

Research Article

Doug Martin*

Research supporting service transformation: Family Drug and Alcohol Courts and understanding the factors that contribute to their success

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Abstract: Family Drug and Alcohol Courts (FDAC) were introduced to England in 2008 following their development in the USA. Pilots launched across the country adopted a family-based strategy with the aim to improve outcomes for children that live with parents who misuse substances or alcohol. The numbers of children entering the care system has increased with ‘subsequent new borns’ being a particular concern frequently becoming ‘looked after’ by the state at birth. This article will focus upon an initial phase of a study that tracked the establishment of an FDAC pilot. It reveals how the FDAC team collaborated with Judges and a diversity of professionals and parents to create conditions through which ground-breaking practice was forged. The environment created is unique as it is one fully set within the context of each family’s lived experience. Through this approach parents have become full participants in court proceedings as opposed to purely subject to them. As a result, significant numbers of children have remained with or been returned to their families.

Keywords: Child protection; Serious harm; Family courts; Substance misuse; Parenting; Holistic approaches; Multi-disciplinary working

1 Introduction

Family Drug and Alcohol Courts (FDAC) were introduced to England in 2008 following the development of the Family Drug Treatment Courts established in the USA as promoted by the Adoption and Safe Families Act 1997

(Cooper, 2017). The London FDAC, the first in the UK, was funded by central government as a strand of a new family-based strategy to seek to tackle the issue of parental alcohol and substance misuse, to improve outcomes for children and reduce the number entering the care system. FDACs have been piloted across the country over the last decade with an ambition to construct new ways of engaging with families and to reverse the current trend of increasing numbers of children entering care (Broadhurst et al., 2017). This research has focused upon one of these pilots across the period 2019/2020. It aimed to test out the contemporary belief that FDACs through assisting parents changing their lifestyles reduces the likelihood of children entering the care system and to understand the new practice developed that appears to reduce this risk.

The article summarises the initial phase of research into this FDAC pilot that is on a journey seeking to learn what works for families involved in the court system. The approach involved ‘getting alongside’ the leadership and management of the FDAC team through constructing a qualitative method that included conducting semi-structured interviews with those working with the parents referred to this pilot. The participants included Judges, Children’s Social Workers, specialist workers, a psychologist and extensive conversations with parents. Data was also collected from reports published by the FDAC team and statistics provided by a range of associated services. Analysis of the data indicated an environment has been created by this FDAC pilot through the construction of new conditions that are inclusive of all those involved. This approach promotes the repositioning of parents by making them investors in the proceedings as opposed to being subject to them.

*Corresponding author: Doug Martin, Leeds Beckett University, Carnegie School of Education, Carnegie Hall, Room 120, Headingley Campus, Leeds, LS6 3QQ, United Kingdom. Email: d.j.martin@leedsbeckett.ac.uk

2 Increased numbers of children entering care, subsequent new borns, parental alcohol and substance misuse: the wider context in which the research was conducted

The FDAC pilots established in England appear to reduce the risk of children entering the care system at a time when the number of Children Looked After has increased year on year since records were established in 1994. The last published statistics demonstrate a further rise of 4% over the previous year with the number at 75,420, while adoptions continued to decrease between 2017 to 2018 a fall of 13% (Department for Education, 2018). The Nuffield Foundation (Broadhurst et al., 2017), in partnership with the University of Lancaster, highlighted the trend of ‘new borns’ being taken into care within seven days of birth in England and identified that the number has doubled since 2007 from 1,039 to 2,447 ten years later. Out of those 2,447 taken into care in 2017 almost half (47%) fell into a category of ‘subsequent new borns’. This is where mothers have already engaged with court proceedings with older siblings. The proportion of ‘subsequent new borns’ is increasing in proportion to the overall growth of children in care. To illustrate this issue during the research a discussion emerged concerning a mother within substance misuse services presently pregnant with her 13th child and ‘having their destination already know: the care system’.

Parental substance and/or alcohol misuse has been an area of concern for many years due to the impact upon children’s outcomes frequently referred to as ‘hidden harm’ (Advisory Council of Misuse of Drugs, 2018). More recently the issue has become directly linked to the rise in children entering care. Working Together (Her Majesty’s Stationery Office, 2018) highlights the ‘toxic trio’ of parental mental health, parental substance misuse and domestic violence as major factors in family interventions. Further to this the Children’s Commissioner for England (2018) published a report estimating local authorities considered 15,800 babies under the age of 1 at high risk of harm with 50,000 children aged 0-5. This figure includes 8,300 babies under 1 living in households where all three of the so-called ‘toxic trio’ are present and a further 160,000 children aged 0-5 of which 25,000 are babies under 1 that live in a household where two of the three ‘toxic’ risk factors are present. A generally accepted estimate within the social work profession is that parental substance or

alcohol misuse is linked to over 50% of children’s social work assessments and subsequent interventions. When this estimate is coupled with the aforementioned ‘subsequent new borns’ entering care, the construction of workable responses to this growing issue has become a priority for both local and central government in England.

3 The FDAC pilot, the research approach and participants

A research methodology was constructed that recognised the sensitive context in which the study was to be conducted by application of the British Educational Research Association (BERA) ethical framework and use of previous tried and tested practice with families living in vulnerable circumstances. Children’s Social Care Workers nominated parents from their caseloads to join the FDAC. These parents typically have a track record of significant misuse of alcohol or other substances and their children have been assessed at risk of harm. A further in-depth assessment of parents’ suitability to join the FDAC pilot is conducted by the team as an alternative to being subject to standardised Family Court proceedings. To qualify for this pilot parents must demonstrate that they are in a position where they are seriously considering a change in their present lifestyle in order to reduce the risk to children. For the following six months parents sign up to an intensive period of support with fortnightly meetings in Judge’s chambers to review their progress. The parents work towards abstinence from alcohol and/or other substances throughout this period. Six parents at various stages of their journey through FDAC expressed their willingness to take part in extensive in-depth research conversations across 2019/2020 when the fieldwork was undertaken. These conversations mainly took place in their home. Parents felt comfortable and able to speak freely about their experiences of participating in the FDAC pilot in this environment. Children were not included in this phase of research as all families involved very young children, most being under one year old and frequently ‘subsequent new borns’.

The FDAC team comprised of a manager with extensive experience of working with adults in substance misuse services as well as wider settings, a practitioner from a specialist adult substance misuse service, a children’s social worker, a psychologist and a casework co-ordinator. All members of the team contributed to the research through semi-structured interviews and ongoing conversations as did their strategic managers. Two Judges that had undergone specialist FDAC training also took

part in semi-structured interviews. The Judge allocated to the case meets with a parent or parents and a member of the FDAC team fortnightly to set targets regarding the aim to alter parental lifestyles. Mutually agreed goals are established through open conversations and are reviewed in detail at each meeting. Between these meetings the FDAC team are involved in daily contact with parents. The team offer constant support and the opportunity to continue this dialogue. These fortnightly meetings with the Judge are stripped of the traditions of lawyers representing the parties as associated with traditional Family Court proceedings.

Research participants, outlined in the table below, also included three children’s social workers that were involved with the FDAC process due to the children on their caseload. Additionally, a Specialist Health Visitor allocated to parents upon identification of pregnancy to provide support with substance or alcohol misusing or both also contributed to the research. To gain a deep understanding from a strategic aspect of children’s services, a regional expert that had been involved in the development of FDAC pilots was also included in the interviews, as was a strategic leader of a third sector multi-professional organisation. These interviews and conversations took place in the participant’s professional setting. Documentary data was made available through depersonalised reports and other papers provided by the FDAC team, including statements made by parents concerning their experience. The data collected over the 12 months of field research was transcribed and analysed at key stages to inform and further refine the methodology adopted. As initial themes began to emerge through this ongoing process, the focus of the interviews and conversations shifted to more intensely investigate aspects of practice as it developed.

Table 1: Research Participants

Role	Number Participating
Parents	6
Judges	2
Children’s Social Workers	3
Specialist Health Visitor	1
Strategic Manager	1
FDAC Regional Lead	1
Members of FDAC Team	5

4 The FDAC pilot and themes emerging

A diversity of sub themes emerged from the data analysis:

- The FDAC approach involves engagement with deep, complex, interacting, and entangled issues that reflect the connections between family members and extended relationships with other parties. All families face complex and interrelated issues when raising children (Glass, 1999), however these were further complicated through the parental misuse of substances and alcohol. The nature of the data generated clearly demonstrated the multifaceted context in which the FDAC pilot operates. Hence, there are no simple or singular issues that can be drawn out through analysis as standalone items or quick fixes. This reflects Anning et al.’s (2007) research into multi-disciplinary working in environments such as Sure Start and Youth Offending Teams. A strategic manager summarised this complexity: ‘essentially the FDAC work in a multi-disciplinary team that case manage parents. The broader perspective the better, as is working hand in hand with other services engaged with the family to understand the whole picture’.
- Parents were involved in a deep relationship with the FDAC team and Judges that frequently led to many divulging past traumas. The team and the Judges became involved in confronting deep seated and historical issues that had a lasting impact upon parents. These were often related to suffering from neglect or episodes of harm as a child, reflecting the deep trust constructed between parents and practitioners. The team learnt that they were developing an approach that resonated with ‘Trauma Informed Practice’ (TIP) (Webb et al., 2018). Mersky et al. (2019) defines trauma as an experience or experiences that have a lasting influence. Champine et al. (2018) refers to this practice as an approach that systematically recognises the impact of traumatic stress on individuals thus having the ability to be aware and to design quality responses within service delivery. Most parents commented upon this aspect of the relationship with one stating the FDAC team ‘altered the path I’ve been travelling, they helped me shed issues, unburdened me and have given me the tools and skills to move forward as a parent. They unravelled my life and built me back up again’.
- All concerned stated from their differing perspectives whether Judges, the FDAC team or parents, how FDAC is challenging and therefore an extremely demand-

ing experience. This engagement confronted all that were working with parents to gain an insight into the context of the family's lived experience as part of developing this honest and open relationship. A Judge commented about understanding the life of substance misusing parents through meeting them fortnightly: 'their experiences are so obviously different to our own... as Judges we put ourselves in a position of somebody who is up to their eyes in debt and about to lose their home because of addiction...'

- The FDAC team provides a trusted conduit for all professionals working with these families through the development of ongoing extremely intensive and deep professional relationships. A member of the FDAC team spoke of the testing out of new ways of working and the trusted relationship that resulted: 'we work closely with agencies such as Children's Social Care and are absolutely honest with parents and develop a trusted relationship with all parties to continue on our quest to develop best practice that is essential to the nature of our work'.
- The FDAC team has grown over a relatively short period of time to become a highly skilled resource committed to working with families in a non-judgemental way and engage in honest, challenging and supportive interventions with parents facing multiple and complex issues on a daily basis. The FDAC manager illustrated their experience as 'a journey constantly challenging, critically auditing and reviewing ourselves as are the Judges and parents'. These subthemes contribute towards a fundamental theme that emerged from this research.

The key learning resulting from these subthemes concerns the creation of a new and truly innovative approach resulting from the exploratory environment in which parents, a range of professionals, the FDAC team and the Judge operate. Frost and Dolan (2017) consider relationships between family members and those professionals working with them to be a critical aspect in contributing to improved outcomes. This is a 'safe space' where interventions and interactions can be tried out and was attributed to the trusted relationships created between all parties.

Emerging from the research were comparisons with the Family Court proceedings from several participants including parents. All parents highly valued a fresh approach to them as individuals as most had previously

engaged in the more traditional Family Court. A parent's view resonated with other accounts 'they speak to you more like a human being and not a convict' reflecting this new, open and trusted relationship. Meetings with the Judge and FDAC team in chambers were described 'as an honest understanding conversation' this despite being 'challenged and set difficult goals'. Parents considered the ongoing proceedings took place within a complete understanding of their lives with a consistent comment from parents being 'they really got to know me and understand me' and 'FDAC seemed to understand me and guide me, while other services seemed to be really pissed off with me'. Parents said their engagement with the FDAC process was extremely demanding in terms of their personal commitment to the programme and by fundamentally questioning their lifestyle and values. They realised in all cases that their deep-rooted lifestyles had to change if they wished to have a meaningful relationship with their children: 'they stripped me right back and helped me realise rather than being told what to do, they helped me realise what I had to change'. Hence each parent's approach to their family and life itself was fundamentally examined by the team and Judge, as was what these parents perceived as the root causes of the issues they faced. Research conversations reflected upon areas such as 'I could not say child abuse, but the FDAC worker was happy to sit and let me talk around the houses what I thought had happened to me as a child. Now I am able to say it out aloud!' Parents in essence became part of FDAC as opposed to subject to FDAC by the environment or conditions created, a position Martin (2016) describes as a form of shared mutual professionalism. An approach commonly used within adult services seeks to change lifestyles through a more directive/behaviourist approach, whereas the team replaced this with a model where parents are progressively introduced to ideas of change and supported in a format and context which is relevant to them and resonant with the findings of Dolan's (2006) research into family support. Through this approach full ownership of the change is taken up so they are able retain their children in the family setting or be reunited with them. The process is therefore progressively owned by the parent as opposed to applied and that 'at the end of the day, the decisions are mine', a view commonly voiced by parents. Creating this environment is not a simple or easy approach to take where there are high but well managed risks at stake in terms of safeguarding children.

5 The FDAC pilot: generating transformational engagement with families

This section will review the factors that may have contributed towards the creation of a new environment in which parents can fundamentally engage and begin to take ownership of lifestyle changes. While parents understand that FDAC proceedings will result in a decision as to their future relationship with their children, they discussed how they felt the process was inclusive and parent centred. Parents stated that during previous interventions in their lives they ‘gave answers they [professionals] wanted to hear’ or alternatively ‘fought the system’.

This conflict with the system took many forms including avoidance such as pretending to be out for Children’s Social Worker visits. They overwhelmingly perceived themselves as ‘victims’ of a system that worked against them ‘to catch them out’. Professionals working in public services were frequently viewed as ‘the enemy’ to be avoided at all costs. All the parents that engaged with the research considered themselves to have some level of ownership of the FDAC proceedings. Some explained when the final judgement had gone against them, they did not contest it as they knew the reasons why the decisions had been made as Judges and the FDAC team talked openly about implications of lifestyle decisions.

The FDAC team recognised their work reflects that of Trauma Informed Practice (TIP) (Webb et al., 2018) but there would seem to be more fundamental conditions at work to explain the construction of this new environment than merely TIP. The FDAC team is multi-professional in nature bringing together the skills set associated with both adult and children’s services.

These include a deep knowledge and understanding of parental substance misuse, children’s social care and child development and psychological understandings associated with both childhood and parenthood. Anning et al.’s (2007) field research highlighted a fundamental flaw in the way services are constructed. They looked to the theorising of Wenger (1998) and argue that professionals working with children view them through a lens which is pre-set within a framework associated with their professional training. Therefore, their understanding of the child is partial as opposed to holistic. Hence the interventions Anning researched did not appear to comprehensively reflect the child’s needs and were highly likely to be a professionally perceived need as opposed to that set within a holistic understanding. Bringing together a broad range of differing professionals provides a deeper

and more comprehensive understanding of the child’s positioning and a more meaningful response (Frost and Robinson, 2007). Leadbeater et al. (2007) further examine these partial understandings and suggest a deeper multi-professional consideration will reflect more holistically the child’s lived experience.

An understanding of the child’s or adult’s ‘lived experience’ over recent years has become a consistent theme emerging from serious case reviews and adds to this notion of partial as opposed to holistic service interventions. Martin (2019) suggests that to achieve a holistic understanding professionals from different backgrounds need to do more than work in partnership so they better comprehend a child or adult’s lived experience, they should be open to considerations of each other’s practice and share a mutual multi-professional understanding. Cameron and Moss (2011) similarly advocate professionals engage in realising and fully understanding the complexity of factors that influence people’s lives as opposed one set in professional isolation.

Expanding from this child or adult perspective, Dolan’s research (2006) informs us of the need to work within the context of the whole family’s lived experience. Dolan offers additionality to the theorising of Anning et al. (2007) through engaging with the broader scope of the family experience. His hypothesising reflects the Think Family policy (Department for Children School and Families, 2008) produced from research into 125,000 most disadvantaged families living in England. It suggests professionals should construct an ongoing and deep understanding of the family and its individual members and the complex interactions that take place between these family members. Too often professionals view family members as isolated units operating separately from the mutual lived experience provided by a family setting. Dolan takes this approach a stage further stating that families should be viewed as key players in the construction of a bespoke package. Through this Dolan reflects the mutual professionalism identified by Martin’s longitudinal research (2016).

Two key conditions underpin the environment engineered by the FDAC team:

- The team engages with parents on a daily basis providing a unique level of interaction with parents. The team do practical things to help parents, resolving issues outside their immediate remit for example housing problems or sorting out utility bills. This ongoing support contributes to the trusted relationship. Further to this the FDAC team actively listen to parents while taking a non-judgmental stance.

Dolan describes this as taking families at face value whilst demonstrating an empathy and understanding for the challenges parents face. Their actions add to this understanding of ‘a safe space’ that parents described. They do more than trust the team, but have moved from avoidance tactics when engaging with services such as ‘telling them what they wanted to hear’ or ‘pretending to be out when the social worker called’ to one where they felt part of the team. The team is not just acting on their behalf as for example a solicitor may in a more traditional approach to a Family Court, but are daily engaging in a different way that promoted parental ownership.

- The FDAC team recognised the power relationship that existed between the parent and professionals. However due to the inclusive nature of the engagement created this factor of power was neutralised. The decision as to whether children were retained in care or returned to the family was made by the Judge, as it is within the more traditional Family Court, but this decision was set within the understanding of the parents. The empowerment of service users is regarded by Frost and Dolan (2017) as essential to improving the lives of those living in vulnerable circumstances. The environment created shifted the parent from their self-defined role of victim to one of a mutual partner in proceedings.

6 Summary

This FDAC pilot has developed a transformative approach that reflects a new mutualism inclusive of a deep understanding of each parent’s lived experience. Despite the power differential between the professionals, the Judge and the parents subject to proceedings, a new environment has been created through which parents are repositioned when compared with Family Courts. This significant shift has occurred by recognising the Judge ultimately decides the parent’s future relationship with their children, however, parents are viewed as central participants in a mutual process as opposed to being purely subject to proceedings. A father’s comments about his engagement with the FDAC and the Judge resonated with parental views of the journey they had been on: ‘I look at myself in the mirror and feel good about what it is that I’ve done but I feel I wouldn’t have if it were not for those supporting throughout it all. Egging me to do better, building me up from someone who could hardly talk, was shy and spent

their life just sat about thinking of drugs and where to get my next fix from. I can’t rate them enough.’

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