Ministry
of Justice

Family Court Statistics Quarterly:
Public consultation response

Published March 2021

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Introduction

The Family Court Statistics Quarterly (FCSQ) has been published as National Statistics[1] since December 2014, presenting key statistics on activity in the family court system in England and Wales. These statistics are a leading indicator of the workload and timeliness of a range of matters dealt with by the family courts, including public and private law, matrimonial matters, domestic violence, adoption, forced marriage and female genital mutilation protection orders. The publication also includes data from the Office of the Public Guardian, the Court of Protection (regarding cases under the Mental Capacity Act) and the Probate Service. Since then, the publication has sought to share new data where relevant, either as a result of public interest or following a change in policy.

National Statistics publications comply with the Code of Practice for Statistics, which demonstrates that such publications have public value, are high quality, and are produced by people and organisations that are trustworthy. The Code states that "*Users of statistics and data should be at the centre of statistical production; their needs should be understood, their views sought and acted upon, and their use of statistics supported*"

To understand more about the users of FCSQ and what/how they use these statistics, a public consultation was launched in September 2020[2] which sought views across all published products and their contents, as well as several specific questions on potential data developments.

This paper covers the questions posed in the recent consultation, with an overview of the replies in turn as well as bringing together free text suggestions across the survey, as well as an overview as to how the Family Court Statistics team plan to take forward enhancements.

While the consultation period has been closed, the team always welcome feedback and suggestions to the FCSQ publication. Please contact familycourt.statistics@justice.gov.uk if you have any queries.

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[1] https://osr.statisticsauthority.gov.uk/national-statistics/
[2] https://www.gov.uk/government/statistics/family-court-statistics-quarterly-april-to-june-2020

Overview of our users

There were 10 complete responses to the consultation[3], including one flagged as a user who was scoping the survey – where possible, this has been removed from the results however in the more detailed questions this has not always been possible.

Of these complete responses, four were from a professional organisation linked to justice, two were from an MoJ/HMCTS group other than policy or operations, two were members of the public and one was from a support group. Most (60%) found the FCSQ publication easy to find based on their original search query.

The chart below demonstrates how the statistics are used, with the main use being for research and analysis (note respondents could choose more than one option):

**Figure 1: Main use of FCSQ published statistics**
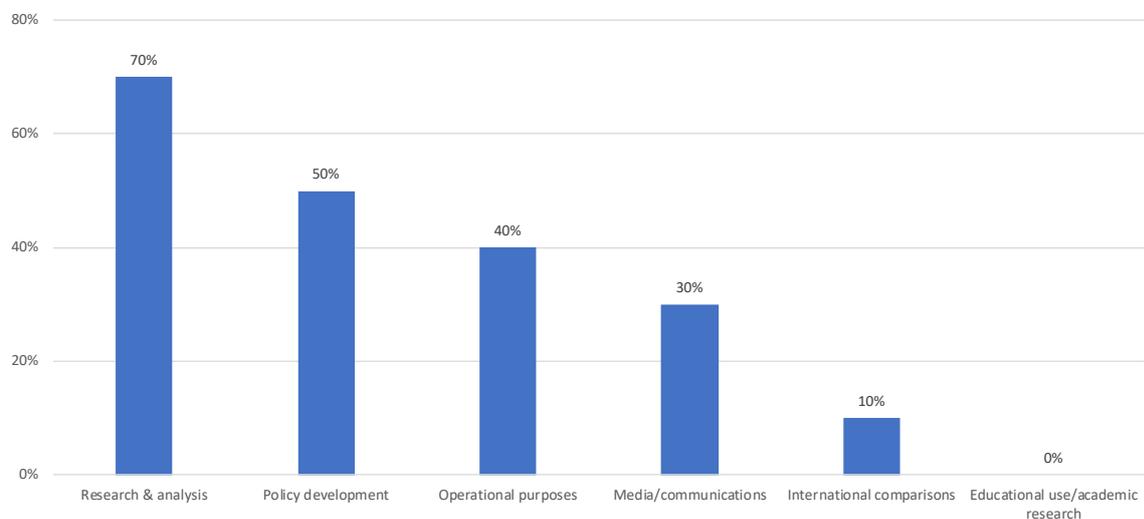
The majority of respondents (90%) confirmed that FCSQ meets some of their needs with several providing comments about additional information that they would find useful (covered in more detail later in the report).

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[3] There were 25 incomplete responses – most were blank but with some who answered the first few questions. As it's not possible to know if any subsequently submitted a complete response these have been omitted from the report.

When asked which publication products were used generally, nearly all outputs were used often by at least half of the respondents, with the data visualisation tool being the output that is used the least[4]:

Figure 2: FCSQ publication products by frequency of use
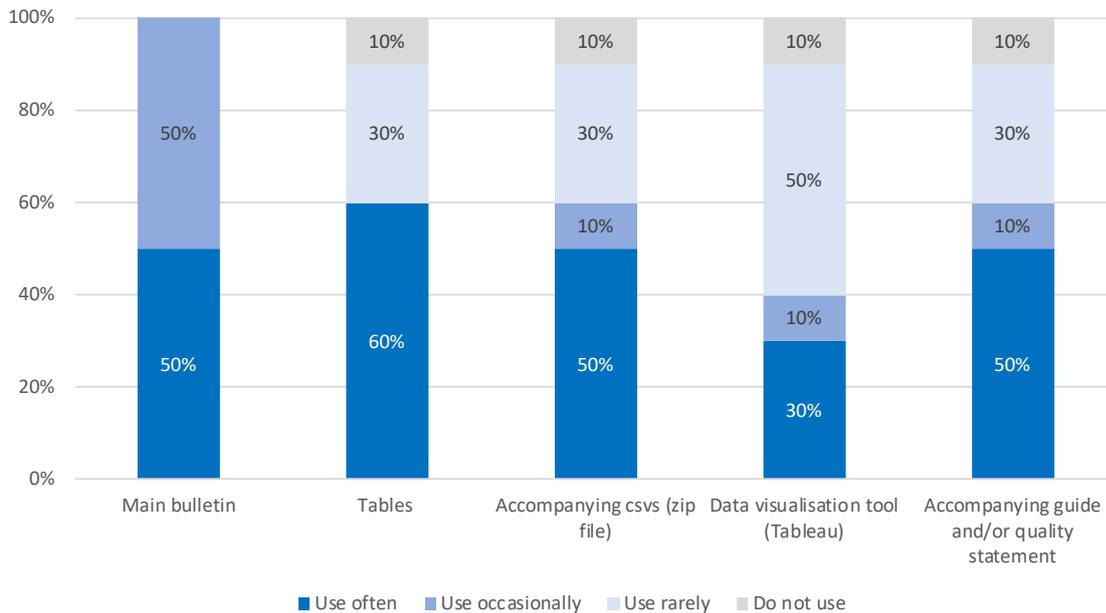
When asked about whether publishing quarterly data twice a year (i.e. including two quarters' data in each release) to allow for more time to be spent on developing the outputs, the respondents were split 50/50 in favour of this approach. Some commented that more frequent data would be useful particularly during the covid-19 pandemic period, as well as a suggestion that some items (either of a low volume or less likely to see much change) could be provided less regularly.

The resource currently required to produce FCSQ means that currently it is not possible to increase the frequency, e.g. to monthly. However, there are options available for when the data processing stage becomes more automated such as monthly dashboards for the headline figures and then less frequent publications which focus in-depth but on a longer time period. Any changes made may need to align across other MoJ statistical releases and considered against the resource and accuracy required.

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[4] To note that due to working from home during the covid-19 period, it has not been possible to keep the data visualisation tool up to date with more recent publications due to limited software access.

Overview of current tables

For every table, we asked respondents to let us know how often they used each table (after each release, a couple of times a year, annually, less than annually or never) and, for the tables used, how easy they found it to interpret the data (very easy, fairly easy, somewhat difficult or very difficult to use)[5].

Frequency: Perhaps unsurprisingly, Table 1 (which provides an overview of the workload of all areas of the family courts) is used by most respondents after each quarterly update. Tables that cover public and private law, legal representation and timeliness for all areas as well as domestic violence remedies have the next highest count of respondents who said they use them each quarter.

Generally, the tables towards the end of the published workbook had more than half of respondents say they never use them – these are tables 17-26, which cover forced marriage, female genital mutilation (FGM) and adoption in the family courts, the Court of Protection, the Office for Public Guardian and the Probate Service.

Ease of use: Overall, feedback showed that the tables are very or fairly easy to use, with just one or two respondents stating they were somewhat or very difficult. Nearly all tables had at least half of the respondents saying they were fairly easy to use.

What would be useful for our users

Several parts of the questions referred to so far included free text boxes for respondents to share their views as to how the FCSQ publication could be enhanced and fit their needs better. The responses are summarised below, and the FCS team response is provided at the end of this section.

When asked whether FCSQ meets the respondents' needs:

- **General:** data to be split by regions (unspecified), also a gender breakdown for applicants and respondents for each application type, for applicants where orders are granted and the average (mean and median) case duration for each case type where an order was granted.
- **Financial remedy:** how many orders are made, particularly different pension orders, including details of periodical payments, as well as to include a split of consent orders by how the consent order was reached (e.g. by mediation, negotiations by solicitors etc).
- **Public/private law:** data and graphs provided for applications and orders for enforcement proceedings.
- **Domestic violence remedy:** a gender breakdown for ex-parte non-molestation orders granted.

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[5] Full responses are available upon request.

When asked for suggestions to improve the main publication products (bulletin, csvs etc as well as each table individually):

- **Main bulletin**: to include information on enforcement of Child Arrangements Orders.
- **Tables 3 and 4 (children involved in public/private law applications/orders by order type):** to include a frequency distribution of the numbers of children involved.
- **Table 12 (overview of divorce):** To show how many couples issued financial applications before and after the divorce was finalised
- **Table 15 (financial remedy applications and disposals):** To include consent orders approved split by the process.
- **Table 16 (domestic violence remedies):** To show orders split by ex-parte or with notice, and a gender breakdown.

Response:

Generally, there is a balance needed between what data is available and how much detail can be covered by a publication that aims to give an overview of the family court system. The user responses provided in this consultation are considered alongside the frequency of Freedom of Information requests and Parliamentary Questions that the team also handle.

General requests:

Data that covers regional splits are currently published in the csv files that are provided alongside the main bulletin and tables ('DFJ and Region Level YYYY QQ') – this provides the number of cases started/disposed, applications and orders by case type, as well as a breakdown by DFJ (Designated Family Judge) area. Further breakdowns are also provided in separate csv files for forced marriage and FGM, albeit with suppression to small numbers applied.

Gender breakdowns for each application type are not commonly requested by many people. As regional data is already publicly available, adding additional splits (such as gender) would likely to involve suppression in most, if not all areas. The balance of resource required to apply this suppression and check it to a robust level in what is a tight timetable from data extraction to data publication alongside the number of requests means that this is best handled for each request in turn.

A range of divorce timeliness measures across all case types are currently published, all with means and some with medians included. The latter help to account for when mean timeliness figures can be inflated when historical cases reach decree nisi or decree absolute as such cases have less effect on medians as a measure of average case length. The end point of all measures focus on disposals, whether it be the first definitive disposal (e.g. not an interim order granted) or to the final disposals (to indicate when a case is closed). These measures have two key purposes – for the courts to understand their workload from start to end as well as to provide data on key measures with set definitions (for example, for care proceedings to reach a disposal within the 26-week limit introduced in the Children and Families Act 2014). To focus on other interim steps can be useful for personal reasons and can continue to be provided upon request (via Freedom of Information requests, for example) but the large number of different orders across all case types means including such measures in FCSQ is not feasible.

Enforcements orders for Children Act cases being added to the bulletin was suggested without reason - as the data is readily available in the tables and it is not an area that is

requested frequently either internally or externally. As such, it is deemed that the balance is suitable at the moment.

Financial remedy requests:

A key request has been to provide data on how many financial remedy orders are made (by type). This used to be included in older FCSQ releases until the information was withdrawn with notice given in the March 2020 FCSQ release following identification of several data issues. Since then, work has been ongoing across MoJ to seek to add specific fields to the existing data sources to aid robust data collection. Once this is in place and data accuracy has been confirmed, we will seek to reinstate the table that had been withdrawn, showing financial remedy orders by type. Data on how consent orders are reached are not collected in central data administrative systems – as such it will not be feasible to incorporate such data into FCSQ.

Information on whether financial remedy applications are made before or after the divorce has been finalised would be feasible, but the purpose of this is unclear – Table 13 provides data on the number of divorce petitions and how many of these include a financial remedy application. The link between divorce and financial remedy is not commonly requested and so can be handled for each request in turn.

Public/private law:

Suggestions are focussed on graphs and frequency distributions on the number of children involved in applications and orders, generally as well as enforcement proceedings specifically. As earlier, the data is readily available in the tables, so users are able to use the tables and csv files to create their own charts to fit their specific purpose.

Domestic violence remedy:

Breakdowns of applications and orders by 'ex-parte' or 'on notice' (i.e. whether the respondent has been given notice or not) is an aspect that is often requested. Whilst this information is available in the related csv file, it can be more readily available in the main tables for a high-profile area of the family courts. Adding in a gender split would mean that the data becomes more sensitive and may be subject to suppression – this will be monitored moving forward and may be added in if it can be handled appropriately without adding to the risk of disclosure.

Divorce Timeliness

HMCTS management information (MI) expanded in August 2020 to include additional divorce timeliness measures that look at the average time taken for each of the following stages as well as the percentage of cases that meet set thresholds:

i) From receipt of petition to the petition being issued (threshold: 3 days)
ii) From receipt of decree nisi application to the legal advisor granting an entitlement order (threshold: 5 days)
iii) From listing of decree nisi for pronouncement to the pronouncement hearing date being allocated (threshold: 3 days)

Users were asked to feedback whether these measures (either average time taken, the percentage meeting each threshold or both aspects) would be useful or would a full end-to-end breakdown of each stage be preferred:

- 3 (of 6) respondents fed back that a full end-to-end breakdown of each stage of divorce would be useful, with 2 requesting both the average time and % meeting each threshold and 1 saying just the average time would be sufficient
- 2 respondents stated both sets of measures as in the published MI would be beneficial
- 1 respondent stated the current divorce timeliness measures in FCSQ address their requirements

We will work with data providers to establish a full set of timeliness measures for each stage of the divorce process. At a minimum, FCSQ will reflect the MI measures within the 2021 publication cycle.

We also asked if users found Table 14 (which shows the percentage of divorce cases reaching certain stages, by the number of quarters since petition, with the data aggregated over time from 2011 to the latest available period) helpful – it was roughly a split decision, with 57% saying it was either very or somewhat useful and the others saying they do not use this table. As such, this table will be retained as it is of use to a small number of users.

Public and Private Law summary tables

We aimed to understand whether users found the existing Table 2 helpful (which summarises public and private law applications, orders and children involved). 4 of the 5 respondents fed back that they find the current presentation and data items confusing, although the full range of alternatives were preferred by different users. As this table is fundamentally deemed confusing at it stands, the team plan to reform the table accounting for the different views and share with users for feedback prior to implementing any changes.

Tables 3 and 4 currently provide the number of children in each type of application and order, with a split by public and private law – 60% (3 of 5) said these tables should expand to cover the number of applications and orders involved as well as the number of children involved. This is an area commonly requested internally and externally so the team will expand these tables to cover both children and apps/orders by type.

Outstanding cases and mode of hearing

When asked whether data on outstanding cases and splits by mode of hearing, the vast majority of respondents said such aspects would be useful (88% for both aspects). HMCTS MI currently includes data on outstanding cases for public and private law so we can seek to include these measures alongside the restructure of Table 2 mentioned earlier.

Currently MI is available on hearings by mode at court level generally, but this data is not linked to the specific case. Once these links are in place and the quality of data has been confirmed we will work to include this information in future FCSQ releases.

Forward look

Accounting for the feedback in this consultation, alongside information requested internally as well as in FOIs and PQs, there are several areas to develop with others to explore further before being able to confirm our intention to publish.

The areas that can be confirmed for adding to FCSQ are:

- New divorce timeliness measures – to reflect the new measures in HMCTS published MI, then to expand into a set of measures that breaks down the divorce process in full. **Target: June 2021 publication regarding the MI metrics, to expand to an end-to-end process later in 2021.**
- A split of domestic violence remedies by ex-parte/on notice in the main tables. **Target: September 2021.**
- A restructure of Children Act tables 2, 3 and 4. **Target: September 2021**
- Outstanding cases across each family court case type. **Target: public and private law measures for December 2021 publication, other areas to be explored during 2021 and confirmed either way alongside this release.**

Areas subject to more exploration – future FCSQ releases will provide updates on these when available:

- Financial remedy orders – this information is currently not readily available in existing administrative data systems and we are working with operational colleagues to explore this further.
- Mode of hearing by case type.

For the foreseeable future, FCSQ will remain as a quarterly publication due to the resource needed to produce it. However, as we work towards streamlining and automating the data processing, this may allow for more regular outputs. Any change to the frequency will be announced ahead of time so that users are kept informed.