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London  
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Your ref: CAF 15-159  
Our ref: Gov/CAF 15-159

Tel 0300 456 4000

7 October 2015

## Re: Freedom of Information Request

Thank you for your email of 10 September 2015. You made the following requests for information:

### 1. Total number of parental order applications since 2001;

Please see the table below for the number of parental order applications recorded by the Cafcass case management systems which were received by Cafcass in England. Information is not held before 2005, and is not considered a reliable source prior to 2008 with the introduction of our case management system (please see more details on the data sources below).

Please note the following points about the data:

- Parental Order applications listed here are based on the following application types received in England: Parental Order (s54 HF&E), Parental Order (s30 HF&E) and Human Fertilisation and Embriology Act.
- Totals are based on the date the application was received (by calendar year from January - December).
- Please note that there may be some margin of human error in the data entry. The data sources are:
  - ECMS: ECMS is a live system, continually updated and is subject to change when further updates are made; it was introduced on 11 July 2014.
  - CMS: Prior to July 2014, information is taken from CMS (Case Management System) which was introduced national in 2007-08; data from CMS is a static snapshot on the day it ceased to be a live database, 11th July 2014.
  - Legacy: Data prior to 2007-08 is from manual recording and legacy databases.

Year	Number of parental order applications received
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2005	44
2006	52
2007	55
2008	67
2009	58
2010	96
2011	131
2012	149
2013	167
2014	229
2015 (Jan - Aug)	220
<b>Total</b>	<b>1268</b>

2. Total number of parental order applications involving international surrogacy arrangements (overall total from 2001-2015 and annual totals);
3. Total number of parental order applications involving domestic surrogacy arrangements (overall total from 2001-2015 and annual totals);

Please see below for the number of parental order applications received by Cafcass broken down by type of surrogacy arrangements.

- Please note that this is not specifically recorded on our system, so this data is determined by the female respondent's address; where the gender of the female is not recorded or the respondent is not listed, this data is not available.
- Please note that applicant and respondent distinction was introduced nationally in April 2010. Therefore cases received prior to this may not have applicant/ respondent information logged.

Year	International Surrogacy	UK Surrogacy	Unknown/ unavailable data
2005	n/a	n/a	44
2006	n/a	n/a	52
2007	n/a	n/a	55
2008	1	8	58
2009	1	7	50
2010	13	56	27
2011	29	83	19
2012	37	92	20
2013	68	89	10
2014	89	107	33
2015 (Jan - Aug)	107	76	37
<b>Total</b>	<b>345</b>	<b>518</b>	<b>405</b>

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4. Total number of intended parents in same-sex relationships (overall total from 2010-2015 and annual totals);
5. Total number of intended parents in heterosexual relationships (overall total from 2001-2015 and annual totals);

Please see below for the number of parental order applications received by Cafcass broken down by gender of applicants.

- The requested information is not specifically recorded on our system, so a same sex couple application is determined where two or more applicants are the same gender. A heterosexual couple application is determined where two or more applicants are of different gender.
- Please note that applicant and respondent distinction was introduced nationally in April 2010. Therefore cases received prior to this may not have applicant/ respondent information logged.

Year	Same Sex Couples	Heterosexual couples	Gender not known
2005	n/a	n/a	44
2006	n/a	n/a	52
2007	n/a	n/a	55
2008	0	12	55
2009	0	10	48
2010	1	92	3
2011	2	129	
2012	5	144	
2013	15	152	
2014	56	172	1
2015 (Jan - Aug)	55	165	
<b>Total</b>	<b>134</b>	<b>876</b>	<b>258</b>

6. Figures relating to the relationship status of the surrogate (married, civil partnership or single);

This information is not recorded centrally by Cafcass. In order to provide a response, each case file would need to be checked individually.

This has been done as part of a [research project on applications for Parental Orders made in 2013/14](#) in five areas: the proceedings; the work of the Parental Order Reporter (POR); the surrogacy arrangements; the applicants (commissioning parents); and the surrogate. This is available on [our website's research pages](#).



However, it is not possible to respond to this request via Freedom of Information. In our estimation the cost (a flat rate of £25 per hour provided by the FOI Act) would exceed the appropriate limit which is 18 hours for Cafcass, in order to complete one or more of the following activities permitted to be accounted for, which are:

- Determining whether the information is held;
- Locating the information, or a document containing it;
- Retrieving the information, or a document containing it; and
- Extracting the information from a document containing it.

A response to this request is therefore exempt under Section 12 of the Freedom of Information Act.

[12 Exemption where cost of compliance exceeds appropriate limit.](#)

1. *Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.*
2. *Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit. .*
3. *In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases. .*
4. *The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority— .*
  - (a) *by one person, or*
  - (b) *by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,**the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.*
5. *The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.*

7. [Any information available about payments made to surrogates by intended parents.](#)

As with question 6, this information is not collected centrally and cannot be reported on without looking at the individual case records which would exceed the reasonable cost of compliance for Freedom of Information requests. However, it is set out for 2013-14 data in the above mentioned [parental order application research](#).



We hope that you feel your question has been answered effectively. If you are unhappy with the decisions made in relation to your request, you may ask for an internal review to be undertaken. If you are dissatisfied with the way the internal review is handled or with the final decision made at that review about the information released, you are free to contact the Information Commissioner's office ([www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)):

**Post**

Information Commissioner's Office  
Wycliffe House, Water Lane,  
Wilmslow,  
Cheshire  
SK9 5AF

**Fax**

01625 524 510

**Tel**

0303 123 1113

**E-mail**

[casework@ico.org.uk](mailto:casework@ico.org.uk)

Yours sincerely,

Governance Team

Cafcass

[Governance@cafcass.gsi.gov.uk](mailto:Governance@cafcass.gsi.gov.uk)

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Cafcass, the Children and Family Court Advisory and Support Service, is a non-departmental body of the Ministry of Justice  
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