

Digital Exclusion and Public Services

CAS evidence for Public Audit Committee, December 2024

Background

Citizens Advice Scotland (CAS), our 59 member Citizen Advice Bureaux (CAB) and the Extra Help Unit form Scotland's largest independent advice network. The Citizens Advice network in Scotland is an essential community service that empowers people in every corner of Scotland through our local Citizens Advice Bureaux (CAB) and national services by providing free, confidential, and independent advice. We use people's real-life experiences to influence policy and drive positive change. We are on the side of people in Scotland who need help, and we change lives for the better.

At Citizen's Advice Scotland, we understand that telecommunications services are increasingly an essential utility for people in Scotland, with access to a decent internet connection now vital for many day-to-day activities including work, learning, staying informed and accessing essential public services. Yet our data shows that many people in Scotland face ongoing barriers to accessing these connections – whether due to the cost of devices or tariffs, a lack of skills or confidence to navigate the digital realm, or a lack of robust digital infrastructure, particularly in Scotland's rural and island communities.

As essential services become increasingly digitised, the more challenges this presents for those with more limited digital access. Access to basic information, healthcare, managing personal finances, housing, social security, and justice services – all increasingly rely on digital connections and competencies, creating significant detriment for consumers who do not have these. While the increase in digital by default approaches across essential services has been accompanied by a range of measures aimed at boosting digital inclusion - CAS nevertheless advocates that channel choice for those engaging with services is essential in order to mitigate the detriment faced by those less able to access the online world.

What is digital exclusion:

Amongst stakeholders working in the digital inclusion sphere, it is generally understood that digital exclusion stems not simply from lack of access to an internet-capable device, but also crucially from:

- Lack of access to connectivity, whether due to unaffordability or lack of robust infrastructure.
- Lack of skills and confidence to navigate devices and online worlds safely.

CAS understand digital exclusion to be the result of unequal access to digital technologies, leading to barriers and unequal access to increasingly digitised services, information and communications, resulting in poorer outcomes across a range of vital areas – from education and employment to health, housing, financial support and social inclusion and participation. Data from across the Citizens Advice network highlights that while public bodies are aware of digital exclusion issues, they can often underestimate the impact this can have on people engaging with their services and the support individuals require, and any mitigations that may be required in terms of meeting statutory duties such as the Public Sector Equality and Fairer Scotland duty. These issues are evidenced throughout this paper experiences of people who have sought advice from a Citizens Advice Bureau, creating a real-time case reporting system operated by the Citizens Advice network in Scotland. The system allows citizens advice bureaux to submit case evidence to CAS demonstrating the impact of policies and services which they feel are failing to meet people's needs.

The Citizens Advice network in Scotland often supports digitally excluded people in accessing and maintaining the use of digital services operated by public bodies in Scotland, with many advisers reporting that public bodies underestimate the level of support required by digitally excluded people. While the Citizens Advice network in Scotland remains well placed to assist people, there is a lack of consideration from public bodies of the wide-ranging holistic advice provision which the network provides and the additional capacity and resources that are often required in order to fully support digitally excluded people to access digital services and in turn the additional pressure this places on third sector bodies such as CAB. CAS and the Citizens Advice network in Scotland strongly believe that public bodies in Scotland that have digital and online services should be offering effective and efficient channel choice, to ensure that individuals can access those services with confidence and in a way that best suits their needs.

CAS's work in this area is informed by data and evidence from across the Citizens Advice network in Scotland. CAS's 2018 research of 1200 clients of the Scottish Citizens Advice network, '[Disconnected](#)', found that 18% of CAB clients that were surveyed never used the internet, while 9% used it 'hardly ever'; and one third of respondents either had difficulty using a computer (18%) or simply could not use one at all (16%).

While the number of people not using the internet across the UK has fallen steadily in recent years, our data and evidence show that many consumers and communities in Scotland continue to experience significant barriers to accessing the internet and suffer considerable detriment as a result.

Trends identified in our 2018 research persist in data and evidence shared by Bureaux around the country, highlighting the following key barriers to digital inclusion:

Affordability: Whilst many digital inclusion initiatives have focussed on providing devices to those facing digital exclusion, the cost of broadband or data connections still proves prohibitive

for many. Recent polling by YouGov¹, on behalf of Citizens Advice Scotland, found that 1 in 4 Scottish consumers regularly run out of money before pay day. Amongst them, 15% go without internet access at home as a result, and 22% go without mobile phone access.

Lack of skills and confidence to navigate digital devices and online spaces and services: Bureaux report that an increasing proportion of advisers' time is spent supporting people with the technological platforms required to deal with their issues, leaving less time for advice giving, and impacting on service capacity. Bureaux also report that people who would otherwise have been able to self-serve are now seeking bureau support largely due to the digitisation of the service (for instance blue badge applications).

Poor connectivity - particularly for Scotland's rural and island communities: Bureaux in rural and island regions of Scotland report multiple issues and detrimental impacts faced by people due to poor connectivity in their area. Data from Ofcom shows that connectivity levels available to consumers in Scotland fall short of the UK average, with only 46% able to receive coverage from all 4 operators (restricting consumer choice and network resilience)².

Who is affected by digital exclusion:

In 2023-24 the Citizens Advice Service network helped nearly 192,000 people in Scotland and dealt with over 680,000 advice issues. With support from the network, people gained over £158 million. As part of this, Citizens Advice Bureau up and down the country routinely supports people who are struggling to access vital services that are often only available online. In the year 2021/22 the Citizens Advice Network recorded 1,932 digitally excluded people. This compares to 3,065 in 2023/24, representing a 59% increase.

Digital exclusion causes detriment to individuals, communities, the economy and society. Data from the Scottish Citizens Advice network indicates that those who live rurally, those who experience financial hardship and those who are disabled may be particularly affected by digital exclusion.

At the individual and community level, evidence from the Citizens Advice network in Scotland shows that poverty and digital exclusion can compound one another: those on lower incomes can be more likely to face barriers to getting online; and in turn, digital exclusion can exacerbate financial challenges.

For many rural and island communities throughout Scotland the lack of reliable internet connections can significantly limit economic growth. For example, the expansion of remote working and learning could provide opportunities for rural and island communities to develop and grow their local skills and economies but would be dependent on reliable connectivity and resilient infrastructure. However digital exclusion at an individual or community level can reduce

¹ YouGov Plc. Total sample size was 1509 adults. Fieldwork was undertaken between 13th February - 5th March 2023. The survey was carried out online. The figures have been weighted and are representative of adults in Scotland (aged 18+).

² https://www.ofcom.org.uk/_data/assets/pdf_file/0033/249288/connected-nations-scotland.pdf

access to opportunities for work and learning and access to competitive prices and tariffs for day-to-day essentials.

A particularly stark example of the impacts of digital exclusion at the local societal level can be seen in the week long telecommunications outage in October 2022 across the whole of the Shetland Isles. Access to information, communication, business, healthcare, and transport services were all disrupted causing significant risk and harm across the population.

CAS has recently urged Ofcom to revise definitions of 'major outage event' to better understand resilience needs and response times in the cases of vulnerable rural and island communities.

The impact that digital exclusion has on people:

Covid-19 pandemic

The Covid-19 pandemic had a profound impact on those who are digitally excluded, with many essential services moving to online/digital channels compounding the access issues caused by digital exclusion. The Citizens Advice network in Scotland was concerned that many people who were digitally excluded prior to the pandemic would lose out on essential advice on issues related to employment, welfare and housing with some bureau reporting concerns that repeat clients who sought support and assistance due to digital exclusion would suffer significant detriment while face to face advice provision was not possible.

CAS understands that the pandemic left 1.8 million people in Scotland financially worse off, and even before the most recent increase in the energy price cap 1 in 3 people found bills unaffordable. This has caused a significant strain on individuals finances as the pandemic subsided and transitioned into a cost of living crisis.

Cost of Living Crisis

CAS fears that telecoms bills will continue to be unaffordable for many consumers in Scotland when the latest inflation linked price rises come into effect in 2023. On average, consumers can expect to see an increase in the range of £10 - £14 per calendar month. CAS are concerned that those consumers who go without internet access as a result of running out of money before pay day will have to go without access to essential services and support that is found online. This is highly detrimental for those who are maintaining universal credit applications, working from home, or seeking online advice to assist them in managing their finances.

CAS data shows that the rising cost of living is affecting household budgets and access to essentials, for people across Scotland. Our 2023 tracker polling, conducted by YouGov³, found

³ YouGov Plc. Total sample size was 1509 adults. Fieldwork was undertaken between 13th February - 5th March 2023. The survey was carried out online. The figures have been weighted and are representative of adults in Scotland (aged 18+).

that nearly 1 in 4 people (25%) regularly run out of money before payday. Of these, 15% go without internet access as a result, while 22% go without mobile phone access.

Evidence from across the Citizens Advice network indicates that digital exclusion is closely linked to financial hardship. Affordability of tariffs and devices is a major cause of digital exclusion and those who are digitally excluded may be more vulnerable to financial pressures of the cost of living crisis. It has been essential for many consumers to have affordable internet access, from which they can access online support, advice and financial tools. Online financial tools, such as the CAS money map and Council tax tools, and online price comparison sites are vital to help consumers access information that can assist them throughout the cost of living crisis. Whether due to affordability, skills, or infrastructure – digitally excluded people may face additional barriers to accessing vital advice and support to navigate the cost-of-living crisis.

There are numerous examples shared by the network where people lose access to the internet or telephony services as a result of telecoms debt and/or running out of money, therefore preventing people from accessing advice and support they needed to resolve their situation:

The Citizens Advice network in Scotland has supported digitally excluded people to access financial assistance which would have otherwise been lost:

A Bureau in the North of Scotland recently supported Michael⁴, who is being forced down the route of making an online application for the Warm Home Discount. Michael has a speech impediment which means they are unable to use a phone. Without help, Michael could have lost out on a vital £150.

CAS are concerned that digital exclusion has compounded the impact of the cost-of-living crisis. As previously mentioned, with many essential day-to-day activities being conducted online or through digital services, those who face digital exclusion may be without access to essential support or services. Whether this is due to affordability, a lack of connectivity or a lack of digital skills it is evident that many people have been impacted by their lack of access to the internet throughout the cost-of-living crisis.

CAS have been made aware by Citizens Advice Bureau that many people navigating the utilities market face significant difficulties in switching providers if they are unable to access price comparison sites. Likewise, Citizens Advice Bureau support people to maintain their online Universal Credit applications, with one island-based Citizens Advice Bureau supporting someone who was sanctioned because they had no mobile internet signal to update their online journal.

Research from Nairn Citizens Advice Bureau highlights the additional costs faced by people who are digitally excluded. Participants reported facing disadvantage because they couldn't compare prices and read reviews when buying large household items and appliances, or shop around for

⁴ The names of individuals used throughout this paper are not the real names, a pseudonym has been used to protect their anonymity.

the best deals on utility bills and other outgoings as evidenced by this quote from a participant in the research.

“I am sure I have paid too much for my car insurance. I see on the tv adverts that say we should compare prices. How do you do that if you don’t have access to the internet? I have to manage on my state pension but I need a car as I live out of town and there is no transport to the hospital for my regular appointments. I ended up paying what I was asked to pay by my car insurance company.⁵”

The transition of social security and banking services to primarily digital channels has also resulted in many digitally excluded people finding it more difficult to manage money, payments and access help and information. CAS are concerned that many digitally excluded people have gone without the necessary advice and support that would assist them in navigating the cost-of-living crisis and potentially increasing their risk of debt.

The Citizens Advice network in Scotland assist digitally excluded people across a range of issues. Below we outline the experiences of the Citizens Advice network in Scotland in relation to providing advice to digitally excluded people who require assistance in navigating the Adult Disability Payment (ADP) operated by Social Security Scotland (SSS), engaging with local authorities in relation to Council Tax, and in navigating the justice system in Scotland.

Accessing welfare services -Adult Disability Payment (ADP):

The Citizens Advice network in Scotland support people facing and navigating digital barriers when accessing Social Security Scotland’s Adult Disability Payment (ADP). While this newly established service was intended to be designed with channel choice built in – with options to complete applications online, or over the phone and on paper - many people still encounter significant digital barriers in the process.

Social Security Scotland data shows use of non-digital channels is significant: in July 2024, 26% of applications were being completed by telephone or on paper⁶. While this proportion has reduced a little in the year since July 2023 as the volume of applications has increased, it has been broadly steady overall and has barely changed since March 2024.

However, the evidence and experiences captured across the Citizens Advice network in Scotland illustrate continuous challenges encountered by those pursuing non-digital application routes, and digital exclusion continues to present a barrier to proceeding with an ADP application. This has been recognised throughout SSS and they are undertaking effort to develop an online application progress update portal following our engagement with agency leads.

⁵ <https://www.nairncab.org.uk/news/bridging-digital-divide>

⁶ <https://www.socialsecurity.gov.scot/reporting/publications/adult-disability-payment-high-level-statistics-to-31-july-2024>

Advisers cite struggles establishing an account on Gov.scot and the need to re-set passwords often results in new email addresses having to be created on behalf of people seeking support since the same email address cannot be used twice. People can be reluctant to set up these accounts, and advisers also discuss weariness around the use of this account.

An East of Scotland CAB recently supported Louise, who was experiencing poor mental health and struggled during the process to register an account through Mygov.scot and was unable to navigate the frustrating process. Louise sought support from her local CAB, who supported her in navigating narrow registration rules. The adviser supporting Louise reports being unable to establish a new account with the same email address when lock outs occur, necessitating the creation of new email addresses.

Difficulties in reaching call handlers to progress a claim by paper or telephone is also being presented as a potential barrier to access. Participants in CAS focus groups on this issue expressed the view that when call handlers are reached, they appear to steer people toward digital channels. This concern is reflected by advisers more broadly.

An East of Scotland CAB supported Mary, a 19-year-old with wide spectrum autism and anxiety disorder who attended the Bureau for assistance to start a new claim for ADP. The adviser explained that it took one and half hours to get to the stage of submitting proof of ID online, largely due to having to create a new email address (Mary's email address had already been used to request a Young Scot card). Mary and her support worker advised that they felt pressured by a SSS call handler into using an app called Yoti, and use it to take identification photos. Mary expressed real concern about digital intrusion, how her data would be stored and which other agencies might have access to it.

Amrah recently received support from a CAB within the east of Scotland, after having made multiple requests for a paper application but had not yet received one. The call handler in her latest contact had advised the her to apply online. Amrah explained that she did not have access to a computer and was told to attend a local library.

Similarly, advisers highlighted cases of detrimental failure to engage with a claimant via their preferred communication channel at the "getting started" stage.

A CAB in the east of Scotland recently supported Raul, who is deaf and cannot take phone calls. This was communicated by Raul to SSS, advising the agency that his preferred contact method is email. Despite this, Raul continued to receive calls and emails requesting telephone contact. As a result, he has not been able to deal with his own application, which was his strong preference.

Aaron recently visiting a CAB in the west of Scotland West of Scotland after he was late to his identity verification meeting due to the details having been sent via email, which he struggles to access. Following the intervention of the adviser, an SSS call handler "relented" and booked a face-to-face appointment, but in a place that is a considerable distance from the Aaron's home and unfamiliar to him. The CAB adviser pointed out that the Aaron had explained in his

application his difficulties with planning and following journeys. The SSS representative did not agree to arrange a telephone appointment or an appointment in a suitable local space, nor was a referral to a local delivery team suggested.

Connection with Local Delivery Teams at this initial stage has the potential to improve take-up and the subsequent claimant experience through additional support to tackle the issues associated with digital exclusion and communication channel preferences. It also has the potential to help ensure that people who need face to face support in local, accessible locations to progress a claim are provided with it.

Issues around Council Tax and Digital Exclusion:

CAS understands that many people throughout Scotland struggle to pay their Council Tax online or digitally. CAS commissioned Social Market Research (SMR) to interview people supported by CAB and undertake research into the drivers behind Council Tax debt accrual, published in May 2023⁷. One of the key suggestions put forward involves improving the ease with which people can access their Council Tax account online. This will better allow taxpayers to keep tabs on their payments and arrears. Further suggestions included information on financial responsibility and the consequences of not paying Council Tax to be sent by letter to every home, and for more contact between Council and Council Taxpayers, especially in the initial stages of arrears, with the first step being in-person contact from the Council, not a letter. In every recommendation, PEOPLE asked for more direct, 'human' in-person communications between the Council and the taxpayer, and for the improvement of access to digital accounts.

Council Tax information on local council webpages is typically unclear, contains jargon, and may not specify where a taxpayer is eligible to a discount. Council Tax websites could help those looking for information on Council Tax savings find it more easily by using clear wording, using language that conveys an understanding of hardship, better signposting to support, displaying an easy to navigate menu, and a section explaining "your Council Tax bill".

In improving online communication and access to Council Tax accounts, Local Authorities can empower people to better understand their Council Tax obligations, ways to make savings and prevent the accrual of debt. This is demonstrated in the following comment from a research participant:

"It would be very helpful if you could deal with [the Council Tax account] more online. You should be able to see online how much you owe in real time, so you know where you are at."
"It would be better if you had an online account which was up to date. I can't see my account because it's under a new reference number."

The Scottish Citizens Advice network consistently supports people who have difficulty accessing Local Authorities' digital and online services relating to council tax:

Jamie sought the support of a CAB within the West of Scotland to assist his application for Council Tax Reduction as he struggles with online access and found the Council services

⁷ https://www.cas.org.uk/system/files/22011_smr_cas_council_tax_research_final_report_090223_0.pdf

inaccessible. Reportedly, the Local Authority has, on more than one occasion, transferred Jamie to another line and then hung up, or when asked about entitlement to Council Tax Reduction, told Jamie that the computer wasn't working and therefore couldn't provide an answer. The lack of a paper form option added to Jamie's frustration and inaccessibility.

Aisling recently visited a CAB in the West of Scotland, seeking support with her Council Tax arrears after receiving a Charge for Payment of just over £9,000, dating back nearly 20 years ago. The letter stated a full repayment was due two weeks after the date of sending. Aisling had no funds and didn't know what to do before seeking CAB advice. Her online inaccessibility made their experience paying Council Tax extremely difficult; she stated they are constantly confused by Council Tax and how it works and that the letters aren't simple and clear enough to understand.

Walter sought support from his local CAB after he had moved into a new property and not set up payments for Council Tax at his new address. Due to his lack of digital skills, he contacted the Council by phone to notify him and set up payment. He was told that they would receive a call back from the Council, but this call never came. Walter has since accrued significant arrears.

Simran attended her local CAB for support with her application for Council Tax Reduction as she does not have access to internet and finds it difficult to use technology. The Council operate a digital-only application method for Council Tax Reduction and request taxpayers navigate their online portal 'My Account' to claim the reduction. Simran complained that the Council staff are very hard to get hold of over the phone and she received so many letters that she became confused. Simran would have benefited from speaking directly with the Council, preferably in person.

Recently, Monica visited her local CAB for support after struggling to complete the online application form for Council Tax Reduction. Monica has cerebral palsy which, as she stated, stops her from handwriting or completing forms fully. She found issues with the online form whereby the additional notes section lacks the means to use punctuation symbols, a further hurdle to completing the online form herself, which could be prevented by ensuring the application form is more user-friendly to those with health conditions and lacking digital skills.

Paul attended his local CAB, seeking assistance in setting up a direct debit for his council tax payments. Paul is homeless and digitally excluded, finding it difficult to set up a direct debit online. The local authority's move to digital by default included the cessation of the live enquiry phone line and the change an automated payment line only. The only route to set up a direct debit or contact council tax department is through their digital services, thereby, excluding those who cannot set up a payment plan online.

Digital Exclusion and Justice Services:

CAS has a number of concerns about digitisation within the justice system which we have consistently highlighted to Scottish Government and other stakeholders.

CAS understands that the use of digital technologies - such as virtual hearings, electronic submissions, email and e-signatures – can enable greater efficiency in court services and operations, which can be beneficial for those involved in proceedings. However, for significant numbers of people in Scotland who face digital exclusion, these technologies can create additional barriers to navigating court and tribunal processes and can impede access to justice. We are concerned that the reliance on digital means of participation in court business risks people being excluded from the justice system.

CAS has cautioned against a wholesale shift to digital technology in the justice system as there will always be users, who are often vulnerable, that are disadvantaged by this and whose access to justice will be impacted. We believe more support is needed to enable vulnerable and digitally excluded groups to access justice and that the best way to mitigate these potential detriments is through channel choice. This would allow users to choose the most appropriate method of participation in court or tribunal processes to best suit their needs, rather than, as tends to happen in practice, the default channel being determined for administrative reasons such as the type of proceeding or action.

CAS recognises that the option to access court proceedings digitally improves accessibility for some in certain circumstances, while efficiencies which allow the backlog to reduce are in everybody's interests. We have argued, however, that these benefits must not come at the expense of access to justice for the most vulnerable in society - and that any shift towards digital by default in court and tribunal services must therefore be matched with enhanced support for users who face barriers to navigating these processes digitally, to prevent their exclusion from court or tribunal processes.

A CAB in the West of Scotland supported Elizabeth, who is in her 80s and was required to attend an Attendance Allowance appeal hearing in person but felt uncomfortable to do so because of Covid-19. At the same time, she had no facility or knowledge to use Zoom for a remote hearing.

Stephan sought support from his local CAB in the west of Scotland prior to proceedings at the local Sheriff Court in which he aimed to challenge a decree regarding the arrestment of his car for a debt he owed. He faced being unrepresented in the ordinary cause proceedings as he was unable to find a local solicitor willing to take on his case but wary of having to travel and use a solicitor further afield due to his low immunity. Stephan stated that he required assistance from the court to lodge documents but was told by court staff that no assistance could be provided and if he made one more mistake on the forms, they would refuse to accept the documents altogether. He also stated that he had no facilities to attend the WebEx court hearing. CAB offered assistance in locating solicitors and use of CAB facilities to secure access.

Technical issues and failures

CAB advisers regularly report that even when users physically have digital access, limitations, and failures of the technology both in virtual and telephone hearings can create significant problems and impact people's experience and pursuit of justice. For example:

An adviser in a North of Scotland CAB supported Billie, who is disabled, in a tribunal hearing when the online hearing platform experienced technological problems which could not be resolved despite several attempts. This resulted in the adviser having to operate three different lines of communication – mobile phone in one hand, landline phone in the other, while he could see the court on-line, but the court could see neither the Billie nor the adviser. These issues resulted in the hearing overrunning by 2 hours and a very distressing experience for Billie.

A CAB in the west of Scotland supported Nguyễn, for whom English is an additional language, in a virtual first-tier tribunal hearing contesting a DWP (Department for Work and Pensions) decision. The online hearing started late, then problems arose due to the interpreter not speaking the Nguyễn's native language. The hearing had to be recessed to give the adviser a chance to separately take instruction from the Nguyễn in which he made clear that he wanted the hearing adjourned so that an interpreter speaking the correct language could assist him in the proceedings. Several attempts to resume the video hearing afterwards failed, as the adviser and Nguyễn could not be added to the virtual hearing room due to technical problems, so the hearing had to proceed by telephone instead. When Nguyễn started to become more and more agitated, the hearing was brought to a stop by ending the call.

Technical problems can cause further detriment to people or party litigants when something goes wrong with technology while people are left without any real-time support to bring this to the court's attention. CAB advisers have told us of people who experienced technological issues which prevented them from joining virtual platforms at short notice. They were unable to find a way of alerting court staff to this, meaning the sheriff assumed they had simply opted not to participate and proceeded to grant orders, such as those for eviction or custody, which had far-reaching impacts.

Lack of channel choice

CAB advisers have raised concerns about remote and virtual hearings being increasingly treated as the default mode of court and tribunal proceedings and participation.

For example:

The Scottish Tribunal Service (STS) staff informed a Catherine, who was receiving support of a CAB in the Central Belt that as a default position, hearings were conducted by telephone and asked her to justify in writing why she wanted an in-person hearing. The guidance on the STS website states that a person 'may want to attend a hearing in person. This is called an oral hearing. Either party can request an oral hearing.' While Catherine understood this to mean she could request an in-person hearing, in practice, there seems to be a strong presumption that requests for in-person hearings will only be allowed under special circumstances. However, no criteria for granting such requests seem available to the public.

This runs counter to a person-centred justice system that puts the user at its heart. This is even more problematic for vulnerable individuals and those with protected characteristics as detailed in the following section.

Vulnerable persons and people with protected characteristics

CAS remains concerned that the use of remote and virtual hearings can disproportionately disadvantage unrepresented party litigants, those who are assisted by CAB, or others with additional support needs. We believe that it is unrealistic to expect vulnerable groups or those with additional support needs to engage with remote and virtual proceedings without providing some one-to-one support. Without attending physical court room locations, party litigants may not be signposted to advice and advocacy services (where these exist and are appropriate).

The in-court advice services offered by some citizens advice bureaux are often located within the court building and so many people drop in on the morning of their hearing, having either been signposted by the sheriff clerks or having seen relevant signage. If people are not physically in the court, they may be less likely to get advice or representation for their case. In the case of family or housing issues, lack of advice or representation can contribute to a loss of custody or the loss of housing tenancies, which can have serious adverse consequences. Even decisions taken on procedural issues or case management can have a large impact on proceedings affecting people supported by CAB as evidenced in the following example:

Norman, visiting his local CAB in the north of Scotland, attended a virtual procedural hearing where the Sheriff had determined that he had no jurisdiction and had dismissed the case. Norman was unrepresented, did not follow the legal arguments made around jurisdiction and had no understanding of the decision reached or the reasons for it. To compound things, no decision form was issued in the case (until CAS later intervened to raise the matter with the Scottish Courts and Tribunal Service), leaving the Norman unaware of any arrangements or deadlines for appeal.

CAB advisers also reported that in-person hearings are vital for many court and tribunal users when the honesty of their account and the veracity of the appellant are crucial for the case such as in many tribunal hearings regarding benefits or immigration and asylum claims. Advisers told us that in cases where, for example, the DWP considers someone's application for PIP (Personal Independence Payment) or ADP (Adult Disability Payment) as unjustified, people have been desperate to demonstrate during hearings that they 'haven't exaggerated their disability or health condition', or that 'they aren't a fraud'. Their ability to do so may rely on physical co-presence and immediacy which would be significantly impaired in telephone or virtual hearings. Similarly, CAB advisers reported that in cases where interpreters are involved to assist someone in participating in and navigating proceedings, it may be crucial that the interpreter and the individual being supported are in the same (quiet) room so that they can communicate clearly and confidentially with each other during the hearing. The same is true for communication between representatives/advisers and people where virtual/remote hearings can impede their confidential communication and real-time advice.

What support is available its effectiveness

The Citizens Advice network in Scotland undertakes significant work to support people who are digitally excluded. Advisers consistently see people who require assistance in accessing online and digital services, ranging from assisting people in setting up an email account in order to access digital Government portals and online banking, to helping people navigate the websites of local authorities. A small number of Citizens Advice Bureau have the capacity to offer IT facilities in which people and the wider community can access devices and connectivity. This allows digitally excluded people and anyone within the community to overcome the barriers that may otherwise prevent them from accessing online or digital services. However, advisors report that the increasing digitisation of essential services means that an increasing proportion of time is taken up supporting people with digital navigation, cutting in to time available to give advice on the issues themselves. The network is also seeing people who previously could have resolved their own issues now unable to do so without support, due to a lack of channel choice. Reports from across the network indicate that digitisation of services is often seen as an efficiency measure - but without an accompanying recognition of the time and resource required to ensure those without digital access have the support they need and are not excluded from the service. The knock-on impact on community based support and advice services such as CAB who step in to support those unable to navigate these transitions is not consistently recognised or resourced. Experience from the network suggests that a greater emphasis on investment in community-based support is essential to ensuring digital inclusion at the local level, with many citizens advice bureaux reporting that they experience difficulty in locating opportunities for digitally excluded people to receive skills support and digital learning opportunities.

For instance, people who eventually seek supported from their local CAB report being frequently directed to their local library by agencies in order to access digitised services – however the levels of support and capacity building available within libraries varies across localities. In addition, for many essential services such as healthcare, debt or benefits applications – it may be entirely inappropriate to expect people to engage in these processes in a public space with no privacy or confidentiality.

Prior to the COVID-19 pandemic and the ongoing cost-of-living crisis, some citizens advice bureaux in Scotland had the capacity to support people experiencing digital exclusion with access to skills support and devices. Previously, some Citizens Advice Bureau in Scotland had the capacity to not only assist people in accessing digital services, but to also show them basic digital and online skills. This allowed those bureaux to offer more tailored support to digitally excluded people, empowering them to access digital services with confidence. While digital technologies can expand and improve accessibility of services for some people, CAS believe channel choice not channel shift is essential for individuals to access advice and services in the way that best suits their needs. The network provides advice via multiple channels: in person, in over 70 main office locations and in more than 280 advice locations across the country, as well as by phone, email and other channels, and via our online advice pages.

CAS are pleased to see the efforts of other third sector organisations that are working effectively to reduce digital exclusion throughout the UK. CAS is welcoming of the work undertaken by organisations such as the Good Things Foundation, People Know How and the Scottish Council of Voluntary Organisations to tackle the barriers of affordability, skills and connectivity that prevent digital inclusion. However, this work can only be achieved and expanded if such organisations have the sufficient resources and capacity to deliver these services, which have been essential in assisting many digitally excluded people throughout the cost-of-living crisis.

It should be understood that the essential work undertaken by Citizens Advice Bureau, and other third sector organisations, who support digitally excluded individuals is only possible if such services are effectively resourced. Currently CAB are not directly funded to support people who are digitally excluded, with the exception of some specific funded projects. Therefore, this support is often being provided on top of the advice giving function of the network without any additional resource or funding to support this specific need. Currently, Citizens Advice Bureau are reporting the highest demands for advice throughout 2023 with significantly more complex cases than in previous years. If such advice services are to effectively support those who are digitally excluded in accessing public services in Scotland then there must be provision for more sustainable and consistent funding for advice over a longer time period.

Digital Exclusion as a Human Rights issue

In 2021 the UN General Assembly adopted [resolution 47/16](#) on the promotion, protection and enjoyment of human rights on the Internet.

The resolution affirms, amongst other things: 'the importance of access to information and communications technology for the full enjoyment of human rights, strengthening democracy, the rule of law and empowering civic engagement, for attaining the Sustainable Development Goals and for the response to and a sustainable, inclusive and resilient recovery from the coronavirus disease (COVID-19) pandemic. It calls on states and private actors to take action to bridge digital divides.

Prior to this resolution, a range of international treaties, ratified by the UK, already detailed a wide range of human rights provisions which CAS evidence suggests are increasingly challenging to realise for people in Scotland facing digital exclusion. Many of these provisions now stand to receive enhanced protections in the forthcoming Human Rights (Incorporation) (Scotland) Bill, as detailed below.

The **International Covenant on Economic, Social and Cultural Rights (ICESCR)** outlines every person's equal right - 'without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status' - to:

- **Education:** ICESCR affirms primary, secondary, higher, vocational and lifelong continuing education must be equally accessible to all; however digital access is becoming more and more vital to equal participation across Scotland's education system at all levels.
- **Employment:** Digital exclusion creates additional barriers to accessing recruitment processes, while disparity in digital skills and confidence may create an uneven playing field in terms of retention and progression in employment, and accessing information and support around employment rights. ICESCR states that steps to guarantee the right to employment should include provision of 'technical and vocational guidance and training programmes', which should help to redress these disparities if designed with digital inclusion in mind.
- **Social Security:** We have detailed above examples of barriers faced by digitally excluded people when seeking to access and engage with Social Security Scotland – some starker examples also exist related to reserved social security processes particularly maintenance of online journals for Universal Credit claimants. CAS strongly advocate channel choice in the provision of social security and financial support services.
- **The highest attainable standard of health:** ICESCR outlines this should include 'the creation of conditions which would assure to all medical service and medical attention in the event of sickness'. CAS is concerned that overstretched health services have in some cases continued to operate a digital by default appointments system, post-pandemic, which may be prohibitive for those that are digitally excluded.
- **Participation in cultural life,** including the 'enjoyment of benefits of scientific progress and its applications'. The digital divide impacts on access to information and opportunities to participate socially, culturally and politically, while ICESCR points to the importance of ensuring equal access to new and developing technologies for all citizens.

These are some of the economic, social and cultural rights within ICESCR which may be infringed upon by experiences of digital exclusion. Alongside ICESCR, the Scottish Government has committed to incorporating three Equalities treaties, which contain specific provisions to ensure equal access to all of these rights for women and disabled people, and to eliminate racial discrimination in access to these rights as well.

UN Resolution 47/16 identifies concerns that 'gender disparities in access to and use of information and communications technology, undermines women's full enjoyment of their human rights' and reaffirms provisions within the Convention on the Rights of Persons with Disabilities (CRPD) requiring States to ensure equal access to information and communications, including communications technology and systems, and electronic services. The CRPD itself further outlines the requirement to:

- promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

- promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Meanwhile the Convention on the Rights of the Child, which is already in the process of being incorporated in Scots Law, further underlines children's rights to equal access in education; to freedom of expression (including freedom to seek, receive and impart information and ideas of all kinds); and access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

In Scotland, and across the UK, access to reliable and fast internet increasingly determines people's access to information and communication, and shapes their economic and political participation, their social and cultural lives. Access to the internet impacts individual empowerment, community development, and economic growth. From the point of view of citizens, digital exclusion affects everything from banking and managing your finances, to education and skills development, finding and retaining work, and engagement with public services and healthcare. Digital exclusion is a human rights issue as it intersects with and can exacerbate social exclusion, poverty, health disparities, geographical and other inequalities.

How effectively is the public sector addressing digital exclusion, including collaborating with others, and considering it as part of digital transformation:

Citizens Advice Scotland has seen evidence from across the network that the increased offers and awareness of social tariffs to consumers throughout Scotland has resulted in increased take-up amongst vulnerable people. Social Tariffs are packages within the mobile and fixed broadband markets, in which eligible consumers can access affordable connections. Currently, these are available to consumers who are in receipt of certain welfare services. This has been essential for people to maintain their access to the internet at a price they can afford, while also allowing them to access advice and support online.

CAS would also like to highlight that the Scottish Citizens Advice network were welcoming of the work undertaken by the Department of Work and Pensions and TalkTalk to provide Universal Credit recipients with free internet access.

CAS believes that the work between the Department of Work and Pensions and the Department of Science, Innovation and Technology (Formerly Digital, Culture, Media and Sport) to allow telecoms providers API access to verify Social Tariff eligibility could be effective in speeding up the process for consumers seeking to purchase a Social Tariff.

However, CAS would recommend that the Department for Work and Pensions should remind Job Coaches and other frontline staff to actively promote Social Tariffs to any person who may be eligible.

Recommendations

Citizens Advice Scotland recommends that in order to ensure that public services in Scotland are digitally inclusive and effectively support those impacted by digital exclusion, it is essential that:

- Public bodies and services in Scotland should have effective channel choice, that is fully resourced, to allow service users to access digital and online services if they choose to do so or utilise another channel if that is more suitable.
- If public bodies and services in Scotland are signposting digitally excluded service users to Citizens Advice Bureau, or other organisations that support those impacted by digital exclusion, then such organisations should receive additional funding to support the additional capacity and resource needs being placed on them.
- All digital and online services run by public bodies and services in Scotland should be subject to comprehensive user testing to ensure that such services are designed in an inclusive manner with ease of use built in.