

**Children's Services
Overview and Scrutiny Committee**

**Agenda
Item No.**

11 March 2019

8.

Family Drug and Alcohol Court

Ward(s) All

Portfolios: Cllr T Wilson – Portfolio Holder for Children's Services and Public Health

Executive Summary:

This report provides an update on the progress of plans to establish a Family Drug and Alcohol Court in the Wolverhampton Justice centre since its first iteration in January 2017.

Reason for scrutiny:

The report was requested by the Chair of Children's Services Scrutiny Committee to provide an update for the members of Scrutiny Panel.

Recommendations:

That:

1. Scrutiny notes and supports the contents of the report and the current activity to establish a collaboration between Walsall Council, Dudley Council and Sandwell's Children's Trust to commission jointly a service to deliver the FDAC intervention in partnership with the Wolverhampton Justice centre and that subject to Cabinet approval that Walsall Council shall be lead Council in that collaboration

Resource and legal considerations:

The development of FDAC is part of the Walsall Right for Children transformation programme and will be funded based on a return on investment model over the three-year period of the Family Drug and Alcohol Court intervention. Walsall Council is proposing to act as Lead Authority for the development of the commissioning, procurement and future contract management of the service. A significant amount of work is being undertaken by Walsall Legal Services to ensure that the minimisation of and future management of risks to the Lead Authority are fully addressed in the Collaboration Agreement.

Council Corporate Plan Priorities:

Strategic priority 2018-2021

- Children have the best start and are safe from harm, happy, healthy and learning well.
- Commitment to People having increased independence, improved health so they can positively contribute to their communities.

Citizen impact:

The work in Walsall to develop a Family Drug and Alcohol Court will have an impact upon the welfare and wellbeing of young people and their families who are directly using the service but will also have a direct impact on the wider community by a reduction in the harms caused by substance misuse.

Environmental impact:

None Noted

Performance management:

The performance of the Family Drug and Alcohol Court will be monitored by way of robust Contract management by Walsall Childrens Commissioning. It will also be monitored and reviewed by the already established The Multi-agency stakeholder Steering Board. Walsall Safeguarding Children Board (WSCB), in relation to the impact of the court in supporting the key outcomes of the Neglect Strategy and Children's Services Performance Management Board.

Reducing inequalities:

FDAC supports those children and families at risk of and/or experiencing significant harm and who are in need safeguarding due to substance misuse. This cohort often involves young people with previous care experience, young parents who may have had previous children removed due to substance misuse.

Consultation:

This report has been prepared collaboratively between Walsall Children's Social Care, Walsall Childrens Commissioning and Walsall's Finance and Legal Departments. Whilst there is no statutory requirement to consult the developments will be influenced by the views of children, young people and their families.

Contact Officer:

Ms Beverley Barnett-Jones MBE
FDAC and WR4C Transformation Preventative Lead
Civic Centre
Walsall
WS1 1TP
 01922 652035
Beverley.Jones@walsall.gov.uk

1. Introduction

- 1.1 The councils of Walsall MBC, Dudley MBC and Sandwell Children's Trust working together with The Designated Lead Judge for Wolverhampton HH Judge Hughes, HH DJ Judge Gailey and CAFCASS wish to offer an alternative form of care proceedings for parents and children in those cases where substance misuse is a key factor in the decision to bring proceedings.
- 1.2 This alternative court is the Family Drug and Alcohol Court, or FDAC.

2. Background

- 2.1 Often Courts and Local Authorities face situations whereby children will be removed from parents, and those same parents will have further children who will then have to be removed. This is, perhaps, unsurprising because the problems that the parents have often remain untreated despite this being the basis for their children's removal into state care.
- 2.2 FDAC is different from the traditional care proceedings model in that it involves extensive work with the parents from a Multi-disciplinary Team and with fortnightly progress meetings scheduled with the Judge without lawyers. The approach runs alongside the more formal court action and often looks like this
 - Assessment – parents meet with a substance misuse specialist, they are tested for drug and alcohol misuse. They also meet with the FDAC social worker who will consider their children's needs.
 - Planning – formulation of a plan to identify the issues that need working on.
 - Support – this plan will often involve intensive monitoring, support and therapy for the parents. Drug and alcohol testing takes place frequently. Parents undertake a 12 week Trial for Change and if successful are supported to have their children returned to their care and then are offered up to 18 months post proceedings support.
- 2.3 Parents who have achieved one-year post placement reunification are offered training to become volunteer mentors for other parents going through the process and post the end of court.
- 2.4 FDAC is a thoroughly evaluated evidence based intervention and has recently received a Department For Education (DFE) What Works Centre 3 out of 3 score for effectiveness and high evidence for family reunification. The evidence base for FDAC is clear and is set out in a final research report led by Lancaster University in 2016, FDAC Five Years On. This concluded the following:
 - Reunification at the end of care proceedings: A significantly higher proportion of FDAC than comparison families were reunited or continued to live together at the end of proceedings (37% v 25%)
 - Substance misuse at the end of the 5-year follow up: A significantly higher proportion of FDAC than comparison reunification mothers (58% v 24%) were estimated to sustain cessation over the five-year follow up.

This analysis was based on the number of mothers who had stopped misusing at the end of the proceedings.

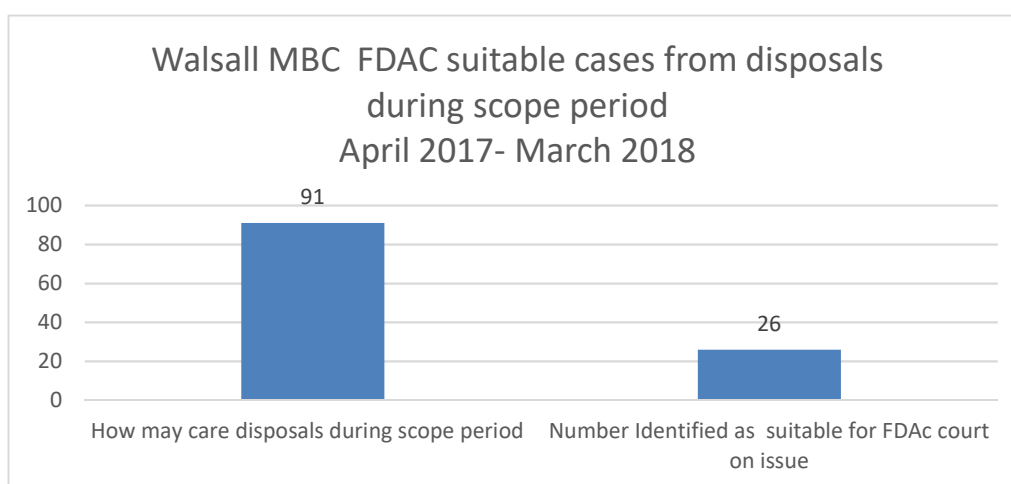
- Durability of family reunification at 3-year follow up: A significantly higher proportion of FDAC than comparison mothers who reunited with their children at the end of proceedings were estimated to experience no disruption to family stability at 3-year follow up (51% v 22%).

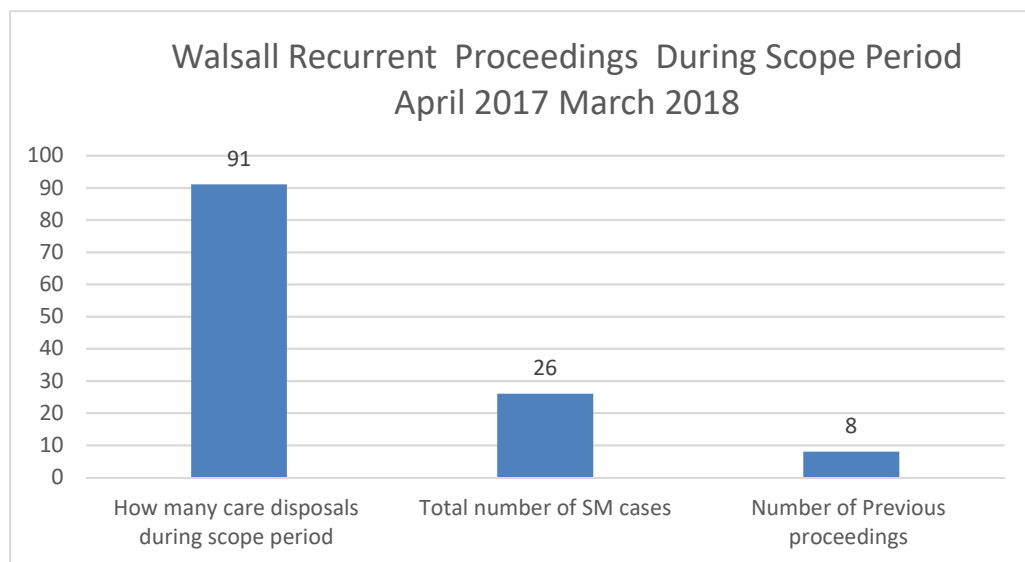
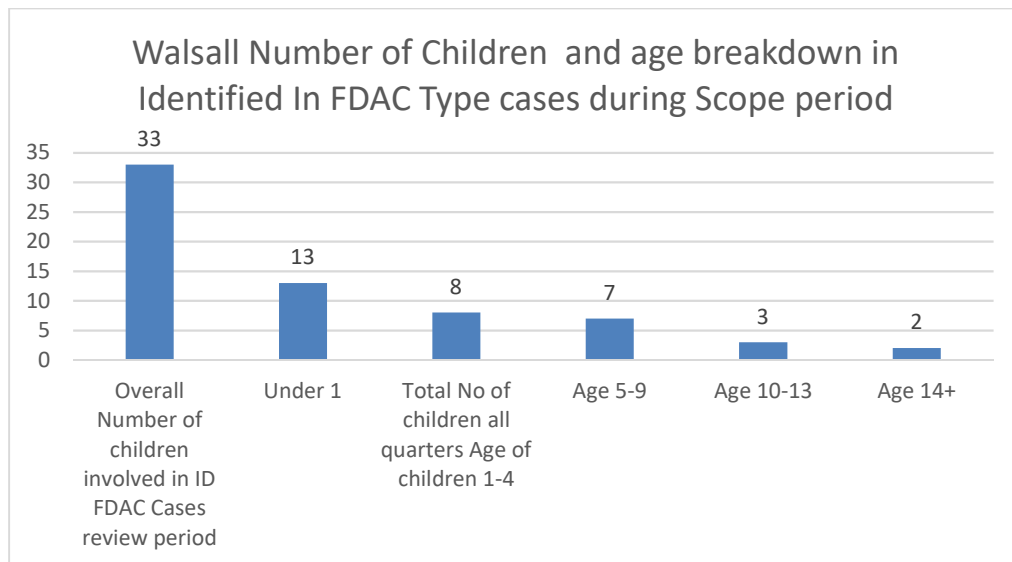
2.5 The overall long-term positive impact of FDAC is that money is saved by the decrease in the number of children taken into care due to the impact of their parent's substance misuse. Short term would be the individual amounts saved on numerous assessments expert assessments, court costs and legal services costs.

3. A Local need for RDAC

3.1 Walsall Council in 2017 confirmed an expression of interest in a sub – regional Black Country FDAC, involving Shropshire, Telford and Wrekin and Wolverhampton as well as the partners in the proposed new collaboration. This proposal involved a complex Social Investment Bond through a social finance model and support from the Life Chances Fund through the Cabinet Office. However following due diligence all six LA determined that the risk with the social finance model was too high. However, three members of the original planned collaboration with the support of the Her Majesty's Courts and Tribunal Service and CAFCASS recommended a feasibility study as to the viability of a smaller project. This finance model would be funded through Local Authority resources, needed to show a clear value for money case as return on investment, better outcomes for children and a better local justice system.

3.2 Outcome of Walsall Data Analysis (August 2018)





3.3 To summarise

- In year 2017-2018 a quarter of cases that entered care proceedings in Walsall were substance misuse related.
- A third of those cases are repeat proceedings i.e. children have been previously removed from the family
- Out of 33 children involved in these proceedings 13 were infants

4 The Financial implications

- 4.1 The proposal has been modelled on an overall case referral limit of 32 families being offered FDAC intervention each year with the three partner organisations having an allocated share of the referrals per year based upon their current cohort of eligible families
- 4.2 The current proposal includes Walsall having a referral limit of 15 families per year, Sandwell Trust 12 & Dudley MBC 5. The table below outlines the proposed

costs for Walsall's allocation of cases referred through the model (15) with the other partners contributing based upon allocated referrals each year.

	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Total
Gross Cost	199,238	202,322	205,469			607,029
Savings (Placement Avoidance)	-33,649	109,069	- 164,764	- 186,809	-167,084	- 661,375
Net position cost / (saving)	165,589	93,253	40,705	- 186,809	-167,084	-54,346

- 4.3 Financial analysis undertaken shows positive cost avoidance in relation to Looked After Childrens placements over the period of the intervention.

The financial analysis in assumes that savings from interventions will be delivered from year one onwards. There is a risk that this may not happen and this will lead to an unfunded pressure in children's services.

- 4.4 If it is agreed that Walsall takes the active role as the lead authority for the intervention this means the responsibility for procuring and holding the contractual arrangements with the commissioned provider remain with Walsall. There is a risk inherent with this that the authority will be responsible to pay the provider for all interventions (£0.329m). This is proposed to be managed by way of a legally binding collaboration agreement between the partners outlining responsibilities and offering assurance that the risk can be managed.
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5. Proposed Service Model

- 5.1 The proposed the delivery model will be by way of an open tendered commissioned process. We are seeking a service provider whom will contract with the three members of the collaboration to deliver a specialist resource with the Wolverhampton Justice Centre. The team is likely to operate from the Dudley and Walsall County courts. It is proposed that Walsall Council will lead the contract management and monitoring on behalf of collaboration members.

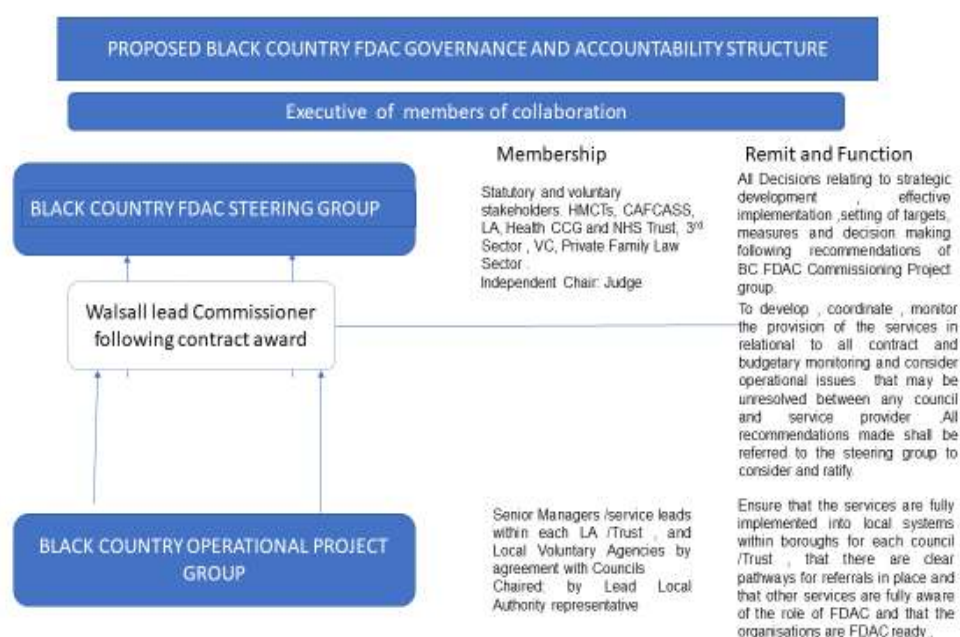
6. FDAC Service Outcomes

- 6.1 The service will be commissioned to deliver the following outcomes:

Outcome 1 Parents have made sufficient progress for children to remain in, or return to, their care.

- Outcome 2** Parents have achieved abstinence from alcohol and/or drugs and impact on child of substance misuse is reduced.
- Outcome 3** Parents sustain effective management of their mental health/impact on child of mental health problems is reduced.
- Outcome 4** Parental domestic violence/abuse has reduced and risk to the child has reduced.
- Outcome 5** Parental lifestyle and well-being have improved.
- Outcome 6** Children are safe and able to thrive in the care of their parents (with whom they were living before the start of proceedings).
- Outcome 7** Children are safe and able to thrive in permanent placements away from home.

7. Governance Arrangements



- 7.1 The strategic development, effective implementation of the Services, setting of performance targets, measuring outcomes and decision making following recommendations made by the Lead Council in consultation with the other Authorities and the operational leads for each of the other Authorities shall be taken by a steering group “the FDAC Steering Group”.
- 7.2 The role of the FDAC Operational Project Group is to ensure that is the Service is fully implemented into local systems within the boroughs of each of the Authorities and that there are clear pathways for referrals in place for the Authorities and that other support services are aware of the referral process. The Operational Project Group shall consist of senior managers within the social care departments of each of the Authorities, CAFCASS the Judiciary and representatives from local voluntary agencies selected by agreement of the Authorities.

8. Service Context

- 8.1** The development of the Black Country FDAC represents a significant marker for Walsall in extending and delivering on its commitment to providing effective and evidence based services to the most vulnerable cohort of parents and children. It also further extends Walsall commitment to work in collaboration with neighbouring authorities where it makes sense to do so in the delivery of new services