



Ministry
of Justice



Family Court Statistics Quarterly, England and Wales

July to September 2016

Ministry of Justice
Statistics bulletin

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Introduction

This statistical bulletin presents statistics on activity in the family courts of England and Wales and provides provisional figures for the latest quarter (July to September 2016) with accompanying commentary and analysis. The figures give a summary overview of the volume of cases dealt with by these courts over time, with statistics also broken down for the main types of case involved. Detailed statistics and historic time series can be found in the accompanying Excel tables.

The statistics in this bulletin are used to monitor court workloads, to assist in the development of policy, and their subsequent monitoring and evaluation.

Information on civil cases can be found here:

www.gov.uk/government/collections/civil-justice-statistics

Information on criminal cases can be found here:

www.gov.uk/government/collections/criminal-justice-statistics

Information on publicly funding legal services is now published by the Legal Aid Agency and can be found here:

www.gov.uk/government/collections/legal-aid-statistics

There is also a separate **Guide to Family Court Statistics** published alongside this publication which provides definitions for the terms used in this report, information regarding the symbols and conventions used in the bulletin, as well as information about the systems and data sources used to compile the statistics.

Family Court Statistics Visualisation Tool

As part of our wider work on improving data visualisation and accessibility, we have developed a data visualisation tool which sits on top of the data underlying the publication and its associated csv files – the tool provides users with the capability to:

- interrogate the published information at a lower level of detail; and
- produce bespoke charts specific to their user requirements.

The tool can be found here:

www.public.tableau.com/profile/moj.analysis#!/vizhome/FamilyCourtstatistics2016Q3/Frontpage

We are seeking views on how effectively the data visualisation tool:

- better meets user needs; and
- improves the dissemination of information.

As well as requesting feedback on the data visualisation tool, the structure and content of this report are continually being reviewed to reflect user requirements. If you have any feedback about the report generally, please contact the production team using the [contact details](#) at the back of this report.

Previous editions of Family Court Statistics Quarterly can be found at:

www.gov.uk/government/collections/family-court-statistics-quarterly

Earlier editions of the information presented in this bulletin prior to July 2014 are in the Family chapters of the Court Statistics Quarterly publications which can be found at:

www.gov.uk/government/collections/court-statistics-quarterly

There are a number of CSV files that support this publication, in the accompanying zip file. Further information about these files can be found in the word document 'Guide to Family Justice - Guide to national and court-level information.doc', which is also included in the zip file. The CSV files contain:

- Selected summary of family cases by Designated Family Judge area and region.
- Additional breakdowns and further details for each of the 'main tables' published alongside this document.

Changes in reporting

In this edition of Family Court Statistics Quarterly, we have added two new tables to the accompanying Excel tables. Table 5 shows the number of individual children in public and private law cases by age and Table 8 shows the number of parties in family law cases by their legal representation status. This is in response to user feedback and increased interest in these figures.

It should be noted that the new Table 8 has highlighted an issue regarding the recording of parties without legal representation, particularly in Public law cases where applicants would generally be public bodies with access to their own legal resources. We will carry out additional analysis to investigate this further and will report our findings in due course.

Users of the statistics

The main users of these statistics are Ministers and officials in central government responsible for developing policy with regard to family justice. Other users include the central government departments, and various voluntary organisations with an interest in family justice. The data also feed into statistics produced by the Office for National Statistics, such as public sector productivity.

Next publication

The next edition of Family Court Statistics Quarterly is scheduled to be published on 30 March 2017, covering the period October to December 2016.

Key Findings

This report presents statistics on activity in the family courts of England and Wales in the third quarter of 2016 (July to September).

- 64,109 cases started in family courts in England and Wales in July to September 2016, a 4% increase from the equivalent quarter in 2015. This is driven by increases in public law, private law and financial remedy cases.
- The number of public law cases starting has increased by 21% over the last 12 months from 4,060 to 4,932 in July to September 2016. Similarly, the number of children involved in public law applications increased by 20% over the same period to 9,082.
- The number of private law cases started in July to September 2016 increased by 14% from the equivalent quarter in 2015 to 12,687.
- The average time for the disposal of public and private law cases has dropped by 1 week since July to September 2015.
- The average time for the disposal of a care or supervision application made in July to September 2016 was 26.6 weeks, remaining steady over the past year.
- 63% of care or supervision proceedings were disposed of within 26 weeks, following on from the 26 week time limit introduced in the Children and Families Act 2014.
- The number of applications for domestic violence remedy orders has remained stable over the last year at around 4,800 non-molestation and 1,200 occupation applications.
- Following their introduction in July 2015, there have been 97 applications and 79 orders made for Female Genital Mutilation Protection Orders (FGMPOs) up to the end of September 2016.
- 1,457 applications were made for an adoption order, unchanged from the same quarter in 2015.
- There has been a steady upward trend in the number of applications and orders made under the Mental Capacity Act 2005 and a 19% increase in applications in the latest quarter from July to September 2015.
- Applications relating to deprivation of liberty doubled over the last 12 months from 386 made in July to September 2015 to 781 in the latest quarter.
- There were 149,499 Lasting Powers of Attorney (LPAs) in July to September 2016, up 14% on the same quarter for 2015.

Section 1 - The Family Justice System

Until 22 April 2014, family cases were dealt with at Family Proceedings Courts (which were part of the magistrates' courts), at county courts or in the Family Division of the High Court. From 22 April 2014, all family cases are now dealt with in the Single Family Court.

Family courts deal with cases such as: parental disputes (Private Law), local authority intervention to protect children (Public Law), matrimonial cases such as divorce petitions, the financial provisions for children after divorce or relationship breakdown, domestic violence remedies and adoption.

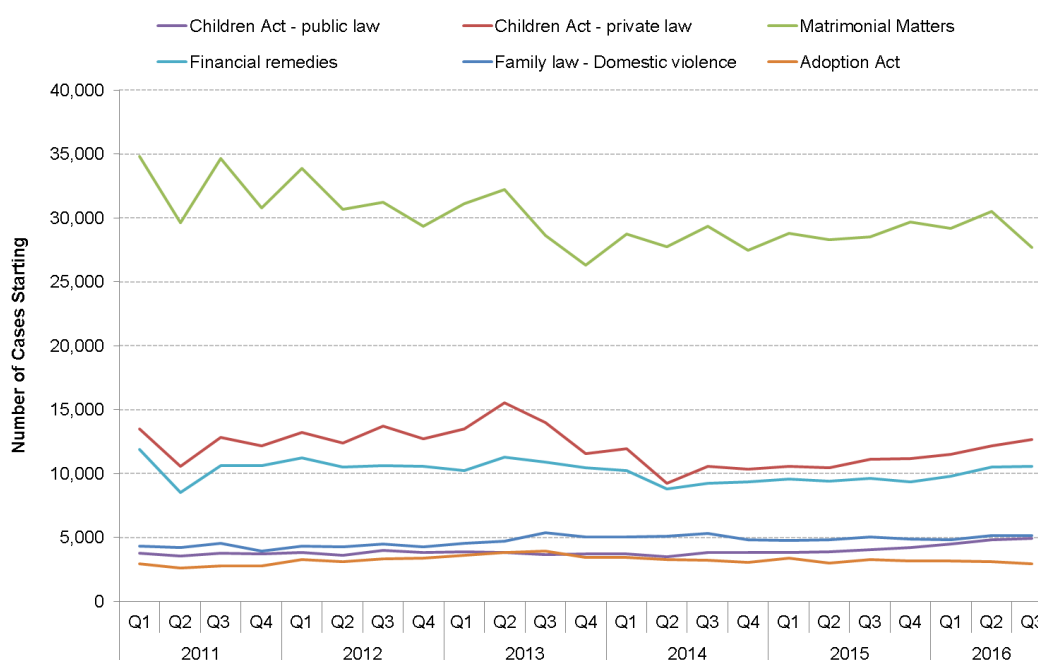
Total family court case caseload

In July to September 2016, 64,109 new cases started in family courts, an increase of 4% from the equivalent quarter in 2015. This is driven by recent increases in public law, private law and financial remedy cases, as shown in Figure 1.

Over recent quarters there has been a particularly large rise in the number of public law cases starting, an increase of 21% from July to September 2015.

Table 1 (in the accompanying Excel tables) also shows the total number of new cases starting and cases reaching a conclusion in family courts in each quarter from 2011. There were 59,404 cases disposed in July to September 2016.

Figure 1: New family cases started, by case type, January to March 2011 to July to September 2016



Timeliness by Case Type

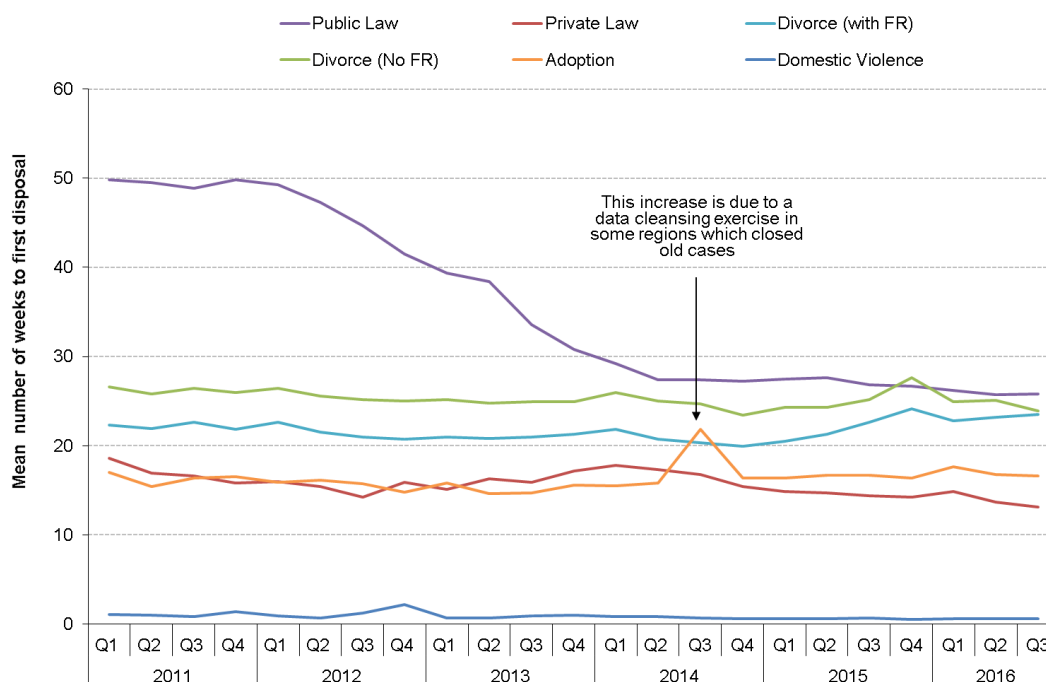
Figure 2 shows the average number of weeks to first disposal across the different case types in the family courts. In 2011, public law cases took almost twice as long as other case types (50 weeks). However, from 2012 the average number of weeks to reach a first disposal fell steadily to 27.4 weeks by Q2 2014 (April to June). It has since remained fairly stable, although since July to September 2015 there has been a further drop of 1 week to 25.8 weeks in the latest quarter (Table 7).

Timeliness for private law and divorce (no financial remedy) has also dropped by around 1 week over the last 12 months to 13.1 and 23.9 weeks respectively in July to September 2016.

The time taken to first disposal in divorce cases with financial remedy has increased by 1 week over the last 12 months to 23.5 weeks in July to September 2016. This follows a long period of stability at around 20 weeks and may be due to the clearance of a backlog of cases following the creation of the new centralised divorce centre for London and the South East region during 2015.

Detailed figures are available in Table 7 and timeliness by legal representation figures are provided in Section 4.

Figure 2: Timeliness for proceedings in the Family Court by case type, January to March 2011 to July to September 2016

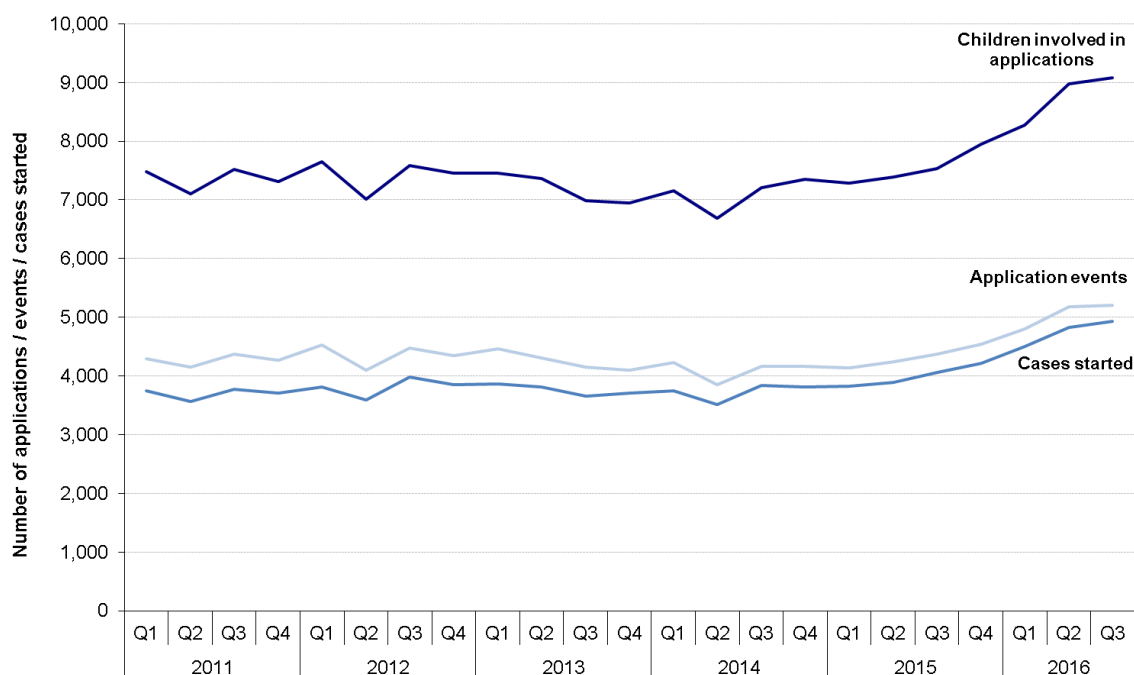


Section 2 - Public Law

Public law cases are those brought by local authorities or, very rarely, an authorised person to protect the child and ensure they get the care they need. They can apply for a range of different orders, including a care or supervision order which determines whether the child should be looked after or supervised by the local authority, or an emergency protection order which allows an individual or local authority to take a child away from a place where they are in immediate danger to a place of safety.

Following the publicity surrounding the Baby P case¹, the number of children involved in public law applications made by local authorities jumped from around 20,000 to almost 26,000 in 2009 and subsequently to 29,500 in 2011 (Table 2). Figures have remained fairly steady at around 7,000 per quarter, but there has been an increase over the last 12 months, with 9,082 children involved in public law applications in July to September 2016, an increase of 20% from the equivalent quarter in 2015 (Figure 3). Each region has experienced a rise in the number of children involved in public law applications, although the size of the increase varies from 6% in the Midlands to 47% in London. The MoJ and HMCTS are continuing to look into the reasons behind the recent increases in public law applications.

Figure 3: Public law applications: number of children involved, number of application events and number of cases started, January to March 2011 to July to September 2016



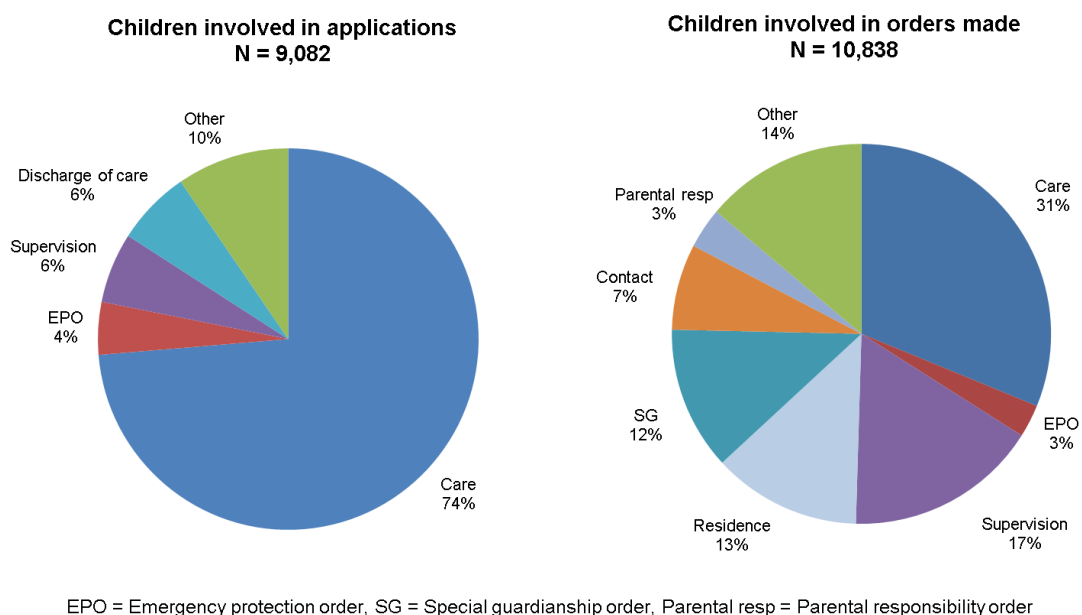
¹www.web.archive.org/web/20081208061525/http://www.haringey.gov.uk:80/index/news_and_events/latest_news/childa.htm

More than one application may be made during the life of a case. The number of public law cases started increased by 21% to 4,932 in July to September 2016 compared to the same quarter in 2015. The number of applications made, which can cover more than one child, was 5,209 in July to September 2016 - on average, there were 1.7 children involved in each application. The number of individual children involved in Public law applications by age group is given in Table 5 – which shows that nearly half of the children are aged under 5 at the time of application.

There were 10,838 children involved in public law orders made in July to September 2016. The number of orders made is generally higher than the number of applications made as some orders relate to applications made in an earlier time period, and an application for one type of order can result in multiple orders being made.

Figure 4 shows that the most common type of order applied for in July to September 2016 was for care (74% of children involved in applications). There is often a different pattern between the types of order applied for and the orders that are given because an application for one type can result in an order of a different type being made. For example, there were 542 children involved in applications for a supervision order in July to September 2016, compared to 1,787 children involved in supervision orders made in that same quarter (Table 3). This is because some supervision orders made resulted from an application for a different order type. Care and supervision orders made up almost half of the total orders made in July to September 2016.

Figure 4: Public law applications and orders made, showing the percentage of children involved in each order type, July to September 2016



The Children and Family Court Advisory and Support Service (Cafcass) also publishes data on the number of care applications, the latest edition of which can be found here:

<https://www.cafcass.gov.uk/leaflets-resources/organisational-material/care-and-private-law-demand-statistics/care-demand-statistics.aspx>

Case level care order figures are currently not produced by the MoJ and so comparisons between the two datasets cannot be made at this time.

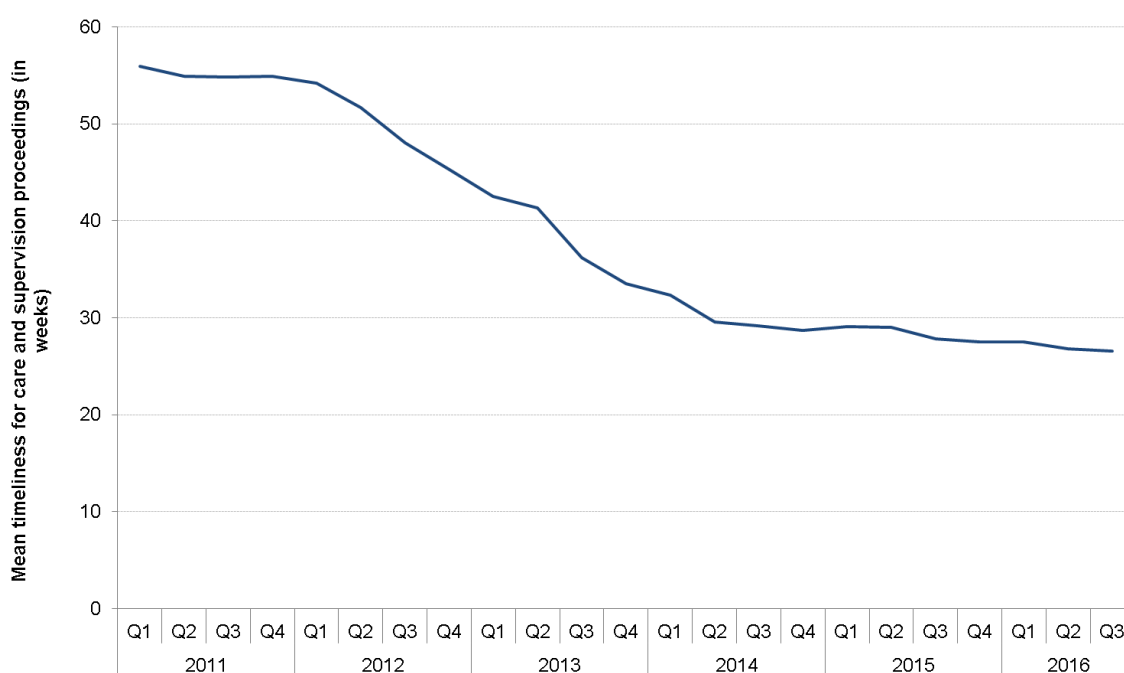
Timeliness of care proceedings

Statistics on the time taken to complete care and supervision cases in the family courts of England and Wales are given in Table 6. This table presents summary statistics showing the time, in weeks, between the date an application for a care or supervision order was lodged and the date the first care, supervision, or other substantive order was made in the case, for those cases disposed of during each quarter.

A long term downward trend seen since 2011 reduced the average time for a disposal to be made to around 29 weeks in Q3 2014 (July to September), and then dropped again slightly to 27.5 weeks at the end of 2015 (Table 5). This figure has remained fairly constant in the latest quarter at 26.6 weeks (Figure 5).

The Children and Families Act 2014 introduced a 26 week time limit for completing care and supervision proceedings. 63% of care or supervision proceedings disposed in July to September 2016 were within this limit.

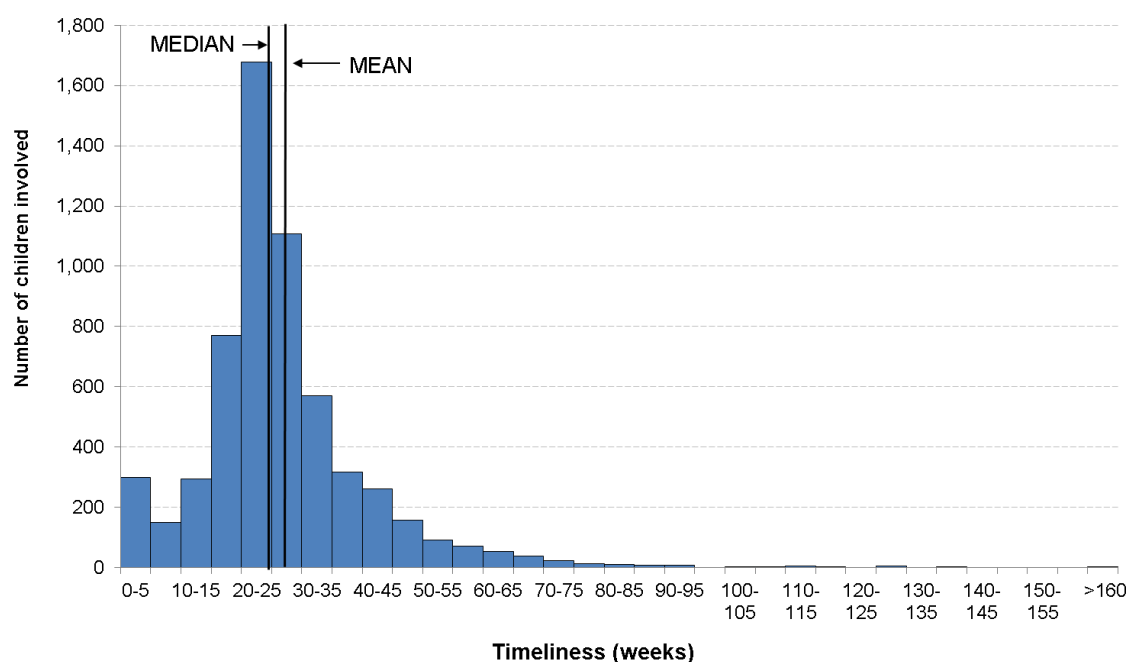
Figure 5: Timeliness for care and supervision proceedings in the Family Court, January to March 2011 to July to September 2016



The average time for a disposal can be skewed by cases that take a long time, and so the median time is also calculated. The median time to make a disposal in a case was 24.4 weeks for all children involved in care and supervision proceedings where a decision was reached during July to September 2016. This indicates that half of the children waited 24.4 weeks or less from application to a substantive disposal, and the other half waited at least 24.4 weeks. This median value is different to the average (mean) quoted in the paragraph above as it is not influenced by the few very long case durations.

Figure 6 shows how many children were involved in each timeliness band in their case proceedings for cases disposed in July to September 2016.

Figure 6: Timeliness for care and supervision proceedings showing number of children involved in each timeliness band, July to September 2016



Section 3 - Private Law

Private law cases are those court cases between two or more private individuals who are trying to resolve a dispute. This is generally where parents have split up and there is a disagreement about who the children should live with and have contact or otherwise spend time with.

The number of private law cases started in July to September 2016 increased by 14% from the equivalent quarter in 2015 from 11,140 to 12,687 (Table 2). The number of children involved in applications also increased by 17% over the same period to 27,915. These increases are evident across all regions in England and Wales.

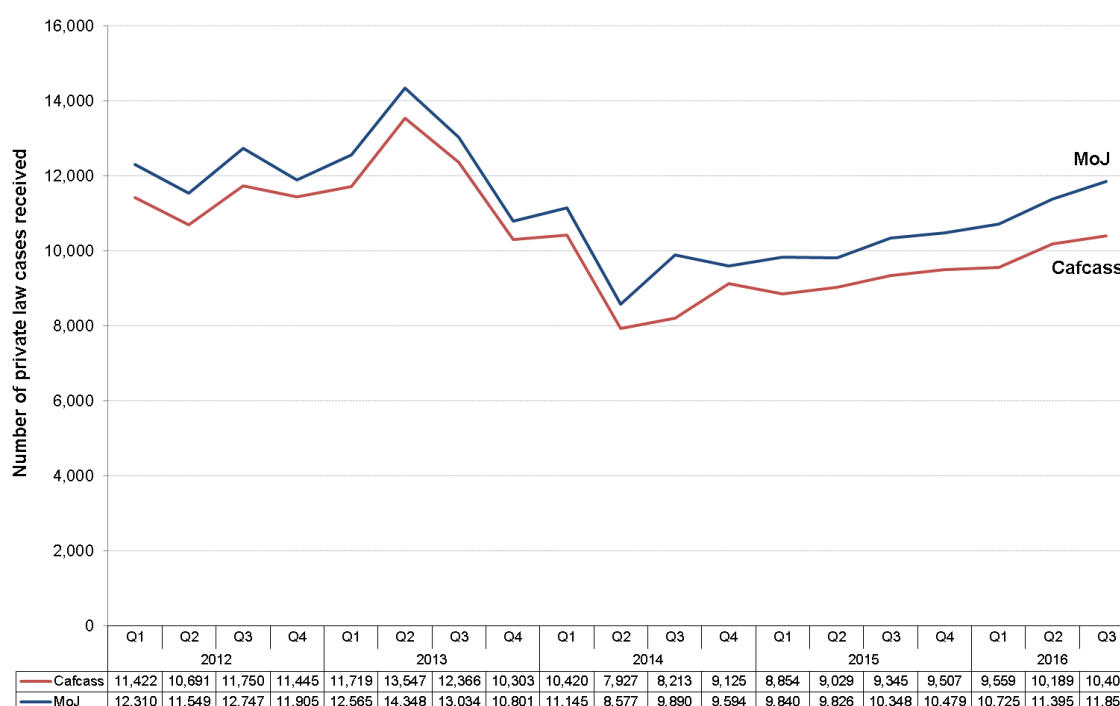
The number of children involved in private law orders made in July to September 2016 was 42,600, a 5% increase from the same quarter in 2015.

The Children and Family Court Advisory and Support Service (Cafcass) also publishes (England only) data on the number of private law cases started, the latest edition of which can be found here:

www.cafcass.gov.uk/leaflets-resources/organisational-material/care-and-private-law-demand-statistics/private-law-demand-statistics.aspx

Figure 7 compares both Cafcass and MoJ figures and shows that the two trends are very similar. For the last two years MoJ figures have been, on average, 10% higher.

Figure 7: Comparison of the number of private law cases received, as recorded by Cafcass and the MoJ (England only), January to March 2012 to July to September 2016



This is mostly due to Cafcass only receiving Section 8 cases² from the courts. Other differences between the two data sets include the following:

- Section 8 cases where all of the issues are dealt with on the day (called 'urgent without notice' applications) should not be sent to Cafcass.
- Section 8 cases which are not listed within the Private Law Programme (PLP) and do not have a first hearing dispute resolution appointment (FHDRA) should also not be sent to Cafcass.
- Certain non-section 8 cases can be sent to Cafcass if the subject child is a party to ongoing proceedings (and a Cafcass officer has been appointed as the children's guardian) or the court is directed to do so by a judge or legal advisor.

This accounts for the discrepancy between the two data sets which cannot be accurately matched as it is impossible to identify the various situations described above from administrative data sources (particularly the 'urgent without notice' applications).

Timeliness of private law cases

As shown in Figure 2 and Table 7, from the middle of 2012 to the end of March 2014 the average time to first definitive disposal had been on a slight upward trend for private law cases overall. This trend then reversed with the average time to first disposal at 14.5 weeks for 2015 overall, down 2.4 weeks from the 2014 overall average. For the most recent quarter, July to September 2016, the average time to first disposal was 13.1 weeks, down 1.3 weeks from the equivalent quarter in 2015.

² Under the Children Act 1989, Section 8 orders refer to child arrangement orders (contact and residence), prohibited steps and specific issue orders.

Section 4 - Legal representation

Figures on the legal representation of parties in family-related court cases are shown in Table 7. This gives the number of disposals made during each quarter and the average duration between application and first substantive disposal, for divorce, public law, private law, adoption and domestic violence cases, according to whether the applicant(s), respondent(s), both or neither had legal representation during the case. A further breakdown of Table 7 by region is published in the CSV files that accompany this publication.

The legal representation status reflects whether the applicant/respondent's legal representative has been recorded or left blank within FamilyMan, the family court case management system. A blank field is assumed to indicate that no legal representation has been used. Table 7 suggests that for over half of divorce cases not involving financial remedies disposed, neither party had legal representation. However, further analysis shows that these were uncontested cases and almost all of them did not have a single hearing. Therefore, parties recorded as without legal representation are not necessarily self-representing litigants in person.

Therefore, to give a more appropriate proxy for litigants in person, a new table (Table 8) has been added which shows the number of parties in cases with at least one hearing by their legal representation status. So, for example, for divorces involving financial remedy, it can be seen that only a small percentage of cases (about 10%) have a hearing, and of those only about a third of the parties involved are unrepresented.

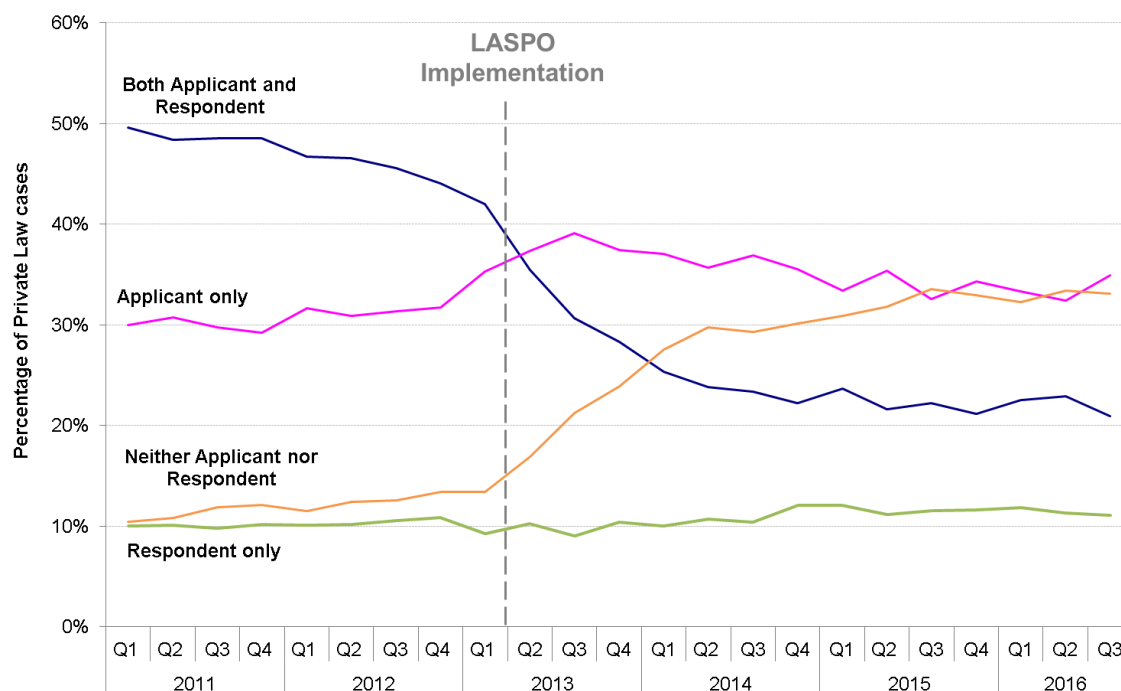
Legal Aid, Sentencing and Punishment of Offender Act, 2012

The implementation of the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) in April 2013 made changes to the scope and eligibility of legal aid. From April 2013, legal aid is now only available for private family law cases (such as contact or divorce) if there is evidence of domestic violence or child abuse and child abduction cases. Legal aid remains available for public family law cases (such as adoption).

The full details of the LASPO Act can be found here:
www.legislation.gov.uk/ukpga/2012/10/enacted

The removal of legal aid for many private law cases has resulted in a change in the pattern of legal representation, and Figure 8 shows how this has changed over time. Around the time that the LASPO reforms were implemented there was a marked increase in the number and proportion of cases where neither party were represented, with an equivalent drop in the proportion of cases where both parties were represented. In July to September 2016, neither the applicant nor respondent had legal representation in 33% of private law cases, an increase of 12 percentage points from July to September 2013. Correspondingly, the proportion of cases where both parties had legal representation dropped by 10 percentage points over the same time period.

Figure 8: Proportion of parties in private law cases with legal representation, January to March 2011 to July to September 2016



The Legal Aid Agency (LAA - formerly the Legal Services Commission) collects statistics on those applying for legal aid, and figures on the number of applications received and certificates granted by various Family categories have been published in their annual and quarterly statistical reports, which can be found here:

www.gov.uk/government/collections/legal-aid-statistics

Timeliness of cases by legal representation

In general, across all case types, cases where either both parties or the respondent only had legal representation took longer than those cases where only the applicant was represented or where both parties were without legal representation. Figure 9 shows the average duration by case type in July to September 2016.

For private law cases, the average time to first disposal started to increase during 2013. This rise was driven by increases for all representation groups, but particularly in the timeliness of cases where both parties were represented (Figure 10). This trend reversed during 2014 and by the start of 2015, the average time to first disposal had returned to pre-2013 levels. Timeliness in July to September 2016 for private law cases overall is 1 week lower than the equivalent quarter in 2015. This is due to drops in timeliness for 'both applicant and respondent' and 'applicant only' groups. It is important to note that quarter on quarter changes should be treated with caution, particularly for 'respondent only' which accounts for 10% of cases and is a volatile time series.

Figure 9: Timeliness of cases according to legal representation of participants, by case type, July to September 2016

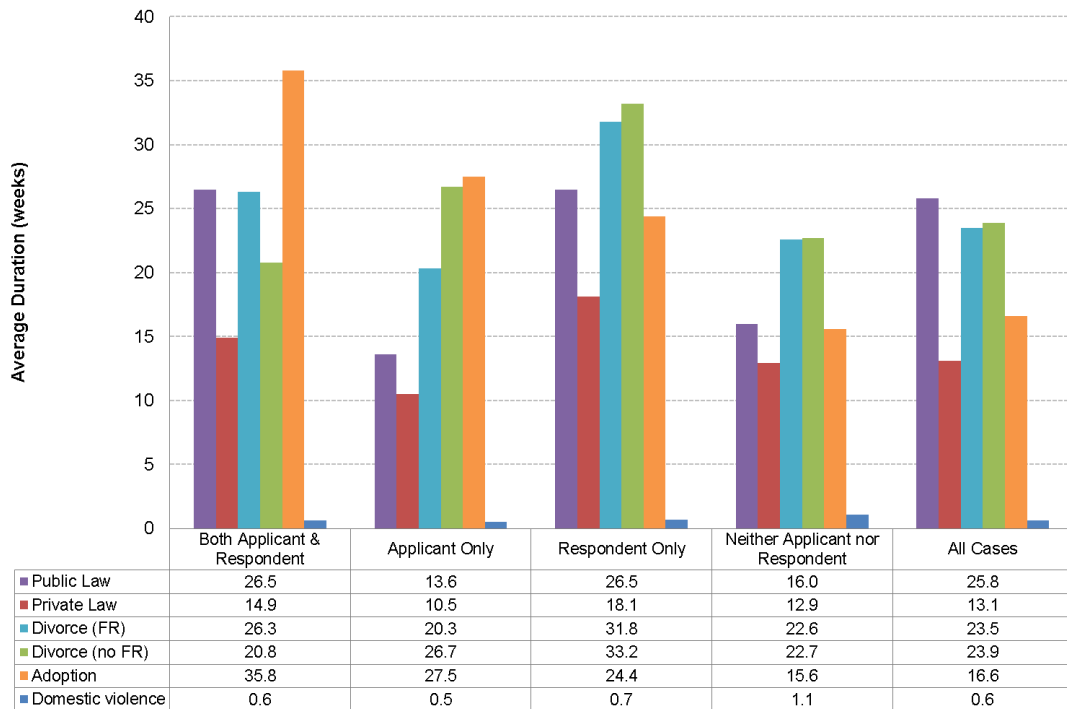
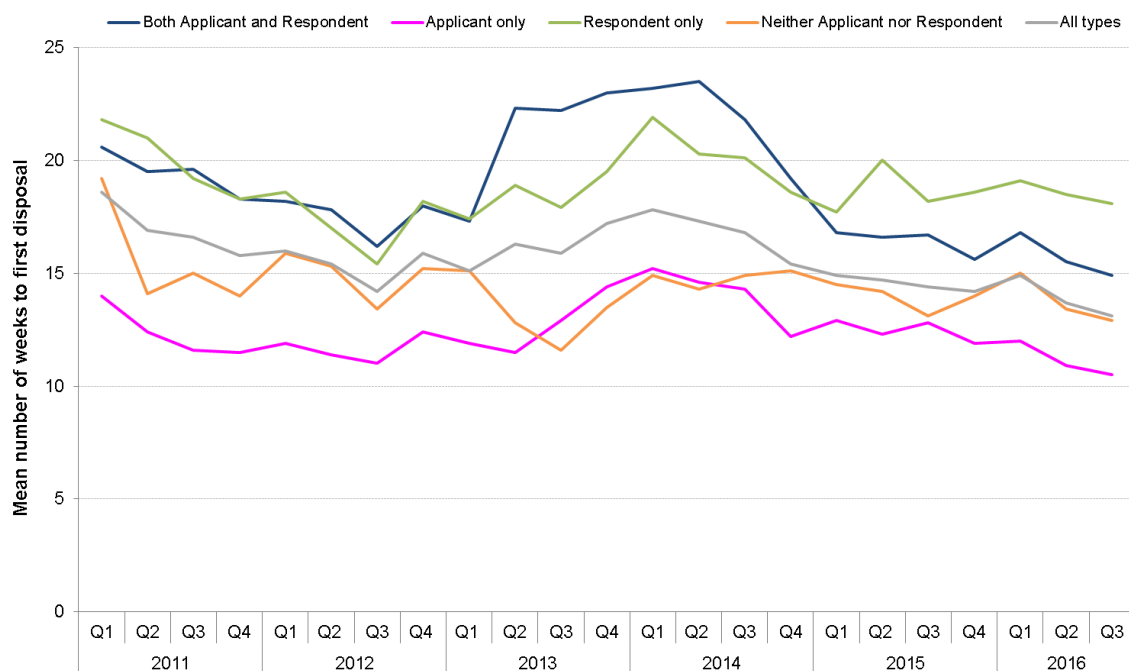


Figure 10: Average time to first disposal in private law cases, January to March 2011 to July to September 2016



Section 5 - Matrimonial matters

Table 9 provides the numbers of petitions and decrees granted for divorce, annulment and judicial separation in England and Wales. The National CSV file and the data visualisation tool that accompanies this publication provide additional information on matrimonial proceedings such as gender of petitioner and whether children were involved or not.

Eleven centralised divorce centres were introduced throughout 2014 and 2015 in England and Wales, with the vast majority of uncontested decree nisi applications being considered by legal advisers (rather than district judges) at those centres. This should be noted when looking at the relevant figures given in the DFJ and Region level CSV file.

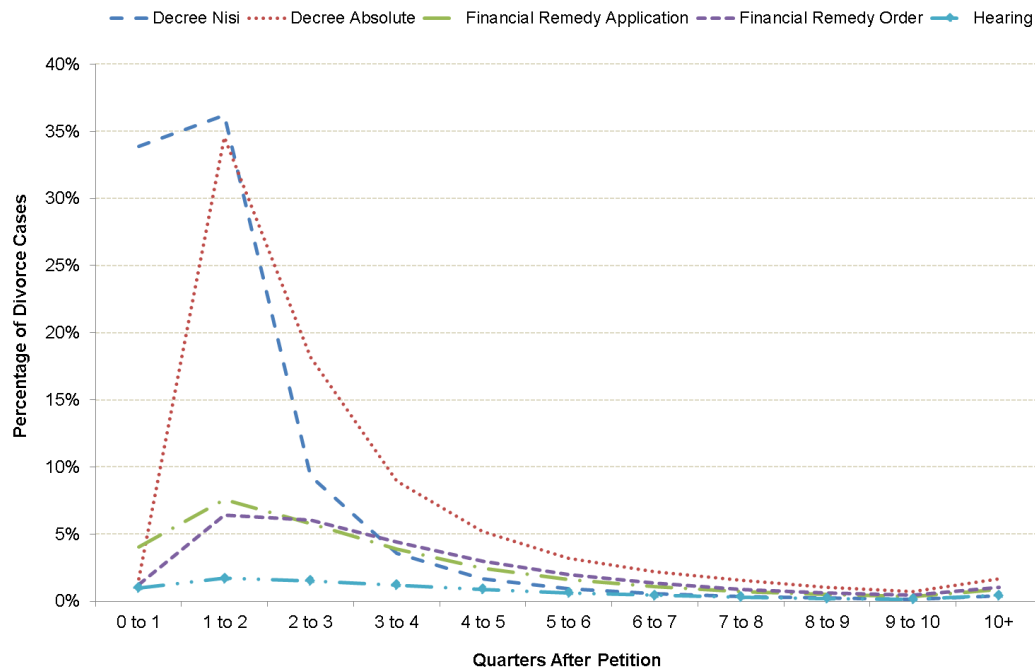
There were 27,707 petitions in July to September 2016. Over 99% of petitions filed for matrimonial proceedings are for divorce. There are very small numbers for annulments and judicial separations. There were 27,912 decrees nisi and 27,775 decrees absolutes granted in July to September 2016, an increase of 15% and 5% respectively from the same quarter in 2015 (Table 9). This increase is due to the clearance of a backlog following the creation of the new centralised divorce centre for London and the South East Region during 2015.

Divorce case progression can be found in Table 10, which shows the number of divorce cases commencing in each year since 2003 and in each quarter since 2009, together with the proportion of those cases that had reached certain stages by the beginning of November 2016 (when the data was extracted for producing this bulletin).

Following consultation, two alternatives for measuring and presenting timeliness are now produced. The first looks at how long it has taken (in weeks) to get to certain stages in the relevant court process from the date when the petition was made (Table 10). The second reports how long it takes, on average, for petitions to reach each stage in the process, counted by the number of quarters elapsed (Table 11 and Figure 11).

These methods of presentation provide a better indication of case progression as they address the weaknesses identified with the previous methodology e.g. they now take account of the correlations between the percentages of claims reaching the milestones in different quarters. They also incorporate previous quarters' data, which will reflect any recent economic or policy changes.

Figure 11: Percentage of divorce cases started between Q1 2011 to Q3 2016 reaching certain stages, by the number of quarters since petition



Over one-third (34%) of divorce petitions made after January 2011 reached Decree Nisi in the first quarter after the petition and a further third (36%) reached this stage within two quarters. Over half of the petitions reached Decree Absolute within three quarters after petition (35% within 1 to 2 quarters after petition and 18% within 2 to 3 quarters).

Financial remedy

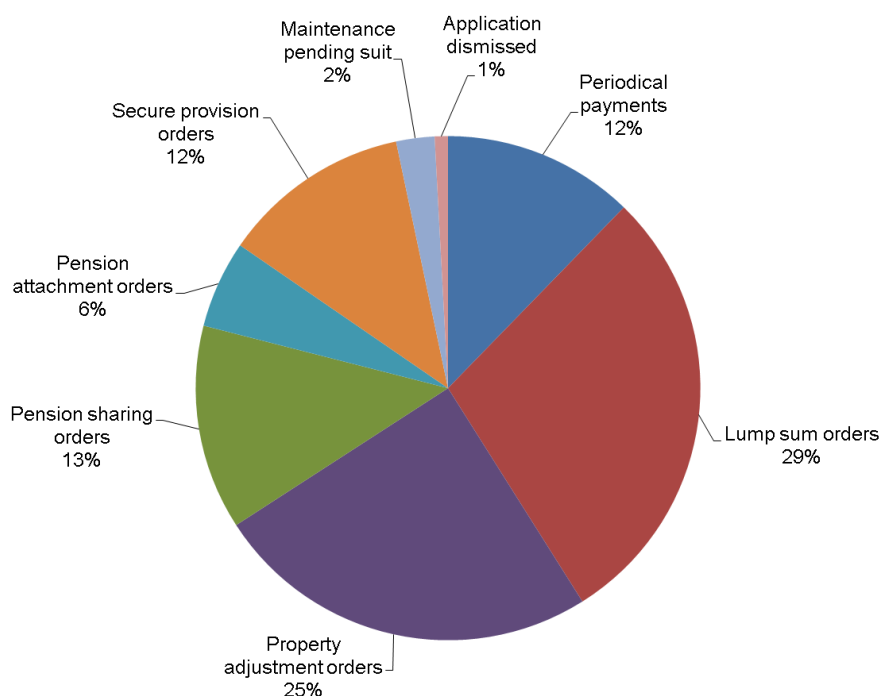
During a divorce, a marriage annulment, or a judicial separation, or the dissolution of a civil partnership, there may still be a need for the court to settle disputes over money or property. The court can make a financial remedy order, formerly known as ‘ancillary relief’. These orders include dealing with the arrangements for the sale or transfer of property, maintenance payments, a lump sum payment or the sharing of a pension. Orders for financial provision other than for financial remedy are not dependent upon divorce proceedings and may be made for children.

There were 11,778 applications in July to September 2016, a 10% increase from the equivalent quarter in 2015 (Table 12).

In July to September 2016, there were 10,358 financial remedy disposals, a 6% increase from the equivalent quarter in 2015. During this latest period, 74% of disposals were uncontested, 19% were initially contested, and 8% were contested throughout. The proportion of disposals that are uncontested has increased by 8 percentage points since July to September 2015.

As shown in Figure 12, in July to September 2016, property adjustment orders and lump sum orders accounted for more than half (54%) of the total financial remedy disposal types (Table 13).

Figure 12: Financial remedy disposal types, July to September 2016



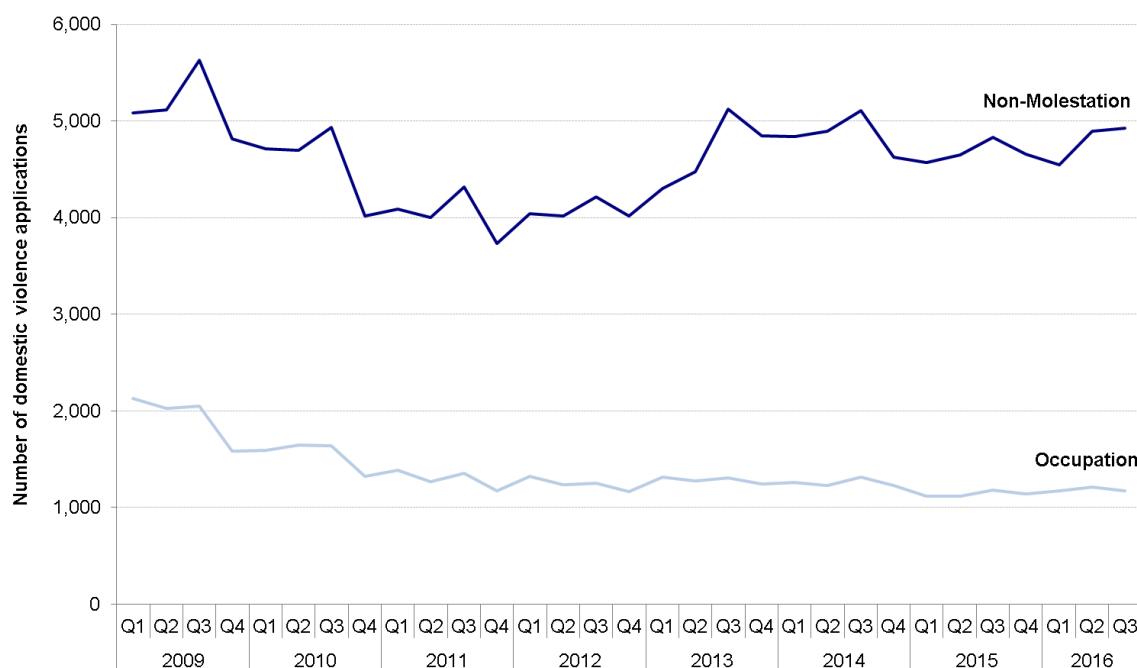
Section 6 - Domestic violence remedy orders

A range of people can apply to the court for a domestic violence remedy order: spouses, cohabitants, ex-cohabitants, those who live or have lived in the same household (other than by reason of one of them being the other's employee, tenant, lodger or boarder), certain relatives (for example, parents, grandparents, in-laws, brothers, sisters), and those who have agreed to marry one another.

Two types of order can be granted:

- a non-molestation order, which can either prohibit particular behaviour or general molestation by someone who has previously been violent towards the applicant and/or any relevant children,
- an occupation order, which can define or regulate rights of occupation of the home by the parties involved.

Figure 13: Applications for domestic violence remedy orders, January to March 2009 to July to September 2016



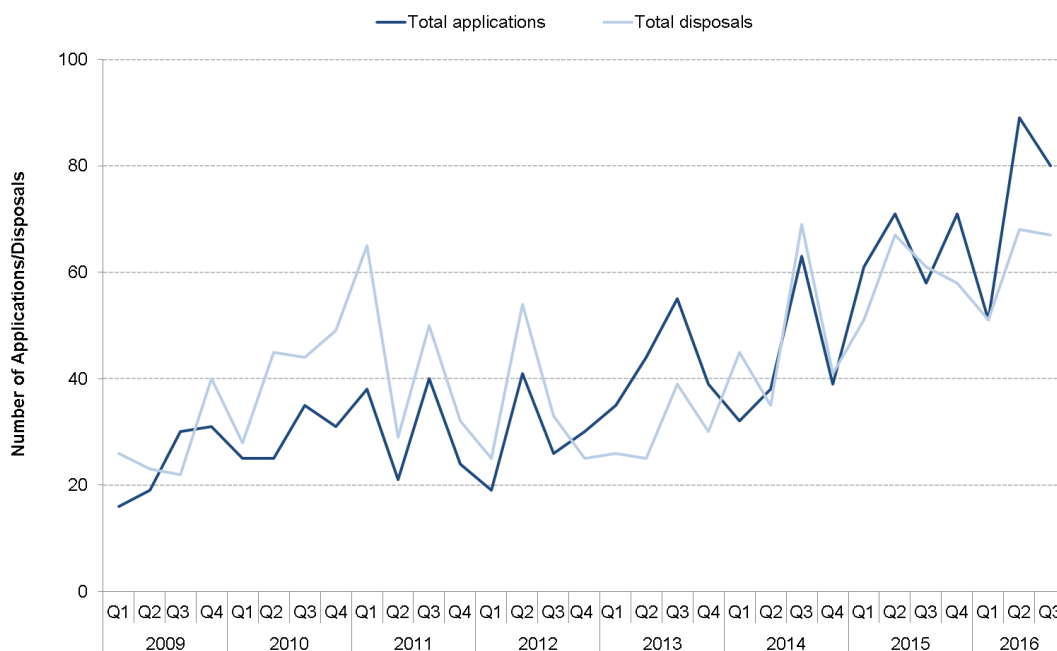
As shown in Figure 13, since 2011 the number of occupation applications have remained fairly steady, whilst for non-molestation applications there was a general increasing trend until the end of 2013. Over the last year, the number of non-molestation applications has remained at around 4,800 per quarter (Table 14).

Section 7 - Forced Marriage Protection Orders

The Forced Marriage (Civil Protection) Act 2007 came into force on 25 November 2008. The Act amended Part IV of the Family Law Act to enable 15 designated courts to make Forced Marriage Protection Orders (FMPOs) to prevent forced marriages from occurring and to offer protection to victims who might have already been forced into a marriage.

The number of applications and orders made for FMPOs is very small. Consequently, as Figure 14 shows, numbers fluctuate each quarter but overall there has been an increasing trend since their introduction in 2008. In July to September 2016, there were 80 applications and 65 orders made (Table 15). The Anti-social Behaviour, Crime and Policing Act 2014 came into force on 16 June 2014 and made it an offence to force a person to marry against their will, or to breach a FMPO. As a result, courts no longer need to attach a power of arrest to an FMPO.

Figure 14: Applications and disposals of Forced Marriage Protection Orders, November 2008 to July to September 2016



Section 8 – Female Genital Mutilation Protection Orders

Female Genital Mutilation Protection Orders (FGMPOs) are intended to safeguard girls who are at risk of FGM at home or abroad, or who are survivors. They came into effect on 17 July 2015, and quarterly figures for these orders are presented in this bulletin for the third time (Table 16).

In July to September 2016, there were 20 applications and 11 orders made for FGMPOs. In total, there have been 97 applications and 79 orders made since their introduction up to the end of September 2016.

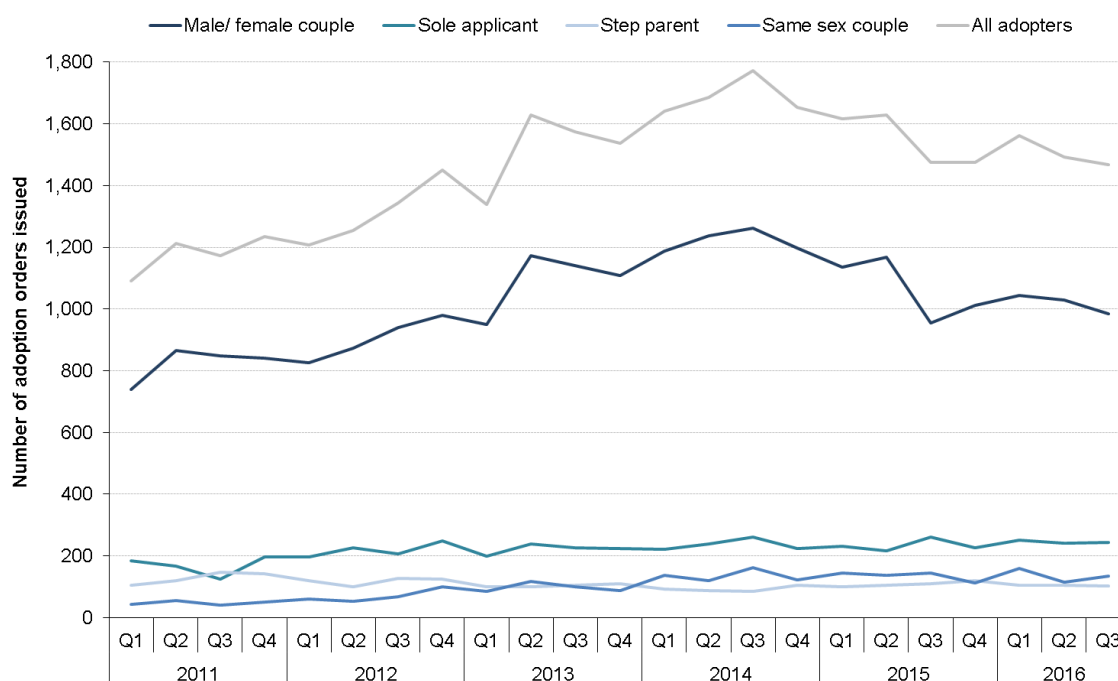
Section 9 - Adoptions

An adoption order made by a court eradicates the rights, duties and obligations of the natural parents or guardian and transfers them to the adopters. On adoption, the child becomes for virtually all purposes in law the child of its adoptive parents. Most adoptions in the UK are 'standard' adoptions. Data is also provided on other adoptions, which include foreign adoptions, convention adoptions and standard adoptions that include a foreign element. An adoption order is preceded by a placement order which allows a local authority to place a child with prospective adopters, unless parental consent has been given for the placement.

There was a long-term rise in adoption applications and orders from 2011 until mid-2014, with applications and orders 40% higher for 2014 overall compared to 2011 (Tables 17-18). Numbers have since declined, although this decrease has slowed in recent quarters. During July to September 2016, there were 1,457 applications made for an adoption order and 1,468 adoption orders were issued.

Two-thirds of adoption orders (67%) were issued to male/female couples, 17% to sole applicants, 9% to same-sex couples and a further 7% to step-parents (Figure 15). Figures on the sex and age band of adopted children can be found in Table 18 and timeliness figures can be found in Table 7. A wider range of breakdowns for adoption applications and orders, by for example type of order, can be produced from the accompanying data visualisation tool or CSV file.

Figure 15: Adoption orders issued, by adopter, January to March 2011 to July to September 2016



Section 10 – The Mental Capacity Act

The Mental Capacity Act 2005 provides a statutory framework to empower and protect vulnerable people who are not able to make their own decisions. The Act makes it clear who can take decisions, in which situations, and how they should go about this. It enables people to plan ahead for a time when they may lose capacity.

When the Mental Capacity Act 2005 came into force on 1 October 2007, the role and function of the Court of Protection (CoP) changed, and in addition, the Office of the Public Guardian (OPG) was established. The OPG, an executive agency of the Ministry of Justice, supports the Public Guardian in registering Enduring Powers of Attorney (EPA), Lasting Powers of Attorney (LPA) and supervising Court of Protection appointed Deputies.

For more information on the roles of these specialised courts please see **A Guide to Family Court Statistics** that is published alongside this publication.

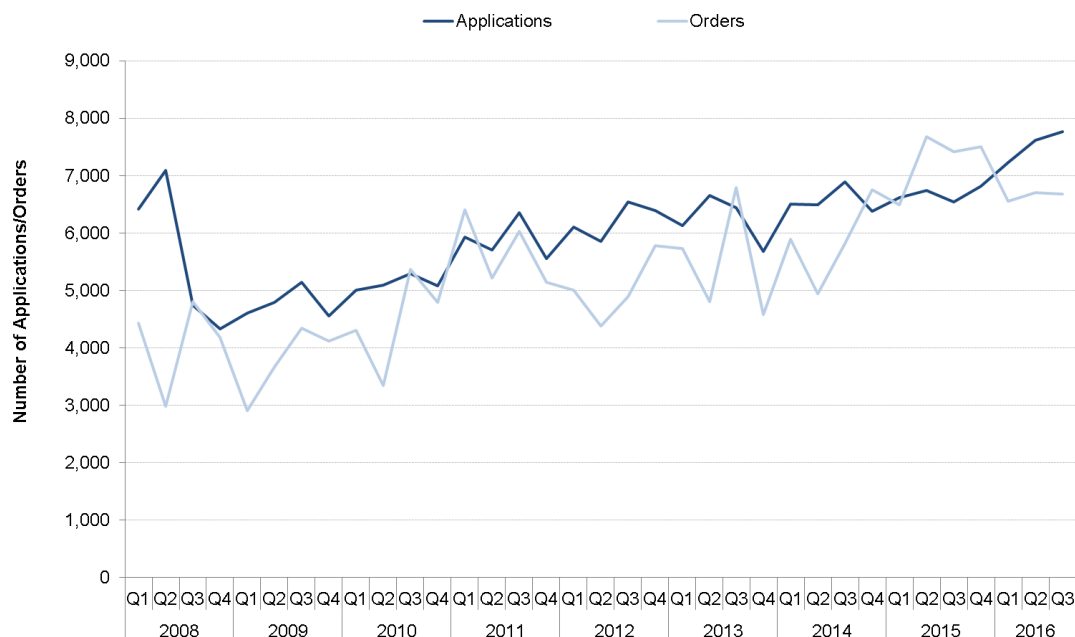
Court of Protection

In July to September 2016, there were 7,762 applications made under the Mental Capacity Act 2005, up 19% on the equivalent quarter in 2015. The majority of these (54%) related to applications for appointment of a property and affairs deputy (Table 19).

Following the introduction of new forms in July 2015, applicants must make separate applications for 'property and affairs' and 'personal welfare'. This is why there have been almost no 'hybrid deputy' applications in 2016.

There were 6,684 orders made under the MCA, 10% lower than the same quarter in 2015. Almost half (46%) of the orders related to the appointment of a deputy for property and affairs (Table 20). The trend in orders made has dropped in recent quarters, in contrast to the steady increase seen for applications.

Figure 16: Applications and orders made under the Mental Capacity Act, January to March 2008 to July to September 2016



Applications relating to deprivation of liberty increased from 109 in 2013 to 525 in 2014 to 1,497 in 2015. There were 781 applications made in the most recent quarter, double the number made in July to September 2015. The overall increase follows the Supreme Court decision on 19 March 2014³ whereby it was considered a person could be deprived of their liberty in their own home, sheltered accommodation etc., and not just the nursing homes and hospitals which were previously covered. Of the 781 applications made in July to September 2016, 538 (69%) came from a Local Authority, 216 (28%) from solicitors and 27 (3%) from others including clinical commission groups, other professionals or applicants in person. In *Re X and others [2014] EWCOP25*⁴, the Court of Protection set out a new streamlined process to enable court to deal with deprivation of liberty cases in a timely and just fashion. Half of applications for deprivation of liberty were made under this process.

NHS Digital publishes official statistics on the Mental Capacity Act 2005, Deprivation of Liberty Safeguards data collection⁵. This includes any application to local authorities reported to NHS Digital that was received, processed or considered to be “active” in any way during the year.

³ *P v Cheshire West and Chester Council and P and Q v Surrey County Council [2014] UKSC 19*

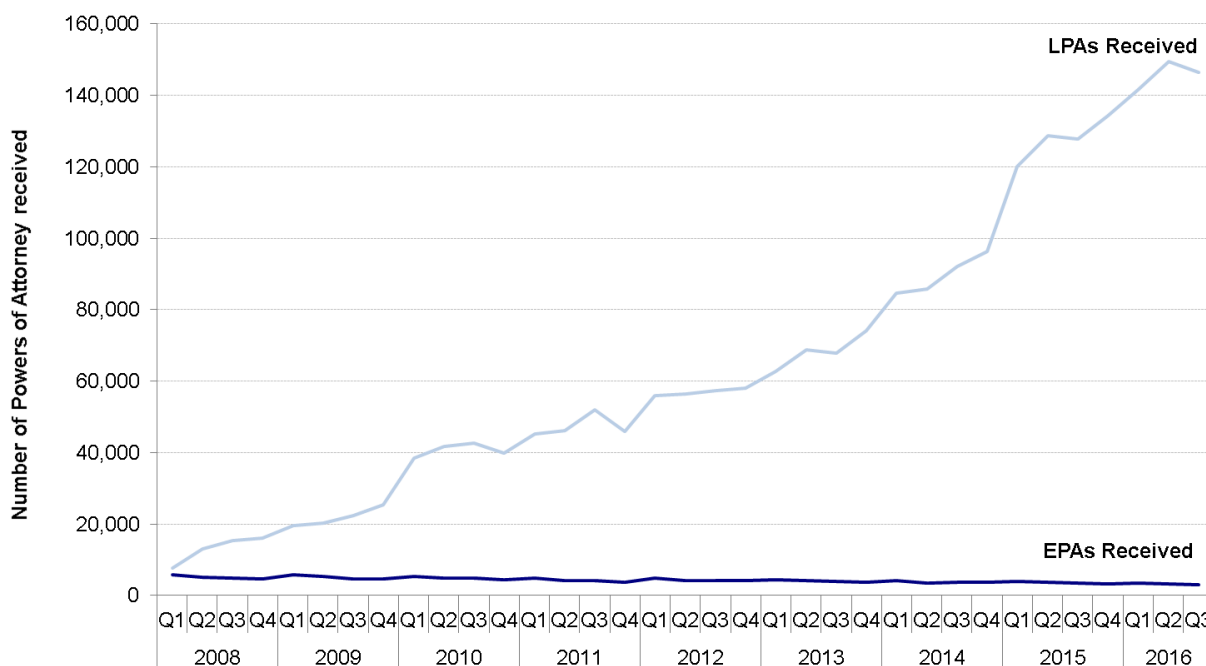
⁴ www.bailii.org/ew/cases/EWCOP/2014/25.html

⁵ www.digital.nhs.uk/searchcatalogue?q=title%3A%22Mental+Capacity+Act+2005%2C+Deprivation+of+Liberty+Safeguards+Assessments%22+%21Bi-annual+%21analysis&area=&size=10&sort=Relevance

Office of the Public Guardian

There were 146,394 Lasting Powers of Attorney (LPAs) received in July to September 2016, up 14% on the same quarter for 2015 as shown in Figure 17 and Table 21. The steady increases are largely due to increased publicity and new online forms which have been introduced to make it simpler and faster to apply for LPAs. There were 3,105 EPAs in July to September 2016, down 9% on July to September 2016. There were 3,023 Deputyships⁶ appointed in July to September 2016.

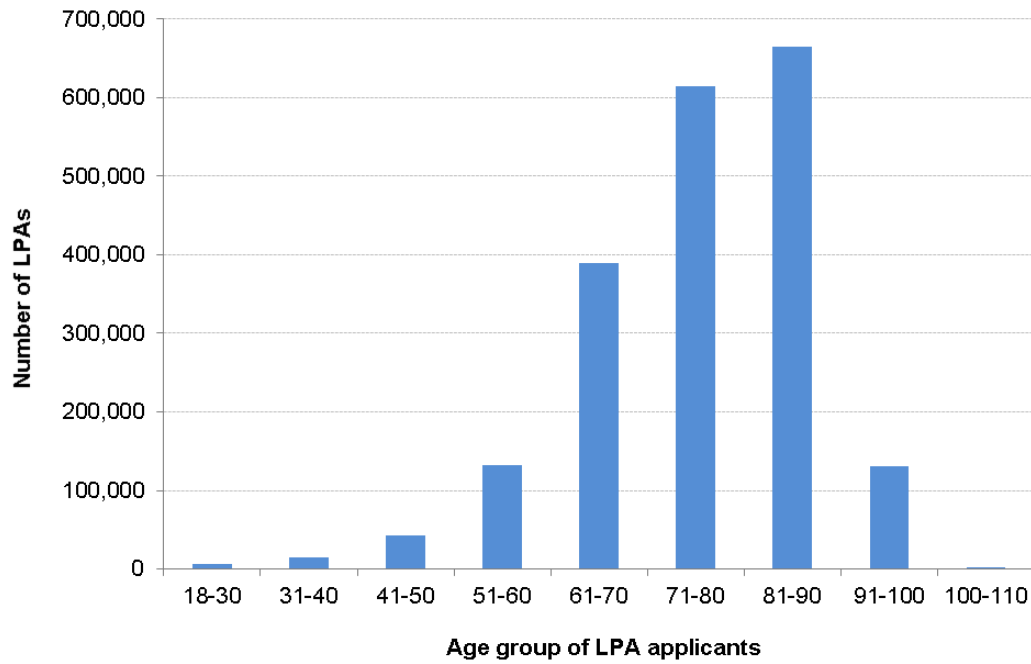
Figure 17: Powers of attorney received, January to March 2008 to July to September 2016



Of all LPAs registered at the end of September 2016, 38% were for males – see Table 22. The most common age group applying for an LPA is 81-90 years, as shown in Figure 18 below.

⁶ Deputyships - A Deputy is legally responsible for acting and making decisions on behalf of a person who lacks capacity to make decisions for themselves. The Deputy order sets out specific powers in relation to the person who lacks capacity.

Figure 18: Age of LPA donors registered as at end of September 2016



Section 11 – The Probate Service

When a person dies, somebody has to deal with their estate (money, property and possessions) by collecting it together, paying any debts and distributing the remainder to those who are entitled to receive it. The Probate Service gives a person or persons the authority to do this by issuing a document called a Grant of Representation⁷.

In July to September 2016, 64,368 grants of representation were issued (Table 24). Grants of representation are known as either:

- Probate (when the deceased person left a valid will and an executor is acting). These made up 79% of grants in July to September 2016.
- Letters of administration with will (when a person has left a valid will but no executor is acting). These made up 6% of grants in July to September 2016.
- Letters of administration (usually when there is no valid will). These made up 15% of grants in July to September 2016.

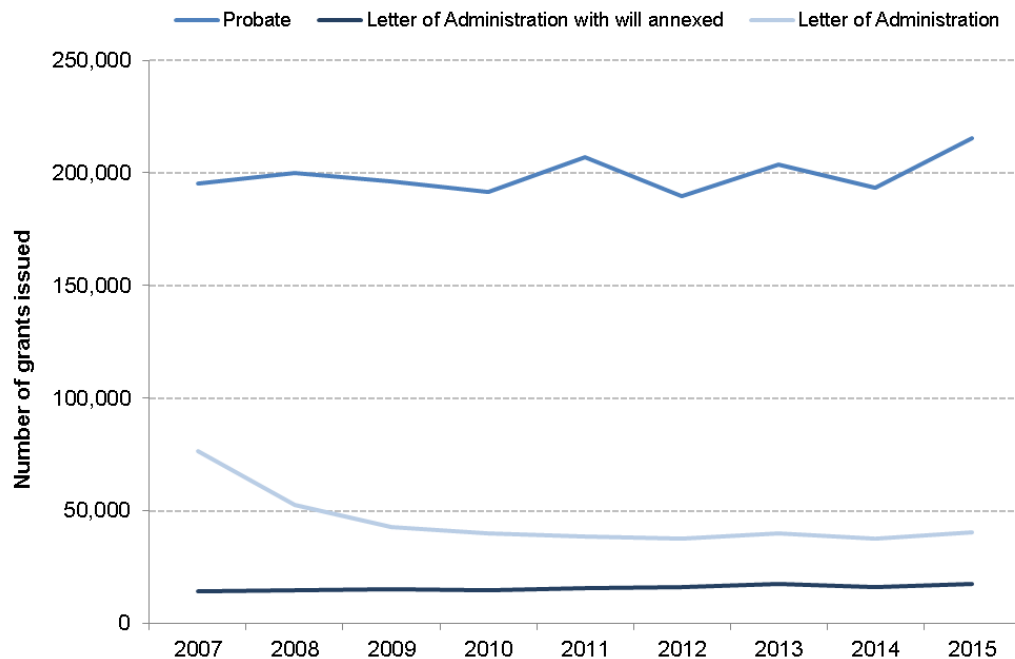
These different types of grants of representation appoint people known as personal representatives to administer the deceased person's estate.

Over a quarter of a million grants of representation were issued in 2015, up 11% on 2014 and the highest since 2007 (Table 24). As Figure 19 shows, this was driven by a rise in the number of probate grants, which account for more than three-quarters of grants made.

In July to September 2016, 64% of applications were made by solicitors and 36% were personal applications.

⁷ www.justice.gov.uk/courts/probate/gor

Figure 19: Grants of representation issued by the Probate Service, 2007 to 2015



Current structure of the Probate Service

The Probate Service is currently made up of:

- The Principal Registry in London
- 11 District Probate Registries
- 18 Probate Sub-Registries situated throughout England and Wales

In July to September 2016, 6% of grants were issued by the Principal Registry and 94% by District Registries and Sub-Registries.

When a probate case is contested, The Chancery Division of the High Court deals with the matter. See the Guide to Court and Administrative Justice Statistics for more information on The Chancery Division. In 2015, there were 164 contested probate cases.

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