

**Y Pwyllgor Plant, Pobl Ifanc
ac Addysg**

**Children, Young People
and Education Committee**

Julie Morgan MS
Deputy Minister for Social Services

19 December 2023

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Clarification of the steps leading to the closure of the FDAC pilot in November 2023

Dear Julie,

As you know, we have a specific interest in work being undertaken to safely reduce the number of children coming into care, particularly given the significant rise in rates in Wales and those rates being significantly higher than elsewhere in the UK. This issue was a key focus of our recent in-depth inquiry into the radical reforms needed for care experienced children.

During our inquiry, we examined in detail the benefits of the Vale Family Drug and Alcohol Court (FDAC) model. We recommended that the Welsh Government continue the roll-out of the FDAC model across Wales, subject to a successful evaluation of the Cardiff and Vale of Glamorgan pilot. We were pleased that you accepted that recommendation.

Since then, we have been contacted by stakeholders who have expressed concern and disappointment about the closure of the Cardiff and the Vale FDAC pilot in November 2023, and the manner by which that closure was communicated to relevant staff and other interested parties.

We wrote to you on 25 September to seek clarifications about the short- and long-term future of the FDAC pilot, and the impact of the closure on children and families being supported by the FDAC team.¹ Your response was dated 16 October.² We also wrote to Cardiff Council and to Vale of Glamorgan Council to understand what they were doing to secure the short- and long-term future of

¹ Welsh Parliament, 'Letter from the Chair of the Children Young People and Education Committee to the Deputy Minister', 25/09/23

² Welsh Government, 'Letter from the Deputy Minister for Social Services', 16/10/23

the FDAC.³ We received substantively similar responses on 1 November and 14 November respectively.⁴

Your response and the responses from the councils state that the pilot came to its scheduled – and anticipated – end in November 2023. They imply that the gap between the closure of the pilot in late 2023 and the publication of the CASCAE evaluation of the pilot in early 2024 had always been anticipated, and that our concern over the closure of the pilot in November 2023 is the result of “some confusion” on our part.

It is not confusion that is causing us concern. We have known since the start of our inquiry that the FDAC pilot was initially scheduled to close in November 2023. We have also known since the start of our inquiry that CASCAE’s evaluation of the pilot is scheduled for early 2024. Please see Annex A, which summarises information that the Committee has received from you and others in relation to the closure of the FDAC pilot, and represents in broad terms our understanding of the steps leading up to its closure in November 2023. We welcome any clarification or corrections of either the timing or the substance of the events outlined below; we will assume that they are accurate if we do not receive information to the contrary.

You told us in March 2023 that you were “looking at ways of extending the funding in order for the evaluation to be completed”.⁵ Since then, you and your officials have given strong and consistent assurances of the Welsh Government’s commitment to FDAC, including explicit reassurances that budgetary constraints would not affect Welsh Government decisions about whether or not it should be rolled out across Wales. Our areas of questioning about the funding of FDAC and its long term future on 14 September 2023, and the multiple responses by you and your officials on that date, provided ample opportunity for precise clarification of the up-to-date position on the funding gap for the FDAC pilot and its implications. This did not happen.⁶

This meant that we had no reason to believe that the Welsh Government no longer intended to provide funding to extend the pilot, as you committed to do in March 2023. You will, therefore, understand our surprise and concern when the Welsh Government gave notification of the closure of the pilot within days of the evidence session on 14 September.

I would be grateful for a written response to the questions set out below.

³ Welsh Parliament, [‘Letter from the Chair of the Children, Young People and Education Committee to Cardiff Council’](#), 25/09/23 and Welsh Parliament, [‘Letter from the Chair of the Children, Young People and Education Committee to Vale of Glamorgan Council’](#), 25/09/23

⁴ Cardiff Council, [‘Welsh Government funding of the Family Drug and Alcohol Court \(FDAC\) Pilot’](#), 01/11/23 and Vale of Glamorgan Council, [‘Welsh Government \(WG\) funding of the Family Drug and Alcohol Court \(FDAC\) Pilot’](#), 16/11/23

⁵ Children, Young People and Education Committee, [09/03/23, Record of Proceedings](#), paragraph 222

⁶ Children, Young People and Education Committee, [14/09/23, Record of Proceedings](#), paragraphs 132-141

The transparency of evidence provided to us by the Welsh Government

We trust that the evidence that the Welsh Government provides to us is accurate and reliable. We regret that, in relation to the closure of the FDAC pilot, we do not feel that this was the case.

1. Can you confirm that Welsh Government officials regularly attended FDAC Strategic Steering Group meetings and, therefore, knew before the evidence session on 14 September that the FDAC pilot would (or was very likely to) end in November 2023 given the absence of Welsh Government funds to extend the pilot until the evaluation could be completed?
2. Why was the request for funding to extend the pilot, and the possibility of that request being refused, and the implications of that refusal not raised with us during the evidence session on 14 September?
3. Prior to the evidence session on 14 September, what discussions - if any - did you have with members of the judiciary and other key staff involved in the delivery of the FDAC pilot about your decision to refuse the councils' funding request and close the pilot in November 2023?
4. Do you believe that the manner by which the Welsh Government and council leaders communicated with stakeholders about the closure of the pilot has affected the goodwill of professionals associated with FDAC, including members of the judiciary, and consequently negatively impacted its chance of future success?

The future of FDAC in Wales

We recognise that reducing the rates of children going into care in Wales is extraordinarily complicated and difficult. Based on the evidence we have received, the FDAC court model is one of relatively few tried and tested approaches to keeping families together that has been proven to be effective, benefitting both families and statutory services alike. We therefore view the rollout of FDAC across Wales as a key opportunity to stop children being taken into care, potentially subjecting them and their families to the unacceptable experiences of the care system and the cruel cycles of care that we identified in our report. We will be bitterly disappointed if this opportunity is missed.

5. Do you wish to amend, or add to, your response to our report recommendation, which committed the Welsh Government to rolling out the FDAC model across Wales, subject to a successful evaluation of the pilot?

If you remain committed to the rollout of the FDAC pilot subject to a successful evaluation:

- a. How will the long-term rollout of the pilot across Wales be affected by the decision to refuse the local authorities' request for funding to extend the pilot until the evaluation has been published? For example, is it realistic to think that FDAC can be reopened given the staff have been issued with notice of redundancy?

If you are no longer committed to the rollout of the FDAC pilot subject to a successful evaluation:

- a. Why does the Welsh Government no longer support the national rollout of FDAC?
 - b. What, if anything, will the Welsh Government be doing *instead of supporting the rollout of FDAC* to support children to remain with their families?
6. Why did the Welsh Government decide not to approve the request from Cardiff and the Vale of Glamorgan councils to provide funding to extend the FDAC pilot until after the publication of CASCADE's evaluation? To what extent was that decision taken because longer term funding from April 2024 was not seen as a priority?
 7. Will the closure of the pilot in November 2023, and/or the uncertainty over whether it would be extended, have any impact on CASCADE's ability to carry out a robust evaluation of the pilot for the purposes of assessing whether it should be rolled out across Wales?

I appreciate that this is an exceptionally busy period for the Welsh Government. I would, however, be grateful for a response no later than Thursday 22 February so that we can consider it during our meeting on Wednesday 28 February.

I have copied this correspondence to the President of the Family Division, Sir Andrew McFarlane, due to his strong support for the FDAC approach across England and Wales and his involvement in our work relating to care experienced children and young people. I have also copied this correspondence to the Centre for Justice Innovation, Cardiff Council and Vale of Glamorgan Council for their information.

Yours sincerely,



Jayne Bryant MS
Chair

Cc. Sir Andrew McFarlane
President of the Family Division

Cc. Phil Bowen
Director of the Centre for Justice Innovation

Cc. Councillor Ash Lister
Cabinet Member for Social Services, Cardiff Council

Cc. Robert Tomas
Chief Executive, Vale of Glamorgan Council

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Annex: FDAC timeline

Spring 2023	The Strategic Steering Group makes a request to the Welsh Government for additional short term funding of £60,000 to extend the FDAC pilot to after the publication of CASCADE's evaluation. (Membership of the steering being senior legal and children's services staff for the lead authorities, Family Court Judge, Welsh Government, Cafcass Cymru, the Centre for Justice Innovation and other stakeholders.)
9 March	Oral evidence to the CYPE Committee: Deputy Minister: "We are absolutely convinced of the value of the problem-solving family court model. ... It's being evaluated by CASCADE, based in Cardiff University, and they do need a bit longer, beyond the two years, to continue their evaluation, and we want to see the evaluation, really, to decide how we would go forward. So, we're looking at ways of extending the funding in order for the evaluation to be completed, and then, we will see what the evaluation says to see if we can make it serve a wider population in Wales. But, certainly, the evidence we've got so far has been very encouraging." ⁷
May	CYPE Committee's report recommendation 9: "The Welsh Government must work with local authorities, members of the judiciary and other relevant stakeholders to continue the roll-out of the FDAC model across Wales, subject to a successful evaluation of the Cardiff and Vale of Glamorgan pilot." ⁸
July	Welsh Government response to the CYPE Committee's report recommendation 9: "Response: Accept The Welsh Government will review the evaluation of the Cardiff and Vale of Glamorgan pilot to consider sustainable delivery models for a National Rollout. We will work with local authorities, members of the judiciary and other relevant stakeholder to ensure key partners are involved in advising and scoping future FDACs in Wales. Financial Implications: Yes, any additional costs will be considerable and will have to be identified from existing budgets." ⁹
14 September	Oral evidence to the CYPE Committee:

⁷ Children, Young People and Education Committee, [09/03/23, Record of Proceedings](#), paragraph 222

⁸ Welsh Parliament, 'If not now, then when? Radical reform for care experienced children and young people', May 2023, pages 68-69

⁹ Welsh Government, 'Written Response by the Welsh Government to the report of the Children, Young People and Education Committee report entitled "If not now, then when? Radical reform for care-experienced children and young people"', July 2023, page 9

	<p>James Evans: ... With the financial situation that you outlined at the start, how confident are you that you can actually keep delivering this model, because you did say you wanted to do it, following its evaluation in January?</p> <p>Deputy Minister: "I'm very supportive of the family drug and alcohol court. I was pleased to launch it and have had feedback from it since, and we are evaluating it... But, we, you know—as you said, these are difficult and financially difficult, challenging times, and we really have to scrutinise and prioritise where we can best put our money, given the financial situation we're in. But we'll have the evaluation and I'm hopeful we'll make, then, the right decision about how we move forward."</p> <p>James Evans: "... is this one of the areas that is being looked at as a potential saving or is it on the backburner until the evaluation is done?"</p> <p>Deputy Minister: It's waiting for the evaluation. We certainly haven't looked at it as a potential saving.</p> <p>James Evans: But is it being looked at now?</p> <p>Deputy Minister: We haven't, no."¹⁰</p>
18 - 26 September	Relevant staff and members of the judiciary are informed that the pilot will close in November 2023 for financial reasons. Staff are given notice of deployment or redundancy.
25 September	<p>Letter from the Chair of the CYPE Committee:</p> <p>Following concerns raised to the Committee privately by stakeholders, the Chair of the Children, Young People and Education Committee writes to the Deputy Minister and Cardiff and the Vale of Glamorgan Councils to seek clarification and assurances about the closure of the FDAC pilot.¹¹</p>
16 October	<p>Letter from the Deputy Minister to the CYPE Committee:</p> <p>"I appreciate the concerns of the Committee regarding our decision not to provide additional funding to extend the pilot for a further year. I must assure you that funding has not been reduced for the FDAC pilot, the project has come to its scheduled end which was set for November 2023."¹²</p>
1 & 14 November	<p>Letters from Cardiff and the Vale of Glamorgan councils</p> <p>The Committee receives substantively identical letters from both councils, implying that the closure of the pilot in November 2023 had always been anticipated. The letters add that "any extension to the pilot was not feasible within their [the Welsh Government's] current budget constraints", and that the</p>

¹⁰ Children, Young People and Education Committee, [14/09/23, Record of Proceedings](#), paragraphs 132-137

¹¹ Welsh Parliament, ['Letter from the Chair of the Children Young People and Education Committee to the Deputy Minister'](#), 25/09/23

¹² Welsh Government, ['Letter from the Deputy Minister for Social Services'](#), 16/10/23

Committee's concern over the lack of funding to extend the pilot in November 2023 is the result of "some confusion".¹³

¹³ Cardiff Council, 'Welsh Government funding of the Family Drug and Alcohol Court (FDAC) Pilot', 01/11/23 and Vale of Glamorgan Council, 'Welsh Government (WG) funding of the Family Drug and Alcohol Court (FDAC) Pilot', 16/11/23