



## Family Court Statistics Quarterly, England and Wales, July to September 2018

### Main points

<p><b>Increase in number of cases started in Family courts</b></p>		<p>66,118 new cases started in Family courts in July to September 2018, <b>up 1%</b> on July to September 2017, driven by a 7% rise in matrimonial cases started (mainly divorce proceedings, which is more in line with usual quarterly volumes after last quarter's substantial rise).</p>
<p><b>On average, care proceedings took longer with fewer disposals within 26 weeks</b></p>		<p>The average time for a care or supervision case to reach first disposal was <b>30 weeks</b> in July to September 2018, more than two weeks up from the same quarter in 2017 but level with last quarter's results.</p>
<p><b>Increase in divorce proceedings timeliness</b></p>		<p>The average time from petition to Decree Nisi was 31 weeks and Decree Absolute was 56 weeks, both <b>up 7 weeks</b> compared to the equivalent quarter 2017.</p>
<p><b>Decrease in the number of domestic violence remedy applications and orders made</b></p>		<p>The number of <b>domestic violence remedy order applications decreased by 5%</b> compared to the equivalent quarter in 2017, which had seen higher than usual volumes. The number of <b>orders made decreased by 1%</b> over the same period.</p>
<p><b>Number of adoption applications and orders continues downward trend</b></p>		<p>In July to September 2018, there were 1,243 <b>adoption applications, down 10%</b> on the equivalent quarter in 2017. Similarly, over the same period the number of <b>adoption orders issued decreased 11%</b> to 1,169.</p>
<p><b>Increase in applications made in relation to deprivation of liberty but orders down</b></p>		<p>There were 1,126 <b>applications</b> relating to deprivation of liberty in July to September 2018, <b>up 5%</b> on the equivalent quarter in 2017. Deprivation of liberty <b>orders were up 7%</b> over the same period.</p>

This publication presents statistics on activity in the Family courts of England and Wales and provides figures for the latest quarter (July to September 2018). 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

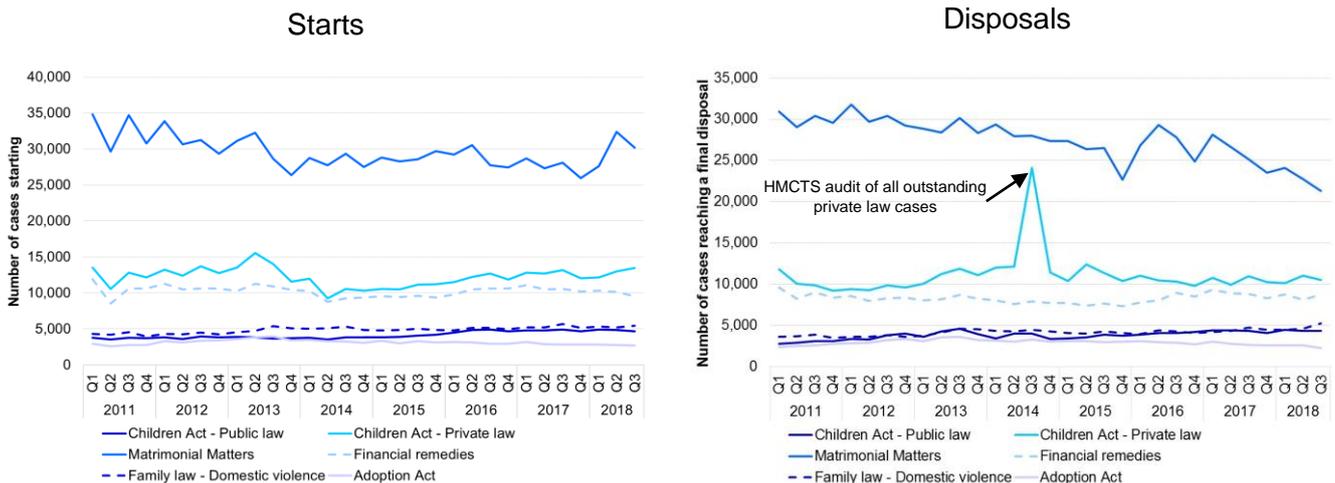
## Increase in the number of cases started and decrease in number of cases disposed in Family Courts

In July to September 2018, 66,118 new cases started in Family courts, up 1% on the equivalent quarter in 2017. This was driven by an 7% rise in matrimonial cases started. However, there were decreases in new financial remedy (9%), public law (5%), domestic violence (4%), and adoption (4%) cases started.

There were 52,427 case disposals in July to September 2018, down 7% on the equivalent quarter of 2017. This was due to decreases in matrimonial (15%), adoption (15%), private law (4%) and financial remedy (1%) cases reaching final a disposal.

Over the same period, domestic violence and public law disposals were up 11% and 1% respectively.

**Figure 1: Cases started and disposed, by case type, January to March 2011 to July to September 2018 (Source: Table 1)**



In July to September 2018, 46% of new cases within Family courts related to matrimonial matters, up from 43% in the equivalent quarter of 2017.

### 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). From 2011, the average fell steadily and by 2016, almost halved to reach 26 weeks.

However, it increased in 2017 to 27 weeks and for July to September 2018 the average was 29 weeks. The average time for divorce and annulment cases to reach first disposal was up 6 weeks compared to the equivalent quarter in 2017 due to an increase in the number of cases starting (Table 10).

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

The vast majority of Private law cases involve one applicant and one respondent only (Table 6). However, for Public law cases whilst 99% have only one applicant, approximately three quarters involve two or more respondents.

A very small proportion of Public (2%) and Private (1%) law cases started were indicated as being a High Court case during July to September 2018 (Table 7).

## 2. Public Law

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### **Following an increasing trend over the last few years, the number of Public law case starts and final disposals show little change**

There were 4,664 Public law cases started in July to September 2018, down 5% compared to the equivalent quarter in 2017, whilst cases that reached a final disposal were up 1% to 4,345.

### **Timeliness for care proceedings continues upward trend**

The average time for a care and supervision case to reach first disposal was 30.3 weeks in July to September 2018, 2.5 weeks up from the same quarter in 2017 and 0.1 weeks less than last quarter's highest average since early 2014. Just over half (52%) of these care proceedings were disposed of within the 26-week limit introduced in the Children and Families Act 2014.<sup>1</sup>

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There were 4,949 new Public law applications in July to September 2018, 4% less than the equivalent quarter in 2017. There were 8,821 children involved in those applications in July to September 2018, meaning that on average, there were 1.8 children involved in each application.

There were 10,870 children involved in Public law orders made in July to September 2018, also down 4% on the same quarter in 2017, reflecting the fall in the number of disposals.

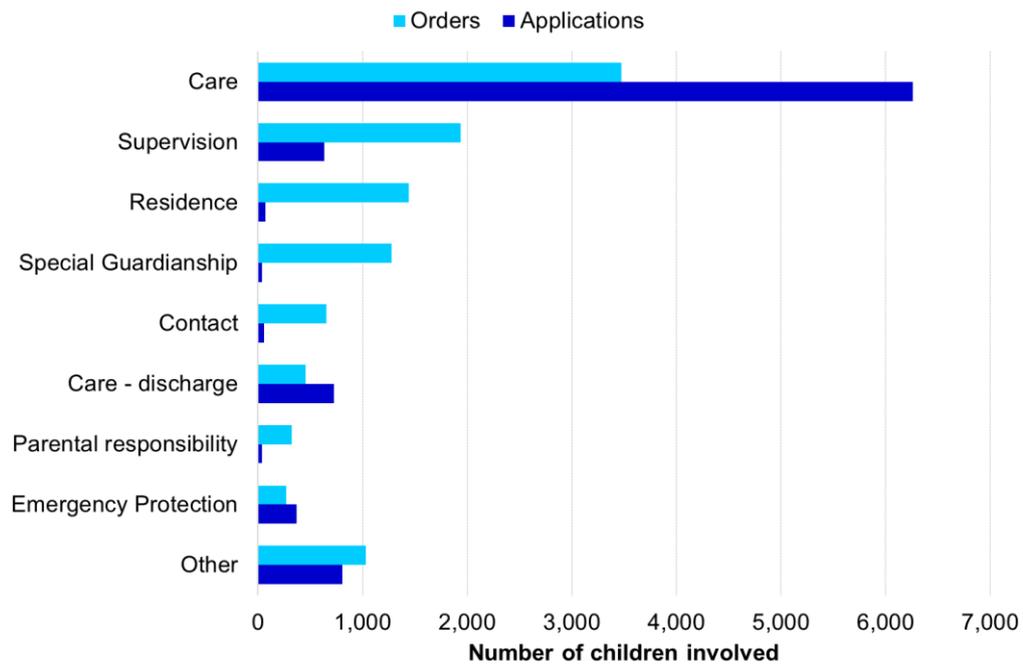
Figure 2 shows the most common types of Public law orders applied for and made in July to September 2018, illustrating the different pattern between the types of orders applied for and the orders that are given, i.e. an application for one type can result in an order of a different type being made.

The number of children involved in Supervision and Special Guardianship Orders (SGOs) made at the same time has been published for the first time this quarter. Instances of this more than tripled from 630 children in 2011 to 2,084 children in 2015 and this figure has since stabilised. There have been 1,375 instances in 2018 up to the end of September.

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

**Figure 2: Public law applications and orders made, showing the number of children involved in each order type, July to September 2018 (Source: Tables 3-4)**



### 3. Private Law

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

The number of Private law **cases<sup>2</sup> started** increased by 2% in July to September 2018 compared to the equivalent quarter in 2017, as did the number of **applications** over the same period.

The number of Private law **cases disposed of** in July to September 2018 was down 4% on the equivalent quarter in 2017, with the number of **disposals** also down 4%.

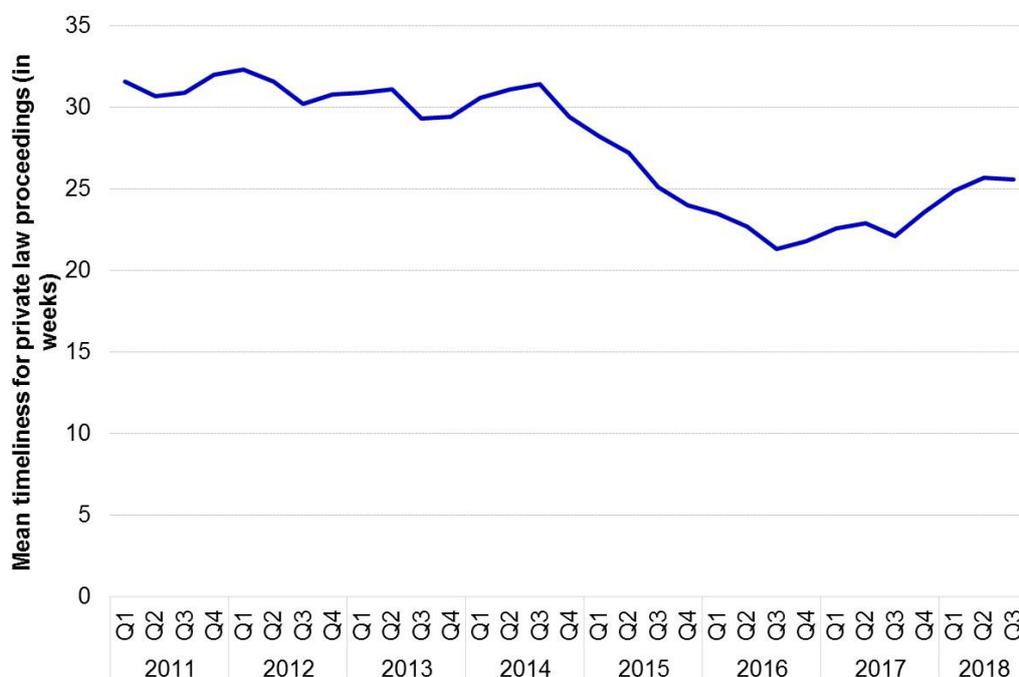
There were 13,820 new Private law applications in July to September 2018, up 2% on the equivalent quarter in 2017 – these applications involved 31,464 children; on average, there were 2.3 children involved in each application.

The number of Private law disposals in July to September 2018 was 19,401, down 4% on the equivalent quarter in 2017, whilst the number of children involved was down 1% to 46,259 in July to September 2018. The average number of children involved in each disposal was 2.4 for July to September 2018, up from 2.3 in the equivalent quarter in 2017.

#### Timeliness of Private law cases

In July to September 2018, it took on average 26 weeks for Private law cases to reach a final order, i.e. case closure, up 3.5 weeks on the same period in 2017. This continues the upward trend seen since the middle of 2016, where the number of new cases started overtook the number of disposals.

**Figure 3: Private law timeliness from case start date to final order in the family court, January to March 2011 to July to September 2018 (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

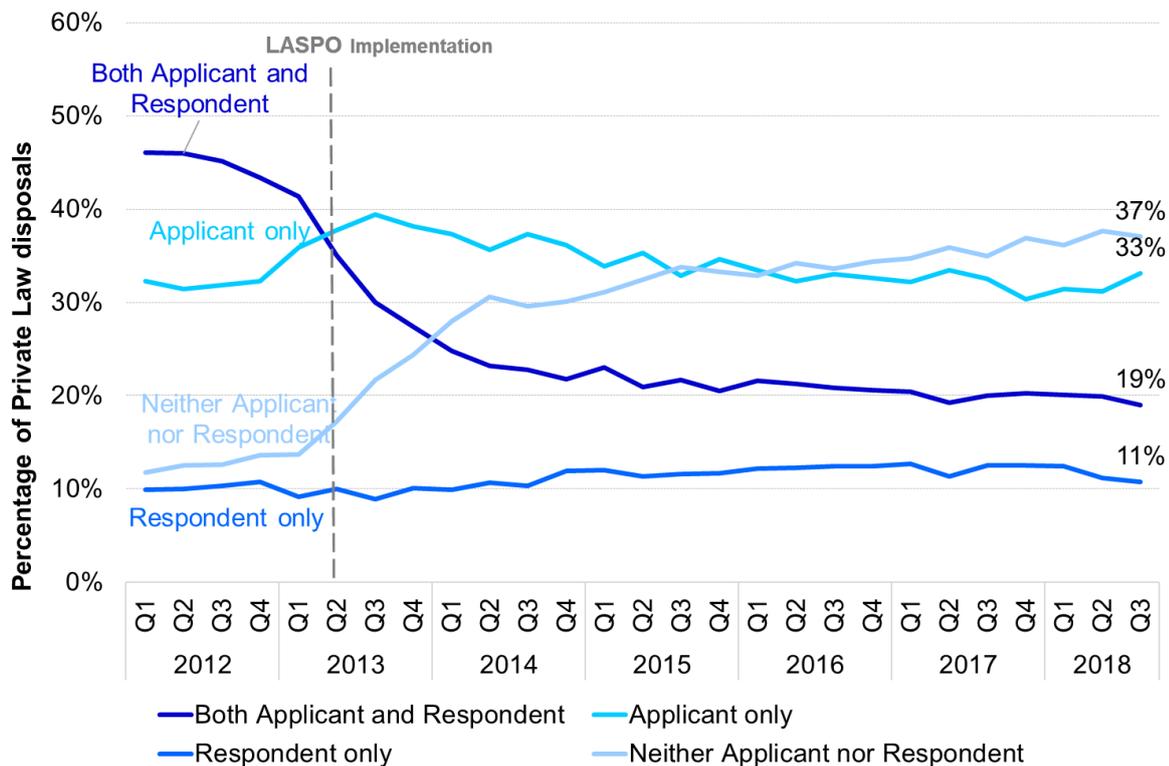
### Cases with legal representation take longer on average

In general, 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).

### 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>3,4</sup>. In July to September 2018, the proportion of disposals where neither the applicant nor respondent had legal representation was 37%, an increase of 15 percentage points since July to September 2013. Correspondingly, the proportion of cases where both parties had legal representation dropped by 11 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 2018 (Source: Table 10)**



The proportion of parties with legal representation in **cases with at least one hearing varies** by case type range from around 77% for financial remedy to 3% for adoption cases (Table 11), with figures subject to change as new cases progress.

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

<sup>4</sup> Removal of Legal Aid was a result of the Legal Aid, Sentencing & Punishment of Offenders Act 2012 (LASPO).

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 32% in July to September 2018.

## 5. Divorce

### Increase in the number of divorce petitions, alongside an increase in timeliness of proceedings

Divorce petitions were up by 7% in July to September 2018 compared to same period in the previous year.

Average time from petition to decree nisi increased to 31 weeks in July to September 2018, from 24 weeks in the same quarter of 2017.

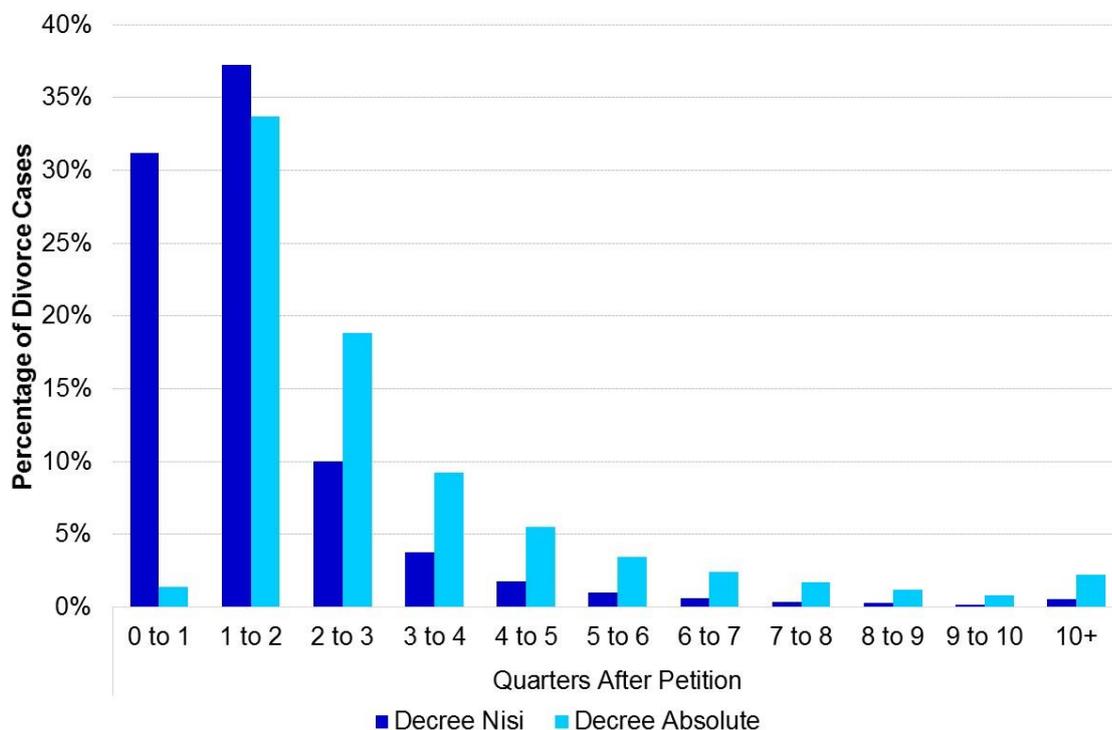
There were 29,971 divorce petitions made during July to September 2018, up 7% from the same quarter in 2017 – much closer to the usual trend seen over the last few years, following last quarter’s sharp rise.

In contrast, there were fewer (21,223) decrees absolutes granted in July to September 2018, down 15% compared to the same quarter in 2017 (Table 12).

For those granted decree nisi in July to September 2018, the average time from the date of petition was 31 weeks, whilst the average time from petition to decree absolute was 56 weeks, the highest figures so far for the periods covered by this bulletin.

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 2018 reaching decree nisi or decree absolute, by the number of quarters since petition (Source: Table 14)**



31% of divorce petitions made between 1 January 2011 and 31 September 2018 reached decree nisi in the first quarter after the petition was made, with a further 37% reaching this stage within the second quarter. Over half the petitions reached decree absolute within

three quarters after petition (1% in the first quarter, 34% within 1 to 2 quarters and 19% within 2 to 3 quarters).

## 6. Financial Remedy

### Decrease seen in financial remedy applications and disposals

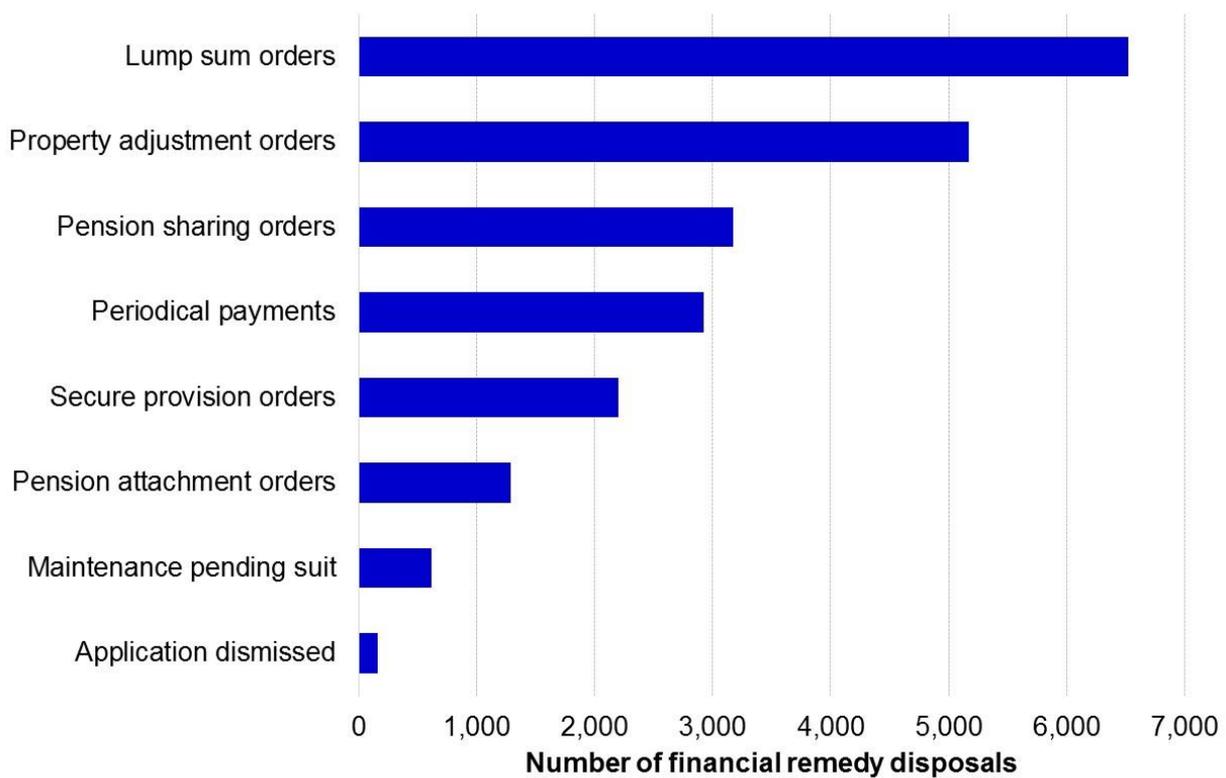
The number of financial remedy applications was down 10%, while disposals were also down, by 2%, over the same period.

There were 10,274 financial remedy applications in July to September 2018, down 10% on the equivalent quarter in 2017 (Table 15).

In July to September 2018, there were 10,503 financial remedy disposals, down 2% on the equivalent quarter in 2017. During this period, 68% of disposals were uncontested, 22% were initially contested and 10% were contested throughout.

In July to September 2018, lump sum and property adjustment orders were the most common types of order given, accounting for over half (53%) of all financial remedy disposal types (Table 16 and Figure 6).

**Figure 6: Financial remedy disposal types, July to September 2018 (Source: Table 16)**



## 7. Domestic Violence Remedy Orders

### Number of domestic violence remedy orders decrease

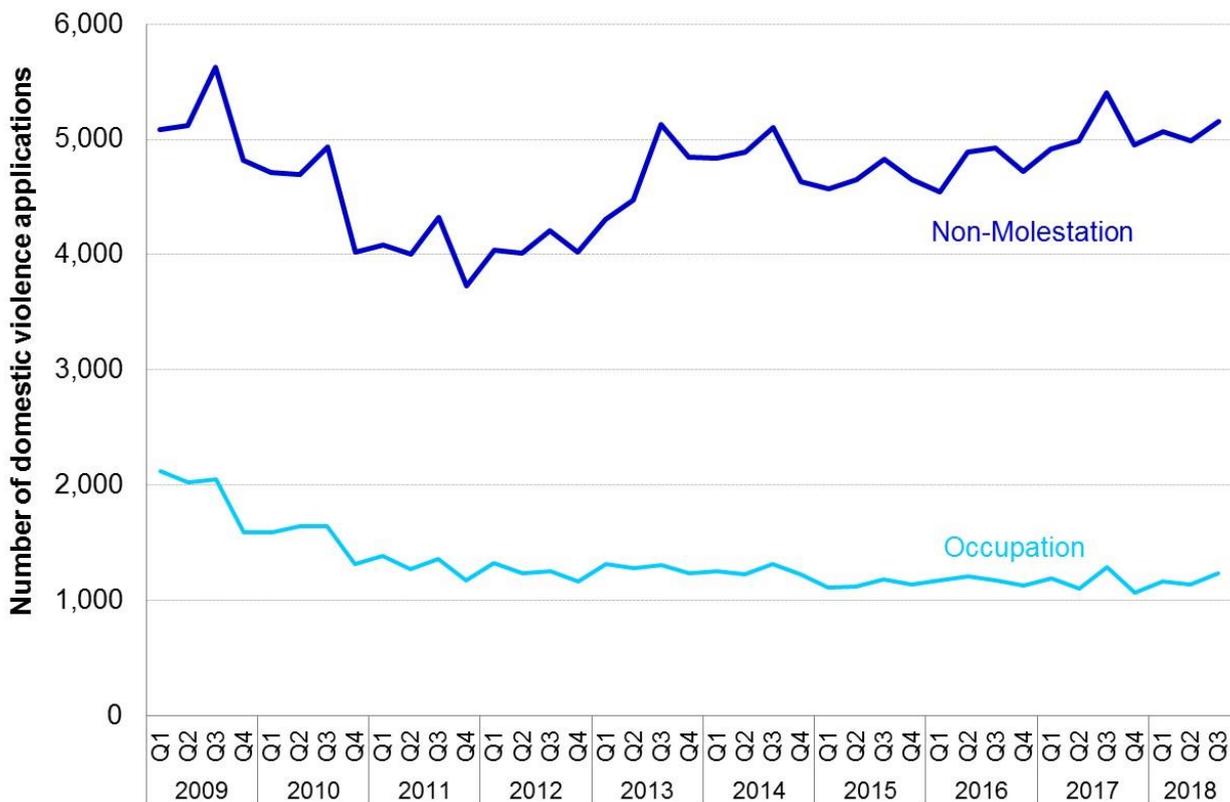
In July to September 2018, the number of applications was down 5% compared to July to September 2017, whilst the number of orders made was down by 1% over the same period, driven by a decrease in occupation orders made.

In July to September 2018, there were 6,388 applications made for a domestic violence remedy order, down 5% on the same quarter in 2017 (which had seen a peak in applications) (Table 17). Most of the applications were for non-molestation orders (81%) compared to occupation orders (19%).

Similarly, of the 7,432 domestic violence orders made in July to September 2018, 92% were non-molestation orders and 8% were occupation orders. There has been virtually no change in the number of non-molestation orders, but an 11% decrease in the number of occupation orders compared to the equivalent quarter in 2017.

Figure 7 below shows that both non-molestation and occupation applications are maintaining a steady trend, despite fluctuations in recent quarters.

**Figure 7: Applications for domestic violence remedy orders, January to March 2009 to July to September 2018 (Source: Table 17)**

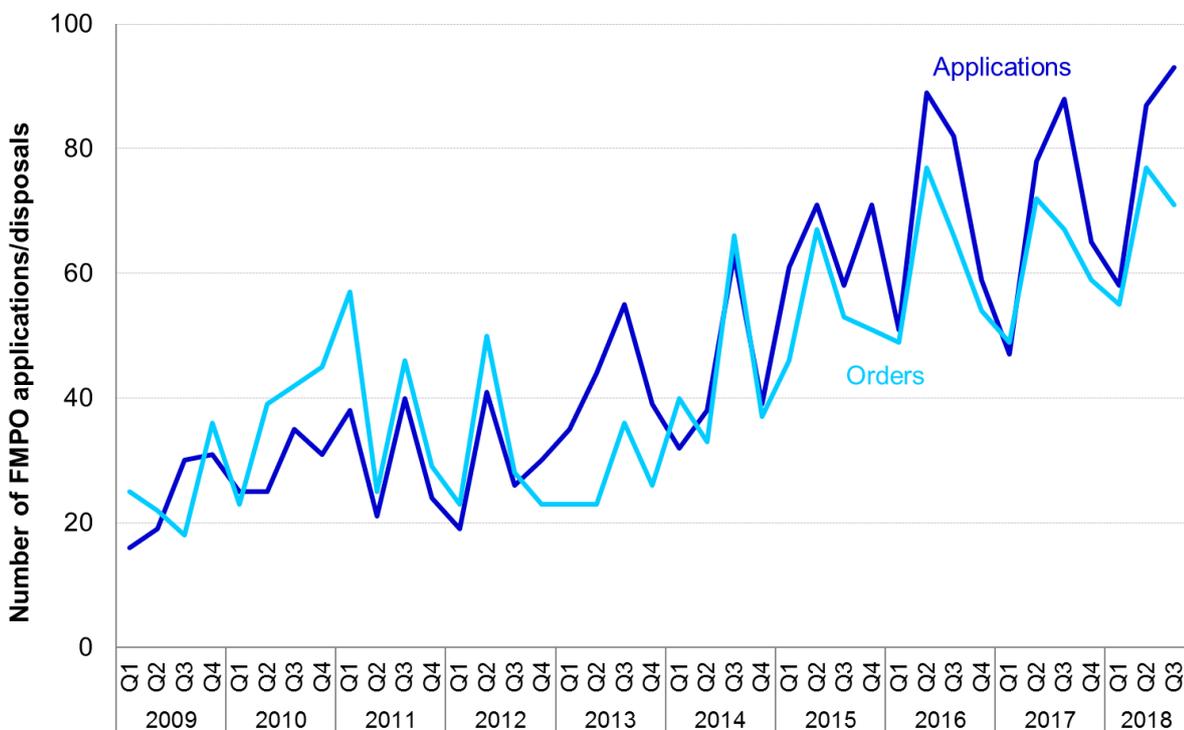


## 8. Forced Marriage Protection Orders and Female Genital Mutilation Protection Orders

**General upward trend in the number of Forced Marriage Protection Orders and Female Genital Mutilation Protection 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 2018, there were 93 applications and 71 orders made (Table 18). Of those applications, a large majority (77%) of the applicants were aged 17 and under.

**Figure 8: Applications and orders made for Forced Marriage Protection Orders, January to March 2009 to July to September 2018 (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 36 and 48 made respectively in July to September 2018 (Table 19). In total, there have been 292 applications and 296 orders made up to the end of September 2018, since their introduction in July 2015.

## 9. Adoptions

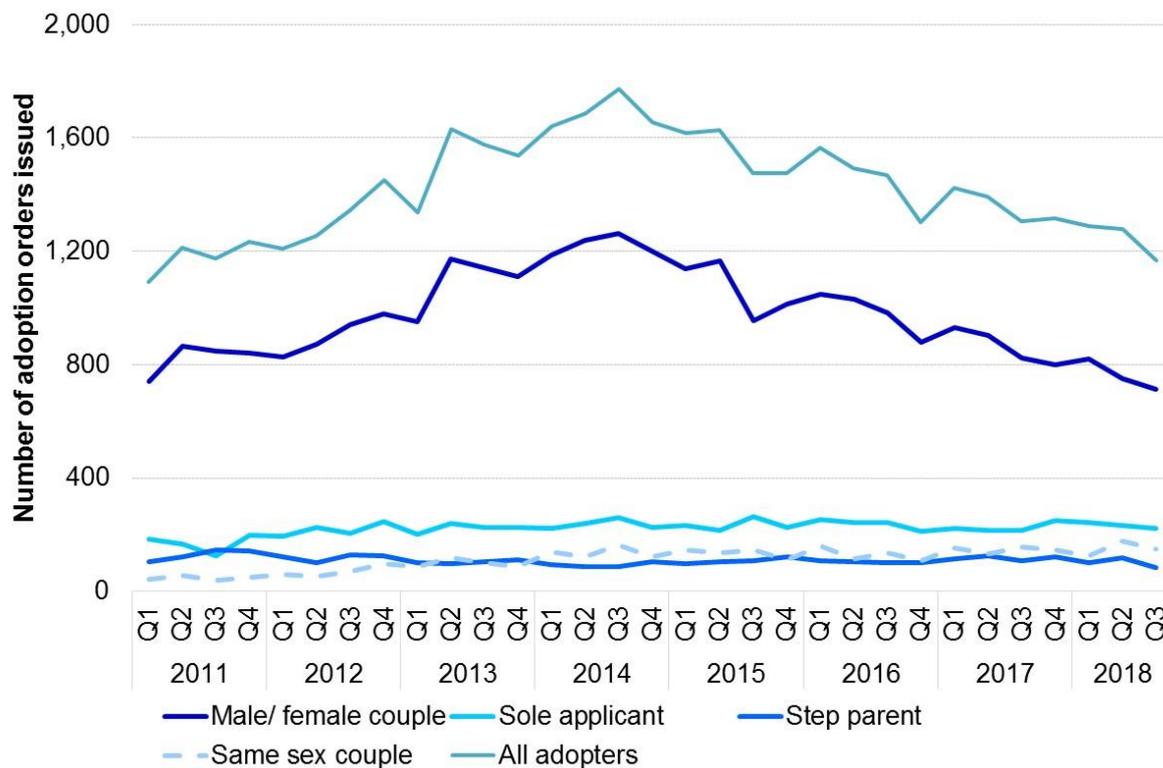
### Number of adoption applications and orders continues downward trend

During July to September 2018, there were 1,243 adoption order applications made, down 10% from the equivalent quarter in 2017. Over the same period the number of adoption orders issued decreased 11% to 1,169 (Tables 20 and 21).

There were 2,728 applications under the Adoption and Children Act 2002, including placement orders during July to September 2018, a 4% decrease on the same quarter in the previous year. Total disposals dropped 15% to 2,274 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 2018, 61% of all adoption orders were issued to male/female couples, 19% to sole applicants, 13% to same-sex couples and a further 7% to step-parents.

**Figure 9: Adoption orders issued, by adopter, January to March 2011 to July to September 2018 (Source: Table 21)**

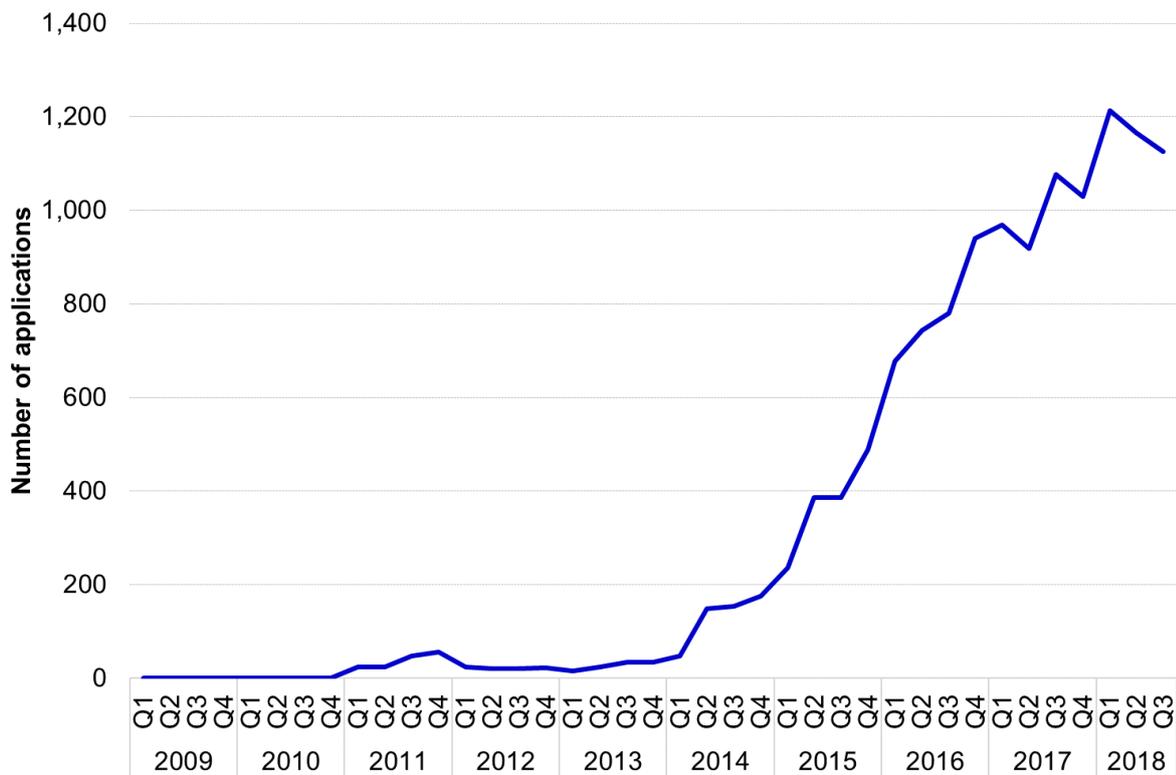


## 10. Mental Capacity Act - Court of Protection

### Continued increasing trend in applications made in relation to deprivation of liberty but a decrease in the number of orders made.

There were 1,126 applications relating to deprivation of liberty made in the most recent quarter, up 5% on the number made in July to September 2017. Orders made for deprivation of liberty decreased by 7% over the same period, from 569 to 610 respectively.

**Figure 10: Deprivation of Liberty applications, January to March 2008 to July to September 2018 (Source: Table 22)**



In July to September 2018, there were 7,900 applications made under the Mental Capacity Act 2005 (MCA), down 2% on the equivalent quarter in 2017 (8,049 applications). Half (53%) related to applications for appointment of a property and affairs deputy (Table 22).

In comparison, there were 9,148 orders made under the MCA, 9% less than the same quarter in 2017. 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

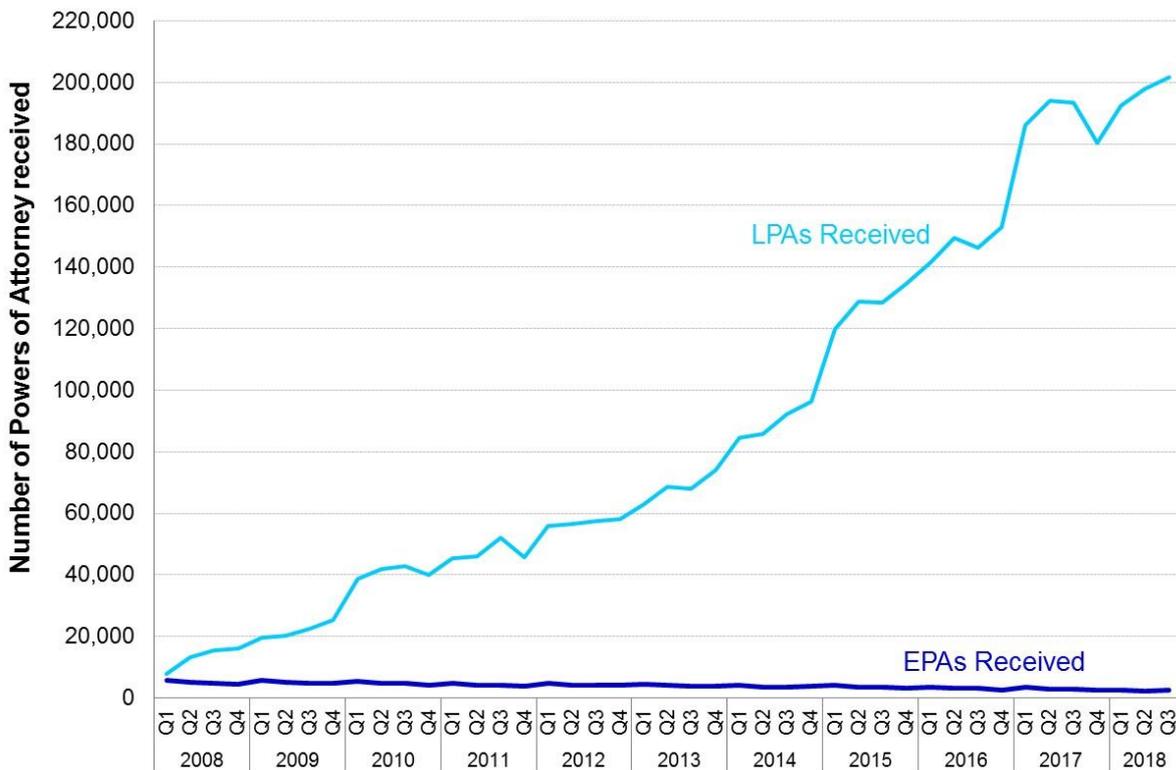
### Increasing trend in Lasting Powers of Attorney (LPAs) is slowing down

In July to September 2018, there were 201,753 LPAs received, up 4% from the equivalent quarter in 2017.

There were 201,753 Lasting Powers of Attorney (LPAs) received in July to September 2018, up 4% on the same quarter for 2017 (Table 24). The sharp increase seen during 2015 and 2016 was largely due to increased publicity and the new online forms introduced in July 2015 making it simpler and faster to apply for LPAs. However, the upward trend has slowed down over the past 18 months (Figure 11).

There were 2,480 Enduring Powers of Attorney (EPAs) in July to September 2018, down 11% on the equivalent quarter in 2017.

**Figure 11: Powers of attorney received, January to March 2008 to July to September 2018 (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 <https://public.tableau.com/profile/moj.analysis#!/vizhome/FamilyCourtsStatisticstool2018Q3/Frontpage>.



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