

# Childnet International

## Response to Mobile Broadband Group Consultation on the “UK code of practice for the self- regulation of new forms of content on mobiles”



## **Childnet International response to Mobile Broadband Group Consultation on the “UK code of practice for the self-regulation of new forms of content on mobiles”**

Childnet International is a UK-based charity<sup>1</sup> working with others around the world to help make the Internet a great and safe place for children. A child focused organisation, Childnet works directly with children, those responsible for children and other organisations and service providers operating around them. In particular, Childnet works actively in the area of education and awareness in promoting the potential and opportunities that the Internet and new technologies offer by providing quality advice to children, young people, parents, teachers and caregivers, to enable children to use the technology safely and responsibly. Childnet’s award-winning educational resources have been used and distributed throughout the UK (for example, over 1 million copies of Childnet’s Know IT All for Parents CD Rom was distributed in less than 6 months in 2007-8), and adapted for use and distribution in other countries. Childnet is also active in carrying out research<sup>2</sup> in this area as well as working in key policy fora, such as the UK Council for Child Internet Safety (UKCCIS)<sup>3</sup> and the Department for Children Schools and Families (DCSF) cyberbullying taskforce for example.

Childnet is pleased to respond to the Mobile Broadband Group’s (MBG) consultation on the mobile code.

### **1. Do you agree that the way mobile operators currently signpost content on their portals and use access controls to signpost restricted access is the right approach? If not what else do you feel could be done?**

Childnet believes that the system in current operation is the right approach to mobile content. It remains vitally important that mobile operators help protect their younger customers, i.e. children, from inappropriate content. This is important both for the same reasons that we try and protect children from this content in other media, but also because of the personal and private nature of the mobile device, both of which make parental supervision increasingly difficult, the spontaneity of the device which allows for impulsive behaviour at any time and the level of responsibility children feel about their phones.

Given the level, or rather lack of public awareness about the content controls available, Childnet judge that it is necessary that these controls are set by default as being ‘on’ at the time of purchase for customers, regardless of whether they are pay-as-you-go or post pay. In conjunction with this, Childnet are concerned about the finding in the Ofcom review<sup>4</sup> that one MO did not provide this access controls as being on by default for post-pay customers, and we would value more information on why this is the case in this instance, and what additional measures are taken in this case to ensure the safety of younger users.

As well as seeing great benefits with much better communication to parents and carers about the child protection measures that the mobile phone operators have provided, Childnet would also like to a better way of gauging or monitoring the effectiveness of the current system than is used currently, and sees real value for close attention given to monitoring this area, particularly as mobile internet access becomes more accessible to children and young people. The reasoning provided in the document to show the effectiveness of the current system is not robust, and there is a real risk that it may not provide an accurate picture of the current situation.

The document states that:

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<sup>1</sup> See [www.childnet.com](http://www.childnet.com) for more information. Charity Registration no: 1080173

<sup>2</sup> For example see Childnet’s report with the National Consumer Council (now Consumer Focus): ‘*Fair game? Assessing commercial activity on children’s favourite websites and online environments*’, <http://www.childnet.com/publications/policy.aspx>

<sup>3</sup> Childnet was an original member of the Home Office Task Force on Child Protection on the Internet at its inception in 2001.

<sup>4</sup> ‘UK code of practice for the self-regulation of new forms of content on mobiles’ Review, Ofcom, 11<sup>th</sup> August 2008, [http://www.ofcom.org.uk/advice/media\\_literacy/medlitpub/ukcode/](http://www.ofcom.org.uk/advice/media_literacy/medlitpub/ukcode/)

*“The IMCB is not reporting any significant levels of public concern about minors getting access to 18 content on mobile devices, nor are the mobile operators, the IWF or Ofcom” (p 5)*

However, Childnet does not draw any confidence from this finding. Significantly, the Ofcom Media Literacy Audit 2008<sup>5</sup> found that only 15% of adults with a child in their household were aware of age verification systems, and following on from this it is not unreasonable to deduce that, the user reports (as public concern) regarding classification of certain mobile content may not be an accurate portrayal of the situation. There are further problems with the above reasoning in this document, namely:

- 1) the IMCB does not in practice receive reports from the public – these reports would much more likely and more relevantly be directed to the mobile operator, who are the first port of call in any case. Childnet does not believe there is any knowledge of the existence of the IMCB amongst the public, nor has there been any effort to promote this as somewhere to report so, and it would be inappropriate to draw any conclusion about the effectiveness of the current system from the level of public reports to the IMCB. Even if there was an awareness of the IMCB and its remit amongst the public, there is a further barrier making reports to the IMCB unlikely, and that is that it will not be readily apparent to the parent or carer that had found pornography on their child’s phone, for example, whether this content was ‘commercial’ or internet content, ie under the IMCB’s remit or not.
- 2) the Ofcom review<sup>6</sup> found that the “volumes of consumer complaints to mobile operators may not be a sufficiently reliable gauge of child access to 18-rated material” (p8), so again it would be unreliable to draw any conclusions from this, unless the operators have been recording and sharing the numbers and content of such complaints.
- 3) The IWF do not have a remit to cover reports of children accessing age-inappropriate material, and Ofcom is similarly not perceived by the public as having this role over content.

There would be real advantages for everyone by having a clearer picture here, rather than by basing judgements on this level of evidence, evidence which could conceivably even be misleading. As access to commercial and internet content grows via mobile, including amongst children and young people, it is vital that work is done now to establish a clearer picture of the effectiveness of current policy.

Childnet anticipate children’s access to such content to grow as the prices fall and the mobile devices in children’s hands are those that can access the internet wirelessly. At Childnet we hear anecdotal instances of children accessing and circulating inappropriate material on their mobile phones. More information is needed on how this happens, to what extent this happens, and what can be done in order to help prevent this. The consultation document does point out that this can and does happen by Bluetooth. While Childnet accepts that Bluetooth is outside of the network, the images need to come from somewhere before they are circulated on Bluetooth, and better information here would be invaluable.

**2. Do you believe that there is significant demand for a more granular age categorisation for content available on mobile handsets, rather than simply 18 and unrestricted? If so, what age categories do you think would be appropriate? Please explain the reason for your answers.**

Yes, there is scope for and there would be great advantages for a more granular categorisation for content available on mobile handsets. This has become much more significant and necessary with both the ever-decreasing age of mobile phone ownership, and the accessibility of social networking sites on mobile services.

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<sup>5</sup> See [http://www.ofcom.org.uk/advice/media\\_literacy/medlitpub/medlitpubrss/ml\\_adult08/](http://www.ofcom.org.uk/advice/media_literacy/medlitpub/medlitpubrss/ml_adult08/)

<sup>6</sup> ‘UK code of practice for the self-regulation of new forms of content on mobiles’ Review Document produced by Ofcom, 11<sup>th</sup> August 2008.

8 year-old children, and we know that children of the age of 8 and even younger are using mobile phones, have different and greater needs in terms of protection from content to children aged 16 or 17.

In the absence of more granular classifications than 18 and unrestricted, the provision of social networking services such as Bebo, MySpace and Facebook throws up some challenges with regards to access to these sites on mobile phones. These services should only be available to those 13 or over, so in the instance of classification, it would probably be better for these sites to be 18 rated to ensure that those children under 13 would not be able to access them. Childnet does not believe that this is the case currently, and thus younger children are able to access age inappropriate services.

Providing more granularity would certainly give parents more choice, and this granularity could perhaps be accompanied by handsets with reduced functionality, or functionality more appropriate to the age of the user.

Childnet would recommend strongly that any classifications be the same as other age classifications elsewhere in order to reduce confusion by having consistency across media.

### **3. How do you feel about the approach mobile operators take to chatrooms and social network sites and do you support the stricter moderation requirements for mobile based chat rooms that mobile operators have put in place?**

There are very real child protection advantages for the moderation of chat services, and in the context of this Code it is very important that 'commercial' chatrooms are moderated. Chat environments where children can interact with people that they only know online do have potential risks, and these risks are compounded on mobile phones due to the personal nature of the device and the fact that they are very private and an impossible medium for parents to supervise. The personal and private nature of the mobile phone is amply demonstrated by the fact that it has been used in most grooming cases at some stage, usually the latter stages of the process.

Moderation, as outlined by the Home Office Good practice guidance for the moderation of interactive services for children<sup>7</sup>, is most effective if done by a person rather than by software, though there are advantages in both approaches being used simultaneously. It is very welcome that the social networking sites provided by the MOs are moderated and it would be useful to hear how these services are moderated, whether it is pre- or post moderated for example, and whether they use human or technical moderation or both.

Childnet note that in this consultation it is outlined that where operators provide access to third party social network providers, which would then be classified as 'commercial content' or services under the Code, mobile operators "use their influence to encourage all providers to comply with the Home Secretary's Task Force Good Practice Guidelines for providers of social networking sites and user interactive services" (p8). Childnet accept that this proposed addition to the Code social network providers are expected to follow the recommendations included in this good practice guidance, however we do see this as a weakening of the protections that were originally included in the mobile operators code. Because mobile phones are different to accessing the internet and applications on a home computer, there were additional requirements in terms of moderation put on chatrooms that mobile operators have some control over (ie commercial chat) to ensure that children are better protected here. The same differences continue to apply about accessing content and services on mobile, relating to the personal and private nature of the device and the difficulty of parents to supervise apply. It is because of these differences that mobile operators need to do more than 'encourage' social network providers, and should use the contracts they sign with these third parties to stipulate adherence to at least some key criteria from the Good practice guidance. The issues Childnet would recommend to be included here would be timely safety advice when uploading content, an acknowledgement and an estimated response time to reports given to those reporting,

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<sup>7</sup> See <http://police.homeoffice.gov.uk/news-and-publications/publication/operational-policing/moderation.pdf?view=Binary>

moderation in some form of images being posted up from mobile, and profiles private by default for those who are not age verified as over 18. Childnet does not agree that social networking sites which can be classified as 'commercial content', i.e. the mobile operator has a contractual relationship with, should fall outside the Code. There was already a Good practice guidance on chat provision (Jan 2003) before the Mobile Code came into effect, and yet chat was necessary to tackle in the code. Social networking is the same, and Childnet would see potential risks to children if social networking wasn't addressed in the Code.

**4. Bearing in mind that mobile operators do not control the content available on the internet, do you think that there are any other options available to limit children's access to adult content on a mobile device? If so, how do you envisage this will work?**

Childnet strongly recommend that filters for the Internet accessed via mobile phones to be set on by default. In a similar way that content controls on commercial content are set on by default, the filters should be on until the user has gone through a process of age verification.

Childnet would like to see exploration for filters to be at the Handset level. As more and more mobile devices have the capability of not using the mobile operators network and accessing the internet for free on existing wireless networks, the child protection filtering measures would not currently protect children here. Filtering that could be activated at the network level on the handset – there is precedent for this – could be a way of continuing the effectiveness of the filter even for these circumstances. The precedent here is from the treatment of Bluetooth in Germany where mobile operators can and have taken responsibility for protecting children from accessing and being exposed to content in this way, where the mobile network disabled Bluetooth on the handset<sup>8</sup>. Activating a filter for the handset in this way would be a crucial step in protecting children for when they access the Internet outside of the mobile networks.

**5. Do stakeholders have any comment about the handling of illegal content by the mobile operators?**

It is good that all the Mobile Operators all support the IWF and that all use the list from the IWF. Childnet is interested to know why this is not currently part of the Code, and would suggest that it could be included in the code to serve as best practice example to others.

**6. Do stakeholders have any comments or suggestions about how to reduce unsolicited messages?**

It is Childnet's experience that one of the biggest problems that young people face is being 'ripped off' by premium rate services, including receiving repeated messages that they consider to be unsolicited. It is important for the mobile operators to work with Phonepayplus to help better inform and protect children on this topic, making sure they know what to do when they do have difficulties, particularly know how to stop such a service.

**7. Do stakeholders agree with the approach or have any other comments (re malicious communications)**

Yes, it is very important to educate customers, making sure that they know what to do to prevent and respond to cyberbullying, as well as information about not becoming a cyberbully and good practice in using their phone (for example asking permission when taking or using a picture of someone).

The support the mobile operators give those who are the targets of cyberbullying is very important and valuable.

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<sup>8</sup> See [http://www.fsm.de/inhalt.doc/StatementFSMChildSafetyMobilePhones\\_en.pdf](http://www.fsm.de/inhalt.doc/StatementFSMChildSafetyMobilePhones_en.pdf), p2. "T-Mobile (CombiCard Teens) and Vodafone (CallYa Junior Card), offer services and rates specifically fitted for the needs of juveniles, offering partly the opportunity to bar and block e.g. the Bluetooth-interface, access to portals, MMS- and GPRS/UMTS-services".

## **8. Do stakeholders have any comments about mobile operators' approach to giving information and advice or any suggestions as to what further measures might be practical and helpful?**

There have been good initiatives in providing information and advice to consumers and the provision of resources for schools and teachers in this area.

However, much more needs to be done to raise awareness about the services available on mobile phones owned by children, the potential risks facing children on mobiles, and the protections and advice that is on offer to help. The Mobile operators in the UK do provide tools for parents to use to help protect their children, but information about these tools is not effectively reaching parents currently. Childnet does not agree with there being an *information overload*, as suggested in the consultation, and are unsure why this is felt to apply in this area of child protection. There are many ways to communicate to this audience, and reach and reinforce consumer education with clear consistent messages. Indeed, it is difficult to balance the idea of information overload with the Ofcom report finding that the availability of consumer information in this area was lacking, and the subsequent recommendation that "mobile operators redouble their efforts to ensure information supplied by retailers, customer services and websites is easy to understand and accessible" (p3). Education and empowerment of parents and carers and children is crucial for their safe and responsible use of this technology, and Childnet agree with the Ofcom report that more needs to be done here.

There is a commitment in the Code to have the Code on the websites of the mobile operators. In fact the Code is currently not on mobile operators websites, or if so is very difficult to find. Having said that, it is not likely that parents would go to look for the Code on an operator's website, particularly if they are not aware of its existence. The commitments in the Code must be communicated in a more relevant and engaging way. There have been leaflets produced by many mobile operators, as well as content on websites, and this is very welcome. However, it was disappointing to see the results of the Mystery Shopping in the Ofcom review. It found that there "was little customer information visible in the stores – this was absent in 151 of the 160 stores visited" (p13). That is a staggering 94% of stores. 94% of stores had no leaflets in them – it is one thing to produce the leaflet, it another to get it into stores and into the hands of the parent customer at the time of purchase. This is the best time and a great opportunity to reach parents with this information, enabling them to set up the phone and pass on key advice to their child before the child starts using it. There are challenges to face in getting retail to better support customers in this area, but this timely advice is so valuable, and just by ensuring the retailer asks each customer "Is this phone for you (or is it for a child)? could make a great difference.

Childnet consistently find that parents are not aware of the services available on their children's phones, nor of the protections available to them. This finding is reinforced by other findings from Ofcom's research and Mystery Shopping research for example, showing that often<sup>9</sup> parents are not given good advice at the point of sale. It is so important for advice to be given to the parent at this point, the very point before they give the phone to their child. The Code and the protections the operators provide are not well communicated to parents. It is vital to improve this. In order to respond to this need Childnet developed a Checklist for Parents to assist in communicating the protections offered by mobile operators to children, see <http://www.childnet.com/downloads/mobilesQ.pdf>. To date this has been taken up and used by O2<sup>10</sup> to communicate these messages to parents.

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<sup>9</sup> Although the majority of stores in the Ofcom review's mystery shopping exercise did either give detailed (40%) or limited information (20%) on how the child protection systems work, 40% either offered no advice or gave no explanation of how child protection systems work.

<sup>10</sup> The Checklist was used online and in publications in retail stores, together with a programme to develop a culture of child protection understanding and knowledge throughout the company. 100 child protection champions from within O2 volunteered to help spread these important messages and work to ensure that staff would be equipped to assist and inform customers on these issues.