

Family Drug and Alcohol Court



Information for professionals

BIRMINGHAM AND SOLIHULL

FDAC

The problem-solving court



Contents

Who is this information for?	Page 3
Introduction to the Family Drug and Alcohol Court	Page 3
Selection - the cases that go through the court	Page 4
Choice for the families	Page 4
Makeup of the FDAC team	Page 5
The Court	Page 5
CAFCASS	Page 6
Assessments	Page 6
Interventions	Page 7
Expectations of the families	Page 8
Role of the child’s social worker	Page 8
Role of other professionals	Page 8
Role of lawyers in FDAC	Page 8
Timetable	Page 9
Further information	Page 10



Who is this information for?

This information is for professionals involved in any aspect of the FDAC process.

Introduction to the Family Drug and Alcohol Court

The Family Drug and Alcohol Court (FDAC) helps families where children are put at risk of significant harm by parental substance misuse.

FDAC is a problem-solving court where the same judge reviews the case every fortnight at a non-lawyer hearing and is supported by an independent multi-disciplinary intervention team.

FDAC work focuses on the parents while keeping the child central.

Parents are given ‘a trial for change’ that provides them with the best possible chance to overcome their problems.

At the same time FDAC tests whether the family can make enough change in a timescale compatible with the children’s needs.

In a judgement the President of the Family Division of the High Court said of FDAC ‘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.’
Re S (A Child) [2014] EWCC B44 (Fam), [2014] 2 FLR, at paras [35] – [38]

FDAC has achieved significantly better outcomes than normal proceedings in an independent evaluation led by Lancaster University:

- More parents addressed their problems by the end of the proceedings.
- 40% of FDAC mothers were no longer misusing substances, compared to 25% of the comparison mothers.
- 25% of FDAC fathers were no longer misusing substances, compared to 5% of the comparison fathers.
- More children remained with or returned to their parents at the end of proceedings.
- When families were followed up a year or more after proceedings ended further neglect or abuse of children occurred in 25% of FDAC families compared with 56% of comparison families.
- The researchers said, “Parents were overwhelmingly positive about the FDAC team for motivating and engaging them, listening to them and not ‘judging’ them, being honest with them, being both ‘strict’ and ‘kind’, providing practical and emotional support, and coordinating their individual plans.”

You can read more about the research here:

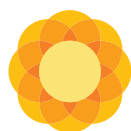
<http://wp.lancs.ac.uk/cfjfdac/publications/>

(Harwin et al 2014)



Selection - the case that go through the court

Cases will be identified by Birmingham Children's Trust and Solihull Metropolitan Borough Council.



**BIRMINGHAM
CHILDREN'S TRUST**



Solihull
METROPOLITAN
BOROUGH COUNCIL

The usual threshold for proceedings applies and if families are not selected for the FDAC they will enter the usual family proceedings court instead.

There must be a history of parental drug or alcohol misuse that is impacting on, or likely to impact on, the children's wellbeing.

However, it is expected that most families will have additional problems such as domestic abuse and parental mental health difficulties.

FDAC is most likely to help families who are already demonstrating some willingness to change.

There are only a limited number of places in FDAC.

If a family is selected for FDAC they will be given written information before the First Hearing and meet the FDAC team manager.

The FDAC is voluntary and if parents do not wish to proceed, their case will be heard in the usual family proceedings court.

Choice for the families

Families have a choice whether to engage through the FDAC, if they do this will be ordered by the courts.

A family may choose to go through the normal care proceedings route. They might do this for any number of reasons, but they should be advised that families with a willingness to change are likely to achieve better outcomes via FDAC.

Like any care proceedings, there is still a potential for the family to lose the permanent care of their children, but the FDAC process has been set up to encourage success and to be as supportive as possible.

Whilst they must take the process seriously, as they would do for normal care proceedings, families need not be fearful that the FDAC is there to trap or trick them in any way.

Once a family is informed about FDAC they do not have to make a decision immediately.

They will be asked at the first hearing if they want to undertake the initial FDAC assessment; it begins immediately if they do.

The family will be encouraged to talk to their solicitor and the FDAC team if they have any doubts or questions over the process.

Between the first and second hearing they will take part in an assessment and an Intervention Planning Meeting where the FDAC Intervention Team will help the parties agree a plan which is given the court's authority at the second Court hearing (Case Management Hearing (CMH)), usually at the fourth week in proceedings.

After the second hearing, the 'trial for change' officially begins and the subsequent fortnightly non-lawyer hearings will be used to provide encouragement, review progress, review the Intervention Plan, problem solve any difficulties that arise, and make decisions in order to reach permanency as quickly as possible for the child.

Makeup of the FDAC team

The same Judge, or one of a small team of FDAC Judges, will oversee the whole process and offer support and encouragement.

There are three judges for the Birmingham and Solihull FDAC, plus two support judges.

The family will also receive support from the FDAC Intervention team who will coordinate the Intervention Plan.

This is a multi-disciplinary team, which includes: A Team Manager, Social Workers, a Parental Substance Misuse Specialist, a Domestic Abuse Expert, a Mental Health expert, Family Support Workers and volunteer peer mentors.

There will also be a Psychologist and Psychiatrist attached to the team.

FDAC has links to community-based services such as Health, Housing, therapeutic agencies, peer support.

Parent mentors can also be provided. Parent mentors are volunteers with a history of recovering from addiction and in many cases, they have experience of care proceedings.

Increasingly Parent Mentors will be graduates of FDAC. A Parent Mentor may be present during the Court, assessment and Intervention periods to provide support, encouragement and reassurance to the parent/s.

The Court

The court process is slightly different from normal proceedings.

As well as the Initial Hearing there is a Case Management Hearing (CMH). This allows families the opportunity to be introduced to the FDAC process at the Initial Hearing and have an assessment before being asked to commit themselves at the second hearing (CMH).

As a part of that commitment the Judge will ask the parents to sign an agreement to participate and work with the intervention plan and to be open and honest.

The parties will be fully represented by their lawyers at the Initial Hearing, CMH and subsequent Issues Resolution Hearing (IRH).

However, between the CMH (normally the 4th week of proceedings) and the IRH (normally the 20th week of proceedings) the family will attend court for a Non-Lawyer Review once a fortnight.



The FDAC Intervention team will brief the Judge about the case prior to the Non-Lawyer Review and produce a short review report, which is shared with all the parties.

In court the parents will normally talk directly with the Judge for up to half an hour.

A short note of what is said is prepared by the FDAC Intervention Team and distributed to the parties.

If the case is proceeding according to plan the next court attendance will normally be another Non-Lawyer review; however, if there is a problem, the Judge or any of the parties can ask for the matter to return with lawyers at the next hearing.

The FDAC Judges are specially trained in helping families stay motivated and get better at taking charge of their own lives and solving problems.

In practice parents find the Non-Lawyer reviews a little daunting at first; however, when things go well, they are enormously important to the parents' sense of self-respect and agency.

CAFCASS

As per traditional care proceedings a Guardian will also be appointed at the first hearing who will act in the interests of the child/ren.

Assessments

The FDAC Intervention Team will carry out a series of comprehensive assessments of the family's strengths and any concerns.

1 - The initial assessment

The initial assessment is completed within the first 3-4 weeks of proceedings and will identify the timescales for the children, the parents' goals and the treatment and support that will be provided in the next 4-8 weeks. This plan will be reviewed in court every 2 weeks and modified and added to at Review Intervention Planning Meetings, which occur every 4-8 weeks.

2 - Review reports

Every two weeks FDAC will provide a short review report on what is going well and not going well about the Intervention Plan including attendance for treatment and the results of drug and alcohol testing.

3 - Children's Needs meeting

Sometime in the first 8 weeks of the proceedings the FDAC Children's Needs meeting will be held.

The Children's Needs meeting will include the parents, foster carers, teachers, child's social worker, guardian and potentially others to identify the children's needs.

The minutes will be submitted. Where necessary, a child psychological / psychiatric assessment will be considered and sought.



4 - Psychiatric screen

Where the initial FDAC assessment identifies concerns about mental health, parents will have a psychiatric screen. The report will be submitted.

5 - Assessment of relationships

An assessment of the parents' relationship with their children and capacity to meet their children's needs will be undertaken once parents have been abstinent for some time and made some progress with their own problems.

6 - Issues Resolution Hearing

By the third Intervention Planning Meeting (normally the 18th week in proceedings) the FDAC Intervention Team will advise whether parents have made enough progress for their child to be permanently placed in their care.

The Intervention team will report on this assessment no later than the 19th week of proceedings. The court will then hold an Issues Resolution Hearing (normally by the 24th week of proceedings) to decide when to bring the proceedings to an end. This may require a contested final hearing some time before the 26th week of proceedings.

7 - Additional hearings

Alternatively, the decision may be to continue the proceedings beyond the 26-week mark, for example, to allow time to check on children who are returned home. For cases that continue beyond the 26-week mark there will be more hearings and review reports and a final report for the final hearing.

Interventions

The FDAC Intervention Team will put in place a range of interventions drawn from the resources in the family's local authority of residence supplemented by intervention provided by the team. The interventions will be matched to the needs of the individual family but are likely to involve the following:

- **Abstinence**

Parents will be given support and advice on being abstinent from street drugs and alcohol and reducing on-going domestic abuse and managing the impact of domestic abuse and criminal activity (for example, community drug and alcohol programmes providing individual and group education and advice on triggers and relapse prevention).

- **Understanding & repair**

Parents will be given support, advice and treatment on understanding the problems underlying any substance misuse, domestic abuse and mental health problems. Nearly all parents need help finding safer ways of dealing with the effects of trauma. Many children need help to make sense of the disruptions created by their parent's difficulties and the intervention of the court. Some parents and children need treatment for mental health problems including anxiety, depression or post-traumatic stress disorder. (For example, parents may be encouraged to attend community based intensive treatment programmes or an anxiety group.)



- **Strengthening relationships**

Parents will be helped to be more sensitive and responsive with their children and strengthen parents' relationships with each other, their children and the wider family.

- **Child centred lifestyle**

Families will be helped to develop a lifestyle that prioritises children's needs. This could include education and training that will allow parents to work.

Expectations of the families

We believe that no parent wants to cause their child to suffer and that every family in difficulty wants things to get better.

However, parents often don't know how to sort things out and fear that if they ask for help, they will be judged and punished.

We find things work best when families are able to be open and honest and do their best to work with the trial for change.

We hope they will find they are treated with respect and compassion.

Role of the child's social worker

The child's social worker's task to protect the child is unchanged. We ask Children's Social Workers to support the family's trial for change.

It is important that the Trust or local authority feels satisfied that the expectations on the family are sufficiently demanding to test whether parents have made enough change to be able to meet their children's needs for the foreseeable future.

At a more practical level Children's Social Workers will be expected to attend the lawyer and Non-Lawyer hearings, Intervention Planning Meetings and the Child's Needs Meeting. We would expect the Team Manager to attend Intervention Planning Meetings, Lawyer hearings and they are welcome to attend the Non-Lawyer Reviews.

Role of other professionals

Drug and alcohol recovery workers, domestic abuse and mental health services, housing and others play a vital part in working together to give families the best possible chance to overcome their problems.

We will have written permission from the families to be able to communicate with you.

The FDAC Intervention Team will want to stay in close contact and gather regular updates from professionals for the fortnightly Non-Lawyer reviews.

On occasions such professionals may be invited to attend the Non-Lawyer Reviews.

Role of lawyers in FDAC

The role of the lawyers to advise and represent the parties is unchanged.



Timetable

The FDAC process is geared to two different timescales: the timescales for the child and the timescales for the court.

Where parents are not meeting their children’s needs the question becomes how long can those children afford to wait for the situation to improve? The answer is that it depends on the children’s age and developmental stage. We call these periods of acceptable delay the ‘children’s timescales’.

In all FDAC proceedings, permanency outcomes are paramount for the child/ren.

The court also has timescales.

Just as in normal proceedings, the expectation in FDAC is that proceedings will end within 26 weeks when children are not returning home to their parents.

However, the President of the Family Division has cited families making progress in FDAC as one of the reasons the court might allow proceedings to go beyond the 26-week mark.

Below is the timetable for the court and how this fits with the assessments and intervention.

FDAC TIMELINE

- Week 0** - Local authority issues application
- Week 1** - First Hearing for Introduction and Initial Screening
- Week 2** - Initial Intervention Planning Meeting
- Week 3** - FDAC Initial Parenting Assessment report and Intervention Plan submission

Week 4-18 **Trial for Change**

- Week 4** - CMH sign up and Trial for Change officially begins
- Week 4-8** - FDAC Child’s Needs Meeting held
- Week 6,8,10,12,14 and 16** - Fortnightly non-lawyer review hearings
- Week 10** - Second Intervention Planning Meeting

Week 18-26 (and potentially Week 34-50) **Extension of Trial for Change/Post proceeding care/ or contact ended/contact reduced**

- Week 18** - Third intervention planning meeting
- Week 19** - FDAC Review Parenting Assessment
- Week 24** - IRH and potential early final hearing
- Week 26** - Minutes and review reports
- Within Week 26** - Potential contested final hearing





Further information

For further information please contact:

Stuart Lowe – Project Lead for FDAC Birmingham and Solihull

Phone: 07548 713021

Email: Stuart.Lowe@Bham-SolFDAC.co.uk

Helen Davies – Team Manager for FDAC Birmingham & Solihull

Phone: 07860 906073

Email: Helen.Davies@Bham-SolFDAC.co.uk

General enquiries: enquiries@Bham-SolFDAC.co.uk

Website: birminghamchildrenstrust.co.uk/FDAC

