Supporting people-centred justice insights with civil justice data

JUSTICE ISSUES NO. 38

The Justice Issues series provides an evidence-informed perspective on legal and access-to-justice issues.

Catriona Mirrlees-Black

SEPTEMBER 2025

Key messages

- A people-centred civil justice system requires information about who is having contact with the system, for what purpose, and with what outcomes. Compared to the criminal courts there is a paucity of such evidence in Australia and internationally.
- Australia is well placed to harness civil justice data in support of access to justice. The data collected for the administration of the courts and tribunals supports efficient, effective and equitable justice system management.
- Expanding its use may enhance decision making by courts and tribunals and by justice system participants, to improve the litigant experience, inform decision making by potential litigants, and increase public trust and confidence in the civil justice system.
- The Foundation's 2015-18 Data Insights in Civil Justice reports, covering the entire NSW civil court and tribunal system, confirmed the utility and validity of civil justice data for this purpose.
- The utility of justice data may be further enhanced by a dedicated data infrastructure to support what and how data is gathered, stored and analysed, to facilitate the appropriate use of information.

People-centred justice in the civil justice system

Designing and delivering people-centred justice services that enhance access to justice, requires an understanding of people's legal needs, their experience of justice systems and the justice they receive.[1] The concept implies a requirement that the "justice system … puts people at the centre and has as its purpose and its design the goal of meeting the needs of the people of that jurisdiction in ways most suitable to them".[2] This is recognised to include improving the quality of justice journeys by offering "informal and formal justice processes that meet [people's] needs in terms of both procedures and outcomes".[3]

1 Justice Action Coalition (2023). Key messages on people-centred justice: an advocacy toolkit. Source: **https://www.sdg16.plus/resources/key-messages-on-people-centered-justice/**.

2 **Mulherin G (2023). Evolution to people-centred justice. Justice Methods (6). Sydney: Law and Justice Foundation of NSW.**

3 Hague Declaration on Equal Access to Justice for All by 2030. February 7, 2019, The Hague.

People-centred justice prioritises data collection to design and support evidence-based policies and systems.[4] Investment in data is seen as necessary to achieving the goal of people-centred justice, with population-wide legal needs surveys the primary source of such evidence.[5] However, with only a very small proportion of people who experience a legal problem resolving it through the formal justice system,[6] court-based 'user' surveys,[7] and the administrative data collected as a byproduct of justice system activities, are more targeted sources to inform this aspect of people-centred justice. Here we consider how the latter can be utilised in support of people-centred justice.

The utility of court administrative data

There is long history of utilising and sharing administrative data on the activities of the ***criminal*** justice system to inform criminal justice oversight, policy and reform. For example, such data has been used to address early guilty plea reforms,[8] judge-alone trials[9] and the impact of sentences on reoffending.[10] These analyses are supported by either the direct collection of information about defendants and their interactions with criminal courts, or the linking of police and court data. As in New South Wales (NSW)[11], many jurisdictions regularly publish criminal justice data in some format.

In contrast to the criminal justice system, the focus on the use of data by the ***civil*** justice system has been managerial rather than justice related, primarily because civil matters are, for the most part, private rather than public matters. Given their private nature, the outcomes of civil matters are not always available to the court, and even where they are, due to their less immediate consequences for the justice system, there is limited incentive to collate this information. There are also practical constraints, such as the relatively low level of direct contact with participants – indeed, respondents to matters may have no contact with the court at all – which limits the collection of data about litigants. Nevertheless, useful information is collected by the courts to assist in the case management of civil matters, including about the litigants, their legal matter, how their matter is handled by the court, and what orders are made along the way and at finalisation (see Box A).

4 Justice Action Coalition (2023). Key messages on people-centred justice: an advocacy toolkit. Source: https://www.sdg16.plus/resources/key-messages-on-people-centered-justice/.

5 HiiL (undated). Delivering people-centred justice, rigorously. HiiL Policy Brief. The Netherlands: The Hague Institute for Innovation of Law (HiiL).

6 People-centred justice has its roots in the work of Professor Genn (Genn H (1999) Paths to justice: what people do and think about going to law. Oxford: Hart Publishing). Legal needs surveys have subsequently confirmed that only a small proportion of civil legal problems involve a court or tribunal. See for example Coumarelos C et al (2012). Legal Australia Wide (LAW) Survey. Sydney: Law and Justice Foundation of NSW.

7 See for example the Foundation's study of tenants attending NCAT (Butler K, Davies K, Kothe E (2025). Study of Tenancy Dispute Experience and Preparedness at NCAT. Sydney: Law and Justice Foundation of NSW); and the UK's HMCTS Citizen User Experience Survey and surveys of professional court users, such as the HMCTS Communications and Engagement Survey.

8 Klauzner I and Yeong S (2021). The impact of the Early Appropriate Guilty Plea reforms on guilty pleas, time to justice, and District Court finalisations. NSW Bureau of Crime Statistics and Research.

9 Gu J (2024). The effect of judge-alone trials on criminal justice outcomes. Crime and Justice Bulletin No. 264. Sydney: NSW Bureau of Crime Statistics and Research.

10 Wang JJJ and Poynton S (2017). Intensive correction orders versus short prison sentence: A comparison of re-offending. Contemporary Issues in Crime and Justice No. 207. Sydney: NSW Bureau of Crime Statistics and Research.

11 In NSW, the Bureau of Crime Statistics and Research provides the community with data and research about crime.

Box A: Data collected for the administration of the civil courts

Administrative data is information collected in management information systems for the purpose of efficiently and effectively delivering court, tribunal and other official dispute resolution services.[12]

Data from court management information systems is distinct from that available from published judgments of the type found in databases of case law.[13] It includes all matters filed, not all of which will result in a judgment, and it tends to include more details about administrative events, such as documents filed, interim orders and hearing dates.

In the civil justice system, a case commences with a filing at the relevant court registry by the party/litigant known as the applicant or plaintiff. This filing also provides details of the other party/litigant, known as the respondent or defendant, who will be notified that an action has been brought against them, and who may then file a notice of defence or equivalent.

Civil matters proceed through various stages, some of which require documents to be uploaded to the system, a procedural decision by the administrative office of the court (registry), a meeting in-person or otherwise of the parties or their approved representatives, a decision by a judge or equivalent, and an action that finalises the matter within the records.

The management and oversight of this process generally requires information to be entered into a management information system, some of which enable export into a dataset of individual case records.

The reporting of civil justice data

Other than when it is used for individual case management purposes, administrative court data is primarily considered in aggregate form, combining data from multiple cases, from a particular case-type list, time period and/or venue. The intention is to find patterns in groups of matters rather than to review the details of individual cases.

The use of aggregated court data in dashboards and regular management reports can assist in the day-to-day management of individual venues, as regular and real-time reports can provide early-warning of surges, delays and other emerging issues.[14] [15] [16]

Aggregated data is also used for government reporting and public transparency purposes. In Australia this can be found in individual state court annual reports, and in the Productivity

12 In this report, unless otherwise indicated, references to 'court' are intended to encompass all these types of dispute resolution.

13 For example, New South Wales Caselaw available at https://www.caselaw.nsw.gov.au/.

14 International Association for Court Administration (2025). Modern methods of assessing the effectiveness of the court. Source: https://iaca.memberclicks.net/past-online-conferences#modern.

15 Pope T, Metcalfe S and Freeguard G (2023). Doing data justice: improving how data is collected, managed and used in the justice system. London: Institute for Government.

16 For a country-based example, see: Supreme Court of the Philippines (undated). Court administration management information system. https://ncsc.contentdm.oclc.org/digital/api/collection/tech/id/247/download.

Commission's Report on Government Services.[17] Some jurisdictions provide this data in an interactive format. For example, Victoria Court Services' Caseload Dashboard reports pending counts, initialisations, finalisations and caseload composition.[18] The UK's Ministry of Justice publishes monthly nation-wide information on court caseloads and timeliness in data sheet format.[19]

Although some of these outputs are intended to support court efficiency and/or transparency of court activities, none are specifically designed from the perspective of the court user. Ten years ago, the Foundation was asked by NSW Department of Communities and Justice to assess the utility of civil court administrative data to better understand the experience of parties in respect of cases lodged at each NSW court and tribunal. The result was the Foundation's eight Data Insights in Civil Justice reports.

The Foundation's '2015-2018 Data Insights in Civil Justice' reports

The Foundation has a long history of harnessing civil court administrative data in access to justice research, with reports covering the causes of delay[20], profiles of court users[21], plaintiffs perceptions of process[22], the settlement of matters[23], case management[24], awards for non-economic loss[25], plaintiff's satisfaction with process[26], unrepresented litigants at equal opportunity matters[27], and proposals for model performance indicators.[28]

In 2015, the NSW Department of Justice commissioned the Law and Justice Foundation of NSW "to explore the types of civil claims filed in NSW courts and tribunals and ensure that actions

17 The most recent reports from the Productivity Commission are available at https://www.pc.gov.au/ongoing/report-on-government-services/2024/data-downloads.

18 Victoria Court Services. Source: https://courts.vic.gov.au/resources/caseload-data.

19 HM Courts and Tribunals Service (2025). Source: https://www.gov.uk/government/statistical-data-sets/hmcts-management-information-april-2025.

20 Worthington D (1991). The pace of litigation in New South Wales: lessons from the tail. Sydney: Civil Justice Research Centre, Law Foundation of NSW. Source: Law and Justice Foundation of NSW.

21 Matruglio T (1993). So who does use the court? A profile of users of the Common Law Division of the Supreme Court of New South Wales. Sydney: Civil Justice Research Centre, Law Foundation of NSW. Source: Law and Justice Foundation of NSW.

22 Matruglio T (1994). Plaintiffs and the process of litigation: an analysis of the perceptions of plaintiffs following their experience of litigation. Sydney: Civil Justice Research Centre, Law Foundation of NSW. Source: Law and Justice Foundation of NSW.

23 Baker J (1994). Who settles and why? A study of the factors associated with the stage of case disposition. Sydney: Civil Justice Research Centre, Law Foundation of NSW. Source: Law and Justice Foundation of NSW.

24 Guest C and Murphy T (1995). An economic evaluation of differential case management. Sydney: Civil Justice Research Centre, Law Foundation of NSW. Source: Law and Justice Foundation of NSW.

25 Worthington D and Delaney M (1995). Awards made under the Motor Accidents Act 1988. Sydney: Civil Justice Research Centre, Law Foundation of NSW. Source: Law and Justice Foundation of NSW.

26 Delaney M and Wright T (1997). Plaintiffs' satisfaction with dispute resolution processes: trial, arbitration, pre-trial conference and mediation. Sydney: Justice Research Centre, Law Foundation of NSW. Source: Law and Justice Foundation of NSW.

27 Rebehy M M (2000). Unrepresented parties and the Equal Opportunity Tribunal: A survey of Tribunals and recommendations for change. Sydney: Law and Justice Foundation of NSW.

28 Glanfield L and Wright T (2000). Model key performance indicators for NSW Courts. Sydney: Justice Research Centre, Law Foundation of NSW. Source: Law and Justice Foundation of NSW.

were relevant and targeted".[29] Between 2015 and 2018, the Foundation reviewed and analysed data from each of NCAT, the Local Court, District Court, Land & Environment Court and the Supreme Court of NSW. More recently, a report on NCAT tenancy dispute resolution has been completed.[30]

The 'Data Insights in Civil Justice' reports 2015-2018

NSW Civil and Administrative Tribunal (NCAT) Overview

NSW Civil and Administrative Tribunal (NCAT) Consumer and Commercial Division

NSW Civil and Administrative Tribunal (NCAT) AEOD

NSW Civil and Administrative Tribunal (NCAT) Guardianship

NSW Local Court

NSW District Court

NSW Land and Environment Court

NSW Supreme Court

For each type of court and tribunal, we interrogated the available administrative data to assess its utility in answering the following questions:

- What types of civil claims are litigated?
- What are the dollar amounts of claims?
- What types of entities are parties to matters?
- What is the relationship between matters and litigant entity type?
- Which claims are defended?
- Who is legally represented and for what claims?
- How do cases progress?
- How are claims finalised?
- How long do matters take to finalise?
- How do amounts awarded compare to the dollar amount of claims?

Our work demonstrated the value of such data in providing insights about court and tribunal users' experiences and identified areas for data improvement to enhance its value and reliability. For the first time, for example, we were able to provide insights on the likely commitment of commencing a case, the extent to which applicants/plaintiffs and respondents/defendants are legally represented in each NSW court/tribunal, and the range of matter outcomes.

The Foundation's assessment of the utility of NSW court and tribunal data identified a range of issues, some of which are recognised limitations of utilising administrative data for research purposes (see **Annex A Table A.1**) and some that were specific to the data drawn from these systems (see **Annex A Table A.2**).

29 NSW Department of Justice (2018). Civil justice action plan: Improving access to justice for everyday problems. Sydney: Australia.

30 Butler K, Kothe E, Davies K (2025). Data-driven insights into NCAT tenancy dispute resolution, Law and Justice Foundation of NSW.

We also noted that the utility of court administrative data could be further enhanced by the routine collection of additional information about the parties to matters (to monitor equitable access to justice) and information about litigant experience of and satisfaction with outcomes, either on a routine or ad hoc basis.[31]

With changes to NSW court and tribunal case management systems since our original work, not all these will remain live issues, but we provide them here as some will no doubt pertain to other jurisdictions.

Evolution in the use of civil justice data

The *Data Insights in Civil Justice* reports confirmed the availability and utility of data to answer key questions about the civil justice system and how it is experienced by participants. It also demonstrated the complexities of the data and the challenges of drawing meaningful and comparable findings across the various tribunals and courts. Since the Foundation concluded this work, the NSW civil justice system has undergone various reforms, data practices have been updated, and greater use is now made of this information to support effective performance management.[32]

In the years since the Foundation commenced its Data Insights in Civil Justice series, there has continued to be interest in utilising civil justice data.[33] In Australia, for example, the Victoria Law Foundation, as part of its 2021 Data Mapping Project, concluded that Victoria was well positioned to realise the opportunities of data to improve "operations, user experience and optimal use of scarce civil justice resources".[34]

Internationally there is evidence of increasing interest in harnessing court data to inform improved performance and access to justice. The following international and jurisdictional level initiatives are detailed in **Annex B**.

Key international initiatives include the:

- International Framework for Court Excellence,
- Council of Europe European Commission for the Efficiency of Justice (CEPEJ),
- Organisation for Economic Co-operation and Development's (OECD) Recommendation on Access to Justice and People-Centred Justice Systems,
- Justice Action Coalition,
- World Justice Project, and
- Hague Institute for the Innovation of Law's (HiiL) people-centred justice initiatives.

---

31 See for example, Table 1 in Mirrlees-Black C et al (2018). Data insights in civil justice: NSW Land and Environment Court. Sydney: Law and Justice Foundation of NSW.

32 In NSW, NCAT and the individual courts each publish annual reports which detail amendments to systems and other changes that have been made to improve court functioning.

33 Australia's Attorney General's Department (AGD) published a Data Strategy for 2025-2027 which includes an action to integrate the use of data and evidence into policy. Although the Strategy doesn't explicitly reference civil court data, AGD has played a pivotal role in driving the systematic collection and harmonisation of legal assistance data across jurisdictions, enabling evidence-based performance monitoring and more targeted service delivery to meet community legal needs (https://www.ag.gov.au/legal-system/legal-assistance-services/national-legal-assistance-data).

34 The report also recognised that the Victorian courts and tribunals were on a journey of investment in new technology and data capability with the ongoing potential to increase data utility – particularly in respect of understanding the user experience – with more comprehensive and consistent data collection and the use of standardised definitions. Source: McDonald HM, Kennedy CL, Hagland T and Haultain L (2021). Smarter data: The use and utility of administrative data in the Victorian legal assistance sector. Melbourne: Victoria Law Foundation.

Examples of jurisdictional level initiatives include:

- the UK's Legal Education Fund which informed the HMCTS Data Strategy,
- the American Federal US Department of Justice and National Centre for State Courts initiatives, and
- the work of the Pacific Judicial Strengthening Initiative.

This burgeoning portfolio of work has identified a range of ways in which data can be deployed in support of enhanced people-centred justice. Derived from these sources, the following section proposes a set of objectives for the analysis of administrative data in the court context.

How court data can support people-centred justice

Court data can be used to support people-centred justice in the following ways:

- To understand **the experience of those interacting with the system** to support policy and operational interventions that promote:
  - **Efficient** processes
  - **Effective** outcomes
  - **Equitable** access, experience and outcomes.
- To provide information to **assist decision making of potential litigants** and enhance their capability to engage effectively.
- To promote **public trust and confidence**, which is supported by transparency about the functioning of the system and how it responds to the needs of its participants.

Litigant experience

Many courts are regularly using administrative data to support the objectives of efficient working and delivery of an effective and fair experience for litigants, their representatives and court staff. Examples of people-centred indicators that address the objectives of efficiency, effectiveness and equity, are listed in **Annex C**. While all these indicators can be monitored on an ad hoc or occasional basis, their ongoing measurement provides evidence of the impact on the court and/or on litigants, of changes to court procedures, such as changes to documentation, online filings and hearings, and case management arrangements.

Efficient processes

Efficient processes are those that apply the minimum of resource to deliver a timely and effective service. One of the most commonly reported performance indicators by the courts is the rate of cases finalised compared to lodged, in a given time period, with decreasing rates indicating increasing delays and backlogs. Monitoring the average time taken on segments of matter pathways, such as time from lodgement to first hearing, and final hearing to judgment, may provide evidence of where case management interventions are required.[35]

Not only do efficient processes support good use of public expenditure, they should also lower costs for individual litigants, with easy-to-follow procedures, timely notifications, appropriate deadlines, and the absence of unnecessary delays.

35 While the mean average length (the combined length of cases divided by the number of cases) is most relevant for monitoring trends in the overall case length, a combination of median average length (the length of the middle case when cases are ranked by length) and an examination of outlier cases (extremes at either end) is likely to be more useful for determining whether there is a need for intervention.

Effective outcomes

Measures of effectiveness assess whether intended outcomes of the service provision have been achieved or whether the clients of a service are satisfied. For court services, measuring outcomes is not straightforward, as intended outcomes reflect difficult to measure concepts including 'fairness' and 'justice'.[36] Further, how cases resolve is not necessarily known to the court if there is no obligation to provide a reason for withdrawing or discontinuing a matter.

Satisfaction with outcomes, a valid indicator of effectiveness in other service contexts, is generally not considered valid in the context of civil justice.[37] One or more of the parties may not be happy with the outcome, even when a fair and just outcome was delivered. The concept of procedural justice, with a focus on just and fair processes and procedures, addresses this conundrum, but these types of indicators are generally more appropriately measured by court user surveys rather than administrative data.[38] [39]

However, in the same way that emergency department waiting times reflect hospital users' experiences of the effectiveness of health service provision, some administrative indicators can provide insights regarding the effectiveness of court procedures in meeting the needs of court users. For example, a prompt first hearing following lodgement may give confidence to litigants that their matter is being taken seriously. A reduction in the proportion of notices and orders that result in enquiries from the recipients may indicate they are being better understood, and may in turn be reflected in increasing rates of compliance with final orders.

Equitable access, experience and outcomes

Assessing equity of access, experience and outcomes requires information about the characteristics of those experiencing legal problems, the subset of these that go on to access the justice system and how their justice journey varies by these characteristics. However, only limited information about the parties to civil actions is generally collected. Primarily this is because it hasn't been considered relevant to the management of court business. Practically speaking, it is not straightforward to collect this type of information when there are multiple parties or where parties can be organisations rather than private individuals or represented by a third-party. There is also the concern that requesting such information creates a barrier to seeking justice.[40]

Nevertheless, understanding who is engaging with the formal justice system, and evidence that court processes and outcomes are not influenced by non-legal factors, are essential to instilling confidence in the system's ability to deliver equitable access. The move to online filings and the increasingly pervasive collection of personal details in other contexts, may in due course overcome the practical and other considerations and facilitate this type of reporting.

---

36 In NSW, the Land and Environment Court has led thinking on appropriate outcome measures, with a focus on qualitative indicators and drawing on sources of evidence other than administrative data. See Preston BJ (undated). Developing practical court performance measures. Sydney: Land and Environment Court of NSW.

37 Popa T, Karpen IO, Wright MR and Dean O (2022). Procedural justice in a tribunal context: an exploration and extension of the concept from a human-centred design perspective. UNSW Law Journal Volume 45(4), 1657-1692.

38 Lind EA and Tyler TR (1988). The Social Psychology of Procedural Justice. Critical Issues in Social Justice. New York: Plenum Press.

39 The Framework for Court Excellence incorporates a measure of user satisfaction that is predicated on the principle of procedural justice. This assesses litigant's experience of the process, such as ease of access, the conditions of premises and facilities, the comprehensibility of forms, and being listened to and treated respectfully, rather than satisfaction with outcome.

40 McDonald HM, Kennedy CL, Hagland T and Haultain L (2021). Smarter data: The use and utility of administrative data in the Victorian legal assistance sector. Melbourne: Victoria Law Foundation.

Informed litigant decision making

A people-centred justice system empowers people to make informed decisions about their justice pathways.[41] Well informed litigants who are aware of the potential trajectory of their case may make more efficient use of the courts. Efficiency gains to the justice system may also be the consequence of increased capability of the parties to engage effectively with the court. In making decisions about whether to take a matter to court, actively defend a matter, or to withdraw from a case, potential litigants will consider many factors, including the consequences of not pursuing a matter, the cost of so doing, the time input required, the accessibility of venues, their personal circumstances and capabilities, impacts on relationship with the other party and the range of potential outcomes that they could achieve. Some factors will be specific to their case and to them personally, but aggregate information about similar cases may provide some useful information or at least help to manage litigant expectations. This is comparable to medical practitioners providing aggregate information on options and outcomes for medical conditions and potential treatments to patients whose individual circumstances will, in practice, differ.

The types of litigant questions that administrative data could inform include:

- For my type of matter, how long does it usually take, or might it take, to reach resolution, and what factors can influence this?
- What is the likely time-investment for me, including the number of documents to be filed, and hearings to be attended?
- What proportion of cases like mine include some form of mediation, and with what outcomes?
- What are the potential outcomes, and with what probability for my type of case, if I commence a matter?
- Will I get the opportunity to 'have my day in court', or is it more likely that my case will end up settling before judgment?
- Given the probability of an outcome in my favour, is the cost of taking a matter to court, or defending a matter, a worthwhile investment?
- What difference would it make if I had legal representation and is it worth paying for? If not, are there organisations or individuals that provide support in matters such as mine?
- How sustainable is my outcome likely to be: what proportion of matters such as mine result in additional proceedings and/or enforcement activities?
- If I have a choice of venues, what do I know about how the above differ across venues?

While no recent systematic assessment of what information justice system participants would find helpful in Australia has been undertaken, this type of knowledge can be gained through court's consultations with their clients and other interest groups, with some having in place standing court user groups.[42] As these latter groups tend to represent recurrent and professional litigants, courts should also consider how to capture the full diversity of potential court user perspectives.

Public trust and confidence

Public trust and confidence are supported by transparency about the functioning of the system: who the courts are for and how they uphold the rule of law. Trust and confidence in

41 Justice Action Coalition (2023). Key messages on people-centred justice. United Nations Development Programme.

42 For example, the NSW Land and Environment Court established a Court Users Group in 1996, which meets four times a year and can make recommendations to "[ensure] services and facilities of the Court are adapted to the needs of litigants and their representatives". Source: **https://lec.nsw.gov.au/about-us/strategic-innovations.html**.

the justice system are informed by perceptions of efficiency, effectiveness, and equity/fairness.[43] Poor awareness of justice system practices is known to be causally related to lower levels of confidence and, at least in the case of criminal justice, enhancing knowledge of the system and its performance can improve confidence.[44] People's assessments are most reliable when based on robust information, such as that sourced from administrative data. While, as noted above, some information about the civil justice system is currently made available through public-facing reporting arrangements, such as annual reports, there may be more that can be done to increase public awareness of civil court functioning.

In the UK, following extensive public consultation on the use of court data, the Justice Lab concluded that "decision makers must not underestimate the public's interest in justice data and the importance of engaging them in dialogue about changes. This is key to maintaining and improving public trust in the justice system."[45]

Operationalising a purpose driven data infrastructure

Operationalising the use of administrative court data in support of people-centred justice should address a number of practical considerations to ensure effective use of that data. An effective data infrastructure supports the delivery of data that can meet the requirement for relevant, robust and reliable data insights. This infrastructure addresses the strategic, resourcing and technical aspects of data capture, analysis and reporting, including arrangements for:

- determining whether the data collected meets its purpose, how it is collected, and how data is quality assured (DQA),
- documenting data definitions and caveats to ensure data is correctly interpreted,
- adequately and appropriately resourcing and recognising the data function,
- building data systems that are functional and ensure data security,
- setting in place mechanisms for ongoing data enhancement,
- overseeing and regulating external access to data, and
- facilitating dissemination of data products.

Annex D expands on each of these suggested elements of a comprehensive data infrastructure.

Conclusion

A people-centred civil justice system is one that is designed to meet the needs of the people it serves in ways most suitable to them. While legal needs surveys have become the main source of insights on the nature of the broader community's legal needs, such surveys can only provide a partial picture of the experiences of those whose legal issues progress to an interaction with a court or other formal dispute resolution service. Surveys of people engaging with such organisations can address this limitation to some extent, but administrative data can provide relatively cost-efficient complementary insights into the experience of litigants across multiple jurisdictions and venues, and their pathways through the complexities of the justice system.

43 Mirrlees-Black C (2001). Confidence in the criminal justice system: Findings from the 2000 British Crime Survey. Research Findings No.137. London: Home Office.

44 Mirrlees-Black C (2002). Improving public knowledge about crime and punishment. In Roberts J & Hough M (eds). Changing Attitudes to Punishment: Public opinion, crime and justice. Devon: Willan Publishing.

45 Gisborne J, Patel R, Paskell C and Peto C (2022). Justice Data Matters: Building a public mandate for court data use. London: Justice Lab and IPSOS.

This provides three benefits. First, it allows for monitoring of key components of the justice system, including whether processes are efficient, effective, and whether there is equitable access and fair treatment to all parties. Second, it provides information to potential litigants to help them make decisions about the appropriate approach to their engagement with the system. Quantified insights about the likely pathways for comparable matters can assist litigants, and their advisors, in making realistic assessments of the best course of action. Third, relevant evidence on the way in which the courts and formal dispute resolution services handle civil matters can support community trust and confidence in the justice system.

Much administrative data is already collected and analysed, and although the focus of this is the support of court administration and case management, useful insights to assess court users' experiences can be obtained by additional analysis of the data that is already available. The Foundation's pioneering reports utilising the NSW court and tribunal administrative data, demonstrated that such analysis can provide insights on issues of relevance to monitoring the justice system, and provide information to potential litigants on how cases progress through the justice system.

The utility of justice data may be further enhanced by dedicated data infrastructure to support what and how data is gathered, stored and interrogated. This includes: assessing whether the data meets its purpose and is quality assured; documentation of data definitions; adequate and appropriate resourcing of data collection and management; provision of functional and secure data systems; mechanisms for ongoing data enhancement; and oversight and regulation of external access to data and facilitation of the dissemination of data products.

Despite growing consensus on the potential value of increasing the quality, access and use of civil justice data, significant barriers to progress remain. In their review of the use of justice data in Canada, Australia and Ireland, Townend and Wiener identified barriers including under-investment, decentralised approaches to technological reform, a deficit in data addressing court user experience, and tensions between the interests of privacy and transparency.[46] In some jurisdictions there may also be judicial resistance to greater use of administrative data emanating from a perception that performance indictors tend to focus on productivity and efficiency and fail to acknowledge, or value, the quality of case management. [47] [48]

The rise in the digitisation of information, and availability of web-scraping and artificial intelligence tools, may, though, make it increasingly hard to restrict access to information where it can be gleaned from published case judgments. Commercial businesses may seek to develop tools, that if based on partial data - which published case judgments generally are – may output inaccurate or even deceptive information. A proactive strategy on the release of court endorsed data insights not only has the potential to support people-centred justice, but may also assist in managing misinformation.

Ten years on from the Foundation's Data Insights in Civil Justice series, civil court data remains a largely untapped resource that can be exploited in the interests of people-centred justice, enhancing the litigant experience, informing decision making by potential litigants, and increasing public trust and confidence in the civil justice system.

46 Townend J and Wiener C (2021). 'Justice system data': A comparative study: Report and recommendations. A report examining how Canada, Australia and Ireland manage the data and information that is generated by their justice systems. The University of Sussex and The Legal Education Foundation.

47 Spigelman J (2006). Measuring court performance. Journal of Judicial Administration 16(2), 69-80.

48 Albers P (undated). Performance indicators and evaluation for judges and courts. Council of Europe: European Commission for the Efficiency of Justice.

ANNEX A – Analytical considerations when utilising court and tribunal administrative data

Although utilising administrative data for purposes such as research has many benefits, it also has a number of limitations, irrespective of the sector from which it is drawn. When undertaking analysis, it is important to be aware of these challenges and consider how best to address them during analysis and reporting. The types of **general** issues that are most relevant to court administrative data are summarised in Table A.1. Issues that are **specific** to court data are summarised in Table A.2.

These tables use the following definitions (which may differ from the terminology used within individual jurisdictions):

- **Data unit**: the entity or type of activity for which data is collected. This could, for example, be one lodged matter/case, one proceeding within a matter, or an individual litigant.
- **Data field**: the topic of the data, such as Age, Gender, Case Type, Date of Lodgement.
- **Data value**: each data field has a range of possible data values. For example, the values of the Date of Lodgement field should be in date format for a date prior to the date of data extraction.
- **Data item**: a data item is the value of the field for a specific data unit. For example, if the data unit is lodged matters, one data field would be Date of Lodgement, the data field would be a value in date format, and the data item would be a specific date.
- **Data record**: all the data items are grouped together into one record for a specific data unit (e.g. case). Each data record will include the data items for each data unit, so are often referred to as 'unit records'.
- **Aggregated data**: when items from records are combined through analysis to produce percentages or averages, for example, the data has been aggregated.

Table A.1 General challenges of using administrative data in analysis

Extracting data in a suitable format for analysis	While most management information systems are designed to produce standardised reports on key indicators, it may not be straightforward to extract data in unit record format, particularly where each case has multiple records and multiple data fields/ items, and where only certain types of matter or specific date ranges are required. A bespoke report may have to be designed and depending on the size and design of the underlying database, this may absorb significant computing resources for a product that is inevitably lower priority than the day-to-day business of the court.
The meaning of data fields	If data fields are not routinely exported or utilised by third parties, it is unlikely that a comprehensive data dictionary will be available. Investigation will be required to understand the values of each field, and their limitations. For example, some fields may allow text responses, some use pre-defined menus of options, some will have default values, some may have data quality checks built-in, some may only be available for data entry if other data fields have content.

Quality standards	Data checks and quality reviews are most likely to be applied to information that is required for the successful administration of an organisation. Some types of data are particularly prone to error when there is no incentive for accuracy. These include type-in values, such as numerical and cost amounts. Data fields with large numbers of potential responses may also be hard to apply in practice, with a tendency to utilise values from the top of the option lists or generic 'other' categories.
Missing items	Missing data items can occur because the data field was overlooked at the point of data entry, or because the information was not available or because the field was not relevant to this data unit. Systems may not clearly differentiate between these types of missing data, but it may be discernible from a review of individual cases.
Missing records	Missing records are generally not obvious in administrative data extracts. An exception is where data from separate systems is being linked or compared. Reasons why there may appear to be missing records will vary according to the purpose of the system, but in the context of data linking may include errors in the linking key, such as different name/address/date of birth/matter number.
Over-writing within dynamic datasets	Administrative data is drawn from dynamic management information systems that need to keep information up to date to support system functions. This may result in the original data within a field being over-written at a later, and potentially unknown, point in time. While there may be little that can be done about this retrospectively, it should be taken into account when interpreting such analysis.

Coverage	Understanding who or what is included in administrative data is crucial to determining what the data can be used to describe. Consider for example whether all matters are included, or whether some are routinely excluded or captured in some other way (such as in local paper records only). Data extraction rules should be reviewed by those analysing the data to ensure the data they are provided with matches their request.
Timeliness	Administrative data may only be available on an intermittent basis, depending on organisational practices and resourcing. This may result in substantial delays between the period of interest and the availability of data for that period. While this might be problematic for active court management, it is generally of less concern for research intended to inform more strategic policy development.
Restrictions on access	Access to data may be restricted to protect the interests of the organisation, and/or for confidentiality/privacy purposes. Agreements can be put in place to reassure data providers about how the data will and won't be used. A commitment to only report aggregated data, and ensure individual parties/matters are not identifiable, is a standard inclusion. A condition to ensure that data providers have an opportunity to comment on draft findings will provide further reassurance and is also likely to improve the quality of the final product.
Changing definitions and practices over time	When comparing findings from data extracts taken at different points in time, account needs to be taken of any variations in internal practices, including how the data has been collected and how the definitions of fields may have changed. Even subtle amendments to management information systems can undermine the comparability of data over time. For example, the inclusion of an additional option in an existing list of field values may undermine comparability of that field over time. The addition of default values will certainly do so. Amended requirements regarding which data fields are completed for which records may also upset comparability over time. In addition, when reporting findings, consideration should be given to external factors that may have impacted the system being described.

Data collection burdens	Data collection requires resources: data needs to be provided, entered, checked, and stored. Organisations may regularly review their data fields to ensure this burden is minimised. Researchers may be able to assist in identifying fields that appear to have no organisational value. The benefits of including additional fields should always be weighed against the costs of the data collection burden.

Privacy and confidentiality	Where datasets hold identifying information about entities, be they private individuals or organisations, it is important to ensure that analysis aggregates the data sufficiently to maintain confidentiality. Not only is this a requirement within research ethics it is also imperative to maintaining public support for the use of such data.

Court data is primarily focused on meeting the requirements of court administration, and as such the unit of interest tends to be proceedings, cases or lists, with a focus on events that the court requires a record of, which may not be of any significance to the litigants.[49] The experience of the individual litigant may be lost when it falls across multiple proceedings, venues or court of jurisdiction, between substantive areas of law, or where they are only one of multiple litigants in a case.[50]

People-centred justice analysis requires access to the dataset that lists the individual case records for each lodged matter, as this allows each data item to be linked back to the litigants and the type of matter. This facilitates the interrogation of data to consider the interactions between data items, such as how matter pathways are affected by matter types, by the characteristics of the parties, and/or by case management arrangements.

Table A.2 outlines some of the potential challenges of utilising court data for this type of analysis.

Table A.2 Specific challenges of administrative data in the court and tribunal context

Data records can include cases, proceedings, parties	Unit records may relate to a matter/case, proceedings within a case, and/or each litigant within each proceeding, or some variation on this. Datasets are often complex and require careful record linking and an understanding of their hierarchical structure.

49 Court data collections are not generally designed for the purpose of supporting people-centred justice, but they could be. See: Alexander, CS and Sudeall, L (2023). Creating a People-First Court Data Framework. Harvard Civil Rights – Civil Liberties Law Review. Volume 58. No 2. 731-788.

50 Alexander, CS and Sudeall, L (2023). Op cit.

There can be multiple proceedings within one case	These arise due to amended proceedings, cross or counter claims and/or a new proceeding record for a notice of motion, directions and/or costs hearing. Each proceeding may have different items recorded for fields such as matter type. A people-centred perspective should aim to focus on the substantive case, as multiple proceedings may be an artefact of case management rather than reflect case experience. Identifying the main proceeding relating to the substantive matter/case may also assist with comparisons between court jurisdictions, as these may have different approaches to managing, or at least recording, multiple elements of a case.
Not all institutions use the same, or well understood, definitions of matter/case types	Many jurisdictions will have agreed lists of matter/case types that are intended to apply across jurisdictions. In NSW these are the Uniform Civil Procedure Rules (UCPR). However, individual institutions may, with good intent, vary these or expand on them for their own purposes. Some institutions may, for example, allow 'write in' matter/case types that then don't readily map to existing categories. Some may create new categories, or sub-categories to better reflect the business of their particular institution to assist them in the management of such cases. Amendments may also be driven by access to justice principles. For example, if applicants are required to select their matter/case type from a provided list, these may be renamed from legal nomenclature to plain language and/or regrouped to assist comprehension and form filling. Matters/cases may have to be subsequently reclassified into the correct stream, or list, but the original recorded type could remain unaltered in the data. This can only be determined from engagement with the system users.

Parties can be private individuals, commercial organisations, government bodies or other entities but this information may not be collected in an accessible format	Details of parties to matters are captured primarily for the purpose of communication, with a focus on identifying the key point of contact for a matter. It may not be transparent whether this is, for example, a private individual, a sole-trader, or an individual representing an organisation. Where fees differ by type of entity, information on fee paid may assist in narrowing this down. However, consideration should be given to whether there are incentives to pursue matters in a particular capacity, for example where fees differ for commercial or other types of organisations, or by size of organisation. It may be possible to identify type of organisation from a review of litigant addresses, or a representative sample of these, as we did in the NSW Data Insight reports. This is resource intensive (though potentially assisted in the future by AI).
Each case can have multiple applicants and respondents	Each case may have multiple applicants and respondents, and this may vary during the course of a matter, and for proceedings within the case. Sometimes these are the same entity, for example where a company director makes an application in both their personal capacity and that of their business.
The language of the court may not be meaningful to all stakeholders	The use of terms that are specific to the legal and/or justice system is a barrier to analysis, and also potentially a barrier to access to justice for court users. Where terms cannot be changed, a user-friendly definition and/or explanation should be made readily accessible.
Insurance companies and other organisations may sue in the name of an individual	There are occasions where an individual is named as a party to a matter, but the case is being entirely run by an organisation in their name. For example, insurance companies may lodge matters in the name of their client. In practice, then, these are not matters being run by private individuals, but it may not be feasible to distinguish them in the data.

Information on legal representatives may be captured at specific points within a case but the withdrawal of services may not be recorded	If the court does not routinely flag matters for which a litigant is self-represented, the absence of legal representation may be the only method to assess whether parties are self-represented. This information is generally captured for administrative purposes such as contact details and will only be updated if the registry is notified to do so. Where legal representation is withdrawn during the course of a matter, this may not be captured, with the original details continuing to appear current. A further issue is that it may be challenging to link details of legal representatives associated with a case with the individual parties when there are multiple applicants or respondents. All parties may be represented, or only some.
How to identify non-legal 'representatives'	Some parties will be represented by professionals who, although not lawyers, are experienced in their domain. Examples are property managers leading matters on behalf of landlords against unrepresented tenants and government representatives running matters against other organisations and members of the public. While it is likely pertinent to identify these when assessing the extent to which parties are on an equal footing, it may be challenging to do so in practice if this information is not directly captured by the registry.
The lack of recorded details for a legal representative does not necessarily mean the litigant had no advice	Where parties are assisted pro-bono or by duty lawyers after the commencement of their matter, this may not be captured in data as these details are primarily collected for communication purposes at the point of lodgement. Some organisations, such as government, will have ready access to inhouse legal support, and therefore may not have a legal advisor recorded in the data. Some parties, such as real estate agents, or debt recovery agencies, will have considerable experience of utilising the courts, and will not utilise legal support.

Costs and financial amounts are particularly prone to error and missing data	The accuracy of financial amounts, such as claim amounts and/or awards, may not be relevant to the business of the court, so may not be subject to the degree of quality control that this type of data warrants. For example, decimal points may slip during data entry. A recorded zero may mean zero dollars (as not all matters have a monetisable claim) or may just reflect missing information. Some claims may have been entered in different currencies. Particular caution is required where systems default to a specific value.
Some information may have to be excluded from the data	Some types of matter, such as those involving minors, may have to be removed from the data prior to release. Some types of proceeding and outcomes may not be included in the data, for example the outcome of cost applications.
The complexity and variability of hearings is hard to capture	Civil matters may be complex and follow multiple pathways. There may be large numbers of interim hearings, the purpose of which is unlikely to be clear in the data. It may not be possible to determine who participated in a hearing or whether it was in-person, remote, or hybrid. Not all scheduled hearings take place, and this isn't necessarily captured.
Events that are not court-ordered will probably not be in the data	Civil matters are private and the courts generally only capture limited information, with a focus on that necessary for court function. For example, court-ordered mediation may be captured as an order, but mediation arranged privately by the parties will not, thus limiting the utility of the data to investigate the use of mediation.

There may little useful information on cases that resolve outside of the court	Where matters finalise outside of the court, information on how the case finalised may not be captured. Many outcomes are described as 'by consent' or involving 'settlement', but the involvement of the court in achieving these can be unclear. Further, there is unlikely to be any information on whether the parties themselves perceived the outcome in this way, and the extent to which there was any compromise.
Cases may be recorded as closed when they are not	When an outcome is of a type that the management information system recognises as one that could finalise a matter, the case may be automatically recorded as 'closed' whether it has actually finalised or not. This may, for example, result from a finalising outcome being recorded for one proceeding in a case with multiple proceedings.
Cases close in multiple ways and different courts of jurisdiction and venues within these may use different terminology to record types of outcome	Not all matter/case outcomes are court determined. Some outcomes are determined by the applicant, such as the 'withdrawal' of a case. Some by the respondent, such as the failure to defend a claim triggering a 'default judgment'. Some outcomes are administrative, such as 'transferred', or 'case closed'.
It is not straightforward to determine outcomes from data on orders. Judicial transcripts may need to be consulted.	Where orders are made, the potential range of these in some areas of law may undermine their accurate and/or complete capture in the data, for example, where, for pragmatic reasons, a generic order category of 'other' is available to those entering the data. Where parts of a matter are dismissed, but other parts succeed, the data may not adequately capture this. Similarly, it may not be possible to discern where orders are made that differ from the orders requested in the original application.

Case closure may be automated or done in manual batches. This may affect recorded case length.	The date a case concludes is not necessarily well captured. Some proceedings may continue after final orders have been made, for example to determine cost applications. Some systems may use an algorithm to close cases that have remained inactive for a set period of time. This can introduce errors where the algorithm draws on incorrect information or the specifics are too complex or unique to be automated. Where cases are closed manually, this is often done in batches, say once a month or once a quarter. All cases in the batch will be given the same close date, which could impact the calculation of case length.
Some cases transfer to other venues	Where a closed case does not appear to have reached a conclusion, this may be because it was transferred to another venue. Some may have transferred out of the court or state of jurisdiction. For those that remain within the jurisdiction there may or may not be a mechanism to link the new proceeding to the original matter. Where venues or courts of jurisdiction are being analysed separately, whether or not the work to link to a matter in another venue/court, is justified will depend on the purpose of the investigation and the proportion of such cases.
The way cases are dealt with by the court affects how the data is held, what information is recorded and may also be relevant to outcomes	For example, some matters may be actively case managed, but others not. Defended claims are run differently to undefended ones, though even where matters later become defended, they do not necessarily lose their original categorisation in the data. Similarly, liquidated claims (where the amount of damages is already agreed), may be handled differently from unliquidated (where the amount of the claim is in dispute).

NOTE

These issues have primarily been identified from the Foundation's interrogation of 2015-2018 court data, supplemented by the relevant literature. As the Foundation's court data analysis was conducted a decade ago, these issues may no longer be relevant. They should not be interpreted as a critique of any existing civil justice data system.

ANNEX B – International perspectives and resources

Guidance on defining indicators and other measures in support of people-centred justice data collection, analysis and interpretation, is provided in the following international sources.

International Framework for Court Excellence

Australia is a world leader in its use of data to support the International Framework for Court Excellence, which encompasses a shared understanding of the features of an efficient and effective court and tribunal system.[51] [52] [53]

The seven original areas of excellence were[54]:

- Court leadership and management,
- Court planning and policies,
- Court resources (human, material and financial),
- Court proceedings and processes,
- User needs and satisfaction,
- Affordable and accessible court services, and
- Public trust and confidence.

In 2020, these were updated by a leadership team with Australian representation, into 11 global measures of court performance. These are outlined in Box B.1 and are actionable measures associated with the excellence outlined in the framework.[55]

No doubt reflecting the intent for wide international applicability, the framework does not distinguish between civil and criminal courts, though the guidance for measurement recognises the importance of distinguishing between case types. Individual jurisdictions are encouraged to adopt and disseminate these measures as a mechanism of international leadership in court excellence.

The International Framework for Court Excellent reflects the objectives of people-centred justice in its prescribed core values of equality, fairness, impartiality, independence, competence, integrity, transparency, accessibility, timeliness and certainty. The Framework could therefore be considered as a tool to mainstream the principles of people-centred justice into the courts by adopting a more user-focused approach.

51 Source (referenced March 2025) https://www.courtexcellence.com/resources/the-framework. This link is not functional July 2025. Content may be moved to www.ncsc.org in due course.

52 Source (referenced March 2025) https://www.courtexcellence.com/members/current-members. This link is not functional July 2025. Content may be moved to www.ncsc.org in due course.

53 Richardson E, Spencer P and Wexler D (2016). The International Framework for Court Excellence and therapeutic jurisprudence: Creating excellent court and enhancing wellbeing. Journal of Judicial Administration, Vol 25, page 148.

54 Preston BJ (2010). Implementing the International Framework for Court Excellence: The experience of the Land and Environment Court of New South Wales. Presentation Asia Pacific Courts Conference Singapore October 2010.

55 International Consortium for Court Excellence (2020). Global Measures of Court Performance. Third Edition. Sydney, Australia: Secretariat for the International Consortium for Court Excellence.

International Framework of Court Excellence: Global measures of court performance

1. Court user satisfaction with procedural justice
2. Average court fees for civil matters
3. Case clearance rates
4. Disposal of cases within established timeframes
5. Duration of pre-trial custody
6. Backlog of cases beyond established timeframes
7. Trial date certainty
8. Employee engagement as measured by survey questions on passion, commitment and discretionary effort
9. Compliance with court orders measured by payments collected as a proportion of penalties ordered
10. Average cost of resolving a court case disaggregated by level and location of court and case type

European Commission for the Efficiency of Justice (CEPEJ)

The CEPEJ aims to improve the efficiency and function of justice of the 46 European member States of the Council of Europe.[56] It has been collating justice-related quantitative and qualitative data since 2010 and disseminates this information via dashboards and annual reports.

Court administrative data is utilised in published indicators of efficiency and quality, presented for each of 'civil and commercial', 'criminal' and 'administrative' cases. These indicators include a 'clearance rate (CR)', defined as the number of commencing and finalising cases within a set time period, and the duration of cases as 'disposition time (DR)'.[57]

Other indicators identified as 'measures of quality' include an 'efficiency rate (ER)' which is defined as the ratio of outputs (decisions, proceedings etc) to the number of people that produced that total output; and, the 'held appeal rate (HAR)' – the number of appeals that confirm the original decision divided by the number of appeals submitted in the time reference period.[58]

OECD Access to Justice and People-Centred Justice Systems

The OECD has strongly advocated for and developed the concept of people-centred justice, emphasising the need to place individuals and their legal needs at the heart of justice systems. This approach involves designing and delivering justice services that are responsive to the

56 European Commission for the Efficiency of Justice. Source: https://www.coe.int/en/web/cepej/about-cepej.

57 Council of Europe (2024). European judicial systems CEPEJ Evaluation Report: 2024 Evaluation cycle (2022 data). Council of Europe.

58 European Commission for the Efficiency of Justice. Source: https://rm.coe.int/european-commission-for-the-efficiency-of-justice-cepej-measuring-the-/1680747548#_Toc461720515.

perspectives and experiences of people, particularly the disadvantaged and otherwise, and ensuring that justice systems are accessible, inclusive, and effective.[59]

The OECD Framework for People-Centred Justice is based on the four pillars described in the Box below. These are supported by Good Practice Principles that contribute to these objectives.

OECD Framework for people-centred justice[60]

Pillar 1 *Designing and delivering people-centred services* focuses on the design, establishment and maintenance of justice service delivery. It highlights the need to identify citizens' justice needs and what works for each group in society, as well as how to deliver accessible services, including for the most vulnerable groups.

Pillar 2 *Governance enablers and infrastructure* concerns the role of government and other key justice actors in establishing justice systems that are accessible and ensure that citizens' justice needs are effectively addressed. It includes approaches to establish whole-of-government engagement, foster access to technology and data, drive justice system simplification and seamless case referrals, and maintain people-centred innovation.

Pillar 3 *People empowerment* focuses on the importance of strengthening people's capabilities on both sides of the justice service delivery system. On the one hand, it considers how to empower people by raising their legal literacy and awareness, and the co-design of justice services. On the other, it recognises the need to develop capabilities of those working in the justice sector.

Pillar 4 *Planning, monitoring and accountability* pivots around the role of justice data in establishing and maintaining evidence-based mechanisms to support decision making, delivery and monitoring of people-centred justice services.

Drawing on the experience in England and Wales (see below), the OECD has also published practical guidance and examples for using data in support of access to justice objectives,[61] and an assessment of the requirements for data governance to effectively harness the potential for data in delivering people-centred justice.[62]

Justice Action Coalition

The Justice Action Coalition is an alliance of countries and organisations that champions equal access to justice, with the goal of measurable progress in justice outcomes by 2030.[63] Australia is not currently a member.

There are four work streams:

- Data and evidence: to develop a robust measurement framework on people-centred justice and strengthen the business case for justice.
- Strategy, programming and innovation: to support strategic and innovative people-centred

59 OECD (2021), OECD Framework and Good Practice Principles for People-Centred Justice, OECD Publishing, Paris.

60 Reproduced from OECD (2021). Op cit. Page 11.

61 OECD (2024). Measuring and improving access to justice in court services: Learning from the United Kingdom's experience. OECD Public Governance Policy Papers No 60, OECD Publishing, Paris.

62 Byrom N, Piccinin-Barbieri M and Wells P (2024). Towards effective governance of justice data. OECD Working Papers on Public Governance No. 74. Paris: OECD.

63 Justice Action Coalition. Source: https://www.sdg16.plus/justice-action-coalition/.

justice initiatives at the national level.

- Communication, narrative, and connection to the SDGs: developing a shared vision and coherent joint narrative on how justice is connected to sustainable development.
- Justice financing: facilitating a shared understanding on how governments and donors can effectively finance people-centred justice.

The alliance supports leadership on people-centred justice through events, blogs, interviews and links to reports such as those of the World Justice Project (see below). The emphasis is on assisting in the design of data-driven, evidence-based programs tailored to their context.

World Justice Project

The World Justice Project (WJP) is a leading advocate for the use of data in the design and delivery of people-centred justice services. Founded as an initiative of the American Bar Association, the World Justice Project is now an independent organisation with international coverage, perhaps best known for its Rule of Law Index which rates over 140 countries on justice related measures drawn from surveys of local experts and general population polls. While these surveys are seen to correct for an over-reliance on administrative data, the WJP recognises that broadening the use of administrative data is an important complementary strategy to strengthen justice data ecosystems.[64]

Hague Institute for the Innovation of Law

Hague Institute for the Innovation of Law (HiiL) is an organisation dedicated to ensuring that justice is accessible, affordable and easy to understand.[65] It collaborates with justice providers, including government departments and the courts, to identify innovative solutions to resolving legal disputes. Based in the Netherlands, they also work with a number of developing economy countries. Although some of their work programs utilise formal justice system data, currently their focus is on utilising population-wide survey data to assess access to justice.

Examples of jurisdictional level initiatives

England and Wales

In 2016, HM Courts and Tribunals Service (HMCTS) launched an ambitious portfolio of reforms aimed at reducing complexity and providing new ways for users to engage with the system, including online. In this context, Dr Byrom of the Legal Education Foundation was commissioned by HMCTS to provide recommendations for a data strategy to support the delivery of access to justice.[66] Dr Byrom's recommendations identified the importance of collecting, analysing and sharing court data, not only to confirm the impacts of reform were as intended but to build trust in reformed processes.

With the UK imposing an equality duty that requires public bodies to assess the impact of reforms on members of the community with specific 'protected characteristics', including age, disability, race, religion and sexual orientation, the absence of such data outside of the criminal courts was a particular focus of Dr Byrom's recommendations. HMCTS responded by rolling out

64 Chapman P et al (2021). Grasping the Justice Gap: Opportunities and challenges for people-centred justice data. Washington, DC: World Justice Project.

65 HiiL. Source: www.hiil.org.

66 Byrom N (2019) Digital Justice: HMCTS data strategy and delivering access to justice. London: The Legal Education Foundation.

the collection of user data through both digital and paper collection means.[67]

In delivering its reform agenda, HMCTS continues to prioritise the value of data in evaluating reform and supporting access to justice.[68] Since the Byrom review, HMCTS has developed an analytical framework with which to assess specific proposals against the imperative of access to justice. This comprises a series of research questions for four defined areas: access to the formal legal system, access to a fair and effective hearing, access to a decision, and access to a remedy.[69] Drawing on the data that is now collected on users, access to justice assessments have been published for matters of probate, divorce and online civil money claims.[70] These reports include a profile of court users, outcomes by court user characteristics and access to justice barriers including levels of contact, complaints and assessments of user experience, including delays and informational barriers.

In 2023, the UK Ministry of Justice (MoJ) launched a consultation on open justice and transparency 'Open Justice: the way forward'.[71] While the call for evidence noted that "improving access to data is essential to improving the public's understanding of and confidence in the justice system and to enabling innovation" it recognised that this had to be balanced against the "risks of misuse and the impact [that could] have on the administration of justice, the independence of the judiciary and public confidence in the justice system".[72] Purposes of data re-use provided in responses included "user-journeys, the functioning of the system and how the system services people going through it".[73] Responses also identified the extent of barriers to justice data, including unclear and inconsistent access procedures, a lack of knowledge about what data is collected, and the absence of clear and consistent information on format, structure and data definitions.[74]

A 2023 Institute for Government report highlighted the significant challenges facing the justice system in its use of data, including widespread gaps, poor quality, and fragmentation across institutions.[75] Despite efforts to digitise and reform, data often failed to inform policy due to political or ideological resistance, and was either too scarce or disorganised. The complex web of data owners, each with differing priorities and inconsistent data practices, was a challenge to reform. Successful initiatives demonstrated the value of clear strategies, senior leadership support, effective data sharing, and cultural shifts toward valuing data. Recommendations included: a coordinated, system-wide data strategy led by the MoJ; improved integration between policy and analysis teams; clearer data access protocols; and greater engagement with external researchers and stakeholders to drive meaningful reform.

In 2024, the Nuffield Foundation published a report by Dr Byrom that identified over 80 evidence gaps and research priorities that are hindering effective access to justice reform in England

67 HM Courts & Tribunals Service (2020). Making the most of HMCTS data: HMCTS' full response and update to Dr Byrom's recommendations. London: HMCTS.

68 HM Courts & Tribunals Service (2021). HMCTS Data Strategy: Our vision and plan for a data-driven courts and tribunals service. London: HMCTS.

69 HM Courts & Tribunals Service (2024). Assessing access to justice in HMCTS services – November 2023. Corporate report. London: HMCTS.

70 HM Courts & Tribunals Service (2024). Op cit.

71 Ministry of Justice (2025). Call for evidence document: open justice, the way forward. Consultation outcome. London: Ministry of Justice.

72 Ministry of Justice (2025). Op cit. Data access and reuse.

73 Ministry of Justice (2025a). Call for Evidence: Open Justice, the way forward – Summary of Responses. London: UK.

74 Ministry of Justice (2025a). Op cit. Pages 46-47.

75 Pope T, Metcalfe S and Freeguard G (2023). Doing data justice: improving how data is collected, managed and used in the justice system. London: Institute for Government.

and Wales.[76] This report echoed the recommendations of the Institute of Government report, observing that while the cost of reform is substantial, the consequences of inaction – measured in financial, constitutional, and human terms – are far greater.

United States of America

The Bureau of Justice Statistics (BJS) at the Department of Justice is the primary federal agency supporting the use of court data. In recent years the focus has been on the criminal and related courts. However, a 2024 report from the Legal Aid Interagency Roundtable in 2024, which advocated for access to justice through data and research, notes that the BJS re-launched its Civil Justice Survey of State courts in 2024, to rebuild its state and local civil court case collection.[77]

America's Legal Services Corporation (LSC) engages in research and data collection on civil legal needs.[78] LSC's Civil Court Data Initiative began 2019, originally to determine how real-time civil court data could inform legal aid provider's response to changing local legal needs. This database now includes over 30 million records from 30 states.[79] Various resources have been developed from this data, including an eviction tracker which provides a multi-year visualisation of eviction filings. A similar tool for debt collection cases is in planning.[80]

The National Centre for State Courts (NCSC) provides research and consultancy support to judicial officers across the USA, and internationally. As well as collating caseload data from the courts of the 50 states, it actively encourages the use of data analytics at individual court level, in support of effective case management and access to justice.[81] Introduced in 2005, its *CourTools* provided all courts a common set of ten indicators and well defined methods to measure performance, that drew on both administrative and survey data.[82] More recent resources include those on web scraping, data storytelling, data governance and data linking.[83]

76 Byrom, N (2024). Where has my justice gone? Current issues in access to justice in England and Wales. London: The Nuffield Foundation.

77 Legal Aid Interagency Roundtable (2024). Access to Justice through data and research: a people-centred approach to evidence-based policymaking by the federal government. US Department of Justice: Washington.

78 Legal Services Corporation (LSC). Source: https://lsc.gov/research-data.

79 Legal Services Corporation (LSC). Source: https://civilcourtdata.lsc.gov/.

80 Legal Services Corporation (LSC). Source: https://civilcourtdata.lsc.gov/.

81 National Centre for State Courts. Source: https://www.courtstatistics.org/.

82 National Centre for State Courts (2005). CourTools: Giving courts the tools to measure success. Williamsburg, VA: USA. Accessed March 2025, not available at July 2025. For current information on this project, see https://www.ncsc.org/our-centers-projects/courtools.

83 National Centre for State Courts: data dive webinar series. Source: https://vimeo.com/showcase/11461464.

CourTools: Ten measures[84]

1. **Access and fairness**: a survey measure of satisfaction with ability to make use of the court's dispute resolution services and how the legal process dealt with the issue
2. **Clearance rates**: a measure of court productivity assessing incoming flow of cases against finalisations
3. **Time to disposition**: elapsed time from lodgement to finalisation of the case
4. **Age of active pending caseload**: this is to ensure that more problematic cases aren't allowed to continue aging, to inappropriately benefit Measure 3
5. **Trial date certainty**: hearings that proceed as scheduled
6. **Reliability and integrity of case files**: decisions are correctly recorded and records can be expeditiously retrieved
7. **Collection of monetary penalties**: court takes responsibility for the enforcement of monetary penalties
8. **Effective use of jurors**: effective management of jury service
9. **Court employee satisfaction**: a survey measure of employee perspectives on the quality of the work environment
10. **Cost per case**: data to inform assessments of cost-effectiveness

In support of data utilisation NCSC has developed National Open Court Data Standards (NODS), the purpose of which is to make case-level data from state and local courts available to researchers, policymakers, legislators, the media and the public. This is intended to support public confidence through transparency in court operations, to support quality policy development, and reduce the burden on the court system of managing data requests. The resource includes guidance on mapping administrative court data fields onto a set of consistently defined NODS values.[85] Specific data elements are recommended by case type, with these currently available for criminal, family, domestic violence, and guardianship & conservatorship.[86]

Resources aimed at leadership include[87]:

- **Considerations for implementing NODS**: support on collaboration, creating an inventory of existing data, identifying potential additional data requirements, and monitoring data quality
- **Getting started with NODS**: tools, templates and technical support to equip courts with guidance to apply the relevant standards.

Pacific Islands

The Pacific Judicial Strengthening Initiative is funded by the New Zealand government and implemented by the Federal Court of Australia.[88] Its aims are to strengthen court leadership and increase the accessibility, responsiveness, fairness and efficiency of court services across the 15

84 Source: National Centre for State Courts (2005). Op cit.

85 National Centre for State Courts (2020). National Open Court Data Standards NODS: User guide. Accessed March 2025 at www.ncsc.org/NODS. Not available at July 2025. For current information, see: https://www.ncsc.org/our-centers-projects/national-open-court-data-standards.

86 These can be accessed from National Open Court Data Standards. Source: https://www.ncsc.org/our-centers-projects/national-open-court-data-standards.

87 National Open Court Data Standards: a leadership guide (undated). Source: https://www.ncsc.org/resources-courts/national-open-court-data-standards-leadership-guide

88 Pacific Judicial Strengthening Initiative. Source: https://www.fedcourt.gov.au/pjsi/about-us.

Pacific Island Courts.

A 2018 strategy paper proposed a court performance planning and measurement framework, building on the existing Cook Island Indicators and incorporating some of the components of the International Framework for Court Excellence.[89] Among other objectives, the proposed framework is intended to provide a comprehensive picture of court performance, mitigate poor performance through monitoring, support forward planning, and provide visibility of external stakeholders of commitments to improvement. Significantly, the proposals include the recommendation of disaggregating measures by features, such as the sex, age and disability status of participants, and location of venue. The strategy paper includes a comparison of the USA's CourTools, and the Cook Island, CEPEJ, and WJP justice and court performance indicators.[90]

89 O'Brien (2018). Court Performance Planning and Measurement Strategy Paper. Pacific Judicial Strengthening Initiative.

90 O'Brien (2018). Op cit. Pages 13-15.

ANNEX C – Examples of people-centred indicators utilising administrative data

Indicator	Main court objective(s)			Considerations
	Efficiency	*Effectiveness*	*Equity*	
Applications				
Profile of applicants/respondents by type of entity and location/ demographics/matter			✓	• Does the profile of litigants broadly match that of the community served by the venue, taking into account matter type? • Are there potential litigant groups which dominate, and others that are under-represented?
Uptake (digital vs paper vs other) and completion (drop-out rates) by lodgement mode and by litigant profile	✓	✓	✓	• How does the uptake of alternative application modes vary by applicant profile? • Do online services create a barrier of access and a less effective user experience for some litigant types? • How long to online applications take to complete from first opening? How does this vary by applicant profile? • Can systems be amended to increase efficiency of completion rates?
Rate of lodgements requiring additional information/error correction	✓	✓	✓	• Do lodgement procedures respond effectively to the diversity of litigant needs to facilitate access to the courts? • Are comprehensible lodgement procedures supporting court efficiency and a positive user experience? • Commencing a case is a prerequisite of an effective dispute resolution mechanism

Indicator	Main court objective(s)			Considerations
	Efficiency	*Effectiveness*	*Equity*	
Concession fee applications/ approvals by litigant profile			✓	• Does the rate of concession applications across physical venues reflect what is known about the local communities? • What is the quality of applications and how does this vary by applicant profile? • Does the profile of successful concession fee litigants suggest some groups are advantaged/disadvantaged when applying?
Court user experience				
Rate of uptake of court guidance services and accessing of support options by litigant type	✓	✓	✓	• Provision of court-based guidance may facilitate right first-time court user actions • Provision of services targeted at infrequent court users may support more equitable access to court and a level playing field of litigant experience
Proportion of litigants with legal or professional representation by litigant type	✓	✓	✓	• Monitors access to legal advice • Measures the extent to which there is a level playing field by identifying any imbalance in the use of representatives by applicants and respondents • May impact hearing length • May impact just outcomes
Rate of successful applications for interpretation services by outcomes and by litigant type			✓	• How does the rate of interpretation services vary across jurisdictions and physical venues, and does this reflect what is known about the local communities? • Is the provision of translator and interpreter services facilitating equitable access to justice?

Indicator	Main court objective(s)			Considerations
	Efficiency	*Effectiveness*	*Equity*	
Average (and range) of time from lodgement to first hearing by litigant type	✓	✓		• Are there drivers of matter length that could be addressed through changes to court procedures, at least for some litigant types? • Can the court user experience be enhanced by amendments to procedures that improve perceptions the responsiveness of the service?
Notices and orders sent promptly following hearings/decisions	✓	✓		• Can procedures be amended to improve timely receipt and facilitate litigant case management? • To what extent do actual average timelines meet the expectations of court users?
Adherence to optimal time gaps between key stages	✓	✓		• Is sufficient time allowed between key stages (document filings, hearings etc.) to allow litigants to respond/prepare but avoid undue delay? • Do the actual average time gaps meet the expectations of court users?
Time commitment – average days and range of days to matter completion by litigant profile	✓			• What are the drivers of time commitment and to what extent are these related to matter and litigant type? • Are there opportunities for alternative case management of some matter types at some venues to reduce time commitments? • How can this information be most usefully shared with potential litigants to support informed decision making?
Proportion of notices and orders that result in enquiries from recipients by litigant profile	✓	✓		• Are all notices and orders understood first time? • How does this vary by litigant profile? • If not, how is this affecting court efficiency? • Can the comprehensibility of documents be improved to positively impact court user experience and support sustainable resolution?

Indicator	Main court objective(s)			Considerations
	Efficiency	*Effectiveness*	*Equity*	
Time taken to respond to notices by litigant profile	✓	✓	✓	• How does the time taken to respond (where required) to notices vary by litigant profile? • Would some litigants benefit from targeted support to facilitate an effective and efficient court experience?
Document filings provide the necessary information in the correct format	✓			• What is the error rate on document filings? • How does this impact efficient case management and court resources?
Hearings				
Rate of hearings per matter by matter and litigant profile	✓		✓	• What are the drivers of number of hearings? • Can this information be used to minimise hearings per matter and thus reduce litigants' burden and costs?
Rate of attendance by litigants at hearings by matter and litigant profile		✓	✓	• How does attendance vary by litigant profile? • Does attendance by litigants at hearings impact court decision making? • Does low rate of attendance indicate barriers of access for some litigant types?
Uptake of online hearings: access of litigants to appropriate technology; dropouts, audibility and visibility during hearings by litigant profile	✓	✓	✓	• How does uptake vary by location of litigants and type of matter? • Are there some matters for which online hearings are less efficient than in person? • What impact on effectiveness does it have when hearings encounter technical barriers? • How does the litigant experience vary by digital literacy?
Distance from place of residence to venue of in-person hearings/ access to online hearings by litigant type	✓		✓	• Where are venues most appropriately located to facilitate physical ease of access for in-person hearings? • Are there groups of litigants for whom alternative arrangements could be made?

Indicator	Main court objective(s)			Considerations
	Efficiency	*Effectiveness*	*Equity*	
Rate of hearings scheduled that proceed and reasons for cancellation	✓			• Do cancellation and delays highlight opportunities for improved management of some litigant groups / types of matter?
Outcomes				
Outcomes by mode of lodgement and/or hearings, by litigant profile		✓		• Do court procedures inadvertently have an impact on outcomes for some groups of litigants?
Rate of case discontinuance by litigant profile		✓	✓	• How do rates, timing and reasons for discontinuance vary by type of matter and type of litigant and does this have implications for equitable access to justice? • Can the court collect information from the litigants to better understand the reasons for discontinuance?
Uptake of mediation/settlement/ ADR and rate of associated finalisation by matter type and litigant type	✓	✓	✓	• How does the uptake vary by litigant profile? • What does this suggest about equitable access to fair outcomes? • Do alternative methods of resolution increase or decrease resource time commitments and costs for litigants? • Does this vary by matter type and for some litigant groups?
Average time (and range) from final hearing to case finalisation (including judgment)		✓		• Does this vary as expected by case complexity? • How does it align with litigant expectations? • Is the impact and sustainability of final outcome enhanced by prompt judgments?
Average value of claims, amounts awarded in outcomes, and cost of litigating claims, by litigant profile		✓		• Does the value of claims vary as expected by litigant profile? • How can this information support financially informed decision making by potential litigants?

Indicator	Main court objective(s)			Considerations
	Efficiency	*Effectiveness*	*Equity*	
Rate of compliance with outcome and/or rate of enforcement applications		✓		• How sustainable are court outcomes? • How can this information support financially informed decision making by potential litigants?
Rate of appeals and rate of unsuccessful appeals		✓		• How sustainable are court outcomes? • How can this information support financially informed decision making by potential litigants?
Strategic and policy related				
How aligned are court user expectations with experience?		✓	✓	• How do litigant expectations on factors such as: time taken to finalisation and the probable range of outcomes, match the data for matters such as theirs? • Where there are notable discrepancies, how can public information and civil justice education be enhanced in the community?
What is the overlap between court lists and/or criminal civil and family areas of law	✓	✓		• To what extent do court users have multiple contacts with different parts of the court system? • What are the sequential pathways of these? • Does this information identify opportunities for human service interventions with broader policy related benefits?
What is the extent of court users being involved with multiple matters at the same venue?	✓	✓	✓	• Who are the litigants that have multiple court contacts with the same venues, and how can they be categorised, differentiating between applicants and respondents? • To what extent do repeat court users have different pathways and outcomes from infrequent users? • Can this information identify opportunities for broader system reform?

Indicator	Main court objective(s)			Considerations
	Efficiency	*Effectiveness*	*Equity*	
Changing profile of lodgements by matter and litigant type	✓	✓	✓	• Do unexpected trends in specific matter types and/or litigant groups identify opportunities for legislative or procedural intervention? • Can this information support a more strategic approach to people-centred justice which may have reach beyond the courts?
Identifying outliers and what characteristics of litigants and matters are related to outliers of different types	✓	✓	✓	• Most indicators listed above are monitored through averages and ranges. However, identifying the nature of matters that fall outside the normal range can provide useful insights that support mechanisms to intervene through appropriate and early case management and other initiatives

NOTE

1. This is not intended to be an exhaustive list. Some measures will not be relevant for some venues or courts of jurisdiction. Court administrators and judicial officers are best placed to determine which indicators are of most relevance and value for their venue/court, and which are best measured by administrative data rather than through alternative means.

2. The value of these indicators is likely to be enhanced if they are disaggregated by relevant factors, including party/litigant type (distinguishing types of organisations from private individuals), venue/location, matter group/list, case complexity/case management. Equity related measures would particularly benefit from further disaggregation by litigant characteristics such as age/gender, disability status, English proficiency, working and family status. Where this type of information is not routinely collected, a one-off survey that is linked to administrative data may be a useful approach.

ANNEX D - Implementing a purpose driven data infrastructure

Operationalising the use of administrative court data in support of people-centred justice should address a number of practical considerations which are outlined in this Annex.

Is the data fit for purpose?

A mapping exercise can assess what data is required to address priority data insights, and whether the necessary data is currently collected or not. It should also assess the limitations of collected data and any known data quality concerns. Specific issues include:

- Data quality will vary by how it is collected, for what purpose, and who entered it.
- Data fields crucial to the effective management of courts, such as hearing dates, will tend to be of greatest accuracy.
- For missing data items, or missing details, it may be feasible to amend systems to mandate data entry for some fields, although limiting flexibility is generally unhelpful when it isn't feasible to predict all eventualities.
- Descriptive data fields that allow for written entries, rather than the selection of one or more pre-set options, allow for more flexibility but are resource intensive to complete and interrogate.[91]
- Dates and financial amounts are particularly prone to data entry errors. Where these are prevalent, it may be feasible to build in 'alerts' to require entries to be checked at the point of entry. This is particularly relevant for online forms that are completed by the parties to matters.

This type of intelligence should be noted in documentation (see below). A mapping exercise can also identify where there are data items collected for which there is no discernible purpose. Data collection that is not used to support case management, court administration, or inform access to justice is an unnecessary burden on the system and its participants.

These mapping exercises may be helpfully informed by stakeholders and expert advisors, potentially convened into a regular advisory group. Such a group may provide leadership on data enhancement, data governance and input to data access requests (see below).

Data interpretation

Investing in documentation that describes the data collected, and what it means (and, equally importantly, does not mean), is not only essential for business continuity, but also efficiently supports the appropriate use of the data by analysts, judicial officers and policy/strategy leads. Documentation in the form of data dictionaries provides information about individual data items, such as how and why they are collected, what values they can take and their interpretation. Ideally those responsible for entering data items into the system should be consulted and given the opportunity to comment on the validity of proposed dictionary definitions. Those that enter or oversee the entry of data are an important source of information on the caveats to its use.

The Australian Bureau of Statistics Census Dictionary provides a good example of how to effectively present this type of information.[92] The UK Ministry of Justice publishes guides to

91 However, in due course, AI tools are overcome the resource constraints of interrogating large volumes of text.

92 https://www.abs.gov.au/census/guide-census-data/census-dictionary/latest-release

civil justice statistics, which provide discursive definitions of key data items, caveats and data limitations, data sub-categories, and notes to aid data interpretation. Earlier versions[93] are more detailed in some areas than more recent ones[94].

Data leadership and resourcing

The seniority and visibility of data leadership reinforces the perception that data is valued as an essential component of the quality-of-service delivery, rather than purely as a necessary, if burdensome, administrative process. This role requires both data champions and data leads. Data champions are most appropriately senior policy leads with the authority to command the use of evidence and data in policy development and decision making. Data leads are those with data-related professional expertise who are tasked with oversight of data collection, analysis and reporting.

Data leads will take responsibility for maintaining a proactive approach to liaising with stakeholders. They will also ensure that they understand the meaning of data and its limitations, as well as the business of the court and how data can inform justice operations and strategy.

Specialist technical and compliance skills are required for the governance of large administrative datasets. Co-locating, or virtually networking, data teams across venues can provide the interaction and professional input to support a quality service provision. There may be merit in separating responsibilities for regular business reporting from those for ad hoc reports and analysis, as otherwise – understandably – the former is always likely to take priority over the latter. Ideally the latter team would be actively encouraged to explore and question the data with an eye to future data improvements and insights.

Data system development

Jurisdictional requirements will dictate the functionality of data systems and the standards for data security. Updating data systems is complex and resource intensive, so there may be limited opportunities to amend these once specified. Specific considerations for utilising data systems for the purpose of data insights include:

- the adoption of unique identifiers for matters and parties to assist in the linking of proceedings, orders, and enforcement activity back to the original matters and parties,
- some capacity to limit the necessity to over-write existing data fields as new information is added about a matter or litigant. This should become more feasible with the costs of data storage decreasing, and
- resource-light methods for excluding 'identifying and protected' information from dataset fields, such as the names of children, to facilitate data sharing.

Data enhancement

Amendments to what data is collected by administrative systems is inevitable as new purposes are identified, and legal and procedural amendments are made. Depending on the system

93 Ministry of Justice (2019). Guide to civil justice statistics quarterly. London: Ministry of Justice. London: Ministry of Justice.

94 Ministry of Justice (2025). Guide to civil justice statistics quarterly: October to December 2024. Accredited official statistics. London: Ministry of Justice. London: Ministry of Justice.

deployed, these may be handled on an ongoing basis or may have to await system upgrades or even replacement. Regular reviews of the data collected could consider whether:

- all data fields are necessary,
- additional data fields would provide a benefit that outweighs the additional data collection burden,
- additional codes, and/or the splitting or merging of existing codes, would facilitate data entry and/or analysis, and
- amendments are required to facilitate consistent data collection across venues and, potentially, courts of jurisdiction.

An ongoing process to record this type of 'wish list' of amendments may also be used to capture the current irritations, confusions, uncertainties and workarounds that can be overlooked in the type of one-off consultation process that occurs during system replacement - a time when other aspects of system functionality are likely to take priority. Consideration should be given to incentivising such reporting at all levels within the court system and ensuring there are no repercussions for so doing.

Data access

Data requests

A range of organisations may from time-to-time request access to civil justice data. These could include academics, research professionals, journalists, consumer groups and commercial businesses. Their purpose will vary, and some requests may best be handled by undertaking the requested analysis internally, subject to available resources. An effective data infrastructure will assist in managing these requests.

Arrangements for data access beyond the court requires some form of regulation, to ensure data users are efficiently provided with the most appropriate data to meet their requirements and agree to manage the data according to court protocols. To reduce the risk of data misuse, such protocols might include:

- Requiring an outline of the purpose of the request and the type of analysis to be undertaken
- Seeking assurances that the applicants have the necessary skills and expertise to interrogate and interpret the data
- Confirming that funding and any necessary ethics approval is in place, or will be sought
- Requiring the anonymisation and aggregation of data, including the non-release of analysis that pertains to small case numbers
- Requesting prior notice of the publication or other dissemination of products based on court data
- Confirmation that recipient information technology conforms with data security requirements.

It may be most efficient for applications to be submitted via an online portal, covering all venues within all courts of jurisdiction. This is also likely to be most appropriate when applications will be decided by some form of committee and/or with input from a centralised research/data team. HMCTS in the UK, for example, requires a summary proposal to be submitted by email to a Data Access Services Team prior to a formal application to a Data Access Panel.[95]

95 HM Courts and Tribunals Service (2021). Guidance: Get access to HMCTS data. Source: https://www.gov.uk/guidance/access-hmcts-data-for-research.

Data transfer

Consideration should also be given to the logistics for secure dataset transfer to approved users. It is unlikely that data can be fully anonymised, and in any case details of parties may be required for some analysis. At a minimum, therefore, data should be password protected and potentially encrypted.

An alternative to transferring datasets is a Data Lab arrangement, whereby accredited users access datasets by way of a portal and conduct analysis within the portal. This facilitates keeping datasets and associated documentation up to date and ensures that datasets aren't further disseminated beyond those that have been accredited to access them.

Given the costs of such arrangements, an external host might be required. The Australian Bureau of Statistics has such infrastructure in place, but this does not currently include any civil court data.[96] In the UK, the Office for National Statistics Secure Research Service provides access to accredited researchers to a de-identified dataset which contains information about all civil cases heard in the County Court and cases of property repossession.[97]

Metadata

Regardless of how datasets are transferred, they should be accompanied by sufficient information about the data to mitigate the risk of misuse. This is likely to include:

- The syntax used to undertake the data extract, including what matters are included/excluded and the date range deployed.
- The most current version of the data dictionary providing a list of the valid values for each data field, and what these each mean.
- Guidance for analysis. This should include known issues with the data and how to avoid misinterpretation. Applicants should be encouraged to provide feedback to add to future versions of this document.
- Where available, listings of previous publications/products based on the data. This avoids duplication and can also provide useful sense-checks for new analyses. Requiring data users to submit their own products to this list can provide a useful ongoing resource of court data insights.

96 Australian Bureau of Statistics. Source: https://www.abs.gov.au/statistics/microdata-tablebuilder/datalab.

97 Administrative Data Research UK (2023). New insight into the civil justice system enabled by data shared by Data First. London: ADRUK.

Supporting people-centred justice insights with civil justice data
Justice Issues No. 38
Catriona Mirrlees-Black

ISBN: 1834-7266

Law and Justice Foundation of New South Wales
PO Box A109 Sydney South NSW 1235
Ph: +61 2 8227 3200
publications@lawfoundation.net.au
www.lawfoundation.net.au
© Law and Justice Foundation of New South Wales, 2025

This publication is licensed under CC BY-NC 4.0. To view a copy of this license, visit **https://creativecommons.org/licenses/by-nc/4.0/**.

LAW AND JUSTICE FOUNDATION OF NEW SOUTH WALES