Deceased Child User Duties

Consultation Document

Consultation

Published 15 December 2025
Closing date for responses: 23 March 2026

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1. Overview

1.1 The Online Safety Act 2023 ('the Act') places requirements on providers of relevant services relating to the disclosure of information about a child's use of a service to bereaved parents in the event of a child's death.

1.2 The loss of a child is a tragic experience for any parent and a source of enormous grief. The deceased child user duties in section 75 of the Act ('the duties') were informed by the experiences of bereaved parents who had sought information from online services about their child's use of the service and faced significant barriers during the process of doing so.

1.3 The purpose of the duties introduced under the Act is to increase transparency and reduce uncertainty for bereaved parents when seeking information and answers in these most difficult of circumstances.[1]

1.4 To help providers of relevant services to understand and comply with these duties, Ofcom is required to produce Guidance (under section 76 of the Act). Our draft Guidance, which is the subject of this consultation, has been informed by the invaluable insights shared by bereaved parents who participated in our June 2025 policy development workshop and subsequent interview. We thank them for their participation and their determination to drive positive change to help other families.

1.5 The draft Guidance includes the practical steps that we expect providers of relevant services to take in order to comply with the deceased child user duties, as well as good practice steps to ensure that bereaved parents are treated with dignity, respect and sensitivity. We welcome the industry's efforts to respond to the needs identified by bereaved parents. Following the publication of the final Guidance we will review how providers of relevant services are complying with the duties, and the extent to which they are applying the good practice measures.

What we are proposing – in brief

Parents have been clear about their negative experiences in trying to get the information they are seeking, and about what they want services to do.

Our draft Guidance sets out the practical steps that we expect providers of relevant services to take in order to comply with the deceased child user duties.

However, there is scope for services to go further – above and beyond their core legal requirements. Our proposed Guidance also includes other good practice measures, based on insights from bereaved parents, designed to ensure that they are treated with dignity, respect and sensitivity.

In summary, our proposed Guidance includes:

Information that providers of relevant services must include in their terms of service, and how they should ensure it is clear and accessible. Our proposals cover how providers of

[1] In accordance with section 75(10) of the Act, and in this consultation, "parent", in relation to a child, includes any person who is not the child's parent but who (a) has parental responsibility for the child within the meaning of section 3 of the Children Act 1989 or Article 6 of the Children (Northern Ireland) Order 1995 (SI 1995/75 (N.I 2)), or (b) has parental responsibilities in relation to the child within the meaning of section 1(3) of the Children (Scotland) Act 1995.

relevant services should set out their disclosure policy; their procedure for parents to make requests; what evidence they will require; and information about what would be disclosed and how.

Building on these core steps, additional good practice measures set out in the draft Guidance include: offering clarity to parents on the likely response timeframe and any next steps; considering the needs of those without government issued identification when setting out evidence required to process a request; and using sensitive language in all communications.

Responding to bereaved parents in a timely manner. Bereaved parents have experienced delays or no acknowledgement or response from providers of online services when requesting information about their child's use of the service. Our draft Guidance makes clear that there should be no unjustified delays in responding to requests. We also define what is meant by a 'response' and 'update' to avoid ambiguity for both parents and providers of relevant services.

Beyond the steps for compliance, additional good practice includes promptly acknowledging requests, and avoiding unnecessarily asking parents to repeat information or resupply evidence. Any provider which sets response time targets should effectively measure and monitor their performance against them.

Offering a support function to bereaved parents. As set out in our draft Guidance, providers of relevant services should make their support function – which might be a helpline, dedicated section of the service or some other means – easy to locate and, where applicable, searchable. Our proposals set out the types of information providers should make available via their support function, including signposting how parents can make a request for information and get updates, to reduce the emotional and administrative burden on them.

In addition to our proposals for compliance, good practice includes sharing additional relevant information with parents via their support function to further enhance clarity and transparency.

Operating a complaints function. Our draft Guidance sets out the practical steps that providers of relevant services should take to ensure their complaints function is easy to access, easy to use and transparent. This includes having a nominated team or individual to handle complaints, providing clarity on the response timeframe and potential outcomes, and ensuring that the reasoning for decisions is made clear to a complainant.

Good practice, beyond the steps required for compliance, includes training individuals or teams to respond to such complaints with appropriate sensitivity, and offering clear information on any appeals process.

We welcome all stakeholders' views on our draft Guidance, and we include a consultation response form at Annex 4. The deadline for responses is 23 March 2026.

Once we have considered all responses, we will publish a Statement explaining our final decisions on the Guidance, alongside the final Guidance itself. We expect this to be in late 2026.

The overview section in this document is a simplified high-level summary only. The proposals we are consulting on, and our reasoning, are set out in the full document.

2. Introduction

2.1 This section provides a more detailed discussion of the legal framework underpinning the deceased child user duties. This is intended to provide context for our proposals in the draft Guidance (Section 3).

Legal Context

2.2 The duties in section 75 of the Act apply to regulated user-to-user services, search services, and combined services with links to the UK that are listed on the register of categorised services.[2] In the draft Guidance and this consultation, we refer to these services as 'relevant services'. For more detail on how services are categorised and included in the register, see Annex 1.

2.3 The duties in section 75 require providers of relevant services to:

a) make it clear in the terms of service what their policy is about dealing with requests from parents of a deceased child for information about their child's use of the service;
b) include clear and accessible provisions in the terms of service:
    i) specifying the procedure for parents of a deceased child to request information about the child's use of the service;
    ii) specifying what evidence (if any) the providers will require about the parent's identity or relationship to the child; and
    iii) giving sufficient detail to enable child users and their parents to be reasonably certain about what kinds of information would be disclosed and how information would be disclosed;
c) respond in a timely manner to requests from parents of a deceased child for information about the child's use of the service or for updates about the progress of such information requests;
d) have a dedicated helpline or section of the service, or some similar means, by which parents can easily find out what they need to do to obtain information and updates in those circumstances, and provide details in the terms of service;
e) operate a complaints procedure in relation to the service that:
    i) allows for complaints to be made by parents of a deceased child who consider that the provider is not complying with the deceased child user duties;
    ii) provides for appropriate action to be taken by the provider of the service in response to such complaints; and
    iii) is easy to access, easy to use and transparent.
f) include in the terms of service provisions which are easily accessible specifying the policies and processes that govern the handling and resolution of such complaints.

2.4 Under section 76 of the Act, Ofcom is required to provide guidance for relevant online services to assist them in complying with the duties. This consultation focuses on our proposed Guidance in accordance with this duty.

[2] Ofcom is in the process of preparing the first register of categorised services. We plan to publish this around July 2026. See Ofcom's approach to implementing the Online Safety Act.

2.5 Distinct from the deceased child user duties, which apply to categorised services, Ofcom has powers to send Data Preservation Notices and Coroner Information Notices to all regulated services. These powers are designed to assist coroners in their investigations into the death of a child. While both areas relate to the data held by services about a child who has died, the purpose of the deceased child user duties is to improve transparency and support parents in their engagement with services, rather than to support Coroners. We published our updated Online Safety Information Powers Guidance, reflecting the new Data Preservation Notice duties and updates to our Coroner Information Notice guidance, alongside this consultation.[3]

2.6 In Annex 1 we set out the relevant legal context and explain our general duties and the matters we are required to have regard to in carrying out our functions, and Ofcom's duty to carry out our functions compatibly with the Human Rights Act 1998, including the right to freedom of expression and right to privacy. In Annex 2, we explain our duties to carry out an impact assessment and equality and Welsh language impact assessments.

What this document covers

2.7 We are issuing this consultation on the draft Guidance and invite comments from all interested parties, including bereaved parents, providers of relevant services, civil society organisations, academics and other industry participants.

2.8 This consultation document provides the necessary background and context that stakeholders should be aware of when reading the draft Guidance and responding to the consultation. It covers:

a) Introduction to the duties (Section 2);
b) Our proposed approach to the Guidance setting out our objectives, draft proposals and examples of good practice (Section 3);
c) The draft Guidance;
d) The relevant legal framework, including Ofcom's wider duties (Annex 1);
e) Our assessments of the impact of the draft Guidance (including our impact assessment under section 7 of the Communications Act 2003, equalities impact assessment and Welsh language impact assessment) (Annex 2);
f) Consultation questions (Annex 3);
g) How to respond to this consultation (Annex 4);
h) Ofcom's consultation principles (Annex 5); and,
i) Coversheet (Annex 6).

[3] Online Safety Information Powers Guidance, pp. 9-57.

3. Proposed approach to the Guidance

3.1 In this section we set out the practical steps we have proposed in the draft Guidance providers of relevant services take to comply with the duties in section 75 of the Act. Beyond the steps recommended for compliance, we have also proposed good practice for providers of relevant services, to further enhance transparency for bereaved parents. Following publication of the final Guidance we will review how providers of relevant services are complying with the duties, and the extent to which they are applying the good practice measures.

3.2 We considered stakeholder evidence as we developed our proposals. We have also assessed the potential impacts of our proposals, including costs and rights, and deem them proportionate for all providers of services that would be in scope of the deceased child user duties if included on the categorised services register.

3.3 To make our consultation as accessible as possible we consider each of the duties in turn, as set out in our draft Guidance. We also set out how the recommended steps for compliance and good practice meet our objectives, set out below.

Evidence gathering

3.4 It has been key to this process to give voice to bereaved parents, who often feel unheard and unsupported. In developing the draft Guidance, we ran a workshop with bereaved parents on 24 June 2025, and subsequent interview on 17 July 2025. We sought their views on the challenges encountered when seeking information from relevant services, and how the duties in the Act could improve the experience for bereaved parents in the future.

3.5 We also drew on what stakeholders told us in our May 2024 Call for Evidence, which highlighted the need for clear, accessible and sensitive processes for bereaved parents seeking information.[4]

Our objectives for the Guidance

3.6 The Guidance will give providers of relevant services a practical framework to comply with the duties, and improve the experience of bereaved parents seeking information, regardless of the service provider's policy on disclosure. We propose three objectives for the Guidance:

a) First, the Guidance will help providers of relevant services ensure **clarity and transparency** for bereaved parents from the earliest point they seek to request information, so parents understand what they can expect throughout the process.

[4] 5Rights Foundation response to March 2024 Call for Evidence, pp.40-42; Harbinja, E., response to March 2024 Call for Evidence, p.3; Molly Rose Foundation response to March 2024 Call for Evidence pp.3-4; NSPCC response to March 2024 Call for Evidence, p.36.

b) Second, the Guidance will support providers of relevant services in ensuring that bereaved parents are treated with **dignity and respect** throughout their engagement, and that providers adopt a humane and sensitive approach to these interactions.
c) Third, the Guidance will help providers of relevant services understand how they can **alleviate the burden** on bereaved parents by making the process of requesting information as straightforward and supportive as possible.

3.7 This consultation document explains how we have developed the draft Guidance in line with these proposed objectives.

Consultation question

Question 1: Do you agree with our proposed objectives for the Guidance? Please explain why.

What providers of relevant services should include in their terms of service

What this section is about

3.8 Information about what providers must include in their relevant service's terms of service, and how they should do this, is a core component of the duties. These duties are fundamental to ensuring bereaved parents have clarity about what to expect when they seek to make a request, and that there is greater transparency about a provider's policy and process.

3.9 **Terms of service** set out the rights and responsibilities of both a user-to-user service provider and its users. They explain how aspects of the service work, who can use it, and the rules for using it. For the purposes of the duties, for certain regulated search and combined services (that meet the Category 2A conditions), this also includes a **publicly available statement**. These statements help users understand how the service operates and what to expect when using it.

3.10 Providers of relevant services must also make provisions in the terms of service clear and accessible. Please refer to the sub-section '**How providers of relevant services can make their terms of service clear and accessible**' below for further information on our Guidance for providers of relevant services on clarity and accessibility.

A provider of a relevant service's policy about disclosure of information

What providers of relevant services have to do

3.11 The Act states that a provider of a relevant service must make it clear in the terms of service what their policy is about dealing with requests from parents of a deceased child for information about their child's use of the service.[5]

[5] Section 75(1) of the Act.

What we know from the evidence

3.12 The majority of the evidence we have seen to date has concerned issues regarding the substance of the policy (i.e. what stakeholders believe services' policies should be or what information some providers of online services already supply)[6] and the factors providers of relevant services should consider when deciding their policies (such as privacy and potential operational impacts).[7]

3.13 However, under the Act, providers of relevant services can decide the substance of their disclosure policy, as long as it is made clear in the terms of service. We have therefore not made any proposals relating to the substance of the disclosure policy.

What we are proposing and why

3.14 A relevant service's policy will ultimately be the basis upon which bereaved parents understand what options are available to them and make decisions about what steps they may want to take next.

3.15 In our draft Guidance we propose that providers of relevant services set out in their terms of service if, when and in what circumstances they will disclose information in response to a request from a bereaved parent.[8] If providers of relevant services consider requests on a case-by-case basis, for example due to the need to consider relevant legal restrictions, such as data protection requirements, this should be clearly explained. We have included these proposals so that providers of relevant services can ensure clarity and transparency for bereaved parents. By knowing a service's policy, parents will be aware of whether they will receive information relating to their child, what the process looks like and what to expect, helping them to more adequately prepare themselves.[9]

The procedure for parents to make a request

What providers of relevant services have to do

3.16 The Act states that providers of relevant services must set out clearly and accessibly their procedure for parents of a deceased child to request information about their child's use of the service.[10] However, the Act does not specify the required level of detail or what kinds of steps should be included.

What we know from the evidence

3.17 Our desk research indicates that, currently, most providers of relevant services do not set out their policy or procedure for the disclosure of information to bereaved parents in their terms of service.[11]

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[6] Molly Rose Foundation response to March 2024 Call for Evidence, p. 2; UKIE response to March 2024 Call for Evidence, pp. 45-47.

[7] BILETA response to March 2024 Call for Evidence, pp.55-56; Google response to March 2024 Call for Evidence, p.71; Harbinja, E., response to March 2024 Call for Evidence, p.1; NSPCC response to March 2024 Call for Evidence, pp.35-36; Samaritans response to March 2024 Call for Evidence.

[8] See paragraph 3.2 of the draft Guidance.

[9] Please see good practice in section 'How providers of relevant services can make their terms of service clear and accessible' in relation to the use of trauma-informed language when setting out the policy.

[10] Section 75(3)(a) of the Act.

[11] However, some services set out procedures for other types of requests relating to deceased users, such account memorialisation or deletion.

3.18 During our workshop with bereaved parents who are members of our Lived Experience Group, participants shared the painful process they had to go through and challenges they faced. For example, a lack of acknowledgment of their requests, the types of evidence required to process a request, and their case being passed between multiple people and teams.[12] One bereaved parent said they felt the process was "designed to make you give up".

3.19 In response to our Call for Evidence, respondents such as BILETA recommended that service providers include clear, step-by-step instructions in their terms of service to guide bereaved parents through the procedure.[13]

3.20 While some submissions outlined expectations for what the procedure should contain[14], the Act ultimately gives service providers discretion over the design of their procedures, provided they are clearly and accessibly set out in the terms of service.

What we are proposing and why

3.21 For compliance with the duties, we recommend in our draft Guidance that providers of relevant services should set out their procedure from the point a bereaved parent seeks to make a request to when a response is provided, including access to the complaints procedure.[15] The steps should be presented in chronological order, focusing on the bereaved parent's user journey.

3.22 In our draft Guidance we set out an illustrative example of the types of procedural steps providers of relevant services should include to comply with the duties, such as how to submit a request and what evidence will be required.

3.23 We have included these proposals to alleviate the burden on bereaved parents of requesting information. By providing guidance for providers of relevant services on how to set out the procedure for requesting information, providers can ensure that this process is as straightforward as possible for bereaved parents.

Good practice

3.24 To improve transparency for parents, in our draft Guidance we set out additional good practice procedural steps, responding to what parents told us about the problems they experienced.[16] Our proposed examples of good practice include requests to be acknowledged and to give an indicative processing timeline for a response to a request and who will communicate with a bereaved parent on behalf of the service (i.e. whether a dedicated point of contact will be appointed). These are representative of the types of information bereaved parents might find helpful to see set out clearly and transparently in the procedure, based on what a group of bereaved parents told us about their experiences in our June workshop.[17] We consider that this recommendation will help parents understand what they can expect throughout the process, in line with our objectives for the Guidance.

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[12] Lived Experience Workshop, Ofcom, June 2025.
[13] BILETA response to March 2024 Call for Evidence, p.57.
[14] Molly Rose Foundation response to March 2024 Call for Evidence, pp.3-4; NSPCC response to March 2024 Call for Evidence, p.36.
[15] See paragraphs 3.3 - 3.4 of the draft Guidance.
[16] See sub-section 'What providers of relevant services should include in their terms of service' good practice, in the draft Guidance, pp.8 - 9.
[17] Lived Experience Workshop, Ofcom, June 2025.

The evidence the provider will require

What providers of relevant services have to do

3.25 The Act sets out that a provider of a relevant service must clearly and accessibly specify in its terms of service what evidence (if any) it will require from bereaved parents about their identity or relationship to the child for the purposes of making a request for information.[18] Under the Act, it is within the discretion of providers of relevant services to decide what evidence they might require, and any specific requirements in relation to this.

What we know from the evidence

3.26 The information we have seen to date demonstrates that while providers of relevant services do generally set requirements around evidence that they may require when considering a request for information, this does vary between services. Some stakeholders said that the evidence required was often unclear.[19]

What we are proposing and why

3.27 From the outset, we want bereaved parents to have a clear understanding of the evidence a provider of a relevant service may require. In our draft Guidance we propose that, alongside a list of evidence required by a provider of a relevant service (such as a parent's identity documentation or child's birth certificate), the provider should also outline any additional requirements in relation to this evidence.[20] We give examples of additional requirements the provider should set out in their policy, if applicable, such as whether forms of identity document need to be government issued and if the identity document must be dated within a certain timeframe.

3.28 We consider that this would enable bereaved parents to ensure that they have the necessary evidence available prior to making a request. We also consider that this proposal could help reduce the potential distress and burden for bereaved parents by minimising the need for providers to seek clarifications or request additional or alternate evidence, which could impact the timescale for providers being able to respond to requests for information.

Good practice

3.29 In addition to the above recommended steps for compliance with the duties, our draft Guidance proposes examples of good practice to meet the needs of bereaved parents who may not have access to government issued identification such as a passport or driving licence. We propose that they should accept a number of different forms of identification, bearing in mind accessibility requirements and the diversity of users on a platform.[21] We consider that this would help reduce the burden on bereaved parents of evidencing their relationship to their child. This would also help to ensure that parents who do not have immediate access to the most common forms of government issued identification are not disadvantaged.

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[18] Section 75(3)(b) of the Act.
[19] Molly Rose Foundation response to March 2024 Call for Evidence, p.1.
[20] See paragraphs 3.5 – 3.7 of the draft Guidance.
[21] See sub-section 'What providers of relevant services should include in their terms of service' good practice, in the draft Guidance, p. 9.

Sufficient detail about the disclosure of information

What providers of relevant services have to do

3.30 The Act requires that a provider of a relevant service must include clear and accessible provisions in its terms of service giving sufficient detail to enable child users and their parents to be reasonably certain about what kinds of information would be disclosed and how information would be disclosed.[22] The Act does not enable us to require a provider of a relevant service to disclose any particular kind of information to bereaved parents or specify precisely how they should do this.

What we know from the evidence

3.31 A significant amount of the evidence we have seen so far has focused on the types of information stakeholders believe bereaved parents might wish to seek.[23] However, under the Act, it is within the discretion of the providers of relevant services to determine what information they share, as long as this policy is clear and accessible in the terms of service.

3.32 Some stakeholders made suggestions for how providers of relevant services could give sufficient detail, for example, by providing specific examples of shareable and non-shareable information or by providing expectations around what type of information is retrievable.[24] [25]

3.33 Several stakeholders shared concerns with us about the format in which providers might share information. In our workshop with bereaved parents, one parent shared that they received data about their child's use of a service as a .json file and they needed specialist help to read it.[26] In response to our Call for Evidence, providers told us that they should be given sufficient time to prepare information that can be disclosed in an understandable format.[27]

What we are proposing and why

3.34 In our draft Guidance, we propose that when setting out detail about how information would be shared, providers of relevant services should include the format of disclosed information (e.g. PDF, JPEG) and the method of delivery.[28] This clarity and transparency allows parents to be sure about the way in which they will receive information.

3.35 In the '**How providers of relevant services can make their terms of service clear and accessible'** section we set out consideration for providers on how to make the information comprehensible for a range of reading ages.

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[22] Section 75(3)(c) of the Act.
[23] BILETA response to March 2024 Call for Evidence, p.55; Canadian Centre for Child Protection response to March 2024 Call for Evidence, p.38; Molly Rose Foundation response to March 2024 Call for Evidence, pp.2-3.
[24] Harbinja, E., response to March 2024 Call for Evidence, p.4.
[25] Canadian Centre for Child Protection response to March 2024 Call for Evidence, p.39.
[26] Lived Experience Workshop, Ofcom, June 2025.
[27] Middle Tech Coalition (previously known as Mid-Sized Platform Group) response to March 2024 Call for Evidence.
[28] See paragraph 3.9 of the draft Guidance.

Good practice

3.36 Our draft Guidance contains examples of good practice, including additional details which providers of relevant services could include in their terms of service about their policy on disclosure that could support bereaved parents[29], such as:

a) Confirming the types of information they would not share in any circumstances.
b) Explaining whether special software might be required to access any disclosed information and whether they offer support to parents to access this.
c) Further information on the method of delivery. For example, where a provider specifies that information will be delivered via a secure portal, they could include additional information to explain how parents would access these systems.

3.37 There may be good reasons for providers not to disclose certain information - for example data protection requirements, or for them to use particular formats or technologies by which to disclose certain types of content or information to parents. By increasing parents' awareness about what to expect and by providing additional resources or support, providers of relevant services can reduce unnecessary and upsetting barriers to parents accessing their child's information.

Consultation questions

Question 2 a): In relation to each of the following areas, do you agree with our proposals? Please tell us why:

i) A provider of a relevant service's policy about disclosure of information;

ii) The procedure for parents to make a request;

iii) The evidence the provider will require;

iv) Sufficient detail about the disclosure of information.

Question 2 b): In relation to the provisions in Question 2(a), are there other examples of good practice we should consider?

Responding to bereaved parents in a timely manner

What is this section about

3.38 In this section, we outline our proposals for how providers of relevant services should meet their legal obligation to respond in a timely manner to requests from bereaved parents for information, or updates on the progress of those requests. We also include examples of good practice that providers may wish to adopt.

What providers of relevant services have to do

3.39 The Act requires that a provider of a relevant service must respond in a timely manner to requests from bereaved parents for information about their child's use of the service or for updates about the progress of such information requests.[30] The Act does not identify a specific timescale for a response to be given.

[29] See sub-section 'What providers of relevant services should include in their terms of service' good practice, in the draft Guidance, p.9.
[30] Section 75(4) of the Act.

What do we know from the evidence

3.40 Bereaved parents reported significant challenges securing responses to their requests for information from services. They told us that there was a lack of responses from service providers, sometimes until the media were involved.[31] Stakeholders emphasised the importance of a swift acknowledgement of a request being received, given the sensitive nature of such requests.[32]

3.41 Stakeholders recognised that timeframes to provide a response can vary, but expressed the importance that such timeframes are indicated and communicated clearly, and that responses are timely.[33] Some stakeholders set out examples of the types of factors which can have an impact on the time taken to respond to a request.[34] Another gave an example of their existing response timeframe[35] or cited other information sharing frameworks as an example.[36] One stakeholder suggested an ombudsman-style approach to set expectations for providers about the timeframe for responses.[37] Stakeholders acknowledged that there might be unavoidable delays, and said that providers should keep parents regularly informed in these cases.[38]

What we are proposing and why

3.42 In our draft Guidance we propose what we consider constitutes a 'response' and an 'update' for the purpose of the duties[39] [40] for clarity, and to avoid any misinterpretation of their role and substance. We consider a 'response' and an 'update' to be distinct from an acknowledgement of receipt of a request.

3.43 We are proposing not to set specific expectations around timelines for responding to requests or providing updates as we acknowledge that the nature and extent of any request may have an impact on timescales. However, we propose providers of relevant services should complete any internal activities and processes they deem necessary promptly and should then provide the response or update about the progress of a request without delay.

3.44 Where a provider's policy is to not disclose information, or where the information is unavailable, for example as a result of data retention policies, we consider that there is no justification for any delay in providing a response to inform parents of this.

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[31] Lived Experience Workshop, Ofcom, June 2025.
[32] 5Rights Foundation response to March 2024 Call for Evidence, p.39; Molly Rose Foundation response to March 2024 Call for Evidence, p.4.
[33] 5Rights Foundation response to March 2024 Call for Evidence, p.39.; the Canadian Centre for Child Protection response to March 2024 Call for Evidence, p.38; Molly Rose Foundation response to March 2024 Call for Evidence, p.4; the NSPCC response to March 2024 Call for Evidence, p.36.
[34] Middle Tech Coalition (previously known as Mid-Sized Platform Group) response to March 2024 Call for Evidence.
[35] Pinterest response to March 2024 Call for Evidence.
[36] BILETA response to March 2024 Call for Evidence, p.56; Harbinja, E., response to March 2024 Call for Evidence, p.2.
[37] 5Rights Foundation response to March 2024 Call for Evidence, p.39.
[38] 5Rights Foundation response to March 2024 Call for Evidence, p.39; Molly Rose Foundation to March 2024 Call for Evidence, p.4.
[39] In paragraph 3.11 of the draft Guidance, we set out that we consider a response to be a communication from the provider of a relevant service to the requesting parent which providers information about the child's use of the service (whether in full or a partial disclosure) or explains why this information is not provided.
[40] In paragraph 3.12 of the draft Guidance, we explain that an update may include confirming what steps have been taken, what is outstanding and how much longer the request may take.

3.45 We consider that these proposals balance the operational realities of responding to complex requests with the importance of responding quickly, to a high standard, and in a way which reflects the sensitivity of the request and of treating bereaved parents with dignity and respect.

Good practice

3.46 In addition to our proposals for compliance, our draft Guidance contains proposed good practice examples for responding to requests.[41]

3.47 We recommend providers of relevant services promptly acknowledge a bereaved parent's request for information. We set out some of the information providers could include in an acknowledgement, and that they should also consider explaining what a parent can do to request an update following the submission of their request. This is pursuant to our objective that bereaved parents should be treated with dignity and respect when they make a request for information to a provider of a relevant service.

3.48 Given the sensitive nature of requests for information or updates from bereaved parents, it is good practice that providers of relevant services avoid asking bereaved parents to repeat details or resubmit evidence unnecessarily. Where repetition is required - for example, for data security – providers should clearly explain why to help parents understand the process, and to reduce distress. We consider that this will reduce the emotional and administrative burden on bereaved parents.

3.49 We have proposed as good practice that, when responding to requests for information from bereaved parents, providers who have a policy for non-disclosure should provide the rationale for this policy when explaining why information is not being shared. We consider that this will enhance transparency for bereaved parents by helping them to better understand the reasons why information will not be provided.

3.50 While we received some limited evidence to indicate what stakeholders consider to be realistic timelines for providing this information, most responses to our Call for Evidence indicated that the timeframe could vary depending on the type of request, the type of service, and how information is shared. We have therefore not proposed externally imposed ombudsman-style targets since each case is likely to be unique. We have instead suggested that providers of relevant services should consider setting performance targets for the time it takes to respond to a bereaved parent's request for information. Performance targets may assist providers to ensure that the time it takes them to respond is measurable and accountable. This would support clarity and transparency for bereaved parents.

Consultation questions

Question 3 a): Do you agree with our proposals regarding providers responding in a timely manner? Provide any evidence to support your answer.

Question 3 b): Are there other examples of good practice we should consider?

[41] See sub-section 'Responding to bereaved parents in a timely manner' good practice in the draft Guidance, p.10.

How providers of relevant services can make their terms of service clear and accessible

What is this section about

3.51 The Act requires that providers of relevant services include specific information in their terms of service in a clear and accessible way.[42] This section sets out our proposals on how we consider providers of relevant services can achieve this.

What providers of relevant services have to do

3.52 Providers of relevant services are required to make their disclosure policy clear in the terms of service.[43] Providers are also required to make the other provisions in their terms of service clear and accessible.[44]

What do we know from the evidence

3.53 Stakeholders set out the types of language and formatting they thought providers should consider in order to make the provisions in the terms of service clear. They emphasised the use of plain, simple language free of legal jargon and formatting and visual aids like infographics.[45]

3.54 Stakeholders also highlighted the importance of the accessibility of terms of service for parents with a range of accessibility needs, such as ensuring documents are compatible with screen readers for visually impaired users.[46] They also emphasised that the provisions should be easy to find.[47]

What we are proposing and why

3.55 As set out in the Act, section 75(1) only explicitly requires that the policy must be 'clear' in the terms of service. However, in the draft Guidance we consider that it is proportionate to expect that providers make their policy accessible too, in line with the explicit requirement for the other provisions required about the terms of service to be accessible, given that they would be set out in the same place.[48] This would support the objective in the duty that the policy should be easy to find in the terms of service.

3.56 When drafting clear provisions, we propose that providers of a relevant service implement drafting that considers layout and formatting. This includes ensuring that the provisions are laid out and formatted in a way that helps people read and understand them. Providers

[42] Section 75(3) of the Act.
[43] Section 75(1) of the Act.
[44] Section 75(3) of the Act.
[45] Canadian Centre for Child Protection response to March 2024 Call for Evidence, p.39; Harbinja, E., response to March 2024 Call for Evidence, p.4.
[46] Harbinja, E., response to March 2024 Call for Evidence, p.4; Molly Rose Foundation response to March 2024 Call for Evidence, p.3.
[47] 5Rights Foundation response to March 2024 Call for Evidence, p.40; BILETA to March 2024 Call for Evidence, p.59; Harbinja, E., response to March 2024 Call for Evidence, p.3; Molly Rose Foundation response to March 2024 Call for Evidence, p.3.
[48] See paragraph 3.15 of the draft Guidance.

should also draft provisions to a reading age comprehensible for the youngest individual permitted to use the service.[49]

3.57 We propose that when drafting accessible provisions, providers of a relevant service ensure that provisions are easy to find within the terms of service and are clearly signposted to the public, including for those who are not registered on the service. Providers should also ensure that provisions are designed to be compatible with assistive technologies, including keyboard navigation and screen reading technology.[50]

3.58 This is in line with the approach we have taken in our Illegal Content Codes and Protection of Children Codes to ensure clarity and accessibility of terms of service.[51] By aligning with established practice in the Illegal Content and Protection of Children Codes, we consider that these proposals are proportionate as they promote consistency. The use of clear language supports comprehension by users of a wide range of reading ages, including child users, as set out in the Act.

Good practice

3.59 In addition to the steps which are recommended for compliance with the duties, we have proposed as good practice in the draft Guidance that providers of a relevant services use language that is sensitive to the traumatic circumstances in which bereaved parents will be engaging with these provisions.[52] We recommend that the wording used in relevant parts of their terms of service is underpinned by the principles of trauma informed practice. We consider that this is reflective of the sensitive situation of bereaved parents and supports the objective of ensuring they are treated with dignity and respect.

Consultation questions

Question 4: Do you agree with our proposal to require providers of relevant services to also make their disclosure policy statement accessible as well as clear? Please explain why.

Question 5: Do you have any comments in relation to our proposal to align our approach to clarity and accessibility with the approaches taken in our Illegal Content and Protection of Children Codes? Please explain why.

Question 6: Are there other examples of good practice in relation to clarity and accessibility we should consider?users

[49] This approach is consistent with our Illegal Content Codes of Practice, measures ICU G3.2(c) and ICS G3.2(c); Protection of Children Codes of Practice, measures PCU G3.2(c) and PCS G3.2(c).
[50] This approach is consistent with our Illegal Content Codes of Practice, measures ICU G3.2(d) and ICS G3.2(d); Protection of Children Codes of Practice, measures PCU G3.2(d) and PCS G3.2(d).
[51] Illegal Content Codes of Practice, measures ICU G3 and ICS G3; Protection of Children Codes of Practice, measures PCU G3 and PCS G3.
[52] See sub-section 'How providers of relevant services can make their terms of service clear and accessible' good practice in the draft Guidance, p.11.

Support function – requirement for a dedicated helpline, section of the service, or similar means

What is this section about

3.60 In this section we set out our proposals on how the provider of a relevant service can comply with the requirements about having a dedicated helpline or section of the service, or some similar means, by which parents can easily find out what they need to do to obtain information and updates (a '**support function**'). We also explain the proposed additional good practice steps we recommend providers could take.

What providers of relevant services have to do

3.61 The Act requires providers of a relevant service to have a dedicated helpline or section of the service, or some similar means, by which parents are able to easily find out what they need to do to obtain information and updates in those circumstances.[53] The Act allows providers of relevant services to determine by what means they offer this support function, as long as parents are able to easily find out what they need to do.

3.62 The Act also requires providers of relevant service to provide details about the support function in their terms of service.[54]

What do we know from the evidence

3.63 Bereaved parents shared that navigating complex systems after the loss of a child can be overwhelming and adds to their emotional burden. They described the process as intimidating and called for mechanisms that clearly explain and support them, making the experience more transparent and manageable.[55] Other stakeholders echoed these concerns.[56] They advocated for providers to provide accessible resources on their services, such as dedicated web pages outlining the process for requesting information, with clear contact details for further support. Others recommended that platforms offer searchable knowledge bases to help families find relevant information more easily.[57]

3.64 Stakeholders emphasised that bereaved families often face additional distress, delays and frustration when forced to deal solely with automated responses.[58]

What we are proposing and why

3.65 Our draft Guidance outlines practical steps for providers to meet the duty.[59] We propose that the support function should:

a) Outline what the relevant service's policy is regarding requests from a parent;
b) Be easy to locate, whether or not a parent is registered or using the service;

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[53] Section 75(2) of the Act.
[54] Section 75(2) of the Act.
[55] Lived Experience Workshop, Ofcom, June 2025.
[56] 5Rights Foundation response to March 2024 Call for Evidence, p.40; NSPCC response to March 2024 Call for Evidence, p.36.
[57] BILETA response to March 2024 Call for Evidence, p.57; Harbinja, E., response to March 2024 Call for Evidence, p.3.
[58] 5Rights Foundation response to March 2024 Call for Evidence, p.39; NSPCC response to March 2024 Call for Evidence, p.36.
[59] See paragraphs 3.20 – 3.26 of the draft Guidance.

c) Be accessible to users of assistive technology; and
d) Be searchable where providers of relevant services offer a search function.

3.66 To ensure clarity for parents, the support function should explain:

a) How to request information, including required steps and evidence of identity or relationship; and
b) How to obtain updates, such as the correct email address for follow-up.

3.67 We recommend the support function directly link bereaved parents to the request mechanism. If requests are made online, include a hyperlink; if not, provide clear contact details (e.g., email or phone number).

3.68 Providers of relevant services must also provide details of their support function in their terms of service. To comply with this duty, we propose in our draft Guidance that providers should include what support function the service has in place and where the support function is located. We also recommend that the terms of service should directly point bereaved parents to the support function (for example, by including a hyperlink).

3.69 We expect our proposals to address what we heard in evidence about the difficulties faced by bereaved parents looking for support from service providers. By ensuring the support function is easy to locate and ensuring that the information about how to make a request or seek an update is clearly set out, we expect our proposals to improve communication between providers and bereaved parents. This will result in bereaved parents having more clarity around the process of requesting information or updates, and that the unnecessary additional emotional distress of complex processes will be reduced. In relation to including information on the support function in the terms of service, we consider providers should help ensure that parents can easily find out what support function is available to them, and where they can locate it, reducing the burden on parents of having to spend time searching for this information.

Good practice

3.70 In addition to the steps outlined above which are recommended for compliance with the duties, in the draft Guidance we propose as good practice that a provider of a relevant service considers providing further information via the support function.[60] For example, this could include the kinds of information that would be disclosed and the anticipated timescale for providing a response to the request. This reflects the kinds of information we anticipate bereaved parents might wish to seek and which providers of relevant services could make easy to find via the support function.

3.71 We have also proposed as good practice that providers of relevant services provide details of the support function are clear and accessible in the terms of service.[61] For more detail see **'How providers of relevant services can make their terms of service clear and accessible'** section.

Consultation questions

[60] See sub-section 'Support function - requirement for a dedicated helpline, section of the service, or similar means' good practice in the draft Guidance, p.13.
[61] See sub-section 'Support function - requirement for a dedicated helpline, section of the service, or similar means' good practice in the draft Guidance, p.13.

Question 7: Do you have any comments on our proposals in relation to how providers should provide a support function?

Question 8: Do you have any comments in relation to the details about a support function which a provider of a relevant service must include in its terms of service?

Question 9: Are there other examples of good practice in relation to the provision of a support function or the details to be included in the terms of service we should also consider?

How providers of relevant services should operate a complaints procedure

What this section is about

3.72 This section explains what providers of a relevant service must do to operate a complaints procedure which allows for relevant complaints to be made by bereaved parents. It also sets out our proposals for compliance with these duties, and additional good practice providers could consider.

3.73 We also set out our proposals regarding the policies and procedures governing the handling and resolution of such complaints in a sub-section below ('**Policies and procedures governing the handling and resolution of complaints'**).

What providers of relevant services have to do

3.74 The Act requires that a provider of a relevant service must operate a complaints procedure in relation to the service that:

a) allows for complaints to be made by parents of a deceased child who consider that the provider is not complying with a duty set out in section 75(1) to (4);
b) provides for appropriate action to be taken by the provider of the service in response to such complaints; and,
c) is easy to access, easy to use and transparent.[62]

What we know from the evidence

3.75 The evidence we have seen to date emphasises that a service provider's complaints system should be easy to use, understandable, and clearly explain the process and timeline. Stakeholders also considered that the complaints procedure should be accessible, giving consideration to users with specific access needs, and use everyday language.[63]

3.76 Stakeholders considered that there should be a clear route to redress if a request is denied, and that providers should offer details on how to complain or appeal decisions.[64] One stakeholder also noted that, when a complaints process 'breaks down' there should be a way to redress this and escalate concerns.[65]

[62] Section 75(5) of the Act.
[63] 5Rights Foundation response to the March 2024 Call for Evidence pp.41-42; Harbinja, E., response to March 2024 Call for Evidence, pp.4-5.
[64] 5Rights Foundation response to March 2024 Call for Evidence, pp.41-42; Molly Rose Foundation response to March 2024 Call for Evidence, p.4.
[65] Interview with member of the lived experience group, Ofcom, July 2025.

3.77 One stakeholder suggested that providers of relevant services should offer a dedicated complaints process in cases involving bereavement.[66] Some stakeholders highlighted that bereaved parents were of the view that conventional processes are too onerous.[67] They suggested that these processes may require trauma-informed staff and mechanisms to handle time-sensitive information.[68] They also emphasised that updates on complaints should be delivered by a human, not an automated system.[69]

What we are proposing and why

3.78 In our draft Guidance we propose practical steps a provider of a relevant service can take to comply with the duty.[70] Our proposals reflect the calls from stakeholders to make the complaints procedure easy to access and easy to use. The approach we set out in the draft Guidance is in line with the approach we have taken in the Illegal Content and Protection of Children Codes.[71] We think it is proportionate to require services to take the same approach in relation to relevant complaints for regulatory consistency.

3.79 We propose that providers of relevant services should:

a) Ensure the complaints process is easy to find and navigate. For example, they could signpost their complaints mechanisms to bereaved parents as part of their procedure for making a request, as set out in their terms of service. Providers of relevant services should also include instructions that are easy to comprehend.
b) Allow bereaved parents to give the relevant service provider supporting information when making relevant complaints.
c) Follow industry standards and best practice and use the information the provider has about UK users' accessibility needs - including disabled people - to design a complaints process that is easy for everyone to use and that works well with assistive technologies (such as keyboard navigation and screen readers).
d) The complaints procedure must also be transparent. To do this, providers of relevant services could set clear expectations for complaint timelines and set out the possible courses of action.

3.80 Our draft Guidance acknowledges that the nature of appropriate action will depend on the complaint. We set out in the draft Guidance that appropriate action in response to complaints should include, but is not limited to:

a) Acknowledgement of all complaints, which could include:

i) providing the complainant with a timeline telling them when they can expect to hear the outcome;[72] and

[66] Canadian Centre for Child Protection response to March 2024 Call for Evidence, p.40.
[67] 5Rights Foundation response to the March 2024 Call for Evidence pp.41-42; Canadian Centre for Child Protection response to March 2024 Call for Evidence, p.40.
[68] Canadian Centre for Child Protection response to March 2024 Call for Evidence, p.40.
[69] 5Rights Foundation response to March 2024 Call for Evidence, p.42.
[70] See paragraphs 3.29 – 3.31 of the draft Guidance.
[71] Illegal Content Codes of Practice, measures ICU D1-D2, D4, D12, G1.2(c) and ICS D1-D4, D11 and G1.2(c); Protection of Children Codes of Practice, measures PCU and PCS D1-D2, D4-D5 and D13.
[72] Illegal Content Codes of Practice, measures ICU D4 and ICS D3; Protection of Children Codes of Practice, measures PCU D4 and PCS D4.

ii) setting out the possible outcomes of the complaint, and an explanation of what actions may be taken in response to the complaint.[73] This information could explain how the provider of a relevant service generally handles complaints and does not need to be tailored for each specific complaint.

b) A nominated individual or team to handle the complaint, which could be part of a relevant service provider's existing complaints handling function.[74]
c) Handling relevant complaints within timeframes set by the relevant service provider.[75]
d) A response which clearly sets out whether the complaint has been upheld all or in part and explains the reasoning for the decision. This may also include details of what, if any, further action will be taken. Providers of relevant services must inform parents of the complaint outcome, even if the outcome is that the complaint is not upheld.

3.81 We do not think that it is proportionate to expect providers of relevant services to operate a separate complaints process for this class of complaints. This is because providers will organise their services' complaints handling functions in different ways, some of which may already be set up to deal with highly sensitive complaints across a range of issues. It is also possible that many providers of services which ultimately appear on the register of categorised services may not receive significant volumes of requests from bereaved parents because of the nature of the service or their user age policies.

Good Practice

3.82 To meet our objective of ensuring bereaved parents are treated with dignity and respect, we propose additional good practice in the draft Guidance, including providing training for individuals or teams to respond with appropriate sensitivity and take a humane approach to such engagement.[76]

3.83 We also recommend as good practice that, when responding to requests for information from bereaved parents, providers of relevant services direct them to the complaints procedure which allows them to complain if they consider that the provider is not complying with the duties. For example, providers could include a hyperlink to the complaints procedure. We consider that this will help ease the burden on bereaved parents by making it easier for them to access the relevant complaints process.

Policies and procedures governing the handling and resolution of complaints

What providers of relevant services have to do

3.84 The Act requires that a provider of a relevant service must include in the terms of service provisions which are easily accessible specifying the policies and processes that govern the handling and resolution of such complaints.[77]

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[73] Illegal Content Codes of Practice, measures ICU D5 and ICS D4; Protection of Children Codes of Practice, measures PCU D5 and PCS D5.
[74] Illegal Content Codes of Practice, measures ICU D12.3 and ICS D11.3; Protection of Children Codes of Practice, measures PCU D13.3 and PCS D13.3.
[75] Illegal Content Codes of Practice, measures ICU D12.4(b) and ICS D11.4(b); Protection of Children Codes of Practice, measures PCU D13.4(b) and PCS D13.4(b).
[76] See sub-section 'How providers of relevant services should operate a complaints procedure' good practice in the draft Guidance, p.14.
[77] Section 75(6) of the Act.

What we are proposing and why

3.85 We propose in the draft Guidance to interpret 'accessible' broadly to incorporate accessibility requirements and needs[78], and expect the same principles set out in the '**How providers of relevant services can make their terms of service clear and accessible'** section to apply here for consistency.

3.86 We also propose that providers of relevant services consider comprehensibility, based on the likely reading age of the youngest individual permitted to use the service.[79] This is consistent with the calls from stakeholders for the use of plain language.

Good practice

3.87 We propose in the draft Guidance as good practice that, where a provider of a relevant service has an appeals process in relation to the outcomes of complaints[80], it should consider setting out details of this process alongside the policies and procedures governing the handling and resolution of complaints. [81] This would support the objective of clarity and transparency about the process and options for bereaved parents.

Consultation Questions

Question 10: Do you have any comments on our proposal to align our guidance for how providers of relevant services should operate a complaints function with the approach taken in the Illegal Content and Protection of Children Codes?

Question 11: Do you agree with our proposal not to require providers of relevant services to operate a separate complaints function? Please explain why.

Question 12: Do you have any comments on our proposal in relation to easily accessible policies and processes that govern the handling and resolution of such complaints?

Question 13: Are there any further examples of good practice in relation to the operation of a complaints function or the provision of relevant provisions in the terms of service we should consider?

[78] See paragraph 3.32 of the draft Guidance.

[79] Illegal Content Codes of Practice, measures ICU D2.3(e) and ICS D2.3(e); Protection of Children Codes of Practice, measures PCU D2.3(d) and PCS D2.3(d).

[80] Some services may operate a process whereby people who have raised a complaint and received a decision with which they do not agree may ask for a decision to be reviewed.

[81] See sub-section Policies and procedures governing the handling and resolution of complaints' good practice in the draft Guidance, p.15.