

<b>Title: Assisted Digital: Court Reform</b> <b>IA No: MoJ019/2016</b> <b>RPC Reference No:</b> <b>Lead department or agency: Ministry of Justice</b> <b>Other departments or agencies: HMCTS</b>	<b>Impact Assessment (IA)</b>			
	<b>Date:</b> 15/09/2016			
	<b>Stage:</b> Development/Options			
	<b>Source of intervention:</b> Domestic			
	<b>Type of measure:</b> Primary legislation			
<b>Contact for enquiries:</b>				
<b>Summary: Intervention and Options</b>				<b>RPC Opinion:</b> N/A

Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANDCB in 2014 prices)	One-In, Three-Out?	Business Impact Target Status
£m	£m	£m	Not in scope	Not Applicable

**What is the problem under consideration? Why is government intervention necessary?**

Improving technology and putting more services and processes online is key to the proposed reforms to HM Courts and Tribunal Service (HMCTS); for most people, this will make court and tribunal services more accessible and easier to deal with, and will fundamentally change the way that users interact with the justice system. To maintain access to justice, steps need to be taken by HMCTS to ensure support is provided to those people who need it to interact with the reformed justice system.

**What are the policy objectives and the intended effects?**

The objective is to allow members of digitally excluded groups to access digital justice system services, helping these groups to participate in modern, streamlined processes and so at least maintain, if not improve, current levels of access to justice. This will also enable planned court reform measures to be implemented more extensively than if no support was put in place.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

The following options have been assessed in this impact assessment:

- Option 0/Do nothing - assume that those who are digitally excluded will access justice services via traditional in-person and paper routes, or be helped by others to access them digitally.
- Option 1 - Put in place a range of assisted digital options to support people access digital channels, including 'face to face', telephone and 'webchat' services.

Option 1 is the preferred option as it best meets the policy objectives.

<b>Will the policy be reviewed?</b> It will be reviewed iteratively. <b>If applicable, set review date:</b> N/A				
<b>Does implementation go beyond minimum EU requirements?</b>			N/A	
<b>Are any of these organisations in scope?</b>			Micro N/A	Small N/A
			Medium N/A	Large N/A
<b>What is the CO<sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO<sub>2</sub> equivalent)</b>			Traded: N/A	
			Non-traded: N/A	

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

**Signed by the responsible Minister:**

**Date:** \_\_\_\_\_

# Summary: Analysis & Evidence

# Policy Option 1

Description: Put in place a range of assisted digital options

## FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low:	High: Optional	Best Estimate: -£61m

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate		£6m	

### Description and scale of key monetised costs by 'main affected groups'

The basic administrative running costs of a 'face to face' assisted digital service and paper channel have been estimated as averaging between £5m-£9m per annum.

### Other key non-monetised costs by 'main affected groups'

HMCTS may incur additional costs from implementing and setting up the proposed assisted digital services and from running a webchat service above the basic administrative costs identified for the 'face to face' service and paper channels. Assisted digital services may make court users more aware of the support available elsewhere in the justice system, organisations that offer this may incur resource costs if they see an increase in demand. Legal service providers may lose business if court users decide to become 'litigants in person' due to becoming more confident and digitally self-sufficient

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate			

### Description and scale of key monetised benefits by 'main affected groups'

None identified.

### Other key non-monetised benefits by 'main affected groups'

Assisted digital would be an 'enabler' of savings for HMCTS as it would allow a large number of court users to move from the current paper channel to the more cost effective and efficient digital channel. Assisted digital would allow court users who are not digitally self-sufficient to have effective and timely access to justice, enable them to experience the benefits of a modernised court system and help give them the confidence to become digitally self-sufficient users both in the justice system and for other online services.

Legal service providers may decide to rival the government offered assisted digital service with a private sector alternative. Firms may use this a loss leader to gain assisted digital users as clients to advise/represent or, if there is enough demand, they may offer it as a paid-for service. If some users gain the confidence to become digitally self-sufficient, legal firms may have to provide less pro-bono services.

### Key assumptions/sensitivities/risks

Discount rate % 3.5%

That the demand for assisted digital services may be higher or lower than anticipated. Demand for assisted digital services may not drop off as quickly or as consistently as assumed. Assisted digital services may not be flexible or nuanced enough to provide the most efficient and cost effective assistance to court users.

## BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs:	Benefits:	Net:	

## A. Background

1. The Government's reform of HM Courts and Tribunal Services (HMCTS) is looking to modernise and streamline the justice system, and will fundamentally change the way users interact with these services. Many of these changes will involve the use of digital services, including online communications through mechanisms including portals and email and remote technology such as video conferencing.
2. Access to justice is also essential to enable people and businesses to realise and protect their rights, and has long been recognised in the common law. As the courts and tribunals move towards digital channels, the Government is committed to ensuring that access to justice is maintained for all users.
3. It is estimated that across the UK, when engaging with government services, 30%<sup>1</sup> of the population are 'digital self-servers', meaning 70% will require varying level of assistance to use digital services. Whilst this rate may differ among users, it is clear a large number will require assistance to access a new digitally driven court service in a meaningful way. This means making sure that users are supported to access digital services through the provision of 'assisted digital' support.
4. The Government recognises that there is no such thing as an 'average user' of the justice system, and so a blanket approach to digital support would not be appropriate. The Government also recognises that the number of digitally excluded users will vary by case type, and that these users may be disproportionately represented in some parts of the courts and tribunals system. This is why we will need to be designing and building tailored solutions around the needs of our users.
5. The arrangements we will put in place will need to help users interact with us digitally with confidence and success, either through 'light touch' assistance, such as telephone support, through to more intensive face to face assistance. Based on our research and our findings from other government departments, we expect our assisted digital approach to include:
  - 'Face to face' assistance
  - A telephone help service, staffed by HMCTS
  - Web chat to guide people through online processes while encouraging them to remain engaged digitally; and,
  - Access to paper channels for those users who require them.
6. A number of recent initiatives across Government have delivered assisted digital support to smaller user groups, and we will learn from these as we develop our approach.
7. Our assisted digital approach will be developed iteratively, with extensive input from service users. We will carry out extensive piloting, user research and testing across the digital skills spectrum to make sure that our services meet the needs of our users, and continue to be improved following their launch. The HMCTS Reform Programme also has a dedicated Accessibility & Inclusion team who will ensure that new digital services

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<sup>1</sup> Government Digital Strategy (2013) - <https://www.gov.uk/government/publications/government-digital-strategy/government-digital-strategy>

are intuitive and simple to use for all users, including those who experience barriers such as impaired vision or low literacy. All our services will be assessed by the Government Digital Services to ensure our assisted digital support meets government standards.

8. This consultation is looking to gather opinion on which channels may be best suited to particular user types, and if the proposed channels are appropriate or if any further options need consideration.

## **B. Policy Rationale and Objectives**

9. The policy objective is to allow members of digitally excluded groups to access digital justice services, helping these groups to participate in modern, streamlined processes and also enabling planned court reform measures to be implemented.
10. HMCTS have developed the following key principles for their delivery model, which assisted digital arrangements will aid and align to:
  - Built around the needs of those who use it
  - A unified operating model
  - An easy to access justice system
  - Built to optimize take up of our ‘preferred’, digital channels
  - Appropriate, proportionate, and segmented
  - Transparent and accountable
  - Financially viable and efficient
  - Built on the strong, independent and trusted Justice brand
  - Intelligence led
  - Responsive
11. These principles will lead to a transformed model for our criminal, civil, family and tribunal service, delivering better access to justice at lower cost – moving away from a “one size fits all” service. These principles will also allow us significantly to improve the experience for all users by providing greater accessibility to court services, better navigation of these services and removing work from courts which does not have to be managed in a physical paradigm.

## **C. Affected Stakeholder Groups, Organisations and Sectors**

12. The parties mainly affected by the proposal are listed below:
  - Her Majesty’s Court and Tribunal Service (HMCTS), which administers the justice system.
  - Court Users, including members of the public, businesses and legal service professionals.
  - Assisted Digital Providers, who will supply assisted digital services for the digitally excluded.
  - Legal Service Providers who provide advice and representation to parties involved in a legal dispute.

- 3<sup>rd</sup> Sector Organisations, who offer help and support to people in the justice system.

## D. Description of Option Considered

13. In meeting the policy objectives, the following two options have been assessed in this Impact Assessment (IA):
- **Option 0 'base case': do not implement assisted digital arrangements** - users who find using digital services difficult would need to continue to engage with paper and in-person processes across the justice system.
  - **Option 1: implement assisted digital package** - put in place a range of assisted digital options to allow those who are digitally excluded to access services. These are likely to include telephone, face to face and webchat options.

### Option 0: Base case (no change)

14. Under this option, assisted digital services would not be provided meaning that the full benefits of a digital service would not be realised.

### Option 1: Implement Assisted Digital Package

15. The 'assisted digital' proposal can be encapsulated by two main strands:
- Provide assisted digital support to enable those who are not digitally self-sufficient to access the digital channels offered by the court service; and
  - Where court users are unable to use digital services, even with support, defined as the digitally excluded, paper channels will remain to ensure they can still access the justice system.
16. For the purposes of this IA, it has been assumed that the Assisted Digital package would comprise of a 'face to face', a telephone and webchat strand of assisted digital services. The 'face to face', telephone and webchat services would offer those who need digital assistance the chance to ask questions, be given assistance on how to fill out forms, and how to navigate the online process.
17. For those users who are unable to use digital channels, even with assisted digital services, a paper channel will still be available. This will be a 'data entry and scanning' service put in place to support this process. These users could fill in forms as they do now and send them to a team that will enter data and documents on behalf of the user in to the system as a digitally self-sufficient user would.
18. The following section provides broad estimates on the basic running costs of the 'face to face' assisted digital service and the paper channel. It has been assumed that the costs of a telephone assisted digital service has been incorporated into the 'business as usual' jurisdictional work and as such has not been costed here. The cost of operating a webchat service has also not been included as it requires further discussions with stakeholders

## E. Costs and Benefits Analysis

19. This IA identifies both monetised and non-monetised impacts of the proposed policy on individuals and groups in the UK. The costs and benefits of the policy option are compared to the “do nothing” option. IAs place a strong emphasis on valuing costs and benefits in monetary terms. However, there are important aspects that cannot readily be monetised – e.g., the effects on particular groups of society or changes in equity and fairness.
20. As the ‘do nothing’ option is compared against itself, the costs and benefits are necessarily zero. The costs and benefits of Option 1 are measured relative to those of the ‘do nothing’ option.

### **Costs of Option 1**

#### *HMCTS*

21. HMCTS would incur the implementation and running costs of offering an assisted digital service and concurrent paper channel. Whether the service is offered by HMCTS or part/all of it contracted out, resources will need to be made available.
22. The basic administrative running costs to HMCTS associated with a ‘face to face’ assisted digital service and a paper channel for the digitally excluded is currently estimated to cost between £5m and £9m a year, depending on the demand for assisted digital services. These estimates are an indicative economic appraisal rather than a detailed financial assessment of the resources required. The year by year profile of costs may also differ depending on when different jurisdictions start offering assisted digital services and if assisted digital users become more digitally confident over time.
23. This estimate takes into account the number of potentially digitally excluded users, the potential for a digital update within each jurisdiction, and what proportion of non-digitally self-sufficient users will use each channel. These assumptions have taken into account a number of case studies from other government assisted digital services.
24. The total cost to HMCTS of offering assisted digital services (‘face to face’, telephone and webchat), whether they are contracted out in part or in full, and a paper channel may vary from the above estimate as the service requirements continue to be defined. For example, further costs may come from setting up and implementing all the services, the running costs of the webchat service and any additional costs above the basic administrative costs identified for the ‘face to face’ service and paper channel.
25. There may also be cost to HMCTS of promoting the existence and use of assisted digital services, to ensure those who need assistance are aware of it and know how it can help them.

#### *3<sup>rd</sup> Party Assisted Digital Providers*

26. If third parties are contracted to deliver assisted digital services but they also offer other court user services, such as legal advice, then they may see an increase in demand for these additional services. If these organisations did not provide assisted digital services, then court users may not have interacted with the organisations and not known they offered additional services. Any increase in demand for services outside of assisted digital could create resource pressures.

#### *Legal Service Providers*

27. If those users who can and want to engage with digital services gain the confidence to become digitally self-sufficient, they may choose to be ‘litigants in person’ instead of procuring advice and representation from legal service providers.

28. If legal service providers offer their own assisted digital services then they will incur one-off set up and training costs as well as ongoing administrative costs. These costs may be offset by charging for the service or using it to obtain more clients.

### *3<sup>rd</sup> Sector Organisations*

29. In some jurisdictions, the existence of assisted digital may make some court users more aware of various other support services that are offered throughout the justice system. Any increase in demand for 3<sup>rd</sup> sector organisations service could put pressure on their resources.

## **Benefits of Option 1**

### *HMCTS*

30. Assisted digital services would benefit HMCTS by enabling all court users to benefit from the new digital channels whilst meeting its commitment to maintain access to justice.
31. HMCTS's current paper based operation is also expensive so the digitisation of the service would create savings and efficiencies leading to reduced operating costs. Assisted digital would be an 'enabler' of these savings by allowing people who are not digitally self-sufficient to move from the current system to the more cost effective and efficient digital channel.
32. As well as lower operating costs, providing assisted digital services may lead to lead to higher customer satisfaction and better customer engagement.

### *Court and Tribunal Users*

33. All court and tribunal users would, regardless of their digital ability, have equal opportunity of access to the new services that HMCTS will offer. Assisted digital would enable those who are not digitally self-sufficient to be included in the modernisation of the court services and to experience the benefits of a simpler, faster and more efficient service.
34. It is also hoped that the assisted digital support would help those people who can and choose to engage digitally but need some help to do so to eventually become self-serving. This may, in turn, encourage these individuals to use other government and non-government digital services and enable them to access benefits these services offer.
35. Court users also encompass businesses and legal service professionals. The majority of business and legal professional users will be digitally self-sufficient and all efforts will be made to encourage these organisations to interact with the services digitally.

### *3<sup>rd</sup> Party Assisted Digital Providers*

36. If third parties are contracted to provide all or part of the assisted digital service, they would receive payment from HMCTS/MoJ to deliver such services.

### *Legal Service Providers*

37. Whilst a HMCTS endorsed assisted digital service would be provided free of charge, private sector legal service providers may choose to offer similar services. Such a service could be offered for free by legal service providers to convince assisted digital users to use their firm for legal advice and/or representation. Legal service providers may judge there is sufficient demand for a paid-for assisted digital service as a means of

generating profit. As all court users would have access to a free at the point of use, HMCTS sponsored, assisted digital service, any individual using private sector assisted digital services would be choosing to do so instead of using the free government provided service.

38. If those users, in some jurisdictions, who can and want to engage with digital services gain the confidence to become digitally self-sufficient then legal service providers may have to provide less pro-bono services and thus use this extra resource to pursue profitable activity.

## **F. Risks and Assumptions**

39. The costs and benefits included in this IA are based on certain assumptions on the expected level of take-up by court and tribunal users. Therefore estimating the volume of users who require assisted digital services or the paper channel comes with an element of risk. The main risks are:

- Higher uptake: it could be that more court users than assumed take up these services which could potentially leave them underfunded.
- Lower uptake: there could be fewer court users than estimated who require assisted digital services. Whilst ongoing operations can be scaled down to recover money, any initial overinvestment cannot.
- Slower drop-off rate: it has been assumed that repeat users of assisted digital services would become more confident over time and move to being categorised as digitally self-sufficient users. It has also been assumed the proportion of digitally self-sufficient users follows the upward trend in general digital uptake. If less users than anticipated move to being self-sufficient then this will require higher long term investment.

40. The level and 'make up' of assisted digital services may also affect the overall impacts.

- Some jurisdictions may require lower or higher levels of assisted digital services. Assisted digital is not a one-size fits all service and the support required will vary by case type. For example; personal injury claims may require low levels of assisted digital as the vast majority of claimants and defendants have legal representations. Where as in the 'Employment' or 'Social Security and Child Support' Tribunals there may be a higher proportion of litigants in person, a large number of whom may require assisted digital services.
- If assisted digital services are not nuanced and flexible enough to deal with the wide variety of users that require the service, then some users may not get the support they need whilst others may get more assistance than they require.

## **G. Implementation**

41. Our assisted digital approach will be developed iteratively, with extensive input from service users. We will carry out extensive piloting, user research and testing across the digital skills spectrum to make sure that our services meet the needs of our users, and continue to be improved following their launch. HMCTS has a dedicated Accessibility & Inclusion team who will ensure that new digital services are intuitive and simple to use for all users, including those who experience barriers such as impaired vision or low



literacy. All our services will be assessed by the Government Digital Services to ensure our assisted digital support meets government standards.

## **H. Monitoring and Evaluation**

42. As above, services will be developed iteratively.

## Equalities Statement – Assisted Digital Support

### 1. Policy change summary

- 1.1. The HMCTS Reform Programme is modernising the court system: many of the changes take advantage of advances in technology to provide a faster, more accessible service for users of the courts and tribunals.
- 1.2. It is intended to move some courts and tribunal processes to digital by default services – for example:
  - 1.2.1. **Probate applications:** We are digitising the probate system to allow the entire process to be managed online, from application to resolution, making it an easier and faster process when cases are uncontested.
  - 1.2.2. **Divorce:** Work has already begun to allow divorce applications to be made and managed online, removing some of the bureaucracy from often stressful and lengthy proceedings and simplifying cumbersome administrative processes.
  - 1.2.3. **Introducing a new online process for resolving money claims:** We will create a new process that seeks to resolve many disputes entirely online, using innovative technology and specialist case officers to progress cases through the system.
  - 1.2.4. **Piloting our new approach in the Social Security and Child Support Tribunal:** This will be one of the first services to be moved online, with an end-to-end digital process that will be faster, easier to engage with and more accessible for all users. The pilots will begin in 2017 and national roll-out is expected in early 2018.
- 1.3. Access to justice is essential to enable people and businesses to realise and protect their rights, and has long been recognised in law. As we move towards digital services, we must ensure that we maintain access to justice for all users. This means making sure that users are supported to access our digital services - we call this 'assisted digital' support.
- 1.4. To make sure we are meeting the needs of everyone who engages with the system, we expect to include a range of support options as part of our transformed digital services, including:
  - 1.4.1. **Face to face assistance** – for example, completion and submission of an online application form on behalf of a member of the public. We envisage this would be contracted to one or more third party organisations, and managed by HMCTS.
  - 1.4.2. **A telephone help service** offering similar assistance, which we would expect to be staffed by HMCTS.
  - 1.4.3. **Web chat** to guide people through online processes.

- 1.4.4. **Access to paper channels** for users who require it.
- 1.5. Our assisted digital support will be built, tested and implemented at the same time as the digital service offering. Informed by user research and user testing throughout the service development phases, the assisted digital support provided to services will be built around the needs of the users of that particular service.
- 1.6. We will consider whether we need to amend our equality considerations in light of the responses to the consultation.

## **2. Equality duties**

- 2.1. The Public Sector Equality Duty comprises three limbs, set out in section 149(1) of the Equality Act 2010 whereby a public authority must, in the exercise of its functions, have due regard of the need to:
  - 2.1.1. Eliminate discrimination (both direct and indirect), harassment, victimisation and any other conduct that is prohibited by the Act;
  - 2.1.2. Advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not. This includes removing or minimising disadvantages suffered by people due to their protected characteristic (PC), taking steps to meet the needs of people who share a particular PC, and encouraging participation in public life.
  - 2.1.3. Foster good relations between persons sharing a relevant PC and persons who do not. This includes tackling prejudice and promoting understanding.
  - 2.1.4. Paying “due regard” needs to be considered against the nine protected characteristics under the Act, namely: race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity.

## **3. Equality considerations**

- 3.1. **Direct discrimination.** Our assessment is that the proposed assisted digital support would not be directly discriminatory within the meaning of the Act as the support would apply equally to all service users who need help to access digital services, irrespective of whether or not they have a protected characteristic. We do not consider that assisted digital support would result in people being treated less favourably because of their protected characteristic, as listed in paragraph 7.
- 3.2. **Indirect discrimination.** We do not believe that assisted digital support will result in any indirect discrimination against users of the justice system: the support is instead designed to prevent those who have difficulty engaging with digital services from being excluded from them.
- 3.3. From the information available, we have assessed the impact of digitising services on users with protected characteristics below. Our assisted digital services will mitigate the risk of courts and tribunal users with protected

characteristics being excluded from access to justice as a result of digitisation:

3.3.1. **Race:** Information indicates that there are a higher proportion of Asian/Asian British and Black/Black British claimants in the Civil Justice system than the general population (14% and 4% of claimants compared to 5% and 2% of the general population respectively<sup>2</sup>). Also, there are slightly higher proportions of those of Black and Mixed ethnicity in private and public Family proceedings than the general population<sup>3</sup>. Around 9% of people who are the subject of criminal proceedings are Black<sup>4</sup> compared to around 3% of the general population<sup>5</sup>. This information indicates that these groups may be proportionally more likely to have to engage with online services, We do not have information on whether individuals with this characteristic would be more likely to require help in accessing those services however, as of quarter 1 2015, data from the Office of National Statistics suggests that the ethnic group with the highest level of recent internet users was the mixed or multiple ethnic background<sup>6</sup>.

3.3.2. **Sex:** More males than females are proceeded against in the Magistrates court (68% compared to 25%<sup>7</sup>) and tried in the Crown Court (89% compared to 11%<sup>8</sup>). More males than females are also claimants (excluding corporate claimants) in the Civil Court (56% compared to 44%<sup>9</sup>) and subjects of both public and private Family proceedings (51% compared to 49%<sup>10</sup>). Compared to the general population<sup>11</sup>, it is possible that digitising services will affect males more than females, though either positive or negative implications of this cannot be determined at this point. However, a slightly higher proportion of men have digital skills than women (80% vs 74%)<sup>12</sup>, which suggests that women may be more likely to require help to access online services.

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<sup>2</sup> 'Civil Court User Survey', Ministry of Justice, 2015

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/472483/civil-court-user-survey.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/472483/civil-court-user-survey.pdf) ,

<sup>3</sup> 'Family Justice Review Reducing the Duration of Care Proceedings Cases Expert Evidence in Family Proceedings concerning Children Equality Impact Assessment', Department of Education, 2012, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/190167/DFE-32069-2012.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/190167/DFE-32069-2012.pdf)

<sup>4</sup> 'Statistics on Race and the Criminal Justice System 2014', Ministry of Justice, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/480250/bulletin.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/480250/bulletin.pdf)

<sup>5</sup> '2011 Census: Key Statistics for England and Wales, March 2011', Office of National Statistics, <http://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/2011censuskeystatisticsforenglandandwales/2012-12-11#ethnic-group>

<sup>6</sup> 'Statistical bulletin: Internet Users 2015', Office of National Statistics, <http://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/bulletins/internetusers/2015>

<sup>7</sup> 'Criminal Justice System Statistics Quarterly: December 2015', Ministry of Justice, <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2015>

<sup>8</sup> 'Criminal Justice System Statistics Quarterly: December 2015', Ministry of Justice, <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2015>

<sup>9</sup> 'Civil Court User Survey', Ministry of Justice, 2015 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/472483/civil-court-user-survey.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/472483/civil-court-user-survey.pdf)

<sup>10</sup> 'Family Justice Review Reducing the Duration of Care Proceedings Cases Expert Evidence in Family Proceedings concerning Children Equality Impact Assessment', Department of Education, 2012, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/190167/DFE-32069-2012.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/190167/DFE-32069-2012.pdf)

<sup>11</sup> '2011 Census: Key Statistics for England and Wales, March 2011', Office of National Statistics, <http://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/2011censuskeystatisticsforenglandandwales/2012-12-11#age-and-sex>

<sup>12</sup> Ipsos Mori for GoON.UK and Lloyds Banking Group, *Basic Digital skills UK report 2015*, (October 2015)

- 3.3.3. **Disability:** Disability is a criteria for some Social Security benefits so digitising the Social Security Tribunal process is proportionately more likely to affect those with disabilities than the general population. Individuals with a disability are approximately four times more likely to have never used the Internet than individuals without a disability and so are also more likely to require Assisted Digital support to engage with online services<sup>13</sup> – design of the Assisted Digital services will have a particular focus on how to address their specific needs.
- 3.3.4. **Sexual orientation:** We do not collect data for court users by sexual orientation, though digitising processes for those separating from marriages or civil partnerships would impact these groups more than the general population.
- 3.3.5. **Religion or belief:** In Family, Children, applicant and respondents with no religion are over-represented in public and private law cases compared to the general population. Information is not available by religion or other belief for Civil, Family, Tribunal or Crime<sup>14</sup>. Some practising members of religious societies or orders have beliefs that are incompatible with the use of electronic communications (that is, forbid the use of computers) e.g. Amish, Seventh Day Adventists. The assisted digital support will ensure other methods of interaction other than digital interaction are available to these court and tribunal users.
- 3.3.6. **Age:** In a 2013 survey by the Office of National Statistics (ONS), almost all adults aged 16 to 24 years (99%)<sup>15</sup> had used a computer while a 2015 survey by the ONS showed 82% of this age group using one on a daily basis. In contrast, only 64%<sup>16</sup> of adults aged 65 years and over had ever used a computer based on that 2013 ONS survey, with less than half (45%<sup>17</sup> using one on a daily basis) based on the 2015 ONS survey. This suggests that older people are more likely to require Assisted Digital services to access online services, and the design of Assisted Digital services will take account of this.
- 3.3.7. **Marriage and civil partnership:** Information is not available on court users by marriage or civil partnership status. Digitising divorce processes will naturally affect those who are married or in a civil partnership more than the general population. As of quarter 1 2012 16% of the married or civil partnered population did not use the internet, down from 21% in quarter 1 2011. Within divorced or separated marriages or civil partnerships, rates of internet non-use stood at 19% in quarter 1 2012, down from 25% in quarter 1 2011<sup>18</sup>.

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<sup>13</sup> 'Internet Access Quarterly Update, Q2 2013, Office of National Statistics, [http://webarchive.nationalarchives.gov.uk/20160105160709/http://www.ons.gov.uk/ons/dcp171778\\_323333.pdf](http://webarchive.nationalarchives.gov.uk/20160105160709/http://www.ons.gov.uk/ons/dcp171778_323333.pdf)

<sup>14</sup> HMCTS Equalities Table, Aug 2015, HMCTS Internal Document

<sup>15</sup> 'Internet Access – Households and Individuals: 2013, Office of National Statistics, <http://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/bulletins/internetaccesshouseholdsandindividuals/2013-08-08>

<sup>16</sup> 'Internet Access - Households and Individuals: 2013', Office of National Statistics, <http://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/bulletins/internetaccesshouseholdsandindividuals/2013-08-08>

<sup>17</sup> 'Internet Access - Households and Individuals: 2015', Office of National Statistics, <http://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/bulletins/internetaccesshouseholdsandindividuals/2015-08-06>

<sup>18</sup> 'Dataset: Internet Users, Q1 2012', Office of National Statistics <https://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/datasets/internetusers>

3.3.8. **Gender reassignment:** We do not collect information on court users by gender reassignment characteristics, though individuals with cases heard by the Gender Recognition Panel would be affected more than the general population if processes are digitised.

3.3.9. **Pregnancy and maternity:** Information is not available on court users by pregnancy and maternity. Digitising child support tribunals will affect those who are parents more than the general population. However, as of 2015 97% of households with children had internet access<sup>19</sup>.

3.4. Additionally, as the majority of more serious cases involve represented defendants/parties, particularly in the criminal and family courts, it has been assumed that the assisted digital support will be aimed towards professional users who represent these users. It has been assumed that professional users are likely to need less assistance than the general population. This assumption will be monitored and tested as we develop our digital services.

#### **4. *Discrimination arising from disability and duty to make reasonable adjustments***

4.1. The proposal to implement Assisted Digital support is a reasonable adjustment in itself. The assisted digital services will address the digital access needs of individuals who are unable to engage with online services, ensuring they will not be denied access to justice, and will mitigate any risk of discrimination arising from digitising our services.

#### **5. *Harassment and victimisation***

5.1. We do not consider there to be a risk of harassment or victimisation as a result of the assisted digital support that will be implemented.

#### **6. *Advancing equality of opportunity***

6.1. Consideration has been given to how the proposal impacts on the duty to advance equality of opportunity. The assisted digital support will help to ensure equality of opportunity is advanced for those with protected characteristics.

#### **7. *Fostering good relations***

7.1. Consideration has been given to how assisted digital support impacts on the duty to advance the fostering of good relations between people who have a protected characteristic and those who do not. Those providing the service will need to understand requirements of those with protected characteristics who may engage; the development and design of the new service and ongoing support will be user focused to ensure this.

#### **8. *Summary***

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<sup>19</sup> 'Statistical bulletin: Internet Access – Households and individuals: 2015', Office of National Statistics, <http://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/bulletins/internetaccesshouseholdsandindividuals/2015-08-06>

- 8.1. Our assessment of equality impacts is that the implementation of assisted digital services will not result in any direct discrimination of courts and tribunal users with protected characteristics, but could be used by some groups with protected characteristics more than the general population. As the assisted digital support will be designed to assist all users who have difficulty interacting with the justice system digitally, not just those with protected characteristics, this is not viewed as problematic

## 9. Analysis

**Table 1: Internet Use by Age Group (%)**

	Age					
	16-24	25-34	35-44	45-54	55-64	65+
Sending/receiving emails	82	88	88	78	72	50
Finding information about goods and services	69	77	82	76	73	45
Reading online news, newspapers or magazines	73	77	74	63	53	32
Social networking (eg Facebook or Twitter)	92	85	72	56	44	15
Internet banking	60	76	69	59	46	26
Consulting wikis to obtain knowledge or information	61	60	59	53	45	26
Looking for health-related information	46	62	63	52	47	27
Using services related to travel or travel related accommodation	45	53	53	53	48	27
Uploading content created by you to a website to be shared	55	56	54	42	32	16
Telephoning or making video calls over the internet via a webcam	48	53	46	30	27	15
Looking for information about education, training or courses	59	47	48	36	24	8
Downloading software (other than games software)	41	36	31	22	21	10
Looking for a job or sending a job application	50	35	28	24	9	1
Selling goods or services over the internet	23	28	32	20	15	6
Professional networking	15	22	24	16	9	2
Posting opinions on civic or political issues	19	19	17	15	10	4
Taking part in online consultations or voting on civic or political issues	9	9	12	9	8	4

**Source:** Internet Access - Households and Individuals: 2013, <http://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/bulletins/internetaccesshouseholdsandindividuals/2013-08-08>



**Table 2: Frequency of computer use by age group, 2006 and 2013**

%

	Used within the last three months						Used over 3 months ago		Never used	
	Daily		Weekly		Less than once a week				2006	2013
	2006	2013	2006	2013	2006	2013				
16-24	63	88	15	8	10	1	10	2	2	1
25-34	61	84	17	11	8	2	10	2	5	-
35-44	63	80	16	12	5	4	7	2	9	2
45-54	56	76	13	11	8	4	8	3	15	6
55-64	36	67	17	12	8	6	11	4	28	11
65 +	9	37	8	11	6	4	12	11	65	36
<b>All</b>	<b>45</b>	<b>70</b>	<b>14</b>	<b>11</b>	<b>7</b>	<b>3</b>	<b>10</b>	<b>4</b>	<b>24</b>	<b>11</b>

Base: Adults (aged 16+) in Great Britain

Source: Office for National Statistics

Percentages may not sum to 100 due to independently rounded components

**Source:** Internet Access - Households and Individuals: 2013, <http://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/bulletins/internetaccesshouseholdsandindividuals/2013-08-08>

**Table 3: Internet Use by Disability Status (%)**

	Q1 2011	Q2 2011	Q3 2011	Q4 2011	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013
DDA disabled <sup>1</sup>	35.8	36.8	36.3	34.5	34.6	33.7	33.4	32.8	31.9	32.9
Work limiting disability only	11.2	11.4	11.1	10.8	10.3	10.0	9.6	8.7	8.0	7.0
No disability	11.9	11.6	10.8	10.9	10.6	10.1	9.6	9.3	8.6	8.4
<p><sup>1</sup> DDA disabled refers to those who self-assess that they have a disability in line with the Disability Discrimination Act (DDA) definition of disability.</p>										

**Source:** 'Internet Access - Households and Individuals: 2015', Office of National Statistics, <http://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/bulletins/internetaccesshouseholdsandindividuals/2015-08-06>

