



Ministry
of Justice

A Guide to Court and Administrative Justice Statistics

Ministry of Justice

Last updated 26 September 2013

Introduction

This document aims at providing a comprehensive guide to the Court and Administrative system, focusing on concepts and definitions published in Ministry of Justice statistics. It also covers overall statistical publication strategy, revisions, data sources, quality and dissemination, and methodological developments. Ministry of Justice statistics currently covers the following Court and Administrative system sub-systems and services:

- County Courts in England and Wales (dealing with Civil and Family Business);
- Magistrates Courts in England and Wales (dealing with Criminal, Civil and Family Business);
- High Court;
- Court of Appeal;
- Supreme Court of United Kingdom;
- Gender Recognition Panels for England and Wales; and,
- First Tier Tribunals for the United Kingdom.

Figures for these are disseminated in the following publications:

- Court Statistics Quarterly (including information formally in Judicial and Court Statistics)
- Gender Recognition Certificate Statistics
- Mortgage and Landlord Possession statistics
- Statistics on the use of language services in courts and tribunals
- Tribunals Statistics Quarterly (including information formally in Annual Tribunals Statistics)

The focus of this document is mostly on civil and administrative aspects of these publications. However, there is some focus on criminal aspects in both *Court Statistics Quarterly* and *Statistics on the use of Language Services in Courts and Tribunals*. For further information on Criminal Justice Statistics please see the following [guide](#).

The key areas covered in this guide are:

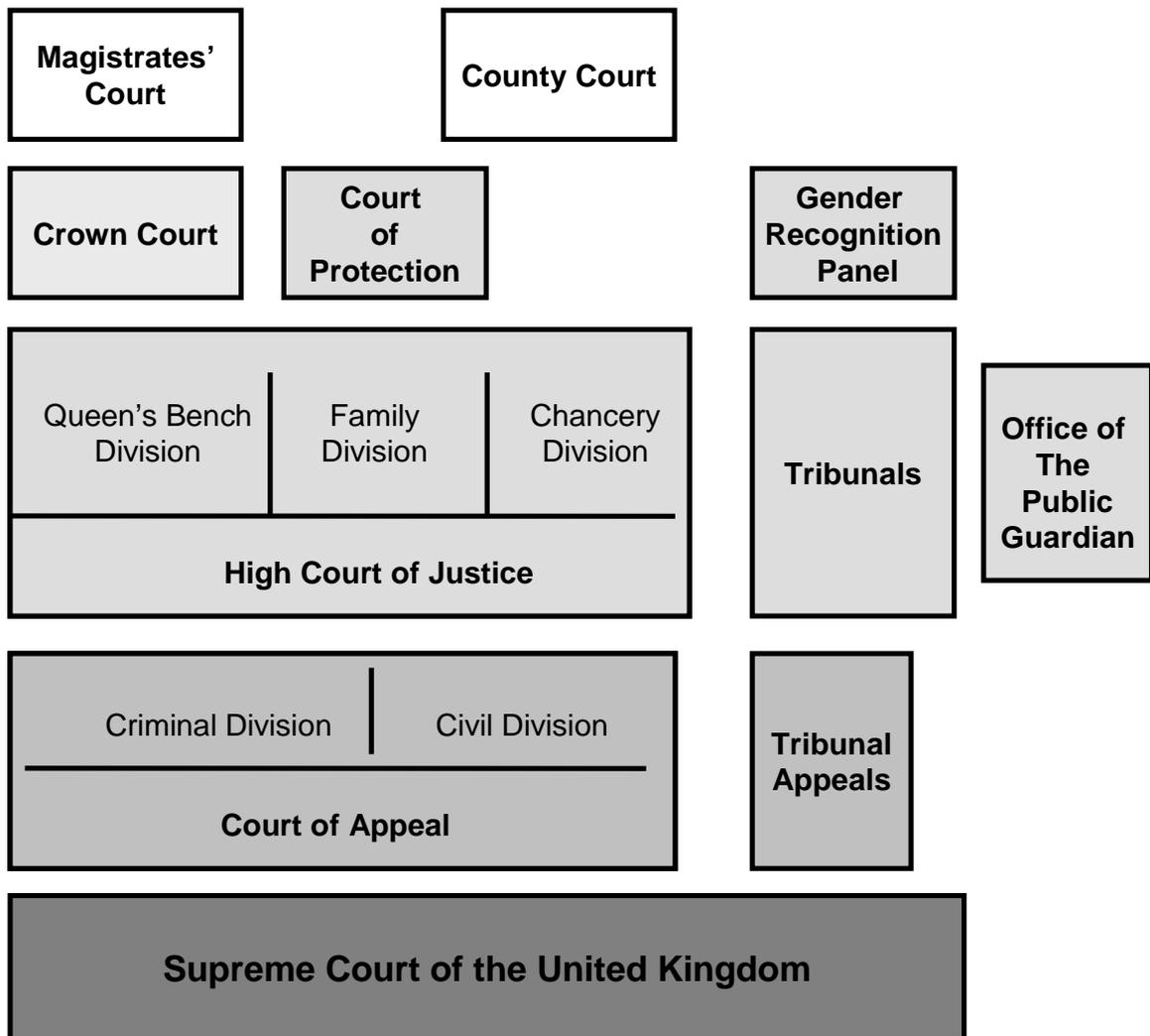
- A high level background to the Court and Administrative system on the topics featured within the bulletin.
- Information on the frequency and timings of the bulletin and the revisions policy.

- Details of the data sources and any associated data quality issues, including any upcoming Data developments relating to Court and Tribunal statistics.
- Major legislation coming into effect in the period covered by the bulletin.
- A glossary of the main terms used within the publications.
- A list of relevant internet sites on the Court and Tribunal system.

Overview of Court and Administrative Statistics

This section describes the background to the various sections and stages of the Court and Administrative System. The system is complex with different types of civil justice activities entering the system in different places. The figure below shows a simplified view of how certain civil justice activities enter and move through the system.

Figure 1: Simplified overview of Court and Administrative Systems



The Court and Administrative system is complex and covers a range of sub-systems and services, these include: County Courts (dealing with Civil and Family Business), Magistrates Courts (dealing with Criminal, Civil and Family Business), Gender Recognition Panels and First Tier Tribunals.

Cases can progress through the system to higher courts, including the Crown court, the High Court, Court of Appeal and Upper tribunals.

Civil (excluding family)

The vast majority of civil cases in England and Wales which do not involve family cases or failure to pay council tax are handled in the county courts. These cases are typically related to debt, the repossession of property, personal injury and insolvency. Once a claim has been served, the usual options for the defendant are to do nothing, pay up, admit the claim and ask for more time to pay up, and/or dispute the claim. The vast majority of claims are either not defended, settle or are withdrawn before a hearing or trial. Complex or substantial cases are dealt with in the High Court.

Family

All family cases in England and Wales are dealt with at either Family Proceedings Courts (which are part of the magistrates' courts), at county courts or in the Family Division of the High 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. Some civil and family cases are dealt with in the High Court rather than in a lower court.

Criminal

Virtually all criminal court cases in England and Wales start in a magistrates' court. The less serious offences are handled entirely in magistrates' courts. More serious offences are passed on to the Crown Court, either for sentencing after the defendant has been found guilty in a magistrates' court, or for a full trial with a judge and jury. The Crown Court also receives appeals against decisions of the magistrates' courts.

Cases in the magistrates' courts are heard by either two or three lay magistrates (local people who volunteer their services, who may not have formal legal qualifications but will have undertaken a training programme to develop the necessary skills) or by one District Judge (legally qualified, paid, full-time professionals, who are usually based in the larger cities and normally hear the more complex or sensitive cases). Crown Court cases may be heard by Circuit Judges, Recorders or a High Court Judge, depending on the seriousness of the offence.

On 28th May 2013 committal hearings were abolished in magistrates' courts as part of wider measures to speed up justice and improve efficiencies in the justice system¹. As a result, triable either-way cases are now sent to the Crown Court as soon as it is clear the matter is serious enough, without the need for a separate committal hearing. Since this change was not

¹ www.gov.uk/government/news/faster-justice-as-unnecessary-committal-hearings-are-abolished

introduced until the end of the second quarter of 2013 the information provided in this bulletin will remain the same as previously provided.

Tribunals

Tribunals cover England and Wales and non-devolved tribunals in Scotland and Northern Ireland. The First Tier Tribunals cover receipts (for example, cases accepted by HMCTS) in relation to Employment, Immigration and Asylum, Social Security and Child Support, Mental Health and a range of smaller more specialised activities. Following an outcome (decision) at the first tier stage, cases can then be progressed to the Upper Tribunal or Employment Appeal Tribunal (EAT).

Language services in courts and tribunals

The use of language services in courts and tribunals cover face-to-face language services provided to HM Courts & Tribunals Service (HMCTS) and the National Offender Management Service (NOMS). These services are supplied under a contract with Capita Translation and Interpreting (TI); formerly known as Applied Language Solutions (ALS).

Gender Recognition Certificates

The Gender Recognition Panel was established by the Gender Recognition Act 2004, which enables transsexual people to change their legal gender and gain the rights and responsibilities of their acquired gender. All applications are determined by the Panel and successful applicants receive a Gender Recognition Certificate.

Background to the Court and Administrative System

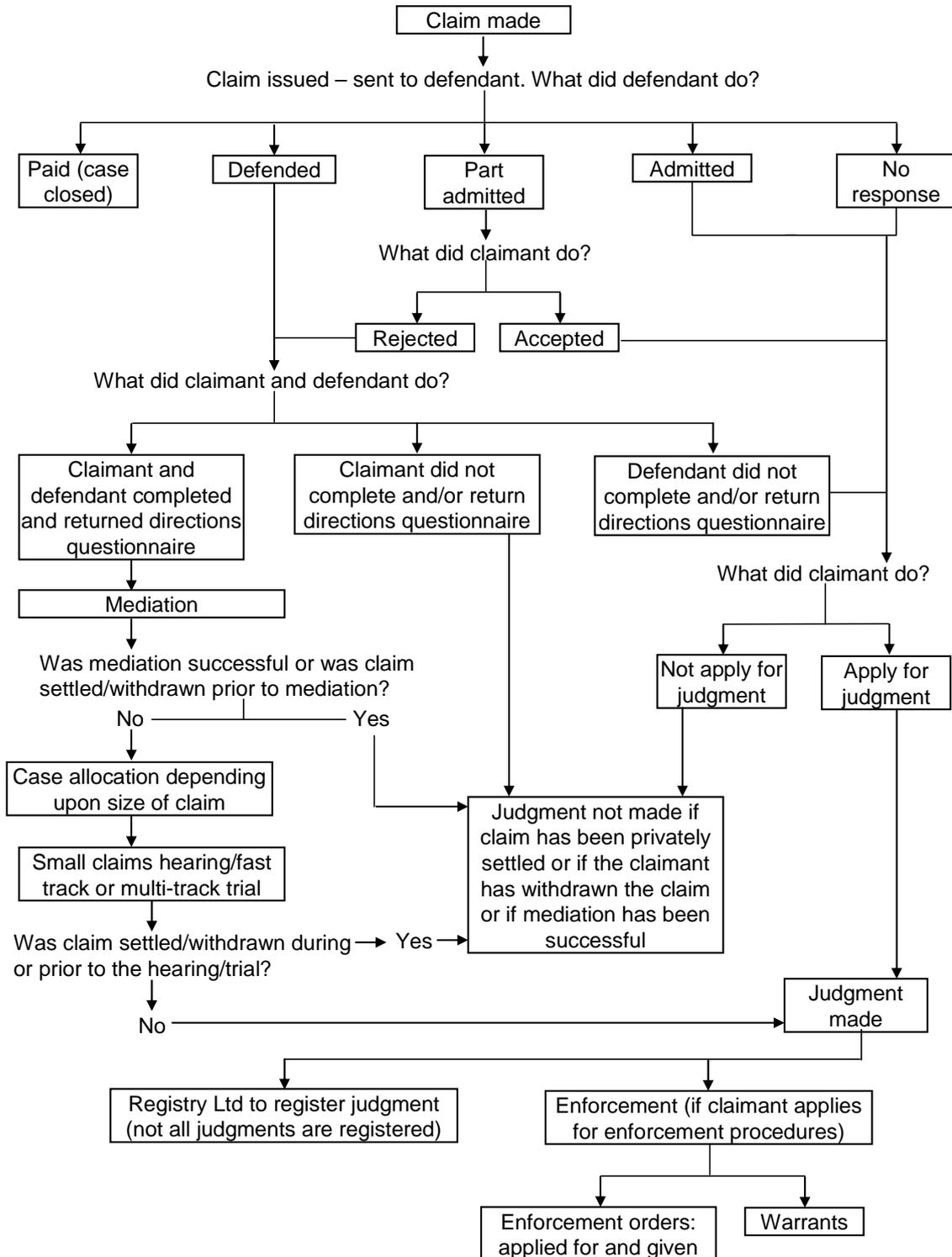
There are a number of ways individuals and organisations enter the Court and Tribunal System. These vary depending on the type of court they are engaging with. Details can be found in the sections below.

Civil (excluding family)

Civil cases are those that do not involve family matters or failure to pay council tax. Civil cases are mainly dealt with by county courts and typically relate to debt (these generally being issued for a specified amount of money), the repossession of property, personal injury (these generally being issued for an unspecified amount of money), the return of goods and insolvency. Particularly important, complex or substantial cases are instead dealt with in the High Court. All county courts are assigned at least one District Judge, and some at least one Circuit Judge.

Figure 2 on the next page provides a schematic summary of the process that specified money cases can go through. Specified money claims constitute the most common kind of civil case, accounting for nearly two-thirds of all civil claims. Not every case will go through every stage.

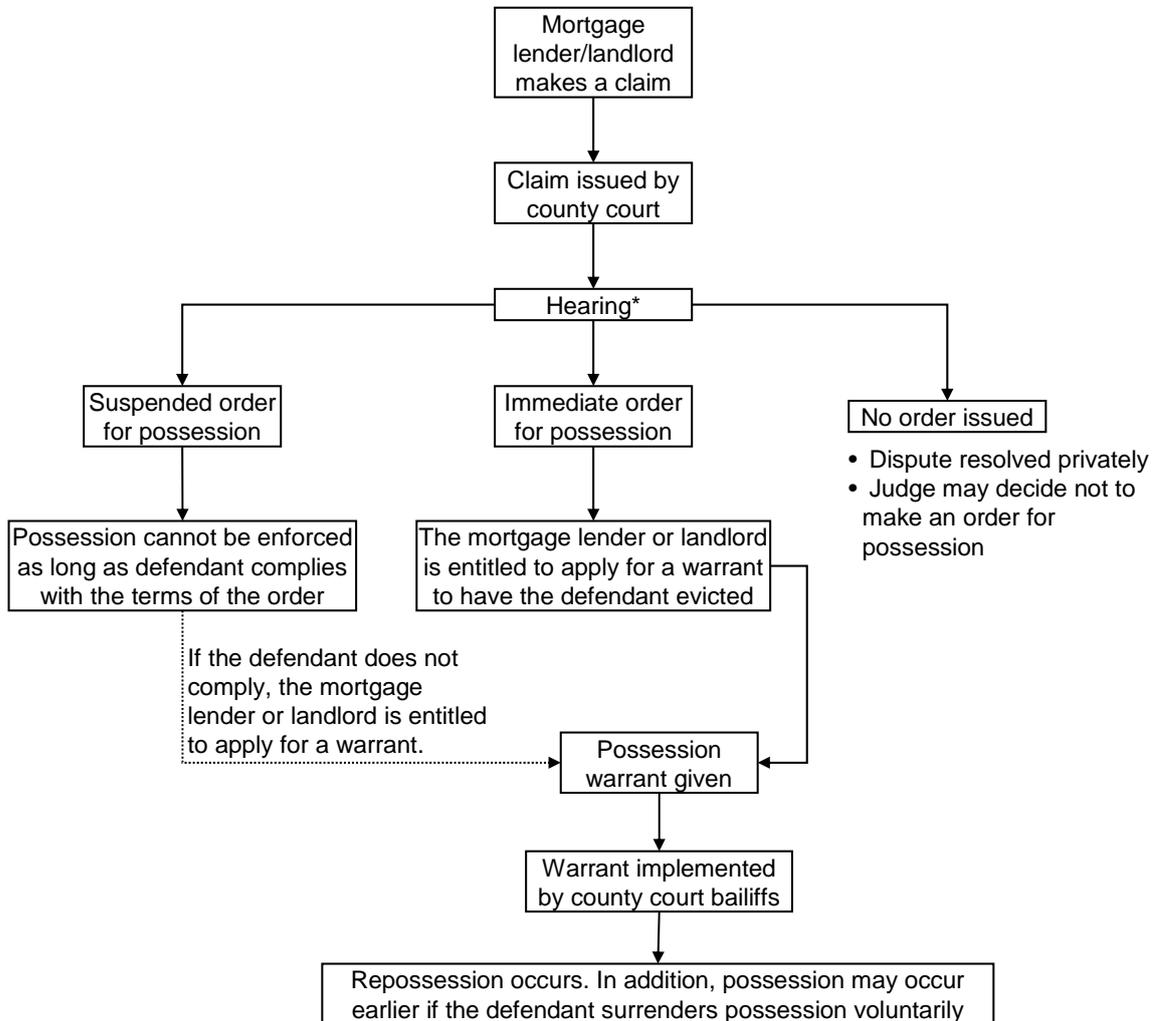
Figure 2: A simplified description of the main court processes for specified money cases



The process for unspecified claims is very similar, at least at the level of detail presented here. The primary difference is that the defendant has an additional option available to them when first being notified of the claim: as well as paying it, defending it, part or totally admitting it, or giving no response, they can also agree responsibility for the claim but not agree the amount of compensation owed.

Figure 3 a similar summary of the process that possession cases can go through.

Figure 3: A simplified description of the main court processes for possession cases

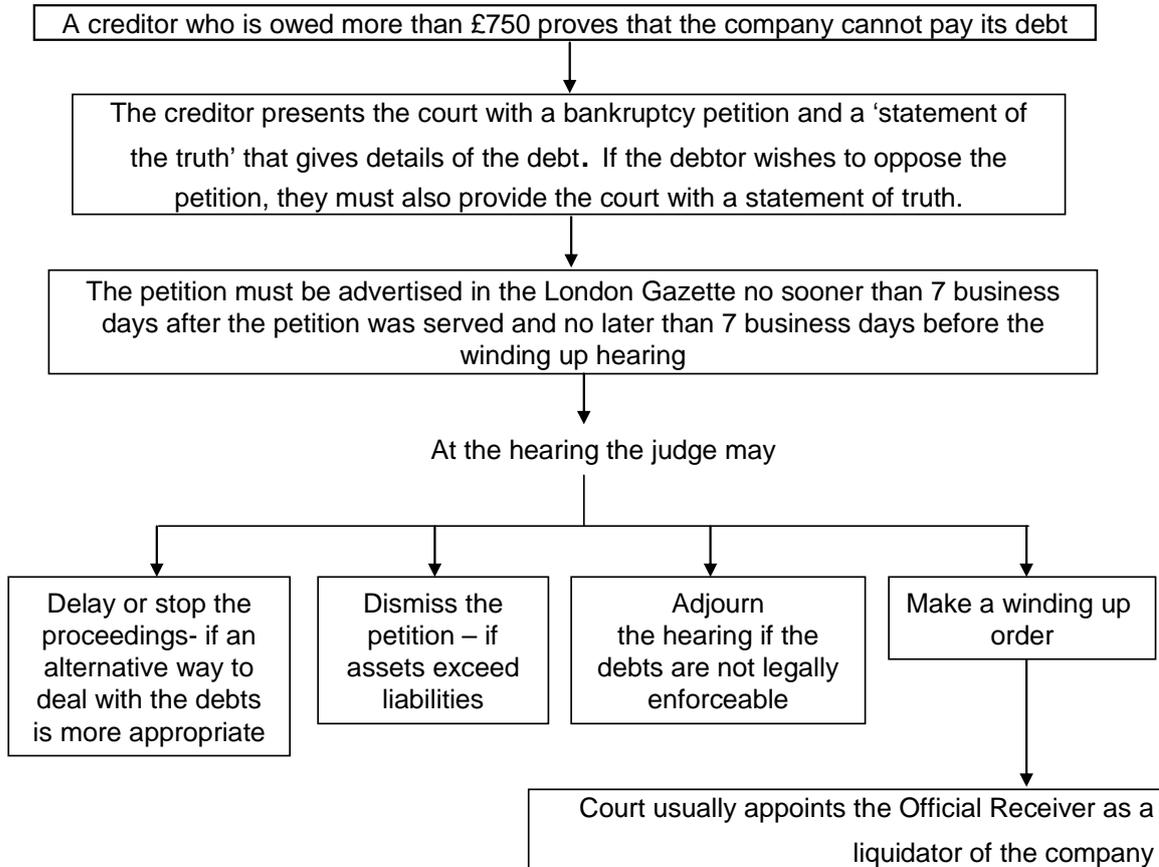


* In cases involving a fixed-term tenancy, a landlord possession may not require a hearing under the accelerated procedure

The process for return of goods claims is very similar to possession cases except that the item being disputed is ownership of goods rather than possession of a property.

Figure 4 on the next page provides a similar summary of the process that company winding-up cases can go through.

Figure 4: A simplified description of the main court processes for company winding-up cases



The process for creditor's petitions cases is very similar except that the petition need not be advertised in the London Gazette.

The process for debtor's petitions is very similar to creditor's petitions except that they are initiated by the debtor and the debtor must present a 'statement of affairs' to the court that shows that they are unable to pay their debts along with the bankruptcy petition.

Claims issued

The process of taking a person(s) or company to court regarding a civil (non-family) matter begins with a person (the claimant) either completing a claim form and taking it to a court or completing a claim form online.

In addition, claimants who issue a large number of claims each year, such as banks, credit card and store card issuers, utility companies and debt recovery companies, can file them to the Claim Production Centre (CPC) . This is a centralized claim processing service that is intended to facilitate the removal of repetitive staff-intensive work from local courts to a single, more straight forward service. After processing the claims, the relevant information is sent electronically to the court(s) selected by the claimant².

² www.justice.gov.uk/courts/northampton-bulk-centre

Case progression, hearings and judgments

Whether the claim is issued online or through the county courts, a copy of the claim form along with a response pack is sent to (served on) the defendant who has 14 days to respond to the claim. The defendant can: do nothing; pay up (either the full amount of the claim or in part); admit the claim and ask for more time to pay (in full or part); and/or dispute (defend) the claim (in full or part).

If the claim is defended, the usual procedure is for further information to be provided by the parties, following which the case is allocated by a judge to one of three case-management tracks:

- small claim track. This track is generally for cases with a claim value of up to £5,000. These require less preparation by the parties involved than the more complex cases allocated to the fast or multi track. The hearings are designed to be accessible to people who do not have representation by a solicitor or counsel, and are dealt with in about an hour.
- fast track. This track is generally for cases with a claim value of between £5,000 and not more than £25,000, with issues not complex enough to merit more than a one day trial.
- multi track. This track is generally for cases with a claim value exceeding £25,000 with more complex issues. They generally last more than one day at trial.

Defended cases which are not settled or withdrawn generally result in a small claim hearing or trial.

Enforcement

There are various methods of enforcing a judgment through the county courts. The most common method of enforcing a monetary judgment is the warrant of execution against a debtor's goods. This is where, unless the amount owed is paid, items owned by the debtor can be recovered by a bailiff acting on behalf of the court and sold.

To enforce non-monetary decisions made by the county courts, various types of warrants can be issued:

- warrants of possession are issued to repossess property;
- warrants of delivery are issued to obtain the return of particular goods or items; or,
- warrants of committal enforce an order for which the penalty for failure to comply is imprisonment by authorising the bailiff to arrest and deliver the person to prison or the court.

Alternatively, various types of court orders can be obtained. Attachment of earnings orders enable payment through the debtor's employer. Fourth party debt orders enable payment by freezing and then seizing money owed by a fourth party to the debtor. Charging orders obtain security for the

payment against the debtor's assets. This may be followed by an order for sale which forces the sale of these assets.

In certain circumstances, a debtor may apply to a county court to combine debts with a total not exceeding £5,000 into a single administration order, which allows a District Judge to make an order for the debtor to make regular payments to the court. The court will then distribute the money to the creditors

To assist in determining which of the above is the most appropriate method of enforcing a judgement, creditors can apply for an order to obtain information from the judgment debtors. This requires debtors to provide details of their means.

Mortgage and Landlord Repossessions

In England and Wales the process of possessing a property by a landlord or a mortgage lender is carried out by the county courts after all other avenues have been exhausted. This section describes the court process of possessing a property in detail and Figure 3 provides a summary.

To obtain a court order granting the entitlement to take possession of a property, a claimant – a mortgage lender or a landlord – must first make a claim which is then issued by a county court. Generally, the issuing process involves the arrangement of an initial hearing before a judge. At such a hearing, a judge may:

- grant an order for outright possession of the property at a date decided by the judge;
- grant a suspended order for possession of the property; or,
- grant no order for possession (for example, after deciding the claimant has no legal right to take possession of the property).

The suspended order for possession of the property usually requires the defendant to pay the latest mortgage or rent instalment, plus some of the arrears that have built up, within a certain defined period. As long as the defendant complies with the terms of the suspension, the possession order cannot be enforced.

More than one order may be granted during the course of an individual case. For example, it is possible that after an initial possession order is granted, the defendant may make an application to the court for the order to be varied or set aside, which could then result in another order being made.

A granted order entitles the claimant to apply for a warrant to have the defendant evicted by bailiffs, so taking possession of the property. Only then does repossession occur. Actual repossession figures (including voluntary repossessions such as where the mortgagee or tenant hands back the keys) are only available for mortgages and are compiled by the Financial Services Authority (FSA) and the Council of Mortgage Lenders (CML).

Throughout the court process, even where a warrant for possession is issued, the claimant and defendant can still negotiate a compromise arrangement to prevent eviction.

Changes to the definition of the number of possession orders, warrants and repossessions made used in the possessions bulletin

Prior to the 2009 April to June bulletin, the number of possession orders was reported. After that point, the measure was replaced by the number of possession claims that lead to an order replaced the straight count of possession orders. This measure was deemed to be more accurate, removing the double-counting of instances where a single claim leads to more than one order.

A statistical notice announcing the change following the consultation of users published on 4 August 2009:

www.justice.gov.uk/downloads/publications/statistics-and-data/civiljustice/mortgage-landlord-possession-stats-notice.pdf

Changes in the way data was collected between 2007 and 2009 made the issue of double-counting particularly relevant. These issues regarding data collection have been resolved, making it feasible to return to measuring the count of total number of orders, warrants and repossessions.

From the 2012 July to September bulletin, the number of claims leading to warrants and to repossessions by county court bailiffs was added to the publication.

In the 2013 January to March bulletin the intention was announced to present the total number of orders, warrants and repossessions by county court bailiffs instead the number of claims that led to order, warrants and repossessions and feedback was requested regarding the changes. Feedback did not show opposition to the proposals.

From the 2013 April to June bulletin we have returned to presenting the total number of orders as well as the total number of warrants and repossessions by county court bailiffs. We believe this is simpler to understand and is a more accurate reflection of the court caseload. We also believe that the actual number of cases where double-counting occurs form a relatively small proportion of recent cases, and does not justify the additional complexity of the measure. Readers who are interested in the historical time-line should note that the raw number of orders, warrants and repossessions is likely to be inflated by double-counting especially between 2007 and 2009 and should treat those figures with care.

Other sources of possession statistics

The numbers of actual repossessions (including where there is no action by county court bailiffs) are produced by the Financial Services Authority (FSA) and the Council of Mortgage Lenders (CML). The statistics shown for "properties taken into possession" are published figures from the CML, which is an industry body representing around 94 % of the UK residential lending industry. It should be noted that:

- The Ministry statistics on court actions cover England and Wales only. CML statistics cover the whole of the UK.
- CML statistics on actual possessions include properties surrendered voluntarily.
- Given the time lags involved, some of the court orders for the possessions shown by CML may have been granted in earlier time periods.
- Mortgage possessions counted in the CML statistics mainly relate to the non-repayment of loans which are secured as a "first charge" against the property. The large majority of "second charge" lending (any loan secured on a property where a separate first charge loan already exists) falls outside the CML's membership, therefore any resulting repossessions will not be counted in their figures.

More details about the differences between mortgage possession data published by the Ministry (in this bulletin), the CML and the Financial Services Authority can be viewed at the link:

www.justice.gov.uk/downloads/publications/statistics-and-data/civiljustice/mortgage-lending-stats-note.pdf

A [comprehensive review](#) of statistics relating to the housing market has been published by the Office for National Statistics.

Family related court cases

Family law is the area of law that deals with:

- Public law – local authority intervention to protect children;
- Private law – parental disputes concerning the upbringing of children;
- Dissolution of marriages or civil partnerships;
- Ancillary relief – financial provisions for children after divorce or relationship breakdown;
- Domestic violence remedies; and,
- Adoption.

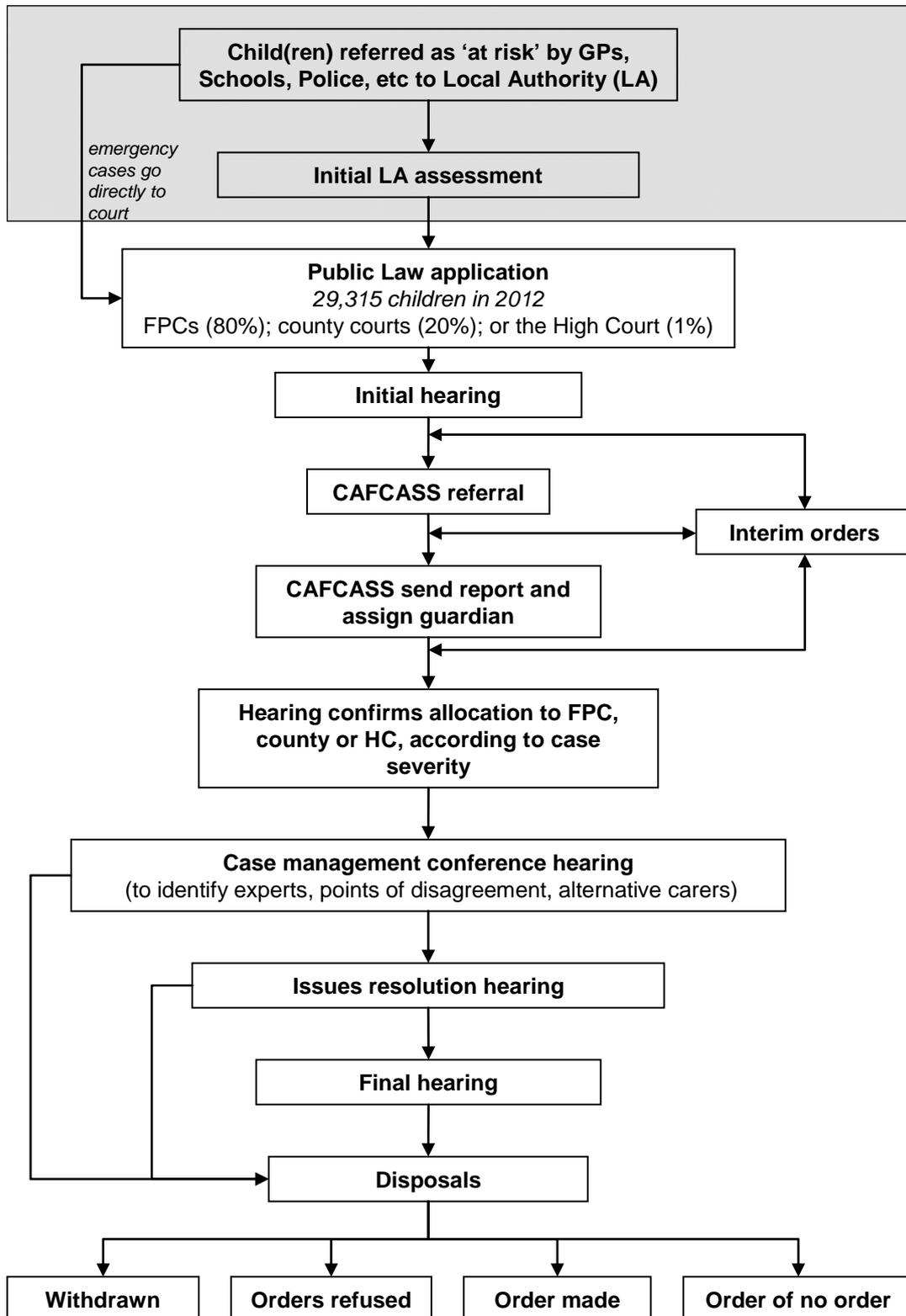
All family cases are dealt with at Family Proceedings Courts (which are part of the magistrates' courts), county courts or in the Family Division of the High Court. Magistrates undergo specialist training before they sit in Family Proceedings Courts where procedures are very different from the criminal courts. Most cases affecting children are dealt with under the Children Act 1989 in all three levels of courts.

Public Law

Public law cases are those brought by local authorities or an authorised person (currently only the National Society for the Prevention of Cruelty to Children) to protect the child and ensure they get the care they need. In these proceedings, the child is automatically a party and is represented by a Children's Guardian appointed by the Children and Family Court Advisory and Support Service (Cafcass). The Children's Guardian is an independent person who is there to promote the child's welfare and ensure that the arrangements made for the child are in his or her best interests.

A range of different orders can be applied for. The main types of order are a care or supervision order which determines whether the child should be looked after or supervised by the local authority, and 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 (see the Children's Act csv file and Glossary for more details). The majority of Public law applications are for care orders (69% in 2012). Figure 5 shows the main court processes for Children Act Public Law cases.

Figure 5: The main court processes for Children Act Public Law cases



Timeliness of Public Law Care and Supervision applications

In the interests of the child, courts are concerned to minimise the length of time it takes for a case to be resolved. However a large number of factors can affect how long the case takes, such as the type of order applied for, the number of parties involved and how complex the child's situation is. In general there is a wide spread of case durations with many straight-forward cases being completed fairly quickly, more complicated cases taking longer and a few very complex ones taking a long time.

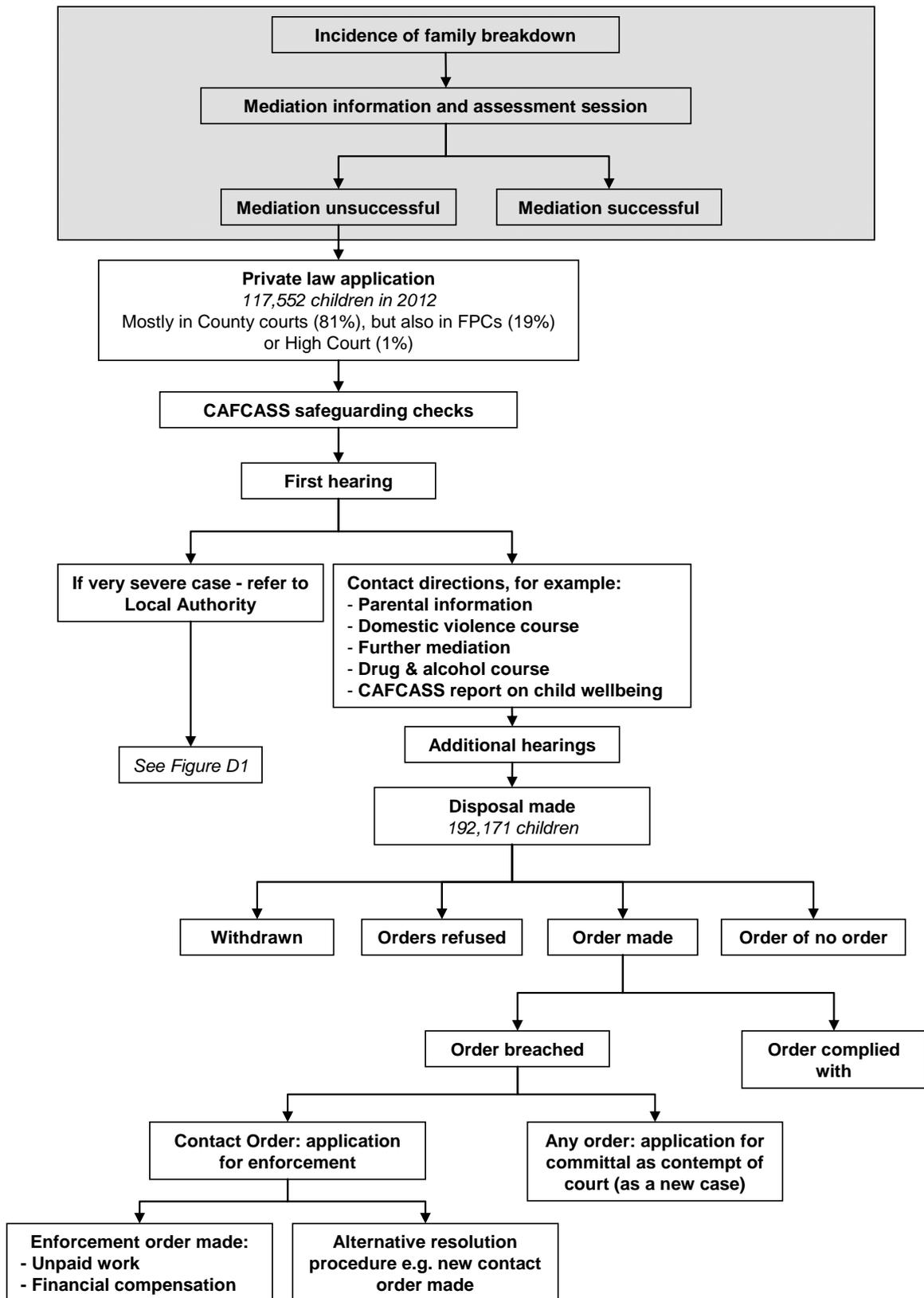
The care and supervision timeliness measure presented in this bulletin considers cases that began with a care or supervision application and measure the time from the application until the first of seven disposal types for each individual child. The seven valid disposal types for the purposes of this measure are a care order, a supervision order, a residence order, a special guardianship order, the application withdrawn, an order refused or an order of no order.

The bulletin presents the average, or 'mean', case duration, which can be quite heavily influenced by a few very long durations. We therefore also present the median timeliness which is the length of time within which a definitive disposal was reached for half of all children involved.

Private Law

Private law cases are those court cases between two or more private individuals who are trying to resolve a dispute. This is generally where parents have split up and there is a disagreement about contact with the children or with which parent they should live. A range of different types of court order can be applied for, including "Section 8" orders (referring to the relevant section of the Children Act 1989), parental responsibility, financial applications and special guardianship orders. The vast majority of Private law applications (96%) are for Section 8 orders, which include for example, a residence order which settles where the child should live and a contact order which specifies the conditions under which the divorced or separated parents may spend time with a child. Figure 6 shows the main court processes for Children Act Private Law cases.

Figure 6: The main court processes for Children Act Private Law cases



Disposal of Public and Private Law applications

There are four ways in which an application can be disposed of:

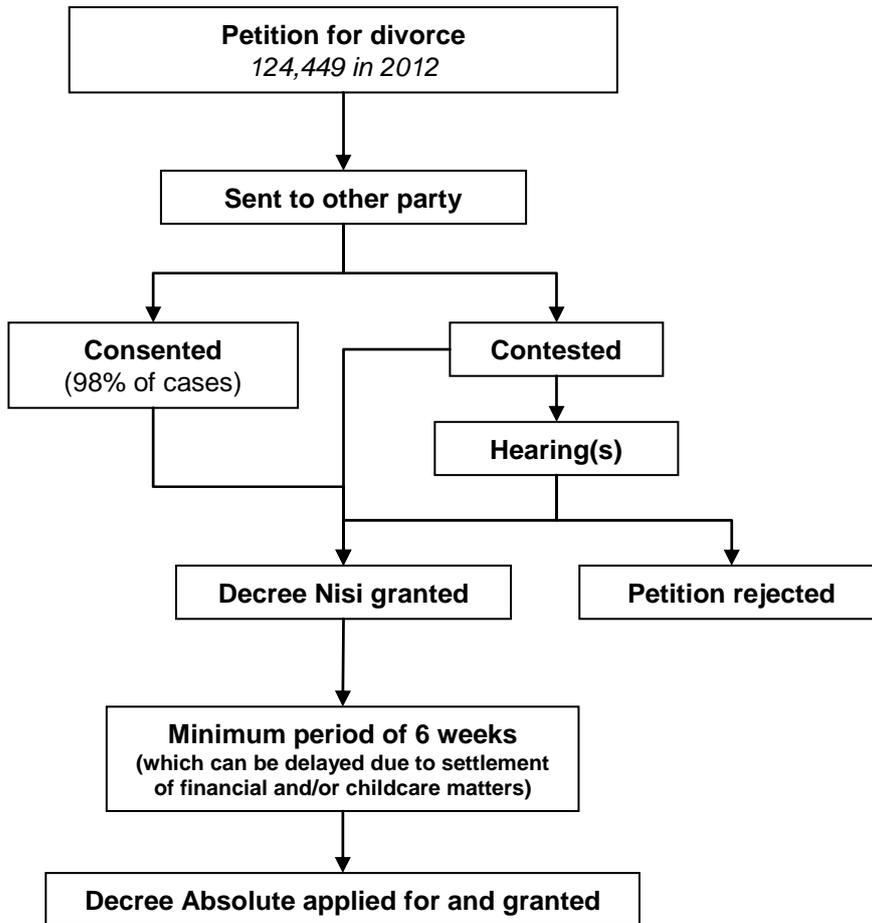
- withdrawn applications – applications can only be withdrawn by order of the court
- order refused – in public law proceedings an order is refused if the grounds are not proved and the court has dismissed the application. In private law proceedings the court may refuse to make an order or make an order of no order
- order of no order – this is made if the court has applied the principle of non-intervention under section 1(5) of the Act. This provides that the court shall not make an order unless it considers that doing so would be better for the child than not making an order at all
- full order made – the type of order made may not be the same as the type of application that was originally applied for. An order is made in favour of one of the parties (Local Authority, parent or Other Guardian) however this is not recorded on the central Familyman database.

If a contact order is breached, a party may apply to the court for an enforcement order to be made. Since December 2008 contact orders routinely contain a warning notice stating the consequences if a party fails to keep the requirements of the order. For earlier orders, the party seeking enforcement must first apply to the court to have a warning notice attached to the order, and the relevant party informed that a notice has been attached. The enforcement order generally requires the person who has breached the order to undertake unpaid work, although if a party has suffered financial loss as a result of the breach they may apply for financial compensation. If other types of order are breached it is possible for a party to apply for committal, so the breach is dealt with as contempt of court; however, this is very rare.

Matrimonial cases

There are two ways to legally end a marriage or a civil partnership. An individual can apply for a divorce which will give them a decree absolute, ending a valid marriage or civil partnership – this occurs in the vast majority of cases. Alternatively, an individual can apply for a decree of nullity, which declares that the marriage or civil partnership itself is void, specifically no valid marriage or civil partnership ever existed; or voidable, specifically the marriage or civil partnership was valid unless annulled. No application can be made for divorce within the first year of a marriage or a civil partnership. An alternative to divorce is a decree of judicial separation or a decree of separation of civil partners. Figure 7 shows the main court processes for divorce or dissolution cases.

Figure 7: The main court processes for divorce cases with 2012 figures



Ancillary relief – financial disputes post-divorce/separation

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 order, known as ancillary relief. These orders include dealing with the arrangements for the sale or transfer of property, maintenance payments, a lump sum payment or the sharing of a pension. Orders for financial provision other than for ancillary relief are not dependent upon divorce proceedings and may be made for children.

The Child maintenance and Other Payments Act 2008 led to the creation of the Child Maintenance Enforcement Commission (CMEC) which replaced the Child Support Agency (CSA), although the CSA retained its existing caseload. The Act also removed the requirement for all parents in receipt of benefit to go through the CMEC even if they could reach agreement. Parents who were not on benefit were previously allowed to come to courts for consent orders. This change is likely to increase the number of parties that come to court for maintenance consent orders.

If an order is breached several options are open to the aggrieved party to seek enforcement of the order. The breach may be dealt with as contempt of court, which can result in a fine or imprisonment. More commonly, for money orders, proceedings can be instituted in a civil court where a variety of remedies such as attachment of earnings may be available. It is also possible for a party to apply to a magistrates' court to register a maintenance order that is not being paid, where again a variety of methods can be used to enforce the order. However if arrears of more than one year are owed, the person seeking payment must first get the court's permission to make an enforcement application.

Domestic violence

Part IV of the Family Law Act 1996 provides single and unified domestic violence remedies in county courts and magistrates' courts, with the vast majority carried out in the former. Figure 8 shows the main court processes for domestic violence cases.

A range of people can apply to the court: spouses, cohabitants, ex-cohabitants, those who live or have lived in the same household (other than by reason of one of them being the other's employee, tenant, lodger or boarder), certain relatives (for example, parents, grandparents, in-laws, brothers, sisters), and those who have agreed to marry one another.

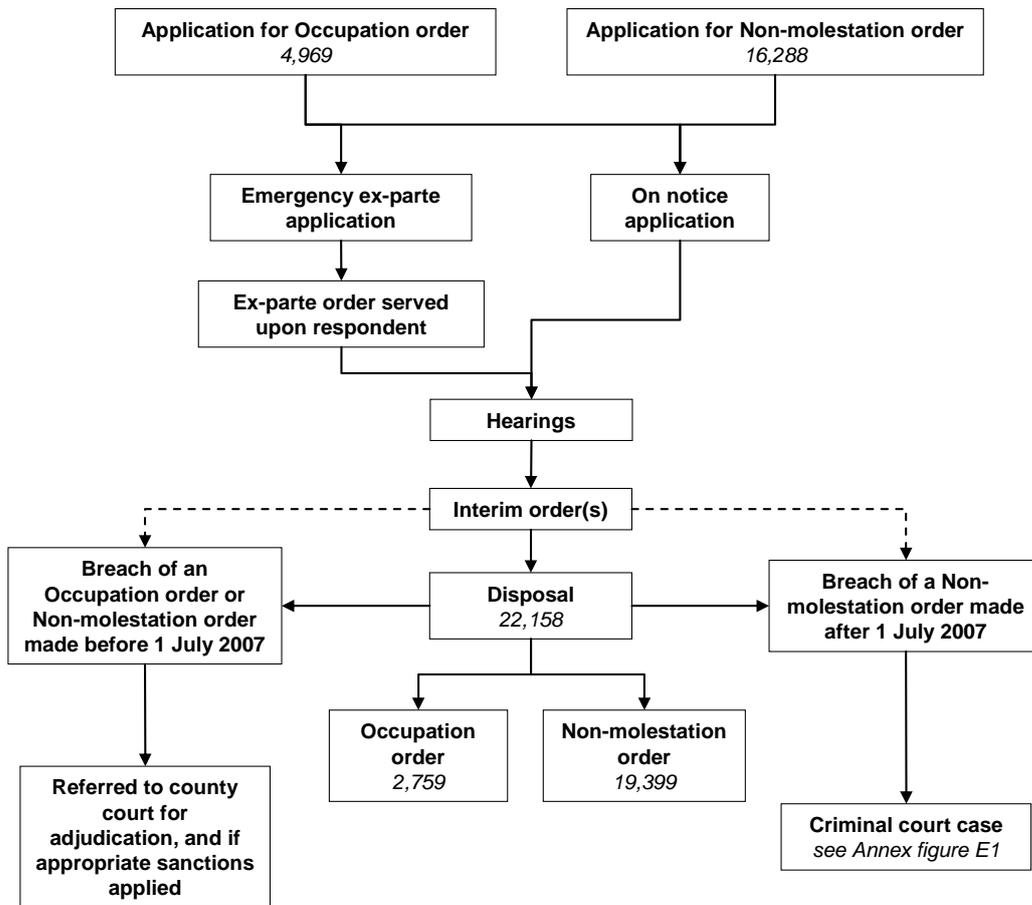
Two types of order can be granted:

- a non-molestation order, which can either prohibit particular behaviour or general molestation by someone who has previously been violent towards the applicant and/or any relevant children; and,
- an occupation order, which can define or regulate rights of occupation of the home by the parties involved.

In July 2007, section 1 of the Domestic Violence, Crime and Victims Act 2004 came into force, making the breach of a non-molestation order a criminal offence. A power of arrest is therefore no longer required on a non-molestation order but instead includes a penal notice. The court may also add an exclusion requirement to an emergency protection order or interim care order made under the Children Act 1989. This means a suspected abuser may be removed from the home, rather than the child.

Where the court makes an occupation order and it appears to the court that the respondent has used or threatened violence against the applicant or child, then the court must attach a power of arrest unless it is satisfied that the applicant or child will be adequately protected without such a power. If there is no power of arrest attached to the order, and the order is breached, this is dealt with as contempt of court. The court may then impose a fine or make a committal order whereby the person who breached the order is imprisoned or put on remand until the next hearing.

Figure 8: The main court processes for domestic violence cases with 2012 figures



Forced Marriage Protection Orders

Applications for a Forced Marriage Protection Order can be made at 15 designated county courts. These courts, as well as the High Court, are able to make Forced Marriage Protection Orders to prevent forced marriages from occurring and to offer protection to victims who might have already been forced into a marriage.

Legal representation and its relationship with timeliness

Different types of cases tend to take different lengths of time to complete – in general public law cases for children take longer than private law cases and divorce cases tend to be quite lengthy due to set time limits, whereas domestic violence cases are usually completed in a fairly short time due to the nature of them. Another factor that may influence how long a case takes is whether one or both parties had a legal representative or alternatively represented themselves. This may also be affected by whether the parties consent to the application or are contesting it which in turn may reflect the complexity of the case.

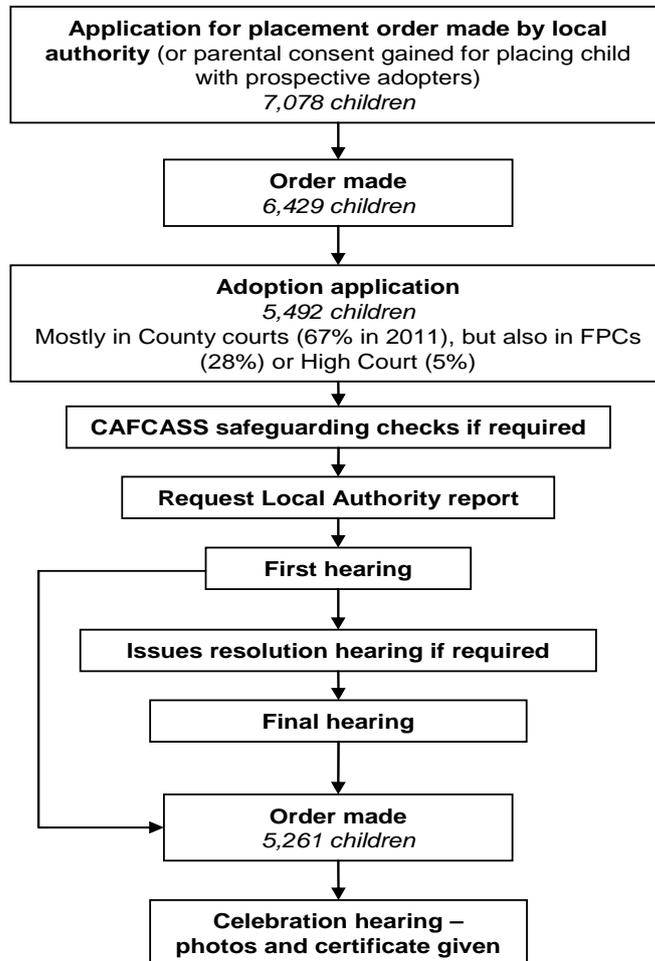
Adoptions

Prior to making an adoption application, a placement order is generally made to place a child with prospective adopters. If the placement is being made by an adoption agency, by a High Court order, or by the child's

parent, the placement period is 10 weeks before an adoption application can be made. For a step-parent the placement duration is six months, while for local authority foster parents it is usually one year. In other cases the courts generally require the child to have been living with the prospective adopters for three out of the preceding five years. An application for adoption can be made either to a county court or a family proceedings court for the area in which the child is living. If the child is not in this country at the time of the application, it must be made to the High Court.

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 the conclusion of an 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. The figure below shows the main court processes for adoption cases.

Figure 9: The main court processes for adoption cases with 2012 figures



Family Justice Review

The Family Justice Review panel was appointed to review the whole of the family justice system in England and Wales, looking at all aspects of the system from court decisions on taking children into care, to disputes over contact with children when parents divorce. It was commissioned by the Ministry of Justice, the Department for Education and the Welsh Government.

The panel's final report was published on 3 November 2011. It made a number of recommendations to improve public and private law and looked at how the agencies within the family justice system could work together more effectively to improve the experience for children and families. The report can be found here:

www.justice.gov.uk/publications/policy/moj/2011/family-justice-review-final

The government's response to the review was published on 6 February 2012 and accepted many of the recommendations made in the review. The response can be found here:

www.justice.gov.uk/publications/policy/moj/family-justice-review-response

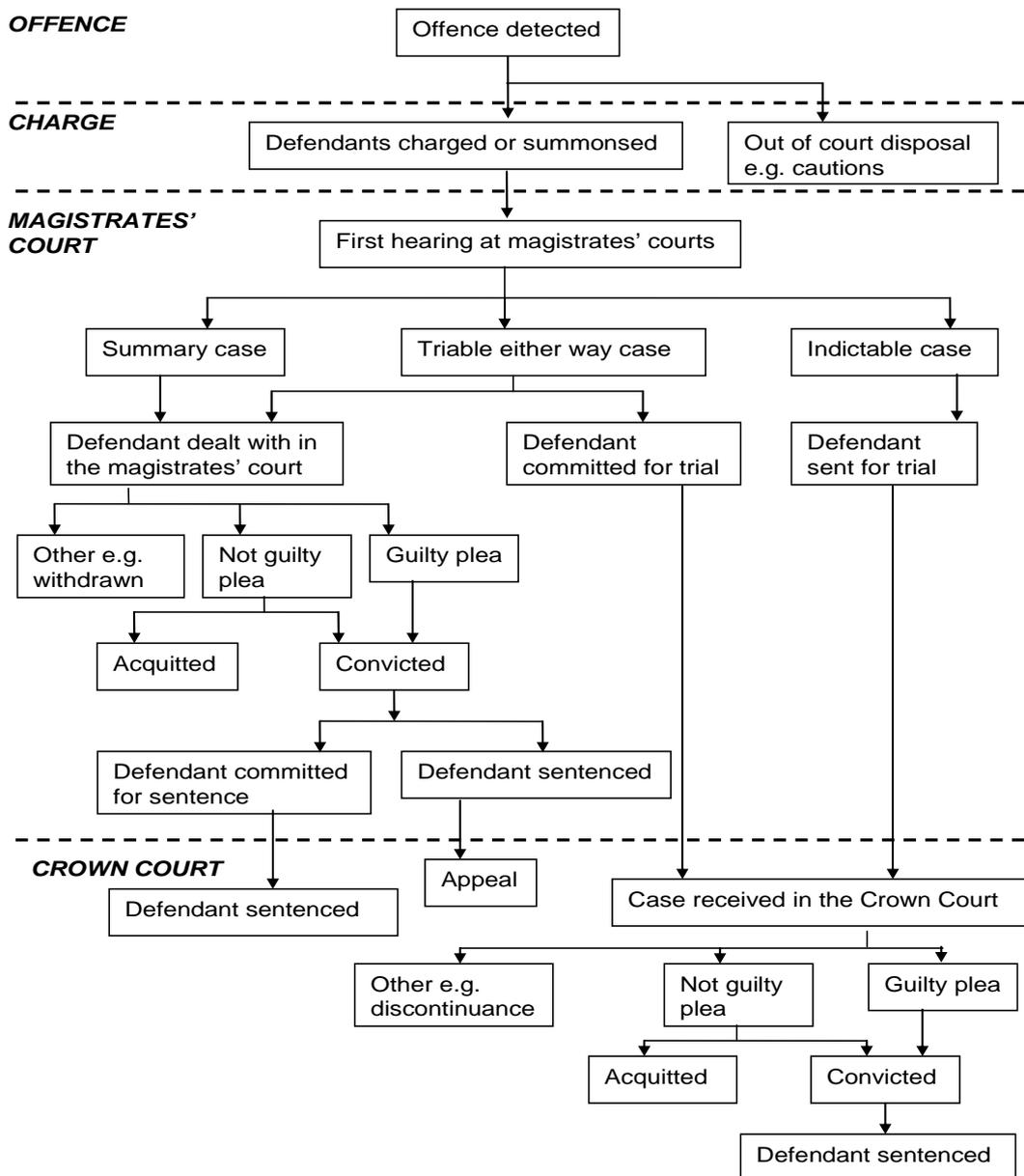
In April 2012 the government established a Family Justice Board to oversee implementation of changes in the system, focussing on improving performance and ensuring different parts of the system work efficiently together.

Magistrates' and Crown Court

Much of the activity in the criminal justice system starts with the police, when a crime is committed, reported and detected. Some of these crimes are dealt with by means of out of court disposals (such as penalty notices, cautions and warnings) whilst others are dealt with through the criminal court system.

The flow chart presented below provides an overview of the main court processes for criminal cases. The police will formally charge or lay information against a defendant if there is sufficient evidence and none of the out of court disposals are appropriate. Virtually all criminal court cases start in a magistrates' court with the law requiring the defendant to be brought before the court as soon as possible.

Figure 10: A description of the main court processes for criminal cases



The magistrates' courts

The magistrates' court is the first tier of criminal courts in England and Wales and is presided over by three 'Justices of the Peace' (known as lay magistrates) or by a district judge who dispenses summary justice. Justices of the Peace do not require formal legal qualifications, but will have undertaken a training programme, including court and prison visits, to develop the necessary skills. They are also given legal and procedural advice by qualified clerks. District judges on the other hand are legally qualified, paid, full-time professionals and are usually based in the larger cities. They normally hear the more complex or sensitive cases.

A criminal case can start and finish in a magistrates' court or start in a magistrates' court and finish in a higher court, normally the Crown Court. The magistrates' courts hear the less serious summary cases such as common assault or motoring offences as well as some 'triable either way' cases such as theft.

Defendants are given the opportunity to enter their plea at the first hearing. If the defendant enters a not guilty or no plea, the case is heard summarily in a trial hearing. If a guilty plea is accepted the defendant is convicted and sentenced, and the case is completed.

The magistrates' courts can also send or commit cases for trial or sentencing to the Crown Court. These cases are considered to have completed in the magistrates' court, however the cases have not concluded until the defendant is acquitted or sentenced at the Crown Court. The magistrates' courts also deal with breaches, where the defendant breached the conditions of an order that was previously imposed by a court.

The Crown Court

The Crown Court is a single court and sits in approximately 77 different locations across England and Wales. The Crown Court carries out three principal types of activity: jury trials, the sentencing of those who are convicted in either the Crown Court or magistrates' courts, and appeals from decisions of magistrates.

There are two types of cases which are suitable for a jury trial, cases which are "committed for trial" and "sent for trial". Triable either way cases are "committed for trial" to the Crown Court when a defendant decides to be tried at the Crown Court or the magistrates' court decides that the circumstances of the case are sufficiently serious that it should be dealt with in the Crown Court. Serious 'indictable only' cases such as murder or serious sexual offences, are "sent for trial" at the Crown Court as they can not be heard summarily by the magistrates' courts.

The Crown Court also deals with cases 'committed for sentence'. These cases are transferred to the Crown Court for sentencing after a defendant has been convicted (found guilty) in a magistrates' court. This would occur where a magistrate believes that their sentencing powers are insufficient to apply an appropriate sanction to the defendant. The Crown Court also deals with appeals against a conviction or sentence given by a magistrates' court.

For the purpose of trial in the Crown Court, offences are divided into three classes of seriousness according to directions given by the Lord Chief Justice, with the concurrence of the Lord Chancellor. From the 6 June 2005, the method of classifying offences was amended such that all class 4 offences were reclassified to class 3 offences.

- Class 1 – Normally heard by a High Court Judge, these are the most serious offences which include treason and murder.
- Class 2 – Offences which include rape that are usually heard by a Circuit Judge under the authority of the Presiding Judge.
- Class 3 – Includes all other offences, such as kidnapping, burglary, grievous bodily harm and robbery, which are normally tried by a Circuit Judge or Recorder.

Defendants tried in the Crown Court are provided the opportunity to plea at the Plea and Case Management hearing. Similar to cases heard summarily, a defendant who enters an accepted guilty plea is sentenced, whilst those who enter a not guilty plea are scheduled (listed) for a trial hearing. A defendant can enter a guilty plea at any point in the case.

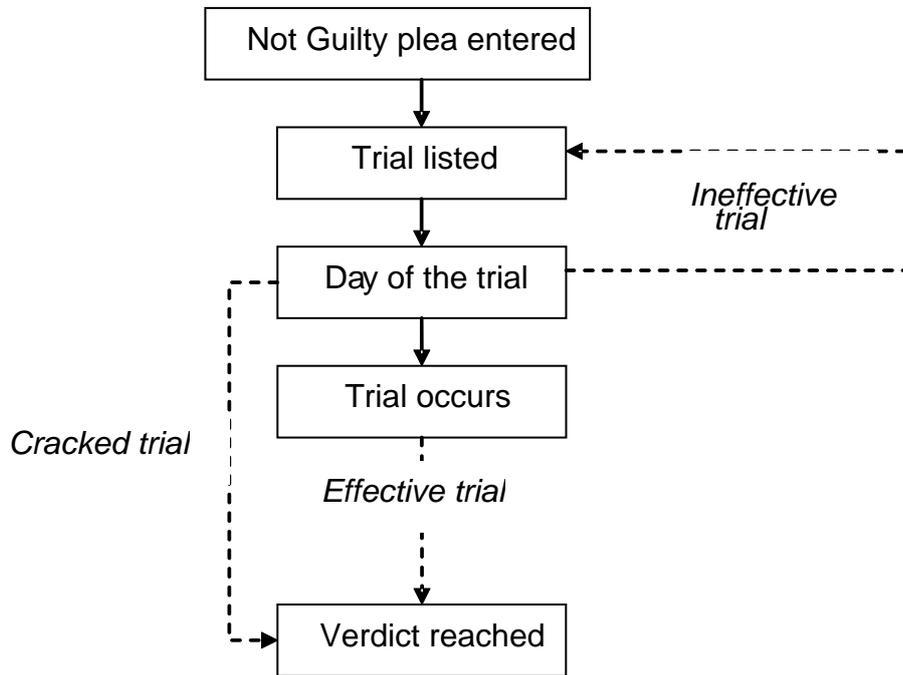
In its appellate jurisdiction the Crown Court deals mainly with appeals against conviction and/or sentence in respect of criminal offences, including consequential orders, e.g. disqualification from driving, and against the making of certain stand alone orders, e.g. Anti-Social Behaviour Orders. The Crown Court may dismiss or allow the appeal and vary all or any part of the sentence. Appeals are usually heard by a Circuit Judge sitting with no more than four lay magistrates (normally two).

Effectiveness of trial hearings

A trial in the magistrates' court or Crown Court is a hearing at which the prosecution produces evidence to prove the case against the defendant. Trial hearings conclude with a verdict of an acquittal for those found not guilty or a conviction for those found guilty. For those found guilty the case is completed once the defendant has been sentenced.

A trial hearing which commences on a scheduled date and reaches a conclusion is recorded as an effective trial. An ineffective trial does not commence on the due date and requires a rescheduling. This could be due to the absence of a defendant or a witness, the case not being ready or due to administrative reasons at the court centre. In contrast, a cracked trial does not commence on the scheduled date and the trial is not rescheduled, as a trial hearing is no longer required. Cracked trials are usually the result of an acceptable plea being entered by the defendant on the day or the case ending as the prosecution decides not to proceed (offers no evidence) against the defendant.

Figure 11: A description of the process for trial hearings in criminal court cases



Appellate Courts

There are various appeal courts in England and Wales which are administered by HM Courts and Tribunals Service:

- The Judicial Committee of the Privy Council - the final Court of Appeal for 23 Commonwealth territories and four independent Republics within the Commonwealth.
- The Supreme Court - the final court of appeal in the United Kingdom
- The Court of Appeal - divided into the Criminal Division, which hears appeals from the Crown Court and Courts Martial, and the Civil Division, which hears appeals mainly against decisions in the High Court and county courts.
- The High Court - has three Divisions, Chancery Division, Queen's Bench Division and Family Division, each of which handles different types of civil work. It exercises an appellate jurisdiction through its three Divisions in such cases as bankruptcy, judicial review, 'case stated' (ruling whether a court or tribunal was wrong in law or in excess of its jurisdiction) and appeals from magistrates' courts in domestic cases including orders involving children.

Judicial Committee of the Privy Council

The Judicial Committee of the Privy Council has both a Commonwealth and a domestic jurisdiction. In its Commonwealth jurisdiction, which is by far the largest part of its work, it hears appeals from those independent Commonwealth countries which have retained the appeal to Her Majesty in Council or, in the case of Republics, to the Judicial Committee itself. It also hears appeals from the United Kingdom overseas territories. By agreement with the Sultan of Brunei, the Committee can hear appeals from the Brunei Court of Appeal, but in civil cases only, and gives its advice to the Sultan.

The Judicial Committee's domestic jurisdiction has three main elements:

- appeals from the Channel Islands and Isle of Man, which are analogous to Commonwealth appeals and are dealt with under the same rules;
- appeals under the Veterinary Surgeons Act 1966 from decisions of the Disciplinary Committee of the Royal College of Veterinary Surgeons;
- appeals against pastoral schemes under the Pastoral Measure 1983.

Commonwealth appeals and references are normally heard by a board of five members of the Judicial Committee; other appeals are normally dealt with by a Board of three.

The UK Supreme Court

The UK Supreme Court (UKSC) is the final court of appeal in the United Kingdom. It was created in October 2009 and replaced the House of Lords as the United Kingdom's highest court. It hears appeals on arguable points of law of general public importance which ought to be considered by the Supreme Court at that time, bearing in mind that the causes will have already been the subject of judicial decision. The UKSC can hear appeals on both civil and criminal cases.

The Court of Appeal

The Court of Appeal is divided into two Divisions, criminal and civil. The Criminal Division, presided over by the Lord Chief Justice and the Vice-President of the Criminal Division, hears appeals in criminal cases from the Crown Court. The Civil Division, presided over by the Master of the Rolls, hears appeals mainly against decisions of the High Court and county courts, and also of tribunals and certain other courts, such as the Patents Court.

High Court - Chancery and Queen's Bench Divisions

The High Court deals with higher level civil disputes within three divisions

- the Queen's Bench Division
- the Chancery Division
- the Family Division

The work of the Queen's Bench Division, not including the specialist courts, consists mainly of claims for damages in respect of: personal injury, negligence, breach of contract, libel and slander (defamation), non-payment of a debt, and possession of land or property. For a general explanation of the work and practice of the Queen's Bench Division with particular regard to proceedings started in the Central Office.

The work of the Queen's Bench Division is (with certain exceptions) governed by the Civil Procedure Rules (CPR). The Divisional Court, the Admiralty Court, Commercial Court and Technology and Construction Court are all part of the Queen's Bench Division. However, each does specialised work requiring a distinct procedure that to some extent modifies the CPR. For that reason each publishes its own Guide or Practice Direction, to which reference should be made by parties wishing to proceed in the specialist courts.

The Chancery Division is a part of the High Court of Justice. The areas of work that it deals with are: business and property related disputes, competition and general Chancery Claims. The Chancery Division also deals with claims relating to: patents, intellectual Property, companies, insolvency, trust, probate and appeals to the High Court, Chancery Division from the lower court.

The Family Division of the High Court has Jurisdiction to deal with all matrimonial cases, the Children Act 1989 and the Child Abduction and Custody Act 1985. It also deals with cases relating to Part IV Family Law Act 1996(Family Homes and Domestic Violence), Adoption Section Inheritance Act 1975 applications and Probate and Court of Protection work.

The Court of Appeal also deals with **Judicial Reviews (JRs)**. A JR is a process by which individuals, businesses and other affected parties can challenge the lawfulness of decisions or actions³ of the Executive, including those of Ministers, local authorities, other public bodies and those exercising public functions. It is a largely judge-developed procedure and can be characterised as the rule of law in action, providing a key mechanism for individuals to hold the Executive to account. It is, however, intended to operate quickly and proportionately. Certain protections are in principle provided against spurious claims: only those with sufficient interest are able to bring a case and they must first obtain permission for their case to be heard.

There are three main grounds on which a decision or action may be challenged:

1. **illegality:** for example, it was not taken in accordance with the law that regulates it or goes beyond the powers of the body;
2. **irrationality:** for example, that it was not taken reasonably, or that no reasonable person could have taken it;
3. **procedural irregularity:** for example, a failure to consult properly or to act in accordance with natural justice or with the underpinning procedural rules

JR is often described as a remedy of last resort: the courts will normally expect parties to use other avenues, including a right of appeal, where they are available.

Judicial Review application

Before bringing JR proceedings, parties should normally adhere to the Pre-Action Protocol,⁴ which encourages them to seek to settle their differences without reference to the Court.⁵ JR proceedings are commenced by filing a claim form with the Court, setting out the matter the claimant wants the Court to decide and the remedy sought. The claim must be submitted promptly and in any event within three months of the grounds giving rise to

³ This may include both action and inaction.

⁴ See: www.justice.gov.uk/courts/procedure-rules/civil/protocol/prot_jrv (the pre-action protocol does not apply to immigration or asylum judicial reviews).

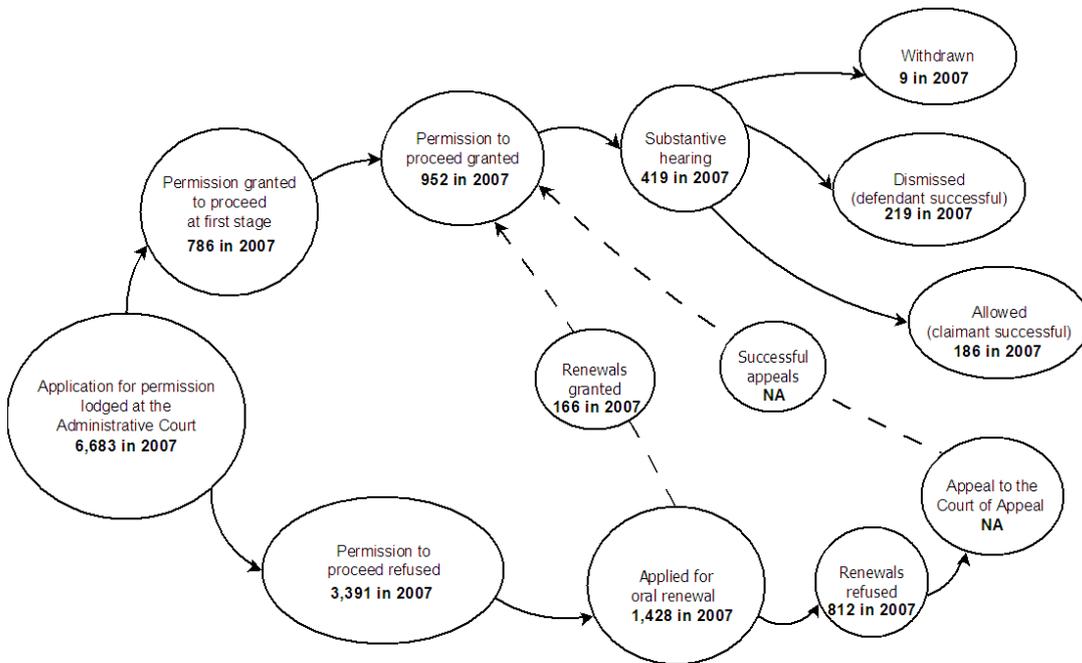
⁵ Judicial review proceedings are generally heard in the Administrative Court, which forms part of the Queen's Bench Division of the High Court. Some Immigration and Asylum Judicial Reviews are heard in the Upper Tribunal.

the claim. The Court’s permission is required for a claim for JR to proceed⁶. This can be in the form of an oral or paper hearing; with an oral hearing taking generally longer.

Oral renewal

In cases where the Court refuses permission (either in full or in part) the claimant may request that the decision be reconsidered at a hearing (referred to in this publication as an “oral renewal”). The oral renewal is a full reconsideration of the decision on permission, supported by oral submissions. Where permission is granted, the claim will continue to a hearing. Where it is refused, the claimant may consider whether he or she wishes to appeal to the Court of Appeal. This publication does not cover statistics from the Court of Appeal (see Figure 16 shows a simplified Judicial Review process).

Figure 12: Flow chart showing a simplified Judicial Review process, with 2007 case progression figures



Applications can be withdrawn at any stage in the process where cases may be on court waiting lists, withdrawn by the claimant or settled privately.

⁶ Section 31(3) of the Senior Court Act 1981 (c 54).

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. It 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.

The Act created two new public bodies to support the statutory framework, both of which are designed around the needs of those who lack capacity.

- The Court of Protection
- The Public Guardian, supported by the Office of the Public Guardian (OPG)

The Court of Protection

The Court of Protection makes specific decisions, and also appoints other people (called deputies) to make decisions for people who lack the capacity to do this for themselves. These decisions are related to their property, financial affairs, health and personal welfare. The Court of Protection has powers to:

- decide whether a person has the capacity to make a particular decision for themselves;
- make declarations, decisions or orders on financial or welfare cases affecting people who lack capacity to make these decisions;
- appoint a deputy to make ongoing decisions for people lacking capacity to make those decisions;
- decide whether a Lasting Power of Attorney (LPA) or Enduring Power of Attorney (EPA) is valid;
- remove deputies or attorneys who fail to carry out their duties; and
- hear cases concerning objections to the registration of an LPA or EPA.

The majority of applications to the court are decided on the basis of paper evidence without holding a hearing. In around 95 % of cases, the applicant does not need to attend court. Some applications such as those relating to personal welfare, objections in relation to deputies and attorneys, or large gifts or settlements for Inheritance Tax purposes may be contentious and it will be necessary for the court to hold a hearing to decide the case.

Office of the Public Guardian

The Office of the Public Guardian (OPG), an agency of the Ministry of Justice, was established in October 2007, and supports the Public Guardian in registering Enduring Powers of Attorney (EPA), Lasting Powers of Attorney (LPA) and supervising Court of Protection (COP) appointed Deputies.

The OPG supports and promotes decision making for those who lack capacity or would like to plan for their future, within the framework of the Mental Capacity Act 2005. The role of the Public Guardian is to protect people who lack capacity from abuse. The Public Guardian, supported by the OPG, helps protect people who lack capacity by:

- setting up and managing a register of LPA and EPA
- setting up and managing a register of Court appointed Deputies, supervising Court appointed Deputies, working with other relevant organisations (for example, social services, if the person who lacks capacity is receiving social care);
- receiving reports from Attorneys acting under LPAs and from Deputies; and;
- dealing with cases, by way of investigations, where concerns are raised about the way in which Attorneys or Deputies are carrying out their duties.

Offices of the Supreme Court

The Offices of the Supreme Court supports the Supreme Court and covers;

- The Court Funds Office
- The Offices of the Official Solicitor and the Public Trustee
- Tipstaff

The Court Funds Office

The Court Funds Office supports the Accountant General and provides a banking service for the civil courts throughout England and Wales. It accounts for money being paid into and out of court, and where necessary administers any investments made with that money.

It administers a range of client assets. These assets can be broken down into a mixture of cash held on Special or Basic Interest bearing accounts or investments in the Equity Index Tracker Fund, an investment vehicle managed by Legal and General.

The Offices of the Official Solicitor and the Public Trustee

The Offices of the Official Solicitor and the Public Trustee support both the Official Solicitor and the Public Trustee. The Official Solicitor is a statutory office holder appointed by the Lord Chancellor section 90 of the Senior Courts Act 1981.

The Public Trustee (appointed under section 8 of the Public Trustee Act 1906) acts as executor or administrator of estates and as the appointed trustee of settlements. The Public Trustee's aim is to provide an effective executor and trustee service of last resort on a non-profit-making basis; in so doing, his objective is to secure the best value for the beneficiaries.

Tipstaff

The duties of the Tipstaff are many and varied but, in broad practical terms, the Tipstaff is the enforcement officer for the High Court. The principal areas of specific duties emanate from the Queen's Bench, Chancery and Family Divisions and involve issues of bankruptcy, insolvency, wardship, child abduction, contempt of court and many other miscellaneous orders which involve taking action to enforce, or prevent breach of, orders of the court.

The single biggest area of work for the Tipstaff relates to Family Division cases involving missing or abducted children. The Tipstaff is responsible for executing warrants on a range of possible Orders in these circumstances, including a Collection Order (for the return of a child), a Location Order (for the whereabouts of a child to be discovered), a Passport Order (for the seizure of passports or other travel documents) and Port Alerts (to prevent a child being wrongfully removed from the UK).

The Judiciary

The Judiciary of England and Wales can be separated into the following types of judge:

- **Divisional Heads:** The Lord Chief Justice is the Head of the Judiciary for England and Wales and also Head of Criminal Justice.
- **Lords Justices:** Together with the Lord Chief Justice and the Heads of Divisions, the Lords Justices are judges of the Court of Appeal.
- **High Court judges:** There is a statutory limit of 108 High Court Judges who may sit in England and Wales to deal with the more complex and difficult cases. High Court judges are assigned to one of the three divisions of the High Court: the Chancery Division; the Queen's Bench Division; and the Family Division.
- **Circuit Judges, Recorders and District Judges:** The majority of Crown Court work is undertaken by Circuit Judges and Recorders. In the county courts most of the work is undertaken by Circuit Judges, District Judges and deputy District Judges.
- **District Judges (Magistrates' Courts):** Full-time District Judges (Magistrates' Courts) are salaried members of the judiciary appointed by the Queen on the recommendation of the Lord Chancellor. Generally sitting alone in a magistrates' court, they are responsible for deciding cases of law and fact and for imposing sentences.
- **The Magistracy (Justices of the Peace):** Justices of the Peace (JP) (magistrates) are appointed by the Lord Chancellor on behalf of the Sovereign.

Tribunals

Tribunals are specialist judicial bodies which decide disputes in particular areas of law. Appeals to tribunals are generally against a decision made by a Government department or agency. The exception to this is the Employment Tribunal where cases are on a party v party basis (specifically, employee versus employer).

There are tribunals in England, Wales, Scotland and Northern Ireland covering a wide range of areas affecting day-to-day life. HM Courts & Tribunals administers many of them although some are the responsibility of the devolved governments in Scotland, Wales and Northern Ireland.

Appeals to the First-tier Tribunal are against the decisions from government departments and other public bodies. The Upper Tribunal hears appeals from the First-tier Tribunal on points of law; specifically, an appeal made over the interpretation of a legal principle or statute. Further appeals may be made, with permission, to the Court of Appeal.

Tribunal judges are legally-qualified. Tribunal members are specialist non-legal members of the panel and include doctors, chartered surveyors, ex-service personnel or accountants. Tribunals often sit as a panel comprising a judge and non-legal members however in some jurisdictions cases may be heard by a judge or member sitting alone.

The following simplified flowcharts show the stages of Tribunal receipts and disposals for the three main Tribunal types. Note that these figures relate to the caseload in 2012/13 so the figures for receipts will not sum to the same total as the number of disposals. Not all receipts would have had a hearing or been disposed of otherwise in the same financial year as received. As well as cases officially recorded as 'withdrawn', there are other cases that are withdrawn and therefore do not proceed to the next stage.

Following the process shown in the flowcharts, cases can be progressed to the Court of Appeal and ultimately to the Supreme Court. Please note these are simplified flowcharts and do not cover all the possible processes involved.

Figure 13: Employment Tribunal receipts and disposals

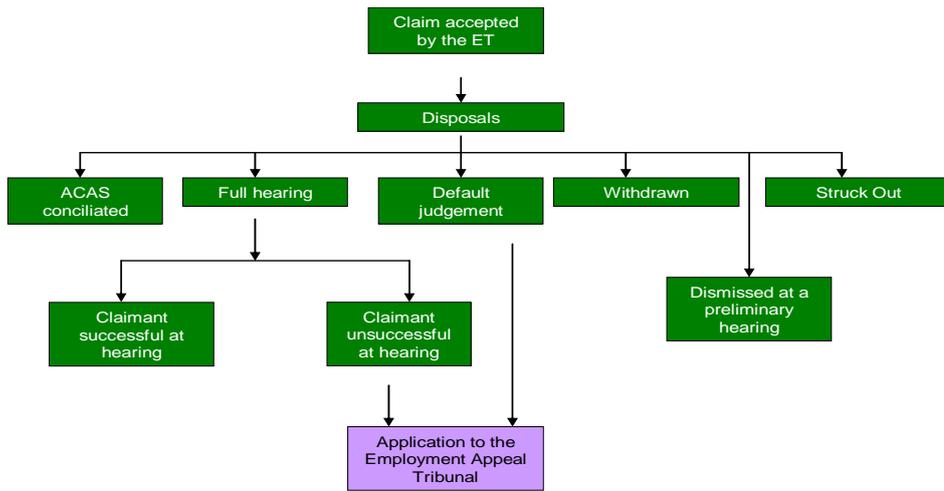


Figure 14: Immigration and Asylum Tribunal receipts and disposals

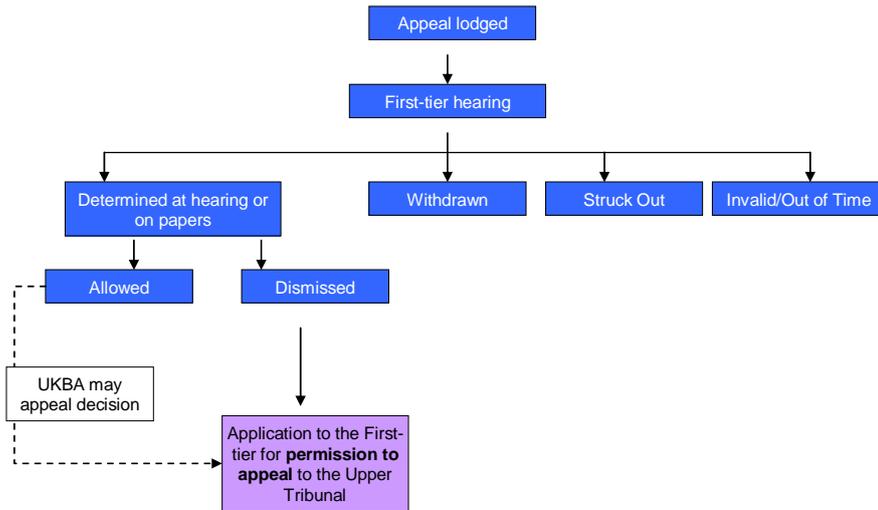
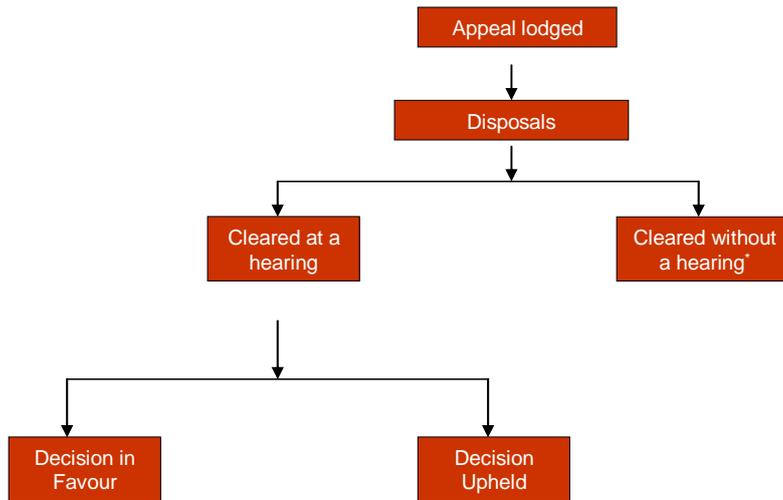


Figure 15: SSCS Tribunal receipts and disposals



*Cleared without a hearing includes strike outs, superseded and withdrawals prior to a hearing.

Gender Recognition Certificates

Under United Kingdom law, individuals are considered by the State to be of the gender – either male or female – that is recorded on their birth certificate. The Gender Recognition Act 2004, which came into effect on 4 April 2005, enables transsexual people to apply to the Gender Recognition Panel (GRP) to receive a Gender Recognition Certificate (GRC).

The GRP is part of Her Majesty’s Courts and Tribunals Service (HMCTS), which is an executive agency of the Ministry of Justice. The GRP is comprised of judicially trained legal and medical members and is supported by an administrative team. The panel sit in private and consider the documentary evidence supplied by the applicant in support of their application.

An application for a Gender Recognition Certificate (GRC) requires applicants to demonstrate that:

- They have, or have had, gender dysphoria.
- They have lived fully for the last two years in their acquired gender.
- They intend to live permanently in their acquired gender.

There are two application processes for obtaining a GRC:

1. **Standard track** applications are those submitted under the standard application process, on the basis of having lived permanently in the acquired gender for two years or more.

2. **Overseas track** applications are those submitted under the overseas application process, on the basis of having changed gender under the law of an approved country or territory outside the United Kingdom.

The overseas process requires applicants to demonstrate that they have been legally recognised in their acquired gender in a country or territory that is listed in the Gender Recognition (Approved Countries and Territories) Order 2011. The list is available on the Ministry of Justice website (www.justice.gov.uk/tribunals/gender-recognition-panel/overseas-application-process). Under all circumstances, an applicant must also prove that they are at least 18 years of age at date of application.

A full GRC issued by the GRP shows that a person has satisfied the criteria for legal recognition in the acquired gender. It is issued to a successful applicant if he or she is not married or in a civil partnership. From the date of issue, the holder's gender becomes the acquired gender for all purposes. Such individuals are entitled to all the rights appropriate to a person of their acquired gender, including the right to marry someone of the opposite legal gender, form a civil partnership with someone of the same legal gender, and to retire and receive state pension at an age appropriate to their acquired gender. A person whose birth was registered in the UK is able to obtain a new birth certificate showing their recognised legal gender.

An interim GRC is issued to a successful applicant if he or she is married or in a civil partnership at the time of the application. The interim certificate is issued to allow the applicant and his or her spouse or civil partner to end their marriage or civil partnership easily. It has no legal significance beyond this use. When the marriage or civil partnership is ended, a full GRC will be issued to the successful applicant. Please note, however, that the statistics for full certificates issued presented in the 'Gender Recognition Certificate Statistics' bulletin do not count those issued by a court subsequent to an earlier interim certificate; the statistics relate only to those full certificates which are issued in the *first* instance by the Panel.

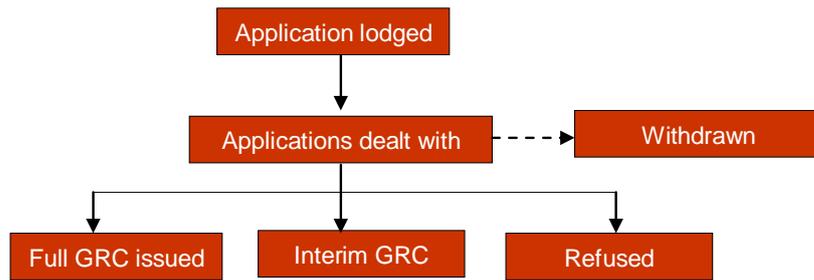
On 17 July 2013 the Marriage (Same Sex Couples) Act 2013 received Royal Assent. This will, in due course, enable couples of the same sex to marry. In addition, the Gender Recognition provisions will enable some married applicants to receive a full GRC (rather than an interim GRC) where the couple indicate that they wish to remain married.

Figure 16 shows the stages of the GRC process. Note that the figures in the accompanying tables relate to the caseload in the quarter April to June 2013 so the figures for receipts will not sum to the same total as the number of cases determined, as some of the determinations will relate to applications received in earlier periods.

More information about the gender recognition process and the work of the GRP can be found on the Ministry of Justice website at:

www.justice.gov.uk/tribunals/gender-recognition-panel

Figure 16: The Gender Recognition Certificate process⁷



⁷ Applications may be withdrawn at any time of the process before the panel makes a final decision.

Data Sources and Data Quality

This section outlines the different data sources used to compile the statistics presented in the bulletins with discussion on data quality where relevant.

Timeframe and Publishing Frequency of Data

The statistics in this publication are for the 2012 calendar year. All the data covered in this guide are published every quarter. This time period has been chosen over shorter (quarterly) timeframes to minimise the volatility caused by seasonality - for example reduced court volumes every December when many of the courts/tribunals are closed over the Christmas period.

Each quarter the latest reference period will be published so statistics will be for the year ending March, June, September or December. For upcoming publications please see the MoJ publication schedule:

www.gov.uk/government/organisations/ministry-of-justice/about/statistics#publication-schedule

Civil cases (non-family)

This information has principally been produced using the Management Information System (MIS), a data warehousing facility drawing data directly from court-based administrative systems. Most data shown in the tables have been sourced from the county court administrative system CaseMan, used by court staff for case management purposes.

The creation of electronic services has meant that claims for a specified amount of money (where the claim is for a set amount of money) or the repossession of property can be made via the internet (www.moneyclaim.gov.uk and www.possessionclaim.gov.uk). In addition, claimants who issue a large number of claims for a specified amount of money each year (for example, banks, credit card and store card issuers, utility companies, debt recovery companies) can do so by filing them in computer readable form to the Claim Production Centre (CPC) (www.justice.gov.uk/courts/northampton-bulk-centre).

Caseman combines data from electronic services and from the court-based administrative systems. It contains information about the incidence and dates of major events in a case's progress through the court system.

From Q4 2011 onwards, the numbers of insolvency petitions have been sourced from CaseMan for all courts except the Royal Courts of Justice. For previous quarters these figures were sourced from manual counts made by court staff. Primarily due to the removal of duplicate entries, which is possible with the CaseMan administrative data, the figures for Q4 2011 onwards are approximately 3% lower overall (both including and excluding the Royal Courts) than if they had been sourced from the manual returns.

Looking at specific categories of insolvency case, company winding up petitions are around half of one per cent lower, creditors bankruptcy petitions are approximately 4% lower, and debtors bankruptcy petitions are around 3% lower. There was a phased transition for courts to transfer their insolvency information onto Caseman. This may affect the quality of the data for Q4 2011, and the earlier quarters of 2012 for certain courts.

The following data are considered to be of lower quality:

- The numbers of insolvency petitions (up to Q2 2011), applications for administration orders, administration orders made and orders for sale are sourced from manual counts made by court staff. Since April 2009 these have been recorded in the HMCTS Performance database, a web-based data monitoring system allowing direct inputting of performance data by court staff. Prior to April 2009 they were inputted into the Business Management System, designed for the purpose of monitoring and assessing court caseloads. Quality assurance measures are in place to ensure that data are of sufficient quality, including querying with courts where their counts look unusually high or low and obtaining corrected figures if errors are identified.
- The numbers of small claims hearings and trials from 2003 onwards are sourced from CaseMan. The accuracy of these counts is dependent on court staff entering the correct hearing types and outcome codes onto the system. Because a large number of hearing outcomes for 2000-2002 were not entered into CaseMan, figures for these years are provided from manual returns that all county courts were required to make each month.
- The numbers of repossessions of property by county court bailiffs are sourced from the CaseMan and Possession Claim Online systems. The accuracy of these figures is dependent on court staff entering the correct warrant outcome codes onto the system.

Family cases

The data on the family related court cases is principally sourced from the county court administrative system FamilyMan, used by court staff for case management purposes and containing good quality information about a case's progress through the family courts. Some data are also sourced from the HMCTS Performance database. Statistical quality assurance procedures include the identification and removal of duplicate entries for the same case on the administrative systems, and checks that data have been collated for all courts to ensure completeness.

Some points to note about counting rules in the statistics:

A disposal which occurs in one quarter or year may relate to an application which was initially made in an earlier period. An application of one type may lead to an order of a different type being made.

The statistics on matrimonial, ancillary relief and domestic violence proceedings are counted by case. The statistics on public law and private law proceedings relate to the number of children which are subject to applications: for example if two children are the subject of a single case then the children would be counted separately in the statistics. Different types of orders may be made in respect of different children involved in a case.

Public law and private law Children Act figures have been sourced from FamilyMan. For earlier years, FamilyMan provided data for county courts and for the Family Proceedings Courts which share premises and administrative systems with county courts; data for other Family Proceedings Courts was provided on electronic summary returns submitted to HMCTS Business Information Division on a monthly basis. Figures prior to 2007 for Family Proceedings Courts were weighted estimates based on data from a subset of courts. There are known data quality problems with these, which are likely to be an undercount.

Starting at the end of 2009, an upgrade to the administrative system in all county courts and Family Proceedings Courts was rolled out nationally. This upgrade was completed in December 2011 following a staggered rollout. During subsequent compilation of figures for public and private law applications, issues were identified concerning the way in which cases that are transferred between courts are being counted. This issue resulted from the system upgrade which now records transfers between courts differently to ensure that no duplicate records of these transfers are held in the system. The methodology to count public and private law applications has been reviewed and updated to ensure that transfers are counted accurately and, as such, previously published data for 2011 for FPCs have been revised.

In addition, a review of the data compilation methodology for counting public and private law disposals was conducted to develop a more accurate process. As a result a new methodology was introduced has been introduced this year which incorporates a more robust and well-understood process for calculating the number of disposals. This methodology provides a more effective method for avoiding the double-counting of duplicate entries and compiling the statistics directly from the data and tables held within the family court administrative database.

Statistics on the number of divorces occurring each year in England and Wales are also published by the ONS. The Ministry of Justice's divorce statistics are sourced directly from the FamilyMan system, while the ONS data are compiled from 'D105' forms used by the courts to record decrees absolute, which are supplied to ONS for compiling the central index of decrees absolute. There are small differences between the number of divorces as recorded by the two sets of statistics. Statisticians at the Ministry of Justice and ONS worked together with HM Courts and Tribunals Service to understand these differences and reconcile where possible. Please see the joint statement produced by the MoJ and ONS on the differences in these divorce statistics attached to Court Statistics Quarterly.

The information on Forced Marriage Protection Orders was taken from the HMCTS Performance database. This is a regularly updated, web-based performance system which enables aggregation to national level of returns

from individual courts. Figures were also provided by the Principal Registry of the Family Division, a division of the High Court.

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. The Adoption and Children Act 2002 was implemented on 30 December 2005, replacing the Adoption Act 1976. The key changes resulting from the new act are:

- alignment of adoption law with the Children Act 1989 to ensure that the child's welfare is the most important consideration when making decisions
- provision for adoption orders to be made in favour of unmarried couples
- the introduction of Special Guardianship Orders, intended to provide permanence for children for whom adoption is not appropriate.

The Office for National Statistics (ONS) will publish adoption figures for 2011 later in 2012.

Magistrates' Courts

Since 2008 the HMCTS Performance Database OPT has been used for collecting data on most aspects of magistrates' courts activity. This is a web-based performance system which enables aggregation to national level. In most cases the 2008 data is comparable with earlier data, but this does not apply to caseload data. The data sources used within this chapter are briefly discussed below.

Defendants Proceeded Against

The figures presented in Table 3.1 are derived from the Completed Proceedings report on the HMCTS Performance Database OPT, which covers all cases dealt with in magistrates' courts – criminal and otherwise.

The statistics on completed proceedings is populated based on information contained on the Libra MIS and Manual data collection. This contains good quality information about magistrates' courts' caseloads. Data provided by the courts must be checked and verified at case level by court staff before being submitted on OPT, and the centrally collated data are subject to further checks including the investigation of apparent anomalies in the data. The data are necessarily subject to the inaccuracies inherent in any large-scale data recording system

Prior to 2008, figures were obtained from the Office for Criminal Justice Reform's Court Proceedings Database, which collected data from a variety of administrative databases held by courts and police forces. Due to a changeover in the data collection system, comparable data were not available for 2008. As the datasets in OPT and the Court Proceedings

Database are not identical, results cannot be directly compared. Therefore in this bulletin no comparison is made between the caseload figures for 2008 and earlier years.

The OPT data is case-based, so where a case has more than one offence, only the most serious offence is counted.

The MoJ's publication Criminal Justice Statistics (CJS) also contains data on the criminal cases in the magistrates' courts. The figures are derived from the same core source as those presented in this report (the Libra system), but they are not directly comparable as there are known differences between them. These are due to a number of factors, including differences in the data collation methods and counting methodologies used, which reflect different underlying drivers of the analyses being performed. By way of broad illustration, CJS counts numbers of defendants and focuses on the final outcomes of criminal court cases, whilst CSQ counts numbers of cases and focuses on flows through the court system. Work is currently under way to investigate and review the differences between the two sets of statistics and their compilation processes with a view to aligning them in the future.

Timeliness of criminal proceedings

Statistics on the timeliness of criminal proceedings completed in the criminal courts are sourced from linking together extracts taken from CREST and the Libra MIS. The datasets are produced by firstly collecting all Crown Court cases disposed of in the specified quarter and looking for a match for the defendant with the same offence in the magistrates' court data. Records are linked based on a combination of variables including given name, middle name, family name, date of birth, sex, postcode, a committal date, and two identifiers: the Arrest/Summons Number (ASN) and Pre-Trials Issue Unique Reference Number (PTIURN). Where the case is fully disposed in the magistrates' courts during the specified time period, the timeliness data for such cases is collected from the Libra MIS extract and added to the dataset.

A range of quality assurance measures have been carried out on the data. These include ensuring the data are complete, case events follow a logical date sequence with recorded offence information, and all breach cases are excluded. Times are analysed for anomalies or error, including the removal of cases with recorded durations of over ten years to ensure the average times reported are not distorted by incorrect data. Data cleaning is also carried out prior to matching the magistrates' and Crown Court datasets to ensure that minor differences between the recording of similar entries on the two systems do not materially affect the ability to match records.

The CREST system and Libra MIS reports provide good quality data and a high rate of data linking, with typically around 95 per cent of Crown Court records on CREST being successfully linked to a defendant recorded at a magistrates' court case on the Libra MIS extract.

Trials

The figures presented on trials are collected and processed by the Business Information Division in HMCTS. Prior to April 2007 the data was collected on the cracked and ineffective trial monitoring forms. The HMCTS Performance Database was introduced in April 2007 and has been used since then for data collection. The figures are vulnerable to external factors such as human error and missing data due to non-returns.

The numbers of effective, cracked and ineffective trials are monitored, as well as the reasons for cracked and ineffective trials.

Crown Court

This information has been produced using the Crown Court management information system (MIS), a data warehousing facility drawing data directly from court-based administrative systems. Most data shown in the tables have been sourced from the Crown Court administrative system CREST, used by court staff for case management purposes. This contains good quality information about the incidence and dates of major events as each case proceeds in the Crown Court. Statistical quality assurance procedures include the identification and removal of duplicate entries, checks of apparent anomalies and checks for completeness. Changes in system and procedures can lead to reporting discrepancies as courts may need time to adjust to new ways of working.

The MoJ's publication CJS also contains data on the criminal cases in the Crown Court. The figures are derived from the same core source as those presented in this report (the CREST system), but they are not directly comparable as there are known differences between them. These are due to a number of factors, including differences in the data collation methods and counting methodologies used, which reflect different underlying drivers of the analyses being performed. By way of broad illustration, CJS counts numbers of defendants and focuses on the final outcomes of criminal court cases, whilst CSQ counts numbers of cases and focuses on flows through the court system. Work is currently under way to investigate and review the differences between the two sets of statistics and their compilation processes with a view to aligning them in the future.

Enforcement of financial impositions

The measures reported in the CSQ have been developed by HMCTS in response to recommendations made by the National Audit Office for measuring the enforcement of financial impositions.

The management information presented in Tables B.1 to B.4 are sourced from the HMCTS Performance database, and is populated based on information contained on the Libra Management Information (accounting system). This data system contains information about financial impositions and collection of monies owed for England and Wales. Although the information is available regionally, there will be some transfers of accounts

across regions which can lead to inconsistencies in accounts opened and closed regionally.

Data provided by the magistrates' courts accounting centres is checked and verified at account level by court staff within three days of the date of imposition, and the centrally collated data are subject to further checks including the investigation of apparent anomalies in the data.

High Court and Appellate Courts

The High Court and the Appellate Courts use a variety of local administration systems to produce published information. Below are details on the database used for Judicial Reviews. Further information on other databases used by the Appellate courts will be added over time.

Administrative Court – the Administrative Court covers a range of issues including Judicial Reviews. The Administrative Court database is called COINS. COINS stands for “Crown Office Information Network System”. This is because the Administrative Court Office was formerly known as the Crown Office.

Other Courts and Offices

Information for the Mental Capacity Act, the Office of the Supreme Court, the Judiciary and Assessment of litigation costs, and publicly funded legal services have been produced using the MIS, a data warehousing facility drawing data directly from court-based administrative systems. Most data shown in the tables have been sourced from the Court of Protection, the Office of the Public Guardian, the Office of the Official Solicitor and Public Trustee, Tipstaff, Judicial Communication Office, Supreme Court Costs Office and the Crown Court administrative system CREST. These MIS contain good quality information about a cases progress. Statistical quality assurance procedures include the identification and removal of duplicate entries, checks of apparent anomalies and checks for completeness.

When the Mental Capacity Act 2005 came into force on 1 October 2007, the role and function of the Court of Protection changed, and in addition, the OPG was established. As there was a change in the type of data collected from October 2007, the data reported on previously for the old Court of Protection and Public Guardianship Office is no longer relevant, and therefore figures presented in this report are not fully comparable with figures published in earlier reports.

Tribunals

Information presented on Tribunals is management information drawn from a number of administrative sources. These are owned and managed by HMCTS, who provide the data to a central statistics team in MoJ for publication. The different Tribunals all currently use different management information systems, the main ones are listed below;

- Immigration and Asylum: The database used by HMCTS to record Tribunal information with respect to Immigration and Asylum is called ARIA. ARIA went live in 2000 and holds around 150,000 records (receipts) per year.
- Employment: ETHOS: The database used by HMCTS to hold information with respect to Employment (single and multiple) Tribunals. The database went live in 2007 and holds around 200,000 records per year. After a period of time after a case has closed (normally a year) the records are archived onto a separate database called COIT.
- Social Security and Child Support: The database used by HMCTS to hold Tribunal information with respect to the Social Security and Child Support is called GAPS2. This database went live in 2007 and holds around 400,000 records per year.
- Mental Health – The database used by HMCTS to record Tribunal information with respect to Mental Health Tribunals is called MARTHA. MARTHA went live in 2008 and holds around 30,000 records (receipts) per year.
- There are also a range of smaller systems that hold information on the special tribunals. Some of this data is in the progress of being migrated onto the GAPS2 system.

Although care is taken when processing and analysing the data, the details are subject to inaccuracies inherent in any large-scale recording system and it is the best data that is available at the time of publication. HMCTS is examining the quality of management information. Thus, it is possible that some revisions may be issued. At the end of each financial year the quarterly data is revised, so that the annual figures are the sum of the four quarters

The statistics are based on case management systems where a number of processes are recorded throughout the life of an appeal. In some instances, a case can re-enter the process or have a number of outcomes, meaning that there is not necessarily one receipt or one disposal per case. The quality of management information is being examined. Thus, care should be taken when comparing receipts and disposals.

Language services in courts and tribunals

Data for this bulletin are taken from the interpreter's booking portal managed by Capita TI. All requests for translation services are booked by HMCTS Service staff, who are responsible for closing completed requests within 48 hours of the booking being concluded. If it goes beyond 48 hours, the interpreter is permitted to close down the booking, as this is the mechanism by which they are paid.

All bookings closed by interpreters are scrutinised by HMCTS staff, and any discrepancies are reviewed with the Ministry of Justice Contract Manager and Capita TI with the necessary action taken.

All data are subject to quality assurance. Officials in the Ministry of Justice routinely check the data to ensure that no cases are removed and that data received matches with information already held. HMCTS Service staff can see this information and, if they do not agree, it is reported through the complaints process. Staff at Capita TI carry out monthly verifications of data for example every month they spot check 5% of cancelled jobs entered as Customer cancelled. This is to determine if they have been closed correctly.

As part of final checks, Ministry of Justice officials and Capita TI staff work together to identify and correct wrongly allocated bookings. For example bookings made via telephone on-behalf of the requesters, can on occasions be allocated to the court making the request instead of to the location that requires the interpreter.

Gender Recognition Certificates

Figures on Gender Recognition Certificates cover those that are applied for and granted by Her Majesty's Courts and Tribunals Service's Gender Recognition Panel. This panel is not a Tribunal but is presided over by a Tribunal Judge. The data are taken from a central database in the Ministry of Justice called GRS2000.

Revisions

In accordance with Principle 2 of the Code of Practice for Office Statistics, the Ministry of Justice is required to publish transparent guidance on its policy for revisions. A copy of this statement can be found at:

www.gov.uk/government/publications/ministry-of-justice-statistics-policy-and-procedures

The three reasons specified for statistics needing to be revised are;

1. changes in sources of administrative systems or methodology changes
2. receipt of subsequent information, and;
3. errors in statistical systems and processes. Each of these points, and its specific relevance to the criminal justice statistics publication, are addressed below:

1. Changes in source of administrative systems/methodology changes

The data within this publication comes from a variety of administrative systems. This technical document will clearly present where there have been revisions to data accountable to switches in methodology or administrative systems. In addition, statistics affected within the publication will be appropriately footnoted.

2. Receipt of subsequent information

The nature of any administrative system is that data may be received late. For the purpose of this criminal justice statistics publication, the late data will be reviewed on a quarterly basis but, unless it is deemed to make significant changes to the statistics released; revisions will only be made as part of the final release containing the calendar year statistics. However should the review show that the late data has major impact on the statistics then revisions will be released as part of the subsequent publication.

3. Errors in statistical systems and processes

Occasionally errors can occur in statistical processes; procedures are constantly reviewed to minimise this risk. Should a significant error be found the publication on the website will be updated and an errata slip published documenting the revision.

Data Developments

We are planning to make some changes to these bulletins, which are outlined below. If you would like to comment on any of these proposals or if you have any other feedback or questions about these statistical bulletins, or requests for further information, please direct them to the appropriate contact provided at the end of this report.

Civil (excluding family)

Enforcement CSV: We are planning to provide court-level information on Enforcement orders made and applications where available. The national and court-level information will be incorporated into the CSVs called CSV_caseload_national and CSV_caseload_court.

Providing this information at the court as well as the national level provides the best balance between providing additional information and ease of accessing the information for the user.

Family

More CSV files: We are planning to produce additional CSV files to the four family files already published. These will not only provide the data as given in the existing Excel tables, but also allow much more data to be published than is possible in table format – in other words, breakdowns and variables that have not been published previously.

These CSV files will be at the national England and Wales level. The court-level information primarily covering applications and timeliness currently provided in one of the existing CSV files will be expanded to provide court level data on disposals as well.

As currently, these CSV files will be accompanied by a guide explaining the variables to support the user in getting the best out of the data provided.

Tables: As more detailed information is presented in the new CSV files mentioned above, the production of certain tables – such as those on ancillary relief and domestic violence – will be gradually discontinued.

More tables showing case progression, such as the new table for divorces included in this bulletin, for various other types of cases will also gradually be introduced, such as for ancillary relief and domestic violence cases.

Criminal

Crown Court data

The publications Criminal Justice Statistics (CJS) and Judicial and Court Statistics (JCS) both contain data on the number of proceedings heard in the Crown Court. The figures are derived from the same core source (the CREST system), but they are not directly comparable as there are known differences between them. These are due to a number of factors, including differences in the data collation methods and counting methodologies used, which reflect different underlying drivers of the analyses being performed. By way of a broad illustration, Criminal Justice Statistics counts numbers of defendants and focuses on the final outcomes of criminal court proceedings, whilst Judicial and Court statistics counts numbers of cases and focuses on flows through the court system. Work is currently under way to investigate and review the differences between the two sets of statistics and their compilation processes with a view to aligning the two datasets in future.

In 2010/11 the Ministry of Justice, with the support of a methodologist from the Office for National Statistics, undertook work to better understand the differences between the two publications. Among the key differences between the two datasets are:

- Definition of final outcome: Judicial and Court statistics include cases ending as a result of all charges being quashed, discontinued by the prosecution, or where a bench warrant was issued or executed and other outcomes. These outcomes are not counted in Criminal Justice Statistics as the statistics focus on the final outcome of criminal cases and the sentences passed;
- Different validation rules;
- Timing of data extraction.

Magistrates' courts data

For magistrates' courts data the number of proceedings reported in Judicial and Court Statistics exceeds those in Criminal Justice Statistics because the former counts issuance of a bench warrant as the end of a set of proceedings. This implies that a case may be counted once by Criminal Justice Statistics but twice, as two sets of proceedings, by Judicial and Court Statistics.

Legislation coming into effect in the reporting period

The legislation described below relates mainly to legislation that came into force in the period from January 2000 to the end of 2012. It is only a short summary of the sections that may have affected the published statistics. The following web site has details of all legislation that has come into force in the intervening period. www.legislation.gov.uk/

The coverage of the sentencing statistics in this volume may have been affected by the following legislation, which has altered the modes of trial, sentencing framework or significantly altered the range of offences:

- Financial Services and Market Act 2000
- Adoption and Children Act 2002
- Civil Partnership Act 2004
- Domestic Violence, Crime and Victims Act 2004
- Gender Recognition Act 2004
- Mental Capacity Act 2005
- Forced Marriage (Civil Protection) Act 2007
- Child maintenance and Other Payments Act 2008
- Criminal Justice and Immigration Act 2008
- Legal Aid, Sentencing and Punishment of Offenders Act 2012

The **Financial Services and Market Act 2000** introduced a Mortgage Pre-Action Protocol (MPAP), for a possession claims relating to mortgage or home purchase plan arrears. The Protocol gives clear guidance on what the courts expect lenders and borrowers to have done prior to a claim being issued. The main aims of it were to ensure that the parties act fairly and reasonably with each other in any matters concerning the mortgage arrears, to encourage more pre action contact between lender and borrower and to enable efficient use of the court's time and resources.

The **Adoption and Children Act 2002** made amendments to the law in relation to the adoption of children. The first stage of the Act deals with Local Authorities duties to provide an adoption service and support services. The second stage relating to inter-country adoptions and the third stage relates to Adoption Support Services. Changes to parental responsibility and the adopted children register were also made.

The **Civil Partnership Act 2004** grants civil partnerships in the United Kingdom with rights and responsibilities identical to civil marriage. Civil Partners are entitled to the same property rights as married opposite-sex couples, the same exemption as married couples social security and

pension benefits, and also the ability to get parental responsibility for a partner's children, as well as responsibility for reasonable maintenance of one's partner and their children, tenancy rights, full life insurance recognition, next-of-kin rights in hospitals, and others. There is a formal process for dissolving partnerships akin to divorce.

The **Domestic Violence, Crime and Victims Act 2004** concentrates upon legal protection and assistance to victims of crime, particularly domestic violence.

The **Gender Recognition Act 2004** enables transsexual people to apply to the Gender Recognition Panel (GRP) to receive a Gender Recognition Certificate (GRC).

The **Mental Capacity Act 2005** provides a statutory framework to empower and protect vulnerable people who are not able to make their own decisions. It 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.

The Act created two new public bodies to support the statutory framework, both of which are designed around the needs of those who lack capacity:

- the Court of Protection
- the Public Guardian, supported by the Office of the Public Guardian

The **Criminal Justice and Immigration Act 2008** was a wide ranging Act which aimed to make further provisions about the criminal justice system; dealing with offenders; the management of offenders; and to amend the Repatriation of Prisoners Act 1984. It created or amended a number of offences, including:

New civil penalties for serious breaches of data protection principles and made unlawfully obtaining personal data an offence punishable by up to two years in prison;

The creation of Violent Offender Orders (VOOs): Civil preventative orders that allow courts to impose post-sentence restrictions on those convicted of violent offences.

The **Forced Marriage (Civil Protection) Act 2007** seeks to assist victims of forced marriage, or those threatened with forced marriage, by providing civil remedies. The Act created the *forced marriage order*. A person threatened with forced marriage can apply to court for a forced marriage order. The court can then order a range of appropriate provisions to prevent the forced marriage from taking place, or to protect a victim of forced marriage from its effects, and may include such measures as confiscation of passport or restrictions on contact with the victim.

The subject of a forced marriage order can be not just the person to whom the forced marriage will occur, but also any other person who aids, abets or encourages the forced marriage. A marriage can be considered forced not merely on the grounds of threats of physical violence to the victim, but also through threats of physical violence to third parties (for example, the victim's family), or even self-violence (for example, marriage procured through threat of suicide.) A person who violates a force marriage order is subject to contempt of court proceedings and may be arrested.

The **Child maintenance and Other Payments Act 2008** led to the creation of the Child Maintenance Enforcement Commission (CMEC) which replaced the Child Support Agency (CSA), although the CSA retained its existing caseload. The Act also removed the requirement for all parents in receipt of benefit to go through the CMEC even if they could reach agreement. Parents who were not on benefit were previously allowed to come to courts for consent orders.

The **Criminal Justice and Immigration Act 2008** made a number of changes around criminal justice and sentencing, including the introduction of a new community orders, called *youth rehabilitation orders* for young people aged under 18.

The **Legal Aid, Sentencing and Punishment of Offenders Act 2012** made provision about legal aid; to make further provision about funding legal services; to make provision about costs and other amounts awarded in civil and criminal proceedings; to make provision about referral fees in connection with the provision of legal services; to make provision about sentencing offenders, including provision about release on licence or otherwise; to make provision about the collection of fines and other sums; to make provision about bail and about remand otherwise than on bail; to make provision about the employment, payment and transfer of persons detained in prisons and other institutions; to make provision about penalty notices for disorderly behaviour and cautions; to make provision about the rehabilitation of offenders; to create new offences of threatening with a weapon in public or on school premises and of causing serious injury by dangerous driving; to create a new offence relating to squatting; to increase penalties for offences relating to scrap metal dealing and to create a new offence relating to payment for scrap metal; and to amend section 76 of the Criminal Justice and Immigration Act 2008.

Methodology

Generalised estimation method for the number of case that reach any stage in the court process in civil justice

Summary

This paper sets out a methodological approach to estimate the number of claims in a given time period that will reach the different stages in the court process.

The simulation approach using historical data can reliably predict any stage in the court process with just one quarter of data. The approach is also generalisable to any court system and it can be improved by adding weighting to allow recent changes in the court process to be taken into consideration more quickly.

Introduction

Unlike criminal court cases, where each case has a clear start and end point, a civil justice case can take one of many end points, usually with the majority of them being out of court (eg, less than a third of all mortgage claims lead to a repossession by county court bailiffs). Additionally, court cases can remain open in the courts for an unspecified amount of time.

For example of the 59,877 mortgage possession claims made in 2012, there were 39,908 orders (around 67%) by June 2013, but not all of these cases are closed and a few more claims will certainly still lead to an order. So the question is: how many will lead to an order in the end?

Due to the uncertainty of whether a case is still pending or has been settled, say out of court, cohort analysis of case progression or overall case timeliness of civil cases can be severely underestimated. A sufficient amount of time has to have passed to gather enough data to collect these data. Thus, it is more common to examine civil cases retrospectively, for instance the case timeliness data are based on cases that finish in a given period of time.

Retrospective analysis has three major shortcomings:

1. the most recent estimates based on retrospective analyses are usually biased as court caseloads change constantly;
2. it usually refers to cases that are under policy conditions that are no longer relevant to the current picture; and,
3. the business struggles to react early as the indicators exhibit a lag of the real trend.

Thus, the development of a robust cohort based analysis for the civil justice system would provide both up to date case progression and end to end timeliness figures.

This paper puts forward a solution to generate reliable estimates for any cohort.

Methodology

Estimation

The number of cases from a cohort reaching each stage in the civil justice system is estimated using historical data on the number of case initiations at each quarter as the starting point. Then it estimates how many of these continue through to the different court processes at different time points. The estimation uses an iterative process where historical data is used to estimate new data points.

For illustration purposes of the estimation methodology, the following sections will use the mortgage repossession process from claim (initial stage) to order (first stage) (see Background to the Court and Administrative System section for more information about this process). However, the method can be generalised to any type of claim and to any stage in the court process.

There are also a few concepts that are important to define for the general methodology:

- Unit of time: Most of the time units in civil justice are calendar quarters: Jan-Mar, Apr-Jun, Jul- Sep and Oct-Dec. However, the methodology can be adapted to use other time units.
- Cohort_{*i*}: Cohort_{*i*} refers to the cohort of claims and the *i* goes from 1 (Q1 1999) to the most recent cohort, which, at the time of writing this paper, was *i*=58 or Q2 2013.
- Distance_{*j*}: Distance_{*j*} refers to the distance from the cohort and starts at *j*=0 to refer to the same timeframe as the cohort. It currently ends at *j*=57 to refer to the furthest distance from Q1 1999 up to the present, currently Q2 2013. For example, for cohort *i*=1 (Q1 1999), the number of orders in Q1 1999 is zero quarters away from the cohort *i*, and so it has a distance *j* = 0. For Q1 2000 the distance is *j* = 4.

Table 1 shows a schematic example of all combinations for all available cohorts and distances. It also shows what values are currently available (status = known) and what values this methodology is trying to estimate (status = to be estimated).

Table 1: Schema showing all Cohorts (i) and all distances (j) with respective calendar dates and current status

| Claim | | Order | | Status |
|-------------|---------|--------------|---------|-------------|
| Cohort (i) | Date | Distance (j) | Date | |
| i = 1 | Q1 1999 | 0 | Q1 1999 | Known |
| | Q1 1999 | 1 | Q2 1999 | Known |
| | ... | | | |
| i = 2 | Q1 1999 | 57 | Q2 2013 | Known |
| | Q2 1999 | 0 | Q2 1999 | Known |
| | Q2 1999 | 1 | Q3 1999 | Known |
| | ... | | | |
| | Q2 1999 | 56 | Q2 2013 | Known |
| i = 3 to 57 | Q2 1999 | 57 | Q3 2013 | To estimate |
| | ... | | | |
| | ... | | | |
| i = 58 | Q2 2013 | 0 | Q2 2013 | Known |
| | Q2 2013 | 1 | Q3 2013 | To estimate |
| | ... | | | |
| | Q2 2013 | 57 | Q3 2027 | To estimate |

Step 1: Data

The first step is to prepare the necessary data for the cohort estimation. The dataset is composed of four variables: year of the cohort, quarter of the cohort, stage and the distance from the cohort (in quarters). Thus, cohort_i is derived from a combination of two variables: year of the cohort and quarter of the cohort; and distance_j is the distance (in quarters) from the date of the cohort_i.

The numbers are derived from tracking a cohort of claims made until the present quarter to see how they turn into orders in each of the subsequent quarters. The sum of these numbers is the total number of claims that were turned into orders.

Step 2: Conversion rates

The conversion rates are defined as the percentages of claims of i that receive an order in a given distance j .

$$\text{conversion rate}_j = \frac{\text{number of orders}_j}{\text{number of claims}_i}$$

for all $i = 1, \dots, 58$ with $i + j \leq 58$.

The first cohort of data (Q1 1999) has 57 conversion rates up to Q2 2013. For the next quarter, Q2 1999 (where $i = 2$), there is no available conversion rate for $j = 57$ as this is in the future (Q3 2013) and therefore it has 56 conversion rates and the 57th conversion rate can be estimated.

More generally, all conversion rates that can be directly calculated using the data can then be used to estimate all the way up to 57 periods forward in

time for all quarters. So, values for orders for the most recent quarter, Q2 2013, are estimated quarterly up to Q3 2027 and the sum of all quarters gives us the final expected number of claims that became orders for Q2 2013.

Step 3: Distribution

Unknown conversion rates for each quarter are estimated using all historical conversion rates. These conversion rates have different distributional shapes and are likely to follow a range of distributions. For the mortgage repossession claims to order a Gamma distribution was deemed to be flexible enough to accommodate the wide range of changes. However, simulation results were also ran with a normal distribution and the results were not deemed to be significantly different.

Below we show the parametrisation used for the conversion rates using the Gamma distribution.

For each j the conversion rate $_j \sim \Gamma(\text{shape}_j, \text{scale}_j)$

where

$$\text{shape}_j = \frac{[\text{mean}(\text{conversion rates}_{i,j})]^2}{\text{var}(\text{conversion rates}_{i,j})} \text{ for all } i = 1, \dots, 58 \text{ with } i + j \leq 58$$

$$\text{scale}_j = \frac{\text{var}(\text{conversion rates}_{i,j})}{\text{mean}(\text{conversion rates}_{i,j})} \text{ for all } i = 1, \dots, 58 \text{ with } i + j \leq 58$$

So, the dataset of conversion rates for $j=1$ is the following 57 conversion rates and it follows a Gamma distribution (see figure 17 below) with shape and scale parameters calculated using the conversion rates dataset.

Any estimation of the means and variances can be weighted to allow for recent changes in the court process to be incorporated quicker.

Step 4: Estimation

Random values are taken from the estimated distribution of conversion rates and applied to the period i . So, the Gamma distribution underlying the vector of conversion rates for $j=1$ provides an estimated conversion rate for the number of claims from Q2 2013 ($i = 58$) that became orders in Q3 2013 ($j=1$).

The final estimated value of orders from a given number of claims is estimated by adding all the past actual orders to the estimated future number of orders generated for every subsequent quarter drawn randomly from the distribution.

$$\text{final number of orders}_i = \sum_{\text{all known}} \text{number of orders}_{i,j} + \sum_{\text{all estimated}} \text{estimated orders}_{i,j}$$

where $\text{estimated orders}_{i,j} = \text{number of claims}_i \times \text{conversion rates}_j$

where $\text{conversion rates}_j$ are randomly generated from $\Gamma(\text{shape}_j, \text{scale}_j)$

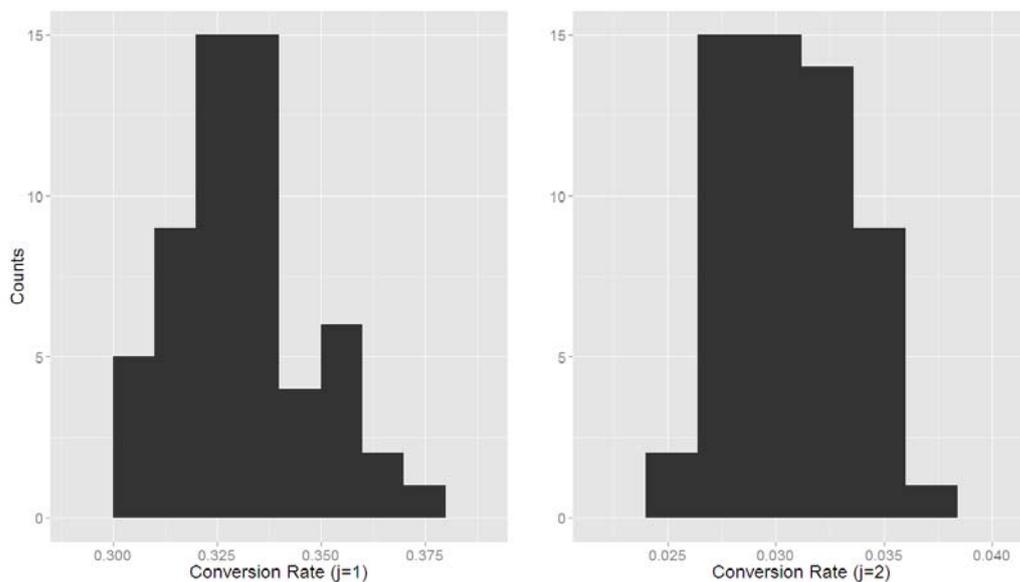
Step 5: Simulation

The final number of orders is highly dependent on the randomly generated conversion rates. Thus, these are simulated for 1,000 iterations where the median of this distribution is used as the expected final number of orders and the 95% confidence interval is generated by taking the 2.5 and 97.5 percentile of this distribution.

Results

The chart below shows conversion rates histograms for j equal to one and two for illustrative purposes. It can be seen that the distributions from claims to orders from one to two quarters are changing and the skewness and symmetry are not constant.

Figure 17: Conversion rates for within one and two quarter of the claim being issued, Q1 1999 to Q2 2013



To test the predictive power of the model we forced the model to estimate the final number of orders from a given quarter of claims.

Table 2: Estimates on the final number of orders given only one quarter worth of data, Q1 2012 to Q1 2013

| Quarter | Number of claims | Initial number of orders | Estimation of final number of orders (with 95% CIs) | Current number of orders (as of Q2 2013) |
|---------|------------------|--------------------------|---|--|
| Q1 2011 | 19,608 | 6,213 | 14,653 (13,537 - 15,907) | 14,343 |
| Q2 2011 | 18,339 | 5,377 | 13,233 (12,235 - 14,348) | 13,413 |
| Q3 2011 | 18,763 | 5,954 | 14,043 (12,924 - 15,165) | 13,382 |
| Q4 2011 | 16,471 | 4,866 | 11,921 (11,000 - 12,949) | 11,545 |
| Q1 2012 | 16,963 | 5,489 | 12,767 (11,836 - 13,796) | 11,683 |
| Q2 2012 | 14,615 | 4,616 | 10,876 (10,076 - 11,726) | 9,868 |
| Q3 2012 | 14,168 | 4,282 | 10,316 (9,530 - 11,237) | 9,337 |
| Q4 2012 | 14,131 | 4,146 | 10,129 (9,353 - 10,991) | 9,020 |
| Q1 2013 | 14,375 | 4,347 | 10,465 (9,592 - 11,290) | 8,770 |

The table above shows the initial number of orders (with only 1 quarter worth of data), the final number of orders estimated from the model (with 95% confidence intervals) and the value as at Q2 2013. This table outlines the results using the model to estimate the final number of orders assuming they were derived when the cohorts first appeared. Comparing the estimation and the current number of orders, the model provides reliable estimates for the four quarters of 2011. For 2012 and 2013 the estimated values are substantially higher than the current value and this is expected as it is expected that a substantial amount of the claims will still be converted into orders.

The results also show that the model is robust to changes in the numbers of claims initiated.

Glossary

This glossary provides a brief description of some of the main terms used in the commentary of this report. For further information, please contact the Justice Statistics Analytical Services division using the details provided in the Explanatory Notes section at the end of this bulletin.

County courts (non-family)

Actual repossessions: Includes repossessions carried out by county court bailiffs, but also includes other repossessions.

Administration order: Combines a debtor's debts under certain conditions, enabling the debtor to make regular payments to the court which are then distributed to the various creditors.

Attachment of earnings order: Obliges the debtor's employer to deduct a set sum from the debtor's pay and forward it to the court.

Bankruptcy petitions: Petitions made by a debtor (who owes the debt) or one or more creditors where an individual is unable to pay his or her debt(s).

Charging order: Enables the creditor to obtain security for the payment against an asset(s), typically property, owned by the debtor.

Claims for recovery of land: Include claims for the repossession of property by a mortgage lender, social or private landlord for example, where the mortgagee or tenant fails to keep up with mortgage or rental payments.

Claims that lead to possession orders: The court, following a judicial hearing may grant an order for outright possession of land. This entitles the claimant to apply for a warrant to have the defendant evicted, except in the case of suspended orders.

Company windings up petitions: Petitions made by a creditor, shareholder or director to wind up (or dissolve) a company which cannot pay its creditor(s), to whom debt is owed.

Order for sale: A court order forcing the debtor to sell an asset(s), typically a property, following a charging order.

Repossessions by county court bailiffs: Once a warrant has been issued county court bailiffs can repossess the property on behalf of the claimant

Small claim / fast track / multi track cases: If a claim is defended, the next step is for further information to be provided by the parties following which a judge in the county court assigns the case to one of three case management tracks. The "small claims track" is for less complex cases, which have claim values of up to £5,000 (or £1,000 for personal injury and housing disrepair cases). The "fast track" is for more complicated cases with a claim value of over £5,000 (or £1,000 for personal injury and housing

disrepair cases) and up to £15,000 for proceedings issued before 6 April 2009, otherwise £25,000. The “multi track” is for the most complex cases which are not allocated to the small claim or fast track. Many defended cases are settled by the parties involved, or withdrawn, either before or after allocation to one of these tracks. Around half of cases allocated to the small claims track are resolved at small claims hearings while a much lesser proportion of cases allocated to the fast or multi track are disposed of by trials.

Specified money claims: Claims made by an individual, company or organisation for a specified amount of money, for example, £15,000.

Third party debt order: Enables the creditor to secure payment by freezing and then seizing money owed or payable by a third party to the debtor.

Unspecified “money” claims: Claims made by an individual, company or organisation for an unspecified amount of money. For example, when claiming for damages/compensation for loss or injury, the amount claimed is limited to £10,000.

Warrant of committal: Enforces a judgment for which the penalty for failure to comply is imprisonment. It authorises the bailiff to arrest the person and deliver them to prison or court.

Warrant of delivery: Enforces a judgment for the return of particular goods or items.

Warrant of execution: To enforce a judgment made where unless the amount due under the warrant is paid, saleable items owned by the debtor can be recovered by the court and sold.

Warrant of possession: To enforce a court order for the repossession of property.

Family

Ancillary Relief: This refers to a number of different types of order used to settle financial disputes during divorce proceedings. Examples include: periodical payments, pension sharing, property adjustment and lump sums, and they can be made in favour of either the former spouse or the couple’s children.

Application: The act of asking the court to make an order.

Convention Adoption: An adoption carried out under the terms of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. This is an international treaty designed to protect children from child trafficking, and requires signatory countries to establish safeguards to ensure that any inter-country adoption is in the child’s best interests.

Decree Absolute: This is the final order made in divorce proceedings that can be applied for six weeks and one day after a decree nisi has been given. Once this is received, the couple are no longer legally married and are free to remarry.

Decree Nisi: This is the first order made in divorce proceedings and is given when the court is satisfied that there are reasonable grounds for granting the divorce. It is used to apply for a decree absolute.

Dissolution: The legal termination of a marriage by a decree of divorce, nullity or presumption of death or of a civil partnership by the granting of a dissolution order.

Divorce: This is the legal ending of a marriage.

Judicial Separation: This is a type of order that does not dissolve a marriage but absolves the parties from the obligation to live together. This procedure might, for instance, be used if religious beliefs forbid or discourage divorce.

Non-molestation Order: This is a type of civil injunction used in domestic violence cases. It prevents the applicant and/or any relevant children from being molested by someone who has previously been violent towards them. Since July 2007, failing to obey the restrictions of these orders has been a criminal offence for which someone could be arrested.

Nullity: This is where a marriage is ended by being declared not valid. This can either be because the marriage was void (not allowed by law) or because the marriage was voidable (the marriage was legal but there are circumstances that mean it can be treated as if it never took place).

Occupation Order: This is a type of civil injunction used in domestic violence cases. It restricts the right of a violent partner to enter or live in a shared home.

Order: The document bearing the seal of the court recording its decision in a case. Some examples of orders are below:

Care orders: A care order brings the child into the care of the applicant local authority and cannot be made in favour of any other party. The care order gives the local authority parental responsibility for the child and gives the local authority the power to determine the extent to which the child's parents and others with parental responsibility (who do not lose their parental responsibility on the making of the order) may meet their responsibility. The making of a care order, with respect to a child who is the subject of any section 8 order, discharges that order.

Supervision orders: A supervision order places the child under the supervision of the local authority or probation officer. While a supervision order is in force, it is the duty of the supervisor to advise, assist and befriend the child and take the necessary action to give effect to the order, including whether or not to apply for its variation or discharge

Emergency Protection Orders: An emergency protection order is used to secure the immediate safety of a child by removing the child to a place of safety, or by preventing the child's removal from a place of safety. Anyone, including a local authority, can apply for an emergency protection order if, for example, they believe that access to the child is being unreasonably refused.

Under the relevant allocation of proceedings rules for family law, public law cases must start in the Family Proceedings Courts but may be transferred to the county courts in the following circumstances:

- to minimise delay
- to consolidate with other family proceedings
- where the matter is exceptionally grave, complex or important

There are four ways in which an application can be disposed of:

- withdrawn applications – applications can only be withdrawn by order of the court
- order refused – in public law proceedings an order is refused if the grounds are not proved and the court has dismissed the application. In private law proceedings the court may refuse to make an order or make an order of no order
- order of no order – this is made if the court has applied the principle of non-intervention under section 1(5) of the Act. This provides that the court shall not make an order unless it considers that doing so would be better for the child than not making an order at all
- full order made – the type of order made may not be the same as the type of application that was originally applied for. An order is made in favour of one of the parties (Local Authority, parent or Other Guardian) however this is not recorded on the central Familyman database.

Petition (for divorce): An application for a decree nisi or a judicial separation order.

Private Law: Refers to Children Act 1989 cases where two or more parties are trying to resolve a private dispute. This is commonly where parents have split-up and there is a disagreement about contact with, or residence of, their children.

Public Law: Refers to Children Act 1989 cases where there are child welfare issues and a local authority, or an authorised person, is stepping in to protect the child and ensure they get the care they need.

Criminal cases

Adult proceedings: These are cases of any type where the defendant is aged 18 or over.

Appeals: where by the defendant appeals against the decisions of magistrates' courts.

Bench warrant: A bench warrant is issued for a person deemed to be in contempt of court—usually as a result of that person's failure to appear at their court appearance. Once a bench warrant has been issued, the case is considered disposed of. Following the apprehension of the person, the bench warrant is executed and the case is reopened.

Breach cases: Cases where the defendant has breached the conditions of an order which was previously imposed against them.

Charge or laying of information: This relates to when the defendant is first charged at a police station (specifically, where an individual is arrested and formally accused of a crime) or when the information is laid (specifically, where an individual receives a written summons advising that an action has begun against them, and that they are required either to appear in person, or to respond in writing, to the court regarding the alleged offence).

Circuit: A geographical area where a judge has the judicial authority to decide on cases. The jurisdiction can encompass a range of counties or districts.

Circuit Judge: A judge who normally sits in the county court and/or Crown Court.

Class: Offences are classified according to their seriousness. In the Crown Court, there are three classes of criminal offence; and the class of a case is based on the most serious offence. Class 1 offences are the most serious offences. They include treason and murder and are normally heard by a High Court Judge. Class 2 offences include rape and are usually heard by a Circuit Judge under the authority of the Presiding Judge. Class 3 includes all other offences such as kidnapping, grievous bodily harm and robbery, which are normally heard by a Circuit Judge or Recorder.

Committed for sentence cases: Cases transferred to the Crown Court for sentencing where defendants are found guilty in the magistrates' court. This happens if a magistrate is of the opinion that a greater punishment should be imposed than they are allowed to impose.

Committed for trial cases: Cases which can be heard in either a magistrates' court or the Crown Court. A defendant can elect to be tried in the Crown Court or a magistrate can decide that a case is sufficiently serious that it should be dealt with in the Crown Court.

Completion: When a defendant's case is completed and a final decision is reached in either the magistrates' courts or the Crown Court.

Completion in magistrates' courts: When a defendant's case is completed in the magistrates' courts, either when a final decision is reached or the case is passed to the Crown Court.

Cracked trial: A trial that does not go ahead on the day as an outcome is reached and so does not need to be re-scheduled. This occurs when an acceptable plea is offered by the defendant or the prosecution offers no evidence against the defendant.

Criminal proceedings: The administration of justice in cases involving an individual who has been accused of a crime, beginning with the initial investigation of the crime and concluding either with an acquittal or conviction.

Date of offence: This relates to the date the alleged offence was committed.

Effective trial: A trial that commences on the day it is scheduled and has an outcome in that a verdict is reached or the case is concluded.

First listing: The first hearing of the case in a magistrates' court, whether or not the defendant is present.

Fixed trial: The trials which have been fixed to be heard during the specified period.

Guilty plea: A guilty plea is recorded if a defendant either (i) pleads guilty to all counts; (ii) pleads guilty to some counts and not guilty to others and no jury is sworn in respect of the not guilty counts; or (iii) pleads not guilty to some or all counts but offers a guilty plea to alternatives which are accepted (providing no jury is sworn in respect of other counts). A case is treated as a guilty plea only if pleas of guilty are recorded in respect of all defendants.

Hearing time: The total duration of all hearings heard in the Crown Court for each case including preliminary, main and sentence hearings.

High Court Judge: A judge who sits in the High Court of Justice.

Indictable cases: The most serious cases, such as murder and rape, which must be heard at the Crown Court. The involvement of the magistrates' court in these cases is brief, and usually consists of a decision on whether to grant bail, and considers other legal issues, such as reporting restrictions. The case is then passed to the Crown Court.

Ineffective trial: A trial that does not go ahead on the scheduled trial date due to action or inaction by one or more of the prosecution, the defence or the court and a further listing for trial is required.

Sent for trial cases: Cases sent for trial by the magistrates' court because they can only be heard by the Crown Court.

Recorder: A recorder's jurisdiction is broadly similar to that of a Circuit Judge, but handles less complex or serious matters coming before the court.

Summary cases: The less serious cases, such as motoring offences and minor assaults, where by the defendant is not usually entitled to trial by jury. These cases are therefore completed in the magistrates' courts. Summary offences are subdivided into Summary Motoring and Summary Non-Motoring cases.

Summary motoring cases: Includes offences such as driving whilst disqualified, speeding and failure to stop.

Summary non-motoring cases: Includes offences such as TV license evasion, minor assaults and criminal damage where less than £5,000 worth of damage is caused.

Triable-either-way cases: These are more serious than summary cases and can be dealt with either in the magistrates' court or before a judge and jury at the Crown Court. These cases include offences such as dangerous driving, and theft and handling stolen goods. A defendant can invoke their right to trial in the Crown Court, or the magistrates can decide that a case is sufficiently serious that it should be dealt with in the Crown Court where tougher sentences can be imposed if the defendant is found guilty.

Vacated trial: A trial which has been removed from the list before the date of the trial.

Waiting time: The length of time between the date of sending or committal of cases from the magistrates' court and the start of the substantive Crown Court hearing.

Youth proceedings: These are cases of any type where the defendant is aged between 10 and 17.

Enforcement of financial impositions

Confiscation Orders: Confiscation orders are imposed by the Crown Court under the Proceeds of Crime Act 2003 and are enforced by HMCTS, the Crown Prosecution Service and Serious Fraud Office (SFO). Confiscation order receipts are surrendered to the Home Office.

Financial Impositions: Monies owed by defendants, which include court fines, prosecutors' costs, compensation orders, penalty notices and victim surcharge. Excludes confiscation orders.

Fines, prosecutors' costs and compensation orders: These items are imposed by both the magistrates' courts and the Crown Court but are enforced by magistrates' courts. Fines monies collected by HMCTS are surrendered to the HM Treasury Consolidated Fund. Prosecutors' costs and compensation order monies are passed by HMCTS to either Crown or private prosecutors and the victims of the crimes committed.

Imposition month: The month in which the fine, costs, court orders, penalty notices, or victim surcharge was ordered by the court.

Penalty Notices: Penalty Notices are imposed by the police and other agencies and include both Fixed Penalty Notices (FPNs) for traffic rule violations and Anti-Social Behaviour Orders (ASBOs). Notices that remain unpaid after 28 days are converted into fines and enforced as detailed in Annex B. Receipts of Penalty Notices and the associated fines are surrendered to the HM Treasury Consolidated Fund.

Victims' Surcharge: An additional surcharge which is added to the fines that are imposed. The receipts obtained from the collection of these monies by HMCTS are passed to the Justice Policy Group of the MoJ to fund victims' services.

High Court

Admiralty Court: Deals with shipping and maritime disputes, such as ship collisions and damage to cargo.

Bankruptcy: Insolvency (inability to pay debts) of individuals.

Bankruptcy and Companies Court: Deals with cases involving companies and company or individual insolvency / bankruptcy. It primarily deals with cases under the Insolvency Act 1986, the Company Directors Disqualification Act 1986, the Companies Act 1985 and the Financial Services and Markets Act 2000.

Chancery Division: One of the three divisions of the High Court (along with the Queen's Bench Division and Family Division), and considers cases in relation to trust law, the administration of estates, guardianship and charities.

Commercial Court: Deals with complex cases arising out of business disputes, both national and international, including in relation to international trade and banking.

Comptroller General of Patents: The head of the UK Patent Office.

Deputyships: The level of support and supervision the OPG allocates to a Deputy is decided after carrying out an assessment of the individual circumstances of the case.

Family Division: One of the three divisions of the High Court (along with the Chancery Division and Queen's Bench Division), and is concerned with matrimonial cases and proceedings relating to children or adults who cannot make decisions for themselves.

Judicial sitting days: Sittings by deputy High Court judges include retired Lords Justices, retired High Court judges and Circuit Judges sitting as High Court judges under section 9(1) of the Supreme Court Act 1981 and practitioners sitting as deputy High Court judges under section 9(4) of the Act. Deputy Circuit Judge sittings refer only to sittings by retired Circuit Judges.

Interlocutory proceedings: Court hearings that take place before the full trial.

Lasting Power of Attorney: The Property and Affairs LPA allows the Donor to appoint an Attorney to manage their finances and property whilst they still have capacity to make decisions for themselves. The Personal Welfare LPA allows the Donor to appoint an Attorney to make decisions on their behalf about their personal welfare. A Personal Welfare LPA can only be used when the Donor lacks the capacity to make these decisions for themselves.

Master: Judicial officer of the High Court who primarily deals with procedural matters.

Patents Court: Specialist court which deals with cases concerning intellectual property such as patents and registered designs.

Queen's Bench Division: One of the three divisions of the High Court (along with the Chancery Division and Family Division), and deals with civil disputes including those relating to breach of contract, personal injuries, commercial cases, libel and slander.

Royal Courts of Justice: Administratively part of Her Majesty's Courts and Tribunals Service, and is the building in London which houses the Court of Appeal, the High Court and the Probate Service.

Technology and Construction Court: Deals with building and engineering disputes and computer litigation.

Tort: Any private or civil wrong for which private damages may be claimed, not including a breach of contract.

Writs of fieri facias (fi-fa): Orders an officer to take or sell property belonging to a debtor until the value of the property taken equals the amount of the debt. This is also called a writ of control.

Appellate Courts

Allowed: Appeals given a final result of 'Allowed' or 'Allowed with consent'.

Appeal: A formal request to a higher court that the verdict or ruling of a court be overturned.

Dismissed: Appeals given a final result of 'Refused'.

Dismissed by Consent: Appeals given a final result of 'Dismissed with consent'.

Filed: Cases filed/set down within period.

Habeas corpus: An order requiring a prisoner to be brought to court, to allow the court to determine if their detention is lawful.

Otherwise Disposed: Appeals given a final result of 'Not our Jurisdiction', 'Totally Without Merit', 'Varied with Consent', 'Other Result', and 'Remitted'.

Struck out for failure to provide documents: Appeals given a final result of 'Dismissal List' or 'Struck out'.

Tribunals

There are three main types of Tribunal, covering over 90 % of all Tribunal work. There are also smaller 'special' Tribunals covering other more detailed activities. The main types of Tribunal are listed below.

- Immigration and Asylum (IA)
- Employment Tribunals (ET)
- Social Security and Child Support (SSCS)
- Specials – other smaller Tribunals, including Mental Health

Adjournment: Where, on the day of the hearing, the Panel decides that, for whatever reason, the appeal/case cannot be finalised and has to put off making a final decision to another date, for example because further evidence is required.

Caseload outstanding: The number of cases outstanding at the end of the period and still waiting to be dealt with to completion.

Decision in favour (SSCS): Decision in favour of the appellant.

Decision upheld (SSCS): Decision made by the First Tier Agency and withheld by the Tribunal.

Disposal: A disposal is the closure of a case when work has ceased to be done. This can be through a claim being withdrawn, settled, dismissed or being decided at a hearing.

Employment Tribunal Claim: A claim may be brought under more than one jurisdiction or subsequently amended or clarified in the course of proceedings, but will be counted only once.

Employment Tribunal Jurisdiction: The Employment Tribunal powers to hear a claim are determined by legislation, with statutory provisions defining the ambit of the jurisdiction that can be covered by a claim to an Employment Tribunal.

Employment Tribunal Jurisdictional mix: A claim may contain a number of grounds, known as jurisdictional cases. In any hearing, the tribunal has to decide upon the merits of the claim made under each jurisdiction; for example, unfair dismissal and sex discrimination. The total number of jurisdictions covered by each case gives a truer measure of caseload than the number of claims. The jurisdictions covered by ET are wide ranging, from discrimination and unfair dismissals to issues around salary and working conditions.

Employment Tribunal single and multiple claims: Claims to the Employment Tribunal may be classified into two broad categories – singles and multiples. Multiple cases are where two or more people bring cases, involving one or more jurisdiction(s) usually against a single employer but not necessarily so, for instance in TUPE cases, and always arising out of the same or very similar circumstances. As a multiple, the cases are processed together.

Hearing: The hearing is a meeting at which the tribunal panel considers evidence (either orally or paper based) and reaches a decision (where the decision may be to adjourn or to agree a final outcome). If the hearing is adjourned and restarted, it counts as one hearing.

Examples of hearings include: Paper hearings and Oral hearings;

Oral Hearing: A hearing where the party(ies) and/or their representative(s) attend (this can be by telephone or by video conference).

Paper Hearing: Consideration of the case using documents, and not requiring any physical appearance by the parties.

Hearing clearance (SSCS): These are cleared via a Tribunal (could be a panel or member of the Judiciary sitting alone) with a decision/outcome.

Outcome of hearing: The outcome of the hearing is the final determination of the proceedings or of a particular issue in those proceedings; it may include an award of compensation, a declaration or recommendation and it may also include orders for costs, preparation time or wasted costs either in favour or against an appellant. Note: ET records outcomes for each act (or jurisdiction), not for the hearing.

Non-hearing clearance (SSCS): these are cases withdrawn prior to a hearing, struck out or superseded. There is no Tribunal judgement.

Postponement: Where a case is taken out of the list, prior to the commencement of the hearing – can be done by the applicant, or any other party.

Receipt: Volumetric term covering the acceptance of a case by a HMCTS Tribunal. Also known as a 'case' for Employment Tribunals.

Settlement: Cases settled without the need for a hearing. A third party may have been involved in the process.

Withdrawal: The applicant/claimant/appellant ceases action either before or at the hearing.

Immigration and Asylum Case types:

Asylum: appeals against a refusal to grant asylum, including asylum claims which raise Human Rights grounds.

Deportation: appeals against deportation orders made against people by the Home Secretary.

Entry Clearance Officer (ECO): appeals generated by people who are not already in the UK, but have been refused permission to enter or stay in the UK for a fixed period of time, or live here permanently.

Family Visit Visa (FVV): appeals against decisions not to allow temporary visits to see family in the UK.

Human Rights Appeals: A separate Human Rights Appeal category was introduced in the Tribunal in 2001, following the implementation of the Human Rights Act 1998 to allow the consideration of Human Rights arguments for cases where those grounds were not considered at the original human rights appeal. Since then, a range of in-country case types raising Human Rights grounds have been recorded under this category when they would have been more appropriately recorded against another case type. The Tribunal has made a recent change to its administrative processes to record such cases more suitably, which will explain any drop in numbers in the Human Rights (Other) appeal category.

Managed Migration: appeals generated by people already in the UK who have been refused permission to extend their stay here (either permanently or temporarily). This appeal type will also cover occasions where an individual has their permission to be in the UK revoked.

Social Security and Child Support case types (main groups)

Attendance Allowance: Social Security benefit for people aged 65 or over who need help with personal care because of a mental or physical disability. There are two rates, a lower rate for attendance during day or night, and a higher rate for day and night.

Bereavement Benefit: Any or all of the range of Bereavement Benefits that were introduced on 9 April 2001. These replaced the old system of Widows' Pension and can be claimed by men and women whose spouse died on or after 9 April 2001. Widows whose husband died before this date receive transitional protection and would continue to receive Widows' Pension.

Bereavement Payment: Widows/widowers are eligible to receive Widow's/Bereavement Payments if their late spouse satisfied certain National Insurance contribution conditions. Widows are also eligible if their late husband died as the result of an industrial injury or disease and she was aged under 60 when her late husband died; or if she was aged over 60 and he was not entitled to a Category A Retirement Pension when he died. The payment is a tax free lump sum of £2,000. For the purposes of the Sources of Income tables in this publication, this is treated as covering a period of one year

Bereavement Allowance: A Social Security benefit paid for up to 52 weeks to widows and widowers who were aged 45 or over, but less than pension age, when their spouse died. Bereavement Allowance cannot be received at the same time as Widowed Parent's Allowance. The amount paid is on a sliding scale depending on the widow or widower's age.

Widowed Parent's Allowance: A widow or widower is eligible if his or her late husband or wife met certain National Insurance contribution conditions. Widowed Mother's Allowance or Widowed Parent's Allowance can be paid to a widow or widower as long as he or she is entitled to Child Benefit for at least one qualifying child, or she is pregnant by her late husband, or in certain cases of artificial insemination. Child dependency increases are paid for each child.

Carer's Allowance: A Social Security benefit for people who are:

- aged 16 or over
- not in full-time education with 21 hours or more a week of supervised study
- not earning more than the lower earnings limit for National Insurance after certain deductions have been made (such as Income Tax)
- spending at least 35 hours a week caring for someone who is ill or disabled.

The ill or disabled person must be getting either higher or middle rate Disability Living Allowance Care component or Attendance Allowance or a Constant Attendance Allowance at the maximum rate under the War Pensions or Industrial Injuries Scheme.

Child Benefit: Social Security benefit paid for each child under 16 year or aged under 19 and still in full time non advanced education. Usually received by the mother.

Council Tax Benefit: Social Security benefit administered by the local authority designed to help people on low incomes pay their Council Tax. There are two types of Council Tax Benefit, maximum Council Tax Benefit (Main Benefit) and Second Adult Rebate. Council Tax Benefit may be received for a further four weeks by people aged under 60 when they start working full time following a period of at least six months being unemployed, by people on a Government Training Scheme or on Income Support as a lone parent or carer (Extended Payment).

Disability Living Allowance: Social Security benefit for people who become disabled before the age of 65 and need help with personal care, getting around, or both. Consists of two components:

1. Care component covers personal care (for example, washing, dressing, using the toilet, cooking a main meal). This is paid at three rates.
- 2, Mobility component for those who cannot walk or have difficulty in walking. This is paid at two rates.

Housing Benefit: Social Security benefit administered by local authorities which is designed to help people who rent their homes and have difficulty meeting their housing costs. Council tenants on Housing Benefit get a rent rebate which means that their rent due is reduced by the amount of that

rebate. Private and housing association tenants usually receive Housing Benefit (or rent allowance) personally, although sometimes it is paid direct to the landlord.

Housing Benefit may be received for a further four weeks by people aged under 60 when they start working full time following a period of at least six months being unemployed, by people on a Government Training Scheme or on Income Support as a lone parent or carer (Extended Payment).

Incapacity Benefit: Replaced Sickness Benefit and Invalidity Benefit from 13 April 1995. It is paid to people who are assessed as being incapable of work and who meet the contribution conditions.

Income Support: Social Security benefit for adults aged 18 or over who are working less than 16 hours a week, or have a partner working less than 24 hours a week and who have less money coming in than the law says they need to live on. In general, Income Support is now only available to people who are not required to be available for work such as pensioners, lone parents and sick and disabled people.

It is made up of personal allowances for each member of the benefit unit, premiums for any special needs and housing costs, principally for mortgage interest payments. It is often paid to top up other benefits or earnings from part time work.

Industrial Injuries Disablement Benefit: Social Security benefit provided for employees who are disabled because of an industrial accident or prescribed industrial disease. To get the basic benefit the person needs a medical assessment of the degree of their disability.

Jobseeker's Allowance: Replaced Unemployment Benefit and Income Support for unemployed people on 7 October 1996. It is payable to people under state pension age who are available for, and actively seeking, work of at least 40 hours per week. Certain groups of people, including carers and those with a physical or mental condition, are able to restrict their availability to less than 40 hours depending upon their personal circumstances.

There are contribution based and income based routes of entry to Jobseeker's Allowance. The different elements are separated in the 'any income related benefit' and 'any non-income related benefit' categories.

Severe Disablement Allowance: Social Security benefit provided for people who are incapable of work and do not satisfy the contributions conditions for Incapacity Benefit. Severe Disablement Allowance was abolished for new claimants on 6th April 2001. However, certain people entitled to SDA before that date can continue to receive it. Claimants needed to be aged between 16 and 65 when they made their claim and must have been incapable of work for at least 28 weeks.

Social Fund: Made up of regulated and discretionary payments. Maternity Funeral and Cold Weather Payments are governed by regulations. They are available to people who are on certain Social Security benefits and who meet various other conditions. The discretionary part of the Social Fund

provides help in the form of non-repayable grants and interest-free loans. The discretionary payments are Community Care Grants, budgeting Loans and Crisis Loans.

Other special tribunal case types

Agricultural Land: Settles disputes and other issues between agricultural tenants and landlords arising from tenancy agreements held under the Agricultural Holdings Act and certain drainage disputes between neighbours.

Asylum Support: The UK Border Agency (UKBA), consider whether an applicant and their dependants meet the test of destitution and to what extent support should be provided (for example, accommodation and cash for essential needs). If the UKBA refuse to provide support or, after they have been providing support, decide to stop or withdraw it, an asylum seeker can appeal to us against their decision.

Care Standards: Considers appeals against a decision made by the Secretary of State to restrict or bar an individual from working with children or vulnerable adults and decisions to cancel, vary or refuse registration of certain health, childcare and social care provision.

Charity: Hears appeals and reviews against the decision of the Charity Commissioner

Consumer Credit: Hears and decides appeals from licensing decisions made by the Office of Fair Trading. It also hears appeals against penalties issued under money laundering regulations.

Criminal Injuries Compensation: Considers appeals against decisions made by the Criminal Injuries Compensation Authority (CICA). They only deal with appeals on claims for compensation for criminal injuries made on or after 1 April 1996 under the Criminal Injuries Compensation Scheme.

Examination Boards: Regulated awarding organisations can appeal to the examination board tribunal if they disagree with a decision by Ofqual or the Welsh Government to impose a fine, the amount of the fine or recover the costs of taking enforcement action.

Estate Agents: The Tribunal hears appeals against decisions made by the Office of Fair Trading relating to: an order prohibiting a person from acting as an estate agent where for example a person has been convicted of an offence involving fraud or other dishonesty; an order warning a person where for example that person has not met their duties under the 1979 Act; a decision refusing to revoke or vary a prohibition order or warning order made under the 1979 Act.

Gangmasters Licensing Appeals: Hears cases against the GLA in the event of a decision to: revoke a license; refuse a license application; modify a license or; refuse consent to the transfer of a license.

Information Rights: Hears appeals from notices issued by the Information Commissioner under the Freedom of Information Act. Relates to mainstream citizen needs about making a freedom of information request.

Lands: Resolves disputes concerning land, such as compulsory purchase of land or property, claims for compensation for loss of value to land or property because of 'public works'.

Mental Health: Hears applications and references for people detained under the Mental Health Act 1983 (as amended by the Mental Health Act 2007) or living in the community following the making of a conditional discharge, or a community treatment or guardianship order.

Primary Health Lists: General Practitioners (GPs), Dentists, Optometrists and some Pharmacists need to be on a locally managed performers list before being able to provide NHS services within the area of a Primary Care Trust. The Primary Health Lists jurisdiction hears appeals / applications resulting from decisions made by Primary Care Trusts as part of the local management of such performers' lists.

Reserve Forces Appeal: Hears appeals against decisions of Ministry of Defence with regard to call up for military service and exemptions.

Special Educational Needs and Disability: Parents whose children have special educational needs can appeal to the First-tier Tribunal (Special Educational Needs and Disability - SEND) against decisions made by Local Education Authorities in England about their children's education.

First Tier Tax Chamber: Hears appeals against decisions relating to tax made by Her Majesty's Revenue and Customs (HMRC). Appeals can be made by individuals or organisations, single tax payers or large multi-national companies. Appeals range from the relatively simple to the complex across both direct and indirect tax

Transport: Hears and decides appeals against decisions of the Registrar of Approved Driving Instructors concern[ing] approved driving instructors, trainee driving instructors, and training provider appeals as well as other matters - for example, bus service permits.

War Disablement Pension: Social Security Benefit provided for people who were disabled in the Armed Forces between 1914 and 1921 or any time after 2 September 1939. Paid at a rate which varies according to the degree of disablement.

War Widow's Pension: Social Security Benefit provided for widows of servicemen who died as a result of service in HM Forces. The standard rate of pension may be paid if the widow has a dependant child or is over 40

or is incapable of self support. The lower rate is paid to childless widows under the age of 40.

Statistics on the use of language services in courts and tribunals

Cancelled by customer: The customer (in this case, the court or tribunal) no longer requires an interpreter and has cancelled the booking request.

Categories of complaints

- **Interpreter did not attend**: The assigned interpreter did not go to the assignment and did not inform anyone.
- **Interpreter quality**: The quality of the interpreting skills is being questioned.
- **Interpreter was late**: The assigned interpreter was late getting to the assignment.
- **No interpreter available**: The supplier was unable to provide an interpreter.
- **Operational issue**: Operation issues include: incorrect tier assigned (the customer has requested a specific tier of assignment and an incorrectly tiered interpreter was assigned), issues with the web-based request portal, occasions when the customer has not been able to request one of the services that the supplier supplies and other occasions when the supplier has not supplied the service that is expected.
- **Time sheet error**: Either the customer or the interpreter has closed the assignment's time sheet entry down incorrectly.
- **Unknown**: This includes complaints where no category was recorded in the data.

Customer did not attend: The interpreter arrived at the requested location for the service but the customer (as specified by the court or tribunal) did not attend.

Fulfilled: The supplier (Applied Language Solutions) provided an interpreter or translator as requested by the court or tribunal.

Not fulfilled by supplier: The supplier (Applied Language Solutions) has been unable to fill the booking request.

Supplier did not attend: The interpreter was assigned and booked by the supplier (Applied Language Solutions), but failed to attend.

Success rate: This is calculated as the number of completed requests that count as successful supply of the service: specifically, 'Fulfilled' plus 'Customer did not attend', divided by the total relevant completed language service requests excluding those requests cancelled by the customer.

Gender Recognition Certificates

Gender Recognition Certificate (GRC): Issued by the Gender Recognition Panel (GRP), shows that a person has satisfied the criteria for legal recognition in the acquired gender.

Gender Recognition Panel (GRP): The GRP was established under the Gender Recognition Act 2004. Its function is to assess applications from transsexual people seeking to obtain a Gender Recognition Certificate.

Interim GRC: Issued to a successful applicant if he or she is married or in a civil partnership at the time of the application

Tracks: There are two application processes for obtaining a GRC:

Standard track applications are those submitted under the standard application process, on the basis of living permanently in the acquired gender for two years or more.

Overseas track applications are those submitted under the overseas application process, on the basis of having changed gender under the law of an approved country or territory outside the United Kingdom.

Directory of Related Internet Websites on the Courts and Tribunals

The following list of web sites contains information in the form of publications and/or statistics relating to the criminal justice system that may be of interest.

Justice, www.gov.uk/government/organisations/ministry-of-justice/. This site provides information on the organisations within the justice system, reports and data, and guidance.

Details of **Ministry of Justice Statistical and Research publications**, most of which can be viewed on-line, can be found at: <https://www.gov.uk/government/organisations/ministry-of-justice/about/statistics>

For historic publications, see the links to 'earlier volumes in the series' (on Home Office site) on individual publication pages.

Information on the **bodies within the justice system**, such as HM Prison Service, the Youth Justice Board and HM Courts & Tribunals Service can be found at: www.gov.uk/government/organisations#ministry-of-justice/

The **Crown Prosecution Service**, www.cps.gov.uk Gives information on the department and provides particulars in relation to legal guidance/victims and witnesses, in addition to details of publications.

The **Attorney General's Office**, www.attorneygeneral.gov.uk Provides information on the role of the department including new releases; updates; reports; reviews and links to other law officer's departments and organisations.

The **Welsh Assembly Government**, www.wales.gov.uk Gives information on all aspects of the Welsh Assembly together with details of publications and statistics.

The **Scottish Government**, www.scotland.gov.uk Gives information on all aspects of the Scottish Executive together with details of publications and statistics.

Criminal Justice System Northern Ireland, www.nidirect.gov.uk/justice Provides access to the main statutory agencies and organisations that make up the CJS together with details of publications.

UK National Statistics Publication Hub, www.statistics.gov.uk This is the UK's home of official statistics, reflecting Britain's economy, population and society at national and local level. There are links to the Office for National Statistics and the UK Statistics Authority.

Contacts

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General information about the official statistics system of the UK is available from www.statistics.gov.uk

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