



# The Michael Sieff Foundation

Working together for children's welfare

## Meeting to discuss the closure of the Family Drug and Alcohol Court National Unit

11 July 2018

House of Lords Committee Room G 10.30am – 12 noon

### Co-Chairs

The Earl of Listowel, Emma Lewell-Buck MP, Tim Loughton MP

### Note of Proceedings

The meeting was called by the Earl of Listowel to discuss the announced closure of the Family Drug and Alcohol Court National Unit (FDACNU) at the end of September 2018.

#### The Family Drug and Alcohol Court (FDAC) National Unit (NU)

A synopsis of the history and functions of FDACNU were set out in a document circulated at the meeting:

- *What does the FDAC National Unit do?* - which can be downloaded here: <http://www.michaelsieff-foundation.org.uk/content/Family-Drug-and-Alcohol-Court-National-Unit-What-We-Do-June-2018.pdf>
- The latest brochure promoting the benefits of the FDAC Approach can be downloaded here: <http://www.michaelsieff-foundation.org.uk/content/About-Family-Drug-and-Alcohol-Court-National-Unit-January-2018.pdf>
- Further detail is also available on the FDAC website here: <http://www.fdac.org.uk>

Lord Listowel outlined the problem which had caused him to call the meeting. In essence the funding for the National Unit (as distinct from the individual local FDAC Courts) from the Department for Education and the Ministry of Justice would end shortly.

The meeting heard from Dr. Mike Shaw, Child and Adolescent Psychiatrist and Co-Director of the Unit; Steve Bambrough, Associate Clinical Director at the Tavistock and Portman NHS Foundation Trust; Phil Bowen, Director of the Centre for Justice Innovation; Nick Crichton, Founding FDAC Judge; and James Brown, Partner in Hall Brown, Solicitors, Manchester.

Dr. Shaw said that local authorities were good at removing children in care proceedings, but less good at removing the problems causing the need for removal and enabling return to families. One in four mothers came back to court to have another child removed; one in three if they were teenage mothers. There were nine FDAC Courts in England and one in Northern Ireland. Research had been undertaken which demonstrated the success of the concept.

(See below for full references concerning evaluation: Professors Judith Harwin and Karen Broadhurst, Centre for Child and Justice Research, Lancaster University; and on cost effectiveness Better Courts: the financial impact of the London Family Drug and Alcohol Court, Neil Reeder and Stephen Whitehead, Centre for Justice Innovation.)

Given the nature of the support from FDACNU to the local courts and authorities, which among other things ensured consistency of development of the service and ongoing research, there



# The Michael Sieff Foundation

Working together for children's welfare

was a severe risk that closure of the NU would lead to closure of FDACs locally and certainly reduce the likelihood of expanding to new areas.

Nick Crichton said that there was a small group of women who were not amenable to improvement of their circumstances when working with children's services. There was a greater likelihood of success if work was done with them in the context of judicial oversight in FDAC care proceedings as opposed to ordinary care proceedings. In ordinary care proceedings, the number of which had risen substantially in the last two years, four out of five cases led to permanent removal. They failed to tackle the causes which led to the proceedings. There was a revolving door which could lead to mothers returning with later children. The adversarial norm in ordinary care proceedings was punitive and treated parents like criminals. FDAC proceedings better harnessed the role of the court and enabled more children to remain within their family.

A number of charities had been approached to provide financial support for developing and extending the FDAC model to new areas but they had always said that it was core government business and should be centrally funded. The DfE and MoJ had been helpful but that had come to an end and there was now a lacuna in funding.

Steve Bambrough outlined the financial situation. The Portman and Tavistock Trust bid for funding from the Innovation Fund in 2015 to set up the NU in order to support wider roll out of FDAC made it clear that the NU would need to be in existence for longer than one year if wider roll out was to be sustained successfully. In the event the grant was only for one year, and subsequent funding from the DfE and MoJ for the years 16/17 and 17/18 was negotiated on a year-by-year basis, with the budget reducing year on year. The DfE were clear from the start that the NU would need a sustainability plan that did not include government funding. Attempts were made to approach local authorities for financial contributions and charities for funding but these had been unsuccessful. The DfE made it clear that the grant for the 6 months from April 2018 was on the basis that the NU work with private investors to persuade up to 10 local authorities to enter into Social Impact Bond (SIB) arrangements would be successful and that these arrangements would provide the funding for the NU. Unfortunately, an insufficient number of local authorities had decided to sign up to a SIB model.

Phil Bowen said that the CJI had done work in the justice system and they were dismayed at the prospect of the demise of FDACNU. The CJI could possibly take on some of the Unit's functions, subject to funding.

James Brown said that Hall Brown was a boutique family law firm dealing with divorce; they did not act in care proceedings. His firm was willing to pledge £12,500 per annum for three years and sought to engage some 20 other firms in similar pledges. They had had coverage in *The Times* and the *Law Society Gazette* and hoped that would encourage other firms to provide support.

Tim Loughton, MP, paid tribute to the Earl of Listowel for getting the meeting arranged. He had visited the London FDAC some years ago and noted how successful it was. The Unit was still in a fledgling state but should become mainstream. Social Impact Bonds had been successful in adoption and he wondered if they could be useful for FDAC. Perhaps it needed a pilot. If a few more firms came on board, it would be worth going to the DfE and MoJ for matched funding. He would be willing to go to Ministers and raise the matter in debates.

Others made important contributions.



# The Michael Sieff Foundation

Working together for children's welfare

Lord Ramsbotham spoke as Chair of the Cross-Party Alcohol, Drugs and Criminal Justice Group. The Group was campaigning for an Alcohol Strategy, in addition to the Drugs Strategy, and he would add FDAC to the demands of the Group for this Strategy.

Dominic Goble, Chair of the Bench in Northampton, said that the very clear connection between family and child difficulties and the Youth Justice System should not be lost. The concept of

problem solving which underpinned FDAC had been applied successfully in the youth court. He would be hosting the Senior Presiding Judge in Northampton on 13 July, when they would be discussing judicial approval for further piloting of problem solving in the youth courts. He noted that wherever he went to talk about it he found that FDAC had always been there before him. The case was made for developing not just a problem-solving court but a problem-solving culture. This was so in the youth justice sector as much as in the family court system.

Lord Woolf said that all he had heard convinced him that it was so obvious that we must take this forward.

The retiring President of the Family Division, Sir James Munby, and the incoming President, Sir Andrew McFarlane, both supported the need for FDACNU. There were expressions of support from other FDAC Judges.

Danny Conway, commissioner for Children's Services in Milton Keynes when their local FDAC was established, said that they were at a nice and steady state of being, with the FDAC service now a mainstream service. They could not have got going without the help of the FDACNU. He had been in social work for 40 years and this was the best thing he had seen. It would be a tragedy to let the NU sink and deprive other areas of the support that will enable them to develop an FDAC that will thrive.

Lord Ponsonby said he sat in the youth court. He had sat in the Hammersmith Drug Court. It had failed because they could not demonstrate the benefits. FDAC had succeeded because they had been able to demonstrate success, through the work of the FDACNU. Another element of success he noted was that mothers who were unsuccessful in retaining or regaining care of their child usually accepted the result of the FDAC court, and the insight they gained from being in FDAC enabled them to be more aware of what they needed to do if they became pregnant again.

Cathy Ashley, Family Rights Group Chief Executive, said that the recently-published *Care Crisis Review* [see: <https://www.frg.org.uk/involving-families/reforming-law-and-practice/care-crisis-review>] reflected the view from families and practitioners of FDAC's value as a service that can and does make a difference. It recommended that FDAC should be a prototype for a problem-solving approach in the court arena, with the FDACNU using the learning from FDAC sites to that end. It would be helpful to see this development as part of the whole-system change that is needed and that should involve the Cabinet Office, Department of Work and Pensions, Home Office and Welsh Government, as well as the MoJ and the DfE.

Karen Broadhurst, Professor at Lancaster University, said their data showed that removals at birth had increased and that local authority involvement with families post-cuts was more draconian. There was a view that care proceedings "*lacked humanity*".

Emma Lewell-Buck, MP, who had been a child and family social worker, said that there needed to be a rethink of the child protection system but in the short term at least FDAC was necessary. She suggested targeting those MPs who had an FDAC in their constituency.



# The Michael Sieff Foundation

Working together for children's welfare

Sophie Humphreys, Director of Pause, said that her organisation was FDAC without the court. She summed up the unanimous view that no-one thought there should not be FDAC. Without the National Unit there would not be FDAC, which was noted for its integrity and accountability. Living hand to mouth was not the way forward. We needed to get beyond the emergency funding. A business model was essential.

Renuka Jeyarajah Dent said that Coram was a partner of the London FDAC. Three of the National Unit staff were based at the Coram complex until recently. The problem-solving and nurturing culture of the FDAC team was very important and the Tavistock and Portman NHS Trust embraced that. But it was difficult to do business modelling when at the same time delivering and developing the service.

Paul Jenkins, Chief Executive of the Trust, said that it was the most impressive intervention he had seen in ten years. It was well researched, and it worked for local authorities, the individuals and the taxpayer. It was difficult to get support for a National Unit. People did not see the benefits of ensuring healthy growth but it was crucial. They needed a short-term solution but they also needed to consider what it would take to make it mainstream. The Social Impact Bond experiment had failed with local authorities but they were fundamental to the concept. The Trust was happy to help in any way it could. They could consider discussions with the Local Government Association. He was asked about the deadline for the National Unit and said that the process had already started, but he would not hold to it absolutely.

Patricia Denny, Assistant Director at Greenwich, agreed that without the FDACNU there would be none of the existing FDACs. There should be an FDAC in every area rather than it being a postcode lottery. She has worked in two local authorities where FDAC has worked very well, and where families would say the same. The difference was that the starting point in FDAC care proceedings is *"we want you to keep your child and we want to help you do that"*. In contrast, the starting point in ordinary care proceedings is to prove that parents can't keep their child.

Judith Harwin, Professor at Lancaster University, said that the money invested in FDACNU should not be wasted by its closure. There was a research programme in development. There was still a lot unknown. FDAC included people with domestic abuse and mental health problems, not only drug and alcohol issues. Closure would also suggest a lack of confidence in the concept, which would in turn undermine the existing services.

Richard White, Secretary of the Michael Sieff Foundation, who had assisted the Earl of Listowel and Nick Crichton in organising the meeting, said that he had received emails of support from CAF/CASS and from Assistant Directors of FDAC authorities. There needed to be campaigns inside and outside Parliament. He said that those organising the meeting would prepare a note of the discussion, which would be circulated to those who had expressed an interest and posted on the Sieff website. [<http://www.michaelsieff-foundation.org.uk/family-drug-and-alcohol-court-fdac-national-unit-closure/>]

Arran Poyser, a former civil servant, said that it was necessary to know who in which departments had taken the key decisions about the FDACNU and on what basis. Especially with the recess so close, there needed to be urgent action.

Jo Tunnard, a member of the FDACNU Advisory Board, conveyed messages of support from existing FDAC specialist teams and judges. The most recent research on FDAC involved observation of 46 cases across England and interviews with most FDAC judges. The judges were unanimous in wanting the FDAC problem-solving model extended to most other care



# The Michael Sieff Foundation

Working together for children's welfare

proceedings. It brought humanity and justice to the most traumatic cases heard in court. It enabled parents to have high support and high challenge from judges and all other professionals. The judges valued what they had gained from the FDACNU: training for their specialist work, guidance, information, encouragement, and the opportunity to network with, observe and learn from other FDAC judges.

Mike Shaw explained that tail-off decisions had been taken based on expectations. FDACNU had been excited by the idea of the Life Chances Fund, with expressions of interest from 20 local authorities, and the offer of £6.3m from the LCF, with payment based on results. Local authority interest had withered. [Others said that SIBs were not popular with local authorities.]

The mood of the meeting was clear. There needed to be emergency funding to keep FDACNU going as it currently was on an interim basis and then to secure a long-term funding stream.

## Latest information

There is a section on The Michael Sieff Foundation website which includes a copy of this meeting report along with links to additional back ground material here:

<http://www.michaelsieff-foundation.org.uk/family-drug-and-alcohol-court-fdac-national-unit-closure/>

## References

*What does the FDAC National Unit do?* - a brief synopsis: <http://www.michaelsieff-foundation.org.uk/content/Family-Drug-and-Alcohol-Court-National-Unit-What-We-Do-June-2018.pdf>

The latest brochure promoting the benefits of the FDAC Approach: <http://www.michaelsieff-foundation.org.uk/content/About-Family-Drug-and-Alcohol-Court-National-Unit-January-2018.pdf>

*Child and Parent Outcomes in the London Family Drug and Alcohol Court Five Years On: Building on International Evidence*, Judith Harwin, Bachar Alrouh, Karen Broadhurst, Tricia McQuarrie, Lily Golding, Mary Ryan; *International Journal of Law, Policy and the Family*, Volume 32, Issue 2, 1 August 2018, Pages 140–169. <https://doi.org/10.1093/lawfam/eby006>

*Care Crisis Review* [see: <https://www.frg.org.uk/involving-families/reforming-law-and-practice/care-crisis-review>]

*Introducing the highlights from: After FDAC: outcomes 5 years later (September 2016)*, Judith Harwin, Bachar Alrouh, Mary Ryan, Tricia McQuarrie, Lily Golding, Karen Broadhurst, Jo Tunnard & Stephen Swift, *Report prepared for the DfE Children's Social Care Innovation Programme*, Lancaster University. <http://wp.lancs.ac.uk/cfj-fdac/publications/>

*After FDAC: outcomes 5 years later FINAL REPORT (December 2016)*, Judith Harwin, Bachar Alrouh, Mary Ryan, Tricia McQuarrie, Lily Golding, Karen Broadhurst, Jo Tunnard, Stephen Swift, *Prepared for the DfE Children's Social Care Innovation Programme*, Lancaster University. <http://wp.lancs.ac.uk/cfj-fdac/publications/>

*Problem Solving in Court: Current Practice in FDACs in England, FINAL REPORT (December 2016)*, Jo Tunnard, Mary Ryan & Judith Harwin, *Report prepared for the DfE Children's Social Care Innovation Programme* <http://wp.lancs.ac.uk/cfj-fdac/publications/>



# The Michael Sieff Foundation

Working together for children's welfare

*Introducing the highlights from: Problem Solving in Court: Current Practice in FDACs in England (September 2016), Jo Tunnard, Mary Ryan, Professor Judith Harwin, Report prepared for the DfE Children's Social Care Innovation Programme <http://wp.lancs.ac.uk/cjf-fdac/publications/>*

*Changing Lifestyles, Keeping Children Safe: An Evaluation of the First Family Drug and Alcohol Court (FDAC) in Care Proceedings, J. Harwin, B. Alrouh, M. Ryan, and J. Tunnard, Brunel University, 2014 <http://wp.lancs.ac.uk/cjf-fdac/publications/>*

*Introducing the main findings from: Changing Lifestyles, Keeping Children Safe: an evaluation of the first Family Drug and Alcohol Court (FDAC) in care proceedings, Judith Harwin, Bachar Alrouh, Mary Ryan and Jo Tunnard, Brunel University London [http://nuffieldfoundation.org/sites/default/files/files/FDAC\\_evaluation\\_summary\\_17\\_06\\_14\(1\).pdf](http://nuffieldfoundation.org/sites/default/files/files/FDAC_evaluation_summary_17_06_14(1).pdf)*

*Sir James Munby: "FDAC is the most researched of the recent innovations in family justice. Rigorous, high quality academic evaluation, conducted by Professor Judith Harwin has proved, conclusively, that FDAC works. As Professor Harwin's evaluation has demonstrated, more children are reunified with parents if the case has gone through FDAC than through the normal family court, and there is significantly less subsequent breakdown." Family Law, News & Comment, LexisNexis [https://www.familylaw.co.uk/news\\_and\\_comment/care-crisis-fdac#.W0nGs9JKhPY](https://www.familylaw.co.uk/news_and_comment/care-crisis-fdac#.W0nGs9JKhPY)*

*Better Courts: the financial impact of the London Family Drug and Alcohol Court, Neil Reeder and Stephen Whitehead, The Centre for Justice Innovation <http://justiceinnovation.org/portfolio/the-financial-impact-of-the-london-family-drug-and-alcohol-court/>*