Online Safety Bill Report Stage Briefing, House of Commons
17 January 2022

About the Royal College of Psychiatrists:

We are the professional medical body responsible for supporting psychiatrists throughout their careers from training through to retirement, and in setting and raising standards of psychiatry in the United Kingdom.

We work to secure the best outcomes for people with mental illness, learning difficulties and developmental disorders by promoting excellent mental health services, training outstanding psychiatrists, promoting quality and research, setting standards and being the voice of psychiatry.

Background:

Below is a timeline for the legislation:

- In April 2019 the Government published the Online Harms White Paper.

- On January 2020 the Royal College of Psychiatrists published our report titled "Technology use and the mental health of children and young people." Overviewing the research into the use of screen time and social media by children and young people.

- In May 2021 a Draft Bill was published.

- The Bill was introduced on the 17 March 2022.

- The Bill returned to the Committee Stage on the 05 December 2022.

A recent report by NHS Digital found 1 in 8 (12.6%) 11 to 16 year old social media users reported that they had been bullied online. This proportion increased to more than 1 in 4 (29.4%) among those with a probable mental disorder.

They also reported 11- to 16-year-old social media users with a probable mental disorder were less likely to report feeling safe online (48.4%) than those unlikely to have a disorder (66.5%).

The report found among all 17 to 24-year-old social media users, young women were almost twice as likely to have experienced online bullying (19.5%) compared to young men (11.3%).

Technology use and the mental health of children and young people:

On January 2020 the Royal College of Psychiatrists published our report titled "Technology use and the mental health of children and young people." This report explores the current evidence around the effects of the use of technology among children and young people. As well as looking at the impact of screen time, the report also looks at the impact of different types of screen use on the mental health of children and young people including:

- Negative content.
- How vulnerable groups may be affected such as those with mental health problems and very young children.
- Potential for bullying and safeguarding issues.
- The potential for addiction.

In the report we make recommendations, including a number aimed at government and technology companies to protect users from the risks associated with the use of technology. The report also provides practical guidance to children and young people, parents and carers, clinicians and teachers on this issue. This provides a useful context for how the Bill can fit alongside a wider strategy for protecting children and young people online.

Key Points:

- The tragic suicide of teenager Molly Russell highlights that the Online Safety Bill needs to protect the public's mental health, and it must be implemented at the earliest opportunity.
- The Bill must complete its passage and focus on strengthening and not weakening protections for children and young people.
- Along with the Mental Health Foundation, The Mix, BPS and YoungMinds we have called for greater protections in the Bill from the risks posed by algorithms.
- Urgent research is needed to enable policy makers to better understand those risks – the College has called on social media companies to be compelled to release their data to enable researchers to independently assess potential risks and benefits of their platforms.

Duty of Care:

In the foreword to our [Technology use and the mental health of children and young people](#) report Ian Russell, the father of Molly Russell, said 'I have no doubt that social media helped kill my daughter.'

The tragic suicide of Molly Russell highlights the need to protect children and young people from harm online and the serious consequences when this does not happen. The College therefore welcomes attempts by the Government to address a comprehensive spectrum of online harms. The most important priority in the Bill is that protections to children and young people are introduced at the earliest opportunity.

The College supports a statutory duty of care to ensure that companies take more responsibility for the safety and wellbeing of their users and tackle harm caused by content or activity on their services. However, we need to make sure these duties come into effect at the earliest opportunity.

We support measures to ensure that companies are expected to use a range of tools proportionately, to take reasonable steps to prevent children from accessing age-inappropriate content and to protect them from other harms.

We are also pleased to see that Ofcom would be able to take tough enforcement action against companies that fail to comply — if companies fail to meet their responsibilities - including imposing fines of up to £18m or 10% of global annual turnover (whichever is higher) or apply to court for business disruption measures.

However, every day we delay introducing the legislation, children and young people will continue to be subjected to online harms. It is imperative that any new duties come into force as soon as possible and the new powers will be used, when required, to hold services to account. It is also important to consider how the needs of those who have already been harmed can be supported, and ensure there is greater funding to support the mental health of this group.

Recommendation: We welcome the new powers, however we need assurances that they will be used fully, when appropriate, if the Bill is to achieve its

intended purpose and that these duties will come into force at the earliest opportunity.

Harms from the addictive nature of Social Media:

As well as being exposed to harmful content, children and young people are exposed to services, which are designed to be addictive. We are concerned about the potential dangers to mental health inherent in the way some services are designed.

Social media platforms are specifically designed to promote continued engagement. Data-enabled service personalisation can lead to excessive engagement - for example using reward loops, continuous scrolling, notifications and auto-play features. This means they can encourage overuse or even addictive-type behaviours amongst child users.

An additional concern is that many young people aspire to become influencers or stream and compete in online games, and devote many hours to creating content or practising within a game. There is no version of The Children (Performances and Activities) (England) Regulations 2014 guidance in this area, which we believe should be considered.

Whilst evidence for causal links is still developing, there is evidence to suggest that the greater use of digital technology can affect weight, mood, thoughts of suicide and self-harm and body image. Time spent engaging with digital technology can also come at the expense of time spent on other activities including face-to-face interactions with family or carers and peers, exercise and sleep.

While more evidence is needed to understand these links, as children and young people are in a crucial developmental phase for refining higher cognitive abilities, it is vital we mitigate any possible harms for the addictive nature of some services.

In the Committee Stage, we were pleased to hear the Minister, Paul Scully MP, agree that habit-forming features can be harmful. We were also pleased to hear that companies will need to be more transparent about their design practices and the expectation that they will engage with researchers to understand the impact of those practices on their users. This, however, will need to include reporting on when and how much people are using services, with the data broken down by different age-groups. There also needs to be specific duties to protect children from the addictive nature of services.

Currently, child safety duties in clause 11 of the Bill apply across all areas of a service, including the way it is operated and used by children and the content. However, there is no specific duty to mitigate the harm to children caused by habit-forming features of a service.

Recommendation: The Bill should put a duty on services to take or use proportionate measures to mitigate the harm to children caused by habit-forming features of a service, and report on levels of use.

Algorithms:

Algorithms are an important feature of online platforms. They provide users with content they are most likely to be interested in, however, they can also function in ways that lead users becoming overly exposed to content that may be harmful to them.

This content may not appear to be harmful on its own, but could become so, when a user is overly exposed to it. For example, when a user is repeatedly provided with content around body image.

The Bill includes provisions on user empowerment, which will require providers to introduce measures to ensure adult users have control over the content they see. We would welcome providers also providing opportunities to 'clean' the algorithms, so that what users see in the present is not attuned to their past behaviour. This is especially important for those with mental health needs, who may have acted differently when struggling, and should not be confronted with that in the present, when recovering. In addition, in their current form, though, these provisions do not apply to children. We do not believe children can be entirely protected if algorithms are in operation.

The College is calling on duties for social media platforms to flag engagement with risky content, and for companies to provide user configurable controls that can block incoming content of a young person's choosing (with 'full safety measures on' as the default). We are calling for social media platforms to provide children feedback on content they are planning to send (an example of this was the BBC Own It app). This means affording them opportunities to influence ('clean') how the algorithms act in relation to them.

Recommendation: The College is calling on duties for social media platforms to flag engagement with potentially harmful content, and for companies to provide users with configurable controls which can block incoming content of a young person's choosing.

Research:

Despite the pervasive use of technology, we still have a very limited knowledge on how this might impact on people, particularly children and young people. The impact of screen time and online content on the health and well-being of children and young people needs to be studied further. There is an urgent need to review and establish a protocol for the sharing of data from social media companies with universities for research into benefits and harms on children and young people. The Royal College of Psychiatrists would welcome the opportunity to contribute to the process of identifying which data would be most meaningful in relation to the impact on mental health.

We welcome the commitment in the Bill for Ofcom to produce a report on the 'extent persons carrying out independent research into online safety matters are currently able to obtain information from providers of regulated services, exploring the legal and other issues which currently constrain the sharing of information for such purposes, and assessing the extent to which greater access to information for such purposes might be achieved.' However, while this is an important step this may take up to two years to produce. The government should prioritise this report and develop a protocol for data sharing as soon as possible.

Recommendation: The Government must commit at the earliest opportunity to establish a protocol for the sharing of data from social media companies with universities for research into the benefits and harms on children and young people.

Media Literacy:

As technology progresses there is a risk of new online harms developing. An effective way to help mitigate these future harms is to improve online media literacy.

Many risks can become harms due to insufficient media literacy. These risks include:

- The impact of algorithms
- The impact of influencers

- The drivers of mis/disinformation

- Content that challenges values (ideological persuasion)

- Gamblification; for example in areas such as cryptocurrencies/NFTs

- How content (possibly extreme) can have a traumatic impact

This can empower children and young people to use technology responsibly to aid their learning, to develop greater self-control, enable them to be more digitally resilient, and understand how to seek support, when needed.

We have previously welcomed a commitment from the government to work with a broad range of stakeholders - including researchers - to develop a new online media literacy strategy. However, online service providers are often in an ideal position to reach children and young people online as part of this process, and should embed media literacy in their products.

Recommendation: The Bill should include an obligation for social media companies to publish material to improve users' social media literacy, and provide the option to receive content that can help with recovery where it is available, curated by social media companies with the assistance of trusted organisations with relevant expertise and public health bodies.

Loot Boxes:

For the Online Safety Bill to be successful in protecting children online, it needs to be part of a wider online safety strategy.

An area of online harms the Bill does not protect children and young people from, is how social media and gaming companies promote in-game or in-app payments (currently, this often takes the form of 'loot boxes' – the contents of which the user is unaware of until it is purchased). These can often be targeted at children and risks exposing them to an addictive form of gambling.

Recommendation: We need to enable the regulator to undertake a joint review with the UK Gambling Commission to review regulations regarding loot boxes and similar in line with other countries which have recognised them as a form of gambling.

More information:

Please contact, Gregory Kay, Public Affairs Officer - gregory.kay@rcpsych.ac.uk

Further reading:

Royal College of Psychiatrists report on Technology use and the mental health of children and young people

Force social media companies to hand over their data for research into the harms and benefits of social media use, says new report (rcpsych.ac.uk) - 16 January 2020

Royal College of Psychiatrists calls for stronger protections against online harm (rcpsych.ac.uk) **-** 19 April 2022