

FAMILY DRUGS AND ALC

A CUSTOMER'S PERSPEC

Since January 2008, the Inner London Family Proceedings Court (ILFPC) has been piloting a radical new approach to care proceedings involving children of drug abusing parents. For the first time in this country judges, as members of a multi-disciplinary team, have sort to devise a bespoke responsive assessment and treatment programme for parents with substance dependency with the plan being wrapped around the child's best interests.

FDAC has taken the principle of the child is of paramount importance to a new dimension. This new court is a manifestation of essence of the Children Act: working together; delay not being in the child's best interests; separating the child from its parents is the last resort. What needs to be considered by central government is FDAC the next generation of Care Court?

This article will look at the catalyst for this change, the structure of FDAC and the views of the Camden Officers involved in the programme.

This pilot scheme, which started on January 2008 and is due to end on 31 December 2010, is the shared vision of the London Boroughs of Camden, Islington, Westminster, CAFCASS, and Inner London Family Proceedings Court. Funding has been provided by Department of Children Schools and Families, Ministry of Justice, the Home Office and the councils. The research is funded by the Nuffield Foundation and produced by Brunel University. The providers of the FDAC service are the Tavistock and Portman NHS Foundation in partnership with Coram. The Stage 1 research evaluation is

being published by September 2009; therefore it is an opportune time to consider its effectiveness from a customer's perspective.

The innovative approach of FDAC can only be appreciated when it is contrasted to the traditional adversarial approach to Care Proceedings which involves a substance misusing parent. The local authority's Care Plan usually adopts a standardised approach: a consultant in addictive medicine is instructed; who assesses the parents' dependency, and provides a prognosis on the timescale for the parent to affect change. If the timescale is beyond the child's timescale then the child is placed with permanent alternative carers. This process is time consuming due to the shortage of experts.

In the FDAC model the families have access to the FDAC multi-disciplinary team, which consists of Service Manager, Clinical Nurse, Parental Mentor, Senior Practitioner, Social Worker, Child and Adolescent Psychiatrist, and Adult Psychiatrist. The FDAC team has links in Housing and the Domestic Violence Team. The FDAC team will see the parents within 24 hours and the parents will be accessing treatment within 48 hours.

The aim of the assessment is to look at the level of substance misuse, how it affects the parenting, the needs of the child, the parents' ability to change and previous assessments already completed. The tailor made assessment and treatment plan will then lead onto a treatment programme for both substance misuse and developing parenting skills.

There is a FDAC keyworker that coordinates the plan, the local authority social worker is the Lead Professional and the Children's Guardian makes sure that the voice of the child is heard.

However the fundamental difference in the FDAC model is the role of the Judge in that in the FDAC cases the same District Judge hears the case throughout. There are review hearing every two weeks, which the judge hears, but these hearings take place in the absence of the lawyers. The review hearings are attended by the parents and the key worker, Guardian and Social Workers. The purpose of these hearings is for the judge to receive an update of the parents' progress; and he will encourage and support the parents adhering to the programme, and reprimand the wavering parents. These hearings allow the parents to inform the judge of any concerns or complaints the parent may have and he ensures delivery of the services.

The Judge's role is pivotal to the success FDAC as research shows that the parents respond to the Judge's interest in them and their family; they see him as a motivator; and an authority figure that is supportive of them.

In addition, the FDAC model has another major innovation, the role of the Parent Mentor, who is a person who has a substance misusing past and has gone through a similar experience, and is there to provide support to the parents at meetings and out of hours when the parents are feeling low.

In Camden the success of FDAC has been seen as the result of

team work and communication on many different levels not only in terms of the various internal teams but also the other members of the partnerships. The FDAC team has proved to be responsive and sought to remedy any problem as they have arisen.

The inspiration for the FDAC model is the Family Drug Treatment Court (FTDC) in the USA. The FTDC found that; 'more children were reunited with their parents, fewer cases ended in termination of parental rights; there was swifter decision making to find permanent new homes when reunification was not possible; and there were cost savings, particularly on foster care services.'

The American model has a unit where the parents reside whilst receiving treatment which has been purchased thought funds provided by local businesses, which FDAC does not have. The families are placed in residential units, which allow the court team to coordinate the drugs treatment programme alongside the parenting assessment.

The Camden Officers involved in FDAC are almost evangelical in their enthusiasms for the scheme. Anne Turner, Assistant Director Safeguarding and Social Care, is of the view that the pilot has been a great success and see the future plan as being to extend the model to other local authorities. She feels, however, that in order to ensure the bespoke service that it would have to develop gradually, giving local partnerships time to develop.

Patricia Denney, Principal Officer and Chair of the FDAC Cross Borough

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Operational Group, views the next stage in the transformational agenda is for FDAC to under-take pre-birth assessment of substance misusing mothers. She feels that it is necessary to ensure that once the baby is born, a protection plan can be immediately implemented, 'for a mother that has not used substances during pregnancy she is most vulnerable during, the first six days after the baby has been born.'

For Eva Holland, Senior Lawyer in Camden Legal Services, the next step must be for all the local authorities involved to establish a FDAC residential unit, which she feels will see immediate cost

savings for all authorities both in term of monies and time saved.

Anne Turner was of the view that the success of FDAC cannot only be measured in terms of the parents successfully completing the treatment programme but also in terms of parents not able to adhere to the programme, they can be quickly discounted and excluded from FDAC. The Care Proceedings will then be listed in the ordinary court list. She was of the view that the PLO 40 weeks protocol was being adhered to in terms of the parents not able to adhere to the programme, and planning was being progressed finding alternative families for those children.

For Patricia Denney the incidental benefit of FDAC is that Social Workers have a better general knowledge of substance misuse in terms of interpreting the information about the level of use, recognising the difference between a lapse and a relapse, and that abstinence is not necessarily the ultimate objective but responsible use of substance should be.

Eva Holland the benefits have been the growth of the social workers' confidence in their assessments of the family, and that is important in post Baby P social work.

From Camden's perspective FDAC has been a great success and

they look forward to the growth and development of the scheme.

Brunel University is due to publish its first evaluation of FDAC in September 2009 so we eagerly await the outcome of their findings.

The question that remains unanswered is if the research substantiate the Camden experience what will be central government's response? Surely there will be calls for FDAC to be expanded on a national basis.

Ros Alexander
Principal Lawyer
Camden Legal Services

MEDIATION IN PUBLIC LAW: WHAT MEDIATION CAN DO FOR YOU

A major seminar on Mediation in Public Law: What Mediation Can Do For You is to be held in Cardiff.

One of the rapidly developing areas in mediation is public law. Public law ranges from environmental matters, land, procurement, town and country planning through to employment, education and housing as well as covering judicial review, lands tribunal and public enquiries. The purpose of the seminar is to give a 'heads up', on this growing area.

12.30pm 15 October 2009 at the National Assembly of Wales, Ty Hywel, Cardiff Bay, Cardiff. CF99 1NA Admission £75. 3.5 CPD points available.


The seminar is being organised by Civitas Law with the support of the Bar Council Alternative Dispute Resolution Committee. Civitas Law is the first wholly civil and public law barristers' chambers in Wales having an experienced Dispute Resolution Division covering not only mediation but also arbitration and adjudication. The Bar Council Alternative Dispute Resolution Committee takes an active role in developments in ADR.

**Enquiries: Karen Ling Global Reach, Celtic Gateway, Cardiff Bay, CF11 0SN
Or email: karen.ling@civitaslaw.com**

The speakers and topics include:

- **Mediation in public law.**
What mediation can do for you.
Mair Coombes Davies, Head of Civitas Law Dispute Resolution Division, Bar Council ADRC.
- **Mediating employment disputes: dos and donts.**
Philip Bartle QC, Bar Council ADRC.
- **Planning land and compulsory purchase orders**
John Pugh-Smith, Chairman PEBA ADR Committee, Bar Council ADRC
- **Introduction to key note session.**
Beverley-Ann Rogers QC, Bar Council ADRC
- **Key note speech**
Carwyn Jones AM, Leader of the House, National Assembly
- **Mediation time line (mediation role play).**
Civitas Law Dispute Resolution Division including Bryan Thomas and Graham Walters.
- **Round up forum: ask the panel chaired by Graham Walters.**
Civitas Law Dispute Resolution Division, Chairman Legislative Panel of Wales and Chester Circuit.

Mediation in Public Law: What mediation can do for you, is a seminar which provides a unique opportunity to gain invaluable experience for all those involved in public law.



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**Global Reach, Celtic Gateway
Cardiff Bay, CF11 0SN
DX No. 50750 Cardiff 2
Telephone: 0845 0713 007
Fax: 0845 0713 008
Email: clerks@civitaslaw.com
Website: www.civitaslaw.com**