



Ministry  
of Justice

## **Civil Court User Survey**

Findings from a postal survey of individual claimants and profiling of business claimants

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# 1. Summary

## 1.1 Key findings

The 2014-15 Civil Court User Survey (CCUS), comprising a postal survey of individual claimants and a profiling exercise of business claimants,<sup>1</sup> provides robust information on the characteristics and experiences of civil court claimants in England and Wales.

Most civil court cases in England and Wales involve claims for money: these may be **specified** (claims for a specific amount, such as unpaid debt) or **unspecified** (where the precise value of the claim is yet to be decided, such as compensation in relation to personal injuries). Cases may also include claims for **possession** by mortgage lenders and landlords; most often based on either mortgage or rent arrears. A minority of civil court cases involve claims for other remedies, for example injunctions or insolvency.

The study showed that the profile of claims differs between those made by businesses and those made by individuals:

- Businesses were most likely to make specified money claims whereas individuals were most likely to make unspecified money claims.
- Specified money claims made by businesses were more likely to be for a lower value than those made by individuals.
- Claims made by businesses were less likely to be defended or to have a judgment entered (at the point of sampling) than claims made by individuals.

The survey of individual claimants shows that:

- The majority of claimants reported that they would ideally have avoided court action, they had taken some form of alternative action to avoid going to court, and had sought advice on whether or not to make a claim before they did so. These findings suggest that the civil courts are seen as a last resort to resolve disputes.
- The use of solicitors or other lawyers during the claim process varied widely by claim type. Almost all unspecified money claimants used legal representation compared with less than half of specified money claimants. Legal fees were funded on a 'no win no fee' basis for the majority of unspecified money claims.

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<sup>1</sup> The CCUS was developed following recommendations arising from a feasibility and pilot study in 2013. This concluded that a postal survey approach could deliver representative findings for individual claimants. Surveys of other user groups (defendants and business users), however, were not likely to be robust.

- Experiences of the claim process vary for different claim types. Possession cases were most likely to have the outcome decided at court by a judge, whereas specified and unspecified money claims were more likely to be settled out of court.
- The majority of claimants did not have contact with court staff. Where contact had occurred, most claimants had positive perceptions of court staff.
- Overall, the majority of claims were concluded in favour of the claimant, suggesting that individual claimants tend to use the system appropriately for meritorious cases.

The profiling exercise of VAT-registered businesses showed that the characteristics of businesses involved in different types of claims varied, with possession claims being more likely to be issued by larger businesses, businesses with higher turnover and those with more local units.

A fuller summary of the report follows.

## 1.2 Method

The sample for the study was selected from the HM Courts & Tribunals Service (HMCTS) case management system, CaseMan. CaseMan does not identify whether a claim relates to a business or an individual. The selected sample therefore covered claims of both types and a number of stages were then required to identify business and individual claims separately.

An initial sample of 21,334 claims was drawn from the population of all claims started in May and June 2014.<sup>2</sup> A screening and profiling exercise was then undertaken to identify which claims were issued by individuals and which were issued by businesses. Following this exercise the following groups were identified:

- A total of 12,315 claims were identified as issued by businesses (including businesses which appeared in the sample on multiple occasions). This sample of 12,315 claims was made up of 6,807 unique businesses. Of these unique businesses, 5,199 were identified from the ONS Inter-Departmental Business Register (a comprehensive listing of all VAT-registered UK businesses), 810

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<sup>2</sup> The sample was selected to target a minimum number of achieved individual questionnaire completions and business cases within various groups of interest, including claim type, claim value, route into the system and whether the claim was defended.

were identified through the large user Postcode Address File and 789 through manual searching.

- A total of 8,464 claims were identified as a “presumed individual” suitable for the postal survey, i.e. had not been identified as ineligible or as a business through any of the screening methods.
- A total of 555 claims were removed as ineligible (e.g. international addresses or claims not suitable to be issued in the postal survey such as those with invalid or incomplete address details).

Following these stages, claims which had been identified as “presumed individuals” were included in the postal survey of individuals, while claims identified as a business via the Inter-Departmental Business Register (IDBR) were profiled using a business database.

The postal survey comprised a self-completion questionnaire, which was designed to capture the views and experiences of individual claimants. Fieldwork was conducted during December 2014 to January 2015, approximately six to seven months after cases were opened. Claimants were contacted up to three times.

The final achieved sample was 2,212 completed questionnaires – which represented a response rate of 26%. This level of response is not untypical for government self-completion surveys. Certain groups<sup>3</sup> were less likely to respond to the survey. Weighting was used to correct for these known sources of non-response bias. It is possible that there were other unknown biases based on demographic subgroups or level of engagement in the case. This should be borne in mind when interpreting findings from the survey of individual claimants.

### 1.3 Interpretation of findings: important note

The sample was based on all *claims* within the sampling window rather than all *claimants*. This means that the sample file included duplicates where a claimant made multiple claims during the sampling window. Businesses are particularly likely to make multiple claims. All findings reflect ***claims brought by claimants*** as opposed to *claimants which are making the claims* and are based on data which have been weighted to reflect the population of claims recorded on CaseMan during the sampling period (May and June 2014).

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<sup>3</sup> Including individuals involved in unspecified claims, higher value claims, claims without legal representation at the time of sampling, and those living in urban/more deprived areas.

## 1.4 Part 1 – Comparison of business and individual claims based on CaseMan data (Chapter 3)

The findings below relate to the 12,315 claims issued by known businesses and 8,882 claims issued by individuals in May and June 2014, drawing on the data held within the HMCTS case management system.<sup>4</sup>

- Most business claims were either specified money claims (i.e. a claim for a specific amount) (64%) or possession claims (22%) related to mortgage or rent arrears. Only 1% were unspecified money claims (i.e. a claim where the precise value has not yet been decided such as claims for compensation or damages), while the remainder (13%) were other claims issued directly via the county court.<sup>5</sup>
- Claims made by individuals were more equally distributed between unspecified money claims (33%), specified money claims (26%) and other claims issued directly via the county court (31%).
- Three in ten claims issued by businesses (31%) were started via the Claims Production Centre, typically used by large businesses which make a large volume of specified money claims in bulk. No individual claims came through this route. The County Court Money Claims Centre was the most common entry point for individual claims (44%). Around one in six individual and business claims were started via Money Claim Online.
- Specified money claims made by businesses were skewed towards the lower end of the value scale; with half (52%) of specified money claims for a value of less than £500 and around a third (35%) for a value of £1,000 or more. The reverse holds for specified money claims made by individuals, with 24% of a value less than £500 and 58% of a value of £1,000 or more.<sup>6</sup>
- At the point at which the sample was drawn, the majority of specified money, possession and other claims issued by businesses (around 90% in each case) were undefended. About half (54%) of unspecified money claims issued by businesses were undefended.
- In contrast, a higher proportion of individual claims were defended, around a third of all individual claims (32%). This varied by claim type from 54% of unspecified money claims being defended to 6% of other claims.

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<sup>4</sup> This figure of 8,882 includes the 8,464 claims included in the postal survey and 418 claims by individual claimants which were ineligible for and excluded from the postal survey (see Appendix A).

<sup>5</sup> Claims classed as 'other' in CaseMan include a mix of specified money, unspecified money and possession claims in addition to non-money claims.

<sup>6</sup> The sample size for specified money claims was 10,286 for businesses and 4,785 for individuals.

- At the point at which the sample was drawn, a judgment had been entered in the majority of claims made by individuals (87%) but only in around half of claims (48%) made by businesses.
- Legal representation at the time of sampling was common for both business claims (62%) and individual claims (76%).

## 1.5 Part 2 – Individual claimants’ survey findings

The findings in this section are based on the individual claimants who completed the postal survey. The overall sample was 2,212 – with analytical sample sizes varying for different questions due to varying levels of missing answers.

### Nature of individual claimants’ civil court cases (Chapter 4)

- Half (50%) of all claims brought by individuals were unspecified money claims relating to compensation or damages, with personal injury claims accounting for the majority of such cases.<sup>7</sup> Specified money claims accounted for 32% of all individual claims while 12% of individual claims related to possession or rent arrears.
- The median claim value for individual claims was between £1,000 and £5,000 for each claim type. Compared with the average, specified money claims were more skewed towards lower value claims.
- Individual claimants were asked whether the claim was made on behalf of themselves or someone else (for example a minor). Most claimants (74%) were making a claim on behalf of themselves. Around a fifth (21%) of unspecified money claims related to claimants acting on behalf of someone else (compared with 1% of possession claims and 2% of specified money claims).
- Court hearings had been set or held for around half (53%) of all cases brought by individuals, although this was more common in possession cases (78%).
- About three-quarters of specified and unspecified money claims made by individuals had completed by the time of the survey (i.e. within six to seven months) while almost all possession cases had completed (92%).
- Of those individual claimant cases that had completed, almost half (48%) had settled without any court ruling and 39% had been decided at a hearing. Of all

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<sup>7</sup> The postal survey asked claimants what their case was about, meaning that specified money, unspecified money, or possession claims classed as ‘other’ on CaseMan because they were issued directly at the county court, could be classified more precisely. Therefore, survey findings relating to claim type differ from CaseMan findings relating to claim type. See section 4.1.

claim types, unspecified money cases were the most likely to have settled outside of court (61%).

- Of the completed claims made by individuals, 88% concluded in favour of the claimant. Where a case concluded in favour of the claimant, there was a court order or an agreement specifying a sum of money to be paid by a certain date or in instalments in 87% of claims. In most of these situations (73%), the payment had been made in accordance with the order or agreement.

### **Demographic profile of individual claimants (Chapter 5)**

- In comparison with the national adult population profile, individual claimants were more likely to be: male; aged 45 or more; of Asian ethnicity; self-employed; and without health problems.
- The age and gender profiles were broadly similar across claim type although possession claimants were slightly older in profile when compared with the average for all individual claimants. Possession case claimants were also more likely than average to have a non-white ethnicity, to be retired and to have an annual income (respondent and partner) of at least £40,000.
- Compared with the average across all individual claimants, specified money and possession claimants were more likely to be educated to degree level.
- A third (34%) of unspecified money claimants cited a physical or mental health condition, higher than other individual claimant groups, and likely to be related to the high proportion of personal injury claimants within this group.
- One in eight individual claimants (13%) had previous experience of civil court proceedings. Previous experience was most common when the survey claim related to possession or specified money.

### **Individual claimants pre-court experience (Chapter 6)**

- Most individual claimants (81%) said that they sought advice before deciding to start the claim. The most common source of advice was solicitors or other lawyers (used by 52% of all claimants).
- Most individual claimants said they had taken some form of action in an effort to avoid going to court, although this was less common among unspecified money claimants (67%) in comparison to other claim types (over 90% in each case). Overall, almost a quarter (23%) of individual claimants had used formal mediation before starting their claim.

- Most individual claimants would have preferred to have avoided court action if they could (68% overall: 57% for unspecified money claimants but rising to 80% and 81% among specified money and possession claimants respectively).
- Most individual claimants expected that the outcome of the case would be in their favour (78% or higher within each group).

### **Use of a solicitor or other lawyer by individual claimants (Chapter 7)**

- Overall seven in ten individual claimants (71%) had used a solicitor or other lawyer. This was most common for unspecified money claims (93%) and least common for specified money claims (41%). For the most part, when a solicitor or other lawyer was used, it was to conduct the case all the way through.
- The main reasons cited by individual claimants for why they had sought assistance from solicitors or other lawyers were: because they needed the expertise; because it was free/'no win no fee'; or to ensure they achieved the outcome they wanted. Expertise was particularly valued in possession cases.
- Among all individual claimants who used a solicitor or other lawyer, in most unspecified money cases this was funded on a 'no win no fee' basis (78%); in comparison, most claimants in possession cases who used solicitors or other lawyers had to pay legal fees (88%). Nearly half (45%) of claimants who used solicitors or other lawyers for specified money cases, said no legal fees were payable.

### **Individual claimants' experience of the claims process (Chapter 8)**

- Most specified money claims made by individuals (66%) were started by the claimant themselves, while most unspecified money claims (69%) were started by a solicitor or other lawyer. The online service was most frequently used for specified money claims.
- Contact with court staff was most common for individual claimants in respect of specified money and possession claims (40%); for unspecified money claims levels of contact were much lower (10%), likely to be related to the high propensity of this group to instruct a lawyer to conduct their case.
- Where contact with court staff had occurred, a majority of individual claimants found the information or advice received helpful (72%), and staff to be respectful (80%) and fair (77%).
- Around two-fifths of all individual claimants in specified money and possession cases considered that they had been kept very or fairly well informed; there was,

however, a high proportion of claimants (48% overall) who stated they did not know how well the court staff had kept them informed about case progression.

- Most individual claimants in specified money and possession cases paid a court fee (70% and 89% respectively), while a high proportion of unspecified money claimants (50%) said their court fee was covered under a 'no win no fee' arrangement.
- When a court fee had been paid, around half of all individual claimants (47%) said this was about the amount they had expected to pay, with almost two-fifths (38%) saying that fees were higher than they had expected.

## **1.6 Part 3 – Business profiling findings (Chapter 9)**

The business profiling findings are based on the total sample of 8,371 business claims which were matched to the IDBR (relating to 5,199 businesses due to some businesses making multiple sampled claims). Thus percentages refer to the proportion of all claims issued by known VAT-registered businesses in May and June 2014.<sup>8</sup>

- Almost half of all business claims (45%) were made by large businesses (250+ employees) although this varied by claim type: almost all possession claims (79%) were made by large businesses, whereas most unspecified money claims (71%) were made by small businesses with less than five employees.
- Around half of all business claims (55%) were made by businesses with a turnover of at least five million pounds. Reflecting company size, claims for possession and other claims were made by larger turnover companies, while unspecified money claims tended to be started by businesses with smaller turnovers relative to the average.
- In terms of legal status, seven in ten claims issued by businesses (69%) were made by companies, although this varied by claim type. While most specified money claims (88%) were made by companies, possession claims were made predominantly by local authorities and other non-profit making bodies (62%), while over half of unspecified money claims (56%) were started by sole proprietors.

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<sup>8</sup> As IDBR data are based on all VAT registered businesses, analysis of data based on IDBR statistics will over-represent large businesses and under-represent small sole trader business and other business below the VAT threshold.

## 2. Introduction

In 2014-15, TNS BMRB in partnership with Bryson Purdon Social Research (BPSR) and Mark Sefton (independent consultant) conducted a study on behalf of the Ministry of Justice (MoJ) to provide robust information on the characteristics and experiences of civil court claimants in England and Wales. The research was required by the MoJ to help fill evidence gaps and to enable them to better understand who their customers are, and their pathways into and experiences of the system. The need for this evidence was especially relevant in light of recent reforms to civil justice.

The Civil Court User Survey (CCUS) sought to provide information about two distinct groups of customers: business claimants and individual (non-business) claimants. Different approaches were needed to capture information about each of these two groups: for business claimants a profiling exercise was undertaken; and for individuals a postal survey approach was used. This report covers the findings from both approaches.

### 2.1 Background and context

The vast majority of civil court cases are dealt with at county court level. Prior to April 2014, there were 173 county courts across England and Wales, each with jurisdiction covering a specific geographical area. Since April 2014 there has been a single county court with jurisdiction for all of England and Wales, and the former individual county courts are designated as hearing centres for the single court.

Other recent developments have included: the withdrawal of most civil cases from the scope of legal aid; new rules regarding the treatment of legal costs under 'no win no fee' arrangements; and a doubling of the normal 'small claims' limit to £10,000 (all three of these changes took effect in April 2013). There have also been changes to the ways in which claimants may start civil court claims, with an increasing emphasis on centralisation in the early stages of cases in place of administration by local courts. Also, there have been increases in the court fees charged to start claims and for certain other steps in proceedings, particularly if a trial hearing is required.<sup>9</sup>

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<sup>9</sup> Claims covered in this study would have been started prior to the increase in fees which took effect in March 2015.

Most civil cases involve claims for money – which may be for money owed, or for compensation, for example in respect of personal injuries. Based on administrative data,<sup>10</sup> around eight in ten civil claims in 2014 were either specified money claims (70% of all civil claims) or unspecified money claims (9%).<sup>11</sup> Around one in eight (13% in 2014) were possession claims by mortgage lenders and landlords on the grounds of arrears, and one in twelve (8%) involved non-money claims for a variety of other remedies.<sup>12</sup>

### **Box 2.1: Routes into the system**

Depending on the type of case a number of different administrative routes may be available to claimants when ‘issuing’ (i.e. formally starting) a county court claim. These are:

**The Claims Production Centre (CPC)** This is a facility used by a limited number of claimants who make specified money claims in bulk. These are typically large businesses such as banks and utility companies, or public sector claimants such as HM Revenue and Customs. The CPC may also be used by solicitors firms if they undertake a substantial amount of debt recovery work. Claims issued by CPC must be specified claims of less than £100,000 and there must be no more than two defendants to any one claim.

**Money Claim Online (MCOL)** A portal via which specified money claims for less than £100,000 may be issued and progressed online as long as there are no more than two defendants. Claims against minors, those who lack mental capacity or Crown or government departments cannot be made via MCOL and it is not possible to apply for court fee remissions for MCOL claims.

**County Court Money Claims Centre (CCMCC)** A central processing centre which receives postal claims for specified money claims not started via the CPC or MCOL, as well as all unspecified money claims (which currently cannot be issued online).

**Possession Claim Online (PCOL)** A portal similar to MCOL used to issue and progress possession proceedings for mortgage or rent arrears (subject to certain criteria).

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<sup>10</sup> Percentages in this paragraph are based on figures contained in *Civil Justice Statistics Quarterly, England and Wales January to March 2015*, MoJ Statistical Bulletin, June 2015.

<sup>11</sup> A **specified claim** is a claim for a specific amount. An **unspecified claim** is a claim in which the precise value has not yet been decided. Specified claims are often identified as typically relating to debt. Unspecified claims are often identified as typically relating to personal injury. Other types of claims, such as those in respect of housing disrepair, may also be unspecified claims.

<sup>12</sup> For example: claims for the return of goods under hire purchase or similar agreements; injunctions (i.e. orders requiring a person to do something or refrain from doing something) or insolvency.

**The County Court** Claims which are not issued via any of the above routes may be issued at a county court hearing centre. These can include possession claims not issued via PCOL, including ‘Accelerated Possession’ claims<sup>13</sup> and non-money claims, such as claims for return of goods or for injunctions. In certain limited circumstances, specified and unspecified money claims can (or must) also be issued in a county court hearing centre.

### **Court fees**

When issuing a claim, the claimant will in most instances have to pay a fee to the court. Court fees vary depending on the value of the claim (if a money claim) or the type of claim (if for another remedy, for example a possession claim). Further court fees may be payable depending on how far a case progresses. Claimants may be eligible for ‘remission’, i.e. for the fee to be waived in full or in part, if they meet a means test.

## **2.2 Civil Court User Survey feasibility study**

The research method for CCUS was developed following recommendations arising from a large-scale feasibility and pilot study conducted by the same team in 2013.<sup>14</sup> This explored a range of possible approaches for sampling and capturing data from civil court claimants and defendants.

Civil court users are a diverse customer group covering individuals, businesses and public sector bodies, as well as both claimants and defendants. Businesses range in scale from sole trader enterprises to large-scale corporations. There is no single method that can capture information about all types of civil court customer. The feasibility study reached the following broad conclusions:

- Conducting a robust and representative survey of civil court claimants and defendants is challenging.
- The HM Courts & Tribunals Service (HMCTS) CaseMan system<sup>15</sup> is the only viable sampling frame for drawing a sample of court users. It provides a comprehensive list of almost all civil cases and allows for samples to be stratified by key factors such as broad case type. However, contact details held on the system are limited. While address information is complete for the vast majority of

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<sup>13</sup> Accelerated Possession claims are those made by landlords in respect of certain types of tenancy, and which do not include a claim for rent arrears.

<sup>14</sup> See <https://www.gov.uk/government/publications/civil-court-users-survey-feasibility-study> for a summary of the findings.

<sup>15</sup> This is a case management database maintained by HMCTS that includes certain details of all relevant civil court cases and provides information on the progress of these cases.

claimants and defendants, there is limited inclusion of telephone numbers and email addresses.

- The feasibility study tested a telephone survey approach, which included an attempt to improve the coverage of telephone numbers through a telephone directory matching exercise. However, the improvement in coverage was not high: when taking into account both poor coverage of telephone numbers and low co-operation rates, the overall response rate was deemed to be too low for a weighting strategy to adequately account for potential non-response bias.
- The study also tested a postal survey approach, which was more promising than the telephone survey approach given the high level coverage of addresses. This achieved a reasonable response rate of 31% among individual claimants when a five pound voucher was provided for claimants who completed the questionnaire.<sup>16</sup> While the response rates for some specific sub-groups of claimants were lower, it was assessed that a non-response weighting strategy could be used to address this and ensure that a postal survey would be broadly representative of individual claimants. For defendants, however, the postal response rate was deemed too low for a weighting strategy to adequately account for potential non-response bias.
- A postal survey was not considered appropriate for businesses as there was poor coverage of named individuals at organisations, which meant that it would be difficult for the questionnaire to reach the most appropriate person. In addition, postal surveys among businesses are usually associated with very low response rates.
- The findings concluded that, of the various groups of interest, it would only be feasible to undertake a representative postal survey of individual claimants using CaseMan as a sampling frame and that surveys of other groups were not likely to be robust using any of the approaches tested.
- The optimal timing for carrying out a survey was considered to be around six months after case opening as this time interval provided a good balance between a) being short enough to ensure that contact details remain up-to-date and that respondents can still accurately recall their experiences and b) being long enough to ensure that most cases have completed or are near completion.<sup>17</sup>

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<sup>16</sup> The response rate among individual claimants who were not offered a five pound voucher was 22%.

<sup>17</sup> CaseMan does not include a 'case closed' field and therefore it is not possible to draw a sample based on completed cases.

- Although it was not deemed feasible to collect data from businesses via a survey, a recommendation of the feasibility study was that some basic business profile data (e.g. size, sector, turnover etc.) could be obtained by matching sampled cases to a business database. This was the approach adopted for the main study.

Taking on board all the learning from the feasibility study, the main study comprised two approaches to data collection:

- A postal survey of individual (that is non-business) civil court claimants which covered views and experiences of the court claim process
- A data matching exercise to profile business civil court claims in terms of key business features such as size, sector and turnover.

## 2.3 Civil Court User Survey design

This section provides an overview of the sampling and two data collection approaches. Appendix A provides further details.

An initial sample of 21,334 civil claims was drawn from the HMCTS database of civil claims, CaseMan. As CaseMan does not indicate whether a claim relates to a business or an individual this sample was drawn from the population of all cases started in May and June 2014.<sup>18</sup> Instead of taking a simple random sample of cases selected in proportion to the composition of the caseload for this period, the sample was selected disproportionately. Cases were selected to target a minimum number of achieved individual questionnaire completions and business cases within claim type groups such as case type, claim value, route into the system and whether the case was defended.

The sample was based on all *claims* within the sampling window rather than all *claimants*. This means that the sample file included duplicates where a business or individual made multiple claims during the sampling window.<sup>19</sup>

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<sup>18</sup> This timing was selected to allow an approximate six-month time lapse between case opening and questionnaire completion.

<sup>19</sup> It was not possible to identify duplicates in advance of drawing the sample as claimants (particularly businesses) may present their name and address in slightly different ways for each claim; for example different sites which are part of the same enterprise. Businesses who had made multiple claims are included in the sample on multiple occasions, whereas individuals who had made multiple claims were asked to report on one claim only in the postal survey.

The sample was then split into presumed individuals and presumed businesses using different sources to identify businesses as follows: the Office for National Statistics (ONS) compared the sample with the Inter-Departmental Business Register (IDBR) to identify VAT-registered businesses; TNS BMRB screened all remaining cases against the large-user Postcode Address File (PAF) and manual screening. See Appendix A3 for further details. The businesses were then included in the profiling stage and the individuals included in the postal survey stage.

At the end of the screening and profiling stage, the initial sample of 21,334 had been split into three files as follows:

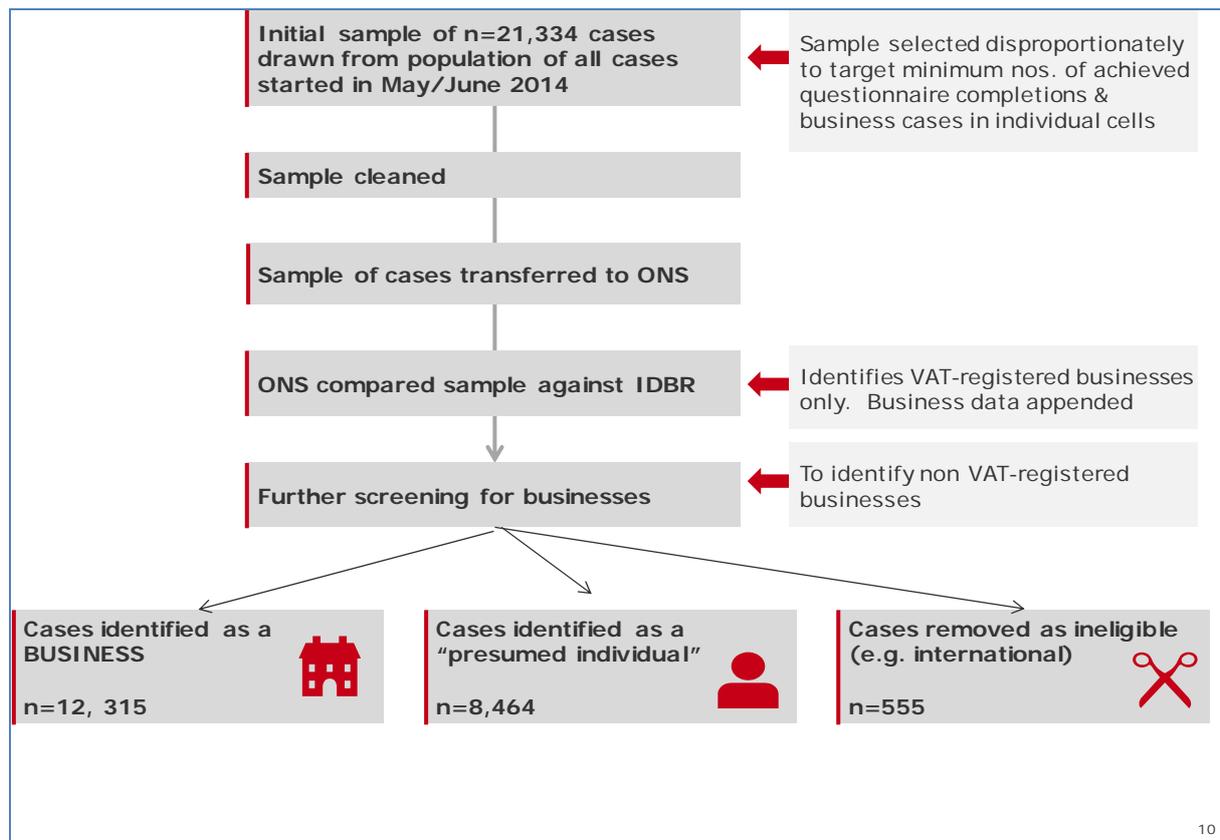
- A total of 555 cases had been removed as ineligible (e.g. international addresses or cases not suitable to be issued in the postal survey such as those with invalid or incomplete address details).
- A total of 8,464 cases had been identified as a “presumed individual”, i.e. had not been identified as ineligible or as a business through any of the screening methods.<sup>20</sup>
- A total of 12,315 cases had been identified as being submitted by a business (including businesses which appeared in the sample on multiple occasions). This sample of 12,315 claims was made up of 6,807 unique businesses of which 5,199 were identified from the IDBR, 810 were identified through PAF and 789 through manual searching.

A summary of the process is illustrated in Figure 2.1.

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<sup>20</sup> For the CaseMan profiling in Chapter 3 the figure for individuals was 8,882; this included 418 of the 555 cases referred to above, which although ineligible for the postal survey, were eligible for the profiling exercise.

**Figure 2.1: Overview of method for splitting the sample and allocation to survey stages**



### Postal survey of individual claimants

The postal questionnaire was issued to the 8,464 claimants sampled from all cases starting in May and June 2014 who had been classified as a "presumed individual". Fieldwork took place between 1 December 2014 and 27 January 2015. There were three mailings: an initial mailing and two reminder mailings to those who had not responded to the previous mailing. All respondents who returned the questionnaire received a five pound shopping voucher to thank them for their participation, as the feasibility study had shown that the response rate was nine percentage points higher when a five pound incentive was used.

The questionnaire covered demographic profile, nature of the case, case outcome, enforcement action, advice sought, action before starting the claim, use of legal representation, experience of the claim process compared to expectations, and contact with court staff.

The final achieved sample was 2,212, which represented a response rate of 26% (or 27% of the assumed eligible sample). This level of response is not untypical for government postal surveys. An analysis of non-response indicated a lower propensity to respond among certain

groups.<sup>21</sup> While weighting was used to correct for these identifiable non-response biases, it is possible that the sample exhibited other unknown features of bias such as a variable propensity to respond based on demographic subgroups or level of engagement in the case. This should be borne in mind when interpreting the survey findings.

## 2.4 Structure of the remainder of the report

The remaining chapters provide findings arising from this study.

**Chapter 3** compares the case characteristics of claims made by identified businesses with claims made by 'presumed' individuals, based on the sample file and data held on the HMCTS case management system CaseMan. Businesses and individuals could be included in the sample on multiple occasions if they had multiple claims during the sampling period.

**Chapters 4 to 8** cover the findings from the postal survey of individual claimants, covering in turn: the profile of claims submitted by individuals (Chapter 4); the demographic profile of claimants (Chapter 5); individual claimants' experiences before they started the claim, including the extent to which alternatives to court action were considered (Chapter 6); claimants' usage of legal advice and/or representation (Chapter 7); and individual claimants' experiences of the claims process including contact with court staff and payment of court fees (Chapter 8). The postal survey findings are based on individual claimants rather than claims, with each individual asked to report on one claim only, even if they had submitted multiple claims during the sampling period.<sup>22</sup>

**Chapter 9** provides an overview of the business characteristics such as sector, size and turnover for the subset of claims from those businesses that were matched to data from the IDBR (i.e. claims from VAT registered businesses). Matched businesses that had made multiple claims during the sampling period are included in the sample on multiple occasions.

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<sup>21</sup> Including unspecified claims, higher value claims, claims which were not represented at the time of sampling, and those living in urban/more deprived areas (see section A6 in the Appendix for more details).

<sup>22</sup> A small number of individual claimants (n=169) were included in the sample file on more than one occasion; in these cases only one questionnaire was sent and the covering letter specified the case which the questionnaire should relate to. This is different from the approach applied to business claimants where businesses could be represented in the data on multiple occasions.

## Note on presentation of findings

In tables the following denotations are used:

- \* indicates a percentage of less than 0.5%
- 0 denotes zero cases in a table cell

Percentages may add to 99% or 101% due to the effects of rounding

Unless otherwise stated, differences mentioned in the text are statistically significant at the 95% confidence level.

Findings are based on data that have been weighted to reflect the profile of all relevant civil claims started during the period from which the sample was drawn (May and June 2014), see Appendix A7 for further details. Base sizes are shown unweighted.

Percentages from the postal survey are based on those who gave a valid answer to the question, excluding all those who answered “don’t know” or “refused” or who left the question blank, unless otherwise stated. Due to varying levels of missing answers the actual sample sizes vary across questions. Where multiple responses were allowed at a question, percentages will add to more than 100%.

### **Claim type**

There are four main claim types captured in the HMCTS case management system (CaseMan) data and shown in Chapters 3 and 9: specified money; unspecified money; possession; other. Claims classed as ‘other’ in CaseMan are those that have been issued directly at a county court hearing centre. These can therefore include some specified money, unspecified money and possession claims in addition to non-money claims.

As the postal survey questionnaire collected data from respondents on claim type, it is possible to identify whether claims classified as ‘other’ in CaseMan are actually money or possession claims. The claim type shown in Chapters 4 to 8 is based on a composite variable where CaseMan claim type data have been used except for ‘other’ claims, where respondents’ answers were used instead. As most ‘other’ claims were re-classified into the other three claim types, postal survey findings in these chapters do not show ‘other’ as a separate claim type. See Section 4.1 for further details.

### 3. Comparison of individual and business claimant cases

The project initially involved extracting a sample of civil cases started in May and June 2014 from the HMCTS case management system, CaseMan. Within this sample a total of 12,315 cases had been identified as being brought by businesses, and a total of 8,882 cases presumed as being brought by individuals. These sampled cases were tagged with some key information from CaseMan. This chapter provides an overview of the characteristics of the sampled cases in relation to:

- Claims route;
- Claim type;
- Whether the claim was defended;
- Claim value;
- Whether a judgment had been entered;
- Legal representation (at point of sampling); and
- Track allocation (if the claim had been defended).

As the findings are based on a sample of *claims* rather than *claimants* this means some businesses/individuals will be included in the sample on multiple occasions if they had made multiple claims during the sampling window. Therefore the distribution reflects the nature of *claims* as opposed to the *businesses/individuals making the claims*. Businesses are more likely than individuals to make multiple claims, and large volumes of such claims.

All findings are based on data which have been weighted to reflect the population of claims recorded on CaseMan during the sampling period (May and June 2014).

Box 3.1 provides an overview of the stages of a civil claim, and how the journey may differ depending on a number of factors.

### Box 3.1 Customer journey

The trajectory of a civil court case depends on the type of claim involved: whether and how the defendant<sup>23</sup> responds; and how far the claimant decides to pursue the matter. Certain types of claims – for example possession claims based on mortgage or rent arrears – do not have to be formally defended to be resisted.<sup>24</sup> Other types of claims, if not formally defended, may lead to the claimant requesting ‘judgment in default’.<sup>25</sup> An undefended claim does not automatically lead to judgment in default. Claimants may instead agree a settlement with the defendant outside of the court process, or decide not to pursue the claim, and in these cases claimants will often not inform the court of the outcome.

If a claim is defended, it may be allocated to one of three ‘tracks’, via which the court will manage a case. This applies mainly to specified and unspecified money claims. The tracks are: the **Small Claims Track**, the **Fast Track**, and the **Multi Track**, designed for cases of different value and varying degrees of complexity. The Small Claims Track is the typical track for most claims valued at up to £10,000;<sup>26</sup> the Fast Track is the typical track for most claims valued at up to £25,000; and the Multi Track is the track for other claims.

Even if allocated to a track, only a very small proportion of civil court claims progress as far as a trial hearing - at which a judge considers the papers/documentary evidence, will usually hear oral evidence, and gives a judgment. Most claimants will not appear in court before a judge, unless they have attended interim hearings.<sup>27</sup>

If a claimant obtains judgment in default, or is otherwise successful at a hearing, the court will not automatically take any steps itself to ensure that judgments are complied with. If the losing party does not pay a sum ordered, or does not do something else required of them it is up to the successful party to decide whether to apply to court to enforce the judgment. This will require payment of a further court fee. Alternatively, the successful party may agree a settlement with the losing party at this stage, or decide not to pursue the matter further.

<sup>23</sup> I.e. the person against whom or entity against which the claim is made.

<sup>24</sup> In such possession cases, a court hearing will be set. The defendant may enter a defence before the hearing, but regardless of whether or not they do so, they may still attend the hearing and argue against the claim.

<sup>25</sup> ‘Judgment in default’ means a judgment entered without a trial. It is available where the defendant fails to enter a defence and also does not respond in other ways allowed for by court rules.

<sup>26</sup> The position is slightly different for personal injury claims and housing disrepair claims. For personal injury the small claims track is the normal track where a) damages are valued at not more than £1,000 and b) the claim as a whole is valued at not more than £10,000. For housing disrepair the small claims track is the normal track where a) the cost of repairs is not more than £1,000 and b) the value of any claim for damages is also valued at not more than £1,000.

<sup>27</sup> An interim hearing may be required for the court to make rulings on any applications made by the parties, or to otherwise give directions, in respect of how the case should be conducted prior to trial. Certain interim hearings may also lead to judgment in respect of the claim being given prior to trial.

### 3.1 CaseMan profile statistics

Table 3.1 displays the profile of claims by route of issue for the sample of cases issued in May and June 2014. Claims issued by individuals were mainly routed either through the County Court Money Claims Centre (44%) or the County Court (31%). In comparison, three in ten claims issued by businesses were started via the Claims Production Centre.<sup>28</sup> Money Claim Online was used in around one in six business and individual claims.

**Table 3.1 Route of issue**

Route	All claims identified as a business	All claims identified as an individual
	%	%
The Claims Production Centre (CPC)	31	0
Money Claim Online (MCOL)	15	14
The County Court Money Claims Centre	19	44
Possession Claim Online (PCOL)	18	4
County Court Possession	4	7
County Court Other	13	31
<i>Base: All claims</i>	<i>12,315</i>	<i>8,882</i>

*Source: CaseMan statistics*

Table 3.2 displays the profile of business and individual claims by type of claim. Specified money claims made up the bulk of claims made by businesses (64%), whereas claim types were more varied for individuals: a third of cases (33%) were unspecified money claims, a quarter (26%) related to specified money claims, and a further third (31%) were classified as other claims (which are mainly a mix of the other three claim types, see section 4.1).

<sup>28</sup> The CPC is a facility used by a limited number of claimants who make specified money claims in bulk. These are typically large businesses such as banks and utility companies, or public sector claimants such as HM Revenue and Customs.

**Table 3.2 Type of claim**

	All claims identified as a business	All claims identified as an individual
	%	%
<b>Case type</b>		
Specified money claims	64	26
Unspecified money claims	1	33
Possession claims	22	10
Other claims*	13	31
<i>Base: All claims</i>	12,315	8,882

*Source: CaseMan statistics*

\* Refers to claims issued directly at county court and includes a mix of the other categories, plus other non-money claims.

Table 3.3 displays the profile of specified money claims issued by businesses and individuals by value. Around half (52%) of claims made by businesses were for sums of less than £500, with 35% for a sum of over £1,000. Claims made by individuals were more likely to be of higher value, with 25% being for sums less than £500 and 57% for a sum of over £1,000.

**Table 3.3 Claim value (specified money claims only)**

	All claims identified as a business	All claims identified as an individual
	%	%
<b>Claim Value</b>		
Less than £500	52	25
£500 less than £1,000	13	18
£1,000 less than £5,000	26	46
£5,000 less than £10,000	5	6
£10,000 or over	5	4
<i>Base: All specified money claims</i>	10,286	4,965

*Source: CaseMan statistics*

Table 3.4 provides details of whether at the point of sampling the case was defended, if a judgment had been entered and if the claimant had legal representation by whether the claim was made by a business or an individual. The majority of claims made by businesses were not defended (90%), whereas in cases brought by individuals seven in ten claims (68%) were not defended. A judgment had been entered in the majority of claims made by individuals (87%) but only in around half of claims (48%) made by businesses. Legal representation at the point of sampling was common for both business (62%) and individual claims (76%). This does not necessarily mean that represented parties had representation throughout the whole case; equally parties that were not represented at the point of sampling may have had legal representation at some other point in a case.

**Table 3.4 Whether at the point of sampling the claim had been defended, whether judgment had been entered and whether the claimant had legal representation by claim type**

	All claims identified as a business	All claims identified as an individual
	%	%
<b>Defended</b>		
Yes	10	32
No	90	68
<b>Judgment Entered</b>		
Yes	48	87
No	52	13
<b>Representation</b>		
Yes	62	76
No	38	24
<i>Base: All claims</i>	12,315	8,882

*Source: CaseMan statistics*

Table 3.5 shows that for business claims there was variation depending on claim type. Business claims had been defended by the time of sampling most often where they were unspecified money claims, while judgments had been entered in respect of almost all possession and unspecified money claims. Legal representation at the point of sampling was particularly prevalent in respect of unspecified money claims, and least prevalent for possession claims.

**Table 3.5 Whether at the point of sampling the claim had been defended, whether judgment had been entered and whether the claimant had legal representation, by claim type (business claims only)**

	Specified money claims	Unspecified money claims	Possession claims	Other claims	All business claims
	%	%	%	%	%
<b>Whether case was defended</b>					
Yes	11	46	8	6	10
No	89	54	92	94	90
<b>Whether judgment was entered</b>					
Yes	29	95	97	60	48
No	71	5	3	40	52
<b>Whether there was legal representation (at the time of sampling)</b>					
Yes	69	86	43	57	62
No	31	14	57	43	38
<i>Base: All claims</i>	10,286	125	1,206	698	12,315

*Source: CaseMan statistics for all identified business claims*

Table 3.6 shows that there was also variation depending on claim type for claims made by individuals. Individual claims had been defended by the time of sampling most often where they were unspecified money claims, while judgments had been entered in respect of almost all possession, unspecified money and other claims. Unspecified money and other claims were most likely to have legal representation at the point of sampling, with over nine in ten claims having representation, whereas less than half of specified money and possession claims had legal representation.

**Table 3.6 Whether at the point of sampling the claim had been defended, whether judgment had been entered and whether the claimant had legal representation, by claim type (individual claims only)**

	Specified money claims	Unspecified money claims	Possession claims	Other claims	All claims identified as an individual
	%	%	%	%	%
<b>Whether case was defended</b>					
Yes	41	54	16	6	32
No	59	46	84	94	68
<b>Whether judgment was entered</b>					
Yes	68	99	92	88	87
No	32	1	8	12	13
<b>Whether there was legal representation (at the time of sampling)</b>					
Yes	42	98	45	92	76
No	58	2	55	8	24
<i>Base: All claims</i>	<i>4,965</i>	<i>2,159</i>	<i>893</i>	<i>865</i>	<i>8,882</i>
<i>Source: CaseMan statistics for all presumed individual claims</i>					

The standard pathway for most defended civil claims is: defence – allocation to track – hearing. However not all claims which are defended will be allocated to a track, and not all those which are allocated will have a hearing, as cases may settle or be withdrawn along the way (only a very small minority of specified and unspecified money claims progress as far as a contested hearing).<sup>29</sup>

<sup>29</sup> See *Civil Justice Statistics Quarterly, England and Wales January to March 2015, MoJ Statistical Bulletin* June 2015. The main exception to the standard pathway is possession claims based on arrears, which although they are unlikely to be defended or allocated to a track, commonly involve a hearing.

Table 3.7 provides information on track status; whether cases had been allocated to a track and if so, which track. Allocation to a track was more common in claims made by individuals (43%) compared with claims made by businesses (29%). Although the proportions of claims allocated to the small claims and multi track were similar for business and individual claims, allocation to the fast track was more common among claims made by individuals (21% compared with 6% of business claims).

**Table 3.7 Track allocation (defended cases only)**

	All claims identified as a business	All claims identified as an individual
	%	%
<b>Allocation to Track</b>		
No allocation	71	57
Small claims	21	20
Fast track	6	21
Multi track	2	2
<i>Base: All defended claims</i>	3,764	4,511

*Source: CaseMan statistics*

Tables 3.8 and 3.9 show the track allocation by claim type for defended business claims and defended individual claims respectively. Allocation to the fast track was most common for unspecified money claims for individual users. The high proportions of claims which were defended but not allocated to track at the time of sampling may be due to two factors. The first is that there is likely to be a time lag before allocation takes place.<sup>30</sup> The second is that claims may have been defended, but then settled prior to allocation.

**Table 3.8 Track allocation by claim type (defended business claims only)**

	Specified money claims	Unspecified money claims	Possession claims	Other claims	All defended cases
	%	%	%	%	%
No allocation	68	66	81	73	71
Small claims track	30	4	0	2	21
Fast track	1	23	19	14	6
Multi track	1	8	1	11	2
<i>Base: All defended business claims</i>	3,492	53	127	92	3,764

*Source: CaseMan statistics for all identified business claims*

<sup>30</sup> Statistics indicate that in 2014 the average time from issue to allocation to the fast or multi tracks was 24 weeks (see *Civil Justice Statistics Quarterly, England and Wales January to March 2015, MoJ Statistical Bulletin* June 2015).

**Table 3.9 Track allocation by claim type (defended individual claims only)**

	<b>Specified money claims</b>	<b>Unspecified money claims</b>	<b>Possession claims</b>	<b>Other claims</b>	<b>All defended cases</b>
	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>
No allocation	43	61	80	73	57
Small claims track	55	1	3	11	20
Fast track	1	34	16	10	21
Multi track	0	3	0	6	2
<i>Base: All defended individual claims</i>	<i>3,175</i>	<i>1,093</i>	<i>135</i>	<i>108</i>	<i>4,511</i>
<i>Source: CaseMan statistics for all presumed individual claims</i>					

## 4. Nature of individual claimants' civil court cases

In this section, a brief overview of the claims included in the postal survey of individual claimants is provided covering:

- Claim type;
- Claim value (where applicable);
- Nature of the claimant;
- Prevalence of court hearings;
- Case outcome; and
- Enforcement actions.

All data in Chapters 4 to 8 are based on questionnaire responses rather than CaseMan data, with the exception of claim type. For claim type, a composite variable has been used, drawing on both CaseMan and survey data (see below).

### 4.1 Claim type

Claim type can be obtained from two sources: CaseMan and the questionnaire. CaseMan data on claim type provides information on whether the claim is a specified money claim, an unspecified money claim, a possession claim or an “other” claim. CaseMan “other” claims include all claims which are issued directly at a county court rather than through routes which provide a more direct indication of claim type such as MCOL, CCMCC, and PCOL (see Box 3.1). These “other” claims therefore include some specified money, unspecified money or possession claims. The questionnaire included a question asking the claimant what their case was about.

Data on claim type from CaseMan and the questionnaire were compared. A high correlation between the two sets of values was found. The match rates based on percentage of respondents (unweighted) who provided an answer in the questionnaire which corresponded with CaseMan were as follows;<sup>31</sup> specified money claim (79%); unspecified money claim (96%); possession claim (91%). The only claim type where there was not a high correlation was “other” claims; a high proportion of CaseMan “other claims” (59%) were classified by the respondent as unspecified money claims. As explained above we know that “other” on

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<sup>31</sup> Respondents (n=350) who did not provide a response to the question on claim type have been removed from the base in this calculation.

CaseMan can cover a variety of case types; therefore the claimant's self-reported answer in these cases was used for the claim type variable.

The claim type variable which has been used in all tables in Chapters 4 to 8 is based on this **composite classification** where CaseMan data have been used for all claims except for CaseMan "other" claims, where respondents' self-reported data have been used instead. As most CaseMan "other" cases were re-classified using the questionnaire data only a very small number of cases (n=35) remained in the "other" category, and these are not shown separately in subsequent tables.<sup>32</sup>

Table 4.1<sup>33</sup> shows the distribution of claims based on a) the respondent's self-classification and b) the composite CaseMan/questionnaire variable. The latter can only be shown for the high level groupings as CaseMan does not include the level of detail in the questionnaire. Overall, in terms of the main groupings, the two variables provide a close correspondence and indicate that around half of all claims relate to unspecified money claims, around three in ten relate to specified money claims and the remainder of claims are split between possession claims and other types of claim.

Although Table 4.1 includes data on claim type provided by the respondent, in all other tables of the report where results are analysed by claim type, this is based on the composite CaseMan/questionnaire claim type variable.

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<sup>32</sup> These refer to cases which were classified as "Other" by both CaseMan and the respondent. These cases are included in figures relating to all claims, but not shown separately. Unweighted bases may therefore not sum to totals in tables broken down by claim type.

<sup>33</sup> The pattern of distribution in Table 4.1 is somewhat different to that in official statistical reports, which show that specified money claims are by far the most common type of claim (see, e.g. *Civil Justice Statistics Quarterly, England and Wales January to March 2015, MoJ Statistical Bulletin* June 2015). However, as this was a survey of individual claimants, the survey did not include specified money claims issued via the Claims Production Centre (CPC) which processes bulk claims (often related to debt collection) issued by large businesses or organisations, and which account for a substantial proportion of all civil claims issued.

**Table 4.1 Nature of the claim**

	<b>Self-reported (questionnaire data only)</b>	<b>Composite CaseMan and questionnaire data</b>
	%	%
An unpaid bill or unpaid debt	10	
Faulty goods or services	6	
Another breach of contract	3	
Other money claim for a fixed or exact amount	9	
<b>All specified money claims</b>	<b>28</b>	<b>32</b>
Compensation for personal injury relating to a road traffic accident	30	
Compensation for personal injury relating to employment	9	
Compensation for personal injury (other than road traffic accident or employment)	6	
Compensation for clinical or medical negligence	3	
Other compensation/damages	5	
<b>All unspecified money claims</b>	<b>53</b>	<b>50</b>
Possession of a property based on rent arrears	6	
Possession of a property (not involving arrears)	6	
<b>All possession claims</b>	<b>12</b>	<b>12</b>
<b>Other</b>	<b>8</b>	<b>7</b>
<i>Base: Self-reported data: All individual claimants (excluding missing responses) (n=1,862)</i>		
<i>Base: Composite data: All individual claimants (n=2,212)</i>		
<i>Source: Civil Court User Survey 2014/15 – Individual claimants</i>		

The respondent's self-classification of claim type provides some more detailed information on the nature of claims.

Among those who self-classified as making an unspecified money claim, a large proportion related to personal injury claims resulting from a road traffic accident, while other personal injury claims accounted for the majority of other unspecified money cases. Specified money claims related to unpaid bills or debt, faulty goods or services and other fixed-amount money claims. Finally, possession claims were evenly split between those based on rent arrears and other possession cases.

## 4.2 Further details of the claim

Most claims involved sums of over £1,000, and the median claim value was between £1,000 and £5,000 for each claim type. Compared with the average, specified money claims were more skewed towards the lower end of claim values (a higher percentage in the ‘up to £1,000’ band).<sup>34 35</sup>

**Table 4.2 Claim value (all individual claims which involved a claim for money)**

	Claim type			All claims
	Specified money	Unspecified money	Possession/rent arrears	
	%	%	%	%
Up to £1,000	44	7	21	22
Over £1,000 up to £5,000	42	58	61	51
Over £5,000 up to £10,000	8	16	9	12
Over £10,000 up to £15,000	2	7	5	5
Over £15,000 up to £50,000	3	7	2	6
Over £50,000	1	5	1	3
<i>Base: All claims which involved a claim for money</i>	<i>1,451</i>	<i>333</i>	<i>122</i>	<i>1,934</i>
<i>Source: Civil Court User Survey 2014/15 – Individual claims where claim was for money</i>				

Individual claimants were asked whether the claim was made on behalf of themselves or someone else (for example a minor). Most claimants (74%) were making a claim on behalf of themselves. Around a fifth (21%) of unspecified money claims related to claimants acting on behalf of someone else, and one in ten (10%) of specified money claims related to a claim on behalf of the claimant’s own business (Table 4.3).

<sup>34</sup> These median bands are significantly higher than average claim values for business claims (as reported in CaseMan) where the median value was at the lower end of the range between £500 and £1,000.

<sup>35</sup> Claim value was available from two sources: CaseMan and the questionnaire. The claim value data in Table 4.2 is based on data provided by respondents in the questionnaire. However, there was a reasonably high correlation between the two sets of values. The match rates based on % of respondents (unweighted) who provided an answer in the questionnaire which corresponded with CaseMan were as follows: up to £1,000 (90%); over £1,000 up to £5,000 (85%); over £5,000 up to £10,000 (78%); over £10,000 up to £15,000 (63%); over £15,000 (75%).

**Table 4.3 Nature of claimant (all individual claims)**

	Claim type			All claims %
	Specified money	Unspecified money	Possession/ rent arrears	
	%	%	%	
Individual acting for yourself	82	65	84	74
Acting on behalf of own business (Sole trader/partnership/company)	10	2	8	5
Representative of a business that you do not own	3	8	4	5
Acting on behalf of someone (e.g. child/mental incapacity)	2	21	1	11
Other	4	5	2	4
<i>Bases: All individual claims</i>	<i>1,482</i>	<i>379</i>	<i>210</i>	<i>2,105</i>

*Source: Civil Court User Survey 2014/15 – Individual claims*

Court hearings had been set for around half (53%) of all cases, whether a hearing had already happened, or had been set for a future or unknown date. Court hearings were particularly common for possession cases (Table 4.4).

**Table 4.4 Court hearings\* (all individual claims)**

	Claim type			All claims %
	Specified money	Unspecified money	Possession/ rent arrears	
	%	%	%	
Already happened	38	39	74	45
Set for future date	10	6	3	7
Set but don't know when	1	4	1	2
No date set	8	9	2	8
Hearing not required	38	31	21	30
Claim submitted but no response yet	4	4	2	4
Don't know if any hearings been set	5	11	1	8
<i>Bases: All individual claims</i>	<i>1,470</i>	<i>426</i>	<i>213</i>	<i>2,144</i>

*Source: Civil Court User Survey 2014/15 – Individual claims*

\* Multiple responses were allowed at this question to allow for cases with multiple hearings; for example one hearing has already happened and another is scheduled for the future. Percentages do not therefore sum to 100%.

### 4.3 Case outcome, compliance and enforcement

Three-quarters of cases (76%) had completed by the time of the survey (approximately six to seven months after case opening).<sup>36</sup> The proportion of cases that had completed were similar for specified claims (78%) and unspecified claims (71%) although almost all possession cases had completed (92%).

Of those cases that had completed, half (48%) had settled without any court ruling and 39% had been decided at a hearing (Table 4.5). Court hearings were most common in possession cases. Of all claim types, unspecified money cases were the most likely to have settled outside of court (61%).

Based on completed cases, nearly all (88%) concluded in the favour of the claimant (Table 4.5).

**Table 4.5 Case outcome (all individual claims – completed cases only)**

	Claim type			All claims %
	Specified money %	Unspecified money %	Possession/ rent arrears %	
<b>How case finished:</b>				
Outcome decided by judge at court hearing	28	33	71	39
Settled out of court	52	61	11	48
Case dropped/withdrawn	6	3	2	4
Default judgment	12	2	16	8
Other	2	1	1	1
<i>Bases: All completed cases*</i>	977	261	181	1,442
<b>Direction of case outcome</b>				
All or mostly in your favour	82	92	90	88
Evenly split	6	6	5	6
All or mostly in favour of other side	12	1	6	6
<i>Bases: All completed cases*</i>	956	254	179	1,411
<i>Source: Civil Court User Survey 2014/15 – Individual claims where case completed at time of survey</i>				

\* Bases differ in this table due to a differing level of valid answers for the two questions.

<sup>36</sup> Respondents to the survey were asked to indicate whether the case had completed using the following definition: 'the claim has been decided in favour of either you or the other side, it has been resolved in another way, or it has been dropped. This is regardless of whether or not any payments to be made have actually been made'.

Where a case concluded in favour of the claimant, in 87% of cases there was a court ruling or other court order, or an agreement between the parties, specifying a sum of money to be paid by a certain date or in instalments. At the time of the survey, this payment had been made as required in the majority of cases (73%) where an order or agreement of this type had been made; although in 18% of cases payment had not been made in accordance with the order or agreement (Table 4.6).

**Table 4.6 Compliance with court orders and agreements (all individual claims – completed cases where other side ordered to pay a sum of money or agreed to do so to settle the case)**

	%
To date, all payments made in accordance with court order or agreement	73
To date, payments have not been made in accordance with court order or agreement	18
Not applicable – payment not yet due	4
Other situation	5

*Base: All individual claims where there was a court order or agreement for other side to pay a sum of money (n=950)*

*Source: Civil Court User Survey 2014/15 – Individual claims*

In cases where payment had not been made in accordance with the court order or agreement (n=120), 34% of claimants had applied to take enforcement action and a further 30% were still pursuing the matter but without enforcement action.

## 5. Demographic profile of individual claimants

The questionnaire collected a number of details about the claimant to provide a profile of their characteristics. The demographic profiles in this section relate to all claimants either acting on behalf of themselves, as a proxy on behalf of a child or someone with mental incapacity, or on behalf of a business that they own (sole trader/partnership). A small number (80 out of 2,212) said that they were making the claim on behalf of a business which they did not own; these claimants are excluded from these figures. Table 4.3 shows the distribution of cases by these characteristics.

Tables 5.1 to 5.3 display the demographic profile of individual claimants by claim type.

In brief:

- The age and gender profile were broadly similar by claim type although possession claimants were slightly older in profile (a higher percentage aged 55+) when compared with the average of all claimants.
- Compared with the average, specified money and possession claimants were more likely to be educated to degree level.
- Possession case claimants were more likely than average to be of non-white ethnicity.
- Working status and income were broadly similar across claim types, although possession claimants were more likely than average to be retired and were more likely to have an annual income (respondent and partner) of at least £40,000.
- A third (34%) of unspecified money claimants cited a physical or mental health condition, higher than other groups, and likely to be related to the high proportion of personal injury claimants within this group (see Table 4.1).
- Most claimants used the internet regularly, although frequent use (at least once a day) was higher among specified money and possession claimants. Unspecified money claimants were more likely than other groups to never use the internet.

Where available, population data for all adults are shown alongside the data to allow comparisons to be drawn between the individual claimant population and all adults.<sup>37</sup> The profile of individual claimants matches the general population of adults (aged 16 or older) reasonably closely, although in comparison with the national profile, claimants were more likely to be:

- male;
- aged 45 or over;
- of Asian ethnicity
- self-employed; and
- without health problems.

Table 5.4 displays whether claimants have had previous court experience, either through the civil courts, or through other types of court (family, tribunal, criminal). Almost one in five claimants (18%) had previous experience of court use in at least one of these ways. Possession and specified money claimants were most likely to have used civil courts before.

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<sup>37</sup> Population data generally applies to Great Britain (and in the case of working status the UK) rather than England & Wales. However, any differences in the profiles of GB, UK and England & Wales will be negligible.

**Table 5.1 Demographic profile of claimants: age, gender, cohabitation, dependent children, ethnicity, qualifications (all individual claims)**

	Claim type			All claimants %	All adults (population) <sup>†</sup> %
	Specified money %	Unspecified money %	Possession/ rent arrears %		
<b>Gender</b>					
Male	62	55	55	56	47
Female	38	45	45	44	53
<b>Age</b>					
16 to 24	2	3	*	2	15
25 to 34	12	17	11	15	15
35 to 44	18	20	18	20	18
45 to 54	25	25	21	25	17
55 to 64	23	18	28	20	15
65 to 74	15	12	19	14	11
75 and over	5	5	3	5	9
<b>Highest qualifications</b>					
Degree level or above	41	25	45	32	
A-level	11	11	16	13	
GCSE Grades A-C/O-levels	20	25	19	24	
Other qualification	18	17	14	16	
No formal qualifications	10	22	5	15	
<b>Married or co-habiting</b>					
Yes	66	69	74	68	58
No	34	31	26	32	42
<b>Dependent children</b>					
Any aged < 16	30	39	30	35	] 43
Any aged 16-18 in FTE	9	12	7	10	
None	66	57	68	69	61
<b>Ethnicity</b>					
White	86	78	69	80	90
Asian/Asian British	7	16	18	14	5
Black//Black British	4	3	9	4	2
Mixed/Chinese/Other	3	3	4	3	3
<i>Bases: All claimants</i>					
Gender	1,455	412	204	2,105	
Age	1,456	409	204	2,101	
Qualifications	1,409	404	200	2,045	
Cohabitation	1,444	412	200	2,090	
Dependent children	1,433	406	198	2,070	
Ethnicity	1,384	398	197	2,009	

Source: Civil Court User Survey 2014/15 – Individual claims

<sup>†</sup> Ethnicity, marital status, age from <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-289713> ; Dependent children from [http://www.ons.gov.uk/ons/dcp171778\\_332633.pdf](http://www.ons.gov.uk/ons/dcp171778_332633.pdf)

**Table 5.2 Demographic profile of claims: employment status, income and benefits (all individual claims)**

	Claim type			All claimants %	All adults (population) <sup>††</sup> %
	Specified money %	Unspecified money %	Possession/ rent arrears %		
<b>Working status</b>					
Working full time	37	41	39	40	39
Working part time	9	9	4	9	12
Self-employed	22	11	21	16	8
Unemployed	2	5	3	4	5
Retired	20	19	29	19	22
Other	9	14	4	11	15
<b>Annual income (claimant +partner)</b>					
Under £10,000	15	19	7	16	
£10,000 - £12,999	6	11	5	9	
£13,000 - £14,999	4	5	*	4	
£15,000 - £20,999	14	16	6	16	
£21,000 - £39,999	31	31	34	30	
£40,000 - £59,999	14	11	18	12	
£60,000 - £79,999	5	4	14	6	
£80,000 or over	11	2	16	7	
<b>Receipt of state benefits<sup>†</sup></b>					
Any	17	28	14	24	
None	83	72	86	76	
<i>Bases: All claimants</i>					
<i>Working status</i>	<i>1,442</i>	<i>403</i>	<i>200</i>	<i>2,078</i>	
<i>Income</i>	<i>1,226</i>	<i>322</i>	<i>165</i>	<i>1,742</i>	
<i>Benefits</i>	<i>1,280</i>	<i>369</i>	<i>183</i>	<i>1,861</i>	

Source: Civil Court User Survey 2014/15 – Individual claims

<sup>†</sup> Includes: Income Support, Income based Jobseekers Allowance, Pension Credit, Income-related Employment and Support Allowance, Universal Credit

<sup>††</sup> Data from: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/325491/family-resources-survey-statistics-2012-2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/325491/family-resources-survey-statistics-2012-2013.pdf)

**Table 5.3 Demographic profile of claimants: health and internet use (all individual claims)**

	Claim type			All claimants %	All adults (population) <sup>†</sup> %
	Specified money %	Unspecified money %	Possession/ rent arrears %		
<b>Health</b>					
Any physical or mental health condition	19	34	13	25	36
<b>Internet use</b>					
Several times a day	69	53	74	61	] 73
Once a day	14	14	12	14	
Less often	11	18	9	15	
Never	6	16	6	11	8
<i>Bases: All claimants</i>					
<i>Health</i>	1,416	402	200	2,048	
<i>Internet</i>	1,425	409	201	2,066	

Source: Civil Court User Survey 2014/15 – Individual claims

<sup>†</sup> Health data from <http://www.ons.gov.uk/ons/rel/ghs/opinions-and-lifestyle-survey/adult-health-in-great-britain-2013/index.html>  
 Internet use data from <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcn%3A77-322080>

**Table 5.4 Previous court use in past five years (all individual claims)**

	Claim type			All claimants %
	Specified money %	Unspecified money %	Possession/ rent arrears %	
<b>Any</b>	<b>23</b>	<b>11</b>	<b>33</b>	<b>18</b>
- Another civil court claim	17	6	31	13
- Family court case	3	3	2	3
- Criminal court case	2	1	2	2
- Tribunal case	4	2	2	3
<b>None</b>	<b>77</b>	<b>89</b>	<b>67</b>	<b>82</b>
<i>Bases:</i>	1,374	364	192	1,960

Source: Civil Court User Survey 2014/15 – Individual claims

## 6. Individual claimants’ pre-court experience

This chapter describes details of the claimants’ pre-court experiences including advice sought, action before starting the claim, attempts to resolve matters outside court, preference for court action and expectations regarding case length and outcome.

### 6.1 Advice sought

Most claimants said that they sought advice on whether or not to make a claim before they made the claim, ranging from 67% for specified money claimants to 91% for unspecified money claimants (Table 6.1). The advice of solicitors or other lawyers was most commonly sought, with around half of claimants (52%) seeking their advice on whether or not to make a claim. The use of solicitors or other lawyers here was highest for unspecified claims (68%) and lowest for specified claims (28%). Insurance companies were also commonly consulted in relation to unspecified claims (27%).

**Table 6.1 Advice sought on whether or not to make a claim (all individual claims)\***

	Claim type			All claimants
	Specified money	Unspecified money	Possession/rent arrears	
	%	%	%	%
<b>Any advice sought</b>	<b>67</b>	<b>91</b>	<b>70</b>	<b>81</b>
Solicitor/barrister/lawyer	28	68	43	52
Insurance company	13	27	4	18
Friend/family member	18	17	11	17
Citizens Advice/other free legal advice	20	4	5	10
Other advice	12	12	22	13
<b>None</b>	<b>33</b>	<b>9</b>	<b>30</b>	<b>19</b>
<i>Bases: All claimants</i>	<i>1,482</i>	<i>433</i>	<i>209</i>	<i>2,158</i>
<i>Source: Civil Court User Survey 2014/15 – Individual claims</i>				

\* Multiple responses were allowed

### 6.2 Action before starting claim

Most claimants said they had taken some form of action in an effort to avoid going to court although this was less common amongst unspecified money claimants (67%) in comparison to other claim types (over 90% in each case). Most commonly claimants had either contacted the other side in an attempt to resolve the issue or had informed them that they were considering legal action. Formal mediation was rarer – around one in four of all claimants (23%) attempted to resolve the matter via this avenue (Table 6.2).

A combination of factors may account for the lower levels of pre-claim action by individual claimants in respect of unspecified money claims. Before court proceedings can be started, most prospective personal injury claims valued at between £1,000 and £25,000 and arising from road traffic accidents (RTAs) or employment, have to go through a process which allows the prospective defendant's insurers to assess the claim and decide whether to admit liability and whether to agree the value put on the claim.<sup>38</sup> As indicated elsewhere in this report, most unspecified claims meet these criteria<sup>39</sup> and it therefore seems likely that most of the unspecified claims in the survey would have gone through the process described above, meaning that there would be no need for mediation or other forms of alternative dispute resolution to be explored.

In addition, most claimants with unspecified claims said that the claim had been started on their behalf by a solicitor or other lawyer, or by an insurance company, and most said that a solicitor or other lawyer had conducted the case all the way through.<sup>40</sup> It therefore seems likely that claimants may not have been fully aware of, or may not have recalled, what processes had been involved before proceedings were started. The greater proportion of claimants with unspecified claims who answered 'Don't know' to questions about actions taken before starting the claim, is consistent with this. In summary, it seems probable that claimants with unspecified claims were simply less likely to be aware of what action had been taken to avoid going to court, rather than less likely to attempt such action.

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<sup>38</sup> Prospective personal injury claims against public sector bodies such as local authorities also have to go through this process. See the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents from 31 July 2013, available from: <https://www.justice.gov.uk/courts/procedure-rules/civil/protocol/pre-action-protocol-for-low-value-personal-injury-claims-in-road-traffic-accidents-31-july-2013> and the Pre-Action Protocol for Low Value Personal Injury (Employers' Liability and Public Liability) Claims at <https://www.justice.gov.uk/courts/procedure-rules/civil/protocol/pre-action-protocol-for-low-value-personal-injury-employers-liability-and-public-liability-claims>.

<sup>39</sup> See Table 4.1 for nature of claims and Table 4.2 for values.

<sup>40</sup> See Table 8.1 for who started the claim and Table 7.1 for use of solicitors/other lawyers.

**Table 6.2 Action before starting a claim (all individual claims)**

	Claim type			All claimants
	Specified money	Unspecified money	Possession/rent arrears	
	%	%	%	
<b>Contacted the other side to try to resolve</b>				
Yes	86	55	82	70
No, but thought about it	3	3	3	3
No, did not consider it	7	24	12	16
Don't know	5	18	3	12
<b>Informed the other side you were considering legal action</b>				
Yes	89	62	88	75
No, but thought about it	2	4	3	3
No, did not consider it	5	17	6	11
Don't know	4	17	3	10
<b>Formal mediation</b>				
Yes	28	20	13	23
No, but thought about it	22	7	15	14
No, did not consider it	40	41	67	43
Don't know	10	31	6	21
<b>Some other form of action</b>				
Yes	63	30	68	47
No, but thought about it	6	4	4	5
No, did not consider it	20	31	25	26
Don't know	11	35	3	22
<b>None</b>	<b>7</b>	<b>33</b>	<b>9</b>	<b>21</b>
<b>At least one action undertaken</b>	<b>93</b>	<b>67</b>	<b>91</b>	<b>79</b>
<i>Bases: All claimants</i>				
<i>Formal mediation</i>	<i>1,380</i>	<i>402</i>	<i>195</i>	<i>2,006</i>
<i>Contact other side</i>	<i>1,436</i>	<i>393</i>	<i>199</i>	<i>2,057</i>
<i>Inform other side</i>	<i>1,451</i>	<i>400</i>	<i>203</i>	<i>2,086</i>
<i>Other action</i>	<i>1,370</i>	<i>384</i>	<i>194</i>	<i>1,976</i>
<i>At least one</i>	<i>1,515</i>	<i>448</i>	<i>214</i>	<i>2,212</i>
<i>Source: Civil Court User Survey 2014/15 – Individual claims</i>				

### 6.3 Preferences and expectations

It was evident that most claimants would have avoided court action if they could: two-thirds of all claimants said this; although this was much higher among specified money and possession claimants (80% and 81% respectively). Preference for court action was most common amongst unspecified money claimants (18%).

**Table 6.3 Preference for court action (all individual claims)**

	Claim type			All claimants
	Specified money	Unspecified money	Possession/rent arrears	
	%	%	%	%
Ideally would have avoided court claim	80	57	81	68
Wanted to make court claim	9	18	10	14
Didn't mind either way	12	25	8	19
<i>Bases: All claimants</i>	<i>1,491</i>	<i>437</i>	<i>212</i>	<i>2,174</i>

*Source: Civil Court User Survey 2014/15 – Individual claims*

Most claimants expected that the outcome of the case would be in their favour (at least 78% of each group). Expected duration of case was variable, though in general specified money and possession claimants expected their cases to be resolved quicker (based on the proportion expecting resolution within three months) than unspecified claimants (Table 6.4). Compared with all cases, unspecified money claimants expected their case to have a longer duration (20% expected the case to take more than 12 months compared with 1-2% for the other claim types).

**Table 6.4 Expectations about a) direction of outcome; b) length of case (all individual claims)**

	Claim type			All claimants
	Specified money	Unspecified money	Possession/rent arrears	
	%	%	%	
<b>Direction of outcome: expected that...</b>				
...case would go in my favour	86	78	93	82
...case would go in other side's favour	2	1	-	1
...I had an even chance	8	13	6	10
...don't know	5	9	2	7
<b>Case duration: expected it would take...</b>				
...up to a month	9	2	22	6
...more than one month, up to 3 months	45	13	54	28
...more than 3 months, up to 6 months	23	19	18	20
...more than 6 months, up to 9 months	5	9	1	7
...more than 9 months, up to 12 months	4	18	1	11
...more than 12 months	2	20	1	11
Don't know/can't remember	13	19	4	16
<i>Bases: All claimants</i>				
<i>Direction of case</i>	<i>1,500</i>	<i>446</i>	<i>210</i>	<i>2,189</i>
<i>Case duration</i>	<i>1,495</i>	<i>443</i>	<i>209</i>	<i>2,181</i>
<i>Source: Civil Court User Survey 2014/15 – Individual claims</i>				

## 7. Use of a solicitor or other lawyer by individual claimants

This chapter covers the prevalence of the use of a solicitor, barrister or other lawyer, including the extent of advice sought, reasons for use, and experiences in relation to payment of legal fees.

Overall seven in ten (71%) had used a solicitor or other lawyer,<sup>41</sup> although this varied widely by claim type (Table 7.1). Use of a solicitor or other lawyer was most common for unspecified money claims and least common for specified money claims. For the most part, when a solicitor or other lawyer was used, it was to conduct the case all the way through, particularly for unspecified money claims. In the case of specified money claimants who used solicitors or other lawyers, one in four claimants (23%) had only obtained advice from a solicitor/other lawyer so that they could conduct the case themselves.

Overall, 29% said that they had not used a solicitor or other lawyer in relation to their case.

**Table 7.1 Use of solicitor or other lawyer (all individual claims) and level of solicitor/lawyer involvement in case (all using a solicitor/other lawyer)**

	Claim type			All claimants
	Specified money	Unspecified money	Possession/rent arrears	
	%	%	%	
<b>Used solicitor/barrister/lawyer; of which:</b>	<b>41</b>	<b>93</b>	<b>57</b>	<b>71</b>
Conducted case all the way through	63	93	63	84
Helped you part-way/at specific stages only	12	4	26	7
Advice only to deal with case yourself	23	3	11	8
Other	2	1	*	1
<i>Bases:</i>				
<i>All claimants</i>	<i>1,488</i>	<i>437</i>	<i>211</i>	<i>2,170</i>
<i>All claimants using legal representative</i>	<i>569</i>	<i>392</i>	<i>126</i>	<i>1,111</i>

*Source: Civil Court User Survey 2014/15 – Individual claims*

The main reasons cited by claimants for why they had obtained legal representation or advice were: because they needed the expertise; because it was free/'no win no fee'; to ensure they achieved the outcome they wanted, or because they were advised to (Table 7.2). Expertise was particularly cited in respect of possession cases.

<sup>41</sup> Claimants were asked to include informal as well as more formal advice, e.g. from a personal friend/family member who was also a lawyer.

**Table 7.2 Reason for using a solicitor or other lawyer (individual claimants who used one)\***

	Claim type			All claimants
	Specified money	Unspecified money	Possession/rent arrears	
	%	%	%	
Needed the expertise/knowledge	52	64	76	64
Representation was free/no win no fee	27	43	3	35
To ensure I got outcome I wanted	26	26	34	26
I was advised to	20	29	12	25
Other side had legal representation	8	19	7	16
Thought case would be taken more seriously	17	16	8	15
Didn't have time to conduct case myself	7	10	15	10
To speed up the case	11	9	19	10
Solicitor provided by insurance/claims company	15	3	1	5
Other reason	3	2	4	2
<i>Base: All using solicitor/other lawyer</i>	<i>577</i>	<i>397</i>	<i>126</i>	<i>1,124</i>

*Source: Civil Court User Survey 2014/15 – Individual claims*

\* Multiple responses were allowed

Payment of legal fees varied by claim type (Table 7.3). In most unspecified money cases legal advice and/or representation was funded on a 'no win no fee' basis (78%); for most possession cases the legal fees were paid by the claimant (88%). For nearly half (45%) of all specified money cases claimants who used a solicitor or other lawyer said no legal fees were payable. Some of these claimants may have received advice or representation from a friend or family member who was a solicitor, some may have received advice or representation through their insurance cover or trade union, and some may have received free legal advice from organisations such as the Citizens Advice Bureau.

**Table 7.3 Legal costs (individual claimants who had used a solicitor/other lawyer)**

	Claim type			All claimants
	Specified money	Unspecified money	Possession/rent arrears	
	%	%	%	
Paid (or will pay) legal fees	27	7	88	22
No win no fee	28	78	3	59
No legal fees	45	15	9	20
<i>Base: All using lawyer</i>	<i>519</i>	<i>356</i>	<i>124</i>	<i>1,019</i>

*Source: Civil Court User Survey 2014/15 – Individual claims*

† Excludes a small number of cases which related to a business not owned by the respondent.

Amongst individual claimants who paid or expected to pay legal fees, the distribution of the paid or expected amount is shown in Table 7.4.

**Table 7.4 Total legal costs (all who paid or expected to pay legal fees)**

	<b>All claimants</b>
	<b>%</b>
Up to £250	10
£251-£500	10
£501-£1,000	23
£1,001-£2,000	20
£2,001-£5,000	18
£5,001+	19
<i>Base: All who paid or expected to pay legal fees</i>	<i>268</i>
<i>Source: Civil Court User Survey 2014/15 – Individual claims</i>	

## 8. Individual claimants' experience of the claims process

This chapter covers experience of the process of the claim – including how the claim was made, contact with court staff, perceptions of court staff, and payment of court fees.

Most specified money claimants (66%) started the claim themselves. In contrast, most unspecified money claims (69%) were started by a solicitor or other lawyer (Table 8.1). An online service was most frequently used for starting specified money claims, while possession claims were often started by completing a paper form downloaded from the internet. For unspecified claims, paper forms were often obtained via a solicitor or other source. A high proportion of claimants did not know the process by which the claim was started, particularly unspecified money claimants. This is likely to reflect that in most of these cases the individual did not themselves start their claim.

**Table 8.1 Who made the claim/How the claim was made (individual claims)**

	Claim type			All claimants %
	Specified money %	Unspecified money %	Possession/ rent arrears %	
<b>Who made the claim</b>				
Myself	66	11	48	34
Solicitor/barrister/lawyer	16	69	35	47
Insurance Company	11	14	3	11
Friend/family member	2	2	3	3
Citizens Advice/free legal advice service	2	1	1	1
Other person/organisation	3	3	10	4
<b>How the claim started</b>				
Online service	46	8	14	21
Completed form downloaded from the internet	16	1	36	11
Completed a paper form obtained from a county court	12	5	10	9
Completed a paper version obtained via my solicitor/another source	9	46	16	30
Don't know	17	40	24	30
<i>Base: All claimants</i>				
<i>Who made the claim</i>	<i>1,485</i>	<i>429</i>	<i>208</i>	<i>2,153</i>
<i>How claim started</i>	<i>1,479</i>	<i>436</i>	<i>207</i>	<i>2,156</i>

*Source: Civil Court User Survey 2014/15 – Individual claims*

Contact with court staff was relatively common for claimants in respect of specified money and possession claims occurring in four out of ten cases (Table 8.2). Levels of contact were much lower (10%) for unspecified claims, which is not unexpected given that most claimants in these cases conducted the case via a solicitor or other lawyer (see Table 7.1). Telephone contact was more common for specified money and possession claims than for unspecified money claims.

**Table 8.2 Contact with court staff\* (individual claims)**

	Claim type			All claimants %
	Specified money	Unspecified money	Possession/rent arrears	
	%	%	%	
<b>Any</b>	<b>40</b>	<b>10</b>	<b>40</b>	<b>25</b>
In person, at court	6	3	14	6
By telephone/helpline	29	2	28	14
Email/website	8	2	2	4
Post	8	4	4	6
Other	1	1	2	1
<b>None</b>	<b>60</b>	<b>90</b>	<b>60</b>	<b>75</b>
<i>Base: All claimants</i>	<i>1,498</i>	<i>445</i>	<i>210</i>	<i>2,187</i>

*Source: Civil Court User Survey 2014/15 – Individual claims*

\* Multiple responses were allowed

Where contact with court staff had occurred, perceptions were favourable, with a majority finding information or advice from court staff helpful, and staff to be respectful and fair (Table 8.3).

**Table 8.3 Perceptions of court staff (individual claimants who had contact with court staff)**

	All claimants %
Very/fairly helpful	72
Treated with respect	80
Treated fairly	77
<i>Bases: All who had contact with court staff</i>	
<i>How helpful</i>	<i>828</i>
<i>Whether treated with respect</i>	<i>804</i>
<i>Whether treated fairly</i>	<i>796</i>

*Source: Civil Court User Survey 2014/15 – Individual claims*

There were varying opinions on whether the claimant expected the courts to keep them informed about case progress. Around half of all specified money claimants expected this, while a large proportion of unspecified money claimants did not know what to expect. This latter finding is likely to be related to the finding that most unspecified money claimants conducted their case through a solicitor.

Around two out of five specified money and possession claimants considered that they had been kept very or fairly well informed by court staff. There was however a high proportion of claimants who did not know how well court staff had kept them informed about their case progression. This was likely to be related to the high proportion of claimants who did not know what to expect regarding whether court staff should keep them informed – almost three-quarters (72%) of claimants who did not know what to expect reported that they did not know how well court staff had kept them informed.

**Table 8.4 Expectations about court staff keeping you informed about progress of the case (individual claims)**

	Claim type			All claimants
	Specified money	Unspecified money	Possession/rent arrears	
	%	%	%	%
<b>Whether <u>expected</u> staff to keep you informed</b>				
Expected this	47	20	39	31
Did not expect this	20	12	27	17
Didn't know what to expect	33	68	34	52
<b>Extent felt court staff kept you informed</b>				
Very/fairly well informed	41	18	40	29
Not very/not at all well informed	32	15	30	23
Don't know	27	67	30	48
<i>Bases: All claimants</i>				
<i>Whether expected to keep informed</i>	<i>1,472</i>	<i>421</i>	<i>207</i>	<i>2,131</i>
<i>Extent kept informed</i>	<i>1,433</i>	<i>404</i>	<i>201</i>	<i>2,068</i>
<i>Source: Civil Court User Survey 2014/15 – Individual claims</i>				

Payment of court fees was extremely variable: most specified money and possession claimants paid a fee, while a high proportion of unspecified money claimants said their court fee was covered under a 'no win no fee' arrangement. Court fee remissions were rarely mentioned by claimants.

**Table 8.5 Payment of court fees (individual claims)**

	Claim type			All claimants
	Specified money	Unspecified money	Possession/rent arrears	
	%	%	%	
Paid fee	70	6	89	38
No, somebody else paid	5	10	4	7
Court fee was waived/reduced because I was granted a remission	3	1	-	2
No win no fee	7	50	-	28
Don't know	15	32	7	23
<i>Base: All claimants</i>	1480	433	209	2,153

*Source: Civil Court User Survey 2014/15 – Individual claims*

When a court fee had been paid, around half of all claimants said this was about the amount they had expected to pay. Where fees were not what they expected, the balance of opinion was that fees were higher than they had predicted.

**Table 8.6 Court fees paid compared with expectation (individual claimants who paid fees)**

	Claim type			All claimants
	Specified money	Unspecified money*	Possession/rent arrears	
	%	%	%	
As expected	55	n/a	40	47
More than expected	31	n/a	48	38
Less than expected	3	n/a	1	2
I didn't know what to expect	12	n/a	11	13
<i>Base: All who paid a court fee</i>	1,112	n/a	179	1,334

*Source: Civil Court User Survey 2014/15 – Individual claims*

\* Base size too small to present reliable percentages

## 9. Business profile of business claims

As explained in Chapter 2, it was not possible to undertake a robust survey of business claimants to collect information in relation to their experiences of the claims process. It was, however, possible to collect information on the profile of business claimants through matching the CaseMan sample to the ONS Inter Departmental Business Register (IDBR). This chapter presents the findings from the data matching exercise. The percentages refer to the proportion of all claims issued by known VAT-registered businesses in May and June 2014. A total of 6,807 unique claimants were identified as a business from the sample drawn from CaseMan.<sup>42</sup> Of these, 5,199 claimants (76%) were identified as a business because they were matched to the IDBR, with the remaining cases identified as a business through other means - matching to the large-user Postcode Address File (PAF) register or manual searches. At 76%, the rate of matching among all known businesses to the IDBR was encouragingly high.

As IDBR data only cover VAT-registered businesses, analysis of matched business claimants will over-represent large businesses and under-represent small sole trader business and other businesses below the VAT threshold. Also the IDBR matched sample of business claimants does differ somewhat to other business claimants in terms of CaseMan data on case type and route (see section A.4 in the Appendix). For example, compared with non-matched business claimants, IDBR-matched claimants were more likely to issue specified money claims and claims through MCOL, and less likely to issue possession claims. This should be borne in mind when interpreting the findings in this section of the report.

For the 5,199 businesses that were matched to the register, the ONS attached a range of business characteristic data. This included:

- size (number of employees);
- legal status;
- industry (Standard Industrial Classification (SIC) code);
- turnover; and
- number of local units.<sup>43</sup>

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<sup>42</sup> Of the remaining sample which had not been identified as a business, the “presumed individual” sample, we know that a proportion of these will also have been involved in business claims. The individual claimant survey identified 10% of the responding sample as claiming either for their own business or another business.

<sup>43</sup> However, we do not know what percentage of the non-responders were also making a business-related claim.  
<sup>43</sup> The number of individual sites (e.g. factory, shop, office, etc.) at which the enterprise conducts its business.

This chapter provides profile data on the above characteristics for IDBR-matched businesses. The findings are based on all *claims in the IDBR matched sample* (8,371) rather than *all claimants matched to the IDBR* (5,199). This means some businesses will be included in the sample on multiple occasions if they had made multiple claims during the sampling window. The distribution, therefore, reflects the nature of *claims made by businesses* as opposed to *businesses which are making the claims*. All findings are based on data which have been weighted to reflect the population of claims recorded on CaseMan during the sampling period.<sup>44</sup> The percentages based on the total sample of 8,371 business claims therefore refer to the proportion of all claims issued by businesses in May and June 2014 which were able to be matched to the IDBR.

### 9.1 Business profile statistics

Table 9.1 displays number of employees by claim type. Overall, almost half (45%) of all business claims were made by large businesses (250 or more employees) although this varied greatly by claim type. Around eight in ten possession claims (79%) were made by large businesses, whereas around seven in ten unspecified money claims (71%) were made by small businesses with less than five employees. The size distribution of businesses starting specified money claims was more evenly spread across the size spectrum.

**Table 9.1 Number of employees by type of claim issued by IDBR matched business**

	Specified money claims	Unspecified money claims	Possession claims	Other claims*	All claims
	%	%	%	%	%
0-4 employees	17	71	8	13	15
5-9 employees	15	11	1	3	10
10-19 employees	9	3	1	3	6
20-49 employees	18	3	1	2	12
50-99 employees	9	1	2	7	7
100-249 employees	4	3	7	7	5
250+ employees	29	7	79	65	45
<i>Base: All IDBR-matched claims drawn from cases started in May/June 2014</i>	7,285	88	697	301	8,371

*Source: IDBR data for business claims where a match was obtained*

\* Refers to claims issued directly at county court and includes a mix of the other categories, plus other non-money claims.

<sup>44</sup> The weights were calculated so that the selected sample matches the population distribution for May and June across the 28 groups within the sample. This took into account the route, type of case, value of claim and whether the claim was defended or not.

Table 9.2 displays the legal status by claim type. Overall around seven in ten claims (69%) were made by companies. The nature of businesses associated with different types of claims was, however, very variable. While most specified money claims were made by companies (88%), possession claims were made predominantly by local authorities and other non-profit making bodies (62%), while over half of unspecified money claims were started by sole proprietors (56%).

**Table 9.2 Legal status by type of claim issued by IDBR matched business**

	Specified money claims	Unspecified money claims	Possession claims	Other claims	All claims
	%	%	%	%	%
Company	88	34	31	45	69
Sole proprietor	4	56	3	5	4
Partnership	3	6	2	2	2
Public corporation	*	0	3	*	1
Central government body	1	0	*	2	*
Local authority	2	1	27	37	12
Non-profit making body	2	3	35	11	12
<i>Base: All IDBR-matched claims drawn from cases started in May/June 2014</i>	<i>7,285</i>	<i>88</i>	<i>697</i>	<i>301</i>	<i>8,371</i>
<i>Source: IDBR data for business claims where a match was obtained</i>					

Table 9.3 displays the industry profile relating to claims matched to the IDBR, using standard ONS categorisation. Categories which account for at least 10% of all claims for each claim type are indicated in bold. In line with expectations, a high proportion (49%) of all possession claims were issued by property-based businesses.

**Table 9.3 Industry (SIC 2007) by type of claim issued by IDBR matched business**

	Specified money claims	Unspecified money claims	Possession claims	Other claims	All claims
	%	%	%	%	%
SIC 01-03 : Agriculture, forestry & fishing	1	3	1	1	1
SIC 05-39 : Production	6	2	*	1	4
SIC 41-43 : Construction	5	<b>10</b>	6	3	5
SIC 45 : Motor trades	2	5	*	0	1
SIC 46 : Wholesale	8	0	*	1	5
SIC 47 : Retail	2	7	1	3	2
SIC 49-53 : Transport & Storage (inc. postal)	3	<b>12</b>	*	1	2
SIC 55-56 : Accommodation & food services	2	<b>11</b>	1	4	2
SIC 58-63 : Information & communication	2	3	*	1	2
SIC 64-66 : Finance & insurance	<b>16</b>	7	<b>12</b>	<b>16</b>	<b>15</b>
SIC 68 : Property	<b>17</b>	2	<b>49</b>	<b>18</b>	<b>25</b>
SIC 69-75 : Professional, scientific & technical	<b>13</b>	<b>11</b>	7	4	<b>11</b>
SIC 77-82 : Business administration & support services	<b>13</b>	3	*	6	9
SIC 84 : Public administration & defence	1	1	8	<b>18</b>	5
SIC 85 : Education	3	2	<b>12</b>	<b>20</b>	7
SIC 86-88 : Health	2	5	2	1	2
SIC 90-99 : Arts, entertainment, recreation & other services	4	<b>13</b>	*	1	3
<i>Base: All IDBR-matched claims drawn from cases started in May/June 2014</i>	<i>7,285</i>	<i>88</i>	<i>697</i>	<i>301</i>	<i>8,371</i>
<i>Source: IDBR data for business claims where a match was obtained</i>					

Table 9.4 displays the business turnover for all IDBR-matched business claims. Around half of all claims (55%) were made by businesses with a turnover of at least five million pounds. Reflecting company size, claims for possession and other claims were made by larger turnover companies, while unspecified money claims tended to be started by businesses with smaller turnovers relative to the average.

**Table 9.4 Turnover by type of claim issued by IDBR matched business**

	Specified money claims	Unspecified money claims	Possession claims	Other claims	All claims
	%	%	%	%	%
Less than £50,000	4	23	2	6	4
£50,000 to-£99,999	3	15	1	2	3
£100,000-£249,999	21	26	3	5	15
£250,000-£499,999	8	13	2	3	6
£500,000-£999,999	8	5	1	1	6
£1,000,000-4,999,999	16	9	2	6	11
£5,000,000+	39	10	89	77	55
<i>Base: All IDBR-matched claims drawn from cases started in May/June 2014</i>	7,285	88	697	301	8,371
<i>Source: IDBR data for business claims where a match was obtained</i>					

Table 9.5 provides data on the number of local units within sampled enterprises; by local unit we refer to the number of individual sites that form part of the business enterprise (e.g. factory, shop, office, etc). The number of units by claim type reflects other size indicators such as size and turnover.

**Table 9.5 Number of live local units by type of claim issued by IDBR matched business**

	Specified money claims	Unspecified money claims	Possession claims	Other claims	All claims
	%	%	%	%	%
None	28	74	7	13	22
One	26	15	10	14	21
2-9	21	5	13	25	19
10-19	14	1	12	8	13
20-49	3	0	9	9	5
50+	7	4	50	31	20
<i>Base: All IDBR-matched claims drawn from cases started in May/June 2014</i>	7,285	88	697	301	8,371
<i>Source: IDBR data for business claims where a match was obtained</i>					

## 10. Conclusions

The aim of this study was to provide evidence on the profile of civil claimants and, in the case of individual claimants, their experiences of making a claim. Prior to this study, little quantitative information was known regarding claimants' characteristics and experiences.

The findings complement the statistics reported in Civil Justice Statistics Quarterly, which provide case management data on the volume of civil and administrative justice cases dealt with by the courts. The main conclusions from the Civil Court User Survey are as follows.

The profile of claims differs between those made by businesses and those made by individuals:

- Businesses were most likely to make specified money claims whereas individuals were most likely to make unspecified money claims.
- Specified money claims made by businesses were more likely to be for a lower value than those made by individuals.
- Claims made by businesses were less likely to be defended or to have a judgment entered (at the point of sampling) than claims made by individuals.

The survey of individual claimants shows that:

- Experiences vary for different claim types – possession cases were most likely to involve court hearings and have outcomes decided at court by a judge, whereas specified and unspecified money claims were more likely to be settled out of court.
- Similarly, use of solicitors or other lawyers also varied widely by claim type, with almost all unspecified money claimants using legal representation compared with less than half of specified money claimants doing so. Payment of legal fees also varied by claim type with legal fees funded on a 'no win no fee' basis for the majority of unspecified money claims, but funded by the claimant themselves in most possession claims.
- The majority of claimants did not have contact with court staff (varying from six out of ten claimants in specified money and possession claims to nine out of ten claimants in unspecified money claims). Where contact had occurred, most claimants had positive perceptions of court staff.
- The majority of claimants reported that ideally they would have avoided court action, that they had taken some form of alternative action to avoid going to

court, and that they had sought advice on whether or not to make a claim before they made the claim. This suggests that the civil courts are seen as a last resort to resolve disputes, and decisions to take court action are given consideration.

- Overall, the majority of claims were concluded in favour of the claimant. This suggests that individual claimants tend to use the system appropriately for meritorious cases.

The profiling exercise of VAT-registered businesses showed that the characteristics of businesses involved in different types of claims varied – with possession claims being more likely to be issued by larger businesses, businesses with higher turnover, and those with more local units.

While this study has significantly improved our understanding of civil claimants, there were some methodological challenges and some gaps remain. Notably:

- The use of a postal survey placed some constraints on the information that could be collected from individual claimants and the response rate was not high. As indicated in the feasibility study that took place prior to this study, more complete and robust data could potentially be captured through a telephone based survey. This, however, first requires that telephone numbers be more routinely recorded by HMCTS.
- The information on business claimants has been limited to that available from the Inter-Departmental Business Register – thus providing basic business profile data for VAT registered business claimants. Capturing profile data for non-VAT registered businesses and information on the experiences of businesses would be useful. As above, this is likely to only be achievable if HMCTS were to record more information about business claimants to enable future surveys to take place, including telephone number and named contact.

# Appendix A

## Methodology

### A.1 Overview

This study comprised two linked data collection approaches:

- A postal survey of individual (that is non-business) civil court claimants which covered views and experiences of the court claim process.
- A data matching exercise to profile business civil court claimants in terms of key business features such as size, sector and turnover.

A sample of cases was selected from the HMCTS database CaseMan. CaseMan does not flag whether a claim relates to a business or an individual. A sample was therefore drawn covering all claims. Assumptions about the proportion of businesses versus individuals likely to be in the sample were made based on findings from the feasibility study conducted in 2013.<sup>45</sup>

An initial sample of 21,334 cases was drawn from the population of all cases started in May and June 2014. The sample was based on all *claims* within the sampling window rather than all *claimants*. This means that the file included duplicates where a business or individual made multiple claims during the sampling window.<sup>46</sup> The sample was then split into presumed individuals and presumed businesses using different sources to identify businesses. The businesses were included in the profiling stage and the individuals included in the postal survey stage.

This Appendix details the methodology. Section A.2 describes the process for drawing the initial sample. Section A.3 describes the process for identifying and profiling businesses in the sample. Section A.4 compares the claim profile of businesses which were and were not matched to the IDBR. Section A.5 explores the characteristics of businesses that issued multiple claims in the sample compared with those who had one claim. Section A.6 describes the postal survey methodology for those claimants identified as individuals. Section A.7 describes the weighting process for the two samples (individuals and businesses).

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<sup>45</sup> See <https://www.gov.uk/government/publications/civil-court-users-survey-feasibility-study> for the full findings.

<sup>46</sup> It was not possible to identify duplicates in advance of drawing the sample as claimants (particularly businesses) may present their name and address in slightly different ways for each claim; for example different sites which are part of the same enterprise.

## A.2 Sample of claims

A sample of 21,334 claims was initially drawn from CaseMan records of claims started in May and June 2014.<sup>47</sup> This sample size was calculated on the basis of providing sufficient numbers of claims in both the business sample and the individual sample. As the fieldwork among individual claimants was scheduled for November and December 2014 this timing was based on an approximate six-month period between the start date of the claim and questionnaire completion.

The sample specification was driven by the requirement to obtain an estimated overall sample of 2,500 individual claimants with a target number of achieved questionnaires within each of 23 groups (see table A1). This required an initial issued sample of 8,400 individual claimants calculated on the basis of an expected 30% response rate. The larger sample of 21,334 claimants was selected based on the expected proportion of businesses within the overall sample of claims, taking into account the expected proportions within different groups.

This specification was drawn up based on guidelines arising from the feasibility study which recommended that the sample should be stratified by the route of issue of the claim, with further splits by type of case, value of the claim, and by whether the claim was defended or not. These stratifiers were selected on the basis that they were expected to be key determinants of court user experience.

Within each of the 23 sample cells arising from this matrix, numbers were selected to target a varying achieved sample size of individual claimants per cell. These targets reflected court user population proportions to an extent, although they were also set to ensure an estimated minimum achieved sample size of 70 per cell. In addition to the 23 sample cells which were expected to include a mixture of individuals and businesses, there were five additional cells which were expected not to contain individual claimants – for example claims issued through the Claims Production Centre (CPC) and possession claims relating to mortgage arrears or social landlord rent arrears. These cells were added to ensure that claimants in these types of cases were represented within the business profile sample.

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<sup>47</sup> The original intention had been to select all cases started in May. However, for some of the smaller claimant groups there were not enough cases to sample from within one month and so selection in these cases was expanded to cover claims started in May and June 2014.

For each of the 23 cells expected to include a mixture of businesses and individuals, the number to select was based on the following layers of attrition, with assumptions based on the feasibility pilot survey.

- Firstly, the proportion of cases that were expected to be ineligible (generally 10% based on feasibility experience) – denoted “i”.
- Secondly, the proportion of cases which were expected to be a business – denoted “b”.
- Thirdly, the expected postal response rate for individuals - denoted “r”.

Thus if the required achieved individual sample for a sub-cell was n then the number of cases to select in that sub-cell was calculated as

$$\frac{n}{(1-i)(1-b)r}$$

For a small number of cells there were not enough cases in May to provide the minimum required sample. For these cells, all claims started in May and June were selected and if there was still a shortfall, the remaining sample was proportionally allocated across all other cells so that the total sample size of n=21,334 was retained.

For each sampled claim where there was more than one claimant, one claimant was selected at random.

Table A1 shows the 28 cells which were included within the sample specification; the total sample selected; the numbers which were expected to be ineligible; the percentage which were expected to be identified as a business; the number remaining which were expected to be issued to the postal survey; and the expected number of achieved individual claimant interviews per cell. As shown in Table A2 the actual distribution varied against these initial expectations. This was because the main study sample included some groups that were not covered within the feasibility study, which meant that not all assumptions were based on accurate predictions.<sup>48</sup> Despite these variations in the proportions identified as ineligible and the proportions which were identified as a business, the final number of “presumed individuals” issued to the postal survey matched expectations: a total of 8,464 compared with a target of 8,400. The final response rate of the postal survey was 26% (see section A.5).

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<sup>48</sup> The survey conducted for the feasibility study did not cover claimants in groups 1, 10, 11, 14 or 15 in Tables A1 and A2 – i.e. those who started claims via the CPC, or mortgage lender/social landlord claimants who started possession claims (whether via PCOL or the county court). This was because it was considered likely that it would not often be possible to identify people within the businesses or organisations involved with sufficient knowledge and recollection of the case.

**Table A1: Sample specification: PREDICTED breakdown of CaseMan selected sample (F) by ineligible (G), by businesses vs individuals (H vs I) and response target for postal survey cells (J,K) Shaded rows indicate those sample cells which were expected to comprise businesses only**

A	B	C	D	E	F	G	H	I	J	K
Sample group	Route	Type of case	Value	Undefended (U)/ Defended (D)	Cases to select from May/June 2014 cases	Predicted no. of ineligible *	Predicted no. of businesses **	Predicted no. of individuals (F – G – H)	Predicted postal response rate***	****Postal returns target = I*J
1	CPC				100	0	100	0	n/a	n/a
2	MCOL	Specified	Up to £1000	U	2,315	232	1,417	666	30%	200
3			Up to £1000	D	822	82	503	237	30%	71
4			£1000.01-£5000	U	822	82	503	237	30%	71
5			£1000.01-£5000	D	822	82	503	237	30%	71
6			£5000.01-£10000	U	822	82	503	237	30%	71
7			£5000.01-£10000	D	822	82	503	237	30%	71
8			£10,000.01 +	U	822	82	503	237	30%	71
9			£10,000.01 +	D	822	82	503	237	30%	71
10			PCOL	Mortgage arrears			100	0	100	0
11	Rent arrears - social landlord				100	0	100	0	n/a	n/a
12	Rent arrears - private landlord				579	58	188	333	30%	100
13	Possession claims via CC	Accelerated possession			579	58	188	333	30%	100
14		Mortgage arrears			100	0	100	0	n/a	n/a
15		Rent arrears - social landlord			100	0	100	0	n/a	n/a
16		Rent arrears - private landlord			579	58	188	333	30%	100
17	Cases issued directly via county courts			U	942	94	347	501	30%	150
18				D	628	63	232	333	30%	100

A	B	C	D	E	F	G	H	I	J	K
Sample group	Route	Type of case	Value	Undefended (U)/ Defended (D)	Cases to select from May/June 2014 cases	Predicted no. of ineligible *	Predicted no. of businesses **	Predicted no. of individuals (F – G – H)	Predicted postal response rate***	****Postal returns target = I*J
19	CCMCC	Specified	Up to £1000	U	896	90	556	250	30%	75
20			Up to £1000	D	896	90	556	250	30%	75
21			£1000.01-£5000	U	896	90	556	250	30%	75
22			£1000.01-£5000	D	896	90	556	250	30%	75
23			£5000.01-£10000	U	896	90	556	250	30%	75
24			£5000.01-£10000	D	896	90	556	250	30%	75
25			£10,000.01 +	U	896	90	556	250	30%	75
26			£10,000.01 +	D	896	90	556	250	30%	75
27		Unspecified		U	1,146	115	30	1,001	30%	300
28			D	1,146	115	30	1,001	30%	300	
	TOTAL				21,334	2,087	11,089	8,160	30% (Average)	2,447

\* Based on an assumption of 10% for all cells, which include a mixture of businesses and individuals. Ineligibles include addresses that would be unsuitable for a postal survey including international addresses and incomplete address information.

\*\* Assumptions based on feasibility study where available; refers to number of claims taken out by a business. This means that the file included duplicates where a business or individual made multiple claims during the sampling window.

\*\*\* n/a refers to cells which were expected to contain only businesses and therefore would not be issued as part of the postal survey. The predicted response rate was set at 30% for all individuals, which was the average response among incentivised individual claimants found at the feasibility study.

\*\*\*\* Groups 2 and 17 were set a target of greater than 100, these being the groups that were particularly large in terms of their population number of claims. (The intention of the larger sample size was to generate a larger 'all claim' effective sample size.) In contrast the specified money claims were set a target per cell of less than 100 to allow for a finer stratification by value than originally envisaged (a four group stratification rather than three) whilst maintaining the same overall sample size per route. The target for unspecified CCMCC claims was set at 300 for both defended and undefended after an initial plan to divide each of these into three value groups, with a target of 100 per group, proved unfeasible.

**Table A2: ACTUAL breakdown of CaseMan selected sample (F) by ineligible (G), by businesses vs individuals (H vs I) and achieved response rate for postal survey cells (J,K) Shaded rows indicate those sample cells which comprised businesses only**

A	B	C	D	E	F	G	H	I	J	K
Sample group	Route	Type of case	Value	Defended/ Undefended	ACTUAL cases selected from May/June 2014 cases	ACTUAL no. of ineligible *	ACTUAL no. of businesses **	ACTUAL no. of individuals (F – G – H)	ACTUAL postal response rate***	ACTUAL Postal returns (I*J)
1	CPC				100	1	99	n/a	n/a	n/a
2	MCOL	Specified	Up to £1000	U	2,315	34	1,623	658	38	253
3			Up to £1000	D	1,143	22	564	557	40	225
4			£1000.01-£5000	U	1,143	12	843	288	31	88
5			£1000.01-£5000	D	1,143	22	557	564	33	186
6			£5000.01-£10000	U	852	7	673	172	31	53
7			£5000.01-£10000	D	516	10	317	189	34	64
8			£10,000.01 +	U	593	6	487	100	26	26
9			£10,000.01 +	D	362	10	224	128	31	40
10			PCOL	Mortgage arrears			100	1	99	n/a
11	Rent arrears - social landlord				100	1	99	n/a	n/a	n/a
12	Rent arrears - private landlord				189	4	52	133	31	41
13	Possession claims via CC	Accelerated possession			579	21	229	329	23	77
14		Mortgage arrears			100	10	90	n/a	n/a	n/a
15		Rent arrears - social landlord			100	6	94	n/a	n/a	n/a
16		Rent arrears - private landlord			969	59	543	367	25	91
17	Cases issued directly via county courts			U	1,365	141	606	618	17	107
18				D	205	17	92	96	22	21

A	B	C	D	E	F	G	H	I	J	K
Sample group	Route	Type of case	Value	Defended/ Undefended	ACTUAL cases selected from May/June 2014 cases	ACTUAL no. of ineligible *	ACTUAL no. of businesses **	ACTUAL no. of individuals (F – G – H)	ACTUAL postal response rate***	ACTUAL Postal returns (I*J)
19	CCMCC	Specified	Up to £1000	U	896	10	774	112	34	38
20			Up to £1000	D	894	5	385	504	34	173
21			£1000.01-£5000	U	896	14	709	173	24	41
22			£1000.01-£5000	D	898	8	332	558	26	144
23			£5000.01-£10000	U	945	22	807	116	18	21
24			£5000.01-£10000	D	847	14	404	429	21	90
25			£10,000.01 +	U	896	40	783	73	21	15
26			£10,000.01 +	D	896	27	705	164	21	35
27		Unspecified		U	1,146	27	72	1,047	19	200
28				D	1,146	4	53	1,089	17	183
	TOTAL				21,334	555	12,315	8,464	26	2,212

\* For businesses this includes non-UK addresses. For individuals this includes: non-UK, duplicates, no address, not suitably named.

\*\* refers to number of claims taken out by a business. This means that the file included duplicates where a business or individual made multiple claims during the sampling window.

\*\*\* n/a refers to cells which only contained businesses and therefore were not be issued as part of the postal survey.

### A.3 Identifying and profiling business claimants

CaseMan does not flag whether a claim relates to a business or an individual. An initial sample of 21,334 claims was drawn from the population of all cases started in May and June 2014 according to the sample specification. The sample was then split into presumed individuals and presumed businesses using different sources to identify businesses (see below). The businesses were then included in the profiling stage and the individuals included in the postal survey stage. The businesses were identified and profiled using the following stages.

**Step 1:** The sample file of 21,334 claims was cleaned and non-UK addresses (n=137) were removed. This reduced the file size to 21,197 records. As this was a sample of *claims* rather than *claimants* the file contained a number of duplicate claimants (5,508). These duplicates were removed and the remaining list of unique entries (15,689) was then securely sent to the MoJ who transferred the data to the Office for National Statistics (ONS).

**Step 2:** The ONS compared the sample of 15,689 with their Inter-Departmental Business Register (IDBR), a comprehensive listing of all VAT-registered UK businesses. This process sought to determine which cases could be matched to their database and could therefore be categorised as a business. A total of 5,199 records were matched against the IDBR.

**Step 3:** For each of the 5,199 records identified as a business, the ONS attached profiling data (such as size, sector, turnover) where these were available.

**Step 4:** The ONS returned the file to TNS BMRB, via the MoJ. TNS BMRB then separated out the cases that had been identified as a business by ONS, which left an initial file of 10,490 “presumed individuals”.

**Step 5:** The IDBR is not a comprehensive listing of UK businesses as it only includes VAT-registered businesses. This means that very small businesses (those without employees, and with turnover below the tax threshold) will be excluded and that some of the initially categorised “presumed individuals” would in fact be small businesses. In an attempt to detect and screen out additional businesses, the remaining sample was compared against the large-user Postcode Address File (PAF), which can be regarded as a proxy business indicator, and a manual screening stage was undertaken (for example searching on the term “limited”). A further 819 business were detected from the PAF and a further 789 from manual screening. These were removed from the “presumed individual” sample and added to the business file (although we were not able to attach any profiling data to these businesses).

The final identified sample of unique businesses was 6,807 including data from all three sources. When extrapolated to re-include all claims (including the 5,508 duplicate claims made by businesses making more than one claim in the sampling window) the number of business claims was 12,315.

**Step 6:** The final business and “presumed individual” samples were separated.

**Step 7:** Business claims data were then weighted to correct for variable selection probabilities to ensure that weighted findings matched the profile of cases started in May 2014.

**Step 8:** The remaining cases (8,882 – the full sample of 21,197 minus the 12,315 identified business cases) were allocated to the postal survey sample. A total of 418 cases were not suitable to be issued as part of the postal survey for the following reasons: 169 cases were duplicates; 154 had insufficient address details; 71 had no claimant name; and a further 24 were otherwise ineligible. These cases were removed leaving a total issued postal sample of 8,464.

All transfer of data between TNS BMRB, the MoJ and ONS was conducted using secure password protected networks.

Thus in summary, by the end of **Step 8** the initial sample of 21,334 had been split into three files as follows:

- A total of 555 cases had been removed as ineligible (for example international addresses; for individuals this also included cases which could not be issued as part of the postal survey such as incomplete name or address details or duplicate claims made by the same individual).
- A total of 12,315 cases had been identified as a business; these cases were made up of 6,807 unique businesses, once duplications had been accounted for. Of these 6,807 businesses: 5,199 were identified at the IDBR profiling stage; 819 were identified through PAF; and 789 through manual searching.
- A total of 8,464 unique cases had been identified as a “presumed individual” and were issued as part of the postal survey.

#### A.4 IDBR matching: comparison of IDBR matched and other business claimants

A total of 12,315 of the 21,334 cases (58%) were identified as a business. These claims were from 6,807 unique businesses, which were identified from the following sources:

- 5,199 claimants matched by ONS against the IDBR.
- 819 claimants matched to the large-user Postcode Address File (PAF).
- 789 claimants identified as a business as a result of basic manual searches.

This process could not be expected to identify every business as there will be some (mainly very small businesses) which are not listed on either IDBR, as a large-user on PAF, and do not have any obvious business identifiers within their name. These cases will have been issued as part of the individual postal sample.

Based on all *known* businesses the IDBR match rate of 5,199 out of 6,807 was encouragingly high (76%). Given that the IDBR only includes VAT-registered UK businesses, a full match was not anticipated.

Table A3 shows the CaseMan profile data of the business claimants matched to the IDBR compared with the CaseMan profile data of business claimants identified from the other sources (based on unweighted data). This indicates that businesses matched to the IDBR were more likely to issue specified money claims and claims through MCOL and less likely to issue possession claims than businesses not matched to the IDBR. This should be borne in mind when interpreting the business claimant findings in this report. The findings from CaseMan on the profile of claims brought by businesses cover *all* businesses identified in the study, whereas the data on the business characteristics of business claimants only refer to those who were matched to the IDBR.

**Table A3: Profile of IDBR-matched businesses vs non-matched businesses**

	Matched against IDBR	Identified as business but not matched against IDBR	All claimants identified as a business
	%	%	
<b>Route</b>			
The County Court Money Claims Centre	37	43	38
The Claims Production Centre (CPC)	*	*	*
Money Claim Online (MCOL)	52	35	48
County Court Possession	7	13	8
County Court Other	3	7	4
Possession Claim Online (PCOL)	1	2	2
<b>Case type</b>			
Specified money claims	87	76	85
Possession claims	8	15	10
Unspecified money claims	2	2	2
Other claims*	3	7	4
<i>Base: All claimants</i>	<i>5,199</i>	<i>1,608</i>	<i>6,807</i>
<i>Source: CaseMan statistics</i>			

\* Refers to cases issued directly via county court and may include a mixture of the other categories, plus other non-money claims.

### A.5 Number of claims in the sample for businesses matched against IDBR

The sample of claims selected from CaseMan in May and June 2014 included instances of multiple claims from the same business. This allowed for a partial analysis of the characteristics of businesses that made multiple claims in the two-month sample period, although, because this is based on a sample from CaseMan rather than a complete analysis of CaseMan, many businesses that did make multiple claims will only have appeared once in the selected sample. As a result of this the figures in the tables should be taken as indicative of the characteristics of multiple business claimants rather than definitive.

**Table A4: Number of sampled claims for businesses matched to IDBR**

	Businesses	
	n	%
<b>Number of sampled claims</b>		
1	4,299	83
2	461	9
3	166	3
4	86	2
5	50	1
6-10	88	2
11-100	47	1
100+	2	*
All IDBR-matched businesses	5,199	100

*Source: IDBR and CaseMan data.*

**Table A5: Number of employees by number of sampled claims for businesses matched to IDBR**

	One claim	More than one claim	All businesses
		%	%
0-4 employees	34	17	34
5-9 employees	14	8	13
10-19 employees	13	10	12
20-49 employees	12	10	11
50-99 employees	7	9	7
100-249 employees	6	10	6
250+ employees	11	37	16
<i>Base: All IDBR-matched businesses</i>	<b>4,299</b>	<b>900</b>	<b>5,199</b>

*Source: IDBR and CaseMan data.*

**Table A6: Legal status by number of sampled claims for businesses matched to IDBR**

	One claim	More than one claim	All businesses
	%	%	%
Company	76	79	76
Sole proprietor	13	2	11
Partnership	6	3	5
Public corporation	*	1	*
Central government body	1	1	1
Local authority	2	8	3
Non-profit making body	3	6	4
<i>Base: All IDBR-matched businesses</i>	<b>4,299</b>	<b>900</b>	<b>5,199</b>

*Source: IDBR and CaseMan data.*

**Table A7: Industry (SIC 2007) by number of sampled claims for businesses matched to IDBR**

	One claim	More than one claim	All businesses
	%	%	%
SIC 01-03: Agriculture, forestry & fishing	2	*	2
SIC 05-39: Production	9	7	8
SIC 41-43: Construction	13	7	12
SIC 45: Motor trades	3	1	3
SIC 46: Wholesale	10	11	10
SIC 47: Retail	4	2	4
SIC 49-53: Transport & Storage (inc. postal)	4	3	4
SIC 55-56: Accommodation & food services	2	1	2
SIC 58-63: Information & communication	4	3	4
SIC 64-66: Finance & insurance	4	13	6
SIC 68: Property	8	12	9
SIC 69-75: Professional, scientific & technical	16	12	15
SIC 77-82: Business administration & support services	10	10	10
SIC 84: Public administration & defence	1	3	1
SIC 85: Education	3	7	4
SIC 86-88: Health	3	3	3
SIC 90-99: Arts, entertainment, recreation & other services	4	2	4
<i>Base: All IDBR-matched businesses</i>	<b>4,299</b>	<b>900</b>	<b>5,199</b>

*Source: IDBR and CaseMan data.*

**Table A8: Turnover by number of sampled claims for businesses matched to IDBR**

	One claim	More than one claim	All businesses
	%	%	%
Less than £50,000	8	4	4
£50,000 to-£99,999	8	3	3
£100,000-£249,999	16	7	15
£250,000-£499,999	11	6	6
£500,000-£999,999	11	8	6
£1,000,000-4,999,999	22	19	11
£5,000,000+	25	55	55
<i>Base: All IDBR-matched businesses</i>	<b>4,299</b>	<b>900</b>	<b>5,199</b>

*Source: IDBR and CaseMan data.*

**Table A9: Number of live local units by number of sampled claims for businesses matched to IDBR**

	One claim	More than one claim	All businesses
	%	%	%
None	44	20	40
One	35	29	34
2-9	13	22	14
10-19	2	5	3
20-49	2	7	3
50+	4	17	6
<i>Base: All IDBR-matched businesses</i>	<b>4,299</b>	<b>900</b>	<b>5,199</b>
<i>Source: IDBR and CaseMan data.</i>			

## A.6 The postal survey

The postal survey of individual claimants was based on the approach recommended and piloted in the feasibility study.

### Developing the questionnaire

The questionnaire was based on the version developed during the feasibility study although it was further adapted to account for some further policy priorities (for example some additional questions were added to capture data on experience of enforcement proceedings).

The questionnaire was accompanied by a covering letter that included instructions for completion on the reverse. Respondents who considered the survey was not relevant to them either because they said they were not aware of the case, because they were a solicitor acting on behalf of a client, or because they felt they had been wrongly classified as a claimant, were given the option to tick a box on the reverse side of the letter and return the questionnaire uncompleted.

### Mailings

Fieldwork took place between 1 December 2014 and 27 January 2015. Timetable constraints meant that fieldwork needed to cross the Christmas period.

Up to three mailings were sent to individuals:

- Week beginning 1 December: the initial mailing consisting of a cover letter, a questionnaire, and a reply paid envelope.
- Week beginning 18 December: a target reminder was sent to those who had not replied to the first mailing. This contained another copy of the questionnaire, a cover letter and a reply paid envelope.

- Week beginning 12 January: a final targeted mailing also including a copy of the questionnaire, a cover letter and a reply paid envelope.

All responding claimants were sent a letter with a five pound voucher to thank them for their time and participation.

### **Data scan checks and preparation**

All returned paper questionnaires were scanned and verified. Data checks were conducted to ensure that single questions were not multi-coded, and that routing was correctly followed. Where routing or coding was incorrectly followed, data were edited and assigned a missing value as appropriate.

### **Response rates**

The overall response rate to the postal self-completion survey was 26%, five percentage points lower than the response rate for the feasibility study. Response rates ranged from 17% to 40% for different sub-groups. The full variation is shown in Table A2. Further variation in response is provided in Table A11, which includes response rates by other variables such as CaseMan fields and geo-demographic markers. In general, response rates were higher among:

- defended claims compared with undefended claims;
- lower value compared with higher value claims;
- specified compared with unspecified claims;
- those who were unrepresented at the time the sample was drawn compared with those who were represented;
- those living in rural areas compared with urban areas; and
- those living in less deprived compared with more deprived areas.

A variety of possible factors were thought to account for the lower than expected response rate of the main survey compared with the feasibility survey:

- *Timing:* we were not able to meet the equivalent timetable as the feasibility survey (which was conducted almost exactly one year previously). In the feasibility study the first mail-out was sent in mid-November. In the main survey the first mailing was on 1 December 2014, which was much closer to Christmas. This also meant that the timing between the first mailing and first reminder was more compressed. In total, the fieldwork period was 12 days shorter compared with the feasibility stage. The scheduling of the mail-out during this particularly

busy month and the more compressed field period is likely to have had an impact on response rates.

- *Different composition of the main sample compared with the feasibility sample:* for example some groups (e.g. high value specified claims) which had a lower than average response rate in the feasibility study were represented in higher proportions in the main survey to allow for group specific analysis.
- In the main survey we surveyed claimants *slightly longer after their case was opened* than in the feasibility study (six months compared with around four months for most cases in the feasibility study). For cases that had closed quickly after opening, the time lag in the main survey will have been longer which may have affected response rates.

Table A10 provides further details of the response rate breakdown in comparison to the feasibility stage.

**Table A10: Postal self-completion response rate breakdown (main survey compared with feasibility survey)**

	MAIN SURVEY	FEASIBILITY SURVEY
Questionnaires sent out	8,464	255
Returned completed	2,212	80
<b>Survey response rate (%)</b>	<b>26%</b>	<b>31%</b>
<i>Detailed outcomes</i>		
Ineligible, of which:	272	15
- <i>Returned by Royal Mail/address or respondent unknown</i>	212	9
- <i>Never heard of case</i>	54	3
- <i>Defendant wrongly classified as claimant</i>	3	3
- <i>Solicitor</i>	3	0
<b>Assumed effective sample, of which</b>	<b>8192</b>	<b>240</b>
- <b><i>Returned completed</i></b>	<b>2,212</b>	<b>80</b>
- <i>Returned blank</i>	56	3
- <i>No response</i>	5,851	155
- <i>Returned with refusal</i>	73	2
<b>Response rate based on effective sample</b>	<b>27%</b>	<b>33%</b>

## A.7 Weighting

Both the business and individual samples were weighted to make them representative of the population of cases they represent. The weights were calculated in two stages:

- **Stage 1** was the calculation of weights designed to bring the *selected* sample into line with the population distribution of cases started in May 2014.<sup>49</sup>
- **Stage 2** was the calculation of non-response weights, which for individual (non-business) users brought the distribution of respondents in line with the distribution of the issued postal survey sample on a range of observed characteristics. Non-response weights were not applied to the business sample.

In more detail:

### Stage 1

As was detailed in Section A.2, the sample for the study was selected from across 28 sample cells, with the sample selected from May cases where possible; but in smaller cells the sample was drawn from across May and June. At the time the sample was selected we were provided with the population counts per cell for both months. For instance, there were 18,460 CPC cases opened in May from which a sample of 100 was selected.

The Stage 1 weights were calculated so that the selected sample matches the population distribution for May across the 28 cells. For example, for CPC where the population is 18,460 and a sample of 100 was selected, the weight for CPC claims is  $18460/100=184.6$ . For MCOL specified claims up to £1,000 and undefended, there were 5,902 cases opened in May and a sample of 2,315 selected, so these claims were given a weight of  $5902/2315=2.55$ .

The Stage 1 weights were the only weights applied to the business sample. There were no non-response weights. Note that because the same business can appear multiple times in the sample data (if the business made more than one claim in May and June 2014), and within different sample cells (if the business made claims of different types), the same business could have a different weight each time it features in the data.

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<sup>49</sup> Although some of the sample was selected from June, the sample was weighted to the May profile because the vast majority of claims were sampled from that month. In practice the May and June 2014 profiles were very similar so any impact of this decision is minimal.

## Stage 2

For the *individual* claimants in the survey there was a second stage of weighting aimed at minimising any non-response bias in the survey. The data that was available to assess non-response bias included the case characteristics plus geographical data assigned to the postcode of the claimant. The case characteristics were:

- the 23 sample cells (which covered route, type of case, value, and whether or not the case had been defended by the time the sample was selected);
- claim not served;<sup>50</sup>
- service of claim dispensed with;
- whether the claim had been withdrawn;
- whether judgment had been obtained;
- whether the claimant was represented;<sup>51</sup> and
- whether the case had been allocated to track.<sup>52</sup>

A range of geographical data was also added to the sample based on postcode: the index of multiple deprivation, urban rural indicators, ethnic profile and region. The rationale for including these is that they act as partial proxies for individual level characteristics. For example, by weighting the achieved sample so that it matches the population of individual claimants in terms of area level deprivation, it is reasonable to assume that this will reduce, if not remove, any bias in the sample relating to social class.

In order to calculate the non-response weights, a (stage 1 weighted) logistic regression model was fitted to the data with the binary response variable (respond/did not respond) as the outcome variable and the case and geographical characteristics as the predictors.

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<sup>50</sup> 'Service' refers to the process of formally bringing documents used in court proceedings to a person's attention. This typically involves posting them to a party's usual or last known address. In certain limited circumstances, the claimant may wish to delay the defendant being served with the claim, or the court may agree that this step may be dispensed with. Cases identified as ones in which either the claim had not been served at the time of sampling, or in which service had been dispensed with, were excluded from the sample.

<sup>51</sup> A party may have a solicitor represent them, or may conduct their own case as a litigant in person or may be represented at some stages of their case and litigants in person at others. This variable refers to whether, at the point at which the sample was drawn, the court record showed that the claimant had a solicitor representing them.

<sup>52</sup> If a claim is defended, it may be allocated to one of three pathways – called 'tracks' – through which the court will manage a case to its conclusion (see box 3.1). This variable refers to whether, at the point at which the sample was drawn, the case had been allocated to a track.

The variables found to be predictors of non-response were:

- the sample group;
- whether a judgment had been obtained when the sample was drawn (those with a judgment had a lower response rate);
- whether the claimant was represented when the sample was drawn (those represented had a lower response rate);
- the claimant living in a rural area (associated with a higher response rate);
- the percentage of population in the area who are from minority ethnic groups (the higher the percentage the lower the response rate); and
- the level of area deprivation (the more deprived the area, the lower the response rate).

The full details are shown in the table below:

**Table A11: Response rates to the survey of individuals**

A	B	C	D	E	F
Sample group	Route	Type of case	Value (undefended/defended)	No. of individuals in issued sample	Response rate (%)
2	MCOL	Specified	Up to £1000 (U)	658	38
3			Up to £1000 (D)	557	40
4			£1000.01-£5000 (U)	288	31
5			£1000.01-£5000 (D)	564	33
6			£5000.01-£10000 (U)	172	31
7			£5000.01-£10000 (D)	189	34
8			£10,000.01 + (U)	100	26
9			£10,000.01 + (D)	128	31
12	PCOL	Rent arrears - private landlord		133	31
13	Possession claims via CC	Accelerated possession		329	23
16		Rent arrears - private landlord		367	25
17	Claims issued directly via county court			618	17
18				96	22
19	CCMCC	Specified	Up to £1000 (U)	112	34
20			Up to £1000 (D)	504	34
21			£1000.01-£5000 (U)	173	24
22			£1000.01-£5000 (D)	558	26
23			£5000.01-£10000 (U)	116	18
24			£5000.01-£10000 (D)	429	21
25			£10,000.01 + (U)	73	21
26			£10,000.01 + (D)	164	21

A	B	C	D	E	F
Sample group	Route	Type of case	Value (undefended/defended)	No. of individuals in issued sample	Response rate (%)
27		Unspecified	(U)	1047	19
28			(D)	1089	17
<b>Judgment obtained</b>					
				7181	25
				1283	34
<b>Claimant represented</b>					
				5428	20
				3216	36
<b>Urban/rural</b>					
				1536	34
				6928	24
<b>Ethnic density of ward</b>					
1	(lowest density)			589	33
2				1080	31
3				1269	29
4				1791	29
5	(highest density)			3581	22
				154	14
<b>Deprivation level (IMD)</b>					
1	(most deprived)			1435	19
2				1602	25
3				1514	28
4				1540	28
5	(least deprived)			1542	30
				831	27

The logistic regression model generated an estimated probability of response per claimant. The non-response weight was then calculated as the inverse of this probability, but with the probabilities trimmed to the 5<sup>th</sup> and 95<sup>th</sup> percentiles to reduce the impact of outlier non-response weights.

### **The impact of the weights on the precision of estimates from the samples**

Inevitably the very considerable variation in sampling fractions used across the 28 sample groups means that statistics generated from the study about 'all business claims' or 'all individual claims' have much lower precision than the achieved sample sizes would suggest. The estimated 'effective sample size' for business claims is 847, even though the actual sample size is over 12,000. That is, the sample gives levels of precision for 'all business claims' similar to an equal probability sample of size 847. The reason for the low effective sample size is because the CPC and PCOL groups, which between them represent 48% of all claims made by businesses, are represented by just 297 claims, i.e. 2.4% of the sample. Note, however, that the intention behind the sample design was to allow for analysis *per* sample group, and not just *across* sample groups, and the effective sample size *per sample group* for business claims is equal to the actual sample size.

For the survey of claims made by individuals, the actual achieved sample size was 2,212 and the estimated effective sample size is 884. The ratio between achieved and effective is much higher for individual claims because the sampling fractions were much less variable, and there are no equivalents to the CPC and PCOL business groups. Within the 23 sample groups for individuals the effective sample size is similar to the achieved sample size, although generally slightly smaller because of the impact of the non-response weights. (Typically the effective sample size is around 94% of the actual sample size.)