



## Family Court Statistics Quarterly, England and Wales, July to September 2017

### Main points

**Increase in number of cases starting in Family courts**



65,247 new cases started in family courts in July to September 2017, up 2% on July to September 2016, mainly due to increases in domestic violence remedy order and Private law cases (up 10% and 4% respectively).

**On average, care proceedings took longer with fewer disposals within 26 weeks**



The average time for a care or supervision case to reach first disposal was **28 weeks** in July to September 2017, one week up from the same quarter in 2016 but remaining steady compared to the previous two quarters.



**59%** of cases were disposed of within 26 weeks – **down 4 percentage points** over the same period for 2016.

**Increase in the number of domestic violence remedy applications and orders made**



The number of **Domestic violence remedy order applications increased** by **10%** compared to the equivalent quarter in 2016, whilst the number of **orders made increased by 13%** over the same period.



**Number of adoption applications and orders continues downward trend**



In July to September 2017, there were 1,373 **adoption order** applications, **down 6%** on the equivalent quarter in 2016. Similarly, over the same period the number of adoption **orders issued decreased 11%** to 1,305.

**Continued increase in applications and orders made in relation to deprivation of liberty**



There were 1,077 **applications** relating to deprivation of liberty in July to September 2017, **up 38%** on the equivalent quarter in 2016. Deprivation of liberty **orders** were **up 57%** over the same period, from 362 to 569.

This publication presents statistics on activity in the family courts of England and Wales and provides figures for the latest quarter (July to September 2017). For further information and technical details please refer to the accompanying Guide to Family Court Statistics.

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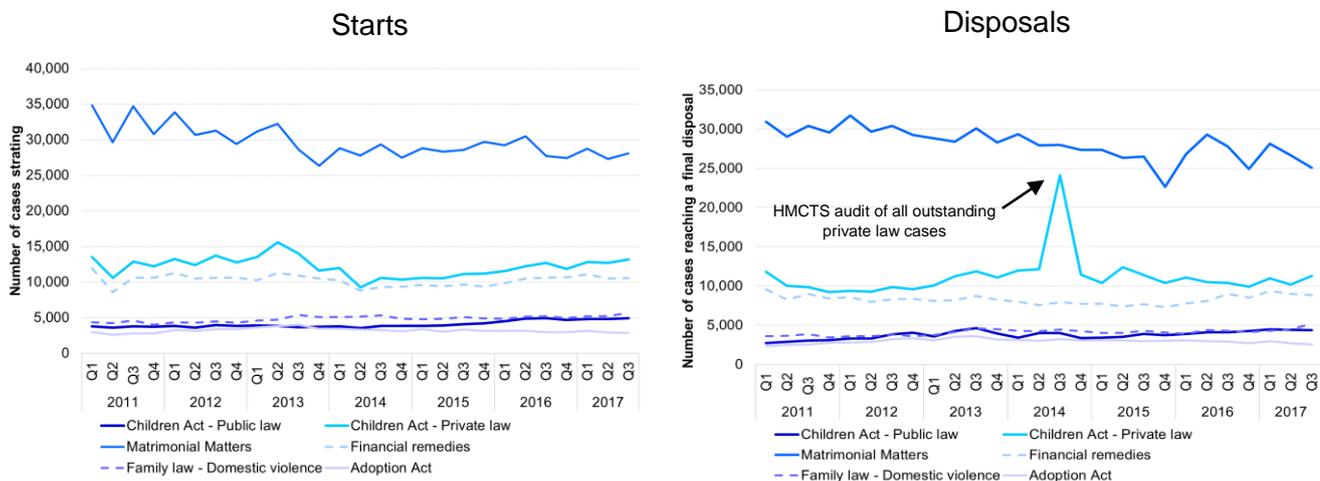
# 1. Overview of the Family Justice System

## An increase in the number of cases starting, whilst the number of disposals decreased in Family Courts

In July to September 2017, 65,247 new cases started in family courts, up 2% on the equivalent quarter in 2016, due to increases in domestic violence remedy order applications, Private law applications and matrimonial matters (up 10% and 4% and 1% over the same period respectively).

There were 57,308 cases disposed in July to September 2017, down 2% on the equivalent quarter of 2016, due to decreases in matrimonial matters and adoptions (down 10% and 13% respectively).

**Figure 1: Cases starting and concluding, by case type, January to March 2011 to July to September 2017 (Source: Table 1)**



In July to September 2017, 43% of new cases within family courts related to matrimonial matters – unchanged from the same period in 2016.

### Timeliness by Case Type

Average time to first disposal varies by case type – Public law cases generally take the longest and in 2011 on average, they took nearly a year to reach a first disposal (50 weeks). Since 2011, this fell steadily and by 2016, almost halved to reach 26 weeks. For the quarters of 2017 so far, the average has been 27 weeks (up one week). The average time for other case types remained fairly stable between 2011 and 2016 (Table 10).

### Public and Private law cases – number of parties, and High Court cases

Two new tables have been introduced in this bulletin. The first (Table 6), on the number of individual parties involved in Public and Private law cases shows that most Private law cases involve one applicant and one respondent only. However, for Public law cases whilst 99% have only one applicant, three quarters involve two or more respondents.

The second table (Table 7), giving the number of Public and Private law cases started which were indicated as High Court, shows that about 2% and 1% of cases started were indicated as High Court for Public and Private law respectively.

## 2. Public Law

### Steady trend in Public law cases started, but cases disposed up

The number of Public law cases starting in July to September 2017 was down 1% to 4,886 compared to the equivalent quarter in 2016, whilst case disposals were up 6% to 4,362.

### Timeliness for care proceedings increased in the latest quarter

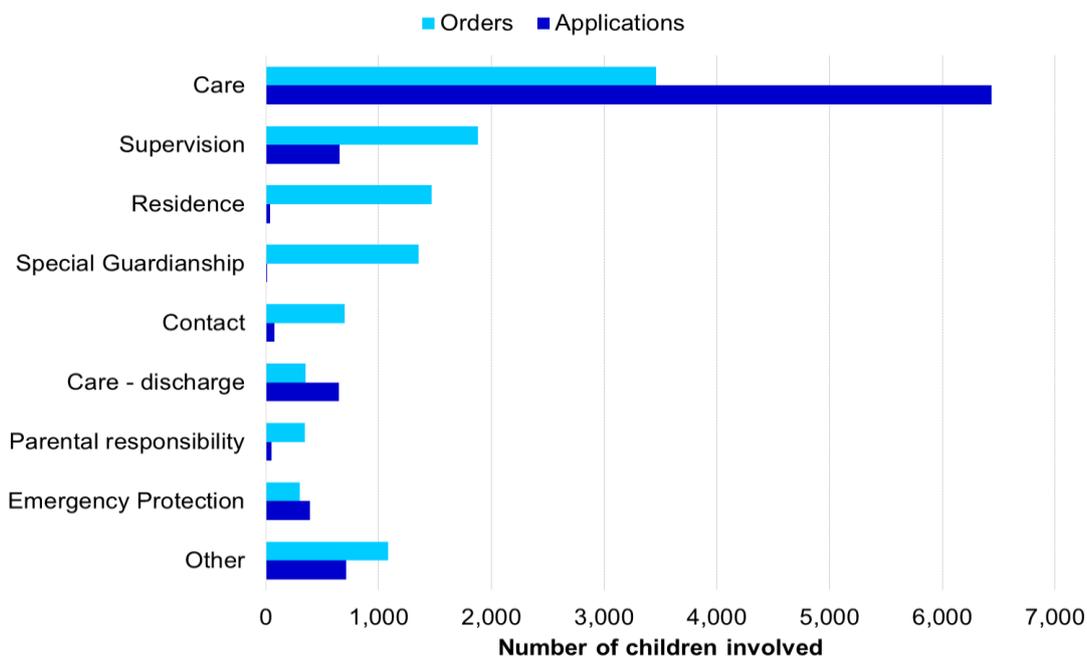
The average time for a care and supervision case to reach first disposal was 28 weeks in July to September 2017, one week up from the same quarter in 2016 but remaining steady compared to the previous two quarters. 59% of these care proceedings were disposed of within the 26-week limit introduced in the Children and Families Act 2014.<sup>1</sup>

There were 5,149 new Public law applications in July to September 2017, down 1% on the equivalent quarter in 2016. There were 9,025 children involved in those applications in July to September 2017, meaning that on average, there were 1.75 children involved in each application.

In comparison, there were 10,957 children involved in Public law orders made in July to September 2017, down 3% on the same quarter in 2016.

Figure 2 shows the most common types of Public law orders applied for and made in July to September 2017, illustrating the different pattern between the types of orders applied for and the orders that are given, i.e. an application for one type can result in an order of a different type being made.

**Figure 2: Public law applications and orders made, showing the number of children involved in each order type, July to September 2017 (Source: Tables 3-4)**



<sup>1</sup> See the accompanying technical guide for more information.

### 3. Private Law

#### Increase in the number of Private law case starts and applications

The number of Private law **cases<sup>2</sup> started** increased by 4% in July to September 2017 compared to the equivalent quarter in 2016. The number of **applications** also increased by 3% over the same period.

Similarly, the number of Private law **cases disposed** in July to September 2017 was up 8% on the equivalent quarter in 2016, with the number of **disposals** also up 1%.

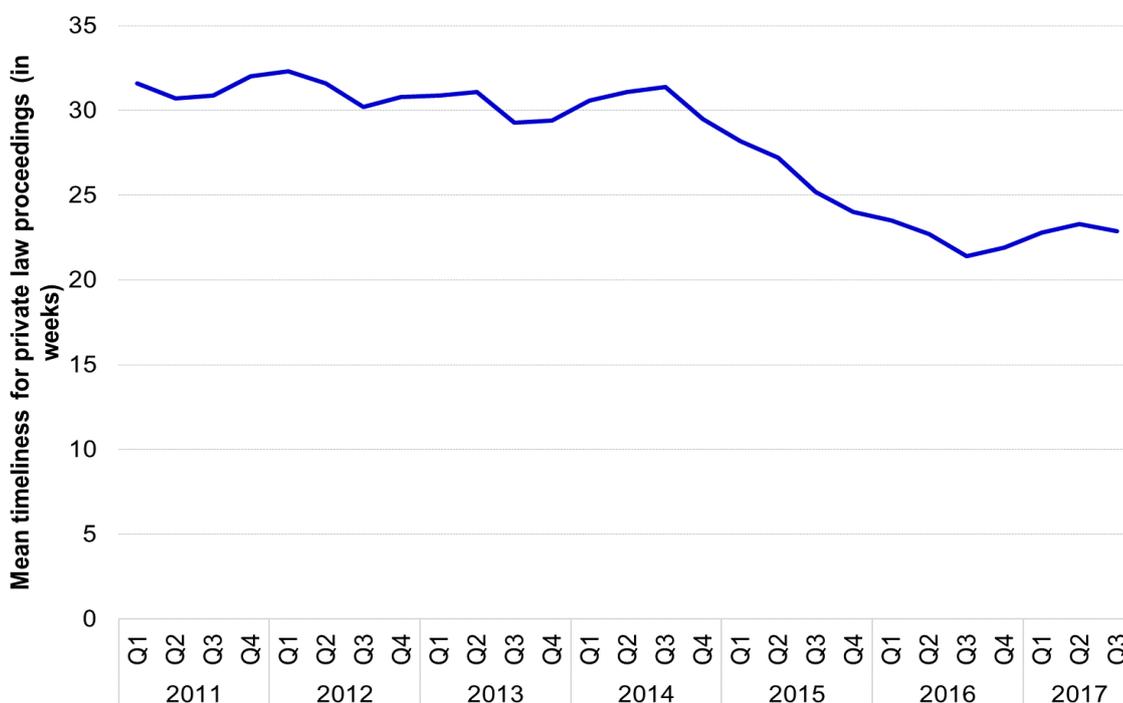
There were 13,528 new Private law applications in July to September 2017, up 3% on the equivalent quarter in 2016 – these applications involved 29,650 children; on average, there were 1.5 children involved in each application.

The number of Private law disposals in July to September 2017 was 19,708, up 1% on the equivalent quarter in 2016, whilst the number of children involved was also up 3% to 45,456 in July to September 2017. The average number of children involved in each disposal increased to 1.5 in July and September 2017 compared to 1.4 in the equivalent quarter in 2016.

#### Timeliness of Private law cases

In July to September 2017, it took on average 23 weeks for Private law cases to reach a final order, i.e. case closure, up slightly on the same period in 2016. There are continued signs of a reversal in the downward trend seen since the middle of 2014.

**Figure 3: Private law timeliness from case start date to final order in the family court, January to March 2011 to July to September 2017 (Source: Table 9)**



<sup>2</sup> The Children and Family Court Advisory and Support Service (Cafcass) also publishes (England only) data on the number of private law cases. A comparison of Cafcass and MoJ data and further information can be found in the accompanying guide.

## 4. Legal representation

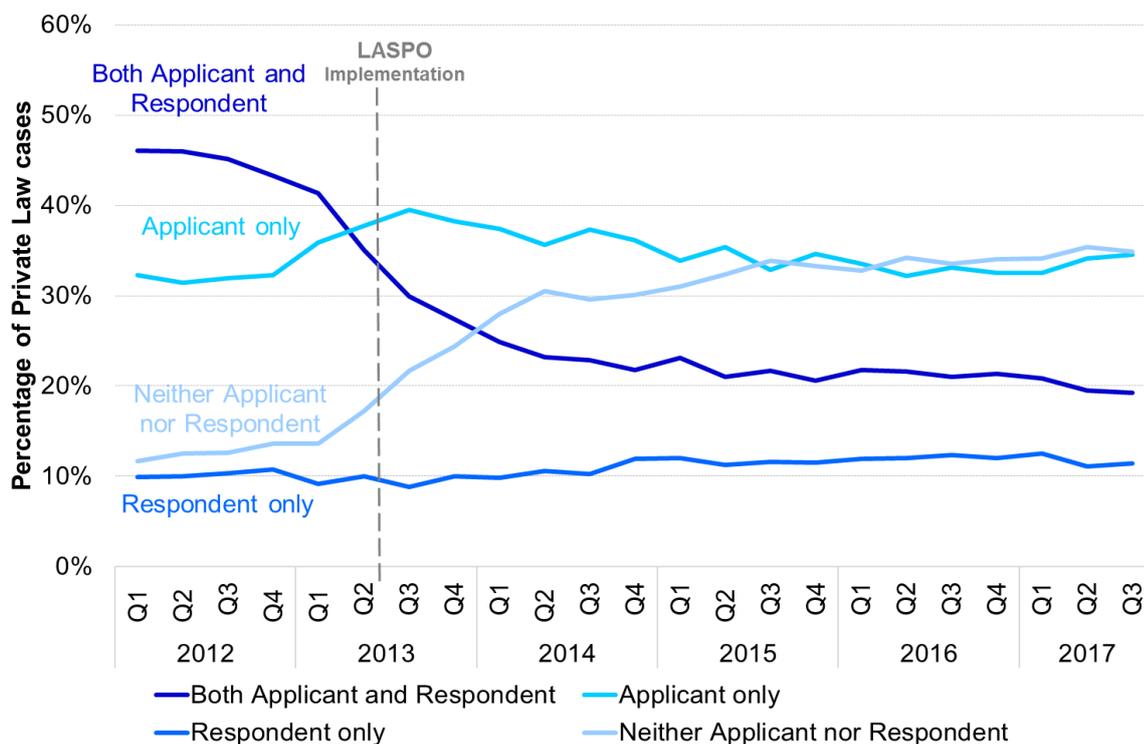
In general, across all family case types, cases where either both parties or the respondent only had legal representation took longer to be disposed than those cases where only the applicant was represented or where both parties were without legal representation (Table 10).

The proportion of parties with legal representation in cases with at least one hearing varies by case type range from around 75% for Public law to 2% for adoption cases (Table 11).

### Legal representation in Private law cases

The removal of legal aid for many Private law cases in April 2013 resulted in a change in the pattern of legal representation over time<sup>3</sup>. In July to September 2017, the proportion of disposals where neither the applicant nor respondent had legal representation was 35%, an increase of 18 percentage points since April to June 2013. Correspondingly, the proportion of cases where both parties had legal representation dropped by 16 percentage points to 19% over the same period (Figure 4).

**Figure 4: Proportion of private law disposals by type of legal representation of the parties, January to March 2012 to July to September 2017 (Source: Table 10)**



The change seen in the pattern of legal representation is also demonstrated in Private law cases with at least one hearing where the proportion of parties with legal representation dropped from 59% in 2012 to 33% in July to September 2017.

<sup>3</sup> Please see the accompanying guide for further details.

## 5. Divorce

### The number of divorce petitions has remained stable, with a slight increase in timeliness of proceedings

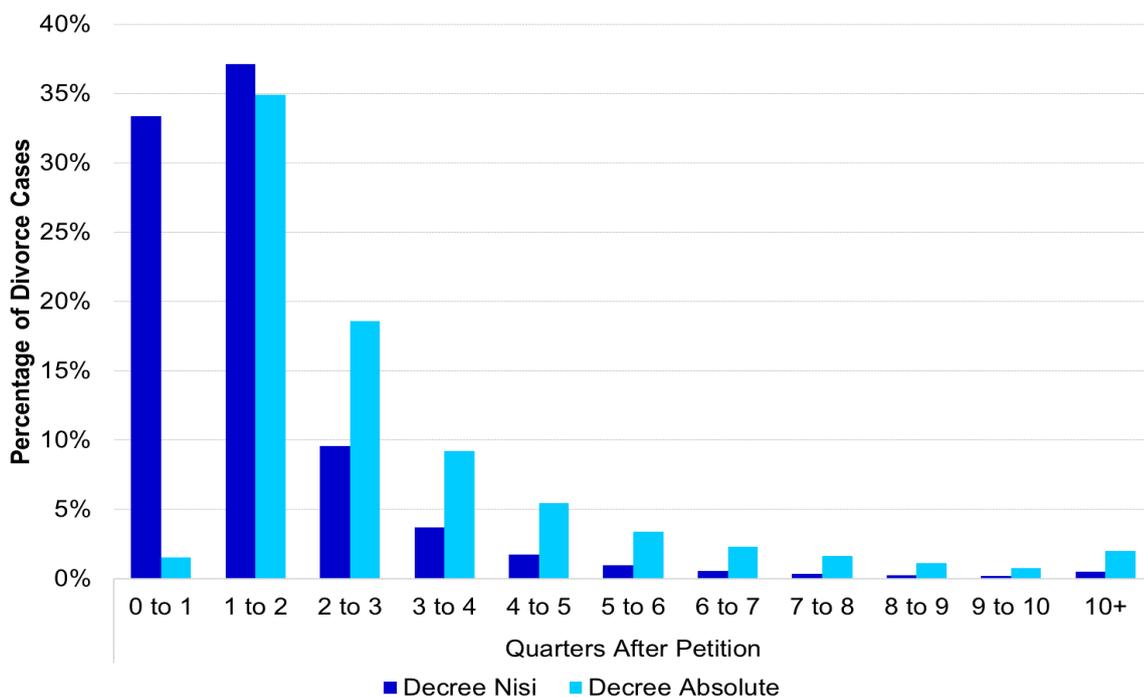
Divorce petitions were up slightly by 1% in July to September 2017 compared to same period in the previous year.

There were 27,898 divorce petitions made during July to September 2017, up 1% from the same quarter in 2016, whilst there were 24,957 Decrees Absolutes granted, down 10% over the same period (Table 12).

For those granted Decree Nisi in July to September 2017, the average time from the date of petition was 24.2 weeks, whilst the average time from petition to Decree Absolute was 49.1 weeks.

Table 14 and Figure 5 shows how long it takes, on average, for petitions to reach certain stages in the process, counted by the number of quarters elapsed.

**Figure 5: Percentage of divorce cases started between Q1 2011 to Q3 2017 reaching Decree Nisi or Decree Absolute, by the number of quarters since petition (Source: Table 14)**



One-third (33%) of divorce petitions made between 1 January 2011 and 30 September 2017 reached Decree Nisi in the first quarter after the petition was made, with just over a further third (37%) reaching this stage within the second quarter. Over half the petitions reached Decree Absolute within three quarters after petition (2% in the first quarter, 35% within 1 to 2 quarters and 19% within 2 to 3 quarters).

A new csv accompanying this publication has been produced this quarter which gives a breakdown of the number of petitions by county, based where available on the address details of the petitioner. This is in place of the csv file previously produced by court.

## 6. Financial remedy

### Decrease seen in financial remedy applications, with a slight increase in disposals

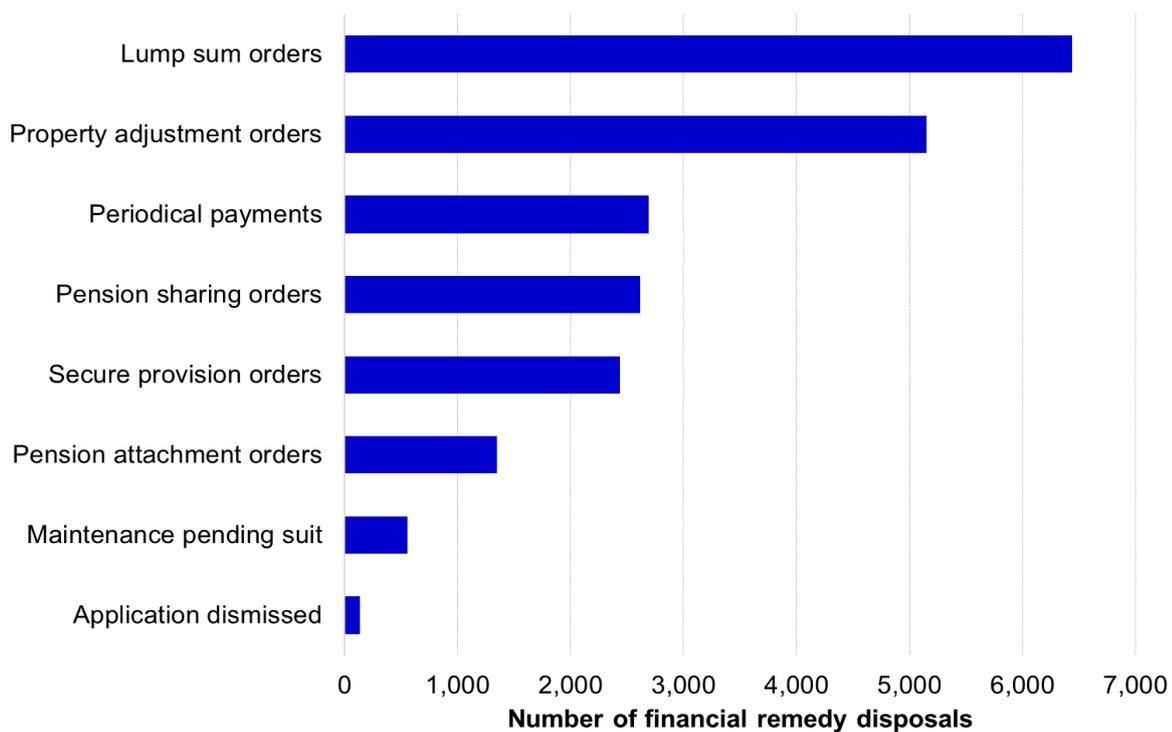
Number of financial remedy applications was down 3% to 11,429, while disposals were up 2% over the same period.

There were 11,429 financial remedy applications in July to September 2017, down 3% on the equivalent quarter in 2016 (Table 15).

In July to September 2017, there were 10,639 financial remedy disposals, up 2% on the equivalent quarter in 2016. During this period, 70% of disposals were uncontested, 22% were initially contested and 9% were contested throughout.

In July to September 2017, lump sum and property adjustment orders were the most common types of order given, accounting for over half (54%) of all financial remedy disposal types (Table 16 and Figure 6).

**Figure 6: Financial remedy disposal types, July to September 2017 (Source: Table 16)**



## 7. Domestic violence remedy orders

### Number of domestic violence remedy order applications and orders increase

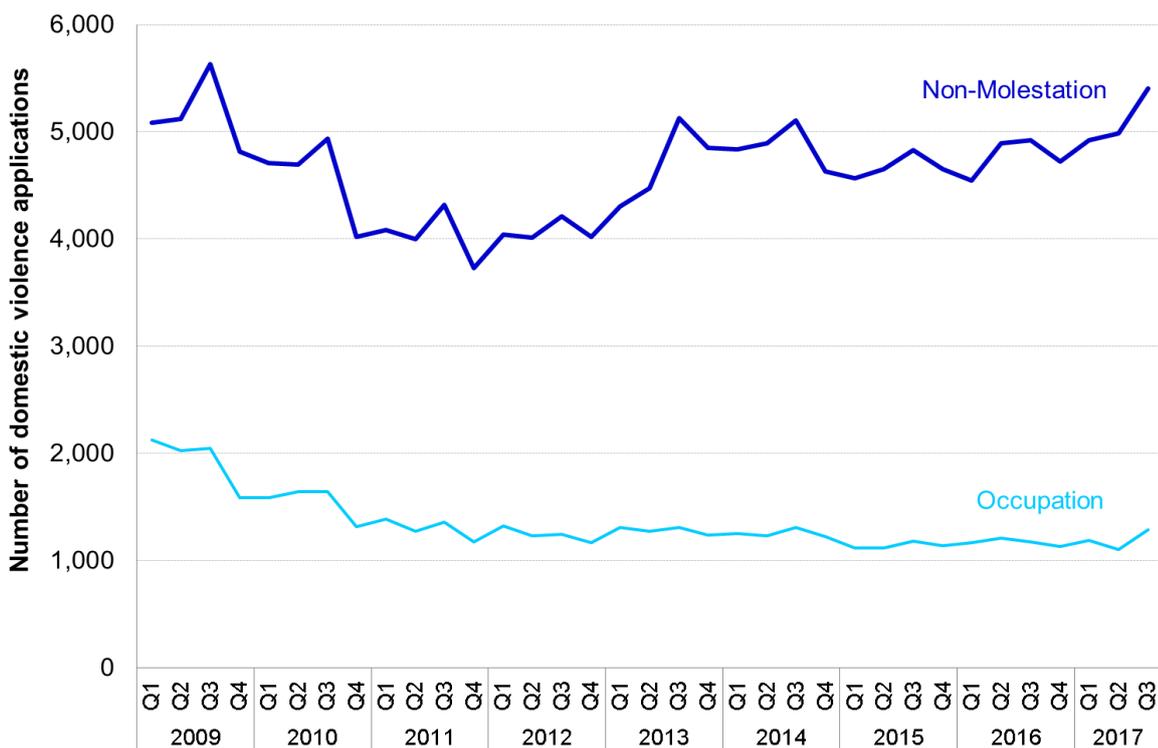
In July to September 2017, the number of applications was up 10% compared to July to September 2016, whilst the number of orders made was also up 13% over the same period.

In July to September 2017, there were 6,692 applications made for a domestic violence remedy order, up 10% on the same quarter in 2016 (Table 17). The majority of applications were for non-molestation orders (81%) compared to occupation orders (19%).

Similarly, of the 7,446 domestic violence orders made in July to September 2017, 91% were non-molestation orders and 9% were occupation orders.

Figure 7 below shows that the latest increase in applications is seen in both non-molestation and occupation orders. For the latter, this follows a recent steady trend, whilst for non-molestation orders the recent trend, although fluctuating, has been slowly upward.

**Figure 7: Applications for domestic violence remedy orders, January to March 2009 to July to September 2017 (Source: Table 17)**

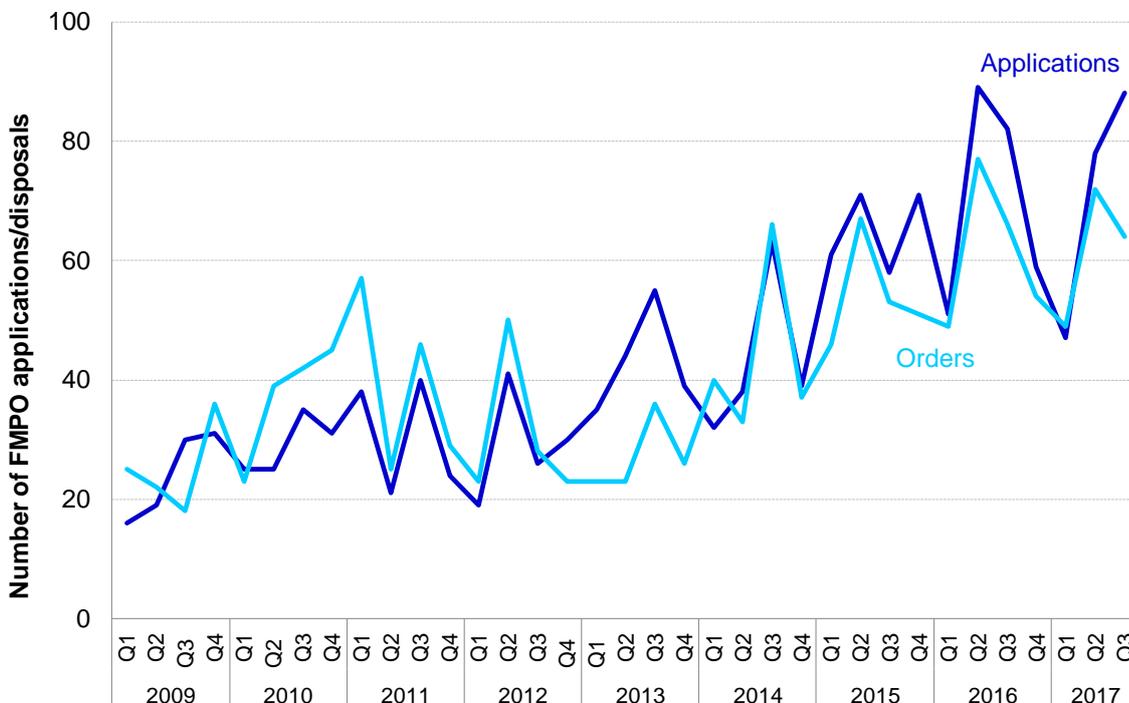


## 8. Forced Marriage Protection Orders and Female Genital Mutilation Protection Orders

**General upward trend in the number of forced marriage protection orders and female genital mutilation orders.**

The number of applications and orders made for Forced Marriage Protection Orders (FMPOs) is very small. Consequently, as Figure 8 shows, numbers fluctuate each quarter but overall there has been a general upward trend since their introduction in November 2008. In July to September 2017, there were 88 applications and 64 orders made (Table 18). Of those applications, 70% of the applicants were aged 17 and under, compared to 30% aged over 17.

**Figure 8: Applications and orders made for Forced Marriage Protection Orders, January to March 2009 to July to September 2017 (Source: Table 18)**



As with FMPOs, the number of applications and orders made for Female Genital Mutilation Protection Orders (FGMPOs) is very small with only 42 and 34 made respectively in July to September 2017 (Table 19). In total, there have been 205 applications and 179 orders made up to the end of September 2017 since their introduction in July 2015.

## 9. Adoptions

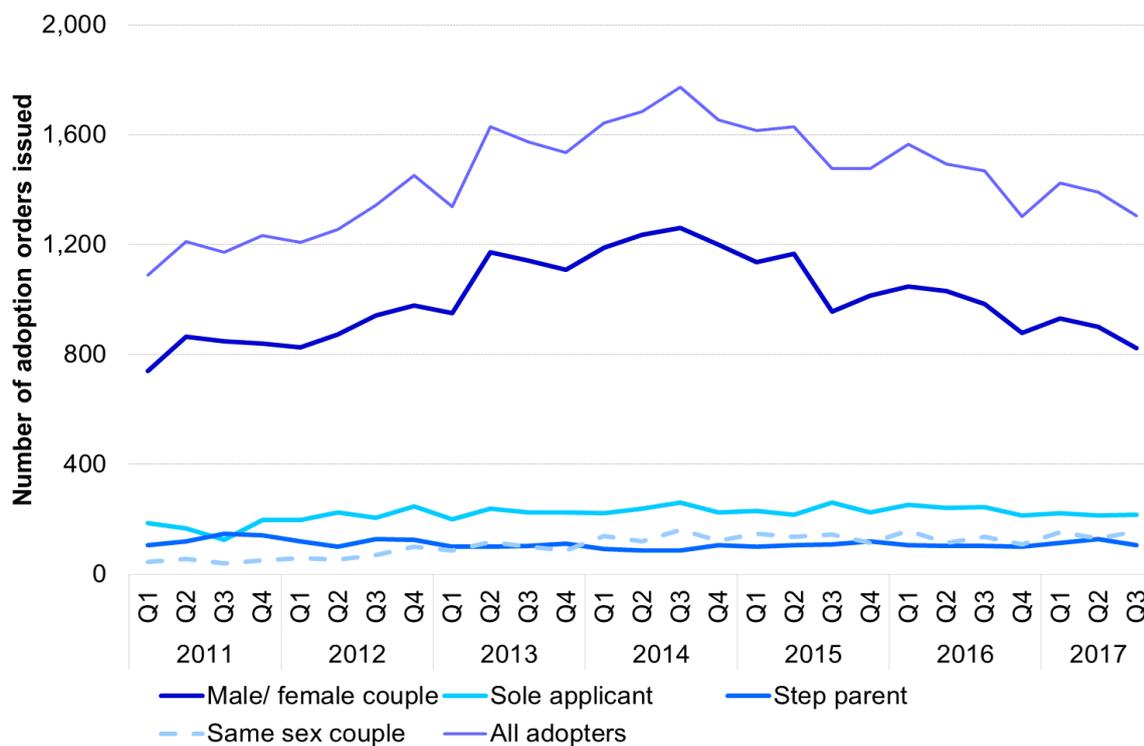
### Number of adoption applications and orders continues downward trend

During July to September 2017, there were 1,373 adoption order applications made, down 6% from the equivalent quarter in 2016. Similarly, over the same period the number of adoption orders issued decreased 11% to 1,305 (Tables 20 and 21).

There were 2,849 applications under the Adoption and Children Act 2002, including placement orders during July to September 2017, a 4% decrease on the same quarter in the previous year. Total disposals also dropped 13% to 2,559 over the same period.

Figure 9 below shows the trend of adoption orders by the type of adopter. This shows that during July to September 2017, almost two-thirds (63%) of all adoption orders were issued to male/female couples, 17% to sole applicants, 12% to same-sex couples and a further 8% to step-parents.

**Figure 9: Adoption orders issued, by adopter, January to March 2011 to July to September 2017 (Source: Table 21)**

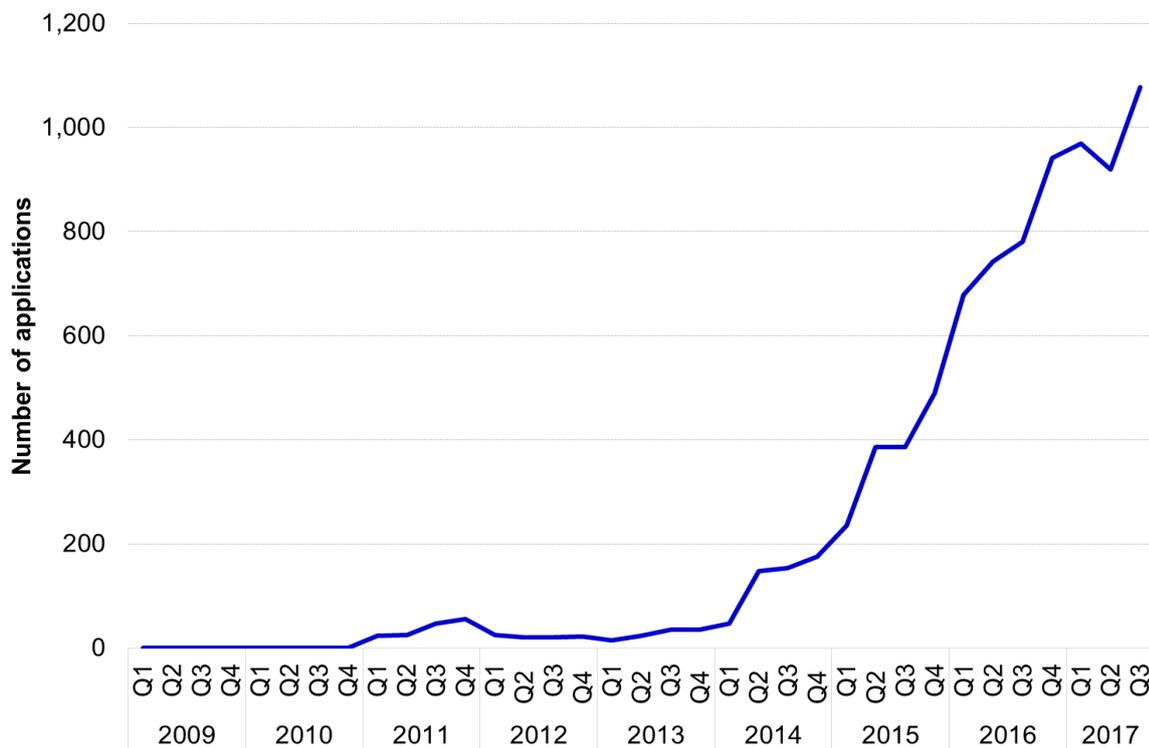


## 10 Mental Capacity Act - Court of Protection

### Continued increasing trend in applications and orders made in relation to deprivation of liberty

There were 1,077 applications relating to deprivation of liberty made in the most recent quarter, up 38% on the number made in July to September 2016. Similarly, orders made for deprivation of liberty increased by 57% over the same period, from 362 to 569 respectively.

**Figure 10: Deprivation of Liberty applications, January to March 2008 to July to September 2017 (Source: Table 22)**



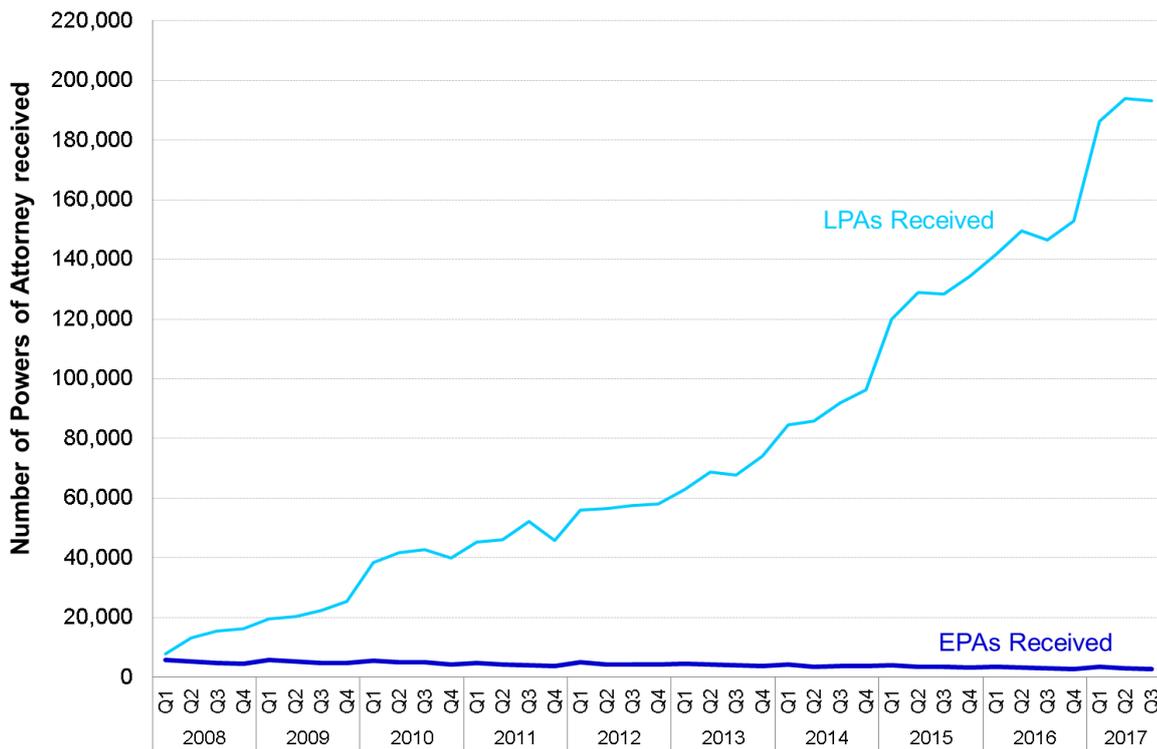
In July to September 2017, there were 8,049 applications made under the Mental Capacity Act 2005 (MCA), up 4% on the equivalent quarter in 2016 (7,762 applications). Just under half (49%) related to applications for appointment of a property and affairs deputy (Table 22).

In comparison, there were 10,023 orders made under the MCA, 50% more than the same quarter in 2016, driven by a clearance of outstanding cases and an increase in the number of cases being dealt with by regional courts. A third (33%) of the orders related to the appointment of a deputy for property and affairs (Table 23).

## 11 Mental Capacity Act - Office of the Public Guardian

There were 193,285 Lasting Powers of Attorney (LPAs) received in July to September 2017, up 32% on the same quarter for 2016 and maintaining the strong upward trend (Table 24). The increase seen in recent years is largely due to increased publicity and new online forms which were introduced in July 2015 making it simpler and faster to apply for LPAs. There were 2,774 Enduring Powers of Attorney (EPAs) in July to September 2017, down 11% on the equivalent quarter in 2016.

**Figure 11: Powers of attorney received, January to March 2008 to July to September 2017 (Source: Table 24)**



## Further information

The data presented in this publication are from live administrative databases. Therefore, previously published data is liable to be updated in the latest bulletin, following any further data cleaning or the incorporation of additional cases not available in the extracts used to produce previous bulletins.

## Accompanying files

As well as this bulletin, the following products are published as part of this release:

- A technical guide providing further information on how the data is collected and processed, as well as information on the revisions policy and legislation relevant to family court and background on the functioning of the family justice system
- A set of overview tables and CSV files, covering each section of this bulletin
- A family court statistics visualisation tool available at [public.tableau.com/profile/moj.analysis#!/vizhome/FamilyCourtstatistics2017Q2/Frontpage](https://public.tableau.com/profile/moj.analysis#!/vizhome/FamilyCourtstatistics2017Q2/Frontpage).



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