

# Update on FDAC roll-out and the FDAC National Unit

This report was prepared by the FDAC National Unit on 7 May 2015 as a short briefing for the Designated Family Judges and other Judges attending my annual Conference, to bring them up to date with the work of the FDAC National Unit and the current developments in the roll out of FDAC to other areas. I am grateful to *Family Law* for facilitating its wider dissemination.

I remain a committed and enthusiastic supporter of FDAC and am delighted to see the progress that has been made and what is planned for the future. Problem-solving is an essential component of an effective family justice system and FDAC has a vital role to play. So too do other problem-solving models. However, as the briefing makes clear, it is important not to confuse FDAC with other equally valid models or to attach the FDAC label to projects which do not incorporate the essential components of the FDAC model.

**James Munby, President**  
8 June 2015

## Innovation funding

The President's support for the FDAC model has been of critical importance in enthusing Designated Family Judges to encourage their local authorities to consider developing specialist teams to work closely with courts. This interest and enthusiasm played a very important part in ensuring the success of our bid for innovation funding from the DfE for one year (2015–2016) to continue the work of rolling out FDAC.

The funding of £2.5m has enabled us to set up the FDAC National Unit, as from 1 April 2015, and includes part-funding for four areas to develop FDACs during this year. The FDAC National Unit team includes the key players since FDAC's inception, including Nick Crichton, Sophie Kershaw, Mike Shaw, Steve Bambrough, Coram, Mary Ryan, Jo Tunnard and Judith

Harwin and some newer colleagues including Karen Broadhurst from Manchester University and Phil Bowen and Stephen Whitehead from the Centre for Justice Innovation. The team will be working closely with the four areas who have committed to match the funding provided by central government. These areas are: the South West peninsula (Plymouth, Torbay and parts of Devon), Kent and Medway, Coventry and West Yorkshire (Leeds, Bradford, Kirklees, Calderdale and Wakefield). The aim is to have FDACs up and running in these areas between October and December of this year, which will require focused and intensive work both on the part of the National Unit and the local areas, particularly as we will be including a focus on domestic violence in addition to substance misuse in some of the sites.

The grant also includes further funding for a linked pilot to be developed in the London FDAC and in two of the new sites. In this pilot, the FDAC team will work with mothers who have previously had a child removed through care proceedings and are in early pregnancy. We will continue working for up to 2 years with the family, whether the parents are successful or not in retaining care of the new child.

Our hope is that further funding may be made available next year to enable us to work more closely with more areas. Our longer term vision is to support the development of FDACs in all areas where need is determined.

## Building on learning from current sites

The London FDAC at the Central Family Court continues, with the specialist team now funded by seven inner London local authorities. FDACs are up and running in Gloucestershire, Milton Keynes and Buckinghamshire, and East Sussex. Part of the work of the National Unit will be

continuing to monitor outcomes from existing FDAC courts in order to develop the evidence base, and to strengthen the value for money and cost benefit arguments.

The National Unit has also developed a training package for new sites. Nick Crichton is Head of FDAC Judicial Training and Mike Shaw and Sophie Kershaw lead the training of FDAC specialist teams. Gloucestershire, East Sussex and Milton Keynes/ Buckinghamshire have all had this training. One of the DFJs involved has commented:

‘I saw the training as completely appropriate and essential for any FDAC judge to absorb the ethos and methods involved in an entirely new way of working.’

### Development of FDAC in other areas

In addition there is now a long list of areas that are in the early stages of developing FDACs, including: Berkshire (with five unitary local authorities), Oxfordshire, Northampton, Southampton, Hampshire, Portsmouth and the Isle of Wight, Dorset, Essex and Suffolk, Newcastle, Preston, Brighton and West Sussex, and the West London Family Court based at Hatton Cross. Although we do not have the resources to work so closely with all of these areas, and they have not been provided with any government funding, an important part of the work of the FDAC National Unit will be ensuring these areas get advice and information from us and from other areas who have set up, or are setting up, FDACs. We are in the process of designing a website which will contain information about the research and guidance on set up. We will be holding two National Events over the course of the following year for any area interested in, or in the process of developing, FDACs. We will be bringing key people in all the sites with FDACs together to discuss shared learning. Finally, we will, in the second six months of this year, be identifying areas well on the way to developing FDAC with whom we will work very closely during 2016/2017 if further

funding is made available to the FDAC National Unit, along the same lines as this year’s grant.

We are enormously pleased to find ourselves in this position but some challenges remain.

### Fidelity to the model

The main challenge is trying to ensure fidelity to the FDAC model, which has been evaluated and shown to be successful.

This is largely down to the pressure on local authority budgets which make it harder for arguments to be made for investment in a specialist team. This has led to suggestions for short cuts, such as:

- a ‘virtual’ team, made up of local authority social workers and adult treatment service providers already working with the family;
- improving working between adult services and social services; or,
- appointing a case coordinator to manage the flow of cases into the court.

We are concerned that this does not fit with fidelity to the FDAC model and will not allow for the intensity of intervention possible from a dedicated team, and crucially will not allow for the close working relationship between the specialist team and the court that has been so important in the London FDAC and has so far been mirrored in Gloucestershire, Milton Keynes/Buckinghamshire and East Sussex.

It is very important that families can legitimately regard the FDAC specialist team as independent from the local authority. This is more straightforward where the specialist team is part of a separate organisation. However we are willing to consider models where local authorities provide the specialist team in partnership with a separate organisation. We do, however, have concerns where the FDAC worker is also the local authority case holding social worker.

The FDAC National Unit team will continue to press home the message of fidelity to the

model, and, as noted above, part of our work this year will be developing a stronger value for money/cost benefit case for FDAC.

In some areas judges have been running non-lawyer reviews without the benefit of a FDAC therapeutic intervention team. We have heard this referred to as ‘an FDAC like approach’ or ‘FDAC lite’. Our concern here is that while regular meetings with Judges may encourage and motivate parents to take part in whatever treatment they are being offered, it is misleading to refer to this as an FDAC approach or an FDAC model.

The President gave a very clear message in *Re S (Parenting Assessment)* [2014] 2 FLR 575, [2014] Fam Law 1092 and his View from the President’s Chambers (No 7): ‘The process of reform: changing cultures’ published at [2013] Fam Law 1394 that the FDAC model involves a specialist team working with the court. While he noted in *Re S* that ‘the FDAC approach does not necessarily require an FDAC’, the examples he gave of Plymouth and Liverpool were of different uses of intensive work from specialist teams or of focused pre proceedings activity. We welcome alternative approaches from Judges but we would urge areas that want to develop an FDAC, an evidenced based intervention, to seek support from the National Unit regarding fidelity.

We now have available guidance on Getting Going with FDAC and are happy to respond to requests for information or advice. While the main focus of the work of the National Unit will inevitably be on the four sites that we are working most closely with this year, we are fully aware of the importance of providing ongoing support for other areas. We would like to have identified the sites for development and support in 2016–2017 by November 2015.

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