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Keynote Address: “Four Inspiring Women and One Idea whose time has come”

Lord Justice Peter Jackson

My love of music never extended to working at the theory, but we all know that every scale has a first note. Usually, it is called the tonic, but it’s also known as the keynote, which anchors the scale and sets the tone for the composition. Each scale has its own characteristic (not felt in the same way by every composer or listener), so B major may be said to be passionate, B minor melancholy, E major triumphant, E minor lost, while some say C major represents innocence and spirituality, others a state of happy boredom.

A long way back, for better or worse, the concept of the keynote found its way into the world of public speaking to describe an address that sets the tone for a meeting. To be the keynote speaker at this 33rd annual conference of the ALC is an honour and a responsibility, and you at least deserve to know what keys I have chosen. So, we will be starting in A minor (sad and tender), modulating to G major (calm and grateful) before ending in F major (optimistic and expansive). This is the world premiere of a piece that will never be performed again, so I will try to make it a tonic.

You will see that the piece’s title is “*Four Inspiring Women and One Idea whose time has come*”. The inspirations are four individuals who made a remarkable contribution to family law over the course of their careers, and the cause of sorrow is that they all died during the past year.



Maggie Rae, Katherine Gieve, Alison Lamb and Jenny Roberts. They were well known to many of you. I worked with them, admired them, and became very fond of them. Even so, we didn’t talk a lot about ourselves and our pasts, and I only learned some of what I am going to tell you from their obituaries, which is sad.

Maggie Rae, who died on 7 November 2023, was the eldest of five sisters. She grew up all over the place, ending up in Norfolk, where she passed the 11-plus and went to Great Yarmouth High School. She was active in student politics at Warwick and financed her own pupillage by working as a waitress and selling encyclopaedias. She was a founder member of Wellington Street

chambers, which became Doughty Street, but she preferred client contact and qualified as a solicitor in 1979, helping to found Hodge Jones and Allen in Camden, before going on to Mishcon de Reya, Clintons and Newton Kearns, where she was a consultant. Maggie, Katherine, and our previous speaker Mary Ryan, now of the Nuffield Family Justice Observatory, were all there at the outset of the Family Rights Group, which celebrates its 50 years this year. She became an expert on pensions, and also on pre-nuptial agreements. Who could not enjoy her advice on how much to spend on getting legal advice on a pre-nup? – *'More than the flowers, less than the frock'*. She treated princesses and nobodies alike. A strong advocate for women's rights, she chaired Refuge, the domestic abuse charity, for many years.

Maggie loved her second home in France, and was inseparable from her husband Alan, a true man of politics who died in August 2023 while they were on a trip to the Arctic. Maggie only survived him by 10 weeks. I spoke to her in October at Nick Mostyn's valedictory. She said she was trying to come to terms with Alan's death and was going to be doing some travelling: before he died, he had insisted that she go on a trip to the Antarctic that he had booked for them both, but she was taken ill on that trip and died in the Falklands, of all places. Maggie was tough, direct and practical, and always the greatest fun to work with. She feared no one. As one of her clients said, she despised the kind of lawyer who drags things out, arguing over every little detail and racking up huge costs. And so say all of us.

Katherine Gieve, who was born three months before Maggie, died on 19 March 2024 after a recurring lymphoma that she bore with characteristic grace. Her childhood was passed in Oxford, Liverpool and Durham, and it was as a student at Oxford that, with her trademark good judgement, she married John in 1972. He relates that her central interest in the 1970s was in the women's movement – perhaps the biggest social revolution in our lifetimes. She helped to formulate the Women's Liberation Movement's '5th Demand' for financial and legal independence, and co-founded Rights of Women to sustain the campaign. She qualified as a solicitor in 1978, and worked at a Law Centre, before moving to Wilford McBain. In 1988, she joined Bindmans, rising to be the head of the Family Department and chair of the partnership. Her best-known case was the Conjoined Twins in 2000, where she represented the stronger twin: the case gives me a pang because I was instructed to act for the weaker twin, but declined the brief because I had something else on and because, with trademark bad judgement, I thought the outcome was obvious. But I was lucky enough to work closely with Katherine for several years after that. She was extraordinarily self-effacing for someone who had achieved so much. Her stillness reassured clients, helping them get through their legal nightmares, and she always looked for solutions rather than confrontation. She hated injustice and had an instinctive sense of what was right. Here is a letter she wrote in 1993 to the Independent about the Child Support Agency:

Sir: Your leading article on... the CSA conforms to the views of the rest of the national press in focusing sympathy on 'absent parents' who 'ought not to be reduced to penury'. It seems that the moment not-badly-off husbands are forced to contribute a reasonable amount towards their children all hell breaks loose. Would that so much attention were paid to the needs of women and children living in poverty.

Katherine's commitment to justice can be seen from the many committees she served on, including at the Law Society, the Nuffield Foundation, the SFLA (now Resolution) and the Family Justice Council. After retirement in 2016, she was involved with the charity Pause from the start as an active trustee, supporting women to break the cycle of having their children removed. Pause remembered her in these words, and they were right:

She was one of the most well-respected children and family lawyers in the country, and a fierce campaigner for women's rights throughout her life.

Speaking of equality, the other day I was looking at the make-up of the Court of Appeal in the 1980s and 90s, when Maggie and Katherine's careers were in full swing. I knew that Elizabeth Butler-Sloss was the first woman to join the court in 1988 and that Brenda Hale was the second, in 1999. But what stood out were the 51 appointments in between, none appointed by competition. Today, we rejoice in our first Lady Chief Justice after an unbroken run of 97 men across 800 years. But if you look at today's Court of Appeal, 32 of its 42 members are men, as are 10 of the 12 justices of the Supreme Court. Slightly more encouraging is the High Court, where 32 of the 106 places are filled by women. Yet, the first female appointment to the High Court was in 1965, so you may think (with Katherine) that 60 years is long enough for the system to have adjusted more fully to gender equality. Her work continues.

Alison Lamb died on 25 March 2024, in the same week as Katherine. She was not a lawyer, but she did more for litigants than most lawyers ever will, particularly as the Chief Executive of RCJ Advice from 2010 until shortly before her tragically early death from Motor Neurone Disease. I met Alison in 2018, when I became the Chair of Trustees, and worked closely with her for five years. She would have wanted me to tell you about our work.

RCJ Advice is a charity that was formed at the Royal Courts of Justice in 1978. The original idea was to help people with a court case at the RCJ who couldn't afford legal advice, but over the past 45 years we have expanded to provide advice and support services to people both locally and across England and Wales. We became a Citizen's Advice Bureau in 1982 and in December 2023 became a Law Centre, part of the Law Centres Network. Our current services include:

- Legal advice in civil, housing, and family cases, with legal aid being available in housing and family.
- FLOWS – Finding Legal Options for Women Survivors – an innovative legal advice and support service designed to protect women from the effects of domestic abuse – 11,500 court applications were made last year.
- CourtNav, an award-winning online tool designed to help people who are completing an application for non-molestation and occupation orders.
- Advice to Islington residents through our Citizens Advice Islington service.
- Time Together, the only court-based child contact centre in the country, which runs at First Avenue House.
- The Miscarriage of Justice Support Service, which supports individuals who have experienced a miscarriage of justice.
- An immigration consultancy service advising Citizens Advice staff and volunteers across England and Wales.
- Housing Loss Prevention Advice Service at the Central London County Court.

Across these services, we helped over 43,000 people last year. This is done by a team of lawyers and administrators, joined by over 200 volunteer legal advisers working in central London firms and widening their experience by doing pro bono work. In this way we leverage a huge amount of

valuable professional skill and encourage people to find room in their careers for a long-term pro bono commitment.

Returning to Alison, she was one of the nicest people and most gifted of leaders I have known. Charities like RCJ Advice need executives who know the landscape. She had worked all her life in the sector, including at Toynbee Hall. She was a legend in the world of Citizen's Advice and free legal advice generally. She knew where the need lay and how to form partnerships to meet it. FLOWS has made many women safer, and CourtNav and its associated programme SupportNav have huge potential for making court processes simpler well beyond cases of domestic abuse. All these initiatives cost money, and Alison knew how to unlock scarce funding in a world of shrinking public resources. Even so, RCJ Advice lives hand to mouth like any charity of its kind and it is a tribute to her and to our generous backers that it is still helping so many people.

At the height of his madness, when he was at his most lucid, King Lear said this about the consequences of social inequality for the justice system:

*Through tattered clothes small vices do appear.
Robes and furred gowns hide all. Plate sin with gold,
And the strong lance of justice hurtless breaks.
Arm it in rags, a pygmy's straw does pierce it.*

400 years later, these words should continually ring in the ears of those of us who, in some cases literally, wear robes and furred gowns. Alison rallied to the defence of those who don't. Heading an organisation like RCJ Advice is not just a matter of filling in grant applications. She embodied the spirit of our endeavour, and she was adored by our staff for her considerate leadership and deep understanding of the problems our clients face. And it was never about her. At one point the trustees felt that her outstanding work deserved public recognition and began to put together a citation for the honours list. But Alison got wind of the idea and she squashed it flat. We were well-intentioned, but we should have realised she had no interest in silverware, which was lucky as she was a big QPR fan. So we made an honour of our own and presented her with a framed word cloud built from three words chosen by every member of the organisation to describe her. The words that came up again and again were Inspiring, Kind, Courageous, Warm-Hearted, Supportive, Calm. Alison also loved music and after a recent celebration of her life her husband Shawn circulated her 136-track Spotify playlist of playlists. I had it on while preparing this talk, and it's been a wonderful voyage of discovery through over 40 years of indie rock and pop. Alison would have been sixty in September.

Jenny Roberts died on 10 June 2024. She had been a judge of the Family Division for ten years, including as the Liaison Judge for her beloved Western Circuit between 2018 and 2022, but she didn't get there in the usual way. After an early childhood in Sudan, she went to school in Hampshire and one week after her 18th birthday married Richard Roberts, who lived down the road. She abandoned her A-levels and they set off for London, where Jenny worked at Island Records, and as a model. By the age of 22 she had her two daughters and she and Richard had left London. She returned to studies and got into Southampton University, where she only got in at the third attempt – 30 years later they gave her an honorary doctorate – and she achieved a first class law degree while bringing up two small children. In 1988, she became a pupil at QEB, commuting back and forth. Within weeks she was in one of the trains involved in the Clapham Junction rail disaster in which so many people died and were seriously hurt, but mercifully she escaped injury. Soon she became a much-loved and admired member of chambers. In 2004, Richard sadly died. Later, I had the pleasure of leading Jenny and could see how deeply she was

trusted by the client. We happened to get a good result, and she masterminded a memorable lunch with the client and the whole of the team; I also remember her beautiful handwriting, always in fountain pen. In 2009, she took silk, celebrating at a silks party that has never been surpassed for elegance. Jenny got to the High Court bench in 2014 by sheer ability and hard work, and when she got there she didn't let up. We shared Court 42 and I fear that the bar much preferred it when she was in and I was out. She managed to combine complete competence with extreme kindness. Her thoughtfulness was natural and sprang from a true interest in others. At her memorial service her dear friend Liz Clarke put it in this way:

Jenny never sought to be the centre of attention. Every compliment, every expression of admiration, was swiftly deflected and she would elegantly steer the conversation back towards her interlocutor – to their life, their interests; their concerns. Not for Jenny the – “that’s enough about me, tell me what you think about me” school of so-called conversation.

Jenny received her first cancer diagnosis in the year she was appointed, but she took the treatment and worked on through, despite all our efforts to persuade her to take it easier. Her cancer returned at the end of last year, and again she kept working for as long as she could. Liz recalls accompanying her to one of her last consultations with her treating consultant, where she knew there would be difficult news. Jenny asked to stop at a florist en route to buy flowers, because it was the consultant's birthday.

I have spoken about these four remarkable women for two reasons. The first is to say how lucky I feel to have known and worked with them. If I had ever needed a family solicitor, I would have gone to Maggie or Katherine, if I couldn't pay for legal advice, I'd have wanted Alison on my side, and if it all ended up in court, I would hope for Jenny as the judge. Looking at the four of them now, they combine radicalism and humanity in the best of ways and make me feel that together they could have found a sensible solution to any problem you care to imagine. We should also remember them for their example. Maggie, Katherine, Alison and Jenny did much more than their jobs required. They loved their work, but they didn't just do it for what they got out of it. They wanted to make a difference. They overcame the obstacles faced by women in our time and they made their mark. They would have been the first to say that they were not irreplaceable, and they inspire us to use our own advantages and abilities to find better ways of doing things for children and families. And it is to one of these better ways that I now turn.

The timely idea of my title is of course the **Family Drug and Alcohol Court**, of which I have been the lead judge for the past year. I realise that this is a specialist audience and that some of you will have advanced ideas about what FDAC is and does, but there will be others who will, like me a year ago, have some concept of FDAC without knowing much of the detail. So I'll describe it, and leave you to draw your own conclusions.

FDAC was launched in London by DJ Nick Crichton in 2008 as a three-year pilot of an alternative problem-solving approach to care proceedings involving parents struggling with substance issues. It based itself on principles of therapeutic jurisprudence from the US Family Treatment Drug Courts which had successfully proliferated since the 1990s. The pilot was closely studied, notably by Professor Judith Harwin, who has gone on to publish a range of high-quality research about FDAC over the years.

There are many distinctive features to the FDAC process, but two stand out. The first is the team and the second is the judge.

Where there is a local FDAC, the local authority can at the outset of care proceedings recommend that one or more of the parents would be suitable for referral. On receiving the court's approval, the parents are assessed for suitability by the FDAC team. This is a multi-disciplinary team consisting typically of a team leader, a senior social worker, a substance misuse worker, a clinical lead (often a psychologist), a specialist in mental health and/or domestic abuse, and an administrator. The team is generally funded by the local authority, other contributions sometimes coming from, for example, health services and Police and Crime Commissioners.

Many parents have multiple problems and a significant number of them were in care themselves. More or less half of care cases are suitable for FDAC in principle, and eligibility is not limited to those with drug or alcohol problems. Some parents with mental health issues benefit from the model, and there are many cases where domestic abuse and neglect also feature: as Sir Andrew McFarlane has remarked, the DA in FDAC can stand for domestic abuse. On the other hand, the process is not suitable for parents with severe mental health conditions, or where there are issues of physical or sexual abuse that pose a major risk to children or parents.

Where a parent wants a chance in FDAC and is accepted, they embark on a 12-week 'trial for change' during which they try and work on their problems in the hope that by the end of the proceedings they can be regarded as safe parents. It is an intense intervention that needs real commitment. The team is independent of the local authority and as time passes, it formulates its recommendations to the court. It may offer as many as six forms of help, for example with counselling and testing for substance misuse, work on domestic abuse, peer support, therapy and help with issues such as housing and debt, or getting them to the dentist, or any other practical issue that stands between them and being the parent they can be. The team's approach is practical, not judgmental. For example, drug and alcohol testing is carried out every few days and understanding is shown about occasional lapses by someone with a long history of dependence. The team is not looking for perfection, but is trying to help the parent find a different trajectory to their life. Where there are signs of positive change, the team provides scaffolding and reinforcement.

On the court's part, the case follows the PLO timetable, and as in any other case, extensions can be granted beyond 26 weeks for good reason. Within this framework, the court process is adapted to harmonise with the progress or lack of progress that the parent has been making. The distinctive features are judicial continuity and engagement, pre-court briefings and frequent non-lawyer hearings. So, if you go to a court where FDAC operates, you will probably find that hearings take place on a particular day of the week, most of them conducted by district judges, but some by a circuit judge. Each parent will come in once a fortnight for a non-lawyer hearing where the judge sits in the body of the court. Before the parent comes in, the team will brief the judge on events of the past fortnight in the presence of the children's social worker and the Guardian, who often appear remotely. The parent is then invited in, with the judge sitting close by. The conversation is in ordinary language, with progress being celebrated, and problems being realistically considered. In contrast to ordinary proceedings, which can be completed without any meaningful contact between judge and parent, beyond the necessarily constrained process of giving evidence, deeper and more fruitful communication is possible, and with the same judge each time. Many FDAC parents have experience of regular care proceedings. One of them described the experience of sitting behind their lawyers and never interacting with the judge at any stage in the proceedings as '*terrifying*'.

Parents may feel that they have good reason to mistrust figures like social workers or judges, but once they come to feel that someone is there to help, rather than to judge or criticise, they can

show what they are capable of in surprising ways. In particular, those of us who are used to kindness find it hard to believe how powerful praise can be, if delivered in the right way. Some parents are so unused to receiving a compliment that at first they don't know how to react: it challenges their ingrained belief that they are a failure. This needs careful handling, but as parents get used to it, positive feedback from the team or the judge can be transformative, and FDAC judges are used to seeing a completely different person even in weeks 4 or 6 from the one they saw in week 2. After a short while, the downward gaze and silence that is so familiar at court hearings is replaced by head-up eye contact and eloquence.

The role of the judge in this is not merely reflective. Where the parent raises an issue that seems reasonable, for example around contact, the judge can take it up with the social worker or the Guardian and a solution is usually found. Equally, the judge can act as a spur to a parent to exert themselves in one way or another before it is too late.

Sometimes, the non-lawyer hearings will take place in the morning, with one of the regular PLO hearings with legal representatives being listed in the afternoon, and in that way the parents' interests are protected. Although FDAC judges engage in the problem-solving aspect of the process, they remain a judge and have to retain authority and conclude the proceedings with the right order for the child, whatever that might be. Their closer exposure to the parent calls for dispassionate judging of a high order, but there is no indication that that has not been happening over the past 15 years. It is certainly challenging work, but those who sit in FDAC are universally convinced that it is worthwhile. Judge Andrew Berkley at Manchester has just completed a Masters degree which contains a wealth of information about judicial perspectives. Here are a couple of samples:

I'm not saying as judges, we're not really good listeners. We are, we're trained to listen. But there's listening and there's listening. I think in FDAC, what you really learn to do is hear what parents are trying to tell you, which may not necessarily be that obvious.
– FDAC judge

I have learned so much. I thought I could engage with people quite well. I've learnt so much actually from parents, but also from professionals. How to better engage with people in the court process, how to better understand my role as the judge, and how powerful that role is, perceived by people. – FDAC judge

Then there is the opinion of parents. Here are three samples recorded in the March 2024 evaluation of the FDAC at Cardiff and the Vale, a successful project that abruptly closed after two years at the end of 2023 for lack of funding, despite it having been trailed as a potential harbinger for the roll-out of FDAC across Wales. The evaluation, an excellent document, opens with thanks to those who contributed to making the evaluation a success, which is reminiscent of the old report that 'the operation was a success but the patient died'.

Parents were overwhelmingly positive about their experience of FDAC:

Everything they've done for me, I've needed... I found myself in a dark, deep hole. And they've dragged me out of that. I was doing a lot of substances for almost 20 years... And they've turned my life around for me, which I can't thank them enough for. – FDAC parent, not reunified with child(ren)

They just give everyone the best chance. And they work extremely hard. – FDAC parent, not reunified with child(ren)

I feel like all courts... should have, maybe not an FDAC, but like a team, which are trying to do the same sort of thing for whatever that situation is. Because I feel like it, it would make not just the court system, but people which are on the lower end of life, become a bit more open with authority. And I think the country would run a bit smoother then on that side. – FDAC parent, reunified with child(ren)

These opinions show that the parental view of FDAC does not depend upon whether or not it leads to reunification. Parents do not fail in FDAC, but some of them are not ready to make the change. Some never will be, but others will be ready later in the child's life, or maybe ready for a future child. And one of the most beneficial aspects of the process is that parents who cannot manage will often reach that conclusion for themselves. This week a judge told me that when a parent had not been putting in the work, she had asked them: *If you were me, what would you decide for your child?* The gold standard for FDAC is not reunification, but solid placements for children. For a child, a family placement, for example with grandparents, that has their parents' blessing is a completely different proposition to one that has to be fortified against parental opposition.

Moving on, this is what a Welsh social worker said about their experience of FDAC:

Court generally is terrifying. It's nerve-wracking as a social worker, if you were a parent... it would be horrific, I think really... that way of working it's far kinder, I think it's far fairer. – social worker

The feedback from lawyers in Wales is interesting. It was largely positive, but where there were any reservations, they came from the lawyers, and it is fair to record them:

FDAC is very good in terms of support for parents and its services they would not otherwise get, and that bit of it is absolutely fab for them. But in terms of us as lawyers, I think it's a whole process that's going on without us. – Legal representative

I feel completely disempowered as a lawyer, and completely outside of the process... In care cases you are very involved in it from start to finish, whereas this all goes on and you just do the lawyer reviews. And I feel that it's very outside of what we would normally do. It's a very, very different way of working. – Legal representative

There is a very different power balance. – Legal representative

That may be so, but the question is whether that is not in fact a good thing. I have been involved with care proceedings throughout my career and am open to the argument that we lawyers have had things our own way for too long. Judges in the Welsh study noted that some lawyers had not understood and embraced FDAC, and persisted in taking unhelpfully adversarial stances. Even so, I would not dismiss the perspective of those who are affected by change, but I am much more sensitive to this observation from another legal representative:

Sometimes the child is lost in the FDAC process, the emphasis is very much on the parents. – Legal representative

If this were true, it would be a serious failing in FDAC. However, the comment seems to be an outlier and the weight of opinion is better reflected in the views of the Guardians. Here is a typical comment:

For us it's about keeping the child's views, wishes, feelings, and what's best for them at the forefront. And FDAC really does allow us to be involved in everything being done. And if there are tweaks in services or additional services, I think we've got a real

good input into that... we wouldn't normally have such an involvement. – Children's Guardian

The Cardiff report also records that meeting parents more regularly gave Guardians a more in-depth understanding of cases throughout proceedings. The investment of time spent engaging with parents and attending non-lawyer hearings seemed to pay dividends later on: *It does cut down on things like reading time and thinking time and You get to your final report and you have everything that you need.*

I will give you a snapshot of the scale of FDAC as it now is. The FDAC in London was joined by Gloucester in 2013, Milton Keynes and Bucks in 2014 and several other areas in 2015. There are now 13 FDACs serving 24 courts and 36 local authorities. About 60 judges are trained to sit in FDAC. Between 2016 and 2023, nine FDACs closed for funding reasons. There are currently six areas that are actively considering or preparing for FDAC, and some of these will open in the next year. There are between 200 and 300 children in FDAC at any one time. Yet every month 1500-2000 children become subject to care proceedings. By my crude estimate only about 2% of these children get the chance of an FDAC.

That is far too few, as the evidence strongly supports the effectiveness of FDAC in a number of ways. Here are some of the headline findings from the large-scale '*Evaluation of FDAC*' published by Foundations in August 2023:

- 52% of children returned to parents (as against 13% in standard care proceedings)
- 28% of children went to family placements; the same percentage as in standard proceedings, but hardly any were contested
- There are hardly any external experts (1 per 13 cases against 1 per case)
- There are half the number of legal hearings
- Only 4% of final hearings are contested (as against 24%)
- Parents are 4 times likelier to abstain, with benefits for the family and savings for the health service and criminal justice system

There has also been a compelling piece of research into the cost of FDAC, which is centrally the cost of setting up and maintaining the team. '*FDAC – The Case for Investment*' was published in July 2024 by The Centre for Justice Innovation and Mutual Ventures. It demonstrates that the investment in FDAC, which costs an average of £18,000 per case, produces an average direct benefit saving per case of £74,000: £3 saved for £1 spent. This figure is substantially made up of savings on placement costs (£58,000) and savings on legal costs (£15,000).

The difficulty for most local authorities is that there is no statutory duty to have an FDAC team, and even those who want one are concerned about recouping their outlay within the current financial year. Those who do have an FDAC can rarely make the long-term financial commitment that is necessary to guarantee a sustainable service and give reassurance of job security to the professionals who work so hard for these families. If FDAC is to reach its potential, which is to move swiftly to covering half the country and thereafter to become available everywhere, it is essential for central government to take the lead and to share the burden with local authorities. I am hopeful that the present government will have the vision to rise to that challenge.

Apart from the strong evidence of good outcomes, there is obviously an issue of equity here. It is vividly illustrated by two cases decided on the Western Circuit at the beginning of the year, about which I have spoken before. They concerned baby boys born 40 miles apart in June 2023 to parents who had strikingly similar problems. One was born in Gloucester, which has an FDAC,

the other in Swindon, which does not (though Wiltshire, which brings its proceedings in Swindon, does). The Gloucester boy went home on trial in November and a supervision order was made in February, while a placement order was made for the Swindon boy in January, so he should by now have been placed for adoption. When making the supervision order, the judge at Gloucester (Judge Mark Tait) said that it could not have happened without FDAC, and when making the placement order, the judge at Swindon (Judge Caroline Wright) said that it might have been avoided with FDAC. Their judgments are now in the Family Law Reports: *Gloucestershire County Council v A and others* [2024] 2 FLR 433, [\[2024\] EWFC 18 \(B\)](#) and *Swindon Borough Council v B and others* [2024] 2 FLR 568, [\[2024\] EWFC 8 \(B\)](#). Another very recent case is *County Council of the City and County of Cardiff v M & Ors* [\[2024\] EWFC 292 \(B\)](#), in which Judge Sian Parry reflects on the closure of the Cardiff FDAC.

Before ending, I want to say something about the legal underpinning of FDAC. In the 2001 Strasbourg case of *K and T v Finland* (Application no. 25702/94), restated in 2019 in *Strand Lobben v Norway* (Application no. 37283/13), the court recalled:

... the guiding principle whereby a care order should be regarded as a temporary measure, to be discontinued as soon as circumstances permit, and that any measures implementing temporary care should be consistent with the ultimate aim of reuniting the natural parents and the child... The positive duty to take measures to facilitate family reunification as soon as reasonably feasible will begin to weigh on the competent authorities with progressively increasing force as from the commencement of the period of care, subject always to its being balanced against the duty to consider the best interests of the child.

Of course there will be cases where reunification would be inappropriate, and resources are always finite. There is also an argument for spending all the available money on families at an earlier stage before proceedings begin. But we know that for some parents, perhaps particularly those in the grip of addiction, early intervention may not be the answer. Yet many of these do respond to the powerful combination of the team and judge working together, and it is for these families, and above all for their children, that FDAC exists.

FDAC therefore meets our legal obligations more fully than any other approach. It does it as a form of therapeutic jurisprudence. Two long words, which just mean that the court tries to help. The weeks of the proceedings are used dynamically to promote the potential for change instead of being an essentially static period with an often limited possibility of the parents moving on from the state of affairs captured, and all too often preserved, by the threshold findings. The threshold is to be judged at the start of the case, but the outcome is to be judged at the end, and the risk is that the period in between is sterile and that the threshold becomes a millstone. There is so much to be said for professionals using their skills for the purpose for which they learned them, by helping parents to respond at the eleventh hour, rather than simply assessing whether they can do it on their own. The professionals build trust, rather than being seen as a stranger or even an enemy. In care proceedings, the child's welfare and the parent's rights are often seen as being in tension. The tension is much less apparent in FDAC, where the aim is to help the child by helping the parent. The F in FDAC reflects an approach that considers the family as a whole. The acronym can also be parsed as being For Detoxers And Children.

I could go on but, as Voltaire says, the secret to being boring is to say everything. What I have told you today is not anecdotal, it all comes from high-quality research. And although FDAC should be available to many more families, we must not be naïve. Expansion will bring the sort of

challenges that accompany any serious change of culture. But we already know enough to be confident that if FDAC is given the chance it will bring real benefits to some of our most vulnerable children, to their families, to professionals and, by its economies and example, to society as a whole. It is surely an idea whose time has come.
