A couple of years ago I spent a day at the groundbreaking Family Drug and Alcohol Court (FDAC) with District Judge Nick Crichton, the pioneering judge who lobbied for the creation of a Court that would be a radical attempt to break with, in his words, ‘the intergenerational cycle’ of self-destructive behavior.

The judge offered a memorable but bleak view from the bench as to the failure of the ordinary Courts to deal with drug addicted and alcoholic parents. ‘We are sometimes removing the fourth or fifth child and sometimes the seventh or eighth child from the same mother for exactly the same reasons,’ he told me. ‘Nothing changes and nothing has been done to help them achieve change’.

Drink or drug problems represent a significant factor in up to two-thirds of care cases. The idea behind the FDAC pilot was recognition of the failure to address addiction through ordinary care proceedings. The new Court set out to deal with the lack of co-ordination between adult and children’s services; late intervention to protect children; delay in reaching decisions; and the soaring cost of proceedings.

Crichton referred to one psychiatric report where the mother said ‘every time they remove a child the only way that I can deal with the pain of the loss is to get pregnant again’. ‘I’ve had women scream at me across the Court: “If you take this one away from me I’ll go on having children until you let me keep one”,’ he said.

Research by Brunel University published earlier in this year (see below) revealed that this groundbreaking Court is making a real difference in keeping troubled families together and, where that’s not possible, finding new homes for vulnerable children more speedily than through conventional care proceedings. According to the evaluation, over one third (39 per cent) of mothers coming before the Family Drug and Alcohol Court were reunited with their kids compared to just over one in five (21 per cent) in ordinary care proceedings.

The FDAC pilot scheme is co-funded by the Department of Education, Ministry of Justice, Home Office, and Department of Health as well as three London local authorities – Camden, Islington and Westminster. It works with parents, social workers and rehabilitation staff to combat addictions and, if possible, keep families together. The same judge presides throughout the life of a case and mothers are required to reappear before the Court on a regular basis.

What is so different about his Court? Crichton draws an analogy with Weight Watchers: ‘If you know you have to come back every two weeks and answer for the last two weeks to the same person, there is an enormous incentive to stay on track – particularly if everyone who is around

A new approach

The Family Drug and Alcohol Court (FDAC) is a new approach to care proceedings in cases where there are significant drink or drugs problems. The pilot began in January 2008 and runs until March next year. It is funded by the Department for Education, the Ministry of Justice, the Home Office, the Department of Health and three London authorities – Camden, Islington and Westminster. It is the first Court in England and Wales to take a problem-solving approach to care proceedings. The Court is supported by a multi-disciplinary team of practitioners provided by a partnership between the Tavistock Portman NHS Foundation Trust and the children’s charity, Coram.
Findings

The Brunel University study followed all cases, 55 families with 77 children, entering FDAC in its first 18 months and compared them with ordinary care cases involving parental substance misuse heard during the same period – 31 families, with 49 children. It was possible within the research timescales to follow 60 cases, 41 FDAC, 19 comparison, in relation to the final order.

- Of the 41 FDAC mothers 48 per cent (19) were no longer misusing substances by that time – compared to 39 per cent (7 of 19 mothers) in the non-FDAC group. In relation to fathers, 36 per cent of FDAC fathers (8 of 23) were no longer misusing substances - no comparison father stopped misusing.

- Of the 41 FDAC mothers, 39 per cent (16) were reunited with their children by the final Court order, as opposed to 21 per cent (4 of the 19 mothers) in the comparison group.

- FDAC parents accessed substance misuse services quicker, received a broader range of services in the first six months, and were more successful at staying in treatment.

- The average length of cases was the same. The FDAC cases where parents and children stayed together at final order took about eight weeks longer than similar cases in the comparison sample. The researchers called this 'purposeful delay', allowing families to get derailed lives back on track. It’s also significant to note that it took on average seven weeks less for FDAC children to be placed in a permanent alternative home (51 compared to 58 weeks) when things don’t work out.

- It took on average seven weeks less for children to be placed in a permanent alternative family when parents could not control their substance misuse.

- The average cost of an FDAC case was £8,740. If ministers do turn their gaze to FDAC, there needs to be some consideration of both those savings as well as the human misery spared by effectively dealing with addiction and keeping kids within their families where possible.

To read the full results of the Brunel University report go to www.brunel.ac.uk/research/centres/iccyr/fdac

You is interested in what you do and want you to succeed. It puts a smile on your face to come back and stand on the scales and say “I’ve lost another three pounds or I’ve stayed clean for another 14 days”.

The research reported that it took on average eight weeks longer for children coming through FDAC to be reunited with their parents. The researchers called this a ‘purposeful delay’, allowing families to get derailed lives back on track. It’s also significant to note that it took on average seven weeks less for FDAC children to be placed in a permanent alternative home (51 compared to 58 weeks) when things don’t work out.

FDAC has funding for another year. There has to be a question mark over its future under a coalition government that has already announced a sweeping court closure programme. The Nuffield researchers weren’t asked to conduct a cost benefit analysis of FDAC identifying costs savings to the taxpayer further down the line (foster care, court and care proceedings, rehab etc) but such savings must flow. They did find that the average cost of an FDAC case was £8,740. If ministers do turn their gaze to FDAC, there needs to be some consideration of both those savings as well as the human misery spared by effectively dealing with addiction and keeping kids within their families where possible.

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Jon Robins is a journalist who writes widely on access to justice. His work was recognised earlier this year when he won the top award for Outstanding Achievement at the Legal Aid Lawyer of the Year awards. He runs the website www.thejusticegap.com