

Mandatory Civil Online

Purpose

1. To provide members with an update on the progress of the action points recorded at the previous committee meeting on 6 June 2025.

Background

2. The SCJC approved the Act of Sederunt (Simple Procedure Amendment) (Civil Online) 2022 in October 2021 to make submission of the initiating document for Simple Procedure claims, electronic by default. The rules state that any exception to this has to be approved by the sheriff. The rules came into force on 31st March 2022.

3. The minutes from the SCJC meeting in October 2021 state:

Members agreed that a review of the mandatory procedures should be carried out after six months from the date of implementation of the rules.

Equality Impact Assessment

4. The EQIA conducted by SCTS in 2021 highlighted:
 - The SCTS anticipated that there would be a low impact on court users and that Civil Online met accessibility standards. The proposal included an alternative method (paper application) for those unable to access the online service. Civil Online was audited by the Digital Accessibility Centre which tested the system to ensure compliance with the Scottish Government recommended standard. This audit did flag some issues, but the remedial work was undertaken and completed.
 - From the evidence made available to the SCTS at that time, it was anticipated that there would be no barriers for party litigants using the Civil Online system.
 - The exception test ensured that for those unable to access the online system, they would still be able to use a paper based process. Information provided by court staff confirmed that shrieval approval was given to all such applications and no requests to use this process were refused. This is still the practice to date.
 - Members were advised that operational evidence showed that the exception test was working effectively in practice. User guidance had been amended after Equality and Human Rights Commission (EHRC) feedback had been received.

- The EHRC concerns were in respect of the exception test. Firstly, that it was perceived as unduly burdensome and secondly that by the application being a judicial decision, there is no recourse for appeal of any decision. SCTS was of the view that the exception test, as drafted, was not unduly burdensome and had operational concerns regarding the duty being placed on sheriff clerks to undertake this decision making process, as sheriff clerks perform administrative duties and the decision to permit a claim to be registered using a paper process is a judicial decision.
- Overall, SCTS were confident that Civil Online increased access to justice. It provided access out-with usual court hours and provided a digital service more aligned with user expectations. SCTS supported making the rules requiring the mandatory use of Civil Online for lodging simple procedure cases, permanent.

Strategic context

5. It is important to understand the direction of travel for SCTS digital services and how these are intended to improve the users' experience. At this stage there is no indication of SCTS formulating any plans to curtail any channel through which court users can interact with the courts (e.g. public counters, postal service, email, phone or civil online).
6. The SCTS Digital Strategy 2018-2023¹ set out a clear direction of travel for the SCTS based on the gradual adoption of digital technologies within the courts and outlines the commitment to investing in ICMS and Civil Online. Online case submission and management will be introduced across a range of civil business in the sheriff court.
7. There is no indication that paper applications will not be accepted in future. The EQIA done in relation to mandatory civil online made clear that in order to mitigate potential impact upon persons with protected characteristics that the exception to digital must remain. The allowance of paper copy claims addresses the issues of no access to the internet, limited digital confidence and provides an alternative mode of submitting claims with the Court.
8. The Court User Satisfaction Survey 2021-2022² asked participants whether they had registered for Civil Online, with 35 responses received in total. Of those, 23 (66%) said that they had, another 10 (29%) stated they did not, and two (5%) preferred not to say.
9. Those who had registered for Civil Online were asked to rate how difficult or easy it had been to do so. 57% of respondents said it was either 'fairly' or

¹ [paper-2-3-scts-digital-strategy.pdf](#)

² [Microsoft Word - EN Report Template Portrait v4.22.docx](#)

‘very’ easy, while around a quarter (26%) stated that it was either ‘fairly’ or ‘very’ difficult. However, these figures must be considered in the context of the low number of respondents to the survey.

10. Annex 1 provides the data for claims submitted via Civil Online and by court submission for the period 2024-2025. The data shows that (*Redacted – see footnote*) of all Simple Procedure claims are submitted via the Civil Online, with only (*Redacted – see footnote*) submitted in paper or by email.
11. A total of (*Redacted – see footnote*) Simple Procedure claims were registered in 2024-2025 of these only (*Redacted – see footnote*) were manually registered which indicates that these were lodged in paper or email format.
12. Annex 2 provides data on represented and unrepresented parties. Roughly (*Redacted – see footnote*) of claimants are represented and (*Redacted – see footnote*) are un-represented which indicates that the majority of claimants are seeking legal advice.

Assisted Digital

13. This is a concept which considers court users who are unable to use digital services when interacting with the courts. The SCTS assisted digital strategy is currently in development.
14. In England and Wales, HMCTS and the Good Things foundation ran an assisted digital support service pilot to test (2017 to 2020) and learn what level of support was needed to allow people to use digital services.³ This was undertaken as part of a reform program to move the majority of paper based services online.
15. Currently, HMCTS are partnered with the We Are Group⁴ who provide the platform for assisted digital support. Customers are directed to this hub through referral by phone or online form through the HMCTS website. Customers are then referred to a partner organisation such as Citizens Advice, local library or community centre and given either a face to face appointment or video appointment.
16. At this appointment the customer will be provided with support to access HMCTS online services such as divorce, probate, civil money claims and appeals in relation to benefits.⁵

³ [HMCTS Digital Support Service Review: Face-to-Face Pilot Insights | Good Things Foundation](#)
[Consumer digital index | Lloyds Bank](#)

⁴ [We Are Group](#)

⁵ Personal Independence Payment, Employment Support Allowance and Universal Credit.

17. The contract with We Are Group will expire in October this year and HMCTS will take the opportunity to assess the service and will publish a survey later in the year. This will inform the future service provision and aim to identify gaps in the service. HMCTS indicate referrals to this service are approximately 500 to 600 a month.
18. The UK Consumer Digital Index has been published since 2016 and is the UK's largest study of digital and financial lives. Published by Lloyds Banking Group they estimate that 18% of the UK population are currently experiencing digital exclusion due to factors such as age, location, resources and training.
19. Lloyds also provide free digital skills training on a 1-2-1 basis by phone or video call which include the basics of how to use a device and access online services.
20. Services of a similar type are not yet available in Scotland. If a customer presented at court seeking assistance to submit a claim online they would be directed to contact citizens advice or if available a law clinic.
21. In June 2025, the Scottish Government has published a strategy which aims to increase the digitisation of public services.⁶ However, there is no express provision in this strategy for providing assisted digital support to access these services.
22. In August 2024, Audit Scotland published their Tackling Digital Exclusion Report⁷ which states 15% of adults in Scotland lack foundation digital skills. However, it also shows that 91% of households in Scotland have access to the internet.
23. This report called for more to support to allow people to use digital tools in a way that benefits them and make sure they can access the services they need. A model similar to what HMCTS is using would be a step in the right direction.

⁶ [Scotland's Public Service Reform Strategy: Delivering for Scotland - gov.scot](https://www.gov.scot/publications/public-service-reform-strategy/pages/2/#:~:text=Public%20Service%20Reform,Delivering%20for%20Scotland)

⁷ [Tackling digital exclusion](#)

Action Points

Initiating document (Claim Form)

Reasons for paper based applications

24. Between 1st April 2024 and 31st March 2025, (*Redacted – see footnote*) Simple Procedure claims were manually registered by court staff. The definition of “manual registration” means that staff members processed a new case on ICMS rather than a new case being accepted via the civil online portal. Manual registration includes documents:
- received by post; or
 - handed in at public counters.
25. The rules require that when the claim form is lodged manually, a covering letter seeking permission from the sheriff should be submitted. This letter is not always recorded on ICMS therefore, it is not possible to collate the reasons in all cases for why paper is preferred.
26. From the cases which contained the covering letter, the reasons for lodging a paper claim were;
- a. no internet access;
 - b. not feeling confident in ability to use civil online; and
 - c. having issues with personal phones, tablets and laptops.
27. **It would be helpful for each Sheriffdom to operate in the same way and ensure that the enclosed letter is uploaded onto ICMS, and reasons recorded. Members may wish to consider how this be best achieved.**

Volume of claim forms that are rejected and the reasons

28. Data has been obtained on the reasons for claim rejections; however, this **did not include paper claims**. Between 1st April 2024 and 31st March 2025, (*Redacted – see footnote*) Simple Procedure Forms were rejected via Civil Online.
29. The table below provides a figure for rejected claims lodged by party litigants, solicitors and represented by lay representative:
- (*Redacted – see footnote*)
30. The predominant rejection reasons are;
- jurisdiction,
 - incorrect claim type (debt, implement or delivery),
 - incorrect procedure chosen (sum sought over £5000 or seeking implement/ delivery without alternate sum),

- claim form not filled out correctly,
- limited companies seeking to represent themselves,
- no fee exemption form included and;
- the claimant or their solicitor/ representative have requested the claim be rejected as the matter has settled or no longer wish to continue.

31. The rejection reasons are noted on Civil Online and are provided to the claimant so they can amend the form accordingly and resubmit. The table below provides a figure for the amount of times a claim was rejected across all Sheriffdoms:

(Redacted – see footnote)

32. The figures indicate that claims have been resubmitted after rejection with the majority of claims rejected once. The number of claims rejected multiple times are lower in comparison but still a significant number.

33. There is currently not a consistent approach for recording paper claim rejections across the Sheriffdoms. **Members may wish to consider if this is a process that should be put in place, and if so, how this may be best achieved.**

34. From carrying out this research, it appears that a paper claim is only returned if the claim form is incorrect and requires amendment or there was no covering letter explaining why paper was used as required by the rules. A letter will be sent with the paper claim explaining what must be changed. This letter will also contain a prompt to either use civil online or provide a covering letter with the reason why civil online cannot be used.

35. In 2021, SCTS staff were requested to complete a monthly return on manual claims received and lodged. From 1 May 2021 to 31 August 2021, a total of *(Redacted – see footnote)* claims were submitted and registered manually. This was *(Redacted – see footnote)* of all Simple Procedure claims registered in the period. None of the claims were refused by the Sheriff.

36. In this period a total of *(Redacted – see footnote)* claims were returned to claimants by sheriff clerk staff. *(Redacted – see footnote)* were returned as no reason or request for lodging a paper claim was provided to the court. Out of those *(Redacted – see footnote)*, were subsequently lodged using Civil Online and *(Redacted – see footnote)* were resubmitted with a covering letter.

Other Simple Procedure Documents

37. There is no mandatory requirement in the rules which requires any other Simple procedure form to be lodged electronically. It is entirely down to the user which method they prefer.

38. Manually registered will include documents received by post, at the counter and by email.

Number of documents submitted via Civil Online (Simple Procedure, 1 April 2024 – 31 March 2025) - (*Redacted – see footnote*)

Number of documents manually processed on ICMS (Simple Procedure, 1 April 2024 – 31 March 2025) - (*Redacted – see footnote*)

39. There is no data available for which types of documents have been manually process on ICMS however, it is clear that the majority of documents are being submitted via civil online.

Volume of other documents which are rejected and the reasons for this

40. No current data available on documents uploaded to civil online which have been rejected and why.

Split between bulk submission and non-bulk submission applications made via Civil Online

41. As there is no longer a marker on ICMS for the split between API bulk upload and non-API upload the table below from 2022-2023 is used as an example.

(Redacted – see footnote)

42. *(Redacted – see footnote)*. Colleagues at MIAT have confirmed that the marker will soon be made available again and will resume recording this data. It is unclear at this stage if the data can be backdated.

Recommendations

43. **Members of asked to note this latest update.**

Scottish Civil Justice Council Secretariat

August 2024

Footnote

Some of the data in this report was supplied by the SCTS for internal purposes only and it has therefore been redacted. However, SCTS are constantly developing the range the statistics that can be published, and this information will be considered for publication in due course.

Annex 1 – Sheriff Court Data for the Volume of Simple Procedure Claims submitted via Civil Online

Redacted: Data for internal use

Annex 2 – Number of Simple Procedure actions registered with percentage of represented and unrepresented parties

Redacted: Data for Internal Use

Annex 3 – Simple Procedure Registrations by Sherifffdom

Redacted: Data for Internal Use

Annex 4 – Simple Procedure Registrations by Court

Redacted: Data for Internal Use