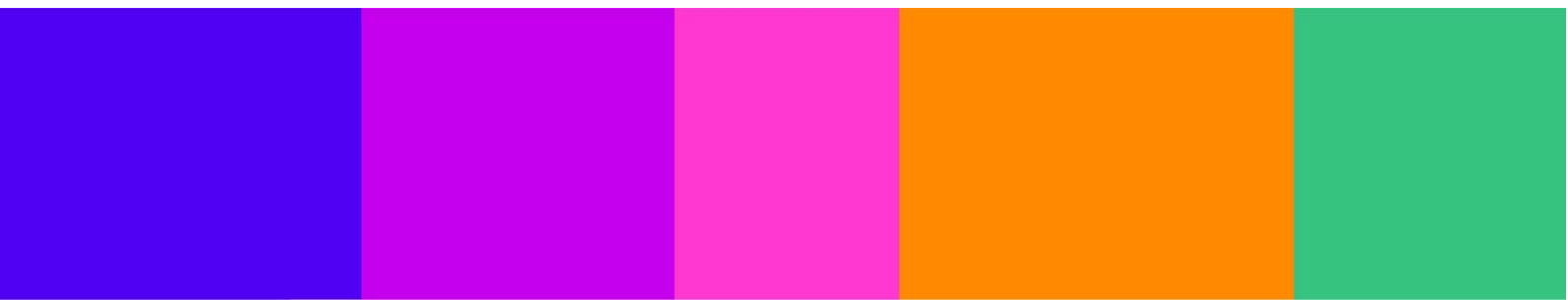




Consultation response form

Please complete this form in full and return to protectingchildren@ofcom.org.uk.

Consultation title	Consultation: Protecting children from harms online
Organisation name	NAHT



Your response

Question	Your response
<p>Volume 2: Identifying the services children are using Children’s Access Assessments (Section 4).</p>	
<p>Do you agree with our proposals in relation to children’s access assessments, in particular the aspects below. Please provide evidence to support your view.</p> <p>1. Our proposal that service providers should only conclude that children are not normally able to access a service where they are using highly effective age assurance?</p> <p>2. Our proposed approach to the child user condition, including our proposed interpretation of “significant number of users who are children” and the factors that service providers consider in assessing whether the child user condition is met?</p> <p>3. Our proposed approach to the process for children’s access assessments?</p>	<p>Confidential? – Y / N</p>
<p>Volume 3: The causes and impacts of online harm to children Draft Children’s Register of Risk (Section 7)</p>	
<p>Proposed approach:</p> <p>4. Do you have any views on Ofcom’s assessment of the causes and impacts of online harms? Please provide evidence to support your answer.</p> <p>a. Do you think we have missed anything important in our analysis?</p> <p>5. Do you have any views about our interpretation of the links between</p>	<p>Confidential? – Y / N</p>

Question	Your response
<p>risk factors and different kinds of content harmful to children? Please provide evidence to support your answer.</p> <p>6. Do you have any views on the age groups we recommended for assessing risk by age? Please provide evidence to support your answer.</p> <p>7. Do you have any views on our interpretation of non-designated content or our approach to identifying non-designated content? Please provide evidence to support your answer.</p> <p>Evidence gathering for future work:</p> <p>8. Do you have any evidence relating to kinds of content that increase the risk of harm from Primary Priority, Priority or Non-designated Content, when viewed in combination (to be considered as part of cumulative harm)?</p> <p>9. Have you identified risks to children from GenAI content or applications on U2U or Search services?</p> <p>a) Please Provide any information about any risks identified</p> <p>10. Do you have any specific evidence relevant to our assessment of body image content and depressive content as kinds of non-designated content? Specifically, we are interested in:</p> <p>a) (i) specific examples of body image or depressive content linked to significant harms to children,</p> <p>b. (ii) evidence distinguishing body image or depressive content from existing categories of priority or primary priority content.</p> <p>11. Do you propose any other category of content that could meet the</p>	

Question	Your response
<p>definition of NDC under the Act at this stage? Please provide evidence to support your answer.</p>	
<p>Draft Guidance on Content Harmful to Children (Section 8)</p>	
<p>12. Do you agree with our proposed approach, including the level of specificity of examples given and the proposal to include contextual information for services to consider?</p> <p>13. Do you have further evidence that can support the guidance provided on different kinds of content harmful to children?</p> <p>14. For each of the harms discussed, are there additional categories of content that Ofcom</p> <p>a) should consider to be harmful or</p> <p>b) consider not to be harmful or</p> <p>c) where our current proposals should be reconsidered?</p>	
<p>Volume 4: How should services assess the risk of online harms?</p> <p>Governance and Accountability (Section 11)</p>	
<p>15. Do you agree with the proposed governance measures to be included in the Children’s Safety Codes?</p> <p>a) Please confirm which proposed measure your views relate to and explain your views and provide any arguments and supporting evidence.</p> <p>b) If you responded to our Illegal Harms Consultation and this is relevant to your response here, please signpost to the relevant parts of your prior response.</p>	

Question	Your response
<p>16. Do you agree with our assumption that the proposed governance measures for Children's Safety Codes could be implemented through the same process as the equivalent draft Illegal Content Codes?</p>	
<p>Children's Risk Assessment Guidance and Children's Risk Profiles' (Section 12)</p>	
<p>17. What do you think about our proposals in relation to the Children's Risk Assessment Guidance?</p> <p>a) Please provide underlying arguments and evidence of efficacy or risks that support your view.</p> <p>18. What do you think about our proposals in relation to the Children's Risk Profiles for Content Harmful to Children?</p> <p>a) Please provide underlying arguments and evidence of efficacy or risks that support your view.</p> <p>Specifically, we welcome evidence from regulated services on the following:</p> <p>19. Do you think the four-step risk assessment process and the Children's Risk Profiles are useful models to help services understand the risks that their services pose to children and comply with their child risk assessment obligations under the Act?</p> <p>20. Are there any specific aspects of the children's risk assessment duties that you consider need additional guidance beyond what we have proposed in our draft?</p> <p>21. Are the Children's Risk Profiles sufficiently clear and do you think the information provided on risk factors will</p>	

Question	Your response
<p>help you understand the risks on your service?</p> <p>a) If you have comments or input related to the links between different kinds of content harmful to children and risk factors, please refer to Volume 3: Causes and Impacts of Harms to Children Online which includes the draft Children’s Register of Risks.</p>	
<p>Volume 5 – What should services do to mitigate the risk of online harms</p> <p>Our proposals for the Children’s Safety Codes (Section 13)</p>	
<p>Proposed measures</p> <p>22. Do you agree with our proposed package of measures for the first Children’s Safety Codes?</p> <p>a) If not, please explain why.</p> <p>Evidence gathering for future work.</p> <p>23. Do you currently employ measures or have additional evidence in the areas we have set out for future consideration?</p> <p>a) If so, please provide evidence of the impact, effectiveness and cost of such measures, including any results from trialling or testing of measures.</p> <p>24. Are there other areas in which we should consider potential future measures for the Children’s Safety Codes?</p> <p>a) If so, please explain why and provide supporting evidence.</p>	

Developing the Children’s Safety Codes: Our framework (Section 14)

25. Do you agree with our approach to developing the proposed measures for the

Children’s Safety Codes?

a) If not, please explain why.

26. Do you agree with our approach and proposed changes to the draft Illegal Content Codes to further protect children and accommodate for potential synergies in how systems and processes manage both content harmful to children and illegal content?

a) Please explain your views.

27. Do you agree that most measures should apply to services that are either large services or smaller services that present a medium or high level of risk to children?

28. Do you agree with our definition of ‘large’ and with how we apply this in our recommendations?

29. Do you agree with our definition of ‘multi-risk’ and with how we apply this in our recommendations?

30. Do you agree with the proposed measures that we recommend for all services, even those that are small and low-risk?

Age assurance measures (Section 15)

31. Do you agree with our proposal to recommend the use of highly effective age assurance to support Measures AA1-6? Please provide any information or evidence to support your views.

a) Are there any cases in which HEAA may not be appropriate and proportionate?

b) In this case, are there alternative approaches to age assurance which would be better suited?

32. Do you agree with the scope of the services captured by AA1-6?

33. Do you have any information or evidence on different ways that services could use highly effective age assurance to meet the outcome that children are prevented from encountering identified PPC, or protected from encountering identified PC under Measures AA3 and AA4, respectively?

34. Do you have any comments on our assessment of the implications of the proposed Measures AA1-6 on children, adults or services?

a) Please provide any supporting information or evidence in support of your views.

35. Do you have any information or evidence on other ways that services could consider different age groups when using age assurance to protect children in age groups judged to be at risk of harm from encountering PC?

Content moderation U2U (Section 16)

36. Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.

37. Do you agree with the proposed addition of Measure 4G to the Illegal Content Codes?

a) Please provide any arguments and supporting evidence.

Search moderation (Section 17)

38. Do you agree with our proposals?
Please provide the underlying arguments and evidence that support your views.

39. Are there additional steps that services take to protect children from the harms set out in the Act?

a) If so, how effective are they?

40. Regarding Measure SM2, do you agree that it is proportionate to preclude users believed to be a child from turning the safe search settings off?

The use of Generative AI (GenAI), see Introduction to Volume 5, to facilitate search is an emerging development, which may include where search services have integrated GenAI into their functionalities, as well as where standalone GenAI services perform search functions. There is currently limited evidence on how the use of GenAI in search services may affect the implementation of the safety measures as set out in this code. We welcome further evidence from stakeholders on the following questions and please provide arguments and evidence to support your views:

41. Do you consider that it is technically feasible to apply the proposed code measures in respect of GenAI functionalities which are likely to perform or be integrated into search functions?

42. What additional search moderation measures might be applicable where GenAI performs or is integrated into search functions?

User reporting and complaints (Section 18)

43. Do you agree with the proposed user reporting measures to be included in the draft Children's Safety Codes?

a) Please confirm which proposed measure your views relate to and explain your views and provide any arguments and supporting evidence.

b) If you responded to our Illegal Harms Consultation and this is relevant to your response here, please signpost to the relevant parts of your prior response.

44. Do you agree with our proposals to apply each of Measures UR2 (e) and UR3 (b) to all services likely to be accessed by children for all types of complaints?

a) Please confirm which proposed measure your views relate to and explain your views and provide any arguments and supporting evidence.

b) If you responded to our Illegal Harms Consultation and this is relevant to your response here, please signpost to the relevant parts of your prior response.

45. Do you agree with the inclusion of the proposed changes to Measures UR2 and UR3 in the Illegal Content Codes (Measures 5B and 5C)?

a) Please provide any arguments and supporting evidence.

Terms of service and publicly available statements (Section 19)

46. Do you agree with the proposed Terms of Service / Publicly Available Statements measures to be included in the Children’s Safety Codes?

a) Please confirm which proposed measures your views relate to and provide any arguments and supporting evidence.

b) If you responded to our illegal harms consultation and this is relevant to your response here, please signpost to the relevant parts of your prior response.

47. Can you identify any further characteristics that may improve the clarity and accessibility of terms and statements for children?

48. Do you agree with the proposed addition of Measure 6AA to the Illegal Content Codes?

a) Please provide any arguments and supporting evidence.

Recommender systems (Section 20)

49. Do you agree with the proposed recommender systems measures to be included in the Children’s Safety Codes?

a) Please confirm which proposed measure your views relate to and provide any arguments and supporting evidence.

b) If you responded to our illegal harms consultation and this is relevant to your response here, please signpost to the relevant parts of your prior response.

50. Are there any intervention points in the design of recommender systems that we have not considered here that could effectively prevent children from being recommended primary priority content and protect children from encountering priority and non-designated content?

51. Is there any evidence that suggests recommender systems are a risk factor associated with bullying? If so, please provide this in response to Measures RS2 and RS3 proposed in this chapter.

52. We plan to include in our RS2 and RS3, that services limit the prominence of content that we are proposing to be classified as non-designated content (NDC), namely depressive content and body image content. This is subject to our consultation on the classification of these content categories as NDC. Do you agree with this proposal? Please provide the underlying arguments and evidence of the relevance of this content to Measures RS2 and RS3.

- Please provide the underlying arguments and evidence of the relevance of this content to Measures RS2 and RS3.

User support (Section 21)

53. Do you agree with the proposed user support measures to be included in the Children’s Safety Codes?

a) Please confirm which proposed measure your views relate to and provide any arguments and supporting evidence.

b) If you responded to our Illegal harms consultation and this is relevant to your response here, please signpost

to the relevant parts of your prior response.

Search features, functionalities and user support (Section 22)

54. Do you agree with our proposals? Please provide underlying arguments and evidence to support your views.

55. Do you have additional evidence relating to children’s use of search services and the impact of search functionalities on children’s behaviour?

56. Are there additional steps that you take to protect children from harms as set out in the Act?

a) If so, how effective are they?

As referenced in the Overview of Codes, Section 13 and Section 17, the use of GenAI to facilitate search is an emerging development and there is currently limited evidence on how the use of GenAI in search services may affect the implementation of the safety measures as set out in this section. We welcome further evidence from stakeholders on the following questions and please provide arguments and evidence to support your views:

57. Do you consider that it is technically feasible to apply the proposed codes measures in respect of GenAI functionalities which are likely to perform or be integrated into search functions? Please provide arguments and evidence to support your views.

Combined Impact Assessment (Section 23)

58. Do you agree that our package of proposed measures is proportionate, taking into account the impact on children’s safety online as well as the implications on different kinds of services?

Statutory tests (Section 24)

59. Do you agree that our proposals, in particular our proposed recommendations for the draft Children’s Safety Codes, are appropriate in the light of the matters to which we must have regard?

a) If not, please explain why.

NAHT welcomes the opportunity to respond to this Ofcom consultation on protecting children from harms online.

NAHT is the UK’s largest professional trade union for school leaders. We represent over 38,000 head teachers, executive heads, CEOs, deputy and assistant heads, vice principals and school business leaders. Our members work across: the early years, primary, special and secondary schools; independent schools; sixth form and FE colleges; outdoor education centres; pupil referral units, social services establishments and other educational settings.

In addition to the representation, advice and training that we provide for existing school leaders, we also support, develop and represent the school leaders of the future, through NAHT Edge, the middle leadership section of our association. We use our voice at the highest levels of government to influence policy for the benefit of leaders and learners everywhere.

Children and young people need to be able to interact in, and understand the boundaries of, an increasingly digital world. A growing body of evidence has documented the increase in usage of devices and social media as children grow into adults, with Ofcom’s 2023 ‘*Online Nation*’ report finding that children aged 8-17 spend, on average, nearly four hours a day online. Much of children’s internet usage is spent watching video content and gaming. Time spent online increased with age; for 8-10-year-olds, this was 2 hours 23 minutes, but for 15-17-year-olds this was 4 hours 35 minutes¹.

¹ [Ofcom: Online Nation 2023](#)

	<p>There is a range of research available demonstrating that there are a number of positive and negative impacts that technology usage can have on the mental health and wellbeing of children and young people.</p> <p>In 2022, the UK Safer Internet Centre highlighted the sociability and wellbeing associated with online games, with 71% of children and young people saying that playing games online makes them feel happy and relaxed².</p> <p>Revealing Reality outlined some of the risk factors associated with children and young people using online platforms, including the cumulative effect of being exposed to hazards, such as body-focused content, and engagement with behaviours that self-reinforce to cause significant harm, such as pro-anorexia content³.</p> <p>The 2023 report, '<i>A mentally healthier nation</i>'⁴, supported by 35 leading mental health and wellbeing organisations in the UK, underlined the complexity of both positive and negative effects of social media. On this basis, the report recommends that any policy responses are proportionate, and avoid creating unnecessary moral panic.</p> <p>Schools have a long-established role in educating children and young people about online safety, notably the benefits, risks, and consequences of their online behaviour, which includes social media.</p> <p>Both the RSHE – relationships, sex, and health education - and computing curriculums help ensure children and young people are prepared for life, and to develop the transferable skills and attitudes they need to enable them to make confident and informed choices and cope with the increasingly digital world they live in, including in relation to online harms.</p> <p>NAHT believes that providing high-quality training and resources for education staff is imperative to ensure that they are both knowledgeable and confident in the subject matter to address the complexities and sensitivities relating to online safety and social media usage.</p> <p>Schools are only part of the solution when it comes to protecting children online, and NAHT therefore wel-</p>
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² [Safer Internet Day 2022: all fun and games report](#)

³ [Revealing Reality/Ofcom: research into risk factors that may lead children to harm online 2022](#)

⁴ [Centre for Mental Health: A mentally healthier nation report 2023](#)

comes the introduction of the Online Safety Act. It is imperative that all online services are closely regulated and the recommendations around governance and accountability are closely monitored.

NAHT believes that social media websites must take responsibility in providing a safe online environment, including in regulating the access children and young people have to inappropriate online content, which includes strengthening age verification procedures to ensure that children are prevented from signing up for websites they are too young to use. NAHT therefore welcomes Ofcom's proposed recommendations around highly effective age assurance.

Doubts have been raised over age assurance technologies, but NAHT would highlight the reported accuracy of age assurance technology and would therefore welcome the inclusion of this within recommendations. For example, Yoti's Facial Age Estimation technology was reported in 2021 to be accurate to an average mean absolute error of 1.3 years for ages 6 to 12, and 1.5 years for ages 13-18, and advancements continue to be made⁵.

NAHT believes that any website or platform that has children and young people amongst its user base must provide safety features tailored to them, for example reporting functions being clear and easy to use. Ideally, these would be similar in design and operate consistently across platforms to ensure that children and young people are easily able to identify and use such functions. Moreover, rules and codes of conduct should be clearly displayed, outlining how sites should be used and the implications for misuse, to ensure that children and young people fully understand the expectations and accepted behaviour of users on the site. NAHT therefore welcomes Ofcom's proposed recommendations around user reporting and complaints, and user support.

NAHT cannot understate the importance of social media and other platforms expanding and improving the monitoring and moderating of external content hosted on their sites, to ensure that any harmful content is swiftly removed. NAHT therefore welcomes Ofcom's proposed recommendations around content moderation and recommender systems.

⁵HYPERLINK "<https://www.thinkdigitalpartners.com/news/2021/10/27/yoti-extends-facial-age-estimation-to-under-13s/>" [Think digital partners.com \(2021\): Yoti extends facial age estimation to under 13s](https://www.thinkdigitalpartners.com/news/2021/10/27/yoti-extends-facial-age-estimation-to-under-13s/)

	<p>NAHT would urge that there continues to be frequent evaluation and review of the effectiveness of any recommendations which arise from this consultation as technology develops, and that government policy and resources respond to any changes in evidence accordingly.</p>
<p>Annexes Impact Assessments (Annex A14)</p>	
<p>60. In relation to our equality impact assessment, do you agree that some of our proposals would have a positive impact on certain groups?</p> <p>61. In relation to our Welsh language assessment, do you agree that our proposals are likely to have positive, or more positive impacts on opportunities to use Welsh and treating Welsh no less favourably than English?</p> <p>a) If you disagree, please explain why, including how you consider these proposals could be revised to have positive effects or more positive effects, or no adverse effects or fewer adverse effects on opportunities to use Welsh and treating Welsh no less favourably than English.</p>	

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