

# Family drug and alcohol courts: the evidence

## Summary

Many of the families involved in care proceedings have multiple and complex needs. For example, drug and alcohol use is a major factor in nearly two-thirds of the cases in which a local authority is initiating care proceedings due to suspected child abuse or neglect.<sup>1</sup> Moreover, some parents are repeatedly brought back in front of the courts with their subsequent children removed and put into state care (called recurrent care proceedings), with recent research suggesting that approximately 1 in 3 care applications are made regarding a mother who has already had previous children removed from their care.<sup>2</sup> Family Drug and Alcohol Courts (FDACs) try and break these patterns, providing parents with access to intensive treatment and support, while the court regularly reviews their progress. The primary aim of FDAC is to improve outcomes for children and families, ensuring that children can either live safely with parents at the end of care proceedings (reunification) or, where reunification is not possible, have the best chance for permanency and stability outside the family home.

Since the first FDAC pilot site opened in 2008, the model has been of significant interest to researchers. The initial pilot was the subject of a robust quasi-experimental outcomes evaluation<sup>3</sup> which was later revisited to review long-term outcomes for FDAC families.<sup>4</sup> Beyond this, there have been two mixed-methodology studies of local sites<sup>5</sup> and a number of qualitative studies seeking to understand the functioning of the FDAC model.<sup>6</sup> Most recently, Foundations, the Government what works centre for children's social care, published a major national evaluation of FDAC, conducted by Natcen, which compared all cases from 14 FDAC sites with a matched comparison group, in the most comprehensive study of the model to date. Outside of the UK, the US Family Drug Treatment Court model, of which FDAC is an offshoot, has been the subject of extensive outcomes research which was brought together in a meta-analysis in 2019.<sup>7</sup>

Our review of the evidence suggests:

- There is strong evidence that being in **FDAC significantly increases the likelihood of children being reunified with their parents at the end of care proceedings**. There is promising evidence that the **family reunifications created by FDAC are safer and more stable than those in standard proceedings**. This stability is likely to cut the likelihood of recurrent care proceedings.
- **There is evidence that FDAC significantly increases the number of family or kinship care placements, and decreases the likelihood that children are placed in local authority care.**
- There is strong evidence that **parents in FDAC are significantly more likely to become abstinent from substances** by the end of proceedings than those in standard care proceedings cases, and there is promising evidence to suggest this cessation is sustained over time.
- Qualitative studies consistently report that **parents in FDAC experience the court process as fair**. Parents report finding FDAC judges to be supportive and respectful and value the opportunity for direct engagement in non-lawyer reviews.
- Compared to standard care proceedings, **FDAC generates cashable savings for local authorities as well as providing financial benefits for other statutory agencies.**
- There are promising evidence-based reasons to believe that **FDAC works in ways likely to be effective in reducing the occurrence of domestic abuse**, although empirical research is needed.

Based on this, the Centre believes there is a strong case for additional investment in FDAC in England and Wales so that every family who could benefit from an FDAC is able to access one.

## Family drug and alcohol courts: the evidence

The first FDAC began in London in 2008 and there are now 15 specialist FDAC teams serving families in 38 local authorities across England and Wales. FDAC is part of an international family of models known collectively as family treatment courts. FDAC has been the subject of a number of robust outcomes evaluations, as well as qualitative research, which seek to understand the mechanisms by which FDAC delivers impact. This paper provides an overview of the existing research regarding FDACs and the evidence around family treatment courts more widely.

FDAC is an alternative, therapeutic approach to care proceedings for parents with complex needs and in which parental substance use is a significant factor. Families in FDAC are supported by a multidisciplinary team of professionals and participate in a 'Trial for Change', a period of around 26 weeks in which they work with a specialist multidisciplinary team who provide expert support to help them address their drug and alcohol use, but also other issues impacting the safe parenting of their children, like domestic abuse or mental health issues. Parents also attend regular informal non-lawyer reviews with a dedicated judge who is trained to motivate parents as well as have direct and honest conversations about the issues they face. Judges work closely with the multidisciplinary team to track parents' progress, which offers them a rich and dynamic set of observations to draw from in making their final decision about whether children can be safely returned to their families.

### What we know

The primary aim of FDAC is to improve outcomes for children and families, ensuring that children can either live safely with parents at the end of care proceedings (reunification) or, where reunification is not possible, have the best chance for permanency and stability outside the family home.

- 1 There is strong evidence that being in FDAC significantly increases the likelihood of children being reunified with their parents at the end of care proceedings. There is promising evidence that the family reunifications created by FDAC are safer and more stable than those in standard proceedings.**

One of the goals of FDAC is to ensure that parents, with the right support and help, can continue to take care of their children by the end of proceedings, where it is shown to be safe for them to do so. There is strong evidence that FDAC achieves this aim:

- NatCen/Foundations (2023) compared outcomes for 130 families whose cases concluded in 14 FDACs across England in 2021 and 2022 to a matched sample of 116 families in standard proceedings. It found that 52% of children in FDAC were returned to their parents compared to only 13% of children in standard proceedings – a statistically significant finding.
- Harwin et al. (2016) compared outcomes for 140 cases heard in the Pan-London FDAC with 100 similar cases heard in standard proceedings in London. It found a statistically significant increase in the number of children returned to the parents who were caring for them before proceedings in FDAC compared to standard proceedings (37% vs 25%).<sup>8</sup> This finding was consistent with Harwin et al.'s 2014 evaluation of the London FDAC which also found an increase in the proportion of children returned to parents in FDAC.<sup>9</sup>

- Zhang et al. (2019) conducted an international meta-analysis (2019) of Family Treatment Drug Courts (FTDCs). They reviewed 17 studies from 2004-2018 and found families participating in FTDCs were significantly more likely to achieve reunification.<sup>10</sup>

However, raising the number of family reunifications is not enough. It is important that where children are returned to their parents at the end of care proceedings, they are returned safely and that they remain safe over time. There is promising evidence that family reunifications created by FDAC are more stable than those in standard care proceedings:

- Harwin et al. (2016) compared outcomes for 52 families reunified by the Pan-London FDAC with 25 families reunified in standard proceedings. Three years after the end of proceedings, 51% of FDAC families had not experienced any significant disruption, compared to 22% of families in standard proceedings.<sup>11</sup>
- Zhang et al. (2019) reviewed eight studies looking at the risk of recurrence of maltreatment or re-entry to foster care for FDTC families. Three of these studies found significant reductions in risk, but when the studies were combined the overall effect was not statistically significant.

This enhanced stability is likely to cut the likelihood of recurrent care proceedings.

## **2 There is evidence that FDAC significantly increases the number of family or kinship care placements, and decreases the likelihood that children are placed in local authority care.**

Part of the reason that FDAC places a strong emphasis on stable family reunification or stable placement in kinship care is to avoid the harms that children suffer when placed into local authority care. There is substantial evidence that children with care experience have poorer outcomes, such as educational attainment, than children in the general population (although it remains unclear the exact cause and effect).<sup>12</sup> Research suggests FDAC has a significant impact on this:

- NatCen/Foundations (2023) looked at living arrangement outcomes for children at the end of proceedings. It found that 71.4% of FDAC children were either returned to parents (47.1%) or placed with another relative or family member (23.8%), with 28.6% being placed in local authority care. For children going through standard care proceedings, only 45.1% were either returned to parents (17.7%) or placed with another relative or family member (28.6%), with 55% being placed in local authority care.<sup>13</sup>

## **3 There is strong evidence that FDAC increases the chance that parents will become abstinent from substances, and there is promising evidence to suggest this cessation is sustained over time.**

One of the reasons that FDAC focuses on families with substance use issues, along with a range of other complex needs, is that we know that if we can help them address those issues, FDAC teams can also help them confront and tackle broader issues such as trauma in their lives. Research suggests FDAC are having transformational impacts on parents' use of substances:

- NatCen/Foundations (2023) found that parents in FDAC were more four times more likely than parents in standard proceedings to become abstinent from substances (31% vs 8%) – a statistically significant finding.<sup>14</sup>
- Harwin et al. (2016) found that parents in the Pan-London FDAC were significantly more likely than similar parents in standard proceedings to be abstinent at the end of proceedings (46% vs 30%). This was consistent with Harwin et al.'s 2014 evaluation of the Pan-London FDAC, which also found that FDAC parents were more likely to cease substance use than parents in standard care proceedings.

- The same 2016 study also found that a significantly higher proportion of mothers who were reunified in FDAC than comparison reunification mothers were estimated to sustain their cessation over the five years after the end of the case (58% vs 24%).

#### **4 Parents in FDAC experience the court process as fair and supportive.**

The research on people's perceptions of fair treatment, known as procedural fairness, suggests that when people perceive that they are being treated fairly, they are more likely to comply with decisions. Qualitative studies with FDAC parents have found that they consistently report experiencing the court process as fair. In particular, parents report finding FDAC judges to be supportive and respectful and value the opportunity for direct engagement in non-lawyer reviews:

- The implementation and process evaluation element of NatCen/Foundations 2023 found that rather than feeling like a punitive process, parents spoke of FDAC feeling supportive at a crisis point, which contributed to successful reunification outcomes.
- In a process evaluation of the Pan Bedfordshire FDAC (Research in Practice 2021), FDAC parents spoke about being treated by the FDAC team and judges with dignity and respect. They described the FDAC approach as non-judgmental and inclusive and valued the consistency of having the same judge with whom they could build rapport. They also valued having their voice heard in discussions and reported experiencing genuine concern and interest in their wellbeing.<sup>15</sup>
- In the evaluation of the Pan-London FDAC (Harwin et al. 2014), interviewed FDAC parents found the FDAC process to be transformative: they felt they were given a voice and treated fairly and respectfully. Many parents cited the role of the FDAC judge as a key factor in motivating them to change.
- Parents interviewed as part of the evaluation of the first pilot FDAC in London (Harwin et al. 2011) reported that FDAC judges treated them humanely, fairly and sensitively, and expressed feeling motivated by judges' praise and encouragement. They unanimously regarded FDAC as a better experience than ordinary care proceedings.<sup>16</sup>

#### **5 Compared to standard care proceedings, FDAC generates cashable savings for local authorities as well as providing financial benefits for other statutory agencies.**

Two economic modelling exercises suggest that, compared to standard care proceedings, FDAC generates cashable savings for local authorities as well as providing financial benefits for other statutory agencies:

- The Centre for Justice Innovation's business case (2021) models the costs and benefits of FDAC for local authority children's services. It suggests that a typical FDAC team (hearing 30 cases a year) pays back its annual operating cost and generates additional net savings for the local authority of £271,994 in-year, and, post-proceedings, generates additional savings of £527,222 (£17,574 per case), totalling a net saving for the local authority of £799,217 over five years.<sup>17</sup>
- The Centre for Justice Innovation's financial impact analysis (2016) of the London FDAC indicates that FDAC is a strong investment, saving taxpayers approximately £2.30 for every £1 invested.<sup>18</sup>

In addition to cost savings associated with increased reunifications (and therefore fewer children entering local authority care), FDAC produces significant savings in terms of the costs of proceedings. Other research studies illustrate two main drivers of reduced proceedings costs. A number of studies find that FDAC cases are less likely to result in contested final hearings which tend to incur higher legal costs:

- NatCen/Foundations (2023) found that only 4% of FDAC cases ended in contested hearings compared to 24% of cases in the matched comparison group.<sup>19</sup>
- An outcomes report of the Milton Keynes and Buckinghamshire FDAC (2021), which explored all FDAC cases from 2014 to 2019, found that only 8% of cases had contested final hearings.<sup>20</sup>
- An evaluation of the London FDAC found that there were fewer contested final hearings in FDAC cases, particularly for cases that remained in FDAC throughout.<sup>21</sup>

Emerging research has also found that FDAC reduces the need for externally commissioned expert assessments to support court decision-making. NatCen/Foundations (2023) found that only FDAC cases involved roughly one expert assessment for every 13 cases, compared to around one assessment per case in standard proceedings.<sup>22</sup>

## **6 There are promising evidence-based reasons to believe that FDAC works in ways likely to be effective in reducing the occurrence of domestic abuse, although empirical research is needed.**

Domestic abuse is one of the key drivers of child protection involvement in the UK. But there is a real lack of evidence around effective ways to respond to domestic abuse perpetrators. Recent research has highlighted the dynamic connections between substance use, trauma and domestic abuse, and suggests that interventions which take these three issues together may be more effective than many of the current strategies. A recent research report, published by the Centre for Justice Innovation, suggests that the FDAC approach is currently addressing domestic abuse perpetration through this multi-dimensional, joined up approach and that there are a number of important concordances between the emerging evidence base and how FDACs work on the ground.<sup>23</sup>

### **What we still need to know**

There are a number of areas where future research would help develop our understanding:

- While NatCen/Foundations (2023) represents a significant step forward, difficulties with matching do weaken the strength, though not the direction, of its findings. There is a need for further large-scale evaluation which draws on alternative data sources to support the development of a matched sample. This could potentially look at a broader range of outcomes, most notably changes in domestic abuse risk and parental mental health, both of which are commonly targeted in FDAC.
- There is a need for work that builds on Harwin (2016) to expand and update the evidence base on long-term outcomes for families involved in FDAC, including potentially looking at child wellbeing and educational outcomes as well as recurrence of child protection issues.
- Targeting of FDAC services could be improved by further evidence to identify whether there are any significant predictors of success within FDAC.
- Further research is needed on the impact of FDAC on domestic abuse outcomes.

## Conclusions

Research to date into FDAC, and its related international models, offers consistent and strong evidence that it represents an effective intervention which can reduce the number of children being permanently removed from their families, increase the number of stable placements that children go to, decrease the number of children placed in local authority care and increase the number of parents becoming abstinent from substance use. On the basis of this, the Centre believes there is a strong case for additional investment to expand FDAC across England and Wales, so every family who could benefit from FDAC is able to access it.

## Endnotes

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### Written by:

Stephen Whitehead and Carolyn Lipp

### About the Centre for Justice Innovation

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