



Family Court Statistics Quarterly, England and Wales, October to December 2019 including 2019 annual trends

Main Points¹

Decrease in number of cases started in Family courts



64,285 new cases started in Family courts in October to December 2019, down 1% on October to December 2018, due to an 11% fall in adoption case starts, as well as a 5% decrease in matrimonial case starts. Annually, there were 266,059 cases new cases started in Family courts throughout 2019, up 1% from 2018.

On average, care proceedings took longer with fewer disposals within 26 weeks



The average time for a care or supervision case to reach first disposal was 34 weeks in October to December 2019, up 2 weeks from the same quarter in 2018.



40% of cases were disposed of within 26 weeks – down 7 percentage points compared with the same period for 2018.

The average time to first disposal throughout 2019 was 33 weeks, up 3 weeks from 2018. 41% of cases were disposed of within 26 weeks, down 8 percentage points from 2018.

Increase in average time of divorce proceedings



The mean average time from petition to Decree Nisi was 34 weeks, and Decree Absolute was 57 weeks - up 4 weeks and 1 week respectively compared to the equivalent quarter in 2018. The median time to Decree Nisi was 26 weeks and 41 weeks to Decree Absolute.

Throughout 2019 the mean time from petition to Decree Nisi was 32 weeks and 56 weeks to Decree Absolute, up 3 and 2 weeks respectively.

Decrease in the number of divorce petitions, while Decree Absolutes increases



There were 26,958 divorce petitions filed in October to December 2019, down 5% on the equivalent quarter in 2018. 39% of these were digital petitions.



There were 27,595 Decree Absolutes granted in October to December 2019, an increase of 15% from the same period last year.

Annually, there were 116,612 divorce petitions filed and 105,101 Decree Absolutes granted throughout 2019, down 2% and up 14% respectively from 2018.

Increase in domestic violence remedy applications and orders made



The number of domestic violence remedy order applications increased by 21% compared to the equivalent quarter in 2018, while the number of domestic violence remedy orders made increased by 15% over the same period.

There were 29,877 applications and 33,671 orders made throughout 2019, up 19% and 14% respectively from 2018.

¹ To note, the arrows that indicate the direction of travel refer to the quarterly trends. Annual trends are shaded grey

Adoption applications decrease while the number of orders increases



In October to December 2019, there were 1,221 adoption applications, down 6% on the equivalent quarter in 2018.



Over the same period the number of adoption orders issued increased by 1% to 1,207.

Annually (for 2019) there were 4,954 applications and 5,016 orders for adoption, down 3% and up 2% respectively.

Increase in deprivation of liberty applications and orders made



There were 1,174 applications relating to deprivation of liberty in October to December 2019, up 12% on the equivalent quarter in 2018.

Orders relating to deprivation of liberty increased by 5% in the latest quarter compared to the same period last year.

There were 5,219 applications and 2,795 orders relating to deprivation of liberty throughout 2019, up 15% and 8% respectively.

Decrease in number of grants of representation issued



In October to December 2019 the number of grants issued stood at 66,585, with the majority being probate grants (80%).

There were 235,833 grants issued in total in 2019, down 11% from 2018.

This publication presents statistics on activity in the family courts of England and Wales and provides figures for the latest quarter (October to December 2019). Also, the bulletin provides additional commentary on annual changes between 2018 and 2019. For further information and technical details please refer to the accompanying Guide to Family Court Statistics.

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

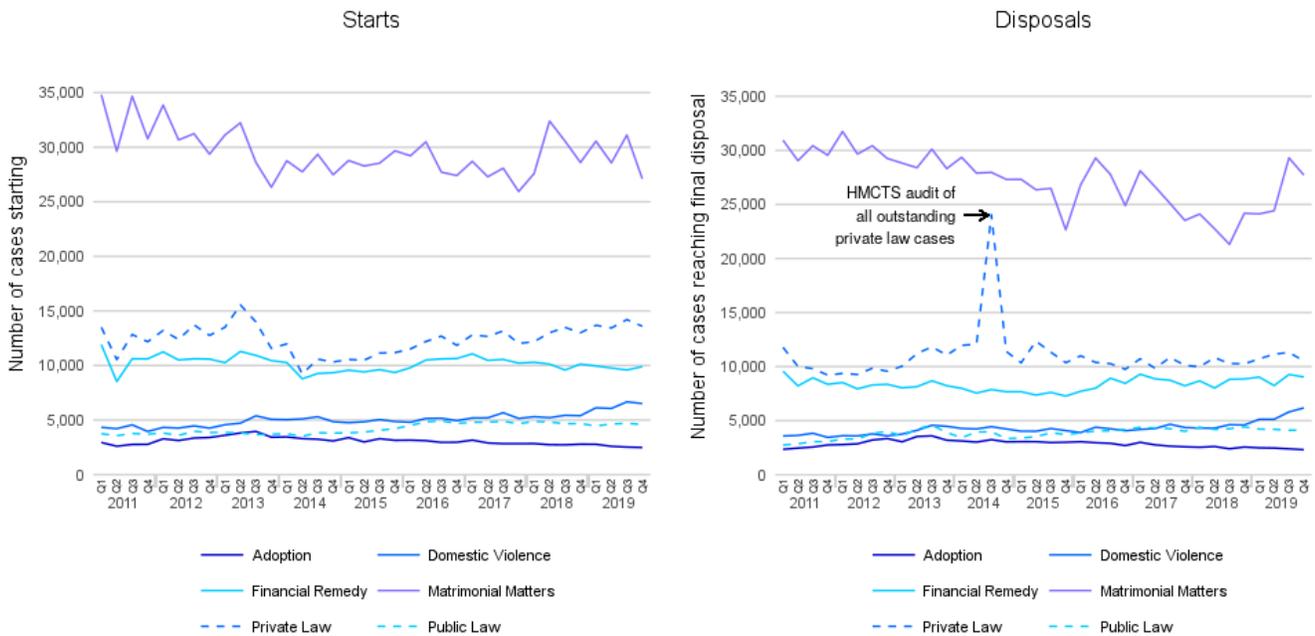
1. Overview of the Family Justice System

Decrease in the number of cases starting and increase in number of cases disposed in Family Courts

In October to December 2019, 64,285 new cases started in family courts, down by less than 1% on the equivalent quarter in 2018. This was due to an 11% decrease in adoption cases started, along with decreases in matrimonial (5%), Public law and financial remedy case starts (both 2%) compared to the same period last year. However, there were increases in new Domestic violence (21%) and private law (5%) cases started.

There were 60,086 case disposals in October to December 2019, up 9% on the equivalent quarter of 2018. This was due to increases in domestic violence (34%), matrimonial (15%), private law (3%), and financial remedy (2%) cases reaching a final disposal, while there were decreases in adoption (10%) and public law (7%) case disposals (Table 1).

Figure 1: Cases started and disposed, by case type, January to March 2011 to October to December 2019 (Source: Table 1)



In October to December 2019, 42% of new cases within family courts related to matrimonial matters, down from 44% in the equivalent quarter of 2018.

During 2019, there were 266,059 cases new cases started in Family courts, up 1% from 2018. This is mainly driven by an increase in domestic violence cases (up 19%) and private law cases (up 6%). There was a larger increase in the number of cases disposed in 2019, up 10% from 2018 to 233,957 in total. Increases were seen in domestic violence case disposals (up 25%), matrimonial matters (up 14%), private law cases (up 6%) and financial remedy case disposals (up 3%).

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 (50 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 October to December 2019 the average was 32 weeks, up from 30 weeks in October to December 2018. Overall in 2019 the average was the same at 32 weeks, up from 29.5 weeks in 2018.

The average time for divorce and annulment cases to reach first disposal was up 4 weeks compared to the equivalent quarter in 2018, and up 3 weeks between 2018 and 2019. Private law cases also saw an increase, with the average time to first disposal in October to July 2019 taking 17 weeks, up a week compared to same period in 2018 (Table 10). There was a similar increase between 2018 and 2019, up to 16 weeks on average.

The government announced in June 2019 that it will be taking steps to recruit and retain more judges, where the impact of the current shortfall of judges may be contributing to delays in family court proceedings.

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. However, for public law cases whilst 99% have only one applicant, approximately three quarters involve two or more respondents. (Table 6).

A very small proportion of public (2%) and private (1%) law cases started were indicated as being a high court case during October to December 2019, consistent with the long-term trend (Table 7).

2. Children Act - Public Law

The number of Public law case starts and final disposals has fallen

There were 4,592 Public law cases starting in October to December 2019, down 2% compared to the equivalent quarter in 2018. Cases disposed were down 7% to 4,130 (Table 2).

Average time for care proceedings continues upward trend

The average time for a care and supervision case to reach first disposal was 34 weeks in October to December 2019, up 2 weeks from the same quarter in 2018 and the highest average since early 2014. 40% 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).²

There were 7,693 individual children involved in new Public law applications in October to December 2019, down 4% on the same quarter in the previous year, while the number of application events decreased by 3%. The number of Public law disposal events decreased by 10% over the same period.

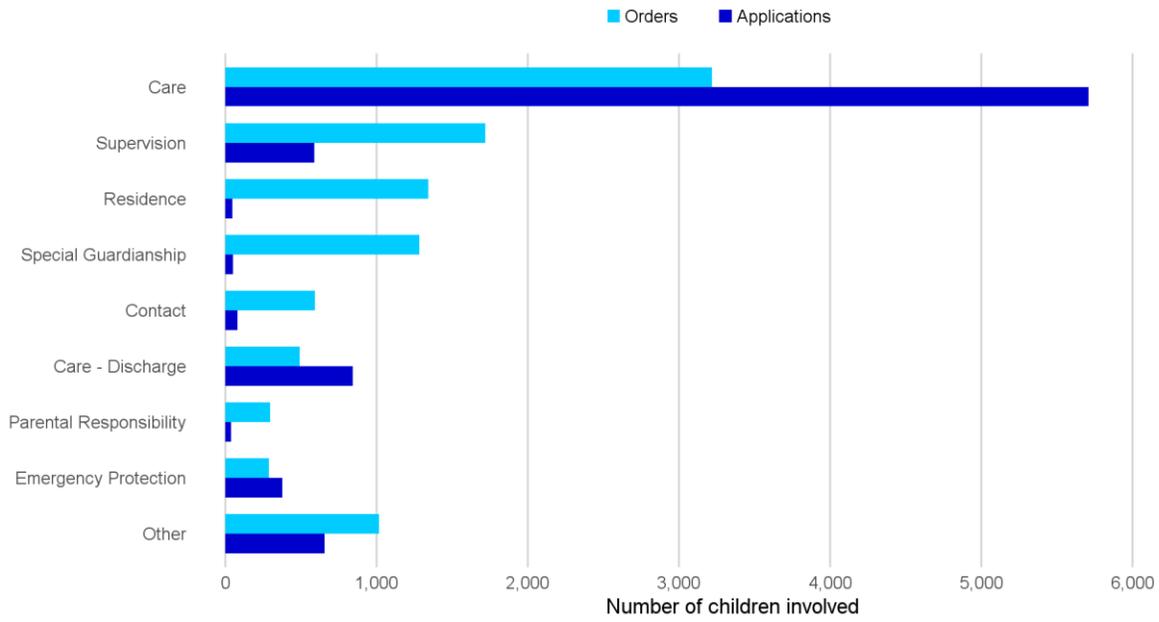
Looking at annual trends, there were 18,392 Public law cases started in 2019, down 3% compared to 2018, whilst the number of cases disposed also fell by 3% over the same period to 16,666.

Applications were down 4% from 2018, to 19,467 in 2019 involving 30,333 individual children. The average time for a care or supervision case to reach first disposal was 33 weeks in 2019, up three weeks from 2018. 41% of these care proceedings were disposed of within the 26-week limit – down 8 percentage points compared to 2018.

Figure 2 shows the most common types of Public law orders applied for and made in October to December 2019, 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.

² See the accompanying technical guide for more information.

Figure 2: Public law applications and orders made, showing the number of children involved in each order type, October to December 2019 (Source: Tables 3-4)



3. Children Act - Private Law

Increase in the number of private law case starts and disposals

The number of Private law **cases**³ **started** increased by 5% in October to December 2019 compared to the equivalent quarter in 2018 to 13,596. The number of **application events** increased by 5% over the same period.

The number of Private law **cases disposed** of in October to December 2019 was up 3% on the equivalent quarter in 2018, with the number of **court disposal events** up by 1% (Table 2).

There were 14,004 new Private law application events in October to December 2019, up 5% on the equivalent quarter in 2018, with 20,996 individual children involved in these application events.

The number of Private law court disposal events in October to December 2019 was 20,843, up 1% on the equivalent quarter in 2018.

Annually, there were 54,920 Private law cases started in 2019, up 6% compared to 2018. The number of Private law cases disposed was also up 6%, to 43,692. In 2019 there was a 6% increase in private law applications compared to 2018 continuing the upward trend seen in both case starts and applications following the steep drop in 2014.

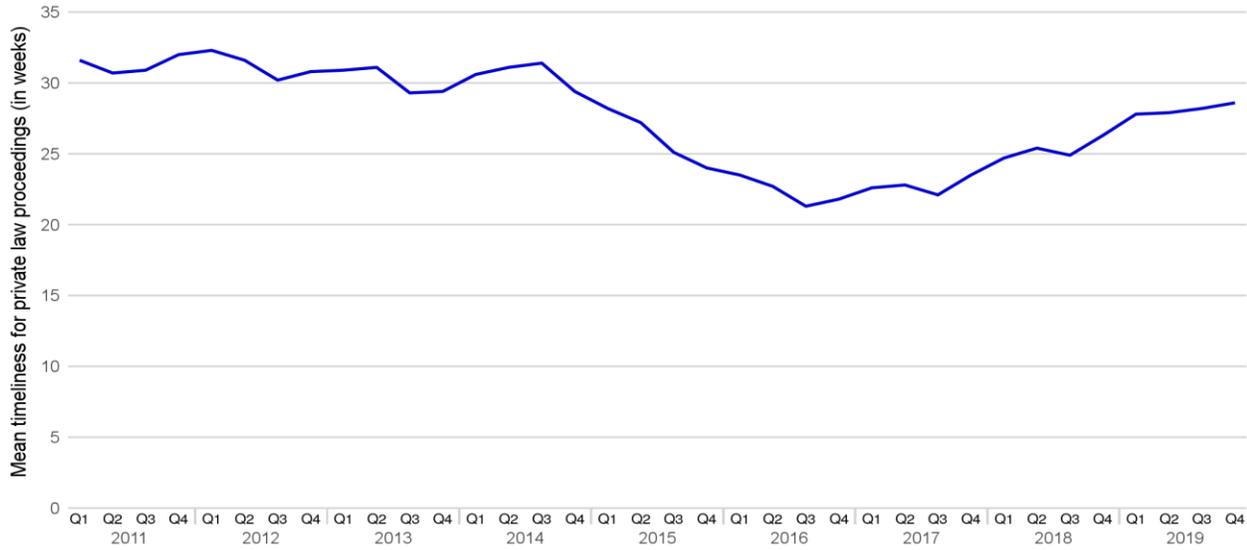
There may be several drivers behind the increase in Private Law cases over the last couple of years, which may include the impact of removal of legal aid for such cases, a greater awareness of domestic abuse issues, along with a general increase in the number of families. It is not yet possible to quantify the impact of these aspects and it will be monitored moving forward.

Timeliness of Private law cases

In October to December 2019, it took on average 29 weeks for Private law cases to reach a final order, i.e. case closure, up 2 weeks from the same period in 2018. Overall, it was 28 weeks on average during 2019 and this continues the upward trend seen since the middle of 2016, where the number of new cases started overtook the number of disposals, creating a greater number of outstanding cases (Table 9).

³ 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.

Figure 3: Private law timeliness from case start date to final order in the family court, January to March 2011 to October to December 2019 (Source: Table 9)



4. Legal Representation

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

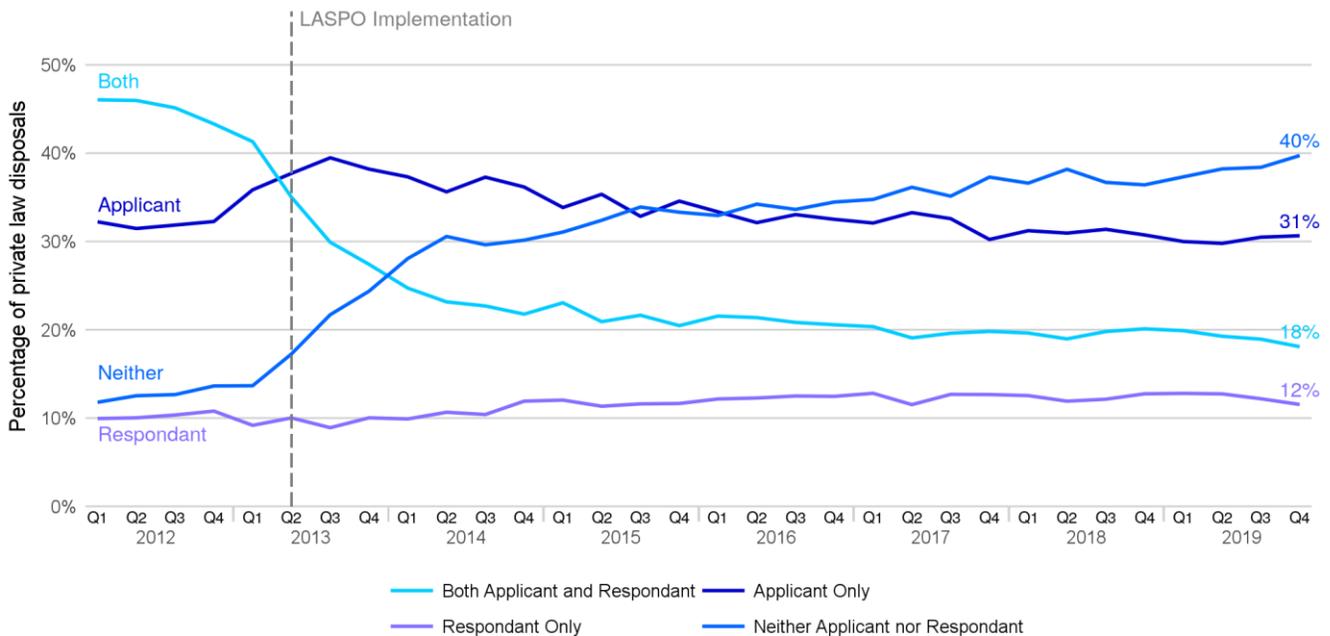
In general, cases where **either respondent only had legal representation took longer** to be disposed of than those cases with other legal representation arrangements (Table 10). However, public law and adoption cases took longer on average when both the applicant and respondent had legal representation.

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^{4,5}. In October to December 2019, the proportion of disposals where neither the applicant nor respondent had legal representation was 40%, increasing by 26 percentage points since January to March 2013, and up 3 percentage points from October to December 2018. Overall, this level was 38% for 2019 as a whole.

Correspondingly, the proportion of cases where both parties had legal representation went from 41% in January to March 2013 to 18% in October to December 2019, down 2 percentage points percentage points compared to the same period in 2018 and lies at 19% for 2019 overall (Figure 4).

Figure 4: Proportion of private law disposals by type of legal representation of the parties, January to March 2012 to October to December 2019 (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% for 2019 as a whole, and 30% for October to December 2019.

⁴ Please see the accompanying guide for further details.

⁵ 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 to 3% for adoption cases, with figures subject to change as new cases progress (Table 11).

5. Divorce

Decrease in the number of divorce petitions while number of decree absolutes increases⁶

Divorce petitions were down by 5% in October to December 2019 compared to the same period in the previous year. Decree absolutes granted up 15% in October to December 2019 compared to the same period in the previous year.

Average time for proceedings increased

Average time from petition to decree nisi increased to 34 weeks in October to December 2019, from 31 weeks in the same quarter of 2018 (Table 12).

There were 26,958 divorce petitions made during October to December 2019, down 5% from the same quarter in 2018. 39% of these petitions were made digitally, up from 27% in the same quarter in 2018.

There were 27,595 decree absolutes granted in October to December 2019, up 15% compared to the same quarter in 2018, reflecting the increase in petitions filed in recent quarters (Table 12).

Annually, petitions were down 2% in 2019 compared to 2018 and decree absolutes were up by 14%

For those granted Decree Nisi in October to December 2019, the mean average time from the date of petition was 34 weeks, the highest figure since the beginning of the time series in 2011. The mean average time from petition to Decree Absolute was 57 weeks, up 1 week from the equivalent quarter in 2018 and down from a peak of 59 weeks in January to March 2019.

Overall, the average time from petition to decree nisi increased by 3 weeks from 2018 to 33 weeks in 2019, while the average time to decree absolute increased by 2 weeks to 57 weeks.

During 2019, work was conducted to work through a number of older cases which could contribute to the increase in timeliness seen. As these cases are dealt with, plus the increasing share of petition work moving online, it is likely to reduce the average time of divorce proceedings, and this will be monitored moving forward.

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 October to December 2019, the median time to Decree Nisi was 26 weeks and 41 weeks to Decree Absolute.

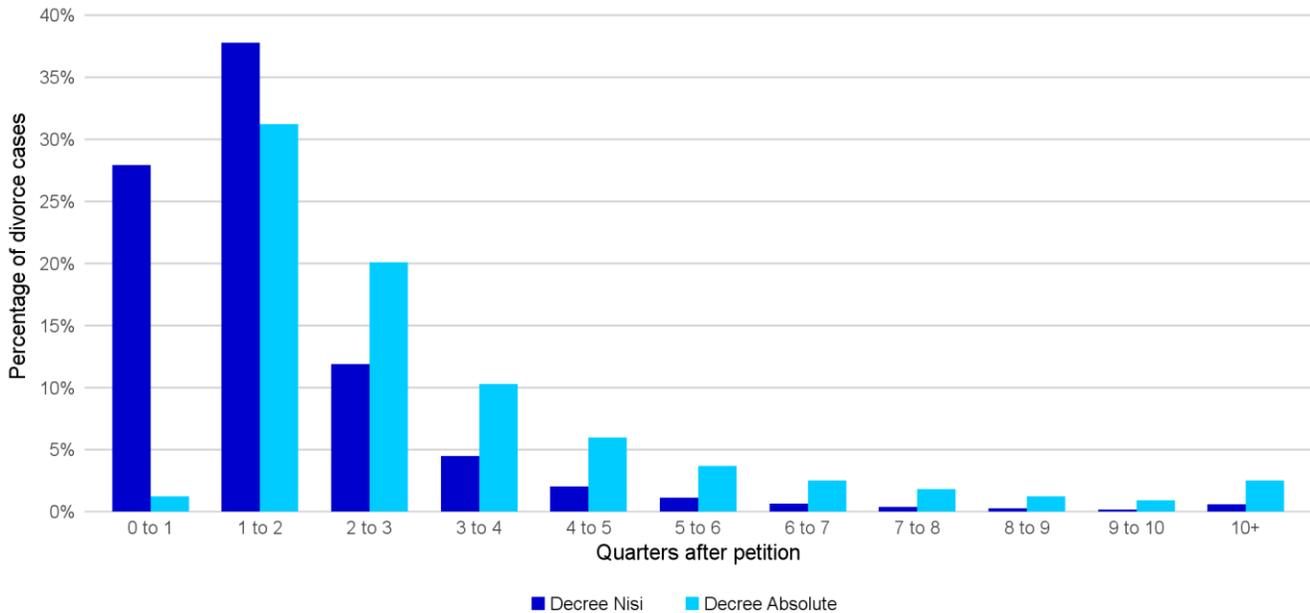
Table 14 and Figure 5 shows how long it takes, on average, for petitions to reach certain stages in the process, counted by the number of quarters elapsed.

Digital divorce:

The new online divorce system was launched in May 2018, following a small pilot. It is too early to make quarter on quarter comparisons on timeliness for the new system; this will happen from Q1 2020.

⁶ Please note that there is an undercount for the number of Decree Absolutes for October to December 2019 (and subsequently for 2019 as a whole) due to minor reporting errors. This is estimated to affect a total of 2% of Decree Absolutes in Q4 2019 and the average timeliness by approximately 1 week.

Figure 5: Percentage of divorce cases started between Q1 2011 to Q4 2019 reaching Decree Nisi or Decree Absolute, by the number of quarters since petition (Source: Table 14)



28% of divorce petitions made between Q1 2011 to Q4 2019 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, 31% within 1 to 2 quarters and 20% within 2 to 3 quarters).

6. Financial Remedy

Decrease seen in financial remedy applications with no change in the number of disposal events

In October to December 2019, the number of financial remedy applications was down 3% while disposals events remain unchanged compared to the same period in 2018 (Table 15).

There were 10,491 financial remedy applications made in October to December 2019, down 3% from the same period in 2018, while there were 10,859 financial remedy disposals events, remaining unchanged over the same period. During this period, 67% of disposal events were uncontested, 23% were initially contested and 10% were contested throughout.

The number of financial remedy applications was down 3% in 2019 compared to 2018 to 41,770, with the number of disposal events also down 3% over the same period.

Previously a breakdown of financial remedy disposals by order type was included in this chapter. We are considering whether this is the most useful way of presenting financial remedy statistics, particularly as it focuses on disposals as a whole and we are unable to separate out the outcomes of applications made.

7. Domestic Violence Remedy Orders

Increase in the number of domestic violence remedy order applications and orders made

In October to December 2019, the number of applications increased by 21% compared to the equivalent quarter in 2018 whilst the number of orders made increased by 15% over the same period (Table 17).

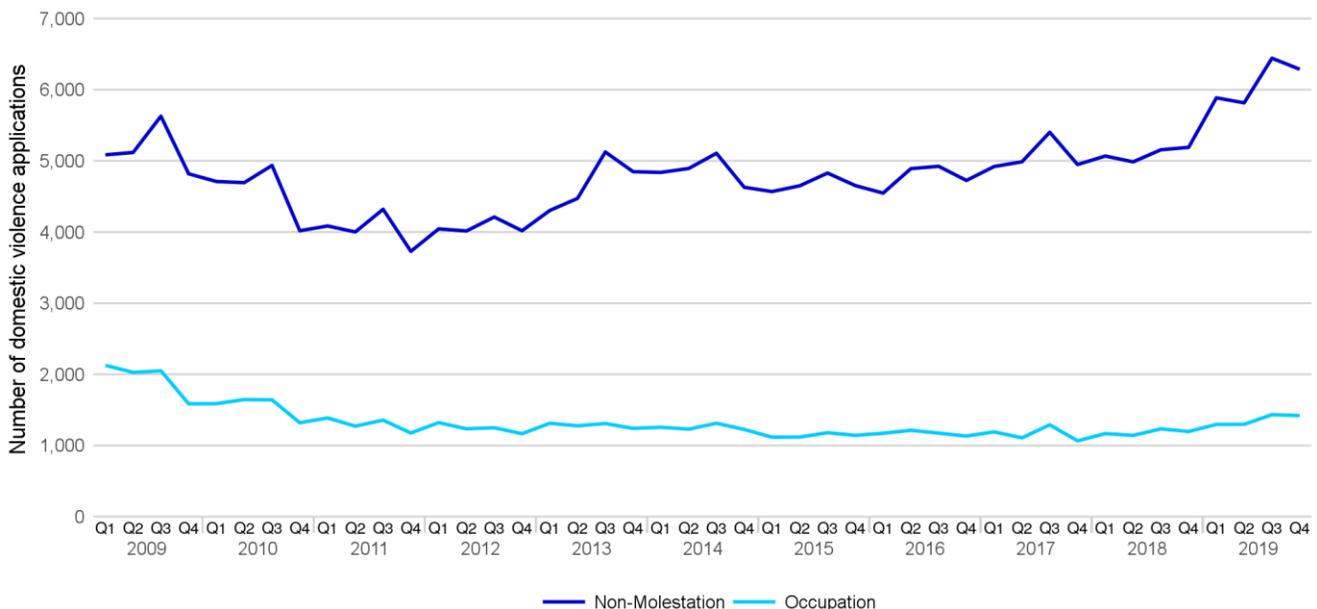
In October to December 2019, there were 7,706 applications made for a domestic violence remedy order, up 21% on the same quarter in 2018 (Table 17). Most of the applications were for non-molestation orders (82%) compared to occupation orders (18%); these proportions have remained relatively consistent in recent years. Applications for non-molestation orders in October to December 2019 were up 21% compared to the same period in 2018, while occupation orders applications increased by 19%.

There were 8,617 domestic violence orders made in October to December 2019, up 15% from the same period last year. 92% were non-molestation orders and 8% were occupation orders, with non-molestation orders up 16% and occupation orders up 6% compared to the equivalent quarter in 2018.

For 2019 as a whole, 29,877 applications were made for domestic violence remedies, up 19% compared to 2018. There were 33,671 orders made, up 14% on the previous year. It was the highest number of applications and orders within the time series. Of those orders made in 2019, 92% were non-molestation orders and 8% were occupation orders.

Police forces have been using a power to release alleged perpetrators without bail conditions, referred to as 'released under investigation', since 2017. This is a possible driving factor behind the rise in domestic violence remedy cases, as victims seek protective orders through the courts. More recently, the increased volume may have been as a result in the publicity regarding the draft Domestic Abuse Bill (published January 2019).

Figure 6: Applications for domestic violence remedy orders, January to March 2009 to October to December 2019 (Source: Table 17)



8. 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 (Table 18 and 19).

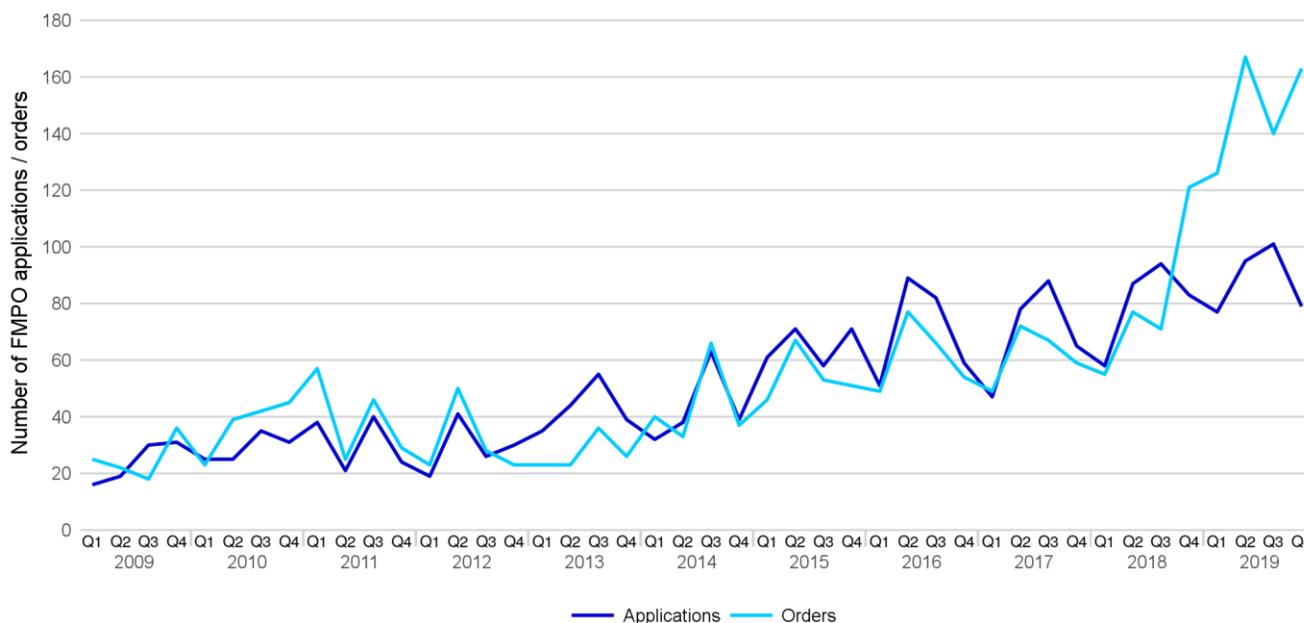
The number of applications and orders made for forced marriage protection orders (FMPOs) is very small. Consequently, as Figure 7 shows, numbers fluctuate each quarter but overall there has been a general upward trend since their introduction in November 2008. In October to December 2019, there were 79 applications, of which 73% of applications were aged 17 and under. There were 352 applications in total for 2019.

Over the same period, there were 163 orders made, up 35% since the same period from the previous year. For 2019, there was an increase of 89% from 2018 to a total number of orders made of 596.

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. This explains why the increase in the number of orders is not reflected to the same degree in the number of applications.

The increase in the number of orders does not necessarily represent an increase in the prevalence of forced marriage, but potentially it relates to a greater awareness of forced marriage being a crime and the support available. The government have held events during 2019 with relevant groups (local authorities, police, charities etc.), designed specifically to raise awareness of FMPOs and how they can be used to protect those at risk.

Figure 7: Applications and orders made for Forced Marriage Protection Orders, January to March 2009 to October to December 2019 (Source: Table 18)



As with FMPOs, the number of applications and orders made for female genital mutilation protection orders (FGMPOs) is very small, with only 20 applications and 58 orders made respectively in October

to December 2019 (Table 19). In total, there have been 428 applications and 547 orders made up to end of December 2019, since their introduction in July 2015.

9. Adoptions

Decrease in the number of adoption applications and an increase in the number of orders

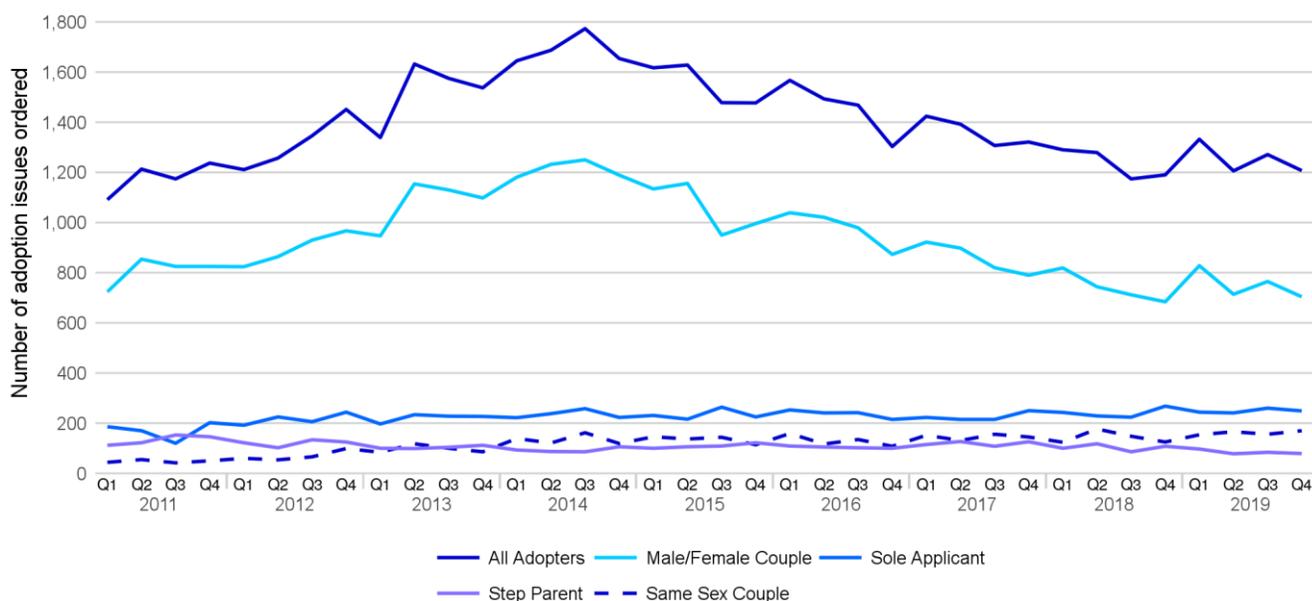
During October to December 2019, there were 1,221 adoption applications made, down 6% from the equivalent quarter in 2018. Over the same period, the number of adoption orders issued increased by 1% to 1,207 (Tables 20 and 21).

During 2019, there were 4,954 adoption order applications made, down 3% from 2018. This continues the downward trend seen in applications made since 2014. However, the number of adoption orders issued increased to 5,016 (2%) over the same period.

There were 2,499 applications under the Adoption and Children Act 2002, including placement orders during October to December 2019, down 11% on the same quarter in the previous year. Total disposals decreased by 10% to 2,348 over the same period. There were 10,439 applications under the Adoption and Children Act 2002 in 2019, down 6% on 2018 and continuing the downward trend seen since 2013.

Figure 8 below shows the trend of adoption orders by the type of adopter. This shows that during October to December 2019, 58% of all adoption orders were issued to mixed-sex couples, 14% to same-sex couples, 7% to step-parents and 21% to sole applicants.

Figure 8: Adoption orders issued, by adopter, January to March 2011 to October to December 2019 (Source: Table 21)



10. Mental Capacity Act - Court of Protection

Increase in applications and orders made in relation to deprivation of liberty

There were 1,174 applications relating to deprivation of liberty made in the most recent quarter, up 12% on the number made in October to December 2018. Orders made for deprivation of liberty increased by 5% over the same period, from 780 to 820 respectively.

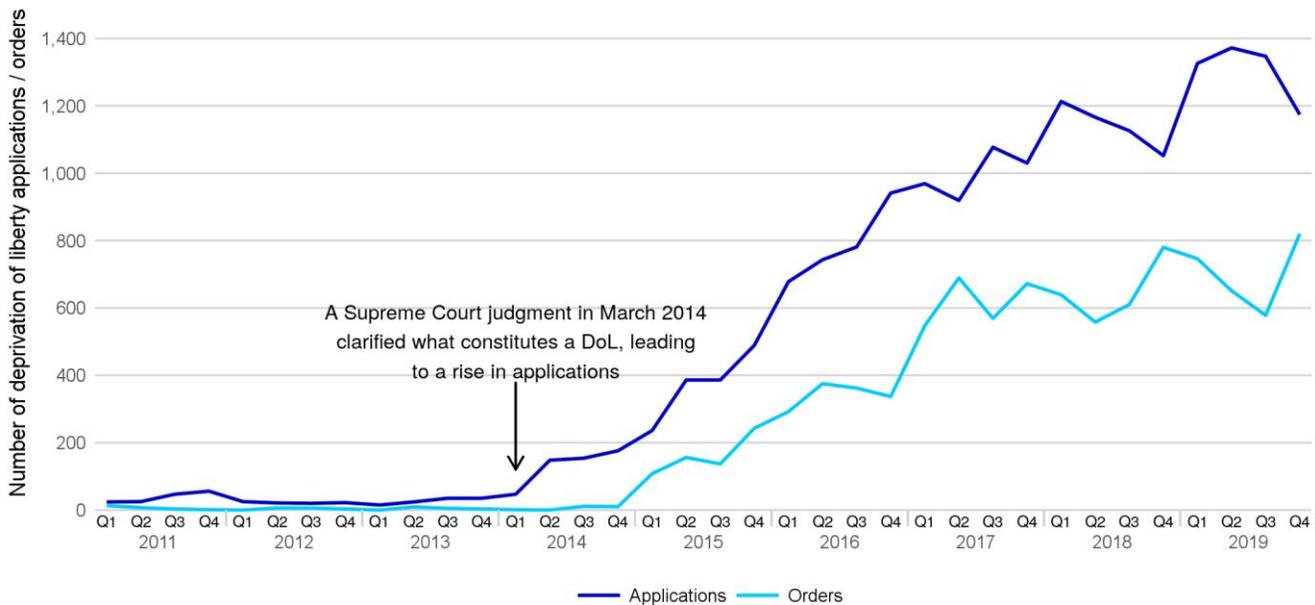
Record numbers of applications and orders made under the Mental Capacity Act 2005 (MCA)

There were 8,158 applications made in October to December 2019, down 5% from the same period in 2018. There were 13,094 orders made, an increase of 34% from the same period in 2018 and the highest quarterly volume seen since the start of the series. (Tables 22 and 23)

There were 5,219 applications relating to deprivation of liberty made in total in 2019, up 15% on 2018 and maintaining the year on year increase since 2011. Deprivation of liberty orders made also rose over the same period by 8% to 2,795.

There were 48,970 orders made under the MCA in 2019, up by 28% compared to 2018. 37% were orders made by an existing deputy or registered attorney.

Figure 9: Deprivation of Liberty applications, January to March 2008 to October to December 2019 (Source: Table 22)



In October to December 2019, of the 8,158 applications made under the Mental Capacity Act 2005 (MCA), 44% were applications for appointment of a property and affairs deputy (Table 22). 36% of orders made were made by an existing deputy or registered attorney (Table 23).

11. Mental Capacity Act - Office of the Public Guardian

Continuing increasing trend in Lasting Powers of Attorney (LPAs)

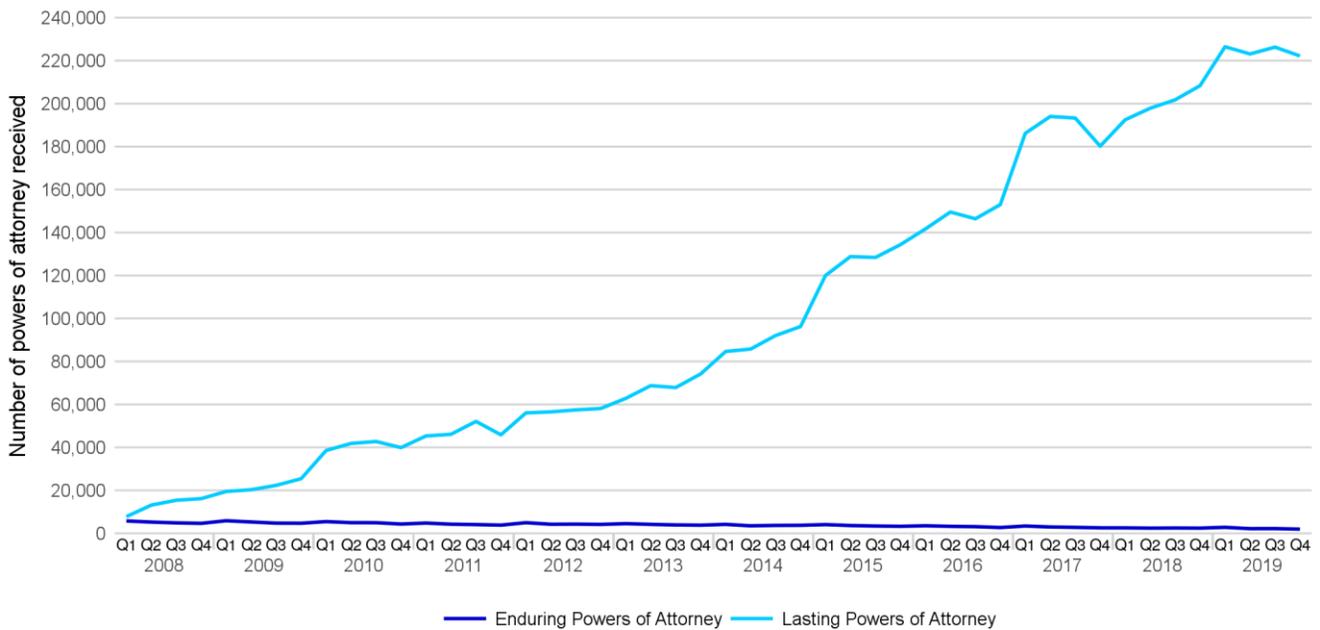
In October to December 2019, there were 222,160 LPAs received, up 7% compared to the equivalent quarter in 2018 (Table 24).

In total there were 224,123 Powers of Attorney (POAs) received in October to December 2019 up 6% from the same quarter in 2018 (Table 24). Lasting Power of Attorney (LPAs) made up 99% of POAs received in October to December 2019, with Enduring Powers of Attorney (EPAs) making up the other 1%. There were 1,963 EPAs in October to December 2019, down 19% on the equivalent quarter in 2018.

Annually, there were 907,134 LPAs received in 2019, up 12% compared to 2018 and 9,130 Enduring Powers of Attorney (EPAs) in 2019, down 7% on the same quarter in 2018.

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.

Figure 10: Powers of attorney received, January to March 2008 to October to December 2019 (Source: Table 24)



12. Probate Service

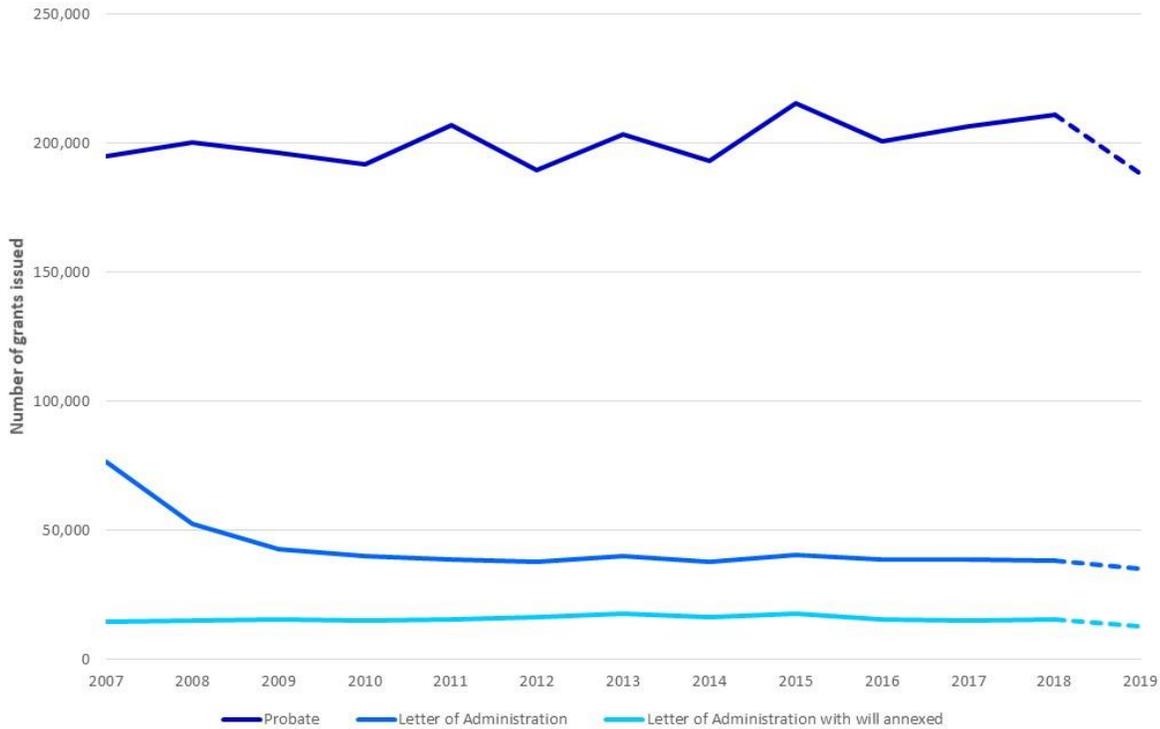
Decrease in the number of grants of representation

There were nearly 236,000 grants of representation issued in 2019, down 11% on the previous year (Table 25).

As Figure 11 shows, probate grants make up the majority (80%) of all grants made. At the end of 2019, there were between 10-12,000 additional grants waiting to be issued on top on what would be usually to be in the system. The majority of those are stopped cases where more information was required, along with an impact to normal waiting times for citizens.

In 2019, 62% of the applications were made by solicitors and 38% were personal applications (Table 25).

Figure 11: Grants of representation issued by the Probate Service, 2007 to 2019 (Source: Table 26)⁷



When a probate case is contested, the Chancery Division of the High Court deals with the matter. In 2019, there were 68 contested probate cases, down from 86 cases in 2018.

⁷ 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.

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
- A family court statistics visualisation tool available at <https://public.tableau.com/profile/moj.analysis#!/vizhome/FamilyCourtStatisticstool2019Q4/Frontpage>.

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.

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