

Problem-solving justice

Kamena Dorling, Head of Policy and Programmes, looks at the role of the Family, Drug and Alcohol Court in keeping more children with their families and the cost-savings its work can bring

A total of 69,540 children were in care at the end of March 2015, compared to 68,000 in 2014, and the number of looked-after children is now higher than at any point since the mid-1980s. This can in part be explained by quicker assessments and better awareness amongst care professionals, with agencies working more quickly to ensure that children are removed from damaging households. However, the ongoing burden on local authorities of increased number is inevitable and challenging in the context of widespread budget cuts. There is a clear need for more work to address the reasons behind children being removed from their families in the long-term.

One initiative with this aim is the Family, Drug and Alcohol Court (FDAC), the first of which was launched in 2008 in London. Based on the notion of 'problem-solving justice', whereby courts work to address the complex social issues that bring people before them, FDACs specialise in hearing cases where local authorities are applying to remove children from their families due to substance misuse. They are run by specially trained, dedicated judges who provide direct, ongoing supervision and support to parents in recovery. The judges work closely with a team of social workers, psychiatrists, substance misuse workers and other professionals who offer a personalised package of support and treatment that gives parents the chance to overcome their addiction and show that they are capable of caring for their children.

Cases are referred into FDAC by local authorities. This can happen as part of pre-proceedings activity or when the local authority is issuing care proceedings. A discussion between the local authority and the specialist team precedes any referral. If parents agree to work with the Court, an initial assessment is carried out by the specialist FDAC team, and an intervention plan, in collaboration and agreement with all parties, is put together. The plan is given authority by the court and the 'trial for change' begins. A key worker works directly with the parent and co-ordinates all the services identified in the plan. The team also carry out drug and alcohol testing, and in cases in proceedings they prepare regular short reports on the parents' progress and they attend court reviews. The progress made by parents is monitored regularly by the team and the Judge at regular hearings, which take place without the presence of lawyers.

A key aspect of the model is that it works independently of the local authority. This means independence from the children's social care team and the local child protection and children in need teams. Cases in FDAC are also heard by the same district Judge, the aim being to allow for continuity and a complete understanding of individual cases and circumstances; and allow for parents to build a relationship with the Judge and the specialist team that works with the court. There is regular communication between the team and the judge in relation to cases in court, and between the team and relevant adult and children's services as well as with housing services and domestic abuse services and with legal representatives.

Since 2008, the Department for Education has supported the rollout of the FDAC model, and there are now eight FDAC clusters in operation, serving 19 local authorities at 12 courts. New analysis published this month by the Centre for Justice Innovation, 'Better Courts: the financial impact of the London Family Drug and Alcohol Court', has shown that in 2014/15 the FDAC in London cost £560,000 and generated gross savings of £1.29m to public sector due to better outcomes being achieved than in normal care proceedings.

The court has been found to generate three types of long-term savings. Firstly, it keeps more children with their families, saving money that would otherwise be spent on taking children into care. Secondly, families who appear in FDAC are less likely to return to court, saving in the cost of parents returning to court either after reunification or with future children. Finally, more parents in the FDAC process subsequently overcome their drug and alcohol addictions, with knock-on savings the NHS due to reduced long-term need to provide drug treatment; and to the criminal justice system due to reduced drug-related crime.

It should be noted that some of those savings also reflect the reduced roles of legal professionals and of expert witnesses. The lack of outside advice and evidence is very different to standard care proceedings where families are allowed to test the local authority case against them and to question the evidence that their care has fallen below an agreed threshold. The more consensual style of proceedings is well suited to offering an alternative for parents with substance misuse problems, but is one which might be harder to replicate across a range of care proceedings where there are complex factual disputes.

The FDAC process aims to provide parents with the support they need to identify and overcome their addictions, with a view to being able to continue to care for their children, providing they can overcome their problems in a timeframe compatible with their children's needs. With rising numbers being taken into care, an alternative for parents whose problems with substance misuse mean that they might otherwise be at risk of losing their children is to be welcomed.