

Family Drug and Alcohol Courts (FDAC)

“To go into court as an addict but to be seen as a human being was the start of my journey to treatment.” FDAC parent

Drugs and alcohol misuse are a major factor in nearly two-thirds of the cases in which a local authority is taking parents to court due to suspected child abuse or neglect.¹ Some parents, locked in a cycle of addiction, are repeatedly brought back in front of the courts to have children removed and put into state care— recent research suggests that approximately 1 in 3 care applications are made regarding a mother who has been through care proceedings before.²

Family Drug and Alcohol Courts (FDACs) try and break this cycle, providing parents with access to intensive treatment and support, while the court regularly reviews their progress. The goal of FDAC is to help parents become free from substance misuse so they can be safely reunited with their children, who, in turn, avoid being placed in care.

The FDAC approach

FDAC focuses on solving the problems that have led the local authority to bring the parent to court. FDAC parents participate in a ‘Trial for Change’— a period of around 26 weeks in which they work with the specialist FDAC team who provide expert support to parents in order to help them to stop using drugs and alcohol, as well as address the other issues affecting the care of their children. The FDAC team includes professionals with a range of different specialisms in areas like substance misuse, domestic abuse and mental health.

A key component of the FDAC approach is the role of the judge and the relationships they build with the family. In FDAC, the same judge hears the case throughout. This judicial continuity is not part of ordinary care proceedings, where it is typical that parents will experience a different judge for each of their court hearings.

In addition to the required formal court hearings, the judge also meets fortnightly with the parents for an informal review without lawyers present. This review meeting gives parents the opportunity to speak directly with the judge about their progress. The judge is specially trained to motivate parents as well as have direct and honest conversations about the issues still causing them concern. This gives the judge and the team a way of assessing whether parents are making change quickly enough for their child or children.

Better outcomes

Compared to standard care proceedings, research shows that FDAC increases the number of parents who stop using drugs and alcohol, and thereby increases the number of children who can be safely reunited with their parents. Research looking at the long term impact of FDAC shows that mothers who go through FDAC are less likely to return to court, twice as likely to keep away from further substance misuse and much more likely to experience no further disruption to their family life. The What Works Centre for Children’s Social Care recently identified FDAC as having “a positive effect on family reunification, compared with usual services... based on high strength evidence.”³

“This court is different. We don’t do conflict. We minimise hostility. This is about solving problems.” FDAC Judge

Better justice

There is strong qualitative evidence that FDAC provides a more humane, compassionate and procedurally fair court process, with the relationship between the judge and the parents playing a particularly powerful role.⁴ Parents talk to the judge, are listened to, offered choices and praised for their progress. This boosts confidence and motivates parents, giving them a real chance to change.

When interviewed about their experiences of FDAC, a mother said that she was made to feel ‘normal’ by the judge, who treated her ‘like a human being’ and not ‘just a junkie’.

This fairer court process is likely to be the reason why fewer FDAC cases are legally contested at the end of proceedings, not only in cases where children were reunited but also in those where parents did not have their children returned.

“I have never heard parents speak so openly in court as they do in FDAC. Confidence develops. You see them build a relationship with the judge.” Local Authority Social Worker

Better value for money

A 2016 financial analysis found that, compared to standard care proceedings, FDAC generates cashable savings both (i) during court proceedings because FDAC avoids significant legal and expert witness and assessment costs, compared to standard care proceedings; (ii) in the two years after proceedings, including by reducing the number of children taken into care, reducing the costs of returns to court and reducing the costs to NHS and criminal justice agencies in drug and alcohol treatment. For each £1 spent on FDAC, £2.30 is saved to the public purse over five years.⁵

The expansion of FDAC

The first FDAC was created in London in 2008. However, because they are not a mandatory part of the family justice system, FDACs only operate in some parts of the country. However, thanks to funding as part of the Department for Education’s ‘Supporting Families; Investing in Practice’ programme, FDAC has recently expanded to new areas of the country and increased the number of families it is able to work with in existing FDAC areas. As a result, there are now 14 FDAC specialist teams servicing 34 local authorities and 21 family courts in England. In addition, a further FDAC service is opening in Wales in late 2021, serving one family court and two local authorities, funded by Welsh Government.

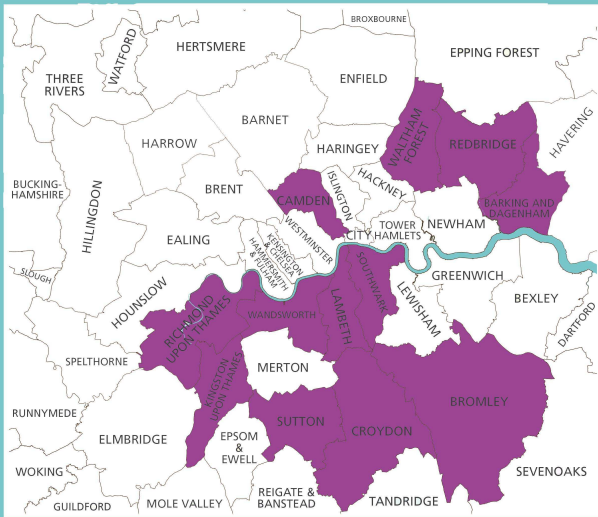
Our ambition

Sir Andrew McFarlane, the President of the Family Division, has stated that “the ultimate goal remains for FDAC courts to be available in all areas of England and Wales.”⁶ His ambition is our ambition too.

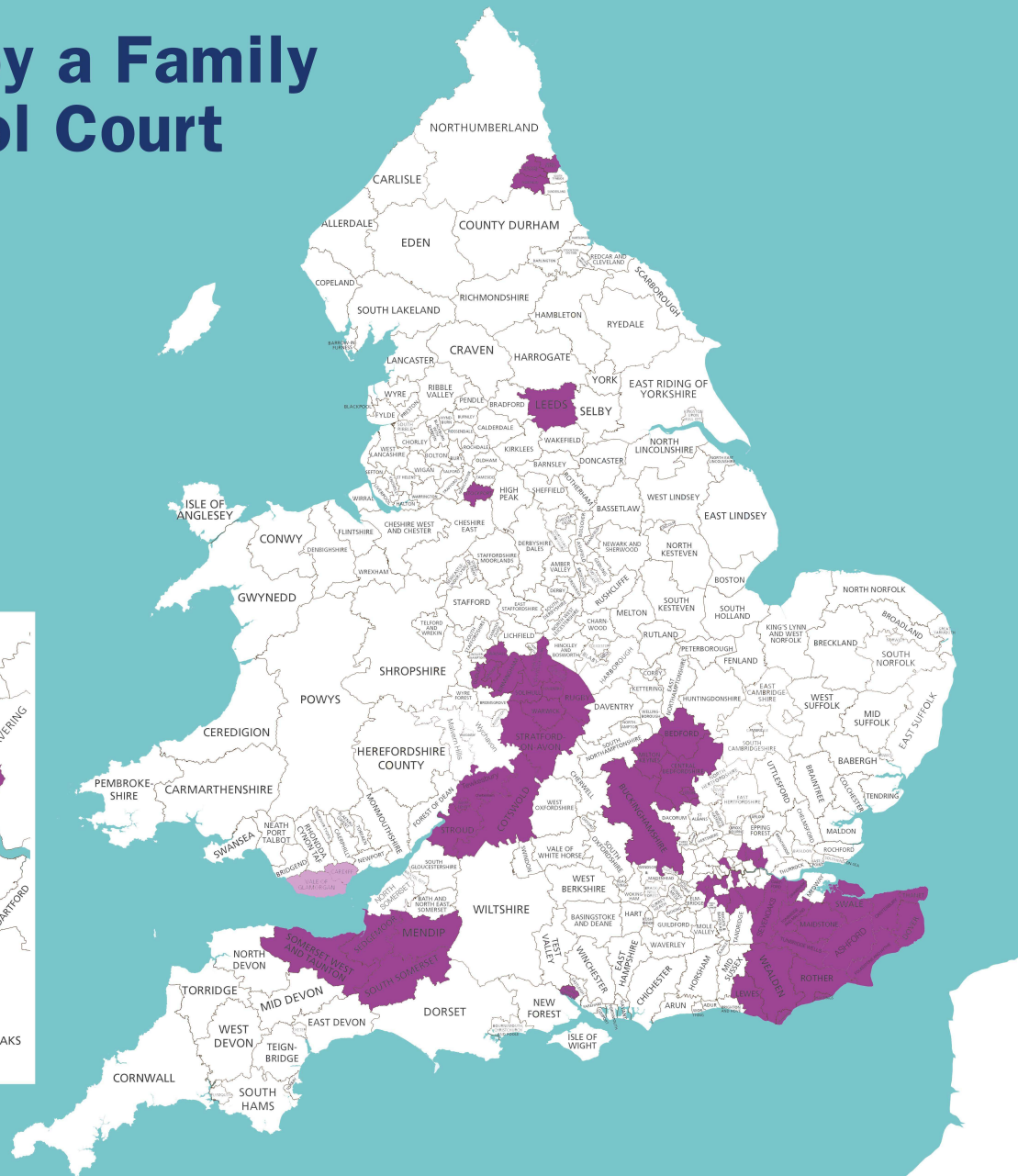
We are currently working to expand the FDAC approach into those areas where local authorities and local family courts wish to adopt this evidence-led approach. We work to help make the case for new FDACs in local areas. If and when they are commissioned, we assist local authorities to create and train new FDAC teams and provide assistance to judges and others to adopt the FDAC approach. We regularly convene practice sharing events between FDACs and are collecting data on FDAC to inform new research.

We believe every parent who needs and wants to access an FDAC in England and Wales should be able to do so. We are therefore also lobbying Government to consider the expansion of FDAC across the country.

Areas covered by a Family Drug and Alcohol Court



London



About the Centre for Justice Innovation

The [Centre for Justice Innovation](#) is a not-for-profit dedicated to building a fair and effective justice system. We do this by providing hands-on assistance to practitioners who work in the justice system across the UK, commissioning research into what is working and engaging with policymakers to put the change we want to see into practice.

We provide national leadership to strengthen, expand and champion Family Drug and Alcohol Courts, in partnership with the Tavistock and Portman NHS Trust and RyanTunnardBrown, and building on the legacy of the former FDAC National Unit. For more information, resources and research on the support that FDACs provide, please visit the [FDAC website](#).

Endnotes

1. Forrester, D. & Harwin, J. (2006) 'Parental substance misuse and child care social work: findings from the first stage of a study of 100 families', *Child and Family Social Work*, vol. 11, no. 4, pp. 325 –335.
2. https://www.familylaw.co.uk/news_and_comment/capturing-the-scale-and-pattern-of-recurrent-care-proceedings-initial-observations-from-a-feasibility-study
3. What Works Centre for Children's Social Care. Evidence Store: Family Drug and Alcohol Courts. Available at <https://whatworks-csc.org.uk/evidence/evidence-store/intervention/family-drug-and-alcohol-courts/>
4. See, for instance, Bowen and Whitehead (2016) Problem-solving courts: An evidence review, available at <https://justiceinnovation.org/sites/default/files/media/documents/2019-03/problem-solving-courts-an-evidence-review.pdf>, accessed 19/11/2020
5. Whitehead. (2016) Better courts: The Financial Impact Of The London FDAC. Centre for Justice Innovation. Available at: <https://fdac.org.uk/cost-benefit-analysis/>
6. See: <https://www.judiciary.uk/wp-content/uploads/2020/11/View-NOV-2020-NON-EMBARGOED-2.pdf>