



Llywodraeth Cymru
Welsh Government

MEETING

Family Drug and Alcohol Courts

Cabinet paper CSC-Justice (21-22) 07: Report on the activity undertaken to deliver a Family Drug and Alcohol Court (FDAC) pilot in Wales.

First published: 18 November 2021

Last updated: 18 November 2021

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://gov.wales/family-drug-and-alcohol-courts-html> for the latest version.

Get [information on copyright](#).

Contents

Decision required

Summary

Objective

Impact

Communications and publication

Recommendation

Annex A

Decision required

To note the activity undertaken to deliver a Family Drug and Alcohol Court (FDAC) pilot in Wales and to consider the recommendation at the end of the paper about the potential to extend FDACs across Wales.

Summary

The purpose of this paper is:

- To provide an update on the development of a Family Drug and Alcohol Court pilot in Wales.
- To set out the purpose of a FDAC pilot and its intended impact.
- To consider options for extending the pilot across Wales and further

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://gov.wales/family-drug-and-alcohol-courts-html> for the latest version.

Get [information on copyright](#).

evaluation.

- To seek the Committee's support for the FDAC's formal launch.

Objective of the paper

1. A Family Drug and Alcohol Court (FDAC) is an alternative family court for children's care proceedings. It is specially designed to work with parents who struggle with drug and alcohol misuse problems. The court looks to take a problem solving approach to proceedings, which parents can choose to enter rather than going through standard care proceedings.

2. The first FDAC pilot was tested in the Inner London Family Proceedings Court between 2008 and 2012. In England, FDACs are currently supported by the Department for Education. As of September 2021 there were 14 specialist FDAC teams servicing 34 local authorities and 21 family courts in England.

3. Drugs and alcohol misuse are a major factor in suspected child abuse or neglect cases where a local authority is taking parents to court. In Wales, a child receiving care and support from a local authority is almost twice as likely to be looked after if one or more parents has a substance or alcohol misuse issue - 36% of children receiving care and support in Wales who are looked after are identified as having one or more parent with a substance or alcohol misuse issue ([Wales Centre for Public Policy briefing paper](#) July 2019).

4. Some parents, locked in a cycle of addiction, are repeatedly brought back in front of the courts to have children removed and put into state care. Family Drug and Alcohol Courts (FDACs) try and break this cycle, providing parents with access to intensive treatment and support, while the court regularly reviews their progress. The goal of FDAC is to help parents become free from substance misuse so they can be safely reunited with their children, who, in turn, avoid being placed in care.

The FDAC approach

5. A key component of the FDAC approach is the role of the judge and the relationships they build with the family. In a FDAC, the same judge hears the case throughout. This judicial continuity is not part of ordinary care proceedings, where it is typical that parents will experience a different judge for each of their court hearings.

6. As soon as proceedings start, a specialist, multi-disciplinary team (including social work, substance misuse, domestic abuse and clinical psychology expertise) carry out an initial parenting assessment and agree an intervention plan with parents and the professional network. Once the plan is ratified by the court, parents begin a Trial for Change, supported by the specialist team and with regular meetings with the judge, who motivates parents and reviews their progress as well as adjudicating in the case.

7. There is promising evidence from early evaluations that the FDAC model has a positive effect on family reunification, substance misuse cessation, the avoidance of repeat proceedings for the same child or subsequent children, and the reduction of the need for care.

- Families who had gone through the FDAC had higher rates of substance misuse cessation than those who had been through ordinary care proceedings: 40% of FDAC mothers compared to 25% of comparison mothers, and 25% of FDAC fathers compared to 5% of comparison fathers.
- FDAC families also had higher rates of family reunification: 35% of FDAC mothers stopped misusing and were reunited with their children, compared to 19% of mothers who had been through ordinary care proceedings ([Nuffield Foundation report](#) 2014).

The development of a FDAC pilot in Wales

8. In October 2019, the Commission on Justice in Wales published the 'Justice in Wales for the People of Wales' report which recommended that 'Family Drug and Alcohol Courts should be established in Wales' (Recommendation 35).

Welsh Government committed to implement this recommendation, and proposed a pilot FDAC Programme be set up to evaluate the FDAC approach, with a view to using the lessons from the pilot to support the extension of the FDAC model to other areas.

9. Significant work has been undertaken to develop a Family Drug and Alcohol Court (FDAC) pilot in Wales. In June 2020, funding was allocated to the Centre for Justice Innovation (CJI) to help develop the pilot. CJI is experienced and have proven to be successful in providing operational support to set up FDACs in England.

10. CJI developed a pilot model for Wales in collaboration with stakeholders. Following a competitive Expression of Interest process, the South East Wales Local Family Justice Board was awarded the pilot with a programme budget of £450,000, covering the duration of the programme up to July 2023. The service will be available for families referred by Cardiff and the Vale of Glamorgan local authorities, operating from the Cardiff Family Court. It is anticipated the court will hear 30 cases per annum.

11. CJI has worked closely with partners including health boards, Directors of Children's Services, the lead judge for the FDAC pilot (Judge Sian Parry, Cardiff), local authorities, Cafcass Cymru and the substance misuse commissioning lead at the Cardiff and Vale University Health Board to develop a project plan for the pilot. From the outset, Cardiff and the Vale local authorities established a steering group to support implementation of the FDAC pilot and an operational group to ensure implementation is delivered consistently across Cardiff and the Vale.

12. It has been agreed the FDAC service will sit alongside the Cardiff and Vale Integrated Family Support Team (IFST). The IFST service is a provision unique to Wales which aims to support the needs of vulnerable families in crisis where parental substance misuse is having an impact on the welfare of children. The staffing structure of the FDAC pilot multi-disciplinary team will consist of a team manager, social worker with child protection and safeguarding expertise, substance misuse worker, mental health worker, psychologist and business support worker.

13. CJI has also worked with the treatment service commissioner, court staff and parent and child solicitor and barrister representatives to explore how families referred into FDAC can benefit from access to services available in the different local authority areas and the procedures needed to enable this to happen.

14. There has been significant engagement with the courts and the lead judge has worked with court staff to identify a consistent day for the FDAC court (every Friday). A designated court room, waiting area, and room for the team to be based at in the court to undertake drug testing has been secured as well.

15. Key documentation and draft orders have been shared with judges and connections made with other judges and staff in established FDAC areas in England. The President of the Family Division has publicly supported the FDAC pilot in Wales. Links have also been made with the substance misuse lead at the Office of the Police Crime Commissioner to explore how they can support the pilot and its wider roll out.

16. Cardiff local authority has undertaken a baseline data collection process to support an understanding of the local picture concerning care proceedings in 2020/2021. The data highlighted 55% of care proceedings featured parental substance misuse.

17. Planning for the pilot is now in its final stages and the FDAC pilot is now due to commence activity and hear its first cases in November. A formal launch date for the pilot is currently being arranged.

Evaluation and options for further roll-out

18. In March 2021, through additional Welsh Government funding, CJI procured Children's Social Care Research and Development Centre (CASCADE) at Cardiff University to evaluate the pilot. If the pilot is deemed successful then lessons from this can be used to support the extension of the FDAC model to other areas in Wales. The evaluation will explore if the FDAC pilot is implemented as intended and whether it operates in a way that enables it to be easily scaled.

19. The evaluation will aim to support effective delivery of FDAC in Wales, and enable a rigorous large scale evaluation, by identifying key elements and any differences from previous delivery of FDAC. A longitudinal study to follow families through the journey is being discussed. Should the evaluation confirm proof of concept the Committee are asked to support in principle extending the roll-out of FDACs across Wales, subject to further advice being submitted.

20. The Centre for Justice Innovation recently commissioned a cost benefit analysis of FDAC in comparison to non-FDAC care proceedings featuring parental substance misuse. The study noted that care proceedings are one of the most serious (and expensive) interventions the state can take in a family's life, and concluded that FDAC is a more effective and fairer way of hearing care proceedings cases which involve parental substance misuse.

21. The report's best case scenario suggests that, for the investment in one FDAC team to hear 30 cases (covering 42 children), FDAC pays back its original investment of £540,000 and generates net savings of over £500,000 within proceedings (i.e. within 6-9 months), and generates an additional £700,000 in savings post-proceedings (at a local authority level, including savings made from preventing recurrent proceedings), resulting in net savings of £1,200,000 (**Rolling-out Family Drug and Alcohol Courts (FDAC): The business case**, Centre for Justice Innovation, September 2021).

22. CJI suggest that to make FDAC sustainable, local authorities need upfront subsidy to create FDACs and recommend a 50/50 cost split between government, local authorities and other partners including health. In the past, FDAC has grown when local government and national government share the cost and maintain sustainability. The UK government would also stand to make longer term savings from the rollout of FDACs if they deliver the anticipated benefits, so the Committee will also need in due course to consider whether securing contributions from the UK government ought to be a condition of a wider rollout.

23. A specialist Drugs Court was previously established in Cardiff in 2009, albeit with a goal of keeping offenders out of the criminal justice system rather than targeting parents and preventing family breakdown. Lessons from that experience are also factoring in to the design and evaluation of the new pilot.

Impact

24. Reducing the number of children in care and helping children to remain in the care of their families are key priorities for the Welsh Government in this Senedd Term. The Programme for Government includes a number of commitments that will help shape children's social services, reduce looked after children numbers and alleviate pressures within the system. The delivery of our FDAC approach is aligned with our vision for transforming children's services through radical reform, focussing on restorative approaches and less risk adverse practice.

25. The Welsh Government is strongly committed to supporting families experiencing substance misuse issues. Our Substance Misuse Delivery Plan sets out our expectations for substance misuse services in Wales and in particular the need for Area Planning Boards to work with partners supporting families, including those on the edge of care.

26. The evidence from FDACs to date indicates they are successful in achieving their aims and will deliver cost savings and efficiencies both within the family court system and for local authority children's services, freeing up resources to support earlier preventative work with families who may be experiencing difficulties.

27. The work to roll out the pilot FDAC is aligned to our work to deliver the Public Law Working Group recommendations, helping to safely divert children away from becoming subjects of public law proceedings. This will include supporting Local Family Justice Boards and the delivery of a public law training programme and best practice guides to support better application and case management procedures.

28. To aid discussions about sustainability, local authorities are being encouraged to consider FDAC as 'doing something you have to do in a different way' rather than an approach which is 'in addition' to existing statutory duties. By delivering a recommendation in the Commission on Justice in Wales report will also help evidence the case for wider devolution of justice.

Communications and publication

29. A formal launch date for the pilot is being arranged by the Centre for Justice and Innovation towards the end of November. Officials will look to ensure ministers have the opportunity to attend. It is proposed a further update on the delivery of the pilot and early outcomes is provided to the Committee in a year's time. This paper should be published 6 weeks after the respective meeting has been held.

Recommendation

The Cabinet are asked to note progress of the pilot FDAC and subject to a positive evaluation of the pilot agree that officials explore arrangements for wider roll out of FDACs across Wales.

Julie Morgan
Deputy Minister for Social Services
September 2021

Annex A: Statutory, finance, legal and governance matters

Statutory requirements

1. The development of an FDAC pilot is required to test out alternative approaches for children and families where substance misuse is prevalent and who are undergoing care proceedings. The FDAC is consistent with the Well-being of Future Generations (Wales) Act 2015, in particular, with the sustainable development principle of taking a long term approach. The FDAC pilot will promote better outcomes for the children and families and accords with the requirements of the Act for public bodies to take an outcome-focused approach

based on the well-being goals.

2. The Welsh language, the rights of children and equality and human rights are matters that are all relevant to the delivery of the FDAC pilot and the future development of any roll-out programme. These will continue to be considered in developing the FDAC programme.

Finance requirements and governance implications

3. There are no new financial implications arising from this paper, as it provides an update to the Cabinet Sub-Committee on progress with the delivery of the pilot and its intended outcomes. However, once the pilot has been completed and its activity formally evaluated, any future decisions about extending the roll-out of the programme will be subject to Ministerial advice and decision making.

4. This Cabinet Sub-Committee paper has been cleared by the HSS Finance Team NP/2021/8143, Budget & Government Business Division (BGB0132/6) and Knowledge and Analytical Services (KAS) - 39/2021.

Research and / or statistics

5. The research identified in this paper is a reflection of the large amount of evaluation activity undertaken in support of this approach and which has been used to inform the development of a Family Drug and Alcohol Court pilot in Wales.

Joined up working

- Deputy Minister for Social Services
- Counsel General & Minister for the Constitution
- Substance Misuse, Health and Social Services
- Justice Policy, Office of the First Minister
- Welsh Treasury

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://gov.wales/family-drug-and-alcohol-courts-html> for the latest version.

Get [information on copyright](#).

About this document

This document is a copy of the web page [Family Drug and Alcohol Courts](#) downloaded.

Go to <https://gov.wales/family-drug-and-alcohol-courts-html> for the latest version.

This document may not be fully accessible, for more information refer to our [accessibility statement](#).

Get [information on copyright](#).

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://gov.wales/family-drug-and-alcohol-courts-html> for the latest version.

Get [information on copyright](#).