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of Justice

HMCTS Reform

MoJ Evaluation: Technical Appendix

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1. Introduction

Launched in 2016, the HM Courts and Tribunals Service (HMCTS) reform programme aims to deliver a modern justice system using new technologies and ways of working to create a more effective system for all users of the justice system. HMCTS reform is an ambitious programme of change, made up of over forty separate projects.

The overarching evaluation was commissioned by HMCTS and the Ministry of Justice (MoJ) to assess the effects of the programme. The evaluation is looking to assess the reform programme as a whole, to identify if it has met its aims, what effects it has had, for whom and why. Using a robust theory-based approach, the evaluation will take a long-term perspective on the combined effects of reform related to access to justice and vulnerability.

Published alongside the overarching evaluation's progress report, this technical appendix provides further information on:

- Chapter 2: The challenges informing the evaluation approach, including further information on complex systems
- Chapter 3: The evaluation's approach, including the updated theory of change models, and definitions of key terms
- Chapter 4: The evidence sources the evaluation will draw on, including research conducted to date, plans for forthcoming research and an example of the data metrics that will be analysed.

The content of this technical appendix reflects the progress of the MoJ's overarching evaluation of HMCTS reform at the point of publication.

2. Challenges informing the evaluation approach

As outlined in the progress report, there are a number of challenges in evaluating HMCTS reform, relating to the complexity of the reform programme, a range of data issues, and the COVID-19 pandemic. The following sections in this chapter summarise the complexities and challenges in evaluating HMCTS reform.

2.1 Complex systems

One particular challenge in evaluating HMCTS reform is the complex nature of the courts and tribunals system. In developing the evaluation approach, the Magenta Book supplementary guidance on Handling Complexity in Policy Evaluation¹ has been drawn on.

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

Complex systems can have many characteristics, including: Adaptation; Emergence and self-organisation; Unexpected indirect effects; Feedback (and feedback loops); Levers and hubs; Non-linearity; Domains of stability; Tipping points; Path dependency; Openness; and Change over time.² Several complex system characteristics are pertinent to the reform programme.

¹ HM Treasury (2020) *Magenta Book: Central Government guidance on Evaluation – Supplementary guide*. Available: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/879437/Magenta_Book_supplementary_guide_Handling_Complexity_in_policy_evaluation.pdf

² HM Treasury (2020) *Magenta Book: Central Government guidance on Evaluation – Supplementary guide*. Available: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/879437/Magenta_Book_supplementary_guide_Handling_Complexity_in_policy_evaluation.pdf

Some of these complex system properties that may be applicable, due to the iterative nature of HMCTS reform and its many diverse interacting components, are illustrated in table 1 below.

Table 1. Complex system characteristics

Property of complex systems	Definition	Theoretical example within HMCTS reform
Domains of stability	Systems may have more than one relatively stable state and these may change as the context evolves. Complex systems will tend to gravitate towards these states, and then remain in them until some external change causes significant perturbation. If the system has multiple domains of stability, it can mean that once a change in the system has moved beyond a certain threshold (or tipping point) the system can slide rapidly into another state, a change that may be very difficult to reverse.	Use of online services may expand rapidly as users who wish to access them become familiar with and are supported in their use. Take up may then reach an equilibrium where all those who wish to use online services are doing so, while those who do not continue to make use of alternative channels.
Tipping points	Closely linked to the idea of 'domains of stability', tipping points refer to the threshold beyond which a system goes through rapid change into a different state. It can be seen in situations in which change has initially been quite slow, but suddenly increases in pace.	For example, acceptance and use of new technologies such as video hearings and online services may be limited at first. But these may rapidly expand once users become familiar with them.
Feedback (and feedback loops)	Feedback occurs when the result or output of a process influences the input into the next iteration of the same process. This can happen either directly or indirectly and can work to both increase and accelerate or to suppress the changes taking place.	For example, online applications may be quicker and easier for users compared to paper applications. This may speed up processing and reduce errors and delays in the courts system. Improvements in case handling may make the user experience even quicker.
Emergence and self-organisation	New, unexpected, higher-level properties can arise from the interaction (and self-organisation) between the components (individuals, groups or organisations) within a system. These properties are said to be emergent if they cannot easily be predicted from the properties of the lower-level components.	Emergent behaviour may be seen in the interaction between components of reform and other influences on user behaviour. For example, the ease-of-use of online services may encourage litigants to pursue cases without legal representation

The courts and tribunals system is not static, and continues to change as reforms are implemented. Due to this dynamic nature, the evaluation approach has been and will continue to be adapted and refined alongside these developments.

This complexity, alongside the other methodological issues covered in this chapter, present a substantial challenge to the evaluation of HMCTS reform. This is particularly challenging considering the focus of the overarching effect on complex areas such as access to justice. Demonstrating causal impact is unlikely to be straightforward and will not be possible in the traditional impact evaluation style (e.g., randomised control trial).

2.2 Data and evaluation

As detailed in the progress report, historically there have been over 200 data systems in HMCTS that range from over 30 to 5 years old. These systems are numerous, complex, and may no longer be fit for purpose. Often, existing data does not capture every person involved in a case, details of who they are (e.g., demographic characteristics) or provide sufficiently granular information about their journey through the justice system. HMCTS reform intends to centralise these systems and improve the collection, coverage, and quality of data available. However, the complexity of existing systems combined with the staggered introduction of new reformed systems means that data access and quality will vary throughout the evaluation.

Data coverage and limitations

Missing baseline data

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

- Not always enough data to map users' journeys before and after reform. This reduces the ability to conduct certain types of impact evaluations that could quantify the effects of reform.³

³ Where RCTs (Randomised Control Trials) are not possible, quasi-experimental designs often rely on constructing a comparison group that is similar to the treatment group, using pre-existing data. Without sufficiently granular data on users and their journeys, these designs are not possible or are less robust.

- Not sufficient granular data on services pre-reform, meaning it is hard to disentangle one element of reform, and its effects, from another. This is necessary to isolate effects on outcomes such as timeliness and attribute them to a specific change.
- Often little data on respondents⁴ or third parties.⁵ Without data on all users who interact with the legal system, it is hard to evaluate reform for parties who are not applicants/claimants.⁶ Conclusions may be more limited for groups where data holds less detail on their involvement in cases, or the absence of contact information limits their opportunity to take part in primary research.

Protected characteristics data

Protected characteristics questions (PCQs) are being introduced by HMCTS over time to better understand how a service works for different users. Responses to PCQs collected for reformed services between April and September 2021 have been summarised in a report published by HMCTS.⁷ As answering PCQs is not mandated, they are subject to non-response bias. When combined with low sample sizes in certain services, limited conclusions will be able to be made that compare outcomes for users with different protected characteristics.

Data quality and agile improvements

In 2021, the HMCTS Data Strategy⁸ released a vision for improved data architecture and quality. The strategy considers how HMCTS will continue to improve data beyond reform. The strategy will build on reform activities already underway, such as PCQ collection, but will not necessarily end within the timescales of this evaluation. Between reform activities and the data strategy, better data will be more accessible and should lay the foundations for longer term evaluation beyond this project.

Both the data strategy and reform activities have taken an agile approach to improvement. This reduces the risks of abrupt, wholesale changes and ensures the system continues to

⁴ Respondent refers to the person who is being claimed against or responding to the application.

⁵ Third parties refers to individuals or organisations participating in a court or tribunal process, beyond the case applicant, claimant or respondent.

⁶ Applicant/claimants refers to the person who is bringing the claim or application to court.

⁷ <https://www.gov.uk/government/publications/hmcts-protected-characteristics-questionnaire>

⁸ <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/research>

run for users. Agile improvements in data quality have the following consequences for evaluation:

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

Management and monitoring information, and data collected through surveys and qualitative research, can provide valuable insights for theory-based evaluation and process evaluations. The evaluation will therefore use these to address some of the challenges above and provide evidence on how reforms were implemented and how new systems are working.

2.3 Challenges posed by COVID-19

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

COVID-19 imposed unprecedented challenges on the justice system, and rapid change in court and tribunal operations were required (HMCTS, 2020). How cases were heard, and the types of cases proceeding through the system, were fundamentally altered by the pandemic (Byrom et al., 2020).⁹ Whilst some court and tribunal buildings remained open for essential face-to-face hearings, audio and video technology was rapidly expanded across the justice system to conduct remote hearings (HMCTS, 2020).¹⁰

The prioritisation of cases that ensured the most urgent cases were heard, systematically altered the types of cases proceeding. This was also affected by changes to claimant behaviour, due to the wider context of COVID-19 (Byrom et al., 2020). For instance, the

⁹ Byrom, N. Beardon, S. Kendrick, A (2020) *The impact of COVID-19 measures on the civil justice system*. Available: <https://www.judiciary.uk/wp-content/uploads/2020/06/CJC-Rapid-Review-Final-Report-f.pdf>

¹⁰ HMCTS (2020) *COVID-19: Overview of HMCTS response*. Available: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/896779/HMCTS368_recovery_-_COVID-19-Overview_of_HMCTS_response_A4L_v3.pdf

civil court saw a sharp decline in new cases, as many organisations that make bulk claims (such as utility companies) suspended activities (such as chasing unpaid bills) (HMCTS, 2020).

Additionally, it is anticipated that COVID-19 had implications on the levels and types of legal need experienced. It has been feared that legal need levels would increase, due to COVID-19 related economic and social impacts (such as increasing unemployment rates and financial hardship) (MoJ, 2021).¹¹ For instance, during COVID-19, the volumes of crime types changed, with a decrease observed in crimes such as theft and robbery but an increase in fraud and computer misuse (ONS, 2021¹²).

The pandemic, and the changes this brought to courts and tribunals, began whilst HMCTS was part-way through the reform programme. The progress brought by reform was thought to have helped maintain court and tribunal operation during COVID-19 (HMCTS, 2020). Reformed services such as new online channels (Social Security and Child Support, Probate, Divorce and Online Civil Money Claims) continued, and in places were accelerated (Immigration and Asylum) (HMCTS, 2020). However, as reform was not yet complete, not all areas were equally equipped, creating different challenges across the system. For instance, the availability of bespoke platforms used to support remote hearings differed across the civil justice system (Byrom et al., 2020).

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

¹¹ Ministry of Justice (2021) *COVID-19 Specialist Advice Service Scheme: Final Report*. Available: [Covid-19 Specialist Advice Service Scheme: End of Grant Report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97424/covid-19-specialist-advice-service-scheme-end-of-grant-report-2021.pdf)

¹² Office for National Statistics (2021) *Understanding the impact of the pandemic on levels of crime in England and Wales*. Available: [Understanding the impact of the pandemic on levels of crime in England and Wales | National Statistical \(ons.gov.uk\)](https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/understanding-the-impact-of-the-pandemic-on-levels-of-crime-in-england-and-wales/2021-07-27)

3. Evaluation Approach

Building on the methodological information outlined in the progress report, this chapter provides further information on theory-based evaluation and the updates made to the evaluation's theory of change.

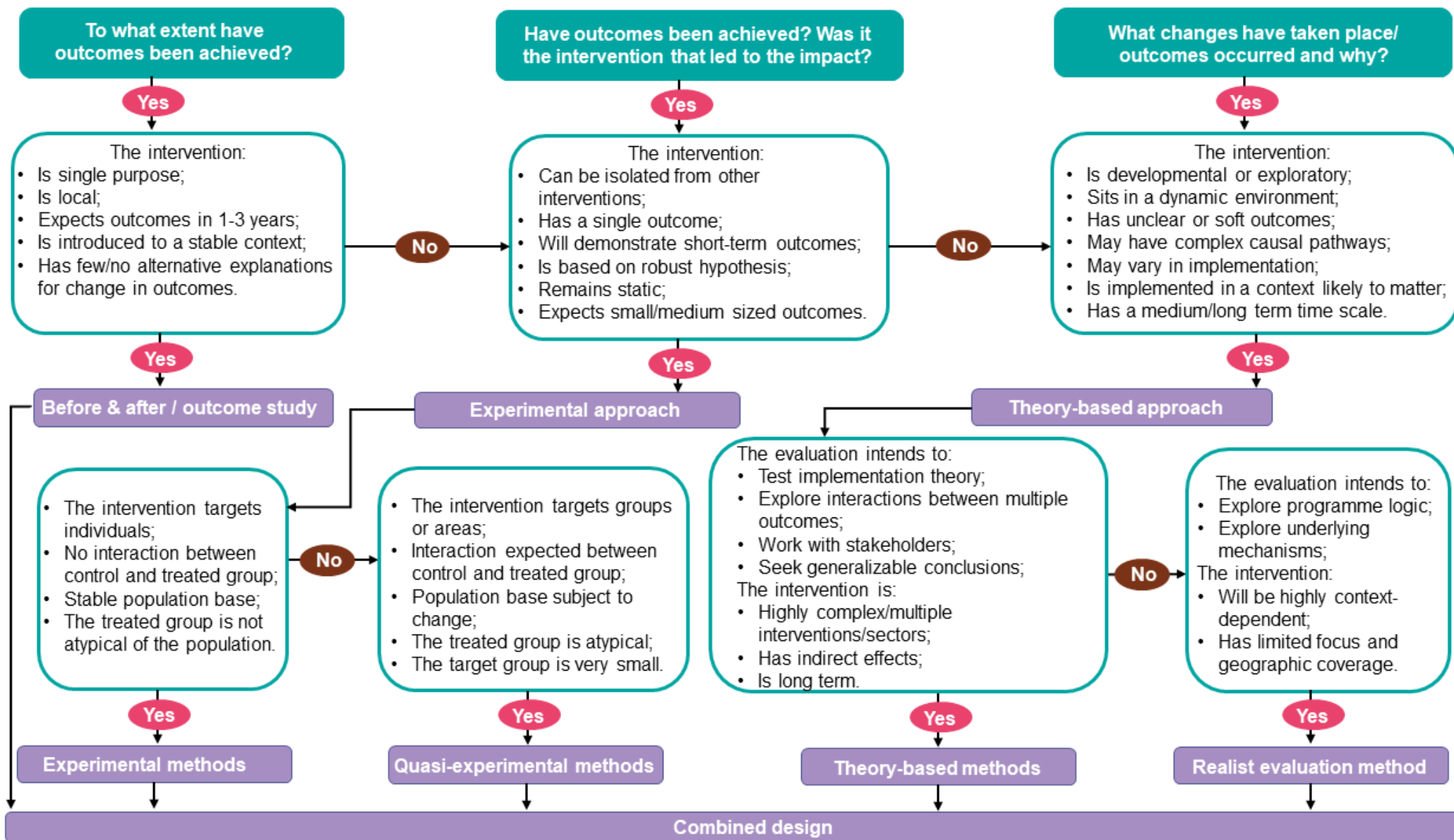
The chapter also sets out the definitions for key terms (Access to Justice and Vulnerability) that the evaluation draws on.

3.1 Theory-based evaluation

A strength of theory-based evaluation (TBE) is that it 'lifts the lid' on how a programme leads to its outcomes. While counterfactual approaches attempt to quantify how much of a change an intervention causes,¹³ they provide limited information on why. TBE can provide a more detailed explanation without requiring a counterfactual, see Figure 1 below for some factors influencing approach selection. Some TBE approaches do so by systematically looking at the evidence for how the programme is working at each stage in the theory of change. Other approaches examine the evidence of how the programme works under different conditions or in different contexts. Whilst TBE approaches are recommended when it is not possible to statistically infer what would have happened without an intervention, they are able to draw on evidence from counterfactual based studies. Opportunities for counterfactual evaluations within HMCTS reform research are extremely limited. However, where counterfactual evaluations are possible for individual projects, they will be drawn on as an evidence source for the overarching theory-based evaluation.

¹³ For example, randomised control trials. These approaches rely on control or comparison groups to statistically infer what would have happened without an intervention (known as the counterfactual).

Figure 1. Selecting the approach for impact evaluation, based on the questions to be answered¹⁴



¹⁴ Adapted from [HMT_Magenta_Book.pdf \(publishing.service.gov.uk\)](#)

TBE will allow the evaluation to conclude whether and how reform contributes to the outcomes described in the theory of change. It will allow the evaluation to identify whether different aspects of reform are interacting in ways that were not planned, whether there were any unintended consequences, and what the outcomes of this might be. By helping to provide an understanding of how reform might be leading to these outcomes, it will also help to better target further improvements.

The TBE approach to the final analysis is being developed. The evaluation team will work with members of the academic advisory panel and other TBE experts to determine the final approach and methodology. Developing an evaluation's design is an iterative process, adapting to what is possible and practical, and making subsequent refinements.¹⁵ Examples of the type of approaches currently being considered include Process Tracing and Contribution Analysis¹⁶ as they facilitate:

- Assessing change at each stage of the evaluation's theory of change
- Utilising the full range of the evaluation's data and evidence
- Investigating multiple outcomes of interest
- Rigorously and transparently assessing contribution to change.

In determining the final approach, a key consideration is the extent to which it will allow the evaluation to conclude, and to communicate clearly, whether and how reform has contributed to the desired outcomes.

Although TBE is very useful for making sense of the outcomes and working of complex programmes, it does come with some limitations. Because it does not rely on comparison with a counterfactual, it does not enable the quantification of how much reform overall has led to changes in outcomes. Some TBE approaches are also more limited for concluding whether programmes have directly caused a change. These approaches typically allow conclusions to be drawn that reform has contributed to outcomes, that it is the best

¹⁵ HM Treasury (2020) *Magenta Book: Central Government guidance on Evaluation*. Available: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/87943/8/HMT_Magenta_Book.pdf

¹⁶ These approaches are used to understand contribution claims. This refers to examining whether causal mechanisms (such as those within a theory of change) contributed (or not) to an outcome observed. These methods allow for a broad range of evidence to be collected and used to test the hypothesis set out within the theory of change (HM Treasury, 2020).

available explanation, or simply that the evidence is or is not consistent with the theory of change.

3.2 The theory of change

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

Four thematic categories of HMCTS reform activity have been identified in the theory of change:¹⁷

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

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

During an evaluation's lifecycle, it is expected that the theory of change continues to be developed.¹⁸ As HMCTS reform is a large, multi-year transformation programme, change over time is likely. The theory of change is therefore a dynamic model that will be updated to reflect any changes to the reform programme. The evaluation's theory of change was reviewed and adapted during Summer 2022, with the following updates made:

¹⁷ The overarching evaluation's intervention logic model sets out 6 types of reform activity. From these 6 types of activity, 4 thematic areas are created (as 3 activities - court estate, court infrastructure and HMCTS data form 1 thematic category, thematic area 3).

¹⁸ HM Treasury (2020) *Magenta Book: Central Government guidance on Evaluation*. Available: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/879438/HMT_Magenta_Book.pdf

Thematic Areas 1 and 2 have additional Causal Pathways (B, M; Table 1), updated lists of services, and slight rewording of thematic titles to reflect current terminology.

Thematic Area 1: Adding new channels (routes to services) and redesigning existing channels around user needs

Financial remedy, civil damages claims, civil enforcement, civil possession, online civil money claims (OCMC), and Single Justice Service are now included within the Thematic Area 1 output, while CMC and Online Pleas were removed. Causal Pathway B was added to reflect the expected change in the speed of redesigned services.

Thematic Area 2: Using remote hearing technology in more hearings

Causal Pathway M was included to indicate that remote hearings promote inclusivity. The terminology that was changed includes replacing ‘video hearings’ with ‘remote hearings.’

Thematic Area 3: Consolidating the court estate and investing in court infrastructure

Thematic Area 3 has had scope changes. This theme now covers court infrastructure and data systems, in addition to the ‘court estate’ Activities. Causal Pathways and Outputs reflect the amendments made to those Activities.

While there were no major changes made to the causal pathways for the ‘court estate’ Activities, court infrastructure now includes a revised Operating Model and Organisational Design and IT infrastructure which cover a range of changes made to meet user needs (Causal Pathways R, S, T, W).

The ‘data’ Activities include improving court data collection and retiring legacy IT systems. Developing a new Data Strategy and decommissioning and replacement of legacy systems are the two Outputs of the ‘data’ Activities. The Causal Pathways that were added for the ‘data’ Activities address data collection (A1), use of data (B1, C1), and user needs (X, Z, C1).

Thematic Area 4: Introducing new support services

Thematic Area 4 now refers solely to support services, due to Thematic Area 3’s updated scope. The ‘support services’ Outputs have been updated to reflect more specific aspects of the Courts and Tribunals Service Centres (CTSCs) operations (e.g., administration of

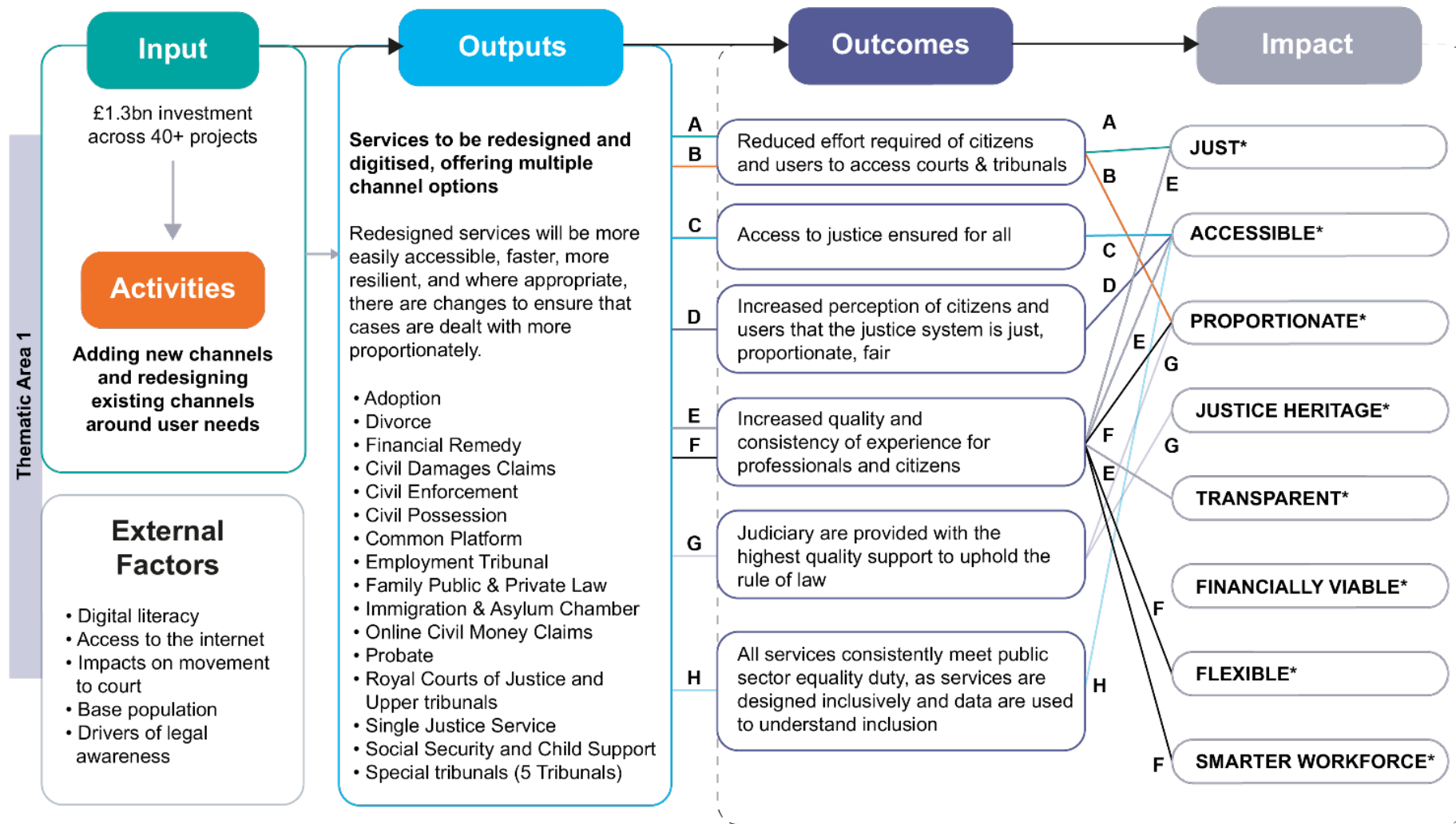
hearing, managing digital work). The Causal Pathways related to 'additional support preparing tribunal cases' have been removed.

The theory of change models are set out overleaf (Figures 2 – 7). The models' 'Impacts' are based on the following descriptions:

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

3.2.1 Updated theory of change models

Figure 2. Theory of change model for thematic area one

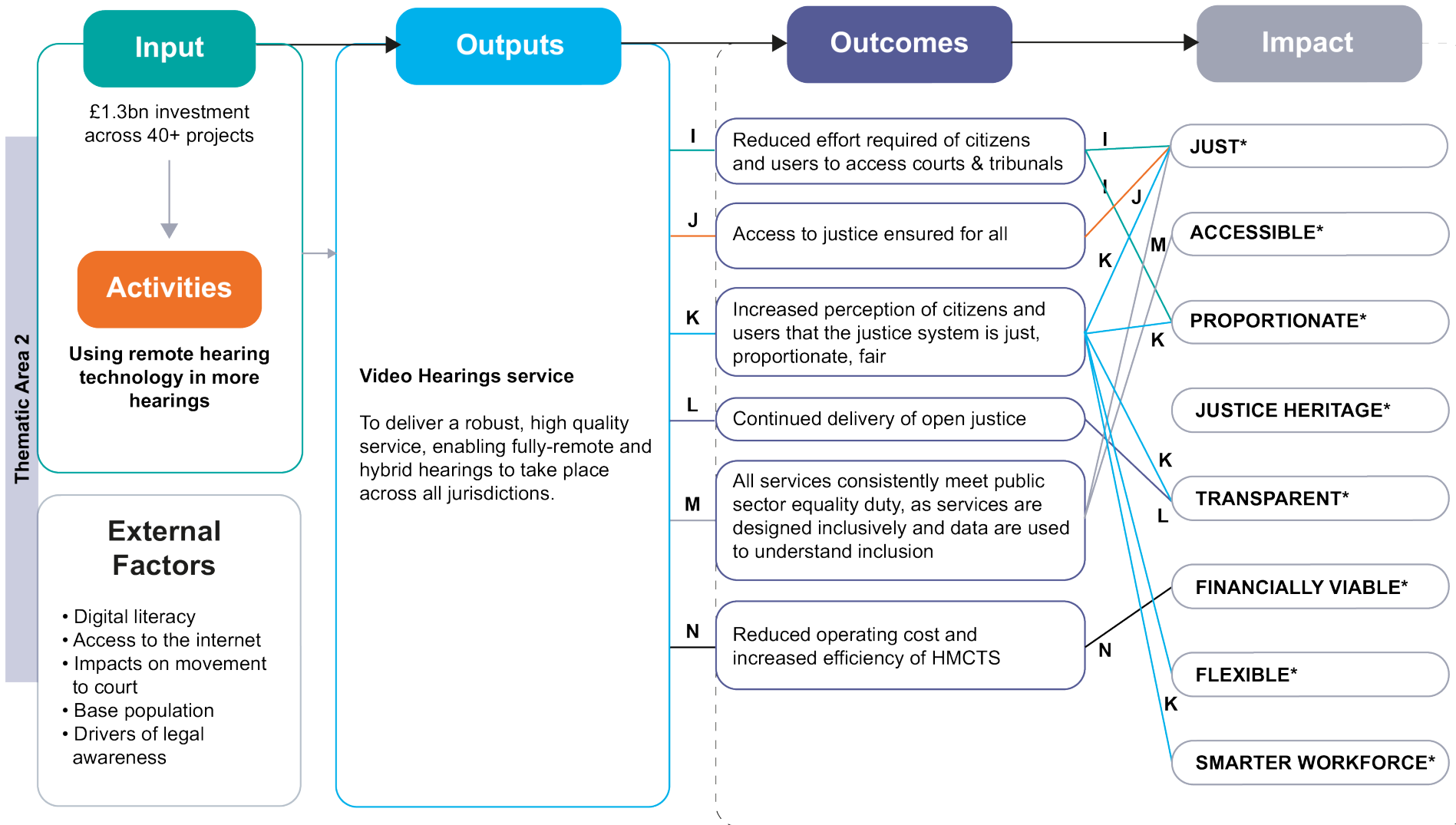


Causal Pathways: Adding new channels and redesigning existing channels

- A. Multiple channel options will **enable** people to 'self-serve' and reduce effort.
- B. Multiple channel options will **increase** the speed of case progression.
- C. Multiple channel options will **increase** access to justice through a wider range of channels which are consistently available across all services.
- D. Multiple channel options and user-designed services will **increase** perception that the system is Just, Accessible, Proportionate.

- E. Multiple channel options and user-designed services will **enhance** the quality and consistency of peoples' experiences.
- F. Multiple channel options and user-designed services will **enable** a flexible infrastructure.
- G. 'Self-service' will **ensure** the best use of judicial time.
- H. Multiple channel options and user-designed services will **ensure** that no one is left behind by the addition of new channels.

Figure 3. Theory of change model for thematic area two

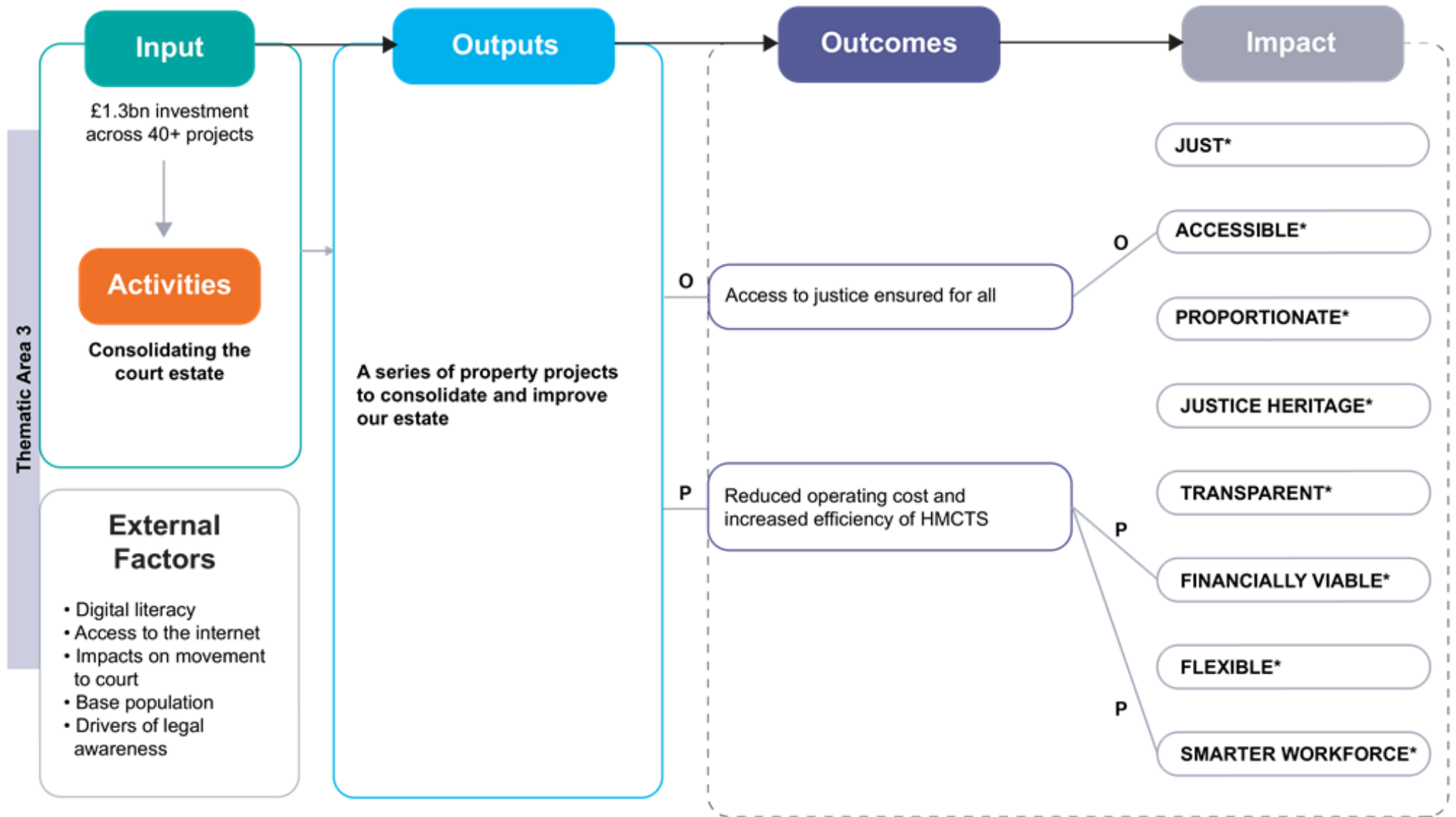


Causal Pathways: *Using remote hearing technology in more hearings*

- I. Remote hearings will **reduce** the effort required, compared to attending a hearing in court.
- J. Remote hearings will **enhance** access to justice for those who are not able to get to a physical court easily.

- K. Remote hearing technology will **enable** proportionate hearings and a flexible infrastructure whilst maintaining the 'majesty of the court'.
- L. Remote hearings will **provide** greater ability to observe hearings.
- M. Fully remote and hybrid hearings will **ensure** that no one is left behind by the addition of new technology.
- N. Remote hearings will **reduce** operating costs.

Figure 4. Theory of change model for thematic area three, consolidating the court estate



Causal Pathways: *Consolidating the court estate*

O. The consolidation of the court estate, in conjunction with the introduction of remote hearings and online channels, will **ensure** access to justice is maintained.

P. Reducing the number of court buildings will **reduce** operating courts and **increase** efficiency.

Figure 5. Theory of change model for thematic area three, investing in court infrastructure

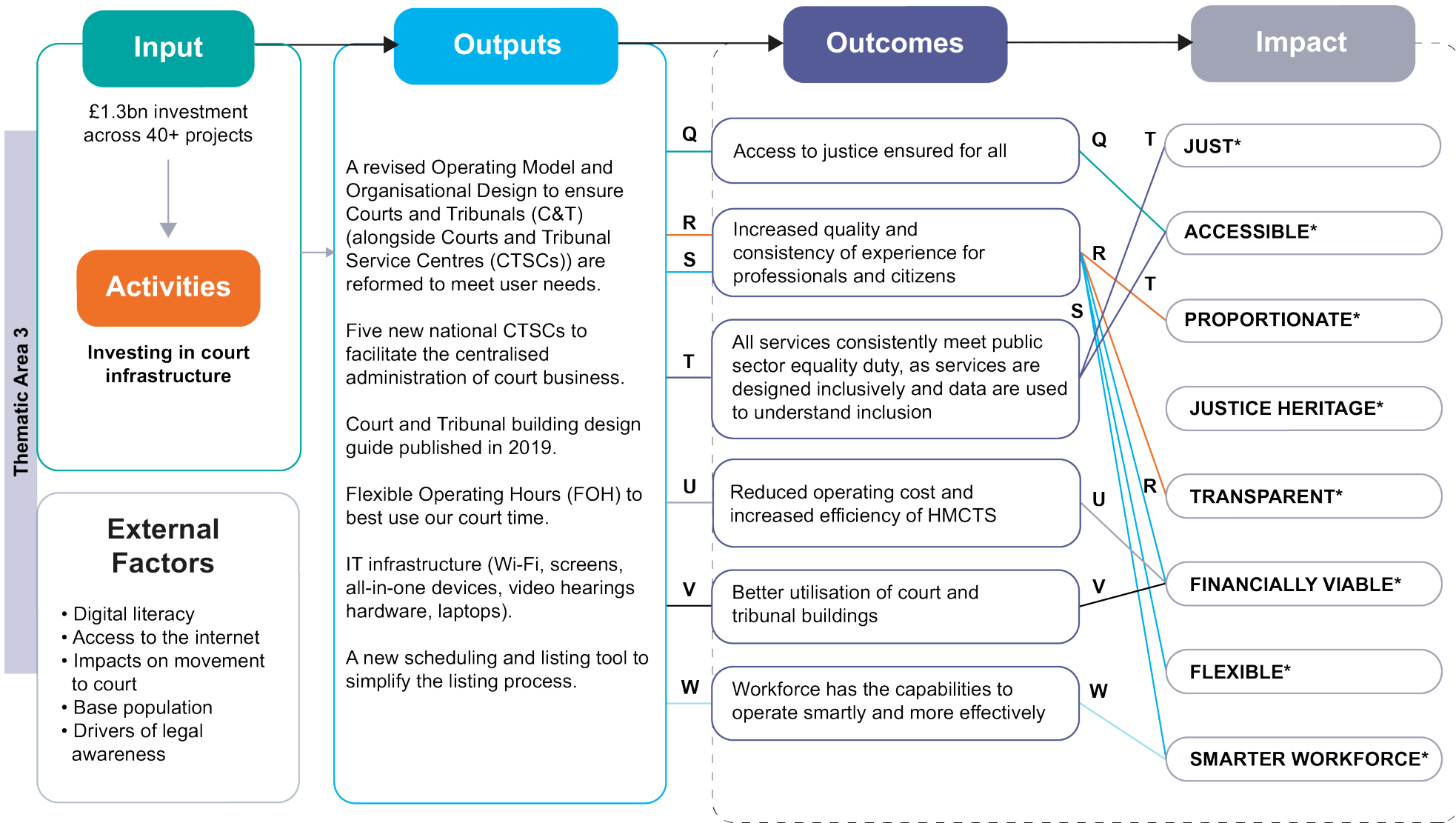
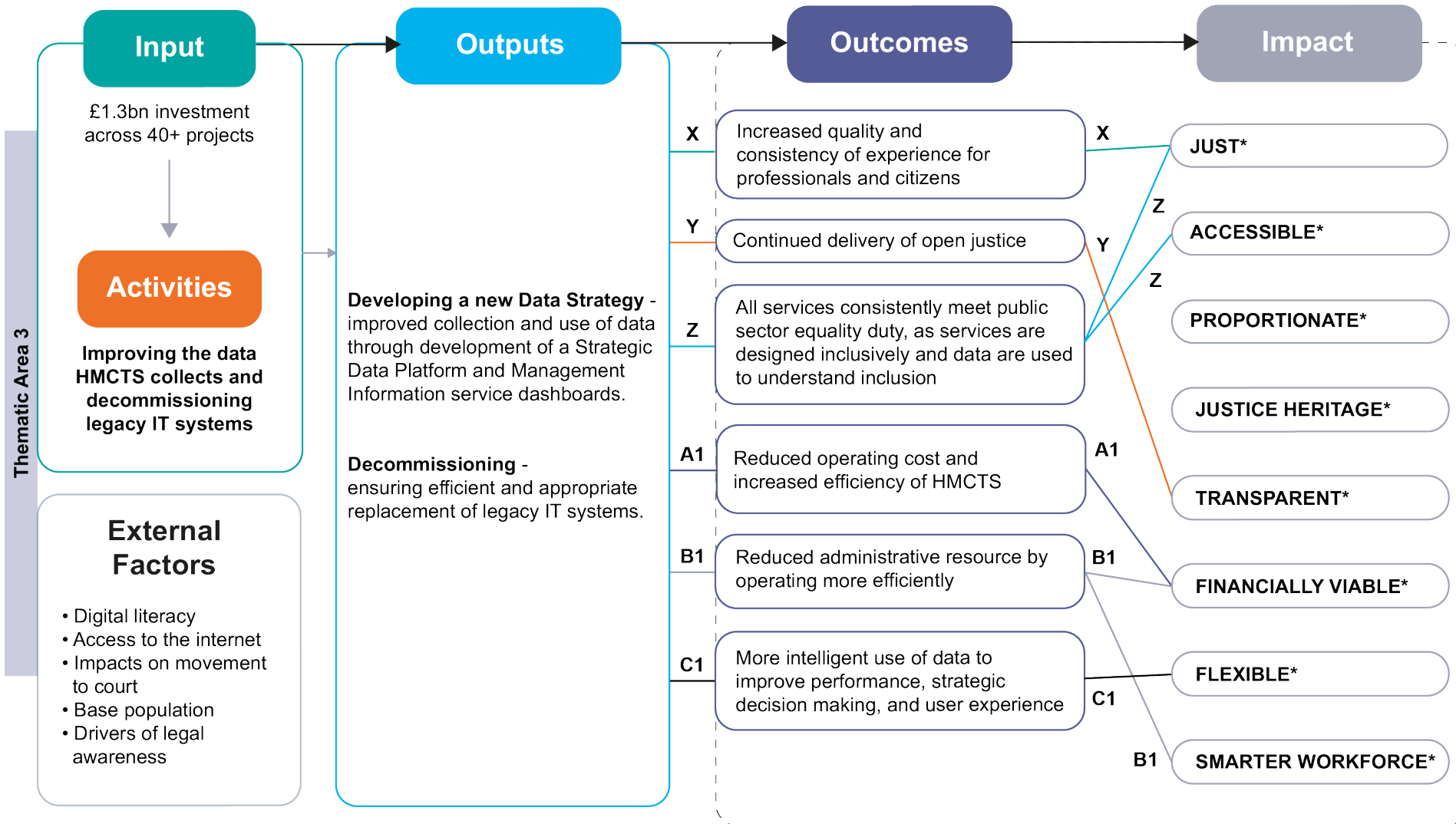


Figure 6. Theory of change model for thematic area three, improving the data HMCTS collects and decommissioning legacy IT systems

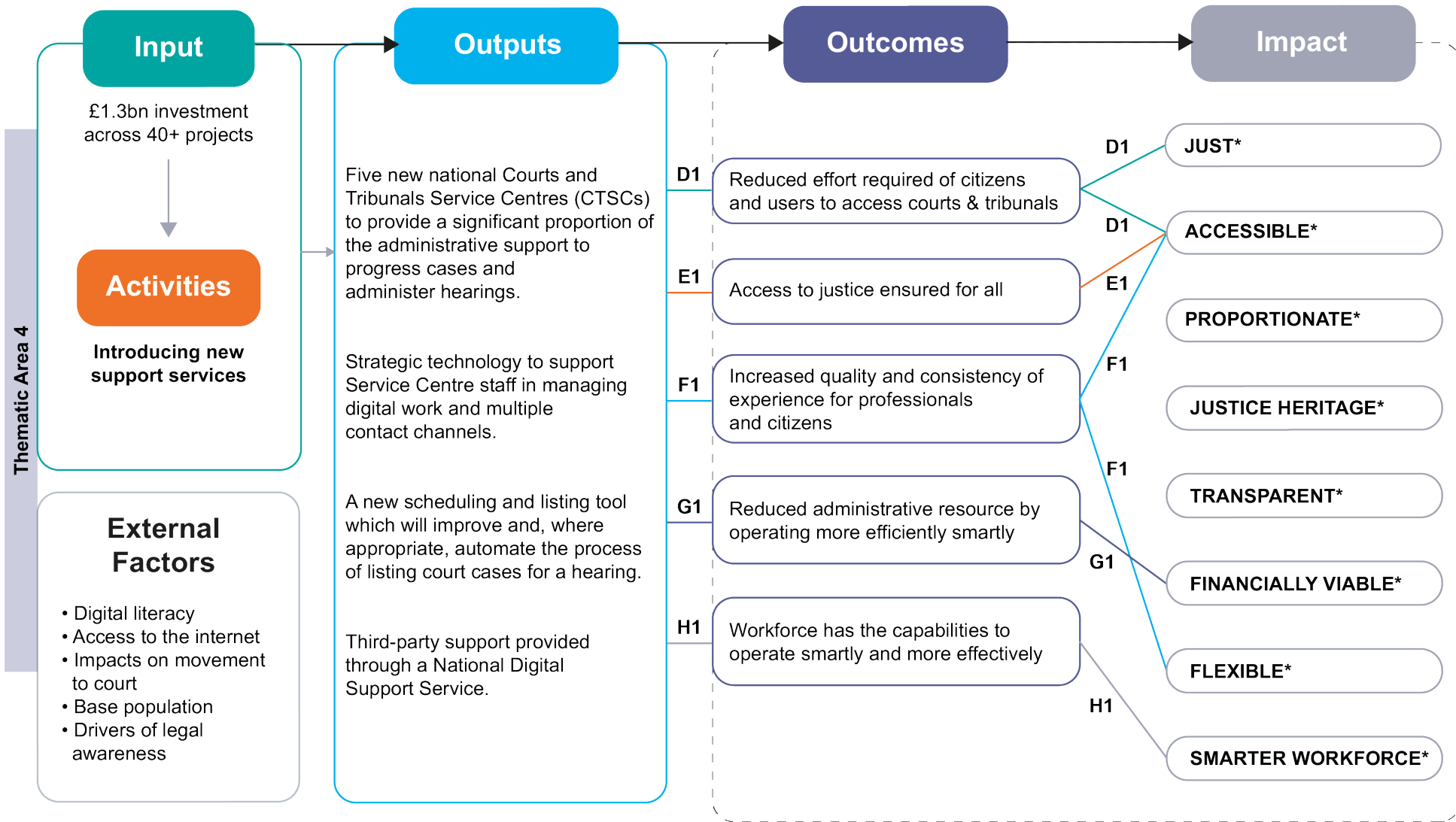


Causal Pathways: *Improving the data HMCTS collects and decommissioning legacy IT systems*

- X. Replacement of legacy IT systems will **enhance** the quality and consistency of peoples' experiences.
- Y. MI service dashboards will **enhance** monitoring of operational performance.
- Z. Intelligent use of data will **ensure** that all services meet equality duty.

- A1. Improved data collection will **enhance** efficiency.
- B1. Improved use of data will **reduce** administrative resource.
- C1. Intelligent use of data will **improve** performance, strategic decision-making, and user experience.

Figure 7. Theory of change model for thematic area four



Causal Pathways: *Introducing new support services*

D1. Third-party support with submitting online applications will **reduce** user effort. F1. CTSCs as a single point of contact will **increase** quality of service for all users.
 E1. The range of additional, tailored support introduced will **enhance** access to justice. G1. CTSCs will **reduce** administrative resources by operating more smartly.
 H1. CTSCs will **facilitate** a smaller, smarter workforce.

3.2.2 Updated causal pathways

Table 2. Updated causal pathways

Thematic Area	Activities	Causal pathways
1	Adding new channels and redesigning existing channels around user needs	<p>A. Multiple channel options will enable people to 'self-serve' and reduce effort.</p> <p>B. Multiple channel options will increase the speed of case progression.</p> <p>C. Multiple channel options will increase access to justice through a wider range of channels which are consistently available across all services.</p> <p>D. Multiple channel options and user-designed services will increase perception that the system is Just, Accessible, Proportionate.</p> <p>E. Multiple channel options and user-designed services will enhance the quality and consistency of peoples' experiences.</p> <p>F. Multiple channel options and user-designed services will enable a flexible infrastructure.</p> <p>G. 'Self-service' will ensure the best use of judicial time.</p> <p>H. Multiple channel options and user-designed services will ensure that no one is left behind by the addition of new channels.</p>
2	Using remote hearing technology in more hearings	<p>I. Remote hearings will reduce the effort required, compared to attending a hearing in court.</p> <p>J. Remote hearings will enhance access to justice for those who are not able to get to a physical court easily.</p> <p>K. Remote hearing technology will enable proportionate hearings and a flexible infrastructure whilst maintaining the 'majesty of the court'.</p> <p>L. Remote hearings will provide greater ability to observe hearings.</p> <p>M. Fully remote and hybrid hearings will ensure that no one is left behind by the addition of new technology.</p> <p>N. Remote hearings will reduce operating costs.</p>
3	Consolidating the court estate	<p>O. The consolidation of the court estate, in conjunction with the introduction of remote hearings and online channels, will ensure access to justice is maintained.</p> <p>P. Reducing the number of court buildings will reduce operating courts and increase efficiency.</p>
	Investing in court infrastructure	<p>Q. Flexible Operating Hours will enhance access to justice.</p> <p>R. Improved IT infrastructure will enhance the quality of the user experience.</p>

Thematic Area	Activities	Causal pathways
		<p>S. Improvement to the court estate will enhance the quality of the user experience.</p> <p>T. Better building design with improved accessibility will advance equality.</p> <p>U. Flexible Operating Hours will increase efficiency.</p> <p>V. Improved facilities will ensure maximised utilisation of the C&T buildings.</p> <p>W. Improvement to the operating model will increase capabilities to work smartly and more effectively.</p>
	Improving the data HMCTS collects and decommissioning legacy IT systems	<p>X. Replacement of legacy IT systems will enhance the quality and consistency of peoples' experiences.</p> <p>Y. Management Information service dashboards will enhance monitoring of operational performance.</p> <p>Z. Intelligent use of data will ensure that all services meet equality duty.</p> <p>A1. Improved data collection will enhance efficiency.</p> <p>B1. Improved use of data will reduce administrative resource.</p> <p>C1. Intelligent use of data will improve performance, strategic decision-making, and user experience.</p>
4	Introducing new support services	<p>D1. Third-party support with submitting online applications will reduce user effort.</p> <p>E1. The range of additional, tailored support introduced will enhance access to justice.</p> <p>F1. Court and Tribunal Service Centres as a single point of contact will increase quality of service for all users.</p> <p>G1. Court and Tribunal Service Centres will reduce administrative resources by operating more smartly.</p> <p>H1. Court and Tribunal Service Centres will facilitate a smaller, smarter workforce.</p>

3.3 Research questions

The evaluation's research questions, and sub-questions, have been informed by the theory of change. With the evaluation's focus on vulnerable users and access to justice, the full scope of the programme's theory of change will not be assessed by the MoJ evaluation. The high-level programme research questions below are those the overarching

evaluation looks to address through the evidence gained from research activity across the thematic areas.

Overarching evaluation research questions

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

4. What are users' perceptions of the reformed services supporting the delivery of justice?
 - a. Do reforms maintain the "majesty", or respect, of the court?
 - b. What are users' perceptions of the fairness and openness of reformed services?
 - c. What are users' perceptions of the wider justice system?
5. What are the specific lessons that can be learnt from reform?
 - a. What can be learnt to inform continuous improvement of reformed services?
 - b. What can be learnt to inform future transformation programmes?
 - c. What evidence gaps remain for future research and evaluation?

3.4 Defining Access to Justice and Vulnerability

Access to Justice

Exploring the effect of the reform programme on access to justice is an important part of the evaluation, which runs across the four themes. Access to justice is a complex and multi-faceted concept and measuring this will require input from both citizen users and professionals across the justice system. To operationalise this concept, the evaluation will draw upon the work of Byrom (2019),¹⁹ who has developed an approach for measuring access to justice. This approach identified four irreducible components of access to justice:

1. Access to the formal legal system
2. Access to an effective hearing
3. Access to a decision in accordance with substantive law
4. Access to remedy.

HMCTS are also drawing on this definition and incorporating it into their analytical work. Ensuring everyone has access to justice is central to the reform programme and the evaluation will assess the effects of reform for all users of the courts and tribunals system.

¹⁹ Byrom, N (2019) *Developing the Detail: Evaluating the Impact of Court Reform in England and Wales on Access to Justice*. Available: <https://research.thelegaleducationfoundation.org/wp-content/uploads/2019/02/Developing-the-Detail-Evaluating-the-Impact-of-Court-Reform-in-England-and-Wales-on-Access-to-Justice-FINAL.pdf>

The evaluation will draw out evidence to understand the scale and nature of any potential issues and enable mitigations to be considered.

Vulnerability

A principal objective of the evaluation is understanding how HMCTS reform has affected the experience of vulnerable people, and their ability to access justice. However, there is not a commonly accepted, straightforward definition of vulnerability in the justice system.

Given the wide spectrum of ways vulnerability can be defined, a broad framework has been developed for the purposes of this evaluation. This framework enables the most relevant aspects of vulnerability to be considered for individual elements of the research or analysis. As such, it will not necessarily align perfectly with all legal, research, or operational definitions used elsewhere.

As with the definition of access to justice, the evaluation will draw on Byrom's (2019) research with international experts. This research identified several factors derived from substantive law, procedure, and practice that might contribute to make a person vulnerable. It also noted that a person's vulnerability is highly context dependent and arises from more than simply possessing a set of characteristics. Additional situational or contextual factors may also interact with individual factors to make a person vulnerable.

The vulnerability framework will build on Byrom's research and further operational considerations within HMCTS, as well as consulting the evaluation's Judicial Advisory Panel and Academic Advisory Panel. The final framework will be refined and validated through the planned deep dive study into vulnerability. It is likely to include the following components and how they interact:

1. Individual or personal vulnerability, including stable and situational factors specific to an individual,
2. Factors specific to a case and interacting with the justice system, and
3. Wider factors that might influence the above two components.

4. Evaluation evidence sources

The overarching evaluation is multi-method and is drawing on several different types of evidence to address the research questions. Building on the information provided in the progress report, this chapter sets out further information on these sources of evidence:

- The plans for the overarching level research
- An example of the type of data metrics that will be analysed
- Outlines of project-level research conducted to date, and plans for forthcoming project-level research, that will contribute evidence to each of the evaluation's four thematic areas.

4.1 Overarching research

One source of evidence for the MoJ's Evaluation is research planned to cover essential elements of reform at an overarching level.

This will complement other evidence sources (project-level evaluation research and data analysis) and allow areas that are not otherwise covered to be explored. This includes topics such as the pre-court decision making process, and the experience of vulnerable users navigating the courts and tribunals system.

4.1.1 Legal Problem and Resolution Survey

As part of the overarching evaluation of HMCTS reform, a nationally representative general population survey of legal need will be conducted.

The Legal Problem and Resolution Survey (LPRS) 2023, will be a nationally representative survey of approximately 10,000 adults (aged 18 and over) living in households in England and Wales. It was previously run as a telephone survey of around 10,000 adults in 2014-15 (MoJ, 2017).²⁰

²⁰ <https://www.gov.uk/government/publications/legal-problem-and-resolution-survey-2014-to-2015>

The LPRS 2023 will continue the tradition of legal needs research in England and Wales. It will build upon the approach used in 2014–15 and will include an updated mixed-mode survey, including the development of new questionnaire modules. These new modules will cover public attitudes and perceptions towards digital services and video hearings, thereby helping to create an understanding of the willingness to use these services to resolve legal problems.

HMCTS reform aims to improve access to justice by modernising the courts and tribunals system. The LPRS will provide a unique contribution to the HMCTS reform evaluation by focusing on those who have not used the formal legal system, to explore why they have chosen not to do so, and whether they have barriers that can be addressed through provision of support. In contrast, the majority of our other planned research will focus on those who are already using the legal system. Identifying barriers to accessing justice is particularly important for vulnerable sub-populations, who may require additional forms of support to access justice.

Access to the legal system is a key component of access to justice. The LPRS 2023 will help us understand the volume of legal need in the general population and for specific groups, and people's willingness or ability to access the formal legal system.

Data from the LPRS will also be used to contextualise evidence collected in project-level evaluations. For example, by understanding whether any changes in caseload observed in the Digital Services evaluation have been affected by changes in total demand for courts and tribunals services.

The MoJ have commissioned Ipsos to run the LPRS, and the findings are expected to be published in 2024.

4.1.2 Vulnerability research

In addition to capturing the experiences of vulnerable adults with legal problems through the LPRS, an in-depth qualitative research project focused on vulnerable adults will be conducted.

HMCTS reform and vulnerable adults

Ensuring everyone has access to justice is central to the reform programme. The MoJ evaluation is looking to identify the experiences of all groups of the population that interact with the courts and tribunals, particularly their ability to access justice. The evaluation is designed to allow us to identify how outcomes are experienced by those who might be most vulnerable when experiencing legal problems, as well as ensuring reforms support HMCTS to meet their obligations regarding the Public Sector Equality Duty. Individual projects within the evaluation programme are designed to include vulnerable users. However, they are likely to form only a small proportion of research participants and will not include vulnerable people who have not accessed justice services. Therefore, a separate in-depth study is planned to understand vulnerable adults' experiences and perceptions of reform, and how HMCTS can further develop support to meet these citizens' needs.

Research plans

The research will include both vulnerable adults that have interacted with courts and tribunals, and vulnerable adults with legal problems who have not accessed the formal justice system. This project is being scoped, with the intention to employ in-depth qualitative research to gain insight into the following areas:

1. What are different vulnerable users' experiences of the justice system, reformed services, and the available support?
2. How do different factors of vulnerability and protected characteristics interact to influence access to justice?
3. What barriers and enablers exist for vulnerable users of the system?
4. What are the barriers or drivers for vulnerable people who could/should access the justice system but do not?

The vulnerability research findings are expected to be published during 2024.

4.1.3 Rapid evidence assessments

HMCTS reform is taking place against a wider landscape of technological modernisation and reform across international justice systems. Although HMCTS reform is among the most ambitious and wide-ranging programme of its type, services and tools similar to

those introduced by HMCTS reform are present internationally, to differing scales and extent.

A suite of evidence reviews²¹ have been commissioned by the MoJ to understand the existing evidence base on the use of services like those introduced by HMCTS reform.²² The evidence reviews will conduct a systematic search of international evidence, which may provide an insight into how activities similar to those introduced by reform have performed and been experienced. A report of the evidence review work will be available on the HMCTS reform evaluation's publication page in 2023.²³

4.2 Example data metrics

Data is a key deliverable of the HMCTS reform programme. As change is embedded in services, data is expected to improve, and additional data will be collected (such as information on protected characteristics).²⁴ New systems will be centralised and capture better data, more consistently.

For the overarching evaluation, Management Information (MI) data is being analysed across important reform metrics, such as timeliness, to explore trends before and after reform. These trends may also provide contextual commentary to show how reformed services interact with exogenous forces like COVID-19, or policy changes like no fault divorce.²⁵ Findings will be triangulated with other evidence to develop a narrative of reform.

To demonstrate how selected metrics will be used as an evidence source for the overarching evaluation, this section of chapter 4 presents trends in Divorce data.

²¹ 4 Rapid Evidence Assessments are being conducted (one for each thematic area of the overarching evaluation, detailed in chapter 3).

²² In line with the overarching evaluation's focus, the Rapid Evidence Assessments will look to understand what is known about the impact services similar to those introduced by reform have on people's access to those services, the wider system they operate in, and how experiences differ between users.

²³ <https://www.gov.uk/government/collections/hmcts-reform-overarching-evaluation-research>

²⁴ [HMCTS protected characteristics questionnaire - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/hmcts-protected-characteristics-questionnaire)

²⁵ No fault divorce is aimed at reducing conflict between separating couples. It ends the need for separating couples to apportion blame for the breakdown of their marriage. This change came into effect on 6 April 2022. ["Blame game" ends as no-fault divorce comes into force - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/blame-game-ends-as-no-fault-divorce-comes-into-force)

It focusses on published National Statistics up to March 2022.²⁶ No conclusions will be made at this point. New data will be analysed in more detail for individual reforms. In the final report, conclusions will be drawn from analysis over the full lifetime of reform.

Divorce Reform example

Divorce has undergone substantial reform to digitise applications and introduce an online case management system. The Divorce service was rolled out in stages, with different populations and service components introduced incrementally. The three key dates for the roll out of the reformed Divorce service are as follows:

- In July 2017, there was a private beta.²⁷
- In May 2018, the Divorce service introduced a public beta²⁸ for the new digital petition process.
- In July 2019, the full end-to-end Divorce journey was live for all public users.

Key Metrics

Five key metrics have been selected to provide a high-level overview of reformed services. These metrics link to the thematic areas which consider how new channels and technologies are working to ensure fair, open and swift delivery of justice.²⁹ The metrics are:

- Volume of cases started (an indicator for demand on the justice system and how it is running)
- Volume of cases disposed (an indicator for how well a service is managing its caseload)
- Proportion of cases with legal representation (context for other metrics, such as average case length)

²⁶ National Statistics are official statistics that are assessed as fully compliant with the Code of Practice (that is, they meet the highest standards of trustworthiness, quality and value): [National Statistics – Office for Statistics Regulation \(statisticsauthority.gov.uk\)](https://www.statistics.gov.uk/national-statistics-regulation)

²⁷ A private beta has restricted access by either invite only or by launching only in a select region.

²⁸ A public beta is available for any member of the public to use, but enhancements to the service continue to be made.

²⁹ The thematic areas are:

TA1 - Adding new channels (routes to services) and redesigning existing channels around user needs

TA2 - Using remote hearing technology in more hearings

TA3 - Consolidating the court estate and investing in court infrastructure

TA4 - Introducing new support services.

- Digital uptake
- Average case length.

When combined, these metrics can provide crucial insights into reformed services. In the overarching evaluation, analysis of data will be triangulated with other evidence sources to create an evidence-based narrative of reform.

Caveats

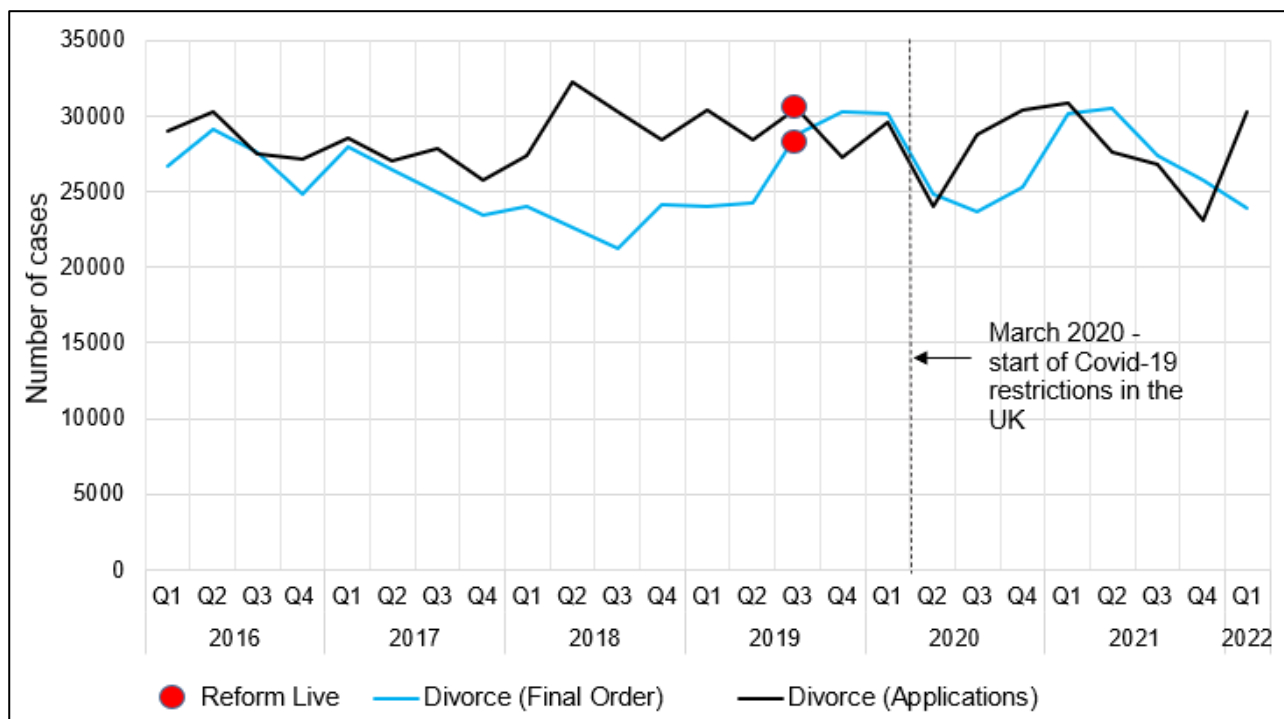
COVID-19 caveat

The global pandemic has affected the reform timeline. This had an impact on the demand and delivery of justice services as well as exogenous shocks that are still being understood today. The robustness of trend data may therefore be limited in services particularly vulnerable to external factors. Trends should therefore be treated with caution as key metrics like volumes and average case length were likely to have seen some irregularities after March 2020.

Volumes and disposals of cases

Changes in the volume of cases started or disposed do not necessarily mean that justice services are more accessible or delivering a better service. However, when triangulated with other evidence, volumes and disposals provide contextual information on demand for the service, how it is running and its capacity to meet demand. Demand across different services is likely to be impacted by external factors such as COVID-19. The graph below shows the volume of users and number of disposals for Divorce from 2016 to March 2022.

Figure 8. Volume of Divorce applications and Final Orders³⁰ per quarter from Quarter 1 (Q1) 2016 to Quarter 1 (Q1) 2022^{31,32}



Pre-reform, Divorce volumes (starts) and disposals fluctuated slightly with fewer disposals than starts. As reforms went live, Divorce case start volumes were similar to pre-reform levels. However, disposals increased to greater than the number of cases started, and this remained until March 2020. Following the start of COVID-19 restrictions in the UK, both the volume of cases started and disposed decreased sharply.

With COVID-19 and policy changes potentially affecting the volume of users, it is difficult to see the impact of reforms on case volumes with published data alone. As more insights from project-level evaluations become available and the effects of COVID-19 are diluted, trends should become clearer.

³⁰ For Divorce, a final order is also called a Decree Absolute which concludes the Divorce process.

³¹ Quarter 1,2,3,4 refer to 3-month periods in a year. Quarter 1 is January to March, quarter 2 is April to June, quarter 3 is July to September, quarter 4 is October to December.

³² To note: no fault Divorce was introduced in April 2022. As such, the most recent quarter (2022 Q2) has not been included as the Divorce system changed substantially and not enough information is available to interpret trends appropriately.

Legal representation

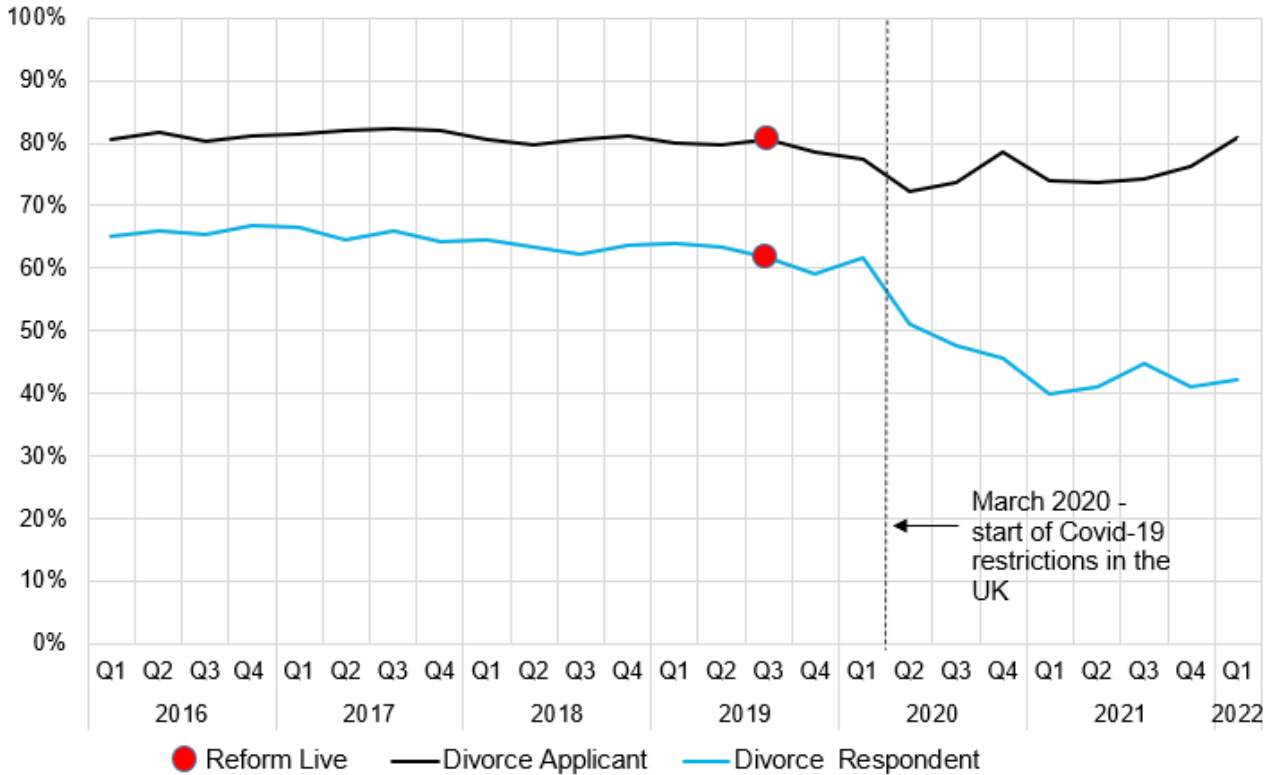
Legal representation is important in understanding how cases with varying levels of complexity and representation progress through the system. Legal representation is linked to the length of time it takes for a case to be disposed. In published Family statistics, cases where either “both parties” or the “respondent only” had legal representation had longer average case lengths than cases where the “applicant only” was represented or where “both parties were without representation”.^{33,34}

The chart below shows the percentage of applicants and respondents with legal representation in Divorce, in cases with at least one hearing. Please note: cases with at least one hearing form approximately 10% of all Divorce cases between Q1 2016 and Q1 2022. These cases are systematically different from the majority of Divorce cases which do not require a hearing to reach a conclusion. Therefore, this measure is not representative of Divorce as a whole. This example has been included to illustrate how data for legal representation will be presented in the final report, where legal representation data for all Divorce cases will be analysed to provide representative figures.

³³ (Source: [Family Court Statistics Quarterly](#))

³⁴ There could be several reasons for this link. For example, legal representation may only be required in more complex or sensitive cases which would take longer anyway. The link will be further explored in project level evaluations such as the Digital Services evaluation.

Figure 9. Percentage of cases with hearings where applicants and respondents had legal representation per quarter from Q1 2016 to Q1 2022



The percentage of applicants with legal representation is consistently higher than the percentage of respondents with legal representation. The proportion of applicants³⁵ with legal representation is steady before reform, but after Q4 2019 the proportion of applicants with legal representation begins to fluctuate. For respondents, the percentage remains steady until Q2 2020 (following the start of the COVID-19 restrictions) when it starts to decline sharply (from 62% in Q1 2020 to 40% in Q4 2021).

Digital uptake

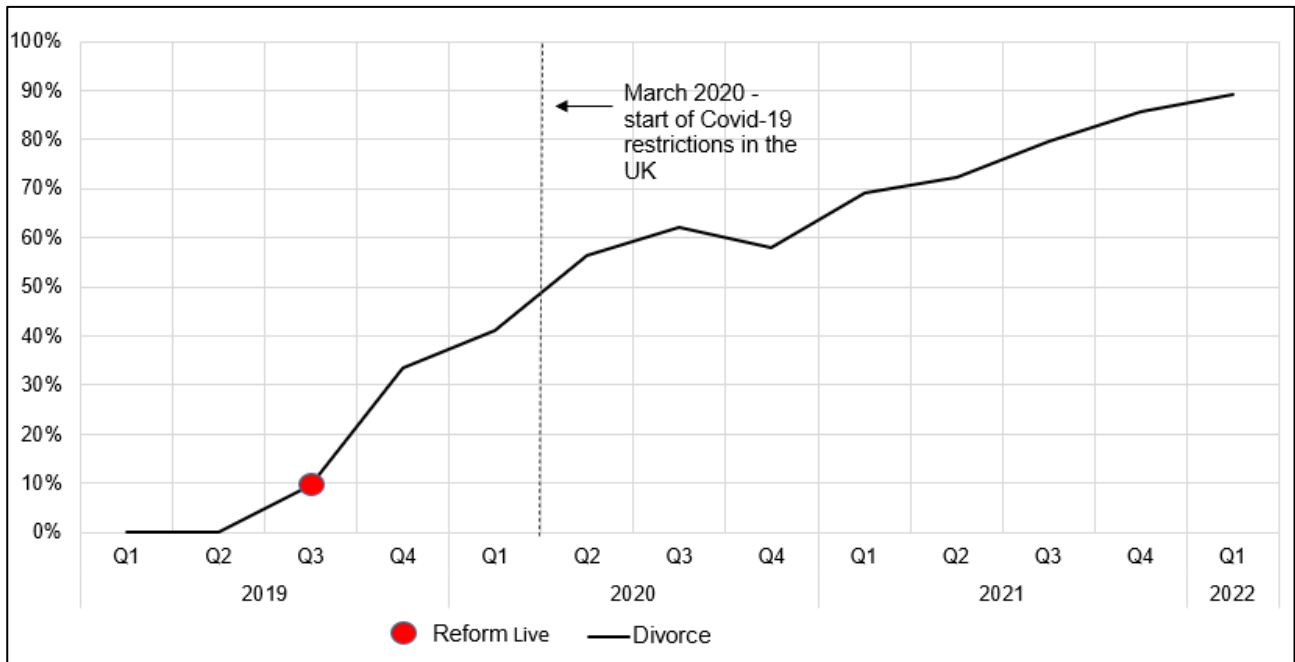
Reforms so far have focused on the introduction of digital services to submit and manage cases. As such, the percentage of digital cases was expected to increase.³⁶

³⁵ Figures also include Financial Remedy.

³⁶ To note: digital uptake statistics only became available for Divorce in Q3 2019.

Digital Divorce³⁷ applications were introduced in May 2018 after previous cases were paper. However, the data only shows digital cases from Q3 2019 as all stages of the process must be completed digitally for it to count as a digital case.

Figure 10. Percentage of applications submitted digitally per quarter from Q1 2019 to Q1 2022



Digital uptake has increased since reform. Digitisation is associated with faster outcomes for those applying for divorce,³⁸ and with lower levels of user errors. HMCTS reported that less than 1% of online Divorce applications are returned because of user error compared to 40% in the paper-based system.³⁹

Average case length

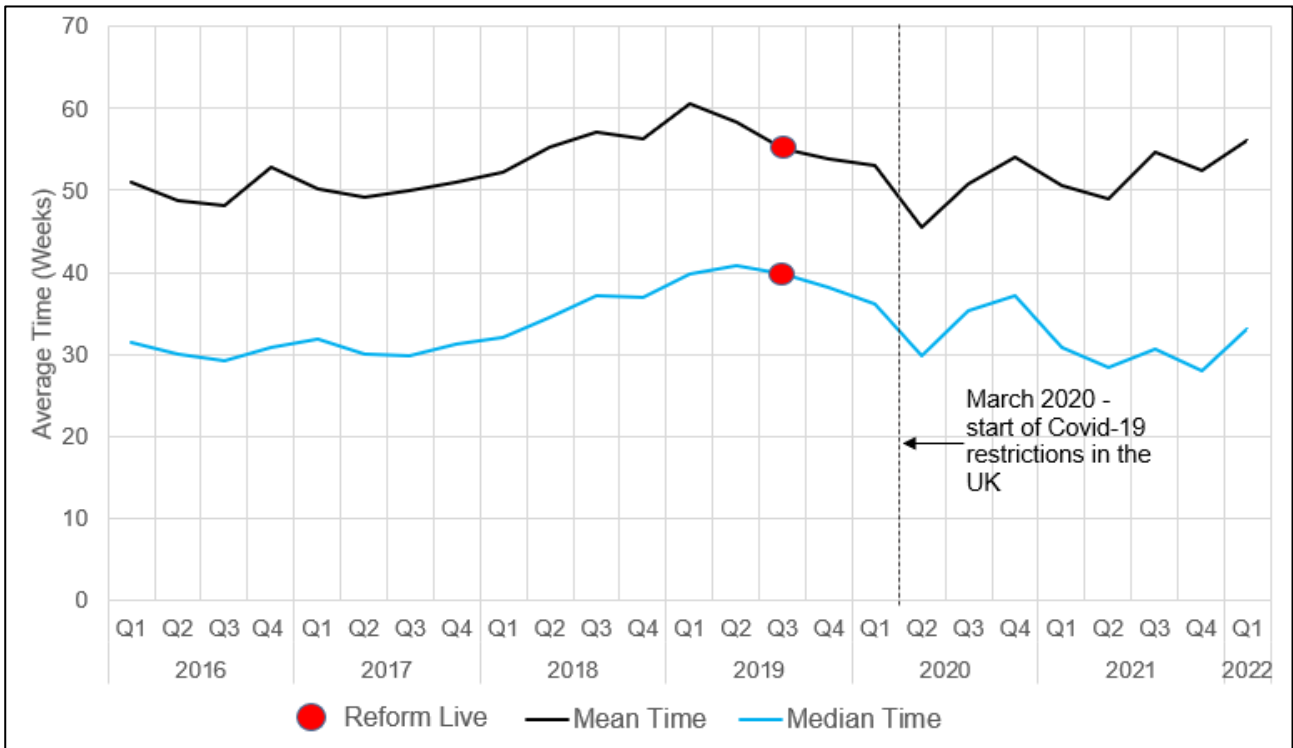
Case length data measures the time from submitting an application to final order. Both the mean and median averages are presented below. Cases are counted in the quarter that the case completed, not the quarter the case started. Therefore, a case that started after the reform has gone live will only appear in the data in the quarter that it completes in, meaning that there will be a lag in changes appearing in the data.

³⁷ Divorce figures include Financial Remedy

³⁸ [Statistician Comment](#)

³⁹ [HMCTS services: online divorce and financial remedy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/services/digital-divorce-and-financial-remedy):

Figure 11. Average case length (mean and median) per quarter from Q1 2016 to Q1 2022



The figure shows that the mean and median time for cases to complete was on a downward trend just before reform and continued after reform. Average case length then experiences greater fluctuation after the start of COVID-19 restrictions. There is a substantial difference between the mean and median case length. This suggests that a proportion of cases are outliers with very long cases increasing the mean.

Case length measures should be treated with caution given the impacts of COVID-19 on services. Reduced capacity during lockdowns, increased caseloads in some services and backlogs are likely to have had an impact. There are still cases which are live that were issued during the pandemic. As service levels return to normal, individual evaluations and the final overarching report will provide more definitive commentary on case length trends.

Summary remarks

The trend analysis of published statistics has been presented here to demonstrate the type of metrics that will be analysed to inform the overarching evaluation’s narrative of reform.

This example analysis indicates an increase in digital cases for Divorce. Despite some fluctuation in case volumes and the proportion of cases with legal representation, the

largest effect on these metrics followed the introduction of COVID-19 restrictions in March 2020. This could be attributed to changes in demand for services, reduced workforce capacity and disruption to reform. Given reform is ongoing and COVID-19 has impacted certain services, it is difficult to interpret post-reform trends. This will be explored in more detail through the triangulation of various evidence sources over the full lifetime of reform.

Future of data for evaluation

The HMCTS reform programme includes the creation of new MI systems, improved data collection and better data quality. Whilst missing baselines cannot be collected retroactively, future data will increase the capacity for evaluation to answer fundamental research questions. Causal attribution is difficult to establish, but further analysis of trends over the complete lifetime of reform may present more intelligible patterns. With some services already returning to pre-COVID levels and others on their way, future analysis may also disentangle responses to the pandemic from the longer-term metrics of reformed services.

4.3 Project-level evaluations

In addition to the overarching level research and analysis of MI data, research investigating specific reform projects will provide evidence to inform the evaluation. The project-level research provides evidence to specific thematic areas of the overarching evaluation, as set out in table 3 below. This section of chapter 4 provides an outline of the project-level research (completed and forthcoming) that will contribute evidence to each theme. Individual pieces of research and evaluation will be published at the government's dedicated HMCTS reform research publication webpage.⁴⁰

Table 3. Status of project-level evaluations, per thematic area

Thematic Area	Project-level evaluation	Status
1: Adding new channels (routes to services) and redesigning existing channels around user needs	First-tier immigration and asylum: legal represented service evaluation	Published
	Online civil money claims: opt-out mediation evaluation	Published
	Continuous online resolution: pilot implementation review	Internal report

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

Thematic Area	Project-level evaluation	Status
	Digital services evaluation	Forthcoming
	First-tier immigration and asylum: appellant in person evaluation	Forthcoming
	Crime evaluation	Forthcoming
2: Using remote hearing technology in more hearings	Video hearing implementation reviews	Published
	Video hearings service evaluation	Forthcoming
3: Consolidating the court estate and investing in court infrastructure	Flexible operating hours pilot evaluation	Published
	Scheduling and listing evaluation	Forthcoming
	Publications and information evaluation	Forthcoming
4: Introducing new support services	Digital support implementation review	Published
	National digital support service evaluation	Forthcoming
	Court and tribunal service centres evaluation	Forthcoming

4.3.1 Thematic area 1: Adding new channels and redesigning existing channels around user needs

Thematic area 1 refers to activities within the reform programme that introduce new digital channels and those which redesign existing channels. This section provides an overview of completed project-level research, and the plans for forthcoming research. Completed research referred to below can be found in the individual reports signposted on the overarching evaluation's publication page.⁴¹ In the final evaluation report, the evidence from this project-level research will be synthesised alongside evidence from additional sources (overarching research and MI data analysis) to form an assessment of this theme of reform activity.

First-Tier Immigration and Asylum Reform, Legal Represented Service Evaluation

A new digital service has been developed in the First-tier Tribunal (Immigration and Asylum Chamber) (FtTIAC). It is an end-to-end digital service, with new processes and

⁴¹ <https://www.gov.uk/government/collections/hmcts-reform-overarching-evaluation-research>

ways of working for the tribunal, professional users, and appellants. It was developed to improve the speed, efficiency, experience, and accessibility of the appeals process.

A process evaluation, conducted between June and September 2021, sought to understand how well the legal representative service and its processes were working, and the experiences of professional users.⁴²

The research highlighted both positive and negative aspects of the new service, and areas for improvement. For the overarching evaluation, this research provides the following evidence:

- Appeals through the reformed route have been disposed of more quickly than the non-reform route.⁴³ Though it should be noted that these cases took place during the COVID-19 pandemic, which will have impacted case timescales. This is, in part, due to the increase in the number of appeals which are being withdrawn by the Home Office (around a quarter) prior to the hearing stage, following a new review introduced by reform. Early withdrawal means a quicker result for the appellant and judicial hearing time is saved for the cases that need it.
- Users were broadly positive about the concept of the new digital service. The move away from paper-based processes was regarded as overdue and a positive step for the tribunal.
- However, barriers to access were also reported, such as significant service downtime, log in issues, and the communication of such issues. It was also noted that delays were caused by both the Home Office and legal representatives not submitting information to the tribunal on time.

Further information can be found in the published evaluation report.⁴⁴ To build on the findings of this evaluation, further research into the FtTIAC service is planned.

⁴² The research was developed in alignment with the overarching evaluation's theory of change, and contributes evidence for pathways A, B, C, D, Z, C1 and D1.

⁴³ Between January 2020 and July 2021, reform appeals were taking on average 24.7 weeks from receipt to disposal. This is quicker than non-reform appeals disposed of in the same period. It is also quicker than the disposal time for appeals prior to the national roll-out of reform in January 2020.

⁴⁴ [First-tier Tribunal \(Immigration and Asylum Chamber\) Reform: Interim process evaluation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/978217/First-tier_Tribunal_(Immigration_and_Asylum_Chamber)_Reform:_Interim_process_evaluation_-_GOV.UK_(www.gov.uk).pdf)

Online Civil Money Claims, Opt-Out Mediation Evaluation

The Small Claims Mediation Service offers free mediation to all small value civil money claims. Prior to May 2021, this was offered on an opt-in basis. This approach was changed to an opt-out basis, where both parties are automatically opted into mediation and have to actively select the option to opt-out.

An evaluation undertaken between April and August 2021 sought to understand the change from offering mediation on an opt-in basis to an opt-out basis, particularly the user's experiences of being offered and going to mediation under the opt-out approach.⁴⁵

The research highlighted both positive and negative aspects of the new service, and areas for improvement. For the overarching evaluation, this research provides the following evidence:

- The change from opt-in to opt-out mediation was found to increase the proportion of cases referred to mediation. However, the increase was slight.⁴⁶
- No significant change was seen in the value of settlement following the change from opt-in to opt-out.⁴⁷
- Some parties were unsure what they 'should' be settling for at mediation and were looking for guidance in the appointment.
- There is the challenge of non-attendance at mediation appointments.
- The role of the mediator is vital to the success of an appointment and users' experiences.

Further information can be found in the published evaluation report.⁴⁸

⁴⁵ This research was developed in alignment with the overarching evaluation's theory of change, and contributes evidence for pathways B, D, E and F.

⁴⁶ 17% of those issuing a claim in the before period were referred to mediation, compared to 21% in the after period once the opt-out process was in place.

⁴⁷ In the opt-in period, the average settlement was 55% of the total claim value. In the opt-out period the average settlement was 54% of the total claim value.

⁴⁸ [HMCTS opt out mediation evaluation report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/94444/hmcts_opt_out_mediation_evaluation_report.pdf)

Continuous Online Resolution, Pilot Implementation Reviews

Between July 2019 and February 2020,⁴⁹ a Continuous Online Resolution (COR) service was piloted, for benefit appeals cases⁵⁰ at the Social Security and Child Support (SSCS) tribunal. The service was intended to allow parties to communicate digitally with the tribunal judge at the earliest stage of the case, to resolve appeals online (where appropriate) without the need for a hearing. This was expected to provide a quicker route to resolving a benefit appeal online.

An implementation review found that the pilot had shown potential (appeals could be disposed online) and the majority of parties accepted preliminary views offered. However, the pilot also demonstrated that a minority of appeals were considered suitable for a COR resolution. There were also unexpected additional administrative and judicial costs associated with COR.

In light of the evaluation's findings, and the need to replace the decommissioned Judicial User Interface supporting COR, HMCTS determined that no further development would be undertaken with COR at SSCS.

Digital Services Evaluation

MoJ and HMCTS evaluation teams have jointly commissioned Frontier Economics and IFF Research to evaluate a range of digitised services, across Civil, Family and the Tribunals. The Digital Services evaluation looks to understand how the new digital services are working and, where possible, what impacts digitisation has had on different users and their ability to access justice. The evaluation will comprise a process evaluation and a mixed-method theory-based impact evaluation. This will provide an understanding into:⁵¹

1. The characteristics of users of digitally reformed services, and what drives the use of digital or alternative channels.

⁴⁹ COR sessions began on 3 July 2019 and continued at weekly intervals until 12 February 2020 with two fortnight breaks during peak leave periods in August and December.

⁵⁰ To be included in the pilot, cases needed to be a Personal Independence Payment appeal, with ready to list status, for an oral hearing, submitted online, with an email address provided and none of the following required: interpreter, representative, appointee.

⁵¹ This evaluation will provide evidence for the overarching evaluation's causal pathways A to H, as outlined in the theory of change.

2. How new digital processes are being implemented, whether they are functioning as intended, and identify areas for improvement.
3. Users' experiences of reformed services, with particular emphasis on those who are vulnerable or digitally excluded.
4. The impacts of digitisation (where possible) on the delivery of a justice system that is just, proportionate, and accessible.

Approach and methodology

The evaluation consists of two phases:

1. A feasibility assessment to determine the most appropriate evaluation approaches.
2. Delivery of the process and impact evaluation.

The phase one feasibility assessment was conducted by Frontier and IFF Research. Two aspects were considered:

Appropriate Theory-based impact approaches

Aim: To understand which theory-based approaches would be suitable to understand whether the digital services caused an impact, how and why any change occurred.

Approach: A range of theory-based approaches were assessed against 3 selection criteria (the relevance of the methodology, the data requirements and availability, the time requirements).

Conclusions: A mixed-method approach that adopts both contribution analysis and realist evaluation techniques is most appropriate. In combination, these approaches will address questions around whether digitisation led to any outcomes, and if so, how and for whom.

Appropriate Experimental or Quasi-experimental (QEE) approaches

Aim: To understand whether a QEE method could be used to measure impact for the services that have not yet been introduced.

Approach: A range of QEE methods were assessed against 6 criteria (data quality and availability, randomisation feasibility, ethical issues, stability of intervention, sample size, and practical implementation)

Conclusions: QEE approaches were not recommended. Several factors contributed to this conclusion, including the uncertainty and early development stages of the reform roll-out plans, operational imperatives, and practical implications. In all it was not deemed feasible to construct the environment required for robust impact approaches. To create a robust counterfactual would require a staggered roll-out of the services. The operational implications of doing so weren't deemed to be viable.

Where feasible, a mixed-methods approach will be taken, triangulating statistics, trend analysis and qualitative data.

Following the conclusions of the feasibility assessment, a process evaluation and a theory-based impact evaluation will be conducted.

Process evaluation

A process evaluation will provide evidence against research objectives 1 to 3 outlined above. As well as identifying lessons from individual services, it will consider any common issues or lessons that might be relevant to this or other digitisation programmes.

A combination of quantitative and qualitative methods will be used to address these research questions:

- Quantitative surveys with litigants in persons, HMCTS staff and legal professionals, with coverage across the 3 jurisdictions.
- Qualitative interviews with public users, judges, legal professionals and support organisations, with coverage across the 3 jurisdictions.

Impact evaluation

A mixed-method theory-based approach will be taken for the impact evaluation element, using a combination of Contribution Analysis (CA) and Realist Evaluation (RE) methods. This will produce an evidence-based narrative to help explain how and why changes occurred, and to understand whether digitisation led to any outcomes, and for whom. This approach will not provide an estimate of the size of the impact of digitisation overall.

The theory-based impact evaluation is drawing on a wide range of data sources and research methods, including:

- Survey data.

- Data from qualitative interviews.
- Stakeholder workshops.
- Analysis of management information and data extracted from legacy and reformed systems.

First-Tier Immigration and Asylum Reform, Appellant in Person Evaluation

HMCTS is expanding on the research already conducted for the new end-to-end digital service in the FtTIAC legal representative service. This evaluation will look to fill remaining evidence gaps for the legally represented service, as well as evaluating the new Appellant in Person service.

A process evaluation will be conducted to:⁵²

1. Build on the research conducted for the legal representative service and follow up on the evidence gaps identified by assessing the management information and qualitative research.
2. Understand whether the new processes for the reformed Appellant in Person service are working, how well they are working and to identify areas for improvement.
3. Understand the impact of the reformed appellant in person service on the experiences of users including appellants, legal officers (formally tribunal case workers), administrative staff, and judges, and identify areas for improvement.

Approach and Methodology

A process evaluation will be conducted, drawing evidence collected from the methods listed below:

- Qualitative interviews with public users of the Appellants in Person service
- Qualitative interviews with professional users of both the Legal Representative and Appellant in Person services

⁵² This evaluation will provide evidence for the overarching evaluation's causal pathways A to D, F, and G, as outlined in the theory of change.

- Secondary analysis of management information to answer research questions relating to the process of the new online service.

Crime Evaluation

HMCTS intend to undertake an evaluation of the crime reform programme. This will look to understand if several digital services and tools and the facilitating processes introduced to the criminal court system are meeting their intended aims to support digital working throughout the criminal courts. As a result, it is hoped this will reduce the duplication of effort, create more consistent working practices, and make processes easier and more accessible.

It is expected that a process evaluation will be conducted to assess how the reforms have been delivered, how they have worked in practice, and how they have been experienced by users. In addition to the process evaluation, opportunities to conduct an impact evaluation are being explored.

Thematic area 1 summary remarks

The forthcoming research outlined in this section is planned to provide evidence across the theme's causal pathways and outcomes alongside evidence from additional sources. The overarching evaluation will look to establish, where possible, whether digitisation led to those outcomes, and for whom. However, research will not provide an estimate of the size of the impact of digitisation overall.

Some evidence gaps will therefore remain in regard to quantifying the impact of new and redesigned services. This is most relevant to outcomes considering timeliness and efficiency.

4.3.2 Thematic area 2: Enhancing the use of remote hearings

Thematic area 2 refers to activities within the reform programme that introduce new tools and platforms to facilitate court and tribunal hearings to be attended remotely for one or more parties. This section provides an overview of completed project-level research, and the plans for forthcoming research. Completed research referred to below can be found in

the individual reports signposted on the HMCTS reform evaluation's publication page.⁵³ In the final evaluation report, the evidence from this project-level research will be synthesised alongside evidence from additional sources (overarching research and MI analysis) to form an assessment of this theme of reform activity.

Video Hearing Implementation Reviews

A video hearing pilot conducted fully-video hearings (where all hearing attendees participated remotely) in the First Tier Tribunal Tax Chamber (phase 1), Civil (Set Aside Judgements) and Family (First Direct Appointments and Short Notice Hearings) courts (phase 2). The technology piloted was an early-stage form of the Video Hearing service introduced as part of the reform programme.

Implementation reviews of the pilot's two phases were conducted (in 2018, and 2019–2020). The first sought to understand the user experience of the technology, to assess access barriers, user capability and effective participation. The review of the second phase looked to build on this, to understand strengths, challenges, and constraints of the video hearing service.

The research highlighted both positive and negative aspects of the piloted video hearing service, and areas for improvement. For the overarching evaluation, this research provides the following evidence:

- The review of the first phase of piloting found that, despite many hearings experiencing technical difficulties, users were largely positive of the technology. It was reported that the procedure was adapted by Judges and other stakeholders to suit the video environment. Appellants and representatives seemed satisfied with the adaptation, and they reported satisfaction with judicial management, turn-taking, and authority.
- The second review reported few technical issues experienced by users, and generally positive feedback was received. Users felt that when technical issues occurred, they were dealt with quickly and were not disruptive. Users reported that they valued the support provided by Video Hearing Officers prior to the hearing, increasing confidence in accessing the hearing. Judges reported minor

⁵³ <https://www.gov.uk/government/collections/hmcts-reform-overarching-evaluation-research>

technical difficulties, and that they were able to manage hearings effectively.

However, Judges did note that video hearings took more time and expressed some reservations about the formality of the proceedings. However, lay and legal users reported that hearings were suitably formal.

- Judges and video hearing users expressed a concern that those without access to high quality technology or robust internet were excluded from participating.

Further information can be found in the published evaluation reports.^{54,55}

Video Hearing Service Evaluation

HMCTS intends to commission research to evaluate the Video Hearing service (VH). VH is a remote hearing platform introduced by reform, which will replace existing remote hearing technologies used. Following test pilots in courts in Birmingham and Manchester, VH is being rolled out across the jurisdictions. The VH evaluation will focus on VH in Civil, Family and Tribunals.

A process evaluation will be conducted to understand:⁵⁶

1. How do VH hearings operate (do the processes, activities and systems operate as expected) and what are users' experiences of VH hearings?
2. What are VH users' perceptions of the system (including the pre-hearing stages and the in-hearing experience)?

Approach and Methodology

To answer these research questions, a process evaluation using mixed methods will be conducted. The suitability and feasibility of impact evaluation approaches was explored. However, it was not deemed feasible to construct the environment required for robust impact approaches. To create a robust counterfactual would require some courts to stop using remote hearing platforms, and only use face-to-face in-person hearings. The operational implications of doing so were not deemed to be viable.

The process evaluation will use a combination of quantitative and qualitative methods:

⁵⁴ [Implementing Video hearings \(Party-to-State\) - A Process Evaluation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612247/Implementing_Video_hearings_(Party-to-State)_-A_Process_Evaluation_-_GOV.UK_(www.gov.uk).pdf)

⁵⁵ [HMCTS Video Hearings process evaluation \(phase 2\) final report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612247/HMCTS_Video_Hearings_process_evaluation_(phase_2)_final_report_-_GOV.UK_(www.gov.uk).pdf)

⁵⁶ This evaluation will provide evidence for the overarching evaluation's causal pathways I, J, K, L, M as outlined in the theory of change.

- Quantitative surveys with public VH users, legal representatives, judges, and intermediaries and support staff, with coverage across the three jurisdictions.
- Qualitative interviews with the same user groups as set out above, with the addition of HMCTS staff and observers. As with the surveys, the interviews will cover the three jurisdictions.
- Data analysis of the volumes, activities, and processes of VH, to monitor hearing metrics, such as hearing length, and adjournment rates.

Thematic area 2 summary remarks

Forthcoming research will evaluate the final Video Hearing service, which will provide evidence regarding aspects such as the ability to observe remote hearings, and users' perceptions and experiences of the effort required to attend a remote hearing. The overarching evaluation will look to establish, where possible, whether the use of remote hearings led to the outcomes observed and for whom. However, research will not provide an estimate of the size of the impact of remote hearings overall.

Some evidence gaps will therefore remain in regard to quantifying the impact of remote hearings. Additionally, the forthcoming research will not provide evidence regarding any the reduction of operating costs.

4.3.3 Thematic area 3: Consolidating the court estate and investing in court infrastructure

Thematic area 3 looks at how reform is consolidating the court estate, and changing the court infrastructure, including both the physical estate and IT and data systems. This section provides an overview of completed project-level research, and the plans for forthcoming research. Completed research referred to below can be found in the individual reports signposted on the HMCTS reform evaluation's publication page.⁵⁷ In the final evaluation report, the evidence from this project-level research will be synthesised alongside evidence from additional sources (MI data analysis and overarching research) to form an assessment of this theme of reform activity.

⁵⁷ <https://www.gov.uk/government/collections/hmcts-reform-overarching-evaluation-research>

Flexible Operating Hours Pilot Evaluation

HMCTS piloted the use of Flexible Operating Hours (FOH) in 2019-20. FOH involved using courtrooms for hearings outside the usual court session times of 10am – 4pm. The pilot tested two approaches as follows:

Table 4. FOH pilot locations and approaches

Location	Manchester Civil Justice	Brentford County Court
Sittings	Afternoon and late sittings (2pm to 7pm) in two court rooms	Morning (8am to 10:30am) and late sittings (4:30pm to 7pm) in one court room
Implementation approach	Sessions during 'usual' (non-pilot) hours were shifted	Pilot sessions were run in addition to business-as-usual session
Case types heard	Small claims, non-small claims civil and family cases (not including children's work)	Small claims and non-small claims civil cases were heard
Pilot duration	September 2019 to February 2020	September 2019 to March 2020

The pilot was evaluated to explore:

1. Whether longer operating hours mean that a greater proportion of court time is devoted to productive uses (to include hearings and box work), with less time where the court is not in use.
2. Whether operating court rooms at different times of the day offers more open and accessible justice to citizens; and
3. Whether and how FOH impacts professional and public court users, and the agencies working in the justice system.

For the overarching evaluation, this research provides the following evidence:

- FOH appeared to have had a broadly neutral effect on efficiency of court room use. This could suggest that if FOH sessions are undertaken in addition to business as usual, productivity would increase. This would require additional judicial and staff resource to facilitate the additional hearing times.
- FOH appeared to indicate a positive effect on accessibility of justice to citizens. There was some evidence of reductions in time taken off work, and improved perceptions regarding the convenience of hearing times and related travel

flexibility. However, some legal professionals, legal organisations and court staff raised concerns that FOH sessions may be difficult to access for some public users, such as those with childcare responsibilities, those who are financially vulnerable or who do not live near the court.

- Professional and public users appeared to have mixed experiences of FOH. For public users, some positive effects were found in relation to satisfaction with case outcome, their perceptions of quality of justice, and reduced average waiting times. Some legal professionals and members of the judiciary were concerned that the longer working hours demanded by the pilots had affected legal professionals' energy and concentration levels. Legal professionals tended to report negative effects on their working lives, and there were indications of negative equality and diversity effects on women and junior barristers.

Further information can be found in the published evaluation report.⁵⁸ Following the pilot, FOH was not taken forward.

Scheduling and Listing Evaluation

ListAssist is intended to simplify and streamline the management of schedules and the listing of hearings. The tool is expected to enable this by providing a better view of capacity across the court estate and improving listing efficiency. Listing is a judicial responsibility, and the tool aims to support this by improving collection and management of information about judicial availability, rooms and needs of court users. This in turn will provide more comprehensive and reliable data about how successfully lists are balancing competing demands.

ListAssist is intended to be integrated with other reform projects, such as the Video Hearings service, and new case management systems. This integration is expected to facilitate a more efficient scheduling and listing process.

HMCTS intend to undertake a Scheduling and Listing Evaluation. It is expected that this would look to understand how the ListAssist tool has been implemented, and to understand any change resulting from the introduction of the tool.

⁵⁸ [Flexible operating hours evaluation plan and summary - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614442/flexible-operating-hours-evaluation-plan-and-summary.pdf)

Publications and Information Evaluation

The Publications and Information project introduces the new Courts and Tribunals Hearing service (CaTH). The CaTH service is an extension to the scheduling and listing tool ListAssist, providing the functionality for listing officers to automatically publish data to the gov.uk website and to email third parties and subscribers. This is intended to automate and streamline processes, in turn releasing time for listing officers to focus on other tasks.

The CaTH service will also provide a publishing platform, with the intention of creating one single location for HMCTS listing information to be shared into the public domain. This will facilitate all jurisdictions to publish court and tribunal lists, outcomes, and judgments, in a consistent format. This is intended to improve on the pre-reform processes for sharing information in the public domain (which are either manual, paper-based processes, or legacy system enabled).

HMCTS intend to undertake a Publications and Information Evaluation. It is expected that this would look to understand how the CaTH service has been implemented, and to understand any change resulting from the introduction of the service.

Thematic area 3 summary remarks

Intended future research (the Scheduling and Listing Evaluation and the Publications and Information Evaluation) expect to provide insight into whether improved IT systems and infrastructure enhance the quality of the user experience. However, the research and the overarching evaluation will not provide an estimate of the size of the impact of court infrastructure and data collection overall, as outlined in the evaluation approach chapter.

Some evidence gaps are likely to remain. Current planned research is not expected to provide evidence relating to the design and facilities of the court estate, nor whether the collection and use of data enhances efficiency or operational performance.

4.3.4 Thematic area 4: Introducing new support services

Thematic area 4 refers to activities within the reform programme that introduce new support services to court and tribunal users. This section provides an overview of completed project-level research, and the plans for forthcoming research. Completed research referred to below can be found in the individual reports signposted on the

HMCTS reform evaluation's publication page.⁵⁹ In the final evaluation report, the evidence from this project-level research will be synthesised alongside evidence from additional sources (MI data analysis and overarching research) to form an assessment of this theme of reform activity.

Digital Support Implementation Review

HMCTS and the Good Things Foundation worked collaboratively to design and evaluate a Digital Support (DS) service, piloted in 4 phases between 2017–2021. With the increase in online services brought by the reform programme, the piloted DS service looked to assist potential users (particularly digitally excluded or with low digital capability) to use HMCTS online services.

Additional support, such as emotional, procedural, or legal support, was not within the remit of the funded DS service. Additional support could be provided within a face-to-face DS appointment (legal support can only be provided by organisations certified to do so).

The DS service was initially designed to support:

- Those who do not have the digital skills or confidence to complete online forms themselves (such as people that struggle navigating websites, using keyboards or uploading documents).
- Those who do not have the capability to complete online forms themselves (such as people with physical or mental health problems, learning difficulties or language barriers).
- Those who do not have access to a suitable digital device or internet connection.

The DS pilot used a test and learn approach, with HMCTS and Good Things Foundation working iteratively to design the service. The research therefore looked to understand how well the service was meeting user needs, to inform further updates to the service.

Through the 4 phases of the pilot, research sought to understand:

1. What needs to be in place to meet DS users' digital support and wider needs?

⁵⁹ <https://www.gov.uk/government/collections/hmcts-reform-overarching-evaluation-research>

2. What needs to be in place to enable community-based and/or support organisations to deliver?

The research provided insight into the organisational and contextual factors important to the successful implementation of the DS service. For the overarching evaluation, this research provides the following evidence:

- The DS users interviewed were generally very satisfied with the Digital Support they had received.
- Additional support (such as emotional, procedural, and legal support) is highly valued by users accessing the service. Not having this additional support, in some instances, would have been a barrier to accessing HMCTS services online.
- For the pilot duration (over the 4 phases), a total of 1,221 DS users were supported and 1,147 forms were submitted. The majority of the appointments delivered during the pilot were with Social Security and Child Support appellants.
- During Phase 4, 91% of appointments were delivered remotely, with the majority of this remote support delivered via phone. Many of the DS users who had been supported remotely said they valued the option and that it met their needs.
- Most DS users during phase 4 found the service through a ‘non-HMCTS referral’.

Following the DS pilot, a national Digital Support service is being rolled out across England, Wales, and Scotland. The plans to evaluate the national service are outlined below.

Further information can be found in the published evaluation report.⁶⁰

National Digital Support Service Evaluation

Following the piloting of the Digital Support (DS) service from 2017 to 2021, a Digital Support service is being rolled out across England, Wales (all jurisdictions) and Scotland (tribunals only), facilitated by We Are Digital (a social impact organisation). The national DS service will offer support to those who choose to access HMCTS services digitally.

⁶⁰ [HMCTS Digital Support: Phase 4 Addendum Report - Good Things Foundation](#)

The service supports users who do not have access to technology, lack digital skills or do not have the confidence to use the digital service.

HMCTS have commissioned IFF Research to conduct a process evaluation to:

1. Assess what is working well, and for whom, to help identify areas for improvement and inform decisions for the continuation of the National Digital Support Service.
2. Understand users' perceptions and experiences of the DS Service, and how these vary for different HMCTS services and user groups.

This evaluation will provide evidence against several of the overarching evaluation's causal pathways in thematic area 4, as outlined in the theory of change.

Approach and methodology

The process evaluation will draw on a combination of quantitative and qualitative methods to address these research questions:

- Surveys and in-depth interviews will be conducted with users and support staff/volunteers of the DS service.
- Observations of DS service appointments.
- Case studies.
- Analysis of management data to understand the characteristics of users of the national DS service, and to provide context to understand the users' journey from triage to appointment.

Court and Tribunal Service Centres Evaluation

HMCTS intends to undertake an evaluation of the Court and Tribunal Service Centres (CTSCs) introduced as part of reform. CTSCs aim to provide users quicker and more consistent support, by bringing support staff together in five centralised locations. The CTSCs deliver support services for those citizens who may need help to engage digitally and provide information to all court and tribunal users. This includes remote support via phone and web chat, and referrals to services such as the digital support delivered by We Are Digital.

It is expected that a CTSC evaluation would look to understand how the CTSCs have been implemented, whether the processes operate as expected, and how they are experienced and perceived by CTSC staff, public and professional users.

It is expected that the research would focus on the experiences of users who come into direct contact with CTSCs (such as by contacting the CTSC via telephone or webchat). The broader role of the CTSC in supporting online services is not expected to be in scope, as this is covered by the Digital Services Evaluation.

Thematic area 4 summary remarks

Intended future research (the Court and Tribunal Service Centres Evaluation) is expected to provide insight into the quality of service experienced by users. However, the research and the overarching evaluation will not provide an estimate of the size of the impact of support outcomes overall, as outlined in the evaluation approach chapter.

Some evidence gaps will remain. Current planned research is not expected to provide evidence into whether Court and Tribunal Service Centres reduce administrative resource or facilitate a smaller workforce.

5. Next Steps

5.1 Planned publications

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

Individual pieces of research and evaluation will be published as they become available. All reports will be available at the government's dedicated HMCTS reform research publication webpage⁶¹ following external peer review.

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

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

5.2 Further avenues for research

The MoJ is keen to encourage partners in academia and external research organisations to support the department in developing the evidence on courts and tribunals. MoJ's Areas

⁶¹ <https://www.gov.uk/government/collections/hmcts-reform-overarching-evaluation-research>

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

Some evidence gaps can be explored through data made available by Data First; MoJ's pioneering data-linking programme, funded by ADR UK (Administrative Data Research UK). MoJ are keen to work alongside academic researchers to make use of these linked justice datasets to generate new insights for policy and practice.

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

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

5.3 Continued engagement

Two panels provide the overarching evaluation team with expert insight and specialist knowledge: the Academic Advisory Panel and the Judicial Advisory Panel. Engagement with the panels will continue as the evaluation develops further. Further information on these two panels can be found in the published evaluation framework.⁶²

⁶² Ministry of Justice (2021) *HM Courts & Tribunals Service Reform Evaluation Framework*. Available: <https://www.gov.uk/government/publications/hm-courts-tribunals-service-reform-evaluation-framework>