

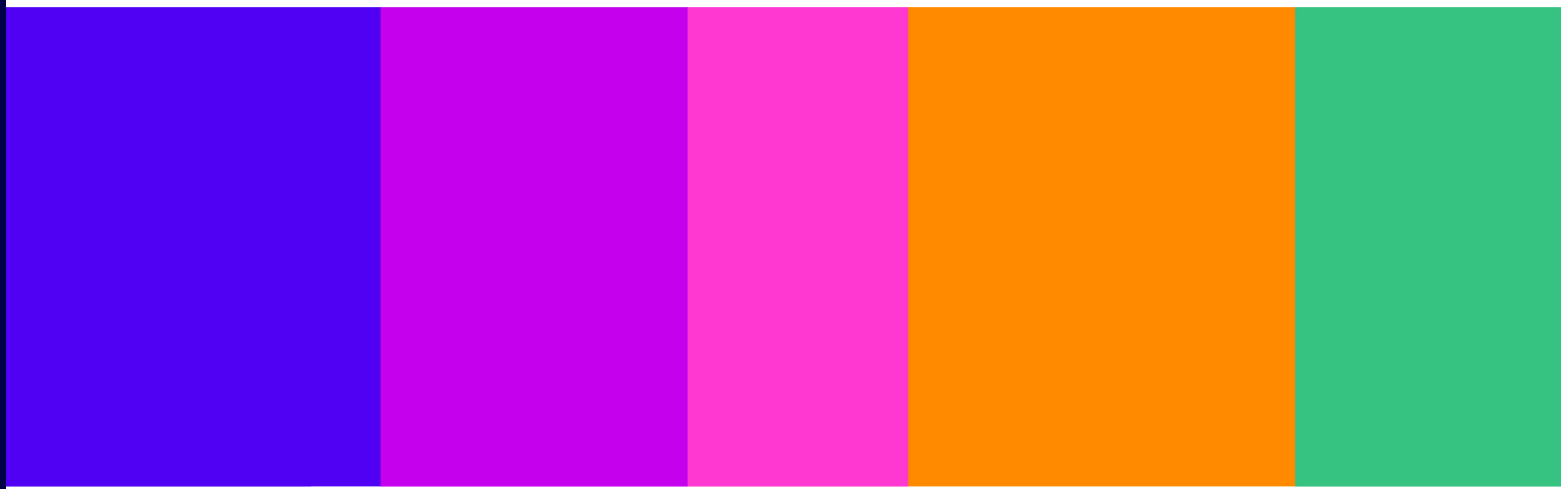
Fraudulent Advertising Codes Consultation

Annex 6: Equality Impact Assessment and
Welsh Language Assessment

Consultation

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A6. Equality Impact Assessment and Welsh language assessment

This annex outlines our Equality Impact Assessment and Welsh language assessment for the measures proposed in the Fraudulent Advertising Consultation which sets out a package of proposed measures under the Online Safety Act 2023.

Consultation Questions

- Do you agree with our Equality Impact Assessment? Please provide any arguments and supporting evidence.
- Do you agree with our Welsh language assessment? Please provide any arguments and supporting evidence.

Equality Impact Assessment

- A6.1 Section 149 of the Equality Act 2010 (the 2010 Act) imposes a duty on Ofcom, when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. We refer to groups of people with these protected characteristics as ‘equality groups’. The 2010 Act also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share specified protected characteristics and persons who do not.
- A6.2 Section 75 of the Northern Ireland Act 1998 (the 1998 Act) also imposes a duty on Ofcom, when carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and have regard to the desirability of promoting good relations across a range of categories outlined in the 1998 Act. Ofcom’s Revised Northern Ireland Equality Scheme explains how we comply with our statutory duties under the 1998 Act.
- A6.3 To help us comply with our duties under the 2010 and the 1998 Act, we assess the impact of our proposals on persons sharing protected characteristics and in particular whether they may discriminate against such persons or impact on equality of opportunity or good relations.
- A6.4 When thinking about equality we think more broadly than persons that share protected characteristics identified in equalities legislation and think about potential impacts on various groups of persons (see paragraph 4.7 of our impact assessment guidance).¹

¹ Ofcom, 2023. [Ofcom’s approach to impact assessments](#).

- A6.5 In particular, section 3(4) of the Communications Act 2003 also requires us to have regard to the needs and interests of specific groups of persons when performing our duties, as appear to us to be relevant in the circumstances. These include:
- the vulnerability of children and of others whose circumstances appear to us to put them in need of special protection;
 - the needs of persons with disabilities, older persons and persons on low incomes; and
 - the different interest of persons in the different parts of the UK, of the different ethnic communities within the UK and of persons living in rural and in urban areas.
- A6.6 We examine the potential impact our policy is likely to have on people, depending on their personal circumstances. This also assists us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers, regardless of their background and identity.

Cross-cutting Considerations

- A6.7 Section 149 of the Equality Act 2010 (the 2010 Act) imposes a duty on Ofcom, when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. We refer to groups of people with these protected characteristics as ‘equality groups’. The 2010 Act also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share specified protected characteristics and persons who do not.
- A6.8 The proposed measures under the Fraudulent Advertising Consultation are designed to prevent UK users from encountering fraudulent advertising, including through improved advertiser account checks, testing of artificial intelligence (AI) tools and strengthening reporting functions.
- A6.9 Across the consultation, our proposals are underpinned by a commitment to protecting those at greatest risk of harm online. While there is no set profile for victims of fraud (including fraudulent advertising), anyone can be targeted and risk depends more on individual circumstances, with certain users more susceptible to specific types of fraudulent advertising. Evidence indicates that risk may be higher for certain groups, including children and younger users, disabled people (including those with mental health conditions), individuals with lower levels of English proficiency, older people and those with intersecting protected characteristics.
- A6.10 Our proposals support equality by:
- reducing users’ exposure to fraudulent advertising;
 - improving the accessibility and usability of complaints processes (including compatibility with assistive technologies and the use of clear, simple language); and
 - enhancing protections for users who may be more vulnerable to online harm or less able to identify or respond to fraudulent activity.
- A6.11 In light of the above, we consider that the proposals will primarily have positive effects on people with protected characteristics.

- A6.12 We do not consider that the proposals will have negative effects on equality of opportunity or the fostering of good relations. We have also had regard to the different interests of persons living in urban and rural areas, but we do not consider there to be relevant differences for the purpose of our proposals.
- A6.13 We do not consider that our proposals will result in unlawful discrimination or otherwise hinder equality of opportunity. Where we have identified a risk of discrimination, we have built-in safeguards to mitigate this risk.
- A6.14 We will update this assessment following the consultation period, to reflect stakeholder feedback and any changes to policy proposals. It is intended as both a decision-making tool and a transparency mechanism.

Measure-specific equality considerations

Advertising intermediaries (Volume 2, Section 2)

- A6.15 As this is an ‘enabling’ measure, which means it supports the objectives of other measures, we do not consider that it will directly or indirectly result in discrimination, harassment or victimisation. Because the measure will ensure the outcomes of other measures are achieved more than they would be otherwise, any positive effects of those other measures will be amplified.

Fraud indicator assessment (Volume 2, Section 3)

- A6.16 The assessment could result in indirect discrimination if there is an association between a protected characteristic and an indicator of fraudulent advertising that a provider identifies through their fraud indicator assessment (FIA). However, we have no evidence to suggest that this is likely to happen. As part of their FIA, we propose that providers consider the users targeted by fraudulent advertising, which is likely to support providers to better protect users with protected characteristics where they are specifically targeted by bad actors.

Governance and accountability (Volume 2, Section 4)

- A6.17 The Governance and accountability measures support robust governance processes as an effective way of ensuring senior oversight and accountability as well as compliance with the fraudulent advertising duties. We have not identified measure-specific equality impacts beyond the cross-cutting effects described above.

Testing advertisement generation tools (Volume 2, Section 5)

- A6.18 The measure may not be as effective for non-English language fraudulent advertising (compared to English language fraudulent advertising). This is because AI systems are largely trained on English language and product testing exercises are conducted in English. As a result, English language fraudulent advertisements are more likely to be identified via testing compared to fraudulent advertisements in other languages. This could lead to the advertisement generation tool producing higher levels of fraudulent advertisements in non-English languages. This could impact people of certain races (which encompasses nationality) who are less likely to be English-speaking. However, this is mitigated (to some extent) by the

proposed recommendation that providers take into account the results of their latest FIA when producing and analysing metrics used during testing. These results could (if relevant) include findings about the languages used in fraudulent advertising or the languages spoken by users targeted by fraudulent advertising.

Account checks and actions (Volume 3, Section 2)

- A6.19 Account checks are likely to benefit users who are at higher risk of being victims of fraud, including those with protected characteristics. Verifying that only those who work for the brand they are advertising can advertise on their behalf will help reduce the risk of brand impersonation and prevent individuals who may be involved in fraudulent activities from targeting potential victims, including vulnerable users who are more likely to be exploited and harmed.
- A6.20 We are proposing that providers use the FIA to find accounts with an indicator that there is a 'material risk' they will post fraudulent advertising and place a restriction on them. Using the FIA could result in indirect discrimination if there is an association between a protected characteristic and an indicator of fraudulent advertising that a provider identifies through it. However, as noted above, we have no evidence to suggest that this is likely to happen.
- A6.21 Providers could decide to carry out 'identity verification' checks when applying the measure. This could disadvantage individuals who have greater difficulty accessing official documentation, including those with protected characteristic such as ethnic minority groups,² certain age groups,³ and disabled people.⁴ While we recognise that providers may take this approach, it is not the only way in which they can comply with the measure and providers have a degree of flexibility in this regard. Further, we propose to recommend that the provider prepare and publish a summary of their account checks policy to enable advertising account holders to sufficiently understand the checks and actions that the provider will carry out.

Preventing fraudulent financial services advertising (Volume 3, Section 3)

- A6.22 Financial services verification checks are likely to benefit users at higher risk of being victims of fraud, such as those with protected characteristics. By ensuring that only individuals and firms permitted to advertise financial services are able to do so, financial services verification helps prevent those who may be engaging in fraudulent activity from using advertising channels to reach potential victims, including vulnerable users who are more likely to be targeted and harmed.

² A report found that fifteen percent of people living in London did not have suitable ID to vote in the 2023 local elections, and ethnic minorities were five times more likely to be turned away from polling stations as a result. Source: Rufo, Y., 2023. [Almost 1 in 6 Londoners without suitable documents](#). [accessed 25 June 2026].

³ There are also known issues around the barriers to accessing digital government services for those aged 18-24 due to identity verification requirements. For example, only 22% of 18-24-year-olds have access to an active bank account, credit cards, loans, or mortgages used to establish a financial UK digital footprint (compared with 43% for the general population). Forty-three per cent have difficulty completing online tasks (compared with 25% for the general population). Source: GOV.UK, 2024. [GOV.UK One Login: Designing for inclusion at scale](#). [accessed 25 June 2026].

⁴ The Cabinet Office, 2021. [Photographic ID Research - Headline Findings](#), p.6.

Countering account takeover (Volume 3, Section 4)

- A6.23 We consider that the measures are likely to advance equality of opportunity by improving account security and access to redress for all account holders and operators. By reducing the risk of account takeover and enabling timely reporting, the measures help ensure that account holders and operators, including those who may be more vulnerable to harm, are better able to access and use services on an equal basis.
- A6.24 There is a potential risk that complex or technology-dependent security mechanisms could create barriers for individuals in low-connectivity areas or individuals with accessibility requirements. However, providers have a commercial incentive to avoid this, as they benefit from making their services available to as many people as possible.
- A6.25 To the extent that some may face barriers in engaging with reporting mechanisms, these should be mitigated through accessible and inclusive design.

Advertising bans (Volume 3, Section 5)

- A6.26 We have not identified measure-specific equality impacts beyond the cross-cutting effects referred to above.

Account appeals (Volume 3, Section 6)

- A6.27 We are proposing to recommend that service providers ensure that account appeals systems and processes are easy to find, access and use by having regard to the likely accessibility needs of the account holders and account operators who use them. Providers should consider the relevant information they hold about account holders and operators when designing their appeals systems and processes and have regard to industry standards and good practice on accessibility, particularly for disabled people. This includes ensuring compatibility with assistive technologies such as keyboard navigation and screen-reading technology. This is likely to reduce barriers for disabled users and support fairer appeals systems and processes.

Advertising moderation (Volume 4, Section 2)

- A6.28 We are proposing that providers should have regard to the languages that their UK users may encounter paid-for advertisements in when they resource their advertising moderation functions. This is likely to benefit users who do not speak English as a first language (which can be associated with race).

Terms of service and publicly available statements (Volume 4, Section 3) and advertising complaints (Volume 4, Section 4)

- A6.29 We are proposing that terms of service, publicly available statements and advertising complaints systems and processes should be designed to be compatible with assistive technologies, including keyboard navigation and screen-reading technology. We consider that this would benefit some users with disabilities, such as those with visual or motor impairment.
- A6.30 We also propose that terms of service, publicly available statements and advertising complaints systems and processes should be designed to ensure that they are comprehensible for the youngest individual permitted to use the service without the

consent of a parent or guardian. We consider that this would have benefits for younger users, those who do not speak English as a first language (which can be associated with race) or those with relevant disabilities, such as a learning disability.

A6.31 With respect to complaints, the trusted flaggers that we are proposing to recommend be able to use the proposed dedicated reporting channel measure have been chosen to ensure law enforcement authority representation across England, Scotland, Wales and Northern Ireland. However, there may be differences in how the country-specific law enforcement authority undertake their trusted flagger responsibilities. There may also be a potential adverse impact where certain fraudulent advertisements go un-identified due to lack of language expertise within the trusted flagger organisation.

Ad libraries (Volume 4, Section 5)

A6.32 We are proposing to recommend that ad libraries contain information on the targeted audience by demographic as this may support experts in identifying trends or where fraudulent advertisements are targeted at users with protected characteristics such that targeted action can be taken against such advertisements.

Conclusion and next Steps

A6.33 The Equality Impact Assessment has considered how our proposed measures to help tackle online fraudulent advertising and therefore should improve outcomes for any group disproportionately affected by fraudulent advertising, which may include groups with protected characteristics.

A6.34 We consider the measures proposed in this consultation are likely to deliver positive equality outcomes for users with protected characteristics. Where potential negative impacts have been identified, we have sought to mitigate them.

A6.35 We are inviting views from stakeholders, including those representing or working with groups who may be impacted. Where appropriate, we will adjust our proposals or implementation guidance to mitigate any identified risks.

A6.36 We will continue to refine our impact assessment considering consultation feedback including engagement with organisations representing affected groups. Any final decisions will be accompanied by an updated final Equality Impact Assessment.

Welsh Language Assessment

A6.37 The Welsh language has official status in Wales. To give effect to this, certain public bodies, including Ofcom, are required to comply with the Welsh Language Standards.⁵ Accordingly, we have considered:

- the potential impact of our policy proposals on opportunities for persons to use the Welsh language;
- the potential impact of our policy proposals on treating the Welsh language no less favourably than the English language; and

⁵ The Welsh language standards with which Ofcom is required to comply are available on our [website](#).

- how our proposals could be formulated so as to have, or increase, a positive impact, or not to have adverse effects or to decrease any adverse effects.

A6.38 Ofcom’s powers and duties in relation to online safety regulation are set out in the Online Safety Act 2023 and must be exercised in accordance with our general duties under section 3 of the Communications Act 2003. In formulating our proposals in this consultation, where relevant and to the extent we have discretion to do so in the exercise of our functions, we have considered the potential impacts on opportunities to the Welsh language and treating the Welsh language no less favourably than English.

A6.39 We are proposing to recommend that service providers should have regard to the needs of their UK user base in considering what languages are needed for their advertising moderation, advertising complaints handling, terms of service and publicly available statements.⁶

A6.40 On the whole, we therefore consider our proposed measures are unlikely to negatively impact on the Welsh language. We note, however, that because AI systems are largely trained on English language and product testing exercises are conducted in English, there is a greater risk that English language fraudulent advertisements are identified via testing, but fraudulent advertisements in other languages (such as Welsh) are not. This could lead to advertisement generation tools producing higher levels of fraudulent advertisements in non-English languages. However, as noted in paragraph A6.18, this is mitigated to some extent by the proposed recommendation that providers take into account the results of their latest FIA when producing and analysing metrics used during testing. These results could (if relevant) include findings about the languages used in fraudulent advertising or the languages spoken by users targeted by fraudulent advertising.

⁶ Relevant measures are contained within our Codes of Practice which can be accessed in our [December 2024 Statement](#) and our [April 2025 Statement](#).