



Ministry  
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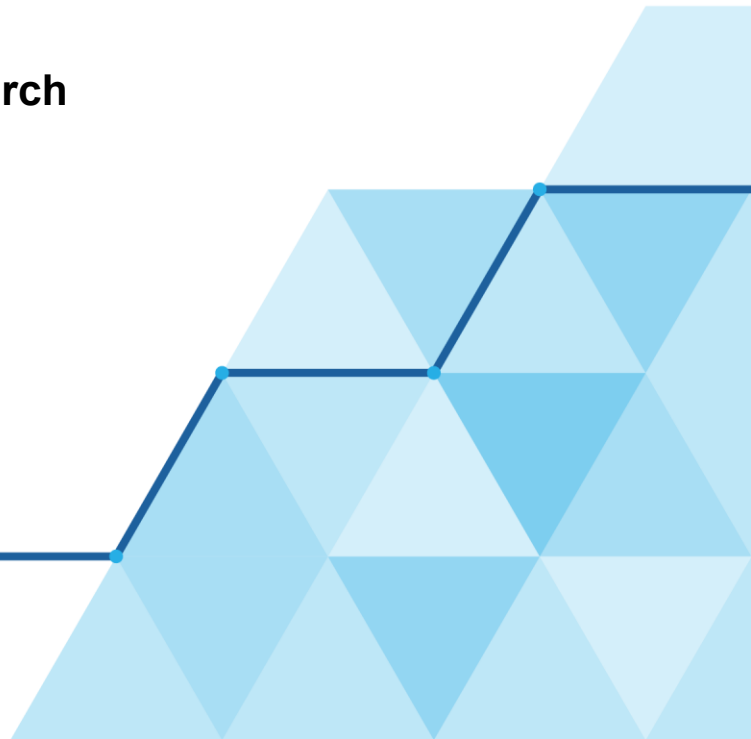
# HMCTS Reform Digital Services Evaluation

## Supplementary Report: Financial Remedy

A report summarising overarching findings and methodology across seven digital services is available here: [HM Courts & Tribunals Service Reform: Digital Services Evaluation - GOV.UK](#)

**Frontier Economics and IFF research**

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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 several services, with the aim of enabling public users and legal professionals to start and manage cases digitally, reducing time, effort and cost, and leading to improved access to justice. This report outlines the evaluation of the digital reform of the financial remedy (FR) service.

The FR Court resolves financial arrangements that might occur following the end of a marriage or civil partnership. The FR service has two routes:

1. The consent route- where the parties arrive at an agreed division of assets in advance of the start of an FR legal process, and
2. The contested route- where the parties are not able to reach an agreement, the FR Court issues a financial remedy order, and the court decides how assets will be split.

Before the digital reform, the FR service was provided on paper for all applicants. The reform introduced a digital service for both routes, for cases with legal representation. This enabled legal professionals to manage their clients' cases on a digital platform, MyHMCTS.

The objectives of the FR service digital reform are to create a simple, fair and accessible service that has faster case processing, fewer errors, reduced administrative time to input and progress the cases and reduced cost of delivering the service.

## 1.2 Design

Evaluation of the reformed FR 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 FR service.
- what outcomes are associated with the FR 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. Due to the complexity of contested cases and the limited data available at the time of analysis, contested cases are not included in the administrative data used in this evaluation. All findings from analysis of administrative data therefore relate only to consent FR cases with legal representation. As the service was only available to legal representatives, public users were also excluded from fieldwork.

## 1.3 Findings

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

**Table 1 Summary of impact evaluation - Contribution narrative**

	<b>Contribution claim</b>	<b>Summary of evidence</b>	<b>Conclusion</b>
1	User-centred functionality leads to ease of use, increased use of the digital service and overall increase in access to the justice system.	 The available data suggests a high level of digital uptake. However, data limitations around the time of implementation restrict the ability to directly assess whether the high uptake was driven by improved functionality due to digitalisation. Some survey evidence suggests that mandation was a more common reason for increased use than service features.	There is mixed evidence of the contribution of the reform to improved digital uptake and access to justice. There is evidence that the mandate also contributed to improved digital uptake.  There is limited evidence that suggests increases in digital confidence also contributed to uptake.

		 General population improvements in digital confidence over the same period.	
2	Digitalisation reduces processing and correspondence time, improving efficiency and speed of access to justice.	 Observed improvements in the duration of consent cases coincided with the introduction of the digital service mandate for legal professionals.   There was a perception among HMCTS staff and judicial office holders that the digital reform has streamlined case processing tasks.	There is good evidence that the digital reform is likely to have contributed to improvements in case durations of consent cases, leading to more efficient use of judicial resources and improved access to justice.

Source: Frontier Economics







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

Table 2 summarises the main findings for each of the process evaluation's research questions, and whether 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?	 Judges and legal professionals reported most of their financial remedy (FR) cases were processed entirely on MyHMCTS / the FR portal.   Judges and legal professionals felt the public were getting a better, and generally quicker, service.   Judges and legal professionals reported numerous inefficiencies and technical difficulties, and few were satisfied with the initial implementation. Inconsistencies in where and how documents were uploaded caused particular frustration.

		<ul style="list-style-type: none"> <li>– There was evidence of judges, legal professionals and HMCTS staff sometimes using workarounds to avoid using the digital channel. Editing and adding extra information to cases was problematic. Some suggested that promoting and improving training and support might help.</li> <li>– Communication with courts and HMCTS staff could be improved for legal professionals. They felt notifications were not sent at key points, resulting in duplicated work and delays.</li> <li>+ Usability and functionality was reported to have improved since initial implementation.</li> </ul>
2	How do the new digital processes facilitate or impede access to justice in practice?	<ul style="list-style-type: none"> <li>+ Judges reported improved fairness in represented cases as all can view documents.</li> <li>? The majority of legal professionals did not think the change to MyHMCTS had impeded access to justice. Trust in fairness of MyHMCTS processing varied by the complexity of cases.</li> <li>– Judges, HMCTS staff and legal professionals were all concerned that Litigants in Person (LiPs)<sup>1</sup> were not able to access the same information as other parties.</li> </ul>
3 and 4	The types and levels of user and case (administrative) errors, why do these occur, and how do these compare to the non-digital process?	<ul style="list-style-type: none"> <li>? Overall legal professionals thought errors were no more frequent via the digital system than in the legacy system, though many were unsure.</li> <li>+ Judges, HMCTS staff and legal professionals highlighted that documents could not go missing once uploaded to the portal, reducing adjournments.</li> <li>– Confusion over where and how documents should be loaded, and the information being requested caused errors from all parties.</li> <li>– Most legal professionals reported that they made errors, and they commonly felt MyHMCTS did not allow for amendments or</li> </ul>

<sup>1</sup> Someone who represents themselves in court, without a legal representative (such as a barrister or solicitor).



		additional information to be provided after the start of the case which might correct these.
		<p>– Some legal professionals had concerns about where confidential files were being uploaded and who could access them.</p>
5	How consistent are processes between digital and non-digital channels?	<p>– Legal professionals, judges and HMCTS staff had concerns about LiPs (who did not access MyHMCTS) not receiving legal advice and not being able to view documents.</p>
6	What are the barriers and enablers to accessing digital services, and do these vary across user characteristics?	<p>+ No major barriers to accessing digital services were identified.</p> <p>= A fifth of legal professionals reported dropouts (moving from the digital system to paper), often due to non-standard cases or changes in representation which were not supported on MyHMCTS during the period under analysis.</p> <p>? Judges reported various ways in which the digital channel was by-passed when they faced issues.</p> <p>– Lack of effective support can occasionally be a barrier to use for FR legal professionals with complex cases.</p>
7	How does the new digital process impact users' experience?	<p>– The judiciary mostly reported negative personal experiences, with notably more time needed for case processing and preparation.</p> <p>= Amongst legal professionals, more were dissatisfied than satisfied with the service, but most prefer MyHMCTS to the legacy system.</p>

Source: IFF research

Note: + positive; – negative; = mixed/neutral; ? unavailable/unclear

## 1.4 Implications

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

- Improving some features of the digital service, including the functionality of workflows on the portal, the content of notifications, the consistency of case numbering and naming, reducing system lags and downtime, and adding features to enable document management and navigation.
- Improving training, signposting, and instructions, particularly regarding how to avoid processing errors and managing confidential documents.
- Enabling better collaborative working on cases. For example, by allowing multiple judges access to cases, and HMCTS/CTSC staff to communicate via the system, whilst keeping a case open.
- Improving timeliness of technical support and the investigation of other reported issues.

## 2. Financial remedy

### 2.1 Introduction to financial remedy

The Financial Remedies (FR) Court resolves financial arrangements that might occur following the end of a marriage or civil partnership. The FR service has two routes:

- The **consent route** – where the parties arrive at an agreed division of assets in advance of the start of an FR legal process. The agreement becomes legally binding after a consent order<sup>2</sup> is approved by the FR Court.
- The **contested route** – where the parties are not able to reach an agreement, the FR Court issues a financial remedy order, and the court decides how assets will be split. This route is more expensive, lengthy and complex than the consented route and involves multiple stages.

For both routes, each party can choose to have legal representation, or they can represent themselves as a Litigant in Person (LiP).

If parties cannot reach an agreement, one party would apply for a financial remedy order, following which there is a first appointment hearing and several financial resolution appointments to attempt a resolution. If an agreement is not reached, the judge will make the decision about the division of assets at a final hearing.

The length of the contested process depends on several factors, including how many financial dispute resolution appointments are required and whether a final hearing is needed. Most cases only have a first appointment hearing.

Before the digital reform, the FR service was provided on paper for all applicants. The reforms described in section 2.2 have introduced a digital service for both routes, for cases with legal representation only.

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<sup>2</sup> A consent order is a legal document that confirms the agreement that has been reached between two parties explaining how the pensions, property, savings or investments are divided.

Due to the complexity of contested cases and the limited data available at the time of analysis, contested cases are not included in the management information data (MI) used in this evaluation (see Appendix B for further explanation). All findings from analysis of MI therefore relate only to consent FR cases with legal representation.

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

The digital reform of FR was introduced only for cases with legal representation and enabled legal professionals to manage their clients' cases on a digital platform, MyHMCTS (dates are shown in Table 4). Most FR applicants (around 80%) are legally represented. At the time of analysis (May 2024) there was no digital service for cases where LiPs make the initial application. As such, LiPs are not included in this evaluation. In those cases, HMCTS interacts with the applicant by paper (i.e., postal notifications, etc.) but the paper documents are scanned, and the case is processed digitally within HMCTS.

The objectives of the FR service digital reform are to create a simple, fair and accessible service that has:

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

The Logic Model in Appendix A sets out in more detail how the FR digital reform was anticipated to achieve these objectives.

Table 3 presents the main features of the reformed FR service.

**Table 3 User-centred features of the digital FR service**

At the application	Case management features
<ul style="list-style-type: none"> <li>• include party and legal professional details.</li> </ul>	<ul style="list-style-type: none"> <li>• manage cases online.</li> </ul>

<ul style="list-style-type: none"> <li>• include divorce or dissolution details.</li> <li>• upload relevant documents<sup>3</sup></li> <li>• digitally sign the statement of truth</li> <li>• pay the service fees.</li> </ul>	<ul style="list-style-type: none"> <li>• respond to queries.</li> <li>• upload additional documents.</li> <li>• download the consent order as soon as the judge approves it.</li> <li>• share the case with other legal professionals from the same organisation.</li> </ul>
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Source: Frontier Economics based on Gov.uk

Table 4 shows the rollout dates of the FR digital reform, along with the dates when the use of the digital service was mandated.

**Table 4 Main digital reform features' release dates by case type**

Case type	Pilot	Full rollout	Mandate
<b>Consent</b>	April 2019	April 2020	August 2020
<b>Contested</b>	June 2019	September 2020	January 2023

Source: Frontier Economics based on Gov.uk

For judges, the digital reform moves all aspects of case management into a digital platform (CCD), including viewing case details online, accessing documents digitally (rather than in paper files) and digitally creating, uploading and approving orders and case management applications.

For HMCTS staff, the digital reform means issuing consent orders that are completed digitally on the Manage Cases platform.<sup>4</sup> Communication with judges, legal professionals and public users also happens within the online Manage Cases platform.

<sup>3</sup> In the consent route the solicitor is required to apply the draft consent order and in the contested route the solicitor is required to indicate that their client attended mediation and why it was not successful.

<sup>4</sup> Manage Cases, the MyHMCTS judicial interface and the online platform for public users are separate interfaces that connect to CCD, where all records are held in a single system.

## 2.3 Evaluation objectives

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

## 3. Impact evaluation - Contribution Analysis

### 3.1 Contribution claims and evidence sources

Contribution analysis aims to assess to what extent the intervention can reasonably be considered to have contributed to the observed changes in outcomes. Further information on methodology can be found in the overarching digital services evaluation report.<sup>5</sup>

The analysis tested whether the introduction of the digitalised FR service has contributed to its outcomes in two ways (the **contribution claims**):

1. The user-centred features in Table 3 make it easier for legal professionals to digitally submit and manage their clients' FR cases. This should lead to more streamlined case processing, increased overall satisfaction (both for the legal professionals and their clients) and perceived ease of use, therefore increasing access to the formal justice system.
2. Digital features reduce the time and resources required for case correspondence, processing, clarifications and corrections for legal professionals. In addition, they enable a more streamlined process that can be fully managed digitally. This should lead to a shorter average time to complete the process, contributing to a more efficient use of resources for both HMCTS and legal professionals.

This analysis drew on evidence from:

- Management Information data relating to over 160,000 FR consented cases submitted between June 2017 and September 2022. Due to data limitations and the complexity of the contested process, an analysis of the impact of the digital reform on contested cases was not included.<sup>6</sup>
- A survey of 164 legal professionals.

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

<sup>6</sup> Please see Appendix B for further explanation.

- Qualitative interviews with nine legal professionals, one HMCTS staff member involved in handling FR cases (of 14 interviewed), and nine family judges.
- Workshops with internal HMCTS stakeholders to identify mechanisms through which the digital service might have contributed to observed trends in the MI data and possible alternative explanations.

As this service was not available to LiPs, public users are not included in this research. Further details of the methods, data, and limitations surrounding this analysis can be found in Appendix B. A summary of the 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 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, while paper cases should decline in prevalence over time.

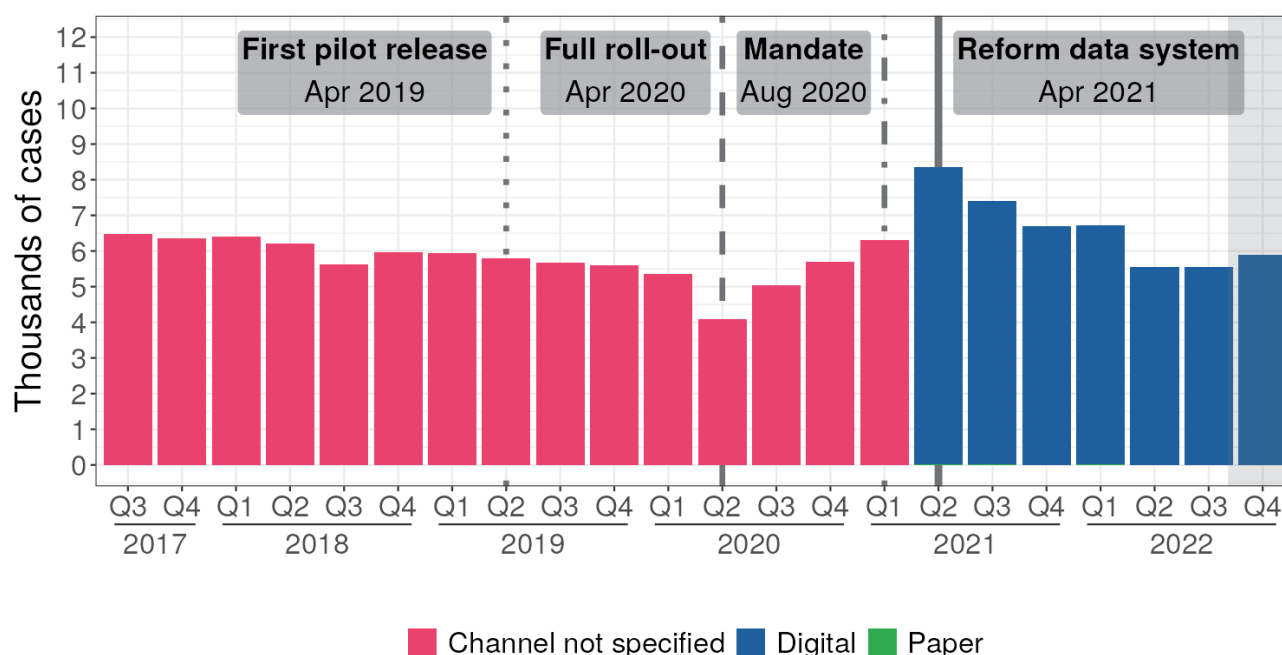
#### 3.2.1.a Management Information

The MI data included information about the case channel (digital or paper) from April 2021, one year after the full rollout of the services and eight months after the mandate for legal professionals to use the digital FR service was introduced.

Figure 1 shows the volumes of represented consent cases received during this period.



**Figure 1 Quarterly case volumes by channel, represented consented cases – Q3 2017 to Q4 2022**



Source: Frontier Economics based on MI data provided by MoJ

Note: Grey-shaded areas (Q4 2022) correspond to times when the analysis is limited due to the high proportion of outstanding cases (84% disposed in Q3 2022 compared to 94% in Q2 2023). The relatively lower completion level means that the cases that had already been closed would have been shorter than the average. As such, this period is not discussed in the analysis. Please see Appendix C for further details. Dates refer to when the application was received by HMCTS

### 3.2.1.b Contribution of the reform

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

- **Mandate:** internal stakeholders identified the mandate as the most plausible driver of the high proportion of digital cases seen since April 2021. Although data is not available on digital uptake when the full rollout and mandate were introduced (April and August 2020, respectively), the pattern observed from April 2021 is consistent with patterns seen in other services where mandation is more clearly associated with improved uptake. For example, a year after the mandate for legal professionals to use the Probate digital service, 77% of eligible represented cases were submitted digitally. Evidence from the fieldwork further corroborates this view, showing that 89% of legal representatives reported using the digital FR service because they were mandated to do so.
- **The digital service features:** Creating a user-friendly platform where legal professionals can upload and update information and documents directly would likely create a more convenient route for legal professionals to manage their cases.

Lack of data before 2021 means it was not possible to understand the extent of digital uptake that followed the initial digital rollout, as opposed to the uptake that followed the introduction of the mandate. Evidence from the fieldwork reveals that only around a quarter of legal representatives cited features such as speed or ease of use, uploading/managing documents or tracking cases as a reason for using the digital service. In the qualitative fieldwork, judges, legal professionals, and HMCTS staff also discussed a range of issues with the functionality and ease of use that acted as a barrier to them using the system, see section 4.2.5. This evidence suggests that the digital features of reform did not substantially contribute to the increase in digital uptake.

### *3.2.1.c Alternative explanations*

Evidence from fieldwork and consultation with internal stakeholders identified one plausible alternative explanation for the uptake of digital services, as discussed below.

- **General trends in levels of digital capability:** HMCTS stakeholders indicated that the onset of COVID-19 in March 2020 would have likely improved the general population's attitude toward and the ability to use digital services. Research by BT found that 60% of the general public feel more confident using digital public services than before the pandemic (Taylor, Cardwell, & Harden, 2021). Insofar as this can be applied to the legal profession, this suggests that legal representatives might have had greater openness to trying online options during the analysis period, which is consistent with the increase in uptake from early 2020. This would suggest that high digital uptake is, at least partially, driven by a general increase in digital confidence across the population.

## **3.2.2 Case management outcomes**

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

The trend in the relative proportions of disposed<sup>7</sup> FR cases indicates how the reform's features supported an efficient disposal process. Increasing the proportion of disposed cases would imply a more efficient disposal process for FR.

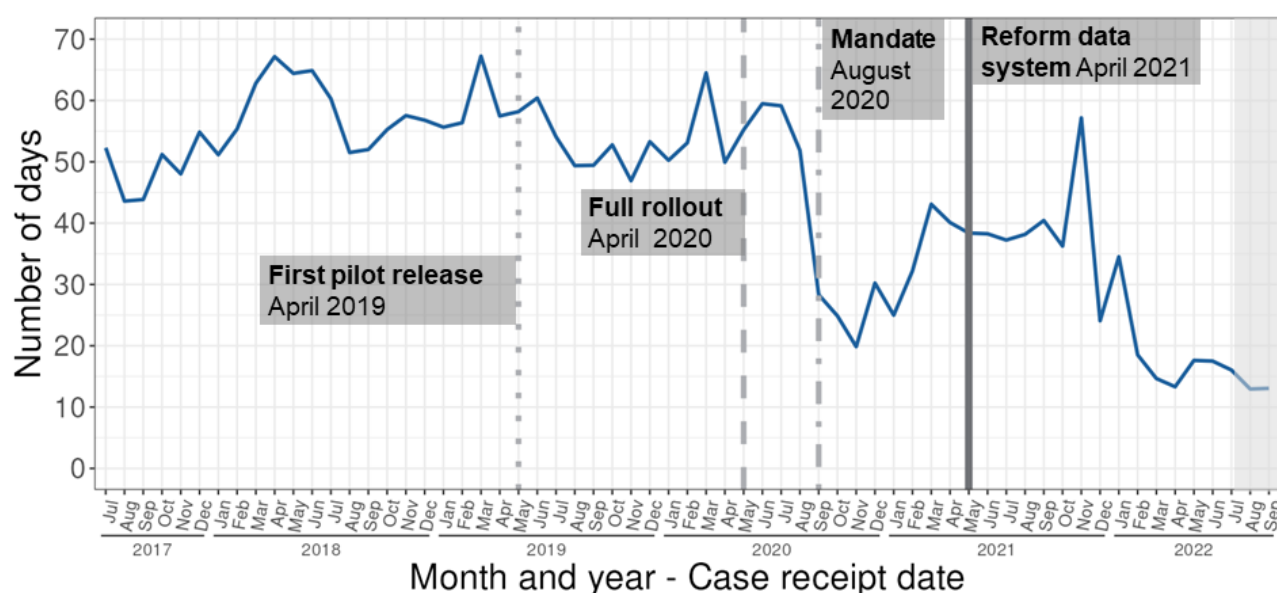
### 3.2.2.a Management Information

The available data records the date each case was received and the date it was disposed.<sup>8</sup>

Figure 2 shows that the average duration of disposed consented cases (with legal representation) was generally 45-65 days (with some volatility) until July 2020. A decline is observed from August 2020, which coincided with the introduction of the mandate for legal professionals to use the digital FR service. Although the trend remains volatile, the average duration appears lower than before July 2020 and has generally declined since mid-2021.

The decrease in case duration observed in the last quarter of the analysis (Q3 2022) should be interpreted with caution. Those cases, being received more recently, will have had less time to complete, so the shorter average duration for this period will reflect only those cases that are simpler and faster to resolve.

**Figure 1 Average (mean) duration of disposed, represented consented cases – Q3 2017 to Q3 2022**



Source: Frontier Economics based on MI data provided by MoJ

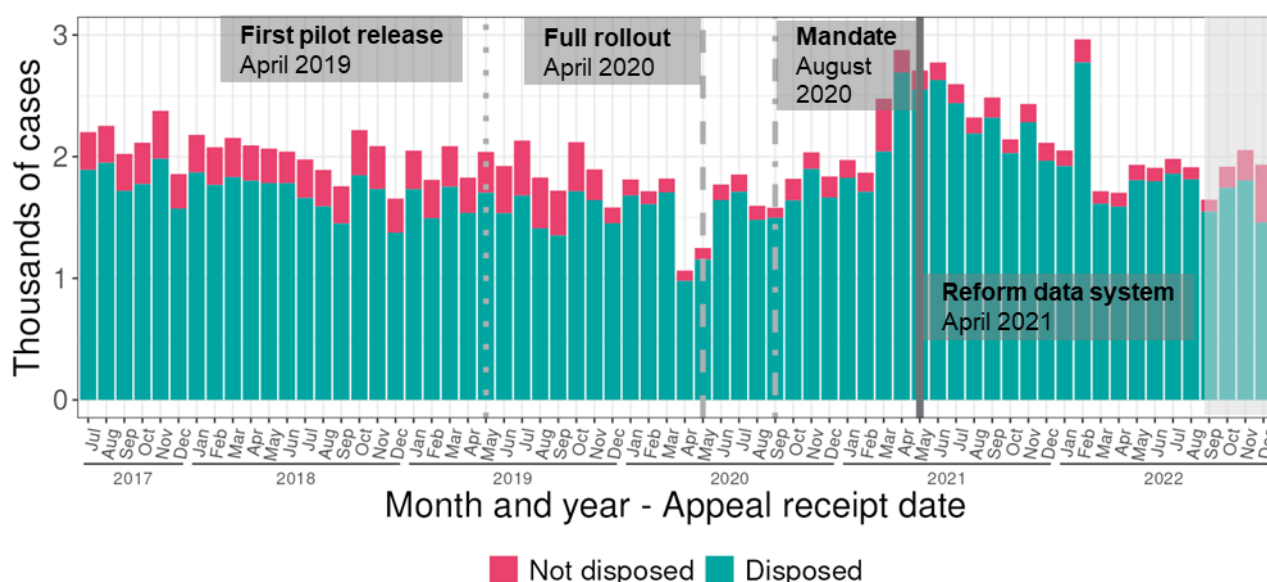
<sup>7</sup> FR cases that have been finalised are called 'disposed cases'. Non-disposed refers to all other cases, which may include withdrawn or open cases.

<sup>8</sup> Legacy and reform data systems record disposals differently. In the legacy data system, a case is identified as "disposed" if there is a consent order date. For reform consent cases, for the purpose of this analysis, the disposal date is measured as the latest of the case direction order date or the case disposed date.

Note: Grey-shaded areas (From July 2022) correspond to times when the analysis is limited due to the high proportion of outstanding cases (84% were disposed in Q3 2022 compared to 94% in Q2 2023). The relatively lower completion level means that the cases that had already been closed would have been shorter than the average. As such, this period is not discussed in the analysis. Please see Appendix C for further details. Case duration is shown here by the date cases started, to account for the potential impact of events on subsequent case progression. This differs from the approach taken in the Ministry of Justice's published statistics, which usually present case duration by the date a case is closed in order give an up-to-date view of system performance. Caution should therefore be used when comparing these figures to published statistics

Figure 3 shows that the proportion of FR consented cases that have been disposed has increased over the analysis period and most substantially after the mandate was introduced (August 2020). The lower levels of disposed cases in the last quarter of the analysis (Q4 2022) are expected, given that the most recent cases would have had less time to complete.

**Figure 2 Disposed and non-disposed cases, represented consented cases – Q3 2017 to Q4 2022**



Source: Frontier Economics based on MI data provided by MoJ

Note: Grey-shaded areas (from September 2022) correspond to times when the analysis is limited due to the high proportion of outstanding cases (84% were disposed in Q3 2022 compared to 94% in Q2 2023). The relatively lower completion level means that the cases that had already been closed would have been shorter than the average. As such, this period is not discussed in the analysis. Please see Appendix C for further details. Case duration is shown here by the date cases started, to account for the potential impact of events on subsequent case progression. This differs from the approach taken in the Ministry of Justice's published statistics, which usually present case duration by the date a case is closed in order give an up-to-date view of system performance. Caution should therefore be used when comparing these figures to published statistics

### 3.2.2.b Contribution of the reform

Evidence from consultation with internal stakeholders identified one main way in which the reform may have contributed to the decrease in the duration of disposed cases and an increase in case disposal rates:

- **The digital service features:** Creating a user-friendly platform where documents can be uploaded directly may save time and increase efficiency in processing

cases. The fact that the platform enabled different members of the same organisation (solicitors) to track a case online is likely to have improved case processing duration as queries can be answered more rapidly. The overarching improvements in processing (i.e., by introducing bulk scanning<sup>9</sup> and other Common Components) and automation are also likely to have led to a simplified process. The interview with HMCTS staff working on FR cases strengthens this argument. They indicated that the disposal of digital cases was much smoother than for paper cases before the reform. They found that the system made finding the correct cases for processing easier and faster, increasing the number of cases that can be handled:

"The fact that a team of 12 can take a far greater capacity of work is a great benefit". **HMCTS staff member (FR)**

Judges also mentioned that for FR, the digital service worked well as it made it easier to find the relevant document (although some mentioned issues with incorrect labelling of documents by the legal professionals). Judges, legal professionals, and HMCTS staff did, however, also highlight specific areas where the reformed service hampered efficiency in processing. These specific issues are discussed further in section 4.2.1.d.

This evidence suggests that digitalisation has improved processing and led to more efficient case handling amongst professional users.

### 3.2.2.c *Alternative explanations*

Neither consultations with internal stakeholders nor fieldwork indicated any alternative explanations for the observed trends. However, it is nevertheless possible some exist that this research has not been able to identify.

## 3.3 Limitations

There are several limitations to the analyses above:

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<sup>9</sup> Paper documentation submitted as part of the process is received and scanned centrally. It is converted into a digital format to be accessible through the digital service. Common components are elements of functionality that can be used across multiple services.

- Data limitations at the time of analysis and the complexity of the case journey mean that contested cases are not included in this evaluation. Given that these cases substantially differ from consented cases, it is not possible to explore the impact of digitalisation on contested cases at this time.
- The analysis presents trends drawn from two different data systems (legacy and reform). However, the digital reforms were rolled out before the reform data system was introduced (in April 2021). Up until April 2021, the legacy data system was used, which included only limited case information and no channel data (on whether cases were paper or digital). This has prevented analysis of the impact of the reform on digital uptake before April 2021.
- Due to the limited number of paper cases since April 2021 (when the reform data system that captured case channel and other information was introduced), comparisons between the digital and paper channels were not possible.
- The measure of case duration differs in the two datasets available (legacy and reform). This prevents any direct comparisons between the pre-April 2021 period (using the legacy data system) and post-April 2021 (using the reform data system)
- As described in the overarching evaluation report,<sup>10</sup> the generalisability of the surveys may also be limited by the sample being selected randomly with fieldwork stopped as quotas were reached, and a largely online approach with mixed response rates.

### 3.4 Contribution Narrative

The analyses above suggest it is reasonable to conclude that the reform has contributed to changes in some, though not all, outcomes in the following ways:

- There was limited evidence to confidently assess the reform's impact on the level of digital uptake due to data limitations on channel type when reform was both rolled out and mandated. The data did show that almost all cases were digital eight months after this was made mandatory for legal professionals. This result can be attributed to the mandate that required eligible cases to use the digital service.

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<sup>10</sup> Available at [HM Courts & Tribunals Service Reform: Digital Services Evaluation - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/94444/HM_Courts_and_Tribunals_Service_Reform_Digital_Services_Evaluation_-_GOV.UK.pdf)

Further evidence from fieldwork that was conducted more recently indicates that the mandate was a much more common reason for legal professionals to use the digital service than the features of the digital service itself. It is possible that a general improvement in digital confidence may also have contributed to legal professionals' ability to comply with the mandate.

- The reform can be considered to have contributed to the improvement in the duration of represented consented FR cases. The observed reduction in case duration coincided with the reform-related events (digital reform rollout and the mandate). Since other drivers that could have contributed to the observed case duration improvements were not identified at the time of the analysis, it implies that the digital reform is likely to have made a contribution to improved case duration. Alongside this, the increase in the proportion of disposed cases also coincided with the digital reform rollout, further suggesting the reform contributed to improved case duration. The fieldwork undertaken for this evaluation corroborates this to an extent, as participants reported that the digital service made case processing easier and faster.
- The available evidence suggests that increased digital uptake is associated with the mandate to use the digital service, whereas reductions in case duration are more likely related to the features of the digital service, which improved processing efficiency. This therefore implies a greater contribution by reform to improved access to a decision, with a more limited contribution to any improved access to the formal justice system itself.

## 4. Process evaluation

### 4.1 Process evaluation analysis

The process evaluation aimed to assess whether the financial remedy 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 financial remedy (FR) service. Users reflected on both the consented and contested routes.

The quantitative evidence is drawn from 164 responses to a survey of legal professionals registered to use MyHMCTS who reported using MyHMCTS for FR cases. They were largely solicitors (47%), or barristers (24%).<sup>11</sup> The survey was conducted online. More details on its methodology are available in Section 4 of the overarching evaluation report.<sup>12</sup>

The qualitative research involved:

- Legal professional users of the FR digital service - nine interviews.
- Judiciary and HMCTS staff – nine interviews with judges in the family jurisdiction (a mix of district, deputy district and circuit judges) and one member of HMCTS staff who worked on FR cases (of 14 interviewed across all services covered).

### 4.2 Financial remedy process evaluation findings

This chapter presents findings structured around the research questions that underpinned the process evaluation.

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<sup>11</sup> The remainder were paralegals (11%), clerks, legal secretaries, or administrators (10%), chartered legal executive lawyers (7%), non-legally qualified professionals (1%) or department representatives (1%).

<sup>12</sup> Available here [HM Courts & Tribunals Service Reform: Digital Services Evaluation - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/674441/HM_Courts_and_Tribunals_Service_Reform_Digital_Services_Evaluation_-_GOV.UK.pdf)



## 4.2.1 Was the service implemented as intended?

### 4.2.1.a Use of the reformed system

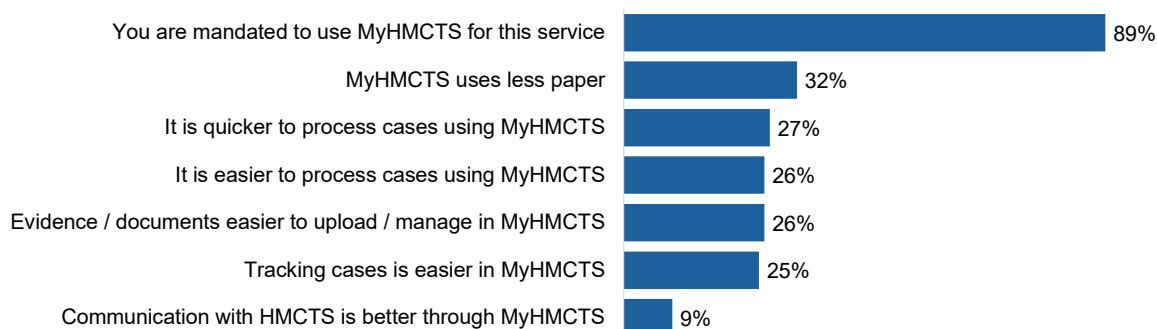
Consented FR cases with legal representation were intended to move to MyHMCTS for application and management by August 2020. Litigant in Person (LiP) cases would be processed and managed digitally by HMCTS, with application and communication remaining via paper. This has largely happened. Three-quarters of legal professionals used MyHMCTS for most of their FR cases, generally because it was mandated (though some also find it quicker and easier).

However, there is evidence of some judges and legal professionals bypassing the digital channel at some stages, by moving cases to paper or email.

In interviews, most judges reported almost all their FR cases now came via the reformed system, apart from the occasional delayed or historic paper case. Although not directly comparable, in contrast only half (50%) of legal professionals who work on FR used the MyHMCTS service for all their FR cases.

As shown in Figure 4, the main reason that legal professionals gave for using the MyHMCTS service was that they were mandated to do so (89%). Around a quarter cited some of the additional intended benefits including it being quicker and/or easier.

**Figure 4** Legal professionals' reasons for using the MyHMCTS service for a case



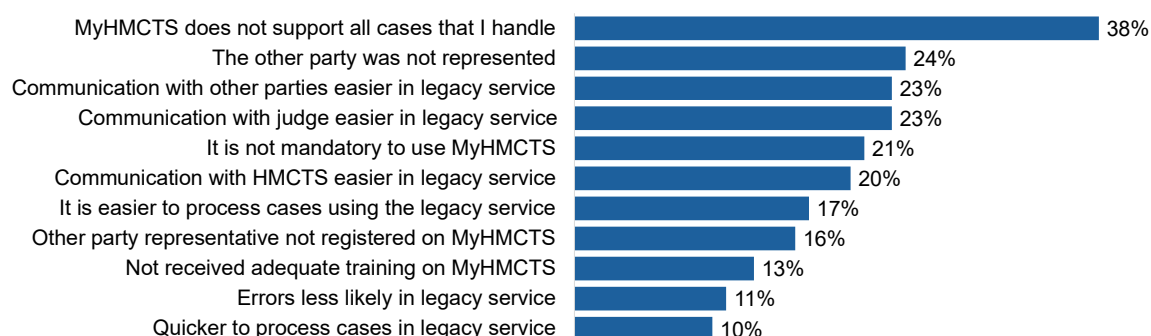
Source: IFF research

Note: B3: For what reasons would you use the MyHMCTS service for a case? Base: Legal professionals who used MyHMCTS for FR cases (145). Answers given by less than 8% not shown, including don't know (1%). Multiple answers allowed.

Common reasons given for not using it were it not supporting all the FR cases that they handle; the other party not being represented or that it was not mandatory, as shown in

Figure 5. This could be because other parties were LiPs, or some cases were via the contested route.

**Figure 5 Legal professionals' reasons for not using the MyHMCTS service for a case**



Source: IFF research

Note: B4. For what reasons would you use the legacy service for a case? Base: Legal professionals who used legacy service for FR cases (71). Answers given by less than 10% not shown, and don't know responses (10%) not shown. Multiple answers could be selected.

However, legal professionals, judges and the HMCTS staff member reported that sometimes the digital service was deliberately bypassed for cases when it should be used. For example, public users being encouraged by solicitors to send documents direct to court, or applicants' legal representatives incorrectly setting up cases as if the respondent was a LiP (where respondents' representatives were unable to switch it to digital).

"The public sometimes give up ... and start sending documents direct to court.

Some solicitors actively encourage users not to use the portal because they don't like it." **Judge (FR)**

Most judges and the HMCTS staff member processed cases using the digital case management system daily. Some used workarounds as they were not confident with the portal or could not find the documents they needed - for example asking staff to print documents. Similarly, they said that barristers had to get instructing solicitors to upload orders as barristers do not have access to documentation on the portal, instead sending documents separately by email).

"I have used the financial remedy portal very little because I do not feel confident, I ask parties to email documents to me instead." **Judge (FR)**

Legal professionals also gave communication being easier via the legacy service as a reason for sometimes bypassing MyHMCTS, as they found needing to communicate changes or additional information difficult. The HMCTS staff member reported that not all HMCTS teams or courts were using the digital service consistently.

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

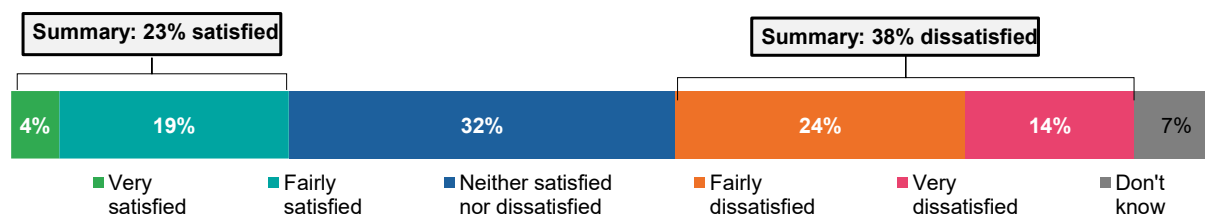
Judicial interviewees were positive about the switch to a digital system in principle but concerned that it was insufficiently funded with limited initial functionality.

Satisfaction with the implementation amongst legal professionals was mixed, as some felt the system was mandated before it was fully ready.

The judicial interviewees were generally positive about the concept of moving to a digital system and were confident about working digitally in principle. Some functions were not part of the early release (for example digital bundles) prompting judges to feel the rollout was “piecemeal”, “not fully tested” and “not fit for purpose”. Similarly, while some legal professionals were keen for a switch to a digital system, others felt its use was mandated before the system was ready.

Most (60%) legal professionals did not feel prepared for the new service when they first started using MyHMCTS. They were more likely to be dissatisfied with the implementation of MyHMCTS (38%) than satisfied (23%) (Figure 6).

**Figure 6 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 FR legal professionals (164).

Some judges reported that they had to transfer everything to paper when they first started using the reformed system. There was particular concern about the FR service moving to digital.

“Absolutely the right development ... [but] we had concerns for financial remedy ... one being the very big complex money cases where you have volumes of documentation.” **Judge (FR)**

#### 4.2.1.c *Training*

Judges reported that more training could have improved the introduction of the digital service. Additional ongoing training for judges and HMCTS staff could help to realise the potential of the reformed service and reduce time judges spend dealing with processing mistakes and poorly labelled or misfiled documents.

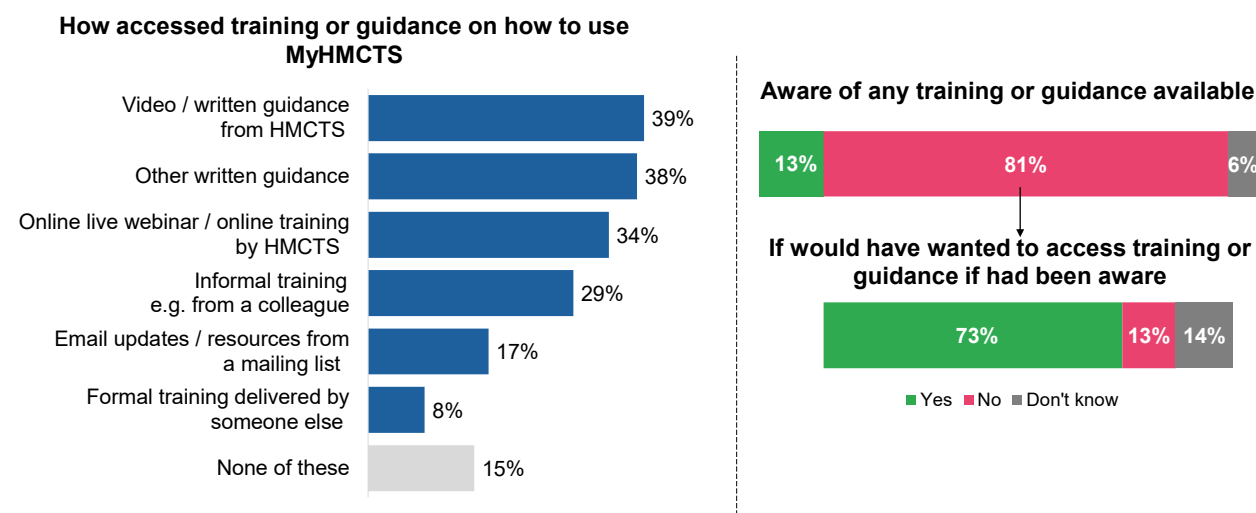
During the early implementation legal professionals felt training and guidance was inadequate. Around half had received HMCTS online training, video, or written guidance. Almost three quarters of those unaware of this offer would have accessed it had they been aware.

Judges thought initial training was poorly planned, largely after the system was rolled out and with no ‘protected time’ offered. Some would have preferred in-person training days or a dummy system to test. Some reported low uptake and awareness of the training offer. Training gaps were specifically for the new system, not general IT or digital working. Some judges were unaware of all the functions available. Judges were also disappointed in a perceived lack of training for HMCTS staff, to which they attributed poor practice in how and where documents were uploaded to the system. The HMCTS staff member also reported initial guidance was insufficient.

Of legal professionals, over four-fifths (83%) had accessed training or guidance for MyHMCTS. As shown in Figure 7, most commonly this was video or written guidance produced by HMCTS (39%). Combined with the third (34%) who had accessed training via live webinars delivered by HMCTS, overall, just over half (54%) had accessed either of these HMCTS training / guidance sources. They reported that the quality of HMCTS training/guidance could be improved - less than half (44%) who had accessed it were satisfied with it. It could also be better promoted, as there was low awareness with only 13% of those who did *not* access these HMCTS training / guidance sources aware they

were available. Amongst those unaware of available training or guidance, the proportion who would have accessed it if they had been aware was almost three-quarters (73%).

**Figure 7 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? Don't know responses not shown (2%). Respondents could select multiple responses. Base: All FR legal professionals (164).  
D4: Were you aware of any training or guidance available to you? Base: FR legal professionals who did not access HMCTS formal training i.e. HMCTS online training or HMCTS video/written guidance (69).  
D6: If you had been aware of training or guidance that was available, would you have wanted to access this? Base: all FR legal professionals, who were unaware of HMCTS formal training available (60)

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

There is evidence to suggest that the reformed FR service is not working as well as intended for judges, with it being particularly time-consuming to locate documents for FR cases compared to other services. Inefficiencies in information flow and the notification system was reported to cause additional work for both judges and legal professionals and risked delays to users. Communication often happened outside the new system for urgent cases. There were also concerns amongst legal professionals and judges about the reliability of the digital service, though this had improved over time.

Legal professionals generally found it more efficient to process simpler FR cases via the digital channel, with setting up and entering applications typically found easy. They often found it less efficient for more complex cases and were negative about the MyHMCTS platform's capabilities to edit information.

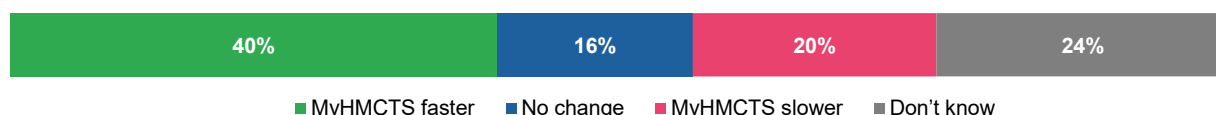
Technical issues were widespread for legal professionals, the majority of whom had not accessed technical support.

Views on the effect of reform on efficiency varied. Some judges felt the overall process was more efficient for the public. They also reported that final hearing processes were quicker as they could immediately see and approve orders posted by legal professionals (though they were not always aware of the notification). Legal professionals felt timeframes for processing were now more reliable and over half (56%) did not think using MyHMCTS had a negative impact on the time taken to process FR cases, compared to the legacy system (Figure 8). However, they cautioned that this did not necessarily mean hearings were sooner (due to court backlogs and waiting times).

"The turnaround time of the paper system is unacceptable ... a lot of that delay can be cut out by the portal" **Judge (FR)**

"The portal was kind of revolutionary in terms of speed and particularly with consented applications, because before that would take quite a few months to hear back from the court, whereas you're submitting them and you're getting them back within three or four weeks." **Legal professional (FR)**

**Figure 8 Legal professionals' views on how using MyHMCTS affects the time it takes to process a case compared to the legacy system**



Source: IFF research

Note: E2: Compared to using the legacy system, how does using MyHMCTS affect the time it takes you to process a case? Base: All FR legal professionals (164).

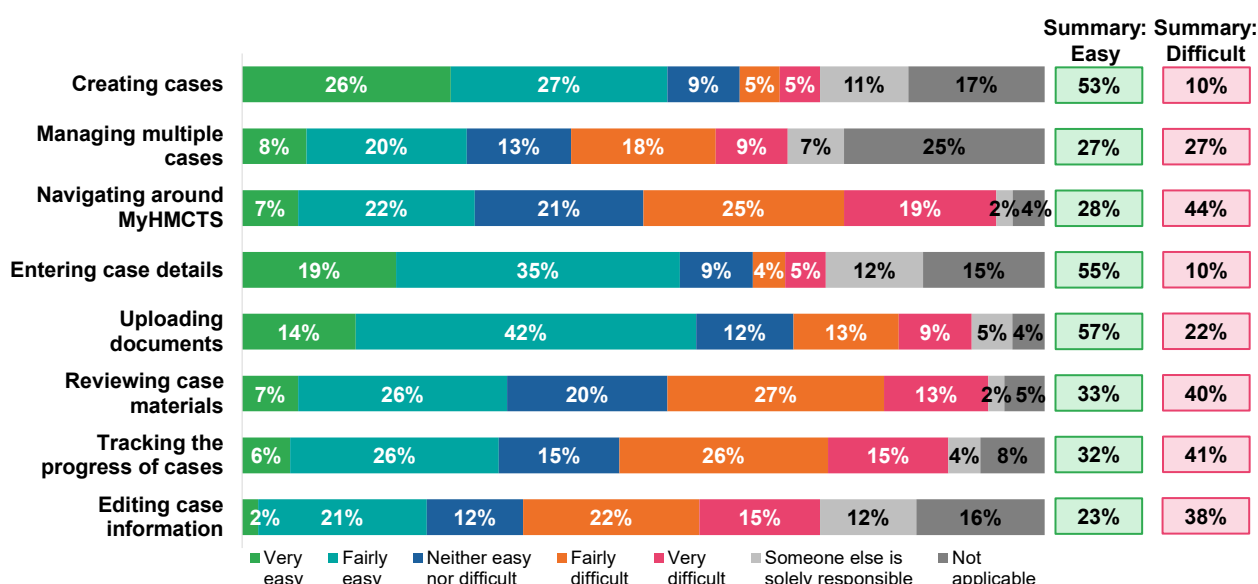
The system being frequently unavailable did cause inefficiencies in case processing, preparation, and adjournments. However, legal professionals felt reliability had improved over time.

Judges generally reported they spend longer processing and preparing for cases than in the legacy system, due to the additional administrative tasks they now had to undertake. Basic functions being the same across family and civil digital services was welcomed by judges. The HMCTS staff member reported that for them most tasks were far quicker in the digital system. However, for judges and HMCTS staff, systems not working in a joined-up way and other HMCTS teams not using them consistently limited potential efficiencies. For judges, the portal and IT infrastructure needed development to meet their requirements.

"I like the idea, I like the format, I like the portal...but if it's not going to be subsidised to a Microsoft level of injection of capital then we are left with a third-tier system... We are struggling because of a lack of infrastructure and injection of resources for the IT." **Judge (FR)**

Over half of legal professionals found creating cases, entering case details, and uploading documents easy (53%, 55% and 57%) (Figure 9). They were more likely to report other tasks such as navigation and editing information difficult than easy (around 40% found each of these difficult, see Figure 9). This variation in feedback may be partly due to some legal professionals undertaking all these tasks themselves whilst others assign them to more junior staff within their organisation.

**Figure 9 Whether legal professionals found different stages of FR cases easy or difficult in MyHMCTS**



Source: IFF research

Note: B11/ B12: Thinking about FR cases you have worked on in MyHMCTS in the last six months, how easy or difficult did you find the following stages? Base: All FR legal professionals (164). Answers do not sum to 100% and summary codes do not sum to answers due to rounding.

Some legal professionals and judges reported finding certain aspects especially inefficient, risking duplicated work or delays, including:

- **Problems locating and navigating within documents**, partly due to the lack of digital bundles and no 'Case File' view. Lack of annotation functionality, confusing page numbering and ordering, inconsistencies with where documents are saved across the large number of tabs were also discussed as issues.

“The layout and the way information are stored, and functionality is making it a lot more time consuming to find documents or to undertake ... tasks. Things on paper might have taken seconds or minutes can be taking ten or fifteen minutes.”

**Judge (FR)**

- **Having to delete and re-submit the whole application to edit, remove or add documents.** However, some legal professionals appear to make use of the system to draft case information, adding and updating information at different times and then reviewing before submission. This may indicate a need for further training or guidance.

“We can finalise the application without submitting it, and it will give you an overview of all your answers so you can get the draft documents to send to the client for them to approve before you actually go back in and submit which is nice.”

**Legal professional (FR)**

- **Inefficient information flow and unhelpful notifications.** Once information is added or an action undertaken it often still must be followed up offline. Notifications were not necessarily sent when important updates are made, or when action is required. Notifications lacking links or reference numbers for the documents to be reviewed, delayed notifications, and staff emailing documents which are already on the portal were also discussed as issues.

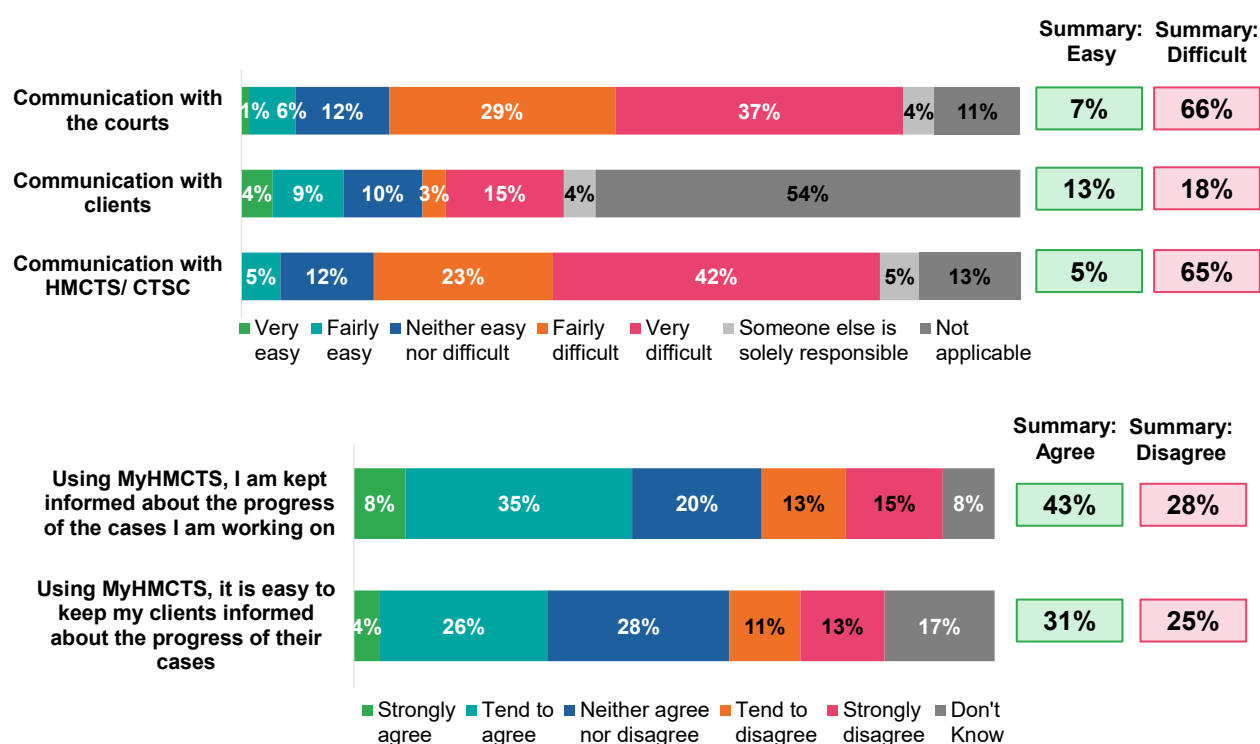
“You get documents which are uploaded and referred to a judge, but they're not signposted properly, and it takes forever to find the document you're being asked to look at.” **Judge (FR)**

- **Not being able to access necessary information/tasks.** For example, judges reported being unable to access cases unless they were referred to them or after an order was completed, legal professionals citing not being able to upload draft orders after the first directions appointment.
- **New case numbering was not intuitive or linked to the corresponding Divorce case** – for example, for Old Divorce Law (ODL) cases where it was over a year since the decree nisi, it was difficult to find the same case in different systems to progress to decree absolute/final order. Judges had to request case numbers from HMCTS staff as they may not have them.



Views on the efficiency of communication in the digital system were mixed. Legal professionals were more likely to find it difficult than easy to communicate with the courts or HMCTS when working on FR cases in MyHMCTS (66% and 65% found it difficult) (Figure 10). In the qualitative interviews, some legal professionals said that communication with courts could be slow, unclear and it was difficult to get past automated messages. Where they had a case with unusual or ambiguous circumstances and wanted to communicate with HMCTS, some found it difficult to have a full discussion and reported their conversations were not always noted on MyHMCTS by HMCTS staff. Others were unaware they could communicate with HMCTS via MyHMCTS, and some reported HMCTS emailed them rather than communicated via the portal.

**Figure 10 Whether legal professionals found it easy or difficult to communicate, and whether agreed kept informed of progress when working on FR 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 FR cases in MyHMCTS? E1-1/ F1-3: To what extent do you agree that when using MyHMCTS...? Base: All FR legal professionals (164). Answers do not sum to 100% and summary codes do not sum to answers due to rounding.

However, over two-fifths (43%) of legal professionals agreed they were kept informed about the progress of the case when using MyHMCTS. In the qualitative interviews they reported that the updates reduced the time spent enquiring about progress, and that being able to

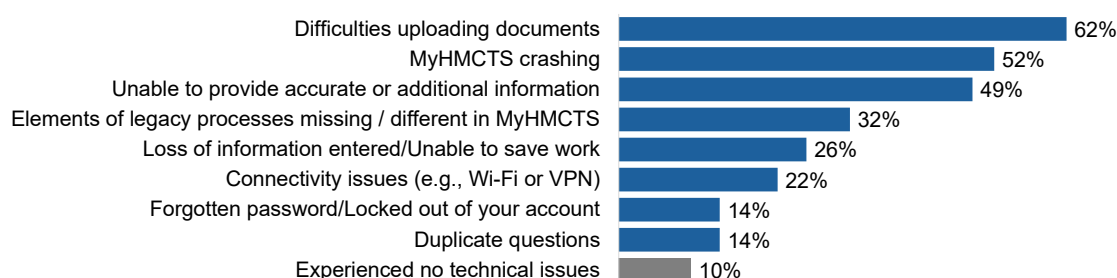
see documents in the system avoided the need for follow ups to check they had been received.

“Prior to introduction it was hard to know what was happening when you sent something off to court... it has made a huge difference in terms of not having to chase as much all the time and most of the time you can see what stage it is at ... it has done wonders in terms of reducing delay.” **Legal professional (FR)**

Judges reported difficulties not being able to communicate with HMCTS staff via the system whilst a case was open, and ensuring tasks assigned to others had been done. One judge also reported there was no way to communicate via the system why orders were rejected.

Technical difficulties were widespread. Nine-in-ten (90%) legal professionals had encountered technical difficulties when using MyHMCTS, most commonly difficulties uploading documents (Figure 11).

**Figure 11 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 FR legal professionals (164). Issues experienced by less than 7% not shown, 'none' also excludes the small percentages who experienced specific issues not shown. Multiple answers could be given by respondents.

Views on technical support were mixed, although judges often found HMCTS support too slow and instead turned to colleagues. Those at larger courts had access to in-person digital support which they valued. Amongst the 90% of legal professionals who experienced technical issues the most common source of support was through MyHMCTS via email (44% who accessed support), followed by 'other unknown team' in HMCTS (20%) and the Courts and Tribunals Service Centre (CTSC) (17%). There were mixed views on the quality of the support received with 45% dissatisfied. In the qualitative interviews legal professionals reported technical support was too slow, especially when the service was first

implemented, and they could not log on. Automated email responses caused frustration when there was no route to escalate urgent queries.

“They send us an automated response without reading what we said to them ... that is not great because often in our correspondence we are saying we can’t respond on the portal, and this is urgent and needs to be dealt with, but no one is reading what we are actually saying.” **Legal professional (FR)**

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

##### *4.2.2.a Access to justice*

There was no strong evidence that the reforms had impeded access to justice for represented users. There were concerns that the lack of access to MyHMCTS for LiPs poses a barrier for their ability to access documentation and participate in hearings on an equal basis.

Judges and legal professionals thought there were fewer adjournments as all documents are present. Most thought that overall the digital channel resulted in faster processing of cases, and therefore quicker access to justice.

In represented cases, all parties having access to the same documents, and everyone being able to see what was in the court order, was thought to improve transparency.

"It gives full transparency for you and the other side as well because you can see what's happening. You can see what the other side are doing as well, which is obviously good." **Legal professional (FR)**

However, during hearings, some legal professionals and judges said that finding documents on the portal could be very time-consuming which could affect access to justice: some judges allocated longer timeslots (meaning fewer cases can be heard in a day), as otherwise there may not be time to properly consider some evidence.

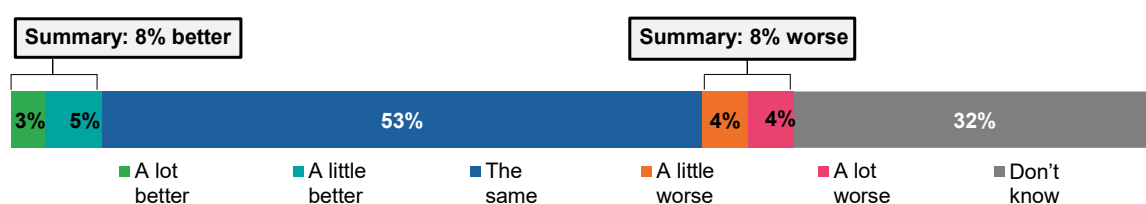
“When you are in court and told there is a document on the portal and... clicking through a dozen tabs, it is hugely time consuming. If you have half an hour to deal with a case, you can’t spend ten minutes looking for a document.” **Judge (FR)**

Documents in LiP cases were sent to HMCTS on paper and scanned onto MyHMCTS, which was generally seen as an improvement compared to the legacy system where LiPs

might not send documents to all parties. However, some judges cautioned that as LiPs did not have direct access to the portal there were potential impediments to their access to justice. This included unequal access to evidence, their evidence being incorrectly uploaded or labelled at the scanning centre, LiPs sending evidence to the court instead, and difficulties using digital bundles or paper copies in court (with page numbers not always corresponding between the two).

Legal professionals were asked about their views on how MyHMCTS had affected their clients' access to justice. Most (60%) thought clients understood the outcome of their case to the same extent or better when it is handled on MyHMCTS rather than via the legacy service (Figure 12), although a third (32%) did not know. Most legal professionals (60%) also thought the rollout of MyHMCTS had maintained or improved clients' access to justice (Figure 13).

**Figure 12 Legal professionals' views on extent to which clients understand the outcome of their case when it is handled by MyHMCTS compared to the legacy service**



Source: IFF research

Note: F2: Compared to cases handled on the legacy service, to what extent do clients understand the outcome of their case when it is handled on MyHMCTS? Base: All FR legal professionals, except Department representatives (163). Answers do not sum to 100% exactly due to rounding.

**Figure 13 Legal professionals' views on whether the rollout of MyHMCTS has improved clients' access to justice**

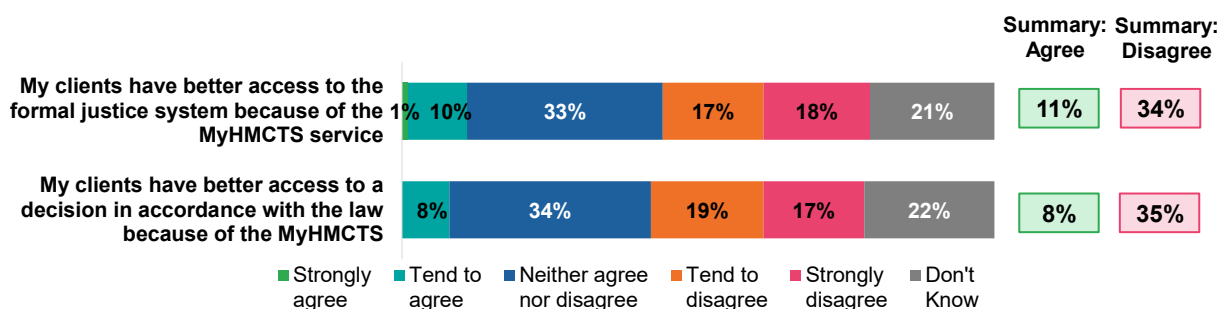


Source: IFF research

Note: G4: To what extent do you feel the rollout of MyHMCTS has affected clients' access to justice? Base: All FR legal professionals, except Department representatives (163). Summary codes do not sum to answers due to rounding.

As Figure 14 shows, legal professionals were more likely to disagree than to agree that the MyHMCTS service had provided their clients with better access to the formal justice system (34% disagreed and only 11% agreed), or better access to a decision in accordance with the law (35% disagreed and only 8% agreed). However, around a third were neutral and a fifth said they did not know.

**Figure 14 Legal professionals' feelings on whether the MyHMCTS service has improved clients' access to justice, or to a decision in accordance with the law**



Source: IFF research

Note: F1-1 and F1-2: To what extent do you agree that...? Base: All FR legal professionals (164). Summary codes do not sum to answers exactly due to rounding.

Legal professionals who thought there was no change or were unsure about how clients' access to justice was affected, explained this was because they thought it made little difference to clients unless they were faced with delays. It was they as legal professionals who were exposed to the differences in providing evidence and progressing cases through the systems.

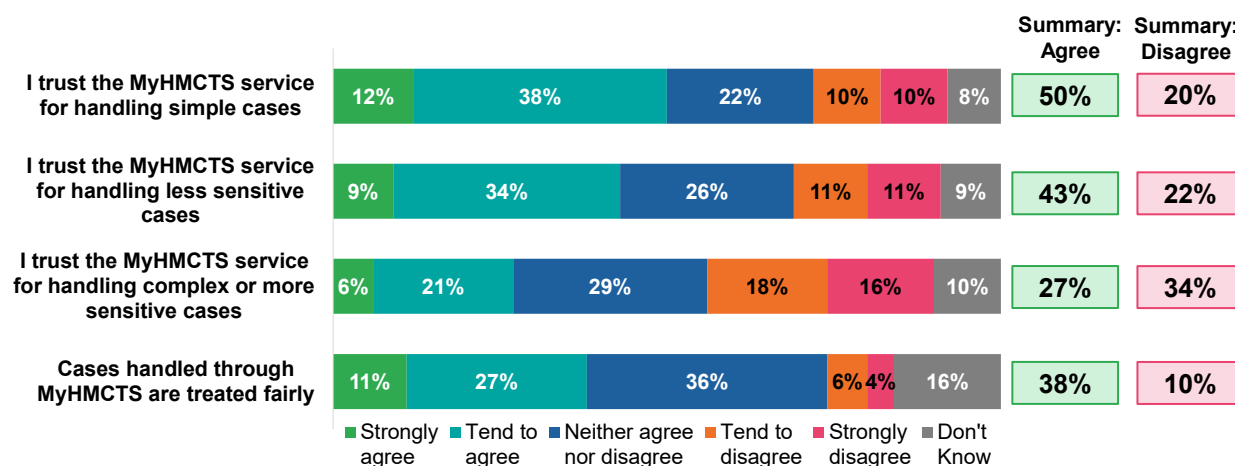
#### 4.2.2.b Fair handling

The degree of trust legal professionals had in MyHMCTS supporting fair handling of cases varied by the complexity of cases, with professionals being almost twice as likely to trust MyHMCTS for handling simple cases compared to complex cases.

When asked whether cases handled through MyHMCTS are treated fairly, legal professionals were more likely to agree (38%) than disagree (10%), but over half (52%) were neutral or did not know. The degree of trust that legal professionals had on handling FR cases via MyHMCTS varied according to case sensitivity and complexity. Figure 15 shows half (50%) trusted MyHMCTS for handling simple cases, around two-fifths (43%) for

handling less sensitive cases and around a quarter (27%) for handling complex or more sensitive cases.

**Figure 15 Legal professionals' trust of fair handling of FR cases processed using MyHMCTS**

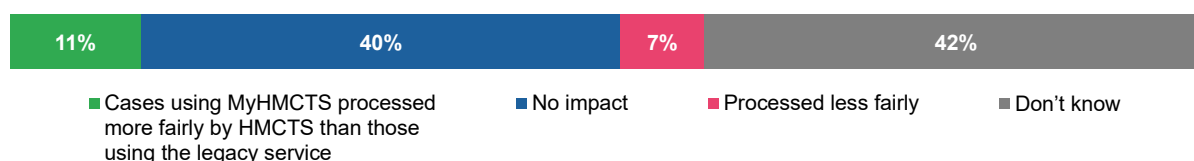


Source: IFF research

Note: E1: To what extent do you agree or disagree with the following statements? Base: All FR legal professionals (164). Answers do not sum to 100% due to rounding.

Half (51%) of legal professionals felt that using the MyHMCTS service led to cases being processed with more or the same fairness by HMCTS, compared to using the legacy service, although two-fifths (42%) said they did not know, as shown in Figure 16.

**Figure 16 Legal professionals' views on fairness of processing of FR cases using MyHMCTS, compared to those processed using the legacy service**



Source: IFF research

Note: E3: Compared to using the legacy service, how does using MyHMCTS service affect how fairly cases are processed by HMCTS? Base: All FR legal professionals (164).

In the qualitative interviews some legal professionals felt handling cases online was fairer as it avoided differences in how particular courts processed cases, and they could choose the court.

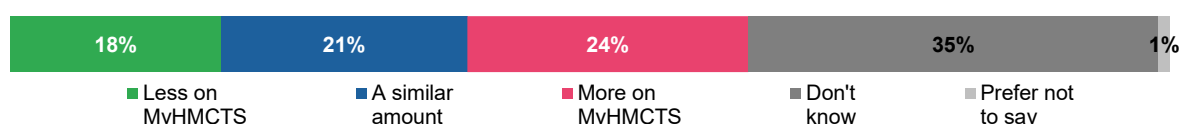
“Before, we got caught up on the idiosyncrasies of a particular court, all courts have a personality, and they deal with things in a ... different way because of personnel.” **Legal professional (FR)**

### 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?

Overall, legal professionals thought errors were no more frequent via the digital system than in the legacy system, though many were unsure. Two-thirds of legal professionals reported they themselves made errors and a similar proportion reported errors by HMCTS or other parties. Confusion about where to upload information, including confidential documents, and not being able to edit or add further information were key issues. LiP errors were attributed to inadequate knowledge about how to properly complete forms and how to submit the required documents.

Legal professionals had mixed views on whether the error rates were lower when using the new MyHMCTS platform compared to the legacy system; over a third (35%) were unsure, with around a fifth thinking there were fewer errors (18%) a similar amount (21%) or more errors (24%), see Figure 17.

**Figure 17 Legal professionals’ views on frequency of errors using MyHMCTS, compared to the legacy service**



Source: IFF research

Note: C4: Compared to using the legacy channel, do errors occur more or less frequently on MyHMCTS? Base: All FR legal professionals (164). Answers do not sum to 100% due to rounding.

#### 4.2.3.a Errors caused by public users

There were concerns raised by judges and the HMCTS staff member about errors resulting from how LiPs (who could not access MyHMCTS) used the FR service. This was generally attributed to LiPs not knowing how to properly complete and submit the required paper forms, most often submitting a statement of information that did not meet requirements.

"The public haven't been told enough that they need to complete their forms in a formal way, or they'll be rejected by the judge." **HMCTS staff (FR)**

#### *4.2.3.b User and case errors caused by HMCTS, legal professionals and other agencies*

In the interviews, judges and legal professionals reported that represented parties uploading documents themselves avoided documents going missing due to HMCTS staff errors. However, judges also reported increased errors due to HMCTS staff lacking experience and training.

" It's actually an issue about the amount of training that staff get and the turnover of staff [...] I don't think that that is actually an issue with electronic ways of working."

**Judge (FR)**

Legal professionals thought errors by themselves, or other parties were common on cases processed through the MyHMCTS service. Two-thirds (67%) said they make errors themselves while using MyHMCTS (38% occasionally, 21% sometimes, and 7% frequently). Those who said this typically reported misunderstanding what was being asked for (58%), mis-entering information (54%), or not completing/submitting the case (29%).

Interviewees observed that errors could perhaps be resolved more easily with simplification of the tab system and additional functionality to edit information already provided. They also suggested better guidance and training on what should be uploaded and where, and more responsive support.

"Financial remedy I think has 22 tabs now which is ridiculous when you only need about six ... it is very difficult to navigate because it is all over the place ... it is user error, but not their fault." **Judge (FR)**

Legal professionals reported simple errors were easier to spot and quicker to deal with on the digital system compared to waiting for paper forms to be posted back and forth in the legacy system. However, they raised concerns around how the portal deals with users who started with representation but became LiPs. They reported often seeing error messages and were not confident that they had properly removed themselves (as the legal representative) from the court record so were unsure if the LiP was able to correctly progress the case.



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

There was widespread concern amongst judges, the HMCTS staff member and legal professionals that LiPs (who sent their documents to be scanned at the HMCTS centre and did not have access to MyHMCTS) were at a disadvantage due to inconsistent processes compared to represented public service users (whose legal representative used the digital channel). The main inconsistencies were LiPs not having the same support and guidance about what information to provide and not being able to view all documents.

Some inconsistencies were identified between the processes for represented individuals (whose legal representative used the digital channel) and LiPs (who could only use the paper channel). Judges, legal professionals and the HMCTS staff member were all concerned about inconsistencies and inequalities for LiPs.

"The poor and the disenfranchised suffer most because they don't have lawyers."

**Judge (FR)**

Although the reformed system meant that in theory all parties would see the same documents, if there were mistakes in uploading (or LiPs mistakenly sent their documents direct to the court) this could cause inconsistent access to information. There were particular concerns about the process and lack of guidance for those who started with representation but switched to become LiPs.

Less than half (45%) of legal professionals agreed that the service their clients receive is consistent, whether using MyHMCTS or the legacy system. In interviews, they did not flag inconsistencies in processes between the channels, as they were far more likely to deal with digital cases. Some did however point out that consented applications no longer required a dismissal form which was part of the legacy process.

Judges reported that the biggest difference in process for them was that they had to find the relevant documents, rather than court officials printing all the required files for them.

## **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 judiciary and HMCTS staff***

No major access issues were reported by the judiciary or the HMCTS staff member (except for times when the system is unavailable).

Judges typically described themselves as digitally confident and IT literate. However, many of those who use the FR portal also needed to use portals for other services. They reported that the number of different portals can cause confusion, especially when using both the reformed and legacy systems.

Judges reported having to click multiple times to log in was frustrating, though they understood this was required for security. Sometimes judges were dependent upon HMCTS staff, for example to obtain case numbers or otherwise support them in accessing the system. Needing to rely on their own laptops could be an issue, though some had access to pool laptops. Judges considered that documents being accessible anywhere was a positive change. They liked no longer needing to carry round boxes of files when sitting in different courts.

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

Access was straightforward for most legal professionals, although only 15% were very confident using the MyHMCTS system. Qualitative feedback indicated confidence had improved over time, and that issues with logging in had reduced.

A third (34%) of legal professionals reported they set up their MyHMCTS account themselves. However, they had mixed experiences: 40% said it was easy and 34% said it was difficult. Three-fifths (61%) reported that someone else set it up on their behalf. This was usually because someone else in the firm or organisation routinely did this for everyone in the business (89%).

In the interviews legal professionals noted that initially there were often problems logging in and accessing MyHMCTS. These had reduced, and access was more reliable though the authentication code could take up to 40 minutes to arrive. Legal professionals were positive about multiple staff within their organisation being able to access cases.

The separation of divorce and FR portals (which needed different log-in credentials), cases having separate reference numbers, was thought to contribute to delays. For example, when trying to submit an order to get a decree absolute or final order after the FR case had been concluded. Some organisations now had all users (or specific teams) share one ID so all could access all cases. This meant needing to deal with only one account for technical issues.

Three-quarters of FR legal professionals (74%) had some degree of confidence using the MyHMCTS system, although only 15% were very confident (Figure 18).

**Figure 18 Legal professionals' confidence in using MyHMCTS**



Source: IFF research

Note: D12: In your work now, how confident do you feel using MyHMCTS? Base: All FR legal professionals (163). Answers do not sum to 100% and summary codes do not sum to totals due to rounding.

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

'Dropouts' to the paper system were described as happening only occasionally, and were usually due to changes in representation, or cases being too complicated for MyHMCTS. A fifth of legal professionals reported that cases 'drop out' of the MyHMCTS system as they are not supported by the system, and a similar proportion are cases where other parties decide to move offline. A tenth reported deciding to proceed offline.

The HMCTS staff member reported any FR dropouts they saw were due to confidential documents being uploaded to the wrong tab.

Judges and legal professionals reported that at various stages of the process they used workarounds, as there were barriers in the digital system. For example:

- Public users could be encouraged by some solicitors who found the portal too complicated to send documents direct to court.

- Barristers (who usually need instructing solicitors to upload orders on their behalf) did not have access to the documentation on the portal so instead sent documents by email.
- Judges sometimes asked staff or legal professionals to email or print documents as they were not confident with the portal or could not find the documents they needed.

Most commonly, legal professionals reported in the survey that cases dropped out of the MyHMCTS service (started on MyHMCTS but end up being processed offline) only occasionally. Reasons for dropping out included:

- Reaching a stage that is not supported by the MyHMCTS service (21%)
- The legal professional chooses to proceed with the case using the paper channel (9%)
- Other parties choose to proceed with the case using the paper channel (17%).

Barriers for continuing to access MyHMCTS included technical issues with MyHMCTS, non-standard elements, or the case no longer being eligible for MyHMCTS (for example a change of representation).

#### *4.2.5.d Support and how issues are resolved (including technical support)*

Judges and legal professionals thought that support services could work better, and lack of good quality support can be a barrier to using the digital service effectively. Judges at smaller courts reported they would prefer more support at court and typically relied on colleagues. Legal professionals commonly reported needing general support to use MyHMCTS, but not all had accessed HMCTS support (mainly due to low awareness) and levels of satisfaction with the support provided were relatively low.

When faced with issues, judges and legal professionals often sought support from sources other than the official HMCTS support or used workarounds.

Some judges found that IT liaison staff and digital support officers based at court were helpful with technical issues, whilst others were unclear whose responsibility it was to provide support for different issues. Lacking specific contacts at CTSCs caused frustration.

Others often 'muddled through' when they faced problems processing cases via the digital system (for example emailing relevant parties or HMCTS staff). They often turned to other judges for guidance and support. Some judges felt support staff did not understand the urgency or nature of the support they needed.

In the legal professional survey, over half (54%) reported needing general (non-technical) support to use MyHMCTS. Those accessing such support most commonly did so from colleagues (59%), and/or from HMCTS, including CTSCs or MyHMCTS Support (58%). Some accessed written guidance or training (29%) or online webinars or videos (13%). If written guidance and online webinars includes those provided by HMCTS then it would mean that up to 36% needed and accessed HMCTS support. However, almost a fifth (18%) needed support but did not access it from HMCTS, though they may have done so from colleagues or other sources (Figure 19). The HMCTS staff member reported they try to support legal professionals, for example re-setting their cases, but they often have to direct them to email HMCTS support for technical issues.

**Figure 19 Legal professionals' general (non-technical) MyHMCTS support needs and whether accessed HMCTS support**



Source: IFF research

Note: D7: At any point since you began using MyHMCTS, have you needed general support (other than tech support) to use the service? D8: Did you access support? Base: All FR legal professionals (164). HMCTS support includes CTCS or MyHMCTS Support, online webinars, videos, written guidance, and training (assumed to be from HMCTS). Note: use of written guidance / training resources or online webinars/ videos is included as HMCTS support being accessed, but some may be from other sources. The proportion who accessed HMCTS support may therefore be lower and the proportion who needed but did not access it may be higher.

The levels of satisfaction among legal professionals who had specifically accessed HMCTS general support for MyHMCTS (including CTSCs or MyHMCTS Support) were relatively low. For example, over two-thirds (68%) were dissatisfied about how quickly they were able to communicate with someone about their issue and half (50%) were dissatisfied with the extent to which they felt their issue was understood by HMCTS support staff.<sup>13</sup>

<sup>13</sup> These findings should be treated as indicative and with caution due to a low base size (n≤50).

In the interviews legal professionals reported response times were too slow and that they would often prefer to deal with a person (over the phone) than a digital system.

“Trying to support a service by email is a joke...we were mandated to use the system... but were ignored when saying 'it doesn't work, I can't upload a document' ...You need something fixed immediately, not in a week ... It's still appalling.”

**Legal professional (FR)**

Some legal professionals reported the support system directed them in a circle, each service directing to another, leaving them with no help. The FR contact centre (CTSC) was reported to pass queries to court administrators, often not at the court where the hearing was scheduled. Some relied on old telephone numbers for courts.

'It's fine when everything goes smoothly, but when it doesn't, it's helpful to get a person and I think that can be difficult.” **Legal professional (FR)**

Among legal professionals who did not access support for MyHMCTS from any source, half (52%) were unaware HMCTS support was available and around a tenth (11%) were unsure. The HMCTS staff member dealt with frequent emails and calls from public users generally asking for case updates, but they also were asked for help with sending forms and uploading documents.

"Giving them [LiP] access to MyHMCTS would help a lot - save a lot of time...They have no clue what's going on - especially with case listings.” **HMCTS staff (FR)**

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

Amongst legal professionals, satisfaction levels with the service were mixed, but they largely preferred the MyHMCTS system to the legacy system. For the judiciary, experiences of processing cases in the digital service have been largely negative, though they are optimistic it will be improved.

##### **4.2.6.a Overall views and impact on working life**

Judges' views about the impact on public users' experiences were mixed, but most felt that public users experienced a quicker service. Similarly, in the qualitative interviews legal professionals largely fed back that their clients were positive about the reform, as the service was quicker and more efficient, or that their representative using a digital channel had little impact.

“It is more efficient overall, and we are not experiencing the huge delays we were previously. From a client perspective that is the most significant and obvious benefit.” **Legal professional (FR)**

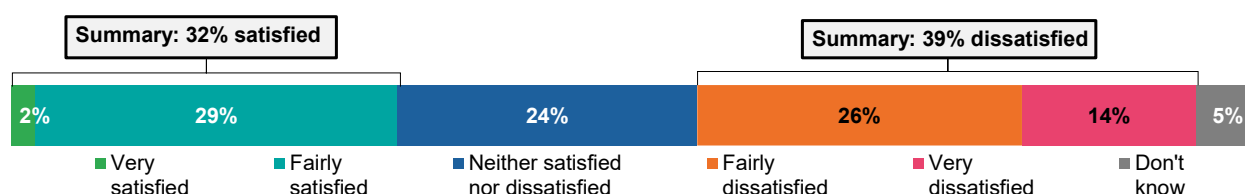
Judges felt the reform has had a substantial impact on their own working lives. They felt the focus had been on reducing work for HMCTS staff, but this had made judges’ work more difficult, less enjoyable, and they were working longer hours. The HMCTS staff member interviewed was generally satisfied with the effect on their working life.

“Horrendous [impact] ... it adds an hour a day of admin to the judiciary, which should be on the staff” **Judge (FR)**

Additional hours were partly attributed to time spent locating documents, inefficiencies and technical problems with the portal, including it being down due to updates at evenings and weekends when some judges do their preparation. They also said fewer administrative and court staff, and poorer IT support, contributed.

Legal professionals had mixed views about the reforms. Only a third were satisfied (32%) as shown in Figure 20:

**Figure 20 Legal professionals’ overall satisfaction with MyHMCTS service**

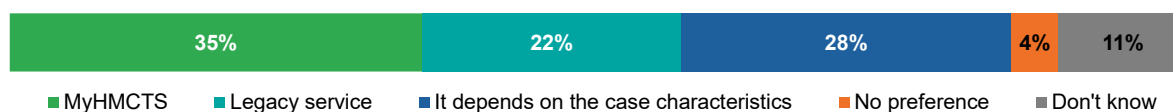


Source: IFF research

Note: G5: Overall, how satisfied, or dissatisfied are you with the MyHMCTS service? Base: All FR legal professionals (164). Summary codes do not sum to answers due to rounding.

Just over a third (35%) of FR legal professionals would choose MyHMCTS over the legacy system if it were not mandatory, and around a fifth (22%) would choose the legacy service, as shown in Figure 21. Over a quarter (28%) said it would depend on the case characteristics.

**Figure 21    Legal professionals' preference for MyHMCTS or legacy system**



Source: IFF research

Note: B5: If MyHMCTS service was not mandatory for cases, would you prefer to use MyHMCTS or the legacy service? Base: All FR legal professionals (164)

In the qualitative interviews, legal professionals reported some changes were beneficial for their working life. Being able to turn cases around more quickly meant they could share realistic timeframes with clients and plan workloads. It was also easier to share work across teams as all could access the same information.

“All the documents we need in relation to the proceedings are all under one tab and there for all of us to access ... it also means things don't get lost having all the documents in one safe place.” **Legal professional (FR)**

A variety of suggestions were made by legal professionals to improve the MyHMCTS service. The most common was to simplify the process (20%), followed by improvements to functionality, support, clarity/consistency, communication features and ease of access (each mentioned by 8% or 9%).

### 4.3 Potential improvements

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

#### **Suggestions made specifically by research participants**

- Additional functionality on the portal to improve document management and navigation; (Judiciary and HMCTS staff member).
- Add instructions and checks for managing confidential documents (Judiciary, legal professionals and HMCTS staff member).



- Improve functionality on portal to improve workflow, reduce duplication of work, and create orders (Judiciary).
- Improve the content of notifications, including the addition of links to the case (Judiciary and legal professionals).
- Allow multiple judges access to cases (Judiciary).
- Enable communication with HMCTS/CTSC staff via the system, whilst keeping a case open (Judiciary).
- Improve signposting to sources of support and advice and improve information and instructions (Judiciary, HMCTS staff member and legal professionals).
- Improve timeliness of technical support response to email queries and offer other ways to contact for urgent issues, for example a webchat and phone line (Legal professionals).

### **Suggestions based on further analysis**

Analysis of the interviews also provided areas for potential improvements:

- Improve HMCTS staff training and retention to reduce processing errors.
- Improve consistency of case numbering and naming to provide intuitive signposting and link FR cases with their associated Divorce case.
- Reduce system lags and downtime and avoid scheduling evening downtime.
- Add functionality to provide additional information for non-standard situations.
- Investigate reported problems with legal representatives, of respondents not being able to access cases after trying to submit notices of change.

## 5. Conclusions

### 5.1 Impact evaluation key findings

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

There was limited evidence to confidently assess the reform's impact on improved digital uptake and overall access to justice. The available data suggested a high level of digital uptake. However, some evidence suggested that mandatory use of the service was a more common reason for increased use than service features. It is also possible that a general improvement in digital confidence may have contributed to legal professionals' ability to comply with the mandate.

There is good evidence that the digital reform is likely to have contributed to improved efficiencies and speed of access to justice. For example, there were observed improvements in the duration of consent cases which coincided with the introduction of the digital service mandate for legal professionals. There was also a perception among HMCTS staff and judicial office holders that the digital reform has streamlined case processing tasks.

### 5.2 Process evaluation key findings

There is mixed evidence regarding whether the FR service was implemented as intended. Judges and legal professionals reported numerous inefficiencies and technical difficulties, and few were satisfied with the initial implementation. There was also evidence of judges, legal professionals and HMCTS staff sometimes using workarounds to avoid using the digital channel. However, usability and functionality were reported to have improved since initial implementation. Judges and legal professionals also reported most of their FR cases were processed entirely on the portal. These users also felt the public were getting a better, and generally quicker, service.

There was also mixed evidence regarding how users are experiencing the FR system. On the one hand, no major barriers to using the service were identified and legal professionals thought errors were no more frequent via the digital system than in the legacy system.

Judges, HMCTS staff and legal professionals also highlighted that documents could not go missing once uploaded to the portal, reducing adjournments. On the other hand, there was confusion over where and how documents should be uploaded, causing errors from all parties which could not be corrected through MyHMCTS. Additionally, amongst legal professionals, more were dissatisfied than satisfied with the service, although most did prefer MyHMCTS to the legacy system.

Findings were also mixed on the impact of the reformed service on access to justice outcomes. Judges reported improved fairness in represented cases as all can view documents. In addition, most legal professionals did not think the change to MyHMCTS had impeded access to justice. However, trust in the fairness of MyHMCTS processing varied by the complexity of cases. Judges, HMCTS staff and legal professionals were also concerned that LiPs were not able to access the same information as other parties.

### **5.3 Potential improvements**

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

- Improving some features of the digital service, including the functionality of workflows on the portal, the content of notifications, the consistency of case numbering and naming, reducing system lags and downtime, and by adding features to enable document management and navigation.
- Improving training, signposting, and instructions, particularly regarding how to avoid processing errors and managing confidential documents.
- Enabling better collaborative working on cases. For example, by allowing multiple judges access to cases, and HMCTS/CTSC staff to communicate via the system, whilst keeping a case open.
- Improving timeliness of technical support and the investigation of other reported issues.

# References

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- 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>

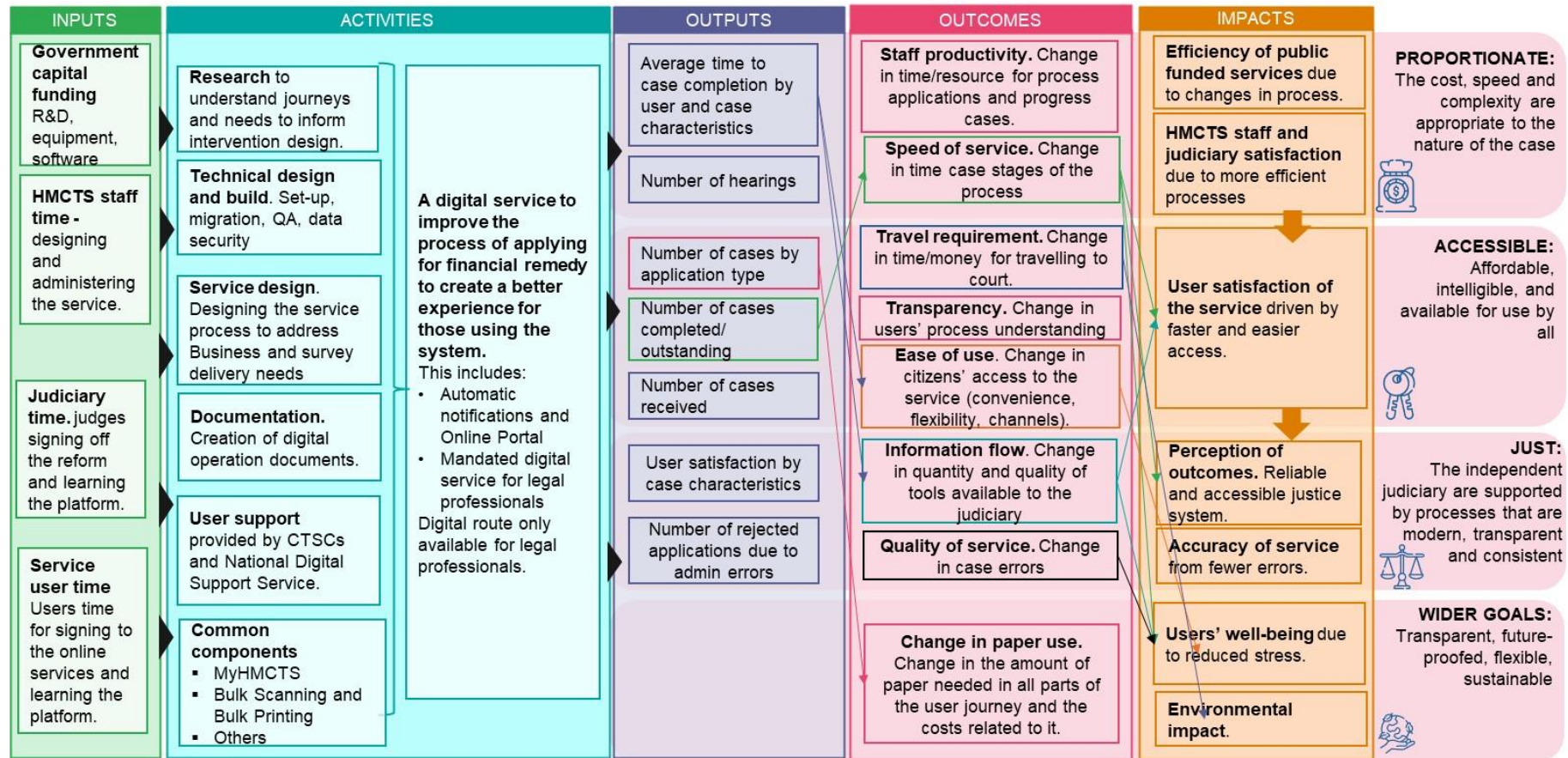
## Appendix A

### FR logic model

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

Several inputs were required for the digitalisation of the FR service. Financial and time resources (i.e., inputs) were required from HMCTS, HMCTS staff, the judiciary and service users. In addition, introducing other digital changes within HMCTS and releasing Common Components (which enable functionality across different services) were also essential for the rollout of the digital FR services. Those inputs enabled legal professionals to submit and manage their cases, including the ability to upload documents and further information about the case. Legal professionals can then get notifications about the case, submit further documentation and share the case with other legal professionals within their organisation. The services' digital features mean that the FR service process can be streamlined, which would be expected to lead to reduced time and resources required for case processing. These changes would lead to improved access to the formal justice system and further assist with increasing access to justice overall.

## FR logic model



## **Appendix B**

### **FR impact evaluation technical appendix**

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

#### **MI data analysis supporting information**

The data sources for this analysis included the FamilyMan (FR legacy data) and CCD (FR reform data) systems. The following validation checks were conducted for both datasets:

1. Required sample size and period were available in both datasets.
2. Types of cases included in the data sets 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 provided dataset included information on over 240,000 legacy and reform consented and contested cases from January 2017 until November 2022.

Three datasets were extracted, one from the legacy data system and two from the reform data system.

The legacy and reform data sets are not fully comparable:

1. The reform dataset includes additional information that does not exist in the legacy dataset. In particular:
  - a. Paper cases: In the reform data, 99.2% of paper cases (both consented and contested) were non-represented. Ideally, those paper cases would be excluded from the analysis as their inclusion might lead to skewness in the results. However, it was not possible to identify, and therefore exclude,

paper cases from the legacy data. To keep methodological consistency across the analysis, paper cases were included in both datasets.

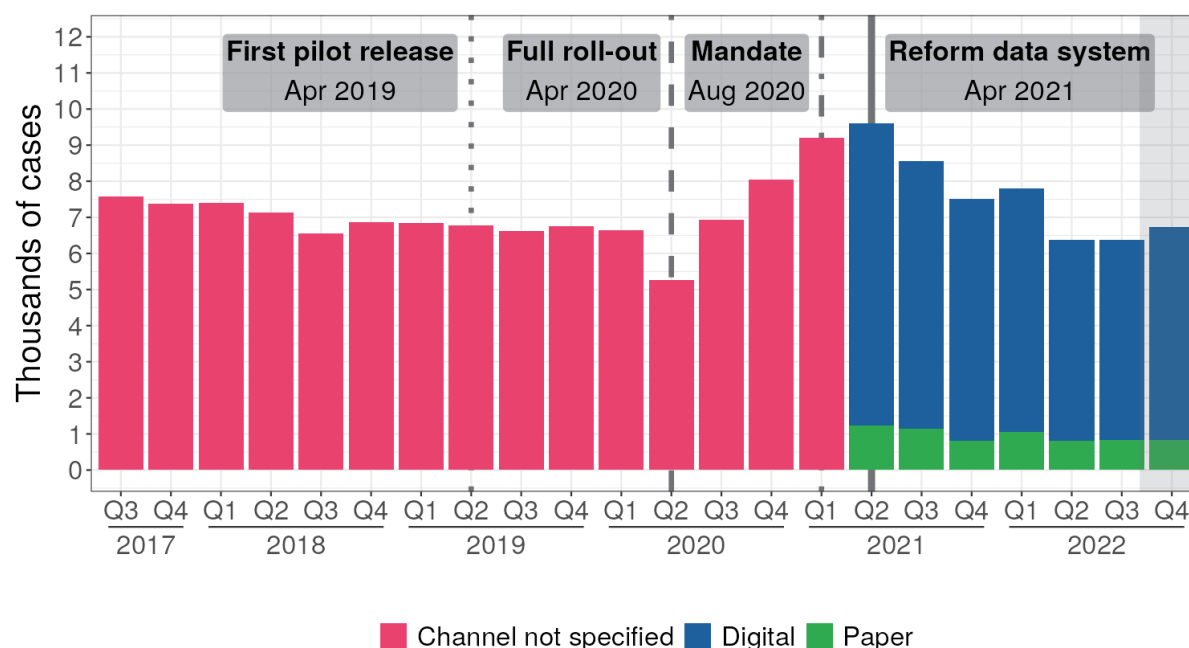
- b. The legacy dataset did not have detailed information on case outcomes, whereas in the reform data, it was possible to identify whether the case was open, finalised or withdrawn. Outcomes were therefore excluded from the analysis.
2. Certain information contained in both datasets was not recorded in the same way. In particular, the end date in the legacy dataset was based on one date entry, whereas in the consented reform dataset, it was based on a set of rules that dictate the "end date" of the case.

Cases processed through the reformed service did not start to be fully recorded on the reformed data system (CCD) until some months after the service was rolled out. Following MoJ/HMCTS guidance, the datasets were used as follows:

- **For consented cases:** The analysis used data from the legacy system for 3 July 2017 to 31 March 2021 and data from the reform dataset for 1 April 2021 to 8 January 2023. Figure B1 shows the quarterly number of total cases (i.e., represented and not represented), indicating what data system is used for each quarter, when the reform data system is used, and the split by channel (paper or digital).



**Figure B1 Total number of consented cases by channel (represented and non-represented applicant)**



Source: Frontier Economics based on data from FamilyMan (until solid line) and CCD (from solid line onwards)

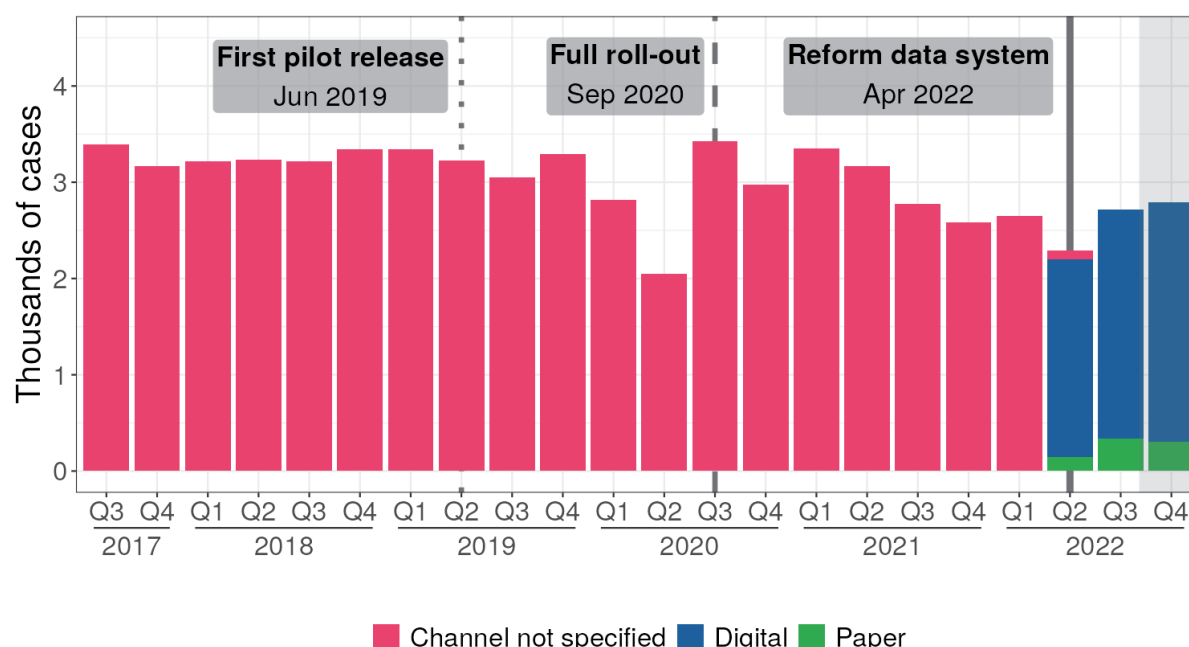
Note: The period of the analysis is 2017 Q3 to 2022 Q4. The dotted line indicates the release of the first pilot of the service in April 2019. The dotted and dashed line indicates the mandate to use the digital channel in August 2020. The solid line indicates the moment from which the migration to CCD is completed and, therefore, the moment from which reform data is used in April 2021. Grey-shaded area (Q4 2022) corresponds to times when analysis should be interpreted with caution due to high proportion of outstanding cases and small sample of paper cases

From Q3 2017 until Q1 2020, Figure B2 shows data from the legacy data system. The mandate for legal professionals to use the digital service for consented cases was introduced in August 2020. As mentioned above, it was not possible to differentiate between digital and paper cases in the legacy data system. Since the mandate rolled out when the legacy data system was still in use, the analysis could not explore the direct impact of the mandate on digital uptake, which limits the analysis. Given the mandate was implemented before the full use of CCD (the reform dataset), all cases in the post-reform rollout data where at least one party had legal representation were submitted digitally. As such, the paper cases observed in this chart are non-represented cases, which are out of the scope of the analysis.<sup>14</sup>

<sup>14</sup> The analysis excludes all cases where none of the parties are represented.

- **For contested cases:** Legacy data reflects cases from July 2017 to March 2022. Figure B2 shows the quarterly number of total cases (i.e., represented and not represented) when each dataset is used and the rollout times of the reform.

**Figure B2 Number of contested cases by channel**



Source: Frontier Economics based on data from FamilyMan (until solid line) and CCD (from solid line onwards)

Note: The period of the analysis is 2017 Q3 to 2022 Q4. The dotted line indicates the release of the first pilot of the service in June 2019. The dashed line indicates the release of the end-to-end journey in September 2020. The solid line indicates the point from which the reform data system is used in April 2022. Grey-shaded area (Q4 2022) corresponds to times when analysis should be interpreted with caution due to high proportion of outstanding cases and small sample of paper cases

For contested cases, the full use of CCD began in April 2022, meaning two-quarters of reform data were available at the time of analysis. The data does not therefore show any effect of the mandate for contested cases (as it was introduced in January 2023). In the available data, the digital uptake seems in line with the uptake for consented cases.

In addition to the short period where data about channel was available, the complex nature of the contested route means that it is difficult to group these cases in a way that can be analysed consistently over time.<sup>15</sup> Due to both of these issues, analysis of the FR digital reform on contested cases is excluded from this study.

<sup>15</sup> The duration of those cases is highly dependent on the complexity of the cases and the number of interactions that they will require with the court.

Taken together, the two datasets included over 160,000 observations. In order to compare trends across the legacy and reform data and given the inconsistencies with available variables between the two, some reasonable approximations were made to the relevant variables to analyse the outcomes of interest. As such, the conclusions from this analysis have some limitations, as described in Section 3.3.

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

The digital FR service for consented cases had only been released for legal professionals i.e. represented cases.

The legacy data system included information only on whether the case has been disposed (finalised). Cases can be classified as non-disposed due to several reasons, such as the case being withdrawn or still being open. For consistency, although the reform dataset includes information on whether the case is still open or has been withdrawn, the analysis only looks at cases that are disposed or not disposed.

The legacy dataset did not include information on channel (i.e., digital vs paper), and most of the period of the analysis is covered by the legacy data (due to the late switch to the reform data system). This means that digital and paper comparisons were only feasible for a few quarters.

### **Data on the characteristics of the users**

PCQ information was only collected via the divorce service for litigants in person in divorce cases. PCQ information was not collected from legal representatives who use the service. Analysis of observable outcomes for different subgroups of users of the digital service is therefore excluded from the impact evaluation of FR.

### **Summary of analysis and detailed data preparation steps**

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

<b>Description of datasets received</b>	<b>One legacy dataset extracted from the FamilyMan management information system and two reform datasets extracted from the CCD system, one with consented cases and the other with contested cases.</b>
<b>Legacy dataset</b>	
<b>Available information (raw)</b>	195,452 observations from 3 July 2017 to 9 January 2023.
<b>Cleaning steps</b>	8,551 duplicate rows removed. Removed observations with a submission date after the migration to the reform data system (i.e. April 2021 for consented cases and April 2022 for contested cases).
<b>Available information (clean) - Information on relevant subsets of the sample</b>	Consented cases: 106,034 observations from 3 July 2017 to 31 March 2021 Contested cases: 58,373 observations from 3 July 2017 to 5 April 2022
<b>Available information on PCQ</b>	Information on PCQs is not available
<b>Reform dataset: consented cases</b>	
<b>Available information (raw)</b>	77,626 observations from 13 August 2018 to 8 January 2023.
<b>Cleaning steps</b>	661 duplicates removed. Removed observations with a date before the migration to the reform data system (i.e. April 2021). Constructed a variable for finalised cases that are not withdrawn: <ul style="list-style-type: none"> <li>• The date when the case is closed is identified as the latest of the case direction order date and the case disposal date.</li> </ul>

	<ul style="list-style-type: none"> <li>• If the case is not marked as "closed" (which in this dataset indicates the case is withdrawn) and the case has a disposal date, then the case is marked as finalised.</li> <li>• Case duration for these cases is calculated as the number of days between when the case is received and when it is finalised.</li> </ul>
<b>Available information (clean)</b>	53,422 observations from 1 April 2021 to 8 January 2023.
<b>Information on relevant subsets of the sample</b>	<b>Channel type:</b> information available for paper and digital applications.
<b>Available information on PCQ</b>	Information on PCQs is not available
<b>Reform dataset: contested cases</b>	
<b>Available information (raw)</b>	18,892 observations from 23 May 2019 to 8 January 2023.
<b>Cleaning steps</b>	502 duplicates removed. Removed observations with a date before the migration to the reform data system (i.e. April 2022).
<b>Available information (clean)</b>	7,858 observations from 6 April 2022 until 8 January 2023. Note: observations where the applicant is not represented are not removed as not necessary for the analysis.
<b>Information on relevant subsets of the sample</b>	Not applicable.
<b>Available information on PCQ</b>	Not applicable.

<b>Information on relevant subsets of the sample for observations with PCQs</b>	Not applicable.
<b>Merged datasets</b>	
<b>Consented dataset</b>	<p>159,456 available observations.</p> <p>Removed observations where the applicant was not represented.</p> <p>Removed observations after 2022 Q4 for the analysis, given that it is not a full quarter.</p> <p>126,769 observations from 3 July 2017 to 31 December 2022.</p>
<b>Contested dataset</b>	<p>66,231 available observations.</p> <p>All data excluded from final analysis due to complexity and limited available period.</p>

Source: Frontier Economics

## Appendix C

### FR fieldwork summary

Table C1 Summary of fieldwork				
Audience	Quantitative Surveys	Fieldwork dates	Qualitative interviews	Fieldwork dates
Judges	n/a	n/a	9 Family Judges (a mix of Circuit, District, and Deputy District Judges)	January 2023 to April 2023 and November 2023 to January 2024
Legal professionals	164	December 2023 to January 2024	9	January 2023 to April 2023 and September 2023 to October 2023
HMCTS staff	n/a	n/a	1	October 2023 to November 2023

## Appendix D

### Ethical Considerations

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

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

This research involved fieldwork with professionals only. These groups are unlikely to be distressed by participation in this kind of research. However, as part of a general approach to minimise the risk of distress, 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**

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. They 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**

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.