THE CASE OF MONEY CLAIM ONLINE AND POSSESSION CLAIM ONLINE IN ENGLAND AND WALES

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1. **EXECUTIVE SUMMARY**

MCOL is an online facility that allows individuals and private organizations to issue money claim utilizing a user-friendly website. Any English or Welsh citizen can access to the MCOL website and issue or defend a claim or ask for a warrant of execution. Claims are managed by a set of private and public agencies as the Country Court Bulk Centre (CCBC), the Claim Production Centre (CPC) and Logica a private company that deals with the technological components of the service.

The architecture is centralized and bypasses the role of the 92 England and Wales County Courts, leaving the legal work to the Northampton County Court; moreover, most of the procedures relative to money claims in England are administrative and do not involve legal staff; therefore, Northampton County Court is involved only in the final stage of money claims’ process.

The story of MCOL tells about an easy-to-use service that users soon appreciated (the 67% of money claim in the period 2009-2010 have been issued online) developed with a smart strategy of development. All the components of this e-justice service seem to have the perfect characteristics to ensure a smooth functioning, favour the access of users and make problem-solving easier. The normative component is constituted by a Practice Direction (PD, 7), a generic norm that disciplines the main aspects of the online procedure and that can be drafted and approved rapidly and without the approval of parliament. Its organizational components are different “modules” relatively independent and that coordinate for assuring a functioning service: some agencies of the HMCTS (Her Majesty Courts and Tribunals Service), the Northampton County Court and the private company that manages the technological part of the service. Also its development seemed to have followed a path already acknowledged as successful by the main contributors of the II theory (Hanseth and Lyytinen, 2004; Aanestad and Jensen, 2011) and of the organizational theory (Simon, 1967; Lane, 2006).

Therefore, its story confirms the importance for e-justice services’ performances of already studied designing principles and acknowledges new one as well.

First, MCOL confirms the importance of building on an installed base (Hanseth and Lyytinen, 2004; Kallinikos, 2008). The service has been implemented exploiting already established organizations and components. In the implementation stage, MCOL’s developers relied on two agencies of the civil court services that were
already dealing with money claims issued electronically, that is the Claim Production Centre (CPC) and the Country Court Bulk Centre (CCBC). However, it is worth mentioning that MCOL should be considered the last evolution of a long-term strategy of modernization and improvement of justice services that started with the 90s reform of the justice system (see Ch. 3). The reform incentivized the use of ICT in courts, the creation of technological facilities as the one managed by CPC and the CCBC and lately the implementation of an online website for money and possession claims’ submission.

Second, MCOL architecture confirmed the importance of modularization. It is in fact characterized by different relatively independent and loosely coupled components. This structure fosters the evolution of the system and problem solving. For instance, during the years some components of the system have been changed (the private company that manages the technology, the accounting engine); however, this did not hinder the performances of the system neither it modified its principal characteristics and functions.

Third, MCOL acknowledged the value of an initial strategy of development that deals with the bootstrapping issue (Hanseth and Lyytinen, 2004). The MCOL designers focused since the beginning on the creation of a critical mass of users. The system guaranteed since its first implementation the access to lay users. The simplicity of the on-line procedure (which also derives from a simple civil procedure for money claim) and the use of plain English in the civil procedure regulations that discipline money claims (an heritage of the Lord Wolf reform; see Section 3) fostered the users’ utilization of the new e-justice service.

Fourth, MCOL development has been based on the parallel change of legislation and technology. Therefore, ICT designers worked with the policy offices of HCMTS in order to ensure a smooth change both of legislation and online civil procedure. Moreover, the characteristics of the norm that disciplines MCOL of not specifying in details all the characteristics and procedures of the e-justice service, to be developed, gave space of manoeuvre to the MCOL designers when they implemented the project. This acknowledges the importance of a parallel modification of legislation and technology instead of inscribing the law into the technology (Mohr and Contini, 2011).

Fifth, MCOL acknowledges the functionality of a centralized architecture. MCOL structure and governance is centralized. Even though different modules (HMCTS,
CPC, CCBC, the Northampton County Court, Logica offices) constitute the layers of the system, the governance and the functions of the e-justice services are centralized and unique for all users in England and Wales. This ensured an even application of the innovation for all the England and Wales justice system.

The last two points can be better grasped from a comparison with the MCOL “spin-off” an e-justice system similar to MCOL developed for possession claims in England and Wales. This service, differently from MCOL, has been affected by a precedent draft of the norm that disciplines possession claims online (PD 55B) and that dictated the architecture of PCOL. The PCOL architecture in fact is decentralized: several County Courts in England and Wales manage possession claims imputed from the web-site. This implied an uneven application of the technological innovation and several issues with the system that HMCTS is facing.
2. INTRODUCTION

This report will principally deal with the case of Money Claim Online (MCOL) in England and Wales. The online facility allows individuals and private organizations to issue money claim utilizing a user-friendly website. The study updated precedent studies on the topic (Kallinikos, 2008) and put in evidence the most recent changes of the online facility. The study of the MCOL spin-off called Possession Claim Online (PCOL) an online service for issuing claims of possession of residential property, allowed comparing the two services. The comparative analysis, here only hinted in the final section (see section 4), allows shedding light on the differences, and their causes, between a successful ICT civil justice service as MCOL and PCOL, which presents many issues regarding in particular its performances.

The method of analysis is mixed: I combined the study of main official documents (as the Ministry of Justice reports and legislation), the analysis of previous scholars’ contributions on the topic, the analysis of official statistical data and the qualitative analysis of semi-structured interviews to Court staff and ICT team managers.

In the next pages, I will introduce the institutional background of the two ICT services and the late changes that affected the Justice System in England and Wales (see section 2). In section 3, I will talk about the MCOL installed base and the strategic history of the project. In the following pages, I will introduce the actual organizational, institutional, technological and legal configuration of MCOL (section 4) and the day-to-day functioning of the system (section 5). In Section 7, I will introduce briefly PCOL, dealing with its installed base, the development history of the system, its institutional, organizational, technological and legal configuration and the day-to-day functioning of the system.

In the final pages, I will utilize the analysis of MCOL and, comparatively, the analysis of PCOL for listing several lessons that can be grasped from the experience of the two systems’ development. These lessons are useful to shed light on some design principle that can be used both for the development of national e-justice services and for the design of transnational e-justice services in Europe, as well.
3. The PCOL and MCOL Institutional Background

The actual configuration of the United Kingdom and in particular of the England and Wales justice system is the result of a set of recent constitutional reforms as the Constitutional Reform Act of 2005 and the reform that constituted a Ministry of Justice for United Kingdom in 2007.

The head of the Judiciary is the recently created (2007) Ministry of Justice, the ministerial department of the UK Government responsible for the justice system headed by the Secretary of State and by Lord Chancellor. Some of its competences regard the wide United Kingdom affecting the jurisdiction of England, Wales, Scotland and Northern Ireland; in this case, it is responsible for some tribunals in the whole UK as the Special Immigration Appeals Commission and it is in charge of dealing with issues regarding freedom of information, civil liberties, and data sharing.

The competences that regard the only England and Wales jurisdiction are devolved criminal justice policy, courts, prisons or probation matters (Lord Chief Justice, 2008). The Ministry of Justice comprises a set of different agencies and departments with their own staff and competences as the Administrative Justice and Tribunals Council and the Criminal Injuries Compensation Authority.

The Ministry of Justice’s agency called Her Majesty Court and Tribunals Service (HMCTS from now-on) is an executive branch of the Ministry of Justice and it is responsible for the administration of the courts of England and Wales; its functioning and competencies are important for the purposes of the report given that HMCTS is responsible for the management and revise of the two ICT civil justice services investigated. The agency was created in 2011 and it brings together Her Majesty's Courts Service and the Tribunals Service into one integrated agency that provides

1 Other competences limited to England and Wales comprise court administration, land registration, records management, legal aid and legal services, administrative justice, devolved tribunals, the judiciary of England and Wales, public guardianship and incapacity, restricted offenders detained under the Mental Health Act 1983, civil law and justice, the family justice system, the investigation of deaths and coroners law. For more information on United Kingdom Ministry of Justice refer to its website http://www.justice.gov.uk.

2 The Administrative Justice and Tribunals Council keeps under review the administrative justice system as a whole with a view to making it accessible, fair and efficient; it manages the relationships between the courts, tribunals, ombudsmen and alternative dispute resolution providers.

3 The Criminal Injuries Compensation Authority is the government body responsible for administering the Criminal Injuries Compensation Scheme in England, providing a free service and financial support to victims of violent crime.
support for the administration of justice in courts and tribunals in United Kingdom\(^4\). The HCMTS board is composed by an independent Chair working with non-executive, executive and judicial members: there are three judicial officeholders and one of whom is Senior Presiding Judge, a Chief Executive responsible for the day-to-day operations and administration of the agency which also act as the Accounting Officer for the agency. The responsibilities of the board are several: they include giving direction and communicate the aims and objectives of the Agency, ensuring the collaboration between staff and the independent judiciary, ensuring that HCMTS structure is cost-effective and efficient (HM Courts & Tribunals Service, 2011).

The agency is accountable to the Lord Chief Justice of England and Wales and the Senior President of Tribunals and to Lord Chancellor which is in turn responsible for the accounting of its operations to the Parliament (HM Courts & Tribunals Service, 2011).

The role of government and direction of the United Kingdom Justice System is in the hands of the Lord Chancellor and the Lord Chief Justice. Lord Chancellor, before a set of Constitutional reforms (see later in the same section) was the speaker of the House of Lords and head of the judiciary; nowadays he lost his main competences, but still maintained his prerogatives as a member of the cabinet and he is responsible of courts efficiency and independence. Moreover, Lord Chancellor should support justice efficiency and ensure that public interest is represented (Woodhouse, 2007).

The Lord Chief Justice (LCJ) is the government minister responsible to Parliament for the judiciary, the court system and prisons and probation. This used to be the role of Lord Chancellor before the Constitutional Act of 2005 and represent an enhanced institutional autonomy of the judiciary from the other branches of government (Yein Ng, 2010). President of the Courts of England and Wales and of the Criminal Division of the Court of Appeal, he is responsible for representing the view of England and Wales Judiciary, maintaining the welfare, training and supervision of judges and making arrangements for the deployment of judges and allocation of cases (Malleson, 2005). Three offices support LCJ in carrying on his functions: the Judicial Studies Board, that aids the LCJ in training members of the judiciary; the Judicial Office that provides administrative support to the LCJ; and the Judicial Communications office that is responsible of the public relations of the Judiciary

\(^4\) http://www.justice.gov.uk/about/hmcts.
Building Interoperability in European Civil Procedures Online – England and Wales case

(Lord Chief Justice, 2008).

The England and Wales court system is distributed in geographical counties that compose “circuits” which are divided in “districts” (for civil jurisdiction) and petty sections. For both civil and criminal cases there are three levels of jurisdictions: first instance, appeals, appeals to the Court of Appeals or the Supreme Court (HMCS, 2008). Peculiarly, a judge is not bounded to a particular tier or court, given that judges can sit in more than one court and hear trials and appeals both in civil and criminal cases. Specifically, the courts of England and Wales apply the law relative to England and Wales jurisdiction. In United Kingdom, legal systems are separated between England and Wales, Scotland and Northern Ireland. However, in some cases as immigration matters, the Asylum and Immigration Tribunals cover the entire United Kingdom jurisdiction.

For the purpose of the report it is useful to have a look at the organization of the main courts for civil justice matters, omitting the architecture of the criminal justice’s courts. The Supreme Court is the highest court of appeal for all cases in England and Wales. It has the judicial capacity to hear appeals on points of law in all matters (civil and criminal) for England, Wales and Northern Ireland and only civil matters for Scotland5.

At a lower tier the civil section of the Court of Appeal hears appeals from the High Court and County Court and certain superior tribunals; the permission to appeal is required either from the lower court or from the Court of Appeal itself.

The High Court of Justice functions both as a court of first instance for civil cases and as an appellate court for both civil and criminal matters. It includes three divisions: the Queen's Bench, the Chancery and the Family divisions. The High Court can hear cases in administrative, criminal, civil, family and equity law. Even though the High Court is situated in London, it can hear cases in other courts through district registries (Reeves, 2006).

The lowest court for civil justice cases are the County Courts, which are presided over by a District or a Circuit Judge. County Courts are specifically local courts; each one has an area of jurisdiction. However, transfer of cases is not unusual since any county court in England and Wales may hear any action and claim (Reeves, 2006).

The MCOL ICT services analyzed cover the County Courts jurisdiction for

5 For more information refer to http://www.supremecourt.gov.uk/.
possibility and money claims with the exception of the last stages of the procedure that refer to the enforcement (see section 5; the only enforcement procedure that MCOL allow is the “Warrant of Execution”). As we will see later in the following sections, the two systems and in particular MCOL contributed to relief the County Courts from routine paper works and procedures relative to possession and money claims.
Fig. 1
Courts and Tribunals in England and Wales

Note: Courts and Tribunals in England and Wales plus Supreme Court of the United Kingdom.
Late Changes to the Justice System

MCOL and PCOL systems have been developed within an institutional context that was experiencing deep and continuous changes. The institutional background of MCOL and PCOL projects was affected by modifications of the structure and functions of the judiciary, of the civil justice system and management and of the civil procedures. When looking at the MCOL and PCOL background it is important to shed lights on its recent evolution, given that its modification represented in some cases an influential factor of the systems’ development, in other, a fundamental incentive for the two ICT services’ creation.

Constitutional Act 2005. As soon as the modifications of the structure and functions of the judiciary is concerned, these consisted principally in the Constitutional Reform Act (CRA) of 2005 that brought to the creation of the Department of Constitutional Affairs (DCA) and the constitution in 2007 of the Ministry of Justice. The CRA allowed the Supreme Court of the United Kingdom to take over the existing role of the Law Lords as well as some powers of the Judicial Committee of the Privy Council\(^6\); it provided the Lord Chief Justice to replace the Lord Chancellor as head of the Judiciary and removed the functions of Speaker of the House of Lords and Head of the Judiciary of England and Wales from the office of Lord Chancellor. The new Supreme Court represents the highest court of appeal for civil and criminal cases as well as the highest court of appeal for devolution cases; twelve judges constitute it\(^7\). The reform provided also for the creation of an ad hoc independent Judicial Appointment Commission (JAC) that retained the roles previously carried on by the Lord Chancellor. The JAC supports transparent and open procedures for the appointment and promotions of the judiciary (Lord Chief Justice, 2008). The CRA represented an answer to many criticisms and pressures coming from Labours and from Europe as well, that regarded the overlapping constitutional roles of Lord Chancellor whom until 2005 was head of judiciary, speaker of the House of Lords, member of the cabinet and primary responsible for the appointment of judges (Malleson, 2005). Therefore, the CRA main aim was to enhance the independence of


\(^7\) The appointment of the Supreme Court Judges involves both the president of the Supreme Court and the Lord Chancellor. A selection commission headed by the President of the Supreme Court will propose one name to the Lord Chancellor who can reject that name only one time.
the justice system from government policies and political criticism and judges’ impartiality. Moreover, as Woodhouse has stated, CRA represents also an attempt to recognize public expectations on better and efficient delivery of public services (Woodhouse, 2007).

Ministry of Justice Reform, 2009. The 9th of May 2009, the Ministry of Justice was created by combining some functions of the Home Secretary with the Department for Constitutional Affairs. As anticipated, its responsibilities are to reduce re-offending and protect the public, to provide access to justice, to increase confidence in the justice system, and uphold people’s civil liberties; the government department deals also with court administration, administrative justice, the judiciary of England and Wales, civil law and justice. The constitutional reforms of the structure and functioning of the Judiciary affected the use of ICT in civil cases because of the modification of the offices and department that dealt with the ICT projects. Before the CRA of 2005, the department that dealt with the diffusion of ICT in the civil justice management and in particular with the development of MCOL was the Court Service an executive agency of the Lord Chancellor Department (see below). In April 2005, Her Majesty Court Service was created by unifying the competences of the Magistrates Service and the Court Service with the objective of creating a single national agency responsible for the delivery of court services to users with more resources and flexibility (HCMS, 2008).

In 2011, this executive hand of the Ministry of Justice has been newly updated and the Her Majesty Tribunals and Court Service (HMCTS) was created by combining Her Majesty's Courts Service and the Tribunals Service into one integrated agency (HMCTS, 2010). The new agency is responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales and of non-devolved tribunals in Scotland and Northern Ireland; the agency employs 21,000 staff and operates from around 650 locations.

Therefore, during time different agencies and hands of the justice systems dealt with the management of MCOL and PCOL. Moreover, the timely updating of the structure that deals with Courts and Civil justice management translated also in a periodical

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As well as records management, legal aid and legal services, land registration, devolved tribunals, public guardianship and incapacity, restricted offenders detained under the Mental Health Act 1983, the family justice system, the investigation of deaths and coroners law. For more information please see http://www.justice.gov.uk/about/moj.
staff turnover, so that part of the personnel that worked at the development of the MCOL and PCOL projects are no longer part of the team that deals with the management and revise of the two systems. This represented also an obstacle to our research, because it has been problematic to approach and interview the individuals that have been involved both in the development and management of the project. However, despite the organizational changes, the long story of MCOL development demonstrates the continuity of England and Wales policies regarding the employ of ICT in the management of money and possession claims.

Reforms of the Civil Justice System. The civil justice system and management have been affected since 90s by a long record of revisions. These changes affected the diffusion of ICT in the different branches of judiciary and incidentally the development of the money and possession claims systems.

For England and Wales’s civil justice, the Lord Woolf reform represented the most important attempt to modernize management and procedures. In 1994, because of the growing criticism regarding the inefficiencies of judiciary, Lord Woolf was asked to conduct an inquiry of the civil justice system and to formulate proposal for its innovation (Timms and Woolfson, 2006). The Lord Woolf’s final report called “Access to Justice” (Lord Woolf, 1996) put in evidence the most concerning issues that affected the civil justice at that time, that is delay and heterogeneity of outcomes, costs, complexity and the domination of trials by lawyers that habitually draw out processes in order to increase costs (Susskind, 2000). The reform approved in 1999 by the new Labour Party, with the White Paper “Modernising Justice (Court Service, 1998) accepted the suggestions advanced in the “Access to Justice” report. In particular, the reform aimed at associating the complexity of cases’ procedures with the amount of money involved, at imposing stricter timetables for processes and the reduction of adversarial techniques, at diffusing the use of information technology, at avoiding the abuses of the right of appeal. The White Paper “Modernizing Justice” provided for the identification of “pre-action protocols that sets standards and timetables for the conduct of cases before court proceedings are started (Government's White Paper, Modernising Justice, December 2008).

Moreover, the reform’s incentive to the use of Alternative Dispute Resolutions and the resolution of cases without hearings in Courts represents a considerable starting point for the creation of an internet based service for small civil cases as MCOL that
avoid the instruction of the case in a Court (Susskind, 2000).
In my view, the values and principles on which Lord Woolf reform is based are also worth mentioning for the purpose of this report: most of them represent the guiding principle for the development of MCOL and PCOL. The access to justice for all, the comprehensibility of legislation (translated in the use of plain English for all the new civil procedure rules), the homogeneity of the results for all users, reasonable costs and speed, and effectiveness of services are at the core of the reform and of the two ICT systems’ implementation and functioning as well.
At a more practical level, two main innovations of the reform affected the development and management of MCOL and PCOL. The first, the constitution of the Civil Procedure Rules\textsuperscript{9} (CPR), a new code of procedural regulations that substituted the Rules of the Supreme Court and the County Court Rules and that had the objective of improving access to justice by making legal proceedings quicker, cheaper and easier to understand for non-lawyers (Dwyer, 2009). The Civil Procedures Rules Committee was created; this institution, headed by the Master of Rolls, has the role of drawing up and updating the Civil Procedure Rules. What is most important for MCOL and PCOL development, in terms of legal interoperability, is that the rules are supplemented by detailed Practice Directions\textsuperscript{10} which are supplemental protocol to rules of civil and criminal procedure in the Courts and that give practical advice on how to interpret the rules themselves (Dwyer, 2009). The procedure for drafting and amend Practice Directions is simpler and more rapid comparatively to the CPR rules that need a secondary legislation procedure with the involvement of both branches of parliament. With the coming into force of the CRA 2005, the power to approve the Practice Directions falled to the Lord Chief Justice (with the approval of the Lord Chancellor in most instances)\textsuperscript{11}. Given that the norms that allow the use of MCOL and PCOL website for issuing money and possession claim online are included in two Practice Directions\textsuperscript{12} (the PD 7E for MCOL and 55A for PCOL), the designers and

\textsuperscript{9} Civil Procedure Rules 1998 (SI 1998/3132) were approved on 10 December 1998 and came into force on 26 April 1999.

\textsuperscript{10} The practice directions to the Civil Procedure Rules apply to civil litigation in the Queen's Bench Division and the Chancery Division of the High Court and to litigation in the county courts other than family proceedings.

\textsuperscript{11} www.dca.gov.uk.

\textsuperscript{12} At the time of MCOL Practice Direction approval, the Lord Chancellor authorised Lord Justice May to make practice directions. For county courts, the section 74A of the County Courts Act (1984) authorizes the Lord Chancellor or a person authorized to act on his behalf to make Practice Direction. At the time of PCOL Practice Direction approval, the Lord Chancellor authorised Lord Justice Dyson
the team that worked to the development of the two systems profited from a considerable advantage. As we will see later in the report (see sections 5 and 6), the processes with which the MCOL technologies have been made legal have been rapid and contemporaneous to the development of the ICT based systems. Therefore, neither the technology allowed to issue actions already disciplined in the civil procedures, neither the law allowed for the use of a particular technology already developed; instead, MCOL is based on the parallel development and put in practice on the one hand of the two systems’ technology on the other hand of the norms that allow for the systems’ utilization by costumers.

The second innovation of the Lord Woolf reform is the incentive of the use of information technology to improve efficiency, speed and access to justice. Even with some problems of teething (Timms et al., 2003), an high-quality computer system for recording and tracking the progress of cases was developed. Moreover, the reforms recognized the efficiency and usefulness of the use of new forms of communications, thus supporting the use of conference calls, by telephone or video link as a way of holding pre-trial hearing so that parties do not need to travel to courts. The commitment to utilize working ICT solutions, aside the incentive to foster mechanisms of dispute resolutions outside the court hearings and the limitation to the right of appeal that loaded the County Courts of a rise of cases managed, represented a considerable motivation for the development of the two systems for managing money and possession claims online (Kallinikos, 2008).

An institutional contest in continuous evolution is the background of the MCOL project’s implementation. The incentives to the use of ICT and to remove administrative work from County Courts urged the Court Service to the development of an online facility for handling money claim online.

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to make practice directions for the county courts; the CRA (2005) approval provided for the Lord Chief Justice to have the power to nominate a judicial office holder to perform his functions with regards making designated directions.
3.1 ICT Governance.

The governance of the ICT development in England and Wales is not centralized; traditionally, every office or branch of the Justice sector has developed autonomously ICT technologies and e-services (Fabri and Contini, 2003). However at the ministerial level, the Chief Information Officer (CIO) is responsible for setting the MoJ IT strategy and the delivery of ICT services to enable business change projects and programmes. The CIO is also head of the Ministry of Justice IT profession. The IT Director of the MoJ, reports to the CIO in order to suggest and enable changes within the Justice System. Moreover, the head of the OCJR (Office for Criminal Justice Reform) Modernising Technology Unit delivers the technology programs that allow to link several criminal justice organisations (MJEW 2009).

As far as the civil justice is concerned, the Ministry of Justice enable the HCMTS to conduct the development of ICT technologies. Different offices of the HMCTS as the business office, the policy office, the ICT team and private organizations cooperate to develop and implement the Ministry’s ICT vision and strategy and to develop and provide ICT services.

For what regards the criminal justice, the Criminal Justice Information Technology Unit (CJITU) is the agency enabled to support the integration of the several criminal justice’s technological systems (Carnevali et al., 2006). The CJITU also developed a Management Information System that manages performances’ evaluations of the criminal justice system.

The Crown Prosecution Service (CPS) has its own ICT department called Business Information Systems Directorate (BISD). This is a team of around 100 people headed by the Director of Business Information Systems that manages and develops ICT technologies for the Crown Prosecution Service. The Directorate manages the contracts with suppliers and service providers and ensures the smooth operation and performance of the ICT infrastructure. The BISD manages the ICT strategy in a very centralized fashion, so that local implementation are controlled and vetoed by the Directorate. Also in the case of the CPS ICT office, the involvement of private businesses is a constant: the Directorate outsourced the development of the case.

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13 The Crown Prosecution Service is a UK Government Department responsible for prosecuting criminal cases investigated by the police in England and Wales. CPS is responsible for advising the police on cases for possible prosecution, reviewing cases submitted by the police, determining any charges in all but minor cases, preparing cases for court, presenting cases at court. For more information on CPS see http://www.cps.gov.uk/about/.
management system to LogicaCMG which, therefore, is responsible for the successful deployment of the CaseMan at a technical level.
4. The Installed Base and the History of the Project
In this chapter, I will deal with the antecedent organizational, institutional and legal components of Money Claim Online and with the history and strategy of its development. The history in particular, will acknowledge the main conditions that made the project successful and highly performing as the strategic use of previously developed components and the parallel modification of the organizational and legal structure.

4.1 The Project Background and the Installed Base
One of the main strong points of the MCOL project and of the successive development of an online system for dealing with possession claims is that it relied heavily on an already well-established installed base. First, MCOL could count on organizational components, institutions and working practices previously developed and institutionalized. Second, the justice system commitment to particular interoperability frameworks and technological standards imposed choices that turned out to be functional for the system’s performances in terms of accessibility, openness and adaptive evolution. Third, the recent reform of CPR that introduced the procedure for amending and drafting Practice Directions (See Section 1) represented, from the legal point of view, a facilitation to the introduction of ICT system for managing civil justice services. Therefore, the organizational, institutional, technological and legal configuration provided to the new MCOL system considerable advantages that permitted its rapid development and evolution. However, as I will show later in this section, some characteristics of the installed base brought about obstacles for change and limited and still limit rapid and inexpensive developments.

As far as the organizational framework is concerned, the team\textsuperscript{14} that worked on MCOL implementation identified two agencies of the civil court services that were already dealing with money claims issued electronically, that is the Claim Production Centre and the Country Court Bulk Centre. The Claim Production Centre (CPC from now on) was created in 1990 (the name originally was Summons Production Centre) with the role of issuing and serving claims electronically. The CPR rule 7.10 and the practice direction 7C have been drafted in order to allow claimants to issue claims in

\textsuperscript{14} The team was composed by Court Service Civil Policy Business, the ICT team and the private suppliers as EDS.
electronic forms through CPC. The CPC\(^\text{15}\) is an HMCTS agency based in Northampton; its main competences are managing the court fees, producing the claim, creating the court's record and then enveloping and despatching the claim to the defendant. The claims are issued in the name of the country court whose name the claimant request to be issued (on the base of the area of residence). Claims can be issued by magnetic tape, floppy disks\(^\text{16}\), recently (after 2000) also by electronic transfer (FTP - File Transfer Protocol) and in the future also by a secure e-mail address. Claims issued through the CPC shall contain the claimant’s details and the details of the defendant, the claim’s data, and the court in whose name the claim shall be issued. The data file submitted to CPC shall respect a particular format and in particular it shall respect the requirements for ANSI standard for ASCII unlabelled files. Once submitted, CPC validates the claim verifying if data file respect the standards requested, that all necessary fields have been entered, that the fees have been correctly calculated, that the costs are within the scale allowed and that the claim numbers have not been previously used.

The County Court Bulk Centre (CCBC)\(^\text{17}\) is an HMCTS agency created to deal with bulk money claims, that is massive claims issued by different types of organizations like banks, insurance companies or any public utility company. The Centre manages “straightforward debt collection” (HMCTS website) that is principally not defended in County Courts, thus taking away from Courts this mainly procedural and administrative work. The service is highly customer-committed thus providing to users a fast and performing package and a reduction of County Court fees as well. Differently from CPC, in order to utilize the CCBC system companies need to become members and respect a set of parameters. CCBC users submit a single data file containing the particulars of a claim, such as claim number, claimant, defendant name etc, along with an individual payment of the correct fee for each case to the CCBC, which then processes the Data files. Data Files can be transmitted as for the CPC system by magnetic tape, floppy disks\(^\text{18}\), recently (after 2000) also by electronic transfer (FTP - File Transfer Protocol).

When MCOL was created and the Court Service had a privileged contract with EDS,
claims once validated, were sent from the CCBC to the EDS Printing and Posting centre in Washington Durham County, which printed and posted the claim to the defendant. Nowadays, Logica, a multinational business and technology service based in England and Wales, detains a corporate contract with HMCTS and it deals with the technological components of CPC, CCBC and MCOL also. Therefore, claim details are electronically transferred to a Logica office in Bridgend, Wales that prints and posts the claim packs. The “core” of the CCBC system is the old EDI system developed by EDS, called CaseMan, a multi-user relational database management system (Plotnikoff, 2001) that substituted manual record cards. Bulk Claims issued in CCBC are recorded in the CaseMan system; CaseMan permits court staff from any court in England and Wales to login and deal with claims. Claims are issued in the name of Northampton County Court; however, CCBC role is limited to the issuing of electronic claims once verified by CPC, entry of judgment by acceptance, default or determination, entry of a warrant of execution or transfer to any other court for types of enforcement different from a warrant. In practical terms, CCBC deals with the procedural work that does not need the involvement of legal court staff or the organization of a hearing.

The MCOL developers exploited some of the functionalities of the two agencies for its development and subsequent functioning. As far as CPC is concerned, MCOL made use of the data files validation function of the Claim Production Center. Following the initial MCOL design (see Fig. 2) still unmodified, before the claim enters in a successive processing stage in the CCBC, an electronic identifier verify if the claim’s data file fits the specification for CPC. CPC has a set of scripts that validate the data, for instance it controls if the certain amount of data allowed for claim’s details is respected. The use of the validation function of CPC for MCOL data fluxes represents a wise exploitation of a functional component of the installed base. However, the stable parameters of data interchange through CPC translates in a substantial obstacle for MCOL change. Any modification of claims submitting functions in MCOL would need a change in CPC parameters, which are considerably stable and are the same used by claimants that issue claims through magnetic tape or floppy disks.

As soon as the CCBC is concerned, MCOL made use of the already developed EDI system that manages bulk claims. Once a claim is submitted, and after CPC validation, the claim enters automatically as a data file in the CaseMan system, from
which CCBC court staff can handle the claim. In practical terms, all the functions that CCBC execute for bulk users (dealing with a claim, posting the claim pack to defendants, issue a warrant of execution) can be utilized through MCOL. Money Claim Online has been developed as a front end of the CCBC back office system (Kallinikos, 2008). Or from another point of view, MCOL can be considered a bulk user of the Country Court Bulk Centre.

The technological components of the MCOL installed base refer to standards, interoperability frameworks, hardware and software at developers’ disposal when the MCOL system has been implemented.

As introduced, a fundamental MCOL technological component is the CaseMan, the County Court case management system developed by EDS. In 1994, Court Service commissioned a system that can substitute Court staff’s use of manual record card. The CaseMan is a “multi-user relational database management system written in Oracle on a Unix operating platform” (Plotnikoff, 2001: 242). In CaseMan court staff can manage the cases’ details, warrant control and the attachment of earnings. The system builds case records by creating used forms, notices and events. CaseMan is active in any England and Wales country court; moreover, court staff may log in and access to the CaseMan from any County Courts. The System comprises an electronic data exchange engine, therefore, cases may be transferred from any country courts. The data exchange engine is utilized by CCBC to transfer data to Northampton County Court and to any other county court when needed.

As soon as the standards that guided MCOL implementation in 2001 are concerned, these played a fundamental role in its development and evolution. Developers relied on the United Kingdom e-Government Interoperability Framework as a set of indications for choosing between multiple standards and technologies (e-Gif, 2005). The UK e-Gif provides policies and standards for accomplishing interoperability and facilitates data exchange across the public sector. The frameworks are based on the government’s commitment on making possible exchange of data between the LCD/Court Service intranet, the Government Secure Intranet (GSI) and the Internet. Therefore, UKGIF indicates the XML language as required for rapid exchange of data in the public sector. Moreover, it indicates the use of internet browsers as users interface and the TCP/IP (internet protocol) network connectivity.

The MCOL developers followed strictly the UKGIF indications, thus utilizing the XML language, allowing the use of internet browsers and opting for the TCP/IP
connectivity. The choose for a more open and accessible system that can exploit the
evolution of internet, turned out to be wise and guaranteed an easier design of the
website, based on existing components and infrastructure, and a rapid generation of a
critical mass of users (Lanzara, 2009). The other side of the coin is that opting for
openness and easier access in order to foster the evolvability of a technology means
also being affected by security issues (Hanseth & Lyytinen, 2010). As the HMCTS
chef of the IT team stated in the structured interview, most of the costs of the MCOL
and PCOL implementation comes from compliance to security parameters. Data
exchanged through MCOL and PCOL need to comply with IL3 data classification
standards. IL3 stands for Impact Level 3 that refer to data considered “restricted”.
Moreover, more recently the payment engine needed to be revised in order to comply
with the Payment Card Industry Security Standards (PCI). The PCI are set by the
Payment Card Industry Security Standards Council and include rules and parameters
to be respected in order to reduce credit card frauds. Given that an external Qualified
Security Assessor (QSA) does the validation annually and that Standards may be
amended from time to time, the compliance to PCI standards translates in a permanent
cost for HMCTS.

As anticipated, the legal configuration of the Civil Justice System at the time
of the implementation of MCOL first and of PCOL subsequently, had been affected
by a considerable modification with the drafting and approval of the Government’s
White Paper “Modernizing Justice” of 1998. The reform introduced a new code of
procedural regulations that is the Civil Procedure Rules (CPR). Moreover, the CPR
reform provided for the integration of the CPR rules with ad-hoc Practice Directions
that can be drafted and amended by a fast procedure that only involves the Ministry of
Justice. Practice Directions have been used by the former Court Service and
successively by the Department of Constitutional Affairs to allow claimants to issue
money and possession claims online. The PR 7E19 “provides for a scheme in which,
in the circumstances set out in the practice direction, a request for a claim form to be
issued and other specified documents may be filed electronically (‘Money Claim
Online’)” (Ministry of Justice, 2011). The MCOL practice direction supplements the
Civil Procedure Rule Part 720 that refers to the rules for starting and managing a civil

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19 Practice Direction 7 E “Money Claim Online”.
20 Civil Procedure Rule 7 “How to start proceedings - the Claim form”.

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proceeding for money claims. As soon as PCOL is concerned the PR 55B\textsuperscript{21} allows for issuing possession claim online and it supplements the CPR part 55\textsuperscript{22} that disciplines claims for the recovery of possession of land (including buildings or parts of buildings). The simplified and rapid procedure for PR drafting, that the reform introduced represented an advantage for the two services implementation: the adaptation of the legal system to the new online services that substituted paper-based procedures for issuing claims has been rapid and concurrent to MCOL and PCOL implementation.

Moreover, two important amendments to civil procedure are at the base of the legalization of the electronic submission of claims that is the regulation regarding the electronic signature and the one referring to the statement of truth. One year before the MCOL introduction UK parliament approved the Electronic Communication Act that legalized the use of electronic signature: “In any legal proceeding an electronic signature incorporated into or logically associated with a particular electronic communication or particular electronic data shall be admissible…” (Electronic Communication Act, 2000). This has been integrated in 2002 with the Electronic Signature Regulation (2002) that established the role of the secretary of State to keep under review the carrying on of activities of certification-service-providers.

As soon as the statement of truth is concerned, MCOL and PCOL practice directions introduced the claimants and defendants right to substitute the signature with a statement of truth that certifies that the information provided is true. Statement of truth has to be signed by the person providing the information on the document. In order to sign a statement of truth on MCOL or PCOL, a user needs to type his name and, where appropriate, his position or office if signing on behalf of a company or firm.

As the precedent argument made clear, the MCOL implementation represents an example of far-seeing exploitation of the organizational and technological installed base. The use of formerly created components, as the CCBC, and working institutions, fostered a rapid development and allowed reducing costs. The use of standards that favours the public open access allowed to stimulate the rapid creation of a critical mass of users and assured an evolutionary capability of the system.

In the following section, I will track the main events that brought to the

\textsuperscript{21} Practice Direction 55B “Possession Claim Online”.

\textsuperscript{22} Civil Procedure Rule Part 55 “Possession Claims”.

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implementation of MCOL system shedding light on the actors that participated to the project implementation, on their choices and on the pattern of the two systems’ development.

4.2 The Strategy of Development and the History of MCOL Project.

Since the 70’s there has been an important interest in England and Wales for the employment of information technology in the civil justice system (Susskind, 2000). In 1973 the Society for Computers and Law was created with the aim of studying the potential impact of litigation support technologies. In 1985, Lord Mackay (the then Lord Chancellor) established the Information Technology and Courts Committee (ITAC) that had and still have the purpose of providing a forum in which justice system staff could meet and exchange information referring to their investments in IT and future evolvements (Susskind, 2000). In order to study the development of IT litigation technologies in the Offices of Referees, the Official Referees Solicitors Association (ORSA) was created in 1989.

However, despite the constant interest and the growing resources implied for the development of IT technologies in Courtrooms, the use of ICT in the justice system has been fragmentary due to the scarce coordination between department and agencies (Plotnikoff, 2001).

The history of MCOL implementation and subsequent evolution is linked to the renewal that affected the Civil Justice and in general the United Kingdom justice system. These changes that refer principally to the Lord Wolf (Lord Woolf, 1996) reform (see previous section) had the objective of improving the access to justice, reduce the costs of litigation, limit the complexity of the rules and in general enhance the performances of the justice system. Wide range of the reform regarded the employment of Information Technology in the justice system. In this regard, Lord Wolf proposed the introduction of a case management system the help monitor performances, support back office administrative work, improve case tracking and planning. Another important result of the Lord Woolf reform has been the establishment of the Civil Justice IT Strategy Development Group with the aim of making recommendations for the role of IT in the civil justice system in the long term.
(Susskind, 2003) and which published a consultation paper called *civil.justice* with a set of recommendations on how implementing the Lord Wolf reforms referring to the employment of IT in civil justice.

As a more practical consequence of the Lord Woolf reform and recommendation, several IT services in justice system has been recently developed aside MCOL and PCOL. In 2000, the British and Irish Legal Information System (BAILII) was launched to provide access to Irish and British legislation and case law at no cost. In 2002, “Just Ask” the website of the Community Legal Service that provides legal information and help in internet, was launched.

As soon as MCOL launch is concerned, this has been the result of the joint efforts of offices of the Department of Constitutional Affairs, and in particular of the business area and the IT team, and the private company that at the time had an overarching contract with the DCA, that is EDS. The objective was to implement a system for handling small money claims online thus removing from County-Courts the paper based administrative work relative to money claim procedures.

The DCA believed that money claims could be managed through an online service, given that large part of money claims act as a reminder in order to stimulate payment or a debt reduction. Therefore, usually money claims are settled without a Court hearing and translates in an administrative work for Court staff. The principal aim of DCA when implementing the MCOL project was to favour accessibility of the new system also to lay users: the approximate result that DCA wanted to obtain was a million of claims per year issued through MCOL.

As anticipated, the main strategy that the joint team decided to utilize was to exploit the organizational, institutional and technological components already in use. MCOL has been developed as a user-friendly interface (Kallinikos, 2008) of the CCBC back-office and EDI system. Moreover, the CPC validation functionality has been also utilized (see section 3.1).

Initially, DCA worked in cooperation with EDS formulating a business case and a feasibility analysis. On the base of these two documents, EDS used user interface prototypes (screen mock-ups) in order to establish the MCOL requirements. Moreover, prototypes have been demonstrated in several judicial conferences in order to spread information on the project.

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23 Civil.Justice: Resolving and Avoiding Disputes in the Information Age (Civil Justice IT Strategy Development Group, 1994).
In order to speed up the development of the service EDS sub-contracted to EzGov, owner of the FlexFoundation Library that includes software libraries for implementing several types of websites. Ezgov provided a website form creation facility with the possibility to set validation and verification criteria, the ability to set the rules, include a multi-step process, a registration-based environment and a payment engine (Kallinikos, 2008). Moreover, EzGov provided the use cases and user-interface prototypes and when DCA approved them, coded the project. EDS worked to the integration of the system with the CCBC service; however consistent modifications were not needed.

At this stage, the agencies involved in developing the system worked in strict cooperation. EzGov analysts did not have any legal background, therefore DCA and EDS had been involved for advising the software provider when judiciary rules and procedures were not clear. At this point an important issue was the differences in terms of procedures regarding claim issuing, between the England and Wales county courts (Kallinikos, 2008). In order to provide to EzGov a single procedure to transpose to the MCOL website, DCA had to look for a common denominator between different county courts practices.

Another decision that DCA took in order to speed up the project’s development was to utilize the already implemented FlexFoundation user-registration, login system and payment engine. At the time the Government Gateway project, which would provide accounting system and a payment engine, was about to be implemented. The Government Gateway is a website where user can register in order to have access to government’s services, “enabling people to communicate and make transactions with government from a single point of entry” (Government Gateway website, 2011). However, given the risk that the service would not be ready for the launch of MCOL, the DCA opted for the FlexFoundation service.

The implementation stage of MCOL highlights the strict interoperability between public and private agencies that coordinated to develop the new system. “Outsourcing” to private companies is a strategy suggested by the UK e-government interoperability framework and it offers advantages as well as problems. As the IT team chef admitted, outsourcing translates in advantages in terms of having at disposal expertise and technologies already implemented and no maintenance costs.

However, from the other side, every time a change of the system is needed this translates in a request to the private company and a raise in costs. In the case of MCOL, outsourcing seemed to translate in a functional implementation of the system and speeded up the time of development.

In this regard, the UK legislation on government outsourcing to private companies is regulated by the Public Contracts Regulations 2006 as amended by the Public Contracts and Utilities Contracts (Amendment) Regulations 2007. The legislation is based on two basic principles: equal treatment of bidders and transparency, meaning that the authority must ensure that there is openness and clarity in the procurement process. The legislation provides for four basic procedures (Public Contract Regulation, 2007). First, the open procedure with which everyone who responds to the advertisement is entitled to participate. Second, the restricted procedure works by selecting a number of qualified candidates who will be invited to take part in the competition. Third, the negotiated procedure has been often utilized for procuring complex outsourcing because of its flexibility; it is a procedure that allows privileged negotiations between the authority and the private company; however, it is an exceptional procedure and its over-use in the UK was criticised by the European Commission. This type of procedure has been probably utilized for the outsourcing contract between DCA and EDS and successively between HMCTS and Logica (the company that recently substituted EDS in the management of the IT part of MCOL; see below). Fourth, the competitive dialogue procedure, which is a halfway house between the restricted procedure and the negotiated procedure.

Before the formal launch, the IT team wanted to be assured about the service functioning. Therefore in the beginning, project managers opted for a soft-launch and a practical test of the system, involving the court service’s staff that tried the claim submission facility. Successively, the project managers promoted MCOL with posters, in the buildings of courts, with press releases and advertised the service involving a civil services’ users associations (Civil Courts Users Associations, CCUA). Nowadays, both PCOL and MCOL are advertised in the most important government’s websites as Government Gateway, DirectGov and Business Link.

After the 2001 launch of the MCOL website, the Department of Constitutional Affairs approved many amendments to the service that updated it and improved its

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25 The Regulations implement EC Directive 2004/18, on the procedures for the award of public works contracts, public supply contracts and public services contracts (the “Public Sector Directive”).
functionalities. In 2002, in order to allow for a major equality between claimant and defendant, DCA provided significant functionalities to defendants so that they can defend online to claims. Given the consistent interoperability between MCOL and its back office system, the CCBC, also the Bulk Centre needed to be updated thus including defending capabilities also for the CCBC’s bulk users.

When the contract with EDS ended, the HMCTS the executive agency of the Ministry of Justice that substituted the DCA signed a new contract with Logica the ICT services provider for the public sector that won the competitive tender. Therefore, a consistent change for MCOL has been represented by the transition to Logica, that now deals with the technological components of MCOL. An important change due to this transition has been that claim packs are not printed and posted by EDS in Mitcheldin but by Logica in its office of Bridgend.

Moreover, Logica added other two functionalities to the MCOL website: the postal code look up and the synchronization of events. The postal code look up permits to control and look for the exact address of claimants or defendants. This is also allowed by the UK peculiar system of postal coding that codes not only the postcode area and the district, but also the street, part of a street or a single address. Moreover, Logica worked at the synchronization of events that allow a rapid update of claim status in the website when CCBC staff works to claims through the CaseMan system.

As anticipated, the use of payment engine based on credit cards needed the system to comply to the PCI (Payment Card Industry) Data Security Standards (DSS). Most of these standards have the goal of increasing controls around cardholder data in order to reduce frauds via card details’ exposure. EzGov, which provided the payment engine, dealt with MCOL compliance to the PCI DSS standards.

Finally, a fundamental change in the MCOL service regarded its accounting engine. Initially, the FlexFoundation software dealt with accounting using debit card details. The recent MCOL update integrated the system with the Government Gateway system (May 2010), an online process that checks users’ identity when they sign up to government services and provides a user ID. This change translated in a further technological interoperability between different online services. In order to ensure a rapid integration of MCOL in the Government Gateway accounting system, HMCTS worked in cooperation with Logica, Government Gateway and DirectGov. However the integration was not difficult since the Government Gateway accounting system was already developed and functioning. Probably, habitual users beard the greatest
The burden of MCOL update, given that they could not login in MCOL with the old codes and they had to use the accounting engine of Government Gateway. Moreover, despite the Government Gateway’s aim is to integrate several online government services, the Government Gateway ID works only with one service, so users need to create another account for each service they want to utilize.
5. THE CONFIGURATION OF THE SYSTEM

MCOL is the product of the integration of different agencies, public and private, technological components and institutions. The HMCTS the executive hand of the Ministry of Justice deals with the management of the system, its updating and amendments. Logica substituted EDS in providing the main ICT technologies that support the system. Moreover, Logica deals with major issues regarding the functioning of the ICT facility. CCBC is the back-end office of the service; it deals with the administrative work regarding money claims and uses the CaseMan system to store claims’ details and to update claims’ status. Caseman is an important part of the system; this is a relational management database system (Plotnikoff et al., 2001) which substituted manual record cards. Caseman is distributed in each county court and in CCBC as well (every court has its own server and network). The case record is created through the creation of events and allows the electronic transfer of data. As we will see, MCOL allows users to carry on most of the operations both online or by the use of papers. For each change of status in a claim, events in Caseman are changed by CCBC staff. Moreover, CCBC staff will use Caseman to transfer claims’ data to Northampton County Court for judgement or to other county courts in case a defendant issues a defence (see below).

CCBC provides a help-desk that supports citizens for the use of MCOL and PCOL. CPC provides the validation facility for all the incoming claims (also claims submitted in electronic forms and not through MCOL website). Finally, while the Flexfoundation software supplies the payment engine, Government Gateway accounting system is utilized to control for users’ identity.

In order to describe the system’s architecture (see Fig. 2), it is useful to look at the iter of claims from submission to the management of claim by CCBC.

The user can utilize any Internet browser to connect to the MCOL website (www.mcol.gov.uk). In order to get an identification number, the user needs to connect to Government Gateway (www.gateway.gov.uk) the government website where citizens can register for online government services. The website allows users to communicate and make transactions with government from a single point of entry. The online process checks the user identity looking at the National Insurance number and provides a user ID that can be used only for a government service, in this case MCOL; this will be transmitted to the MCOL web server so that it can identify the user. After the user log in, MCOL provides a client number that he can use during all
the process of claim submission (and also in order to be identified by the help desk office in Northampton, in case of problems).

Once claims’ details are submitted, information pass to the Logica (once EDS) web server that runs the Flex Foundation software. This passage is protected by a firewall. The claim details (user account, claims, responses) are imputed into the MCOL database. The communications between the server and the database are protected by a second firewall. The database is endowed with a direct link with CCBC facilities. The direct link allows for the rapid update of claim’s status both in the MCOL web server (approximately a change of status from CCBC takes 15 minutes to appear in the MCOL website) and in the CCBC CaseMan system.

The CCBC system is managed in the Northampton CCBC and CPC agency. After CPC validation (see section 3.1), Claims are retrieved and managed in the CaseMan, a case management system that allows court staff to deal with claims from any county court in England and Wales. CaseMan is utilized as well to deal with claims submitted in bulk or through the CPC via magnetic tapes or dial up connections. Once the claim is submitted CCBC transmits the claim to a Logica office that prints and posts the claim to the defendant (before the recent update, CCBC use to have a direct interface with EDS Printing and Posting facility in Washington Durham County, Kallinikos, 2008).

The claim submitting procedure foresees the payment of court fees. Therefore a payment engine is linked to the MCOL website. The facility is part of the Flexfoundation software and it complies with the PCI DSS standards.

The MCOL architecture comprises as well a help desk service and a support for users. Moreover, a Frequently Asked Question (FAQ) list is present in the MCOL website. The help desk is based in Northampton and deals with the majority of issues and problems that users are facing in utilizing the MCOL service. The help desk answer to users’ question utilizing the claim number in order to identify the user and answer appropriately to its doubts. Requests of help may come to the CCBC help desk also by e-mail. If the answer is not known or if it regards issues or problems that are affecting the website and its facilities, questions are transmitted to Logica that will answer in due time.

At the legislative level MCOL is regulated by a practice direction, the 7E26 that

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26 Practice Direction 7E “Money Claim Online”.

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integrates the Civil Procedure Rule Part 7. The practice direction enables claimants to “start certain types of county court claims by requesting the issue of a claim form electronically via Her Majesty’s Courts Service website” (CPR Part 7). Practice Direction 7E moreover, allows claimant to utilize the MCOL website in order to advance in the claim stages, for instance, by requesting a judgment in default, a judgment on acceptance of an admission of the whole of the amount claimed, the issue of a warrant of execution. As introduced, in 2002 the DCA enlarged the MCOL facility to the use of defendant, therefore, the PD 7E was amendment in order to allow defendant to file electronically an acknowledgment of service, a part admission, a defence, a counterclaim (if filed together with a defence). The Practice Direction 7E indicates also the conditions under which a user can issue a claim utilizing MCOL facilities (PD 7E).

The Practice Direction requires that any statement of case must be verified by a Statement of truth in the form “I believe -The claimant believes- that the facts stated in this claim form are true” (CPR Part 22). Statements of Truth are regulated by the CPR part 22\(^{27}\). As soon as the signature is concerned, the PD 7E states “any provision of the CPR which requires a document to be signed by any person is satisfied by that person entering their name on an online form”. The use of the electronic signature has been disciplined in the English legislation since 2000 with the “Electronic Communication Act” (see section 3.1).

As soon as the semantic component of MCOL is concerned, the Ministry of Justice and the HMCTS are committed since the Lord Wolf reform to using plain English as a mean to enhance accessibility of legislation. Therefore, the MCOL project managers that dealt with guidance made a great effort to make instructions easy to understand also for the lay public. Moreover, also Civil Procedure Rules and Practice Directions that discipline MCOL and PCOL are written in a very understandable language. Lord Wolf reform imposed the substitution of Latin phrases by common English words as well. For example the term “ex parte” has been replaced by “without notice” (Malleson, 2005).

In this regard, the use of Welsh language represents a considerable issue for MCOL. Money Claim Online’s jurisdiction comprises England and Wales and due to bilingualism legislation, any public act needs to be written in both English and Welsh to

\(^{27}\) Civil Procedure Rule Part 22 “Statement of Truth”.
be valid. However, while guidance have a Welsh version as well, the claim forms in the MCOL website are only in English. This represent an issue for HMCTS that must be solved in the future, since it poses very important problems from a legal point of view. The study of MCOL architecture reveals the simplicity of the system that is composed by few (only seven) stable sub-systems organized hierarchically and in a centralized structure. The MCOL “simple” system derives also from the rapidity of the civil procedure for money claims in England and Wales that foresee few stages and a small amount of bureaucratic and administrative work.
Fig. 2.  
Map of The MCOL organizational Architecture

Note: Map of The MCOL organizational Architecture. User logs in MCOL through the Internet website and after receiving ID and password in Government Gateway. ID and password are electronically communicated to MCOL. Claim goes through a firewall and then in MCOL website and database. After CPC validation are entered into CCBC CaseMan system. Claims are update and sent electronically to a Logica office that prints and posts the Claim.
6. THE DAY-TO-DAY WORKING OF MCOL SYSTEM

The online service called Money Claim Online allows individuals or organizations to issue claims over the Internet; it is accessible 24 hours a day, 7 days a week and claims are issued in the name of Northampton County Court. Users can utilize the website to check the status of the claim, request entry of judgment and enforce a judgment by way of a warrant of execution. In given cases, claims may be automatically transferred to a County Court.

The online procedure that MCOL handles, it’s a slavish replication of the offline procedure: the N1 form used to issue a claim in an English or Welsh county court is reproduced in the MCOL website. However, the offline procedure is more time consuming and foresees that individuals present the claim personally in each County Court. For instance, claims for more than 5,000 Pounds are dealt by the fast or multi-track procedure and can take more than six months to complete, while by using MCOL each claim independently from the sum of money claimed are issued in a stricter time scale.

Moreover, the English Legislation imposes claimants to try to settle the dispute before going to court using the following methods: negotiating an agreement directly with the person or organisation; involving an Ombudsman who can act as an independent referee; using an arbitrator who will make a binding decision that will solve the problem. Those actions are denominated Pre-Action Protocols and disciplined in the CPR Part 56 and 57. There are specific protocols for types of cases (for instance, professional negligence, housing disrepair, construction and engineering claims) and courts may impose sanctions if claimants do not comply with pre-action protocols. MCOL that can be considered a peculiar type of alternative dispute resolution that avoid settling the case in a Court, do not impose Pre-Action protocols.

However, issuing a claim online is not possible for any kind of claim, since MCOL imposes some limitations. MCOL is a service for fixed amount of money claims (up until £ 100,000), therefore is not available for cases in which claimants do not know exactly the value of the claim, as for examples in claims for damages or compensation for loss or injury. Moreover, other restrictions apply to MCOL: claimants cannot use the service if the claim is against more than 2 people, if the case falls under the

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28 All this section derives from the analysis of website guidelines, precedent contributors to the topic (Plotnikof et al., 2001; Kallinikos, 2008) and interviewees with Court Staff and ICT team of the CCBC and of the HMCTS. For more information see: www.mcol.org.
Mental Capacity Act 2008, if the address of the defendant is not in England and Wales. Finally, a clause that certainly restricts the accessibility of the service applies to individuals that are eligible for fees’ exemptions: in these cases, individuals cannot utilize MCOL but need to issue the claim directly in a County Court.

MCOL fees\(^\text{29}\) stimulate the use of the online service instead of the traditional procedure that involves directly county courts. Both in county courts and MCOL, fees are calculated on the base of the amount claimed. As table 3, indicates, for each range of money claims MCOL court fees are lower than county courts fees. Higher amounts of money claimed are associated with a further reduction of MCOL fees comparatively to county courts; thus averagely, MCOL court fees are the 14.64% lower than county courts fees.

\[\text{Table 3} \]
\[\text{Fees in MCOL vs. County Courts}\]

<table>
<thead>
<tr>
<th>Type of Claim</th>
<th>County Court</th>
<th>Money Claim Online (MCOL)</th>
<th>Money saved with MCOL</th>
</tr>
</thead>
<tbody>
<tr>
<td>up to £300</td>
<td>35</td>
<td>25</td>
<td>10</td>
</tr>
<tr>
<td>£300.01 - £500</td>
<td>50</td>
<td>35</td>
<td>15</td>
</tr>
<tr>
<td>£500.01 - £1,000</td>
<td>70</td>
<td>60</td>
<td>10</td>
</tr>
<tr>
<td>£1,000.01 - £1,500</td>
<td>80</td>
<td>70</td>
<td>10</td>
</tr>
<tr>
<td>£1,500.01 - £3,000</td>
<td>95</td>
<td>80</td>
<td>15</td>
</tr>
<tr>
<td>£3,000.01 - £5,000</td>
<td>120</td>
<td>100</td>
<td>20</td>
</tr>
<tr>
<td>£5,000.01 - £15,000</td>
<td>245</td>
<td>210</td>
<td>35</td>
</tr>
<tr>
<td>£15,000.01 - £50,000</td>
<td>395</td>
<td>340</td>
<td>55</td>
</tr>
<tr>
<td>£50,000.01 - £100,000</td>
<td>685</td>
<td>595</td>
<td>90</td>
</tr>
<tr>
<td>Average Fee</td>
<td>197.22</td>
<td>168.33</td>
<td>28.89</td>
</tr>
</tbody>
</table>

\text{Note: Fees in County Courts and MCOL absolute values and average. Money saved in absolute value and average. Absolute Values in Pounds.}

\(^{29}\) http://www.justice.gov.uk/courts/northampton-bulk-centre/money-claim-online.
Issuing a Claim in MCOL

In order to have access to MCOL, users are required to register for an account in the Government Gateway (GG) website. As anticipated, this procedure is an amendment to the original website where accounting was managed directly in MCOL (see section 3.2). After registration in GG, users will obtain a User ID and a password. When returning to MCOL website, users have to fill an individual enrolment form, in which they need to provide claimant details and address. The screen provides a very functional address lock up facility: when a postal code is provided a second screen in which the user can select his address between a list of addresses that refer to that postal code, appears (Screen 1 in the Appendix).

When a user successfully enrols to MCOL, a MCOL customer number is provided. The 2011 MCOL online survey conducted by HMCTS has shown that the registration process is sometimes problematic for users that get confused when they receive an identification number from GG and an MCOL customer number, and tend sometimes to forget one of them or both.

Once logged in, users can begin a new claim (Screen 2 in the Appendix) or respond to a Claim. If user begins a new claim, an eight-step screen appears. The first one, that regards the Claim, provides a guidance screen with information on MCOL claim submission system, the details needed and a fee table (Screen 2 in the Appendix). In the successive four steps, a claimant will provide his details (Claimant Details step), a correspondence address (Correspondence Address step), defendant details with the possibility to distinguish between an individual or organization and the possibility to add up until another defendant (Defendant Details step), and the details of the claim plus the amount claimed with or without interests applied (Claim Particulars step). In the Claim Particulars screen (see Screen 3 in the Appendix), users need to describe the claim details in no more than 1080 characters (including spaces); if claims details cannot be included within this allowance, user can state in the particulars’ section that detailed particulars will follow: this need to be sent by post within 14 days to the defendant. The following three screens provide a summary with the statement of truth (Summary step), a screen where credit/debit card details need to be submitted (Payment Details step), and a confirmation screen were user can download the claim as pdf or plain text (Confirmation step). The Claim form that claimant can download from MCOL website reproduce the N1 form that claimant need to fill in order to submit a claim directly in a County Court (see screen 4 in the Appendix).
Once the claim is submitted, it will sit in the MCOL server until 9 am and then it is moved electronically to the CCBC after the CPC validation process (claims received after 9 am are processed the next day). The claims are managed in CCBC with the use of CaseMan, the Court Service Case Management system. In CCBC, claims received are transmitted to a Logica office that prints and sends to the defendant the claim pack. Before transition to Logica, claims use to be sent to EDS printing and posting centre in Mitcheldin, from which claim packs use to be posted to defendants.

MCOL guidance indicates that the 5th day after submission the claim form is considered to be issued. Therefore, in the worst-case scenario, claims will take one day before being registered in the CCBC system and CCBC will take 4 days to issue the claim in the name of Northampton County Court and to send the claim pack to the defendant. As it happens in any county court with small money claims, CCBC do not even check the claim, but it sends it directly to defendant; moreover, the defendant do not have to sign when the claim is received, therefore there is no proof that the right person received the claim pack. If the claim pack fails to be served to the defendant, for any reason, Post Office will return it to the court: if this happens claimants will receive a non-service notice and will have the responsibility to serve the documents on the defendant within 4 months of the date of issue.

**Defendant’s Options**

Once the claim pack is served, defendant has 14 days to respond. Given that CCBC has no capacity of checking if claim pack is correctly received the 14 days period begins from the date of service, that is 5 days from the date the claim was issued.

In the claim pack, defendants will find a user ID, a password and a claim code; the ID and password allow the defendant to login in MCOL and respond to the claim.

Defendants have different options at their disposal, from admitting and paying the claim in full to defending the claim; defendants can act utilizing the MCOL online facilities or by post/paper utilizing the forms included in the claim pack, however not all responses can be submitted using MCOL, as I will show later.

Defendants have the following responses’ options at their disposal: 1, admitting and paying the claim in full directly to the claimant; 2, admitting the claim in full and asking for time to pay; 3, admitting part of the claim; 4, filing an acknowledgment of service; 5, Defending the claim; 6, Making a Counterclaim.

1. If a defendant wants to admit a claim in full, he needs to utilize the paper
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forms received with the claim pack and send it directly to the claimant within 14 days after service of the claim. In this case, the use of MCOL is not allowed. Defendants need to pay court fees, costs and any interest directly to the claimant at the address for service provided in the claim pack. When claimant receives the payment, has to communicate to MCOL that claim has been paid in full by fax, telephone or e-mail.

2. A defendant may admit the claim in full but wish to ask for time to pay. In this case, the defendant needs to complete admission form N9A and send it to the claimant. If the claimant accepts the proposal, may use MCOL to issue a judgement by admission. If he wants to reject the proposal, has to notify it by post to CCBC in Northampton and provide a copy of the N9A form. In this case, CCBC will settle on how defendant should pay. The usual procedure is that MCOL makes the decision if the difference between the defendant’s outcome and income is a positive amount. In the opposite case, CCBC will transfer the case to Northampton County Court that will decide. Both parties may object Northampton County Court decision within 14 days; in this case, the court will transfer the case to the competent County Court for a hearing.

3. A defendant may want to admit part of the amount claimed; this is called a part admission. Defendants may issue a part admission either using MCOL or by filling the N9A and N9B forms and sending them directly to Northampton County Court. With a part admission, defendants may defend the disputed amount and either: a. Pay the admitted amount (payments must be sent directly to the claimant); b. Ask for time to pay the admitted amount (option present in the part admission form both offline and online); c. Making a counterclaim to the claimant (see later in this section).

Claimants will receive from CCBC a copy of the part admission. If a claimant wants to accept the part admission, has to complete the form provided and send it to the court by post or fax. Otherwise, if the claimant does not accept the part admission, has to notify it to CCBC within 14 days. In this case, the case will be transferred to a competent County Court.

4. The defendant may want to extend the 14 days period; in this case he may issue an acknowledgement of service in MCOL or using the form included in the claim pack. Total time to file a response can be extended for more 14 days, for a total of 28 days. MCOL automatically extend to 28 days for defendant to respond to the claim and prevent the defendant to issue a second acknowledgement of service, given
that legislation allows to extend the period to respond to a claim only once for other 14 days.

Acknowledgement of service form can be used to contest court’s jurisdiction. In this case, jurisdiction cannot be contested on the ground of geographical location, but on the base of legal authority.

5. Defendant may want to dispute the claim by filing a defence in MCOL or completing N9B form and sending it by post to the competent court. If defendant issue a defence online, MCOL will transfer the claim to the competent court: usually if the defendant is an individual the case will be transferred to defendant’s home court; if defendant is an organization, the case will be transferred to the claimant’s home court.

If a defendant issues a defence declaring that the amount claimed has been already paid, MCOL will not automatically transfer the case until the claimant notifies to the court that the claim has or has not been paid.

6. If a defendant has a claim against the claimant as well, he can issue a counterclaim. This action is allowed only if defendant is making a defence against part of the claim or the claim in full. The counterclaim procedure foresees the payment of fees; the amount to be paid depends to the money claimed and counterclaim fees are the same as fees for submitting a claim offline or online (see Tab. 3).

Defendants can submit a counterclaim through MCOL or by completing the paper forms included in the claim pack. In the latter case, paper form should be posted directly to the court.

As the precedent arguments have shown, defendants have the possibility to take most of the action foresaw by legislation both online or offline by filing appropriate paper forms provided in the claim pack. However, it is worth mentioning that once the defendant decides to go offline in order to respond to the claim, the online procedure is completely excluded from both parties’ options.

When a defendant issues a part admission (part admissions’ documents are posted to the claimants), a defence or an acknowledgement of service, they receive a receipt that indicates date and time when documents were received. MCOL will receive the part admission, defence or acknowledgement of service request, and issue them in the same day CCBC receives it. However, the online forms received after 16.00 will be processed the day after. As anticipated, MCOL prints and posts case’s documents in
order to transfer defended cases to the competent county courts; however, data can be retrieved electronically in each county court through CaseMan. Every operation that a defendant may choose to do, as an acknowledgement of service or a counterclaim, is registered in the CaseMan system. The CaseMan system is also utilized for electronic transfer of claims’ data as in the case of a defence that foresee a transfer to another county court.

Claimants’ Judgement Options
In MCOL, claimant may ask for a judgement in the absent of defendant’s response (default judgement) or where claim is admitted (judgement by admission) without paying any additional fee. If a claimant fails to request a judgement within a 6 months period, the claim will automatically be stayed, and no further action may be taken. Claimants may use their MCOL ID and password to login and ask for a Judgement. MCOL website provides an eight step procedure for requesting a judgement. In the first screen Judgement Guidance provides information on how to ask for a judgement and the restrictions relative to the procedure (Judgement step; see screen 5). In the Judgement Type step, two options are allowed, a judgement by default and a judgement by admission. The former can be issued only if defendant failed to answer to the claim within the 14 days allowed (or 28 if an acknowledgement of service have been issued). The option of judgement by default will appear in MCOL only after the 14/28 days period has passed. In the Judgement Details step (see screen 6), claimant may opt for asking the defendant to pay the claim by instalments or in one payment; moreover, claimant is entitled to claim interest from the date of issue up to the date he is requesting judgment. MCOL processes the judgement orders only after 18:00 through an overnight-automated routine (Kallinikos, 2008). Therefore, no one in CCBC will check the judgement orders and the procedure is totally automatic. The overnight routine allow for defences issued before 16.00 to take priority on requests for judgement.

The judgement by admission can be issued only if claimants received from defendant a signed admission (the court can ask the claimant to submit proof of the admission at any stage). If claimant receives a part admission from defendant asking for time to pay, he should decide whether to accept or not the proposal. If claimant accept the payment proposal can issue a judgement by admission in MCOL. Otherwise, if claimant does not accept it, should complete a paper form (the N225) and send it to
the Northampton County Court with a copy of the defendant’s admission form. The court will settle on the rate of payment and send the order to both parties. As anticipated, in case of defendant part admission, whether the claimant accepts it or not judgements cannot be requested online, but appropriate forms need to be posted to the Northampton County Court.

From the defendant point of view, the judgment is a decision of the court regarding the outcome of a claim. If the decision of the court imposes the defendant to pay, judgement will be entered on the public Register of Judgments, Orders and Fines. If the judgment has been paid in full within one calendar month of the date of the judgment, the entry in the public register can be cancelled and removed completely. Otherwise, if judgments are paid in full more than one month after the date of the judgment they can be marked as satisfied but will remain on the Register for six years. Many organizations like building societies, banks or credit companies take in consideration the information on the Register when an individual or an organization is applying for credit, in order to decide whether or not that individual or organization is trustable and will pay off the credit.

Enforcement

In case a defendant fails to comply with a court judgement, claimant has different enforcement options at his disposal; however, not all of them can be pursued online utilizing the MCOL website like for instance the direct deductions from earnings or the use of bailiffs to seize goods. Warrant of execution is the only method of enforcement available on MCOL. Claimant needs to be sure that the defendant has enough goods, which could be sold at auction to raise money for the judgment, or the money that the claimant is asking for on the warrant.

Warrant can be issued only after the claimant has asked and obtained a judgement. Whenever a judgement in default with immediate paying has been entered, MCOL allows applying for a warrant. This happens as well when a judgment ordered the defendant to pay by a particular date or by instalments and the defendant has failed to pay. The minimum amount a claimant can issue a warrant for is £50, or one monthly instalment, whichever is the greater amount; while the maximum amount that can be issued a warrant for is £5000 (including costs; as it happens in any other county court). If a Judgement totals more than £5000, claimant can issue additional warrants
in order to recover the balance at a later stage, but the case will be transferred to the competent court. When a warrant is issued, it is sent electronically to the bailiffs at the defendant's local county court, as only the bailiffs at that court have jurisdiction to enforce the warrant. The Northampton CCBC will still have the claim in its CaseMan, however, the local court bailiff will handle the case and keep both parties and MCOL updated as to progress on the warrant.

*Use of the service and users’ satisfaction*

The use of Money Claim Online comparatively to paper based procedure is very ample. The 67% of money claim in the period 2009-2010 have been issued online (even though the Ministry of Justice Key Performance objective was to reach the 75% (see tab. 4).

Therefore, if from one side MCOL revealed to be a success as a civil justice ICT facility, there is still room for improvement.

An online survey administered by HMCTS in 2011 to the MCOL users revealed the diffused users’ satisfaction for the service. The survey has been prepared by HCMTS by utilizing the online service “Survey Monkey” that offers surveys’ facilities for free or at low prices (government cuts linked to the international crises affected the Ministry of Justice as well). A link to the survey has been included in the final steps, both for claimants or defendants of the MCOL website.

The observations gathered are consistent: 3008 users completed the questionnaire, thus providing to HMCTS a very useful source of information that can help the agency to improve the system in the future.
A considerable result of the survey is that the majority of users are not professional lawyers but lay individuals (62.5%) or private companies (33.1%; see Tab. A.1 in the Appendix). The only 2.6% of respondents are solicitors representing a client (see tab A.2 in the Appendix).

Following the users survey results, the first impression that users have of MCOL is of an easy and quick service that can avoid going personally to Courts; therefore, HMCTS objective of removing from county courts the paper based administrative work of money claims seems to be reached. The 62.9% of users utilized the service because they thought that it would be quicker, the 51% because they though it would be easier and the 20.2% because they thought it minimizes contact with the court (See tab. A.3 in the Appendix).

The survey revealed also which stages (Registration, Issuing a claim, Monitoring Claim progress, Paying the fee) of MCOL facility is easier to use. Users consider Registration (66%) and Paying the fee (74.6%) the easiest stage of the MCOL procedure (Tab. A.4 in the Appendix).

The support facilities (helpdesk, user guidance, FAQ) are a fundamental component of MCOL. Tab. A.5 in the Appendix shows the diffused use of the user guide and the high level of users’ satisfaction for this facility: the 47.6% of respondents consider the
user guide and FAQ a good service. Moreover, the data shows that the online help (48,6%) and the users’ helpdesk (69,1%) are fairly not used by MCOL users. Finally, the most considerable result is the users’ satisfaction for the overall service. The 46,5% of respondents are very satisfied with the service while the 28,6% are fairly satisfied (see Tab. A.6 in the Appendix). moreover, the 92,7% of users that utilized MCOL facilities declared that they would use it again (see Tab. A.7 in the Appendix).
7. Possession Claim Online, a MCOL spin off

Possession Claim Online (PCOL) is the online service implemented by HM Courts and Tribunals Service to help individuals and businesses to issue or respond to claims regarding the recovering property as arrears of rent or money due under a mortgage\(^\text{30}\).

It can be considered a spin-off of the MCOL experience, given that many characteristics of the money claim facility are present in PCOL, as the aspects of the screens, the online procedure in several steps and the draft of a Practice Direction that enables the PCOL technology. As I will show later however, the two online services are quite different in many aspects: these PCOL peculiarities are at the base of some of the issues that affect the service.

As MCOL, PCOL is suitable only for individuals or organizations that have an address in England or Wales. The service is available 24hrs a day, 7 days a week and it allows to make, issue, view and progress the possession claim electronically and fix a date for an hearing. The system’s objective is to allow users to have access to county courts for issuing a possession claim without visiting the court and to save money (given that PCOL fees are reduced comparatively to the traditional procedure).

Moreover, it removes from county courts the paper work associated to the administrative procedures of possession claims. The HMCTS data confirmed that in the 2009-2010 period the 75% of possession claims have been initiated online, thus confirming that despite the issues that are affecting the system and that refer to PCOL performances, many individuals and organizations choose the online system.

The Civil Operational Business initiated the PCOL project in 2006 in order to increase automation and provide a more efficient way for processing possession claims. As for MCOL, different offices of HMCTS and the private companies that supplied the main technology, worked in junction in order to implement the project.

The principal actors involved were the Civil Operational Business that works at the civil courts’ administrative operations, the HMCTS ICT team, the Ministry of Justice Policy, which looks at the overarching policy and changes in legislation and EDS the private company that provided the main technology of the online facility.

As soon as the strategy utilized for the project implementation is concerned, the development followed the HMCTS standard project methodology. This foresees first

\(^{30}\) All this section concerning PCOL, derives from the analysis of website guidelines, precedent contributors to the topic (Falletti, 2009; Cortés, 2011) and interviews with Court Staff and ICT team of the CCBC and HCMTS. For more information see: www.pcol.org.
the requirements gathering that regards from one side an high level requirements signed off by the Civil Policy Business and from the other the development of low level requirements by the ICT team and the supplier. When requirements were gathered HMCTS and suppliers signed off the commercial contracts and proceeded to development, testing and deployment. As soon as the strategy is concerned, an important difference with MCOL regards the legislation that allow users to issue a Possession Claim online, that is the Practice Direction 55B. Differently from what happened with MCOL, the PD 55B have been approved before the requirements gathering and provided forced choices to ICT developers. One of the most considerable forced choices was the involvement of several county courts instead of centralizing the service in one county court as for MCOL. This choice was dictated by the PD rule that indicated the claimant home court as the competent county court for issuing the claim. Therefore, the design of the PCOL website foresees that electronic data are transferred from the web-server to the competent county court. The website utilizes a post-code look up facility in order to retrieve the competent court.

As for MCOL, PCOL has been tested live in an environment as life like as possible, and including all interfaces and printing. More practically, Court staff tried the system by making possession claim each other. Given that the system involves local authorities, the online system have been advertised in all County Courts involved by the project with court leaflets and court guidance updates.

The PCOL structure compared to MCOL is much more decentralized. The web-server and the PCOL database is connected to the local county courts that individually manage the claim, print and post the claim documents and forms to the claimants and to the defendants. Even though the original design of the organizational structure remained quite unchanged, Logica substituted EDS in dealing with the technological components (PCOL server and database) of the system. However, an important amendment that this change brought about to the system is the integration with Direct Debit’s system of payment. Direct Debit is an automated system of payment that allows citizens to pay bills with a direct deduction from a bank account. The integration with PCOL allowed possession claim bulk users to pay fees by collecting them on a monthly basis from the nominated account in Direct Debit for the transactions completed through the PCOL service.

As anticipated, at the legislative level, the then Department of Constitutional Affairs drafted a Practice Direction that allowed claimants and defendant to use an online
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facility to manage their possession claims. The Practice Direction 55B\(^{31}\) “provides for a scheme (“Possession Claims Online”) to operate in specified county courts enabling claimants and their representatives to start certain possession claims under CPR Part 55 by requesting the issue of a claim form electronically via the PCOL website; and where a claim has been started electronically, enabling the claimant or defendant and their representatives to take further steps in the claim electronically” (Ministry of Justice; 2011). Therefore, the practice direction 55B represents an amendment to CPR Part 55 that disciplines the possession claim matter.

*Everyday use of Possession Claim Online*

A PCOL user need to register in PCOL website before utilizing the system. User can register as an individual, as a solicitor acting on behalf of a firm or a private organization (see screen 6 in the Appendix). The website enables the claimant to issue a possession claim, to check the status of the Claim or to issue a Judgment and/or a Warrant.

Any individual or organization that has an address in England and Wales and that wants to issue a claim against a defendant that also has an address for service in England and Wales can utilize the system. Differently from the offline procedure, the value of the property and the amount of any financial claim issued shouldn’t be higher than £100,000. Moreover, the online service has some restrictions that resemble MCOL restrictions. Individuals under the age of 18 or patients as described in the Mental Health Act 1983 or a person forbidden by a High Court judge to issue proceedings without permission (vexatious litigant) cannot utilize the system.

In order to issue a claim, the claimant needs to follow an eight step procedure that enables to submit claimants’ details (step 1); to provide a correspondence address and a post code to which the system associates the competent county court (step 2); to submit claim details and specify the types of arrears (step 3); to add defendant’s details and address (step 4); to add claim particulars (step 5); to submit the history of payment and the payments due (step 6); to see a resume of the claim and sign a statement of truth (step 7); and to pay the fees (step 8).

Once the fee is paid, the possession claim is electronically transferred to the competent county court that will fix a date for a hearing and will print and post the

\(^{31}\) Practice Direction 55B.
details of the claim to the defendant. The date of the hearing will be not less than 28 days from the date of issue of the claim form (CPR Part 55\(^{32}\)). During this period, defendant can use the online system to issue a defence. If the defendant does not file a defence within the 28 days, he may take part in the hearing but the court may take its failure to do so into account when deciding about the case. Defendant can present a defence going offline, thus presenting it directly to the competent county court.

The possession claim online facility allows both parties to fill online forms in order to apply to court services that refer to the possession claim submitted. I already introduced the online facility for defendants that want to issue a defence before the hearing date.

Moreover, claimants can utilize PCOL to issue a warrant of possession. Warrant of possession is an official termination order to end a residential tenancy. Defendants, from the other side can go to PCOL to request a suspension of eviction. This applies when the defendant is able to make payments again and wants to ask the judge to “suspend the warrant for possession”. Moreover, in the case a previous warrant has been suspended by the court and the defendant has breached the terms of the suspension, the claimant can “re-issue a Possession Warrants” through PCOL. Claimants and defendants can pursue these legal actions both online through MCOL or presenting the appropriate forms to the court.

The PCOL website moreover is characterized by several interesting facilities that help claimants and defendants during the all possession claim procedure. Users can go in PCOL and ask for a hearing adjournment or to “terminate party representation”, that is to remove a party’s solicitor as acting as his representative. Finally, PCOL website provides a facility that allows user to submit direct communication to the courts, in order to assist the court in dealing with a party’s enquiry.

Even though Possession Claim Online is inspired by the MCOL successful story, it is characterized by many differences with the online facility that manages money claims. A considerable difference is that the PCOL system is not centralized but it is linked to the local county court that deals individually with each case. This peculiarity of the PCOL service is clearly influenced by the legislation that disciplines possession claims. Differently from money claims’ procedure that in its first stage is mainly procedural and involves court staff and not judges, possession claim procedure

\(^{32}\) Civil procedure Rule Part 55 “Possession Claims”. 

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foresee that as soon as a claim is issued to the court this will set a date for an hearing in that county court. Therefore, PCOL cannot deal with the several stages that precede a court hearing, because legislation do not foresee them. The story of PCOL and MCOL legal reorganization reveals that when the technological and legal change happen at the same time and in coordination, as for MCOL, it is easier to avoid issues or bottlenecks and it is more probable a successful development of the project. Differently, when the technology tries to enable procedures already set by the legislation, many difficulties arise and the translation of offline procedures to online routines is not easy.

However, as I have shown, many options that both parties may want to use after or before the hearing, as issuing a defence or a warrant of possession, are available online. Those can be used as well by going offline. This characteristic is in common between the two online facilities and they are based on the England and Wales Justice System commitment to the accessibility of justice services.
8. DISCUSSION: LESSONS LEARNED
The analysis of MCOL and PCOL system allows grasping important lessons regarding the development of e-justice systems not only at the national but also at the transnational level. This is useful in the designing stage of the “Building Interoperability” project that can be based also on the suggestions that emblematic national cases as MCOL in England and Wales may provide. Some of the lessons learned by the study of the two e-justice services confirm some theoretical arguments that several scholars that dealt with the development of ICT systems (Hanseth and Lyytinen 2004; Aanestad and Jensen, 2011) or with the theory of organization (Simon, 1967; Lane, 2006) acknowledged. Other suggestions are counterintuitive and seem to disconfirm precedent approaches (see below).

The most important lessons come from the comparison of MCOL and PCOL features and of their development history. The two services are very similar from several points of views; previously, I called PCOL an MCOL spin-off because it comes from an attempt of the HMCTS to utilize the same online system (and part of the architecture) also for possession claims. PCOL and MCOL utilize the same screen mock-ups, and Logica manages the database and the web server of both services. Moreover, both ICT services can be accessed from Internet by any user (most of the MCOL and PCOL users are not lawyers) and this facilitates the access to the service and fosters a large users’ base. The open access of citizens to both services is also guaranteed by the possibility in every stage of the possession and money claims’ online procedure to use an offline paper based procedure as an alternative.

Both utilized an already established and functioning installed base: MCOL the CPC and CCBC architecture and services, PCOL the several courts’ ICT facilities for possession claims’ data recording. Moreover, in both cases, Logica, a private company manages the ICT technology of the service. As already anticipated, the UK legislation on public sector’s outsourcing to private companies incentives the relationships between public and private also thanks to several forms of tender at public administrations’ disposal. Moreover, the UK interoperability framework (UK e-GIF) suggests “outsourcing” to private companies as a strategy in ICT systems’ development.

In the designing stage, PCOL and MCOL saw the involvement of several agencies

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33 Public Contracts Regulations 2006 as amended by the Public Contracts and Utilities Contracts (Amendment) Regulations 2007 (see above).
that participated to the draft of system requirements (as the private company that
developed the system, the policy office of the HMCTS and the HMCTS ITC team).
Moreover in both cases, a Practice Direction (PD 7E in the case of Money Claim
Online and PD 55B in the case of Possession Claim Online) has been promulgated.

However, the two systems show also dissimilar features and, as we will see
below, these have an impact on their performances and functioning. First of all, even
though MCOL and PCOL are built in a modularized fashion, with several components
that pursue different functions, the two systems are dissimilar in terms of architecture.
MCOL architectural structure is centralized. Only one court (Northampton County
Court) manages money claims online; moreover, several stages of the money claim
online procedures are managed by one agency of the HMCTS that is the County
Court Bulk Centre (CCBC). Differently, in the case of PCOL the structure is
decentralized, since several County Courts manage the possession claims that arrive
from the online website on the base of each case’s jurisdiction. Another considerable
difference that affected also the two systems’ development, regards the draft of
regulations that discipline the two e-justice systems. Differently from PCOL, where
the legislation and civil procedure (Practice Direction 55B) indicated the path of the
technological development, in MCOL the policy and the legislation (Practice
Direction 7E) were modified in parallel with the implementation of the online facility.
As anticipated, the scope of this paragraph is to shed light on some lessons that
we can learn from the study of the two e-justice services. At this regard, in terms of
designing, MCOL developers seem to have followed to the letter some of the
designing principles acknowledged by Hanseth and Lyytinen in their study of the
development of Internet (Hanseth and Lyitinen, 2004)\(^34\). First, MCOL have been
implemented by exploiting an already established installed base. As shown in the
precedent sections, MCOL has been built as the front end of an already developed
back office system that is the CCBC EDI system and the county courts’ CaseMan.
Moreover, the organizational installed base is constituted by different agencies and
offices that already were dealing with money claims filed electronically, that is CPC,
CCBC and the Northampton County Court. Second, MCOL developers dealt with the
boot-strap problem, that is to say that they put an effort for persuading the initial user
by directly targeting their needs and fostered the creation of a critical mass of users.

\(^34\) For an application of these principles to the analysis of an ICT service see also Aanestad and Jensen
(2011).
The use of the Internet, the openness of the service to lay users, the simplicity of the procedure and the advertisement of the system through Court Users associations and in County Courts, facilitated the creation of a critical mass of users. System requirements were also in some way limited and this contributed to enhance the simplicity of the system at the beginning of its use: for instance the system was only dedicated to claimants and only when a critical mass of users was reached, the possibility for defendants to utilize MCOL was added. Third, the MCOL designers developed a modularized system constituted by different “layers of infrastructure” (Hanseth and Lyytinen, 2004) with different functions.

It is useful to underline at this point that a considerable difference between MCOL and the case analyzed by Hanseth and Lyytinen (2004) that is the development of Internet is that while Internet represents an example of bottom-up decentralized development, MCOL is rather a top-down centralized project. This MCOL feature affects considerably its functioning as we will see later in this section.

The comparison between MCOL and PCOL allows to add to the designing principles of Hanseth and Lyytinen (2004) considerable suggestions. In the following lines the main lessons learned from the study of MCOL and PCOL are listed.

**Lesson 1**: the MCOL case confirmed the importance of building ICT systems for justice on an already established installed base. By exploiting the existing infrastructure, a stable organizational structure, existing institutions and their functions, costs are reduced and the barrier of adoption for the user will be smaller.

The argument of “cultivation” of an installed base is not peculiar of the II literature (Aanestad and Jensen, 2011). In 1962, Simon acknowledged the importance of building on hierarchically structured systems constituted by stable sub-systems. Only stable sub-systems (therefore an already established installed base) can provide the basis for the evolution of a system. This happens starting from patterns of behaviour, routines and components already stable, through small changes and trial and errors (Simon, 1962).

**Lesson 2**: Connected to the discourse of the exploitation of an installed base for system developing, is the argument on modularization explained by Hanseth and Lyytinen in their study of the Internet (Hanseth and Lyytinen, 2004). For the authors, it is fundamental to divide the system in different layers connected by gateways and to maintain loose couplings (Contini and Lanzara, 2008) between different components. Also Simon (1962) previously acknowledged this principle by focusing
on the stability and evolvability of an architecture constituted by several sub-systems. With the example of the watchmaker, Simon (1967) put in evidence that loose-coupled and relatively independent sub-systems facilitate problem solving and the evolution of the system (if one of several pieces of the watch is broken it is easier to substitute it if the parts of the watch are built independently; Simon, 1962: pag. 473).

The MCOL story confirms these arguments. The MCOL architecture is constituted by several loosely coupled components therefore it is modularized. This structure facilitated the evolution of the system and problem solving. For instance, during the years some system’s components changed and this did not hinder the performances of the system neither it modified its principal characteristics and functions. One of the MCOL’s components that changed considerably is the private company that runs and manage the ICT elements of the system: in the beginning it was EDS and recently it is Logica (see above). Moreover, the accounting engine has changed as well. Previously it was the FlexFoundation accounting system based on credit card and now it is the Government Gateway accounting system based on citizens’ fiscal code. This event that regarded the evolution of the system did not require an overarching change of the all architecture and did not hinder the system’s performances.

**Lesson 3**. The third lesson that the experience of MCOL implementation teaches confirms the Hanseth and Lyytinen (2004) arguments on the issue of *bootstrapping*. The authors suggested that designers initially should focus on a simple design that fosters the creation of a critical mass of users, considering that most of the evolution of the system is gathered from its large and diverse user base; moreover the system initially should target users’ problems and needs but in a way that does not assume a complete solution or a large base of users; in this way, new system’s requirements will be added with the enlargement of the users’ base.

Initially MCOL has been designed only for the use of claimants. Designers added the functionalities for defendants successively, in order to allow an equal access to the service to both parts of the money claim. The enlargement of the service also to the defendants fostered the evolution of the system and the enlargement of its requirements and functionalities. Moreover, MCOL designers put great efforts in fostering the creation of a critical mass of users. The system guaranteed since its first implementation the access to lay users. The simplicity of the on-line procedure (which also derives from a simple civil procedure for money claim) the use of plain English in the civil procedure regulations that discipline money claims (an heritage of the
Lord Wolf reform), fostered the users’ utilization of the new e-justice service. Moreover, the possibility to go off-line and switch to the classic paper-based procedure in every stage of the money claim helped to enlarge the accessibility of the system also to those that are less ICT literate and want to use MCOL only for the first steps of the claim.

**Lesson 4.** A forth lesson that could be learned from the analysis of MCOL regards the relationship between law and technological innovation. The case-study demonstrated that when norms discipline only generically the procedure that will be interested by the introduction of an ICT technology, gives to ICT designers much more space of action and does not constrain them to replicate procedures that work only in paper based form. Therefore ICT designers do not need to inscribe the law into the technology; a procedure that some cases as the Italian TOL (Trial On Line, see Resca report) demonstrated to translate in underperforming services and bottlenecks.

Even though the performances and the diffused utilization of MCOL confirmed the utility of the designing principles discussed above, a comparative analysis of the PCOL case may shed light on other factors that may affect e-justice services’ functioning. Also PCOL has been implemented on an already established installed base; its architecture can be considered modularized and constituted by several semi-independent layers; its functioning is disciplined by the same legislative instruments as MCOL that is a Civil Procedure Rule (CPR, 55) and a Practice Direction (PD 55B) with the already mentioned advantages of generic norms that do not constrain ICT designers’ work; finally, also in the case of PCOL, HCMTS put great efforts in creating a critical mass of users realizing an accessible service also for lay users, that allows to switch to the paper-form procedure in any stage of the claim. However, the interviews to HMCTS staff confirmed that PCOL has shown several issues of performance mainly due to the different applications of the procedure in each County Court. Therefore, despite PCOL implementation is based on the same designing principles as MCOL, its performances are lower comparatively to the e-justice service for money claims. By looking at the differences between the two systems it is possible to discuss of a fifth and a sixth lesson.

**Lesson 5.** A considerable difference between MCOL and PCOL implementation regards the draft and approval of the norms that discipline the offline and online procedure for claims. In a recent work, Mohr and Contini (2011) acknowledged the strict entanglement between law and technology and the “unstable, unreliable
relationship between norms and ICT” (Mohr and Contini, 2011: 995). Therefore, an important factor that may affect e-justice service’s performances regards the different types of relationships that may interest law and technology: it is the law that legitimate a certain technological solution or ICT developers simply inscribe the law into technology? The case of MCOL and PCOL confirms what Mohr and Contini acknowledged in their study of Australian e-justice technologies: a parallel change of legislation and technological regulation, or norms that legalize technological artefacts contribute to reduce complexity; differently, a strategy that inscribes legal procedures into ICT systems is inefficient and contributes to create more complexity, thus affecting negatively e-justice service’s performances. While in the case of MCOL the technological change went hand in hand with the policy change (the draft of a practice direction that discipline the on-line service), in the case of PCOL an already established norm constrained the developers’ work that had to opt out for a particular type of decentralized architecture. This argument introduces the sixth lesson learned.

Lesson 6. The MCOL and PCOL architectures are quite different. MCOL structure is centralized; even though different modules (HMCTS, CPC, CCBC, the Northampton County Court, Logica offices) constitute the layers of the system, the governance and the functions of the e-justice services are centralized and unique for all users in England and Wales. Differently, the PCOL architecture is decentralized. Several courts in England and Wales manage the possession claims imputed through the on-line service. This architecture is the main cause for a different implementation of the ICT innovation and of the different performances of the service provided, on the base of the County Court involved (HCMTS interviews).

This result confirms that a decentralized architecture may foster a different implementation of the same institutional innovation (Lanzara, 1998) and, therefore, a difference in performances and in the quality of the service provided. In the justice sector, this issue is of great importance since quality of justice regards also the equal treatment of cases in front of the law.
9. Concluding Remarks

The report dealt with the case of MCOL and comparatively with the case of PCOL, two e-justice services implemented in England and Wales. The study of the two cases allowed shedding some lights on the strategy of development and on the evolution of e-justice services. Moreover some factors that may affect the performances of the e-justice services have been acknowledged through the study of the single cases and through the comparison between them. The most important lessons learned regard the utilization of an already functioning installed base, the parallel development of the law that discipline civil procedures and the technology and the differences in the application of the same innovation between centralized and decentralized architectures. I am aware that this last point, even if confirmed in the case of MCOL and PCOL, cannot be generalized and considered a generic design principle for civil justice services; instead it is very context laden. It is not clear that an application of the same principle (centralized architecture) in other areas or contests or more practically for European transnational small claims’ cases, will bring about a reduction of complexity, an equal application of the same institutional innovation and a performing service.

Aside the confirmation of already acknowledged designing principles and of new ones as well, the analysis of the England and Wales case leaves some open questions. For instance, why the evolution of the system did not affect all of its components and some of them remained unchanged as the CaseMan, the case management system utilized by CCPC for Money Claims, which has been developed in the 80s. The installed base represents an advantage or also may present some disadvantages in terms of constrains to the evolution and change of the system? In this regard, it is emblematic the case of the CPC whose stable parameters of data interchange translate in a substantial obstacle for MCOL change. In fact, any modification of claims’ submitting functions for MCOL would need a change in CPC parameters that are considerably stable and that are the same used by claimants that issue claims through magnetic tape or floppy disks (see above).

As concluding remarks, two last points are important.

First, it is fundamental to point out that if we look at MCOL and PCOL development only as the result of the exploitation of an already established installed base we have an incomplete picture of e-justice services for civil claims in England and Wales. The investigation on the MCOL antecedents, the CPC and the CCBC both based in
Northampton, contributed to add to Kallinikos’ (2008) argument about the installed base a considerable point regarding MCOL strategy of development. The latter should be considered the last evolution of a long-term strategy of modernization and improvement of justice services that started with the Lord Wolf report. The reform incentivized the use of ICT in courts, the creation of technological facilities as the one managed by CPC and the CCBC and lately the implementation of an online website for money and possession claims’ submission. Looking at the only implementation of the MCOL and PCOL websites without taking into account their antecedents do not put in evidence the clear evolvability (Hanseth and Lyitinnen, 2010) of the justice system’s technological components that have been developed after the Lord Wolf reform.

Second, the possibility for PCOL and MCOL users to use both the online and offline procedure in every stage of the possession and money claim cases confirms the England and Wales Justice system commitment to the most ample accessibility of justice services. This point represents from another side a considerable paradox. If from one side justice system objective is to make procedures faster, easier and less costly by utilizing ICT facilities, from the other side the incomplete diffusion of ICT literacy and the commitment to the accessibility of court services limits and will limit in the future a complete translation of offline legal procedures into online facilities.
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http://www.justice.gov.uk
http://www.justice.gov.uk/about/hmcts
http://www.supremecourt.gov.uk
www.dca.gov.uk
http://www.justice.gov.uk/about/moj
http://www.cps.gov.uk/about/
http://www.justice.gov.uk/about/hmcts/
www.gateway.gov.uk
http://www.justice.gov.uk/courts/northampton-bulk-centre/money-claim-online

Legislation
Practice Direction 7 E “Money Claim Online”.
Civil Procedure Rule 7 “How to start proceedings - the Claim form”.
Practice Direction 55B “Possession Claim Online”.
Civil Procedure Rule Part 55 “Possession Claims”.
Civil Procedure Rule Part 22 “Statement of Truth”.
Electronic Signature Regulation 2002. Stationary Office


APPENDIX

HMCTS online survey on MCOL. Tables quoted in the report.

### Tab. A.1

<table>
<thead>
<tr>
<th>3. Which of the following best identifies you or whomever you represented when you used Money Claim Online (MCOL)?</th>
<th>Create Chart</th>
<th>Download</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Response</strong></td>
<td><strong>Percent</strong></td>
<td><strong>Response Count</strong></td>
</tr>
<tr>
<td>Individual</td>
<td>62.5%</td>
<td>2,075</td>
</tr>
<tr>
<td>Local Authority</td>
<td>6.6%</td>
<td>19</td>
</tr>
<tr>
<td>Private company</td>
<td>33.1%</td>
<td>1,190</td>
</tr>
<tr>
<td>Other (please specify)</td>
<td>3.9%</td>
<td>128</td>
</tr>
</tbody>
</table>

answered question: 3,322
skipped question: 3

### Tab. A.2

<table>
<thead>
<tr>
<th>2. Did you use Money Claim Online (MCOL) as a solicitor representing a client?</th>
<th>Create Chart</th>
<th>Download</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Response</strong></td>
<td><strong>Percent</strong></td>
<td><strong>Response Count</strong></td>
</tr>
<tr>
<td>No</td>
<td>97.4%</td>
<td>3,230</td>
</tr>
<tr>
<td>Yes</td>
<td>2.6%</td>
<td>92</td>
</tr>
</tbody>
</table>

answered question: 3,322
skipped question: 3
### Tab. A.3

8. Why did you choose to defend the claim online? (please tick all that apply)

<table>
<thead>
<tr>
<th>Reason</th>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>It seemed the obvious way to proceed</td>
<td></td>
<td>42.7%</td>
<td>167</td>
</tr>
<tr>
<td>I thought it would be easier</td>
<td></td>
<td>51.0%</td>
<td>215</td>
</tr>
<tr>
<td>I thought it would be quicker</td>
<td></td>
<td>62.9%</td>
<td>290</td>
</tr>
<tr>
<td>I thought it was the only way I could defend my claim</td>
<td></td>
<td>3.9%</td>
<td>15</td>
</tr>
<tr>
<td>I hoped to minimise visits to court</td>
<td></td>
<td>29.2%</td>
<td>137</td>
</tr>
<tr>
<td>I hoped to minimise contact with others involved in the case</td>
<td></td>
<td>10.2%</td>
<td>47</td>
</tr>
<tr>
<td>Other (please specify)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Show Responses</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total answered question:** 461

**Total skipped question:** 2,064

### Tab. A.4

11. Please rate how easy or difficult you found the following parts of the online service:

<table>
<thead>
<tr>
<th>Service</th>
<th>Very easy</th>
<th>Fairly easy</th>
<th>Neither easy nor difficult</th>
<th>Fairly difficult</th>
<th>Very difficult</th>
<th>Not applicable</th>
<th>Rating Average</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registration</td>
<td>46.0%</td>
<td>24.4%</td>
<td>4.0%</td>
<td>3.1%</td>
<td>1.3%</td>
<td>6.9%</td>
<td>1.48</td>
<td>2,818</td>
</tr>
<tr>
<td>(1,108)</td>
<td>(689)</td>
<td>(310)</td>
<td>(66)</td>
<td>(86)</td>
<td>(38)</td>
<td>(14)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issuing a claim</td>
<td>51.1%</td>
<td>31.4%</td>
<td>5.6%</td>
<td>3.8%</td>
<td>2.5%</td>
<td>0.8%</td>
<td>1.69</td>
<td>2,818</td>
</tr>
<tr>
<td>(1,507)</td>
<td>(886)</td>
<td>(386)</td>
<td>(146)</td>
<td>(140)</td>
<td>(53)</td>
<td>(14)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitoring claim progress</td>
<td>53.5%</td>
<td>20.3%</td>
<td>9.1%</td>
<td>2.5%</td>
<td>0.5%</td>
<td>32.0%</td>
<td>1.71</td>
<td>2,818</td>
</tr>
<tr>
<td>(993)</td>
<td>(578)</td>
<td>(227)</td>
<td>(91)</td>
<td>(71)</td>
<td>(26)</td>
<td>(317)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paying the fee</td>
<td>74.8%</td>
<td>19.5%</td>
<td>2.2%</td>
<td>1.6%</td>
<td>1.7%</td>
<td>0.9%</td>
<td>1.24</td>
<td>2,818</td>
</tr>
<tr>
<td>(2,109)</td>
<td>(1,956)</td>
<td>(431)</td>
<td>(63)</td>
<td>(231)</td>
<td>(49)</td>
<td>(25)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total answered question:** 2,818

**Total skipped question:** 567
### Tab. A.5

14. How do you rate the support facilities?  

<table>
<thead>
<tr>
<th></th>
<th>Good</th>
<th>Average</th>
<th>Poor</th>
<th>Did not use it</th>
<th>Rating</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>User guide / Frequently asked questions (FAQs)</td>
<td>47.6% (1,549)</td>
<td>21.0% (681)</td>
<td>6.3% (209)</td>
<td>25.1% (840)</td>
<td>2.06</td>
<td>3,252</td>
</tr>
<tr>
<td>Online help</td>
<td>29.9% (973)</td>
<td>16.1% (493)</td>
<td>6.4% (207)</td>
<td>48.6% (1,680)</td>
<td>2.74</td>
<td>3,252</td>
</tr>
<tr>
<td>Customer helpdesk (by telephone/letter)</td>
<td>16.9% (614)</td>
<td>7.1% (232)</td>
<td>4.9% (156)</td>
<td>29.1% (973)</td>
<td>3.24</td>
<td>3,252</td>
</tr>
</tbody>
</table>

answered question 3,252  
skipped question 73

### Tab. A.6

15. How do you rate your satisfaction with the following aspects of the online service:  

<table>
<thead>
<tr>
<th></th>
<th>Very satisfied</th>
<th>Fairly satisfied</th>
<th>Neither satisfied nor dissatisfied</th>
<th>Fairly dissatisfied</th>
<th>Very dissatisfied</th>
<th>Not applicable</th>
<th>Rating</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service delivered</td>
<td>51.9% (1,611)</td>
<td>25.0% (826)</td>
<td>7.1% (229)</td>
<td>1.5% (45)</td>
<td>1.0% (36)</td>
<td>15.6% (490)</td>
<td>1.54</td>
<td></td>
</tr>
<tr>
<td>Timeliness</td>
<td>50.5% (1,566)</td>
<td>21.1% (654)</td>
<td>7.3% (223)</td>
<td>1.5% (48)</td>
<td>1.4% (36)</td>
<td>16.3% (532)</td>
<td>1.56</td>
<td></td>
</tr>
<tr>
<td>Information provided</td>
<td>45.3% (1,462)</td>
<td>27.5% (856)</td>
<td>9.0% (279)</td>
<td>1.4% (43)</td>
<td>1.8% (56)</td>
<td>12.1% (377)</td>
<td>1.76</td>
<td></td>
</tr>
<tr>
<td>Support from court staff</td>
<td>13.3% (443)</td>
<td>6.9% (212)</td>
<td>6.3% (203)</td>
<td>1.4% (44)</td>
<td>1.5% (45)</td>
<td>70.4% (2,180)</td>
<td>2.01</td>
<td></td>
</tr>
<tr>
<td>Overall</td>
<td>46.5% (1,442)</td>
<td>29.8% (886)</td>
<td>8.0% (247)</td>
<td>2.4% (73)</td>
<td>1.2% (36)</td>
<td>15.5% (490)</td>
<td>1.65</td>
<td></td>
</tr>
</tbody>
</table>

answered question 2,180  
skipped question 73
<table>
<thead>
<tr>
<th>Tab. A.7</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>18. If the need arises in the future, would you use the online service again?</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>I would use it again</td>
</tr>
<tr>
<td>I would avoid it</td>
</tr>
<tr>
<td>Do not know</td>
</tr>
</tbody>
</table>

Please add any comments (max 100 characters): Show Responses 159

- answered question 3,103
- skipped question 222
APPENDIX: MCOL SCREEN

Screen 1

Postcode Lookup - Results

More than one result matched your search criteria.

Postcode Lookup

- Flat 1, 10 Tavistock Place, LONDON
- Flat 2, 10 Tavistock Place, LONDON
- Flat 3, 10 Tavistock Place, LONDON
- Flat 4, 10 Tavistock Place, LONDON
- Great Hotel Ltd, 20 Tavistock Place, LONDON
- St. John Hotel, 20 Tavistock Place, LONDON
- Rama Hotel, 24 Tavistock Place, LONDON
- 26 Tavistock Place, LONDON
- 26 Tavistock Place, LONDON
- 26 Tavistock Place, LONDON
- 30 Tavistock Place, LONDON
- Oxford House Hotel, 30-32 Tavistock Place, LONDON
- Albany Hotel, 34 Tavistock Place, LONDON
- Flat 1, 36 Tavistock Place, LONDON
- Flat 2, 36 Tavistock Place, LONDON
- Flat 3, 36 Tavistock Place, LONDON
- Goodwood Hotel, 84-86 Tavistock Place, LONDON
- Crystal Hotel, 42 Tavistock Place, LONDON
- Bloomsbury Food & Wine, 44 Tavistock Place, LONDON
- Tavistock Hotel, 46 Tavistock Place, LONDON
- Flat 1, 46 Tavistock Place, LONDON
- Flat 2, 46 Tavistock Place, LONDON
- Flat 3, 46 Tavistock Place, LONDON
- Flat 4, 46 Tavistock Place, LONDON
- Flat 5, 46 Tavistock Place, LONDON
- Flat 6, 46 Tavistock Place, LONDON
Building Interoperability in European Civil Procedures Online – England and Wales case.

Screen 2.

Guidance Screen.....

Submit Claim - Guidance

1. Is there another way to resolve your dispute? You may find the information on resolving a dispute without going to court and avoid the costs very useful and it may save you the time and trouble that a court claim can often incur.

Have you read the guidance for using NCDOL first? If not, you must do so now, as you may find that this method of resolving a claim is not right for you and your claim does not meet the criteria for using NCDOL.

Each step is completed by clicking the NEXT button at the bottom of the page, which automatically validates and saves the information you have entered. Any error messages displayed at the top of a page must be corrected before moving on to the next step. There is a link to the guidance at the top of each page.

An incomplete request can be saved by clicking the SAVE button at the bottom of the page. You may return to your request within 30 days to complete and submit it. Any incomplete requests will be deleted automatically from the system after this period.

You must have the following information before you can proceed with your claim:

- Full name (including title and date of birth if known) of the person(s) you wish to make a claim against.
- Full address (including postcode) of the person(s) you wish to make a claim against.
- The exact amount you wish to claim (including any interest, where applicable).
- Breeds of the claim, i.e. what is it about.
- Your credit/debit card details.
- A valid email address.

You must pay a fee to issue a claim online. The amount of money you will pay depends on the amount you are claiming. The fees (both online and in court) set out what the fees are. You may also wish to see the leaflet on Consumer Credit Facts... £100.

The claim number allocated to your claim must be quoted in all correspondence with the court or help desk.

If you experience any difficulties, you may contact the Customer Help Desk. You will find information on the meaning of some of the most commonly used terms in this process in the glossary provided.

Some steps display your name and/or address from your registered details. If you wish to amend these details you are required to edit your registered details. This can be completed by accessing the "Edit registered details" link from your homepage.

<table>
<thead>
<tr>
<th>Claim Amount</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>£200.00 or less</td>
<td>£23.99</td>
</tr>
<tr>
<td>£201.00 to £500.00</td>
<td>£35.99</td>
</tr>
<tr>
<td>£501.00 to £1,000.00</td>
<td>£60.90</td>
</tr>
<tr>
<td>£1,001.00 to £3,000.00</td>
<td>£70.90</td>
</tr>
<tr>
<td>£3,001.00 to £5,000.00</td>
<td>£80.90</td>
</tr>
<tr>
<td>£5,001.00 to £9,999.99</td>
<td>£120.99</td>
</tr>
<tr>
<td>£10,000.00 to £20,000.00</td>
<td>£150.99</td>
</tr>
</tbody>
</table>

Screen 3.
Screen 3

Claim Particulars....

Submit Claim - Claim Particulars

Particulars of Claim

You are required to give details of your claim in the box below. If you wish, you may also send detailed particulars direct to the defendant. If you need to do this, please tick here.

You must serve any additional documents on the defendant within 14 days after service of the claim form.

Do you want to receive the right to claim interest under the County Court Act? If you select Yes and continue, you will be required to type your reasons for claiming interest in the box below. A short statement (maximum 1080 characters) of what you are claiming for and why. Also include details of any interest that you are claiming.

Claim amount:

Amount claimed:

Court fee:

Total amount:

Maximum claim amount £35,195.99

Previous  Save  Next
Screen 4

Claim PDF.....

Claim Form

Defendant

Particulars of Claim
Screen 5

Judgment Guidance..

Have you read the guidance for using MCOL? If not, you must do so now, as you may find that you are not entitled to enter judgment on this claim.

Each step is completed by clicking the NEXT button at the bottom of the page, which automatically validates and saves the information you have entered. Any error messages displayed at the top of a page must be corrected before moving on to the next step. There is a link to the guidance at the top of each page.

Before you proceed with your request for judgment:

You must have received a full admission from the defendant(s) that they owe you the money claimed. See important note below. or:

14 days must have expired since the claim was served on the defendant(s) (the claim is considered served on the 5th day after it was issued) and a response has not been filed or served on you.

If you served separate detailed particulars of claim on the defendant(s) you must have filed a certificate of service within 14 days of serving these and, where you have done so, you must confirm this if you proceed to request judgment.

You do not have to pay a fee to enter judgment. A judgment order will be sent to the defendant(s). It is your responsibility to enforce the order if the defendant(s) does not comply with the terms of it.

If you experience any difficulties, you may contact the Customer Help Desk. You will find information about the meanings of some of the most commonly used terms in this process in the glossary provided.

Important note

You must not request judgment against the defendant by admission if you have not received a signed admission from them that they owe you the money claimed. The court may ask you to submit proof of the admission at any stage. If you do not provide it on request, your claim and judgment will be automatically struck out (dismissed) and you may be ordered to pay costs.

Some steps display your name and/or address from your registered details. If you wish to amend these details you are required to edit your registered details. This can be completed by accessing the "Edit Registered Details" link from your homepage.
PCOL Screen 6.

<table>
<thead>
<tr>
<th>Individual Claimant</th>
<th>Solicitor</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>I wish to start a claim for possession against someone who is in arrears under a mortgage or tenancy agreement for a residential premises.</td>
<td>I am a Solicitor and wish to register my firm as a user of the PCOL service. Once registered, I will be able to place myself on record as acting for a claimant or defendant on a claim that has already been issued through PCOL. I will be able to issue claims for possession using the online service.</td>
<td>I am an organisation without legal representation that issues claims for possession of residential rented or mortgaged property. I wish to register as a PCOL user and issue claims using the online service.</td>
</tr>
</tbody>
</table>

I don't want to register now.