



Family Court Statistics Quarterly, England and Wales, Annual 2017 including October to December 2017

Main points

There was almost no change in new cases started in 2017 compared to 2016



There was very little change in the overall number of new cases started in family courts in 2017 compared to 2016, with the fall in divorce numbers cancelling out the increases seen in other case types.

However the most recent quarter is down on previous year



In October to December 2017, number of cases starting in family courts **fell 3%** on the same period in 2016.

After increases seen during 2015 and 2016, steady trend in Public law cases started, but cases disposed up



Over the full year, the number of Public law cases starting in 2017 was **up slightly** (1%) compared to 2016. In contrast, the number of disposals **increased by 6%** to 17,343 reflecting the time lag from application to first order being made.



There was no change in the number of cases started or disposed in October to December 2017 compared to same period in 2016.

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



The average time for a care or supervision case to reach first disposal was **28 weeks** in 2017, **up one week** from 2016. There was also a slight increase (up half a week) in October to December 2017 compared to the same period of 2016.



In 2017, **57%** of cases were disposed of within 26 weeks – **down 5 percentage points** compared to 2016. A similar proportion of cases were disposed of in the latest quarter (56%).

Increase in the annual number of Private law case starts, applications and disposals



The number of Private law **cases started** increased by **5%** in 2017 compared to 2016, and the number of **applications** also increased by 5% over the same period.

For the latest quarter the increase for both was 1% compared to the same quarter in 2016.

		<p>Similarly, the number of Private law cases disposed in 2017 was up 2% on 2016, with the number of disposals also up 2%.</p>
<p>Decrease in the number of divorce petitions and decrees absolute</p>		<p>There were 109,339 divorce petitions made during 2017, down 4% on 2016, and the lowest annual figure recorded in the years reported in FCSQ. Similarly, there were 102,883 Decrees Absolute granted in 2017, down 5% over the same period.</p>
<p>Increase in the number of domestic violence remedy applications and orders made</p>	 	<p>The number of Domestic violence remedy order applications in 2017 increased by 5% compared to 2016, while the number of orders made also increased, by 8% over the same period mirroring the change seen in October to December 2017 from the same period in 2016.</p>
<p>Total number of adoption applications and orders continue overall downward trend, although quarterly volumes are volatile</p>	 	<p>In 2017, there were 5,417 adoption order applications, down 8% on 2016, whilst the number of adoption orders issued also decreased in 2017, by 7% compared to 2016.</p> <p>Across 2017, the quarter on quarter change in adoption orders made has been volatile with the latest quarter showing no change from the same period in 2016, which was the lowest number seen since April to June 2012.</p>
<p>Continued increase in applications and orders made in relation to deprivation of liberty</p>	 	<p>There were 3,955 Deprivation of Liberty (DoL) applications in 2017, up 27% compared to 2016. Similarly, DoL orders were up 81% over the same period reflecting the lag in the process from application to order.</p> <p>There were 1,030 DoL applications in October to December 2017, up 9% on the same period of 2016, and continuing the overall upward trend. The number of DoL orders made almost doubled over the same period.</p>
<p>Continued increase in Lasting Powers of Attorneys (LPAs) received</p>		<p>LPAs received increased by more than a quarter (up 28%) between 2016 and 2017 and by 18% in October to December 2017 compared to the same period in 2016, continuing the long term upward trend seen since beginning of 2015 due to increased publicity and new online forms.</p>

This publication presents statistics on activity in the family courts of England and Wales and provides figures for the calendar year 2017, in addition to the latest quarter (October to December 2017). For further information and technical details, please refer to the accompanying 'Guide to Family Court Statistics'.

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

1. Overview of the Family Court System

Almost no change in the total number of cases starting and concluding in Family Courts between 2016 and 2017 but does depend on case type

There was very little change in the overall number of new cases started in family courts in 2017 (255,330) compared to 2016 (256,105), with the drop in divorce numbers cancelling out the increases seen in other case types.

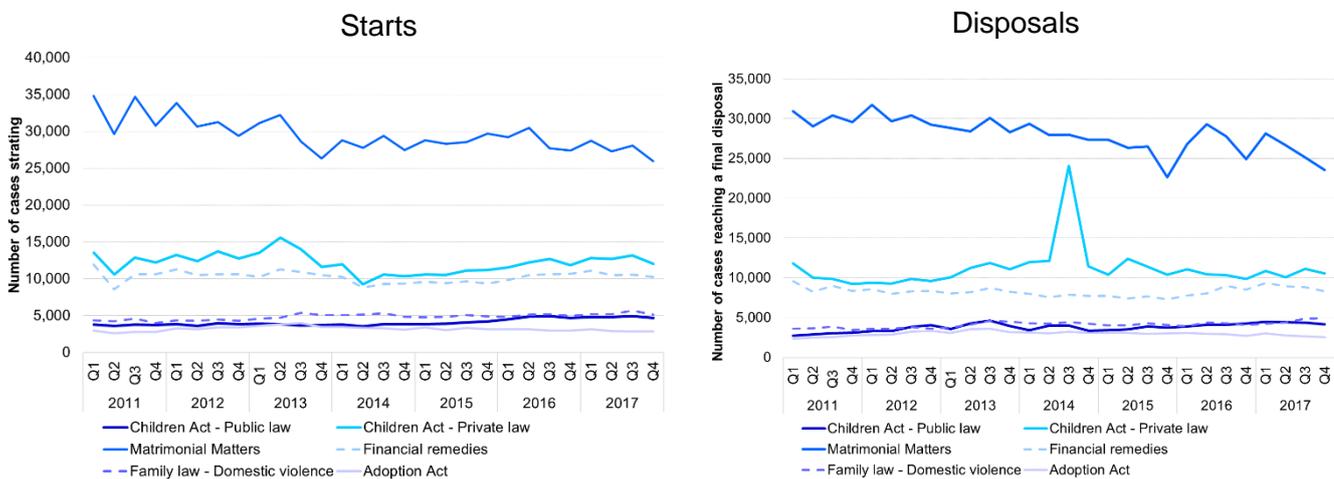
Similarly, there was no change in the number of cases disposed in 2017 compared to 2016, again with a drop in divorces balancing out the increases in the other case types.

Although there was almost no year-on-year change in the number of new cases starting in the family court between 2016 and 2017, there were 60,866 new Family court cases in the most recent quarter (October to December 2017), down 3% on the equivalent period in 2016. This was driven by the fall in the number of new divorce cases - down 5% over the same period.

The different trend for divorce numbers compared to the other case types means that the proportion of new cases within family courts relating to matrimonial matters dropped to 43% for 2017, compared to 45% in 2016 and 47% in 2015.

Although there was no change in the number of cases concluding (reaching a final disposal) between 2016 and 2017, there was a slight fall in the most recent quarter compared to the equivalent quarter of 2016 (down 1%). This was driven by the fall in the number of divorce disposals (down 6%) and adoptions (down 7%).

Figure 1: Cases starting and concluding, by case type, January to March 2011 to October to December 2017 (Source: Table 1)



Timeliness by Case Type

Average time to first disposal varies by case type – Public law cases generally take the longest and in 2011 on average, they took nearly a year to reach a first disposal (50 weeks). Since 2011, this fell steadily and by 2016, almost halved to reach 26 weeks. However, for 2017 the average increased to 27 weeks (up one week). For the latest quarter (October to December 2017), it stood at 28 weeks – the longest average time since the beginning of 2014. The average time for other case types remained stable between 2011 and 2017 (Table 10).

Public and Private law cases – number of parties, and High Court cases

Most Private law cases involve one applicant and one respondent only (Table 6). In contrast, whilst 99% of Public law cases have only one applicant, three quarters involve two or more respondents.

Table 7 shows that 2% of new Public law cases and 1% of new Private law cases were indicated as a High Court case in 2017, unchanged from the previous year and consistent with the long-term trend.

2. Public Law

After increases seen during 2015 and 2016, steady trend in Public law cases started, but cases disposed up

No change in the number of new Public Law applications in most recent quarter compared to same period in 2016.

Over the longer term, the number of Public law cases starting in 2017 was up slightly (1%) compared to 2016, whilst the number of case disposals increased by 6% to 17,343 reflecting the time lag from application to first order being made.

Timeliness for care proceedings increased in 2017

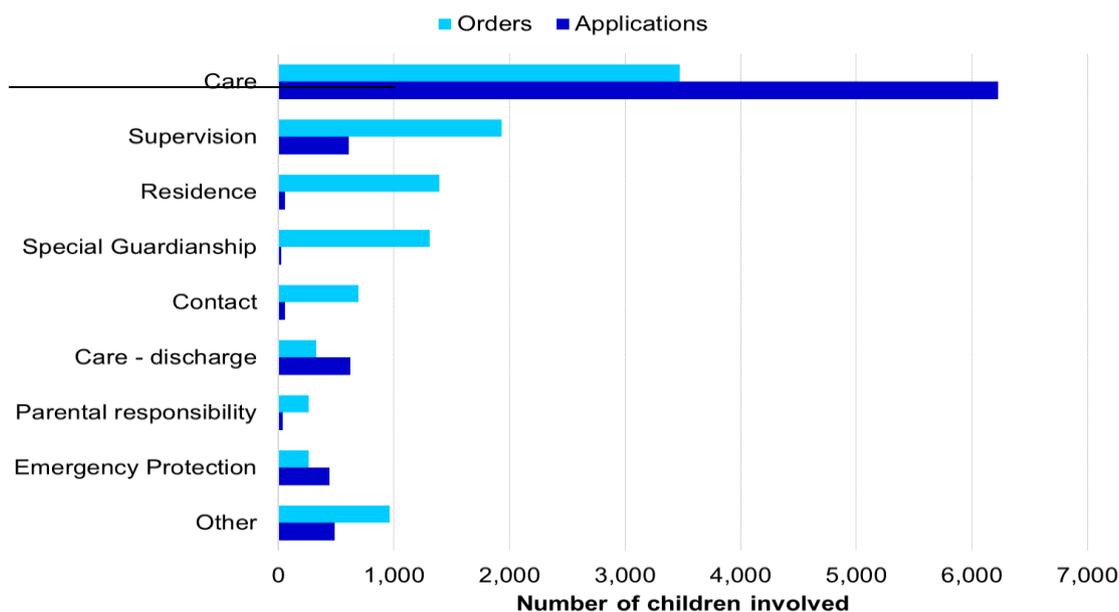
The average time for a care or supervision case to reach first disposal was 28 weeks in 2017, up one week from 2016. 57% of these care proceedings were disposed of within the 26-week limit introduced in the Children and Families Act 2014¹ – down 5 percentage points compared to 2016.

There were 4,900 new Public law applications in October to December 2017, unchanged from the same period in 2016. Similarly, there was little change in the number for 2017 compared to 2016, following increases in the previous two years. In 2017, there were 35,515 children involved in applications, meaning that on average, there were 1.8 children involved in each application.

Although there was a drop in the number of disposals in October to December 2017 compared to the same period in 2016 (down 6%), looking over the longer term, there was a slight increase of 2% to 27,309 in 2017 from 2016, following increases of 10% seen in each of the previous two years.

Figure 2 shows the most common types of Public law orders applied for and made in October to December 2017, illustrating the different pattern between the types of orders applied for and the orders that are given, i.e. an application for one type can result in an order of a different type being made.

Figure 2: Public law applications and orders made, showing the number of children involved in each order type, October to December 2017 (Source: Tables 3-4)



¹ See the accompanying technical guide for more information.

3. Private Law

Increase in the annual number of Private law case starts, applications and disposals

The number of Private law **cases² started** increased by 5% in 2017 compared to 2016, and the number of **applications** also increased by 5% over the same period.

Similarly, the number of Private law **cases disposed** in 2017 was up 2% on 2016, with the number of **disposals** also up 2%.

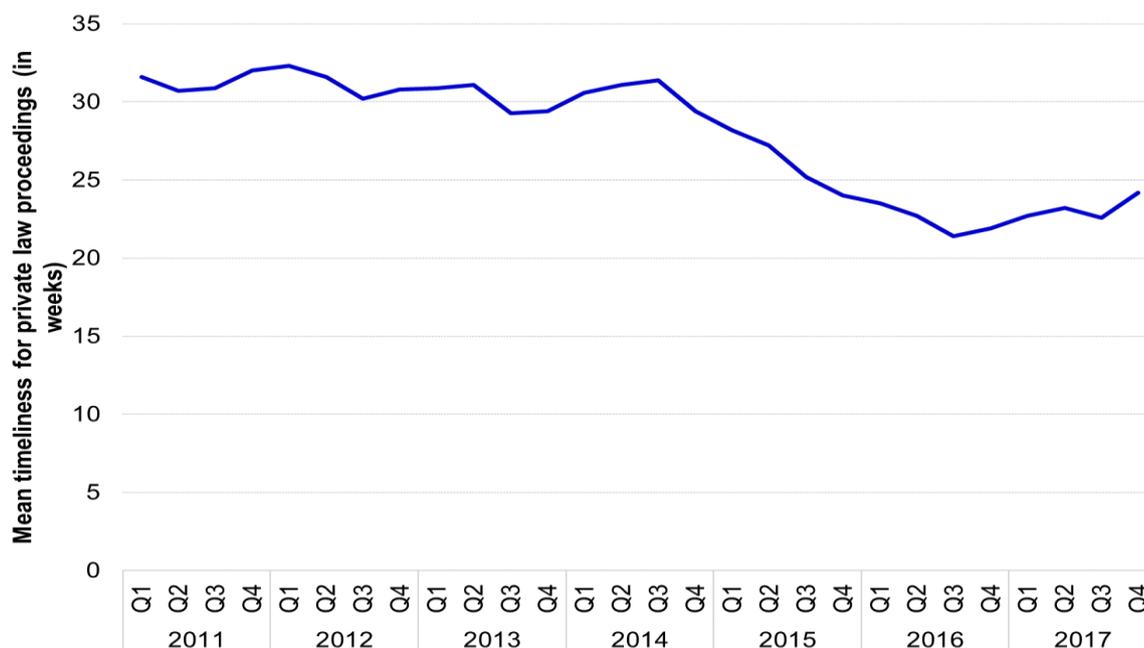
There were 12,315 Private law applications in October to December 2017, unchanged from the equivalent period in 2016. However, for 2017 there was an increase of 5% compared to 2016 continuing the upward trend seen in both case starts and applications following the steep drop in 2014. These applications involved 112,612 children; on average, there were 2.2 children involved in each application.

The number of Private law cases disposed in October to December 2017 was up 7% compared to the same period in 2016, whilst the overall annual change was an increase of 2%, which follows decreases of 25% and 6% seen over the previous two years.

Timeliness of Private law cases

In 2017, it took on average 23 weeks for Private law cases to reach a final order, i.e. case closure, up almost a week compared to 2016. Figure 3 shows that from July to September 2016, there are continued signs of a reversal in the downward trend seen since the middle of 2014.

Figure 3: Private law timeliness from case start date to final order in the family court, January to March 2011 to October to December 2017 (Source: Table 9)



² The Children and Family Court Advisory and Support Service (Cafcass) also publishes (England only) data on the number of private law cases. A comparison of Cafcass and MoJ data and further information can be found in the accompanying guide.

4. Legal representation

Cases with legal representation take longer on average

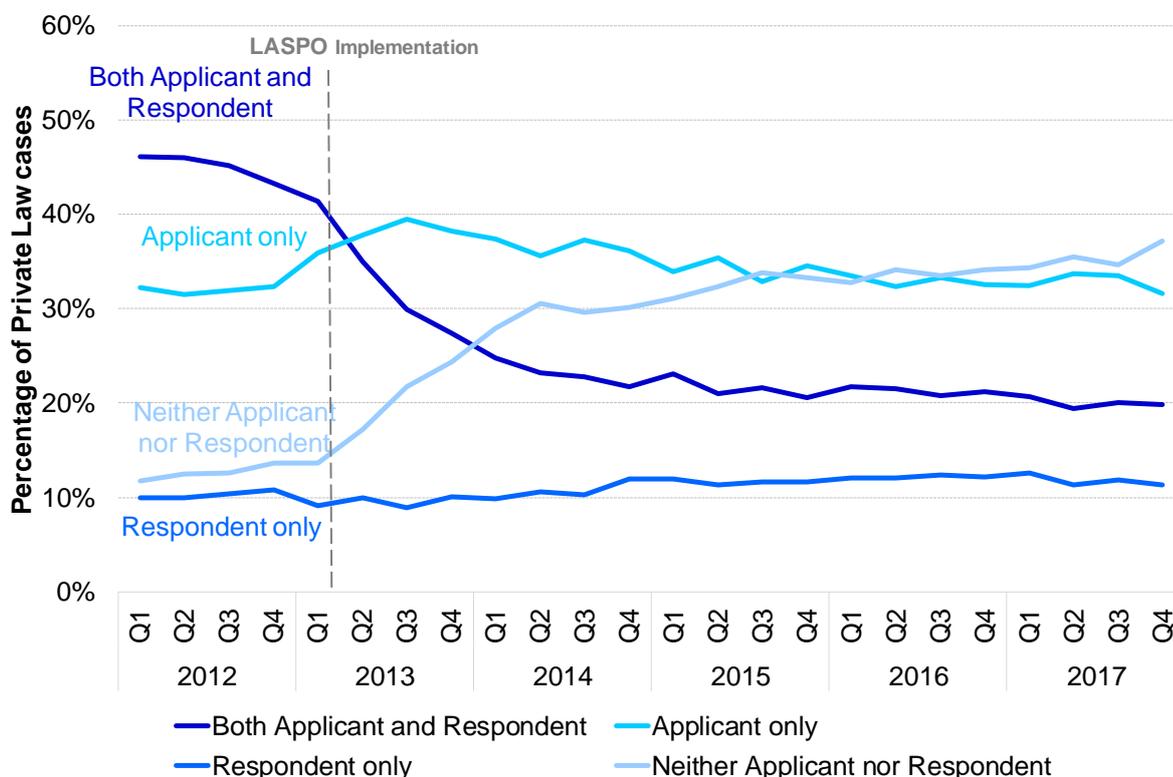
In general, across all family case types, cases where **either both parties** or the **respondent only had legal representation took longer** to be disposed than those cases where only the applicant was represented or where both parties were without legal representation.

The proportion of parties with legal representation in **cases with at least one hearing varies** by case type – from almost 4 out of 5 Public law cases to 3% for adoption cases.

Legal representation in Private law cases

The removal of legal aid for many Private law cases in April 2013 resulted in a change in the pattern of legal representation over time³. In 2017, the proportion of disposals where neither the applicant nor respondent had legal representation was 35%, up 22 percentage points compared to 2012; in contrast, the proportion where both parties had legal representation fell to 20%, down 25 percentage points over the same period (Figure 4). The latest quarter shows an increase in the proportion of disposals where neither the applicant nor respondent had legal representation to 37%, the highest recorded, which was largely offset by a drop in the proportion of disposals where only the applicant had legal representation.

Figure 4: Proportion of private law disposals by type of legal representation of the parties, January to March 2012 to October to December 2017 (Source: Table 10)



The change seen in the pattern of legal representation is also demonstrated in Private law cases with at least one hearing where the proportion of parties with legal representation dropped from 59% in 2012 to 35% in 2017 (Table 11).

³ Please see the accompanying guide for further details.

5. Divorce

The number of divorce petitions has decreased, with timeliness remaining stable

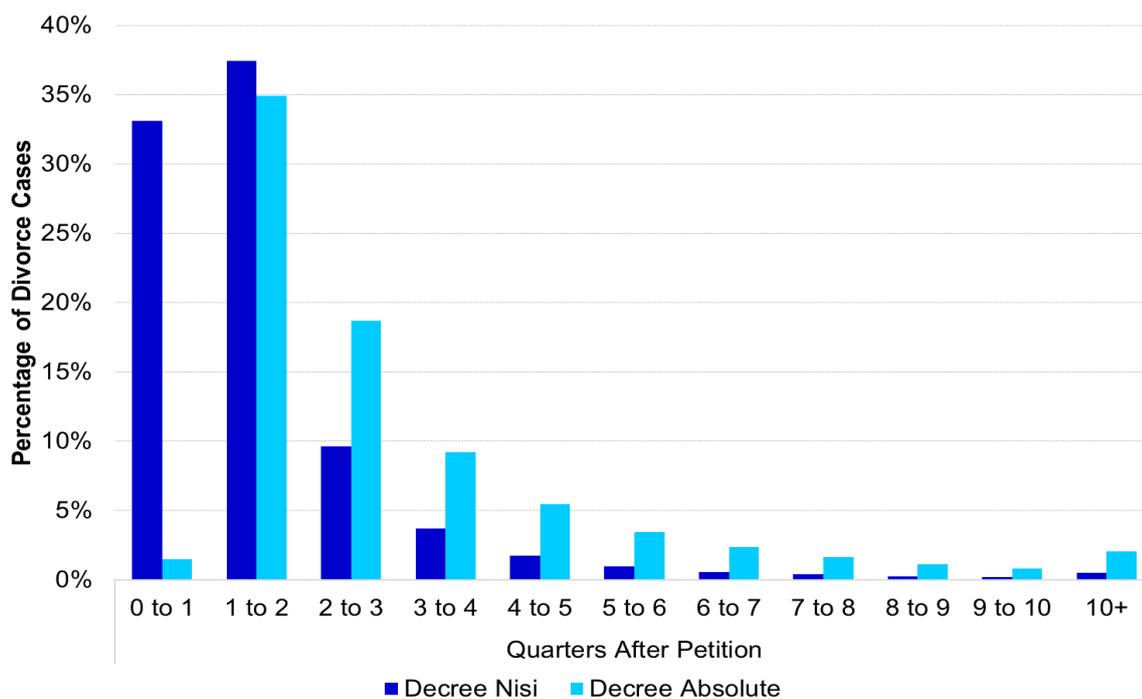
Divorce petitions were down by 4% in 2017 compared to 2016, whilst the average time to decree nisi and decree absolute remained steady at 24 and 49 weeks respectively.

There were 25,776 divorce petitions made in October to December 2017, down 5% on the same quarter of 2016. For 2017 there were 109,339 divorce petitions made, down 4% from 2016, and the lowest annual figure recorded in the years reported in FCSQ (Table 12).

For those granted Decrees Nisi in 2017, the average time from the date of petition was 24.1 weeks, whilst the average time from petition to Decree Absolute was 49.1 weeks, both maintaining the recent steady quarterly and annual trends.

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

Figure 5: Percentage of divorce cases started between Q1 2011 to Q4 2017 reaching Decree Nisi or Decree Absolute, by the number of quarters since petition (Source: Table 14)



One-third (33%) of divorce petitions made between 1 January 2011 and 31 December 2017 reached Decree Nisi in the first quarter after the petition was made, with just over a further third (37%) reaching this stage within the second quarter. Over half (55%) of the petitions reached Decree Absolute within three quarters after petition (1% in the first quarter, 35% within 1 to 2 quarters and 19% within 2 to 3 quarters).

6. Financial remedy

Slight change in the number of financial remedy applications and disposals

Number of financial remedy applications was down 1% in 2017 compared to 2016, while disposals were up 4% over the same period.

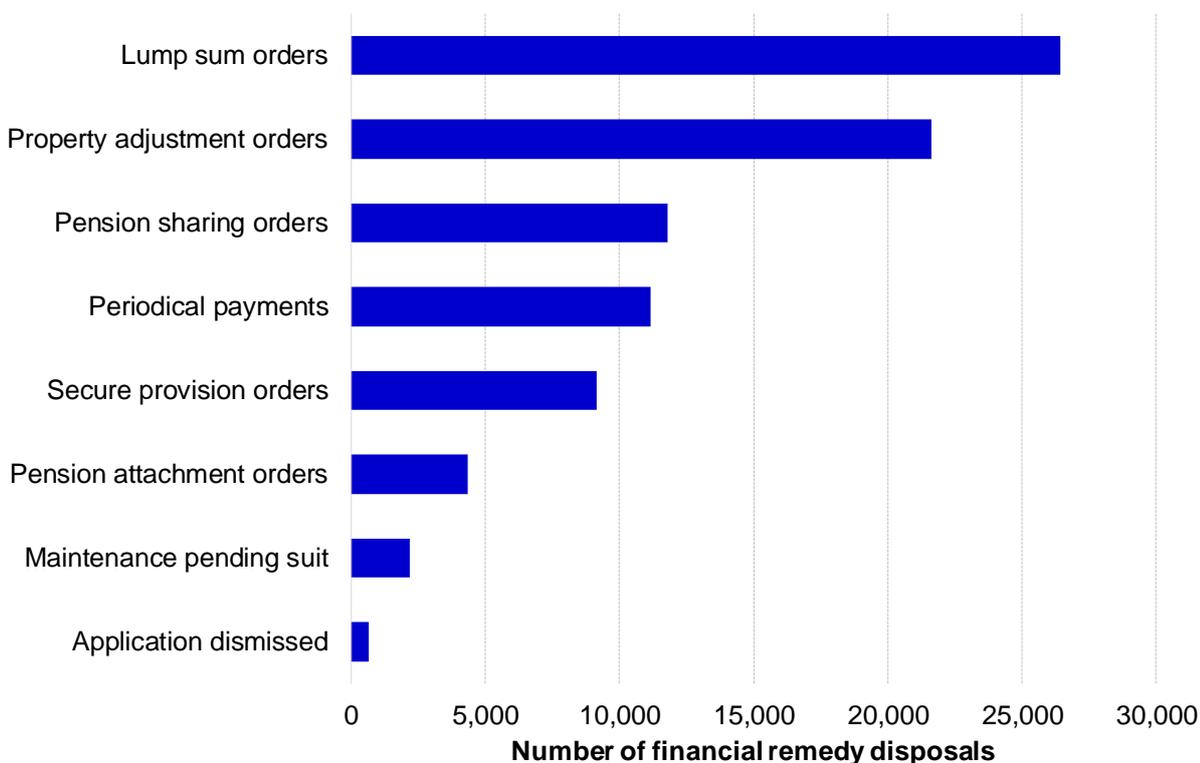
Between October to December 2016 and the same period in 2017, applications and disposals fell by 7% and 2% respectively.

There were 11,050 financial remedy applications in October to December 2017, down 7% compared to the same period in 2016. The overall number for 2017 also fell although to a lesser extent, down 1% compared to 2016 maintaining the increase in volume seen between 2015 and 2016 (Table 15).

Although the number of financial remedy disposals was down slightly in October to December 2017 compared to the same period of 2016 (by 2%), for 2017 overall there was an increase of up 4% compared to 2016, which also continued the upward trend seen from 2015. During 2017, 70% of disposals were uncontested, 21% were initially contested and 9% were contested throughout.

In 2017, lump sum and property adjustment orders were the most common types of order given, accounting for over half (55%) of all financial remedy disposal types (Table 16 and Figure 6).

Figure 6: Financial remedy disposals, by type, 2017 (Source: Table 16)



7. Domestic violence remedy orders

Increase in number of domestic violence remedy order applications and orders

In 2017, the number of applications was up 5% compared to 2016, whilst the number of orders made was also up 8% over the same period.

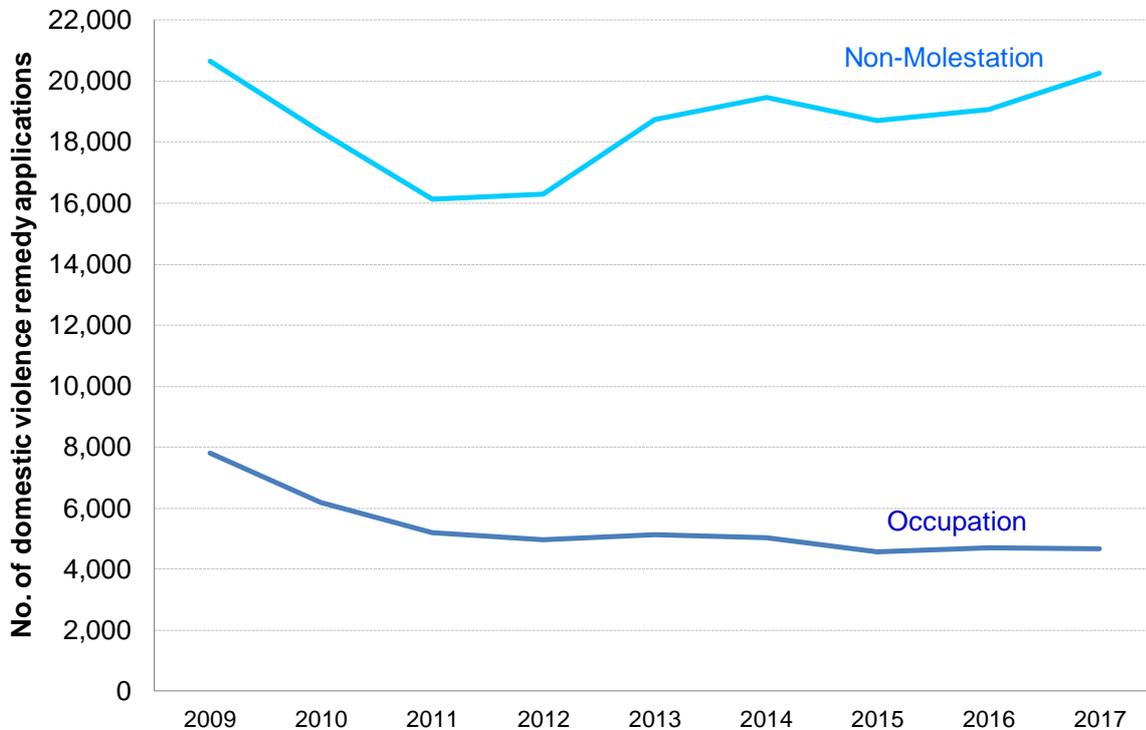
A similar pattern was also seen in the most recent quarter (October to December 2017) compared to the same period in 2016 – applications and orders were up by 3% and 9% respectively.

In October to December 2017, there were 6,014 applications made for a domestic violence remedy orders, up 3% on the equivalent quarter in 2016. For 2017 the total figure was 24,912 applications, a 5% increase on 2016, continuing the long-term upward trend seen since 2011 and the highest figure since the peak in 2009 (Table 17). The majority of applications were for non-molestation orders (81%) compared to occupation orders (19%).

There were 6,961 domestic violence remedy orders made in October to December 2017, up 9% on the same period of 2016. Similarly, over the full year, there was an 8% increase between 2016 and 2017, with the largest number of orders made since 2006. Of those orders made in 2017, 91% were non-molestation orders and 9% were occupation orders.

Figure 7 below shows that the upward trend in applications is driven by the increase in non-molestation order applications, whilst applications for occupation orders has been relatively stable since the downward trend seen to 2013.

Figure 7: Applications for domestic violence remedy orders, January to March 2009 to October to December 2017 (Source: Table 17)



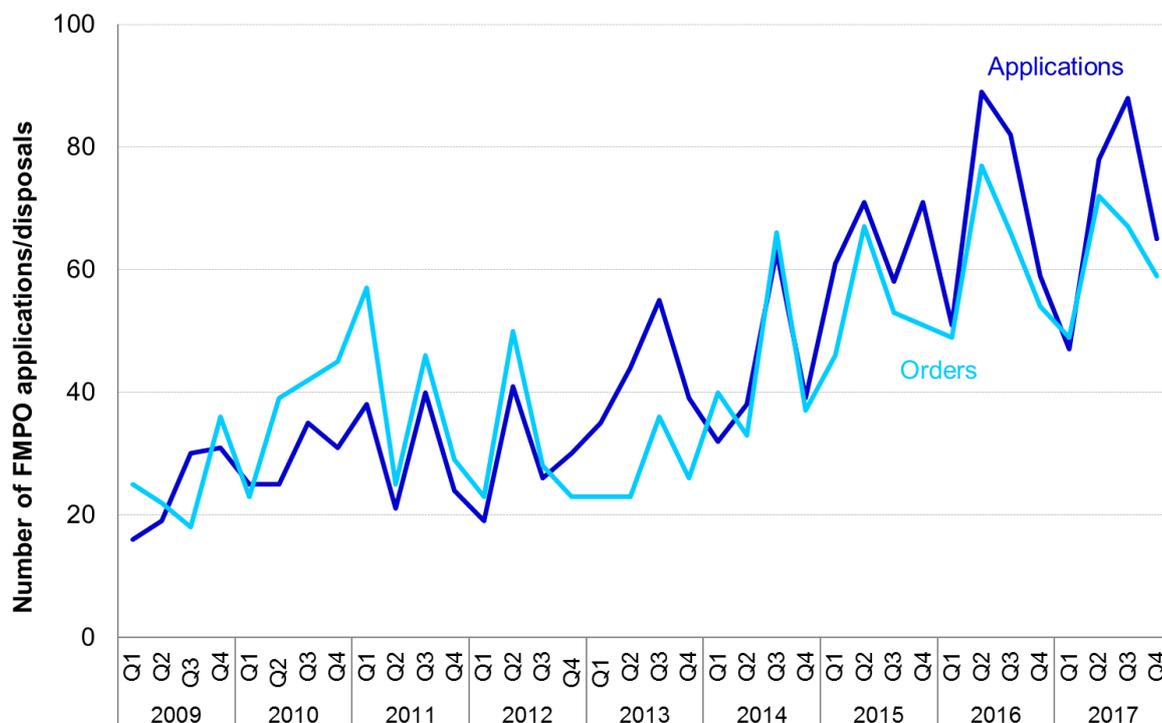
8. Forced Marriage Protection Orders and Female Genital Mutilation Protection Orders

General upward trend in the number of forced marriage protection orders and female genital mutilation protection orders.

The number of applications and orders made for Forced Marriage Protection Orders (FMPOs) is very small. Consequently, as Figure 8 shows, numbers fluctuate each quarter but overall there has been a general upward trend since their introduction in November 2008, although levelling off in 2017, when there were 278 applications and 247 orders made (Table 18). Of those applications, 68% of the applicants were aged 17 and under, compared to 30% aged over 17.

In the most recent quarter (October to December 2017), there were 65 applications and 59 orders made.

Figure 8: Applications and orders made for Forced Marriage Protection Orders, January to March 2009 to October to December 2017 (Source: Table 18)



As with FMPOs, the number of applications and orders made for Female Genital Mutilation Protection Orders (FGMPOs) is very small with only 101 and 109 made respectively in 2017 (Table 19) – in the most recent quarter (October to December 2017), there were 17 applications and 26 orders made. In total, there have been 222 applications and 205 orders made up to the end of December 2017 since their introduction in July 2015.

9. Adoptions

Number of adoption applications and orders continues downward trend

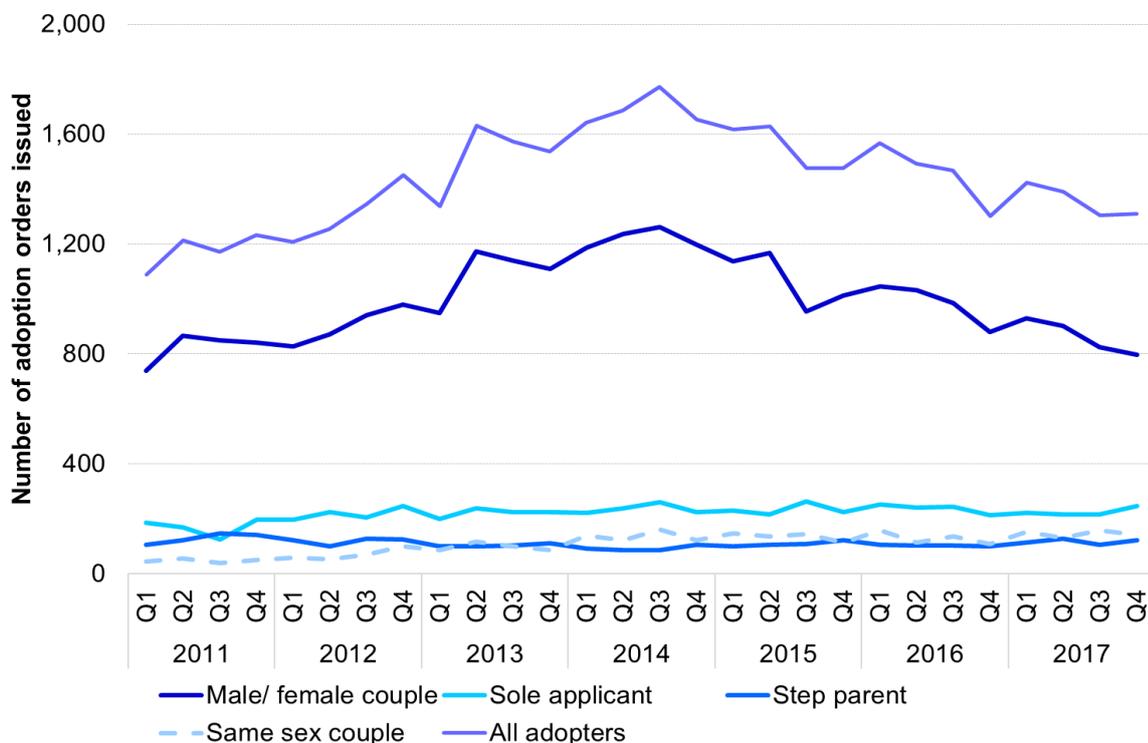
During 2017, there were 5,417 adoption order applications made, down 8% from 2016. Similarly, the number of adoption orders issued also dropped to 5428 (down 7%) over the same period. This continues the downward annual and quarter on quarter trend seen in applications made and orders issued since 2014 (Tables 20 and 21).

There were 2,861 applications under the Adoption and Children Act 2002, which include placement orders, during October to December 2017, down 4% on the same quarter in 2016. This level of decrease is also seen for 2017 overall, and continues the downward trend seen since 2013 (Table 20).

Similarly, disposals dropped 7% in October to December 2017 compared to the same period of 2016, and annually have been on a downward trend since 2013, to 11,007 disposals in 2017.

Figure 9 below shows the trend of adoption orders by the type of adopter. During 2017, 61% of all adoption orders were issued to male/female couples, 18% to sole applicants, 11% to same-sex couples and a further 9% to step-parents.

Figure 9: Adoption orders issued, by adopter, January to March 2011 to October to December 2017 (Source: Table 21)



10. Mental Capacity Act - Court of Protection

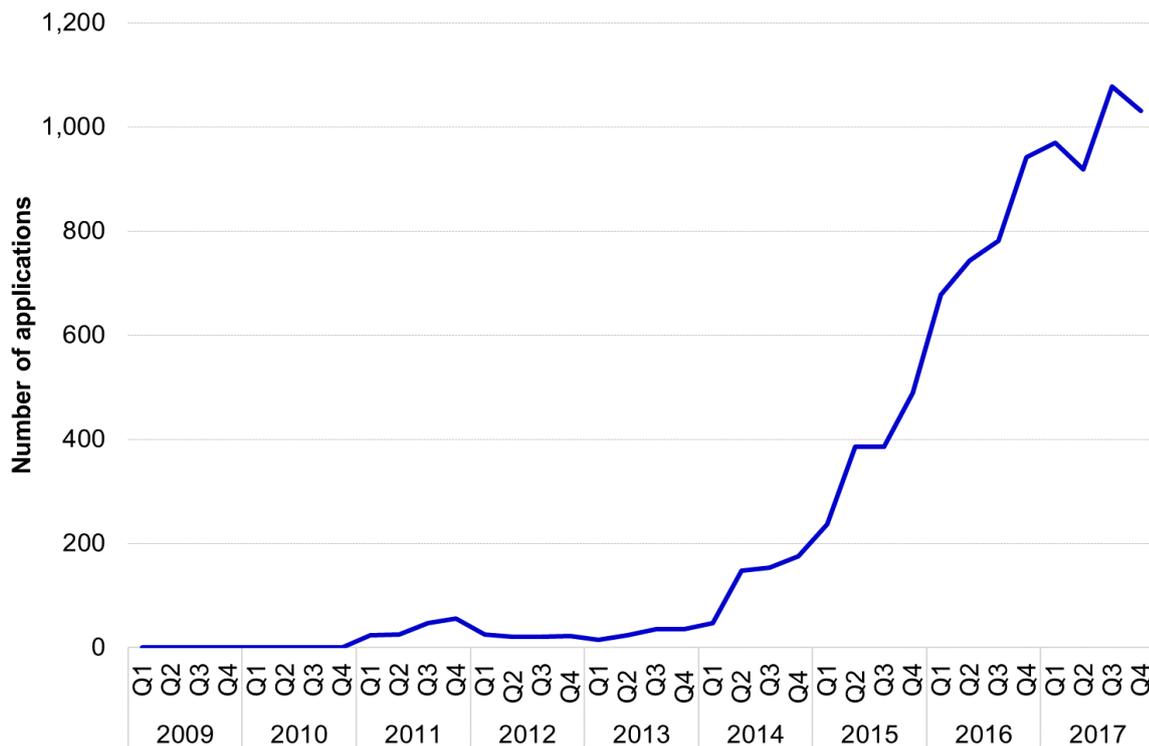
Continued increasing trend in applications and orders made in relation to deprivation of liberty

There were 3,995 applications relating to deprivation of liberty made in 2017, up 27% on 2016. Deprivation of liberty orders made also rose over the same period by 81%.

There were 1,030 Deprivation of Liberty (DoL) applications in October to December 2017, up 9% on the same period of 2016, and continuing the overall upward trend (Table 22). The number of DoL orders made almost doubled over the same period. The upward trend in orders made follows that of applications, albeit lagged to reflect the time it takes to progress an application through to an order made (Table 23).

Annual figures on the number of Deprivation of Liberty applications by Local Authority are presented for the first time in a new csv file accompanying this bulletin.

Figure 10: Deprivation of Liberty applications, January to March 2009 to October to December 2017 (Source: Table 22)



In October to December 2017, there were 7,840 applications made under the Mental Capacity Act 2005 (MCA), up 10% on the same quarter for 2016. Similarly, there was a 5% increase in 2017 compared to 2016, continuing the upward trend seen since 2009. Half of those applications in 2017 related to applications for appointment of a property and affairs deputy (Table 22).

In comparison, there were 38,945 orders made under the MCA in 2017, an increase of nearly 50% on 2016. Similarly, the number of orders made in the latest quarter (October to December 2017) was up 50% compared to the equivalent period in 2016. The annual

increase has been driven by a clearance of outstanding cases during the first quarter of 2017, and volumes have increased generally due to improved recording of orders made by regional courts. Over a third (40%) of the orders made in 2017 related to the appointment of a deputy for property and affairs (Table 23).

11. Mental Capacity Act - Office of the Public Guardian

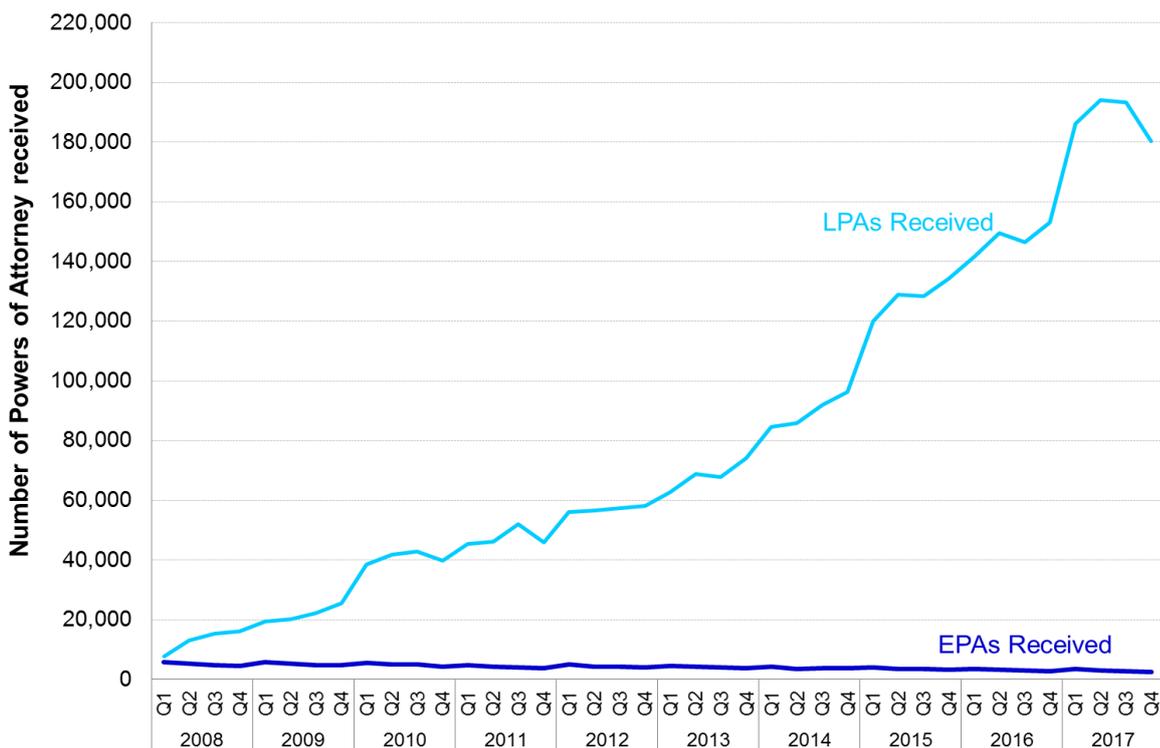
Continued increasing long term trend in Lasting Powers of Attorneys (LPAs)

LPAs received increased by 18% in October to December 2017 compared to the same period in 2016; and by more than a quarter (up 28%) between 2016 and 2017

There were 180,210 Lasting Powers of Attorney (LPAs) received in October to December 2017, up 18% on the equivalent quarter in 2016. Overall for 2017, the increase from 2016 to 2017 was 28%, maintaining the strong long term upward trend, despite the drop in the two most recent quarters (Table 24). The increase seen in recent years is largely due to increased publicity and new online forms which were introduced in July 2015 making it simpler and faster to apply for LPAs.

There were 2,552 Enduring Powers of Attorney (EPAs) in October to December 2017, down 5% on the same quarter in 2016. Annually, there was also a decrease of 7% in 2017 compared to 2016, continuing the long-term downward trend.

Figure 11: Powers of attorney received, January to March 2008 to October to December 2017 (Source: Table 24)

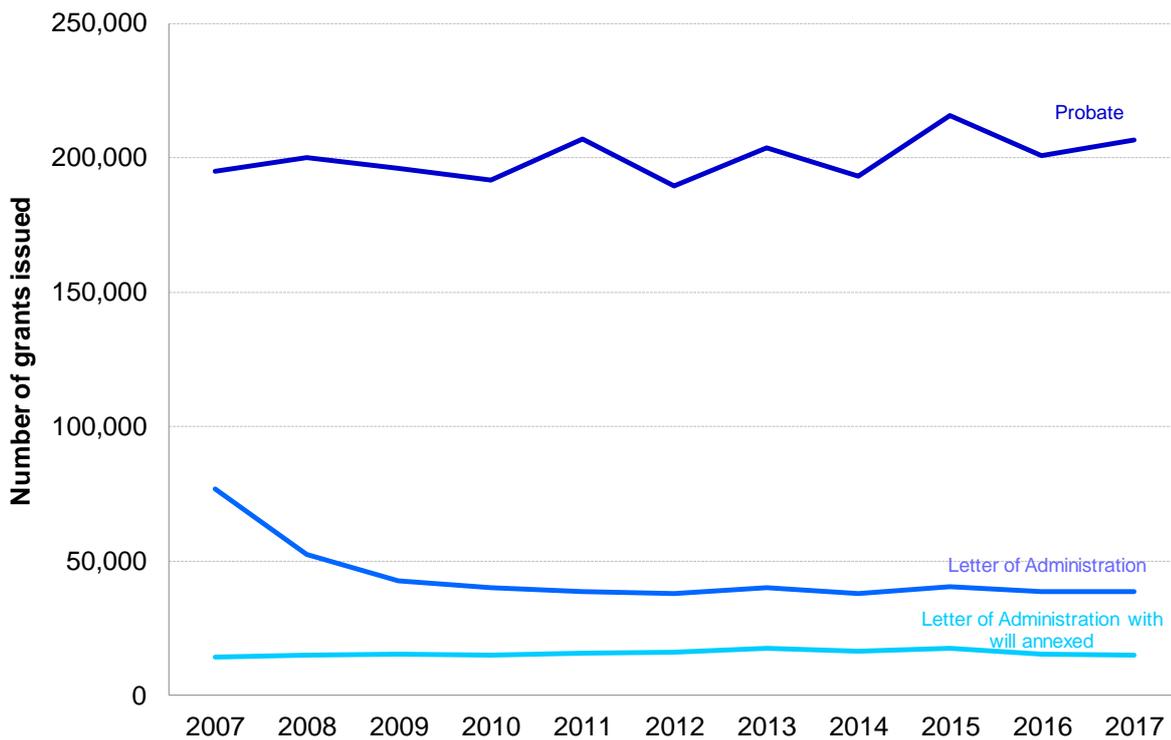


12. Probate Service

Over a quarter of a million grants of representation were issued in 2017, up slightly (2%) on the previous year (Table 27). As Figure 12 shows, probate grants make up the majority (around 80%) of all grants made.

In 2017, 62% of the applications were made by solicitors and 38% were personal applications (Table 26).

Figure 12: Grants of representation issued by the Probate Service, 2007 to 2017
(Source: Table 27)



When a probate case is contested, the Chancery Division of the High Court deals with the matter. In 2017, there were 80 contested probate cases, similar to the number seen in 2016 (77 cases).

Further information

The data presented in this publication are from live administrative databases. Therefore, previously published data are liable to be updated in the latest bulletin, following any further data cleaning or the incorporation of additional cases not available in the extracts used to produce previous bulletins.

Accompanying files

As well as this bulletin, the following products are published as part of this release:

- A technical guide providing further information on how the data is collected and processed, as well as information on the revisions policy and legislation relevant to family court and background on the functioning of the family justice system
- A set of overview tables and CSV files, covering each section of this bulletin
- A family court statistics visualisation tool available at <https://public.tableau.com/profile/moj.analysis#!/vizhome/FamilyCourtStatisticstool2017Q4/Frontpage>.
- An additional Statistical Notice accompanying the first analytical output from the Children in Family Justice Data Share: the Public Law Applications to Orders (PLATO) Tool – a new data visualisation tool presenting analysis of regional trends and patterns in the applications and orders made for public law cases available at:
<https://public.tableau.com/profile/moj.analysis#!/vizhome/ChildreninFamilyJusticePublicLawApplicationstoOrdersTool/FrontPage>

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Next update: 28 June 2018

URL: <https://www.gov.uk/government/collections/family-court-statistics-quarterly>

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