# HMCTS Reform Digital Services Evaluation

Supplementary Report: Online Civil Money Claims

The main 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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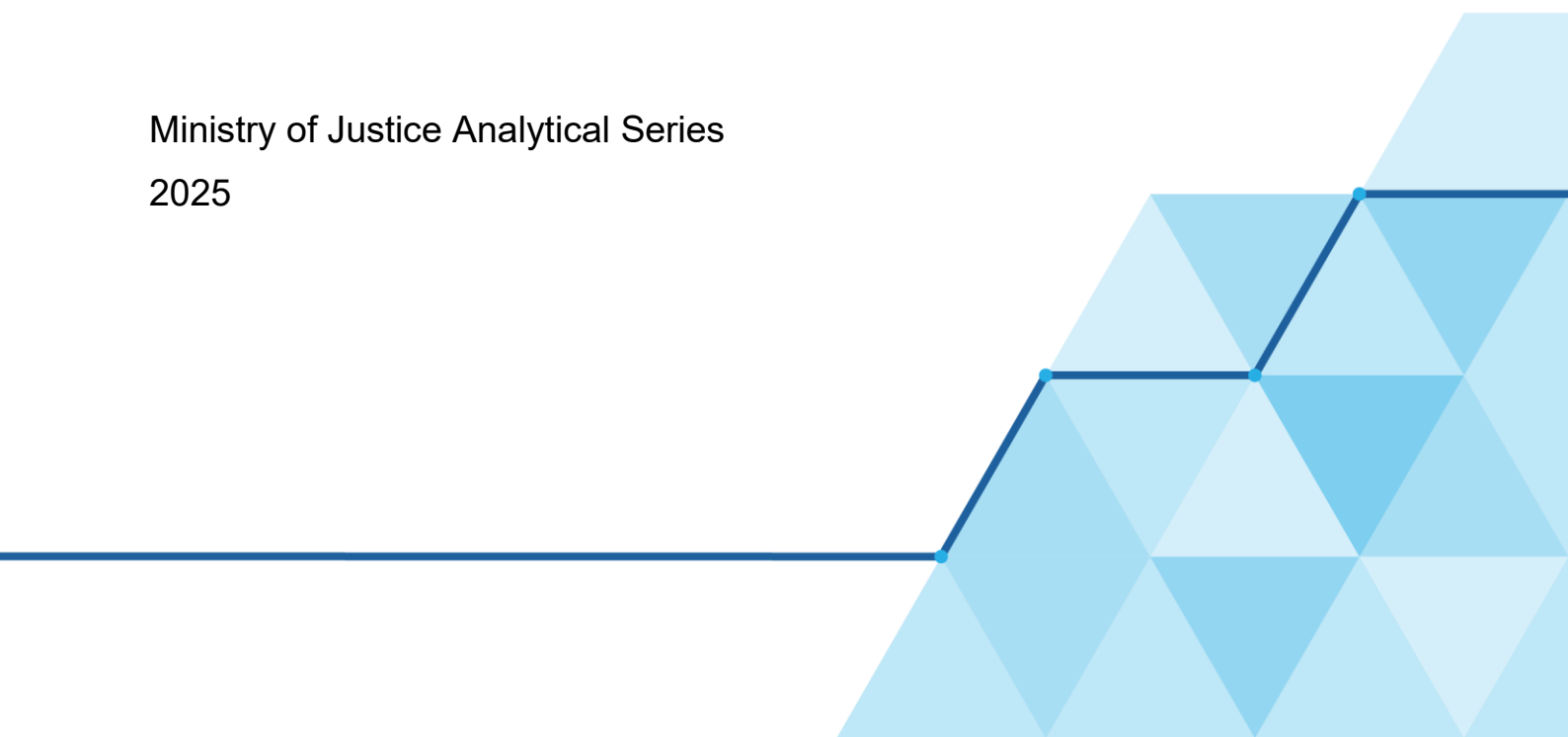
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1.   Executive summary

1.1   Introduction

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

The OCMC service is a digital service provided by HMCTS in England and Wales. It enables individuals and businesses to submit and respond to civil claims for money online. Solicitors can submit claims on behalf of their clients through MyHMCTS, a separate service for legal representatives.

Before the OCMC service, individuals and businesses wishing to make a money claim could follow three main routes: small claims on paper; Money Claims Online (a pre-existing HMCTS internet-based service); or bulk (an option open only to organisations that issue a large number of claims each year). At the time of the analysis in 2024, these three routes were available alongside the OCMC reform service.

The OCMC reform is aimed at simplifying the process of making or defending a claim. It allows claimants to complete and submit claims online. It also allows claimants and defendants to view and manage case progression online, receive online notifications and updates, and settle claims online without the need for any third-party involvement.

For judges, the digital reform means that they now access details of OCMC cases via the judicial user interface, including viewing documents digitally rather than working with paper files. For HMCTS staff, the digital reform means case handling

tasks are completed digitally. Communication with judges, legal professionals, and public users also happens via an online platform.

The overall objectives of the OCMC service's digital reform are to reduce costs and administrative time of courts by creating a system that is accessible and user-friendly, and proportionate, fast and efficient.

1.2   Design

Evaluation of the reformed OCMC 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 OCMC service.

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

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

1.3   Findings

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

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

	Contribution claim	Summary of evidence	Conclusion
1	User-centred functionality leads to ease of use and better access to the justice system.	🔄 Administrative data shows modest increase in OCMC uptake. 🔄 Primary evidence suggests ease of use at initial stages but some barriers later in the process. 👎 General population improvements in digital confidence over the same period.	Mixed evidence of a modest contribution of the reform, alongside contributions from alternative drivers.
2	Digitalisation reduces processing and correspondence time, improving efficiency and speed of access to justice.	👍 Consistent reductions in time to achieve key case outcomes. 🔄 Increase in referrals to mediation, but not in the proportion of successful mediations. 👎 Ethnic minorities are more likely to be referred to mediation but less likely to have a successful mediation process. 🔄 Increase in staff numbers coincides with reductions in timeliness.	Mixed evidence of a moderate contribution of digital reform, likely alongside contributions from alternative drivers.

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 if 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 generally reported that at least some, but not all, of their OCMC cases were partially processed on MyHMCTS. However, all 'dropped out' into the legacy system at some point as the service was not reformed end-to-end. ⊕ HMCTS staff and judges reported finding processing cases digitally more efficient, as was intended. Most public users found the processing time reasonable, and the digital process straightforward. ⊖ As the service is not end-to-end digital there was duplication of work for HMCTS staff, and some confusion for public users. ⊖ Most legal professionals reported feeling unprepared for the new service. Editing information and providing additional detail for more complex cases were often reported as difficult. Promoting and improving training and technical support may help. ⊖ Communication via MyHMCTS was generally found difficult by legal professionals, and a lack of useful

		updates meant public users often telephoned HMCTS staff. ⊖Legal professionals and judges reported experiencing a range of technical issues when using the digital service. Judges and HMCTS staff reported mixed reliability. Views on the quality of technical support were often negative.
2	How do the new digital processes facilitate or impede access to justice in practice?	⊕ Most public users were mainly satisfied with the outcome of their case, and thought it was processed fairly. ❓Most legal professionals did not think the reforms had reduced clients' access to justice. Trust in the fairness of MyHMCTS processing varied by the complexity of case.
3 and 4	What are the types and levels of user errors, why do these occur, and how do these compare to the non-digital process? What are the types and levels of case (administrative) errors, why do these occur, and how do these compare to the non-digital process?	❓Judges believed errors were more prevalent in the reformed service, but legal professionals had mixed views. Most legal professionals reported making errors themselves while using MyHMCTS. Most public users reported making no mistakes or errors in the information they provided for their case. ⊖Judges, HMCTS staff and legal professionals reported it was harder to rectify errors in MyHMCTS. Legal professionals felt some were unavoidable as there was no scope to add additional information or discuss

		complex cases e.g. to explain why information was not available.
		➕ All user groups were positive that documents were less likely to be lost or unavailable for hearings when uploaded to the portal.
5	How consistent are processes between digital and non-digital channels?	➕ There was little evidence to suggest fundamental differences between the processes involved with digital and non-digital channels.
6	What are the barriers and enablers to accessing digital services, and do these vary across user characteristics?	➖ Cases commonly 'dropped out' of the MyHMCTS system (to instead be processed on paper) as they were not supported by the system, or one party decided to proceed offline. Improvements to support services could help legal professionals' confidence using the digital service, especially when dealing with non-standard cases.
		➕ There were no major issues reported by public users in accessing the digital service and initiating a claim. A minority had mainly done so via mobile phone.
7	How does the new digital process impact users' experience?	➕ The majority of public users were satisfied with the digital service and reported they would recommend it and use it again in the future.
		➕ Judges, HMCTS staff and legal professionals generally thought public users were receiving a more efficient service.

		⊜ Legal professionals' overall satisfaction was mixed and over a third preferred the legacy services. **⊖** Legal professionals and judges reported increased administrative burdens, and that they could not delegate as many tasks to more junior staff.

1.4   Implications

Several suggestions for improvements to the digital OCMC service emerged from the findings. These included:

- Improving key issues of the digital service, such as delays and duplications, by speeding up the introduction of end-to-end processing, enabling errors to be rectified more easily within the system and resolving technical issues, including with provision of more detailed technical guidance.

- Improving some service features, for example by providing:

  - more regular and clearer updates on case progression,
  - digitalising offline elements such as arranging a court hearing,
  - implementing more constraints to prevent actions being taken outside the proper process, and
  - providing 'other' options for supplementary information.

- Enhancing clarity and understanding amongst service users, for example by providing comprehensive training and clearer instructions, offering timely support and providing links to further information.

2. Online Civil Money Claims (OCMC)

2.1 Introduction to the OCMC service

The OCMC service is a digital service provided by HMCTS in England and Wales. It enables individuals and businesses to submit and respond to civil claims for money online. Solicitors can submit claims on behalf of their clients through MyHMCTS, a separate service for legal representatives.

Before the OCMC service was introduced, individuals and businesses wishing to make a money claim could follow three main routes:

- Small claims on paper: the claimant had to submit their claim via post by filling in a form (the N1 form), which could proceed to a hearing if the defendant (i.e. the person against whom the money claim is addressed) disputes the claim,

- Money Claims Online (MCOL): this was a pre-existing HMCTS internet-based service for claimants and defendants[1], or

- Bulk: this was an option open only to organisations that issue a large number of claims in bulk each year. Most money claims are issued via bulk.

At the time of the analysis, these three routes were available alongside the OCMC reform service.

2.2 The OCMC digital reform - objectives, features and eligibility

The OCMC reform is aimed at simplifying the process of making or defending a claim. The simplification was expected to lead to a reduction of costs and administrative time of courts by creating a system that is:

- accessible and user-friendly; and

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[1] The MCOL service is an end-to-end journey, including judgments and enforcement. The maximum claim amount is capped at £100,000.

- proportionate, fast and efficient.

The Logic Model in Appendix A sets out in more detail how OCMC was anticipated to achieve these objectives.

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

Table 3   Features of the reformed OCMC service

Key features
Complete and submit a claim form online;
Indicate what supporting documents and evidence parties want to provide;
View and manage case progression online;
Receive notifications and updates on cases; and
Settle claims online without the need for any third-party involvement.
Additional features
Provide enhanced mediation opportunities by offering such services on an "opt-out" basis; and
Enhance legal advisers' role and functions, who were given the authority to raise Direction Orders (i.e., instructions that a civil court gives the parties involved in the dispute) for cases up to £1,000. Before the reform, only judges had this authority.

Source: Frontier Economics based on Gov.uk

Table 4 sets out the maximum value of the claim for which the service was available at the time of the analysis, for Litigants in Person (LiPs) and for solicitors, and from when they were available. LiPs are individuals or businesses who make or defend a claim without using legal representation.

Table 4   Eligibility for the OCMC service at the time of the analysis

Customer group	Maximum claim value	Service available from
Litigants in Person (LiPs)	£10,000	March 2018[2]
Legal representatives	£25,000	May 2022

Source: Frontier Economics based on Gov.uk

The existing separate mediation service became available through OCMC on an 'opt-in' basis initially in September 2019 for claims up to £300, with 'opt-out' mediation introduced for all OCMC claims in May 2021.

For judges, the digital reform means that they now access details of OCMC cases via the judicial user interface, including viewing documents digitally rather than working with paper files.

For HMCTS staff, the digital reform means case handling tasks (when required) are completed digitally on the Manage Cases platform. Communication with judges, legal professionals, and public users also happens via an online platform[3].

2.3   Evaluation objectives

Evaluation of the reformed OCMC 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 OCMC service.

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

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[2] National roll-out. The service was live for beta-testing and early adopters from August 2017.
[3] This additional function of the Manage Cases, known as Work Allocation, is not within the scope of this evaluation.

3. Impact evaluation – Contribution analysis

3.1   Contribution claims and evidence sources

Contribution analysis aims to assess to what extent the intervention can reasonably be considered to have contributed to the observed changes in the outcomes. Where feasible, analysis was also undertaken to assess the conditions and context in which certain outcomes are observed for different groups. Further information on methodology can be found in the overarching evaluation report.

This analysis tested whether the introduction of OCMC has contributed to its objective outcomes in two ways (the **contribution claims**):

1. The user-centred functionality outlined in Table 3 will make it easier for a wider range of people to start and manage a claim themselves. This would lead to increased satisfaction and perceived ease of use of the service, increasing accessibility and access to the formal justice system.

2. The service's digital pathway, functionality and user-centred design will reduce the time and resources required for case correspondence, processing, clarifications and corrections. This would lead to a shorter average time to complete all stages of the journey, contributing to faster access to a decision in accordance with substantive law and more proportionate and efficient use of resources for all.

This analysis drew on evidence from:

- **Management Information data** relating to over 330,000 cases started in OCMC (August 2017 to October 2022), the average case duration for different case management outcomes.[4] Due to limitations in the data, the analysis focussed on OCMC cases where neither the claimant nor the defendant had

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[4] Case management outcomes refer to a set of stages a case progresses through, or different states in which it is considered to have been closed. This analysis considers only the ways in which reform enables or otherwise case progression, and not the merits of any particular outcome.

representation (i.e., Litigants in Person (LiPs) at the submission stage (see section 3.3). The MI data[5] does not include any legacy data or paper cases that were bulk scanned.

- Protected Characteristics Questionnaire (PCQ) data where available.

- A **survey** of 1,067 public users and a separate survey of 241 legal professionals who had used the OCMC service.

- **Qualitative interviews** with 16 public and nine legal professional users, two HMCTS staff, and five judges.

- **Insights** from internal stakeholders to identify mechanisms through which the digital service might have contributed to observed trends in the MI data and possible alternative explanations.

Further details of the methods, data, and limitations surrounding this analysis can be found in Appendix B and in the overarching report.[6] Discussion of ethical considerations can be found in Appendix D.

3.2   Analysis

3.2.1 Digital service uptake

The uptake level of the OCMC service is indicative of the extent to which it is accessible to the target population. An easily accessible service should see a substantial and consistent increase in its levels of uptake. Alternative channels would see a limited number of cases eligible for OCMC remain in their caseloads.

3.2.1.a   Management Information

Figure 1 suggests a modestly increasing trend in digital uptake of OCMC. However, over part of this period, internal HMCTS analysis suggests approximately 30% of claims submitted via Money Claims Online (MCOL) or paper were potentially eligible for the OCMC service.[7]

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[5] Further information about the available PCQ information can be found in Appendix B.
[6] Available at: HM Courts & Tribunals Service Reform: Digital Services Evaluation - GOV.UK
[7] Based on a reference period between July and December 2021.

Figure 1   Quarterly OCMC case volumes – Q4 2019 to Q3 2022
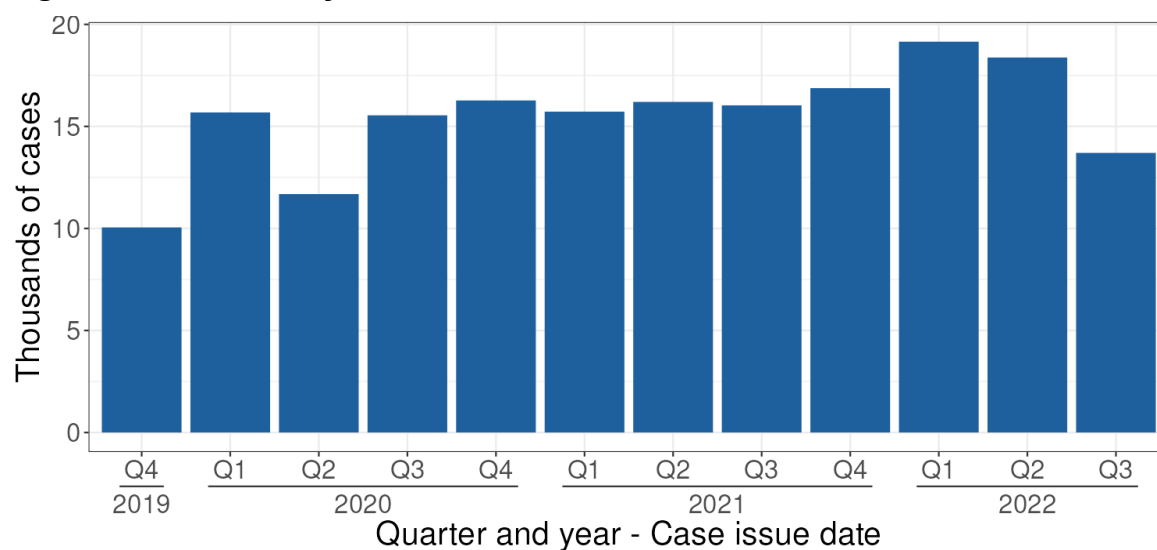
Source: Frontier Economics based on MI data provided by MoJ

3.2.1.b   Contribution of reform

Evidence from fieldwork and consultation with internal stakeholders identified several ways in which reform may have contributed to this moderately increasing trend. It also contributed to understanding why approximately 30% of eligible cases were started using other channels. The most plausible reasons identified were:

- **Restricted service eligibility:** At the time of the analysis, OCMC was not available for LiPs for claims over £10,000, bulk claims, people claiming on behalf of someone else, people claiming for a tenancy deposit or against a government department. In addition, Payment Protection Insurance (PPI) claimants were usually processed through the Damages claims service, not OCMC.[8] These service eligibility factors may have limited the digital uptake of OCMC more than originally envisaged and contributed to the modest increase over time.

- **Elements of the end-to-end journey were yet to be implemented:** OCMC cases move to paper if they reach the hearing stage. Also, the OCMC service did not include the enforcement process functionality that was available in MCOL. A less complete digital journey than that available through other

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[8] At the time of the analysis, in order to issue a PPI claim, two fees needed to be paid, which the OCMC system did not support. Moreover, in-house legal firms could not register on MyHMCTS, which was required for them to issue a claim.

channels might have deterred some users from choosing OCMC, and, therefore, contributed to only a modest increase in use over time.[9]

- **Differences in experiences of service implementation**: 85% of respondents to the public user survey said they found it easy to find the forms to make a claim, while only 54% found it easy to respond to queries through the service. Evidence from the interviews suggested that starting a claim through the service was generally felt to be easy:

"It was all very user friendly, it was all very straightforward, it was completely impartial" **Public user (OCMC)**

- **Awareness of the OCMC Service:** HMCTS internal analysis suggested a lack of clarity around the relative merits of OCMC compared to the other options and, therefore, a general nervousness to swap from one money claims system to another. However, there is currently little evidence available to corroborate this as being a barrier to a higher uptake of the OCMC service.

3.2.1.c   Alternative explanations

Evidence from fieldwork and consultation with internal stakeholders identified only one plausible alternative explanation for this moderately increasing trend. Further evidence, however, might highlight others.

- **General trends in levels of digital confidence or capability**: HMCTS stakeholders indicated that some claimants might not have the required digital capabilities to use the OCMC service. The COVID-19 pandemic however may have expedited digital service use among the public. Research by BT found that 60% of the general public (including a majority of those aged 50 or over) feel more confident using digital public services themselves than before the pandemic (Taylor, Cardwell, & Harden, 2021). This general shift is further supported in an evidence review by the Department for Work and Pensions (2024). This suggests that there could potentially have been a greater openness to try an online option during the period covered by this analysis. This is

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[9] This was true at the time of the analysis in 2023 and 2024. Pilots of an end-to-end OCMC service were underway in April 2024.

consistent with the relatively stable upward trend observed above, although insufficient data exists prior to April 2020 to draw firm conclusions on the contribution of the pandemic specifically on OCMC uptake.[10]

3.2.2 Case management outcomes

OCMC cases can have several case outcomes. These are recorded in the data as follows:

- Default judgment: when the case is decided in favour of the claimant because the defendant has not responded to the claim.

- Settled – mediation: when court-provided mediation was successful.

- Settled –pre-judgment: when the case is settled before the case has a court hearing, but the settlement was not achieved through court-provided mediation.

- Settled – other: when the case is settled through other routes and at other times of the OCMC process.

- Hearing cases: when either party does not agree to go through mediation, or if mediation was unsuccessful, and the case is decided by the court after proceeding to a hearing.

- None of the above/other: cases with no outcomes (outstanding cases) or other outcomes (e.g., withdrawn).

The average time to reach various outcomes in specified money claims through OCMC is indicative of how it supports proportionate and effective use of resources for all. Reducing the time required to correctly complete any stage of a claim should reduce the overall time it takes for a case to reach an outcome. Moving more of the caseload to digital channels should also reduce the time needed to physically move case documents. This should then free up time in the system for other stages or cases and reduce the time needed to correct errors or seek

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[10] Data limitations mean we are unable to assess any change in relation to the overall volumes of cases across all channels.

clarification. This analysis examines the average case duration for default judgment, settled pre-judgment, and court hearing cases separately.[11]

The referral rate and proportion of successful mediations would also indicate how OCMC supports proportionate and effective use of resources for all. Mediation typically involves fewer resources as it does not involve court time if it is successful. As such, if OCMC increases the successful use of mediation, it could indicate a contribution to increasing efficiency and an overall reduction in case duration (as resources are more available).

3.2.2.a   Management Information

The available data recorded the date the case was issued. For each case, where applicable, the data also included the date of default judgment, the date the case was settled pre-judgment, and the number of days from the case issue to the first hearing. The duration of cases starting in Q3 2022 would be shorter, having had less time to reach an outcome. Only 72% of cases opened in Q3 2022 had reached a justice outcome, compared to 80%-82% in the preceding quarters. As such, this period would include the less complex cases which take less time to reach an outcome.

Overall, case duration according to the above measures decreased over the reform period for all types of case included in this analysis.

For default judgments, Figure 2 shows that timeliness improved throughout the reform period. The average duration decreased by 15 days (31%) from 48 days in January 2020 to 33 days in April 2022.[12] There was a peak in Q1 2020 (to 69 days), with the onset of the COVID-19 pandemic.

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[11] Time to reach each of these justice outcomes varies and so was considered separately. Please see Appendix B for justice outcome distribution chart.

[12] The further reduction in the duration in Q3 2022 might be due to cases being very recent. That said, for cases that conclude with a default judgment, the fact that the cases are more recent should not have a major impact on the time it takes to close the cases.

Figure 2   Monthly average (mean) duration of case ending in a default judgment (days) – Nov 2019 Aug 2022

For cases reaching a settlement pre-judgment,[13] the average time decreased by nine days (27%) from 42 days in January 2020 to 33 days in March 2021 (Figure 3). A spike in case timeliness is observed in April 2021 (increasing to 54 days), which consistently reduced afterwards, reaching 25 days in April 2022.

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[13] For cases settled by mediation, the data on timeliness is not reliable and therefore has not been presented in this report. Other settlements were also excluded as those include cases that were settled in various parts of the OCMC process and can highly influence the average duration of cases.

Figure 3 **Monthly average (mean) duration of cases that settled pre-judgment (days) – Nov 2019 Aug 2022**

Source: Frontier Economics based on MI data provided by MoJ

Note: Grey-shaded areas (from June 2022) correspond to times when the analysis is limited due to the high proportion of outstanding cases. Dates shown refer to the date cases were received by HMCTS rather than the date of disposal. This means there is a lag between the date shown and the actual date of an outcome. The data as shown can therefore reflect the influence of events on cases after they start. This may differ from the approach taken in the Ministry of Justice's published statistics. Caution should therefore be used when comparing these figures with published statistics.

Figure 4 shows the average duration between a case being issued and the first full hearing (for court cases only).[14] The average time from the case issued to the first full hearing decreased by approximately 191 days (57%), from 338 days in January 2020 to 147 days in April 2022.

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[14] Case lengths for cases involving hearings are likely to be determined by case details. Subsequent case management outcomes (like duration) are not well recorded in available data. This makes using later points in the case less helpful in understanding the influence of submission and case management channels. The duration to first hearing is therefore used for cases involving hearings.

Figure 4   Monthly average (mean) duration between case to first full hearing (days) - Nov 2019 to Aug 2022

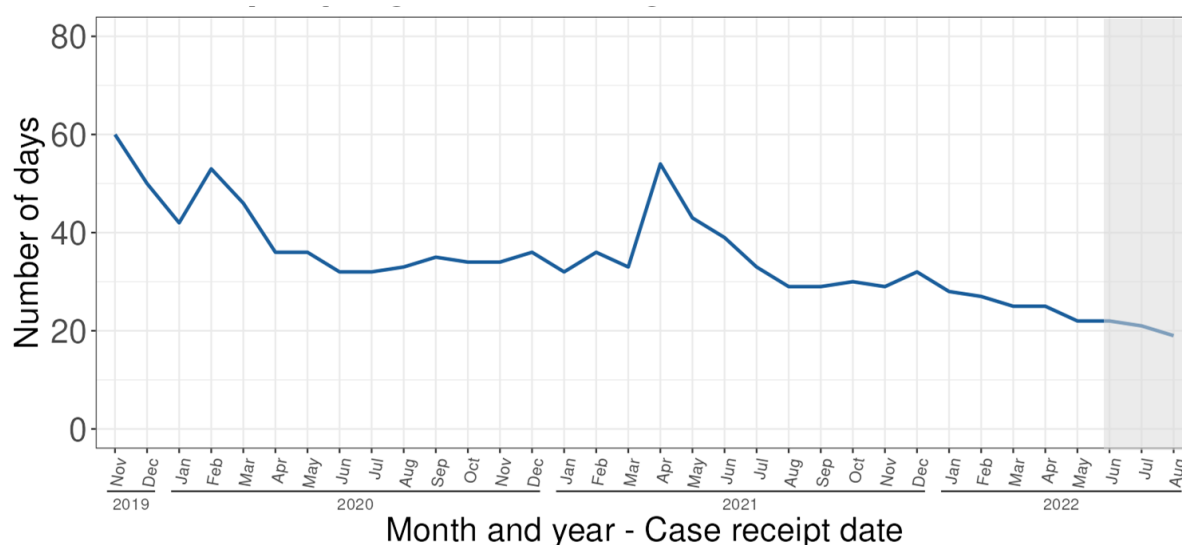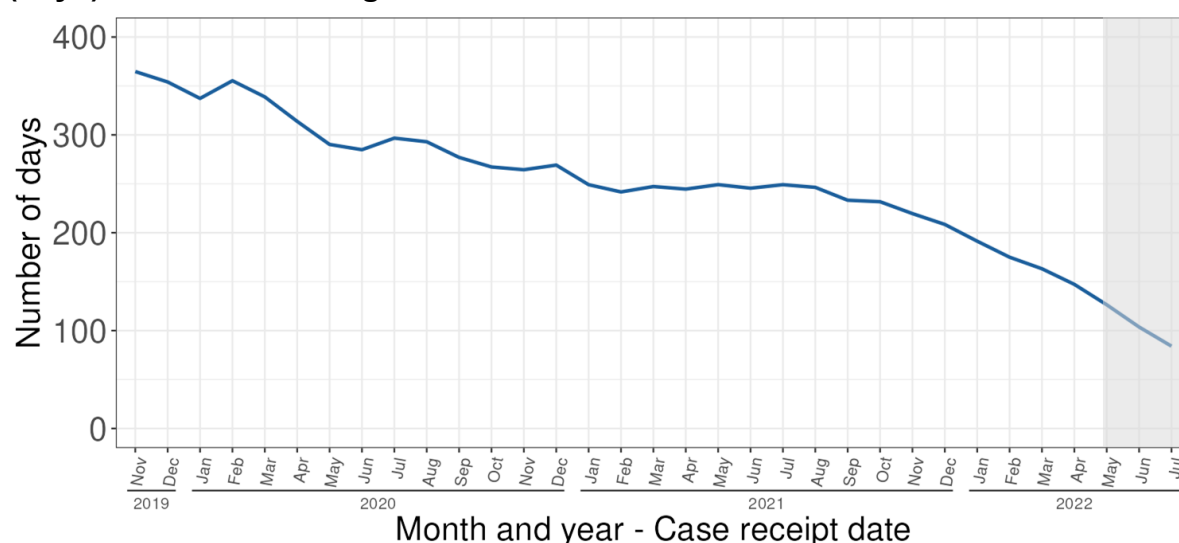*Source: Frontier Economics based on MI data provided by MoJ*

Notes: Grey-shaded areas (from May 2022) correspond to times when the analysis is limited due to the high proportion of outstanding cases. Dates shown refer to the date cases were received by HMCTS rather than the date of disposal. This means there is a lag between the date shown and the actual date of an outcome. The data as shown can therefore reflect the influence of events on cases after they start. This may differ from the approach taken in the Ministry of Justice's published statistics. Caution should therefore be used when comparing these figures with published statistics.

Figure 5 shows that the proportion of cases that are referred to mediation has increased slightly since Q4 2019. A larger proportion was observed after OCMC's mediation was changed to an opt-out service in May 2021, with the proportion increasing to be consistently above 15%.[15] However, the percentage of settled cases through mediation (i.e., successful mediation) has stayed consistently between 4% and 6% from 2020 onward.[16]

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[15] The lower proportion observed in Q3 2022 can be due to those cases being very recent when data for the analysis was extracted.

[16] The "other outcome" cases can be cases that were later settled outside of mediation, were withdrawn, have gone to court, etc.

Figure 5   Quarterly proportion of mediation referrals by case outcome – Q4 2019 to Q3 2022
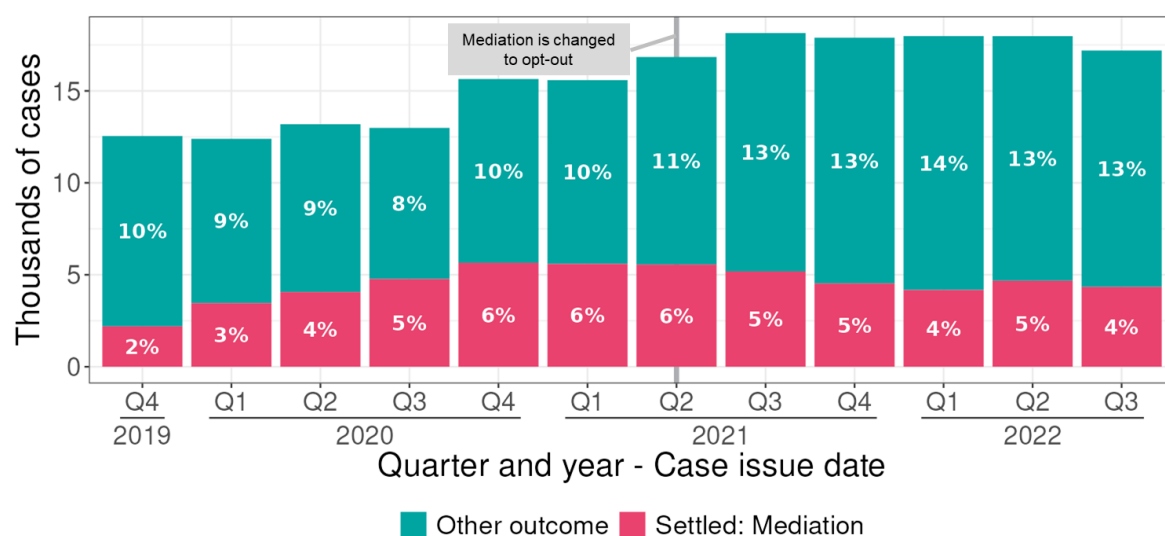
Source: Frontier Economics based on MI data provided by MoJ. Dates shown refer to the date cases were issued rather than the date of disposal. This means there is a lag between the date shown and the actual date of an outcome. The data as shown can therefore reflect the influence of events on cases after they start. This may differ from the approach taken in the Ministry of Justice's published statistics. Caution should therefore be used when comparing these figures with published statistics.

3.2.2.b   Contribution of reform

Evidence from fieldwork and consultation with internal stakeholders identified several ways in which reform may have contributed to these trends. The most plausible identified were:

- **The OCMC digital features support faster, more accurate information sharing:** OCMC collects all the necessary case information online in a way that reduces errors and lags due to postal processing. The survey of public users found that the majority (86%) reported making no mistakes in their OCMC application. Internal HMCTS stakeholders suggested that those features should make the settlement pre-judgment smoother because officials and parties have easier access to the documentation. It further reduces the time needed to reach a decision and/or complete the necessary steps to reach the first full hearing. This was also reflected in the findings from the qualitative fieldwork, where judges recognised that although their own tasks might take longer in the digital channel, the overall process is now much quicker. HMCTS staff views on the efficiency of the digital services were however mixed (see section 4.2.1.d for further details).

- **Implementation issues with mediation:** The increase in referrals is driven by the change to an opt-out process. However, some OCMC users viewed mediation as a 'tick-box' exercise, where some interviewees reported that they agreed to mediation but were never contacted about it, and the case continued without that option. Mediation requires both parties to agree to take part, so this might reflect one party declining to participate. Other interviewees reported that the mediator was not informed about the case and did not have access to the digital file during the session. The survey of OCMC users also found that only half (49%) of respondents recalled mediation being offered. This is likely to reflect where defendants were not offered mediation as the claimant had already declined to take part. However, the lack of an increase in the proportion of successful mediations is not consistent with what would be expected if OCMC supports the more efficient and proportionate use of resources as this intended.

3.2.2.c   Alternative explanations

Evidence from fieldwork and consultation with internal stakeholders identified some alternative contributors to these trends.

- **Increase in HMCTS staffing:** HMCTS stakeholders indicated that there had been an increase in HMCTS staff numbers that processed OCMC cases in the period observed. Their work mainly involved email correspondence regarding case progression and responding to queries. As such, an increase in the number of staff working on the services might have contributed to the reduction in time to case completion to some extent, but it is likely to have been limited.

- **Secondary benefits of unsuccessful mediations:** HMCTS (2023b) research found that even when mediation appointments did not end in an agreement, mediation still had benefits, including potentially reducing the areas in conflict. This may have positively impacted the timeliness of cases going to court, though this insight requires further exploration.

3.2.2.d   Sub-group analysis

The sub-group analysis sought to understand whether the observed changes in outcome measures discussed in the section above vary in the context of different user groups and the mechanisms that create those differences.

Analysis of the PCQ information focused on claimants who did not have legal representation at the initial submission stage. Due to a low overall proportion of cases with PCQ information (34% of eligible cases), results from small subgroups are limited.

The analysis found statistically significant differences in outcomes for ethnicity, main language, sex and having a disability.

- **Ethnicity:** Around 87% of claimants who provided PCQ information were white, slightly above the general population, where 81.7% of the population is white (Office for National Statistics, 2022). Figure 6 shows that users from ethnic minority backgrounds were similarly likely to be referred to mediation (21% compared to 20% respectively) but were slightly less likely than white claimants to experience a successful mediation (26% compared to 32% of all those referred to mediation, equating to similar proportions, 5% compared to 6%, of all claimants). In addition, on average, the time to the first full hearing was 28 days longer for claimants from ethnic minorities (270 vs 242 days). Analysis by HMCTS (2023a) suggests that regional variations in demography may explain this to some extent.

- A possible mechanism for the observed difference might be that people from ethnic minorities may be less likely to opt out of mediation. Given that the cases that were referred to mediation but were not successfully settled would need to continue with the OCMC process, this might have a negative impact on the overall timelines of their cases.

Figure 6   **Proportion of total mediation referrals by ethnicity**
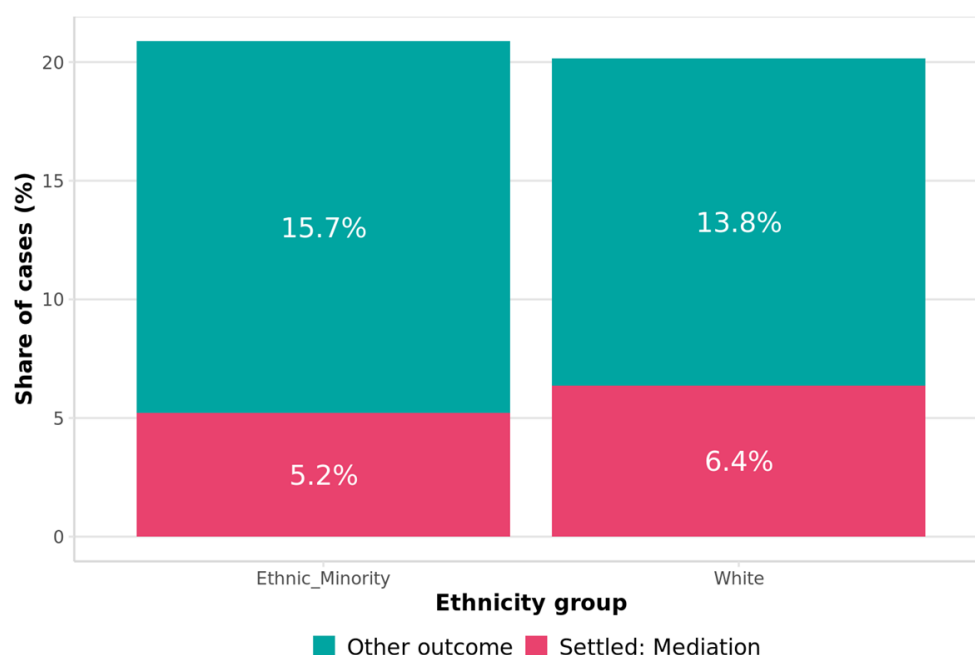
- **Language:** 93% of claimants who provided PCQ information had English/Welsh as their main language, broadly in line with the general population (Office for National Statistics, 2022). Claimants whose main language is English or Welsh are slightly more likely to experience a successful mediation (6.4% compared to 5.5% of those whose main language was not English/Welsh). Time to first hearing was ten days longer for claimants whose main language is not English/Welsh (256 vs 246 days). A possible explanation is that as the service is not widely translated, it creates a language barrier to using the service. This might mean claimants who do not have English/Welsh as their main language need additional time to obtain support. It might also mean they are not fully aware that they can opt-out and so would be more likely to be automatically referred to mediation. Therefore, some users may default to mediation when it may not be appropriate. This would further extend the duration of their case. Analysis by HMCTS (2023a) suggests that regional variations in demography may also explain this to some extent.

- **Disability:** For people with disabilities, the time to first full hearing was ten days shorter (238 days vs 248 days). No mechanisms were identified to explain the differences observed in case timeliness for people with disabilities. Further research into the reasons behind this is required.

- **Sex:** 60% of claimants who provided PCQ information were male. Literature exploring this difference is limited. Further research should be aimed at understanding whether this result indicates that men are simply more likely to submit a money claim (i.e., given behavioural differences in risk attitudes or confidence) or whether there are any barriers for women using the OCMC service.

Given the limitations in the data available on the characteristics of OCMC users, further research is needed to enable (i) comparison of the OCMC claimant profile to the profile of claimants using the paper channel or MCOL, (ii) comparison of the characteristics of defendants who continue using the OCMC service with those who switch to paper, and (iii) understanding whether there are any barriers to accessing the service for women.

3.3   Limitations

There are several limitations relevant to this analysis.

- At the time of this analysis, the LiP service did not provide an end-to-end digital journey. The process moved to paper after the hearing was ordered through the system. The service was expected to expand in due course to cover the end-to-end journey and to support cases involving multiple claimants and defendants.

- No directly comparable data was available for LiPs on channel use prior to reform or for paper or MCOL following reform. The analysis was, therefore, limited to the trends in OCMC uptake since its introduction. This, in turn, limits the extent to which OCMC's contribution to observed outcomes can be determined.

- At the time of the analysis, OCMC was available through MyHMCTS for legal representatives issuing specified money claims up to £25,000. However, the relatively recent implementation of this functionality (see Table 4 above) meant that insufficient closed cases of this type were available for analysis.

- Referrals for the separate mediation service were introduced to OCMC in September 2019. The mediation service was initially only available for defended claims up to £300 during the trial period, after which the threshold increased to £500, and is currently available for claims up to £10,000. The opt-out mediation option was introduced in May 2022, meaning that claimants and defendants were automatically referred to mediation unless they decided to opt out. Prior to this, both claimant and defendant had to explicitly agree to go through mediation (opt-in).

- As described in the overarching evaluation report, the generalisability of the surveys may also be limited by the sample being selected randomly with fieldwork stopped as quotas were reached, and a largely online approach with mixed response rates.

3.4   Contribution Narrative

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

- The reform itself can be considered to have contributed to a limited extent to a shift toward the new digital channel. The data showed that the uptake of OCMC was modest, and an overall increase in users' aptitude for using digital services is likely to have contributed to the observed increase in the OCMC uptake as part of a wider societal trend. In addition, the analysis found that restricted eligibility of the services and the fact that it did not provide an end-to-end digital journey created barriers to accessing OCMC and, therefore, accessing the formal justice system.

- The reform does not appear to be associated with an increase in successful mediation, although the total number of cases referred to mediation increased (due to the change to an opt-out approach). On the one hand that may lead to a longer overall case duration as time is spent on the mediation process. On the other hand, HMCTS research suggests that despite this, there could be some potential benefit from unsuccessful mediations if they facilitate a partial agreement before returning to court.

- Timeliness has improved across the period of the post-OCMC rollout. Both reform-related and wider drivers were identified. The reform mechanisms that most likely contributed to the observed decrease in case duration were digital features. For example, the automation and immediate emailing of the order, would facilitate quicker and more efficient access to the relevant case documents and information. The most likely contextual driver that contributed to the observed improvement was the increase in the number of OCMC staff over this period.

- The analysis found that claimants for whom English/Welsh is not their first language have a higher proportion of cases referred to mediation but have a lower rate of successful mediation. The most likely driver for this result may be the language barrier that those applicants experience, as the service is not provided in other languages. Those from ethnic minorities experienced similar experiences; however, no clear explanation for why this might be the case is apparent from this analysis.

- The reform is likely to have contributed to improved access to justice (along with other contributors) by providing an additional channel and by improving case duration over time. That said, OCMC case duration improvements and uptake might be higher if the service eligibility widens and further steps of the case journey are brought into the digital service.

Future research would improve understanding of digital reform's contribution to outcomes:

- Further feedback should be gathered to identify the specific areas of the mediation service that could be improved and how the digital service can be expanded to become eligible for a wider set of cases.

- Further investigation into how different populations interacted with the OCMC service is needed. This should include further research into access barriers for users whose main language is not English or Welsh. In addition, further investigation into patterns of meditation referrals and successful mediations between ethnic groups can help assess if there are any particular challenges that certain populations might experience.

4.   Process evaluation

4.1   Process evaluation analysis

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

This chapter draws on qualitative and quantitative primary research with users of the OCMC service.

The quantitative evidence is drawn from two sources. First, a mixed online and telephone survey of 1,067 public users of the OCMC service over two periods:

- Those with cases opened in November – December 2021 (515 users)

- Those with cases opened in February – April 2023 (552 users).

Over both periods, the public users were selected from those who submitted money claims digitally. 1,027 users recalled using the digital channel and 40 reported they did not.[17] After weighting,[18] those who reported using the digital channel accounted for 96% of OCMC public user survey participants.

Secondly, there were 241 responses to an online survey of legal professionals who reported using MyHMCTS for OCMC cases. Responses were collected between mid-December 2023 and mid-January 2024. All references to legal professionals in this chapter refer to those asked specifically about using MyHMCTS for OCMC cases. They were largely solicitors (54%), or paralegals (20%).[19] They were split between those who represented claimants (59%), defendants (26%) and both (14%).

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[17] This may have been due to poor recall, their case later 'dropping out' to be processed on paper or someone else helping / filling in the online application for them.

[18] Weighting refers to statistical techniques that correct for bias due to different rates of non-response, the sampling approach, or other factors, to make the analysis more representative.

[19] The remainder were chartered legal executive lawyers (13%), clerks, legal secretaries or administrators (7%), non-legally qualified professionals (2%), barristers (1%) or department representatives (1%).

More details are available in section 4 of the overarching evaluation report[20].

The qualitative research involved:

- Public users of the OCMC service – 16 interviews

- Legal professionals who used the OCMC service – 10 interviews

- Judiciary - five interviews with civil judges, and

- HMCTS staff – two interviews with HMCTS staff members who worked on OCMC cases (of 14 interviewed across all services covered).

4.2   OCMC process evaluation findings

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

4.2.1 Was the service implemented as intended?

4.2.1.a   Use of the reformed system

By the time of the research (in 2023-2024), the intention was that all cases would have moved over to the new reformed system for managing OCMC cases. However, there was evidence from judges, HMCTS staff and legal professionals that for some cases there was only partial transition by the time of research, and that some stages used legacy processes.

Most judges reported the majority of OCMC cases came via the reformed system, but it was more mixed for others. Those interviewed later in the fieldwork period were more likely to report cases coming via the legacy channel.

Most judges and HMCTS staff used Manage Cases / Core Case Data (CCD) / the Judicial User interface to process and prepare for cases.

In the legal professionals survey, over half (54%) reported they used MyHMCTS for over half or all of their OCMC caseload. Over a third (36%) used it for half or fewer cases, and four per cent said they used it for none of their cases.

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[20] Available at HM Courts & Tribunals Service Reform: Digital Services Evaluation - GOV.UK

Legal professionals who did not use MyHMCTS for all cases primarily reported they use the legacy service because MyHMCTS does not support all the cases that they handle (43%), or because it is not mandatory to use MyHMCTS (41%), as shown in Figure 7. In qualitative interviews, some raised the issue of not being able to include two defendants as they thought the digital system was not designed for multi-party cases.

Figure 7   Legal professionals' reasons for using the legacy service for a case

Reason	Percentage
MyHMCTS does not support all cases that I handle	43%
It is not mandatory to use MyHMCTS	41%
I prefer to use the legacy service for complex or high value cases	27%
Communication with other parties is easier through the legacy service	27%
It is easier to process cases using the legacy service	27%
The other party was not represented	27%
Errors are less likely when using the legacy service	21%
The other party representative was not registered on MyHMCTS	20%
Communication with HMCTS is easier through the legacy service	19%
Communication with the judge is easier through the legacy service	19%
It is quicker to process cases using the legacy service	14%
You have not received adequate training on how to use MyHMCTS	11%

Source: IFF research

Note: B4: For what reasons would you use the legacy service for a case? Base: All legal professionals asked about the OCMC service, who used the legacy service for any cases (165). Answers given by less than 3% not shown, don't know responses not shown (9%).

There was evidence of some misunderstanding of the rules amongst legal professionals, with over eight-in-ten (83%) of those who used MyHMCTS for OCMC cases doing so as they (erroneously) thought it was mandated, as shown in Figure 8.

However, some used it because of other benefits: quicker to process cases (33%), uses less paper (29%), and easier to process cases (23%).

Figure 8   Legal professionals' reasons for using the MyHMCTS service for a case
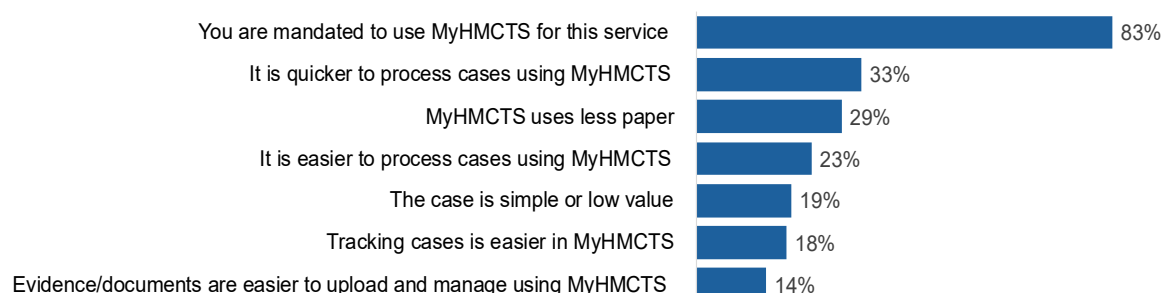
Source: IFF research

Note: B3: For what reasons would you use the MyHMCTS service for a case? Base: All legal professionals asked about the OCMC service, who used MyHMCTS for any cases (217). Answers given by less than 7% not shown, includes don't know (1%).

Nine per cent of public users (12% of claimants)[21] reported that they had decided to withdraw or give up on their case (which could be an indication of not securing access to justice); and nine per cent (22% of defendants)[22] said that the other side withdrew their case or gave up on progressing it.

Over half (55%) of those who withdrew their case did so as they decided the cost or effort of proceeding outweighed the benefits of continuing. Other reasons for withdrawal which may raise concerns around access to justice via the digital system included the process taking too long (16%), the service being too complex (12%), deciding to submit by a different method (7%) and unhappiness with support (4%).[23]

Some public users (specifically defendants) chose the reformed service because the link in the email made it the obvious channel, and they thought it would be quicker and easier, as well as avoiding printing and posting paperwork.

> "The paper one seemed to be very top heavy whereas the online version seemed much more straightforward and more direct, and I didn't really want it to be more of a mountain than it felt at the time really."
>
> **Public user (OCMC)**

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[21] The proportion of defendants giving this response was too small to report.

[22] The proportion of claimants giving this response was too small to report.

[23] Further reasons for withdrawal were it being settled outside of this process (14%), deciding application was not strong enough (11%), not having the necessary evidence (7%), concerns about negative impact or feeling threatened (2%) and discrimination (1%).

4.2.1.b   Expectations, initial opinions and unintended consequences

There was a mix of initial opinions and experiences: around seven-in-ten legal professionals felt unprepared for the new service (69%), and around half were dissatisfied with its implementation (45%). While judges were initially sceptical about implementation, they were hopeful for positive impacts on process efficiency in the longer term.

Judges reported initial concerns, often due to prior negative experiences with the Family Public Law or Financial Remedy portals. As most of the judges interviewed were already accustomed to using the legacy CE Files digital system they welcomed working digitally in principle. However, they were concerned about learning a new system and whether it would be fit for purpose. Some assumed that improvements would be made in the longer term to enable an end-to-end service for more users and improve efficiency.

In the survey of legal professionals, over two thirds (69%) stated that they did not feel prepared for the new service when they first started using MyHMCTS. Almost half (45%) were dissatisfied with the implementation of MyHMCTS, and a quarter (26%) were satisfied, as shown in Figure 9.

Figure 9   Legal professionals' satisfaction with how the MyHMCTS service was implemented
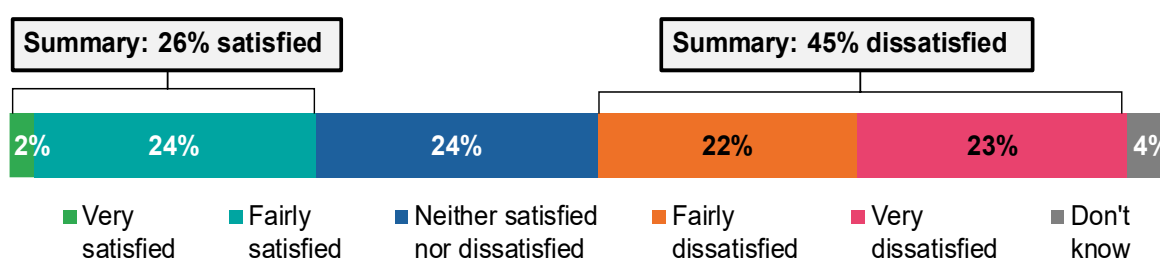
Source: IFF research

Note: G1: How satisfied were you with how the My HMCTS service was implemented? Base: All legal professionals asked about the OCMC service (241). Answers do not sum to 100% due to rounding.

In the qualitative interviews, some legal professionals recalled feeling it was 'about time' for this change, while others expressed some apprehension, questioning the need for change when the legacy system functioned adequately.

4.2.1.c Training

More training or guidance – particularly for legal professionals – might have facilitated a smoother implementation of the new service. Protected time to familiarise themselves with the system would have been valued by judges.

Judges and HMCTS staff reported relying on guidance and training from colleagues. Several judges felt ringfenced time for face-to-face training or to explore a test version of the system in a 'sand box' environment should have been set aside. This would have been more effective than having to access online videos or remote sessions outside their working hours.

> "I'm troubleshooting for my colleagues and it would be helpful if I'd been freed up or there was a trainer to teach on a change as big as this."
> **Judge (OCMC)**

> "The only way judges can practice in this system, is on live cases, and you are terrified that you are going to press the wrong button and delete a whole case and it just adds a tier of stress." **Judge (OCMC)**

Over three quarters (78%) of legal professionals had accessed training or guidance on how to use MyHMCTS. Most commonly this was informal training, for example delivered by a colleague (37%), or other written guidance not from HMCTS (31%), as shown in Figure 10. Three-in-ten (29%) legal professionals had received either online training or video/written guidance from HMCTS. Four-in-ten of these legal professionals were satisfied (44%) with this training or guidance from HMCTS, but three-in-ten (30%) were dissatisfied. In qualitative interviews, they reported finding MyHMCTS a matter of 'trial and error' at first.

> "There is a lack of knowledge and training - there was nothing telling us, 'this is how things have to be done from now', but internally we picked it up."
> **Legal professional (OCMC)**

Those legal professionals who did *not* access either the HMCTS online training or the video/written guidance were asked whether they were aware of any HMCTS training or guidance available to them: only 14% were aware. If they were unaware,

they were asked if they would have wanted to access it had they known of its existence and most (77%) said they would.

Figure 10   Training or guidance accessed by legal professionals

Accessed training or guidance on how to use MyHMCTS

Category	Percentage
Informal training, for example, delivered by a colleague	37%
Other written guidance	31%
Formal training delivered by someone else	24%
Video or written guidance produced by HMCTS	22%
An online webinar or online training delivered by HMCTS	14%
Email updates/resources as a result of subscription to a mailing list	13%
None of these	18%

Aware of any training or guidance available

Yes	No	Don't know
14%	74%	12%

If would have wanted to access training or guidance if had been aware

Yes	No	Don't know
77%	9%	14%

■ Yes   ■ No   ■ Don't know

Source: IFF research

Note: D2: Have you accessed any of the training or guidance on how to use MyHMCTS? Base: All legal professionals who were asked about the OCMC service (241). Don't know responses (4%) not shown.
D4: Were you aware of any training or guidance available to you? Base: OCMC legal professionals who did not access HMCTS formal training i.e. HMCTS online training or HMCTS video/written guidance (131).
D6: IF you had been aware of training or guidance that was available, would you have wanted to access this? Base: OCMC legal professionals, who were unaware of HMCTS formal training available (113)

Three-quarters of public users of the OCMC service (75%) recalled receiving information at the outset of their claim about what would happen at each stage. In most cases, this information was proactively given to them by HMCTS (81%). In qualitative interviews with public users, those who felt they had a good understanding of the process had generally read the HMCTS guidance before starting and found it was adequate.

"The guidance gave me the pre-action protocols to know what had to be done....it was relatively easy to follow and act upon." **Public user (OCMC)**

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

Most public users found the processing time reasonable, with only a small minority encountering technical difficulties. There is some evidence to suggest that the reformed service was not working quite as intended for judges, legal professionals and HMCTS staff. Technical and reliability issues prevented them from fully capitalising on the potential efficiencies in processing, as it was not end-to-end for all cases. Although entering case details and uploading documents was typically found easy by legal professionals, most were negative about editing case information and found communication with HMCTS via MyHMCTS very difficult.

On the efficiency of the service, most public users found the processing time reasonable. They generally reported the digital process being relatively easy and felt informed about their case progress. However, public users reported varied experiences with mediation and noted challenges uploading documents. All the groups interviewed generally believed cases were being processed more quickly.

"Certainly for the civil cases it does accelerate a lot of it because in particular from the courts perspective, the order is drawn and emailed to the parties immediately." **Judge (OCMC)**

Two-thirds (66%) of public users agreed that the time taken to process their OCMC case was reasonable (Figure 11). In the interviews, they reported preparing the claim was quick and straightforward, apart from recording the timeline which could be time-consuming.

Figure 11   Public users' extent of agreement with 'the time taken to process your case was reasonable'

Summary: 66% agree				Summary: 17% disagree	
27%	39%	15%	9%	9%	1%
■ Agree strongly	■ Agree	■ Neither agree nor disagree	■ Disagree	■ Disagree strongly	■ Don't know/ None of these
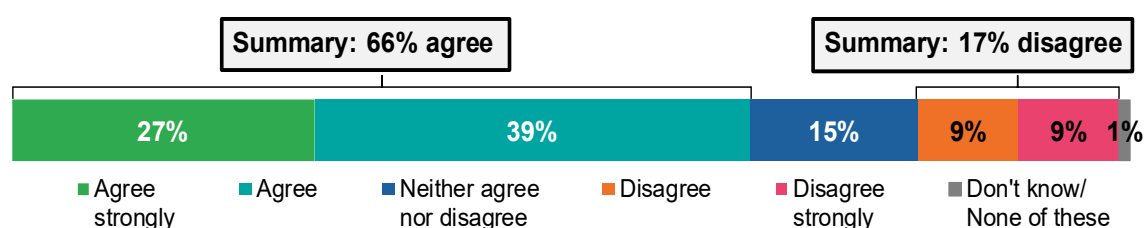
Source: IFF research

Note: E1: Extent of agreement: the time taken to process your case was reasonable. Base: All OCMC public users of the service (1067). Answers do not sum to summary values due to rounding.

Two thirds (65%) of legal professionals said processing cases through MyHMCTS was faster or had not changed compared to the legacy system (Figure 12).

Figure 12   Legal professionals' views on speed of processing OCMC cases using MyHMCTS
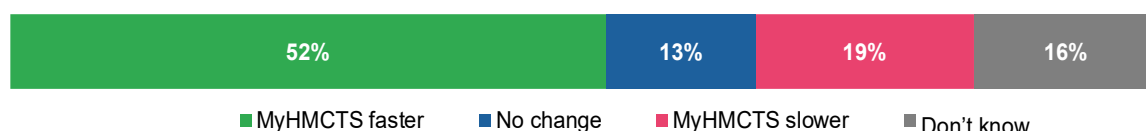
52%	13%	19%	16%

■ MyHMCTS faster   ■ No change   ■ MyHMCTS slower   ■ Don't know

Judges reported that many of their processing tasks took longer, partly because they had to undertake more administrative steps, partly because navigating through the papers and checking they were all present took longer. However, they felt it was a quicker system for the public, especially for small claims.

> "Those that are bringing claims and defending them… are getting a much more immediate response, but that comes with me having to invest far more of my time and me having to do the administrative chores and the workload increasing". **Judge (OCMC)**

For judges and HMCTS staff there was some duplication with not all steps possible on the reformed system. HMCTS staff reported that they had to ensure all information was mirrored on the legacy system (CaseMan) which was used to process the later stages of OCMC cases. In qualitative interviews, legal professionals' views about the efficiency of the reformed system varied. Some felt it was an additional layer of work which meant they spent longer processing cases. Others felt it was quicker and easier to find information, respond to cases being filed online, and complete a range of other tasks.

> "Once you're logged in, everything works. It's all quite clear about how you're meant to use it...all your cases are set out in a list of where they are up to, any important dates and once you click into it, all of the tabs are

helpful in terms of what information you can find out and what documentation is included." **Legal professional (OCMC)**

HMCTS staff generally found the reformed system easy to use compared to the legacy service, with easier filtering of the case list. However, there were some issues with document labelling inconsistencies and retrieval due to limited search options.

In the qualitative research, public users compared the process favourably with other online or government services, feeling the service was supportive for people with little legal knowledge.

"I do self-assessment tax…I think the Courts portal is certainly easier than that to navigate around and find information … [HMRC could learn from] the landing page you find your way to the bits of information you need easier than you can with some of the tax things." **Public user (OCMC)**

Turning to whether the service was easy to use, as shown in Figure 13, most public users found the different stages easy, though claimants generally found these easier than defendants did. In the interviews, public users mentioned uploading documents could be a challenge if they were not digitally proficient. Eight-in-ten (81%) of those who took part in mediation found it easy to access.

Figure 13   Public users of reformed system who found it easy to undertake different stages of process

Stage	%
Starting the application (applicants only)	91%
Finding the form to make your application (applicants only)	85%
Accessing mediation*	80%
Providing documents or other evidence*	77%
Finding the form to respond to the case against you (defendants only)	76%
Responding to any queries raised by the court, other parties or HMCTS*	72%
Making your initial response (defendants only)	70%
Keeping track of what was going on with your case*	69%

Source: IFF research

Note: D7: How easy or difficult were the following….? All OCMC public users (1067); Of which, claimants (794); Of which, defendants (273).
* All excluding those who answered n/a, providing documents or other evidence, (8% n/a, leaving a base of 1,001), responding to any queries raised (26% n/a leaving a base of 789), keeping track of what was going on with the case (2% n/a leaving a base of 1,041), accessing mediation (10% n/a leaving a base of 315).

Legal professionals were also more likely to find entering case details and creating cases straightforward. They were least likely to find managing multiple cases (28%), assigning a case to another legal professional (25%), and editing case information (21%) easy, although a sizeable proportion said these tasks were not applicable to them (Figure 14).

Figure 14   Whether legal professionals found different stages of OCMC cases easy or difficult in MyHMCTS

	Summary: Easy	Summary: Difficult
Creating cases	43%	19%
Assigning a case to another LP~	25%	23%
Managing multiple cases	28%	28%
Navigating around MyHMCTS	38%	34%
Entering case details	55%	16%
Uploading documents	53%	23%
Reviewing case materials	43%	25%
Tracking the progress of cases	47%	27%
Editing case information	21%	37%

Legend: Very easy; Fairly easy; Neither easy nor difficult; Fairly difficult; Very difficult; Someone else is solely responsible; Not applicable

Source: IFF research

Note: B11/ B12: Thinking about OCMC cases you have worked on in MyHMCTS in the last six months, how easy or difficult did you find the following stages? Base: All legal professionals who were asked about the OCMC service (241).

~LP = legal professional. |Assigning a case to another legal professional Base: OCMC users only, asked OCMC specific questions, 146. Answers do not sum to 100% due to rounding.

In terms of communication, around seven-in-ten public users found it easy to respond to queries raised by the court, other parties or HMCTS (72%), and to keep track of what was going on with their case (69%).[24] The majority (85%) of public users reported that they were kept informed of the progress of their case.[25] About seven-in-ten (71%) public users said that they made use of the digital service to

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[24] These figures exclude public users who answered 'n/a', percentages are therefore of public users for whom these steps applied.

[25] 54% fully informed and 31% partially informed; a minority (13%) felt not at all informed.

track the progress of their cases: claimants were more likely to do so (75%) than defendants (59%).

Nearly two thirds of OCMC public users (65%) recalled receiving notifications or updates about what stage their case had reached.[26] Among those who received notifications, four-fifths (79%) said they received the right amount, although a fifth (20%) said they did not receive enough. The qualitative interviews found some public users were satisfied with the information provided when tracking progress, but others were disappointed it did not provide a date or further information. HMCTS staff reported progress information for public users online was limited, so users often telephoned asking for more information.

> "We'll get a lot of calls saying like is there no way that you could just put like a timeline so we can see when someone's last looked at it or like an auto something that says every couple of weeks we've not forgotten about you, we're still working on it. Because they're sort of told that everything will be handled online and they go online and there's no update whatsoever from it." **HMCTS staff (OCMC)**

Legal professionals were more likely to find communicating with the courts or with HMCTS/CTSC for cases in MyHMCTS to be difficult (Figure 15). They had mixed views about the MyHMCTS platform's capabilities in tracking progress of cases. They were more likely to agree (42%) than disagree (27%) that they themselves were kept well informed about the progress of the case. However, similar proportions agreed (21%) and disagreed (26%) that it was easy to keep their clients informed (or keep their organisation/department informed if they were a department representative).

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[26] This proportion was higher among claimants than defendants (70% vs. 56%)

Figure 15   Legal professionals' views on ease of communication and whether kept informed of progress when using MyHMCTS
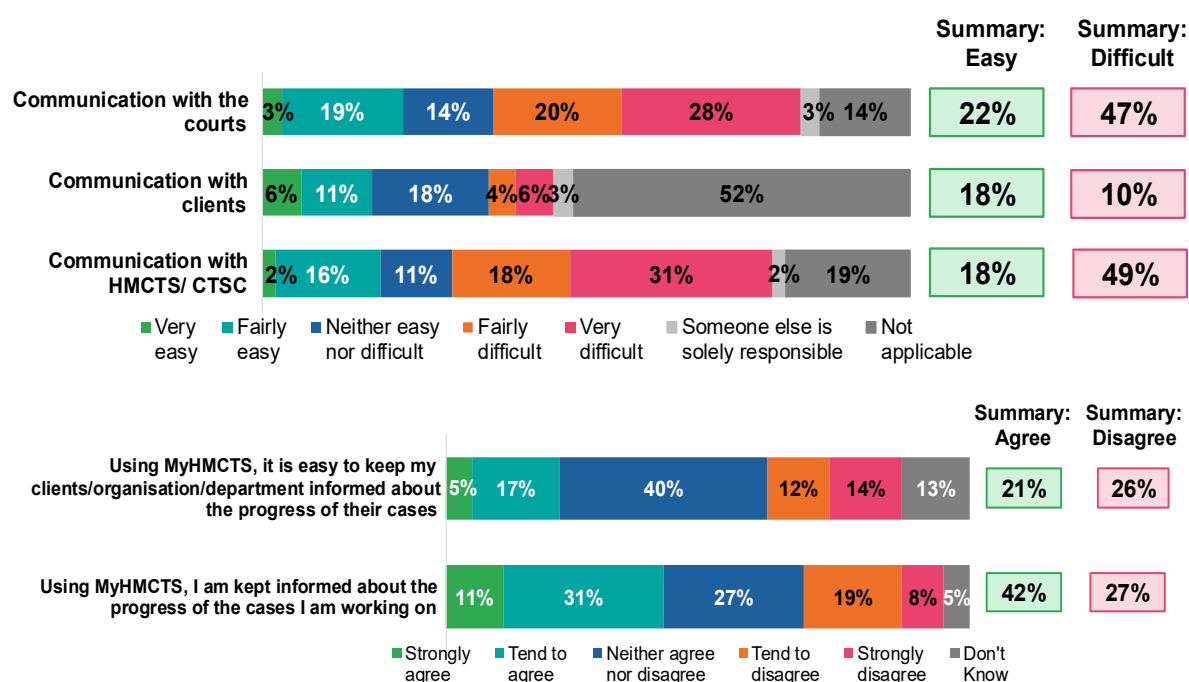
Source: IFF research

Note: B13: Thinking specifically about the last six months, how easy or difficult did you find the following stages of working on OCMC cases in MyHMCTS? E1-1/ F1-3: To what extent do you agree that…? Base: All legal professionals who were asked about the OCMC service (241). Answers do not sum to 100% and to summary values due to rounding.

In the public user survey, only a small minority of users (17%) reported experiencing technical difficulties. Most commonly this was losing information previously entered (8%), the website crashing (7%), or being locked out of their account (7%).

In contrast to public users, legal professionals, judges and HMCTS staff reported multiple technical issues, including frequent downtime and 'lags', but acknowledged that these had become less frequent.

> "Each time that I'm clicking on a link there is a lag which is, you know, it's only a few seconds [for each click, but] this adds up when you're dealing with 20 or 30 cases in a day." **Judge (OCMC**)

Overall, most legal professionals (86%) reported experiencing technical issues with the MyHMCTS service. As shown in Figure 16, the most common technical problems legal professionals faced were: the platform crashing (47%), difficulty uploading documents (47%), and not being able to provide accurate or additional information (41%). In qualitative interviews, some legal professionals added that drop-down

options did not always show, limits on maximum claim amounts were inconsistent and they could not always save their work when logging off.

Figure 16   Technical difficulties experienced by legal professionals using reformed service

MyHMCTS crashing	47%
Difficulties uploading documents	47%
Unable to provide accurate or additional information	41%
Elements of legacy processes missing or different in the MyHMCTS service	31%
Loss of information entered/Unable to save work	23%
Forgotten password/Locked out of your account	20%
Connectivity issues (e.g., Wi-Fi or VPN)	19%
Duplicate questions	15%
None of technical issues asked about*	14%

Source: IFF research
*Note: C5: Have you experienced any of the following technical issues when using MyHMCTS? Base: All legal professionals who were asked about OCMC (241). *Answers given by less than 6% not shown.*

Of those legal professionals that reported experiencing technical difficulties with the service, under half (45%) said they did not receive any support. This was most commonly because they did not know if technical support from HMCTS was available (32%), they resolved the issue themselves (27%), a colleague provided support (22%), and/or they did not know how to access support from HMCTS (21%).

The most common source of technical support used was from MyHMCTS support via email (38% of those experiencing technical issues), followed by the CTSC (13%), HMCTS (although unsure from which team) (11%), or local or regional court or office (8%). Those who received any technical support from HMCTS had mixed views on the quality – a third (33%) were satisfied and just over a third (35%) were dissatisfied. In interviews, legal professionals said a lack of support could result in cases 'dropping out' of the digital system.

Most of the judges had an email address they would use if they needed formal support around the use of the reformed service. One reported waiting times for issues to be resolved varied, another that more technical assistance from HMCTS

digital support officers will continue to be required as judges struggle to complete some tasks.

> "Sometimes you have to chase [support]… I had one case that I kept emailing them and emailing them and they never got back to me."

<div align="right">Judge (OCMC)</div>

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

4.2.2.a Access to justice

Legal professionals did not provide any strong evidence that the reforms had reduced access to justice for represented users. While more professionals gave negative than positive views on MyHMCTS' effect on access to justice, most of those who had a view thought it had made no difference either way.

Around three-fifths (62%) of OCMC legal professionals thought the roll out of MyHMCTS had maintained or improved their clients' access to justice (Figure 17).

Figure 17   Legal professionals' feelings on whether the roll out of MyHMCTS has improved clients' access to justice

Summary: 15% improved		Summary: 23% reduced	

2%	13%	47%	14%	9%	14%
Improved a lot	Improved somewhat	Remained the same	Reduced somewhat	Reduced a lot	Don't know
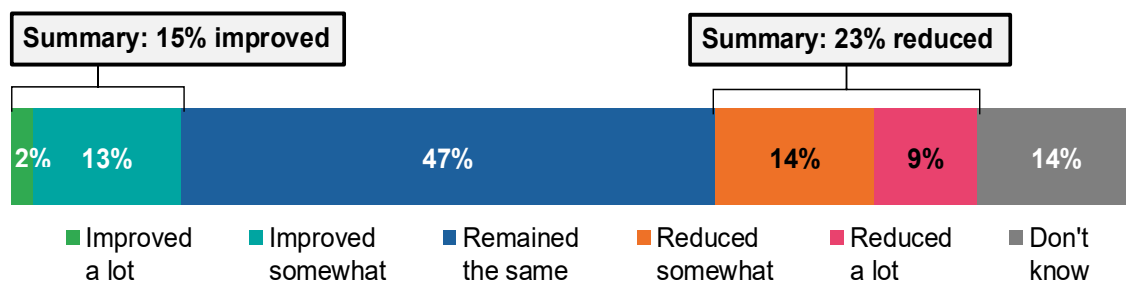
Source: IFF research

Note: G4: To what extent do you feel the roll out of MyHMCTS has affected clients' access to justice? Base: All legal professionals who were asked about the OCMC service, except Department representatives (239). Answers do not sum to 100% due to rounding.

Figure 18 Legal professionals' views on whether the MyHMCTS service has affected clients' access to justice, or access to a decision in accordance with the law
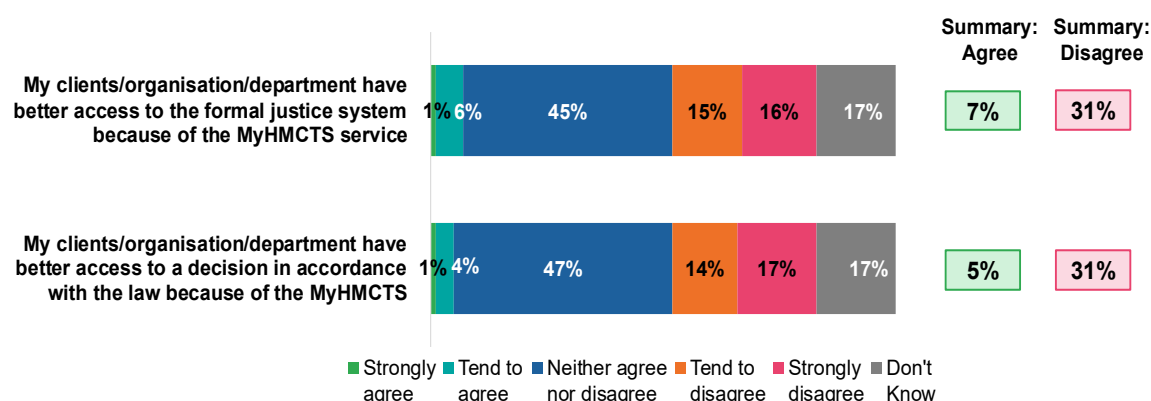
As Figure 18 shows, around half of OCMC legal professionals felt there was no change in how MyHMCTS service had provided their clients/organisation/department access to the formal justice system (45%) or to a decision in accordance with the law (47%). However, they were more likely to disagree (31%) than to agree (7%) that the MyHMCTS service had provided their clients/organisation/department with better access to the formal justice system, or better access to a decision in accordance with the law (31% disagreed and 5% agreed) (Figure 18).

4.2.2.b Fair handling

Findings from the public user survey show the new digital service facilitated access to justice as most public users felt their application was processed fairly, had confidence in how their application was handled and that their case was given due care and attention.

This was not necessarily the view amongst legal professionals: only 25% agreed cases processed via MyHMCTS were treated fairly, though more (41%) felt there was no change in fairness compared to the legacy system. Legal professionals' trust in MyHMCTS varied according to case sensitivity and complexity, with around half not trusting it for complex cases (which could be seen as having more limited access to justice via the digital system).

In the public user survey, two-thirds (66%) of OCMC public users were satisfied with the outcome of their case, whilst a quarter (24%) were dissatisfied.[27] The majority of OCMC public users agreed that their application was processed fairly (73%), they had confidence in how their application was handled (62%), and their case was given due care and attention (61%), (see Figure 19).

Figure 19   Public users' extent of agreement with statements about trust in handling of case

I had confidence in how the court or tribunal handled my application	62%
My case/application was processed fairly by HMCTS	73%
My case/application was given an appropriate amount of care and attention	61%
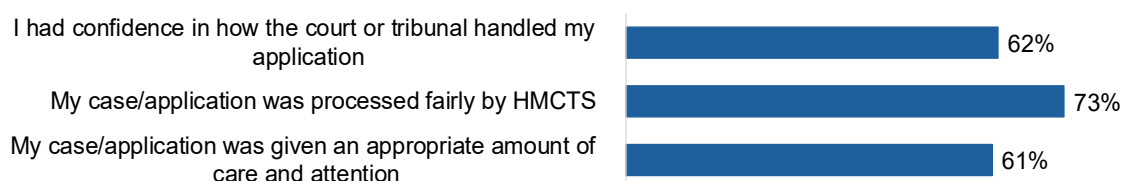
Source: IFF research

Note: H4: To what extent do you agree that…? Base: All OCMC public users (1067).

Over half of legal professionals (59%) felt clients understood the outcome of their case to the same extent or better when it is handled by MyHMCTS compared to the legacy service, although a quarter (26%) did not know, as shown in Figure 20.

Figure 20   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

Summary: 2% better   Summary: 15% worse

1%	1%	57%	7%	8%	26%

■ Understands outcomes a lot better on MyHMCTS than on legacy system   ■ A little better   ■ The same   ■ A little worse   ■ A lot worse   ■ Don't know
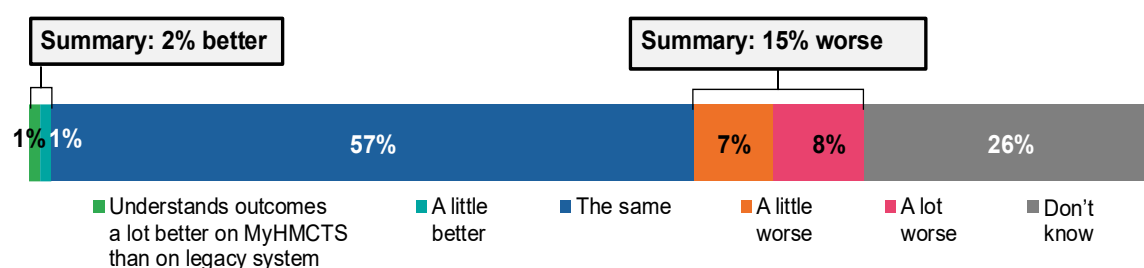
Source: IFF research

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 legal professionals asked about the OCMC service, except Department representatives (239).

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[27] Overall, controlling for case outcome. Respondents whose claim was decided fully or partly in their favour were significantly more likely to be satisfied with the outcome of their case than respondents whose claim was denied/not decided in their favour (84% vs 34%). Conversely, respondents whose claim was decided fully or partly in their favour were significantly less likely to be dissatisfied with the outcome of their case than respondents whose claim was denied/not decided in their favour (10% vs 50%).

When asked a similar question as to whether cases handled through MyHMCTS are treated fairly, there was again a split opinion (25% agreed, 23% disagreed and 40% neither agreed nor disagreed).

Half (52%) 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 a third (32%) did not know, as shown in Figure 21.

Figure 21   Legal professionals' views on fairness of OCMC cases processed using MyHMCTS, compared to those processed using the legacy service

11%	41%	16%	32%

- Cases using MyHMCTS processed more fairly by HMCTS than those using the legacy service
- No impact
- MyHMCTS less fair
- Don't know
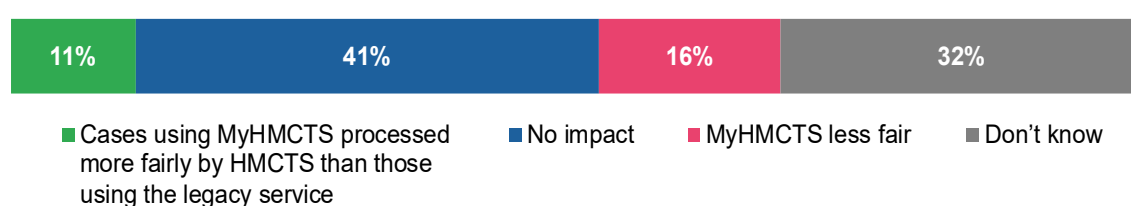
Source: IFF research

Note: E3: Compared to using the legacy service, how does using MyHMCTS service affect how fairly cases are processed by HMCTS? Base: All legal professionals asked about the OCMC service (241). Answers do not sum to 100% due to rounding.

Half of legal professionals (49%) trusted MyHMCTS for handling simple cases and 38% trusted it for handling less sensitive cases, but only 16% trusted it for handling complex or more sensitive cases, see Figure 22.

Figure 22   Legal professionals' trust of fair handling of OCMC cases processed using MyHMCTS
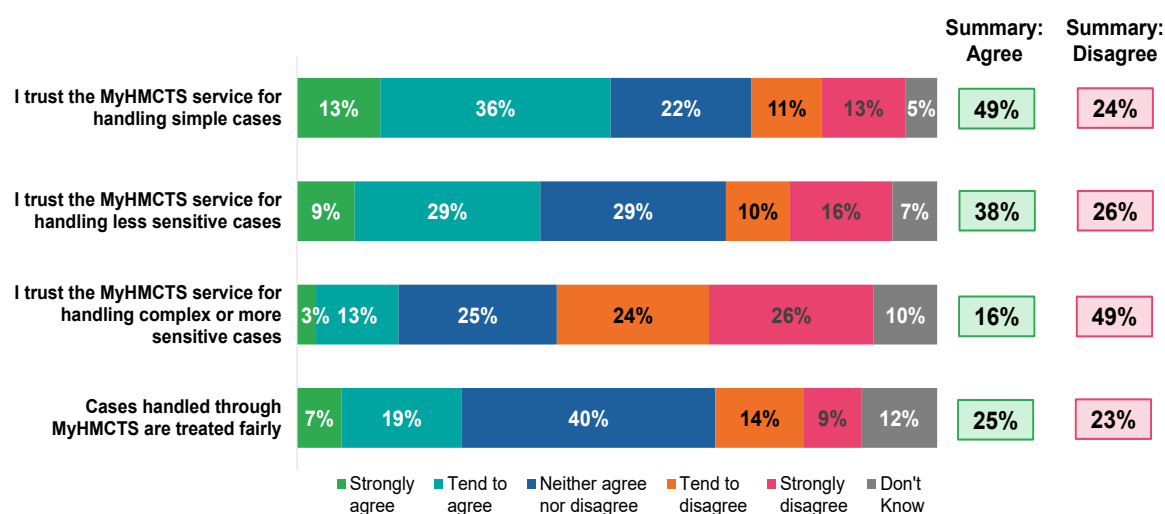
							Summary: Agree	Summary: Disagree
I trust the MyHMCTS service for handling simple cases	13%	36%	22%	11%	13%	5%	49%	24%
I trust the MyHMCTS service for handling less sensitive cases	9%	29%	29%	10%	16%	7%	38%	26%
I trust the MyHMCTS service for handling complex or more sensitive cases	3% 13%	25%	24%	26%	10%		16%	49%
Cases handled through MyHMCTS are treated fairly	7%	19%	40%	14%	9%	12%	25%	23%

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't Know

Source: IFF research

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?

Around one in ten public users reported they had made a mistake or omission in the information provided for their case. HMCTS staff attributed this to instructions not being sufficiently clear on GOV.UK.

Six-in-ten legal professionals reported they had made an error themselves while using MyHMCTS. However, there was only limited evidence that errors occur more often in the reformed service compared to the legacy service.

Judges felt errors were more prevalent and harder to rectify in the reformed service compared to legacy, for example users not uploading all the case documents to the correct location.

4.2.3.a   User errors caused by public users

In the survey of OCMC public users, around one in ten (11%) reported that they made mistakes or omissions in the information that they provided for their case. The vast majority (86%) said they made no errors, whilst three per cent were unsure.

In the interviews, HMCTS staff highlighted concerns raised by public users regarding the clarity of instructions, particularly in cases involving counterclaims when sometimes public users initiated new claims instead of responding to the original one. This meant HMCTS staff would have to run them as two separate claims, with separate claim numbers, until both dropped out of MyHMCTS at the point of reaching court and could be amalgamated on the legacy service. This not only resulted in more administrative work for HMCTS staff, but also in non-refundable costs for public users by opening a new claim, which occasionally led to official complaints.

> "The website shouldn't direct you that way because especially if you're not tech savvy or you've never done it before, how would you know that it's wrong?" **HMCTS staff (OCMC)**

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

Three fifths (60%) of legal professionals said they made errors themselves while using MyHMCTS. In the interviews, they attributed some errors to a lack of initial training. They also fed back that some questions lacked an option for providing additional details in an 'other' box, hindering their ability to accurately respond. Over half of legal professionals (53%) thought errors were made by other parties using MyHMCTS at least occasionally.

Judges reported solicitors did not always upload all the documents needed for a case, or they could not locate them. Some contacted public users directly to obtain them which they felt was inappropriate. Some also reported that files were uploaded by HMCTS too late or were poorly labelled.

Legal professionals and judges reported that it could be difficult and slow to rectify errors. This could be due to there being fewer court staff to help, but also due to system issues, such being unable to retrieve information already submitted in 'My Tasks'.

> "Courts are understaffed and there have been so many cuts that trying to find someone to get a response is difficult." **Legal professional (OCMC)**

Legal professionals' views were mixed as to whether the error rate was lower when using the new MyHMCTS platform compared to the legacy system. Around four-in-ten (39%) thought there were fewer or a similar number of errors, and a similar proportion (37%) thought that the frequency of errors occurring was greater when using MyHMCTS (Figure 23).

Figure 23   Legal professionals' views on frequency of errors using MyHMCTS, compared to the legacy service
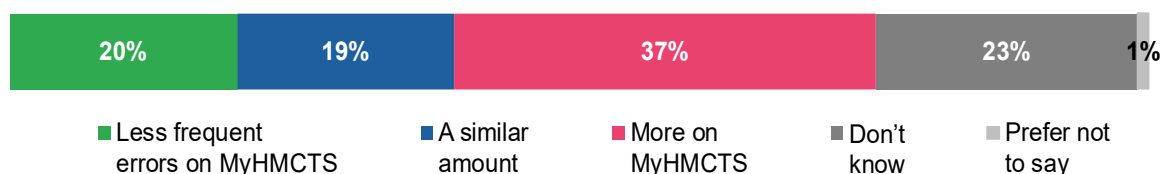
20%	19%	37%	23%	1%
■ Less frequent errors on MyHMCTS	■ A similar amount	■ More on MyHMCTS	■ Don't know	■ Prefer not to say

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

Across all user groups, there was little evidence to suggest fundamental differences between the processes involved with digital and non-digital channels. Most legal professionals felt their clients/ organisation receive a consistent service, regardless of whether they used MyHMCTS or the legacy system.

Judges largely felt the processes were the same.

In qualitative interviews, legal professionals did not flag particular inconsistencies in process between the channels. In the survey over half of legal professionals (57%) agreed that the service their clients/ organisation receive is consistent, regardless of whether they used MyHMCTS or the legacy system, and only one in six (16%) disagreed. A fifth (21%) neither agreed nor disagreed and seven per cent were unsure.

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

4.2.5.a   Ease of access for public users

There were no major issues reported by public users in accessing the reformed service and initiating a claim.

The survey of public users covered only those whose claims were submitted via the reformed digital channel. Therefore, it was unable to capture evidence on what barriers may prevent users from using the digital service at all, or how many users this may affect.

Once they had submitted their claim, nearly two thirds (65%) of all OCMC public users said that the online/digital/GOV.UK service was their main method of communication with HMCTS, and a further fifth (20%) said that it was email. However, one-in-eight users (12%) may have encountered barriers and used offline

channels as their main method of communication (including telephone, paper forms and in-person communication). Only four per cent reported that they did not use the digital channel at all; most of these were respondents.

Nearly half of public users had accessed the service mainly using a laptop (42%) and a quarter (24%) mainly used a desktop computer. A quarter (26%) were mainly using a mobile phone, which may have made access more difficult (for example, when uploading or reading documents). Users most likely to use mainly a mobile phone to access the digital service were younger users aged 18-34 (47% of this group used mainly a mobile phone), those with lower incomes under £14,000 (40%), and female users (37%, v 21% of males).

In the interviews, public users reported it was easy to access the reformed service and start a claim due to the link being provided in the initial email, and that it was easy to understand the overall process. Public users were used to undertaking tasks online. However, some would like more links to explain technical or legal terminology. Some public users felt more information was needed about the process for more complex cases, and some found uploading documents difficult. There were also difficulties understanding and accessing the mediation offer. Some users thought the service switching to offline partway was disappointing.

4.2.5.b Ease of access for the judiciary and HMCTS staff

The reformed system presents barriers and enablers for the judiciary and HMCTS staff. However, HMCTS staff generally found Manage Cases easy to access and more user-friendly than the legacy system.

In qualitative interviews, a few judges reported the reformed system was not easy to access as it is not tailored to judges' needs. For example, not being able to locate documents. These issues could lead to claims dropping out of the reformed service into the legacy service as cases progressed.

HMCTS staff reported in interviews it was very easy to access Manage Cases and that it was more user friendly than the legacy system.

> "I just think it's really simple and easy. Compared to the legacy process, the
> fact that we don't have to do with code for every single thing, we can just

leave a note that says what we've done and that's great. And the fact that there's only like 6 tabs is wonderful...Everything sort of filed and easy to find places." **HMCTS staff (OCMC)**

Nevertheless, one HMCTS staff member expressed frustration for having to use both systems at the same time, which increased their administrative work.

4.2.5.c Ease of access for legal professionals

Legal professionals reported some barriers to accessing the system - a lack of training or information on how to set up their accounts and a lack of confidence in using the MyHMCTS service, with only 10% very confident. The system being too complex, and unmet support needs were raised as barriers to confident use.

In the legal professionals survey, nearly one third (32%) reported setting up their MyHMCTS account themselves, whilst almost two thirds (64%) had someone else set it up on their behalf. Legal professionals who set up the account themselves were more likely to report that setting up their account on MyHMCTS was easy (41%) than that it was difficult (25%). Those who said someone else set up the account for them, typically reported that it was because someone else in the firm or organisation routinely does this for everyone in the business (87%).

Around eight-in-ten (79%) legal professionals had at least some degree of confidence in using the MyHMCTS system, although only a tenth (10%) were very confident (Figure 24). Those who expressed any level of confidence were asked why and the top reasons they gave were: previous/regular use (27%), or it was easy to use (24%). Nevertheless, a tenth said it has functionality limitations e.g. unable to make amendments (10%), or it was a complicated process (10%), and six per cent said they require additional support including training/guidance.

Figure 24   Legal professionals' confidence in using MyHMCTS
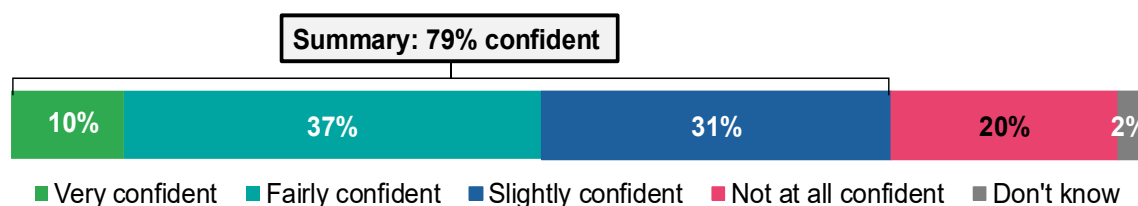
Source: IFF research

Note: D12: In your work now, how confident do you feel using MyHMCTS? Base: All legal professionals asked about the OCMC service (241).

The fifth of legal professionals (20%) who said they were not at all confident gave a variety of reasons, the most common of which were:[28]

- It is a complicated process,

- they require additional support including training/guidance,

- it is unfit for purpose,

- it is unreliable/doesn't work,

- it is unclear or repetitive.

In the interviews, legal professionals flagged that they did not receive any guidance on how to set up their account or it was insufficient. Some suggested an instructional video would have been useful.

4.2.5.d   'Dropping out' from the digital channel to the paper channel

The OCMC service is not end-to-end digital, with cases 'dropping out' to be processed on paper in a range of circumstances. Over seven-in-ten legal professionals reported that cases 'dropout' of the MyHMCTS system (to be processed on paper) as they are not supported by the system, half reported that other parties decide to move offline and four-in-ten that they themselves decided to proceed offline. HMCTS staff reported 'dropout' was triggered by counter claims, response by email, and when a case reaches the court.

In qualitative interviews, HMCTS staff reported that all OCMC cases dropped out of Manage Cases at some point of the process and had to be progressed on legacy systems. This could be due to a counter claim, a response to a claim by email, being LiP, or reaching the court stage. Less frequently it is due to voluntary dropout (firms may initiate a claim on the reformed service but intentionally chose to discontinue it at a later stage).

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[28] Percentages not reported due to low base size. Reasons with fewer than 10 responses not reported.

HMCTS staff reported public user confusion around the process when it drops out of Manage Cases. They may continue to log in to MyHMCTS and request a judgment, unaware the claim was no longer being processed digitally.

In the legal professionals survey, the proportions who said that cases drop out for different reasons were as follows:

- 75% reported the case drops out of the digital service automatically when reaching a stage that is not supported by MyHMCTS.

- 40% when they themselves choose to proceed with the case using the offline/ paper channel.

- 52% because other parties choose to proceed with the case using the offline/ paper channel.

Legal professionals were similarly likely to move cases offline when creating the case, when uploading documents, when reviewing cases, when editing case information, when communicating with courts or when communicating with clients (14% - 20% at each stage).

The three quarters of legal professionals who said that cases started in MyHMCTS dropout of the service and get processed offline for any reason other than their choice, most commonly said this was because the case was no longer eligible for MyHMCTS (69%). This was followed by: the other party not being represented (45%), the case becoming too complex (40%), technical issues with MyHMCTS e.g. setting up the account or making payment (37%) and the other party not being registered on MyHMCTS (36%).

4.2.5.e Support and how issues are resolved

Low awareness of the support offer could be a barrier to accessing digital services. Judges and legal professionals often sought support from colleagues, whilst public users called court staff with questions. Amongst some who did access HMCTS support there were complaints that staff were unable to help as they did not have the specific information about their case, and that they did not respond in a timely manner. Though others reported support enabled them to continue using the service.

In the public user survey, one in ten (10%) users reported receiving support or assistance with their case. Where support was received, this was most commonly from a family member or friend who was not legally qualified (28% of those receiving support), or from the CTSC (27%). Other sources of support included a charity or support organisation e.g. Citizens Advice or Support through Court (19%), a family member or friend who is legally qualified (18%), HMCTS Digital Support Service (16%), or their solicitor (10%).

Awareness of the HMCTS Digital Support Service among public users was somewhat limited: three-in-ten (31%) who did not receive HMCTS digital support to use the reformed services were aware that support was available. Of those unaware, over half (53%) stated that they would have liked to access this support if they had known it was available. Therefore, of all OCMC cases, two per cent accessed digital support, two-thirds (64%) did not access digital support but did not want it, whilst one third (34%) wanted digital support but did not access it. This latter proportion, who expressed unmet demand for support, was higher among the following subgroups:

- defendants compared to claimants (40% vs. 32%),

- those who reported mistakes made during their case compared to those who did not (52% vs. 31%),

- those who felt not at all informed compared to those who felt fully informed (55% vs. 24%),

- female service users compared to male service users (39% vs. 32%), and

- those from a minority ethnic group (excluding white minorities) (51% vs. 31% White ethnic group).

In the qualitative interviews, HMCTS staff reported frequently enabling public users to access the digital service, helping with logins and uploading documents.

In the legal professional survey, four-in-ten (43%) felt they needed general support. Those accessing support typically did so from colleagues (71%). Fewer of those who accessed support source it directly from HMCTS, including CTSCs or MyHMCTS Support (42%), from written guidance or training resources (30%), or from online

webinars or videos (10%). If written guidance and online webinars includes those provided by HMCTS[29] then it would mean that up to around a quarter (27%) needed and accessed HMCTS support. However, at least 15% needed support but did not access it from HMCTS, though they may have done so from colleagues or other sources (Figure 25). HMCTS staff members reported enabling legal professionals to use the digital system by helping them to register individuals to work on claims.

Figure 25   Legal professionals' general (non-technical) MyHMCTS support needs and whether accessed support

51%	27%	15%	8%

■No general MyHMCTS support needs   ■Needed general MyHMCTS support and accessed HMCTS support   ■Needed general MyHMCTS support but did not access HMCTS support   ■Don't know
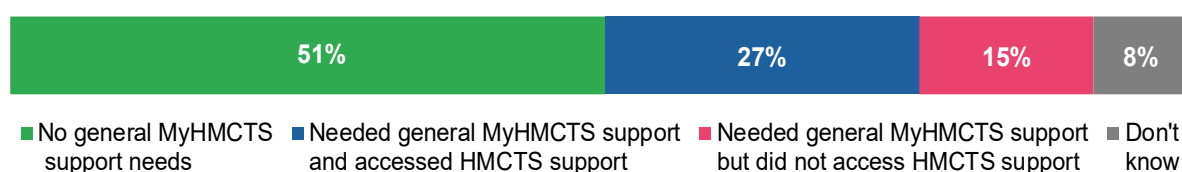
Source: IFF research

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 legal professionals asked about the OCMC service (241). 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. Answers do not sum to 100% due to rounding.

Slow support could be a barrier and result in legal professionals deciding to switch from the digital channel to paper, as reported above. Over two-thirds (68%) were dissatisfied with how quickly they were able to communicate with someone about their issue, and half (51%) with how quickly the issue was resolved. The telephone helpline was cited as particularly unhelpful, with long wait times and staff who were unfamiliar with the reformed service. Email support was also criticised for its slow response time, with some professionals reporting it taking several weeks to receive a response. They felt a personal contact might enable them to access the digital service for more complex cases.

"It is generally an email and you have to wait for a response...it would be great to have a person you could speak to... that would be wonderful and that would make it work." **Legal professional (OCMC)**

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[29] Written guidance and online videos may also include those produced by non-HMCTS sources such as respondents' employers or professional bodies.

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

Overall, all groups felt the service being online was positive for public users – it was generally accessible and quicker. Most public users were satisfied with the service, and a large majority reported they would recommend it and use again in the future. HMCTS staff found processes more efficient.

However legal professionals and judges felt the reform had had a substantial impact on their working lives, with more time spent on administrative work. Satisfaction levels amongst legal professionals were mixed and while many expressed a preference for the legacy service or cited issues such as delays and technical issues, others appreciated the efficiency and reduced paperwork of the reformed service.

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

Overall satisfaction with the service received from HMCTS measured in the survey of OCMC public users was relatively high, at 71% satisfied (Figure 26). Four-fifths (79%) said that they would use this channel again in the future if they were to bring another case or application to HMCTS (or respond to one).

Figure 26   Public users' overall satisfaction
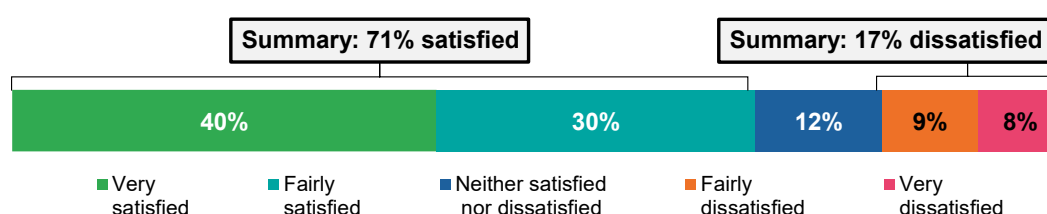
Source: IFF research

Note: H5 Leaving aside the outcome of your case, how satisfied were you with the service you received from HMCTS overall. Base: All OCMC public users of the service (1067). Answers do not sum to 100% and to summary values due to rounding.

In the qualitative interviews, public users praised the convenience of the reformed service because it was a clear and straightforward process, and they could use it at a time and place that best suited them. However, some found the service not being end-to-end digital confusing, for example receiving hearing details in the post, mediation not being arranged smoothly and where cases were more complex.

"It's direct, it's clear, and the process goes exactly the way it says it will do."

Public user (OCMC)

Those who would not choose a digital service in future felt it needed to be more personalised, and that they would need legal representation to help them.

4.2.6.b   Overall views and impact on working life for judiciary, HMCTS staff and legal professionals

Judges, HMCTS staff and legal professionals noted that overall, OCMC is a good service. It used less paper, was more efficient and facilitated quicker outcomes for smaller claims. However, it had had a substantial impact on the working lives of judges and legal professionals resulting in more administrative work. They emphasised the need for improvements, and were concerned the impact on their workloads had not been fully recognised.

"Think it's a good system, definitely the way to go forward to the future. But…...we've got it - now make it better… we shouldn't be stuck with it."

Judge (OCMC)

"There is no doubt both on legacy and on digital we are having to do a lot more admin despite the senior judiciary and everyone else that doesn't have to do it saying, 'Oh this is a great system to help judges do their work".

Judge (OCMC)

Judges were also concerned about the service seeming unprofessional if they could not access documents during hearings, either as they could not be located within the system or due to the system crashing.

HMCTS staff were generally positive about the reform's impact on their working life, particularly being able to work hours that suited them, sometimes outside of usual working hours. However, the duplication of having to use two systems was time-consuming.

Legal professionals had divided opinions: 37% were satisfied and 36% were dissatisfied with the overall service (Figure 27).

Figure 27   Legal professionals' overall satisfaction with MyHMCTS service

Summary: 37% satisfied			Summary: 36% dissatisfied		
4% / 33%	23%	18%	18%	4%	

- Very satisfied
- Fairly satisfied
- Neither satisfied nor dissatisfied
- Fairly dissatisfied
- Very dissatisfied
- Don't know
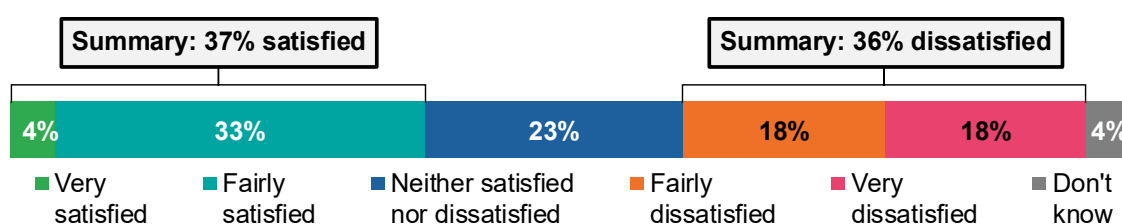
Source: IFF research

Note: G5: Overall, how satisfied or dissatisfied are you with the MyHMCTS service? Base: All legal professionals who were asked about the OCMC service (241)

Over a third (35%) said they would prefer to use the legacy service and 28% said it depends on case characteristics; 27% said they would prefer to use MyHMCTS (Figure 28).

Figure 28   Legal professionals' preference for MyHMCTS compared to legacy system

27%	28%	35%	6%	3%

- MyHMCTS
- It depends on the case characteristics
- Legacy service
- No preference
- Don't know

Source: IFF research

Note: B5: Would you prefer to use MyHMCTS or the legacy service? Base: All legal professionals asked about the OCMC service (241). Answers do not sum to 100% due to rounding.

Over a third of legal professionals (37%) said they did not know what the main benefit of MyHMCTS was for them personally and one-in-six (16%) said there were no benefits or made a negative comment. In the qualitative interviews, delays, technical issues and slow and unhelpful support were the major frustrations with MyHMCTS, as these lead to delays (and extra fees) which clients blame them for.

Some legal professionals were frustrated that the reformed system meant they had to adapt their way of working, as it is harder to hand over tasks to more junior staff.

> "It doesn't fit with our set up so well.... Our fee earners are not designed to be data inputters, our secretaries are designed to type quickly…input and typing is not done by the person with the information."
>
> **Legal professional (OCMC)**

However, a variety of positive benefits were reported by legal professionals, including efficiency (32%), ease of use (13%), ease of tracking (7%) and accessibility (5%).

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 recent changes since fieldwork was conducted (January 2023 – February 2024).

Suggestions made specifically by research participants

- Ensure better facilitation of the mediation process *(Public users).*

- Speed up introducing end-to-end processing to reduce duplication of work *(HMCTS staff and legal professionals).*

- Provide timely support around the use of the reformed service *(Public users and Legal professionals).*

- Digitalise offline elements such as arranging a court hearing *(Public users).*

- Implement more constraints to prevent the opposing party from trying to take actions outside the proper process via email or other means *(Public users).*

- Provide links to further information such as technical and legal terminology for public users *(Public users).*

- Provide greater clarity on next steps and when will things happen *(Public users).*

- Provide 'other' options for supplementary information and 'other' answers for non-standard cases *(Legal professionals).*

- Enable errors to be rectified more easily by HMCTS staff, judiciary and legal professionals *(HMCTS staff and Judiciary).*

Suggestions based on analysis

- Provide clearer instructions for public users on the information required, including how to create a counter claim.

- Provide more updates or reassurance for public users and legal professionals that their case is being dealt with and clarify when the case has dropped out of the reformed system. Comprehensive training and clearer instructions.

- Resolve technical issues with the system e.g. glitches, crashes, log-in difficulties.

5. Conclusions

5.1 Impact evaluation key findings

Findings from the impact evaluation show that digital reform to OCMC has contributed to changes in some, though not all, outcomes identified in the Theory of Change.

Drawing on evidence from MI, surveys, and interviews, the reform itself can be considered to have contributed to a limited extent to improved digital uptake and overall access to justice. The data showed that the uptake of OCMC was modest. Additionally, evidence suggests ease of use at the initial stages was tempered by some barriers later in the process. An overall increase in users' aptitude for using digital services as part of a wider societal trend is likely to have contributed to the observed increase in the OCMC uptake.

There is mixed evidence of a modest contribution of the reform to improved efficiencies and speed of access to justice. There have been consistent reductions in time to achieve a case outcome since the introduction of the OCMC service. Digital features such as the automation and immediate emailing of orders are thought to contribute towards these improvements. However, the most likely contextual driver was related to increases in the number of staff processing OCMC claims. Ethnic minorities and claimants for whom English/Welsh is not their first language have a higher proportion of cases referred to mediation but a lower rate of successful mediation. This suggests that speed of access to justice may not have improved to the same extent for these claimant groups. However, data limitations mean that this finding should be treated with caution.

5.2 Process evaluation key findings

Evidence showed that implementation of the OCMC service faced several issues. Most legal professionals felt unprepared for the new service and experienced technical difficulties. Difficulties were also encountered when editing information and providing additional detail for more complex cases, when attempting to rectify errors,

and when communicating via MyHMCTS. As the service is not end-to-end digital there was also duplication of work for HMCTS staff, and some confusion for public users. Cases commonly 'dropped out' of the MyHMCTS system (to instead be processed on paper) as they were not supported by the system.

There was mixed evidence regarding how users are experiencing the OCMC system. One the one hand, most public users were satisfied with the digital service and judges, HMCTS staff and legal professionals generally thought public users were receiving a more efficient service. On the other hand, legal professionals' overall satisfaction was mixed and over a third preferred the legacy services, at the time when the research was conducted. Legal professionals and judges also reported increased administrative burdens.

Findings were positive overall regarding the impact of the reformed service on access to justice outcomes. Most public users were mainly satisfied with the outcome of their case, and thought it was processed fairly. Most legal professionals did not think the reforms had reduced clients' access to justice. HMCTS staff and judges also found processing cases digitally more efficient and most public users found the processing time reasonable, and the digital process straightforward.

5.3   Implications

Several suggestions for improvements to the digital OCMC service emerged from the findings, including:

- Improving some key issues of the digital service by expanding the service to end-to-end processing, enabling errors to be rectified more easily and resolving technical issues

- Improving some service features, for example by providing more updates on case progression, digitalising offline elements such as arranging a court hearing, implementing more constraints to prevent actions being taken outside the proper process, and providing 'other' options for supplementary information.

- Enhancing clarity and understanding amongst service users, for example, by providing comprehensive training and clearer instructions, offering timely support and providing links to further information.

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Appendix A
OCMC logic model

The logic model shows how the inputs and activities of the OCMC reform link to the anticipated outputs, outcomes and longer-term impacts. Figure A1 shows the detailed OCMC logic model.

Several inputs were required for the digitalisation of the OCMC service. Financial and time resources (i.e., inputs) were required from the government, the HMCTS staff, the judiciary and the service users. In addition, introducing other digital aspects within MoJ/HMCTS and releasing the Common Components were also essential for the rollout of the digital OCMC service. Those inputs allowed users to submit a claim and upload supporting documents online. In addition, users were able to follow their case and be notified about the progression of the case. These features meant that the money claims process could be streamlined, which would reduce the time and resources required for case processing. The increased efficiency would be anticipated to increase user satisfaction with the process and increase digital uptake. In addition, the more streamlined process (together with having notification about the cases) is anticipated to reduce the case duration time, which would be expected to enable more efficient resource usage in HMCTS, leading to improved access to justice.

Figure A1   OCMC Logic model

INPUTS	ACTIVITIES	OUTPUTS	OUTCOMES	IMPACTS	
Government capital funding R&D, equipment and software	**Research** understanding journeys to inform intervention design	Number of mediations completed	**Staff productivity.** Change in time and effort required by staff to process applications and progress cases.	**Efficiency of public funded services** due to changes in process.	**PROPORTIONATE:** The cost, speed and complexity are appropriate to the nature of the case
HMCTS staff time - designing and administering the service.	**Technical design & build.** Set-up, migration, QA, data security	Average time to case completion by user and case characteristics	**Speed of service.** Change in time to reach a stage in the process	**HMCTS staff and judiciary satisfaction** due to more efficient processes	
Judiciary time. Time for judges to sign off the reforms and learn/use the platform	**Service design.** Designing the service process to address Business and survey delivery needs	Number of appeals by application type	**Transparency.** Change in users' understanding of the process.	**User satisfaction of the service** driven by faster and easier access.	**ACCESSIBLE:** Affordable, intelligible, and available for use by all
	Documentation. Creation of digital operation documents	Number of appeals completed/outstanding	**Ease of use.** Change in citizens' access to the service (convenience, flexibility, application channels).		
	User support is provided by CTSCs and National Digital Support Service.	Number of claims received		**Perception of outcomes.** Reliable and accessible justice system.	**JUST:** The independent judiciary are supported by processes that are modern, transparent and consistent
		Reported user satisfaction	**Information flow.** Change in quantity and quality of tools available to the judiciary	**Accuracy of service** from fewer errors.	
	Model Office/Model Court approach testing and optimising the reformed service	Number of rejected/withdrawn applications due to admin errors	**Quality of service.** Change in case errors	**Users' well-being** due to reduced stress.	
Service user time Users time for signing to the online services and learning the platform.	**Common components** ▪ Scheduling & Listing ▪ Reference master data ▪ Bulk Scanning ▪ And others		**Change in paper use.** Change in the amount of paper needed in all parts of the user journey and the costs related to it.	**Environmental impact.**	**WIDER GOALS:** Transparent, future-proofed, flexible, sustainable

Creation of an end-to-end digital journey for OCMC. Enabling the user to start and complete a minimum viable service – for both legal representatives and LiPs. The digital journey includes:
• Opt-out mediation
• Case progression
• Digital track assignments
• Citizen Portal

Source: Frontier Economics

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Appendix B
OCMC 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.

The main sources of data considered for this service were CaseMan (the legacy data system) and Core Case Data (CCD) (OCMC reform data system). Assessment of the available data and its ability to inform the evaluation considered the following factors:

1. Volume of and period covered by cases that are available in both datasets.

2. Types of cases included in the datasets and the ability to make various comparisons.

3. Available variables relevant to outputs and outcomes of interest.

Volume of cases and period of analysis

The reform dataset included anonymised information on over 330,000 cases where the corresponding claims were submitted from August 2017 to October 2022. The dataset included only OCMC cases while other Civil Money Claims (i.e., paper or MCOL cases) were recorded in separate systems and that data was not available for this analysis. As such, the analysis only refers to OCMC cases without comparison to paper cases or MCOL cases.

Figure B1 shows the number of OCMC cases since the introduction of the service. The low number of cases observed in 2018 is due to the data collection system being implemented during 2018 and most of 2019, severely limiting the data quality for meaningful analysis. Public information (Ministry of Justice, 2021) suggested that during 2019 and 2020 the total number of money claims was between 160,000-

200,000 and 80,000 -100,000 respectively. That suggests that only half or less of Money Claims users used the OCMC service.[30]

Figure B1   Total number of cases recorded in the legacy and reform data systems
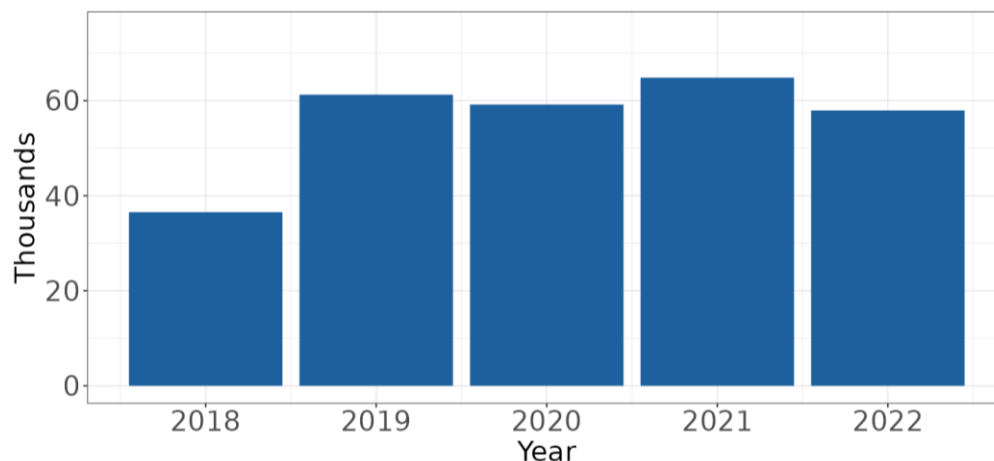
Source: Frontier Economics

Note: Legacy data comes from the CaseMan management information system, and reform data comes from the CCD management information system
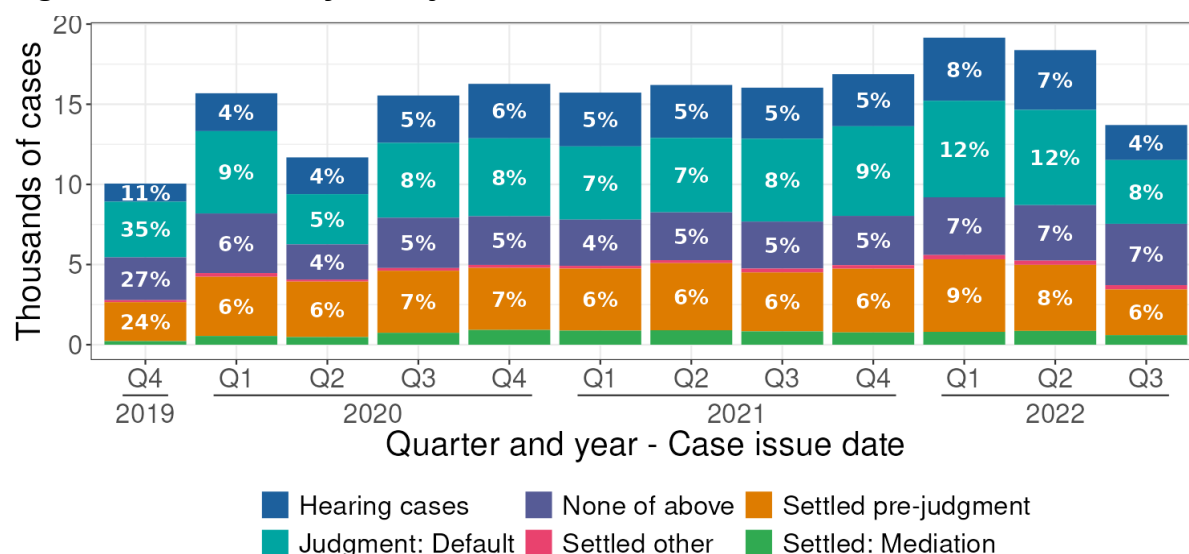
As such, **the analysis only explores observable changes in outcomes in the reform dataset from 9 September 2019 to 21 October 2022.**

Distribution of case outcomes over the analysis period

Figure B2 shows that the distribution of the different case justice outcomes during the period of analysis has remained fairly constant.

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[30] https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-october-to-december-2020/civil-justice-statistics-quarterly-october-to-december-2020#money-claims

Figure B2   Quarterly case justice outcomes – Q4 2019 – Q2 2022

Source: Frontier Economics based on MI data provided by MoJ

The analysis considered the average case duration for **default judgment, settled pre-judgment, and hearing cases.** Time to reach each of these judicial case outcomes varies and so was considered separately. Data for case management outcomes involving mediation timeliness was not reliable, so mediation referral rates were considered instead for cases that were settled via mediation.[31] Duration of cases starting in Q3 2022 would be biased towards shorter case lengths, having had less time to reach an outcome by the time of the analysis. Only 72% of cases opened in 2022 had reached a justice outcome, compared to 80%-82% in the preceding quarters. As such, this period would include the less complex cases which take less time to reach an outcome.

Type of cases included in the analysis

The dataset included: digital cases with single claims (i.e., only one claimant and one defendant) and cases with claims lower than £10,000. Most of the observations (84%) refer to cases where neither the claimant nor the defendant had representation at the submission stage.[32,33]

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[31] Other settlements were also excluded as they include cases that were settled in various parts of the OCMC process and can highly influence the average duration of cases.

[32] Insights from the fieldwork with legal professionals suggest that there have been several barriers for legal professionals to use the OCMC service which can explain the small uptake of the service.

[33] Claimants and defendants might acquire legal representation at a later stage which may not be reflected in the data.

Given that OCMC for legal professionals was rolled out only in Spring 2022 (which is also reflected in the low number of cases observed in the data), those cases were excluded as not enough time had passed to observe impact changes in the service at the time of analysis. As such, the analysis was undertaken for public users who were LiPs only.

The OCMC reform data enabled analysis of the outcomes shown in Figure B3 below.
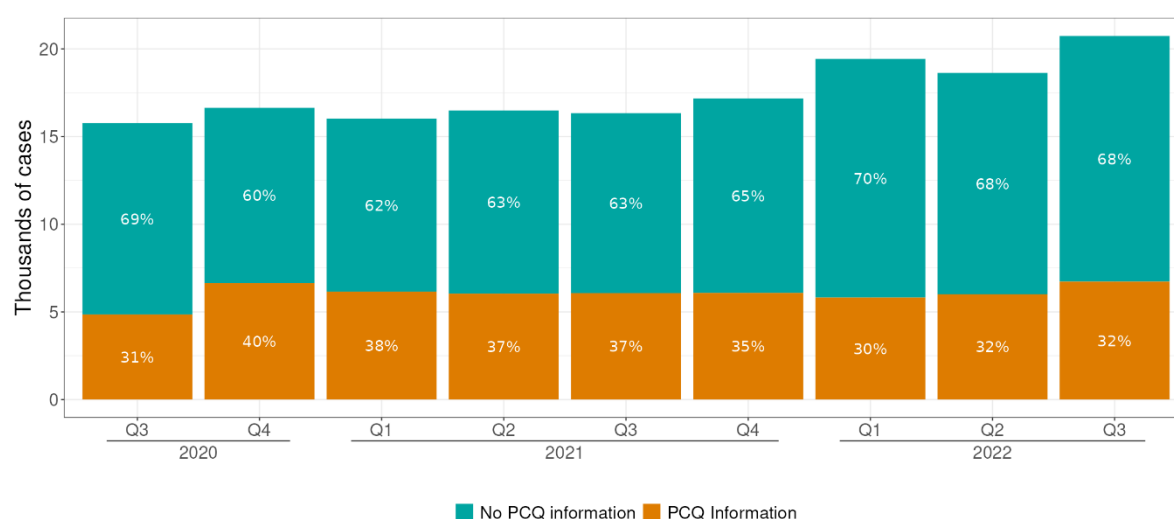
Figure B3   OCMC case justice outcomes
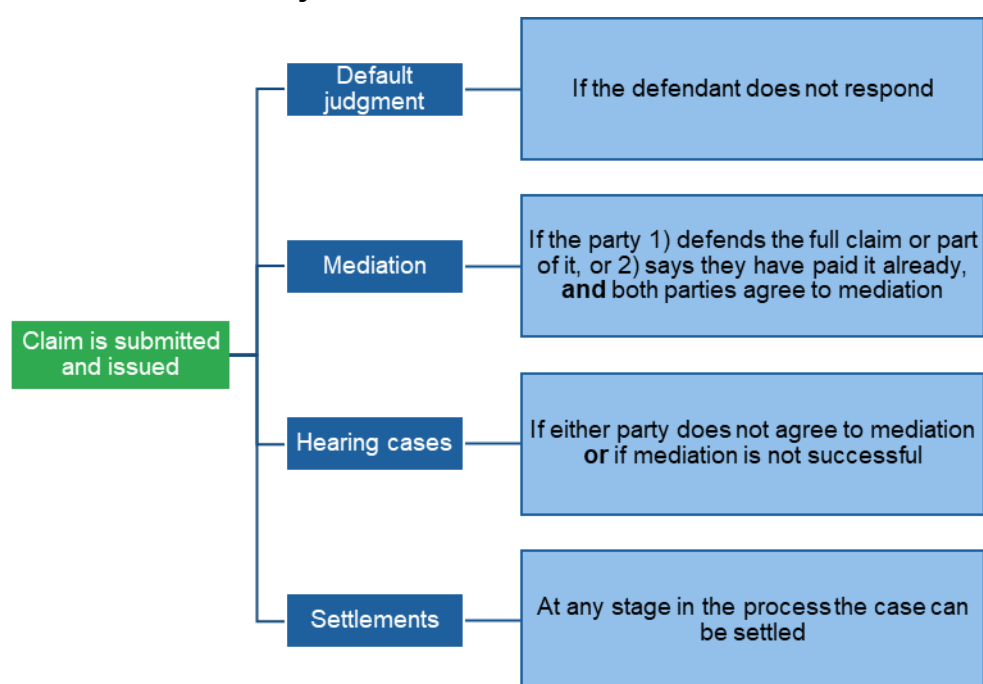
Source: Frontier Economics

Data on the characteristics of the users

The dataset also included PCQ information from some claimants and defendants. Figure B4 shows that the response rate for those questions was below 40%, and it had not improved throughout the reform period.[34]

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[34] Overall, the proportion of cases with information from PCQs is 33%, calculated since July 2020, when PCQs were available for OCMC.

Figure B4   Number of OCMC cases with information on PCQs

Moreover, over 84% of the cases with information from PCQs were provided by the claimant. The proportion of cases with PCQ information about defendants' characteristics was very low. Therefore, the analysis of different sub-populations focuses on claimants' characteristics only.

Outcome variables

The available data indicated that only the following outcomes could be robustly assessed:

- Total volumes of cases being processed through OCMC.

- Case volumes by outcomes.

- Time to case completion (for each outcome).

- PCQ information for some cases.

Summary of scope and detailed data preparation steps

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

Table B1   Scope and cleaning steps for the OCMC MI data

Description of datasets received	One dataset originating from the CCD management system.
Available information (raw)	336,570 claims submitted from 8 August 2017 to 21 October 2022
Cleaning steps	Scope of the analysis • The dataset only included OCMC cases. However, during the same period of time, other services such as paper money claims and Money Claims Online (MCOL) were still available but were not in scope for this analysis. • Service Managers indicated that data was limited in 2018 because the CCD/digital service was not used consistently in early stages of the rollout. Moreover, the release of the mediation service only took place in September 2019. As such, observations prior to September 2019 were removed from the analysis. • The information on timeliness for mediation was not reliable throughout the period of analysis, given the issues of recording the relevant dates. As such, timeliness was not analysed for mediation cases. • Observations were removed where either the claimant or the defendant was represented, given that the OCMC was only released for legal professionals in May 2022. Cleaning steps • There were 5,834 duplicates, which corresponded to different parties in the same

	case when PCQ information was available. One observation corresponded to the claimant's characteristics, and the duplicated observation (relating to the same case) corresponded to the defendant's characteristics. Duplicate cases for defendants were removed.
	• Constructing a "case outcome" variable as follows:
	• Using the latest outcome date from successful mediation, other judgment, default judgment, first full hearing, and case transferred out.
	• If the case did not have any of those outcomes but had an overall settled date, it was classified as settled, and if not, the case was classified as "none of the above".
	• The case outcomes "other judgment", "had first full hearing" and "transferred out" were grouped into "court cases" and the cases that were settled were split between "settled pre-judgment" and "other settlements".
Available information (clean)	206,763 claims submitted from 9 September 2019 to 21 October 2022, further restricted to include only full quarters in the quarterly analysis (i.e., 2019 Q4 to 2022 Q3) to a total of 197,918 observations.
Information on relevant subsets of the sample	Only digital non-represented cases
Available information on PCQ	275 observations with information on all PCQs and 63,856 observations with information on at least one

	PCQ (33.5% of the total sample from when PCQs were available). Of those, 52,459 observations corresponded to the claimant and 11,397 to the defendant. 5,834 observations referred to the same case and included information from PCQs on both claimant and defendant. Given the small sample size for the defendant's PCQs (only 20% of the observations with information on PCQs corresponded to the defendant), the PCQ analysis focused on the outcomes of interest for the claimant. Observations where the claimant is represented were also dropped (1,828). Total number of observations 50,631 from 22 July 2020 to 21 October 2022 (34% of the cases eligible to have PCQ information)
Information on relevant subsets of the sample for observations with PCQs	Only for OCMC (i.e., digital by definition) for case claimants did not originally have legal representation.
Key outcomes of interest	• Trends in mediation referrals and successful mediations. • Trends in timeliness for cases ended in pre-judgment settlements (other than mediations), default judgments and cases going to court cases (from issued date to first full hearing)
Level of granularity	Quarterly/ Monthly trends

Source: Frontier Economics

Appendix C
OCMC fieldwork summary

Table C1	Summary of fieldwork				
Audience		**Quantitative Surveys**	**Fieldwork dates**	**Qualitative interviews**	**Fieldwork dates**
Public users	Claimants	731	November 2023	8	October 2023, February 2024
	Defendants	336		8	
	Total	1,067		16	
Judges		n/a	n/a	2 Civil Judges, a mix of Circuit and District	February to March 2023
Legal professionals		241	December 2023 to January 2024	9	January 2023 to February 2023 and September 2023 to October 2023
HMCTS staff		n/a	n/a	2	October 2023 to November 2023

Appendix D
Ethical Considerations

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

Minimising the risk of harm

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

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

Informed consent and right to withdraw

Public users and legal professionals were invited to take part in the surveys and interviews in advance by email (or for public users by post where an email address was unavailable). This invitation set out the purpose of the fieldwork, the voluntary nature of participation and their right to withdraw. It also made explicit the

confidential nature of participation and that this would have no effect on their interactions with HMCTS. This information was further repeated at the start of the fieldwork.

Judiciary, HMCTS staff and other professional users were recruited through gatekeeper processes. 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

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

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

Confidentiality and disclosure control

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

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