

Consultation: Super-complaints under the Online Safety Act 2023

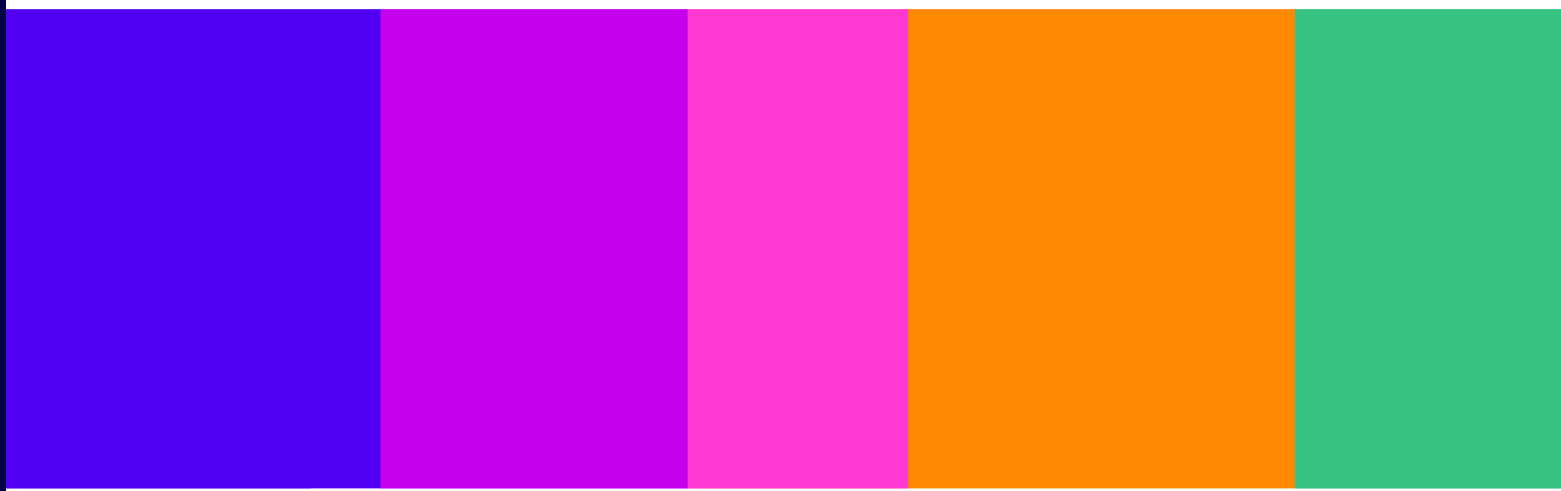
Draft guidance

Consultation

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For more information on this publication, please visit [Consultation: Draft guidance for super-complaints under the Online Safety Act 2023](#)



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1. Overview

- 1.1 Ofcom is the United Kingdom's (UK) communications regulator, overseeing sectors including telecommunications, post, broadcast TV, radio, and online services. We were made the online safety regulator under the Online Safety Act 2023 ('the Act') in October 2023.¹
- 1.2 We have drafted guidance to help eligible organisations make a 'super-complaint' to Ofcom about online safety matters, as required by the Act and relevant secondary legislation.² We are now seeking stakeholders' views on the draft guidance, and will take your views into account before we finalise the guidance in early 2026.
- 1.3 The purpose of the guidance is to make the following as clear as possible, within the terms of the Act:
- What super-complaints are;
 - The role of super-complaints in Ofcom's regulatory approach to online safety;
 - Which organisations are eligible to bring a super-complaint;
 - How organisations can demonstrate their eligibility to make a super-complaint;
 - The rules and procedures for making a super-complaint; and
 - The steps Ofcom will typically take in relation to a super-complaint.
- 1.4 We are consulting on this draft guidance. You can tell us what you think by **3 November 2025**. See Annexes 3-6 for more information about how to respond to our consultation. Once we have reviewed responses to this consultation, we will then publish our final decisions in a Statement together with our final version of the guidance document.

What this document covers

- 1.5 This consultation document provides the background and context that stakeholders should be aware of when reading the draft guidance and responding to the consultation. It covers our approach to:
- the super-complaints guidance;
 - the eligibility criteria;
 - how an organisation makes a super-complaint;
 - how we handle super-complaints;
 - publication of super-complaints and our response; and
 - information we have included in the guidance for regulated services.
- 1.6 In the Annex there is further information on:
- Impact assessments;
 - How to respond to this consultation; and
 - Ofcom's consultation principles.
- as well as the Consultation coversheet.

¹ Online Safety Act 2023.

² The Super-Complaints (Eligibility and Procedural Matters) Regulations 2025.

2. Draft guidance: online safety super-complaints

Ofcom's approach to the super-complaints guidance

- 2.1 The purpose of the super-complaints regime under the Act is to allow organisations that represent the interests of the public, and users of online services, to bring robust evidence and facts to our attention about the most significant online harms and restrictions on free expression arising on regulated online services.
- 2.2 The Act requires Ofcom to produce and publish guidance about the super-complaints process.³ We are consulting on our draft guidance which is published with this consultation. The draft guidance describes our approach to super-complaints, drawing on the relevant legislation. We have sought to provide guidance on how we will interpret terms used in the legislation that are not defined in the legislation itself and make judgements about the eligibility and admissibility of super-complaints in practice.
- 2.3 Super-complaints relate to features of regulated online services, or behaviours of service providers, which are likely to result in significant harm to UK users or members of the public. The Act states that super-complaints should relate to the features of services or the conduct of service providers (or a combination of such features and conduct) that present a material risk of significant harm to, a significant adverse impact on the rights to freedom of expression of, or a significant adverse impact on UK users of these services⁴ or members of the public (or a particular group of such users or members of the public).⁵
- 2.4 Super-complaints should therefore focus on the material risk of significant issues caused by features of sites and apps, or conduct of the organisations that provide them, rather than individual instances of harmful content. Such issues are likely to affect several, many, or possibly all, users of a service or groups of members of the public and have an enduring effect. These issues can arise from how these services are designed, governed, or used/misused, including how services are used together. We explain further in paragraphs 2.38-2.43 how these terms used in the Act might be applied.
- 2.5 We hope super-complaints will support regulation by identifying significant risks to users or the public. The most impactful super-complaints are likely to be those most relevant to our remit and/or the duties placed upon services by the Act.
- 2.6 However, we recognise that organisations may have a range of aims in making a super-complaint. Super-complaints may relate to emerging areas of harm, as well as existing areas

³ Section 171(1) of the Act states: (1) OFCOM must produce guidance about complaints under section 169, which must include guidance about— (a) the criteria specified in regulations under section 169(3), (b) procedural matters relating to such complaints, and (c) any other aspect of such complaints that OFCOM consider it appropriate to include.

⁴ As noted at paragraph 2.4 of the guidance and the related footnote, in relation to harms, a 'user' is an individual in the United Kingdom; in relation to adverse impacts, 'user' includes both individuals in the United Kingdom and entities which are incorporated or formed under the law of any part of the United Kingdom. See also section 227(1) of the Act.

⁵ Section 169(1) of the Act.

of harm. They need not be limited to harms or impacts that are covered by the Act. We therefore do not expect that every super-complaint we receive will be actionable by Ofcom. While super-complaints are a statutory process, they do not grant Ofcom any additional powers to investigate or take action on issues outside our existing remit. We will consider all super-complaints from eligible entities that meet the admissibility criteria, although if the subject falls outside of our regulatory remit or powers we will be clear about this in our response.

- 2.7 We have a range of sources of information from external partners and stakeholders. We explain in the draft guidance that super-complaints complement these other sources of information or kinds of engagement.
- 2.8 We also explain the difference between individual complaints from users or members of the public and super-complaints, and our approaches to both. Ofcom does not have a role in investigating individual complaints. While an organisation might gather evidence from individuals about their online experiences to inform a super-complaint, a super-complaint is not intended to be an aggregation mechanism for multiple individual complaints. Evidence of individuals' experiences of online sites and apps should be used to support an argument that specific features or conduct of services are leading to material risks of significant harm or adverse impacts.
- 2.9 In developing our approach, we have considered guidance published by other regulators and authorities that handle super-complaints. For instance, the guidance for super-complaints about the policing system encourages designated bodies to carefully consider the best route for the issue they want to raise, and whether other existing complaints mechanisms would serve that purpose.⁶ As set out above, we consider super-complaints to be an important mechanism for a range of organisations to raise concerns with Ofcom, but we outline in the guidance other ways of bringing issues to our attention. Organisations should consider the best route based on the circumstances.
- 2.10 There are a range of responses that Ofcom could have to a super-complaint. Some of these are set out in paragraph 2.63 below. We refer to super-complaints as one of the sources of information used to identify and assess potential compliance issues for further enforcement action by Ofcom in our Online Safety Enforcement Guidance.⁷ Ofcom will apply our usual priority framework when considering enforcement action, and we will consider a super-complaint as we would any other intelligence source.⁸ See Ofcom's Online Safety Enforcement Guidance for more information on how we consider enforcement action.⁹

Ofcom's ongoing work in implementing the Act

- 2.11 At the time of this consultation, Ofcom is still implementing the Act in a phased approach. However, the guidance is intended to remain relevant through the implementation period and beyond future iterations of Codes and other regulatory products. We may update the guidance from time to time, particularly to ensure organisations seeking to make a super-complaint are well-informed, and to promote the effective functioning of the mechanism.

⁶ Independent Office for Police Conduct, College of Policing and HM Inspectorate of Constabulary and Fire & Rescue Services, [Police super-complaints](#).

⁷ Section 3.5 of the [Online Safety Enforcement Guidance](#).

⁸ Section 3.9 of the [Online Safety Enforcement Guidance](#).

⁹ Ofcom, [Online Safety Enforcement Guidance](#).

- 2.12 We note in the guidance the issues raised by a super-complaint could relate (but are not limited) to regulated services' compliance with safety duties. Where a super-complaint relates to an issue that we consider will be addressed by future duties coming into force, we will say so in our response.
- 2.13 A super-complaint may relate to an issue that Ofcom is already considering and intends to address. In this instance, our response will note this, but it may not always be possible to bring forward intervention to coincide with our response.

How stakeholders can raise issues with Ofcom

- 2.14 As an evidence-based and intelligence-led regulator, the insights, analysis and data shared with us by external stakeholders help highlight issues that may be causing harm to online users in the UK. Super-complaints are an additional tool that will help us to do this, building on a range of existing routes that exist for people and organisations to raise concerns with us.
- 2.15 If an organisation is concerned about ongoing harm, the most effective course of action is likely to be contacting Ofcom directly with their concerns. We already receive frequent communications and complaints from civil society organisations that we receive and respond to.
- 2.16 If someone working in the sectors Ofcom regulates wishes to raise an issue or make a whistleblowing disclosure, they should first consult our [whistleblowing disclosure policy](#) and assess if the whistleblowing process is the appropriate mechanism for their complaint. Protection under this policy may apply where the complainant qualifies as a worker, contractor, or supplier, and the disclosure is made through the appropriate channels.
- 2.17 Where a user or member of the public wishes to raise a complaint about an online service, in the first instance, this should be raised directly with the online service in question. Service providers are best placed to respond to individual complaints, and if appropriate, take action. If an individual has done that and remains concerned, they can tell Ofcom via our online complaints portal.¹⁰ While Ofcom receives user complaints, it is not empowered to act on or investigate individual complaints or instruct services to remove or reinstate specific content. User complaints help us assess whether regulated services are doing enough to protect their users and if we should take any action.

Making the guidance accessible

- 2.18 We have produced a simple summary fact sheet to make the super-complaints process understandable to a wide range of organisations. Organisations will need to use the full guidance to inform their super-complaint submission, but the aim of the fact sheet is to help organisations understand at a glance what a super-complaint is.
- 2.19 We want our guidance to be accessible and we welcome feedback on how we can best achieve this.

¹⁰ Ofcom, [Complain about online services, websites or apps](#).

The eligibility criteria and evidence required to support eligibility

- 2.20 Any organisation that meets, and can evidence, each of the eligibility criteria will be able to submit a super-complaint to Ofcom.¹¹
- 2.21 We have sought to include a range of information sources that organisations may use to support their assessment that they meet the eligibility criteria and are eligible entities. An organisation does not need to provide all of the information listed, but providing several sources will help Ofcom to be clear in our own assessment of an organisation's eligibility. If we have to ask for more information, this may slow down the overall process.

Criterion 1: Representing the interests of users or members of the public

- 2.22 The Regulations state that the entity must be a body representing the interests of users of regulated services,¹² or members of the public, or a particular group of such users or members of the public.
- 2.23 We have provided some examples of the types of things an organisation may do to meet this criterion, such as providing advice, campaigning on their behalf, and researching their experiences. We note that there are a wide range of activities that an organisation could carry out in the interests of those it is seeking to represent, and our list is not exhaustive.
- 2.24 We have noted that a group of users or members of the public for the purpose of this criterion can include demographic groups. Again, we have not sought to be exhaustive.
- 2.25 Organisations should explain how they consider that they meet this criterion and provide relevant supporting evidence. We have listed some examples of potentially relevant supporting evidence, but applicants may provide other forms of evidence.

Criterion 2: Acting independently from regulated services

- 2.26 The Regulations state the second of the eligibility criteria is that the composition of the entity and the arrangements for its governance and accountability are such that it can be relied upon to act independently from regulated services.
- 2.27 Some organisations that represent the interests of users, members of the public or a particular group of users or members of the public may receive funding from regulated services and/or have representatives from regulated services involved in their governance. The Regulations enable these organisations to still be eligible, provided they otherwise meet this criterion. However, representatives from regulated services should not be able to influence an organisation's decision to make a super-complaint. Ofcom must be satisfied that such funding or governance arrangements do not prevent the organisation from acting independently from regulated services.

¹¹ These eligibility requirements are set out in the [Online Safety Super-Complaints \(Eligibility and Procedural Matters\) Regulations 2025](#) (the 'Regulations').

¹² As noted at paragraph 3.8 of the guidance and the related footnote, a 'user' includes both individuals in the United Kingdom and entities which are incorporated or formed under the law of any part of the United Kingdom. In relation to complaints brought under section 169(1)(a) alleging significant harm to users, the complaint must relate only to users who are individuals in the United Kingdom.

- 2.28 Our approach is to assess the independence of a super-complainant from regulated services on a case-by-case basis. We will focus on evidence that demonstrates the strength of governance arrangements of the entity to act freely from interests of regulated services.

Criterion 3: Contributing significantly, as an expert, to public discussions about online safety matters

- 2.29 The Regulations state that the third criterion is that the entity routinely contributes significantly, as an expert, to public discussions about any aspect of online safety matters.
- 2.30 The phrasing of this criterion enables both experienced and newer organisations that demonstrate expertise in online safety to be eligible, provided they are contributing significantly, as an expert, to public discussions about online safety matters. We have therefore suggested a range of potential ways organisations can demonstrate compliance with this criterion. The examples seek to reflect that organisations may be contributing to different fora as an expert. For example, some may give evidence to parliamentary committees, or others may publish research, or contribute to conferences. The Regulations specify that self-generated content on user-to-user services (such as social media) should not be considered as evidence for this criterion.

Criterion 4: Having due regard to Ofcom's super-complaints guidance

- 2.31 The Regulations state that the fourth criterion is that the entity can be relied upon to have due regard to any guidance published by Ofcom under section 171(2) of the Act (i.e. the guidance we are consulting on).
- 2.32 It is important that organisations read Ofcom's guidance so that they understand the requirements of the Regulations and submit an admissible and relevant super-complaint. Reading the guidance will reduce the risk of submitting an inadmissible super-complaint and will help to ensure the most useful and relevant information is provided in a submission. The guidance also provides information on key aspects of the submission procedure and regime, so organisations can determine whether it is appropriate to make a submission and have a clearer understanding of what to expect throughout the process.
- 2.33 If an organisation provides a statement that they have had due regard to the guidance, and the super-complaint appears to have followed the process outlined in the guidance and the submission contains the information that we have advised should be included, we will be satisfied that this criterion is met.
- 2.34 We strongly recommend that organisations review Ofcom's finalised guidance before making a super-complaint.

Jointly submitted super-complaints

- 2.35 We note that organisations may wish to submit a super-complaint jointly, or provide support for a super-complaint made primarily by another organisation. Ofcom will only assess the eligibility of the lead organisation.

How an organisation makes a super-complaint

Before making a super-complaint and pre-engagement

- 2.36 In the draft guidance, we recommend engaging with us early, particularly where we can advise on ongoing super-complaints that may overlap with super-complaints or other issues that Ofcom, or another regulator, is already considering. Other super-complaints

mechanisms' guidance documents also encourage early engagement, such as the policing system's super-complaints mechanism, in order to assist potential complainants with making a better-quality submission and to help complainants determine if making a super-complaint is the best avenue for them to pursue.¹³

- 2.37 We ask that organisations provide a high-level summary of their complaint that Ofcom may publish and to confirm whether they are happy for Ofcom to publish their full submission. This will help provide transparency to the public about the issues that Ofcom is considering. This will also help other organisations to see what issues Ofcom is already considering, when preparing their own super-complaints.

Interpreting terms in the Act

- 2.38 We have referred to definitions in the Act. As we note in the draft guidance, some terms are not defined in the legislation, and these can be interpreted in different ways. To help organisations seeking to make a super-complaint, we have presented our interpretations of those terms based on our understanding of the policy intent.
- 2.39 These descriptions are consistent with Ofcom's interpretation of similar terms in the Act, in particular 'material risk of significant harm', which is the threshold for the definition of non-designated content (NDC) that is harmful to children.¹⁴
- 2.40 Our interpretation of 'material risk' is consistent with our interpretation in the context of NDC, as meaning the likelihood of harm or adverse impact occurring because of the feature or conduct. The Act allows for super-complaints about features or conduct that are, appears to be, or present a material risk of causing significant harm or adverse impact. Therefore, there does not need to be definitive evidence that harm is being caused, provided there is evidence that indicates there is a real likelihood of it being caused by the feature or conduct. This allows Ofcom to consider issues in a proactive way, before harm occurs. It also accounts for the reality that establishing a causal relationship between online behaviour and harm is challenging.
- 2.41 However, in the context of the super-complaints process, the term 'significant harm' is slightly different. In this context, 'harm' and 'adverse impact' can affect any individuals or groups (rather than only children) and may arise not only from harmful content, but also from other sources of harm.
- 2.42 We consider the term 'adverse impact' must be aimed at encompassing types of harm that are not captured by the Act's definition of harm (namely physical and psychological harm). We anticipate that the most relevant adverse impacts that could be the subject of a super-complaint would be societal harms, such as impacts caused by mis/disinformation or risks to the democratic process, or risks associated with features that encourage excessive use.

¹³ [Police super-complaints – GOV.UK](#).

¹⁴ See Section 10 and 11 of the Children's Register of Risk (Ofcom, [Children's Register of Risks](#)) and Part 3, Section 2 of the Children's Risk Assessment Guidance (Ofcom, [Children's Risk Assessment Guidance and Children's Risk Profiles](#)). Our decisions on NDC can be found in Ofcom, [Statement: Protecting children from harms online Volume 2: The causes and impacts of online harms to children](#), Section 4, paragraphs 4.109-4.156. The approach to NDC is further explained in Ofcom, [Consultation: Protecting children from harms online Volume 3: The causes and impacts of online harms to children](#), Chapter 7.9.

- 2.43 To help indicate what these terms mean in practice, we have provided some illustrative examples in paragraph 4.22 of the draft guidance. Organisations are not bound to submit super-complaints on those topics or framed in that way.

Super-complaints relating to a single service/provider and of particular importance

- 2.44 Where a super-complaint relates to a single regulated service or single provider of a regulated service, then the super-complaint must explain (i) why the complaint is of particular importance, or (ii) how the complaint relates to the impacts on a particularly large number of users of the service or members of the public.¹⁵
- 2.45 For the purposes of section 169(2) of the Act, ‘particular importance’ is not defined. In assessing whether a complaint meets this threshold, Ofcom will take a case-by-case approach. We may consider whether the issue involves especially serious forms of harm, such as illegal content, harms to children, or whether it raises concerns with broader societal implications. This approach reflects the intention behind section 169(2), which sets a higher bar for complaints concerning a single service or provider, requiring either a particularly large number of users to be affected or the issue to be of particular importance.
- 2.46 Ofcom’s super-complaints guidance does not suggest a specific numerical threshold for the number of users or members of the public who must be affected for an issue to qualify as a super-complaint. Ofcom will assess each case individually by weighing factors such as the severity of the harm and the number of users affected to determine whether the evidence demonstrates that the issue is of particular importance or relates to impacts on a particularly large number of users of the service or members of the public.
- 2.47 It is for the organisation making a super-complaint to show why the super-complaint is of particular importance, or how the super-complaint relates to the impacts on a particularly large number of users of a single service/provider or members of the public.

Evidence

- 2.48 We have chosen to take a principles-based approach to setting out how the evidence supporting a super-complaint can meet the requirements of the Regulations. The Regulations require that organisations provide sufficient information for Ofcom to be able to verify that any claims made about the evidence in the super-complaint are accurate, including the source of the evidence and any specific findings quoted in the complaint; be able to evaluate and interpret that evidence for ourselves; and to be satisfied that the evidence is:
- a) relevant to the super-complaint,
 - b) current, and
 - c) objective.¹⁶
- 2.49 This approach accounts for the wide range of information that an organisation might use to support their argument. We are not seeking to rule out any particular source of information

¹⁵ s.169(2) of the Act.

¹⁶ Regulation 4(1)(g) of the Regulations: [The Online Safety Super-Complaints \(Eligibility and Procedural Matters\) Regulations 2025](#).

but have drafted the principles based on our understanding of ‘relevant’, ‘current’ and ‘objective’ evidence.

- 2.50 Any claims made in a super-complaint should be underpinned by evidence that is capable of being verified and confirmed. This means that wherever possible data sources should be cited clearly, methodologies should be explained, and conclusions should be supported by analysis. This will allow Ofcom to assess the basis of the complaint and understand how the evidence supports the concerns raised, and ensure we have a robust basis for further action, where this is possible and appropriate.
- 2.51 We note that there is a current debate around how researchers access information on regulated services, including using methods such as scraping.¹⁷ As we set out in the draft guidance, organisations should consider relevant legislation (e.g. data protection regulation) when selecting research and evidence gathering methods.

Submission process

- 2.52 Organisations submitting a super-complaint to Ofcom will need to share various documents with Ofcom. Given the potentially sensitive nature of the files accompanying a super-complaint, it is important there is a secure means to share information with Ofcom. We already have a consumer-facing complaints portal, and it is important that the super-complaints submission process does not create confusion for members of the public. Ofcom does not have a public portal for external organisations to share files with us in relation to online safety. This is partly due to the risk of external organisations or members of the public sharing harmful and/or illegal content with us.
- 2.53 We propose to create a dedicated ‘expression of interest’ form on our website so that an organisation can inform Ofcom that it is considering making a super-complaint and wants to submit information to us. An Ofcom colleague will receive the expression of interest, check the request is not from a member of the public, and respond as soon as possible by providing access to a dedicated mailbox for receiving super-complaint submissions. This allows organisations who are not already in contact with Ofcom to have a way to contact us, without the risk of creating confusion for members of the public.
- 2.54 The form will help filter contacts to only those most likely to be legitimate super-complaints.
- 2.55 Some organisations will already have contact details for Ofcom. We would encourage all organisations wishing to submit a super-complaint to make an expression of interest via the form so that they can be centrally managed and to help Ofcom manage complaints efficiently.

Restrictions and limitations

- 2.56 We set out in the draft guidance several scenarios in which Ofcom will not formally consider a super-complaint, as required by the Regulations. However, in those instances, we may still consider whether the complaint raises issues that should be considered outside the formal super-complaints process.

¹⁷ As discussed in Ofcom’s report on [Researchers’ access to information from regulated services](#)

- 2.57 If an organisation has previously been found ineligible to make a super-complaint, they should not attempt to make a super-complaint again unless there has been a material change in circumstance which means they now consider they are eligible.

Submission template

- 2.58 We have created a standard template to complete when making a super-complaint, so that organisations can ensure they have all the relevant information to support a super-complaint. We recommend that organisations use the template. Organisations are welcome to attach further information and evidence in the most appropriate format, provided Ofcom is able to evaluate and interpret it.

Process for organisations previously found eligible

- 2.59 If Ofcom has previously found that an organisation is an eligible entity, it can apply for a shortened eligibility assessment for subsequent super-complaints made within five years from the day that Ofcom informed the entity that it is eligible. If the eligible entity wishes to submit a further super-complaint (provided it complies with the six-month rule, see paragraph 4.49 of the draft guidance), instead of re-submitting all of the supporting evidence, it can provide a statement that there have been no changes to the information previously provided in relation to the first two criteria and request that Ofcom shortens the 30-day eligibility assessment period to 15 days.
- 2.60 The Regulations require that an organisation using this route still provides evidence relating to the third and fourth criteria. We have chosen to take a light touch approach to reassessing eligibility and therefore will not ask for new evidence that the third criterion is still met. However, an organisation should still provide a statement that they have had regard to the guidance.
- 2.61 Ofcom will then have 15 days to re-confirm eligibility. If there have been any changes to the information previously provided, the entity will have to submit new information for Ofcom to reassess eligibility. If there has been a change of circumstance that means that Ofcom considers the eligibility criteria are no longer met, Ofcom will determine that the organisation is not eligible.
- 2.62 All other requirements on the admissibility of a super-complaint will still apply.

How we handle super-complaints

- 2.63 The Regulations set out the required actions Ofcom must take when we receive a super-complaint. The precise steps we take and our response to a super-complaint will vary given the subject matter of a super-complaint and the circumstances at that time. As set out above and in the draft guidance, there are a range of responses that Ofcom could have to a super-complaint. These include (but are not limited to):
- regulatory action by Ofcom (including, but not limited to, starting enforcement action against a regulated service);
 - opening a policy project to consider new measures that should be included in Codes;
 - conducting further user research to better understand the issue;
 - making another regulator, enforcement body or other authority aware of the super-complaint;

- referring to the Department of Science, Innovation and Technology (DSIT) to consider the issue where it is out of Ofcom's remit;
 - taking no action; and/or
 - finding the super-complaint to be unfounded.
- 2.64 As set out in the draft guidance, Ofcom will be best placed to take action in response to a super-complaint where the issue falls within our remit and we have relevant powers to address it.
- 2.65 We may group our response to super-complaints together if they are within the same response window and relating to similar, but not duplicative, issues.

Publication

- 2.66 We usually will note on the Ofcom website when we have received a super-complaint, including the name of the organisation, a summary of the issue raised, and the current status of assessment.
- 2.67 We may be limited in some instances in what we can share with a super-complainant and make public, such as information relating to an ongoing enforcement investigation, confidential business information or confidential information shared with us by partners.
- 2.68 We will publish our responses to all admissible super-complaints on our website. The Regulations only require that we publish a summary of our response, but we will typically seek to publish the full response that we also send to the super-complainant.¹⁸ We may also publish updates on follow-up actions taken.
- 2.69 As a public body we recognise the importance of transparency about the work we are doing and are exploring how we publish information about the super-complaints we have handled as part of our annual wider reporting processes.

Disclosure of information

- 2.70 We will be as transparent as possible about the super-complaints we receive and have explained in the guidance what information we will typically seek to publish. We expect organisations will consider some of the information they provide to be confidential, and we are mindful of the importance of protecting such information. We have set out in the draft guidance our general approach to disclosure of information.

Information for regulated services

- 2.71 We have included some high-level information for regulated services for what they can expect if they are the subject of a super-complaint.
- 2.72 We consider that the steps we take in response to a super-complaint will vary case-by-case so have not committed to providing specific information to services if they are the subject of a super-complaint.
- 2.73 It is likely that in some instances we will contact a service provider for more information, but this may not always be necessary.

¹⁸ Regulation 9(1)(b) of the Regulations: [The Online Safety Super-Complaints \(Eligibility and Procedural Matters\) Regulations 2025](#).

A1. Impact assessments

Impact assessment

- A1.1 Section 7 of the Communications Act 2003 requires us to carry out and publish an assessment of the likely impact of implementing a proposal which would be likely to have a significant impact on businesses or the general public, or when there is a major change in Ofcom's activities.
- A1.2 We consider that our proposed guidance may have positive impacts for citizens and consumers by helping eligible organisations to raise complaints about features or conduct that present a material risk of causing significant harm or adversely affecting members of the public. We consider that our proposed guidance is unlikely to have a significant impact on businesses. We consider that our proposed guidance may have a positive impact on entities considering submitting a complaint because it will help such entities easily determine the suitability of the super-complaints mechanism for raising their concerns and the information they need to provide to submit an effective super-complaint.

Equality and human rights impact assessment

- A1.3 We have given careful consideration to whether our proposal will have a particular impact on persons sharing protected characteristics (broadly including race, age, disability, sex, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership and religion or belief in the UK and also dependents and political opinion in Northern Ireland), and in particular whether they may discriminate against such persons or impact on equality of opportunity or good relations. This assessment helps us comply with our duties under the Equality Act 2010 and the Northern Ireland Act 1998.¹⁹
- A1.4 We consider that the proposed guidance may have positive equality impacts by helping organisations submit effective complaints about features or conduct of regulated services that have a material risk of causing significant harm or adversely impacting particular groups including people with one or more protected characteristics.
- A1.5 We have also considered whether our draft guidance may have any impacts on human rights in terms of Ofcom's duties under the Human Rights Act 1998 to act compatibly with the rights set out in the European Convention on Human Rights (as set out in Schedule 1 to the Human Rights Act 1998). In particular, we have considered whether there could be any impact on the right to freedom of expression.²⁰ We do not think there would be any adverse impacts on the Convention rights as a result of the draft guidance, as the purpose of this guidance is to help explain to potential super-complainants and other interested

¹⁹ Further detail is set out in section 149 of the Equality Act 2010 and section 75 of the Northern Ireland Act 1998.

²⁰ Article 10 of the Convention explains 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 Convention states that this right may be restricted in certain circumstances. Other rights protected under the Convention which may be relevant to Ofcom's functions under the Act are the right to privacy (Article 8 of the Convention), the right to freedom of thought, conscience and religion (Article 9 of the Convention) and the right to freedom of assembly and association (Article 11 of the Convention).

stakeholders, including providers of regulated services, how the legal framework set out in the Act and Regulations works, and how we propose to implement it. We consider there may be some positive impacts from the super-complaints regime on human rights, in particular the right to freedom of expression, especially where we receive super-complaints that alert Ofcom to a significant adverse impact on the right to freedom of expression (the ground of complaint set out in s.169(1)(b) of the Act), which we are then able to respond to. This may also be the case if we are alerted to impacts that affect other Convention rights. Insofar as the draft guidance will help eligible entities make such super-complaints to Ofcom, by making it clearer how they can do so, it may have some positive impact on Convention rights. We have also expressly explained in the draft guidance that super-complainants should take into account considerations relevant to the right to privacy, relating to compliance with UK data protection law. Again, we anticipate this could have a positive impact on the right to privacy as it applies to the way that complainants collect evidence in support of their super-complaints.

Welsh language

- A1.6 The Welsh language has official status in Wales. The Welsh Language (Wales) Measure 2011 established a legal framework requiring certain organisations to comply with standards in relation to the Welsh language. The standards issued to Ofcom are listed in Ofcom’s compliance notice effective from 25 January 2017.²¹
- A1.7 We consider that the draft guidance may have positive Welsh language impacts because we will accept super-complaints in Welsh and respond in Welsh. In addition, our expression of interest form for initiating the submission of a super-complaint will also be available in Welsh, and the process outlined in the guidance will be the same for both Welsh and English language submissions, with no delay as a result of the language in which a submission is written or whether information is received via the English or Welsh language versions of the submission form. We will ensure the Welsh language versions of the guidance and submission form are easily accessible on the relevant area of our website. Therefore, we consider that Welsh will be treated no less favourably than English as a result of our proposals, and the proposals will have no adverse impact on complainants’ opportunities to use the Welsh language. We do not consider there are any additional measures we could take that would increase positive effects on opportunities to use the Welsh language.

²¹ Ofcom, 2017, [compliance Notice – Section 44 Welsh Language \(Wales\) Measure 2011](#)

A2. Legal framework

- A2.1 Ofcom is the independent regulator for communications services. The Communications Act 2003 ('the 2003 Act') places a number of duties that we must fulfil when exercising our regulatory functions, including in relation to our online safety functions.
- A2.2 Ofcom's principal duty under the 2003 Act is to further the interests of citizens in relation to communication matters, and the interests of consumers in relevant markets, where appropriate by promoting competition.²² In performing our principal duty, Ofcom is required to have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed and any other principle appearing to us to represent the best regulatory practice²³, as set out in the 2003 Act.
- A2.3 The Online Safety Act 2023 ('the Act') appointed Ofcom as the online safety regulator, with powers to implement and enforce the regime. In carrying out its functions under the Act, Ofcom is required to secure the adequate protection of citizens from harm presented by content on regulated online services, through the appropriate use by providers of such services of systems and processes designed to reduce the risk of such harm.²⁴
- A2.4 In doing so, Ofcom must have regard to (among other things): the risk of harm to citizens presented by regulated services; the need for it to be clear to providers of regulated services how they may comply with their relevant duties; and the need to exercise its functions so as to secure that providers of regulated services may comply with such duties by taking measures, or using measures, systems or processes, which are proportionate to (i) the size or capacity of the provider in question, and (ii) the level of risk of harm presented by the service in question, and the severity of the potential harm.
- A2.5 The Act creates a category of complaints called super-complaints. Section 169(1) of the Act states that an 'eligible entity' may make a complaint to Ofcom that: any feature of one or more regulated online services; any conduct (including acts and omissions) of one or more providers of regulated services; or a combination of such features and such conduct is, appears to be, or presents a material risk of—
- a) causing significant harm to individuals in the UK who are users of the services²⁵ or members of the public, or a particular group of such users or members of the public;
 - b) significantly adversely affecting the right of freedom of expression within the law of UK-based users of the services or members of the public, or of a particular group of such users or members of the public; or
 - c) otherwise having a significant adverse impact on UK-based users of the services or members of the public, or on a particular group of such users or members of the public.
- A2.6 A super-complaint that relates to a single regulated service or that relates to a single provider of one or more regulated services is only admissible if Ofcom consider that (a) the

²² Section 3(1) of the 2003 Act.

²³ Section 3(3) of the 2003 Act

²⁴ Section 3(2)(g) of the 2003 Act, as amended by section 91(2) of the Act.

²⁵ Section 169(6) of the Act

complaint is of particular importance, or (b) the complaint relates to the impacts on a particularly large number of users of the service or members of the public.²⁶

- A2.7 An entity²⁷ is an ‘eligible entity’ if it meets the criteria specified in regulations made by the Secretary of State. The Online Safety Super-Complaints (Eligibility and Procedural Matters) Regulations 2025 (‘the Regulations’) set out these eligibility criteria and the supporting evidence required to demonstrate eligibility.²⁸ These are detailed and discussed in Section 3 of the draft guidance. As required by the Act, the Regulations specify as one of the eligibility criteria that the entity must be a body representing the interests of users of regulated services, or members of the public, or a particular group of such users or members of the public.
- A2.8 The Regulations also set out the requirements for a super-complaint to be admissible and the procedures for making a super-complaint.²⁹ This is explained in Section 4 of the draft guidance, including the form and manner of submissions and restrictions and limitations for making super-complaints. The Regulations also set out the requirements on Ofcom regarding the time limit for and the publication of its response,³⁰ and this is explained in Section 5 of the draft guidance.
- A2.9 Section 171 of the Act requires Ofcom to publish guidance about the eligibility criteria, procedural matters and any other aspects of super-complaints that Ofcom considers appropriate to include. The draft guidance to which this consultation document relates is the guidance required under section 171 of the Act.

²⁶ Section 169(2) of the Act

²⁷ Section 236 of the Act defines an entity to mean ‘a body or association of persons or an organisation, regardless of whether the body, association or organisation is— (a) formed under the law of any part of the United Kingdom or of a country outside the United Kingdom, or (b) a legal person under the law under which it is formed;’

²⁸ Regulations 2 and 3 of the Regulations.

²⁹ As required under section 170 of the Act. These are included in Regulations 4–6 and 10 of the Regulations.

³⁰ Regulations 7–9 of the Regulations.

A3. Responding to this consultation

How to respond

- A3.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 3 November 2025
- A3.2 You can download a response form from [Consultation: Draft guidance for super-complaints under the Online Safety Act 2023](#). You can return this by email or post to the address provided in the response form.
- A3.3 If your response is a large file, or has supporting charts, tables or other data, please email it to SCconsultation@ofcom.org.uk, as an attachment in Microsoft Word format, together with the cover sheet. This email address is for this consultation only and will not be valid after 3 December.
- A3.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- Online Safety Group
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A3.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- > send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files; or
 - > upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A3.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A3.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt of a response submitted to us by email.
- A3.8 We welcome joint responses.
- A3.9 It would be helpful if your response could include a direct answer to the question asked in the consultation document. The question is listed at Annex 6. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A3.10 If you want to discuss the issues raised in this consultation, please contact SCconsultation@ofcom.org.uk.

Confidentiality

- A3.11 Consultations are more effective if we publish the responses before the consultation period closes. This can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish responses on the Ofcom website at regular intervals during and after the consultation period.
- A3.12 If you think your response should be kept confidential, please specify which part(s) this applies to and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A3.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A3.14 To fulfil our pre-disclosure duty, we may share a copy of your response with the relevant government department before we publish it on our website.
- A3.15 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our Terms of Use.

Next steps

- A3.16 Following this consultation period, Ofcom plans to publish a statement in January 2026.
- A3.17 If you wish, you can register to receive mail updates alerting you to new Ofcom publications.

Ofcom's consultation processes

- A3.18 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 4.
- A3.19 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A3.20 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A4. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

1. Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

2. We will be clear about whom we are consulting, why, on what questions and for how long.
3. We will make the consultation document as short and simple as possible, with an overview of no more than two pages. We will try to make it as easy as possible for people to give us a written response.
4. When setting the length of the consultation period, we will consider the nature of our proposals and their potential impact. We will always make clear the closing date for responses.
5. A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
6. If we are not able to follow any of these principles, we will explain why.

After the consultation

7. We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish the responses on our website at regular intervals during and after the consultation period. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A5. Consultation coversheet

Basic details

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

Confidentiality

Please tick below what part of your response you consider is confidential, giving your reasons why

- | | |
|----------------------------------|--------------------------|
| > Nothing | ☐ |
| > Name/contact details/job title | ☐ |
| > Whole response | ☐ |
| > Organisation | ☐ |
| > Part of the response | ☐ |

If you selected 'Part of the response', please specify which parts:

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

Yes ☐ No ☐

Declaration

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom aims to publish responses at regular intervals during and after the consultation period. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

A6. Consultation questions

Please tell us how you came across about this consultation.

- ☐ Email from Ofcom
- ☐ Saw it on social media
- ☐ Found it on Ofcom's website
- ☐ Found it on another website
- ☐ Heard about it on TV or radio
- ☐ Read about it in a newspaper or magazine
- ☐ Heard about it at an event
- ☐ Somebody told me or shared it with me
- ☐ Other (please specify)

Question 1: Do you have any comments on our draft super-complaints guidance?