

NSPCC position paper: Towards a Statutory Code of Practice to keep children safe online

1. Summary

1.1 The NSPCC believes that child protection should be built-in to online services.

There needs to be equal protection between the online and offline worlds, with consistent child protection and safeguarding practices across all areas of a child's life.

1.2 A statutory code of practice to keep children safe online would not only enable equal protection, but would also clearly set out responsibilities for anyone developing or hosting online content or services to ensure that children are at the heart of designs. It would establish minimum standards for anyone who provides the space and content where children interact online.

1.3 This paper sets out why the statutory code of practice is needed and how it would provide parity of protection between the offline and online world. It explores the kinds of protections which are available to children offline and the limits of current provision online.

2. Parity of protection and the rights of children worldwide

2.1 A code of practice would help us achieve parity of protection between the online and offline world by setting out consistent child protection and safeguarding practices across all areas of a child's life. This is something which we as a society expect – and whilst it is apparent in the offline world, online it is severely lacking. Schools are expected to have policies and procedures in place to ensure that children are not bullied or experience sexual harassment. We have laws in place to ensure that proprietors of sex shops do not allow access to children. Films and computer games are classified in an age appropriate way. The same kinds of processes and policies need to apply to spaces and services that children engage in online.

2.2 We want children to feel free to use online and offline spaces with the same freedoms and protections. We want children to feel inspired, have the courage to explore, and the resilience to overcome set-backs. But this means that the spaces children encounter must be safe and designed in a way that has their wellbeing in mind. In the offline world, we do this by setting out minimum standards of protection, many of which are legally binding. Sadly, in most of the online space these kinds of protections simply don't exist.

2.3 Our duty to protect children is established as a fundamental right in the UN Convention on the Rights of the Children (UNCRC). While specific laws and regulations might apply differently in different countries, these are universal principles that are not just a nice to have, but which apply to every child across the world. The reach of the UNCRC is every bit as universal and indivisible as the internet. Articles 13, 14, and 15 all set out a child's right to freedom of expression, thought, belief, religion, and privacy. Article 19 requires that the state must take appropriate measures to protect children from all forms of mental violence, injury or abuse, maltreatment and exploitation, including sexual abuse.

3 Children and the internet

3.1 Children make up one third of internet users and in their world there is very little distinction between offline and online. They use it to learn, communicate, develop, create and explore the world around them. For older children especially, their phone can act as the central nervous system of their life; allowing them to stay in contact with friends and meet new people through social media services, online games and online forums.

3.2 But the internet can also expose children to age inappropriate content which can prove harmful to their safety and wellbeing at critical times in their development. Children will be testing relationships, exploring their sexuality, experimenting and pushing boundaries, and asking themselves questions about the person they want to be. The internet is a vital source for satisfying this curiosity and we want to encourage children to learn, explore, and interact with one another online, but we need to ensure that the content they can access, and the online space that they are navigating, is age appropriate and safe.

3.3 We all have a responsibility to ensure that children can use the internet safely. We know that the spaces and content children can access online are largely unfiltered, requiring minimal checks with regards to age, safety, and wellbeing. Children can all too easily stumble across pornography via pop-ups, come across harmful content containing sexualised or violent imagery on their social media newsfeeds, or access websites and other online services with no age verification checks. Children's desire and motivations for keeping in touch with friends and maintaining their social status also means that they might continue to access services even when they are being exposed to risks and harm.

- In an NSPCC and Children's Commissioner study¹ with over 1,000 young people aged 11-16, we found that over half of the sample had been exposed to online pornography, with nearly all of this group (94%) having seen it by age 14. Many were exposed to it inadvertently i.e. through pop-ups.
- In 2015/16 Childline² saw a 60% increase year on year increase in counselling sessions with children across the UK left worried about seeing adult content online.
- In a survey the NSPCC conducted in 2016³ with over 1,700 11-16 year olds, 65% felt that social media sites needed to do more to protect them adult content, 67% from self-harm content, and 60% from violent content.

3 Inequalities in online and offline protection

3.1 Parks are places where children can be themselves. They can run around, play with one another, explore, climb, go on adventures and do all the sorts of things that satisfy their curiosity and helps them develop as people. Parks, however, are regulated spaces⁴. Safety by design considerations sit at the heart of their design and maintenance. Everything from fences keeping dogs out of a play area, rubber and woodchip surfaces, and safety standards for climbing equipment are underpinned by legal requirements.

3.2 Youth clubs, organisations like the Scouts and Girlguiding, dance classes, and theatre troupes also offer opportunities for children to learn, develop, make friends, and express themselves outside of the home or school. The work that goes into ensuring that these are safe environments is also underpinned by legislation⁵. This legislation includes the development of child protection policies and procedures, an identified person to ensure that these procedures are adhered to, the proper selection and vetting of staff and volunteers, and routine training and the provision of information for those involved in the organisation.

¹ Martellozzo, E. et al (2016) "[...I wasn't sure it was normal to watch it": a quantitative and qualitative examination of the impact of online pornography on the values, attitudes, beliefs and behaviours of children and young people](#)". London: Middlesex University.

² NSPCC (2016) [What should I do? NSPCC helplines: responding to children's and parents' concerns about sexual content online](#). London: NSPCC.

³ NSPCC Net Aware research (unpublished)

⁴ The Management of Health and Safety at Work Regulations 1992 require that playground managers have sufficient training, experience and knowledge in order to develop a safety management system and undertake regular inspections. The Consumer Protection Act 1987 ensures that manufacturers of equipment used in play provision are jointly liable for any injuries occurring with their equipment during play, while the Dangerous Dogs Act 1991 makes it an offence to have any dog dangerously out of control in a public place.

⁵ Section 11 of the Children Act 2004 requires that any organisation working with children that receives grant funding must demonstrate that it is run safely

3.3 The grading of films and computer games are also set out in legislation⁶, with the British Board of Film Classification (BBFC) becoming the statutory authority for age rating videos in 1984. One of the guiding principles of the BBFC is to protect children from potentially harmful or otherwise unsuitable media content. Decisions relating to harm are based on not just any harm that may result from the behaviour of potential viewers, but also any moral harm which may be caused by desensitising a potential viewer to the effects of violence or degrade their sense of empathy. BBFC guidelines do also take into consideration context, with content judged across eight categories which includes discrimination, nudity, violence and language among others. Certain content such as pro-suicide and pro-anorexia is not classified at all. While the BBFC is a front-end regulator, the classifications support how other regulators such as Ofcom enforce compliance among media platforms, or how civil and criminal sanctions are applied to proprietors who flout the regulations.

3.4 Children engage with the world through the internet. It acts as their online playground, their communication channels, their creative space and the place where they go to view, stream or download content. However, the design, content and functionality of online services do not consistently place child protection at the centre. Pornographic content can appear on children's newsfeeds of even the largest and most popular social media platforms, adults can sexually expose themselves to children on video-chat sites, while new technology such as virtual reality opens up the potential for new risks which are not yet fully understood.

3.5 The NSPCC/O2 Net Aware tool, a guide to the most popular apps, games and social networking sites used by young people, highlighted that in its last set of consultations with young people that 46% reported that they had seen inappropriate content across all the platforms used (increasing to 50% of young people for sites with an 'official' age of 13). Platforms children regarded as high risk weren't always known to parents, and many parents expressed concern that often it was too easy for children under 13 – usually the minimum age for use – to register for or access sites. Some sites which Net Aware analysed are set out below.

Omegle

Omegle, a live video chat site, was identified by children in the NSPCC's 2016 Net Aware survey as one of the riskiest sites children can access, with 89% of young people describing it as risky, and 76% saying they had seen harmful content. Whilst it states that users need to be aged 18+ to use the site, the adult and un-moderated section can be accessed with a single click.

⁶ The Cinematograph Act 1952, the Video Recordings Act 1984 and the Licensing Act 2003.

Young people who used the site told us the following:

“There are perverts on it showing their private parts.”

“It’s really easy to be targeted as a young child.”

“There are loads of naked men, not something you want to see.”

ooVoo

ooVoo is a video chat and an instant messaging service similar to Skype. The service allows users to communicate through free instant messaging, voice, and video chat. Users are required to register but no age verification system is in place. Young people who used the service told us:

“Someone who you don’t know could send you something you don’t want to see.”

“People can just add you and want to do sex cam.”

Parents have also reported serious concerns regarding the service. They have told us the following:

“My daughter 12 was receiving calls by men perverts showing her their private parts. She had the account private settings too.”

“Explicit photos were sent from a man claiming he was 14 and asking young people to take off their clothes and to give personal details.”

“We had a visit from the police the other morning to say that my daughter had been chatting to a 31 year old man who was posing as a 14 year old boy.”

3.6 There is also a lack of transparency and accountability over what safeguards and protections exist on platforms and how often they are used, or how effective they are. We simply do not know enough about what goes into the development of moderation policies or the training and vetting of staff. In addition, we do not know the scale with which users make reports about content or conduct on platforms, making it difficult to assess the scale and prevalence of harmful or illegal content on a huge variety of popular services. The NSPCC would like to do more to support companies to develop effective safeguarding policies. However, in order to be able to effectively assess what activities and initiatives actually achieve progress in making children safer online, we need to be able to have access to the information and data that industry hold. There needs to be a more transparent and accountable process which the NSPCC and others are able to scrutinise.

3.7 There are nonetheless good examples of best practice online. YouTube Kids, a service for under-8s, offers a child-focused, parent friendly service which offers a filtered and tailored experience for children. This illustrates perfectly the idea of an

online space which mirrors how spaces such as play areas are designed and maintained for children offline.

- 3.8 Another area of good practice is in relation to mobile telecommunications. In January 2004, the UK mobile operators published a code of practice for the self-regulation of new forms of content on mobiles (the most recent version was published in 2013). In accordance with the code, each mobile operator offers an Internet filter to protect customers under the age of 18 from age inappropriate content. The mobile operator sets its filter in accordance with a framework prepared by the BBFC. As such, mobile telecommunication providers have been protecting children by restricting adult content to adults only for some time.
- 3.9 In addition, protocols and procedures have been set up by companies such as Facebook, Microsoft and Google in order to swiftly respond to child abuse images online, and to prevent the discovery of child sexual abuse material.
- 3.10 Yet while we can point to best practice examples, it is by no means universal. Moreover, even where it is applied, too often the safety and welfare children is seen as additional and only brought into consideration well after the initial design and implementation stages.

4 A code of practice for children's safety online

- 4.1 A statutory code of practice would establish a set of minimum standards that would apply consistently to social networks, ISPs, mobile telecommunication companies and other communication providers who all provide the space and content where children interact online. They would ensure that children's safety is incorporated into the design, content and functionality of these services, and that the safety and wellbeing of children are held as a fundamental element of good design.
- 4.2 Child safeguarding policies and training are rightly seen as mandatory in numerous offline spaces which children routinely access. We do this for very good reasons. The online world is no different. We are seeking clear, transparent and accountable processes whereby children, parents, and those tasked with safeguarding children, from teachers to organisations such as the NSPCC, are able to assess the safety of the services children use and interact with.
- 4.3 In order to be effective, the development of a code of practice must involve industry, organisations such as the NSPCC and, crucially, the children and families who use online services. The code of practice would build on the ICT Coalition for a Safer Internet for Children and Young People six guiding principles for keeping children safe online:

1. Managing the content on a service

This would require communication providers to understand what content is acceptable on their service and how they would make this clear to users while also adding clarity on minimum age limits. Consistent with the wider proposals set out in the Digital Economy Bill, this would also require providers to consider suitable age verification and identity authentication processes.

2. Parental controls

This would require providers to implement suitable parental controls for the type of service they offer.

3. Privacy controls

This would require providers to give users reasonable choices about how they use their personal information, and offer privacy setting options, including privacy by default. This would also require having stricter measures in place for young children, and to offer support to help them understand the implications of sharing information.

4. Dealing with abuse/misuse

This would require providers to make it easy for users to report problematic content, and to ensure that triage systems were in place in order to deal with content reports.

5. Dealing with child sexual abuse content and illegal content

This would require providers to have in place standardised functions for them to report online child abuse images and illegal sexual contact, have specialist teams in place, have systems for escalation in place, and keep users informed over how they can report online child abuse images.

6. Education and awareness

This would require providers to take responsibility, as part of the user experience, for educating children about safety.

4.4 The types of service offered by different providers would influence how the code applied to the various services children use. The code of practice would also have to be flexible, in recognising that the internet is a constantly shifting space. Even relatively established technology such as live-streaming, video chat sites and augmented reality can suddenly open up new avenues as they are incorporated into other platforms such as social media sites, or when a novel approach over how they are used gains popularity. Technology such as virtual reality is steadily gaining a foothold even if how it is used and how content is made for the platform is still being developed, while the internet of things is steadily changing how we access and use technology.

4.5 It is imperative that as we begin to develop a code of practice, we do not lose sight of what the internet represents for children across the UK. The NSPCC's priority is

protecting children and preventing abuse. Our commitment to this applies both to the online and the offline world. Like in any assessment of safety, it is important to focus on strengths as well as risks, and to recognise the potential of the internet to support the learning and development of children. We must remember it is a place children go to have fun. We must recognise the richness of children's lives and how they deploy, use and interact with technology as a means of learning, empowerment, self-expression and connecting with others. In order to ensure that all children receive this rich and positive experience online, we believe it is vital to ensure we protect our children online as well as we do in the rest of their day to day lives.

Contact the NSPCC with any questions about child protection or related topics:

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Setting up the space

Manufacturers prioritise safety when they design things like swings. Standards and regulations mean they can be held to account for any injuries caused during play – a strong motivator for safe equipment.



Online



Separating the space

There just aren't many barriers where there should be. When we spoke to over 1,000 young people, we found that over half had been exposed to online pornography.¹

Childhood is a time to explore, play, and learn. During these formative years, children deserve to be safe, wherever they go. That's why the offline world has so many measures in place to protect them. But the same cannot be said for online. Think about this: the internet is like a playground to children – but is it a safe space?



Supervising the space

Many activity groups, like Scouts and Girl Guides, are well supervised. Group leaders have to carry out criminal record checks, and must uphold a responsibility to prevent and address issues like bullying.



Setting up the space

Some websites and apps are designed with safety features, but many popular ones could do more. When we asked children, 60 per cent said social media sites need to do more to protect them from violent content.²



Separating the space

The law means that most playgrounds have a fence separating children from dangers like dogs and traffic. This allows children to freely explore the space, and reassures parents that the area is safe.



Supervising the space

While many websites do have moderators, we don't know how effective their training is to help spot things like cyber bullying. But more and more children are talking to us about this – up 88 per cent in the last five years.³

Children deserve the same protections online and offline, so that they can grow up safely. In the offline world there are standards of protection, many legally binding. This is simply not the case online. That's why we're calling for parity of protection for children, to keep them safe in the offline and online world.

EVERY CHILDHOOD IS WORTH FIGHTING FOR

¹ Middlesex University (2016) Research with 11-16 year-olds commissioned by the NSPCC and the Children's Commissioner.
² NSPCC Net Aware research (unpublished)
³ NSPCC (2016) What children are telling us about bullying
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