

Senedd Cymru | Welsh Parliament

Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and Education Committee

Gwasanaethau i blant sydd wedi bod mewn gofal: archwilio diwygio radical | Services for care experienced children: exploring radical reform

Ymateb gan Llysoedd Teulu Cyffuriau ac Alcohol (FDAC), Y Ganolfan Arloesi ym maes Cyfiawnder | Evidence from Family Drug and Alcohol Courts (FDAC), Centre for Justice Innovation

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## SUMMARY

- Family Drug and Alcohol Courts (FDAC) are an alternative approach to care proceedings for families where parental substance misuse is a primary concern.
- The Wales Centre for Public Policy in its Analysis of the Factors Contributing to the High Rates of Care in Wales showed that children in Wales are twice as likely to be looked after if one of both of their parents has a drug or alcohol issue.
- FDACs were originally created as a response to recurrent care proceedings, where the same mothers were repeatedly having subsequent children removed from their care.
- Research has found that that 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.
- FDAC has also been shown to save money overall, primarily through avoiding some of the expensive legal costs associated with standard care proceedings.
- The FDAC model has been slowly spreading in England since its creation in 2008, and in 2021, the Welsh Government commissioned a two-year pilot of FDAC in the Cardiff and Vale of Glamorgan areas. This pilot is now in its second year of operation.
- The FDAC pilot is supporting the Welsh Government to meet its aspirations to explore radical reform for children who could be in contact with the care system and promises to reduce the number of children taken into care in the first place.
- The pilot's funding runs out in 2023 and the final evaluation is expected in January 2024. The sequencing of these dates is awkward for re-commissioning decisions.
- It is hoped that the FDAC pilot will be continued, and for this model to be spread more widely across all of Wales.

## BACKGROUND: THE FDAC MODEL

FDAC is an alternative approach to care proceedings for families where parental substance misuse is a primary concern.

We know from research about the devastating impact both directly and immediately on children of parental substance misuse, as well as the long-lasting impacts this can have for children.

Research shows that parental substance misuse often has a direct and immediate impact on children, including impaired brain development, emotional and physical abuse, neglect and trauma.

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, such as poorer school attainment, imprisonment, homelessness, involvement with psychiatric services and addiction.

Due to the neglect and abuse that stem from parental substance misuse, affected families are often in contact with children's services. As harm/abuse/neglect gets more serious, the response is more serious.

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

Instead of the more adversarial approach of non-FDAC care proceedings, FDAC employs a problem-solving court approach which seeks to deliver:

**Better outcomes for children and families**, including: (i) 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 and (ii) achieving higher rates of control or cessation of parental substance misuse by delivering durable substance misuse treatment and interventions;

**Better justice**, by delivering a more procedurally fair court process,<sup>7</sup> 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 provides a **different way of hearing care proceedings through a 'trial for change'**, including:

**Judicial monitoring**, where parent(s) see the same judge throughout care proceedings, and where trained judges motivate parents through a treatment plan, while reminding them of consequences and timescales;

A **multi-disciplinary team** (the FDAC team) which assists the judge, delivers interventions and assessment with parents and co-ordinates a network of services to promote sustained behavioural change and substance misuse cessation, while parents are also subject to regular testing for drug and alcohol use.

## RESEARCH

Since its creation in 2008, there has been a strong emphasis on the evaluation of FDAC. It has been subject to three major, independent outcome evaluations, including a 5-year follow-up study. In addition, there have been a number of other evaluations, including qualitative and local FDAC site outcome evaluations.

All of the research overwhelmingly suggests that, compared to the outcomes of standard care proceedings for similar types of cases, 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. Research looking at a five-year follow-up period after proceedings end, strongly shows that FDACs' positive outcomes are durable over time.

- **[2011: Pilot study](#)**: Brunel University (funded by Nuffield Foundation)
  - This 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.
- **[2014: London study](#)**: Brunel University (DfE funded)
  - A second study of the London FDAC pilot (2014) confirmed the early results and found evidence of longer term impact one year after the end of proceedings.
  - Found 36% of mothers in FDAC were reunited with their children in FDAC in comparison to 24% in normal proceedings, and that 40% of mothers in FDAC were no longer misusing substances, compared to 25%. For fathers, the figures were 25% in comparison to 5%.
  - 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.
- **[2016: Five year follow up](#)**: Lancaster University (DfE funded)
  - 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.
- Individual FDACs in England have been evaluated with similarly positive findings, including a 2021 evaluation of the Milton Keynes and Bucks FDAC. Findings include:
  - Only 8% of cases in the sample involved contested final hearings, compared to a generally accepted figure of around 60% of cases contested in standard proceedings.
  - Children were returned to parental care at the conclusion of FDAC proceedings in 46% of cases, and of the 56% of cases where children were not returned to parental care, only 10% were placed for adoption and a further 10% in long-term foster care. The remainder of these cases resulted in an SGO arrangement with a connected person. Over the 6 years of the study, only 6% of cases ended back in subsequent care proceedings. In addition, 6% of cases that did not end in reunification during the FDAC

proceedings had their order revoked at a later date and children are now in the care of their parent(s).

- **Reporting 2023: Supporting Families, Investing in Practice programme** (DfE funded) evaluation
  - This evaluation is a national outcomes evaluation of all FDACs in England. Initial findings have been positive, with the final report expected in March.

## BACKGROUND: EVIDENCE SUMMARIES/RECENT REPORTS MENTIONING FDAC

- **The What Works Centre for Children’s Social Care’s [evidence summary page for FDAC](#)** reports “An overall positive effect on family reunification, based on high strength evidence”. (This draws on a [2019 systematic review](#)).
- **[The Commission on Justice in Wales](#)**, on examining the evidence for FDAC, called for “immediate discussions with the judiciary with a view to the establishment of FDACs in Wales”, and this has resulted in the setting up of a pilot in Cardiff and Vale.
- **A literature review completed as part of the interim report of the [external evaluation of the Welsh FDAC pilot](#)** noted that “Evaluations demonstrated that families undergoing FDAC were significantly more likely to both retain care of their children and cease substance misuse compared to those in standard proceedings. These results were also observed to have better longevity than standard proceedings. Successful outcomes were frequently attributed to FDAC’s collaborative way of working, and parents valuing their agency in co-produced goals and plans, as well as honesty and respect from professionals, particularly judges.”
- **The [Independent Review of Children’s Social Care](#)**, chaired by Josh MacAlister, spoke positively about FDAC: “Family Drug and Alcohol Courts (FDAC) have been an important innovation in this space, combining specialist support and a problem solving approach. They remain an important evidence based intervention to keep more children safely at home with their families.” It also notes “[t]he Family Drug and Alcohol Court improves parental engagement and outcomes for children.” and recommended 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.”
- The Centre for Justice Innovation’s **[comprehensive, 80+ page business case for FDACs](#)** sets out the evidence for and impact of the model, and spells out in detail how they could be rolled out nationally across England and Wales.

## BACKGROUND: COST SAVINGS FROM FDAC

- 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).
- In 2012, Ernst & Young with RyanTunnardBrown estimated that FDAC saved the public purse £40,000 per year for each family that were reunified.

- [Whitehead & Reeder](#) (2016) found that FDAC saved the public purse £2.30 for every £1 invested, over a five year period.
- The 2021 Pan-Bedfordshire FDAC [pilot evaluation](#) found significant savings to the 3 local authorities involved in the FDAC service.
- The 2021 [business case for FDAC](#), drawing on conservative figures, found: “an 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-year savings generated by better outcomes post proceedings.”
- The business case found that 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. It also found that if there were FDAC teams covering all of the 155 local authorities in England, this would result in total net savings of £41,559,284 for each year’s FDAC caseload.’

## FDAC IN WALES

Family Drug and Alcohol Court (FDAC) is an alternative form of care proceedings and a promising, problem-solving approach to helping parents overcome problems related to substance misuse. In recent years, the potential of FDAC has been recognised in Wales, where concerns about rising numbers of children in care are particularly acute.

In 2019 the Commission on Justice in Wales report highlighted the increasing numbers of children entering care across Wales.

The Wales Centre for Public Policy in its Analysis of the Factors Contributing to the High Rates of Care in Wales showed that children in Wales are twice as likely to be looked after if one of both of their parents has a drug or alcohol issue.

As such, the Commission on Justice in Wales report recommended implementing the FDAC approach in Wales.

In 2021, the Welsh Government commissioned a two-year pilot of FDAC in the Cardiff and Vale of Glamorgan areas to be operated from the Cardiff Family Court. The Centre for Justice Innovation (CJI) are providing operational support to the pilot and commissioned an evaluation of the pilot in Wales by CASCADE at Cardiff University. The evaluation began in January 2022 and will end in January 2024.

The Cardiff and Vale FDAC (C&V FDAC) launched its two-year pilot programme in December 2021. The core C&V FDAC team was established in November/December 2021, and is based in Cardiff City Hall. The C&V FDAC operates out of the Cardiff Family Court, and has three specially trained judges. The court is overseen by one lead judge hearing FDAC cases, and another two judges currently available to cover for holiday and sick leave. The site began hearing FDAC cases in late December 2021, with the first parent signing up to FDAC in January 2022.

## DATA FROM THE FIRST 12 MONTHS OF OPERATIONS

As of January 2023, C&V FDAC have had 15 cases involving 23 parents and 19 children. 4 of those cases have concluded: 2 with reunification, 1 with placement of the child with a wider family member, and 1 with the child placed in long term foster care.

The severity of parents' clinically judged alcohol misuse at the start of proceedings was most commonly 'medium' (60% of parents), and the severity of parents' clinically judged drug misuse at the start of proceedings was most commonly medium to high (50% and 40% respectively).

Other notable characteristics of families involved to date are mental ill health, domestic abuse and unstable living arrangements. 30% of parents had an existing mental health diagnosis, and 70% of parents had either past or current experience of domestic abuse. At the start of proceedings, 50% of parents were living in either supported housing, a hostel, or a refuge, and most children were either in foster care (50%), or with a non-parental family member (37.5%).

## SUSTAINABILITY AND SCALE AND SPREAD

As the pilot is in its 2<sup>nd</sup> year of operations, questions arise as to the future sustainability of the service as well as any expansion to additional cases.

Welsh government funding is currently not scheduled beyond 2023.

National Lottery Wales funding has recently been secured to fund an additional worker within the team for the remainder of the pilot.

The ambition is to continue the C&V FDAC service beyond the pilot phase; however, it is difficult for the local authorities to make an evidence-based decision without the final evaluation report (due as the funding ends).

In addition, the ambition is to continue building the Welsh specific evidence base for FDAC with a view to scaling and spreading the model more widely across all of Wales.