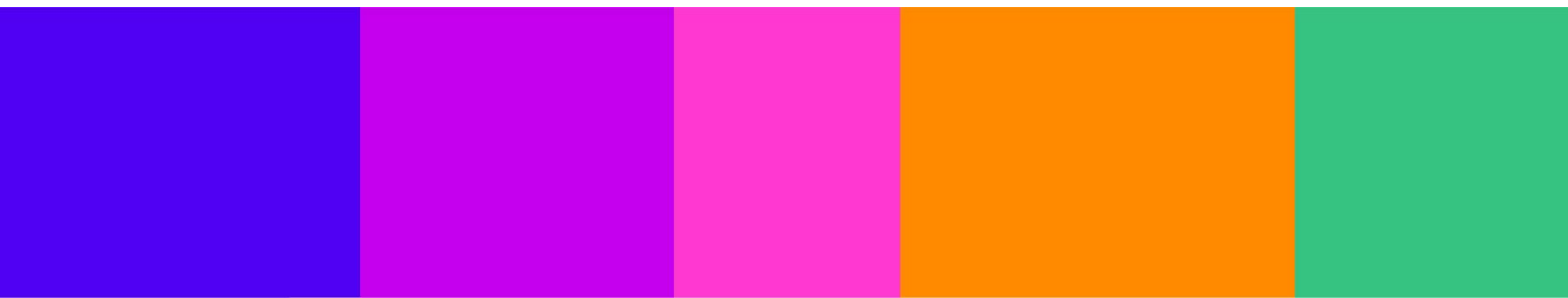




Consultation response form

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

Consultation title	Consultation: Protecting children from harms online
Organisation name	CELCIS, the Centre for Excellence for Children's Care and Protection



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? N</p> <p>1. Overall, we would agree with the Ofcom proposals in relation to Children’s Access Assessments and that the proposals presented appear robust and thorough.</p> <p>The proviso around highly effective age assurance appears robust, as are the examples given. It is right that this should be kept under review to ensure continued effectiveness as those determined to access platforms may still find ways to by-pass age assurance measures.</p> <p>2. Volume 2 provides detailed proposals and the factors for assessing “child user condition” appear sound. The phrase “significant number”, although not defined in the Act, is, nevertheless, provided with a well thought out context in the code Volume 2. The importance of weighing the possibility of even relatively small numbers of children accessing online content in the context of the potential risk of harm this could cause, means this number should be valued as significant.</p> <p>3. We agree with the proposed children’s assessment process as described.</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>Confidential? – N</p>

Question	Your response
<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>4. On the basis of what is provided in Section 6, Volume 3, we would see this proposed approach as a helpful one.</p> <p>It is very thorough, with consideration of a broad range of harms that can happen to children online and offline; providing specific references to well analysed research, supporting the judgements of the types of harm. This supports the rationale for the proposals.</p> <p>It helpfully covers child sexual abuse and related harms and risks which mirror our own knowledge. It also highlights the need to be alert to the crossover between types of risk which make children more vulnerable to harm or abuse online and the cumulative impact of harms.</p> <p>a. In terms of aspects missed, we did consider whether financial harm and exploitation of children and young people should be added. For example, being financially exploited online which could mean young people (for example, living alone or without close support) buying what they judge to be medicines/medication as a way of attempting self-care or other health.</p>
<p>5. Do you have any views about our interpretation of the links between risk factors and different kinds of content harmful to children? Please provide evidence to support your answer.</p>	<p>5. The interpretation reflects much of CELCIS collective view about risk factors and types of harm to children and young people, however, Table 7.1 (p.14) needs further clarification in the sections on pornography and bullying. Also, under “violent content”, there is reference to “serious violent content”, which we believe should include all violence. It also refers to “real or serious violence against a person” - does this wider reference to violence include domestic violence or should there be a separate category? This is a recognised form of harm children experience for which they may seek guidance and advice online. This could lead to opening potential ‘recommender system’ recommendations, helpful or otherwise? Similarly, under “harmful substances”, we believe there should be distinctions regarding illegal substances and over-the-counter medication and prescribed medication, which can also be purchased online.</p> <p>At point 7.17, some examples would give deeper clarity around this statement. The example of live-streaming is</p>

Question	Your response
<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</p>	<p>offered. It should be strengthened by proposing that providers review their motivation, intention and purpose of using these options with warning messages applied e.g. using live-streaming for purposes that put children, young people or vulnerable individuals at risk of harm is potentially illegal, places your organisation at risk of sanctions or legal processes.</p> <p>The analysis of children’s experiences online is very helpful.</p> <p>6. The categories of age groups outlined seem appropriate, with a strong emphasis on age being only one factor in different levels of online risk, significant need for parental oversight/supervision and awareness and improved online literacy. It is unclear, however, if these categories of age groups take account of children with additional needs and what we know about child development and age and stage for all children. It is also unclear if assessment of time spent online included school-based work or is in addition to school-based work? It is however viewed as very helpful to note broad likelihood of risk to children as well as age-specific risk that may pertain to younger children. For example, consideration of need at different ages in relation to developmental need, level of parental involvement and supervision and control of time online and how this impacts risk.</p> <p>7. A framework for assessing Non-Designated Content (NDC) is helpful and the examples and rationale given is also useful. Assessment of ‘significant harm’ is broadly similar to that used by child protection services and processes which is also helpful. This section also usefully aligns impact of content on body image, depressive content to self-esteem, expectations of image/identity and the emotional/psychological health and wellbeing of children. This also aligns with the age recommendations</p>

Question	Your response
<p>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 definition of NDC under the Act at this stage? Please provide evidence to support your answer.</p>	<p>focus on age and stage of development and crosses over significantly with research on impact of pornographic material, highlighting the layers of harm that can accumulate for many children and young people (Martellozzo et al. (2020) Researching the Affects That Online Pornography Has on U.K. Adolescents Aged 11 to 16; Children's Commissioner for England (2023) <i>'A lot of it is actually just abuse' Young people and pornography</i>).</p> <p>8. The use of generative Artificial Intelligence Child Sexual Abuse is an emerging concern which could potentially increase the number of children and young people harmed if an ordinary and non-sexual image can be taken or used and manipulated.</p> <p>9. CELCIS does not provide or deliver frontline services so has not identified the risks directly but are hearing increasingly about this emerging risk from our partners and other child protection agencies.</p> <p>10 a) No</p> <p>10.b) No</p> <p>11. No</p>
<p>Draft Guidance on Content Harmful to Children (Section 8)</p>	

Question	Your response
<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>Confidential? N</p> <p>12. Yes, the considerations and rationale provided in the examples of harmful content offers clarity. The guidance provides helpful information for service providers to assist them in deciding what content meets Primary Priority Content (PPC), Primary Content (PC) and Non-Designated Content (NDC). We believe that the contextual information is very useful and should particularly assist service providers to go further in their pursuit of removing and preventing harmful content being uploaded and/or shared.</p> <p>13. Not at this stage, but we note that this is a dynamic area. It will be important to keep this under review and to seek engagement with children and young people themselves to consider evolving risks.</p> <p>14. No additional categories have been identified by CELCIS at this stage, but as stated above this should be kept under review.</p> <p>a) No</p> <p>b) No</p> <p>c) No</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</p>	<p>Confidential? N</p> <p>15. Yes, the proposed governance measures appear robust and proportionate given the risks detailed in supporting document Volume 3, The Causes and Impacts of Harm to Children.</p> <p>a) All the measures relating to accountability, governance, assurance, monitoring and staff policy and practice arrangements are reasonable in the context and if these were previously absent then this was an omission that we agree should be rectified. Governance, accountability</p>

Question	Your response
<p>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> <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>and assurance and monitoring, and staff policies and systems are a key aspect of ensuring that risk management measures in the children safety codes are developed robustly and adhered to.</p> <p>b) N/A</p> <p>16. A single governance arrangement and system can ensure compliance with both the illegal and children's safety codes. It is important to note, as it is in section 11.16, that if a single process is adopted, a focus on child safety must be given equal attention.</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>Confidential? N</p> <p>17. Introducing a requirement to complete a Children's Risk Assessment is a positive step. In particular:</p> <ul style="list-style-type: none"> - A proactive, ongoing cycle of assessment and review is necessary to embed the necessary culture change within organisations. - The timebound expectation of 3 months and with regular review, provides welcome clarity. Alongside the enforcement role of Ofcom in relation to financial penalties, we believe this provides a good foundation for improved child safety online. - The step-by-step guidance for completing Children's Risk Assessments is comprehensive and outlines key considerations, and should support analysis of risks, effective mitigation and ongoing review of changes in the service. Prompting services to review their assessment at the point of any changes to the service should support the overall aims. - Locating the governance specifically with named individuals and senior bodies within each organisation provides clarity as to the overall responsibility. This mirrors governance arrangements for Public Protection in Scotland, where Chief Officers' Groups across public sector services hold ultimate responsibility for the effectiveness of local arrangements.

Question	Your response
<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>Collective responsibility can also support effective challenge and scrutiny, and we support the development of such bodies within organisations where these do not yet exist.</p> <p>In terms of the overall effectiveness of this process, we would like to see:</p> <ul style="list-style-type: none"> - A role for Ofcom in providing a level of scrutiny as to the quality of Children’s Risk Assessments. This should be considered as an important quality assurance mechanism alongside compliance. Similar to the role of the Care Inspectorate in Scotland which provides feedback to local authorities on Learning Review findings and processes undertaken, in relation to children and young people who experienced significant harm or had died in order to support the development of the process - we propose that Ofcom takes a role in providing a critical perspective on Children’s Risk Assessments. This would act to counter any risk that organisations either purposefully or inadvertently fail to identify and address risks within their internal governance processes. <p>18. The proposals in relation to Children’s Risk Profiles are a positive step. In particular, the ongoing process of reviewing and updating these profiles should support their continuing effectiveness as a tool for services. The approach also suggests the capacity to identify commonalities, linkages and themes from the evidence. Again, this is a positive step in terms of Ofcom’s role in being able to pool and analyse evidence across the sector.</p> <p>19. N/A – CELCIS is not a regulated service</p> <p>20. As CELCIS is not a regulated service under the Act, it is difficult to comment on this aspect. However, the guidance appears comprehensive, detailed and thorough, whilst also being easy to read and understand.</p>

Question	Your response
<p>21. Are the Children’s Risk Profiles sufficiently clear and do you think the information provided on risk factors will 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>21. No</p> <p>a) N/A – not a regulated service</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>Confidential? – N</p> <p>22. The proposed package with its combination of components and a commitment to future proofing measures would appear to provide an adequate baseline on which to build. One concern CELCIS has is in relation to providing technology companies with choice about not adopting the Children’s Safety Codes and to develop an alternative which is proportionate to their circumstances instead (13.4). This may provide or create loopholes and delays to these important measures. We believe that the codes should be mandatory, universally applied and not open to choice.</p> <p>23. N/A</p>

Question	Your response
<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>	<p>24. Immersive Virtual Reality is an emerging technology which children and young people are increasingly accessing and which can carry risk. This has an online component but the documentation covered by this consultation and the proposals do not make any specific reference to Immersive Virtual Reality. While it is clear the proposals intend to be technology, format and platform- neutral there are possible specific risks with Virtual Reality technology for younger children and we would suggest that these require some focus within the proposals. The following research may be useful to consider: Allen, C. and McIntosh, V. (2023) <i>Child safeguarding and immersive technologies: an outline of the risks</i>. London: NSPCC.</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

Confidential? – **N**

25. Yes, the approach and associated expected outcomes are clear and robust. The input of children’s voices is especially important. We also welcome the clear expectations around the impact this will have on children including the anticipated benefit that children will be more adequately protected online, and that methods of raising concerns and receiving responses will be simplified. This is in keeping with policy, guidance and practice in Scotland, which is underpinned by the assumption that children should be protected from harm. Current guidance - *National Guidance for Child Protection Guidance in Scotland* (Scottish Government 2023) - is robust in providing principles for organisations and individuals to follow when assessing and managing risk in families, organisations and community settings, the Children’s Safety Codes are an important step in extending the expectation of safety into online spaces.

26. Yes, in recognising the complex landscape when managing risk across multiple domains and within organisations, any opportunity to accommodate such synergies is to be welcomed.

27. Yes, the principle of children being safe online should be paramount, regardless of the size and scale of the organisation responsible for providing the online service. This expectation will support culture change in the technology sector by ensuring that children’s safety is paramount and a core principle for all.

28. Yes, we support this being a common definition across both the current consultation and the Illegal Harms consultation.

<p>services, even those that are small and low-risk?</p>	<p>29. Yes, by applying this expectation for any number of risks, this supports the aims of the Act in making online safety a basic consideration.</p> <p>30. Yes. The rationale that such measures should apply to all organisations both supports the basic underpinning consideration of children’s safety as well as accounting for organisational complexity as stated in the document. This will also provide a level of assurance against developments in a service which may cause risks to increase.</p>
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Age assurance measures (Section 15)

<p>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.</p> <p>a) Are there any cases in which HEAA may not be appropriate and proportionate?</p> <p>b) In this case, are there alternative approaches to age assurance which would be better suited?</p> <p>32. Do you agree with the scope of the services captured by AA1-6?</p> <p>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?</p> <p>34. Do you have any comments on our assessment of the implications of the proposed Measures AA1-6 on children, adults or services?</p>	<p>Confidential? N</p> <p>31. Yes, we agree with the proposals and these seem proportionate given the risk from Primary Priority Content (PPC) and Primary Content (PC), coupled with the proposals around “recommender systems”, should provide robust protection if implemented in accord with the proposals.</p> <p>a) None that we can identify.</p> <p>b) N/A</p> <p>32. Yes, we agree with the scope outlined.</p> <p>33. No</p> <p>34. The implications identified appear to be proportionate balanced with the aim of prevention of risk to children from exposure to Primary Priority Content (PPC) and Primary Content (PC). There will clearly be impacts on rights and cost implications but again these are legitimate and proportionate in terms of the overall aims of the Act.</p>
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<p>a) Please provide any supporting information or evidence in support of your views.</p> <p>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?</p>	<p>35. For some content, a tiered approach taking account of different age groups is appropriate if the functionalities of the system allow. This is a developing area and at present there is little evidence of robust age assurance measures in place.</p>
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Content moderation U2U (Section 16)

<p>36. Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p> <p>37. Do you agree with the proposed addition of Measure 4G to the Illegal Content Codes?</p> <p>a) Please provide any arguments and supporting evidence.</p>	<p>Confidential? N</p> <p>36. CELCIS considers that the proposals taken together form a suite of appropriate measures to augment what services already provide in terms of content moderation. The articulation of the basic measures, without being overly prescriptive regarding how the measures will be implemented, is fair and allows a degree of flexibility whilst clearly articulating the expectations on services.</p> <p>37. The Measure 4G as described would appear to be appropriate. It is important that volunteer or community moderators are appropriately supported to undertake the role. We recognise that a programme of training for volunteers to align them with paid moderators may have been optimal but is impractical to implement and disproportionate. Having supportive materials is a positive compromise but it may be difficult for services to know if these have been utilised.</p>
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Search moderation (Section 17)

<p>38. Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p>Confidential? N</p> <p>38. As with the U2U moderation, we would agree with the proposals and believe that in the context of protecting children from harmful content, these are proportionate. At 17.52 there is an acknowledgement that the crossover between Primary Priority Content (PPC) and Primary Content (PC) exists, certainly in terms of harm, and although there cannot be a 'one size fits all' in terms of a moderation approach, there may be merit in extending some of the moderation actions and measures into some Primary Content if the risk assessment deems that</p>
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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?

this is prudent as there is clear crossover in terms of potential harm within the two categories of content.

39. N/A

40. To protect children, it is proportionate to implement this measure in respect of all large general search services. Mistakes will be possible and open to appeal and, as long as this safety measure is in place to protect adult users' rights, then we would support this measure.

41. CELCIS does not have technical expertise in this area to answer this specific question.

42. CELCIS does not have technical expertise in this area to answer this specific question.

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.

Confidential? **N**

43. Yes, we feel this represents a robust evidence-based approach to reporting complaints and appeals.

a) In respect of measure UR1, we agree with the proportionate approach and rationales offered in considering interference with the right to freedom of expression.

b) N/A

44. Yes, relating to UR2 (e). However, we would acknowledge that children may be resistant to complaining if anonymity is not guaranteed. This needs to be considered concerning balancing this with the requirement that sometimes this information may be shared. Lack of anonymity may impact on the number of children making complaints.

a) We agree that inclusion of UR3 (b) should apply to all services likely to be accessed by children and for all types of complaints. Transparency about the process and what action is being taken will be essential to build trust in the service providers and enable others to make complaints in future.

b) N/A

45. Yes, we agree that both these measures should apply in the Illegal Content Codes. It is equally relevant in this context and will also bring a degree of consistency nationally and avoid confusion in the technology sector.

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.

Confidential? **N**

46. Yes, it is important that children, parents and carers can find and understand the terms of service and access publicly available statements in an accessible way. Given the potential risk of harm to children, it is vital that organisations are transparent about their responsibilities in the Act, as well as being demonstrably proactive in making this information available. We concur with Carnegie UK’s suggestion as outlined in paragraph 19.52: “More specifically, Carnegie UK advocate for terms and statements to be visible to would-be users before they sign up to a service, allowing children, young people and the adults who care for them to make an informed decision about the appropriateness of the service for children or young people.”

47. We feel that Ofcom has provided comprehensive evidence for the proposals and the documentation included in this consultation covers the most important aspects to improve the clarity and accessibility of the terms of service. We recommend the inclusion of a requirement for information to be provided for those who are not speakers of English as a first language, easy-read versions of information, and suitable formats for children and adults with other communication needs.

48. Yes, we agree with the inclusion of measure 6AA in the Illegal Content Codes, this will be consistent with the children’s risk assessment and offers children, parents and carers an opportunity to make an informed choice about accessing the service in this context.

Recommender systems (Section 20)

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

Confidential? **N**

49. We would fully agree with all of the proposed measures relating to recommender systems.

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.

b) N/A

50. CELCIS does not have technical expertise in this area to answer this specific question.

If the proposed changes to the recommender systems can be successfully implemented this should make a difference and provide greater protection to children.

51. Similar to hate and abuse, bullying could be considered Priority Content and recommender systems are likely to increase the risk of this content and exposure. In that respect RS2 would be relevant. It is well established that bullying which is now more prominently online can cause significant harm. While we appreciate that current evidence regarding recommender systems may not be as pronounced as for other harms; in line with the other measures and proposals we would support a precautionary approach. With respect to RS3 it is viewed that this may, in an online context, allow children to report bullying content and therefore be an empowering step for them.

52. We agree; as pointed out earlier in the section 20.19 of the consultation it is our view that there is a strong relationship between some Primary Priority Content and Non-Designated Content related to depressive content and body image, and that these taken together can increase risk of cumulative harm. A limit on this type of content also for children who are still developing their identity through adolescence would be proportionate. The filter bubble and rabbit hole effects which are linked to the way recommender systems operate could exacerbate this effect, as increased exposure to the same content could also increase risk of cumulative harm or have a harmful de-sensitising effect.

<ul style="list-style-type: none"> • Please provide the underlying arguments and evidence of the relevance of this content to Measures RS2 and RS3. 	
User support (Section 21)	
<p>53. Do you agree with the proposed user support measures to be included in the Children’s Safety Codes?</p> <p>a) Please confirm which proposed measure your views relate to 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>	<p>Confidential? N</p> <p>53. We agree with all the proposed user support measures as outlined. In particular, we note:</p> <ul style="list-style-type: none"> - The commitment to using child friendly and easily understandable language - Ensuring that options to decline invites and block content are visible and prominent, and that the design of such mechanisms is not weighted towards, for example, accepting an invitation. - The consideration given to children’s rights throughout, and the provision of information to children to understand their right to safety and protection online.
Search features, functionalities and user support (Section 22)	
<p>54. Do you agree with our proposals? Please provide underlying arguments and evidence to support your views.</p> <p>55. Do you have additional evidence relating to children’s use of search services and the impact of search functionalities on children’s behaviour?</p> <p>56. Are there additional steps that you take to protect children from harms as set out in the Act?</p> <p>a) If so, how effective are they?</p>	<p>Confidential? N</p> <p>54. We agree with these proposals. In particular:</p> <ul style="list-style-type: none"> - We agree that the use of autocomplete, and predictive search functionalities is an area of risk which may lead children to harmful content. - The automatic removal of search terms from such functionalities is the most robust option, and it is right that this is the approach taken as opposed to giving the option to turn such functionalities off. - The automatic provision of crisis prevention information in clear and accessible language is a welcome measure. <p>56. N/A</p>

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.

57. CELCIS does not have technical expertise in this area to answer this specific question. It is clear, however, that generative Artificial Intelligence in terms of generation of Child Sexual Abuse Material poses a risk and this is an area that is becoming an increasing focus in terms of child safety. Any measures that can be taken to help address this would be welcomed.

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?

Confidential? **N**

58. Yes. Taking account of the impact on services, adult and child users' rights to privacy and freedom of expression and the priority to make children's experience online safer, the measures taken together are proportionate. The tiered approach based on size of services and risk posed in terms of the content they host, is measured and proportionate given the circumstances and context. This also builds in some flexibility with the highest risk services (in terms of content) required to take the most robust measures to manage this potential risk of harm.

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.

Confidential? **N**

59. Yes, we would agree with all the proposed recommendations.

Annexes

Impact Assessments (Annex A14)

60. In relation to our equality impact assessment, do you agree that some of our proposals would have a positive impact on certain groups?

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?

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.

Confidential? **N**

60. In relation to protecting children and measures designed to give children and young people more power to keep themselves safe online by blocking individuals from contacting them, this is a positive step in terms of the promotion of rights and something that could have a positive impact.

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