



Ministry
of Justice

HMCTS Reform Digital Services Evaluation Overarching Report

Frontier Economics, IFF research and

Ministry of Justice

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1. Executive Summary

1.1 Introduction

The HMCTS (HM Courts and Tribunals Service) Reform programme aimed to bring modern technology and new ways of working to the courts and tribunals system to better ensure it is just, proportionate, and accessible. The digitalisation of services aimed to enable public users and legal professionals to start and manage cases digitally, using centralised and automated processes. This was intended to reduce time, effort, and cost, leading to improved access to justice.

Frontier Economics and IFF Research conducted a process and impact evaluation¹ of the digitalisation of seven Civil, Family, and Tribunals (CFT) services: damages, divorce, family public law (FPL), financial remedy (FR), Online Civil Money Claims (OCMC), probate, and Social Security and Child Support (SSCS).

This report presents overarching findings from across these services. It draws on a range of evidence from across these services to draw wider conclusions about the implementation and effectiveness of digitalisation. Supplementary reports are being published alongside this overarching report, detailing findings for individual services.

This study contributes to a wider evaluation of the Reform programme² being undertaken by the Ministry of Justice (MoJ) and HMCTS.

1.2 Objectives and approach

1.2.1 Objectives

This evaluation aimed to understand:

- who is using the new digital services, and to what extent.

¹ Impact evaluations aim to understand whether, how, and why an intervention makes a difference to outcomes. Process evaluations aim to understand how the intervention was implemented, what worked well and less well, and what improvement could be made to delivery.

² [HMCTS Reform Overarching Evaluation: Research - GOV.UK](#)

- lessons from the implementation of digitalisation in these services.
- how users are experiencing the digitalised CFT services.
- what outcomes are associated with the CFT service digitalisation, and how these contribute to a justice system that is proportionate, accessible, and just.

1.2.2 Methodology

Evaluation design

The impact evaluation took a Theory-based approach, using Contribution Analysis, supplemented by analysis of protected characteristics questionnaires (PCQs) where available. It assessed whether Reform and/or other factors credibly contributed to any observed changes in outcomes.

The process evaluation drew on primary evidence to understand different user groups' experiences of reformed services and identify potential improvements.

The evaluation used data extracted from HMCTS systems for analysis of service use, case management outcomes and disposals; surveys with 4,595 public users and 2,297 legal professionals; and 142 interviews with public users, legal professionals, judiciary, and staff from HMCTS and other agencies.

Limitations

Main limitations to consider when interpreting the study's findings include:

- Limited comparability of pre- and post-reform data (notably FR and SSCS). Pre-reform data was not available for analysis in OCMC and probate.
- Differences in timing roll-out of service and new case management systems meant data sources did not align with service roll-out in some areas.
- Limitations in PCQ data mean caution should be used when comparing apparent demographic differences between users of different services.
- Limitations in the evidence meant identified explanations for outcomes (notably in financial remedy, OCMC, probate, and SSCS) were not exhaustive.

1.3 Summary of Findings

1.3.1 Cross-cutting impact evaluation

Access to the formal justice system and timely access to a hearing or decision

Overall, there is **evidence that digitalisation has contributed to improved access to the formal justice system and the speed of access to a hearing or a decision**. Public users reported across services that the digital service was easy to use, which was reflected in high levels of uptake. In services where digital services were integrated with wider processes throughout the case, journey speed of progress also improved. A proportion of cases, usually the more complex cases, remained on paper, suggesting a continuing need to retain the paper channel for these cases.

Several other factors are also likely to have contributed to these improvements. Improvements in **digital capability and confidence, accelerated by the COVID-19 pandemic, and making service use mandatory for professional users**, are particularly likely to have made substantive contributions alongside reform.

Reducing error

Evidence was mixed on digital reform in general leading to reductions in user and administrative errors. **Any contribution by reform is likely to be specific** to the features, context, and implementation of individual services.

Outcomes for different groups

The limited PCQ evidence available **did not identify any general barriers to using digital services**. However, there was some indication (in probate, SSCS and OCMC) of barriers for users whose main language was not English or Welsh.

1.3.2 Cross-cutting process evaluation

Implementation and overall experience

Public users generally had positive experiences of reformed services and overall were more satisfied than professionals. While professionals generally

believed reforms had led to improvements, they found the initial implementation period difficult. Their experience however broadly improved over time.

Barrier and enablers, errors, and consistency

While public users of the reformed systems reported no specific major barriers to access, **overall the evidence did show challenges where services did not cover the full journey or all case types.** In some cases, this led to frustration or the use of workarounds by users. Some public users experienced errors in their case, and professionals had challenges avoiding or correcting these. Professionals felt reforms were consistent with legacy processes, although some highlighted risks where unrepresented users did not have the same access to information as them. Judges generally felt reforms had increased the administrative burden on them.

All user groups identified areas for further improvement.

1.3.3 Service level evaluations

Detailed findings for individual services are published separately in supplementary documents.³ Some headline findings for each service are:

- **Probate:** reform, alongside other drivers, contributed to more timely access to justice for public users, and to a greater extent for professional users. Public and professional users generally found the digital process easy.
- **Divorce:** reform made the service more accessible and efficient for public users. Other factors, like mandation, contributed to uptake by professionals. Difficulty filing documents online increased burden on professionals.
- **FR:** reform, particularly digitalising supporting processes, contributed to quicker case resolution overall. Mandatory use of the system contributed to increased uptake. Some users reported moving cases to paper due to functionality gaps.
- **FPL:** reform contributed to more accessible services for users, but with limited contribution to quicker access to justice. HMCTS staff were generally positive,

³ Available at [HM Courts & Tribunals Service Reform: Digital Services Evaluation - GOV.UK](#)

but other users reported technical issues drove their communication off the system.

- **SSCS:** mixed evidence of contribution to uptake, more likely driven by the pandemic, and little evidence of contribution to improved timeliness. Public users found using the service easy, while tribunal members felt it increased burden.
- **OCMC:** reform contributed somewhat to improved access, and improved timeliness overall. Public users were generally satisfied, but professionals felt reform imposed additional barriers by not covering the process end-to-end.
- **Damages:** reform contributed to limited improvements in access to justice. Initially high uptake declined as users experienced issues and increased time for case progression. Users described finding workarounds to avoid delays.

1.4 Wider lessons

Drawing on the administrative data, surveys, and interviews across seven different services, it is possible to draw some wider inferences and lessons on digitalisation.

- **Digital services should cover the whole journey where possible and be joined up with wider processes to work most effectively.** Not being able to complete a case fully online can deter take up and lead to administrative inefficiencies, while integrating online portals and offline channels with back-end case processing supports more effective services.
- **Digitalisation alone cannot be relied upon to automatically reduce errors.** Where reducing error is an objective, this may require context-specific design rather than a one size fits all approach.
- Many professionals tend to wait until service use is mandatory, but **some may still revert to offline or other channels if a mandatory service does not meet their needs.** Covering whole case journeys and incorporating feedback loops and extensive training during early rollout, help to support effective and sustained take-up.

2. Introduction

HM Courts and Tribunal Service (HMCTS) is an executive agency of the Ministry of Justice (MoJ). It is responsible for the courts and tribunal system in England and Wales and non-devolved tribunals in Scotland and Northern Ireland.

In 2016, HMCTS launched a reform programme to bring modern technology and new ways of working to the courts and tribunals system to better ensure it is just, proportionate and accessible. The reform programme was large and complex, comprising more than 40 separate projects (as of April 2024) to be delivered across multiple years, involving an investment of over £1.3 billion.⁴ The programme formally completed in March 2025.

Digitalisation aimed to enable public users and legal professionals to start and manage cases digitally, using centralised and automated processes. This was intended to reduce time, effort and cost, leading to improved access to justice.

Table 1 lists the Civil, Family and Tribunal (CFT) services that underwent digitalisation⁵ that are the focus of this report, which brings together the findings of evaluations across all seven services. Some services are only available to some groups, set out below. Detailed findings for each individual service are published separately in supplementary service-level evaluation reports.

Table 1: Services included in this evaluation and relevant user groups

Jurisdiction and Service	Public users	Legal professionals	Judicial office holders	HMCTS staff	Other professionals
Civil					
Damages		X	X	X	

⁴ [HMCTS Reform Overarching Evaluation: Research - GOV.UK](#)

⁵ Digital reform also includes digitalisation of Crime, Private Family law, Adoption, Employment Tribunals, Criminal Injuries Compensation and Immigration and Asylum Chamber (IAC) services. Most of these are being evaluated separately and are not in the scope of this evaluation.

Online Civil Money Claims (OCMC)	X	X ⁶	X	X	
Family					
Divorce	X	X	X	X	
Financial remedy (FR)		X	X	X	
Probate	X	X		X	
Public law (FPL)		X	X	X	X
Tribunals					
Social Security & Child Support (SSCS)	X		X	X	X

Digitalisation of these services is supported by various digital operational assets (such as the ability to bulk scan documents) called Common Components.⁷

Public users can access the digitalised services through GOV.UK, while for legal professionals, cases are submitted and managed digitally through the MyHMCTS online platform. Digital services allow public and professional users to pay for, submit and track the progress of cases and applications online. The aspects of the services that were digitalised, and consequently what the digital journey looks like, varied across the services and can be different for legal professionals compared to the public users. Digital reform of services also included the introduction of new case management systems and tools for judges and HMCTS staff. These included functions such as accessing documents digitally (rather than in paper files); creating, uploading and approving orders and applications, and managing case hearings digitally.

⁶ Surveys and interviews only. Due to the timing of implementation of the OCMC reformed service for legal professionals, insufficient MI data was available for analysis for this group at the time of the evaluation.

⁷ Please see appendix B that lists the 14 Common Components.

Frontier Economics and IFF Research were commissioned to conduct a process and impact evaluation of the digitalisation of selected CFT services. The evaluation aims to understand who is using the new digital services, their experiences, and what impacts the digitalisation of services has had on their effectiveness and access to justice.⁸ Evidence from this evaluation is contributing to a wider Reform evaluation programme being undertaken by MoJ and HMCTS. An evidence review of the international literature on digitalisation within a court modernisation context has been published as part of this programme (Munton, Antcliffe, Gomersall, & Carter, 2023). An assessment of value for money was beyond the scope of this evaluation, though evidence in this report could inform any future assessment.

This report synthesises the findings across all seven services:

- Section 3.2 describes the evaluation aims, timelines and scope of the evaluation, the evaluation approach and discusses the limitations of the analysis.
- Section 4 synthesises key overarching findings and recommendations of the evaluation.
 - Section 4.1 synthesises the findings across the individual service-level impact evaluations to assess whether and how digitalisation made a general contribution to outcomes across services.
 - Section 4.2 synthesises the findings from the individual service-level process evaluations to identify any common themes in the implementation and experience of digitalisation across services.
 - Section 4.3 summarises the main findings from each of the individual service-level reports, published alongside this document. Each supplementary report itself includes an impact and a process evaluation of the digitalisation of each service set out in Table 1 above.

⁸ Further details about evaluation principles can be found in appendix D.

- Section 5 brings together the broad conclusions from the evaluation, and relevant implications for general service improvement.

3. Evaluation approach

3.1 Evaluation aims

The aims of the evaluation were to understand:

- who is using the new digital services, and to what extent,
- what can be learned about the implementation of digitalisation of these services,
- how users are experiencing the digitalised services, and
- what outcomes are associated with the service digitalisation, and how do these contribute to a justice system that is proportionate, accessible and just.

Detailed findings from the seven service-level evaluations have been published separately alongside this report.

3.2 Timelines and scope of the evaluation

The scope of the evaluation led by Frontier and IFF was determined through a detailed feasibility assessment, initially of 11 Civil, Family, and Tribunals (CFT) services undergoing digitalisation.⁹ This assessment involved understanding the services that were being digitalised and developing theories of change to understand the mechanisms through which outcomes could be expected to change. The theories of change were developed for each service in collaboration with the relevant service team through a series of workshops. The assessment also determined the data available on outcomes and the timelines of the digitalisation rollout for each service. This information was then used to identify which services could be included in this evaluation and the most appropriate methods to address the evaluation questions.

⁹ The feasibility assessment to determine the appropriate and proportionate design of the process and impact evaluations was undertaken between April 2022 and July 2022. Revisions to the timetable of reform announced in March 2023 meant it was not possible to include Employment Tribunals, Adoption, Special Tribunals, or Family Private Law in this study.

Appendix A presents the rollout dates provided by MoJ in April 2023.¹⁰ To account for the different rollout dates, the evaluation activity was split into two parts:

- 1. Phase 1 (September 2022 to April 2023):** included the impact evaluation for probate, financial remedy (FR), Online Civil Money Claims (OCMC) and Social Security and Child Support (SSCS). During this phase, public user surveys were conducted for probate, OCMC and SSCS. Qualitative interviews were conducted with public users of these services, legal professionals and judges.
- 2. Phase 2 (September 2023 to April 2024):** included the impact evaluation of three further services: damages, divorce and family public law (FPL) and the process evaluation of all seven services. During this stage, additional public user surveys for probate, OCMC and SSCS were conducted alongside a survey of public users of divorce. Phase 2 also included a survey of legal professionals (covering all seven services) and further qualitative research with legal professionals, judges, HMCTS staff, and DWP and Cafcass Cymru staff.

3.3 Overarching approach

3.3.1 Logic models

Following best practice, a logic model for each of the services in scope was developed and validated with internal stakeholders across MoJ and HMCTS through online workshops.

A logic model is a visual representation of the intervention's Theory of Change (ToC), illustrating how the intervention is intended to work and the mechanisms through which it is expected to lead to the anticipated outcomes. It shows the logical process of how the inputs (such as financial costs and people's time) are used for the intervention activities, which then create the outputs (what is tangibly delivered) and the outcomes (benefits or disbenefits), eventually leading to the long-term impacts of the intervention. The overarching theories of change for the whole reform programme can be found in the HMCTS Reform Evaluation Progress Report

¹⁰ Phase 1 of the evaluation ended in April 2023. The rollout timelines, as were known at the time, informed the decision on which services were included in Phase 2 of the evaluation.

(Ministry of Justice, 2023).¹¹ The overarching logic model for digitalisation can be found in Appendix F. Detailed logic models of the individual services are appended separately to each supplementary report.

3.3.2 Research questions

The evaluation comprised a theory-based impact evaluation¹² and a process evaluation.

The impact evaluation aimed to assess the extent to which the digital reforms affected users' overall access to justice.¹³ Specifically:

1. To what extent did the user-friendly features of the reform lead to improved access to the formal justice system, as measured through the uptake of the digital service?
2. To what extent did the features of the digital service affect case duration and, therefore, access to a hearing, decision and/or remedy?
3. To what extent did the digital services reduce administrative and user errors?
4. To what extent did the digital services lead to unintended consequences?

The process evaluation aimed to assess whether the intervention was implemented as intended, what worked well, and any barriers to implementation and why these occurred. The research questions for the process evaluation element were:

1. Was the service implemented as intended?
2. How do the new digital processes facilitate or impede access to justice in practice?

¹¹ [HMCTS Reform, MoJ Evaluation: Technical Appendix \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/hmcts-reform-moj-evaluation-technical-appendix.pdf)

¹² Theory-based impact evaluations test the causal chains that lead to the anticipated change from the intervention. They explore how the change occurs and what the mechanism is through which the intervention is able to create the change. For further explanation about Theory-based evaluation, please see [HMT Magenta Book](#) (HM Treasury, 2020b)

¹³ For the purpose of evaluating reform, MoJ drew on Byrom's (2019) definition of Access to Justice which divides it into four distinct components: i) access to the formal legal system, ii) access to a hearing, iii) access to a decision in accordance with substantive law, and iv) access to a remedy.

3. What are the types and levels of case (administrative) and user errors, why do these occur, and
4. How do these compare to the non-digital process?
5. Where digitalisation is the only change to a service, how consistent are processes between digital and non-digital channels?
6. What are the barriers and enablers to accessing digital services, and do these vary across user characteristics?
7. How does the new digital process affect users' experience?

3.3.3 Theory-based impact evaluation approach

The feasibility assessment conducted at the beginning of the study determined that contribution analysis¹⁴ was the most appropriate method for addressing the impact evaluation questions.

3.3.3.a Theory-based evaluation approach

Contribution analysis assesses to what extent the intervention (in this case, digitalisation of the service) can reasonably be considered to have contributed to observed changes in outcomes, based on the available evidence.

The contribution analysis triangulates the available evidence to:

- Assess if the expected changes in the ToC can be observed in available data. For example, case-level information can be used to assess if case duration has improved since the digitalisation of a service.
- Identify evidence that intervention-related drivers plausibly contributed to those observed changes. For example, surveys where users indicate that the digital service accessible functionality was the reason for choosing the digital route can point to the digital reform contributing to the digital uptake. Such evidence

¹⁴ See for example Mayne (2001)

strengthens the logical mechanism that links the activities and the anticipated outcomes of the intervention.

- Identify other influencing factors that have plausibly contributed to the observed outcomes. For example, if more resources were directed to a service when improvements in case duration are observed, it might reveal alternative drivers to the observed improvements.

Analysis of protected characteristics data was also undertaken where feasible. This sought to generate evidence on the conditions and context in which outcomes were observed, for whom, and why. It attempted to assess variations in case management outcomes among different user characteristics.

3.3.3.b Data and methods of the Theory-based impact evaluation

The impact evaluation drew on information from:

- Management Information (MI) data and Protected Characteristics Questionnaire (PCQ) data (where available)
- Primary data collected via surveys and qualitative interviews.
- Relevant literature (where applicable).

Before the digital reform, MI data was recorded on several 'legacy' data systems. In parallel with the digital reform, new data systems were introduced, known as the 'reform' data systems. Data from some legacy systems were not suitable for analysis. The MI data available varied for the seven different services.¹⁵ Data was extracted and prepared by MoJ and HMCTS before being shared securely with Frontier Economics for analysis.

A new PCQ form was introduced for those who submit applications themselves through the digital route and for some users who use the paper route. Where

¹⁵ Please see separate service level evaluations for further details about individual data systems.

possible, tests were conducted for variations between subgroups of users depending on their personal characteristics. The characteristics considered were:

- Sex: variation between users who identify as male and female.¹⁶
- Ethnicity: variations between users from ethnic minorities (excluding white minorities) and those who are white.¹⁷
- Main language: variation between users who reported English/Welsh as their main language and those who have another main language.
- Disability: variation between users with disabilities and those without.

Table 2 describes the data sets that have been used for this analysis.

Table 2 Data systems

Legacy/ reform	Data system name	Services	Description
Legacy	FamilyMan	Financial remedy Divorce Family public law	Includes MI data recorded in the 'legacy period' before the service was switched to the new reform data system.
	CaseMan	Damages	
	GAPS2	SSCS	
Reform	CCD	All seven services	Includes monitoring data recorded in the period since digitalisation, i.e., the 'reform' period.

¹⁶ Robust data about non-binary or other genders were not available.

¹⁷ References to ethnic minorities in this analysis exclude white minorities such as Gypsy, Roma and Irish Traveller groups due to data limitations. Ethnic minorities (excluding white minorities) are grouped together in this analysis as sample sizes did not allow analysis of each ethnic minority group separately.

Reform	Protected Characteristics Questionnaire (PCQs)	Probate SSCS OCMC Divorce ¹⁸	This includes protected characteristics data for public users who submitted through the digital route. The questionnaire was optional, and response rates vary per service.
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Source: Frontier Economics based on information provided by MoJ

The contribution analysis included:

- Analysis of the legacy MI (where available) and reform MI data to explore trends over time.
- Analysis of PCQ data where available to explore differences between sub-groups of users.
- Insight from fieldwork to support the impact evaluation findings.

The triangulation of the results from these analyses, together with relevant literature and discussion with internal stakeholders, was used to create the contribution narrative. It included identifying:

- Possible **contributions of the reform** to changes in the observed trends.
- **Alternative explanations** that might have contributed to the observed trends.

¹⁸ Data about the sex of the applicant was part of the divorce application, not part of the PCQ data.

Evidence was also used to understand the extent to which these findings varied across subpopulations of users and what (if any) mechanisms were in place (with the given limitations) to create those differences.

3.3.4 Process evaluation approach

The process evaluation aimed to assess whether the intervention was implemented as intended, what worked well, and any barriers to implementation and why these occurred.

Primary research with a range of different user groups captured evidence for both the process and impact evaluation. Sample frames were extracted and prepared by MoJ and HMCTS before being securely shared with IFF Research for sampling.

3.3.4.a Public User Survey

Surveys were conducted with public users of probate, divorce, OCMC and SSCS services who had submitted their cases themselves. They explored public users' experiences and perceptions of the service, whether their needs were met, and overall satisfaction (as a general measure of experience). Public users of financial remedy, Private Family Law, and damages services were not included because most users in these services used legal professionals to submit and manage their cases and a digital service for public users was not available at the time of the evaluation.

A random sample of post-reform closed cases was drawn from MI data, where the cases were submitted by a public user (not a legal professional or representative) or their appointee (for SSCS cases), and email address details were available.

A combined online and telephone approach was used to address potential digital exclusion, with users first invited to complete the online survey. Sampled cases were then randomly selected for telephone interviews from among those who had not completed the survey online after around two weeks, where phone numbers were available in the sampling data. To manage resources the random samples were not exhausted, and the fieldwork was closed once survey targets were reached.

Fieldwork was conducted in two main waves: December 2022 to March 2023 and November 2023. See Appendix C for achieved survey volumes.

3.3.4.b *Legal Professional Survey*

A survey was conducted with legal professionals who were registered to use the MyHMCTS portal, with a 'solicitor' or 'caseworker' role.¹⁹ The survey explored their experiences and perceptions of MyHMCTS and their overall satisfaction with the reformed service.

All registered legal professionals were invited to take part in an online survey. Fieldwork was conducted between December 2023 and January 2024. See Appendix C for achieved survey volumes.

3.3.4.c *Qualitative interviews*

Qualitative interviews were conducted with public users, legal professionals, judges, HMCTS staff, and DWP and Cafcass Cymru staff to explore experiences of the digital reform and the reformed services. Interviews were conducted in two waves: January 2023 to April 2023 and September 2023 to December 2023. See Appendix C for achieved volumes.

3.4 Limitations of the study

- 1. Non-comparability of legacy and reform data systems:** Case-level information used in this study was extracted from the legacy and reform case management systems. Variables were not always comparable between these systems, limiting comparisons of outcomes before and after reform.
- 2. Lack of legacy cases (i.e., cases that started before the digitalisation of the service):** For OCMC and probate, comparable information about legacy cases was not available for this study, so comparing pre- and post-reform outcomes was not possible.
- 3. Difference in timing between service digitalisation rollout and full implementation of the reform case management system:** For some services, the reform data system was not used from the point of digitalisation. In those

¹⁹ In the data, these two roles were always present at the same time.

cases, the legacy data system was used to process digital cases (i.e., cases that started after the digital rollout). This hindered analysis of post-reform trends.

- 4. Lack of robust PCQ information across some services:** PCQ information is not collected consistently across services, and in some services not at all.²⁰ Response rates also varied between services, with relatively low response rates (an average of 45% across all services) increasing the risk of non-response bias for some services. PCQ data is not available for legal professional or pre-reform services. Caution should therefore be used when making comparisons between services based on PCQ analysis.
- 5. Challenges in identifying the drivers of observed changes in outcomes.** For some services, discussions with internal stakeholders revealed that the underlying drivers were difficult to determine, or it was not clear if the reform or contextual factors drove the outcomes. In those cases, possible explanations are offered in this report, along with recommendations for further investigation.
- 6. Public users of the legacy service were not included in the primary research:** the original intent of the evaluation was to include public users of both the legacy and reformed service; to compare public user perceptions around measures, such as ease of use. The feasibility assessment found that too much time had passed since users submitted their case through the legacy route, which would have limited recall of their experience during fieldwork.
- 7. In the survey it was not always clear whether public users had used the digital process.** Some public user survey respondents reported that they did not use the digital service (the online form to start their application/claim and/or communicate with HMCTS through the digital service) when the MI data indicated that they did. For most services, these individuals accounted for a relatively small proportion (4-8%) of those interviewed about each service. However, 24% of SSCS public user respondents listed in the MI data as digital

²⁰ Further information on the coverage and completeness of HMCTS PCQs is available here: [HMCTS protected characteristics questionnaire: Data on users of reformed services - GOV.UK](#)

users said they had not used the digital service. Caution is therefore required when considering these results as reflecting the views of digital users.

- 8. The extent to which findings from the surveys are taken to represent the views and experiences of the entire population of interest (i.e. all public and legal professional users of the digital service) should be treated with caution.** The generalisability of the surveys may be limited by fieldwork closing when targets were reached rather than fully exhausting the random sample, low completion of email and telephone number fields in some services, and a largely online approach with mixed response rates.
- 9. General limitations in analysis of administrative (MI) data.** Administrative data is primarily collected for the purposes of the ongoing operation and monitoring of services rather than research. This means it may not always include the required data, or be in the necessary format, to fully answer specific research questions.

4. Findings

4.1 Overarching impact evaluation findings

This chapter reports the impact evaluation findings, which are based on an analysis of management information (MI) data complemented by qualitative engagement with MoJ and HMCTS stakeholders and primary fieldwork where relevant.

Across most services included in this evaluation, digital uptake increased following the national rollout of reforms. For example, from 2022 when digital uptake became mandatory for professionals, uptake for this group was above 80%, and almost 100% for legal professionals in the divorce service. Generally legal professionals' uptake tended to be higher than that of public users.

Timeliness (defined here as the duration between stages of case progression), also tended to be shorter for digital routes than paper-based options in most cases. In most cases, the analysis found that a combination of the digital features and (for legal professionals only) a mandate to use the digital service have contributed to the observed changes in digital uptake and improved timeliness. However, other factors, particularly improvements in digital confidence and capability accelerated by the COVID-19 pandemic, are likely to have contributed to expediting the impacts of the digital reform.

The picture was **mixed for measures of error and other case management outcomes**, such as mediation rates in OCMC, across services and user groups.

Table 3 summarises the evidence for reform's contribution to changes in outcomes. It presents a summary of the relevant evidence against each contribution claim, whether this evidence was consistent with that claim or not, and to what extent the analysis confirms the claim.

Table 3: Summary of contribution analysis²¹

	Common contribution claim	Summary of evidence	Conclusion
1	User-centred functionality leads to ease of use and better access to the formal justice system.	👍 Steady increase in digital uptake following reform in most services. 👍 Evidence across services that public users generally found them easy to use and clear to follow. 👍 Evidence that accompanying training, response to user feedback, and mandation of services all supported uptake among legal professionals. 👎 General population improvements in digital confidence over the same period, accelerated by the pandemic. 🔄 Improvements in some services coincide with onset of COVID-19	There is evidence across most reformed services that ease of use has enabled digital uptake for public users, and for professionals when accompanied by training and support, and therefore contributed to improved access to justice. General improvement in digital capability, mandation of services for legal professionals, and effects of COVID-19 materially contributed to the shift to digital use.
2	Digitalisation reduces processing time, improving efficiency and speed of access to a hearing or decision.	👍 For most services, time to complete various stages improved following an increase in use of the digital service. 👍 Timing of rollouts, with support from primary evidence, suggests that digitalisation of back-office processes is important for supporting improved timeliness	There is evidence across most services that digitalisation contributed materially to improved timeliness, and the speed of access to a hearing or decision. Digitalisation of back-office processing appears to be an important mechanism for this.
3	Digital features and support reduce the rate of user and administrative errors, leading to higher user satisfaction.	🔄 Data on administrative or user errors was limited, and where present, was inconclusive on changes in error rates across services. Patterns were not consistent between groups or services.	It is not possible to conclude whether digitalisation generally reduced error rates, and therefore improved satisfaction, based on the available evidence. It is likely that any contribution of reform is context specific.
4	Digital reform doesn't impair access to justice by protected characteristics	👍 There are no significant differences in case management outcomes across services for most characteristics.	There is limited evidence that provision of digital services in only English and Welsh may impair access to justice for those for whom English or Welsh are not their main

²¹ Note for interpretation: 👍 consistent with/supports claim; 👎 consistent with/supports alternative explanation; 🔄 mixed/supports either contribution claim or alternative explanation.

	Service users whose main language is not English or Welsh and users from ethnic minority groups had lower digital uptake rates, and in some services, longer case durations. There is some evidence that this may be due to the lack of availability of services in other languages, or additional complexities in cases.	language. This analysis found no evidence that digital reform materially impairs access to justice more generally across wider characteristics. This finding should be treated with caution as low completion rates may lead to bias in the data.
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Source: Adapted from Frontier Economics

Note:  consistent with/supports claim;  consistent with/supports alternative explanation;  mixed/supports either contribution claim or alternative explanation.

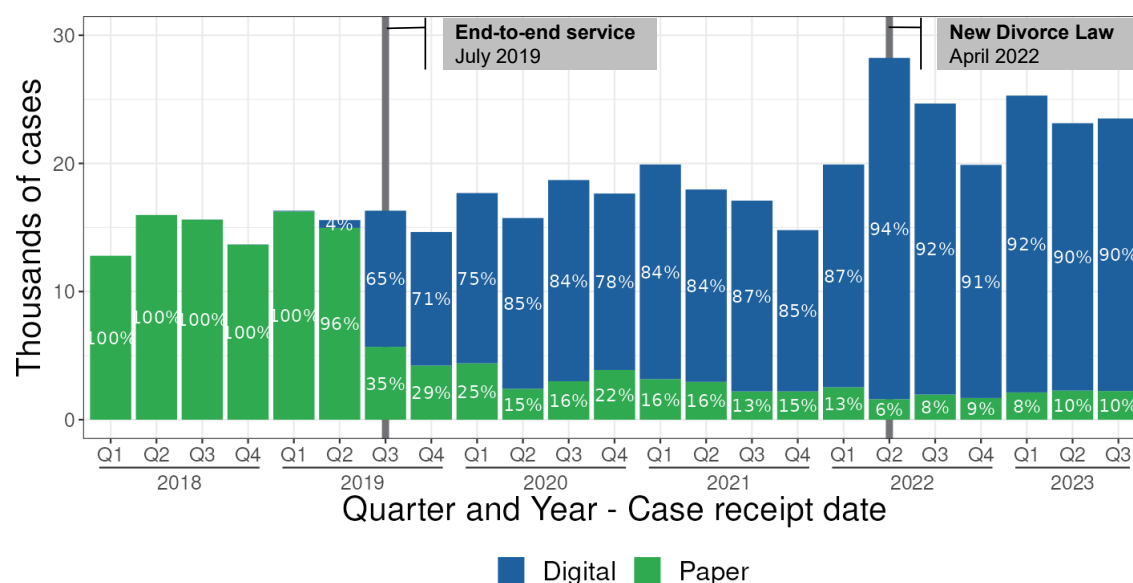
4.1.1 Digital uptake and access to the formal justice system

The level of digital uptake is useful as a proxy measure of whether digital services support access to the formal justice system (see section 3.3.2). **Across most services included in this evaluation, digitalisation created (to varying extents) easy-to-use services for most user groups.** The features of these digital reforms contributed to their take up by making those services more accessible. Other factors, particularly general improvements in users' digital capabilities and confidence after the onset of COVID-19 (Taylor, Cardwell, & Harden, 2021),²² were also likely to have contributed to the overall high uptake of digital services. This increased uptake was observed amongst both public users and legal professionals.

For public users, evidence suggests that reform-related features that improved accessibility had the most substantial impact. For many of the services in scope of this evaluation, most public users reported that the digital service was easy to use and clear to follow. Services that had a digital channel at the onset of COVID-19 in Q1 (January to March) 2020 were able to provide an alternative channel for accessing the justice system (for example the divorce service shows a 10-percentage point increase in uptake between 2020 Q1 and Q2, see Figure 1).

²² Although a general trend, this may not necessarily be the common experience for all users of HMCTS services (Harrison, Lemmon, Ramanathan, & Clay, 2024).

Figure 1 Public users – quarterly divorce petitions/applications by channel – January 2018 to September 2023



Source: Frontier Economics based on data from MoJ.

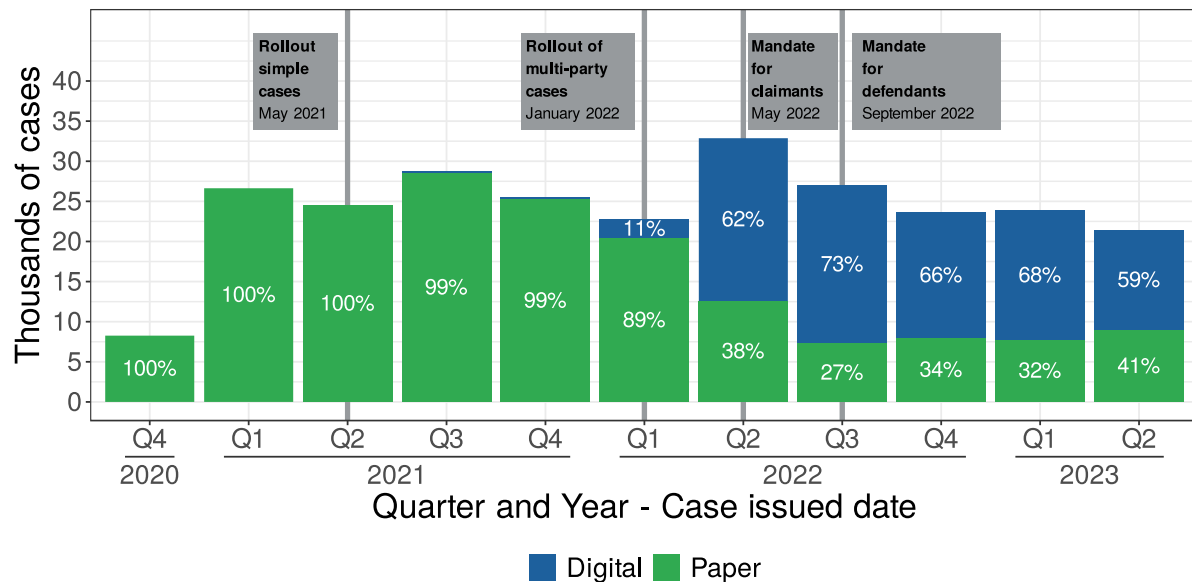
For legal professionals, evidence suggests that the main reform-related features that drove higher digital uptake were: 1) quick and effective response to feedback to address any arising issues with the digital service; 2) providing training and assistance with the digital channel; and 3) the introduction of mandates for the digital service.

Since legal professionals typically reuse the services, their satisfaction with and view of the efficiency of the digital channel affect their likelihood of using the digital service in the future. That is one factor that explains why services that were able to quickly resolve issues saw an overall higher uptake over time. Ongoing training and support seemed to have also helped solve issues those users might have had, contributing to higher digital uptake. Evidence suggested that the only service where a decrease in digital uptake by legal professionals occurred (the damages service), was likely due to the digital channel processes being more complicated, and taking longer between stages, than the paper channel.

In most services, the highest increase in digital uptake by legal professionals was observed after the introduction of the mandate to use the digital service. **However, the mandate on its own was insufficient to drive high digital uptake by legal professionals.** Digital uptake is likely to be lower (or even decrease) if the digital

route is more complex or lengthy compared to the paper channel, even if a mandate is in place (see for example damages, Figure 2).

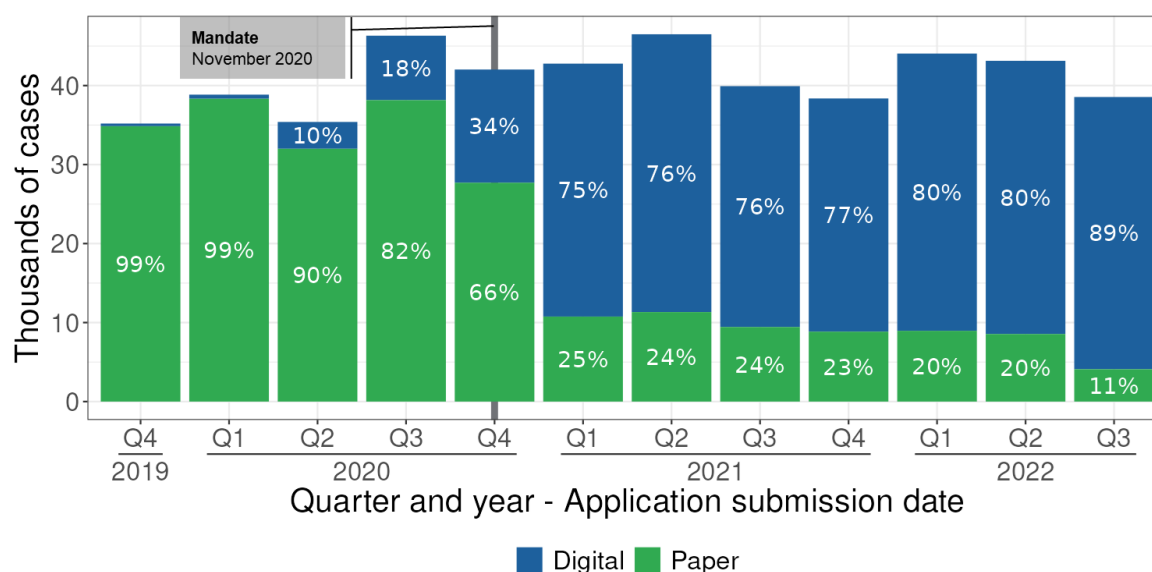
Figure 2 Damages claimants with legal representation – quarterly case volumes by channel of submission – Q4 2020 to Q2 2023



Source: Frontier Economics based on data from MoJ.

Across all services in this evaluation, a small but notable proportion of users with cases eligible for the digital service still used the paper channel, even if the digital service was mandated (see Figure 3). In most cases, the paper cases were the most complex ones. This suggests there is still a need for a paper channel across all services to ensure that users have different routes to access the justice system.

Figure 2 Probate professionals – quarterly case volumes by channel - Q4 2019 to Q3 2022



Source: Frontier Economics based on data from MoJ.

Evidence (based on the limited available data) also suggests that some public user groups may use the digital service less than others, although this varies by service. For example, those whose main language is not English or Welsh in probate, or women in divorce (see 4.1.4).

4.1.2 Timeliness and access to a hearing, decision, or remedy

As set out in section 3.3.2, the time taken to progress through key stages of a case, such as to hearing or final decision, is a useful measure for how accessible those stages are. **For most services, reform contributed to an improvement in timeliness:** for example, from a 12% reduction in case duration in divorce (case received to decree nisi), to a 44% reduction in probate (from application submitted to order granted) and 57% reduction for OCMC cases (from case issued to first full hearing).

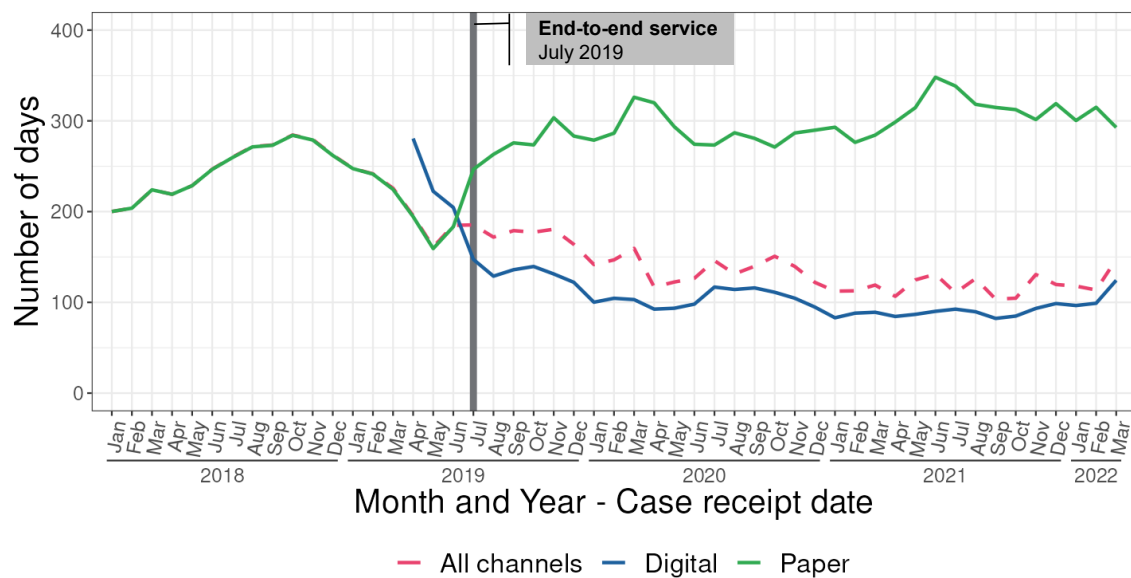
Across most services included in this evaluation the time for completing various stages of cases improved concurrently with, or shortly following, the increase in digital uptake. In divorce for example, digital cases were substantially faster than paper cases following the introduction of the service (see Figure 4). Where this was not the case (in damages, where there was no observable improvement, see Figure

5), evidence suggests that this was due to differences in process between paper and digital channels.

“I don't see the necessity to reinvent the wheel when that process is a relatively simple one, but it seems to have been over-complicated by.... additional stages that are just unnecessary”.

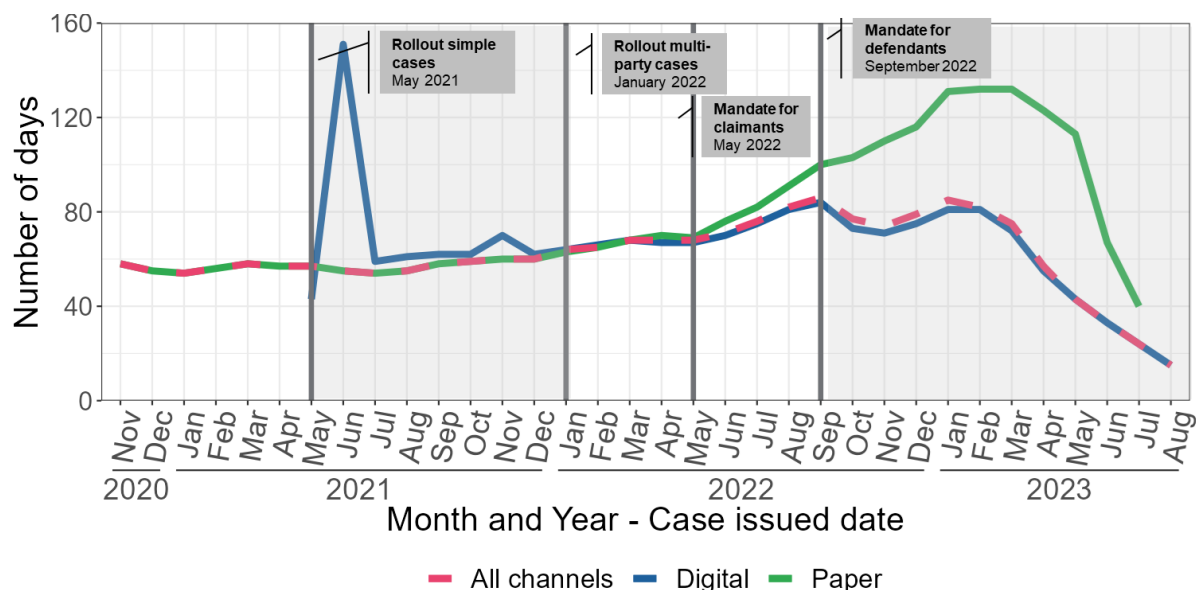
Damages claims legal professional

Figure 4 Divorce public users - monthly average (mean) time from case received to decree nisi – January 2018 to March 2022



Source: Frontier Economics based on data from FamilyMan and CCD

Figure 5 Damages cases with legal representation – average (mean) time for transfer to a hearing centre- November 2020 to August 2023



Source: Frontier Economics based on data from MoJ.

Note: The analysis for May to December 2021 (shaded grey in the graph) should be interpreted with caution due to a small sample of digital cases, and from September 2022 onwards due to a high proportion of outstanding cases.

Evidence from MI, surveys, and interviews suggests that reform-related digital service mechanisms led to more efficient case management processes, contributing to improved timeliness. Digitally consolidating case information on one platform that all relevant parties can access was a contributor to efficiency. A paper-based option continues to be available for users who are unwilling or unable to use the digital channel or where case complexity poses challenges for a digitalised option. Back-office digitalisation (such as bulk scanning of paper forms) was important for improving case timeliness, even when the front-end route is via paper for the user.

"The fact that a team of 12 can take a far greater capacity of work is a great benefit". **HMCTS staff member (FR)**

These improvements **contributed to improved access to justice through reducing the time it takes to reach a justice outcome** and associated efficiencies in usage of resources in the justice system.

4.1.3 Reductions in administrative and user errors

Data and information on administrative and user errors were not available for all services. Where data was available, the analysis of changes in the prevalence of case errors was inconclusive. As such, at the time of this evaluation, it was not possible to reach a conclusion about the overall contribution of the reform to reductions in administrative and user errors.²³ However, it is likely that any **improvements are specific to the context, features, and implementation of each service.**

4.1.4 Outcomes for particular groups, and unintended consequences

The analysis also identified some differences for some groups of digital service users. These were:

- Service users whose first language was not English or Welsh and users from ethnic minority groups represented a smaller proportion of digital users than the general population. Users from these groups in some services also saw longer case durations than the average across all public users. Digital services are provided only in English and Welsh, which might create barriers for those who would prefer alternative languages. Other potential factors include where users from ethnic minority backgrounds and those for whom their first language is not available on the digital service might have more complex cases. Some potential explanations for this are explored further in HMCTS (2023).
- Across services, the available data suggests that female users were more likely than males to use digital services. The only exception was OCMC, where the share of male digital users was higher than that of female digital users. No particular contributor was identified for this finding. Without analysing the take up of the paper service, we are unable to conclude that female users prefer the digital channel. Other differences in case management outcomes (timeliness,

²³ HMCTS have published analyses of barriers to accessing to justice for several services which include some exploration of causes of error (HM Courts and Tribunals Service, 2023; HM Courts and Tribunals Service, 2024)

etc) between males and females were not found to be statistically significant²⁴ across the services.

- No specific unintended consequences from the digital reform were identified as part of this analysis of the MI data.

Further detail on sub-group analysis can be found in the supplementary reports.

4.1.5 Recommendations for future research

This analysis identified particular benefits to seeking and acting upon feedback from users in designing and refining services. MoJ and HMCTS may, therefore, wish to seek further feedback about barriers users might be facing when using digital services.

Where differences in uptake of the digital service and outcomes are observed for subgroups of users, further research to understand the barriers those users face would be beneficial in order to identify ways to address them. Where there are differences in how services are used, further research would inform changes to functionality and the support available.

Identifying where the digital service might be made less complex would be advisable for services where the digital channel differs considerably from the paper channel (e.g., process requirements, additional steps, notification periods, documentation requirements). This is because if differences between the channels cause the digital service to be more complex and less attractive, it could hinder digital uptake and reduce its potential benefits.

Available data was limited in the timeframe of this evaluation; therefore, further investigation is merited to assess other factors that lead to the observed differences in digital uptake and some outcomes across user groups. This should include investigating whether these differences are also observed for users of the paper channel.

²⁴ A result is statistically significant if it is likely not to be caused by chance variation in the data.

4.2 Overarching process evaluation findings

Public users generally had positive experiences of digital services, which acted as facilitators for accessing justice. Experience was more **mixed among professional user groups**, including the judiciary, and the analysis identified a range of issues with the implementation and functionality of services.

Table 4 below summarises the main findings for each of the process evaluation's research questions, and whether they reflect positive or negative experiences of the implementation and use of reformed systems.

Table 4: Summary of Process evaluation findings

	Research question	Summary of findings
1	Was the service implemented as intended?	⊖ Initial implementation period was difficult for most professionals and judiciary, but there was a general feeling that service reliability/stability has improved over time. ⊖ Professionals and judiciary generally felt that the initial training was not adequate.
2	How do the new digital processes facilitate or impede access to justice in practice?	⊕ Most public users found key early steps using the service easy, and the majority were satisfied with the service. ⊕ Professionals generally believed that reforms had led to some improvements in access to justice, particularly by removing dependence on posting of documents. ⊖ Judiciary raised concerns about the adequacy of information available to public users, and public users' ability to access documents. HMCTS staff raised concerns about the guidance information available to public users.

3 & 4	What types and levels of user and case (administrative) errors occur and why, and how do these compare to the non-digital process?	– Professionals generally felt at the time of research that errors were more of an issue in the reformed/digital process than in legacy processes. They noted that the online portal (MyHMCTS) did not allow for errors to be corrected. = One in ten public users said they had made errors, most often because they misunderstood what they had been asked for. HMCTS staff believed a lot of issues could be addressed through better guidance. – Judges and legal professionals found errors in the way documents were labelled or uploaded led to difficulties in managing cases.
5	How consistent are processes between digital and non-digital channels?	+ Digital routes were generally seen to provide a consistent service compared to non-digital routes, although professionals noted Litigants in Person (LiPs)²⁵ may not have the same access to documents as professionals in some cases.
6	What are the barriers and enablers to accessing digital services, and do these vary across user characteristics?	+ No major barriers to accessing digital services for digital users were identified, although the scope of the research limits conclusions beyond this group. – There were reported complications with services that were not reformed end-to-end,²⁶ reformed services' ability to handle non-standard cases, and services running reformed and legacy

²⁵ An individual (or, in the context of OCMC cases, a company or a person trading as a company) who represents themselves in court without legal representation.

²⁶ An 'end-to-end reformed service' refers to where all stages involved in a case have been included in the reformed process, from starting a case to, where applicable, enforcement of court or tribunal decisions.

		systems in parallel. The lack of a digital end-to-end journey in some services caused confusion and irritation for some users. ⊖ There was evidence of professionals, staff, and the judiciary deliberately working around elements of some reformed services.
7	How does the new digital process impact users' experience?	⊕ Public users were generally satisfied with reformed services. Feeling informed, lack of mistakes in their case, and feeling able to access support were all related to their levels of satisfaction. ⊖ Professionals and the judiciary appreciated documents being in one place and not needing to deal with large volumes of paper. Reported problems with navigating around documents reduced timeliness and led to some adjourned hearings. ⊖ The judiciary felt that digitalisation had shifted some administrative burden on to them that would be more appropriately done by more junior staff. ⊖ All user groups felt notifications' frequency and content needed improvement. The uncertainty from unclear notifications drove them to check the system frequently.

Source: Adapted from IFF research

Note: ⊕ positive; ⊖ negative; ⊖ mixed/neutral

4.2.1 Was the service implemented as intended?

The implementation period was difficult for most professional users.

Across most professional audiences (judges, legal professionals, HMCTS staff), there was a **sense that reformed services were rolled out and mandated too**

early, without sufficient testing or consideration of non-standard

circumstances. That said, by the time this research was conducted, there was a general belief that the services were improving.

"If the system had been adequately resourced, user tested, stress tested and given its complete functionality before it was rolled out to the judges then we'd all be in a happier place." **Judge (Civil)**

Judges generally felt that they had not been well supported through the reform process. They believed the training and IT hardware provided had been inadequate. Legal professionals also reported that they did not receive adequate training and that they continued to receive inadequate support for issues they encountered with the services. They believed that HMCTS support staff did not have sufficient legal training and sometimes did not understand the urgency of their queries.

Although most professional users reported experiencing technical issues and system crashes, they reported that the volume and frequency of these had reduced since the early stages of rollout. Nonetheless, there was a feeling that these happened more frequently than they should, sometimes with serious consequences (e.g. adjournments). There was a general view that they now usually receive notifications of technical updates, which was not the case initially.

"If the system goes down, there is a knock-on effect. At one time, cases had to be adjourned because the system went down. It was happening two to three months ago quite frequently and it seems to be sorting out, but there's no backup if we can't see the bundles." **Tribunal judge/member**

4.2.2 How do the new digital processes facilitate or impede access to justice in practice?

Most public users surveyed for each service found key early steps in accessing justice via the new digital processes easy or convenient. Such processes included finding forms (85% of respondents across all services reported this was easy), starting their application / petition / claim / appeal (86% across all services found this easy) and providing documents online (74% across all services found this easy). However, some public users found these steps difficult, and a

minority experienced technical difficulties (13% of respondents across all services), both of which may have impeded their access to justice.

Satisfaction with case outcome varied by service, but most users for each service were satisfied and very few withdrew their cases (across all services, 78% of respondents were satisfied with the outcome and 3% withdrew their case). **The lack of an end-to-end digital service for some services and case types caused confusion and irritation for some public users.** This research only included digital users, and those who had not submitted digital applications were not included. It is therefore not possible to infer from these findings what prevented those who did not use the digital service in the first instance from doing so.

Legal professionals generally believed that the reforms had brought about some improvements in access to justice for public users. In particular, they believed that the reformed service meant that all parties were more likely to have access to all documents because there is no longer a dependence on HMCTS staff posting them or the postal service delivering them in a timely way.

"It gives full transparency for you and the other side as well because you can see what's happening. You can see what the other side are doing as well, which is obviously good." **Legal professional (FR)**

Judges were concerned about access to justice for Litigants in Person (LiPs) as they believed they may not have the same access to evidence as other parties. HMCTS staff felt inadequate instructions for public users could lead to them not submitting the information required for a case to proceed.

4.2.3 What are the types and levels of case (administrative) and user errors, why do these occur, and how do these compare to the non-digital process?

At the time of the research, legal professional users of the financial remedy (FR), family public law (FPL), damages and online civil money claims (OCMC) services were more likely to think error levels were higher in the digital process than in the legacy process.

Around one-in-ten public users of the OCMC, SSCS and probate services reported they made mistakes, most often as they misunderstood what they had been asked for (44% of OCMC users who made errors, 69% of SSCS users, and 44% of probate users). Mis-entering information was the most common error for divorce users (49%). HMCTS staff believed that the instructions for public users on how to navigate the service were not sufficient, leading to HMCTS handling a lot of queries that could be addressed through better guidance.

Most legal professionals reported that they made errors (70% of respondents across all services). They commonly felt MyHMCTS did not allow for amends or additional information to be provided after the start of the case which might allow them to correct their errors.

Judges and legal professionals felt that **inconsistencies or errors in the way in which documents were labelled and uploaded to the digital services led to difficulties** in locating documents (that they did not experience with non-digital services). In some circumstances, these difficulties locating documents resulted in adjournments.

“With FPL and the financial remedy portal there are a lot of tabs and they are not necessarily in the same order [so often] documents can be in the wrong tab. They may have been uploaded to the wrong place or uploaded with the wrong name. Some of that is user error where they label something very poorly...”

Judge (Family)

4.2.4 Where digitalisation is the only change to a service, how consistent are processes between digital and non-digital channels?

For the most part, digital routes provided a consistent service. Legal professionals were more likely to agree than disagree that their clients/organisation received a consistent service, regardless of whether they used MyHMCTS or the legacy service (42% vs 25%, across all services).

As with judges, for some services (FPL and FR) professionals were also concerned that Litigants in Person (LiPs) did not have the same access to all documents as those who were represented.

4.2.5 What are the barriers and enablers to accessing digital services, and do these vary across user characteristics?

No specific major barriers to accessing digital services, or explanations for the patterns in outcomes described in section 4.1.4, were identified through fieldwork.

Judges, HMCTS staff and legal professionals were concerned about the ability of LiPs to access digital services. However, as the research sampled only those who submitted their case digitally it is not possible from this evidence to identify the barriers preventing those who did not.

As not all services were digitalised end-to-end, this acted as a barrier to digital delivery, as at some point, some cases would 'drop out' of the reformed service. Legal professionals reported ongoing complications when cases are processed on both reformed and legacy systems in parallel. Professionals also felt that reformed services were less able to support non-standard or complex cases.

There were indications that legal professionals, judges and staff were sometimes deliberately working around the reformed service (for example communication outside of the system over e-mail).

“Any form of larger or more complex litigation that’s never going to stay in the [system], why start it there?...All that’s going to happen is it’s going to get kicked off ..., I’m going to put a defence saying this is a complicated case...and it gets kicked out into the legacy system. Why go through all that rigmarole?”

Legal professional (damages)

4.2.6 How does the new digital process affect users' experience?

Generally, **public users were satisfied with the reformed services** (across all services, 78% of respondents were satisfied compared with 12% dissatisfied). Public users of the divorce (93%) and OCMC (84%) services were more likely to be satisfied with the digital service than users of other services. Applicants, claimants and appellants were more likely to be satisfied than respondents and defendants.

Public users’ perceptions of a positive **experience were shaped by whether they felt they were kept informed about their case by HMCTS** (93% of those kept fully informed were satisfied, vs 60% of those who felt partially informed and 40% of

those who felt not informed), whether they **felt mistakes were made in their case** (whether by themselves, HMCTS or others; 83% of those with no mistakes were satisfied compared with 51% of those with mistakes in their case), and **whether they were able to access HMCTS support if they needed it** (88% of those who accessed digital support were satisfied compared with 63% of those who wanted support but did not access it).

Nearly all **professional users were in favour of digitalisation in principle**, and judges, HMCTS staff, and legal professionals all appreciated that the reforms meant that they did not have to work with large volumes of hard-copy confidential documents. Some also appreciated the flexibility it gave them over the time and location of their work.

"It used to be that you'd get a massive two-inch paper bundle per case...The fact it's digital means it's much more secure, safer and easier."

Tribunal judge/member

Judges generally felt that the introduction of the reformed services had increased their own administrative burden with some tasks that previously would have been completed by more junior staff now falling to them. This caused considerable frustration for some.

"Horrendous [impact] ... it adds an hour a day of admin to the judiciary, which should be on the staff." **Judge (FR)**

Professional users appreciated that the reformed services made it possible to keep all documents in one place, but they believed that **navigating around documents and editing information as the case progressed could be improved**. They reported that difficulties in locating documents, including during hearings, might be adding to processing time and leading to adjourned hearings in some cases.

Judges and legal professionals also felt that the reformed systems did not provide them with enough notifications about the progress of their case and/or that some of the notifications were too vague to be useful. They believed that they were having to spend a lot of time logging on to the system to check progress. An example of this

was notifications that new documents had been added but without a link to the new document or an easy way of locating it.

"The worry of a C2 order not being dealt with and just sitting on the portal and having to constantly keep ringing up to see what was happening".

Legal professional (FPL)

Public users also felt notifications could be improved, with between a quarter and half of those who used the OCMC, SSCS and probate services reporting they received no notifications or updates. However, most of those who recalled receiving notifications felt they received the right amount (90% across all services). In the qualitative interviews, public users **described updates as unhelpful due to a lack of timescales and indication of what action was needed next**, and from whom. This left them feeling uncertain and that they needed to keep checking the system for updates.

4.3 Summary of service-specific main findings

The sections below summarise the main impact and process evaluation findings for each of the seven services. Full service-level evaluation analysis, results and conclusions can be found in supplementary reports.²⁷

4.3.1 Probate

4.3.1.a Probate - Impact evaluation main findings

- Both the user-friendly digital features of digital services and an overall increase in people's digital capabilities (particularly after COVID-19) contributed to uptake by public users and probate professionals.
- The mandate for the digital service, combined with a rapid response and improvements to probate professionals' feedback, contributed to probate professionals' high uptake of the digital channel. Increasing uptake was also observed for public users, but it was slower overall and reached a lower level by the end of the analysis period (March 2019 to January 2022).

²⁷ [HM Courts & Tribunals Service Reform: Digital Services Evaluation - GOV.UK](#)

- Evidence from surveys and interviews shows that responsiveness to feedback and the improved digital features for probate professionals might have contributed to the improvements in case duration and reduction in case errors. No improvements in case durations were observed for public users.
- Evidence from MI highlights that digital uptake was higher, while case duration and level of errors were lower, for public users with English/Welsh as their main language and those who are white, than for those with another main language or from ethnic minorities.
- Digital reform, alongside other alternative drivers, was found to have contributed to an increase to access to justice through improved timeliness for cases with legal representation. There was less improvement for public users, possibly driven by the need to still submit documents in paper form.

4.3.1.b Probate – process evaluation main findings

- Public users generally found the digital processes easy.
- Probate professionals reported the reform process to be easier and quicker than the legacy system (for straightforward applications), though they felt technical issues were frequent.
- Probate professionals and HMCTS staff reported moving from the digital system to paper for probate applications was very common for complex applications, but rare for straightforward applications.

4.3.2 Divorce

4.3.2.a Divorce - Impact evaluation main findings

- Evidence from MI, surveys, and interviews shows that the user-friendly digital features of reforms facilitated digital uptake for public users. For legal professionals, the analysis shows a more moderate digital uptake prior to the introduction of the mandate. The mandate contributed to the nearly universal uptake observed at the end of the analysis period. The analysis also found that changes to the divorce law through the introduction of the New Divorce Law

(NDL)²⁸ at the later stage of the reform period simplified the divorce process, potentially making it more suitable for digital services than the processes under the Old Divorce Law (ODL).

- Although there was an overall decrease in the proportion of cases with legal representation over the analysis period, evidence was mixed about the digital reform's contribution to this. The consistent decrease in the proportion of represented cases before, during, and after the introduction of the digital channel suggests that other factors, such as the introduction of the NDL, are more likely to have contributed to this trend.
- Evidence from MI, surveys, and interviews indicates that the reform contributed to a decrease in the time to reach the decree nisi stage under ODL for both public users and legal professionals. Streamlining of back-end processes for the digital channel compared to paper seemed to be the driver for the observed improvements in timeliness. The short time between the introduction of NDL and the analysis limited the opportunity to test the impact of the digital reform on case timeliness after NDL had been introduced.
- Females had higher digital take-up than males, though there was no evidence to suggest there are any barriers preventing males from using the digital channel.
- The digital features of the reform have made the service more accessible and increased access to justice for public users. Alternative drivers, such as mandatory use, seem to have contributed more substantially to uptake for legal professionals. The digital reform was also found to improve efficiencies and expedite the time for cases to reach the decree nisi (ODL) stage, further contributing to improved use of resources and access to justice.

4.3.2.b Divorce – process evaluation main findings

- Public users felt well-equipped with information when starting a case in the reformed service and well-informed throughout their journey.

²⁸ Also known as no-fault divorce.

- HMCTS staff, judges and legal professionals encountered inconsistencies in filing documents due to a lack of a common file structure and labelling approach. This increased administrative burden on all parties.
- Moving from the digital system to paper was reported to be rare, so most users' journeys were digital end-to-end.

4.3.3 Financial remedy

4.3.3.a Financial remedy - Impact evaluation main findings

- Limited evidence suggests that mandatory use of the digital channel for legal professionals was the most likely contributor to the high digital service uptake about a year after the reform's rollout. Legal professionals and HMCTS staff working on financial remedy cases had mixed views about the accessibility and user-friendliness of the digital channel, making the features of the digital channel a less likely contributor to the digital uptake. Other identified contributors to increased digital uptake were the overall increase in people's digital capabilities and the onset of COVID-19.
- Digital features in the back-end process of the service contributed to the observed reduction in case duration for consent financial remedy applications. This and higher digital uptake were observed after the mandate for legal professionals to use the digital channel was introduced. Improvements to the back-end of the case processing system and the ability of several legal professionals from the same organisation to manage a case seem to create a more streamlined and efficient way for all sides of the case to complete cases.
- Overall, the features of reform streamlined case processes, led to quicker case resolution overall, and contributed to improved access to justice.

4.3.3.b Financial remedy – process evaluation main findings

- Judges reported fewer adjournments due to missing documents, and improved fairness in represented cases as all parties can view documents.

- Judges also reported hearings can take longer due to the time needed to find documents or the portal being unavailable.
- Moving from the digital system to paper was reported relatively often. This was frequently due to non-standard cases or changes in representation which, at the time of the analysis, was not supported on MyHMCTS.

4.3.4 Family public law (FPL)

4.3.4.a Family public law - Impact evaluation main findings

- Some evidence indicated that the user-friendly features of the reform contributed to digital uptake. The consolidation of documents and the availability of the platform at any time and from various devices appear to have made the digital service more accessible. However, uptake was relatively low until all local authorities were onboarded²⁹ to the online service, suggesting that the training and onboarding processes contributed more to the overall high digital uptake than the features of the service itself. The mandate to use the digital service might have also contributed to the uptake, but the high proportion of digital cases observed even before the mandate suggests that its contribution was less important than for other services.
- Little evidence points to the features of the reform contributing to improvements in case duration. Small improvements over the analysis period were observed in the average time to the first procedural hearing and for cases to be disposed. However, evidence suggests that additional administrative work for judges and legal professionals in the digital channel might have hindered more substantive improvements in case duration. Other factors, such as changes to service resources and the overall reduction of case volumes over the analysis period, were likely to be more substantial contributors to the observed improvements.

²⁹ The onboarding process involved regular meetings with local authorities and setting up a communication channel with the project team to provide information about upcoming updates and modifications in the digital service. A guidance manual was also designed for local authorities covering the end-to-end process and other media tools

- The features of digital services contributed to more accessible services, leading to a high uptake. Complications to the workflow of some parties working on FPL cases might have hindered improvements in case duration, limiting the reform's contribution to quicker access to justice.

4.3.4.b Family public law – process evaluation main findings

- Professionals reported that most mandated cases were being handled on the reformed system.
- Cafcass Cymru and HMCTS staff were positive, citing improved speed and efficiency.
- Professionals raised concerns that the ineffectiveness of updates meant that urgent messages or applications were sometimes missed, which they felt was particularly serious for FPL cases where a child is potentially at risk. This led to judges and legal professionals communicating outside the MyHMCTS system, especially for urgent matters.
- Some cases were reported to instead be processed on paper as they were not supported by the reformed system.

4.3.5 Social Security and Child Support (SSCS)

4.3.5.a SSCS - Impact evaluation main findings

- Evidence from MI, surveys, and interviews suggests that digitalisation contributed to digital uptake for both SSCS benefits that were analysed (Personal Independence Payment and Universal Credit) after the rollout of the digital reform. However, the more substantial change in uptake coincided with the onset of the COVID-19 pandemic, which would have led to an increase in overall digital use and digital capabilities in the user population. The high uptake observed later in the period under analysis can also be attributed to the positive view that users had of the digital channel and the accessibility that it provides.
- There is little evidence to suggest that digital reform contributed to improvements in case duration. Improvements were observed across the period for both the

time it took cases to reach the first hearing and for cases to be disposed of without a hearing. Those trends occurred gradually over time and did not always coincide with reform-related events. Digital features might have streamlined some of the case processes. However, more complicated processes for tribunal judges/members' digital cases might have hindered a more direct contribution of reform to a reduction in case timeliness. More substantive contributors to the overall improved changes in case timeliness related to a reduction in caseloads following a temporary change in the DWP benefits approval processes during the COVID-19 pandemic (leading to fewer SSCS appeals).

- Evidence also suggests that digital uptake was higher for users with English/Welsh as their main language and those who are white, while case duration and level of errors were lower than for those with another main language and for ethnic minorities.

4.3.5.b SSCS – process evaluation main findings

- Public users generally found the stages of making an appeal easy.
- DWP and HMCTS staff reported low incidence of SSCS appeal cases dropping out of the reformed system, to then be processed on the legacy system.
- The main difference to the legacy system for tribunal members was writing up their own decisions into the reformed system (which previously was done through clerical staff). They felt this added administrative burden to their roles.

4.3.6 Online Civil Money Claims (OCMC)

4.3.6.a OCMC - Impact evaluation main findings

- Evidence from a range of sources including MI, surveys, and interviews shows that digital reform contributed to a modestly increasing digital uptake. An internal HMCTS analysis suggests that not all the cases eligible to use OCMC have used the service. It is also possible that this could be because some elements of the service, particularly enforcement functionality, were not yet digital. Cases revert to the paper route if the enforcement stage is needed. Such limitations of the OCMC service might have hindered a higher level of digital uptake.

- There is some evidence that the digital reform features have contributed to an overall improvement over time in the duration of the OCMC cases. Across the checked case stages, duration has been reduced consistently over the analysis period. Evidence suggests that this has been driven, at least in part, by the digital features of the services, making the process faster and case information more accurate. However, it is possible that the same might have been observed with the paper channel which was out of scope for this analysis.
- Although the proportion of cases referred to mediation increased, particularly after mediation was changed to an opt-out option, the proportion of cases resolved through successful mediation remained the same.
- Duration and level of successful mediations were better for users with English/Welsh as their main language (as opposed to those who had another main language) and users who are white compared to those from ethnic minority groups. Unlike other services, males represented a higher share of claimants than females.
- The features of OCMC improved access to justice by providing an additional channel for submitting a claim. That impact might have been hindered by only some cases being eligible for the digital service, and for only part of the process. The features of the digital service allowed cases to progress more quickly, improving the speed of access to an agreed outcome or decision.

4.3.6.b OCMC – process evaluation main findings

- Most public users were satisfied with the service and reported they would recommend and use it again in the future.
- Judges felt errors were more prevalent and harder to rectify than under the legacy system.
- HMCTS support officers reported that all OCMC cases drop out (move from the digital system to paper) at some point of the process. Without a fully 'end-to-end' digital journey, there is some duplication of effort, with cases entered into both digital and legacy systems.

4.3.7 Damages Claims

4.3.7.a Damages - Impact evaluation main findings

- Evidence points to the user-friendly features of reform contributing to an increase in digital uptake in its early stages. However, compared to paper, the process for the digital channel was lengthier and more complicated. This may have made the digital option less preferable for legal professionals, leading to the reduction in digital uptake in the later stages of the reform. Given that legal professionals use the service regularly, a more complex and lengthier process might deter them from using digital services in the future, reducing the digital uptake.
- The digital service showed no change in the average time for cases to receive a response from the respondent over the evaluation period. Both digital and paper cases also saw a longer average duration to transfer to hearing centres.
- The reform had a limited impact on access to justice. Digital uptake was high at the initial stages of the reform rollout, but complications in the digital service deterred some users and increased the time that it takes to reach a resolution.

4.3.7.b Damages Claims – process evaluation main findings

- For simple cases, professionals reported that the reformed service has increased efficiency compared to the paper route.
- Professionals felt it was more difficult to correct user errors on the reformed system, leading to cases dropping out of the digital service and being processed on the legacy system.
- There was evidence of some legal professionals deliberately trying to cause cases to drop out of the reformed system early on to avoid delays.
- Due to the number of case types the reformed service was unable to accommodate at the time of the research, legal professionals, HMCTS staff and the judiciary believed the reformed system had added to their workload overall.

5. Conclusions

This evaluation assessed the contribution and effects of digital reform across seven civil, family, and tribunals (CFT) services, its implementation, and users' experience of it. It drew on analysis of MI, surveys, and qualitative interviews.

5.1 The contribution and effects of digital reform

The evidence in section 4.1 overall supports the claims that digitalisation **has contributed to improved ease of access to the formal justice system for public users**. While there were contexts and features specific to each service, in general the improved usability supported an increase in digital service uptake. However, ongoing trends in **digital capability and behaviour changes** arising from the **COVID-19 pandemic were also important** contributors to this shift.

For legal professionals the evidence also suggests **some contribution to improved access to the courts and tribunals system on behalf of their clients**. This was most effective when accompanied by appropriate training and support. However, **mandatory requirements to use reform systems was also identified as a strong contributor** to increased uptake of these services among legal professionals, notwithstanding any challenges in functionality or implementation.

Evidence broadly supports the claim that digitalisation has **contributed to improvements in the speed** at which users are able to obtain a hearing or decision. Again, while there were features specific to each service, the **digitalisation of back-office processing was an important mechanism** for this rather than front-end platforms alone.

The evidence was less conclusive in relation to improvements in error rates. Although there were some changes reported or observed in error rates for specific groups and services, this evidence was not complete or consistent enough to identify any general pattern. **Any effect of digitalisation on errors is likely to be highly context specific**.

Likewise, limitations in the data prevent drawing strong conclusions on the contribution of reform to any differences in outcomes by protected characteristics.

No strong evidence emerged of general barriers for protected groups imposed by reform, other than indications that English/Welsh-only provision may act as a barrier for some. However, further research would be needed to confirm this.

5.2 The implementation and experience of digital reform

The evidence in section 4.2 describes different experiences of digitalised services, and their implementation, between public and professional users.

Public users generally had positive experiences of reformed services. They broadly found the key initial steps to using the services easy, and among those who used the digital service no major barriers were identified to them doing so. Most public users were satisfied with the service they received. These higher levels of satisfaction were generally associated with feeling informed about the process and their case, having a lack of mistakes in their case, and feeling able to access support when they need it. Although only a minority (around 1-in-10) reported making a mistake in their case, those that did commonly attributed this to misunderstanding what they were being asked for. **HMCTS staff, judiciary, and legal professionals all reported issues with inadequate guidance or information for public users giving rise to issues that had a negative effect on their own experience.**

Professional users' experiences (including judiciary and staff) were more mixed.

Professionals and judiciary generally believed reforms had led to improvements, but they found the initial implementation period challenging.

They particularly cited inadequacies in initial training. Their experience however generally improved over time. All professional groups reported making mistakes when using reformed services, but particularly expressed frustration with the difficulty in amending or correcting these errors within the system. **All professional groups also expressed frustration with the uploading and filing of documentation, and the judiciary felt that the move to self-serve had shifted too much of the administrative burden onto them.** Reformed processes were felt to be consistent with legacy processes, although professionals highlighted risks where unrepresented users did not have the same access to information as them. Professionals felt that

on balance reforms had improved their ability to provide their clients with access to justice particularly by removing the dependence on posting documents.

For all user groups, services not covering the full process or all case types could be a source of frustration. This was particularly acute for professionals, who in some cases reported finding **workarounds or moving cases to the legacy system to avoid the delays**. All user groups also felt that inadequate content and frequency of notifications through the system added to uncertainty. This drove them to either increase the frequency with which they logged on to the system to check progress or contacted HMCTS for advice and reassurance.

5.3 Implications for improvement

The service-level evaluations identified a wide range of service specific improvements, including many that arose in two or three services. However, the opportunities for improvement listed below were identified in at least four of the seven services included in this evaluation.³⁰ They are likely to apply across services:

- Improve guidance and signposting to support, including technical and digital support (in SSCS, divorce, FR, OCMC, FPL, and probate.)
- Continue to improve the reliability and stability of the digital platforms, to minimise downtime of the system. This was particularly relevant to staff and professional users (in divorce, damages, OCMC, FR, and probate.)
- Improve the case updates, notifications, and communications to support user confidence in the overall process and reduce duplication across channels (in SSCS, divorce, OCMC, and FPL).

5.4 Wider lessons

As this evaluation draws on evidence on digitalisation across seven very different services, it is possible to draw some wider inferences and lessons on the digitalisation of services. While there remain some evidence gaps, for example fully

³⁰ The potential improvements identified across services are summarised in Appendix G.

understanding how digitalisation interacts with protected characteristics or can reduce error, there are some important lessons for future digital transformation.

Digital services should cover the whole journey where possible and be joined up with wider processes to work most effectively. Change accelerated since the COVID-19 pandemic, where people are more willing and able to access increasingly complex public services online, provides greater opportunities for digitalisation. To properly capitalise on this however, services need to join up with the wider processes within which they operate. In OCMC for example, digitalisation of only part of the journey limited the service's take up and led to dual running with legacy systems. Across services, improvements in timeliness and experience were commonly linked to the front-end service being integrated with back-end processing and offline channels: single case management systems and bulk-scanning for example allowing cases to pass between stages, people, and channels efficiently.

Digitalisation alone cannot be relied upon to automatically reduce errors. The absence of any consistent pattern in error across services means that it was not possible to say whether or how digitalisation reduces errors in cases or processing. It is logical therefore to conclude that digitalisation cannot be automatically assumed to be sufficient to reduce errors. As such, where an objective of digitalisation is to reduce user or processing error, care should be taken when designing a service to understand the nature and causes of specific types of error.

Legal professionals tend to wait until service use is mandatory but may still revert to offline or other channels if a mandatory service does not meet their needs. Uptake among legal professionals tended to be low until use of those services became mandatory. This would support an argument in favour of rapid rollouts of services with short lead times prior to them being mandatory. However, evidence from damages shows that even when mandatory, if a service does not fully meet users' needs, users will actively seek other routes. The importance of services joining up with wider processes discussed above is relevant here. Evidence (e.g. probate) also showed that successful implementation with regular professional users (including judiciary and staff) relied on actively seeking feedback, and extensive availability of training, to develop and embed the service before making it mandatory.

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Glossary

- **Access to justice:** The principle of ensuring that individuals have the means and ability to access the legal system and obtain a fair resolution to their disputes or grievances.
- **Appellant:** An individual who files an SSCS appeal against a decision made regarding their benefits claim.
- **Appointee:** A person appointed by the DWP or the court to manage the benefits of the appellant.
- **Bulk scanning:** The process of converting paper cases into a digital format.
- **Cafcass:** A Governmental organisation in England and Wales that can be appointed by the family court to work with families and organisations to find a long-term solution for the child and be the child's voice in those proceedings.
- **Civil, Family, and Tribunal (CFT) services:** Three jurisdictions within the courts and tribunal system in England and Wales in which specific services are undergoing digitalisation as part of the reform programme. Excludes the criminal courts.
- **Contribution analysis:** An evaluation approach that aims to determine how an intervention has contributed to observed changes or outcomes.
- **Core Case Data (CCD):** The reformed case management system rolled out as part of the digital reform of services within civil, family, and tribunal jurisdictions. Users include judges, solicitors, local authorities, case workers, magistrates, and others.
- **Department of Work and Pensions (DWP):** Government department responsible for welfare, pensions, and child maintenance policies in the UK.

- Digital reform: The process of transforming a paper-based service into a digital service that allows users to start and/or manage cases online, and in some services allows for centralised and automated management of cases.
- Digitalisation: see digital reform.
- End-to-end service: Refers to a service that covers the whole user journey, from application to case resolution.
- Family public law (FPL): A service aims to protect and promote children's welfare. Among other duties, it allows local authorities in England and Wales to initiate 'care proceedings' in cases where there are concerns regarding a child's wellbeing.
- Feasibility assessment: A detailed assessment conducted to determine the practicality and viability of a project or initiative.
- Financial remedy (FR): Within the context of reform, the process of resolving financial issues that arise after the end of a marriage or civil partnership. In the report may also refer to evaluation of the digitalisation of financial remedies processes.
- Financial Remedies Court (FR Court): A specialist part of the Family Court that handles financial issues that arise after the end of a marriage or civil partnership.
- HM Courts and Tribunal Services (HMCTS): An executive agency of the Ministry of Justice (MoJ) responsible for the courts and tribunal system in England and Wales, and non-devolved tribunals in Scotland and Northern Ireland.
- HM Revenue and Customs (HMRC): Government department responsible for the collection of taxes and the administration of some benefits in the UK.
- Impact evaluation: A type of evaluation that assesses the (usually) medium and long-term effects and impacts of a program or intervention.
- Legacy data systems: Data systems used before the implementation of newer systems as part of the reform programme.

- Legal advisers: Individuals with legal expertise who provide guidance and assistance in legal matters.
- Legal professionals: Lawyers or other appropriately qualified professionals who handle legal cases on behalf of their clients.
- ListAssist: A digital system used by Judges, Listing Clerks or administrative staff to schedule hearing sessions and list cases to which Judges are assigned.
- Litigant in Person (LiP): An individual (or, in the context of OCMC cases, a company or a person trading as a company) who represents themselves in court without legal representation.
- Logic model: A visual representation of the logical connections between the inputs, activities, outputs, outcomes, and impacts of a programme or intervention.
- Manage Your Appeal (MYA): A user-facing route of the digital SSCS service that enables users to track the progress of their appeal, upload evidence, and make statements to support their appeal.
- Money Claims Online (MCOL): An internet-based service provided by HMCTS for claimants and defendants to handle money claims. The service was available before OCMC and is still currently available for users.
- Mediation: A process of resolving disputes outside of court, where a neutral third party helps the parties involved reach a mutually acceptable agreement.
- Management Information data (MI): case-level information used primarily for monitoring and managing a service, but also for analysis purposes.
- Ministry of Justice (MoJ): The government department responsible for upholding justice and the rule of law in the United Kingdom, including the court, prison, and probation systems.
- MyHMCTS: An online platform that enables legal professionals to manage cases digitally, including activities such as payment, case submission, and tracking.

- Online Civil Money Claims (OCMC): A digital service introduced as part of reform for specified money claims submitted by Litigants in Person, or legal representatives. In the context of this report, may also refer to the evaluation of that service.
- Opt-out: A provision that automatically includes individuals in a particular process or service unless they actively choose to opt out.
- PCQ: Protected Characteristics Questionnaires, which collect self-reported information about the characteristics and demographics of individuals using a service.
- Personal Independence Payment (PIP): Specific benefit type that can be appealed through the SSCS tribunals. The benefit is applicable for those with long-term physical or mental health conditions or disabilities.
- Probate: The legal right to manage a person's property when they die. In the context of this report may also refer to the process or service to obtain this right, or the evaluation of the digitalisation of the probate process.
- Process evaluation: An evaluation that focuses on the implementation and processes of a program or intervention.
- Public users: Individual users of a service who are Litigants in Person or are otherwise acting on their behalf but are not legal professionals.
- Reform data systems: The new data systems implemented as part of the reform.
- Representative: A person who can assist and act on behalf of the appellant during the appeal process.
- Social Security and Child Support (SSCS): Part of the Social Entitlements Chamber of the First Tier Tribunal. SSCS handles appeals against decisions relating to certain social security benefits and child support liabilities. In the context of this report may also refer to the evaluation of the digitalisation of the process.

- Solicitor: A qualified legal professional who can provide legal advice and represent clients in legal matters.
- Submit Your Appeal (SYA): A user-facing route of the digital SSCS service that allows users to submit their appeal without creating an account.
- Theory of Change (ToC): A systematic and visual representation of how and why a desired change is expected to occur as a result of an intervention or initiative.
- Tribunal hearing: A formal meeting where a judge and experts make a decision on the appeal case.
- Universal Credit (UC): Specific benefit type that can be appealed through the SSCS tribunals. The benefit is intended to help individuals with living costs and includes several benefits and tax credits.
- Value for money: The assessment of whether the benefits derived from an investment justify the costs incurred.

Appendix A

Services and digital rollout timelines

The evaluation was originally intended to include 11 HMCTS services in the civil, family, and tribunals jurisdictions (CFT) that were planned to undergo a digital transformation.³¹ As mentioned in section 3, the timelines of the digital service rollout for each service and data availability meant this was not possible. Private family law (Child Arrangements), adoption, Employment Tribunal, and Special Tribunals (SEND) were originally in scope, but their implementation was postponed until after the period covered by this analysis.

Table A1, below presents the digital service rollout dates for the seven services in the revised scope of the evaluation.

Table A1: Rollout dates

Jurisdiction	Digital Services	Rollout dates
Family	Probate	July 2018: public beta for Litigants in Person (LiP) November 2020: mandate for solicitors to use the digital route
	Divorce	July 2019: full end-to-end journey for Old Divorce Law (ODL) for public users April 2021: full end-to-end journey for ODL for legal representatives (LR), mandatory from September 2021 April 2022: New Divorce Law (no-fault divorce) service released nationally
	Financial remedy	August 2020: mandate for legal representatives to use digital route for consented cases. September 2020: full end-to-end journey for contested cases 31 January 2023: mandate for legal representatives for contested FR
	Family public law	January 2020: public beta went live. April 2021: National rollout for all courts

³¹ Not all MoJ/HMCTS services that have undergone digital transformation were included in the original list of potential services to be evaluated.

Tribunals	Social Security and Child Support	Digital rollout differs between benefits: Personal Independence Payment (PIP): - July 2018: Employment Support Allowance (ESA) - March 2018: Manage Your Appeal (MYA), - August 2019: bulk scan Universal credit: (UC) - September 2019: Submit Your Appeal (SYA) and MYA - November 2020: bulk scan
Civil	Damages	April 2022: Service mandate for LR for claimants September 2022: Service mandate for LR for defendants
	Online Civil Money Claims	March 2018: LiP for claims under £10k May 2022: LR for claims between £10k-£25k March 2023: default judgment for LR, digital orders for judiciary

Source: Frontier Economics based on information provided by MoJ/HMCTS
Note: Rollout dates as were indicated by MoJ in March 2023

Appendix B

List of Common Components and their features

Table B1 Common Components features

Common Component	Features
Core Case Data	The reform management system that allows creation, storage and case progression.
Access Management	Ability to control who has access to cases, data and documents filed on cases.
Bulk Scan and Print	Litigants in Person (LiPs) who access services via the paper channel will be able to do so, as all incoming paperwork is bulk scanned and outbound communication provided through bulk print.
Protected Characteristics	Information on protected characteristics collected across both paper and online channels for litigants.
Evidence Management	Multiple features such as document generation, upload, bundle management, viewing and storage, annotating evidence, digital presentation of hearing evidence.
GDPR and Retention	Able to retain, archive and delete information according to GDPR regulations and internal policies.

Work allocation and automation	Coordination of common components to enable digital (and automated where appropriate) allocations of work.
Log and Audit	Ensures all activities are logged on every case.
Fees and Payments	These support digital payment methods.
Hearing Management	Integration of courts, family and tribunals services with digital hearing management tools.

Source: Frontier Economics based on information from MoJ

Appendix C

Process evaluation technical appendix

Public user survey

Sample specification

Sample files containing users' names, service and party type, case details (case open/close dates, channel used, representation), and contact details were provided by MoJ following data protection and ethical approvals. Inclusion and exclusion criteria were agreed with MoJ and HMCTS to establish which cases were in scope for the public user survey.

Across all services, public users were only retained in the sample if:

- their cases were closed (except for OCMC cases – details below); and
- applications/appeals/claims were filed by the applicant/appellant/claimant and not by a legal representative.

Additional inclusion and exclusion criteria specific to each service are presented in Table C1.

Table C1 Inclusion and exclusion criteria for potential samples

Service	Inclusion	Exclusion
OCMC	Inclusion criteria: • Claimants and defendants • Sole traders and individuals • Individuals who used the public user service but were represented were retained.	Exclusion criteria: • Solicitors • Parties that were companies or organisations • Individuals who were not the first party in the

	• Case submission between April and September 2022 (Phase 1) and February and July 2023 (Phase 2) • Cases without a close date or key outcome, but presumed closed given length of time since case was started (using an estimate based on the time taken for 90% of cases to be closed)	case (primary party retained) • Case outstanding
Probate	Inclusion criteria: • Case closed. • Applicant in person submitted the application. • Applications submitted via digital route. • Cases submitted in July 2022 (Phase 1) and between April and August 2023 (Phase 2)	Exclusion criteria: • Case outstanding • Application submitted via the probate professionals' portal. • Applications submitted via paper.
SSCS	Inclusion criteria: • Case closed. • Cases submitted via digital route. • Cases submitted between February and April 2023	Exclusion criteria: • Case outstanding • Cases that were not submitted digitally • Represented cases. • Appellants and appointees without listed dates of birth or

		under 18 at time of sampling
Divorce	Inclusion criteria: • New divorce law (NDL) and old divorce law (ODL) cases • Case closed. • Cases submitted digitally. • For ODL – petitioners and respondents • For ODL -- cases submitted in the last 3 months of ODL (Jan-5 April 2022) • For NDL, cases submitted from February 2022 for applicant 1 in joint cases, from September 2022 for applicant 1 in sole applicant cases and for applicant 2 in joint cases and from August 2022 for applicant 2 in sole applicant cases	Exclusion criteria: • Represented cases. • Cases completed through third-party services. • Cases that were not submitted digitally

Source: IFF

Drawing samples for public user surveys

For proportionality and efficiency, the intention was for most surveys to take place online, with invitations issued by email. Sample files were reviewed for the availability of email addresses. Most services had a high proportion of cases with email addresses, and participants could be sampled from cases with email addresses with minimal risk of bias (probate 97%, OCMC 100%, SSCS 100%, NDL 81%). The proportion of ODL cases with email addresses was much lower at 38% (increasing the risk of bias). The remaining sample without email addresses did not

include telephone numbers, meaning it was not possible to invite them to participate in the study via email or telephone.

In addition to online survey responses, an allowance was made for some telephone interviewing – both to increase the overall response rate and meet targets and to ensure that those less digitally confident had another means to respond. An overall provision was made for around 1,600 telephone interviews with the initial expectation that these might be relatively evenly distributed by service. A total of 987 were completed. In practice, they were distributed less evenly due to differing levels of online completion per service (see table C3).

From the in-scope cases, the sample volumes to draw were calculated based on estimated online response rates for each audience (8-10%). These estimates were based on the response rates achieved in the Covid-19 Remote Hearings survey (Clark, 2021), which used a comparable methodology.

Another consideration for sampling was achieving a balance between recently submitted (and therefore shorter, simpler) cases and cases submitted earlier (which were likely to be more complex and therefore had taken longer to complete). Recent cases were preferable to increase recall reliability. However, if only the most recently submitted and closed cases were sampled, this would mean shorter and therefore potentially simpler cases would have had a higher chance of being sampled. Longer and more complicated cases that were submitted less recently (and were taking longer to resolve), would have had a lower chance of being sampled. This would have created a biased sample towards shorter/simpler cases. The ethical requirement to minimise distress, confusion and disruption to individuals involved in cases that might involve some sensitivity (such as probate) was also considered when determining the sampling period.

The average and 90th percentile of case lengths (the time taken for at least 90% of the cases to close) was calculated for each service. These were used as a proxy for services where the data did not include a reliable case closed indicator.

The sampling period was defined as the most recent time window when 90% of cases were closed after submission. This potential sample was then checked for its

average case length against the average case length of the population (all other in-scope cases of the same service). Adjustments were made iteratively if the averages of the sample and the population were significantly different, i.e., recent cases were sampled to adjust the average case length of the sample accordingly.

After considering the inclusion and exclusion criteria, case date, and case length, the target samples were drawn randomly from the in-scope cases. The sample volumes drawn for each service are provided in Table C2.

Table C2 Potential (in scope) and derived sample details public user surveys

Service	Audience	In-scope population	Sample drawn	Survey target
Probate Wave 1	Applicants	205,886	2,909	400
Probate Wave 2	Applicants	85,837	1,769	200
OCMC Wave 1	Claimants	140,848	4,375	350
	Defendants	39,320	3,000	150
OCMC Wave 2	Claimants	26,595	5,940	350
	Defendants	13,995	4,740	150
SSCS Wave 1	Appellants	25,095	4,000	400
SSCS Wave 2	Appellants	51,452	7,069	600
Divorce ODL	Applicant	11,332	5,000	400
Divorce NDL	Applicant 1 Joint divorce	11,459	2,500	200
	Applicant 1 Sole divorce	18,489	5,000	400
	Applicant 2: Joint divorce	11,962	2,500	200

	Respondent: Sole divorce	27,425	8,000	400
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Source: IFF research

Achieved interviews are shown in Table C3 below:

Table C3 Achieved survey volumes

Service	Audience	Sample drawn	Online responses	Telephone responses	Total responses
OCMC	Claimants	4,375	198	152	350
Wave 1	Defendants	3,000	44	106	150
OCMC	Claimants	5,940	231	192	423
Wave 2	Defendants	4,740	38	92	130
Probate	Applicants	2,909	371	29	400
Wave 1					
Probate	Applicants	1,769	235	97	332
Wave 2					
SSCS	Appellants	4,000	291	109	400
Wave 1					
SSCS	Appellants	7,069	390	210	600
Wave 2					
Divorce	Applicants 1	15,000	1,442	0	1,442
(all)	and 2	8,000	368	0	368
	Respondents				

Source: IFF research

Legal Professionals survey

The legal professionals survey was sampled from the database of individuals registered to use MyHMCTS. The total dataset included 85,123 users. Cases were excluded if they did not have a solicitor or caseworker role³², had a police.uk email

³² In the data, these two roles were always present at the same time.

address, or had a 'DO NOT USE' flag. After exclusions, 75,140 cases remained in the sample. All individuals in scope were sent an invitation to participate in the online survey.

Information was not available in the database on what services legal professionals dealt with, and many legal professionals are likely to deal with a range of case types across different services. The survey therefore asked respondents to select which services they had dealt with through MyHMCTS. If they selected more than one, they were asked to discuss the case type with the fewest responses in the survey at that point. Towards the end of the survey fieldwork period, the prioritisation was adjusted so that professionals were always asked to discuss their experience of the divorce service if they had experienced divorce cases through MyHMCTS. This was to maximise the potential for analysis of experiences of the divorce service. See Table C4 for achieved survey volumes.

Table C4 Achieved survey volumes for legal professionals survey

Service	Total responses
Financial remedy	163
Probate	656
Family public law	588
Divorce	441
Damages	205
Online Civil Money Claims	244
TOTAL	2,297

Source: IFF research

Approach for sample selection for qualitative interviews

Public users

Participants for the depth interviews with public users were recruited from those who agreed in the quantitative survey to have a follow-up contact. The definitions of users

in scope for the qualitative interviews were the same as for the public user survey participants. Only users of reformed services were covered in these interviews.

Legal Professionals

MoJ provided contact information of legal professionals for probate, divorce, financial remedy, OCMC, damages and family public law services. These were used to draw a sample for the qualitative interviews with legal professionals.

Where organisations appeared multiple times in the sample, duplicate records were removed to avoid multiple individuals from the same firm being interviewed. The record with the most recent 'case submission date' was kept, and other records with the same organisation name were removed. A sample of 600 records (100 probate, 100 OCMC, 100 PFL, 100 damages and 200 divorce) was then drawn at random and sent an initial approach email. Only individuals who were responsible for using the reformed service on behalf of clients were interviewed.

Judges

A total of 29 interviews were conducted with members of the judiciary, split across the civil, family, and tribunals jurisdictions. Phase 1 interviews included family and civil jurisdictions, only reflecting the services that were covered by public users at this point. Judges from all jurisdictions were included at Phase 2.

Judges were recruited by MoJ through the Judicial Office and their contact details were shared with IFF Research to be contacted via email to book the interviews. The split of interviews by service is shown in Table C5 below.

Non-legal professionals

A total of 14 interviews were conducted with HMCTS staff at Courts and Tribunals Service Centres (CTSC). These comprised two team leaders and 12 support officers. They covered damages, SSCS, financial remedy, family public law, divorce, probate and OCMC cases. Details of relevant individuals were provided to IFF Research and were then recruited using a combination of email and telephone approaches.

In addition, two individuals from Cafcass Cymru were interviewed in relation to the digital family public law service and four DWP staff were interviewed in relation to the digital SSCS service. Again, all contact details were provided by MoJ.

The total volumes of qualitative interviews conducted are shown in Table C5 below:

Table C5 Achieved interviews

Service	Public users	Legal professionals	Judicial Office Holders	HMCTS staff	DWP and Cafcass Cymru staff
Probate	14	9	n/a	1	n/a
Financial remedy	n/a	9	9	1	n/a
Family public law	n/a	10	9	1	2 (Cafcass Cymru)
Divorce	16	10	4	4	n/a
Damages	n/a	9	2	3	n/a
OCMC	16	9	5	2	n/a
SSCS	16	n/a	10	2	4 (DWP)
TOTAL	62	56	29	14	6

Source: IFF research

Note: Some judges in the family and civil jurisdictions discussed multiple services, so the sum of interviews for each service adds up to more than the total number of interviews with judicial office holders. The total number of judicial office holders interviewed was 29, and total interviews overall was 142.

Approach for developing surveys and qualitative topic guides

The content of the surveys and the interview topic guides was based on the process evaluation research questions. The scoping phase provided background to ensure correct terminology was used and questions were framed appropriately. Once drafted, the surveys were reviewed by MoJ and HMCTS and amended according to the feedback provided.

Initially, the public user survey was launched with a pilot sample of 999 records with an additional set of questions at the end requesting feedback on survey usability. Following the pilot fieldwork (105 responses), further amendments were made to the questionnaire before it was launched for the main stage. These amendments included language and process clarifications and corrections.

Similarly, the topic guides were assessed for effectiveness after the first four interviews with each audience, and amendments were made based on interviewer feedback.

Approach to analysis

Quantitative data reduction and analysis

The data reduction phase of the project involved:

- coding of open-ended and "other" responses; and
- weighting.

There was a small number of open-ended and/or 'other specify' responses within the questionnaire. Coding of these was conducted on an ongoing basis to standardise code-frames.

The public user survey was weighted separately for each service. In all cases this was to correct for non-response. The approach involved comparing the response profile against the starting sample on all the useable variables from the sample databases (e.g., region, case type, gender etc.).

For the OCMC survey, a second stage design weight was applied that corrected for deliberate over-sampling of defendants compared to claimants.

The extent to which findings from the surveys are taken to represent the views and experiences of the entire population of interest (i.e. all public and legal professional users of the digital service as set out in the sample specifications above) should be treated with caution. The generalisability of the surveys may be limited by fieldwork

closing when targets were reached rather than fully exhausting the random sample, and a largely online approach with mixed response rates.

Qualitative analysis of depth interviews

Individual analysis of each interview discussion was entered into an analysis framework under thematic headings relating to the research objectives – allowing interviews to be compared and judgements made about the commonality of experiences. The framework contained coded 'classification' variables (e.g., jurisdiction, role, case type, demographics for public users) to allow the qualitative data to be ordered/'cut' in different ways to explore subgroup differences. Separate frameworks were devised for the public user, legal professional, judiciary and non-legal professional interviews, although there was some overlap in some of the thematic headings used, thus facilitating cross-audience analysis as a final stage in the process.

The qualitative findings provide insight on 'how' and 'why' rather than how widespread views are. Although all qualitative interviews followed a broad framework, these allow for further probing and expansion of answers so not all points will have been discussed with all participants. It can therefore be hard to draw a conclusion on the proportion affected, although it was flagged where a finding is based on a minority of participants' views where possible. In this overarching report the focus of the qualitative reporting is on findings which were common amongst the interviewees, or where a minority raised a particularly pertinent point.

Appendix D

Scoping the impact evaluation

To determine the most appropriate and proportionate approach to the impact evaluation of the digitalisation of the services in scope, two overarching approaches were considered: theory-based and quasi-experimental approaches. These are defined as:

1. **Theory-based methods:** "...can be used for impact evaluation to address questions about whether the intervention caused an impact, how and why it occurred, how context may have influenced outcomes and help understand to what extent results are generalisable. They allow attribution of causality, but none gives precise estimates of effect sizes" (HM Treasury, 2020a, p. 3)
2. **Quasi-experimental or experimental (QEE) methods:** "...are used to measure impact." (HM Treasury, 2020a, p. 53). They are quantitative approaches that help not only identify the impact but also identify the causality and the size of the impact due to the intervention because they compare observed outcomes with the best view of what would have happened without the intervention.

The Magenta Book, the HM Treasury guidance on evaluation in government, recognises and suggests several approaches for each of these methods (HM Treasury, 2020b). As part of the feasibility assessment, the most appropriate approaches were identified for each service. This concluded that a combination of contribution analysis supplemented with a realist analysis where possible would be best suited for this impact evaluation.

The contribution analysis narrative describes the extent to which changes in the observed outcomes can be attributed to the HMCTS reform programme. The analysis first assesses if changes in the outcomes of interest have actually occurred and whether the evidence suggests that reform-related drivers can reasonably be considered to have contributed to the observed trends. The narrative also identifies contextual drivers that might have also contributed to the observed change. In light

of the evidence, the contribution narrative assesses the extent to which the reform achieved its initial aims.

Quasi-experimental methods were not considered feasible for this evaluation given the limitations of insufficient case volumes to detect effect over a sufficient period and the lack of a feasible counterfactual (the credible view of what would be expected without the interventions) for these services.

Appendix E

Ethical Considerations

This research was designed and conducted in accordance with the professional guidance on Ethical Assurance for Social Research in Government (Government Social Research, 2021). Some key ethical considerations are discussed below.

Minimising the risk of harm

Involvement in any legal process can be a stressful experience, some of which may be related to interactions with or perceptions of HMCTS itself. Unsolicited or unexpected communications from HMCTS, MoJ, or their representatives could risk causing or exacerbating any distress from involvement in a live case. There is also the risk that the research itself might incompletely capture, or unintentionally influence the formation of, participants' experiences of issues yet to be resolved. As discussed in Appendix C, only closed cases (or cases deemed to be closed by proxy) were included in fieldwork to minimise this distress and maintain the validity of the research.

Any participants in legal proceedings could from time to time be considered vulnerable. However, certain types of case were considered to involve an inherently higher degree of sensitivity and risk of distress from involvement in research. For this reason, domestic abuse, forced marriage, and female genital mutilation cases were excluded from this research, as the benefits of their inclusion were not considered to outweigh those risks. To minimise the risk of distress more generally, recruitment materials made clear that surveys and interviews were interested in participants' experience of the process and systems, rather than the content of their case.

Informed consent and right to withdraw

Public users and legal professionals were invited to take part in the surveys and interviews in advance by email (or for public users by post where an email address was unavailable). This invitation set out the purpose of the fieldwork, the voluntary nature of participation and their right to withdraw. It also made explicit the

confidential nature of participation and that this would have no effect on their interactions with HMCTS. This information was further repeated at the start of the fieldwork.

Judiciary, HMCTS staff and other professional users were recruited through gatekeeper processes. They were informed of the purpose of the research and the voluntary and confidential nature of participation, and that participation would not have any effect on their employment or interactions with MoJ or HMCTS in both recruitment communications and at the start of fieldwork.

Enabling participation

Public users were offered a £30 voucher for participation in interviews to recognise the time and inconvenience incurred, and to support the participation of those for whom the costs of participating (in time, arranging childcare, use of phone data) might be a barrier.

Telephone surveys and interviews were available as an option for digitally excluded or less digitally capable individuals. Interpretation was also available for interviews and surveys for those unable to participate in English.

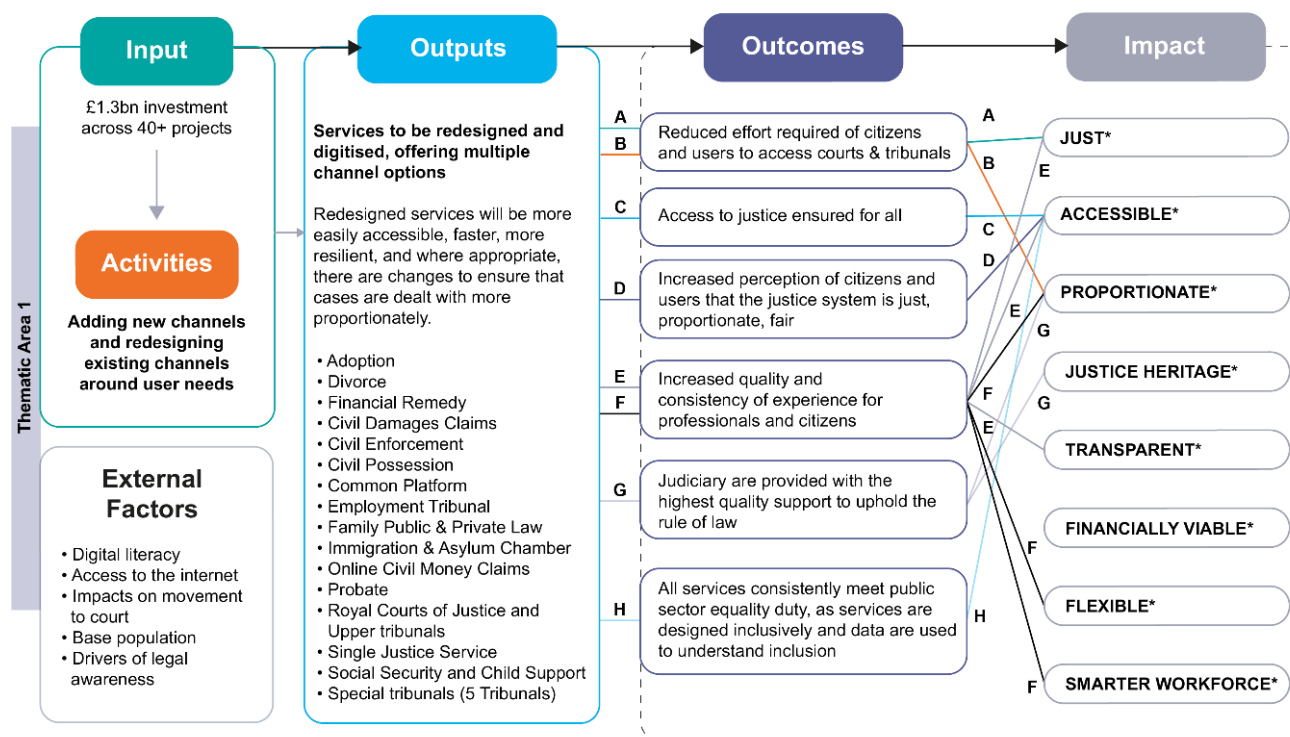
Confidentiality and disclosure control

Responses to fieldwork were held separately by IFF Research from participant details and not shared with HMCTS or MoJ.

Quotations were either selected to avoid disclosive material, or disclosive material was redacted. When attributing quotations for small populations (such as HMCTS staff), descriptions of participants were kept as generic as possible to minimise the risk of identification.

Appendix F

Reform programme Theory of Change for digitalisation



Causal Pathways: Adding new channels and redesigning existing channels

A. Multiple channel options will **enable** people to 'self-serve' and reduce effort.

B. Multiple channel options will **increase** the speed of case progression.

C. Multiple channel options will **increase** access to justice through a wider range of channels which are consistently available across all services.

D. Multiple channel options and user-designed services will **increase** perception that the system is Just, Accessible, Proportionate.

E. Multiple channel options and user-designed services will **enhance** the quality and consistency of peoples' experiences.

F. Multiple channel options and user-designed services will **enable** a flexible infrastructure.

G. 'Self-service' will **ensure** the best use of judicial time.

H. Multiple channel options and user-designed services will **ensure** that no one is left behind by the addition of new channels.

Appendix G

Summary of common implications for improvement

Table G1: Suggested improvements made directly by research participants, by service

Suggested improvement	OCMC	Damages	Probate	Divorce	FR	FPL	SSCS
Document management and navigation					X		X
Case amendments by staff	X			X			
Flexibility in producing orders		X			X		
Make communications more understandable	X					X	
Quality and availability of training for judicial users	X			X			X
Speed of processing	X		X				
Additional functionality to widen the cases/stages in scope	X	X					
Make a 'sandbox' functionality available for judicial training		X			X		
Case notes and document annotation	X	X					X
Guidance and signposting to support	X		X	X	X		
Timeliness and quality of support	X	X			X		
Functionality to name/include details for multiple professionals/3 rd parties						X	X
Frequency and content of notifications				X	X		X

Suggested improvement	OCMC	Damages	Probate	Divorce	FR	FPL	SSCS
Incorporate a communications/messaging function within the system				X	X		
Multiple individuals to access single roles (e.g. judiciary, parents)					X		X
Providing users with a named individual to contact about their case.							X
Ensure better facilitation of the mediation process	X						
Provide a visual overview of the stages of the process			X				
Allowing managers to view management information more easily				X			
Reducing the number of different platforms across Civil cases		X					
Allow uploading of copies of wills whilst waiting for the original to be posted.			X				
Implement constraints to prevent actions outside the digital process	X						
Functionality to archive old or unsubmitted applications			X				
Using the same terminology on both reformed/legacy systems		X					
Reduce delays from the two-factor authentication process.							X
Increase awareness of user groups for judiciary to share experiences		X					

Table G2: Further potential improvements derived from analysis, by service

Potential improvement	OCMC	Damages	Probate	Divorce	FR	FPL	SSCS
Improve system reliability and reduce downtime	X	X	X	X	X		
Explanations of required information/instructions on completing stages	X		X				

Potential improvement	OCMC	Damages	Probate	Divorce	FR	FPL	SSCS
Labelling and document handling				X	X	X	
Further training and guidance for staff to support more complex cases			X	X	X		
Content of updates, notifications and communications to provide reassurance and reduce duplication	X			X		X	X
Functionality to correct, edit, or add supplementary information		X	X		X		
Signposting, guidance, and access to support, including technical support and the National Digital Support Service		X	X			X	X
Address delays in processing						X	X
Ensure that the digital option to make an appeal is as prominent as possible.							X
Enhance platform functionality to reduce dropouts and duplication of work.		X					
Functionality for judicial users to sort/filter view for orders, and open/closed cases.						X	
Explore ways to emphasise the seriousness of the process in the online application				X			
Limit system warning boxes to only those relevant to the user		X					