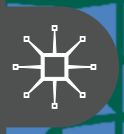

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Policy and Rights Challenges in Children's Online Behaviour and Safety, 2017–2023

Andy Phippen

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CHAPTER 1

Online Safety Policy—Moving On?

Abstract This book examines the evolution of online safety policy for children in the UK and beyond, analysing shifts in legislative efforts from 2017 to 2023, including the enactment of the UK Online Safety Act 2023. Building on prior work, we explore the concept of an online safeguarding dystopia, where well-meaning but restrictive policies limit children's rights under the guise of protection. By applying Bronfenbrenner's ecological systems theory, the text dissects the "online safety ecosystem", which involves various stakeholders—from policy makers to educators and families—who impact children's online experiences. The book critiques a dominant reliance on technological and punitive measures, arguing that such approaches ignore the complex, contextual nature of children's lives and often fail to align with youth voices. It highlights a disconnection between policies intended to keep children safe and the practical realities they face. Ultimately, the author calls for an evidence-based, multi-stakeholder approach to online safety, one that embraces empowerment, education, and a nuanced understanding of the risks children face, to foster a digital environment that genuinely serves their best interests.

Keywords Online safety policy • Child rights • Ecological systems theory • Safeguarding dystopia • Stakeholder collaboration

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It's better just to ignore what adults tell you. Young person, 17, 2021.

This book is the follow-up to a previous monograph *Children's Online Behaviour and Safety—Policy and Rights Challenges*, which was published in 2017 (Phippen, 2017) and considered Online Safety Policy and Practice between 2010 and 2016. In that book the prevailing narrative was one of using technology to prevent young people from being exposed to harms, regardless of the impact of these approaches upon their rights. In developing these arguments, I proposed the concept of the *online safeguarding dystopia* where, in our rush to ensure young people were protected from harm online (without ever comprehensively defining what these harms were), we have eroded their rights and ignored their wishes because we (adults) know best and we will make sure they are safe.

This book will follow similar format to the previous one but is completely new content considering the state of the online safety policy field in the UK (and more broadly) from 2017 to 2023 but will extend the concept of the dystopia to look more broadly at what we have come to refer to as the *online safety ecosystem*, a model comprising all stakeholders who should have a responsibility for child safeguarding. That is not to say that the dystopia has improved since the last book, more that it has evolved, as we will explore in this book.

While there is growing body of knowledge related to child online safety, and certainly a lot of media and policy interest, there still remain only a small number of authors compared to other areas of social policy and most will focus on behaviours and not more broadly at the policy space, with analysis of rhetoric, evidence and WHY public policy has evolved in tension with the needs of those it claims to protect.

This book attempts to unpick this tension based on almost twenty years of empirical work across the stakeholder space and, most importantly, conversations with many young people. In trying to understand why we are where we currently are, it will attempt to explain why there are better, more child-centric approaches and why existing approaches are doomed to fail because they ignore history.

In terms of policy development, the period of study for this edition starts with examination of the emergence and failures of the child safety aspects of the Digital Economy Act 2017, and the moves to explore development of the Online Safety Act 2023 2023 and its assent. However, it is also considering digital aspects of education statutory instruments and

other legislation with digital elements. All of this is considered against a backdrop of youth voice and evidence from the field.

While the focus lies in UK policy, it will also draw upon similar policies in other parts of the world and the move from a starting place of multi-stakeholder engagement to the current established practice of platform liability and, arguably, industry scapegoating. The book will draw on significant data sources to illustrate the grassroots need compared to policy direction and political and media rhetoric as well as considerable ethnographic reflection from someone who has been engaged across the stakeholder space in the field for twenty years.

Studying the Online Safety Space

My own work in this area (Lacohee et al., 2006) started somewhat by accident. During a project with a couple of industry service providers exploring public trust and engagement with online systems in the early twenty-first century, we decided that it might be interesting to speak to some young people about their experiences with online systems. Sat in a school, we had organized two focus groups with year 10 students (aged between 14 and 15). The school was very supportive—they had noticed that more and more young people were talking about doing things online, yet they had little understanding of these issues and wanted to learn more. The young people were firstly surprised "adults" wanted to talk to them about these sorts of things, but soon warmed up and we spent far longer than planned talking to them. "This is better than being in class", one of them said. In those conversations we experienced young people who were very engaged with online service (like MSN, Bebo, and MySpace) and who gained a lot of enjoyment from interacting with others on these platforms. However, when we asked them about the concerns that were emerging in the media about grooming and what was still referred to then as "stranger danger", some of them did acknowledge sometimes you did get approached by strangers who would ask strange things. "It's ok though", we were told, "they just pervs and we block them". What became clear was that, with a dearth of adult intervention and, arguably, interest, they had built their own support networks among peers, and made use of the tools provided by platforms to manage their own safety. They were knowledgeable about the potential harms and were more concerned with arguments among peers than being groomed by strangers, and generally enjoyed their online interactions.

The school asked if we might do some more sessions, and around the same time I was introduced to a charity who provided broadband for schools but were increasingly giving advice on online safety issues to their customers. This led to the means to collect data on a larger scale (given the number of schools they supported) and access to other stakeholders, such as politicians and civil servants, who were also tackling this burgeoning area of social policy. I was invited to give talks and staff training in schools and across the wider children's workforce, and national speaking invitations lead to more interaction in the policy space and industry. The charity developed new tools for schools to use to manage their online safety, and I was asked to look at the data they collected from these tools, and as interest in online safety globally grew, so did my interactions in the ecosystem. However, what remained at its core were interactions with young people and, to this day, speaking to young people is always the most enlightening, interesting and impactful use of my research time.

However, something does trouble me. In these early days when I first spoke with young people about their online lives, one question I would ask is, "What can adults do to help". I was told that adults need to stop freaking out, to listen to their concerns, and not tell them things like "you shouldn't be doing that". Essentially, they wanted non-judgemental support and help in the rare event that something upsetting might happen. However, most doubted that would happen so, instead, they turned to peers for support.

And when I speak to young people twenty years later, they say the same thing.

Which makes me wonder whether all this work has been worth it! However, I will press on, and continue to listen to young people.

In this book I attempt to understand why things seem to be staying the same (or, as we will see in Chap. 5, sometimes getting worse). Certainly, at a personal level there is something extremely frustrating in seeing young people call for change, only to be told that is not the change they need and adults have better answers.

I would, broadly, describe myself as an ethnographer of online safety. And I am mindful that I am not simply an observer in this context, I am also a stakeholder, with the means to reach policy makers and try to inform what they do at a macro level, but also communicate to those stakeholders closer to the child about what they do and how they can best be supported.

Ethnography has a well-established foothold in social sciences to study and understand human cultures, communities, and social practices.

Broadly, it aims to provide a detailed, in-depth description of the everyday life and practices of a particular group of people from an insider's perspective and the methodological approach immersing oneself in the daily lives of the people being studied, participating in their activities, and observing their behaviours and interactions.

And this is what I try to do, to understand what young people do online and the potential harms they might encounter, to understand how they build resilience and interact with stakeholders in their safety around them, and to understand the distance in the ecosystem between what young people are asking for, and what policy makers implement. And perhaps most challenging, I try to understand why policy makers keep doing the things they do.

More specifically, I try to bring a rational, evidence led exploration of the online safety ecosystem. I try to avoid saying "I think that…", and instead only put forward suggestions informed by evidence and data. And that data comes from a wide variety of sources, and I have, over the years, worked with young people, schools, children's workforce, industry, NGOs, media, regulators and policy makers in the UK and internationally. The nature of data collected from those interactions (that might be discussions, round tables, presentations, conversations, or more formal interviews) is generally observational and anecdotal (as any reader of this book will discover) but also comes from extremely large datasets (discussed mainly in Chaps. 4 and 5 but also via anecdotes throughout this book) that result from work with NGOs and schools and provide a significant source of evidence in tension with policy direction.

But with all these interactions, I am always focussed on whether whatever is occurring makes a positive contribution to what young people have, for many years, told us they want, or whether there are other agendas at play.

Understanding the Online Safety Ecosytem

During time conducting research across the online safety space, I have worked extensively with Prof Emma Bond. Starting from a similar point of discussing issues with young people, we soon discovered we were doing similar work in different parts of the country and started to collaborate. Over the years this collaboration has resulted in many outputs related to online safety (e.g. Phippen & Bond, 2022, 2023). During the development of this work, we recognized how important a model to highlight the

various stakeholders in online safety would be and set about developing one. It has become the theoretical foundation with which we now explore the online safety policy area, and helps us to understand why it continues to fail.

Using Bronfenbrenner's (1979) Ecology of Child Development as a starting point, this ecosystem model is now used extensively in our work, especially with policy makers, to understand the need for multi-stakeholder approaches. It has appeared in many peer-reviewed outputs (e.g. Phippen & Bond, 2002, 2023) but I will reproduce it here because it is the foundation upon which I will deconstruct policy in alignment with the stakeholders around the child, and the young people themselves.

Bronfenbrenner's seminal work integrates both nature and nurture perspectives, emphasizing that a child's development is influenced not only by their biology but also by their interactions with other actors in their environment, such as family, community, and society. Actions within any of these actors can impact the wider ecosystem of development. Thus, to provide the most effective context for child development, we must consider both the child and their environment, and the interactions between those with responsibilities for the child's protection and safety. Within his ecosystem model, Bronfenbrenner defined several different systems around the child:

- Macrosystem: the broad cultural, societal, and institutional influences that shape an individual's development. This outermost layer encompasses the overarching beliefs, values, customs, and laws of the society in which a person lives, affecting all other systems within the model. The macrosystem influences how individuals interact with their immediate environments and relationships, shaping their experiences and opportunities based on the societal context they inhabit. Examples include national policies on education, cultural attitudes towards gender roles, and societal norms regarding family and work.
- Exosystem: the environmental settings that indirectly influence an individual's development, even though the individual is not an active participant in these settings. The exosystem includes external factors such as a parent's workplace, community structures, and local government policies, which can impact the individual's immediate environment. These external influences shape the experiences and opportunities available to individuals through their effects on the more immediate systems around them.

- Microsystem: the innermost level of the environment that directly interacts with the individual. It includes the immediate surroundings and relationships that the person experiences daily, such as family, school, peers, and neighbourhood. The microsystem is characterized by bidirectional influences, meaning that the individual both influences and is influenced by these environments. For example, a child's development is shaped by interactions with parents, teachers, and friends, and simultaneously, the child's behaviour and characteristics affect how these relationships function. The quality and context of these interactions are crucial for the individual's development.
- Mesosystem: the interconnections between the various microsystems in an individual's life are referred to as the mesosystem. It encompasses the interactions and relationships between different settings that a person is directly involved in, such as the relationship between a child's home and school, or between their family and peer group. These interrelationships can significantly influence development by providing consistent or conflicting values, support systems, and expectations across different environments. For example, a supportive interaction between a child's parents and teachers can enhance the child's educational experience, whereas conflicting values between home and school may create stress and hinder development.

In the online safety ecosystem, we can adapt the model, readily applying the system definitions, as illustrated in Fig. 1.1.

The specific composition of stakeholders within each system may vary depending on the child and geography, but they can be broadly defined as follows:

- Microsystem: Family includes parents, siblings, and extended family, peers and neighbourhood, such as friends, fellow school pupils, and youth groups, and school and education settings, comprising teachers, support staff, school leaders and the wider school community.
- Exosystem: Encompasses the broader children's workforce with safeguarding roles, such as police, social workers, statutory bodies, and healthcare professionals, who generally will only become involved in serious online harm incidents.
- Macrosystem: Mass Media, Industry, Policy Makers, Regulators, NGOs, Academia: Stakeholders involved in national and international policy formation around online safety, which should influence

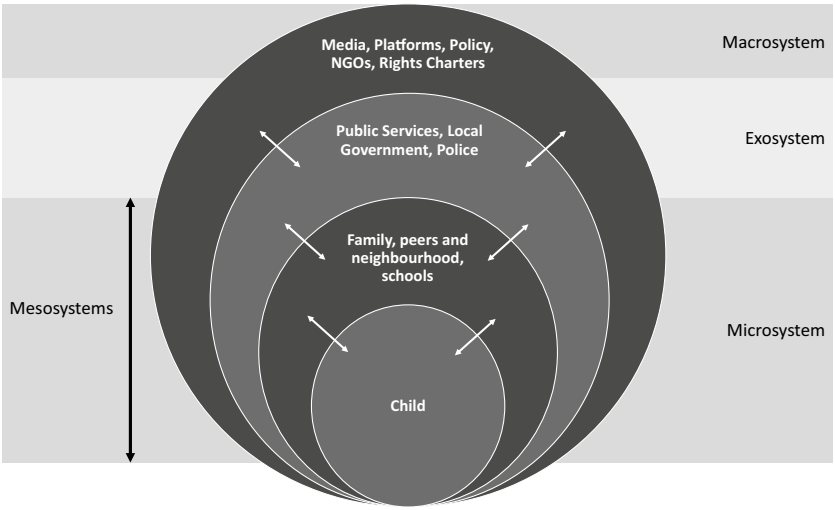

Fig. 1.1 The online safety ecosystem

the microsystems. Although these stakeholders have diverse motivations, they, hopefully, have a common goal in their commitment to child safety and achieving the best outcomes. The macrosystem will also be influenced by rights charters such as the UN Convention on the Rights of the Child, the European Convention on Human Rights, and the Universal Declaration of Human Rights.

The value of this model lies in highlighting the various stakeholders in online safeguarding and the importance of interactions (mesosystems) between those in the microsystem, as well the importance of communication between systems and the relative proximity of each stakeholder to the child. As Bronfenbrenner states, the quality of these interactions is crucial to positive outcomes for the child.

In a healthy ecosystem all stakeholders will align with the same goal—providing help and support for young people to have positive experiences online—and work together to achieve that. This means those in the macrosystem developing policy and law that is mindful of the best interests of the child and cognizant of their needs, regulators transform legislation into something enforceable and work with the stakeholders targeted by the legislation to ensure good practice, platforms develop services that

consider the needs of young people, and provide tools to recognize abuse and provide tools to allow young people to disclose concerns and get effective feedback on this, NGOs and civil society play a role in advocacy to represent the authentic youth voice and provide resources and educational support for stakeholders.

In the exosystem social care, police and others with whom a young person might meet *should* be all trained to understand risk online and how to support young people with their *best interests in mind and understand that application of the law to support them in a child-centric manner*. These stakeholders should also provide clear routes for disclosure and be transparent in what will happen when disclosure occurs.

And those in the microsystem closest to the child, such as parents, wider family and schools, provide the day-to-day care and support to help them learn about online risk as they engage with more online services as they get older, and also provide an environment where young people can ask questions and be listened to, and have those questions answered without fear of punishment, unless punitive measures are appropriate to the situation.

And across all of the systems clear communication inside and across the layers should help ensure that everyone understands their role and the broader online safety ecosystem.

Adopting a holistic view of collaboration among stakeholders to support young people in online risk-taking and decision-making is more effective, as each stakeholder can contribute their expertise to the safeguarding role.

From our perspective, developed through consultation with young people and safeguarding professionals, it is crucial to shift from attempting to prevent harms to understanding that awareness of risks and reducing the risk of harm are more effective and sustainable throughout a child's lifespan.

We are not alone in this approach. Other scholars, such as Ringrose et al. (2012) and Setty (2019, 2020), align their work with a strong qualitative focus on victim representation and advocate for multi-stakeholder approaches to supporting victims. However, as we will explore below, approaches emphasizing victim support, education, and multi-stakeholder responsibility are often dismissed as too complex or burdensome and the ideal ecosystem, as described above, can be found seriously lacking.