



Ministry
of Justice

HMCTS Reform Digital Services Evaluation

Supplementary Report: Damages Claims

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

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1. Executive summary

1.1 Introduction

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

Before the digital reform, the submission, notification and response of damages claims was paper-based only (by post), and communication between parties was done by email, post or telephone. The reformed service enables registered legal professionals (but not public users) to issue and respond to a claim for damages digitally on behalf of their client. The service covers claims for professional negligence, breach of contract, personal injury, clinical negligence, consumer rights and consumer credit. Claims have an unspecified monetary value (unlike the Online Civil Money Claims Service (OCMC) where the claim has a specified monetary value).

The new reformed service aimed to streamline the damages claims process. The overall objectives were 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 damages 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 damages service.



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

Table 1 Summary of Contribution Analysis

	Contribution Claim	Summary of evidence	Conclusion
1	User-centred functionality leads to ease of use and better access to justice.	<p> Digital rollout initially led to an increase in uptake, especially after multi-party cases¹ became eligible and a mandate was introduced for legal representatives of claimants to use the service.</p> <p> The uptake of the digital service declined continually after the mandate for legal representatives of defendants to use the service. This is likely a knock-on effect due to the complexity of the digital</p>	Evidence suggests that aspects of the digital channel process, such as the complexity and differences in the claim notification process, contributed to a reduction in digital uptake following an initial high uptake period. This suggests that while the reformed service might facilitate access to justice at the start, it has introduced some new barriers.

¹ In this analysis the number of parties involved in the case is used as a proxy of the level of case complexity. Simple cases were defined as those involving one claimant vs. one defendant, and complex (or multi-party) cases as those involving two claimants vs. one defendant, or one claimant vs. two defendants. Other cases with more than two claimants or defendants were not eligible for the digital service.

		<p>channel and differences in process timings for notifications to defendants under each channel.</p> <p> Paper cases are still prevalent despite the mandate for legal representatives to use the digital service.</p>	
2	Digitalisation reduces processing and correspondence time, improving efficiency and speed of access to justice.	<p> For cases with legal representation, evidence suggests the average time for legal representatives to respond was initially longer for digital cases than paper cases. This was likely due to differences in the claim notification process under each channel.</p> <p> There is evidence that the average time for all cases to transfer to a hearing centre has increased since the digital service rollout.</p>	There is mixed evidence of the reform's contribution to the reduction in time to response and time to transfer out to hearing centres.

Source: Frontier Economics




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

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

Table 2 Summary of process evaluation

	Research question	Summary of findings
1	Was the service implemented as intended?	<p>❓ All groups (HMCTS staff, judges and legal professionals) reported that applications are usually started in the reformed system but ‘drop out’ to the paper system at later stages as the service is not end-to-end digital.</p> <p>– The system being rolled out with limited functionality and multiple technical problems caused frustration and inefficiencies for all groups, and some legal professionals tried to avoid using it.</p> <p>+</p> <p>Most legal professionals did not think the digital service was slower than the legacy system.</p> <p>– Legal professionals and HMCTS staff reported that better quality training for and more time to prepare for the change could have helped implementation.</p>
2	How do the new digital processes facilitate or impede access to justice in practice?	<p>+</p> <p>Legal professionals had mixed views about the impact of the rollout on access to justice but were most likely to think it was not affected.</p>
3 and 4	The types and levels of user and case (administrative) errors, why do these occur, and how do these compare to the non-digital process?	<p>– Legal professionals thought errors were most commonly made around information being mis-entered, or others not providing or mis-understanding the information requested.</p> <p>❓ Legal professionals were split between those who thought errors were similarly or less frequent on MyHMCTS and those who thought they were more frequent.</p>

		<p>⊖ All groups criticised the lack of functionality to correct minor errors, which lead to cases dropping out of the digital channel.</p>
5	How consistent are processes between digital and non-digital channels?	<p>= Legal professionals reported their clients continued to receive a similar level of service.</p>
6	What are the barriers and enablers to accessing digital services, and do these vary across user characteristics?	<p>⊕ Most users were confident using the reformed service to some extent.</p> <p>⊖ Raising awareness of HMCTS support and improving response times may improve legal professionals' confidence in the system.</p> <p>⊖ Cases dropping out of the reformed service to the paper system was a key cause of delays.</p> <p>⊖ Legal professionals and HMCTS staff reported legal professionals deliberately trying to engineer cases to be dropped out of the reformed system early on to avoid delays.</p>
7	How does the new digital process impact users' experience?	<p>⊕ For simple cases, the reformed service was felt to have increased efficiency compared to the legacy system.</p> <p>⊖ Legal professionals, HMCTS staff and the judiciary felt the rollout had added to their workload overall due to the volume of cases the reformed service was unable to accommodate.</p> <p>⊖ Half of legal professionals were dissatisfied with the MyHMCTS service and only a fifth preferred it to the legacy system. Negative responses reflected frustration with the service not being end-to-end digital</p>

		for complex cases and technical difficulties with the system.
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Source: IFF research

Note:  positive;  negative;  mixed/neutral;  unavailable/unclear

1.4 Implications

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

- Raising awareness and improving the quality of HMCTS general training and guidance for the reformed system, including creating a ‘sandbox’ test system for training.
- Raising awareness of and improving HMCTS technical and general support.
- Improving the operation and some key features of the digital service, including enhancing functionality, allowing errors in documents and cases to be edited after upload, improving stability, fixing ‘glitches’, improving flexibility to allow more bespoke orders, and expanding its scope to allow more cases to be dealt with digitally.
- Using the same terminology on both reformed/legacy systems.

2. Damages

2.1 Introduction to damages claims

The digital damages service provided by HMCTS in England and Wales enables registered legal professionals to issue and respond to a claim for damages digitally on behalf of their client. The service covers claims for professional negligence, breach of contract, personal injury, clinical negligence, consumer rights and consumer credit. Claims have an unspecified monetary value (unlike the Online Civil Money Claims Service, OCMC, where the claim has a specified monetary value).

In damages cases, the claimant is the party who initiates a civil action seeking compensation, and the defendant is the party against whom the claim is brought. Both parties can have legal representation or choose to act as litigants in person (LiP) and represent themselves.

The defendant can either pay the total or part of the amount claimed, request to pay part of the amount or pay in instalments or defend the claim in court. If the claimant does not accept the defendant's request to pay part of the claim or to pay in instalments, the case will be transferred to court. At any point, both parties can decide to settle.

Where the defendant defends the claim in court, these are allocated by a judge, following a review of the digital case file, to three 'tracks': small claims, multi-track and fast-track.² This allocation depends on the claim value, the level of complexity of

² From October 2023, new provisions of the Civil Procedure Rules introduced an "intermediate track" which sits between the fast-track and the multi-track. However, the data analysed in this study did not cover this period.

the case,³ and whether claims are suitable for a hearing or can be settled out of court.⁴

Before the digital reform, the submission, notification and response of damages claims – regardless of whether claimants or defendants were represented or not – was paper-based only (by post), and communication between parties was done by email, post or telephone.

2.2 The damages reform – objectives, features and eligibility

The damages claims reform aims to improve the service for users by streamlining the civil damages claims process through the implementation of a faster and more efficient digital service. Specifically, its objectives were to provide a digital service which 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
- proportionate, fast and efficient.

The Logic Model in Appendix A sets out how the digitalisation of the damages service was anticipated to achieve these objectives in more detail.

Key features of the damages digital reform are shown in Table 3. At the time of the analysis, the digital service was only available for claims where claimants and defendants have legal representatives registered with the digital platform known as MyHMCTS.⁵ At the time of the analysis, the digital damages service only covered part of the damages claim journey (i.e., up to the submission of the claimant's

³ In this analysis, the number of parties involved in the case is used as a proxy of the level of case complexity. We define simple cases as those involving one claimant vs. one defendant, and complex (or multi-party) cases as those involving two claimants vs. one defendant, or one claimant vs. two defendants. Cases with more than two claimants or defendants are not eligible for the digital service. This might differ from the level of complexity used to allocate cases to a specific 'track'.

⁴ The small cases track is applicable for both simple and multi-party cases with a claim value below £10,000 suitable for a determination without a hearing. Fast track cases are multi-party cases with a claim value between £10,000-£25,000, and multi-track relate to all other cases.

⁵ At the time of the analysis the Damages LiP digital journey was planned for release in the future, and there was no bulk scan of paper documents in this service.

response to the defence if the defendant rejects the claim), after which the claim moves to the offline, paper-based journey and to the local County Court hearing centre.⁶

Table 3 User-centred features of damages reform

Legal representatives (claimants)	Legal representatives (defendants)
Create, submit and pay for the claim submission, and notify ('serve') the defendant on the MyHMCTS platform on behalf of their clients.	Acknowledge and respond to claims on the MyHMCTS web platform.
Receive notification of the defendant's response/defence; view, complete and submit a response to the defence (via direction questionnaires) on the MyHMCTS web platform.	Upload defence (via direction questionnaires) on the MyHMCTS web platform.
Ability to request and receive an interim judgment with subsequent judge's order. ⁷	
Track claim progress on the MyHMCTS web platform.	
Receive notifications, updates and results electronically.	
Add a correspondence address of the legal representative so that any paper correspondence can be sent to their local offices.	

Source: Frontier Economics based on Gov.uk

Digital and paper services do not have the same process for formally notifying defendants of claims. For digital cases, the legal representative of the claimant must notify the defendant within MyHMCTS that a claim has been issued, and they have up to four months to do so. Conversely, in paper-based cases, the Civil National Business Centre or the local County Court notifies the defendant about the claim via post, usually within 24 hours of the claim being issued.

After the defendant is notified, both paper and digital cases follow the same timeframes up to the claim response: the claimant has up to 14 days to submit the

⁶ At the time of the analysis, cases were also transferred out of the digital service and continued on paper if: (1) the defendant did not respond, (2) the defendant admitted the claim, or (3) the defendant made a counterclaim.

⁷ From March 2023.

details of the claim, and, subsequently, the defendant has up to 28 days to respond.⁸ At any point, parties can ask for an extension of up to 28 additional days.

Table 4 sets out the key reform rollout dates of the digital damages service.

Table 4 Damages claims service digital reform rollout dates

Date	Reform stage
May 2021	Launch of the first stage of the claim journey for simple cases (one claimant vs. one defendant) i.e., covering the stage from the issue of the claim to the claim response.
January 2022	Service was enabled for some multi-party cases (two claimants vs. one defendant or one claimant vs. two defendants). ⁹
April 2022	A mandate was introduced for claimants' legal representatives to issue a claim via digital service (no further submissions of paper claims for eligible damages claims).
September 2022	A mandate was introduced for defendants' legal representatives to issue a response via the digital service (no further submissions of paper responses for eligible damages claims).

Source: Frontier Economics based on MoJ service description and Gov.uk

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

2.3 Evaluation objectives

Evaluation of the reformed damages service aimed to understand:

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

⁸ Claimants can apply for default judgment when the defendant does not respond to the claim within the required timeframe. If no response or defence is filed within six months, and default judgment has not been entered, the claim is automatically listed for a disposal.

⁹ At the time of the analysis, most multi-party cases were not eligible for the digital channel (e.g., two claimants and/or two defendants or more).

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

3. Impact evaluation – Contribution analysis

3.1 Contribution claims and evidence sources

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

1. The user-centred functionality features in Table 3 would lead to an easier and more streamlined process for **legal representatives** of both claimants and defendants to manage damages claims. In turn, this would lead to increased access to the formal justice system.
2. The digital features would reduce the time and resources required for case correspondence, processing, and clarifications for legal representatives. This would lead to a shorter average time to complete relevant stages of the claim journey, contributing to a more efficient use of resources.

This analysis drew on evidence from:

- **Management Information (MI) data** relating to 282,682 damages claims cases submitted between November 2020 to August 2023.¹⁰ The data included both paper and digital cases across the period, enabling a comparison of digital cases after the digital reform was introduced with paper cases before the reform. The MI data only included claims that were eligible for the reformed service at the time of analysis.
- A **survey** of 202 legal professionals who had used the damages service.
- Qualitative **in-depth interviews** with nine legal professional users, three with HMCTS staff at Courts & Tribunals Service Centres (CTSCs) and two judges.

¹⁰ Pilot cases (Legal Representation Private Beta) were removed from this dataset. This covers 9.1% of the dataset (see Appendix B)

- Insights from **HMCTS internal stakeholders** familiar with the service to identify mechanisms through which the digital service might have contributed to observed trends in the MI data and provide possible alternative explanations.
- Personal Characteristics Questionnaire (PCQ) data was not collected for legal professional users; therefore, the evaluation did not include an analysis of sub-populations of users.

As the digital Damages service was not available to Litigants in Person (LiPs), public users were not included in this research. Further details of the methods, data, and limitations surrounding this analysis can be found in Appendices B and C. A summary of fieldwork can be found in Appendix D. Discussion of ethical considerations can be found in Appendix E.

3.2 Analysis

Contribution analysis aims to assess to what extent the intervention can reasonably be considered to have contributed to any observed changes in outcomes. Further information on methodology can be found in the overarching evaluation report.¹¹

3.2.1 Digital service uptake

The take-up of the digital damages service reflects the extent to which it is accessible to its target population. An easily accessible digital service should experience an improvement in digital uptake over time. Paper-based cases should decrease in prevalence within the overall caseload, particularly once the digital service becomes mandatory.

3.2.1.a Management Information

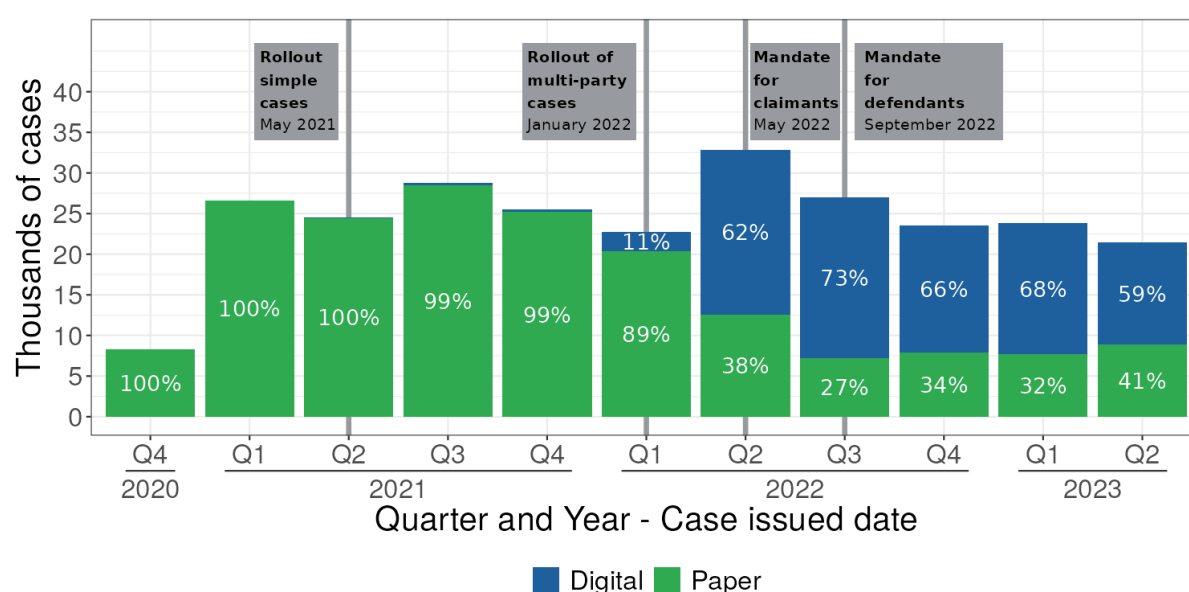
The analysis involved assessing the trends in the proportion of paper and digital cases submitted between November 2020 and August 2023, where claimants have legal representation.

¹¹ Available at [HM Courts & Tribunals Service Reform: Digital Services Evaluation - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/91111/HM_Courts_and_Tribunals_Service_Reform_Digital_Services_Evaluation_-_GOV.UK)

Figure 1 indicates a limited uptake of the digital service after the rollout for simple cases (May 2021), followed by a rapid increase that coincides with the digital service's mandate for claimants with legal representation (May 2022). The proportion of digital cases rapidly increased over this period from 2% in Q3 2021 to 73% in Q3 2022.

Use of the digital service declined after Q3 2022, from 73% to 59% in Q2 2023 – after the introduction of the mandate for legal representatives of defendants to use the digital damages service. This differs from the observed trends for other digital services in this evaluation, which experienced a higher uptake in the digital service following the introduction of mandates to use the digital service.

Figure 1 Claimants with legal representation – quarterly case volumes by channel of submission – Q4 2020 to Q2 2023



Source: Frontier Economics based on data from MoJ.

Note: 2023 Q3 not shown in chart as MI data only available until August 2023.

3.2.1.b Contribution of the reform

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

- **User-focused features of the reform:** The digital service offered legal professionals information and guidance on creating, completing and responding to claims, as well as completing administrative tasks. This, combined with the

capability for legal representatives to access case information remotely through the MyHMCTS dashboard at any time and from any device, should have increased the accessibility of the digital service. However, despite evidence from the fieldwork suggesting that some aspects of the reformed service are easier than the paper service, overall, users perceived that it did not significantly increase efficiency (e.g., 31% of legal professionals thought that it is easier to process cases using the paper service than the digital route). Furthermore, nearly half of legal professionals (45%) indicated a preference for using the legacy service over the digital service.

- **Differences in the claim notification process between paper and digital cases:** Differences in the notification process between paper and digital cases may have led to the later decline in digital uptake following the initial positive uptake right after the reform rollout. These process differences might have resulted in digital cases taking longer than paper cases. This is corroborated by the timeliness analysis (see section 3.2.2 below) and the survey of legal professionals. In particular, only a quarter (27%) said that the digital service is quicker than the paper service. The fact that defendants are not served by HMCTS automatically as in the legacy service might have led to legal representatives preferring the digital channel less over time. The differences in the processes also seem to negatively affect the ease of use of the digital service. One legal professional said:

“I don't see the necessity to reinvent the wheel when that process is a relatively simple one, but it seems to have been over-complicated by...additional stages that are just unnecessary”.

Legal professional (damages)

Consequently, the more complex process and the longer case durations associated with the digital service appear to have contributed to the observed decline in digital uptake.

- **Introduction of mandates for legal representatives of claimants (in May 2022) and defendants (in September 2022) to use the digital service:** The introduction of these mandates should have led to a substantial increase in the

uptake of the digital service, as was observed in other services in this evaluation. However, the opposite occurred following the mandate for defendants. The increase in duration and reduced ease of use of the digital service described in the point above might have been intensified with the introduction of those mandates as more legal professionals experienced issues, leading to a higher proportion of them deciding not to use the digital service. There was no further evidence to support this explanation.

- **Rollout for some multi-party cases:** Following the rollout of the digital service for some multi-party cases in January 2022 (i.e., one defendant vs. two claimants, and two defendants vs. one claimant), the level of uptake of the digital service by legal representatives increased considerably. As these multi-party cases represented almost a third (31%) of overall cases in Q1 2022, the total amount of eligible cases increased considerably after this rollout. However, after September 2022, digital uptake started to decline.

3.2.1.c Alternative explanations

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

- **Most multi-party cases are still not eligible for the digital service:** The high prevalence of paper cases can be partially explained by most multi-party cases (i.e., more than three parties involved) still being able to use the paper channel at the time of the analysis. However, internal stakeholders indicated that there is no evidence of an increase in these most complex cases in the last year.

3.2.2 Case management outcomes

The average time to conclude a damages claims case indicates how the reform's digital features support proportionate and efficient service provision.

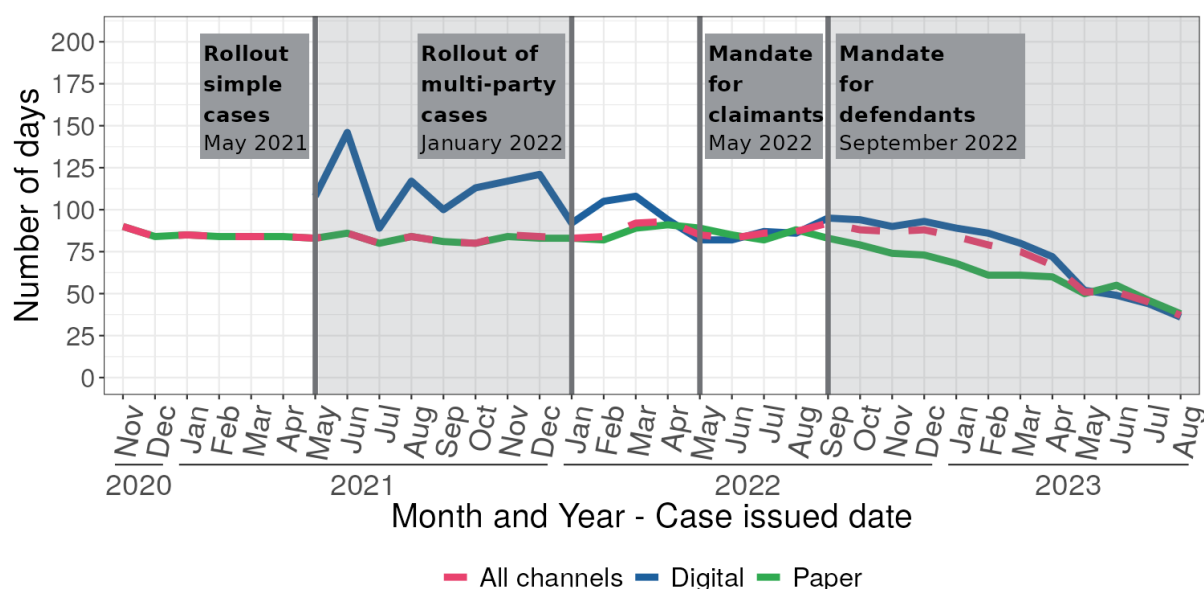
A decrease in the time to complete a damages claims case would be expected to reduce resource demands for both HMCTS and users throughout the process covered by the reform. Shifting the caseload to the digital service should reduce the time spent physically handling case documents, thus freeing up time in the system to address other cases.

3.2.2.a Management Information

The average time data from late 2022 onwards should be interpreted with caution as a large proportion of cases were still outstanding, impacting these time metrics. At the time the data was extracted (in September 2023) 75% of cases issued in 2023 were still ongoing¹², compared to 45% in the last months of 2022, 30% for the rest of 2022, and 29% in 2021. Comparison between the average duration of paper and digital cases in 2021 should also be interpreted with caution. This is because the proportion of digital cases was less than 1% of total cases during that year.

Figure 2 shows that the **average time to defendant response** (by the legal representative) for all cases was steady overall across the period where data was appropriate to interpret (non-shaded area). Between March and May 2022, the average time to response improved for digital cases, from approximately 110 to approximately 80 days, reaching the same level as paper cases in April 2022. After that, the two channels presented a similar duration (between 80 and 100 days) for this part of the service journey.¹³

Figure 2 Claimants and defendants with legal representation - monthly average (mean) time to response – November 2020 to August 2023



Source: Frontier Economics based on data from MoJ.

¹² Cases still outstanding. If parties do not notify HMCTS that they have settled out of court, these claims will be counted as outstanding cases.

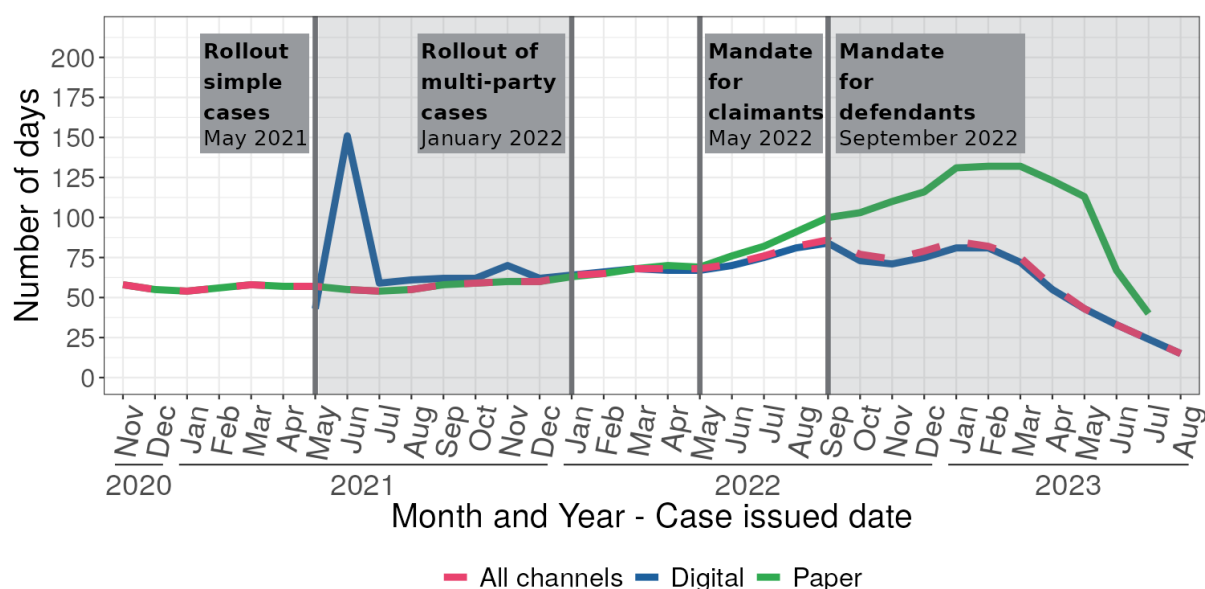
¹³ Quality assurance checks on the analysis based on case complexity found no differences, see Appendix C.

Note: Grey-shaded areas (May 2021-Dec 2021, and Sep 2022-Aug 2023) correspond to times when analysis should be interpreted with caution due to either small sample of digital cases or a high proportion of outstanding cases.

Figure 3 shows the **average time from when the claim was issued to transfer to a hearing centre**. It only includes eligible cases that reached the defence stage where both the claimant and defendant had legal representation. The analysis shows a steady increase in the average time for transfer to a hearing centre up to September 2022, for both paper and digital cases. After September 2022, there is a decrease in the average time for transfer to a hearing centre for digital cases, which coincides with the mandate for legal representatives of defendants. However, this reduction occurs in a period with a high proportion of outstanding cases, underestimating the true duration of cases in this period.¹⁴

Between the mandates for legal representatives of claimants (May 2022) and of defendants (September 2022) to use the digital service, time to transfer to a hearing centre was shorter for digital than paper cases.¹⁵

Figure 3 Claimants and defendants with legal representation – monthly average (mean) time for transfer to a hearing centre- November 2020 to August 2023



Source: Frontier Economics based on data from MoJ.

Note: Grey-shaded areas (May 2021-Dec 2021 and Sep 2022-Aug 2023) correspond to times when analysis should be interpreted with caution due to either a small sample of digital cases or a high proportion of outstanding cases.

¹⁴ Closed cases during this period are those that are faster to resolve compared to cases in early periods of the dataset.

¹⁵ Quality assurance checks on the analysis based on case complexity were conducted with no differences observed, see Appendix C.

3.2.2.b *Contribution of the reform*

Evidence from fieldwork and consultation with internal stakeholders identified three potential ways in which the reform may have contributed to the observed trends in case durations:

- **Most multi-party cases are still not eligible for the digital service:** Although the digital service was enabled for some multi-party cases in January 2022, cases involving more than two claimants or defendants were still not eligible at the time of the analysis. As these multi-party cases are likely to take longer than the rest of the cases, this could explain why the duration was longer for paper cases than for digital, particularly since May 2022. However, there has been an increasing proportion of paper cases in the last year, which cannot be solely explained by multi-party cases. Further research is needed to fully explore this effect.
- **Differences in claim notification process between paper and digital cases:** Differences in the notification process between paper and digital cases could have resulted in digital cases taking longer than paper cases, as an additional step was added for digital cases.
- **Prevalence of paper cases putting pressure on overall resources.** The unexpected higher proportion of paper cases after the digital service mandate may have created a higher demand for resources than were allocated to handling paper cases, which could have led to increasing pressure on resources and an overall increase in case duration for both digital and paper services.

3.2.2.c *Alternative explanations*

There is no evidence from consultation with internal stakeholders that identified alternative contributors to observed trends.

3.3 Limitations

There are several limitations to the analysis above:

- At the time of the analysis, the digital damages service was not fully reformed. Further enhancements to the digital service were still ongoing. As such, there are limitations on the extent to which the effect of digitalisation can be fully assessed.
- Data available for this analysis relates only to cases eligible for the digital service. However, analysis of volumes does include some multi-party cases (ineligible for the digital service at the time of the analysis) that could not be identified and excluded based on the available MI.¹⁶
- The digital damages service was introduced in phases (e.g., simple cases were eligible first, then more complex cases etc.). As such, the degree of service digitalisation varied over time.
- In the MI dataset, claims were classified as either paper or digital depending on the channel that the legal representatives of claimants used at the submission stage. However, the legal representation can be updated after issuing the claim and digital claims can drop offline at any point to follow the paper-based journey. Therefore, there are limitations to fully isolating the effect of digitalisation as it is not possible to identify the length of the digital journey.
- As described in section 3.1, the absence of PCQ or other detailed data on legal representatives means that sub-group analysis was not possible for this evaluation.
- 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.

¹⁶ Where they were not identified in the MI data (e.g., more than two claimants and/or two defendants). See Appendix B.

3.4 Contribution Narrative

The analysis above suggested that there is limited evidence of the reform's contribution to changes in outcomes:

- The user-friendly features of the reform can be considered to have contributed to the uptake of the digital service for claimants with legal representation, but only at the start of the digital rollout and, in particular, after the rollout for complex cases in January 2022. The mandate for the service to be used by legal representatives of claimants in May 2022 also coincides with the period of the most significant increase in uptake of the digital service (up to 73% of cases in Q3 2022).
- However, unlike the other digital services evaluated in this study, the damages digital service experienced a reversal in the digital uptake trend from Q4 2022. Evidence suggests that this might have been driven by differences in the notification process between paper and digital cases, which could have made the digital service more complicated and longer overall. There is also evidence to suggest that as the service was not fully digitalised end-to-end, with most user journeys proceeding on the paper channel at later stages, the attractiveness of the digital channel was further reduced for legal representatives. These reasons, backed by views collected from the fieldwork, suggest that case ineligibility and additional complexities in the digital process had a negative impact on the digital uptake.
- There is mixed evidence that the reform has contributed to a change in the average time to response by the defendant and the average time to transfer out to a hearing centre. The complexity of the digital service is likely to have contributed to these findings. The higher proportion of paper cases later in the analysis might have further contributed to longer case durations and impaired the effective use of HMCTS resources.
- Overall, the above evidence suggests that at the time of the analysis (Q1 2024) the complexity of the digital channel might have hindered potential positive impacts of reform. The service was still not fully digitalised at this point. This

appears to be mainly associated with less improvement than expected in access to the formal justice system.

Future research may improve the understanding of the reasons behind the observed trends. For example:

- Refresh the analysis at a later stage of reform to evaluate how the full digitalisation of the damages claim service (if and when it occurs) has impacted digital uptake and case durations.
- Review the differences in requirements and timeframes between paper cases and digital cases (e.g., notification periods), as these differences may be adversely affecting digital uptake and duration of parts of the user journey. This is particularly relevant as the damages claims digital service experienced a reversal in the digital uptake trend.
- At the time of the analysis there was still a substantial number of paper cases despite the mandate for legal professionals to use the digital service. In part, some of these paper cases were not eligible for digital service (i.e., multi-party cases with more than two defendants or claimants). However, this is not likely to account for the full scale of difference between paper and digital uptake. Exploring the reasons for this with both internal stakeholders and users will be important.
- Continue collecting feedback from users and HMCTS staff on the service functions. Frequent feedback from users on the type of support and guidance they require would likely improve the reform's user-friendly features and result in better outcomes.

4. Process evaluation

4.1 Process evaluation analysis

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

This section draws on qualitative and quantitative primary research with users of the damages service.

The quantitative evidence is drawn from 202 responses to a survey of legal professionals registered to use MyHMCTS who reported using MyHMCTS for damages cases. All references to legal professionals in this section refer to those asked specifically about using MyHMCTS for damages cases.

The survey was conducted online. More details are available in section 4 of the overarching evaluation report.

The qualitative research involved:

- Legal professional users of the digital damages service – nine interviews.
- Two interviews with judges in the civil jurisdiction and,
- Interviews with three members of HMCTS staff who worked on damages cases (of 14 interviewed across all services covered).

As the damages service was not available to LiPs at the time of the analysis, public users are not included in this research. Further details of the methods, data, and limitations surrounding this analysis can be found in Appendix B. Discussion of ethical considerations can be found in Appendix E.

4.2 Damages process evaluation findings

The process evaluation findings in this report are organised into sections relating to a set of underpinning research questions.

4.2.1 Was the service implemented as intended?

4.2.1.a Use of the reformed system

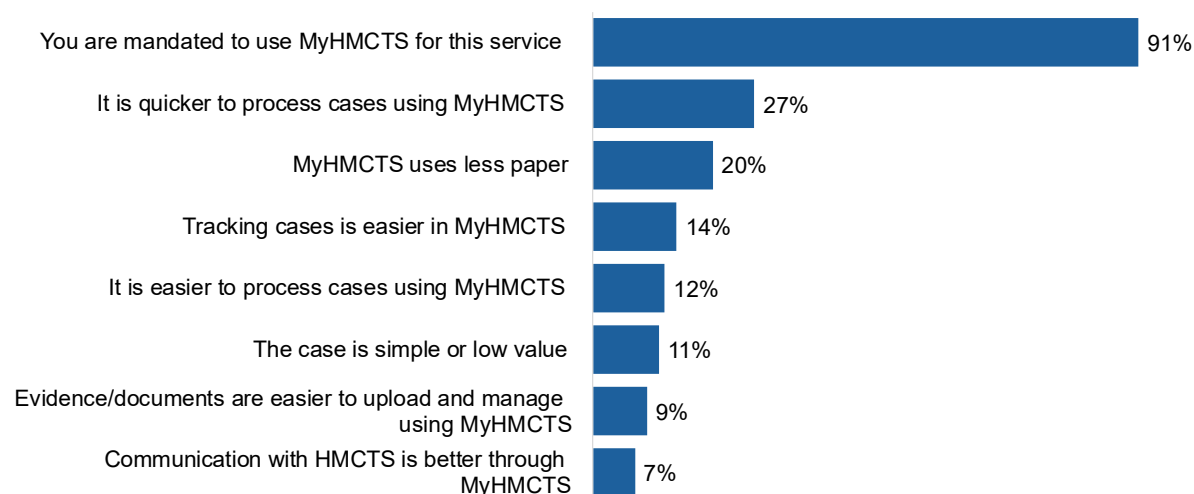
The reformed and legacy service are both in use for damages cases. Three-fifths of legal professionals reported using MyHMCTS for at least half of their damages applications and around a third still used the legacy service for the majority. Applications are usually started in the reformed system but 'drop out' to the legacy system at later stages.

Although damages claims came through the reformed system, many 'dropped out' to be processed on paper as the reformed system was not end-to-end digital. Judges and HMCTS staff therefore had to use multiple systems in parallel. For example, HMCTS staff had to transfer information from the legacy system to Manage Cases (and vice versa), and deal with user queries via email.

In the survey of legal professionals, three-fifths (61%) said they used the MyHMCTS service (rather than the legacy service) for at least half of their damages cases; this figure included nearly a quarter (23%) who reported using it for all their damages cases.

As shown in Figure 4, almost all who used the reformed service said this was because they were mandated to do so (91%). However, some also used it for other benefits: because it was quicker to process cases (27%), because it used less paper (20%), and because they found it easier to track cases (14%).

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



Source: IFF research

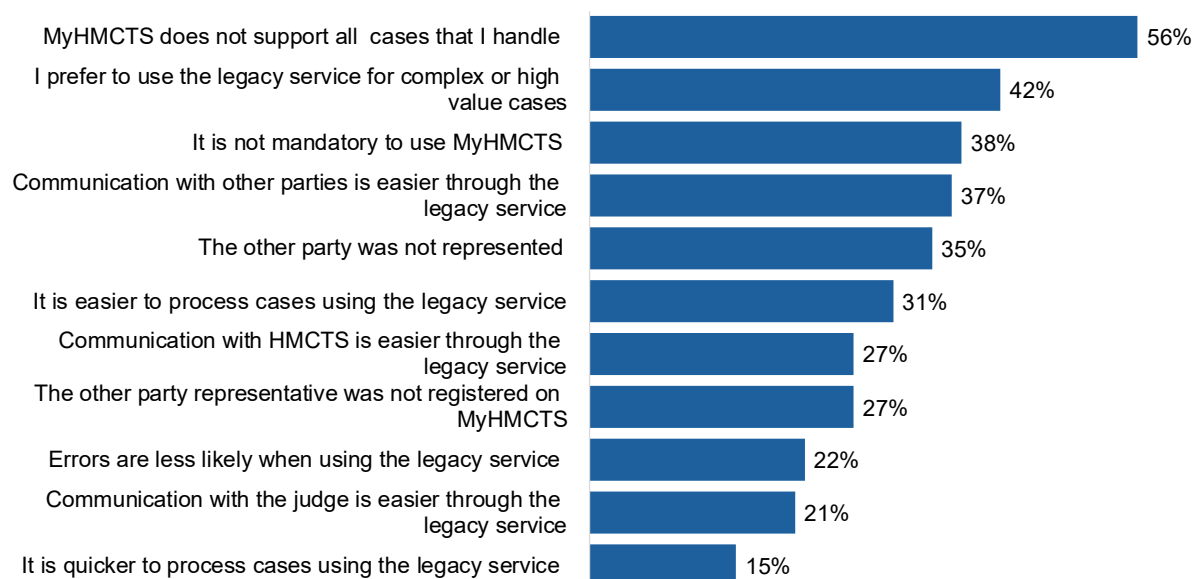
Note: B3: For what reasons would you use the MyHMCTS service for a case? Base: All damages legal professionals, who used MyHMCTS for any cases? (183). Respondents could select multiple answers. Reasons given by less than 4% not shown, including 'Don't know' responses (1%).

The interviews showed legal professionals sometimes preferred to use the legacy service for complex cases. They assumed cases would 'drop off' the digital system so avoided it or thought that switching to paper earlier would avoid delays. Some legal professionals continued to avoid using the digital system where possible even after it was mandated. Sometimes they requested to bypass the platform, because they knew the case was non-standard and could not be dealt with digitally, or because errors had been made during the process which could not be amended.

“[For non-standard cases] we just have to email the court saying we can't do this, and then they email back saying we'll drop it out the portal, and you feel well, this has been a waste of time!” **Legal professional (damages)**

More than half (56%) of legal professionals who sometimes used the legacy service reported doing so because the MyHMCTS platform did not support all cases they handled. The next most common reasons were that they preferred the legacy service for complex or high value cases (42%) and that it was not mandatory to use MyHMCTS (38%). As shown by Figure 5, some legal professionals identified other benefits to the legacy service.

Figure 5 Legal professionals' reasons for using the legacy service for a case



Source: IFF Research

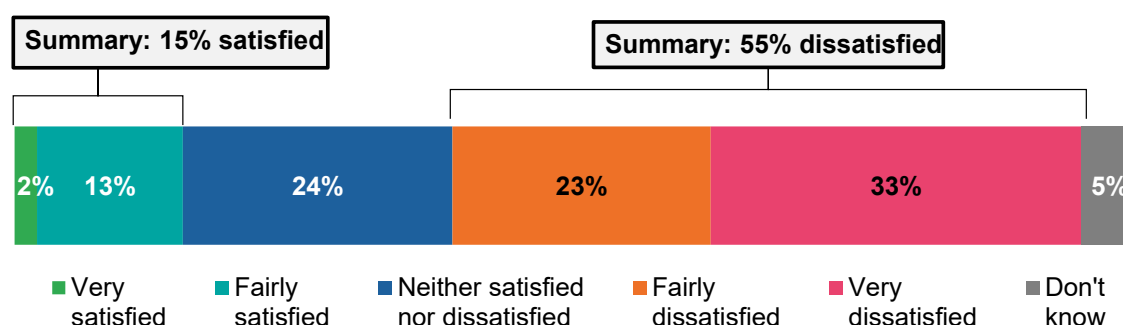
Note: B4: For what reasons would you use the legacy service for a case? Base: All damages legal professionals who used the legacy service for any cases (143.) Respondents could select multiple answers. Reasons given by less than 10% not shown, includes Don't know (6%).

4.2.1.b Expectations, initial opinions, and unintended consequences

All stakeholder groups were generally positive about the prospect of digitalisation and anticipated many benefits, particularly more efficient document sharing. However, all were initially concerned about whether the reformed system had been sufficiently tested and whether it would be sufficiently user-friendly. All groups reported that, at least at first, the reformed system had created more work for them.

HMCTS staff and the judges had anticipated that the reformed system would be quicker and easier to use and would reduce the use of paper documents but were concerned about the potential for teething problems. One judge was concerned that it being rolled out at the stage of being a 'minimum viable product' would mean it was not fit for judges' use as their feedback would not yet have been actioned. In the quantitative survey, the majority (72%) of damages legal professionals said they did not feel prepared for the new service when they first started using MyHMCTS. More than half (55%) were dissatisfied with the implementation of MyHMCTS, while only 15% reported being satisfied (see Figure 6).

Figure 6 Legal professionals' satisfaction with how the MyHMCTS service was implemented



Source: IFF research

Note: G1: How satisfied were you with how the MyHMCTS service was implemented? Base: All damages legal professionals (202)

When asked about their initial reaction to reform, legal professionals were generally positive about digitalisation potentially helping to “gather everything that was required into one place” and making it easier to follow case progress.

However, almost all were concerned about how well the reform would be implemented and the impact of any problems on their workload and their clients. Due to the perceived short timeframe, they also felt they had not had enough time or support from HMCTS to prepare for the transition:

“The environment has become a lot more difficult around missing deadlines, so the pressure’s gone up, and then we had this interface dropped on us, saying there we go, get on with it.” **Legal professional (damages)**

4.2.1.c Training

Most legal professionals and HMCTS staff had received training or guidance on how to use the new system. However, many were not satisfied with the quality of training. Those who did not access training or guidance generally did not know it was available.

All HMCTS staff and the judges reported receiving training of some kind. However, this varied in formality. None were fully satisfied with the training given and, in particular, would have liked to see how the platform looked to different audiences (for example the legal professional journey). As in other services, the judges would have

liked ring-fenced time and either face-to-face training or a test environment, as well as online videos.

“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.”

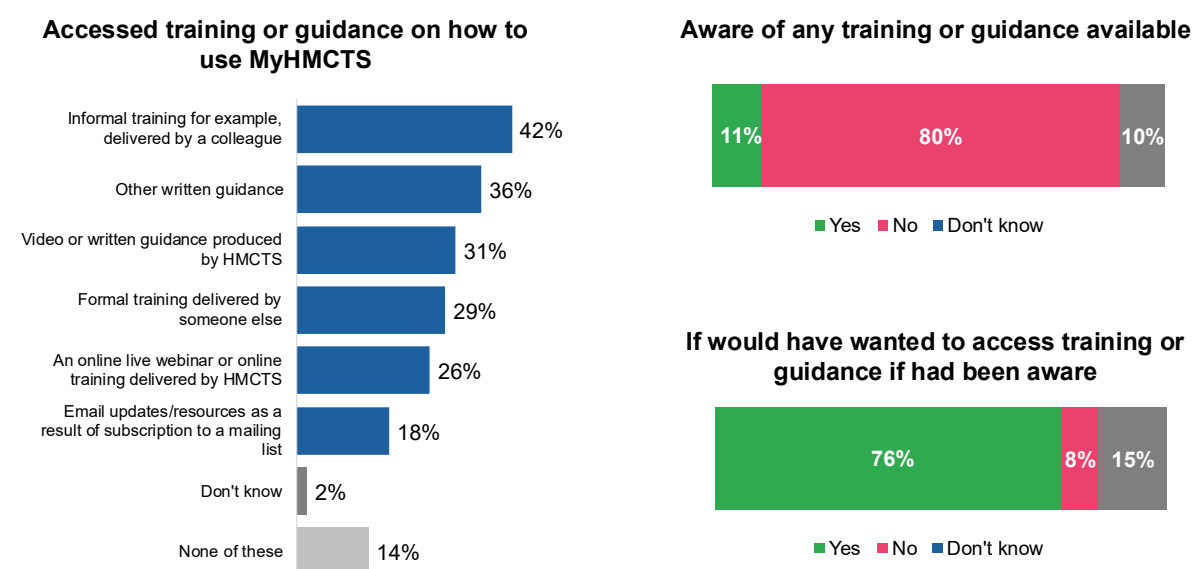
Judge (damages)

Over eight-in-ten (84%) damages legal professionals had accessed training or guidance on how to use MyHMCTS. As shown in Figure 7, this was most often informal training (42%), other written guidance (36%), and video or written guidance produced by HMCTS (31%).

Four-in-ten (43%) had received training directly from HMCTS, either in the form of the online webinar, or the video or written guidance. However, views on this training or guidance were mixed: participants were split almost evenly between being satisfied (34%), being dissatisfied (34%) and being neither (32%).

Among damages legal professionals who did **not** access HMCTS training or guidance, only a tenth (11%) were aware that any HMCTS training or guidance was available. Just over three-quarters (76%) of those who were not aware of HMCTS training and guidance would have wanted to access it if they had known about it.

Figure 7 Training or guidance accessed by legal professionals



Source: IFF research

Note: D2: Have you accessed any of the training or guidance on how to use MyHMCTS? Base: All damages legal professionals (202).

D4: Were you aware of any training or guidance available to you? Base: All damages legal professionals who did not access HMCTS formal training i.e. HMCTS online training or HMCTS video/written guidance (82). Answers do not sum to 100% due to rounding.
D6: If you had been aware of training or guidance that was available, would you have wanted to access this? Base: All damages legal professionals, who were unaware of HMCTS formal training available (73). Answers do not sum to 100% due to rounding.

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

The evidence from the process evaluation suggests that the reformed system was not perceived to have increased efficiency. Although a few legal professionals felt it was easier to use than the legacy system, most reported that as it was not digital end-to-end it had increased case processing time. All groups reported notable technical issues using the platform.

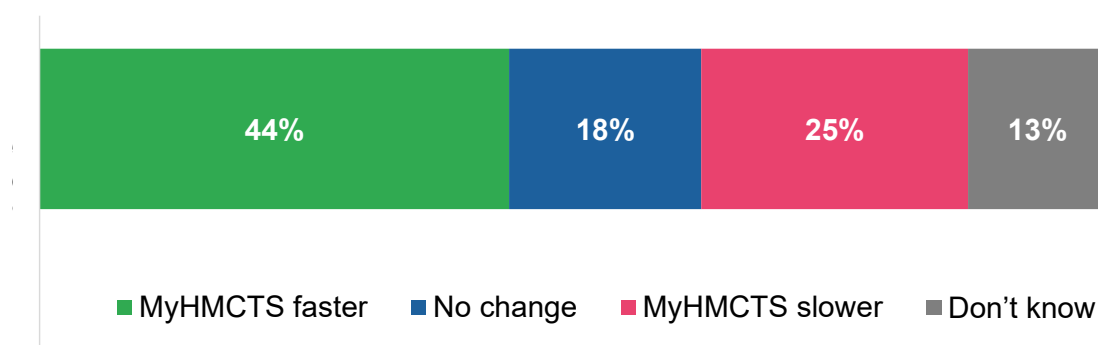
All HMCTS staff interviewed and the judge with experience of using the damages portal felt the reform had increased the administrative burden placed on them. This was due to tasks taking longer and having to be duplicated across multiple platforms when cases dropped out of the reformed system.

“We make sure that the info on CCD¹⁷ matches that on CaseMan and correct anything on CaseMan that has not fed over from CCD correctly... it’s a nightmare... two screens live all day.” **HMCTS staff (damages)**

HMCTS staff, the judge with experience of using the damages portal and legal professionals had mixed views on whether using MyHMCTS had reduced the overall time spent they spent processing damages cases. A quarter of legal professionals (25%) reported that processing a case on MyHMCTS was slower than using the legacy system, whereas 44% said MyHMCTS was faster (as shown by Figure 8).

¹⁷ Manage Cases (for staff), and MyHMCTS (for legal professionals), are user interfaces that connect to both the case management systems where all records are held. Core Case Data (CCD) is the reformed case management system, and CaseMan is the legacy system for civil cases, including damages.

Figure 8 Legal professionals' views on speed of processing damages cases using MyHMCTS compared to legacy system



Source: IFF research

Note: E2: Compared to using the legacy system, how does using MyHMCTS affect the time it takes you to process a case?
Base: All damages legal professionals (202).

For straightforward cases, many felt cases progressed much more quickly on MyHMCTS than on the legacy system, particularly through the initial stages.

"Interacting is very speedy.... issuing a directions order... is so much quicker. Everything can be done sometimes in 24 hours whereas it used to take 3 weeks." **Legal professional (damages)**

However, for cases that were more complex, many felt case processing time was longer under MyHMCTS as they were more likely to 'drop out' of the system. Legal professionals reported long delays during this transfer period to the legacy system due to a large backlog.

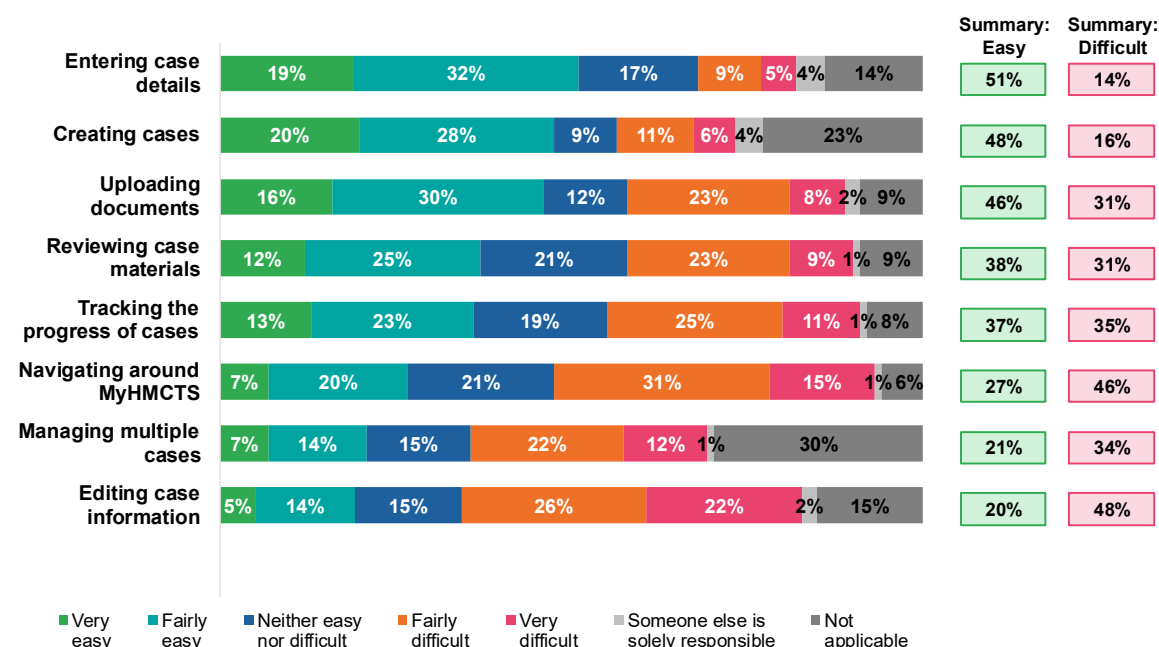
They also thought that the inflexibility of the reformed system made it impossible to accommodate different local court processes which had been developed to work more efficiently in their local area. Legal professionals found the earlier stages of using MyHMCTS easier than others, as shown by Figure 9. Roughly half of legal professionals found it straightforward to enter case details (51%), create cases (48%) and upload documents (46%).

Parts of the process that were reportedly more difficult were editing case information (48% found difficult) and navigating around MyHMCTS (46%).

For almost all steps, those who reported using MyHMCTS for the majority of their cases were more likely to report specific stages were easy (e.g. 68% found entering

case details easy compared to 35% of those who used MyHMCTS for half or fewer cases), so they appear to become easier with experience.

Figure 9 Legal professionals' ease of working on different stages of damages cases in MyHMCTS (during the last six months)



Source: IFF research

Note: B11/ B12: Thinking about damages cases you have worked on in MyHMCTS in the last six months, how easy or difficult did you find the following stages? Base: All damages legal professionals (202) Answers do not sum to summary values due to rounding.

Certain issues were raised as major factors affecting the efficiency of the digital system.

- **Not being able to edit case information or to correct errors** were raised as difficulties by all groups. Not being able to correct small errors was a reason for some cases 'dropping out' of the digital system.
- **Difficulties providing additional information.** Workarounds, such as merging PDF documents, were used to provide extra information.
- **Changes in terminology** which could lead to user errors (which could not then be modified).

"There's a struggle to get your head around the terminology used because some of it makes no sense and some of it is just inconsistent with the way that things have been done...it could be made easier and simpler by using

the same terminology that's been used for donkey's years."

Legal professional (damages)

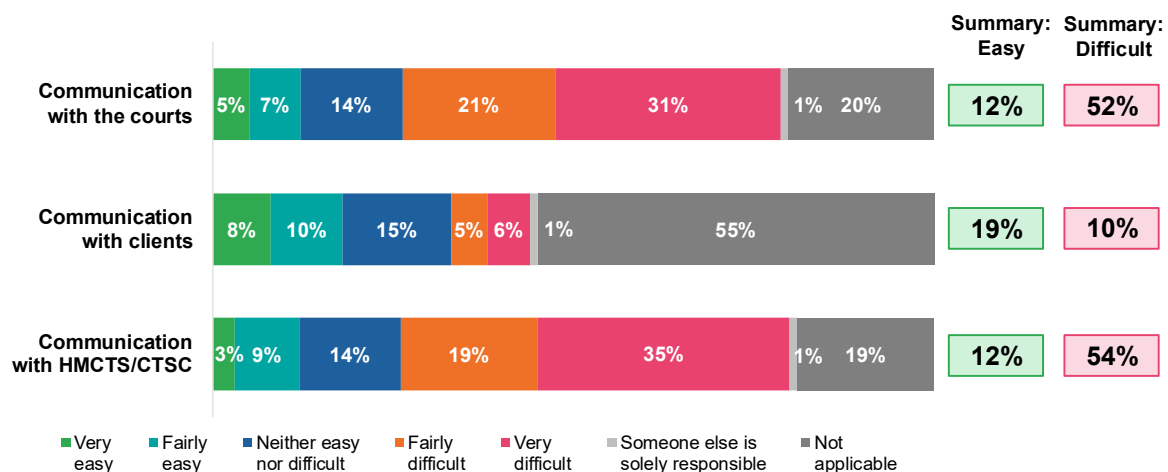
Several also expressed concern that the notice of change procedure to transfer a case to a different lawyer had only been recently introduced.

"The fact that notice of change wasn't there at the beginning...that suggests to me that it wasn't really properly thought through at the outset, because that's an obvious function of litigation, it happens day-in, day-out."

Legal professional (damages)

In the survey of legal professionals, over half reported difficulties using the reformed system to communicate with the courts and HMCTS/CTSC as shown by Figure 10. Only around one-in-eight (12%) reported finding these communication channels easy to use. HMCTS staff and legal professionals reported in qualitative interviews that they generally used email rather than MyHMCTS for communication purposes.

Figure 10 Legal professionals' ease of communicating for damages cases in MyHMCTS (during the last six months)



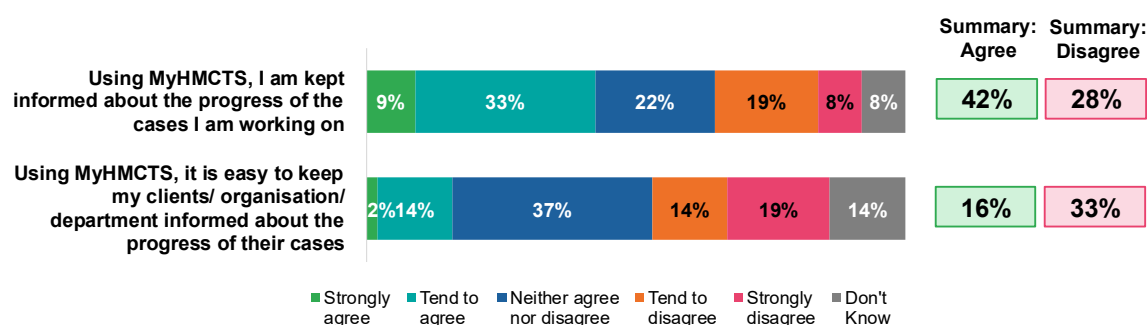
Source: IFF research

Note: B13: Thinking specifically about the last six months, how easy or difficult did you find the following stages of working on damages cases in MyHMCTS? Base: All damages legal professionals (202). Answers do not sum to 100% due to rounding

In the survey, legal professionals had mixed views of the ability to track case progress in MyHMCTS. Less than half (42%) felt they were kept well informed about progress (Figure 11), and only one-in-six (16%) agreed using it meant it was easy to

keep clients updated. However, this and the high proportions of unsure and neutral responses may be due to the high numbers of cases dropping offline, as these cases can no longer be tracked using MyHMCTS.

Figure 11 Legal professionals' feelings on whether kept informed of progress



Source: IFF research

Note: E1-1/ F1-3: To what extent do you agree that...? Base: All damages legal professionals (202). Answers do not sum to 100% and to summary values due to rounding

Two-thirds (67%) of damages legal professionals reported that clients were kept informed to the same extent whether the case was handled on MyHMCTS or the legacy service. A similar proportion thought clients were less informed on MyHMCTS (10%) as more informed (7%). All groups were concerned about the reformed system's slowness and reliability due to frequent technical issues. Most mentioned that they had experienced the platform 'being unavailable for at least several hours'. Although this did not happen often, the impact was significant, as there was no way to access case information and unsaved work would be lost.

"There is no way to save anything on it so you can't come back and finish it off later as you can at the high court...if you log off and have not completed it, it has vanished, and you have to do it all again."

Legal professional (damages)

HMCTS staff noted that case notes were the function most often unavailable; this unreliability caused them additional work. They also spent considerable time checking and reporting issues with the system when updates were released,

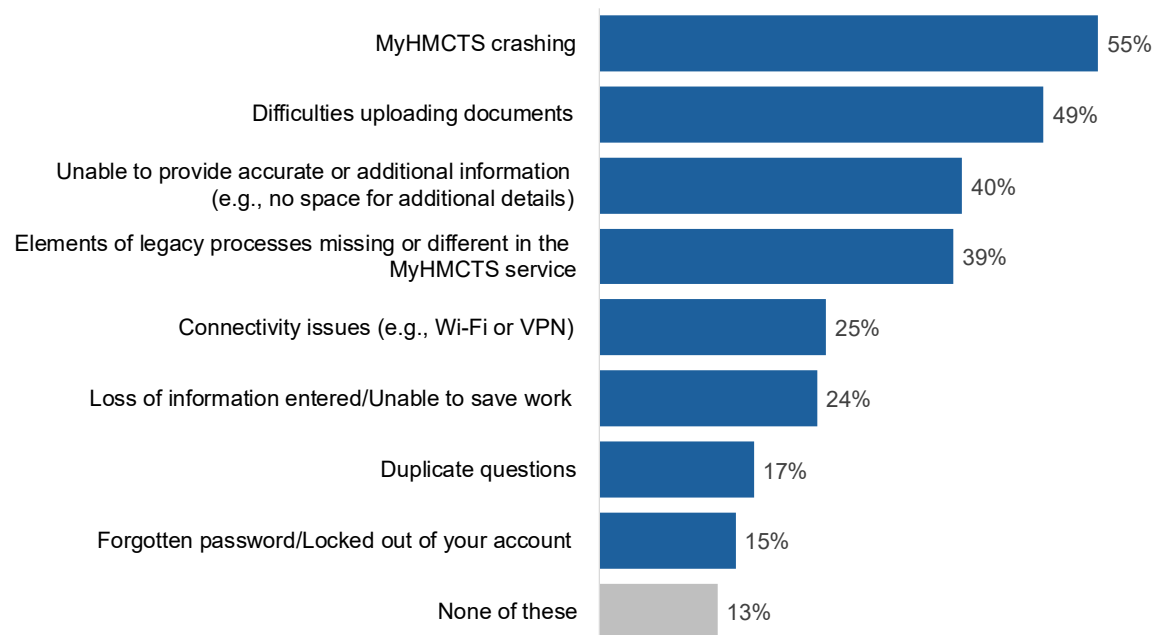
"[Case notes] probably stops working twice a month...we have a spreadsheet with the case number and the note we were going to make and

then we have to put it all in ourselves onto CCD which takes ages.”

HMCTS staff (damages)

Technical difficulties were common when using the platform, with almost all (87%) damages legal professionals in the survey reporting experiencing at least one. The most common technical problems encountered were MyHMCTS crashing (55%), difficulties uploading documents (49%), being unable to provide accurate or additional information (40%) and having certain elements of legacy processes missing in the reformed service (39%). In addition to these issues, in qualitative interviews, all groups regularly flagged difficulties with logging in, issuing refunds, not being able to edit errors, and not being able to save changes.

Figure 12 Technical difficulties experienced using reformed service by legal professionals



Source: IFF research

Note: C5: Have you experienced any of the following technical issues when using MyHMCTS? Base: All damages legal professionals (202). Respondents could select multiple answers. Issues experienced by less than 7% not shown, 'none of these' also excludes the small percentages who experienced these issues not shown.

All groups reported spending significant time troubleshooting and resolving these kinds of issues, which put additional strain on their workload. Around six-in-ten (58%) legal professionals who had experienced technical issues with the MyHMCTS service had accessed technical support, while four-in-ten had not (42%). The most common sources of support were MyHMCTS support via email (46%), HMCTS but

unsure from which team (10%), followed by the Courts and Tribunals Service Centre (CTSC) and local or regional courts (both 8%).

Satisfaction with the quality of this support was mixed – half (50%) were satisfied, but a third (34%) were dissatisfied. For those who did not seek support from HMCTS for technical issues, this was primarily because they were not aware of the support (33%) or did not know how to access it (26%). Other common reasons included resolving the issue themselves (25%), and another colleague providing support to resolve the issue (18%).

HMCTS staff reported providing a level of technical support to both legal professionals and public users, although they commonly had to transfer cases into the legacy system when issues could not be resolved.

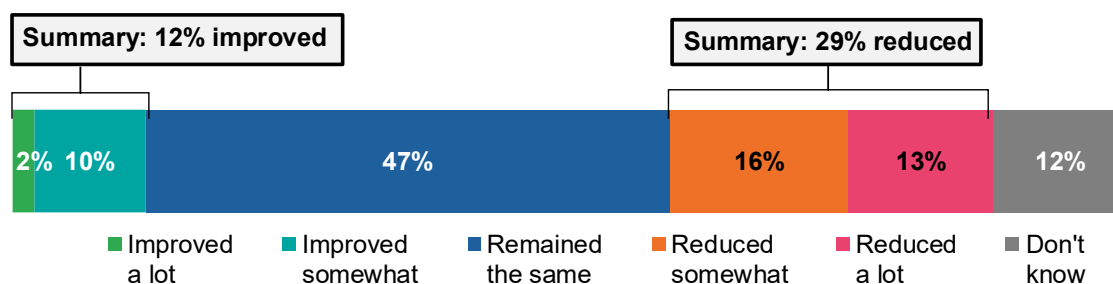
4.2.2 How do the new digital processes facilitate or impede access to justice in practice?

4.2.2.a Access to Justice

Legal professionals had mixed views about the impact of the rollout on access to justice but were most likely to think it was not affected.

In the survey, over half (58%) of damages legal professionals said that the introduction of MyHMCTS had improved (12%) or not impacted (47%) their clients' access to justice (Figure 13), whilst almost a third (29%) thought it had reduced it. Those who usually represented defendants were less likely to feel that MyHMCTS had increased their clients' access to justice than other legal professionals (2% vs. 12% overall).

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

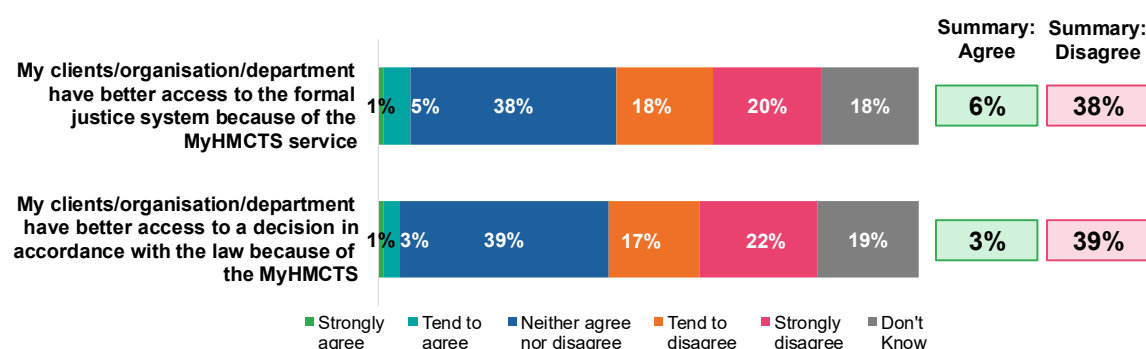


Source: IFF research

Note: G4: To what extent do you feel the rollout of MyHMCTS has affected clients' access to justice? Base: All damages legal professionals, except Department representatives (202).

As Figure 14 shows, 44% and 42% of legal professionals agreed or were neutral about whether the MyHMCTS service had provided their clients with better access to justice and to a decision in accordance with the law (whilst 38% and 39% disagreed)

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



Source: IFF research

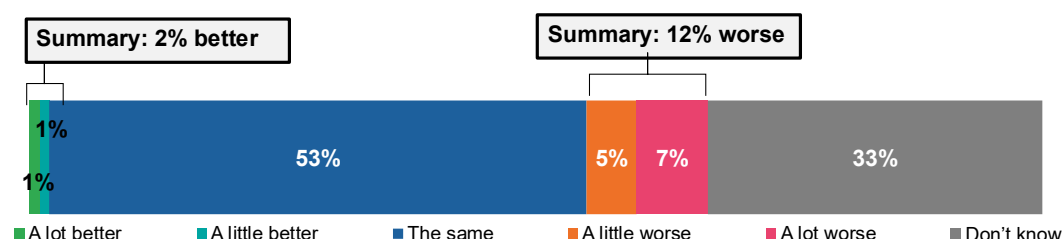
Note: F1-1 and F1-2: To what extent do you agree that...? Base: All damages legal professionals (202). Answers do not sum to 100% due to rounding.

4.2.2.b Fair handling

Legal professionals generally did not feel that using MyHMCTS affected how fairly cases are processed by HMCTS, but trust in fair handling was lower for complex cases (which were likely to 'drop out').

Over half of legal professionals (55%) felt client understanding of case outcomes was the same or better when processed via MyHMCTS, while one-in-eight (12%) thought it worse (Figure 15).

Figure 15 Legal professionals' views on extent to which clients understand the outcome of their case when it is handled by MyHMCTS

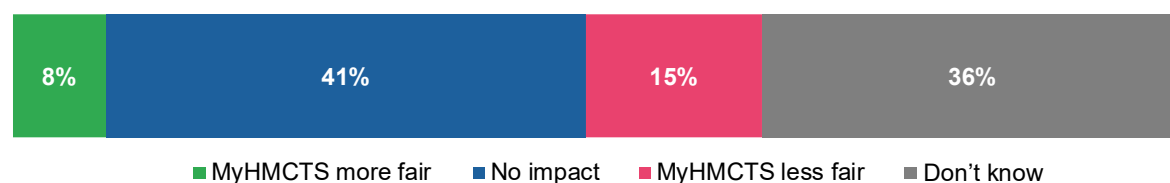


Source: IFF research

Note: F2: Compared to cases handled on the legacy service, to what extent do clients understand the outcome of their case when it is handled on MyHMCTS? Base: All damages legal professionals, except Department representatives (202).

Legal professionals generally did not feel that using the reformed service affected how fairly cases are processed by HMCTS: most commonly they said it had no impact (41%) (Figure 16). A minority (8%) thought it fairer and 15% thought it less, a third (36%) were unsure.

Figure 16 Legal professionals' views on fairness of damages cases processed using MyHMCTS, compared to the legacy service



Source: IFF research

Note: E3: Compared to using the legacy service, how does using MyHMCTS service affect how fairly cases are processed by HMCTS? Base: All damages legal professionals (202).

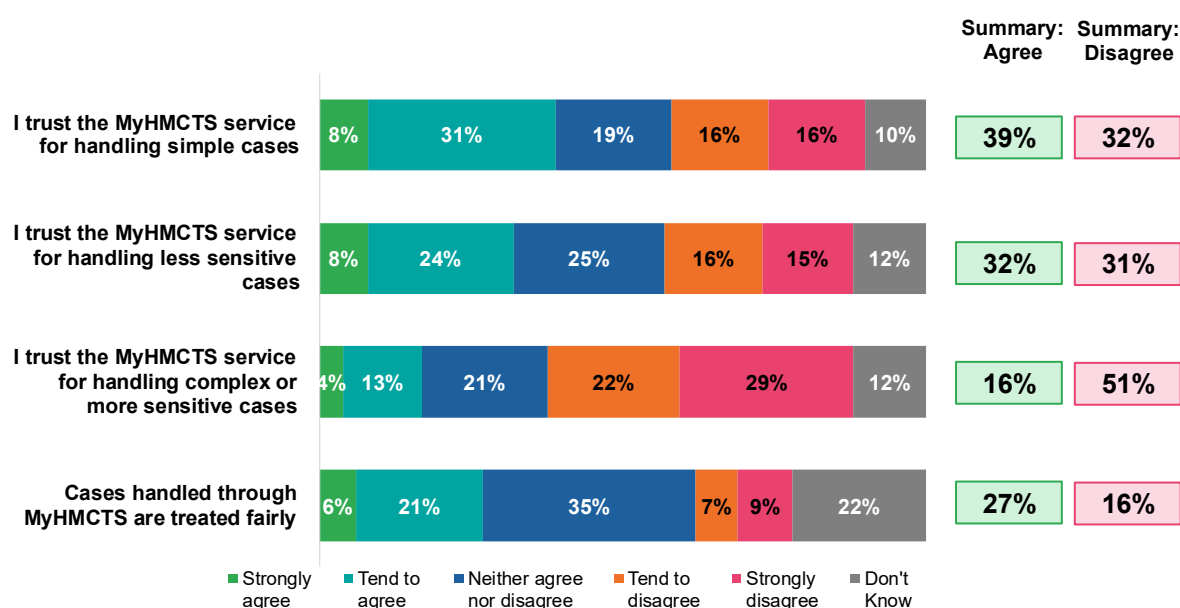
In qualitative interviews, few thought that the reformed service had changed how fairly cases were processed. However, several legal professionals who normally represented defendants did raise some concerns that MyHMCTS required the defendant to upload directions before the claimant:

“Why should we have to go first and set out how the case should be run when it’s not our case to bring? I don’t know if the claimant is suddenly going to turn around and say ‘Actually, I want all these experts.’”

Legal professional (damages)

Around a third of legal professionals agreed that they trusted MyHMCTS for handling simple (39%) and less sensitive (32%) cases (Figure 17). However, they were less likely to trust it to deal fairly with complex or sensitive cases (16%), which commonly dropped out of MyHMCTS and had to be dealt with on paper. Overall, participants were more likely to agree that MyHMCTS handled cases fairly (27%) than to disagree (16%), but views were mixed.

Figure 17 Legal professionals' trust of fair handling of damages cases processed using MyHMCTS



Source: IFF research

Note: E1: To what extent do you agree or disagree with the following statements? Base: All damages legal professionals (202). Answers do not sum to 100% due to rounding.

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

Most legal professionals interviewed reported making occasional errors themselves when using the reformed system, and experiencing errors made by other parties. Often these were minor but there was no facility to correct them which can result in them 'dropping out' into the paper system. There was some frustration from all groups that minor errors such as a name being misspelt could not be corrected and could lead to cases dropping out of the reformed system.

“It’s known to happen in January... that someone types in 2023 in when they mean 2024. You can’t pull it back, that order, you can’t discard it...and you can’t correct it... It can’t be fixed online.” **Judge (damages)**

In the survey, six-in-ten (62%) damages legal professionals said they themselves make errors while using MyHMCTS.¹⁸ These errors typically involved mis-entering information (59%), misunderstanding what was being asked for (50%) or not completing or submitting a case (24%). HMCTS staff felt most case errors were caused by legal professionals.

A similar proportion (56%) thought errors were made by other parties using MyHMCTS.¹⁹ However, a high proportion were unsure (31%).

Six-in-ten legal representatives (60%) also thought that errors were made by HMCTS on cases processed through the MyHMCTS service.²⁰ They reported errors other parties (including HMCTS) had made were not providing certain information (45%), misunderstanding what was being asked for (39%) and providing inaccurate information (34%). HMCTS staff reported that when administrative errors did occur, this was generally due to experiencing technical issues.

Compared to the legacy system, damages legal professionals tended to think that errors occurred more frequently on MyHMCTS (41% compared to 17% less frequently, see Figure 18).

Figure 18 Legal professionals’ views on frequency of errors using MyHMCTS, compared to the legacy service



Source: IFF research

Note: C4: Compared to using the legacy service, do error occur more or less frequently on MyHMCTS? Base: All damages legal professionals (202).

¹⁸ With 39% occasionally, 17% sometimes, and 7% frequently

¹⁹ Including 30% occasionally, 18% sometimes, and 8% frequently

²⁰ Including 27% occasionally, 18% sometimes, and 14% frequently

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

Legal professionals felt the service that clients received was consistent across digital and non-digital channels. This was despite some cases where they reported difficulties using the service, as they felt obligated to provide a consistently high standard of service.

Damages legal professionals generally agreed that the service their clients or organisation received was consistent, regardless of the system used. Almost half (47%) agreed with this statement and a quarter neither agreed nor disagreed (24%), though a fifth (20%) disagreed and a tenth (9%) did not know. Those who did not feel confident using MyHMCTS were more likely to disagree that service had remained consistent (31% vs. 20% overall).

In the interviews, most damages legal professionals said that most clients were unaware that the system had changed. Legal professionals emphasised that clients expected a certain standard of service, and they needed to provide this regardless of any difficulties using the system. A few who did feel that there had been an impact felt that the reformed process was slightly quicker for clients.

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

Legal professionals were largely confident using the reformed system, and this was reported to grow with experience. However, they had more issues with logging in than HMCTS staff.

There were mixed views about ease of access. HMCTS staff and the judge with experience of portal use reported no issues but, in the interviews, most legal professionals reported experiencing difficulties, particularly with authentication and the one-time-passcode. Time-consuming logins and frequent system time-outs were disruptive.

“You have to wait minimum five minutes for the verification code...and for me it’s always twice over... And it’s hard to focus on what you’re trying to do

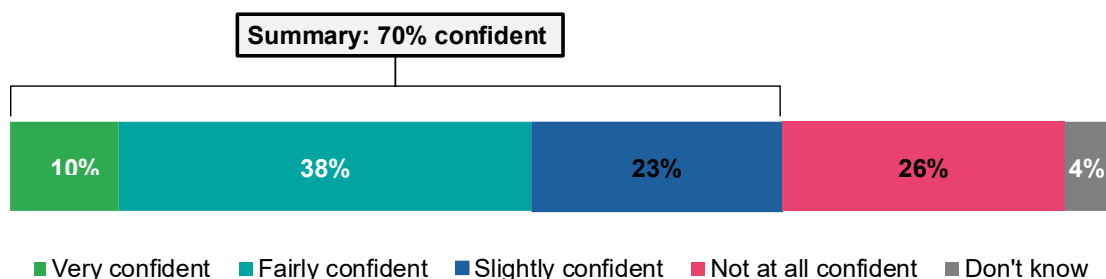
when you have to wait... It's a pain in the neck!"

Legal professional (damages)

In the legal professionals survey, a quarter (24%) reported setting up their MyHMCTS account themselves, with mixed experiences (27% found it difficult and 36% easy). Almost three-quarters of legal professionals (70%) had someone else set up their account for them (most commonly administrative staff, another legal professional colleague, or a manager), usually because they did this for everyone in the organisation.

The majority (70%) of legal professionals had at least some degree of confidence using the MyHMCTS system, although only one-in-ten (10%) felt very confident (Figure 19). Those who used MyHMCTS for more than half their caseload were more likely to report feeling confident than those using it less frequently (80% vs. 62%). Among those who felt confident, the most common reason was previous or regular use (33%). A fifth (19%) reported feeling confident because the system was easy to use). Half (48%) of those who did not feel confident attributed this to the process being complicated.

Figure 19 Legal professionals' confidence in using MyHMCTS



Source: IFF research

Note: D12: In your work now, how confident do you feel using MyHMCTS? Base: All damages legal professionals (202). Answers do not sum to 100% and to summary values exactly due to rounding.

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

All groups reported notable proportions of damages cases 'drop out' of MyHMCTS and have to be processed on paper, as the system was not digital end-to-end. A lack of functionality and flexibility in the elements that were digital (not being able to add or edit information) were also thought to create additional dropouts. Legal

professionals were frustrated they had to start on MyHMCTS for complex cases they were sure would later drop out. Legal professionals reported that cases drop out of MyHMCTS because:

- It happens automatically when reaching a stage that is not supported by MyHMCTS (83%).
- Other parties choose to proceed with the case using the offline/paper channel (53%).
- They themselves choose to proceed with the case using the offline/paper channel (43%).

Legal professionals' responses about the stage when dropouts occur were fairly evenly spread across 'when communicating with courts', 'reviewing cases', 'editing case information', 'creating the case', 'uploading documents', or 'when communicating with clients'. For those who had moved cases offline themselves, this was most commonly when communicating with courts, or when reviewing cases.

For those who had experienced case drop out for any reason other than party choice, this was most commonly for the following reasons:

- The case was no longer eligible for MyHMCTS (77%),²¹ or had become too complex for the reformed service (30%). Qualitative examples included multi-track cases, or needing additional documentation/information that MyHMCTS does not have facility to include.
- The other party was not represented (50%).
- The other party's representative was not registered (38%).
- Technical issues with MyHMCTS (31%) – qualitative examples included typos or date mistakes that could not be corrected.

²¹ Before September 2023, within this figure 50% of cases would drop out because the defendant did not have a legal representative, or the legal representative for the defendant did not have access to the case. From September 2023 legal representatives were able to generate a Certificate of Service through the portal that would be served to an unrepresented defendant offline, allowing them up to 14 days to appoint a solicitor to respond online.

"A weird quirk is that if the claimant doesn't add the email for service at the time of issuing the claim, they can't add it later.... So, it falls out of the [system] if they haven't put the email in....Computer says no!"

Legal professional (damages)

Reasons relating to party choice were also discussed in the qualitative interviews with HMCTS staff, the judge with experience of portal use, and legal professionals, including:

- Legal professionals requesting a deadline extension, but MyHMCTS can only offer this once (at the defendant response stage). In some cases, they said that where this drops out of the digital process this could lead to up to six-month delays to transfer to the legacy system.

"This is where the delays come back in again, you see, this is where it gets kicked into the legacy system and nothing happens for months on end. Whereas if it was under the old system, although it would be a delay, it wouldn't be the kind of delays we're now seeing under the legacy system."

Legal professional (damages)

- Legal professionals requested for the case to be moved across to the legacy service to make the process faster when they knew the case would drop out later anyway.

"Any form of larger or more complex litigation that's never going to stay in the [system], why start it there?...All that's going to happen is it's going to get kicked off ..., I'm going to put a defence saying this is a complicated case...and it gets kicked out into the legacy system. Why go through all that rigmarole?" **Legal professional (damages)**

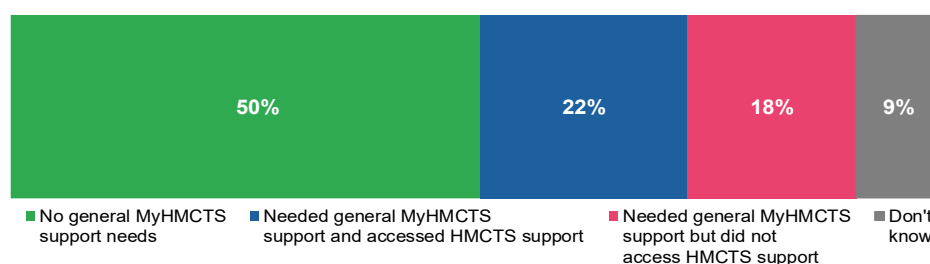
4.2.5.c Support and how issues are resolved

HMCTS staff reported they commonly had to transfer cases into the legacy system when issues could not be resolved. Legal professionals had generally not accessed any support and, where they had accessed support levels of satisfaction were mixed.

HMCTS staff reported that most general support they provided involved advising users about the steps to follow for a particular case. They also dealt with requests to take cases offline, and asked judges that cases be dropped into the legacy system when queries could not be resolved.

In the legal professionals survey, half (50%) did not report any need for general support to use MyHMCTS, while four-in-ten (41%) did. Legal professionals who accessed support generally did so from colleagues (64%), from HMCTS, including CTSC or MyHMCTS Support (37%). A smaller proportion accessed written guidance or training resources (28%), or online webinars or videos (11%), although the proportion of this that was provided by HMCTS rather than other sources is unknown. This suggests that up to one-in-five (22%) needed and accessed HMCTS support, and at least a similar proportion (18%) needed support but did not access it from HMCTS (Figure 20).

Figure 20 Legal professionals' general support needs and access to support



Source: IFF research

Note: D7: At any point since you began using MyHMCTS, have you needed general support (other than tech support) to use the service? D8: Did you access support? Base: All damages legal professionals (202). Answers do not sum to 100% due to rounding. 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.

Legal professionals who accessed HMCTS support were relatively dissatisfied with it. When asked about their satisfaction about different aspects of the support, legal professionals were more dissatisfied than satisfied for every aspect:

- On ease of finding the contact information for HMCTS support, 30% were satisfied and 41% were dissatisfied.
- On how quickly they were able to communicate with someone about their issue, 26% were satisfied and 54% were dissatisfied.

- On the extent to which they felt their issue was understood by HMCTS support staff, 32% were satisfied and 38% were dissatisfied.
- On usefulness of the support provided by HMCTS, 39% were satisfied and 41% were dissatisfied.
- On resolving the issue quickly, 33% were satisfied and 54% were dissatisfied.

Among the legal professionals taking part in the qualitative interviews, a number reported that they had received sensible solutions to their queries relatively quickly and were satisfied with the support overall.

“The support was really good. They emailed back very quickly, and the responses were quite good.” **Legal professional (damages)**

However, others said support staff had not resolved their query or they had never received a response.

“Because the help and support network are so suboptimal, I... just feel I can’t turn my back on it...because I know every time a problem pops up, we’re starting from ‘you won’t even hear from us for five days’, let alone resolve the issue.” **Legal professional (damages)**

Among legal professionals who did not access any general HMCTS support for MyHMCTS, a third (33%) were aware of it, three fifths (59%) were unaware and under a tenth (8%) were not sure. Of those who were unaware, three quarters (73%) who would have accessed it if they had known it existed, and one quarter (27%) were unsure.

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

4.2.6.a Overall views of the reformed service, and impact on working life for HMCTS staff and judges

HMCTS staff and the judiciary felt the rollout had added to their workload overall, due to technical problems and lack of flexibility in the system to handle the variety of case types.

One judge was considering leaving the service as they were concerned the limitations of the product would reflect poorly on their professional reputation.

One judge felt that for standard straightforward cases, the reformed service works very well. They appreciated the possibility of remote working that digitalisation offered them and were positive about future adaptations.

However, they were still taking more time on certain tasks than they would on paper, due to the number of different platforms. One judge anticipated the limited functionality and more administrative tasks being undertaken by judges themselves would increase workload and stress.

"If you don't have any pastoral care for judges and you are expecting more for less, I am afraid the system breaks down." **Judge (damages)**

Both judges thought the system needed to be improved based on judges' feedback.

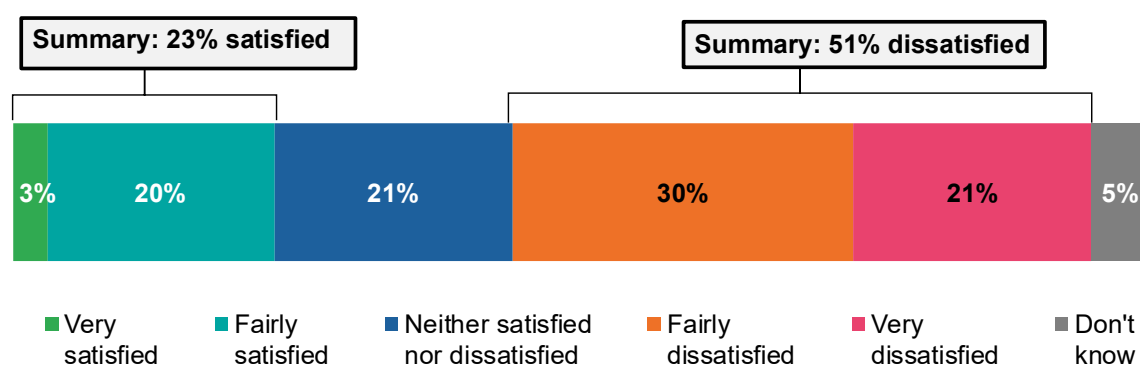
HMCTS staff interviewed all reported preferring the legacy system to the reformed system. They felt the old system was easier to use and more reliable. The new terminology in particular was raised as having caused confusion for both HMCTS staff and the legal professionals they work with. They generally felt the reformed system had added to their workload rather than streamlined work as intended.

4.2.6.b Overall views of the reformed service and impact on working life for legal professionals

Half of legal professionals were dissatisfied with the MyHMCTS service and only a fifth preferred it to the legacy system. Negative responses reflected frustration with the service not being digital end-to-end and technical difficulties.

In the survey, overall satisfaction with the MyHMCTS service among legal professionals was relatively low: just under a quarter (23%) were satisfied while half (51%) were dissatisfied (see Figure 21).

Figure 21 Legal professionals' overall satisfaction



Source: IFF research

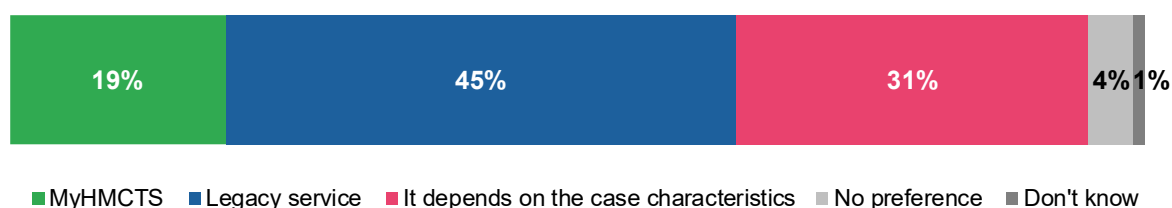
Note: G5: Overall, how satisfied, or dissatisfied are you with the MyHMCTS service? Base: All damages legal professionals (202)

Satisfaction with the service was more likely to be higher amongst:

- Those representing claimants (27%) compared to those representing defendants (16%).
- Those who used MyHMCTS for more than half their caseload (35%) compared to those using it for less than half (14%).
- Those who felt fairly or very confident using MyHMCTS (46%) compared to those who felt slightly or not at all confident (4% and 0%).

Unsurprisingly, given their low levels of overall satisfaction with MyHMCTS, almost half (45%) of legal professionals said they would prefer to use the legacy service over the reformed system. One-in-five (19%) would still prefer to use MyHMCTS, in line with the proportion who were satisfied with the service (23%). A third (31%) said it would depend on a case's characteristics (Figure 22).

Figure 22 Legal professionals' preference for MyHMCTS compared to the legacy system



Source: IFF research

Note: B5: If MyHMCTS service was not mandatory for cases, would you prefer to use MyHMCTS or the legacy service?

Base: All damages legal professionals (202)

When asked in the survey what the main benefit was to them of having the MyHMCTS service, over a quarter of legal professionals (27%) did not know and one-in-six (17%) said there were no benefits or made a negative comment. In the qualitative interviews legal professionals expanded on the technical issues that needed to be resolved, and that the platform should incorporate more flexibility to avoid dropouts. The unreliability of the platform could be very stressful as it could impact their ability to meet deadlines and incur financial penalties. Those who had difficulties with the system avoided using it frequently.

“It doesn’t really help professionals to be met on the front screen...with a litany of red boxes, saying oh, we’ve been having some technical issues, soz...It doesn’t inspire confidence in an environment which is deadline driven and therefore one where you are having to rely on something to get the job done.” **Legal professional (damages)**

However, some did report benefits, with the most common being that it was efficient (41%) and easy to use (10%). The qualitative interviews with legal professionals showed they generally appreciated the intent behind the new system, found that it worked well for very straightforward cases and was more efficient for these than the legacy system. Those who were satisfied with the system generally felt it had made their working lives easier.

When asked in what one way the MyHMCTS service could be improved, legal professionals were most likely to mention enhancing the functionality of the platform (17%). The next most common suggestions were simplifying the process (11%), making the service more clear/consistent (9%), and resolving technical issues (8%).

4.3 Potential improvements

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

Suggestions made specifically by respondents

- Improving the flexibility of the digital service to allow judges to make more bespoke orders, and to allow more cases to be dealt with digitally (*Judiciary, legal professionals*).
- Reducing the number of different platforms across Civil cases and creating a 'sandbox' test system for training (*Judiciary*).
- Fixing 'glitches' with the case notes function, which increases workload and can lead to errors, and using the same terminology on both reformed/legacy systems (*HMCTS staff*).
- Improving technical and general support, in particular reducing delays in responding to queries (*Legal professionals*).
- Increasing awareness of user groups for the judiciary to share experiences and solutions (*Judiciary*).

Suggestions based on further analysis

Analysis of the interviews also provided areas for potential improvements:

- Enhancing the functionality of the reformed platform to reduce dropouts and duplication of work and allowing any errors in case information or documentation to be edited after upload without having to drop the case off the digital service.
- Improving the stability of MyHMCTS to reduce the time it is unavailable.
- Reduce the number of red warning boxes on the home screen to only those relevant to the user, to improve confidence in reliability of system.
- Raising awareness of HMCTS technical support and how to access it.
- Raising awareness of HMCTS general training and guidance for the reformed system and improving the quality of this. Further research may be useful to understand the reasons for dissatisfaction with this.

5. Conclusions

5.1 Impact evaluation key findings

Findings from the impact evaluation suggested that there is limited evidence of the reform's contribution to changes in outcomes.

Uptake increased substantially following the mandatory use for claimants, but then declined after use was mandated for defendants. In relation to ease of use and better access to justice, some evidence suggests that aspects of the digital channel process, such as the complexity and differences in the claim notification process, might have contributed to a reduction in digital uptake following an initial high uptake period. This suggests that while the digital channel might facilitate access to justice at the start of the process, it has introduced some new barriers.

In relation to improving efficiencies and speed of access to justice, there is mixed evidence of the reform's contribution. For cases with legal representation, evidence suggests the average time for legal representatives to respond was initially longer for digital cases than paper cases. There is also evidence that the average time for all cases to transfer to a hearing centre has increased since the digital service rollout.

5.2 Process evaluation key findings

Regarding the implementation of the damages service, evidence found that the system was rolled out with limited functionality, and multiple technical problems caused frustration and inefficiencies for all groups, and some legal professionals tried to avoid using it. All groups (HMCTS staff, judges and legal professionals) reported that applications are usually started in the reformed system but 'drop out' to the paper system at later stages as the service is not end-to-end digital. Cases dropping out of the reformed service was a key cause of delays.

Better quality training for legal professionals and HMCTS staff, and more time to prepare for the change could have helped implementation. Additionally, raising awareness of HMCTS support, and improving response times may improve legal professionals' confidence in the system.

There was mixed evidence regarding how users are experiencing the damages system. Legal professionals were split between those who thought errors were similarly or less frequent on MyHMCTS and those who thought they were more frequent. All groups criticised the lack of functionality to correct minor errors, which lead to cases dropping out of the digital channel. Due to the volume of cases the reformed service is unable to accommodate, legal professionals, HMCTS staff and the judiciary felt the rollout had added to their workload overall.

Half of legal professionals were dissatisfied with the MyHMCTS service and only a fifth prefer it to the legacy system. Negative responses reflected frustration with the service not being end-to-end digital for complex cases and technical difficulties with the system. However, for simple cases, the reformed service was felt to have increased efficiency compared to the legacy system. Most legal professionals did not think they processed cases slower through the digital service than the legacy system, and reported their clients continued to receive a similar level of service.

Legal professionals had mixed views about the impact of the rollout on access to justice but were most likely to think it was not affected.

5.3 Potential improvements

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

- Raising awareness, and improving the quality of, HMCTS general training and guidance for the reformed system, including creating a 'sandbox' test system for training.
- Raising awareness of, and improving, HMCTS technical and general support.
- Improving operation and some key features of the digital service, including enhancing functionality, allowing errors in documents and cases to be edited after upload, improving stability, fixing 'glitches', improving flexibility

to allow more bespoke orders, and expanding scope to allow more cases to be dealt with digitally.

- Using the same terminology on both reformed/legacy systems.

6. References

Government Social Research. (2021). *GSR Professional Guidance: Ethical Assurance for Social and Behavioural Research in Government*. London: Government Social Research. Retrieved from <https://www.gov.uk/government/publications/ethical-assurance-guidance-for-social-research-in-government>

Appendix A

Damages Claims logic model

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

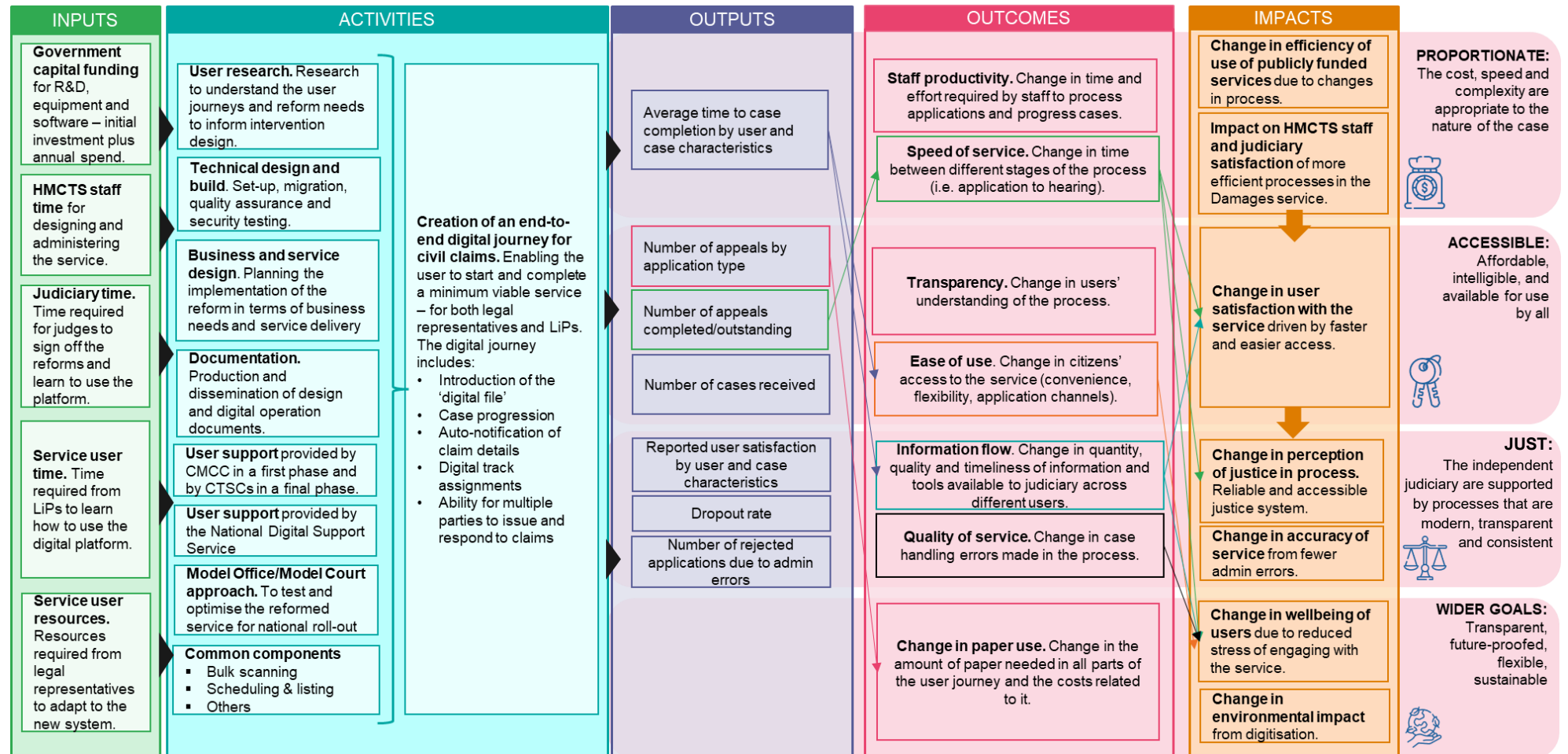
Several inputs were required for the digitalisation of the damages service. Financial and time resources (i.e., inputs) were required from the government, HMCTS staff, judiciary and legal professionals. In addition, introducing other digital aspects within MoJ/HMCTS, were also essential for the rollout of the Damages service.

Those inputs enabled a claimant's legal representative to immediately issue a claim upon submission and a defendant's legal representative to acknowledge and respond to that claim. Online activities include an automatic tracking and notification system and the ability to upload and access documents and directions digitally.²²

Since legal representatives can follow their claims online and be informed about the process in near real time, the reform should lead to increased efficiency in resource allocation and usage, further increasing ease of use of the service level of digital uptake and users' satisfaction. All those impacts should lead to improved access to the formal justice system.

²² Further details about the features of the Damages digital service can be found in Section 2.2.

Figure A1 Damages logic model



Source: Frontier Economics

Appendix B

Damages 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 also includes a summary of the final scope of, and steps taken to prepare, the data included in the analysis.

MI data analysis supporting information

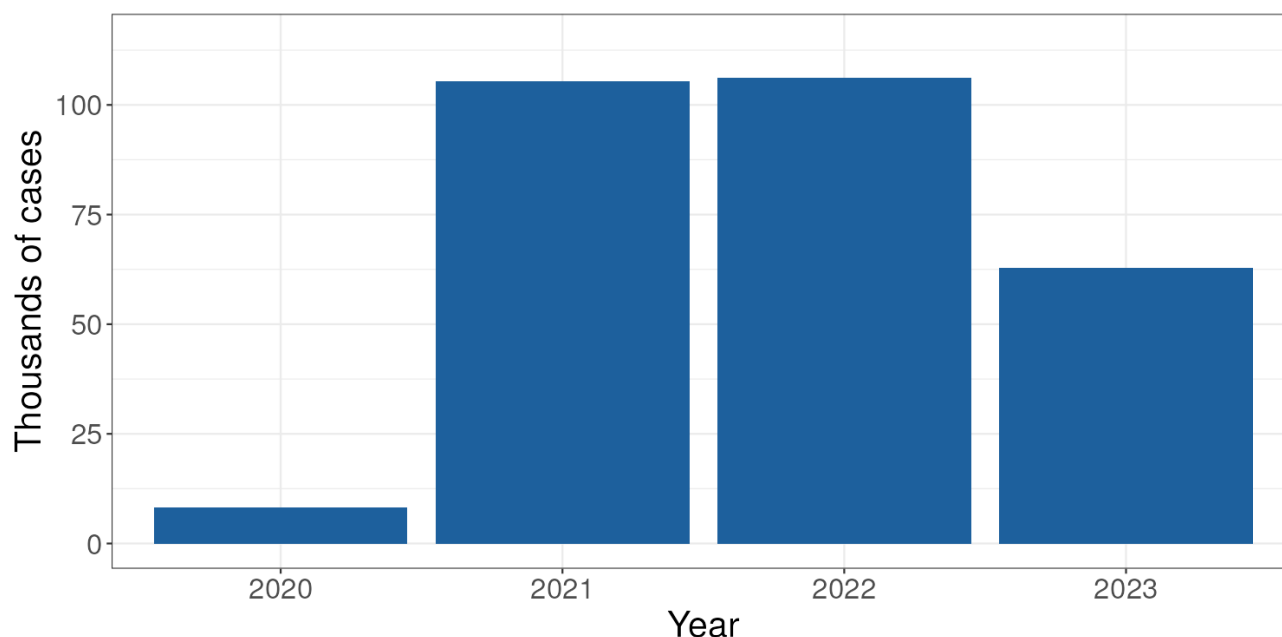
The MI data was sourced from the Caseman (legacy system) which included cases started in and copied from the reform data system. The data analysis was based on the assessment of the available data with respect to:

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

Volume of cases and period of analysis

The dataset included 282,682 damages cases issued from 30 November 2020 to 30 August 2023. This analysis did not include pilot cases as they are not considered part of the substantive reform. Figure B1 shows the original volumes of cases in the dataset.

Figure B1 Volume of damages claims cases by year – 2020 - 2023



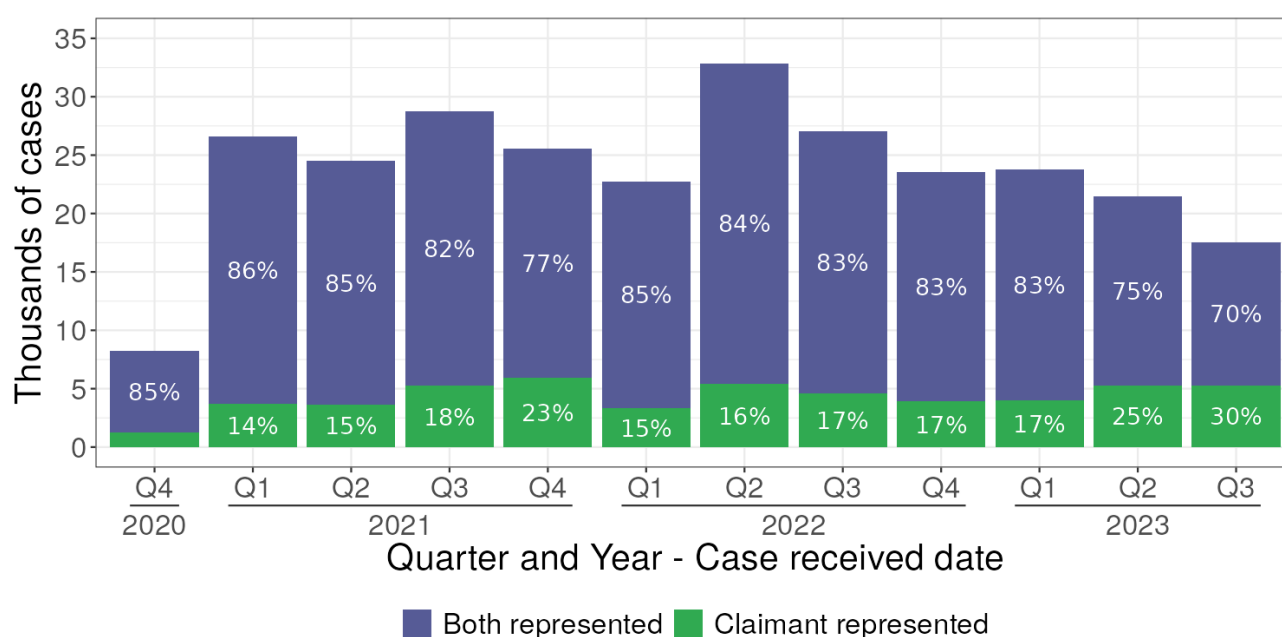
Source: Frontier Economics based on data from Caseman

Note: Total number of cases (i.e., digital and paper, represented). 2020 includes one month of data only. 2023 includes Q1 and Q2 cases.

Types of cases included in the analysis

Figure B2 below shows that over the period Q4 2020 to Q3 2023, between 70% and 85% of cases where a party had representation, had both parties represented.

Figure B2 Number of damages cases by representation type – Q4 2020 – Q3 2023



Source: Frontier Economics based on data from Caseman. Cases where both parties are not represented are excluded from the analysis.

The dataset included both paper cases that would be eligible for the digital service and digital cases, making comparison of the services before and after the digital reform feasible. The MI data included information about channel of submission (digital or paper), claimant and respondent representation status, case issued date, response date, defence date, data of transfer to hearing centre, and case outcomes.

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 damages MI data

Description of data sets received	Anonymised data from the Caseman case management system.
Available information (raw data)	311,014 observations from 30 November 2020 to 30 August 2023.
Cleaning steps	<p>No duplicates.</p> <p>Observations removed from the sample:</p> <ul style="list-style-type: none"> • 28,332 observations which represent Legal Representation Private Beta cases (not considered to be part of digital reform). <p>Total of 9.1% of the original dataset dropped.</p>
Available information (clean data)	282,682 observations from 30 November 2020 to 30 August 2023.
Information on relevant subsets/cuts of the sample	<p>Unavailable comparisons:</p> <p>Representation type: Claim submission on the digital platform is only possible for claims where the claimant is represented.</p> <p>Available comparisons:</p>

	<p>Channel type: information about the channel of submission (digital or paper) was available to analyse the trend of digital uptake.</p> <p>Pre- and post-reform: information is available before the reform is implemented.</p>
Available information on PCQ	Not applicable.
Information on relevant subsets of the sample for observations with PCQs	Not applicable.
Key outcomes of interest	<p>Trends of:</p> <ul style="list-style-type: none"> • Digital uptake: proportion of digital cases vs paper cases out of total cases for claimants with representation. • Timeliness: average number of days from a case issued date until response and until case is transferred out to hearing centre for claimants and defendants with representation. • Case outcomes: distribution of case outcomes for claimants with representation.
Level of granularity	<p>Quarterly/ Monthly trends split by:</p> <ul style="list-style-type: none"> • Pre- and post-reform • Channel of submission (i.e., digital vs paper).

Source: *Frontier Economics*

Appendix C

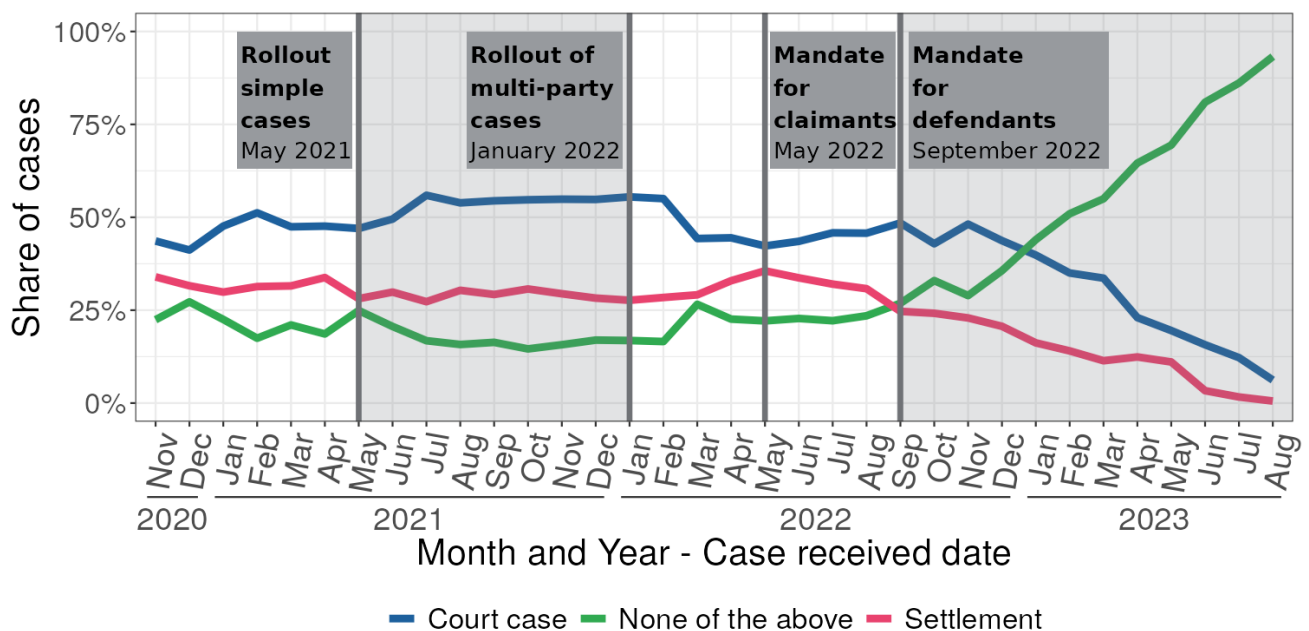
Damages additional analysis

This appendix sets out the initial exploration of the data to assess the effect of case complexity on the main analysis. While not the main focus, the analysis in this appendix accounts for differences in case complexity in considering its influence on uptake and case management outcomes. It shows that, across most measures, case complexity did not substantially influence the overall analysis.

Distribution of case outcomes

Figure C1 shows broad stability in the proportions of case outcomes between court cases, settled cases, and other (including open cases), until February 2022 when the proportion of court cases reduce by approximately 10% and other cases increase by a similar amount.

Figure C1 Claimants with legal representation – Distribution of case outcomes for damages cases – November 2020 to August 2023



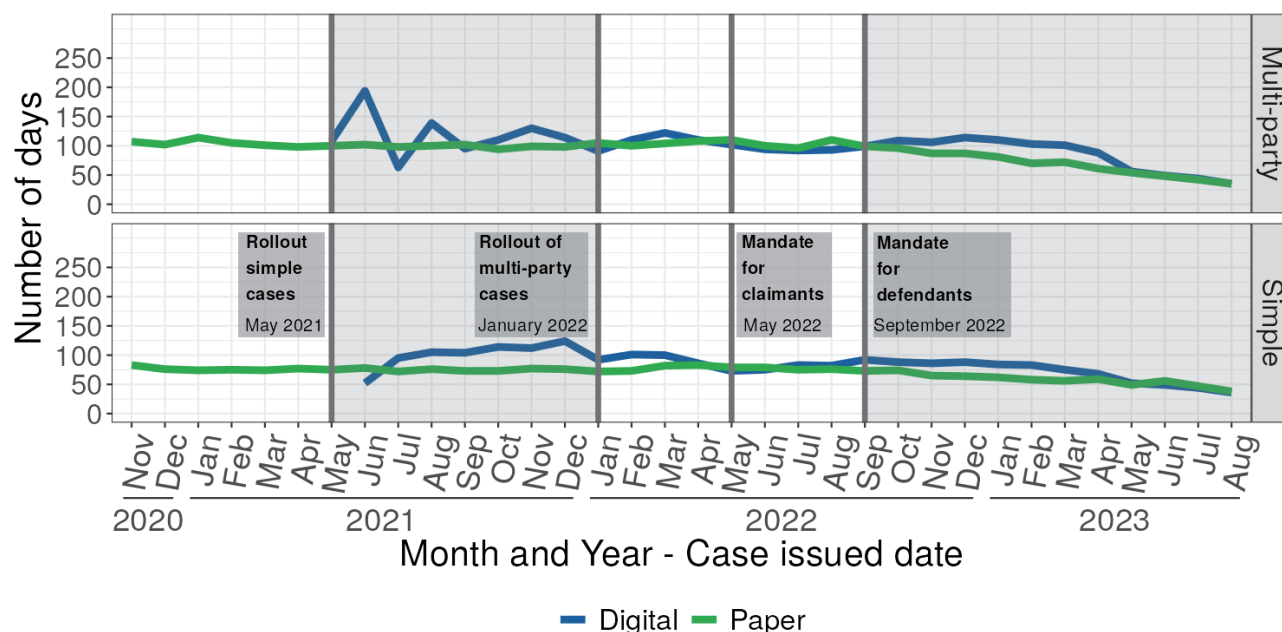
Source: Frontier Economics based on data from CCD.

Note: Grey-shaded areas (May 2021-Dec 2021 and Sep 2023 – Aug 2023) correspond to times when analysis should be interpreted with caution due to either a small sample of digital cases or a high proportion of outstanding cases.

Complexity analysis

There is no observable difference in the trends in average time to response, by channel, between multi-part and simple cases.

Figure C2 Claimants with legal representation – monthly average (mean) time to response by level of complexity – November 2020 to August 2023

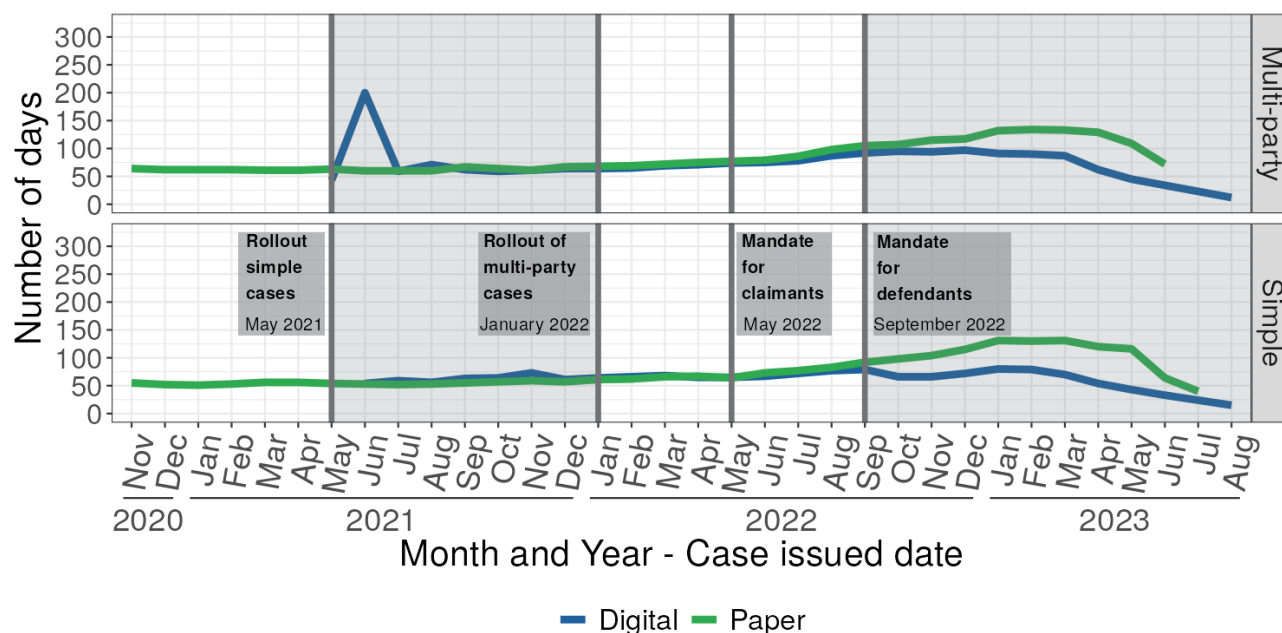


Source: Frontier Economics based on data from CCD.

Note: Grey-shaded areas (May 2021-Dec 2021 and Sep 2022-Aug 2023) correspond to times when analysis should be interpreted with caution due to either a small sample of digital cases or a high proportion of outstanding cases.

Figure C3 shows no observable differences in the trends in average time to transfer to a hearing centre, by channel, between multi-party and simple cases.

Figure C3 Claimants with legal representation – monthly average (mean) time to transfer to hearing centre by level of complexity - November 2020 to August 2023

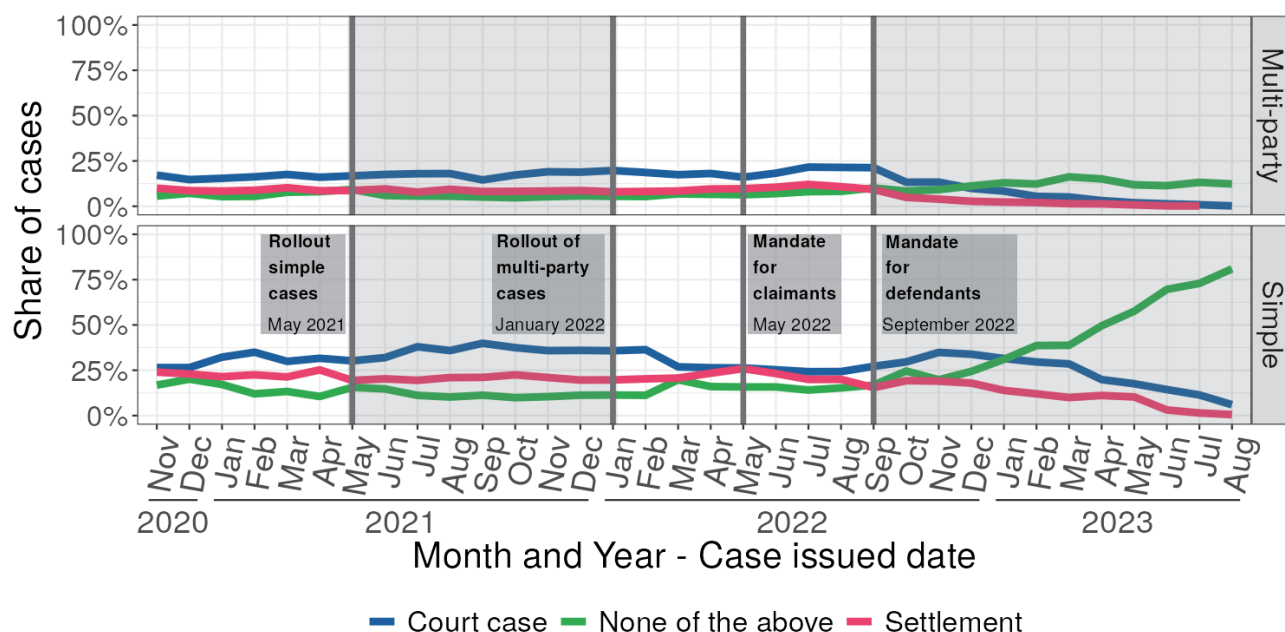


Source: Frontier Economics based on data from CCD.

Note: Grey-shaded areas (May 2021-Dec 2021 and Sep 2022 to Aug 2023) correspond to times when analysis should be interpreted with caution due to either a small sample of digital cases or a high proportion of outstanding cases.

Figure C4 shows little difference in distribution of case outcomes between multiparty and simple cases. While simple cases show a slight rise in other outcomes and decline in court case in February to March 2022, multi-party cases do not. However, there are no substantial differences in trends by case complexity after this point for the period for which data is sufficiently reliable.

Figure C4 Claimants with legal representation - Distribution of case outcomes by level of complexity – November 2020 to August 2023



Source: Frontier Economics based on data from CCD.

Note: Grey-shaded areas (May 2021-Dec 2021 and Sep 2022 to Aug 2023) correspond to times when analysis should be interpreted with caution due to either a small sample of digital cases or a high proportion of outstanding cases.

Appendix D

Damages fieldwork summary

Table D1 Summary of fieldwork				
Audience	Quantitative Surveys	Fieldwork dates	Qualitative interviews	Fieldwork dates
Judges	n/a	n/a	2 Civil Judges	February 2023 to March 2023
Legal professionals	202	December 2023 to January 2024	5	September 2023 to October 2023
HMCTS staff	n/a	n/a	3	October 2023 to November 2023

Appendix E

Ethical Considerations

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

Minimising the risk of harm

This research involved fieldwork with professionals only. These groups are unlikely to be distressed by participation in this kind of research. However, as part of a general approach to minimise the risk of distress, recruitment materials made clear that surveys and interviews were interested in participants' experience of the process and systems, rather than the content of their case.

Informed consent and right to withdraw

Legal professionals were invited to take part in the surveys and interviews in advance by email. This invitation set out the purpose of the fieldwork, the voluntary nature of participation and their right to withdraw. It also made explicit the confidential nature of participation and that this would have no effect on their interactions with HMCTS. This information was further repeated at the start of the fieldwork.

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

Enabling participation

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.