



Ministry
of Justice

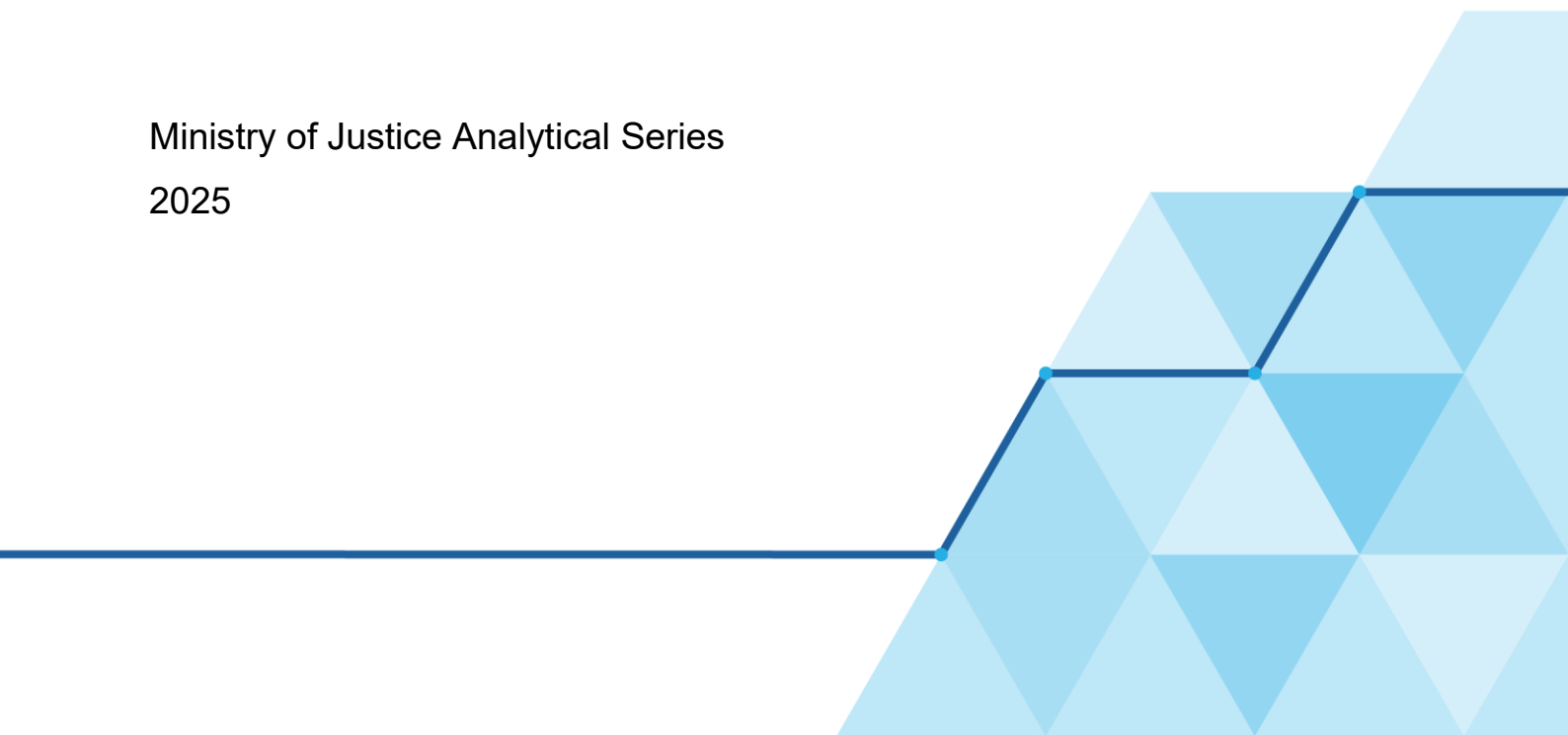
HMCTS Reform Digital Services Evaluation

Supplementary Report: Family Public Law

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

Frontier Economics and IFF research

Ministry of Justice Analytical Series
2025



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

Disclaimer

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

First published 2025



© Crown copyright 2025

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

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

Any enquiries regarding this publication should be sent to us at researchsupport@justice.gov.uk

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

ISBN 978 1 911691 78 5

Contents

HMCTS Reform Digital Services Evaluation	1
Supplementary Report: Family Public Law	1
Contents	2
1. Executive summary	4
1.1 Introduction	4
1.2 Design	4
1.3 Findings	5
1.4 Implications	8
2. Family public law (FPL)	10
2.1 Introduction to family public law	10
2.2 The FPL digital reform – objectives, features and eligibility	11
2.3 Evaluation objectives	13
3. Impact evaluation – Contribution Analysis	14
3.1 Contribution claims and evidence sources	14
3.2 Analysis	15
3.3 Limitations	22
3.4 Contribution Narrative	22
4. Process evaluation	24
4.1 Process evaluation analysis	24
4.2 Family public law process evaluation findings	25
4.3 Potential improvements	51
5. Conclusions	53
5.1 Impact evaluation key findings	53
5.2 Process evaluation key findings	53
5.3 Potential improvements	54
References	55
Appendix A	56
Family Public Law logic model	56
Appendix B	58
Family Public Law impact evaluation technical appendix	58
MI data analysis supporting information	58
Volume of cases and period of analysis	58

Types of cases included in the analysis	59
Summary of scope and detailed data preparation steps	60
Appendix C	62
Family Public Law additional analysis	62
Distribution of case outcomes	62
Complexity analysis	62
Appendix D	66
Family Public Law fieldwork summary	66
Appendix E	67
Ethical Considerations	67

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 family public law (FPL) service.

Under the Children Act 1989, the FPL service aims to protect and promote children's welfare. Among other duties, it allows local authorities in England and Wales to initiate 'care proceedings' in cases where there are concerns regarding a child's wellbeing. Before the digital reform, applying for care proceedings was paper-based only, and coordination between parties was done by email or telephone. All information, evidence, statements and reports were submitted to the court via post.

The reformed service provides a full end-to-end digital service, available via the MyHMCTS platform for local authorities, solicitors, and external legal professionals who act on behalf of local authorities. The service enables local authorities and legal professionals to view and manage cases online, upload evidence and case orders online, track application progress on the MyHMCTS platform, and receive support, notifications and results online. For judges, the digital reform moved all aspects of case management onto a digital platform. For HMCTS staff, the digital reform means administrative tasks and checks are completed digitally.

The key digital reform objectives were centred around building a better service for users, improving the efficiency of the family public law court process, and ensuring the court, parties and their representatives have access to the right information at the right time to support the court in its decisions in the best interests of the children.

1.2 Design

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

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



1.3 Findings

The key findings of the family public law service evaluation are summarised Tables 1 and 2 below. The full evaluations can be found in this report. 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> Steady increase in digital uptake by local authorities, largely facilitated by onboarding activities.</p> <p> Evidence that many local authorities initially preferred to continue using paper service due to low confidence in digital service.</p>	Tentative evidence of the reform's contribution to digital uptake (which was markedly higher when accompanied by user onboarding activities ¹) and, therefore, improved access to the justice system.

¹ This process included regular meetings, a communication channel with the project team to provide updates, and provision of guidance materials

2	Digitalisation reduces processing and correspondence time, improving efficiency and speed of access to justice.	<p> Observed improvement in the average time to case disposal over the reform period. Evidence suggests the contribution of digital service onboarding contributed substantially to uptake.</p> <p> Evidence also suggests additional and duplicative administrative work for judges and legal professionals when handling digital cases, which might hinder more substantial improvements in case durations.</p>	Mixed evidence that digital reform contributed to a slight improvement in case duration.
---	---	---	--

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> Legal professionals reported that most mandated cases were on the new digital system.</p> <p> HMCTS staff and some legal professionals reported processing cases was easier on the reformed system compared to the legacy system.</p> <p> There was evidence of judges and legal professionals communicating outside the digital service, especially for urgent matters, because</p>

		<p>they did not feel communication within the digital service was sufficiently effective.</p> <p>❓ More interactive training for the judiciary could have led to a more seamless implementation.</p>
2	How do the new digital processes facilitate or impede access to justice in practice?	<p>⊖ Legal professionals felt that access to justice had been largely unaffected by the digital reform.</p> <p>❓ Legal professionals' trust in fairness of MyHMCTS processing varied by the complexity of cases.</p> <p>⊖ Judges and legal professionals were concerned that urgent communications about serious situations can be missed.</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>⊖ Most legal professionals reported they made errors using MyHMCTS.</p> <p>❓ There was no evidence around whether user errors were less common than in the legacy system, but legal professionals thought error levels in general were similar or were unsure.</p> <p>⊖ There were concerns about the treatment of confidential files within MyHMCTS.</p>
5	How consistent are processes between digital and non-digital channels?	<p>⊖ Across all user groups, there was no evidence to suggest that procedures were different under the digital system.</p>
6	What are the barriers and enablers to accessing digital services, and do these vary across user characteristics?	<p>⊕ No major barriers were identified.</p> <p>⊕ Drop-outs (where cases started on the digital system move to the paper journey) appeared to be rare. A very small number of users reported that they or other parties decided to move offline.</p>

		<p>– Improvements to support services could help legal professionals deal with non-standard cases and problems on MyHMCTS.</p>
7	How does the new digital process impact users' experience?	<p>– For judges, issues with the reformed service outweighed the expected benefits.</p> <p>= Legal professionals reported MyHMCTS usability and functionality had improved since initial implementation (with which satisfaction was mixed).</p> <p>= For legal professionals, satisfaction with the reformed service was mixed, as was their preference for reformed or legacy services.</p> <p>+ Cafcass Cymru and HMCTS staff were positive about the reformed service, citing improved speed and efficiency.</p>

Source: IFF research

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

1.4 Implications

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

- Improving some features of the digital service, including implementing protocols for labelling and filing digital documents, providing areas where Cafcass guardians or practitioners can be listed, enabling the judiciary to view cases by certain categories (e.g., prioritised, open, closed), and enabling urgent correspondence to be flagged for judges' attention.
- Implement better training and awareness raising to ensure certain features and processes are understood by all parties, and to enable staff to practice on dummy cases.

- Improve connection to support for technical issues and ensure communications from IT about updates and error messages are in understandable language.

2. Family public law (FPL)

2.1 Introduction to family public law

Under the Children Act 1989, the family public law (FPL) service aims to protect and promote children's welfare. Among other duties, it allows local authorities in England and Wales to initiate 'care proceedings' in cases where there are concerns regarding a child's wellbeing.

In FPL cases, the applicant is generally the local authority with jurisdiction over the case, while the respondents typically include the parents.² Each local authority is assigned to a Designated Family Judge (DFJ) area that handle the FPL cases in that jurisdiction. Applicants are usually represented by an in-house or external solicitor, whereas respondents may either have legal representation or act as litigants in person (LiPs). The Children and Family Court Advisory and Support Service (Cafcass) automatically represents the children involved in the case. Children can also have their own legal representation.

At the beginning of care proceedings, local authorities can apply for an interim care order or a care order, granting them parental responsibility for the child and the ability to decide their living arrangements. Additionally, they can also apply for a placement order if they believe adoption is appropriate. When a care application is issued, the court appoints Cafcass to undertake an independent investigation.

After care proceedings are initiated, there is a statutory requirement to conclude the case within 26 weeks, but some complex cases may take longer. Throughout this period, a hearing to discuss the management of the case³ is usually scheduled (between day 12 and 18 after the case is issued). During this hearing, a case management order (CMO) is issued, giving instructions for parties to submit information, evidence, statements and reports to the court.

² The National Society for the Prevention of Cruelty to Children (NSPCC) may also act as an applicant, but they usually defer to the local authority to conduct their own investigations.

³ Known as a case management hearing. For the vast majority of cases this will be the first proceeding hearing.

Before the digital reform, applying for care proceedings was paper-based only, and coordination between parties was done by email or telephone. All information, evidence, statements and reports were submitted to the court via post.

2.2 The FPL digital reform – objectives, features and eligibility

The key digital reform objectives were centred around building a better service for users.

The main FPL-specific digital reform objectives were:

- improving the efficiency of the family public law court process; and
- ensuring the court, parties and their representatives have access to the right information at the right time to support the court in its decisions in the best interests of the children.

The Logic Model in Appendix A sets out in more detail how the digitalisation of FPL was anticipated to achieve these objectives. Key features of the FPL digital reform are shown in Table 3.

The full end-to-end digital service is available via the MyHMCTS platform for local authorities, solicitors, and external legal professionals who act on behalf of local authorities. LiPs cannot access the digital service, but a bulk scanning service is used to ensure paper documents are uploaded to the system. As such LiPs are not included in this evaluation.

Table 3 User-centred functionality features of FPL digital reform

Local authorities and legal professionals (solicitors)
Complete and submit the application form on the MyHMCTS platform and make the associated fee payment.
Track application progress on the MyHMCTS platform.
View and manage cases online.
View case documents, upload evidence, and upload orders for approval online.
Receive notifications, updates and results electronically.
Receive digital support to complete applications.
Access documents in the courtroom when possible or on users' devices

Table 4 sets out the key reform dates for the purpose of this analysis.

Table 4 Digital reform rollout dates

Date	Reform stage – Legal representatives
January 2019	A limited version was rolled out for a selected number of family courts in England and Wales, enabling access to some initial digital service features (known as the ‘Private Beta’ stage). ⁴
January 2020	The initial phase of the national rollout, offering a minimum viable end-to-end digital service to pilot family courts (known as ‘Public Beta’, with further enhancements added at later stages).
April 2020 – September 2020	Rollout was paused due to the Covid-19 pandemic.
September 2020 – April 2021	End-to-end service was enabled nationally for all 44 DFJ areas and the local authorities that are served by these court s
May 2021	Respondent journey functionality went live
February 2022	Local authorities completed the onboarding process to the MyHMCTS platform.
November 2022	Digital service was mandated for all DFJ areas. ⁵

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

⁴ This version allowed local authorities to submit an application form, notify all relevant parties and manage cases up to the first stages of the process (i.e., gatekeeping). From that point in the process, the case was handled and progressed using the legacy paper-based route.

⁵ There are some exceptions to the mandate to use the digital service for certain orders: application of placement orders or revocation of placement orders by local authorities, and citizens’ application for discharge of care/supervision order or for contact with a child in care.

The vast majority of local authorities completed the sign-in (onboarding) process in February 2022. The onboarding process involved regular meetings with local authorities and setting up a communication channel with the project team to provide information about upcoming updates and modifications in the digital service. A guidance manual was also designed for local authorities covering the end-to-end process and other media tools (e.g. YouTube videos).

For judges, the digital reform moved all aspects of case management onto a digital platform, including viewing case details online and accessing documents digitally rather than in paper files. In the reformed service, case listings are managed digitally via the ListAssist tool.

For HMCTS staff, the digital reform means administrative tasks and checks are completed digitally on the Manage Cases platform.

2.3 Evaluation objectives

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

3. Impact evaluation – Contribution Analysis

3.1 Contribution claims and evidence sources

Contribution analysis aims to assess to what extent the intervention can reasonably be considered to have contributed to any observed changes in outcomes. Further information on methodology can be found in the overarching evaluation report.⁶

The analysis assessed whether the introduction of the digitalised FPL service has contributed to two outcomes (the **contribution claims**):

1. The user-centred functionality features in Table 3Table 3 would lead to an easier and more streamlined process for **applicants** (i.e., local authorities and their legal representatives), **respondent's solicitors**, **judges** and **HMCTS staff**. In turn, this would increase satisfaction and the ease of use of the service, leading to an increase in access to the formal justice system.
2. The digital features would reduce the time and resources required for case correspondence, processing, and clarifications for applicants and legal professionals. This would lead to a shorter average time to complete relevant stages of the user journey, contributing to a more efficient use of resources.

This analysis drew on evidence from:

- **Management Information (MI) data** relating to 91,931 FPL cases submitted between July 2018 and October 2023. The dataset included both legacy (paper) and reform cases (digital), therefore enabling a comparison of the service before and after the digital reform.
- A **survey** of 551 legal professional users (i.e., solicitors) who use MyHMCTS for FPL cases, from a total of 2,297 surveyed.

⁶ Available at [HM Courts & Tribunals Service Reform: Digital Services Evaluation - GOV.UK](#)

- Qualitative **in-depth interviews** with
 - ten legal professionals (i.e., solicitors),
 - six judges from the family jurisdiction, and
 - two professionals from Cafcass Cymru.
- Insights from **HMCTS internal stakeholders** familiar with the service to identify the potential mechanisms through which the digital service might have contributed to observed trends in the MI data and to provide possible alternative explanations.
- Personal Characteristic Questionnaire (PCQ) data was not available for FPL cases as the applicants are local authorities. Therefore, analysis of sub-populations was not in scope.

As the FPL service is only available to professionals, public users were not included in this research. Further details of the methods, data, and limitations surrounding this analysis can be found in Appendix B. A summary of fieldwork can be found in Appendix D. Ethical considerations are discussed in Appendix E.

3.2 Analysis

3.2.1 Digital service uptake

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

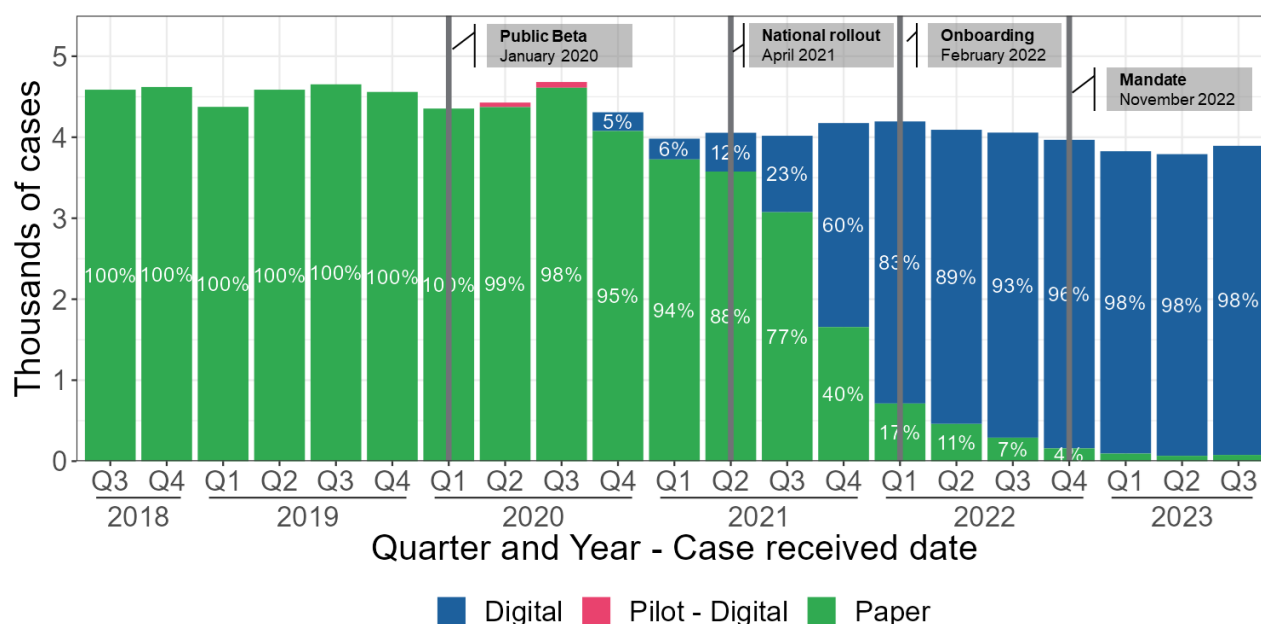
3.2.1.a Management Information

The analysis involved assessing the trends in the proportion of paper and digital cases between July 2018 and October 2023 for applicants (local authorities) with legal representation.

Figure 1 suggests a limited uptake of the digital service following the start of the national rollout (April 2021), followed by a rapid increase. Digital cases increased from 12% in Q2 2021 to 98% in Q3 2023. Digital uptake was already high (96%) at the time the mandate to

use the digital service was implemented in November 2022. A small proportion of cases still used paper after the service mandate – information from internal stakeholders suggests this is likely to be because a small number of local authorities had not signed up for the digital service over this period.

Figure 1 Applicants with legal representation – quarterly case volumes by route – Q3 2018 to Q3 2023



Source: Frontier Economics based on data from MoJ.

Note: 2023 Q4 was removed as data included information only for October 2023. Dates shown refer to the date cases were received by HMCTS rather than the date of disposal. This means there is a lag between the date shown and the actual date of an outcome. The data as shown can therefore reflect the influence of events on cases after they start. This may differ from the approach taken in the Ministry of Justice's published statistics. Caution should therefore be used when comparing these figures with published statistics.

3.2.1.b Contribution of the reform

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

- **User-focused features of the reform:** The digital service offered users information and guidance on completing and responding to applications, as well as managing cases and administration tasks. This, combined with the functionality for legal professionals to access case information remotely through their MyHMCTS account at any time and from any device, is likely to have increased the accessibility of the FPL digital service. For example, a legal professional indicated that:

“[the digital service] availability 24/7 is the key in this current environment where time is precious, and sometimes you are just catching a moment where you can get something done...” **Legal professional (FPL)**

- **Full onboarding of local authorities:** Although the end-to-end digital service was enabled nationally in April 2021, uptake remained low for most of that year. Internal stakeholders indicated that local authorities had low confidence in the digital service in the early months of the national rollout. It took almost a year, to February 2022, for local authorities to switch to digital services. During this time, further enhancements and security upgrades were implemented on MyHMCTS.⁷ The sharp increase in digital uptake from Q4 2021 indicates that the onboarding of local authorities substantially impacted the digital uptake.

“I think that's a credit to whoever's attempted that task [national rollout] because we're all using it, and that doesn't often happen”. **Legal professional (FPL)**

- **Introduction of the mandate for applicants and legal professionals to use the digital service:** In November 2022, a mandate was introduced for legal professionals to use the digital service for all FPL cases. The level of uptake of the digital service was, however, already relatively high by that point (around 96%). Internal stakeholders have suggested that the small number of cases that remained paper-based could relate to one local authority that was not initially able to engage with the digital channel and continued submitting paper applications.

3.2.1.c *Alternative explanations*

No alternative contributors to observed trends were identified from the evidence or from consultation with internal stakeholders.

3.2.2 Case management outcomes

The average time to conclude an FPL case indicates how the reform's digital features support proportionate and efficient service provision. A decrease in the time to complete an FPL case would be expected to reduce resource demands for both HMCTS and users throughout the entire process. Shifting the caseload to the digital service should

⁷ Multi-Factor Authentication (MFA) was introduced later at the request of numerous HMCTS stakeholders to provide additional security protection to all account users.

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*

Average case duration in 2022 and 2023 should be interpreted with caution as a large proportion of cases were still outstanding (i.e., not closed) in those years, possibly impacting the average case duration. Only 35% of received cases in 2023 were closed by the time the data was extracted in October 2023, compared to 85% of 2022 cases and 99% of 2021 cases. Therefore, on average, cases received in 2022 and 2023 that were already closed would have been simpler and shorter compared to older open cases.

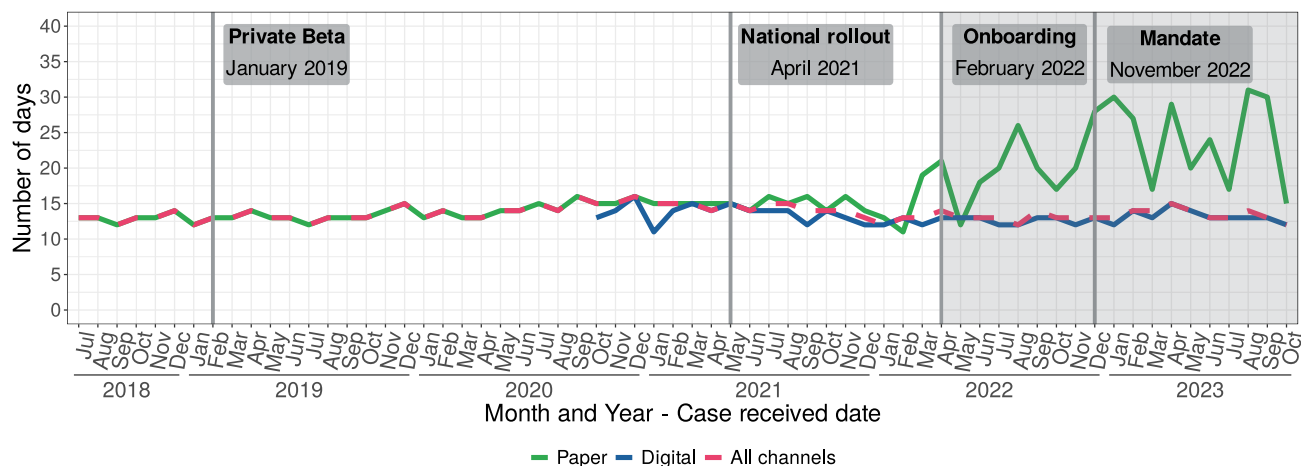
Comparison between the average duration of paper and digital cases in 2022 and 2023 should also be interpreted with caution. This is because the number of paper cases was minimal in comparison to digital cases during that year. Primarily this was due to increased uptake of the digital service after national rollout and the full onboarding of local authorities. The highly volatile average duration of paper cases in this period is also attributable to this low volume of cases.

Figure 2 indicates that the **average time to the first proceeding hearing** for digital cases fell within the legally required range of 12 to 18 days. There was a slight increase in the average time to the first proceeding hearing for all cases between March 2020 and August 2021, with a steady decline towards the end of 2021.

Throughout 2020 to 2023, the time to the first proceeding hearing was shorter for digital cases than for paper cases. This difference became more pronounced, although based on a relatively low volume of paper cases, following the onboarding of local authorities. However, the average duration to first proceeding hearing remained steady at pre-2020 levels.⁸

⁸ Quality assurance checks on the analysis based on case complexity (according to number of orders requested and number of children involved in the case) found no differences, see Appendix C.

Figure 2 Applicants with legal representation - monthly average (mean) time to first proceeding hearing – July 2018 to October 2023



Source: Frontier Economics based on data from MoJ.

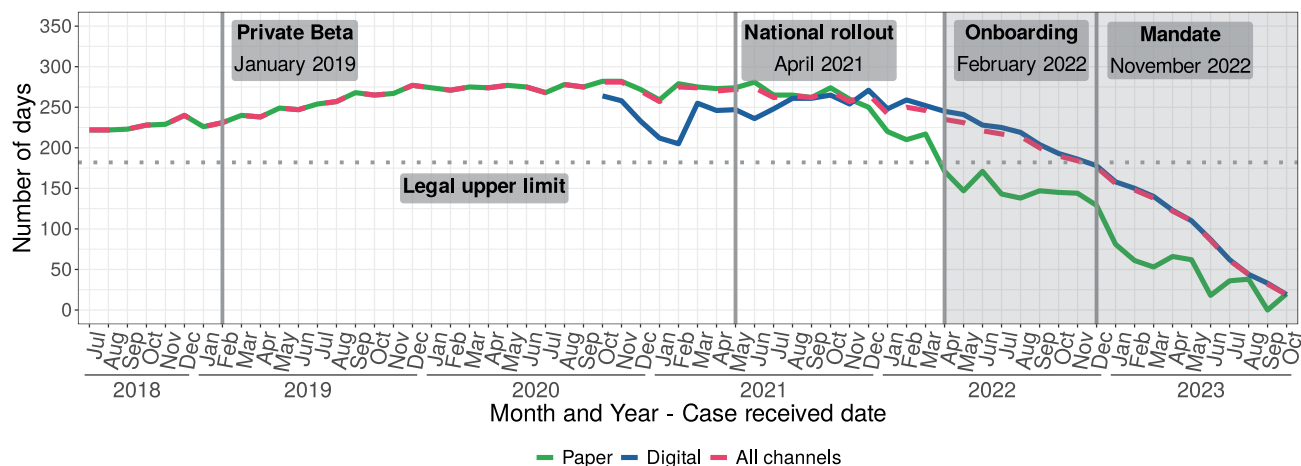
Note: Grey-shaded areas (from April 2022 onwards) correspond to times when the analysis should be interpreted with caution due to the high proportion of outstanding cases and a small sample of paper cases. Dates shown refer to the date cases were received by HMCTS rather than the date of disposal. This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

Figure 3 shows that the **average time for case disposal/closure** (calculated from the date the case was received up to the date that the case was closed or disposed) increased over the period to 2020, followed by stabilisation and subsequent decrease from July 2021 onwards. It also shows that the average digital case duration was above the legally required upper limit of 26 weeks (182 days).

For a short time after the national rollout (April 2021), digital case duration was shorter than paper cases. However, this coincided with a relatively low uptake of digital cases, as shown in Figure 1. Likewise, between December 2021 and October 2023, the case duration for paper cases was shorter than for digital, though this should be interpreted with caution given the very few cases that used the paper channel and the relatively high proportion of cases that remained open.⁹

⁹ Sensitivity checks based on case complexity (according to number of orders requested and number of children involved in the case) were conducted with no differences observed, see Appendix C.

Figure 3 Applicants with legal representation – monthly average (mean) time to case close/disposal - July 2018 to October 2023



Source: Frontier Economics based on data from MoJ.

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

3.2.2.b Contribution of the reform

Evidence from fieldwork and consultation with internal stakeholders identified one potential way in which the reform may have contributed to the observed trends for applicants with legal representation:

■ The features of the digital reform might have created more complex processes:

Interviews with judges and HMCTS staff reveal that some of the digital service processes might have been more complicated or not as helpful in streamlining the service. Judges working on FPL cases indicated an increased administrative burden. Most judges reported difficulty locating required files within the reformed system, and documents often being stored in the wrong place or labelled incorrectly. As one judge stated: "There is more administration work for judges..." **Judge (FPL)**

In addition, most legal professionals also thought that their own processes took longer when using the digital channel, as it was seen to add an 'extra layer' of work rather than saving time. Legal professionals who work at local authorities also often have other case management systems, meaning that there was no additional benefit from using MyHMCTS, and it was seen as a duplication of work overall.

The complication of processes might have led to a lower-than-expected reduction in the duration of FPL cases.

- **The national rollout for all DFJ areas was in April 2021, but full onboarding was delayed until February 2022:** Although the end-to-end service was enabled nationally for all DFJ areas in April 2021, uptake was quite low for several quarters until onboarding of local authorities had completed in February 2022. Internal stakeholders indicated that until onboarding activities took place, local authorities and the judiciary had low confidence in the digital service, deterring them from switching to digital services. The lower uptake of the digital service might have delayed improvements in case duration.

3.2.2.c *Alternative explanations*

The evidence and consultation with internal stakeholders identified three alternative contributors to these trends.

- **FPL process guidelines imposed an upper limit on case duration, and therefore driving processing of most cases to keep within this limit:** Current FPL process guidelines – called Practice Direction 12A – indicate that case management hearings should be scheduled no later than 18 days after the case is received and that cases should be completed in no more than 26 weeks. However, an extension beyond that timeframe can be granted 'to enable the court to resolve the proceedings justly'.¹⁰ This is regardless of whether cases are digital or paper.
- **Reallocation of resources to mitigate the backlog during Covid-19:** Internal stakeholders suggested that the FPL service had already been facing a backlog in FPL cases before the Covid-19 pandemic. This is reflected by the increase in average case duration prior to 2020. During the Covid-19 pandemic, resources were reallocated to process the most urgent FPL cases through various mechanisms (e.g., Nightingale courts¹¹ and the reallocation of judges from private family law to public family law

¹⁰ [Practice Direction 12A - Care, supervision and other. Part 4](#)

¹¹ Referring to the Additional Courts and Tribunals Capacity programme (ACTC) that was created to increase the physical capacity of courts. Please see further details on [GOV.UK](#).

cases). This may have contributed to the stabilisation and subsequent decrease in overall case duration observed after July 2021.

- **Reduction in total volume of cases:** Over the period in scope, the total number of cases per quarter decreased by 17% (on average) from around 4,600 cases in Q4 2018 to 3,800 in Q3 2023. Internal stakeholders suggested that this could have been associated with the funding challenges facing some local authorities, as they may seek to resolve simple cases out of court. This may have contributed to the observed decrease in case duration.

3.3 Limitations

The main limitation of the analysis above is related to the digital FPL reform being introduced in phases over the period 2019 to 2022.¹² Further enhancements to the digital service were still ongoing at the time of the analysis. As such, the degree of the FPL service digitalisation varied over time, which places limitations on the extent to which the effect of digitalisation can be assessed.

As described in the overarching evaluation report,¹³ the generalisability of the surveys may also be limited by the sample being selected randomly with fieldwork stopped as quotas were reached, and a largely online approach with mixed response rates.

3.4 Contribution Narrative

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

- The reform can be considered to have contributed to the uptake of the digital FPL service for applicants with legal representation. Low confidence in the digital service by local authorities and DFJ areas in the early days following the rollout is likely to have contributed to the low levels of uptake following the national rollout in April 2021. However, the implementation of further enhancements to the digital FPL service and security upgrades to the HMCTS portal are likely to have contributed to the increase in

¹² Early cases related to the private and public beta of the reformed service were excluded from the analysis.

¹³ Available at [HM Courts & Tribunals Service Reform: Digital Services Evaluation - GOV.UK](https://gov.uk/government/uploads/system/uploads/attachment_data/file/94444/HM_Courts_and_Tribunals_Service_Reform_Digital_Services_Evaluation_-_GOV.UK.pdf)

uptake, which was more pronounced following the onboarding of local authorities to the digital service in February 2022.

- There is mixed evidence about the reform's contribution to improvement in case duration for applicants with legal representation. Possible complications and duplications of administrative work for judges and legal professionals might have hindered a more substantial improvement. Onboarding of local authorities, which led to a higher uptake of the digital service, might have contributed to some of the observed improvements. However, the FPL process guidelines that introduced an upper limit on the time to list a case management hearing and to complete cases were more likely to have contributed to the changes in case duration and time to the first proceeding hearing. Reallocated resources to address case backlogs were also identified as an important contextual contributor to the decrease in average case duration.
- The onboarding of local authorities seemed to have been an important step for realising improved access to justice, particularly around the increase in digital uptake. However, complications in the process of the digital service might have hindered a higher uptake and a more substantial improvement in case durations, which might have further improved access to the justice system.

Future research would improve understanding of the contribution of digital reform to changes in outcomes. The following are suggestions for MoJ to consider:

- Continue collecting feedback from applicants and HMCTS staff on the service functions. The fieldwork with internal stakeholders revealed that challenges in understanding the application form and other aspects of functionality could have hindered case duration. Frequent feedback from users on the type of support and guidance they require could improve the reform's user-friendly features and result in better outcomes.
- The average time to case completion/disposal observed in MI data is higher than the upper limit of 26 weeks set out by FPL directions. Even though extensions can be granted 'to enable the court to resolve the proceedings justly', it is important to further investigate the reasons behind these extensions to better understand how and if the digital service may be improved to better support these cases.

4. Process evaluation

4.1 Process evaluation analysis

The process evaluation aimed to assess whether the family public law service (FPL) was implemented as intended, what worked well, any barriers to implementation and why these occurred.

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

The quantitative evidence is drawn from 591 responses to a survey of legal professionals who reported using MyHMCTS for FPL cases. All references to legal professionals in this chapter refer to those asked specifically about using MyHMCTS for FPL cases. They were largely solicitors (47%), or barristers (17%).¹⁴

They were split between those who represented applicants (42%), respondents (30%) and both (28%). The majority (84%) of barristers represented both applicants and respondents, but this was less common among other legal professionals (who more commonly represented only either applicants (50%) or respondents (34%)).

The survey was conducted online. More details are available in the overarching evaluation report.¹⁵

The qualitative research involved:

- Legal professionals who used the FPL service – 10 interviews.
- Judiciary - six interviews with judges in the family jurisdiction (a mix of district, deputy district and circuit judges),

¹⁴ The remainder were paralegals (14%), clerks, legal secretaries, or administrators (12%), chartered legal executive lawyers (7%), department representatives (3%) or non-legally qualified professionals (1%).

¹⁵ Available at [HM Courts & Tribunals Service Reform: Digital Services Evaluation - GOV.UK](#)

- HMCTS staff - one interview with a member of staff who worked on FPL cases (of 14 interviewed across all services covered), and
- Cafcass Cymru staff – two interviews with staff who worked on FPL cases.

4.2 Family public law process evaluation findings

The findings in this part of the report are organised into sections relating to the questions that underpinned the process evaluation:

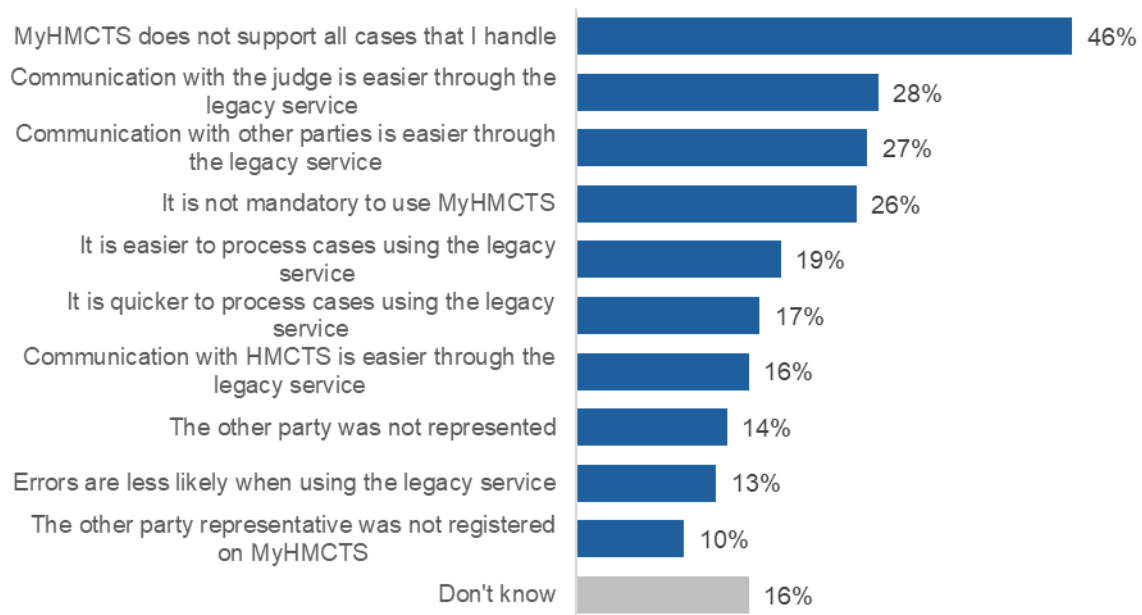
4.2.1 Was the service implemented as intended?

4.2.1.a Use of the reformed system

By the time of the research (in 2023-2024), most represented cases had moved over to the new reformed system for as intended. Legal professionals used the digital channel because it was mandated, but they (and judges) bypass it through paper or email for urgent cases where faster communication with the courts is required.

Most judges working on FPL reported that most of their cases come to them through the reformed system. In contrast, just over half of FPL legal professionals (55%) said they use the MyHMCTS service (rather than the legacy service) for all their FPL cases. Common reasons given by legal professionals for not using the MyHMCTS platform were that it does not support all the FPL cases that they handle (46%) or communication with judges (28%) and other parties (27%) is easier using the legacy process, as shown in Figure 4. In the qualitative interviews, legal professionals explained that sometimes the legacy service was used (at judges' discretion) for urgent cases, and for the discharge of orders.

Figure 4 Legal professionals' reasons for not using the MyHMCTS service for a case

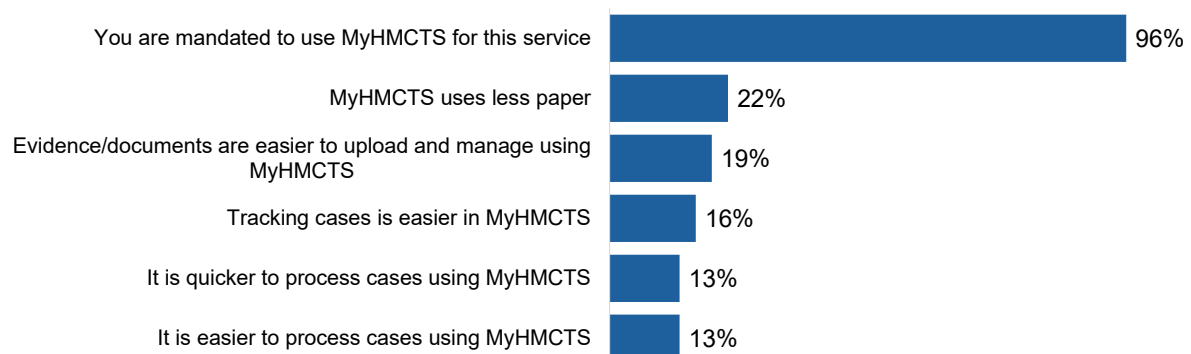


Source: IFF research

Note: B4: For what reasons would you use the legacy service for a case? Base: All legal professionals asked about FPL, who used the legacy service for any cases? (247). Reasons given by less than 10% are not shown.

As shown in Figure 5, nearly all legal professionals said the main reason they use the MyHMCTS service was that they were mandated to do so (96%). Less than a fifth cited some of the intended benefits, including it being quicker and/or easier.

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



Source: IFF research

Note: B3: For what reasons would you use the MyHMCTS service for a case? Base: All legal professionals asked about FPL service, who used MyHMCTS for any cases? (551). Reasons given by less than 5% not shown, including 'don't know' responses (1%).

Nearly all judges interviewed used the case management system to process and prepare for cases, and to access documentation during hearings. The HMCTS staff member interviewed in relation to FPL also used Manage Cases (alongside the email-based Power App system) and noted that some tasks undertaken were duplicated in the legacy system (for example final orders¹⁶). Several legal professionals flagged that some parts of the reformed system were bypassed, especially for urgent or serious cases when, for example, orders were emailed to judges. One legal professional reported that most judges ask for orders to be emailed to them for informal approval before being uploaded to MyHMCTS for formal approval. Barristers reported only using MyHMCTS to upload orders. Cafcass Cymru staff reported using Manage Cases to develop process maps and train other staff, rather than for handling FPL cases directly.

4.2.1.b Expectations, initial opinions and unintended consequences

All parties expected the reforms to lead to improved efficiency. However, initially, judges and legal professionals found the portal lacked basic functions, was frequently unavailable and processes took longer. HMCTS and Cafcass Cymru staff were more positive and felt the service was operating as they had anticipated. All audiences agreed that the reformed service was improving (since rollout), though there were mixed views about whether it will operate as efficiently as they would like.

Judges working on FPL cases commonly had a positive initial reaction to the news of a digitally reformed service, as did the HMCTS staff. A few judges were concerned about whether the system would be fully tested and fit for purpose before it was rolled out.

"The concept of having one place to put it all was always a good idea ...

Paper is fundamentally insecure!" **Judge (FPL)**

Some judges felt that their expectation of a centralised, secure digital access to documents had been met, and those who worked on other services (such as financial remedy) often felt the FPL portal was superior.

¹⁶ These had to be input onto the legacy system until April 2024.

"Having everything in one place. . . digitalisation has made communications much easier. I can go onto the portal, and I can quickly see who is representing someone or who has made an order for someone and if I want to, I can email them with the query that I have got" **Judge (FPL)**

Legal professionals and the HMCTS staff member felt it had streamlined processes.

"[An expected benefit of the reformed FPL service was...] that it would alleviate that time, that manual burden of the copious amounts, the rafts and rafts of paper, which came in and out of the door on a daily basis."

HMCTS staff (FPL)

Meanwhile, other judges reported that the reformed FPL service had fallen short of their expectations (or met negative expectations), with difficulties in how digital files are organised, an initial lack of information needed to set up hearings (e.g. party telephone numbers), the system being unavailable and the frequency of technical glitches.

"They have met my very low and cynical expectations... For example, if I am preparing for a Family Hearing, it takes me about four times as long to find every document compared to picking up a paper file, and that is really disappointing". **Judge (FPL)**

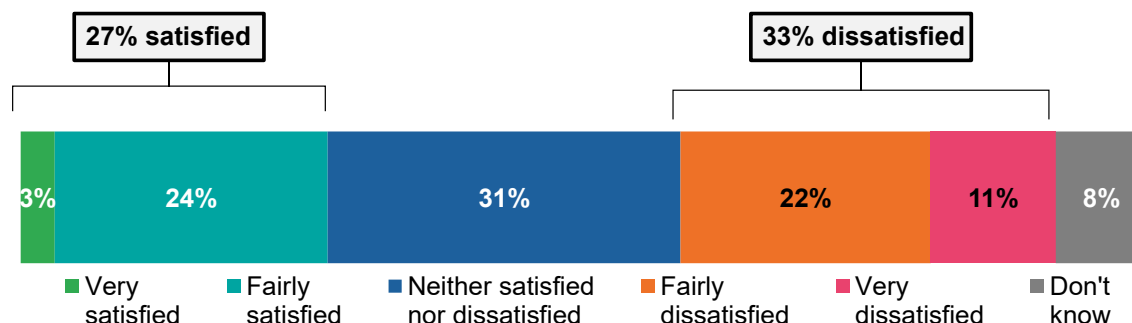
Some judges had been involved in the development of digital portals and were frustrated that their hopes for the reformed service had not matched the reality.

One judge who is also a barrister noted an unintended consequence. They were provided with different logins for each role, but if they mistakenly use the wrong one, they could view cases that they should not have access to. This may indicate a possible data protection risk arising from dual permissions for fee-paid (part time) judges.

Just over half of FPL legal professionals (52%) did not feel prepared for the new service when they first started using MyHMCTS. There were mixed views about how the MyHMCTS service was implemented (27% were satisfied vs 33% dissatisfied and 31% neither satisfied nor dissatisfied, see Figure 6). Satisfaction was higher among

those usually representing applicants (38% vs 19% of those representing respondents or both), and lower amongst barristers (13% vs 24% of solicitors).

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



Source: IFF research

Note: G1: How satisfied were you with how the My HMCTS service was implemented? Base: All legal professionals asked about FPL (591). Answers do not sum to 100% due to rounding.

In the qualitative interviews, several legal professionals reported they felt there was little notice of the rollout and were concerned about being able to adapt with the very tight time pressure for some FPL cases, especially once they had seen MyHMCTS.

4.2.1.c Training

Training received by judges and legal professionals was thought insufficient, with judges specifically requesting more interactive training opportunities. Awareness of HMCTS training for legal professionals was not widespread. Training of Cafcass Cymru and HMCTS staff was reported as successful and comprehensive.

Judges felt that the remote training they received on using the reformed service for FPL was largely insufficient. Some found it difficult to access without ring-fenced time. They would have preferred in-person training and the opportunity to work through non-live cases in a “sandbox” (test environment) version of the system. Judges working on FPL cases relied heavily on support from other judges and, for those with access to them, from HMCTS digital support officers (DSOs) while learning to operate the reformed system.

Judges reported consulting DSOs when they encountered technical issues with the system, while queries and suggestions about reformed system processes tended to

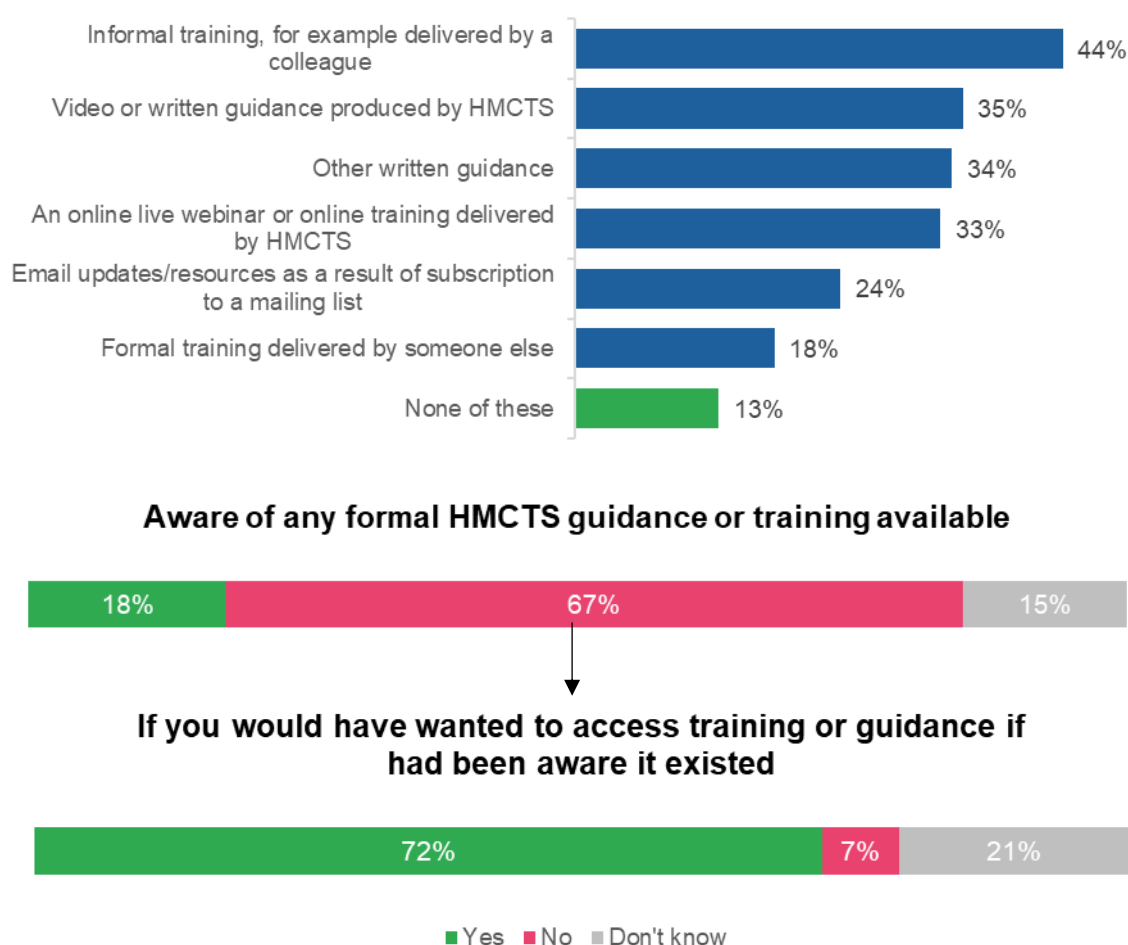
be directed to other members of the judiciary who were known to be involved in the reform.

Most legal professionals working on FPL cases in MyHMCTS reported receiving some form of training or guidance on how to use MyHMCTS (84%). Most commonly, this was informal training (44%), video or written guidance from HMCTS (35%), or other written guidance (34%), as shown in Figure 7. Of those legal professionals who received training or guidance from HMCTS, just over half were satisfied with it (52%).

Under one in five legal professionals asked about FPL who did *not* access formal training or guidance from HMCTS were aware that it was available (18%). Of those who were aware of it, most commonly they had not accessed it because they did not have time (15%), the training was not available at the time they needed it (14%), or they did not require it (13%).

Almost three-quarters (72%) of those legal professionals who were not aware of the available training would have wanted to access it, had they known.

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 legal professionals asked about FPL (591).

D4: Were you aware of any training or guidance available to you? Base: legal professionals asked about FPL who did not access HMCTS formal training i.e. HMCTS online training or HMCTS video/written guidance (250).

D6: If you had been aware of training or guidance that was available, would you have wanted to access this? Base: all legal professionals asked about FPL, who were unaware of HMCTS formal training available (204). Answers do not sum to 100% due to rounding

In the legal professional interviews, some acknowledged that training improved their understanding and use of the system. Some attributed confusion around the labelling and filing locations of documents to a lack of training.

“We just have to get better at using it. It's getting more user friendly as we go and that's due to training but also through slight tweaks to the system.”

Legal professional (FPL)

Cafcass Cymru staff found the training that they received, in the form of online slide decks, comprehensive and easy to access, but did not feel that they needed a lot of training given their existing knowledge of the systems. They also contributed to

developing training materials for other groups and subsequently found the training materials and communications from HMCTS useful, although they needed to segment the large slide decks into sections relevant for different jobs.

“Although we had a training pack, which was provided to us remotely by HMCTS, the training pack ... was quite overwhelming for many of our practitioners, so they switched off, they decided not to engage with the portal at all.” **Cafcass Cymru staff member**

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

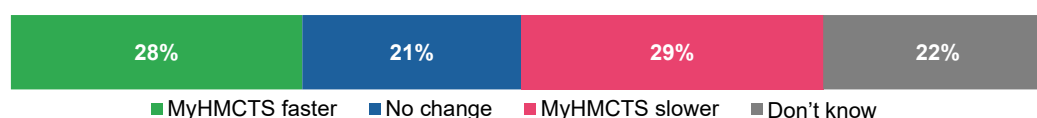
The evidence suggests technical issues and a lack of functionality prevent judges and legal professionals from fully capitalising on the potential efficiencies of the reformed service. Setting up and entering applications was typically found easy by legal professionals but they often found the system difficult for non-standard cases when additional information may be needed. Communication with HMCTS, including for technical support, was an area of particular difficulty for them. For judges, difficulties focussed on locating and viewing case documents.

Notifications were found inadequate, leading to concern from all groups interviewed that urgent messages/applications could be missed. Communication outside, or in addition to, the portal was common for legal professionals and judges. Reliability was reported to have improved over time, but also that, when the system was unavailable, it could be very serious for FPL cases where children are at risk.

Judges and legal professionals had mixed views on whether using MyHMCTS had affected the time taken to process FPL cases. A few judges noted that opening documents was particularly slow for FPL cases. Around half (48%) of legal professionals felt cases processed through MyHMCTS were faster or took the same time as those processed in the legacy service, as shown in Figure 8. Legal professionals often characterised the new processes as an ‘extra layer’ of work, as it did not integrate with their own systems. However, many others felt it was valuable as a central document depository, enabling them to check that they had uploaded everything required. HMCTS and Cafcass Cymru staff generally reported the digital

system was efficient for their tasks (except where there was need to duplicate tasks in the legacy system).

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



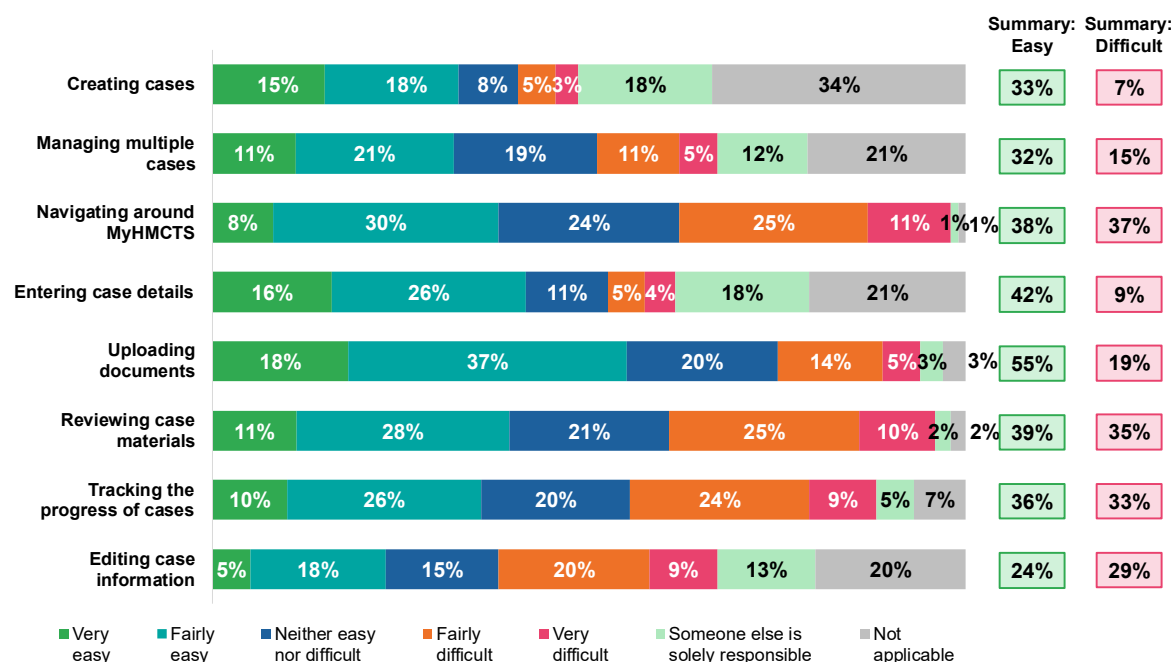
Source: IFF research

Note: E2: Compared to using the legacy system, how does using MyHMCTS affect the time it takes you to process a case?
Base: All legal professionals asked about FPL (591). Answers do not sum to the summary figure of 48% (given in the text) due to rounding

Fewer than a tenth of legal professionals thought the early stages of creating the case and entering cases were difficult (7% and 9% respectively). Similarly, only 15% found managing multiple cases difficult, as shown in Figure 9. Higher levels of 'non-applicable' responses here reflect the likelihood of administrative staff taking on these tasks instead of legal professionals. There were more mixed views about the ease of navigating around the system (37% difficult, 38% easy).

Over half of legal professionals found uploading documents easy (55%), but one-in-five (19%) still had difficulty. Around a third of legal professionals reported reviewing materials, tracking progress, and editing information difficult (35%, 33% and 29%), with only a quarter rating editing information easy (24%).

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

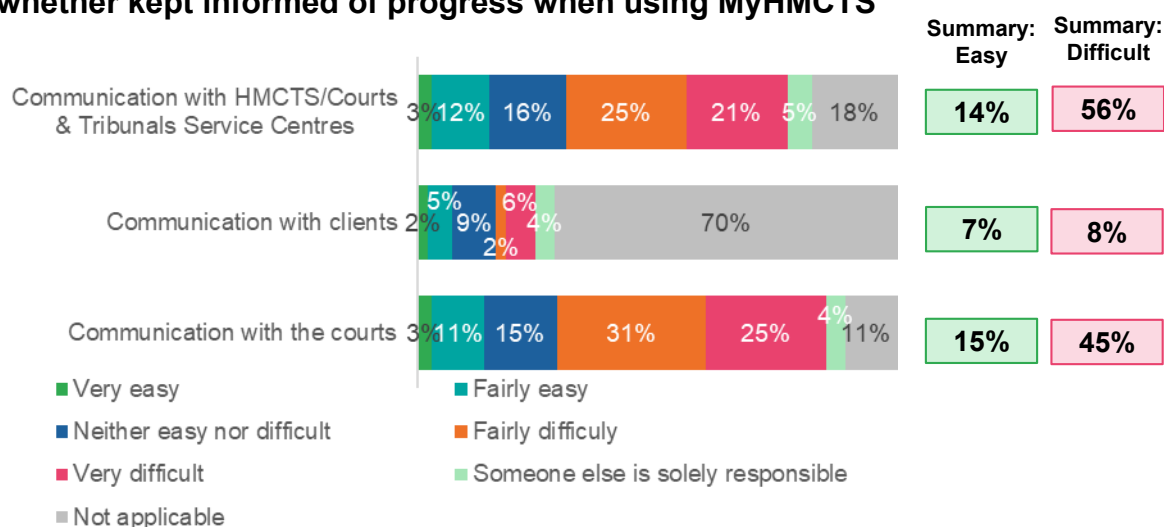


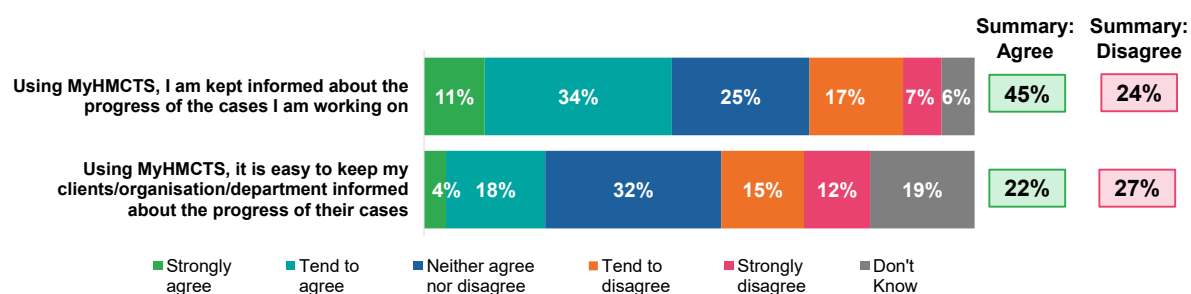
Source: IFF research

Note: B11/ B12: Thinking about FPL cases you have worked on in MyHMCTS in the last six months, how easy or difficult did you find the following stages? Base: All legal professionals asked about FPL cases (591). Answers do not sum to 100% and to summary values due to rounding.

Legal professionals were especially likely to be negative about the ease of communication with the court and HMCTS via MyHMCTS, as shown in Figure 10.

Figure 10 Legal professionals' views on ease of communication and whether kept informed of progress when using MyHMCTS





Source: IFF research

Note: B13: Thinking specifically about the last six months, how easy or difficult did you find the following stages of working on FPL cases in MyHMCTS? E1-1/ F1-3: To what extent do you agree that when using MyHMCTS...? Base: All legal professionals asked about FPL (591). Answers do not sum to 100% and to summary values due to rounding.

Most legal professionals (53%) felt their ability to keep clients, or their organisations informed about case progress was unchanged by the digital reform. Less than half (45%) agreed that they themselves were kept informed through MyHMCTS.

Certain aspects were found especially inefficient, and risked duplicated work or delays, including the following.

- **Problems locating documents:** Most judges and legal professionals were frustrated with the time taken to find documents. A lack of standard protocols or training in naming and storing documents consistently was also highlighted, including by Cafcass Cymru staff. MyHMCTS was compared unfavourably with the e-filing legacy system by legal professionals. Notifications not including links to referenced documents caused time to be wasted trying to locate them.

"(The reformed system is...) not without its wrinkles, but most of the wrinkles are not IT but within the interface between humans and IT."

Judge (FPL)

"There is more administration work for judges...that doesn't make sense financially, it's not cost effective to pay me to do thirty minutes admin when you can pay somebody else a lot less money to do admin and I can get on with my Judge work." **Judge (FPL)**

- **Digital bundles created in other systems:** Legal professionals who worked at local authorities often had their own case management and bundling systems. They typically were creating digital bundles using their own systems and uploading 'at the last minute.' If they included confidential documents, some

other users could not access any of the documents in the bundle. It could also be difficult for judges to find specific information in bundles with many documents.

- **Difficulties viewing multiple documents concurrently:** Some judges found it more difficult, and slower, to digitally view and work in multiple documents than to have several paper files open.
- **Poor information flow and unreliable notifications:** Judges and legal professionals reported they did not feel they could rely on the system notifying them or others of things they need to deal with (e.g. orders or applications being uploaded). They therefore also communicated outside the system to check issues are being dealt with, especially for serious or urgent cases. Judges reported that, as orders are shown by date, the presence of numerous old orders caused confusion. Additionally, legal professionals reported that open and closed cases were not differentiated.

"The worry of a C2 order not being dealt with and just sitting on the portal and having to constantly keep ringing up to see what was happening".

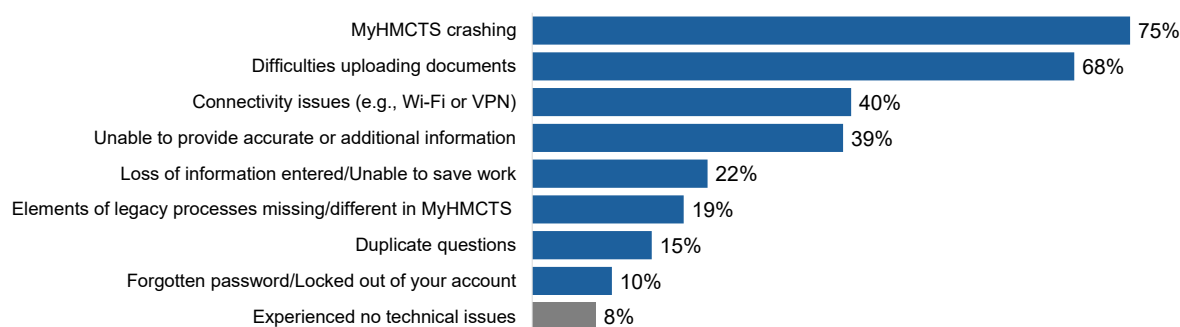
Legal professional (FPL)

Technical difficulties were widespread. Some judges found the error and update messages hard to understand as they were in 'IT speak'. They reported accessing support from their local family law hubs for technical issues with MyHMCTS. Those less confident with technology who were in larger courts reported the support of digital support officers has been critical.

"They may be little things...it's part of your day...it all mounts up because they are problems we didn't have before...It's just constant." **Judge (FPL)**

Nine-in-ten (92%) legal professionals had encountered technical difficulties when using MyHMCTS. The most common types were crashing, uploading documents, connectivity issues, and/or being unable to provide accurate or additional information (Figure 11).

Figure 11 Technical difficulties experienced using digital service by legal professionals



Source: IFF research

Note: C5: Have you experienced any of the following technical issues when using MyHMCTS? Base: All FPL legal professionals (591). Issues experienced by less than 7% not shown.

All parties reported that sometimes the system was unavailable, but this had reduced since initial implementation, and they were now more likely to be notified in advance. However, as FPL cases can be very urgent and serious, any delay can cause great concern.

"I had a really, really urgent one last week and... the entire system was down, so I couldn't submit [the application for] what was a life and death situation . . . It caused an enormous amount of anxiety."

Legal professional (FPL)

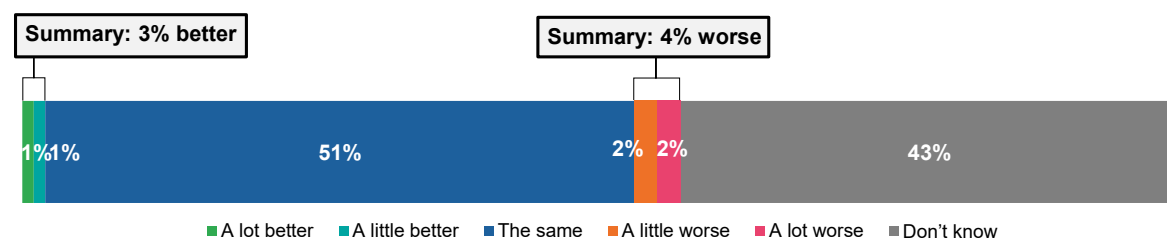
4.2.2 How do the new digital processes facilitate or impede access to justice in practice?

4.2.2.a Access to justice

Judges, the HMCTS staff and legal professionals felt that access to justice for the public was largely unaffected by the digital reform.

Judges did not flag any perceived loss of access to justice for public users, though a few were concerned about delays when documents could not be located. Legal professionals were asked about their views on how MyHMCTS had affected their clients' access to justice. Half of legal professionals felt that the reforms had not affected public users' understanding of the outcome of their case (51%), with the majority of others feeling unable to comment on this (43%), as shown in Figure 12.

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

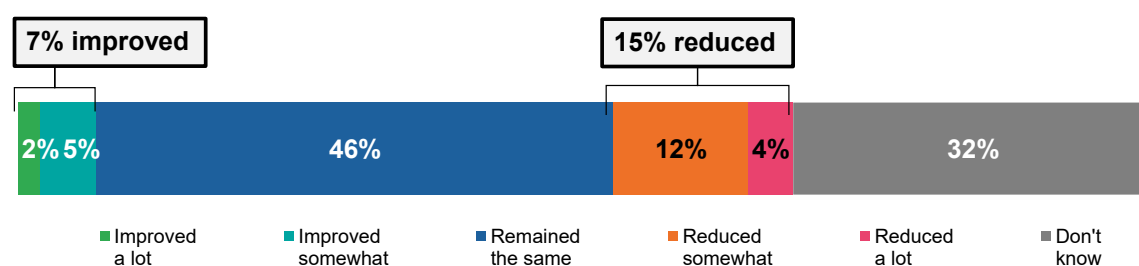


Source: IFF research

Note: F2: Compared to cases handled on the legacy service, to what extent do clients understand the outcome of their case when it is handled on MyHMCTS? Base: All legal professionals asked about FPL service, except Department representatives (578). Answers do not sum to summary values due to rounding.

Similarly, just under half of legal professionals (46%) felt that their clients' access to justice was not affected by the rollout of MyHMCTS. Seven per cent thought it had improved, although a third (32%) felt unable to comment (Figure 13).

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

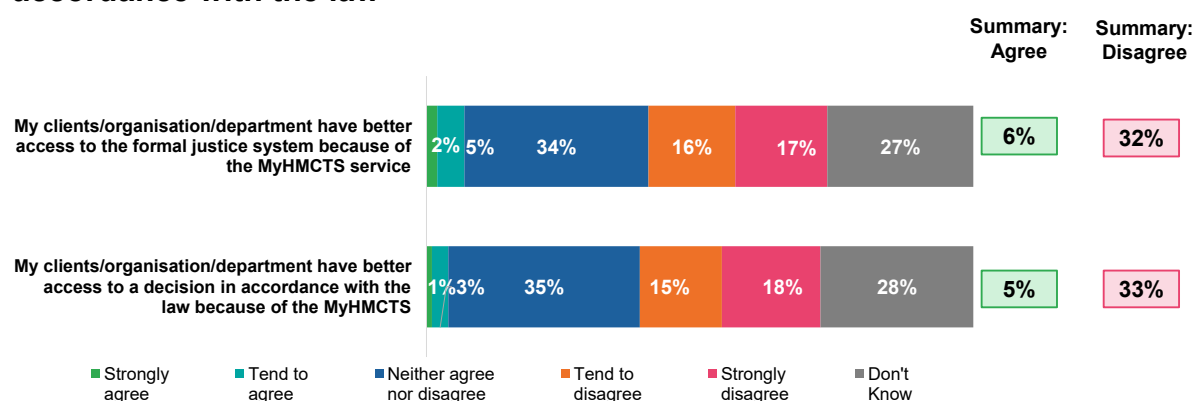


Source: IFF research

Note: G4: To what extent do you feel the rollout of MyHMCTS has affected clients' access to justice? Base: All legal professionals asked about FPL cases, except Department representatives (578). Answers do not sum to 100% or to summary values exactly due to rounding.

The views of legal professionals were mixed around whether their clients had the same or better access to the formal justice system or to a decision in accordance with the law as a result of the MyHMCTS service (Figure 14).

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



Source: IFF research

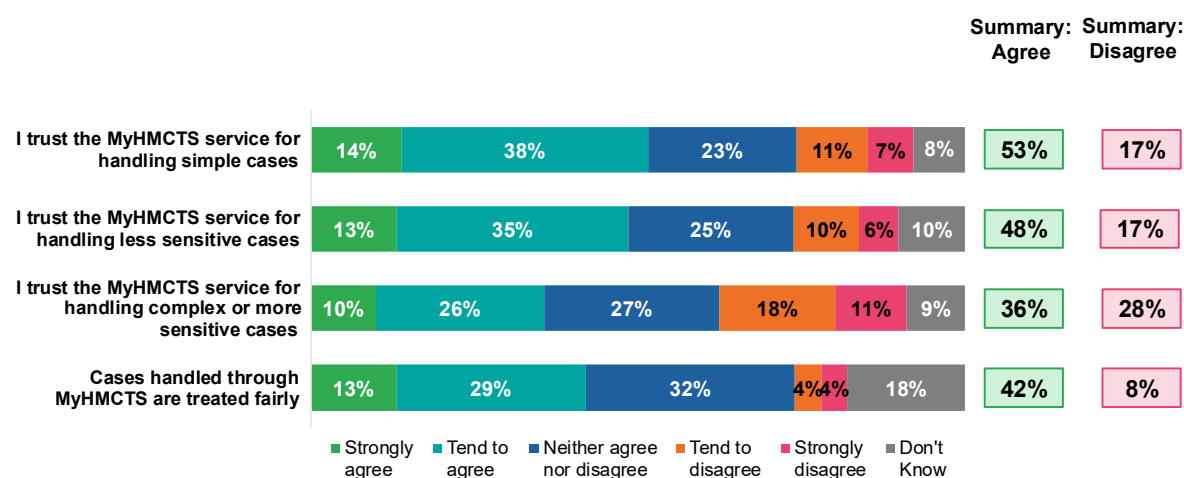
Note: F1-1 and F1-2: To what extent do you agree that...? Base: All legal professionals asked about the FPL service (591). Answers do not sum to 100% or to summary values due to rounding.

4.2.2.b Fair handling

Judges, HMCTS staff and legal professionals largely thought the changes had not affected the fairness of handling FPL cases. The degree of trust legal professionals had in MyHMCTS handling cases fairly varied, with less than a quarter trusting it for complex cases.

Legal professionals were more likely to agree they trusted MyHMCTS for handling simple or less-sensitive cases (53% and 48% respectively as shown in Figure 15), compared to more complex or sensitive cases (36%). Four-in-ten agreed that cases handled through MyHMCTS are treated fairly (42%).

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

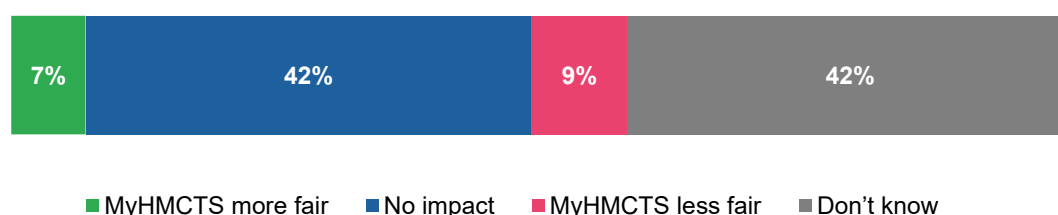


Source: IFF research

Note: E1: To what extent do you agree or disagree with the following statements? Base: All legal professionals asked about the FPL service (591). Answers do not sum to 100% or to summary values due to rounding.

As shown in Figure 16, legal professionals were most likely to feel that using the MyHMCTS service was fairer (7%) or had no impact (42%) on how fairly cases are processed by HMCTS compared to the legacy service, though 42% felt unable to comment.

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



Source: IFF research

Note: E3: Compared to using the legacy service, how does using MyHMCTS service affect how fairly cases are processed by HMCTS? Base: All legal professionals asked about FPL (591).

In qualitative interviews, some legal professionals expressed concerns about public users without representation (who had to be given printed bundles). Sometimes the local authority representative had to forward documents to the judge on their behalf. Some legal professionals reported that counsel (that is, barristers) instructed on behalf of parents cannot access the portal. This may have been because counsel had not successfully set up their own MyHMCTS account, or they had not been

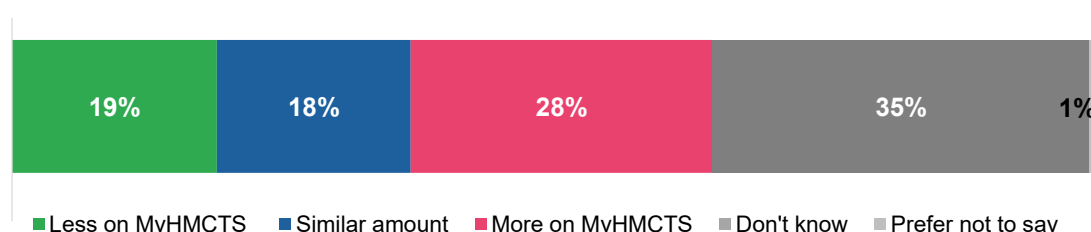
added by the relevant party's solicitor. In these instances, the solicitor informed the counsel what was in the bundle, meaning that at some pre-trial meetings, counsel had not seen the latest documents. A few judges also thought LiPs would have unequal access to information on their case.

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?

There is no firm evidence to suggest that administrative errors or user errors are less common under the digital service than under the legacy system.

Legal professionals' views were mixed as to whether the error rate was lower when using MyHMCTS, compared to the legacy service. One-in-five reported fewer errors in MyHMCTS (19%), whereas over a quarter (28%) felt there were more errors on MyHMCTS. See Figure 17.

Figure 17 Legal professionals' views on frequency of errors using MyHMCTS for FPL cases, compared to the legacy service



Source: IFF research

Note: C4: Compared to using the legacy route, do error occur more or less frequently on MyHMCTS? Base: All legal professionals asked about the FPL service (591). Answers do not sum to 100% exactly due to rounding.

4.2.3.a User errors caused by legal professionals and other agencies

Judges reported documents were often uploaded to the wrong place or with the wrong name. Confidential documents could be uploaded to the wrong area.

Two-thirds of legal professionals reported making some errors in FPL cases they processed on MyHMCTS (66%). The most common errors legal professionals reported making were mis-entering information (61% of those who made errors themselves), not providing some information (32%), and misunderstanding what was being asked of them (26%).

Seven-in-ten legal professionals reported some errors made by other parties (70%). The types of errors they reported made by HMCTS and other parties were typically: the information provided was not accurate (51% of those who reported any errors made by HMCTS or another party), they did not provide some information (49%), or they misunderstood what was being asked for (31%).

In the interviews, some legal professionals attributed confusion about where to upload documents to user error and a lack of training. Some reported it was not possible to delete a document if they realised it had been uploaded in the wrong area.

"There's a lot of options of where you put documents and they're not always done in the same way, court to court... it's about the people using it, as opposed to the system, what's needed is some more consistency across the system." **Legal professional (FPL)**

However, they reported the "Are you sure?" prompt before saving files and cases to be useful and reduce the error rate.

The Cafcass Cymru staff reported mainly encountering errors in MyHMCTS with incorrectly entered case details, but that these errors occurred to the same extent in the legacy system. They noted that the reformed FPL service could be improved by including a feature to note where case details were unavailable (missing intentionally), as this would allow them to avoid unnecessary chasing of details that appear missing in error.

4.2.3.b Case (administrative) errors caused by HMCTS staff.

Judges reported a lack of clarity in the interface when submitting orders and judgments. They were also concerned that communications from legal professionals could easily be missed, as they were not flagged for their attention. Judges reported they were not reassured that the reformed system would lead to fewer errors. They assumed many of the issues with documents being uploaded or labelled wrongly were because of poor practice or training in HMCTS bulk scanning and uploading.

Over two-thirds (69%) of legal professionals thought that errors were made by HMCTS on cases processed through the MyHMCTS service (comprising 30%

occasionally, 24% sometimes and 14% frequently). As above, they typically reported that other parties or HMCTS did not provide some information (49% of those who reported errors by HMCTS or other parties), had provided inaccurate information (51%), or they had misunderstood what was being asked for (31%).

In the qualitative interviews, legal professionals mentioned that cases have sometimes been muddled in listings by HMCTS staff, resulting in entirely the wrong case showing.

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 that the fundamental stages of the digital FPL service were consistent with the legacy service, so public user experience was unaffected.

Just over half of legal professionals agreed that their FPL clients received a consistent service regardless of whether they used MyHMCTS or the legacy system (54%). The majority of those who did not agree either felt neutral (18%) or did not feel able to comment on this (18%). Just one-in-ten felt that the level of service received by their clients was not consistent across MyHMCTS and legacy systems (9%). Some legal professionals and judges expressed concerns about LiPs who do not have access to MyHMCTS, and also for the ability of the system to deal with urgent or complex cases.

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

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

Both judges expressed some frustration with complicated login procedures, but, overall, there were no significant barriers to access.

Judges generally felt that the ease of access to the reformed FPL service was reasonably good, although there was a low level of frustration with the requirement for multi-stage authentication when logging in.

Most judges were positive about the improved access to their work at places other than their office or court – they felt the option to work from home allowed them greater flexibility and the opportunity to do some case preparations at home.

HMCTS staff had no issues with accessing the digital system, finding the process easy and straightforward.

4.2.5.b Ease of access for legal professionals and Cafcass Cymru

Legal professionals and Cafcass Cymru staff expressed some frustration with complicated login procedures, but, overall, there were no significant barriers to access. Cafcass Cymru staff felt their access was a key improvement in that they now automatically receive details of cases they work on.

A quarter of legal professionals working on FPL cases set up their HMCTS login themselves (24%). More commonly, logins were set up by administrative staff (35%). Usually, where someone else had set up the account, this was because all accounts for the legal firm are managed and set-up by the same person (87%). Of those that set up their MyHMCTS account themselves, the majority did not find the process difficult (40% found it easy compared to 21% who found it difficult).

However, in the qualitative interviews with both legal professionals and Cafcass Cymru staff, issues were reported around setting up multiple accounts for different users within their organisations. The HMCTS staff member mentioned this could be because only an organisation's Head Office had the registered account, causing issues for those based at other locations. Legal professionals also reported difficulty adding counsel to cases, and some had to use workarounds.

Cafcass Cymru staff highlighted big improvements in ease of access and speed at which they could access cases on the reformed FPL system compared to the legacy system. Where previously they would have to wait to be manually sent details of cases they are working on, it was now automatic, and they could set up notifications, so they were also alerted to case updates in a timelier manner.

“The biggest benefit is ease of access so we're not relying on manual court staff to send us information that sometimes gets forgotten or de-prioritised.”

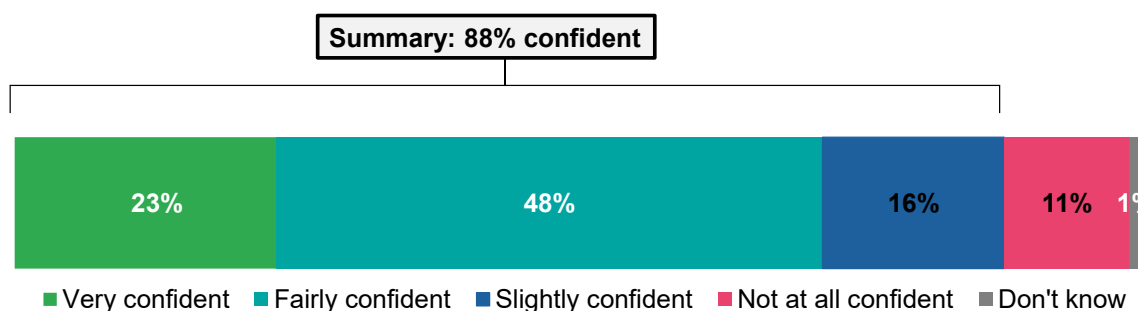
Cafcass Cymru staff

Cafcass Cymru staff suggested that it would be beneficial for Cafcass guardians and practitioners to also be able to access MyHMCTS so they could receive notifications and be kept better informed of case progress.¹⁷

In qualitative interviews, legal professionals expressed frustration with slowness and glitches in the multi-factor authentication login process. Another frustration was short sessions which could result in them having to log back in multiple times as they may be 'timed out' while reading a document in the system.

As shown below in Figure 18, most legal professionals had some level of confidence using MyHMCTS for FPL cases (88%), with a quarter very confident (23%). Most commonly this was because of their previous/regular experience using it (40%).

Figure 18 Legal professionals' confidence in using MyHMCTS for FPL cases



Source: IFF research

Note: D12: In your work now, how confident do you feel using MyHMCTS? Base: All legal professionals asked about the FPL service (591). Answers do not sum to 100% or to summary value due to rounding.

The most common reasons for lacking confidence¹⁸ using MyHMCTS was because the process is complicated.

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

A tenth of legal professionals reported that cases 'drop out' of the MyHMCTS system (to instead be processed on paper) as they were not supported by the system. A very small minority reported that they or other parties decided to move offline.

¹⁷ At the time of publication, this functionality is planned for implementation later in 2025.

¹⁸ Further responses not included here due to low base.

In the legal professional survey, the following proportions reported that cases dropped out of the MyHMCTS service (started on MyHMCTS but ended up being processed offline) at different stages:

- 9% said that cases drop out automatically when reaching a stage that is not supported by the MyHMCTS service.
- 4% said that cases drop out because other parties choose to proceed with the case using the offline/paper route.
- 3% reported that cases drop as because they, as a legal professional, choose to proceed with the case using the offline/paper route.

The minority of legal professionals who said that FPL cases started in MyHMCTS drop out of the service for a reason other than other party choice most commonly said this was because the case was no longer eligible for MyHMCTS.

In the qualitative interviews, a legal professional reported that urgent cases sometimes dropped out at the judge's discretion.

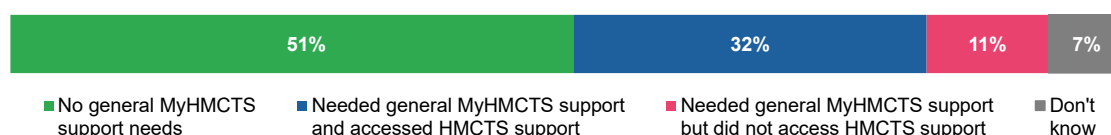
4.2.5.d Support and how issues are resolved (including technical support)

The need for support is common among both judges and legal professionals, primarily to resolve technical difficulties on the reformed system. Both groups have received support from HMCTS, with legal professionals also commonly receiving support from colleagues. Effectiveness of HMCTS support in resolving issues was mixed, with some legal professionals finding it difficult to resolve their issues.

Over two fifths (43%) of legal professionals working on FPL cases reported needing general support (other than technical support) to use MyHMCTS at some point, as shown in Figure 19. Of those who did need support, most commonly this was given by colleagues (74%), or HMCTS (including Courts and Tribunals Service Centre (CTSC) or MyHMCTS Support) (65%). Smaller proportions used written guidance/training resources (32%) or online webinars or videos (7%). If written guidance and online webinars includes those provided by HMCTS then it would mean that up to a third (32%) needed and accessed HMCTS support. However at

least a tenth (11%) needed support but did not access it from HMCTS, though they may have done so from colleagues or other sources.

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



Source: IFF research

Note: D7: At any point since you began using MyHMCTS, have you needed general support (other than tech support) to use the service? D8: Did you access support? Base: All legal professionals asked about the FPL service (591). HMCTS support includes CTCS or MyHMCTS Support), online webinars, videos, written guidance, and training (assumed to be from HMCTS). Note: use of written guidance / training resources or online webinars/ videos is included as HMCTS support being accessed, but some may be from other sources. The proportion who accessed HMCTS support may therefore be lower and the proportion who needed but did not access it may be higher. Answers do not sum to 100% due to rounding.

The levels of satisfaction among legal professionals who had specifically accessed HMCTS general support for MyHMCTS (including CTSC or MyHMCTS support) were relatively low. For example, under half were dissatisfied about how quickly they were able to communicate with someone about their issue (46%) and with how quickly the issue was resolved (43%).

Among legal professionals who did not access general HMCTS support or support from any source, half (49%) were unaware if support was available and a tenth (10%) were unsure.

In qualitative interviews, legal professionals' experiences of accessing support were mixed. Some legal professionals felt well connected to the support network because of existing relationships with HMCTS. They described receiving support over email and telephone that was personal and timely.

"I've got everybody's hotline because I've been doing the job long enough...I would just badger the first person that popped into my head and because I've done it for so long, they're like, OK, we'll do that for you!"

Legal professional (FPL)

However, other legal professionals complained of difficulty getting through to someone for assistance or being passed around multiple staff via phone or email

and having to repeatedly explain their query. Some did not feel listened to by HMCTS support teams, and were frustrated when they referred them to video guidance which they felt did not help.

Amongst those who accessed support, the most common source of support was from MyHMCTS via email (51% who accessed support), followed by CTSC (18%), and 'other unknown team' within HMCTS (14%). There were mixed views on the quality of the support received, with over a quarter (27%) dissatisfied. In the qualitative interviews, legal professionals reported that they struggled to access technical support – they did not know how to contact them, and responses were too slow. Examples included trying to get access to the platform for more people at the organisation (this could take several months) and not being able to access an uploaded document during a hearing.

Of the nine-in-ten (92%) of legal professionals who cited technical issues with the MyHMCTS service, three-in-ten (28%) said they did not access any technical support. Low awareness was the most common reason given for legal professionals not seeking support from HMCTS for technical issues. Nearly a third (30%) of those who had not sought support did not know technical support from HMCTS was available (and 31% did not know how to access it).

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

For judges, issues with the reformed service outweighed the benefits. Cafcass Cymru and HMCTS staff were positive, citing improved speed and efficiency. For legal professionals, satisfaction with the reformed service was mixed, as was their preference for reformed or legacy services. As the service was available only to professionals, public users' experience is not included here.

4.2.6.a Overall views and impact on working life

The main change to working life raised by judges was more time spent on many tasks. They felt that, due to reductions in court staff (and the new systems), they now spend much longer on 'administration', exacerbated by the time taken to locate documents and navigate technical glitches.

“When you just have a list of dozens of documents or emails filed in one place, the clicking through each of them to open is hugely problematic ... The increased amount of work for those of us on the ground is a huge frustration.” **Judge (FPL)**

Concerns about the system being unavailable or being unable to find documents affected their confidence in running hearings and providing access to documentation in court.

“People hold their heads in their hands in court sometimes and I am frequently apologising ... I have to wait while [a document] is emailed to me and... it is totally unprofessional.” **Judge (FPL)**

Similarly, legal professionals said in qualitative interviews that the reformed system meant more administrative work for them, with additional personal stress caused by having to ensure everything was correctly added to and processed through MyHMCTS.

“We as a local authority are actually doing much more of the court's administration than the court because that is how the portal has pushed things... It adds ... extra anxiety around what are already extremely emotive, extremely difficult to deal with [cases] and this just adds an awful lot of pressure.” **Legal professional (FPL)**

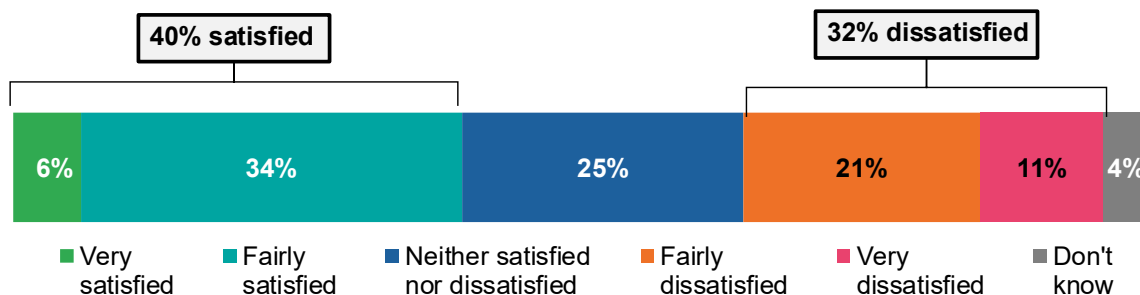
For a third of legal professionals (35%), the main benefit of the reformed FPL service was improved accessibility, and they appreciated that colleagues could easily pick up their cases via MyHMCTS if they were absent.

A minority of judges felt the flexibility to prepare for their hearings before arriving at court improved efficiency. However, most judges acknowledged that the reformed service is improving since the initial rollout, and some noted that they were starting to see improved efficiency in their work as a result. The member of HMCTS staff interviewed was also positive about the reformed service, finding it more efficient than the legacy system despite the initial technical issues.

"It needed improving and it has been improved on a week by week basis ...it has improved dramatically ... and on a scale of one to 10, it's an eight or nine." **Judge (FPL)**

Overall satisfaction among legal professionals with the FPL MyHMCTS service was mixed. Four in ten (40%) were satisfied overall but a third (32%) were dissatisfied (Figure 20). Satisfaction was lower among barristers (17% vs 37% solicitors).

Figure 20 Legal professionals' overall satisfaction with reformed FPL service

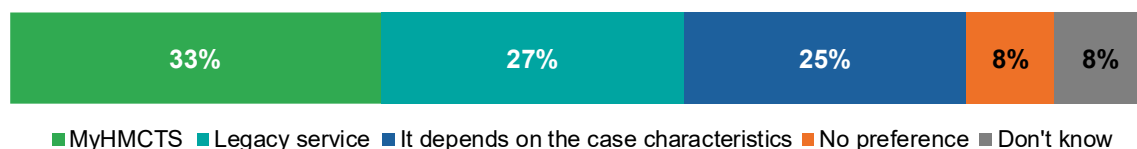


Source: IFF research

Note: G5: Overall, how satisfied, or dissatisfied are you with the MyHMCTS service? Base: All legal professionals asked about the FPL service (591). Answers do not sum to 100% due to rounding.

Legal professionals' preference for legacy or reformed FPL service was similarly mixed, with a third of legal professionals expressing a preference for the reformed service (33%) and just over a quarter preferring the legacy system (27%). A quarter of legal professionals (25%) stated that their preference would vary depending on case characteristics (Figure 21).

Figure 21 Legal professionals' preference for MyHMCTS compared to the legacy FPL system



Source: IFF research

Note: B5: If MyHMCTS was not mandatory for cases, would you prefer to use MyHMCTS or the legacy service? Base: All legal professionals asked about the FPL service (591). Answers do not sum to 100% due to rounding.

Legal professionals most commonly thought that improvements to the MyHMCTS FPL service should focus on simplifying the process (14%), resolving technical issues (12%), and enhancing the functionality (9%).

Overall, Cafcass Cymru staff were satisfied with the reformed FPL service, citing improved speed and accessibility as well as improved data management functions.

4.3 Potential improvements

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

Suggestions made specifically by respondents:

- Ensure communications from IT about updates and error messages are in understandable language (*Judiciary*).
- Provide the opportunity to practice on dummy cases (*Judiciary*).
- Provide an area on the system to list Cafcass guardians or practitioners to the parties (*Cafcass Cymru staff*).

Suggestions based on analysis:

Analysis of the interviews also provided areas for potential improvements:

- Implement a protocol for labelling and filing digital documents, and ensure confidential documents are filed appropriately. (*Direct suggestion from legal professionals also reflected in analysis of all other groups*).
- For the judiciary, enable viewing of cases which shows or allows prioritisation of orders, and separate open and closed cases.
- Ensure case file view functionality is understood by judges to allow multiple tabs to be open at once. Improve notifications so judges know when urgent orders or applications are added.

- Add a way to flag urgent correspondence for judges' attention, then send automatic confirmations to the legal professional when this has been read and when any action taken.
- Enforce use of MyHMCTS rather than email for communication (as long as MyHMCTS is sufficiently reliable) to reduce duplication of work.
- Raise awareness of process to gain access for counsel acting on behalf of parents to avoid reliance on solicitors forwarding documents.
- Improve connection to support for technical issues, including timeliness and tailoring of support to individual queries.
- Minimise the delay distributing orders and notifications.

5. Conclusions

5.1 Impact evaluation key findings

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

There is tentative evidence of the reform's contribution to digital uptake and therefore improved access to the justice system. Initially, many local authorities preferred to continue using the paper service due to low confidence in the digital service.

However, following enhancements to the service and security upgrades, alongside onboarding activities in February 2022, there was a steady increase in digital uptake by local authorities.

There is mixed evidence about the reform's contribution to improvements in case duration and therefore speed of access to justice. Overall, there was an observed improvement in the average time to case disposal over the reform period.

Onboarding of local authorities, which led to a higher uptake of the digital service, might have contributed to these improvements. However, the FPL process guidelines that introduced an upper limit on the time to list a case management hearing and to complete cases were more likely to have contributed to the changes in case duration. Reallocated resources to address case backlogs were also identified as an important contextual contributor to the decrease in average case duration. Possible complications and duplications of administrative work for judges and legal professionals might have hindered a more substantial improvement.

5.2 Process evaluation key findings

There is mixed evidence regarding whether the FPL service was implemented as intended. Legal professionals reported that most mandated cases were on the new digital system. Additionally, HMCTS staff and some legal professionals reported processing cases was easier on the reformed system compared to the legacy system. Nevertheless, there was evidence of judges and legal professionals communicating outside the digital service, especially for urgent matters, because they did not feel communication within the digital service was sufficiently effective.

More interactive training for the judiciary could have led to a more seamless implementation.

There was mixed evidence regarding how users are experiencing the FPL system. On the one hand, no major barriers to using the service were identified and drop-outs (where cases started on the digital system move to the paper journey) appeared to be rare. On the other hand, most legal professionals reported they made errors using MyHMCTS and there were concerns about the treatment of confidential files within MyHMCTS. Whilst Cafcass Cymru and HMCTS staff were positive about the reformed service, citing improved speed and efficiency, legal professionals' satisfaction levels were more mixed. Judges broadly felt the issues with the reformed service outweighed the expected benefits.

Regarding the impact of the reformed service on access to justice outcomes, again, views were mixed. Legal professionals felt that access to justice had been largely unaffected by the digital reform. However, their trust in the fairness case processing through MyHMCTS varied by the complexity of cases. Judges and legal professionals were also concerned that urgent communications about serious situations can be missed, impeding access to justice.

5.3 Potential improvements

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

- Improving some features of the digital service, including implementing protocols for labelling and filing digital documents, providing areas where Cafcass guardians or practitioners can be listed, enabling the judiciary to view cases by certain categories (e.g., prioritised, open, closed), and enabling urgent correspondence to be flagged for judges' attention.
- Improve training and awareness raising to ensure certain features and processes are understood by all parties, and to enable staff to practice on dummy cases.
- Improve connection to support for technical issues and ensure communications from IT about updates and error messages are in understandable language.

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

Family Public Law logic model

Figure A1 presents the logic model for the FPL 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 FPL service. Financial and time resources (i.e., inputs) were required from the government, HMCTS staff, and judiciary and service users. In addition, introducing other digital aspects within MoJ/HMCTS, were also essential for the rollout of the FPL end-to-end digital service.

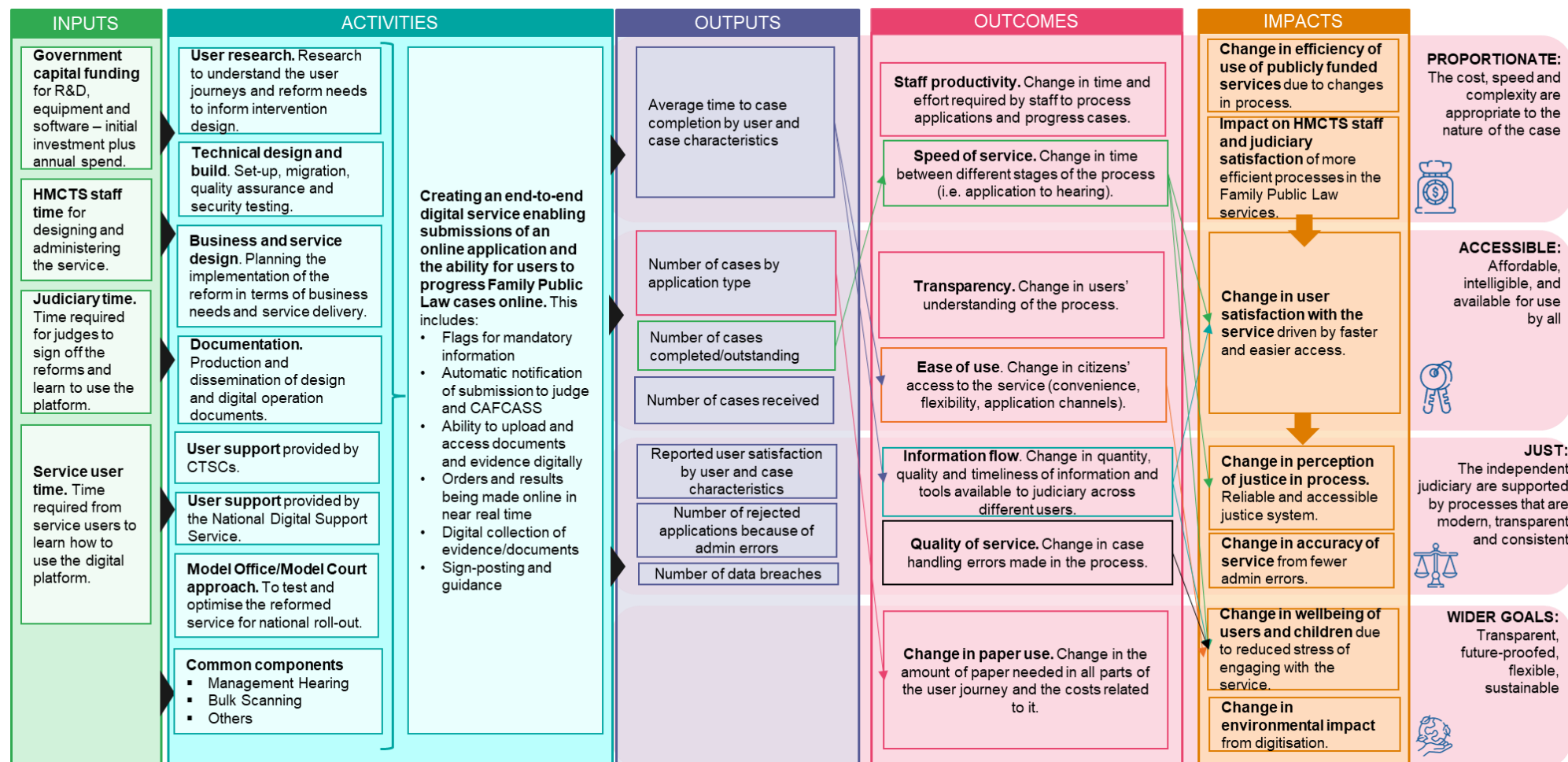
Those inputs enabled applicants to submit and manage applications, and for all users to manage, progress and monitor cases online. Online activities include an automatic notification system (e.g., communication of cases received for judges and Cafcass Cymru), and the ability to upload and access documents and evidence digitally, create orders and directions, flags for mandatory information, and pay for the service online.¹⁹

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

The process is dependent on – and therefore requires building what is needed to ensure integration with – common components, such as centralised management, bulk scanning, work allocation, case file view, case flags, scheduling and listing, hearing management.

¹⁹ Further details about the features of the FPL digital service can be found in Section 2.2

Figure A1 Family Public Law logic model



Source: Frontier Economics

Appendix B

Family Public Law impact evaluation technical appendix

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

MI data analysis supporting information

The MI data was sourced from the Core Case Data (CCD), which is the reform case management system, and FamilyMan, which is the legacy case management system. The data analysis was based on the assessment of the available data with respect to:

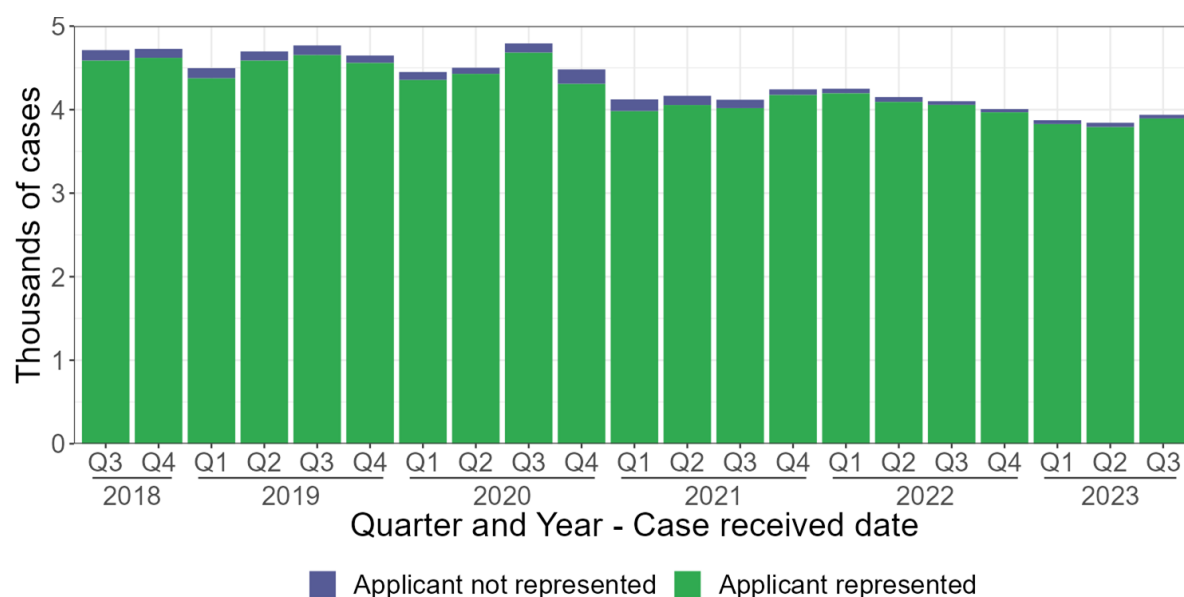
1. Volume of and period covered by cases that are available in both datasets.
2. Types of cases included in the dataset and the ability to make various comparisons.
3. Available variables relevant to outputs and outcomes of interest.

Volume of cases and period of analysis

The dataset included information from 91,931 FPL cases submitted from July 2018 to October 2023.

Figure B1 shows the original volumes of cases in the dataset.

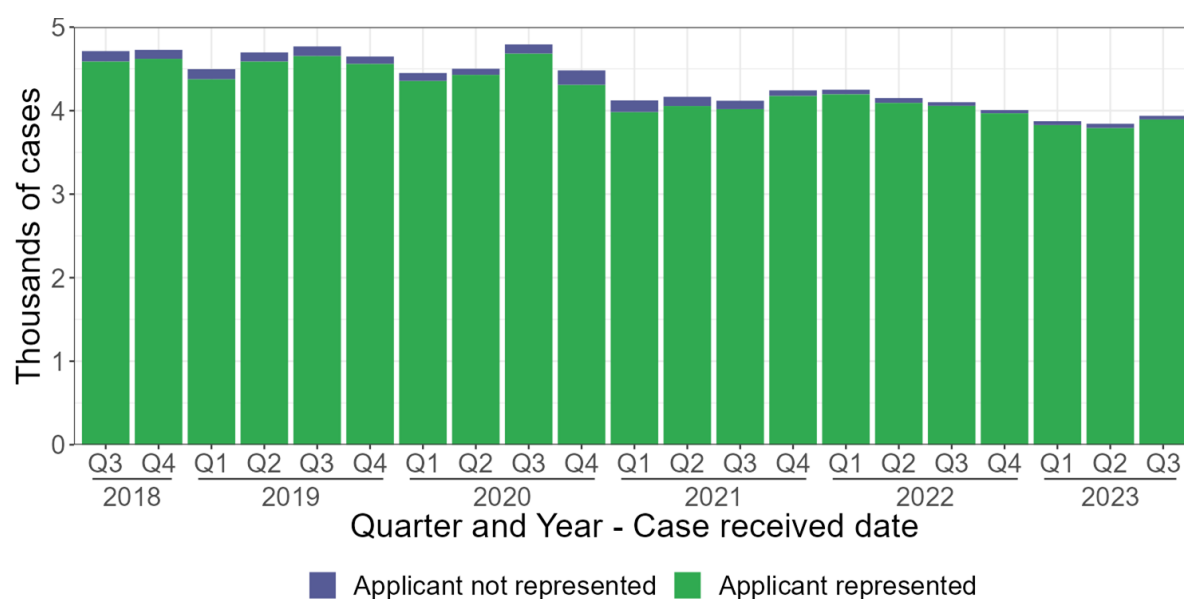
Types of cases included in the analysis
Figure B2 Number of FPL cases by representation type – Q3 2018 – Q3 2023



Source: Frontier Economics based on data from MoJ. Dates shown refer to the date cases were received by HMCTS rather than the date of disposal. This means there is a lag between the date shown and the actual date of an outcome. The data as shown can therefore reflect the influence of events on cases after they start. This may differ from the approach taken in the Ministry of Justice's published statistics. Caution should therefore be used when comparing these figures with published statistics.

Figure B2 below shows that over the period Q3 2018 to Q3 2023, between 97% and 100% of applicants were legally represented.

Figure B2 Number of FPL cases by representation type – Q3 2018 – Q3 2023



Source: Frontier Economics based on data from MoJ. Dates shown refer to the date cases were received by HMCTS rather than the date of disposal. This means there is a lag between the date shown and the actual date of an outcome. The data as shown can therefore reflect the influence of events on cases after they start. This may differ from the

approach taken in the Ministry of Justice's published statistics. Caution should therefore be used when comparing these figures with published statistics.

The dataset included both paper and digital cases, making comparison of the services before and after the digital reform feasible. The MI data included information about the channel of submission (digital or paper), applicant and respondent representation status, case received, hearing, disposal/closed dates (and other relevant dates), number of orders requested, number of children involved in the case, 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 FPL MI data

Description of datasets received	Anonymised data from the CCD and FamilyMan case management systems
Available information (raw data)	91,931 observations from 2 July 2018 to 10 October 2023
Cleaning steps	<p>No duplicates</p> <p>Observations removed from the sample:</p> <ul style="list-style-type: none"> • 12 observations with inconsistent information on dates (received dates are after close dates) • 425 observations which represent High Court cases. • 1,889 observations where neither applicants nor respondents are represented or where only the respondent is represented. This was because applications from unrepresented applicants were not eligible for the digital service. <p>Total of 2.5% of the original dataset removed.</p>

Available information (clean data)	89,605 observations from 2 July 2018 to 10 October 2023
Information on relevant subsets/cuts of the sample	<p>Unavailable comparisons:</p> <ul style="list-style-type: none"> • Representation type: information about respondent's representation not reliable on some pre-reform cases. <p>Available comparisons:</p> <ul style="list-style-type: none"> • Channel type: information available for paper and digital applications. Useful information to analyse the evolution of digital uptake. • Pre and post reform: information available before reform was analysed.
Available information on PCQ	Not applicable as PCQs are not collected from professional users.
Information on relevant subsets of the sample for observations with PCQs	Not applicable as PCQs are not collected from professional users.
Key outcomes of interest	<p>Trends (during the legacy and reform period) of:</p> <ul style="list-style-type: none"> • Digital uptake: proportion of digital cases vs paper cases out of total cases • Timeliness: average number of days from case received date until the first proceeded hearing and until case is closed or disposed.
Level of granularity	<p>Quarterly/monthly trends, split by:</p> <ul style="list-style-type: none"> • Pre- and post-reform • Route (i.e., digital vs paper)

Source: *Frontier Economics*

Appendix C

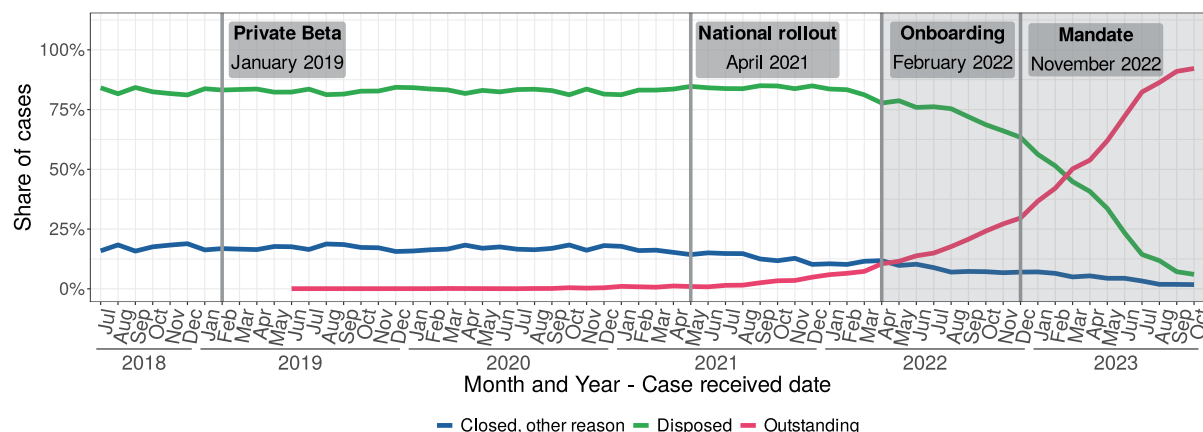
Family Public Law additional analysis

This appendix sets out the initial exploration of the data to assess the effect of case complexity on the main analysis. While not the focus in the main analysis, 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 the proportions of outstanding cases, cases disposed, and cases closed for another reason, over time. It shows little change in the relative proportion of cases disposed of or closed for another reason between private beta and when active onboarding of local authorities began.

Figure C1 Applicants with legal representation - Distribution of case outcomes – July 2018 to October 2023



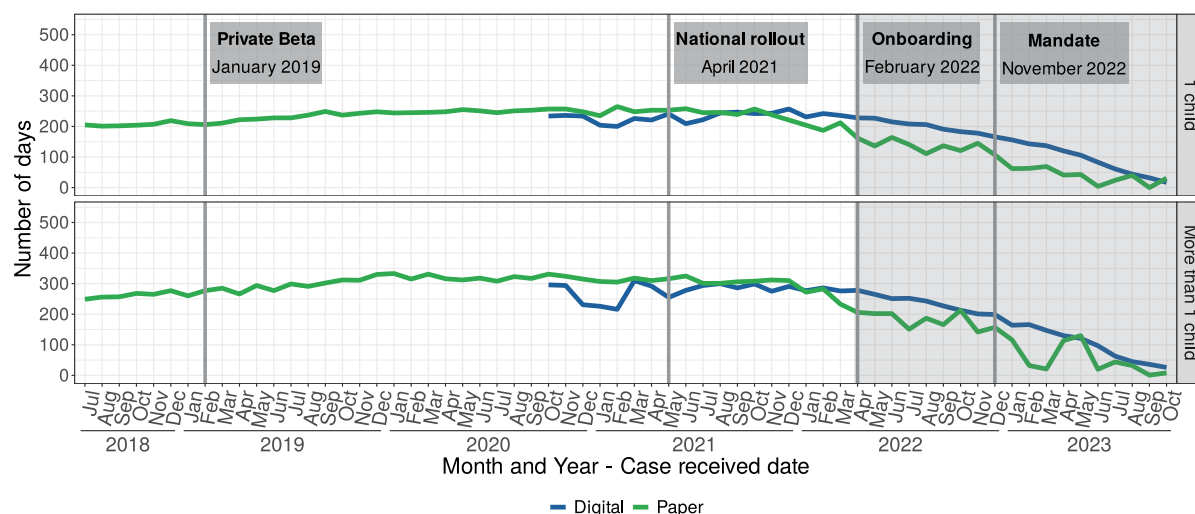
Source: Frontier Economics based on data from MoJ.

Note: Grey-shaded areas (from April 2022 onwards) correspond to times when analysis should be interpreted with caution due to high proportion of outstanding cases and small sample of paper cases.

Complexity analysis

Figure C2 shows there was little difference in timeliness between digital and paper cases for either single child cases, or cases with more than one child (as a proxy for complexity). Figure C3 shows a similar consistency in the trends for digital and paper cases by the number of orders made in a case (another proxy for complexity).

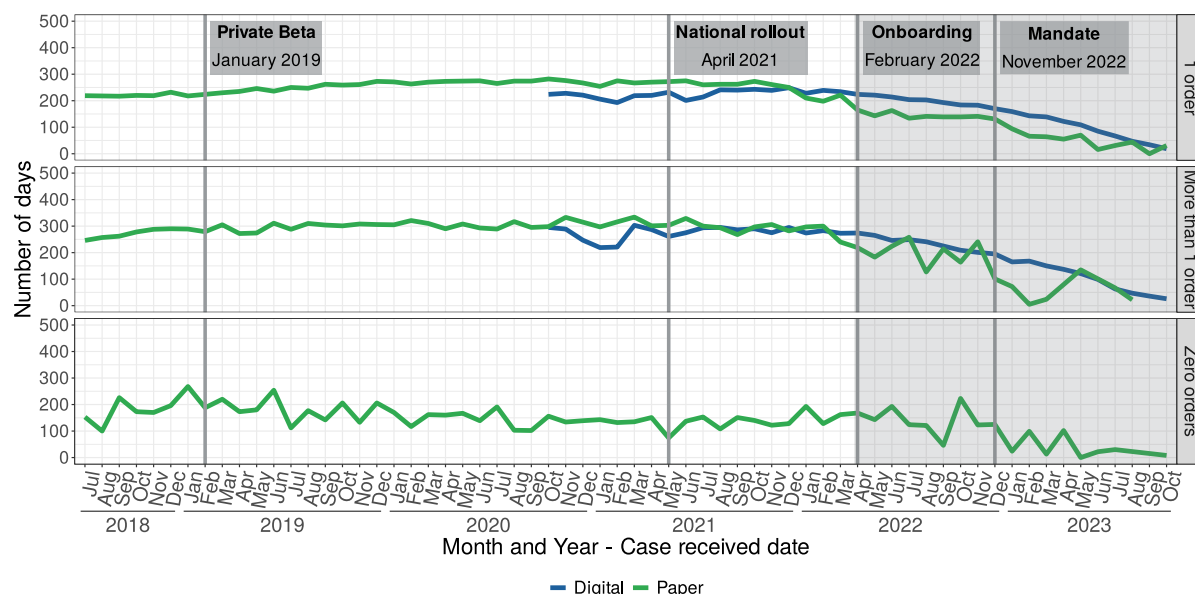
Figure C2 Applicants with legal representation – monthly average (mean) time to case close/disposal by number of children involved - July 2018 to October 2023



Source: Frontier Economics based on data from MoJ.

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

Figure C3 Applicants with legal representation – monthly average (mean) time to case close/disposal by number of orders requested- July 2018 to October 2023

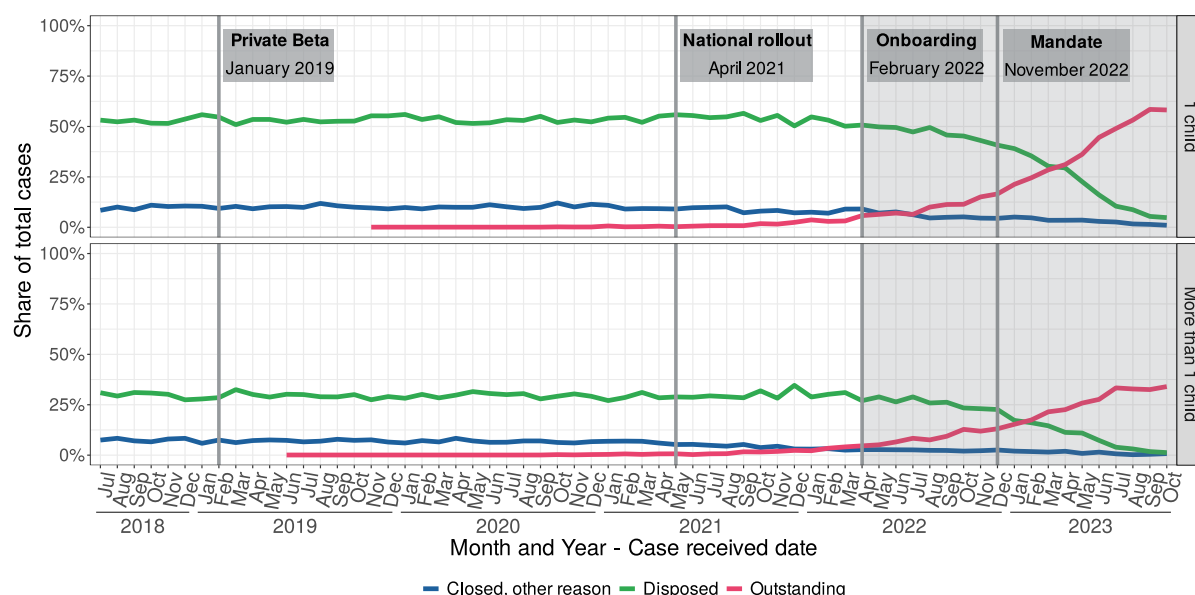


Source: Frontier Economics based on data from MoJ.

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

Figure C4 shows similar consistency in the trends in relative proportions of cases disposed of and closed for another reason between single and multi-child cases. Figure C5 does however show a slight divergence in the relative distribution of outcomes between cases with one order and cases with more than one order. Cases with single order showed a consistency in trend from private beta to the onboarding stage. However, there was a slight relative increase in the proportion of total cases being disposed with more than one order but not closed for another reason with more than one order, between national roll-out and the onboarding stage. This was not however considered sufficient to affect the overall analysis.

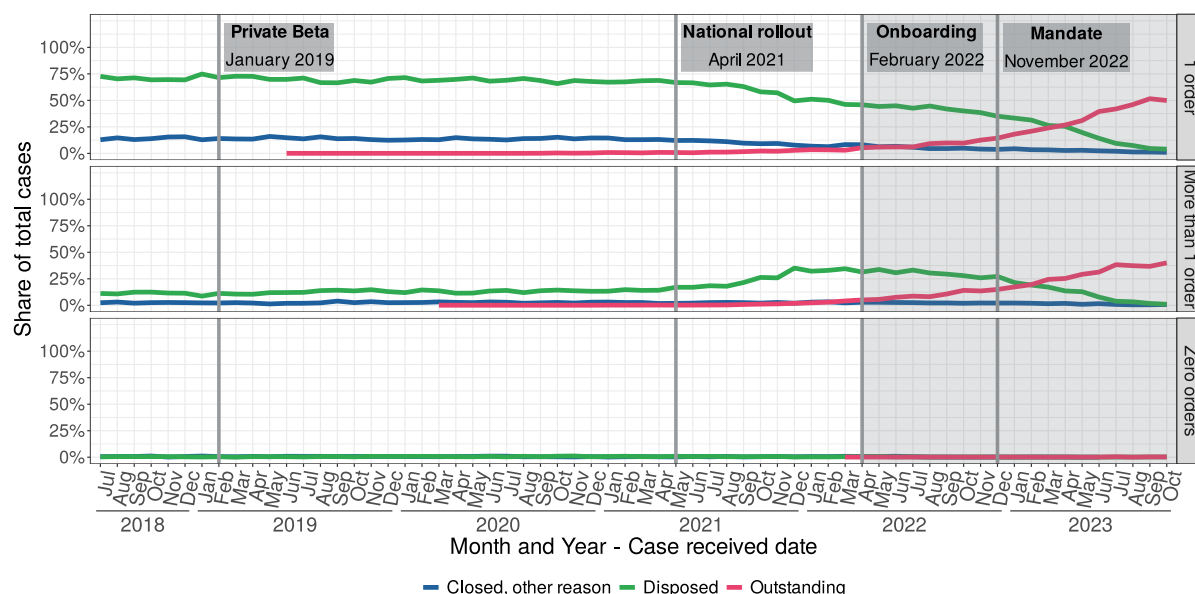
Figure C4 Applicants with legal representation - Distribution of outcomes by number of children involved – July 2018 to October 2023



Source: Frontier Economics based on data from MoJ.

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

Figure C5 Applicants with legal representation - Distribution of outcomes by number of orders requested as a proportion of all cases – July 2018 to October 2023



Source: Frontier Economics based on data from MoJ.

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

Appendix D

Family Public Law fieldwork summary

Table D1 Evidence sources used in the FPL service process evaluation				
Audience	Quantitative Surveys	Fieldwork dates	Qualitative interviews	Fieldwork dates
Judges	n/a	n/a	6 Family Judges (a mix of Circuit, District and Deputy District Judges)	November 2023
Legal Professionals	591	December 2023 to January 2024	10	January 2023 to April 2023 and September 2023 to October 2023
HMCTS staff	n/a	n/a	1	October 2023 to November 2023
Cafcass Cymru staff	n/a	n/a	2	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.