

FAMILY DRUG AND ALCOHOL COURTS

Annual Report
2021/22

FOREWORD

SIR ANDREW MCFARLANE, PRESIDENT OF THE FAMILY DIVISION



The harms and trauma that children whose parents struggle with drug and alcohol misuse experience are often deep and long lasting. Their lives are often marked by neglect, emotional and physical abuse from an early age. They may live with these experiences for the rest of their lives, with consequent damage to their future life chances. Unsurprisingly, this range of issues often leads those families into the care and public family law system. A significant number of parents who continue to struggle with substance misuse, domestic abuse and mental health difficulties return to court (often repeatedly). These recurrent care proceedings are estimated to make up 20% of cases in the public family law system.

Family Drug and Alcohol Courts (FDACs) aim to keep families together, where it is safe to do so, by supporting parents to address their substance abuse. They do so through a problem-solving court process, where trained judges and a specialist multi-disciplinary FDAC team collaborate to give parents a 'trial for change.' They offer a better way of conducting care proceedings, and have demonstrated time and again in the research that they provide a more effective way of supporting families to stay together and become safer and stronger, while decreasing the likelihood of future child neglect and abuse.

2021/22 has been a momentous year for FDACs. In what is the last year of the Government's 'Supporting Families; Investing in Practice' funding, FDACs now reach more families in more areas of the country than ever before with double the number of courts and local authorities involved than in 2019. The year has seen the creation of the first ever FDAC in Wales, funded by Welsh Government. As this report highlights, the expansion of the FDAC approach has meant that more parents have been helped to overcome their substance misuse problems and more children have been reunited with their parents. All the evidence suggests that this will lead to more fulfilling and productive lives for those families, making our communities stronger. The fact that FDACs have done this through the challenges of the Covid-19 pandemic makes their achievements all the more remarkable.

Alongside the expansion, the year has seen significant developments in research and innovation. The Centre for Justice Innovation's cost-benefit analysis shows that FDAC saves local authorities and Government money by avoiding the legal costs of unnecessary court challenges, as well as saving money over the longer term through its improved outcomes. The research in Milton Keynes and Buckinghamshire and in Pan-Bedfordshire adds to the growing body of research which shows that problem-solving in family care proceedings delivers better outcomes and better justice. Moreover, with the aid of Government funding, the Centre for Justice Innovation has worked with FDACs across the country to improve their response to domestic abuse, highlighting, what has always been true about FDAC, that it has always and will always work with families who are struggling with a whole range of issues, seeing these as interconnected as opposed to addressing them separately.

I particularly wanted to also recognise the contributions made by two individuals over the course of the year. I was delighted when Baroness Hallett immediately took up my offer of chairing the FDAC national advisory board, bringing together practitioners, judges and policymakers to oversee the progress of FDAC on a national scale. Lady Hallett has successfully and vigorously led the advisory board and I am very grateful to her. I would also like to thank Mrs Justice Knowles, who was the lead judge for FDAC from 2020 until recently. She, too, has been a principal reason behind the success of FDAC over the years and, in passing the baton to Ms Justice Russell, leaves a legacy on which we can all build.

Finally, I have always been clear that I would like the FDAC model to spread right across the country, and that the lessons learned in FDAC may be more widely taken up. I was therefore delighted that the Independent Care Review, led by Josh MacAlister, recognised FDAC as an important innovation, concluding that, "The Public Law Working Group should lead work to bring learning from Family Drug and Alcohol Courts and other problem solving approaches into public law proceedings, to make proceedings less adversarial and improve parents' engagement in the process." Over the coming year, I look forward to working with many people within the FDAC practice and the research community to make both my ambition and the Care Review recommendation realities.

**The Rt Hon Sir Andrew McFarlane,
President of the Family Division**

FAMILY DRUG AND ALCOHOL COURTS: THE YEAR IN DATA 2021/22

Our families

Families

261
families
entered FDAC
in 2021/22

366
parents

436
children



Parents



Female



Male

17% of parents had been in care while they were children

32% of parents had had previous children removed from their care

Children

Average age:

4.5 years

9% had previous experience of being in care proceedings

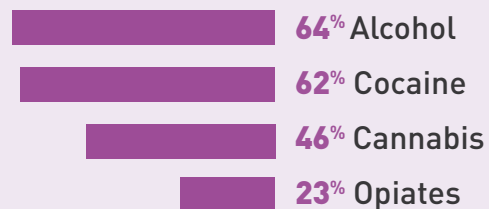
29% of children were less than a year old

85% were not in the care of their parents at the start of FDAC



Challenges facing families

Substances most commonly used by parents were:



73% of parents showed signs of mental illness

90% of parents reported having experienced domestic abuse at some point in their lives.



Our outcomes

Overview

170
cases
concluded

221
parents

256
children



Outcomes for parents

88% of parents
completed the FDAC
programme

42% of parents who
were misusing substances
at the start of FDAC had
stopped by the end of
proceedings



Outcomes for children

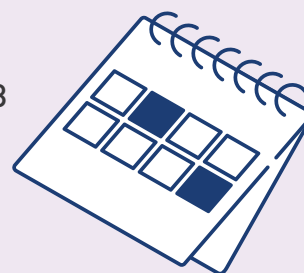
40% of children were
reunited with one or both
parents at the end of
proceedings.

18% of children were
placed with a family
member or friend



The FDAC process

The average FDAC
case length was 43
weeks, compared to 48
weeks for the average
length of non-FDAC
care cases over the
same period.



Only 9% of FDAC cases
ended in a final contested hearing

FDACS IN ENGLAND AND WALES

FDAC has expanded and grown significantly in recent years. In April 2019, there were 8 FDAC services working with families from 16 local authorities, supporting 11 family courts. In 2020/21 this number increased to 14 FDAC services covering 31 local authorities and 22 family courts. The expansion of FDAC has continued during 2021/22. With the expansion of the Coventry FDAC to include Warwickshire, and the set-up of 2 new FDACs in Wiltshire and in Cardiff and the Vale (the first FDAC in Wales), the total number of FDAC services is now 16 - working with families from 36 local authorities and in 24 family courts. As a result, 2021/22 saw a record 206 families enter FDAC.

FDAC SITES AND LOCAL AUTHORITY AREAS COVERED

- 1. Birmingham and Solihull FDAC**
Birmingham City Council and Solihull MBC
- 2. Cardiff and the Vale FDAC**
Cardiff Council and Vale of Glamorgan Council
- 3. Coventry and Warwickshire FDAC**
Coventry City Council and Warwickshire County Council
- 4. East Sussex FDAC**
East Sussex County Council
- 5. Turn Around for Children Service Gloucestershire.**
Gloucestershire County Council
- 6. Kent FDAC**
Kent County Council
- 7. Pan-London FDAC**
Croydon, Lambeth, Southwark, Wandsworth, Sutton, Kingston, Richmond, Bromley, Barking & Dagenham, Camden, Waltham Forest, Redbridge
- 8. Milton Keynes and Buckinghamshire**
Milton Keynes Council and Buckinghamshire County Council
- 9. North East FDAC**
Newcastle City Council, Gateshead Council, North Tyneside Council
- 10. Pan-Bedfordshire FDAC**
Bedfordshire County Council, Central Bedfordshire Council, Luton Borough Council
- 11. Somerset FDAC**
Somerset County Council
- 12. Southampton FDAC**
Southampton City Council
- 13. Stockport FDAC**
Stockport Metropolitan Borough Council
- 14. Wiltshire FDAC**
Wiltshire County Council
- 15. Black Country FDAC**
Walsall Council, Sandwell MBC and Dudley MBC



16

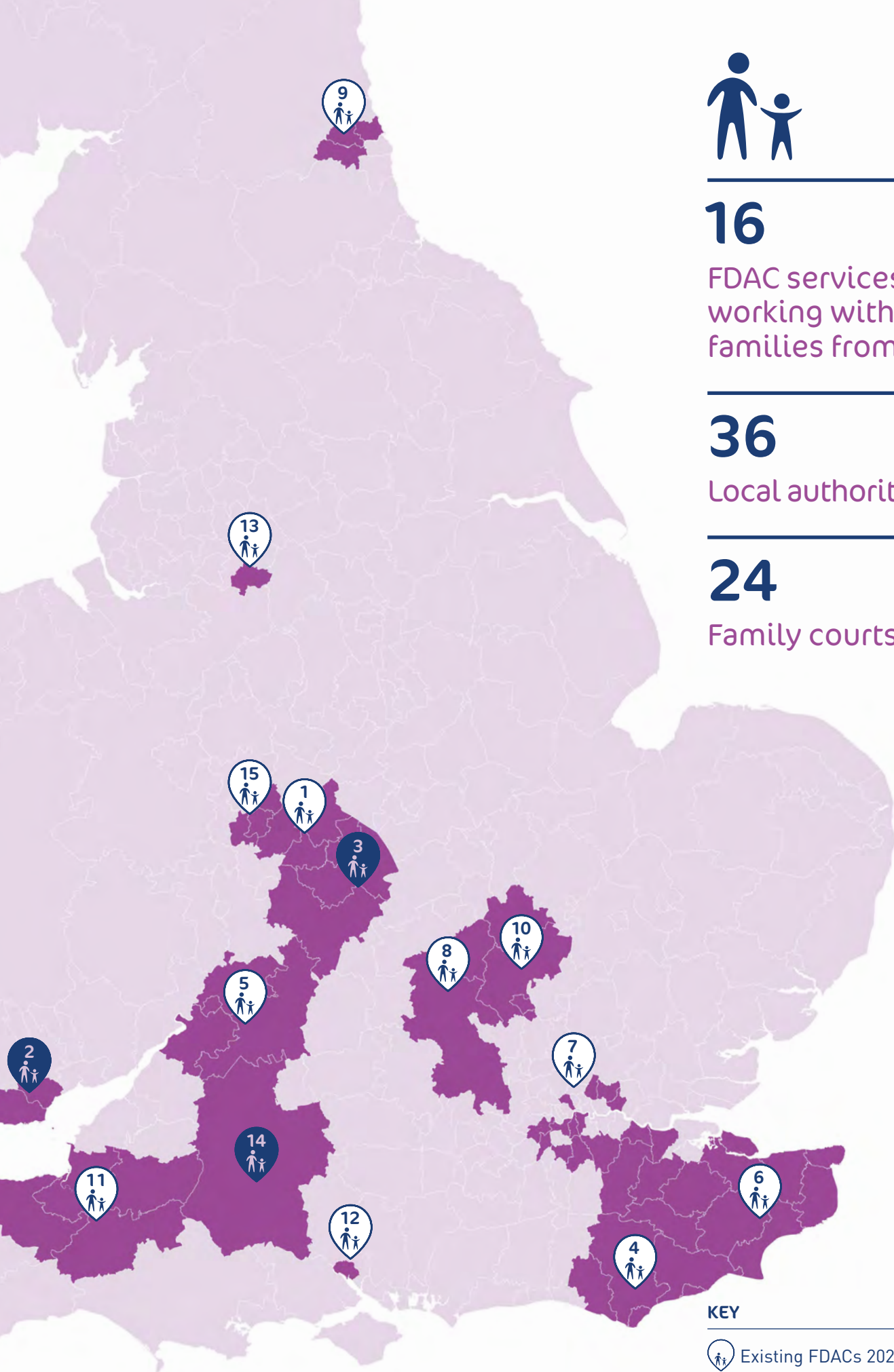
FDAC services
working with
families from...

36

Local authorities in...

24

Family courts



KEY

Existing FDACs 2020/21

Opened or expanded an
FDAC in 2021/22

THE FIRST FDAC IN WALES

In December 2021, the Cardiff and Vale FDAC started, with funding from Welsh Government. This pilot aims to work with 30 families across Cardiff and the Vale of Glamorgan, for an initial pilot phase of two years.

Strategic context

Following the Commission on Justice in Wales report in 2019 recommendation that 'Family Drug and Alcohol Courts should be established in Wales', the Welsh Government worked with the Centre for Justice Innovation and local authorities to develop, fund and launch the first pilot of FDAC in Wales.

"We know that drugs and alcohol misuse are a major factor in suspected child abuse or neglect cases. Supporting those families experiencing these issues, and helping them to continue looking after their own children, are key priorities for the Welsh Government. We are committed to ensuring that substance misuse services provide early intervention and prevention so that longer-term harms are prevented, particularly for children and families, before they occur. Evidence from early evaluations indicate that the FDAC model improves outcomes for families and delivers cost savings and efficiencies both within the family court system and for local authority children's services. This frees up resources to support earlier preventative work with families who may be experiencing difficulties."

**Martin Taylor, Improving Outcomes for Children
Policy Manager, Welsh Government**

The Cardiff and Vale FDAC team

The FDAC Team utilise their skills, knowledge, and experience to work with families and tailor interventions to their needs. Interventions are a combination of psycho-social models and trauma informed practice. The team also work closely with existing services in the local community, linking in with agencies so families can be referred to the right support at the earliest moment. Intervention plans are reviewed with the Judge every two weeks at the Non-Lawyer Reviews to ensure that they are progressing and to find solutions to any problems that have arisen.

"One parent was already receiving long-standing support from services around their use of alcohol. However, only when FDAC became involved was it identified that the parent needed support for their mental health and wellbeing... The FDAC Team were able to refer into community-based services... This has assisted the parent in being able to look at the patterns of behaviour that lead to relapse and understand why this has happened previously. The parent feedback to the team was that FDAC has been very difficult and hard work, but they have not felt judged at all, just supported, and challenged... The parent felt that they had suffered in silence but now has found their voice ("the right voice") not the voice of alcohol."

**Peter Spinner,
Cardiff and the Vale FDAC Team Manager**



Evaluation

Cascade at Cardiff University has been commissioned to evaluate the Cardiff and the Vale FDAC.

“In the evaluation, we are involving a wide range of professionals and families, and using several methods and types of data to gain a detailed picture of the intervention. We will explore how FDAC is being delivered in Wales, how key people experience it, and what outcomes it is thought to achieve. All of this will generate tailored insights about future implementation in Wales, and feed into a refined programme theory and logic model outlining some of the key mechanisms through which FDAC works. Alongside this, we are preparing the ground for a more stringent analysis of impact at a later stage. This means the evaluation will leave us in a stronger position to test FDAC in Wales on a larger scale in the future.”

Mel Meindl, Megan Hosch and David Westlake, Cascade Children's Social Care Research and Development Centre, Cardiff University

“The parent feedback to the team was that FDAC has been very difficult and hard work, but they have not felt judged at all, just supported, and challenged ... The parent felt that they had suffered in silence but now has found their voice (“the right voice”) not the voice of alcohol.”

FDAC STORIES

Tanya

Tanya's children were removed from her care after she was involved in a physical fight in a park in front of one of her children, while under the influence of alcohol. At the time, Tanya's children were aged 11, 9, 6 and 2. She agreed to her eldest three children moving into foster care while her youngest child went to live with their birth father. Proceedings were initiated and Tanya agreed to work with the Family Drug and Alcohol Court.

At assessment, Tanya shared that she had been drinking dependently for a number of months. She also reported that she was using cannabis to manage her anger on a daily basis and had been doing so since the age of eight. Tanya had experienced a range of adverse childhood experiences, including traumatic experiences which led to extensive social care involvement and her being looked after in residential children's homes. She had been involved with the criminal justice system since she was eleven. Her sentences were largely for physical assaults.

Tanya and her children were known to children's services through former occasions of involvement at a child protection level. Tanya had previously struggled to make sustained and meaningful changes to address her difficulties.

Tanya's FDAC journey

At the start of the FDAC Trial for Change, Tanya reported that she struggled to stop drinking to excess and had a pattern of police involvement and domestic incidents when intoxicated. She was experiencing domestic abuse from her new partner and was supported to move to a refuge during the FDAC process. She also received an ADHD diagnosis and began taking medication whilst in FDAC.

Tanya worked with the FDAC Team to achieve abstinence in her alcohol use and a significant reduction in her cannabis use. She was supported to connect with her emotions in a healthy way and to learn new ways to regulate her emotions, with specific focus on her anger. Tanya was also supported to understand how her traumatic childhood experiences were impacting her as an adult, and to develop self-compassion, to understand herself better and make changes to her unsafe behaviours.

Interventions included hair strand testing, urine screen testing, SCRAM bracelet, and regular key work sessions with members of the FDAC Team. There were no police call-outs during the 12-month period that she worked with FDAC.

Outcomes

A positive recommendation was made for Tanya's three eldest children to be rehabilitated back into her care. Tanya's youngest child remained in the care of their birth father.

FDAC STORIES

Sasha

Sasha (23) and her son (3) signed up to FDAC after a period characterised by poor engagement with services, domestic abuse, and parental substance misuse. A suicide attempt by Sasha led to care proceedings being issued. A hair strand test confirmed Sasha's chronic excessive levels of alcohol and cannabis use. Sasha's relationship with her son's father had ended; he declined support for his substance misuse and only Sasha signed up to FDAC.

Sasha shared that her substance misuse began aged 15. She was involved in alcohol and cannabis use, anti-social behaviour and stealing from family members. Sasha spoke of sleeping all day, losing interest in the world around her and feeling unable to maintain employment because of her substance misuse.

Sasha's FDAC journey

Sasha signed up to the FDAC Trial for Change but her engagement with the process was inconsistent. However, FDAC's continued support and their use of motivational interviewing resulted in her re-engagement.

The FDAC Intervention included wider family sessions that raised awareness of Sasha's recovery needs and the adverse childhood experiences affecting her son. This helped strengthen their support network. Sasha had weekly one-to-one key work sessions exploring her patterns of substance misuse helping to stabilise and build her up to attend recovery group support. Sasha engaged in healthy relationship work with the FDAC domestic abuse specialist and later engaged with a domestic abuse support group in the community. Sasha also benefitted from a Cognitive Behavioural Therapy group, led by the FDAC Team psychologist, which helped her identify and implement effective coping strategies.

Outcomes

FDAC were unable to recommend the reunification of Sasha's son but the FDAC process had supported Sasha in becoming abstinent from drugs, significantly reducing her alcohol use and supporting her access to ongoing substance misuse support. As a result of the strengthened support network Sasha's son was placed in the care of a family member. Sasha was supportive of the final special guardianship order and engaged in FDAC family sessions to further strengthen the wider family relationships for the long-term benefit of her son.

There was no contested hearing and no additional expert witness reports requested. Permanency was achieved for Sasha's son 25 weeks earlier in FDAC proceedings compared to the local authority's average length of care proceedings at that time.

DOMESTIC ABUSE IN FDAC

Prevalence of domestic abuse within FDAC families

The vast majority of parents entering FDAC report experiencing domestic abuse at some point in their lives and nearly half report that abuse is ongoing at the start of FDAC. Increasingly, addressing domestic abuse has become a core aspect of the interventions provided by FDAC teams. It is now integrated into key work sessions and interventions delivered by FDAC specialists and community services and, through careful guidance from the expert team, this work is supported by the judge within the Non-Lawyer Reviews. FDAC practitioners often root their work in the belief that domestic abuse has complex links with other issues such as trauma and substance misuse and tailor carefully structured interventions to support those experiencing abuse and address the drivers and behaviours of those perpetrating abuse.

Implementing a new approach to domestic abuse

Safer Relationships is a domestic abuse intervention programme designed for families within the family justice system. The SWIFT service for East Sussex County Council developed the programme in 2018, which has since been rolled out across East Sussex and Brighton & Hove, and is being evaluated by Sussex University. As a result of funding from the Government, the Centre for Justice Innovation and SWIFT have been able to deliver the training and supervision required to implement this intervention within all 16 FDAC services.

The 10-week programme consists of three standalone intervention packages, designed to be delivered on a 1-1 basis, that practitioners can use to work separately with each part of the family system: perpetrator, protective parent, and children and young people. However, where possible, the recommendation is to use these as a suite of interventions that promote change throughout the family network. Each package contains written guidance, activities and assessment resources; video practice clips; and recording

templates. The activities raise awareness of safe and unsafe relationships, identify behavioural responses and triggers, and promote self-observation, self-contemplation and reflection - providing an individualised intervention at a 'critical moment' in the decision making for parents and their children.

Upcoming research on domestic abuse perpetration, substance misuse, and trauma in FDAC

Despite domestic abuse being highly prevalent in the FDAC caseload, there has been little research into FDAC's approach to and the effectiveness of addressing domestic abuse perpetration. The Centre for Justice Innovation has partnered with Dr Sheena Webb, former Strategic and Clinical Lead of the Pan-London FDAC, to conduct a study, funded by the Home Office, which explores the role of trauma and substance misuse in driving domestic abuse perpetration and how FDAC responds to these interlinked issues. Our approach consists of a systematic literature review as well as qualitative research with FDAC practitioners and judges. We anticipate publication in Autumn / Winter 2022.



48%

of parents report
experiencing ongoing
domestic abuse at
the start of FDAC

20%

of parents reported it
had ceased at the end
of proceedings



RESEARCH ON FDAC IN 2021/22

Cost-benefit analysis (Apteligen and Centre for Justice Innovation)

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, a new value for money analysis has determined that FDAC is a significantly cheaper way of hearing care proceedings than standard care proceedings because it avoids lengthy legal disputes, saving local authorities and the Legal Aid Agency legal costs. Due to these savings alone, this analysis suggest FDAC is a cheaper way of hearing care proceedings, regardless of the savings generated by the better outcomes it delivers. Adding those in, FDAC saves a further £17,574 per case because it avoids the costs of recurrent care proceedings and care placements. The findings of this national cost-benefit analysis is supported by similar findings by analysis undertaken by the Pan-Bedfordshire FDAC on the savings made there in 2020/21.

Evaluation of the Pan-Bedfordshire FDAC (Research in Practice)

In November 2021, Research in Practice, a specialist social care research agency, published their final evaluation report on the Pan-Bedfordshire FDAC. The evaluation team sought to explore the activities and outcomes of the FDAC by comparing data on FDAC families with comparators in standard proceedings, as well as drawing on interviews, focus groups and surveys with families, practitioners, judges and external professionals.

The evaluation found that the FDAC was effective in enabling parents to make substantial changes in their lives. Monitoring data showed increased wellbeing in families regardless of whether or not they achieve reunification and engagement with parents and external professionals highlighted ways in which the FDAC’s strong support and challenge provided both motivation and means for change. Although only a small number of proceedings had been completed at the time of reporting, the reunification rates exceeded those for standard proceedings. The regular testing for substance use was felt to be positive in motivating parents and levels of sustained abstinence among parents at all stages were also encouragingly positive.

FDAC outcomes in Milton Keynes and Buckinghamshire Report (Samantha Fitz-Symonds, Cardiff University)

Published in October 2021, this research looked at outcomes for 113 cases which concluded in the Milton Keynes and Buckinghamshire FDAC in a 6-year period up until May 2021. Although it was not a comparative study, the research did find outcomes that suggest a positive impact.

The study found that:

- 46% of families had children return home at the end of proceedings
- Only 8 of the reunited families experienced a future placement breakdown, while a further 7 FDAC families regained care of their children after the final FDAC hearing.
- Local authority supervision had ceased in 58% of reunited families
- Only 8% of cases ended in a contested hearing.



Standard care
proceedings cost
on average:

£57,629
per case

FDAC proceedings
cost on average:

£48,562
per case

Additional
FDAC savings:

£17,574
per case

SUPPORT FOR FDAC

The Centre for Justice Innovation believes that every family that could benefit from a Family Drug and Alcohol Court should be able to access one. Since April 2019, part of the Centre's mission has been to provide national leadership to strengthen, expand and champion the FDAC approach.

We provide consultancy, technical advice and support to areas seeking to set up an FDAC, as well as induction training and mentoring. We convene and facilitate strategic connections between the range of different agencies and stakeholders that are essential to the successful set up and operation of FDACs.

All FDAC services and practitioners can benefit from being members of our FDAC community of practice, connecting them through networking days and judicial and practitioner forums, and we provide regular practitioner bulletins, which identify, codify and share effective practice across the Family Justice system.

We also work to promote the FDAC model and other models of problem-solving justice at the local and national level, bringing us into conversations with UK Governments as well as a wide variety of local commissioners.

Our work is supported by a wide range of funders, including Addcounsel, the Esmée Fairbairn Foundation, Family Law in Partnership, HallBrown Family Law, the Hadley Trust, and LCM Family.