

FDAC – the facts

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‘The FDAC approach is crucially important. The simple reality is that FDAC works . . . FDAC is, it must be, a vital component in the new Family Court.’ (Sir James Munby, President of the Family Division)

‘Since 2008, the Family Drug and Alcohol Court has thrown an invaluable lifeline to hundreds upon hundreds of families, helping parents shut the door on destructive behaviour and making sure everyone is working towards the best possible outcome for the child – a safe and stable family.’ (Edward Timpson, Minister for Children and Families)

‘The specialist family and drug and alcohol court is a proven way of using the authority of the court to motivate people to change. This type of court has been found to be effective at tackling entrenched addiction problems and other difficulties so that parents equip themselves to be just that – parents for their children. The family drug and alcohol court also saves money: shorter court hearings, fewer legal representatives at hearings, fewer contested cases, less use of foster care placements during and after proceedings.’ (Phil Bowen, Director, Centre for Justice Innovation)

‘FDAC has helped me be the sort of person I want to be. It’s helped me remain focused and motivated and instilled in me a real sense of achievement and confidence.’ (Parent after FDAC intervention, 2014)

‘Clients in FDAC feel, not exactly relaxed, but they seem to take on board things a little bit more. They seem to

understand better why they are doing something and they are happier with the process, even if it is not something they want.’ (Manager of an adult substance misuse treatment service)

All over England and Wales local authorities are coming to an understanding that a relatively small cohort of mothers are providing large groups of children for the care system. The causes are frequently a combination of drug and alcohol misuse; domestic violence and abuse; mental health and personality disorders; housing problems and budgeting difficulties. The London Borough of Hackney has identified that of 320 children in their care, 205 are from 49 mothers. If we think that by removing a child from a family with a combination of these difficulties we are solving the problem we are deluding ourselves. Removing children is not the best solution to the problem; supporting these families to address their difficulties is a better and fairer solution. By removing children without access to proper support for families we are merely condoning the birth of more children into that family – children who will almost inevitably be taken into care only to be followed by another – and by another. A psychiatrist once reported that a mother had said ‘every time they take a child away the only way I can deal with the pain of the loss is to get pregnant again’.

The London Family Drug and Alcohol Court (FDAC) at the Central Family Court has been running since January 2008. FDAC offers an alternative form of care proceedings for parents and children in those cases where substance misuse is a key factor in the decision to bring proceedings.

FDAC uses a problem-solving court approach, which aims to help parents control their substance misuse so that they can be safely reunited with their children. If that is not possible, the aim is to ensure that children are placed permanently with family members or elsewhere as speedily as possible.

FDAC is based on a model which is well established across the USA. The model has been adapted to fit the English and Welsh legal and welfare systems. The specialist multi-disciplinary team which works closely with the judges and supports the parents through the process is provided by the Tavistock and Portman NHS Foundation Trust and the children's charity Coram working in partnership. FDAC was initially a four year pilot with cross-government funding and co-funding from three local authorities. From April 2012 the funding for the specialist team has come solely from the six inner London local authorities which now use FDAC. Since the programme started it has been independently evaluated by Brunel University.

How does FDAC work?

The FDAC team is independent of local authority social services teams. It is made up of social workers, substance misuse experts, a mental health worker, a domestic violence expert, and parent mentors. The clinical lead is a child and adolescent psychiatrist. They have access to an adult psychiatrist. They also include parent mentors – parents who have successfully come through the system and recovered the care of their children. The mentors are linked with parents coming into the programme – there is no better message than that received from somebody who understands how are you are feeling, and who can tell you that if they can do it you can do it.

Day 1. A participating local authority identifies a case suitable for FDAC. The case is listed on a Monday at 2 pm. The parties attend with their lawyers at 1 pm and meet the FDAC team. They learn something of what the programme offers. At 2 pm they go in front of the Judge who will have had

an opportunity to have a brief look at the papers. All he (or she) needs to know is whether or not the family are interested in coming in to FDAC. If they are, he adjourns for 2 or 3 weeks.

Day 4. On the Thursday the parents spend all day at the FDAC offices, being assessed by the team.

Day 9. On the following Tuesday the FDAC social worker and drug treatment worker who assessed the parents meet with the FDAC team manager and consultant child and adolescent psychiatrist to discuss their findings. As they talk they start to draft the FDAC initial report. Together they pick out the positive and negative prognostic factors; think about what problems are solvable within the timeframe of the child and court and choose half a dozen things they want to start with. Having discussed the case for a couple of hours the FDAC team hold an 'intervention-planning meeting' with the parents, the children's social worker and guardian and the parent's treatment and support workers. At the start of the meeting the parents are asked whether there is anything they hope to change in the next 6 months. Nearly every parent responds by talking about overcoming their problems and being united as a family. The meeting then moves on to agree a 'trial for change', which needs to fulfil three requirements. First, to give the parents the best possible chance of achieving their goals; second to be achievable with the available resources and third to test whether the parents can make sustainable changes in a timescale compatible with the children's timescales and the timescales for the court. By Day 12 the lawyers will have been sent a copy of the 'intervention plan', which sets out what will be expected of the parents and the professional network in the next 6 weeks. The full FDAC initial assessment report will be available the following week.

Day 15 or 22. On the Monday 2 or 3 weeks after the first hearing the parents return to court with their lawyers. They will have had a chance to read the assessment and intervention plan. The judge will want to know whether they are coming into the

programme. If they are, they will be asked to sign a simple agreement, agreeing to keep all appointments, to come to court whenever required, and to be open and honest at all times (they sometimes need to be reminded of this!). From this point onwards the intervention plan and its timescales have the full authority of the court.

This is the benefit of early intervention by a multi-disciplinary team. The assessment report is comprehensive. It is very rare that the court requires any other kind of expert report.

The parents are put through to an intensive programme. Detoxification, rehabilitation, regular screening, treatment programmes, CBT, strengthening families courses, domestic violence courses, parenting programmes, and anything else that is thought to be appropriate for this parent. The team use video interaction guidance to assist parents in understanding the value of attuned interactions with their child. This is not a soft option. Throughout the programme parents understand what is at stake – can they get into a position whereby they can recover or retain the care of their child?

After the second hearing, the parents come to court on a fortnightly basis, without their lawyers. These non-lawyer reviews are a fascinating part of the process. They are attended by the FDAC key worker, the child's allocated social worker and the children's guardian. The parents meet the same judge on each occasion, and occasionally the reserve judge if their judge is unavailable. The judge chairs a discussion about progress, trying to find what is working well for the parents, and what is working less well. It may be possible to tweak the intervention plan to make it more effective. At these hearings parents begin to

find their voices, to take ownership of their cases and, imperceptibly, to take ownership of their lives. One of the first interventions by the FDAC team is to give every parent a diary. Many of these parents have been living in a world where time does not exist. They want to forget about the past and are too frightened to think about the future. FDAC encourages parents to plan and reflect on their lives a fortnight at a time. The judge can tell that a parent has 'got' FDAC when they start bring their diary to court and referring to it in the non-lawyer reviews.

What is different about FDAC?

- Judicial continuity – judges deal with the same case throughout.
- A problem-solving, therapeutic approach provided via fortnightly court reviews. The reviews provide opportunities for regular monitoring of parents' progress and for judges to engage and motivate parents, speak directly to parents and social workers, and find ways of resolving problems. Lawyers do not attend the reviews.
- A specialist, multi-disciplinary team who work with the court.

The team:

- carry out assessments and direct work with parents;
- devise and co-ordinate an intervention plan;
- enable and assist parents to engage and stay engaged with substance misuse, parenting and other services to address needs identified;
- provide regular reports on parental progress to the court and to all others involved in the case; and
- facilitate additional support for parents through volunteer parent mentors.

| | Normal proceedings | FDAC |
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| Judge | <ul style="list-style-type: none"> Likely to be different judges at different stages | <ul style="list-style-type: none"> Same judge throughout |
| Hearings | <ul style="list-style-type: none"> Number of court hearings kept to a minimum | <ul style="list-style-type: none"> Parents have fortnightly court hearings where they speak to the judge directly |
| Time | <ul style="list-style-type: none"> Pressure to finish proceedings inside 26 weeks | <ul style="list-style-type: none"> Additional time available where families show promise |
| Professional support | <ul style="list-style-type: none"> The children's social worker and guardian | <ul style="list-style-type: none"> The FDAC judges take a 'problem solving approach' and are trained in keeping parents motivated Weekly meetings with the 'FDAC intervention team' with expertise in child, adult and family health care The option of working with a 'parent mentor', who is a volunteer with personal experience of overcoming similar problems |
| Expert advice | <ul style="list-style-type: none"> The court regards the children's social worker and guardian as the experts Permission and funding for other experts is limited | <ul style="list-style-type: none"> From the first week of proceedings families will have support and advice from leading experts |
| Treatment | <ul style="list-style-type: none"> Up to parents to organise | <ul style="list-style-type: none"> A tailor-made 'trial for change' designed to give parents every possible support to overcome their problems and meet their children's needs At the same time testing whether that is possible and sustainable in a timeframe that matches their children's needs |
| Outcomes | | <ul style="list-style-type: none"> Families are more likely to overcome their problems and raise healthy well adjusted children |

Evaluation

From the outset FDAC has been evaluated by a team from Brunel University. A summary of the findings can be found at: http://www.brunel.ac.uk/__data/assets/pdf_file/0007/91339/fdac_executive_summary.pdf and the full evaluation can be found at: <http://www.brunel.ac.uk/chls/clinical-sciences/research/ccyr/research-projects/fdac>. In brief, at the end of proceedings 40% of

FDAC mothers were no longer misusing substances compared with 25% of comparison mothers; and 25% of FDAC fathers were no longer misusing substances compared with 5% of comparison fathers. At the end of proceedings, 35% of FDAC mothers had stopped misusing substances and had been reunited with their children, compared with 19% in normal proceedings. Finally, at the end of one year 83% of

FDAC mothers were still living with their children, compared with 78% of comparison mothers. 25% of FDAC mothers relapsed in the first year, compared with 44% of mothers who had been through ordinary proceedings.

The judge

It is depressing having to make orders for the removal of the fourth, fifth, and sixth children from the same family for the same reason, knowing that very little has been done to rectify the core difficulty. In one case I had to remove the 14th child from a family. The emotional cost to these families and their children is immense. The financial cost to the taxpayer is enormous. Children in the care system, particularly older children, do not do well. I have no doubt that FDAC represents a better option. Engaging parents in the FDAC programme and encouraging them to work with the team is immensely rewarding. It is difficult not to become emotionally involved; perhaps one should not do this work unless one is prepared to become emotionally involved to an extent. However, it is important to combine compassion with some sense of professional detachment. We have seen some outstanding successes – one mother had had six children adopted but made it through with her seventh. Another had had seven children adopted, but made it through with her eighth. One young mother, a heroin addict from the age of 10, came to understand that her journey to recovery could not take less than 2 years, and that her baby could not wait. Very movingly she voluntarily surrendered her child for adoption, accepting that this was in her child's best interests. She was spared the long contested hearing that would have left her bitter and resentful.

The service manager

I have been privileged to be the service manager for the London FDAC since it started, and have been involved in the development of the model as it has adapted and changed over the years, rising to the challenge of the family justice reforms. Trying to capture the culture of FDAC words started to spring to mind, such as

problem-solving, collaboration, reflective thinking and building relationships. All key elements. I was recently asked what a problem-solving approach really meant for families, and how we model that. Problem-solving is a principle that sits at the heart of FDAC and is utilised across the system from the commissioning, to the court room and through to the direct work with families. We try and help families develop their problem-solving capabilities by modelling this in the way we work, so we help families to think and solve their own problems by creating space for us to think and feel with them, and with our colleagues. FDAC is a remarkable innovation and the multi-disciplinary team members that work in FDAC feel they are doing real therapeutic work with families, one of the major reasons I went into social work.

The psychiatrist

Being a member of the FDAC team has been absolutely the most satisfying experience of my professional life. Child abuse and neglect is such an important issue for mental health. The Chief Medical Officer's recent report on mental health concluded that 'between a quarter and a third of the burden of adult psychiatric disorders is attributable to the effect of childhood abuse' (L Howard, J Shaw, S Oram, H Khalifeh and S Flynn, 'Violence and Mental Health', in the *Annual Report of the Chief Medical Officer 2013 Public Mental Health Priorities: Investing in the Evidence* (2014)). FDAC is a brilliant way to prevent the intergenerational transmission of difficulty and disadvantage. We believe that no parent wants their child to suffer and that every family in difficulty wants things to get better. We have seen families achieve amazing things, generally it is because they discover how to reach out for help and work as part of a team. FDAC want to take families' desire for something better and say, 'you are not alone now, you can do it and we will help you'. At the same time the judge is saying, 'you have to do it, what ever you do there will be consequences'.

The drug worker

Being part of the FDAC team has been really refreshing for my practice, and really

changed my view of addiction and its treatment. By seeing drug addiction as a family issue affecting all the relationships within the family unit especially the children is a strong a powerful motivator for parents to change. When a parent develops the understanding that drugs and or alcohol is stopping them from being the best parent they can and goes on to make the changes for their children to returning home is such a rewarding experience for all involved. The role of a drug worker is very complex; working with the contrasting child and adult timeframes is one of the most challenging parts of the role. In FDAC we find that open dialogue and transparency are essential elements in FDAC's success.

The future

FDAC is beginning to spread. A version has been running in Gloucester for 2 years. Milton Keynes and Buckinghamshire have had one for almost a year. EastSussex opened at the beginning of April 2015. The Department for Education has generously provided funds to develop FDACs in four further courts – in Kent and Medway; in Plymouth, Torbay and Exeter; in Coventry; and in West Yorkshire. Furthermore, the Centre for Justice Innovation, the Criminal Justice Alliance, and the Mayor of London are all looking to see if there are ways of adapting the FDAC approach to areas of criminal law. The system of justice in England and Wales is changing!