



Department for
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17 July 2024

Dear Ms Hallett,

Thank you for the opportunity to respond to this Report to Prevent Future Deaths, regarding the tragic death of Isabella Charlotte Shere. Following the change of government, I am considering the issues you have raised in your report and I am grateful to you for bringing them to my attention. I have taken advice from my officials in preparing this response and wanted to reply promptly to avoid further delay.

First and foremost, I would like to extend my deepest condolences to the family and friends of Isabella. I have recently met with bereaved families who have had similar experiences and I will consider your report carefully when deciding how the government moves forward in ensuring greater online safety.

I am responding in place of the Department for Culture, Media and Sport, given my department's responsibility for the online safety policy. The Online Safety Act received Royal Assent on 26 October 2023 and will place duties on tech companies to protect their users online, especially children. The Online Safety Act regime will be overseen and enforced by Ofcom, the independent regulator.

I will address the concerns you have listed (referred to as (1)-(7) in your report) in my response, as per my department's remit, and having engaged with the Ministry of Justice on the relevant offences which fall within their remit.

Under section 2(1) of the Suicide Act 1961 (as amended by section 59 of the Coroners and Justice Act 2009) it is an offence for a person to do an act capable of encouraging or assisting the suicide or attempted suicide of another person, with the intention that their act will encourage or assist suicide or an attempt at suicide. The person committing the offence need not know the other person or even be able to identify them. An offence may be committed whether or not a suicide or attempted suicide takes place. Simply making available, or facilitating the provision of, resources which provide information detailing methods of suicide, where there is no intention to encourage or assist suicide, is not an offence under the Suicide Act. The criminal offence has a high threshold to avoid criminalising people who are expressing suicidal feelings and those offering them support, by for example sharing their own experiences.

I will now turn to the provisions in the Online Safety Act. The Act introduced a new communications offence of encouraging or assisting serious self-harm (akin to the offence under the Suicide Act but covering non-fatal self-harm) and a regulatory framework to address online



content harmful to children, such as the type of content that Isabella accessed shortly before her death. As the material accessed related to suicide, it would likely be captured under the Act as either 'primary priority content' (PPC) harmful to children or 'priority illegal content'.

PPC is defined under Section 61 of the Act, and includes content which encourages, promotes or provides instructions for suicide. Priority illegal content, defined under Section 59 of the Act, includes content which amounts to a priority offence, such as an offence under Section 2(1) of the Suicide Act. The Online Safety Act imposes duties relating to both types of content on in-scope 'user-to-user' services. These are services which allow users to post material online, or to interact with each other. The Act also imposes the similar duties on search services.

Under the duties protecting children, all user-to-user services and search services that are likely to be accessed by children must assess the risk of any content harmful to children (including primary priority content) being encountered on their service. User-to-user services – such as Quora – then have a duty to put in place systems and processes to prevent children from encountering user-generated content which is PPC, while search services must minimise the risk of children encountering this content in search results or on the pages they land on when they click on them. The Act states that risk assessments must consider the functionalities of the service. Ofcom has proposed in its draft Children's Safety Codes that functionalities such as alerts and notifications or those that allow users to react to content are specific risk factors that should be considered. Your report highlighted similar functionalities on the Quora website as matters of concern.

Ofcom published the draft Children's Safety Codes on 8 May. The Codes include proposed recommended measures that regulated services put in place to fulfil their safety duties. For user-to-user services, these measures include:

- the use of highly effective age assurance to prevent children seeing PPC which has been identified on the service, such as content encouraging, promoting or giving instructions for suicide
- complaints and reporting systems that are easy to access and use, enabling people to make user reports about content which might be harmful to children
- well-resourced content moderation systems or processes designed to swiftly take action against identified content harmful to children, for example by filtering identified PPC content so that it is only visible to confirmed adult users
- measures for recommender systems and algorithms that ensure content likely to be PPC is not recommended to children, preventing them from encountering PPC through notification systems or being recommended similar material in the manner described in your report. This ensures that content likely to be PPC is reduced in prominence on children's recommender feeds and enables children to provide negative feedback on content that is recommended to them.

Ofcom's draft measures also include proposals for search services to protect children from encountering harmful content through moderation, in line with their duties under the Act, and mitigate the impact of such content. These measures include: downranking or blurring of PPC where a user is believed to be a child; filtering identified PPC out of their search results; and provision of crisis prevention information in response to known PPC-related search requests regarding suicide.

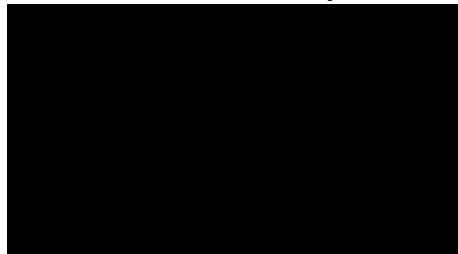
Furthermore, the Act's illegal content safety duties require user-to-user services to have systems and processes in place to proactively prevent users from encountering priority illegal content via their service and to minimise the length of time for which such content is present. Ofcom has

also produced a draft Illegal Content Codes of Practice for user-to-user services and search services.

There will be sites and services that choose not to comply with the Act's regulatory framework. In these instances, Ofcom has a suite of robust enforcement powers to support its regulatory functions. These extend to instances where companies are based overseas but have a significant number of UK users or the UK as a target market. Ofcom's powers include the ability to apply to the court for business disruption measures. These are court orders that require third parties (including those who provide an access facility to such services, such as internet service providers, or ancillary services such as payment providers) to prevent, restrict or deter access to non-compliant services in extreme circumstances.

Part of our Government's mission is to reduce the lives lost to suicide, and the Online Safety Act will help with this aim. My department is working closely with Ofcom to ensure that the Online Safety Act is implemented as quickly as possible so that children are protected from encountering harmful content online, especially at their most vulnerable moments, as happened with Miss Shere.

Yours sincerely,



Rt Hon Peter Kyle
Secretary of State for Science, Innovation and Technology