

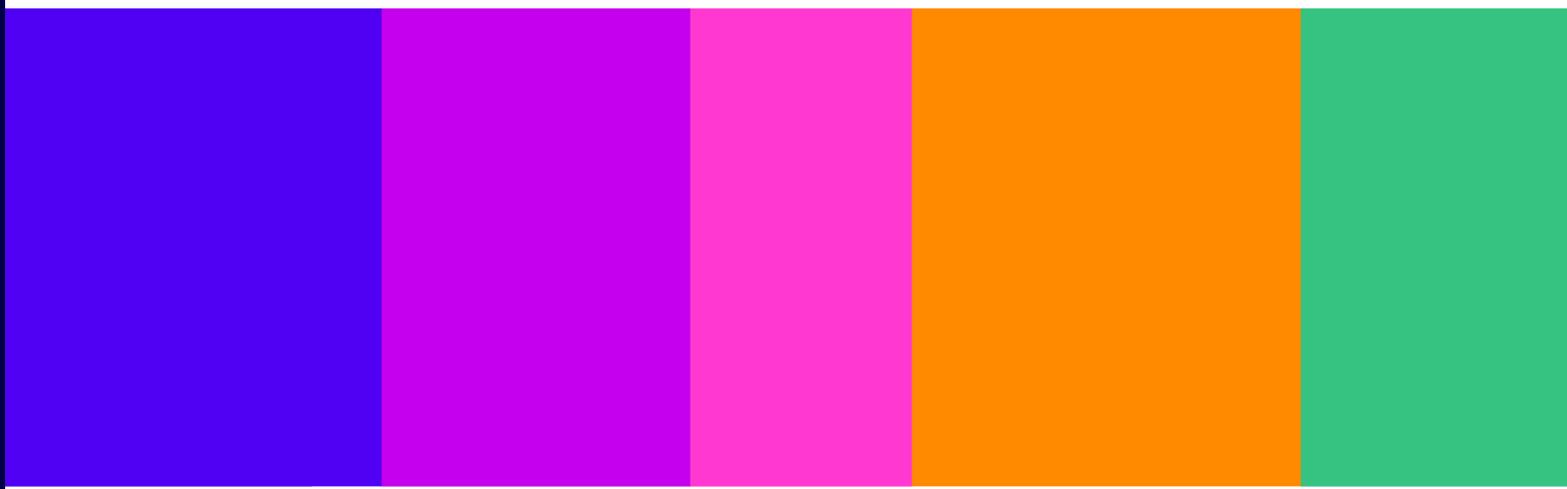
Protecting children from harms online

Volume 1: Overview, scope and regulatory
approach

Consultation

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1. Overview

This section is a summary of Ofcom’s consultation on protecting children online. It is designed to be a summary of our proposals to help interested parties review them quickly. Please read the full consultation documents where you require more comprehensive information.

The UK Online Safety Act 2023 (‘the Act’) makes platforms – including social media, search, and pornography services – legally responsible for keeping people, especially children, safe online. These services have new duties to protect users in the UK by assessing risks of harm and taking steps to address them. As the UK’s online safety regulator, Ofcom’s role is to provide codes and guidance to support regulated services to comply with their duties and deliver a safer life online for people in the UK. The online safety regime is hugely ambitious, and as laid out in our [roadmap](#), we are moving fast to implement these new laws.

Securing a higher level of protection online for children than adults is one of the objectives of the Act. This objective runs through the policies we have proposed in prior consultations. In our Illegal Harms Consultation, we set out proposals to [protect children from illegal content and activity](#), including contact harms like grooming, as well as child sexual exploitation and abuse. In our Part 5 Consultation, we proposed how online providers of pornographic content should [prevent children from accessing pornographic content](#).

Building on these earlier consultations, here we put forward a comprehensive set of draft codes and guidance that will support online services in better protecting children online. These proposals reflect what we know from available research and evidence about risks to children, including what children themselves have told us.

Children benefit from the opportunities that technology offers and enjoy being online for learning, friendships, and entertainment. But our assessment of the causes and impacts of harm to children shows us that most have encountered harmful content and activity online, with serious impact on their physical and mental wellbeing and sometimes linked to fatal outcomes.

What online services must do to protect children

Assess whether children are likely to access their service – or part of it. This involves completing “children’s access assessments”. We have published [draft Children’s Access Assessments Guidance](#) designed to help service providers comply. We anticipate that most services not using highly effective age assurance are likely to be accessed by children within the meaning of the Act. Those that are likely to be accessed by children must then complete the following steps.

Complete a children’s risk assessment to identify risks their service(s) pose to children. This is known as the “children’s risk assessment”. Children’s risk assessments are separate to the illegal content risk assessments that all services need to complete. We have published [draft Children’s Risk Assessment Guidance](#). This step-by-step guidance explains how services can complete the assessment and assess the risks to children. It also includes our draft Children’s Risk Profiles, providing an overview of factors that increase the risks of harm to children, which services must consult in carrying out their children’s risk assessment.

Services must prevent children from encountering the most harmful content relating to suicide, self-harm, eating disorders, and pornography. Services must also minimise children’s exposure to other serious harms, including violent, hateful or abusive material, bullying content, and content promoting dangerous challenges.

Our [draft Children's Register of Risks](#) provides more information on how risks of harm to children manifest online; and our [draft Guidance on Content Harmful to Children](#) sets out examples of what Ofcom considers to be content harmful to children.

Take and implement safety measures to mitigate the risks to children. We are proposing more than 40 safety measures in our draft [Children's Safety Codes](#), in these broad areas:

- **Robust age checks.** We expect much greater use of age assurance, so services know which of their users are children. All services which do not ban harmful content, and those at higher risk of it being shared on their service, will be expected to implement highly effective age-checks to prevent children from seeing it.
- **Safer algorithms.** Recommender systems – algorithms which provide personalised recommendations to users – are children's main pathway to harm online. Under our proposals, any service which operates a recommender system and is at higher risk of harmful content must identify who their child users are. They must then configure their algorithms to filter out the most harmful content from children's feeds and reduce the visibility of other harmful content.
- **Effective moderation.** All user-to-user services must have content moderation systems and processes that ensure swift action is taken against content harmful to children. Search services are also expected to have appropriate moderation systems and, where large search services believe a user to be a child, a 'safe search' setting which cannot be turned off must filter out the most harmful content.
- **Strong governance and accountability.** Proposed measures here include having a named person as accountable for compliance with the children's safety duties; an annual senior-body review of all risk management activities relating to children's safety; and an employee Code of Conduct that sets standards for employees around protecting children.
- **More choice and support for children.** This includes ensuring clear and accessible information for children and carers, with easy-to-use reporting and complaints processes, and giving children tools and support to help them stay safe.

We expect these measures to make a big difference to children's online experiences. For example:

- Children will not normally be able to access pornography.
- Children will be protected from seeing, and being recommended, potentially harmful content.
- Children will not be added to group chats without their consent.
- It will be easier for children to complain when they see harmful content, and they can be more confident that their complaints will be acted on.

We explain our proposals in brief in our [summary guide](#) and our [Proposed Codes – at a glance](#) provides an overview of the measures we are proposing in our draft Codes.

Keeping children's access assessments, children's risk assessments and safety measures under review. Services that are not 'likely to be accessed by children' need to carry out a children's access assessment annually, and before any major changes to their services. And services need to keep their children's risk assessments up to date, including when Ofcom makes significant changes to the Children's Risk Profiles, and before making any significant changes to their design and operation. We also suggest that service providers monitor the effectiveness of the safety measures they take or implement, and continually improve them over time.

Measures need to be proportionate

The Act requires us to ensure our proposals are proportionate. We have had regard to the need for a higher level of protection for children than for adults, while ensuring children retain the benefits of being online.

We recognise that the size, capabilities, and risks of services differ widely, and we therefore do not take a one-size-fits-all approach. Instead, we have set out what types of service we think should use specific safety measures to comply with their duties, with the most extensive expectations on the riskiest services. Services cannot decline to take steps to protect children merely because it is too expensive or inconvenient – protecting children is a priority and all services, even the smallest, will have to take action as a result of our proposals.

The measures proposed in this consultation will necessarily have an impact on the experiences of children and adults and can impact their rights to freedom of expression and other fundamental rights. We have sought to ensure that our measures will protect children online without unduly affecting user rights or undermining innovation and investment in high-quality online services that children and adults benefit from.

Updating our codes and guidance

This is the first version of our regulatory guidance and codes relating to protecting children. We expect to update these products over time as new evidence arises on emerging risks to children and what measures will best keep children safe online. We have already identified some areas where we want to explore complementary measures, including in relation to the use of automated content moderation to detect illegal and harmful content, as we discuss in Volume 5.

Next steps

We are inviting stakeholder responses to our consultation by 17 July 2024. We will take all feedback into account, as well as engaging with children to hear what they think of our plans. We expect to finalise our proposals and publish our final statement and documents in spring 2025.

Navigation

This consultation consists of five volumes and several annexes:

- The rest of **Volume 1** (this volume) sets out the scope of the consultation, including an introduction to our duties and online safety functions and the children’s safety duties (Section 2), and our regulatory approach (Section 3).
- **Volume 2** is about children’s access assessments. In Section 4, we set out our proposed approach to the guidance we are required to produce for services about children’s access assessments. Our draft Children’s Access Assessments Guidance is published separately as [Annex 5](#).
- **Volume 3** is about the causes and impacts of harm to children and summarises the evidence we have considered in our proposals. It incorporates Ofcom’s draft Children’s Register of Risks and draft Guidance on Content Harmful to Children.
- **Volume 4** is about children’s risk assessments. We set out our approach to the draft Children’s Risk Assessment Guidance, and our proposals for how services should approach governance and accountability in relation to the children’s safety duties in the Act. Our draft Children’s Risk Assessment Guidance (which incorporates our Children’s Risk Profiles) is published separately as [Annex 6](#).
- **Volume 5** is about the measures we propose services take to keep children safe online. These measures form our draft Children’s Safety Codes of Practice, which are published separately as [Annex 7](#) (user-to-user services) and [Annex 8](#) (search services). [Annex 9](#) includes four measures that we propose to add to our Illegal Harms Codes.
- [Annexes 1-4](#) explain our consultation process and how you can respond.

- [Annexes 10-15](#) include our draft Guidance on Highly Effective Age Assurance, additional evidence supporting our proposed content moderation measures, details of the assumptions used in our economic assessment, our legal framework, equality and Welsh language impact assessments, and glossary.

2. Scope of this consultation

In this section, we summarise Ofcom’s general duties and online safety functions and the children’s safety provisions in the Act. We explain our role and duties in relation to human rights, equality legislation and the Welsh language.

Our equality impact assessment and Welsh language assessment, including consultation questions for stakeholders, are set out in Annex 14.

Ofcom’s duties and online safety functions

General duties

- 2.1 Ofcom is the UK’s independent regulator for communications services. We have regulatory responsibilities for the telecommunications, post and broadcasting sectors, as well as for online services. These include user-to-user, search and pornography services and online video services established in the UK, such as on-demand programme services (ODPS) and video-sharing platforms (VSPs).
- 2.2 The Communications Act 2003 (‘CA 2003’) places a number of duties on us that we must fulfil when exercising our regulatory functions, including our online safety functions. Section 3(1) of the CA 2003 states that it shall be our principal duty, in carrying out our functions:
 - To further the interests of citizens in relation to communication matters; and
 - To further the interests of consumers in relevant markets, where appropriate by promoting competition.
- 2.3 In performing that principal duty, we are required to have regard to principles set out in the CA 2003 under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed, as well as any other principles appearing to us to represent best regulatory practice.¹
- 2.4 In carrying out our functions Ofcom is required to secure, in particular, the adequate protection of citizens from harm presented by content on regulated services, through the appropriate use by providers of such services of systems and processes designed to reduce the risk of such harm (section 3(2)(g) of the CA 2003 as amended by section 82 of the Act).
- 2.5 Section 3(4A) of the CA 2003 further provides that in relation to matters to which section 3(2)(g) is relevant, we must have regard to the following as they appear to us to be relevant in the circumstances:
 - the risk of harm to citizens presented by content on regulated services;
 - the need for a higher level of protection for children than for adults;
 - the need for it to be clear to providers of regulated services how they may comply with their duties under the Act;
 - the need to exercise our functions so as to secure that providers may comply with such duties by taking or using measures, systems or processes which are

¹ CA 2003, section 3(3).

- proportionate to the size or capacity of the provider and the level of risk of harm presented by the service;
 - the desirability of promoting the use by providers of technologies which are designed to reduce the risk of harm to citizens presented by content on regulated services and the extent to which providers demonstrate, in a way that is transparent and accountable, that they are complying with their duties.
- 2.6 Section 3(4) of the CA 2003 sets out other matters to which Ofcom must, to the extent they appear to us relevant in the circumstances, have regard, in performing our duties. They include the desirability of promoting competition and encouraging investment and innovation in relevant markets; the vulnerability of children and of others whose circumstances put them in need of special protection; the needs of persons with disabilities, the elderly and of those on low incomes; the desirability of preventing crime and disorder; the opinions of consumers and of members of the public generally; and the different interests of persons in the different parts of the United Kingdom and of the different ethnic communities within the United Kingdom.

Children’s safety in the Online Safety Act 2023

- 2.7 The Online Safety Act 2023 (‘the Act’) provides for a new regulatory framework which has the general purpose of making the use of regulated internet services safer for individuals in the UK. Securing better protections for children so that they are safer online is one of the core objectives of the Act. The Act is clear that the duties imposed on regulated services seek to secure (among other things) that regulated services are safe by design, and designed and operated in a way that a higher standard of protection is provided for children than for adults.²
- 2.8 The Act places “duties of care” on providers of regulated U2U services likely to be accessed by children; and providers of regulated search services likely to be accessed by children in relation to, among other things, “content that is harmful to children”.³
- 2.9 The Act gives services a range of duties in relation to the protection of children, which we discuss in turn below. These duties, in essence, set out requirements for services likely to be accessed by children to assess and manage risks of harm arising from content that is harmful to children.
- 2.10 This chapter is intended to provide a high-level overview as context for consultation proposals. As such, it does not contain a comprehensive account of what services must do to comply with the children’s safety duties in the Act (or the content of the relevant provisions in the Act). Further detail about what services must do to comply with the children’s safety duties in the Act can be found across this consultation and in Annex 13 (Legal Framework).

² Section 1 of the Act. This is also reflected in the duties imposed on Ofcom under the Act, including the duty on Ofcom to have regard when performing our online safety functions to the need for a higher level of protection for children than for adults (s3(4A)(b)).

³ Defined under section 60 of the Act.

Services likely to be accessed by children

- 2.11 The Act places a duty on all providers of regulated U2U and search services to carry out children's access assessments.⁴ Each provider will need to consider if its service(s) fall within the scope of the Act, and carry out a children's access assessment for each service that is subject to regulation. The purpose of the children's access assessment is to determine whether a service, or a part of a service is to be treated as "likely to be accessed by children".⁵ Services which are to be treated as "likely to be accessed by children" must then comply with the children's risk assessment duties and the children's safety duties.⁶
- 2.12 In order to determine whether a service is to be treated as "likely to be accessed by children", the Act requires service providers to consider first whether it is possible for children to access the service, or a part of the service, and second, whether the 'child user condition' is met in relation to a service or a part of it.⁷
- 2.13 In determining whether it is possible for children to access the service, or a part of the service, a provider is only entitled to conclude that it is not possible, if age assurance is used on the service with the result that children are not normally able to access the service or that part of it.⁸
- 2.14 The 'child user condition' will be met if:
- there is a significant number of children who are users of the service, or that part of it, or
 - the service, or that part of it, is of a kind likely to attract a significant number of users who are children.⁹
- 2.15 There are two other cases in which a service will be considered to be "likely to be accessed by children". This will occur:
- where a service provider fails to carry out the first children's access assessment.¹⁰ In this case a service will be treated as likely to be accessed by children from the date by which the first children's access assessment should have been completed.¹¹
 - following an investigation into a failure to comply with any of the children's access assessment duties, Ofcom determines that a service should be treated as "likely to be accessed by children".¹² In that case, the service will be treated as 'likely to be accessed children' from the date of, or specified in, the confirmation decision given to the service provider.¹³

⁴ Section 36(1) of the Act.

⁵ Sections 37(2) and (3) of the Act.

⁶ Sections 7(4) and 24(4) of the Act. See also sections 20(4), 21(5), 31(4) and 32(5) which set out the reporting and complaints duties that apply to services likely to be accessed by children.

⁷ Sections 35(1)(a) and (b) of the Act.

⁸ Section 35(2) of the Act.

⁹ Section 36(3) of the Act.

¹⁰ Section 37(4) of the Act.

¹¹ Section 37(5)(a) of the Act.

¹² Section 37(6) of the Act.

¹³ Section 37(7) of the Act.

2.16 Ofcom is required to produce guidance for providers of regulated U2U and search services to assist them in complying with their duties in relation to children’s access assessments.¹⁴

The definition of content that is harmful to children

2.17 For the purposes of compliance with the children’s safety duties, “content that is harmful to children” is content that is legal but is nevertheless harmful. Content which is illegal is the subject of separate illegal content duties. We have consulted on proposals for protecting people (including children) from illegal harms online in our 2023 consultation *Protecting people from illegal harms online* (‘Illegal Harms Consultation’).¹⁵

2.18 The Act specifies that there are three kinds of “content that is harmful to children”:

- primary priority content that is harmful to children (‘Primary Priority Content’)
- priority content that is harmful to children (‘Priority Content’)
- non-designated content that is harmful to children (‘Non-designated Content’)¹⁶

2.19 The Act sets out a list of the kinds of content that are to be regarded as Primary Priority Content and Priority Content. The specific kinds of content listed in the Act has been decided by Parliament. It is not a matter over which Ofcom has any discretion. Section 219 of the Act gives the Secretary of State the power to amend the list by way of secondary legislation.¹⁷

2.20 Each of these kinds of content that is harmful to children is explained in further detail below.

2.21 Ofcom is required to produce guidance for services which contains examples of content or kinds of content that Ofcom consider to be, or consider not to be, Primary Priority Content and Priority Content.¹⁸

2.22 The Act specifies that a provider must make a judgement about whether content is “content that is harmful to children”, or one of the specific kinds of it, on the basis of all information that is reasonably available to it taking into account the size and capacity of the provider and whether the judgement is made by human moderators, automated systems or processes or a combination of the two.¹⁹

Primary priority content that is harmful to children

2.23 The following kinds of content are Primary Priority Content:

- a) Pornographic content.²⁰
- b) Content which encourages, promotes or provides instructions for:
 - i) suicide;
 - ii) self-harm; or
 - iii) an eating disorder or behaviours associated with an eating disorder.²¹

¹⁴ Section 52(3)(b) of the Act.

¹⁵ Ofcom, 9 November 2023. [Protecting people from illegal harms online](#)

¹⁶ Sections 60(2) and 60(4) of the Act.

¹⁷ The Secretary of State’s ability to add to the list is limited by the provisions in sections 219(2)-(4) of the Act.

¹⁸ Section 53(1) of the Act.

¹⁹ Section 192 of the Act.

²⁰ Content which consists only of text or text accompanied by one of more of the following: identifying content consisting only of text, identifying content which is not pornographic, a GIF which is not pornographic, or an emoji or other symbol is not considered “pornographic content” for the purposes of the definition of PPC. See section 61(6) of the Act.

²¹ Section 61 of the Act.

Priority content that is harmful to children

2.24 The following kinds of content are Priority Content:

- a) content that is abusive on the basis of race,²² religion,²³ sex, sexual orientation, disability²⁴ or gender reassignment;²⁵
- b) content that incites hatred against people on the basis of race, religion, sex, sexual orientation, disability or gender reassignment;
- c) content that encourages, promotes or provides instructions for serious violence against a person;
- d) bullying content;²⁶
- e) content which depicts serious violence against or graphicly depicts serious injury to a person or animal (whether real or fictional);
- f) content that encourages, promotes or provides instructions for stunts and challenges that are highly likely to result in serious injury; and
- g) content that encourages the self-administration of harmful substances.²⁷

Non-designated content that is harmful to children

2.25 Provided that content is not Primary Priority Content or Priority Content, it may be Non-Designated Content if it is of a kind which presents a material risk of significant harm to an appreciable number of children in the United Kingdom provided that the risk of harm does not flow from any of the following:

- a) the content's potential financial impact,
- b) the safety or quality of goods featured in the content, or
- c) the way in which a service featured in the content may be performed (for example, in the case of the performance of a service by a person not qualified to perform it).

Children's risk assessments

2.26 Services likely to be accessed by children are required to complete a suitable and sufficient children's risk assessment to assess the risk to children on the service, taking into account any measures that services already have in place to protect children.²⁸

2.27 A children's risk assessment must:

2.28 Separately assess the risk of children encountering each kind of harmful content as set out above;

2.29 Take into account Ofcom's Children's Risk Profiles which set out relevant risk factors for online services;

²² The Act specifies that "race" includes colour, nationality, and ethnic or national origins. See section 62(10)(b).

²³ The Act specifies that references to religion include references to a lack of religion. See section 62(10)(c).

²⁴ The Act defines "disability" as any physical or mental impairment. See section 62(10)(a).

²⁵ The Act specifies that a person has the characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex. See section 62(11).

²⁶ The Act specifies that "bullying content" includes, but is not limited to, content targeted against a person which conveys a serious threat, is humiliating or degrading; forms part of a campaign of mistreatment. See section 62(12).

²⁷ Section 62 of the Act.

²⁸ Sections 11(3) (U2U services) and 28(2) (search services) of the Act.

- 2.30 Assess the level of risk of harm to children and how that is affected by characteristics of a service and how it is used, including: user base, functionalities, algorithmic systems, and the business model;
- 2.31 Assess any other relevant aspects of the design and operation of a service including: governance, use of proactive technology, measures to promote users’ media literacy, and other systems and processes; and
- 2.32 Give separate consideration to children in different age groups.
- 2.33 Services must keep a record of each children’s risk assessment.²⁹ In addition, Category 1 services must publish a summary of their risk assessments in their Terms of Service and Category 2a services must also publish a summary of their risk assessments in a publicly available statement.³⁰ Both Category 1 and Category 2a services must provide Ofcom with copies of their risk assessments as soon as is reasonably practicable.³¹ Where services identify the presence of non-designated content that is harmful to children, they are required to notify Ofcom of the kinds of content identified and the incidence of it.

The safety duties protecting children

- 2.34 The Act imposes a number of safety duties requiring services likely to be accessed by children to manage and mitigate risks of harm from content that is harmful to children.
- 2.35 A service’s duties will differ depending on whether it is a user-to-user service or a search service. The duties are summarised in **Table 2.1** below.

Table 2.1: The safety duties protecting children

Duty	Regulated services likely to be accessed by children	
	user-to-user	search
	Take or use proportionate measures relating to the design or operation of the service to:	
Manage risks identified in risk assessment	Effectively mitigate and manage the risks of harm to children in different age groups, as identified in the most recent children’s risk assessment.	
Mitigate the impact of harm	Mitigate the impact of harm to children in different age groups presented by content that is harmful to children (Primary Priority Content, Priority Content and Non-designated Content)	
	Operate the service using proportionate systems and processes designed to:	

²⁹ Sections 23(2) (U2U services) and 34(2) (search services) of the Act.

³⁰ Sections 12(14) (U2U services) and 29(9) (search services) of the Act.

³¹ Sections 23(10) (U2U services) and 34(9) (search services) of the Act.

Regulated services likely to be accessed by children		
PPC	Prevent children of any age from encountering Primary Priority Content This requires the use of highly effective age assurance unless the terms of service prohibit the relevant form of Primary Priority Content on the service for all users.	Minimise the risk of children encountering search content that is Primary Priority Content.
PC	Protect children in age groups judged to be at risk of harm (in the risk assessment) from encountering Priority Content.	Minimise the risk of children encountering search content that is Priority Content.
NDC	Protect children in age groups judged to be at risk of harm (in the risk assessment) from encountering Non-designated Content.	Minimise the risk of children encountering search content that is Non-designated Content.
	Clear and accessible terms of service:	Clear and accessible publicly available statement:
Terms of service/publicly accessible statement	Specifying how children are to be prevented from encountering Primary Priority Content and protected from encountering Priority Content and Non-designated Content. The relevant provisions of the terms of service must be applied consistently.	Specifying how the risk of children encountering Primary Priority Content, Priority Content or Non-designated Content will be minimised.
Terms of service/publicly accessible statement	Explaining the operation of any measure used to prevent children under a certain age accessing all or part of the service. The relevant provisions of the terms of service must be applied consistently.	
Terms of service/publicly accessible statement	Giving information about any proactive technology used.	

- 2.36 The Act contains a number of cross-cutting duties, such as those for content reporting³² and complaints procedures.³³ In this consultation, we refer to the safety duties protecting children, to include the reporting and complaints duties, as the ‘children’s safety duties’.
- 2.37 In addition, there are further cross cutting duties that apply to U2U and search services which are those concerning the rights to freedom of expression and privacy,³⁴ along with duties about record-keeping and review.³⁵ The duties concerning freedom of expression and privacy mean that services must have particular regard to the importance of these rights when putting safety measures and policies in place. Services must also keep written records of risk assessments and measures that are used, whether they are set out in a code of practice or if the service decides to use an alternative measure to comply with their duties.

Human rights

- 2.38 As a public authority, Ofcom must act in accordance with its public law duties to act lawfully, rationally and fairly, and it is unlawful for Ofcom to act in a way which is incompatible with the European Convention of Human Rights (‘ECHR’) (section 6 of the Human Rights Act 1998).
- 2.39 Of particular relevance to Ofcom’s functions under the Act are the right to freedom of expression (Article 10 ECHR) and the right to privacy (Article 8 ECHR).
- 2.40 The right to freedom of expression includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authority. Article 10(2) of the ECHR states that this right may be restricted in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
- 2.41 Decisions at both a domestic level and before the European Court of Human Rights make clear the scope for restrictions on freedom of expression is likely to be especially limited in two overlapping fields, namely political speech and on matters of public interest. Accordingly, a high level of protection of freedom of expression will normally be accorded to these types of speech, with the authorities having a particularly narrow margin of appreciation. Intellectual and educational speech and artistic speech and expression are also considered deserving of protection under Article 10, while “mere abuse” (i.e. gratuitously offensive speech that does not contribute to public debate) attracts the lowest level of protection. Hate speech is afforded no protection under Article 10.
- 2.42 Article 8(1) of the ECHR states that everyone has the right to respect for his private and family life, his home and his correspondence. Article 8(2) sets out limited qualifications, stating that public authorities must not interfere with the exercise of this right unless necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

³² Section 20 (U2U) and section 31 (search) of the Act.

³³ Section 21 (U2U) and section 32 (search) of the Act.

³⁴ Section 22 (U2U) and section 33 (search) of the Act.

³⁵ Section 23 (U2U) and section 34 (search) of the Act.

- 2.43 Other ECHR rights which may also be relevant to Ofcom’s functions under the Act are the right to freedom of thought, conscience and religion (Article 9 ECHR) and the right to freedom of assembly and association (Article 11 ECHR).
- 2.44 The need for any restriction of these rights must be construed strictly and established convincingly. Any interference must be prescribed by law; pursue a legitimate aim (as set out in Articles 8(2), 9(2), 10(2) and 11(2)); and be necessary in a democratic society – in other words, it must be proportionate to the legitimate aim pursued and corresponding to a pressing social need.
- 2.45 In passing the Act, Parliament has set out in legislation the interferences prescribed by law and which it has judged to be necessary in our democratic society. Of particular relevance to the duties and functions covered by this consultation, these relate to the protection of children from harm they may experience on regulated services, particularly from exposure to content that is harmful to children. The relevant legitimate aims that Ofcom may act in pursuit of in the context of our functions under the Act relating to protection of children include the prevention of crime and disorder, public safety and the protection of health or morals, and the protection of the rights and freedoms of others.
- 2.46 In formulating our proposals in this consultation, where we have identified the potential for interference with ECHR rights, we have carried out a careful analysis of the relevant criteria under which such an interference may be justified as proportionate. In considering whether impacts on ECHR rights are proportionate, our starting point is to recognise that Parliament has determined that regulated services must take proportionate measures to fulfil their duties to protect children from content that is harmful to them. Such measures will necessarily have an impact on the experiences of children and adults who are using these services, in particular by significantly limiting children’s exposure to such content (and in some cases, seeking to prevent such exposure altogether), and by introducing some friction for adult users in how they access and use regulated services or content that is harmful to children on those services. In doing so, this could impact their rights to freedom of expression, and in some cases, their rights to freedom of religion or belief and freedom of association. This will also have an impact on services’ rights to freedom of expression, in particular as to how they impart information. They will also, to some extent, have impacts on children’s and adults’ rights to privacy, insofar as they would require their personal data to be processed for the measures to work properly. To the extent that such interferences can be seen as a direct result of the duties imposed on services, and Ofcom, by Parliament, and are required to achieve the legitimate objective of securing adequate protections for children from harm, we consider that a substantial public interest exists in these outcomes.
- 2.47 However, in line with our obligations under the Human Rights Act, we also seek to secure that any such interference with adults’ and children’s rights to freedom of expression and privacy, or other relevant rights, is proportionate to the legitimate objectives pursued, and where appropriate we explain why the relevant restriction is justified, and have sought to build in appropriate safeguards to protect those rights in our codes measures where appropriate. In doing so, among other things, we have carefully considered whether other, less intrusive measures are available that might adequately mitigate the harms faced by children on regulated services.³⁶

³⁶ This reflects the third limb of what is often referred to as the ‘*Bank Mellat* test’, as set out by Lord Reed JSC in *Bank Mellat v HM Treasury (No 2)* [2013] UKSC 39; [2014] AC 700.

- 2.48 Overall, we have sought to strike a fair balance between securing adequate protections for children from harm (and their rights in respect of this) and the ECHR rights of users (both children and adults), other interested persons (including for example, persons who host websites and who may be featured in content on regulated services or whose content might be on those services regardless of whether or not they may be service users) and services, as relevant.³⁷ In other words, we are concerned to ensure that the degree of interference with ECHR rights is outweighed by the benefits secured in terms of protecting children from harm. In seeking to achieve this fair balance, we consider that the Act and the protection it gives to individuals against harms of various kinds (including in particular the duties aimed at protecting children from harm which are the key focus of this consultation, as well as the duties which apply to illegal content and activity) reflect the decision of the UK Parliament that UK users, and UK child users in particular, should be proportionately protected from all the harms concerned. In doing so, Parliament has enshrined in UK law the rights of UK users – including their human rights – to be protected from those harms. In weighing up whether the measures we are proposing are proportionate, we start from the position that UK users should be protected from the harms set out in the Act and place weight on all the specific evidence of harm set out in our consultation.
- 2.49 We note that the UK has ratified the United Nations Convention on the Rights of the Child ('UNCRC')³⁸ and the UK Government is required to make law that gives effect to it. Among other things, the UNCRC requires that the best interests of the child should be a primary consideration in all actions concerning children, including those taken by public authorities such as Ofcom.³⁹ Similarly, General comment No. 25 (2021) on children's rights in relation to the digital environment⁴⁰ explains that States parties should ensure that, in all actions regarding the regulation, design, management and use of the digital environment, the best interests of the child is a primary consideration. General comment No.25 also explains that in considering children's best interests, regard should be had to all children's rights, including their rights to seek, receive and impart information, to be protected from harm and to have their views being given due weight, and ensure transparency in the assessment of their best interests. The UK Parliament has made clear in debates during the legislative process that the spirit of the UNCRC is reflected in the Act, highlighting that the definition of 'child' as anyone under 18 aligns with that in the UNCRC and children's rights feature in the safety objectives, with a higher standard of protection against harm required for children than for adults.⁴¹ As the wording of the UNCRC is not directly incorporated into the Act, rather than making direct reference to the UNCRC (or General comment No. 25), we consider and reference the relevant statutory duties in the Act and impacts on ECHR rights, in line with the applicable requirements under UK domestic law, which encompasses and reflects relevant aspects of the UNCRC. In this way, our approach also encompasses, and is consistent with, relevant aspects of the UNCRC and General Comment 25, including in giving particular weight to the importance of the best interests of children in deciding on our proposals.

³⁷ This reflects the fourth limb of the '*Bank Mellat* test'.

³⁸ [United Nation Convention on the Rights of the Child, adopted 20 November 1989 by General Assembly resolution 44/25.](#)

³⁹ See Article 3 of the UNCRC.

⁴⁰ [General comment No. 25 of the UN Committee on the Rights of the Child](#), published 2 March 2021

⁴¹ [Hansard, House of Lords, 2 May 2023, Column 1463](#) [accessed 22 April 2024].

2.50 We address the relevant rights impacts on users, services and other persons in each of the sections of the consultation in relation to each of the measures proposed.

Equality legislation and Welsh language

Equality

- 2.51 Section 149 of the Equality Act 2010 ('the 2010 Act') imposes a duty on Ofcom, when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The 2010 Act also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share specified protected characteristics and persons who do not.
- 2.52 Section 75 of the Northern Ireland Act 1998 ('the 1998 Act') also imposes a duty on Ofcom, when carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and have regard to the desirability of promoting good relations across a range of categories outlined in the 1998 Act. Ofcom's Revised Northern Ireland Equality Scheme explains how we comply with our statutory duties under the 1998 Act.⁴²
- 2.53 To help us comply with our duties under the 2010 Act and the 1998 Act, we assess the impact of our proposals on persons sharing protected characteristics and in particular whether they may discriminate against such persons or impact on equality of opportunity or good relations.
- 2.54 When thinking about equality we think more broadly than persons that share protected characteristics identified in equalities legislation and think about potential impacts on various groups of persons (see paragraph 4.7 of our impact assessment guidance⁴³).
- 2.55 In particular, section 3(4) of the CA 2023 also requires us to have regard to the needs and interests of specific groups of persons when performing our duties, as appear to us to be relevant in the circumstances. These include:
- the vulnerability of children and of others whose circumstances appear to us to put them in need of special protection;
 - the needs of persons with disabilities, older persons and persons on low incomes; and
 - the different interests of persons in the different parts of the UK, of the different ethnic communities within the UK and of persons living in rural and in urban areas.
- 2.56 We examine the potential impact our policy is likely to have on people, depending on their personal circumstances. This also assists us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers.

⁴² Ofcom, 2014. [Revised Northern Ireland Equality Scheme for Ofcom](#)

⁴³ Ofcom, 2023. [Impact assessment guidance](#)

Welsh language

- 2.57 The Welsh Language (Wales) Measure 2011 made the Welsh language an officially recognised language in Wales. This legislation also led to the establishment of the office of the Welsh Language Commissioner who regulates and monitors our work. Ofcom is required to take Welsh language considerations into account when formulating, reviewing or revising policies which are relevant to Wales (including proposals which are not targeted at Wales specifically but are of interest across the UK).⁴⁴
- 2.58 Where the Welsh Language Standards are engaged, we consider the potential impact of a policy proposal on (i) opportunities for persons to use the Welsh language; and (ii) treating the Welsh language no less favourably than the English language. We also consider how a proposal could be formulated so as to have, or increase, a positive impact, or not to have adverse effects or to decrease any adverse effects.

⁴⁴ See Standards 84-89 of [Hysbysiad cydymffurfio](#) (in Welsh) and [compliance notice](#) (in English). Section 7 of the Welsh Language Commissioner's [Good Practice Advice Document](#) provides further advice and information on how bodies must comply with the Welsh Language Standards.

3. Our approach to the protection of children duties

Securing a higher level of protection for children than adults online is a priority under the Act and underpins our proposals across the [Illegal Harms Consultation](#), the [Part 5 Consultation](#), and this consultation.

Our evidence – including our research with children – shows that the design of online services can increase the potential for harm, exposing children to a wide range of risks online. As required by the Act, our proposals require services to understand the risk they pose to children and our draft Children’s Safety Codes seek to address these risks by recommending clear and detailed measures that services can adopt to keep children safe.

The Act requires us to ensure our proposals are proportionate. In considering proportionality, harm to children is our first consideration. The greater the risk of harm a service poses to children, the more extensive our proposed steps are to address that risk. We must also take account of the size and capabilities of the wide range of services in scope of these duties. We therefore have considered the impact that these safety measures could have on competition and innovation, and the potential for this to reduce the benefits of online life for all users, including children. This means we prioritise costly measures for smaller services where there is clear risk of harm and where we have evidence that the measures proposed will make a material difference in dealing with those risks. In some areas we also propose that large and well-resourced businesses take additional steps to protect children. We are clear that services need to offer children safer experiences and should not offer services to UK children if they cannot afford to do so.

Some of the proposed measures will have an impact on the rights of both children and adults – including freedom of expression, freedom of religion or belief, and freedom of association and privacy. We have carefully considered these impacts and sought to take the least intrusive route to securing the Act’s objectives.

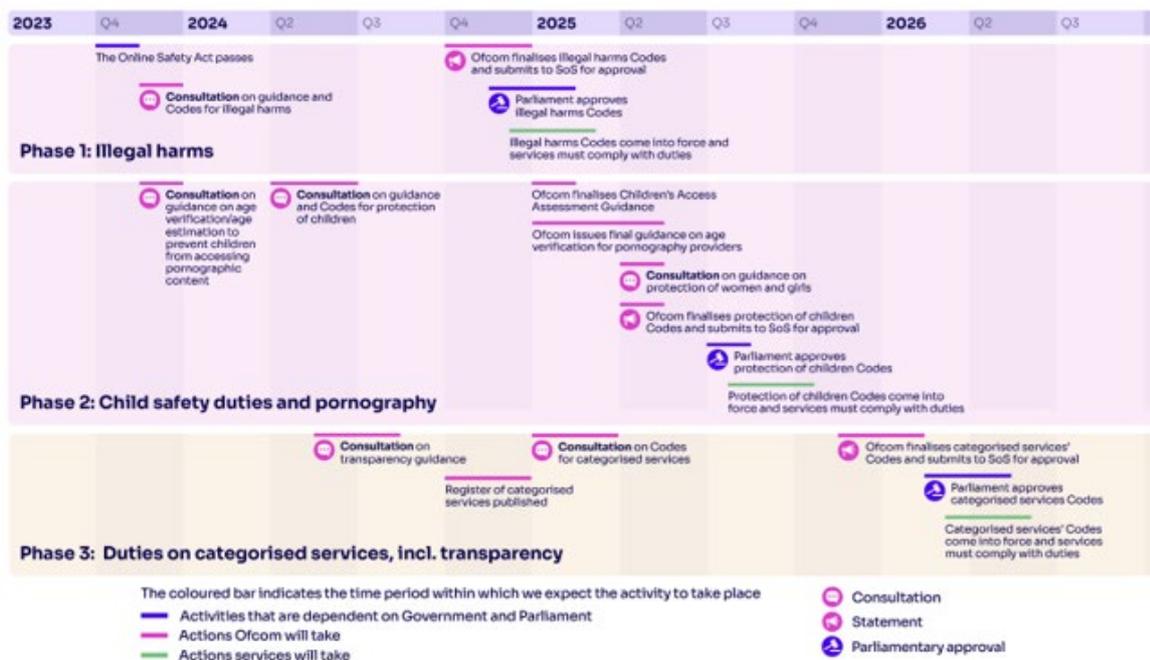
We believe our proposed measures will drive improved governance of safety risks, safer design, and more choice and support for children. We expect these measures to make a big difference to children’s online experiences. These proposals form part of a wider programme of work to protect children, which we describe below.

Introduction

- 3.1 Securing a higher level of protection online for children than adults is one of the objectives of the Act. This objective runs through the policies we have proposed in prior consultations. In our [Illegal Harms Consultation](#), we set out proposals to protect children from illegal content and activity, including contact harms like grooming, as well child sexual exploitation and abuse (CSEA). In our [Part 5 Consultation](#), we proposed how online providers of pornographic content should prevent children from accessing pornographic content.
- 3.2 This consultation focuses on protecting children from content and activity that is legal, but harmful to them, as defined by the Act. It is part of the second phase of our work as shown

in Figure 3.1 below.⁴⁵ Building on our previous publications, this consultation addresses the harms that stem from the content, conduct, and contact that children experience online.⁴⁶

Figure 3.1. Roadmap of Online Safety Act implementation



- 3.3 To ensure a coherent online safety regime and to help services understand their responsibilities, this consultation follows, as far as possible, a consistent approach with the Illegal Harms Consultation and Part 5 Consultation. We are currently carefully considering and analysing the responses received to these consultations.
- 3.4 Some of the feedback we have received on our previous proposals may also be relevant to the approach currently proposed in this consultation. Where that is the case, we will take into account the feedback on our regulatory approach in the round to ensure that our approach remains consistent across our consultations. For example, several respondents to the Illegal Harms Consultation expressed concern that under the Act services which follow our Codes of Practice will be deemed compliant with the relevant safety duties even if there are risks in their risk assessment which are not fully addressed by Ofcom's proposed measures. We are considering this issue carefully and will provide a detailed response covering both the Illegal Harms and Protection of Children proposals following this consultation.
- 3.5 These proposals comprise one strand of a wider programme of work on protection of children:
- We continue to regulate UK-established video-sharing platforms, including services used by many children such as TikTok and Twitch. This has delivered

⁴⁵ See [Ofcom's approach to implementing the Online Safety Act](#) for the complete roadmap.

⁴⁶ See [How people are harmed online: Testing a model from a user perspective](#) for our research on these issues. The Act focuses on content, contact and conduct harms (for example in its definition of 'content that is harmful to children' in sections 60-62). Contract harms (for example, the financial impact that might be caused by children buying loot boxes) are not in scope (section 60(3)) and therefore are not covered by the proposals in this consultation.

concrete change already, securing improvements in areas such as clear and comprehensive terms of service, effective and easy-to-use user reporting, and flagging and complaints functionalities. Six of the nine notified adult VSPs now use age assurance to ensure children cannot access pornography on their services.⁴⁷

- We have published our three-year media literacy strategy⁴⁸, setting out our commitment to work with industry to embed media literacy by design and support users to promote online safety, with a particular focus on tackling violence against women and girls.
- We will publish further proposals regarding the use of automated content moderation tools, including those using AI, by the end of this year.
- We will publish draft guidance for the protection of women and girls in early 2025.
- We will publish our statements on Illegal Harms and Part 5 duties at the end of the year and bring the relevant Codes into force subject to Parliamentary approval.⁴⁹
- We will take forward further work on age assurance and app stores, with a view to publishing additional reports on these topics in 2026.
- We are already starting supervision of the largest and riskiest services, including those with the greatest impact on children, to assess their existing safety measures and prepare them for compliance – while building an understanding of the wider harms landscape by using our information gathering powers.
- We will develop the transparency regime for categorised services, including publishing draft guidance for consultation this summer, and will continue work on the other duties on categorised services once the Secretary of State has confirmed the thresholds for categorisation.

3.6 It is central to our work to seek the views and perspectives of children, families, and other stakeholders, including industry, academics, expert bodies, and children’s safety campaigners, as well as other UK regulators and international partners.

3.7 Our draft guidance and Codes of Practice have been informed by the experiences of children online. In developing these proposals, we have drawn extensively on our own research and that of others. Our analysis is based on evidence we have gathered over the past three years and considers a variety of sources to ensure our policy recommendations are informed by children’s views and experiences, alongside those of parents, carers, practitioners, and other experts that work with or support children.

3.8 In the past year, Ofcom’s research programme (including our long-standing Media Literacy research) has explored children’s online experiences in a variety of ways including surveys, in-depth interviews, online groups, and workshops in schools.⁵⁰ Using reliable, safe, and ethical approaches we have heard from over 15,000 children and 7,200 parents. We draw from this as well as evidence provided by services, academic literature, third-party research, and civil society to inform our analysis of risks to children online.

⁴⁷ See [Ofcom VSP Strategy Report](#)

⁴⁸ Ofcom, 2024. [Consultation: Ofcom’s three-year media literacy strategy](#)

⁴⁹ At the same time that we publish our final statements, we will submit the relevant codes of practice to the Secretary of State, who may set out further requirements (directions) for Ofcom where there are exceptional reasons relating to public health, national security, public safety, or relations with a government outside the UK. Otherwise, the Codes will be laid in Parliament. Unless Parliament resolves not to approve the Codes within 40 days, we will issue final codes of practice and they will come into force 21 days later. At this time the relevant duties become enforceable.

⁵⁰ Ofcom [Media Literacy Research](#)

3.9 Looking ahead, we have launched a deliberative engagement programme with children and are developing child-friendly materials to use in workshops to ensure children’s views on our proposals are captured. We have already completed a similar exercise to gather children’s views on the Illegal Harms measures designed to protect them from online grooming. This is an important part of ensuring that we are proposing robust measures that have a meaningful impact on children’s experiences online. We are building an online research panel and continuous measurement tools to ensure children’s voices remain at the heart of our policymaking and will continue to work with civil society organisations and expert bodies to ensure we capture their insight into children’s lives and experiences.

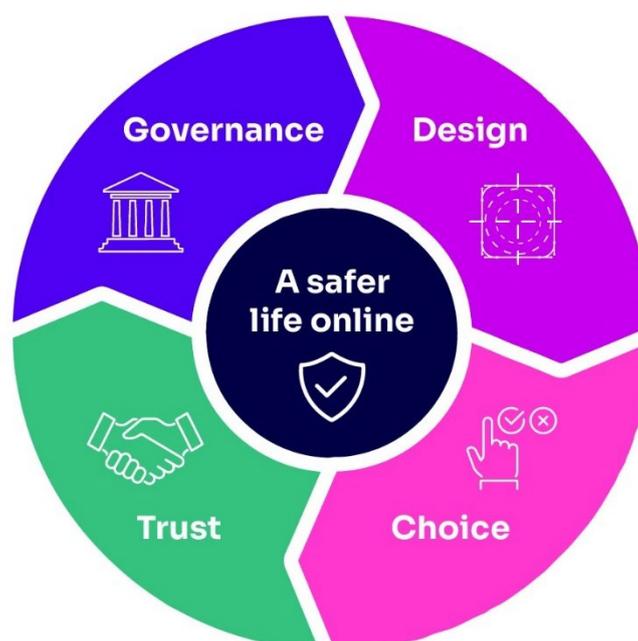
We expect children to benefit from better governance, safer design, and greater choice and support

3.10 The Act expects services in scope of the protection of children duties to be **safe by design**: that is, to have considered the risks to children at all stages of the service’s design and operation, and to have put in place effective mitigation of those risks.

3.11 Overall, we expect implementation of the Act will ensure people in the UK are safer online by delivering four outcomes as illustrated in Figure 3.2 below:

- stronger safety **governance** in online service providers based on clear understanding of risks;
- online services **designed** and operated with safety in mind;
- increased **choice** for users so they can have meaningful control over their online experiences; and
- greater **transparency** regarding the safety measures services use, and the action Ofcom is taking to improve them, to build **trust**.

Figure 3.2: A safer life online for people in the UK



3.12 Our proposed Risk Assessment Guidance and Codes of Practice aim to ensure that services take proportionate steps, based on the risks they face, to:

- **manage risk effectively**, informed by a good understanding of their service and user base, and aided by effective **governance**, accountability, and senior oversight. Specific proposals include a named person accountable for compliance; an annual senior body review of children’s safety risk management; new risk assessments before making any major changes to their service, and when Ofcom makes significant changes to the Children’s Risk Profiles; and an employee Code of Conduct for protection of children. These proposals represent a step change in accountability for services to their users and drive changes that ensure children have safer experiences online.
- safely **design** and **operate** their services using systems and processes that protect children, including:
 - robust age checks to ensure that services that pose risk to children, know which of their users are children;
 - safer algorithms, which filter out content identified as potentially harmful from children’s feeds; and
 - effective content moderation to ensure swift action is taken on content and activity harmful to children, and ‘safe search’ settings to filter out harmful content from search results for users believed to be children.
- give children **choice** and **support** over their online experience, including clear and accessible information for children and carers, easy-to-use reporting and complaints processes, and tools and support for children.

3.13 We will also aim to hold services to account, by using transparency over time to shine a light on safety matters – including those that relate to children’s safety. By highlighting good and poor practices, we’ll aim to use increased transparency to drive greater **trust**.

3.14 When taken together and applied effectively, we consider our proposed measures will secure the outcome that children are better protected from harm online and enjoy a higher standard of protection than adults – see Figure 3.3 below.

Figure 3.3: Our aims for child users



Our measures must be proportionate

- 3.15 The Act is clear that it is service providers' responsibility to assess the risks their services pose and take appropriate and proportionate steps to mitigate these risks.⁵¹ In developing Codes of Practice, we must ensure that the steps and measures we set out are compatible with the online safety objectives set out in the Act, which includes that services should be designed and operated in a way that provides a higher standard of protection for children than adults. The Act also specifies that we have regard to principles of proportionality in developing Codes, specifically that: (i) the measures must be proportionate and technically feasible for providers of the kinds, capacity, and sizes for which they are recommended; and (ii) the measures must be proportionate to Ofcom's assessment of the risk of harm presented by services of that kind or size.⁵²
- 3.16 The Act specifies that services that choose to implement the measures we recommend in Ofcom's Children's Safety Codes will be treated as complying with the relevant children's safety as well as their reporting and complaints duties.⁵³ This means that Ofcom will not take enforcement action against them for breach of that duty if those measures have been implemented. This is sometimes described as a 'safe harbour'. However, the Act does not require that service providers adopt the measures set out in the Children's Safety Codes, and

⁵¹ Sections 11 and 28 of the Act, which set out the children's risk assessment duties, and sections 12 and 29 of the Act, which set out the children's safety duties.

⁵² Schedule 4 (2) to the Act.

⁵³ Section 49(1) of the Act.

service providers may choose to comply with their duties in an alternative way that is proportionate to their circumstances.⁵⁴

- 3.17 In assessing the proportionality of Codes measures, the primary consideration is the extent to which they can reduce risks of harm to children, taking into account both the scale and severity of harm (i.e. the number of children affected and the impact on them). This has allowed us to identify which measures are most effective at protecting children and to target those measures towards services where children face the greatest risks. Cost is not a sufficient reason for providers not to take measures: if services represent a great risk of harm to children, they cannot decline to take steps to reduce that risk on the grounds that they have limited resources. We are clear that services need to offer children safer experiences and should not offer services to UK children if they cannot afford to do so.
- 3.18 But the Act is equally clear that we must take account of the size and capabilities of the wide range of services in scope of the protection of children duties. These vary enormously and therefore we have not taken a one-size-fits-all approach. Measures that are appropriate and proportionate for the biggest and riskiest services may not be achievable for smaller and less risky firms, and when applied broadly they could lead smaller services to withdraw from the UK or reduce investment. Where this hampers competition and innovation, this can reduce the benefits of online life for all users, including children.
- 3.19 For this reason, we have proposed different measures according to the level of risk posed by services, their size and resources. We propose that all services accessed by children – regardless of their size or risk – implement a core set of measures to protect children online. We propose additional measures for services that pose a greater risk of harm to children, recommending costly measures for smaller services only where there is clear risk of harm and where we have evidence that the measures proposed will make a material difference in dealing with this risk. Larger and better-resourced services that pose the most material risks to many children will be expected to go even further.
- 3.20 Given the wide range of services in scope, with different features, functionalities, size and capacity, many of our measures are designed with flexibility in mind. Smaller services with more limited risks have more flexibility to pursue cost-effective approaches, while riskier services will be expected to adopt more comprehensive and costly solutions.⁵⁵

We have carefully considered the impacts on children’s and adults’ rights

- 3.21 We acknowledge that the measures proposed in our Children’s Safety Codes will necessarily have an impact on the experiences of children and adults, by preventing or significantly limiting children’s exposure to harmful content and by introducing some friction for adult users in how they access regulated services or access content that is harmful to children. The measures could impact children’s and adults’ rights to freedom of expression, and in some cases, their rights to freedom of religion or belief and freedom of association. They will also,

⁵⁴ If service providers choose to comply with their children’s safety and reporting and complaints duties in another way, the Act provides that, they must have regard to the importance of protecting users’ right to freedom of expression within the law, and to the importance of protecting users from breaches of relevant privacy laws: see section 49(5). Where providers do take alternative measures, they must keep a record of what they have done and explain how they think the relevant safety duties have been met.

⁵⁵ See Ofcom [blog](#).

to some extent, have impacts on children’s and adults’ rights to privacy, since in some cases the measures’ effective implementation will require their personal data to be processed or impact their private online communications. In addition, there will be an impact on services’ rights to freedom of expression, particularly how they impart information to their users. We also recognise that our measures could help to protect children’s rights as well.⁵⁶

- 3.22 In accordance with our obligations under the Human Rights Act 1998, Ofcom must consider the impacts that our proposals for regulation could have on human rights set out in the European Convention on Human Rights and ensure that they are compatible with these rights. Therefore, we have sought to secure that any such interference with adults’ and children’s relevant rights is proportionate to the legitimate objective of the Act, which is to protect children from content and activity that is harmful to them. In doing so, we have carefully considered whether other, less intrusive measures are available that might adequately mitigate the harms faced by children on regulated services and have proposed measures that are likely to be the least restrictive way of ensuring compliance with the duties set out in the Act.
- 3.23 Our approach is consistent with the principles of the United Nations Convention on the Rights of the Child (‘UNCRC’), and in particular the provision that the best interests of the child should be a primary consideration in all regulatory actions concerning children. This is reflected in the children’s safety duties and the way that the Act requires Ofcom to seek to secure a higher level of protection for children than for adults. The UNCRC is clear that all children’s rights are relevant to this consideration, including their rights to seek, receive, and impart information, as well as to be protected from harm, and that their views should be given due weight in any actions that affect them; again, as explained above, we have reflected this in our regulatory approach and proposals.⁵⁷
- 3.24 We have consulted the ICO on potential data protection issues related to our proposed measures, with a view to ensuring, as far as possible, a consistent approach between our proposals and data protection requirements, and our proposals reflect the ICO’s input on these matters.
- 3.25 We have not, to date, recommended that different measures be applied for different age groups. We consider that many existing age assurance technologies are not yet capable of identifying children in different age groups with sufficient accuracy and robustness for us to recommend their use, and those that do (such as passport matching) may not be widely available to children.

Achieving change

- 3.26 In line with our proposals in relation to enforcement under the Act more generally, our focus in the early regulatory period will be on working with services to help them understand their obligations and any steps that are needed for them to come into compliance. We have established teams to directly supervise around 30 of the largest and riskiest services across social media, search, pornography, messaging, and file-sharing. We have extensive powers to request information from services, and we are already using them. When the

⁵⁶ See Section 2.

⁵⁷ Our assessment of the relationship between the UNCRC and the Act, and our regulatory approach, is set out in more detail in Section 2.

categorisation of services is complete⁵⁸, we will introduce mandatory transparency reporting for categorised services to promote wider public awareness of services' safety measures and their effectiveness.

- 3.27 We are also taking steps to ensure all services in scope understand what they need to do to comply. We have provided information and support to smaller services, which comprise most services in scope. We continue to develop digital tools to help them comply, including support for firms in determining whether the rules apply to their service, responding to requests for information, and understanding enforcement processes.⁵⁹
- We have a wide range of enforcement powers enabling us to hold services to account for failure to meet their duties under the Act. This approach will be considered against the importance of protecting children from significant ongoing harm, and we will not hesitate to take swift action where appropriate against serious or intentional breaches, and where we think it would be most effective to drive compliance, deter future wrongdoing, and protect users from harm.

Next steps

- 3.28 This consultation, together with our Illegal Harms and Part 5 Consultations, proposes comprehensive baseline measures that we expect all in-scope services to consider to keep children safe. We will build on this foundation, adding further measures over time as we gain deeper insights into services and how the regime is protecting children.
- 3.29 We are inviting stakeholder responses to our consultation by 17 July 2024. Once this consultation closes, we will consider and take into account responses, as well as engage with children to hear what they think of our plans. We expect to publish final versions of our draft guidance and the Children's Safety Codes, together with our final statement, in spring 2025.

⁵⁸ See [Ofcom Categorisation advice submitted to Secretary of State](#)

⁵⁹ See [Ofcom Information for Industry](#)