



Ministry  
of Justice

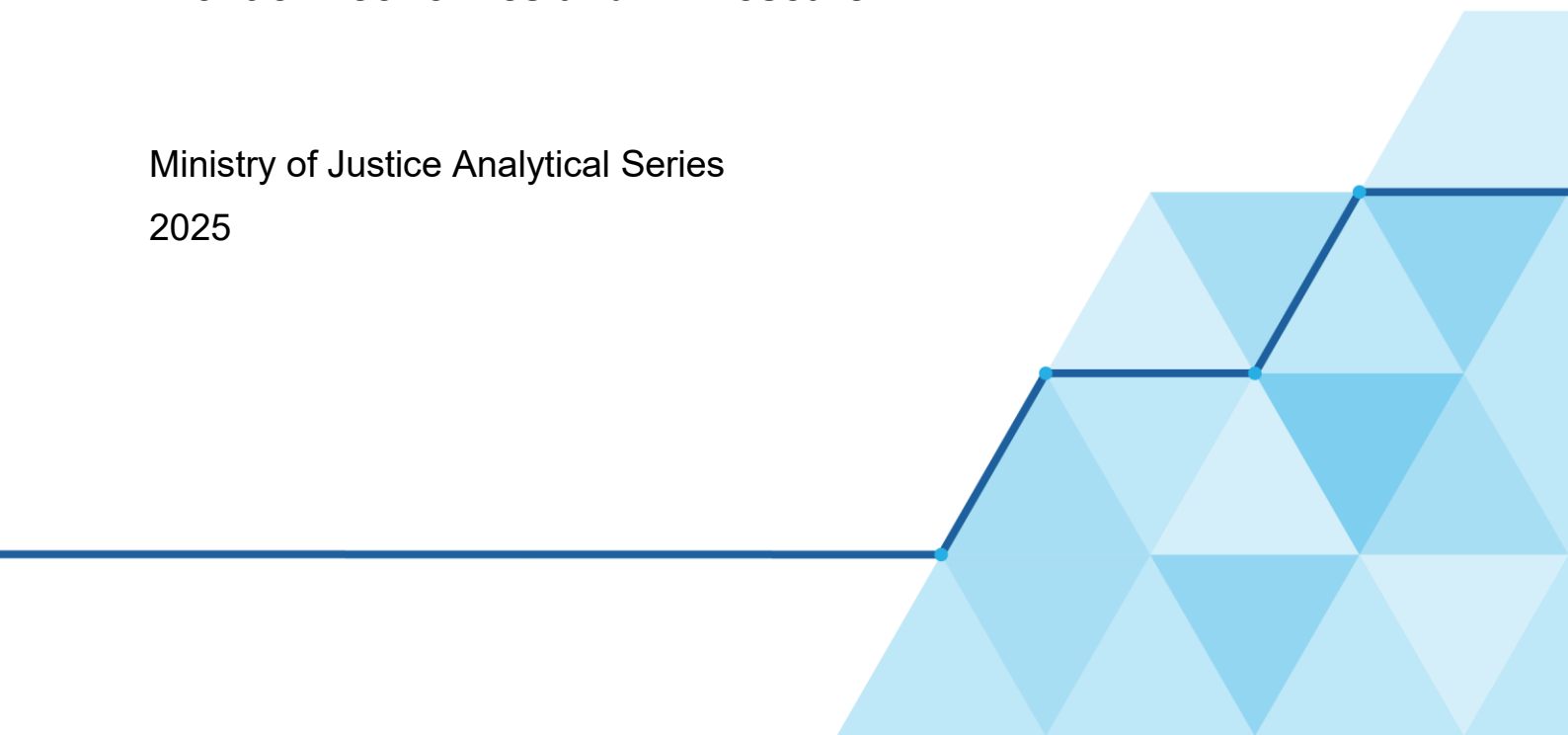
# HMCTS Reform Digital Services Evaluation

## Supplementary Report: Probate

A report summarising overarching findings and methodology across seven digital services is available here: [HM Courts & Tribunals Service Reform: Digital Services Evaluation - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/91444/HMCTS_Digital_Services_Evaluation.pdf)

**Frontier Economics and IFF research**

Ministry of Justice Analytical Series  
2025



Analysis exists to improve policy making, decision taking and practice by the Ministry of Justice. It does this by providing robust, timely and relevant data and advice drawn from research and analysis undertaken by the department's analysts and by the wider research community.

## Disclaimer

The views expressed are those of the authors and are not necessarily shared by the Ministry of Justice (nor do they represent Government policy).

First published 2025



© Crown copyright 2025

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3)

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

Any enquiries regarding this publication should be sent to us at [researchsupport@justice.gov.uk](mailto:researchsupport@justice.gov.uk)

This publication is available for download at <http://www.justice.gov.uk/publications/research-and-analysis/moj>

ISBN 978 1 911691 83 9

# Contents

HMCTS Reform Digital Services Evaluation	1
Supplementary Report: Probate	1
<b>Contents</b>	<b>2</b>
<b>1. Executive summary</b>	<b>4</b>
1.1 Introduction	4
1.2 Design	4
1.3 Findings	5
1.4 Implications	9
<b>2. Introduction</b>	<b>10</b>
2.1 Introduction to the probate service	10
2.2 The probate digital reform – objectives, features and eligibility	10
2.3 Evaluation objectives	12
<b>3. Impact evaluation - Contribution Analysis</b>	<b>14</b>
3.1 Contribution claims and evidence sources	14
3.2 Analysis	15
3.3 Limitations	30
3.4 Contribution Narrative	31
<b>4. Process evaluation</b>	<b>34</b>
4.1 Process evaluation analysis	34
4.2 Probate process evaluation findings	35
4.3 Potential improvements	62
<b>5. Conclusions</b>	<b>64</b>
5.1 Impact evaluation key findings	64
5.2 Process evaluation key findings	64
5.3 Implications	65
<b>References</b>	<b>67</b>
<b>Appendix A</b>	<b>69</b>
Probate logic model	69
<b>Appendix B</b>	<b>71</b>
Probate impact evaluation technical appendix	71
MI data analysis supporting information	71

Volume of cases and period of analysis	71
Types of cases included in the analysis	72
Data on the characteristics of the users	73
Summary of scope and detailed data preparation steps	75
<b>Appendix C</b>	<b>78</b>
Probate fieldwork summary	78
<b>Appendix D</b>	<b>79</b>
Ethical Considerations	79

# 1. Executive summary

## 1.1 Introduction

In 2016, HMCTS launched a reform programme to bring modern technology and new ways of working to the courts and tribunals system to better ensure it is just, proportionate and accessible. The reform included digitalisation of several services, with the aim of enabling public users and legal professionals to start and manage cases digitally, reducing time, effort and cost, and leading to improved access to justice. This report outlines the evaluation of the digital reform of the probate service.

The probate service facilitates the general administration of a person's property, money, and possessions (their 'estate') after they are deceased. Before the digital reform, the process of applying for probate was paper-based only. Applications were sent by post or handed into the probate registry.

The probate digital reformed service enabled public users and probate professionals to complete and submit applications digitally, view cases online, undertake 'Statements of Truth' online, pay online, track application progress on the MyHMCTS platform and receive digital support with using the service. For HMCTS staff, the digital reform means case processing is completed digitally on the Manage Cases platform.

The objectives of the probate service digital reform were to improve user satisfaction by building a service around public users' needs to reduce unnecessary anxiety at a difficult time. The service also aimed to improve access to the formal justice system by creating a simpler system that is more informative and less intrusive.

## 1.2 Design

The evaluation of the reformed probate service aimed to understand:

- who is using the new digital service, and to what extent.
- what can be learned about the implementation of digitalisation.



- how users are experiencing the digitalised probate service.
- what outcomes are associated with the probate service digitalisation, and how these contribute to a justice system that is proportionate, accessible, and just.

The evaluation consisted of a theory-based impact evaluation using contribution analysis and a process evaluation. Both evaluations drew upon analysis of administrative data, surveys and interviews with key user groups.






### 1.3 Findings

The key findings of the evaluation of the probate service are summarised in Tables 1 and 2 below. Table 1 summarises the evidence for reform's contribution to changes in outcomes. It presents a summary of the relevant evidence against each contribution claim, whether this evidence was consistent with that claim or not, and to what extent the analysis confirms the claim.

**Table 1 Summary of Contribution Analysis**

	Contribution claim	Summary of evidence	Conclusion
1	User-centred functionality leads to ease of use and better access to justice.	<p> There was a steady increase in digital uptake by public users and probate professionals over the analysed period.</p> <p> Lower digital uptake for applicants without English or Welsh<sup>1</sup> as their main language. Also, longer case durations and higher withdrawal rate for applicants without English or Welsh as their main language in the digital route.</p>	<p>There is mixed evidence of the reform's contribution to digital uptake and, therefore, access to the justice system.</p> <p>Alternative contributors include a general increase in digital confidence in the wider population.</p> <p>There are some concerns that digitalisation is not enhancing access to justice for some user groups.</p>

<sup>1</sup> As this represents a relatively small proportion of cases, and no paper cases, this finding should be treated with caution.

		 General population improvements in digital confidence over the same period.	
2	Digitalisation reduces processing and correspondence time, improving efficiency and speed of access to justice.	 No consistent improvement in the average case duration for public users over the reform period.   Observed improvement in average case duration for probate professionals after the digitalised service was mandated.	There is mixed evidence that the digital reforms contributed to improvements in case duration for represented cases after the digital service was mandated for legal representatives.
3	Digital features and support reduce the rate of user and administrative errors, leading to higher user satisfaction.	 No consistent improvement in indicators of user and administrative errors for public users.   Substantial improvement in indicators of user and administrative errors for probate professionals after the mandate.	There is tentative evidence that the digital reforms contributed to improvements in reductions of administrative errors after the digital service was mandated for probate professionals.

Source: Frontier Economics




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

Table 2 summarises the main findings for each of the process evaluation's research questions, and whether the evidence reflects positive or negative experiences of the implementation and use of reformed systems.

**Table 2 Summary of process evaluation**

	Research question	Summary of findings
1	Was the service implemented as intended?	<p>⊕ Probate professionals reported that most straightforward probate applications were being processed through the digital system.</p> <p>⊕ Probate professionals HMCTS staff and public users reported the process of applying digitally was easier and quicker than the legacy system (for straightforward applications).</p> <p>⊖ The time taken to grant probate was perceived by probate professionals to be longer and more unpredictable than under the legacy system.</p> <p>⊖ More training for probate professionals could have reduced time spent on 'trial and error' learning with MyHMCTS.</p> <p>⊕ Probate professionals reported MyHMCTS usability and functionality had improved since initial implementation (which few were satisfied with).</p>
2	How do the new digital processes facilitate or impede access to justice in practice?	<p>⊕ Nearly all public users were satisfied with their case outcome.</p> <p>⊕ Probate professionals had mixed views on whether the change to MyHMCTS had reduced access to justice or not.</p>
3 and 4	The types and levels of user and case (administrative) errors: why do these occur, and how do these compare to the non-digital process?	<p>⊖ HMCTS staff reported instructions provided to public users during an online probate application were insufficiently clear, leading to public user errors, including around tax calculations.</p> <p>⊖ Probate professionals reported that communication with HMCTS staff was very difficult, and support staff were less well-informed than</p>



		<p>under the legacy system. They stated that this resulted in them having to submit information they knew would be queried later in turn resulting in longer resolution time for errors.</p> <p>❓ There is no evidence around whether case errors are less common or not.</p>
5	How consistent are processes between digital and non-digital channels?	<p>❓ Probate professionals tended to report that service standards were inconsistent between the legacy and reformed systems, but there was limited evidence about the consistency of processes between digital and paper channels (as applications using each route were too different to compare).</p>
6	What are the barriers and enablers to accessing digital services, and do these vary across user characteristics?	<p>⊖ Awareness of HMCTS general support was low amongst public users.</p> <p>⊖ Probate professionals report centralisation of processing and support has negatively affected their ability to process more complex cases.</p> <p>⊕ Dropouts (moving from the digital system to paper) for straightforward probate applications were reported to be rare by both HMCTS staff and probate professionals (although frequent for complex cases).</p>
7	How does the new digital process impact users' experience?	<p>⊕ 84% of public users were satisfied with the HMCTS service (no comparable data was available for the legacy system).</p> <p>⊖ More probate professionals were dissatisfied than satisfied with the service, but most preferred MyHMCTS to the legacy system.</p>

Source: IFF research

Note: ⊕ positive; ⊖ negative; ⊖ mixed/neutral; ? unavailable/unclear

## 1.4 Implications

Several suggestions for improvements to the digital probate service emerged from the findings. The key areas these focused on included:

- Improving some of the key features of the service such as providing a visual overview of the stages of the process, allowing copies of wills to be uploaded, redesigning the statement of truth layout and providing function in MyHMCTS to archive old or unsubmitted applications.
- Raising awareness of existing HMCTS training, guidance, and technical support and how to access it, alongside providing additional training for support staff to enable them to deal with more complex queries.
- Clarifying parts of the process for service users and professionals by providing clearer explanations of some requirements and reviewing some of the language used on the system.
- Offering users better and more frequent communication, for example, by acknowledging submissions, providing timeframes for case progressions and responding to email enquiries faster.

## 2. Introduction

### 2.1 Introduction to the probate service

The probate service facilitates the general administration of a person's property, money, and possessions (their 'estate') after they are deceased.

The process for obtaining probate varies depending on whether there is a will or not. If there is a will, the person nominated as 'executor' in the will can apply for a Grant of Probate. If there is a will but the 'executor' is not named,<sup>2</sup> an administrator will need to be appointed. In this situation, the administrator can be anyone who has a legal right to administer the estate through a Letter of Administration with the will annexed (also known as Admon Will). If there is no will, the rules of intestacy apply, wherein the closest living relative (usually the husband/ wife/ civil partner followed by any children aged 18 or over) can apply for a Letter of Administration.

Before the digital reform, the process of applying for probate was paper based only. Applications were sent by post or handed into the probate registry. Moreover, probate applicants had to visit the probate registry at least once during the process to swear an oath to confirm their right to administer the estate.

### 2.2 The probate digital reform – objectives, features and eligibility

The key overarching digital reform objectives are centred around building a better service for the user. The probate-specific digital reform objectives were:

- improving user satisfaction by building a service around public users' needs; and
- improving access to the formal justice system by creating a simpler system that is more informative and less intrusive.

---

<sup>2</sup> Or the executor has died before the will was amended.

The Logic Model in Appendix A sets out in more detail how the digitalisation of probate was anticipated to achieve these objectives. Table 3 presents the user-centred features introduced as part of the reform.

**Table 3      User-centred functionality features of probate digital reform<sup>3</sup>**

Public users and probate professionals
<ul style="list-style-type: none"> <li>• Complete and submit the application digitally.</li> <li>• Pay for the application digitally (public users).</li> <li>• View the case online.</li> <li>• Receive digital support through the National Digital Support service if they cannot use, or are less comfortable with, the digital service (public users).</li> <li>• Receive support from Courts and Tribunals Service Centres (CTSC) to complete applications.</li> <li>• Undertake a 'Statement of Truth' digitally instead of having to visit probate registry to swear an oath (public users). Undertake a 'Statement of Truth' digitally instead of via a postal submission (probate professionals).</li> <li>• Track application progress on the MyHMCTS web platform (probate professionals).</li> </ul>

Source: Frontier Economics based on Gov.uk

Both public users and probate professionals in most cases are required to send original documents by post to the probate service even when applying through the digital service. Once received, the documents are digitalised (bulk-scanned) and incorporated into the digital file.

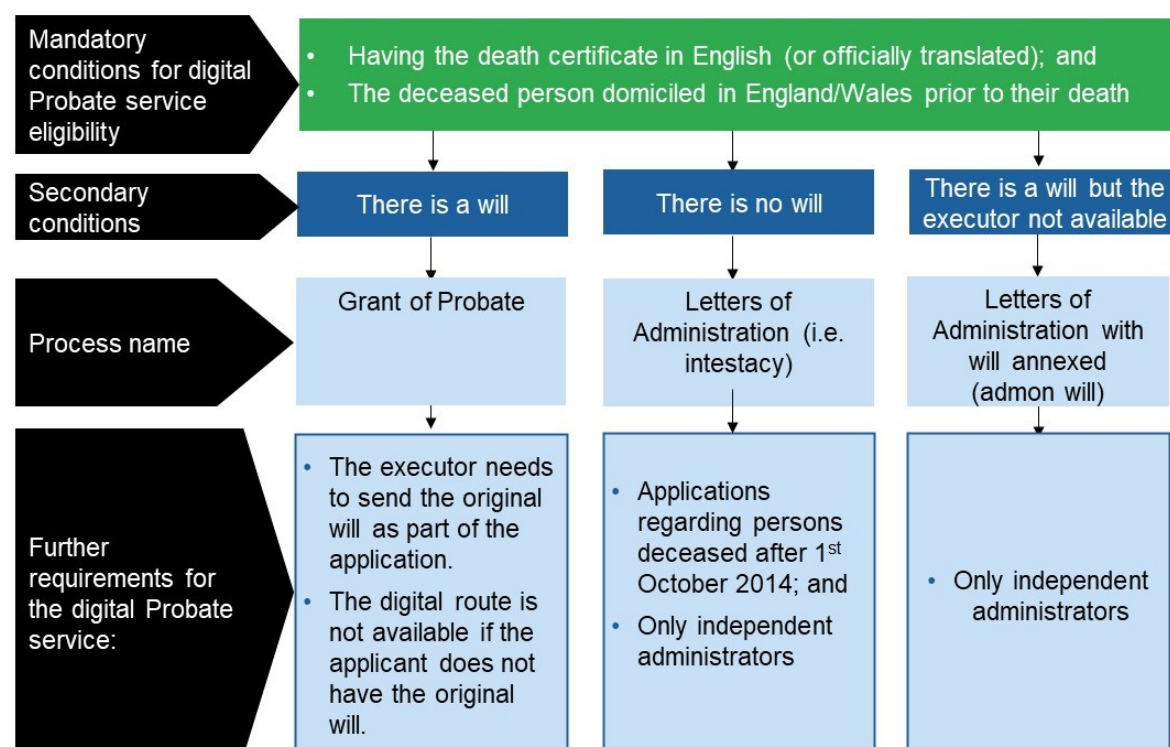
The Probate digital service was first released for public users in July 2018, for cases where there was a will. In March 2019, the case progression of the probate digital cases was transferred from local Probate Registries to the Court and Tribunal

<sup>3</sup> During the period covered by this research.

Service Centres (CTSC) and in July 2019, the service was expanded to become available for public users without a will. Public users could still choose to use paper-only or digital services. The digital service for probate professionals was released in October 2019. In November 2020, the digital service was mandated for probate professionals.<sup>4</sup>

Figure 1 sets out the probate cases that were eligible for the digital service at the time of this research.

**Figure 1 Eligible cases for the digital service**



Source: Frontier Economics based on Gov.uk

For HMCTS staff, the digital reform meant case processing was completed digitally on the Manage Cases platform.

## 2.3 Evaluation objectives

Evaluation of the reformed probate service aimed to understand:

<sup>4</sup> Note that there are exceptions to the mandate to use the digital service. Please see following link for the cases where probate professionals need to apply for probate by paper: <https://www.gov.uk/guidance/apply-for-probate-on-paper-as-a-practitioner>

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

## 3. Impact evaluation - Contribution Analysis

### 3.1 Contribution claims and evidence sources

Contribution analysis aims to assess to what extent the intervention can reasonably be considered to have contributed to the observed changes in the outcomes. Where feasible analysis was also undertaken explore differences between sub-groups. Further information on methodology can be found in the overarching evaluation report.<sup>5</sup>

The analysis tested whether the introduction of the digitalised probate service has contributed to three outcomes (**the contribution claims**):

1. The user-centred functionality features in Table 3 should make it easier for a wider range of public users to start their probate applications themselves, reducing the need for representation. This should lead to increased satisfaction and perceived ease of use of the service, leading to increased accessibility to the formal justice system. For probate professionals, the digital features of the reform should lead to an easier and more streamlined working process with HMCTS. This should lead to increased satisfaction and ease of use of the service.
2. The digital features should reduce the time and resources required for case correspondence, processing, and clarifications for public users and probate professionals. This should lead to a shorter average time to complete all or some stages of the user journey, contributing to a more efficient use of resources.
3. The digital features should help public users and probate professionals reduce user and administrative errors, leading to more effective resource usage (less time spent returning applications). This should, in turn, increase user satisfaction.

---

<sup>5</sup> Available at: [HM Courts & Tribunals Service Reform: Digital Services Evaluation - GOV.UK](#)

This analysis drew on evidence from:

- **Management Information (MI)** data relating to over one million probate cases for the period March 2019 to June 2022. The MI data included information about channel (digital or paper), the average duration for completed cases, information about stopped and withdrawn cases.
- **Protected Characteristics Questions (PCQ) data.**<sup>6</sup> From June 2020, 45% of all eligible (digital, unrepresented) cases have information on at least one PCQ, equating to 68,199 cases.
- A **survey** of 731 public users and a separate survey of 655 probate professionals.
- **Qualitative interviews** with 14 public users, nine probate professional users and one HMCTS staff member.
- **Insights** from HMCTS internal stakeholders to identify mechanisms through which the digital service might have contributed to observed trends in the MI data and provide possible alternative explanations.

Further details of the methods, data, and limitations surrounding this analysis can be found in Appendix B and in the overarching report. A summary of fieldwork can be found in Appendix C. Discussion of ethical considerations can be found in Appendix D.

## 3.2 Analysis

### 3.2.1 Digital service uptake

**The uptake level of the Probate digital service is indicative of the extent to which it is accessible to the target population.** An easily accessible digital service should see a substantial and consistent increase in its levels of uptake. The proportion of paper cases should decline over time, particularly after the digital service is mandated for probate professionals.

---

<sup>6</sup> Further information about the available PCQ information can be found in Appendix B.

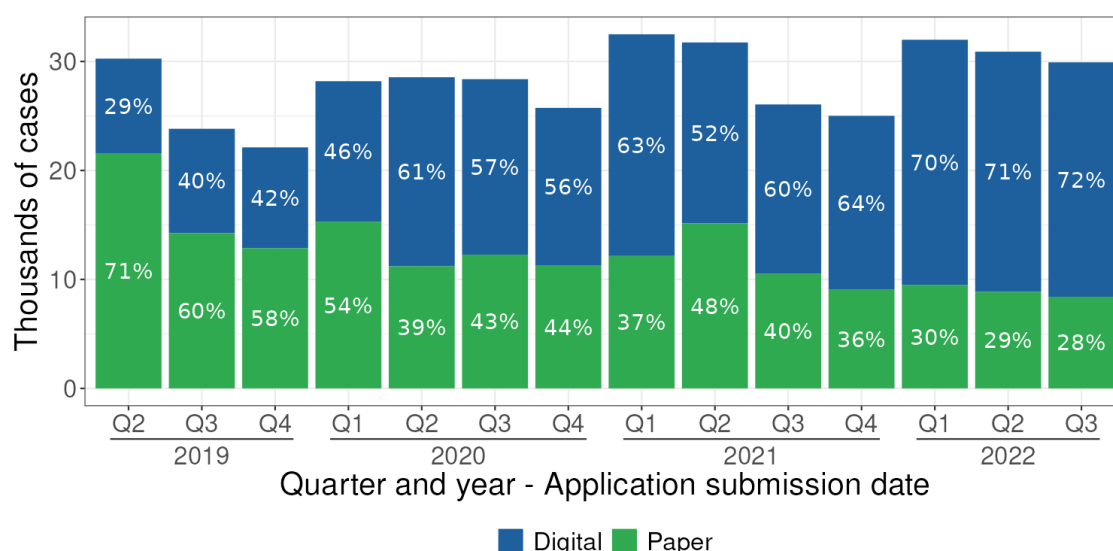


### 3.2.1.a Management Information findings/results

The analysis assessed the trends in the total case volumes for public users and probate professionals over the period in scope. The data included the channel of submission (digital or paper) for both user categories, which allowed the analysis of digital uptake.

Figure 2 shows a positive increase in digital service uptake by public users over the analysis period, from 29% (of all cases) in Q2 2019 to 72% in Q3 2022. Over the same time, the total number of cases remained relatively steady, with some variation between 25,000 to 32,000 cases per quarter.

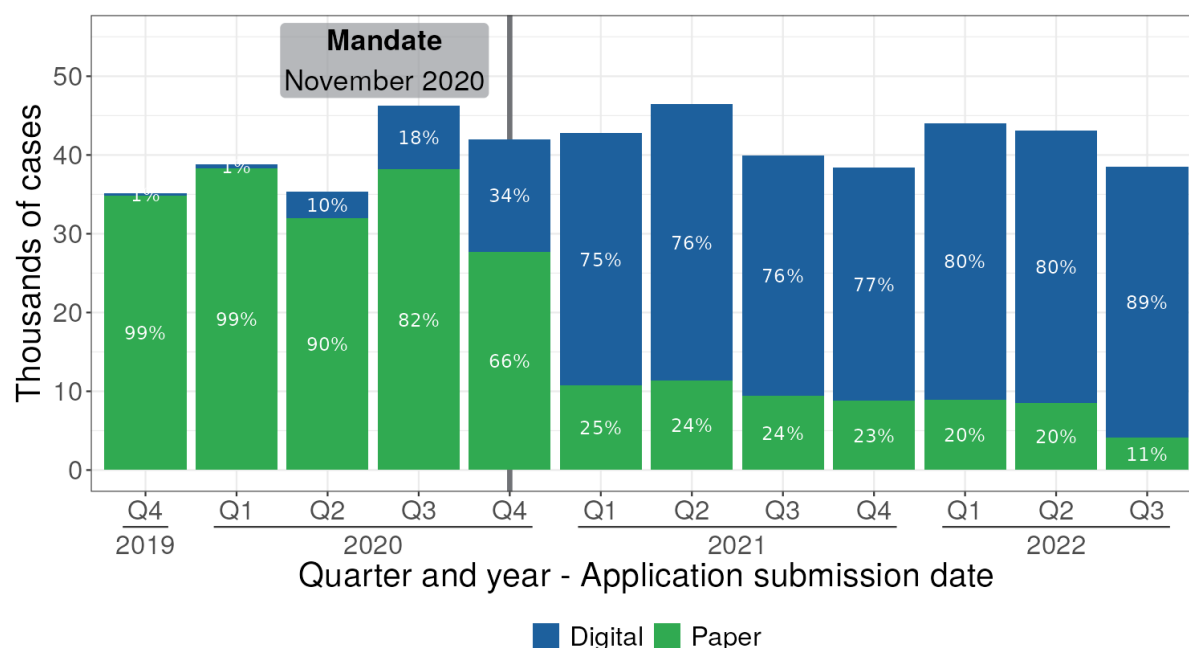
**Figure 2 Public users – quarterly case volumes by route - Q2 2019 to Q3 2022**



Source: Frontier Economics based on data from MoJ

Figure 3 shows that the uptake of the digital service has increased for probate professionals. Digital cases increased from a negligible proportion in Q4 2019 to 89% in Q3 2022. Digital uptake increased substantially from November 2020, when the digital service was mandated for probate professionals. After the mandate, complex cases were still allowed to use the paper service. This can explain the small number of cases that remain paper-based after the mandate. Over the analysis period, the number of total cases led by probate professionals varied across the quarters, typically in the range of 35,000 to 45,000 cases per quarter. The data shows no clear trend of fewer applicants seeking legal representation for probate cases after the reform rollout.

**Figure 3 Probate professionals – quarterly case volumes by route - Q4 2019 to Q3 2022**



Source: Frontier Economics based on data from MoJ.

Note: The grey line in November 2020 marks the introduction of the mandate for probate professionals to use the digital service.

### 3.2.1.b Contribution of the reform

Evidence from fieldwork and consultation with internal stakeholders identified several ways in which the reform may have contributed to the observed trends for public users:

- **User-focused features of the reform:** The digital service offers users information and guidance on completing their applications. This, coupled with the removal of the requirement for applicants to swear an oath in person at the registry for the post-reform service for both paper and digital cases, is likely to have made the probate service more accessible. The streamlined service is also likely to have made users more able to obtain probate themselves without needing a solicitor, for example, because they do not have to fill out complex paper forms. Interviews conducted with public users supported this claim. For example, one public user said it enabled them to make their application '...there and then' and the digital channel was perceived as '...less of a hassle' than the paper route. Another mentioned that:

'It was just the ease of it which was brilliant ... it was easy and you are not waiting months and needing a solicitor may not be required'.

### **Public user (Probate)**

- **Previous use of the probate service and other digital services:** Three of the thirteen public digital users interviewed mentioned that they had used the probate service in the past. They chose the digital service this time because they had perceived it to involve less 'paperwork'. In addition, several of the interviewed public users mentioned positive past experiences with other government online services (e.g., tax returns) as another driver for choosing the digital probate service.

For probate professionals, evidence from consultation with internal stakeholders identified several ways in which the reform may have contributed to the observed trends:

- **Introduction of the mandate for probate professionals to use the digital service:** In November 2020, the mandate was introduced for probate professionals to use the digital service for all probate cases, other than the most complex cases. The sharp increase in digital uptake from Q1 2021 indicates that the mandate substantially impacted the digital uptake. The relatively small but significant number of cases that remain paper-based are likely to be complex cases that were not eligible for the digital channel. The survey of probate professionals further corroborates this hypothesis, with a large majority (86%) of respondents indicating that the mandate is their reason for using digital services. Half (50%) of respondents said they would use MyHMCTS if the service was not mandated, and an additional fifth (21%) reported that their channel decision would depend on the characteristics of the case.
- **Early technical issues with the digital service:** Although the digital service was available for probate professionals from Q4 2019, the uptake was very low. Internal stakeholders indicated there were technical issues and implementation barriers in those early months that deterred probate professionals from switching to the digital service. This could potentially explain the low usage of the digital

service at the start until these issues were resolved. That said, only 2% of probate professionals who responded to the survey indicated they had experienced no technical issues on MyHMCTS. Out of the other 98% who had experienced technical issues, less than half (41%) reported receiving support.

- **Probate professionals were unprepared for the MyHMCTS platform during early implementation:** Fieldwork revealed that in addition to technical issues, almost two-thirds (63%) of probate professionals felt unprepared for working with the MyHMCTS digital platform at the initial stage of the reform rollout. As one probate professional stated in an interview:

"It's all quite straightforward now in 2023, but it has been reformed several times and guidance has been issued and we've shared experience amongst practitioners so now, that's fine. Back then in 2018 it was not!"

**Probate professional**

- **Adaptation of the digital service in response to user feedback increased later uptake:** Internal stakeholders indicated that HMCTS's quick and effective response to early feedback might have assisted in creating a more accessible service in the later stages. This is corroborated by the positive views probate professionals currently have about digital services. In the survey of probate professionals, at least 50% of respondents found that the digital service was "easy".<sup>7</sup> That said, some further improvements might still be required. As one interviewee mentioned:

"Once logged in, the system is relatively easy to use, a little bit clunky..."

**Probate professional**

### 3.2.1.c *Alternative explanations*

Evidence from fieldwork and consultation with internal stakeholders identified only one plausible alternative explanation for the observed trends in the uptake of the

---

<sup>7</sup> Based on answers to Q B11/B12: "How easy or difficult did you find the following stages?". "Easy" refers to answers "Very easy" and "Fairly easy". The only exceptions were the "tracking the progress of cases" and "editing case information" stages where only 44% and 40% of respondents respectively indicated that the process was "easy".

digital probate service. Further evidence, however, might highlight other explanations.

- **General trends in levels of digital confidence and capability:** HMCTS stakeholders indicated that some users might not have had the required digital capabilities to use the Probate digital service at the early stages of its rollout. The onset of COVID-19 in March 2020 may have helped the overall improvement of the population's digital skills and expedited the use of digital services among the public. Research by BT found that 60% of the general public (including a majority of those aged 50 or over) feel more confident using digital public services themselves than before the pandemic (Taylor, Cardwell, & Harden, 2021). This general shift is further supported in an evidence review by DWP (2024). This suggests that there could potentially have been a greater openness to try an online option during the period covered by this analysis. This is consistent with the upward trend in digital uptake observed for both public users and Probate professionals.

### **3.2.2 Case management outcomes**

**The average time for a probate case to conclude indicates how the reform's digital features support proportionate and efficient service provision.** Reducing the time required to complete a probate case should reduce the resources required throughout the whole process, both for service providers and users. Moving more of the caseload to digital channels should reduce the time needed to physically handle case documents. This should then free up time in the system for other cases.

#### **3.2.2.a Management Information**

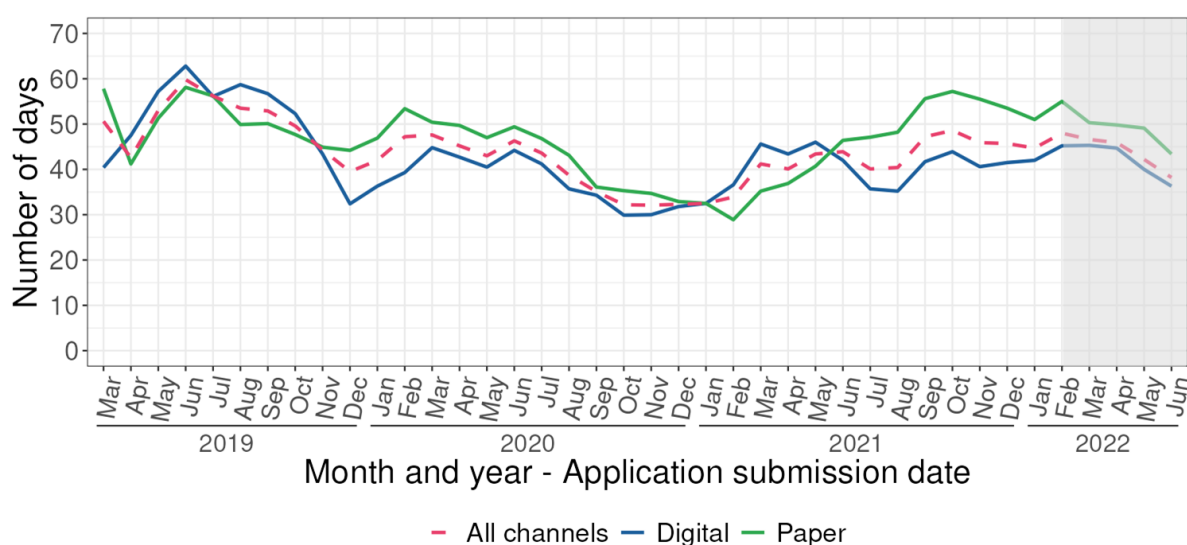
Case duration analysis used the date of application submission and date of case completion (date of grant issue).

The duration of cases submitted after February 2022 will be biased towards shorter case lengths, as these cases had less time to reach an outcome by October 2022 and completed cases therefore excluded the more complex cases which take longer to conclude. The proportion of public user cases that reached an outcome in March 2022 was 85%, decreasing to 57% in June 2022. A similar trend was observed for

represented cases, where the completion rate was 83% for cases submitted in May 2022, and 50% for cases submitted in June 2022.

Figure 4 shows a mixed picture of the average case duration for public users. Trends in paper and digital case durations varied across the period and were similar overall. Since May 2021, digital cases have been completed quicker than paper ones. During 2021, staff capacity issues gave rise to backlogs in caseload, affecting case processing.

**Figure 4 Public users - monthly average (mean) case duration - March 2019 to June 2022**

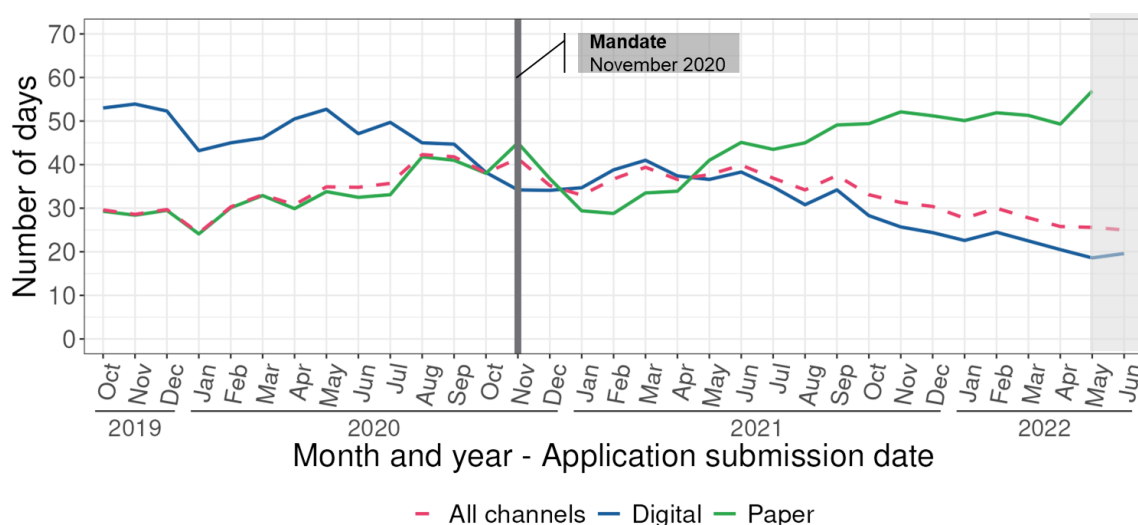


Source: Frontier Economics based on data from MoJ

Note: Grey-shaded areas (from Feb 2022) correspond to times when analysis is limited due to a small sample of digital cases and a high proportion of outstanding cases.

Figure 5 shows that for a short period immediately after the digital service mandate was introduced (November 2020), represented digital cases took longer to complete than paper cases. However, since April 2021, case duration for probate professionals has been decreasing compared to paper cases. Between April 2021 and June 2022, the average case completion for digital cases improved from 36 days to 20 days (44%). In comparison, the average case completion for paper cases increased from 34 days to 70 days over the same period (105%).

**Figure 4 Probate professionals – monthly case average (mean) duration - October 2019 to June 2022**



Source: Frontier Economics based on data from MoJ

Note: Grey-shaded areas (May and June 2022) correspond to times when analysis is limited due to a small sample of digital cases and a high proportion of outstanding cases

### 3.2.2.b Contribution of the reform

Evidence from fieldwork and consultation with internal stakeholders identified one potential way in which the reform may have contributed to the observed trend in case durations for public users:

- **The digital probate service still requires applicants to submit original documents (e.g., the will) via the postal system:** When the documents are received, they are bulk scanned to convert them into a digital format. This is likely to have limited the impact digitalisation of the service had on case duration for public users and probate professionals.

For probate professionals, evidence from consultation with internal stakeholders identified several more ways in which reform may have contributed to the observed trends:

- **Introduction of the mandate for probate professionals to use the digital service, other than for complex cases:** All non-complex cases have been required to be digital since the mandate in November 2020. This means that digital cases are on average simpler and should be shorter compared to the paper ones.

- **Actionable feedback provided by professional users:** Although all users are invited to provide feedback on the digital service, internal stakeholders suggested that probate professionals provided specific and actionable feedback, which enabled HMCTS to address technical issues and provide further guidance to users. This enabled probate professionals to use the service more efficiently.<sup>8</sup>

### 3.2.2.c *Alternative explanations*

Evidence from consultation with internal stakeholders identified one possible alternative contributor to these trends.

- **Probate professionals use the probate service more frequently** than public users. As such, probate professionals might have gained reusable experience using the digital route, especially after it was mandated, leading to a higher-quality digital application. Frequent interaction with the digital service could create a more streamlined process (e.g., less correspondence needed) and shorter case duration. However, the research with probate professionals suggested that they had not perceived a reduction in the duration of cases.

### 3.2.3 User and administrative errors

**The rate of case stoppages can indicate the extent to which digital reform was able to alleviate user errors, leading to a more efficient service and more effective use of resources.** Stoppages can be caused by several factors, such as missing documents, incomplete or inconsistent information in the application, executors not being accounted for, and applications from those not entitled to apply.<sup>9</sup> Reducing the rate of stoppages increases the proportion of cases that have a grant issued and reduces the overall time it takes users to reach those outcomes (as it reduces the need to resubmit applications), improving access to the formal justice system.

---

<sup>8</sup> Internal stakeholders suggested that public users were less engaged in filling out exit surveys to provide feedback compared to probate professionals.

<sup>9</sup> This analysis excluded stoppages for inheritance tax reasons, due to ambiguity in attributing error to the probate or the tax process. This means the number of stoppages in the analysis is less than the actual number of stoppages.



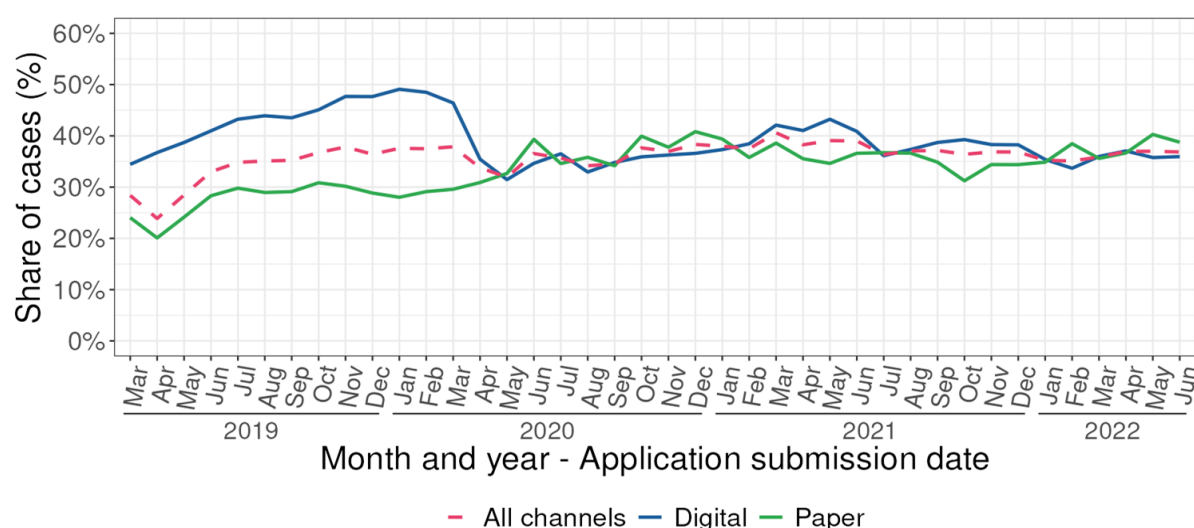
**The rate of withdrawn cases can indicate the extent to which applications have been appropriately and accurately completed.** Data on the reasons for case withdrawal was not available. Some possible reasons that applications may be withdrawn include, if the applicant realises they are not entitled to apply, has made an error in their application, or has decided to apply through a different channel (such as withdrawing a paper application to apply via the digital service). As with stoppage rates, a reduction in those occurrences would improve access to justice by reducing the resources taken up by erroneous or duplicate applications.

### 3.2.3.a Management Information

The data included information on whether the case was stopped at least once ('stopped cases') or withdrawn.

Figure 6 shows in the early stages of the rollout, between March 2019 and March 2020, the digital service had a higher proportion of case stoppages than paper cases. In April 2020, the proportion of stopped digital cases dropped to the same level as that observed for paper cases. From that point, the trend for both channels was similar and stable.

**Figure 5 Public users –proportion of cases with at least one stoppage - March 2019 to June 2022**

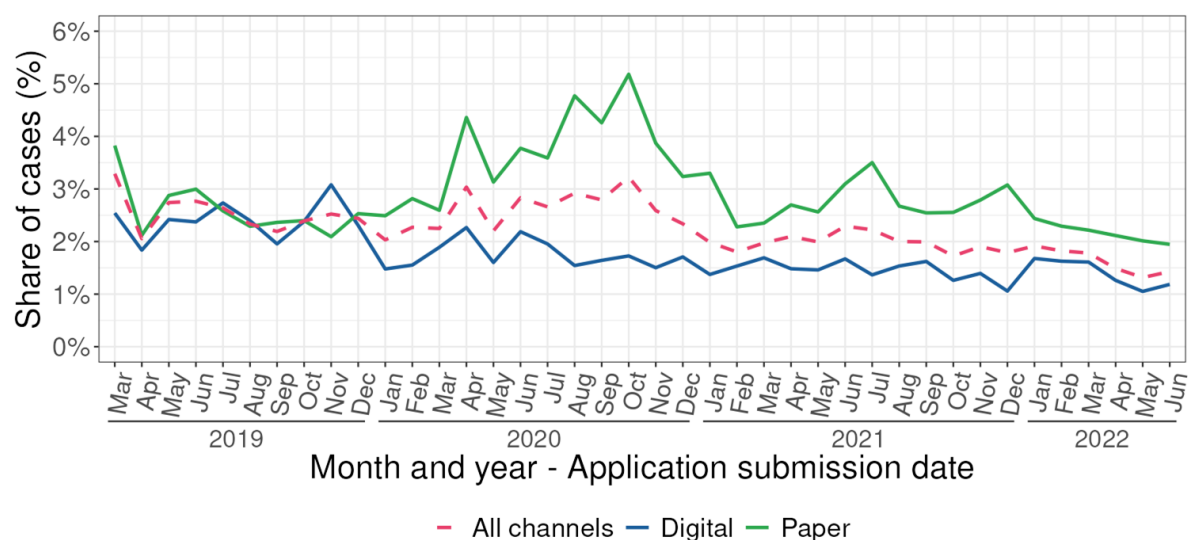


Source: Frontier Economics based on data from MoJ

The trends are similar when looking at the proportion of withdrawn cases. Figure 7 shows that the proportion of public user cases that were withdrawn, digital or paper, has been somewhat variable, with an overall slight improvement over time. The

proportion of withdrawn digital cases has been less than the proportion of withdrawn paper cases since November 2019.

**Figure 7 Public users–proportion of withdrawn cases - March 2019 to June 2022**

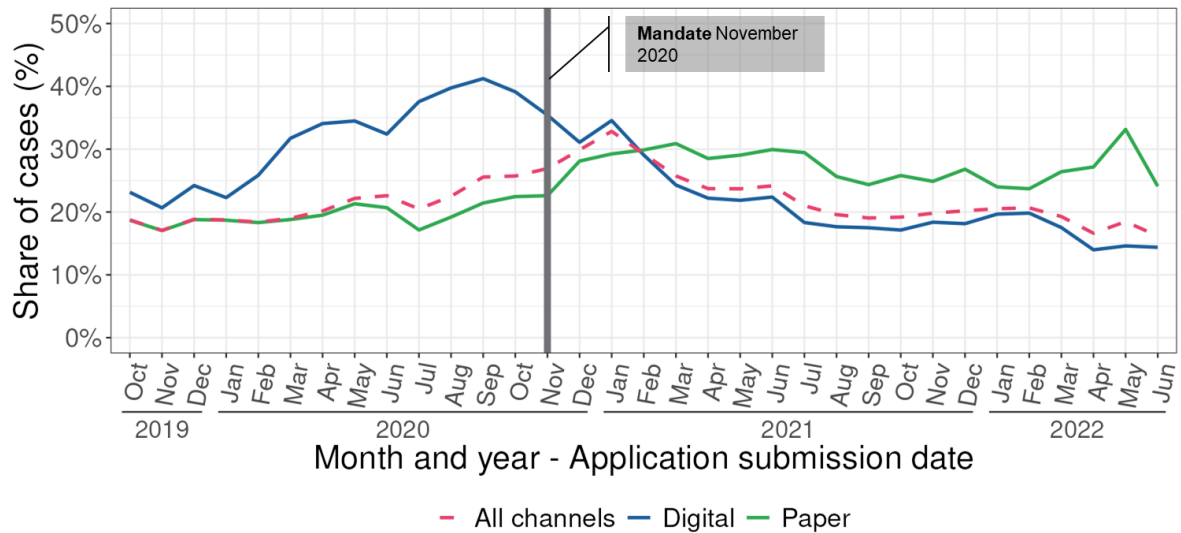


Source: Frontier Economics based on data from MoJ

Figures 8 and 9 present stoppages and withdrawal trends for probate professional cases.

Figure 8 shows that for probate professionals, the proportion of stopped digital cases decreased from August 2020. After the mandate in November 2020, the proportion of stopped digital cases fell below paper cases. The overall trend in case stoppages also decreased steadily (driven by a decrease in digital cases with stoppages) from around 35% in November 2020 to 15% by June 2022.

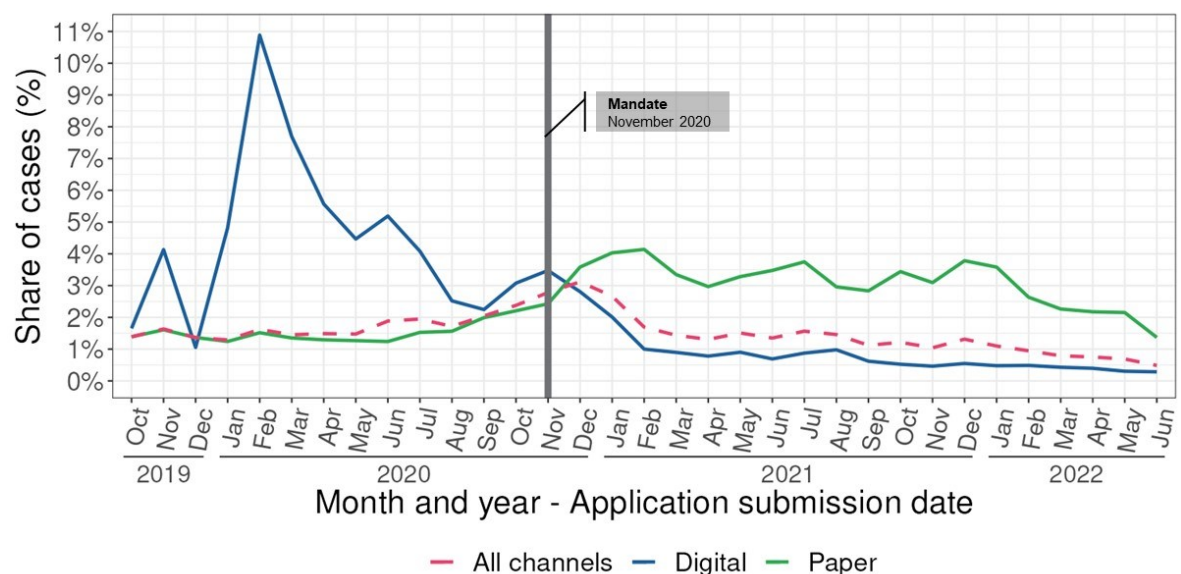
**Figure 8 Probate professionals – proportion of cases with at least one stoppage - October 2019 to June 2022**



Source: Frontier Economics based on data from MoJ

Figure 9 shows that withdrawal rates for probate professional cases were more variable. As with case stoppages, the rate of withdrawals for digital services was initially higher and volatile before the mandate (November 2020) and then decreased substantially. This early volatility is to be expected given the very low volumes of digital cases during this period. After the mandate, the withdrawal rate of paper cases increased. This is unsurprising as paper cases submitted after the mandate would likely have been the most complex.

**Figure 6 Probate professionals – proportion of withdrawn cases - October 2019 to June 2022**



Source: Frontier Economics based on data from MoJ

### 3.2.3.b *Contribution of the reform*

Evidence from fieldwork and consultation with internal stakeholders identified several ways in which the reform may have contributed to the observed trends for public users and probate professionals:

- **User-focused features of the reform:** The digital service offered users information and guidance on how to complete their applications. This should have contributed to minimising errors and ensuring users made applications that they were eligible to make. The analysis above shows this improvement was mainly observed for probate professionals. An interview with an HMCTS staff member suggested that information was less likely to be missing if the application had been made by a probate professional than by a public user. Even though the results suggest an improvement for probate professionals, the fieldwork results suggest that most professionals were unsure whether case errors are less common with the reformed system. The perception of case errors was lower amongst public users. The public user survey found that almost three-quarters of surveyed public users (73%) reported that they received all the required information about the digital application when they first became involved with the service, and only a tenth (10%) reported making a mistake in the application.
- **Early technical issues with the digital service:** Internal stakeholders indicated that the higher proportion of stoppages and withdrawals for digital cases during the reform rollout likely reflected early technical issues in the digital service. It may also reflect feelings of being unprepared amongst professionals early in the rollout.
- **User-focused modifications to the digital service due to feedback:** Feedback was collected from both public users and probate professionals. Internal stakeholders suggested this enabled technical issues to be addressed and guidance to be improved for users (see section 3.2.1.b). In turn, these changes, based on feedback, are likely to have minimised errors and the need

for cases to be withdrawn, especially for probate professionals, who were also more familiar with the service over time.

■ **Training for probate professionals prior to the mandate in November 2020:**

For probate professionals, the relatively high proportion of stopped and withdrawn digital cases at the early stages of the reform could reflect limited training or resources provided for users in those early months (see section 4.2.1.d). This is likely to have contributed to probate professionals making errors or providing incomplete information. Following feedback, these issues were addressed for these users, and improvements in stoppages and cases withdrawn were then observed.

**3.2.3.c** *Alternative explanations*

The review of the current evidence from fieldwork and consultation with internal stakeholders did not identify any other alternative explanations for the observed trends.

**3.2.4 Sub-group analysis**

The analysis of how outcomes varied between subgroups used PCQ information from digital cases. PCQ information was not available for paper cases or for probate professionals.

Less than half of public users with digital cases provided PCQ information between June 2020 and June 2022 (45%, equating to 68,199 cases). Therefore, the results of the PCQ analysis should be interpreted with caution and treated as indicative rather than conclusive. For these cases, the analysis looked at the differences in the following indicators across public users:

- Digital uptake,
- Case duration,
- Proportion of digital cases stopped at least once,
- Proportion of cases withdrawn.

The analysis found statistically significant differences in digital uptake and case management outcomes (case duration, stoppages, and withdrawals) for public users using digital services depending on their age, ethnicity, and main language as follows:

- **Age:** Most digital probate public user applicants who provided PCQ information were 45 to 74 years old (84%). This is high compared to the general population figure (36%) (Office for National Statistics, 2022). This is to be expected as probate applicants are typically the spouse or adult child of someone who has died. Cases with applicants aged between 45-74 were less likely to be withdrawn (or stopped), and the average time to case completion was shorter than for younger applicants. Although the reasons for this are unclear, a possible reason could be that those over 45 years of age are more likely to have used the probate service previously or know someone who has and can help them.
- **Ethnicity and language:** 97% of applicants who provided PCQ information identified as white. This is high compared to the general population in which 88% of those aged 45-74 self-identify as white (Office for National Statistics, 2023). Although the reasons for this difference are unclear, this suggests that people from ethnic minority groups may be under-represented in digital services or are less willing to provide PCQ data alongside their application. Analysis by HMCTS does however suggest that to an extent this may reflect the regional and wealth distribution between ethnic groups, which would influence the relative eligibility for probate of some minority ethnic groups' estates (HM Courts & Tribunals Service, 2023a). Public users from ethnic minority groups saw a higher rate of case stoppages and withdrawal rates, as well as a 10-day longer case duration on average compared to cases for which the applicant identified as white.
- Similarly, 99% of applicants who provided PCQ information stated English or Welsh was their main language,<sup>10</sup> compared to 91% in the general population (Office for National Statistics, 2022). An important reason for this

---

<sup>10</sup> As this represents a relatively small volume of cases, this finding should be treated with caution.

is likely to be that the PCQ survey and the digital probate service are currently only available in English and Welsh. Therefore, people whose main language is not English or Welsh may have engaged probate professionals, asked another person for support with their application, or used the paper service. This sub-group saw a slightly higher rate of withdrawn cases as well as on average 13-days longer case duration. Although the reasons for this are not clear, internal stakeholders suggested that those cases might be more complex as people whose main language is not English or Welsh may have family and assets overseas. Analysis by HMCTS (2023b) also suggested that conventions in the use of different name variants among some groups, leading to a mismatch between details in applications and wills, may increase stoppages. Furthermore, recent research found that language barriers can have an impact on individuals' ability to access help and information about legal procedures (Hunter, et al., 2022). Not providing digital services in other languages could be a barrier to some populations. This finding suggests that access to the service and ease of use might be lower for those sub-groups.

Given the limitations in the data available on the characteristics of probate service users, further research is suggested so that case management outcomes of digital and paper cases can be compared for different population groups.

### **3.3 Limitations**

There are several limitations to the analyses above:

- Data for analysis was only available after the digital reform was introduced. Therefore, it was not possible to compare trends before and after the digital reform.<sup>11</sup>

---

<sup>11</sup> The rollout for probate professionals started within the period of the available MI data, although only early adopter and pilot data was available only for a few months before the digital service national rollout. As such, the MI analysis from probate professionals' cases starts in October 2019 with the national rollout of the digital reform for probate professionals. The pre- and post- comparison of the probate professionals' service was not possible.

- The digital probate reform was introduced in phases, and changes were made incrementally in response to user feedback. As such, the degree of the probate service digitalisation varied over time.
- PCQ cases make up a small subset of all probate cases (under 70,000 out of the total available for general analysis - over a million). Cases where the applicant reported their main language was not English or Welsh, make up less than 1% of this subset. Analysis based on this small sample size should be treated with caution, and findings interpreted only as representative of those who provided PCQ information.
- As described in the overarching evaluation report,<sup>12</sup> the generalisability of the surveys may also be limited by the sample being selected randomly with fieldwork stopped as quotas were reached, and a largely online approach with mixed response rates.

### 3.4 Contribution Narrative

The analyses above suggested that the digital reform can reasonably be considered to have contributed to changes in some, though not all, outcomes:

- The user-friendly features of reform have likely contributed to improved accessibility and therefore uptake of the digital Probate service for both public users and probate professionals. For public users, the ease of making the application online and not needing to attend the registry to swear an oath, seems to have improved the process, leading to a higher take-up of the digital route. However, the general increase in digital literacy in the wider population over the same period was found to be an additional likely contributor to the digital uptake.
- Early technical issues and a lack of training for probate professionals can explain the low uptake of the digital service shortly after the rollout. The quick implementation of improvements in response to feedback and further training of probate professionals contributed to improved digital uptake. Uptake for probate

---

<sup>12</sup> Available at: [HM Courts & Tribunals Service Reform: Digital Services Evaluation - GOV.UK](https://gov.uk/government/uploads/system/uploads/attachment_data/file/674447/HM_Courts_and_Tribunals_Service_Reform_Digital_Services_Evaluation_-_GOV.UK.pdf)



professionals increased substantially following the mandate to use the digital service in November 2020.

- The reform can be considered to have contributed to a slightly reduced case duration for public users. This improvement might have been limited by the need to send original documents via post that are then bulk scanned into the digital process. In contrast, the reform can be considered to have made a material contribution to the reduction in digital, and overall, case duration for probate professionals. Their repeated use of the service was reinforced through its mandate. This led to a further increase in their experience and more substantive feedback, leading to further improvements to the service. This is also likely to explain the lower proportion of digital cases stopped or withdrawn for probate professional users. Both the improved case duration and the reduction in errors lead to a more streamlined and effective service and improved access to justice.
- The analysis of public user cases with PCQ data suggests that the availability of the service in English and Welsh could affect who uses the digital service. The data also suggests potential differences in outcomes for younger public users, users from ethnic minority groups, and those who do not speak English or Welsh as their main language. These findings need further exploration.
- The reform was not, however, the only contributor to the observed changes in outcomes. The onset of COVID-19 was identified as an important contextual contributor to digital uptake because it increased the general population's digital capability and willingness to use digital services.
- By creating an easy-to-use channel that was improved following feedback (for probate professionals), the reformed service provided another accessible channel for both public users and probate professionals. However, the probate processes on both the digital and paper channels that still require submission of original documents seemed to hinder improvements in case durations, limiting access to justice.

Further research would improve understanding of the contribution of digital reform to changes in trends and outcomes. For example:

- Continue collecting feedback from probate professionals and LiPs on the service functions and take steps to encourage a higher level of feedback from public users to enable continual service improvements.<sup>13</sup> Frequent feedback from public users on the type of support and guidance they require can improve the reform's user-friendly features and result in a better outcome.
- Case duration and the proportion of digital case stoppages differ between public users and probate professionals. This needs further investigation.
- The PCQ analysis suggests potential differences in outcomes for public users with different characteristics. This needs to be investigated further, along with the implications for access to justice among diverse groups.<sup>14</sup>

---

<sup>13</sup> HMCTS has several existing mechanisms for collecting user feedback, such as user research, exit surveys, and systems for recording feedback provided directly through contact with HMCTS staff.

<sup>14</sup> HMCTS has conducted some additional analysis to explore possible differences in access to justice between groups. See (HM Courts & Tribunals Service, 2023b; 2024)

## 4. Process evaluation

### 4.1 Process evaluation analysis

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

This chapter draws on qualitative and quantitative primary research with users of the probate service. The quantitative evidence is drawn from two sources.

First, a mixed online and telephone survey of 731 public users of the reformed probate service over two periods:

- Those with cases opened in November – December 2021 (400 users)
- Those with cases opened in February – April 2023 (331 users).

Over both periods, the public user respondents were selected from those who submitted probate applications digitally: 677 respondents recalled using the digital channel and 54 reported they did not.<sup>15</sup> After weighting, those who reported using the digital channel accounted for 92% of the public user survey participants.

Secondly, there were 655 responses to an online quantitative survey of 2,297 professionals who reported using MyHMCTS for probate cases. Responses were collected between mid-December 2023 and mid-January 2024. All references to probate professionals in this chapter refer to those asked specifically about using MyHMCTS for probate cases. They were largely solicitors (66%).<sup>16</sup>

More details about both surveys are available in the overarching evaluation report.<sup>17</sup>

---

<sup>15</sup> This may have been due to poor recall, their case later ‘dropping out’ to be processed on paper or someone else helping / filling in the online application for them.

<sup>16</sup> The remainder were paralegals (8%), chartered legal executive lawyers (8%), clerks, legal secretaries or administrators (7%) or non-legally qualified professionals (5%).

<sup>17</sup> Available at [HM Courts & Tribunals Service Reform: Digital Services Evaluation - GOV.UK](#)

The qualitative research involved:

- Public users of the reformed probate service – 14 interviews
- Probate professionals who used the reformed probate service – nine interviews
- HMCTS staff member - one interview with a staff member who worked on probate cases (of 12 members of HMCTS staff interviewed across all seven services).

## 4.2 Probate process evaluation findings

The findings in this chapter are organised into sections relating to the questions that underpinned the process evaluation.

### 4.2.1 Was the service implemented as intended?

#### 4.2.1.a Use of the reformed system

By the time of the research (in 2023-2024), the intention was that probate applications would have moved over to the reformed system, and that straightforward applications by probate professionals would be processed digitally. Public users could choose a digital or paper route. This appears to largely be the case: nearly nine-in-ten probate professionals (87%) use MyHMCTS system for most of their probate applications, but some applications are processed on paper as MyHMCTS does not support them.

Public users are using the digital channel for applications primarily as they think it will be quicker and easier.

In qualitative interviews, public users reported choosing the digital channel as they thought it would be quicker and easier. They could start their application immediately, avoided having to wait to receive, print and post paperwork (which some had security concerns around), and all executors could access the digital system. Some recalled making the choice between paper and digital, and those who did not recall their choice would have chosen digital.

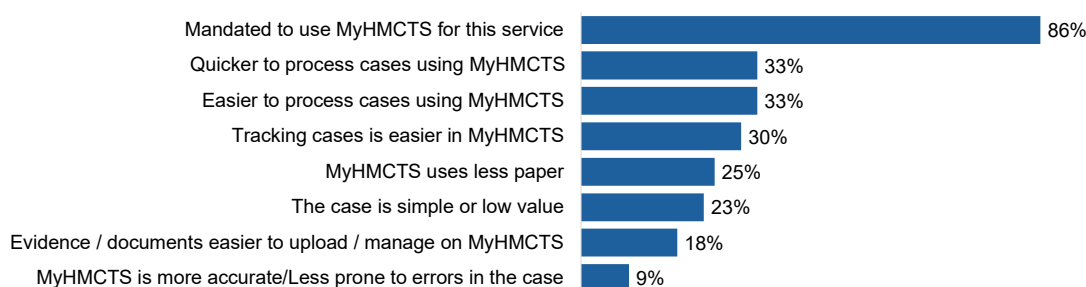
"[A digital channel is] potentially more secure - less paper flying around."

### Public user (Probate)

None of the public users reported that they had decided to withdraw or give up on their case, and none said that the other side withdrew their case (when another probate application was involved). Fewer than 0.5% said their application was denied by HMCTS.

Most probate professionals (87%) used MyHMCTS (rather than the legacy service) for the majority of their probate cases (including 21% of professionals who used it for all their probate cases). As shown in Figure 10, the main reason, was that they were mandated to do so (86%). However, around a third cited each of the following benefits: quicker to process cases (33%), easier to process cases (33%) and tracking cases is easier (30%).

**Figure 10 Probate professionals' reasons for using the MyHMCTS service for a case**



Source: IFF research

Note: B3: For what reasons would you use the MyHMCTS service for a case? Base: Probate professionals who used MyHMCTS for probate cases (641). Respondents could select multiple answers. Answers given by less than 7% not shown, including don't know (<1%).

The primary reason given by probate professionals for not using the MyHMCTS platform was that it does not support all the probate cases that they handle, (86% of those who did not use it for all their cases, possibly as the more complex cases are likely handled offline).

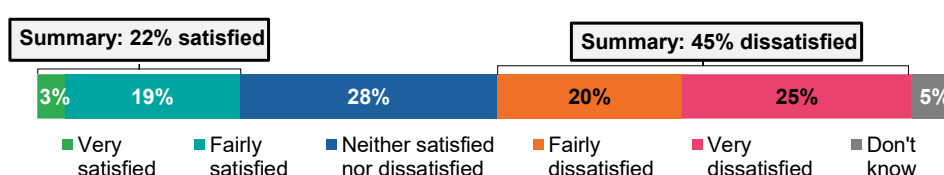
#### 4.2.1.b Expectations, initial opinions, and unintended consequences

Public users expected, and generally found, the digital system to be quick and easy to use. However, nearly half (45%) of probate professionals were dissatisfied with its implementation.

In the qualitative interviews, public users typically anticipated few drawbacks to the reformed service, which included general concern around understanding a new process, it being complicated, and difficulty understanding question wording without a solicitor's help. Most assumed it would be quicker and easier than applying via paper.

Around two thirds (63%) of probate professionals did not feel prepared for the new service when they first started using MyHMCTS. They were more likely to be dissatisfied with the implementation of MyHMCTS (45%) than to be satisfied (22%) (Figure 11). Few probate professionals (10%) felt that HMCTS had gathered, and responded to, user feedback in developing the MyHMCTS service.

**Figure 11 Probate professionals' satisfaction with how the MyHMCTS service was implemented**



Source: IFF research

Note: G1: How satisfied were you with how the My HMCTS service was implemented? Base: All probate professionals (655)

In the qualitative interviews there were mixed views. Many probate professionals were keen for a switch to a digital system and expected it to be quicker and easier. However, others were concerned about any changes causing delays and not working well, that support staff would be inexperienced and hard to reach, and that it would increase the administrative workload of probate professionals.

#### 4.2.1.c Public users' understanding of the digital probate process

Most public users recalled receiving information from HMCTS about the process. Some were happy to start the process and work it out as they went, whilst others sought and read guidance.

Almost three-quarters of public users of the probate service (73%) recalled receiving information at the outset of their application about what would happen at each stage. In most cases, this information was proactively given to them by HMCTS (71%),

though a minority had to actively seek it either from HMCTS (17%) and/or from another source (25%). Of those who received information, 90% agreed that the information gave them a good understanding of what would happen.

In qualitative interviews with public users, those who felt they had a good understanding of the probate process had generally read guidance online before starting. Others decided to start the application, assuming guidance would be provided as they proceeded. Some public users felt it was unclear if they could start the online application if they did not have all documents ready or at which point they would need particular pieces of information.

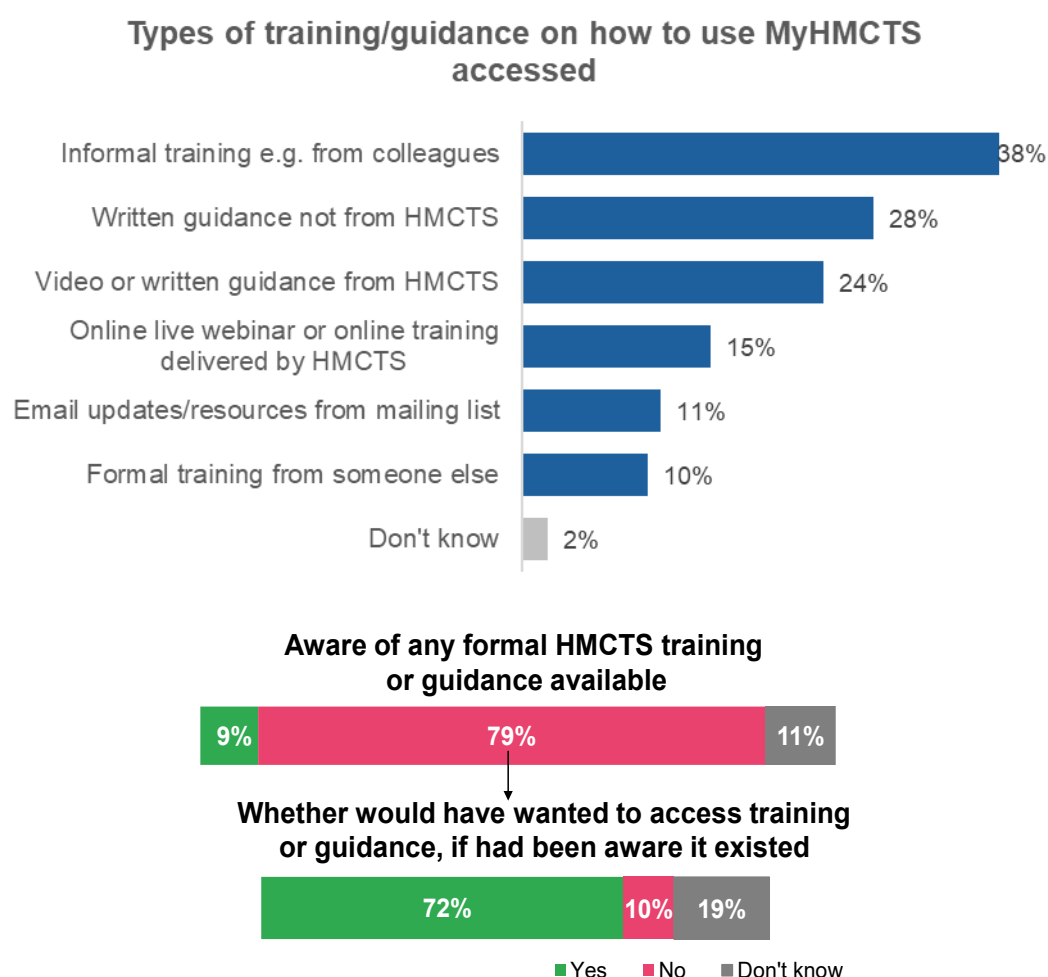
#### *4.2.1.d Training*

During the initial implementation, probate professionals felt training and guidance was inadequate. Less than a third (31%) had received HMCTS online training, video, or written guidance. Almost three quarters of those unaware of available training (72%) would have accessed it had they been aware.

Over seven-in-ten (72%) probate professionals had accessed training or guidance on how to use MyHMCTS. As shown in Figure 12, most commonly this was informal training, for example, delivered by a colleague (38%) or written guidance not from HMCTS (28%). Just under a third (31%) had accessed HMCTS training/guidance sources (24% video/written guidance, 15% online live webinar/training). Half (48%) of those accessing HMCTS training/guidance were satisfied with it.

Only one-in-ten (9%) probate professionals who did *not* access either of these HMCTS training/guidance sources were aware it was available. Amongst those unaware, almost three-quarters (72%) would have accessed it had they known of it.

**Figure 12 Training or guidance accessed by probate professionals**



Source: IFF research

Note: D2: Have you accessed any of the training or guidance on how to use MyHMCTS? Base: All probate professionals (655). D4: Were you aware of any training or guidance available to you? Base: probate professionals who did not access HMCTS formal training i.e. HMCTS online training or HMCTS video/written guidance (410). D6: IF you had been aware of training or guidance that was available, would you have wanted to access this? Base: all probate professionals, who were unaware of HMCTS formal training available (372). Answers do not sum to 100% due to rounding.

In the qualitative interviews, probate professionals reported the guidance and training available was insufficient, and using MyHMCTS was a matter of 'trial and error' at first. As additional guidance has been issued, and the platform updated, the process has become clearer.

"It's all quite straightforward now in 2023, but it has been reformed several times and guidance has been issued and we've shared experience amongst practitioners so now, that's fine. Back then in 2018 it was not!"

**Probate professional**



#### 4.2.1.e Efficiency, ease of use, reliability, and technical issues

Two-thirds of public users (65%) felt their probate case was processed in a reasonable time, and half of probate professionals (51%) thought it was faster to process probate cases on MyHMCTS than through the legacy system.

Digital processes appear to be relatively easy for public users. Probate professionals typically found setting up and entering applications easy. However, both public users and probate professionals reported they would like more useful updates and improvements in the MyHMCTS platform's capabilities to track case progress. Probate professionals were mostly negative about communication with HMCTS via MyHMCTS.

Whilst public users rarely encountered technical issues, they were widespread for probate professionals, the majority of whom had not accessed technical support, most commonly because they did not know it was available or how to access it. MyHMCTS was frequently unavailable according to probate professionals and HMCTS staff. Probate professionals had mixed views on whether using MyHMCTS had a positive impact on the time taken to process probate cases, compared to using the legacy system. Half (51%) said cases are processed through MyHMCTS faster, and a tenth (10%) felt there had been no change. Fewer than a third (28%) felt cases were processed slower on MyHMCTS, as Figure 13 shows.

**Figure 13 Probate professionals' views on how using MyHMCTS affects the time it takes to process a case compared to the legacy system**



Source: IFF research

Note: E2: Compared to using the legacy system, how does using MyHMCTS affect the time it takes you to process a case?  
Base: All probate professionals (655). Answers do not sum to 100% due to rounding.

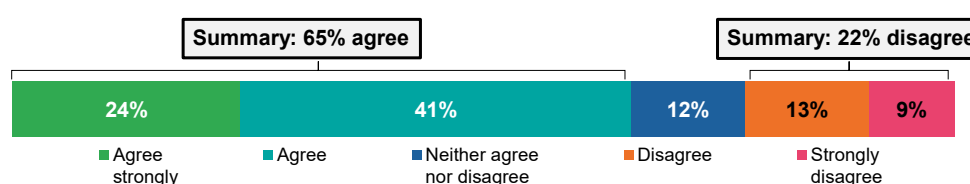
In the qualitative interviews, probate professionals attributed slower and/or inconsistent timeframes to under-resourcing of HMCTS probate staff, following the Covid-19 backlog (not due to the digitalisation of the application process). Preparing

legal statements on MyHMCTS was thought to be faster, and not needing to get clients to physically sign documents saved time.

Nevertheless, probate professionals also flagged manual errors from HMCTS staff and glitches in automated processes which affected their confidence in the reliability of the service.

Almost two-thirds (65%) of public users agreed that the time taken to process their case was reasonable (Figure 14). In qualitative interviews, public users indicated that the process of submitting their application was quicker than anticipated. Those who waited 16 weeks or more for it to be granted had mixed views around whether this was reasonable. However, those who had probate granted sooner than this were pleased: their expectations seem to be met well.

**Figure 14 Public users' extent of agreement with 'the time taken to process your case was reasonable'**

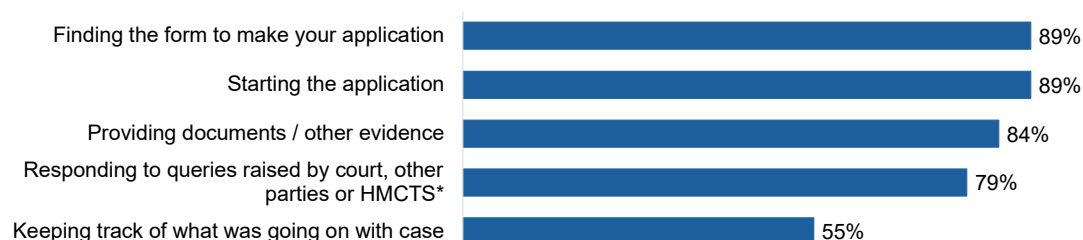


Source: IFF research

Note: E1: Extent of agreement: the time taken to process your case was reasonable. Base: All public users of the probate service (731). Don't know not shown as less than 1%. Answers do not sum to 100% due to rounding.

As shown in Figure 15 below, most probate public users found the earlier steps in the process easy, namely finding the appropriate form (89%), starting the application (89%), and providing documents or other evidence (84%). Similarly, amongst those who had to respond to queries (so did not answer 'n/a'), 79% found it easy to do so. Just over half (55%) found it easy to keep track of developments in their case.

**Figure 15 Public users of reformed system who found it easy to undertake different stages of process**



Source: IFF research

Note: D7: How easy or difficult were the following....? Chart shows proportion answering 'very easy' or 'fairly easy'. Base: All Probate public users (731). \*Base: as previously but excluding the 59% who answered n/a (296). For other categories a maximum of 6% answered n/a so they are included in bases.

In qualitative interviews, public users also reported most stages were straightforward, though sometimes they had to read through the questions and guidance multiple times to be confident in their answers. Some had specific issues for which they found there was a lack of information, e.g. the need for specialist valuations for jewellery. Some had posted documents, and others had scanned and uploaded them. Some public users who posted their documents were concerned they might get lost (and had made copies); those who uploaded documents were pleased with how straightforward this was.

Probate professionals found some aspects of working on probate cases in MyHMCTS relatively easy and others somewhat more difficult, as Table 4 shows. Over 80% of probate professionals found creating cases and entering case details straightforward. A majority found uploading documents, managing multiple cases, reviewing case materials and navigating MyHMCTS easy (55%-68%). However, slightly less than half found tracking the progress of cases (44%) and editing case information (40%) to be easy.

**Table 4 Whether probate professionals found different stages of probate cases easy or difficult in MyHMCTS**

	Very easy	Fairly easy	Neither easy nor difficult	Fairly difficult	Very difficult	Someone else is solely responsible	N/A	Summary: easy	Summary: difficult
<b>Creating Cases</b>	44%	39%	10%	2%	2%	2%	1%	<b>82%</b>	<b>4%</b>
<b>Entering case details</b>	39%	42%	12%	3%	2%	3%	1%	<b>81%</b>	<b>4%</b>
<b>Uploading documents</b>	34%	34%	10%	3%	2%	4%	13%	<b>68%</b>	<b>5%</b>
<b>Managing multiple cases</b>	24%	36%	16%	13%	4%	2%	5%	<b>60%</b>	<b>17%</b>
<b>Reviewing case materials</b>	22%	33%	20%	16%	4%	2%	6%	<b>56%</b>	<b>16%</b>
<b>Navigating around MyHMCTS</b>	17%	38%	21%	17%	5%	1%	1%	<b>55%</b>	<b>22%</b>
<b>Tracking the progress of cases</b>	17%	27%	16%	20%	17%	2%	2%	<b>44%</b>	<b>37%</b>
<b>Editing case information</b>	12%	28%	20%	22%	12%	2%	3%	<b>40%</b>	<b>34%</b>

Source: IFF research

Note: B11/ B12: Thinking about probate cases you have worked on in MyHMCTS in the last six months, how easy or difficult did you find the following stages? Base: All probate professionals (655). Answers may not sum to 100%, and individual answers may not sum exactly to the summary boxes, due to rounding.

In the qualitative interviews, probate professionals reported that MyHMCTS was straightforward for simple applications, and they were positive about the simplification of the oath requirement. However, they reported that MyHMCTS does not allow recording of some fairly common circumstances, such as there being two

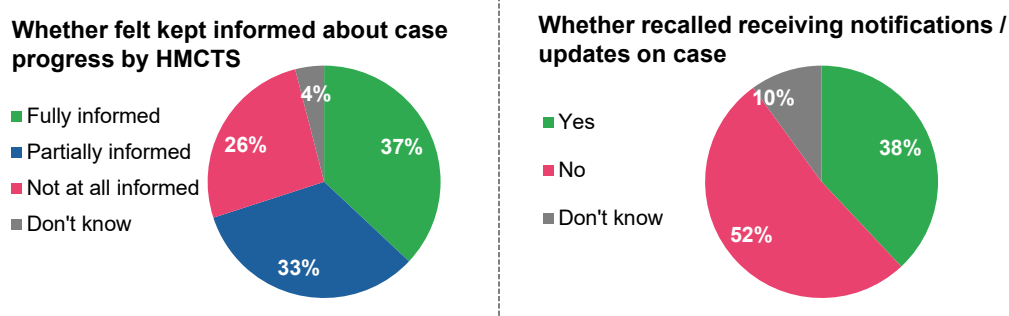
executors. Some suggested that if the legal statement allowed for bookmarks, they would be able to navigate it more quickly.

"We have found workarounds, but we don't see why we should have to...it should say 'who are the executors?' and there should be an option to say who they are [if there are more than one] without having to work around the system..." **Probate professional**

Over two-thirds of public users (70%) felt that they were kept informed of the progress of their case – 37% fully informed and 33% partially informed (Figure 16). A quarter (26%) felt not at all informed. Almost all probate applicants who were kept fully informed were satisfied with the service they experienced (98% satisfied - compared to 87% of those kept partially informed and 60% of those who were not kept informed at all), indicating the value of good communication.

Around two-fifths of public users (38%) reported receiving notifications or updates about what stage their case or application had reached (Figure 16). Among those who received notifications, seven-in-ten (71%) said they received the right amount, although three-in-ten (28%) said they did not receive enough.

**Figure 16 Whether public users felt HMCTS kept them informed about case progress and recalled receiving notifications / updates**



Source: IFF research

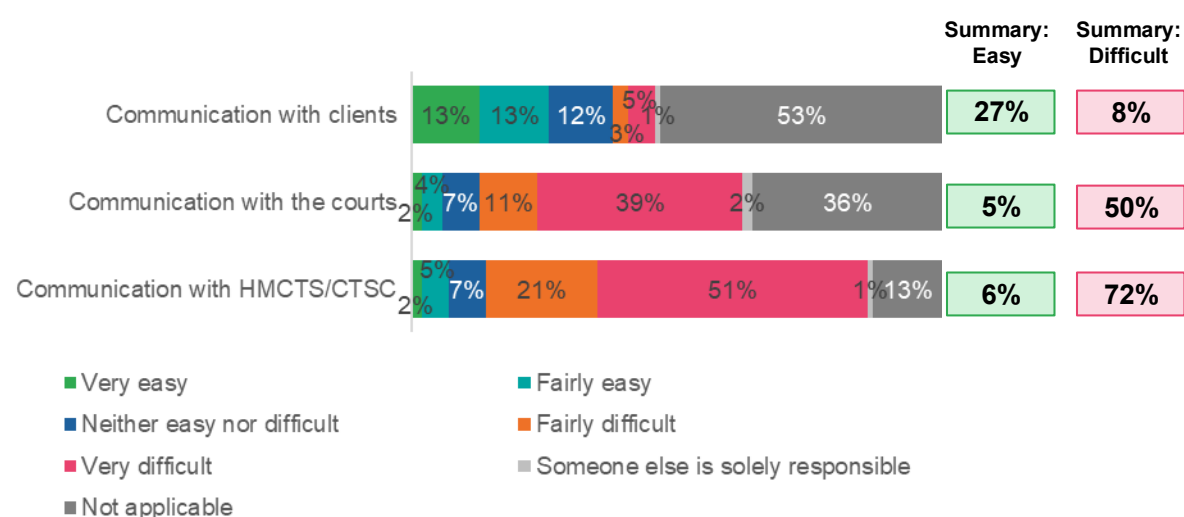
Note: F1: Did HMCTS keep you informed about the progress of your case. F2: Did you receive notifications/updates about what stage your case / application had reached? Base: All probate public users (731).

About half (49%) of public users who accessed the digital service to apply or communicate with HMCTS said that they made use of the facility to track the progress of their cases using the online service. Those more likely to track progress online were those aged 45-64 (55% vs. 40% of those aged 65 and over).

Some public users were disappointed with the limited nature of the progress tracker, as it lacked any indication of timings or how much of the process was completed. Others were happy to submit the information and wait until they were contacted. They found it reassuring to receive email acknowledgement of documents and applications being submitted, and when probate was granted.

When it was applicable to do so, probate professionals generally found communicating with clients on probate cases in MyHMCTS to be relatively easy (though over half did not use it for this). However, many reported difficulties communicating with the courts (50%) and with HMCTS/Court and tribunal service centres (CTSC) (72%) when using the reformed service, as Figure 17 shows.

**Figure 17 Whether probate professionals found it easy or difficult to communicate when working on probate cases in MyHMCTS**

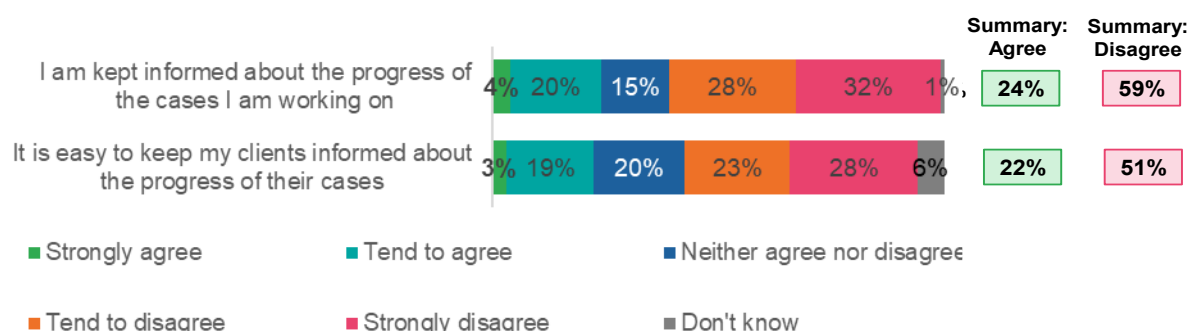


Source: IFF research

Note: B13: Thinking specifically about the last six months, how easy or difficult did you find the following stages of working on probate cases in MyHMCTS? Base: All probate professionals (655). Answers may not sum to 100%, or individual answers may not sum exactly to the summary boxes, due to rounding.

Around six-in-ten (59%) probate professionals disagreed that they were kept well informed about the progress of the case when using MyHMCTS, and half (51%) disagreed that it was easy to keep their clients informed (Figure 18).

**Figure 18 Probate professionals' feelings on whether kept informed of progress when using MyHMCTS**



Source: IFF research

Note: E1-1/ F1-3: To what extent do you agree that when using MyHMCTS...? Base: All probate professionals (655). Answers may not sum to 100% exactly, or individual answers may not sum exactly to the summary boxes, due to rounding.

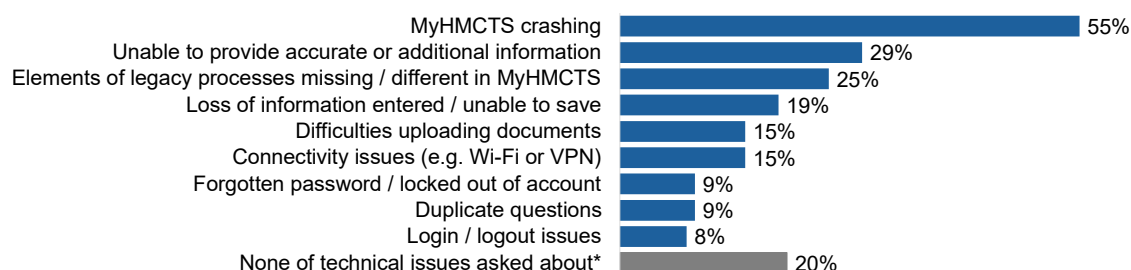
Compared to the legacy system, opinion was divided about whether probate professionals are able to keep clients or organisations more informed (20%) or less informed (also 20%) about their case when it is handled on MyHMCTS. Probate professionals most commonly reported they are kept informed to the same extent on both systems (43%).

In the qualitative interviews probate professionals reported that the progress update function was of limited use, as it did not give a reason why an application was not progressing, or any likely timeframes to the next step or conclusion. Probate professionals reported having to call HMCTS to resolve this.

Less than one-in-ten public users (8%) reported any technical difficulties that would indicate that the service was not working as intended. The most common issues were losing information previously entered (3%) and / or the website crashing (2%).

In contrast, 80% of probate professionals had encountered a range of technical difficulties when using MyHMCTS. The most common types are shown in Figure 19.

**Figure 19 Technical difficulties experienced using digital service by probate professionals**



Source: IFF research

Note: C5: Have you experienced any of the following technical issues when using MyHMCTS? Base: All probate professionals (655). \*Issues experienced by less than 8% not shown, 'none' also excludes the small percentages who experienced specific issues not shown.

Of the 80% of probate professionals who cited technical issues with the MyHMCTS service, over half (58%) said they did not access any technical support – most commonly because they did not know HMCTS support was available (34%), or how to access support from HMCTS (22%). There were mixed views on the quality of the support received – 36% were satisfied, but 33% were dissatisfied.

In the qualitative interviews, probate professionals reported a lack of confidence in the technical support, for example being told their issue would be googled. They also reported a lack of communication around updates during initial implementation, but that recently this has improved.

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

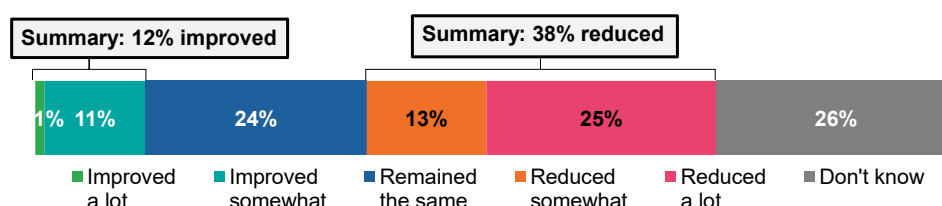
### 4.2.2.a Access to justice

Probate professionals were often neutral or unsure if the reformed system had changed the fairness of processing or whether clients received a decision in accordance with law.

Some probate professionals felt that the rollout of MyHMCTS had reduced their clients' access to justice (38%). Conversely, just over a third felt that their clients' access to justice had either remained the same (24%) or improved (12%) (Figure 20).



**Figure 20 Probate professionals' feelings on whether the roll out of MyHMCTS has improved clients' access to justice**

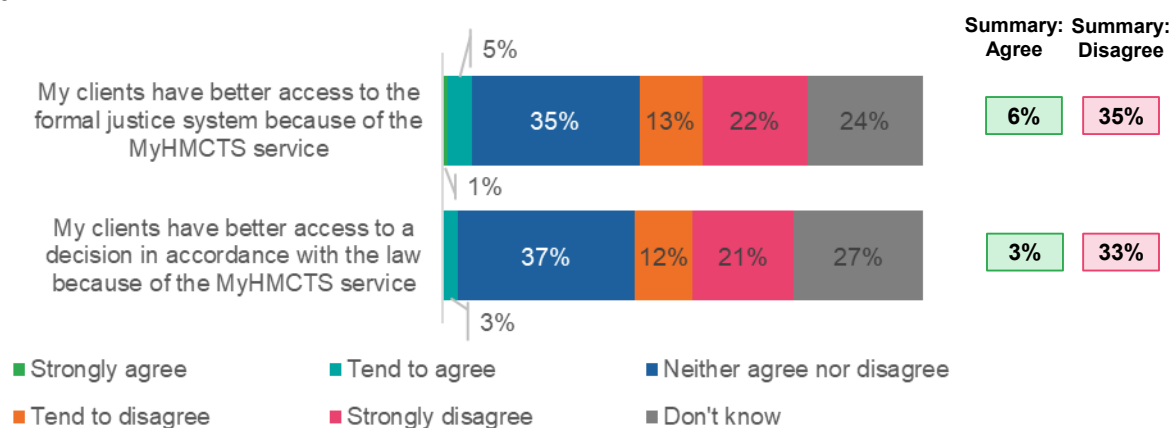


Source: IFF research

Note: G4: To what extent do you feel the roll out of MyHMCTS has affected clients' access to justice? Base: All probate professionals, except Department representatives (655).

As Figure 21 shows, probate professionals were more likely to disagree, than to agree, that the MyHMCTS service had provided their clients with better access to the formal justice system (35% vs. 6%), or that clients had better access to a decision in accordance with the law (33% vs. 3%). For both statements, over a third of probate professionals expressed neutral opinions (35% and 37%), and around a quarter did not know (24% and 27%).

**Figure 21 Probate professionals' feelings on whether the MyHMCTS service has affected clients' access to justice, or to a decision in accordance with the law**



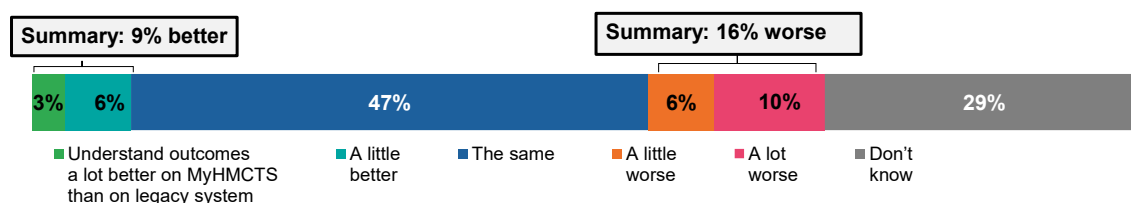
Source: IFF research

Note: F1-1 and F1-2: To what extent do you agree that...? Base: All probate professionals (655).

Probate professionals were asked for their views on the extent to which clients understand the outcome of their case when it is handled on MyHMCTS, compared to cases handled on the legacy service (Figure 22). Most felt that their clients'

understanding was the same (47%) or improved (9%). One-in-six (16%) felt their clients' understanding was worse and just under a third did not know (29%).

**Figure 22 Probate professionals' views on extent to which clients understand the outcome of their case when it is handled by MyHMCTS compared to the legacy service**



Source: IFF research

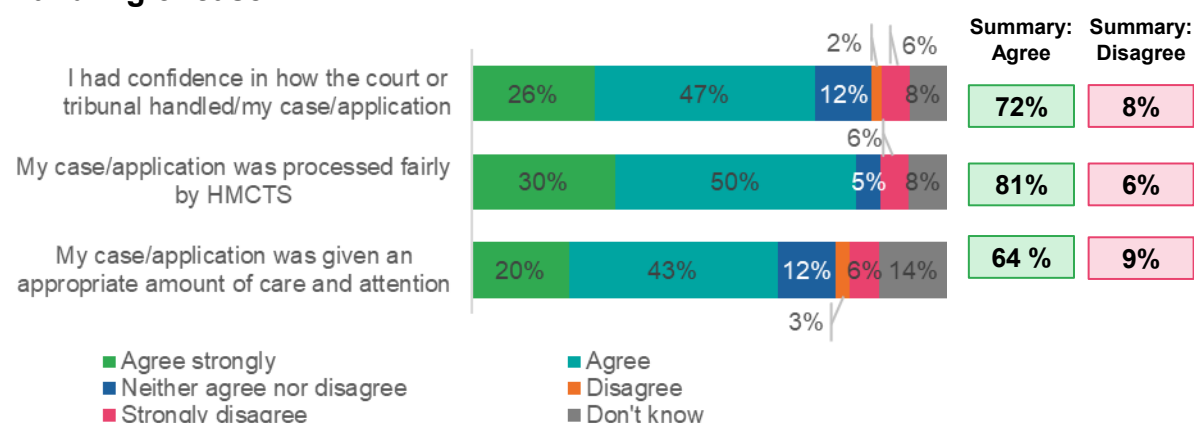
Note: F2: Compared to cases handled on the legacy service, to what extent do clients understand the outcome of their case when it is handled on MyHMCTS? Base: All probate professionals, except Department representatives (655). Answers may not sum to 100%, or individual answers may not sum exactly to the summary boxes, due to rounding.

#### 4.2.2.b Fair handling

Nearly all public users were satisfied with their case outcome and were happy with the fairness of processing and that due care and attention was given. The degree of trust probate professionals had in MyHMCTS handling cases varied, with less than a quarter trusting it for complex cases.

Most respondents to the public user survey (94%) were satisfied with the outcome of their case. As shown in Figure 23, they largely agreed that their application was processed fairly (81%), had confidence in how their application was handled (72%), and felt their case was given due care and attention (64%). In the qualitative interviews public users assumed all probate cases would be handled fairly as they were generally straightforward in nature.

**Figure 23 Public users' extent of agreement with statements about trust in handling of case**



Source: IFF research

Note: H4: To what extent do you agree that...? Base: All probate public users (731). Answers do not sum to 100% due to rounding.

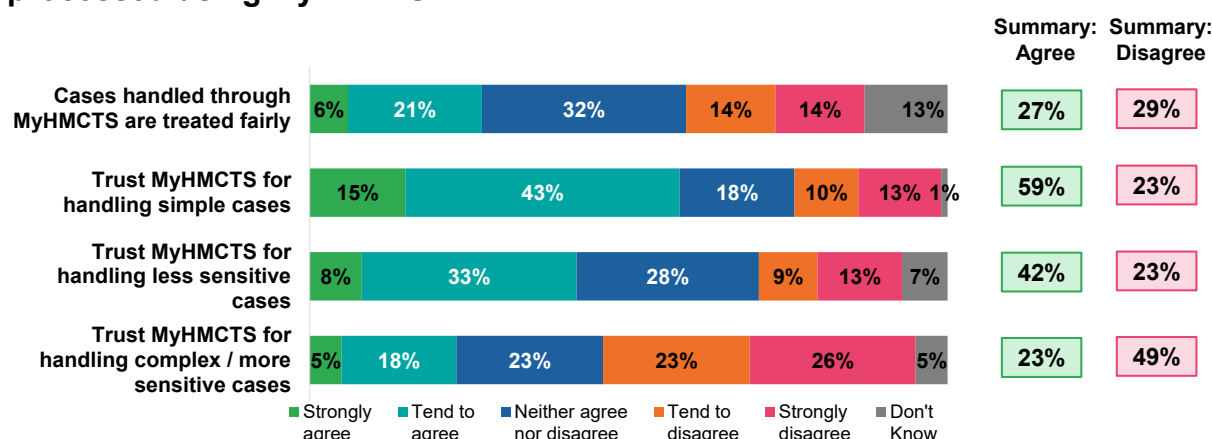
The main factors affecting public users' perceptions of how fairly their cases were handled were being kept informed of their case progress and whether they experienced errors in the handling of their cases.

Public users who did not feel they were kept at all informed of progress were less positive about the handling of their case and were less likely to be satisfied with the outcome (87% vs. 99% of those who felt fully informed). Probate professionals also expressed an awareness that inconsistent wait times within the reformed probate service were causing client dissatisfaction and lack of trust in the service to handle cases fairly.

Public users who reported case or user errors were also less likely to have confidence in the handling of their application by HMCTS (58% vs. 75% of those who did not report errors) and less likely to be satisfied with their case outcome (83% vs. 95% who of those reported no errors).

Despite high levels of trust in the probate service among public users, agreement that cases handled through MyHMCTS are treated fairly was split among probate professionals, varying according to case sensitivity and complexity. As Figure 24 shows, 59% trusted the MyHMCTS for handling simple cases, 42% for handling less sensitive cases and 23% for handling complex or more sensitive cases.

**Figure 24 Probate professionals' trust of fair handling of probate cases processed using MyHMCTS**

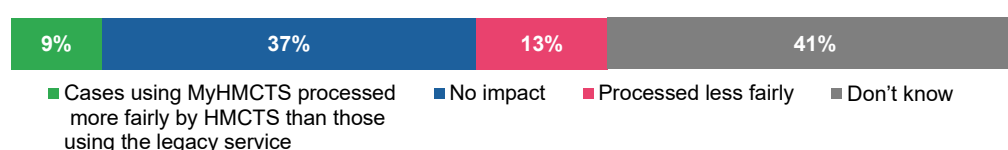


Source: IFF research

Note: E1: To what extent do you agree or disagree with the following statements? Base: All probate professionals (655). Answers do not sum to 100% due to rounding.

However, compared to the legacy system, probate professionals generally did not feel that using the MyHMCTS service affects how fairly cases are processed. Around four-in-ten said MyHMCTS had no impact on how fairly cases are processed (37%) or said they did not know (41%). Around one-in-ten felt cases were processed more fairly (9%) and a similar proportion felt cases were processed less fairly (13%) (Figure 25).

**Figure 25 Probate professionals' views on fairness of processing of probate cases using MyHMCTS, compared to those processed using the legacy service**



Source: IFF research

Note: E3: Compared to using the legacy service, how does using MyHMCTS service affect how fairly cases are processed by HMCTS? Base: All probate professionals (655).

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

A tenth of public users reported they had made an error. The HMCTS staff member attributed this to instructions not being sufficiently clear in the reformed service. Three-quarters of probate professionals reported they had made an error. Errors included spelling mistakes in names or other key details, mistaken or missing calculations, or incorrect forms of documents supplied. The process evaluation did not collect evidence on how levels compared with the legacy process.

It was common for probate professionals to report case errors by HMCTS, but public users were rarely aware of case errors. Most probate professionals were unsure whether case errors are less common in the reformed digital system.

Probate professionals' views were mixed as to whether the error rate was lower when using the MyHMCTS platform compared to the legacy system. Most were positive, reporting that the error rate had decreased (27%) or was unchanged (23%). A fifth felt the frequency of errors increased (19%) and a third said they did not know (31%) (Figure 26).

**Figure 26 Probate professionals' views on frequency of errors using MyHMCTS, compared to the legacy service**



Source: IFF research

Note: C4: Compared to using the legacy route, do errors occur more or less frequently on MyHMCTS? Base: All probate professionals (655).

#### 4.2.3.a User errors caused by public users

In the survey of probate public users, just over one in ten (11%) reported that they made mistakes or omissions in the information that they provided for their application. Those who wanted, but did not access digital support, were more likely to report they made a mistake than those who did not want support (16% vs. 10%). The most common errors were misunderstanding what they were being asked for (e.g. whether a copy of the will was sufficient), failing to provide some information

initially (e.g. if there were multiple executors), and mis-entering some information (e.g. the value of the estate).

#### *4.2.3.b User errors caused by probate professionals*

Three-quarters (76%) of probate professionals said they made errors themselves while using MyHMCTS, though mostly this was only occasionally (60%). More than a quarter of probate professionals (28%) thought errors were made by other parties using MyHMCTS. Across errors made by both probate professionals and other parties, these were most commonly that they had misunderstood what was being asked for, or they did not provide some information.

In the qualitative interviews, probate professionals acknowledged that the accuracy of input was now in their hands. They variously reported that having to manually transfer data from paper to digital generated errors, or felt that there were fewer typing errors now they entered data themselves. They also fed back that some question wording did not allow them to answer accurately, and that there was no facility to add an explanatory note as they would have done in the legacy process. When there are errors, probate professionals reported that resolution was slow as support staff are insufficiently knowledgeable to help, and they cannot pre-emptively discuss issues as they used to with local registry staff. They also said it was not straightforward to change information that is entered incorrectly.

"The button says 'save and submit' but how would you know this [actually] takes you back in to edit something? ...The button names are completely wrong." **Probate professional**

#### *4.2.3.c Case (administrative) errors caused by HMCTS*

In the public user survey, five per cent reported that HMCTS had made mistakes in processing their application. In contrast, over three quarters (78%) of probate professionals thought that errors were made by HMCTS on cases processed through the MyHMCTS service.

Public and professional users mentioned a range of different types of error. These included administrative issues such as not meeting deadlines; poor communication,

such as not informing users of application errors; HMCTS not receiving information the service user submitted; poor internal reporting, such as actions / progress not recorded, and HMCTS appearing to misunderstand the information provided.

#### **4.2.4 Where digitalisation is the only change to a service,<sup>18</sup> how consistent are processes between digital and non-digital channels?**

Just under half (45%) of probate professionals disagreed that the service their clients receive is consistent, regardless of whether they (the probate professional) used MyHMCTS or the legacy system. Those more likely to report inconsistency were solicitors, more experienced in their role and in larger organisations.

In the qualitative interviews probate professionals did not raise particular inconsistencies in process between the channels, as the circumstances and information which needs to be submitted is different for digital and paper applications.

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

##### *4.2.5.a Ease of access for public users*

Most public users (89%) reported using the online form to start their application, and three-quarters (74%) communicated with HMCTS via the digital channel. There was some evidence of accessibility barriers amongst those who submitted a paper application.

Those aged under 65, high earners and/or in full time paid employment were more likely to report they had chosen the digital channel to apply or communicate with HMCTS.

---

<sup>18</sup> All services also moved to the courts and tribunals service centres (CTSCs).

Those who had 'mid-level digital capability', and those aged over 65 were slightly less likely than average to report submitting an online form (85% each compared to 89% overall), though a large majority had still done so.<sup>19</sup>

Among the tenth who did not recall using the online form on GOV.UK to start their initial application, the most common reasons given were that it felt too difficult or complicated, or thinking there was no digital services available for their case.

Once they had submitted their claim, three-quarters (74%) of public users communicated with HMCTS via the online /digital / GOV.UK service, and most (62%) said this was their main method of communication; a further 29% used email.

Public users particularly likely to report that they had used the digital channel to communicate with HMCTS were those with a high digital capability (78%) and those who earned £60,000 or over (83%).

Nearly half of public users who used the digital channel (for application or communication) mainly accessed the service using a laptop (47%), though a tenth (10%) mainly used a mobile phone.

In the qualitative interviews with public users, those who were initially nervous or daunted felt that it was less difficult than they expected to access and use the system. Some were pleased that they did not need the expense of a solicitor, which they attributed to the online system being so easy to use.

#### *4.2.5.b Ease of access for probate professionals*

Probate professionals were more likely to find setting up their MyHMCTS account easy than difficult. Most (93%) had some degree of confidence in using the MyHMCTS system, and around a third (35%) were very confident.

In the legal professionals' survey, around three-in-ten probate professionals (29%) set up their MyHMCTS account themselves. Four in ten of these (43%) said it was easy though a fifth (20%) said it was difficult. Two thirds (68%) had someone else set it up on their behalf. This was usually because someone else in the firm or

---

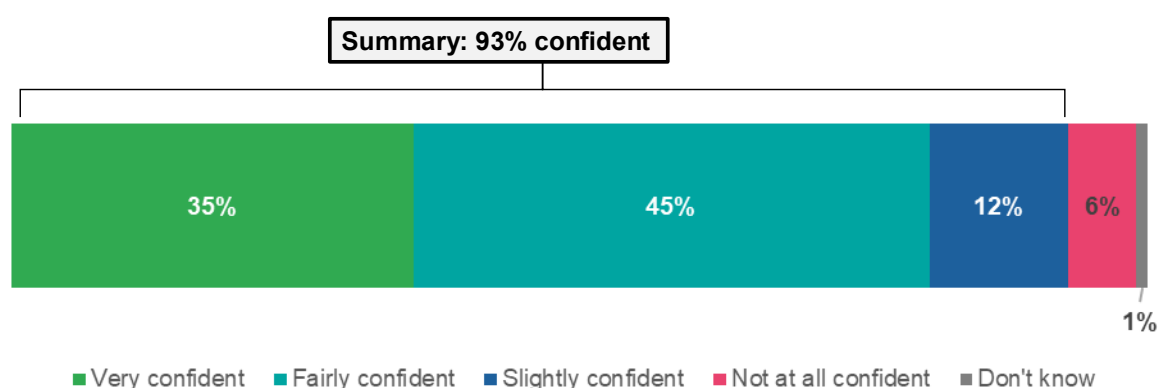
<sup>19</sup> In the survey of public users, nine-in-ten (89%) recalled starting their application using the online form on GOV.UK.



organisation routinely does this for everyone in the business (reported by 89% of probate professionals whose accounts were set up by someone else).

Most probate professionals (93%) had at least some degree of confidence in using the MyHMCTS system; a third (35%) were very confident (Figure 27). Those who were fairly or very confident were most likely to say this was because of previous/regular use (43%), or it was easy to use (28%).

**Figure 27 Probate professionals' confidence in using MyHMCTS**



Source: IFF research

Note: D12: In your work now, how confident do you feel using MyHMCTS? Base: All probate professionals (655). Answers do not sum to 100% or to the summary value of 93% due to rounding.

In the qualitative interviews probate professionals often flagged that they had to sign in multiple times as their password was not accepted first time.

#### 4.2.5.c Dropping out from the digital to the paper channel

Over a third of probate (36%) professionals reported that cases 'drop out' of the MyHMCTS system (to instead be processed on paper) as they are not supported by the system. A quarter (25%) said they decided to proceed offline, and less than a tenth (7%) that other parties decided to move offline. All of these scenarios are most often described as happening only occasionally. 'Dropouts' were most common when the case was being created.

In the professionals' survey, the following proportions of probate professionals reported that cases drop out of the MyHMCTS service (started on MyHMCTS but end up being processed offline) at different stages:

- 36% when reaching the stage that is not supported by the MyHMCTS service (comprising 19% occasionally, 13% sometimes, 3% frequently and 1% all cases)
- 25% because they, as a probate professional, chose to proceed with the case using the offline/paper route (comprising 16% occasionally, 7% sometimes, 1% frequently and 1% all cases)
- 7% because other parties choose to proceed with the case using the offline/paper route (comprising 3% occasionally, 3% sometimes, less than 0.5% frequently and less than 0.5% all cases).

The minority of probate professionals who said cases started in MyHMCTS drop out of the service due to reasons other than party choice commonly said this was because it was no longer eligible for MyHMCTS (82%), it became too complex (27%), it was not mandated to use MyHMCTS (15%) or technical issues with MyHMCTS (10%).

#### *4.2.5.d Support and how issues are resolved*

Among public users, awareness of the National Digital Support Service was low (and some of those unaware of it would have liked assistance). A quarter of probate professionals needed support to use MyHMCTS and had accessed it from HMCTS but levels of satisfaction with the support provided were relatively low.

One in six (16%) public users reported receiving support or assistance with their case. This proportion was higher among those interviewed in phase 1 with cases in November – December 2021 (20% vs. 13% with cases in February – April 2023); and among those who reported user or case errors with their application compared to those with no errors (23% vs. 15%). Support received was most commonly from a family member or friend who was not legally qualified (46% of those receiving support) followed by the HMCTS National Digital Support Service (20%) and/or the CTSC (13%).

Two-fifths (39%) of public users who did not receive HMCTS support to use the digital channel were unaware that support was available. Of those unaware, two-

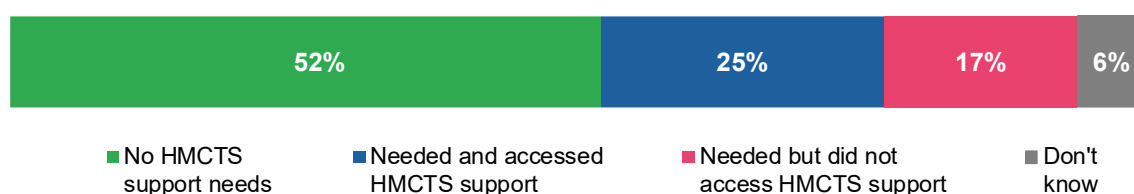
fifths (41%) stated that they would have liked to access this support if they had known it was available. Therefore, of all public users who used the digital channel, three per cent had accessed digital support but a quarter (24%) had wanted digital support but were not aware of how to access it.

"I struggled then to find the information that I needed... [I was] exasperated... [as] assistance at that point to get me beyond that particular aspect would have been ideal." **Public user (Probate)**

In the probate professionals' survey, views were mixed with half (52%) saying they did not need general support to use MyHMCTS whilst four in ten (42%) did.

Those accessing support most commonly did so from colleagues (62%) rather than HMCTS. Just over four-in-ten accessed a CTSC or MyHMCTS Support (44%), with fewer accessing written guidance or training resources (29%) or online webinars or videos (7%). If written guidance and online webinars includes those provided by HMCTS then it would mean that up to a quarter of probate professionals overall (25%) needed and accessed HMCTS support, whilst at least 17% needed support but did not access HMCTS support, although they may have accessed support from other sources. See Figure 28.

**Figure 28 Probate professionals' support needs and whether accessed HMCTS support**



Source: IFF research

Note: D7: At any point since you began using MyHMCTS, have you needed general support (other than tech support) to use the service? D8: Did you access support? Base: All probate professionals (655). HMCTS support includes CTSCs or MyHMCTS Support, online webinars, videos, written guidance and training (assumed to be from HMCTS). Note: use of written guidance / training resources or online webinars/ videos is included as HMCTS support being accessed, but some may be from other sources. The proportion who accessed HMCTS support may therefore be lower and the proportion who needed but did not access it may be higher.

The levels of satisfaction among probate professionals who had accessed general HMCTS support, e.g. from the CTSC or MyHMCTS Support (excluding those who

only received HMCTS support via online webinars / videos, written guidance or training resources) were relatively low: 77% were dissatisfied about how quickly they were able to communicate with someone about their issue and 54% were dissatisfied with the extent to which they felt their issue was understood by HMCTS support staff.

Among probate professionals who did not access any support, most were unaware that support was available (67%) - this included 61% who would have accessed it if they had known it existed.

In the qualitative interviews, probate professionals reported disappointment with the CTSC, comparing it unfavourably with their prior contact with local registries. The automated emails indicating that the application will be dealt with within 16 weeks and not to contact HMCTS before then were a source of frustration. Probate professionals thought they might be able to speed up processing if they could speak to staff and explain issues with an application. Support was often only needed for 'non-standard' cases for example, dates in a will varying on different pages, but many felt there was now little effective support for complex queries.

"We just get a message saying we'll respond in 16 weeks. But they don't respond. So we phone them and wait on the phone....and then talk to someone who doesn't know anything." **Probate professional**

"The digitisation isn't the problem, it's probably more down to the closure of the local courts or the lack of being able to correspond easily with whoever is dealing with the matter in person and that person not being legally trained." **Probate professional**

#### **4.2.6 How does the new digital process impact users' experience?**

The majority of public users were satisfied with the service, and a large majority would use the online service if they had to apply for probate again in future. Amongst probate professionals, more were dissatisfied than satisfied with the service, but they largely preferred the MyHMCTS system to the legacy system.

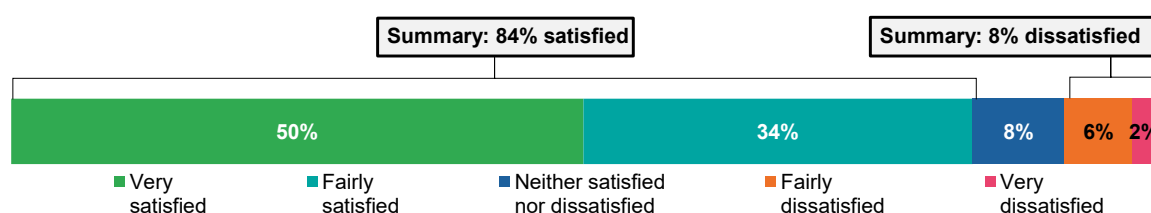
#### 4.2.6.a Overall views and experience

### Public users

Overall, the majority (84%) of public users were satisfied with the service received from HMCTS (Figure 29). Satisfaction levels varied according to their experiences of the process as follows:

- Those who felt they were kept fully informed by HMCTS were more likely to be satisfied (98%) than those who felt partially informed (87%) or not at all informed (60%)
- Those who did not want digital support were more likely to be satisfied (87%) than those who wanted support but did not access any (79%)
- Those who reported no case or user errors in their case were more likely to be satisfied (86%) than those who reported errors (74%).

**Figure 29 Public users' overall satisfaction with HMCTS service**



Source: IFF research

Note: H5 Leaving aside the outcome of your case, how satisfied were you with the service you received from HMCTS overall. Base: All probate public users of the service (731).

In the qualitative interviews, public users were very positive about the service overall. Many compared it favourably with other similar online processes. Public users who had uploaded documents praised the convenience of not having to print and post physical forms. They appreciated the flexibility of being able to start the application, save progress and return when convenient, and that multiple executors could be involved without having to physically meet.

"I was just sick of paperwork... I was pleasantly surprised that you could do it online after having so many phone calls with people... and you are on hold so doing it online was a welcome relief." **Public user (probate)**

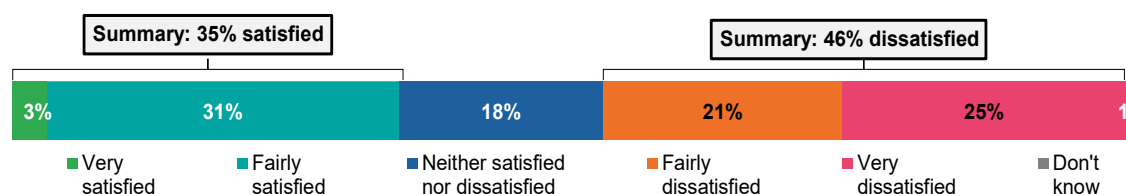
"There's no going into the office or having to book appointments or whatever, and if I wanted to do it at three o'clock in the morning, I could do it at three o'clock in the morning." **Public user (probate)**

A few public users called for better integration with HMRC systems around estate valuation and Inheritance Tax calculations.

In the survey of public users, four-fifths (82%) said that they would use an online service in the future if they were to bring another case or application to HMCTS.

Satisfaction among probate professionals with the MyHMCTS service was relatively low: just over a third (35%) were satisfied but almost half (46%) were dissatisfied (Figure 30).

**Figure 30 Probate professionals' overall satisfaction with MyHMCTS service**

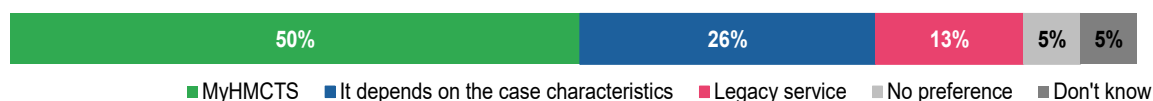


Source: IFF research

Note: G5: Overall, how satisfied or dissatisfied are you with the MyHMCTS service? Base: All probate professionals (655). Answers do not sum to 100% (or to summary value 35%) due to rounding.

Despite relatively low levels of overall satisfaction with MyHMCTS among probate professionals, half (50%) said they would still prefer to use it over the legacy system, and only 13% said they would prefer to use the legacy service. A quarter (26%) said it depended on the case characteristics (Figure 31).

**Figure 31 Probate professionals' preference for MyHMCTS versus legacy system**



Source: IFF research

Note: B5: If MyHMCTS service was not mandatory for cases, would you prefer to use MyHMCTS or the legacy service?  
Base: All probate professionals (655). Answers do not sum to 100% due to rounding.

A variety of suggestions were made by probate professionals to improve the service. The most common were to improve efficiency (24%), provide detailed and timely updates/notifications (16%), enhance functionality (14%), or improve support (12%).

In the qualitative interviews, probate professionals reported unexplained delays, and not being able to get detailed progress updates on MyHMCTS caused frustration, as did slow and unhelpful support. They felt clients blamed their solicitors for the delays, and for the extra fees due to time spent chasing up queries. However, positives included not having to handle large volumes of confidential paperwork.

## 4.3 Potential improvements

Research participants expressed some specific suggestions on how the digital system could be improved. These suggestions do not take into account any changes since fieldwork was conducted (January to November 2023).

### **Suggestions made specifically by participants:**

- Provide a visual overview of the stages of the process, and which stage applications are at, including the order of the different strands and when specific documents or information will be needed (e.g. the death certificate, the estate valuation). (*Public users*).
- Improve responses to email queries, including their timeliness, confirmation when a caseworker has started to look at the application and an approximate timeframe in which it is expected to be granted. Allow communication prior to 16 weeks. (*Probate professionals*).
- Allow uploading of copies of wills, to allow queries to be addressed whilst waiting for the original version to be posted. (*Probate professionals*).

- Redesign the statement of truth layout (e.g. do not have date of birth split over two lines) and navigation (e.g. allow bookmarking to return to specific points). (*Probate professionals*).
- Provide function in MyHMCTS to archive old or unsubmitted applications so the view focusses on current applications. (*Probate professionals*).

### **Suggestions based on analysis**

Analysis of the interviews also provided areas for potential improvements:

- Clearer explanation of some requirements, and direction to guidance/support for valuing the estate, e.g. how to value houses with a mortgage, how to value joint assets such as cars, a hierarchy of which allowances applied in what order.
- Further training for support staff and enable them to view applications so they are able to deal with more complex queries.
- A review of the language used in questions and set answers, to understand where exceptions commonly occur (e.g. if a lay executor or two directors of a company) and allow explanatory notes to be entered where particular evidence cannot be provided.
- Improve stability of MyHMCTS to reduce the time it is unavailable or 'crashes'.
- Raise awareness of HMCTS training, guidance, and technical support and how to access it.



## 5. Conclusions

### 5.1 Impact evaluation key findings

Findings from the impact evaluation suggested that the reform can reasonably be considered to have contributed to changes in some, though not all, outcomes:

There is mixed evidence of the reform's contribution to digital uptake and, therefore, access to the justice system. On the one hand, there was a steady increase in digital uptake by public users and probate professionals over the analysed period.

However, this was not true of all groups as applicants whose first language was not English or Welsh had lower digital uptake and a higher withdrawal rate for applications. Additionally, the general increase in digital literacy in the wider population over the same period was found to be a further likely contributor to the digital uptake.

There is mixed evidence that the digital reform is likely to have contributed to improved efficiencies and speed of access to justice. There was an observed improvement in average case duration for probate professionals after the digitalised service was mandated. However, there was no consistent improvement in the average case duration for public users over the reform period.

There is tentative evidence that the digital reforms contributed to improvements in reductions of administrative errors and therefore higher service user satisfaction. Whilst there was no consistent improvement in indicators of user and administrative errors for public users, there was substantial improvement for probate professionals after use of the service was made mandatory.

### 5.2 Process evaluation key findings

There is mixed evidence regarding whether the probate service was implemented as intended. On the one hand, probate professionals reported that most straightforward probate applications were being processed through the digital system. Probate professionals, HMCTS staff and public users also reported the process of applying

digitally was easier and quicker than the legacy system (for straightforward applications). On the other hand, the time taken to grant probate was perceived by probate professionals to be longer and more unpredictable than under the legacy system.

Evidence regarding user experience in relation to the new probate system was largely negative for staff and professionals. HMCTS staff reported instructions were insufficiently clear, leading to public user errors. Probate professionals reported that communication with HMCTS staff was very difficult, and support staff were less well-informed than under the legacy system. Probate professionals also reported centralisation of processing and support had negatively affected their ability to process more complex cases. Overall, more probate professionals were dissatisfied than satisfied with the service, but most preferred MyHMCTS to the legacy system. Conversely, 84% of public users were satisfied with the HMCTS service, although no comparable data is available for the legacy system.

Findings were mixed regarding the impact of the reformed service on subjective access to justice outcomes. Whilst nearly all public users were satisfied with their case outcome, probate professionals had mixed views on whether the change to MyHMCTS had reduced access to justice or not.

## 5.3 Implications

Several suggestions for improvements to the digital probate service emerged from the findings. The key areas these focused on included:

- Improving some of the key features of the service such as providing a visual overview of the stages of the process, allowing copies of wills to be uploaded, redesigning the statement of truth layout and providing function in MyHMCTS to archive old or unsubmitted applications.
- Raising awareness of existing HMCTS training, guidance, and technical support and how to access it, alongside providing additional training for support staff to enable them to deal with more complex queries.

- Clarifying parts of the process for service users and professionals by providing clearer explanations of some requirements and reviewing some of the language used on the system.
- Offering users clearer and more frequent communication, for example, by acknowledging submissions, providing timeframes for case progressions and responding to email enquiries faster.

# References

- Department for Work and Pensions. (2024). *Evidence review: digitalising welfare services*. Department for Work and Pensions, London. Retrieved from <https://www.gov.uk/government/publications/review-of-international-and-private-sector-evidence-on-the-effectiveness-of-digitising-services>
- Government Social Research. (2021). *GSR Professional Guidance: Ethical Assurance for Social and Behavioural Research in Government*. London: Government Social Research. Retrieved from <https://www.gov.uk/government/publications/ethical-assurance-guidance-for-social-research-in-government>
- HM Courts & Tribunals Service. (2023a). *Assessing Access to Justice in HMCTS Services - November 2023*. London: HM Courts & Tribunals Service. Retrieved from <https://www.gov.uk/government/publications/assessing-access-to-justice-in-hmcts-services/assessing-access-to-justice-in-hmcts-services-summary-report#probate-1>
- HM Courts & Tribunals Service. (2023b). *Assessing Access to Justice in HMCTS Services - Summary Report*. HM Courts and Tribunals Service. London: HM Courts & Tribunals Service. Retrieved from <https://www.gov.uk/government/publications/assessing-access-to-justice-in-hmcts-services/assessing-access-to-justice-in-hmcts-services-summary-report>
- HM Courts & Tribunals Service. (2024). *Assessing Access to Justice in HMCTS Services - December 2024*. London: HM Courts and Tribunals Service. Retrieved from <https://www.gov.uk/government/publications/assessing-access-to-justice-in-hmcts-services/assessing-access-to-justice-in-hmcts-services-december-2024#updates-on-previous-assessments>
- Hunter, G., Bhardwa, B., Dinisman, T., Moroz, A., Anastassiou, A., & Lynall, A. (2022). *Language barriers in the*. Retrieved from <https://www.bell-foundation.org.uk/app/uploads/2022/03/Language-barriers-in-the-criminal-justice-system.pdf>
- Office for National Statistics. (2022). *Estimates of the population for the UK, England, Wales, Scotland, and Northern Ireland*. Retrieved from <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland>

Office for National Statistics. (2023). *Age groups*. Retrieved from <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/demographics/age-groups/latest/#age-profile-by-ethnicity>

Taylor, H., Cardwell, J., & Harden, B. (2021). *The future of digital government: a blueprint for the future of digital public services in the UK*. PUBLIC and BT. Retrieved from <https://view.publitas.com/public-1/future-of-digital-government-report/page/1>

## Appendix A

### Probate logic model

Figure A1 presents the logic model for the Probate digital reform. It shows the links between inputs, activities and how those lead to the anticipated outputs, outcomes, and longer-term impacts.

Several inputs were required for the digitalisation of the probate service. Financial and time resources (i.e., inputs) were required from the government, HMCTS staff, the judiciary and service users. In addition, introducing other digital aspects within MoJ/HMCTS and the ongoing release of Common Components were also essential for the rollout of the Probate digital service.

Those inputs enabled public users and probate professionals to submit and manage applications online.<sup>20</sup> Since users can follow their cases online and be informed about the process of the case, this might have led to changes in user satisfaction.

Having the ability to pay for the services and undertaking the 'Statement of Truth' online instead of in person would have led to increased efficiency and further increased the ease of use of the service, increasing the level of digital uptake.

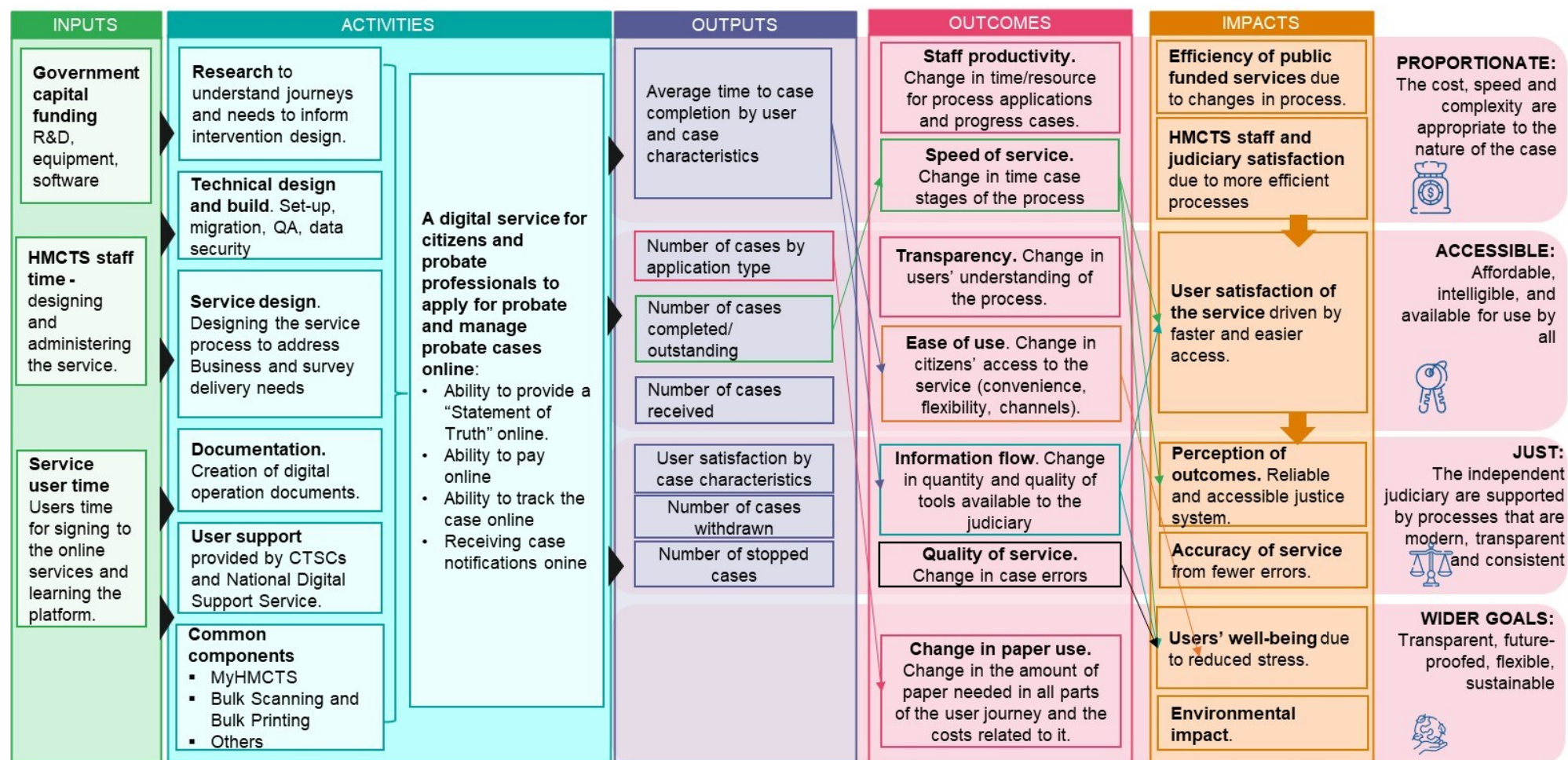
The online services, including support and easy access to case documents, would be expected to lead to increased efficiencies and more efficient resource usage.

All those impacts would have led to an improved access to the formal justice system.

---

<sup>20</sup> Further details about the features of the Probate digital service can be found in Section 2

**Figure A1 Probate logic model**



Source: Frontier Economics

## Appendix B

### Probate impact evaluation technical appendix

This appendix includes technical information regarding the data used in the MI analysis. It includes a basic description of case volumes and types, and specific data quality considerations relevant to the selection of data for analysis. It includes a summary of the final scope of, and steps taken to prepare, the data included in the analysis.

#### MI data analysis supporting information

The MI data was sourced from the Core Case Data (CCD) (reform data system). The data analysis was based on the assessment the available data with respect to:

1. Volume of and period that are available in the dataset.
2. Types of cases included in the data set and the ability to make various comparisons.
3. Available variables relevant to outputs and outcomes of interest.

#### Volume of cases and period of analysis

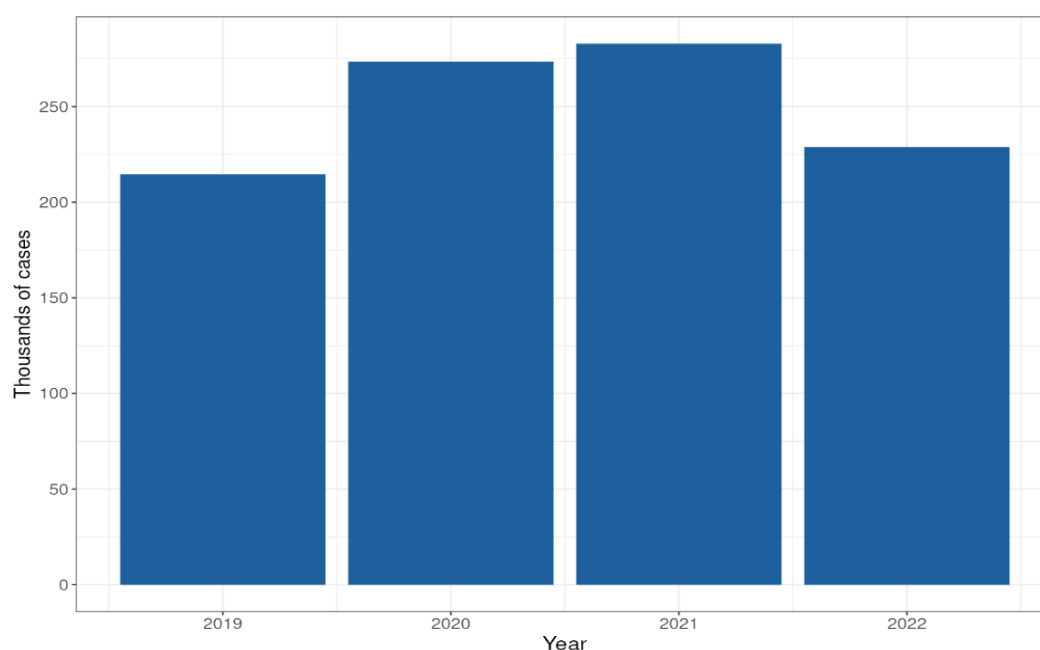
The CCD dataset included information on over one million anonymised probate cases (including Grants of Probate, Grant of Administration with Will annexed, and Grant of Administration),<sup>21</sup> where the corresponding applications were submitted from January 2018 to October 2022. This analysis did not include standing search cases (where users search for probate records) and caveat cases (where users challenge someone's probate application). Figure B1 shows the original volumes of cases in the dataset.

---

<sup>21</sup> Note that when there is a will, the probate process results in a Grant of Probate, whereas when there is no will (i.e., intestacy), the result of the process is a Grant of Administration.



**Figure B1 Volume of probate cases**



Source: Frontier Economics based on data from CCD

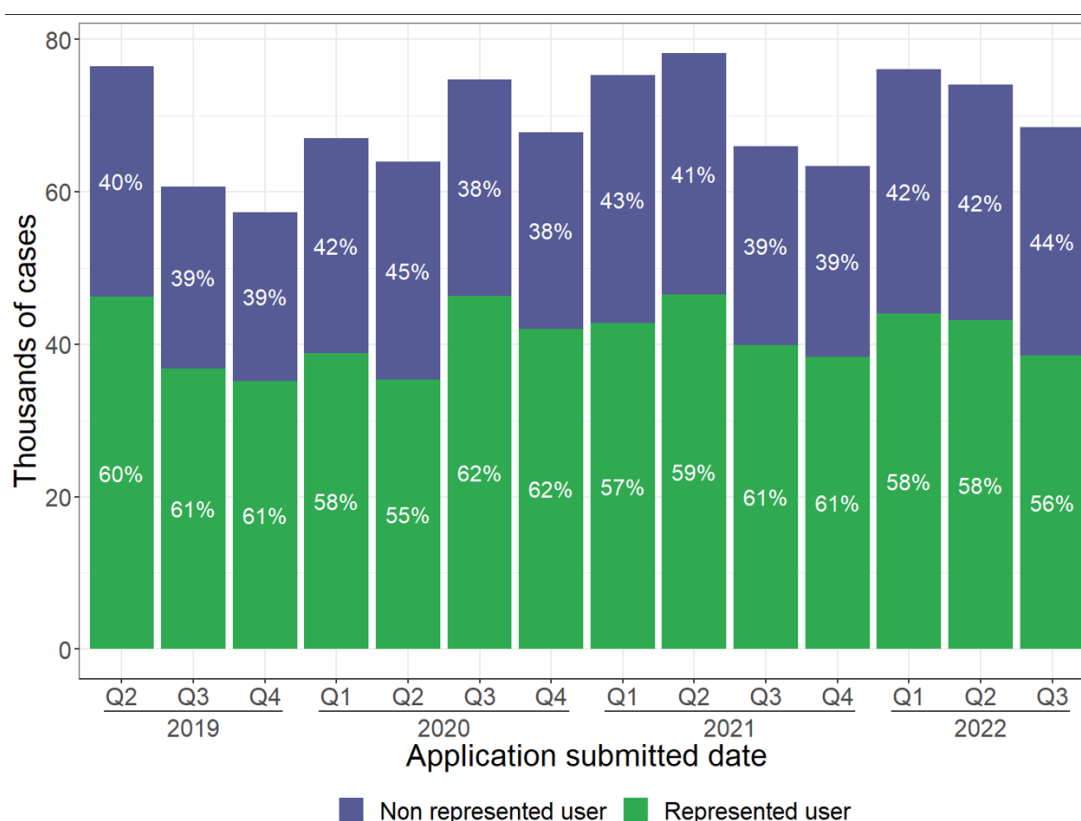
Note: Total number of cases including digital and paper, represented and non-represented). 2019 includes data from April only. 2022 includes data to October only

The digital rollout of the probate service started in July 2018. However, HMCTS did not fully migrate the service to Courts and Tribunals Service Centres (CTSCs) until March 2019, from which point reform cases were fully and consistently recorded on CCD, and no more new cases were recorded on the legacy system. The digital probate service evaluation therefore included only cases submitted between April 2019 and October 2022.

### **Types of cases included in the analysis**

Figure B2 below shows that over the period Q2 2019 to Q3 2022, 61% of the applications were from probate professionals. The split between public users and probate professionals has remained fairly constant across the reform period.

**Figure B2 Number of cases by representation type**



Source: Frontier Economics based on data from CCD

Data were available for paper cases and digital cases. Paper cases in the reform period are likely to be more complex as the eligibility criteria for the digital service would have likely diverted complex cases away from the digital channel. Since the two routes would have a different mix of complexity levels, the analysis compared outcomes between paper and digital cases (separately for public users and probate professionals).

In addition, the data was sufficient to identify various justice outcomes, including:

- cases that were stopped (from the HMCTS side) at least once,
- withdrawn (by the user) cases, and
- finalised cases (where the Grant of Probate or a Grant of Administration has been issued).

## Data on the characteristics of the users

Protected characteristics questions PCQs were introduced to the probate service in June 2020 and were initially available for the digital service for public users (i.e., not available for represented cases).<sup>22</sup> The information asked in the PCQs included:

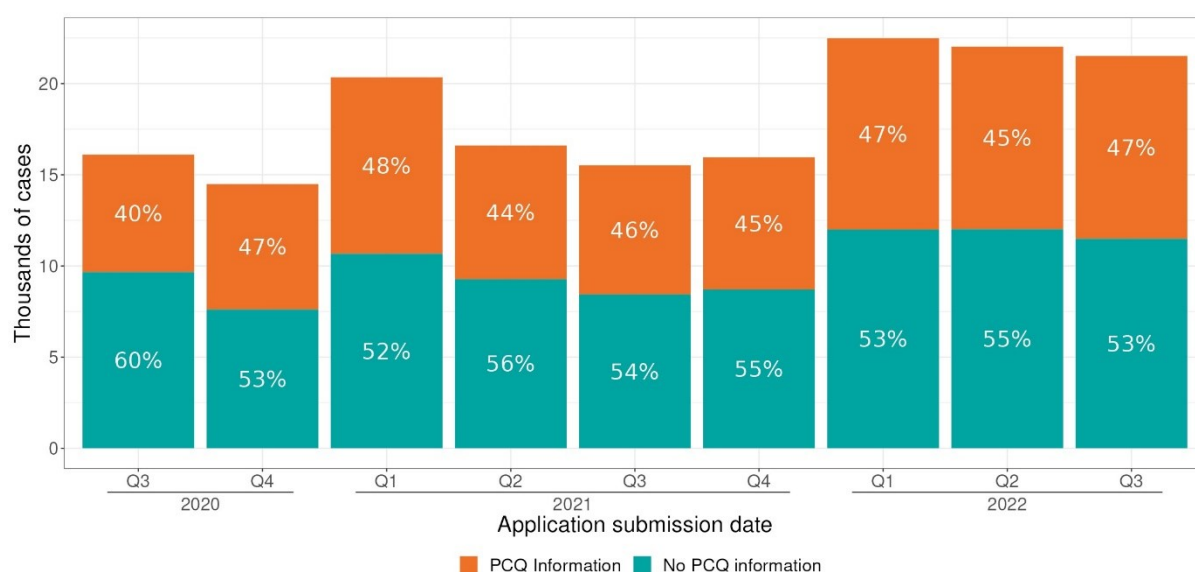
- Sex and gender identity,
- disability,
- main language,
- ethnicity,
- age,
- sexual orientation,
- marriage,
- religion,
- pregnancy and maternity status.

Figure B3 below shows that since the introduction of PCQs, the proportion of public users' digital cases with information on PCQs has increased slightly, from 40% in Q3 2020 to 47% in Q3 2022.

---

<sup>22</sup> A very small proportion (less than 0.05% of all paper cases) of PCQs for paper cases was available for analysis. Due to the extremely small amount of those cases, analysis was not feasible.

**Figure B3 Proportion of cases containing PCQ information**



Source: Frontier Economics based on data from CCD

Note: The proportion of cases with information on PCQs is calculated with respect to total cases where PCQ information is available: Includes only non-represented digital cases.

## Summary of scope and detailed data preparation steps

Table B1 sets out the scope and key steps in preparation of the data used in the MI analysis.

**Table B1 Scope and cleaning steps for the Probate MI data**

Description of datasets received	Anonymised data from the CCD case management system
<b>Available information (raw data)</b>	1,015,752 observations from 2 January 2018 to 17 October 2022. Results presented only for cases submitted from April 2019 onwards.
<b>Cleaning steps</b>	No duplicates Observations removed from the sample: <ul style="list-style-type: none"> <li>89 observations with inconsistent information on dates</li> <li>4,675 observations without information on channel (i.e., paper or digital)</li> </ul>

	<ul style="list-style-type: none"> <li>• 11,471 observations where the application submitted date was before March 2019 (see above for the reasons that pre-March 2019 data was removed).</li> </ul> <p>Total of 1.5% of the original dataset removed.</p>
<b>Available information (clean data)</b>	<p>999,606 observations from 1 March 2019 to 16 October 2022.</p> <p>Only reformed data was available for analysis.</p>
<b>Information on relevant subsets/cuts of the sample</b>	<p>Unavailable comparisons</p> <ul style="list-style-type: none"> <li>• <b>Legacy data:</b> no information; data only available for the reform period.</li> </ul> <p>Available cuts:</p> <ul style="list-style-type: none"> <li>• <b>Channel type:</b> information available for paper and digital applications post reform. Used to analyse digital uptake trends.</li> <li>• <b>Representation type:</b> information available for applications submitted by public users and legal probate professionals. Used to analyse case outcomes separately for each applicant type.</li> </ul>
<b>Available information on PCQ</b>	<p>From June 2020, 45% of all eligible cases had information on at least one PCQ.</p>
<b>Information on relevant subsets of the sample for observations with PCQs</b>	<p>Cases with information on PCQs are only available for:</p> <ul style="list-style-type: none"> <li>• Public user cases</li> <li>• Digital cases.</li> </ul> <p>For the PCQ analysis, data was restricted to public user digital cases after June 2020, and differences in outcomes for groups of interest were calculated based on the totals (i.e., not quarterly or annually). Statistical testing at the 5% level of significance was conducted.</p>

<b>Key outcomes of interest</b>	<p>Change over time of:</p> <ul style="list-style-type: none"> <li>• Digital uptake: proportion of digital cases vs paper cases out of total cases</li> <li>• Stoppages: proportion of cases stopped at least once</li> <li>• Withdrawals: proportion of cases withdrawn</li> <li>• Timeliness: average number of days from application submission date until the case is finalised (i.e., grant is issued).</li> </ul>
<b>Level of granularity</b>	<p>Quarterly/ monthly change over time (until 2022 Q4 where the information is not complete), split by:</p> <ul style="list-style-type: none"> <li>• Type of applicant (i.e., public user vs probate professional)</li> <li>• Channel (i.e., digital vs paper).</li> </ul>

Source: *Frontier Economics*

## Appendix C

### Probate fieldwork summary

Table C1 Summary of fieldwork				
Audience	Quantitative Surveys	Fieldwork dates	Qualitative interviews	Fieldwork dates
Public users (applicants)	731	December 2022 to March 2023 and November 2023	14	January 2023 and October 2023
Probate professionals	655	December 2023 to January 2024	9	September 2023 to October 2023
HMCTS staff	n/a	n/a	1	October 2023 to November 2023

## Appendix D

### Ethical Considerations

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

#### **Minimising the risk of harm**

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

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

#### **Informed consent and right to withdraw**

Public users and legal professionals were invited to take part in the surveys and interviews in advance by email (or for public users by post where an email address was unavailable). This invitation set out the purpose of the fieldwork, the voluntary nature of participation and their right to withdraw. It also made explicit the confidential nature of participation and that this would have no effect on their



interactions with HMCTS. This information was further repeated at the start of the fieldwork.

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

### **Enabling participation**

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

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

### **Confidentiality and disclosure control**

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

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