

Consultation response form

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

Consultation title	On-demand programme services: Consultation on guidance for ODPS providers on measures to protect users from harmful material.
Full name	
Contact phone number	
Representing (delete as appropriate)	Organisation
Organisation name	Samaritans
Email address	

Confidentiality

We ask for your contact details along with your response so that we can engage with you on this consultation. For further information about how Ofcom handles your personal information and your corresponding rights, see [Ofcom's General Privacy Statement](#).

Your details: We will keep your contact number and email address confidential. Is there anything else you want to keep confidential? Delete as appropriate.	Nothing / Your name / Organisation name / Whole response / Part of the response (you will need to indicate which question responses are confidential)
Your response: Please indicate how much of your response you want to keep confidential. Delete as appropriate.	None / Whole response / Part of the response (you will need to indicate below which question responses are confidential)
For confidential responses, can Ofcom publish a reference to the contents of your response?	Yes / No

Your response

Question	Your response
Question 1: Do you have any comments on proposed guidance around subsection 1 of section 368E of the Act – material likely to incite violence or hatred?	N/A

Question 2: Do you have any comments on proposed guidance around subsections 2 and 3 of section 368E of the Act – prohibited material?

Confidential? – N

Samaritans welcomes the inclusion of promotion of suicide and self-harm as “specially restricted material” considered harmful for in terms of the protection of under 18s.

Samaritans’ primary concern when it comes to material portraying self-harm and suicide, including for on-demand services, is its potential social contagion effect. When approached responsibly, portrayals of self-harm and suicide can help to inform and educate.

Samaritans’ Media Advisory team works closely with the media to support responsible and informed coverage of suicide. We know from international research that when media guidelines are followed this has a positive effect on reporting of suicide.

However there is significant research evidence which links particular types of media coverage of suicide with increases in suicide rates. This risk is significantly increased if details of suicide methods are shown, if suicidal behaviour is romanticised or sensationalised or if the coverage is given undue prominence.

This is called the ‘Werther effect’, where a depicted suicide can serve as a model for imitative behaviour. Evidence shows that young people are among those most susceptible to this social contagion, along with people who suffer with mental health problems and those bereaved by suicide.

The portrayal of suicidal behaviour in media is a complex and nuanced area. Samaritans believes that the approach of the British Board of Film Classification (BBFC), assessing the risk associated with each individual case, to determine age ratings, is the right one. It is important that any on demand services available in the UK abide by domestic regulations, rather than being able to circumvent this by adhering to weaker

	<p>regulatory regimes in the countries where their operations are based.</p> <p>There have been reported examples of depictions of suicide through on-demand services which have been legal but, based on the research findings, have clearly been harmful.</p> <p>In cases such as this, where evidenced harm is identified, Samaritans advocates removal of material, rather than restriction of access through age verification or other means.</p>
<p>Question 3: Do you have any comments on proposed guidance around subsections 4 - 7 of section 368E of the Act – protection of under-18s (specially restricted material)?</p>	<p>Confidential? –N</p> <p>Samaritans welcomes the inclusion of promoting self-harm or suicide as “specially restricted material” that might impair the physical, mental or moral development of under-18s.</p> <p>However it should be noted that encouraging suicide is illegal under section 2 of the Suicide Act 1961. Given what robust research evidence tells us about the contagion effect caused by harmful depictions of suicide, there is a case for the application of guidance to be stronger. Ofcom should have the power to prohibit, rather than limit access through age verification measures, such material when, based on the research evidence, it is clearly harmful.</p> <p>One reason for this, acknowledged in the consultation document, is the limitations of age verification tools such as self-declaration tick boxes.</p>

Question 4: Do you have any comments on any other part of the proposed guidance which is not explicitly set out in questions 1-3?

Confidential? –N

Section 2.5 of Ofcom’s broadcasting code states that:

‘Methods of suicide and self-harm must not be included in programmes except where they are editorially justified and are also justified by the context.’ In practice, there is little detail about how what falls under editorial justification is defined.

Samaritans feels that the loophole of suicide method being shown ‘where editorially justified’ is unreasonable on the basis that it has the potential to put people at risk and does not provide adequate protection to keep viewers safe. It is also difficult to see how detailed and graphic suicide material is necessary on editorial grounds – factual programmes and drama depictions can cover suicide without including suicide scenes in depth in ways that risk influencing imitative behaviour.

Given changing viewer consumption habits, ‘on demand’ services should be in the vanguard for regulation of broadcast media. There is an opportunity to move beyond existing regulation for broadcast media in terms of portrayal of suicide methods.

The creation of new Ofcom guidance for on-demand services should not just limit access to material which includes method of suicide but create the power to remove it altogether.

Question 5: Do you have any comments on the impact assessment in Annex 1, and any of the potential costs incurred (including any we have not identified)?

N/A