

## Your response

Question	Your response
<p><b>Question 1: Do you have any comments on Section 3 of the draft guidance on harmful material and related definitions?</b></p>	<p>The scope of the definitions are relatively narrow. SWGfL has applied significant resource over the last 10 years to this area and as part of its contribution/ obligation to the UK Safer Internet Centre. Of particular relevance is the work involved in establishing and operating Report Harmful Content, which includes definitions of harmful content. It is important to note that Report Harmful Content relates to content that is legal but still harmful.</p> <p>Harmful content is anything online which causes a person distress or harm.</p> <p>This encompasses a huge amount of content and can be very subjective depending on the viewer; what may be harmful to one person might not be considered an issue by someone else.</p> <p>Report Harmful Content has identified the following eight types of online harm for which to offer recourse for:</p> <ul style="list-style-type: none"><li>• Online Abuse</li><li>• Bullying or Harassment</li><li>• Threats</li><li>• Impersonation</li><li>• Unwanted Sexual Advances (Not Image Based)</li><li>• Violent Content</li><li>• Self-Harm or Suicide Content</li><li>• Pornographic Content</li></ul> <p>Why these eight? We studied the community guidelines of several different platforms and these areas of content are likely to violate terms. Also, based on SWGfL's previous experience running two helplines, The Professionals Online Safety Helpline and The Revenge Porn Helpline, we know we can offer further specialist advice and support in these areas.</p>

You might wonder why we don't offer reporting support for other types of online harm; this is because there are other routes to resolution where other categories of harmful content are concerned. There are dedicated, specialist services that exist already – for example, True Vision, Revenge Porn Helpline, IWF and Action Counters Terrorism.

SWGfL, for the main part, supports the aspects defined in Section 3 relating to illegal content but note that intimate image abuse, stalking and harassment crimes need to be included as 'Material the inclusion of which would be a criminal offence'.

Intimate Image abuse, more commonly referred to as Revenge Porn. Since 2015, SWGfL has operated the Revenge Porn Helpline supporting adult victims of intimate image abuse. The content that is shared is typically legal in itself, but the criminal act occurs when this is shared by a third party without consent in order to cause distress. The Domestic Abuse Act is introducing the extension of this to threats to share intimate images. The distress that this causes is significant (4% of those seeking help from the Revenge Porn Helpline have suicidal ideation) and SWGfL suggests that this particular aspect is explicitly included as 'Material the inclusion of which would be a criminal offence' to ensure VSP's are clear that this falls within the scope.

SWGfL also notes that there are many laws that are relevant, rendering content to be illegal, for example The Protection from Harassment Act prohibits harassment that has occurred repeatedly, behaviour that amounts to stalking and stalking that involves fear of violence or serious alarm or distress, all of which can take place online.

The Equalities Act states that it is against the law to discriminate against anyone on the ground of protected characteristics. These are age, disability, gender reassignment, race (including colour, nationality, ethnic or national origin), religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.

Report Harmful Content, as part of SWGfL, developed advice for users encountering harmful content online and where harmful content could become criminal in nature.

It's not always easy for users to determine when harmful content becomes criminal in nature. UK laws relating to online safety date back as far as the 1960's and as such there isn't always a clear set of criteria to meet when determining whether content is criminal or not.

In addition to this, interpretation of harmful behaviour online is subjective; what may be harmful to one person might not be considered an issue by someone else. This fact alone makes it harder for users to understand when exactly harmful behaviour crosses the threshold into criminal behaviour.

The eight types of harmful content Report Harmful Content accept reports for are not always specific criminal offences in UK law. However, there are criminal laws that can apply in terms of harassment or threatening behaviour. For example, should a user receive threatening, obscene or repeated messages and fear for their safety, this is against the law.

Report Harmful Content has identified at least 22 laws that encompass online behaviour and have created a helpful guide for users in determining their particular situation: [When should you go to the Police?](#) ([reportharmfulcontent.com](http://reportharmfulcontent.com)) This is evolving all the time and reflects the nature of the reports responded to by the service.

**Question 2: Do you have any comments on the draft guidance about measures which relate to terms and conditions, including how they can be implemented?**

SWGfL would suggest that provider Terms and Conditions and Privacy statements are there for the benefit of the provider rather than the user. The majority of the children and adults that SWGfL and the UK Safer Internet Centre have spoken to do not read Terms and Conditions together with Privacy statements. The report [Growing Up Digital](#) by the Children's Commissioner in England (Jan 2017) makes exactly this point and calls for clearer statements.

Over recent years there has been work to better illustrate and articulate the details contained within terms and conditions and highlight the use of 'labels'. We are all familiar with nutritional labelling on food, laundry labelling on clothes and eco labels describing energy ratings on items, but terms and conditions and privacy statements remain resolutely inaccessible, especially for children. Labelling will enable users to understand, at a glance, aspects of the terms and conditions, in particular what data is collected and how it is used. SWGfL, on behalf of UK Safer Internet Centre, has an active project to utilise labelling technologies and recommends that labelling for terms and conditions is considered

Whilst labels would be a significant improvement, terms and conditions are still important to cover all aspects of the services, however the readability and accessibility of these should be directly equivalent to the age of users able to access the service. For example services which are designed for anyone over 13, should be accessible to a 13 year old and measured using reading indices (eg <http://gunning-fog-index.com/>). Currently providers are required to record that users 'accept' the terms, but would suggest that acceptance is only possible if users 'understand'. Providers should therefore evidence that users both understand and accept.

Providers should be required to notify users of changes to the terms and conditions or privacy statements

**Question 3: Regarding terms and conditions which prohibit relevant harmful material, do you have any comments on Ofcom's view that effective protection of users is unlikely to be achieved without having this measure in place and it being implemented effectively?**

SWGfL agrees and supports that Terms and Conditions are a critical part of articulating what content is unacceptable for their platform as well as enforcing sanctions

That said, with reference to the response to Question 2, it is only effective if users are able to adequately access and understand this information

**Question 4: Do you have any comments on Ofcom’s view that, where providers have terms and conditions requiring uploaders to notify them if a video contains restricted material, additional steps will need be taken in response to this notification to achieve effective protection of under-18s, such as applying a rating or restricting access?**

SWGfL supports Ofcom’s view that providers who have terms and conditions requiring uploaders to notify them if a video contains restricted material, additional steps will need be taken in response to this notification to achieve effective protection of under-18s, such as applying a rating or restricting access.

Whilst SWGfL supports this view, it has a concern that this may have unintended consequences and potentially might discourage providers from having terms and conditions that require uploaders to notify them if a video contains restricted material – i.e. if the question is not asked, further measures will not be needed. SWGfL has seen examples of providers avoiding potential issues by not asking relevant questions

**Question 5: Do you have any comments on the draft guidance about reporting or flagging mechanisms, including on Ofcom’s view that reports and flagging mechanisms are central to protecting users?**

SWGfL recognises and agrees that all VSP’s in scope should have processes which enable users to report/flag content, either by pressing a three-dot icon, holding a finger down on the video, or using a “flag button” near the content.

SWGfL also agrees with “Our research also found that users consider the flagging and reporting process to lack transparency, not understanding how and when VSPs decide to take actions. As such, users are less likely to act when they experience harmful content.” “This confused view among users about how the reporting process works is further driven by the perception that when content is reported, the content can still remain on the platform for some time before a decision is made about whether to remove it”

Evidence from SWGfL’s Report Harmful Content (RHC) would support this. Highlighted in [Report Harmful Content Annual Report 2020 | SWGfL](#) “practitioners have effective working relationships with industry partners: content escalated to them was, in the majority, successfully and rapidly actioned. Nevertheless, as touched upon elsewhere in this report, other issues with industry partners were found to exist. These issues can be categorised into

	<p>three areas. Firstly, there was often an inconsistency in both response rate and type of content successfully actioned, with a lack of explanation as to why. At times, content was removed by industry partners without question. In other instances, however, extremely similar types of content were not actioned or actioning took much longer; RHC practitioners would have to go back to industry reiterating the harms, explaining context in great depth and drawing explicit attention to the specific breach of community guidelines.”</p> <p>Whilst beyond the scope of this consultation, but in connection to reporting, it is worth highlighting a further conclusion from the Report Harmful Content report that “One particularly concerning issue arose regarding law enforcement. 19% of RHC clients reported content which was deemed to be criminal and thus referred to law enforcement. Of that 19%, however, 47% got back in touch with RHC, often reporting that the police had dismissed them and incorrectly informed them that their issue was non-criminal. These findings thus support previous recommendations regarding the need for better training of law enforcement on issues of online crime and abuse (Bond &amp; Tyrrell, 2018; Home Office, 2018)</p>
<p><b>Question 6: Do you have any comments on the draft guidance about systems for viewers to rate harmful material, or on other tagging or rating mechanisms?</b></p>	<p>SWGfL would support “One platform cautioned against allowing viewers to rate harmful material because viewers and uploaders lack the required expertise about the appropriateness of content for different ages”.</p>

To qualify this support, SWGfL is concerned that any rating may adversely affect the visibility of content on the platform. Any mechanism that would, advertently or inadvertently, add prominence to harmful material should not exist. To exemplify this and looking back to the 'Momo Challenge' in 2019;

“The Momo suicide challenge, represented by a nasty looking image, instantly became a media storm in late February 2019 by individuals and organisations keen to share warnings. As with many previous digital ghost stories, it was quickly established that there was no evidence of children coming to harm and whilst it is unpleasant content, the Momo Challenge was branded a hoax. It had all the hallmarks of a viral chain mail.

As we witnessed in previous, similar, incidents, many statutory agencies (especially schools) felt compelled to share these warnings, forgetting fundamental advice around checking sources, exploring evidence and reflecting upon what is seemingly being presented. Warnings and content about digital ghost stories merely goes to raise curiosity and drive traffic to the very content that is of concern. It is also important to consider the intent behind many of the warnings; to actually safeguard children or for personal or organisational recognition.

The Internet has some dark corners with unpleasant and risky content, do we really need to drive children, especially those already vulnerable to this type of content? In analysing historical events, here we will discover and quantify the extent of curiosity and its impact.”

[Digital Ghost Stories; Impact, Risks and Reasons | SWGfL](#)

SWGfL would support “that rating systems should be transparent and easy to use, with platforms that require users to notify them about content that contains restricted material, making it clear to users what this constitutes”. SWGfL would encourage the use of “more sophisticated systems” and also the use of “existing age ratings bodies such as the BBFC or

the VSC Rating Board”. This would allow greater transparency and understanding.

In parallel examples, SWGfL has previously been critical of age ratings employed in app stores. Whilst the situation here has improved, in 2017 the picture of age ratings in app stores was inconsistent and lacked transparency; “Both Microsoft and Apple rate and indicate the suitability of the app using the same sort of characteristics used in films, e.g. nudity, profanity, violence and drugs. Apple uses its own age classification system, whereas Microsoft, like Google (Android), uses the International Age Rating Coalition to rate their app content.

This would be fine if apps were the same as films and games but clearly they are not. Many apps open up a world of communication and interactivity, but also data sharing and commerce.

Microsoft presents warning indicators and provides additional parental guidance information about the app, in particular the sorts of data it captures and collects (eg location, webcam etc). Apple’s app ratings, however, say nothing about interactivity and app developers are simply not required to submit information to Apple about that dimension.

Neither makes any reference to minimum age requirements set by the app or service itself.

Look at the case of Facebook. The site’s rules are clear. You have to be 13 year olds to join. Microsoft presents a warning indicator telling whoever is looking that the app requires parental guidance; it has permission to use your location, webcam and microphone and it shares info, location and enables interaction. Astonishingly, in the Apple appstore Facebook is rated as 4+ and has no other warnings or indications. There are numerous examples like this, especially apps that are supposedly ‘free’.

[How are age ratings for apps and games rated?](#)  
[| Safer Internet Centre](#)



**Question 7: Do you have any comments on the draft guidance about age assurance and age verification, including Ofcom's interpretation of the VSP Framework that VSPs containing pornographic material and material unsuitable for classification must have robust age verification in place?**

SWGfL supports the guidance about age assurance and age verification. SWGfL contributed extensively to BBFC in their preparations for the introduction of the Digital Economies Act. Specifically, this contribution was offering predictions of the likely consequences of age checking.

SWGfL view has not changed in that age assurance and age verification is an important tool but primarily to protect those younger children with mild curiosity or accidental exposure.

SWGfL supports the risk based approach to age assurance and age verification systems rather than focusing on size. Whilst, quite rightly, size of VSP is listed as a contributing factor, SWGfL has long had the concern that, merely applying age verification to the most popular services, will have the effect of driving users to other smaller VSP's; VSP's perhaps with less developed policies, fewer resources and capabilities. Please note, this comment does not assume that all the larger VSP's have adequate resources or policies.

**Question 8: Do you have any views on the practicalities or costs relating to the implementation of robust age verification systems to prevent under-18s from accessing pornographic material and material unsuitable for classification? Please provide evidence to support your answer wherever possible.**

SWGfL would consider that age verification costs are operational and therefore born by the VSP

**Question 9: Do you have any comments on the draft guidance about parental control systems?**

SWGfL supports the Ofcom draft guidance for Parental Control Systems.

Parental control systems are an important mechanism to afford parents insight and age appropriate control of their child's access and use of the VSP platform.

There are many innovative safeguarding solutions in this area. Whilst not specifically parental controls, SWGfL has, for many years, made [Swiggle.org.uk - Child Friendly Search Engine for Kids](https://www.swiggle.org.uk/) available to primary aged children. Based on a custom version of Google

	<p>Safe Search, Swiggle introduces two further important safeguards, specifically</p> <ul style="list-style-type: none"> <li>• Extend the filtering of search terms – primary aged children often phonetically spell and easily inadvertently search for inappropriate content, for example a phonetic spelling of ‘Insects’ may produce rather shocking results, even with a restricted or safe mode enabled.</li> <li>• Screen cover – the ability to quickly and easily cover a screen if something upsetting is displayed alongside words of encouragement</li> </ul>
<p><b>Question 10: Do you have any comments on the draft guidance about the measure regarding complaints processes or on the regulatory requirement to provide for an impartial dispute resolution procedure?</b></p>	<p><b>Complaints Process</b></p> <p>SWGfL supports the consideration that “it’s best practice for providers to have a process that covers all aspects of user safety and strongly recommend that providers consider implementing such a process.” Whilst the draft guidance qualifies the use of the ‘complaints process’, it’s important that confusion is avoided in relation to the naming. It could be that VSP’s, and their users, would recognise ‘report abuse’ or ‘reporting’ process. The further definition and distinction between ‘complaints process and dispute resolution in 4.127 is helpful. It is clearly important to ensure users (and VSPs) use commonly understood language to avoid any confusion.</p> <p>SWGfL very much agrees that any “complaints process should be available to both users and non-users of a VSP”. For example, and by definition, victims of intimate image abuse (Revenge Porn) have had their content shared without their consent and obviously have to have the ability (as a non-user) to report this. For example if content were to be shared on YouTube, a non-user would currently have no ability to report.</p> <p>In terms of the effectiveness of VSP complaints processes, the experience of the Report Harmful Content service is helpful. The service receives a disparity in volume of reports across different platforms: to some extent this can be</p>

seen as proportional to the amount of users across various platforms. This explanation doesn't, however, fully account for such a stark difference and thus the minimal reports received from platforms such as TikTok, Snapchat and many of the Microsoft and Google services is an area warranting further enquiry. It may be the case that these platforms are simply better at responding to reports of harmful content without the need for mediation. Less optimistically, it may be that positive cultures of reporting, such as those that exist on other services, are yet to develop on these less established platforms. For example, users of services such as TikTok, Roblox and Snapchat are generally younger (Khoros, 2020; LSE, 2018) and there is evidence to support the fact that this age group view harmful content online as normal and inevitable (Lavis, 2016; Marchant, Hawton, Stewart, Montgomery, & Singaravelu, 2018). The solution here thus lies in research, education and greater awareness raising.

As a further example, Report Harmful Content had initially identified a particular issue with the clarity of VSP reporting flows. A number of initial reports to the RHC service related to impersonation issues. When users had initially reported these issues to the VSP using their complaints process, had reported this as 'harmful content' and subsequently the complaint had been rejected by the VSP. On receiving the report to RHC, the service recognised this and reported as impersonation (rather than content) and the content instantly removed. The conclusion being that the VSP complaints process lacked clarity or ease of use for the user.

To reiterate the point raised in Question 2 regarding the use and clarity of language(s) and for VSPs which are designed for anyone over 13, should have complaints processes (language and interface) that are accessible to a 13 year old and measured using reading indices (eg <http://gunning-fog-index.com/>).

#### **Impartial Dispute Resolution**

SWGfL firmly believes that an impartial dispute resolution service for online harmful content is

imperative and is the reason that it established [Report Harmful Content - We Help You Remove Content](#) in 2019. Report Harmful Content (RHC) was first conceived in 2012 with a recognition that there was no opportunity for users to appeal decisions made by online platforms. Indeed, many other sectors (Financial, Water, Data, Local Government) all have impartial appeals process and the opinion of SWGfL that online users, especially those victims of legal but harmful content, had no avenue for independent redress or the opportunity for impartial appeal.

Having formally and finally launched in 2019, RHC is operated by the charity SWGfL as part of the UK Safer Internet Centre and established using European Commission (Connecting Europe Facility) co funding. RHC is free for users to access and use.

Report Harmful Content is a national reporting centre that assists everyone in reporting legal but harmful content online. It has two primary main functions;

**1) Advice (Signposting VSP Complaints processes)**

Empowering anyone who has come across harmful content online to report it by providing up to date information on community standards and direct links to the correct reporting facilities across multiple platforms.

**2) Reporting (Providing Impartial Dispute Resolution)**

Providing further support to users over the age of 13 who have already submitted a report to industry and would like outcomes reviewed. Report Harmful Content will check submitted reports and industry responses against platform-specific reporting procedures and community standards in order to provide users with further advice on actions they can take.

The report button guides those seeking redress through the reporting process and offer appropriate advice. RHC aim to respond to enquiries within 72 hours however also recognising that it may take longer to fully investigate and resolve the incident. If RHC is

unable to the matter, wherever possible it provides explanation why it is not possible to seek mediation or remove the content (for example if the content doesn't breach a site's terms) and will put the user in touch with people who can provide wraparound support.

Impact (taken from [Report Harmful Content Annual Report 2020 | SWGfL](#))

Report Harmful Content is clearly meeting its objective of helping everyone to report harmful content online. It deals with reports from a range of demographics, across a number of platforms. As is evident from this report, RHC practitioners deal with a wide variety of online harms, the majority of which overlap with other harms and issues, both on and offline. The value of the service lies in the way in which it addresses online harms, not in isolation, but holistically. This is evident through the way in which practitioners draw upon a range of escalation options, support services and referral routes in order to offer support that is uniquely tailored to individual cases. Not only is RHC effective at tackling the complexity of online harm, it is also efficient. The high percentage of content which was successfully actioned by industry, alongside the rapid response rate of industry to practitioners clearly demonstrates this. Furthermore, the low percentages of clients who got back in touch with RHC after being offered advice and/or signposting can be taken as evidence that practitioners are providing precise instructions to clients to deal with a range of online harms and issues. The high level of referrals to RHC from the police, alongside the openness for police to work on cases in conjunction with practitioners, demonstrates the way in which RHC is becoming a trusted service to be used in conjunction with official criminal procedures. Finally, the steady growth in reports as the year progressed evidences the clear and increasing demand for this service. The diversification in reports towards the end of the year also evidences the spread of demand across a broader range of issues. RHC practitioners are keen for the service to expand and develop, however, they are currently working at full capacity. To this end, an increase in funding is desperately needed to meet existing demand

	<p>and to equip practitioners to deal with the widening range of cases.</p> <p>SWGfL very much supports the principles that an impartial dispute resolution procedure should operate with fairness, accessibility and transparency. Whilst operating this internal to the VSP through procedural separation is possible, by definition, the impartiality and adjudication will not always be transparent to the user or external observers. External separation would be required to demonstrate this separation and impartiality to achieve fairness and transparency. Report Harmful Content provides this.</p> <p>In terms of access to an impartial dispute resolution procedure, SWGfL would signpost parallel examples such as financial sector. When conclusions of cases or claims are provided to the complainant, accompanying information is provided signposting to the Financial Ombudsman if there is the intention to appeal the decision. SWGfL suggests that VSPs would want and should be required to signpost to the impartial dispute resolution procedure at that point.</p>
<p><b>Question 11: Do you have any comments on the draft guidance about media literacy tools and information?</b></p>	<p>VSPs should take all opportunities to improve the media literacy of its users. Looking at international comparisons of children’s media literacy, it would appear that the UK has much progress to make. First published in 2020, <a href="#">DQ Institute Child Safety Index</a> concluded that, of 30 countries, the UK ranked 23<sup>rd</sup> for Digital Competency.</p> <p>There are many examples of innovative approaches to this. Over the past few years and in relation to childrens media literacy, SWGfL has invested significant resource in considering the landscape and progress over the last decade. <a href="#">Writing in an article in 2017, Ken Corish concluded</a> that <i>“The “digital natives; digital immigrants” postulate is a myth; it died from the moment it attempted to describe young people’s attitudes to online technology. Behaviour and technology have both moved on and so should our thinking.</i></p>

*As our children learn to make their way in the world, we provide environments where they can learn to take risks in a managed and supported way; we encourage risk to allow children to fail constructively, whether that is offering answers in class or abseiling down a rock face for the first time. There are mechanisms to support, educate, improve and intervene on the rare occasions that lead to harm. For the most part, these educative experiences are built on prior knowledge with direction and progression.*

*The behaviours we see emerging from the online lives of young people are for the most part indigenous and a product of the environment in which they find themselves and historically have had little or no guidance or intervention that affects change.*

*Change that empowers; change that builds resilience to harm; change that creates a culture that migrates naturally towards the positive rather than the transient, easy or unempathetic.*

*The legacy messages around online safety may satisfy our obligations to teach in this area but there is little evidence that they have affected any real cultural change. Children are good at barking back the messages you have covered in the lessons but evidence suggests it doesn't change things. Most are borne from a negative philosophy:*

- *DON'T POST PRIVATE INFORMATION ONLINE*
- *ONLY HAVE FRIENDS YOU KNOW IN REAL LIFE*
- *THINK BEFORE YOU POST*
- *DON'T MEET UP*
- *SET PRIVACY RULES AND SETTINGS*

*They are messages that don't even resonate with us let alone children and young people swimming in this online ocean every day of their lives. They were of a time; they require more depth and sophistication if they are to engender the right conversations to engender positive outcomes."*

SWGfL is critical of those who solely employ scare stories or shock tactics to educate about online harms. Presumably the premise of this approach is that if they can recognise what harm looks like they can avoid it. This does not work in isolation. Using the parallel of driving cars, learner drivers are not merely sat down and shown films of car crashes to equip them to drive a car.

SWGfL [ProjectEVOLVE - Education for a Connected World Resources](#) initiative built on this thinking and perspective. Articulating and modelling age appropriate digital skills as well as enabling teachers (and parents) to better understand and evaluate the knowledge and understanding of their children rather than just applying programmes and resources.

There are significant opportunities for VSPs to support existing awareness opportunities to raise awareness, for example [Safer Internet Day 2021 | Safer Internet Centre](#). In 2021, Safer Internet Day reached 51% of UK children aged 8-17 as well as 38% of parents. [Safer Internet Day 2021 Impact Report | Safer Internet Centre](#)

Whilst SWGfL very much supports Ofcom's approach to media literacy, given education is a devolved matter, it would be helpful to understand how this integrates and complements with the objectives and efforts of the four national education and curriculum with regards media literacy.

**Question 12: Do you have any comments on the with the draft guidance provided about the practicable and proportionate criteria VSP providers must have regard to when determining which measures are appropriate to take to protect users from harm?**

As mentioned in the response to Question 7 and regarding the application of age assessment or age verification, SWGfL supports the risk based approach to age assurance and age verification systems rather than focusing on size. Whilst, quite rightly, size of VSP is listed as a contributing factor, SWGfL has long had the concern that by merely applying age verification to the most popular services (sites containing restricted material) will have the effect of driving users to other smaller VSP's; VSP's perhaps with less developed policies, fewer resources and capabilities. Please note, this comment does not assume that all the larger VSP's have adequate resources or policies.



**Question 13: Do you have any comments on the draft guidance about assessing and managing risk?**

It is encouraging that feedback Ofcom received recognised the insight that many NGO's such as SWGfL can provide in to bringing specialist insight and knowledge into the development and implementation of policies and procedures. SWGfL would encourage all VSPs to extend this external engagement.

**Question 14: Do you have any comments on the impact assessment in Annex 1, including the potential impacts to VSPs outlined in tables 1 and 2, and any of the potential costs incurred (including any we have not identified)?**

The financial impact of impartial dispute resolution procedures is likely to feature as part of the effective implementation of a flagging and reporting mechanism (Table 1), both in terms of the operation but also governance and articulation.

Table 2 may also include opportunities for extending and improving media literacy.

**Question 15: Do you have any comments on our provisional assessment that the potential costs for providers are proportionate to achieve the regulatory requirements of the regime?**

**Question 16: Do you have any comments on any other part of the draft guidance?**

Over the last 12 months SWGfL has seen a significant increase in cases reported to both the Revenge Porn Helpline and also Report Harmful Content. To exemplify this the following articulates annual comparisons for Revenge Porn Helpline.

	2018	2019	2020
Caseload	1,300	1,685	3,152
Images removed	22,531	30,677	132,361

Much of this widely reported increase is associated with heightened awareness and also the impacts aggravated by Covid lockdown restrictions. That said, the caseload being managed by the RevengePorn Helpline in 2021 continues to increase.

It is clear from evaluation data for both Report Harmful Content and the Revenge Porn Helpline that the impact of harmful content is extremely distressing and can have a devastating effect on mental health. The following extract from [Report Harmful Content](#)


[Annual Report 2020 | SWGfL](#) highlights this issue

*The high proportion of clients experiencing negative mental health impacts as a result of witnessing harmful content online is concerning. As already discussed 32% of total clients reported negative mental health impacts. This figure rose to 43% for clients affected by trend one. Of that 32%, 13% of clients described feeling suicidal. For example, one client was being repeatedly harassed by a relative over social media. She had tried to report her issue to the police, with no success. When she made a report to RHC she was desperate. She told practitioners: 'I have (already) tried to commit suicide with an overdose but she is still carrying on I don't know what to do anymore other than another overdose'.*

*Aside from suicidal ideation, other reported mental health impacts included distress (70%), anxiety (52%), a decline in social functioning (36%), depression (27%), agoraphobia (5%) and post-traumatic stress disorder (4%). 18% of clients experiencing negative mental health impacts had sought medical treatment (e.g. medication or therapy).*

*In addition to causing new mental health problems, harmful online content was described as exacerbating existing mental health issues. For example, one client had recently left an abusive relationship. Her ex-partner created numerous fake social media profiles in her name, with the aim of continuing his harassment of her. She told practitioners: 'I had PTSD because of him and this had settled with a lot of therapy, but has recurred since all this online abuse started again'.*

*Often, social media had been a positive coping mechanism for clients who were already mentally unwell. Being targeted online threatened this coping mechanism. One client, who was being harassed over social media, told practitioners: 'I (was) already on medication for my depression and suicide attempts...I don't go online to be abused. As someone with*



*agoraphobia...it is my only way to interact with friends and the wider world. I can feel this slipping away right now'. Finally, mental health impacts went beyond just the 'victim' and could also be seen to affect family and friends who reported on their behalf. One friend, acting as an advocate, told practitioners: 'We are worried for her well-being. She has a history of self-harm and attempted suicide. Unless her ex can be stopped and/or forced to remove the videos I fear for her well-being, let alone my own mental state. I'm currently signed off with depression and anxiety because of this...I'm at my wits end and close to a full emotional breakdown'.*