



Ministry  
of Justice



# **Family Court Statistics Quarterly**

July to September 2014

Ministry of Justice  
Statistics bulletin

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## Introduction

This is the first edition of a new statistical bulletin presenting statistics relating to family courts. These statistics were previously published within Court Statistics Quarterly Statistics which, after consultation, has been split into separate policy focussed publications. There is no loss of information resulting from this separation.

It presents statistics on activity in the family courts of England and Wales and provides provisional figures for the latest quarter (July to September 2014) 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. The statistics 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](http://www.gov.uk/government/collections/civil-justice-statistics)

Information on Criminal cases can be found here:

[www.gov.uk/government/collections/criminal-justice-statistics-quarterly](http://www.gov.uk/government/collections/criminal-justice-statistics-quarterly)

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](http://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.

The structure and content of this report is 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.

Earlier editions of this publication can be found at:

[www.gov.uk/government/collections/court-statistics-quarterly](http://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 the word document 'Guide to Family Justice - Guide to national and court-level information.doc', which is also included in the zip file. There are number of csv which include;

- Designated Family Judge area level data for family cases

- Further details for each of the 'main tables' published alongside this document.

The next publication of Family Court Statistics Quarterly is scheduled to be published on 26 March 2015, covering the period October to December 2014.

### **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.

## Key Findings

This report presents statistics on activity in the family court of England and Wales in the third quarter of 2014 (July to September).

- The number of cases that started in family courts in England and Wales in July to September 2014 dropped 7% to 61,700 compared to the equivalent quarter of 2013.
- In particular, there were almost a quarter fewer private law cases starting, continuing a downward trend since Q2 2013.
- The average time for the disposal of a care or supervision application continued to drop to just over 29 weeks (down from just over 36 weeks in July to September 2013 and down from just over 48 weeks in July to September 2012). This is due to the Children and Families Act 2014, which introduced a 26 week time limit for completing these cases.
- Nearly 60% of care or supervision proceedings were disposed of within 26 weeks
- The number of private law disposals where both parties were represented fell by 40% in July to September 2014 compared to the same quarter the previous year. This continues the upward trend since Q2 2013.
- The upward trend in the number of non-molestation applications continues - up from a low of 3,729 at the end of 2011 to 5,107 in July to September 2014.
- During July to September 2014, there were 1,766 adoption orders issued, continuing the increasing trend and the highest number since the beginning of 2011

## 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<sup>nd</sup> April 2014, all family cases are now dealt with in the Single Family Court

Family courts deal with cases such as: parental disputes, local authority intervention to protect children, 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 (Table 1)

Family courts deal with around 270,000 new cases each year. In July to September 2014, 61,882 new cases started in family courts and 70,690 cases were concluded. Table 1 shows the total number of new cases starting and cases reaching a conclusion in family courts in each quarter. Figure 1 shows that, in July to September 2014, divorce made up 47% of new cases in family courts, with private law contributing 17% and financial remedy 15%.

**Figure 1: Total family court new cases, by case type, July to September 2014**

	Number of new cases starting	Proportion of new cases starting	Number of cases reaching a final disposal	Proportion of cases reaching a final disposal
Matrimonial matters	29,334	48%	27,966	40%
Financial remedies	9,262	15%	8,002	11%
Domestic violence	5,302	9%	4,886	7%
Private law	10,669	17%	22,435	32%
Public law	3,844	6%	4,078	6%
Adoption Act	3,237	5%	3,160	4%
Forced marriage protection	43	<1%	46	<1%

## Section 2 - Public Law

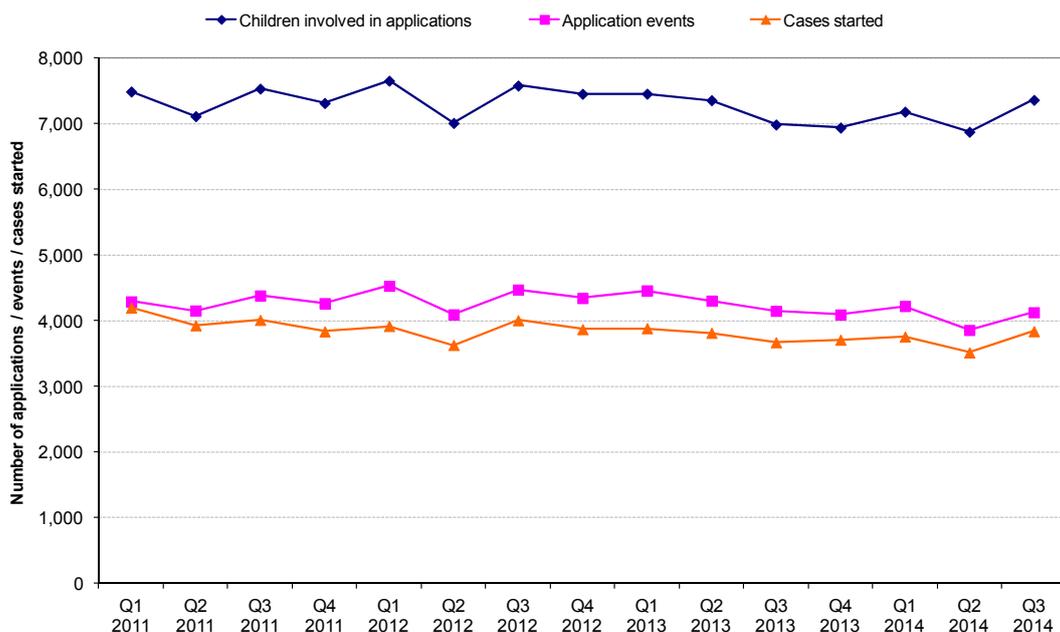
Public law cases are those brought by local authorities or, very rarely, an authorised person to protect the child and ensure they get the care they need. They can apply for a range of different orders. Types of order include a care or supervision order which determines whether the child should be looked 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 case, the number of children involved in public law applications made by local authorities jumped in 2009 from around 20,000 to almost 26,000 per year. This had subsequently increased in the past three years to nearly 30,000 per year. Figures have remained fairly steady at around 7,000 per quarter - there were 7,367 children involved in public law cases in July to September 2014 (Figure 2).

The number of applications made, which can cover more than one child, was 4,133 in July to September 2014. The trend in disposals tends to lag behind that for applications, due to the time taken for a decision to be reached in cases.

More than one application may be made during the life of a case. The numbers of cases started in July to September 2014 was 3,844 (Table 2).

**Figure 2: Public law applications: number of children involved, number of application events and number of cases started, January to March 2011 to July to September 2014**



There were 8,974 children involved in public law orders made in July to September 2014. 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 can result in an order or orders of a different type being made.

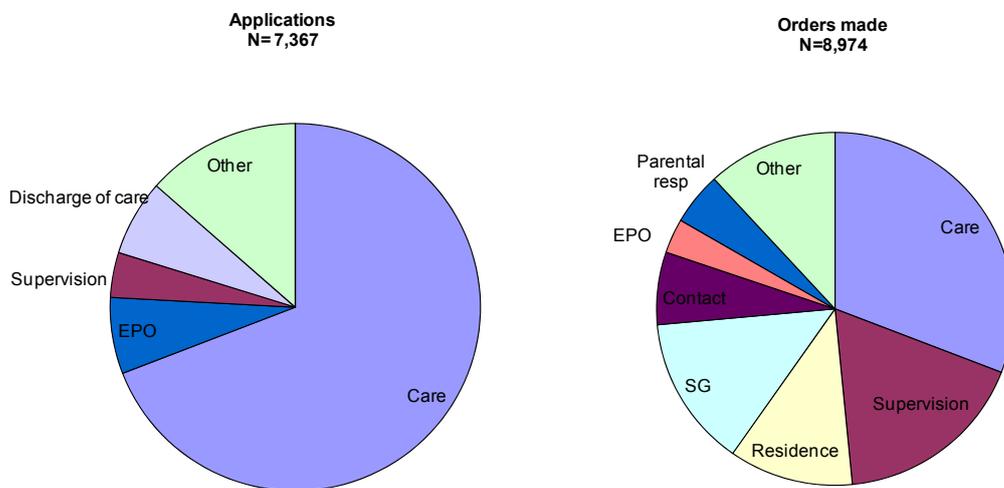
Figure 3 shows that the most common types of order applied for in July to September 2014 were care (69% of children involved in applications), followed by emergency protection (7%) and discharge of a care order (7%). There is often a different pattern between the types of order applications and the orders that are given – this is because an application for one type can result in an order of a different type being made. For example, there were 292 children involved in applications in July to September 2014, but 1,579 children were involved in supervision orders made in that quarter.

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:

[www.cafcass.gov.uk/news/2014/november/october-2014-care-demand-statistics.aspx](http://www.cafcass.gov.uk/news/2014/november/october-2014-care-demand-statistics.aspx)

Case level care order figures are currently not produced by the MoJ and so no comparisons between the two datasets can be made at this time.

**Figure 3: Public law applications and orders made, showing proportion of children involved in each order type, July to September 2014**



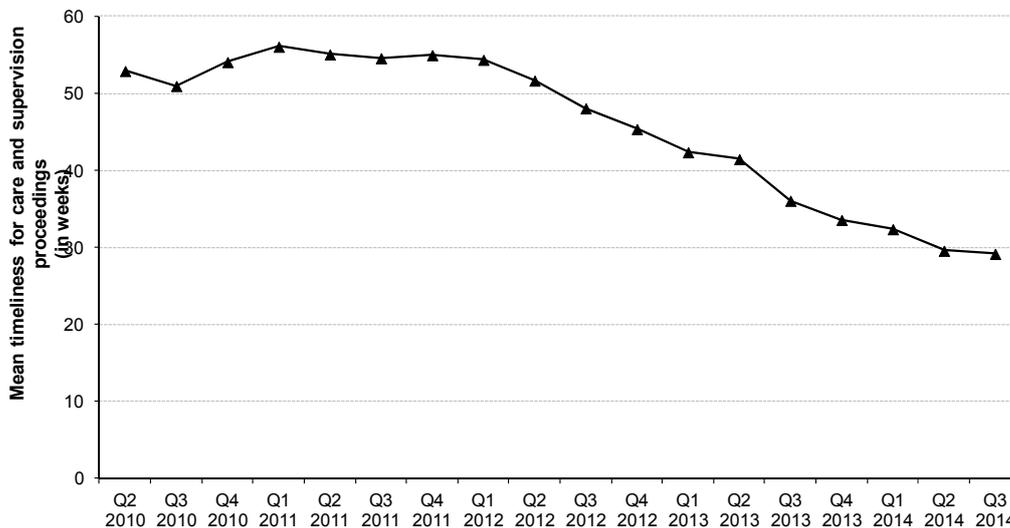
EPO = Emergency protection order, SG = Special guardianship order, Parental resp = Parental responsibility order

## 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 5. 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.

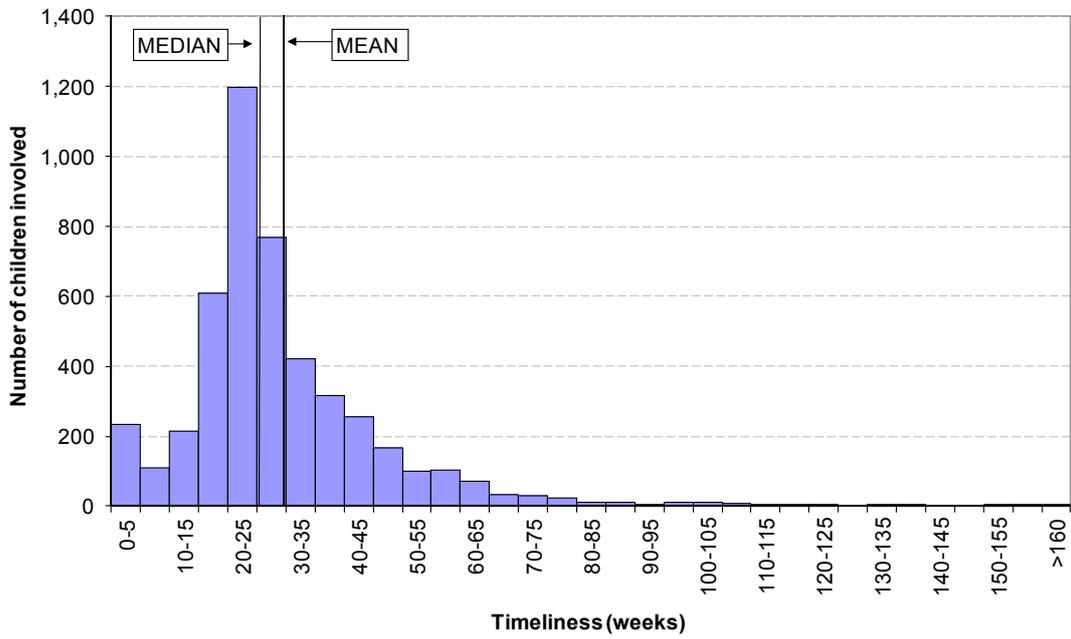
The average time for a disposal to be made in July to September 2014 was 29 weeks, continuing the downward trend seen since January to March 2011 (Figure 4).

**Figure 4: Timeliness for Care and Supervision proceedings in the Family Court, July to September 2010 to July to September 2014**



The average time for a disposal can be skewed by cases that take a long time, therefore the median time is also calculated. The median time to make a disposal in a case was 25.1 weeks in July to September 2014 - for all children involved in care and supervision proceedings where a decision was reached during July to September 2014, half of the children waited 25.1 weeks or less from application to a substantive disposal, and the other half waited at least 25.1 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 5 shows how many children were involved in each timeliness band in their case proceedings for cases disposed in July to September 2014.

**Figure 5: Timeliness for Care and Supervision proceedings showing number of children involved in each timeliness band, July to September 2014**



## Section 3 - Private Law

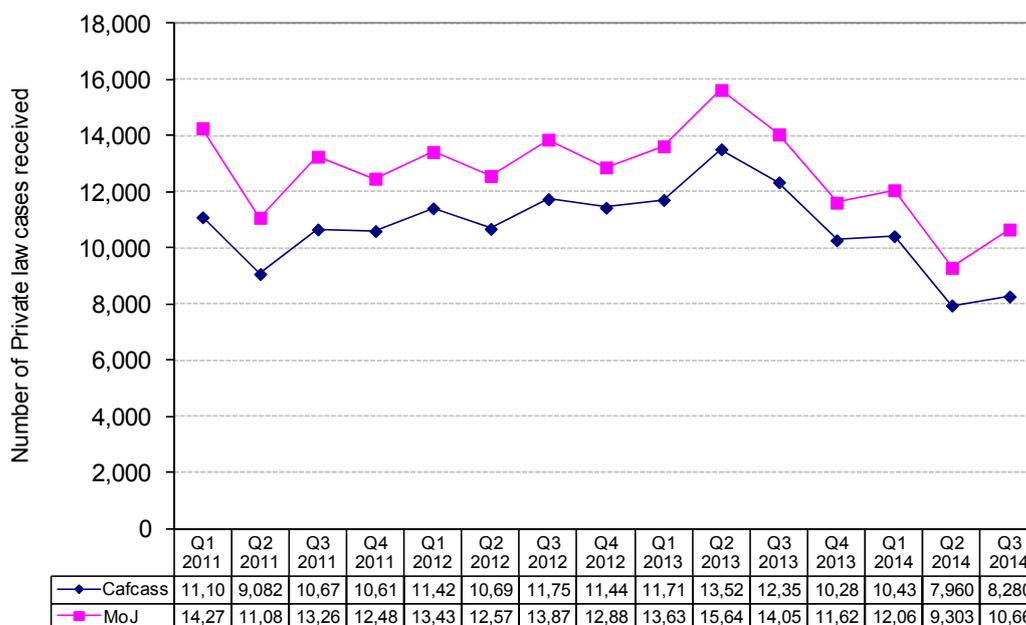
The number of Private law cases started in July to September 2014 was 10,669, down by almost a quarter compared to the same time in 2013. The trend in cases disposed tends to lag behind that for cases started due to the time taken for a decision to be reached in cases. There were 22,435 cases disposed in July to September 2014. Although there has been a slight upward trend in recent quarters, this large increase in cases disposed is due to an audit by HMCTS between July and September 2014 of all open private law cases. The courts endeavour to continue this monitoring each month. The number of court events does not show an increase because the cases are being closed administratively, rather than as a result of increased court workload.

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

[www.cafcass.gov.uk/news/2014/november/october-2014-private-law-demand-statistics.aspx](http://www.cafcass.gov.uk/news/2014/november/october-2014-private-law-demand-statistics.aspx)

These are compared against figures in this bulletin in Figure 6, which shows that the patterns of the two trends are very similar.

**Figure 6: Comparison of the number of Private law cases received, as recorded by Cafcass and the MoJ, January to March 2011 to July to September 2014**



Most of the difference between the two sets of numbers is due to Cafcass generally only receiving section 8 cases (contact, residence, prohibited steps and specific issue) from the courts. However, even looking at just

section 8 cases, MoJ figures have still been between 3% and 9% higher than Cafcass figures over the last two years. 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 on going 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 means that the two sets of figures 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**

Until April to June 2014, average time to first definitive disposal had been increasing each quarter in private law cases overall. In the most recent quarters, this trend appears to be reversing with the average time to first disposal at 16.8 weeks in July to September 2014 (up nearly a week from the same time in 2013 but down half a week from the previous quarter).

## Section 4 - Legal representation

Figures on the legal representation of parties in family-related court cases are shown in Table 6. 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 breakdown of Table 6 by region is published in the CSV file that accompanies this table.

The legal representation status reflects whether the applicant/respondent's legal representative has been recorded or left blank. Therefore, parties recorded as without legal representation are not necessarily self-representing litigants in person, for example in non-contested divorce cases.

### **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).

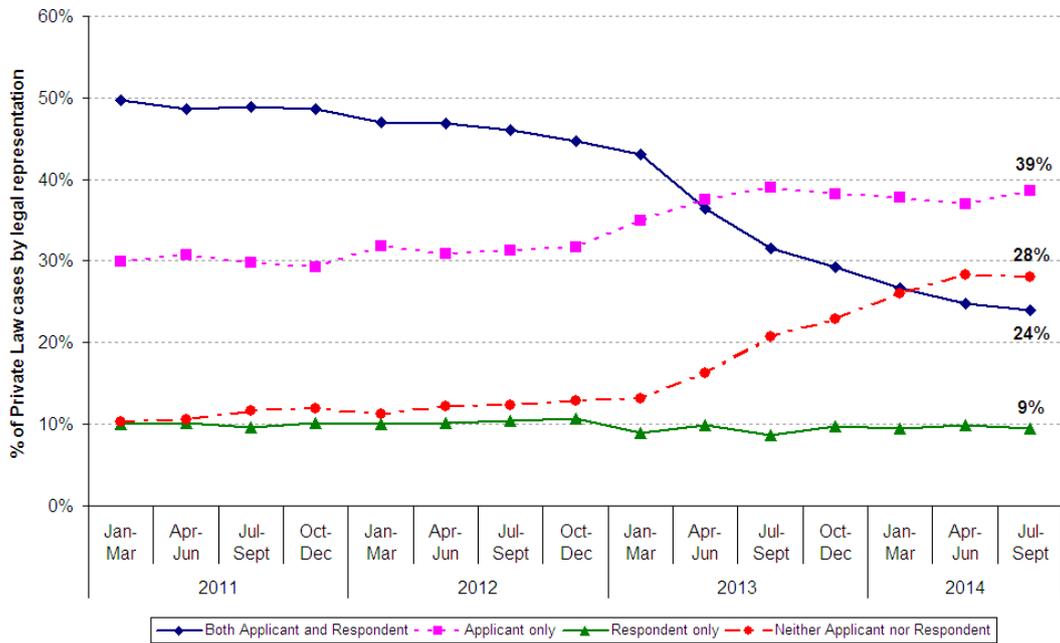
The full details of the LASPO Act can be found here:

[www.legislation.gov.uk/ukpga/2012/10/enacted](http://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: Figure 7 shows how this has changed over the time. There has been an increase in cases where neither party or only the applicant are represented, whilst those cases with only the respondent represented have stayed relatively constant. Cases where both parties are represented have fallen over time, with a sharp decrease seen around the time that the LASPO reforms were implemented.

Figures show that the number of disposals for private law cases where both parties were represented dropped by 40% in July to September 2014 compared to July to September 2013

**Figure 7: Proportion of parties in private law cases with legal representation, January 2011 - September 2014**



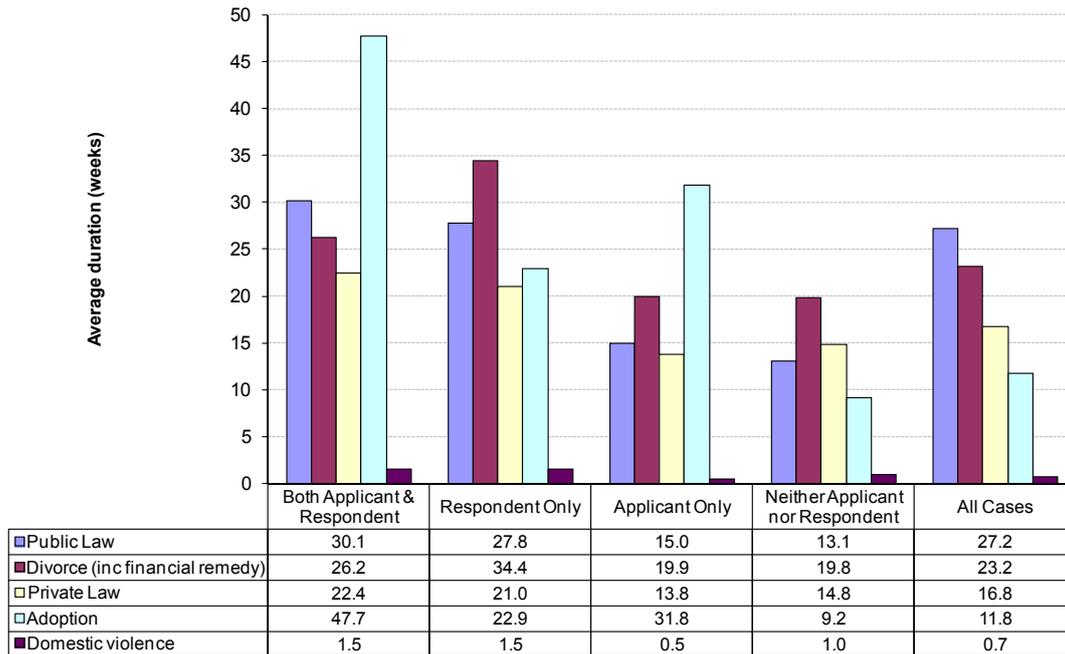
### Timeliness of cases by legal representation

In general, across all case types, cases where 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 8 shows the average duration by case type in July to September 2014.

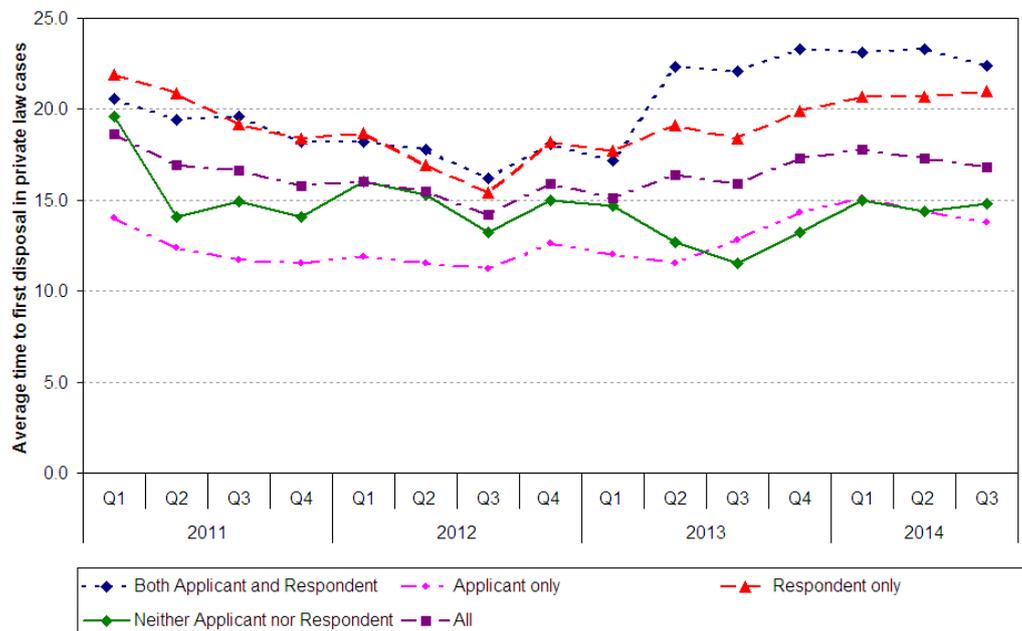
The average case duration for divorce cases across all representation categories has remained fairly constant over recent years, while for public law average duration has fallen since the middle of 2012.

In private law cases, the average time to first disposal was falling until the first quarter of 2013 when it started to rise. This increase was driven by a sustained increase in the timeliness of cases where both parties or just the respondent are represented whilst those without representation show no clear pattern. In the two most recent quarters, there has been a decrease in the timeliness for private law cases overall (Figure 9).

**Figure 8: Timeliness of cases according to legal representation of participants, by case type, July to September 2014**



**Figure 9: Average time to first disposal in private law cases, January to March 2011 to July to September 2014**



The Legal Aid Agency (LAA - formerly the Legal Services Commission) collects statistics on those applying for legal aid, and figures on the number 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](http://www.gov.uk/government/collections/legal-aid-statistics)

## Section 5 - Matrimonial matters

Table 7 provides the numbers of petitions and decrees granted for divorce, annulment and judicial separation in England and Wales. It also provides a breakdown of whether the petitioner in each case was male or female, whether children were involved in the divorce petition, and whether the divorce was contested or not. The CSV file that accompanies this publication provides additional information on matrimonial proceedings such as gender of petitioner and whether children were involved or not.

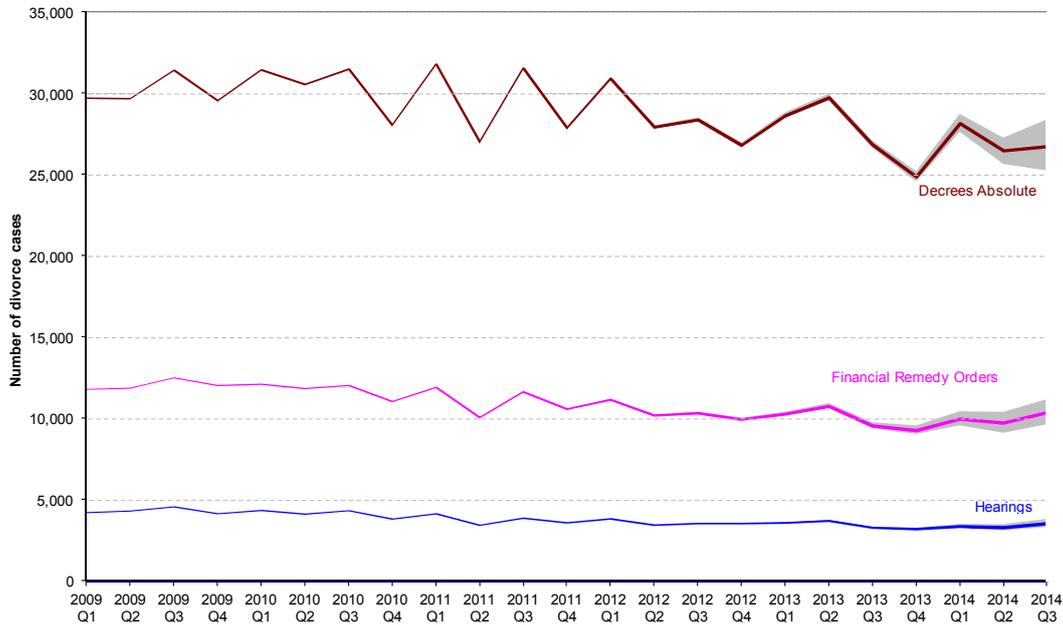
Over 99% of petitions filed for matrimonial proceedings are for divorce. There are small numbers of annulments and judicial separations. The number of divorces is fairly stable at around 30,000 per quarter.

In addition to caseload, there are also divorce case progression figures presented in this publication. A summary of divorce case progression can be found in Table 8 – it shows the number and proportion of divorce cases commencing in each quarter since 2003 that had reached certain stages by the end of September 2014.

The table also includes an estimation of the final numbers of cases that will reach each stage (decrees nisi, decrees absolute, financial remedy applications, financial remedy orders, hearings, injunction applications and injunction orders). Based on this estimation, around 90% of divorce petitions eventually proceed to a decree absolute. Financial remedy applications and orders are eventually made in just over a third cases, and hearings take place in just over 10% of cases. Figure 10 illustrates these trends. This estimation has been based on the paper “Generalised estimation method for the number of cases that reach any stage in the court process in civil justice” published on page 68 of A Guide to Court and Administrative Justice Statistics.

[www.gov.uk/government/statistics/guide-to-court-and-administrative-justice-statistics](http://www.gov.uk/government/statistics/guide-to-court-and-administrative-justice-statistics)

**Figure 10: Estimated case progression of divorce cases, January to March 2009 to July to September 2014**



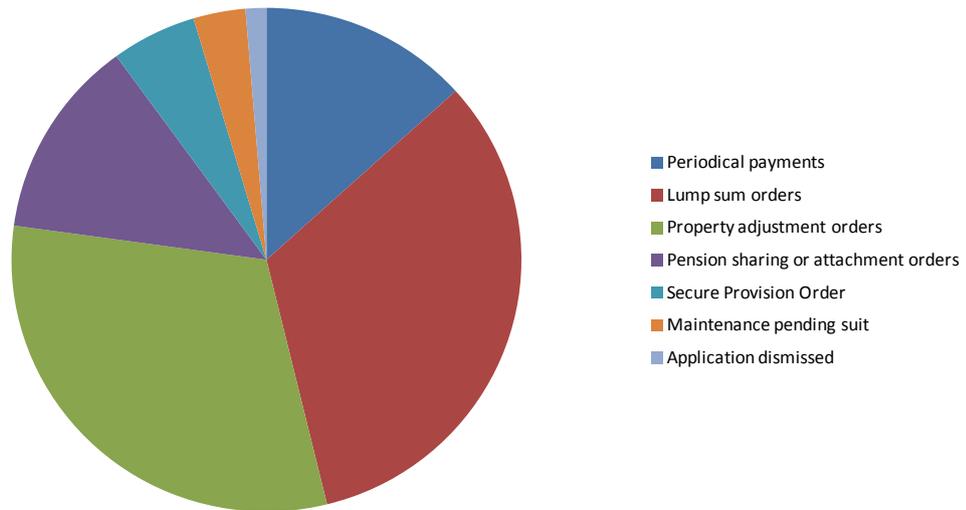
## Financial remedy

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 ancillary relief are not dependent upon divorce proceedings and may be made for children.

There were 10,401 applications in July to September, 14% lower than a year earlier. The number of disposals was 10,206, down 8% on July to September 2013. During this period, 63% of disposals were uncontested, 28% were initially contested, and 9% were contested throughout (Table 9).

In July to September 2014, property adjustment orders and lump sum orders accounted for about a third of disposals each (Table 10). The other disposal types are shown in Figure 11.

**Figure 11: Financial remedy disposal types, July to September 2014**



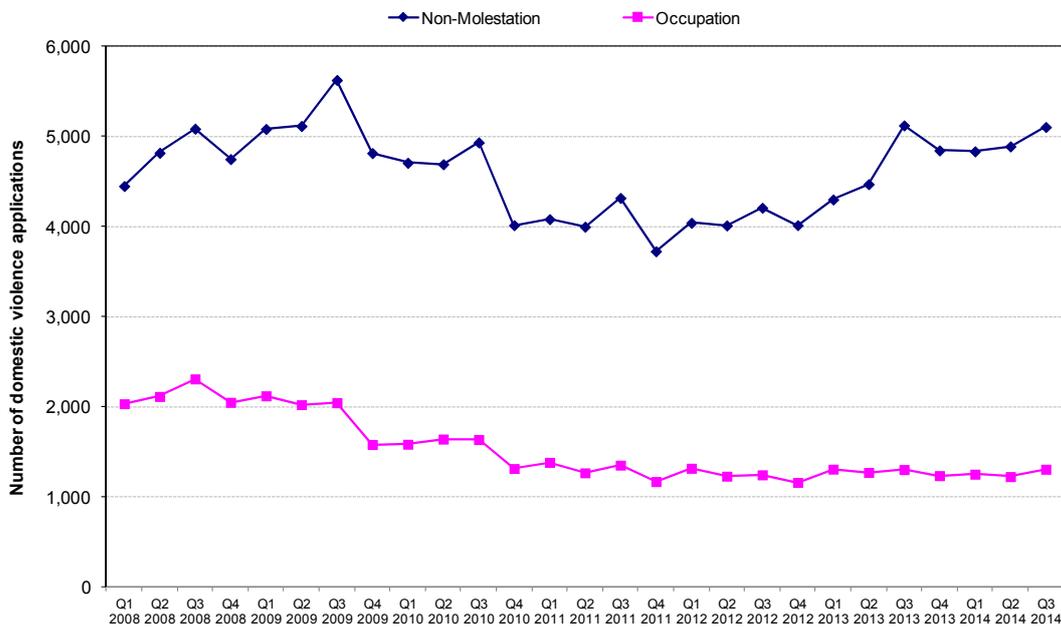
## Section 6 - Domestic Violence

A range of people can apply to the court: 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; and,
- an occupation order, which can define or regulate rights of occupation of the home by the parties involved.

**Figure 12: Applications for domestic violence protection orders, 2008 to 2014**



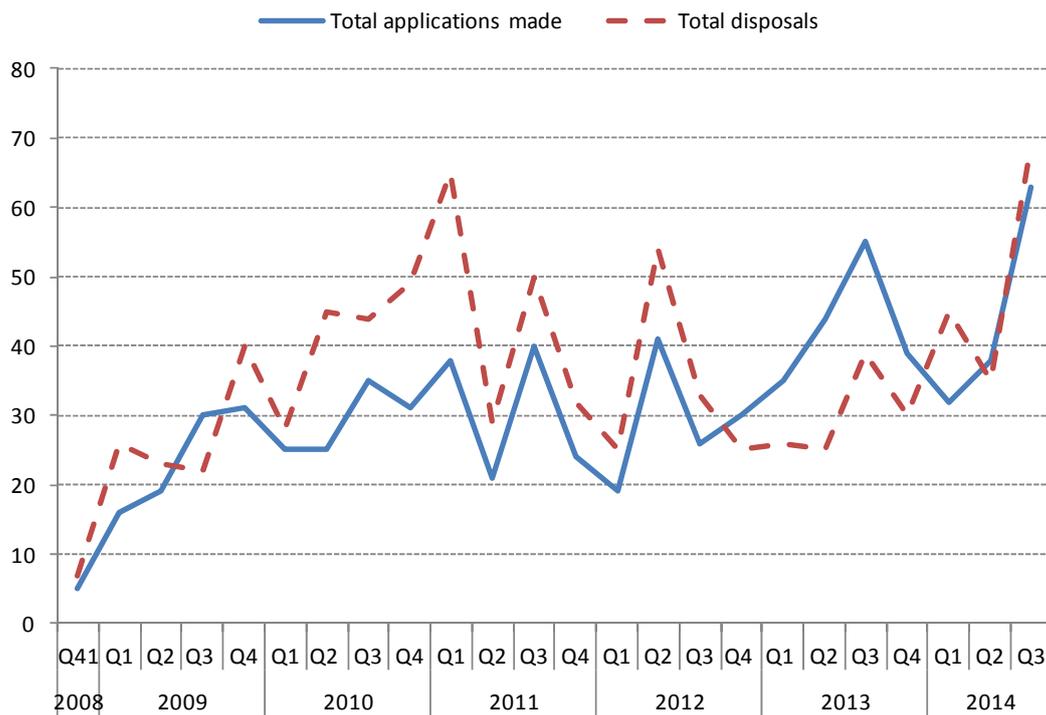
As shown in Figure 12, the number of occupation applications is stable at around 1,250 per quarter. The number of non-molestation applications has risen from a low of 3,729 at the end of 2011 to 5,107 in July to September 2014.

## 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. For July to September 2014, there were 63 applications and 66 orders made. Although these numbers are small there has been an increase since last quarter, as show by Figure 11. 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. This may have increased applications for FMPOs because of increased awareness. The increase in disposals was greater for orders without power of arrest attached.

**Figure 13: Applications and Disposals of Forced Marriage Protection Orders, 2008 to 2014**



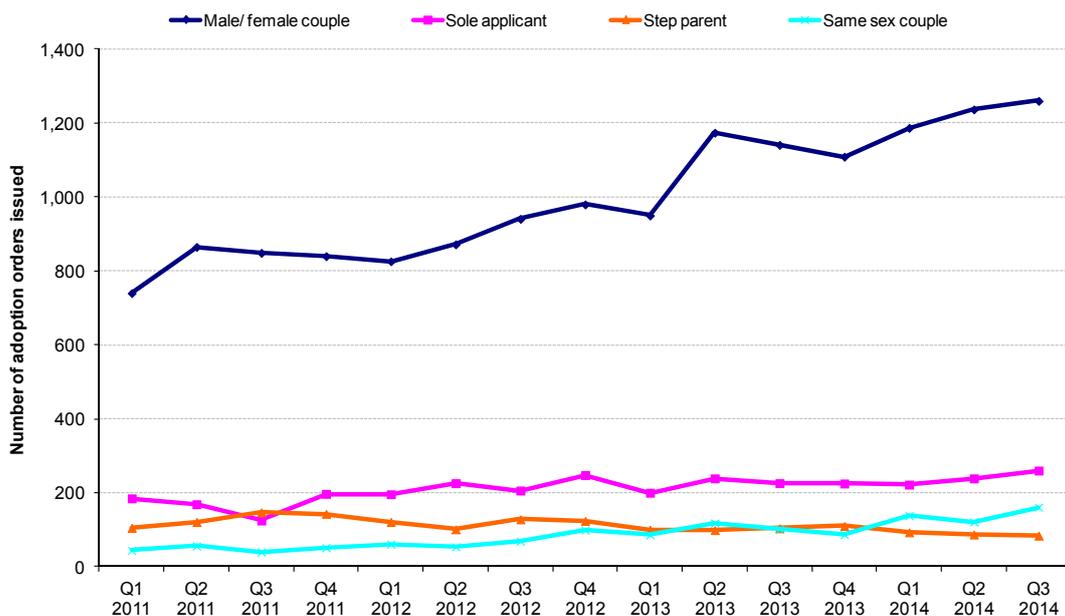
## Section 8 - Adoptions

An adoption order made by a court extinguishes the rights, duties and obligations of the natural parents or guardian and vests them in the adopters. On adoption the child becomes for virtually all purposes in law the child of its adoptive parents and has the same rights of inheritance of property as any children born to the adoptive parents. Most adoptions in the UK are 'standard' adoptions. Data is also provided in the table 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.

In July to September 2014, there were 1,226 applications made for a placement order, and 1,706 applications made for an adoption order.

During July to September 2014, there were 1,766 adoption orders issued, continuing the increasing trend and the highest number since the beginning of 2011. In 71% of these, the adopters were a male/female couple, while in 15% the adopter was a sole applicant. In a further 5% the adopter was a step-parent and in 9% the adopters were a same-sex couple (Figure 14). Figures on the sex and age band of adopted children can be found in Table 14 and timeliness figures can be found in Table 6. A wider range of breakdowns for adoption applications and orders, for example by type of order, can be produced from the accompanying CSV file.

**Figure 14: Adoption orders issued, by adopter, January to March 2011 to July to September 2014**



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General enquiries about the statistics work of the MoJ can be emailed to [statistics.enquiries@justice.gsi.gov.uk](mailto:statistics.enquiries@justice.gsi.gov.uk)

General information about the official statistics system of the UK is available from [www.statistics.gov.uk](http://www.statistics.gov.uk)

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