

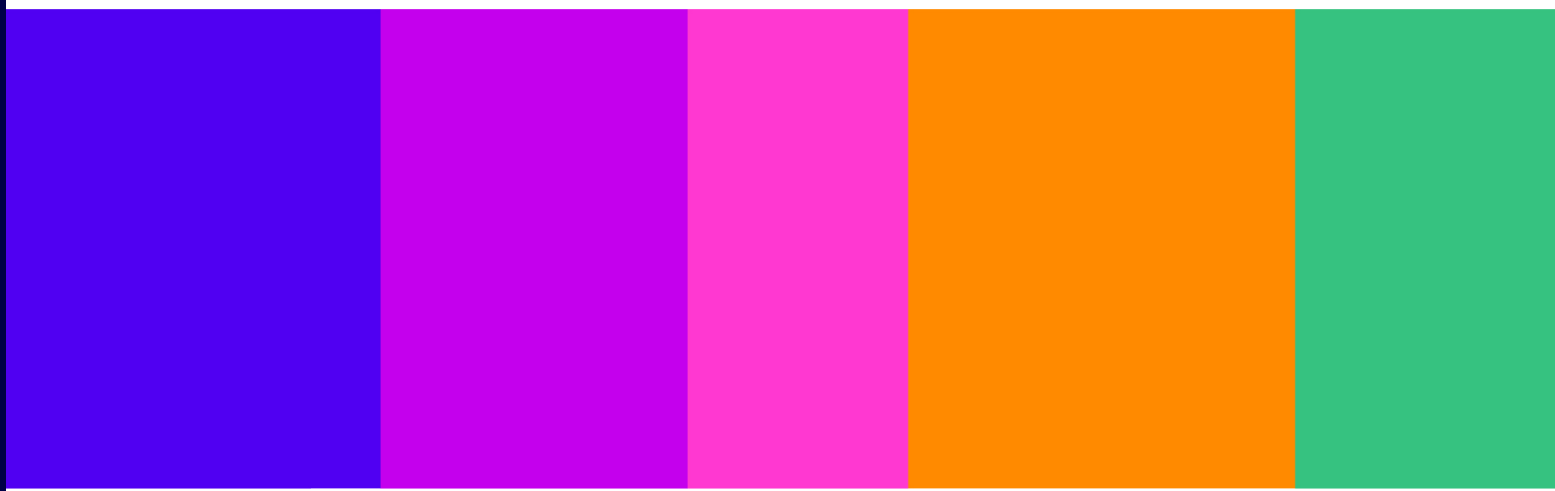
# Protecting children from harms online

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Volume 2: The causes and impacts of online  
harms to children

**Statement**

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## 4. Our approach to the Children's Register of Risks

### What is this section about?

The Children's Register of Risks (Children's Register) is Ofcom's sector-wide assessment of the causes and impacts of content harmful to children. It forms part of our duty under the Online Safety Act 2023 (the Act) to identify and assess the risk of harm to children in the United Kingdom, in different age groups, presented by content that is harmful to children. As part of this, our risk assessment must, among other things, identify and assess the impact of characteristics of different kinds of services which are relevant to such risk of harm. The Children's Register is based on around 550 individual pieces of quality-assured evidence from academia, civil society, industry and government, as well as our own programmes of research into children's online lives. The experiences of children and adults that care for them are at the heart of the Children's Register. To date, we have captured insights from over 27,000 children and 13,000 parents through our continued programmes of research and engagement.

This section sets out our approach to compiling the Children's Register and finalising our assessment of where and how harms to children manifest online.

### What decisions have we made?

- We have retained our overall approach to the Children's Register including our approach to **quality-assuring evidence** proposed at the May 2024 Consultation. We acknowledge that certain limitations in the evidence base remain, such as longitudinal evidence of impact. To address evidence gaps, we have invested in research tools to better monitor children's online experiences. We also discuss our efforts to engage with children and families on an ongoing basis.
- We have expanded our assessment of the rights and capacities to navigate more challenging content of **children in the oldest recommended age bracket** (16-17-year-olds).
- We have included additional quality-assured evidence on **intersecting risk factors**, including 'misogynoir'.
- We have provided additional clarity on **the relationship between illegal content and content harmful to children** across various sections of the Children's Register.
- We have incorporated additional evidence on **generative artificial intelligence (GenAI)**, noting that gaps in the evidence base persist given the recent emergence of this technology.
- We have retained our approach to assessing risks posed by **persuasive design features**. However, we have explained in greater depth our plans to explore risks linked to service design which may inform future development of the Children's Register.
- We have provided explanation for our decision not to incorporate a standalone section on **online misogyny**, referencing our draft guidance for services on providing a safer life online for women and girls.
- We have retained our approach to assessing risks posed by **gaming services** but have provided additional clarity to distinguish 'gaming-adjacent services'.

- We have refined the categories of **non-designated content (NDC)** to ‘content discriminating against or otherwise stigmatising body types or physical features’ (‘body stigma content’) and ‘content that promotes depression, hopelessness and despair’ (‘depression content’). We conclude that these kinds of content meet the definition of NDC, particularly because of the impact of encountering them in high volumes. We have also **updated the framework for identifying NDC**.

### Why have we made these decisions?

The Children’s Register provides a central repository of quality-assured evidence for service providers when they are conducting their own risk assessments. With the adjustments we have made in light of stakeholder feedback, we are confident that the Children’s Register will enable service providers to better understand and anticipate risks to children on their service. In turn, services will be able to more effectively and efficiently take steps to manage and mitigate those risks.

Our **Children’s Register of Risks** can be found [here](#).

## Introduction

- 4.1 The Children’s Register of Risks (Children’s Register) is our sector-wide risk assessment of the causes and impacts of harms to children online. It forms part of our duty under the Online Safety Act 2023 (the Act) to assess the factors that give rise to content harmful to children on a service.
- 4.2 The Children’s Register is based on around 550 individual pieces of quality-assured evidence. It is intended to act as a central resource for providers with services likely to be accessed by children.<sup>1</sup> Providers are encouraged to consult the Children’s Register to gain a clearer understanding of how content harmful to children arises and spreads on their services, as well as the risk factors associated with harm to children. The risk factors we identify in the Children’s Register also provide the basis for our Children’s Risk Profiles,<sup>2</sup> which services are required to consult as part of their own children’s risk assessments.
- 4.3 In our [May 2024 Consultation on Protecting Children from Harms Online](#) (May 2024 Consultation) we published an initial draft of the Children’s Register. This set out our proposed approach to conducting a sector-wide risk assessment and our analysis of the factors that are relevant to children’s risk of exposure to harmful content.
- 4.4 Over 100 stakeholders provided feedback on the draft Children’s Register in response to our May 2024 Consultation. Stakeholders proposed a large body of additional evidence, supporting us to develop our understanding of how harmful content manifests and impacts on children in the UK. Respondents also provided feedback on our proposed methodology and our assessment of the risks of harm to children, highlighting where our proposals or analysis did not align with their own evidence, views or experiences.
- 4.5 Having considered these responses in detail, we have assessed and integrated a broad range of new evidence sources. We have also clarified numerous points and drawn links across our analysis of content harmful to children. Specific feedback, including detail of the

<sup>1</sup> Refer to our [Children’s Access Assessments Guidance](#) for further detail.

<sup>2</sup> Refer to the Children’s Risk Assessment Guidance for further detail.

many additions and amendments we have made to the Children's Register are set out in the corresponding annex in this volume, Annex 1.

- 4.6 In this section, we set out and respond to stakeholder feedback on our overall approach to the Children's Register and broad themes that are relevant across categories of content harmful to children. Note that due to the extensive feedback we received on our proposals for identifying non-designated content (NDC), we set out our proposed approach, feedback and final decisions separately. This sub-section includes an explanation of our amended framework to identify NDC, including our consideration of user rights.

## Structure of this section

- 4.7 The section discusses overarching stakeholder feedback on the draft Children's Register following the May 2024 Consultation, and decisions we have taken in light of stakeholder responses. The section is structured as follows:
- a) **The scope and aims of the Children's Register**, including an explanation of our specific duties under the Act.
  - b) **Our proposals** in the May 2024 Consultation, which included:
    - > Identifying and defining relevant service characteristics.
    - > Identifying and quality-assuring evidence for relevant risk factors.
    - > Identifying recommended age groups.
    - > Identifying other relevant demographic factors and intersecting factors.
    - > Our proposals for how the Children's Register interacts with the [Illegal Harms Register of Risks](#) (Illegal Harms Register).
  - c) **Stakeholder responses on our proposals** including our approach to identifying service characteristics, evidence, age groups, other demographic factors, and our proposals for how the Children's Register interacts with the Illegal Harms Register. We also address **stakeholder responses on other themes** which are relevant across categories of content harmful to children, including:
    - > Emerging technologies.
    - > Persuasive features and functionalities.
    - > Online misogyny.
    - > Gaming services.
  - d) **Our proposals for identifying NDC.**
  - e) **Stakeholder responses on our proposed approach to NDC**, which included:
    - > Our approach to identifying NDC.
    - > Our proposed kinds of NDC.
- 4.8 After explaining stakeholder feedback on each theme, we explain decisions we have taken in finalising the Children's Register.
- 4.9 We also set out our updated position on kinds of content that we consider meet the definition of NDC. These are content discriminating against or otherwise stigmatising body types or physical features ('body stigma content') and content that promotes depression, hopelessness and despair ('depression content'). We explain the process we have taken to refine NDC categories, including how we have considered user rights in our assessment.

## Scope and aims of the Children's Register

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- 4.10 We have a duty under the Act to carry out a sector-wide risk assessment to identify and assess the risk of harm to children in the UK, in different age groups, presented by content that is harmful to children, and to identify and assess characteristics relevant to such risks of harm.<sup>3</sup>
- 4.11 This sub-section outlines and explains the factors, as set out by the Act, which we must consider in our assessment of how risks of harm to children arise and the characteristics of a service that are relevant to those risks.

## Key elements of the legal framework

### Harm

- 4.12 We consider harm as it is defined in the Act – namely, physical or psychological harm.<sup>4</sup>
- 4.13 The Act sets out that harm can occur to children either from **isolated** or **cumulative exposure** to harmful content. Cumulative harm occurs either when a child repeatedly encounters one type of harmful content, or when a child encounters harmful combinations of content.
- 4.14 Harm can also be **indirect**, for example, when a child's attitudes or behaviours are negatively influenced by harmful content, leading them to harm or be harmed by other children.

### Kinds of content harmful to children considered

- 4.15 In our risk assessment, we have considered the risk of harm to children from specific kinds of content which is harmful to children. The kinds of content harmful to children considered are primary priority content (PPC), priority content (PC) and NDC.<sup>5</sup>
- 4.16 We have structured the Children's Register around these kinds of content harmful to children, grouping them together where appropriate to make our assessment as accessible and easy to navigate as possible.<sup>6</sup>

### Service characteristics set out in the Act

- 4.17 The Act requires Ofcom to consider how the 'characteristics' of a service give rise to risk. The Act defines 'characteristics' broadly as including a service's **functionalities, user base, business model, governance, and other systems and processes**.<sup>7</sup> This list of characteristics

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<sup>3</sup> Section 98 of the Act.

<sup>4</sup> Section 234(2) of the Act.

<sup>5</sup> Sections 61-62 of the Act define PPC as pornographic content, suicide content, self-harm content and eating disorder content, and PC as abuse content, hate content, bullying content, violent content, dangerous stunts and challenges content, and harmful substances content. These categories are explained in full in Section 1 of our Guidance on Content Harmful to Children. NDC is defined by section 60(2)(c) as content which is neither PPC or PC, but which presents a material risk of significant harm to an appreciable number of children in the UK.

<sup>6</sup> We have grouped PPC and PC into the following eight categories in the Children's Register: (1) pornographic content, (2) suicide and self-harm content, (3) eating disorder content, (4) abuse and hate content, (5) bullying content, (6) violent content (including content promoting or depicting violence against humans and animals), (7) harmful substances content, and (8) dangerous stunts and challenges content.

<sup>7</sup> Section 98(11) of the Act.

as set out in the Act is not exhaustive, so it is open to Ofcom to identify other relevant characteristics.

4.18 With the exception of ‘functionalities’, these characteristics are not specifically defined in the Act. We set out the definitions we have used to conduct our risk assessment in the next sub-section, ‘Our proposals’.

4.19 The following definitions for ‘functionalities’ are set out in the Act:

- **User-to-user service functionalities** are a broad set of front-end features that enable interactions between users.<sup>8</sup>
- **Search service functionalities** are features that enable users to search websites or databases, as well as features which make suggestions relating to users’ search requests (predictive search).<sup>9</sup>

## Aims of the Children’s Register

4.20 The Children’s Register serves three primary aims:

- **Supporting service providers in conducting their own risk assessments:** Service providers are required to carry out their own assessment of risks of harm to children on their services. The Children’s Register is intended to support providers to conduct their children’s risk assessments, acting as a central repository of quality-assured evidence on how harms manifest and impact children online.
- **Informing our Children’s Risk Profiles:** Evidence contained within the Children’s Register informs our Children’s Risk Profiles, which provide a summary of the factors associated with risks to children. Service providers **must** take these into account when they carry out their children’s risk assessment. The Children’s Risk Assessment Guidance for Service Providers (Children’s Risk Assessment Guidance) outlines more detail on the process that services must follow in completing their own risk assessments.
- **Informing our Guidance on Content Harmful to Children:** The Children’s Register underpins our Guidance on Content Harmful to Children, which is intended to support providers as they make judgements about whether types of content on their service amount to content that is harmful to children under the Act.

## Updating the Children’s Register

4.21 We must periodically review and revise the Children’s Register (and accordingly the Children’s Risk Profiles), to ensure they are kept up to date.<sup>10</sup> As such, we may expand the scope of our risk assessment at a later point, for example, as new risks emerge due to innovation in the sector.

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<sup>8</sup> Section 233 of the Act. This includes: creating a user profile; searching for user-generated content; forwarding content or sharing content with other users; sharing content on other internet services; sending direct messages or interacting with them in other ways (e.g., by playing a game); expressing a view on content (e.g., applying a ‘like’ or ‘dislike’); sharing current or historic location information; following or subscribing to particular kinds of content or particular users; creating lists, collections, archives or directories of content or users; tagging or labelling content; uploading content relating to goods or services; applying or changing settings on the service which affect the presentation of user-generated content; and accessing other internet services through content (e.g., through hyperlinks).

<sup>9</sup> Section 233(3) of the Act.

<sup>10</sup> Section 98(8) of the Act.

## Rights and impact assessment

- 4.22 We do not consider that the Children's Register constitutes an undue interference with users' and interested persons' fundamental rights, such as their rights to privacy, freedom of thought, conscience and religion, freedom of expression, and to freedom of association (Articles 8, 9, 10 and 11 of the European Convention on Human Rights (ECHR)), and services' freedom of expression rights. The Children's Register does not require service providers to take any specific action in relation to content hosted on a user-to-user service or in search results. We have assessed these rights in relation to our Protection of Children Codes (see Volume 4 where we set out rights impacts assessments in connection with these regulatory documents separately).
- 4.23 We have had careful regard to freedom of expression rights when considering the definition of NDC, including whether content such as educational or artistic content may fall within the definition. While we consider it unlikely that educational or academic content would be captured under the definitions of 'body stigma content' or 'depression content', as such content is unlikely to amount to 'shaming' or 'stigmatising' body types or physical features, or 'promoting' depression, we recognise that some artistic content may be captured. For example, in some cases, illustrations and drawings could promote depression, hopelessness or despair, and we recognise that these could still meet the definition of NDC under the Act, regardless of format. Again, however, the identification of categories of NDC does not, of itself, require service providers to take any specific action in relation to that content. We have set out rights impacts assessments in connection with our Protection of Children Codes in Volume 4.
- 4.24 We have also not identified any specific impacts on rights to privacy given the nature of the Children's Register, in particular as we are not recommending that services process or retain any particular kinds of personal data when reviewing the Children's Register.
- 4.25 For completeness, we have considered the potential impacts of our Children's Register on service providers, including small and micro businesses. Ofcom is required by the Act to carry out a risk assessment and to publish the Children's Register. While services may incur costs in consulting the Children's Register, this is not directly required by the Act. The Children's Register is intended to provide a useful tool for services to gather a greater understanding of the potential risks of their services and will help them in completing their children's risk assessments in line with their duties under the Act. In that context, we consider that our approach is proportionate, including for small and micro businesses.

## Our proposals

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- 4.26 In our May 2024 Consultation, we exercised discretion in proposing an **overall approach** to the Children's Register. Our proposals defined service characteristics; defined and captured additional service characteristics; considered the role of user characteristics; and set out our approach to compiling and quality assuring evidence.
- 4.27 Note that, given the substantial volume of stakeholder feedback on our proposals for identifying NDC, we have set out our proposed approach, feedback and final decisions on NDC in a separate sub-section.



## Service characteristics considered

4.28 We proposed to define the service characteristics identified in the Act,<sup>11</sup> as follows:

- **User base:** Refers to both the user base size and demographic composition, such as gender, ethnicity, mental health needs, socio-economic factors and age groups.
- **Business model:** Refers to the ways in which a business operates to achieve its goals, including a service's revenue model and growth strategy.
- **Governance:** Structures to ensure oversight, accountability and transparency of decisions that affect children's experience of risk.
- **Systems and processes:** Actions taken to mitigate the risk of harm to children, such as content moderation and reporting mechanisms.

4.29 In addition to the service characteristics named in the Act, we proposed to include the following additional service characteristics as factors that may give rise to risk:

- **Service type:** The nature of the service including, for example, social media, messaging, video-sharing, dating, gaming and pornography services, marketplaces, and forums.
- **Recommender systems:** Algorithmic systems which determine the relative ranking of an identified pool of content that includes regulated user-generated content from multiple users on content feeds.
- **Size:** The size of a service's overall user base. We noted that while robust evidence on the age of users is often not available, the overall size of a service will often act as a proxy measure for the number of children likely to be on the service.
- **Capacity:** Often referenced in combination with 'size', this refers to the financial resources and technical expertise available to the service.
- **Commercial profiles:** Including stage of service maturity and its rate of growth.

4.30 The draft Children's Register analysed the links between service characteristics and risks of harm to children. Where we found evidence of a relationship between a service characteristic and harm, we considered that characteristic to be a 'risk factor'.

4.31 We acknowledged that some 'risk factors' identified in the Children's Register may bring benefits in other ways. This can be in terms of facilitating access to positive forms of communication and age-appropriate content, or in other objectives such as preserving user privacy. We emphasised the importance of robust oversight to ensure that features and functionalities are designed and implemented in a way that is safe for children.

## Our approach to evidence

4.32 We took an evidence-based approach to compiling the draft Children's Register, reviewing hundreds of sources from research organisations, academic institutions, online service providers, government, law enforcement and civil society organisations. This included evidence we had identified through our own desk research, as well as evidence provided to us by stakeholders in response to [2023 Protection of Children Call for Evidence](#) and [May 2024 Consultation on Protecting Children from Harms Online](#).

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<sup>11</sup> With the exception of 'functionalities', which is defined by section 233 of the Act.

- 4.33 We analysed and quality assured all evidence against a framework to ensure high standards of methodology, reliability, ethics, independence and narrative (the commentary within the report and whether the conclusions were sufficiently backed by the research).<sup>12</sup>
- 4.34 We also invested in a comprehensive programme of research to understand children’s online experiences, including:
- Our ongoing [Children and Parents’ Media Use and Attitudes](#) and longitudinal [Children’s Media Lives](#) studies, which underpin our Protection of Children evidence base.
  - Harm-specific research into children’s experiences of [eating disorder, suicide and self-harm content](#), [cyberbullying](#), and [violent content](#).
- 4.35 As far as possible, we sought **evidence specifically relating to the online experience of children in the UK**. However, the evidence is limited in relation to some topics, especially where there are legal or ethical limitations to research with children. As a result, we exercised our regulatory judgement to incorporate broader sources of evidence where we considered it to be useful and relevant to understanding the risk of PPC, PC and NDC.
- 4.36 Some general considerations outlined in our consultation were as follows:<sup>13</sup>
- We included some evidence relating to the experience of adults (preferably young adults) where useful conclusions could be drawn about children’s experiences.
  - Some of the evidence was broader than content defined by the Act. We included such evidence where we considered it relevant to understanding the risk of children’s exposure to PPC, PC and NDC.
  - Where fewer sources were available about a certain service type (e.g., in relation to search services) or characteristic (e.g., some business models), we made reasonable inferences about the risks that may arise due to certain service types and characteristics.
- 4.37 The voices and experiences of families were fundamental in shaping our analysis of risk in the Children’s Register. Using safe, reliable and ethical approaches, **we heard from over 15,000 children and 7,200 parents** in advance of the May 2024 Consultation. We directly engaged with children and parents through surveys, in-depth interviews, online groups and workshops in schools. More detail on our ongoing work to understand children and parents’ experiences and their views on our proposals, including work conducted since the May 2024 Consultation, can be found in response to stakeholder feedback under the ‘Our approach to evidence’ sub-heading below.

## Recommended age groups

- 4.38 The Act requires services to consider the level of harm **to children in different age groups**.<sup>14</sup> In the May 2024 Consultation, we proposed five age categories for understanding children’s risk of encountering harmful content:
- 0-5 years: Preliterate and early literacy.

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<sup>12</sup> Our quality assurance criteria are detailed in Section 1 of the Children’s Register: Introduction to the Children’s Register of Risks.

<sup>13</sup> More details about these methodological considerations can be found in Section 1 of the Children’s Register: Introduction to the Children’s Register of Risks.

<sup>14</sup> Sections 11 and 28 of the Act.

- 6-9 years: Core primary school years.
  - 10-12 years: Transition years.
  - 13-15 years: Early teens.
  - 16-17 years: Approach adulthood.
- 4.39 We proposed these age groups, which align with the Information Commissioner’s Office (ICO) Age appropriate design code, on the basis of evidence linking certain online behaviours to age and developmental stage. We considered evidence on the role of life stage, online presence, parental involvement and specific risk factors for each age group. We noted that age is just one factor affecting risks to children, and other demographic factors (detailed below) must also be considered in assessing risks to children online.

## Other demographic factors, including intersecting factors

- 4.40 In the draft Children’s Register, we set out evidence of how **demographic factors and protected characteristics** – such as gender, ethnicity, sexual orientation, mental health and physical health needs, and socio-economic status – influence how children experience and respond to harmful content.
- 4.41 We also explored how **intersections** of certain demographic factors play a role in heightening children’s risks. For example, there is evidence that ethnicity intersects with gender and sexuality to increase the risk of encountering abuse and hate content.

## Interaction with illegal harms

- 4.42 In the May 2024 Consultation, we acknowledged that there are certain kinds of illegal content that are similar to, or overlap with, kinds of content which are harmful to children. For example, some forms of suicide and self-harm content may be both illegal and harmful to children. We also set out evidence suggesting that exposure to some types of PPC and PC put children at an increased risk of illegal harms, such as grooming.
- 4.43 We explained that services should refer to our [Illegal Content Judgements Guidance](#) (ICJG) when making judgements about individual pieces of content to decide whether it might be illegal (as well as being harmful to children).
- 4.44 There is necessarily overlap between the Children’s Register and Illegal Harms Register, published in December 2024. We took a similar approach in compiling an assessment of the causes and impacts of harm to children, although in some areas we have adapted our approach. Refer to the [December 2024 Statement on Protecting People from Illegal Harms Online](#) and the Children’s Risk Assessment Guidance for more detail on issues which cut across illegal harms and protection of children risk assessments.

## Overview of findings

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### Harmful content is widespread and the impacts can be serious

- 4.45 The Children's Register demonstrates that content harmful to children is **widely accessible**, with six in ten (59%) 13-17-year-olds reporting exposure to PPC and PC over a four-week period.<sup>15</sup> Some children describe encountering harmful content as an unavoidable aspect of their lives online and report finding many of these experiences more upsetting or frightening than in previous years.<sup>16</sup>
- 4.46 There is evidence of **serious impacts on children** from PPC and PC, which is concerning given the widespread prevalence of this content. Across all forms of PPC and PC, children's emotional wellbeing is negatively affected. This includes harm to an individual child's wellbeing, such as feelings of shame and anxiety on encountering eating disorder or self-harm content.<sup>17</sup> There is also evidence of wider impacts on peers and communities, such as the normalisation of knife-carrying<sup>18</sup> and harmful attitudes to women and girls.<sup>19</sup> At worst, harmful content can contribute to loss of life, as brought sharply into focus by cases from the UK<sup>20</sup> and around the world.<sup>21</sup>

### Service characteristics play a role in children's risk of encountering harmful content

- 4.47 The Children's Register describes how a diverse range of services carry risk of exposing children to harmful content. **Risk is not determined by the size of service**, but size does influence how and what kinds of harmful content are likely to arise.
- 4.48 Service characteristics that play a role in the risk of harm to children include:
- **Business models, governance structures and safety processes.** For example, services that generate revenue in proportion to user base may be incentivised to implement functionalities which maximise engagement, at the expense of user safety.
  - **Service design** also plays a significant role in determining the risks of harm to children. The Children's Register presents evidence on risks posed by certain functionalities including recommender systems, group chats and comment sections.

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<sup>15</sup> Ofcom, 2025. [Online Experiences Tracker – Wave 7](#). [accessed 16 April 2025].

<sup>16</sup> Internet Matters, 2025. [Children's Wellbeing in a Digital World 2025](#). [accessed 31 March 2025]; Ofcom and Family Kids and Youth, 2024. [Understanding Pathways to Online Violent Content Among Children](#). [accessed 31 March 2025]. Note: Internet Matters reported that children see online harm as an 'unavoidable' part of their online experience and that their latest data shows children are feeling the emotional impact of harms, finding these experiences more upsetting and scary. Meanwhile Ofcom research found that children aged 8-17 described encountering content depicting or encouraging violence as 'unavoidable'.

<sup>17</sup> Ofcom, 2024. [Experiences of children encountering online content promoting eating disorders, self-harm and suicide](#). [accessed 24 January 2025].

<sup>18</sup> Revealing Reality, 2023. [Anti-social Media](#). [accessed 24 January 2025].

<sup>19</sup> Internet Matters, 2023. ["It's really easy to go down that path": Young people's experiences of online misogyny and image-based abuse](#). [accessed 24 January 2025].

<sup>20</sup> Courts and Tribunals Judiciary, 2022. [Molly Russell: Prevention of future deaths report](#) [accessed 1 March 2025]

<sup>21</sup> Elkhazeen, A., Poulos, C., Zhang, X., Cavanaugh, J. and Cain, M., 2022. [A TikTok "Benadryl Challenge" death – A case report and review of the literature](#), *Journal of Forensic Sciences*, 68 (1). [accessed 24 January 2025].

- 4.49 It is important to note that the Children’s Register does not consider any specific functionality to be inherently harmful. We recognise that functionalities can play an important role for children, when safely designed and deployed, such as providing age-appropriate and engaging content. However, there is evidence that certain functionalities also provide a key pathway for children encountering harmful content, amplifying harmful content and limiting the type of content presented to children. The Children’s Register also discusses the impact of service design in increasing the amount of time children spend online, thereby increasing their risk of encountering harmful content.

## User characteristics also play a role in children’s risk of harm

- 4.50 Being online is now a fundamental part of childhood for almost all children in the UK.<sup>22</sup> However, evidence demonstrates that risks of being online are not spread equally. Certain demographic factors, such as gender and ethnicity, heighten the risks of exposure to some forms of harmful content.<sup>23</sup> Offline vulnerabilities, such as care experience, also translate into greater risk of exposure to some forms of harmful content.<sup>24</sup>
- 4.51 Risks evolve as children grow older and begin to assert more independent decision-making, both online and offline. Evidence suggests that:
- **Younger children** are more vulnerable to serious impacts when encountering harmful content.<sup>25</sup> On the other hand, they are also more likely to have strong protective factors to mitigate risk of harm, such as direct parental supervision when they go online.<sup>26</sup>
  - **Older children** are more likely to assert independence in their online lives, giving rise to a larger set of risks.<sup>27</sup> However, this is balanced against the rights and abilities of older children to navigate and contextualise harmful content.<sup>28</sup>
- 4.52 Finally, while the evidence suggests that user characteristics play a role in heightening children’s risk, other factors – such as media literacy, parental supervision and strong peer networks – may be protective and mitigate the risks of encountering harmful content.<sup>29</sup>

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<sup>22</sup> Ofcom, 2024. [Children and Parents: Media Use and Attitudes Report](#). [accessed 24 January 2025].

<sup>23</sup> For example, boys are more likely to view violent content. Source: Ofcom, 2024. [Understanding Pathways to Online Violent Content Among Children](#). [accessed 25 March 2025]. Evidence also indicates that user characteristics can intersect to heighten risk; for example, 37% of girls who identified themselves as an ethnic minority and had experienced sexual harassment said they were targeted because of their ethnicity. Source: Plan International, 2020. [State of the World’s Girls 2020: Free to Be Online?](#) [accessed 14 February 2025].

<sup>24</sup> Internet Matters, n.d. [Refuge and Risk: Life Online for Vulnerable Young People](#). [accessed 14 March 2025].

<sup>25</sup> Office of the Children’s Commissioner for England, 2023. [‘A lot of it is actually just abuse’ – Young people and pornography](#). [accessed 14 February 2025].

<sup>26</sup> Ofcom, 2024. Children and Parents Media Literacy Tracker. [Parents survey](#). QP27. [accessed 24 March 2025].

<sup>27</sup> Ofcom, 2023. [Understanding Online Communications Among Children](#). QC1. [accessed 24 January 2025].

<sup>28</sup> Several data points from our Children’s Media Literacy Tracker suggest that older children (16-17 years old) are more likely to have greater online knowledge and critical evaluation skills compared to younger children (8-12 years old). Question QC41 states that 81% of 16-17-year-olds who have knowledge about recommender tools/algorithms stated that they understand algorithms/tools shape what people see online compared to 52% of 8-12-year-olds. In QC42, 39% of 16-17-year-olds stated they are happy for services to use information they have collected about them to decide what to show them, compared to 50% of 8-12-year-olds who have knowledge about recommender tools/algorithms. In QC26, 71% of 16-17-year-olds who use search engines stated that they think some websites can be trusted on search engines, and others cannot, compared to 58% of 8-12-year-olds who use search engines. In QC28, 66% of 16-17-year-olds who use search engines are correctly able to identify advertising on them, compared to 39% of 8-12-year-olds. Source: Ofcom, 2024. Children’s Media Literacy Tracker. [accessed 7 March 2025].

<sup>29</sup> Ofcom, 2024. [Exploring high media literacy among children aged 8-12](#). [accessed 12 March 2025].

## Stakeholder feedback on our proposals

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- 4.53 In this section we discuss stakeholder responses to our proposals in relation to evidence, age groups, other demographic factors and interactions with illegal harms; we did not receive any stakeholder feedback on our identification or definition of relevant service characteristics. We explain how we have taken stakeholder feedback into consideration in finalising our approach to the Children’s Register.
- 4.54 Broadly, stakeholders were supportive of the approach we proposed in the May 2024 Consultation. Stakeholders across industry, civil society, law enforcement, government and academia expressed support for our methodology and approach to compiling the Children’s Register.<sup>30</sup> Several stakeholders endorsed the Children’s Register for its “comprehensive” coverage and analysis of the causes and impacts of harm to children.<sup>31</sup>

## Service characteristics considered

- 4.55 We did not receive any feedback on our approach to identifying and defining relevant service characteristics. Therefore, we have adopted the approach that we proposed in the May 2024 Consultation.

## Our approach to evidence

- 4.56 Stakeholders provided a wide range of additional evidence across every category of PPC and PC assessed in the draft Children’s Register. Refer to Annex 1 where we set out and explain our decisions in relation to specific pieces of new evidence, according to each section of the Children’s Register.

## Stakeholder feedback

- 4.57 Some stakeholders highlighted overarching gaps in the evidence base:
- techUK argued that the Children’s Register should provide more quantitative data to show the extent of “negative outcomes compared to neutral or positive activity”.<sup>32</sup>
  - The Association of Police and Crime Commissioners (APCC)<sup>33</sup> and Northeastern University London, AI and Information Ethics Cluster<sup>34</sup> suggested that the Children’s Register focuses primarily on immediate and short-term impacts of content harmful to children. They recommended that we include longitudinal evidence tracking the effects of harm, such as evidence of cyberbullying leading to depression, anxiety and social withdrawal in later life.

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<sup>30</sup> 5Rights Foundation response to May 2024 Consultation, p.5; Association of Police and Crime Commissioners (APCC) response to May 2024 Consultation, p.5; Barnardo’s response to May 2024 Consultation, p.6; Common Sense Media response to May 2024 Consultation, p.3; [36]; Internet Matters response to May 2024 Consultation, p.2; Juul Labs Inc. response to May 2024 Consultation, p.2; Molly Rose Foundation response to May 2024 Consultation, p.16; Northern Ireland Commissioner for Children and Young People (NICCY) response to May 2024 Consultation, p.9; Snap Inc. response to May 2024 Consultation, p.7; Welsh Government response to May 2024 Consultation, p.3.

<sup>31</sup> Beat response to May 2024 Consultation, p.1; Greater Manchester Combined Authority (GMCA) response to May 2024 Consultation, p.5; National Society for the Prevention of Cruelty to Children (NSPCC) response to May 2024 Consultation, p.7; [36], p.2.

<sup>32</sup> techUK response to May 2024 Consultation, p.6.

<sup>33</sup> APCC response to May 2024 Consultation, p.6.

<sup>34</sup> Northeastern University London, AI and Information Ethics Cluster response to May 2024 Consultation, p.11.

- 4.58 Some stakeholders also raised concern about the implications of evidence gaps in our analysis of risk of harm to children:
- Big Brother Watch raised concern about our use of inferences to link service types to risks.<sup>35</sup> It expressed alarm about use of “unsubstantiated assumptions” to guide policy, given the implications of our proposals.
  - Meta Platforms Inc. (Meta) noted that we do not have the same quantity or quality of evidence for all types of content harmful to children. It added that it expects that we will factor in services’ assessments if analysis differs from broader conclusions made in the Children’s Register.<sup>36</sup>
- 4.59 Several stakeholders praised our work to engage children and parents.<sup>37</sup> The APCC noted that it is “positive that the voices of children, along with parents/carers, have informed the evidence-based approach taken”.<sup>38</sup>
- 4.60 However, other stakeholders recommended that we extend our reach to children, parents and professionals to ensure that their views and experiences more directly inform our analysis of risks and harms.<sup>39</sup> The Office of the Children’s Commissioner for England welcomed the engagement that Ofcom conducted in the formation of the Children’s Register, but expressed concern that this consultation was “small scale” and did not sufficiently capture the experience of children with additional vulnerabilities.<sup>40</sup> The Open Rights Group noted that it is “extremely important” for Ofcom to engage with groups that work with children with a sensitivity to their rights.<sup>41</sup>

## Our decision

- 4.61 As set out above, we have established a robust quality assurance process to ensure that all evidence contained within the Children’s Register meets high standards for method, ethics, reliability, independence and narrative. Where relevant evidence meeting our quality assurance criteria has been provided, we have incorporated it into the Children’s Register (as we set out in more detail in Annex 1).
- 4.62 However, given the nature and purpose of the Children’s Register, we consider that certain gaps in the evidence base are compatible with our sector-wide assessment of the causes and impacts of content harmful to children. For example, longitudinal evidence detailing the long-term impacts of content harmful to children is currently limited.
- 4.63 We will continue to develop our research and engagement programme to help us to broaden our understanding of online harm to children. We expect our evidence base will expand through our own primary research with children, transparency reports from categorised services, and further evidence provided to us by stakeholders.

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<sup>35</sup> Big Brother Watch response to May 2024 Consultation, p.6.

<sup>36</sup> Meta response to May 2024 Consultation, p.8.

<sup>37</sup> APCC response to May 2024 Consultation, p.5; Children’s Commissioner for Wales response to May 2024 Consultation, p.2; [§<]; NICCY response to May 2024 Consultation, p.9.

<sup>38</sup> APCC response to May 2024 Consultation, p.5.

<sup>39</sup> Children and Young People’s Commissioner Scotland response to May 2024 Consultation, pp.1-2; Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 Consultation, p.3; Internet Matters response to May 2024 Consultation, p.17; NICCY response to May 2024 Consultation, p.9.

<sup>40</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, p.6.

<sup>41</sup> Open Rights Group response to May 2024 Consultation, p.3.



- 4.64 Since the May 2024 Consultation we have invested in new research tools to enable us to better monitor children’s online experiences, including:
- **Behavioural audits:** Systematic reviews of service design and choice architecture<sup>42</sup> to understand use of online features and functionalities that can influence user behaviour.
  - **Children’s Agile Research Solution:** A new, agile way of conducting research with pre-established safeguarding, legal and ethics frameworks with a children and family specialist research agency, exploring a range of children’s online behaviours and attitudes. Planned projects include a **longitudinal qualitative study** to provide regular insights from a panel of children relating to their online behaviours and any emerging trends, risks and harms they encounter.
  - **Children’s Online Safety Tracker:** A children’s tracker that will reach around 7,000 children aged 8+ annually, capturing children’s self-reported experiences of encountering PPC and PC on user-to-user services and their awareness and use of safety tools. The tracker will be administered via both an online panel and online survey in schools.
  - We have also completed a third **randomised control trial among children** to test the impact of default settings which restrict access to harmful content. The results of the randomised control trial are published alongside this statement.
- 4.65 We have reviewed instances where we have exercised our regulatory judgement to make best use of the available evidence. We consider that we have used our judgement and expertise appropriately to draw conclusions where we currently lack reliable evidence, such as certain service types and characteristics.
- 4.66 In response to Meta, while we expect providers to refer to the Children’s Register when conducting their own children’s risk assessments, we understand that specific risks will differ between services. Service’s risk assessments should reflect risks accurately: refer to the Children’s Risk Assessment Guidance for further information.
- 4.67 In response to the concerns of some stakeholders about our engagement with children, we have sought, as far as possible, to ground our risk analysis in the voices of children, families and professionals working with them. Through our continued research and engagement, to date, we have heard from over **27,000 children and 13,000 parents**, whose views and experiences have directly informed the Children’s Register and Protection of Children Codes. Children’s experiences will continue to play a fundamental role in our analysis of risk factors as we develop and refine our assessment. Alongside this statement we have published findings from our deliberative engagement with children, and we will continue to seek children’s views as we develop policy in this space.
- 4.68 We have published our first [Online Safety Research Agenda](#), which sets out our areas of interest for future research. We hope to encourage interested academics to consider how best to achieve our shared research goals. We are also supporting numerous academic studies, including the Department for Science Innovation and Technology’s feasibility study, Data and Methods to Understand the Impact of Social Media and Smartphones on Children.

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<sup>42</sup> Online choice architecture describes the environment in which users act and make decisions, including the presentation and placement of choices and design of interfaces. Source: Competition and Markets Authority (CMA), 2022. [Evidence review of the Online Choice Architecture and consumer and competition harm](#). [accessed 19 February 25].



## Recommended age groups

- 4.69 Note that we detail more specific feedback on Section 17 of the Children’s Register (Recommended age groups), including new evidence provided by stakeholders, in Annex 1.

### Summary of stakeholder feedback

- 4.70 We received broad support for our proposed age groups.<sup>43</sup> 5Rights Foundation stated that our analysis of the risk profiles for different ages provide “a good understanding of how children use the internet in reality”.<sup>44</sup> The National Society for the Prevention of Cruelty to Children (NSPCC) described our proposed age groups as “a valuable assessment of how children’s experiences of the online world develop as they grow older”.<sup>45</sup>
- 4.71 However, several stakeholders disagreed with our assessment that PC is harmful to all children, irrespective of age. 5Rights Foundation suggested that our assessment does not adequately reflect children’s evolving capacities and the rights of older children to explore more complex themes.<sup>46</sup> The Children and Young People’s Commissioner Scotland also suggested that we account for “evolving capacities” in our assessment of risks experienced by different age groups.<sup>47</sup> Common Sense Media noted that time spent online can provide important experiences for navigating social norms, especially as children grow older.<sup>48</sup>
- 4.72 The Centre for Excellence for Children’s Care and Protection (CELCIS) highlighted the fact that age is just one factor (among many) affecting the risk of harm to children.<sup>49</sup>
- 4.73 Some stakeholders<sup>50</sup> requested more granular evidence on risks to different age groups posed by specific types of PPC and PC.

### Our decision

- 4.74 We have reassessed our analysis of factors which mitigate the risks of harm to children aged 16-17. Following this reassessment, we have amended Section 17 of the Children’s Register (Recommended age groups) to reflect greater nuance in the rights and abilities of 16-17-year-olds to access, understand and contextualise certain types of harmful content. We have also incorporated data from our [Children’s Media Literacy Tracker](#) which suggests that 16-17-year-olds have stronger media literacy competencies than younger children.
- 4.75 We agree with CELCIS that age is just one factor affecting children’s risk of harm online, however we have not made any specific amendments in response to this feedback as this is already taken into account in the Children’s Register.<sup>51</sup>

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<sup>43</sup> Common Sense Media response to May 2024 Consultation, p.3; Nexus response to May 2024 Consultation, p.4; National Research Centre on Privacy, Harm Reduction and Adversarial Influence Online (REPHRAIN) response to May 2024 Consultation, p.5; X response to May 2024 Consultation, p.2.

<sup>44</sup> 5Rights Foundation response to May 2024 Consultation, p.5.

<sup>45</sup> NSPCC response to May 2024 Consultation, p.10.

<sup>46</sup> 5Rights Foundation response to May 2024 Consultation, p.5.

<sup>47</sup> Children and Young People’s Commissioner Scotland response to May 2024 Consultation, p.8.

<sup>48</sup> Common Sense Media response to May 2024 Consultation, pp.3-4.

<sup>49</sup> CELCIS response to May 2024 Consultation, p.4.

<sup>50</sup> techUK response to May 2024 Consultation, p.7; X response to May 2024 Consultation, p.2.

<sup>51</sup> For example, see Section 1 of the Children’s Register where we have discussed the role of neurodivergence and additional needs and their relevance to risk.

- 4.76 We have not made any further changes to the Children’s Register in respect of children in different age groups. This is because we currently do not hold more granular evidence for the impacts of encountering specific types of harmful content on different age groups.

## Other demographic factors, including intersecting factors

### Summary of stakeholder feedback

- 4.77 Some stakeholders suggested that the Children’s Register would benefit from further analysis of intersecting factors.<sup>52</sup> The Office of the Victims’ Commissioner for England and Wales<sup>53</sup> and Violence Against Women and Girls (VAWG) Sector Experts<sup>54</sup> called for ‘misogynoir’ – a specific type of abuse and hate targeted against black women – to be explicitly named in the Children’s Register.
- 4.78 Stakeholders also suggested that the Children’s Register should focus more on the influence of offline factors in determining children’s risk of harm:
- Northeastern University London noted that children from lower-income households may have reduced access to parental support and media literacy interventions, increasing their vulnerability to online risk.<sup>55</sup>
  - The Office of the Children’s Commissioner for England encouraged us to consider the intersections with “offline factors, such as the osmosis of online and offline harms”.<sup>56</sup>
- 4.79 Finally, stakeholders noted that different kinds of content can interact, giving rise to “compound” risks to children. Northeastern University London suggested that we should consider the intersection between self-harm content, bullying and depressive content and develop “holistic” strategies to address this.<sup>57</sup> Stakeholders also noted the intersection of bullying content with violent content, abuse and hate content.<sup>58</sup>

### Our decision

- 4.80 We have incorporated additional evidence provided by stakeholders on intersecting risk factors:
- Evidence relating to ‘misogynoir’, provided by the VAWG Sector Experts, has been added to Section 5 of the Children’s Register (Abuse and hate content); and
  - Evidence provided by Northeastern University London on the role of socio-economic factors in exacerbating risks of harm to children online has been added to Section 1: Introduction to the Children’s Register.
- 4.81 The Act requires us to consider “cumulative harm” to include where a child encounters combinations of content of different kinds.<sup>59</sup> We have drawn out analysis of this type of

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<sup>52</sup> APCC response to May 2024 Consultation, pp.6-7; Northeastern University London response to May 2024 Consultation, p.11; Office of the Victims’ Commissioner for England and Wales response to May 2024 Consultation, p.4.

<sup>53</sup> Office of the Victims’ Commissioner for England and Wales response to May 2024 Consultation, p.4.

<sup>54</sup> VAWG Sector Experts response to May 2024 Consultation, p.6.

<sup>55</sup> Northeastern University London response to May 2024 Consultation, p.11.

<sup>56</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, p.13.

<sup>57</sup> Northeastern University London response to May 2024 Consultation, pp.10-11.

<sup>58</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.10-11, 13, 71-72; Snap Inc. response to May 2024 Consultation, p.5.

<sup>59</sup> Section 234(4) of the Act.

cumulative harm in the Children’s Register where we have robust evidence, for example, evidence of the interactions between children’s exposure to bullying content and suicide and self-harm content is discussed in Sections 3 and 6 of the Children’s Register respectively.

## Interaction with illegal harms

### Summary of stakeholder feedback

- 4.82 The NSPCC suggested that we should consider the links between harmful and illegal content, including actions that services should take when identifying content which borders on illegal and harmful to children, such as some suicide content.<sup>60</sup>
- 4.83 A number of stakeholders provided evidence relating to content and activity which amount to illegal offences:<sup>61</sup>
- The Children’s Society,<sup>62</sup> Barnardo’s<sup>63</sup> and Greater Manchester Combined Authority (GMCA)<sup>64</sup> pointed to the lack of reference to the risks associated with online child criminal exploitation in the Children’s Register.
  - Brave Movement and the APCC encouraged us to conduct a more detailed examination of grooming content.<sup>65</sup>
  - The UK Safer Internet Centre provided evidence on sextortion and scams, proposing that these should be included within the category of PC for children.<sup>66</sup>
  - Stakeholders<sup>67</sup> noted risks associated with generative artificial intelligence (GenAI) and the potential use of this technology to generate child sexual abuse material (CSAM).

### Our decision

- 4.84 We recognise that there is often a close interaction between illegal content and content that is harmful to children. Certain kinds of illegal content are similar to, or overlap with, kinds of content which are harmful to children. For example, some suicide and self-harm content (classified as PPC by the Act) may also be illegal content. Evidence also shows that exposure to some types of harmful content may put children at an increased risk of experiencing illegal harms, such as child sexual abuse and exploitation.
- 4.85 We acknowledge the serious risks posed to children by online child criminal exploitation, grooming, sextortion and GenAI CSAM, as raised by various stakeholders. However, each of these are illegal and addressed in relevant sections of the Illegal Harms Register. We have provided additional clarity on the relationship between illegal content and content harmful

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<sup>60</sup> NSPCC response to May 2024 Consultation, p.9.

<sup>61</sup> Refer to the ICJG for a full overview of relevant offences (priority offences and ‘other’ offences) addressed by illegal content safety duties and illegal content risk assessment duties.

<sup>62</sup> The Children’s Society response to May 2024 Consultation, pp.3-4.

<sup>63</sup> Barnardo’s response to May 2024 Consultation, p.18.

<sup>64</sup> GMCA response to May 2024 Consultation, p.3.

<sup>65</sup> APCC response to May 2024 Consultation, p.5; Brave Movement response to May 2024 Consultation, p.2.

<sup>66</sup> UK Safer Internet Centre (UKSIC) response to May 2024 Consultation, p.26.

<sup>67</sup> Canadian Centre for Child Protection (C3P) response to May 2024 Consultation, p.8; CELCIS response to May 2024 Consultation, p.5; Common Sense Media response to May 2024 Consultation, p.4; National Crime Agency response to May 2024 Consultation, p.3; Nexus response to May 2024 Consultation, pp.5-7; NSPCC response to May 2024 Consultation, pp.13-14; [§<]; Yoti response to May 2024 Consultation, p.11.

to children in various areas of the Children’s Register.<sup>68</sup> When any illegal harm is referenced in the Children’s Register, the relevant section of the Illegal Harms Register is cross-referenced. Where there is overlap of this kind, we refer services to the ICJG, which supports services to make judgements about whether content is illegal.

## Emerging technologies

### Summary of stakeholder feedback

- 4.86 A number of stakeholders suggested that the Children’s Register should focus more on evolving risks and emerging technologies, in particular GenAI, augmented reality and virtual reality.<sup>69</sup> [3<] <sup>70</sup> and the NSPCC<sup>71</sup> requested further research to identify the risks posed by GenAI in particular. The Online Safety Act Network (OSA Network) disagreed with our conclusion that the evidence base for children’s interaction with GenAI is limited.<sup>72</sup>
- 4.87 Stakeholders encouraged us to proactively monitor emerging risks posed by emerging technologies, including through helpline data, proactive engagement with children and transparency reports from services.<sup>73</sup>

### Our decision

- 4.88 We acknowledge limitations in the evidence base on the risks caused by certain emerging technologies. We will review new evidence, including through our own research programmes. We may expand the scope of our risk assessment in the future, for example, as new risks emerge due to innovation in the sector.
- 4.89 In the meantime, we have proactively sought to expand our understanding of the risks associated with new technologies. We have published – and will continue to publish – papers exploring the risks posed by GenAI and effective strategies to mitigate those risks.<sup>74</sup> Our published research is now cited in the Children’s Register.
- 4.90 In response to the OSA Network, we maintain that robust evidence for the risks associated with GenAI is limited. We have incorporated quality-assured evidence where it is available, including additional evidence provided in the May 2024 Consultation. See the ‘Wider Context to understanding risk factors’ section of Annex 1 for more detail on updates we have made to the Children’s Register on risks associated with GenAI, including new evidence.

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<sup>68</sup> For example, see Annex 1, our response to stakeholder feedback on abuse and hate content.

<sup>69</sup> Including the APCC response to May 2024 Consultation, pp.5-6; Common Sense Media response to May 2024 Consultation, pp.4-6; GMCA response to May 2024 Consultation, pp.3-4; NSPCC response to May 2024 Consultation, p.7; Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.10-11; Parenting Focus response to May 2024 Consultation, p.9.

<sup>70</sup> [3<]

<sup>71</sup> NSPCC response to May 2024 Consultation, p.15.

<sup>72</sup> OSA Network response to May 2024 Consultation, pp.76-77.

<sup>73</sup> Barnardo’s response to May 2024 Consultation, p.7; Office of the Children’s Commissioner for England response to May 2024 Consultation, p.6; UKSIC response to May 2024 Consultation, p.9.

<sup>74</sup> Ofcom, 2024. [Deepfake Defences: Mitigating the Harms of Deceptive Deepfakes](#); Ofcom, 2024. [accessed 19 February 2025]. [Red Teaming for GenAI Harms: Revealing the Risks and Rewards for Online Safety](#). [accessed 19 February 2025].

## Persuasive features and functionalities

- 4.91 Note that more specific stakeholder feedback on the Features and functionalities section of the draft Children’s Register is addressed in Annex 1.

### Summary of stakeholder feedback

- 4.92 A number of stakeholders suggested that issues associated with persuasive or addictive design should be directly addressed as a category of harm in the Children’s Register.<sup>75</sup>
- 4.93 5Rights Foundation stated that the risks posed by features and functionalities were not adequately articulated. They suggested that the fact that our analysis in Section 7.11 of the draft Children’s Register (Governance, systems and processes) did not include features and functionalities as an aspect of service design “fails to reflect the Act” and results in a lack of Codes measures relating to access to features and functionalities.<sup>76</sup>
- 4.94 The OSA Network expressed concern that we had taken explanations from providers about their nature of their services “at face value” when we state that certain features and functionalities can be fundamental to how services operate.<sup>77 78</sup>
- 4.95 Other stakeholders suggested the Children’s Register overstates the risks associated with persuasive features and functionalities:
- Snap Inc.<sup>79</sup> and [X]<sup>80</sup> encouraged us to take a more nuanced approach to how we assess risks posed by features and functionalities. Both argued that functionalities are not inherently risky; rather it is design, deployment and oversight of features and functionalities that give rise to risk.<sup>81</sup>
  - techUK stated that the functionalities described in the Children’s Register are not applicable to all services.<sup>82</sup>

### Our decision

- 4.96 We recognise concerns raised by stakeholders about the implications of service design in undermining children’s wellbeing, including the wider debate about whether services may be described as ‘addictive’.<sup>83</sup> The Children’s Register (Section 15) explores how service design may be applied to influence online behaviours. We discuss how a service’s choice architecture (including ‘infinite scrolling’, affirmation-based functionalities, and alerts and

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<sup>75</sup> Common Sense Media response to May 2024 Consultation, p.2; Office of the Children’s Commissioner for England response to May 2024 Consultation, p.76; [X].

<sup>76</sup> 5Rights Foundation response to the May 2024 Consultation, p.5.

<sup>77</sup> Paragraph 7.13.3 of the draft Children’s Register states: “We understand that these features and functionalities can be fundamental to how services operate, and a significant source of revenue for services in proportion to their number of users and/or user engagement. This might include encouraging users to spend money on a particular service, or in the case of advertising-based business models, simply spend time engaging with a particular service while being exposed to ads.”

<sup>78</sup> OSA Network response to May 2024 Consultation, p.35.

<sup>79</sup> Snap Inc. response to May 2024 Consultation, pp.7-8.

<sup>80</sup> [X]

<sup>81</sup> Snap Inc. suggested that this point is explained in paragraph 6.13 of the Children’s Register but becomes less clear as the document progresses.

<sup>82</sup> techUK response to May 2024 Consultation, p.6.

<sup>83</sup> We have noted, for example, evidence provided by stakeholders of links between device use and chronic sleep deprivation, and children’s self-reported feelings of “addiction” in relation to services. Source: Common Sense Media (Radesky, J., Weeks, H. M., Schaller, A., Robb, M., Mann, S. and Lenhart, A.), 2023. [Constant Companion: A Week in the Life of a Young Person’s Smartphone Use](#). [accessed 16 December 2024].

notifications) are designed to maximise the time and frequency with which users (including children) engage with services. We find that the risk of children encountering harmful content increases with the time that they spend on a service. We have therefore, as relevant, taken into account design features that are a vector for increasing children's risk of harm, in particular the risk that children are exposed to harmful content. We will look to establish if there are risks that need further consideration in the Children's Register through further research and engagement. We do not, however, consider that the 'addictive' nature of service design is, in itself (i.e., without reference to how they affect children's exposure to harmful content), within the scope of the Act.

- 4.97 In response to 5Rights Foundation, our analysis of risks in Section 13 of the Children's Register (Governance, systems and processes) includes discussion of how service design may expose children to 'rabbit holes' of harmful content. Our analysis of risks posed to children by recommender systems is also explored in Section 16 of the Children's Register (Wider context to understanding risk factors).
- 4.98 We acknowledge the OSA Network's concerns about our commentary on the role of features and functionalities as part of service design. As we set out in Section 1 (Introduction to the Children's Register of Risks), the Children's Register does not make judgements about particular service providers. Rather, our aim is to assess evidence linking service characteristics to content harmful to children, including persuasive design features.
- 4.99 In response to Snap Inc. and [3<], we understand that some features which carry risk can also offer benefits to children; for example, while our evidence shows that recommender systems are a significant vector for exposing children to harm, they can also support children to find engaging and age-appropriate content. The Protection of Children Codes are designed to ensure that services implement effective safeguards, enabling children to safely benefit from features and functionalities, while mitigating risks. However, we do note that it may not be possible to make certain features and functionalities sufficiently safe for children; we will continue to explore risks linked to features and functionalities (such as livestreaming) and assess the extent to which those risks can be mitigated by service providers.
- 4.100 In response to techUK's comments, the Children's Register recognises and explores the diversity of services in scope of the regime. Therefore, some service characteristic risk factors may not be relevant to particular services. The Children's Risk Assessment Guidance is designed to support service providers to accurately assess risks on their service.

## Addressing misogyny in the Children's Register

### Summary of stakeholder feedback

- 4.101 5Rights Foundation<sup>84</sup> [3<]<sup>85</sup> and the Office of the Victims' Commissioner for England and Wales<sup>86</sup> suggested that misogyny should be addressed in a standalone section in the Children's Register. GMCA requested clarity in draft Table 7.1 that misogyny is classified as a form of abuse and hate content.<sup>87</sup>

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<sup>84</sup> 5Rights Foundation response to May 2024 Consultation, p.5.

<sup>85</sup> [3<]

<sup>86</sup> Office of the Victims' Commissioner for England and Wales response to May 2024 Consultation, p.6.

<sup>87</sup> GMCA response to May 2024 Consultation, p.3.

## Our decision

- 4.102 We recognise stakeholders' concerns about the importance of capturing harms caused by online misogyny. We have expanded our commentary of misogynistic content across the Children's Register, including how it relates to other forms violence against women and girls, such as domestic abuse. We have also added evidence about the risks and harms associated with misogynistic content in Section 5 (Abuse and hate content). However, given how online misogyny cuts across multiple harms addressed by the Children's Register, we have taken the decision not to include a standalone section on misogyny.
- 4.103 We have not amended the table in Section 1 of the Children's Register which sets out the legal definitions of PPC and PC. Misogyny is not listed as a specific form or sub-category of PPC or PC in the Act and therefore is not suitable for inclusion.<sup>88</sup>
- 4.104 For further discussion of online misogyny, we refer stakeholders to our draft guidance for services on providing a safer life online for women and girls.<sup>89</sup> This statutory guidance under the Act sets out practical steps for providers on addressing online harms that disproportionately affect women and girls, including a thematic focus on online misogyny communities and misogynistic influencers.

## Gaming services

### Summary of stakeholder feedback

- 4.105 Stakeholders discussed our assessment of risks associated with gaming services:
- UK Interactive Entertainment (Ukie) suggested that, unlike social media platforms, the controlled environment of gaming platforms reduces the risk of children encountering harmful content.<sup>90</sup> [3<] also emphasised the importance of proportionality and taking a service-specific approach to risks associated with gaming platforms.<sup>91</sup>
  - [3<] suggested that our presentation of risks associated with violent content, bullying content and abuse and hate content on gaming platforms is "misleading" and would disproportionately burden the "diverse and dynamic" gaming industry.<sup>92</sup>
- 4.106 [3<] challenged our conflation of gaming services with games-adjacent communications platforms.<sup>93</sup>

## Our decision

- 4.107 We have assessed our presentation of gaming services in the Children's Register and consider that we have presented a balanced discussion of the relevant risks, based on the available evidence. We recognise that risks will differ depending on the design of specific gaming services, which we expect providers to reflect in their risk assessments. More detail on the process that services should follow in conducting their risks assessments is set out in the Children's Risk Assessment Guidance.

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<sup>88</sup> Sections 61 and 62 of the Act.

<sup>89</sup> Ofcom, 2025. [Draft Guidance: A safer life online for women and girls](#) [accessed 27 March 2025].

<sup>90</sup> Ukie response to May 2024 Consultation, p.14.

<sup>91</sup> [3<]

<sup>92</sup> [3<]

<sup>93</sup> [3<]



- 4.108 We note the distinction between gaming services, which allow users to interact within partially or fully simulated virtual environments, and gaming-adjacent services, where users are able to stream and chat about games. We have, therefore, updated Section 5 of Children’s Register (Abuse and hate content) to include the term ‘gaming-adjacent services’ to more accurately represent the examples provided.

## Non-designated content (NDC)

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- 4.109 This section of this statement chapter explains the decisions we have taken on our approach to NDC, where we had a range of stakeholder feedback. In this section, we cover:
- f) Approach taken to NDC in the May 2024 Consultation, and
  - g) Stakeholder feedback on NDC by theme, and the decisions we have taken as a result.

## Approach taken in the May 2024 Consultation

### Approach to identifying NDC

- 4.110 In the May 2024 Consultation, we set out an evidence-based, harms-led approach to identifying NDC, setting out a four-step framework to assess whether content meets the definition set out in the Act.
- Step 1: What harms are arising from children viewing online content?
  - Step 2: Is the harm identified ‘significant’?
  - Step 3: What is the material risk of that harm occurring?
  - Step 4: Are an appreciable number of children affected?
- 4.111 In addition to demonstrating how we identify potential NDC in our own risk assessment (as reflected in the Children’s Register), the framework was also intended to help service providers to identify NDC and assess whether that content met the statutory definition.
- 4.112 In our framework, we also considered how to account for the challenges related to evidence-gathering in this area, to make reasonable judgements about the risk to children from available evidence. For example, we stated that evidence of a causal relationship between types of content and specific outcomes is rare, and we would therefore consider a wide range of sources, such as engagement with experts, when assessing material risk of harm.

### Proposed categories of NDC in May 2024 Consultation

- 4.113 In our May 2024 Consultation, we assessed two kinds of content that emerged from our risk assessment as potentially harmful to children. We proposed the following:
- h) Evidence suggested that **‘body image content’** may be linked to significant harm arising from body or image dissatisfaction. Harms include low self-esteem, poor mental health and behaviours that could be harmful to children, such as extreme dieting and exercise, or adult cosmetic products or procedures.
  - i) **‘Depressive content’** may also be linked to significant harm, namely lasting emotional impacts, including exacerbation of mental health issues such as depression, anxiety, self-harm and suicidal ideation.
- 4.114 We considered that further evidence was required to confirm that these kinds of content meet the statutory definition of NDC. This included evidence to indicate the relationship between specific kinds of content, and the material risk of significant harm. As part of this,



we recognised the need to more clearly define the kind of body image and depressive content that we considered harmful to children.

## Stakeholder feedback on NDC by theme

- 4.115 This sub-section summarises and responds to stakeholder feedback on our approach to identifying and categorising NDC in response to our May 2024 Consultation. The final decisions we have taken, including our refined categories of NDC, are set out in the following sub-section, and Section 10 and 11 in the Children’s Register include our detailed analysis relating to the specific kinds of NDC we have identified.
- 4.116 Some stakeholders agreed with our approach to NDC as set out in our May 2024 Consultation. For example, CELCIS described the framework for assessing NDC as “helpful” and stated that “the examples and rationale given is also useful”.<sup>94</sup>
- 4.117 However, several stakeholders expressed concerns about both our approach to identifying NDC, and the kinds of NDC that we proposed in the May 2024 Consultation. We have summarised stakeholder feedback and our final decisions on identifying and refining categories of NDC under the following themes:
- the role of Ofcom and service providers in identifying NDC,
  - our framework for identifying NDC,
  - overarching considerations for defining NDC,
  - defining ‘body image content’, and
  - defining ‘depressive content’.

## The role of Ofcom and service providers in identifying NDC

### Summary of stakeholder feedback

- 4.118 Several responses raised issues about the role of Ofcom in identifying categories of NDC in relation to services. Google and TikTok stated that, according to the Act, Ofcom should not identify categories of NDC, but that this should be done by services through their children’s risk assessment.<sup>95</sup>
- 4.119 The NSPCC asserted the importance of services identifying NDC on their service that “are potentially niche to their platform and would not otherwise be identified by Ofcom in a Risk Register/Code of Practice”, but that the role of Ofcom versus services was “not at all clear” in the May 2024 Consultation.<sup>96</sup>
- 4.120 Jamie Dean and Derbyshire Police called for Ofcom to provide further detail, including timelines, on how it would consider and consult on emerging NDC categories in the future.<sup>97</sup>

### Our decision

- 4.121 Based on the feedback from stakeholders, we have clarified below the roles of Ofcom and the service provider. Both Ofcom and service providers are required to assess the risk of

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<sup>94</sup> CELCIS response to May 2024 Consultation, p.4.

<sup>95</sup> Google response to May 2024 Consultation, p.9; TikTok response to May 2024 Consultation, p.8.

<sup>96</sup> NSPCC response to May 2024 Consultation, pp.10-11.

<sup>97</sup> Dean, J. response to May 2024 Consultation, p.6; Derbyshire Police response to May 2024 Consultation, p.5.

harm presented by harmful content, including NDC, as part of their risk assessments. This is set out in more detail below.

## Ofcom's duties

- 4.122 Ofcom has a duty to assess the risk of harm to children in the UK, in different age groups, presented by content that is harmful to children.<sup>98</sup> Content that is harmful to children includes NDC and therefore, as part of our own risk assessment, we are required to reach our own view on what content, if any, meets the statutory definition for NDC. Ofcom's assessment of NDC is therefore reflected in the Children's Register.
- 4.123 In the May 2024 Consultation, we set out our approach to identifying NDC. Here we defined key terms and proposed a framework to help assess whether certain content met the statutory definition of NDC. This framework is not a statutory requirement, but we considered that it would help stakeholders to understand and engage with our proposals in respect of specific kinds of NDC. We also expected the framework would assist service providers when fulfilling their duties (see paragraphs 1.121-1.122).<sup>99</sup>
- 4.124 In response to questions on our monitoring and updating of categories of NDC, the Act requires service providers to inform us of any kinds of NDC they identify in their own risk assessments. We are likely to consider further evidence provided by service providers in any future iterations of Ofcom's own risk assessment. We will also be conducting ongoing research into NDC which we will publish when complete.

## Service providers' duties

- 4.125 The Children's Risk Assessment Guidance provides further detail for services on identifying and assessing the risk of NDC. In summary, service providers completing a children's risk assessment must assess the risk of harm to children presented by NDC on their service. Service providers should assess the risk of harm to children presented by the kinds of NDC identified by Ofcom's risk assessment, but they should also consider whether there are other kinds of NDC content not identified by Ofcom that they should include in their risk assessment. Service providers can refer to the framework in the Children's Register to help them identify whether kinds of content meet the definition of NDC. Service providers should assign a level of risk of harm to children presented by any kinds of NDC (including those identified by Ofcom) that they include in their risk assessment. Where a service provider provides a user-to-user service and they identify that NDC is present on the service, then they must notify Ofcom of:
- a) the kinds of content identified as NDC, and
  - b) the incidence of those kinds of content on the service.
- 4.126 Safety measures recommended in the Protection of Children Codes apply only to kinds of NDC identified in services' most recent risk assessments, in line with the application of the children's safety duties.<sup>100</sup> Detailed discussion of measures for NDC identified in services' own risk assessments is set out in the section of this statement on the Protection of Children Codes (Volume 4).

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<sup>98</sup> See section 98(1)(c) of the Act.

<sup>99</sup> See sections 11(2) and 28(2) of the Act.

<sup>100</sup> See sections 13(2) and 30(2) of the Act.

## Our framework for identifying NDC

- 4.127 A number of stakeholders provided feedback on our framework for identifying NDC. This included both feedback on our overall approach, as well as more specific feedback on elements of the framework. These are outlined in the next sub-sections.

### Feedback on our overall approach

- 4.128 Feedback on the overall four-step framework that we set out in our May 2024 Consultation was limited. CELCIS felt that the four-step framework for assessing NDC was helpful.<sup>101</sup> However, Meta shared some concerns about the framework, particularly when applied to recommender system safety measures. It felt that the “proposed approach may be overly complex and difficult to implement in practice.”<sup>102</sup>

### Our decision

- 4.129 In response to Meta’s feedback, we clarify that this framework is intended for assessing whether content meets the definition of NDC. The relevance of NDC to the duties on service providers, and the measures applied to kinds of NDC are set out in the Children’s Risk Assessment Guidance and Protection of Children Codes.
- 4.130 While we consider that the framework we set out in the May 2024 Consultation is broadly fit for purpose, we have slightly amended its structure in light of feedback and our own experience stress-testing the framework since the May 2024 Consultation. The updated framework is set out below, and explained in more detail in Section 1 of the Children’s Register (Introduction to the Children’s Register of Risks). This comprises:
- Step 1: Defining a kind of potentially harmful content.
  - Step 2: Is there a material risk of significant harm?
  - Step 3: Are an appreciable number of children at risk?
- 4.131 We have updated the framework to reflect the primary importance of establishing a relationship between a specific kind of content and significant harm (‘material risk of significant harm’, as defined in the Act). To do this we have:
- i) Focused Step 1 more explicitly on defining a specific kind of content based on some evidence of harm. In the May 2024 consultation, Step 1 was more generally about identifying harms, and defining a specific kind of content was not discussed until Step 3.
  - ii) Combined previous Steps 2 (assessing significance) and 3 (assessing material risk) to assess ‘material risk of significant harm’ as a single step. On stress-testing this framework, combining these steps allowed us to more directly assess content against the wording of the Act.
- 4.132 This revised structure helps to identify and define a clear category of content to assess against the definition of NDC. Definitions of potentially harmful content in Step 1 can be tested for material risk of significant harm at Step 2. If a material risk of significant harm cannot be established, then the category of content can be refined based on the available evidence. We have followed this structure in narrowing the scope of ‘body image content’ and ‘depressive content’ for the purpose of the Children’s Register. This is set out in detail

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<sup>101</sup> CELCIS response to May 2024 Consultation, p.4.

<sup>102</sup> Meta response to May 2024 Consultation, p.31.

in sub-section ‘Identifying depression content/body stigma content as a kind of NDC’ in Sections 10 and 11 of the Children’s Register.

## Feedback on our evidence thresholds, particularly for ‘material risk of harm’

- 4.133 Stakeholders disagreed about the evidence thresholds that we set out in the framework and our worked examples of ‘body image content’ and ‘depressive content.’ The NSPCC felt the evidence threshold was too high for the framework, especially for establishing a relationship between significant harm and a specific kind of content (Step 3 in the May 2024 Consultation: Is there material risk of harm?). It suggested that services should draw on a wide range of sources and draw on existing evidence from similar harms.<sup>103</sup> Similarly, the Office of the Children’s Commissioner for England suggested a “proactive” approach that ensured that content that might be harmful is labelled as NDC content until it is proven safe. It provided recommendations for evidence-gathering and monitoring, calling for consultations with children, use of information-gathering powers, and engaging with a variety of independent external stakeholders and experts.<sup>104</sup>
- 4.134 However, other stakeholders asserted that stronger evidence was required to link specified kinds of content with harm. Google argued that, given the significant impact that Ofcom’s proposals will have on in-scope services, a clear link between the specified category and significant harm must be established through thorough evidence.<sup>105</sup> Big Brother Watch was concerned about “how permissively the test [for assessing NDC] has been drawn”, with concern about assessing ‘material risk of harm’, and the reliance on qualitative data.<sup>106</sup>

### Our decision

- 4.135 We have considered the stakeholder comments about evidence thresholds, but we are not making specific changes to our framework in relation to these. As set out in the May 2024 Consultation, we encourage use of a wide range of sources when assessing material risk of significant harm. This represents a practical approach that balances robustness and limitations in the evidence base. We acknowledge that causality is ideally measured through experimental research. However, when investigating the impact of harmful content on children, experimental research presents significant ethical or practical challenges: establishing causation would involve deliberately exposing children to harmful content in a controlled environment, and that is impossible to do within the bounds of research ethics. We therefore do not consider this feasible to obtain. Evidence that shows correlation between a type of content and harm has limitations (e.g., there may be other underlying factors causing significant harm), but we consider that this evidence can nevertheless be useful when considered in conjunction with qualitative research conducted with children and young people, as well as observations from researchers, practitioners and other experts. We have considered this range of evidence in the round, based on our own expertise, to apply the statutory test for NDC that underpins our framework (see Section 10 and 11 in the Children’s Register for our detailed analysis relating to the specific kinds of NDC we have identified).

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<sup>103</sup> NSPCC response to May 2024 Consultation, p.11.

<sup>104</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, p.12.

<sup>105</sup> Google response to May 2024 Consultation, p.9.

<sup>106</sup> Big Brother Watch response to May 2024 Consultation, pp.8-9.

## Feedback on an ‘appreciable number of children’

- 4.136 Stakeholders disagreed with our understanding of ‘appreciable number of children’. The Canadian Centre for Child Protection (C3P) recommended that Ofcom take a narrow view of ‘appreciable’, as if something can be accessed by even one child it can be accessed by many.<sup>107</sup> Jamie Dean and Derbyshire Police also argued that if a kind of harmful content presents risk of significant harm to ethnic minority groups, that group should be considered ‘appreciable’.<sup>108</sup>
- 4.137 In contrast, Big Brother Watch expressed concern about Ofcom’s definition of ‘appreciable’ and felt that anything that affects a vulnerable group might be designated as harmful – without looking at the granularity of an issue.<sup>109</sup>

### Our decision

- 4.138 We have not changed our approach to the meaning of ‘appreciable’ in our framework. Our understanding of ‘an appreciable number of children’ is taken directly from the Explanatory Notes published alongside the Act. The Explanatory Notes set out that content “need not adversely affect a very large number of children” to be classified as harmful content. However, content which may adversely affect “only one child or very few children” should not be defined as ‘content harmful to children’. In assessing whether the affected group is appreciable, it is appropriate to consider if there is a group that is disproportionately at risk of significant harm from that kind of content, and if so, the size of that group in the UK child population. We provide children with mental health disorders as an example of an appreciable group when explaining the framework. In response to Jamie Dean and Derbyshire Police, we would likely consider a wide range of demographic groups, including LGBTQ+ children and ethnic minorities, to be an ‘appreciable number.’
- 4.139 In response to Big Brother Watch’s feedback, we highlight that assessing the size of the affected group is just one step in the framework. We are confident that considering all steps requires assessing the granularity of an issue or kind of content.

## Defining specific kinds of NDC

### Summary of stakeholder feedback

- 4.140 Some stakeholders agreed with body image content and depressive content as the proposed categories of NDC.<sup>110</sup> However, others expressed concerns about the scope of the proposed categories of NDC in giving rise to risks of **over-moderation** and **implementation challenges**.
- 4.141 Many stakeholders agreed with us that further evidence and refinement was required, and that taken at face value, the categories of body image and depressive content were too broad. Broad or subjective definitions were linked to concerns about over-moderation, and implications for user rights:

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<sup>107</sup> C3P response to May 2024 Consultation, p.6.

<sup>108</sup> Dean, J. response to May 2024 Consultation, p.6; Derbyshire Police response to May 2024 Consultation, p.5.

<sup>109</sup> Big Brother Watch response to May 2024 Consultation, p.9.

<sup>110</sup> 5Rights Foundation response to May 2024 Consultation, p.4; Molly Rose Foundation response to May 2024 Consultation, p.32; Nexus response to May 2024 Consultation, p.7

- Google stated that body image and depressive content were nebulous, too broad and too subjective, and would present risk to children’s rights, such as the ability to access information, build community, express themselves and be creative.<sup>111</sup>
- Meta was concerned about inadvertently capturing positive body image content or content discussing mental health issues in a responsible or sensitive manner.<sup>112</sup>
- The Northern Ireland Commissioner for Children and Young People and the Children and Young People’s Commissioner Scotland expressed concern about child rights to access information for both body image content and depressive content, and suggested Ofcom conduct a “Child Rights Impact Assessment”.<sup>113</sup>

4.142 Some stakeholders noted that broad definitions of NDC would make implementation challenging.<sup>114</sup> Some stakeholders expressed particular concern that definitions relied on services making contextual judgments.<sup>115</sup>

## Our decision

4.143 Since the May 2024 Consultation, we have significantly refined the definitions of these two categories, informed by further research and stakeholder engagement on specifically what kinds of content present risk of harm to children. Based on these considerations, we have decided to define the categories of NDC as **‘content that shames or otherwise stigmatises body types or physical features’ (‘body stigma content’)** and **‘content that promotes depression, hopelessness or despair’ (‘depression content’)**.

4.144 We expect that narrowing the categories of NDC addresses stakeholder concerns about both **over-moderation** (by avoiding capturing non-harmful content), and about **implementation challenges** (by providing clearer definitions). We set out more detailed stakeholder feedback on the proposed categories of NDC and explain our rationale for refining these categories in the following sub-sections and Sections 10 and 11 of the Children’s Register.

4.145 In response to implementation concerns, we have decided to provide examples of content we do and do not consider to be body stigma content and depression content, to further clarify the scope of these kinds of content. However, as discussed in the sub-section above on the ‘Role of Ofcom and service providers in identifying NDC’, the Children’s Register identifies kinds of NDC as part of Ofcom’s risk assessment. We have explained what services should do to fulfil their duties relating to NDC in the Protection of Children Codes (Volume 4) and Children’s Risk Assessment Guidance.

4.146 We have also considered our decisions on NDC as part of our Rights Assessment under the relevant sub-section above. Moreover, Volume 4 includes assessment of the rights implications for applying different measures to kinds of harmful content, including NDC.

4.147 Finally, we note that the categories of NDC that we have identified may change over time. While we do not have the evidence to identify other categories of NDC at this time, we will

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<sup>111</sup> Google response to May 2024 Consultation, pp.9-10.

<sup>112</sup> Meta response to May 2024 Consultation, p.31.

<sup>113</sup> Children and Young People’s Commissioner Scotland response to May 2024 Consultation, p.6; NICCY response to May 2024 Consultation, p.26.

<sup>114</sup> Lego response to May 2024 Consultation, p.1; Microsoft response to May 2024 Consultation, pp.8-9; Snap Inc. response to May 2024 Consultation, p.9.

<sup>115</sup> Google response to May 2024 Consultation, pp.10-11; TikTok response to May 2024 Consultation, p.8.

keep this under review as part of our wider duties to keep the Children’s Register up to date.

## Defining ‘body image content’

### Summary of stakeholder feedback

#### Stakeholder concerns about body image content

4.148 Stakeholders expressed concern about identifying a ‘harmful’ category of body image content:

- The Children and Young People’s Commissioner Scotland argued that body image is a “broad and contested term”, with varied impacts. It stated that content focused on body building “can have both positive and negative impacts – promoting fitness but potentially also disordered eating.”<sup>116</sup>
- Snap Inc. expressed concerns at examples of content that they felt were at risk of being included but would represent over-moderation, such as augmented reality shopping experiences that can focus on the body or parts of the body depending on the product.<sup>117</sup>

#### New evidence and insight about body image content

4.149 Two stakeholders provided insight into the risks associated with body comparison and self-objectification content:

- Beat suggested that body image content which specifically promotes body comparison and self-objectification should be classified as NDC. It also highlighted how content promoting extreme dieting, weight loss or fitness regimes is often amplified by algorithms, leading to continuous exposure which can exacerbate body image issues and increase the risk of developing eating disorders.<sup>118</sup>
- The Center for Countering Digital Hate (CCDH) also identified how the promotion of bodies altered by steroid-like substances normalises these bodies as desirable, increasing body dissatisfaction by comparison.<sup>119</sup>

4.150 Several stakeholders argued that filters and editing functionalities should be considered in relation to body image content:

- Common Sense Media argued that filters provide the ability to create the ‘perfect’ face and body, and children are increasingly comparing themselves to the unattainable<sup>120</sup>
- Beat argued that body image content which is filtered or edited without clear communication to the audience should also be classified as NDC, as it can create unattainable body standards, leading to body dissatisfaction and negative self-esteem.<sup>121</sup>
- The Office of the Children’s Commissioner for England explained how in a roundtable they held, young people told them that image editing tools and filters were the aspect

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<sup>116</sup> Children and Young People’s Commissioner Scotland response to May 2024 Consultation, p.6.

<sup>117</sup> Snap Inc. response to May 2024 Consultation, p.6.

<sup>118</sup> Beat response to May 2024 Consultation, p.2.

<sup>119</sup> CCDH response to May 2024 Consultation, p.4. Note that this feedback has also been considered in relation to Section 8 of the Children’s Register, on harmful substances content, see Annex 1.

<sup>120</sup> Common Sense Media response to May 2024 Consultation, p.8. Note that this feedback has also been considered in relation Section 8 of the Children’s Register, on harmful substances content, see Annex 1.

<sup>121</sup> Beat response to May 2024 Consultation, p.2.



of the online world that impacted their perception of themselves negatively the most.<sup>122</sup>

## Our decision

- 4.151 We have refined body image content to focus on negative comparison. We decided this based on evidence linking body dissatisfaction to specific kinds of content, as well as extensive evidence on the physical and psychological harm caused by body dissatisfaction. We also considered Beat’s suggestion to focus on ‘body comparison’ and ‘self-objectification’ and the CCDH’s calls for inclusion of content relating to ‘bigorexia’ when forming and refining this category. We are now considering ‘content that shames or otherwise stigmatises body types or physical features (‘body stigma content’) as a kind of harmful content which meets the statutory definition of NDC. This is set out in detail in the sub-section ‘Identifying body stigma content as a kind of NDC’ in Section 11 of the Children’s Register: Body stigma content (Non-designated content).
- 4.152 We would consider extreme dieting or weight loss and extreme fitness regimes (discussed in Beat’s response) to meet the definition of eating disorder content. For more detail on identifying eating disorder content, including a list of examples, refer to Section 5 of our Guidance on Content Harmful to Children or Section 4 of the Children’s Register.<sup>123</sup> In response to Snap Inc., body stigma content would not include content that focuses on physical features in the context of augmented reality shopping experiences. We have considered the role of filters and editing functionalities in relation to body dissatisfaction. However, we do not consider that the evidence supports the inclusion of content that depicts a body ideal, without stigmatising, shaming or problematising another body type, as harmful content. Therefore, we would not consider filtered or edited content to necessarily be body stigma content. However, we do consider these functionalities to be risk factors for creating body stigma content. This is discussed in Section 11 of the Children’s Register: Body stigma content (Non-designated content).

## Defining ‘depressive content’

### Summary of stakeholder feedback

#### Stakeholder concerns about depressive content

- 4.153 Several stakeholders were concerned about the implications of over-moderation in relation to our proposed category of depressive content:
- Samaritans asserted that children need to be able to reach out for support, share their own experiences and connect with others, and expressed concern that censoring children experiencing poor mental health outcomes will lead to further stigmatisation and could impact mental health outcomes. It called for a focus on ensuring this content is not actively promoted at scale, rather than being removed completely.<sup>124</sup>

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<sup>122</sup> Office of the Children’s Commissioner for England response to May 2025 Consultation, p.13.

<sup>123</sup> In the guidance on eating disorder content, we include: ‘body checks’ and/or images of extreme thinness romanticising and showing protruding collarbones, hipbones, protruding rib bones or flat or concave stomachs, or ‘thigh gaps’, ‘before and after’ weight-loss transformations. For more detail on identifying eating disorder content, including a list of examples, see Section 5 of our Guidance on Content Harmful to Children.

<sup>124</sup> Samaritans response to May 2024 Consultation, pp.5-6.



- The Children and Young People’s Commissioner Scotland were also concerned about stigmatisation, and the risk that artistic or educational content would fall within scope of the draft Codes.<sup>125</sup>
- Snap Inc. shared similar concerns, particularly about the risk of capturing content that celebrates self or artistic expression, such as music that could be considered “to emote, or even glorify or encourage, negative or depressing feelings.”<sup>126</sup>

#### **New evidence and insight about depressive content**

- 4.154 Few stakeholders shared new insight into depressive content. However, the Molly Rose Foundation felt that depressive content, as drafted in the May 2024 Consultation, met the definition of NDC. It highlighted in particular how there are substantial amounts of content featuring intense themes of depression, hopelessness, misery and despair on social networks, and that these emotions can exacerbate suicidal ideation.<sup>127</sup>

#### **Our decision**

- 4.155 We have been mindful of the concern that the category of depressive content we proposed in the May 2024 Consultation could capture some artistic and educational content, both of which attract careful consideration with regard to freedom of expression. We have decided to refine the definition of depressive content to focus on content that promotes depression, hopelessness and despair. Based on our refined definition, we consider that the majority of academic or educational articles published online would unlikely meet the definition because they would be unlikely to ‘promote’ depressive content in this context. This is because academic content that discusses depression is an important educational resource and often includes research for the treatment of depression. These articles may even warn readers about the harmful content discussed to further avoid the risk of actively promoting depression or feelings of hopelessness and despair. We recognise that some artistic content may still fall within our narrowed definition. In both cases, service providers should therefore consider a range of contextual factors and considerations when making judgements about whether this content meets the definition of NDC, regardless of format. We have considered this as part of our rights assessment for the Children’s Register (set out under the ‘Rights Assessment’ sub-section above) and in determining the appropriate measures to apply to this content in the Protection of Children Codes.
- 4.156 Having refined our definition of depressive content, we consider ‘promotes’ to mean content which encourages or portrays as positive depression, hopelessness or despair. By focusing on ‘promoting’, this definition is unlikely to include the kinds of content considered beneficial by Children and Young People’s Commissioner Scotland and Samaritans (i.e., in which children are reaching out for support or community). We now consider ‘content that promotes depression, hopelessness and despair’ as a kind of harmful content and that meets the statutory definition of NDC. As identified by the Molly Rose Foundation, we consider that this kind of content is linked to significant harms, such as suicidal ideation. This is set out in detail in Section 10 of the Children’s Register: Depression content (Non-designated content).

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<sup>125</sup> Children and Young People’s Commissioner Scotland response to May 2024 Consultation, p.6.

<sup>126</sup> Snap Inc. response to May 2024 Consultation, p.7.

<sup>127</sup> Molly Rose Foundation response to May 2024 Consultation, pp.32-33.

# 5. Our approach to the Children's Risk Profiles

## What is this section about?

Under the Online Safety Act (the Act), we are required to prepare, publish, and maintain up-to-date Children's Risk Profiles based on findings from our Children's Register of Risks (Children's Register). The Children's Risk Profiles highlight important risk factors and their links to the likelihood of children encountering different types of harmful content. Regulated service providers must use the Children's Risk Profiles as part of their children's risk assessments, where they serve as the starting point in our four-step children's risk assessment process.

This section sets out our final approach to the Children's Risk Profiles, including the key changes that we have made from our proposed approach in our May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation).

## What we have decided

- We have broadly retained our proposed approach to the Children's Risk Profiles, including the format in which we present the Children's Risk Profiles and the methodology we have used to determine which risk factors should be included in them.
- No additional risk factors have been added to either the Children's User-to-User or Children's Search Risk Profile, but we have updated specific risk factors in the Children's User-to-User Risk Profile to reflect additional types of content harmful to children, based on new evidence included in the Children's Register.
- The Children's Risk Profiles now include references to specific kinds of non-designated content (body stigma content and content promoting depression, hopelessness and despair) where applicable due to their identification and inclusion in the Children's Register.

## Why have we made these decisions?

We have made these decisions to ensure that the Children's Risk Profiles highlight important findings from our Children's Register and can help service providers understand how relevant features and functionalities may influence risk.

## Introduction

5.1 Under the Online Safety Act 2023 (the Act), Ofcom has a duty to:

- prepare and publish Children's Risk Profiles based on the findings in our Children's Register of Risks (Children's Register);<sup>128</sup> and

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<sup>128</sup> Section 98(5) and 98(7) of the Act. The Children's Register is Ofcom's own risk assessment of the impact of characteristics of services on the risks of harm to children by harmful content. The risks of harm to children in different age groups must also be considered, as set out in section 98(1) of the Act. Details on our approach as well as the full findings of our risk assessment are available in the Children's Register.

- review and update the Children’s Risk Profiles from time to time to keep them up to date.<sup>129</sup>
- 5.2 Regulated user-to-user and search service providers are required to take account of the Children’s Risk Profiles when conducting their children’s risk assessments, as part of Step 1 of the four-step children’s risk assessment process. The Children’s Risk Profiles are a tool that summarises important findings from the Children’s Register, including where there are strong links between risk factors and the likelihood of children encountering harmful content.
- 5.3 The Act gives us discretion about how we structure the Children’s Risk Profiles. We can group services in whichever way we consider appropriate, taking into account the characteristics of services, the risk levels and other matters identified in the Children’s Register.<sup>130</sup>
- 5.4 We have carefully considered how best to design the Children’s Risk Profiles to be as effective as possible. A significant challenge for us was to design a tool that both extracted the most important findings from the Children’s Register, and did so in a way that was practical, simple and easy to follow by thousands of regulated service providers encompassing a broad spectrum of service types and sizes.
- 5.5 In this section, we set out the approach proposed in our May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation), the stakeholder feedback we received in a number of key areas and the decisions we have made in each of those areas. We conclude by setting out our final approach to the Children’s Risk Profiles – summarising the key changes that we have made from our proposed approach.

## Interaction with Illegal Harms

- 5.6 All service providers required to complete a children’s risk assessment will have already conducted an illegal content risk assessment. However, not all service providers who have conducted an illegal content risk assessment will be required to carry out a children’s risk assessment. This requirement is determined by the results of their children’s access assessments, which all regulated services are required to carry out.<sup>131</sup>
- 5.7 The Children’s Risk Profiles, which are used in Step 1 of the children’s risk assessment, are distinct from the Risk Profiles for illegal content, which are used in Step 1 of the illegal content risk assessment. Despite this distinction, they serve the same purpose in their respective assessments. However, there are several key differences between the Children’s Risk Profiles and the Risk Profiles for illegal content. These differences aim to highlight what makes services particularly risky in relation to content harmful to children, provide better support to service providers in completing their children’s risk assessments, and ensure we fulfil our duties to prepare the Children’s Risk Profiles. Notable differences include the following:
- a) First, the Children’s User-to-User Risk Profile includes an additional specific risk factor which presents the risks associated with features and functionalities that affect how much users, including children, use a service.<sup>132</sup> These features and functionalities can

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<sup>129</sup> Section 98(8) of the Act.

<sup>130</sup> Section 98(6) of the Act.

<sup>131</sup> See Section 36 of the Act.

<sup>132</sup> Sections 11(6)(f) and 28(5)(d) of the Act.

cause children to spend more time using a service, which increases the likelihood of encountering all kinds of content harmful to children. There was insufficient evidence to suggest that such features and functionalities present a risk on search services, so it is not included in the Children's Search Risk Profile.

- b) Second, both the Children's User-to-User and Children's Search Risk Profiles include an additional general risk factor to present the risks associated with children in different age groups. This reflects our evidence which indicates that children in different age groups face distinct risks on services based on the developmental stages they may be in. We considered presenting some of our findings under the existing user base demographics general risk factor that was present in the Risk Profiles for illegal content. However, we concluded that creating a new risk factor allowed us to present our findings more effectively over time as the evidence improved, and would better assist service providers in their duty to give separate consideration to children in different age groups encountering content harmful to children.
- c) Third, we found evidence which suggested that children encountering harmful content can often experience harm cumulatively. We therefore reflected this in our methodology for how we determined the list of risk factors in the Children's Risk Profiles. Where we found a strong association with a risk factor and children encountering content harmful to children repeatedly or in high volumes, we have reflected this in the Children's Risk Profiles alongside the relevant risk factor.

5.8 More broadly, we have also taken account of relevant responses to the November 2023 Illegal Harms Consultation (November 2023 Consultation) in preparing the final Children's Risk Profiles. Similarly, we took account of relevant responses to the May 2024 Consultation when drafting the finalised Risk Profiles for illegal content for our December 2024 Statement on Protecting People from Illegal Harms Online (December 2024 Statement).

## Our proposals

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- 5.9 In our May 2024 Consultation, we proposed that the Children's Risk Profiles should be used to highlight:
- the characteristics of services that are likely to increase risk (we refer to these as risk factors);<sup>133</sup> and
  - which kinds of content harmful to children may be more likely to be encountered by children on a service as a result.
- 5.10 We proposed presenting the Children's Risk Profiles as two tables, one for user-to-user services (Children's User-to-User Risk Profile) and one for search services (Children's Search Risk Profile). In these tables, each row represented an individual risk factor, such as direct messaging or livestreaming.
- 5.11 For each risk factor, we provided a high-level description of how the risk typically arises, and the kinds of content harmful to children that are most relevant to that risk factor. We included information about the links between risk factors and kinds of primary priority content and priority content harmful to children. Non-designated content (NDC) was not

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<sup>133</sup> Characteristics include a service's user base, business model, functionalities and any other matters we deem relevant to risk. The Children's Risk Profiles focus predominately on user base demographics, functionalities and business models. Step 2 of the Children's Risk Assessment Guidance provides information for services on user base size, governance, and systems and processes.

included because we did not have sufficient evidence for any one kind of NDC. We noted some of the risk factors that were relevant when assessing NDC.<sup>134</sup>

- 5.12 The tables did not set out all the risk factors from the Children’s Register but included those which we considered to be particularly important for service providers to consider for their children’s risk assessments.<sup>135</sup> This aligned with our approach for illegal content.
- 5.13 We considered various ways to present the Children’s Risk Profiles. We concluded the proposed approach in our May 2024 Consultation presented our evidence on what makes services risky most effectively and was easier for all service providers to use in the context of conducting their children’s risk assessments. We also considered that there was a benefit to service providers in keeping both the Children’s Risk Profiles and Risk Profiles for illegal content as consistent as possible.<sup>136</sup>

## Stakeholder feedback and our decisions on our approach to the Children’s Risk Profiles

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- 5.14 We received a number of stakeholder responses regarding the Children’s Risk Profiles. Several stakeholders expressed overall support for our proposed approach<sup>137</sup> but some disagreed or proposed changes. The prominent themes that emerged included:
- our proposed approach and additional considerations,
  - the scope of the Children’s Risk Profiles,
  - feedback on risk factors,
  - benefits of risk factors,
  - responses regarding the Children’s Search Risk Profile,
  - review of and updates to the Children’s Risk Profiles, and
  - other feedback relevant to the Children’s Risk Profiles.
- 5.15 We have set out stakeholder feedback below, grouped into themes, and address each of these in turn.

## Proposed approach and additional considerations

- 5.16 While some stakeholders expressed support for our proposals, they also suggested additional improvements. For example, the National Society for the Prevention of Cruelty to

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<sup>134</sup> We have now added references to two types of NDC to the Children’s Risk Profiles – content that shames or otherwise stigmatises body types or physical features and content that promotes depression, hopelessness and despair. See the ‘Conclusion: Our final approach’ sub-heading for further details as well as Section 10 and 11 of the Children’s Register for an analysis of harm from these types of content.

<sup>135</sup> We recognised that Children’s Risk Profiles cannot fully capture the complexity and context of risk factors across all the kinds of content harmful to children considered and across all risk scenarios.

<sup>136</sup> See May 2024 Consultation, Volume 4: Assessing the risks of harms to children online. We provide further detail on our rationale under the ‘Detailed proposals: approach to the Children’s Risk Profiles’ sub-section.

<sup>137</sup> Age Check Certification Scheme response to May 2024 Consultation, p.16; Centre for Excellence for Children’s Care and Protection response to May 2024 Consultation, p.8; Kooth Digital Health response to May 2024 Consultation, p.6; [3<]; Microsoft response to May 2024 Consultation, p.6; Parenting Focus response to May 2024 Consultation, pp.19-20; Trust Alliance Group response to May 2024 Consultation, p.2; UK Interactive Entertainment (Ukie) response to May 2024 Consultation, p.25.

Children (NSPCC) suggested that service providers should be required to use all reasonably available information to fully understand the nature of harm on their platforms. They also recommended that we take a proactive approach in identifying instances where service providers have underestimated their levels of risk.<sup>138</sup>

- 5.17 Nexus emphasised the importance of providing clear guidance and assessments that eliminate guesswork for service providers. It argued that the Children’s Risk Profiles should not only identify risks but also explain how these risks arise and the types of content that contribute to them, directly linking these factors to child user experiences and service capability.<sup>139</sup>
- 5.18 The Canadian Centre for Child Protection (C3P) referred to their response to our November 2023 Consultation, where it said that the risk factors in the Risk Profiles for illegal content identified characteristics it would deem critical in the protection of children. It noted that we could highlight that children could be harmed from exposure to harmful material, if not effectively restricted from accessing adult services.<sup>140</sup>
- 5.19 In contrast, a few stakeholders disagreed with our overall approach. For instance, [§<] criticised the Children’s Risk Profiles, suggesting that they were based on insufficient evidence.<sup>141</sup>
- 5.20 The Office of the Children’s Commissioner for England raised concerns with the Children’s Risk Profiles, stating that a “tick-box approach” would not instil the highest standard of child safety. It argued that the Children’s Risk Profiles may fail to account for newly emerging types of online services, potentially limiting proactive risk assessments, and was concerned by the reliance of the children’s risk assessment process on the Children’s Risk Profiles. They argued that the Children’s Risk Profiles, in their current form, are too narrow in scope to deliver substantive risk assessments for platforms.<sup>142</sup>

## Our decision

- 5.21 Having considered this stakeholder feedback, we are proceeding with our overall approach to the Children’s Risk Profiles, as explained in detail in the following paragraphs.
- 5.22 Regarding the NSPCC’s comments, our position on the evidence that service providers should use to carry out their risk assessments is set out in the Children’s Risk Assessment Guidance for Service Providers (Children’s Risk Assessment Guidance). Service providers must use all relevant information and evidence that is necessary for them to accurately reflect the risks on their service. We will have a monitoring and enforcement programme in place to review compliance with these duties and whether service providers are carrying out suitable and sufficient children’s risk assessments that reflect the risks on their services.
- 5.23 In relation to the points made by Nexus, we recognise that online risk is complex and in producing the Children’s Risk Profiles, we have had to strike a balance between bringing out the nuances associated with each of the kinds of content harmful to children and creating a tool which is accessible and easy to use. As set out in our Children’s Risk Assessment Guidance, taking account of the Children’s Risk Profiles is only the first step in the four-step children’s risk assessment process, and service providers will need to assess the risks that

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<sup>138</sup> NSPCC response to May 2024 Consultation, p.22.

<sup>139</sup> Nexus response to May 2024 Consultation, p.10.

<sup>140</sup> C3P response to May 2024 Consultation, p.14; C3P response to November 2023 Consultation, p.10.

<sup>141</sup> [§<]

<sup>142</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.32-34.

actually arise on their services, using information beyond what is contained in the Children's Risk Profiles. To help with this, the Children's Register provides more granular detail and nuance on risk factors and content harmful to children. Where there is evidence, this includes areas such as how risk may manifest on services with larger user bases compared to services with smaller user bases. Where service providers need more detail than the high-level summary provided in the Children's Risk Profiles, which we emphasise provide a non-exhaustive list of risk factors which we consider to be important, we would encourage them to look at the Children's Register. We consider that these elements together provide sufficient detail and guidance to ensure that service providers can accurately conduct their children's risk assessments.

- 5.24 We have addressed C3P's point in our December 2024 Statement where harm to children from illegal content is covered. We went on to make an addition to a risk description box in the user-to-user Risk Profile for illegal content (1d. Adult services) which explained that services might have increased risks of harm related to image-based child sexual abuse material (CSAM), intimate images and extreme pornography.<sup>143</sup>
- 5.25 In response to the stakeholder that considered that the Children's Risk Profiles were based on insufficient evidence, we note that they are based on the substantial evidence in the Children's Register, which we have updated as appropriate since our May 2024 Consultation.
- 5.26 Regarding the Office of the Children's Commissioner for England's points around emerging harms and new types of services, service providers must conduct suitable and sufficient children's risk assessments which accurately reflect the risks that exist at the time of the assessment cycle. This may include accounting for other risky functionalities, service types and innovations outside of those we specify in the Children's Risk Profiles. We note that we have a duty to review both the Children's Register and Children's Risk Profiles so we will take appropriate steps to keep them up to date as new evidence emerges. This may include adding risk factors where we have gathered enough evidence linking them to content harmful to children as well as other evidence relating to emerging harms or technological innovations.
- 5.27 Furthermore, we have created the Children's Risk Profiles to be as broad in scope as possible in order to capture relevant functionalities we consider to be important. We provide examples of functionalities that may be included in them, or if there is a clear risk from that functionality, we do name it. We kept our questions for identifying risk factors broad enough to be able to include a number of different functionalities and be in scope for a number of different services. For example, Figure 1 Question 2a asks whether the service allows users to connect with other users. This captures a number of different functionalities such as 'following' or 'subscribing'. We have also made it clear that the Children's Risk Profiles only serve as the first step of the four-step children's risk assessment process that would enable service providers to complete a suitable and sufficient children's risk assessment.

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<sup>143</sup> See paragraph A3.103 of Annex 3 (Updating the Risk Profiles) to the Register of Risks for illegal content (Illegal Harms Register) for an explanation as to why we made this addition.



## Scope of the Children’s Risk Profiles

- 5.28 Several stakeholders provided feedback on the scope of the Children’s Risk Profiles, raising concerns about the need to consider context dependencies, the broad nature of the Children’s Risk Profiles’ drafting, and the importance of accounting for existing measures already implemented by services.
- 5.29 In relation to context dependencies, Apple Distribution International Limited (Apple) suggested differentiating between social media platforms and private peer-to-peer messaging services, emphasising lower risks for the latter with parental controls and end-to-end encryption (E2EE).<sup>144</sup> [X] <sup>145</sup> UK Interactive Entertainment (Ukie) also proposed clearer differentiation between service types, suggesting that communication in online games is typically limited and incidental to gameplay, making them lower risk for harmful content compared to social media platforms where open forums and long-term conversations are more common.<sup>146</sup>
- 5.30 [X] and Microsoft highlighted the need for context when assessing risk on a service. They stated that the risk of certain functionalities or features should be considered within the context of a service, including the type and nature of the service, and that there should be some flexibility for service providers to determine whether risk factors in the Children’s Risk Profiles actually pose a risk on their services.<sup>147</sup> Similarly, Meta Platforms Inc. (Meta) stated that service providers should be afforded the flexibility to consider the potential impact on risks as more than a “binary” or “one-way” determination as suggested by the Children’s Risk Profiles.<sup>148</sup>
- 5.31 [X] <sup>149</sup>
- 5.32 In terms of existing mitigations, some stakeholders highlighted the importance of considering the existing mitigations and measures that services have already implemented. They emphasised that incorporating these factors is crucial for accurately assessing the actual risk on a service and creating a reliable risk profile.<sup>150</sup>
- 5.33 Regarding the broad nature of the Children’s Risk Profiles, [X] and some techUK members expressed concerns that they were drafted too broadly. [X]. Meanwhile, techUK members stated that certain elements of the Children’s Risk Profiles relied on little evidence or incorrect interpretations, citing the inclusion of an advertising revenue model as a risk factor was without sufficient evidence.<sup>151</sup>
- 5.34 Finally, techUK and the Online Dating and Discovery Association (ODDA) both emphasised that services that do not offer certain content or functionalities should not need to consider related risks.<sup>152</sup>

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<sup>144</sup> Apple Distribution International Limited response to May 2024 Consultation, pp.6-7.

<sup>145</sup> [X]

<sup>146</sup> Ukie response to May 2024 Consultation, p.25.

<sup>147</sup> [X]; [X]; Microsoft response to May 2024 Consultation, p.8.

<sup>148</sup> Meta response to May 2024 Consultation, pp.13-14.

<sup>149</sup> [X]

<sup>150</sup> [X]; Ukie response to May 2024 Consultation, pp.23-24.

<sup>151</sup> [X]; techUK response to May 2024 Consultation, p.9.

<sup>152</sup> ODDA response to May 2024 Consultation, p.5; techUK response to May 2024 Consultation, p.6.

## Our decision

- 5.35 We have considered this stakeholder feedback and have decided not to amend the Children’s Risk Profiles. Several of these responses suggested that the Children’s Risk Profiles did not take sufficient account of the unique characteristics of individual services or the steps that service providers might have already taken to mitigate risks they face. In fulfilling our duties under the Act to create risk profiles, we have considered the different ways in which harm occurs across a diverse sector, to produce a product that is easy to use.
- 5.36 The Children’s Risk Profiles are derived from the Children’s Register and the evidence it contains on the harms, their prevalence and how they manifest. Service providers are required to take account of the Children’s Risk Profiles, and they should be used to help them identify and understand which kinds of content harmful to children are likely to appear on their service. They do not contain an exhaustive list of risk factors but set out those that we have determined to be particularly important for service providers to consider in their children’s risk assessments.
- 5.37 We acknowledge that the Children’s Risk Profiles cannot fully capture the complexity and context of risk factors across all the harms considered and the way that those harms may arise on any given individual service or service type. We have had to strike a balance between bringing out the nuances associated with each of the kinds of content harmful to children and creating a tool which is accessible and easy to use – as we explain in paragraph 5.23. That is why we emphasise in our Children’s Risk Assessment Guidance that the Children’s Risk Profiles are a starting point to highlight specific risk factors which we think are important and are also one of a wide range of inputs service providers need to use when conducting a suitable and sufficient children’s risk assessment. We also emphasise that the Children’s Risk Profiles do not determine the level of risk for a particular service.
- 5.38 While we consider the Children’s Risk Profiles are an important starting point for a service provider’s children’s risk assessment, they are not meant to explain all the nuances of services, such as mitigations they have in place or contextual factors related to their service type, that may increase or decrease the risk of children encountering harmful content. At Step 2 of their children’s risk assessment, service providers will assess the level of risk presented by each type of content harmful to children on their services and should consider all relevant evidence that justifies the assigned risk level for each type of harmful content, including the more detailed evidence in the Children’s Register. We have addressed how service providers should consider existing controls in Volume 3, Section 8 of this statement in the ‘Four-Step risk assessment methodology’ sub-section. It is for individual service providers, based on the Children’s Risk Profiles as well as other available evidence, to determine the risk of their services based on their specific characteristics.
- 5.39 In relation to techUK’s concerns around evidence and incorrect interpretations, all specific risk factors that appear in the Children’s User-to-User Risk Profile have strong evidence, found in the Children’s Register, linking them to particular types of content harmful to children. A service’s ‘revenue model’ is a general risk factor that all service providers must assess in their children’s risk assessments.<sup>153</sup> We have set out the risks associated with an advertising-based revenue model in several sections of the Children’s Register, such as Section 2 (Pornographic content) and 14 (Business models and commercial profiles).

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<sup>153</sup> Section 11(6)(h) of the Act. A service’s revenue model is considered as part of their business model.

- 5.40 In response to the points raised by techUK and the ODDA stating that services without specific content or functionalities should not need to assess related risks, we note that the duties outlined in the Act focus on user-generated content that could potentially appear on a service. This means that the presence or absence of certain content is not a determining factor. All service providers whose services are likely to be accessed by children are required to conduct children’s risk assessments to identify and evaluate the risk of children encountering harmful content on their service. If a service provider concludes that a particular type of harmful content poses a lower risk, they must be able to substantiate this claim with evidence in their children’s risk assessment. A similar approach should be taken for functionalities, though we note it may be necessary for service providers to also consider functionalities not directly listed in the Children’s Risk Profiles in their children’s risk assessments if relevant – such as those in the Children’s Register.

## Feedback on risk factors

- 5.41 We received several stakeholder responses specifically regarding risk factors in the context of the Children’s Risk Profiles. Some of these stakeholders suggested the inclusion of additional risk factors, or suggested that further information regarding certain harms or risks be included within the Children’s Risk Profiles:
- a) The UK Safer Internet Centre (UKSIC) proposed that the Children’s Risk Profiles should consider the disproportionate risks faced by ethnic minorities and women online, as well as how extreme socio-economic inequalities among platform users could facilitate grooming and sextortion.<sup>154</sup>
  - b) The Office of the Children’s Commissioner for England was concerned that we had chosen not to include risk factors from the Children’s Register in the Children’s Risk Profiles where there was limited evidence. It considered that the evidence threshold for risk identification was too high to produce a proactive online safety regime and recommended that we:
    - i) establish a well-resourced data and research centre, in partnership with external bodies and the Office of the Children’s Commissioner for England;
    - ii) adjust the evidence threshold to remove the burden of proof from children, instilling a safeguarding-first approach; and
    - iii) include risks identified with limited evidence in the Children’s Risk Profiles to monitor emerging harms and enhance online safety.<sup>155</sup>
  - c) Global Action Plan stated that surveillance advertising for children younger than 18 years old should be “outlawed in order to remove the commercial incentive for services to develop design features that favour engagement over child safety.” This stemmed from the recommendation of the Pre-Legislative Scrutiny Committee of the Online Safety Bill that the risks caused by surveillance advertising should be reflected in our Children’s Risk Profiles.<sup>156</sup>
  - d) The Independent Reviewer of Terrorism Legislation noted an inconsistency between risk factors linked to terrorism in the Risk Profiles for illegal content with those linked to violent content and abuse and hate content in the Children’s Risk Profiles (which they explain have close overlaps). They were concerned that we had not accurately listed the

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<sup>154</sup> UKSIC response to May 2024 Consultation, p.20.

<sup>155</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, p.32.

<sup>156</sup> Global Action Plan response to May 2024 Consultation, p.2.

key kinds of content harmful to children – specifically violent content and abuse and hate content – linked to certain risk factors in the Children’s User-to-User Risk Profile. These risk factors included 1c. Discussion forums and chat room services, 4a. Livestreaming and 4e. Re-posting or forwarding content.<sup>157</sup>

- e) [REDACTED]<sup>158</sup>
- f) [REDACTED]<sup>159</sup>
- g) techUK suggested that there should be a distinction in the implications that the auto-play functionality may have. For example, auto-play for music, which can be used as background noise while children study and play, would have different implications than auto-play as a function for scrolling through videos.<sup>160</sup>

5.42 Other stakeholders argued that our inclusion of specific risk factors was misleading, or disagreed with our conclusions:

- a) [REDACTED]<sup>161</sup>
- b) [REDACTED]<sup>162</sup>

## Our decision

5.43 Based on the stakeholder feedback we have received, we have made one change to the Children’s Risk Profiles which was in response to UKSIC.

5.44 The conclusion that girls and those from minorities may face a disproportionate risk of harm online features prominently in our evidence base in the Children’s Register, as it did in the Register of Risks for illegal content. We had already set out the types of harmful content that girls are more likely to encounter and are disproportionately impacted by in the Children’s User-to-User Risk Profile, specifically in the other user base demographics box.<sup>163</sup> While we did not explicitly refer to minorities, we did refer to several characteristics such as race (including ethnicity) and religion under ‘other user base demographics’ in the Children’s User-to-User Risk Profile, which would likely also include ethnic or religious minorities. However, to add further clarity to our Children’s User-to-User Risk Profile, we have decided to include direct mention of ethnic minorities in the ‘other user base demographics’ general risk factor box. We are not aware of any evidence establishing the link between socio-economic status and a higher risk of financially motivated sexual extortion or grooming, as we have explained in our December 2024 Statement, so we have not included this.<sup>164</sup>

5.45 We have not implemented any additional changes based on the remaining stakeholder feedback. We address this feedback individually and provide our rationale in the following paragraphs.

5.46 In response to stakeholders who asked for the inclusion of additional risk factors or suggested further information be included in the Children’s Risk Profiles, our Children’s Risk

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<sup>157</sup> Independent Reviewer of Terrorism Legislation response to May 2024 Consultation, p.2.

<sup>158</sup> [REDACTED]

<sup>159</sup> [REDACTED]

<sup>160</sup> techUK response to May 2024 Consultation, p.9.

<sup>161</sup> [REDACTED]

<sup>162</sup> [REDACTED]

<sup>163</sup> We have recently published our draft guidance for service providers to improve women and girls’ online safety by taking responsibility, designing their services to prevent harm and supporting their users. We encourage stakeholders to consult this.

<sup>164</sup> See Annex 3 of the Illegal Harms Register, paragraph A3.57.

Profiles are based on the substantial evidence base outlined in the Children’s Register. Listing content harmful to children as key for risk factors in the Children’s Risk Profiles usually requires strong evidence, which is a major consideration in our qualitative evaluation of specific risk factors. In producing the Children’s Risk Profiles, we have struck a careful balance between being comprehensive and being selective. If we are insufficiently comprehensive, there is a risk that service providers will overlook risk factors that significantly impact the likelihood of harm occurring on their services, thus detracting from the quality of their children’s risk assessments. Conversely, if we include risk factors in the Children’s Risk Profiles where there is only a weak link between the risk factor and content harmful to children, the Children’s Risk Profiles would no longer provide a reliable basis for understanding the relationship between significant risk factors, including the vectors of risk of harm to children they represent, and the likelihood of harmful content appearing on a service. This would reduce the quality of children’s risk assessments conducted by service providers and could ultimately impair their ability to judge how best to protect their users.

- 5.47 Addressing the Office of the Children’s Commissioner for England’s comments specifically, Ofcom has substantial experience in conducting research for the purposes of informing our policy decisions, understanding the broader context and staying up to date on user experiences and the wider landscape. Where appropriate, we will continue to engage and collaborate with stakeholders with relevant expertise. Since our May 2024 Consultation we have invested in further research and are developing new research tools to enable us to better understand, observe and track children’s online experiences. These include our new quantitative Children’s Online Safety Tracker and our new more agile approach to ad hoc research among children: the Children’s Agile Research Solution (see Volume 2, Section 4 of this statement for more information on our research plans).
- 5.48 We will continue to develop our research and engagement programme to help us broaden our understanding of online risks and harm to children. We expect our evidence base will expand through our own primary research with children, research conducted by third parties or academics, transparency reports from categorised services, and further evidence provided to us by stakeholders. We have also published our first [Online Safety Research Agenda](#), which sets out Ofcom’s areas of interest of future research in this space, including children’s online experiences. By publishing it, we hope to encourage interested academics and researchers to consider how best to achieve our shared research goals and to help inspire and motivate the wider research and academic community. We do not accept that our approach places the burden of proof on children. However, it is appropriate for us to ensure that our conclusions are supported by reliable and clear evidence about the characteristics of services that are relevant to the risks of harm that children face, so that this can support service providers in carrying out an accurate assessment of those risks.
- 5.49 In relation to Global Action Plan’s feedback, we assume references to “surveillance advertising” are about the practice of showing individual consumers different advertisements based on inferences about their interests, demographics and other characteristics drawn from tracking their activities.<sup>165</sup> We emphasise that all service

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<sup>165</sup> For further context, the term ‘profiling’, as defined in Article 4(4) of the UK General Data Protection Regulation as “any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person’s performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements”, can be used to describe the means by which a service provider can target advertisements to children as part of their service’s revenue model.

providers must consider their revenue model in their children’s risk assessments, as it is a general risk factor in the Children’s Risk Profiles. The Children’s Register details how revenue models, such as advertising to generate income, can create financial incentives that may lead businesses to expose children to harmful content. For instance, if harmful content is engaging, service providers may have a financial incentive to recommend such content to children in order to generate more revenue from advertising. Therefore, if a service provider uses “surveillance advertising”, it must consider the impact this has on children encountering harmful content on their service. However, it is beyond our powers under the Act to ban this form of advertising.<sup>166</sup>

- 5.50 In response to the points raised by the Independent Reviewer of Terrorism Legislation, we reiterate that terrorism and some hate content is illegal and must be removed by service providers to ensure that no users, including children, encounter them. Such content falls under the duties set out in the Act for service providers regarding illegal content, thereby protecting children. However, where they do not meet the illegality threshold, violent content, and abuse and hate content are considered priority content and need to be considered when producing the Children’s Risk Profiles. We have done this based on the specific evidence available for each kind of content rather than based on the perceived similarities or overlaps between them. Since our May 2024 Consultation, we have added further evidence in the Children’s Register which in turn affected our qualitative evaluation of risk factors in the Children’s User-to-User Risk Profile. We have therefore added violent content as a key kind of content harmful to children associated with 4a. Livestreaming and 4e. Re-posting or forwarding content in the Children’s User-to-User Risk Profile. We have not found sufficient evidence to list abuse and hate content as a key kind of content harmful to children with any of the risk factors mentioned in this response, although it has been added to 1f. Video-sharing services, 2a. User profiles and 4d. Posting images or videos. In reaching this conclusion, we have sought to strike a balance between ensuring that the Children’s Risk Profiles are as comprehensive as practicable and that they remain a useful analytical tool for identifying which services pose material risks.
- 5.51 We have already accounted for functionalities that encourage engagement and increased time spent on services in the Children’s Risk Profiles as suggested by [X]. In the Children’s User-to-User Risk Profile we include features and functionalities that affect how much a service is used by children, such as infinite scrolling, under risk factor 7. Functionalities and features that increase engagement. These features and functionalities thereby increase the likelihood of children encountering all kinds of harmful content. Furthermore, the Children’s Risk Profiles consider the effects of children repeatedly encountering harmful content in high volume, referred to as cumulative harm, which can be driven by algorithmic design. We also consider the point about likes and dislikes is accounted for under the risk factor ‘Reacting to content’. Though we have concluded based on the evidence that this risk factor should not be included in the Children’s Risk Profiles, it is still included as a risk factor linked to relevant Children’s Register sections, such as Section 5 (Abuse and hate content), which service providers should consider.

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<sup>166</sup> We note that the [Information Commissioner’s Office age appropriate design code](#) advises: “Switch options which use profiling ‘off’ by default (unless you can demonstrate a compelling reason for profiling to be on by default, taking account of the best interests of the child). Only allow profiling if you have appropriate measures in place to protect the child from any harmful effects (in particular, being fed content that is detrimental to their health or wellbeing).”



- 5.52 We acknowledge techUK’s point that the risk of harm associated with auto-play may depend on the way it is used. These implications can be elaborated upon in subsequent stages of the children’s risk assessment process, where service providers can explain why a particular functionality or feature on their service may present a lower risk based on their own evidence as justification.
- 5.53 In relation to [X] concerns, we consider that we have strong evidence to justify highlighting gaming services as having an increased risk of harm related to violent content, bullying content, and abuse and hate content in the Children’s User-to-User Risk Profile. To note, this does not necessarily mean that children on all gaming services are automatically at risk from these types of content. Service providers should go through the four-step children’s risk assessment process to account for other factors, such as mitigations that they may already have in place, to accurately understand the risk associated with each of these types of content.
- 5.54 In relation to [X] comments on certain risk factors, we have decided that no change is necessary and it is appropriate to continue to highlight messaging services as an increased risk of violent content in the Children’s Risk Profiles, as we have sufficient evidence to support this. Accounting for the Children’s Risk Profiles forms part of the first step in the children’s risk assessment process. They are therefore meant to initially highlight risk factors with strong links to certain types of content harmful to children based on the evidence in our Children’s Register. Further steps of the children’s risk assessment process allow service providers to account for any moderation measures or controls they have in place, which may result in the risk of children encountering violent content on their service decreasing and resulting in a lower risk level for that content.
- 5.55 Furthermore, our evidence suggests that there is a strong link between the presence of user profiles and children encountering eating disorder content. Our qualitative evaluation of risk factors judged this evidence to be strong enough for us to highlight this link in the Children’s Risk Profiles. If service providers assess there to be a low risk of children encountering this type of content due to the way this functionality operates on their service, they can demonstrate this through following the steps of the children’s risk assessment process, using their own evidence as justification. Moreover, we consider the risk of redirecting users to other sites to be covered by other risk factors such as hyperlinking.
- 5.56 We also have decided not to adopt [X] suggestion to add “the problem of spamming (i.e. undesired content massively sent to users in the direct messaging feature)” to risk factor 4b. Direct messaging. Spamming as a harm in its own right falls outside the scope of content harmful to children under the Act.<sup>167</sup> Furthermore, we are unable to reference “spamming” in association with direct messaging in the Children’s User-to-User Risk Profile as we have no evidence in the Children’s Register that supports this link.

## Benefits of risk factors

- 5.57 Several stakeholders raised points about the benefits that were associated with some of the risk factors that were included in the Children’s Risk Profiles.
- 1.2 Apple believed that the Children’s Risk Profiles should be more precise to increase their usefulness by setting out the benefits associated with risk factors. For example, it

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<sup>167</sup> See Section 60 of the Act.



considered that E2EE can reduce the risks to users, including children, by providing a secure channel of communication.<sup>168</sup>

- 5.58 Meta encouraged us to also consider how some risk factors identified in the Children’s Risk Profiles that increase risk could instead decrease risk. For example, it stated that we had proposed to include being able to create user profiles as a risk factor that increases the likelihood of children encountering eating disorder content on a service but had not acknowledged how this feature may decrease the likelihood of other risks, particularly the risks arising from the ability to share content anonymously.<sup>169</sup>
- 5.59 Google highlighted that our conclusions about the harm associated with content recommender systems did not consider the positive effects these systems could have. It emphasised that content recommender systems complemented their efforts to remove content that violated their community guidelines or the law and connected users to relevant, timely and high-quality information. In addition, these systems were used alongside human evaluators and certified experts on certain topics, such as those prone to misinformation. Google suggested amending the Children’s Risk Profiles to reflect that content recommender systems could help decrease the risk of harm, especially for children.<sup>170</sup>
- 5.60 Similarly, TikTok emphasised the positives of some platform features outlined as risk factors in the Children’s Risk Profiles, advocating for proportional consideration of potential risks and benefits. In particular, it highlighted content recommender systems and explained that they were key to providing diverse, engaging and high-quality content relevant to users. It explained that the trust and safety systems built around their content recommender systems reduced potential risks, offered new avenues for content restriction, and provided opportunities for effectively targeted media literacy content, thereby enhancing user engagement. Moreover, it noted that their recommendation system interspersed content outside users’ expressed preferences, preventing “content bubbles” and promoting exposure to various ideas and perspectives. In contrast, platforms driven by content solely derived from accounts that the user follows might expose them to low content diversity, leading to confirmation bias.<sup>171</sup> TikTok suggested that the potential benefits of content recommender systems, and their role in protecting users from harm, should be recognised in the Children’s Register, Children’s Risk Profiles and Protection of Children Codes (the Codes).<sup>172</sup>

## Our decision

- 5.61 Having considered stakeholder responses, we have not made any changes to the Children’s Risk Profiles. We acknowledge that some service providers may choose to design and operate content recommender systems in a way that supplements and advances online safety objectives. This can include the use of algorithmic techniques to ensure content variety and age-appropriate feeds. However, we consider that there is scope for service providers to consider positive aspects of their features and functionalities as part of their children’s risk assessments. We have made a policy decision to focus on the key drivers of risks of harm in the Children’s Risk Profiles, as this is also what the evidence in our

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<sup>168</sup> Apple Distribution International Limited response to May 2024 Consultation, p.6.

<sup>169</sup> Meta response to May 2024 Consultation, pp.13-14.

<sup>170</sup> Google response to May 2024 Consultation, pp.38-39.

<sup>171</sup> TikTok response to May 2024 Consultation, p.9.

<sup>172</sup> TikTok response to May 2024 Consultation, p.2.

Children’s Register focuses on, so we will continue to feature the areas that service providers should pay close attention to in their children’s risk assessments. We acknowledge the benefits that features and functionalities can bring to users in Section 1 of the Children’s Register. More specifically, we also acknowledge that content recommender systems can complement content moderation efforts in Volume 4, Section 17 of this statement.

- 5.62 Furthermore, Step 2 of our children’s risk assessment process considers how any existing controls as part of the design or operation of a service could reduce the risk of harm to users. It also allows service providers to set out evidence that shows the nuance associated with risk factors that may result in a lower level of risk.

## Children’s Search Risk Profile

- 5.63 Some stakeholders had specific feedback related to the Children’s Search Risk Profile. For example, [X].<sup>173</sup>
- 5.64 Skyscanner found the Children’s Search Risk Profile to be a helpful tool which service providers could use to quickly identify their risk factors and welcomed the inclusion of service type as a risk factor. It also agreed with our general assessment that vertical search services are less likely to present content that is harmful to children. However, it had several other comments regarding the Children’s Search Risk Profile:
- a) It was concerned about the lack and vagueness of the information provided on user base demographics for search services in the Children’s Register and Children’s Search Risk Profile, particularly in relation to guidance on how search services are expected to consider the demographics of their user base. It sought clarification on how a service that does not collect such data, or has a majority of its users that do not create accounts, can do this.<sup>174</sup>
  - b) It recommended that the Children’s Search Risk Profile should make clear that the search prediction or suggestion functionalities risk factor (2a. Predictive or suggestive search) is only related to free-form text predictive search, rather than more limited predictive search functionalities found on its vertical search service. Its concern was that though it has a predictive search function it is very limited and therefore the risk factor should not be applicable to it.<sup>175</sup>
  - c) It asked for clarification on what was meant by the terms ‘low capacity’ and ‘early stage’ with regards to the commercial profile general risk factor found in the Children’s Search Risk Profile, to ensure that it is easy for service providers to understand. It suggested that definitions of these terms should be included in the Children’s Search Risk Profile.<sup>176</sup>

## Our decision

- 5.65 We have decided to amend the Children’s Search Risk Profile to address [X] concerns. We have therefore provided further information regarding our approach to downstream general search services and how they should undergo the children’s risk assessment process in the Children’s Search Risk Profile. This includes additional commentary to clarify

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<sup>173</sup> [X]

<sup>174</sup> Skyscanner response to May 2024 Consultation, pp.9-10.

<sup>175</sup> Skyscanner response to May 2024 Consultation, pp.6, 10.

<sup>176</sup> Skyscanner response to May 2024 Consultation, p.10.

how the Children's Search Risk Profile applies to downstream general search services to ensure the necessary information can be located by providers of these services.<sup>177</sup>

- 5.66 We have not made changes as a result of Skyscanner's feedback. Addressing its points respectively, we consider that:
- a) The purpose of the Children's Risk Profiles is to guide services to understand which risk factors may be associated with a higher risk of content harmful to children when they have relevant information. We provide further support in the Children's Risk Assessment Guidance regarding the kinds of evidence service providers should consult to assess the level of risk of harm on their service, including a non-exhaustive list of evidence inputs relating to user base age and other demographics. We consider that this guidance provides sufficient information to address Skyscanner's concern.
  - b) The Children's Search Risk Profile highlights the risks associated with search prediction and suggestion in general based on our evidence in the Children's Register. It is for vertical search service providers to consider whether these risks apply to their service. We generally consider vertical search services to be low risk compared to general search services,<sup>178</sup> and this is reflected in the Codes.
  - c) We explain the meaning of early-stage and low-capacity services more generally in Section 18 of the Children's Register and include footnotes that explain the terms specifically in the context of search services.

## Review and updates to the Children's Risk Profiles

- 5.67 Some stakeholders asked us about our approach to reviewing and updating the Children's Risk Profiles, highlighting their concerns and suggestions. For example, techUK suggested that we should "refrain from making frequent, significant changes to the Children's Risk Profiles to ensure that service providers are not required to continually update their compliance mechanisms, resulting in unnecessary costs and complexity." It suggested, for example, that we should not make significant changes to the Children's Risk Profiles within a year of publication.<sup>179</sup>

- 5.68 [§].<sup>180</sup>

### Our decision

- 5.69 We have not made any changes to the way we will review and update the Children's Risk Profiles as a result of these stakeholder responses. To clarify, service providers are not necessarily required to carry out a new full children's risk assessment when the Children's Risk Profiles are updated. Instead, service providers need to take whatever steps are appropriate to keep their children's risk assessment up to date in light of any significant changes to the Children's Risk Profiles. This is set out in the Act and is explained in the Children's Risk Assessment Guidance.
- 5.70 The frequency with which we update the Children's Risk Profiles will depend on changes to the underlying evidence base, including emerging risks we may need to reflect promptly,

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<sup>177</sup> See the Children's Search Risk Profile in the Children's Risk Assessment Guidance and Risk Profiles for additional commentary. For example, we have added a clarificatory footnote at Figure 2 Question 1 to explain how downstream general search services should use the Children's Search Risk Profile.

<sup>178</sup> See Section 12 of the Children's Register.

<sup>179</sup> techUK response to May 2024 Consultation, p.9.

<sup>180</sup> [§]

and as such it is difficult to determine this in advance. When we update the Children’s Risk Profiles, we will consider what that means for service providers needing to update their children’s risk assessments and how best to communicate this. Again, this will need to be considered in all the circumstances at the relevant time.

## Other feedback relevant to the Children’s Risk Profiles

- 5.71 We also received other stakeholder feedback that was relevant to the Children’s Risk Profiles which we address under this theme.
- 5.72 techUK highlighted that some of its members had suggested the Children’s Risk Profiles should distinguish between “licensed and unlicensed content” when evaluating potential user harm. It argued that activities such as posting, re-forwarding, searching for, and tagging content have “different implications for licensed artistic content as opposed to unlicensed user-generated content.” To address this, it proposed introducing protections for “licensed artistic content to recognise the different risk profiles from other user-generated content.”<sup>181</sup>
- 5.73 Ukie also emphasised that the risk of CSAM appearing in video games is significantly lower than on other online platforms, such as social media. Citing data from the National Centre for Missing and Exploited Children, which shows only 0.00025% of CSAM or grooming material reports originated from video game platforms, as well as other evidence, Ukie advocated for this lower risk to be reflected in the Children’s Risk Profiles for gaming services in comparison to other online services.<sup>182</sup>

## Our decision

- 5.74 Having considered stakeholder responses, we have decided not to make any changes to the Children’s Risk Profiles.
- 5.75 On techUK’s specific feedback regarding our approach to “licensed and unlicensed content” in the Children’s Risk Profiles, we note that the Act does not specifically distinguish between “licensed and unlicensed content”. Instead, what is relevant is whether the content itself can be considered harmful user-generated content in scope of the Act. We note that artistic content – including artworks, poetry, fiction, comedy and satire – warrants careful consideration in preserving freedom of expression. Nevertheless, we acknowledge that artistic content may, in some circumstances, amount to content that is harmful to children, and service providers should consider this when assessing whether content meets, or does not meet, the definition of content harmful to children. For further details on artistic content, please refer to our Guidance on Content Harmful to Children.
- 5.76 In response to Ukie’s points regarding gaming services and CSAM, we have incorporated Ukie’s feedback into our December 2024 Statement. Specifically, we adjusted the Risk Profiles for illegal content to reflect its input.<sup>183</sup>

## Conclusion: Our final approach

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- 5.77 Considering the feedback we received, we have decided to broadly proceed with our proposed approach to the Children’s Risk Profiles. This includes structuring the Children’s

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<sup>181</sup> techUK response to May 2024 Consultation, p.9.

<sup>182</sup> Ukie response to May 2024 Consultation, pp.12, 56-57.

<sup>183</sup> See Illegal Harms Register, Annex 3: Updating the Risk Profiles, paragraph A3.54.

Risk Profiles as originally proposed. In the following paragraphs, we provide further detail on our final approach.

## Structure of the Children's Risk Profiles

- 5.78 We have produced two Children's Risk Profiles: the Children's User-to-User Risk Profile and the Children's Search Risk Profile. These are presented in two tables which include a number of risk factors associated with either user-to-user or search services. We consider that service providers should consult the relevant table and decide which risk factors are applicable to them when they conduct their children's risk assessment.
- 5.79 Some of the risk factors in the tables are things that all service providers must take account of, such as user base age, other user base demographics, business model and commercial profile. We refer to these as general risk factors. Given that there are only four general risk factors, we have included high-level information about all four in both the Children's User-to-User and Search Risk Profiles. We also provide information about links to different kinds of content harmful to children where possible.
- 5.80 Some risk factors in the tables are only applicable to some service providers, as they represent characteristics that only certain services have (e.g., being able to 'comment on content'). We refer to these as specific risk factors, and service providers are expected to identify which of these apply to them. To help service providers do this accurately, we have provided a list of Yes (Y) or No (N) questions, where each 'Y' answer corresponds to an additional specific risk factor in the tables.
- 5.81 To help service providers understand the proportion of specific risk factors that they have identified in the Children's User-to-User Risk Profile, we have produced Table 8 for service providers to consult when they are using the risk level tables provided in the Children's Risk Assessment Guidance. It is not a legal requirement to take account of this table, as service providers will need to do for the Children's User-to-User Risk Profile, but we consider that this is a helpful way for service providers to understand which risk factors are associated with each type of harmful content and the proportion of risk factors that are relevant to their services.

## Risk factors within the Children's Risk Profiles

- 5.82 We have compiled the Children's User-to-User Risk Profile based on the analysis set out in the Children's Register, identifying the specific risk factors which are most strongly associated with each kind of content harmful to children.<sup>184</sup> We have included these in the Children's User-to-User Risk Profile. We have only included specific risk factors in the Children's User-to-User Risk Profile where the evidence connecting them to kinds of

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<sup>184</sup> We determined that a qualitative methodology was better able to provide an accurate assessment of the evidence available given the complexity of the evidence and the lack of consistent or comparable numerical data across content harmful to children. The methodology considered the strength of the evidence for different risk factors, common trends across content harmful to children, and alignment with other aspects of our regulatory approach. For example, when considering 'content recommender systems' as a risk factor, we considered how the evidence in the Children's Register explained the relationship between content recommender systems and each kind of content harmful to children individually, as well as considering the relationship between content recommender systems and harmful content more broadly. We also considered the relationship between content recommender systems and our wider regulatory approach, for example, the Codes.

content harmful to children was strong, or where our policy intent and regulatory approach justified their inclusion. Where the linkages the Children's Register identified between specific risk factors and kinds of content harmful to children were less clearly evidenced, we excluded them from the Children's User-to-User Risk Profile.

- 5.83 We have taken a different approach to the Children's Search Risk Profile, as there were fewer specific search risk factors. This was because the range of characteristics on search services was narrower than on user-to-user services, and there was less evidence available – including relatively limited information on the links between individual search risk factors and specific kinds of content harmful to children. We have therefore included all specific search risk factors in the Children's Search Risk Profile and described the general risk of harm, rather than listing the key kinds of content harmful to children for each risk factor.
- 5.84 We have now also included references to NDC – specifically content that shames or otherwise stigmatises body types or physical features and content that promotes depression, hopelessness and despair – within these tables where applicable due to the identification of two types of NDC and their inclusion in the Children's Register.<sup>185</sup>
- 5.85 We expect that after consulting the relevant table, service providers will be able to identify the list of risk factors (and associated kinds of content harmful to children) that apply to them and that they must take account of in their children's risk assessments. This list will always include all general risk factors for either user-to-user or search services, alongside any specific risk factors indicated by their answers.
- 5.86 By taking account of the Children's Risk Profiles in this way, we consider that service providers will have a good starting point for thinking about the level of risk their service may present for different kinds of content harmful to children and which risk factors ordinarily contribute to that risk. More broadly, service providers should use this information to help them assess their risk level for all types of content harmful to children in Step 2 of the four-step children's risk assessment process.

## Summary of key changes to the Children's User-to-User Risk Profile

- 5.87 As described in our May 2024 Consultation, we conducted a qualitative evaluation to identify the specific user-to-user risk factors most strongly associated with certain types of content harmful to children in our evidence base. We have repeated this process, now including the evaluation of content that shames or otherwise stigmatises body types or physical features and content that promotes depression, hopelessness and despair as types of NDC, to finalise our Children's Risk Profiles considering the expanded evidence base reflected in our Children's Register following consultation.
- 5.88 No additional risk factors have been added to the Children's User-to-User Risk Profile. However, several risk factors in the Children's User-to-User Risk Profile have been updated to include other key kinds of content harmful to children. These updates are predominantly based on new evidence provided by stakeholders, which highlights links between specific risk factors and kinds of content harmful to children. For example, the key types of content harmful to children associated with 1f. Video-sharing services now includes abuse and hate content, content that promotes depression, hopelessness and despair and content that

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<sup>185</sup> See Sections 10 and 11 of the Children's Register.

shames or otherwise stigmatises body types or physical features due to new evidence being incorporated into Sections 5, 10 and 11 of the Children's Register respectively. The other changes to the Children's User-to-User Risk Profile specific risk factors can be found in Table 5.1.

- 5.89 In relation to stakeholder feedback, we have made a small change in response to UKSIC's comments, where we have added further clarity to our Children's User-to-User Risk Profile by directly mentioning 'minority ethnic groups' in the other user base demographics general risk factor box (see paragraph 5.44 for further details). No other major changes have been made to our approach and risk factors based on stakeholder feedback. However, we have made several minor clarificatory changes related to consistency with the Risk Profiles for illegal content, readability, spelling and grammar where necessary.

**Table 5.1. Differences between the key kinds of content harmful to children associated with specific risk factors in the draft and final Children's User-to-User Risk Profile**

Specific risk factor	Key kinds of content harmful to children in draft Children's User-to-User Risk Profile	Changes to key kinds of content harmful to children in final Children's User-to-User Risk Profile
<b>1a. Social media services</b>	All kinds of content harmful to children	<b>Added:</b> Content that shames or otherwise stigmatises body types or physical features and content that promotes depression, hopelessness and despair
<b>1b. Messaging services</b>	Bullying content and violent content	No change
<b>1c. Discussion forums and chat room services</b>	Eating disorder content and suicide and self-harm content	No change
<b>1d. Gaming services</b>	Abuse and hate content, bullying content and violent content	No change
<b>1e. Pornography services</b>	Pornographic content	No change
<b>1f. Video-sharing services</b>	Dangerous stunts and challenges content, eating disorder content, harmful substances content, suicide and self-harm content, and violent content	<b>Added:</b> Abuse and hate content, content that shames or otherwise stigmatises body types or physical features and content that promotes depression, hopelessness and despair
<b>2a. Services with user profiles</b>	Eating disorder content	<b>Added:</b> Abuse and hate content
<b>2b. Services where users can post or send content anonymously, including without an account</b>	Abuse and hate content, bullying content and violent content	<b>Added:</b> Content that promotes depression, hopelessness and despair
<b>3a. Services with user connections</b>	Dangerous stunts and challenges content, pornographic content, suicide and self-harm content, and violent content	<b>Added:</b> Eating disorder content



Specific risk factor		Key kinds of content harmful to children in draft Children's User-to-User Risk Profile	Changes to key kinds of content harmful to children in final Children's User-to-User Risk Profile
3b. Services where users can form user groups or send group messages	User groups	Eating disorder content, and suicide and self-harm content	No change
	Group messaging	Abuse and hate content, bullying content, eating disorder content, pornographic content and violent content	<b>Added:</b> Suicide and self-harm content
4a. Services with livestreaming		Suicide and self-harm content	<b>Added:</b> Violent content
4b. Services with direct messaging		Bullying content and pornographic content	<b>Added:</b> Abuse and hate content
4c. Services that enable commenting on content		Abuse and hate content, bullying content, eating disorder content, and suicide and self-harm content	<b>Added:</b> Content that shames or otherwise stigmatises body types or physical features
4d. Services that enable posting images and videos		Dangerous stunts and challenges content, suicide and self-harm content, eating disorder content, harmful substances content, pornographic content and violent content	<b>Added:</b> Abuse and hate content and content that promotes depression, hopelessness and despair
4e. Services that enable re-posting or forwarding content		Bullying content, and suicide and self-harm content	<b>Added:</b> Violent content
5a. Services where users can search for user-generated content		Eating disorder content, pornographic content, and suicide and self-harm content	No change
5b. Services where users can tag content		Dangerous stunts and challenges content, eating disorder content, harmful substances content, and suicide and self-harm content	<b>Added:</b> Content that shames or otherwise stigmatises body types or physical features and content that promotes depression, hopelessness and despair
6. Services with content recommender systems		Abuse and hate content, dangerous stunts and challenges content, eating disorder content, pornographic content, suicide and self-harm content, and violent content	<b>Added:</b> Content that shames or otherwise stigmatises body types or physical features and content that promotes depression, hopelessness and despair
7. Services with features that increase engagement		All kinds of content harmful to children	<b>Added:</b> Content that shames or otherwise stigmatises body types or physical features and content that promotes depression, hopelessness and despair

## Summary of changes to the Children’s Search Risk Profile

- 5.90 No changes have been made to our approach, as we received no further evidence from stakeholders that required amendments to the specific risk factors included in the Children’s Search Risk Profile. However, we have made a clarificatory change in response to [X] point regarding the lack of guidance for how downstream general search services should use the Children’s Search Risk Profile. This change includes additional commentary to clarify the application of the Children’s Search Risk Profile to downstream general search services to ensure the providers of these services can locate the necessary information.<sup>186</sup> As with the Children’s User-to-User Risk Profile, we also have made several minor clarificatory changes related to consistency with the Risk Profiles for illegal content, readability, spelling and grammar where necessary.

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<sup>186</sup> See the Children’s Search Risk Profile in the Children’s Risk Assessment Guidance for additional commentary. For example, we have added a clarificatory footnote at Figure 2 Question 1 to explain how downstream general search services should use the Children’s Search Risk Profile.

# 6. Our approach to the Guidance on Content Harmful to Children

## What is this section about?

The Act requires Ofcom to provide guidance for providers of Part 3 services (i.e., user-to-user and search services) which contains examples of content, or kinds of content, that Ofcom considers to be, or considers not to be, primary priority content that is harmful to children (PPC) and priority content that is harmful to children (PC).

This section sets out the approach we have taken to developing the guidance. It is split into three sections: Our approach to the guidance, Rights assessment and Impact assessment. We set out our proposals from the May 2024 Consultation for each of these, outline stakeholder feedback and then explain the decisions we have made.

## What decisions have we made?

- We have retained the same approach and structure in the guidance to that proposed in our May 2024 Consultation.
- We have added new examples of types of harmful content to demonstrate when they would be considered, or not considered, harmful content.
- We have highlighted the contexts in which we consider journalistic, educational and artistic content would or would not meet the definitions of PPC and PC for specific harms in several sections.
- We have clarified the relationship between illegal content and content harmful to children across various sections.
- We have updated the introduction to the guidance to improve clarity for readers.

## Why are we making these decisions?

We have made these decisions to ensure the guidance can effectively support service providers to make judgements about content on their service. We have also ensured that our approach is informed by evidence provided by stakeholders.

## Introduction

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- 6.1 Section 53(1) of the Act requires Ofcom to provide guidance for providers of Part 3 services (i.e., user-to-user and search services) which gives examples of content, or kinds of content, that we consider to be, or consider not to be, primary priority content and priority content that is harmful to children. We have fulfilled this duty in the Act by publishing the Guidance on Content Harmful to Children.
- 6.2 The Guidance on Content Harmful to Children is intended to support service providers that may need to make judgements about whether content on their service amounts to content that is harmful to children as defined in the Act. However, it is for providers to consider as a commercial matter what types of content they wish to allow on their service, so long as they meet their children's safety duties under the Act. We refer providers to our [Illegal](#)

[Content Judgements Guidance](#) (ICJG) for more details on making judgements about illegal content.

- 6.3 Content that is harmful to children is defined within section 60(2) of the Act and means:
- a) Primary priority content that is harmful to children (PPC);<sup>187</sup>
  - b) Priority content that is harmful to children (PC);<sup>2</sup> and
  - c) Content, not within paragraph (a) or (b), of a kind which presents a material risk of significant harm to an appreciable number of children in the UK (referred to as ‘non-designated content’ or ‘NDC’).
- 6.4 The Act requires providers of Part 3 services that are likely to be accessed by children to assess the risk of child users of the service encountering each kind of PPC and PC, and to use proportionate measures to mitigate and manage the risks of harm to children as identified in their risk assessment. Please see ‘Provider duties’ within the Legal Framework (Annex 4), which sets out in full the duties that apply to PPC and PC.
- 6.5 NDC, as set out in (c) above, is a distinct category of content in the Act. Ofcom is not required to set out examples of, or kinds of, NDC in the guidance. We discuss NDC in greater detail, including our framework and two types of content we have identified as NDC, in Volume 2: Section 4 (Our approach to the Children’s Register of Risks (Children’s Register)), and Sections 1, 10 and 11 in the Children’s Register.
- 6.6 As explained in Section 1 of the Children’s Register, some kinds of harmful content manifest online in similar ways and are often considered together within the evidence base. In line with the approach taken in the Children’s Register, we have therefore considered it appropriate to group some kinds of PPC and PC together.
- 6.7 In our Guidance on Content Harmful to Children, we have grouped the 12 types of content harmful to children identified in the Act into nine broader categories: pornographic content, suicide content, self-harm content, eating disorder content, abuse and hate content, bullying content, violent content, harmful substances content and dangerous stunts and challenges content.
- 6.8 In our May 2024 Consultation on [Protecting Children from Harms Online](#) (May 2024 Consultation), we set out our approach to developing the guidance, and we explained the structure and key terms included within it.

## Our proposals

- 6.9 In this section, we set out the proposals from our May 2024 Consultation, and outline and respond to cross-cutting stakeholder feedback received in response to the Guidance on Content Harmful to Children. This feedback is responded to in the following sub-sections:
- Our approach to the guidance;
  - Rights assessment; and
  - Impact assessment.
- 6.10 We address stakeholder feedback which is relevant for specific sections of the Guidance on Content Harmful to Children in Annex 2: Guidance on Content Harmful to Children – responding to stakeholder comments.

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<sup>187</sup> The kinds of PPC are set out and defined in full in section 61 of the Act.

# Our approach to the guidance

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## Our proposed approach

### Structure of the draft guidance

- 6.11 In our May 2024 Consultation, our draft guidance consisted of ten sections. The first (published as Section 8.1) was an introduction, which set out the background and cross-cutting considerations to help service providers better understand the guidance and our proposed approach to understanding what content we considered, or not, to meet the definition of PPC and PC. The remaining sections (published as Sections 8.2-8.10) contained non-exhaustive lists of illustrative examples of content, or kinds of content, that we considered to be, or considered not to be, PPC or PC. We also defined key terms and included relevant contextual information to help services judge whether content was a particular kind of PPC or PC.
- 6.12 There was one section for each of the nine kinds of harmful content, mapped to the 12 categories of harmful content specified in the Act. This structure broadly reflected the structure of the Children's Register.<sup>188</sup> Within sections covering several kinds of harmful content in the Act (e.g., violent content), we provided examples for different kinds of that content, reflecting the categories of content in the Act (e.g., content depicting violence against people, and content depicting violence against animals).
- 6.13 Each section was structured as follows:

#### Considerations for service providers

- Relevant illegal content
- Key terms
- Additional context for service providers

#### Examples

- Examples or kinds of content that Ofcom considers to be [type of content] that is harmful to children.
- Examples or kinds of content that Ofcom does not consider to be [type of content] that is harmful to children.

### Relevant illegal content

- 6.14 We included a sub-section on relevant illegal content, as the kinds of content that are harmful to children are closely linked to the offences outlined in the ICJG published as part of December 2024 Statement on Protecting People from Illegal Harms Online (December 2024 Statement).<sup>189</sup> For example, it is illegal to intentionally encourage and assist suicide. Meanwhile, legal content that encourages, promotes or provides instructions for suicide is a kind of PPC. While we could not set out to definitively demarcate where the line is between illegal content and content that is harmful to children, we sought to highlight content that *may* be illegal and referred services to the ICJG where appropriate.

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<sup>188</sup> Suicide and self-harm content are separated in the Guidance on Content Harmful to Children but are considered together in the Children's Register. This is because while there are similarities in how these harms manifest, examples of each type of content are likely to be different.

<sup>189</sup> Ofcom, 2024. [Illegal Content Judgements Guidance](#). [accessed 6 March 2025].

## Key terms

- 6.15 We included a table of key terms for each harm in each section. A number of the designated categories of PPC and PC set out within the Act included repeated descriptive terms such as ‘encourages’, ‘promotes’ or ‘provides instructions for’. In developing our approach to the proposed examples, we used standard dictionary definitions to inform the ordinary meaning and also applied our knowledge and understanding of particular content types and harms to ensure that our interpretations of these terms were applicable to online content, in some instances departing from or expanding the ordinary meaning where we considered it appropriate to do so.

## Additional context for service providers

- 6.16 The sub-section on ‘additional context for service providers’ was intended to give service providers additional and non-exhaustive contextual information for consideration when making judgements about types of content that may be harmful to children. We recognised that there is inevitable subjectivity associated with context-dependent judgements.
- 6.17 These sub-sections are generally relevant to specific harms. For example, bullying content can be challenging to identify, as it might form part of a wider pattern of behaviour; relevant contextual factors may include user reports or complaints. However, although these sub-sections are specific to the harm, some similarities across the sections exist:
- a) **Warnings** are often added to content related to suicide, self-harm, eating disorders, and dangerous stunts and challenges content. These warnings can often be used to avoid detection and/or attempt to limit the personal liability of the individual posting. We did not consider the presence of this type of warning to be a credible indicator as to whether content is harmful to children or not and, therefore, whether it meets the definition under the Act or not. Importantly, we consider that harm could still be caused to a child if they encounter PPC or PC, even if they have seen a warning first.
  - b) **Code words, substitute terms or phrases, hashtags, sounds and comments** could provide crucial context for service providers to understand harms. For example, code words and hashtags may be used to intentionally circumvent content moderation.
  - c) **Overlap between different kinds of harmful content** in which multiple kinds of PPC and PC such as suicide or self-harm content could have similarities and be in scope of several kinds of harmful content. In several ‘additional context for service providers’ sections in the guidance, we outlined these areas of overlap, to the extent we considered helpful for providers to pay attention to these.
  - d) **Recovery content** was covered in the suicide, self-harm, and eating disorders sections. We acknowledged that it may not always be clear whether this content does or does not meet the definition of PPC.

## Examples of PPC and PC

- 6.18 This sub-section was intended to provide service providers with illustrative examples of whether different content would be considered by Ofcom to be PPC or PC. We provided two tables. The first table included examples of content that we considered to meet the definition of content harmful to children. The second included examples of content that would not meet the definition of PPC or PC. Each table had two columns: one column had a description of the categories of content while the other provided more specific examples within that category.
- 6.19 The level of specificity provided in the examples sought to balance clarity with broad applicability. We concluded that we would not be able to capture all relevant content

across all the types of services that are in scope of the Part 3 duties. We therefore proposed to exercise our regulatory judgement in our approach to best reflect the nature of the content as defined in the Act and our knowledge and understanding of how these types of content can present. Generally, we tried to identify characteristics of harmful content regardless of format. However, some examples discussed a format (e.g., post or comment) that was particularly relevant to the harm. Where we specified a format, that was not intended to imply that harmful content could only be in that format.

- 6.20 Our draft guidance did not reproduce visual examples of content (either real or synthetic), but instead used descriptions to illustrate the examples of harmful content. We considered that visual examples would be unnecessary, as a sufficient level of detail could be achieved with described examples. In fact, providing real or synthetic depictions risked including harmful content in the guidance that could cause harm to those reading it or could risk users deliberately referring to such examples to evade detection through content moderation processes. For this reason, we also sought to avoid a level of detail or any searchable terms (e.g. hashtags) in written descriptions that might direct a reader to harmful content. We expect that the level of detail we have included in the guidance provides services with additional clarity to identify this content, without providing too much detail as to lead vulnerable individuals to potentially harmful content.

## Evidence base

- 6.21 Our draft guidance was informed by a number of sources. It was primarily based on evidence set out in our draft Children's Register, which itself was based on a repository of quality-assured evidence of nearly 500 individual sources. This included relevant Ofcom research, academic papers from a range of disciplines, government bodies' publications, third-party sources, and information from charities and non-government organisations to inform our judgements on specific issues. We also relied on Ofcom's own research with children and parents or carers, and those working with children, and we considered responses from our January 2023 Call for Evidence: Second phase of online safety regulation. We also used Ofcom's extensive expertise and experience of identifying harmful content on broadcast media and online.
- 6.22 As far as possible, we sought evidence specifically relating to the online experience of children in the UK. However, some types of content harmful to children have a broader evidence base than others, especially where there are legal or ethical limitations to research with children. This limitation dictated the number of content examples or general level of detail for the different kinds of content provided in the draft guidance. As a result, we exercised our regulatory judgement to incorporate broader sources of evidence where we considered it to be useful and relevant to understanding the risk of PPC and PC. This is not a reflection of our own judgement as to the severity or importance of some types of harmful content in comparison to others. Where the evidence base was less developed at such an early stage of drafting, we invited engagement from stakeholders in providing additional evidence to support our guidance on those types of harmful content.

## Stakeholder feedback

- 6.23 This sub-section considers the stakeholder feedback we received in response to our May 2024 Consultation on our approach to the guidance. We have assessed this feedback and suggestions and have set out our rationale and decisions in response, before setting out our final approach to the guidance in the 'Conclusion' sub-section.



6.24 The key themes of stakeholder feedback on our approach, explored in greater detail in the following paragraphs, are:

- Ongoing consultation and updates to the guidance,
- Flexibility and additional context, and
- Consideration of grooming.

## Ongoing consultation and updates to the guidance

### Stakeholder feedback

- 6.25 Meta Platforms Inc. (Meta) expressed general agreement with our proposed approach, however it suggested that the contextual factors - while helpful - could be further developed to allow for greater nuance. It recommended that we recognise, for example, the importance of space for expression, the varying technical capabilities of providers, and the variety in types of content and interaction.<sup>190</sup>
- 6.26 Several stakeholders highlighted the importance of continually updating the guidance to ensure it captures emerging harms as risks and technologies evolve.<sup>191</sup> Parenting Focus recommended establishing processes for regular review of harms involving service providers, parents and child safety experts.<sup>192</sup>

### Our decision

- 6.27 In response to stakeholder feedback, we will review the guidance as appropriate. Additional context or examples may be added or amended in light of emerging evidence to ensure that the guidance remains as relevant and effective as possible. We will continue to hear from children and parents as part of our ongoing research programme to explore these harms, as well as continued stakeholder engagement.
- 6.28 We agree with stakeholders about the importance of ensuring that the guidance remains effective as new technologies and harms emerge. We will monitor new risks and harms, including through continued stakeholder engagement, considering updates to the guidance at an appropriate juncture.

## Flexibility and additional context

### Stakeholder feedback

- 6.29 Several stakeholders agreed that the draft guidance achieved an appropriate balance to allow flexibility for service providers to make content moderation decisions using the guidance, while avoiding over-prescription.<sup>193</sup>
- 6.30 Other stakeholders noted that context is important when considering the guidance. Several stakeholders identified specific contextual factors which could affect whether content would be considered harmful to children:

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<sup>190</sup> Meta Platforms Inc. response to the May 2024 Consultation, p.9-10.

<sup>191</sup> Centre for Excellence for Children's Care and Protection (CELCIS) response to May 2024 Consultation, p.6; [8].

<sup>192</sup> Parenting Focus response to the May 2024 Consultation, p.14.

<sup>193</sup> CELCIS response to May 2024 Consultation, pp.12; Integrity Institute response to May 2024 Consultation, p.4; Nexus response to May 2024 Consultation, p.7; Office of the Children's Commissioner for England response to May 2024 Consultation, p.17.

- The National Society for the Prevention of Cruelty to Children (NSPCC) recommended that the guidance “sets out key signals or archetypes” so that services are able to mitigate the spread of content harmful to children “at scale”.<sup>194</sup>
- REPHRAIN (National Research Centre on Privacy, Harm Reduction and Adversarial Influence Online) highlighted the need for flexibility to account for different online environments. It suggested that by focusing on content, Ofcom is not recognising “the potential harm in non-web-based online environments such as social virtual reality (VR)”.<sup>195</sup>
- Wikimedia Foundation recommended that “neutrally-presented and/or appropriately contextualised educational content” should be clearly defined in the guidance as not falling under the categories of PPC, PC or NDC to mitigate the risk of over-moderation by service providers.<sup>196</sup>
- Meta stated that content posted in “medical, educational, cultural or religious contexts” may be “exempt for standard enforcement approaches”. It also noted the need for further refinement to support nuanced, contextualised judgements across services.<sup>197</sup>
- The Canadian Centre for Child Protection (C3P) also agreed that context can be a primary factor in signalling harm to a victim or offender community.<sup>198</sup>
- The Online Safety Act Network (OSA Network) and Integrity Institute suggested that the guidance considers service design, such as content ranking systems, and how functionalities contribute to the creation and spread of content harmful to children.<sup>199</sup>

### Our decision

- 6.31 We have decided to proceed with the same approach as proposed in our May 2024 Consultation. The guidance contains factors that indicate whether content may or may not fall within the Act’s definitions of PPC and PC to assist services in identifying different types of harmful content. The guidance though gives a non-exhaustive list of examples, and we are clear about this in the guidance. We have also sought to provide a range of examples so that they can be applied to multiple service types and are able to capture the evolving nature of technology. This guidance can help services design their community guidelines and content moderation policies to appropriately deal with broad categories of harmful content but it is for services to decide how to use the guidance to fulfil their duties under the Act relating to content harmful to children.
- 6.32 On REPHRAIN’s specific point, we use the definition of content as set out in the Act, which is a broad definition capable of capturing a wide range of formats across different online environments, including user generated and search content. We recognise that virtual reality environments are distinct from other user interfaces, and present a different format that harms may manifest in. However, we would expect that harmful content created or shared in VR environments would still fall into the identified categories of this guidance. To ensure this is clear to providers, we have included a new sentence at the start of each

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<sup>194</sup> NSPCC response to May 2024 Consultation, pp.18-19.

<sup>195</sup> REPHRAIN response to May 2024 Consultation, p.4.

<sup>196</sup> Wikimedia Foundation response to May 2024 Consultation, pp.9-10.

<sup>197</sup> Meta Platforms Inc. response to May 2024 Consultation, pp.9-10.

<sup>198</sup> C3P response to May 2024 Consultation, p.9.

<sup>199</sup> Integrity Institute response to May 2024 Consultation, p.4.; Online Safety Act Network response to May 2024 Consultation, p.16.

section explaining that all content examples provided in the tables should be read to include image, video and audio content that is synthetic. This includes material generated in or for virtual environments as well as using GenAI technology. We are actively monitoring and engaging with stakeholders to further our evidence base and will keep our examples under review.

- 6.33 In response to Wikimedia Foundation, Meta, and C3P, we acknowledge that some content may discuss harms to children such as suicide, self-harm or eating disorders, or signal harm to victim or offender communities, but the content itself may not meet the definition of PPC or PC. This might include academic or educational material such as articles related to suicide rates, or suicide prevention methods. Throughout the guidance, we have sought to highlight characteristics that indicate that content meets the definitions of PPC or PC. For example, it is possible that content may be presented in a ‘medical’, ‘educational’ or otherwise ‘neutral’ context, but nevertheless provide detailed instructions on suicide methods, such as a post describing lethal substances and other details such as dosages, or how they may be obtained for use for suicide.
- 6.34 In response to the OSA Network and Integrity Institute, the guidance has been drafted to meet clear regulatory requirements set out by the Act. Our broader assessment of risks presented by functionalities is set out in the Children’s Register. These risks have formed the examples we have provided for service providers, and we note that the examples are designed to apply across different service types. The Children’s Register informs the Children’s Risk Profiles, which service providers must consult when conducting their own risk assessments. More detail on this process can be found in the Children’s Risk Assessment Guidance For Service Providers (Children’s Risk Assessment Guidance). For a wider discussion of our approach to safety by design, see Volume 4: Section 9 (Overview of Protection of Children Codes).

## Consideration of grooming

### Stakeholder feedback

- 6.35 Two stakeholders argued our guidance and Children’s Register should consider grooming or grooming-related content and behaviours. Brave Movement encouraged us to address grooming more closely in our guidance and the Association of Police and Crime Commissioners suggested Ofcom conduct a more detailed examination of grooming content.<sup>200</sup>

### Our decision

- 6.36 Grooming and grooming-related behaviours fall under the scope of the illegal harms duties and are therefore addressed in our [Register of Risks for illegal content](#) and ICJG. However, we recognise that there may be some manifestations of grooming-related behaviour that could overlap with PPC or PC categories. For example, pornographic content or bullying content may be used in the commission of illegal offences, including as part of the grooming process. For example, to coerce a child into performing sexual acts, or causing a child to watch a sexual act for the purposes of sexual gratification. Our guidance and Children’s Register therefore consider this overlap and highlight the risks of grooming or grooming-related content or behaviours. In each section of our Guidance on Content

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<sup>200</sup> Association of Police and Crime Commissioners response to May 2024 Consultation, p.7; Brave Movement response to May 2024 Consultation, p.2.

Harmful to Children we highlight any ‘Relevant illegal content’ that providers may wish to consider when making judgements on PPC or PC.<sup>201</sup>

## Conclusion

- 6.37 Based on the feedback we received, we have decided to proceed with the same structure and the same approach as proposed in our May 2024 Consultation. We have ensured our guidance aligns with the requirements set out in the Act and, where we have exercised our regulatory discretion, we consider that our approach meets its intended purpose of helping a wide range of services to make judgements as to whether content does, or does not, meet the definitions of PPC or PC.
- 6.38 Throughout the guidance, we have however made clarificatory changes to the individual sections, including adding, amending or removing examples, which are described in Annex 2: Guidance on Content Harmful to Children – responding to stakeholder comments. Further, we have updated the introduction to the guidance since the May 2024 Consultation to streamline the content and improve clarity for readers. These changes include clearer instructions for service providers on how to use the document. More details on how the guidance fits with our other regulatory products can be found within the ‘Guidance in context’ sub-section in Section 1 of the Guidance on Content Harmful to Children.
- 6.39 As stated in our May 2024 Consultation, we will review the guidance as appropriate to ensure that it remains relevant and effective.

## Rights assessment

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### Our provisional rights assessment

- 6.40 In developing our proposed approach to the guidance, we exercised some degree of discretion. We opted to provide a series of non-exhaustive, illustrative examples of the kinds of content that Ofcom does, or does not, consider to meet the definition of content harmful to children.
- 6.41 This approach sought to strike an appropriate balance between protection of children from harms online and user rights. We carefully considered whether the proposed examples in the draft guidance would give rise to any undue interference with users’ (both children and adults) fundamental rights. In particular, potential impacts on individuals’ rights to privacy and to freedom of thought, conscience, religion, expression and association (Articles 8-11 of the European Convention on Human Rights (ECHR)), and services’ freedom of expression rights. Our provisional conclusion was that our draft guidance would not constitute such an interference.
- 6.42 We acknowledged that the examples given in the guidance could impact how service providers applied the definitions in the Act, and that if service providers followed our guidance in fulfilling their children’s safety duties, they would likely restrict children’s (and sometimes others’) access to content of the types outlined in the guidance. We therefore had careful regard in particular to freedom of expression rights in considering what examples to include. We provisionally concluded that to the extent that service providers

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<sup>201</sup> Ofcom, 2024. Register of Risks for illegal content.

followed our guidance in deciding how to treat content in line with the children’s safety duties, the impact on child and adult users’ and services’ rights to freedom of expression would be relatively limited. We considered it was likely to constitute the minimum degree of interference required to ensure that services comply with the child safety duties under the Act.

## Stakeholder feedback and Ofcom’s response to stakeholder feedback

6.43 We received a number of comments relating to this rights assessment in response to our May 2024 Consultation. We have assessed this feedback and suggestions and have set out our rationale and decisions in response, before setting out our final rights assessment below. The key themes of stakeholder feedback, explored in greater detail in the following paragraphs, are:

- Freedom of expression and over-moderation,
- Journalistic content, creative or artistic content, educational content, and
- Data protection.

## Freedom of expression and over-moderation

### Stakeholder feedback

6.44 Several stakeholders raised concerns that the guidance risked compromising freedom of expression, suggesting that it could lead to over-moderation of non-harmful content, particularly where the content moderation systems were used at scale.<sup>202</sup>

6.45 For example, several stakeholders raised concerns that the guidance and broadly defined content categories incentivised the “over-removal” of content, that could see “beneficial” or non-harmful content removed and user rights compromised.<sup>203</sup> [§<].<sup>204</sup> Snap Inc. argued that Ofcom’s definitions of harm – such as how we define ‘pornography’ in the key terms table – should incorporate some of the elements of the examples tables to provide further clarity.<sup>205</sup>

6.46 TikTok also noted that some kinds of harmful content are more difficult to identify and remove than others, because the assessment of whether that content is violative is context dependent. It argued that the way we have interpreted different categories of PPC and PC is likely to result in technical difficulties that will adversely affect compliance. It stated that “Ofcom should recognise the nuances inherent in types of content, and provide services with the latitude to interpret categories of PPC and PC using proportionate systems and

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<sup>202</sup> Digital Entertainment and Retail Association (ERA) response to May 2024 May 2024 Consultation, p.4; Google response to May 2024 Consultation, p.5; [§<]; Northeastern University London, AI and Information Ethics Cluster response to May 2024 Consultation, pp.12-13; Open Rights Group response to May 2024 Consultation, p.3; Pinterest response to May 2024 Consultation, p.7; TikTok response to May 2024 Consultation, pp.9.

<sup>203</sup> Google response to May 2024 Consultation, p.11; Northeastern University London response to May 2024 Consultation, p.12; Open Rights Group response to May 2024 Consultation, p.4; Pinterest response to May 2024 Consultation, p.7.

<sup>204</sup> [§<]

<sup>205</sup> Snap Inc. response to May 2024 Consultation, p.3.

processes, to avoid resulting in over-removal and risk adversely affecting freedom of expression”.<sup>206</sup>

- 6.47 Over-moderation was deemed by some respondents to be a likely outcome from applying the guidance to content moderation systems at scale. Pinterest expressed concerns that it would be difficult to apply the guidance consistently at scale, as services “may feel pressure to over-enforce safe content”.<sup>207</sup> Open Rights Group described how “the boundaries of the content types identified are problematic when machine identified or classified by individuals at speed”. It also noted that “material which is beneficial and protective can easily be swept up”.<sup>208</sup>

## Our decision

- 6.48 We acknowledge that there is some inevitable subjectivity associated with identifying harmful content, which may impact how services apply the definitions in the Act, and that it may not always be clear whether content does or does not meet the definition of PPC or PC. We have therefore sought to provide clarity on the additional context service providers should consider in relation to different kinds of harmful content and on characteristics of content that should be considered harmful regardless of format.
- 6.49 We note stakeholders’ concerns about our guidance, and the examples used within it, leading to potential over-moderation of content, including problems with applying the guidance to content moderation systems at scale (such as the risk of false positives). Our guidance does not require a provider to take any specific action in relation to content hosted on a user-to-user service or in search results, which instead is covered under our Protection of Children Codes (see Volume 4 where we set out rights impacts assessments in connection with the Protection of Children Codes separately). It is for service providers to decide how to use the guidance to fulfil their duties under the Act relating to content harmful to children. It remains open to service providers as a commercial matter (and in the exercise of their own right to freedom of expression) to decide what forms of content to allow or not to allow on their service, and therefore to prohibit content even when not required to under the Act, so long as they comply with the requirements in the Act. Service providers therefore do have the flexibility to apply the guidance in the context of their own service, while being held to consistent standards.
- 6.50 We have made it clear throughout our guidance that we do not expect providers to restrict children’s access to non-harmful content, and neither do the duties in the Act require providers to restrict or remove this content. In the case of recovery content, we do not suggest that services should restrict access to genuine, safety-promoting or helpful content, provided that such content does not meet the definition of PPC under the Act.
- 6.51 We have also had careful regard in particular to freedom of expression rights in considering which examples to include, as we acknowledge that if service providers do follow our guidance in fulfilling their children’s safety duties, they would likely restrict children’s (and in some cases, as explained in relation to relevant measures in Volume 4, others’) access to content of the type outlined in the guidance.

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<sup>206</sup> TikTok response to May 2024 Consultation, pp.8-9.

<sup>207</sup> Pinterest response to May 2024 Consultation, p.7.

<sup>208</sup> Open Rights Group response to May 2024 Consultation, p.4.

## Journalistic content, creative or artistic content, educational content

### Stakeholder feedback

- 6.52 Open Rights Group discussed journalistic content specifically. It sought further clarification on how Ofcom will approach attempts to “‘game’ boundaries” such as “users circulating newspaper content which is designed to provoke prejudicial feelings and debate which could lead to bullying and discriminatory interactions”.<sup>209</sup>
- 6.53 The Digital Entertainment and Retail Association (ERA) noted the subjective nature of assessing creative content, particularly music and fictional audio-visual content. It highlighted that the guidance may hamper creative expression if certain kinds of creative content were restricted on subjective grounds.<sup>210</sup>
- 6.54 Northeastern University London expressed concern about supportive and educational resources (e.g., on sexual health, substance abuse and mental health issues) being considered harmful in our draft guidance.<sup>211</sup>

### Our decision

- 6.55 We acknowledge stakeholder concerns that the guidance could lead to the removal of artistic, educational or journalistic content by providers, which could impact children’s rights. We have made some specific changes to our guidance, highlighting contexts or examples in which journalistic, educational and artistic content may meet definitions of PPC and PC for specific harms. We also include examples where we consider that these kinds of content do *not* meet definitions of harmful content. We discuss these in sections 2-9 of the Harms Guidance.<sup>212</sup>
- 6.56 We discuss in more detail in the following paragraphs how we have sought to incorporate freedom of expression considerations relating to content that benefits from particular consideration under the right to freedom of expression, and our response to stakeholder comments on this.

### News publisher content, journalistic content and content of democratic importance

- 6.57 We are mindful that additional duties will apply to Category 1 services in respect of certain types of content, namely, news publisher content (which is excluded from the child safety duties<sup>213</sup>), journalistic content and content of democratic importance.<sup>214 215</sup> The guidance is without prejudice to those duties which apply additionally and separately to the duties relating to the protection of children. We have not added specific examples of news publisher content into the guidance because it is not in scope of the children’s safety duties

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<sup>209</sup> Open Rights Group response to May 2024 Consultation, p.5.

<sup>210</sup> ERA response to May 2024 Consultation, pp.3-4.

<sup>211</sup> Northeastern University London response to May 2024 Consultation, p.12.

<sup>212</sup> This paragraph is in response to techUK, Northeastern University London, and ERA’s feedback in our ‘Artistic, creative, educational and journalistic content’ stakeholder feedback sub-section.

<sup>213</sup> See sections 55(2)(e) and 57(2)(b) and (c) of the Act. News publisher content is excluded from the definitions of regulated user-generated content and search content and therefore is not in scope of the child safety duties.

<sup>214</sup> As set out in sections 18, 19 and 17 of the Act.

<sup>215</sup> These duties will be addressed within our Phase 3 Consultation: Categorisation and additional duties for categorised services.



under the Act. Please see the ‘Journalistic content and content of democratic importance’ sub-section of the Introduction to the Guidance on Content Harmful to Children for further details. However, where relevant, we have sought to provide illustrative examples of where types of journalistic content may meet the definitions of PPC or PC, and where they may not.

- 6.58 For example, within the violent content section of the guidance we detail that journalistic content that is graphic and depicts serious injuries may still meet the definition of content harmful to children and therefore children should be protected from it. We also provide some examples of journalistic content that we consider would not meet the definition of PPC or PC. For example, this would include journalistic content containing depictions of violence that are not graphic and are presented with appropriate context (e.g., if violence is blurred or shot from a distance). Our guidance acknowledges that it is important that children are given the opportunity to access this content where it is appropriately contextualised and that there is a balance to be struck between protecting children from harmful content and freedom of expression (as set out in sub-section ‘Additional context for service providers’ in Section 8: Guidance on violent content).
- 6.59 In response to Open Rights Group’s comment about the risk that some journalistic content may be used to “‘game’ boundaries” in a way that could lead to bullying and discriminatory interactions, we have clearly identified kinds of content that present freedom of expression concerns and the circumstances in which we consider that they do, or do not, meet the definition of content harmful to children.

#### **Creative or artistic content**

- 6.60 Creative or artistic content would include, for example, artwork, poetry, music, fiction, comedy and satire. As noted in our May 2024 Consultation, these forms of expression attract careful consideration with regard to freedom of expression.<sup>216</sup> Within the guidance we have therefore sought to consider the specific context and kinds of artistic content that may, or may not, be PPC or PC on a harm-by-harm basis, informed by evidence and expert insight. For example, content which represents suicide or self-harm in a way which romanticises, glamourises, glorifies or normalises these actions can promote them and therefore, such content would meet the definition of PPC under the Act (for further detail, please see ‘Examples or kinds of content that Ofcom considers to be suicide content that is harmful to children’ in Section 3: Guidance on suicide content and ‘Examples or kinds of content that Ofcom considers to be self-injury content that is harmful to children’ in Section 4: Guidance on self-harm content). Our assessment is therefore that where this content has this impact, it would still meet the definition of PPC under the Act, regardless of format. For this reason, we do not consider it would be appropriate to suggest that all forms of creative or artistic content would not amount to suicide or self-harm content.
- 6.61 Conversely, we have also sought to explain when it may be appropriate to conclude that some forms of creative and artistic content would not amount to PPC or PC. For example, within the section on pornographic content we expressly detail that artwork featuring nudity or sexual activity would not be deemed to meet the definition of pornographic content where the primary purpose is artistic, rather than for the sole or principal purpose of sexual arousal (please see ‘Examples or kinds of content that Ofcom considers not to be

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<sup>216</sup> Ofcom, 2024. [May 2024 Consultation - Volume 3: The causes and impacts of online harms to children](#), p.284. [accessed 21 February 2025].

pornographic content that is harmful to children’ in Section 2: Guidance on pornographic content).

### **Educational content**

- 6.62 Generally, we do not consider educational content to meet the definition of PPC or PC and we have therefore included examples in our guidance to confirm this. For example, within the pornographic content section of the guidance, we make it clear that educational material including imagery of, or discussion about, anatomy, nudity or sexual activity would not be considered to meet the definition of pornographic content, as such material has not been created for the sole or principal purpose of sexual arousal. For further details see the ‘Examples or kinds of content that Ofcom considers not to be pornographic content that is harmful to children’ in Section 2: Guidance on pornographic content. We consider that in most cases, educational or academic material will provide sufficient context to indicate that the content does not meet the definition of PPC or PC and therefore does not amount to content that is harmful to children.
- 6.63 However, our guidance does acknowledge that educational content may meet the definition of PPC or PC in certain, limited circumstances. For example, educational material that includes detailed instructions relating to suicide and self-harm methods would meet the definition of PPC, as the definitions within the Act for self-harm and suicide content can be met where content ‘provides instructions for’ suicide or an act of deliberate self-injury. While we acknowledge that academic material may discuss common self-harm or suicide methods in the context of education, where that content is detailed enough to provide instructions that can be emulated, our assessment is that this content would meet the definition of PPC.
- 6.64 For this reason, our guidance acknowledges the importance of context, and we encourage service providers to consider whether the content may provide important educational research or information, or whether it could meet the statutory definitions within the Act.

## **Data Protection**

### **Stakeholder feedback**

- 6.65 The Information Commissioner’s Office (ICO) suggested that our guidance could provide additional context for providers in relation to users’ data protection. The ICO identified that additional context in the guidance includes information reasonably available to the service provider, such as information about the user who shared the content – and that this may be personal data. It argued that where services believe that processing personal data is necessary to identify PPC or PC, it is particularly important to comply with the data minimisation principle, and that Ofcom should reconsider the rights assessment in light of this.<sup>217</sup>
- 6.66 We are not recommending that service providers process or retain any particular kinds of data to identify content in scope of this guidance, and we therefore have not identified any specific data protection or privacy impacts. While our guidance suggests services should look at the wider context surrounding a piece of content, which could in practice involve the processing of users’ personal data, they would need to do so in compliance with data protection law requirements. We have added a line in our introduction to the guidance to

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<sup>217</sup> ICO response to May 2024 Consultation, pp.17-18.

make it clear to services that they need to comply with data protection law, including the data minimisation principle noted by the ICO.

## Final rights assessment

- 6.67 In developing the guidance we have, as set out above, exercised some degree of discretion as to the examples we have included in the guidance. In doing so, we have carefully considered whether our guidance would constitute any undue interference with users' and interested persons' fundamental rights, such as their rights to privacy, freedom of thought, conscience and religion, freedom of expression, and to freedom of association (Articles 8, 9, 10 and 11 of the ECHR), and services' freedom of expression rights. Our assessment is that it would not. Our guidance does not require a provider to take any specific action in relation to content hosted on a user-to-user service or in search results, which instead is covered under our Children's Risk Assessment Guidance and Protection of Children Codes (see Volume 3: Section 8 and Volume 4). However, we acknowledge that the examples given in the guidance could impact how service providers apply the definitions in the Act, and that if service providers follow our guidance in fulfilling their children's safety duties, they would likely restrict children's (and sometimes others') access to content of the types outlined in the guidance. To the extent that service providers follow our guidance in deciding how to treat content in line with the children's safety duties, we consider the impact on child and adult users' and services' rights to freedom of expression would constitute the minimum degree of interference required to ensure that service providers comply with the child safety duties under the Act.
- 6.68 We have not identified any specific impacts on rights to privacy given the nature of this guidance and, in particular, as we are not recommending that services process or retain any particular kinds of personal data to identify content in scope of this guidance.

## Impact assessment

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### Provisional assessment of impact on service providers

- 6.69 In our May 2024 Consultation, we set out our assessment of the potential impacts of our draft guidance on service providers, including micro- and small businesses. We recognised that our proposed approach imposed costs on services, but we considered these costs to largely flow from the requirements of the Act and to be justified by the significant benefits they bring to children and services. We therefore provisionally considered that our approach was proportionate, including for micro- and small businesses.

### Stakeholder feedback

- 6.70 In this sub-section, we set out the feedback we received on our provisional assessment of the likely impacts of our guidance on service providers, including micro- and small businesses. As we are required by legislation to provide this guidance, our assessment focuses on areas where we have exercised our discretion in developing it.
- 6.71 The key themes of stakeholder feedback received, explored in greater detail in the following paragraphs, along with our decisions, are:
- Impacts on retailers and competition, and
  - Relationship to other regulatory frameworks and international alignment.

## Impacts on retailers and competition

### Stakeholder feedback

6.72 [X] and [X] asserted that search services will be responsible for making judgements on retailers' content and enabling access to it. They argued our proposals give disproportionate power to the largest services to determine what is included in search results and that this would have "a huge impact on retailers and competition". They argued for less flexibility and more accountability to address this.<sup>218</sup>

### Our decision

6.73 We have updated our guidance on pornographic content (see Section 2) to include examples of content we do not consider to be pornographic content. This now includes examples of marketing material and depictions used for the promotion and sale of sex toys and sexual wellness products. Our guidance emphasises the need for all service providers, regardless of size, to adhere to the duties set out in the Act. However, it is ultimately for service providers to decide how to use the guidance to fulfil their duties under the Act. For commercial reasons, and in line with their own rights to freedom of expression, services may choose to adopt terms of services which define the content they prohibit more widely than the definitions set out in the Act, but we are clear that the guidance does not expect them to take this approach. For further details please see sub-section 'Guidance on pornographic content' in Annex 2 of this Volume.

## Relationship to other regulatory frameworks and international alignment

### Stakeholder feedback

- 6.74 Several stakeholders noted that services will need to consider how Ofcom's guidance interacts with international regulatory frameworks to avoid a regulatory trade-off, where one regulator recommends or mandates measures which could conflict with requirements for service providers from other regulators. Two stakeholders identified other regulatory frameworks for identifying and categorising harmful content:
- ERA stated that "services are already subject to and actively surpassing existing frameworks for rating and controlling content according to age suitability and other suitability assessments (such as explicit lyrics, drug use or other restricted measures)". It also identified existing voluntary service policies.<sup>219</sup> The Advertising Association highlighted other regulatory frameworks such as the Global Alliance for Responsible Media (GARM)'s Brand Safety Floor and the Suitability Framework, which their participants already adhere to.<sup>220</sup>
  - TikTok expressed concern that we do not set out how our Protection of Children Codes and guidance align with existing regulatory frameworks both within the UK and in other

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<sup>218</sup> [X];[X].

<sup>219</sup> ERA response to May 2024 Consultation, p.3.

<sup>220</sup> Advertising Association response to May 2024 Consultation, p.7. This framework lists content for which industry considers that it is not appropriate for there to be any advertising support and lists sensitive content which may be appropriate for advertising, when that advertising is supported by proper controls. However, we note that GARM was recently discontinued. Source: World Federation of Advertisers, 2024. [Statement on the Global Alliance for Responsible Media \(GARM\)](#). [accessed 25 February 2025].

jurisdictions. It urged us to ensure regulatory standards align globally to avoid regulatory trade-off, and asked us to clarify how this is the case<sup>221</sup>

## Our decision

- 6.75 In developing this guidance, we have considered other frameworks, particularly the BBFC classification guidelines, so far as we consider relevant. However, given the regulatory function of this guidance, it is important that this guidance reflects the legislative framework set out in the Act, and it is not subject to any related guidance or frameworks that exist independently of Ofcom.
- 6.76 In response to specific feedback from ERA and the Advertising Association, we acknowledge that the definition of user-generated content in the Act is relatively broad, and that advertising content could therefore come into scope of the Act if it were to be shared on a service by a user. This guidance does not seek to explain the applicability of other regulatory legislation on advertising content. We make clear in Volume 1, Section 3 that other regulatory legislation should be considered in parallel and this Statement is not intended to cover in detail how other regulatory legislation may also apply. If content is user generated, service providers will need to deem whether the content is considered harmful to children under the Act.

## Conclusion

- 6.77 Based on the feedback we received, our view of likely impacts on providers remains unchanged from what we set out in our May 2024 Consultation. In line with our proposals in the May 2024 Consultation, we have concluded that to the extent that our proposed approach imposes costs on services, these largely flow from the requirements of the Act and are justified by the significant benefits they bring to both children and services. We therefore conclude that our approach is proportionate, including for micro- and small businesses.

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<sup>221</sup> TikTok response to May 2024 Consultation, p.11.

# A1. Children's Register of Risks – responding to stakeholder comments

## Introduction to Annex 1

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- A1.1 This annex addresses feedback provided by respondents in response to our May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation) in relation to the draft Children's Register of Risks (Children's Register).
- A1.2 We received extensive feedback from over 100 stakeholders when we published a draft of the Children's Register (draft Children's Register) in May 2024. Over the past year, we have carefully reviewed these responses and conducted follow-up research and engagement to deepen our understanding of the risks that shape children's experiences of services.
- A1.3 We have made hundreds of changes to the Children's Register since the May 2024 Consultation, incorporating new evidence and clarifying our conclusions and assessments. In summary, we have made the following changes to the Children's Register:
- **We have incorporated new evidence into all sections**, with the exception of Section 14: Business models and commercial profiles. All new evidence has been quality assured for method, reliability, ethics, independence and narrative.
  - **We have provided clarity or expanded our discussion of risk factors** in Sections 1 (Introduction to the Children's Register of Risks), 2 (Pornographic content), 3 (Suicide and self-harm content), 5 (Abuse and hate content), 14 (Business models and commercial profiles) and 17 (Recommended age groups).
  - **We have changed or clarified a policy position** in Section 2 (Pornographic content), confirming that 'audio pornography' is classified as pornographic content, and Section 17 (Recommended age groups), where we have applied additional consideration to the role of evolving capacities in our assessment of risks to older children.
- A1.4 The purpose of this annex is to discuss **specific stakeholder feedback which led us to make amendments to the Children's Register**. The corresponding Statement Section 4 discusses stakeholder responses to our overall approach to the Children's Register and other cross-cutting themes of feedback. Section 4 of the Statement also sets out stakeholder feedback in relation to non-designated content (NDC) and our updated categorisation of NDC.

## Section structure

- A1.5 Under each section of the Children's Register we set out:
- A brief summary of changes we have made to the Children's Register.
  - An overview of feedback we received from stakeholders on the relevant section.
  - An explanation of the changes we have made to the section in light of stakeholder feedback, including where the evidence base has been updated, risk factors have been added or amended, or where we have clarified our conclusions.

# Introduction to the Children's Register

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A1.6 This sub-section addresses feedback made by respondents to our May 2024 Consultation on Volume 3, Section 7.0, the Introduction to the Children's Register of Risks.

## Summary of stakeholder feedback and our decisions'

A1.7 We have grouped stakeholder feedback on the draft Introduction to the Children's Register and our decisions thematically, as follows:

- **New evidence:** We have incorporated evidence on socio-economic and cultural risk factors, on the correlation between social media use and life satisfaction, and on children's feelings of enjoyment and safety when spending time online.
- **Requests for clarity:** We have expanded our discussion of protective factors which inform children's online experiences, and on emerging risks associated with generative artificial intelligence (GenAI).

A1.8 We set out the stakeholder feedback and expand on our rationale for these decisions in the following sub-section.

## Stakeholder feedback by theme

### New evidence

#### Stakeholder feedback

- A1.9 Northeastern University London, AI and Information Ethics research cluster provided evidence on the impact of cultural and socioeconomic factors on children's risk of exposure to harmful content.<sup>222</sup>
- A1.10 REPHRAIN (the National Research Centre on Privacy, Harm Reduction and Adversarial Influence Online) provided evidence to suggest a correlation between increased social media use and decreased life satisfaction among girls aged 11-13 years old and boys aged 14-15.<sup>223</sup>
- A1.11 The Children's Commissioner for Wales provided evidence on children's enjoyment and feelings of safety when spending time online.<sup>224</sup>

#### Our decision

- A1.12 We have assessed<sup>225</sup> evidence provided by Northeastern University London and REPHRAIN, including both in the 'Overview of Children's Behaviour' sub-section of Section 1: Introduction to the Children's Register of Risks.

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<sup>222</sup> [Northeastern University London, AI and Information Ethics research cluster](#) response to May 2024 Consultation, p.3.

<sup>223</sup> [REPHRAIN](#) response to May 2024 Consultation, p.6.

<sup>224</sup> [Children's Commissioner for Wales](#) response to May 2024 Consultation, p.2.

<sup>225</sup> Our quality assurance criteria require sources to meet standards for method, reliability, ethics, independence and narrative. See the 'Methodology' sub-section of Section 1: Introduction to the Children's Register of Risks for more detail.



- A1.13 We have assessed<sup>226</sup> evidence from the Children’s Commissioner for Wales, incorporating it within the ‘Children’s online behaviours and risk of harm’ sub-section of Section 1: Introduction to the Children’s Register of Risks.

## Requests for clarity

### Stakeholder feedback

- A1.14 [3X]<sup>227</sup> further argued that factors which go beyond the scope of services, such as media literacy and positive mental wellbeing strategies, are equally as important as content moderation. It warned of a “potentially dangerous discourse” if we put sole responsibility for young people’s mental wellbeing in the hands of social media companies.<sup>228</sup>
- A1.15 Several stakeholders<sup>229</sup> requested further discussion of the risks associated with GenAI.

### Our decision

- A1.16 The evidence cited about the death of Molly Russell is the coroner’s ‘Prevention of future deaths’ report.<sup>230</sup> We consider the coroner’s findings to provide sufficient evidence for our assessment of the impact of content harmful to children. Therefore, we do not propose to make any changes on this point.
- A1.17 We acknowledge that wider factors are at play in shaping children’s experience of harm on online services. We have expanded our discussion of protective factors which inform children’s experience of harmful content – including parental oversight, media literacy and strong peer networks – under the ‘Overview of Children’s Behaviour’ sub-section of Section 1: Introduction to the Children’s Register of Risks. Broader factors influencing children’s risk of harm are also discussed in Section 16 (Wider contexts to understanding risk factors). Other considerations (such as positive mental wellbeing strategies) are beyond the scope of the Children’s Register, therefore we have not made any amendments on this point.
- A1.18 We have expanded our discussion of GenAI under the ‘Summary of findings’ sub-section of Section 1: Introduction to the Children’s Register of Risks. This includes reference to Ofcom’s research (published subsequent to the May 2024 Consultation) on risks and harm mitigation strategies for GenAI products. Note that new evidence relating to GenAI has also been incorporated within Section 16 of the Children’s Register, on the wider context to understanding risk factors; refer to Volume 2, Section 4 and the relevant section of this annex for further detail of changes we have made, including the addition of new evidence.

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<sup>226</sup> ‘Methodology’ sub-section of Section 1: Introduction to the Children’s Register of Risks.

<sup>227</sup> [3X]

<sup>228</sup> [3X]

<sup>229</sup> [Association of Police and Crime Commissioners](#) (APCC) response to May 2024 Consultation, pp.5-6; [Common Sense Media](#) response to May 2024 Consultation, pp.4-6; [Greater Manchester Combined Authority](#) (GMCA) response to May 2024 Consultation, p.4; [National Society for the Prevention of Cruelty to Children](#) (NSPCC) response to May 2024 Consultation, pp.12-14; [Office of the Children’s Commissioner for England](#) response to May 2024 Consultation, pp.14-15; [Parenting Focus](#) response to May 2024 Consultation, pp.9-11.

<sup>230</sup> Courts and Tribunals Judiciary, 2022. [Molly Russell: Prevention of future deaths report](#). [accessed 06 February 2024].

## Pornographic content

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A1.19 This sub-section addresses feedback made by respondents to our May 2024 Consultation on Volume 3, Section 7.1, our assessment of the causes and impacts of harms to children from pornographic content.

### Summary of stakeholder feedback and our decisions

A1.20 Several stakeholders endorsed our assessment of the causes and impacts of harms to children from pornographic content.<sup>231</sup> Some of this support was caveated, and other stakeholders provided specific feedback on aspects of the Children's Register section.

A1.21 We have grouped stakeholder feedback on our draft assessment of the risks associated with pornographic content, and our decisions, as follows:

- **Emerging technologies:** We have incorporated additional evidence on how emerging technologies, such as GenAI, increase the risk of encountering pornographic content.
- **The nature of pornographic content:** We have clarified that pornographic content can exist in audio format. We have also clarified the scope of the Children's Register with regards to extreme pornographic content, which falls within the purview of illegal harms risk assessments and Illegal Content Codes of Practice.
- **The impact of pornographic content:** We have incorporated additional evidence on the relationship between pornography and harmful sexual behaviour.
- **Other feedback:** We have made no amendments to the Children's Register in response to stakeholder feedback which falls under this category.

A1.22 We explain the stakeholder feedback and expand on our rationale for these decisions in the following sub-section. In addition to these changes, we have also made a number of clarificatory changes throughout the section.

### Stakeholder feedback by theme

#### Emerging technologies

##### Stakeholder feedback

A1.23 Several stakeholders<sup>232</sup> highlighted the role of GenAI in facilitating the creation of legal<sup>233</sup> synthetic pornographic content, including use of so-called 'nudifying' tools to generate pornographic images of fictional (adult) characters.

A1.24 The Institution of Engineering and Technology provided evidence relating to the role of augmented reality (AR) in facilitating access to pornographic content.<sup>234</sup>

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<sup>231</sup> [Barnardo's](#) response to May 2024 Consultation, p.7; [International Justice Mission](#) response to May 2024 Consultation, p.3; [Nexus](#) response to May 2024 Consultation, p.3.

<sup>232</sup> [Barnardo's](#) response to May 2024 Consultation, p.16; [Centre to End All Sexual Exploitation](#) (CEASE) response to May 2024 Consultation, pp.4-7; [Office of the Children's Commissioner for England](#) response to May 2024 Consultation, p.8; [Christian Action Research and Education](#) (CARE) response to May 2024 Consultation, pp.4-5; [§<].

<sup>233</sup> AI-generated child sexual abuse material and non-consensual intimate images of adults, when they are shared, are categories of illegal content; refer to Sections 2B and 6 of the [Illegal Harms Register of Risks](#) for further detail.

<sup>234</sup> [Institution of Engineering and Technology](#) response May 2024 Consultation, p.4.

## Our decision

- A1.25 We have clarified and expanded our discussion of emerging technologies, such as GenAI and AR, and the role that these technologies may play in facilitating children’s access to pornographic content under sub-sections ‘How pornographic content manifests online’ and ‘Pornography services’ of Section 2: Pornographic content.
- A1.26 We note that there are limitations in the current evidence base on the role of emerging technologies, such as GenAI and AR, in generating and facilitating children’s access to legal pornographic content. However, in our Guidance on Content Harmful to Children (Section 2: Guidance on pornographic content), we acknowledge that image, video or audio content that could be considered harmful to children could also be synthetic images, videos or audio content. We will keep this issue under review, and we will consider additions to the Children’s Register at an appropriate juncture.

## The nature of pornographic content

### Stakeholder feedback

- A1.27 We received a range of feedback on our assessment of the nature of pornographic content:
- Several stakeholders<sup>235</sup> commented on the lack of evidence in the Children’s Register relating to audio pornography.
  - The Office of the Victims’ Commissioner for England and Wales<sup>236</sup> expressed concern about the overlap with extreme pornographic content, which is addressed in the [Illegal Harms Register of Risks](#) (Illegal Harms Register).<sup>237</sup> The Commissioner suggested that some providers may interpret ‘sexually aggressive content’ as limited to illegal sexual behaviour and therefore not consider wider societal harms associated with pornographic content, particularly those relating to violence against women and girls.
  - Barnardo’s expressed concern about the types of pornographic content available online, much of which, it suggests, would be prohibited by the British Board of Film Classification (BBFC)’s classification guidelines for offline content.<sup>238</sup>

## Our decision

- A1.28 We have reviewed the evidence available on audio pornographic content and feedback from stakeholders. We consider that audio pornography is an ‘oral communication’ under section 236 of the Online Safety Act 2023 (the Act)<sup>239</sup> (see Guidance on pornographic content section in Annex 2 for further detail). Therefore, we have included evidence from the National Centre on Exploitation the availability of audio pornography under ‘Risk factors: Service types’ in Section 2: Pornographic content.<sup>240</sup> We have also amended the summary of Section 2 to establish that pornographic content can exist in audio format, as

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<sup>235</sup> [Barnardo’s](#) response to May 2024 Consultation, p.8; [CARE](#) response to May 2024 Consultation, pp.5-6; [CEASE](#) response to May 2024 Consultation, pp.7-8; [Scottish Government](#) response to May 2024 Consultation, p.4.

<sup>236</sup> [Office of the Victims’ Commissioner for England and Wales](#) response to May 2024 Consultation, p.3.

<sup>237</sup> Section 7 of the Illegal Harms Register discusses extreme pornography offences.

<sup>238</sup> [Barnardo’s](#) response to May 2024 Consultation, p.12.

<sup>239</sup> Section 236 of the Act states: “‘content’ means anything communicated by means of an internet service, whether publicly or privately, including written material or messages, **oral communications**, photographs, videos, visual images, music and data of any description”.

<sup>240</sup> National Center on Sexual Exploitation, 2023. [Dirty Dozen List](#). [accessed 15 January 2025].

well as including this type of content as an example in our Guidance on Content Harmful to Children.

- A1.29 We acknowledge that there is overlap between discussion of pornographic content in the Children’s Register and the [Illegal Harms Register](#). Service providers have specific and separate duties in relation to content harmful to children – primary priority content (PPC), priority content (PC) and NDC – versus their duties in relation to illegal harms and will therefore need to consider each independently in their risk assessments. To ensure that this is clear, we have included further wording to clarify the scope of the Act with regards to extreme pornographic content, which falls within the purview of illegal harms duties.
- A1.30 We note stakeholder comments about the relevance of classification guidelines from wider regulatory frameworks in the UK, notably the BBFC’s R18 classification guidelines.<sup>241</sup> However, we are required to produce our own guidance for services on whether content amounts to PPC, PC or NDC, including pornographic content.<sup>242</sup> Refer to Section 2 of the Guidance on Content Harmful to Children for detail on our classification of pornographic content.

## The impact of pornographic content

### Stakeholder feedback

- A1.31 Stakeholders pointed to wider impacts of children’s exposure to pornographic content, including the following:
- Barnardo’s<sup>243</sup> and [SC]<sup>244</sup> provided evidence on the relationship between early exposure to pornographic content and children displaying harmful sexual behaviour.
  - [SC] provided evidence on the relationship between pornographic content and child-on-child sexual abuse offences.<sup>245</sup>
  - Barnardo’s highlighted the use of pornographic content to facilitate non-contact child sexual abuse.<sup>246</sup>
  - Greater Manchester Combined Authority (GMCA) highlighted the cognitive impacts of pornography not limited to sexual violence.<sup>247</sup>
  - International Justice Mission highlighted pathways from viewing legal pornography to viewing illegal materials, including child sexual abuse material.<sup>248</sup>
  - The UK Safer Internet Centre (UKSIC) highlighted the role of pornography in informing expectations of sex and intimate relationships.<sup>249</sup>

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<sup>241</sup> BBFC, 2024. [Classification Guidelines](#), p.26. [accessed 20 January 2025].

<sup>242</sup> Under section 53 of the Act.

<sup>243</sup> [Barnardo’s](#) response to May 2024 Consultation, pp.10-13.

<sup>244</sup> [SC]

<sup>245</sup> [SC]

<sup>246</sup> [Barnardo’s](#) response to May 2024 Consultation, p.9.

<sup>247</sup> [GMCA](#) response to May 2024 Consultation, p.5.

<sup>248</sup> [International Justice Mission](#) response to May 2024 Consultation, pp.3-4.

<sup>249</sup> [UKSIC](#) response to May 2024 Consultation, p.10.

- The Office of the Victims’ Commissioner for England and Wales<sup>250</sup> and the Domestic Abuse Commissioner’s office<sup>251</sup> highlighted the impact of exposure to pornographic content on the prevalence of domestic violence.
- Barnardo’s pointed to the ways in which harmful racist stereotypes are perpetuated in pornographic content.<sup>252</sup> UKSIC also commented on issues of violence, racism and sexism in pornographic content.<sup>253</sup>

### Our decision

- A1.32 As set out above, a number of stakeholders provided new evidence to support conclusions made in this section, including the relationship between pornography exposure and harmful sexual behaviour.
- A1.33 We have assessed<sup>254</sup> new evidence and incorporated any relevant evidence which meets our quality assurance criteria in the ‘Impacts’ sub-section of Section 2 (Pornographic content) where appropriate.
- A1.34 We note existing gaps in evidence highlighted by stakeholders, including intersectional harms highlighted by Barnardo’s and UKSIC. We will review the evidence landscape on these topics and update the Children’s Register with new evidence, as necessary, at an appropriate juncture.

### Other feedback

#### Stakeholder feedback

- A1.35 We received the following wider feedback on our assessment in this section:
- The Office of the Children’s Commissioner for England<sup>255</sup> and the Scottish Government<sup>256</sup> commented on our presentation of evidence of the age at which children first view pornography, suggesting that this evidence should be presented more prominently.
  - The Scottish Government suggested that we make reference to Article 17 of the United Nations Convention on the Rights of the Child (UNCRC) in the introduction to the Children’s Register section on pornographic content.<sup>257</sup>
  - The Association of Police and Crime Commissioners<sup>258</sup> expressed concern about the exclusion of text-only pornographic content.
  - The Office of the Children’s Commissioner advised us to conduct a “more proactive assessment of the functionalities that result in pornographic content posing a risk of harm to children”. It suggested that a more proactive assessment of risks associated with functionalities and pornographic content would require us to reassess our

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<sup>250</sup> [Office of the Victims’ Commissioner for England and Wales](#) response to May 2024 Consultation, p.3.

<sup>251</sup> The Domestic Abuse Commissioner’s office response to May 2024 Consultation, p.3

<sup>252</sup> [Barnardo’s](#) response to May 2024 Consultation, p.13.

<sup>253</sup> [UKSIC](#) response to May 2024 Consultation, p.11.

<sup>254</sup> Our quality assurance criteria require sources to meet standards for method, reliability, ethics, independence and narrative. See the ‘Methodology’ sub-section of Section 1: Introduction to the Children’s Register of Risks for more detail.

<sup>255</sup> [Office of the Children’s Commissioner for England](#) response to May 2024 Consultation, p.8.

<sup>256</sup> [Scottish Government](#) response to May 2024 Consultation, p.4.

<sup>257</sup> [Scottish Government](#) response to May 2024 Consultation, pp.3-4.

<sup>258</sup> [APCC](#) response to May 2024 Consultation, p.7.

evidence threshold for harm, to be more flexible to emerging harms from new technologies (such as risks associated with GenAI/‘deepfake’ technologies) and to embed more meaningful consultation with children to understand their experiences of functionalities that heighten risk of exposure to pornographic content.<sup>259</sup>

#### Our decision

- A1.36 We have slightly amended the presentation of evidence in the summary of Section 2 (Pornographic content) and updated our statistics to include our Online Experiences Tracker data. We feel the salient point about the average age at which children first view pornography is clearly made and detailed in the section.
- A1.37 In response to the Scottish Government’s comments about the UNCRC, we note that the UK Parliament has made it clear during the legislative process that the spirit of the UNCRC is reflected in the Act. However, as the wording of the UNCRC is not directly incorporated in the Act, we consider and reference the relevant statutory duties in the Act and impacts on the European Convention on Human Rights rather than making direct reference to the UNCRC. More detail on our consideration of human rights legislation, including consistency with relevant aspects of the UNCRC, can be found in Volume 1: Overview, scope and regulatory approach.
- A1.38 Text-only pornographic content is excluded from the category of pornographic content in the Act,<sup>260</sup> therefore it is not in our remit to address text-based pornographic content in the Register.
- A1.39 In response to the Office of the Children’s Commissioner, we consider that we have appropriately assessed evidence on risks associated with functionalities (including recommender systems) which are associated with an increased likelihood of children encountering pornographic content. The Children’s Register discusses quality-assured evidence for risks associated with functionalities including fake and anonymous user profiles, hyperlinks, direct and group messaging functionalities and content recommender systems.<sup>261</sup> We have incorporated new evidence provided by stakeholders since the May 2024 Consultation which meets our quality assurance thresholds,<sup>262</sup> including evidence relating to the risks posed by legal GenAI pornographic content (i.e. content depicting a fictional adult character).<sup>263</sup>

## Suicide and self-harm content

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<sup>259</sup> [Office of the Children’s Commissioner for England](#) response to May 2024 Consultation, p.8.

<sup>260</sup> Section 61(6) of the Act.

<sup>261</sup> Refer to the ‘Risk factors: Functionalities and recommender systems’ subsection of Section 2 of the Children’s Register (Pornographic Content) for a full discussion of evidence for risks associated with features and functionalities.

<sup>262</sup> Our quality assurance criteria require sources to meet standards for method, reliability, ethics, independence and narrative. See the ‘Methodology’ sub-section of Section 1: Introduction to the Children’s Register of Risks for more detail.

<sup>263</sup> AI-generated child sexual abuse material and non-consensual intimate images of adults, when they are shared, are categories of illegal content; refer to Sections 2B and 6 of the [Illegal Harms Register of Risks](#) for further detail.

A1.40 This sub-section addresses feedback by respondents to our May 2024 Consultation on Volume 3, Section 7.2, our assessment of the causes and impacts of harms to children from suicide and self-harm content.

## Summary of stakeholder feedback and our decisions

A1.41 We have grouped stakeholder feedback on our draft assessment of the risks associated with suicide and self-harm content, and our decisions, as follows:

- **New evidence:** We have incorporated new evidence on the impact and presence of suicide and self-harm content, and ‘Commenting’ and ‘Content exploring’ risk factors. We have also added a case study on risks associated with GenAI and suicide and self-harm content.
- **Additional risk factors associated with suicide and self-harm content:** We have expanded our discussion of links between service business models and commercial profiles, and suicide and self-harm content.
- **Requests for clarity:** We have amended a sentence under the ‘User demographics/circumstances’ risk factor to clarify that bullying is associated with the risk of children encountering suicide and self-harm content.

A1.42 We explain the stakeholder feedback and expand on our rationale for these decisions in the following sub-section. In addition to these changes, we have also made a number of clarificatory changes throughout the section.

## Stakeholder feedback by theme

### New evidence

#### Stakeholder feedback

- A1.43 Internet Matters provided evidence on the impact of suicide and self-harm content.<sup>264</sup>
- A1.44 The Molly Rose Foundation provided a large quantity of evidence for reasons underpinning the increased rate of suicide among young people, feature and functionality risk factors, and associations between social media use and suicide and self-harming behaviours.<sup>265</sup>
- A1.45 Samurai Labs provided evidence on the role that GenAI may play in encouraging or promoting suicide and self-harm.<sup>266</sup>
- A1.46 The Domestic Abuse Commissioner’s Office provided evidence of associations between exposure to domestic abuse and risk of experiencing suicide or self-harm thoughts and behaviours.<sup>267</sup>

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<sup>264</sup> [Internet Matters](#) response to May 2024 Consultation, p.7.

<sup>265</sup> [Molly Rose Foundation](#) response to May 2024 Consultation, pp.7-30.

<sup>266</sup> [Samurai Labs](#) response to May 2024 Consultation, p.3.

<sup>267</sup> The Domestic Abuse Commissioner’s Office] response to May 2024 Consultation, p.6



## Our decision

- A1.47 We have assessed<sup>268</sup> and included evidence provided by Internet Matters and the Molly Rose Foundation in Section 3: Suicide and self-harm content under the 'Impacts' and 'Presence' sub-sections and the 'Commenting' and 'Content exploring' risk factors.
- A1.48 We have included evidence on the role that GenAI models may play in promoting suicide and self-harm behaviours, contained in a citation in evidence provided by Samurai Labs.
- A1.49 In response to The Domestic Abuse Commissioner's Office, we discuss evidence in Section 3 of the Children's Register (Suicide and self-harm content) which demonstrates an association between previous trauma and increased risk of encountering suicide and self-harm content online.<sup>269</sup> However, we have not included evidence provided by The Domestic Abuse Commissioner's Office on the heightened risk of victims of domestic homicide experiencing suicidal thoughts or behaviours.<sup>270</sup> This is because the evidence provided does not demonstrate an increased risk of experiencing online content harmful to children (PPC, PC or NDC).<sup>271</sup> For the purpose of the Children's Register, at least one factor must be related to harm arising from content on a regulated service.

## Additional risk factors associated with suicide and self-harm content

### Stakeholder feedback

- A1.50 The Molly Rose Foundation argued that we should expand on our assessment of the role that business models play in the prevalence of suicide and self-harm content on services.<sup>272</sup>
- A1.51 Barnardo's also identified viral online challenges as a risk factor for younger children encountering suicide and self-harm content, citing a specific viral challenge that purportedly amounts to suicide content.<sup>273</sup>
- A1.52 Samaritans suggested that 'autocomplete' searches should be recognised as a risk factor for enabling users to access suicide and self-harm content.<sup>274</sup>
- A1.53 Samaritans also recommended that we clarify that it is not just the number of *registered* users but the number of users able to access content on a service that gives rise to risk; they stated that "considering only the number of registered users neglects a significant risk of harm to others".<sup>275</sup>

## Our decision

- A1.54 We note feedback from the Molly Rose Foundation that the relationship between business models and the risk of children encountering suicide and self-harm content could be more fully articulated in the Children's Register. We have included a new paragraph under the 'Revenue models' sub-section in Section 3: Suicide and self-harm which links to Section 14

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<sup>268</sup> Sources are quality assured for standards of method, reliability, ethics, independence and narrative. See the 'Methodology' sub-section of Section 1: Introduction to the Children's Register of Risks for more detail of our quality assurance criteria.

<sup>269</sup> See the 'Socio-economic factors and user circumstances' risk factor under 'User demographics and circumstances'.

<sup>270</sup> Chantler, K., Baker, V., Heyes, K. and Gunby, C., n.d. [Summary Report: Domestic Homicide Oversight Mechanism for Children's Services](#). [accessed 18 March 2025].

<sup>271</sup> Per Sections 60-62 of the Act.

<sup>272</sup> [Molly Rose Foundation](#) response to May 2024 Consultation, pp.30-32.

<sup>273</sup> [Barnardo's](#) response to May 2024 Consultation, p.20.

<sup>274</sup> [Samaritans](#) response to May 2024 Consultation, p.5.

<sup>275</sup> [Samaritans](#) response to May 2024 Consultation, p.5.

of the Children's Register (Business models and commercial profiles). This section sets out our evidence on the role of business models in influencing children's exposure to various forms of harmful content, including suicide and self-harm content.

- A1.55 Section 3 of the Children's Register<sup>276</sup> already details how viral 'challenges' may instruct young people about methods to harm themselves and may encourage a 'contagion effect' for suicidal and self-harming thoughts and behaviours. We also detail how challenges can lead to death (as well as injury) in Section 9: Dangerous stunts and challenges content. However, we do not currently hold evidence to support the suggestion that younger children are more vulnerable to the risk of challenges containing instruction for suicide or self-injury, compared to older children, so have not amended the Children's Register on this point.
- A1.56 In response to Samaritans' point about risk factors associated with 'autocomplete' searches, we have added a new paragraph under the 'Content exploring' risk factor detailing how auto-completions can exacerbate risk of encountering suicide and self-harm content, citing evidence provided by the Molly Rose Foundation (see 'New evidence' subsection above).
- A1.57 Regarding Samaritan's second point about risks associated with user base size, we consider both registered and non-registered users of a service as part of the 'User base' risk factor. Our full definition of 'User base' is set out in Section 1: Introduction to the Children's Register of Risks.

## Requests for clarity

### Stakeholder feedback

- A1.58 Barnardo's challenged our presentation of the relationship between user demographics and the risk of children encountering 'targeted' suicide and self-harm content, where this content intersects with bullying. They encouraged us to revisit a sentence in the 'User demographics and circumstances' risk factor on the relationship between bullying and risk of encountering suicide and self-harm content.<sup>277 278</sup>

### Our decision

- A1.59 We have clarified that there is evidence to demonstrate that victims of bullying are at a greater risk of self-harm and suicide content, including 'targeted' suicide and self-harm content, by amending a sentence under 'User demographics and circumstances' in Section 3: Suicide and self-harm content. The sentence now reads: "**Socio-economic factors and user circumstances**, including personal circumstances and experiences such as being bullied, have been identified as risk factors for encountering this content".

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<sup>276</sup> Refer to 'Impacts' subsection of Section 3.

<sup>277</sup> The sentence published at consultation read as follows: "Although not directly linked to user demographics, other personal circumstances and experiences have been identified as risk factors for encountering this content, such as experience of bullying." Source: [May 2024 Consultation, Volume 3](#), paragraph 7.2.50. [accessed 11 March 2025].

<sup>278</sup> [Barnardo's](#) response to May 2024 Consultation, p.20.

## Eating disorder content

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A1.60 This sub-section addresses feedback made by respondents to our May 2024 Consultation on Volume 3, Section 7.3, our assessment of the causes and impacts of harms to children from eating disorder content.

### Summary of stakeholder feedback and our decisions

A1.61 We have grouped stakeholder feedback on our draft assessment of the risks associated with eating disorder content, and our decisions, as follows:

- **Feature and functionality risk factors:** We have included new evidence of the role of algorithms in promoting eating disorder content and on the role of GenAI in promoting eating disorder content under the ‘Content editing’ risk factor.
- **Demographic risk factors:** We have included new evidence on risks associated with children from minority ethnic backgrounds encountering eating disorder content and on risks associated with social isolation and eating disorder content.
- **Nuance in the experience of children impacted by eating disorder content:** We have included new evidence on the ways in which individuals with eating disorders may, on some level, value their illness, making it harder to disengage from eating disorder content.

A1.62 We explain the stakeholder feedback and expand on our rationale for these decisions in the following sub-section. In addition to these changes, we have also made a number of clarificatory changes throughout the section.

### Stakeholder feedback by theme

#### Feature and functionality risk factors

##### Stakeholder feedback

A1.63 The Center for Countering Digital Hate (CCDH) provided new evidence on the role of algorithms in directing teenage girls to eating disorder content.<sup>279</sup>

A1.64 Barnardo’s expressed concern about risks associated with GenAI. It suggested that the use of visual filters and editing apps may negatively impact on beauty standards among children, leading to a heightened risk of exposure to eating disorder content.<sup>280</sup>

##### Our decision

A1.65 We have assessed<sup>281</sup> evidence provided by CCDH and incorporated it under the ‘Recommender systems’ risk factor of Section 4: Eating disorder content.

A1.66 We have assessed<sup>282</sup> evidence provided by Barnardo’s and incorporated it under the ‘Content editing’ risk factor. We have also included a signpost to Section 11 (Body stigma content (Non-designated content)), where these risk factors are explored in more detail.

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<sup>279</sup> [CCDH](#) response to May 2024 Consultation, p.6.

<sup>280</sup> [Barnardo’s](#) response to May 2024 Consultation, p.22.

<sup>281</sup> We assess all evidence against standards for method, reliability, ethics, independence and narrative. See the ‘Methodology’ sub-section of Section 1: Introduction to the Children’s Register of Risks for more detail.

<sup>282</sup> See the ‘Methodology’ sub-section of Section 1: Introduction to the Children’s Register of Risks.

## Demographic risk factors

### Stakeholder feedback

- A1.67 Beat highlighted specific challenges faced by children from ethnic minority backgrounds which reduce their access to offline support for eating disorders. It cited evidence to suggest factors such as racial discrimination and cultural pressures, as well as unique challenges and stressors, may exacerbate the risks posed to children from minority ethnic backgrounds. Such barriers to offline support may increase their reliance on online communities, heightening the risk that they encounter eating disorder content.<sup>283</sup>
- A1.68 Beat also suggested that social isolation should be listed as a risk factor, as children who experience isolation and stigma are more likely to seek acceptance within online communities, even if these communities promote harmful behaviours.<sup>284</sup>

### Our decision

- A1.69 We have added ethnicity as a new ‘User demographic’ risk factor for being affected by eating disorder content. We have assessed<sup>285</sup> and included evidence provided by Beat, which demonstrates that individuals from minority ethnic backgrounds with eating disorders may not always recognise the need for treatment, may not receive an accurate diagnosis, or may lack access to appropriate care. We have also included clinical evidence on how stereotypical views about who is typically affected by eating disorder content may create disparities in treatment offered to individuals from minority ethnic groups.<sup>286</sup>
- A1.70 We have also incorporated evidence provided by Beat on social isolation.<sup>287</sup> In addition, we have added a paragraph to describe why some children may seek out dedicated online communities and connect with others who share an interest in the issue. In the ‘User Connections’ risk factor section, we have noted that this may be driven by the social isolation and stigma associated with eating disorders.

## Nuance in the experience of children impacted by eating disorder content

### Stakeholder feedback

- A1.71 Beat highlighted the experience of some children with eating disorders who may “on some level value their illness”. Beat suggested that this may hinder motivation for treatment and recovery, making it harder for these users to disengage with eating disorder content, particularly where it has been promoted on a recommender feed.<sup>288</sup>
- A1.72 Beat also noted that denial is commonly found in those with an eating disorder. This may result in individuals posting content about their illness “without recognising its harmful behaviour”. It suggested that denial may contribute to the dissemination of a higher volume of eating disorder content in online spaces by those experiencing the illness.<sup>289</sup>

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<sup>283</sup> [Beat](#) response to May 2024 Consultation, p.2.

<sup>284</sup> [Beat](#) response to May 2024 Consultation, p.1.

<sup>285</sup> Sources are quality assured for standards of method, reliability, ethics, independence and narrative. See the ‘Methodology’ sub-section of Section 1: Introduction to the Children’s Register of Risks for more detail.

<sup>286</sup> Sonnevile, K. R. and Lipson, S. K., 2018. [Disparities in eating disorder diagnosis and treatment according to weight status, race/ethnicity, socioeconomic background, and sex among college students](#), *International Journal of Eating Disorders*, 51 (6) [accessed 18 March 2025].

<sup>287</sup> ‘Methodology’ sub-section of Section 1: Introduction to the Children’s Register of Risks.

<sup>288</sup> [Beat](#) response to May 2024 Consultation, p.1.

<sup>289</sup> [Beat](#) response to May 2024 Consultation, pp.1-2.

## Our decision

- A1.73 We have included additional discussion and evidence on the ways in which individuals with eating disorders may perceive a degree of ‘value’ in their illness, making it harder for vulnerable children to disengage from eating disorder content.
- A1.74 We were unable to source evidence on Beat’s point about the role of denial in contributing to the spread of eating disorder content. However, we reference evidence that could infer this point, such as the possibility of individuals holding a positive view of their illness.

## Abuse and hate content

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- A1.75 This sub-section addresses feedback made by respondents to our May 2024 Consultation on Volume 3, Section 7.4, our assessment of the causes and impacts of harms to children from abuse and hate content.

## Summary of stakeholder feedback and our decisions

- A1.76 We have grouped stakeholder feedback on our draft assessment of the risks associated with abuse and hate content, and our decisions, as follows:
- **New evidence:** We have included new evidence on the following topics: abuse and hate targeted at children’s perceived or actual sexual orientation, links to extremist ideologies, and the intersection of different risk factors associated with abuse and hate content.
  - **Risk factors:** We have expanded our discussion of risks faced by children from minority ethnic backgrounds, we have clarified our decision to group some of the evidence about gender with evidence relating to sexual orientation, and we have included evidence on the risks associated with external events in leading to ‘spikes’ in abuse and hate content.
  - **The impacts of abuse and hate content:** We have included evidence on the links between abuse content and ‘offline’ harms, illegal activity (such as domestic abuse, terror and extremist content), and other forms of content harmful to children (such as violent content). We have also included evidence on the role of abuse and hate content in maintaining or increasing social inequalities experienced by children.
  - **The scope of ‘abuse and hate’ content:** We have clarified how abuse and hate content differs from other kinds of content that is sometimes characterised as abusive or hateful.
- A1.77 We explain the stakeholder feedback and expand on our rationale for these decisions in the following sub-section. In addition to these changes, we have also made a number of clarificatory changes throughout the section.

## Stakeholder feedback by theme

### New evidence

#### Stakeholder feedback

- A1.78 The Scottish Government provided evidence on children’s experience of online hate and abuse as a result of their actual or perceived sexual orientation.<sup>290</sup>
- A1.79 [§<]<sup>291</sup> and the Domestic Abuse Commissioner’s Office<sup>292</sup> provided evidence on the links associating abuse and hate content with extremist and terrorist ideologies and activities.
- A1.80 The Violence Against Women and Girls Sector Experts<sup>293</sup> provided evidence on the role that intersectionality plays in heightening the risk of abuse and hate content. It called for the specific issue of ‘misogynoir’ (the intersection between racism and misogyny targeted against black women) to be specifically named and addressed.

#### Our decision

- A1.81 We have assessed<sup>294</sup> and incorporated evidence provided by the Scottish Government under the ‘Gender and sexual orientation’ demographic risk factor in Section 5: Abuse and hate content.
- A1.82 We have assessed<sup>295</sup> and incorporated evidence on how abuse and hate content is linked to other forms of harm, including extremist and terror content, under the ‘Impacts’ sub-section and the ‘Service type’ risk factor of Section 5. Note that most extremist and terror content is illegal, covered by Section 1 of the [Illegal Harms Register](#).
- A1.83 We have assessed<sup>296</sup> and incorporated evidence provided by the Violence Against Women and Girls Sector Experts on intersectionality risks including misogynoir under the ‘Presence’ sub-section, and under our analysis of ‘User demographics’ and ‘Religion’ risk factors.

### Risk factors

#### Stakeholder feedback

- A1.84 The Domestic Abuse Commissioner’s Office argued that the draft Children’s Register section on Abuse and hate content should go further in representing the experiences of abuse and hate victims from minoritised communities and religious backgrounds.<sup>297</sup>
- A1.85 The Office of the Victims’ Commissioner for England and Wales argued that it is vital to recognise “homogeneity within groups and experiences” and apply this to our categorisation of risk. It suggested that we separate ‘gender identity’ and ‘sexual orientation’ in order to draw out the nuances and heterogeneity within experiences.<sup>298</sup>

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<sup>290</sup> [Scottish Government](#) response to May 2024 Consultation, pp.5-6.

<sup>291</sup> [§<]

<sup>292</sup> Domestic Abuse Commissioner’s Office] response to May 2024 Consultation, p.9.

<sup>293</sup> [VAWG Sector Experts](#) response to May 2024 Consultation, p.6.

<sup>294</sup> Our quality assurance criteria require sources to meet standards for method, reliability, ethics, independence and narrative. See the ‘Methodology’ sub-section of Section 1: Introduction to the Children’s Register of Risks for more detail.

<sup>295</sup> ‘Methodology’ sub-section of Section 1: Introduction to the Children’s Register of Risks.

<sup>296</sup> ‘Methodology’ sub-section of Section 1: Introduction to the Children’s Register of Risks.

<sup>297</sup> Domestic Abuse Commissioner’s Office response to May 2024 Consultation, pp.13-14.

<sup>298</sup> [Office of the Victims’ Commissioner for England and Wales](#) response to May 2024 Consultation, p.6.

- A1.86 The Office of the Victims' Commissioner also suggested that the Children's Register should discuss the need for services to be sensitive to risks associated with national and international events leading to 'spikes' in abuse and hate content. It cited evidence of an increase in the prevalence of hateful anti-Asian content in the wake of the Covid-19 pandemic, including hateful rhetoric labelling Covid-19 as the 'Chinese virus'.<sup>299</sup>

#### Our decision

- A1.87 Following a review of the Children's Register, we acknowledged that it would benefit from a fuller discussion of ethnicity as a risk factor for encountering abuse and hate content. We have, therefore, expanded our commentary of children from minority backgrounds under the 'ethnicity' risk factor. The 'ethnicity' risk factor now includes a fuller discussion of evidence from our Online Experiences Tracker, as well as wider evidence provided by stakeholders and sourced through our own desk review and quality assurance process.<sup>300</sup>
- A1.88 We have added a footnote to clarify why we have grouped some of the evidence about gender with evidence relating to sexual orientation, explaining that relevant available evidence looks at these demographic factors in combination.
- A1.89 We note that risk factors associated with 'spikes' in abuse and hate content following national and international events was a gap in the Children's Register when published in the May 2024 Consultation. We have, therefore, included evidence on the risks associated with external events, such as sporting fixtures, terror attacks and international conflicts, under the 'Presence' sub-section of Section 5: Abuse and hate content.

## The impacts of abuse and hate content

#### Stakeholder feedback

- A1.90 The Commissioner Designate for Victims of Crime Northern Ireland<sup>301</sup> and the Office of the Victims' Commissioner for England and Wales<sup>302</sup> highlighted wider impacts of abuse and hate content, including links to misogyny, racism and other forms of hatred.
- A1.91 [3<] noted that exposure to abuse and hate content can normalise discriminatory views and perpetuate inequalities.<sup>303</sup>

#### Our decision

- A1.92 In response to stakeholder commentary on the impacts of abuse and hate content, we have sought, quality assured and incorporated new evidence to support the following associations with abuse and hate content:
- 'Offline' forms of abuse, hate and discrimination (e.g., experience of direct discrimination in schools);
  - Illegal activity, including online and offline offences (e.g., relating to acts of violence such as domestic abuse and terrorism); and
  - Other types of content harmful to children (e.g., violent content).

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<sup>299</sup> [Office of the Victims' Commissioner for England and Wales](#) response to May 2024 Consultation, p.6.

<sup>300</sup> Our quality assurance criteria require sources to meet standards for method, reliability, ethics, independence and narrative. See the 'Methodology' sub-section of Section 1: Introduction to the Children's Register of Risks for more detail.

<sup>301</sup> [Commissioner Designate for Victims of Crime Northern Ireland](#) response to May 2024 Consultation, p.4.

<sup>302</sup> [Office of the Victims' Commissioner for England and Wales](#) response to May 2024 Consultation, p.2.

<sup>303</sup> [3<]



- A1.93 In light of feedback from [3<], we have included new evidence under the ‘Impacts’ sub-section of Section 5 (Abuse and hate content) demonstrating that abuse and hate content may contribute to the wider negative impacts of social inequality in children’s lives. We have also broadened our discussion of the specific impacts of social inequality, such as evidence of an increased risk of violence, poorer health and negative outcomes in educational and professional life.

## The scope of abuse and hate content

### Stakeholder feedback

- A1.94 Big Brother Watch raised concerns about the way in which hate speech is discussed in the Children’s Register, in particular how the section discusses the association between abuse and hate content and the normalisation of discriminatory attitudes.<sup>304</sup>
- A1.95 The Scottish Government referred to provisions included within the Hate Crime and Public Order (Scotland) Act 2021. The Scottish Government noted that anything that would meet the threshold for the Hate Crime and Public Order (Scotland) Act 2021 should also fall within the scope of material to be regulated under the Online Safety Act 2023.<sup>305</sup>
- A1.96 The Office of the Victims’ Commissioner for England and Wales<sup>306</sup> and the Domestic Abuse Commissioner’s Office<sup>307</sup> suggested that examples of abuse and hate content could be clearer and wider, in particular how they both differ from and relate to illegal harms.
- A1.97 GMCA provided feedback suggesting that young people may not be aware of what constitutes online hate speech. It also questioned the consideration of abuse and hate content as PC rather than PPC.<sup>308</sup>

### Our decision

- A1.98 We have not made any changes to the definition of ‘abuse and hate content’ in this section. Per the Act, the Children’s Register’s sole focus is on content which does not meet the threshold for hate offences,<sup>309</sup> but is nevertheless harmful to children.<sup>310</sup> More detail on how services should assess whether content amounts to illegal content can be found in the [Illegal Content Judgements Guidance](#) (ICJG).
- A1.99 However, we have clarified how abuse and hate content differs from other kinds of content that is sometimes characterised as abusive or hateful, for example, bullying content. We have also clarified the relationship between abuse and hate content, addressed in this section, and illegal harms addressed in the [Illegal Harms Register](#).
- A1.100 In response to feedback from GMCA, we acknowledged that evidence on children’s understanding about the nature of abuse and hate content was a gap in the Children’s Register when published the May 2024 Consultation. We have included evidence of how children may encounter or share hateful content without understanding the hateful nature of said content under the ‘Presence’ sub-section of Section 5: Abuse and hate content. We

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<sup>304</sup> [Big Brother Watch](#) response to May 2024 Consultation, p.6.

<sup>305</sup> [Scottish Government](#) response to May 2024 Consultation, pp.5-6.

<sup>306</sup> [Office of the Victims’ Commissioner for England and Wales](#) response to May 2024 Consultation, p.4.

<sup>307</sup> Domestic Abuse Commissioner’s Office] response to May 2024 Consultation, p.9

<sup>308</sup> [GMCA](#) response to May 2024 Consultation, p.5.

<sup>309</sup> See [Illegal Harms Register](#) Section 3.4-10 for an overview of relevant hate offences.

<sup>310</sup> As defined by section 62 of the Act.

are unable to re-categorise abuse and hate content as PPC, as suggested by GMCA. Definitions of PPC and PC are set out in the Act.<sup>311</sup>

## Bullying content

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A1.101 This sub-section addresses feedback made by respondents to our May 2024 Consultation on Volume 3, Section 7.5, our assessment of the causes and impacts of harms to children from bullying content.

### Summary of stakeholder feedback and our decisions

A1.102 We have grouped stakeholder feedback on our draft assessment of the risks associated with bullying content, and our decisions, as follows:

- **New evidence:** We have incorporated evidence on the cross-platform nature of bullying content, on the prevalence of bullying content, and on risks associated with fake profiles.

A1.103 We explain the stakeholder feedback and expand on our rationale for these decisions in the following sub-section. In addition to these changes, we have also made a number of clarificatory changes throughout the section.

### Stakeholder feedback by theme

#### New evidence

##### Stakeholder feedback

A1.104 The Office of the Children’s Commissioner for England provided evidence on the cross-platform nature of some bullying content.<sup>312</sup>

A1.105 The National Society for the Prevention of Cruelty to Children (NSPCC) provided evidence on risks associated with fake profiles in enabling bullying, suggesting that fake accounts are often used to impersonate victims, bypass account blocks or prolong harassment.<sup>313</sup>

A1.106 Internet Matters<sup>314</sup> and the Northern Ireland Commissioner for Children and Young People (NICCY)<sup>315</sup> – provided evidence on the nature, prevalence and impact of bullying content.

##### Our decision

A1.107 We have assessed<sup>316</sup> and incorporated evidence provided by the Office of the Children’s Commissioner for England on cross-platform bullying risks under the ‘Impacts’ sub-section in Section 6: Bullying content.

A1.108 We have assessed<sup>317</sup> and incorporated evidence provided by NSPCC on risks associated with fake profiles under the ‘User identification’ risk factor.

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<sup>311</sup> Sections 60-62 of the Act.

<sup>312</sup> [Office of the Children’s Commissioner for England](#) response to May 2024 Consultation, p.10.

<sup>313</sup> [NSPCC](#) response to May 2024 Consultation, pp.33-34.

<sup>314</sup> [Internet Matters](#) response to May 2024 Consultation, p.5.

<sup>315</sup> [NICCY](#) response to May 2024 Consultation, p.12.

<sup>316</sup> Evidence is quality assured for standards for method, reliability, ethics, independence and narrative. See the ‘Methodology’ sub-section of Section 1: Introduction to the Children’s Register of Risks for more detail.

<sup>317</sup> ‘Methodology’ sub-section of Section 1: Introduction to the Children’s Register of Risks.

A1.109 We have assessed<sup>318</sup> and incorporated evidence provided by Internet Matters and NICCY throughout Section 6: Bullying content.

## Violent content

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A1.110 This sub-section addresses feedback made by respondents to our May 2024 Consultation on Volume 3, Section 7.6, our assessment of the causes and impacts of harms to children from violent content.

### Summary of stakeholder feedback and our decisions

A1.111 Some stakeholders expressed support for our assessment of the causes and impacts of harms to children from violent content.<sup>319</sup> Others provided new evidence or feedback on our draft assessment of the risks associated with violent content. We have grouped stakeholder feedback and our decisions thematically, as follows:

- **Demographic risk factors:** We have included evidence showing that boys are at a higher risk of exposure to violent content.
- **Gaming services:** We have made no amendments to the Children’s Register in response to this stakeholder theme.
- **Violent animal content:** We have made no amendments to the Children’s Register in response to this stakeholder theme.
- **Violence against women and girls:** We have incorporated evidence on the wider implications of violent content in normalising violence against women and girls.
- **Encountering violent content:** We have included evidence on the ways in which children can inadvertently encounter violent content, e.g. through ‘click bait and switch’ content.

A1.112 We explain the detailed stakeholder feedback and expand on our rationale for these decisions in the following paragraphs. In addition to these amendments, we have also made a number of clarificatory changes throughout the section.

### Stakeholder feedback by theme

#### Demographic risk factors

##### Stakeholder feedback

A1.113 Internet Matters provided evidence to suggest that boys are at a higher risk of encountering violent content.<sup>320</sup>

A1.114 The Office of the Victims’ Commissioner for England and Wales recommended that we segregate our analysis of violent content risks by age group.<sup>321</sup>

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<sup>318</sup> ‘Methodology’ sub-section of Section 1: Introduction to the Children’s Register of Risks.

<sup>319</sup> [The Asia for Animals’ Social Media Animal Cruelty Coalition](#) (SMACC) response to May 2024 Consultation, p.1; [Nexus](#) response to May 2024 Consultation, p.4.

<sup>320</sup> [Internet Matters](#) response to May 2024 Consultation, p.5.

<sup>321</sup> [Office of the Victims’ Commissioner for England and Wales](#) response to May 2024 Consultation, p.7.

## Our decision

A1.115 We have assessed<sup>322</sup> evidence provided by Internet Matters and incorporated it within the ‘User demographic’ risk factor of Section 7: Violent content.

A1.116 We are unable to segregate the risks associated with individual harms by age group, as the evidence for this is limited. However, we discuss evidence of broader (non-harm-specific) risks associated with different age ranges in Section 17: Recommended age groups.

## Gaming services

### Stakeholder feedback

A1.117 [3K] contested our assessment of risks related to gaming services, describing it as a “misleading characterisation” that would disproportionately affect the gaming industry.<sup>323</sup>

## Our decision

A1.118 We did not receive stakeholder evidence to challenge our existing analysis of the risks associated with violent content on gaming services. We acknowledge that specific risks will differ between services. We expect service providers, including gaming services, to reflect risks specific to their service in their own risk assessment; refer to the Children’s Risk Assessment Guidance for Service Providers (Children’s Risk Assessment Guidance) for more detail on completing children’s risk assessments.

## Violent animal content

### Stakeholder feedback

A1.119 Asia for Animals’ Social Media Animal Cruelty Coalition expressed support for our inclusion of animal cruelty as a form of violent content.<sup>324</sup>

A1.120 GMCA raised concerns about potential links between viewing violent animal content and desensitisation to violence against humans.<sup>325</sup> An individual provided evidence to suggest that people who enjoy watching violent animal content “become a serious threat [sic] to other people, especially children”.<sup>326</sup>

## Our decision

A1.121 Content depicting violence against animals is a kind of priority content that is harmful to children under the Act.<sup>327</sup> However, we have not included evidence on the specific link between viewing violent animal content and desensitisation to broader types of violence, as there was no clear methodology to underpin the findings in the sources provided by the individual and GMCA did not provide evidence to support the point. We were not confident that the methodology was sufficiently robust to substantiate the argument and

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<sup>322</sup> Our quality assurance criteria require sources to meet standards for method, reliability, ethics, independence and narrative. See the ‘Methodology’ sub-section of Section 1: Introduction to the Children’s Register of Risks for more detail.

<sup>323</sup> [3K]

<sup>324</sup> [SMACC](#) response to May 2024 Consultation, p.1.

<sup>325</sup> [GMCA](#) response to May 2024 Consultation, p.4.

<sup>326</sup> Collins, P. response to May 2024 Consultation.

<sup>327</sup> Specifically, priority content that is harmful to children covers: content which depicts real or realistic serious violence against an animal; depicts the real or realistic serious injury of an animal in graphic detail; realistically depicts serious violence against a fictional creature or the serious injury of a fictional creature in graphic detail. See section 62(7) of the Act.

we could not find alternative sources which met our quality assurance criteria to support this association through desk research.

## Violence against women and girls

### Stakeholder feedback

- A1.122 The Office of the Victims' Commissioner for England and Wales argued that we should provide more detail on how exposure to violent content can lead to the normalisation and acceptance of violence against women and girls, including domestic abuse.<sup>328</sup>
- A1.123 NICCY highlighted a study detailing how online misogyny was one of the two most prevalent forms of violence faced by women.<sup>329</sup>
- A1.124 GMCA highlighted the use of online tools as a means to enable intimate partner violence. It recommended that we include discussion of content that facilitates teenage intimate partner violence, such as intimate image abuse with use of 'deepfake' GenAI tools.<sup>330</sup>

### Our decision

- A1.125 We acknowledge the lack of evidence in the Children's Register, as published in the May 2024 Consultation, on implications of some violent content in normalising gender-based violence. We have included new evidence and expanded our discussion of the wider implications of violent content, specifically violent pornography, in enabling gender-based violence (including domestic abuse). This evidence has been incorporated in the 'How violent content manifests online' sub-section of Section 7 (Violent content) and the 'Gender' risk factor, signposting to Children's Register Section 2 (Pornographic content).
- A1.126 We did not include evidence provided by NICCY on the prevalence of online misogyny, as the small sample size did not meet our quality assurance inclusion criteria.<sup>331</sup>
- A1.127 We recognise stakeholders' concerns regarding violence within intimate relationships involving children. In the limited number of circumstances where intimate partner violence within children's relationships is *not* illegal,<sup>332</sup> it is discussed in Sections 7 and 8 of the Guidance on Content Harmful to Children (Guidance on bullying content and Guidance on violent content). However, in most circumstances this type of content and behaviour would be illegal; threats of serious violence, the sharing of intimate images of children (including artificially generated images) and domestic abuse offences are captured by illegal harms duties. Refer to the [ICJG](#) for further detail on making judgements about whether content amounts to an illegal harm.

## Encountering violent content

### Stakeholder feedback

- A1.128 The Office of the Victims' Commissioner for England and Wales suggested that children's perceived impact of violent content does not match the actual impact.<sup>333</sup>

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<sup>328</sup> [Office of the Victims' Commissioner for England and Wales](#) response to May 2024 Consultation, pp.7-8.

<sup>329</sup> [NICCY](#) response to May 2024 Consultation, pp.16-17.

<sup>330</sup> [GMCA](#) response to May 2024 Consultation, pp.3-4.

<sup>331</sup> Our quality assurance criteria require sources to meet standards for method, reliability, ethics, independence and narrative. See the 'Methodology' sub-section of Section 1: Introduction to the Children's Register of Risks for more detail.

<sup>332</sup> This could include, for example, content that suggests that a child is being bullied or abused as a means of control as part of an intimate relationship.

<sup>333</sup> [Office of the Victims' Commissioner for England and Wales](#) response to May 2024 Consultation, p.7.

## Our decision

- A1.129 We do not have any evidence to support the difference between children’s perception of the impact of violent content, versus the actual impact. Therefore, we have not made any amendments to the Children’s Register on this point in response to feedback from the Office of the Victims’ Commissioner for England and Wales.

## Harmful substances content

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- A1.130 This sub-section addresses feedback made by respondents to our May 2024 Consultation on Volume 3, Section 7.7, our assessment of the causes and impacts of harms to children from harmful substances content.

## Summary of stakeholder feedback and our decisions

- A1.131 One stakeholder<sup>334</sup> supported the narrative proposed in the draft Children’s Register. Other stakeholders provided **new evidence** on children’s use of steroids and steroid-like substances, and on the presence of content promoting e-cigarettes which we have added to our risk assessment of harmful substances content.

## Stakeholder feedback by theme

### New evidence

#### Stakeholder feedback

- A1.132 CCDH provided evidence to suggest that user-to-user services may recommend content that exacerbates body image issues, suggesting that this may drive users towards purchasing harmful steroids or steroid-like substances.<sup>335</sup>
- A1.133 Common Sense Media also argued that social media services encourage the sale of steroids and steroid-like substances via recommender feeds that curate and promote adverts, groups and accounts selling harmful substances.<sup>336</sup>
- A1.134 Juul Labs Inc. supported the narrative proposed in the Children’s Register section on harmful substances and provided additional evidence on the link between social media and e-cigarette use.<sup>337</sup>

#### Our decision

- A1.135 We have included evidence on the impact of children using steroids or steroid-like substances in Section 8: Harmful substances content. We have also expanded our discussion of how this content is recommended to children in response to feedback from the Center for Countering Digital Hate and Common Sense Media under the ‘Presence’ sub-section.
- A1.136 We have also included new evidence provided by Juul Labs Inc. on the availability of content promoting e-cigarettes under the ‘Presence’ sub-section.

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<sup>334</sup> [Juul Labs Inc.](#) response to May 2024 Consultation, p.3.

<sup>335</sup> [CCDH](#) response to May 2024 Consultation, p.4.

<sup>336</sup> [Common Sense Media](#) response to May 2024 Consultation, p.8.

<sup>337</sup> [Juul Labs Inc.](#) response to May 2024 Consultation, pp.2-3.

## Dangerous stunts and challenges content

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A1.137 This sub-section addresses feedback made by respondents to our May 2024 Consultation on Volume 3, Section 7.8, our assessment of the causes and impacts of harms to children from dangerous stunts and challenges content. In addition to these amendments, we have also made a number of clarificatory changes throughout the section.

### Stakeholder feedback by theme

#### New evidence

##### Stakeholder feedback

A1.138 Internet Matters<sup>338</sup> provided further evidence to support our understanding of how gender influences the risk of a child encountering dangerous stunts and challenges content.

##### Our decision

A1.139 We have included the new evidence provided by Internet Matters on that boys are more likely to be exposed to content containing dangerous stunts or challenges than girls in the risk factor ‘User base demographics’ sub-section in Section 9: Dangerous stunts and challenges content.

## Non-designated content

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A1.140 Our response to stakeholder feedback in relation to non-designated content (NDC) is set out in full in Volume 2, Section 4. In this section we explain our updated framework for categorising NDC, we set out our final identification and categories of NDC and we discuss how we have considered user rights in our final categorisation of NDC.

## Search services

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A1.141 We did not receive any relevant stakeholder feedback<sup>339</sup> on Volume 3, Section 7.10, our assessment of the risks specific to search services.

A1.142 However, we did receive responses to the November 2023 Illegal Harms Consultation (November 2023 Consultation) that led to changes to the Search services chapter of our Illegal Harms Register. We have replicated relevant changes in the Children’s Register, including:

- We have added further evidence to the ‘Search query inputs’ sub-section of Section 12 (Search services), highlighting that those who actively seek out harmful content may be more vulnerable to experience or cause harm as a result.
- We have added further commentary to the sub-section ‘How harm manifests on search services’ of Section 12 (Search services), in particular focusing on how harm occurs as a result of encountering content harmful to children via search services and how other

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<sup>338</sup> [Internet Matters](#) response to May 2024 Consultation, p.5.

<sup>339</sup> [Inkbunny](#) response to May 2024 Consultation, p.3, noted that its predictive autocomplete for keyword tagging is differentiated to reduce the likelihood that inappropriate words are suggested for “general-rated work”. However, as this does not change our assessment of the risks associated with autocomplete functions more widely, we have not detailed this stakeholder response in this annex.



sections of the Children’s Register on user-to-user services can provide useful information.

- We have provided further commentary to the ‘Service types’ sub-section of Section 12 (Search services) to provide further clarity on the distinctions between general and vertical search services.
- We have included commentary of how GenAI may be relevant to risks posed to children on search services.
- We have added further evidence to the ‘Search query inputs’ sub-section of Section 12 (Search services), highlighting that those who actively seek out harmful content may be more vulnerable to experience or cause harm as a result.
- We have added further commentary to the sub-section ‘How harm manifests on search services’ of Section 12 (Search services), in particular focusing on how harm occurs as a result of encountering content harmful to children via search services and how other sections of the Children’s Register on user-to-user services can provide useful information.
- We have provided further commentary to the ‘Service types’ sub-section of Section 12 (Search services) to provide further clarity on the distinctions between general and vertical search services.
- We have included commentary of how GenAI may be relevant to risks posed to children on search services.

A1.143 For more details on relevant stakeholder feedback on the draft Illegal Harms Register of Risks, refer to the [December 2024 Statement on Protecting People from Illegal Harms Online](#). We have also made a number of clarificatory changes throughout the section.

## Governance, systems and processes

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A1.144 This sub-section addresses feedback made by respondents to our May 2024 Consultation on Volume 3, Section 7.11, our assessment of how the governance structures, systems and processes of a service may be relevant to the risk of harm to children on that service.

## Summary of stakeholder feedback and our decisions

A1.145 We have grouped stakeholder feedback on our draft assessment of governance, systems and processes, alongside our decisions, as follows:

- **New evidence:** We have incorporated new evidence about children’s use of reporting systems to the ‘User reporting and complaints’ sub-section of Section 13: Governance, systems and processes. We have also included evidence on the risks of lesser-used languages in bypassing content moderation systems.
- **Potential mitigations to system and process risk factors:** We have made no amendments to the Children’s Register in response to this stakeholder theme.

A1.146 We explain the detailed stakeholder feedback and expand on our rationale that led us to these decisions in the following paragraphs. In addition to these amendments, we have also made a number of clarificatory changes throughout the section.

## Stakeholder feedback by theme

### New evidence

#### Stakeholder feedback

- A1.147 Internet Matters<sup>340</sup> and the Children’s Commissioner for Wales<sup>341</sup> provided evidence about children’s use of reporting systems.
- A1.148 Ofcom’s Advisory Committee for Wales presented evidence on the risks that lesser-used languages, such as Welsh, can be used to bypass content moderation systems.<sup>342</sup>

#### Our decision

- A1.149 We have assessed<sup>343</sup> evidence provided by Internet Matters and the Children’s Commissioner for Wales. Both sources have been included under the ‘User reporting and complaints’ sub-section of Section 13: Governance, systems and processes.
- A1.150 We also assessed evidence provided by Ofcom’s Advisory Committee for Wales, which has been included under the ‘Content moderation (user-to-user)’ sub-section of Section 13: Governance, systems and processes.

### Potential mitigations to system and process risk factors

#### Stakeholder feedback

- A1.151 Snap Inc. raised that fewer content moderation resources should not be presented as a risk “in and of itself”. It noted that while deploying fewer content moderation resources may increase the risk of exposure to content harmful to children, this risk can be mitigated by other factors such as service design.<sup>344</sup>

#### Our decision

- A1.152 We acknowledge that specific risks will differ between services. Therefore, it is open to services to consider the risks identified in the context of their specific service design in their own risk assessments.
- A1.153 Our Children’s Risk Assessment Guidance is intended to support service providers to conduct their own children’s risk assessments and accurately reflect the risks relevant to their service. We refer services to the guidance for more detail on the process required to complete risk assessments.

## Business models and commercial profiles

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- A1.154 This sub-section addresses feedback made by respondents to our May 2024 Consultation on Volume 3, Section 7.12, our assessment of how a service’s revenue model, growth strategy or commercial profile may be linked to risks of children encountering harmful content.

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<sup>340</sup> [Internet Matters](#) response to May 2024 Consultation, p.14.

<sup>341</sup> [Children’s Commissioner for Wales](#) response to May 2024 Consultation, p.3.

<sup>342</sup> [Ofcom’s Advisory Committee for Wales](#) response to May 2024 Consultation, p.2.

<sup>343</sup> Our quality assurance criteria require sources to meet standards for method, reliability, ethics, independence and narrative. See the ‘Methodology’ sub-section of Section 1: Introduction to the Children’s Register of Risks for more detail.

<sup>344</sup> [Snap Inc.](#) response to May 2024 Consultation, p.8.

## Summary of stakeholder feedback and our decisions

- A1.155 Some stakeholders expressed support for our analysis of the role that business models play in the risks associated with content harmful to children.<sup>345</sup> Other stakeholders expressed concern about our assessment, or provided additional context or considerations for this section of the Children’s Register.
- A1.156 We have grouped stakeholder feedback on our draft assessment of business models, alongside our decisions, as follows:
- **Gaps in analysis:** We have included a reference to the role of recommender systems in service business models.
  - **Other commercial considerations:** We have not made any changes to the Children’s Register in response to this theme of stakeholder feedback.
- A1.157 We explain the detailed stakeholder feedback and expand on our rationale that led us to these decisions in the following paragraphs. We have also made a number of clarificatory changes throughout the section.

## Stakeholder feedback by theme

### Gaps in analysis

#### Stakeholder feedback

- A1.158 Global Action Plan argued that ‘surveillance advertising’ should be outlawed to remove the commercial incentive for services to develop design features that favour engagement over child safety.<sup>346</sup>
- A1.159 CCDH argued that there was a gap in our analysis of the relationship between recommender systems, business models and the dissemination of content harmful to children.<sup>347</sup>
- A1.160 The Molly Rose Foundation suggested that the section underplayed the role that business models play in the commercial and design decisions of services. It cited a service case study that had focused on growth to the detriment of user safety.<sup>348</sup>
- A1.161 The Online Safety Act Network suggested that the Children’s Register did not adequately discuss the route by which content creators are incentivised to generate more provocative (and potentially harmful) content in order to increase their monetisation revenue.<sup>349</sup>

#### Our decision

- A1.162 We have reviewed the Children’s Register with regard to income generation through advertising. Risks posed by advertising incentives are outlined in the ‘Revenue models’ subsection of Section 14 (Business models and commercial profiles), including discussion of how children contribute to a significant share of the advertising revenues of many services.

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<sup>345</sup> [Big Brother Watch](#) response to May 2024 Consultation, pp.5-6; [Commissioner Designate for Victims of Crime Northern Ireland](#) response to May 2024 Consultation, p.6.

<sup>346</sup> [Global Action Plan](#) response to May 2024 Consultation, p.1.

<sup>347</sup> [CCDH](#) response to May 2024 Consultation, p.8.

<sup>348</sup> [Molly Rose Foundation](#) response to May 2024 Consultation, pp.30-32.

<sup>349</sup> [Online Safety Act Network \(2\)](#) response to May 2024 Consultation, pp.19-20.

It is not within the remit of our risk assessment powers to go further than this and suggest that certain commercial practices should not be lawful.

- A1.163 We note concerns highlighted by CCDH and the Molly Rose Foundation regarding risks associated with commercial mechanisms and suicide and self-harm content. We have amended Section 14 of the Children’s Register (Business models and commercial profiles) to include a signpost to Section 16 (Wider contexts to understanding risk factors). In Section 16 we discuss risks associated with recommender systems, we have added a signpost to make the relationship between business models and service design clearer.
- A1.164 We have reviewed the Children’s Register with regard to financial incentives for content creators. We feel that this risk is sufficiently addressed in the ‘Revenue models’ sub-section, in which we describe how content creators may be incentivised to disseminate harmful content, if such content drives engagement and hence their earnings.<sup>350</sup>

## Other commercial considerations

### Stakeholder feedback

- A1.165 Snap Inc.<sup>351</sup> and Inkbunny<sup>352</sup> argued that it is important not to conflate growth strategies and business incentives across industry. They described elements of their commercial strategies that incentivise measures to mitigate risks of harms, for example, corporate philosophy and efforts to promote brand trust.

### Our decision

- A1.166 We note that incentive structures across industry are not homogeneous. Some services will have wider incentives to minimise harms to users, including children; Section 13 of the Children’s Register (Governance, systems and processes) assesses evidence for how a service’s governance structures, systems and processes may be relevant to the risk of harm that children experience on a service. Providers are required to conduct risk assessments to reflect the specific risk factors relevant to their service(s). Refer to the Children’s Risk Assessment Guidance for further detail.

## Features and functionalities affecting time spent using services

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- A1.167 This sub-section addresses feedback made by respondents to our May 2024 Consultation on Volume 3, Section 7.13, our assessment of the risk of harm to children from features and functionalities affecting time spent using services.

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<sup>350</sup> See Section 14 of the Children’s Register which states: “Content creators typically earn money on social media from advertising, in proportion to their number of followers. This means they face similar financial incentives to services, whose revenue depends on number of users and/or user engagement, and so they can be incentivised to create harmful or extreme content, if such content drives their followers and hence their earnings. Services are then incentivised to recommend such engaging content to users (including children) to sustain their revenue. For instance, evidence shows that hateful and misogynistic videos posted by content creators can be popular on social media and are recommended to young users without them having proactively ‘liked’ or searched for such content”.

<sup>351</sup> [Snap Inc.](#) response to May 2024 Consultation, p.8.

<sup>352</sup> [Inkbunny](#) response to May 2024 Consultation, pp.3-4.

## Summary of stakeholder feedback and our decisions

A1.168 We have grouped stakeholder feedback on our draft assessment of features and functionalities affecting time spent using services, and our decisions, as follows:

- **New evidence:** We have made no amendments to the Children’s Register in response to this stakeholder theme.
- **Risks associated with persuasive features and functionalities:** We have made no amendments to the Children’s Register in response to this stakeholder theme.

A1.169 We explain the detailed stakeholder feedback and expand on our rationale that led us to these decisions in the following paragraphs. Note that broader stakeholder feedback relating to persuasive design is discussed in the accompanying Statement section (Volume 2, Section 4). In addition to these amendments, we have also made a number of clarificatory changes throughout the section.

## Stakeholder feedback by theme

### New evidence

#### Stakeholder feedback

A1.170 Common Sense Media,<sup>353</sup> [X]<sup>354</sup> and 5Rights Foundation<sup>355</sup> provided evidence of negative impacts of social media design on children’s wellbeing.

A1.171 Health Professionals for Safer Screens<sup>356</sup> provided case studies indicating that high levels of anxiety among children may be exacerbated by heavy smartphone use.

A1.172 The Office of the Children’s Commissioner for England<sup>357</sup> provided evidence of children expressing concern that some online services are addictive as a result of design factors.

#### Our decision

A1.173 We have assessed evidence provided by Common Sense Media, the Office of the Children’s Commissioner for England, 5Rights Foundation, Health Professionals for Safer Screens and [X]. We have not incorporated the evidence cited as it is not directly linked to the risk of children’s exposure to harmful content (as defined by the Act), and therefore it is not within the remit of our risk assessment. We were unable to identify other relevant inferences or insights that might indicate types of harm (defined by the Act) that could result from time spent online. The scope of the Children’s Register is discussed in more detail in Section 1: Introduction to the Children’s Register of Risks.

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<sup>353</sup> [Common Sense Media](#) response to May 2024 Consultation, pp.2-3.

<sup>354</sup> [X]

<sup>355</sup> [5Rights Foundation](#) response to May 2024 Consultation, p.5.

<sup>356</sup> [Health Professionals for Safer Screens](#) response to May 2024 Consultation, pp.4-6.

<sup>357</sup> [Office of the Children’s Commissioner for England](#) response to May 2024 Consultation, p.7.

## Risks associated with persuasive features and functionalities

### Stakeholder feedback

- A1.174 Several stakeholders (5Rights Foundation,<sup>358</sup> Common Sense Media,<sup>359</sup> Health Professionals for Safer Screens<sup>360</sup> and [X]<sup>361</sup>) argued that the direct impacts of persuasive design features and, in particular, the ways in which they may undermine children’s wellbeing are not adequately assessed by the Children’s Register.
- A1.175 The Office of the Children’s Commissioner for England encouraged us to consider features associated with the development of “addictive behaviours” on gaming platforms, in particular, as an “additional risk factor” for content harmful to children.<sup>362</sup>
- A1.176 On the other hand, Snap Inc. stated that screentime is not proven to be a risk in and of itself, but rather it is the nature of the user’s activity online that gives rise to harm. Snap Inc. suggested that features and functionalities affecting time online are only a risk factor if the service does not have effective harm-mitigation measures in place.<sup>363</sup>

### Our decision

- A1.177 Section 15 of the Children’s Register (Features and functionalities affecting time spent using services) assesses evidence to suggest that service design and functionalities are applied to increase the time and frequency with which children use services. The evidence shows that features which are designed to influence the time children spend online also increase their risk of being exposed to harmful content. However, we consider that Ofcom’s risk assessment duties require Ofcom to focus on the “characteristics of different kinds of Part 3 services” that are relevant to “the risk of harm to children in the United Kingdom, in different age groups, presented by content that is harmful to children”.<sup>364</sup> This means that Ofcom should focus on characteristics and other relevant factors that may increase the likelihood that children encounter harmful content, or may increase the severity of impact of their exposure to harmful content. In light of this, we do not consider that risks associated with excessive screentime in and of itself (i.e. even where this is not connected to risks relating to harmful content) is something that is in scope of Ofcom’s duties under the Act.
- A1.178 Due to this, we have not amended Section 15 of the Children’s Register (Features and functionalities affecting time spent using services) to assess the risks posed by “excessive screentime” as a category of harm, in and of itself. See Volume 2, Section 4 for a fuller discussion of these considerations with regards to the Children’s Register. We also discuss these issues in greater detail, including our considerations for future research to inform Children’s Protection of Children Codes, in Volume 4, Section 9 (Overview of Children’s Codes).
- A1.179 In response to Snap Inc.’s feedback, we consider that we have struck an appropriate balance in the Children’s Register, so as not to deem any feature or functionality as ‘inherently’ harmful. For example, under the sub-section ‘Considering time spent using

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<sup>358</sup> [5Rights Foundation](#) response to May 2024 Consultation, p.5.

<sup>359</sup> [Common Sense Media](#) response to May 2024 Consultation, p.2.

<sup>360</sup> [Health Professionals for Safer Screens](#) response to May 2024 Consultation, p.3.

<sup>361</sup> [X]

<sup>362</sup> [Office of the Children’s Commissioner for England](#) response to May 2024 Consultation, p.7.

<sup>363</sup> [Snap Inc.](#) response to May 2024 Consultation, p.12.

<sup>364</sup> Section 98(1)(c) and (2) of the Act.

services’ (in Section 15 of the Children’s Register), we state that “we do not consider any level of use, or any feature or functionality, as inherently harmful”. However, evidence suggests that service features and functionalities designed to maximise the time users spend on the service are a vector for heightening the risk of children’s exposure to harmful content, and where relevant we have addressed these features and functionalities in Section 15 of the Children’s Register. Therefore, we do not consider the need to make any amendments to the Children’s Register on this point of stakeholder feedback.

## Wider context to understanding risk factors

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A1.180 This sub-section addresses feedback made by respondents to our May 2024 Consultation on Volume 3, Section 7.14, our assessment of the wider context to understanding risk factors. This section explores broader dynamics which cut across different kinds of harmful content, including our analysis of the risks associated with recommender systems, the size and composition of a service’s user base, media literacy competencies among service users and GenAI.

## Summary of stakeholder feedback and our decisions

A1.181 We have grouped stakeholder feedback on our draft assessment of the wider context to understanding risk factors, and our decisions, as follows:

- **New evidence:** We have incorporated new evidence on the risk of children viewing sexually suggestive content via recommender feeds; on the risk of children viewing self-harm and eating disorder content via recommender feeds; on the strategies that teenage girls employ to avoid harmful content via recommender feeds; and we have included case studies to evidence the role that GenAI models may play in increasing the risk of suicide and self-harm content.
- **Challenges to the evidence base or conclusions:** We have made no amendments to the Children’s Register in response to this stakeholder theme.

A1.182 We explain the detailed stakeholder feedback and expand on our rationale that led us to these decisions in the following paragraphs. In addition to these amendments, we have also made a number of clarificatory changes throughout the section.

## Stakeholder feedback by theme

### New evidence

#### Stakeholder feedback

A1.183 Several stakeholders provided new evidence:

- The Canadian Centre for Child Protection (C3P)<sup>365</sup> and CCDH<sup>366</sup> provided evidence on how harmful content (including sexually suggestive content, suicide and self-harm content and eating disorder content) is recommended to children on user-to-user services.

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<sup>365</sup> [C3P](#) response to May 2024 Consultation, pp.28-29.

<sup>366</sup> [CCDH](#) response to May 2024 Consultation, p.6.



- The Scottish Government provided evidence to suggest that children employ strategies to reduce the rate with which they are shown harmful content via recommender feeds.<sup>367</sup>
- Samurai Labs provided evidence on the role that GenAI plays in facilitating self-harm and suicidal behaviours.<sup>368</sup>

#### Our decision

A1.184 We have assessed<sup>369</sup> evidence provided by the C3P, CCDH and the Scottish Government. All three pieces of evidence have been added to the to the ‘How recommender systems work, and why they pose a risk’ sub-section in Section 16: Wider contexts to understanding risk factors.

A1.185 Evidence provided by Samurai Labs did not meet our quality assurance criteria.<sup>370</sup> However, we have incorporated alternative evidence, which met our quality assurance criteria, to the ‘Risk of harm to children from GenAI’ sub-section. This evidence details the same case study to indicate the role of GenAI models in increasing the risk of vulnerable users encountering suicide and self-harm content.

A1.186 We have also clarified circumstances when GenAI tools and content are covered by child safety duties under the Act.

### Challenges to the evidence base or conclusions

#### Stakeholder feedback

A1.187 Big Brother Watch<sup>371</sup> challenged our assessment of wider risk factors, suggesting that our analysis goes too far and risks pressuring providers to over-censor and place content under surveillance.

A1.188 Snap Inc.,<sup>372</sup> [X],<sup>373</sup> TikTok<sup>374</sup> and Google<sup>375</sup> suggested that we give greater consideration to context and function when assessing risks posed by recommender systems. They highlighted benefits that recommender systems can deliver, such as helping younger users discover engaging and age-appropriate content, and minimising the chance they will be exposed to harmful content.

#### Our decision

A1.189 The Children’s Register does not set out to make value judgements about whether a particular feature or functionality is ‘inherently’ harmful. The Children’s Register analyses evidence of links between service characteristics and risk of harm to children. Where we

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<sup>367</sup> [Scottish Government](#) response to May 2024 Consultation, p.18.

<sup>368</sup> [Samurai Labs](#) response to May 2024 Consultation, p.3.

<sup>369</sup> Our quality assurance criteria require sources to meet standards for method, reliability, ethics, independence and narrative. See the ‘Methodology’ sub-section of Section 1: Introduction to the Children’s Register of Risks for more detail.

<sup>370</sup> ‘Methodology’ sub-section of Section 1: Introduction to the Children’s Register of Risks.

<sup>371</sup> [Big Brother Watch](#) response to May 2024 Consultation, pp.5-6.

<sup>372</sup> [Snap Inc.](#) response to May 2024 Consultation, p.8.

<sup>373</sup> [X]

<sup>374</sup> [TikTok](#) response to May 2024 Consultation, pp.9-10.

<sup>375</sup> [Google](#) response to May 2024 Consultation, pp.38-39.

identify a relationship between a characteristic and harm, we consider that characteristic to be a risk factor.<sup>376</sup>

A1.190 Specifically, we state that recommender systems can “deliver a range of benefits to users. For example, recommender systems can personalise each user’s experience by helping them find content they are likely to enjoy and should be considered in the context of a service’s ecosystem”. We therefore consider that an appropriate balance has been struck and we have not made any amendments to this section in response to the above feedback.

## Recommended age groups

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A1.191 This sub-section addresses feedback made by respondents to our May 2024 Consultation on Volume 3, Section 7.15, our proposed approach to considering the risk to children in different age groups.

A1.192 Note that stakeholder feedback<sup>377</sup> on ‘evolving capacities’ and discussion of our revised assessment of the risks, rights and capacities of older age groups are set out in Volume 2, Section 4 of our Statement under feedback on recommended age groups.

## Summary of stakeholder feedback and our decisions

A1.193 We have grouped stakeholder feedback on our draft recommended age groups, and our decisions, as follows:

- **New evidence:** We have included evidence on feelings of safety among children in different age groups.
- **Requests for clarity or further research:** We have clarified that evidence on children’s ‘online presence’ includes time spent online to do schoolwork and homework.
- **Suggested amendments to age groupings:** We have made no amendments to the Children’s Register in response to this stakeholder theme.

A1.194 We explain the stakeholder feedback and expand on our rationale that led us to these decisions in the following sub-section. In addition to these amendments, we have also made a number of clarificatory changes throughout the section.

## Stakeholder feedback by theme

### New evidence

#### Stakeholder feedback

A1.195 The Office of the Children’s Commissioner for England provided evidence from ‘The Big Ambition’ survey detailing the levels of safety among different age groups felt by children when they go online.<sup>378</sup>

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<sup>376</sup> Refer to the corresponding Statement section (Volume 2: Section 4) for a more detailed discussion of the Children’s Register’s aims, methodology and legal scope.

<sup>377</sup> [5Rights Foundation](#) response to May 2024 Consultation, p.5; [Children and Young People’s Commissioner Scotland](#) response to May 2024 Consultation, p.8.

<sup>378</sup> [Office of the Children’s Commissioner for England](#) response to May 2024 Consultation, p.11.

A1.196 NSPCC highlighted a gap in the evidence base on the online experiences of younger age groups and provided evidence on the online experiences of children under six years old.<sup>379</sup>

#### **Our decision**

A1.197 We have assessed<sup>380</sup> and incorporated evidence provided by the Office of the Children's Commissioner for England on feelings of safety among different age groups into Section 17: Recommended age groups.

A1.198 We agree with NSPCC that there is a gap in the evidence base around the online experiences of children aged six or under. There are challenges with capturing data on this age group. We are exploring the potential for our children's media literacy tracking survey to be able to gather more data on the online experiences of children aged six or under.

A1.199 We reviewed evidence provided by NSPCC on children aged six and under; however, the research contained (on parents' views on screentime guidance for early childhood) is outside of the remit of the Children's Register as it does not relate to harms to children from use of services likely to be in scope of the Act.

### **Requests for clarity or further research**

#### **Stakeholder feedback**

A1.200 The Centre for Excellence for Children's Care and Protection (CELCIS) asked for clarity on whether 'online presence' includes time spent online for educational purposes.<sup>381</sup>

#### **Our decision**

A1.201 We have added a footnote into the 'Online presence' sub-section to clarify that evidence relating to 'online presence' includes time spent online to do schoolwork or homework.

### **Suggested amendments to age groupings**

#### **Stakeholder feedback**

A1.202 Derbyshire Police<sup>382</sup> and an individual<sup>383</sup> suggested that we expand the 'transition years' age group to children from 10-12 years old to 9-12 years old. This suggestion was made based on evidence that device usage shifts from tablets to mobile phones among nine-year-olds.

#### **Our decision**

A1.203 We have reviewed the evidence cited, which shows that the use of phones by children aged six to nine is significantly lower than children aged 10 and over. We have therefore decided not to make an amendment to the recommended age groups. We will continue to track device usage by age, to understand any change in device use.

A1.204 However, our proposed age groupings are based on evidence of online presence alongside other factors, including social and cognitive development stages. Therefore, device usage

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<sup>379</sup> [NSPCC](#) response to May 2024 Consultation, p.10.

<sup>380</sup> Our quality assurance criteria require sources to meet standards for method, reliability, ethics, independence and narrative. See the 'Methodology' sub-section of Section 1: Introduction to the Children's Register of Risks for more detail.

<sup>381</sup> [Centre for Excellence for Children's Care and Protection](#) response to May 2024 Consultation, p.4

<sup>382</sup> [Derbyshire Police](#) response to May 2024 Consultation, p.5

<sup>383</sup> [Dean, J.](#) response to May 2024 Consultation, p.6.

alone is not the only rationale underpinning our assessment of risks posed to different age groups.

## Other stakeholder feedback

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A1.205 Here we address wider stakeholder feedback on the Children’s Register, which was not made in relation to a specific harm or section. This sub-section covers stakeholder feedback on parents’ views on restricting smartphone and social media use, loot boxes, immersive technologies and mis- and disinformation.

### Stakeholder feedback by theme

#### Parents’ views on restricting smartphone and social media use

##### Stakeholder feedback

A1.206 Internet Matters provided evidence on parents’ views on restricting smartphone and social media use, finding that parents would rather manage risks with use of parental controls than ban or restrict their child’s use of devices.<sup>384</sup>

##### Our decision

A1.207 Parents’ views on restricting their children’s smartphone and social media use are not within the scope of our risk assessment, therefore we have not included this evidence in the Children’s Register.

#### Loot boxes

##### Stakeholder feedback

A1.208 [X] requested clarity on whether the risks posed by loot boxes or other paid services on gaming platforms are covered by risk assessment provisions in the Act.<sup>385</sup>

##### Our decision

A1.209 Financial harms generated by loot boxes are not a type of physical or psychological harm in scope of the Act. However, if there were robust evidence that loot boxes are part of a service’s commercial strategy to incentivise use (and therefore influencing the risk of children’s exposure to harmful content) then it would fall within the remit of the Children’s Register. We do not have robust evidence to support this, at present, so we have not proposed any updates to the Children’s Register on loot boxes.

#### Immersive technologies

##### Stakeholder feedback

A1.210 NSPCC provided evidence on the risks posed to children by immersive technologies.<sup>386</sup>

##### Our decision

A1.211 Evidence contained within the paper on immersive technology, cited by NSPCC, relates to illegal harms (grooming and child sexual abuse). It is already referenced in paragraph 2.46

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<sup>384</sup> [Internet Matters](#) response to May 2024 Consultation, p.10.

<sup>385</sup> [X]

<sup>386</sup> [NSPCC](#) response to May 2024 Consultation, p.7.

(Child Sexual Abuse and Exploitation) of the [Illegal Harms Register](#) under our analysis of the risks posed by virtual reality and AR.

## Misinformation and disinformation

### Stakeholder feedback

A1.212 Polis Analysis,<sup>387</sup> [§]<sup>388</sup> and techUK<sup>389</sup> expressed concern about use of GenAI to generate mis- and disinformation. techUK further noted that GenAI may facilitate data breaches; it advocated for a balanced approach to moderation which does not compromise user privacy and freedom of expression.

### Our decision

A1.213 Securing compliance with data protection legislation, such as the UK GDPR, is a matter for the Information Commissioner's Office (ICO). Therefore, issues relating to data breaches fall outside the remit of our risk assessment duties and instead are a matter for the ICO.

A1.214 We have not incorporated evidence or commentary relating to mis- and disinformation where it does not relate to harm to children defined by the Act. Where certain forms of mis- and disinformation *do* relate to content harmful to children (such as some types of eating disorder, abuse and hate, dangerous challenges, and harmful substances content) it is addressed in relevant sections of the Children's Register.

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<sup>387</sup> [Polis Analysis](#) response to May 2024 Consultation, pp.2-3.

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<sup>389</sup> [techUK](#) response to May 2024 Consultation, p.7.

# A2. Guidance on Content Harmful to Children – responding to stakeholder feedback

## Introduction

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- A2.1 This annex addresses feedback provided by respondents in response to our [May 2024 Consultation on Protecting Children from Harms Online](#) (May 2024 Consultation) in relation to the draft Guidance on Content Harmful to Children.
- A2.2 We received extensive feedback from stakeholders when we published a draft of the Guidance on Content Harmful to Children in May 2024. Over the past year, we have carefully reviewed these responses and conducted follow-up research and engagement to update and clarify parts of our guidance to support service providers that may need to make judgements about whether content on their service amounts to content that is harmful to children as defined in the Online Safety Act (the Act).
- A2.3 The purpose of this annex is to discuss all stakeholder feedback that addressed the specific sections of the guidance and to set out which feedback led us to make amendments. Our approach to the Guidance on Content Harmful to Children (Volume 2, Section 6) discusses stakeholder responses to our overall approach to the Guidance on Content Harmful to Children and other cross-cutting themes of feedback.
- A2.4 The annex reviews each section in turn, outlines the stakeholder feedback received by theme, and outlines our decisions.

## Guidance on pornographic content

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### Summary of stakeholder feedback and our decisions

- A2.5 This section addresses feedback made by respondents to the [May 2024 Consultation](#) to our guidance on pornographic content. We have grouped stakeholder feedback and our decisions thematically, as follows:
- **Augmented reality, virtual reality and metaverse harms/generative artificial intelligence (GenAI) and ‘deepfake’ pornography:** We have added a line to paragraph 2.2 to clarify that all content examples in Tables 2.2 and 2.3 can be read to include synthetic image, video and audio content. We have also included paragraph 2.12 to expand on this for clarity.
  - **Risk of violence against women and girls:** We have not made any changes to the guidance based on this feedback.
  - **Dramatic purpose:** We have made changes to clarify the example around ‘dramatic content’.
  - **Broad definition and over-regulation:** We have made an addition to Table 2.1 key terms to include ‘Sexually suggestive or sexualised content’.

- **Challenge to legal definitions:** We have not made any changes to the guidance based on this feedback.
- **Audio pornography:** We have made a change to the guidance in Table 2.2 to include a further category of ‘Explicit audio material’ and added a content example. We have also included a further content example of audio pornography that may not be considered harmful in Table 2.3.
- **Educational non-pornographic content:** We have made a change to the guidance in Table 2.3 to include a further content example of ‘Educational material which includes imagery of, or discussion about, anatomy, nudity or sexual activity’.
- **Sexual wellness products:** We have made an addition to Table 2.3 to include “Marketing material and depictions used for the promotion and sale of sex toys and sexual wellness products” and a relevant content example.

A2.6 We explain these stakeholder themes and our rationale that led us to these decisions in the following sub-section.

A2.7 In addition to the above changes, we have amended lines in relation to exposed nipple within the context of “detailed breast” in Table 2.2, as well as including reference to “semi-nudity” with sexually explicit ASMR content. This has been done to reflect the nuance of the types of content encountered within the pornography industry, and to provide further clarity to providers in the guidance. We have also made a number of clarificatory changes throughout the section, as well as ensuring our ‘Relevant illegal content’ sub-section is aligned with the published version of the [Illegal Content Judgements Guidance](#) (ICJG).

## Stakeholder feedback by theme

### Augmented reality, virtual reality and metaverse harms

A2.8 The Institution of Engineering and Technology raised concerns regarding the emergence of harms in hyper-immersive experience such as through augmented reality (AR), virtual reality (VR) and the metaverse, stating “Harms in these digital forums are human-to-human, inter-personal behaviours. Activity here is ‘conduct’ as ‘content’, and when negative experiences occur, it is similar to the experience of something happening in the real world. [...] The language around online safety is still too focussed on 2D interaction and not immersive behaviour, causing ambiguity.”<sup>390</sup>

#### Our decision

A2.9 Having considered this feedback, we have made changes to the guidance. We recognise the potential for harms to develop alongside the advent and proliferation of new technologies becoming more readily available to the public and children. The purpose of this guidance is to illustrate what the content is, and we recognise that VR environments are distinct from other user interfaces, and by definition present a different format that harms may manifest in. However, we would expect that such harms would still fall into the identified categories of this guidance. To ensure this is clear to providers, we have included paragraph 2.12 explaining that pornographic content may include synthetic image, video or audio content. We have also added an additional sentence in paragraph 2.2, stating all

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<sup>390</sup> Institution of Engineering and Technology response to May 2024 Consultation, p.4.



content examples provided in the tables should be read to include image, video and audio content that is synthetic. This includes material generated in or for virtual environments.

## Generative artificial intelligence and ‘deepfake’ pornography

- A2.10 Two stakeholders raised concerns about the availability of AI-generated pornographic content on pornography sites. Barnardo’s further explained that “According to the Europol Innovation Lab Observatory, by 2025 it is expected that 90% of all content available on the internet will be produced with the help of AI, and research suggests that high proportions of pornographic content will soon be developed using generative-AI.”<sup>391</sup> The response also highlighted the risk of pornographic ‘deepfakes’ (AI-generated pornographic images based on likenesses of real people), particularly for women and girls, and that GenAI pornography can create an escalation pathway to more extreme pornography, contributing to increased risk of harmful sexual behaviour in children and adults.
- A2.11 The Centre to End All Sexual Exploitation (CEASE) also referenced the proliferation of harmful ‘nudifying’<sup>392</sup> apps and tools, as well as forums, sites and instructional content on how to generate ‘deepfake’ content on non-consenting third parties.<sup>393</sup>

### Our decision

- A2.12 Having considered this feedback, we have made changes to the guidance. We recognise that AI-generated pornography can present specific risks to children. We have added an additional sentence in paragraph 2.2 and amended paragraph 2.12 to make it clear that pornographic content may include synthetic image, video or audio content. We have also included the term ‘consenting’ in that paragraph to distinguish the use of GenAI and content-editing technology by consenting adults. There are organisations that employ machine learning and GenAI technology to create bespoke images of models and creators under contract, who explicitly allow and consent for their image and likeness to be used to generate sexually explicit imagery. While not currently operating at significant scale, this is a legitimate and lawfully consenting use of the technology.
- A2.13 We agree that non-consensual sexual ‘deepfake’ material is concerning and harmful, as demonstrated in the Children’s Register.<sup>394</sup> The creation of these images in isolation is not currently a criminal offence; however, when it is shared on a website of any description, it will be illegal content.<sup>395</sup> As this is not legal pornography, non-consensual sexual ‘deepfake’ material does not fall under the remit of this particular guidance. We refer service providers to the ICJG for further information on intimate image abuse.

## Risk of harm to women and girls

- A2.14 In response to the May 2024 Consultation, the Office of the Victims’ Commissioner for England and Wales raised concerns about the normalisation of sexual aggression increasing a risk of violence against women and girls, and quoted findings from the Office of the Children’s Commissioner for England “that frequent users of porn are more likely to engage in physically aggressive acts. [...] research also found that young people are frequently exposed to violent pornography, depicting coercive, degrading or pain-inducing

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<sup>391</sup> Barnardo’s response to May 2024 Consultation, p.16.

<sup>392</sup> ‘Nudifying’ refers to the process of using software or apps to alter photos of clothed individuals to make them appear partially or fully nude.

<sup>393</sup> CEASE response to May 2024 Consultation, pp.4-7.

<sup>394</sup> Section 2 of the Children’s Register.

<sup>395</sup> ICJG, section on intimate image abuse, paragraphs 10.28-10.46

sex acts; 79% had encountered violent pornography before the age of 18.”<sup>396</sup> It raised the additional point that there is evidence, from a longitudinal study carried out into the effects of early exposure to pornography, that “early exposure for males predicted less progressive gender role attitudes, more permissive sexual norms, [and] sexual harassment perpetration”.<sup>397</sup>

#### Our decision

A2.15 Having considered this feedback, we have not made any changes to the guidance. There is a large body of material that indicates pornography consumption in children can be associated with harmful attitudes to sex and relationships or harmful sexual behaviours, as well as psychological outcomes such as low self-esteem and addiction. This is detailed in Section 2 of the Children’s Register. The Act makes it clear that pornography falls under the umbrella of primary priority content that is harmful to children (PPC). The age assurance measures in our Protection of Children Codes are designed to mitigate this by preventing children from accessing pornographic content (as well as other forms of PPC). This builds on our [January 2025 Age Assurance and Children’s Access Statement](#) and associated guidance, where we laid out our final position on highly effective age assurance (HEAA) for Part 5 and Part 3 services to assist them in meeting their age assurance duties.<sup>398</sup> The purpose of this guidance is to define and support the understanding of what is meant by pornographic content, so while we recognise and appreciate the response from the Office of the Victims’ Commissioner, the highlighted concerns in relation to the risk of harm to women and girls is more relevant to the Children’s Register, and we have covered these there.

#### Dramatic purpose

A2.16 The Christian Institute raised concerns over the wording of the ‘dramatic content’ example provided in Table 6.2.3 of the May 2024 Consultation.<sup>399</sup> It argued that the inclusion of the lines “Context is included to make clear the content is part of a film or television programme or the sexual activity is obviously simulated”, would allow individuals to upload BBFC 18 sexually explicit content as long as they include a contextual indication that it was clipped from film or television. It suggested that indication could be minimal but would still fall under the exception example provided, despite the material itself meeting all other considerations of what may be pornographic. It argued that by clipping content from films or television to only show sexually explicit content, the dramatic purpose of the scene is removed, and the purpose of the content becomes solely or principally for sexual arousal.

#### Our decision

A2.17 Having considered this feedback, we have made changes to the guidance. We agree with their point that the intent of the example could have been misunderstood. The example referred to and section have been clarified, with additional detail included in the content example in Table 2.3. In particular, we have explained that where simulated sex acts from film or television content are clipped in such a way that the resulting version focuses exclusively on the simulated sexual content, or the partially exposed nudity of the actors,

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<sup>396</sup> Office of the Victims’ Commissioner for England and Wales response to May 2024 Consultation, p.3.

<sup>397</sup> Office of the Victims’ Commissioner for England and Wales response to May 2024 Consultation, p.3.

<sup>398</sup> Ofcom, 2025. [January 2025 Age Assurance and Children’s Access Statement](#).

<sup>399</sup> The Christian Institute response to May 2024 Consultation, p.4.

this ‘clipped version’ content would then meet the definition of the content example set out in Table 2.2 and could be considered pornographic.

## Broad definition and over-regulation

- A2.18 [✂].<sup>400</sup>
- A2.19 Dorcel argued that anything more than the strictest definition of pornographic content is beyond the purview of Ofcom as the UK regulator.<sup>401</sup>
- A2.20 Snap Inc. shared the concern that the definition of pornographic content used in the guidance is too broad and will likely differ from that currently used by online services.<sup>402</sup>
- A2.21 Inkbunny challenged the reference to nudity as being pornographic, referring to artistic merit and intent.<sup>403</sup>
- A2.22 Pinterest stated in their response, “the guidance on Pornography suggests that there is a difference between content that is pornographic and content that is sexually suggestive, but there is no definition of ‘sexually suggestive’ or counter-examples illustrating the difference. [...] We are concerned [...] that platforms implementing the Code may feel pressure to over-enforce against safe content, or potentially be subject to enforcement despite their efforts to moderate content in good faith.”<sup>404</sup>

## Our decision

- A2.23 Having considered this feedback, we have made some changes to the guidance. These decisions are explained in the following paragraphs.
- A2.24 The definition of ‘pornographic content’ that Ofcom has used in this guidance is the current definition within legislation, as set out in section 236 of the Act.<sup>405</sup> As pornography is defined as PPC under section 61(2) of the Act, Ofcom is under a specific duty to produce this guidance as a legislative requirement and include examples illustrating what may or may not be considered pornographic. Given this statutory definition, context is essential to take a holistic view as outlined in the ‘Additional context for service providers’ sub-section. The examples set out in Table 2.3 illustrate the importance of context: material without such context could meet the definition of pornographic content, but sufficient context may mean that the material does not fall within the scope of pornographic content. The absence of this contextual consideration would make it harder for services to meet the requirement of making appropriate judgements on what is or is not pornographic.
- A2.25 In relation to stakeholder feedback on whether nudity should be considered pornographic, the existing text in paragraph 2.9 makes it clear that assessment of content should be holistic, so not all content containing nudity would automatically be considered pornographic (e.g., nudity in an educational context). As such, no further changes to reflect this point are proposed.
- A2.26 In response to the comments suggesting that we provide further clarification of ‘sexually suggestive content’, we expect that this additional information would be beneficial to providers, and we have therefore added a supporting definition in the key terms in Table

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<sup>400</sup> [✂]

<sup>401</sup> Dorcel email correspondence with Online Safety Supervision Team, p.1.

<sup>402</sup> Snap Inc. response to May 2024 Consultation, p.3.

<sup>403</sup> Inkbunny response to May 2024 Consultation, pp.4-6.

<sup>404</sup> Pinterest response to May 2024 Consultation, p.7.

<sup>405</sup> See section 236 of the Act.

2.1. This should clarify that service providers can make informed and appropriate decisions, mitigating perceived pressure to over-enforce and striking a proportionate balance between artistic expression and protecting children.

## Challenge to legal definitions

A2.27 Nexus queried when text, language alone and/or text with GIFs, etc. can be considered pornographic content.<sup>406</sup> The Association of Police and Crime Commissioners raised a similar concern over why text was not considered pornographic.<sup>407</sup>

### Our decision

A2.28 Having considered this feedback, we have not made any changes to the guidance. Section 61(6) of the Act provides specific carve-outs to the definition of pornographic content. Namely, content which consists only of text (i.e., written material), consists only of text and is accompanied by identifying content (that may be text or another kind of content which is not itself pornographic), non-pornographic GIFs, emojis or other symbols, or any combination of these are not considered to be pornographic content under the Act. This is clearly explained in the guidance.

## Audio pornography

A2.29 Multiple respondents to the May 2024 Consultation highlighted concerns about ‘audio pornography’ and queried whether this should be included with ‘in-scope’ examples. These respondents included Barnardo’s, the Scottish Government, Christian Action Research and Education (CARE) and CEASE. They provided specific examples of direct harm experienced by children from audio pornography, knowledge of primary school-aged children accessing explicit audio material and the prevalence of such material on mainstream audio-streaming services.<sup>408</sup>

### Our decision

A2.30 Having considered this feedback, we have made changes to the guidance. These decisions are explained in the following paragraphs.

A2.31 We agree that audio pornography could be an “oral communication” under section 236 of the Act, as highlighted by respondents, and recognise the developing risk presented by this evolving type of content. The only legal exemption provided to the definition of pornographic content in the Act refers to text-based material, so audio material is not protected by the nature of its format, rather it should be assessed by the nature of the content.

A2.32 To reflect this, we have added a further category in Table 2.2, specifically referencing explicit audio material. Audio material can be pornographic when its purpose is principally or solely for sexual arousal. There are examples of sexually explicit audio material widely available on online services, and it is reasonable to assume that when such audio material contains only the sounds of sexual activity, in the absence of any framing context, narrative, dramatic purpose or otherwise, that it is solely or principally for the purposes of sexual arousal. The content example has been written to make this distinction clear, capturing aspects that in combination are relevant to the material currently available, and

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<sup>406</sup> Nexus response to May 2024 Consultation, pp.8-9.

<sup>407</sup> Association of Police and Crime Commissioners response to May 2024 Consultation, p.7.

<sup>408</sup> Barnardo’s response to May 2024 Consultation, p.8; CARE response to May 2024 Consultation, p.5; CEASE response to May 2024 Consultation, pp.8-9; Scottish Government response to May 2024 Consultation, p.4.

providing explicit guidance on the type of material that could be reasonably assumed to be solely or principally for the purpose of sexual arousal.

- A2.33 A counter-point example is included in Table 2.3, to ensure that it is clear that audiobook versions of the written word and audio-described text material for accessibility needs, where the sole or principal purpose of the material is not sexual arousal (e.g., it has an artistic or educational purpose), would not count as pornographic content. This ensures that our guidance recognises diversity/disability requirements.

## Educational content

- A2.34 Wikimedia Foundation recommended in its response to the May 2024 Consultation that Ofcom should “provide a clear statement within the guidance that neutrally-presented and/or appropriately contextualised educational content is not PPC, PC [primary content that is harmful to children] or NDC [non-designated content].”<sup>409</sup> In addition, it also recommended that Ofcom provide “bright-line tests for potentially borderline content to assist platforms seeking to comply with the regulation.”<sup>410</sup> Concern has been raised that “gaps in the rules [...] create ambiguity as to whether certain types of encyclopaedic content are covered. The absence of bright-line tests in such cases creates challenges for the operators of educational, public interest projects seeking to comply with the regulation.”<sup>411</sup>

### Our decision

- A2.35 Having considered this feedback, we have made changes to the guidance. Wikimedia Foundation note that Ofcom have already made the distinction in the guidance that “non-pornographic content involving anatomy, nudity, or sexual activity, where the primary purpose is educational and/or artistic” is different from pornography and would not be considered PPC.<sup>412</sup> However, we understand the concerns raised that an absence of reference to neutrally presented and appropriately contextualised educational content could lead to over-moderation by service providers seeking to minimise risk of non-compliance. To re-enforce the existing position set out in paragraph 2.9 “Assessments of content should be holistic” and paragraph 2.19 “Services should be mindful that the examples [...] must not be for the sole or principal purposes of arousal”, further clarification has been added to Table 2.3 to illustrate that such educational material is not pornographic, and therefore not PPC.

## Sexual wellness products

- A2.36 In response to the May 2024 Consultation, [X] and [X] raised concerns around over-moderation, arguing we should amend our current drafting to clarify that images that depict sexual wellness products, including sex toys depicted with a product focus, for marketing purposes, should not be considered pornographic content.<sup>413</sup>

### Our decision

- A2.37 Having considered this feedback, we have made changes to the guidance. We agree with the point raised and have included a specific content example for marketing material and

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<sup>409</sup> Wikimedia Foundation response to May 2024 Consultation, p.8.

<sup>410</sup> Wikimedia Foundation response to May 2024 Consultation, p.8.

<sup>411</sup> Wikimedia Foundation response to May 2024 Consultation, p.9.

<sup>412</sup> Wikimedia Foundation response to May 2024 Consultation, p.9.

<sup>413</sup> [X]; [X].

depictions for advertisement within Table 2.3. This example has been included to disambiguate the presence and nature of promotional materials for sexual wellness products and sex toys. They are legal products to advertise and sell, and this clarification brings the online marketplace in line with the high street approach. It is also intended to prevent over-reach into online marketplaces that sell and facilitate the sale of such products, and do not otherwise allow pornographic content. Likewise, it reinforces the definition in the Act that pornographic content must be solely or principally for sexual arousal; such promotional material is arguably principally to entice purchase of a product, rather than to be sexually arousing in its own right.

## Guidance on suicide, self-harm and eating disorder content

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### Introduction and summary of stakeholder feedback

- A2.38 In this annex, we address stakeholder feedback received in response to the [May 2024 Consultation](#) related to Sections 3, 4 and 5 of regarding suicide, self-harm and eating disorder content. We respond to some of the stakeholder feedback related to suicide, self-harm and eating disorders together. This is due to the overlapping nature of stakeholder feedback, which often covers similar topics across all harms (i.e., stigmatising mental health and 'lived experience' content, over-moderation and children's rights).
- A2.39 This section also details decisions related to minor or technical changes to the guidance that we have made following our May 2024 Consultation. We have structured this section as follows:
- i) Cross-cutting feedback relevant across suicide, self-harm and eating disorder content.
  - ii) Feedback specific to suicide and self-harm content.
  - iii) Feedback specific to eating disorder content.

### Summary of cross-cutting feedback relevant across suicide, self-harm and eating disorder content

- A2.40 Several stakeholders expressed support for our suicide, self-harm and eating disorder sections of the guidance. This included agreement with the examples included and proposed approach, as well as alignment with our guidance.<sup>414</sup> Some of this support was caveated however, and others provided feedback to consider. We have grouped this stakeholder feedback and our decisions thematically, as follows:
- **Stigmatising mental health and 'lived experience':** We have included new examples of content in Tables 3.3, 4.3 and 5.3 that does not meet the definitions of suicide, self-harm and eating disorder content, which discusses an individual's 'lived experience'.
  - **Over-moderation and children's rights:** We have not made changes to our guidance based on this feedback.

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<sup>414</sup> Beat response to May 2024 Consultation, pp.3-4; Big Brother Watch response to May 2024 Consultation, p.15; Samaritans response to May 2024 Consultation, p.7; Samurai Labs response to May 2024 Consultation, p.4; Snap Inc. response to May 2024 Consultation, p.4.

- **Moderation of supportive organisations:** We have not made changes to our guidance based on this feedback.
- **Additional guidelines for recovery content:** We have not made changes to our guidance based on this feedback.

A2.41 We explain these stakeholder themes and our rationale that led us to these decisions in the following sub-section.

A2.42 In addition, we have made several clarificatory changes throughout the sections of the guidance, as well as ensuring our ‘Relevant illegal content’ sub-section is aligned with the final version of the [Illegal Content Judgements Guidance](#) (ICJG).

### Stigmatising mental health and ‘lived experience’

A2.43 Four stakeholders (Beat, Big Brother Watch, Snap Inc. and the Children and Young People’s Commissioner Scotland) highlighted concerns about our guidance potentially perpetuating the stigmatisation of users experiencing thoughts related to suicide, self-harm, eating disorders and depression.<sup>415</sup> For example, Snap Inc. and the Children and Young People’s Commissioner Scotland argued that children and young people do find non-stigmatising communities supportive of their recovery and that these should be protected. The feedback implied that our guidance on recovery content considered to be PPC could potentially restrict these safe spaces, and further the stigmatisation of users with mental illness without careful consideration.<sup>416</sup>

A2.44 Samaritans also raised concern that Ofcom’s guidance on recovery content could create an environment of ‘toxic positivity’ in which real-life experiences of suicide and self-harm are not heard. Highlighting its research with lived experience panel respondents, Samaritans asked for clarification in the guidance whether ‘lived experience’ content other than positive accounts of recovery, are therefore considered as content that is harmful to children.<sup>417</sup>

### Our decision

A2.45 We considered the stakeholder feedback and have decided to update the guidance in Tables 3.3, 4.3 and 5.3. We have included new examples of lived experience recovery content that we do not consider to meet the definition of PPC. Our decision is explained below.

A2.46 We note stakeholders’ concerns about our guidance potentially furthering the stigmatisation of children with mental illness as well as Samaritans’ point that we could be clearer in the guidance. Our intention is not to stop children from talking about their experiences, feelings or forming strong communities. As we explain in more detail in Section 1: Introduction to the Children’s Register of Risks (Children’s Register), there is

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<sup>415</sup> Beat response to May 2024 Consultation, pp.3-4; Big Brother Watch response to May 2024 Consultation, pp.15-16; Children and Young People’s Commissioner Scotland response to May 2024 Consultation, pp.6-7; Samaritans response to May 2024 Consultation, pp.6-7; Snap Inc. response to May 2024 Consultation, p.4.

<sup>416</sup> Big Brother Watch response to May 2024 Consultation, pp.15-16; Big Brother Watch, 2021. [The State of Free Speech Online](#). [accessed 4 March 2025]; Children and Young People’s Commissioner Scotland response to May 2024 Consultation, pp.6-7; Samaritans response to May 2024 Consultation, pp.6-7; Snap Inc. response to May 2024 Consultation, p.4.

<sup>417</sup> Samaritans refer to Table 3.3 in the draft guidance, ‘Descriptions and examples of content which is not content that encourages, promotes or provides instructions for suicide’, regarding its suggestion of an example of ‘lived experience’ recovery content. Source: Samaritans response to May 2024 Consultation, p.6.



evidence to suggest that children can benefit from spaces that discuss mental illness online and often find comfort in being able to connect with others with similar experiences. Ofcom's research also suggests that children with lived experience of suicide or self-harm may be drawn to this type of harmful content online, with some children developing or experiencing a worsening of their symptoms following exposure to this content.<sup>418</sup> Some participants described how they would learn new ways to harm themselves as a result of these encounters. These examples demonstrate the need to strike a careful balance surrounding this content, which we have highlighted in our guidance.

- A2.47 Having further reviewed the evidence on lived experience recovery content, we acknowledge that we could be clearer in the guidance examples. We recognise that further examples of non-harmful lived experience recovery content would help providers judge if recovery content is harmful or not, while not restricting users with lived experience from talking about their experiences in a non-harmful way. We have therefore updated our guidance to include these new examples in Tables 3.3, 4.3 and 5.3. Our aim is not to stigmatise mental health or restrict users from discussing their experiences with others. Rather, we want to ensure that the spaces children can access are healthy and support recovery.

### Over-moderation and children's rights

- A2.48 Four stakeholders (Big Brother Watch, Google, Northeastern University London and Samaritans) suggested that our approach to recovery content in the guidance could lead to providers' over-moderation of beneficial content and compromise users' rights.<sup>419</sup> For example, Google suggested that Ofcom's guidance encouraged providers to "err on the side of removal" and risked "severely negatively impacting children by restricting their ability to seek support".<sup>420</sup> Northeastern University London also raised concern about the ability for moderation systems, both human and automated, to differentiate between recovery-orientated material.<sup>421</sup> It suggested that providers' moderation systems could misclassify beneficial recovery content, therefore applying a "purely safety-first approach".<sup>422</sup>

### Our decision

- A2.49 We have considered the stakeholder feedback and have not made changes to our guidance. Our decision is explained in the following paragraphs.
- A2.50 Regarding stakeholder concerns about users' rights and the moderation of recovery content, we have carefully considered rights to freedom of expression and privacy in designing the guidance.<sup>423</sup> This has informed the illustrative examples that we have chosen to help providers distinguish harmful and non-harmful content. We have also highlighted

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<sup>418</sup> Lived experience includes participants with lived experience of eating disorders, self-harm, suicidal ideation, anxiety and depression. At the time of being interviewed, all young people with lived experience had been in recovery for a period of at least six months. Ofcom, 2024. [Online Content: Qualitative Research – Experiences of children encountering online content promoting eating disorders, self-harm and suicide](#). [accessed 12 March 2025].

<sup>419</sup> Big Brother Watch response to May 2024 Consultation, pp.7, 16, 34; Google response to May 2024 Consultation, p.11; Northeastern University London, AI and Information Ethics Cluster response to May 2024 Consultation, pp.12-14; Samaritans response to May 2024 Consultation, p.6.

<sup>420</sup> Google response to May 2024 Consultation, p.11.

<sup>421</sup> Northeastern University London response to May 2024 Consultation, p.12.

<sup>422</sup> Northeastern University London response to May 2024 Consultation, p.14.

<sup>423</sup> See our 'Rights assessment' sub-section in Volume 2, Section 6 for more details.

contextual factors for providers to take into account, alongside protecting children’s access to certain kinds of content (e.g., journalistic, artistic and educational content). We have encouraged providers to take account of these factors throughout our guidance in making their own assessments. This should help them balance the risks of children’s safety, while avoiding restricting users’ access to non-harmful content.

- A2.51 We also acknowledge stakeholders’ concerns about the challenges associated with the moderation of this content, including potential misclassification or over-moderation of beneficial content. The duties in the Act do not require providers to prohibit and remove this content. Instead, it requires providers to ensure they are taking steps to prevent children from accessing harmful content. Providers should therefore decide how to use this guidance to fulfil their duties. For commercial reasons, and in line with their own rights to freedom of expression, they may choose to adopt terms of services which define the content they prohibit more widely than the definitions set out in the Act, but we are clear that the guidance does not expect them to take this approach.

### Moderation of supportive organisations

- A2.52 Two stakeholders (Northeastern University London and Samaritans) suggested that our guidance could lead to supportive organisations or information to support users’ recovery, being restricted or removed by providers.<sup>424</sup>

#### Our decision

- A2.53 While we note the stakeholders’ points, our guidance will not result in supportive organisations or charities being “removed” or supportive information restricted by regulated services. Tables 3.3, 4.3 and 5.3 support children’s access to safe information and resources related to suicide, self-harm and eating disorder content. They describe safety-promoting resources that provide healthy coping mechanisms or services for recovery (such as content from recognised suicide prevention bodies and charity resources), alongside discussions or content focused on research, advocacy and support related to self-injury awareness and prevention. Such content is not considered to meet the definition of PPC under the Act.
- A2.54 While providers have discretion over the types of content they allow on their services, we expect services to pay particular attention to educational or artistic content that raises awareness of mental illness, given this content is likely to attract a higher degree of protection under the right to freedom of expression (see Volume 2, Section 6, ‘Rights assessment’ for details). Our guidance also provides additional context for providers to consider as part of their assessment of such content.

### Additional guidelines for recovery content

- A2.55 Two stakeholders noted the need for Ofcom to produce additional guidance on recovery content. Beat suggested that Ofcom should produce additional guidance for users on “how to post recovery content safely”, including suggested language use and how to incorporate supportive resources effectively.<sup>425</sup> Samaritans also requested “further guidance on suicide and self-harm content that recognises the complexity of the content,” highlighting

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<sup>424</sup> Northeastern University London response to May 2024 Consultation, p.14; Samaritans response to May 2024 Consultation, p.7.

<sup>425</sup> Beat response to May 2024 Consultation, p.3.

concerns that providers could “categorise supportive and beneficial content as PPC” if not defined “appropriately”.<sup>426</sup>

### Our decision

A2.56 We considered the stakeholder feedback and have not made changes to our guidance. We recognise stakeholders’ suggestions for the guidance to include additional guidelines for users on recovery content and for this content to be defined “appropriately”. Our guidance is intended to support service providers’ assessment and judgement of particular types of content that may be harmful to children. We do not have discretion to change the statutory definition of suicide, self-injury and eating disorder content as set out in the Act. However, our Codes set out expectations for how providers can help keep children safe online from harmful content. For example, Measure PCU F3 ‘Signpost children to support at important points in the user journey’, proposes that user-to-user service providers signpost children to appropriate support when they report, post or re-post suicide, self-harm, eating disorder or bullying content; and when they search for suicide, self-harm or eating disorder content.<sup>427</sup>

## Feedback specific to suicide and self-harm content

A2.57 Several stakeholders also provided feedback in response to the May 2024 Consultation which specifically related to the suicide and self-harm sections of the guidance.<sup>428</sup> We have grouped stakeholder feedback and our decisions thematically, as follows:

- **Artistic or fictional representations of suicide and self-harm:** We have updated Table 3.2 to recognise content that ‘romanticises, glamourises, glorifies, or normalises’ suicide, including content which portrays suicide as a positive way to end distress. We have also included the addition of content in Tables 3.2 and 4.2 which ‘glorifies’ suicide and self-harm. Furthermore, we have made a minor adjustment to Table 4.2, removing ‘fictional content, artwork, poetry and songs’ so that our examples recognise different formats of content which may romanticise, glamourise, glorify or normalise self-harm.
- **Consideration of illegal and harmful content:** We have not made changes to the guidance based on this feedback.
- **Non-intentional encouragement of suicide and self-harm:** We have not made changes to the guidance based on this feedback.
- **Discouraging users to seek support:** We have not made changes to the guidance based on this feedback.
- **Academic articles:** We have not made changes to the guidance based on this feedback.
- **Novel methods of suicide:** We have not made changes to the guidance based on this feedback.

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<sup>426</sup> Samaritans response to May 2024 Consultation, p.8.

<sup>427</sup> See Protection of Children Codes of Practice: user-to-user services for more details and Volume 4 for our decisions on the Protection of Children Codes.

<sup>428</sup> Association of Police and Crime Commissioners response to May 2024 Consultation, p.7; Children and Young People’s Commissioner Scotland response to May 2024 Consultation, p.6; National Society for the prevention of Cruelty to Children (NSPCC) response to May 2024 Consultation, pp.8-9; Samaritans response to May 2024 Consultation, p.6; Snap Inc. response to May 2024 Consultation, pp.4-5.

- **Age grouping content:** We have not made any changes to our guidance based on this feedback.
- **Engaging with suicide prevention charities:** We have not made any changes to our guidance.

A2.58 We address this feedback and decisions taken in the following sub-sections.

### Artistic or fictional representations of suicide and self-harm

A2.59 Three stakeholders (Samaritans, Snap Inc. and the Children and Young People’s Commissioner Scotland) raised concern about Ofcom’s approach to artistic and fictional representations of suicide and self-harm in the guidance.

- Samaritans highlighted that our guidance did not contain an example of content which represents suicide in a way that “glamorises, romanticises, or normalises, including some fictional content, artwork or poetry”, despite the self-harm section including such examples. It suggested that we include this example content, alongside portrayals of suicide as a “positive way to end distress”.<sup>429</sup>
- Snap Inc. asked for further clarification related to services’ assessment of artistic or fictional representations that may romanticise or glamourise suicide content that is harmful to children. It argued that providers’ moderation of artistic or fictional representations of suicide content could result in “unintended censorship” and therefore restrict users’ freedom of expression.<sup>430</sup>
- The Children and Young People’s Commissioner Scotland highlighted how the moderation of artistic content could “interfere” with children’s access to information for educational purposes.<sup>431</sup>

### Our decision

A2.60 Having considered the stakeholder feedback, we have made changes to the relevant sections of our guidance. Our decision is explained in the following paragraphs.

A2.61 We note Samaritans’ feedback and recognise that we should ensure consistency across our guidance to include example content that we consider may romanticise, glamourise or normalise suicide. In light of this, we have added the content description – ‘content which represents suicide in a way that romanticises, glamorises, glorifies or normalises it’ in Table 3.2 of our Guidance on suicide content, along with the relevant examples. This ensures consistency between our Guidance on suicide content (Section 3) and our Guidance on self-harm content (Section 4) and recognises that this type of content can be particularly harmful to children. We consider this content can often portray suicide as a positive, aspirational or desirable outcome, and therefore can encourage or promote the act of suicide. Furthermore, these changes to our guidance also address Samaritans’ additional feedback on content that suggests suicide as a “positive way to end distress” which is now captured in Table 3.2. Finally, we have also included examples of content which ‘glorifies’ self-harm and suicide, given such content could be seen to ‘promote’ or

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<sup>429</sup> Samaritans response to May 2024 Consultation, p.6.

<sup>430</sup> Snap Inc. response to May 2024 Consultation, pp.4-5.

<sup>431</sup> Children and Young People’s Commissioner Scotland response to May 2024 Consultation, p.6.

‘encourage’ self-harm and suicide (see Tables 3.2 and 4.2).<sup>432</sup> The addition of ‘glorifies’ also ensures a consistent approach across our harms guidance given it is included as part of other content; ‘glorifies, promotes or glamourises violence’ for example.<sup>433</sup>

- A2.62 Furthermore, we have removed references in Table 4.2 to the different forms content may take (e.g., artwork, poetry or songs) in recognition that, where any content meets the definition of PPC, it should be treated as such, irrespective of the form it may take. The guidance is clear, however, that artistic representations of suicide and self-harm, for example, music, poetry, artwork or fictional works, drawings, stories, paintings and other art may romanticise or glamourise suicide in a way that is harmful to children and where this amounts to encouraging or promoting suicide or self harm, this content should be treated as PPC regardless of the format (see sub-section ‘Additional context for service providers’).
- A2.63 Regarding the request from Snap Inc. for further clarification in the guidance, we consider that content which represents suicide in a way which romanticises, glamourises, glorifies or normalises it, is likely to be considered to meet the definition of PPC under the Act.<sup>434</sup> However, we recognise that some of this content, particularly where it is educational, may not necessarily meet the definition of PPC. Our guidance outlines where this is the case, and we provide related examples in the suicide and self-harm sections. Furthermore, we also note in our guidance that some types of artistic content, which might otherwise not obviously be seen as encouraging, promoting or providing instructions for suicide or self-harm, are in fact harmful within the meaning of the definition in the Act.<sup>435</sup> The inclusion of this content is not to say that it will always meet the definition of PPC (or priority content that is harmful to children (PC)). Rather, it may do, depending on the context.
- A2.64 We also note Snap Inc. and the Children and Young People’s Commissioner Scotland’s concerns about the moderation of this content impacting children’s rights or its potential interference with freedom of expression. We address these issues in the ‘Over-moderation and children’s rights’ sub-section of this section and have also considered the rights implications for artistic content and educational content in our ‘Rights assessment’ sub-section in Volume 2, Section 6.

## Consideration of illegal and harmful content

- A2.65 The National Society for the prevention of Cruelty to Children (NSPCC) suggested that our guidance should include “greater consideration” of the links between illegal and harmful content. It suggested that providers will likely identify borderline illegal and harmful suicide content as part of its moderation practices. It asked Ofcom to clarify how providers should assess this type of content.<sup>436</sup>

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<sup>432</sup> As we highlight in ‘Key terms’ (Tables 3.1 and 4.1), we consider that such content could promote or encourage suicide and self-harm. We also recognise that ‘promoting’ or ‘encouraging’ suicide and self-harm can take many forms and our definitions of these terms have sought to capture such content that can portray suicide or self-harm as a positive, aspirational or desirable outcome which therefore can encourage or promote the act of suicide or self-harm.

<sup>433</sup> See Table 8.2: Description and examples of content that encourages, promotes or provides instructions for an act of serious violence against a person for more details.

<sup>434</sup> Subject to it containing the relevant characteristics and the provider’s assessment of any contextual factors as part of its judgement on whether the particular type of content falls within the definition.

<sup>435</sup> See Section 3: Guidance on suicide content and Section 4: Guidance on self-harm content.

<sup>436</sup> NSPCC response to May 2024 Consultation, pp.8-9.

## Our decision

- A2.66 Having considered this stakeholder feedback, we have decided not to make changes to our guidance. Our harms guidance does not and cannot definitively demarcate where the line exists between illegal content and content that is harmful to children. However, as we also explain in Volume 2, Section 4, we have considered the overlap between illegal content and harmful content in relation to suicide, and the other PPC and PC, throughout our guidance. We have set out the difference between this type of content in each section of our harms guidance which directs service providers to the ICJG where appropriate. We provide information in the ‘Relevant illegal content’ sub-section in each section of our guidance to help providers ascertain the point at which they should consider the ICJG, rather than the harms guidance.
- A2.67 Regarding the NSPCC’s further point about providers’ assessment of this content, where providers are considering content that could fall into scope of the definitions of content that is harmful to children and have reasonable grounds to infer that content is illegal, they should apply the illegal content safety duties. We consider that these duties provide the greatest level of protection to all users, including children, in accordance with the Act. However, if providers do not have reasonable grounds to infer the content is illegal, we consider this content would be harmful to children, and providers therefore must apply the protection of children duties.

## Non-intentional encouragement of suicide and self-harm

- A2.68 Snap Inc. suggested that Ofcom should provide further guidance for service providers for content that does not “intentionally or deliberately” encourage suicide or self-harm. It referred to its own criteria when moderating content, including other contextual factors such as “detailed instructions or descriptions of methods” to avoid over-enforcement. It noted Ofcom might want to adopt similar guidelines for providers.<sup>437</sup>

## Our decision

- A2.69 We have considered the stakeholder’s feedback and have decided not to make changes to our guidance. Our guidance does not ask providers to infer intent when identifying suicide and self-harm content and neither does the content need to encourage self-harm or suicide intentionally or deliberately for it to be PPC. Our guidance instead provides understanding about the definitions of harmful content to support providers’ assessment of PPC or PC under the Act. We also provide information about contextual factors that service providers may wish to consider in each section of our guidance.<sup>438</sup>
- A2.70 Some of this content may also overlap with content that is illegal, as it is an offence to intentionally encourage or assist suicide or serious self-harm.<sup>439</sup> Our ICJG, which was published as part of the December 2024 Statement on Protecting People from Illegal Harms Online, supports service providers’ assessment of these offences.<sup>440</sup> We encourage providers to refer to this guidance where appropriate.

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<sup>437</sup> Snap Inc. response to May 2024 Consultation, p.4.

<sup>438</sup> See sub-section ‘Additional context for service providers’ in Sections 3 and 4 for more details.

<sup>439</sup> Section 2 of the Suicide Act 1961; Section 13 of the Criminal Justice Act (Northern Ireland) 1966.

<sup>440</sup> See Ofcom (2024), [Illegal Content Judgements Guidance](#).

## Discouraging users to seek support

- A2.71 The Association of Police and Crime Commissioners argued that our guidance should include consideration of users who may be “actively” discouraged from seeking mental health support. It cautioned that incel<sup>441</sup> forums in particular can dissuade vulnerable users who may be experiencing suicidal or self-harm ideation from seeking support.<sup>442</sup>

### Our decision

- A2.72 Having considered this stakeholder feedback, we have not made changes to our guidance. We acknowledge that harmful online spaces can potentially discourage users from seeking mental health support. The purpose of the guidance is to support service providers’ assessment and judgement of particular types of content that may be harmful to children. Furthermore, content that may “actively discourage” users to seek mental health support could be harmful to children and may meet the definition of PPC, but we consider this form of content is already captured in the guidance.<sup>443</sup> For example, our definition of ‘encourages’ could include content which persuades others to contemplate self-harm or suicide, or make others more likely to attempt or consider self-harm or suicide as a course of action.<sup>444</sup> In which case, such content could be seen to encourage suicide and therefore meet the definition of self-harm or suicide content. We have also considered content that discourages recovery or help seeking in Section 10: Depression content (non-designated content) of the Children’s Register.

## Academic articles

- A2.73 Two stakeholders (Samaritans and Wikimedia Foundation) raised concerns regarding the approach taken in the guidance to academic articles. Samaritans argued that academic articles could be harmful depending on the circumstances, as they may contain details “which could be used to inform a suicide attempt” or portray suicide in a “sensationalist” way.<sup>445</sup> Wikimedia Foundation requested clarification whether all academic and educational articles related to suicide are not considered to be PPC.<sup>446</sup>

### Our decision

- A2.74 Having considered this stakeholder feedback, we have not made changes to our guidance. We consider that if an academic article shared on a regulated service contains detailed instructions for suicide or about how methods for suicide could be accessed, such as step-by-step instructions, it could meet the definition of PPC.<sup>447</sup> It could also, depending on the circumstances, be classed as illegal content if it were to intentionally encourage and assist suicide.<sup>448</sup>

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<sup>441</sup> ‘Incel’ is defined as “a member of a group of people on the internet who are unable to find sexual partners despite wanting them, and who express hate towards people whom they blame for this.” Source: [Cambridge Dictionary](#), n.d. [accessed 7 April 2025].

<sup>442</sup> Association of Police and Crime Commissioners response to May 2024 Consultation, p.7.

<sup>443</sup> Subject to a provider’s assessment of such content and any contextual factors that may deem it to meet the definition in the Act.

<sup>444</sup> Subject to a provider’s assessment of such content and any contextual factors that may deem it to meet the definition in the Act.

<sup>445</sup> Samaritans response to May 2024 Consultation, p.6.

<sup>446</sup> Wikimedia Foundation response to May 2024 Consultation, pp.8-9.

<sup>447</sup> Subject to providers’ judgements about whether such content on their service amounts to content that is harmful to children and that it meets the definition of primary priority content as set out in the Act.

<sup>448</sup> Dependent on the offence’s requirements being met. See Suicide Act 1961 and the ICJG for more details.



A2.75 However, we consider that the majority of academic or educational articles published online would unlikely meet the definition because they would be unlikely to ‘encourage’, ‘promote’ or ‘provide instructions for’ suicide in this context. This is because academic content that discusses suicide is an important educational resource and often includes research for the treatment of suicide or suicide prevention. These articles may even warn readers about the harmful content discussed to further avoid the risk of actively promoting or encouraging suicide. We have set out in our guidance a range of contextual factors and considerations that providers may wish to consider when making judgements about whether similar content meets the definition of PPC.

## Novel methods of suicide

A2.76 Samaritans asked for clarity in our guidance examples regarding ‘novel’ and ‘emerging’ methods of suicide, and providers’ identification of these.<sup>449</sup>

### Our decision

A2.77 Having considered this feedback, we have not made changes to our guidance. We have intentionally listed the terms ‘novel’ and ‘emerging’ methods of suicide in our guidance. In our May 2024 Consultation, we decided not to name such methods as we did not want to draw attention to these nor risk publicising them. We have not changed our position since consultation. We also note Samaritans’ guidelines and best practice surrounding reporting such methods, which we have considered as part of developing our guidance.<sup>450</sup> We have therefore ensured these details in our guidance remain deliberately high level and non-specific.

## Age grouping content

A2.78 Kooth Digital Health noted its practices around ‘age-gating’ online communities that discuss suicide, self-harm and eating disorder content, where discussion of these topics is moderated based on the age ranges of children. It requested that Ofcom provide “more specificity, particularly in relation to primary content, for each age category”. It argued that some content could be inappropriate for younger children but constitutes “much needed U2U [user-to-user] safe discussions for the older end age group”.<sup>451</sup>

### Our decision

A2.79 We acknowledge that some types of PPC or PC may be more harmful to younger children and less harmful to older children. This includes suicide, self-harm and eating disorder content, as younger children may be more vulnerable or easily influenced by this content. However, the guidance sets out whether Ofcom considers content meets, or does not meet, the definitions of content harmful to children in the Act. It is not an assessment of the level or impact of harm. Within our Children’s Register and Protection of Children Codes (see Volume 5) however, we discuss the relevance of age in more detail.

## Engaging with suicide prevention charities

A2.80 [3<] recommended that Ofcom engage with charities such as Papyrus in relation to suicide and self-harm content.<sup>452</sup>

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<sup>449</sup> Samaritans referenced Table 3.2 in our guidance which notes potential harmful content including “novel” and “emerging” methods of suicide. Source: Samaritans response to May 2024 Consultation, p.6.

<sup>450</sup> Samaritans, 2024. [Guidance for reporting suicides involving novel methods](#). [accessed 21 April 2025].

<sup>451</sup> Kooth Digital Health response to May 2024 Consultation, pp.2-3, 5.

<sup>452</sup> [3<]

## Our decision

- A2.81 We welcome the role of specialist organisations, who provide expertise and detailed evidence surrounding these harms which further supports Ofcom’s understanding and evidence base. We received evidence from Papyrus as part of our 2023 Protection of Children Call for Evidence. In addition, a range of organisations – including suicide and self-harm prevention charities, children’s charities, industry and other civil society organisations – provided evidence as part of our May 2024 Consultation, all of which we have considered as part of our developing our guidance. We address this in Volume 2, Section 6. We will continue engaging with a range of stakeholders to further develop our evidence base associated with these harms and any potential changes to the guidance in the future that we may consider is needed.
- A2.82 Furthermore, we recognise the important role charities play in helping children seek assistance when they experience self-harm or suicide content online. As we discuss under the theme ‘Additional guidelines for recovery content’ above, our Codes measures recommend that children are signposted to appropriate support when they report, post or repost suicide, self-harm, eating disorder and bullying content on a user-to-user service; or when they search for suicide, self-harm or eating disorder content on a user-to-user or a search service. This includes, for example, signposting to crisis prevention resources from reputable third parties, including charities, that are appropriate for children to use.<sup>453</sup> Our measures ensure that important specialist support and crisis prevention information provided by charities, is easily accessible for children who may be more vulnerable or in need of specific support.

## Feedback specific to eating disorder content

- A2.83 Several stakeholders also provided feedback in response to the May 2024 Consultation which specifically related to the eating disorder section of the guidance. We have grouped stakeholder feedback and our decisions thematically, as follows:
- **Disguised eating disorder content:** We have included a sentence clarifying that all mentions of content included in the tables refer to both real and synthetic content.
  - **Concealing eating disorder symptoms:** We have included concealing behaviours in two of our key term definitions and have expanded one of our content examples.
  - **Definitions of encourage and promote:** We have included the suggested wording to our definition of ‘promote’.
  - **Expanding the examples:** We have not made any changes to the guidance based on this feedback.
  - **Diversity of eating disorder experiences:** We have included additional references to muscular ideals within our examples to diversify our examples.
  - **Subjectivity of guidance:** We have not made any changes to the guidance based on this feedback.
- A2.84 We address this feedback and decisions taken in the following sub-sections.

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<sup>453</sup> See Measure PCU F3, ‘Signpost children to support at key points in the user journey’ and Measure PCS F3, ‘Provision of crisis prevention information in response to search requests related to suicide, self-harm and eating disorders’, for more details.

- A2.85 In addition to this feedback, we have also updated Table 5.2 to include content which also ‘glorifies, romanticises or normalises’ eating disorders for consistency with the suicide and self-harm content tables. The content description now reads “Content which glamourises, glorifies, romanticises or normalises eating disorders”. We have also made several clarificatory changes throughout the sections of the guidance, as well as ensuring our ‘Relevant illegal content’ sub-section is aligned with the final version of the ICJG.

## Disguised eating disorder content

- A2.86 Barnardo’s noted concerns over the increased use of generative artificial intelligence (GenAI) including filters, which it argued could contribute to eating disorders. It also argued that our eating disorder content guidelines risk missing out content which is “often disguised as other forms of content”.<sup>454</sup> To illustrate this, it gave the example of a girl who was “recommended content related to body image that hindered her recovery” from an eating disorder, despite not having “actively sought out eating disorder content”.<sup>455</sup>

### Our decision

- A2.87 We have considered this stakeholder feedback and have made a small clarificatory change to the guidance. We explain our decision in the following paragraphs.
- A2.88 In response to Barnardo’s concern around the increased use of GenAI, our guidance is aligned with the Act’s parameter of content, which covers content that is user-generated or is search content. This does not discriminate as to whether content is created using GenAI tools, or any other means. We therefore consider that where our examples state ‘images, text, photos, etc.’, this would also include content of a similar format created using GenAI tools. We have decided to include some additional clarification (paragraph 5.1) to ensure that providers are aware that all mentions of content included in the tables refer to both real and synthetic content.
- A2.89 We acknowledge that pro-eating disorder content can be disguised under other labels. In light of this, our guidance was drafted to notify service providers that they should be aware of certain contextual factors when considering whether content does or does not meet the definition of eating disorder content. For example, we proposed that service providers should be aware of content which is disguised under health and wellbeing labels. See Section 5, paragraph 5.10: “Content tagging and code words can be used by pro-eating disorder communities, often in the form of hashtags or captions. For example, some content may be disguised as focused on ‘healthy lifestyles’ or ‘pro-fitness’”. We also noted that “some content may use terms intended to obscure the content (e.g., intentional misspelling/leet, algospeak, use of acronyms, use of coded adoption of words originating in popular culture or dieting communities)”. We therefore do not think further edits are needed to the guidance, as it already covers these points.
- A2.90 We note that Barnardo’s refers to ‘content related to body image’.<sup>456</sup> Within this Guidance on Content Harmful to Children, we are required to include examples of kinds of content which meet the definition of harmful content as set out in the Act: ‘encourages, promotes, or provides instructions for eating disorders’. Other forms of content related to body image are not included within the PPC or PC categories. However, we have set out in Volume 2,

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<sup>454</sup> Barnardo’s response to May 2024 Consultation on Protecting Children from Harm Online (May 2024 Consultation), p.21.

<sup>455</sup> Barnardo’s response to May 2024 Consultation, p.21.

<sup>456</sup> Barnardo’s response to May 2024 Consultation, p.21.

Section 4 that we consider some types of body image content to be ‘non-designated content’, notably ‘body stigma content’. We outline the impacts that we expect from ‘body stigma content’ in Section 11 of our Children’s Register.

### Concealing eating disorder symptoms

- A2.91 Beat noted the importance of highlighting where content can cause harm to children by encouraging, promoting or providing instructions on how to conceal eating disorder symptoms and behaviours.<sup>457</sup> This included recommending more references to concealment of symptoms in the examples and key terms.

#### Our decision

- A2.92 We have reviewed this stakeholder feedback and have made changes to the guidance in response. Having reviewed the evidence in the Children’s Register, we agree that content which offers advice on concealing symptoms and behaviours associated with eating disorders is likely to fall within the definition of the Act to “encourage, promote, or provide instructions for eating disorders”.<sup>458</sup> In our guidance, we had already included a content example of “instructions for concealing eating disorder behaviours from others (e.g., how to hide purging or bingeing to continue to engage in such behaviours)”. However, we agree that this forms a wider pattern of behaviour within eating disorders that should be clarified within our guidance. With this in mind, we have included concealing behaviours in our definitions of “behaviours associated with eating disorders”, as well as in our definition of “provide instructions for” in Table 5.1. We have also expanded one of our content examples in Table 5.2 to include concealing behaviours.

### Definitions of encourage and promote

- A2.93 Beat argued that our definition of ‘promote’ in Table 8.5.1 (Table 5.1 in the latest guidance section) (“Content which publicises, endorses or portrays eating disorders or behaviours associated with an eating disorder as positive, e.g., as a coping mechanism or ‘lifestyle choice’”) should refer to a ‘**healthy**’ coping mechanism instead.<sup>459</sup> Beat agreed “with definitions of encourage, promote and provide instructions” but argued that they “could be stronger” and suggested specific phrasing for the definition of ‘encouragement’: “Encouragement [or promotion] could be unintentional or inadvertent. This can include content which glamourises, glorifies, romanticises, or normalises eating disorders or behaviours associated with eating disorders.”<sup>460</sup>

#### Our decision

- A2.94 We have reviewed this feedback and decided to make some adjustments to the guidance. Having reviewed our interpretation of ‘promote’ within Table 5.1, we agree that the wording ‘coping mechanism’ could be potentially misleading and could lead to over-moderation of this content (including content which does not promote eating disorders). Therefore, we have decided to amend definition to specify that promote should include content that “publicises, endorses or portrays eating disorders or behaviours associated

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<sup>457</sup> Beat response to May 2024 Consultation, p.3.

<sup>458</sup> Wilson, J. L., Peebles, R., Hardy, K. K. and Litt, A. F., 2007. [Surfing for Thinness: A Pilot Study of Pro-Eating Disorder Web Site Usage in Adolescents With Eating Disorders](#), *Pediatrics*, 118 (6). [accessed 17 April 2025.]

<sup>459</sup> Beat response to May 2024 Consultation, p. 3.

<sup>460</sup> Beat response to May 2024 Consultation, p. 3.

with an eating disorder as positive, for example as a **healthy** coping mechanism or ‘lifestyle choice’.”

- A2.95 On Beat’s second point, we agree that content which encourages or promotes eating disorders could be unintentional or inadvertent. However, the definitions of ‘encourage’ and ‘promote’ already include the text that Beat have suggested: “Encouragement/Promotion could be unintentional or inadvertent. This can include content which glamourises, glorifies, romanticises or normalises eating disorders.” As such, we have not made any adjustments to our guidance.

### Expanding the examples

- A2.96 Beat argued that “Point 8.5.2 should be expanded to include content that romanticises or glorifies being in hospital or being tube-fed. Such content can be particularly harmful as it may portray severe medical intervention as a desirable outcome, thus encouraging dangerous behaviours.”<sup>461</sup>

#### Our decision

- A2.97 We have considered Beat’s feedback and have decided not to make any amendments to the guidance. We agree with Beat’s point that eating disorder content which romanticises or represents hospitalisation or nasogastric feeding as a desirable outcome could be considered particularly harmful to children, and could promote dangerous behaviours associated with eating disorders. However, we expect that this example of harmful content would be relevant to, and covered by, our example of “content which glamourises, glorifies or frames symptoms of eating disorders as measures of success or encourages competition”. We also consider Beat’s example to be captured under our definition of ‘encourage’ (“content which glamourises, glorifies, romanticises or normalises eating disorders”). We consider that this gives sufficient detail for providers without expansion to include Beat’s example of medical intervention. Therefore, we have decided not to expand this example. We will continue to keep the guidance under review and may look to amend or update our examples in the future, to ensure it remains as relevant as possible.

### Diversity of eating disorder experiences

- A2.98 One stakeholder, Beat, argued that we should “broaden” our examples “to reflect that not all those with an eating disorder will necessarily pursue or view emaciation as an ideal body size/shape. For example, as noted by other parts of the guidance, males are more likely to idealise a muscular body type.”<sup>462</sup>

#### Our decision

- A2.99 Having considered the stakeholder response, we have made some changes to the guidance. We explain these in the following paragraphs.
- A2.100 We note within our ‘Considerations for service providers’ sub-section that service providers should be aware of the different types of behaviours associated with eating disorders, as this could inform their judgements about harmful content. In our Children’s Register (Volume 2, Section 4), we note that “between a quarter and a third of those

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<sup>461</sup> Beat response to May 2024 Consultation, p.3.

<sup>462</sup> Beat response to May 2024 Consultation, p.3.

affected by an eating disorder are male”.<sup>463</sup> Men also face increased stigma relating to eating disorders, which can reduce their willingness to seek help and access treatment.<sup>464</sup> The Children’s Register also notes that there is “some evidence to suggest that some eating disorder content is engaged with more by boys”, which “tends to embody traditionally masculine tropes of strength, control and discipline”, and that “eating disorder content focusing on extreme fasting has been found to particularly appeal to male users”.<sup>465</sup> To ensure that providers understand the scope of different eating disorder experiences, we agree that it is important to reflect within the guidance these experiences that do not necessarily pursue emaciation as an ideal. In order to help better inform service providers, we have decided to include additional references to muscular ideal to diversify our examples:

- “Content which encourages disgust or ridicule towards bodies which do not fit a thin or muscular ‘ideal’ in order to incentivise eating disorder behaviours”.
- “Challenges related to eating disorders, including challenges which encourage others to engage in, e.g., extreme weight loss or gaining muscle through behaviours which are disordered”.

## Subjectivity of guidance

A2.101 One stakeholder, Pinterest, argued that there are “several areas where the proposed guidance [...] is subjective”. It argued that ‘promote’ has a broad definition which suggests that promotion should be defined by viewer’s subjective reaction to content which may lead to inconsistent application. It also argued that ‘extreme’ fitness as content example is highly subjective.<sup>466</sup>

### Our decision

A2.102 Having considered the stakeholder response, we have decided not to make any amendments to the guidance. We acknowledge that our content description “Extreme or excessive dieting, weight loss, nutritional or fitness content” could be considered particularly subjective as a content example, since this could also be misinterpreted to include extreme sport unrelated to eating disorders (e.g., Olympic sports). Our own research has described how the lines between some lifestyle content and eating disorder

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<sup>463</sup> Evidence suggests that males comprise approximately one in four presentations of bulimia nervosa and anorexia nervosa. Source: Gorrell, S. and Murray, S., 2019. [Eating Disorders in Males](#). [accessed 8 April 2025]; Beat reports that 25% of those affected by an eating disorder are male. Source: Beat, 2023. [How many people in the UK have an eating disorder?](#) [accessed 8 April 2025]; The National Eating Disorders Association reports that one in three people struggling with an eating disorder is male. Source: National Eating Disorders Association, 2023. [Eating Disorders in Men and Boys](#). [accessed 8 April 2025]

<sup>464</sup> Coopey, E. and Johnson, G., 2022. [“The male elephant in the room”: a qualitative evidence synthesis exploring male experiences of eating disorders](#), *Journal of Eating Disorders*, 10. [accessed 8 April 2025].

<sup>465</sup> Examples of restrictive eating content include extreme fasting content and ‘One Meal a Day’. While such content may not always fall within scope of eating disorder content, some examples display harmful eating behaviours such as the depiction of a 16-day fast, which saw the user lose a large amount of weight and experience other side effects common to starvation, such as hair loss. This research was a content analysis and does not specify the presence of UK child users. Evidence accessed by Ofcom but not yet publicly available. Source: Lavis, A. and Aziz, J. 2023. ‘Borderline’ Restrictive Eating Content on Social Media: What is Harmful and to Whom? [accessed 6 October 2023]. Subsequent references to this source throughout.

<sup>466</sup> Pinterest’s response to May 2024 Consultation, p.7.

content can be blurred and difficult to distinguish between.<sup>467</sup> Across our guidance, we emphasise the importance of context for service providers considering whether content does or does not meet the definition of eating disorder content. Our examples will depend on their precise nature and context.

- A2.103 In light of this, we have carefully considered the risks to freedom of expression from over-moderation, and considered the risks that innocuous sport or fitness content may be removed by providers. We note that our guidance already covers additional detail on this example within the ‘content examples’ section of the table. We have specifically included contextual details to specify that this content would be deemed harmful only if it is “extreme and/or excessive and/or dangerous, e.g., posts promoting excessive exercise despite injury or fatigue”. We consider the specific example within the ‘content examples’ section provides more detail on the risks which mitigates the risk of over-moderation, while avoiding the risk of leaving content of this harmful nature to stay online.

## Guidance on abuse and hate content

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### Summary of stakeholder feedback and our decisions

- A2.104 This section addresses feedback made by respondents to the [May 2024 Consultation](#) on our Guidance on abuse and hate content. We have grouped stakeholder feedback and our decisions thematically, as follows:
- **Examples of abuse and hate beyond listed characteristics:** We have not made any changes to the guidance based on this feedback.
  - **Examples of misogyny:** We have added specific examples on misogynistic/gendered abuse and hate.
  - **Radicalisation, extremism and terrorism:** We have not made any changes to the guidance based on this feedback.
  - **Concerns around freedom of expression:** We have not made any changes to the guidance based on this feedback.
  - **Gaming and violent content:** We have added examples specific to abuse and hate on gaming services.
- A2.105 We explain these stakeholder themes and our rationale that led us to these decisions in the following sub-section.
- A2.106 In addition to the above changes, we have also made a number of clarificatory changes throughout the section, as well as ensuring our ‘Relevant illegal content’ sub-section is aligned with the final version of the [Illegal Content Judgements Guidance](#) (ICJG). Further, following the inclusion of additional misogynistic/gendered examples, we wanted to ensure other listed characteristics were also represented. Our examples now include each listed characteristic to clarify that abuse and hate content targeted at any of these characteristics is considered harmful to children. We have also added some further context

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<sup>467</sup> Ofcom, 2024. [Experiences of children encountering online content relating to eating disorders, self-harm and suicide](#).



on the wording 'a campaign of mistreatment' in paragraph 6.8, adding 'pile-ons' as an example.

## Stakeholder feedback by theme

### Examples of abuse and hate beyond listed characteristics

- A2.107 Three stakeholders gave feedback on including new examples of content considered to meet the Act definition of abusive content.<sup>468</sup> [38] provided an example that a derogatory meme or caricature of a person, with threatening, abusive, hurtful or harmful commentary added, could be directed towards a victim of domestic abuse by a family member or intimate partner without the hate necessarily being based on or directed at a particular characteristic.<sup>469</sup>
- A2.108 VAWG Sector Experts<sup>470</sup> saw limited mentions of children being victims of domestic abuse in their own right as a significant oversight in our guidance.<sup>471</sup> The Office of the Victims' Commissioner for England and Wales argued that the definition of hate and abuse content should be extended to not focus solely on listed characteristics. It then provided an example of a victim of rape receiving comments that they "deserve what happened" to them, to illustrate that this would be out of scope of our current definition. It suggested we should include examples of how harmful attitudes can manifest (e.g., gaslighting, cyberstalking and misogynoir). It also recommended that examples of abuse and hate content could be clearer in how they differ from and relate to illegal harms.<sup>472</sup>

### Our decision

- A2.109 Having considered the stakeholder feedback, we have decided not to make any additions or changes to the guidance to include examples outside of the listed characteristics.
- A2.110 We specifically considered the calls for us to include additional examples or types of abusive content in this section of the guidance. We have not done this, as the examples included within the guidance are based on the Act's definition of content which is abusive and content which incites hatred. This content must be targeted at, or against, people with the specific listed characteristics outlined in section 61(2) and (3) of the Act. Ofcom is unable to extend the scope of the statutory definitions beyond these listed characteristics, so we cannot add wider examples to the guidance on this basis.
- A2.111 However, we note that some of these examples requested could fall under the scope of different kinds of PC, namely bullying content (e.g., where interpersonal abuse content conveys a serious threat, humiliates or degrades a person; see Section 7) or violent content (e.g., where a post argues that victims or survivors of sexual assault must bear some responsibility or where a post justifies or defends the use of sexual violence; see Section 8).
- A2.112 In other cases, this sort of content may out of scope of different kinds of PC. For example, elements of abusive relationships between children may be captured by certain illegal

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<sup>468</sup> [38]; Office of the Victims' Commissioner for England and Wales response to May 2024 Consultation, pp.4-5; VAWG Sector Experts response to May 2024 Consultation, p.7.

<sup>469</sup> [38]

<sup>470</sup> VAWG is an acronym for "violence against women and girls" used in this instance by a group of expert 'violence against women and girls' organisations in their joint consultation response.

<sup>471</sup> VAWG Sector Experts response to May 2024 Consultation, p.7.

<sup>472</sup> Victims' Commissioner for England and Wales response to May 2024 Consultation, pp.4-5.

harms: controlling or coercive behaviour, child sexual abuse material, intimate image abuse, stalking and harassment, as set out in more detail in the ICJG.

- A2.113 We also note concerns about clarifying the relationship between abuse and hate content and illegal harms. In the ‘relevant illegal content’ sub-section of our guidance, we identify how PC may interact and overlap with illegal content. We refer services to the ICJG to help service providers make judgements about whether abuse and hate content is illegal.
- A2.114 The Office of the Victims’ Commissioner for England and Wales also requested we provide examples on how harmful attitudes can manifest. As explained in greater detail in Section 1 (Introduction to the Guidance on Content Harmful to Children), the Children’s Register of Risks (Children’s Register) provides information on how risks of harm to children manifest online, while the purpose of the guidance is to set out examples of what Ofcom considers to be, or not to be, content harmful to children. Specifically, Section 5 of the Children’s Register describes how abuse and hate content manifests online, and how children may be at risk of harm from such content.

### Examples of misogyny

- A2.115 The Office of the Children’s Commissioner for England and VAWG Sector Experts called for specific examples of the types of content that are deemed to be abusive or incite hatred to women and girls. Their feedback included citing the extent of the harm caused by misogyny, how it overlaps with other harms and the impact of such content, including influencer content, on children’s attitudes.<sup>473 474</sup>
- A2.116 [SC] raised the issue of honour-based abuse as a linked harm around misogynistic content. It recommended that there be distinct references to so-called honour-based abuse and intersectional differences, especially between violence and abuse and hate content.<sup>475</sup>

### Our decision

- A2.117 Having considered stakeholder feedback, we have decided to make additions and changes to the guidance, as explained in the following paragraphs.
- A2.118 We have reviewed the extensive evidence available regarding misogynistic content and its availability to children including intersectional harm as highlighted throughout Section 5 of the Children’s Register. In the Children’s Register, we acknowledge that the harm caused by misogynistic content is particularly well evidenced compared to other forms of abuse and hate. With this in mind, and considering stakeholder feedback, we have extended our examples of abuse and hate content to recognise misogyny specifically in Tables 6.2 and 6.3. We have also published draft guidance on how providers can take steps to improve the safety of women and girls online, which includes proposals focused on online misogyny.<sup>476</sup>
- A2.119 In response to the point made by [SC] regarding honour-based abuse, if the content of the abuse includes a listed characteristic, we consider that our examples will apply. In some circumstances, this content could fall under illegal harms. Section 4 of the Illegal Harms Register of Risks (Illegal Harms Register) cites evidence regarding how ethnicity and gender intersect, with specific impacts (such as ‘honour’ killing, or culturally specific humiliation)

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<sup>473</sup> Children’s Commissioner for England response to May 2024 Consultation, p.10.

<sup>474</sup> VAWG Sector Experts response to May 2024 Consultation, p.6.

<sup>475</sup> [SC]

<sup>476</sup> Ofcom, 2025. [Consultation on draft Guidance: A safer life online for women and girls](#). [accessed 25 February 2025].

affecting women with ethnically diverse backgrounds. Honour-based abuse is also discussed in Section 5 of the Illegal Harms Register; Section 5 recognises that women from communities with certain conservative or religious norms can be particularly vulnerable, as technology might be used to threaten or shame a partner wishing to leave a relationship, meaning they might be at increased risk of ‘honour violence’.<sup>477</sup>

## Radicalisation, extremism and terrorism

A2.120 The Association of Police and Crime Commissioners and the Independent Reviewer of Terrorism Legislation highlighted how abuse and hate could lead to radicalisation, extremist views and ideologies, and terrorism, including where they may be positioned due to overlaps with, or gaps in, illegal harm provisions.<sup>478 479</sup> The Commissioner Designate for Victims of Crime Northern Ireland raised the issue of region-specific abuse and hate.<sup>480</sup>

### Our decision

- A2.121 We have considered this feedback and have not implemented any changes to the guidance. The scope of this guidance is to provide examples of what Ofcom considers to be, or not to be, content harmful to children. It is not an assessment of the pathways to harm.
- A2.122 The types of examples we suggest fit within the scope of the statutory definitions for forms of abusive content or content that incites hatred. We are bound by the definitions of the Act and therefore this content must be targeted at or against people with the specific characteristics outlined in section 61(2) and (3) of the Act (which we call ‘listed characteristics’ within our guidance). However, in our Children’s Register (Section 5: Abuse and Hate content), we acknowledge that abuse and hate online may lead to children developing hateful beliefs more generally, and may lead to children taking harmful actions, including committing acts of violence. Where abuse and hate content is linked to violent content, it may be covered in Section 8 of our guidance (Guidance on violent content). Similarly, where abuse and hate content includes threats, abuse and insults (including hate)<sup>481</sup>, or where it encourages terrorism, it may be illegal content, which we cover in our Illegal Harms Register (see Sections ‘Hate’ and ‘Terrorism’) and the ICJG.
- A2.123 In response to the Commissioner Designate for Victims of Crime Northern Ireland, we have identified nation-specific harms relating to terrorism as a risk, including sectarian and paramilitary terrorism, in our December 2024 Statement on Protecting People from Illegal Harms Online (Illegal Harms Register: Section 1, paragraph 1.22).<sup>482</sup>

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<sup>477</sup> Ofcom, 2024. [Protecting people from illegal harms online: Register of Risks](#). [accessed 25 March 2025].

<sup>478</sup> Association of Police and Crime Commissioners response to May 2024 Consultation, p.7.

<sup>479</sup> Independent Reviewer of Terrorism Legislation response to May 2024 Consultation, p.1.

<sup>480</sup> Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 Consultation, p.4.

<sup>481</sup> As outlined in our ‘relevant illegal content’, broadly, content may be illegal where there are reasonable grounds to infer that it includes threats, abuse and insults (including hate) encompassing (a) threatening or abusive behaviour which is likely to cause a ‘reasonable person’ to suffer ‘fear or alarm’; (b) threatening or abusive behaviour which is likely to cause harassment or distress; (c) threats or abuse which are likely to ‘stir up’ racial hatred; (d) threats which are likely to ‘stir up’ hatred on the basis of religion or sexual orientation; (e) threats or abuse which may provoke violence; (f) other content likely to amount to harassment (including stalking and controlling or coercive behaviour). Refer to the ICJG for more details.

<sup>482</sup> Ofcom, 2024. [Statement: Protecting people from illegal harms online](#).

## Concerns around freedom of expression

- A2.124 Big Brother Watch and the Christian Institute gave feedback on freedom of expression and speech, including the need to be precise around our definition of hate speech to avoid subjective interpretation. Big Brother Watch presented several examples of content that they felt could be captured within the definition of abuse and hate content. These included examples such as reclaimed slurs, evidenced stereotypes or terminology used more generally to describe, define and organise groups based on listed characteristics. It argued that inclusion of this content went beyond the definition of hate speech.<sup>483</sup> The Christian Institute also expressed concern about intentional misgendering as an example of content that might be captured within the definition of abuse and hate. It also welcomed that content of democratic importance was protected but argued that it should not be limited to agendas by political parties and should include broader debates around social issues generally, such as the nature of marriage.<sup>484</sup>
- A2.125 Lambros Fatsis was concerned that our example in Table 6.4 regarding non-harmful artistic content could be misinterpreted. He raised concern that it could be viewed as “changing the reality of social injustice as a threat to children, rather than something that they need to be educated in, supported on and something they may wish to pursue”. He emphasised that this type of content should not be viewed as “illegitimate” or “harmful”, given it raises awareness of social injustice issues.<sup>485</sup>

### Our decision

- A2.126 We have considered the above feedback and have decided not to make any changes to our guidance.
- A2.127 In response to the points raised by Big Brother Watch and the Christian Institute on the definition of hate speech, we adhere to the definition outlined in section 61(2) and (3) of the Act. Therefore, we consider speech to be hateful where abuse and hate is targeted at the listed characteristic(s) of an individual or group. This is wider than the definition of illegal hate speech, as it is intended to capture legal content that is harmful to children.
- A2.128 In developing this guidance, including the definitions and examples provided, we have carefully considered whether it would constitute an undue interference with users’ fundamental rights. As explained in our sub-section ‘Rights Assessment’ in Volume 2, Section 6, we have concluded that it would not. Nonetheless, we recognise the guidance may impact how services apply the definitions in the Act. We have therefore taken into account the fact that some types of speech attract a higher degree of protection, and we have sought to ensure that our examples of content that we consider meet, or do not meet, the definition of harmful content cover (among others) educational content and personal accounts of abuse or hatred, counter-speech, artistic (including satirical) content, journalistic content and democratic or political speech. Further, as set out in the Introduction in Section 1 of the guidance, it is intended to assist providers to make judgements about whether content does, or does not, meet the legal definitions of PPC or PC when fulfilling the duties under the Act. Our guidance underscores the importance of context in deciding whether or not a piece of content is abuse and hate content. Our

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<sup>483</sup> Big Brother Watch response to May 2024 Consultation, p.11.

<sup>484</sup> The Christian Institute response to May 2024 Consultation, p.5.

<sup>485</sup> Fatsis, L. response to May 2024 Consultation, p.3. Dr Fatsis is a Senior Lecturer in Criminology at City University, London.

guidance on abuse and hate content does not cover speech that is merely offensive or in bad taste, rather our examples are intended to capture content in the context of speech that is demeaning, harmful, degrading, abusive, or hateful to a person or group based on a listed characteristic.

A2.129 We appreciate from the feedback that defining whether speech is ‘hateful’ or ‘abusive’, as opposed to simply naming, describing or organising groups based on listed characteristics, can be challenging. Big Brother Watch put forward examples that highlight this nuance. We clarify below our interpretation of the Act in response to some specific examples identified in their response:

- We would not consider the reporting of data about a listed group to be abuse or hate content, provided this data is appropriately interpreted. The assessment that ‘men are more likely to commit violent crimes’ based on evidence would therefore not be considered to meet the definition of abuse and hate content.
- It may be clear from the context that the use of certain terms to describe individuals or groups with listed characteristics do not amount to abuse or incitement to hatred, such as when they are used in a factual or satirical way, even if such terms could be considered offensive in other contexts. Unless these terms feature in content that is otherwise abusive or hateful (e.g., demeaning, degrading or aggressive towards those with listed characteristic(s)), we would not consider them to meet the definition of abuse and hate content. For example ‘cis’ (an abbreviation of ‘cisgender’) is used extensively in medical and political settings, as well as to self-identify, and ‘TERF’ is similarly used as a group identifier, as well as being based on ideology as opposed to any listed characteristic. As set out in our rights assessment (Volume 2, Section 6), some forms of content, such as satirical content, attract a higher degree of protection. We consider that content showing comedians engaging in satirical speech would not be considered abuse or hate content simply because it involved use of terms that may offend.
- We appreciate that some offensive terms can be reclaimed but again, it is important to consider context in determining whether content is harmful or not: for example, where an individual uses a term which is derogatory against a particular listed characteristic that they share, this is less likely to be abuse or hate content, and more likely to be an example of reclaimed speech.

A2.130 In response to feedback from both Big Brother Watch and the Christian Institute on the inclusion of an example related to intentional misgendering, we highlight that this guidance is not limited to illegal definitions of hate speech and gender reassignment is a listed characteristic in the Act. We therefore consider it appropriate to include “a comment that intentionally misgenders a person with the intention to humiliate, insult, offend or ‘out’ someone” as an example of content that is hateful or abusive based on the listed characteristic of gender reassignment. However, we acknowledge that in some scenarios, for example when an individual is undergoing a process of gender transition, appropriate use of pronouns can be complex. We highlight the importance of contextual considerations when seeking to understand the intent and impact of content.

A2.131 We discuss content of democratic importance in Volume 2, Section 6. This content attracts a higher degree of protection under rights to freedom of expression, but would note that the Act does not exclude content of democratic importance from the scope of the definition of content that is harmful to children. In response to the Christian Institute’s

concern, we expect content of democratic importance to include debates on a wide range of social and political issues. We also include ‘counter-speech’ as an example of content we would consider not to meet the definition of abuse and hate. However, even if shared in the context of political or social debate, content may meet the definition of abuse and hate, based on assessment of the nature of the content and its context. We will also be publishing a code of practice on how Category 1 services should comply with their duties in respect of content of democratic importance in due course.

- A2.132 In response to Lambros Fatsis, our guidance does not set out that content raising awareness of social justice issues is considered harmful. Rather, we have set out an example which suggests that such content would not meet the PC definition. However, it is ultimately a commercial matter for services to decide the types of content they choose to prohibit, provided that they comply with their duties under the Act.

## Gaming and violent content

- A2.133 [X] highlighted the number of popular games where characters are able to commit extremely violent acts on female characters, pointing to opportunities for the inclusion of examples of domestic abuse and violence against women and girls in gaming content.<sup>486</sup>

### Our decision

- A2.134 We received various comments to the May 2024 Consultation regarding harmful content on gaming services. The majority of this feedback concerned violent content and, as such, we cover more on this in the Guidance on violent content section of this annex. However, in light of the above feedback, we have included two new examples in Table 6.2 of content on gaming services which objectifies and/or demeans a person on the basis of their listed characteristic. These examples are regarding video games where users i) apply skins to a character or avatar to portray demeaning or harmful stereotypes of a listed characteristic and ii) make abusive, degrading, or derogatory comments against other user(s) based on one or more listed characteristics. In making this change, we also had regard to Section 5 of the Children’s Register, which sets out our evidence of how children can encounter harmful content, including misogyny and racism, on gaming services.

## Guidance on bullying content

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### Summary of stakeholder feedback and our decisions

- A2.135 This section addresses feedback made by respondents to the [May 2024 Consultation](#) on our overall approach to our guidance on bullying content. We have grouped stakeholder feedback and our decisions thematically, as follows:
- **Bullying and abuse in intimate relationships:** We have made a change to the guidance in Table 7.2 to include an example of content which suggests that a child is being bullied or abused as a means of control as part of an intimate relationship. We have also made a minor clarificatory change to the guidance to indicate where doxxing could amount to content considered to be PC. Lastly, we have included a clarificatory on synthetic content to support providers’ judgements of this content.

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<sup>486</sup> [X]



- **Bullying and abuse definitions:** We have not made any changes to the guidance based on this feedback.

- A2.136 We explain these stakeholder themes and our rationale that led us to these decisions in the following sub-section. Some of the themes overlap with stakeholder feedback related to other sections, such as the violent content (Section 8) and abusive and hate content (Section 6) sections. Other feedback also relates to the Children’s Register of Risks (Section 6: Bullying content). Where that is the case, we specify where we address this response.
- A2.137 In addition to the above changes, we have also made a number of clarificatory changes throughout this section, including minor adjustments to language and our guidance examples to help support providers’ assessment of content. We have also made changes to ensure that our section on ‘Relevant illegal content’ is aligned with the [Illegal Content Judgements Guidance](#) (ICJG).

## Stakeholder responses by theme

### Bullying and abuse in intimate relationships

- A2.138 Two stakeholders raised concerns about online bullying and abuse in intimate relationships involving young people.<sup>487</sup> This theme included concerns about a perceived oversight in our Guidance on Content Harmful to Children regarding the consideration of bullying, abuse and the control of young people in intimate relationships.<sup>488</sup>
- A2.139 For example, Greater Manchester Combined Authority (GMCA) raised concern that the guidance remained “largely silent” on the use of online tools and artificial intelligence (AI) to “control and enable harm” in intimate relationships.<sup>489</sup> GMCA also argued that harms within intimate relationships (such as deepfakes and doxxing) should be addressed and have greater “read across” throughout our guidance. It noted however that some aspects of these harms may be addressed in our separate guidance related to content which disproportionately affects women and girls.<sup>490</sup>
- A2.140 Furthermore, Snap Inc. agreed with a perceived “stricter approach” in our guidance to protecting children from bullying content, including images shared without consent, or applying augmented reality (AR) or AI effects intended to embarrass or humiliate a person.<sup>491</sup>

### Our decision

- A2.141 Having considered this feedback, we have made changes to our guidance. Our decision is explained in the following paragraphs.
- A2.142 We recognise stakeholders’ concerns regarding bullying, abuse and violence within intimate relationships involving children and the significant harm it can cause. Our guidance supports providers to identify content that could be considered PC as set out in the Online Safety Act 2023 (the Act). We acknowledge that we could provide greater recognition of these harms in our guidance and include illustrative examples of content

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<sup>487</sup> Greater Manchester Combined Authority (GMCA) response to May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation), pp.3-4; Snap Inc. response to May 2024 Consultation, p.5.

<sup>488</sup> GMCA response to May 2024 Consultation, pp.3-4; Snap Inc. response to May 2024 Consultation, p.5.

<sup>489</sup> GMCA response to May 2024 Consultation, pp.3-4.

<sup>490</sup> GMCA response to May 2024 Consultation, pp.3-4.

<sup>491</sup> Snap Inc. response to May 2024 Consultation, p.5.



that could meet the definition. We have therefore made changes to our guidance to support providers' assessment of this content, which we consider address the GMCA's point. We have added a new example in our guidance (Table 7.2) to include content which suggest that a child is being bullied or abused as a means of control as part of an intimate relationship. We have also clarified in our examples to indicate where doxxing could amount to content considered to be PC.<sup>492</sup>

- A2.143 Furthermore, we acknowledge GMCA's feedback related to the use of online tools to enable intimate partner violence. As we also explain in the 'Violent content' sub-section of Annex 1, Volume 2, this type of content and behaviour would likely be illegal. Threatening serious violence, the sharing of intimate images of children (including synthetic images), and domestic abuse or coercive or controlling behaviours are captured under existing criminal offences and the illegal harms safety duties.<sup>493</sup> Our ICJG helps services' assessment of illegal content judgements, which we encourage service providers to consider and refer to, to understand the criteria for illegality in full.
- A2.144 Where this content however is not illegal and where it may contain AI-generated content used to bully or abuse others, it could meet the definition of PC. For example, deepfake imagery or any other AI-generated content, including content that is shared without consent or intended to embarrass or humiliate another person, would fall into scope of the definition in the same way as human-generated content. We have included a clarificatory point in 'Considerations for service providers' on synthetic content to support providers' judgements of this content, which we consider addresses Snap Inc. and GMCA's points. We also recommend that providers consider any associated contextual or available information to assess whether such content meets the definition.
- A2.145 Regarding GMCA's additional point on harms in intimate relationships needing to be "read across" the guidance, we have highlighted the impact of these harms throughout our guidance. For example, in our Guidance on violent content (Section 8), we suggest that content encouraging violence against women and girls may overlap with abuse and hate content (Section 6), to help support their assessment of such content. In addition to the new example in this section, we have also made a number of clarificatory changes to our Children's Register to include new evidence related to the wider implications of violent content normalising forms of violence against women and girls, including domestic abuse.<sup>494</sup>
- A2.146 Furthermore, our draft guidance on 'a safer life online for women and girls' provides practical steps for providers to address this harm area.<sup>495</sup> We outline, as an example, how services can use abusability testing to anticipate how malicious actors (such as perpetrators of domestic abuse or pile-on harassment) could exploit a service, features or

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<sup>492</sup> Subject to it meeting the definition under the Act.

<sup>493</sup> Subject to it meeting the relevant requirements under the offences. See section 76 of the Serious Crime Act 2015; section 38 (threatening or abusive behaviour) of the Criminal Justice and Licensing (Scotland) Act 2021; section 5 of the Public Order Act 1986; and section 66(B) of the Sexual Offences Act 2003 for further examples. We consider that some elements of coercive or controlling behaviour between children could be considered as illegal, even though technically, the relevant offence(s) do not apply to children under the age of 16 (particularly given that some aspects of a controlling or coercive relationship could include illegal activity, such as harassment or the sharing of intimate images without consent, which are captured under relevant offences).

<sup>494</sup> See Volume 2, Annex 1 for more details.

<sup>495</sup> Ofcom, 2025. [Consultation on draft Guidance: A safer life online for women and girls](#).

functionalities to cause online gender-based harms. We also suggest practical steps for providers to improve reporting processes for survivors. Our draft guidance identifies a total of nine areas where providers could do more to improve women and girls' online safety. We are consulting on this guidance until the 23<sup>rd</sup> May 2025, and we encourage stakeholders to respond.

## Bullying and abuse definitions

A2.147 Microsoft argued that we should “further tailor” definitions of abuse and bullying content, alongside examples in our guidance, to “better identify risk patterns” associated with different types of content. It felt that bullying and abuse as harms often “manifest differently”, and that harm can result from “the targeting of an individual or groups of individuals”.<sup>496</sup>

### Our decision

A2.148 Having considered this feedback, we have decided not to make any changes to the guidance. Our decision is explained in the following paragraphs.

A2.149 We do not have discretion to change the statutory definition of bullying, abusive and hateful content as set out in the Act. We also consider that the Act's definition of bullying, abuse and hate content that is harmful to children – coupled with the contextual factors that we ask service providers to consider as part of whether this content amounts to bullying content – sufficiently recognises the multifaceted nature of abuse and bullying as well as ways in which they may differ from each other.

A2.150 Furthermore, our Guidance on bullying content (Section 7) also captures harmful content directed at children individually and content that persistently or repetitively targets groups (which may include targeting individuals or groups of individuals based on certain characteristics).<sup>497</sup> We have set out a range of non-exhaustive content examples that Ofcom considers to be (or not to be) bullying content that is harmful to children. We encourage providers to consider these examples as part of their assessment of whether bullying content meets the PC definition.

A2.151 We also recognise the stakeholder's concern about how the impact of these harms may differ between individuals or groups of individuals. The Children's Register assesses risk factors associated with children's exposure to all categories of PPC and PC, including bullying content and abuse and hate content. This includes assessment of evidence linking demographic factors, such as age, gender, sexual orientation and health needs, with increased risk of experiencing bullying, abuse and hate content.<sup>498</sup> As discussed in Volume 2, Annex 1, in light of stakeholder feedback, we have further clarified how abuse and hate content differs from bullying content. We will continue to keep our guidance and evidence base under review however, and account for any new evidence in the future that could result in updated guidance.

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<sup>496</sup> Microsoft response to May 2024 Consultation, p.5.

<sup>497</sup> See also Section 6, Guidance on abuse and hate content.

<sup>498</sup> See Sections 5 and 6 of our Children's Register for more details.

## Guidance on violent content

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### Summary of stakeholder feedback and our decisions

A2.152 This section addresses feedback made by respondents to the [May 2024 Consultation](#) on our overall approach to our guidance on violent content. We have grouped stakeholder feedback and our decisions thematically, as follows:

- **Artistic content:** We have changed our examples to focus as far as possible on characteristics that should be considered harmful, regardless of whether content may be considered ‘artistic’ or not. We have also removed references to ‘goading’ and ‘taunting’.
- **Overlap with illegal harms:** We have updated the ‘Relevant illegal content’ section. This includes adding information around material connected to child criminal exploitation at paragraph 8.6. We have also added a reference to coercive or controlling behaviour (CCB) at paragraph 8.4(f) to explain what may amount to such behaviour.
- **Violence in video games:** We have amended an example to capture that sexual violence in video games would also be considered violent content. We have updated our section on additional context for service providers to clearly outline ways children can encounter violent content on gaming services, and can encounter violent gaming content on other regulated services.

A2.153 We explain these stakeholder themes and our rationale that led us to these decisions in the following sub-section.

A2.154 In addition to the above amendments, we have modified our references to ‘knives’, using more general language, rather than using hyper-specific or colloquial terms. We have also added an example on content that may encourage the sale of knives to children. The intention behind these changes is to emphasise that the guidance covers all types of knives that may be used as weapons, even when it may be lawful for adults to purchase them for legitimate purposes.

A2.155 We have also incorporated a reference to school shootings in Table 8.2, adding “A post or video which idolises past instances of violence, e.g., a post demonstrating support or approval of a school shooting.” Professionals have expressed particular concern about content normalising violence offline and have reported that children tended to laugh and joke about serious violent incidents.<sup>499</sup> This reference to school shootings clarifies that we consider this content to be harmful to children and helps regulated service providers understand what this content may look like on their service.

A2.156 We have also made a number of clarificatory changes throughout the section, as well as ensuring our ‘Relevant illegal content’ sub-section is aligned with the [Illegal Content Judgements Guidance](#) (ICJG). In doing so, we have also removed two examples from Table 8.2 of serious violent threats made against individuals or groups where threats are not based on race, religion or sexual orientation, as we considered that most serious violent threats are likely to be illegal content irrespective of whether or not they are based on protected characteristics.

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<sup>499</sup> Family Kids and Youth, 2024. [Understanding Pathways to Online Violent Content Among Children](#), pp.33-34. [accessed 3 March 2025].

## Stakeholder feedback by theme

### Artistic content

A2.157 Lambros Fatsis raised that definitions and interpretations of violent content may serve to disproportionately affect, for example, racially and otherwise minoritised groups, impacting freedom of expression, human rights and civil liberties. He argued that violence is a crucial part of many art forms, of which drill and rap music is just one, and it is essential to establish whether the content is literal/factual or literary/fictional.<sup>500</sup>

#### Our decision

A2.158 Having considered the stakeholder feedback, we have decided to make some amendments to the guidance. Our decision is explained in the following paragraphs.

A2.159 In our May 2024 Consultation, we intentionally avoided mentioning any specific genres, such as drill or rap music, to prevent disproportionately targeting any particular form of artistic expression and to ensure a broad range of content was included. However, we recognise the risk that the examples we had set out could be interpreted in a way that was not intended, and could be seen as targeting particular genres of music in a way that is disproportionate or unfair. Given that creative content, including artworks, poetry, fiction, comedy and satire, warrants careful consideration in relation to freedom of expression, we have decided to make some adjustments to the guidance.

A2.160 We have changed our examples to focus as far as possible on characteristics that should be considered harmful, regardless of whether content may be considered ‘artistic’ or not. As such, updates to the Guidance on violent content include an additional example and edits to another to encompass a wider range of content that may encourage or promote serious violence:

- “A post or video that encourages serious violence against an individual or group, or encourages others to seek to commit an act of serious violence towards another individual or group. This can include language communicated via song lyrics.”
- “A post or video that uses incendiary language and/or visuals about an incident, such as the injury or killing of another individual, including to encourage a serious act of violence in retaliation.”

A2.161 We nevertheless acknowledge that artistic content may, in some circumstances, amount to content that is harmful to children, and providers should consider this when assessing whether content meets, or does not meet, the definition of content harmful to children.

A2.162 We have removed references to ‘goading’ and ‘taunting’. When editing our examples to focus on specific characteristics, we found that these terms are more likely to single out the kinds of content suggested by Lambros Fatsis. We also consider that examples of content which include ‘goading’ or ‘taunting’ may be captured under bullying content and therefore do not need to be included here. For example, there is a crossover between ‘goading’ and ‘taunting’ and the examples contained in Section 7, Table 7.2, such as content that targets an individual/group in order to humiliate them.

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<sup>500</sup> Fatsis, L. response to May 2024 Consultation, p. 3. Dr. Fatsis is a Senior Lecturer in Criminology at City University, London.

## Overlap with illegal harms

- A2.163 Barnardo's encouraged us to include a focus on child criminal exploitation when discussing violent content online.<sup>501</sup>
- A2.164 [X] stated that Table 8.2 provides an opportunity where we can be explicit in including gender-based and domestic abuse-related examples in content descriptions to underline the seriousness of the ramifications for children when exposed to this violent online content.<sup>502</sup>
- A2.165 [X] suggested amending our examples<sup>503</sup> in Table 8.2 to include an example of domestic abuse with no physical violence as an example of non-physical CCB to clearly demonstrate the wider breadth of what CCB can look like to platforms.<sup>504</sup>

### Our decision

- A2.166 Having considered the stakeholder feedback, we have made some amendments to the guidance. We explain these in the following paragraphs.
- A2.167 Regarding Barnardo's point on child criminal exploitation, the purpose of our Guidance on Content Harmful to Children is to provide assistance to all service providers that need to make judgements about whether content on their service amounts to content that is harmful to children as defined in the Act. Given that material connected to child criminal exploitation may amount to illegal content, we have added an explanation under the 'Relevant illegal content' sub-heading, signposting that service providers can refer to our ICJG for further information and support in making judgements on this type of content on their service.
- A2.168 In response to [X], the Children's Register of Risks (Children's Register) section on violent content details evidence of gendered and sexual violence-related content that may be harmful to children, including, for example, that children aged 7-18 who had seen content from Andrew Tate were almost five times as likely to think "hurting someone physically is okay if you say sorry after hurting them".<sup>505</sup> Based on this evidence, the guidance already includes content which glorifies, glamourises, encourages or normalises gender-based sexual violence and domestic abuse in intimate relationships. These are a non-exhaustive set of examples, to assist providers, of what could be deemed violent content.
- A2.169 We have not added an example of domestic abuse with no physical violence. We are aware that some behaviours associated with domestic abuse do not include physical violence. To clarify this, we have added a reference to CCB at paragraph 8.4(f), where we explain what may amount to CCB. We also recommend providers consider the Guidance on bullying content (Section 7), where we have now included a new example in Table 7.2 to include

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<sup>501</sup> Barnardo's response to May 2024 Consultation, p.18.

<sup>502</sup> [X]

<sup>503</sup> Table 8.2 references "A post which justifies or defends the use of sexual violence" and "A video which commends domestic abuse as a means to 'control' women."

<sup>504</sup> [X]

<sup>505</sup> Women's Aid found that children and young adults aged 7-18 who had seen content from Andrew Tate were almost five times as likely to think "hurting someone physically is okay if you say sorry after hurting them" (compared with just 4% of those who had not seen such content). Source: Women's Aid (Dean, K. and Davidge, S.), 2023. [Influencers and Attitudes: How will the next generation understand domestic abuse?](#) [accessed 17 April 2025].

content which indicates that a child is being bullied or abused as part of an intimate relationship.

- A2.170 In February 2025 we published our draft guidance on ‘a safer life online for women and girls’,<sup>506</sup> containing practical actions that providers can take to address content and activity which disproportionately affect women and girls: for example, by focusing on women and girls in risk assessments. We also expect this will be a useful document for providers to gain a better understanding of online gender-based harms, including how they cut across illegal content and content harmful to children.

## Violence in video games

- A2.171 Two respondents highlighted that there should be recognition of how violent acts committed against female characters can manifest in video games, suggesting the opportunity to include examples of domestic abuse and violence against women and girls in gaming content.<sup>507 508</sup>
- A2.172 Snap Inc. said it would be helpful to understand what Ofcom means by “realistic” and explained it does not generally prohibit content that is fantasy-based or references popular culture/video games.<sup>509</sup>

## Our decision

- A2.173 Having considered the stakeholder feedback, we have decided to make some amendments to the guidance. Our decision is explained in the following paragraphs.
- A2.174 We received various comments to the May 2024 Consultation related to harmful content on gaming services. To assist service providers, we have included two new examples of content on gaming services which objectifies and/or demeans a person on the basis of their listed characteristics in Table 6.2 of the Guidance on abuse and hate content. Having considered stakeholder feedback of how violent acts committed against female characters can manifest in video games, we recognised an opportunity to address this issue and have amended the gaming-specific example at Table 8.3 to broaden the scope, incorporating the wording “severe physical and/or sexual violence”. As drafted, our examples could be applied to a broad variety of persons, including women and girls.
- A2.175 Violent content in video games may also be captured where content from a video game is posted or streamed online, for example, to a regulated social media service. Where such content meets the definitions outlined in our Guidance on violent content, we consider this would be content harmful to children. To clarify this scope, we have updated paragraph 8.10 regarding additional context for service providers, to clearly outline ways children can encounter violent content on gaming services, and as well on other regulated services.
- A2.176 Regarding Snap Inc.’s comments, we note in the Children’s Register that user characteristics are important in assessing the risk of harm from violent gaming content. For example, a risk may emerge when violent gaming content is encountered by children younger than the target audience of the game. The extent to which violent gaming content can be considered realistic, and therefore have a potential greater propensity for harm,

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<sup>506</sup> Consultation on draft Guidance: [A safer life online for women and girls – practical guidance for tech companies](#). [Accessed 4 March 2025].

<sup>507</sup> Office of the Victims’ Commissioner for England and Wales response to May 2024 Consultation, p.7-8.

<sup>508</sup> [3<]

<sup>509</sup> Snap Inc. response to May 2024 Consultation, pp.5-6.

may depend on the wider context to understanding risk factors, which is set out at in Section 16 of the Children’s Register.

## Guidance on harmful substances content

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### Summary of stakeholder feedback and our decisions

- A2.177 This section addresses feedback made by respondents to the [May 2024 Consultation](#) on our overall approach to our guidance on harmful substances content. We have grouped stakeholder feedback and our decisions thematically, as follows:
- **Self-administration of drugs and overlaps with illegal content:** We have not made any changes to the guidance based on this feedback.
  - **Interactions with advertising regulation:** We have made a minor change to paragraph 9.5 to clarify further that the sale of harmful substances would only be in scope if it is user-generated content or search content.
- A2.178 We explain these stakeholder themes and our rationale that led us to these decisions in the following sub-section.
- A2.179 In addition to the above changes, we have added an additional example of content that Ofcom does not consider to be harmful substances content, namely journalistic content that depicts or describes drug and alcohol misuse in the context of its relationship with social issues. This is in recognition of Ofcom analysis that this is a common theme of journalistic content, and although it is unlikely that this content would encourage a person to ingest, inject, inhale or in any other way self-administer (i) a physically harmful substance, or (ii) a substance in such a quantity as to be physically harmful, we have included this example for the avoidance of doubt.
- A2.180 We have also made a number of clarificatory changes throughout the section, as well as ensuring our ‘Relevant illegal content’ sub-section is aligned with the most recent changes to the [Illegal Content Judgements Guidance](#) (ICJG).

### Stakeholder feedback by theme

#### Self-administration of drugs and overlaps with illegal content

- A2.181 The Scottish Government highlighted the risk of harm caused by self-administration of drugs and noted its intention to consider legislation to restrict who can administer dermal fillers and other non-surgical cosmetic procedures.<sup>510</sup> It also highlighted that a high proportion of services selling medications online are based outside of the UK. The Scottish Government stated that purchasing prescription medications from unauthorised sources without consulting medical professionals can pose a serious risk to individuals.<sup>511</sup>
- A2.182 The Association of Police and Crime Commissioners noted that this section focuses on encouragement to ingest/inject/inhale/self-administer a physically harmful substance. It

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<sup>510</sup> Scottish Government response to May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation), pp.6-7.

<sup>511</sup> [Scottish Government](#) response to May 2024 Consultation, pp.6-7.



argued that the section could also cover content that encourages young people to engage in the production/selling of harmful substances.<sup>512</sup>

#### **Our decision**

- A2.183 We have considered stakeholder feedback and have not made any changes to the guidance. This is because, in so far as it constitutes harmful content to children, the location of origin of harmful substances content does not alter our assessment of risk of harm to children. We therefore expect that our content examples in Table 9.2 already cover this type of content: “Content promoting the abuse of prescription medication, e.g., encouraging use of an anti-anxiety drug for recreational use, or a drug to treat attention deficit hyperactivity disorder (ADHD) as a ‘study drug’, or in quantities in excess of the recommended dose”.
- A2.184 In response to the Association of Police and Crime Commissioners, we are bound by the definition of harmful substances content under the Act which does not include reference to the production or selling of harmful substances. We therefore consider that such content would not amount to harmful substances content. However, there are some offences that are listed in the ICJG and could be relevant to harmful substances, so we have decided to continue to refer broadly to relevant offences and the ICJG itself.

#### **Interactions with advertising regulation**

- A2.185 The Advertising Association outlined the co-regulatory regime that applies to alcohol advertising and the prohibition of tobacco advertising in the UK. It argued that the fact our guidance referred to advertising which promotes harmful substances such as alcohol and tobacco products “presents a misleading representation”.<sup>513</sup> The Advertising Association referred to the Audiovisual Media Services Directive (AVMSD) and the Advertising Standards Authority (ASA)’s UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (the CAP Code) to demonstrate that the advertising of alcoholic beverages is regulated. It stated that “this co-regulatory regime ensures that alcohol advertising is not targeted at minors, and separately it does not encourage immoderate consumption”. It also notes that “the advertising of tobacco and tobacco related products is prohibited in the UK according to the Tobacco Advertising and Promotion Act 2002. It is also prohibited under the CAP Code 21.1.” It states the Advertising Association “would recommend drafting paragraph 8.9.5 (Vol 3, page 346) to accurately reflect these points”.

#### **Our decision**

- A2.186 We have reviewed the stakeholder feedback and made a minor amendment to the guidance. We have slightly adjusted the language in paragraph 9.5 to clarify that content which offers harmful substances such as alcohol and tobacco products for sale could be harmful substances content if it is user-generated or search content under the Act. This paragraph does not seek to explain the applicability of other regulatory regimes on advertising content. The scope of the CAP Code is different from the scope of this guidance, which pertains to user-generated and search content on regulated services. In general, we make clear in Volume 2, Section 6 that other regulatory regimes should be considered in parallel and this guidance is not intended to cover in detail how other regulatory regimes may also apply.

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<sup>512</sup> Association of Police and Crime Commissioners response to May 2024 Consultation, p.7.

<sup>513</sup> Advertising Association response to May 2024 Consultation, pp.5-6.

# Guidance on dangerous stunts and challenges content

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## Summary of stakeholder feedback and our decisions

- A2.187 This section addresses feedback made by respondents to the [May 2024 Consultation](#) on our overall approach to our guidance on dangerous stunts and challenges content. We have grouped stakeholder feedback and our decisions thematically, as follows:
- **Extreme sports and admiration:** We have clarified the explanatory text under ‘Additional context for service providers’ to emphasise that it is encouragement to replicate a stunt that would make the content harmful content. We have clarified the definition of ‘promotes’ to reflect that it is the likelihood of the content to encourage someone to replicate a dangerous stunt that would render it harmful. We have added an example of content that is not harmful to children about extreme sports content that is not instructional, to provide further clarity.
  - **Naming dangerous challenges:** We have not made any changes to the guidance based on this feedback.
  - **Automated content decisions:** We have not made any changes to the guidance based on this feedback.
- A2.188 We explain these stakeholder themes and our rationale that led us to these decisions in the following sub-section.
- A2.189 We have also made a number of clarificatory changes throughout the section, as well as ensuring our ‘Relevant illegal content’ sub-section is aligned with the most recent changes to the [Illegal Content Judgements Guidance](#) (ICJG).

## Stakeholder feedback by theme

### Extreme sports and admiration

- A2.190 Snap Inc. expressed concerns about the examples relating to extreme sports, as it argued that it might be difficult to differentiate admiration versus encouragement or promotion. It stated that snow sports, climbing, skateboarding and parkour are all sports that minors are likely to engage in, and are not inherently dangerous.<sup>514</sup> It therefore requested further guidance around certain contexts in which “Ofcom would expect services to take action on this type of content (e.g. if a user was climbing at a certain altitude with no safety harness)”.

#### Our decision

- A2.191 We have considered this feedback and have made some amendments to the guidance in response. The guidance already sets out that depictions of extreme sports alone do not constitute harmful content, but rather that the presence of contextual factors that would encourage children to follow this example could make it harmful content. Snap Inc. has asked for guidance on specific contexts in which Ofcom considers extreme sports content to be harmful content (by which it appears to mean specific depicted acts, i.e., it refers to “climbing at a certain altitude”). We do not propose to do this, as there are likely to be a broad range of scenarios in which extreme sports content could be harmful content, and the examples provided in the guidance are non-exhaustive and supplemented by guidance

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<sup>514</sup> Snap Inc. response to May 2024 Consultation, p.6.

on contextual factors. We consider this to be appropriate to assist services when assessing content.

A2.192 However, while the examples are not meant to be exhaustive, we do acknowledge that the status of content that positively depicts extreme sports, but does not encourage replication of those acts, could be clarified in the guidance. For example, the definition of ‘promotes’ in the draft guidance could be interpreted to mean that any positive depiction of an extreme sport would be harmful content. We consider that there could be unwarranted effects on freedom of expression if all content positively depicting extreme sports was considered harmful content. We have therefore clarified the explanatory text in paragraph 10.6 to emphasise that it is encouragement to replicate a stunt without sufficient safety information that would make the content harmful content. We have also clarified the definition of ‘promotes’ to reflect that it is the likelihood of the content to encourage someone to replicate a dangerous stunt that would render it harmful.

A2.193 In Table 10.3, we have added an example of content that is not content harmful to children relevant to extreme sports, to provide further clarity to providers. While this example is not intended to be exhaustive, we expect it will give providers sufficient clarity to help them make assessments on this type of content.

### Naming dangerous challenges

A2.194 The Scottish Government in their response requested that Ofcom not name any known challenges within the context examples in the guidance or elsewhere in its consultation materials, as naming challenges can potentially be harmful by drawing attention to them.<sup>515</sup>

#### Our decision

A2.195 We have decided not to make an amendment to the guidance and leave in reference to the challenges. The guidance is created to help services assess different types of content harmful to children that could be, or not be, PPC or PC. We have reviewed the references both in this guidance and across other regulatory products to ensure that the risk to users is minimal. We expect that the level of detail we have included in the guidance provides services with additional clarity to identify this content, without pointing vulnerable individuals to specific harmful challenges.

### Automated content decisions

A2.196 Google highlighted that many services, due to their scale, will be relying on automated systems to make judgements about whether their content falls within scope of the categories of content harmful to children.<sup>516</sup> It noted “significant technical challenges” in relation to recommender systems and making these judgements, “especially for certain more subjective content categories”. It stated that it may be much more challenging to identify “content depicting challenges” at scale, given it is often context dependent, as opposed to content like pornography that is recognisable across contexts.

#### Our decision

A2.197 We have considered this feedback but have not made any amendments to the guidance at this time. We acknowledge that it may be difficult to take into account what could be classified as more ‘subjective’ contextual factors in making automated decisions on

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<sup>515</sup> Scottish Government response to May 2024 Consultation, p.7.

<sup>516</sup> Google response to May 2024 Consultation, p.11.

content, which is why we have sought to give a range of examples of harmful content to inform services' own systems and processes for identifying this content. We do not consider that there is further information that the guidance can provide at this time to help support automated decision-making. As set out Volume 2, Section 6, we will review the guidance as appropriate to ensure it remains relevant and effective and consider the applicability to automated content moderation as part of this.