

ANNEX A QUESTIONNAIRE

Please clearly indicate in your response which questions you are commenting on.

- 1. Do you have any general comments about using Civil Online to submit claims?**

SCTS announced in 2018, when Civil Online began to be introduced that “there will *always* be an alternative available to those who cannot use or access a digital process” but as early as June 2020 SCTS declared that from 30th July new Simple Procedure cases “must be via Civil Online unless in exceptional circumstances and on cause shown.” Our view is that Civil Online can be useful but should never be mandatory; SCTS should adhere to the assurance that gave three years ago that there will “always” be an alternative.

- 2. Were there benefits to using Civil Online to submit your claim and if so what were these?**

None. Insofar as completing forms for clients it seems to be the same as completing a paper form. If anything it takes longer, due to having to peruse many pages which do not apply and to have to scan and upload documents rather than simply photocopying and lodging them.

- 3. Did you have any difficulties using Civil Online when submitting a claim? If so what were these?**

No.

- 4. If you tried to raise a claim but did not do so because of Civil Online, could you explain why and what happened?**

n/a

- 5. Do you have any comments about using the API for Civil Online to submit bulk claims?**

No. We have no doubt that it will be of assistance to those who issue large quantities of writs using a standard formula.

- 6. Were there benefits to using Civil Online API for submitting bulk claims and if so what were these?**

n/a

- 7. Did you have any difficulties in using the API for Civil Online to submit bulk claims? If you did, what were these? Please include any issues you may have had integrating the API with your own computer system, case management system or general way of submitting claims.**

n/a

8. If you needed support to use the either of the digital portals, who did you ask for support?

SCTS.

9. Was it easy to find information about what support was available to you?

Yes.

10. Was the support provided helpful to you?

Yes.

11. If you play a role in providing support to court users, do you have any comments on any practical issues arising from the rule change?

In our view many clients, particularly the elderly and those lacking skills in written English, struggle with online facilities. Also, some feel that having their low value claim online rather than calling it in a real court in the presence of a sheriff is not treating it as seriously as higher value cases.

12. What effect, if any, has the rule change had for your service and service users?

None in relation to us, but it has had an effect on the public; those who may wish to litigate personally may find a difficulty over lack of access to a digital process or over their ability to use such a system.

13. Are you aware of any cases whereby individuals have decided not to engage with the court under the new rules? If so, how often has this happened and do you know the reasons why?

No, but we know that members of the public are more likely to pay more attention to a writ delivered by recorded delivery or handed over by sheriff officers than if they simply receive an email. Similarly, they will probably find that it concentrates the mind more effectively if they have to attend a building and stand up in public rather than answering an email or phone call.

14. If you have provided a note to the Sheriff asking to submit your claim on paper please comment on the process. For example - is it straightforward or complicated? Did you encounter any problems and if so please explain?

n/a

15. If you requested to submit a claim on paper and NOT through either digital interface (Civil Online or the API) please explain the main reasons why? (Please do not include any personal information which could identify you or your case)

n/a

16. Did you need any support or further information to submit the note, if so, why did you feel you needed support? Where did you go to for support to complete the note and was this helpful?

n/a

17. Do you think the rules to make the use of Civil Online mandatory for Simple Procedure Cases should remain in place? If yes, why? If no, why?

No. Where there is a public health emergency it is possible to justify exceptional procedures. Once that lifts and we return to normality there can be no reason for SCTS not to adhere to its assurance that there will always be an alternative. Covid should not be used as a pretext to impose mandatory use of a system which, we were told, was to be optional. If pursuers want to raise actions using Civil Online they should be able to do so. We agree completely with that. However, compelling everyone to do so is unreasonable and unnecessary. Our understanding is that in England the use of online litigation is optional; it should be the same in Scotland too. There needs to be freedom of choice.

18. If the rules continue to be in force past the 30th of September 2021, are there any changes to them that you think could usefully be made and if so, why?

Some rule changes are welcome, and these should be kept even after Covid lockdown has been lifted; service on persons whose address is unknown used to be by display in the walls of court. This was a token exercise. At least newspaper advertisement broadcast a matter to a section of the public. Newspaper readership is diminishing, however and the SCTS Website is a far better forum. It should be kept permanently for intimation to persons whose address is unknown.

19. Please provide any further comments on the rules under review regarding the submission of claims through Civil Online or the API

The courts should be a service to people of all abilities and ages, which should mean providing them with the freedom of choice to use systems which suit them best and with which they feel most comfortable. Nobody should be forced to use Civil Online in order to obtain access to justice. We oppose its mandatory use.