

Giving children a seat at the table

Public views on user advocacy arrangements in online safety regulation

Summary

Effective user advocacy is integral to the success of online harms regulation. During parliamentary passage, there is a valuable opportunity to embed user advocacy into the Online Safety Bill and secure better long-term outcomes for children.

Fully-fledged statutory user advocacy arrangements are used in nearly all regulated consumer sectors including energy, water, post and public transport. These advocacy bodies play a key role in representing users, particularly vulnerable groups, and ensuring that their needs are represented and appropriately counterbalanced against the backdrop of well-resourced and vocal regulated companies.

This paper sets out polling conducted for the NSPCC, undertaken by YouGov, which surveyed 2,501 adults in February 2022. The results demonstrate strong public support for an independent body set up to protect the interest of children at risk from online harm. Therefore, we recommend the Bill includes statutory user advocacy arrangements that can:

- effectively represent children's needs, including children at risk of online sexual abuse;
- provide a powerful and well-resourced voice to cut through and balance industry interventions, and;
- ensure the regulated settlement works in favour of children, rather than being disproportionately skewed towards the interests of regulated companies.

There is strong public support for user advocacy arrangements that provide children with at least broadly comparable arrangements to other regulated sectors. Unless user advocacy arrangements are built into the Online Safety Bill, children who have been or are at risk of sexual abuse will receive fewer statutory advocacy protections than users of a post office or passengers on a bus.

An NSPCC paper outlining the arguments for user advocacy arrangements for children can be found [here](#).

Key findings

1. There is overwhelming public support for an independent body to be set up to protect the interests of children at risk of online harm, and for children to receive comparable or greater protections than in other sectors

This shows that there is overwhelming public support for user advocacy mechanisms that can enable the Online Safety Bill to deliver on its stated goal of securing a higher overall standard of protection for children.

In the survey, 88 per cent of UK adults think that it is necessary for the Online Safety Bill to introduce a requirement for an independent body that can protect the interests of children at risk of online harms, including grooming and child

sexual abuse. Over two thirds of respondents (68 per cent) consider the creation of an independent body very necessary.

As it stands, the Online Safety Bill has not introduced similar provisions to those established in other sectors. Instead, Ofcom will be required to establish its own arrangements to understand the interests and experiences of service users, and to publish statements about how it seeks to understand the views of vulnerable groups.

There is a strong public appetite for the Online Safety Bill to go further. 72 per cent of respondents think that children should receive at least the same amount of representation from an independent body as customers in other regulated sectors, including users of postal services, buses and trains.

At present, there are a number of statutory user advocacy groups, including civil society

groups that have been designated as consumer watchdogs. For example, Citizens Advice is designated as the statutory user advocate for consumers in the energy and postal markets.

Almost half of respondents (46 per cent) believe that children should receive *more* representation than service users in other regulated sectors.

The NSPCC believes that user advocacy is essential to ensure Ofcom prioritises children's issues, and to ensure the regulator has an accurate, well-informed understanding of new and emerging safeguarding risks. In a rapidly changing sector, Ofcom will need to be equipped with a robust and agile understanding of harms; feel confident in understanding the interplay between safeguarding risks and technological and market change; and demonstrate its ability to respond effectively to new and emerging drivers of online harm.

2. There is clear recognition that user advocacy arrangements must protect and promote children's interests, and be able to intervene effectively on children's behalf

Strong user advocacy mechanisms can form a crucial part of the regulatory regime.

Any regulator is unlikely to deliver the best possible outcomes for children unless there is a strong, expert and resourced voice that can speak for children in regulated debates; offer support and critical challenge to the regulator; and prove itself able to demonstrate emerging areas of concern at an early stage in the regulatory process.

Our survey finds very high levels of support for an independent body that can promote and protect the interests of children in regulatory decisions:

- 89 per cent of respondents think it is important that a body representing children can speak up for children's interests when the regulator is making decisions. 72 per cent of respondents think this is very important;
- The same proportion (89 per cent) of respondents think it is important that an independent body that represents children can undertake research on the risks that children face online;

- 89 per cent think that it is important that an independent body can use research and its evidence to hold social media companies to account;
- There is an overwhelming consensus that independent body should be able to challenge companies that reach their safety duties to children. 72 per cent think it is very important that an independent body can challenge the decisions of social media sites;
- 75 per cent think it is very important that an independent body can raise complaints to the regulator about social media sites or features that put children's safety and well-being at risk.

Although the Bill makes provision for external bodies to table supercomplaints, it will be necessary for an independent body to have sufficient resources and expertise to develop high quality evidence of a sufficient regulatory threshold. If there is an inappropriately scaled, poorly focused or insufficiently resourced voice for children, this is likely to significantly weaken the regulator's ability and appetite to deliver meaningful outcomes for children.

3. The public want user advocacy to be funded through an industry levy

In most other sectors, statutory user advocacy arrangements are funded through a levy on regulated firms. Our findings suggest there is considerable public support for a similar mechanism to fund statutory user advocacy for children.

This is entirely consistent with the well-established ‘polluter pays’ principle: this is based on the logic that companies that cause reasonably foreseeable harms should be responsible for the legitimate costs of addressing and in turn preventing them.

Almost four in five (79 per cent) of UK adults support social media companies paying a levy to fund an independent body that can promote and protect the interests of children online. 56 per cent of respondents strongly support a levy funding mechanism, and only 4% oppose it.

There is also broad public support for social media companies to fund further measures to support children who have come to harm online. More than four in five respondents (81 per cent) support social media companies being required to fund measures to support children who have experienced online sexual abuse.

An identical proportion would support social media companies being required to fund education and prevention initiatives, including measures targeted at children, parents and carers.

A levy model is wholly proportionate and reasonable when considered against the commercial return available to companies that offer their services to children but failed to protect them from avoidable harms. NSPCC analysis suggests the average cost is advocacy provision in comparable markets is £4.1 million per year.

4. User advocacy is seen as essential to protect children, and to counterbalance industry interventions

There is a clear recognition that user advocacy arrangements can provide children with much needed protection from online harms.

Our findings show that, if the government does not commit to an independent body, such as a user advocacy body, almost three-fifths of UK adults (58 per cent) feel that children would be less protected from online harms. Only 14 per cent feel that children would receive similar levels of protection regardless of whether statutory user advocacy was put in place.

User advocacy is seen as a crucial step towards delivering a regulatory settlement that is capable of effectively putting children’s interest first. If the needs of children are considered alongside those of social media companies, two-thirds of respondents expressing a view (66 per cent) think that online safety regulation would be more effective. Only one in six (17%) think this would make no difference.

Without an independent body in place, a significant proportion of respondents believe that the views of social media companies will have greater influence on regulated decision-making than groups representing children’s safety.

Among respondents who expressed a view, more than half (55 per cent) felt social media companies would have more influence than any other groups. 28 per cent feel that industry and child safety concerns are likely to be heard equally. Fewer than one in five (17 per cent) felt that groups representing children’s safety would have more influence on the regulator than companies.

There is a clear recognition that user advocacy arrangements can provide children with much needed protection from online harms.

5. It's highly likely tech companies will seek to avoid or water down their regulatory responsibilities

A significant majority of UK adults think it is likely that social media companies will try to avoid their regulatory responsibilities. Among those with an opinion, more than three quarters (79 per cent) think it is likely tech companies will try to avoid having to comply fully with regulation.

A similar proportion (77 per cent) think it is likely social media companies will seek to downplay the impact of their products on children. More than two in five respondents (41 per cent) think this is highly likely.

These concerns are not without merit. With so much of the online safety regime being left Ofcom to establish, there is a palpable need to address the risks that tech interests seek to skew the evidence base upon which the regulator will base its decisions.

For example, larger tech companies may attempt a concerted strategy to capture independent and expert voices; commission, fund or enable highly selective research with the intent to skew the evidence base; and then challenge any decisions which run contrary to the evidence base it has created.

These tactics are not new: we have previously seen such approaches deployed by the tobacco sector. In recent years, we've seen tech companies look to pursue similar tactics, including attempts to frustrate evidence on the nature of AI risks, and granting privileged access to datasets for favoured researchers.

Although user advocacy arrangements cannot fully neutralise these risks, there is compelling evidence from other sectors that strong, independent advocacy arrangements can reduce the asymmetry between user and industry interests – and ensure better end outcomes for children at risk of online sexual abuse.