

FAMILY DRUG AND ALCOHOL COURTS

Annual Report
2022/23

FOREWORD

SIR ANDREW MCFARLANE, PRESIDENT OF THE FAMILY DIVISION



In my Worcestershire High Sheriff's Lecture at The University of Worcester in 2002, I said that to be a child who is the subject to court proceedings is not a happy experience. Although, in public law cases the court is working in the best interests of the child, all involved know that we are engaged in work which may lead to long-term adverse emotional and relational damage. We also know that, where we have to remove children from harm's way and place them into care, their life chances are likely to be significantly worse than their peers.

It is why I have long been a supporter of our Family Drug and Alcohol Courts (FDACs). FDACs are a problem-solving, court-driven, approach to care proceedings. They are specially designed to work with parents who struggle with drug and alcohol use, although FDAC parents will often also have other difficulties as well, including mental health problems and experiences of domestic abuse. FDACs are different from other family courts. They try to solve the problems that have led the local authority to bring the parent to court in a way that is different to traditional care proceedings. To do this, the same judge reviews the case every fortnight in an informal review meeting with each parent. Alongside the court, a team of professionals with different specialisms – in areas like substance misuse, child protection and safeguarding, domestic abuse and mental health – work closely with the family during the court process.

As this report makes clear, 2022/23 has seen a number of developments in FDAC. Perhaps the most important development has been the publication by Foundations, the Government's What works Centre for Children's Social Care, of the national evaluation of FDACs. It is the first multi-site evaluation of FDAC conducted to date, and builds on the existing national and international evidence base. The statistically significant findings show that, compared to similar families going through standard care proceedings, FDAC families are much more likely to be reunified at the end of care proceedings, are much more likely to have ceased

using substances, and their children much less likely to be placed in care. From the perspective of the family court itself, FDAC cases are much less likely to result in contested hearings and much less likely to use expert witnesses. The evaluation found that FDAC's unique blend of high-intensity, wraparound, multidisciplinary support and active judicial oversight encouraged parents to make and sustain changes.

In terms of FDACs themselves, to give the bad news first, two FDACs, Somerset and Kent, had to close due to lack of local funding. However, over the same period, we gained a new FDAC in Wiltshire and seen the expansion of FDAC in Greater Manchester. I am also aware of a number of other areas keen to get their own FDACs. We have also seen efforts by national Government to open up new drug treatment funding for local authorities to fund FDACs, via the Supplemental Substance Misuse Treatment and Recovery Grant. It's also worth mentioning that this support for the problem-solving approach is found in others areas in our court system. This year has seen the encouraging piloting of the Pathfinder pilots in private family law continue and, in crime, the establishment of three new problem-solving courts to tackle offending and reduce resorting to prison.

Finally, I am grateful to The Honourable Mr Justice Keehan and Professor Judith Harwin of Lancaster University for the work they are doing in the Public Law Working Group to translate the recommendations of the Independent Care Review and to bring the learning from FDAC and other problem-solving courts into standard care proceedings. If we can do that, we can improve the life chances of hundreds of children and parents across England and Wales. That would be the greatest tribute to the hard work and diligence of the judges and professionals who are currently working in the FDACs today. It is a goal for which I continue to strive.

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

FAMILY DRUG AND ALCOHOL COURTS: THE YEAR IN DATA 2022/23

Our families

Families

191
families
entered FDAC
in 2022/23

230
parents

376
children



Children

Average age:

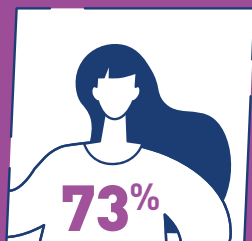
5 years

23% of children were
less than a year old

88% were not in the
care of their parents at
the start of proceedings



Parents



Female



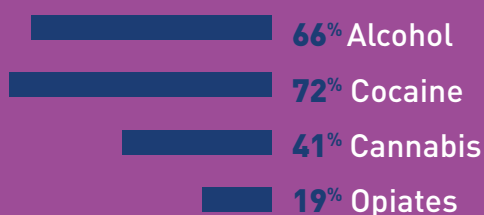
Male

20% of parents were in
care themselves as children

34% of parents have had previous
children removed from their care

Challenges facing families

Substances most commonly used:



43% of parents
reported being effected
by domestic abuse
currently

78% of parents
showed signs of
mental illness



*Based on all families entering FDAC between 1 Apr 2022 and 31 March 2023 (excluding Pan-London FDAC)

Our outcomes

Cases

183
cases
concluded

251
parents

305
children



Outcomes for children

45% of children were
returned to live with their
families

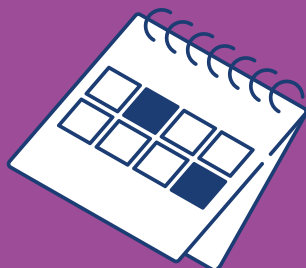
30% of children were
placed with a friend or
family members



Court outputs

The average FDAC case took
43 weeks, compared
to **46 weeks** weeks in
standard cases

Only **10%** of FDAC
cases ended in a final
contested hearing



Outcomes for parents

57% of parents
completed the FDAC
programme

58% of parents reduced
or ceased their drug use

53% of parents reduced
or ceased their alcohol use

43% of parents who
reported ongoing domestic abuse
at the start of FDAC reported it had
ceased by the end of FDAC

Over **400** service referrals
for parents were recorded



*Based on all cases concluding in FDAC between 1 Apr 2022 and 31 March 2023 (excluding Pan-London FDAC)

FDACS IN ENGLAND AND WALES

At the start of 2022/23, there were a total of 16 FDAC services working with families from 35 local authorities and in 22 family courts. Sadly, due to financial constraints, the Somerset FDAC closed in October 2022, Kent FDAC closed in April 2023 and the Cardiff and the Vale FDAC is also due to close. However, Wiltshire FDAC opened in 2022 and there has been an expansion of local authorities accessing FDAC in Greater Manchester through the Stockport FDAC team. There also continues to be interest being shared by numerous local authorities across England in establishing an FDAC to support families going to care proceedings.

FDAC SITES AND LOCAL AUTHORITY AREAS COVERED

- | | |
|--|--|
| 1. Birmingham and Solihull FDAC
Birmingham City Council
and Solihull MBC | 9. North East FDAC
Newcastle City Council, Gateshead
Council, North Tyneside Council |
| 2. Cardiff and the Vale FDAC
Cardiff Council and
Vale of Glamorgan Council
(due to close) | 10. Pan-Bedfordshire FDAC
Bedfordshire County Council,
Central Bedfordshire Council,
Luton Borough Council |
| 3. Coventry and Warwickshire FDAC
Coventry City Council and
Warwickshire County Council | 11. Southampton FDAC
Southampton City Council |
| 4. East Sussex FDAC
East Sussex County Council | 12. Stockport, Wigan and
Manchester FDAC
Stockport Metropolitan Borough
Council, Wigan Council and
Manchester City Council |
| 5. Turn Around for Children
Service Gloucestershire:
Gloucestershire County Council | 13. Wiltshire FDAC
Wiltshire County Council |
| 6. Leeds FDAC
(Service commissioned to
Barca Leeds) Leeds City Council. | 14. Black Country FDAC (Service
commissioned to Change, Grow, Live)
Walsall Council, Sandwell MBC
and Dudley MBC |
| 7. Pan-London FDAC
(Service commissioned to the
Tavistock and Portman NHS Trust)
Croydon, Lambeth, Southwark,
Wandsworth, Sutton, Kingston,
Richmond, Bromley, Barking
& Dagenham, Camden,
Waltham Forest, Redbridge | |
| 8. Milton Keynes and
Buckinghamshire FDAC
Milton Keynes Council and
Buckinghamshire County Council | |

Note:

- 15. Kent FDAC**
Kent County Council – closed 2023
- 16. Somerset FDAC**
Somerset County Council – closed 2022



14

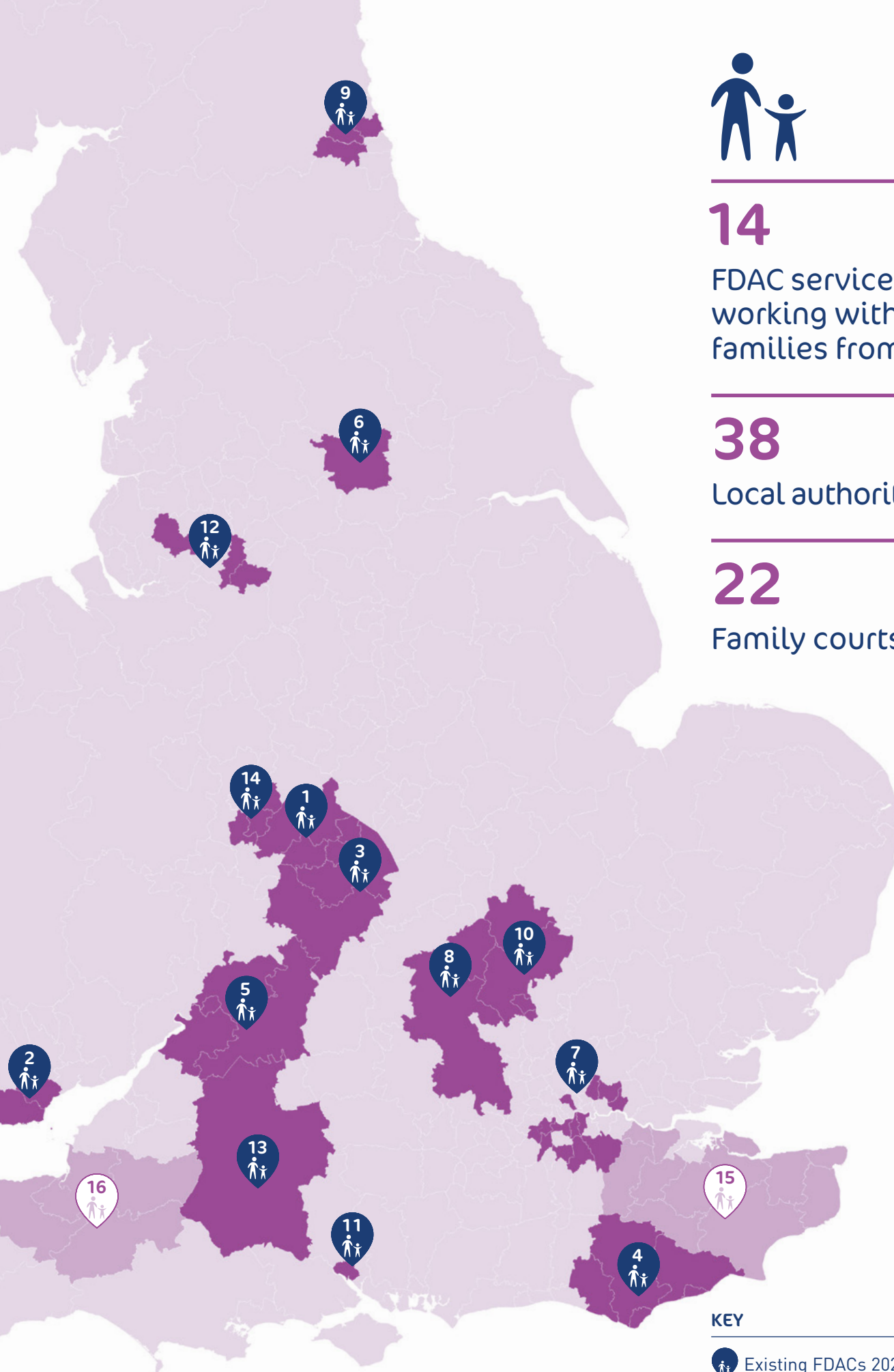
FDAC services
working with
families from...

38

Local authorities in...

22

Family courts



KEY



Existing FDACs 2022/23



Closed in FDAC in 2022/23

DEVELOPMENT OF CURRENT FDACS

Over the last year, the FDAC teams have continued to develop to meet to the needs of the families and communities that they are working with.

Stockport FDAC

Stockport FDAC has seen the expansion of its service across two additional local authorities; Wigan and Manchester. This was in response to the hope to provide an FDAC service more widely across the region. The Centre for Justice Innovation and Mutual Ventures are supporting with a localised cost benefit analysis. This remains a relatively new development, but continues to demonstrate the opportunity for further growth.

East Sussex FDAC and Gloucestershire FDAC

Over the last year the East Sussex FDAC has increased its judicial capacity enabling cases to be heard across two different court buildings, supporting accessibility for families. It has allowed them to welcome an additional FDAC Judge to the team, and the extra day provided is also set up to specifically support cases where domestic abuse is the primary presenting issue. This allows for specific arrangements, with the extra court space, to support the needs of these families. East Sussex have also joined the Gloucestershire FDAC in being able to build in the involvement of specialist practitioners with a health visitor background. In East Sussex this is adding an additional layer of understanding around child development and parental stress to the multi-disciplinary team.

In Gloucestershire FDAC, health visitors have become central to all aspects of service delivery; completing observations, supporting reunifications, as well as regular development checks for children. They are able to stay involved in the post-proceedings support offer and the overall aim for their inclusion in the FDAC offer is to reduce the impact of adverse childhood experiences, provide a boost to development and support children to be pre-school and school ready.

“Seeing how FDAC involves other family members and being part of this made all the difference. The FDAC team never stopped being interested in the children or the family. The trauma of any addiction, it’s not just about the person addicted, it affects the health and mental health of the whole family”

- Grandmother

Leeds FDAC and Wider Family Support

The Leeds FDAC team has been able to include a Family Systemic Therapist who has been working with families to strengthen the relationships within families and community networks. This has been particularly supportive for cases where the children have been able to return home or are residing in the wider family, supporting the quality of family relationships that are able to be maintained for the children.

One family's FDAC story

Jenny and Paul* have 11 children between them and experienced recurrent care proceedings with their former respective partners. They both suffered from substance use, domestic abuse, and poor emotional health. Jenny and her previous partner had had input from Children's Services regarding the care of their children. They had been subject to child in need and child protection plans, and later on, care proceedings. None of the children were in their care. Paul had experienced a range of adverse childhood experiences, which consequently led to involvement with the criminal justice system for theft and violence. Paul had the additional challenge of having no accommodation and was living with Jenny in her bedsit. Jenny and Paul came to the attention of the FDAC Court due to care proceedings being issued for their baby son Connor, and they signed up in 2022. Both parents found it really difficult to engage in any work towards personal change initially. As a result, they struggled to be engaged with all professionals and an early final hearing finalised a care order and placement order for Connor's adoption.

At this stage, both parents expressed their intentions to address their addiction and indicated that they had started working together to reduce their use of drugs. They hoped to show that they could actually care for Connor. They started to build their relationships with the FDAC team which was an important factor in their ability to feel safe enough to do the work needed. They began completing their drug testing which showed their progress towards becoming abstinent. The couple were breathalysed regularly and had PEth blood tests to monitor alcohol use. In addition, they started attending sessions with a substance misuse specialist helping them manage their triggers and cravings around drug use, how to plan their lives safely and to recognise the patterns in of their co-dependent behaviour. Both parents completed work individually around parenting, supporting them to better understand Connor's needs and experiences and the impact substance use had on their ability to meet them. The couple were observed during family time to help the team understand how they interacted and worked together for Connor. They attended the sleep and nutrition workshops, as well as parenting groups. The Non-Lawyer Reviews and the relationship with their FDAC Judge was seen to be to

instrumental in supporting to build their confidence in the support and process, as well as giving them a sense of hope in the future.

A focus of work and intervention was around healthy relationships. Jenny attended the FDAC women's domestic abuse group and safer relationship sessions, whilst Paul completed sessions with one of the FDAC Senior Practitioners to address his domestic abuse perpetration. Relationship work was offered to them as a couple to help them explore their relationship, their strengths and weaknesses as a couple and how they could communicate better. As a result, an 8-week extension was requested by the FDAC Team, to further test out the parents' ability to sustain their recovery and really consolidate their learning.

Due to Jenny and Paul's progress, the final FDAC assessment was able to make a positive recommendation for Connor to be reunified with his parents. At the final FDAC hearing the decision was made that Connor was able to remain in his parents' care subject to a 12-month supervision order.

“FDAC have really helped us”

“I don't know what I would have done without FDAC. I feel privileged to have the FDAC team supporting us”



Letter from one FDAC parent to another

In FDAC it is known how powerful the support from a fellow parent can be. At a time where everything can feel frightening and the feelings of shame and judgement are huge, talking to someone who has had experience of the process can be really valuable. The opportunity to have Parent Mentors is part of the FDAC model that many areas would like to develop but where this is still in progress, FDAC parents are able to be creative in showing their support and offering guidance in other ways....

Dear Parent/ Parents,

If you're anything like I was right now, you will be feeling scared and wondering what on earth you've let yourself in for. For many reasons I had let substances and alcohol take over my life and in that, my kids' lives. I thought a life without either was totally unthinkable. I was as low as it gets and very afraid.

But being approached and working with the FDAC team was the best thing I could have done. I didn't understand why they wanted to know all these things about me and why they kept asking such personal questions; and if at any time you don't understand - then ask.

Between social workers, solicitors and other professionals your head can become a total washing machine (well mine did) but please listen, make notes and stay with it. I had been sick of just hearing negative stuff, but unfortunately I had needed to so I could stop making the same mistakes again and again in everything I did - with my kids, my family, my social life and intimate relationships.

I won't lie, it was really, really hard and there were many things that I didn't want to talk about or do. I hated feeling like I was being watched and notes being made, but I hit a turning point and began to trust my keyworker. As we got to know one another and I realised they were with me it suddenly got a lot easier and I would look forward to my sessions.

There were so many hurdles along the way and I know for a fact without the support FDAC gave me, I would have crumbled. As I write this today, my life is unrecognisable. It's amazing. I am clean and sober and have my life and my daughter back.

I wish you all the best - good luck 😊

Letter from an FDAC mother to support new families who were being referred to the FDAC team.

NATIONAL FDAC EVALUATION

A new evaluation was commissioned by Foundations, the Government's What Works Centre for Children's Social Care, to assess and understand the impact of FDAC. Conducted by NatCen, it compares the outcomes FDAC families experience, compared to a similar matched group of parents who went through standard care proceedings. It is the first multi-site evaluation of FDAC conducted to date, and builds on the existing evidence base.

Outcome evaluation

Published in August 2023, the statistically significant findings are:

- Children with a primary carer in FDAC care proceedings were more likely to be reunified with their primary carer at the end of the care proceeding in comparison to children with a primary carer in non-FDAC care proceedings (52.0% versus 12.5%).
- A higher proportion of FDAC than comparison parents had ceased to use drugs or alcohol by the end of the proceedings (33.6% versus 8.1%).
- The proportion of hearings being contested was lower for FDAC than standard care proceedings (4.2% versus 23.8%).
- A lower proportion of FDAC cases used external expert witness assessments compared with non-FDAC care proceedings (7.7% versus 96.1%).
- Children in FDAC sites had lower probability of being placed in LA care compared with non-FDAC care proceedings (28.6% versus 54.7%).

Process evaluation

The process evaluation found, amongst other things, that two key facilitators of perceived positive outcomes for families were:

- The package of high-intensity, wraparound, multidisciplinary support FDAC provided – flexibly tailored for each individual, and coordinated by key workers, with whom parents can develop a trusted relationship;
- The FDAC judges' role: leading and providing active oversight to the whole process; and having direct contact with parents, encouraging them to make and sustain changes.

Policy & practice implications

Foundations suggests that given the overall evidence base, local commissioners should consider how Family Drug & Alcohol Courts can form part of their services for families, and how it would operate alongside other substance use services.

The findings are a testament to the hard work and diligence of the judges and professionals who are currently working in the 14 FDACs across England and Wales.

These positive findings build on a strong evidence base, reinforcing the message that if we expand the number of FDACs across the country, we will improve the life chances of hundreds of children and parents across our country.

Substance misuse, trauma and domestic abuse perpetration: The perspective from FDAC

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 work with domestic abuse perpetrators, particularly within the Family Justice setting. In February 2023, the Centre published a report exploring the complex links between substance misuse, experience of trauma and perpetration of domestic abuse from an FDAC perspective, funded by the Home Office. The report compares the lessons learned from a systematic review of the evidence around the links between abuse, trauma and perpetration of abuse with the way that these three issues are understood and responded to by FDAC teams and judges.

Key lessons from the evidence

Our rapid review of the literature highlighted that the complex interplay of substance misuse, trauma and domestic abuse creates a need for integrated treatment to address them. Moreover, integrated, domestic abuse programmes should be provided within a trauma-informed and motivational framework. While it is important to hold perpetrators to account, trauma-informed care which rests on a “therapeutic alliance” will encourage perpetrators to engage openly with their behaviour, avoiding the denial and minimisation which are common to both DA and people misusing substances. Harnessing the role of perpetrators as parents may provide a key entry point to engaging them in change.

Practice in FDACs

Our research found a strong alignment between what the research suggests might be effective and the work of FDAC teams which commonly work with families where domestic abuse is ongoing. FDAC teams provide perpetrators with a tailored and integrated set of interventions which address their abusive behaviour alongside other issues, while ensuring that they are held to account in key working sessions and by judges. FDACs also take a dynamic approach to safety planning, ensuring that they can respond to increases in risks that might be triggered by the stress of care proceedings or reductions as treatment starts to take effect.

This research literature highlights the need for new approaches to working with domestic abuse perpetrators: for acknowledging and responding to drivers of perpetration. FDAC, with its trauma-informed, multi-disciplinary approach, and its proven outcomes might offer an important template for these new approaches.



“...the perspectives of practitioners in this study suggest that the FDAC approach is currently addressing domestic abuse perpetration through its multidimensional, joined up approach. There were also a number of important concordances between the evidence base and FDAC practitioners’ understanding of domestic abuse on the ground...”

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. 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.