



**Informing Progress** - Shaping the Future

## **FOIL UPDATE 26th May 2021**



### **The HMCTS digital claims service pilot**

Tomorrow, **Friday, 28 May**, HMCTS is launching the next stage of its digital claims service pilot.

Many members will already be aware that, as part of the Master of the Roll's push to make progress on the digitalisation of the court process.

The initial pilot has involved the issue of claims for specified and non-specified money claims, including personal injury and was by invitation only. A number of claimant firms signed up and have been using the system during the pandemic. The aim now is to expand the pilot to include the defendant's response to the claim, up to the Directions Questionnaire. Defendant firms have therefore been invited to sign-up to join from **Friday 28 May**. All FOIL member firms received an invitation to join an HMCTS demonstration on Monday 24 May and will now make a decision on whether to sign-up to be part of the pilot. It is likely that lawyers within member firms will receive internal communications if their firm is taking part.

Members should be aware of the scheme, as they may now be asked by claimants' firms whether or not they are taking part and are willing to accept service through it. The process requires the claimant representative to raise use of the new service with the defendant representative and seek their consent for it to be used. When the claimant issues a claim in the new portal, they need to confirm that the defendant has agreed to use it.

The new process is MyHMCTS, an online case management tool for solicitors and other legal professionals managed by HMCTS.

It allows service users to submit, pay for and manage online case applications. Eventually the system will provide an end-to-end service covering all steps from pre-action protocol to judgment and enforcement. The current pilot is limited to only part of the process, from issue to Directions Questionnaires.

In brief, the system works as follows:

Where the parties have agreed to join the pilot (and the claim is not one deemed to be unsuitable, as defined in the PD) the claimant's legal representative will complete the online claim form by completing all parts of the form that are relevant to the claim. This includes details of the defendant and his/her legal representative. (If the defendant has no legal representative, the claimant may still use the system to issue the claim but it then drops out. The same applies if the legal representative is not registered to use the pilot). Provisions are made for the signing of the statement of truth.

Once notified, the defendant may access the claim online, through its account manager. S/he then assigns the case within the firm and the legal representative acknowledges the claim. The next defendant step is to respond to the claim by uploading the defence.

The system then makes a provisional allocation to track. This triggers sending the relevant DQ (which largely mirrors the current paper format) to the defendant. Draft directions can then be uploaded. The claimant is notified that the defendant has responded.

The claimant may reply to the defence but will now go through the same DQ process. The defendant is notified and the process reaches the end of the current online process.

The case goes to a judge at the chosen location, who will confirm the track and issue directions, which will be notified to the parties by post.

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