

Emailed to: [protectingchildren@ofcom.org.uk](mailto:protectingchildren@ofcom.org.uk)

**Our response is not confidential**

16 July 2024

## **Consultation: Protecting children from harms online**

Thank you for the opportunity to contribute to the above call for evidence. In this response we have provided:

**Section 1:** Introduction to the Trust Alliance Group (Including the Communications Ombudsman and the Internet Commission)

**Section 2:** Consultation Response

### **Section 1: Introduction to the Trust Alliance Group (Including the Communications Ombudsman and the Internet Commission)**

Trust Alliance Group (formerly Ombudsman Services) was established in 2002, which runs a range of discrete national Alternative Dispute Resolution (ADR) schemes across different sectors - including the Communications Ombudsman, approved by Ofcom, and the Ofgem-approved Energy Ombudsman.

We're developing diverse capabilities and expertise in a range of areas, including digital alternative dispute resolution and case management technology. Our purpose is to build, maintain and restore trust and confidence between consumers and businesses.

**The Communications Ombudsman** impartially handles disputes between consumers and providers, whilst helping providers understand their consumers and improve their experience.

We have over 1,450 telecommunications companies signed up to our scheme and more than 15 years' experience in the communications sector. In 2023 we accepted 25,000 disputes about providers in the communications sector and, using our insight, we continue to help providers improve their customer service.

**The Internet Commission's** mission is to contribute to a safer and fairer internet for citizens across the world. Adopting a systemic view of the issues, and with the support of an international network of partners, the Internet Commission aims to address the root-causes of the negative impacts of digitalisation, while helping to advance trust between digital service providers and their users.

In light of emerging legislation and its implementation across the globe, the Internet Commission supports businesses that aim to go beyond regulatory compliance and promote best practices, driving a race to the top.

## Section 2 – Consultation Response

On 05 March 2024 we responded to Ofcom’s consultation on ‘Guidance for service providers publishing pornographic content’. This response was based on the Internet Commission’s [research](#), which looked at examples of best practice. In summary, this response covered:

1. Concerns regarding the long and short-term impact on under-18s of seeing pornographic content and our hope that this would be covered in the next consultation on guidance and codes for the protection of children.
2. The need to signpost users who may benefit from additional support from other services and advice agencies.
3. Consideration of mental health support and robust wellbeing programmes for content moderators, to ensure better outcomes.
4. The unreliability of self-declaration of age – unless additional tools are used.
5. A one size fits all approach is not appropriate – more steps are required depending on risk of harm.

In view of our previous responses, we were pleased to see the following:

- 1. Measure US5: Ofcom recommend all U2U services that are medium or high risk for one or more of: suicide, self-harm, eating disorder or bullying content signpost children to appropriate support when they encounter that content at key points in the user journey.**

We welcome these measures and hope this will help mitigate the long-term impact and effect of harmful content on children.

- 2. Annex 10: Draft Guidance on Highly Effective Age Assurance (HEAA)**

In this annex we are encouraged that Ofcom have highlighted methods of age assurance which are *not* capable of being highly effective (as well as those that are). This makes clear that self-declaration of age on its own is not a sufficient method and supports our own evidence in this regard.

We are also pleased to note that, within the guidance, Ofcom are encouraging service providers to consider various methods of age assurance and choose the one that is most effective for their service. This supports our call to reject a ‘one size fits all’ approach.

- 3. Volume 4: separate risk assessment and risk profiles for children (in addition to the illegal content risk assessments) to acknowledge the different factors that increase the risks of harm to children and ensure services take these into account.**

We are pleased to see Ofcom ask services to carry out a separate risk assessment and establish risk profiles to determine what risk their provision poses to children. This approach acknowledges that every service is different, that the risk of harms to (specifically) children may be unique and the necessary mitigating measures can differ to those required for the safety of other user groups.

## Digital Alternative Dispute Resolution (DADR)

We welcome all the proposals being consulted on for the protection of children from online harms and we hope services will self-regulate and take responsibility for user safety – and in particular children.

However, it remains our view that lack of DADR provision in the online marketplace leaves consumers unable to challenge decisions they feel are unfair or inaccurate and misses the opportunity to capture real consumer experience and detriment. We would be happy to work closely with Ofcom to help design a fair, efficient and effective scheme.

Our experience of delivering ADR services in the energy and communications markets – coupled with our ongoing engagement with EU stakeholders developing Out of Court Dispute Settlement (ODS) under the Digital Services Act – equips us to help design a system which provides:

- Independent redress for users to challenge disputes
- A complete overview of issues emerging in digital markets
- The opportunity to spot issues of concern with individual platforms
- Clear and transparent categorisation of complaint types
- The capture and measurement of consumer experiences and detriment
- Value to the sector, through the sharing of data and insights to regulators and platforms to drive up standards

While regulation, guidance and oversight can set the standards by which the market should operate, first-hand evidence of actual user experience will not be captured. Consumers will remain unable to challenge final decisions made by providers, even if they are incorrect. For context, the Energy Ombudsman upholds consumer complaints approximately 70% of the time – showing that, even in a highly regulated market, erroneous decisions are made.

We continue to develop our thinking and evidence base, regarding the future provision of DADR, and look forward to sharing our views with Ofcom, both in our consultation responses and in any future engagement with you.

Please do not hesitate to contact us if you would like further information regarding our response. **Our response is not confidential.**