

Family Drug and Alcohol Court

Information
for
professionals



Who this leaflet is for?

This leaflet is aimed at any service professional that wants information about the FDAC or has been asked to become involved in any aspect of the process.

It is particularly relevant for social workers whose cases get put forward for the FDAC and for key workers in drug, alcohol, housing, domestic violence or any other wrap around service involved in the treatment of someone going through the FDAC process.

Contact details for further information

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Introduction to the Family Drug and Alcohol Court (FDAC)

The Family Drug and Alcohol Court (FDAC) is a pilot project that has been based on an American model. Specialist drug and alcohol courts are used widely across the USA, where early findings have suggested they have been successful in enabling more children in care to return home because their parents have engaged with substance misuse services.

The aim of the FDAC is to help parents stabilise/stop using drugs/alcohol and, where possible, to keep families together. Instead of a normal care proceedings court process, a family chosen for the FDAC process will go through a slightly different process, with more regular court hearings with the same judge for the whole process.

The process has been set up specifically to help tackle any drug or alcohol problems. The process involves co-ordinating a range of services so that the family's needs, concerns and strengths are all taken into account, with everyone working towards the best possible outcome for the children - a stable and safe family which is able to stay together.

Selection - the cases that go through the Court

The FDAC is a pilot project, so cases are being selected for the court each week by the Listings Office on a first come first served basis. The usual threshold for proceedings applies to these cases and if they do not get chosen for the FDAC they will enter the usual family proceedings court instead, or be offered a place the following week.

There are no acceptance criteria to become a potential FDAC case, but there must be a history of drug or alcohol misuse in the family and this should be the main factor impacting on parenting ability. There are some exclusion criteria however;

- a history of severe physical or sexual abuse of the children
- ongoing domestic violence, where the safety of the Parents/Children cannot be established or supported
- parents experiencing florid psychosis which would prevent them from being able to engage purposefully or meaningfully in the project

Where these criteria apply, they will usually be a more pressing concern than the substance misuse within the family. At the moment, during the pilot, the criteria is being kept as wide as possible so that an assessment can be made of the types of family which are able to make best use of the process.

There are only a limited number of places available in the pilot scheme. Of all the potential cases, only 1 or 2 are selected each week. When a case gets to the stage

of legal planning, if substance misuse is a key presenting issue, this will be indicated on a front sheet. When the case gets to court, the listings office will place all potential FDAC cases together and will choose 1 or 2 to enter the FDAC. At this stage the family will be notified that they have been selected for the FDAC and given written information about it before the first hearing, and at the first hearing by the FDAC team. The FDAC is voluntary and if parents do not wish to proceed, their case will be heard in the usual family proceedings court.

Choice for the Families

A family may choose not to go through the FDAC process, instead opting to go through the normal care proceedings route. They might do this for any number of reasons, but wherever possible, they should be encouraged to see the FDAC process as a real opportunity to get things back on track.

Like any care proceedings, there is still a potential for the family to lose their children, but the FDAC process has been set up to encourage success and to be as supportive as possible. Whilst they must take the process seriously, as they would do for normal care proceedings, families need not be fearful that the FDAC is there to trap or trick them in any way.

Once a family is chosen they do not have to make a decision immediately. They will be asked at the 1st Hearing on a Monday if they want to commit to the process; it begins immediately if they do. If they feel they need more time to

think about it, they can ask the Court for another week. The family will be encouraged to talk to their Social Worker, and the FDAC team, if they have any doubts or questions over the process.

If the family sign up to enter this Court, they will have Court hearings fortnightly every Monday, starting 2 or 3 weeks after the first hearing.

Between the first and second hearing they will be asked to take part in an assessment day by the FDAC team, who will formulate an intervention plan by the second Court hearing.

After the second hearing, interventions will begin and the subsequent fortnightly hearings will be used to provide encouragement, review progress, review the intervention plan, problem solve any difficulties that arise and make decisions in order to reach permanency as quickly as possible.



Support given to the Families

Support from the FDAC team who will coordinate the process and intervention plan. This is a multi-disciplinary team which includes: Service Manager, a Clinical Nurse Specialist, a Specialist Substance Misuse Worker, Senior Social Worker and Social Worker. There is also a Child and Adolescent Psychiatrist, an Adult Psychiatrist and Family Therapist attached to the team. There are also named links in the Housing and Domestic Violence Teams within the Local Authority.

A comprehensive assessment will include the family's strengths as well as concerns. The assessment will take into account any existing assessments/information and look at current needs.

The FDAC team can help tackle issues around drug and/or alcohol use, physical and mental health, relationships with children and other family members, parenting, and issues with housing and domestic violence. The team will put in place a range of services in the family's Borough of residence to meet their needs.

Depending on what the assessment results recommend, the Court will be able to monitor what the FDAC team identifies and refer the parent/s quickly to an appropriate treatment provider for counselling, community prescribing or inpatient detoxification and rehabilitation.

There may be access to Family therapy including play therapy for children and appropriate assessment and work to be undertaken by the psychologist / psychiatrist.

A Parent Mentor will be present during the Court and assessment period to provide support, encouragement and reassurance. Following the assessment phase a parent mentor may be assigned to the family. This person will have had similar experiences to the family and will be able to offer encouragement and advice.

Support will be offered for any current or previous issues of domestic violence.

Help with accessing employment and training will be offered.

The FDAC is based in the Inner London Family Proceedings Court at Wells Street.

but may be shorter, depending on progress.

Once the process has started, there will be frequent Court hearings, fortnightly or monthly until the final review. The whole process will take around 9-12 months,

The same District Judge, or one of a small team of District Judges, will oversee the whole process and will be able to review progress at the hearings and offer support and encouragement.

<p>TUESDAY 1: Case selected for FDAC</p>	<p>On a Tuesday the Listings Office at the Court selects one or two cases. The letter to notify the family that the case has been selected is then sent immediately.</p>
<p>MONDAY 2: 1st hearing</p>	<p>The following Monday will be the 1st hearing and the family should commit to the FDAC process, after which the assessment process will begin. If they are unsure, they may be granted more time.</p>
<p>Next 3 weeks: Assessment by FDAC team</p>	<p>Within the next 3 weeks, the FDAC Team will conduct the initial comprehensive assessment with the family that focuses on their substance misuse difficulties and also includes an assessment of needs, problems, situation and interaction with the child/ren so that the FDAC team can understand the full range of issues. During this time an Intervention Planning Meeting happens with families and professionals involved to devise a plan.</p>
<p>MONDAY 4: Intervention Plan put forward</p>	<p>At the next hearing, the FDAC team will present the Court with their proposed Intervention Plan. This will outline their recommendations about treatment, services required, and how the child/ren should be cared for. Once accepted by the Court, the Social Worker should update their Care Plan.</p>
<p>MONDAY 6 and then fortnightly: Review hearings</p>	<p>The Court will conduct Review Hearings with the same Judge fortnightly or monthly. These will be a chance for everyone to make sure that the process is going well, to encourage them, and to make changes if there are problems. Solicitors are not expected to attend these hearings, although they are welcome if they want to or the family requests it. Children's Guardians are always invited to attend.</p>

Expectations of the Families

The most important thing is that they engage with this process.

There will be an expectation that the family is honest with the Court and the Professionals involved, and that they engage with the relevant treatment services to address their substance misuse issues, as well as any other relevant services identified for them.

They will also be expected to attend the fortnightly Court hearings to review progress of the case.

These hearings provide the opportunity to address problems as they arise and review the Intervention Plan. It is anticipated that legal representatives, guardians and other professionals will not need to attend every hearing; however, they will be welcome if they wish to be present.

If the parent drops out of the process at any time, the case returns to a regular family proceedings court in a seamless manner, without the need to instigate a whole new set of proceedings. However, families should be reminded that the FDAC offers a good opportunity for them to take the support being offered and work with professionals to address their issues.

Role of Lawyers in FDAC

As the Court proceedings continue and whilst the FDAC assessments are ongoing, each parent involved in the project will have their own Solicitor.

Their job is to put across the position of the parent to the Court and other parties in the context of providing legal representation. It is envisaged that the Solicitor will attend the first two Court hearings whilst the assessment is being conducted and the Intervention Plan agreed.

Once the intervention plan has been agreed the Solicitors will not have to attend the fortnightly Review Hearings unless there is a problem which the parents wish their Solicitor to raise with the Court and the other parties.

If the "problem" cannot be dealt with either through correspondence or at the review hearing the Court will adjourn the matter for a hearing in front of the Judge with all the parties present at the earliest possible opportunity.

The Solicitors are allowed to attend the Review Hearings as an observer if they wish to, or if their client wants them to attend.

The Court proceedings will continue in line with the new Public Law Outline in respect of Case Management Conferences, Advocates Meetings and Issue Resolution Hearings - although these will be dictated to by the progression of the FDAC assessments.

Guidance from the Legal Services Commission regarding identification of FDAC cases and remuneration of legal representatives

Identification of cases:

Legal representatives who are instructed in FDAC cases should identify them to the Legal Services Commission at the earliest opportunity.

This should be done by marking the relevant application “FDAC Pilot” at the top of the standard form.

This will enable LSC staff to consider funding issues in the context of the FDAC pilot and avoid queries and delays. The notification may be in the course of the case or even on its conclusion.



Remuneration:

The Legal Services Commission considers it justified to remunerate the attendance of legal representatives at those hearings where it is reasonable to anticipate in advance of the particular hearing that the representative will be required to provide advocacy services for the funded client(s) at the hearing. This may include the first review hearing but not subsequent review hearings which are listed as such and conducted by the Court with the client(s).

If any issues arise at a review hearing which the Court considers require its consideration or the provision of legal advice to the client(s), the hearing will be adjourned to another date. If issues requiring the consideration of the Court are identified by any of the legal representatives involved in the case in advance of a review hearing, then the Court should be requested to list the case for a directions or other hearing.

If a publicly funded representative chooses to attend a review hearing where it is not reasonable to anticipate the provision of advocacy services (including a review immediately preceding a directions hearing or other substantive hearing), then any time spent must not be included in any costs claim or calculation of the threshold for exceptional cases.

Any queries regarding this guidance should be addressed to family@legalservices.gov.uk.

Involvement of Parent Mentors

Parent Mentors are there to give the families support, help, encouragement and advice. They are not trained professionals, but they can offer invaluable informal and practical support.

All the Mentors are people who have had similar life experiences to those experienced by the families in the FDAC.

They may not have been through exactly the same set of circumstances, but they will understand the issues the families are facing, and have a good knowledge of the treatment services, the Court and Social Services.

