

Consultation response form

Your response

Question	Your response
<p>Question 1: Do you have any comments on Ofcom's proposed Plan of Work 2023/24?</p>	<p><i>Is this response confidential? –N (delete as appropriate)</i></p> <p>Ofcom's plan of work sets out a sensible approach to the growing list of responsibilities that it has as a regulator. The streamlining of priorities this year is welcome and the list of key activities and projects underpinning each strand of work is very clear. It is notable how much of the work the organisation is responsible for delivering - or preparing for - is in flux, as a result of either political turbulence or policy reversals. This includes their responsibilities flowing from the Online Safety Bill, the Media Bill, the online advertising programme etc. The same is also true of the context in which their partners on the Digital Regulation Cooperation Forum. with adjacent areas of regulation - such as the Digital Markets Bill and the new Data Protection Bill - also delayed and/or under review. For regulatory bodies that are required to be stable, consistent and evidence-based in their approach, this is an unprecedented time of upheaval. Ofcom is to be commended for continuing - through this Plan and the related consultation event - to chart a steady, calm course through these waters.</p> <p>Our main interest is in the preparations for the implementation of the Online Safety Bill. We note the important foundations that Ofcom has laid - including resourcing expert teams from the tech sector and civil society, in-depth, high-quality research and evidence gathering, and important joint working with regulatory colleagues. We would have expected to</p>

see more in the Plan of Work on what the sector could expect once the Online Safety Bill becomes law: last July's roadmap was an excellent and necessary publication but, given the delays to the Bill since then, is now out of date. A revised timetable for the succession of consultations and codes that will be required from the regulator as soon as the Bill receives Royal Assent would have been welcome in this Plan.

Also missing is any mention of how Ofcom intends to consult and engage with civil society and civil society - whose insight and expertise on the prevalence and nature of online harm is invaluable and who will be vital partners in the years ahead; there is, however, a significant chunk of text on how it intends to engage with companies, who will ensure that this happens whether Ofcom instigates it or not. It would be good to understand how Ofcom will work with victims of online harm and representative groups who can aggregate victim experience in a manner less traumatic for the individual victim and more convenient for Ofcom. The Victim Personal Statement has (arguably) had a profound effect on the CJS understanding of harm and OFCOM's regulation of a novel area should be informed by victim experience.

We would also make one further, more strategic point which we posed as a question at the consultation event: Ofcom now has - or is preparing for - multiple systems for regulating harmful content, spanning broadcast, video-sharing platforms, video on demand, the online safety regime, the online advertising programme. The OSB also gives the Content Board broader remit. Much is made in the Plan's narrative of the convergence in the way that users consume media, particularly via digital and online platforms, and how Ofcom itself is reflecting that

new online world in its approach. However, the content that users hop between on a minute-by-minute basis now has different standards and definitions as to what constitutes "harm", with Ofcom having different powers in each area. Kevin Bakhurst correctly pointed to the divergence in regulatory approaches that can be traced back to the different pieces of legislation that give Ofcom its powers and that Ofcom was doing its best to work across the piece consistently. We suggest, however, that there may be the case for a review of the coherence of these systems to regulate "harm", wherever it may be found, to identify inconsistencies and address gaps - particularly from a user's perspective; we would pose the question, for instance, as to how the service Discord is categorised, given that it is a backdoor for user interaction (and significant potential harm) when used alongside gaming platforms but does not fall into the services that Ofcom has a duty to regulate currently. Notwithstanding the pressures already faced, we suggest that Ofcom might add initial thinking on this to its priority work in the year ahead.