

Report of Director of Children and Families

Report to Executive Board

Date: 16th October 2019

Subject: Family, Drug, Alcohol and Problem Solving Court



Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main issues

Research and evaluation shows that Family Drug and Alcohol Courts (FDAC) are a cost-effective method to keep families together safely, reducing alcohol and substance misuse and reducing the costs of court and social work intervention. FDAC moves from the traditional adversarial model of legal processes to a collaborative process where the judge works with parents and a small team of specialist workers to agree a plan. The influence of the judge’s extensive involvement, alongside quick access to specialist services are both seen as key for success.

FDAC is important to Leeds not just because it is an evidence based way of safely reducing the need for children to become looked after but because it is consistent with the values underpinning Leeds’ Children and Families Services – working restoratively, building strengths in families, and providing help not blame.

The government funded an expansion of these courts as part of its Innovation Programme. Leeds led a West Yorkshire programme, involving all local Councils and the local family courts. The West Yorkshire FDAC pilot was successful at reducing entry to care and reducing alcohol and substance misuse. An independent evaluation judged it be cost effective, saving £1.61 for each pound spent.

When the Innovation Programme funding ended, all the other West Yorkshire Councils reluctantly cut their FDAC teams but Leeds decided to continue. The FDAC team in Leeds is commissioned from Barca and is supported by investment and a seconded

social worker from the Council and from funding secured by Barca from a charitable trust. The seconded social work post from the Council was included to add expertise and improve joint working with front line social workers. This was agreed during a previous reorganisation of some social work activities and does not pose a risk to locality social work capacity.

The Children and Families Service is now working to secure additional funding for the work of the FDAC in order to expand its role because of the strong evidence that this is a valuable area where an 'Invest to Save' approach can improve outcomes whilst reducing costs. The aim is to expand the team to include additional specialists to provide help with mental health and domestic violence in order to better meet the needs of children and families.

This work has already seen its first success as Leeds has been named as one of a small group of areas that will be funded by the Department for Education (DfE) and What Works Centre (WWC) to expand FDAC.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

FDAC has the potential to support not just the Best Council priority of making Leeds a Child Friendly City but also to contribute towards the priorities around Safer and Stronger Communities as well as promoting Health and Wellbeing.

3. Resource Implications

The initial expansion of FDAC will be funded by the DfE/WWC FDAC initiative, alongside continued funding and staff secondment from Children and Families Service. The funding and secondment was agreed by the Director and is within existing budgets and does not limit the capacity of local social work teams. The intention is to use this funding to expand the team whilst working to secure local long term funding from 2021.

Recommendations

- a) Note the report and the success of Leeds' Family Drug and Alcohol Courts (FDAC).
- b) Note that the Director of Children and Families will lead future work with national and local partners to secure investment for an expanded FDAC in Leeds.

1. Purpose of this report

- 1.1 The purpose of this report is to provide the Board with an update on the successful work of the Leeds Family Drug and Alcohol Court (FDAC) and to set out how the Children and Families Service aims to work with central government and local partners to secure and expand this valuable work with children and families.

2. Background information

- 2.1 Parental substance misuse is estimated nationally to be a significant factor in nearly two-thirds of care applications. It is a leading cause of child abuse and neglect and is associated with a range of child health and developmental difficulties. Recovery from parental substance misuse is a lengthy and uncertain process, a factor which may help explain why family reunification is particularly fragile in these circumstances. Parental substance misuse is very challenging to overcome and this leads to many children becoming looked after or living in alternative care arrangements. The social and financial costs to society as a whole are substantial.
- 2.2 The Family Drug and Alcohol Court started in 2008 in London, building on innovative developments in 'Problem Solving Courts' in North America. It is an alternative, problem-solving approach to legal proceedings in cases where parental substance misuse is a key trigger for the local authority to instigate care proceedings. It aims to support parents to overcome their entrenched problems while the case is being determined in the Court arena.
- 2.3 FDAC's main features are a non-adversarial approach in the courts involving judicial continuity, fortnightly judge-led review hearings without lawyers present, and a specialist multidisciplinary team that advises the court and provides quick access to intensive support to parents as well as close monitoring of their progress. The team has a range of professionals including an Advanced Practitioner social worker; a substance misuse worker and a clinical psychologist; and works well with local partners to provide swift access to an extensive range of support including:
- **Drug and Alcohol treatment support** - treatment, , 1-2-1 support work, testing, rehab, detox, mutual aid, aftercare planning, and community groups. Substances addressed so far has included heroin, crack cocaine, legal highs, alcohol, cannabis, cocaine, ecstasy and amphetamine, prescription drugs and support from GP surgeries with a varying range of use patterns.
 - **Access to mental health** support - including referrals and access to specialist services, mental health assessments, GP and primary health care services, Crisis Team, community support, 1-2-1 sessions, group work etc.
 - **Trauma Informed Care and Support** – 1-2-1 support, access to counselling.
 - **Domestic Violence support** – including victim and perpetrator work, safety planning, MARAC, healthy relationships, communication. Referrals have been made to Caring Dads, Women's Health Matters, Together Women Project and Leeds Domestic Violence Service
 - **Family support** – Communication, FGC, restorative conferences, couples counselling.
 - **ETE** – access to employment, college, peer mentoring, training, work experience, IAG, budgeting.

- **Social Inclusion** – increased engagement in the community and services, hobbies, activities, increased social and support network.
- **Practical Support** – housing, budgeting, benefits, food parcels and travel.
- **Service Coordination** – coordination of support plans and interventions from statutory and non-statutory services, including those outside of Leeds and West Yorkshire.

2.4 In addition to this access to services the direct communication between the judge and parents is seen as a critical motivational factor to families to support a change in their circumstances.

2.5 As part of the central government Innovation Programme for children's services FDAC was expanded across England. Leeds led a West Yorkshire FDAC project with all five Councils. This was successful in reducing entry to care and reducing costs, but the funding was time limited. All the other Councils dropped out once central government funding was withdrawn. In Leeds the Children and Families Service continued to support FDAC with a small amount of funding that also enabled BARCA to secure additional funding from a charitable trust.

2.6 In June the government announced a £20M fund to support the expansion of FDAC and Family Group Conferencing. Leeds applied for the FDAC funding and the service have been informed that this bid has been successful. The final funding amount has not yet been confirmed.

2.7 FDAC is an important part of wider local strategies, particularly the Leeds Drug and Alcohol Strategy 2019-24 and the ongoing development of 'Think Family' early help and the 'Families First' programme. The Drug and Alcohol Strategy has a number of key outcomes including 'Reduce impact of harm from drugs and alcohol on children, young people and families' and a key measure of 'Decreas[ing] the number of children and young people where drugs or alcohol was the main reason for issuing care proceedings'. Families First and Think Family seek to extend whole family restorative working through recent investment in the 'Family First Hubs' which will include additional specialist staff such as drug and alcohol workers. The challenge therefore is to continue to develop FDAC as an important part of a joined up, citywide approach.

3. Main issues

3.1 FDAC has been shown to work well in making a difference for children and families with some of the most complex challenges in their lives. This has been evidenced through a decade of work in FDACs across England, over three years in Leeds and a number of rigorous independent evaluations.

3.2 An evaluation of FDAC by Brunel University and the Nuffield Foundation in 2014 found strong evidence of the impact of FDAC, including:

- A higher proportion of FDAC parents had stopped misusing by the time of the final order
 - Mothers (40% FDAC cohort v 25% non FDAC cohort)
 - Fathers (25% FDAC cohort v 5% non FDAC cohort)
- A higher proportion of FDAC than comparison mothers both stopped misusing and were reunited with their children (35% v 19%)

- Where reunification was agreed by the Court there was evidence of significant reduced harm after a year – including lower levels of neglect, lower rates of substance misuse relapse and more mothers were still living with their children.

- 3.3 Substance misuse is a key factor in many family's problems and a common reason for social work involvement to help with children and young people. For example, local research analysing cases of Leeds infants becoming looked after has shown that substance misuse was a major factor in 45% of families.
- 3.4 Leeds FDAC team is small and the work is intensive. This means that at present the team can work with roughly seven families at any given time. Whilst the overall scale is small, the impact is large:
- To date the service has worked with:
 - 52 parents
 - 54 children
 - 28 cases closed - with 10 families in total having their children returned to the family home.
 - In the most recent quarter the team is working at full capacity: with seven families going through the court process and one with aftercare. In the period there were 11 referrals for FDAC support, of which the team were only able to accept two cases due to capacity issues.
 - To date, 36% of cases closed by the team have resulted in the safe reunification of children and parents.
 - 73% of parents engaged reducing their drug and/or alcohol use
 - 75% of parents reduced harm to their children,
 - 89% engaged with support services to improve their circumstances and
 - 73% showing improved emotional well-being
- 3.5 A cost-benefit analysis of Leeds' FDAC by the Centre for Justice Innovation estimated that the approach would save £1.61 for every pound spent, of which £1.39 would accrue to the Local Authority. The Council savings were due to reduced entry to care, and reduced legal costs. As ever, it is important to note that care for one child will cost around £40,000 per year, and possibly much higher for some children – for example some in specialist residential care could cost over £300,000 per year. In addition partners would save due to reduced substance misuse service needs, and lower crime related costs.
- 3.6 Feedback from families that have been supported by Leeds FDAC is consistently positive, with many parents reporting how the team and the work with the judge has made a huge difference to their lives. A sample of feedback is provided below:
- "FDAC helped me to change and maintain this change. It has helped me look through my children's eyes of what a parent's addiction can do to their children".(FDAC Parent)
 - "The FDAC process is a way to allow you to accept your mistakes, learn from them and move on".(FDAC Parent)
 - Help with the talking and becoming more of a true person (knowing myself). Feeling lighter after talks. The growth of all of us, me, K and A." – FDAC Father

- Help for me to be strong enough to make the hard choices like walk from drugs when they are in front of me. – FDAC Father
- “Really liked working with Judge B, she is not like other Judges I have had in Court before, she doesn't talk like them, not like she has some silver spoon in her mouth. Other Judges didn't let me talk, she asks your opinion and lets me say your bit” – FDAC Mother
- “Thank you so so much for your help and guidance in our sessions. You've changed my life in ways I haven't even realised yet. But please believe I am so grateful. From the longevity in my life (drinking kills) and the hope that my babies will be with 'dad' again.” - Dad
- “It's helped me completely turn my life around. And use different and better coping strategies.”
- ‘Getting to keep my baby and getting a chance on life again.’

3.7 Leeds work on FDAC remains of national interest in part due to the strong support and dedication of the Designated Family Judge HHJ Nancy Hillier and the Family Court, and as Leeds is the only authority that has chosen to commission the FDAC team from a third sector organisation. This has clear advantages as Barca are a skilled and knowledgeable organisation with strong links with other local services and families welcome its independence from the Local Authority. In addition this approach has helped secure additional funding for FDAC as BARCA have been able to secure additional investment only open to a third sector organisation.

3.8 The Centre for Justice Innovation, who have led development and evaluation of FDAC nationally, visited Leeds in June and their Deputy Director said:

‘I was incredibly impressed by the knowledge and expertise of the team and the arrangement of Barca delivering the provision is working extremely well. Despite being such a small team, the team have achieved impressive outcomes and do so in logistically challenging circumstances. It is clear this success is as a result of the dedication and knowledge of the staff and the strong management. The team has been proactive in ensuring the service continues to run. I also had the pleasure of meeting with senior Local Authority staff and Barca's Operations Director for Children, Young People and Families. The senior level support and belief in the service being provided is really pleasing and there is a strong desire to expand the service if possible.’ (Deputy Director, Centre for Justice Innovation)

3.9 FDAC is important not just for the way it can make a difference for children and families. FDAC can help to widen the Leeds strategy for public sector reform and children's services beyond the council. FDAC is a restorative approach – building relationships, nurturing family strengths, solving problems. It is a move from an adversarial and bureaucratic state intervention to a more positive, enabling role for the state.

3.10 It is clear from the above that FDAC has great potential – improving outcomes, reducing the high cost of failure and helping promote public sector reform. As such the Children and Families Service is now working hard with both national and local partners to secure additional investment and support. At present the team is small, comprising a service manager, part time admin, substance misuse specialist, a part time Consultant Clinical Psychologist and a seconded social worker from the Council. The team works closely with other important local services such as Caring Dads to provide joined up support for families. However, due to the intensity of the work with families this team only has capacity to work with seven families at any one time.

- 3.11 As a first step Leeds has been successful in a bid for funding from a £20M government fund to promote FDAC and Family Group Conferences across England. The final amount has yet to be confirmed but funding has been requested to expand the scale of the team and also to add in additional specialist expertise on mental health and domestic violence as most cases involve substance misuse with wider problems. The intention is to use this government funding as a bridging solution for eighteen months whilst working with local partners to secure longer term funding.

4. Corporate considerations

4.1 Consultation and engagement

- The Children and Families Service has worked closely with Barca, the provider of the team in developing plans to expand the service. This, in turn, has been informed by the views and feedback of parents who have worked with the FDAC team. The Service has also consulted with the local Family Courts and the Centre for Justice Innovation.

4.2 Equality and diversity / cohesion and integration

- Recent research undertaken by Paul Bywaters from Huddersfield University focuses on the relationship between economic inequality and out-of-home care and child protection interventions. The research shows that children growing up in areas of deprivation are up to eleven times more likely to be in care than in more affluent areas. The work of FDAC supports the Leeds approach to support families to maintain care of their children by working with families to find solutions to their own difficulties.

4.3 Council policies and the Best Council Plan

- FDAC has the potential to support not just the Best Council priority of making Leeds a Child Friendly City but also to contribute towards the priorities around Safer and Stronger Communities as well as promoting Health and Wellbeing. In addition the FDAC project has close links to both the Drug and Alcohol Strategy and the continued developments of 'Think Family' approach and Families First. Reducing the impact of alcohol and drugs on children and families is a key outcome in the Drug and Alcohol Strategy and developing more specialist expertise in 'Families First' hubs to provide joined up support to families effected by drug and alcohol abuse.
- Climate Emergency
There are no significant issues relating to the Climate Emergency.

4.4 Resources, procurement and value for money

- Independent evaluation of the Leeds FDAC by the Centre for Justice Innovation has shown that the approach is cost effective. Their calculations suggested that the local *system* made savings of £1.61 for each pound spent on FDAC. It is important to note that these savings accrued across the local public sector system with high levels of savings for children's services from reduced entry to care but also significant savings for health from reducing substance misuse harms, for the local

legal system from reduced court costs and for the criminal justice system from reduced crime related to drug and alcohol misuse.

- The initial expansion of FDAC will be funded by the DfE/WWC FDAC initiative, alongside continued funding and staff secondment from Children and Families Service. The funding and secondment was agreed by the Director and is within existing budgets and does not limit the capacity of local social work teams. The intention is to use this funding to expand the team whilst working to secure local long term funding from 2021

4.5 Legal implications, access to information, and call-in

- There are no significant legal issues from this report. It should be noted that the FDAC approach does reduce the need for legal representation due to the very direct nature of the interaction between the judge and the parents of children subject to proceedings. The report is eligible for call-in.

4.6 Risk management

- As an intervention with a strong evidence base, FDAC is an important contributor to mitigating the two corporate risks relating to safeguarding failure for a child and inspection failure for children's services.

5. Conclusions

- 5.1 FDAC is a great opportunity to improve outcomes for some of the children and families facing the biggest challenges, to reduce the high costs of failure and family breakdown and to promote Leeds' ambitions for public service reform.
- 5.2 The hard work and skill of our partners in Barca, the Courts and our staff in the Children and Families Service has made FDAC a success in Leeds – more families are safely reunified and more parents successfully cease their substance misuse.
- 5.3 There is clear scope to expand the service and build on the success of the past three years. The recent success in securing government funding is a good start but more work and more investment is needed.

6. Recommendations

- 6.1 Note the report and the success of Leeds' Family Drug and Alcohol Courts (FDAC).
- 6.2 Note that the Director of Children and Families will lead future work with national and local partners to secure investment for an expanded FDAC in Leeds.

7. Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.