



Ministry
of Justice

HMCTS Reform Digital Services Evaluation

Supplementary Report: Divorce

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/100000/hmcts-reform-digital-services-evaluation-supplementary-report-divorce.pdf)

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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 a number of 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 divorce service.

The divorce service facilitates legally ending a marriage or a civil partnership. The digitalisation of this service enabled service users to complete all tasks online including uploading documents, submitting the petition/application, making payments, viewing case progression, and applying for decrees and orders. For judges, digital reform transferred all aspects of case management onto a digital platform. For HMCTS staff, the digital reform meant administrative tasks and checks are completed digitally, alongside communication with judges and legal professionals. In the reformed service, divorce hearings are also managed digitally.

Overall, digital reform of the divorce service aimed to create a simple, fair, and accessible service that has faster processing, fewer errors, reduced administrative time to input and progress cases and reduced delivery costs.

1.2 Design

The evaluation of the reformed divorce 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 divorce service



- what outcomes are associated with the divorce 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 divorce service¹ are summarised in Tables 1 and 2 below. Table 1 summarises the evidence for the 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 impact evaluation – Contribution narrative

	Contribution Claim	Summary of evidence	Conclusion
1	User-centred functionality leads to ease of use and improved user experience.	<p> There was a rapid increase in digital uptake by public users to over 90%. Public users report most aspects of managing their case is easier via the digital service.</p> <p> There was a steady increase in uptake by legal professionals over the evaluation period and near-universal uptake since digital usage was mandated (in September 2021).</p>	There is good evidence of the reform's contribution to improved digital uptake, and improved access to the formal justice system.

¹ This evaluation covers divorce applications started between July 2019 and October 2023. In April 2022 new divorce law (NDL) came into force introducing 'no-fault' divorce. Due to the time cases take to complete, volumes of NDL cases were limited within the data available for this analysis. As such, the impact evaluation focussed primarily on applications from before this change (under old divorce law, or ODL).

<p>2 User-centred functionality reduces the need for legal representation.</p>	<p> There are continuing increases in the numbers of users accessing divorce without using legal representation. There is limited evidence however on the reform's contribution to the observed trend.</p> <p> There is evidence that the decline in rates of legal representation predates reform, partly due to earlier changes in legal aid eligibility. A sharp further decline coincides more closely with the introduction of the New Divorce Law (NDL) than reform.</p>	<p>There is limited evidence that the reform contributed to a reduced need for legal representation, with stronger evidence that New Divorce Law (NDL) was a contributor to reductions in levels of legal representation.</p>
<p>3 Digitalisation reduces processing and correspondence time, improving efficiency and speed of access to justice.</p>	<p> There is an observed improvement in time to decree nisi for public users after the end-to-end² digital service was introduced.</p> <p> There is an observed improvement in time to decree nisi for legal professionals after the end-to-end digital service was introduced.</p> <p> The time from decree nisi to decree absolute decreased, but no clear evidence that this was due to digitalisation.</p>	<p>There is good evidence that the end-to-end service contributed to improvements in case duration (time to decree nisi) during the Old Divorce Law period (pre-April 2022). *</p> <p>Due to data limitations, there is insufficient evidence to test the impact of the reform on the time from decree nisi to decree absolute.</p>

² An 'end-to-end service' refers to where all stages involved in a case have been included in the reformed process, from starting a case to, where applicable, enforcement of court or tribunal decisions.









Source: Frontier Economics







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

* Data does not allow for assessment of case duration during NDL period.

Table 2 summarises the main findings for each of the process evaluation's research questions, and whether they indicate 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> Most divorce cases were reported to be processed through the reformed service.</p> <p> However, some specific situations still required processes from the legacy service.</p> <p> Legal professionals felt unprepared for the reformed service with fewer than half satisfied with the implementation.</p> <p> Legal professionals and judges commonly felt that they had not been listened to in the development of the service.</p> <p> Public users reported being well equipped with information when starting a case in the reformed service, and well informed throughout.</p>
2	How do the new digital processes facilitate or impede access to justice in practice?	<p> Legal professionals mostly considered that the reformed service had no impact on the fair handling of cases or access to the law.</p>
3 and 4	What are the types and levels of user errors, why do these occur, and how do these compare to the non-digital process?	<p> Public users rarely reported making errors and felt that the reformed system helped prevent them from making errors.</p> <p> HMCTS staff, judges and legal professionals discussed errors in filing documents due to an inconsistent labelling approach. They reported</p>

	What are the types and levels of case (administrative) errors, why do these occur, and how do these compare to the non-digital process?	that this increased administrative burden on all parties.
5	How consistent are processes between digital and non-digital channels?	 Legal professionals considered the reformed processes similar to legacy processes but found them simpler, easier and more efficient.
6	What are the barriers and enablers to accessing digital services, and do these vary across user characteristics?	 Public users did not report any barriers that were preventing them from accessing the reformed service.  Public users living with vulnerabilities rated the ease of each stage of the digital process similarly to other users.  Dropouts (cases moving from the digital system to paper) were reported to be rare for divorce cases so most users experienced an end-to-end digital service.
7	How does the new digital process impact users' experience?	 Public users reported they were satisfied with the reformed service, would use it again and would recommend it to others.  Legal professionals were mixed in how satisfied they were with the reformed service, but the majority were positive about the impact it had on their working life.

Source: IFF research

Note:  positive;  negative;  mixed/neutral

1.4 Implications

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

- Improved guidance for staff and service users,

- Providing more communication and updates to service users and staff,
- More interactive training for judges and staff, particularly on complex cases,
- Updating the system to allow staff to better organise and label documents, amend cases and view management information more easily.

2. Introduction

2.1 The reform programme

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 programme is large and complex, comprising more than 40 separate projects (as of April 2024) to be delivered across multiple years, involving an investment of over £1.3 billion.³ Digitalisation aims to enable public users and legal professionals to start and manage cases digitally, using centralised and automated processes. This is intended to reduce time, effort and cost, leading to improved access to justice.

The digital services evaluation assesses seven services in the Civil, Family, and Tribunals jurisdiction digitalised as part of this programme. This report sets out the impact and process evaluations of the digital reform of the divorce service. For an overview of the research objectives, methodology and a summary of findings for all seven services included in the HMCTS Reform digital services evaluation, please refer to the overarching evaluation report.

2.2 Introduction to the divorce service

The divorce service facilitates legally ending a marriage or a civil partnership.

The Divorce, Dissolution and Separation Act 2020 came into effect on 6 April 2022, making significant reforms to the process of obtaining a divorce in England and Wales. In this report, the divorce process period prior to 6 April 2022 is referred to as 'Old Divorce Law' (ODL), and the new process after 6 April 2022 is referred to as 'New Divorce Law' (NDL).⁴ This change in the law is separate to the reforms being evaluated here but have significant implications for the process those reforms enable.

³ <https://www.gov.uk/guidance/the-hmcts-reform-programme>

⁴ New Divorce Law is sometimes referred to as no-fault divorce.

2.3 Old divorce law (applications made before 6 April 2022)

The steps in the process of obtaining a divorce (whether using the paper or digital reform routes) under ODL were as follows:

- The petitioner (person seeking a divorce) would submit a petition for divorce, which is received by the other party in the divorce (the respondent), who has seven days to respond.
- The respondent or their solicitor must then draft an Acknowledgement of Service (AOS), confirming that they have read the application and entering a response (let the divorce proceed or defend it).
- After divorce hearings, if they are necessary, a decree nisi⁵ is pronounced.
- A mandatory waiting period of six weeks and one day is observed before the case can proceed to the decree absolute⁶ stage.
- If required, financial remedy⁷ applications are made between the decree nisi and decree absolute stages.
- The divorce is complete once the decree absolute is granted.

Cases can be rejected or withdrawn at any point before decree nisi is granted.

Decree nisi and/or decree absolute can also be refused by HMCTS, for example, if the case is judged not to fall within the jurisdiction of the courts of England and Wales or if insufficient documentation has been provided.

⁵ A decree nisi is a document given by the court when the legal and procedural requirements for divorce are met and divorce can proceed.

⁶ Once a person receives the final order or decree absolute, they are divorced, no longer married and free to marry again if they wish.

⁷ Financial remedy proceedings take place to resolve the financial arrangements that may arise following the end of a marriage or civil partnership. The digitalisation of the financial remedy service has also been evaluated as part of this study, available at [HM Courts & Tribunals Service Reform: Digital Services Evaluation - GOV.UK](#)

2.4 New divorce law (applications made after 6 April 2022)

The process of obtaining a divorce under NDL follows the same key steps as outlined above, with some differences:

- Removal of the Facts (i.e. removing the requirement to give a reason for divorce as part of the petition).
- Specific terminology changes. In particular, petitions are now called ‘applications’, and petitioners are now called ‘applicants’. In addition, a decree nisi is now called a ‘conditional order’ and a decree absolute is now called a ‘final order’.
- The ability to either make a joint or sole application for divorce: In joint divorce, both parties can apply for divorce together (both are applicants).
- Changes to the times that must be observed throughout the process: The respondent in a sole application has 14 days to respond instead of 7 days. In both sole and joint divorce, there is a mandatory 20-week cooling-off period from case issue to application for conditional order.

2.5 Divorce digital reform – objectives, features and eligibility

The overarching digital reform objectives relate to building a better service for the user. The reform aimed to create a simple, fair, and accessible service that has:

- faster processing,
- fewer errors,
- reduced administrative time to input and progress cases, and
- reduced cost of delivering the service.

The Logic Model in Appendix A sets out in more detail how the digital reform of the Divorce service 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 divorce digital reform

Public users and legal professionals
Upload documents online.
Complete and submit the petition/application online.
Pay online.
Complete Acknowledgement of Service (respond to petitions/applications).
Apply for decree nisi/ conditional order online.
Notification of when decree absolute/ final order can be applied for.
Apply for decree absolute/final order online.
View and manage case progression online.
Automate court allocation.
Track petitions/applications progress on the MyHMCTS web platform (for legal professionals).
Receive support if they cannot use the digital service or are less comfortable with the digital service (for public users).

Source: Frontier Economics based on MoJ service description and GOV.UK

Table 4 sets out the reform stages for public users and legal professionals. The analysis covered data from July 2019 for public users, and December 2019 for legal professionals.

Table 4 Digital reform rollout dates

Stage	Public users	Legal professionals
Pilot/private beta	May 2018 (not recorded in data systems as digital cases until mid-2019)	December 2019 (recorded as digital cases)

End-to-end service	July 2019	April 2021
Service Mandate	N/A	September 2021
Bulk scanning⁸	July 2020	July 2020
Digital service for NDL	April 2022	April 2022

Source: Frontier Economics based on GOV.UK

For judges, digital reform transferred all aspects of case management into a digital platform (Manage Cases or Core Case Data - CCD), including viewing case details online and accessing documents digitally rather than in paper files. In the reformed service, hearings are also managed digitally.

For HMCTS staff, the digital reform meant administrative tasks and checks are completed digitally on the Manage Cases platform. Communication with judges and legal professionals also happens within the online Manage Cases platform.

2.6 Evaluation objectives

Evaluation of the reformed divorce 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 divorce service.
- what outcomes are associated with the divorce service digitalisation, and how these contribute to a justice system that is proportionate, accessible, and just.

⁸ Paper documentation submitted as part of the divorce process is received and scanned centrally. It is converted into a digital format to be accessible through the digital service.

3. Impact evaluation – Contribution analysis

3.1 Contribution claims and evidence sources

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

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

1. The user-centred functionality features (outlined in Table 3) will make it easier for **public users** to start and manage their divorce process. This will lead to increased satisfaction and perceived ease of use of the service. For **legal representatives**, the digital features of the reform will lead to an easier and more streamlined working process with HMCTS. This will lead to increased satisfaction and perceived ease of use of the service, and therefore improved access to justice.
2. The streamlined service will make it easier for **public users** to start, manage or respond to divorce petitions/applications themselves without needing a legal representative. This will lead to increased accessibility to the formal justice system for people wanting a divorce who lack access to a legal representative and/or reduce the resource costs required to get a divorce.
3. The digital features will reduce the time and resources required for case correspondence, processing, and clarifications for public users and legal professionals. This will lead to a shorter average time to complete all or some stages of the user journey, contributing to a more efficient use of resources.

This analysis drew on evidence from:

- **Management Information (MI) data** relating to more than 850,000 divorce cases over the period July 2016 to October 2023. The MI data included information on whether the case petitions/applications were submitted digitally or on paper, the dates of key stages (decree nisi/conditional order date; decree absolute/final order date); legal representation for the petitioner/applicant(s) and respondent; gender of the petitioner/applicant(s) and respondent.
- Protected Characteristics Questionnaire (PCQ) data from 117,600 users with a response to at least one question.⁹
- A survey of 1,809 public users and a separate survey of 444 legal professionals.
- Qualitative interviews with 16 public users, 10 legal professional users, and 14 with HMCTS staff at Courts & Tribunals Service Centres (CTSCs).
- Insights from 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 divorce 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 within the caseload over time.

⁹ Further information about the available PCQ information can be found in Appendix B.

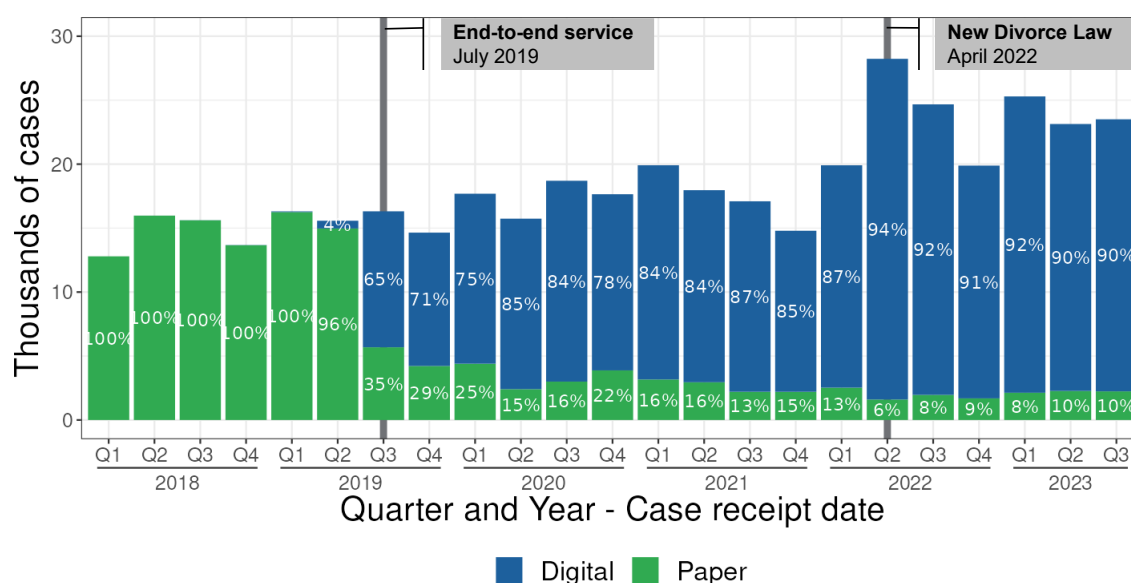
3.2.1.a Management Information

The analysis assessed the trends in the case volumes by digital or paper channel over the period in scope for public users and legal professionals.

Figure 1 shows the take-up of the digital service by public users. After the end-to-end service was made available in July 2019, digital cases increased rapidly from 4% in 2019 Q2 to 65% in 2019 Q3. From 2019, digital uptake continued to increase more steadily, reaching a peak of 94% in 2022 Q2 (when NDL was introduced).

Throughout the NDL period, digital uptake has decreased very slightly to around 90% of public users.

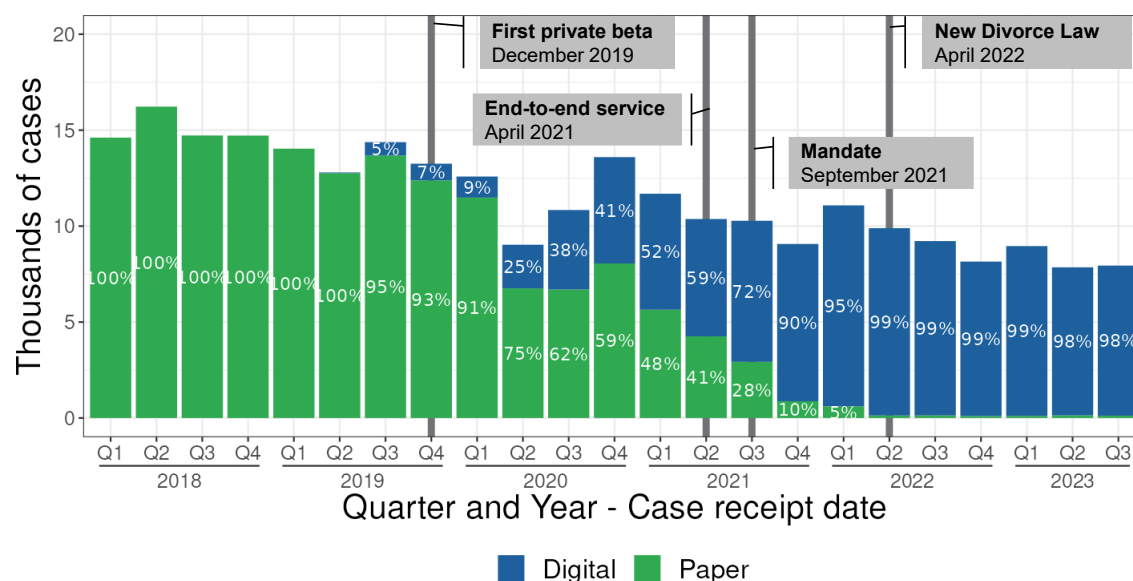
Figure 1 Public users – quarterly divorce petitions/applications by channel – January 2018 to September 2023



Source: Frontier Economics based on data from MoJ.

Figure 2 shows that the uptake of the digital service by legal professionals was initially more gradual than for public users. The level of digital uptake was around half of cases in 2021 Q1, a year after the first digital service was released. The digital service became mandatory for legal professionals in September 2021, following which the level of digital uptake increased substantially. It has been greater than 98% since then (also coinciding with the introduction of NDL). The remaining 2% of cases are complex cases which still use the paper service.

Figure 2 Legal professionals – quarterly divorce petitions/applications by channel – January 2018 to September 2023



Source: Frontier Economics based on data from MoJ

Note: The small number of digital cases for represented applicants seen before the first reform relates to cases where solicitors were using the citizen portal (less than 5% of total cases).

3.2.1.b Contribution of the reform

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

- **The features of the digital service for public users:** Internal stakeholders suggested that the features of the digital divorce service made the service easy to use and led to a positive experience for public users resulting in high uptake. The service was described as having a smooth rollout with no major technical issues in the early stages. Public users corroborated this view in interviews and reported finding the digital service “*simple to use*”, “*quick*”, “*efficient*”, and “*intuitive*”. In the survey, a large majority of applicants, in both ODL and NDL, found most elements of the online process easy,¹⁰ and felt they were kept well informed of their case progress.¹¹ Applicants who used the digital channel to communicate with HMCTS or to apply, reported greater ease of use in providing documents and evidence, responding to queries, and keeping track of case

¹⁰ 97% of applicants found finding application forms ‘very easy’ or ‘easy’; 97% of applicants found starting applications ‘very easy’ or ‘easy’; 89% of applicants found providing documents and evidence ‘very easy’ or ‘easy’; 66% of applicants found responding to queries ‘very easy’ or ‘easy’.

¹¹ 88% of applicants reported that HMCTS kept them ‘fully’ informed of case progress.

progress (compared to those who did not use the digital channel).¹² The vast majority of public users of digital services reported they would use online services again in the future.

Respondents, particularly NDL respondents, were less likely to report finding the process easy compared to petitioners/applicants (see section 4.2.1.e for further details).

- **The features of the digital service for legal professionals:** Uptake of the digital service by solicitors was more gradual, reaching around 60% before the digital service became mandatory. Only a minority of legal professionals reported being satisfied with the implementation of the digital Divorce service.¹³ Just over half (56%) of legal professionals initially did not feel prepared for the reformed service, compared to two fifths (42%) who felt prepared. A majority reported that communication with the courts or with CTSCs via MyHMCTS was difficult (58% and 63% respectively). One legal professional reported in an interview that:

“[the digital service is] quicker when it comes to the applicant... [but] it's a pain when it comes to acting for the respondent”.

Legal professional (Divorce)

These issues may have contributed to slower uptake of the digital service by solicitors.

- **The mandate to use the digital service for legal professionals:** Uptake by solicitors increased to more than 90% soon after the digital service was made mandatory. Almost two-thirds (64%) of legal professionals now would prefer to use MyHMCTS even if it was not mandatory, compared to around a tenth (9%) who would prefer to use the legacy service. However, the available data was not

¹² Providing documents & evidence: 83% using the digital channel reported finding this easy, compared to 53% of those who did not use the digital channel.
Responding to queries: 63% using the digital channel reported finding this easy, compared to 49% of those who did not.
Keeping track of case progress: 91% using the digital channel reported finding this easy, compared to 76% of those who did not.

¹³ ODL: 40% satisfied vs 15% dissatisfied. NDL: 44% satisfied vs 24% dissatisfied.

sufficient to distinguish how much of this is due to the digitalisation of the service compared to the introduction of NDL (which simplified some processes).

- **Internal and external communications leading up to the reform:** The divorce service was one of the first to be implemented in the HMCTS reform programme. HMCTS stakeholders suggested that the digital rollout was accompanied by a large amount of internal communications and advertising. The reform was signalled as an important step, and internal awareness was considered by HMCTS stakeholders as having contributed to a smooth and successful rollout. Similarly, HMCTS stakeholders suggested that public awareness of the availability of a digital service for divorce was also high, again partly because it was one of the first digital services to be rolled out and, therefore, was accompanied by substantial public marketing. However, no corroborating evidence was received from the target groups that recalled effective communications and/or public marketing.

3.2.1.c Alternative explanations

Evidence from consultation with HMCTS stakeholders identified some alternative explanations for the trends in digital uptake:

- The introduction of NDL in April 2022:
 - Public users: HMCTS stakeholders indicated that the increase in digital petitions in Q2 2022 was due to an increase in the number of petitions submitted just before NDL was introduced. This was to avoid the compulsory 20-week waiting period introduced by NDL. At this time, petitioners may have preferred to use the digital channel to submit petitions quickly before the NDL introduction date, although no corroborating evidence of this was received from public users.
 - Legal professionals: The level of digital uptake by solicitors was around 98%-99% through the NDL period. HMCTS stakeholders mentioned that the introduction of NDL significantly streamlined the process of obtaining a divorce, meaning there are very few 'complex' divorces that could not be processed

through the digital route.¹⁴ Three-fifths (60%) of legal professionals responding to the survey reported that it is faster to process an NDL case on MyHMCTS compared to an ODL case on MyHMCTS (compared to 16% reporting that it is slower and 35% reporting no change, or don't know).

- **Increased use of digital services due to Covid-19:** Use of the digital service increased between 2020 Q1 and 2020 Q2 at the onset of the Covid-19 pandemic (for legal professionals, from 9% to 25%; and for public users, from 75% to 85%). The Covid-19 pandemic led to increased general use of digital services which may have expedited the uptake of the divorce digital service. Covid-19 may also have expedited digital service use 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.

3.2.2 Legal representation

A streamlined digital service can increase access to justice by reducing the need for legal representation. Public users may be able to manage their divorces themselves through the digital service whereas previously they would have needed to hire a solicitor. This reduces the costs of accessing a divorce, increasing access to justice.

3.2.2.a *Management Information*

The analysis assessed the trends in the proportion of petitioners/applicants and respondents who have legal representation, see Figure 3.

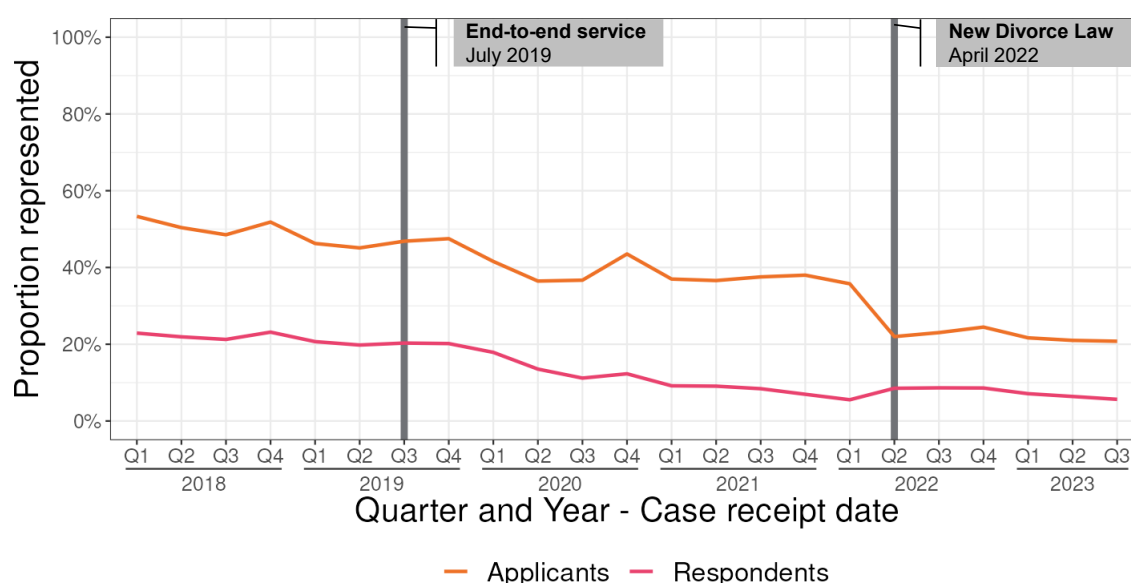
The proportion of petitioners/applicants who have legal representation fell from around 50% in 2018 to around 20% in Q3 2023. The largest change occurred just

¹⁴ This generally only happens in cases such as where there is a jurisdictional dispute, if there is a dispute that a marriage took place, or if there is fraud.

after the introduction of NDL in April 2022, with a sharp decrease in the proportion of represented petitioners/applicants from 30-40% to just over 20%.

The proportion of respondents who have legal representation has been consistently lower than for petitions/applications but also fell over the same period from just over 20% to around 5-8%.

Figure 3 Proportion of petitions/applications and respondents who have legal representation – January 2018 to September 2023



Source: Frontier Economics based on data from MoJ

Note: Months shown refer to the date cases were received by HMCTS rather than the date the decree nisi was pronounced. This means there is a lag between the date shown and the actual date the decree nisi was made. The data as shown can therefore reflect the influence of events on cases after they start. This differs from the approach taken in the Ministry of Justice's published statistics, which present figures by the month the decree nisi was made. Caution should therefore be used when comparing these figures with published statistics.

3.2.2.b Contribution of the reform

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

- **User-focused features of the reform for public users:** As described in the previous section, most public users reported the digital service being easy to use (including providing documents and evidence, responding to queries, and keeping track of case progress). The streamlined service is likely to have made users more able to obtain a divorce themselves without needing a solicitor, for example, because they do not have to fill out complex paper forms and there are relatively few complex divorce cases in NDL. Some of the public users

interviewed who had initially been concerned about navigating the process without a solicitor were surprised to find it less stressful than expected: they were not burdened by appointments and could progress their divorce case when it was convenient. One public user reported that:

“[the digital service] was easy to use and in cases where you don't need someone to mediate all the way through, it saves lots of money from using a solicitor”. **Divorce public user**

This is corroborated by interviews with HMCTS staff who reported a feeling that the reformed system ‘empowers’ people to submit and manage their own cases. To staff, this made them appear less likely to seek legal advice or legal representation, and therefore to report particularly positive perceptions of the divorce service out of all reformed services.

3.2.2.c *Alternative explanations*

Evidence from consultation with internal stakeholders also identified some alternative explanations for the trends in legal representation:

- **Legal representation was already falling before the reform:** The proportion of represented petitioners/applicants was already decreasing prior to the introduction of the digital service. Although the trend continued after July 2019, the rate of decrease did not noticeably speed up, as would be expected if the digital service contributed to this trend.
- **Availability of legal aid:** HMCTS stakeholders indicated that some divorce users are eligible for legal aid, which may include a solicitor, but this is limited to cases under specific circumstances.¹⁵ Legal aid statistics show a clear decline in legal aid representation in family proceedings since 2009.¹⁶ Challenges in gaining access to legal aid may have contributed to the downward trend in legal representation.
- **The introduction of NDL:** HMCTS stakeholders observed that NDL streamlined the process of obtaining a divorce, for example, through the removal of the facts.

¹⁵ [Legal aid: Overview - GOV.UK \(www.GOV.UK\)](https://www.gov.uk/legal-aid/overview)

¹⁶ [Legal aid statistics](#). Excluding domestic violence and Children Act proceedings.

They suggested this made it easier for public users to manage their own divorces without a solicitor, and that since NDL was introduced, solicitors are generally only involved in divorces that also include financial remedy. The sharp decrease in representation corresponding to the introduction of NDL¹⁷, but no corresponding change when the digital reform was introduced, suggests that the digital reform contributed less to the change in legal representation than the introduction of NDL.

- **Possible rise of third-party online divorce companies:** HMCTS stakeholders indicated that lower uptake of legal representation could partly be driven by an increased prevalence of online divorce companies. These companies handle divorces on behalf of public users but are not registered as solicitors' firms and cases are recorded in the data as petitioners/applicants without legal representation. As such, an increase in the use of these services will lead to the data indicating a reduction in represented cases, though in reality those petitioners/applicants are still accessing legal help. Online divorce companies may benefit from the digital divorce service which allows them to process cases more efficiently. However, as these companies charge a fee for their services, the access to justice benefits of using them are limited. Increasing the use of online divorce companies was not an intended outcome of the reform which instead had the objective of increasing access to justice by making it easier for public users to self-serve. No data was available about the extent to which this phenomenon occurs to assess how much it might have contributed to the observed reduction in case representation.

3.2.3 Case duration

The average time to conclude a divorce case indicates how the reform's digital features support proportionate and efficient service provision. Reducing the time required to complete a divorce case should reduce the resources required throughout the whole process, both for HMCTS and users. Moving more of the caseload to digital channels should reduce the time needed to physically handle

¹⁷ Representation for respondents rose slightly, however this is outweighed by the decrease in representation for applicants: across both parties representation still fell. The trend is likely related to the introduction of no-fault/joint divorce (allowing both parties in a divorce to be applicants).

case documents. This should then free up time in the system for other cases. Users benefit from completing their divorce more quickly.

3.2.3.a Management Information

The primary measure for analysis of case duration is the time from when the case is received by HMCTS to when the decree nisi is issued. This analysis of case duration covers the ODL period only (to March 2022) due to several data limitations in the NDL period, as discussed in Appendix B. Data constraints limit the extent to which conclusions can be drawn from analysis of time from decree nisi to decree absolute.

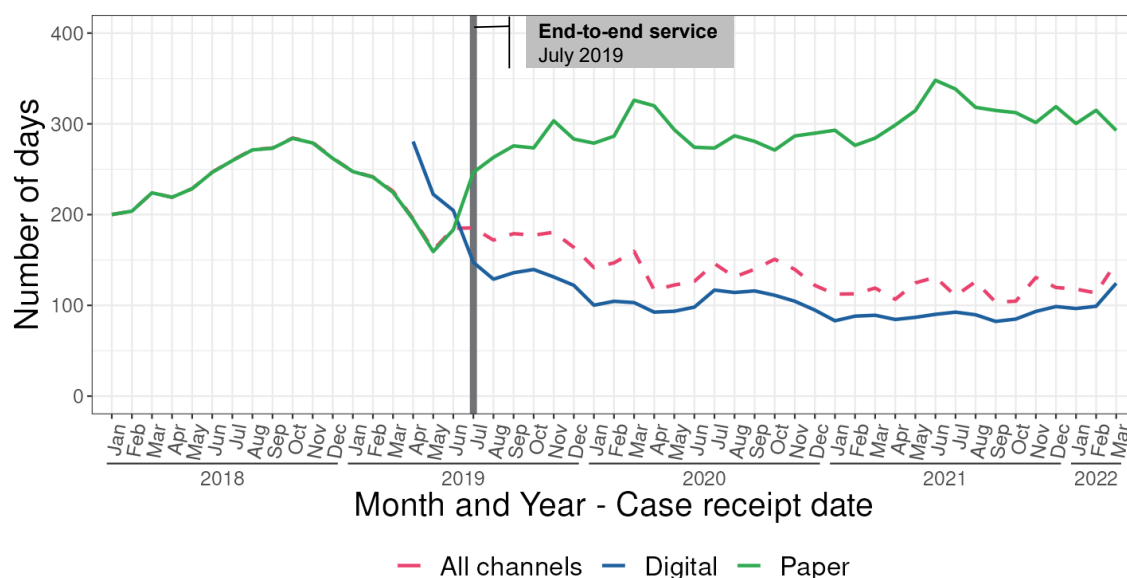
Figure 4 shows that for public users before digital reform, the time from petition to decree nisi fell substantially between October 2018 – May 2019. After the release of the end-to-end service for public users in July 2019, the time to decree nisi for petitioners using the digital service was shorter than for those using the paper service.¹⁸

After July 2019, the average case duration across all cases (paper and digital) fell by 25 days (12%) from an average of 202 days in the six months pre-rollout to 177 days in the six months after. Case duration continued to fall (more gradually) for digital and all cases, stabilising over 2021 at around 120 days (a fall of approximately 40% from the pre-rollout period).

Case duration increased in March 2022, just before the introduction of NDL.

¹⁸ Excluding some of the early months of digital cases, which represent relatively small numbers.

Figure 4 Public users - monthly average (mean) time from case received to decree nisi – January 2018 to March 2022



Source: Frontier Economics based on data from FamilyMan and CCD

Note: Months shown refer to the date cases were received by HMCTS rather than the date the decree nisi was pronounced. This means there is a lag between the date shown and the actual date the decree nisi was made. The data as shown can therefore reflect the influence of events on cases after they start. This differs from the approach taken in the Ministry of Justice's published statistics, which present figures by the month the decree nisi was made. Caution should therefore be used when comparing these figures with published statistics.

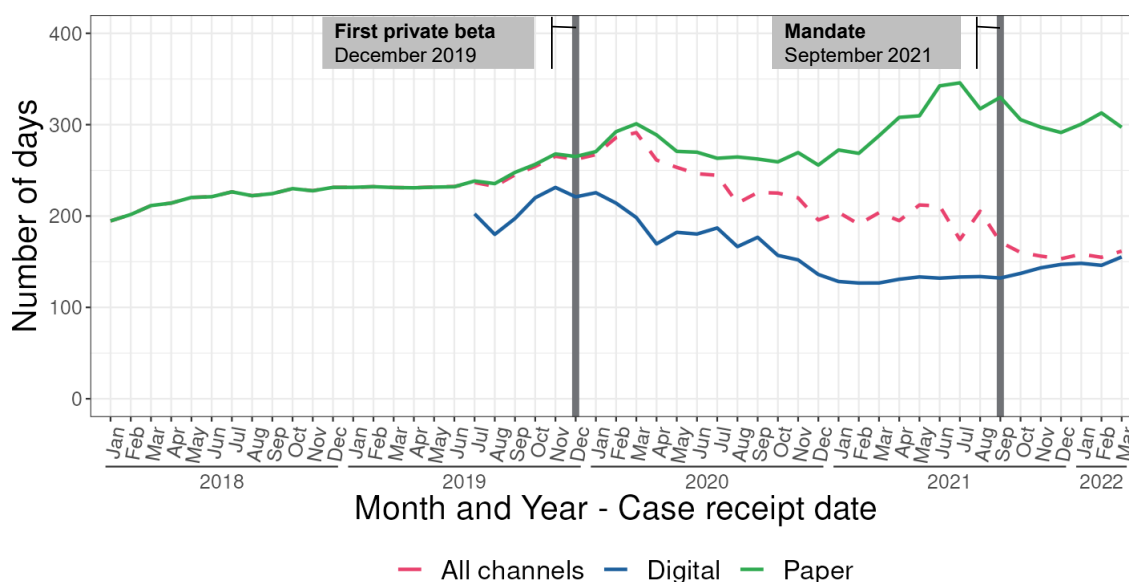
Figure 5 shows a similar picture for petitioners with legal representation. Time to decree nisi had been increasing steadily pre-reform, up to an average of 281 days for cases starting in early 2020. The pilot service for solicitors was released in December 2019, following which case duration began to decrease from early 2020 at the same time as the uptake of the digital service by legal professionals increased. The average case duration had fallen by 29% to 199 days by Q1 2021.

The time from petition to decree nisi for digital cases was lower than for paper cases over this time. This was likely related in part to case complexity, as the most complex divorce cases tend to be dealt with on paper.

Average case duration fell further from mid-2021 to Q1 2022 (to 158 days), after the release of the end-to-end digital service for solicitors in mid-2021, accompanied by the mandate for legal professionals to use the digital service from September 2021. Overall, average case duration fell by 44% from 281 days in early 2020 to 158 days in Q1 2022. Caution should be used when interpreting differences between

channels, as paper cases represent a relatively small proportion of the total volume of cases.

Figure 5 Legal professionals - monthly average (mean) time from case received to decree nisi – January 2018 to March 2022



Source: Frontier Economics based on data from MoJ

Note: Months shown refer to the date cases were received by HMCTS rather than the date the decree nisi was pronounced. This means there is a lag between the date shown and the actual date the decree nisi was made. The data as shown can therefore reflect the influence of events on cases after they start. This differs from the approach taken in the Ministry of Justice's published statistics, which present figures by the month the decree nisi was made. Caution should therefore be used when comparing these figures with published statistics.

3.2.3.b Contribution of the reform

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

- **Streamlining administrative touchpoints within the back-end of the service:**
HMCTS stakeholders suggested that the paper channel included multiple administrative touchpoints, which could have caused longer case durations compared to the digital route. For example, paper forms (before bulk scanning) needed to be posted to HMCTS, manually inputted into the system, and referred to a legal advisor. The digital channel allows responses to go automatically into the case management system. Digitalising the administrative path is likely to have led to fewer delays in the process, which in turn contributed to a faster service. One legal professional reported that:

“[the digital service has] led to decrease in workloads leaving time for other things”. **Divorce legal professional**

Interviews with HMCTS staff working on divorce cases reported that the case disposal stage is smoother with the reformed service, that it is easier to find the correct case to process, and that it is much faster, although there were some reports of difficulties correcting mistakes at the case closure stage.

■ **Increasing the efficiency of users submitting information to the service:**

The digital service is considered by HMCTS stakeholders to have increased efficiency for public users in two ways:

- **Clearer language and digital features that reduce errors:** The online version of the divorce petition included data validation checks to pick up on errors or missing fields. HMCTS stakeholders indicated that these checks reduced the number of errors made in digital divorce petitions,¹⁹ compared to paper versions, reducing the back-and-forth time needed to get error-free versions of petitions. In interviews with HMCTS staff, the reformed service was reported to leave less room for error, for example, making it harder to ‘lose’ documents.
- **Automatic updates for case management:** The digital service included automatic notifications to the user (for both public users and solicitors) of when decree nisi could be applied for, prompting users to make the petition and reducing delays. In the survey of public users, nearly all service users (94%) recalled receiving notifications or updates about what stage the petition had reached. The vast majority of those who did feel they received the right amount.

3.2.3.c *Alternative explanations*

Evidence from fieldwork and consultation with internal stakeholders identified alternative explanations for the observed trends in case duration for public users:

- **Case duration was already falling due to other long-term factors:** Case duration was already falling for public users prior to the reform date of July 2019. If this was driven by a long-term trend unrelated to reform, this would undermine

¹⁹ Management Information does not include data on the number of errors made.

the contribution of the reform post-2019. However, the evidence suggests that the fall in case duration from 2018-2019 was instead a short-term administrative feature. In 2018 efforts were made to clear a backlog of divorce cases, as cited by the ONS (2019): “divorce centres processed a backlog of work in 2018 resulting in 8% more divorce petitions.” These efforts may have contributed to the fall in case duration starting in mid-late 2018, as cases which started at this time (after the backlog had been cleared) could be processed more efficiently. Once the backlog had been cleared this effect would dissipate and continuing reductions in case duration would not be expected, so this does not provide an alternative explanation for the falls in case duration seen post-2019.

- **The introduction of NDL is likely to have led to a slight increase in case duration for ODL cases:** Case duration increased slightly from September 2021 to March 2022. However, this was most likely related to the introduction of NDL in April 2022 and does not indicate reduced effectiveness of the digital service during this period. HMCTS stakeholders indicated that there was an increase in petitions submitted before April 2022 as people tried to avoid the compulsory 20-week waiting period introduced with NDL. This, in turn, created a backlog of cases, which slightly increased the average case duration.

We identified no alternative explanations for the fall in case durations for cases with legal representation.

3.2.4 Sub-group analysis

Analysis to understand variations between different sub-groups of users used the data on the gender of public user petitioners and respondents recorded on the case management system during the ODL period. Further analysis of other user characteristics could not be conducted with confidence due to the low response rate to the protected characteristics questionnaire.²⁰

The analysis found statistically significant differences in digital uptake and case duration by the **gender** of the main petitioner. There is no evidence that these

²⁰ Data on gender for the NDL period was omitted because the response rate for the eligible paper cases was very low. Sub-group analysis using PCQ data is not presented because the response rate for the divorce service was much lower than for other digital services, and response bias cannot be ruled out (see Appendix B for details)

differences are related to features of the digital service. The data suggest the following:

- **Digital uptake:** Women were consistently more likely to use the digital service to submit petitions compared to men (83% uptake by women compared with 78% by men). The difference in the uptake of digital services between men and women was statistically significant both over the whole ODL period and in every individual month.
 - Some women accessing divorce are signposted to the online service through support agencies, for example, if they are experiencing domestic abuse or financial hardship from being separated. This is a possible contributor to the higher uptake of digital services by women.
 - There was no evidence of any barriers that specifically disadvantage men in accessing the digital service. The differences in service uptake by gender are likely due to differences in channel preference.
- **Case duration:** The analysis showed a slightly longer case duration for petitions started by women than those started by men, but the difference is small (less than 7 days). HMCTS stakeholders could not explain the reason for the difference other than it could be due to the nature of the cases themselves and not related to digital reform. Detailed results are presented in Appendix B.

3.3 Limitations

The key limitation of the analysis presented above is in **tracking digital uptake**. Cases are defined in the data as 'digital' based on the petition/application stage only. The data does not track the digitalisation of the later stages of the service, and the digital features that were available at these stages changed over time, meaning that the definition of 'digital' cases is not consistent over time. This is discussed in more detail in Appendix B.

As described in the overarching evaluation report, 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.

In addition, the new legislation in April 2022 had a fundamental impact on the accessibility and process of obtaining a divorce, which makes it challenging to compare outcomes consistently before and after NDL was introduced.

3.4 Contribution narrative

The analysis above suggests that the digital reform of the divorce service can reasonably be considered to have contributed to changes in some, though not all, outcomes:

- The reform can be considered to have contributed to the accessibility of the service, and therefore to the substantial uptake of the digital divorce service by public users. Public users reported greater ease of providing documents and evidence, responding to queries, and keeping track of case progress through the digital channel. HMCTS staff reported positively on the ease of use of the reformed divorce service and that the service had no major technical issues in the rollout stages.
- Similar features and communications likely contributed to the level of uptake by legal professionals, although this was a more gradual uptake until it became mandatory to use the digital service in September 2021. Fieldwork suggests some dissatisfaction with the digital service in the rollout stage and lower confidence in using the digital service for ODL cases, although confidence in using the digital service for NDL cases is now high. Fieldwork also suggested a smoother process for applicants than respondents, although corroborating evidence is lacking as the available data does not allow analysis of digital uptake by respondents. Other factors affecting digital uptake include the higher levels of digital confidence and capability following the Covid-19 pandemic, changes in legal aid and the introduction of NDL.
- The reform can be considered to have contributed to an improved case duration up to decree nisi (in the ODL period), for both public users and legal

professionals, driven by streamlining administrative touchpoints and increasing the efficiency of users submitting information to the service.

- Based on the above, it is likely that the reform has increased access to a timely decision in accordance with the law. The evidence suggests that it did so by improving the efficiency of case processing through the digital route, and by requiring legal representatives to use this route.
- The reform may also have increased access to the formal justice system by making it easier for public users to access divorce without legal representation. However, there is no strong evidence that the digital reform had a large impact in this area, and it was likely less impactful than the introduction of NDL. The opinions of legal professionals of the impact of the reformed service on access to justice were mixed. More than a third felt that the rollout of the reformed service had improved clients' access to justice (38%); a similar portion felt it had remained the same (35%) and a smaller proportion felt access to justice was reduced (15%).

4. Process evaluation

4.1 Process evaluation analysis

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

This chapter draws on qualitative and quantitative primary research with users of the divorce service, including both old divorce law (ODL) cases and new divorce law (NDL) cases.

The quantitative evidence is drawn from:

- a mixed online and telephone survey of 1,809 public users of the reformed divorce service between February – April 2023.
- An online survey of legal professionals registered to use the MyHMCTS portal, 444 of whom reported using MyHMCTS for divorce cases.²¹ All references to legal professionals in this chapter refer to those asked specifically about using MyHMCTS for divorce cases. They were largely solicitors (63%), clerks / legal secretaries / administrators (16%) or paralegals (10%).

More details about both surveys are available in section 4 of the overarching evaluation report.

The qualitative research involved:

- Public users of the reformed service – 16 interviews
- Legal professional users of the reformed divorce service – eight interviews

²¹ Overall, there were 2,297 respondents to the legal professionals survey. If respondents dealt with more than one type of service, they were asked to answer questions about only one service, selected by the survey programme. See methodological appendix for more details.

- Judiciary and HMCTS staff – four interviews with judges in the family jurisdiction and four members of HMCTS staff who worked on divorce cases (of 12 staff interviewed across all services covered).

4.2 Divorce process evaluation findings

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

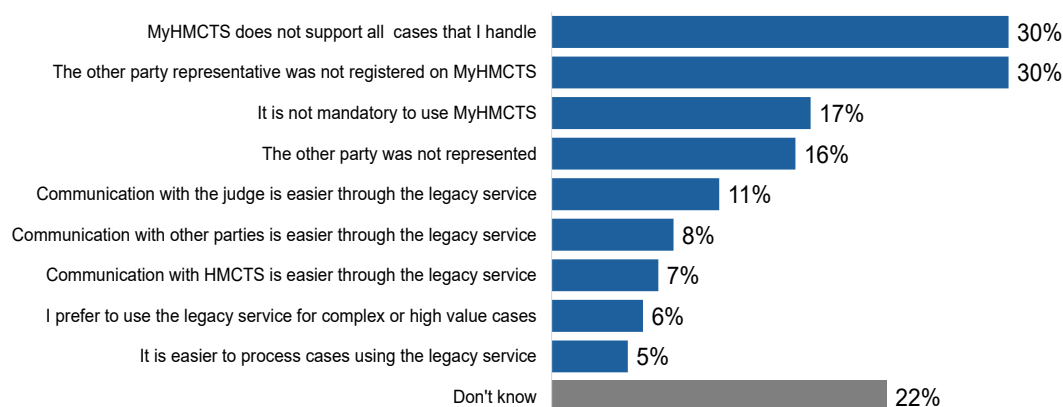
4.2.1 Was the service implemented as intended?

4.2.1.a Use of the reformed system

By the time of the research (in 2023-2024), the intention was that all divorce cases handled by legal professionals would be processed digitally. Most cases legal professionals worked on were processed in the reformed service, but some were still proceeding through the legacy route.

Two-thirds of legal professionals used MyHMCTS for all NDL cases (67%) with just one-in-ten legal professionals using it for up to half of their NDL cases (11%). The primary reasons given for not using MyHMCTS for all cases were that it does not support all the NDL cases that they handle and that sometimes the other party's representative was not registered on MyHMCTS (both 30%). The full list of responses is given below in Figure 6.

Figure 6 Legal professionals' reasons for not using the MyHMCTS service for an NDL case

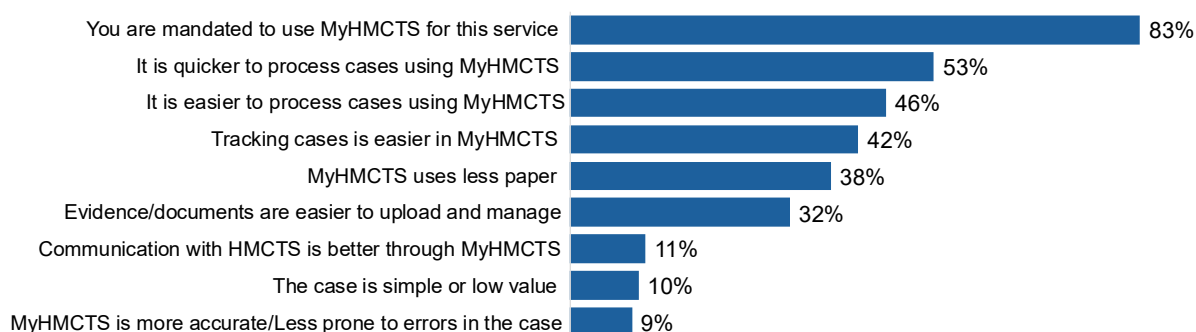


Source: IFF research

Note: B4: For what reasons would you use the legacy service for a case? Base: All legal professionals asked about NDL, who used the legacy service for any cases (126). Respondents could select more than answer. Percentages will therefore not sum to 100%. Reasons given by less than 5% not shown.

As shown in Figure 7, most legal professionals stated that they used MyHMCTS because they were mandated to do so (83%). However, some also mentioned the additional intended benefits including it being quicker and/or easier.

Figure 7 Legal 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: Legal professionals who used MyHMCTS for divorce cases (407). Respondents could select more than answer. Percentages will therefore not sum to 100%. Answers given by less than 9% not shown, including 'don't know' (1%).

Within HMCTS, the reformed systems were also being used most of the time. HMCTS staff still used the legacy system if they were working on an ODL case but were not using it frequently. Those in managerial positions did not use the legacy service for any processes. HMCTS staff used the reformed system (Manage Cases) to conduct administrative checks, view issues within cases and conduct a range of administrative tasks.

4.2.1.b Expectations, initial opinions and unintended consequences

HMCTS staff and legal professionals had high expectations for the digital reform. However, at the point of rollout, more than half of legal professionals felt unprepared.

There were relatively high levels of dissatisfaction with implementation among both judges and legal professionals.

Most public users, however, felt that they were well informed at the start of their cases and had a good understanding of what to expect.

Judges, legal professionals working on NDL cases and HMCTS staff were initially positive about the digital reform of the divorce service, expecting that it would be

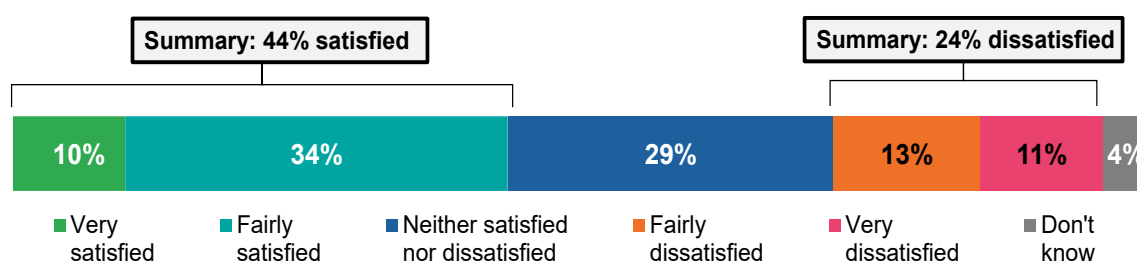
faster, easier to access documents, and provide a more centralised, standardised system more in line with other Government services.

Initial concerns varied somewhat. Judges were initially concerned that perceived low levels of funding would impact the recruitment of capable administrative staff and the training of all involved. HMCTS staff expected that the new reformed system may take time to function efficiently with some initial teething problems seen as inevitable.

Generally, professional users reported that their expectations had been met. The service was viewed as providing potential for efficiency gains but issues around rollout limited these initially.

Reflecting this, just over half of legal professionals initially did not feel prepared for the reformed service (56%), while around four-in-ten felt prepared (42%). As shown in Figure 8, a similar proportion were satisfied with the way MyHMCTS was implemented (44%) while a quarter were dissatisfied (24%). The level of satisfaction was similar across both NDL (44%) and ODL (40%).

Figure 8 Legal 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 divorce legal professionals (444). Answers do not sum to 100% due to rounding.

One-in-eight (12%) legal professionals agreed that HMCTS had gathered and responded to user feedback in developing the MyHMCTS divorce service.

4.2.1.c Public users' understanding of the process

Most public users are using the divorce service for the first time, so it is hard for them to comment on the quality of their experience compared to the intentions for the service. That said, they felt positive about the information that they were provided with on how the service would operate:

- Almost all public users of divorce services (92%) recalled receiving information at the outset of their case about what would happen at each stage. This was more likely for applicants (95% NDL and 92% ODL) than respondents (84% NDL only).
- In most cases, this information was proactively given to them by HMCTS (92%), though a small minority had to actively seek it either from HMCTS (5%) and/or from another source (9%).
- Of those who received information, the vast majority (93%) agreed that the information gave them a good understanding of what would happen. This was also evident in qualitative interviews.

“There was no over complicated language, it was very plain, there was a lot of bullet points, short sentences and easy to understand phrases”.

Public user (divorce respondent)

The only area of the GOV.UK information that was unclear for public users was the terms of the decree absolute; several service users initially took the information to mean their divorce would be delayed for six weeks, having to re-read the passage multiple times or seek support to clarify.

Just one public user interviewed who was a respondent in an ODL case felt they had been let down by the information provided initially. They felt this caused them to enter into a no contest divorce too quickly, ticking the button without thinking, to find they then could not undo this error. They felt this meant that they lost control of proceedings to their ex-partner early on and could not get it back.

“(It was like a) wheel you get stuck in that’s just rolling down the hill and there’s nothing you can do to affect itmy ex-partner was initiating it all – clicking all the buttons ...and I had no control.”

Public user (divorce respondent)

4.2.1.d Training

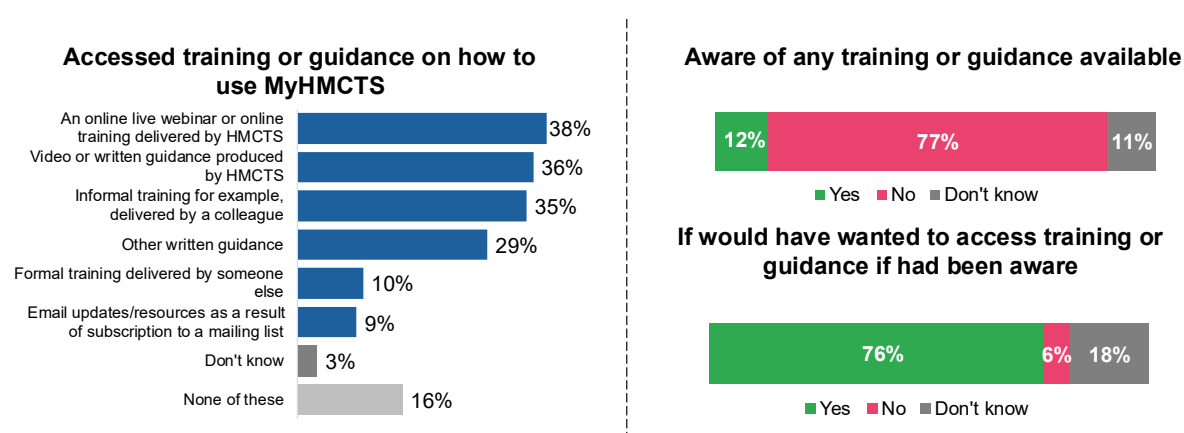
HMCTS staff believed they received a good level of in-depth formal training in the reformed systems.

Judges and legal professionals reported that better quality training ahead of or early in the rollout might have improved implementation.

All HMCTS staff interviewed received significant formal training in the use of the reformed divorce service. They felt the initial training they received was comprehensive and effective, leaving them well equipped to use the reformed service. Some HMCTS staff reported that since this initial training, training around updates to the system had not always been provided in an easily accessible format. Generally, they could arrange specific training if they needed to, but it was not integrated into the process of launching updates.

Judges and divorce legal professionals had more negative experiences of training. In interviews, judges highlighted a lack of training in using the reformed divorce service. They recalled some initial webinars but thought these were not as effective as an interactive session would have been. Most divorce legal professionals reported that they had accessed training or guidance on how to use MyHMCTS for NDL cases (81%). As shown in Figure 9, most commonly this was an online live webinar or training (38%), video/written guidance produced by HMCTS (36%) or informal training from a colleague or similar (35%).

Figure 9 Training or guidance accessed by legal professionals



Source: IFF research

Note: D2: Have you accessed any of the training or guidance on how to use MyHMCTS? Base: All divorce legal professionals (444). D4: Were you aware of any training or guidance available to you? Base: Divorce legal professionals who did not access HMCTS online training or HMCTS video/written guidance (175). D6: If you had been aware of training or guidance that was available, would you have wanted to access this? Base: All divorce legal professionals, who were unaware of HMCTS formal training available (153).

Of those legal professionals who accessed training or guidance from HMCTS, just

over half were satisfied with its quality (57%). In qualitative interviews, legal professionals reported dissatisfaction with the depth of information provided in training. The result of this was that they were often faced with complications in their cases that they did not know how to process in the reformed system.

Three-quarters of legal professionals who did *not* access either HMCTS training or guidance were unaware that it was available (77%). Had they known it was available, three-quarters of those who were unaware would have accessed the training/guidance (76%).

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

HMCTS staff and legal professionals agreed that the efficiency/speed of the reformed system was improved from the legacy service as was intended. Three-quarters of public users also agreed that their divorce case was processed in a reasonable time. Judges were the only group who reported a negative shift in efficiency.

The intended benefits around ease of use have been felt by public users but, so far, less so by judges and legal professionals.

Technical issues have meant the divorce service has not always operated as intended. Fewer than one-in-ten public users experienced any technical issues on their specific case, but nine-in-ten legal professionals had experienced technical issues. Most legal professionals sought technical support, but the support accessed was of mixed quality and sometimes very delayed.

Views were mixed on whether the intended efficiency gains from the reformed service had been achieved. HMCTS staff and legal professionals tended to consider that there had been gains while judges were less convinced.

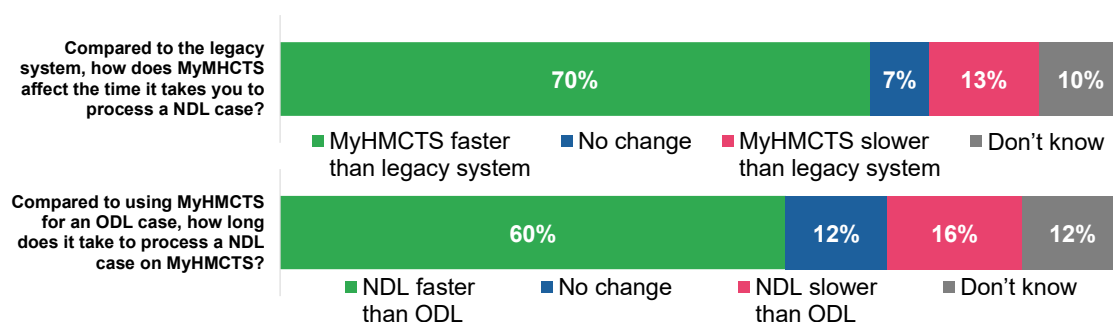
HMCTS staff reported efficiency improvements due to bulk scanning and processing functions, automated emails, and improved ease of locating information using the search function. They reported that most glitches involved in moving to the reformed system had been ironed out, leaving just a few very specific tasks where the reformed system caused issues (e.g. scanning in paper documents for a joint divorce

application where one of the parties lives overseas). For these specific problems, HMCTS staff had built workarounds.

“We have a workaround in terms of sending them (overseas parties) a paper document, but we are endeavouring to keep as many people online as we can because it is quicker, easier” **HMCTS staff member (divorce)**

Similarly, in the survey of divorce legal professionals, seven-in-ten (70%) reported that processing NDL cases on MyHMCTS was faster than the legacy system. Within MyHMCTS, legal professionals generally found that NDL cases were processed faster than ODL cases (60%) as shown in Figure 10.

Figure 10 Legal professionals’ views on how using MyHMCTS affects the time it takes to process a NDL case compared to the legacy system, and compared to an ODL case



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 divorce legal professionals (444). E2a: Compared to using MyHMCTS for an old divorce law case, how long does it take to process a new divorce law case on MyHMCTS? Base: All legal professionals of the divorce service asked about divorce specific questions (146)

However, in interviews, legal professionals noted that the speed and efficiency on their side had improved as a result of the reform but felt the overall time it takes to process a divorce case was slower due to delays elsewhere. For example, they reported that they can process the necessary paperwork much more quickly using the reformed system but once this paperwork is submitted, they see long and frequent delays while the case sits with other teams. They reported having to warn their NDL clients that their cases may be significantly delayed if an issue occurs somewhere.

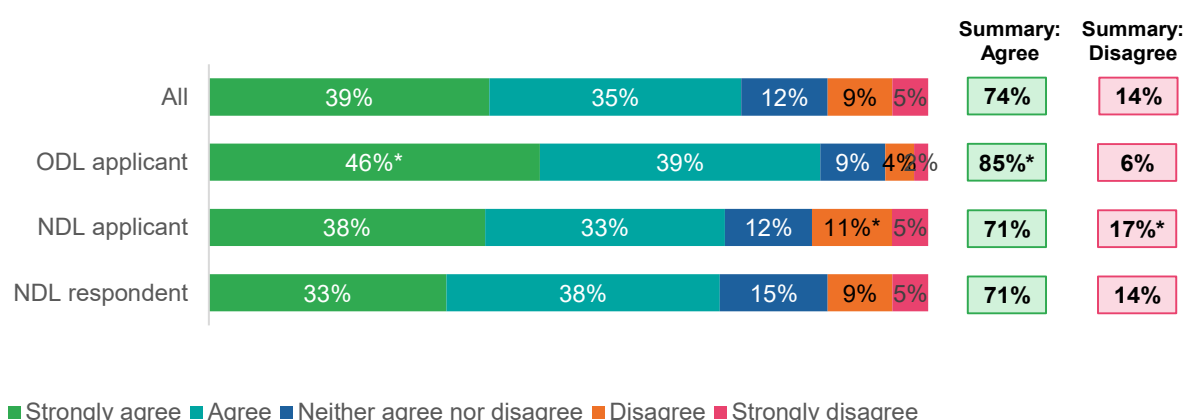
Judges reported that they generally found that their efficiency had been negatively impacted by the reformed system with tasks taking longer and more administrative

work falling to them. The most common difficulty reported by judges was locating the files they needed. The lack of a consistent filing system combined with being unable to ‘flick through’ as they would with paper files caused them a lot of wasted time and frustration. Some felt there was too much information on the portal, too many tabs/folders and no automatic clearing of old messages meaning they had a lot of data to work through.

“Because of the turnover of staff you get documents which are uploaded and referred to a Judge, but they’re not signposted properly, and it takes forever to find the document you’re being asked to look at and of course there’s no way of conversing with the online team when you’re on the platform.” **Judge (divorce)**

Public users generally seemed to have found the reformed service efficient, as intended. In interviews, public users of the divorce service said they mostly found the process fast, in some cases faster than they expected. Where they were unhappy with the time taken, this was generally due to the 20-week cooling off period, so not directly a result of the digital reform. As shown in Figure 11 below, almost three-quarters (74%) of public users agreed that the time taken to process their case was reasonable. Users of the ODL service were more likely than users of the NDL service (both applicants and respondents) to agree with this statement.

Figure 11 Public users’ agreement with ‘the time taken to process your case was reasonable’

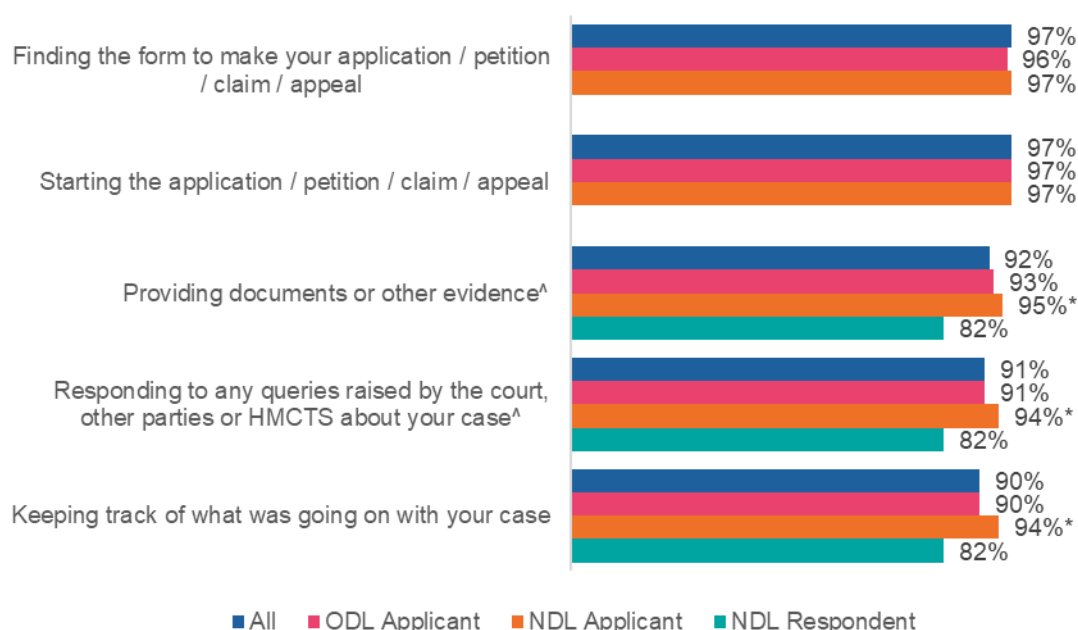


Source: IFF research

Note: E1: Extent of agreement: the time taken to process your case was reasonable. Base: All divorce public users of the service (1809), ODL applicants (421), NDL applicants (1014), NDL respondents (374). * Indicates significantly higher than the average 'all' figure. Rounding and differences in sample size mean similar values may not both be statistically significant. Note that while rounded to the same value, the NDL "Strongly disagree" was slightly higher than the 'all' figure. Answers do not sum to 100% due to rounding.

As shown in Figure 12 below, in the survey of divorce public users, the vast majority reported finding all the stages of their case easy to use (although respondents were generally less satisfied than applicants).

Figure 12 Public users' ease of use of processes

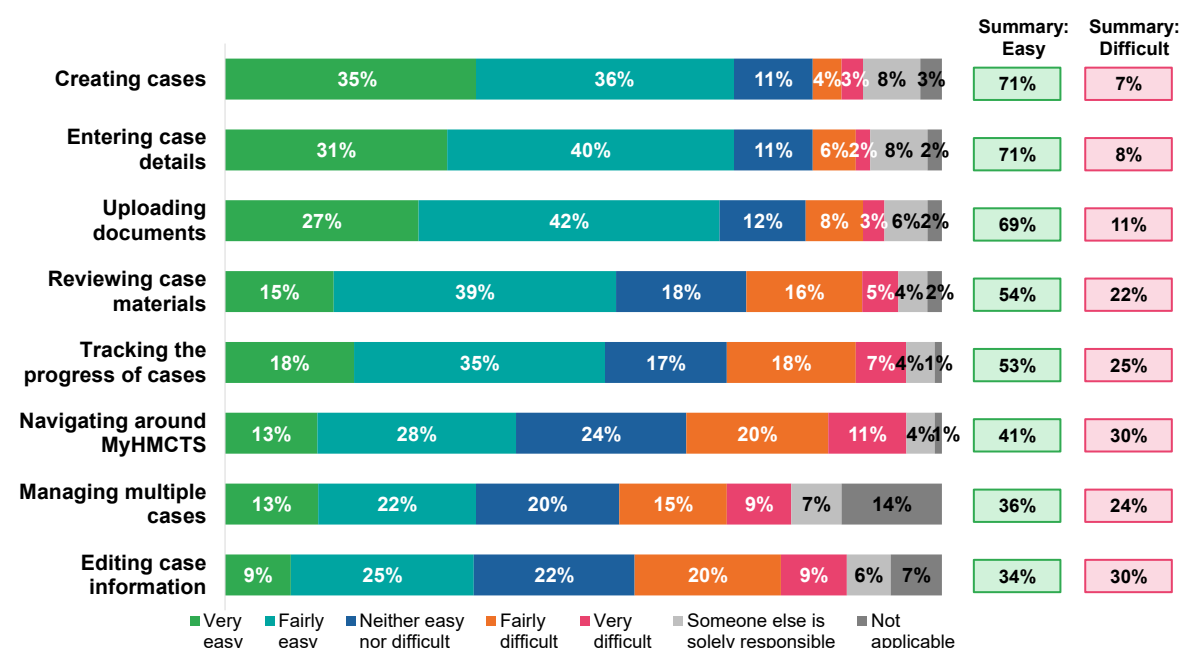


Source: IFF research

Notes: [^] These questions had high 'n/a' responses (31%, 11% for all) which have been excluded from the base. For other questions no more than 3% of all or any sub-group shown answered n/a and they are included in the base. D7 Ease of... D7_1. Finding the form to make your application / petition / claim / appeal; D7_3. Ease: Starting the application / petition / claim / appeal Base: All divorce applicants (1433), ODL applicants (419), NDL applicants (1014). D7_5 Providing documents or other evidence; D7_6 Responding to any queries raised by the court, other parties or HMCTS about your case; Base: Public users of Divorce service excluding those who answered 'n/a' for each iteration (1595 / 1245) ODL applicants (407/331), NDL applicants (944/692), NDL respondents (244/222). D7_7 Keeping track of what was going on with your case; Base: All public users of Divorce service (1809), ODL applicants (421), NDL applicants (1014), NDL respondents (374) Note: all data bars show combined responses of 'Fairly easy' and 'Very Easy'. * Indicates significantly higher than the average 'all' figure.

Legal professionals' views on the reformed service were more mixed, with some aspects of working on divorce cases in MyHMCTS seen as relatively easy and others somewhat more difficult (Figure 13). The early stages of creating cases, entering case details, and uploading documents were the most likely to be found easy. Greatest levels of difficulty came with navigating around MyHMCTS and editing case information, with three-in-ten legal professionals (30%) struggling with these processes.

Figure 13 Legal professionals' ease of working on different stages of divorce cases in MyHMCTS



Source: IFF research

Note: B11/ B12: Thinking about divorce cases you have worked on in MyHMCTS in the last six months, how easy or difficult did you find the following stages? Base: All divorce legal professionals (444). Answers do not sum to 100%, and summary boxes do not sum to individual answers due to rounding.

In qualitative interviews, legal professionals described MyHMCTS as working well in simple divorce cases where both parties want to get divorced. In these instances, they felt the processes seemed easy and straightforward. In particular, they talked about MyHMCTS prompting them when to move a case on and simplifying the process for payment of court fees.

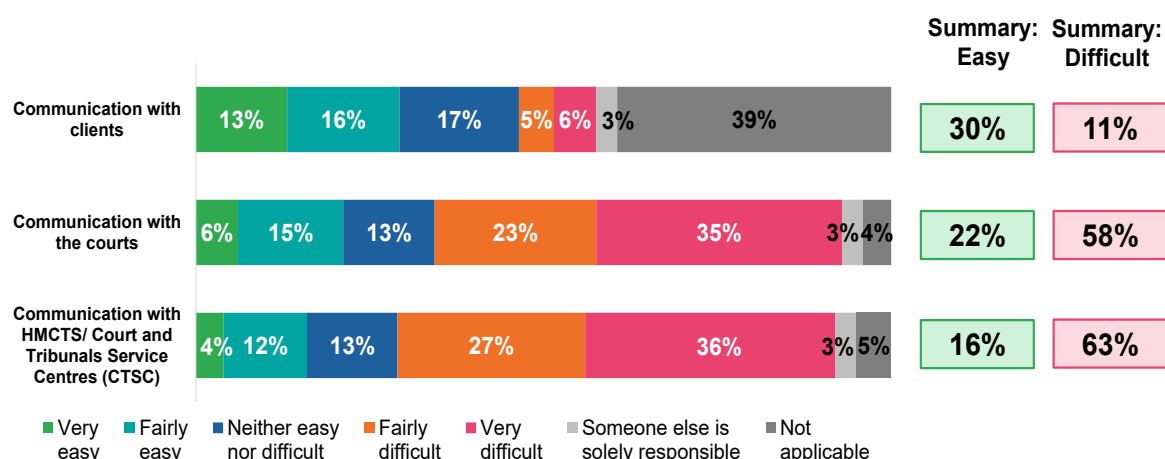
"Once I got familiar and found my way around and knew the tricks of the trade... it's a lot better... everything seems a lot smoother... I think it's a great idea actually." **Legal professional (divorce)**

They felt MyHMCTS worked less well when one party in the divorce was uncooperative and needed to be served: they reported that there is no real option for this under the reformed service.

Views on the efficiency of communication within the digital service were mixed. When it was applicable to do so, divorce legal professionals generally found communicating with clients on divorce cases in MyHMCTS to be relatively easy

(though over a third did not use it for this). Communication with courts and with HMCTS/CTSCs was seen as more problematic with around six-in-ten finding these aspects difficult, as shown below in Figure 14.

Figure 14 Legal professionals' ease of communicating for divorce cases in MyHMCTS

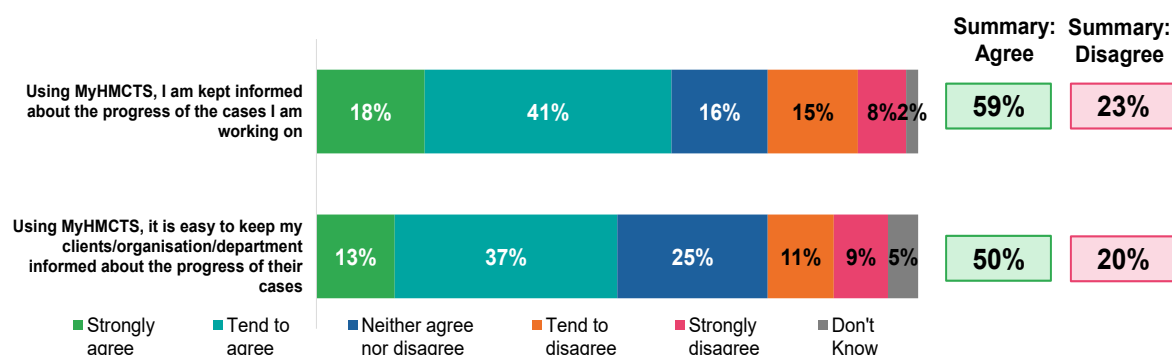


Source: IFF research

Note: B13: Thinking specifically about the last six months, how easy or difficult did you find the following stages of working on divorce cases in MyHMCTS? Base: All divorce legal professionals (444). Answers do not sum to 100%, and summary boxes do not sum to individual answers due to rounding.

Looking at another aspect of ease of use, six-in-ten (59%) divorce legal professionals agreed they were kept well informed about the progress of cases when using MyHMCTS: and half (50%) agreed that it was easy to keep their clients informed (Figure 15).

Figure 15 Legal professionals' feelings on whether kept informed of progress



Source: IFF research

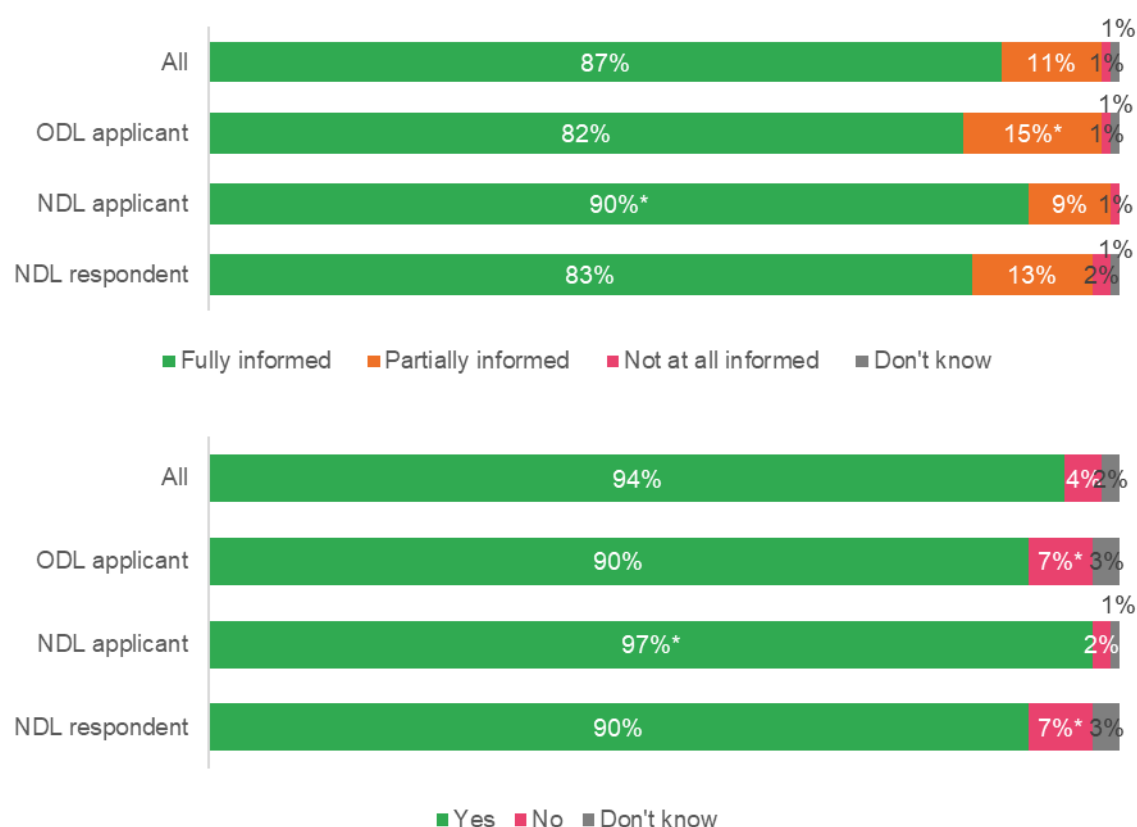
Note: E1-1/ F1-3: To what extent do you agree that...? Base: All divorce legal professionals (444).

In the qualitative interviews legal professionals reported the progress update function as being useful but limited. They felt it was helpful in reminding them of timings and when they are able to move the case along, for example when they can apply for a conditional order. However, they reported that there was no function to see whether judges had successfully accessed uploaded documents, or which judge had been assigned to their case.

Public users were more positive about being kept informed of progress. As shown in Figure 16, almost nine-in-ten public users of the divorce service felt HMCTS kept them *fully* informed on the progress of their case (87%). This was higher for NDL applicants (90%) than ODL applicants (82%) and NDL respondents (83%). Almost all (97%) NDL applicants received updates or notifications on their case, while this figure was slightly lower for NDL respondents and ODL applicants (both 90%).

Most service users who received notifications felt the frequency of these was appropriate (90%), just one-in-ten would have liked to receive more notifications (9%).

Figure 16 Whether public users kept informed about case progress / received notifications



Source: IFF research

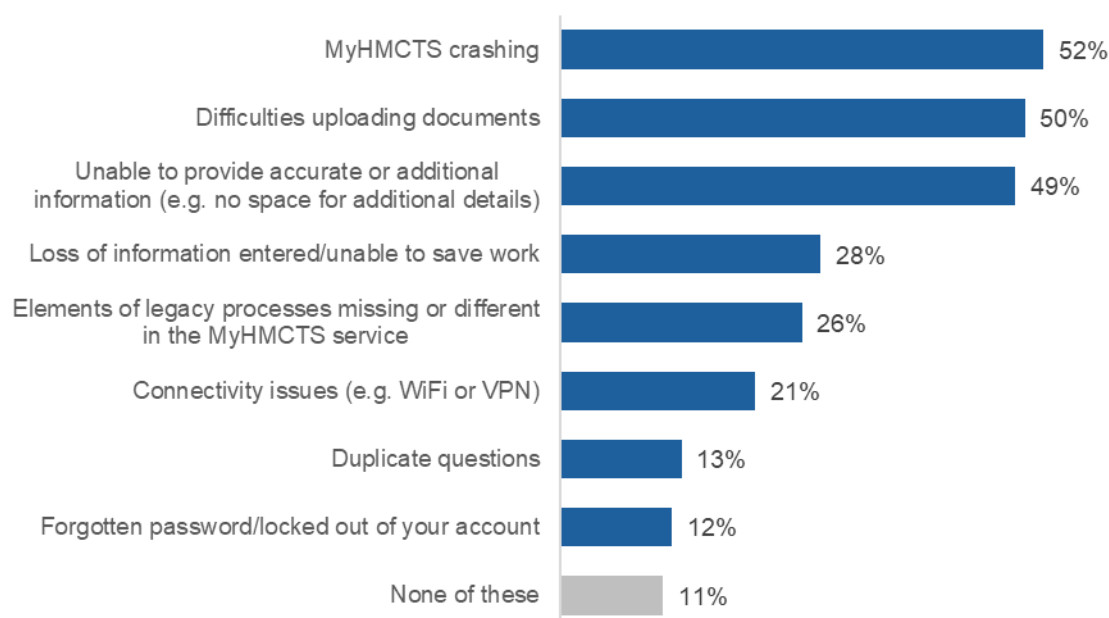
Note: Top: Did HMCTS keep you informed about the progress of your case. Bottom: Did you receive notifications/updates. Base: All divorce public users the service (1809). *Indicates significantly higher than the average 'all' figure

Eight-in-ten public users of the reformed divorce service (79%) said that they made use of the facility to track the progress of their cases using the online service. This was more common among applicants (across both NDL and ODL) than respondents (83% vs 59%). It was also more common among those aged 18-34 (92%) and least common in those aged 65 and over (63%). Some easily accessed the online tracking system and found it was more accurate than waiting for email updates. Others had difficulty accessing the online tracking because they needed to have all case details to hand (e.g. password and case number) and when these were forgotten, resets took a couple of hours.

Fewer than one-in-ten public users (7%) reported any technical difficulties that would indicate that the service was not working as intended. The most common problem was losing information previously entered (3%) and/or being locked out of their account (3%).

In contrast, nine-in-ten legal professionals had encountered a range of technical difficulties when using MyHMCTS for NDL cases (89%). The most common types are shown in Figure 17.

Figure 17 Technical difficulties experienced using digital service by legal professionals



Source: IFF research

Note: C5: Have you experienced any of the following technical issues when using MyHMCTS? Base: All divorce legal professionals (444). *Issues experienced by less than 8% not shown, 'none' also excludes those who experienced specific issues not shown.

Of those legal professionals who cited any technical issues with the MyHMCTS service, three-quarters (75%) had accessed technical support. Sources of support were: MyHMCTS support via email (56%), the CTSC (30%), HMCTS (although unsure from which team) (11%) and the local or regional court or office (10%).

There were mixed views on the quality of the support received – over a third (39%) were satisfied, but a third (34%) were dissatisfied.

The most common reasons NDL legal professionals had not accessed support from HMCTS for their technical issues were because they did not know technical support from HMCTS was available (39%), or how to access support from HMCTS (32%).

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

There was no strong evidence to suggest that reforms had impeded access to justice. Public users chose the digital service because it was quick, easy and convenient. The majority were satisfied with their case outcome and believed their cases were handled fairly.

Legal professionals had mixed views about the impact the digital reform has had on fair handling of cases and access to justice with most usually believing there had been no impact, positive or negative.

4.2.2.a *Deciding to use the service*

In qualitative interviews, public users stated that they generally decided to use the digital channel because they expected it to be easier, faster and with less risk of documents getting lost in the post. For many, these expectations came from previous good experiences of other digital services used in their personal or professional lives; often they expressed feeling more comfortable working digitally rather than on paper.

“I work in a paperless society and everything I do is click through. E signatures, secure packets and all that sort of thing ... everything is now in the digital format” **Public user (divorce respondent)**

For some, the convenience of being able to complete their case from home, outside of office hours whenever they wanted was also a benefit of the digital service.

“I just thought, I am going to face it and do it and I started it at ten o'clock at night - there was something really nice about the fact that I could just decide to do it at night and not have to wait” **Public user (divorce applicant)**

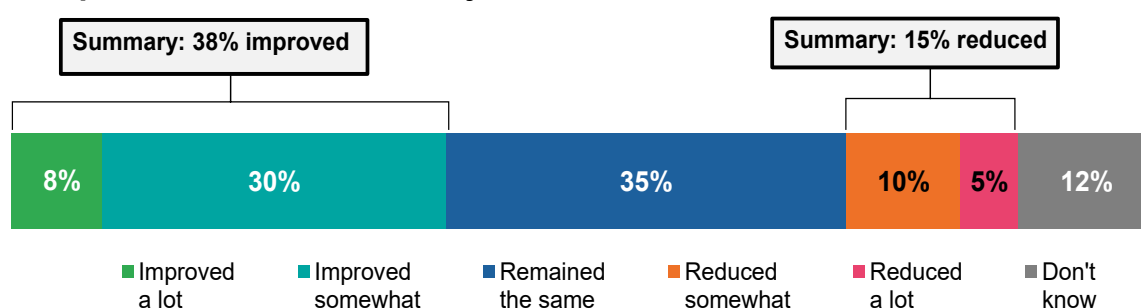
Generally, public users agreed that they would still have gone ahead with their divorce had the digital service not been available, but the availability of the digital service made it easier to start their cases when they did.

4.2.2.b Access to justice

In the survey of divorce public users, none reported that they had decided to withdraw or give up on their case, or that the other side withdrew their case. A large number of withdrawals might have indicated a negative impact on access to justice.

Legal professionals were asked about their views on how MyHMCTS had affected their clients' access to justice. Generally, they felt that access to justice had either improved or been unaffected. As shown in Figure 18, more than a third felt that the rollout of MyHMCTS had improved clients' access to justice (38%). A similar proportion felt it had remained the same (35%). Figure 19 shows that, overall, over two thirds felt that the extent to which clients understood the outcome of their divorce case when it was handled on MyHMCTS was better or unchanged from cases handled on the legacy service.

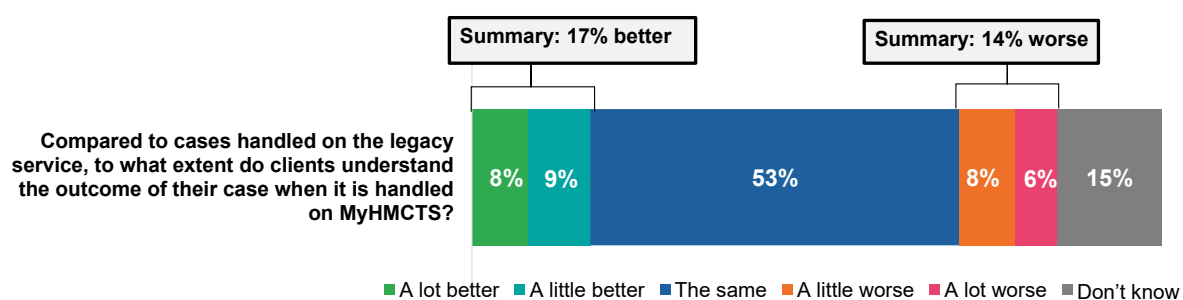
Figure 18 Legal professionals' feelings on whether the rollout of MyHMCTS has improved clients' access to justice



Source: IFF research

Note: G4: To what extent do you feel the rollout of MyHMCTS has affected clients' access to justice? Base: All divorce legal professionals (444).

Figure 19 Legal professionals' views on extent to which clients understand the outcome of their case when it is handled by MyHMCTS

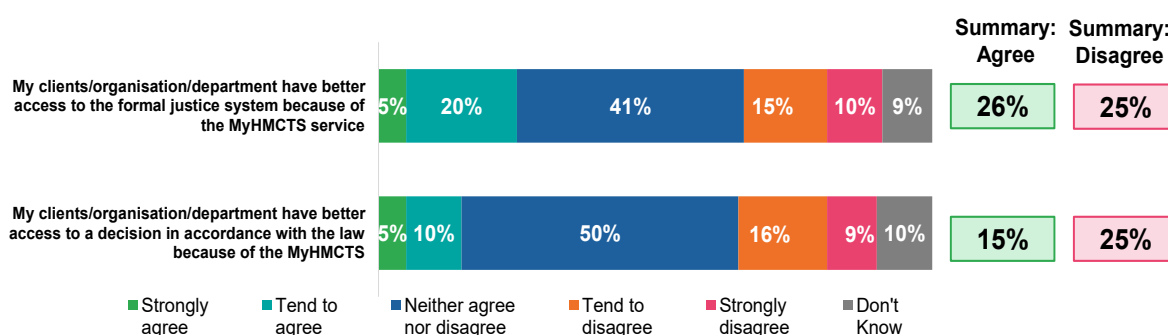


Source: IFF research

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 divorce legal professionals (444). Answers do not sum to 100% exactly due to rounding.

As Figure 20 shows, it was most common to be neutral about whether the MyHMCTS service had provided their clients with better access to the formal justice system (41%). Legal professionals were also as likely to disagree as to agree that there had been any effect (25% disagreed and 26% agreed). They were more likely to disagree than to agree that MyHMCTS granted their clients better access to a decision in accordance with the law (25% disagreed and only 15% agreed).

Figure 20 Legal professionals’ feelings on the MyHMCTS service has affected clients’ access to justice, or access 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 divorce legal professionals (444). Summary answers do not sum due to rounding.

4.2.2.c Fair handling

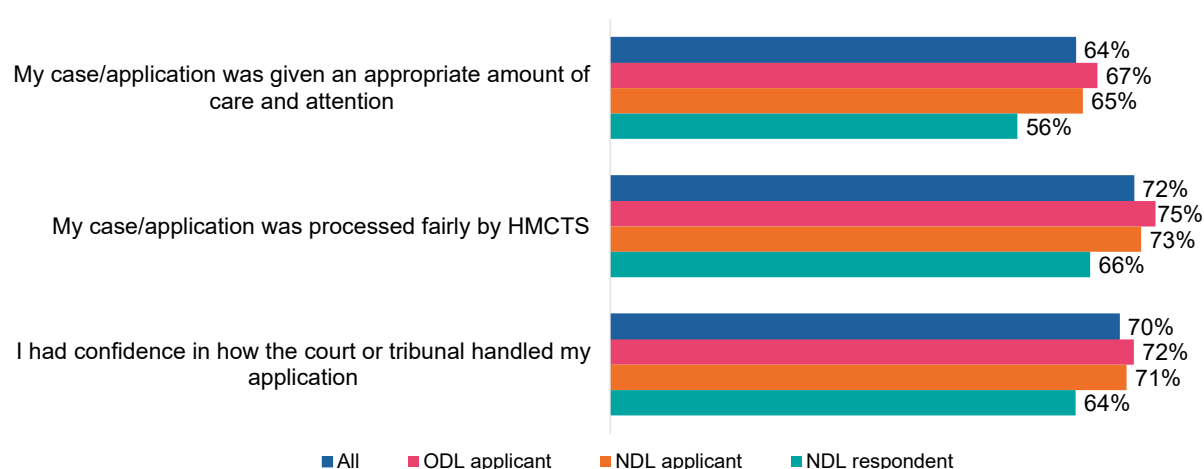
As far as they are able to tell, public users generally seemed to consider that they had been treated fairly in the reformed system. The vast majority of users (92%) were satisfied with the outcome of their case. Applicants were more likely than respondents to be satisfied with the outcome of their case (96% vs 80%).

In the qualitative interviews public users generally assumed all divorce cases would be handled fairly, regardless of the digital reform. However, one respondent felt that the reformed digital service left them vulnerable to unfair divorce terms in a way that the legacy service would not have done. They felt this was because the reformed

system did not encourage due diligence, reflection or addressing of financial issues.²²

Most divorce public users agreed that their application was processed fairly (72%), had confidence in how their application was handled (70%), and thought their case was given due care and attention (64%) (Figure 21). Across all three measures, applicants (both NDL and ODL) were more likely than respondents (NDL only) to agree.

Figure 21 Public users' agreement with statements about trust in handling of case



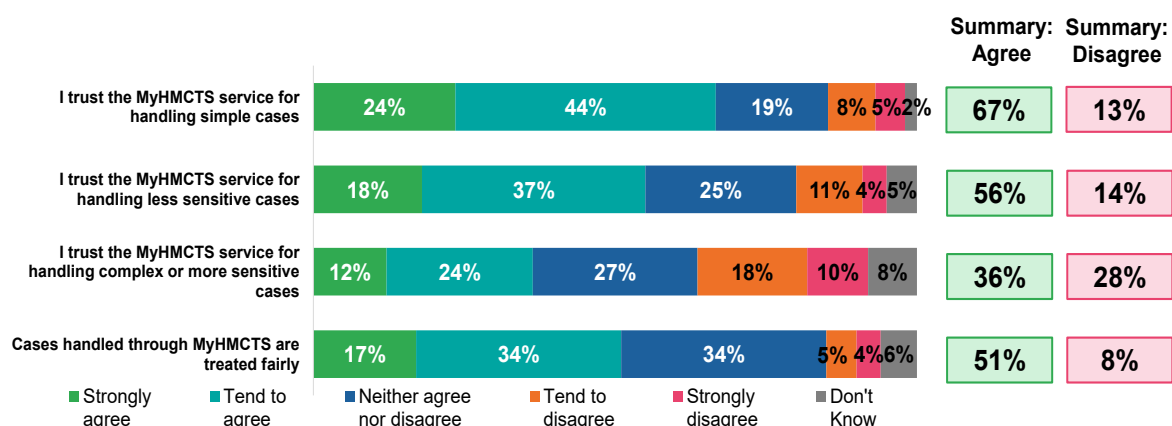
Source: IFF research

Note: H4: To what extent do you agree that...? Base: All divorce public users of the service (1809)

Half of legal professionals felt NDL cases handled through MyHMCTS were treated fairly (51%). The degree of trust that legal professionals had in handling NDL cases via MyHMCTS varied according to case sensitivity and complexity. As Figure 22 shows, two-thirds (67%) trusted HMCTS for handling simple cases, over half (56%) for handling less sensitive cases and around a third (36%) for handling complex or more sensitive cases.

²² For financial issues, there is a separate process (financial remedy) which is outside the divorce application (although people are signposted from the divorce application if they say they want to apply for financial remedy).

Figure 22 Legal professionals' trust of fair handling of divorce cases processed using MyHMCTS



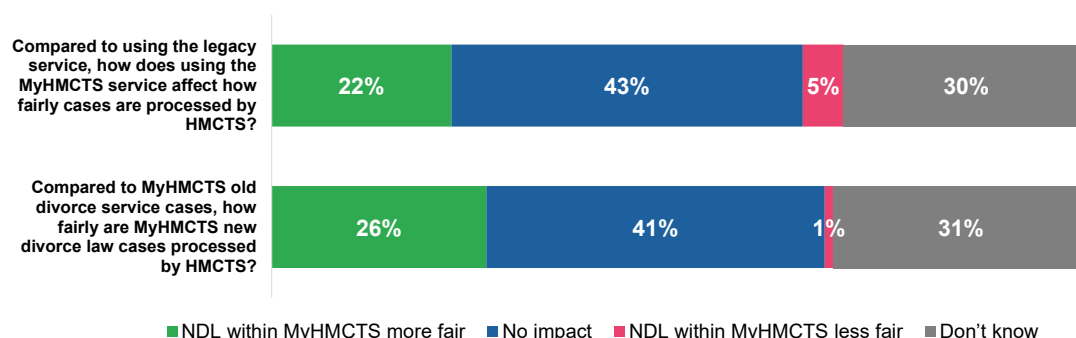
Source: IFF research

Note: E1: To what extent do you agree or disagree with the following statements? Base: All divorce legal professionals (444). Answers do not sum to 100% due to rounding.

Just over four-in-ten legal professionals felt that MyHMCTS had not impacted how fairly NDL cases were processed (43%). A fifth felt that NDL cases were processed more fairly on MyHMCTS compared to NDL cases in the legacy service (22%) and just one-in-twenty felt MyHMCTS was less fair (5%).

When asked to compare the treatment of NDL cases to ODL cases within MyHMCTS, four-in-ten (41%) legal professionals said there was no difference in how fairly cases were processed. A quarter (26%) felt NDL cases were processed more fairly than ODL cases (Figure 23). In interviews, some legal professionals mentioned that they felt that, since the rollout of MyHMCTS, processes for ODL cases had been neglected slightly which might explain this view. They reported being unable to get a response to emails they had sent trying to move their ODL case along and they suggested that this was because administrative teams receiving their emails were not sure who to direct them to.

Figure 23 Legal professionals' views on fairness of NDL cases processed using MyHMCTS, compared to the legacy service and compared to ODL cases.



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 divorce legal professionals (444). E3b: Compared to MyHMCTS old divorce law service cases, how fairly are MyHMCTS New Divorce Law cases processed by HMCTS? Base: All legal professionals of the divorce service asked about divorce specific questions (146). Answers do not sum to 100% exactly due to rounding.

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?

Only a very small minority of public users reported making errors. They commonly reported that checking the information they were submitting was easier in the reformed system, so they felt that they were submitting more accurate forms. HMCTS staff felt they saw errors from public users quite often but were sometimes able to fix them without involving the user. Public users were rarely aware of any case administration errors.

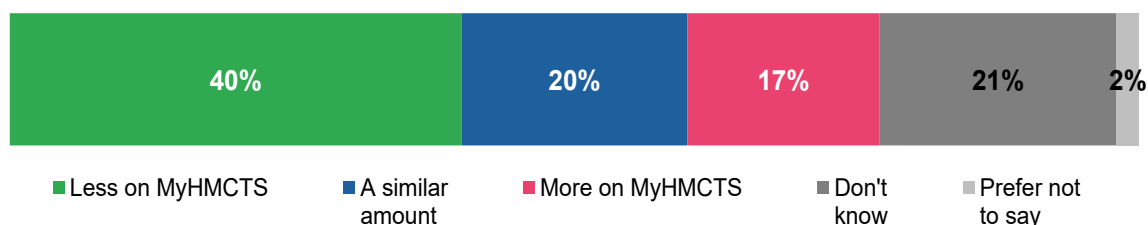
Among professional groups, errors were felt to be relatively frequent but a lot of these could be addressed through more consistent approaches to document labelling and filing.

Most legal professionals thought that errors occurred less often (40%) or with the same frequency (20%) in NDL cases processed on MyHMCTS compared to the legacy system. Just under one-in-five (17%) felt errors were more frequent on MyHMCTS (Figure 24).

Within MyHMCTS, almost half of legal professionals felt there were fewer errors in NDL cases compared to ODL cases (45%). A third felt that they could not comment

on this (29%) and one-in-five felt errors occurred at the same frequency across NDL and ODL (19%).

Figure 24 Legal 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 error occur more or less frequently on MyHMCTS? Base: All divorce legal professionals (444).

4.2.3.a User errors caused by public users

HMCTS staff reported that public users were the most common source of errors they encountered in the digital system, generally through incorrect information on submitted forms (e.g. names not matching marriage certificate).

"Whilst there is quite a lot of signposting in the application process, inevitably people will not really understand and get things wrong, so it is quite common." **HMCTS staff member (divorce)**

They reported that these errors were usually noticed by Legal Advisers²³ processing the final stages of the divorce. HMCTS staff felt they then had good functionality within the reformed service to confirm details and correct most errors.

"We can fix (some errors) from our end if we see their name is wrong compared to the marriage certificate, we can confirm details and amend. We can fix more or less anything apart from legal issues."

HMCTS staff member (divorce)

Very few divorce public users reported making mistakes or omissions in the information they provided (4%). ODL users were twice as likely to report this (6%)

²³ Legal advisers are qualified legal professionals who provide advice to judges and magistrates and assist in managing the court. Some specific aspects of case management may also be delegated to legal advisers.

than NDL users (3%). The most common errors were mis-entering information, failing to provide information or misunderstanding what was needed.

In the qualitative interviews, public users reported that they were able to review the information they were submitting for divorce cases in the reformed system more easily, which they felt would lead to fewer errors, than when it was on paper.

"Once you've finished, you can go through and check it and then make sure you hadn't made any mistakes and it's the process of that which is totally different to what you do on paper, because once you've filled your paperwork in, you know and you've sent it all that's it isn't it."

Public user (divorce respondent)

4.2.3.b User and case errors caused by legal professionals and other agencies

Legal professionals thought errors by themselves or other parties were common on cases processed through the MyHMCTS service. Three-quarters (77%) said they made errors themselves while using MyHMCTS for NDL cases (56% occasionally, 19% sometimes and 2% frequently). They typically reported mis-entering information (66%), misunderstanding what was being asked for (35%), not submitting/completing cases (32%) or not providing some information (30%).

A similar proportion of legal professionals (74%) thought errors were made by other parties using MyHMCTS (45% occasionally, 25% sometimes, 4% frequently). They typically reported that other parties or HMCTS did not provide some information (54% of those who reported errors by HMCTS or other parties), provided inaccurate information (52%) or misunderstood what was being asked for (48%).

Judges reported that errors were not frequent within the reformed service but could have serious consequences for public users. They gave the example of email updates around court hearings reaching public users late. In some cases, this meant public users' hearings could not go ahead as planned, a situation both frustrating and emotionally distressing for some users going through divorce.

Similarly, it was rare for public users taking part in the divorce survey to report that HMCTS had made mistakes in processing their application (3%), though this was slightly higher for those aged 65 and over (7%). Most commonly these errors were

administrative, misunderstanding information they had provided, not receiving information they submitted or not meeting deadlines.²⁴

In interviews, judges, HMCTS staff and legal professions, mentioned that often errors stemmed from the way that documents are uploaded to the reformed service. A lack of consistent labelling format and no option to list documents in a set order left HMCTS staff struggling to classify documents and communicate accurately to judges where to find certain documents.

“Where we have more information that perhaps judges or legal advisors need to see, at the moment there really isn’t [document] classification – it is all on one tab where we upload lots of documents and it is down to the knowledge and skill of the person uploading and labelling to help the judge or legal advisor identify documents. If there was a better classification system in the document management system that would help us be more efficient.” **HMCTS staff member (divorce)**

4.2.4 Where digitalisation is the only change to a service, how consistent are processes between digital and non-digital channels?

Legal professionals had mixed opinions on whether public user experience was consistent across the reformed and legacy systems.

From the perspective of legal professionals, reformed processes were seen to be similar to legacy processes but simpler, easier and more efficient.

In the survey of divorce legal professionals, four-in-ten agreed that the service their clients/ organisation received was consistent, regardless of whether they (the legal professional) used MyHMCTS or the legacy system (40%), but three-in-ten disagreed (28%). In interviews, legal professionals highlighted that processes within the reformed divorce service were simplified and faster because of the reform. They felt that the simplified processes meant divorce cases in the reformed service required fewer in-person appointments with clients, making the service more convenient and accessible for public users.

²⁴ Percentages not provided due to small base size.

"[In the legacy system] the client comes in, you've got to go through the forms then they've got to come in again, they've got to sign the forms. This time [in the reformed system] they'll come in once and you'll get everything! They can relax and the person [legal professional] can get on with what he needs to do." **Legal professional (divorce)**

Legal professionals also noted that although processes were similar, having a single system for processing and submitting case documents meant they were more likely to input case details themselves in MyHMCTS. In the legacy system this may have been done by a secretary. This is because it is easier, in the reformed service, for legal professionals to check progress of documents they have drafted.

"As a solicitor I am perhaps doing a bit more of it myself rather than getting my secretary to do it ... because it is online, and I am having to put my name on the statement of truth I tend to do more of the physical typing as I am doing it." **Legal professional (divorce)**

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

The research did not cover public users who had not used the digital service, so limited conclusions can be drawn about ease of access. However, once a digital application had been made, the majority opted for digital channels for subsequent communication indicating that they were easy to access.

Once public users had submitted their divorce application/response, over three-quarters of divorce users communicated with HMCTS via the online /digital / GOV.UK service (77%), with seven-in-ten stating this was their main method of communication (69%). A further third used email to communicate with HMCTS (36%), with this being the main method of communication for one-in-five (18%).

Over half of divorce public users who recalled using the digital channel (for application or communication) mainly accessed the service using a mobile phone (58%), though around three-in-ten used a laptop (28%), and fewer than one-in-ten used a tablet (7%) or a desktop computer (7%), as their main device.

In qualitative interviews, some public users expressed an existing preference for digital communication methods, rather than telephone communication, as it provided them with an instant record of what had been said. Public users were also generally positive about email communication with the courts, but some reported that they had experienced difficulty getting any information by telephone.

Some public users who had initially been concerned about difficulty navigating the process without a solicitor were surprised to find it was less stressful than they had expected: they were not burdened by appointments and could progress their divorce case when it was convenient.

4.2.5.b Ease of access for HMCTS staff and legal professionals

HMCTS staff found access to the reformed service very easy.

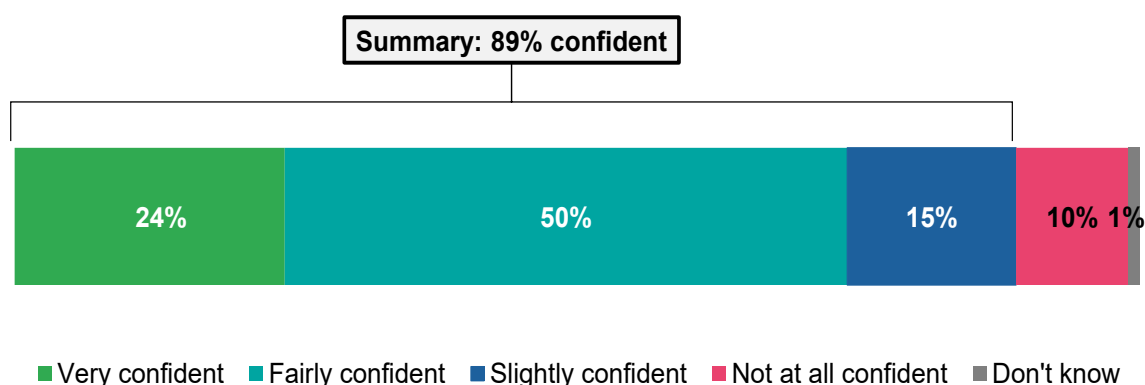
Legal professionals generally had their accounts set up by someone else. Where they did it themselves the perceived ease of this was mixed. Most legal professionals had some level of confidence accessing the reformed service. Most commonly this was because of regular use or because it is easy to use.

In qualitative interviews, HMCTS staff reported that to log in and access the reformed system was very easy. One staff member reported that the two-stage login process was '*mildly annoying*', but not a significant barrier.

For legal professionals, it was common for someone else to have set up their MyHMCTS account on their behalf; most often by administrative staff (31%), another legal professional colleague (20%) or a manager (15%). Usually this was because someone else routinely does this for everyone in the organisation (83%). A quarter of legal professionals set their MyHMCTS account up themselves (26%). Their experiences of doing this were mixed with just under three-in-ten finding it difficult (28%) and just over four-in-ten finding it easy (44%).

Most legal professionals (89%) had at least some degree of confidence in using the MyHMCTS system for NDL cases, although only a quarter (24%) were very confident (Figure 25). Those who were fairly or very confident were most likely to say this was because of previous/regular use (32%), or that the system was easy to use (28%).

Figure 25 Legal professionals' confidence in using MyHMCTS



Source: IFF research

Note: D12: In your work now, how confident do you feel using MyHMCTS? Base: All divorce legal professionals (444).

4.2.5.c Barriers which result in cases 'dropping out' from the digital system to the paper system

HMCTS staff and legal professionals reported it was rare for cases to drop out of the reformed service to be processed on paper, indicating that there are not significant barriers in this respect.

HMCTS staff reported that it is very rare to encounter barriers for divorce cases that result in them moving offline. They explained that even if paper documents are used for any stage they will be scanned in and proceed as a digital case. Where cases do drop out of the digital system this was reported to be usually when a solicitor did not have access to the reformed service, or when a legal adviser or judge had rejected some aspect of the divorce application. This would usually be the 'grounds for divorce', and the details would then need to be amended. They reported that these amendments can only be made on paper, so cases continue offline.

In the legal professionals survey, divorce professionals reported that NDL cases drop out of the MyHMCTS service (started on MyHMCTS but end up being processed offline) at different stages:

- 33% when reaching a stage that is not supported by the MyHMCTS service.
- 29% because other parties choose to proceed with the case using the offline/paper route (comprising 20% occasionally, 8% sometimes, 1% frequently and <1% all cases).

- 16% because they, as a legal professional, choose to proceed with the case using the offline/ paper route (comprising 12% occasionally, 4% sometimes, 1% frequently and <1% all cases).

4.2.5.d *Support*

Very few public users accessed digital support from HMCTS (4%). Mostly they did not need any support, but 15% said they had wanted support and would have accessed it if they knew it was available. HMCTS staff were comfortable supporting public users with login and process difficulties but felt that their ability to solve technical issues was limited by being unable to access public user accounts.

Support services for legal professionals could work better. Lack of good quality support could be a barrier to the operation of the digital service. It was not uncommon for legal professionals to require support (48%) and most of these accessed support from HMCTS or from colleagues. Satisfaction with support from HMCTS was low, and communication and resolution of issues were perceived to be slow.

In qualitative interviews, HMCTS staff reported that they most commonly helped public users with password resets to access their account. They reported that they were also able to help with technical issues by running through a set of troubleshooting steps, but they felt that their ability to resolve technical issues was limited by not being able to access the public users' account directly.

HMCTS staff also reported that they were aware of We Are Digital²⁵ and would refer people there if they felt they needed more generic technical support. These referrals were relatively uncommon as most public users they supported were already on the digital service.

In the survey of divorce public users, one-in-ten (10%) public users reported receiving support or assistance to use the HMCTS service for their case. This proportion was higher among applicants compared to respondents (11% vs 5%),

²⁵ HMCTS' provider of 3rd party digital support. Now branded as We Are Group.

higher for ODL applicants than NDL applicants (14% vs 10%) and higher for those from minority ethnic groups (16% vs 9% of white public users).

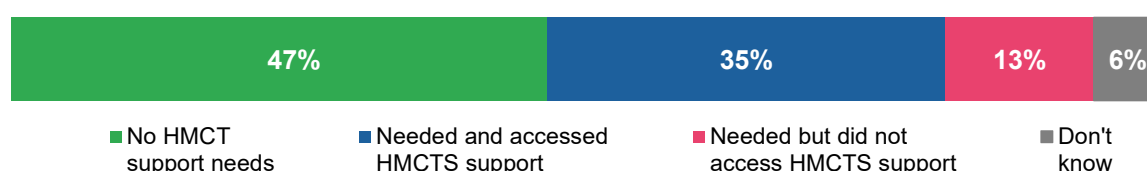
Most commonly, support was accessed from the HMCTS Digital Support Service or We Are Digital (36% of those receiving support), followed by support from a family member or friend who is not legally qualified (20%) and their solicitor (16%).

Two-fifths (37%) of divorce public users who did not receive HMCTS digital support to use the digital channel were aware that support was available. Of those who were unaware, a quarter (26%) would have liked to access this support if they had known it was available.

Of all divorce public users who used the digital channel, four per cent accessed digital support from HMCTS but 15% wanted digital support from HMCTS and did not access it.

Legal professionals were split almost evenly between those who did not report any need for general support to use MyHMCTS (47%) and those who did (48%). Those accessing support most commonly did so from colleagues (64%), or from HMCTS, including CTSCs or MyHMCTS Support (64%). A smaller proportion accessed written guidance or training resources (26%) or online webinars/videos (10%), although the proportion of this that was provided by HMCTS rather than other sources is unknown. This amounts to just over a third in total (35%) of legal professionals needed and accessed support to use the service. However, at least 13% needed but did not access HMCTS support although they may have accessed support from other sources (Figure 26, see also figure note).

Figure 26 Legal professionals' general support needs and access to 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 divorce legal professionals (444). 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. Answers do not sum to 100% due to rounding.

The levels of satisfaction among legal professionals who had accessed general support for MyHMCTS were relatively low indicating that it is acting as a barrier to the smooth delivery of the service. For example, almost three-quarters (73%) were dissatisfied about how quickly they were able to communicate with someone about their issue and over half (58%) were dissatisfied with how quickly their issue was resolved. In interviews, legal professionals reported struggling to access timely technical support, stating that they sometimes waited months for an email response or spent an hour on hold for phone support.

“When we’re submitting a query to the online portal, I’ve been waiting three months for a response, and sometimes I will get the response that says you need to do XYZ and I’ve already done X, Y and Z months ago and then I’m going back saying I’ve done this and waiting for another response.”

Legal professional (divorce)

Among legal professionals who did not access any general HMCTS support for MyHMCTS, similar proportions were aware of it (47%) and unaware (46%). Of those who were unaware, the majority (72%) would have accessed support had they known.

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

The digital process appears to have had a positive impact for public users and HMCTS staff. HMCTS staff were broadly satisfied with the reformed service, feeling the automated process streamlined the processing of cases.

Legal professionals were mixed in how satisfied they were with the reformed service, but the majority would opt to use it again and generally they were positive about the impact it has had on their working lives.

Judges had found the rollout of the reformed service frustrating and stressful. For most judges interviewed, the benefits of convenience did not outweigh the increased administrative burden and frustration of a system they saw as glitchy.

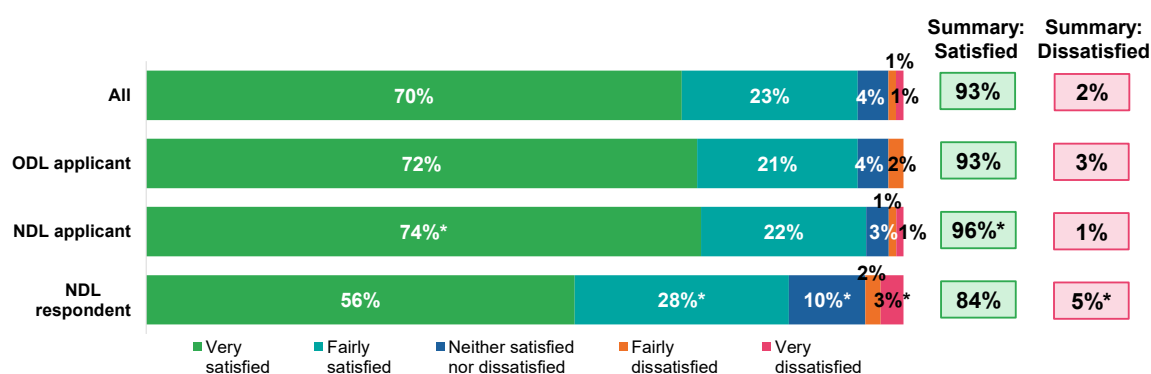
4.2.6.a Overall public user experience and views on the reformed service

Overall, the digital service appears to provide a positive public user experience.

Almost all divorce public users (93%) were satisfied with the service received from HMCTS (Figure 27). Satisfaction levels were slightly higher among:

- Applicants compared with respondents²⁶ (95% vs 84%)
- Those who reported no case or user errors in their case (94%) compared to those who reported errors (79%).
- Those who felt they were kept informed of case progress fully compared to those kept only partially updated (96% vs 74%).
- Those for whom no vulnerable circumstances²⁷ apply were more satisfied than those who were living with vulnerable circumstances (94% vs 90%).
- Those who accessed digital support (93%) or who did not need support (95%) compared to those who had a need but did not access support (83%).

Figure 27 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 divorce public users of the service (1809). * Indicates significantly higher than the average 'all' figure. Don't know not shown, less than 2% for all groups shown.

²⁶ Across both ODL and NDL.

²⁷ For the purpose of this research, this was defined as those who responded that at least one of the following circumstances applied to them: being in considerable financial debt, being a victim of domestic abuse, not having a stable home address, or having issues with drug and alcohol misuse.

In qualitative interviews with public users, overall impressions of the service were very positive. They felt it was easy and fast, with some of the stresses of a divorce in the legacy system removed.

"I think once you start the process and the process was so easy and everything was explained at every stage, so I knew exactly what would happen and when. So I didn't have to stress. ... This way it's all done for you, so it takes the stress out of it." **Public user (divorce applicant)**

Several public users mentioned that they felt that digital element of the reformed divorce service made it feel less personal/more sterile and with some of the emotion removed. For some, this was noted as a positive, allowing a fairer and less distressing process. For others, this meant it felt less serious, and they questioned whether they were giving the process as much thought as they would if they were required to meet with a solicitor and sign physical papers.

4.2.6.b Overall user experience, views on the reformed service and impact on working life for HMCTS staff

The HMCTS staff interviewed were broadly satisfied with the reformed divorce service, finding it much faster and more efficient with many more automated processes reducing some of their administrative burden.

"Manage Cases automates so much more of the things that have to be done manually and are more complicated in the legacy system. Manage Cases will provide all those notifications and updates; we don't have to produce pronouncement notifications or print out orders ... from a cost to the taxpayer I believe it is more cost effective."

HMCTS staff member (divorce)

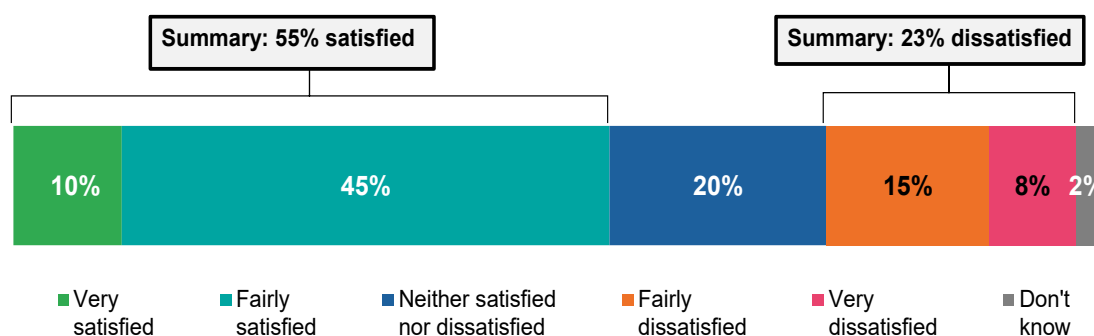
There were some areas where they felt the functionality could be extended but they expressed a unanimous preference for the reformed service over the legacy system.

4.2.6.c Overall user experience and views on the reformed service for legal professionals

Among divorce legal professionals, views on the MyHMCTS service were mixed. As shown in Figure 28, just over half of legal professionals were satisfied with their

experience of using it (55%) and just under a quarter dissatisfied (23%). In interviews, reasons given for satisfaction were smoother processes, fewer appointments and decreased workload.

Figure 28 Legal professionals' overall satisfaction



Source: IFF research

Note: G5: Overall, how satisfied or dissatisfied are you with the MyHMCTS service? Base: All divorce legal professionals (444).

Despite mixed levels of overall satisfaction with MyHMCTS under NDL among legal professionals, the majority said they would still prefer to use it over the pre-MyHMCTS legacy service (64%) and less than one-in-ten (9%) said they would prefer to use the legacy service (Figure 29).

Figure 29 Legal professionals' preference for MyHMCTS compared to (pre-MyHMCTS) legacy service



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 divorce legal professionals (444).

A variety of suggestions were made by legal professionals to improve the service, set out in more detail in 4.3 below.

4.2.6.d Impact on working life for judges

In qualitative interviews, judges remarked that the rollout of the reformed service has been frustrating and disruptive for them, but they felt that they were now at a point where the service is functional.

As mentioned earlier, some reported an increase in administrative tasks that they had to undertake under the digital system compared to the legacy system.

The effect that these frustrations had on individual judges varied. Some found the situation at the time of interview to be workable while some felt that job satisfaction had been severely negatively affected.

"There is nothing positive in it [reformed service], certainly for me there is increased anxiety, increased workload and a desire to get out of the job as soon as I can." **Judge (divorce)**

4.3 Potential improvements

Research participants made some specific suggestions on how the digital system could be improved. These suggestions do not take into account any changes since fieldwork was conducted (September 2023 – February 2024).

Suggestions made specifically by research participants

- Allowing HMCTS staff to access and make changes to public user cases while supporting them. *(HMCTS staff)*
- Allowing managers to view management information more easily. *(HMCTS staff)*
- More guidance for the public as they go through the online process, providing prompts for users at relevant points in the user journey about the information they need to provide. *(HMCTS staff)*
- Providing more communication/updates while waiting for the conditional/final order. *(Public user)*
- Including a function to request technical support with the MyHMCTS system, rather than separately via email. *(Legal professional)*
- Offering more interactive training for judges on how to use the reformed system, ideally including the opportunity to process dummy cases. *(Judges)*

Suggestions based on further analysis

Analysis of the interviews also provided areas for potential improvements:

- Reducing/changing the times the system is unavailable or slow. (*HMCTS staff*)
- Improving/implementing a system for organising and labelling uploaded documents. (*HMCTS staff, legal professionals and judges*)
- Explore ways of emphasising the seriousness of the process in the online application. (*Public user*)
- Providing further training for HMCTS support staff, so they are able to deal with more complex queries. (*Legal professionals*)
- Improving communication with courts, with clear timeframes for responses. (*Legal professionals*)
- Establishing clear guidance for HMCTS staff on how to process ODL cases within MyHMCTS. (*Legal professionals*)

5. Conclusions

5.1 Impact evaluation key findings

Findings suggest that the digital reform of the divorce service can reasonably be considered to have contributed to changes in some, though not all, outcomes.

The impact evaluation found good evidence of the reform's contribution to improved digital uptake, and therefore improved access to the formal justice system. For example, there was a rapid increase in digital uptake by public users to over 90%. Public users also reported most aspects of managing their case was easier via the digital service. There was a steady increase in uptake by legal professionals over the evaluation period and near-universal uptake since digital usage was mandated. Other factors affecting digital uptake include the higher levels of digital literacy following the Covid-19 pandemic, changes in legal aid and the introduction of NDL.

There is limited evidence on the reform's contribution to the increase in the numbers accessing divorce without using legal representation. There is evidence that the decline in rates of legal representation predates reform, partly due to earlier changes in legal aid eligibility. A sharp further decline coincides more closely with the introduction of the New Divorce Law (NDL), suggesting that this is a contributor to reductions in levels of legal representation, as opposed to digital reform.

There is strong evidence that the end-to-end service contributed to improvements in case duration (time to decree nisi) during the Old Divorce Law period (pre-April 2022), and therefore access to a timely decision in accordance with the law.

5.2 Process evaluation key findings

Findings from public users of the reformed divorce system were largely positive. Regarding implementation, the majority of divorce cases were reported to be processed through the reformed service. Public users also reported feeling well equipped to use the service from the outset, and well informed throughout.

In terms of the experience of using the reformed system, public users rarely reported making errors or coming up against barriers when using the system; this was true even for users living with vulnerabilities. Dropouts (moving from the digital system to paper) were also reported to be rare. Overall, public users reported they were satisfied with the reformed service, would use it again and would recommend it to others.

Findings from legal professionals, judges, and HMCTS staff were more mixed. In the implementation stage, legal professionals reported feeling unprepared for the reformed service with fewer than half satisfied with the implementation. Legal professionals and judges commonly felt that they had not been listened to in the development of the service.

In terms of the experience of using the reformed system, HMCTS staff, judges and legal professionals discussed initial errors in filing documents due to an inconsistent labelling approach. They reported that this increased administrative burden on all parties. On the other hand, legal professionals considered the reformed processes simpler, easier and more efficient than legacy processes. Overall, legal professionals were mixed in how satisfied they were with the reformed service, but the majority were positive about the impact it has.

5.3 Potential improvements

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

- Improved guidance for staff and service users,
- Providing more communication and updates to service users and staff,
- More interactive training for judges and staff, particularly on complex cases, and
- Updating the system to allow staff to better organise and label documents, amend cases and view management information more easily.

References

Department for Work and Pensions. (2024). *Evidence review: digitalising welfare services*. London: Department for Work and Pensions. 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>

Office for National Statistics. (2019). *Divorces in England and Wales: 2018*. Retrieved from <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/divorce/bulletins/divorcesinenglandandwales/2018>

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

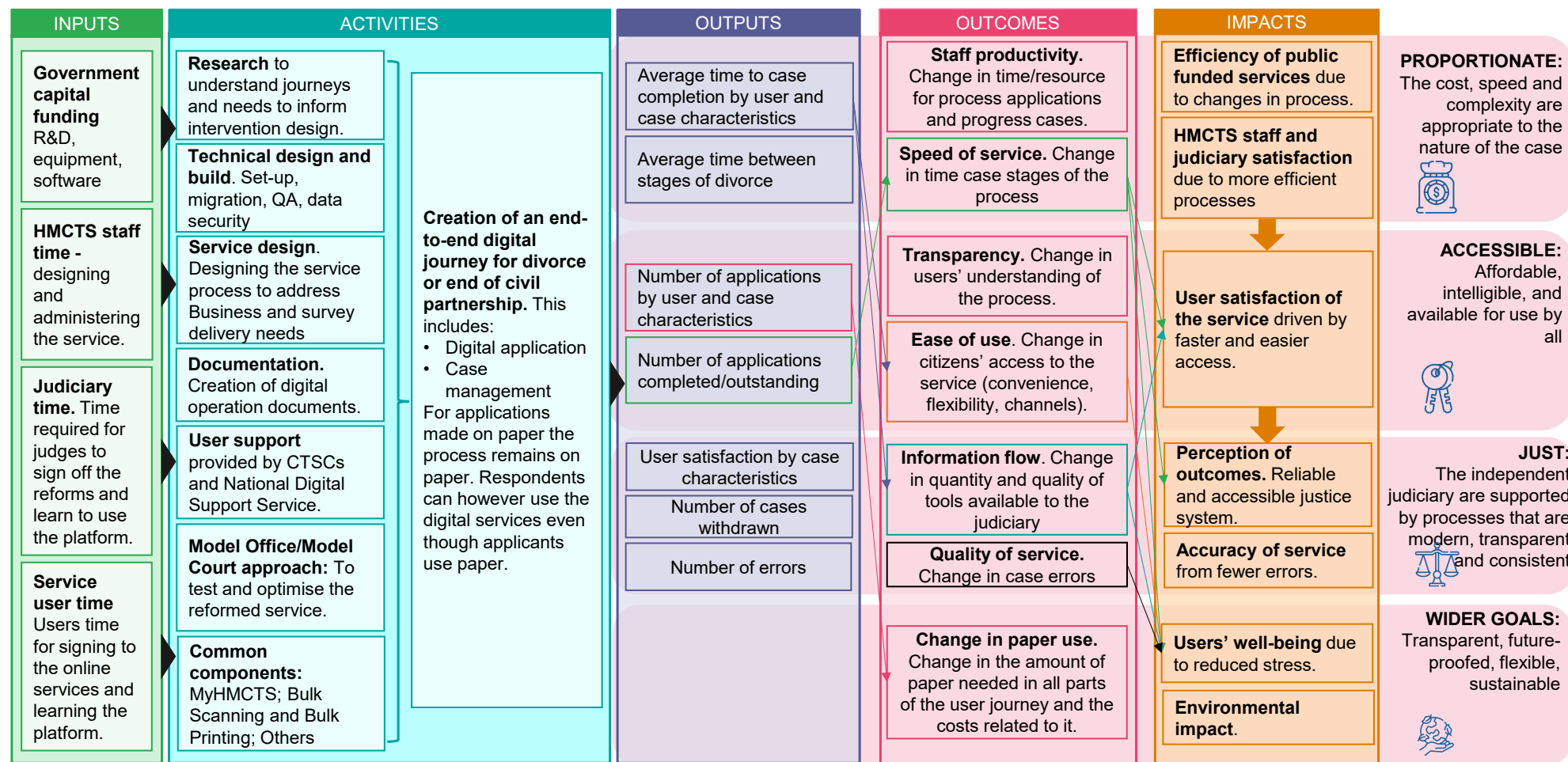
Divorce logic model

Figure A1 presents the logic model for divorce 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 divorce service. Financial and time resources (i.e., inputs) were required from the government, HMCTS staff, the judiciary and service users. Those inputs enabled public users and legal professionals to submit applications online, including uploading documents and paying; allowed respondents to complete Acknowledgement of Service (AOS); allowed users to apply for decree nisi/conditional order and decree absolute/final order; and allowed digital case management and tracking.

These online activities would be expected to make the service more efficient and faster. This would improve the satisfaction of HMCTS staff and judiciary, and lead to a better overall use of resources. The increased ease of use of the service, and increased ability to keep track of the case and be informed about its outcomes, would increase users' satisfaction. All those impacts together would be anticipated to increase access to justice through access to the formal justice system, and faster access to a decision in accordance with substantive law.

Figure A1 Divorce logic model



Source: Frontier Economics

Appendix B

Divorce impact evaluation technical information

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 FamilyMan (FM) (legacy system) and Core Case Data (CCD) (reform system). The Old Divorce Law (ODL) period contained data from both systems. The New Divorce Law (NDL) period contained data from CCD only. A check was run to remove any duplicate cases.

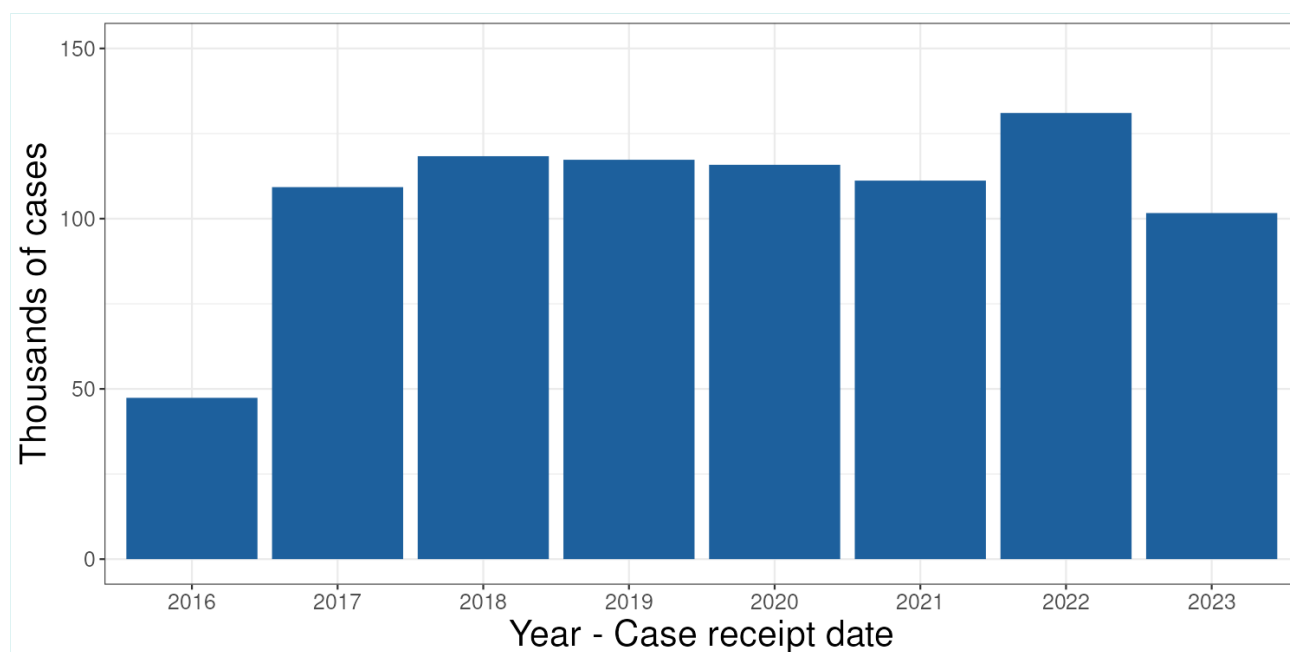
The data analysis was based on the assessment of the available data with respect to:

1. Volume of and period covered by cases that are available in both datasets.
2. Types of cases included in the datasets 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 dataset included information on 850,000 anonymised divorce cases received between 26 July 2016 and 14 October 2023 (10 days prior to the extraction date). Figure B1 shows the original volumes of cases in the data set.

Figure B1 Volume of cases



Source: Frontier Economics based on data from FamilyMan and CCD

Note: Total number of cases (i.e., digital and paper, represented and non-represented).

The analysis focussed on cases received between 1 January 2018 (18 months prior to the rollout of the reformed end-to-end citizen journey) and 30 September 2023 (the last complete month of data of the data extraction), comprising 690,000 cases.

Types of cases included in the analysis

Digital and paper cases

Data were available for paper cases and digital cases. The rollout of the digital service occurred in several stages as described in section 2.5, Table 4. Before the introduction of the citizen end-to-end service nationally in September 2019, cases submitted online that were not digital across the entire user journey were recorded on the legacy FamilyMan system, although were given a separate case number format to identify them as digitally submitted petitions. Cases in the CCD system are recorded as either 'digital' or 'paper' based on the route through which the petition/application was submitted.

As all cases are recorded as either digital or paper based on the route through which the petition/application was submitted, the data does not distinguish how much of the subsequent case journey after the application was digital or paper. For public users, digital

responses to digital applications were enabled in July 2019, and digital responses to paper applications were enabled in April 2022. For legal professionals, digital responses to digital applications were enabled in April 2021, and digital responses to paper applications were enabled in April 2022.

The data does not track the uptake of the digital service by respondents. To reduce the impact of this on the analysis, several steps were taken:

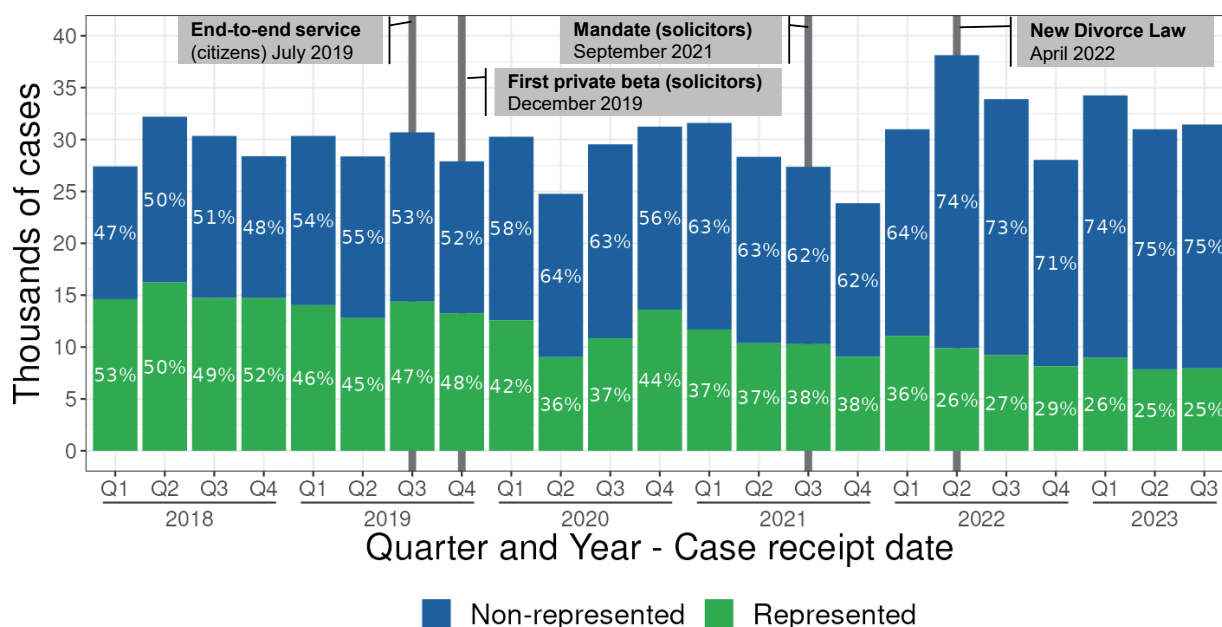
1. Focussing on analysing the impact of the **digitalisation of the application stage**, as this is what can reliably be measured in the data. Only limited conclusions can be drawn about digitalisation at other stages or the impacts on respondents.
2. Focussing on analysing the impacts on **case duration at earlier stages of the case journey** (i.e. up to decree nisi), which are closer to the digital application stage. At this earlier stage of the case journey, there is less scope for cases where the application was made digitally to have ‘dropped out’ to the paper channel, making the comparison of outcomes between cases defined as ‘digital’ or ‘paper’ in the dataset more accurate. For completeness, the results of analysing case duration at the later stages of the case journey (i.e. up to decree absolute) are presented in this Appendix. These results are inconclusive and are likely impacted by the discussed data limitations.
3. Analysing **case duration for the ODL period only**. In the NDL period, digital responses to paper applications were enabled for both public users and legal professionals. This compounds the limitations of paper and digital cases being defined by the application stage only in the dataset. In addition, cases from the NDL period had less time to complete before the date of the data extraction. A number of cases would have not completed or reached the conditional order stage. This has the potential to skew downwards the estimates of average case duration (by drawing from a sample that excludes the cases that take the longest to complete).²⁸

Represented and non-represented cases

²⁸ On average over the whole ODL period, cases took 318 days to complete, and 19% of cases took longer than 2 years to complete.

Figure B2 shows the proportion of applicants with legal representation, which has increased over time, as discussed in section 3.2.2. Information about representation type was missing for only 14 cases.

Figure B2 Number of cases by petitioner/applicants' representation type – January 2018 to September 2023



Source: Frontier Economics based on data from CCD

Note: Grey lines show (1) end-to-end service for public users (July 2019); (2) first service for legal professionals (December 2019); (3) service mandate for solicitors (September 2021); (4) introduction of ND (April 2022). Quarters shown refer to the date cases were received by HMCTS rather than the date the decree nisi was pronounced. This means there is a lag between the date shown and the actual date the decree nisi was made. The data as shown can therefore reflect the influence of events on cases after they start. This differs from the approach taken in the Ministry of Justice's published statistics, which present figures by the month the decree nisi was made. Caution should therefore be used when comparing these figures with published statistics.

Data on the characteristics of the users

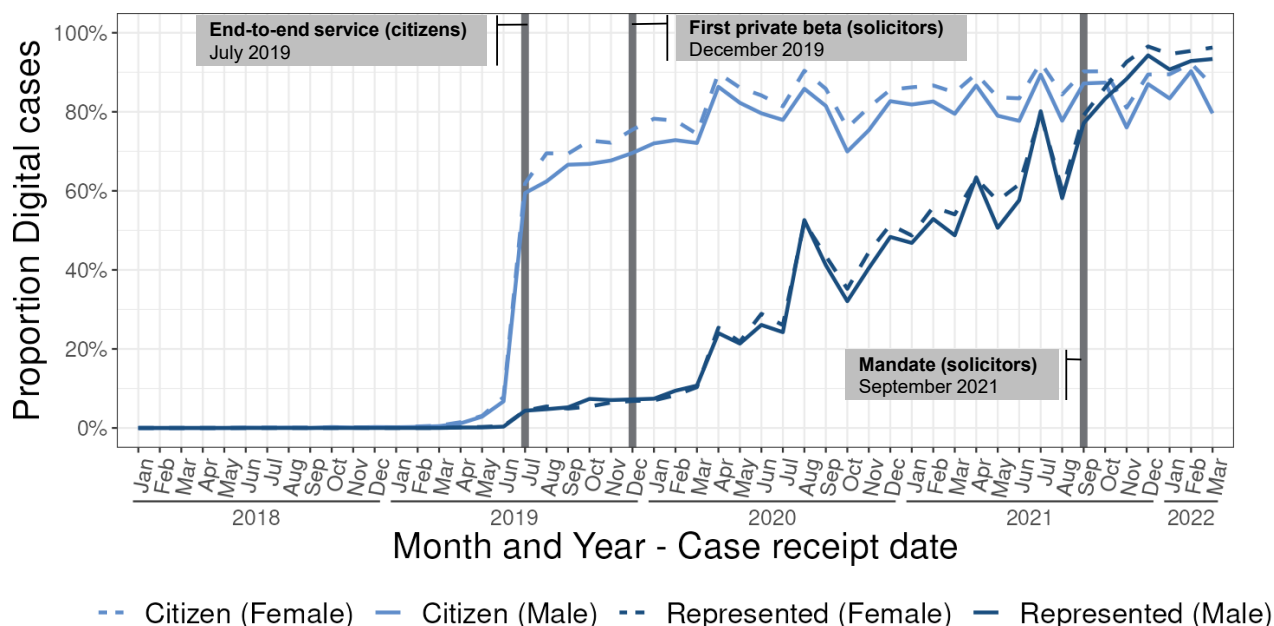
Data on gender²⁹

In section 3.2.4 results are presented for the uptake of the digital service and case duration for men and women, for the ODL period only. There was a large amount of missing data on gender in the ND period (less than 2% of paper cases in the ND period had provided gender information. Internal stakeholders indicated this to be an error with data collection happening at the point that ND was introduced). Over 99% of case records had provided gender information in the ODL period.

²⁹ Analysis based on 'gender' refers to data collected through case information, which had a level of completeness during the ODL period. PCQs by contrast collected data on 'sex'.

Figure B3 shows the proportion of cases using the digital route, split by public users and represented applicants, and split by gender: the interpretation of these results is presented in section 3.2.4.

Figure B3 Monthly digital uptake proportions (public users and legal professionals), split by gender – January 2018 to March 2022



Source: Frontier Economics based on data from FamilyMan and CCD

Notes: Grey lines show (1) end-to-end service for public users (July 2019); (2) first service for legal professionals (December 2019); (3) service mandate for solicitors (September 2021). Months shown refer to the date cases were received by HMCTS rather than the date the decree nisi was pronounced. This means there is a lag between the date shown and the actual date the decree nisi was made. The data as shown can therefore reflect the influence of events on cases after they start. This differs from the approach taken in the Ministry of Justice's published statistics, which present figures by the month the decree nisi was made. Caution should therefore be used when comparing these figures with published statistics

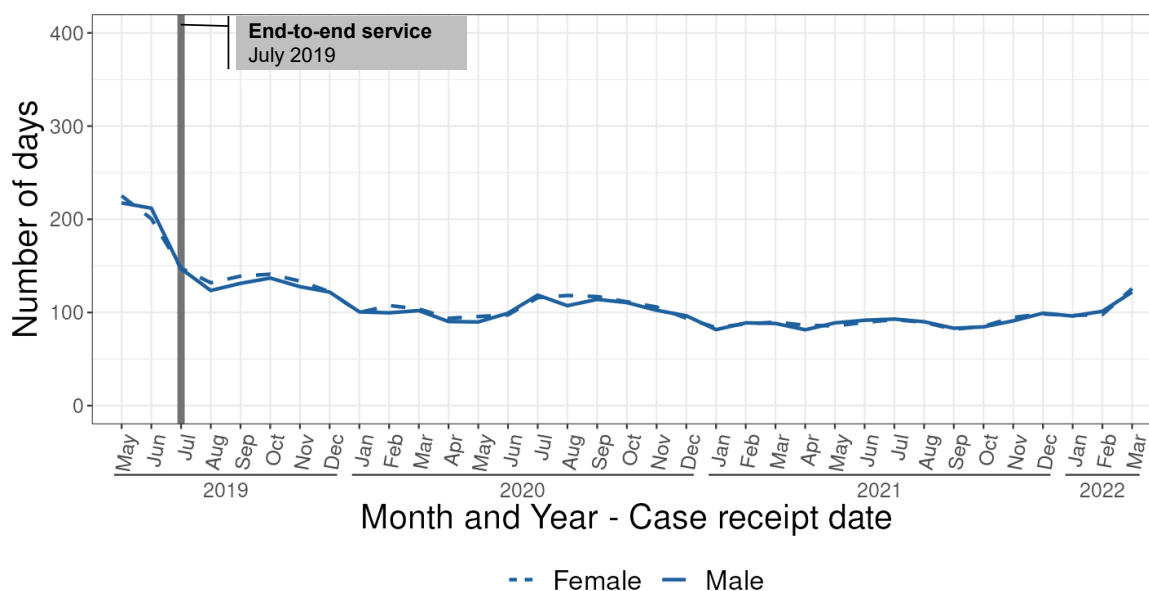
Figure B4 shows the month-by-month average case duration for petitions submitted digitally by public users, split by gender. Figure B5 shows the same for petitioners with legal representation.

Across the whole period, there is a marginally longer case duration for female public users of the digital service compared to male users (103 days vs 102 days). Although the difference was statistically significant, the difference of 1 day is very small and should not be considered material.

There is a difference of 7 days in average time to decree nisi for men and women with legal representation (average 149 days for female petitioners, vs 142 days for male petitioners). The difference is also statistically significant.

Internal stakeholders were not able to provide any explanation on the reason for the small difference in case duration by gender, other than it could be due to the nature of the cases themselves and not related to digital reform.

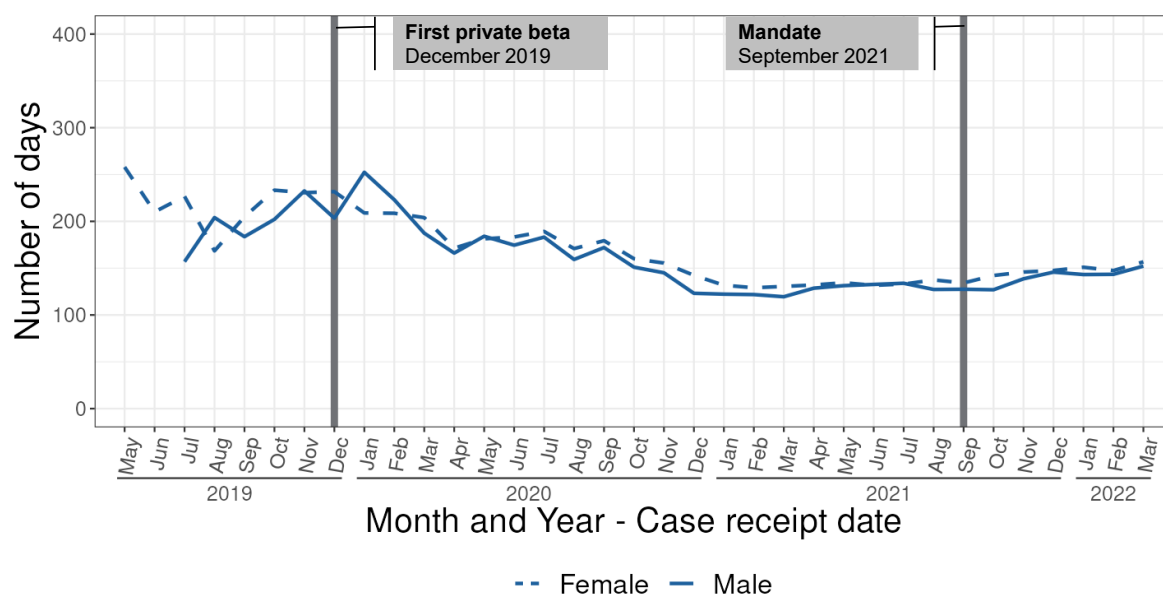
Figure B4 Public users – average time to decree nisi for digital cases, split by gender – January 2019 to March 2022



Source: Frontier Economics based on data from FamilyMan and CCD

Notes: Grey lines show (1) end-to-end service for public users (July 2019). Months shown refer to the date cases were received by HMCTS rather than the date the decree nisi was pronounced. This means there is a lag between the date shown and the actual date the decree nisi was made. The data as shown can therefore reflect the influence of events on cases after they start. This differs from the approach taken in the Ministry of Justice's published statistics, which present figures by the month the decree nisi was made. Caution should therefore be used when comparing these figures with published statistics).

Figure B5 Legal professionals – average time to decree nisi for digital cases, split by gender of petitioner – January 2019 to March 2022



Source: Frontier Economics based on data from FamilyMan and CCD

Notes: Grey lines show (1) first service for legal professionals (December 2019); (2) service mandate for solicitors (September 2021). Months shown refer to the date cases were received by HMCTS rather than the date the decree nisi was pronounced. This means there is a lag between the date shown and the actual date the decree nisi was made. The data as shown can therefore reflect the influence of events on cases after they start. This differs from the approach taken in the Ministry of Justice's published statistics, which present figures by the month the decree nisi was made. Caution should therefore be used when comparing these figures with published statistics.

Protected Characteristics Questionnaires

As discussed in Table B2 at the end of this appendix, public users of the digital divorce service were invited to complete Protected Characteristics Questionnaires (PCQs) from September 2019. The PCQ response rate averaged 28% in the ODL period. This response rate was lower than that observed for other services. Since the introduction of ND, PCQs were not collected for respondents. A data collection error over a 6-month period from July 2022 to January 2023 led to few recorded answers for applicants.

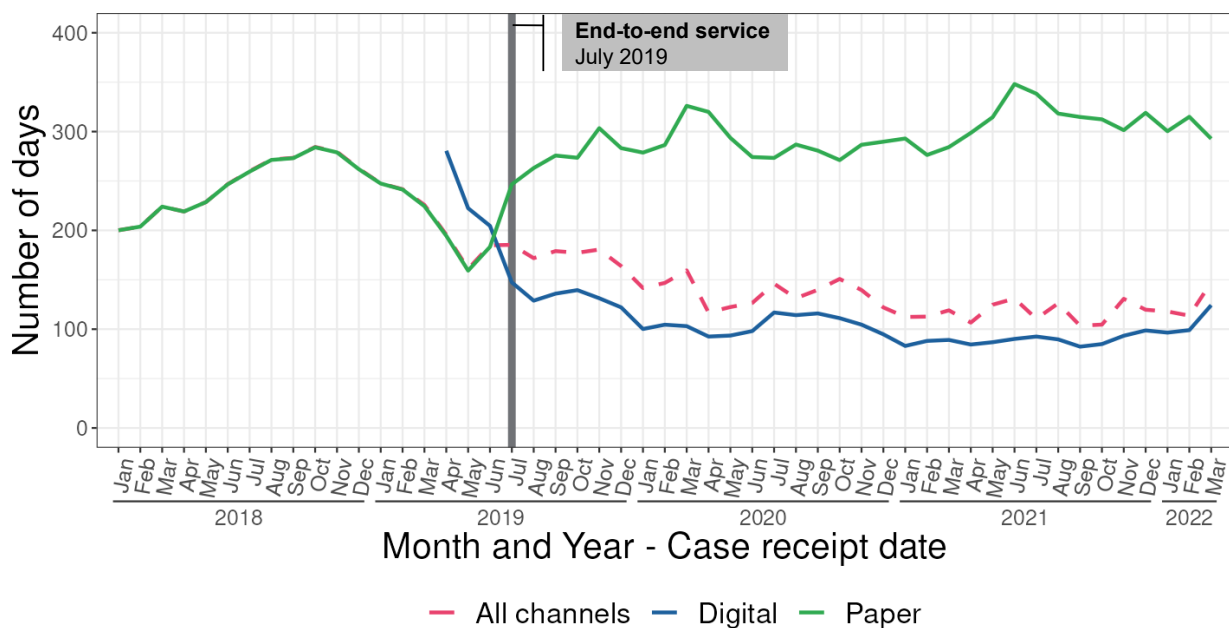
Analysis of case durations at later stages of the case journey

As discussed in this Appendix, due to data limitations the main analysis focusses on impacts on case duration between the case received date and decree nisi date. In this Appendix results are presented for the time from decree nisi to decree absolute, but in light of those limitations should be treated with a degree of caution.

Figure B6 shows time from decree nisi to decree absolute for public users. Average time to decree nisi fell after the digital reform from July 2019, suggesting possible benefits from

digitalisation. However, duration decreased for both paper and digital cases over this period, and although case duration was somewhat lower for digital cases, this difference was not substantial (e.g. the difference was much less than seen between paper and digital cases in time to decree nisi, see section 3.2.3.a) This does not provide strong evidence that it was the faster completion of digital cases that drove the trend for decreasing overall average case duration.

Figure B6 Public users - monthly average (mean) time from decree nisi to decree absolute –January 2018 to March 2022



Source: Frontier Economics based on data from FamilyMan and CCD

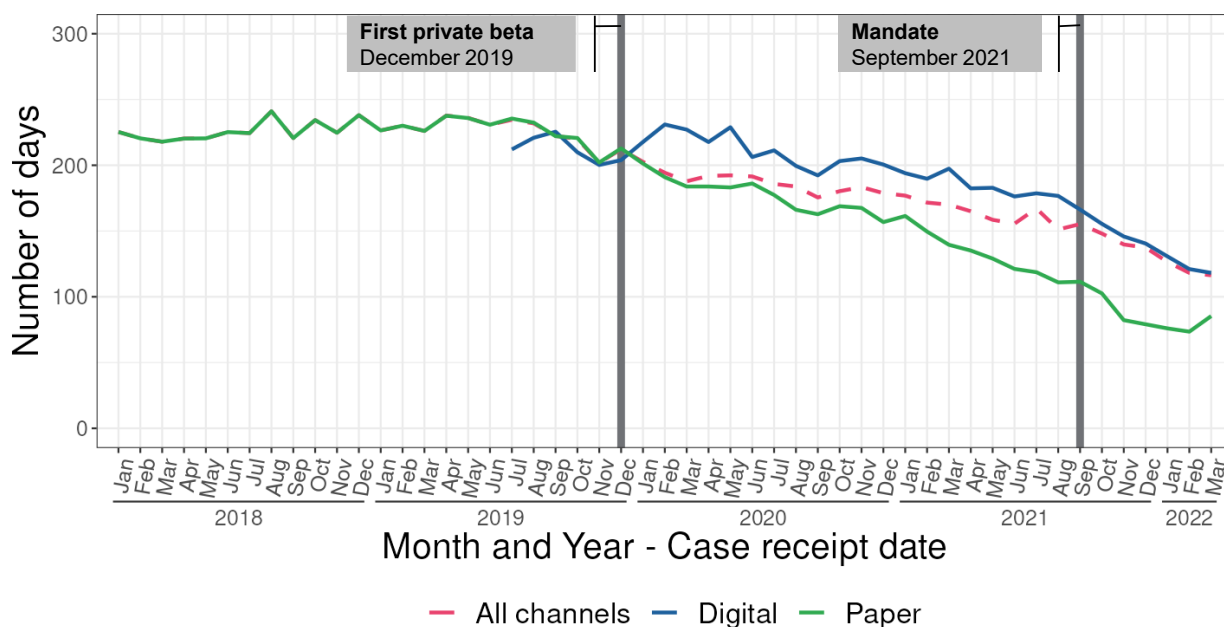
Note: Grey line shows end-to-end service for public users (July 2019). Dates shown refer to the date cases were received by HMCTS rather than the date the decree nisi was pronounced. This means there is a lag between the date shown and the actual date the decree nisi was made. The data as shown can therefore reflect the influence of events on cases after they start. This differs from the approach taken in the Ministry of Justice's published statistics, which present figures by the month the decree nisi was made. Caution should therefore be used when comparing these figures with published statistics.

Figure B7 shows time from decree nisi to decree absolute for users with legal representation. For these users, although time to decree absolute also fell after the reform date (December 2019), the average duration was somewhat higher for digital cases than paper cases, which is the reverse of what would be expected: this does not provide evidence that digitalisation drove the decline.

The extent to which comparisons can be made between digital and paper cases at this later stage of the case journey is likely limited by how digital and paper cases are defined in the data, as discussed in this appendix. Overall, it is not possible to conclude from the data

available that digitalisation contributed to reductions in case duration for this later stage in the process.

Figure B7 Legal professionals - monthly average (mean) time from decree nisi to decree absolute – January 2018 to March 2022



Source: Frontier Economics based on data from FamilyMan and CCD

Notes: Grey lines show (1) first service for legal professionals (December 2019); (2) service mandate for solicitors (September 2021). Dates shown refer to the date cases were received by HMCTS rather than the date the decree nisi was pronounced. This means there is a lag between the date shown and the actual date the decree nisi was made. The data as shown can therefore reflect the influence of events on cases after they start. This differs from the approach taken in the Ministry of Justice's published statistics, which present figures by the month the decree nisi was made. Caution should therefore be used when comparing these figures with published statistics.

Summary of scope and detailed data preparation steps

Table B2 Scope and cleaning steps for the Divorce MI data

Description of data sets received	Anonymised data from the FamilyMan and CCD case management systems.
Available information (raw data)	852,049 anonymised divorce cases with cases received between 26 July 2016 and 14 October 2023. Results presented for cases received between 1 January 2018 (18 months prior to the citizen journey end-to-end reform date) and 30 September 2023 (last complete month of data of the data extraction), comprising 690,263 cases.

Cleaning steps	<p>No duplicates for New Divorce Law data.</p> <p>About 1,900 cases from Old Divorce Law were listed on both the legacy (FM) and reformed (CCD) systems. The data was de-duplicated by keeping only the most up to date record, following the same methodology as used in published statistics.</p> <p>In the early stages of the reform, cases submitted online were recorded on the FM system. Fully digital cases were recorded on CCD from September 2019. Digital cases from both systems are included in the analysis. This differs from the methodology used in published statistics which only report fully digital cases from CCD.</p> <p>Note that there are a small number of cases of represented digital cases before MyHMCTS was rolled out, which may be due to represented cases being submitted using the public user service. This does not have a large impact on the analysis, so are not excluded.</p> <p>Observations removed from the sample:</p> <ul style="list-style-type: none"> • 14 observations with missing information on representation type. • 67 observations with decree absolute (or final order) dates, but missing decree nisi (or conditional order) dates. • 1 case with an error in the record for case closed date. <p>Total of 0.01% of the original data set removed, leaving 690,189 cases (493,957 from ODL and 196,232 from NDL).</p> <p>The analyses of case duration used the sample of ODL cases that had reached decree nisi (444,759) or decree absolute (416,659).</p> <p>Some observations were removed from the case duration analysis which had case durations shorter than the minimum time periods for the service:</p> <ul style="list-style-type: none"> • For analysing case received date to decree nisi: 41 observations (0.01%) removed with case received to decree nisi of less than 21 days. • For analysing decree nisi to decree absolute: 11,783 observations (2.8%) removed with decree nisi to decree absolute of less than 40 days.
Available information (clean data)	<p>Digital uptake: 690,189 observations received from 1 January 2018 to 30 September 2023.</p> <p>Case duration (to decree nisi: ODL only): 444,718 observations received from 1 January 2018 to 5 April 2022.</p>

Information on relevant subsets/cuts of the sample	Available comparisons: <ul style="list-style-type: none"> • Legacy vs reform: data available from before and after the reform date. • Channel of submission: paper and digital applications. Useful information to analyse the evolution of digital uptake. • Representation type: information available for applications and responses submitted by public users and legal professionals. Useful information to analyse uptake and case duration separately for each representation type. • Party type: Data identifies the petitioners/applicants and respondents in each case. • Gender: Data identifies the gender of the petitioners/applicants and respondents. Gender information is 98% complete.
Available information on PCQ	<p>After September 2019 (when PCQs started to be collected), and out of eligible cases (digital route and public users):</p> <p>ODL:</p> <ul style="list-style-type: none"> • 37,362 observations of applicants (28%) with information available on at least one PCQ question. • 45,139 observations of respondents (24%) with information available on at least one PCQ question. <p>NDL:</p> <ul style="list-style-type: none"> • 35,099 observations of applicants (24%) with information available on at least one PCQ question. Data largely missing from July 2022 – January 2023. • 0 observations of respondents with information available on at least one PCQ question.

Key outcomes of interest	<p>Changes over time (i.e., during the reform period) of:</p> <ul style="list-style-type: none"> • Digital uptake: the proportion of digital cases vs paper cases out of total cases. • Representation: the proportion of petitioners/applicants and respondents that have legal representation. • Case duration: average number of days from case received until decree nisi.
Level of granularity	<p>Quarterly or monthly change over time, split by:</p> <ul style="list-style-type: none"> • Type of applicant (i.e., public user vs legal professional); and • Channel (i.e., digital vs paper).

Source: *Frontier Economics*

Appendix C

Divorce fieldwork summary

Table C1 Summary of fieldwork					
Audience		Quantitative Surveys	Fieldwork dates	Qualitative interviews	Fieldwork dates
Public users	Applicants (ODL)	421	November 2023	n/a	October 2023, February 2024
	Applicants (NDL)	1,014		8	
	Respondents (NDL)	374		8	
	Total	1,809		16	
Judges		n/a	n/a	4 Family Judges	November 2023
Legal professionals		444	December 2023 to January 2024	10	September 2023 to October 2023
HMCTS staff		n/a	n/a	4	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.