



HM Courts &
Tribunals Service

Justice matters

Flexible Operating Hours Pilots

Technical appendix

IFF Research and Frontier Economics

July 2021





HM Courts &
Tribunals Service



Disclaimer

The views expressed are those of the authors and are not necessarily shared by the HM Courts and Tribunals Service (nor do they represent Government policy).

First published 2020.

Contents

Stage One: scoping stage	10
Stage Two: mainstage data collection	13
Stage Three: balanced score card	27
Annex	29

List of tables

Table 1: Achieved sample of qualitative court staff interviews	14
Table 2: Public user survey response rate	19
Table 3: Achieved sample of qualitative legal professionals interviews	22
Table 4: Achieved sample of qualitative legal organisations interviews	24
Table 5: Achieved sample of qualitative opt-out professionals interviews	25
Table 6: Case mix for Manchester Civil Justice Centre	29
Table 7: Case mix for Brentford County Court	29
Table 8: Assumed session lengths.....	31
Table 9: Breakdown of the number of respondents by professional user type	45
Table 10: Regression results	76

List of figures

Figure 1: Visual representation of the evaluation approach.....	7
Figure 2 FOH pilot evaluation logic model	12
Figure 3: Key for interpreting the findings dashboards	27
Figure 4: Illustrative example of a hand annotated Cause list from the FOH pilot (with dummy data entered), at Brentford County Court	32
Figure 5: Number of cases listed per hour the court room is open for Manchester Civil Justice Centre.....	32
Figure 6: Number of cases listed per hour the court room is open for Brentford County Court.....	33
Figure 7: Number of cases heard per hour the court room is open for Manchester Civil Justice Centre, by case type	33
Figure 8: Number of cases heard per hour the court room is open for Brentford County Court.....	33
Figure 9: Number of minutes delayed before starting per session for Manchester Civil Justice Centre.....	34
Figure 10: Number of minutes delayed before starting per session for Brentford County Court	34
Figure 11: Number of minutes overrunning per session for Manchester Civil Justice Centre	34
Figure 12: The percentage of session length spent in hearings for Manchester Civil Justice Centre, by case type disaggregated by session time.....	35
Figure 13: The percentage of session length spent in hearings for Brentford County Court, by case type disaggregated by session time	36
Figure 14: Second counterfactual check for small claims cases for Manchester Civil Justice Centre, by indicator.....	38
Figure 15: Manchester non-small claims disaggregation for Manchester Civil Justice Centre, by indicator.....	39
Figure 16: Jackknife resampling results for the percentage of session length spent in hearings for Manchester Civil Justice Centre, split by case type	41
Figure 17: Jackknife resampling results for the percentage of session length spent in hearings for Brentford County Court, split by case type.....	41
Figure 18: Jackknife resampling results for the number of minutes delayed before starting per session for Manchester Civil Justice Centre, split by case type	42
Figure 19: Jackknife resampling results for the number of minutes delayed before starting per session for Brentford County Court, split by case type	42
Figure 20: Jackknife resampling results for the number of minutes overrunning per session for Manchester Civil Justice Centre, split by case type	43
Figure 21: Jackknife resampling results for the number of minutes overrunning per session for Brentford County Court, split by case type.....	43
Figure 22: Breakdown of professional users by data source	44
Figure 23: Example legal professionals' interviews topic guide.....	46
Figure 24: Example opt-out professionals' interviews topic guide	55
Figure 25: Professional user cost template for solicitor firms	58
Figure 26: Professional user costs template for individual solicitors	59
Figure 27: Professional user costs template for judges	60
Figure 28: Professional user cost template for individual barristers	61
Figure 29: Professional user cost template for chambers.....	62
Figure 30: Example site visit interviews topic guide.....	66
Figure 31: Public user survey for pre-pilot and FOH pilot court users.....	77

Introduction

HM Courts & Tribunal Service (HMCTS) commissioned independent evaluators, IFF Research in partnership with Frontier Economics, to evaluate the Flexible Operating Hours pilots. This document presents the technical details of the evaluation of the Flexible Operating Hours pilots.

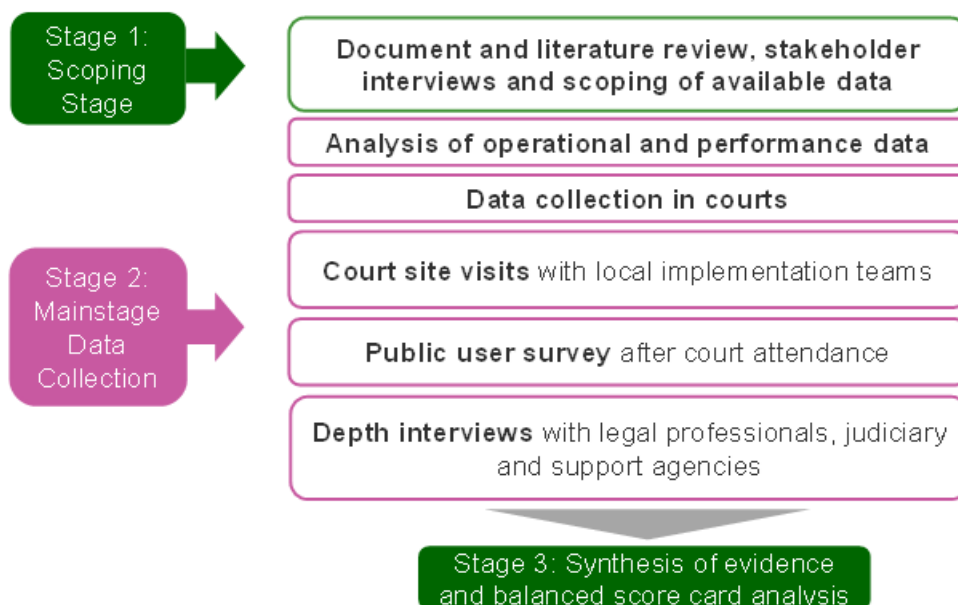
Research approach overview

Research was conducted across three stages, with the findings from each stage complementing those of the others to develop a complete picture of the Flexible Operating Hours pilots.

- Stage One (April – May 2018¹): the policy and programme landscape was mapped, the existing evidence base on the subject reviewed and key stakeholders spoken to and available data scoped, ultimately to produce a programme logic model to govern the evaluation.
- Stage Two (September 2019 - July 2020): the views of the public, court staff, judiciary and legal professionals were explored throughout the lifecycle of the pilots. Analysis was also conducted on operational and performance information collected from the courts, HMCTS and the Legal Aid Agency (LAA).
- Stage Three (July – August 2020): a balanced score card was produced, which triangulated the evidence sources captured in the dashboards at the start of each chapter to calculate an overall score. This score indicated 1) whether the FOH pilots had a positive, negative or no/neutral impact on each domain of impact, and 2) the strength of that impact, if one was found.

¹ The design of the pilots was revisited after further consultation from May 2018, and set-up for Stage Two of the evaluation before September 2019.

Figure 1: Visual representation of the evaluation approach



Ethical considerations

In the design and conduct of this evaluation due consideration was given to the nature and sensitivities of the different groups of respondents and the safety of our research staff, interviewers, respondents and participants. All work was carried out in strict accordance with the Market Research Society Code of Conduct.²

Survey respondents and interview participants gave their explicit and informed consent to participate in accordance with both MRS guidelines and the Government Social Research (GSR) Code of Ethics. This was ensured through, for example, wordings of recruitment scripts and invitation letters, reassurance letters/emails (issued on request) and emails confirming interview appointments. This was carefully restated in the wording of the introduction to the survey and of each qualitative discussion. Each of these explained the objectives of the survey or interview and briefly outlined the nature of the data to be collected and what taking part entailed. Respondents and participants were made aware that participation was voluntary, that they could withdraw or refuse to answer individual questions at any time, and that responses were on an anonymous basis.

To ensure all ethical considerations were addressed within the design and delivery of the evaluation, the consortium considered the following:

Ensuring research was accessible

All reasonable steps were taken to minimise the burden on respondents and participants. For surveys, participants were offered the option of completing online or by post, according to their own preference and needs. Postal surveys were sent with a freepost envelope so that respondents could return completed surveys at no cost. For interviews, every effort was made to ensure they were conducted at a time that was convenient for the participant and discussion guides were designed so that participants did not need to prepare ahead of the discussion.

² <https://www.mrs.org.uk/standards/code-of-conduct>

Interviews were conducted at a time, place and manner to best suit the participant and ensure the safety of research staff and interviewers. This included offering both telephone and face-to-face interviews where possible and, in response to Covid-19, moving face-to-face interviews online or over the phone.

At recruitment for qualitative interviews, recruiters carefully checked and recorded any specific requirements the respondent had to enable them to take part. This could have included:

- How the IFF interviewer communicated with the participant (including the need for interpreters etc.);
- How ideas were presented to the participant; and
- Other individuals that the participant wished to have present in order for them to feel at ease when taking part.

No participants flagged any specific requirements, so no changes to the interview approach were needed.

Data protection and confidentiality

The evaluation was conducted within the requirements of the General Data Protection Legislation (GDPR), including the Telephone Preference Service, Mail Preference Service and Corporate Telephone Preference Service. All interview participants were read their rights under GDPR at both the start and close of interviews (see Annex 3 and 5 for interview topic guides, including introductory text), while the opening page of the survey outlined participants' rights under GDPR (see Annex 5 for the public user survey and introductory text). All correspondence between participants and IFF highlighted these rights and pointed participants to the appropriate contacts at IFF and HMCTS should they want any further information on how their data would be stored and processed in accordance with GDPR.

IFF ensured participants' personal data were safeguarded and all outputs were carefully checked by two researchers to ensure confidentiality had been maintained. All personal data was stored on IFF's secure drive, which only the evaluation team had access to. All data transfers between the consortium and HMCTS were done over IFF's *FileX* secure file transfer software.

IFF Research and Frontier Economics take the issues of data protection and information security very seriously and have security controls that integrate the data and network security policies and procedures with the security requirements of clients. Their Information Security Management Systems (ISMS) are certified to ISO27001 standard, and Frontier has achieved Cyber Essentials Plus and has passed detailed IT security health checks. All staff and contractors of IFF Research and Frontier Economics receive relevant training in information security and are expected to comply with all policies, procedures, and instructions that make up their ISMS.

Obtaining informed consent

All parties invited to participate in research had the opportunity to withdraw from both the research and any further communications about the research. A dedicated mailbox for managing correspondence from parties was established and regularly monitored. All correspondence to potential participants signposted this address and the withdrawal process.

Prior to participation, communication to all respondents and participants aimed to ensure they understood what the study was about and who it was for; that taking part was voluntary and that they would not be disadvantaged in any way by participating or not participating. The survey of public users and recruitment of public users to interviews explicitly stated that participating or not participating would have no impact on their case and bore no relation to the proceedings of their case. It was also ensured that they understood the findings would be treated in confidence, that

HMCTS would not know who had been spoken to and that there would be no way to identify individual respondents from data used in the final report.

Respondents were offered telephone numbers that they could call for reassurance or further information. These included the IFF project manager, the Market Research Society freephone number, and the telephone number of the appropriate contact at HMCTS.

Ensuring the safety and wellbeing of participants

In agreement with HMCTS, a disclosure policy was established for the evaluation. If a respondent or participant disclosed that they or someone else was at risk of harm or disclosed information that led researchers to suspect they were, IFF informed HMCTS of the development then wrote to the respondents or participants. The letter shared details of local branches of support services, offered to put the individual in touch with their local GP and included IFF contact details.

Interviewers were carefully briefed on how to respond appropriately to participants becoming upset, which was of particular importance given the research involved participant experiences of potentially upsetting court cases. The research team emphasised the voluntary nature of participation and the respondent's ability to decline to answer specific questions or to withdraw from taking part at any point. Participants were signposted to appropriate sources of advice or support in case they found revisiting details of their case to be a source of distress, as described above in disclosure. This procedure mainly applied to in-depth interview with public court users who opted out of a FOH pilots' session.

Stage One: scoping stage

Approach overview

This section details the approach for Stage One of the evaluation, the scoping stage. A scoping stage was important to set the evaluation on a strong foundation, building on the existing evidence base and establishing clear evaluation objectives and approaches. This was conducted in April and May of 2018.

The scoping stage involved:

- **Programme document review:** All programme documentation including documents relating to the selection of pilots, implementation plans for each of the pilots were reviewed, to develop our understanding of aims, objectives and proposed activities and inform logic model development. This element included a review of the available monitoring data for both pilot sites.
- **Literature review:** To ensure the evaluation was underpinned by the latest available evidence on the use of flexible operating hours in the courts, a focused literature review was undertaken, to inform the evaluation design.
- **Stakeholder consultation:** This stage involved qualitative interviews with key stakeholders who had been involved in the design and development of the FOH pilots, both the ‘over-arching’ design (at national agency level) and the local implementation plans (at LIT level).
- **Programme logic model development:** Following completion of these stages, the research team met to produce a draft FOH programme logic model with an accompanying narrative to describe the theory of change underpinning the model. This was published in the evaluation plan for the pilots.³

Programme document and literature reviews

11 documents were reviewed as part of the programme document and literature review. These were:

1. Initial pilot prospectus
2. Revised pilot prospectus
3. Response analysis on pilot prospectus
4. Flexible Operating Hours Equalities Statement
5. Crown Double Shift Sittings Evaluation (Croydon pilot)
6. Lord Chancellor’s Department, Extended Sitting Hours Pilot 2002 (Bow Street, London and Manchester; Magistrates’ Court)
7. Nottingham Extended Sitting Days Pilot Evaluation
8. Process evaluation of the flexible criminal justice system pilots
9. Previous FOH pilots – summary reports with annexes (as provided with ITT for FOH Evaluation)
10. Bar Council Protocol for Court Sitting Hours

3

11. Lord Justice Leveson's Review of Efficiency in Criminal Proceedings

The evidence contained in these documents informed the hypotheses that underpin the programme logic model.

Stakeholder consultation

Key stakeholders were engaged in short discussions of the issues relating to the pilot and the issues it was seeking to address. The views of 11 stakeholders were captured across eight interviews (three paired interviews and five one-to-one interviews). Stakeholders included representatives from the pilot sites, relevant legal professional bodies and the judiciary.

Discussions were adapted to the different areas of focus stakeholders had in relation to the pilot. Interviewers fully explored those issues that interviewees were best placed to comment on. The discussions covered:

- The precise structure of the pilots at each site, including how the pilots would look on a 'day-to-day' basis, the operational plans for the pilots, and how the sites themselves might shape the nature of the pilot at each location;
- Any challenges stakeholders expected to arise from the pilots;
- Any existing challenges the courts were facing and how the pilots could help or exacerbate these issues;
- Potential benefits stakeholders expected the pilots to generate;
- Any key metrics by which stakeholders might have expected the pilot to be judged; and
- Overall feelings towards the pilot, including positive, negative and neutral views.

Stakeholder interviews lasted 30-45 minutes, depending on how much or little each stakeholder had to say. Interviews were recorded, with stakeholder consent, and data held in accordance with the confidentiality regulations of the Market Research Society Code of Conduct and GDPR.

All stakeholder interviews were then analysed by IFF researchers for common trends, issues and concerns. The logic model reflected stakeholder knowledge of and perspectives on the pilot and the issues it sought to address.

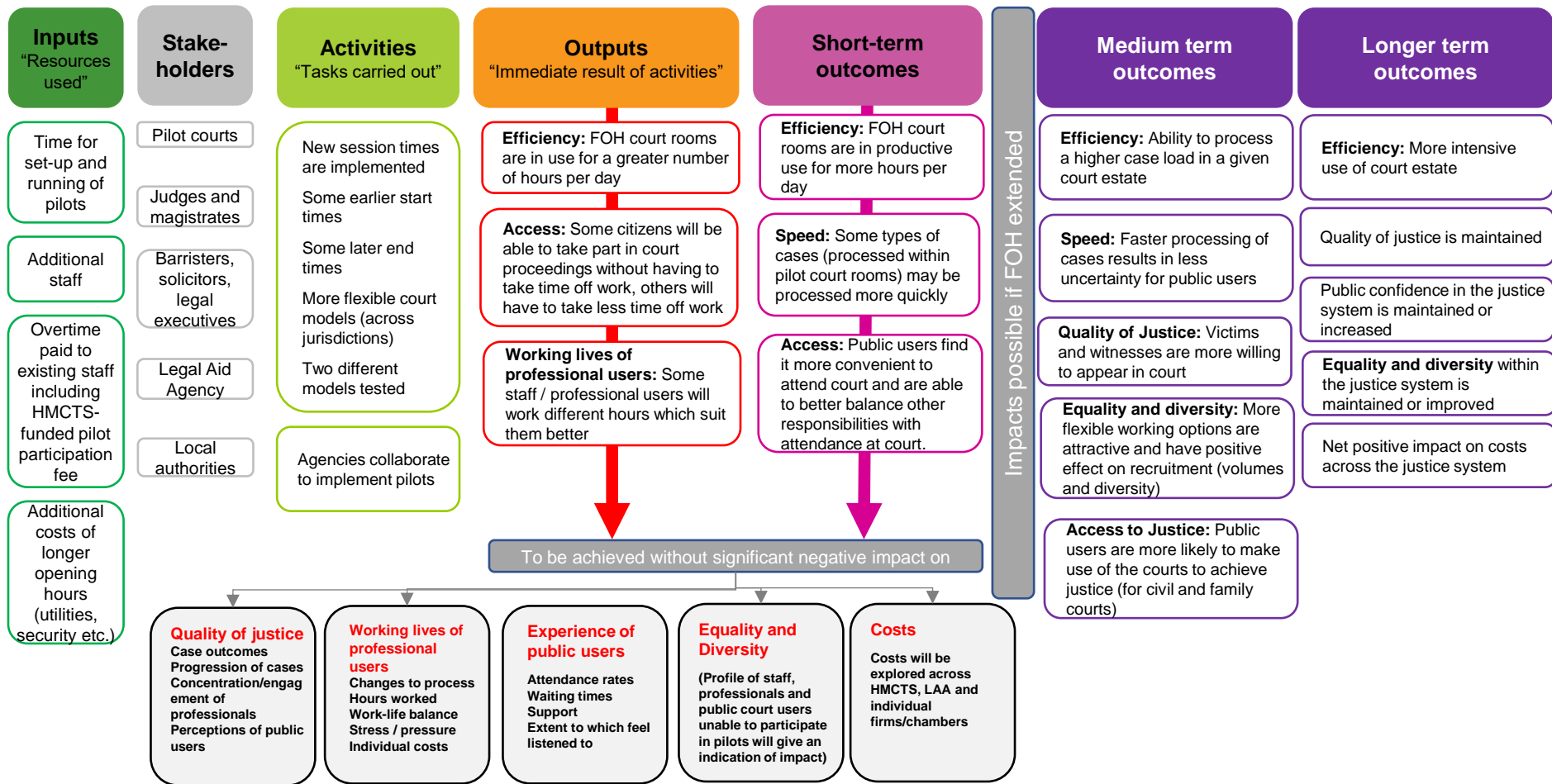
Programme logic model development

The first three scoping stage activities (programme document review, literature review and stakeholder consultation), contributed to the draft logic model for the pilots. The model sought to accurately depict the aims, processes, assumptions, outcomes and impacts for the flexible operating hours pilots. It was designed to illustrate the mechanisms for change and how activities would be translated into the intended impacts on public court users, professional users and the operations of the sites themselves. This was crucial for ensuring our evaluation approach measured the right things, in the right way. Capturing the views of stakeholders helped identify unspoken or undocumented components of the pilots, their consequences and the environment influencing the components of the pilots.

The final programme logic model (see Figure 2 FOH pilot evaluation logic model, below) informed the structure and focus of the evaluation. It is with this in mind that data was collected, analysed and reported on. Building on the research questions set out in the evaluation brief and the first three scoping tasks, the logic model was used to develop a programme evaluation framework that depicted the evaluation objectives, associated research questions and methods and sources of existing data and formed the basis for development of research materials. Through this, the evaluation could be approached with confidence that the tools were fit for purpose.

Figure 2 FOH pilot evaluation logic model

Pilot rationale (“the problem to be addressed”): The current usual sitting hours of 10am – 4.30pm (including 1 hour for lunch) do not make best use of the courts’ estate and are not convenient for public users.



Stage Two: mainstage data collection

Approach overview

This section details the approach for Stage Two of the evaluation, in which the research team explored the views and experiences of public users, professional users, judiciary and court staff and conducted analysis on operational and performance information collected from the courts, HMCTS and the LAA. Stage Two involved quantitative and qualitative data collection methods, beginning in October 2019 and running until June 2020, with the final analysis taking place in July 2020. It included the months the pilots were operational and was designed to collect views as close to respondent experiences of the pilots as possible.

Site visits

Approach overview

The aim of this qualitative strand was to explore the experiences of the court staff tasked with implementing the pilots, to capture any changes to their working lives and gain a clear understanding of any impacts flexible operating hours had on the operational running of the courts.

The first site visit was conducted in early October 2019 shortly after the pilots were launched and focused on experiences of setting up the pilot, expectations for the remainder of the pilot and emerging challenges.

The second site visit was conducted in January 2020 and focused on the experience of the pilots once they had bedded in.

The third and final site visit was planned for March 2020, after the pilots had concluded. Due to the outbreak of Covid-19, and the responding lockdown measures, interviews for the final site visit were conducted by telephone and video conference from 27th April 2020- 29th May 2020. Interviews reflected on how well the FOH sessions worked; lessons learned; and perceptions of the impacts.

Recruitment

Recruitment for site visit interviews was facilitated by HMCTS in correspondence with management at Manchester Civil Justice Centre and Brentford County Court.

It was crucial that the achieved sample represented the range of roles that would be involved in implementing the pilots at each site, to ensure that every impact of the pilots on the running of courts, and the lives of those delivering the pilots at the sites, was captured. As such, IFF Research shared a list of roles to be interviewed for this stage of the evaluation with HMCTS, who in turn (and following their sign off) passed it on to the sites, detailing the scope of roles to be interviewed during the research (see Table 1 for breakdown of the achieved sample of court staff).

Achieved sample

Table 1: Achieved sample of qualitative court staff interviews

Role	Early visit (October 2019)	Mature visit (January 2020)	Final visit (April-May 2020)
Implementation leads	3	5	5
Team leaders	4	3	2
Listing managers	4	5	2
Administrative officers	4	2	2
Ushers	4	5	1
Total	19	20	12

Fieldwork

Discussions were led by a semi-structured topic guide, drafted by IFF Research and agreed with HMCTS. A copy of an example topic guide can be found in the Annex.

Questioning and probing were used to ensure interviewers understood participants' experiences as they viewed them. Researchers adapted the approach, as much as possible, to suit the needs of each participant. The prompts provided were not exhaustive, but rather indicated the types of content interviewers expected to be covered – this varied across participants with different characteristics. This also encouraged the researcher to be responsive to the situation and most crucially to the terms, concepts, language and behaviours used by the participants.

Interviews lasted up to 60 minutes, depending on the role of the participant and how much they had to say. Interviews were conducted one-to-one or in pairs or triads of similar roles (e.g. grouping ushers together), where individuals were comfortable speaking openly in front of each other.

Prior to the second and third site visits, interviewers reviewed the summaries from previous site visit interviews. This allowed interviewers to 'pick up the conversation' with interviewees, drawing on themes from previous interviews to see how, or indeed if, views and experiences outlined previously had changed over the course of the pilot.

Analytical approach

The analysis process for qualitative interviews began informally during fieldwork. The interview team worked closely, feeding back findings to each other as discussions were conducted. The team continually updated its interviewing approach to explore emerging themes and ensure any gaps in data were covered by subsequent interviews. This way the team did not wait until the end of fieldwork to discover missed opportunities to add value to the data collection.

Interviewers wrote up each interview into an analytical framework, listening back to interview recordings to capture detail and nuance. The framework allowed interview data to be organised

thematically. Themes were developed from the initial evaluation questions and expanded through analysis of early interviews to develop a bespoke analytical framework for the evaluation. This approach allowed for comparison of how individual interviewees' views developed over the course of the pilot, to systematically record data (including verbatim quotes) according to hypotheses and enabled comparison across interviews. This iterative and process-driven analytical approach helped build up an emerging impact story over time.

Team analysis of these framework entries followed. Interviewers separately examined selections of the data to understand pilot views and experiences (actual and expected) and what factors directly and indirectly influenced attitudes and behaviours. The data was analysed to search for themes and trends, specifically looked to identify patterns or disparities across the sample and thematically grouped those identified. This approach benefited from multiple researcher perspectives, to mitigate any potential for individual-level bias. This activity informed the creative insight session, led by the project director. The purpose of the session was to brainstorm emerging findings from the legal professional interviews related to the eight domains of impact relevant for the evaluation. To interrogate the data fully and challenge ideas and assumptions, the research team identified key findings, the sentiment expressed by interviewees for each (e.g. neutral, negative, positive) and explored differences in views with interviewers and the wider evaluation consortium members. As part of this process, the research team also identified where other evaluation evidence sources might explain trends.

Emerging findings were presented to the Evaluation Advisory Group (EAG) following each of the site visits. Interim analysis of the data collected at each of these site visits was conducted to inform each presentation to the EAG, with the team meeting for group analysis of framework entries. This interim analysis helped to form a developing picture of the impacts of the pilot, feeding into and supporting the final analysis of evaluation data. These presentations took place in November 2019, February 2020 and May 2020.

Analysis of operational and performance information collected from HMCTS and the LAA

Approach overview

The analysis of operational and performance information used several different sources of data: case level data from HMCTS' centralised databases, data on claims for the pilot participation fee (PPF), Housing Possession Court Duty Scheme (HPCDS) claims, and data on the number of profile and sitting days by court.

Each of these data sources were used to create indicators to assess the impact of the FOH pilot in each of the relevant domains of impact. The precise methods used for each data source are explained in the main report, with additional relevant detail included in the Annex of this report. Below is a high level description of the approach that was undertaken to process and analyse these datasets.

It is worth noting that the original approach to collecting some of this data changed, and was descoped. For example, after investigation large parts of the case level data was not found to be relevant for the FOH pilot other than to serve as a cross check for other figures in the analysis. In particular, this related to the reasons for hearings not going ahead, and case outcomes besides small claims cases. Further, for the analysis of legal aid claims, the original approach was to analyse the impact of the FOH pilot on legal aid claims more generally, in addition to the HPCDS scheme. This was not however possible, given the large time lag of seven months on average between when such claims are made and the end of the eligible hearing. As such, only higher level data on the HPCDS scheme was analysed.

Data processing

Data was processed following detailed discussions with the relevant original data holder, to understand how the data was to be used and its limitations. For the case level data and the number of profile and sitting days, this was with HMCTS, and for the PPF and HPCDS claims, this was with the LAA.

Where appropriate, data was screened for outliers to ensure that reported results were not driven by a small number of extreme observations.

Analytical approach

Analysis was undertaken by comparing a pre-pilot counterfactual average (with the counterfactual clearly defined in each case, as this differed by indicator) with the FOH pilot average for that indicator. A statistical significance test was then performed, to provide an indication of whether any reported differences in averages were deemed to be due to the effect of the FOH pilot or due to chance. Limitations and potential confounding factors were then discussed where relevant.

For the analysis of these non-survey quantitative results, results were deemed as not statistically significant if they had less than a 90% chance of being true. If results had a greater than 90% chance of being true, then the level of significance (i.e. the degree of statistical confidence in the result) was reported. This lower minimum level of significance was used for these non-survey results, owing to comparatively small sample sizes. Given the lower degree of confidence in a statistically significant result between the 90% and 95% confidence levels⁴, these particular results are termed indicatively significant to differentiate them from the higher confidence results at the 95%+ levels.

Analysis of operational and performance information collected from the courts

Approach overview

The analysis of operational and performance information collected from the courts was critical to the evaluation, and included data from hand annotated Cause lists and aggregated financial accounts.

The hand annotated Cause lists provided important information on the cases that were listed in each court room on a given day in a given session, whether each case went ahead, whether individuals had legal representation, and the scheduled start time and the actual start and finish times of each case and/or session. This allowed the five indicators to be calculated, which together assessed the impact of the FOH pilot on the efficiency of use of court rooms.

The aggregated financial accounts contained the monthly ledger entries for the costs incurred by each court. This was used in combination with other data sources to assess the impact of the FOH pilot on the operating costs of the courts.

It is worth noting however that the scope of the data that was collected from the courts was reduced. Originally, it was envisaged that one or more members of court staff on each site would

⁴ This reduced confidence is because there is an increased chance of reporting false positives at the 90% level – that is, concluding there is a difference when in fact there is none. Whilst there is always a chance of this occurring in any statistical significance test, the likelihood of this is greater at the 90% confidence level.

log all of the required information in the pre-pilot and FOH pilot periods in specially designed templates:

1. For the efficiency of use of court rooms domain of impact, a bespoke specific utilisation log was designed and explored in detail, but ultimately, to minimise the burden on court staff, the decision was taken to rely on annotated Cause lists to collect data on utilisation. As these lists contained less detailed information than originally desired, this meant the analysis was scaled back in some areas. Specifically, data was not collected on a) the number of ineffective hearings, b) the number of cases listed but then vacated on application, c) the number which were cancelled because someone failed to attend and d) the number which were adjourned. In addition, data was not collected on whether a court room was used for box work, and whether any delays that occurred or cases that were not heard were specifically due to the FOH pilot.
2. For costs of justice, a court costs template was developed, but to minimise the data collection burden on courts, it was subsequently agreed that courts would provide higher level general ledger data instead. This reduced the precision with which costs incurred by the courts due to the FOH pilots could be estimated.

Data processing

For the efficiency of use of court rooms domain of impact, this primarily used data from Cause lists that were hand annotated by the ushers in the court room.⁵ These Cause lists were provided in either paper or scanned PDF format from the courts via HMCTS, and covered both the pre-pilot (the 2 months prior to the FOH pilot beginning) and FOH pilot periods.

The processing of this data entailed manually extracting from each Cause list the required information into a central database, which was then scanned for outliers, and processed into a form that could be readily analysed. Where there was ambiguity over case IDs or information recorded on the Cause lists, case level data from HMCTS' central databases was used as a cross-check. Cases were separated out into three case types: small claims cases, non-small claims civil cases and family cases (with the latter only applying to Manchester, and not including children's cases).

For some of the Cause lists, the start and finish times of each case and/or session were not visible. This was either due to the data not being recorded, the times being cut off or not being visible on the scanned Cause list. Where possible, this missing data was subsequently captured following discussions with HMCTS and the courts, however for several Cause lists, this data was marked as lost.

For the court operating costs indicator in the costs of justice domain of impact, this analysis was based upon a mix of:

1. Court specific cost ledger entries taken from the court's own financial accounts covering both the pre-pilot (April 2018 to August 2019) and FOH pilot periods;
2. Data from Ofgem on commercial office electricity demand by hour of the day;
3. Data from HMCTS on non-judicial staff salary bands, estimates of the number of hours each band of non-judicial staff worked as overtime for the pilot, the London and non-London DDJ daily fee rates, and FOH-specific invoice amounts for security in the Manchester court; and

⁵ An example hand annotated Cause list is provided in the Annex

4. Data from the hand annotated Cause lists.

This data was provided in many different formats, so the processing required combining each of these different sources into one model. Detailed discussions with the relevant original data holder, in this case HMCTS, took place to understand how the data could be used and its limitations.

Analytical approach

For the efficiency of use of court rooms, the analysis was undertaken by comparing a pre-pilot counterfactual average with the FOH pilot average for each indicator.⁶ A statistical significance test was then performed, to provide an indication of whether any reported differences in averages were deemed to be likely due to the FOH pilot or chance. Limitations and potential confounding factors were then discussed where relevant, and additional robustness checks performed.

For the analysis of non-survey quantitative results, results were deemed as not statistically significant if they had less than a 90% chance of being true. If results had a greater than 90% chance of being true, then the level of significance (i.e. the degree of statistical confidence in the result) was reported. This lower minimum level of significance was used for the non-survey results, owing to the comparatively smaller sample sizes. As such, given the lower degree of confidence in a statistically significant result between the 90% and 95% levels⁷, these particular results were termed indicatively significant to differentiate them from the higher confidence results at the 95%+ levels.

For court operating costs, as specific figures detailing the additional costs incurred by the court owed to the FOH pilot were in most cases not available, an estimate was calculated,⁸ and an indicative range provided. This range was provided to avoid a sense of false precision, given the figures are estimates and as such come with a degree of uncertainty.

Public user surveys

Approach overview

Understanding the views of the public court users was core to the evaluation, and the consortium believed that their experiences were best collected through surveys comparing the responses of those during the FOH pilots with those who experienced a pre-pilot court session. Both groups of respondents completed the same survey⁹ to offer a reliable comparison between the experiences of court users in FOH and pre-pilot sessions.

A shorter survey for court users who had been scheduled for an FOH sitting but opted out was also administered. This survey included demographic questions included in the main survey, with the aim of capturing whether or not particular groups of people were choosing to opt-out of FOH sittings. This survey also captured reasons for opting out of an FOH session.

Sample and administration

The key groups of users covered were:

⁶ See the Annex for more detail on how each of the indicators were calculated

⁷ This reduced confidence is because there is an increased chance of reporting false positives at the 90% level – that is, concluding there is a difference when in fact there is none. Whilst there is always a chance of this occurring in any statistical significance test, the likelihood of this is greater at the 90% confidence level.

⁸ See the Annex for more detail on how each of the court costs were estimated.

⁹ See the Annex for the public user survey text.

- Claimants and respondents in civil cases (some of whom may be litigants in person)
- Applicants and respondents in family cases (some of whom may be litigants in person)

Family cases (not including children’s work) were listed at a low rate between January and February which meant few responses relating to these types of cases were received.¹⁰

A considerable lag of two months between users attending court and their contact details being made available for conducting the survey was experienced, due to the need for records to be compiled and data to be transferred. To minimise the amount of process changes (other than the introduction of FOH) that might impact on the different experiences of users in the pre-pilot and pilot periods, a sample of users was drawn from the period in the immediate run-up to the pilot launch for the pre-pilot survey i.e. those who attended court in March-August 2019 who were then surveyed November 2019-June 2020.

To obtain a large enough sample, the sample was drawn from pilot users from across the whole FOH pilot period (i.e. September-March 2019) and interviews took place from December 2019 to July 2020.

The survey was conducted using a paper self-completion questionnaire mailed out to a sample of court users. To boost response rates among respondents in the pilot (of whom there was smaller starting sample) court ushers also handed out questionnaires following FOH sittings for respondents to complete.

In order to boost the response rate slightly and to aid accessibility the survey was also made available online. Alongside the paper survey, respondents also received an access code to enter their responses online if this was an approach they preferred.

To further boost response rates respondents were offered a £5 ‘thank you’ Amazon voucher for completing and returning the questionnaire.

Response rate

Details of the response rate can be found in the table below, broken down by pre-pilot and FOH pilot and the court site of their sitting.

Table 2: Public user survey response rate

Reason for opting out	Pre-pilot		FOH pilot	
	N	%	N	%
Surveys sent	4740	100%	1191	100%
Completed	453	10%	124	10%
Opt-out/did not attend court	261	6%	31	3%

¹⁰ This also affected the legal professionals’ interviews and operational and performance information data resulting in low numbers of family cases in both of these strands of research.

Return to sender	445	9%	69	6%
------------------	-----	----	----	----

Data processing

Data processing began within the fieldwork period. This was done to keep the survey of FOH pilot public users open for as long as possible, to afford all those who wanted to share their experiences of the pilot the opportunity to do so. Interim data tables were produced to allow for reporting to begin as final responses came in (findings and data were reviewed when data tables were finalised).

Data tables were subject to full significance testing against a key set of analysis sub-groups agreed in advance with HMCTS. All data tables and SPSS files were thoroughly checked by the IFF Research team.

For survey results, significance tests indicate how likely it is that a pattern seen in data is due to chance, and therefore how likely it is that this is a genuine difference between the groups being compared. All differences noted were significant to a 95 per cent confidence level: by convention, this is the statistical 'cut off point' used to mean a difference is large enough to be believed as genuine. This means the significant differences noted throughout the main report had a 95% chance of being 'true', i.e. due to a genuine difference in the groups being compared, and only a 5% chance that the results are just due to chance.

In July 2020 the consortium appended HMCTS data about hearing outcome and the party a judgment was made in favour of to the public user survey data. Data about hearing outcomes and judgments was not available for all public user survey completes. The consortium was able to append outcome data to 33% of FOH pilot users and judgment data to 6% of FOH pilot users. With regards to pre-pilot data, the consortium was able to append outcome data to 28% and judgment data to 4%. This was done to afford the opportunity for additional analysis into whether case outcome impacted upon user views of their court experience. Appending the case outcomes also provided an additional check that user experiences captured in the survey were about their court experience, rather than a reflection on a positive or negative outcome for their case.

Once data was finalised, regression checks were run on five questions in the public user survey. This was done to identify if the impact of the FOH pilot presented in the main report remained present after controlling for a series of case characteristics and personal characteristics. These checks were run on a select number of results in the public user survey. See Annex 6 for full details on how these checks were run.

Weighting

The final survey data was weighted to ensure that statistics accurately represented the views of the populations they were drawn from. Pre-pilot responses were weighted to match the pre-pilot population and the FOH pilot responses to match the FOH pilot population. Data were weighted to match the relative representation of the two court sites, user types (claimants and defendants) and case types.

Analytical approach

Full analysis of the data from each set of interim and final survey tables was conducted. Analysis focused first on what the experience was of those in the FOH pilots, before then comparing results between those attending court in the pre-pilot and FOH pilots. This approach ensured that the experience of the pilot user was captured in isolation before examining against the context of the pre-pilot user, as a means of control and comparison.

It was the original aim that analysis would be conducted at the overall level, for each jurisdiction and then for each pilot site and each user group individually. However, smaller than expected case volumes meant that in some instances base sizes for sub-categories fell below 50, preventing meaningful conclusions being drawn about the experiences of some different groups during the pilot.

As with the qualitative strands of the evaluation, the research team came together ahead of final analysis to discuss key findings. This allowed a consensus to be reached regarding the findings, and identified further avenues for exploration.

Depth interviews with professional users

Approach overview

This qualitative strand aimed to explore a wide range of views and experiences, from the perspective of the legal professionals involved in the pilots. A range of legal professionals from across the pilots took part and shared their experiences of the pilots.

Sample and recruitment

Professional users were purposefully sampled to reflect the full range of individuals and organisations that might experience the pilots. The sample consisted of three different audiences:

1. **Legal professionals and judiciary.** This group represented the views of individual legal professionals that had been involved in one or more FOH session. These interviews were designed to capture the views and experiences of individual legal professionals involved in the pilot (see Annex for the legal professionals' discussion guide). Within this audience interview quotas were set across different types of professional according to their frequency of involvement within the pilot sessions. These audiences were: judiciary, barristers, local authority solicitors, duty solicitors and private practice solicitors (see Table 3 below for a detailed breakdown of this audience).
2. **Organisations.** As the pilot had the potential to impact at an organisational, as well as individual level, this group represented the views of their legal organisations. Interviewees were typically Senior Directors, Senior Partners of solicitors firms, Chief Executives of chambers or Heads of Legal Departments that were able to comment on how sending staff to pilot sessions had impacted upon their organisation (see Annex for the legal organisations discussion guide). Quotas for this audience were set against the organisation type, of which there were four: Local Authorities, Legal Aid Agencies, Solicitors Firms and Barristers Chambers (see Table 4 below for a detailed breakdown of this audience).
3. **Opt-outs.** To obtain a complete picture of pilot operation, the consortium also collected the opinions of professional users who opted out of pilot participation. To capture these users' reasons for non-participation the consortium explored what might have persuaded them to participate (see Annex for the opt-out discussion guide) – thus identifying barriers and enablers that would be relevant when considering pilot scalability (see Table 5 below for a detailed breakdown of this audience).

The sample was developed using the FOH pilots' listings data and the final court Cause lists. By cross-referencing the names of legal professionals and organisations detailed on these lists the consortium were able to identify those legal professionals and organisations who had attended a Flexible Operating Hours session. Any legal professional listed as attending one of these hearings was added to the sample.

Legal professionals were engaged by telephone and email. In the first instance, the IFF recruitment team approached legal professionals over the telephone, with interview details confirmed, and any subsequent correspondence over email. Participants were also afforded the opportunity to opt-in to research via email, with the evaluation promoted through flyers at the sites and some communications from the Legal Society and Bar Council to their members. All participants were screened for suitability and to ensure the number of interviewees could be tracked against the evaluation quotas.

Achieved sample

Table 3: Achieved sample of qualitative legal professionals interviews

Legal professionals		
Category	Criteria	Number of completed interviews
Number of hearings	0 ¹¹	1
	1	17
	2	4
	3	3
	4	2
	5+	6
Role	Judiciary	7
	Barrister	14
	Local Authority Solicitor	2
	Duty Solicitor	6
	Solicitor	4
Employment	Agency	0
	Permanent	33

¹¹ This category reflects legal professionals who had to attend an FOH session, as Duty Solicitor, but who did not hear a case in that time.

Taken on cases as part of the Direct Access Scheme	Yes	6
	No	27
Case type	Civil	32
	Family (not including children's work)	1
	Both	0
Mode	Face-to-Face	6
	Tele-depth	27
Court site	Manchester	14
	Brentford	19
	Both	0
Total		33

Table 4: Achieved sample of qualitative legal organisations interviews

Legal organisations		
Category	Criteria	Number of completed interviews
Type of organisation	Local Authority	0
	Legal Aid Agency	1
	Solicitors Firm	13
	Barristers Chambers	2
	Other	1
Mode	Face-to-Face	3
	Tele-depth	14
Court site	Manchester	7
	Brentford	9
	Both	1
Total		17

Table 5: Achieved sample of qualitative opt-out professionals interviews

Category	Criteria	Number of completed interviews
Role	Court staff	1
	Barrister	0
	Local Authority Solicitor	4
	Duty Solicitor	1
	Solicitor	0
Case type	Civil	3
	Family (not including children's work)	2
	Both	1
Mode	Face-to-Face	0
	Tele-depth	6
Court site	Manchester	4
	Brentford	2
	Both	0
Total		6

Fieldwork

Interviews were conducted over the phone and face-to-face. The research team used face-to-face depth interviews in cases where this was preferred by the respondent. The majority of face-to-face interviews were conducted at each of the pilot sites during the second site visit in January 2020.

Interviews lasted around 45-60 minutes, depending on how much or little participants had to say.

Analytical approach

Analysis of the professional users followed the same structure and approach as the site visits (see analysis section of site visits above for further detail).

Professional user cost templates

Approach overview

To assess the impact of the FOH pilot on the working lives of professional users, cost templates were sent to professional users. These templates asked users several questions relating to the time and financial impact of the FOH pilot on their lives. These templates were provided by interviewers ahead of interviews and were drawn on to inform some sections of the qualitative discussion.

Sample and recruitment

Five different cost templates were created, with each version asking questions tailored to the type of professional user: solicitor firms, individual solicitors, individual judges, individual barristers, and chambers. The five different templates are included in the Annex, along with the number of responses from each type of professional user. Where a professional user did not fit neatly into one of the five different versions of the template, the most appropriate template was sent to the professional user.

It is worth noting that the professional user cost templates were simplified several times to minimise the data collection burden on professional users. Ultimately, this meant that self-reported estimates of cost and time impacts were collected, rather than those drawn from actual cost records, as originally envisaged.

Analytical approach

The data was analysed first by categorising respondents by professional user type. For each user, reported financial impacts were then categorised into 'higher costs', 'hypothetical higher costs'¹² and 'no impact' (no 'lower costs' were reported), and reported time impacts were categorised into 'additional hours', 'no impact' and 'reduction in hours'. For each reported financial and time impact, the period over which that impact was experienced was recorded to provide a sense of scale.

Financial and time gains and losses in this analysis were defined against business as usual before the FOH pilot. For example, this meant that if a professional user failed to make an expected gain from the pilot (e.g. due to the design of the pilot), this has been marked as no impact rather than as an additional cost. This is because during business as usual, the user wouldn't have received this payment. In contrast, where professional users reported having to pay for additional childcare for example that they otherwise wouldn't have had to absent the pilot, this was marked as that user having incurred an additional cost.

¹² This is because some respondents anticipated cost in the future, should FOH become standard practice, but hadn't experienced these costs within the FOH pilot itself.

Stage Three: balanced score card

The FOH pilot had a multi-faceted impact spread across a wide range of indicators, affected organisations and users. Drawing high-level conclusions across this range of different data sources was key to understanding the wider impacts of the FOH pilot across the eight domains of impact.

Given it was not possible to monetise or indeed prioritise amongst the many different indicators included in the FOH pilot, the results were not presented using a traditional cost-benefit ratio. Instead, a balanced score card was used. This method presented the findings visually, to reach a balanced view as to the overall impact of the FOH pilots.

The score card triangulated the evidence sources across each of the eight domains of impact to arrive at an overall score. This score was calculated by assessing whether each indicator in each domain of impact suggested an FOH benefit, FOH dis-benefit or no change between the pre-pilot and FOH pilots. The mix of FOH benefits, dis-benefits or no changes found across each indicator then determined what the overall calculated score for each domain of impact was. This scoring process was derived from the chapter dashboards at the beginning of each findings chapter, which were included again in the balanced score card to demonstrate where the balanced score card scores were calculated from. These dashboards contained for each indicator a symbol indicating the direction of change (if any was found) in the FOH pilots versus the pre-pilot period, whether that change represented a FOH benefit or dis-benefit (as indicated by the colour of that symbol), and a short description of why that conclusion was made (including an indication of the robustness of the result and the impacts on different groups, where relevant). Each overall score had two parts:







1. A sign, indicating whether the FOH pilot had a positive, negative or no/neutral impact on that domain of impact; and
2. A level, indicating the strength of that impact, if one was found.

Each domain of impact was treated as equivalent, as there was no *a priori* reason to prioritise any one domain of impact over another.

Please note that each arrow in the chapter dashboards in the balanced score card might not necessarily relate to one indicator, but can also be a summary of several related indicators. In addition, it is worth noting that whilst indicators are grouped by domain of impact, this does not mean they do not impact other domains. It is likely that several of the indicators are interrelated, and therefore overlap across domains of impact, meaning they have influenced the balanced score card in more than one place.

The key for these symbols is provided in [Figure 3](#) below.

Figure 3: Key for interpreting the findings dashboards

	No change in a metric between pre-pilot and FOH pilots		Increase in a metric, which can be interpreted as neither an FOH benefit nor dis-benefit
	Decrease in a metric, which can be interpreted as an FOH benefit		Increase in a metric, which can be interpreted as an FOH benefit
	Decrease in a metric, which can be interpreted as an FOH dis-benefit		Increase in a metric, which can be interpreted as an FOH dis-benefit
INC	Results for this metric are inconclusive	N/A	Results for this metric are not applicable, as there is no pre-pilot counterfactual to compare against

The balanced score card assigned each domain of impact a score on the basis of those indicators in each dashboard, according to the following rules:

1. Strongly positive: all indicators in the dashboard are green, showing only positive benefits of the FOH pilots.

2. Indicatively positive: some indicators in the dashboard are green and some are yellow, showing a mixture of positive benefits of the FOH pilots and no change in the FOH pilots.
3. No/neutral impact: indicators in the dashboard are either all yellow (no impact), or exist in combination with both red and green indicators, showing a mixture of no change, positive benefits and dis-benefits of the FOH pilots (neutral).
4. Indicatively negative: some indicators in the dashboard are red and some are yellow, showing a mixture of dis-benefits of the FOH pilots and no change in the FOH pilots.
5. Strongly negative: all indicators in the dashboard are red, showing only dis-benefits of the FOH pilots.

A high-level visual summary of the results of the pilots was then produced once this scoring process was complete, and cross-checked by each member of the consortium.

Annex

Annex 1: Efficiency of use of court rooms

Case types in the FOH pilot and pre-pilot periods

Presented below are two tables outlining the case types that were included in each of the case categories used in the efficiency of use of court rooms analysis.

Table 6: Case mix for Manchester Civil Justice Centre

Case type	Pre-pilot case mix	Pilot case mix
Small claims	Small claims cases only.	Small claims cases only.
Non-small claims civil	Application, application to suspend, CCMC, infant approval, adjourned application, redetermination hearing, accelerated possession, infant application, CMC, adjourned accelerated possession, telephone applications, PAD app, adjourned PAD, injunction/committal, adjourned hearing, provisional assessment, directions, application to stay execution.	Stage 3, RTA stage 3, rents.
Family	FDR, FDA, Dirs, Adj FDA, DRA, Appl, PTR.	FDR, FDA, Dirs, Adj FDA, FMPO.

Source: Annotated Cause lists

Table 7: Case mix for Brentford County Court

Case type	Pre-pilot case mix	Pilot case mix
Small claims	Small claims cases only.	Small claims cases only.
Non-small claims civil	Application, possession, warrant, part 8 hearings, infant settlement, stage 3 hearing, review.	Application, possession, warrant, part 8 hearings, infant settlement, stage 3 hearing, ROG, IPO, damages, directions, infant approval, App SJA.

Source: Annotated Cause lists

Adjustments made to the final sample

The final sample in the efficiency of use of court rooms analysis reported in in the main report was arrived at after a number of adjustments. The following should therefore be noted about these figures

1. The figures presented in the main report do not include all of the cases that were listed as part of the FOH pilots, as the Cause lists generally do not include those public users who opted-out of a FOH session. This is because the opting-out party's case was generally

removed from the Cause list for that day and replaced with another case if possible.¹³ In addition, edits made to Cause lists before they are published (e.g. removing cases because a case settled) are also not included in these figures. This because they would not have appeared on the finalised published Cause lists received.

2. The figures presented in the main report do not include cases in the pilot period that were unable to be extracted from the Cause lists.¹⁴ In Manchester, a total of 92 cases were excluded from the analysis and for Brentford there were 4 cases excluded for this reason.
3. The Manchester family (which didn't include children's work) case figures presented in the main report do not include the 10 cases that were excluded from this analysis. These cases were excluded because they were not the same case types that appeared in the pre-pilot or the majority of the FOH pilot data. This meant they behaved quite differently to the pre-pilot and FOH pilot family cases.¹⁵
4. The Brentford pre-pilot non-small claims civil figures presented in the main report exclude 321 block listed PCOL cases, as this block listing did not appear in the pilot period. If it were included, it would skew the pre-pilot results (as on average, the number of cases listed in a block listed PCOL session was 16 cases per session), and therefore be a poor counterfactual. To correct for this, this specific case type was removed.
5. The Brentford pre-pilot non-small claims civil figures presented in the main report exclude 152 family cases (which didn't include children's work) that were listed alongside the civil cases used in the pre-pilot Cause lists. These were removed because no family cases were listed in the pilot period, so their inclusion would have been potentially misleading.

Calculating the five efficiency of use of court rooms indicators

Presented below are the five equations that were used to calculate each of the five efficiency of use of court rooms indicators. These figures are all calculated on a per day basis.

Equation 1: Calculating the number of cases listed per hour the court room is open

$$\text{Cases listed per hour the court room is open} = \frac{\text{Total no. of cases listed}}{\text{Total no. of session hours}}$$

The total number of cases listed is equal to the sum of all cases that were listed on a Cause list on a given day that were relevant to the FOH pilot.

The total number of session hours is equal to the sum of all of the theoretical session lengths relevant to the FOH pilot that took place on a given day. For example, if two 4:30PM sessions were held in two different court rooms on a given day, the total number of session hours on that day would be $2 \times 2.5\text{hrs} = 5$ hours. Table 8 provides the theoretical session lengths assumed for each session start time during the FOH pilot.

¹³ A more detailed discussion over the number opt-outs is included in Chapter 7 of the main report.

¹⁴ This was because the start and finish times for each case and/or session were not visible. This was either due to the data not being recorded, the times being cut off or not visible on the scanned Cause list.

¹⁵ These cases generally appeared as 'urgent' family cases handwritten onto a Cause list for civil cases.

Table 8: Assumed session lengths

Session start time	Session length
8AM	3 hours
2PM	2 hours
4:30PM	2.5 hours

Source: HMCTS

Equation 2: Calculating the number of cases heard per hour the court room is open

$$\text{Cases heard per hour the court room is open} = \frac{\text{Total no. of cases heard}}{\text{Total no. of session hours}}$$

The total number of cases heard is equal to the sum of all cases that were marked as heard on a Cause list on a given day that were relevant to the FOH pilot.

Equation 3: Calculating the percentage of session length spent in hearings

$$\text{Percentage of session length spent in hearings} = \frac{\text{Total no. of hours spent in hearings}}{\text{Total no. of session hours}} \times 100$$

The total number of hours spent in hearings is calculated as follows. For each session, take the difference between when the first case started and the last case finished in hours. Calculate this for each session that took place that was relevant to the FOH pilot on a given day, and sum these figures together.

Equation 4: Calculating the number of minutes delayed before starting per session

$$\text{No. of minutes delayed before starting per session} = \frac{\text{Total no. of minutes delayed}}{\text{Total no. of sessions}}$$

The total number of minutes delayed is calculated as follows. For each session, take the number of minutes that has elapsed between the official start time of the session (as per Table 8) and the start time of the first case (excluding starting early). Calculate this for each session that took place that was relevant to the FOH pilot on a given day, and sum these figures together.

The total number of sessions is equal to the sum of all of the sessions that were relevant to the FOH pilot that took place on a given day.

Equation 5: Calculating the number of minutes delayed before starting per session

$$\text{No. of minutes overrunning per session} = \frac{\text{Total no. of minutes overrunning}}{\text{Total no. of sessions}}$$

The total number of minutes overrunning is calculated as follows. For each session, take the number of minutes that has elapsed between the official end time of the session (which is equal to the session start time plus the session length, as per Table 8) and the end time of the last case. Calculate this for each session that took place that was relevant to the FOH pilot on a given day, and sum these figures together.

Illustrative example of a hand annotated Cause list

Figure 4: Illustrative example of a hand annotated Cause list from the FOH pilot (with dummy data entered), at Brentford County Court

In The County Court and The Family Court at Brentford
 Friday 11 October 2019
 Before
 Deputy District Judge XYZ – Court 5
 Flexible Operating Hours Pilot

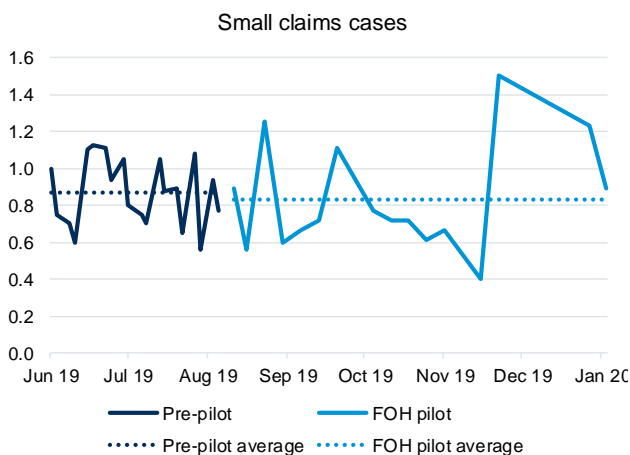
Start Time	Case Details
08:57 - 09:26	Mrs XYZ Sol Ag MR XYZ Sol
8:00AM	12345678 ABC -v- DEF T/E 10 MINS POSSN
08:25 -	MR XYZ CSC N/A
8:00AM	91011121 GHI -v- JKL T/E 10 MINS POSSN
N/A	N/A N/A
8:00AM	31415161 MNO -v- PQR T/E 15 MINS POSSN
09:50 - 10:25	MR XYZ CSC N/A
9:00AM	71819202 STU -v- VWX T/E 30 MINS APPN
N/A	N/A N/A
9:00AM	12223242 YZA -v- BCD T/E 15 MINS APPN
09:31 -	Mr I/P + AGENT Mr I/P
9:00AM	52627282 EFG -v- HIJ T/E 45 MINS APPN

(F-Diary Print Assistant v8.3* - Published: 10/10/2019 12:59)

Court time
 START FINISH
 AM 08:25 10:25

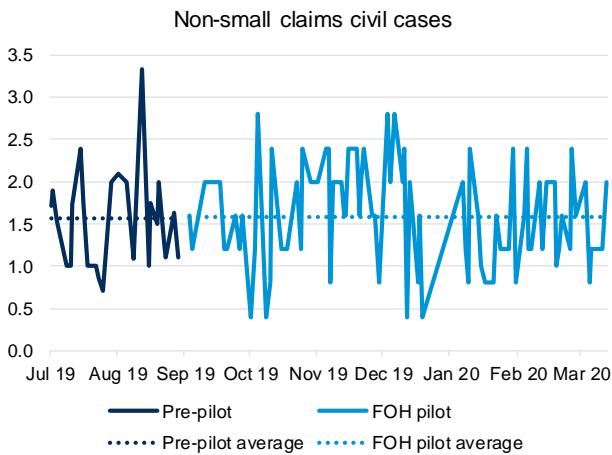
Graphical results which were not statistically significant

Figure 5: Number of cases listed per hour the court room is open for Manchester Civil Justice Centre



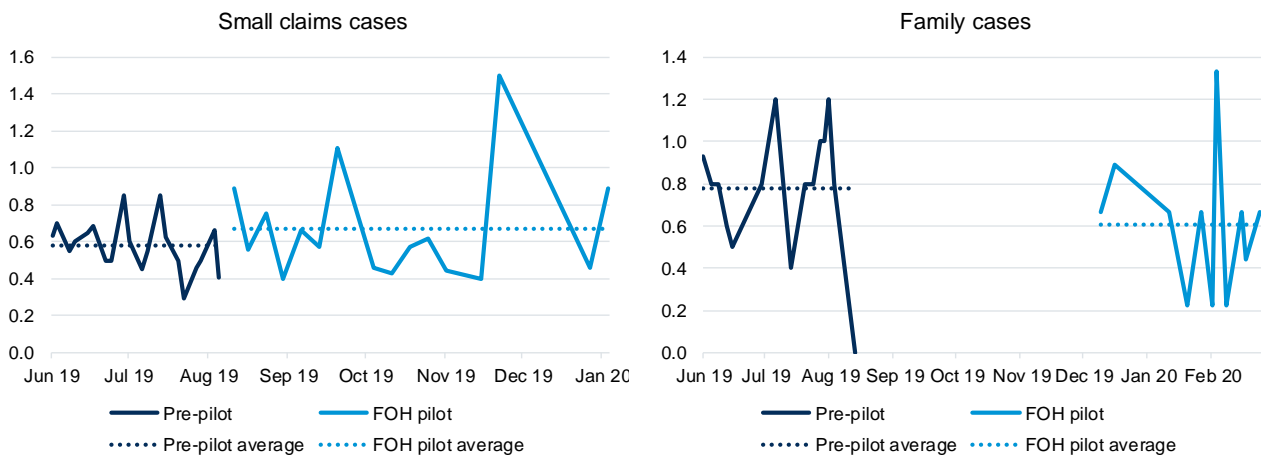
Source: Annotated Cause lists

Figure 6: Number of cases listed per hour the court room is open for Brentford County Court



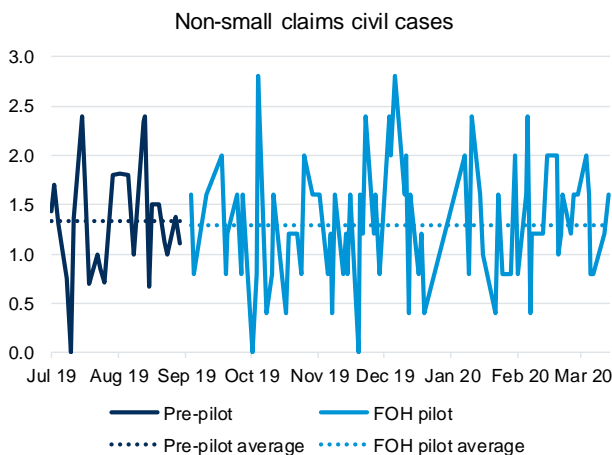
Source: Annotated Cause lists

Figure 7: Number of cases heard per hour the court room is open for Manchester Civil Justice Centre, by case type



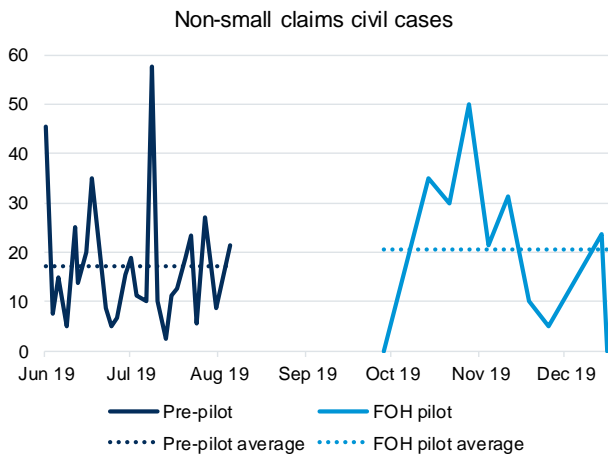
Source: Annotated Cause lists

Figure 8: Number of cases heard per hour the court room is open for Brentford County Court



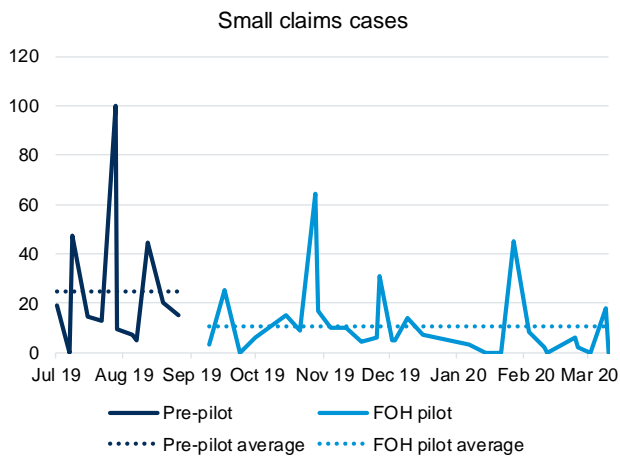
Source: Annotated Cause lists

Figure 9: Number of minutes delayed before starting per session for Manchester Civil Justice Centre



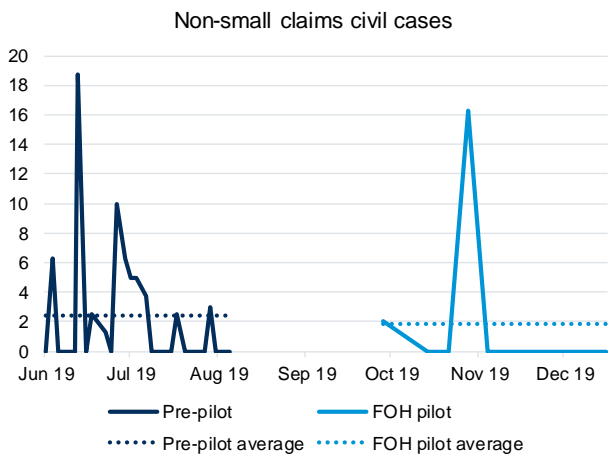
Source: Annotated Cause lists

Figure 10: Number of minutes delayed before starting per session for Brentford County Court



Source: Annotated Cause lists

Figure 11: Number of minutes overrunning per session for Manchester Civil Justice Centre



Source: Annotated Cause lists

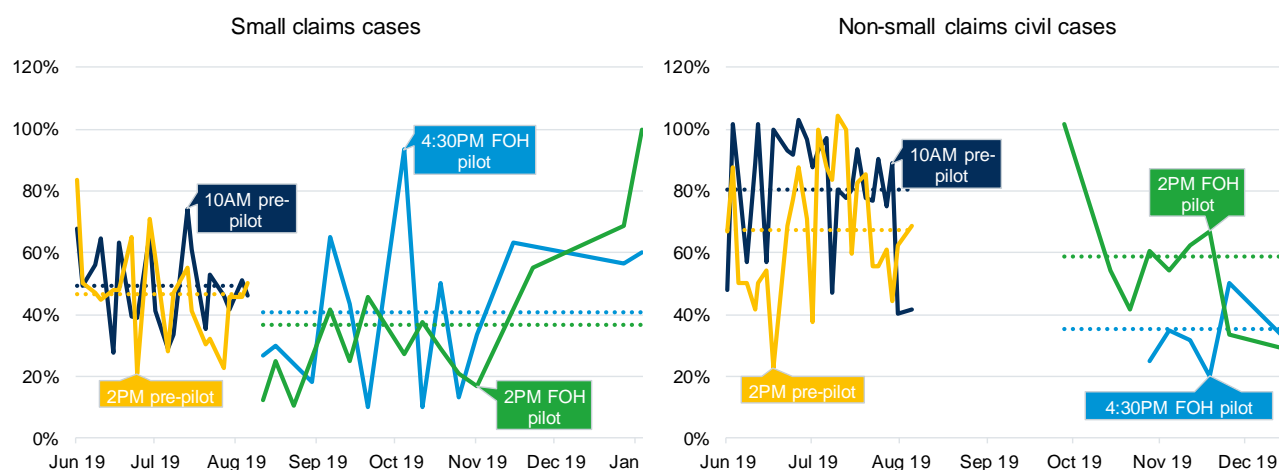
Robustness check 1: Disaggregating the analysis by session time

The first robustness check split indicator three, the percentage of session length spent in hearings, out into each of the different session timings for each court and case type. This indicator was chosen as this measure broadly incorporates the other four indicators – it is affected by the number of cases listed and heard and incorporates delays to starting and overruns – and is a key indicator in assessing court room efficiency.

The results for Manchester are presented in Figure 12. For small claims cases, there is no statistically significant difference between the 10AM pre-pilot and 2PM pre-pilot sessions. Similarly, there is no statistically significant difference between the 2PM and 4:30PM FOH sessions. As such, the disaggregation hasn't uncovered any large differences between sessions – with the key finding from earlier that the percentage of session length spent in hearings for small claims sessions is lower in the FOH pilot not being found to have been driven by one particular session type. An interesting observation here though is that whilst the 2PM FOH session has a lower average than the 2PM pre-pilot session, the difference is not statistically significant – suggesting the FOH pilot session court room at this time was used no less efficiently than before.

For Manchester non-small claims civil cases though, large statistically significant differences (at the 5% level) appear between the 2PM FOH session and the 4:30PM FOH session – with the latter having a 23% lower average percentage of time spent in hearings. A statistically significant difference at the 5% level also appears between the 10AM and 2PM pre-pilot sessions. As per the small claims cases, there is no statistically significant difference between the 2PM pre-pilot and FOH pilot sessions. The statistically significant reduction seen in the main results for this case type is therefore being primarily driven by the 4:30PM FOH pilot session, possibly indicating that efficiency (as defined by this indicator) drops throughout the day for this case type.

Figure 12: The percentage of session length spent in hearings for Manchester Civil Justice Centre, by case type disaggregated by session time



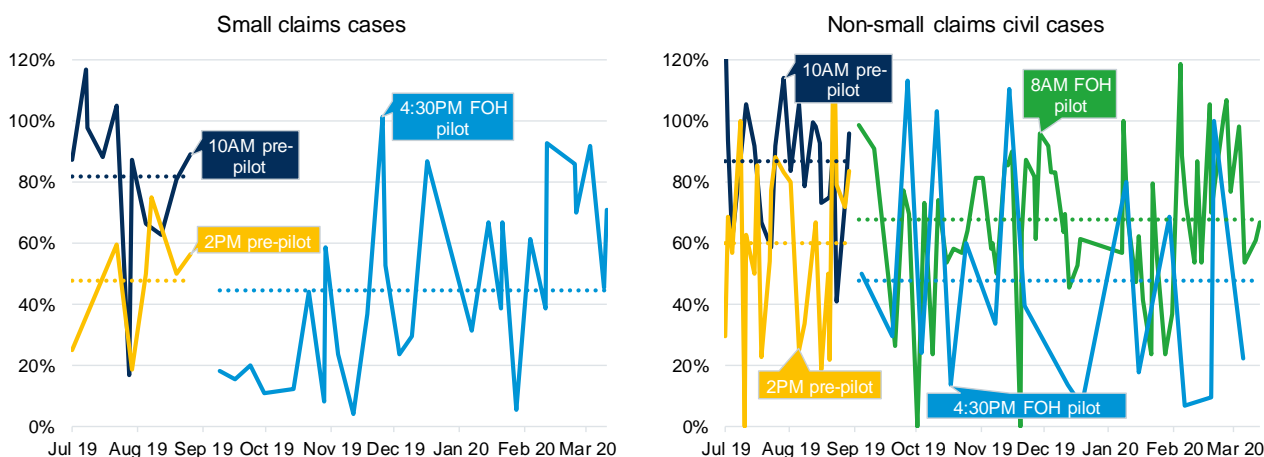
Source: Annotated Cause lists

Turning to Brentford in Figure 13 for small claims cases, the results differ quite substantially to Manchester. Here, there is a 34% difference between the 10AM and 2PM pre-pilot session averages (which is statistically significant at the 1% level). Only the 4:30PM FOH pilot sessions are presented here, as there was only one 8AM FOH pilot session that ran for small claims cases. As the figure shows, the percentage of session length spent in hearings for the 2PM pre-pilot and 4:30PM FOH pilot sessions are very similar, and not statistically significant. This suggests the 4:30PM FOH session is as efficient as the existing 2PM session, and that the drop seen in the previous non-disaggregated results was almost exclusively driven by the 10AM pre-pilot session.

For Brentford non-small claims civil cases, similar results are found to Manchester non-small claims cases. The 10AM pre-pilot session is found to have a higher average percentage of session length spent in hearings than the 2PM pre-pilot session (statistically significant at the 1% level), with the 4:30PM FOH pilot session having the lowest average. Interestingly, the 8AM FOH pilot average is higher than the 2PM pre-pilot average – although this difference is not statistically significant. This again suggests that the reduction in time spent in hearings is driven by the 4:30PM FOH session, and that efficiency (as defined by this indicator) possibly drops throughout the day.

One tentative conclusion that can be drawn from this analysis across both courts is that efficiency as defined by this indicator tends to fall throughout the day. This is demonstrated by the 10AM pre-pilot sessions having the greatest efficiency and 4:30PM FOH sessions generally having the least. The Brentford non-small claims results suggest that 8AM sessions are at least as productive as the 2PM pre-pilot sessions and more productive than the 4:30PM FOH sessions – but still not quite as efficient as the pre-pilot 10AM sessions. Whilst it must be acknowledged that 8AM FOH sessions were not trialled at Manchester, so it is not possible to determine whether a similar result to Brentford for 8AM sessions would be found at that court, the overall direction of movement across both courts does suggest that running FOH sessions earlier during the day (i.e. before the business as usual 10AM sessions) might achieve similar levels of efficiency as in non-FOH business as usual sessions for this particular indicator. This could be because it is possible to list more and rely on other court rooms to pick up any overruns that might occur.

Figure 13: The percentage of session length spent in hearings for Brentford County Court, by case type disaggregated by session time



Source: Annotated Cause lists

Robustness check 2: Second counterfactual check

The results presented in the main report showed varying impacts of the FOH pilot on court room efficiency. To ensure that these results were not being driven by other factors besides the FOH pilot, a second counterfactual (i.e. in addition to the pre-pilot data, which was the first) for the same case types as in the FOH pilot was sought. This second counterfactual data was collected for sessions that did not take place during FOH hours, but which occurred during the same period as the pilot was run. By comparing the second counterfactual with the first, it is possible to identify if any changes were occurring during the FOH pilots at the court but which were unrelated to the FOH pilot itself.

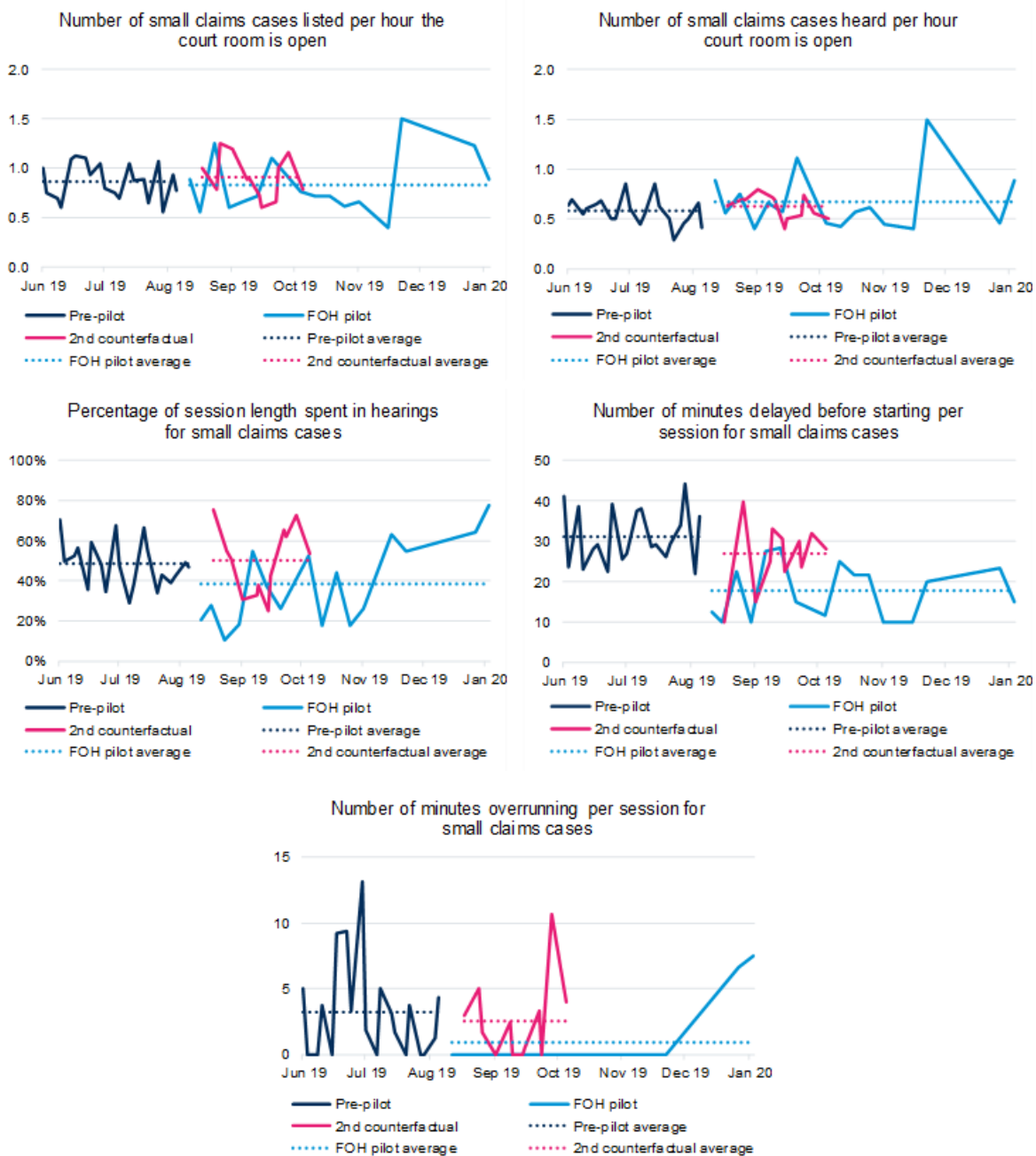
If the second counterfactual were found to be the same as the pre-pilot, then this would suggest that any difference observed between the pre-pilot and FOH pilot was due to the pilot – rather than other factors. Equally, if the second counterfactual moved in the same direction as the FOH pilot,

then this might suggest other non-pilot related factors might have been driving the results seen in the FOH pilot.

This second counterfactual check was performed for Manchester small claims cases, by using two months of hand annotated Cause list data covering the start of September 2019 to the end of October 2019. Small claims cases at Manchester were chosen owing to the greater case similarity of the data between the pre-pilot and FOH pilot periods, and the relatively larger number of observations compared with other case types.

The results are presented for each of the five indicators in [Figure 14](#). In short, the second counterfactual was not statistically different to pre-pilot period across all five indicators. As the graphs show, the dotted pink line (the second counterfactual average) is almost identical to the dark blue dotted line (the pre-pilot average), with this the case even when the light blue dotted line (the FOH pilot average) fell. This provides confidence that the differences observed between the pre-pilot and FOH pilot averages in this analysis were likely due to the FOH pilot, and not other confounding factors.

Figure 14: Second counterfactual check for small claims cases for Manchester Civil Justice Centre, by indicator



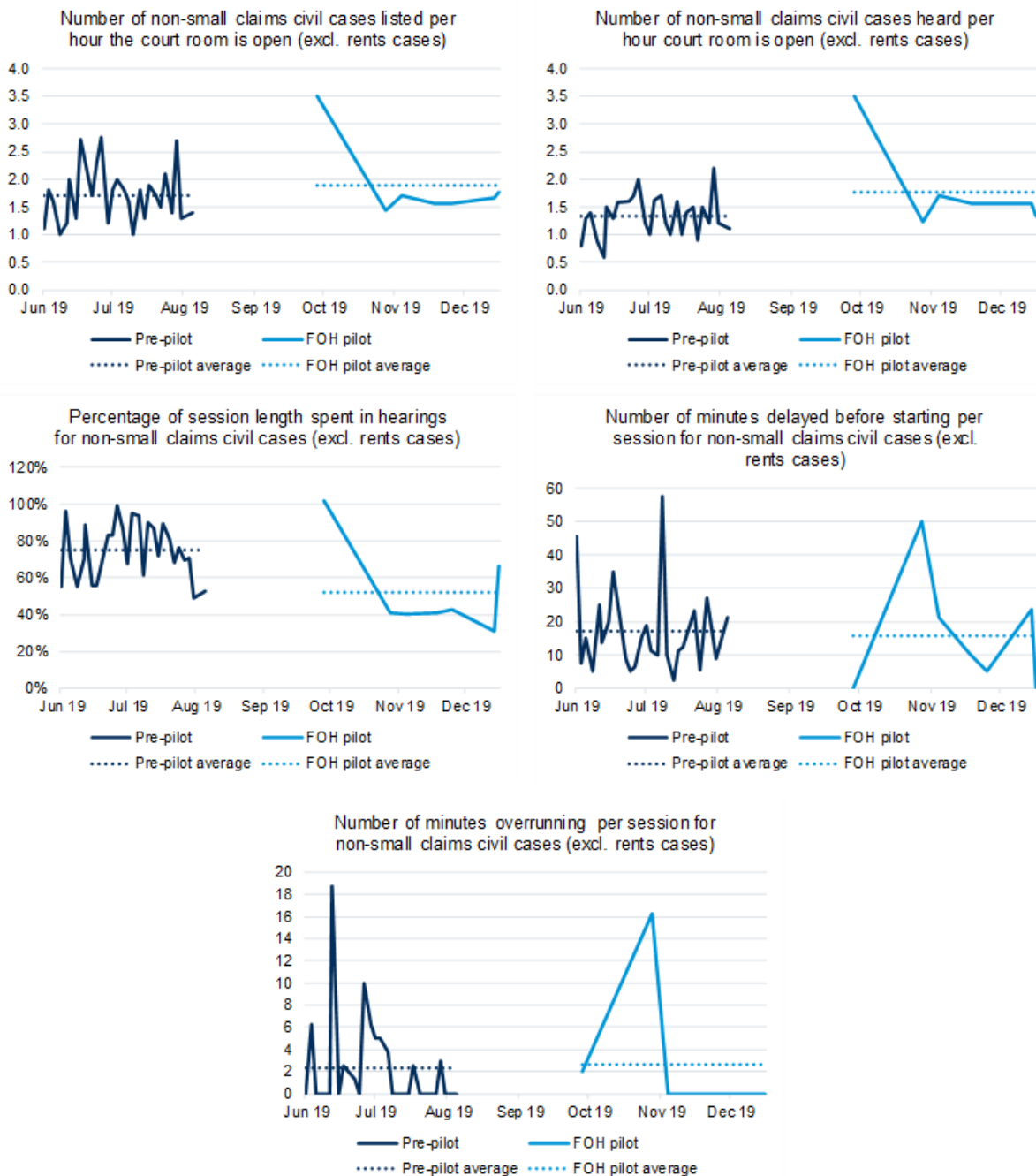
Source: Annotated Cause lists

Robustness check 3: Manchester non-small claims disaggregation

In the main report, the Manchester non-small claims results indicated that there was an increase in the number of cases listed and heard per hour the court room was open. This appeared to differ to the rest of the results for other case types. In addition, the variability of the FOH pilot data shown in the figures seemed to differ to the pre-pilot data. As an additional cross-check, the Manchester non-small claims FOH pilot data was split into the two case types that appeared – 7 days of RTA stage 3 cases, and 3 days of block listed rents cases. Following an investigation, it was found that there were no block listed rents cases in the pre-pilot period. These cases were therefore removed from the sample for this cross-check. Further, it was found that there were many different types of cases that appear in the pre-pilot period, which do not appear in the FOH pilot period.

Whilst the graphical results for the RTA stage 3 cases only are shown in Figure 15 below, statistical tests could not be performed because there were not enough observations. What can be gleaned however from Figure 15 below is that it was the block listed rents cases that were driving some of the variability seen in the non-disaggregated Manchester non-small claims results presented in the main report. This means the results in the main report can therefore be interpreted as containing the dual impact on court room efficiency of not just the implementation of FOH, but also the impact that FOH had on the case mix. This is in contrast to the rest of the results presented, which generally have similar case types in both the pre-pilot and FOH pilots' periods – and as such just isolate the impact of FOH on court room efficiency.

Figure 15: Manchester non-small claims disaggregation for Manchester Civil Justice Centre, by indicator



Source: Annotated Cause lists

Robustness check 4: Jackknife resampling

The results presented in the main report were based upon comparing the FOH average for each indicator with its pre-pilot average, and performing a statistical significance test on this difference. Given the small number of observations for each indicator, court and case type combination, it is possible that particular observations may be driving whether a difference in averages was deemed statistically significant or not.

In order to test the sensitivity of the results to individual observations, a statistical method known as jackknife resampling was used. At a high level, this involved removing one observation at a time for each indicator, recalculating the FOH and pre-pilot means without this observation, and then performing a statistical significance test on the newly calculated difference. This was then performed for all observations and the results graphed. By looking at how the difference in means and the resulting level of statistical significance changes with each observation, a qualitative indication of the robustness of the results can be ascertained.

The jackknife resampling was performed for both Manchester and Brentford, for both case types, and for the three key indicators that assess the efficiency of use of court rooms: 3) the percentage of session length spent in hearings, 4) the number of minutes delayed before starting per session and 5) the number of minutes overrunning per session.

Starting with Manchester and indicator three, the percentage of session length spent in hearings, the results are presented in Figure 16 below. To understand the charts below, note that the vertical axis is the p-value and that there are three horizontal lines at p-values of 0.10, 0.05 and 0.01. These horizontal lines are the thresholds of statistical significance used in the main report. For example, statistical significance at the 10% level in the main report corresponds to a p-value of between 0.10 (the yellow line) and 0.05 (the light green line). Lower vertical axis values therefore correspond to increasing confidence that a difference in means is not due to chance.

On the horizontal axis, the difference in means is presented. A negative value means that the FOH pilot average was lower than the pre-pilot average (as shown by a downwards facing arrow in the main report). For negative values, moving leftwards on the chart corresponds to larger differences in means between the pre-pilot and FOH pilot averages (and the opposite for positive values).

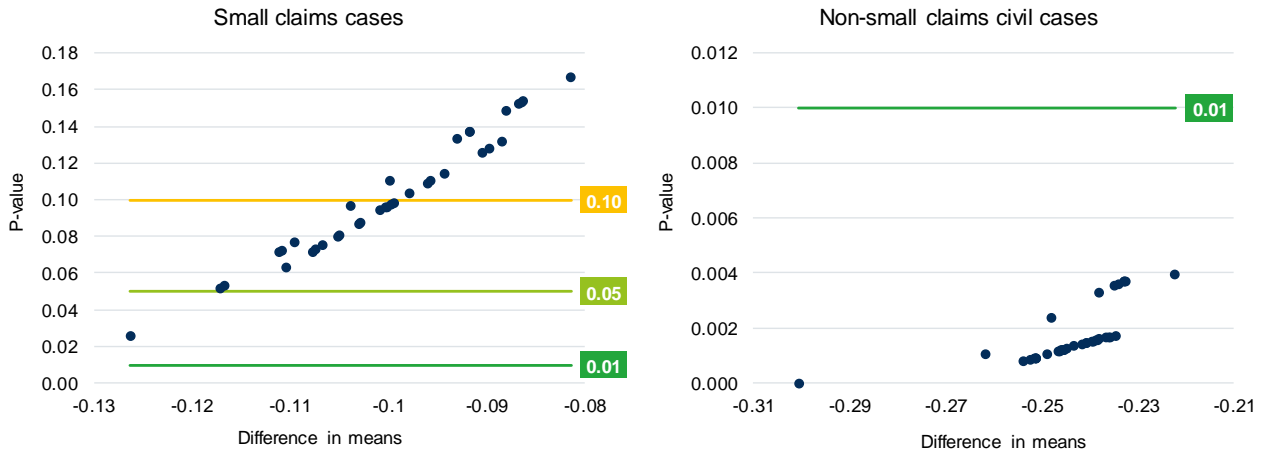
What the charts in Figure 16 show therefore is the distribution of the difference in means and associated p-values across all re-estimations. At a high level, the results reported in the main report are deemed more robust if the results presented below are characterised by both minimal changes in differences in means and minimal changes in statistical significance across all re-estimations. This is because it would suggest that the result was not sensitive to particular observations.

For the small claims results presented in Figure 16 for Manchester, there is a high degree of dispersion. In the main report, the percentage of session length spent in hearings was statistically significantly lower in the FOH pilot versus the pre-pilot at the 10% level. What the results below show is that this result is highly sensitive to individual observations. This is because removing particular observations can change the level of significance to either the 5% level or to insignificance (although the difference in means remains negative in all cases). This is in stark contrast to the non-small claims civil cases, which were statistically significant at the 1% level in the main report. The degree of dispersion is very small, with all re-estimations remaining significant at the highest level of statistical significance (the 1% level), and all remaining negative. This result is therefore much more robust to individual observations than for Manchester small claims cases.

Turning to Brentford for the same indicator, the results for small claims in Figure 17 are very similar to the Manchester non-small claims results – with all of the re-estimations remaining statistically significant at the 1% level and negative (as per the main report). For non-small claims cases, the level of dispersion is greater, stretching over the 5% (as per the main report) and 10% levels of

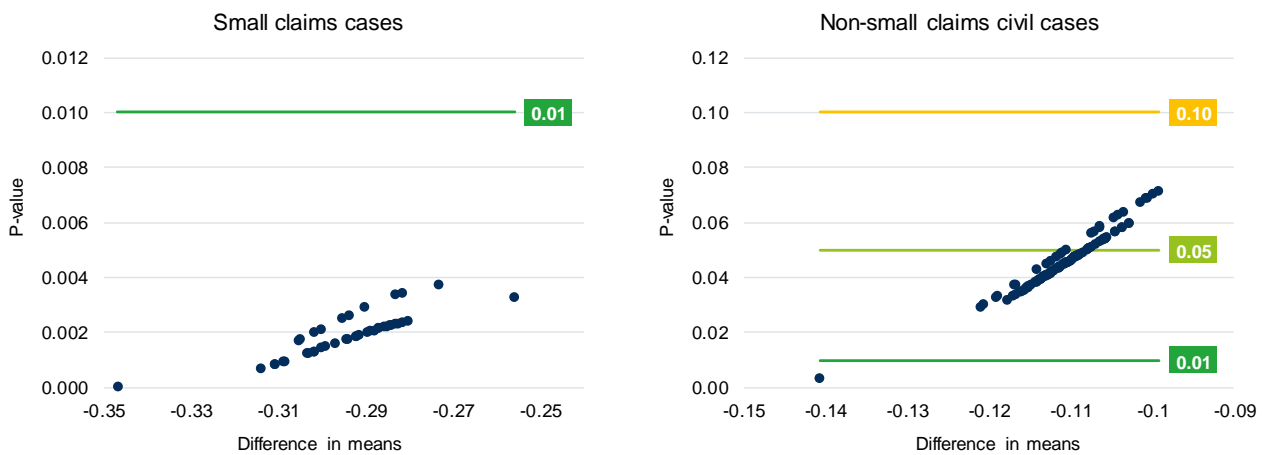
statistical significance, but never becoming statistically insignificant (and with the difference always remaining negative). These results are therefore also relatively robust to individual observations.

Figure 16: Jackknife resampling results for the percentage of session length spent in hearings for Manchester Civil Justice Centre, split by case type



Source: Annotated Cause lists

Figure 17: Jackknife resampling results for the percentage of session length spent in hearings for Brentford County Court, split by case type



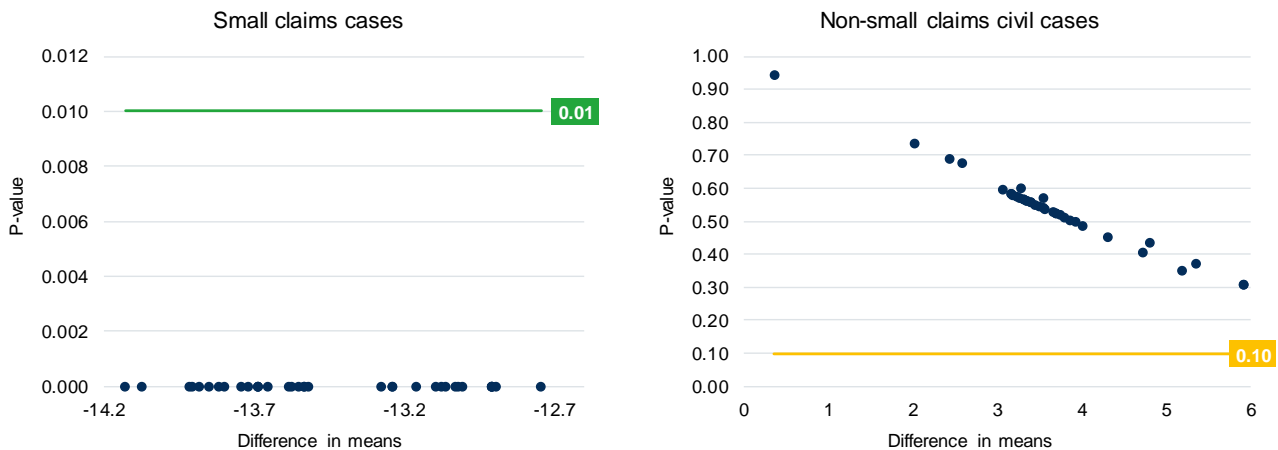
Source: Annotated Cause lists

Looking at the second key indicator, the number of minutes delayed before starting per session, the results for Manchester are presented in Figure 18. For small claims cases, the level of dispersion is very small, with only tiny changes in statistical significance reported – all of which remain well within the 1% level (as per the main report). This confirms the results for this indicator are robust to individual observations. For non-small claims civil cases, as per the results in the main report, all changes remain statistically insignificant – although it is worth noting the level of dispersion is very high. The result in the main report of statistical insignificance therefore remains.

Figure 19 presents the results for this indicator for Brentford. In the main report, for small claims cases, no statistically significant result was found. In the figure however, whilst there is a clear bunching of results around the 10% level threshold (and three quite some way past it), a relatively large portion do fall in the 10% level of significance threshold. As such, whilst the result in the main report of statistical insignificance still stands, the dispersion of the results suggest that the

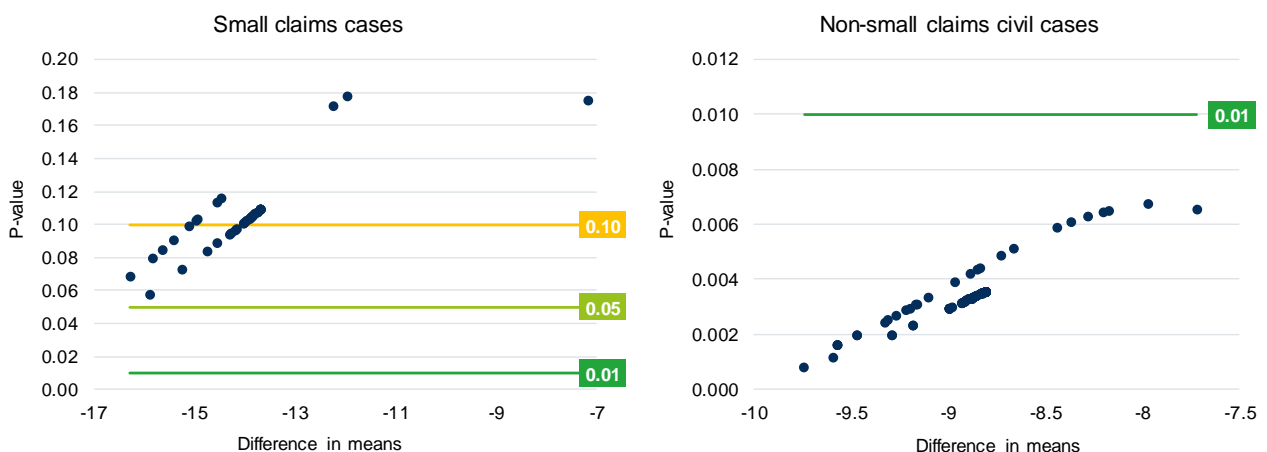
difference in means may indicatively be towards the lower end (in line with the results for the other case types). Given the small sample sizes however, it is difficult to conclude definitively. For the non-small claims civil cases however, the result is clear: all re-estimations produce a negative difference in means, with all significant at the 1% level (in line with the main report), making this result robust to individual observations

Figure 18: Jackknife resampling results for the number of minutes delayed before starting per session for Manchester Civil Justice Centre, split by case type



Source: Annotated Cause lists

Figure 19: Jackknife resampling results for the number of minutes delayed before starting per session for Brentford County Court, split by case type



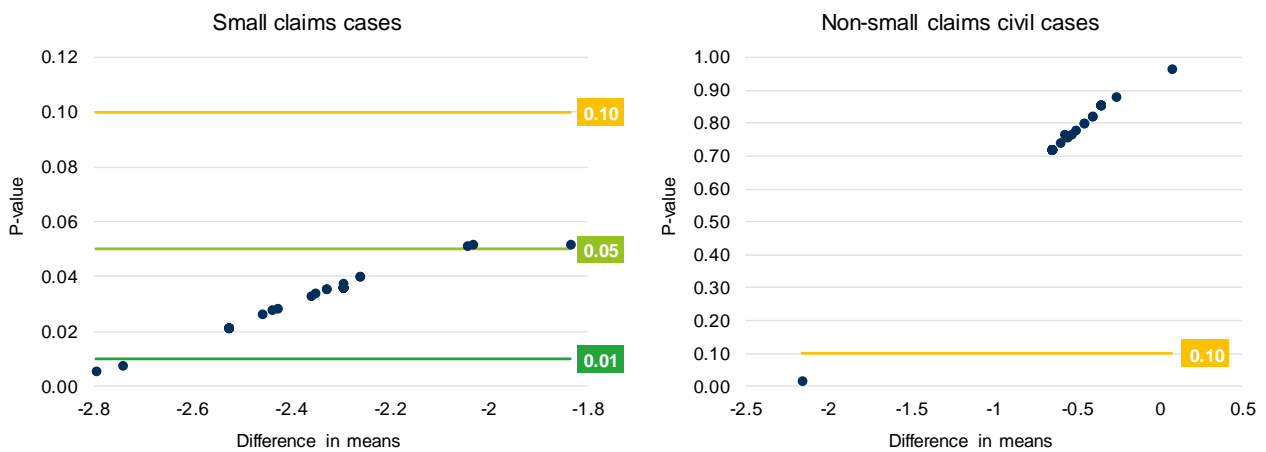
Source: Annotated Cause lists

For the third and final key indicator, the number of minutes overrunning per session, the results for Manchester are presented in Figure 20. For small claims, there is a relatively high degree of dispersion, however almost all re-estimations fall within the 5% significance level threshold and are negative (in line with the results in the main report), meaning the result is robust. For non-small claims, which was statistically insignificant in the report, an interesting result is found. By excluding just one observation, the negative difference in means turns from being strongly insignificant to statistically significant at the 5% level. However in contrast, in one instance, the negative difference in means actually turns slightly positive. Taken together, this suggests the insignificant result in the main report is highly sensitive to individual observations, and so should be treated with caution.

This is unsurprising however, as the nature of delays can lend itself to large spikes (which in small samples such as this, can have a large impact on the statistical tests performed).

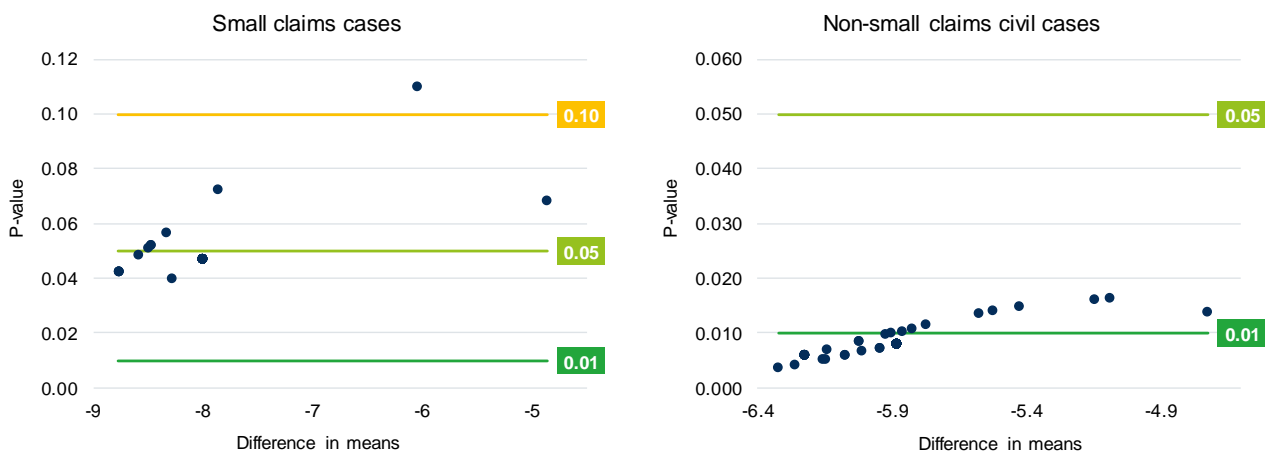
The results for Brentford for this indicator are included in Figure 21. For small claims, whilst the dispersion is quite high, barring one observation, all of the results remain statistically significant at the 10% level (and in some cases the 5% level) and a negative difference in means is always reported. This is in line with the results in the main report, making the results relatively robust. For non-small claims civil cases, the dispersion is quite low, with most re-estimates falling into the 1% or 5% level of statistical significance category (with all differences remaining negative). As such, the results in the main report are relatively robust to individual observations for Brentford for these case types.

Figure 20: Jackknife resampling results for the number of minutes overrunning per session for Manchester Civil Justice Centre, split by case type



Source: Annotated Cause lists

Figure 21: Jackknife resampling results for the number of minutes overrunning per session for Brentford County Court, split by case type



Source: Annotated Cause lists

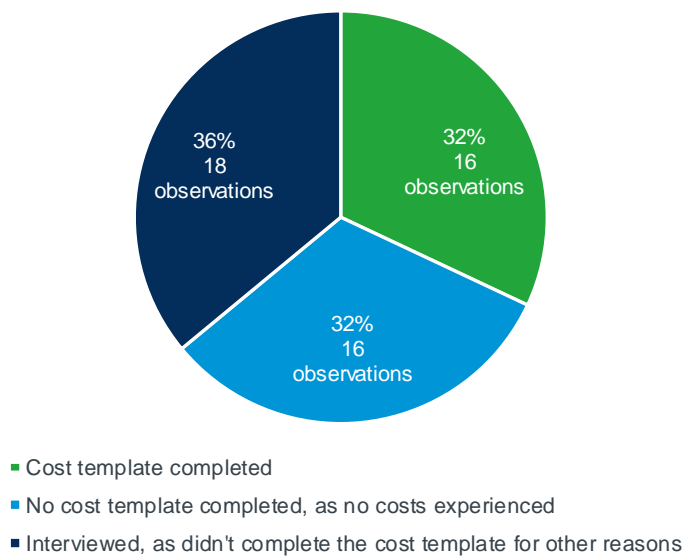
Annex 2: Quality of justice

Percentage of listed cases that were not heard

$$\text{Percentage of listed cases that were not heard} = \frac{\text{Total no. of cases not heard}}{\text{Total no. of cases listed}} \times 100$$

Annex 3: Working lives of legal professionals

Figure 22: Breakdown of professional users by data source



Source: Professional user cost templates and interviews with professional users

Table 9: Breakdown of the number of respondents by professional user type

Category	Number of respondents
Barrister	13
Duty Solicitor	6
Judiciary	7
Local Authority Solicitor	1
Solicitor	5
Barristers Chambers	2
Legal aid practitioners	1
Other	1
Solicitors Firm	14

Source: Professional user cost templates and interviews with professional users

Figure 23: Example legal professionals' interviews topic guide

**Flexible Operating Hours Evaluation
INDIVIDUALS topic guide (v3)**

J6109

Date 6/8/20

c.50 minutes *Timings listed for each section are rough estimates.*

Telephone (Individuals)

A Interview purpose and principles

- A1 Qualitative in-depth interviews with legal professionals involved in running Flexible Operating Hours:
- B We will conduct 40 depth interviews (20 per site), lasting up to one hour, with a range of legal professionals who have taken part in the FOH pilot. These will primarily be conducted by telephone, except for some interviews conducted in person, during the second court site visits in January 2020.

N=40			Site	
			County Court at Brentford	Manchester Civil Justice Centre
Primary criteria	Individual participation in a FOH hearing	Yes	20	20
	Role type	Judiciary	2-3	2-3
		Barristers	5-6	5-6
		Local Authority solicitors	4-5	4-5
		Duty Solicitor	3-4	3-4
CILEx ¹ Lawyer		3-4	3-4	
Secondary criteria	Contract type	Agency	Minimum 2	Minimum 2
	Number of FOH hearings attended	2+	Minimum 2	Minimum 2
Monitoring criteria	Contract type	Permanent	Monitor	
	Number of FOH hearings attended	1		
		2		
	Case type	Civil		
		Family		

- B1 This topic guide is intended to be used across individual professionals interviews. Refinements may be made to the guide content, iteratively, as we conduct interviews. Insight from these discussions will complement the other strands of research by providing the perspective of professionals on the design, delivery and impacts of the Flexible Operating Hours pilot.
- B2 Questioning and probing will be framed to ensure we understand participants' situations as they view them. Researchers will adapt the approach, as much as possible, to suit the needs of each participant. The prompts provided are not exhaustive, but rather indicate the types of content we would expect to be covered – this may vary across participants with different characteristics or experiences.
- B3 The below table lists the outcomes and impacts² the interviews will capture perceptions on, and the section of the guide that reflects the accompanying topics of discussion.

Outcomes & impacts	Topic guide section(s)
Efficiency of use of court rooms	D2 & E1 (naturally emerge in spontaneous discussion), F1
Speed of delivery of justice	D2 & E1 (naturally emerge in spontaneous discussion), F1, G
Access to justice	D2 & E1 (naturally emerge in spontaneous discussion), F14, G
Working lives of professional users	D2 & E1 (naturally emerge in spontaneous discussion), F2
Experiences of public users	D2 & E1 (naturally emerge in spontaneous discussion), F14
Quality of justice	D2 & E1 (naturally emerge in spontaneous discussion), F14, G
Equality and diversity	D2 & E1 (naturally emerge in spontaneous discussion), F15
Cost of justice	D2 & E1 (naturally emerge in spontaneous discussion), F10

¹ Chartered Legal Executives, legal practitioner, paralegals and apprentices

² See: Revised Evaluation Plan for FOH Pilots_IFF and Frontier_Confidential_v12.00

C Researcher introduction (c.2 mins)

- C1 *Researcher introduces themselves as from IFF Research, an independent research organisation.*
- C2 *Explain that we are working for HM Courts & Tribunals Service (HMCTS), in partnership with Frontier Economics, to examine what effect the introduction of Flexible Operating Hours has had:*
- *We're interested in your opinion and experience of Flexible Operating Hours as a legal professional / member of the judiciary who has worked within the Flexible Operating Hours courtrooms during the pilot. We'll be discussing effects on things like your workload, your ability to get your job done in court, and wider impacts on your working day. If there are other matters around your beliefs and experiences of FOH that you wish to discuss, you will be given the opportunity to do this.*
- C3 *The intention is to understand whether the pilot has delivered a more efficient use of court rooms. We are open-minded as to what the effects of the pilot have been. We want to understand impacts, whether positive, negative, or mixed. It's important to hear candid views in order to create a true picture of how the pilot has worked. If there are other matters around your beliefs and experiences of FOH that you wish to discuss, you will be given the opportunity to do this.*
- C4 *Their views will be brought together with the views of other individuals running the courts, professional court users, and members of the public, to create a rounded view. What they say will be in confidence, in that no individuals will be named in the report. That said, given there are only two courts involved in the pilot, it is inevitable that it may be possible to guess at where views originated.*
- C5 *There may also be commercially sensitive information shared, from the discussions around costs. Reassure about secure receiving, storing and analysing of this information, including information being pseudonymised.*
- C6 *[IF MULTIPLE INDIVIDUALS INVOLVED IN THE INTERVIEW: Ask individuals to respect each other's confidence and not to share outside this discussion, what individuals contributed within it.]*
- C7 *Participation in the discussion is entirely voluntary; if there is anything they prefer not to answer, that is fine; they just need to say so. Ask for permission to record, for IFF research team use only.*
- C8 *IF DATASHEET RETURNED IN ADVANCE: I have a copy of the datasheet you kindly supplied us with, and I might make reference to this at times during the interview today.*
- C9 *IF DATASHEET NOT YET RETURNED: When we invited you to take part in an interview, you should have been sent a datasheet about cost and time impacts of the pilot, to fill in. Do you have this to hand? If you do, that's great – we can refer to it during the interview and I can take it with me at the end. If not, don't worry, but it'd be great if you could complete this and send it back later.*

D Participant introduction (c.3 mins)

- D1 Briefly, what's your role? How long a history do you have of working with Manchester Civil Justice Centre / the County Court at Brentford?
- D2 And how are you involved in the Flexible Operating Hours pilot there?

E Initial opinion of pilot (c.5 mins)

- E1 How was the concept of the Flexible Operating Hours pilot introduced to you?
- PROBE: By whom? What were you told about it?
- E2 What was your gut reaction to the idea of the Flexible Operating Hours pilot?
- PROBE: Positive, negative, mixed? Why? (*Note as context to interpret later answers re: how well pilot is running*)

NEW: Interviewer – throughout the interview, please make a note, on paper, in two columns, of all of the positives and negatives mentioned by the participant, of taking part in FoH.

F Overview of the impact of the pilot (c.10 mins)

- F1 And what concrete differences have you noticed in the running of the court, under the new flexible hours, compared with the usual hours?
- PROBE: What other differences?
 - PROBE: Which of these are positive differences, which are negative and which are mixed, in your opinion? Why? *Explore in relation to individual differences mentioned.*
 - PROBE: And why do you think these differences have occurred?
 - PROBE: What is it about the Flexible Operating Hours pilots that has led to this?
 - PROBE: Is it to do with Flexible Operating Hours at all? Why? *Explore in relation to individual differences mentioned.*

G Impacts of the pilot in more detail (c.20 mins)

INTERVIEWER – the aim of this section is to raise and explore the following issues if they have not emerged already, or if they need revisiting to 'bottom them out' fully; not to revisit them if the participant has already said all they need to say in Section E, above.

SHOW CARD A, and ask the participant which of the matters below they feel able to comment on. Reassure the participant that, to make best use of their time, it's helpful if they flag anything that they cannot comment on at all:

<p>INDIVIDUAL PROFESSIONALS:</p> <p><i>SHOW CARD A-PRO: Potential issues to discuss or revisit</i></p> <p><i>Tell us about...</i></p> <ul style="list-style-type: none"> • The effects on the smooth running of court sessions – e.g. number of adjournments, availability of necessary staff and participants, availability of rooms and functioning equipment, IT needs • The effects on your ability to do your job in court, and on your overall workloads – including time to prepare, displaced workload, ability to direct your own time and use your time efficiently, ability to get sufficient food, drink and breaks, and ability to concentrate • You, and other staff, having to work overtime, or having to make adjustments to workloads or responsibilities • Peripheral / not-in-court impacts on your 'working day' – such as travel to and from court, childcare needs • Impacts on your personal expenses • The type of cases heard in the pilot court, and how well Flexible Operating Hours has worked with different case types • Your impressions of impacts on partner agencies, support services and other involved parties • Your impressions of impacts on 'public' users – including effects on the 'public' experience of the court process; impacts on their ability to access justice; or on the quality of justice • Instances in which legal professionals have opted out, or there's had to be a change of advocate, including whether there are any patterns by type of individual (including groups with protected characteristics) • Impressions of how other impacts differ by type of individual (including groups with protected characteristics)

Now, explore as relevant:

IMPORTANT: For any time or cost impacts identified, **note these down carefully.**

If you have a copy of the participant's completed datasheet, use this for reference and confirm which amounts of time or money recorded on it, they are referring to.

If a time or cost impact is not on the datasheet, try to obtain an estimate of how many additional hours or how much additional money is involved as a result of the pilot, and note this down.

FOR EACH FINDING, ASK: Do you have any evidence or records to back this up? May I have a copy, to help us analyse the costs of flexible operating hours? The information would only be used anonymously and reported in aggregate form.

Efficiency of courtroom use

G1 What effects has Flexible Operating Hours had on the smooth running of court sessions?

- number of adjournments
- availability of necessary staff and participants
- availability of rooms and functioning equipment
- IT support needed

G2 For each of the above, explore why this been the case. Are these positive or negative effects, or neither? *Explore fully.*

The working lives of legal professionals

G3 What effects has Flexible Operating Hours had on your ability, to do your job in this court?

- PROBE: What has been made easier, and what has been made harder? Why?

G4 Please tell us about the effects on you, and anything you know about the effects on (other) court staff, judges, solicitors, and barristers involved. What tells you this is the case?

- PROBE: What are the consequences of this, for your work *within* the pilot sessions? And for your *other* work? Why?
- PROBE: What has the effect been on the total number of hours you have worked, including any preparation or boxwork time? *Probe for specific numbers of hours worked, and a comparison with 'business as usual'*
- PROBE: Has it displaced work from one part of the day or working week to another? IF SO: What effect has this had?
- PROBE: Has it affected your ability to prepare for hearings in any way? IF SO: How? What effect has this had?
- PROBE: How has it affected your ability to direct or manage your / their own time, and use time efficiently? Why? PROMPT: Any issues with waiting times? PROBE: How significant is this? Why?
- PROBE: How has it affected the process of listing cases? PROBE: How significant is this? Why?

- PROBE: And how has it affected your ability to respond to the unexpected? PROMPT: Things like parties in cases not showing up, or being late? Or cases unexpectedly being put forward for hearing in a Flexible Operating Hours session? PROBE: Are these positive or negative effects, or neither? *Explore fully.*
- PROBE: How has it affected your general wellbeing within court – things like being able to get enough food, drink and breaks? IF ANY ISSUES: What effect has this had?
- PROBE: Have there been any effects on your ability to concentrate while at court? IF SO: What effect has this had? PROBE: How significant is this? Why?
- PROBE: And thinking about your life outside of work, has Flexible Operating Hours has had any effects on you personally? PROBE: Things like changes to how anxious you feel; how happy you feel? Or on other aspects of your well-being like how satisfied you feel with life? IF SO: In what ways? PROBE: How significant is this? Why?

NEW:

- IF EXPRESSED ANY CONCERNS ABOUT PERSONAL WELLBEING: Did you raise these concerns with anyone? IF NOT: Why not? IF SO: Who? What happened as a result? How did you feel about this?
- G5 To what extent have you had to work overtime, to support Flexible Operating Hours?
- PROBE: Have there been any issues with arranging this? *Explore any issues raised.*
- G6 To what extent have you had to make adjustments to your workloads or responsibilities, to support Flexible Operating Hours?
- PROBE: Have there been any issues with arranging this? And what have the consequences of this been? *Explore any issues raised.*
- G7 What wider effects has Flexible Operating Hours had on your working day?
- PROMPT: Things like your arrival and departure times at court, the ease and safety of travelling to and from court, or domestic impacts such as arranging childcare?
 - PROBE: Are these positive or negative effects, or neither? *Explore fully.*

NEW:

- IF TALKED ABOUT BEING TIRED FROM WORKING LONGER HOURS: Do you ever work overtime at other times, outside of Flexible Operating Hours? IF SO: In what context? How does working longer hours for FoH compare with working overtime at other times? PROBE: Is it any different, in its effects on you? IF SO: How?
- G8 What impact has Flexible Operating Hours had on your personal expenses? PROBE: How significant is this? Why?
- G9 **JUDICIARY ONLY:** Just to check, the types of case that have been heard in the Flexible Operating Hours sessions were meant to be [RECAP]. To what extent has that happened in practice? Why?
- PROBE: Have the volumes, or mix, of these different types of case been any different to expected? IF SO: How?
 - PROBE: How well has Flexible Operating Hours worked with these different case types? Why?

- PROBE: Is the type of case or mix of case types being heard within Flexible Operating Hours changing, or has it changed, as the pilot has gone on? IF SO: How? Why?
- G10 **ALL PARTICIPANTS:** What's your impression of how Flexible Operating Hours has affected partner agencies, support services or any other parties involved in cases affected by the pilot? PROBE: Is this positive, negative, or mixed? Why?
- (Further) exploration of cost and time impacts
- G11 [IF COST IMPACTS ALREADY RAISED: You've already mentioned a number of changes in costs or time arising from Flexible Operating Hours. *Briefly recap what these are from notes.*]
- G12 What other changes in costs or time have you *personally* experienced, as a result of working within Flexible Operating Hours? *Make a note of these*
- G13 FOR EACH CHANGE IN COST/TIME IDENTIFIED (INCLUDING ANYTHING NOTED EARLIER THAT YOU HAVEN'T YET 'BOTTOMED-OUT'): Is this an increase or decrease? Of roughly how much?

IMPORTANT: For these time or cost impacts identified, **note these down carefully.**

If you have a copy of the participant's completed datasheet, use this for reference and confirm which amounts of time or money recorded on it, they are referring to.

If a time or cost impact is not on the datasheet, try to obtain an estimate of how many additional hours or how much additional money is involved as a result of the pilot, and note this down.

FOR EACH FINDING, ASK: Do you have any evidence or records to back this up? May I have a copy, to help us analyse the costs of flexible operating hours? The information would only be used anonymously and reported in aggregate form.

Perceptions of public user experiences – access to, and quality of justice

- G14 What's your view on what the impacts have been on 'public' court users?
- PROBE: What positive impacts have there been, if any? Why? What negative impacts, if any? Why? What mixed impacts, if any? Why? Where have your impressions of this come from?
 - PROBE: Do you have any thoughts on the impact of Flexible Operating Hours on convenience, from the public user's point of view? PROMPT: Things like taking time off work, arranging childcare, ease and safety of travelling to and from court, or spending time waiting around? *For anything raised, explore reasons for the impact; and whether it is a positive/negative/mixed impact.*
 - PROBE: Do you have any thoughts on the impact of Flexible Operating Hours on the public being able to access justice? *For anything raised, explore reasons for the impact; and whether it is a positive/negative/mixed impact.*
 - PROBE: I'm interested in whether you have any thoughts on the effect of Flexible Operating Hours on the quality of the court experience / the experience of justice, for public users.
 - How would you personally define 'quality of justice'? *Interviewer makes note of this*
 - And what else do you feel is important to the quality of the court experience, for public users (if anything)? *Interviewer makes note of this*
 - *Revisit factors scoped out above:* What effect has Flexible Operating Hours had on these things, in your view? What evidence do you have for this?
 - PROMPT AS NEEDED, I.E. IF NOT EMERGED ALREADY: Any are there any impacts on things like the public being able to access legal advice or representation, being able to have enough time with legal advisors or representatives, or having enough time to think, discuss things or take things in?

For anything raised, explore reasons for the impact; and whether it is a positive/negative/mixed impact.

Equality and diversity, and opt-outs

- G15 What's your impression of how the impacts of Flexible Operating Hours differ by types of individual? With this, I'm thinking about demographic differences and protected characteristics – things such as gender, age, ethnicity, disability, childcare responsibilities.
- PROBE: Have you observed any patterns in who is more or less likely to be involved in Flexible Operating Hours sessions? Or who is more or less likely to find the sessions convenient or inconvenient? This might apply to court staff, or professional court users, or members of the public. *For anything raised, explore reasons for the impact; and whether it is a positive/negative/mixed impact.*
 - Has your own personal situation had an influence on how Flexible Operating Hours has affected you?

H Overall assessment (c.10 mins)

- H1 Reflecting on everything you've said today, on balance, do you consider the Flexible Operating Hours to be positive, negative, or neither? Why do you say that?
- H2 In your opinion, has the pilot allowed the court to achieve anything it would have not have done otherwise? IF SO: What? Is this substantial, or marginal as an outcome, in your view? Why?
- H3 Have there been any unintended consequences? IF SO: What? Is this positive, negative, neutral? Why do you say that?
- H4 What modifications to Flexible Operating Hours would you recommend, to make the pilot more successful, or effective?
- PROBE: Can you tell me more about how this would this work in practice? Why would this make the pilot more successful/effective?
- H5 What operational advice would they give HMCTS regarding rolling this pilot out elsewhere?
- PROBE: To what extent would it work in other contexts? PROBE: In what contexts might it work? In what contexts might it not work? Why?
 - PROMPT: Could it be sustained, for the same type(s) of cases, in this court? Why / why not?
 - PROMPT: Could it be extended to other types of cases, in this court? Why / why not?
 - PROMPT: Could it be extended to other courts? Why / why not?
 - **KEY PROBE:** What would the key considerations be, in deciding in what contexts flexible operating hours might work?
 - PROBE: How might it need to be modified to work elsewhere?
- H6 *Interviewer – recap the key lessons learned and suggestions made by the participant*
- Which of these do you feel is the most important lesson learned from the pilot so far

NEW:

- *Interviewer – revisit list of all of the positives and negatives mentioned by the participant, of taking part in FoH; and recap these to participant.*
- So, considering these positives and negatives that you mentioned, on balance, has Flexible Operating Hours been positive, negative or neutral for you personally? Why?

I Final comments and wrap-up (c.2 mins)

- I1 What further comments would you like to make on this topic, if any?
 - IF RELEVANT: Remind the participant to return cost datasheet
- I2 On behalf of IFF Research, Frontier Economics and HM Courts & Tribunals Service, thank you very much for your time and contribution today.

Figure 24: Example opt-out professionals' interviews topic guide

Flexible Operating Hours Evaluation
Professional opt out topic guide (v1)
c.35 minutes

J6109

Date 6/8/20

Telephone (individuals)

A Interview purpose and principles

- A1 This guide is for use with x10 teleddepth interviews (5 per each site) with professional users who opt out of pilot participation. Insight from these discussions will help to identify barriers to participation of professionals and opportunities for encouraging pilot participation of professionals (especially relevant for scalability).
- A2 This guide is intended to be used with a mix of individuals with varying characteristics and backgrounds. As such, it does not contain pre-set questions, but rather lists the key themes and sub-themes to be explored with participants in each interview. Words or short phrases are instead used to indicate the study issues and allows the researcher to determine the formulation of questions and how to follow up. This encourages the researcher to be responsive to the situation and most crucially to the terms, concepts, language and behaviours used by the participants.
- A3 It does not include follow-up questions like 'why', 'when', 'how', etc. as participants' contributions will be fully explored in response to what they tell us throughout in order to understand how and why views and experiences have arisen. The order in which issues are addressed and the amount of time spent on different themes will vary between interviews but the key areas for discussion are the same.
- A4 Questioning and probing will be framed to ensure we understand participants' situations as they view them. Researchers will adapt the approach, as much as possible, to suit the needs of each participant. The prompts provided are not exhaustive, but rather indicate the types of content we would expect to be covered – this may vary across participants with different characteristics.

B Researcher introduction (c.2 mins)

- B1 **Thanks & introduction:** Introduce yourself and IFF Research – independent research agency
- B2 **About the client:** *HM Courts & Tribunals Service (HMCTS)*
- B3 **Reason for participation:** Explain that they have been selected to participate in this research because they can help us understand more about the reasons professionals like them decide not to engage with the Flexible Operating Hours pilot. We are keen to hear all the reasons, whether personal or professional, they opted-out of the pilot. It's important to hear candid views in order to create a true picture of how the pilot has worked.
- B4 **How their info will be used:** Their views and experiences will be looked together with views of others taking part in interviews. These views will be analysed by theme then a report written based on those themes. There will be no way of knowing what an individual said, and no one will be identified in the report.
- B5 **Ethical considerations:** Anonymity, confidentiality, voluntary participation
- B6 **Reassurances:** No right or wrong answers - we are simply asking for people's views and opinions; comfort – let me know if you'd like a break at any time

B7 **Duration:** 35 minutes

B8 **Reminder about audio recording:** the discussion will be recorded so that we can accurately capture their views, and so researchers can listen back when analysing the data. The recorder is encrypted and only the research team will have access to the recordings

B9 **Any questions/concerns?**

B10 **Start recording:** acknowledge consent for being recorded

C Participant introduction (c.3 mins)

C1 **Roles and responsibilities in their job**

- Type of legal work they do
- Types of legal cases they are involved in (e.g. civil/family; defining features)
- Length of time in role

C2 **About their experience working with their relevant court**

- How long working with that court
- Their responsibilities with that court

D Initial impressions of pilot (c.10 mins)

D1 **Overview of what they understand about the FOH pilot**

- Key differences from 'business as usual' court operation
- Underlying rationale for running the pilot
- What is the pilot trying to achieve
- What is being done to achieve that

D2 **How they know** what they know

- Source
- Timing
- Messages

D3 **Initial impressions** of pilot when they first heard about it, reasons

- Overall opinion
- Questions they had
- Concerns

D4 **Impressions now**, whether/how changed, sources of influence

E Decision to opt-out of the pilot (c.10 mins)

E1 Overview of invitation to take part in the pilot, and circumstances surrounding it

- Who invited them
- When were they invited
- Content and tone of invitation (whether written/verbal)
- Initial steps they took following invitation e.g. chatted with peers, researched the pilots

E2 Fully explore **decision to opt-out**

- When and how they opted out
- Reasons stated for opting-out
- Additional reasons – personal and/or professional
- If multiple reasons, primary reason
- Whether any changes to their decision since opting out, reasons

F Suggestions for encouraging participation (c.10 mins)

F1 **Suggestions** that would encourage them to take part

- Personal practicalities of day-to-day operations of the pilots
- Practicalities of day-to-day operations for others e.g. peers, public, judiciary, solicitors
- Purpose of the pilots
- Scope of pilots
- Communications about the pilots – messages, sources, timing

F2 How could the pilots **change to be more workable for professionals** like them

F3 Views on **scalability of pilot** to other contexts, as it is now

- What would work well/less well
- Suggestions for rolling out pilot to other courts
- Suggestions for rolling out pilot to include other types of cases

G Final comments and wrap-up (c.2 mins)

G1 Final comments

G2 Thanks, and reminder of confidentiality and anonymity

Figure 25: Professional user cost template for solicitor firms

Information related to the flexible operating hours pilot

Please provide any comments in this column that will help to explain the numbers you have entered.

Introductory questions

Period covered by data

Please enter the precise dates covered by the data you provide below so that we are able to ascertain what portion of the 6 month pilot your data relates to. All data you enter should reflect the costs you have incurred between these dates. If not, please note this in the notes boxes.

Dates covered	Dates	Notes (if applicable)

Caseload mix

Please estimate the proportion of your firm's overall case load volume that is in the areas of work covered by the FOH pilot scheme, namely family and civil law.

Please estimate the proportion of FOH work undertaken by your firm (i.e. what proportion of your family and civil work does FOH work represent).

Case load mix	Percentage of cases by volume	Notes (if applicable)
% of total cases that are family		
% of total cases that are civil		
FOH work as % of all family and civil work		

Additional costs incurred as a result of the flexible operating hours pilot

Changes made as a result of the flexible operating hours pilot

Please indicate what, if any, changes you have made to your business as a result of the flexible operating hours pilot.

Are you aware of any of your solicitors having to make adjustments as a result of the flexible operating hours pilot? Please indicate what sort of changes you believe them to have made.

Please record your response below

Additional costs (£)

Please provide an estimate of any additional costs incurred by your firm as a result of the flexible operating hours pilot.

Additional costs (£)	£	Notes (if applicable)

Additional costs (%)

In percentage terms, by approximately how much have your costs increased overall (compared to the last financial year) as a result of the flexible operating hours pilot?

If possible, please also provide an estimate of approximately how much your costs have increased relative to your costs of civil and family work for last financial year.

	%	Notes (if applicable)
Additional costs (%) relative to total costs for previous financial year		
Additional costs (%) relative to civil and family costs for previous financial year		

Breakdown of additional costs

If possible, please provide a breakdown of the additional costs (e.g. staff, non-staff) incurred by your firm as a result of the flexible operating hours pilot.

	£	Notes (if applicable)
Additional staff costs (solicitors)		
Additional staff costs (non-solicitors)		
Other additional costs		

Hypothetical changes in costs

Would you expect the changes in costs you described above to be different if the flexible operating hours pilot continued in its current form in the pilot courts for several years? If possible, please indicate how different you would expect the change in costs to be, which specific costs would be different and why.

Please record your response below

Figure 26: Professional user costs template for individual solicitors

Information related to the flexible operating hours pilot		
		Please provide any comments in this column that will help to explain the numbers you have entered.
Introductory questions		
Pilot period covered by data		
Please enter the precise dates covered by the data you provide below so that we are able to ascertain what portion of the 6 month pilot your data relates to. All data you enter should reflect the costs you have incurred between these dates. If not, please note this in the notes boxes.	Dates	Notes (if applicable)
Dates covered		
Additional personal costs incurred as a result of the flexible operating hours pilot		
Personal costs incurred		
If you are able, please provide an estimate of the additional total personal costs you have incurred as a result of the flexible operating hours pilot. For example, additional childcare costs or other care costs (e.g. adult dependants) or travel costs specifically related to the operating hours of the pilot. Please indicate what any "other" costs would be in the notes box.	Direct costs	£ Total additional cost
	Notes (if applicable)	
Childcare costs		
Other care related costs		
Travel costs		
Other costs		
Time costs incurred		
If you can, please estimate any time costs (in hours spent) you have incurred as a result of the flexible operating hours pilot (e.g. time taken to rearrange care arrangements).	Time costs	Total additional time costs (hours)
	Notes (if applicable)	
Time taken to rearrange care commitments		
Other time costs		
Additional hours worked		
Can you please provide an estimate of the number of additional hours outside your ordinary working hours you have worked as a result of the flexible operating hours pilot.	Hours	Notes (if applicable)
Additional hours outside ordinary working hours		

Figure 27: Professional user costs template for judges

Information related to the flexible operating hours pilot		
		Please provide any comments in this column that will help to explain the numbers you have entered.
Introductory questions		
Period covered by data		
Please enter the precise dates covered by the data you provide below so that we are able to ascertain what portion of the 6 month pilot your data relates to. All data you enter should reflect the costs you have incurred between these dates. If not, please note this in the notes boxes.		
Dates covered	Dates	Notes (if applicable)
Nature of appointment		
Can you please indicate the nature of your appointment with respect to the flexible operating hours pilot court (e.g. salaried or fee-paid)		
Nature of position	Salaried or fee-paid?	Notes (if applicable)
Additional personal costs incurred as a result of the flexible operating hours pilot		
Personal costs incurred		
If you are able, please provide an estimate of the additional total personal costs you have incurred as a result of the flexible operating hours pilot. For example, additional childcare costs or other care costs (e.g. adult dependants) or travel costs specifically related to the operating hours of the pilot. Please indicate what any "other" costs would be in the notes box.		
Childcare costs	Direct costs	£ Total additional cost
Other care related costs		
Travel costs		
Other costs		
Time costs incurred		
If you can, please estimate any time costs (in hours spent) you have incurred as a result of the flexible operating hours pilot (e.g. time taken to rearrange care arrangements).		
Time taken to rearrange care commitments	Time costs	Total additional time costs (hours)
Other time costs		
Additional hours worked		
Can you please provide an estimate of the number of additional hours outside your ordinary working hours you have worked as a result of the flexible operating hours pilot.		
Additional hours outside ordinary working hours	Hours	Notes (if applicable)

Figure 28: Professional user cost template for individual barristers

Information related to the flexible operating hours pilot			Please provide any comments in this column that will help to explain the numbers you have entered.
Introductory questions			
Period covered by data		Dates	Notes (if applicable)
Please enter the precise dates covered by the data you provide below so that we are able to ascertain what portion of the 6 month pilot your data relates to. All data you enter should reflect the costs you have incurred between these dates. If not, please note this in the notes boxes.		Dates covered	
Year of call		Years	Notes (if applicable)
Can you please indicate the number of years since you were called to the Bar?		Year of call	
Additional personal costs incurred as a result of the flexible operating hours pilot			
Personal costs incurred		Direct costs	£ Total additional cost
If you are able, please provide an estimate of the additional personal costs you have incurred as a result of the flexible operating hours pilot. For example, additional childcare costs or other care costs (e.g. adult dependants) travel costs specifically related to longer operating hours. Please indicate what any "other" costs would be.		Childcare costs	Notes (if applicable)
		Other care related costs	
		Travel costs	
		Other costs	
Time costs incurred		Time costs	Total additional time costs (hours)
If you can, please estimate any time costs (in hours spent) you have incurred as a result of the flexible operating hours pilot (e.g. time taken to rearrange care arrangements).		Time taken to rearrange care commitments	Notes (if applicable)
		Other time costs	
Additional hours worked		Hours	Notes (if applicable)
Can you please provide an estimate of the number of additional hours outside your ordinary working hours you have worked as a result of flexible operating hours.		Additional hours outside ordinary working hours	
Loss of income		£ Total income loss	Notes (if applicable)
If you have had to return work or have not been able to accept work due to the flexible operating hours pilot, please estimate the amount of income lost as a result of the pilot.		Income loss	

Figure 29: Professional user cost template for chambers

Information related to the flexible operating hours pilot

Please provide any comments in this column that will help to explain the numbers you have entered.

Introductory questions

Please note that all questions in this template refer to changes made and costs incurred by the Chambers and not to the individual Barristers in your Chambers.

Period covered by data

Please enter the precise dates covered by the data you provide below so that we are able to ascertain what portion of the 6 month pilot your data relates to. All data you enter should reflect the costs you have incurred between these dates. If not, please note this in the notes boxes.

	Dates	Notes (if applicable)
Dates covered		

Caseload mix

Please estimate the proportion of cases undertaken by Barrister members of your Chambers in the areas of work covered by the FOH pilot scheme, namely family and civil law.
Please estimate the proportion of FOH work undertaken by your Chambers (i.e. what proportion of your family and civil work does FOH work represent).

Case load mix	Percentage of cases by volume	Notes (if applicable)
% of total cases that are family		
% of total cases that are civil		
FOH work as % of all family and civil work		

Additional costs incurred as a result of the flexible operating hours pilot

Changes made as a result of the flexible operating hours pilot

Please indicate what, if any, changes you have made in your Chambers as a result of the flexible operating hours pilot.

Please record your response below

Additional costs (£)

Please provide an estimate of any additional costs incurred by your Chambers as a result of the flexible operating hours pilot.

	£	Notes (if applicable)
Additional costs (£)		

Additional costs (%)

In percentage terms, by approximately how much have your costs increased overall (compared to the last financial year) as a result of the flexible operating hours pilot?

	%	Notes (if applicable)
Additional costs (%)		

Breakdown of additional costs

If possible, please provide a breakdown of the additional costs incurred by your Chambers as a result of the flexible operating hours pilot.

	£	Notes (if applicable)
Additional staff costs (e.g. clerks)		
Other additional costs		

Hypothetical changes in costs

Would you expect the changes in costs you described above to be different if the flexible operating hours pilot continued in its current form in the pilot courts for several years? If possible, please indicate how different you would expect the change in costs to be, which specific costs would be different and why.

Please record your response below

Annex 4: Costs of justice

Judicial wage costs

Judicial wage cost estimates were only calculated for the Brentford court. This was because only the Brentford court ran additional sessions versus business as usual. The estimates were calculated as follows, and assumed that all FOH pilot sessions in the Brentford court were heard by fee paid Deputy District Judges (DDJs):

1. Taking the midpoint between the Non-London and London weighting DDJ day rates.
2. Multiplying this midpoint by the number of days judges sat during the Brentford pilot. The number of days judges sat was equal to the number of judge sessions recorded on the Cause lists, divided by two. This is because two sessions equals one judge sitting day.

Please note that the DDJ day rates exclude national insurance and employer pension contributions, so likely represent an underestimate of the total cost to the courts.

Non judicial wage costs

Non judicial wage cost estimates were performed for both courts, and were calculated as follows:

1. Taking the midpoint between the yearly upper salary and lower salary figures for each court staff band, and dividing this by the number of weeks in the year and the number of contractual hours per working week. This provided a per-hour wage for each of the different wage bands of staff working at each court.
2. These per-hour wage bands were then multiplied by 1.5, as per the MoJ's overtime policy.
3. These figures were then multiplied by the estimated number of hours each staff band worked as overtime in total due to the FOH pilot, which were provided by the Manchester and Brentford courts.

Please note that the staff salary costs are excluding employer national insurance and employer pension contributions, so likely represent an underestimate of the total cost to the courts. In addition, all overtime has been assumed to be taken in the form of additional salary – whereas there was the option for non-judicial staff to take time off in lieu at 1.5x the days that they worked.

Security costs

Security costs were calculated for each court in different ways. For Manchester, the figure reported was the actual invoiced amount of the additional cost of providing security at the Manchester court during the FOH pilot. Such information was not available for the Brentford court, and had to be estimated using the aggregated financial accounts provided by the court. This was estimated as follows:

1. The total security cost for Brentford in the financial year April 2018 to March 2019 was taken from the Brentford court's financial accounts.¹⁶ This was then divided by the number of working days in a year (253) in 2019, and then the number of hours the Brentford court was open each day during business as usual (7 hours). This provided the implied hourly cost of security for the whole Brentford court.

¹⁶ An inflation adjustment was not performed, as input specific inflation factors were not available

2. This hourly figure was then multiplied by 1.5, as per the MoJ's overtime policy.
3. This figure was then divided by five (the number of court rooms in the Brentford court), to arrive at an estimate of the hourly cost per court room of security at the Brentford court at overtime rates.
4. This hourly overtime security cost per court was then multiplied by the number of 8AM sessions that took place and the number of additional hours worked as a result of that 8AM session (one hour – the difference between the usual opening time of 9AM). Separately, the hourly figure was multiplied by the number of 4:30PM sessions that took place and the number of additional hours worked as a result of that 4:30PM session (three hours – the difference between the usual closing time of 4PM). These two figures for each session timing were then added together. This provided a lower bound estimate, and assumes that the security presence can be reduced to reflect the lower number of court rooms in use during FOH hours.
5. An upper bound estimate was then calculated by multiplying the lower bound estimate by five – the number of court rooms at the Brentford court. This upper estimate assumes that the security presence cannot be reduced to reflect the lower number of court rooms in use during FOH hours.
6. The midpoint was then taken between the upper and lower bound estimates, as the true figure is likely to be between these two figures. This is the figure reported in the main report.

Fuel and utilities cost estimates

Fuel and utilities costs were estimated for both courts from the aggregated financial accounts provided by each court using the following method:

1. The total fuel and utilities costs for each court for the financial year April 2018 to March 2019 was taken from each court's financial accounts.¹⁷ This was then divided by the number of days in a year (365) and then the number of hours in each day (24). This provided the implied hourly cost of fuel and utilities for each court.
2. This figure was then divided by the number of court rooms in each court (52 for Manchester, and 5 for Brentford), to arrive at an estimate of the hourly cost per court room of fuel and utilities at each court.
3. This hourly fuel and utilities cost per court was then multiplied by the number of hours over the duration of the FOH pilot that each court was open outside of their usual opening hours due to the FOH pilot.
4. Using Ofgem electricity demand profile data as a proxy for all utility costs, an average uplift in utility costs during working hours was calculated relative to an average across all hours and all times of year (the latter is broadly equivalent to the implied hourly cost of fuel and utilities calculated in step 2, which is also averaged across all hours and all times of year). This uplift during working hours was 0.43, and was then multiplied by the figure in step 3. This provides the estimated *additional* fuel and utilities costs incurred due to the FOH pilot.

Please note that because fuel and utilities are likely dependent on the weather and fuel prices at the time of year, this means the figures may or may not be reflective of the true costs experienced during the FOH pilot. This is because they are based on 2018-2019 figures. In addition, the hourly cost of fuel and utilities reflects the average costs over the entire year. The

¹⁷ An inflation adjustment was not performed, as input specific inflation factors were not available

pilot however ran over autumn and winter, a period where such costs are likely to be higher, meaning the estimated figure for each court is likely to be an underestimate.

Annex 5: The experience of court staff

Figure 30: Example site visit interviews topic guide

Flexible Operating Hours Evaluation Site visits topic guide (v3 FINAL VISIT) c.60 minutes

J6109

Date 6/8/20

Telephone/Zoom

Timings listed for each section are rough estimates.

A Site visit purpose

A1 Three site visits will be conducted to capture the views of those running the courts:

- One in the early stages of the pilot, to discuss the **UTs** experience of setting up the pilot – how they envisaged it working; their rationale for decisions; any challenges; solutions to these; and lessons learned;
- One way mid through pilot operation to check on the reality of day-to-day running once the pilot is 'mature'; and whether any modifications to the overall approach have been made;
- A final visit at the pilot's conclusion, to explore their reflections on how well it has worked and why; and perceptions of the impacts (as well as any further changes made as the pilot progressed).

A2 Each visit we will seek to interview a mix of court staff involved in strategic decisions about the pilot; those involved in managing implementation; and those responsible 'on the ground'. This will encompass the Local Implementation Team and anyone else on-site who plays a key role. The time would be used flexibly, conducting a series of c.45-60 minute interviews, pairs, triads or mini-groups with the key individuals.

A3 This topic guide is intended to be used across all three visits. Refinements may be made to the guide content, iteratively, as we conduct each round of visits.

B Researcher introduction (c.2 mins)

B1 *Researcher introduces themselves as from IFF Research, an independent research organisation.*

B2 *Explain that we are working for HM Courts & Tribunals Service (HMCTS), in partnership with Frontier Economics, to examine what effect the introduction of Flexible Operating Hours has had on the operation of their court, as well as any knock-on effects beyond the court, that they are aware of.*

B3 *The intention is to understand whether the pilot has delivered a more efficient use of court rooms. We are open-minded as to what the effects of the pilot have been. We want to understand impacts, whether positive, negative, or mixed. It's important to hear candid views in order to create a true picture of how the pilot has worked.*

B4 *Their views will be brought together with the views of other individuals running the courts, professional court users, and members of the public, to create a rounded view. What they say will be in confidence, in that no individuals will be named in the report. That said, given there are only two courts involved in the pilot, it is inevitable that it may be possible to guess at where views originated. [IF MULTIPLE INDIVIDUALS INVOLVED IN THE INTERVIEW: Ask individuals to respect each other's confidence and not to share outside this discussion, what individuals contributed within it.]*

B5 *Participation in the discussion is entirely voluntary; if there is anything they prefer not to answer, that is fine; they just need to say so. Ask for permission to record, for IFF research team use only.*

C Participant introduction (c.3 mins)

INTERVIEWER - prior to interview, ensure you have revisited the pilot model in use at the court and the mix of case types intended to be heard within the Flexible Operating Hours sessions.

Also make sure you have any previous information about participant's job roles and roles within the pilot, to avoid unnecessary repetition. Then explore as needed:

- C1 Briefly, has your **role within the court changed** since we last spoke?
- C2 Briefly, has your **involvement in the pilot changed** since we last spoke?

D Initial opinion of pilot (c.5 mins)

- D1 How has your opinion of the pilot changed since we last spoke, if at all?

- Positive, negative mixed?
- Reasons

NEW: Interviewer –throughout the interview, please make a note, on paper, in two columns, of all of the positives and negatives mentioned by the participant, of taking part in *FOH*.

E Overview of the impact of the pilot (c.15 mins)

- E1 **Now the pilot has concluded, what concrete differences have you noticed in the running of the court, under the new flexible hours, compared with the usual hours?** Probe to obtain a full list of key differences from 'business as usual'.
 - What is the quality of each difference – positive, negative, neutral? Reasons.
 - What are examples of each difference?
 - Reasons for these differences. PROBE: What is it about the Flexible Operating Hours pilots that has led to this?
- E2 **Are there any other initiatives or innovations that have recently been introduced in this court, that might have affected how Flexible Operating Hours has worked here?** IF SO – FOR EACH: What? What effect do you think this has had?

F Impacts of the pilot in more detail (c.20 mins)

INTERVIEWER – the aim of this section is to raise and explore the following issues if they have not emerged already, or if they need revisiting to 'bottom them out' fully; not to revisit them if the participant has already said all they need to say in Section E, above.

SHOW CARD A – and ask the participant which of the matters below they feel able to comment on. Reassure the participant that, to make best use of their time, it's helpful if they flag anything that they cannot comment on at all:

SHOW CARD A: Potential Issues to discuss or revisit

- The effects on the smooth running of court sessions – e.g. number of adjournments, availability of necessary staff and participants, availability of rooms and functioning equipment, IT needs
- The effects on individuals' ability to do their job in court, and overall workloads – including preparation time, time taken to list cases, ability to respond to the unexpected, and ability to direct your own time and use your time efficiently
- Paying overtime, or **making adjustments to** workloads or responsibilities of court staff
- Peripheral / not-in-court impacts on the 'working day' of staff and professional court users – such as travel to and from court, time to prepare, displaced workload, childcare needs
- Impacts on personal expenses of staff and professional court users
- The type and volume of cases heard in the pilot court, and how well Flexible Operating Hours has worked with different case types
- Impacts on other court rooms in this court, and on neighbouring courts
- Impacts on partner agencies, support services and other involved parties
- Impressions of impacts on 'public' users – including effects on the 'public' experience of the court process; impacts on their ability to access justice; or on the quality of justice
- Impressions of how impacts differ by type of individual (including groups with protected characteristics)

Now, explore as relevant:

IMPORTANT: For any time or cost impacts identified, try to obtain an estimate of how many additional hours or how much additional money is involved as a result of the pilot. **FOR EACH FINDING, ASK:** Do you have any evidence or records to back this up? May I have a copy, to help us analyse the costs of flexible operating hours? The information would only be used anonymously and reported in aggregate form.

Efficiency of courtroom use

F1 What effects has Flexible Operating Hours had on the smooth running of court sessions?

PROMPT: Things like number of adjournments, availability of necessary staff and participants, availability of rooms and functioning equipment, IT support needed? **PROBE:** Why has this been the case? **PROBE:** Are these positive or negative effects, or neither? *Explore fully.*

The working lives of legal professionals

F2 What effects has Flexible Operating Hours had on the ability of you and your colleagues to do your job in this court? **PROBE:** What has been made easier, and what has been made harder? Why?

- **PROMPT – READ OUT:** Please tell us about the effects on you, and anything you know about the effects on (other) court staff, judges, solicitors, and barristers involved.
- **PROBE:** What has the impact been on your overall workload? And that of other court staff? **PROBE:** How do you / they feel about this? Why?
- **PROBE:** What are the consequences of this, for your work within the pilot sessions? And for your other work? Why?
- **PROBE:** Has it displaced work from one part of your day or working week to another? **IF SO:** What effect has this had?
- **PROBE:** Has it affected your / your colleagues' ability to prepare for hearings in any way? **IF SO:** How? What effect has this had?
- **PROBE:** How has it affected your / your colleagues' ability to direct or manage your own time, and use time efficiently? Why? **PROMPT:** Any issues with waiting times? **PROBE:** How significant is this? Why?
- **PROBE:** How has it affected the process of listing cases? **PROBE:** How significant is this? Why?
- **PROBE:** And how has it affected your / your colleagues' ability to respond to the unexpected? **PROMPT:** Things like parties in cases not showing up, or being late? Or cases unexpectedly being put forward for hearing in a Flexible Operating Hours session? **PROBE:** Are these positive or negative effects, or neither? *Explore fully.*

NEW:

- **PROBE:** And thinking about your life outside of work, has Flexible Operating Hours had any effects on you personally? **PROBE:** Things like changes to how anxious you feel; how happy you feel? Or on other aspects of your well-being like how satisfied you feel with life? **IF SO:** In what ways? **PROBE:** How significant is this? Why?
 - **IF EXPRESSED ANY CONCERNS ABOUT PERSONAL WELLBEING:** Did you raise these concerns with anyone? **IF NOT:** Why not? **IF SO:** Who? What happened as a result? How did you feel about this?
 - **IF TALKED ABOUT BEING TIRED FROM WORKING LONGER HOURS:** Do you ever work overtime at other times, outside of Flexible Operating Hours? **IF SO:** In what context? How does working longer hours for FOH compare with working overtime at other times? **PROBE:** Is it any different, in its effects on you? **IF SO:** How?
- F3 To what extent have court staff had to be paid to work overtime, to support Flexible Operating Hours? **PROBE:** Have there been any issues with arranging this? *Explore any issues raised.*

- F4 To what extent have court staff had to ~~make adjustments to~~ their workloads or responsibilities to support Flexible Operating Hours? PROBE: Have there been any issues with arranging this? And what have the consequences of this been? *Explore any issues raised.*
- F5 What wider effects has Flexible Operating Hours had on your working day? PROMPT: Things like your arrival and departure times at court, the ease and safety of travelling to and from court, or domestic impacts such as arranging childcare? PROBE: Are these positive or negative effects, or neither? *Explore fully.*
- F6 What impact has Flexible Operating Hours had on your personal expenses? PROBE: How significant is this? Why?
- F7 Just to check, the types of case that have been heard in the Flexible Operating Hours sessions were meant to be [RECAP]. To what extent has that happened in practice? Why?
- PROBE: Have the volumes, or mix, of these different types of case been any different to expected? IF SO: How?
 - PROBE: How well has Flexible Operating Hours worked with these different case types? Why?
 - PROBE: Is the type of case or mix of case types being heard within Flexible Operating Hours changing, or has it changed, as the pilot has gone on? IF SO: How? Why?
- F8 What impacts have there been on other courtrooms at this court? Why? Is this positive, negative, or mixed? Why? And what impacts have there been on other courts (e.g. neighbouring courts)? Why? Is this positive, negative, or mixed? Why?
- PROBE: Thinking about the additional profile days used by the Flexible Operating Hours sessions - where will these be taken from? What knock-on effect will this have? Why?
- F9 What's your impression of how Flexible Operating Hours has affected partner agencies, support services or any other parties involved in cases affected by the pilot? PROBE: Is this positive, negative, or mixed? Why?

Perceptions of public user experiences – access to, and quality of justice

- F10 What's your view on what the impacts have been on 'public' court users? PROBE: What positive impacts have there been, if any? Why? What negative impacts, if any? Why? What mixed impacts, if any? Why? Where have your impressions of this come from?
- PROBE: Do you have any thoughts on the impact of Flexible Operating Hours on convenience, from the public user's point of view? PROMPT: Things like taking time off work, arranging childcare, ease and safety of travelling to and from court, or spending time waiting around? *For anything raised, explore reasons for the impact; and whether it is a positive/negative/mixed impact.*
 - PROBE: Do you have any thoughts on the impact of Flexible Operating Hours on the public being able to access justice? *For anything raised, explore reasons for the impact; and whether it is a positive/negative/mixed impact.*
 - PROBE: Do you have any thoughts on the effect of Flexible Operating Hours on the quality of the court experience / the experience of justice, for public users? PROMPT: Things like being able to access legal advice or representation, being able to have enough time with legal advisors or representatives, or having enough time to think, discuss things or take things in? *For anything raised, explore reasons for the impact; and whether it is a positive/negative/mixed impact.*

Equality and diversity

F11 What's your impression of how the impacts of Flexible Operating Hours differ by types of individual? With this, I'm thinking about demographic differences and protected characteristics – things such as gender, age, ethnicity, disability, childcare responsibilities.

- PROBE: Have you observed any patterns in who ~~is, more or less~~ likely to be involved in Flexible Operating Hours sessions? Or who is tending to opt-out? Or who ~~is, more or less~~ likely to find the sessions convenient or inconvenient? This might apply to court staff, or professional court users, or members of the public. *For anything raised, explore reasons for the impact; and whether it is a positive/negative/mixed impact.*
- Has your own personal situation had an influence on how Flexible Operating Hours has affected you?

G Pilot management: early implementation (c.5 mins)

INTERVIEWER – this section to be asked only the first time you speak with someone (most likely to be during the first round of site visits).

Only explore issues that have not emerged already within the interview:

- G1 What, if any, **adjustments have been made** to how the pilot works here?
- Reasons
 - Effect changes has had / expected to have
- G2 **NEW [JUDGE REQUEST]:** In terms of **estimated hearing length**, was there **any difference in the types of [small claims/family] hearings listed in the FOH sessions compared to normal operating hours?** If so, why? Would FOH work for longer cases?
- G3 **NEW [EAG]:** Can I just check, **what days and time of day do duty solicitors work during BAU? And what about during FOH in this court?**
- G4 What **useful lessons** might be learned from your experiences of introducing Flexible Operating Hours here, if any? *Explore to ensure you understand the lessons fully.*

H Pilot management: views on implementation when established (c.5 mins)

Only explore issues that have not emerged already within the interview:

- H1 Now the pilot has 'bedded in', **what is your opinion of the way the pilot implementation has been managed?** Why?
- What has worked well? Why did this matter?
 - What could be / could have been improved? What difference would this make / have made?
- H2 How has the pilot had to be **tailored to 'your' court?**
- Reasons
 - Effect
 - Advice for other courts considering the pilot, related to tailoring?
- H3 What **useful lessons** might be learned from your experiences of Flexible Operating Hours 'bedding in' here, if any? *Explore to ensure you understand the lessons fully.*

I Overall assessment (c.10 mins)

- I1 Reflecting on the entire pilot, do you **consider the Flexible Operating Hours to be positive, negative, or neither**? Why do you say that?
- I2 In your opinion, has the pilot **allowed the court to achieve anything it would have not have done** otherwise? IF SO: What? Is this substantial, or marginal as an outcome, in your view? Why?
- I3 Have there been any **unintended consequences**? IF SO: What? Is this positive, negative, neutral? Why do you say that?
- I4 What **modifications** to Flexible Operating Hours would you recommend, to make the pilot more successful, or effective? PROBE: Can you tell me more about how this would this work in practice? Why would this make the pilot more successful/effective?
- I5 What advice would they give HMCTS regarding rolling this pilot out elsewhere?
- KEY PROBE: What would the key considerations be, in deciding in what contexts flexible operating hours might work?
 - To what extent would it work in other contexts? PROBE: In what contexts might it work? In what contexts might it not work? Why?
 - Could it be sustained, for the same type(s) of cases, in this court? Why / why not?
 - Could it be extended to other types of cases, in this court? Why / why not?
 - Could it be extended to other courts? Why / why not?
 - How might it need to be modified to work elsewhere?
- I6 Interviewer – recap the positives and negatives mentioned by the participant, of taking part in FOH.
- So, considering these positives and negatives that you mentioned, on balance, has Flexible Operating Hours been positive, negative or neutral for you personally? Why?

J Final comments and wrap-up (c.2 mins)

- J1 What further comments would you like to make, if any?
- J2 On behalf of IFF Research, Frontier Economics and HM Courts & Tribunals Service, thank you very much for your time and contribution today.

Annex 6: Public users

Regression checks

For a select number of results from the public user survey, regressions were run to identify if the impact of the FOH pilot presented in the main report remained present after controlling for a series of case characteristics and personal characteristics. The results which had this check performed were for the following public user questions:

1. A14-1. The time slot I was allocated was convenient for me
2. B20-1. Leaving aside how you feel about the outcome of your case, to what extent do you agree or disagree with the following statements? My case was given an appropriate amount of care and attention
3. B3-2. While at court, I felt fully informed about the process of my case being heard
4. B21. Overall, was your experience of attending court much better, a bit better, a bit worse, much worse, or about the same as you expected it to be?
5. A2. How much time did you take off work?

These results were chosen for this additional check because they were among those that presented a significant impact. As such, testing those questions presenting significant impacts provided an additional check to ensure that the differences in the experience of pre-pilot and FOH pilot court users were robust. The scope of the regression check was therefore only to investigate whether a) the sign and b) the statistical significance of the results of these public user survey questions were still present, after controlling for various potential confounding factors. A detailed discussion and analysis of magnitudes was not in scope, and so is not presented.

The results of the regressions are presented in Table 10. The first line states the estimation method, and the second the dependent variable of interest (which is for each of the five questions above). The estimation method differed between each dependent variable due to the nature of the data. For the first four questions, these were categorical responses such as “strongly agree”, “agree”, “don’t know”, “disagree” and “strongly disagree” – which necessitated the use of the ordered logit estimation method. For time taken off work, an OLS regression was performed as this was not a categorical variable. Given the many different types of case and personal characteristics in the data, these two types of regressions were performed using the stepwise method. This starts by performing a regression containing the full set of case and personal characteristics variables, and then successively removing those variables that are insignificant - thus only retaining those that are significant at the 10% significance level. Only the results at the end of this iterative process are included in Table 10.

On the left hand side of the table, each of the independent variables that remained statistically significant at the 10% level are listed. FOH session is a dummy variable that is equal to one when the respondent was part of the FOH pilots and zero when they were part of the pre-pilot period. The remaining control variables either begin with a ‘C:’, which makes it a case characteristics control variable (e.g. was the case a Family case), or a ‘P:’, which makes it a personal characteristics control variable (e.g. did the person have a limiting health condition). The key result of interest in each regression though is the sign and significance level of the ‘FOH session’ variable. The significance level is included underneath each coefficient, and uses the same traffic light system as used in the main report. The sign of each coefficient is also colour coded, with positive signs marked as green and negative signs as red. It is worth noting that for the four

regressions which use the ordered logit method, the coefficients are not marginal effects.¹⁸ Instead, they represent the change in log odds of the dependent variable associated with an increase in that variable, holding all other variables constant. This means it is not possible to draw any inference of the magnitude of the effect (as that would require translating these estimates into odds ratios or calculating marginal effects, which were out of scope), rather only their sign and statistical significance.¹⁹

For the first two results in Table 10, the FOH dummy was not found to be statistically significant. They do not appear in the table as they were removed as part of the stepwise process. Before they were removed however, both coefficients did have a positive sign. If they were statistically significant, this would suggest for the first set of results that FOH users tended to be more likely to strongly agree/agree and less likely to strongly disagree/disagree that their timeslot was convenient versus non-FOH users. For the second set of results, it would suggest that FOH users tended to be more likely to strongly agree/agree and less likely to strongly disagree/disagree that their case received appropriate care and attention versus non-FOH users. So whilst the results are not statistically significant, and thus the evidence is not strong enough to conclude this to be the case, the fact the coefficient is positively signed is broadly in line with the results presented in the main report.

For the remaining three sets of results in Table 10, the FOH dummy was statistically significant, with the sign of the coefficient in line with the results presented in the main report. For the fully informed dependent variable, the FOH dummy variable was positively signed and significant at the 5% level. This suggests that FOH users tended to be more likely to strongly agree/agree and less likely to strongly disagree/disagree that whilst at court, they felt fully informed about the process of their case being heard versus non-FOH users. Similar results are found for the overall experience dependent variable, where the FOH dummy was also positively signed and indicatively significant at the 10% level. This suggests that FOH users tended to be more likely to state that they thought their experience of attending court was much better/a bit better and less likely to state that it was much worse/a bit worse than they had expected it to be, versus non-FOH users. For the final dependent variable, how much time off was taken for work, this was negatively signed and indicatively statistically significant at the 10% level. The negatively signed coefficient suggests that FOH users tended to take fewer hours off from work versus pre-pilot users. These results therefore suggest that the conclusions reached in the main report for these particular public user questions still hold, having controlled for a series of case characteristics and personal characteristics.


¹⁸ Note that for the one OLS regression presented, the coefficients are however marginal effects. They therefore represent the change in hours taken off work, associated with a one unit increase in that variable, holding all other variables constant.

¹⁹ To obtain an estimate of the magnitude of the effect of being in an FOH session versus a pre-pilot session for each of the four ordered logit regressions, odds ratios can be calculated from the coefficients in the table. This would involve taking the coefficient of 'FOH session' (e.g. 0.35 in the case of the overall experience regression), and performing the following calculation: $e^{0.35}$. In the case of the overall experience regression, this gives an odds ratio of 1.42 for that coefficient. This odds ratio can then be interpreted as follows: comparing pre-pilot sessions to FOH sessions, the odds of moving from one of the lower categories of the overall experience variable (e.g. a bit worse) to a higher category (e.g. a bit better) are 1.42 greater in FOH sessions, holding all other variables constant.



Table 10: Regression results

Estimation method:	Stepwise ordered logit	Stepwise ordered logit	Stepwise ordered logit	Stepwise ordered logit	Stepwise OLS
Dependent variable:	Time slot was convenient	Case given appropriate care and attention	Fully informed about process of case being heard	Overall experience	Time taken off work
FOH session			0.50 5% LEVEL	0.35 10% LEVEL	-0.68 10% LEVEL
C: Outcome was judgment			-0.48 10% LEVEL		
C: PCOL					-1.05 5% LEVEL
C: Family	-0.33 10% LEVEL				
C: Defendant	-0.33 5% LEVEL				
C: Manchester			0.52 1% LEVEL		
P: Age				0.07 1% LEVEL	
P: Age missing	-0.39 5% LEVEL	-0.42 5% LEVEL	-0.54 1% LEVEL		
P: Health limitation		-0.83 1% LEVEL	-0.48 5% LEVEL	-0.51 5% LEVEL	1.01 10% LEVEL
P: Ethnic British	0.30 10% LEVEL	0.45 5% LEVEL			
P: English main language		-0.40 10% LEVEL	-0.41 5% LEVEL		
Constant					6.57 1% LEVEL
Number of observations	565	553	547	548	280

Figure 31: Public user survey for pre-pilot and FOH pilot court users



HM Courts &
Tribunals Service

Your experience of attending court

What is this? This questionnaire is for people that have recently attended court. It asks questions about the arrangements you needed to make to attend court, your experience of travelling to and from court and your experience of being at court. This research is being conducted by IFF Research and Frontier Economics on behalf of HM Courts and Tribunals Service (HMCTS). **It is relevant to people who attended court in person, either for yourself or as a representative of a business or organisation.**

Why has it been sent to me? This questionnaire has been sent to you because, according to our records, you have recently attended court.

Why should I respond? Your views are very important. By sharing your experiences, you can help HMCTS improve court processes and help them determine whether changes should be made. Completing the survey will not impact on past, present or future interactions with the courts.

If you attended your court hearing in person and send back a completed survey you will be sent a £5 Amazon voucher as a thank you.

How to answer the questionnaire

Please answer the questions in relation to your most recent experience of attending court, at Brentford County Court or Manchester Civil Justice Centre. It will only take 10 to 15 minutes to complete.

Please only complete this questionnaire if you are aged 18 or over.

There are no right or wrong answers. If there are any questions you do not wish to answer or feel unable to answer then please leave these blank.

The responses you give will be confidential. They will not be used in any way that will enable you to be identified. You have the right to have a copy of your responses, change your responses or withdraw from the research at any point. Please visit <http://www.iffresearch.com/gdpr/> for more information.

Once you have completed the questionnaire, use the pre-paid envelope provided to return it. You do not need a stamp.

Thank you for your help.

For more information you can contact the team at IFF Research on 0808 169 9376 or at courtexperiences@iffresearch.com.

If you would like to check that the research is genuine, please email HMCTS at foh.enquiries@justice.gov.uk.

ID:

Please read the instructions about how to answer each question:

Most of the questions can be answered by ticking the box or boxes that apply to you, as shown here.



Section A – Making arrangements and travelling to and from court

A1. Our records show that you recently had a court hearing. Did you attend this hearing in person? *Please tick one answer*

Yes



Go to A2

No



This survey is not relevant to you. Sorry for any inconvenience, and thank you for your time.

Don't know



A2. Did you take time off work to attend court?

Please tick one answer

Yes



Go to A3

No



Go to A7

Not applicable
(e.g. retired,
unemployed)



Go to A7

A3. How much time did you take off work?

Please provide your answer in hours, rounding to the nearest hour.

If you're unsure of the exact number of hours, your best estimate is fine.

hours

Don't know

A4. Did you have to take annual leave or holiday to get this time off of work?

Please tick one answer

Yes

No

Don't know

A5. Did taking this time off work cost you money in terms of lost pay or not being able to work overtime? *(Other costs associated with your court visit will be covered later.)*

Please tick one answer

Yes



Go to A6

No



Go to A7

Don't know



Go to A7

A6. How much money did the time off work cost you?

Please provide your answer in pounds, rounding to the nearest pound.

If you're unsure of the exact cost, your best estimate is fine

£

Don't know

A7. Did you have to arrange care for any children, or adults that you care for, to allow you to attend court?

Please tick one answer

Yes



Go to A8

No



Go to A9

Not applicable –
don't provide care for
any children or adults



Go to A9

A8. How much money did this care cost you?

Please provide your answer in pounds, rounding to the nearest pound.

If you're unsure of the exact cost, your best estimate is fine

£

Someone did it for free

Don't know

A9. Thinking about your **journey to court**, how far did you have to travel?

Please provide your answer in miles. If you're unsure of the exact distance, your best estimate is fine. (Please only tell us about the journey one way, to court.)

miles

Don't know

A10. Thinking about your **journey to court**, how long did it take?

Please provide your answer in hours. If you're unsure of exactly how long you travelled for, your best estimate is fine. (Again, just the journey one way, to court.)

hours

Don't know

A11. Thinking about your **journey to court**, how much did it cost you? For example, the price of a bus or train.

If you're unsure of the exact cost, your best estimate is fine.

(Again, just the journey one way, to court.)

£

Don't know

A12. Thinking about your **journey home from court**, how far did you have to travel?

Please provide your answer in miles. If you're unsure of the exact distance, your best estimate is fine. (Please only tell us about the journey one way, back from court.)

miles

Don't know

A13. Thinking about your **journey home from court**, how long did it take?
Please provide your answer in hours. If you're unsure of exactly how long you travelled for, your best estimate is fine. (Again, just the journey back from court.)

hours

Don't know

A14. Thinking about your **journey home from court**, how much did it cost you? For example, the price of a bus or train.
If you're unsure of the exact cost, your best estimate is fine. (Again, just the journey back.)

£

Don't know

A15. To what extent do you agree or disagree with the following statements?
Please tick one answer per statement

	1 strongly disagree	2 disagree	3 neither	4 agree	5 strongly agree	Don't know
a) The time slot I was allocated was convenient for me	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Travelling to court was easy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) I felt safe travelling to court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Travelling home from court was easy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) I felt safe travelling home from court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A16. Did you take the first time slot that you were offered for a hearing of your case, or did you ask the court for a different time slot?

Please tick one answer

I took the first time slot offered



Go to Section B

I asked for a different time slot



Go to A17

Don't know



Go to Section B

A17. Why did you ask for a different time slot? Please tick all that apply

- | | |
|--|--|
| <input type="checkbox"/> Original slot wasn't convenient to my working hours | <input type="checkbox"/> Original slot wasn't convenient to somebody else who was going to help me |
| <input type="checkbox"/> Original slot wasn't convenient to my childcare responsibilities | <input type="checkbox"/> Another reason, <i>please write in</i> |
| <input type="checkbox"/> Original slot wasn't convenient to my other caring responsibilities | |
| <input type="checkbox"/> Original slot made the journey to or from the court difficult to do | |
| <input type="checkbox"/> Original slot wasn't convenient to the lawyer representing me | |

A18. Did the court give you a different time slot in response to your request?

Please tick one answer

- Yes No Don't know

Section B – Your experience of being at the court

B1. Did any friends or family attend court with you?

Please tick one answer

- Yes No

B2. Were you able to get sufficient refreshments or food, while at court?

Please tick one answer

- Yes No Don't know

B3. To what extent do you agree or disagree with the following statements?

Please tick one answer per statement

	1 strongly disagree	2 disagree	3 neither	4 agree	5 strongly agree	Don't know
a) While at court, I felt informed about court procedures and facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) While at court, I felt informed about the process of my case being heard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) While at court, I had sufficient time with professional representatives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) While at court, I had access to private discussion rooms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B4. While at court did you... ?*Please tick one answer*

<p>Have a lawyer represent you</p> <input type="checkbox"/>  Go to B5	<p>Represent yourself, with someone else helping you in court <i>This could be a friend or family member, a volunteer, or someone you paid to do this for you. It is called having a 'Mackenzie Friend'.</i></p> <input type="checkbox"/>  Go to B6	<p>Represent yourself (on your own, without support)</p> <input type="checkbox"/>  Go to B8	<p>Don't know</p> <input type="checkbox"/>  Go to B8
--	--	--	---

B5. To what extent do you agree or disagree with the following statements?*Please tick one answer per statement*

	1 strongly disagree	2 disagree	3 neither	4 agree	5 strongly agree	Don't know	N/A Didn't have a preference
a) It was easy to find a lawyer to represent me, for the hearing time that I attended	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b) I was able to get the lawyer I wanted, to represent me at the hearing time that I attended	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PLEASE NOW GO TO B7**B6. To what extent do you agree or disagree with the following statements?***Please tick one answer per statement*

	1 strongly disagree	2 disagree	3 neither	4 agree	5 strongly agree	Don't know	N/A Didn't have a preference
a) It was easy to arrange for someone else to help me in court, for the hearing time that I attended	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b) I was able to get the person I wanted, to help me in court at the hearing time that I attended	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B7. Did you have to change your lawyer or the person helping you in court because they weren't available for the hearing time you attended?*Please tick one answer*

Yes No Don't know

B8. Was your case heard in Manchester?

Please tick one answer

Yes



Go to B9

No



Go to B11

B9. Did you ask for any help with your case, from the Personal Support Unit (PSU)?

Please tick one answer

Yes – asked for this
on the day of my
hearing



Go to B10

Yes – asked for this
in advance of my
hearing



Go to B10

No



Go to B11

Never heard of
the Personal
Support Unit



Go to B11

B10. And did you get any help from the Personal Support Unit (PSU)?

Please tick one answer

Yes

No

Don't know

B11. What start time were you given for your hearing? *Your rough estimate is fine.*

Please specify whether the time is AM or PM (e.g. 11:30 AM or 1:30 PM)

 :

Don't know

B12. What time did your hearing actually start? *Your rough estimate is fine.*

Please specify whether the time is AM or PM (e.g. 11:30 AM or 1:30 PM)

 :

Don't know

B13. How long was the hearing meant to last?

Please provide your answer in hours and minutes.

If you're unsure of the exact time it was meant to last, your best estimate is fine.

hours

minutes

Don't know

B14. How long did the hearing actually last?

Please provide your answer in hours and minutes.

If you're unsure of the exact time it lasted, your best estimate is fine.

hours minutes Don't know

B15. During the hearing, were you able to get sufficient breaks?

Please tick one answer

Yes No Don't know

B16. During the hearing, were there any points where the case was paused?

Please tick one answer

Yes No Don't know



Go to B17



Go to B19



Go to B19

B17. How long did you have to wait before your case was resumed?

Please provide your answer in minutes.

If your case was paused more than once, please tell us about all of your waiting time, in total. If you're unsure of exactly how long you waited for, your best estimate is fine.

minutes Don't know

B18. How much of this time was spent waiting around without anything useful happening, as far as you could tell?

Please provide your answer in minutes. If you're unsure of exactly how long, your best estimate is fine.

minutes Don't know



If you felt that some of this time was spent waiting around without anything useful happening, please briefly tell us what gave you that impression, in the box below:

B19. To what extent were you satisfied or dissatisfied with the outcome of your case?

Please tick one answer

Very satisfied	Fairly satisfied	Neither	Fairly dissatisfied	Very dissatisfied	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B20. Leaving aside how you feel about the outcome of your case, to what extent do you agree or disagree with the following statements?

Please tick one answer per statement

	1 strongly disagree	2 disagree	3 neither	4 agree	5 strongly agree	Don't know
a) My case was given an appropriate amount of care and attention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) I trusted that my case received a fair hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) I had confidence in how the court handled my case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B21. Overall, was your experience of attending court much better, a bit better, a bit worse, much worse, or about the same as you expected it to be?

Please tick one answer

Much better	A bit better	About the same	A bit worse	Much worse	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B22. What, if anything, do you think could have been done differently on the day you attended court to make things run smoother? Please write your thoughts below.

Please be careful not to include any information that could be used to identify anyone involved in the hearing.

B23. Court rooms normally operate between 10am and 4pm. When you attended court, your case may have been heard outside of the hours that a court room usually operates. If you have any views on how well this worked for you, please share these below. *Please be careful not to include any information that could be used to identify anyone involved in the hearing.*

Section C – Personal information

Thank you for your help with this survey so far. We'd like to end by collecting some information about you.

These questions include your age; your gender; whether you were pregnant when you attended court; whether you were the main parent or guardian of a child when you attended court; whether you were a carer when you attended court; whether you have a disability or medical condition; your sexual orientation; your religion; and your ethnicity.

You can select prefer not to say at any or all of these questions when you get to them.

These questions are being asked to check the effect different court hours have on different types of people. Your answers to these questions will be used for research purposes only. They will not be shared with HM Courts & Tribunals Service in any way that would make you identifiable.

C1. What is your date of birth?

Please write in

Day Month Year Prefer not to say

C2. What is your sex?

Please tick one answer

Male Female Prefer not to say

C3. Is your gender the same as the sex you were registered at birth?

Please tick one answer

Yes No  *Please write in gender* Prefer not to say

C4. Do you have any physical or mental health conditions or illnesses lasting or expected to last 12 months or more?

Please tick one answer

Yes No Prefer not to say

 Go to C5  Go to C7  Go to C7

C5. Do any of your conditions or illnesses reduce your ability to carry-out day-to-day activities?

Please tick one answer

Yes , a little Yes, a lot Not at all Prefer not to say

C6. Do any of these conditions or illnesses affect you in any of the following areas?

Please tick all that apply

- | | |
|--|---|
| <input type="checkbox"/> Vision For example blindness or partial sight | <input type="checkbox"/> Mental health |
| <input type="checkbox"/> Hearing For example deafness or partial hearing | <input type="checkbox"/> Stamina or breathing or fatigue |
| <input type="checkbox"/> Mobility For example walking short distances or climbing stairs | <input type="checkbox"/> Socially or behaviourally For example associated with autism, attention deficit disorder or Asperger's syndrome |
| <input type="checkbox"/> Dexterity For example lifting and carrying objects, using a keyboard | <input type="checkbox"/> Other, please write in
<input type="text"/> |
| <input type="checkbox"/> Learning or understanding or concentrating | <input type="checkbox"/> None of the above |
| <input type="checkbox"/> Memory | <input type="checkbox"/> Prefer not to say |

C7. What is your ethnic group?

Please tick one answer

White:

- Welsh / English Scottish / Northern Irish / British
- Irish
- Gypsy or Irish Traveller
- Any other White background, *please describe*

Mixed / Multiple ethnic groups

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other Mixed / Multiple ethnic background, *please describe*

Prefer not to say

Asian / Asian British:

- Indian
- Pakistani
- Bangladeshi
- Chinese
- Any other Asian background, *please describe*

Black / African / Caribbean / Black British:

- African
- Caribbean
- Any other Black / African / Caribbean background, *please describe*

Other ethnic group:

- Arab
- Any other ethnic group, *please describe*

C8. What is your religion?

Please tick one answer

No religion	<input type="checkbox"/>	Hindu	<input type="checkbox"/>	Sikh	<input type="checkbox"/>	<i>Please describe</i> <input type="text"/>
Christian (all denominations)	<input type="checkbox"/>	Jewish	<input type="checkbox"/>	Any other religion	<input type="checkbox"/>	
Buddhist	<input type="checkbox"/>	Muslim	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>	

C9. Are you married or in a legally registered civil partnership?

Please tick one answer

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>
-----	--------------------------	----	--------------------------	-------------------	--------------------------

C10. Which of the following options best describes how you think of yourself?

Please tick one answer

Heterosexual or Straight	<input type="checkbox"/>	Gay or Lesbian	<input type="checkbox"/>	Bisexual	<input type="checkbox"/>
Other, please write in	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>	<input type="text"/>	

C11. What is your main language?

Please tick one answer

English or Welsh	<input type="checkbox"/>	Other, including British Sign Language, please write in	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>
		<input type="text"/>			
	Go to C13		Go to C12		Go to C13

C12. How well can you speak English?

Please tick one answer

Very well	Well	Not well	Not at all
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C13. When you went to court...?

Please tick one answer per row

	Yes	No	Don't know	Prefer not to say
a) Were you pregnant?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Did you think you might be pregnant?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Had you given birth in the last 26 weeks (6 months)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C14. When you went to court were you the parent, guardian or main carer for any children under the age of 18?

Please tick one answer

Yes No Don't know Prefer not to say

C15. When you went to court were you the unpaid carer for an older or disabled person?

Please tick one answer

Yes No Don't know Prefer not to say


C16. Are you currently in paid work?

Please tick one answer

Yes, full time  Go to C17

Yes, part time (less than 30 hours a week)  Go to C17

No  Go to C18

Prefer not to say  Go to C18

C17. Do you normally work during 'standard office hours' (roughly 9am to 5pm, Monday to Friday)?

Please tick one answer

Yes, **always** work during standard office hours

No, **mostly** work at other times

No pattern to my working hours

Yes, **mostly** work during standard office hours

No, **always** work at other times

Prefer not to say

C18. Did you attend the court hearing as a representative of a business or organisation?

Please tick one answer

Yes No Prefer not to say

PLEASE NOW GO TO THE LAST PAGE

Thank you for completing this survey

If you wish to be sent a £5 Amazon voucher as a thank you for completing the survey, please write in your name and address in the boxes below so that we can send the voucher to you:

Name	
Address line 1	
Address line 2	
Postcode	

What to do next

Now that you have completed the survey, simply return this questionnaire in the post using the pre-paid envelope provided. You do not need a stamp.

To confirm, we'll be keeping your anonymised responses for analysis purposes only. If you'd like a copy of your responses, to change your responses or for your responses to be deleted then please go to <http://www.iffresearch.com/gdpr/> for more information.

