



Ministry
of Justice

HMCTS Reform

MoJ Evaluation: Progress Report

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1. Executive Summary

This progress report provides an update on the Ministry of Justice's (MoJ) evaluation of HM Courts and Tribunals Service (HMCTS¹) reform programme. Building on the framework published in 2021,² this report sets out the development of the evaluation, including further information on the approach being taken, and the evaluation's evidence sources.

Evaluating HMCTS reform

HMCTS reform is a large, complex, and ambitious programme of change. It aims to bring modern technology and new ways of working to the courts and tribunals system.

In 2016, a joint statement by the then Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals set out a vision '*to modernise and upgrade our justice system*' with the aim for '*a courts and tribunals system that is just, and proportionate and accessible to everyone*' (MoJ, 2016³).

The MoJ is conducting an evaluation of the HMCTS reform programme to ensure that the effects of reform can be identified and assessed. Evaluation is an integral part of any new policy or programme. This evaluation will help identify if the reform programme has met its aims and what effects it had, for whom and why.

Selecting the evaluation's approach

In designing the evaluation, three types of challenges have informed the methodological approach: the complexity of the reform programme; the current data landscape; and the challenges posed by the COVID-19 pandemic.

¹ HM Courts and Tribunals Service (HMCTS) is an executive agency of the Ministry of Justice (MoJ), responsible for the courts and tribunals system in England and Wales and non-devolved tribunals in Scotland and Northern Ireland.

² [HMCTS Reform Evaluation Framework](#)

³ [Transforming Our Justice System by the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals \(publishing.service.gov.uk\)](#)

The MoJ are adopting a **theory-based approach** to the evaluation. Theory-based evaluation (TBE) approaches are particularly suitable for evaluating complex programmes like HMCTS reform. TBEs can account for many different components that interact with each other or change over time. A TBE approach will allow conclusions to be made around whether, and how, reform contributes to a range of outcomes the programme is anticipated to create. Informed by specialist evaluation expertise, the TBE approach is deemed most appropriate to evaluating HMCTS reform and will provide key insights and learning.

The MoJ has operationalised⁴ the aims of reform into measurable concepts, to assess if they have been met. A **theory of change** has been created to explain how the activities of HMCTS reform are anticipated to contribute to the intended aims and outcomes of the programme. Applying a TBE approach, a range of evidence is being collected, to rigorously test these expected routes for change and alternative explanations. This will allow conclusions to be drawn on both how and why any change occurs.

Within the theory of change, four thematic categories of HMCTS reform activity have been identified to group the research:⁵

1. Adding new channels (routes to services) and redesigning existing channels around user needs
2. Using remote hearing technology in more hearings
3. Consolidating the court estate and investing in court infrastructure
4. Introducing new support services.

The evaluation's sources of evidence

The evaluation is multi-method and is drawing on several different types of evidence to address the research questions. One source of evidence will come from the analysis of the available **management information (MI)** and **published statistics**.

⁴ Operationalisation is the process used in social research to define how a theoretical concept can be explored in the real world. Depending on the concept, this can involve identifying existing metrics that can indicate changes in processes or experiences, or developing bespoke research such as surveys or interviews to explore changes directly.

⁵ The overarching evaluation's intervention logic model sets out 6 types of reform activity. From these 6 types of activity, 4 thematic areas are created (as 3 activities - court estate, court infrastructure and HMCTS data form 1 thematic category, thematic area 3).

A second source of evidence is from research investigating specific reform projects (**'project-level evaluations'**), mostly led by HMCTS analysts. Several project-level evaluations have been completed to date:

- First-tier immigration and asylum: legally represented service evaluation
- Online civil money claims: opt-out mediation evaluation
- Continuous online resolution: pilot implementation reviews
- Video hearing implementation reviews
- Flexible operating hours pilot
- Digital support implementation review.

Additional project-level evaluations are planned:

- Digital services evaluation
- First-tier immigration and asylum: appellant in person evaluation
- Crime reform evaluation
- Video hearings service evaluation
- Scheduling and listing evaluation
- Publications and information evaluation
- Digital support service evaluation
- Court and tribunal service centres evaluation.

Third, the evaluation will also draw on evidence gained through research conducted specifically to provide evidence in important areas not otherwise covered by the MI analysis or project-level evaluations. This includes:

- The Legal Problem and Resolution Survey
- A qualitative in-depth vulnerability study
- A suite of evidence reviews⁶ to understand the existing evidence base.

Individual research and evaluation reports will be published as they become available at the government's dedicated HMCTS reform research publication webpage.⁷

⁶ 4 Rapid Evidence Assessments are being conducted (one for each thematic area of the overarching evaluation).

⁷ <https://www.gov.uk/government/collections/hmcts-reform-overarching-evaluation-research>

Taking an overarching perspective

Drawing on this range of evidence sources, the evaluation is looking to assess the HMCTS reform programme as a whole, taking an **overarching** long-term perspective on the combined effects of reform. Within the vast, complex scope of the reform programme, the evaluation will focus on **vulnerable users** and **access to justice**, in response to key areas of research need identified by stakeholders and the MoJ.

Much of the evaluation research and analysis will be conducted following the end of the reform programme, to enable reforms to bed in and data to be collected on outcomes. The **final evaluation report** will be published once this research is completed. The final report will summarise the measurable effects of HMCTS reform (where data is available) and provide recommendations and learning based on these findings.

Contents of this report

This report provides an update on the MoJ's overarching evaluation, at the point of publication:

- **Chapter 2:** An introduction to the reform programme.
- **Chapter 3:** The challenges informing the evaluation approach.
- **Chapter 4:** The rationale for the theory-based approach, followed by:
 - The programme's theory of change
 - The evaluation's research questions
 - The methods and evidence sources used to address the research questions.
- **Chapter 5:** The next steps for the evaluation.

The technical appendix

A technical appendix accompanies this progress report, providing:

- An in-depth look at TBE and its suitability for the evaluation of HMCTS reform.
- The full set of theory of change models, and the list of the causal pathways identified.
- Further information on the research completed to date, and the plans for forthcoming evaluations, including an illustration of some of the data metrics the evaluation will draw on.

2. Introduction

This chapter outlines the ambitious scale of the reform programme, which aims to transform the justice system through an expansive programme of modernisation and digitisation. This progress report builds upon the existing material published in the evaluation framework.⁸ Following an introduction to HMCTS reform and an outline of the programme's progress to date, the report provides an overview of the MoJ's methodological approach, the evidence sources that will be drawn on in the evaluation, and the complexities to navigate.

The majority of the evaluation's research is yet to be completed and will continue after the end of the reform programme to enable resulting outcomes to be measured. A final report summarising the findings of the overarching evaluation will be published after the end of the evaluation period.

2.1 HMCTS reform

The then Lord Chancellor, Lord Chief Justice and the Senior President of Tribunals published a joint statement in 2016 setting out that, despite our courts and legal systems being world-renowned, much of the system was paper-based and required radical change to modernise the justice system (MoJ, 2016).

Transforming Our Justice System - Joint Statement by the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals (2016)

'Our system needs radical change, to have modern IT and processes and to be located in buildings which are fit for purpose. The reforms outlined here will achieve that by combining our respected traditions with the enabling power of technology.'

⁸ [HMCTS Reform Evaluation Framework](#)

The vision is to modernise and upgrade our justice system so that it works even better for everyone, from judges and legal professionals, to witnesses, litigants and the vulnerable victims of crime. When they have to engage with the system, we want everyone to have available to them the finest justice system in the world.

Our overall aim is clear: a courts and tribunals system that is just, and proportionate and accessible to everyone – a system that will continue to lead and inspire the world' (MoJ, 2016⁹).

Consequently, the HMCTS reform programme was launched: a £1.3bn change programme for courts and tribunals. The reform programme has introduced substantial changes to date and is now in the final implementation stages. These final stages are critical for HMCTS to successfully deliver the benefits promised by the programme.

HMCTS reform is a complex transformation portfolio with over forty projects within five programmes and multiple workstreams, which has been referred to as the most ambitious programme of its kind in the world¹⁰ (Acland-Hood, 2018).

HMCTS's vision is for the reform programme to provide a justice system with people's needs and expectations at its heart and underpinned by three core principles of being just, proportionate, and accessible. Centred on the principle that the system should be designed around its users, the programme aims to improve the accessibility and efficiency of the justice system. Reform provides the opportunity to change and modernise, digitising, simplifying, and improving services to reflect users' needs and expectations, saving them time and increasing efficiency.

The programme aims to make greater use of virtual working, reduce paperwork, duplication, and errors, by re-designing the way the system works.

⁹ [Transforming Our Justice System by the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/684812/transforming-our-justice-system.pdf)

¹⁰ Presentation by the then HMCTS Chief Executive Acland-Hood (2018) https://www.ucl.ac.uk/laws/sites/laws/files/ucl_foj_01_03_acland-hood.pdf

Key stakeholders¹¹ have consistently communicated the need to understand the impact of reform, particularly regarding access to justice and the court system's accessibility to vulnerable users. For instance, the Public Accounts Committee (PAC) noted *'It remains unclear how the reforms are affecting access to justice, especially for vulnerable people'* (PAC, 2019). The MoJ evaluation is therefore focusing on these aspects, as set out in the evaluation framework published in 2021.¹²

HMCTS reform update

HMCTS reform has introduced substantial changes to date and is now in the final implementation stages across a range of programmes. These final stages are critical for HMCTS to successfully deliver the benefits promised by the programme. This section outlines the key strands of activity within the reform programme. The programme's theory of change set out in 4.2 shows how the activities of the programme are expected to deliver the aims of reform.

Further information on the activity completed to date and the latest information on the programme's development can be found on the HMCTS reform webpage.¹³

Digital services, integrated case management, and facilitating tools

New digital platforms being introduced by HMCTS reform are intended to deliver a range of online services, to support an efficient end-to-end management of cases in all jurisdictions. These platforms should allow access to relevant parties and partners to progress cases digitally in one system. In the Civil, Family and Tribunal jurisdictions, digital services are enabled by the case management system 'Core Case Data' (CCD). For Criminal courts, the digital case management system 'Common Platform' aims to provide paperless case preparation and courtrooms. This should enable criminal justice partners to access and share relevant information about a case, preventing duplication of process and re-keying of information.

¹¹ The Justice Select Committee (2019), the National Audit Office (2018), the Public Accounts Committee (2019) and other stakeholders, such as Byrom (2019), have made similar remarks regarding the need to understand the effect of reform on access to justice and for vulnerable users.

¹² [HMCTS Reform Evaluation Framework](#)

¹³ [The HMCTS Reform Programme - GOV.UK \(www.gov.uk\)](#)

Remote hearing technology

Video and audio technology are being used by HMCTS to enable remote participation in hearings. As part of HMCTS reform, a Video Hearings Service (VH) has been designed to emulate the experience of a court, where all parties can join by video at the discretion of a judge. HMCTS will use the VH service to streamline case progression, aiming to provide swift access to justice and reserving court time for cases that require physical attendance.

Support services and facilitating tools

New centralised administrative contact centres, called 'Courts and Tribunals Service Centres' (CTSCs) aim to provide quicker, more consistent, and accessible support services to users of the courts and tribunals, by providing information, guidance, and clear signposting to resolve user queries. CTSCs handle the majority of customer communication via telephone, scanned court documents, online forms, and online messaging.

Listing tools

HMCTS reform includes the rollout of a Scheduling and Listing tool (ListAssist), intended to automate processes, giving a better view of capacity across the court estate and improving listing efficiency. Listing is a judicial function, and the tool aims to support this by improving collection and management of information about judicial availability and demand forecasts, rooms and needs of court users. This in turn should provide more comprehensive and reliable data about how successfully lists are balancing competing demands.

Publications and information service

HMCTS are developing a new service that should improve how members of the public, the media and legal professionals access court and tribunal hearing lists. The publications and information project aims to deliver a publishing platform which will enable information provided by HMCTS to be shared into the public domain and allow for updates as and when appropriate. Across the jurisdictions, this will provide information on court and tribunal lists, outcomes, and judgments, in a single location.

Estate and infrastructure

HMCTS plan to use digitisation to reduce the reliance on physical courts. A key part of reform has been to consolidate the operational estate. There are currently no plans to

close further courts, and HMCTS continue to operate the Nightingale courts (introduced during the pandemic to help reduce the backlogs in the court system).

HMCTS reform will improve the collection and coverage of data. This includes collecting new essential data that comprehensively cover a user's journey through the justice system. Improvements to data coverage will enable detailed analysis of reformed systems and how they work for different people.

2.2 MoJ's overarching evaluation

The overarching evaluation was commissioned by HMCTS and the MoJ to assess the effects of reform. The evaluation sits independently of the HMCTS reform programme, within MoJ Data and Analysis.

Although informed by HMCTS research (see section 2.3), the MoJ's research is a distinct separate evaluation. The MoJ evaluation is looking to assess the reform programme as a whole, to identify if it has met its aims, what effects it has had, for whom and why. Using a robust theory-based approach, the evaluation will take a longer-term perspective on the combined effects of reform related to access to justice and vulnerability. In identifying whether the programme has met its aims, the evaluation will inform the future court and tribunal operations. Lessons learnt from the evaluation will be fed into policy and practices.

2.3 HMCTS research and evaluation

HMCTS has a research and evaluation strategy for the reform programme, separate but complementary to the MoJ's overarching evaluation. The HMCTS strategy focuses on user research, assessment, and evaluation to provide detailed evidence on individual projects.

HMCTS use a 'test-and-learn' approach to implement and iterate reform services, in which projects are tested extensively before reforms are fully rolled out. HMCTS use insight from direct observations of the user experience, management information data (e.g., complaints data and reasons for calling) and feedback from users to make changes in real time. This user research approach allows for fast feedback loops, creating opportunities for early findings to be incorporated into how reforms are implemented.

Additionally, HMCTS has developed a project-level evaluation strategy for the reform programme. Project-level research focuses on individual reformed services to understand if further iteration could help improve the way services are delivered. They range from small-scale assessments of proofs of concepts, to implementation reviews of pilots and early rollouts, to larger-scale, mixed method process evaluations¹⁴ and, where possible, impact evaluations¹⁵ of reforms. This evaluation work complements and informs the MoJ evaluation.

As with all major government projects, HMCTS also reports quarterly on the costs and benefits of the reform programme to the Infrastructure and Projects Authority (IPA). Now that the approach to the final phase of reform has been agreed, this reporting and its underlying assumptions will be reviewed, and updated. In addition, HMCTS will complete an IPA 'gate 5 review' at the end of the programme which will report on the benefits achieved. This, and the cost reporting, will be factored into the full evaluation of the programme that will provide HMCTS and MoJ with a wider view of the economic impact of reform.

¹⁴ Process evaluations address questions such as whether an intervention is being implemented as intended; whether the design is working; what is working more or less well and why. For further information see [HMT_Magenta_Book.pdf \(publishing.service.gov.uk\)](#)

¹⁵ Impact evaluations involve an objective test of what changes have occurred, the scale of those changes and an assessment of the extent to which they can be attributed to the intervention. For further information see [HMT_Magenta_Book.pdf \(publishing.service.gov.uk\)](#)

3. Challenges informing the evaluation approach

There are a number of challenges in evaluating HMCTS reform, relating to the complexity of the reform programme, a range of data issues, and the COVID-19 pandemic. The following sections in this chapter provide a summary of the complexities and challenges in evaluating HMCTS reform.

3.1 Complex systems

One particular challenge in evaluating HMCTS reform is the complex nature of the courts and tribunals system. In developing the evaluation approach, the Magenta Book supplementary guidance on Handling Complexity in Policy Evaluation¹⁶ has been drawn on.

The Magenta Book supplement defines a complex system as one that is made up of (and emerges from) a) many diverse, interacting components, and b) non-linear and non-proportional interactions between these components.

The courts and tribunals system is not static and continues to change as reforms are implemented. Due to this dynamic nature, the evaluation approach has been and will continue to be adapted and refined alongside these developments. This complexity, alongside the other methodological issues covered in this chapter, present a substantial challenge to the evaluation of HMCTS reform. Further detail on complex systems, their characteristics, and the properties that may apply to reform, is provided in the technical appendix.

3.2 Data and evaluation

Historically, there have been over 200 data systems in HMCTS that range from over 30 to 5 years old. These systems are numerous, complex, and may no longer be fit for purpose.

¹⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/879437/Magenta_Book_supplementary_guide_Handling_Complexity_in_policy_evaluation.pdf

Often, existing data does not capture every person involved in a case, details of who they are (e.g. demographic characteristics) or provide sufficiently granular information about their journey through the justice system. HMCTS reform intends to centralise these systems and improve the collection, coverage, and quality of data available. However, the complexity of existing systems combined with the staggered introduction of new reformed systems means that data access and quality will vary throughout the evaluation.

Data coverage and limitations

Missing baseline data

Data from legacy systems is limited and baseline data for the evaluation is unavailable across many services. Limited pre-reform baseline data means that there is:

- Not always enough data to map users' journeys before and after reform. This reduces the ability to conduct certain types of impact evaluations that could quantify the effects of reform.¹⁷
- Not sufficient granular data on services pre-reform, meaning it is hard to disentangle one element of reform, and its effects, from another. This is necessary to isolate effects on outcomes such as timeliness and attribute them to a specific change.
- Often little data on respondents¹⁸ or third parties.¹⁹ Without data on all users who interact with the legal system, it is hard to evaluate reform for parties who are not applicants/claimants.²⁰ Conclusions may be more limited for groups where data holds less detail on their involvement in cases, or the absence of contact information limits their opportunity to take part in primary research.

Protected characteristics data

Protected characteristics questions (PCQs) are being introduced by HMCTS over time to better understand how a service works for different users. Responses to PCQs collected for reformed services between April and September 2021 have been summarised in a

¹⁷ Where RCTs (Randomised Control Trials) are not possible, quasi-experimental designs often rely on constructing a comparison group that is similar to the treatment group, using pre-existing data. Without sufficiently granular data on users and their journeys, these designs are not possible or are less robust.

¹⁸ Respondent refers to the person who is being claimed against or responding to the application.

¹⁹ Third parties refer to individuals or organisations participating in a court or tribunal process, beyond the case applicant, claimant or respondent.

²⁰ Applicant/claimants refers to the person who is bringing the claim or application to court.

report published by HMCTS.²¹ As answering PCQs is not mandated, they are subject to non-response bias. When combined with low sample sizes in certain services, limited conclusions will be able to be made that compare outcomes for users with different protected characteristics.

Data quality and agile improvements

In 2021, the HMCTS Data Strategy²² released a vision for improved data architecture and quality. The strategy considers how HMCTS will continue to improve data beyond reform. The strategy will build on reform activities already underway, such as PCQ collection, but seeks to broaden access to and use of HMCTS data that goes beyond the original intentions and timescales of the reform programme.

Between reform activities and the data strategy, better data will be more accessible and should lay the foundations for longer term evaluation and insight beyond this project.

Both the data strategy and reform activities have taken an agile approach to improvement. This reduces the risks of abrupt, wholesale changes and ensures the system continues to run for users. Agile improvements in data quality have the following consequences for evaluation:

- Different data becomes available at different points for each service. This means that some services may have sufficient data for more in-depth analysis before others. Therefore, evaluation designs will vary according to when different elements of reform (including data collection and migration) occur.
- It is likely that the latter end of reform will have more data and better data quality than the beginning.

For the evaluation, these data limitations and the consequences of the agile improvements limit the conclusions that can be drawn. Management and monitoring information, and data collected through surveys and qualitative research, can provide valuable insights for theory-based evaluation and process evaluations. The evaluation will therefore use these

²¹ <https://www.gov.uk/government/publications/hmcts-protected-characteristics-questionnaire>

²² <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/research>

to address some of the challenges above and provide evidence on how reforms were implemented and how new systems are working.

3.3 Challenges posed by COVID-19

The COVID-19 pandemic imposed substantial and rapid changes to court and tribunal operations, affecting the implementation of reform. These changes pose challenges to evaluation design choices, as well as affecting how research can be conducted.

COVID-19 imposed unprecedented challenges on the justice system, and rapid change in court and tribunal operations was required (HMCTS, 2020). How cases were heard, and the types of cases proceeding through the system, were fundamentally altered by the pandemic (Byrom et al., 2020). Whilst some court and tribunal buildings remained open for essential face-to-face hearings, audio and video technology was rapidly expanded across the justice system to conduct remote hearings (HMCTS, 2020).

The prioritisation of cases, that ensured the most urgent cases were heard, systematically altered the types of cases proceeding. This was also affected by changes to claimant behaviour due to the wider context of COVID-19 (Byrom et al., 2020). For instance, the civil court saw a sharp decline in new cases as many organisations that make bulk claims (such as utility companies) suspended activities (such as chasing unpaid bills) (HMCTS, 2020).

Additionally, it is anticipated that COVID-19 had implications on the levels and types of legal need experienced. It has been feared that legal need levels would increase, due to COVID-19 related economic and social impacts (such as increasing unemployment rates and financial hardship) (MoJ, 2021). For instance, during COVID-19, the volumes of crime types changed, with a decrease observed in crimes such as theft and robbery, but an increase in fraud and computer misuse (ONS, 2021).

The pandemic, and the changes this brought to courts and tribunals, began whilst HMCTS was part-way through the reform programme. The progress brought by reform was thought to have helped maintain court and tribunal operations during COVID-19 (HMCTS, 2020). Reformed services such as new online channels (Social Security and Child Support, Probate, Divorce and Online Civil Money Claims) continued, and in places were

accelerated (Immigration and Asylum) (HMCTS, 2020). However, as reform was not yet complete, not all areas were equally equipped, creating different challenges across the system. For instance, the availability of bespoke platforms used to support remote hearings differed across the civil justice system (Byrom et al., 2020).

The rapid and substantial changes to court and tribunal operations, and the subsequent implications to reform projects, pose challenges to evaluating the programme. The changes to the reform programme as a result of COVID-19, and wider societal changes impacting the courts and tribunals, create a range of complexities in drawing a comparison to what would have happened in the absence of reform. Additionally, the changes brought by COVID-19 to HMCTS and the reform programme were not an isolated short-term alteration. The demand on the reformed services remains, tools accelerated into the system continue to be used, and the products continue to be used and iteratively adapted.

4. Evaluation approach

This chapter sets out the rationale for the overarching evaluation's theory-based approach, as informed by specialist evaluation best practice. These approaches are best suited to evaluating complex programmes such as HMCTS reform, and navigating the intrinsic challenges presented by such scale and complexity. Despite data limitations and wider pandemic related challenges, adopting a theory driven approach allows the utilisation of the full range of evidence available. The approach will allow for valuable insight, providing learning to inform future practices and policy.

Taking a theory-based approach will enable the evaluation to assess whether the aims of the reform programme, for '*a courts and tribunals system that is just, and proportionate and accessible to everyone*' (MoJ, 2016²³), have been achieved. The evaluation's theory of change, presented in 4.2, sets out how these aims of reform have been translated into measurable concepts, to assess if the aims have been met. Following the theory of change, this chapter then sets out the evaluation's overarching research questions and outlines the range of evidence sources the evaluation will synthesise in the final report.

4.1 Theory-based evaluation

As described in the published evaluation framework,²⁴ a theory-based approach is being taken for the overarching evaluation of reform. Theory-Based Evaluation (TBE) seeks to explain the causal links between a programme and its intended outcomes. Drawing on multiple types of data, TBE collects and rigorously tests evidence for the pathways or mechanisms through which the programme is thought to work, and for alternative explanations. This allows conclusions to be drawn on both how and why any change occurs.

²³ [Transforming Our Justice System by the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals \(publishing.service.gov.uk\)](#)

²⁴ [HMCTS Reform Evaluation Framework](#)

TBE approaches are particularly suitable for evaluating complex programmes²⁵ like HMCTS reform. TBEs can account for many different components that interact with each other or change over time. They can also consider whether a programme works in different contexts or for different groups of people. TBE will allow the evaluation to conclude whether and how reform contributes to the outcomes described in the theory of change.

The TBE approach to the final analysis is being developed. The evaluation team are collaborating with TBE experts to determine the final approach and methodology. Developing an evaluation's design is an iterative process, adapting to what is possible and practical, and making subsequent refinements.²⁶ Examples of the type of approaches currently being considered include Process Tracing and Contribution Analysis.²⁷ More detail on TBE can be found in the technical appendix.

4.2 The theory of change

In 2016, the vision of the reform programme was set out,²⁸ with the aims to bring new technology and modern ways of working to the way justice is administered, to improve the efficiency and effectiveness of the system. These high-level aims have been operationalised²⁹ by the MoJ evaluation team into measurable concepts, to assess if the aims of reform have been met. A theory of change has been created to explain how activities are understood to contribute to a series of changes that produce the final intended impacts. Developing a theory of change incorporates central government best practice. Good policy-making and evaluation necessitates “a thorough understanding of the intervention and how it is expected to achieve the expected outcomes” (HM Treasury

²⁵ [HMT Magenta Book.pdf \(publishing.service.gov.uk\)](#)

²⁶ [HMT Magenta Book.pdf \(publishing.service.gov.uk\)](#)

²⁷ These approaches are used to understand contribution claims. This refers to examining whether causal mechanisms (such as those within a theory of change) contributed (or not) to an outcome observed. These methods allow for a broad range of evidence to be collected and used to test the hypothesis set out within the theory of change (HM Treasury, 2020).

²⁸ [Transforming Our Justice System by the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals \(publishing.service.gov.uk\)](#)

²⁹ Operationalisation is the process used in social research to define how a theoretical concept can be explored in the real world. Depending on the concept, this can involve identifying existing metrics that can indicate changes in processes or experiences, or developing bespoke research such as surveys or interviews to explore changes directly

Magenta Book, 2020). A theory of change captures the details required to understand the intervention and the theory of how it is expected to work.³⁰

The published evaluation framework³¹ provides information on the development of the theory of change.

The reform theory of change has been central to the development of the evaluation design and methodological plan. It identifies the causal pathways that theoretically link the inputs and activities of the reform projects to the desired outcomes, allowing the evaluation to develop appropriate research methods and approaches to test them.

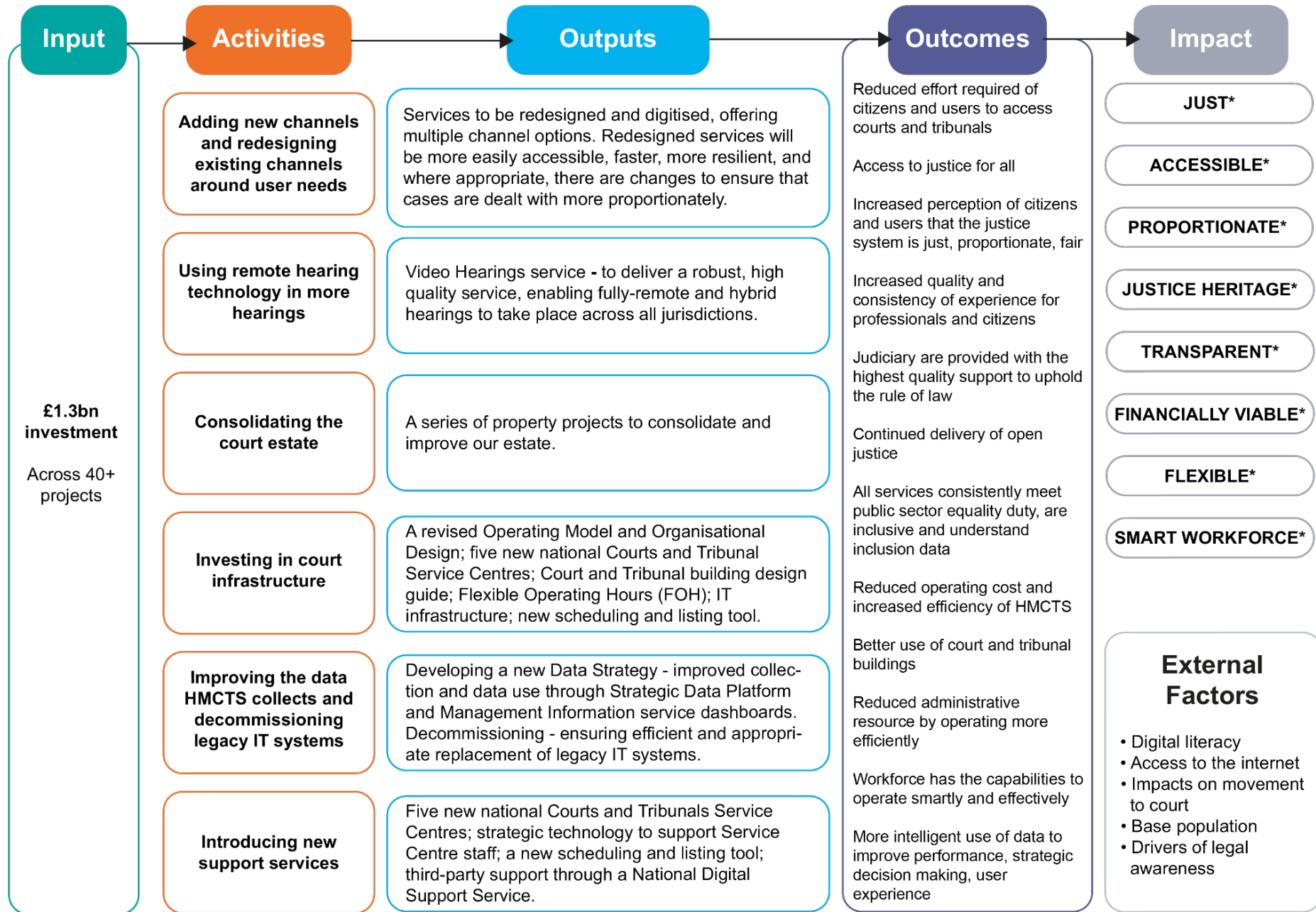
Figure 1 below presents the overarching evaluation's intervention logic model, with the model's 'Impacts' based on the following descriptions:

- Just: A just system that is built in partnership with and around the needs of those who use it
- Accessible: A system that is accessible: easy to use, user-first services which are accessible for non-digital users
- Proportionate: A system that is proportionate and segmented with the 'majesty of the court' when needed and just, low burden channels where appropriate
- Justice Heritage: Strengthening our strong, independent, and trusted justice heritage, with different channels and experiences for different users
- Transparent: A system that is transparent, accountable, and continually reviewed – in its overall approach and technology
- Financially Viable: A system that is financially viable
- Flexible: A system that is future-proofed and resilient, designed for 2050 not for 2015 – with a flexible infrastructure to keep it relevant and accessible to our users
- Smarter Workforce: A system with our people and its users at its heart: a smaller and smarter workforce who are there for users when they need us

³⁰ [HMT Magenta Book.pdf \(publishing.service.gov.uk\)](#)

³¹ [HMCTS Reform Evaluation Framework](#)

Figure 1. The overarching evaluation’s intervention logic model³²



³² Model reflects position at Summer 2022.

Four thematic categories of HMCTS reform activity have been identified in the theory of change:³³

- i. Adding new channels (routes to services) and redesigning existing channels around user needs
- ii. Using remote hearing technology in more hearings
- iii. Consolidating the court estate and investing in court infrastructure
- iv. Introducing new support services.

These thematic descriptions of reform activity summarise the changes that cut across the complex system of HMCTS jurisdictions. The evaluation's focus on vulnerable users and access to justice means the full scope of the programme's theory of change will not be assessed by the overarching evaluation.

During an evaluation's lifecycle, it is expected that the theory of change continues to be developed.³⁴ As HMCTS reform is a large, multi-year transformation programme, change over time is likely. The theory of change is therefore a dynamic model that will be updated to reflect any changes to the reform programme. The evaluation's theory of change was reviewed and adapted during Summer 2022. More detail on the theory of change, a list of the causal pathways identified, and the theory of change models for each thematic area can be found in the technical appendix.

4.3 Research questions

The evaluation's research questions, and sub-questions, have been informed by the theory of change. The high-level programme research questions below are those the overarching evaluation looks to address through the evidence gained from research activity across the thematic areas.

³³ The overarching evaluation's intervention logic model sets out 6 types of reform activity. From these 6 types of activity, 4 thematic areas are created (as 3 activities - court estate, court infrastructure and HMCTS data form 1 thematic category, thematic area 3).

³⁴ [HMT_Magenta_Book.pdf \(publishing.service.gov.uk\)](#)

Overarching evaluation research questions

1. How has reform been implemented?
 - a. How has the reform programme changed over time?
 - b. How has the administration of the justice system (including its component parts and infrastructure) changed over the course of the programme?
 - c. What are the characteristics of those who use reformed court and tribunal services?
 - d. What are the wider trends and events that define the context in which reform has been implemented?
2. Has reform delivered its intended objectives of a system that is just, proportionate, and accessible?
 - a. Has reform delivered against these objectives for vulnerable users?
 - b. How has reform delivered change, and is this consistent with the theory of change?
 - c. Have there been any unintended consequences, either positive or negative?
3. What has been users' experience of reform?
 - a. What barriers do public and professional users face when using reformed services and infrastructure?
 - b. What is the experience of reformed services and infrastructure for staff and judiciary?
 - c. What support do the public, especially those who might be vulnerable, need and/or access?
4. What are users' perceptions of the reformed services supporting the delivery of justice?
 - a. Do reforms maintain the "majesty", or respect, of the court?
 - b. What are users' perceptions of the fairness and openness of reformed services?
 - c. What are users' perceptions of the wider justice system?

5. What are the specific lessons that can be learnt from reform?
 - a. What can be learnt to inform continuous improvement of reformed services?
 - b. What can be learnt to inform future transformation programmes?
 - c. What evidence gaps remain for future research and evaluation?

4.4 Evidence sources

The evaluation is multi-method and is drawing on several different types of evidence to address the research questions set out in 4.3. This includes:

Management Information

HMCTS has numerous case management systems collecting case level data across the jurisdictions. Analysis of the available management information (MI) is being conducted both at an overarching level and for individual project-level evaluations. The evaluation's final report will synthesise MI data analysis and published statistics as part of the theory-based approach. Further information on HMCTS's data improvement activity as part of the reform programme, and the challenges posed by the current data landscape, is provided in 3.2.

The technical appendix illustrates some of the data metrics the evaluation will analyse.

Project-level evaluations

Research investigating specific reform projects will provide evidence to inform the overarching evaluation.

Several project-level evaluations have been completed to date:

- First-tier immigration and asylum: legally represented service evaluation
- Online civil money claims: opt-out mediation evaluation
- Continuous online resolution: pilot implementation reviews
- Video hearing implementation reviews
- Flexible operating hours pilot
- Digital support implementation review.

Additional project-level evaluations are planned to provide evidence to the overarching evaluation:

- Digital services evaluation
- First-tier immigration and asylum: appellant in person evaluation
- Crime reform evaluation
- Video hearings service evaluation
- Scheduling and listing evaluation
- Publications and information evaluation
- Digital support service evaluation
- Court and tribunal service centres evaluation.

The technical appendix provides further information on the completed research and the plans for forthcoming evaluations. The project-level research will use a range of methods to evaluate specific reform activities, with several taking a process evaluation approach.

Overarching research

The MoJ's evaluation will also draw on evidence gained through overarching research. This refers to research conducted specifically to provide evidence in important areas not otherwise covered by the MI analysis or project-level evaluations. Overarching research includes the re-running of the Legal Problem and Resolution Survey,³⁵ and a qualitative depth study exploring the experiences and perceptions of vulnerable adults with legal problems.

Additionally, a suite of evidence reviews³⁶ were commissioned by the MoJ to understand the existing evidence base on the use of services like those introduced by HMCTS reform.³⁷ The evidence reviews conducted a systematic search of international evidence. A report of the evidence review work will be available in 2023.³⁸

³⁵ <https://www.gov.uk/government/publications/legal-problem-and-resolution-survey-2014-to-2015>

³⁶ 4 Rapid Evidence Assessments are being conducted (one for each thematic area of the overarching evaluation).

³⁷ In line with the overarching evaluation's focus, the Rapid Evidence Assessments will look to understand what is known about the impact services similar to those introduced by reform have on people's access to those services, the wider system they operate in, and how experience differs between users.

³⁸ <https://www.gov.uk/government/collections/hmcts-reform-overarching-evaluation-research>

The final report will synthesise the evidence following the end of the reform programme and subsequently the completion of the evaluation research, to assess overall change in each of the four thematic areas set out in section 4.2. In doing so, the evaluation will draw conclusions on whether the reform programme has achieved “its vision of providing a justice system with people’s needs and expectations at its heart”, and its intended aims for *‘a courts and tribunals system that is just, and proportionate and accessible to everyone’* (MoJ, 2016³⁹).

³⁹ [Transforming Our Justice System by the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/54422/transforming-our-justice-system.pdf)

5. Next Steps

5.1 Planned publications

Following the end of the reform programme, and on completion of the overarching evaluation, the final report will be published. The final report will synthesise the findings from all the individual research components across the four thematic areas and the overarching research to provide an assessment of HMCTS reform and whether the programme achieved its aims, particularly in relation to access to justice and vulnerability. Recommendations based on these findings will also be included.

Individual pieces of research and evaluation will be published as they become available. All reports will be available at the government's dedicated HMCTS reform research publication webpage⁴⁰ following external peer review.

Alongside the research and evaluation reports, HMCTS and the MoJ will be providing regular updates to the Public Accounts Committee and the Justice Select Committee regarding the overall progress on reform, including progress on the evaluation.

5.2 Further avenues for research

The MoJ is keen to encourage partners in academia and external research organisations to support the department in developing the evidence on courts and tribunals. MoJ's Areas of Research Interest (ARI) sets out the critical themes where research can have most impact for policy and operational decision-making (MoJ, 2020). The ARI forms the basis of MoJ's commitment to collaborate with our expert partners to address the department's key evidence needs, better understand what works, and improve outcomes for justice system users.

Some evidence gaps can be explored through data made available by Data First: MoJ's pioneering data-linking programme, funded by ADR UK (Administrative Data Research UK). MoJ are keen to work alongside academic researchers to make use of these linked

⁴⁰ <https://www.gov.uk/government/collections/hmcts-reform-overarching-evaluation-research>

justice datasets to generate new insights for policy and practice. As the reform programme activities progress, and data becomes more accessible, longer-term research and evaluation opportunities will become available.

Additionally, the MoJ has set up a data improvement programme to transform the management of our data, build our data capability, and change the way users engage with MoJ information. These activities will drive up data quality and make it easier to access, use and share data across the system.

Evaluation is an integral part of any new policy or programme. The HMCTS reform is part of a much wider portfolio of evaluations taking place within the MoJ which aim to understand what works, what doesn't, and why, across the Justice system. The MoJ will be publishing its first Evaluation and Prototyping Strategy in early 2023, which outlines its commitment to ensuring timely and robust evaluations are embedded in decision making across the department. The Strategy will outline specific recommendations for enhancing the quality of evaluations, promoting an evaluation culture, and growing evaluation capability.

5.3 Continued engagement

Two panels provide the overarching evaluation team with expert insight and specialist knowledge: the Academic Advisory Panel and the Judicial Advisory Panel. Engagement with the panels will continue as the evaluation develops further. Further information on these two panels can be found in the published evaluation framework.⁴¹

⁴¹ [HMCTS Reform Evaluation Framework](#)

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