



## Family Court Statistics Quarterly, England and Wales, July to September 2019

### Main Points

<p><b>Increase in number of cases started in Family courts</b></p>		<p>67,431 new cases started in Family courts in July to September 2019, <b>up 1%</b> on July to September 2018, due to a 23% rise in domestic violence case starts, as well as an increase in Private Law (5%) and Public Law (1%) cases.</p>
<p><b>On average, care proceedings took longer with fewer disposals within 26 weeks</b></p>		<p>The average time for a care or supervision case to reach first disposal was <b>33 weeks</b> in July to September 2019, up three weeks from the same quarter in 2018.</p>
<p></p>		<p><b>42%</b> of cases were disposed of within 26 weeks – <b>down nearly 10 percentage points</b> compared with the same period for 2018.</p>
<p><b>Decrease in average time of divorce proceedings</b></p>		<p>The mean average time from petition to Decree Nisi was 30 weeks, and Decree Absolute was 54 weeks - <b>down 1 and 2 weeks</b> respectively compared to the equivalent quarter in 2018. The median time to Decree Nisi was 23 weeks and 39 weeks to Decree Absolute, showing a similar decrease as the mean averages.</p>
<p><b>Decrease in the number of divorce petitions, while number of decree absolutes increases</b></p>		<p>There were 29,531 divorce petitions made in July to September 2019, down 3% on the equivalent quarter in 2018. 39% of these were digital petitions.</p>
<p></p>		<p>There were 29,325 Decree Absolutes granted in July to September 2019, an increase of 38% from the same period last year.</p>
<p><b>Increase in the number of domestic violence remedy applications and orders made</b></p>		<p>The number of <b>domestic violence remedy order applications increased by 23%</b> compared to the equivalent quarter in 2018, while the number of domestic violence remedy <b>orders made increased by 18%</b> over the same period.</p>
<p><b>Adoption applications decrease while the number of adoption orders increases</b></p>		<p>In July to September 2019, there were 1,174 <b>adoption applications</b>, down 6% on the equivalent quarter in 2018.</p>
<p></p>		<p>Over the same period the number of adoption <b>orders issued increased by 8%</b> to 1,267.</p>
<p><b>Increase in applications made in relation to deprivation of liberty, while orders decrease</b></p>		<p>There were 1,347 <b>applications</b> relating to deprivation of liberty in July to September 2019, <b>up 20%</b> on the equivalent quarter in 2018 although a similar level to April to June 2019.</p>
<p></p>		<p>Orders relating to deprivation of liberty decreased by 5% in the latest quarter compared to the same period last year.</p>

This publication presents statistics on activity in the family courts of England and Wales and provides figures for the latest quarter (July to September 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](mailto:familycourt.statistics@justice.gov.uk)

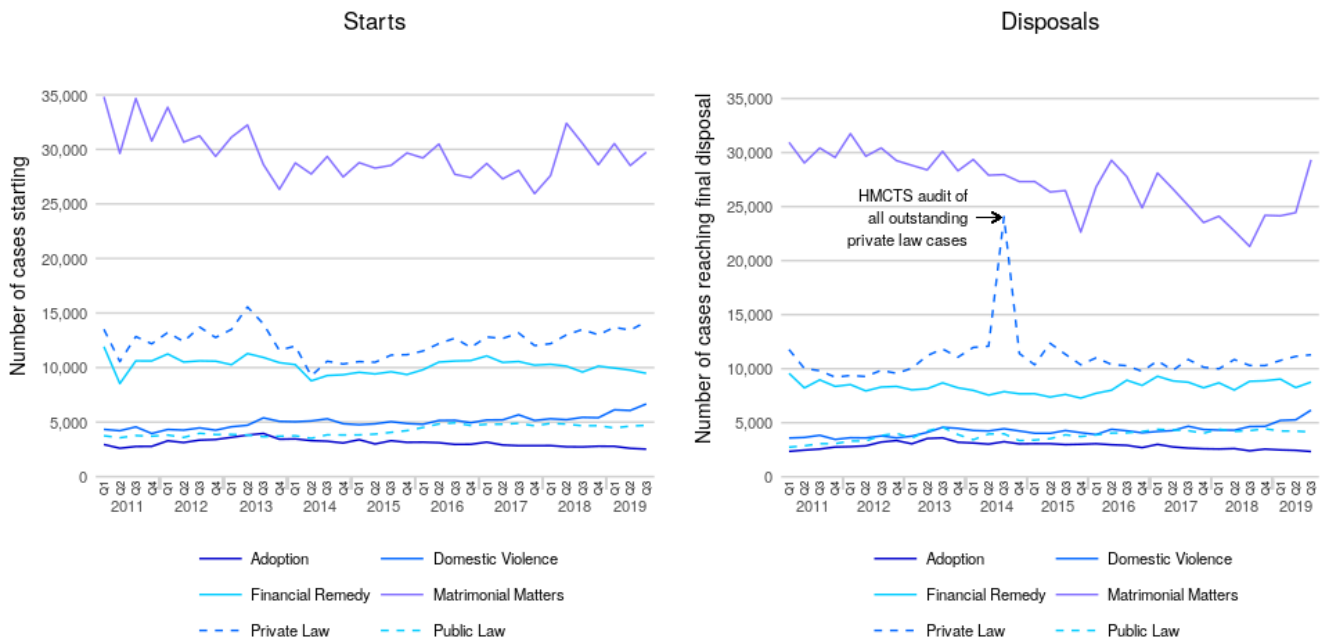
# 1. Overview of the Family Justice System

## Increase in the number of cases starting and increase in number of cases disposed in Family Courts

In July to September 2019, 67,431 new cases started in family courts, up 1% on the equivalent quarter in 2018. This was due to a 23% rise in domestic violence cases started, along with increases in Private law (5%) and Public law (1%) case starts. However, there were decreases in new adoption (8%), matrimonial (3%) and financial remedy (1%) case starts compared to the same period last year. (Table 1)

There were 62,197 case disposals in July to September 2019, up 20% on the equivalent quarter of 2018. This was due to increases in matrimonial (38%), domestic violence (33%), and private law (10%) cases reaching a final disposal, while there were decreases in adoption, public law (both 3%) and financial remedy (1%) case disposals. (Table 1)

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



In July to September 2019, 44% of new cases within family courts related to matrimonial matters, down from 46% in the equivalent quarter of 2018.

### 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 July to September 2019 the average was 32 weeks, up from 30 weeks in July to September 2018.

The average time for divorce and annulment cases to reach first disposal was down 1 week compared to the equivalent quarter in 2018 due to. Private law cases however, saw an increase, with the

average time to first disposal in July to September 2019 taking 16 weeks, up a week compared to same period in 2018. (table 10).

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 July to September 2019, consistent with the long-term trend (Table 7).

## 2. Children Act - Public Law

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### The number of Public law case starts steady while final disposals have fallen

There were 4,704 Public law cases starting in July to September 2019, similar to the equivalent quarter in 2018. Cases disposed were down 3% to 4,144. (Table 2)

### Average time for care proceedings continues upward trend

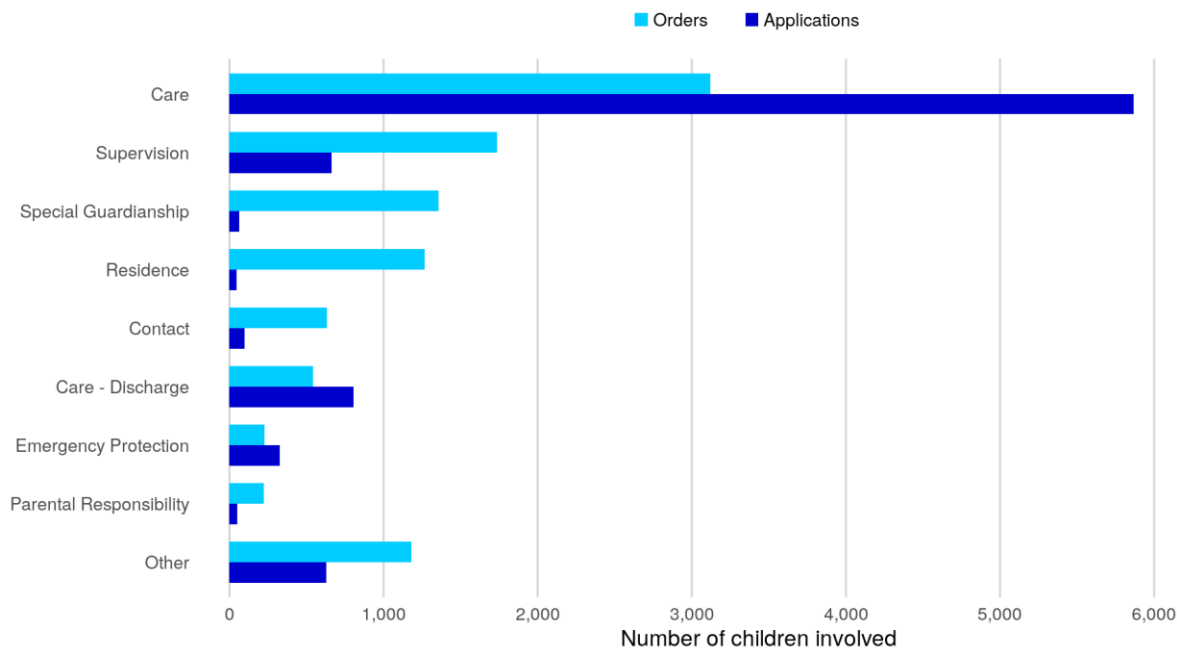
The average time for a care and supervision case to reach first disposal was 33 weeks in July to September 2019, up 3 weeks from the same quarter in 2018 and the highest average since early 2014. 42% of these care proceedings were disposed of within the 26-week limit introduced in the Children and Families Act 2014, down 10 percentage points from same period last year.<sup>1</sup> (Table 8)

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There were 7,633 individual children involved in new Public law applications in July to September 2019, down 1% on the same quarter in 2018, while the number of application events showed no change. The number of Public law disposal events decreased by 8% over the same period.

Figure 2 shows the most common types of Public law orders applied for and made in July to September 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.

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



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<sup>1</sup> See the accompanying technical guide for more information.

### 3. Children Act - Private Law

#### Increase in the number of private law case starts and disposals

The number of Private law **cases<sup>2</sup> started** increased by 5% in July to September 2019 compared to the equivalent quarter in 2018 to 14,196, the highest since mid-2013. The number of **application events** increased by 6% over the same period.

The number of Private law **cases disposed of** in July to September 2019 was up 10% on the equivalent quarter in 2018, with the number of **court disposal events** up 11%. (Table 2)

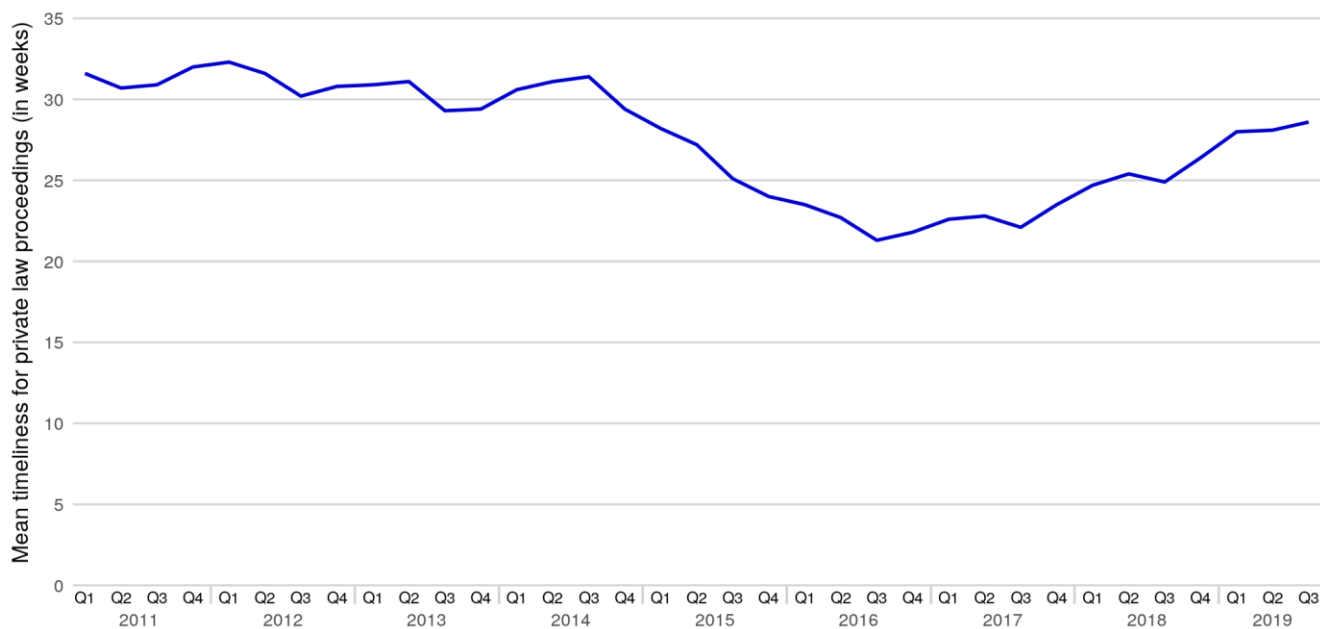
There were 14,659 new Private law application events in July to September 2019, up 6% on the equivalent quarter in 2018, with 21,736 individual children involved in these application events.

The number of Private law court disposal events in July to September 2019 was 22,251, up 11% on the equivalent quarter in 2018.

#### Timeliness of Private law cases

In July to September 2019, it took on average 29 weeks for Private law cases to reach a final order, i.e. case closure, up nearly 4 weeks from the same period in 2018. 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).

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



<sup>2</sup> 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.

## 4. Legal Representation

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

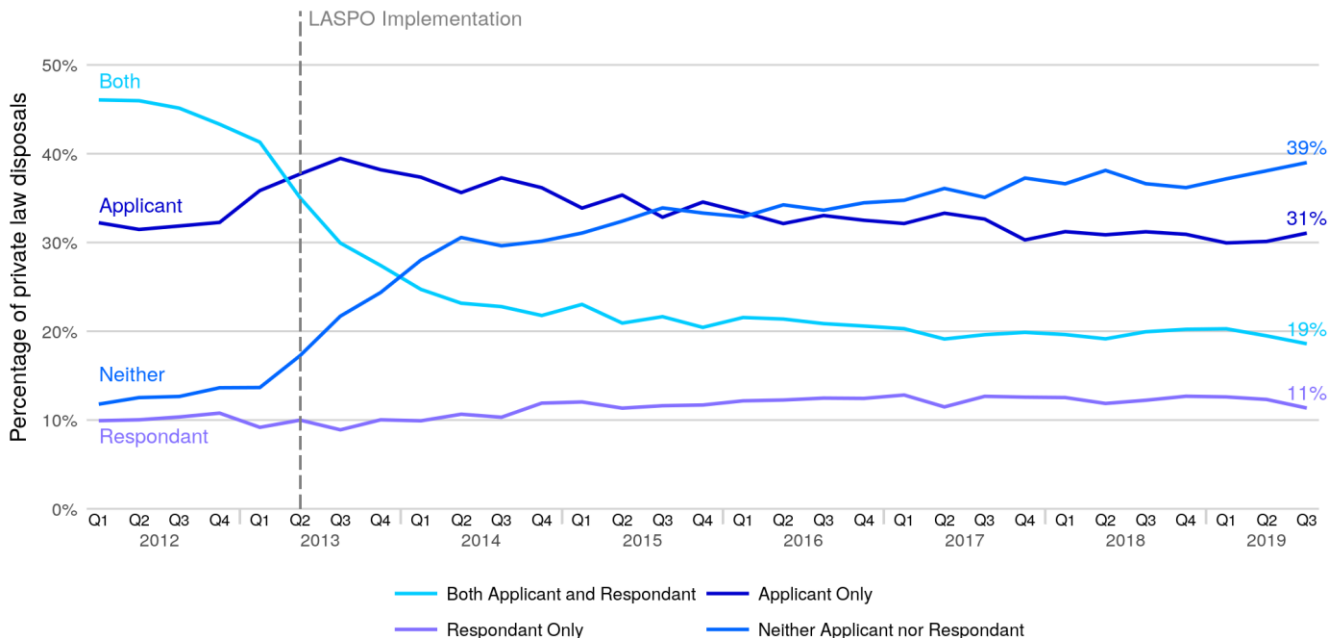
In general, cases where **either both parties** or the **respondent only had legal representation took longer** to be disposed than those cases where only the applicant was represented or where both parties were without legal representation. (Table 10).

### Legal representation in Private law cases

The removal of legal aid for many Private law cases in April 2013 resulted in a change in the pattern of legal representation over time<sup>3,4</sup>. In July to September 2019, the proportion of disposals where neither the applicant nor respondent had legal representation was 39%, increasing by 25 percentage points since January to March 2013, and up 2 percentage points from July to September 2018.

Correspondingly, the proportion of cases where both parties had legal representation went from 41% in January to March 2013 to 19% in July to September 2019, down 1 percentage point compared to the same period in 2018 (Figure 4).

**Figure 4: Proportion of private law disposals by type of legal representation of the parties, January to March 2012 to July to September 2019 (Source: Table 10)**



<sup>3</sup> Please see the accompanying guide for further details.

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

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 31% in July to September 2019.

The proportion of parties with legal representation in cases with at least one hearing varies by case type and range from around 73% for financial remedy to 1% for adoption cases, with figures subject to change as new cases progress. (Table 11)



## 5. Divorce

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### **Decrease in the number of divorce petitions and in average time of proceedings, while number of decree absolutes increases**

Divorce petitions were down by 3% in July to September 2019 compared to the same period in the previous year. Decree absolutes granted up 38% in July to September 2019 compared to the same period in the previous year.

Average time from petition to decree nisi decreased to 30 weeks in July to September 2019, from 31 weeks in the same quarter of 2018. (Table 12)

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There were 29,531 divorce petitions made during July to September 2019, down 3% from the same quarter in 2018. 39% of these petition were made digitally, up from 28% in the same quarter in 2018.

There were 29,209 decrees absolutes granted in July to September 2019, up 38% compared to the same quarter in 2018, reflecting the increase in petitions filed in recent quarters (Table 12).

For those granted Decree Nisi in July to September 2019, the mean average time from the date of petition was 30 weeks, down 1 week from the same period in 2018 and down over 3 weeks since a peak in April to June 2019. The mean average time from petition to Decree Absolute was 54 weeks, down 2 weeks from July to September 2018 and down from a peak of 59 weeks in January to March 2019. The increasing share of petition work moving online is likely to reduce the average time of divorce proceedings, and this will be monitored moving forward.

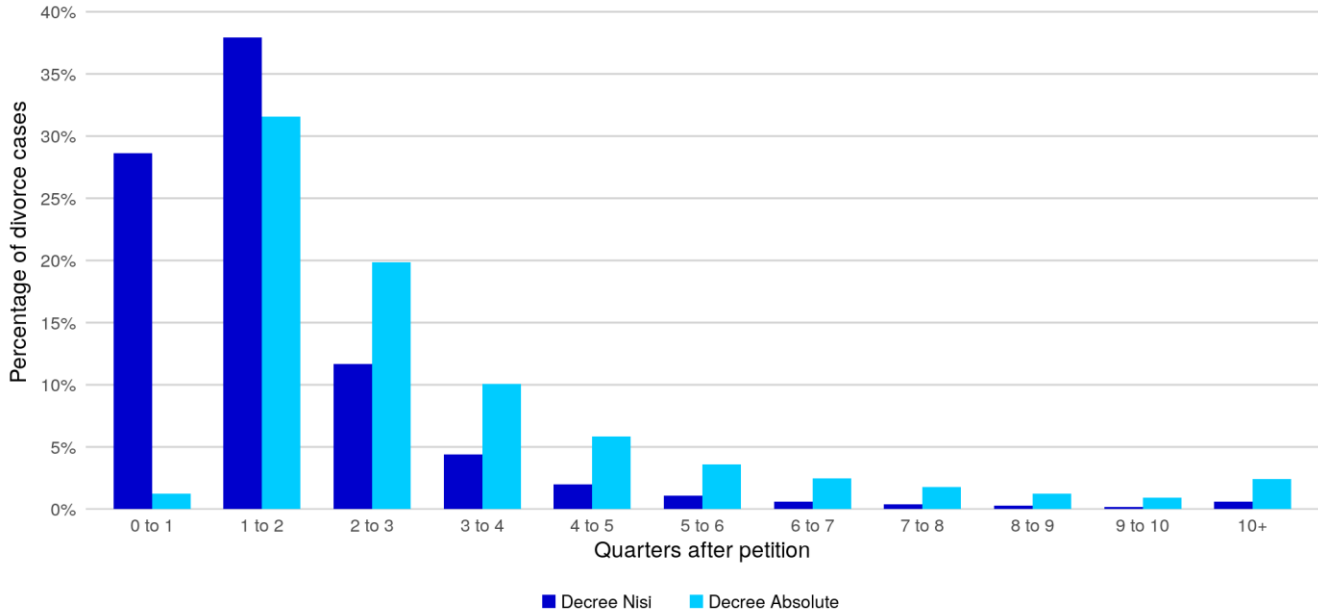
The mean timeliness figures can be inflated when historical cases reach Decree Nisi or Decree Absolute. These historical cases have less effect on the median timeliness, which may act as a better indicator for the length of current divorce proceedings. In July to September 2019, the median time to Decree Nisi was 23 weeks and 39 weeks to Decree Absolute, down 1 and 2 weeks respectively compared to the same period in 2018.

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.

**Figure 5: Percentage of divorce cases started between Q1 2011 to Q3 2019 reaching Decree Nisi or Decree Absolute, by the number of quarters since petition (Source: Table 14)**



29% of divorce petitions made between Q1 2011 to Q3 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 decree absolute within three quarters after petition (1% in the first quarter, 32% within 1 to 2 quarters and 20% within 2 to 3 quarters).

## 6. Financial Remedy

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### **Decrease seen in financial remedy applications, increase in disposals events**

In July to September 2019 the number of financial remedy applications was down 2% while disposal events were up 1% compared to the same period in 2018. (Table 15)

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There were 10,075 financial remedy applications made in July to September 2019, down 2% from the same period in 2018, while there were 10,881 financial remedy disposals events, up 1% over the same period. During this period, 64% of disposal events were uncontested, 27% were initially contested and 10% were contested throughout.

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

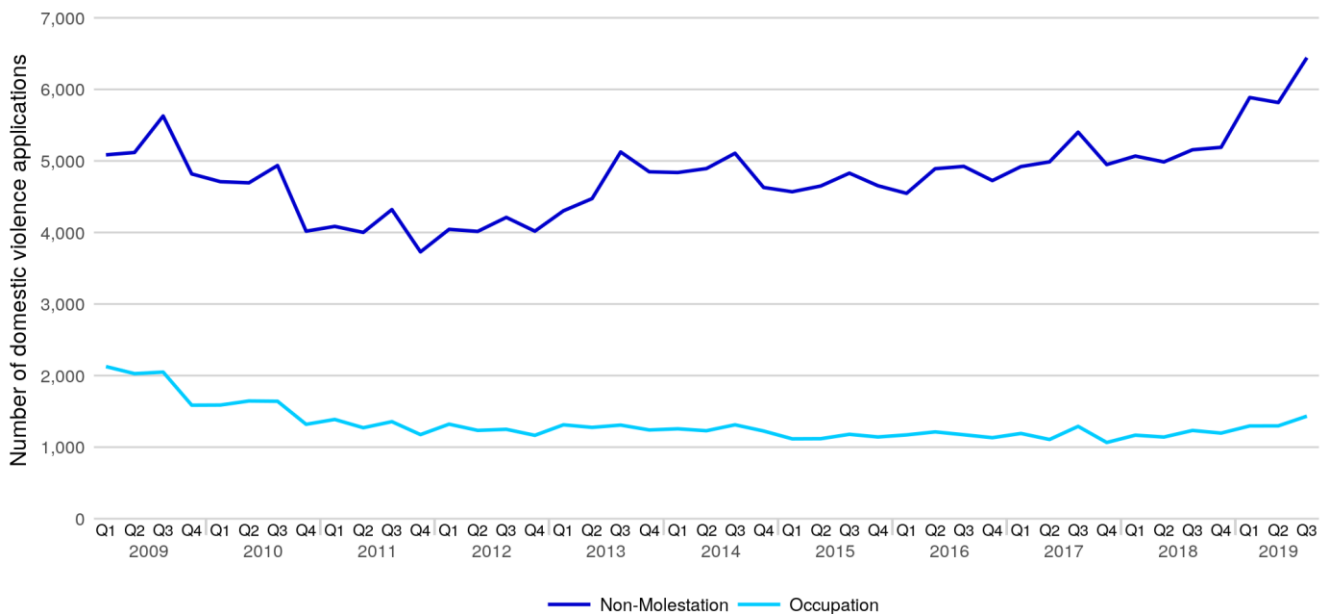
In July to September 2019, the number of applications increased by 23% compared to July to September 2018, whilst the number of orders made increased by 18% over the same period. (Table 17)

In July to September 2019, there were 7,876 applications made for a domestic violence remedy order, up 23% on the same quarter in 2018 and the highest quarterly number of applications since the time series began at the start of 2009 (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 July to September 2019 were up 25% compared to the same period in 2018, while occupation order applications increased by 16%.

There were 8,839 domestic violence orders made in July to September 2019, up 18% from the same period last year, also representing the highest number since the beginning of the time series in 2009. 93% were non-molestation orders and 7% were occupation orders, with non-molestation orders up 19% and occupation orders up 9% compared to the equivalent quarter in 2018.

The increase in applications and orders may be linked to changes in legislation which were introduced in January 2018. Changes to legal aid eligibility introduced new forms of evidence, expanded the scope of existing evidence and completely removed the time limit from all forms of evidence for domestic abuse. These changes have made it easier for victims, or those at risk, of domestic abuse to obtain and provide the evidence required to access legal aid, and in doing so, this may have impacted on the number of domestic violence applications and orders.

**Figure 7: Applications for domestic violence remedy orders, January to March 2009 to July to September 2019 (Source: Table 17)**



## 8. Forced Marriage Protection Orders and Female Genital Mutilation Protection Orders

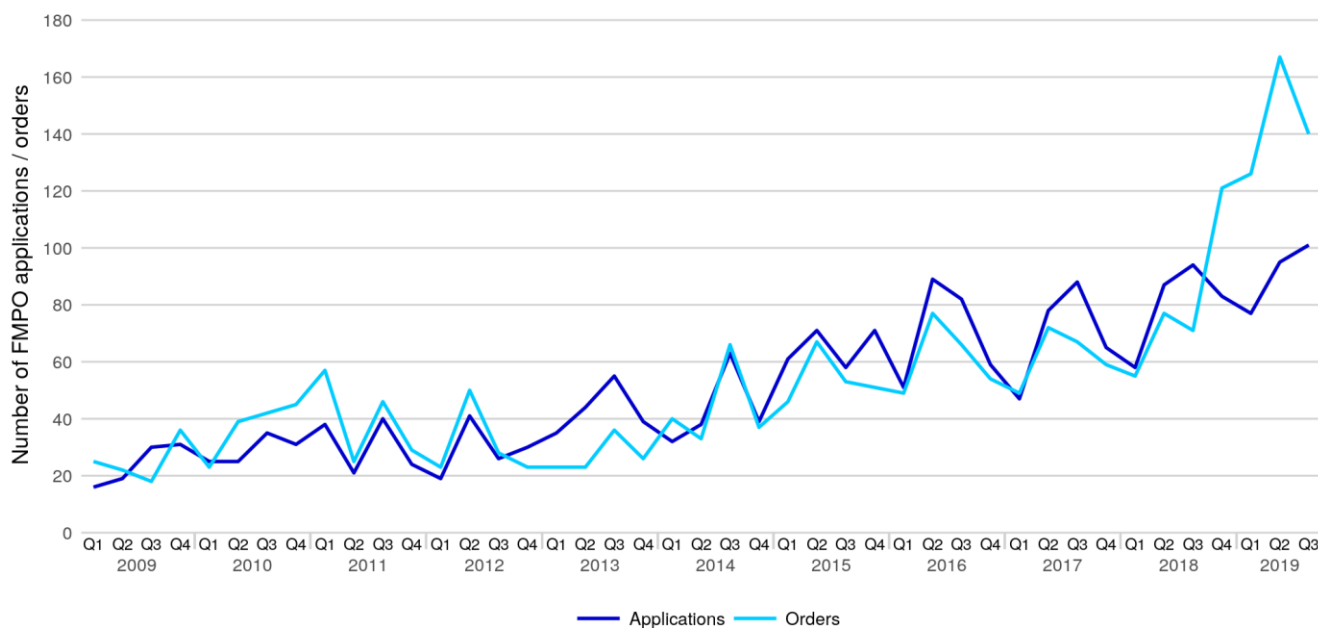
**General upward trend in the number of forced marriage protection orders and female genital mutilation protection orders. (Tables 18 and 19)**

The number of applications and orders made for forced marriage protection orders (FMPOs) is very small. Consequently, as figure 8 shows, numbers fluctuate each quarter but overall there has been a general upward trend since their introduction in November 2008. In July to September 2019, there were 101 applications, of which 69% of applicants were aged 17 and under.

Over the same period, there were 140 orders made, almost double the number of orders made in the same period from the previous year. 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 8: Applications and orders made for Forced Marriage Protection Orders, January to March 2009 to July to September 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 33 applications and 71 orders made respectively in July to September 2019 (Table 19). In total, there have been 408 applications and 489 orders made up to the end of September 2019, since their introduction in July 2015.

## 9. Adoptions

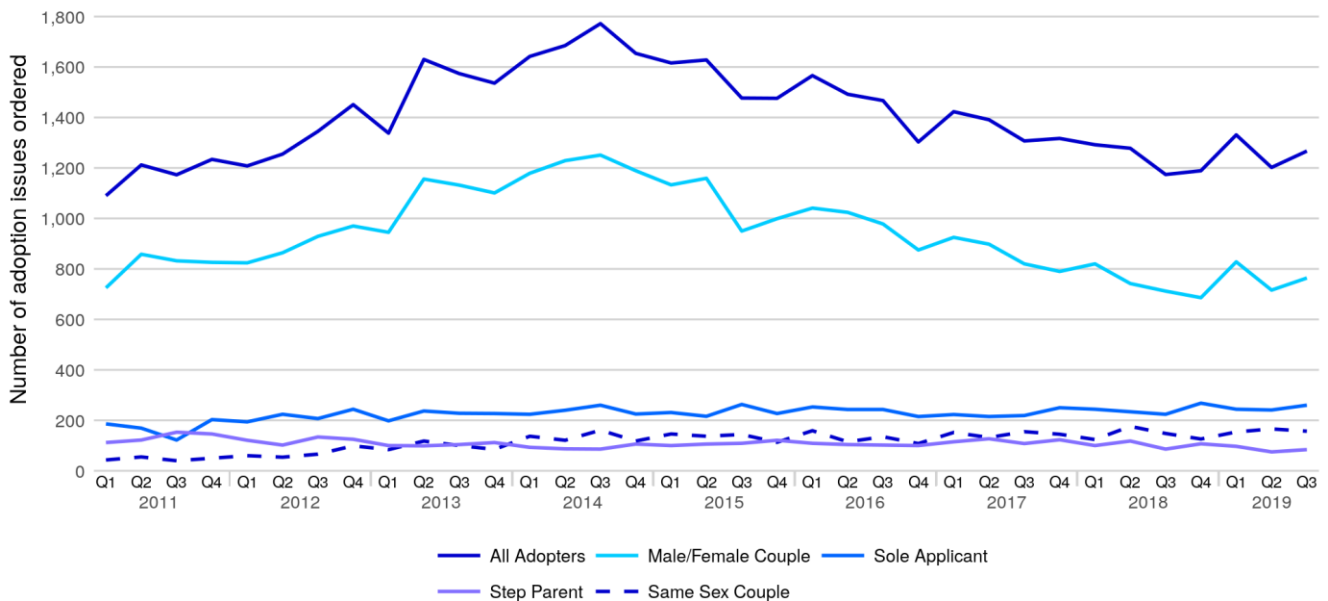
### Adoption applications decrease while the number of adoption orders increases

During July to September 2019, there were 1,174 adoption applications made, down 6% from the equivalent quarter in 2018. Over the same period, the number of adoption orders issued increased by 8% to 1,267 (Tables 20 and 21).

There were 2,536 applications under the Adoption and Children Act 2002, including placement orders during July to September 2018, down 7% on the same quarter in the previous year. Total disposals also dropped 2% to 2,368 over the same period.

Figure 9 below shows the trend of adoption orders by the type of adopter. This shows that during July to September 2018, 60% of all adoption orders were issued to male/female couples, 21% to sole applicants, 12% to same-sex couples and a further 7% to step-parents.

**Figure 9: Adoption orders issued, by adopter, January to March 2011 to July to September 2019 (Source: Table 21)**



Adopter categories have been revised in this publication with historical revisions made to the time series. These revisions impacted around 1% of adopter categories in the series.

## 10. Mental Capacity Act - Court of Protection

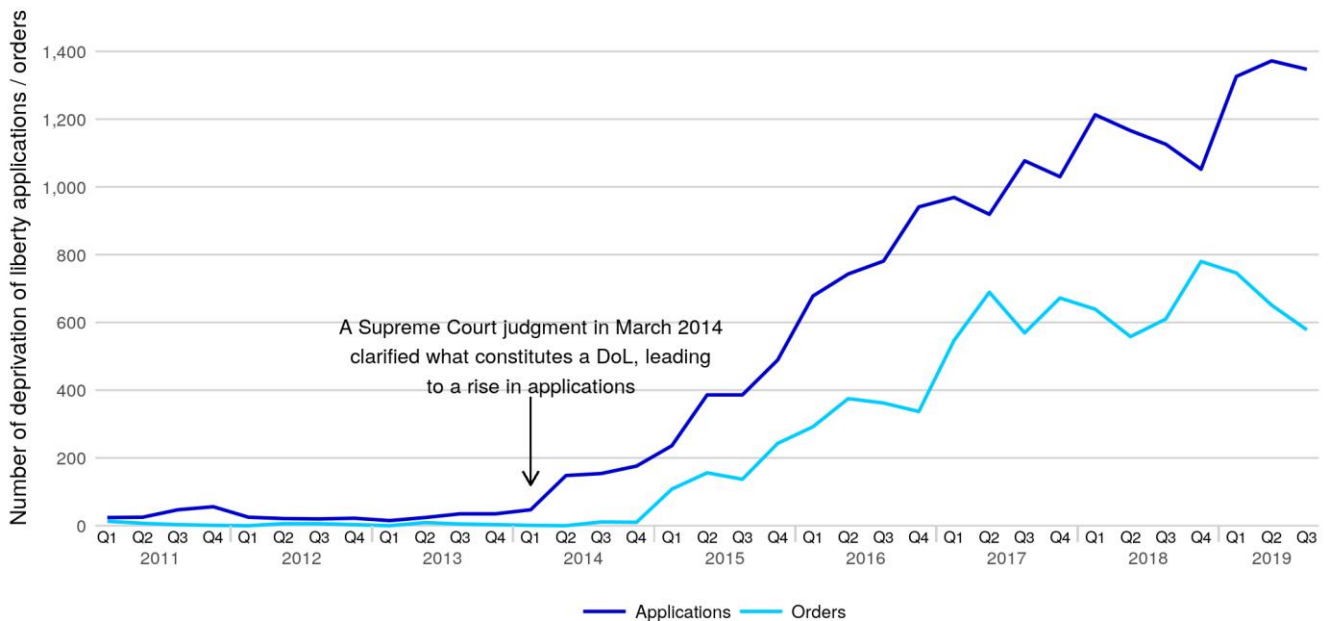
### Increase in applications made in relation to deprivation of liberty, while orders decrease

There were 1,347 applications relating to deprivation of liberty made in the most recent quarter, up 20% on the number made in July to September 2018. Orders made for deprivation of liberty decreased by 5% over the same period, from 610 to 578 respectively.

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

There were 9,407 applications and 12,216 orders made in July to September 2019, up 19% and 34% respectively – the highest quarterly volumes seen since the start of the series. (Tables 22 and 23)

**Figure 10: Deprivation of Liberty applications, January to March 2008 to July to September 2019 (Source: Table 22)**



In July to September 2018, there were 9,407 applications made under the Mental Capacity Act 2005 (MCA), up 19% on the equivalent quarter in 2018. Just under half (45%) related to applications for appointment of a property and affairs deputy (Table 22).

In comparison, there were 12,216 orders made under the MCA, up 34% on the same quarter in 2018. Just over a quarter (26%) of the orders related to the appointment of a deputy for property and affairs (Table 23).

# 11. Mental Capacity Act - Office of the Public Guardian

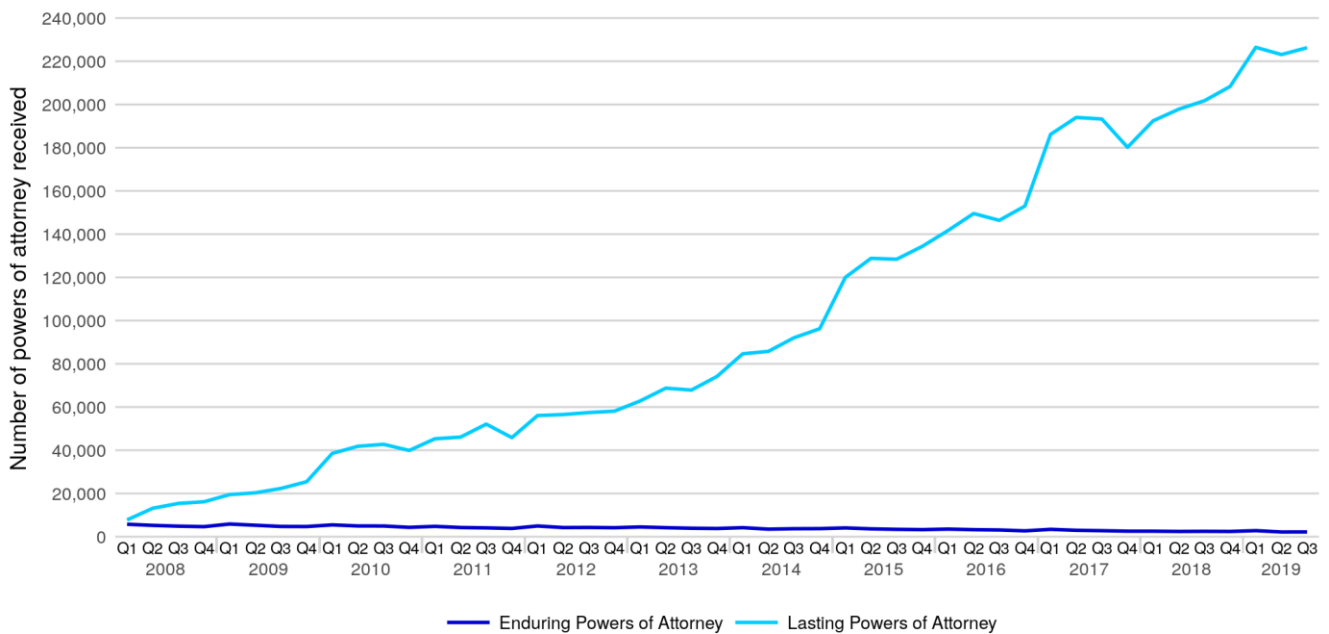
## Continuing increasing trend in Lasting Powers of Attorney (LPAs)

In July to September 2019, there were 226,283 LPAs received, up 12% from the equivalent quarter in 2018. (Table 24).

There were 226,283 Lasting Powers of Attorney (LPAs) received in July to September 2019, up 12% on the same quarter for 2018. The sharp increase 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 for LPAs. (Figure 11).

There were 2,195 Enduring Powers of Attorney (EPAs) in July to September 2019, down 11% on the equivalent quarter in 2018.

**Figure 11: Powers of attorney received, January to March 2008 to July to September 2019 (Source: Table 24)**





## 12. Probate Service

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In July to September 2019, there were 66,697 grants of representation issued, the majority being probate grants (80%). (Table 25)

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At the end of March 2019, there was a transition between data systems recording information regarding The Probate Service. This transition led to data quality issues and data on grants issued was not published in 'Family Court Statistics Quarterly: April to June 2019', released 26th September 2019.

Following investigations, the total number of grants issued for April to June 2019 are now included in Tables 25 and 26. However, the breakdown by grant type and applicant type cannot be robustly extracted. As a guide only, estimates have been provided in Table 26 based on the historical average seen between 2016 and 2018.

With the move between data systems, a substantial number of applications are waiting to be processed. This is particularly reflected in the total number of grants issued in April to June 2019 (45,413, down from 57,262 in January to March 2019), though in the period July to September these increased to 66,697. There are a number of standing searches waiting to be issued following the move and, as such, there is a marked drop in these figures from September 2019. As the standing searches are processed, they will appear in this series in future updates.

## 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/FamilyCourtStatisticstool2019Q3/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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**Next update: 26 March 2020**

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