



Family Court Statistics Quarterly, England and Wales, April to June 2020

Main Points

Covid-19 and associated actions have had a substantial impact on Family court activity	↓	A significant decrease in most types of family justice has occurred in the current quarter. These reductions in new cases started is linked to Covid-19 measures undertaken by the courts. As a result, the data is unlikely to be representative of general trends.
Decrease in the number of cases started in the Family Courts	↓	56,867 new cases started in Family courts in April-June 2020 down 13% on the same quarter in 2019. This is due to a 30% decrease in financial remedy cases, a 24% decrease in adoption, an 18% decrease in matrimonial matters and a 7% decrease in private law case starts.
On average, care proceedings took 3 weeks longer with fewer disposals within 26 weeks.	↑ ↓	The average time for a care or supervision case to reach first disposal was 36 weeks in April to June 2020, up 3 weeks from the same quarter in 2019. 34% of cases were disposed of within 26 weeks - down 7 percentage points compared to the same period in 2019.
Decrease in the average time for divorce proceedings	↓	The mean average time from petition to decree nisi was 23 weeks, and decree absolute was 47 weeks – both down 11 weeks respectively when compared to the equivalent quarter in 2019. The median time to decree nisi was 14 weeks, and 31 weeks for decree absolute respectively.
Decrease in both divorce petitions and decree absolutes	↓	There were 23,372 divorce petitions filed in April to June 2020, down 18% on the equivalent quarter in 2019. There were 23,196 decree absolutes granted in April to June 2020, a decrease of 5% from the same period last year.
Record numbers of domestic violence remedy order applications and orders made.	↑	The number of domestic violence remedy order applications increased by 24% compared to the same quarter in 2019, while the number of orders made increased by 17% over the same period.
Decrease in the number of both adoption applications and orders.	↓	In April to June 2020 there were 798 adoption applications, down 35% on the equivalent quarter in 2019. Similarly, the number of adoption orders issued decreased by 52% to 584.
Decrease in the deprivation of liberty applications and increase in the orders made.	↓ ↑	There were 1,020 applications relating to deprivation of liberty in April to June 2020, down 26% on the equivalent quarter in 2019. Orders increased by 33% in the latest quarter compared to the same period last year.

This publication presents statistics on activity in the family courts of England and Wales and provides figures for the latest quarter (April to June 2020). For further information and technical details please refer to the accompanying Guide to Family Court Statistics.

Consultation on the publication of Family Court Statistics Quarterly

We want to ensure that our outputs are understood and valued by all users. We are therefore undertaking a consultation:

- to learn more about how stakeholders use our statistics;
- to help us prioritise improvements;
- to inform specific developments regarding divorce timeliness and public and private law case information

If you wish to take part, please complete this 10-minute online survey, by 17th December:

<https://www.smartsurvey.co.uk/s/73DHX0/>

For feedback related to the content of this publication, please let us know at familycourt.statistics@justice.gov.uk

1. Statistician's comment

The impacts of Covid-19 can be seen in the relatively low volume of cases across most areas of family justice this quarter. During the initial Covid response, administrative and judicial resource was a significant challenge, resulting in a number of courts suspending operations for a period. This led to unprecedented falls in volumes, and substantial changes to timeliness measures.

The exception to this general trend is for domestic violence remedy cases, which saw substantial increases in both new cases starting and cases that reached a final disposal – up 24% and 36% respectively and both are at record levels since the published time series began.

Similarly, the time taken to progress divorce cases fell while other case types increased. In Quarter 2 just over half (54%) of divorce applications were made digitally (up from 28% the year before), with the average time for both decree nisi and decree absolutes falling compared to the previous year.

To help the system cope with demand, additional venues – referred to as Nightingale courts – have been provided to add temporary capacity to hear cases and help the court system to run as effectively and safely as possible during the coronavirus outbreak.

As society and the economy begins to recover from the impact of Covid-19, it is expected that case volumes will return to historic trend levels and may even temporarily exceed the pre-covid-19 volumes as the backlog of cases is processed. We are working with representative bodies to understand the expected demand and will continue to monitor future trends in both volumes and timeliness.

While these statistics are still believed to be of interest to the public, it is worth noting that the significantly reduced volumes of cases starting mean that the data is unlikely to be representative of general trends in the family court system.

Caution should therefore be used when interpreting and applying these figures.

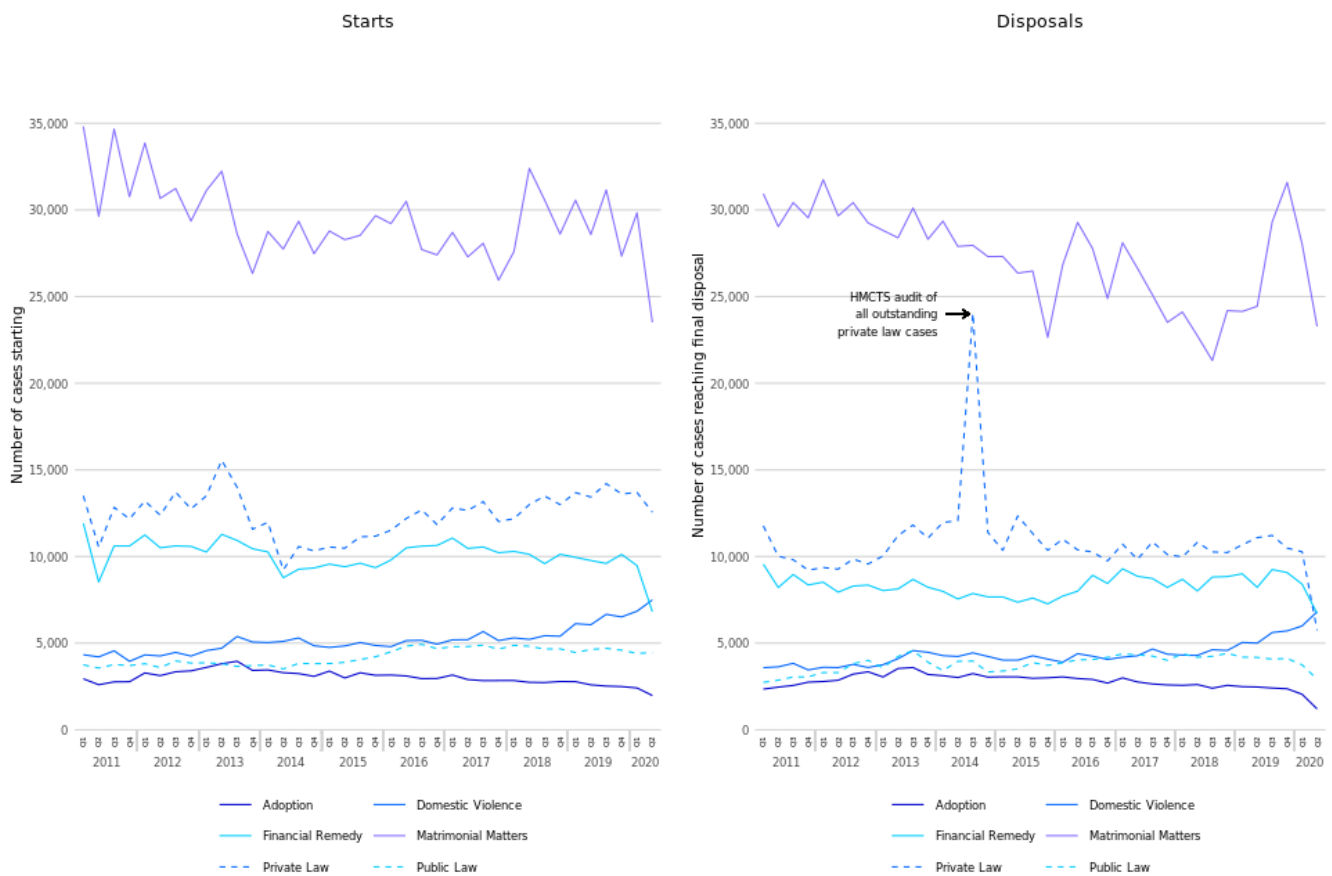
2. Overview of the Family Justice System

Decreases in both the number of cases started and cases disposed of in Family Courts

In April to June 2020, 56,867 new cases started in family courts, down 13% on the equivalent quarter in 2019. This was due to decreases in most case types: financial remedy (30%), matrimonial (18%), adoption (24%), private law (7%), and public law (4%) cases. However, there was an increase in domestic violence case starts (24%).

There were 46,740 case disposals in April to June 2020, down 16% on the equivalent quarter of 2019. This was due to decreases in most case types again: adoption (51%), private law (48%), public law (30%) and financial remedy (18%) cases. However, there was an increase in domestic violence (36%) case disposals (Table 1).

Figure 1: Cases started and disposed, by case type, January to March 2011 to April to June 2020 (Source: Table 1)



In April to June 2020, 41% of new cases within family courts related to matrimonial matters, similar to the equivalent quarter of 2019 (44%).

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

However, it increased in 2017 to 27 weeks. For April to June 2020 the average was 35 weeks, up from 32 weeks during the same period in 2019 (Table 10).

The average time for divorce and annulment cases to reach first disposal was down 11 weeks compared to the equivalent quarter in 2019 due to the number of cases started increasing by more than the number of cases disposed and reflecting a greater proportion of digital divorce cases. Private law cases saw no change in timeliness, with the average time to first disposal in April to June 2020 taking 16 weeks, at the same level when compared to the same period in 2019.

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 nearly all cases have only one applicant, 75% 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 April to June 2020, consistent with the long-term trend (Table 7).

HMCTS weekly management information during coronavirus, July/August 2020 - summary

The statistics in this publication focus on the period between April to June 2020; however, weekly management information (MI) has been published by HMCTS up to the week ending 23rd August 2020 (<https://www.gov.uk/government/statistical-data-sets/hmcts-weekly-management-information-during-coronavirus-march-to-august-2020>). This MI is subject to the data quality issues associated with large administrative systems, including the late reporting of cases and regular updating of case details, which can lead to the figures being revised - more recent weekly figures are subject to larger revisions and should be treated as provisional.

Taking an average over the four weeks ending 23rd August in order to assess the most recent impact of the lockdown period, the MI shows that there was minimal impact on public law receipts throughout the period when compared to the pre-covid-19 baseline (based on an average across the six months September 2019 to February 2020), whilst disposals seem to be close to pre-covid-19 levels after a substantial drop at the start of summer.

Receipts for both private law and divorce appear to have recovered from an initial drop at the start of lockdown. Related disposals are still substantially lower than the baseline, although private law disposals followed a general upward trend.

The number of probate applications received has continued to surpass the baseline, and more recently the number of grants issued are also above the baseline after the levels dropped for the first few months of lockdown.

3. Children Act - Public Law

The number of public law case starts and cases disposed has fallen

There were 4,452 public law cases starting in April to June 2020, down 4% compared to the equivalent quarter in 2019. Cases disposed were down 30% to 2,919 (Table 2).

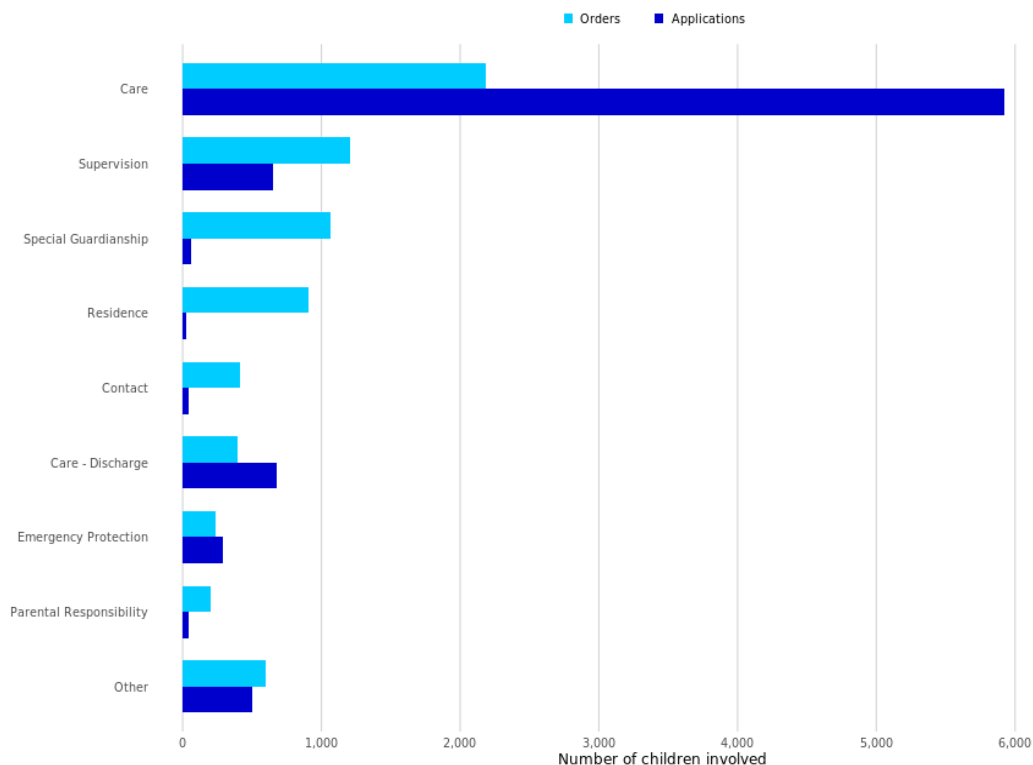
Average time for care proceedings continues upward trend

The average time for a care and supervision case to reach first disposal was 36 weeks in April to June 2020, up 3 weeks from the same quarter in 2019 and the highest average since mid-2013. 34% of these care proceedings were disposed of within the 26-week limit introduced in the Children and Families Act 2014, down 7 percentage points from the same period last year (Table 8).¹

There were 7,502 individual children involved in new public law applications in April to June 2020, down 4% on the same quarter in the previous year, while the number of application events also decreased by 4%. The number of public law disposal events decreased by 33% over the same period.

Figure 2 shows the most common types of public law orders applied for and made in April to June 2020, 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, April to June 2020 (Source: Tables 3-4)



¹ See the accompanying technical guide for more information.

4. Children Act - Private Law

Decrease in the number of private law case starts and cases disposed

The number of private law cases² started decreased by 7% in April to June 2020 compared to the equivalent quarter in 2019 to 12,556. The number of application events decreased by 6% over the same period.

The number of private law cases disposed of during April to June 2020 was down 48% on the equivalent quarter in 2019, with the number of court disposal events down by 38% (Table 2).

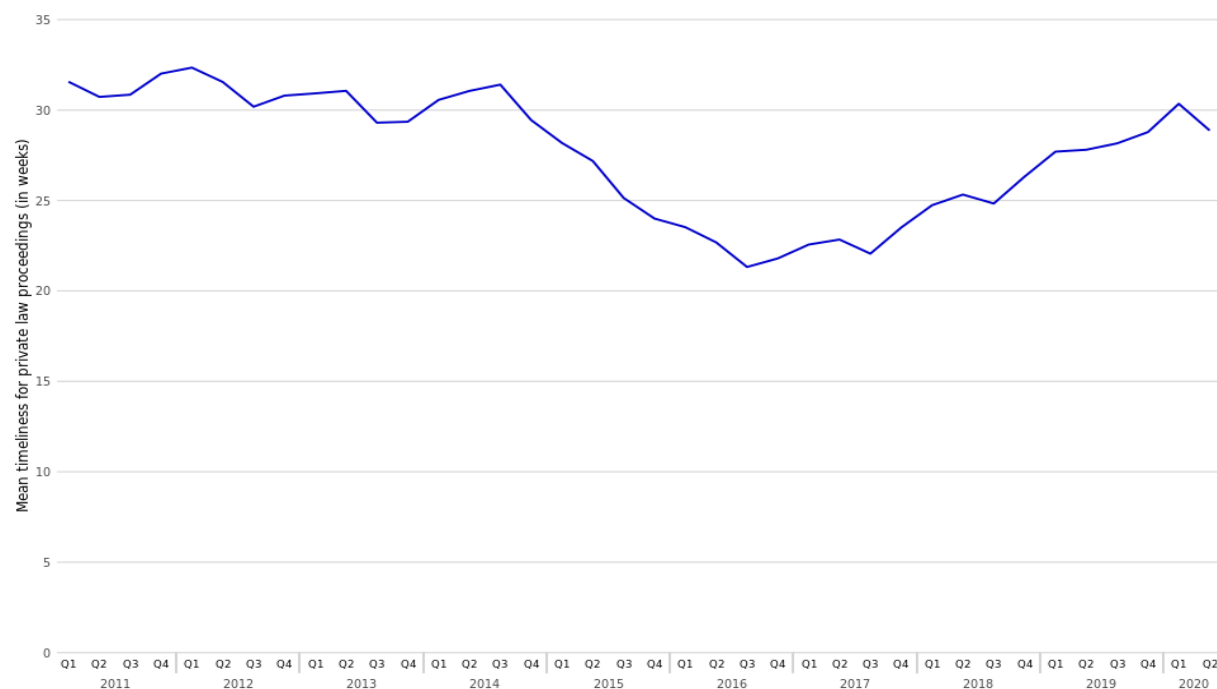
There were 12,978 new private law application events in April to June 2020, down 6% on the equivalent quarter in 2019, with 19,381 individual children involved in these application events.

The number of private law court disposal events in April to June 2020 was 13,120, down 38% on the equivalent quarter in 2019.

Timeliness of Private law cases

In April to June 2020, it took on average 29 weeks for private law cases to reach a final order, i.e. case closure, up 1 weeks from the same period in 2019. This continues the upward trend seen since the middle of 2016, where the number of new cases overtook the number of disposals, creating a greater number of outstanding cases (Table 9).

Figure 3: Private law timeliness from case start date to final order in the family court, January to March 2011 to April to June 2020 (Source: Table 9)



² 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.

5. Legal Representation

For most case types, cases where only the respondent has legal representation take the longest on average

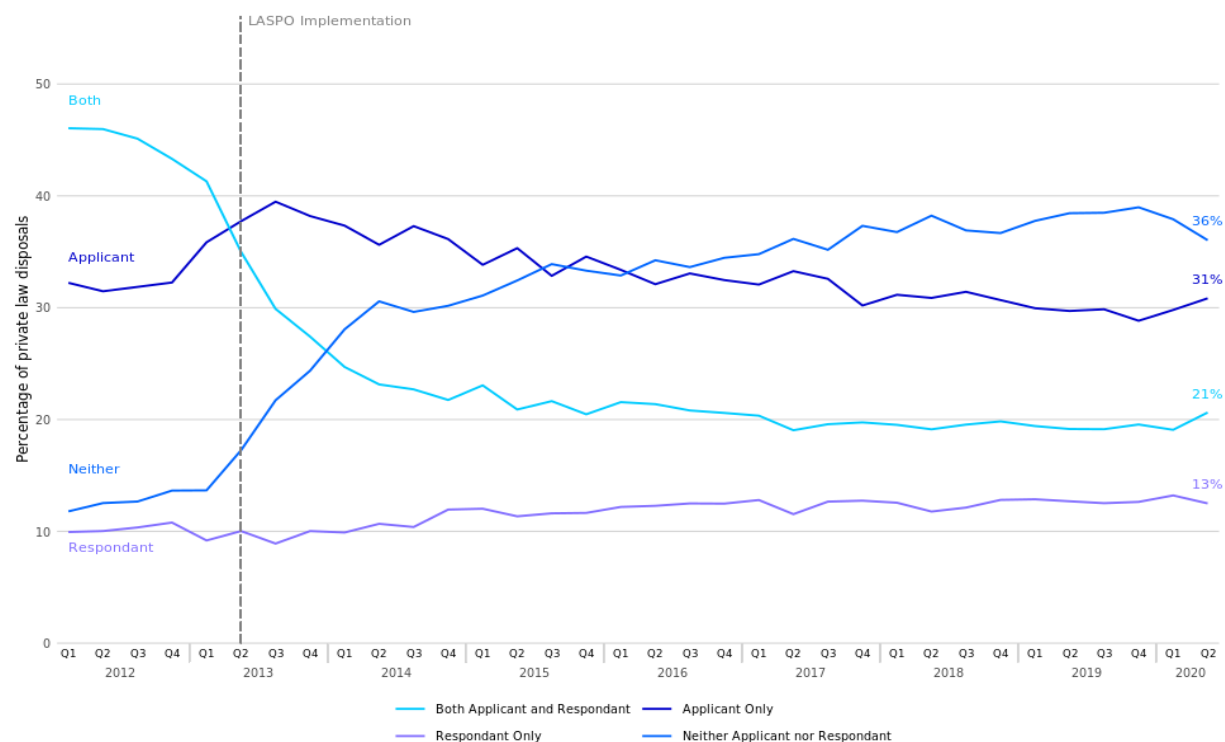
In general, cases where **either both parties** or the **respondent only had legal representation took longer** to be disposed of than those cases where only the applicant was represented or where both parties were without legal representation (Table 10).

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^{3,4}. In April to June 2020, the proportion of disposals where neither the applicant nor respondent had legal representation was 36%, increasing by 22 percentage points since January to March 2013, and down 2 percentage points from April to June 2019.

Correspondingly, the proportion of cases where both parties had legal representation went from 41% in January to March 2013 to 21% in April to June 2020, up 1 percentage point compared to the same period in 2019 (Figure 4).

Figure 4: Proportion of private law disposals by type of legal representation of the parties, January to March 2012 to April to June 2020 (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 stood at 59% in 2012 compared to 33% in April to June 2020.

³ Please see the accompanying guide for further details.

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

The proportion of parties with legal representation in cases with at least one hearing varies by case type and range from around 76% for public law cases to 2% for adoption cases, with figures subject to change as new cases progress (Table 11).

6. Divorce

Decrease in the number of divorce petitions and decree absolutes

Divorce petitions were down by 18% in April to June 2020 compared to the same period in the previous year. Decree absolutes granted were down 5% in April to June 2020 compared to the same period in the previous year.

Average time for proceedings decreased

Average time from petition to decree nisi decreased to 23 weeks in April to June 2020, from 33 weeks in the same quarter of 2019 (Table 12).

There were 23,372 divorce petitions made during April to June 2020, down 18% from the same quarter in 2019. There were 23,196 decree absolutes granted in April to June 2020, down 5% compared to the same quarter in 2019 (Table 12).

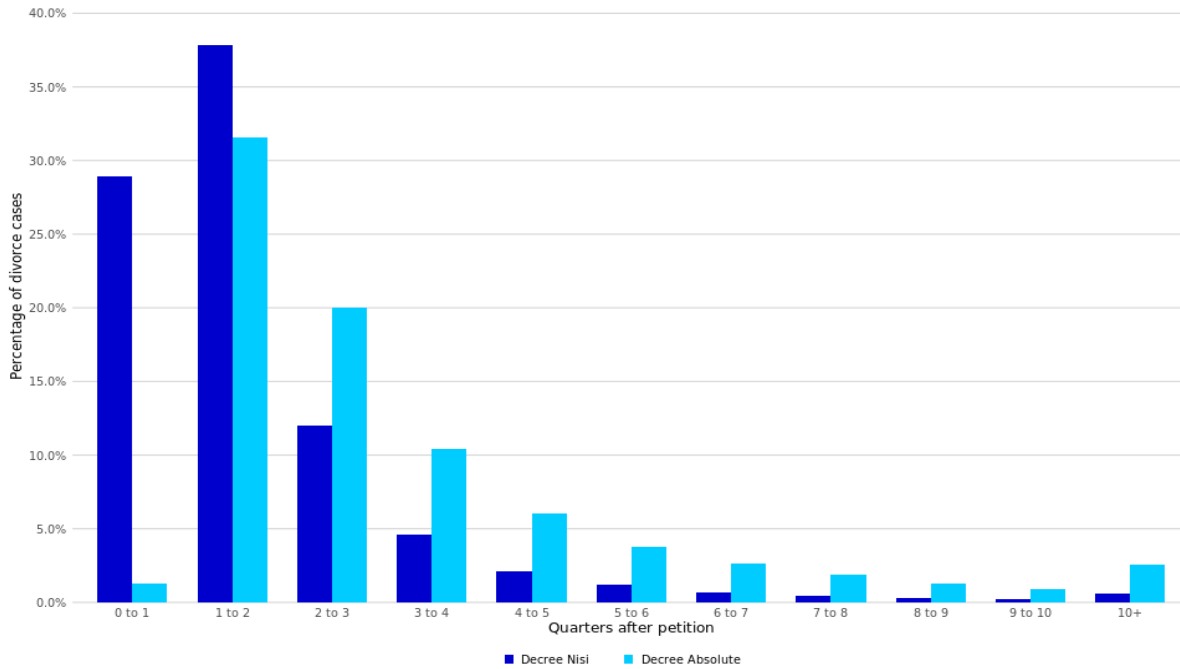
For those granted decree nisi in April to June 2020, the mean average time from the date of petition was 23 weeks, down 11 weeks from the same period in 2019. The mean average time from petition to decree absolute was 47 weeks, down 11 weeks from the equivalent quarter in 2019 and continues the downward trend from a peak of 59 weeks in January to March 2019. The increasing share of divorce cases processed digitally is likely to reduce the average time of divorce proceedings – 49% of decree nisis were processed digitally, up from 6% from the previous year.

For digital divorce cases (i.e. those dealt with the Courts and Tribunals Service Centres that are digital at all stages), there were 12,528 petitions made during April to June 2020 (54% of the total – up from 28% in the same period in 2019). The average time to decree nisi for April to June 2020 was 9 weeks, and 18 weeks from petition to decree absolute.

The mean timeliness figures can be inflated when historical cases reach decree nisi or decree absolute. These historical cases have less effect on the median timeliness, which may act as a better indicator for the length of current divorce proceedings. In April to June 2020, the median time to decree nisi was 14 weeks and 31 weeks to decree absolute.

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 Q2 2020 reaching decree nisi or decree absolute, by the number of quarters since petition (Source: Table 14)



29% of divorce petitions made between Q1 2011 to Q2 2020 reached decree nisi in the first quarter after the petition was made, with a further 38% reaching this stage within the second quarter. Over half the petitions reached a decree absolute within three quarters after petition (1% in the first quarter, 32% within 1 to 2 quarters and 20% within 2 to 3 quarters).

7. Financial Remedy

Decrease seen in financial remedy applications and disposals events

In April to June 2020, the number of financial remedy applications was down 31% and disposal events were down 22% compared to the same period in 2019 (Table 15).

There were 7,218 financial remedy applications made in April to June 2020, down 31% from the same period in 2019, while there were 7,949 financial remedy disposals events, down 22%. During this period, 78% of disposal events were uncontested, 15% were initially contested and 7% were contested throughout.

8. Domestic Violence Remedy Orders

Record numbers of domestic violence remedy order applications and orders made

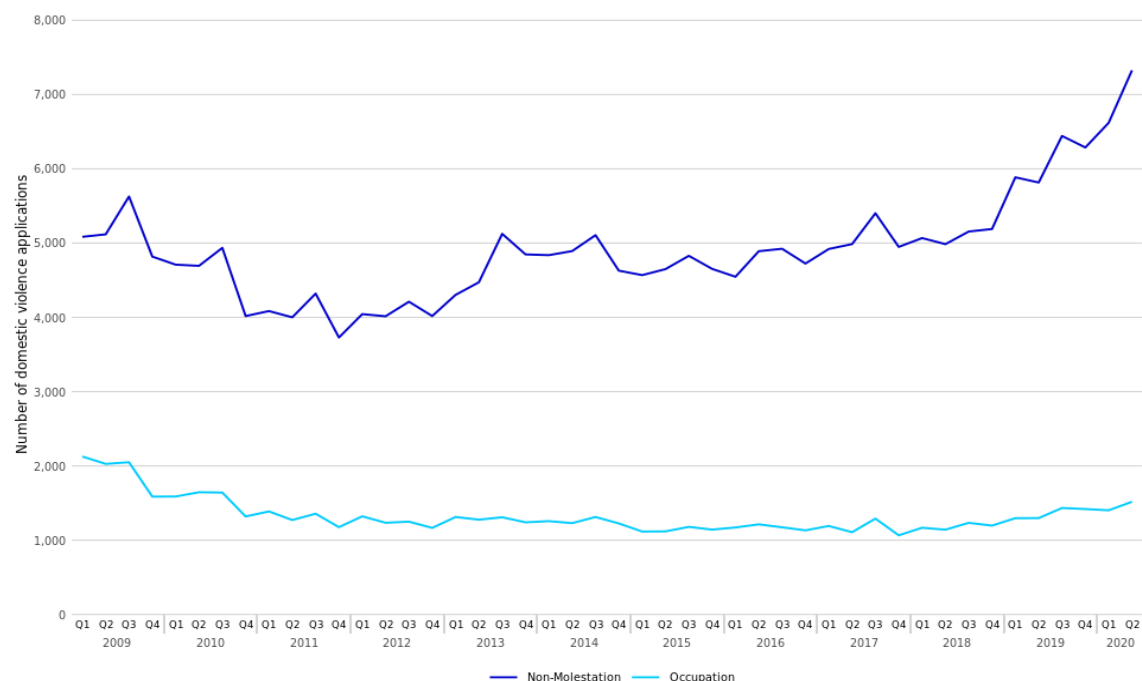
In April to June 2020, the number of applications increased by 24% compared to the equivalent quarter in 2019 whilst the number of orders made increased by 17% over the same period (Table 16).

In April to June 2020, there were 8,844 applications made for a domestic violence remedy order, up 24% on the same quarter in 2019 and the highest quarterly number of applications since the time series began at the start of 2009. Most of the applications were for non-molestation orders (83%) compared to occupation orders (17%); these proportions have remained relatively consistent in recent years. Applications for non-molestation orders in April to June 2020 were up 26% compared to the same period in 2019, while occupation orders applications increased by 17%.

There were 9,463 domestic violence orders made in April to June 2020, up 17% from the same period last year. 94% were non-molestation orders and 6% were occupation orders, with non-molestation orders up 18% whilst occupation orders dropped 4% compared to the equivalent quarter in 2019.

Focusing on the recent increase, since 2017 police forces have been using a power to release alleged perpetrators without bail conditions, referred to as 'released under investigation'. This is a possible driving factor behind the rise in domestic violence remedy cases, as victims seek protective orders through the courts. The publicity regarding the Domestic Abuse Bill (draft published January 2019 and completed its Commons stages July 2020) may have also impacted levels. More recently, the lockdown situation as a result of the covid-19 pandemic brought warnings about an increase in domestic violence, with victims having less opportunity to leave abusive partners.

Figure 6: Applications for domestic violence remedy orders, January to March 2009 to April to June 2020 (Source: Table 16)



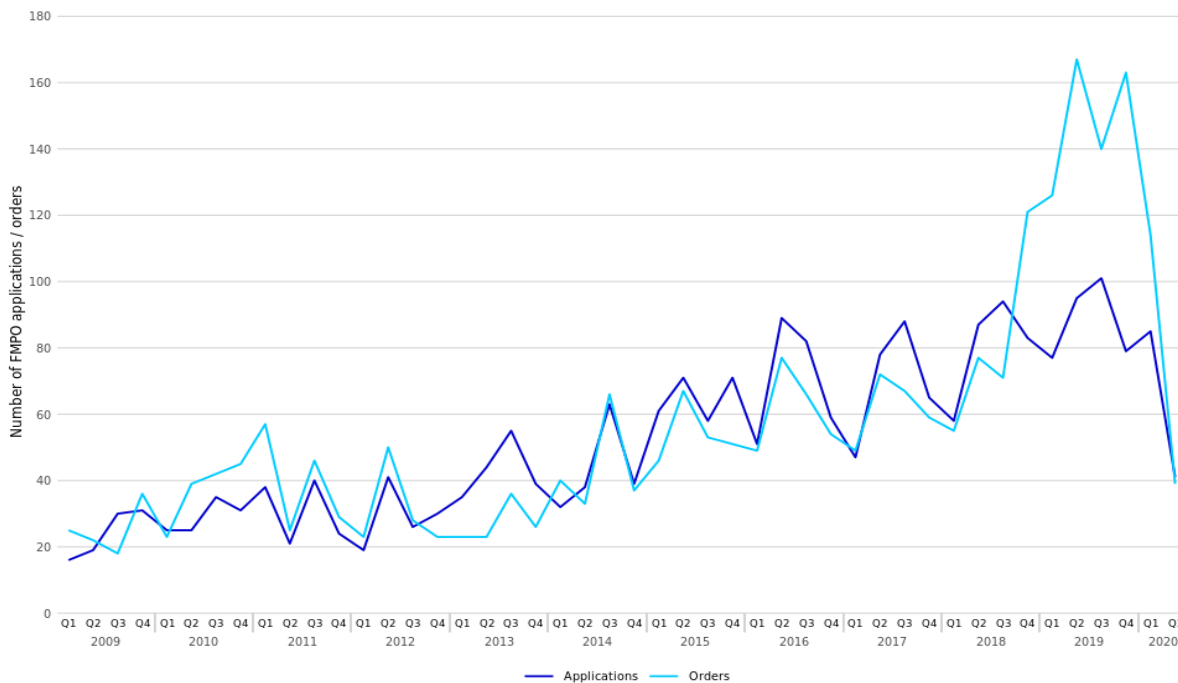
9. Forced Marriage Protection Orders and Female Genital Mutilation Protection Orders

General upward trend in the number of forced marriage protection orders and female genital mutilation protection orders, with more recent declines (Table 17 and 18).

The number of applications and orders made for forced marriage protection orders (FMPOs) is very small. Consequently, numbers fluctuate each quarter but overall there has been a general upward trend since their introduction in November 2008. In April to June 2020, there were 41 applications, of which 49% of applications were for people aged 17 and under.

Over the same period, there were 39 orders made, down 77% since the same period from the previous year. Historically the numbers of orders made outweigh the number of applications. Often there are multiple orders granted per case, where one application covers more than one person, and an order is granted for each person covered in the application. Extensions and increased provision of previous orders can also be granted as new orders, without the need for a new application to be submitted.

Figure 7: Applications and orders made for Forced Marriage Protection Orders, January to March 2009 to April to June 2020 (Source: Table 17)



As with FMPOs, the number of applications and orders made for female genital mutilation protection orders (FGMPOs) is very small, with only 9 applications and 30 orders made respectively in April to June 2020 (Table 19). In total, there have been 458 applications and 614 orders made up to end of June 2020, since their introduction in July 2015.

10. Adoptions

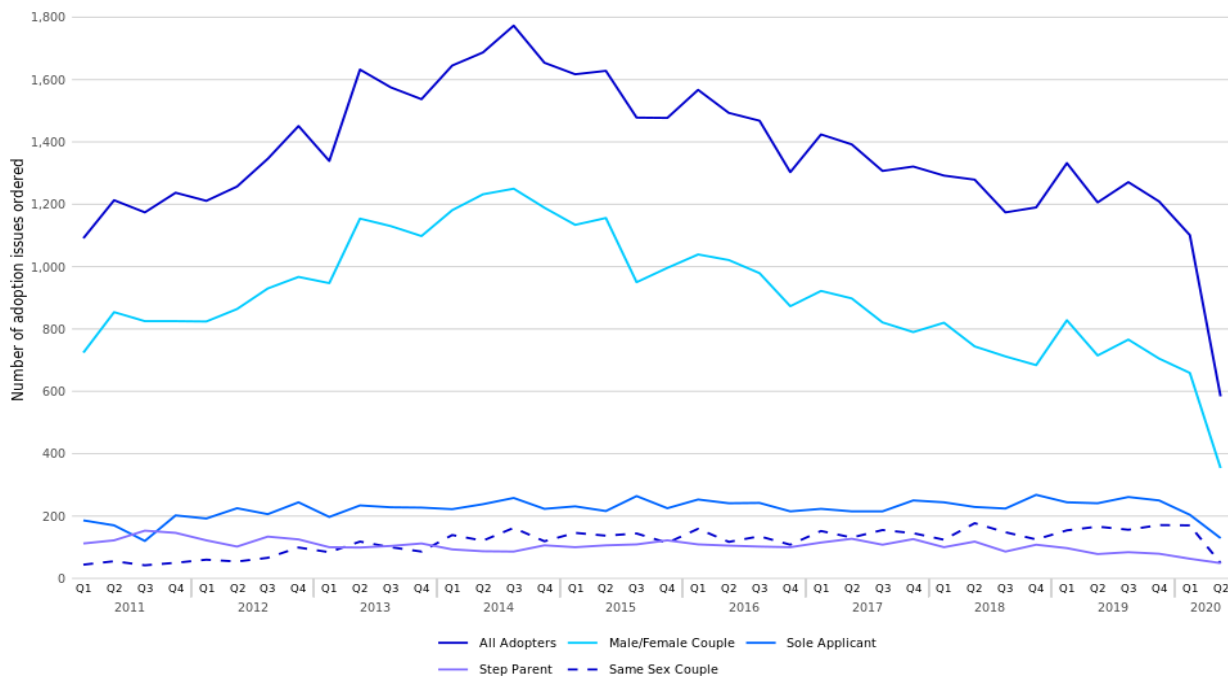
Decrease in the number of adoption applications and orders

During April to June 2020, there were 798 adoption applications made, down 35% from the equivalent quarter in 2020. Over the same period, the number of adoption orders issued also decreased by 52% to 584 (Tables 19 and 20).

There were 1,986 applications under the Adoption and Children Act 2002, including placement orders during April to June 2020, down 24% on the same quarter in the previous year. Total disposals decreased by 52% to 1,222 over the same period.

Figure 8 below shows the trend of adoption orders by the type of adopter. This shows that during April to June 2020, 61% of all adoption orders were issued to mixed-sex couples, 22% to sole applicants, 8% to step-parents and 8% to same-sex couples.

Figure 8: Adoption orders issued, by adopter, January to March 2011 to April to June 2020 (Source: Table 20)



11. Mental Capacity Act - Court of Protection

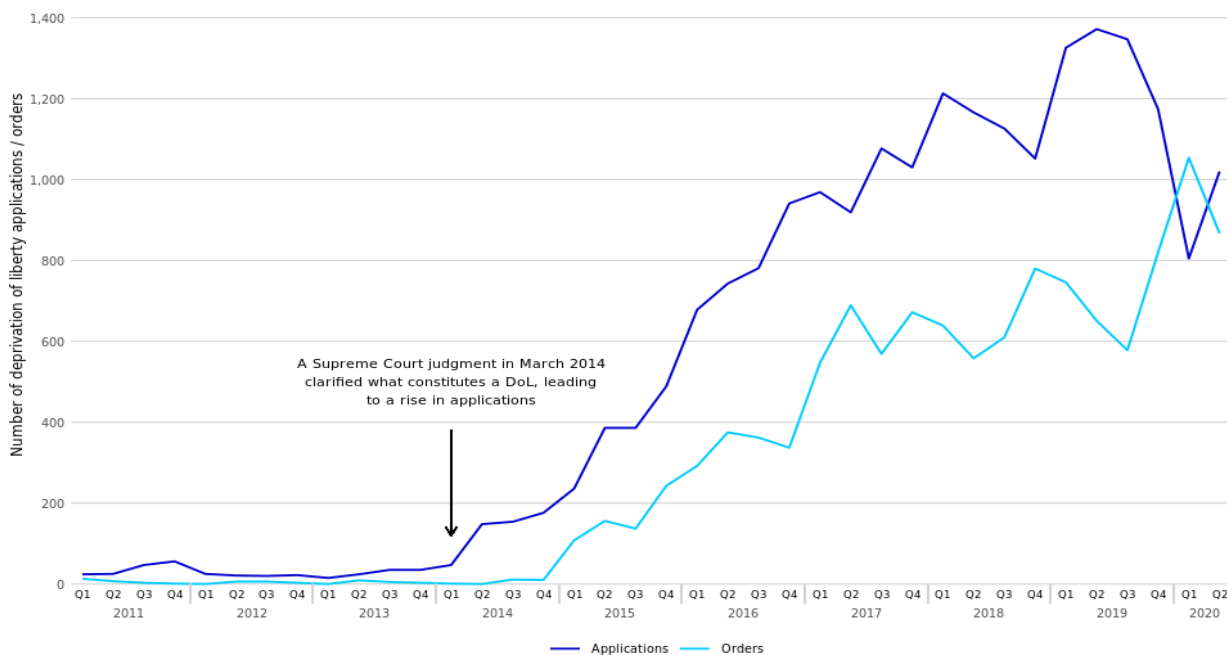
Decrease in applications with an increase in orders made in relation to deprivation of liberty

There were 1,020 applications relating to deprivation of liberty made in the most recent quarter down by 26% on the number made in the same quarter in 2019. However, there was an increase by 33% in the orders made for deprivation of liberty over the same period from 651 to 867.

A decrease in both applications and orders under the Mental Capacity Act 2005 (MCA)

There were 5,754 applications made in April to June 2020, down by 29%. During the same period there were 11,024 orders made, down by 7%.

Figure 9: Deprivation of Liberty applications and orders, January to March 2008 to April to June 2020 (Source: Table 22)



In April to June 2020, there were 5,754 applications made under the Mental Capacity Act 2005 (MCA), down by 29% on the equivalent quarter in 2019 (8,110 applications). Of those, 39% related to applications for appointment of a property and affairs deputy (Table 21).

In comparison, there were 11,024 orders made under the Mental Capacity Act 2005 (MCA), down by 7% on the same quarter in 2019. Of those, 37% related to orders by an existing deputy or registered attorney (Table 22).

12. Mental Capacity Act - Office of the Public Guardian

Historical increasing trend in Lasting Powers of Attorney (LPAs), with a drop during the coronavirus lockdown period

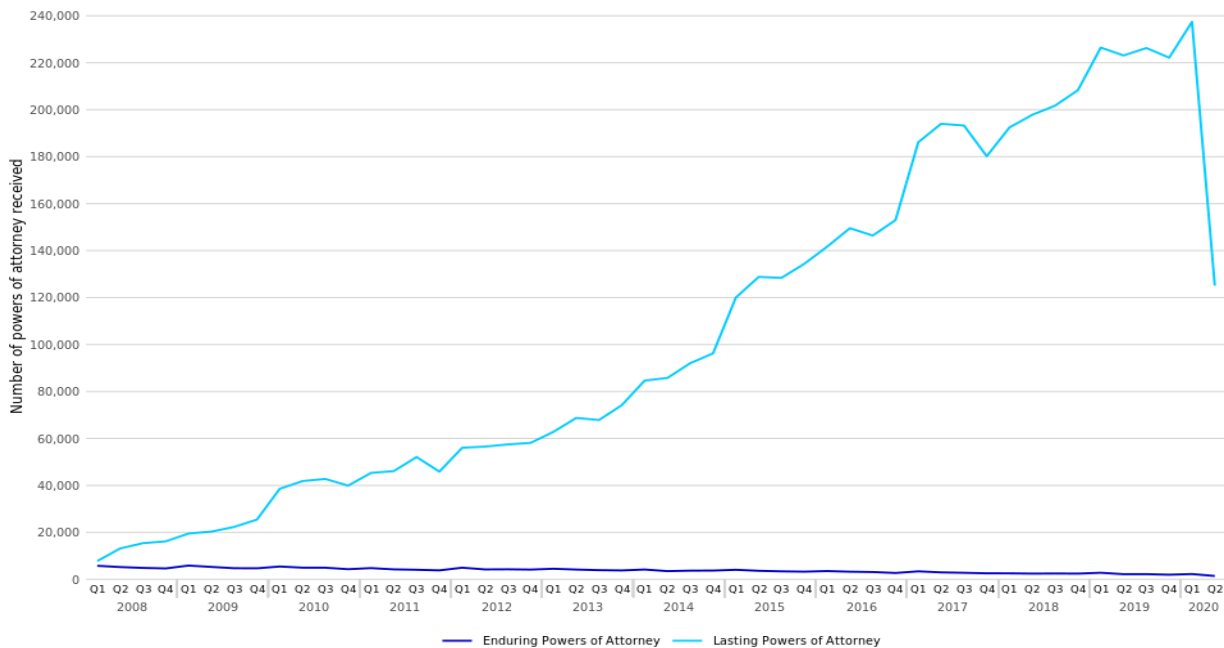
In April to June 2020, there were 125,076 LPAs received, down 44% compared to the equivalent quarter in 2019 (Table 23).

In total there were 126,497 Powers of Attorney (POAs) received in April to June 2020, down 44% from the same quarter in 2019 (Table 23). Lasting Power of Attorney (LPAs) made up 99% of POAs received in April to June 2020, with Enduring Powers of Attorney (EPAs) making up the other 1%. The sharp increase in LPAs 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.

There were 1,421 EPAs in April to June 2020, down 35% on the equivalent quarter in 2019.

The Covid-19 pandemic has made it more difficult to get a lasting power of attorney, and guidance was published in April on how to safely make an LPA while maintaining social distancing.

Figure 10: Powers of attorney received, January to March 2008 to April to June 2020 (Source: Table 23)



13. Probate Service

Around a third of applications for probate grants were made digitally, as were nearly a quarter of grants issued.

In April to June 2020, there were 52,625 applications for probate grants. 45,491 probate grants were issued in the same period. 34% of these applications and 24% of these grants were made digitally (Tables 24).

Probate grants take less time to be issued than other grants of representation

Probate grants took approximately 7 weeks to be issued after the application was submitted during April to June 2020. Letters of administration with a will and without a will were around 11 and 8 weeks respectively (Table 26).

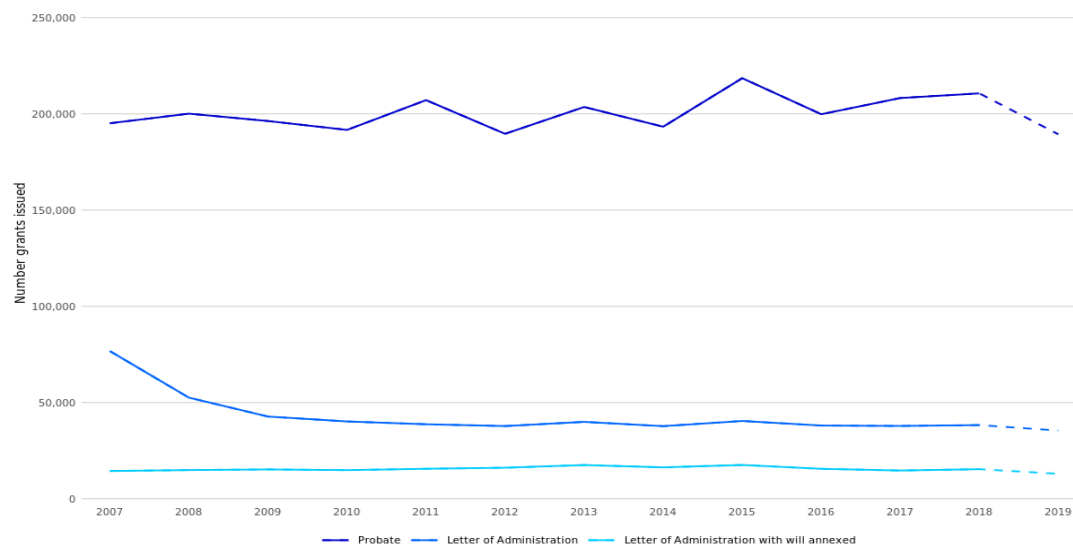
There were 63,858 applications made for grants of representation in April to June 2020, 52,625 (82%) of these were for probate grants, of which 34% were made digitally (Table 24).

Probate grants also make up the majority (81%) of all grants issued. In April to June 2020, 58% of the grants issued were applied for by legal professionals and 42% were personal applications (Table 24). For the 45,491 probate grants issued in the same period, 24% were issued digitally.

The average time from application submission to grant issue for probate grants was 7 weeks (median average 5 weeks) overall. Averages for letters of administration with a will and without a will were 11 and 8 weeks respectively for April to June 2020 (Table 26).

When looking at the time from document receipt (i.e. when all accompanying documents and payment have been confirmed with the application) to grant issue, this is marginally quicker for probate grants.

Figure 11: Grants of representation issued by the Probate Service, 2007 to 2019 (Source: Table 25)⁵



⁵ Due to quality issues in the transition between data systems, the breakdown by type of grants of representation for Q2 2019 were rounded estimates only, with the average distribution across 2016 to 2018 applied to the known total. These estimates then feed into the total for 2019.

14. 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

National Statistics status

National Statistics status means that official statistics meet the highest standards of trustworthiness, quality and public value.

All official statistics should comply with all aspects of the Code of Practice for Official Statistics. They are awarded National Statistics status following an assessment by the Authority's regulatory arm. The Authority considers whether the statistics meet the highest standards of Code compliance, including the value they add to public decisions and debate.

It is the Ministry of Justice's responsibility to maintain compliance with the standards expected for National Statistics. If we become concerned about whether these statistics are still meeting the appropriate standards, we will discuss any concerns with the Authority promptly. National Statistics status can be removed at any point when the highest standards are not maintained, and reinstated when standards are restored.

Contact

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