



OPRC Public Engagement response form

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Questions concerning the OPRC's draft Inclusion Framework

Question 1: Are these the right purposes for the OPRC's Inclusion Framework? If not, what other purposes should the Framework have? If not, why not and what other purposes should the Framework have?

Comments:

CILEX supports the purposes of the Inclusion Framework. CILEX recognizes that there is need to safely embed inclusion within the design of the Online Procedure Rules in the hope that this leads to their implementation in digital justice services. Similarly, CILEX supports the OPRC's desire for the practice and procedure under the rules to be accessible and fair. CILEX believes these are cornerstones for ensuring access to justice and upholding the wider rule of law. CILEX also recognises the role which the OPRC has in guiding sector stakeholders such as developers and designers to meet the needs of those who engage with digital / online legal services. Given that these three pillars consider the role of the OPRC, the wider principles (e.g. accessibility) as well as the mechanism for achieving its aims (through stakeholder engagement and guidance) CILEX supports the purposes of the OPRC's Inclusion Framework.

Question 2: Are these the right aims for the OPRC's Inclusion Framework? If not, what other aims should the Framework have? If not, why not and what other aims should the Framework have?

Comments:

The five aims identified by the OPRC are suitable for the Inclusion Framework. CILEX asserts that consideration of users, and especially vulnerable users or users at risk of digital exclusion is key. CILEX notes that individuals litigating in person, as well as the increase in technology in proceedings, leaves a large



number of users who are at risk. CILEX commends identifying this as the first aim.

CILEX believes that the first aim is supported adequately by the following four aims, especially the last aim. CILEX notes that measuring data standards, learning lessons, and adapting accordingly is crucial given the rate of change with law technology across the sector.

As stated in paragraph 31 of the Draft Inclusion Framework, CILEX notes that the framework lead to services which are fair, inclusive, affordable and accountable to the public. CILEX supports this, however recommends that consideration be given to the consumer as well as the public within this paragraph, noting that at times the public and the consumer (e.g. a Claimant) may have competing interests.

Question 3: Does the OPRC's draft Inclusion Framework correctly reflect the principles, standards and mechanisms necessary to ensure that digital inclusion is embedded from the outset in the work of the OPRC? If not, why not and what other principles, standards and mechanisms should the Framework include?

Comments:

CILEX supports inclusion as a fundamental requirement to ensuring fairness, equity and accessibility. CILEX also commends the use of a 'user-centred design', which may result in an increase in access to justice, or at least prevent access to justice dwindling further from digital exclusion.

CILEX also supports inclusive rule writing, practice and procedure. Specifically CILEX supports clear, simple and jargon-free access, with legal terms explained or avoided. CILEX also supports ensuring access to those with low digital literacy, being mindful of and responsive to other vulnerable users, and enabling access in different languages. All of this will benefit the individual user of the service, as well as enable the court system to operate in a smoother way.



CILEX is mindful of the justice outcomes on both a user-level and a system level and believes that outcomes should be tracked to ensure that issues are resolved and that digital justice is occurring.

At the outset of the work of the OPRC, CILEX believes that these principles, standards, and mechanisms, will provide the best opportunity for work to succeed and be beneficial.

Questions concerning the OPRC's draft Pre-Action Model

Question 4: Are these the right purposes, scope and aims for the OPRC's Pre-Action Model? If not, why not and what other purposes, scope and aims should the Pre-Action Model have?

Comments:

CILEX supports all three of the objectives and purposes of the Pre-Action Model. CILEX believes that these support the pre-existing Overriding Objective found within the civil procedure rules, as well as seek to increase public access to online legal services. CILEX would also encourage a fourth purpose of the Pre-Action Model. CILEX believes that the Pre-Action Model should also seek to reduce additional administration for legal representatives and the court, in supporting individual users.

Question 5: Does the OPRC's draft Pre-Action Model correctly reflect the principles and standards necessary to promote the wider use of efficient digital processes, including artificial intelligence, to identify legal problems, provide legal advice, and resolve disputes promptly? If not, why not and what principles and standards should the Pre-Action Model include to achieve this?

Comments:



CILEX recognises that there are a large number of wide-ranging objectives and principles within sections 1, 2, and 3 of the Draft Pre-Action Model. However, CILEX does not believe that a large portion of the principles are necessary given their inclusion in other rules and practice directions. Notably, the sections relating to co-operation are better encapsulated within the civil procedure rules and practice directions relating to party conduct. CILEX does not believe there is merit in duplicating, or deviating from these pre-established rules.

Question 6: How can monitoring and compliance with the standards in the OPRC's draft Pre-Action Model best be achieved and what data would be required to achieve this effectively? Does it require accreditation or evaluation by a body and if so, what framework would work best?

Comments:

CILEX believes that Section 4 will lead to better systems for users. CILEX believes that HMCTS should be required under the rules to report annually on system changes and any substantial issues. CILEX believes that this reporting should be to the OPRC to ensure that they can amend the Inclusion Framework and Pre-Action Model, as well as enforce it if necessary.

Question 7: Does the OPRC's draft Pre-Action Model correctly reflect the principles and standards necessary to improve public access to the wide range of legal services available online? If not, why not and what principles and standards should the Pre-Action Model include to achieve this?

Comments:



CILEX believes that improving public access to legal services is crucial, and that in 2025 this should be achieved online. CILEX has confidence that the OPRC's Pre-Action Model correctly reflects the principles and standards necessary to improve public access. CILEX believes that it is sufficiently comprehensive to support all stakeholders as well as the public, from the outset of considering litigation and hopefully resolving matters before undertaking litigation.

Question 8: Does the OPRC's draft Pre-Action Model correctly reflect the principles and standards necessary to promote the more efficient use of limited court resources by ensuring earlier pre-action resolution of disputes without court intervention? If not, why not and what principles and standards should the Pre-Action Model include to achieve this?

Comments:

CILEX recognises that the civil court infrastructure in England and Wales is not sufficiently meeting demand and allowing cases to be resolving expediently. This has a substantially negative impact for all parties to proceedings. As a result, increasing the number of pre-action settlements, and increasing the use of alternative dispute resolution is welcome. CILEX believes that this pre-action model will assist in resolving more disputes without court intervention.

Question 9: Does the OPRC's draft Pre-Action Model correctly reflect the principles and standards necessary to facilitate the smooth transfer of data between pre-action public and private providers, and, where necessary, from those providers into the online court and tribunal dispute-resolution systems? If not, why not and what principles and standards should the Pre-Action Model include to achieve this?

Comments:

CILEX has insufficient knowledge of data transfer best practice, especially relating to online court and tribunal dispute-resolution systems. As a result, CILEX will not comment in relation to question 9.



Online Procedure
Rule Committee

Question 10: Does the OPRC's draft Pre-Action Model correctly reflect the means to develop, assess, monitor and/or enforce appropriate technical and data standards for the Digital Justice System? If not, why not and what means should the Pre-Action Model include to achieve this?

Comments:

As above, CILEX lack sufficient knowledge on technical and data standards relating to the digital justice system. As a result, CILEX does not comment on question 10.

Responses should be sent to OPRCConsultations@justice.gov.uk by 5pm on Friday 19 September 2025.