

Sir Geoffrey Vos
Master of the Rolls, Chair of the Online Procedure Rule Committee

By email: OPRCConsultations@justice.gov.uk

19 September 2025

Dear Sir Geoffrey,

Inclusion Framework and Pre-Action Model for the Digital Justice System

Thank you for the opportunity to respond to the Online Procedure Rule Committee's (OPRC) draft inclusion framework and pre-action model to improve digital access to justice in civil, family, and tribunal proceedings. We are aware that several of our members will be responding to specific details so have focused our comments at a higher level.

Summary

1. We strongly support the OPRC's aim to improve access to justice for all.
2. We agree with other stakeholders that it would make it more accessible to the public, and also be more accurate, to describe the space of information, advice, and dispute resolution that this work relates to as "Early resolution", rather than "Pre-action".
3. We support the goal of raising / aligning standards in dispute resolution, although we strongly feel that should be set at 'best practice' rather than 'minimum standards'.
4. The OPRC's goals will likely only be achieved if all oversight and accountability bodies in the dispute resolution space align the standards that they require of dispute resolution providers.

Background

5. The Ombudsman Association (OA) is the professional association for ombudsman schemes and complaint handling bodies in the UK, Ireland, the British Crown Dependencies, and the British Overseas Territories.
6. The OA's membership criteria¹ are recognised both in the UK and internationally as representing best practice. This is reflected in the UK Cabinet Office's *Guidance for government departments on setting up Ombudsman schemes*,² which addresses the point of when it is appropriate to use the title 'ombudsman', and in the criteria used by Companies House on when a company can use the protected term 'ombudsman'.³

¹ www.ombudsmanassociation.org/about-us/join-ombudsman-association

² www.gov.uk/government/publications/new-ombudsman-schemes-guidance

³ www.gov.uk/government/publications/incorporation-and-names/annex-a-sensitive-words-and-expressions-or-words-that-could-imply-a-connection-with-government

7. The Vision of the OA is that throughout the public and private sectors:
- It is straightforward and simple for people to complain.
 - People making a complaint are listened to and treated fairly.
 - A complaint is dealt with quickly, fairly and effectively at the earliest stage by suitably trained staff.
 - People have access to an ombudsman in all areas of consumer and public services.
 - The learning from a complaint is used to improve services.

Questions concerning the OPRC's draft Inclusion Framework

- **Q1: Are these the right purposes for the OPRC's Inclusion Framework?** and
- **Q2: Are these the right aims for the OPRC's Inclusion Framework?**

8. We support both the purpose and the aims of the Inclusion Framework to ensure that inclusion is incorporated into the design and implementation of the procedural rules from the outset.

Questions concerning the OPRC's draft Pre-Action Model

- **Q4: Are these the right purposes, scope and aims for the OPRC's Pre-Action Model?**
- **Q5: 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?**
- **Q6: 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?**
- **Q10: 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?**

9. We support the goal of raising / aligning standards in dispute resolution, although we strongly feel that should be set at 'best practice' rather than 'minimum standards'.
10. We strongly believe that the ombudsman model is the most effective model to identify systemic issues and help drive improvements in services and complaint handling. The benefit for the public of the ombudsman model is therefore not only in resolving disputes, but also in the increased efficiency and effectiveness in both public and private services as a result of 'getting it right first time'. In that way, it delivers two of the three key roles that the civil justice system plays in society, as set out by the Lady Chief Justice for England and Wales⁴: (1) it prevents disputes by guiding behaviour; and (2) it resolves disputes without the need to resort to the courts (the third being that, in the last resort, the courts determine disputes by adjudication).
11. The OA's membership criteria⁵ are recognised both in the UK and internationally as representing best practice. However, the OA itself is not an 'enforcement' body; the UK Cabinet Office's guidance on use of the title 'ombudsman' and the protections at Companies House combine to ensure that best practice is followed.

⁴ [Speech by the Lady Chief Justice: Civil Justice Council's 12th National Forum - Courts and Tribunals Judiciary](#)

⁵ www.ombudsmanassociation.org/about-us/join-ombudsman-association

12. The dispute resolution landscape is a complicated one, with overlapping criteria and reporting requirements required by different government departments and regulators. For example, whilst the work being undertaken by the Department for Business and Trade to implement the Digital Markets, Competition and Consumers (DMCC) Act will replace the criteria previously set out in the Alternative Dispute Resolution (ADR) Regulations, that will not apply to the mostly statutory dispute resolution bodies that have been exempted, where either the relevant regulator or government department often sets its own criteria.
13. In order therefore for the OPRC's goal to align standards to be achieved, it will either have to acquire enforcement powers itself, and be given 'pre-eminent' status, or it will need to rely on the multiple oversight and accountability bodies across the dispute resolution space adopting those standards and incorporating them into their own requirements of dispute resolution providers.

We are happy to provide any further information or engage further if that would be helpful.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Donal Galligan', written in a cursive style.

Donal Galligan
Chief Executive