Online Procedure Rule Committee

Public Engagement Document

Inclusion Framework and Pre-Action Model for the Digital Justice System

July 2025

Foreword from the Chair of the Online Procedure Rule Committee

The Committee

The Online Procedure Rule Committee (OPRC) has been given its first mandate by Parliament. It has been empowered to make rules for property proceedings in courts and tribunals and for family financial remedy proceedings. It can now start work in earnest.

The powers that the OPRC has been given are in addition to, rather than replacing, the rule-making powers of the existing rule committees. But the intention is that, over time, online processes will be governed by rules made by the OPRC.

Your help

This public engagement document seeks your help. The OPRC wants to know if it is progressing in the right direction. That direction is towards a framework for digital inclusion and the creation of a pre-action model providing principles and standards for pre-action online dispute-resolution and advice.

A Digital Justice System

In this document, the OPRC is explaining and consulting about the work it is undertaking and the first guidance it will give for both pre-action online dispute-resolution and advice services and for online court and tribunal dispute-resolution proceedings. Taken together, these pre-action and in-court/tribunal services are regarded as our Digital Justice System.

The Digital Justice System is not a new costly digital infrastructure to resolve everyone's business, financial, family and consumer disputes online in one place. It will build on and connect all the existing provisions for pre-action online dispute-resolution and advice services and online court and tribunal dispute-resolution. The ecosystem includes ombuds portals in numerous sectors, mostly financed by industry or financial organisations. There are mediation portals and arbitration portals. There is the Official Injury Portal dealing with hundreds of thousands of personal injury claims each year. And there is a wide variety of online legal information and legal advice platforms.

The OPRC will provide the rules and guidance needed to integrate these existing online provisions, so as to allow individuals and businesses to find the right advice and the right dispute-resolution mechanism quickly and efficiently. This will be an iterative task by which the OPRC aims to create coherence in what is already a broad ecosystem of online dispute-resolution services.

Research undertaken by the Ministry of Justice and the OPRC demonstrates that the biggest difficulty for most people is navigating the online space to find the most suitable means of resolving their problems. The OPRC aims to improve the position for online users, by supporting an integrated digital system, alongside the appropriate adoption of artificial intelligence

Please read on and help the OPRC by responding to the questions in this document. Many thanks.

Sir Geoffrey Vos

Master of the Rolls, Chair of the Online Procedure Rule Committee

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Part A: Introduction
Section 1: The aim of the OPRC

Improving Access to Justice

1. The aim of the OPRC is to improve access to justice for all by harnessing the power of modern digital technology in the civil and family courts and in the tribunals.

2. The civil, family and tribunals justice system in England & Wales is well established and centred around bringing cases to court for resolution. While there is now a wide range of pre-action dispute resolution services available to help people resolve their problems, there are still many barriers for people to achieve access to justice.

3. People may struggle to achieve access to justice because they do not understand their rights, they are unaware of the support available, they have vulnerabilities or additional needs, or they are intimidated by an often lengthy and difficult process. This situation has significant impacts on peoples' lives, health, families, work and the country as a whole.

Our vision for digital justice

4. The OPRC has been looking into the future of digital justice for Civil, Family and Tribunals, and we now share this vision with you for your feedback and input.

5. The OPRC's vision is that the new Digital Justice System should be:
   - Accessible to everyone
   - Easier for everyone to use
   - Capable of delivering justice more quickly
   - Transparent and trusted

6. This document focuses on the services people use before going to court. These services include the provision of legal information, advice, and dispute resolution. We refer to this as the "Pre-Action" space.

7. This document covers details of the OPRC's goals, proposed inclusion framework, the proposed pre-action model, and our proposed technology & data standards, including the use of Generative AI.

8.   We invite your comments on the OPRC's vision, the Digital Justice System, and the proposals and questions in this document.

Section 2: The OPRC's legal framework

9.   Chapter 2 of the Judicial Review and Courts Act 2022 (the 2022 Act) provided for the creation of the Online Procedure Rule Committee (the OPRC). The OPRC is empowered to make rules for certain civil, family and tribunals proceedings initiated and progressed electronically. It is independent of the Ministry of Justice.

10.   As set out by Parliament, the OPRC consists of three senior judges and three expert representatives. Today the members of the OPRC are:

- The Right Honourable Sir Geoffrey Vos, Master of the Rolls, Chair
- The Right Honourable Sir Andrew McFarlane, President of the Family Division
- The Right Honourable Andrew Edis, [*acting*] Senior President of Tribunals
- Dr Sarah Stephens, expert in the lay advice sector
- Brett Dixon, legal expert
- Gerard Boyers, technology expert

11.   Section 24 of the 2022 Act allows the OPRC to make rules affecting pre-action online dispute-resolution services.

12.   Section 19(3) of the 2022 Act places accessibility, fairness, intelligibility and innovation at the heart of modern justice, by requiring that online procedures be designed for everyone and support the fast and efficient resolution of disputes, and the use of innovative methods to achieve this.

13.   Section 24(1) of the 2022 Act allows the OPRC to provide for the transfer by electronic means of information held for the purposes of an online dispute-resolution service to a court or tribunal, or for a court or tribunal to take into account, for any purpose, steps that a party to proceedings has, or has not, taken in relation to an online dispute-resolution service.

14.   The Online Procedure Rules (Specified Proceedings Regulations) 2025, which came into force on 30 April 2025, gave the OPRC the power to make rules for (a) civil and tribunal proceedings in relation to property, and (b) family proceedings for financial remedies.

15. His Majesty's Courts and Tribunals Service (HMCTS) is currently developing a digital possession service, for which the rules will be made by the OPRC.

Section 3: This Public Engagement Document

16. This is the first public engagement document published by the OPRC. It is intended to explain and consult about the basis upon which it will, in the future, make rules or provide frameworks for **both** pre-action online dispute-resolution and advice services **and** for online court and tribunal dispute-resolution proceedings.

17. This document explains and asks questions about two specific crucial aspects of the OPRC's intended work.

The OPRC's draft Inclusion Framework

18. This is concerned with the requirement of universal accessibility as set out in the 2022 Act. The Inclusion Framework sets out the principles, standards and mechanisms necessary to ensure that the requirement is recognised from the outset in the design and implementation of the proposed procedural rules and guidance. Digital inclusion is central to upholding fairness, trust and access to justice in our digital age.

The OPRC's draft Pre-Action Model

19. This is focussed on pre-action online dispute-resolution and advice services. The Pre-Action Model sets out a framework of principles and standards intended, in the first instance, to acknowledge the developing nature of these services and support their growth and interoperability. The Pre-Action Model sets out to guide the providers of such online services in two main areas: (i) to assist users successfully to navigate amongst the numerous providers of pre-action online dispute-resolution, information and advice services, and (ii) as to the data standards that they should apply to facilitate the smooth transfer of data between providers.

Aligning provision in the Digital Justice System

20. The OPRC will seek to align **both** public providers of pre-action online and digital services **and** private or third-party providers of pre-action online services by providing principles and standards in the Pre-Action Model.

21. Whilst the standards and principles of the Pre-Action Model are not, at the moment, enforceable against private providers, there will be a range of benefits in providers meeting them, for example: gaining customer trust by being able to demonstrate compliance, inclusion in published lists of participants, and being able to access and exchange data in structured formats. Compliance may in due course be made a formal requirement, for example as a condition of procurement, services listing or Application Programming Interface (API)[1] access to HMCTS services. The publication of the Pre-Action Model will enable providers to contribute to the development of the requirements in the best interests of their customers, the market and their own operational efficiency, and align their services with the principles and standards before they become, in any sense, compulsory.

22. A key challenge in supporting the flow of data and users between public and private offerings is the need for a shared and secure data and interoperability framework. API protocols will go a long way to enabling interoperability, allowing systems to communicate technically and providing a common interface for secure data exchange. Additional methodologies are also required, to ensure data quality and integrity, common understanding of legal concepts at the data level, and consistent authentication and treatment of users through the ecosystem. Achieving agreement on the data standards and other protocols will take a coordinated approach, which the OPRC can facilitate, and which we initiate through the consultation on the Technical Standards as part of the Pre-Action Model.

23. Further public engagement documents will follow as the OPRC starts to make rules or to give guidance in the pre-action online dispute-resolution and advice services space and for online court and tribunal dispute-resolution proceedings.

Deadline for response

24. The OPRC would be delighted to receive responses to the questions posed in this document **by 5pm on 19 September 2025.** Responses should be completed on the response form available on the OPRC webpage and sent to: **OPRCConsultations@justice.gov.uk**

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[1] An API is a set of rules or protocols that enables software applications to communicate with each other to exchange data, features and functionality.

Part B: The OPRC's Inclusion Framework

Introduction

25. The OPRC is responsible for making rules governing the practice and procedure for online court and tribunal proceedings across the Civil, Family and Tribunal jurisdictions. The OPRC's stated aim is to improve access to justice for all by harnessing the potential of digital technology, not only within formal court processes, but also before any court or tribunal action starts.

26. As online and digital justice services expand, they offer transformative potential, but also risk reinforcing old barriers or creating new ones. Digital inclusion is one of the OPRC's primary concerns.

27. The OPRC's Inclusion Framework will seek to provide principles, standards and practical mechanisms to ensure that inclusion is embedded from the outset, in the design, implementation, and evaluation of procedural rules and services. Inclusion is central to upholding fairness, trust and access to justice in a digital age.

The Purposes of the Inclusion Framework

28. The Framework applies to all digital and hybrid services under the jurisdiction of the OPRC.

29. The purpose of the Framework is to:

- Provide a structured approach for embedding inclusion in the design of the Online Procedure Rules and the practice and procedure under those Rules, including their implementation in digital justice services.

- Support the OPRC in exercising its statutory powers with a view to securing that the practice and procedure under the Online Procedure Rules is accessible and fair (see section 19(3)(a) of the 2022 Act).

- Guide developers, designers, legal professionals and government partners in creating services that meet the needs of all users and

intended users, especially those who may face digital exclusion, low legal confidence or multiple interacting forms of disadvantage.

> **Question 1: Are these the right purposes for the OPRC's Inclusion Framework? If not, why not and what other purposes should the Framework have?**

The Scope and Aims of the Inclusion Framework

30.   The OPRC's Inclusion Framework:

- Places users at the centre of all its activities, particularly users affected by digital exclusion, language barriers or intersecting forms of disadvantage.

- Establishes foundational design principles, such as accessibility by default, plain language, video tutorials, chatbots and approaches informed by a user's experience and needs.

- Guides inclusive rulemaking and service design, with practical tools like the Rapid Inclusion Assessment to identify and mitigate exclusion risks from an early stage.

- Requires governance structures and accountability mechanisms, including engagement with people who have personal experience of relevant services, and transparent inclusion reporting.

- Establishes data standards to measure inclusion, to identify gaps, assess outcomes, and drive continuous improvement. Service providers should collect and use disaggregated data to understand who is being left behind, and why, and the OPRC should use these insights to inform both rulemaking and service design.

31.   The Framework is a guiding document, intended to assist rule writers, technology providers, service providers and policymakers. It offers a practical roadmap to build digital justice services that are not only efficient and scalable, but also fair, inclusive, affordable and accountable to the public they serve.

> **Question 2: Are these the right aims for the OPRC's Inclusion Framework? If not, why not and what other aims should the Framework have?**

Structure of the Inclusion Framework

32.   The draft Inclusion Framework is organised around the following core sections:

    (1)   Foundational Principles

    (2)   Digital Inclusion and Vulnerability

    (3)   Inclusive Rule Writing, Practice and Procedure

    (4)   Inclusive Digital Service Design

    (5)   Data for Inclusion and Accountability

    (6)   User Testing and Inclusive Service Improvement

    (7)   Justice Outcomes

    (8)   Governance and Accountability

33.   The next section of this public engagement document contains the 8 sections of the OPRC's draft Inclusion Framework.

34.   In considering the draft Inclusion Framework, readers should note that differences must be acknowledged between public and private service providers.

35.   Public sector services (e.g. HMCTS) are required to meet mandatory government accessibility and inclusion standards, such as the Government Service Standard standards and Web Content Accessibility Guidelines (the Public Sector Bodies Accessibility Regulations). These are enforced through internal assurance mechanisms, legal obligations under the Equality Act 2010, and service assessments.

36.   Private or third-party providers whose tools interface with the justice system — such as those integrated via APIs or listed on official platforms — should also be expected to align with these standards, even if not legally bound by them in the same way. The Framework sets an expectation that such providers demonstrate inclusive design, publish disaggregated usage data, and support vulnerable users. The extent to which providers may fall away if they are expected to meet these standards, e.g. on resourcing grounds, is a dimension to the debate this document seeks to facilitate.

37. Whilst inclusion standards for private providers are not directly enforceable through statutory powers of the OPRC, compliance may in due course be made a condition of procurement, inclusion in published lists or API access. This would enable a form of influence to ensure that all services contributing to the justice journey uphold principles of fairness, transparency, and accessibility.

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The Draft Inclusion Framework

Section 1: Foundational Principles

38.   Inclusion as a Justice Imperative: Inclusion in digital justice services is not a bonus feature. It is a fundamental requirement to ensure fairness, equity, and accessibility. The practice and procedure under the Rules should be accessible and fair (Section 19(3)(a) of the 2022 Act). Inclusive design of rules and services strengthens both procedural fairness and the integrity of the justice system.

39.   User-Centred Design: Users may face structural inequalities and access barriers. Design should therefore start with the needs of users, especially those facing overlapping and interconnected disadvantages, such as older disabled people, individuals with low income and/or limited English proficiency, individuals with limited (or no) access to legal services and individuals without access to digital technology (or digital assistance) or in areas with poor internet connectivity.

40.   Accessibility by Design: Services should be designed to meet or exceed the Public Sector Bodies Accessibility Regulations and be tested with assistive technologies, low bandwidths, and alternative input methods. Accessibility means removing physical, cognitive, linguistic, and psychological barriers. Design should account for limited device access, data poverty, language barriers and trauma, to shift the burden away from requiring adaptation from users and instead towards system adaptation.

41.   Data-Driven Design: Setting data standards, including what data to collect and how to interpret it, is a foundational responsibility to enable a responsive, transparent and accountable justice system that promotes inclusion. Services should be designed to generate meaningful data that can inform continuous improvement. This includes disaggregated data on usage, access patterns, drop-off points and outcomes, with safeguards for privacy, proportionality and ethical use.

Section 2: Digital Inclusion and Vulnerability

42.   Digital Inclusion: This means that all users, regardless of background, identity, or capability, can understand, navigate, and engage with digital justice processes from start to finish, without facing barriers. It

is shaped by a range of factors including income, age, geography, disability, literacy, culture and gender. It is central to realising access to justice in a digital age.

43.   Vulnerability within the Civil, Family and Tribunal Services: The OPRC will have regard to the current approaches to vulnerability in applicable jurisdictions. At present, these include:

- Civil Procedural Rules, Practice Direction 1A (Participation of Vulnerable Parties or Witnesses)

- Family Procedural Rules, Part 3A and Practice Direction 3AA (Vulnerable Persons: Participation in Proceedings and Giving Evidence)

- Employment Tribunals (England and Wales), Presidential Guidance: Vulnerable parties and witnesses in Employment Tribunal proceedings

- First-tier Tribunal (Immigration and Asylum Chamber), Joint Presidential Guidance Note No 2 of 2010: Child, Vulnerable Adult and Sensitive Appellant Guidance

44.   Supporting Vulnerable Users: Service providers should assess whether digital-only models would exclude core user groups and make adaptations to mitigate such exclusion. This includes:

- Offering non-digital and assisted digital routes to ensure users can get help via phone, video tutorials, chatbots or in-person, or with support from community-based intermediaries

- Supporting alternative sources of digital access such as through partnerships with public digital access points such as libraries, councils, legal clinics and health centres

- Developing services which enable intermediaries or advocates to act on a user's behalf.

Section 3. Inclusive Rule Writing, Practice and Procedure

45.   Plain Language and Procedural Clarity: The Rules should be both simple and simply expressed (Section 19(3)(b) of the 2022 Act), and practice and procedure under them should be accessible and fair. (Section 19(3)(a) of the 2022 Act). This includes the Rules' implementation through technology, and being:

- Clear, simple and jargon-free, with legal terms explained or avoided

- Available in different languages

- Accessible to users with low digital literacy and who may require online procedural assistance

- Responsive to the needs of vulnerable users

- Supported by procedural safeguards (e.g. human fallback and override, assisted options)

- Structured so as to enable users to understand what they need to do, why, and when, to enable procedural clarity and support access to justice.

46. Enabling Access: The Rules (and practice and procedure under them) should anticipate barriers and require services to provide inclusive support. For example, by enabling assisted digital routes. Further, as specifically required by statute:

47. Where the Rules require a person (a) to initiate, conduct or progress proceedings by electronic means, or (b) to participate in proceedings, other than a hearing, by electronic means, the Rules should also provide that, if the person is not legally represented, the person may instead choose to do so by non-electronic means (Section 19(6) of the 2022 Act).

48. Where the Rules require a person to participate in a hearing by electronic means, the Rules should also provide that a court or tribunal may, on an application or of its own initiative, order or otherwise direct that person, or any other person, to participate by non-electronic means (Section 19(7) of the 2022 Act).

Section 4. Inclusive Digital Service Design

49. This section applies to all online and digital and hybrid services developed or integrated under the jurisdiction of the OPRC, including those provided by public bodies (such as HMCTS) and non-public providers whose tools interface with the justice system (e.g., via APIs or official listings).

50. Research and Co-Design: When developing digital services, the provider should undertake inclusive user research relating to the users for whom the service is intended (on both sides). Where a service is

for the public, research should include users with experience of exclusion and validate assumptions through co-design and prototype testing with a representative sample.

51. Public Sector Design Standards: Public sector services should comply with mandatory Government Service Standard with enhancements for justice-specific needs, and accessibility standards, including the Public Sector Bodies Accessibility Regulations.

52. Non-Public Sector Inclusion Expectations: Non-public sector tools that interface with the justice system, should also demonstrate alignment with inclusive design principles. Where these tools perform a public function, integrate with court systems or are listed on government platforms, they should meet minimum standards, such as the Public Sector Bodies Accessibility Regulations and comply with the requirements of this Framework.

53. Inclusive Content and Language: Written content should use plain language, avoid legal jargon, and where appropriate reflect a reading age of 9–11. Where needed it should provide tooltips, video tutorials or short explanations. Multilingual or text to speech support should also be provided where possible to reflect the community of service users.

54. Legal Literacy Support: There should be embedded explanatory content, user guides in available translations, flowcharts, video tutorials and live chat. Design should empower users to make informed choices about their legal problems.

55. Embedded Inclusion Triggers: Design for public facing services should be embedded with 'inclusion triggers' that require services to consider alternative formats, community intermediaries or vulnerability indicators at critical user journey points.

56. Experience and Needs Based Design: Providers should ensure they use language appropriate for the users of their particular services, and consider the need to use friendly, reassuring language, and avoid 'triggering' language or overly formal interfaces. They should consider the emotional state of users, especially those with experience of past trauma arising within the context of the justice system.

57. Inclusion relating to APIs: Non-public sector service providers that seek access to court APIs, including providers in the pre-action space, should meet inclusion standards set out in this Framework. This includes compliance with accessibility standards (e.g. the Public Sector Bodies

Accessibility Regulations) offering multilingual support, embedding plain language, ensuring mobile optimisation, and publishing disaggregated data.

58. Service providers should demonstrate inclusive design and support for vulnerable users and it is intended the Inclusion Framework will include a check list to support this.

Section 5. Data for Inclusion and Accountability

Establishing Data Standards for Inclusion

59. To assess and improve inclusion across digital justice services, standardised data collection and analysis should be embedded as part of the design and delivery process. This includes:

- Complying with the data and technology standards for pre-action service providers in the OPRC's Pre-Action Model.

- Defining a core set of inclusion indicators (e.g. device access, digital confidence, need for assisted digital support). It is intended the Inclusion Framework would set out inclusion indicators.

- Encourage all services to collect data disaggregated by age, gender, disability, ethnicity, socio-economic background and location.

- Capturing system-level data such as drop-off rates, re-entries, and support channel use, and the points where these are happening.

60. Where services span multiple platforms or providers, data collection should be coordinated to ensure consistency and completeness.

Creating a Justice Inclusion Dataset

61. Where appropriate and safe, providers should develop an anonymised, service-wide dataset that supports:

- Identifying barriers faced by different groups

- Benchmarking services across platforms

- Generating insights to inform inclusive rulemaking and service redesign.

62.	This will enable both internal learning and independent scrutiny.

Privacy, Transparency and Continuous Improvement

63.	Whether pre-action or in court or tribunal proceedings, data collection should be transparent, proportionate, secure and designed with the user's rights in mind.

64.	In line with existing legislation and regulation services should:

- Provide clear explanations of what data is collected, why, and how it will be used

- Secure informed consent for optional data collection

- Uphold privacy, especially for marginalised users.

65.	Data insights should be published periodically to promote public trust and sector-wide learning, such as through quarterly inclusion reports to the OPRC and user advisory groups.

Section 6. User Testing and Inclusive Service Improvement

66.	Rapid Inclusion Assessment: All new services should undertake a Rapid Inclusion Assessment during early development. This is a lightweight checklist and supporting tool to identify likely exclusion risks early in development. A Rapid Inclusion Assessment would ensure that designers understand who is likely to be excluded and what mitigations are needed, at the beginning of the development process. It is intended both an Assessment Tool and a Rapid Inclusion Assessment checklist would be included in the Inclusion Framework.

67.	Inclusive Testing: Services should be tested with a diverse range of users, including those with accessibility needs, low literacy and low confidence. Involve users in iterative design cycles.

68.	Metrics and Monitoring: Providers should collect data on relevant metrics, such as task completion (whether users successfully complete the service and understand next steps), drop-off rates, assisted digital uptake, user confidence and satisfaction. This should include assessments of whether users understand their rights, options, and the consequences of their decisions. Success rates should be disaggregated by demographic group.

69. Feedback and Continuous Improvement: Providers should offer accessible and timely ways for users and support providers to give feedback. They should also publish their findings and improve the service based on input.

Section 7: Justice Outcomes

70. From Usability to Outcomes: This Framework recognises the significance of justice outcomes at both the user-level and system-level.

- User-level outcomes include increased understanding, confidence, resolution of issue, and ability to take next steps.

- System-level outcomes include fairness, procedural transparency, timeliness and accountability.

71. System and User-Level Measures: Where appropriate, providers should track outcomes at both the individual level (e.g. successful resolution and increased legal capability) and system level (e.g. reduced backlogs and increased reach to underserved groups). This includes user-reported understanding, resolution, empowerment and ability to act on decisions, and feedback from legal clinics or advisors.

Section 8: Governance and Accountability

72. Ownership and Responsibility: Providers of digital services are responsible and accountable for measuring inclusion across delivery teams and should incorporate inclusion key performance indicators in workplans and strategic governance documents.

73. Transparency: Providers should publish Rapid Inclusion Assessments, user research summaries, and service performance data. This should include disaggregated data on usage and task completion.

74. Advisory Groups: Inclusion metrics and this Framework should be reviewed in consultation with advisory groups, community justice organisations, support providers, and users for ongoing improvement.

75. Independent Review and Oversight: Providers should commission periodic reviews to assess adherence to this Framework, representation in user research and justice outcomes.

76. OPRC Oversight Role: As the rule-making body, the OPRC will seek to embed inclusion into its scrutiny of new or amended Rules (as well as

practice and procedure under them) and ensure that reporting on inclusion metrics forms part of its evaluation framework.

77.   Inclusion in Procurement: All procurement processes related to digital justice services should include clear criteria requiring providers to demonstrate how they will meet the inclusion principles outlined in this Framework. This includes expectations for accessible design, user testing with vulnerable groups, and publication of disaggregated usage data. Where possible the criteria should be measurable, benchmarked and enforceable.

78.   Right to Challenge: Users and intermediaries should be able to raise concerns about exclusionary features or barriers in digital justice services. A formal Right to Challenge mechanism will be considered so as to enable review by an independent body or oversight committee.

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79.   The appendices that will be created for the Inclusion Framework will follow this engagement exercise and will be shared in draft, for views, ahead of publication of the Inclusion Framework.

> **Question 3: Does the OPRC's draft Inclusion Framework correctly reflect the principles, standards and mechanisms necessary to ensure that digital inclusion is embedded from the outset in the work of the OPRC? If not, why not and what other principles, standards and mechanisms should the Framework include?**

Part C: The Draft Pre-Action Model

Introduction to the Pre-Action Model

80.	The OPRC's draft Pre-Action Model sets out a framework of principles and standards for pre-action online dispute-resolution and advice services. The principles and standards comprising the Pre-Action Model for the provision of digital pre-action services are intended to assist parties to understand their legal problems and resolve disputes without recourse to litigation.

81.	These principles and standards are intended, in the first instance, to acknowledge the developing ecosystem of such services and support its efficacy, growth and interoperability. In particular the Pre-Action Model sets out to guide the providers of such online services in two main areas: (i) to assist users successfully to navigate amongst the numerous providers of pre-action online dispute-resolution and advice services, and (ii) as to the data standards that will ensure public trust and the smooth transfer of data as people move between the various providers pre-action.

82.	The Pre-Action Model for the pre-action parts of the Digital Justice System is perhaps the most structurally ground-breaking part of the OPRC's remit. The current statutory foundation is in section 24 of the 2022 Act. To achieve the two objectives mentioned in the last paragraph, the OPRC may decide, in the future, to make rules for the principles and standards to be followed by service providers in the online pre-action space. Such rules would likely be accompanied by guidance.

83.	At the moment, however, the OPRC intends to publish its Pre-Action Model by way of guidance, rather than rules, to enable online pre-action dispute-resolution and advice service providers to align their services and data standards, over time, with those specified by the OPRC.

The Purposes, Scope and Aims of the draft Pre-Action Model

84.   The objective and purpose of the Pre-Action Model is to:

    (1)   Encourage wider public use of efficient and effective digital methods of identifying legal problems, accessing legal advice, and resolving disputes, including through use of artificial intelligence.

    (2)   Improve public access to the wide range of legal services available online.

    (3)   Help ensure disputes are resolved at the earliest and most appropriate level within the system, proportionate to the context of the case, to maximise positive outcomes for litigants and society.

85.   The Pre-Action Model is intended to apply to all online, digital and hybrid services under the jurisdiction of the OPRC. These services will include legal information, legal advice and dispute-resolution across the range of cases that would, were they in court, be heard in civil, family and tribunals jurisdictions. These may be public, private or third sector services, though it is currently anticipated that the pioneers will be private providers driving innovation and market disruption.

86.   The Pre-Action Model aims to encourage providers pre-action to adopt and follow principles and standards in the pre-action space that are consistent with those applied to online court-based dispute-resolution.

87.   A common framework of principles and standards adopted throughout the Digital Justice System for both pre-action online dispute-resolution and advice services and for online court and tribunal dispute-resolution proceedings will be hugely beneficial. It will facilitate the smooth transfer of data between pre-action public and private providers, and, where necessary, from those providers into the online court and tribunal dispute-resolution systems (such as Online Civil Money Claims, the new Property/Possession platform, and Damages Claims Online).

> **Question 4: Are these the right purposes, scope and aims for the OPRC's Pre-Action Model? If not, why not and what other purposes, scope and aims should the Pre-Action Model have?**

The Structure of the draft Pre-Action Model

88.   The draft Pre-Action Model is organised around the following core sections:

    (1)   Principles of the Pre-Action Model

    (2)   Principles for pre-action online service users

    (3)   Principles for pre-action online service providers

    (4)   Technical Standards for pre-action online service providers

89.   The next section of this public engagement document contains the 4 sections of the OPRC's draft Pre-Action Model.

90.   In considering the draft Pre-Action Model, readers should note that, as was the case with the draft Inclusion Framework and as has been mentioned above, differences must be acknowledged between public and private service providers. Both public providers of pre-action online services and private or third-party providers of pre-action online services should align their services with the principles and standards enunciated by the Pre-Action Model. This applies to those providers whose tools interface with the online courts and tribunals justice system — such as those integrated via APIs or listed on official platforms — as much as to those that do not do so.

91.   As mentioned already, the Pre-Action Model is not, at the moment, enforceable against private providers through statutory powers of the OPRC. Nevertheless, there will be benefits in meeting these standards and principles, and compliance may in due course be made a condition of procurement, inclusion in government lists or API access for HMCTS Services.

92.   The Technical Standards for pre-action online service providers need to be shaped with market participants, experts and stakeholders based on best practices, drawing on existing standards to the greatest degree. It is not the role or intention of the ORPC to reinvent the wheel or create conflicts with the many and various existing protocols. We encourage innovators and others to participate in shaping and establishing Technical Standards that are rigorous and engender trust, while also being practicable, dynamic and fit for the future. This includes the data requirements on which reporting will be required.

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The Draft Pre-Action Model

Section 1: Principles of the Pre-Action Model

Core objectives and principles

93.   The overriding objective is the promotion of access to justice, and enabling claims to be resolved quickly, efficiently and fairly, and at proportionate cost.

94.   Wherever possible, disputes should be resolved fairly, consensually and expeditiously without resort to litigation.

95.   Users of legal services should be informed and advised about legal issues to empower them to make decisions and resolve disputes where possible without going to court.

96.   Online and digital services providing legal information, legal advice and dispute-resolution should be intelligible and accessible to all users, accommodating diverse user needs with differing legal and digital capabilities, with a clear design that allows them to engage effectively with the process.

97.   Users and providers of online legal services should comply with the OPRC's inclusion framework.

Section 2: Principles for pre-action online service users

Conduct

98.   All users of services providing legal information, legal advice and dispute-resolution should comply with the following principles of conduct.

99.   They should adhere to the codes of conduct and terms of service published by the providers of online and digital services.

100.   They should treat the employees and agents of the online and digital service providers with respect and courtesy.

101.   They should treat other users of online and digital services with respect and courtesy.

102. They should respect and protect the confidentiality of information disclosed by other parties during online and digital dispute-resolution processes.

Co-operation

103. The parties to a dispute, which has been referred to a digital online dispute-resolution service, should so far as possible, co-operate with each other to ensure a fair, consensual and expeditious resolution. Co-operation includes the following requirements.

104. The parties should communicate openly and transparently, sharing sufficient information to understand each other's position.

105. They should identify what issues are in dispute and what is agreed.

106. Where possible, they should narrow the dispute.

107. They should identify and disclose any information and evidence relevant to the issues in dispute.

108. They should consider all appropriate methods of dispute-resolution with the aim of settling the issues without court proceedings.

109. They should adhere to agreed timetables to avoid delays.

110. They should minimise costs.

Section 3: Principles for pre-action online service providers

Transparency

111. All providers of online and digital services providing legal information, legal advice and dispute-resolution should comply with the following principles concerning the transparency of their services.

112. They should clearly state their areas of expertise and identify any limitations on the scope of the services they are able to provide.

113. Fee structures and billing practices for their services should be transparent and clear from the outset.

114. Policies for data retention and sharing should be transparent and clear.

115. They should have a conflict-of-interest policy, and any potential conflicts of interest should be disclosed.

116. They should collect anonymised data and provide periodic reporting as reasonably required to ensure compliance and transparency.

Accessibility

117. All providers of online and digital services providing legal information, legal advice and dispute-resolution should comply with the OPRC's Inclusion Framework, which will include complying with the following principles.

118. Services should be accessible to all users, regardless of age, disability, language, or digital literacy.

119. Appropriate measures should be taken to ensure that services are available to persons with disabilities.

120. Appropriate measures should also be taken to ensure that services are digitally inclusive.

121. Information about the services should be provided in plain language.

122. Provision should be made for users for whom English is not their first language.

123. Services should be accessible from all devices connected online, including mobile phones, and for users with low bandwidth.

124. Providers should maintain reliable online platforms for their services which should be innovated as required to accommodate technological developments and changes in the demand for services.

Confidentiality and privacy

125. All providers of online and digital services providing legal information, legal advice and dispute-resolution should comply with the following principles concerning confidentiality and privacy.

126. They should adhere to strict confidentiality standards.

127. They should create and maintain services that protect and respect users' privacy.

128. They should limit access to confidential information to authorised persons.

Governance and accountability

129.   All providers of online and digital services providing legal information, legal advice and dispute-resolution should comply with the following principles concerning governance and accountability.

130.   They should comply with applicable laws and regulations.

131.   They should adhere to professional codes of conduct and ethical guidelines.

132.   They should ensure that practices are fair and non-discriminatory.

133.   They should conduct regular audits of their services.

134.   They should establish and maintain a system of quality assurance, including regular checks and audits of services, and a system of seeking and responding to feedback from clients to ensure ongoing service improvement.

135.   They should demonstrate the financial sustainability including audits as to their own financial stability and the sustainability of their services.

136.   They should make provision for the publishing of key performance indicators as may be required.

137.   They should establish and maintain a clear and accessible complaints procedure.

Referral

138.   In order to facilitate the holistic nature of the Digital Justice System, all providers of online and digital services providing legal information, legal advice and dispute-resolution should make provision for referring cases and data in the following circumstances.

139.   They should establish, maintain and publish protocols for referring cases to other providers when the issues raised by a user are beyond the provider's expertise or not aligned with them, and ensure that all users of their services are given notice of such protocols.

140.   They should establish, maintain and publish protocols for receiving referred cases from other providers and ensure that all users of their services are given notice of such protocols.

141.   They should establish and maintain a system for the transfer of data to online court and tribunal dispute-resolution proceedings if requested or ordered.

Principles for providers of legal information in the Digital Justice System

142.   All providers of online and digital services in the Digital Justice System who are providing legal information should comply with the following provisions.

143.   All legal information provided should be accurate, up-to-date and regularly reviewed.

144.   Providers of information should clearly identify any disclaimers about the general nature of information and the need for specific legal advice.

Principles for providers of legal advice

145.   All providers of online and digital services providing legal advice should comply with the following provisions.

146.   They should comply at all times with their ordinary professional obligations and regulations, including maintaining adequate indemnity insurance.

147.   They should operate robust legal screening processes at all stages, including but not limited to screening for:

- safeguarding, in particular relating to allegations of abuse;

- whether urgent protective measures are required, including but not limited to jurisdictional disputes, non-disclosure and dissipation of assets;

- conflicts of interests, and the extent to which these impact participation in the pre-action model.

148.   They should analyse the legal issues to ensure users are directed to the appropriate resources, taking into account need and affordability.

149.   They should inform users at all stages of the legal (and non-legal) issues in their case and how these can most efficiently be resolved away from the court, referring users to the most appropriate next

step given their situation, whether this be information, further legal advice by another provider or dispute-resolution.

Dispute Resolution

150.   All providers of online and digital services providing dispute-resolution services should comply with the following provisions.

151.   They should maintain strict impartiality and neutrality.

152.   They should establish and maintain processes for checking against conflicts of interest.

153.   They should ensure that users are fully advised as to the options for dispute-resolution.

154.   They should be expert in the methods of dispute resolution provided and the types of disputes they are resolving.

155.   They should impose reasonable timelines for each stage of the dispute-resolution process with automated processes for users to receive status updates and reminders.

156.   They should provide clear explanations of procedures and timelines, including where appropriate tutorials for navigating the process.

157.   They should ensure safeguards for vulnerable users to prevent power imbalances.

Section 4: Technical and Data Standards for pre-action online service providers

158.   Pre-action service providers will need to meet a range of technical and data standards assuring optimal outcomes, the safety and trust of users, and the smooth transfer of data and people through the Digital Justice System.

159.   Providers of legal services in the public, private or third sector should:

- Design systems for their users

- Operate secure and trustworthy platforms

- Share data safely and consistently across the ecosystem

- Use technology, including Generative Artificial Intelligence (GenAI), in transparent and accountable ways

- Support user access, control, and portability of their data

160. The OPRC will assert several standards for providers, along with new or existing guidance, rules or protocols.

161. Much existing guidance may be fully or partly applicable to private sector providers, avoiding the need for novel or contradictory standards. For example, the GDS Service Standard applies to government-owned systems, but much of its guidance is valuable to private-sector providers. The OPRC could identify which provisions will apply or adapt the existing guidance into its own standards.

162. Providers will have some flexibility in how they apply the standards to the context of their services and needs of their users, with core, legal or baseline requirements to be met in all material aspects. Providers of information will have a lower burden than those managing cases and evidence end-to-end.

163. Providers should demonstrate **compliance** with all applicable laws, regulations and industry good practice, and any area-specific technical standards that may be required or published from time to time.

164. OPRC technical and data standards may include the following standards, that providers should adopt:

165. **Design systems for their users:**

Make systems simple to use (Government Service Standard 4).

(1) Make sure everyone can use the service (Government Service Standard 5 and **OPRC Inclusion Framework**).

(2) Ensure the system can be used by all relevant parties (including claimants, respondents, legal representatives and lay representatives).

166. **Operate secure and trustworthy platforms:**

(1) Ensure confidentiality, integrity and availability of user data (see Government Service Standard 9).

(2)   Follow modern security practices (e.g. encryption, multi-factor authentication, Zero Trust) (see ICO Security Outcomes, NCSC Cloud Principles).

(3)   Design systems to be resilient and reliable under load (see Government Service Standard 14).

(4)   Ensure secure user identification, authentication and authorisation (see Identity proofing and authentication, NIST SP 80-63).

(5)   Ensure secure communication with any external systems (see NCSC secure communication principles).

167.   **Share data safely and consistently across the ecosystem:**

1)   Facilitate interoperability and incoming/outgoing **data exchange** with other providers in the Digital Justice System, such as with the use of APIs (see GDS API guidance).

2)   Adopt **common data models,** schemas and ontologies to ensure consistent interpretation between systems and providers. Linked alongside this document is an example for an HMCTS Service: Civil Bulk Upload Service (CBUS) CNBC Customer Interface Definition v6.1.

3)   Ensure that online processes are integrated and compatible with online court and tribunal dispute-resolution proceedings and other online components of the Digital Justice System.

4)   Maintain **audit trails** for transparency, auditability and provenance of data and decisions.

5)   Publish machine-readable **metadata** about their services (such as jurisdiction, coverage, eligibility, opening hours and contact information).

6)   Publish summarised, anonymous aggregate data to evaluate user outcomes, ensure operability, compliance and transparency (Government Service Standard 10) and to support independent audit of their services.

168.   **Use technology, including generative artificial intelligence in safe, transparent and accountable ways**

(1) Ensure responsible use of AI and other technologies, focused on fairness, accountability and transparency, from training to usage, through design, governance, review and technical means. (See Government AI Playbook, Alan Turing Institute guidance on AI systems, and ICO guidelines).

(2) Ensure that decisions with legal consequence always involve **human oversight**, and the option for **human review.**

(3) Monitor and evaluate use of technology to ensure it is operating as intended.

(4) Publish information about how AI is used and tested.

169. **Support user access, control, and portability of their data**

(1) Only the data needed for a service should be collected and stored (see the Data Protection Act (DPA) and the Privacy and Electronic Communications Regulations (PECR)).

(2) Users should be able to access, export, and control their data.

170. The OPRC welcomes input on both how these standards could be developed most effectively to meet their objectives and on how they can be assessed, monitored or enforced.

Question 5: *Does the OPRC's draft Pre-Action Model correctly reflect the principles and standards necessary to promote the wider use of efficient digital processes, including artificial intelligence, to identify legal problems, provide legal advice, and resolve disputes promptly? If not, why not and what principles and standards should the Pre-Action Model include to achieve this?*

Question 6: *How can monitoring and compliance with the standards in the OPRC's draft Pre-Action Model best be achieved and what data would be required to achieve this effectively? Does it require accreditation or evaluation by a body and if so, what framework would work best?*

Question 7: *Does the OPRC's draft Pre-Action Model correctly reflect the principles and standards necessary to improve public access to the wide range of legal services available online? If not, why not and what principles and standards should the Pre-Action Model include to achieve this?*

Question 8: *Does the OPRC's draft Pre-Action Model correctly reflect the principles and standards necessary to promote the more efficient use of limited court resources by ensuring earlier pre-action resolution of disputes without court intervention? If not, why not and what principles and standards should the Pre-Action Model include to achieve this?*

Question 9: *Does the OPRC's draft Pre-Action Model correctly reflect the principles and standards necessary to facilitate the smooth transfer of data between pre-action public and private providers, and, where necessary, from those providers into the online court and tribunal dispute-resolution systems? If not, why not and what principles and standards should the Pre-Action Model include to achieve this?*

Question 10: *Does the OPRC's draft Pre-Action Model correctly reflect the means to develop, assess, monitor and/or enforce appropriate technical and data standards for the Digital Justice System? If not, why not and what means should the Pre-Action Model include to achieve this?*

Part D: Replying to the Public Engagement Document

Section 1: Engagement as widely as possible

171.   The OPRC wishes to receive responses from a wide a range of stakeholders reflecting as wide a range of views as possible, including members of the public, the Law Society, the Bar Council, CILEX, specialist legal associations, court users and user groups, consumer rights groups, academics and researchers, regulators including the SRA, BSB and CMA, existing providers of services and organisations considering the provision of services in future.

Section 2: Practical Information and Next Steps

172.   Completed response forms should be sent to OPRCConsultations@justice.gov.uk by 5pm on Friday 19 September 2025. The response form can be found on the OPRCs web page.

173.   On 16 July 2025 the OPRC will conduct a Public Engagement Event, hosted by the Law Society to facilitate initial debate on the issues raised by this document.

174.   On the 20 October 2025 the OPRC will hold its first open/public meeting where the responses to this document will be discussed.

175.   Details on how to join this meeting will be made available on the OPRCs web page soon.

176.   A summary of responses received from this engagement exercise will be published on the OPRC's web page in advance of the meeting.

177.   The OPRC will set out its response and next steps in early 2026.

Section 3: Summary of Questions Posed by this Public Engagement Document

Inclusion

Question 1: *Are these the right purposes for the OPRC's Inclusion Framework? If not, why not and what other purposes should the Framework have?*

Question 2: *Are these the right aims for the OPRC's Inclusion Framework? If not, why not and what other aims should the Framework have?*

Question 3: *Does the OPRC's draft Inclusion Framework correctly reflect the principles, standards and mechanisms necessary to ensure that digital inclusion is embedded from the outset in the work of the OPRC? If not, why not and what other principles, standards and mechanisms should the Framework include?*

Pre-Action Model

Question 4: *Are these the right purposes, scope and aims for the OPRC's Pre-Action Model? If not, why not and what other purposes, scope and aims should the Pre-Action Model have?*

Question 5: *Does the OPRC's draft Pre-Action Model correctly reflect the principles and standards necessary to promote the wider use of efficient digital processes, including artificial intelligence, to identify legal problems, provide legal advice, and resolve disputes promptly? If not, why not and what principles and standards should the Pre-Action Model include to achieve this?*

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Pre-Action Model (Continued)

Question 9: *Does the OPRC's draft Pre-Action Model correctly reflect the principles and standards necessary to facilitate the smooth transfer of data between pre-action public and private providers, and, where necessary, from those providers into the online court and tribunal dispute-resolution systems? If not, why not and what principles and standards should the Pre-Action Model include to achieve this?*

Question 10: *Does the OPRC's draft Pre-Action Model correctly reflect the means to develop, assess, monitor and/or enforce appropriate technical and data standards for the Digital Justice System? If not, why not and what means should the Pre-Action Model include to achieve this?*

July 2025