61,593				-£17,598	
Total in-year costs		£1,728,858		£1,456,863		£271,994	
Stage 2: Post proceedings	10. Care costs						
	11. Recurrent care proceedings						
Total post-proceedings costs							
TOTAL							

Our analysis suggests that local authorities accrue net cashable savings of £154,748.

Our analysis suggests that the Legal Aid Agency accrues net cashable savings of £164,863.

Value for money: FDAC cost is more than recouped in local authority cashable savings

Our analysis suggests that the cost of an FDAC team is more than recovered by local authorities in the cashable savings generated purely in proceedings, primarily in reducing LA legal costs as well as in-proceeding placements.

		30 x Standard	VS	30 x FDAC	=	Net
Stage 1: Care proceedings	1. FDAC team	Not applicable		£540,000		-£540,000
	2. LA legal	£973,210		£770,000		£608,445+
	3. Expert assessments	£0		£0		-£13,740
	4. Drug testing	£28,440		£0		£28,440+
	5. In proceeding placement	£327,800		£90,000		£71,603+
	6. Parent legal representation	£263,700		£98,837		£164,863+
	<i>Sub-total in-year cashable costs</i>	£1,593,248		£1,273,637		£319,610
	7. Social worker court time	£14,918		£44,936		
	8. Court and judicial costs	£59,100		£59,100		
	9. CAFCASS guardian costs	£61,593		£79,191		
Total in-year costs		£1,728,858		£1,456,863		
Stage 2: Post proceedings	10. Care costs					
	11. Recurrent care proceedings					
Total post-proceedings costs						
TOTAL						

The annual operating cost of an FDAC (£540,000) has often been seen as prohibitively expensive...

...however, the total cashable savings generated in year (£708,488) represents a in-year return on investment for the Local Authority of £1.28 for every £1 spent, without including the additional Legal Aid Agency savings in-year nor in savings generated by better outcomes post proceedings.

Value for money: FDAC generates some additional resource burdens

In addition, our analysis suggests FDAC does generate additional resource burdens: the amount of time LA social workers spend in court and is also likely to increase the burden on CAFCASS guardians. This reduces total in-year net savings from £319,610 to £271,994.

		30 x Standard	VS	30 x FDAC	=	Net
Stage 1: Care proceedings	1. FDAC team	Not applicable		£540,000		-£540,000
	2. LA legal	£973,215		£364,770		£608,445+
	3. Expert assessments					-£13,740
	4. Drug testing					£28,440+
	5. In proceeding placement					£71,603+
	6. Parent legal representation					£164,863+
	<i>Sub-total in-year cashable costs</i>	£1,593,248		£1,273,637		£319,610
	7. Social worker court time	£14,918		£44,936		-£30,018
	8. Court and judicial costs	£59,100		£59,100		£0
9. CAFCASS guardian costs	£61,593		£79,191		-£17,598	
Total in-year costs		£1,728,858		£1,456,863		£271,994
Stage 2: Post proceedings	10. Care costs					
	11. Recurrent care proceedings					
Total post-proceedings costs						
TOTAL						

Our analysis suggest that FDAC does generate two specific additional resource burdens in both social worker time in court, and additional time spent by CAFCASS guardians in court.

Value for money: FDAC generates further savings post-proceedings

Post-proceedings, our analysis suggests that, as FDAC delivers better outcomes than standard proceedings, it generates further savings on care placements on recurrent care proceedings, totalling £527,222 (£17,574 per case).

		30 x Standard	VS	30 x FDAC	=	Net
Stage 1: Care proceedings	1. FDAC team	Not applicable		£540,000		-£540,000
	2. LA legal	£973,215		£364,770		£608,445+
	3. Expert assessments	£0		£13,740		-£13,740
	4. Drug testing	£28,440		£0		£28,440+
	5. In proceeding placement	£287,888		£258,888		£29,000+
	6. Parent legal representation					£164,863+
	<i>Sub-total in-year cashable costs</i>					£319,610
	7. Social worker court time					£30,018
	8. Court and judicial costs					£0
9. CAFCASS guardian costs	£61,593		£79,191		-£17,598	
Total in-year costs	£1,728,858		£1,456,863		£271,994	
Stage 2: Post proceedings	10. Care costs	£1,205,186		£961,830		£243,356
	11. Recurrent care proceedings	£925,306		£641,439		£283,866
	Total post-proceedings costs	£2,130,492		£1,603,269		£527,222
TOTAL						

Our analysis suggests that FDAC continues to save money post-proceedings. FDAC delivers better outcomes, and reduces the costs to local authorities on care placements and recurrent care proceedings. These are most likely to be avoided costs, rather than cashable savings.

Value for money: Overall, each FDAC saves £799,217 (£26,641 per case).

Overall, our analysis suggests that one FDAC team generates net savings of £799,217, £271,994 of which is saved in-year, and £527,222 of which is saved within a three year period post-proceedings.

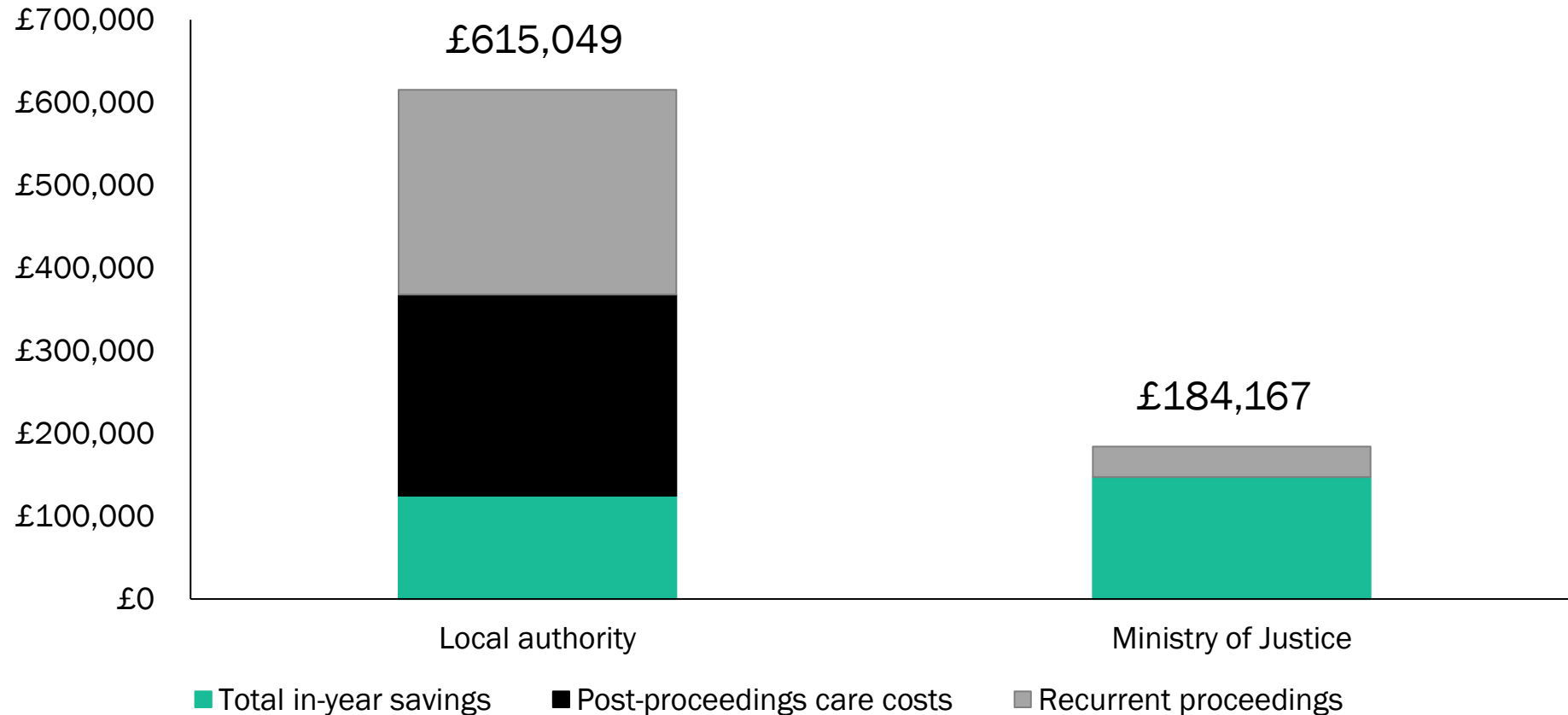
		30 x Standard	VS	30 x FDAC	=	Net
Stage 1: Care proceedings	1. FDAC team	Not applicable		£540,000		-£540,000
	2. LA legal	£973,215		£364,770		£608,445
	3. Expert assessments	£0		£13,740		-£13,740
	4. Drug testing	£28,440		£0		£28,440
	5. In proceeding placement	£327,893		£256,290		£71,603
	6. Parent legal representation	£263,700		£98,837		£164,863
	<i>Sub-total in-year cashable costs</i>	<i>£1,593,248</i>		<i>£1,273,637</i>		<i>£319,610</i>
	7. Social worker court time	£14,918		£44,936		-£30,018
	8. Court and judicial costs	£59,100		£59,100		£0
	9. CAFCASS guardian costs	£61,593		£79,191		-£17,598
	Total in-year costs	£1,728,858		£1,456,863		£271,994
Stage 2: Post proceedings	10. Care costs	£1,205,186		£961,830		£243,356
	11. Recurrent care proceedings	£925,306		£641,439		£283,866
	Total post-proceedings costs	£2,130,492		£1,603,269		£527,222
	TOTAL	£3,859,349		£3,060,133		£799,217

Our analysis suggests that, in total, 30 cases heard via FDAC cost £3,090,133. The same cases, heard in standard care proceedings, cost, in total, £3,859,349. This result is a net saving for FDAC of £799,217.

Value for money: Savings are realised by local authorities and justice agencies

The majority of savings are realised by the local authority, both in-year and post-proceedings (total=£615,049) but there are also significant savings for justice agencies, including the Legal Aid Agency (total=£184,167).

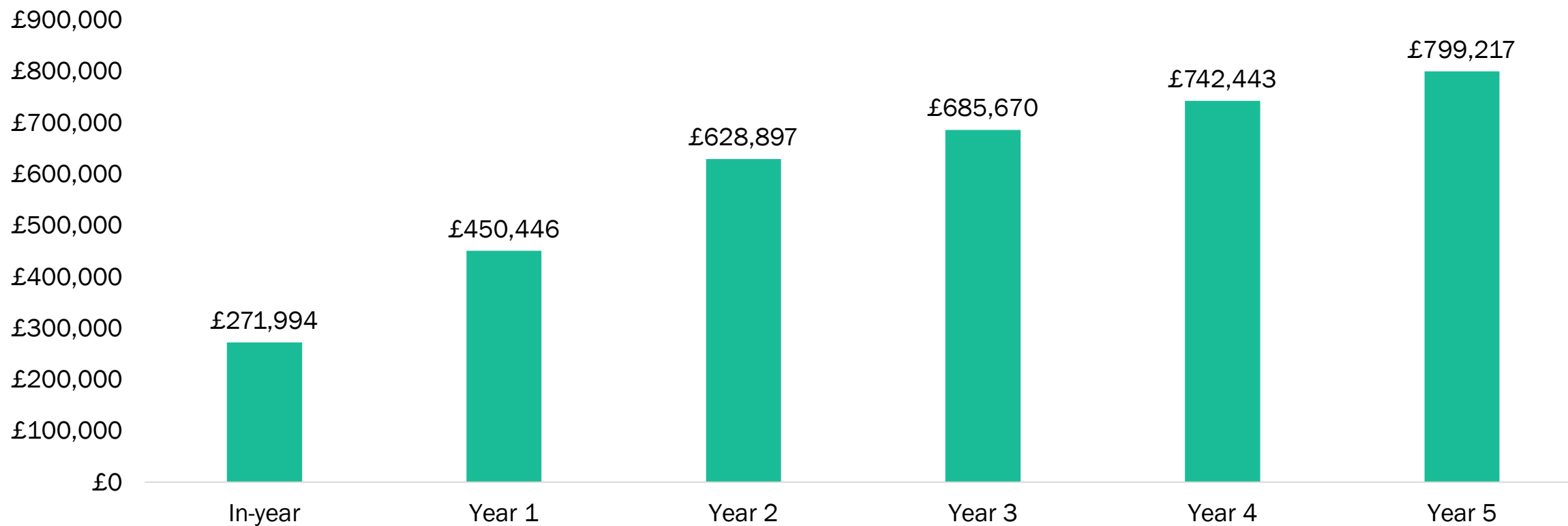
Total net savings by agencies per FDAC team



Value for money: The bulk of the savings are realised within three years post-proceedings

The 34% of savings are realised in-year, with the majority of savings having been realised within three years following the end of proceedings.

Total net savings by FDAC team over time



Value for money: Conclusions

Our analysis suggests FDAC represents value for money. FDAC generates cashable savings in-year, primarily by saving on legal costs, and this is likely because FDAC avoids contested/protracted hearings.

- **FDAC represents value for money for local authorities:** This analysis suggests that, for the investment of £540,000 for an FDAC team to hear 30 cases across three local authorities, FDAC saves £799,217, £615,000 of which is saved by the local authorities.
- **FDAC generate cashable savings by avoiding costly legal proceedings in-year:** Our analysis suggests that FDAC saves money by saving on legal costs in-year. The local authorities save £608,445 on legal costs and the Legal Aid Agency saves £164,863 in-year.
- **It is likely that FDAC makes these savings because it is a fairer way of hearing cases:** Qualitative evidence has previously shown that FDAC delivers a more procedural fair way of hearing care cases. Our analysis strongly suggests that this procedural fairness has a financial payoff by avoiding expensive legal costs, such as contested hearings.
- **FDAC avoids significant costs post-proceedings:** After proceedings, the financial impact of FDAC's better outcomes avoids costs for local authorities and justice agencies. This is primarily felt in avoiding the legal and other costs associated with recurrent care proceedings. FDAC also avoids costs for local authorities in care placements.

FDAC ROLL-OUT

8. Roll-out

 Centre
for
Justice
Innovation

Roll-out: Expanding the number of FDAC teams to cover 44 family care centres

Our analysis of the costs and benefits of the roll-out of FDAC to every local authority in England and Wales involves the creation of 52 FDAC teams across the country, covering the 44 family court centres.

- At present, each FDAC team hears 27 cases on average, working with around 45 vulnerable children each per year. Currently, each FDAC on average serves around 3 local authorities.
- Our plan is based on the creation of 38 new FDAC teams, plus the continuation of funding to the 14 existing FDACs, by the end of 2024/25.
- These 52 FDAC teams will be able to not only provide services to each local authority but will be based around the 44 family court ‘care centres’. Care centres are presided over by a Designated Family Judge, who oversees all family court business in a specific area.
- We estimate care centres in urban centres, such as Greater Manchester, may require more than one FDAC team.
- There are also challenges about the provision of FDAC in large and rural communities, where geographical distance between teams and service users can present challenges.

Roll-out: Assumptions include increasing caseload per team

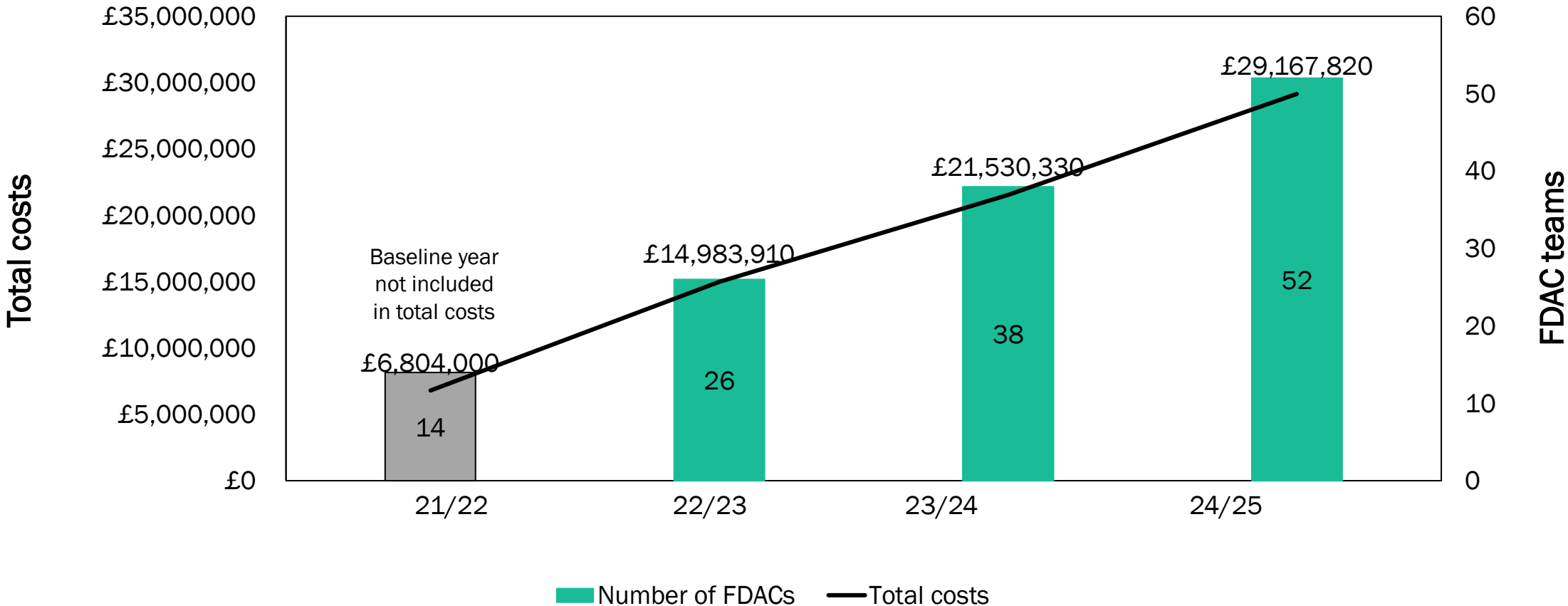
We have estimated the cost of roll-out, based on our value for money analysis. In the past, FDAC has grown when local government and national government share the cost and, in our view, this remains the best route to sustainability.

- Using the cost and benefits generated within our central scenario, we have modelled a projection of the costs and savings of roll out. Our assumptions are:
 - There will be an increase in each FDAC team's caseload capacity (from an average 27 cases per team to 31 cases);
 - The need to fund 52 FDAC teams across England and Wales, phased over three years;
 - That modest economies of scale will apply as the average caseload of an FDAC team increases;
 - A 50%/50% cost split between Government and local authorities. Our operational experience suggests that, to make FDAC sustainable, local authorities need upfront subsidy to create FDACs but also need 'skin in the game' to keep them going. We have included fixed costs, attached to evaluation and implementation support.

Roll-out: As the number of teams rise, so do the costs

As the number of FDAC teams rises, the total annual cost of the roll-out programme increases. We project that, over the three years, the total cost to roll out FDAC will be £65,682,060.

FDAC roll-out: Total costs/FDAC teams



Roll-out: We assume roll-out costs are split between central and local government

Our central projection assumes that the £65m investment required will be roughly split between local authorities and national government over the next three years.

FDAC roll-out, costs between local authorities and national Government

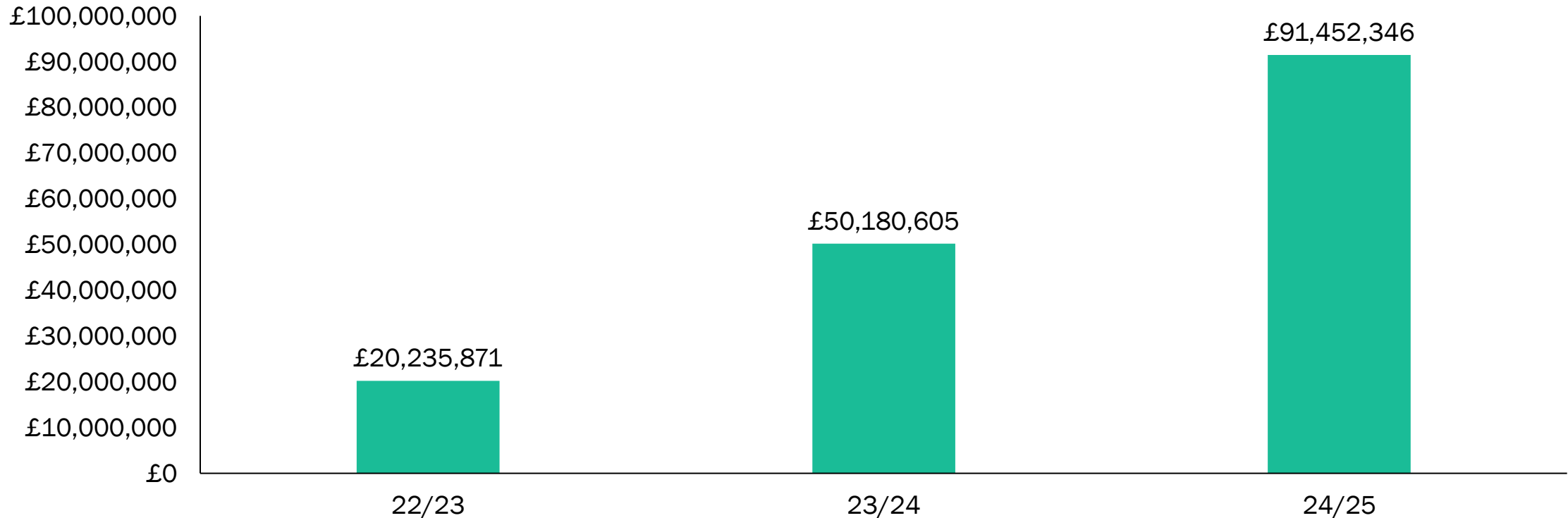
National roll-out central projection (based on average costs)	22/23	23/24	24/25	Total
Number of FDACs	26	38	52	52
Local authority	£7,091,955	£10,366,165	14,183,910	£31,641,030
National government*	£7,891,955	£11,166,165	14,983,910	£34,041,030
Total	£14,183,910	£21,530,330	£29,167,820	£65,682,060

* National Government estimates include £500k per year for evaluation and £350,000 for implementation support.

Roll-out: Net savings (cumulative)

We estimate net cumulative savings of £91m between 2022/23 and 2024/25. We think it high likely that there will be other savings to other public bodies from the roll-out that we have not quantified.

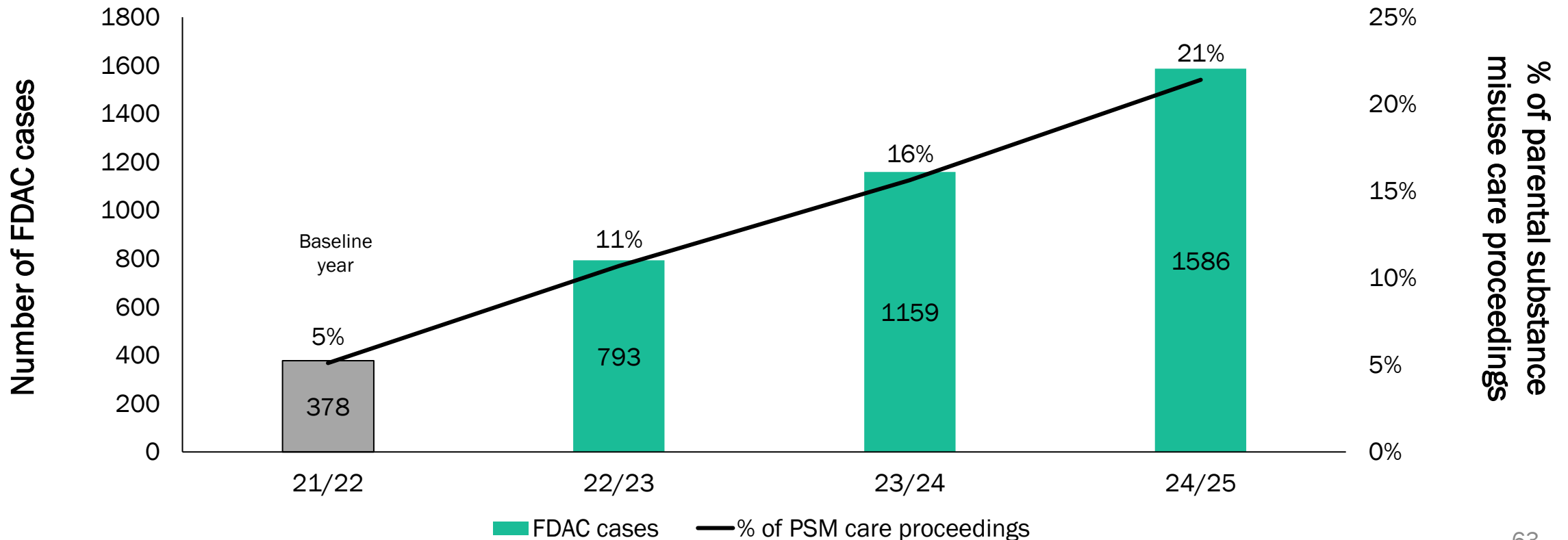
FDAC roll-out net savings, 2022/23 to 2024/25 (cumulative)



Roll-out: During the three year roll-out, we estimate there will be 3,538 FDAC cases

Using our central projection, we estimate that roll-out will increase the number of cases from 378 in 2021/22 to 1,586 in 2024/25, quadrupling the annual caseload.

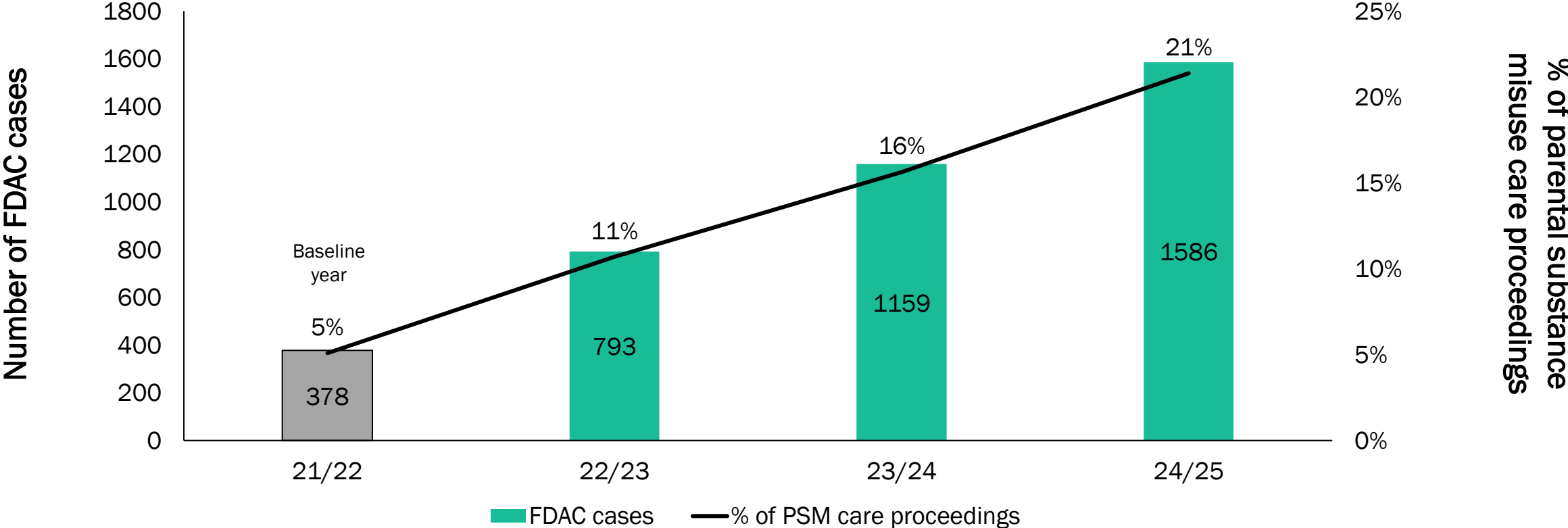
FDAC roll-out projections of number of care proceedings covered, 22/23 to 24/25



Roll-out: By 2024/5, 21% cases will go into FDAC, up from 5% in 2021/22

Using our central projection, we estimate that roll-out will increase the % of parental substance misuse cases going into FDAC from 5% nationally to 21% by 2025.

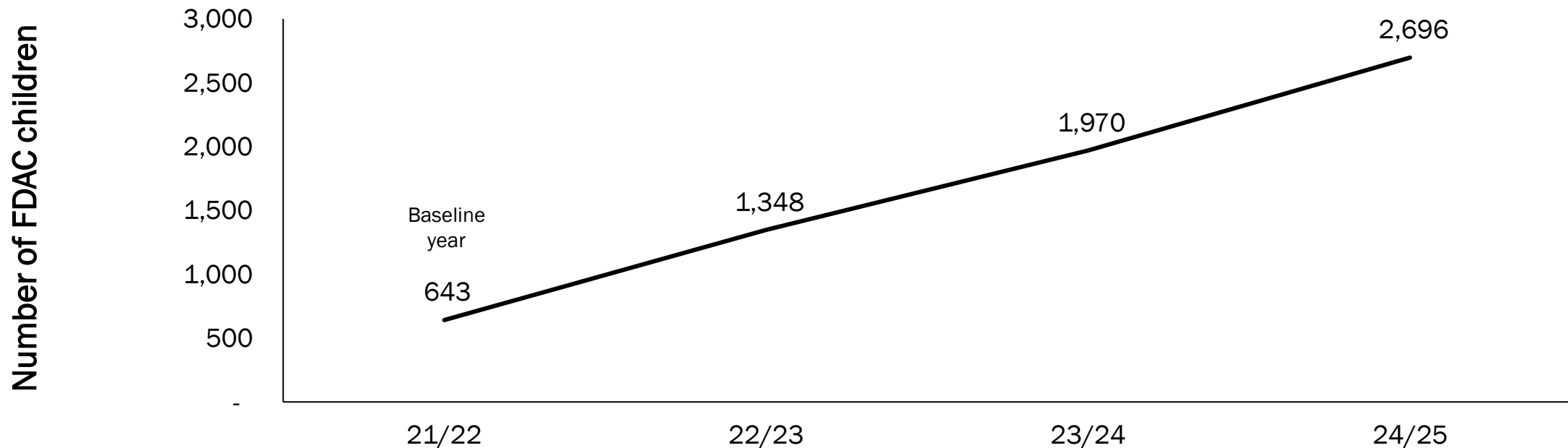
FDAC roll-out projections of number of care proceedings covered, 22/23 to 24/25



Roll-out: During the 3 year roll-out, over 6,000 children will benefit from an FDAC

Using our central projection, we estimate that we shall increase the number of children subject to FDAC care proceedings from 643, to over 2,500 by 24/25.

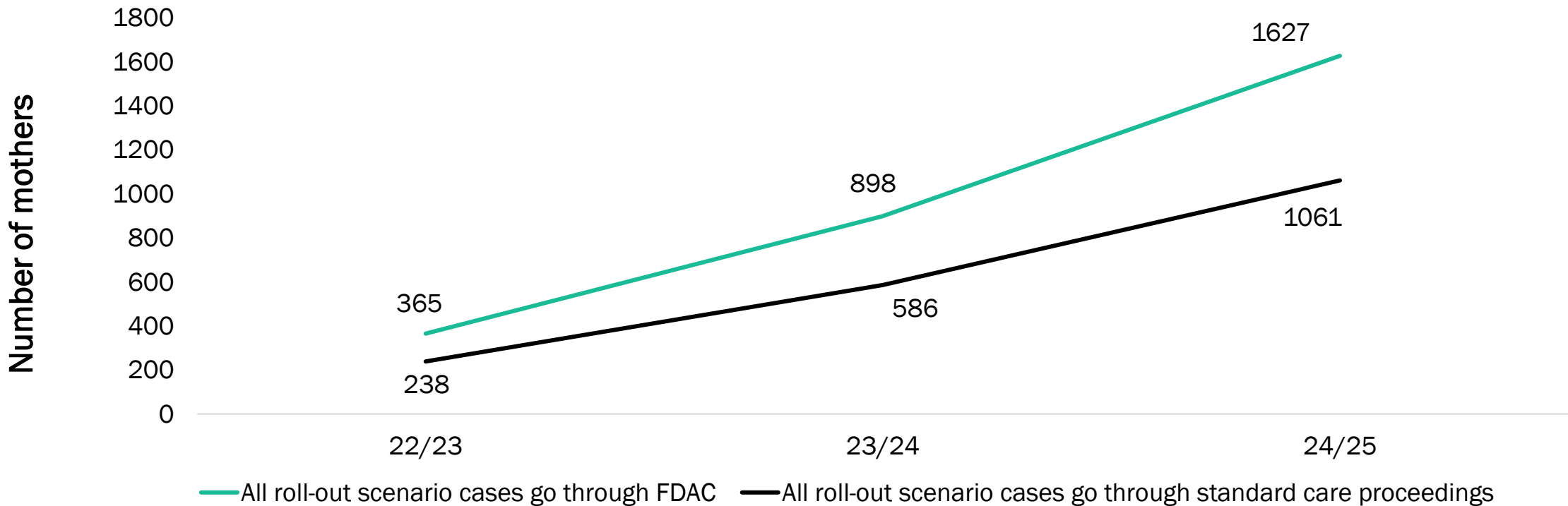
Figure 14: FDAC roll-out projections of number of children in care proceedings covered, 22/23 to 24/25
(based on 1 case= 1.7 children)



Roll-out: More than 1,600 mothers will stop using drugs and alcohol

We expect that 1,627 mothers will stop using drugs and alcohol by the end of their proceedings, compared to 1,061 if they went through standard proceedings (566 additional mothers).*

Figure 15: Number of mothers who will stop using drugs and alcohol at the end of proceedings - cumulative 22/23 to 24/25

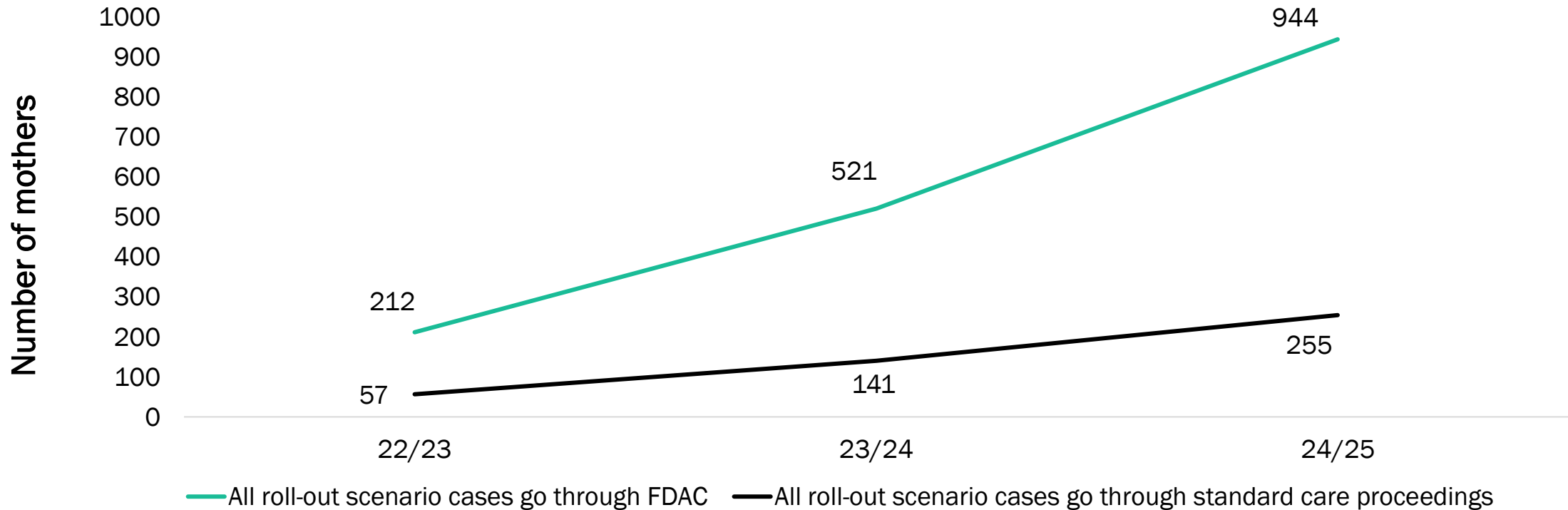


*These figures assume all FDAC cases in the roll-out plan involve maternal substance misuse. All outcome assumptions drawn from: After FDAC: outcomes 5 years later - Final Report (December 2016).

Roll-out: More than 900 mothers will sustain their substance misuse cessation

We expect that 944 of those 1,627 mothers will have sustained their substance misuse cessation five years after their FDAC proceedings (compared to 255 - an additional 689).*

Figure 16: Number of mothers who will sustain substance misuse cessation at 5 years post proceedings - cumulative 22/23 to 24/25

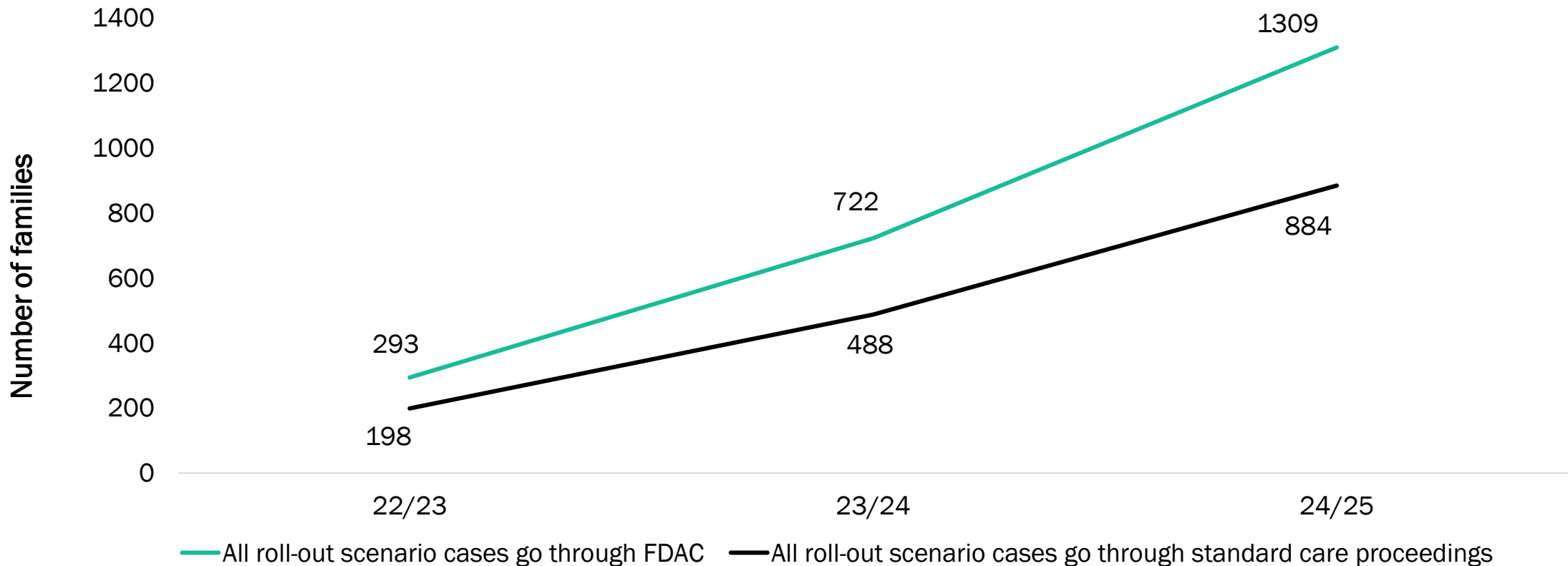


*These figures assume all FDAC cases in the roll-out plan involve maternal substance misuse. All outcome assumptions drawn from: After FDAC: outcomes 5 years later - Final Report (December 2016).

Roll-out: More than 1300 families will be reunited (or continue to live together)

We expect to see 425 more families being reunited (or continuing to live together) compared to if they had gone through standard care proceedings.*

Figure 17: Number of families reunited or continuing to live together at the end of proceedings - cumulative 22/23 to 24/25



*These figures assume all FDAC cases in the roll-out plan involve maternal substance misuse. All outcome assumptions drawn from: After FDAC: outcomes 5 years later - Final Report (December 2016).

Roll-out: Evaluation and set up support

Alongside FDAC expansion, we have assumed investment in the roll-out of FDAC includes funds for both evaluation but also on implementation support, to ensure FDAC is rolled-out with fidelity to the evaluated model.

- As indicated above, despite strong evidence, there remain a number of crucial questions unanswered, not least whether the FDAC approach could work with other types of care proceedings, such as domestic abuse or neglect. We have included, within our estimates of national Government costs, an additional £1.5m over three years for further research into FDAC.
- We have also included funding to support the implementation of national roll-out by providing training, practice sharing and support. Under previous innovation funds, Government has been keen to ensure that FDAC replication preserves fidelity to the evaluated model. This is best achieved by providing central resources and support, free to use by local authorities as they set up and refine their FDACs.
- This type of support, currently provided by the Centre, also plays a role in spotting new potential innovations and operational risks, and spreading the management and oversight of these.

FDAC ROLL-OUT

8. Recommendations

 Centre
for
Justice
Innovation

Recommendations: Our plan to roll-out FDACs

- Care proceedings are one of the most serious (and expensive) interventions the state can take in a family's life. Parents caught in the grip of substance misuse pose a risk to their children, themselves and others, and place significant burdens on society.
- The evidence clearly suggests that FDAC is a more effective and fairer way of hearing care proceedings cases which involve parental substance misuse. Qualitative research suggests that these positive outcomes are due to FDACs' intensive, holistic approach and the non-antagonistic supportive culture it creates around families. There is clear evidence that parents find the FDAC process much more supportive, with a high number of parents identifying the role of the judge as a key factor in motivating them to change.
- These dynamics, found in the original pilot, have also been successfully replicated in other sites. The interim report of the Independent Care Review specifically identifies FDAC as exemplifying a future care system which “builds, not breaks, families.”
- Our central projection in our value for money analysis now also strongly suggests that FDAC is a significantly less expensive way of hearing care proceedings than the standard approach. By avoiding lengthy legal disputes, FDAC saves local authorities and the Legal Aid Agency money, and, due to its better outcomes after proceedings end, FDAC delivers wider avoided costs.

Recommendations: Our plan to roll-out FDACs

We recommend:

1. The Government secure investment within the forthcoming Spending Review to roll the FDAC model out, in phases, across all local authorities in England and Wales* by the end of 2024/25.
2. National roll-out requires the establishment of 52 FDAC teams serving the 44 family court ‘care centres.’ Our central projection suggests national roll-out of FDAC will cost national government £34m over three years (based on 50/50 matched funding with local authorities).
3. We estimate this will generate savings and avoided costs of around £91m, and there are likely to be wider savings to other public bodies.
4. FDAC roll-out will expand the number of FDAC cases from 378 in 2021/22 to 1,586 cases by 2024/25 (from 5% to around 21% of all relevant care proceedings), for a total of 3,538 cases over the period. FDAC roll-out will increase the number of children subject to FDAC care proceedings from 643 in 2021/22 to over 2,500 by 24/25.
5. We expect that 1,627 mothers will stop using drugs and alcohol by the end of their proceedings, compared to 1,061 if they went through standard proceedings (566 additional mothers). We expect to see 425 more families being reunited (or continuing to live together) compared to if they had gone through standard care proceedings

FDAC ROLL-OUT

9. Footnotes



Footnotes

1. Children's Commissioner. *Childhood vulnerability data sets*. Analysis conducted by the Centre for Justice Innovation (available on request).
2. For sources see: Public Health England (2021). *Problem parental alcohol and drug use: Evidence pack*; NSPCC Parental Substance Misuse; *Parents who misuse drugs and alcohol : effective interventions in social work and child protection*. Forrester, D.; Harwin, J. John Wiley & Sons, Ltd. 2011.
3. Ibid.
4. Roy, J (2020). *Children living with parental substance misuse: A cross-sectional profile of children and families referred to children's social care*. Child & Family Social Work. Vol 26, Issue 1.
5. *Parents who misuse drugs and alcohol: effective interventions in social work and child protection*. (2011) Forrester, D.; Harwin, J. John Wiley & Sons, Ltd.
6. Broadhurst, K., et al. (2015). "Connecting Events in Time to Identify a Hidden Population: Birth Mothers and Their Children in Recurrent Care Proceedings in England". In: British Journal of Social Work 45.8, pp. 2241–2260.
7. CAF/CASS public care data. Analysis conducted by the Centre for Justice Innovation (available on request), includes estimates of parental substance misuse from above.
8. Hunt (2010). *Parental Perspectives on the Family Justice System in England and Wales: a review of research*. Oxford University, Nuffield Foundation.
9. Annie. (2018). Article: '*I felt like an alien, an outsider*': a parent's experience of care proceedings. Community Care. Available at: <https://www.communitycare.co.uk/2018/03/22/i-felt-like-an-alien-an-outsider-a-parents-experience-of-care-proceedings/>

Footnotes

10. FDAC operational data, 2021. Analysis conducted by the Centre for Justice Innovation.
11. See: Bowen & La Gratta. (2014). *To Be Fair: procedural fairness in courts*. Criminal Justice Alliance
12. FDAC operational data, 2021. Analysis conducted by the Centre for Justice Innovation.
13. Harwin et al (2011). *The Family Drug & Alcohol Court (FDAC) Evaluation Project*. Brunel University.
14. Harwin et al (2014). *Changing lifestyles, keeping children safe: an evaluation of the first Family Drug and Alcohol Court (FDAC) in care proceedings*. Brunel University, 2014.
15. Ibid.
16. Ibid.
17. Tunnard et al (2016). *PROBLEM SOLVING IN COURT: CURRENT PRACTICE IN FDACS IN ENGLAND*. Lancaster University.
18. Harwin et al (2016). *After FDAC: outcomes 5 years later. Final Report*. Lancaster University
19. Ibid.
20. Ibid.
21. See 'Evidence' Store on What Works Centre for Children's Social Care.
22. Zhang, S., Huang, H., Wu, Q., Li, Y., & Liu, M. (2019). *The impacts of family treatment drug court on child welfare core outcomes: A meta-analysis*. *Child abuse & neglect*, 88, 1-14.
23. Ibid.

Footnotes

24. Mr Justice Keehan (2019). Public Law Interim Report.
25. Harry de Quettville. (2021) Holes in safety net grow wider as task of protecting children overwhelms family court. Daily Telegraph.
26. Centre for Justice Innovation (2016). FDAC sustainability review (available on request).
27. Harwin et al (2011). *The Family Drug & Alcohol Court (FDAC) Evaluation Project*. Brunel University.
28. Available on request.
29. Whitehead & Reeder. (2016). *Better Courts: the financial impact of the London Family Drug and Alcohol Court*. Centre for Justice Innovation.

10. Technical Annex

- Method description p.78
- Key modelling parameters p.79-80
- Scenario descriptions p.81-83
- National roll-out p.84
- Recurrent care proceedings p.85-86

Model description

- The model quantifies both an average cost per case for FDAC care proceedings and for standard (non-FDAC) care proceedings. It is limited to the costs of proceedings for local authorities and the Ministry of Justice, as there is strong evidence that these are the cost areas most likely to be affected by FDAC (and to be cashable in the short term), and most likely to influence the overall value for money of FDAC. The model also only includes those costs incurred by local authorities and/or the Ministry of Justice, (i) during care proceedings; (ii) up to two years post proceedings (in the case of local authority care costs), and (iii) up to five years post proceedings (in the case of recurrent care proceedings). These time periods have been chosen so as to align with the existing evidence, and to increase the level of confidence in the results.
- Previous studies have also strongly suggested that FDAC avoids costs for a range of other public bodies, such as the NHS and the wider criminal justice system. However, this cost benefit model explicitly excludes savings to other public agencies for one of three main reasons: (i) There is no data available from the existing data and evidence that quantifies the costs to these agencies following the FDAC intervention, or (ii) there is no counterfactual data available from the existing data and evidence (that is, the cost that might result to these agencies for this population without the FDAC intervention), or (iii) the savings are unlikely to be cashable in the short term (such as a reduction in the number of police call-outs or fewer ambulance attendances).

Key modelling parameters: FDAC

- The following table sets out the cost areas that are included for FDAC in the model, along with descriptions and data source(s) for each.

Cost area	Description	Data / evidence source(s)
During proceedings		
FDAC multidisciplinary team (MDT)	The average cost per case of the FDAC multidisciplinary team, based on data from across existing and new FDAC sites. Excludes outliers. Includes staff and non-staff costs, and the costs of drug testing.	Most recent FDAC site level financial data (existing and new sites).
Local authority legal costs	The average cost per case to a local authority on legal representation, drawn from previous research (2014) and uplifted for inflation.	London FDAC cost benefit analysis (2014).
Expert assessments	The average cost per case to a local authority on external expert assessments, drawn from previous research (2014) and uplifted for inflation.	London FDAC cost benefit analysis (2014).
Drug testing	The average cost per case to a local authority on drug testing for parents involved in proceedings. Included in the average cost per case of the FDAC multidisciplinary team.	Most recent FDAC site level financial data (existing and new sites).
Placement costs (in proceedings)	The average cost per case to a local authority on placement costs during FDAC care proceedings, drawn from previous research (2012) and uplifted for inflation.	FDAC Development Project – Options for sustainability and roll-out: Final report (2012).
Social worker court time	The average cost per case of the time social workers spend in court during FDAC care proceedings, drawn from previous research (2012) and uplifted for inflation.	FDAC Development Project – Options for sustainability and roll-out: Final report (2012).
Legal aid	The current average cost of legal aid representation per public family case, with an assumed reduction for FDAC cases in line with the proportionate reduction in local authority legal costs.	Ministry of Justice / Legal Aid Agency
Court costs	The current cost to HM Courts & Tribunals Service per family proceedings case. No adjustment made for FDAC cases.	Ministry of Justice / HMCTS
Children’s Guardians	The average cost of a Children’s Guardian per case in standard care, based on an hourly rate of £29.33 per hour, and adjusted to reflect an increase in the number of hours required for an FDAC case.	Ministry of Justice / Cafcass
Post proceedings (up to 2 years)		
Local authority care costs	The average cost per case to a local authority of 2 years follow-up care, based on the outcomes of care proceedings in FDAC drawn from previous research. Costs uplifted for inflation.	London FDAC cost benefit analysis (2014) and After FDAC: outcomes 5 years later – Final Report (2016).
Post proceedings (within 5 years)		
Recurrent care proceedings	The average cost per case to a local authority and Ministry of Justice of one further return to court within 5 years (costs during proceedings and up to 2 years post proceedings), based on the likelihood of recurrent proceedings drawn from previous research and expert advice. Recurrent proceedings do not go through FDAC.	London FDAC cost benefit analysis (2014) and research on recurrent proceedings (including Broadhurst et al. 2015).

Key modelling parameters: Standard

- The following tables set out the cost areas that are included in the model for standard cases, along with descriptions and data source(s) for each.

Cost area	Description	Data / evidence source(s)
During proceedings		
FDAC multidisciplinary team (MDT)	Not applicable to standard care proceedings.	-
Local authority legal costs	The average cost per case to a local authority on legal representation, drawn from previous research (2014) and recent site level cost modelling. Costs uplifted for inflation.	London FDAC cost benefit analysis (2014) and Pan-Bedfordshire cost avoidance model.
Expert assessments	The average cost per case to a local authority on external expert assessments, drawn from previous research (2014) and recent site level cost modelling. Costs uplifted for inflation.	London FDAC cost benefit analysis (2014) and Pan-Bedfordshire cost avoidance model.
Drug testing	The average cost per case to a local authority on drug testing for parents involved in proceedings, based on recent site level cost modelling.	Pan-Bedfordshire cost avoidance model.
Placement costs (in proceedings)	The average cost per case to a local authority on placement costs during care proceedings, drawn from previous research (2012) and uplifted for inflation. The figure used in the current model has also been reduced to reflect the fact that the previous research was undertaken prior to the Children and Families Act 2014, which placed a time limit of 26 weeks on care proceedings.	FDAC Development Project – Options for sustainability and roll-out: Final report (2012).
Social worker court time	Average cost per case of the time social workers spend in court, drawn from previous research (2012) and uplifted for inflation. The figure used in the current model has also been reduced to reflect the fact that the previous research was undertaken prior to the Children and Families Act 2014, which placed a time limit of 26 weeks on care proceedings.	FDAC Development Project – Options for sustainability and roll-out: Final report (2012).
Legal aid	The current average cost of legal aid representation per public family case.	Ministry of Justice / Legal Aid Agency
Court costs	The current cost to HM Courts & Tribunals Service per family proceedings case.	Ministry of Justice / HMCTS
Children’s Guardians	The average cost of a Children’s Guardian per case in standard care, based on an hourly rate of £29.33 per hour, and 70 hours per case.	Ministry of Justice / Cafcass
Post proceedings (up to 2 years)		
Local authority care costs	The average cost per case to a local authority of 2 years follow-up care, based on the outcomes of standard care proceedings drawn from previous research. Costs uplifted for inflation.	London FDAC cost benefit analysis (2014) and After FDAC: outcomes 5 years later – Final Report (2016).
Post proceedings (within 5 years)		
Recurrent care proceedings	The average cost per case to a local authority and Ministry of Justice of one further return to court within 5 years (costs during proceedings and up to 2 years post proceedings), based on the likelihood of recurrent proceedings drawn from previous research. Recurrent proceedings do not go through FDAC.	London FDAC cost benefit analysis (2014) and research on recurrent proceedings (including Broadhurst et al. 2015).

Scenarios

- For the current analysis, we modelled three main scenarios:
 - Best case
 - Worst case
 - Central
- In all scenarios, the unit cost (average cost per case) for the FDAC MDT remained the same, as we have a high level of confidence in this figure, notwithstanding individual FDACs may resource their teams differently which would lead to some local variation. The scenarios reflect the range of estimates available from the various evidence and data sources used in the model, and expert opinion to reflect current experience.
- They differ with respect to:
 - Local authority legal costs and expert assessment costs for standard care proceedings
 - Care costs post proceedings following FDAC
 - The likelihood (and therefore cost) of recurrent proceedings following FDAC and for standard care proceedings.
- All other costs remain the same in all three scenarios.

Scenarios

Best case scenario

- This scenario uses the highest estimate of local authority legal and expert assessment costs from the data and evidence available, along with an assumption of higher reunification as an alternative to foster care following FDAC to reflect recent site level experience (affecting care costs post proceedings). The best case scenario also includes an overall reduction in recurrent proceedings from 25% of all cases following standard proceedings to 12% following FDAC (52% reduction).

Worst case scenario

- This scenario uses the lowest estimate of local authority legal and expert assessment costs from the data and evidence available, along with no assumption of higher reunification as an alternative to foster care following FDAC (affecting care costs post proceedings). The worst case scenario also assumes higher rates of return to court following FDAC using the data and evidence available, and is based on a more detailed assessment of the different rates of return to court for reunited families and non-reunited mothers and children.

Scenarios

Central scenario

- This scenario takes the midpoint between the best and worst case scenarios for the following cost areas:
 - Legal costs and expert assessment costs
 - Care costs post proceedings
 - Costs of recurrent care proceedings
- The midpoint value is calculated as the average of the two numbers from each scenario, as follows:

$$\textit{Midpoint value} = \frac{\textit{Best case value} + \textit{Worst case value}}{2}$$

National roll-out

- The cost benefit model also calculates the costs (and savings) of FDAC expansion. This is based on:
 - Funding for an additional 38 FDAC teams (52 FDAC teams in total), phased over three years, and with an increase in the average number of cases per team
 - Small economies of scale as the average caseload of an FDAC team increases
 - A 50/50 cost split between Government and local authorities to cover the cost of the FDAC multidisciplinary team
- Additional funding for evaluation and implementation support.
- The national roll-out model uses the same average cost per case for the FDAC MDT as the one used in the earlier scenarios (before allowing for economies of scale). The savings are calculated using the results from the midpoint scenario (the difference in total costs per case between FDAC and standard care proceedings) and in line with the roll-out trajectory (10 new FDACs in year 1, 12 in year 2, and 16 in year 3) and uplift in average caseload per FDAC.

Recurrent care proceedings

- The model for the number of recurrent care proceedings draws on evidence on case outcomes and return to court from Lancaster University's 2016 study on five-year outcomes after the completion FDAC, compared to standard proceedings.
- The model splits people who have been through care proceedings into three outcome groups. The groups are:
 - Reunited families: Families who remain together at the end of care proceedings
 - Removed mothers: Mothers who had children removed through care proceedings
 - Removed children: Children who are living in a different home
- Using evidence from the Brunel study, each group is assigned two values under both FDAC and standard proceedings:
 - Incidence: what proportion of cases will produce a member of this outcome group
 - Return rate: what proportion of members of this group return to court
- In groups where there was not a statistically significant difference in rates of return to court between the FDAC and standard proceedings groups, the likelihood of return to court is assumed to be the same across both routes.
- The incidence and return rate values are multiplied to find the likelihood that a given FDAC or standard proceedings case will produce a return to court amongst a member of this group.

Recurrent care proceedings

- The values used are as follows:

FDAC

Outcome group	Incidence	Return rate	Returns per case
Reunited families	37%	34%	.126
Removed mothers	63%	17.5%	.11
Removed children	63%	10%	.063
Total			.299

Outcome group	Incidence	Return rate	Returns per case
Reunited families	25%	55%	.138
Removed mothers	75%	25%	.188
Removed children	75%	10%	.075
Total			.4

A number of assumptions have been made:

- Each FDAC case includes one mother
- In cases where the child is removed, there is no additional return risk associated with the father
- Where children are removed, they remain together and their chance of returning to court can be considered a single event

**Centre
for
Justice
Innovation**

www.justiceinnovation.org

info@justiceinnovation.org

[@cjinnovation](https://twitter.com/cjinnovation)