



Consultation response form

Your response

Question	Your response
<p>Question 1: Do you have any comments on our proposed approach to 'content and activity' which 'disproportionately affects women and girls'?</p>	<p>The four overlapping forms that the guidance has focused on have been very well chosen and are a good representation of the harm and content that disproportionately affects women and girls.</p> <p>As a lawyer working on abuse cases, specifically child abuse cases, I do feel that there is one addition that needs to be included in those four focus points. Grooming is a large proportion of threatening activity facing children online.</p> <p>Whilst actions that may prevent grooming are included throughout the guidance, I feel it should also be included in this part of the guidance.</p> <p>According to research grooming disproportionately affects girls. A recent 2024 study conducted by the NSPCC found that where the gender was known, 81% of children targeted were girls.</p> <p>The research also identified that in the previous year more than 7,00 Sexual Communication with Child offences were recorded by the police. This is an important and prevalent issue and must be at the forefront of focus for this guidance.</p> <p>From my own experience of representing survivors of abuse, I can say that the majority of sexual abuse of young girls begins with the abuser befriending and grooming their victim to gain their trust to a point where they are then able to sexually abuse the young girl. We are now at a point in time where more and more abusers are gaining access to young and vulnerable girls online where the grooming takes place, allowing them to progress to sexual abuse. It is therefore so important that grooming is recognised as a category of its own so that organisations and social media platforms are well</p>

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	<p>informed and able to spot the early signs of grooming and prevent them at an early stage.</p>
<p>Question 2: Do you have any comments on the nine proposed actions? Please provide evidence to support your answer.</p>	<p>The nine proposed actions are strong and are clearly representative of the views of many campaigners and stakeholders in this space.</p> <p>The concerns I have with the guidance are generally not with the proposed actions, but instead with the implementation of these actions.</p> <p>In answer to question 3, I have reviewed each action and given comments based on my expertise as a lawyer from one of the largest abuse claims teams in the country.</p>
<p>Question 3: Do you have any comments about the effectiveness, applicability or risks of the good practice steps or associated case studies we have highlighted in Chapter 3, 4 and 5? Are there any additional examples of good practices we should consider? Please provide evidence to support your comment.</p>	<p>In my role I have seen that the failure to safeguard and failure to hold perpetrators to account leads to sexual abuse and exploitation of children, young people, and adults. They are uncomfortable words to read, but failure to act means it will happen again.</p> <p>It is vital that the implementation of this guidance is robust, regardless of the size and dominance of the social media company it relates to.</p> <p>In this answer I will talk through each of the action points that I feel could be improved.</p> <p>Action 1</p> <p>This action provides a good case study. The recommendation of using external experts and having a named reporter is strong.</p> <p>There is currently limited funding into supporting charities and experts that support survivors. The number of experts that will be needed may not be readily available. Ofcom should work with stakeholders to ensure there are enough trained and experienced experts who have worked with survivors to give full effect to this proposed action.</p> <p>Action 2</p>

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	<p>The suggestion of using external assessors is strong. We suggest that Ofcom provides a list of sources from which to seek these experts to ensure quality and experience. If sufficient services do not yet exist, Ofcom will need to work with Stakeholders to ensure the feasibility of this action.</p> <p>Action 3</p> <p>Working with survivors of institutional abuse, I know the importance of organisations being transparent.</p> <p>It is also vital that this data is made digestible. As mentioned in answer to question 4, producing a digestible report for users, parents, carers, local authorities and schools would be an effective use of the data.</p> <p>The guidance makes mention of transparency reports. It would be helpful if the guidance set out how often companies will be expected to publish this data. If the plan is to wait until Ofcom request it, we would suggest that companies are required to proactively publish their data at regular intervals rather than await a request from Ofcom.</p> <p>Action 4</p> <p>I welcome the sentiment included in 4.11 about engaging with boys and men. 4.17 again mentions the importance of engaging with survivors and victims. Will Ofcom provide a list of approved organisations that can help do this? Will they encourage companies to ensure those survivors are remunerated and that this work does not cause re-traumatisation. Including survivors and victims in this work is positive but further guidance is needed to ensure they are not exploited by these companies.</p> <p>Red teaming is mentioned in 4.20a, this guidance should include an ideal time frame for how often this should be done.</p> <p>Action 5</p> <p>The suggestions in action 5 are encouraging although there are a few concerns. Bundles, whilst a good idea in theory, could be used to misinform users into choosing a 'safe' option that may not be ideal for their safety.</p>

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	<p>These companies have repeatedly failed to protect users and therefore trusting them to be transparent with the bundles could pose a high risk and mean users aren't fully in control of their privacy and safety settings.</p> <p>Case study 6 highlights concerns about the use of geodata and geolocation sharing. A majority of the public will be unaware that social media companies and people using social media can access data from their photos in this way. This is currently recommended as a good practice step. I urge Ofcom to run a campaign about geodata to educate users more widely as to this point. Educating users about how to stay safe online and how to protect their data should be a priority.</p> <p>Social media companies use their users' data to help target adverts and may be sold to third party companies. Using personal data is a critical part of their business model and therefore it will be challenging to ensure compliance whilst threatening a key element of their business model. Ofcom already has a webpage highlighting social media companies' use of personal data. Whilst this is a good step, I propose further work in the form of a widespread marketing campaign to inform users of how their data may be used.</p> <p>Action 6</p> <p>Reference is made to consent verification, which we support. To give maximum effect to this recommendation, we suggest attaching legal consequences in the event of false certifications or mis-use of someone's identity to give consent. This would add further deterrence to someone who is acting maliciously and without permission.</p> <p>Action 8</p> <p>A resource could be created to 'name and shame' perpetrators of online domestic abuse and image-based sexual abuse, so that social media companies can record allegations – where several individuals report the same perpetrator, this can escalate the perpetrator's usage to a specialist team for further investigation and warnings issues, if deemed appropriate, to a) discourage further unwanted behaviour and b) make it clear to the alleged perpetrator that these are not faceless crimes and they are under scrutiny. This may encourage greater trust and</p>

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	<p>improve reporting of abuse to providers (paragraph 5.16).</p> <p>With regard to the recommendation to create ‘trusted flaggers’ we agree with this in principle however there must be controls in place to ensure this system is verified and trust is placed in organisations with robust safeguarding measures.</p> <p>Further recommendations</p> <p>Beyond the proposed actions, guidance for parents about their children using social media would be useful. In my opinion, children under the age of 16 should not be allowed to have accounts on social media platforms.</p> <p>We know from data we have analysed using the Prohibition Orders from the Teaching Regulation Agency (TRA) that sexual offences against children by teachers have risen alarmingly, year-on-year. We have noticed a pattern of social media being used to facilitate this abuse. For example, Snapchat is frequently referred to as a tool used to facilitate abuse, due to the disappearing messages feature.</p> <p>Whilst social media can be a powerful method for adults to communicate with one another, build communities and catch up with friends, for children, it poses huge threats to their wellbeing and safety. Whilst the guidance Ofcom has created offers some stronger safeguards, it is increasingly clear that it will be challenging to monitor all social media sites and users. Therefore, preventing children from using social media until they can fully understand the threats is by far the safest way of preventing these harms from occurring.</p>
<p>Question 4: Do you have any feedback on our approach to encouraging providers to follow this guidance, including our proposal to publishing an assessment of how providers are addressing women and girls’ safety? Do you have any examples or suggestions of other ways we could</p>	<p>According to research three in four parents say they are concerned about what their children are seeing, hearing or doing online.</p> <p>The business model of many social media companies is to increase users and to prolong those users’ time spent on each platform. The strongest approach available to Ofcom is to publicly highlight which social media companies are not making user safety a priority.</p>

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<p>encourage providers to take up the 'good practice' recommendations?</p>	<p>There are two ways we suggest you do this. Firstly, making it easy to see how providers are performing. It is not enough to just make this data available but also to make it easily accessible and easily digestible. One way this could be done would be through the introduction of a traffic light system:</p> <p>Green – companies who are implementing good practice recommendations</p> <p>Amber – companies that are complying with all the foundational steps</p> <p>Red – companies that are not adhering to the guidance</p> <p>This system would allow users and parents to understand easily the approach social media companies are taking to protect their safety and/or their children's safety. This would give users the ability to make informed decisions and would also incentivise companies to adhere to the guidelines.</p> <p>In addition to the proposed traffic light system, the other data collected by social media companies should also be published in a way that is accessible.</p> <p>A monthly or quarterly update from Ofcom on compliance with the guidelines, coupled with new and emerging threats would be excellent ways to empower parents and carers to protect children and themselves. Authorities, parents and schools often find out about new threats too late. By publishing the data they collect, Ofcom would enable these groups to educate themselves, earlier, before harm has already been inflicted.</p> <p>Ensuring large tech companies comply with the guidance set by Ofcom will be very difficult. It will be incredibly onerous for Ofcom to police all the platforms. However, by being transparent with their findings and publicly 'naming and shaming' those who are not complying this will put power back into the hands of users.</p>
<p>Question 5: Do you have any comments on our impact assessment, rights assessment, or equality impact assessment? Please provide any</p>	<p>N/A</p>

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information or evidence in support of your views.	
<p>Question 6: Do you agree that our draft Guidance is likely to have positive effects on opportunities to use Welsh and treating Welsh no less favourably than English? If you disagree, please explain why, including how you consider the draft Guidance could be revised to have positive effects or more positive effects, or no adverse effects or fewer adverse effects on opportunities to use Welsh and treating Welsh no less favourably than English.</p>	N/A

Please complete this form in full and return to OS-Section54@ofcom.org.uk.