



OPRC Public Engagement response form

Respondent name: Susan Brown (Chair)

Organisation: Motor Accident Solicitors Society (MASS)

Questions concerning the OPRC's draft Inclusion Framework

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

Comments:

MASS agrees that the intended project is sensible and it would have noble objectives if starting from scratch. However, as the stated aim is to 'build on and connect all existing provisions....' MASS is concerned of the feasibility and affordability of such a project.

At present there are multiple digital systems, portals and advice services, none of which operate perfectly, all have different APIs and Pre-action protocols or Rules and none of which can currently be integrated.

Commenting purely from past and present experience, some of the reasons for this include; lack of preparation and full liaison with practitioners during the build of the systems to ensure it works at every stage and is sufficiently adaptable for the various numbers of applications that are operated; inadequate thorough testing prior to implementation and inadequate and generally incompatible data collection.

Consequently, to have a digital justice system from pre-action all the way through to post-issue (including the Courts) is a huge task and will require significant investment if it is to use and connect the existing digital provisions.

Whilst being an obvious observation, it is important to have a full financial impact assessment to ascertain what private funding would be required and available and an indication of if / what public funding will be available.



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

Comments:

MASS recognises the aim of inclusion for all and agrees that any digital inclusion must be 'central to upholding fairness, trust and access to justice'.

MASS is however concerned whether there is sufficient research and adequate data of the impact on the accident victim from the digital processes already in place and the impact they have had, be it positive or not, on the provision of access to justice.

For example, since implementation of the Civil Liability Act implementing an increase in the small claims limit and the Official Injury Claim (OIC) process for whiplash injuries, claim numbers have been reduced by approximately 50%. Being such a significant reduction, MASS questions that there has been sufficient research as to the impact of this on the accident victim. For example, how many victims have given up their genuine claim either because they cannot obtain legal assistance, do not understand the process, find the process too difficult or unaffordable. According to data provided by the MIB, on average over 80% of the calls to the OIC helpline have been from the litigant in person, but the helpline does not provide legal assistance and no further indication is known if those enquires continue with their claim. It is of particular concern how this and any future digital process affects those more vulnerable in society who have limited IT skills or access to the internet, disabilities or a limited command of English.

MASS therefore contends that whilst agreeing that it is important to embrace technological advancement and the benefits that it can provide, before embarking on this digital expansion, full analysis is required on the impact of the current processes, but particularly OIC, to fully understand its impact, which will then assist the development of a more enhanced system.

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

Comments:



Questions concerning the OPRC's draft Pre-Action Model

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

Comments:

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

Comments:

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

Comments:



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

Comments:

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

Comments:

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



Online Procedure
Rule Committee

Comments:

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

Comments:

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