Response to Ofcom's call for evidence on video-sharing platform regulation.

September 2020

Who we are

For over 10 years, Parent Zone has been at the forefront of supporting families through the massive changes brought about by the development of the internet and digital technologies.

Parent Zone champions the essential role played by parents and carers who have a profound influence over children's digital understanding, use and resilience and yet are often left with very little support, advice, or even knowledge of their specific needs.

Our response is based on the work we do with families, as well as with schools, police forces, local authorities, and professionals supporting the most vulnerable members of society. It draws on our international work and reflects the evidence base as it applies to our audience, including from our own research.

Introduction: complex challenges for all

Parent Zone welcomes the introduction of the proposed regulation of video-sharing platforms (VSPs) as part of the suite of new regulations currently being introduced in the UK to protect people, and especially, children and young people, from online harm.

While there has been phenomenal change in the last few decades, digital services are still in their infancy in relation to other sectors. Appropriate regulation is an important indicator and driver of the maturing of the sector as a whole.

Regulating services, such as VSPs, that evolve and grow at such a fast pace will be a challenge for any regulator. In order to address the complex social impacts that these services may generate or amplify, the regulator will require a comprehensive understanding of emerging technology and the business models that drive changes in the sector. They will also need to engage and understand the needs of both providers and end-users.

Digital services impact people in many varied, and often subtle, ways. To track these impacts, engage with a multitude of audiences and to respond to their rapidly changing needs will be an ongoing challenge for Ofcom.

We therefore welcome the opportunity to support Ofcom in meeting this challenge by sharing our expertise and practical experience of working with families.

From our perspective, there are several key themes that the regulator might want to consider when designing and implementing regulation and in supporting VSP providers to meet those requirements:

- Going beyond a rules and tools approach
- Developing digital resilience
- Recognising parents/carers as assets
- Raising concerns and resolving systemic problems.

We expand on these themes with examples in the rest of this document

Going beyond a rules and tools approach

Whilst we welcome this regulation, we must recognise that regulation alone cannot protect children and young people from harmful content online.

For example, advertising and gambling are both heavily regulated industries. However, Advertising Standards Agency (ASA) research shows how existing standards in that area are not being met, with a recent online monitoring sweep finding 159 age-restricted adverts that broke the advertising rules, including 70 betting ads from four gambling agencies[1]

Tools and features that seek to prevent access or exposure to content online cannot, in themselves, fully protect children and young people - as evidenced by the Oxford Internet Institute[2] research on the use of internet filters to prevent children encountering online sexual material. Equally, Ofcom's own report noted that while internet providers offer free router-level parental controls, these are ineffective in blocking encrypted websites and can easily be bypassed by using a VPN[3]. Despite this, the use of technical solutions such as filters continues to proliferate - even when their effectiveness is limited.

The number of blocks, features or takedowns may be helpful in evidencing action and compliance but they do not capture the full story of how people are impacted by VSPs - or any digital service - in their day to day lives. In fact, tools that are designed without an understanding of parenting may have negative impacts.

Reliance on tools to automatically block, monitor and report content or activity may nudge parents into either more authoritarian approaches or becoming absent through over-reliance on technology[4]. Both approaches have been shown to have a negative impact on children's resilience and overall online safety.

VSPs are one part of a complex and evolving connected world that children and young people and their parents/carers inhabit and create. As such, a regulatory approach that is heavily focussed on a 'rules and tools' approach may risk being a rather brittle response to the fluidity of people's online experience.

This is especially true in regards to children and young people who delight in moving between spaces and combining elements in novel and often high-risk ways. As our research into young people's use of a matrix of service (including VSPs) to facilitate skin gambling shows[5].

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[1] [Protecting children online: building a zero-tolerance culture to age-restricted ads in children's media](#)
[2] [Internet Filtering and Adolescent Exposure to Online Sexual Material](#)
[3] [Children and parents:Media use and attitudes report 2019](#)
[4] [A Shared Responsibility: Building Children's Online Resilience](#)
[5] [Skin gambling: teenage Britain's secret habit](#)

Recommendations

Technical solutions can and will play a role in minimising risks for children online. However, the regulator must ensure that there is a strong evidence base that demonstrates such tools actually work before they are relied upon to protect children and young people. The regulator may wish to facilitate the development of an openly accessible evidence base in order to create national standards for technical safety products.

In addition, the regulator and VSPs should consider supplementary approaches to risk and harm reduction alongside the application of a 'rules and tools' approach. Ideally, these approaches will be informed by evidence, subject expertise and ongoing engagement with families and have due regard for the unintended consequences - such as the use of VPNs - which result in children being exposed to increased risk.

Developing digital resilience

Digital resilience is 'a 'dynamic personality asset' that is developed through online activities in safe, managed environments. This goes hand in hand with appropriate support and guidance the individual may want or need.'[6]

The UK government already recognises the importance of digital resilience through the establishment of the UK Council for Internet Safety Digital Resilience Working Group[7] - of which Ofcom is a member - and research highlights the positive role that digital resilience plays in enabling children to be safer online[8]. Consideration of digital resilience and how it might be amplified in the design, management and regulation of VSPs - or any digital service - could contribute to online harm reduction and may support recovery from online harm.

Resilience is not a purely individual factor. Children must be given support to develop their digital resilience so that they can understand risk, know what to do if they encounter risk or harm online and access appropriate help to recover and learn from their experiences. VSP providers can play a key role in this through the way they design and manage services and the regulator can boost this through regulation and how effective they are at understanding and responding to the needs of families.

We acknowledge that digital resilience and its practical application may not be a familiar area for service providers or indeed the regulator, however, support and examples are already available.

The digital resilience framework - developed by the UK Council for Internet Safety (UKCIS) digital resilience working group - provides an evidence-based, practical tool for both VSP providers and regulators to use when designing, managing and reviewing services.

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[6] Digital resilience framework
[7] https://www.gov.uk/government/groups/uk-council-for-child-internet-safety-ukccis#working-groups
[8] A shared responsibility building children's online resilience (2014)

We recognise that measuring the impact of services and interventions on digital resilience is a complex challenge. Existing research and programmes that focus on developing and measuring media literacy skills may offer some aspects of the solution but media literacy is only one factor of developing digital resilience. Much more significant in developing digital resilience in children are behaviours learned through experience of being online, being able to reflect on challenges and mistakes and confide in others[9]. Rather than relying on existing programmes that only relate to a part of resilience, new research that is specifically focused on digital resilience measures[10], may provide a more suitable method for tracking and evaluating the effects of features, processes and regulation.

Recommendations

Within its remit to support VSP providers in meeting regulatory requirements the regulator should ensure providers have an understanding of digital resilience in relation to online risk and harm and that they are aware of the tools and support available to integrate a resilience-based approach into their practice. To ensure this enables the dynamic behaviours and experience required for resilience development support should extend beyond media literacy initiatives The regulator may also want to utilise existing tools such as the UKCIS digital resilience framework when developing its regulatory approach and requirements.

Consideration should be given to supporting the development and application of robust methods to evaluate the impact of platform design/management and regulation on users digital resilience and how this evidence might be included in transparency reports.

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[9]

[10] [Project to examine attempts to help young people stay safe online](#)

Parents are an asset

Parents play a key role in developing children and young people's digital resilience. Whilst children have individual rights and this must be recognised, parents and carers are also guardians of these rights and are vital in enabling children to activate them.

Parents and carers are not simply gatekeepers to children's online access. Their attitudes and behaviours influence children's digital resilience, their understanding of risk and how they recover from harm[11].

Parents and carers already provide essential early warning, signposting, education and recovery support to children and young people. As such, they are the largest, untapped resource in addressing online harms for children and young people.

We are not in any way suggesting that children and young people's online safety is or should be the sole responsibility of parents and carers. In fact, services often utilise parental influence to abdicate their own responsibilities for children's safety in the spaces they create, relying on parents and carers to provide the safety and oversight that their service neglects.

Rather than turning parents and carers into gatekeepers, service providers - and regulators - need to work out an appropriate balance of responsibility that recognises parents' role in supporting and enabling children to be safer online - and build from there.

Service providers and the regulator are well-positioned to develop parents potential through recognising their existing contribution, developing a deeper understanding of their needs and providing access to timely, evidence-based parenting support.

Recommendations

The regulator could help parents and carers - and tap into their potential support - by ensuring service providers have robust, evidence-based programmes to engage, understand and support parents and carers. However, in doing this the regulator must ensure that VSPs do not simply abdicate their own responsibilities in providing a safe environment for children online, turning parents and carers into gatekeepers.

The regulator may also choose to ensure that platform designs and processes - such as reporting - fully consider the role that parents and carers play in helping children thrive online.

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[11] A shared responsibility building children's online resilience (2014)

Raising concerns and resolving systemic problems.

A patchwork of regulation

As acknowledged in the guidance provided for responses, regulation of VSPs will sit within a patchwork of international and UK regulation, existing codes of practice and platforms' own community standards - an ecosystem that will change further once the UK's transition from the EU is completed and the new online harms regulator is established.

This patchwork approach will be further compounded as providers respond to requirements in their own way - some providers will be responsive and holistic in their approach, whilst others will seek to delay change or implement the bare minimum. To date, in our experience, some VSPs - including the ones that fall within UK regulation like Twitch - have fallen into the later category.

We recognise that this is a complex environment for policymakers and industry to navigate. However, ensuring there is coherence, understandability and transparency for the public - particularly families - should be a priority.

The regulator must consider how families will inform requirements, how they will be informed about the regulator and what this will actually mean for them in day to day family life.

One key interface between families, services and the regulator will be in the raising of complaints.

Complaints

Parents are vital in developing children's knowledge, understanding and use of reporting tools and process - and in many cases, they will be the ones to report on behalf of their child.

This raises several critical questions for the providers and the regulator:

- How are parents and carers considered in the design and management of any reporting tool or process?
- What other routes do parents/carers have if they are let down by the service provider?
- What support is available to support families in a complaint and to aid in their recovery?

For parents and carers to have faith in any regulation they must feel confident that their views are fully considered and treated fairly. If parents and carers must rely on the services that are putting their children at risk to take action and are not able to raise complaints directly with the regulator, then their faith in the regulation is bound to be diminished.

The regulator has a role to play in ensuring that services consider how parents will use their tools and services independently or alongside their child, and to ensure that they are equipped to properly engage and support them through all the stages of a complaint - including recovery.

However, relying on service providers as the only point of contact is not enough.

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In our experience when parents and children experience problems online they often feel that they are struggling in isolation. At Parent Zone, we become aware of harms recurring on platforms because we hear from multiple families, each of which wonders if their experiences are unique.

Making it possible for 'designated bodies' like us to bring super complaints would create an important intelligence vehicle for the regulator that would also serve to highlight systemic problems with platforms.

Recommendations

The regulator and VSPs should consider how best to engage and inform families about the regulation, what their options are and how they can raise complaints. Specific attention should be given to how parents and carers may raise complaints on behalf of, or alongside, their child.

The regulator and VSPs should consider how families can be most effectively supported through the full process of raising complaints - including recovery.

Whether engagement and support are best achieved directly through the VSPs, the regulator or via other more specialist organisations, should be considered and determined by what best meets the needs of the family.

Designated bodies should be able to report harms. This should include those organisations best placed to make reports including, for example, law firms and schools.

Conclusion

This regulation of VSPs in the UK and the subsequent broader online harms regulation are welcome and overdue steps in protecting children. However, to meet the challenges of an evolving connected world it will not be enough to simply implement more of what has gone before. These are critical opportunities for a different, more holistic approach to online safety and wellbeing that supports the development of resilience by championing parents and carers and providing them with the support they need to ensure the whole family can thrive online.

For more information or to discuss any aspect of our response or wider work please contact us.