



Ministry
of Justice



Family Court Statistics Quarterly

October to December 2014

**Ministry of Justice
Statistics bulletin**

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Introduction

This is the second edition of a new statistical bulletin presenting statistics relating to family courts. These statistics were previously published within Court Statistics Quarterly which, after consultation, was split into separate policy focussed publications.

It presents statistics on activity in the family courts of England and Wales and provides provisional figures for the latest quarter (October to December 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.

As part of the work to constantly review and improve the content and coverage of our statistical publications, new tables have been introduced providing quarterly summary casework statistics from the Court of Protection and Office of the Public Guardian. These statistics were previously published on an annual basis only,

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:

<https://www.gov.uk/government/collections/civil-justice-statistics>

Information on Criminal cases can be found here:

<https://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:

<https://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 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.

Earlier editions of this publication 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 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:

- Designated Family Judge and Region area level data for family cases
- Additional breakdowns and further details for each of the ‘main tables’ published alongside this document.

The next edition of Family Court Statistics Quarterly is scheduled to be published on 25 June 2015, covering the period January to March 2015.

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 fourth quarter of 2014 (October to December).

- The number of cases that started in family courts in England and Wales in October to December 2014 dropped 3% to 59,000 compared to the equivalent quarter of 2013. This is in line with the previous quarters of 2014 but lower than the average of 66,700 cases per quarter in 2011 to 2013. This is mainly due to falls in matrimonial and private law cases.
- The average time for the disposal of a care or supervision application continued to drop to 28.7 weeks (down from 33.6 weeks in October to December 2013 and down from 45.4 weeks in October to December 2012). Fifty per cent of cases were disposed within 25.1 weeks. 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 42% in October to December 2014 compared to the same quarter the previous year. This continues the trend since Q2 2013.

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, 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)

During 2014 family courts dealt with around 240,000 new cases, down from the 266,000 new cases in each of the previous three years. In October to December 2014, 58,978 new cases started in family courts and 58,416 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 October to December 2014, divorce made up 47% of new cases in family courts, with private law contributing 18% and financial remedy 16%.

Figure 1: New family cases starting and cases disposed, by case type, October to December 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	27,462	47%	27,311	47%
Financial remedies	9,340	16%	7,817	13%
Domestic violence	4,851	8%	4,653	8%
Private law	10,382	18%	12,095	21%
Public law	3,824	6%	3,527	6%
Adoption Act	3,084	5%	2,980	5%
Forced marriage protection	35	<1%	33	<1%

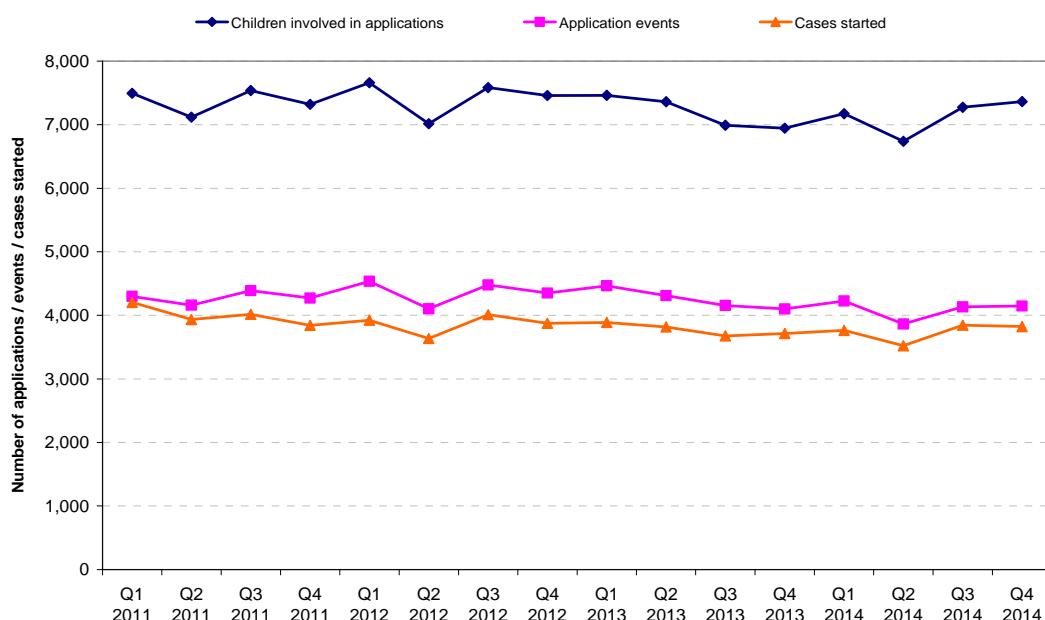
Section 2 - Public Law

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, with 7,426 children involved in public law applications in October to December 2014 (Figure 2).

The number of applications made, which can cover more than one child, was 4,166 in October to December 2014 – on average, there were 1.8 children involved in each application. More than one application may be made during the life of a case. The numbers of cases started in October to December 2014 was 3,824 (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 October to December 2014



There were 9,272 children involved in public law orders made in October to December 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.

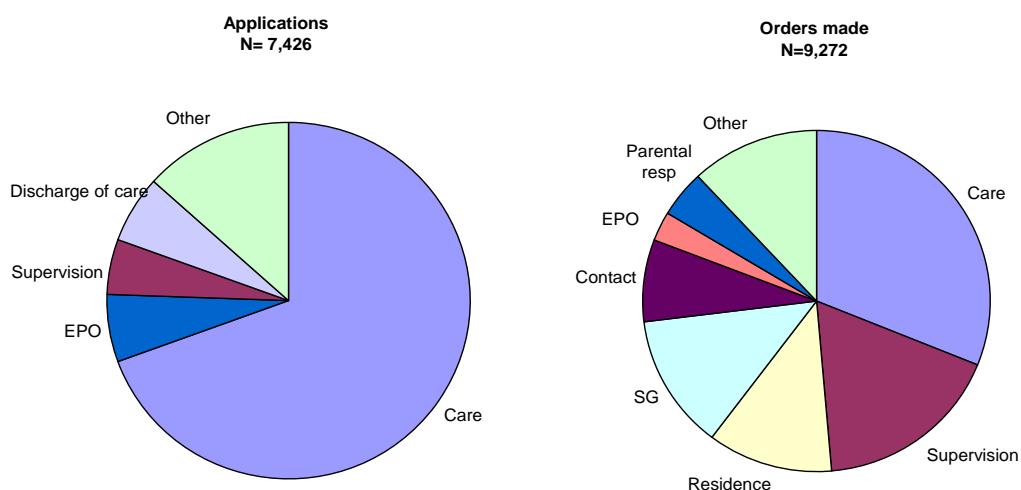
Figure 3 shows that the most common types of order applied for in October to December 2014 were care (69% of children involved in applications), followed by emergency protection (6%) and discharge of a care order (6%). There is often a different pattern between the types of order applications and the 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 364 children involved in applications for a supervision order in October to December 2014, compared to 1,622 children involved in supervision orders made in that same quarter. The trend in disposals tends to lag behind that for applications, due to the time taken for a decision to be reached in cases.

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:

<http://www.cafcass.gov.uk/news/2015/february/january-2015-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, October to December 2014



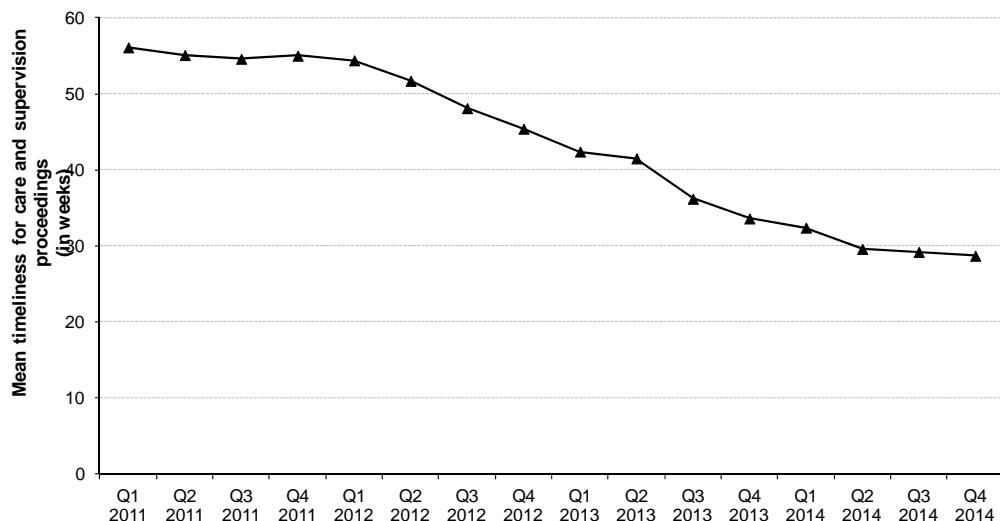
EPO = Emergency protection order, SG = Special guardianship order, Parental resp = Parental responsibility order

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.

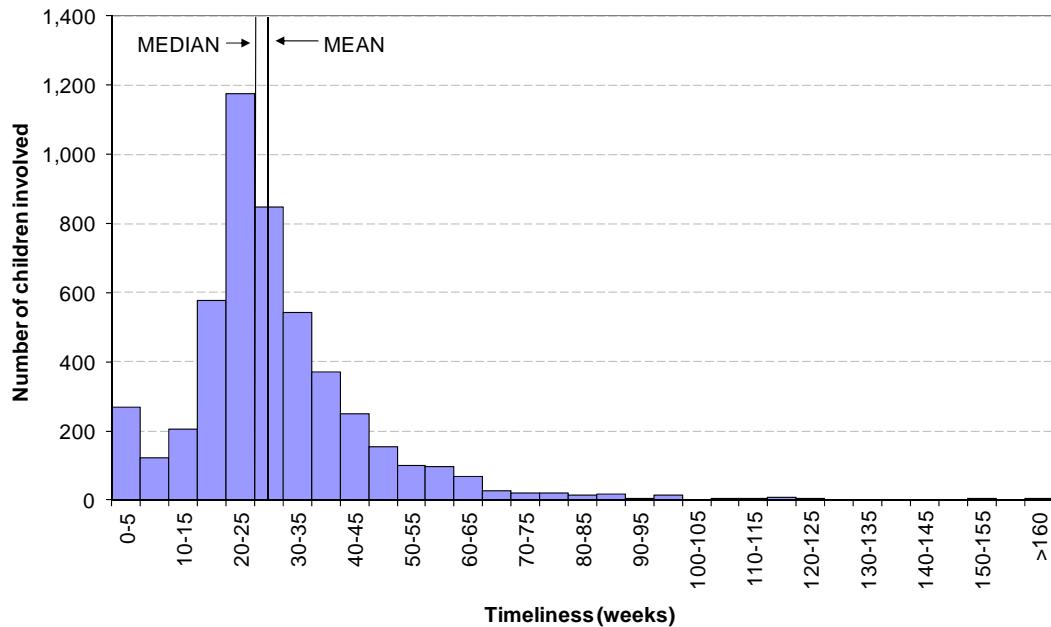
The average time for a disposal to be made in October to December 2014 was 29 weeks, continuing the downward trend seen since January to March 2011 (Figure 4).

Figure 4: Timeliness for Care and Supervision proceedings in the Family Court, January to March 2011 to October to December 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 October to December 2014 - for all children involved in care and supervision proceedings where a decision was reached during October to December 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 October to December 2014.

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



Section 3 - Private Law

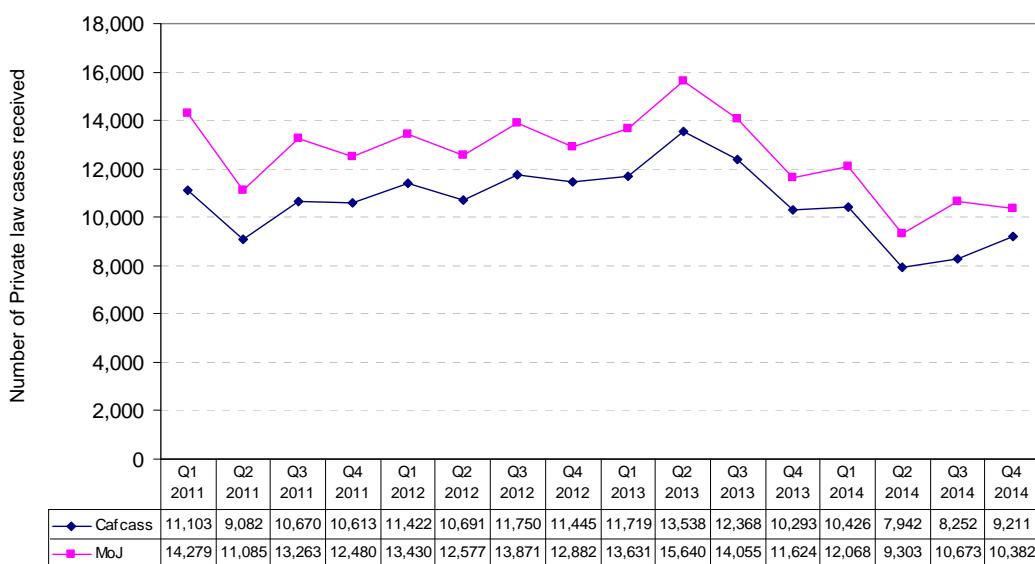
The number of Private law cases started in October to December 2014 was 10,382, down by 11% compared to the equivalent quarter in 2013. The trend in cases disposed tends to lag behind that for cases started due to the time taken for a decision to be reached in cases. There were 12,095 cases disposed in October to December 2014, which is a return to the level seen before the previous quarter (July to September 2014) which was affected by the one-off increase in cases disposed due to an audit by HMCTS of all open private law cases.

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:

<http://www.cafcass.gov.uk/news/2015/february/january-2015-private-law-demand-statistics.aspx>

These are compared against figures in this bulletin in Figure 6, which shows that 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 October to December 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

Table 6 shows that from the middle of 2012 to April to June 2014, the average time to first definitive disposal had been generally increasing in private law cases overall. In the most recent quarters, this trend appears to be reversing with the average time to first disposal at 15.3 weeks for October to December 2014 (down nearly two weeks from the equivalent quarter in 2013).

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 within FamilyMan, the family court case management system. 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.

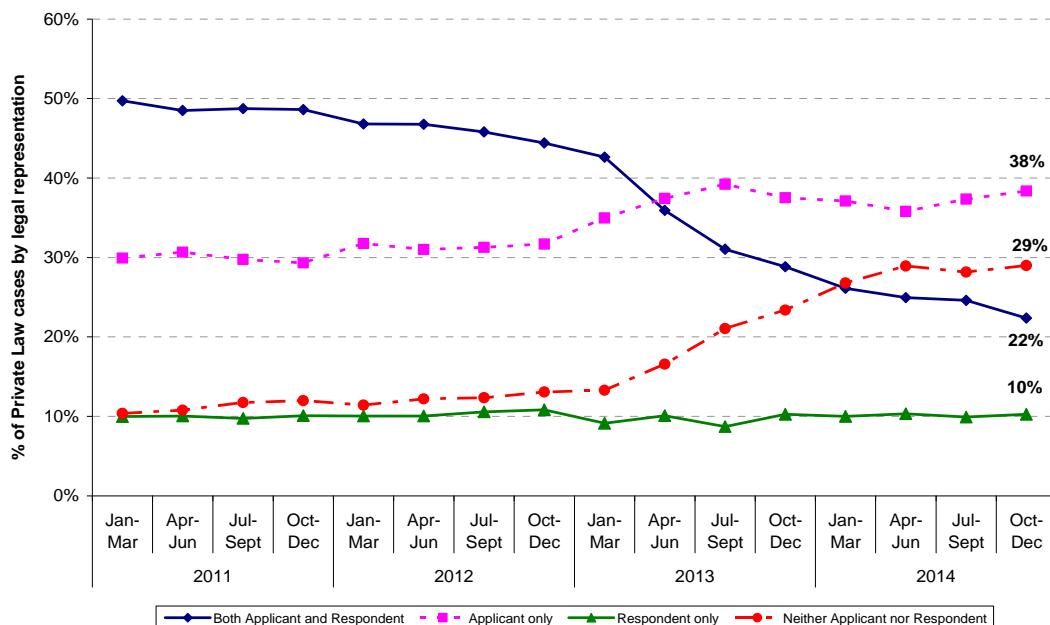
From April 2013, legal aid is now only available for private family law cases (such as contact or divorce) if there is evidence of domestic violence or child abuse and child abduction cases. Legal aid remains available for public family law cases (such as adoption).

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

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 42% in October to December 2014 compared to October to December 2013, and by 64% compared to October to December 2012.

Figure 7: Proportion of parties in private law cases with legal representation, January to March 2011 to October to December 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 October to December 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 increased in the timeliness of cases where both parties or just the respondent are represented whilst those without representation show no clear pattern. In the three 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, October to December 2014

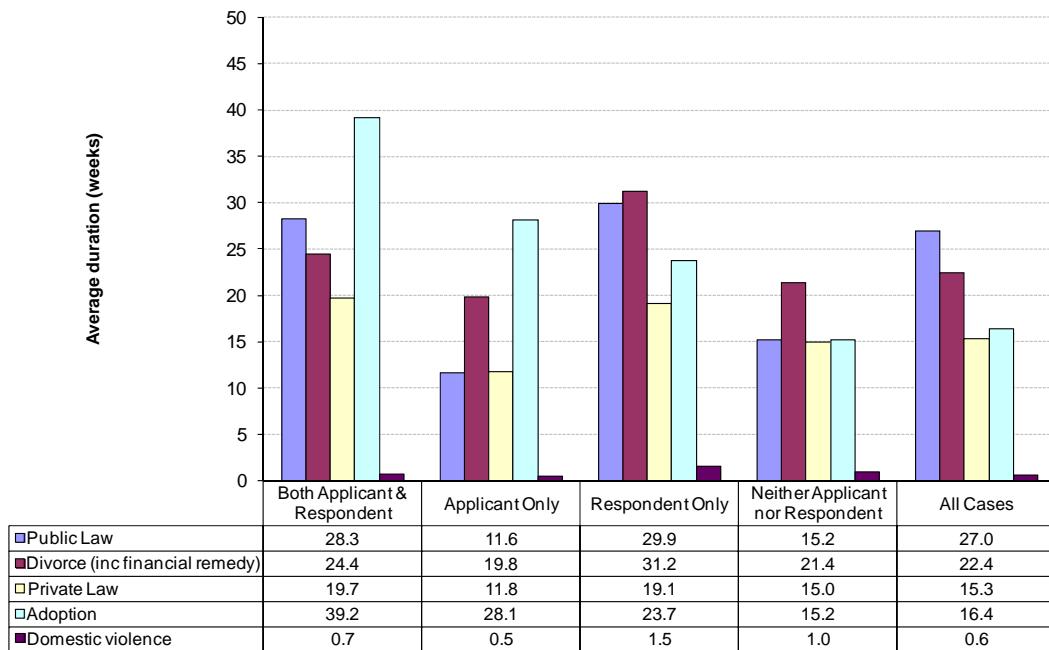
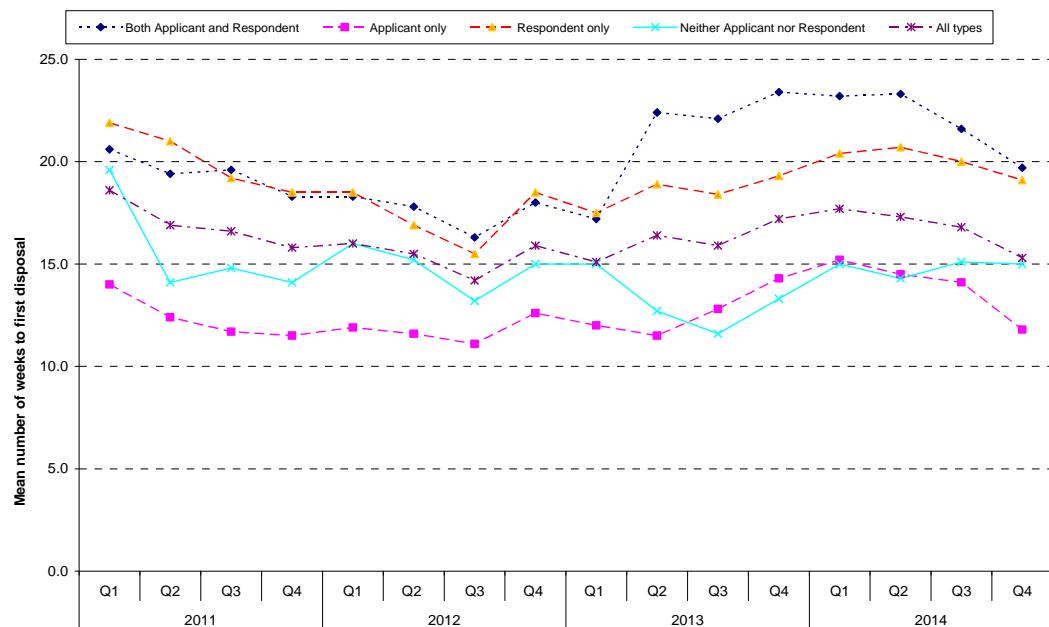


Figure 9: Average time to first disposal in private law cases, January to March 2011 to October to December 2014



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:

<https://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. The CSV file that accompanies this publication provides additional information on matrimonial proceedings such 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.

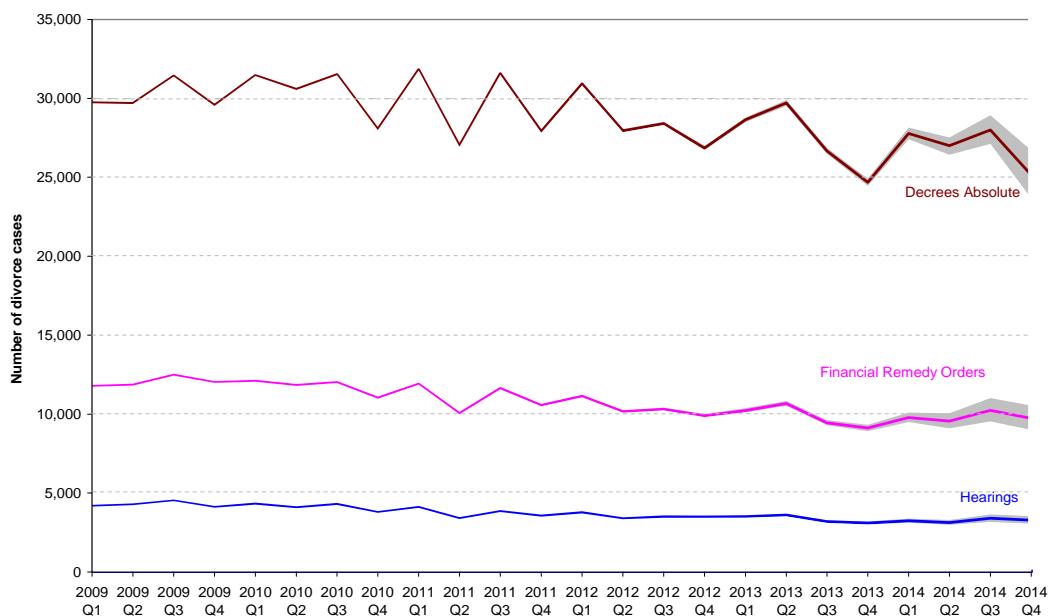
In addition to caseload, there are also divorce case progression figures presented in this publication. A summary of divorce case progression can be found in Table 8 – it shows the number and proportion of divorce cases commencing in each quarter since 2003 that had reached certain stages by the end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

<https://www.gov.uk/government/statistics/guide-to-court-and-administrative-justice-statistics>

We are in the process of reviewing the case progression estimates that are used in this publication and would welcome any feedback, particularly on their usefulness, and how they are used by external customers and stakeholders.

Figure 10: Estimated case progression of divorce cases, January to March 2009 to October to December 2014



Financial remedy

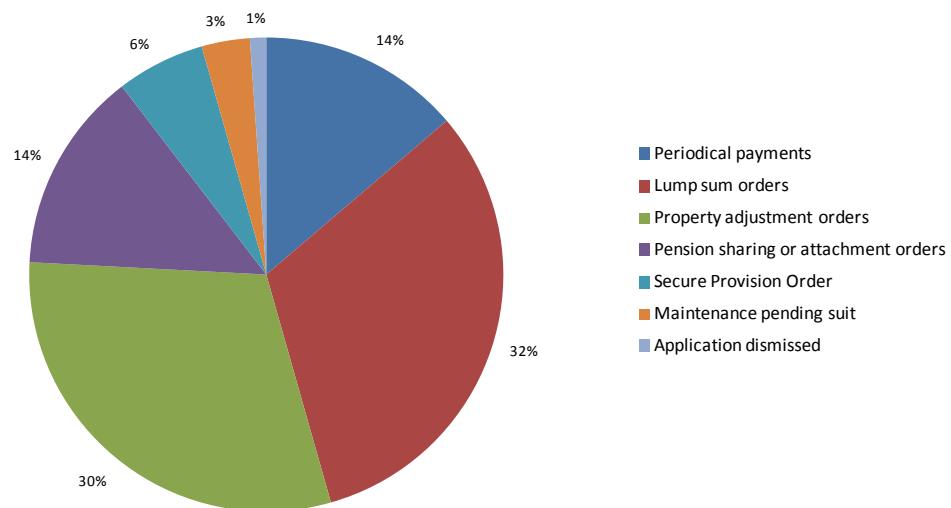
During a divorce, a marriage annulment, or a judicial separation, or the dissolution of a civil partnership, there may still be a need for the court to settle disputes over money or property. The court can make a financial remedy order, formerly known as 'ancillary relief'. These orders include dealing 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 financial remedy are not dependent upon divorce proceedings and may be made for children.

There were 10,464 applications in October to December 2014, 10% lower than a year earlier. The annual figure for 2014 also showed a drop compared to the previous years from about 47,000 to 42,000 applications.

In October to December 2014, there were 9,997 financial remedy disposals, down 7% on the equivalent quarter in 2013. This is lowest quarterly number of disposals seen since 2009. During this latest period, 65% of disposals were uncontested, 26% were initially contested, and 9% were contested throughout (Table 9).

In October to December 2014, property adjustment orders and lump sum orders each accounted for about a third of the total financial remedy disposal types (Table 10). Figure 11 provides a breakdown of all disposal types.

Figure 11: Financial remedy disposal types, October to December 2014



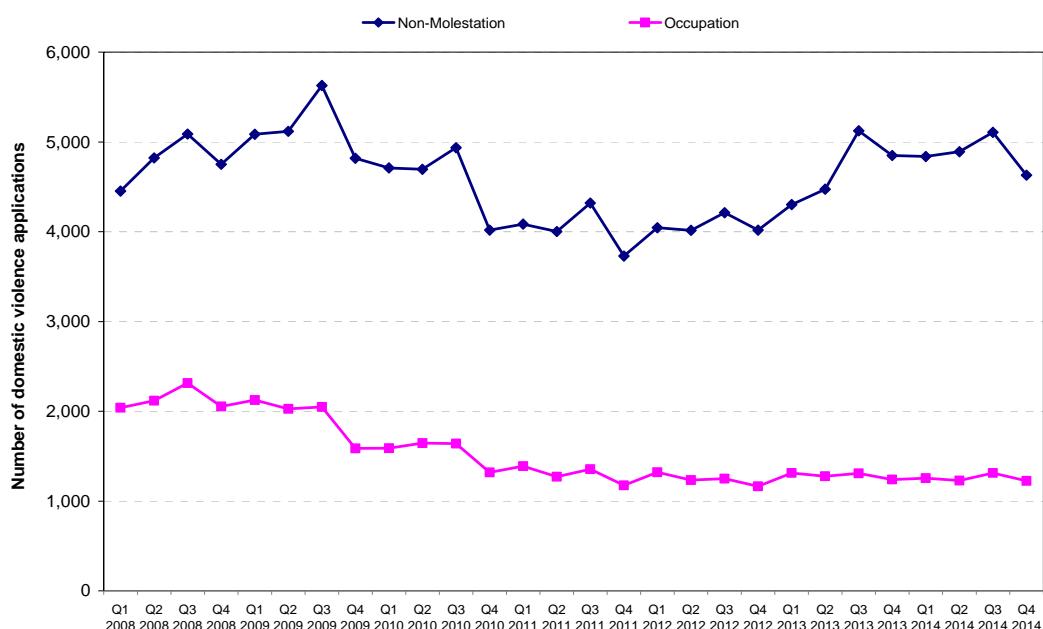
Section 6 - Domestic Violence

A range of people can apply to the court for a domestic violence protection 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; 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, January to March 2008 to October to December 2014



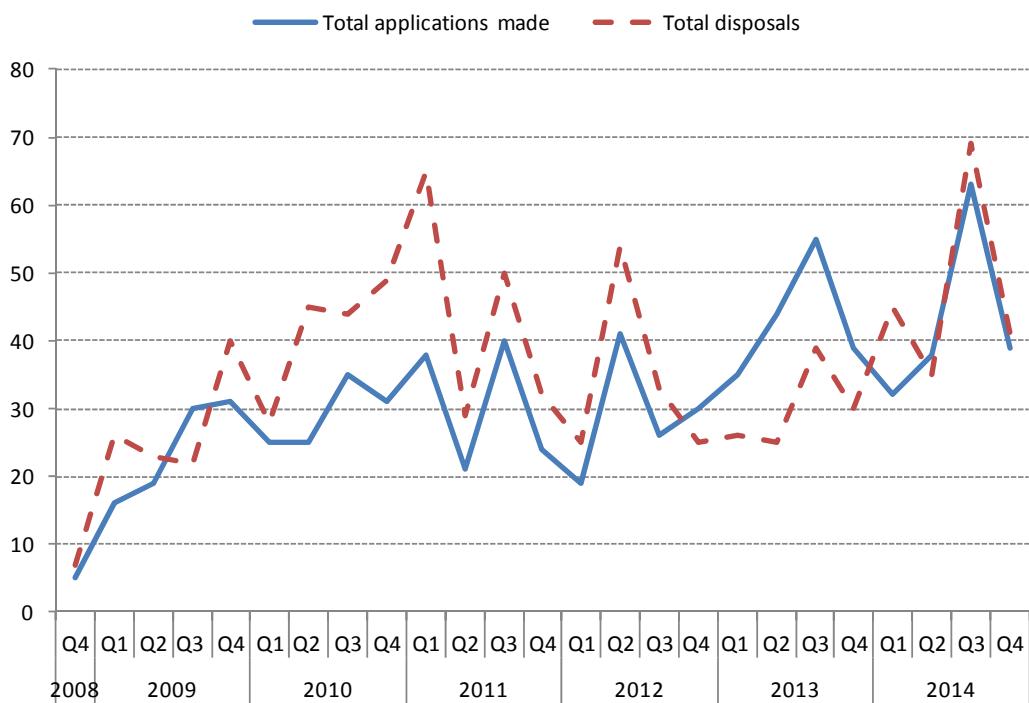
As shown in Figure 12, the number of occupation applications is stable at around 1,250 per quarter. Whilst the general trend in the number of non-molestation applications has been increasing since the end of 2011, there has been a drop in October to December 2014, down 9% from the previous quarter.

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 October to December 2014, there were 39 applications and 37 orders made, a decrease since the peak of last quarter. 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 particularly in the previous quarter (July-September 2014) because of increased awareness.

Figure 13: Applications and Disposals of Forced Marriage Protection Orders, November 2008 to October to December 2014



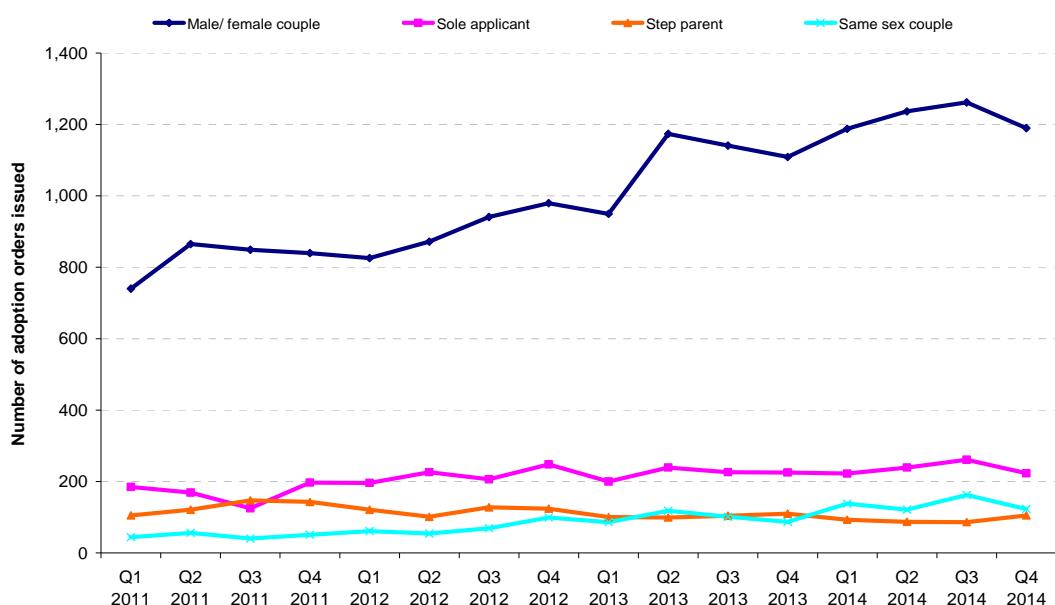
Section 8 - Adoptions

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 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 October to December 2014, there were 1,213 applications made for a placement order and 1,553 applications made for an adoption order. (Table 13)

During October to December 2014, there were 1,644 adoption orders issued, a slight drop from the peak of 1,772 seen in the previous quarter but up 7% from the equivalent quarter last year. In 72% of these, the adopters were a male/female couple, while in 14% the adopter was a sole applicant. In a further 6% the adopter was a step-parent and in 7% 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 October to December 2014



Section 9 – 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), Lasting¹ Powers of Attorney (LPA) and supervising Court of Protection appointed Deputies.

Quarterly casework statistics from the CoP and OPG are included in this publication for the first time.

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

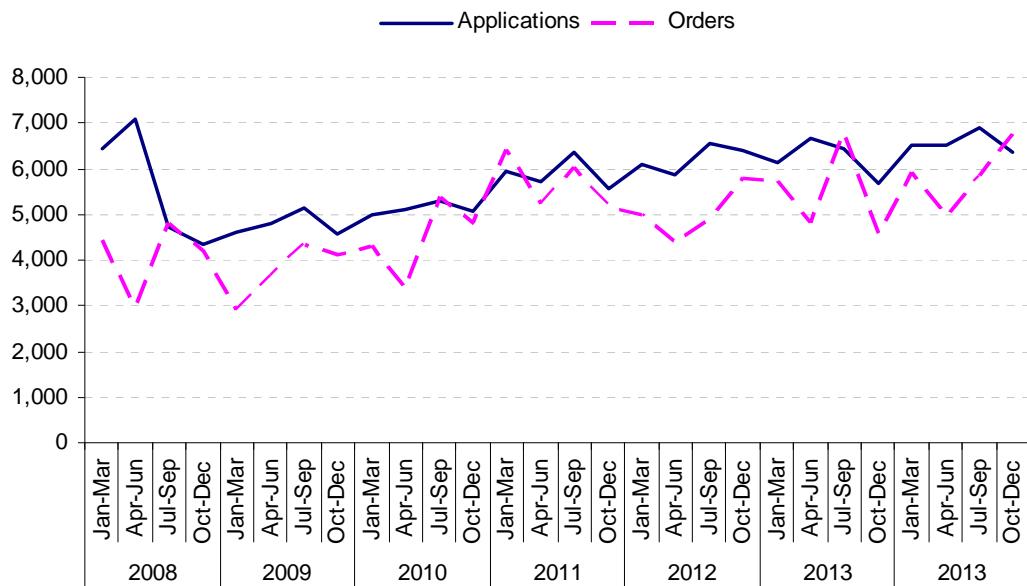
Court of Protection (Tables 15 and 16)

In 2014, there were 26,272 applications made under the Mental Capacity Act 2005, up 5% on 2013 and following the longer term increasing trend since 2010. The majority of these (60%) relate to applications for appointment of a property and affairs deputy.

There were also 23,400 orders made, an increase of 7% on 2013 – the trend in orders made mirrors that of applications and has been increasing since 2010. The majority (63%) of orders related to appointing a deputy for property and affairs.

¹ An LPA is a legal document that someone (the Donor) makes using a special form. It allows that person to choose someone in the present time, called the “Attorney”, that they trust to make decisions on their behalf, at a time in the future when they either lack the mental capacity or no longer wish to make those decisions themselves

Figure 15: Applications and orders made under the Mental Capacity Act, January to March 2008 to October to December 2014

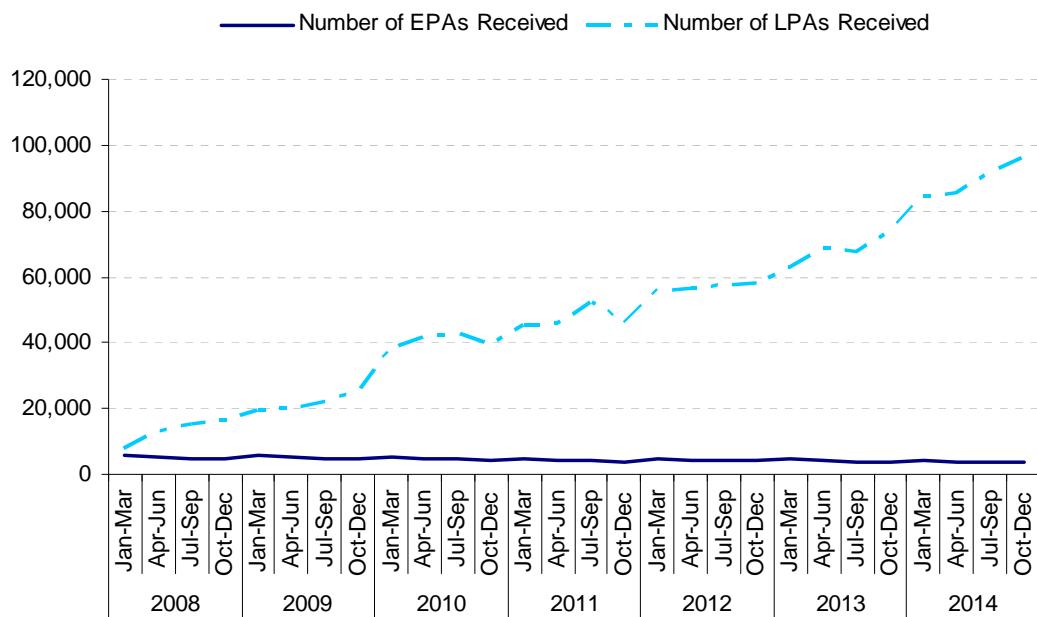


Office of the Public Guardian (Table 17)

There were 358,704 LPAs in 2014, an increase of a third since 2013 and almost a seven-fold increase on 2008. There were 15,084 EPAs in 2014, down 8% on 2013, continuing the downward trend. There were 14,866 Deputyships² appointed in 2014, an increase of 7% on 2013.

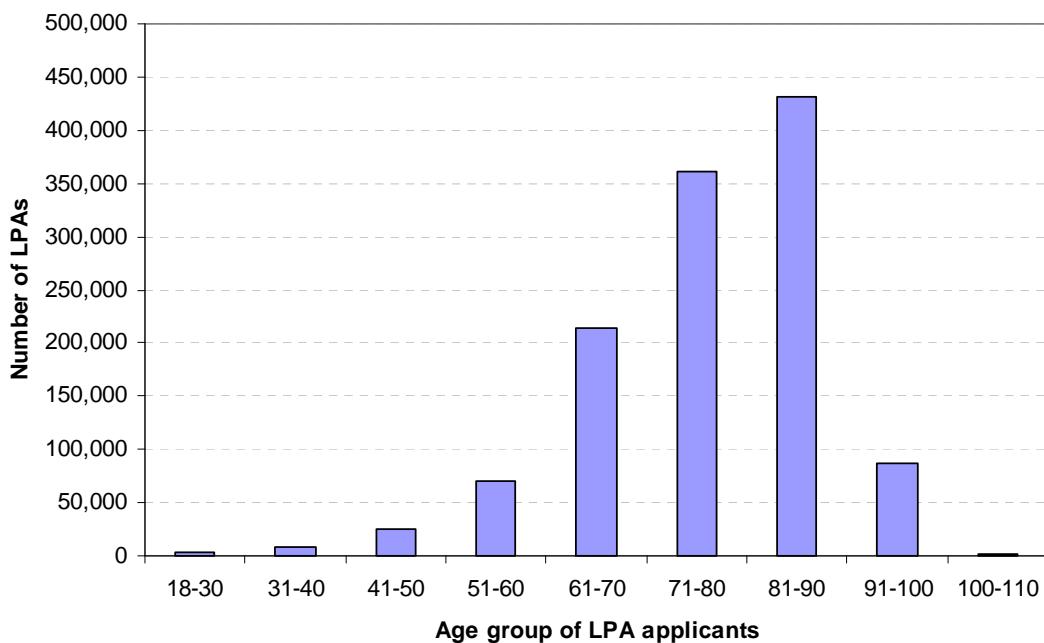
² Deputyships - A Deputy is legally responsible for acting and making decisions on behalf of a person who lacks capacity to make decisions for themselves. The Deputy order sets out specific powers in relation to the person who lacks capacity.

Figure 16: Powers of attorney, January to March 2008 to October to December 2014



Of LPAs registered in October to December 2014, 60% were for males. The most common age group applying for an LPA is 81-90 years, as shown in Figure 17.

Figure 17: Age of LPA donors registered at end of December 2014



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General enquiries about the statistics work of the MoJ can be emailed to statistics.enquiries@justice.gsi.gov.uk

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