



Ein cyf/Our ref: MA/DB/2526/25

Buffy Williams AS/MS
Chair, Children, Young People and Education Committee
Welsh Parliament

16 October 2025

Dear Buffy,

I know you have taken a keen interest in developments around the Family Drug and Alcohol Courts (FDAC) Model, so I am writing to share the FDAC Working Group Discussion Paper presented to the Family Justice Network on 22nd September.

FDAC Working Group

The Working Group was established following publication in June 2024 of the Evaluation of the Cardiff and Vale pilot, to consider whether a further roll out of FDAC would be in scope across Wales. The Working Group was formed by the Family Justice Network and included representation from key stakeholders including Cafcass Cymru, health, children's services and Welsh Government policy leads (Family Justice and Substance Misuse). The Group heard from organisations such as Centre for Justice Innovation and the Nuffield Family Justice Observatory who have an in-depth knowledge of this model.

The Group presented its Discussion Paper to the Family Justice Network with initial findings and recommendations, recognising the FDAC model as effective and beneficial for children and families, with wide support for embedding a problem-solving approach in public law proceedings. However, members identified several challenges to national roll-out, including:

- Inconsistent service availability across Wales
- Geographic barriers, particularly in rural areas
- Financial constraints at multiple levels

The Group emphasised that FDAC should not be progressed in isolation but must be viewed within the wider system, including:

- The Multi-Agency Practice Framework
- The Pathfinder approach in private law
- The broader landscape of early intervention and prevention, edge of care services and post-court support services.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Next Steps

The Family Justice Network endorsed the paper and proposed two Task and Finish groups should be established under oversight of the Working Group, with the aim of reporting in the first year of the next Senedd term, to:

- Map and assess existing edge-of-care service provision and opportunities for development; and
- Consider system and judicial design issues needed to support a public law problem-solving approach.

I am copying this letter to Mike Hedges MS, Chair of the Legislation and Justice Committee, and I will continue to keep you informed as this work progresses.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dawn Bowden', written in a cursive style.

Dawn Bowden AS/MS

Y Gweinidog Plant a Gofal Cymdeithasol
Minister for Children and Social Care

FDAC WORKING GROUP DISCUSSION PAPER

This paper provides an update on the work undertaken by the Family Drug and Alcohol Courts (FDACs) Working Group following publication of the FDAC evaluation; outlining next steps to implement positive changes in public law with an overarching goal of reducing the number of children looked after in Wales. Five FDAC Working Group meetings have taken place, and this paper sets out the key recommendations arising from the evidence taken.

BACKGROUND

FDACs are a specialist alternative to standard care proceedings for cases where parental drug and/or alcohol use is an issue. FDACs adopt a problem-solving, therapeutic approach which is focussed on addressing the underlying issues affecting parenting capacity. The FDAC model relies upon multi-disciplinary support and specialist training for judges.

FDACs, initially piloted in London in (2008-2012), are based on an American model and have since expanded to other areas in England. In Wales we sought similar results through the Integrated Family Support Service (IFSS), initially piloted in 2010 with a national roll out from 2014 before becoming a statutory requirement through the Social Services and Well-being (Wales) Act 2014 and funding going into the Revenue Support Grant. The aim of IFSS is to support families intensively with challenges related to parental substance misuse, and other co-existing issues such as domestic abuse and mental health concerns. However, the key difference is IFSS is not directly linked to public law proceedings while the court is intrinsically linked to the FDAC model. An additional issue for consideration is the fact that IFSS services have developed and evolved differently across local authority and health board regions in Wales.

In 2019 The Commission on Justice in Wales Report recommended Wales embed the FDAC model within their Family Courts. The Welsh Government supported piloting an FDAC Court in Wales, and in 2020 provided funding to the Centre for Justice Innovation to develop a pilot model. The South-East Wales Local Family Justice Board was selected to host the pilot, which began hearing cases in November 2021 at Cardiff Family Court. The pilot FDAC supported families referred by both Cardiff and the Vale's Children's Services.

An interim evaluation of the pilot was published by CASCADE in 2022 which noted the pilot had launched successfully, despite COVID-19 disruptions. Following the conclusion of the pilot a subsequent full evaluation report was published by CASCADE in July 2024 with 5 key recommendations:

Recommendation 1: Progress with plans to scale FDAC further in Wales, and commission an evaluation of impact and cost effectiveness.

Recommendation 2: Increase training opportunities for all stakeholders interacting with FDAC and offer follow-up training for professionals after they begin working with families in FDAC proceedings.

Recommendation 3: Improve the quality and completeness of routinely collected data about FDAC and standard care proceedings.

Recommendation 4: Give further consideration to how outcomes other than reunification are defined and measured.

Recommendation 5: Increase the timescales for pilot set-up and implementation.

The findings were presented to members of the Family Justice Network (Wales) in November 2024, which recommended Welsh Government establish a Working Group to consider next steps.

THE WORKING GROUP

At the initial FDAC working group meeting membership consisted of Heads of Children's Services, Cafcass Cymru and officials from Family Justice Police, Welsh Government. Following this meeting the membership of the group expanded to include representatives from Health including the NHS Performance and Improvement and Consultant Midwives Cymru, and colleagues from Substance Misuse Policy, Welsh Government. In addition to the agreed membership guests who have presented to the working group include: Nuffield Family Justice Observatory, the Centre for Justice Innovation (CJI) and Swansea Children's Services

The five aims of the group were discussed and agreed at the initial meeting. These aims were included in the Terms of Reference and will be responded to throughout this paper.

RESPONSE TO THE AIMS OF THE GROUP

- 1. To analyse and make recommendations on the potential scalability of the FDAC model in Wales; including consideration of whether FDAC could effectively work in all areas Wales including sufficiency of cases, travel and access to alcohol and substance misuse services.***

FDAC is an evidence-based model, with data to support better outcomes for children and financial savings. CJI reports that 52% of children are reunified with their parent(s) or main care givers compared to 27% in standard Care Proceedings. To support economic analysis CJI has developed a Cost Benefit Tool and they report FDAC costs £18,000 per case and produces an average direct benefit saving per

case of £74,068¹. The CJI business case that supported the initial pilot in Cardiff and the Vale projected £1.2million in savings per 30 cases.

The working group met with CJI and considered the differing needs across Wales and the transferability of the model in relation to accessibility to vital services for families and the courts. The group learnt the FDAC model is adaptable and could work in areas with different demographics, but the location could pose challenges. For example, as referenced above in relation to how IFSS services have evolved, residents in more rural parts of Wales may not have the same access to services, such as substance misuse services, which could affect their ability to engage.

Regular drug testing and support from substance misuse services is a key aspect of the FDAC model so access to these services is essential to secure engagement. Information from the National Rural Crime Network's 2019 report, *Captive and Controlled* noted that those living in rural areas are likely to remain in relationships containing domestic abuse for 25% longer than those living in more urban areas, one of the reasons for this has been scarcity of services and a lack of visibility where services are available. Geographical isolation is recorded to be a barrier to accessing support.

Therefore, it will be necessary for each local area to consider how their services could meet the demands and respond to the intensive support required to families in their area accessing FDAC at any given time, particularly substance misuse, domestic violence and mental health services. This will require a multi-agency approach and shared commitment to invest in the system changes required to enable an FDAC model to work effectively.

Further to this there have been Court closures across Wales in recent years and this can impact the accessibility of Family Courts in Wales. In more rural areas, particularly if parents do not have their own transport, public transport may be difficult to navigate if there is not a court nearby. The FDAC model requires frequent visits to the Family Court and accessibility to Court must be considered. To resolve this there may be a need to adapt to use the CVS (Court Virtual System) which will impact on the ability of the Judge and families to build relationships, or hold court meetings out of the central Court in the region, which will not only be dependent on the availability of the Judge but will also need to align with any other demands from the Court such as the impact on judiciary support staff. The use of CVS has been considered by the Nuffield Family Justice Observatory who found that 88% of parents and relatives reported concerns with the handling of cases virtually with 66% feeling that their case had not been dealt with well. Further findings included families feeling there was less empathy and there were further worries in the event of difficult meetings as parents could be left unsupported. This reinforces the concerns around how relationships would be built in these situations as the establishment of professional relationships is key to success with an FDAC model. If the decision is to expand FDAC, it will be necessary to explore accessibility to court meetings in more detail with the judiciary, HMCTS, parents and supporting professionals.

¹ *FDAC: The Case for Investment* (July 2024)

Outcome: the FDAC model itself is flexible and can be adapted to different area needs but more detailed mapping of local provision, and commitment from all agencies involved through a multi-agency approach, will be needed to ensure there are sufficient support services and structures in all areas to support a national approach to FDAC. Alongside this there will be a need for all services to commit to the ongoing support to the FDAC model so families have access to the support needed when they need it without having barriers such as waiting lists and transport preventing them from being immersed in the model.

2. To examine and advise on the potential funding implications and sustainability of any future extension/roll out of FDAC in Wales and how partnership funding arrangements including local authorities and local health boards would work if there was further development of FDACs.

The initial amount of funding provided by the Welsh Government for a 2 year FDAC pilot was £450,000, this was for one FDAC; to upscale this across Wales there would need to be a considerable amount of financial support available circa 3-4m. The working group met with CJI who advise that sustainable funding was one of the main issues faced by FDACs, and some established FDACs have failed despite a positive start up as LAs have been unable to find financially viable ways to continue funding FDAC.

CJI advised funding agreements between parties must be agreed at the outset. They note the average cost per FDAC case is £18,000 which includes the costs of a fully functioning FDAC team to work with the family and any additional costs relating to the case such as drug testing, drug and alcohol support, travel costs etc. However, this significant investment is repaid as CJI estimates for every £1 spent on FDAC £3.20 of net savings are returned to the tax-payer annually. Despite this, as with many preventative services, the benefits do not always return to the investor making it harder for services to commit to.

The many benefits of FDAC seen by the judiciary, Children's Services and families can also be of benefit to Local Health Boards. Successful engagement with FDACs would likely result in reduced long-term health service demand. Parents who participate in the FDAC process receive structured and coordinated access to treatment for drug and alcohol dependency and also mental health support. This support in turn reduces the need for repeat crisis interventions and any associated physical and mental health costs relating to addiction.

In the event that FDAC were to be rolled out nationally, the linking up of support from drug and alcohol services, LHB, Local Authorities and the Judiciary will be pivotal and will require ongoing commitment to continue to support and invest in the model.

Outcome: A significant amount of funding will be required to roll out FDAC nationally to support a limited number of families. Whilst there are identified cost-benefits in the longer term; agreements must be in place at the outset to ensure funding is sustainable. Given the high set up costs of FDAC and the current pressures for Local Authorities and Local Health Boards ensuring that they are properly resourced will be necessary with clear plans for how LAs and LHBs will be able to commit to ongoing running costs after the initial set up. The Group recommends local authorities and partners review current structures and services to identify what expertise and intensive support services currently operate in their authorities and the potential for adapting what is in place so minimum set up costs are necessary. In addition, partners should consider working together on common elements such as workforce requirements.

3. To consider and advise on whether there should be further investment in FDACs or if further funding should focus on augmenting existing or other services.

The working group had the benefit of hearing from a successful multidisciplinary project, Jig-So, established by Swansea Children's Services in partnership with Swansea Bay LHB. This project demonstrates the benefits of working collaboratively to meet the needs of the service user group. This project is evidence based and the data relating to Jig-So shows a reduction in numbers of children becoming looked after following parental engagement with the service.

The working group is aware of other projects across Wales that have similar joint working arrangements that benefit children and families in Wales such as Step-Up Step-Down in Powys and Pembrokeshire which incorporates strong joint working to either support children and young people to remain at home or help them to return home safely.

Further to this, there are also regional arrangements for Integrated Family Support Services (IFSS) to support families on a regional basis with parental drug and alcohol misuse, and in some regions the support extends to other support needs such as domestic abuse and neglect. Like FDAC there is early evidence that supports IFSS, the Evaluation of the Integrated Family Support Service: Final Report (2014) notes that the families involved "achieved broadly positive trajectories". The Commission for Justice in Wales report, 2019 acknowledges that IFST (Integrated Family Support Teams) are seen as examples of successful multi-agency delivery which led to better relationships within families and was valued by the families themselves. In view of the passage of time since this service was first established the working group note that the consistency of approach with IFSS has changed, with different regions delivering the service in different ways. More detailed exploration of the current status of IFSS in every region will help form a clearer picture of the landscape across Wales.

Services that can provide further support around families in Wales who may be more likely to come into contact with court proceedings include Reflect, Project Unity and Parental Advocacy Services. Reflect has been praised as a respectful, supportive

service offering support to parents whose children have been removed with an aim of avoiding repeat removals. In the same vein, Project Unity provides support to expectant mothers who are care experienced helping to increase the likelihood of the child remaining with their mother upon birth and changing past patterns.

Further to the support that Reflect and Project Unity can offer to change past patterns and improve future outcomes, the Welsh Government has shown a commitment to Parental Advocacy with services now being available nationally. Parental advocacy can help foster positive engagement from parents and encourage empowerment, thus helping to ensure that parents are engaged in the work with Children's Services. Funding for Reflect has been integrated into local authority core funding, but Project Unity and Parental Advocacy are currently grant funded by Welsh Government.

Whilst extending the scope of FDAC is one option to support families, another could be to revisit existing services across the whole spectrum of support from early intervention through to intensive support during and after proceedings and consider whether these support services are appropriately meeting the needs of children and families. Additionally, the opportunity to share learning from proven working projects like Jig-So could mean that good practice may be emulated in other parts of Wales.

Outcome: There are merits to funding a roll out of FDAC if budget is available, but there are also concerns that the significant costs of starting up an FDAC may be better spent bolstering existing support services and structures and ensuring they are well coordinated to work together and support families in a similar way to the FDAC. The considerable investment in IFSS initially demonstrates the importance of strengthening preventative services and diverting cases away from care proceedings where possible, promoting this style of support could garner further positive outcomes for children and families.

IFSS has been in place nationally since 2014 officials recommend that this service be revisited before another very similar service is established through FDAC. The most recent evaluation of the services was from some years ago; therefore it would be of benefit to consider how these services are now functioning and whether the funding provided for these services is being used to its full advantage or whether changes are necessary.

The FDAC highlights the importance of family support working alongside families intensively, and the commitment from parents to work with these services, which is taken account of during proceedings. We need a consistent offer of services working alongside families before, during and after court to support children to remain living with their families where this is possible. To ascertain what services are available across Wales, it would be useful for a working group to be established to undertake a deep dive into the current offer in Wales and explore how more consistency can be achieved before further commitments are made.

To maximise the number of families that can be supported, the working group considers that further investment in support services and the structures that surround

the Family Court both pre and post Care Proceedings would be beneficial as well as consideration to the status of IFSS across Wales. Following this, it will be necessary to consider how they can work with the Courts through a Problem-Solving approach as the FDAC has demonstrated is highly effective.

4. To explore and advise on how good practice identified in the FDAC pilot and Pathfinder can best be mainstreamed into the work of children's services in Wales and the family courts. This should include examination of how the problem-solving approach used in FDACs and Pathfinder could be used more widely across family courts in Wales and how it could be embedded in other/all family proceedings.

While private law proceedings have seen progress through the national implementation of the Pathfinder model (a problem-solving, therapeutic approach) public law remains rooted in traditional, adversarial methods which can be daunting and disempowering. Families often enter proceedings feeling they have already lost and without a voice in decisions about their children. The approach also reduces the likelihood of resolving proceedings with an agreed plan for the children which promotes reunification.

In addition to hearing about the work from Jig-So the working group also heard a presentation by the Nuffield Family Justice Observatory about the work being undertaken around Born into Care. The work has identified a sharp increase in the numbers of newborn babies (under a week old) becoming subject to care proceedings over the last decade, many of these removals have involved urgent listings. Whilst this itself is a piece of work that the Public Law Working Group (PLWG) are already looking at, it is important to note that as explored by Nuffield, children under 1 are significantly more likely to become subject to Care Proceedings than older children. In line with this, Blackpool are currently piloting a "baby court" which seeks to work similarly to FDAC as a Problem-Solving Court thus demonstrating that the FDAC approach lends itself to other areas of need. This project uses a problem-solving approach and collaboration of services to better support families with an aim of reducing the high numbers of babies entering into care in Blackpool. The representatives from the project explained that whilst some issues were relating to parental drug and alcohol use, often other issues were prevalent such as domestic abuse.

Pathfinder has now been rolled out nationally and it presents an opportunity to explore how the judicial time saved by Pathfinder could be recycled to support a problem-solving approach in general across care proceedings. There are merits to FDAC such as judicial continuity that enables families to form trusting relationships with the Judges involved in cases, thus encouraging positive working relationships. These trusting relationships in turn help to encourage behavioural change and can enhance motivation to change. From discussions there is an appetite to move to a problem-solving approach in Wales but as family justice is not devolved it will require the involvement of wider parties. Initial discussions have taken place with the Ministry of Justice around the implementation of Problem-Solving Courts in Wales,

namely relating to the approach of the judiciary to families and how elements of FDAC can be transferred to this. These discussions are ongoing.

Outcome: Expand on the existing work undertaken by the working group and proceed with further conversations with the judiciary, HMCTS and MoJ around how elements of the Court process may be able to incorporate a problem-solving approach to court work. This should be done through the National Family Justice Network and the Local Family Justice Boards.

5. To advise on whether there should be an alternative approach to FDACs and what that should look like to include the problem-solving approach used in Pathfinder to deliver benefits to the widest possible number of families in Wales who may need this support, which may include other complex family situations where drugs and alcohol, mental health and domestic violence are prevalent, in a sustainable and cost-effective way.

As referenced in the previous section, the working group has explored the benefits of the use of a problem-solving approach in court proceedings. In view of the information that is widely available in relation to Problem Solving Courts it is clear there are merits to this approach. Research undertaken by CJI denotes this work can be undertaken in different areas of Court Proceedings and the approach humanises the judiciary and Court users. The research and positive aspects of a problem-solving approach is not new information, Sir James Mumby noted in 2018 that “family courts ought to be but usually are not problem-solving courts” and another judge reporting the process was fair and humane noting there is an appetite within the judiciary to make these changes.

A reform of care proceedings to incorporate problem-solving courts could better serve children and families, improve long-term outcomes and reduce the social and economic cost of repeated court interventions and the cost of children entering into Local Authority care.

The collective feedback on Problem-Solving Courts from parents, the judiciary and other professionals indicates these models of practice including FDAC and Pathfinder are kinder and more effective at positively resolving issues within the Family Court. As noted in the research undertaken by CJI, problem solving approaches are compassionate and procedurally fair court processes, with the relationship between the judge and parents playing a crucial role. The relationship between parents and the judiciary is important and whilst legal advisers are a crucial element of Family Justice it is noted that speaking through legal advisers can sometimes hinder the relationship between families and the judge. The problem-solving model would emphasise the importance of direct communication between judges and parents thus fostering a working relationship and a mutual understanding of expectations and goals. This could include a meeting with the judge when pre-

court proceedings are initiated so there is a tripartite understanding and agreement between the judge, parents and local authority of what is expected to be achieved during pre-proceedings to avert the local authority from issuing court proceedings. This closer working would be similar to the model of FDAC but will build on existing intensive support / edge of care teams working in authorities.

Outcome: Continue to explore expanding the positive, empowering approach used by the Judiciary in FDAC and Pathfinder cases to Public Law Cases within Wales which will support a higher number of children and families and address the issues impacting children and families at risk of care proceedings. To do this the Group recommended exploring the potential further with the judiciary, HMCTS, and local authorities through establishing a further Working Group/ expanding the existing work.

CONCLUSION

There are evident merits that support the scalability of FDACs and there is learning that can be adopted from FDAC to better support children and families subject to court proceedings with there being supporting evidence that problem-solving approaches in Care Proceedings can be beneficial to families. There is also an appetite in the Judiciary to move towards this mode of working.

The successful implementation of Pathfinder across Wales has evidenced a national approach to change in family justice can be implemented. Working relationships between Welsh Government, Local Authorities, Cafcass Cymru and the judiciary are positive with the length of time cases are in care proceedings in Wales outperforming expected targets across England and Wales. It is an opportune time to build on the positive momentum garnered from the changes to Private Law Proceedings by embedding lessons learnt and the good practice that FDACs encourage into cases subject to Public Law.

In tandem with these changes the Group emphasises the importance of the right support at the right time for families with a focus on providing intensive support at an earlier opportunity. Further consideration about the role for existing support services and projects such as Jig-So, IFSS, Reflect and Project Unity could interact with the proposed changes and the ways in which we can offer a trauma informed, multiagency, problem-solving approach across practice in Wales. However, a key message has been the need to secure a firm commitment to support families in a coordinated multi-agency approach from all parties involved, including local authorities, regional partnerships, health boards and domestic abuse services. All parties must work together to achieve the outcomes for these families or models such as the FDAC and IFSS are unsustainable. To bring these parties together there will be a central coordinating role for a team who are able to bring in the

relevant services and professionals at critical points dependent on the family's needs.

RECOMMENDATIONS

The Family Justice Network is recommended to support further work with the judiciary to explore the potential for a Problem-Solving Court approach in Wales taking account of learning from Pathfinder and FDAC; alongside this further work with local authorities and wider partners on the configuration and availability of the edge of care services currently in place across Wales as set out in this paper.

This paper will also be presented to Ministers; the Children Young People and Education (CYPE) and the Legislation, Justice and Constitution (LJC) Committees so they are updated on progress with this work.

August 2025