



Department for  
Science, Innovation  
& Technology

# Super-complaints eligible entity criteria and procedural requirements

Summary of responses to the consultation



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# Introduction

The Online Safety Bill received Royal Assent on 26 October 2023. Following this, the Department for Science, Innovation and Technology (DSIT) continues to work with Ofcom, the regulator which now has responsibilities under the Online Safety Act (OSA) 2023, and other key stakeholders, to implement the provisions of the OSA.

The Act will tackle criminal activity online, protect users (especially children) from illegal or harmful content and increase platforms' transparency and accountability. It also contains important safeguards for freedom of expression and privacy.

Super-complaints will play an essential role within the new regulatory framework established by the OSA as they will allow for complaints about systemic issues to be raised with the regulator.

They will enable eligible entities to bring systemic issues that arise across services or, in exceptional circumstances on one service, to the attention of the regulator. This will ensure that Ofcom is made aware of issues users are facing which it may not be aware of otherwise.

The super-complaints process is designed to cover systemic issues across services, or, in exceptional circumstances, related to one service. It is not about raising individual complaints on a service's actions regarding individual pieces of content. Only "eligible entities" will be able to make a super-complaint to Ofcom.

The Secretary of State is required by the Act to make regulations setting out:

- the "eligible entity" criteria s.169(3) - the criteria a body must meet to be eligible to submit a super-complaint to Ofcom;
- the procedure for super-complaints s.170(1) and (2) - provision about procedural matters related to super-complaints.

Between 16 November 2023 and 11 January 2024, DSIT ran an eight-week public consultation seeking views on these prospective regulations.

DSIT is publishing this summary of responses to update respondents and other interested stakeholders on the feedback received. We will consider this feedback and use it to inform possible revisions to our proposals. We will also publish a separate policy response to the consultation and lay the necessary secondary legislation to implement the super-complaints regime in due course. We are grateful for the feedback received and will continue to engage stakeholders on the proposals.

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# General information

## Methodology

The 'Super-complaints eligible entity and procedural requirements' consultation was published on 16 November 2023 and ran for eight weeks, closing on 11 January 2024.

Stakeholders were invited to submit evidence in response to 19 questions on the government's policy proposals for the eligible entity criteria and the procedures for submitting super-complaints. We collected responses through a Qualtrics online survey, whilst also allowing respondents to provide an email response if they preferred through a dedicated consultation mailbox. The survey included both Likert scale questions and open-answer questions.

We also proactively engaged with individual stakeholders through a targeted roundtable, and bilateral meetings, and we remain engaged with the regulator on establishing the super-complaints regime.

## Responses

In total, we received 26 complete responses via Qualtrics and 14 responses via the dedicated mailbox. Importantly, four contributors responded using both methods, although these contributions were only counted as four single responses. Overall, we received 36 unique responses across both Qualtrics and the dedicated mailbox.

Most responses came from civil society groups with some additional responses from industry, regulators, the devolved administrations, and individuals. One response was discounted because it addressed matters outside the scope of the consultation.

This consultation was open to the public so anyone with an interest was able to provide a response. However, as with all written consultation samples, the sample of individuals and organisations that responded to the consultation will not be representative of all public or industry views in this area.

## Summary of responses

For the most part respondents across the board welcomed the substantial step forward that introducing a super-complaints facility brings to the online safety regime, ensuring UK users, especially vulnerable users, remain safe online. Most respondents recognised, and gave a qualified welcome, to the policy objectives we were trying to achieve. Some of the proposals attracted critical challenge, or questions seeking further detail on how proposals would work in practice. Some respondents offered alternative or counterproposals

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## Next steps

All the feedback we have received has been considered and reviewed and will inform our policy approach ahead of laying the secondary legislation that will establish the super-complaint regulations, within the parameters established and set out in the primary legislation.

## Quality assurance

This consultation is published in accordance with the government's [consultation principles](#).

If you have any complaints about the way this consultation has been conducted, please email: [beis.bru@dsit.gov.uk](mailto:beis.bru@dsit.gov.uk).

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# Consultation questions

## Eligible Entity Criteria

### Section 1 – Proposed Criteria

**1. To what extent do you agree or disagree that the following criteria should be used to assess which organisations can submit super-complaints?**

Criterion 1: That they must demonstrate integrity and impartiality and must not represent the interests of regulated services.

Criterion 2: That they have considerable experience and competence in representing the interests of people of any description in, or within, the UK.

Criterion 3: That they have expertise in, and experience of, issues relating to online safety covered by, and in scope of, the regulations.

Criterion 4: That they are willing to cooperate and work with Ofcom throughout the super-complaints process. This includes that Ofcom will have no reason to believe that the relevant guidance it produces in relation to the handling of super-complaints will not be followed accordingly.

Criterion 5: That they have a strong track record of publishing high quality research and analysis.

Criterion 6: That they have a strong track record of working effectively and collaborating with other civil society groups.

### Wider Questions

- 2. To what extent do you consider that the current draft criteria are fair?**
- 3. To what extent do you consider that the requirement to meet all criteria (1-6 included in previous questions) could exclude bodies that would otherwise bring legitimate super-complaints?**
- 4. Do you agree pre-notification should be included in the procedural regulations?**

Requirement 1: Complainants must pre-notify Ofcom of their intention to make a super-complaint at least 30 days before making a complaint, except in exceptional circumstances.

- 5. If you have answered 'no' to question 4 please explain your reasons below.**



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- 6. If you agree with a pre-notification requirement, do you agree that 30 days is an appropriate length of time? If not, what do you think the appropriate amount of time would be?**

## Section 2 – Requirements related to the form and manner of complaints

- 7. To what extent do you agree with the following procedural requirements?**

- Requirement 1: Super-complaints must be in writing.
- Requirement 2: A complaint must set out the feature or conduct (or combination) to which the complaint relates.
- Requirement 3: A complaint must set out the regulated service(s) and provider(s) of such service(s) to which the complaint relates.
- Requirement 4: A complaint must outline why the eligible entity considers that either s.169 (1)(a), (b), or (c) has been met.
- Requirement 5: If a complaint is in relation to a particular provider, a complaint must outline why the eligible entity considers that either s.169 (2)(a) or (b) has been met.
- Requirement 6: A complaint must provide an explanation of how the super-complainant has assessed the current or potential harm caused to users or members of the public.
- Requirement 7: A complaint must give the name of an individual representing the eligible entity who may be contacted about the complaint.

### Wider Questions

- 8. To what extent do you consider that these requirements would provide clarity on what should be included in a super-complaint, and would ensure that super-complaints include the necessary information for Ofcom to assess what the super-complaint relates to?**

## Section 3 – Evidential requirements

- Requirement 1: Super-complaints must demonstrate that the super-complainant has consulted with a range of bodies, industry experts or academics on the matters concerned in the complaint.
  - Requirement 2: Super-complaints must be supported by substantial high-quality evidence, including documented facts.
- 9. To what extent do you assess that these requirements would effectively ensure that super-complaints are well-evidenced? If not, how do you think they could be improved?**

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## Section 4 – Requirements to avoid duplication of Ofcom’s work

### **10. To what extent do you agree with the following procedural requirements?**

- Requirement 1: A complaint that repeats the substance of a super-complaint that is already being assessed may not be eligible for consideration, if the regulator deems that it is merely duplicative of the existing complaint.
- Requirement 2: A complaint that merely repeats the substance of a complaint that has already been assessed by Ofcom is not eligible for consideration unless there has been a material change of circumstances since the previous complaint was made.
- Requirement 3: Super-complaints must not be under consideration by another UK regulator (statutory or self-regulatory) or by the courts.

### **11. To what extent do you consider that these requirements are necessary to prevent Ofcom undertaking duplicative work when responding to super-complaints?**

## Section 5 – Requirements to limit super-complaints by bodies which meet the eligibility criteria

### **12. To what extent do you agree with the following procedural requirement?**

- Requirement 1: The super-complainant should not have another active super-complaint under consideration by Ofcom (except under exceptional circumstances).
- Requirement 2: The super-complainant should not have submitted a super-complaint within the past six months (except under exceptional circumstances).
- Requirement 3: The super-complaint should not raise substantially similar concerns to super-complaints or other investigations which Ofcom has considered in the previous 2 years (except under exceptional circumstances).

### **13. To what extent do you consider that these requirements are necessary to ensure that Ofcom’s super-complaints caseload remains manageable?**

## Section 6 – Requirements on Ofcom on receipt of a super-complaint

- Requirement 1: Where a super-complaint is submitted in line with requirements set out in Ofcom’s guidance, Ofcom must acknowledge receipt of the super-complaint.
- Requirement 2: If Ofcom decides that a complaint is eligible for consideration, they must inform the body in writing that the complaint will be investigated.
- Requirement 3: If Ofcom decides that the complaint is not eligible for consideration, they must inform the body in writing of that decision and the reasons for it.

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**14. To what extent do you consider that these requirements would support the effective functioning of a super-complaints system? If not, please explain how you would revise these requirements.**

## Section 7 – Requirements related to Ofcom’s response

- Requirement 1: Ofcom must publish its response to all super-complaints and send a copy to the complainant body.
- Requirement 2: Ofcom may exclude information from the report if its inclusion would be contrary to the interests of national security, might jeopardise the safety of any person, may be commercially sensitive, or would be in conflict with any other legislation or rights (including, but not limited to, GDPR etc).

**15. To what extent do you consider that these requirements would ensure that super-complaints are dealt with transparently? If not, please explain how you would revise these requirements.**

## Section 8 – Requirements related to the timing of super-complaints

**16. To what extent do you consider that 120 days would enable Ofcom to make a full assessment and provide a response to super-complaints while maintaining public confidence? Please provide details.**

**17. To what extent do you consider that the eligibility assessment should be split from the rest of the super-complaints process?**

**18. To what extent do you agree with the following procedural requirement?**

- Requirement 1: Where Ofcom is waiting for a response from a super-complainant, Ofcom may ‘stop-the-clock’ such that each day until they receive a response does not count towards the time-limit prescribed in regulations.

**19. Do you think that the stop-the-clock mechanism should be limited in any way (i.e. how long it can be used for and/or how many times in the same super-complaints process it can be used)?**

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# Consultation responses

## Section 1 – Proposed Criteria

**Question 1. To what extent do you agree or disagree that the following criteria should be used to assess which organisations can submit super-complaints?**

**Criterion 1:** That they must demonstrate integrity and impartiality and must not represent the interests of regulated services.

*This criterion is aimed at ensuring that organisations demonstrate that they can be expected to act with integrity and impartiality, and that they are genuinely representative of the interests of users/members of the public rather than regulated companies. This will ensure that those involved in the super-complaints process can command the trust and respect of the public and users of regulated services.*

Overall, respondents supported this criterion – 65% of online survey respondents agreed or strongly agreed with it, while 27% disagreed or disagreed strongly. 8% neither agreed nor disagreed. 26 stakeholders responded to this question in the online survey.

However, some respondents raised concerns that this contributed to an overall ‘high bar’ being set for eligibility. They noted that a range of civil society groups receive some form of support from the tech industry (financial or otherwise), and it may be difficult to demonstrate impartiality unless the criterion is tightly defined.

The reference to impartiality raised further concerns from some respondents who noted that it could be interpreted as prohibiting legitimate campaign groups from eligibility that represent sections of the community, but which may have a political (overt or otherwise) agenda.

**Criterion 2:** That they have considerable experience and competence in representing the interests of people of any description in, or within, the UK.

*This criterion is aimed at ensuring that organisations demonstrate that they have the necessary experience to submit a super-complaint, reducing the risk of super-complaints which are ineffectively delivered. Organisations would need to show what activities they had engaged in that demonstrate quality work in representing the public interest. This may be through the production of reports, the raising of important issues through the correct channels, or simply through the everyday work of the body.*

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There was significant support for this criterion - 84% of online survey respondents agreed or strongly agreed with this requirement while only 17% disagreed<sup>1</sup>. 24 stakeholders responded to this question in the online survey.

However, respondents sought clarity on how 'considerable experience' might be interpreted and gauged.

Some respondents raised concerns about the potential for criterion 2 to exclude smaller civil society groups, or specialist organisations which monitor new and emerging technologies and harms.

One respondent argued that 'considerable experience' should not be judged purely through 'longevity' or the age of an organisation.

**Criterion 3:** That they have expertise in, and experience of, issues relating to online safety covered by, and in scope of, the regulations.

*This criterion is aimed at ensuring that organisations demonstrate that they have specific expertise in issues related to online harms, and that they can demonstrate experience of working on such issues. This may take the form of a website evidencing expertise in issues related to online safety, relevant publications and research or examples of operational programmes related to online safety. This will ensure that super-complaints are informed by genuine expertise.*

Overall respondents agreed with this criterion, with 60% agreeing or strongly agreeing and 36% disagreeing or (in one case) disagreeing strongly. 4% of respondents neither agreed nor disagreed. 25 stakeholders responded to this question in the online survey.

Some respondents raised concerns that a lack of longer-term experience would not necessarily reduce a newer organisation's ability to identify new and emerging harms, or the validity of any super-complaint they may make.

Some respondents recommended taking the broadest possible interpretation of 'expertise', for example to ensure the inclusion of grassroots organisations that may not be resourced to demonstrate a track record of relevant research.

On the other hand, one respondent thought the drafting of the proposed criterion was too broad and would leave super-complaints process open to those who have no knowledge or understanding of the Online Safety Act.

Another respondent raised concerns that this criterion was focused on online safety and not linked to freedom of expression or privacy, despite the fact the OSA also imposes enforceable duties on regulated services on these issues.

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<sup>1</sup> The percentages shown have been rounded to the nearest whole number and therefore may not sum to 100%.

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**Criterion 4:** That they are willing to cooperate, and work with Ofcom throughout the super-complaints process. This includes that Ofcom will have no reason to believe that the relevant guidance it produces in relation to the handling of super-complaints will not be followed accordingly.

*This criterion is aimed at ensuring that organisations demonstrate that they would collaborate with Ofcom through the super-complaints process. This is necessary because super-complaints may involve ongoing communication between the regulator and the super-complainant to determine the appropriate response, making it essential that an organisation is willing to continue engaging with the regulator following their initial complaint. The second sentence clarifies one means by which this will be assessed and aims to ensure that organisations will comply effectively with Ofcom's guidance.*

There was strong support for this criterion with 80% of respondents agreeing or strongly agreeing with it, whereas 12% disagreed or disagreed strongly. 8% neither agreed nor disagreed. 24 stakeholders responded to this question in the online survey.

Some concern was expressed that a requirement for cooperation could overwhelm smaller civil society groups given the disparity in resource between civil society groups and Ofcom.

One respondent wanted to encourage cooperation between the super-complainant and regulated services too, including through a pre-notification period to allow services to be able to rectify the issue before Ofcom begins an investigation.

**Criterion 5:** That they have a strong track record of publishing high quality research and analysis.

*This criterion is aimed at ensuring that organisations have a demonstrable record of publishing research and analysis. This would ensure that the quality of writing, evidence and analysis is high. Organisations which do not have experience publishing research and analysis are unlikely to be able to prepare sufficiently high-quality super-complaints, as they are unlikely to have access to the necessary analytical and research skills.*

A plurality of respondents disagreed with the proposal, with 44% of respondents indicating they disagreed or disagreed strongly, against 36% who agreed or strongly agreed. 20% indicated they neither agreed nor disagreed with the proposal. 25 stakeholders responded to this question in the online survey.

Some respondents felt this criterion favoured larger, well-resourced charities, and that while it might be a helpful indicator of a super-complainant's activity and competence in a particular area of harms, not all organisations carry out research, or wish to publish the evidence they have access to. The example of a non-profit organisation that works directly with children was cited as an organisation which may have valuable insights, but which may not wish to publish its evidence to maintain confidentiality and protect the identity of potential child victims.

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Some respondents grouped criterion 5 with criterion 6 ('a strong track record of working effectively and collaborating with other civil society groups') and viewed these criteria as potentially unduly excluding otherwise viable organisations.

On the other hand, one respondent pushed for a high threshold for this criterion to ensure well-evidenced and valid super-complaints.

Several respondents raised the need for further clarity around definitions and how this criterion would be measured.

**Criterion 6:** That they have a strong track record of working effectively and collaborating with other civil society groups.

*This criterion is aimed at ensuring that organisations can evidence experience of collaboration with other civil society organisations. If an organisation does not have a strong track record of working with other civil society groups, it is unlikely to be able to submit a high-quality super-complaint, as it is unlikely to have the necessary resources or expertise and/or a sufficiently broad understanding of the issues involved. This criterion will also encourage collaboration amongst organisations, which will lead to higher quality super-complaints. This criterion does not mean that groups must cooperate with groups who disagree with them, or with groups from across the political spectrum. For example, we anticipate that it could be fulfilled by a group demonstrating experience of effective cooperation with other civil society groups with a similar political outlook or campaigning priorities, but with greater technical expertise in issues covered by the super-complaint.*

65% of respondents agreed or strongly agreed with this criterion, while 21% disagreed or disagreed strongly. 13% neither agreed nor disagreed<sup>2</sup>. 23 stakeholders responded to this question in the online survey.

While recognising that collaboration could be positive, several respondents raised concerns that criterion 6 was not necessarily relevant to submitting a well-evidenced and relevant super-complaint and could therefore unduly exclude organisations.

One respondent identified that sharing the content of super-complaints ahead of submission could enable another party to anticipate and undermine the super-complaint, especially given our proposals to restrict duplicative super-complaints (see question 10).

However, another respondent considered that super-complaints that resulted from a collaborative approach amongst civil society groups were more likely to be comprehensive, well-evidenced and to address cross-platform harms, while reducing the administrative burden on the regulator, the regulated service providers, and super-complainants.

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<sup>2</sup> The percentages shown have been rounded to the nearest whole number and therefore may not sum up to 100%.

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One respondent noted that where an organisation or body does not qualify to submit super-complaints itself but has a valid case, the criterion would encourage collaboration amongst civil society groups with other eligible entities to have their case heard.



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## Section 2 – Wider Questions

### **Question 2: To what extent do you consider that the current draft criteria are fair?**

Overall, respondents were equally split on whether they thought the criteria were fair, with 37% agreeing or strongly agreeing, while 37% disagreed or disagreed strongly – although many respondents who agreed the criteria were fair added qualifications (many of which are outlined above). 25% neither agreed nor disagreed<sup>3</sup>. 24 stakeholders responded to this question in the online survey.

Several respondents thought the draft criteria were broadly fair but were generally minded that the eligible entity criteria presented a ‘high bar’ to would-be super-complainants, and could potentially exclude smaller, niche and less well-resourced groups representing the interests of specific users or members of the public who might be disproportionately affected by an existing or emerging harm.

On the other hand, there was a body of opinion which sought to maintain or raise the ‘high bar’ for eligibility to ensure that super-complainants would only be acting in the best interests of users and society.

Some respondents sought clarity on whether organisations which have been assessed to meet the eligibility criteria would be issued an ongoing ‘designated status’ for the purposes of submitting future super-complaints and indicated this was their preference.

### **Question 3: To what extent do you consider that the requirement to meet all criteria (1-6 included in previous questions) could exclude bodies that would otherwise bring legitimate super-complaints?**

A sizeable majority of respondents agreed such a requirement could exclude bodies, with 74% agreeing or strongly agreeing whereas only 22% disagreed or disagreed strongly. 4% neither agreed nor disagreed. 23 stakeholders responded to this question in the online survey.

As noted above, the majority of respondents generally thought that the requirement to meet all criteria could exclude organisations with the evidence and expertise to support Ofcom’s work via the super-complaints process. In particular, criteria 1, 5 and 6 gave some cause for concern.

There were concerns that the ‘strong track record’ requirement of criteria 5 and 6, and the ‘experience’ requirement in criteria 2 and 3, risk excluding some organisations that would have valuable insights. For example, respondents noted this may risk excluding relevant organisations who focus on serving the needs of specific groups, but who may not be explicitly

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<sup>3</sup> The percentages shown have been rounded to the nearest whole number and therefore may not sum up to 100%.

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related to online safety; community-based organisations; or start-ups which have been developed to respond to the risk of new and emerging harms.

Respondents raised concerns about the resources that civil society and Ofcom would have to expend on eligibility assessments on a complaint case-by-case basis. Some respondents felt that this may serve as a deterrent to the submission of legitimate super-complaints by smaller, niche and specialist organisations.

Some respondents argued for a system where meeting ‘the majority’ of the criteria should prove adequate for being assessed to submit a super-complaint.

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# Procedural Requirements

## Section 1 – Pre-Notification Requirements

**Requirement 1:** Complainants must pre-notify Ofcom of their intention to make a super-complaint at least 30 days before making a complaint, except in exceptional circumstances.

*A pre-notification requirement would provide Ofcom with early warning of any systemic issues that they may be unsighted on. It would also help Ofcom to prioritise and, if necessary, redeploy resources to meet super-complaint obligations. The provision that this requirement will not need to be met in exceptional circumstances would seek to enable super-complaints to be made more quickly when circumstances require it.*

### **Question 4: Do you agree pre-notification should be included in the procedural regulations?**

58% of respondents agreed to this proposed requirement and 26% disagreed, although respondents provided some reservations and/or additional qualifications. 16% responded that they 'don't know'. 19 stakeholders responded to this question in the online survey.

Some respondents felt the real-time, fast-paced nature of online safety issues meant that a 30-day pre-notification period, before any formal submission, could be far too long a period and that significant harm could result from any delay in investigation and response.

Respondents acknowledged the caveat of 'exceptional circumstances' but it was suggested that many of the online safety issues affecting children and young people would need to be covered by this 'exceptional circumstances' category anyway.

One respondent set out that they would like to see a period of cooperation between the super-complainant and the respective regulated service(s) to try and reach a resolution before the super-complaint procedure begins. They suggested this could be enabled by a pre-notification requirement and argued that this would ensure resources are properly committed to only those cases that require them and ensure that super-complainants are willing to actively work towards a successful resolution.

### **Question 5: If you have answered 'no' to question 4 please explain your reasons below.**

Respondents who answered 'no' to question 4 generally pointed to the delay this would cause to the super-complaints process, while emphasising that online harms have a real-time, real-world impact.

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Some respondents felt the pre-notification requirement unnecessary, in that organisations meeting the proposed eligibility criteria would have a sufficiently close working relationship with Ofcom that advance notice of a possible super-complaint could be informally given.

One respondent recognised the role of a pre-notification requirement in avoiding duplication or multiple submissions, but queried why Ofcom would need 30 days to pre-empt a super-complaint, given the resources they have available.

Another respondent queried when the pre-notification would apply (including whether it would add an additional 30 days to the 120-day timeline). They argued that procedures for other super-complaints regimes are more flexible.

**Question 6: If you agree with a pre-notification requirement, do you agree that 30 days is an appropriate length of time? If not, what do you think the appropriate amount of time would be?**

Half of respondents who answered this question agreed that 30 days is an appropriate length of time for a pre-notification requirement, with 50% responding 'yes' and 44% responding 'no'. 6% answered 'don't know'. 16 stakeholders responded to this question in the online survey.

Overall, respondents felt that a pre-notification requirement is reasonable – but with some argument it should be reduced, possibly to between 10 and 15 days.

An alternative proposal suggested that 30 days was an extremely short window and should be extended to allow time for Ofcom to understand the super-complaint, identify the next steps that need to be taken and allocate resources.

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## Section 2 – Requirements related to the form and manner of complaints

### Question 7: To what extent do you agree with the following procedural requirements?

- **Requirement 1:** Super-complaints must be in writing.
- **Requirement 2:** A complaint must set out the feature or conduct (or combination) to which the complaint relates.
  - *This requirement is aimed at ensuring that Ofcom has key information required in relation to the prospective super-complaint (s.169 (1)).*
- **Requirement 3:** A complaint must set out the regulated service(s) and provider(s) of such service(s) to which the complaint relates.
  - *This requirement is aimed at ensuring that Ofcom has the key information required in relation to the relevant provider(s) of such services for the prospective super-complaint (s.169 (1) and (2)).*
- **Requirement 4:** A complaint must outline why the eligible entity considers that either s.169 (1)(a), (b), or (c) has been met.
  - *This provision states that a complaint may be about any feature of one or more regulated services, or any conduct of one or more providers of such services, or any combination of such features and such conduct is, appears to be, or presents a material risk of: (a) causing significant harm to users of the services or members of the public, or a particular group of such users or members of the public; (b) significantly adversely affecting the right to freedom of expression within the law of users of the services or members of the public, or of a particular group of such users or members of the public; or (c) otherwise having a significant adverse impact on users of the services or members of the public, or on a particular group of such users or members of the public.*
- **Requirement 5:** If a complaint is in relation to a particular provider, a complaint must outline why the eligible entity considers that either s.169 (2)(a) or (b) has been met.
  - *This provision states that where a complaint relates to a single regulated service or relates to a single provider of one or more regulated services, it is only admissible if Ofcom consider that (a) the complaint is of particular importance, or (b) the complaint relates to the impacts on a particularly large number of users of the service or members of the public.*
- **Requirement 6:** A complaint must provide an explanation of how the super-complainant has assessed the current or potential harm caused to users or members of the public.
- **Requirement 7:** A complaint must give the name of an individual representing the eligible entity who may be contacted about the complaint.

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- *This requirement is aimed at ensuring that Ofcom has the contact details of the individual representing the “eligible entity” as Ofcom may need to seek further information from a complainant (and/or other parties).*

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## Consultation responses

- **Requirement 1:** Super-complaints must be in writing.

74% of respondents agreed or strongly agreed with this proposed requirement, with no respondents disagreeing. 26% neither agreed nor disagreed. 23 stakeholders responded to this question in the online survey.

One respondent referenced the potential for super-complainants to provide supplementary evidence in any form, including digital evidence, given the nature of online harms.

- **Requirement 2:** A complaint must set out the feature or conduct (or combination) to which the complaint relates.

There was almost universal agreement on this requirement - 96% of respondents agreed or strongly agreed, whilst 4% neither agreed nor disagreed. No additional commentary or qualification was added on this question. 24 stakeholders responded to this question in the online survey.

- **Requirement 3:** A complaint must set out the regulated service(s) and provider(s) of such service(s) to which the complaint relates.

There was strong endorsement of this proposal, with 83% of respondents agreeing or strongly agreeing, whereas 8% disagreed. 8% neither agreed nor disagreed<sup>4</sup>.

One respondent noted that the complainant may not be aware of all cases where regulated services are party to the issues being raised in a super-complaint, and that further non-compliant services might be identified as the complaint was investigated.

One respondent described this requirement as a potential limitation to 'thematic' complaints, such as complaints about systemic issues across platforms.

Another respondent identified a risk that if Ofcom only investigates the services and/or providers named in a super-complaint, the true scale of the issue, and harm associated with it, might be missed. They recognised the need to name services but did not wish to see the investigation of any super-complaint limited to just those specific platforms.

- **Requirement 4:** A complaint must outline why the eligible entity considers that either s.169 (1)(a), (b), or (c) has been met.

Respondents agreed with this proposal - 92% of respondents agreed or strongly agreed, while 4% strongly disagreed. 4% neither agreed nor disagreed. 24 stakeholders responded to this question in the online survey.

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<sup>4</sup> The percentages shown have been rounded to the nearest whole number and therefore may not sum to 100%.

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One respondent said that the super-complainant should be required to be clear about the activity that is cause for complaint. This would avoid vague complaints which would require expending resources to clarify the complaint.

Another respondent suggested that reliance on the super-complainant's interpretation of section 169(1) could delay the process. They therefore emphasised the importance of Ofcom providing guidance on submitting a super-complaint that would sufficiently address these requirements.

- **Requirement 5:** If a complaint is in relation to a particular provider, a complaint must outline why the eligible entity considers that either s.169 (2)(a) or (b) has been met.

There was strong support for this proposal with 75% of respondents agreeing or strongly agreeing, with 17% disagreeing or disagreeing strongly. 8% neither agreed nor disagreed. 24 stakeholders responded to this question in the online survey.

One respondent highlighted that there is often one dominant incumbent operator within a sector, and therefore a super-complaint is likely to focus on one large provider, and there is likely to be less evidence concerning smaller platforms.

Another respondent raised concerns about how Ofcom would assess complaints under s.169(2)(a) given it may be difficult to demonstrate objectively and given Ofcom is assuming all responsibilities for the regime (e.g. publishing guidance, eligibility and admissibility assessments, investigation, and response, etc).

- **Requirement 6:** A complaint must provide an explanation of how the super-complainant has assessed the current or potential harm caused to users or members of the public.

There was strong support for this requirement, with 92% agreeing or strongly agreeing, while 4% disagreed. 4% neither agreed nor disagreed. 24 stakeholders responded to this question in the online survey.

This question prompted some commentary and further queries on process. For example, one respondent queried what would happen when the explanation or evidence to reach that conclusion is judged to be of insufficient quality; whether the super-complaint would be immediately rejected or referred back for additional information (especially when the complaint might be valid).

One respondent made the case that serious or systemic failure to comply with provisions of the OSA should always be investigated, irrespective of whether the complainant has explicitly set out the harm.

- **Requirement 7:** A complaint must give the name of an individual representing the eligible entity who may be contacted about the complaint.

79% of respondents agreed or strongly agreed with this proposal, while 21% of respondents neither agreed nor disagreed. No respondents disagreed or disagreed strongly. 24 stakeholders responded to this question in the online survey.



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One respondent noted that reliance on a named individual could slow down the process and negatively impact the organisation's capacity to deliver, which may discourage them from becoming a super-complainant. However, the respondent also recognised that for some organisations a named individual might be preferable, and therefore suggested a more flexible overall approach might be appropriate.

## Wider Questions

**Question 8: To what extent do you consider that these requirements would provide clarity on what should be included in a super-complaint, and would ensure that super-complaints include the necessary information for Ofcom to assess what the super-complaint relates to?**

80% of respondents strongly agreed or agreed, whereas 4% disagreed. Many respondents signposted to previous responses in relation to the proposed requirements 1-7 in answering this question. 17% neither agreed nor disagreed<sup>5</sup>. 24 stakeholders responded to this question in the online survey.

Respondents generally thought that clarity on what should be included in a super-complaint would encourage valid complaints and ensure Ofcom was provided with the information it needed, as much as is possible, from the outset.

One respondent raised concerns that the requirements were resource-intensive which could deter bodies from putting forward super-complaints.

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<sup>5</sup> The percentages shown have been rounded to the nearest whole number and therefore may not sum up to 100%.

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## Section 3 – Evidential requirements

- **Requirement 1:** Super-complaints must demonstrate that the super-complainant has consulted with a range of bodies, industry experts or academics on the matters concerned in the complaint.
- **Requirement 2:** Super-complaints must be supported by substantial high-quality evidence, including documented facts.

*These requirements aim to ensure that super-complaints are supported by sufficient high-quality evidence to effectively assist Ofcom in identifying systemic issues.*

### **Question 9: To what extent do you assess that these requirements would effectively ensure that super-complaints are well-evidenced? If not, how do you think they could be improved?**

More respondents disagreed than agreed that these requirements would ensure super-complaints were well evidenced, with 32% agreeing or strongly agreeing, while 48% disagreed or disagreed strongly. 20% neither agreed nor disagreed. 25 stakeholders responded to this question in the online survey.

While some respondents recognised the intention and value behind a high evidence bar and a requirement to consult, some reservations were also expressed.

One respondent argued that while it is good practice to consult with experts prior to submitting a complaint, nothing should preclude an organisation which has all the expertise in-house from submitting a super-complaint.

Another respondent observed that although ideally organisations would consult with a range of bodies before submitting a super-complaint, most will not want to inadvertently alert any regulated service providers to the potential complaint, as this may create an opportunity for a regulated provider to leak the complaint and undermine the organisation or super-complaint before it is submitted to the regulator.

An alternate view emphasised the importance of ensuring that only valid complaints are brought forward, and that the regulator and regulated services are not overwhelmed by super-complaints that have no substantive claims. The respondent argued that putting in place a strong evidence threshold also ensured protection against malicious or invalid complaints which could be both financially and reputationally damaging to services. They noted that the requirement to consult with other bodies, industry experts or academics ensured that super-complaints would not be available for use as a lobbying tool for specific interests or organisations.

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## Section 4 – Requirements to avoid duplication of Ofcom’s work

### Question 10: To what extent do you agree with the following procedural requirements?

- **Requirement 1:** A complaint that repeats the substance of a super-complaint that is already being assessed may not be eligible for consideration, if the regulator deems that it is merely duplicative of the existing complaint.

Overall, respondents did not agree with this requirement. 35% of respondents agreed or strongly agreed while 61% of respondents disagreed or disagreed strongly (with 4% of respondents neither agreeing nor disagreeing). 23 stakeholders responded to this question in the online survey.

Respondents generally thought that requirement 1 sought to prioritise managing Ofcom’s caseload over the safety of users.

For example, one respondent noted that two groups – such as a niche, specialist survivor group and a civil society organisation representing a wider group of users – may both wish to submit a super-complaint on different elements of an issue, and one should not be excluded at the expense of another.

Another respondent thought that requirement 1 may have the effect of placing an arbitrary cap on the super-complaints mechanism, a restriction that they assert does not exist in comparable regimes.

One respondent proposed an alternative approach whereby, if subsequent similar super-complaints include different evidence to that of the first super-complaint, they must be allowed to be used toward the investigation of the first super-complaint (with that super-complainant’s permission). The respondent argued that this should reflect that complaints from different super-complainants may well reflect different risks to different groups of users.

- **Requirement 2:** A complaint that merely repeats the substance of a complaint that has already been assessed by Ofcom is not eligible for consideration unless there has been a material change of circumstances since the previous complaint was made.

A small majority of respondents also disagreed with requirement 2. 44% agreed or strongly agreed, while 52% disagreed or disagreed strongly. 4% neither agreed nor disagreed. 25 stakeholders responded to this question in the online survey.

One respondent raised concerns that this requirement may exclude valid super-complaints from being considered, noting that while the substance of a second complaint may be similar to the first, there may be differences of perspective, approach and/or evidence that make it appropriate for the substance to be reconsidered.

Another respondent argued that greater clarity is needed on the definition of a super-complaint that merely ‘repeats the substance’ of another, and the definition of ‘material change’.

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- **Requirement 3:** Super-complaints must not be under consideration by another UK regulator (statutory or self-regulatory) or by the courts.

Similarly, respondents also disagreed with this requirement. 39% agreed or strongly agreed, whilst 47% disagreed or disagreed strongly. 13% neither agreed nor disagreed<sup>6</sup>. 23 stakeholders responded to this question in the online survey.

Respondents generally thought that it would be prudent to allow multiple super-complaints to be under live consideration by other regulators and/or authorities simultaneously, on the basis that some harms may be impacting several regulatory regimes simultaneously, and in different ways.

Respondents argued that it would be remiss to limit a super-complaint to one regulator, especially if the issues are new and found to be better placed with an alternative regulator during the super-complaint investigation. They argued that the respective regulators should coordinate early and provide clarification to complainants on how they will engage with each other.

### **Question 11: To what extent do you consider that these requirements are necessary to prevent Ofcom undertaking duplicative work when responding to super-complaints?**

Overall, there was a majority against these requirements. 24% agreed or strongly agreed, while 52% disagreed or strongly disagreed and 24% of respondents neither agreed nor disagreed. 25 stakeholders responded to this question in the online survey.

Respondents generally raised concerns that the requirements were more focused on managing and limiting Ofcom's workload than preventing or mitigating harm. They did recognise that it is important that Ofcom is not overburdened with super-complaints and does not duplicate investigations but referred to their concerns (outlined separately above) with these requirements.

Respondents generally thought it would be better if the complaint which is deemed repetitive of an existing complaint is joined together with the existing complaint, to provide further evidence of the severity of the potential harm.

One respondent suggested that such issues should be addressed in Ofcom guidance and not in regulations.

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<sup>6</sup> The percentages shown have been rounded to the nearest whole number and therefore may not sum up to 100%.

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## Section 5 – Requirements to limit super-complaints by bodies which meet the eligibility criteria

**Question 12:** To what extent do you agree with the following procedural requirement?

- **Requirement 1:** The super-complainant should not have another active super-complaint under consideration by Ofcom (except under exceptional circumstances).

Only 12% of respondents agreed or strongly agreed with the proposal, while 80% disagreed or disagreed strongly. 8% neither agreed nor disagreed. 25 stakeholders responded to this question in the online survey.

Respondents pointed to the fact that these circumstances were very unlikely to be a common scenario, if they occurred at all, based on the amount of time and resource that an eligible entity would have to devote to each individual super-complaint.

Respondents also noted that we should not look to stop an organisation raising a second complaint to tackle a separate, specific harm if the complaint is valid.

In addition, respondents observed any such requirement should be considered alongside proposals in relation to timing and duration of super-complaint investigations, such as the 'stop-the-clock' provisions. They noted that these procedures could result in delays meaning additional, subsequent super-complaints may not be able to be submitted because of time-consuming processes outside of the super-complainant's control, delaying the investigation of new or different harms.

- **Requirement 2:** The super-complainant should not have submitted a super-complaint within the past six months (except under exceptional circumstances).

Only 8% of respondents agreed or strongly agreed with the proposal, while 88% disagreed or disagreed strongly. 4% neither agreed nor disagreed. 25 stakeholders responded to this question in the online survey.

Respondents argued that if an organisation meets all the eligibility criteria, they should be able to submit as many super-complaints as they deem necessary, otherwise there is a risk that super-complainants could be cautious with their use of the regime, not wanting to exhaust their right to submit a valid super-complaint in case they wish to submit a more 'worthy' one afterwards.

One respondent argued against this criterion by observing that a child safety focused super-complainant may wish to submit a super-complaint on two separate but live issues which could be causing harm to child users. The respondent argued it may be preferable and beneficial to users and members of the public at risk of harm, if fewer, larger eligible entities, with the resources to prepare well-evidenced and comprehensive complaints, were permitted to have more than one super-complaint ongoing at any one time.

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- **Requirement 3:** The super-complaint should not raise substantially similar concerns to super-complaints or other investigations which Ofcom has considered in the previous 2 years (except under exceptional circumstances).

33% of respondents agreed or strongly agreed with this proposal, while 66% of respondents disagreed or disagreed strongly.<sup>7</sup> 24 stakeholders responded to this question in the online survey.

Respondents raised concerns about objectively assessing what a similar complaint would constitute, noting there would need to be clear guidance on what 'similar concerns' look like.

Elsewhere, respondents pointed to the guidance issued under other regimes which they argued try to be less definitive, and more flexible, on this matter.

Respondents noted there could be a range of 'exceptional circumstances' that merited bypassing this requirement, given the pace of change in the sector.

### **Question 13: To what extent do you consider that these requirements are necessary to ensure that Ofcom's super-complaints caseload remains manageable.**

Only 12% of respondents agreed or strongly agreed with the proposal, while 59% disagreed or strongly disagreed. 25% neither agreed nor disagreed. 4% selected 'don't know'.<sup>8</sup> 24 stakeholders responded to this question in the online survey.

In general, respondents recognised the need to ensure a proportionate regulatory burden on Ofcom but considered these requirements prioritised the manageability of Ofcom's caseload over an effective super-complaints regime.

Instead, respondents argued that requirements should be focused on ensuring that super-complaints are well-evidenced and effective in highlighting harm, so that Ofcom can investigate and take any necessary action to tackle or mitigate harms.

Respondents argued that the proposed eligibility criteria are strict enough to ensure that Ofcom should not be overwhelmed with complaints, and therefore formalising this limitation in the super-complaints process is unnecessary. However, they noted that if Ofcom's capacity is an issue, further funding should be made available to handle super-complaints rather than introducing procedural requirements at the expense of an effective super-complaints regime.

As an alternative to introducing these requirements one respondent proposed that once a super-complainant has had two or three of their super-complaints not upheld, they should have their status as an eligible entity reconsidered. The respondent argued that this would prevent duplicative or vexatious claims and would ensure that the regulator is not overwhelmed by invalid complaints.

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<sup>7</sup> The percentages shown have been rounded to the nearest whole number and therefore may not sum to 100%.

<sup>8</sup> The percentages shown have been rounded to the nearest whole number and therefore may not sum to 100%.

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## Section 6 – Requirements on Ofcom on receipt of a super-complaint

- **Requirement 1:** Where a super-complaint is submitted in line with requirements set out in Ofcom’s guidance, Ofcom must acknowledge receipt of the super-complaint.
- **Requirement 2:** If Ofcom decides that a complaint is eligible for consideration, they must inform the body in writing that the complaint will be investigated.
- **Requirement 3:** If Ofcom decides that the complaint is not eligible for consideration, they must inform the body in writing of that decision and the reasons for it.

*These requirements aim to place clear requirements on Ofcom regarding how they must assess complaints, and to clarify for potential super-complainants the steps that Ofcom must take in response to a super-complaint.*

### **Question 14: To what extent do you consider that these requirements would support the effective functioning of a super-complaints system? If not, please explain how you would revise these requirements.**

These proposals were all generally supported, with 80% of respondents agreeing or strongly agreeing with them, while just 8% disagreed (no respondents disagreed strongly in this instance). 8% neither agreed nor disagreed, and 4% responded that they don’t know. 25 stakeholders responded to this question in the online survey.

The requirement for Ofcom to outline the reasons a complaint is not considered eligible were particularly welcomed, with some recommending that Ofcom provide ample detail in its reasoning so it is clear to bodies why a complaint has been deemed inadmissible – which should be helpful for future super-complainants.

One respondent felt that further interaction and engagement between the regulator and the super-complainant should be mandatory. For example, they suggested Ofcom should be required to acknowledge receipt of a super-complaint application within five working days and let the complainant know who, within Ofcom, is responsible for handling their complaint.

Similarly, another respondent’s view was that where a super-complaint concerns or names a particular service provider, Ofcom should be required to consult that service provider before assessing the eligibility of a super-complainant and investigating a super-complaint.

Some respondents raised concerns that Ofcom has absolute authority and responsibility over dealing with super-complaints, including assessment of eligibility (of the super-complainant), admissibility (of the complaint) and the investigation itself.

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## Section 7 – Requirements related to Ofcom’s response

- **Requirement 1:** Ofcom must publish its response to all super-complaints and send a copy to the complainant body.
- **Requirement 2:** Ofcom may exclude information from the report if its inclusion would be contrary to the interests of national security, might jeopardise the safety of any person, may be commercially sensitive, or would be in conflict with any other legislation or rights (including, but not limited to, GDPR etc).

*These requirements aim to set clear expectations regarding what must be published following Ofcom’s assessment of a super-complaint. This will ensure that there is transparency regarding Ofcom’s handling of super-complaints and will protect confidence in the functioning of the super-complaints process.*

**Question 15: To what extent do you consider that these requirements would ensure that super-complaints are dealt with transparently? If not, please explain how you would revise these requirements.**

68% of respondents agreed or strongly agreed with these proposed requirements, while 28% disagreed or disagreed strongly. 4% neither agreed nor disagreed. 25 stakeholders responded to this question in the online survey.

One respondent argued that if publishing a redacted response caused any misunderstanding of the investigation’s outcome (for example, if contextual details were redacted on national security grounds), then publication of the entire report should be reconsidered. The respondent also made a case for Ofcom being able to exclude information from its published response which may assist malign actors in carrying out malicious activities.

Some respondents pushed for greater transparency. One respondent argued that providing Ofcom with the freedom to redact commercially sensitive information is too ‘lenient’, and that exposing the risks and harms posed by online services should be prioritised over concerns about commercial sensitivity.

Some respondents argued that ‘commercially sensitive information’ should be defined by Ofcom in advance of the super-complaint process commencing, and a high threshold should be set for non-publication of information.

One respondent made the case that the report on an investigation of a super-complaint should be sent to the regulated service(s) complained about.



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## Section 8 – Requirements related to the timing of super-complaints

The super-complaints process will involve a series of different steps:

- Eligibility assessment. Ofcom will assess the complainant against the eligible entity criteria set out in regulations and Ofcom guidance.
- Admissibility assessment. Ofcom will assess whether the super-complaint meets the criteria at s.169 (1) or 169 (2), and the procedural and evidential requirements set out in secondary legislation.
- Investigate, assess, and respond to the complaint. Ofcom must assess the complaint and then provide a response to it.

It is important that Ofcom has sufficient time to make accurate assessments at each stage and, in cases where a super-complaint is eligible to be considered, to undertake a thorough analysis of the super-complaint and provide a considered response. Such complaints may be complex and require extensive resources. As such, the expectations placed on Ofcom must be reasonable.

At the same time, in order to retain confidence in the super-complaints process and to ensure complaints highlighting serious harm are treated with the importance and urgency which they merit it is important that super-complaints are dealt with and responded to in a timely manner.

Time limits:

In other super-complaints systems, for example the super-complaints procedures used by the Financial Conduct Authority (FCA), the respective regulators are required to examine super-complaints within 90 days. This provides a guide to a proportionate quantity of time for this process to take place.

However, such systems are not directly comparable to that set out in the Online Safety Act, as they do not require the regulator to make an assessment of the complainant's eligibility in each case. As such, we propose mandating a slightly longer period of time for the entirety of the super-complaints process, specifically that the entirety of the super-complaints process should be completed within 120 days. This will allow sufficient time for the process of eligibility assessment, admissibility assessment and the assessment and response to the complaint itself to be effectively completed, while ensuring there is a clear and reasonable deadline which Ofcom must work to.

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**Question 16: To what extent do you consider that 120 days would enable Ofcom to make a full assessment and provide a response to super-complaints while maintaining public confidence? Please provide details.**

43% of respondents agreed or strongly agreed with this timing proposal, while 39% disagreed or disagreed strongly. 9% neither agreed nor disagreed, and 9% responded that they don't know. 23 stakeholders responded to this question in the online survey.

A respondent expressed concerns that the amount of information, communication and data analysis that would be required to process a super-complaint means it would take much longer than 120 days to complete.

Some respondents put forward a different perspective, emphasising that extending the length of time it takes to investigate and resolve a super-complaint means potentially prolonged harms and longer waits for victims who have already endured significant amounts of distress. They argued that harm is further exacerbated by long resolution processes, citing comparisons to the criminal justice system.

One respondent disagreed with the proposals, citing concerns that in comparison to other regimes the more extensive timelines proposed would undermine public confidence in online safety super-complaints.

## Splitting up different parts of the process

Within the time period set by regulations for the completion of the process, it would be possible to require the full process to be completed within the 120 day deadline, or to split this process out.

Two alternative approaches are set out below:

Process options	
Option 1	Option 2 (Proposed)
Step 1  N/A	Step 1  30-day countdown Eligibility assessment
Step 2  120-day countdown Eligibility assessment Admissibility assessment Assess and respond to the complaint	Step 2  90-day countdown begins Admissibility assessment Assess and respond to the complaint

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In option 1, Ofcom would be required to carry out the eligibility assessment, admissibility assessment and assess and respond to the complaint within 120 days. In Option 2, Ofcom would be required to undertake an eligibility assessment within 30 days, and then complete the rest of the process within the following 90 days.

We propose using option 2. This will provide clarity to organisations on whether they have met the super-complaints eligible entity criteria within a specific, relatively short window. It further creates a process which, following the completion of the eligibility assessment, is similar to other super-complaints systems in allowing 90 days for completion of the admissibility assessment and the review and response to the complaint. As such, it draws on established precedent and good practice used in other regulatory systems. At the same time, it will ensure that Ofcom has sufficient time to complete each stage of the process.

**Question 17: To what extent do you consider that the eligibility assessment should be split from the rest of the super-complaints process?**

67% of respondents agreed or strongly agreed that the eligibility assessment should be split from the rest of the super-complaints process, while 8% disagreed. 17% neither agreed nor disagreed, and 8% didn't know. 24 stakeholders responded to this question in the online survey.

Respondents generally agreed it would be sensible to split the eligibility assessment and the super-complaint investigation, though some respondents continued to press for a much-reduced eligible entity assessment, and some reiterated their preference for a designated organisations framework.

One respondent identified that one benefit with this approach is that it could give Ofcom the opportunity to support the super-complainant to strengthen their super-complaint before the eligibility assessment period concludes, after which Ofcom should not privilege any party.

Some respondents expressed concern about this approach causing unnecessary delay which could result in prolonged harm. Reducing the eligibility assessment to 15 days and the overall investigation to 60 days were amongst options proposed for hastening resolution of super-complaints.

One respondent, with experience of super-complaints regimes elsewhere, proposed that on receipt of a super-complaint Ofcom should either confirm immediately that eligibility is agreed or write to the complainant saying that they will decide on eligibility within 30 days.

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## **Question 18: To what extent do you agree with the following procedural requirement?**

- **Requirement 1:** Where Ofcom is waiting for a response from a super-complainant, Ofcom may 'stop-the-clock' such that each day until they receive a response does not count towards the time-limit prescribed in regulations.

43% agreed or strongly agreed with this proposal, while 26% disagreed or disagreed strongly. 26% neither agreed nor disagreed, and 4% did not know<sup>9</sup>. 23 stakeholders responded to this question in the online survey.

One respondent argued that a 'stop-the-clock' mechanism was sensible given the amount of resource and work a super-complaint would entail.

Some respondents were concerned that a 'stop-the-clock' mechanism could reduce the effectiveness of the super-complaints regime in triggering appropriate action from the regulator, if needed. Some contributors thought the 120-day timeline for the eligibility assessment, investigation and response to a super-complaint already very generous and they did not welcome the opportunity to extend that timeline further.

Other respondents thought that a 'stop-the-clock' mechanism should only be available in exceptional circumstances where it was impossible to progress an investigation without a response to an information request; and that it should not be available during consideration of eligibility or admissibility.

## **Question 19: Do you think that the stop-the-clock mechanism should be limited in any way (i.e. how long it can be used for and/or how many times in the same super-complaints process it can be used)?**

Many respondents agreed that a 'stop-the-clock' mechanism would be appropriate, but that it should be limited in some way.

For example, some respondents argued that such an option be available only where the request is for serious or significant clarification to the super-complaint, additional evidence, or material information. The super-complainant should be proactively informed that the 'stop-the-clock' mechanism has been activated and there should be a clear, simple and quick process to dispute its application.

Another respondent proposed that there should be restrictions on the volume of stops and their duration, to ensure no undue delays and retain confidence in the regime. The respondent argued there should also be some consideration as to the nature of the response expected from the super-complainant – if the response from the super-complainant is essential to Ofcom's assessment, then the stop-the-clock mechanism should be applicable. If the assessment could continue without that information, then the stop-the-clock mechanism should not be available.

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<sup>9</sup> The percentages shown have been rounded to the nearest whole number and therefore may not sum to 100%.

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However, other respondents felt that this was another measure leaning more towards managing Ofcom's resources – prompting some reaction that it should not be designed into the process at all.

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# Annex A

## Consultation methodology

Of the 19 questions we sought views on in the online survey, 5 were open questions, 5 were closed questions and 9 were closed questions with predefined response options, combined with an opportunity to add additional free text. As such, our summary of response combines some quantitative analysis where stakeholders answered a specific question through the predefined options and a summary of the written response to open questions and where additional free text was invited.

In accordance with our privacy notice and online survey privacy agreement, only those individuals and organisations who submitted evidence through our online survey or via email to the dedicated mailbox and consented to our privacy agreement have their names published in the list of respondents (see Annex B).

## Method for analysing submissions

### Data collection

We collected responses through a Qualtrics online survey, whilst also allowing respondents to provide an email response if they preferred. The survey included both Likert scale questions and open-answer questions. In total, we received 26 complete responses via Qualtrics and 14 responses via the dedicated mailbox. Importantly, 4 contributors responded using both methods, although these were only counted once. Overall, we received 36 unique responses across both Qualtrics and the dedicated mailbox.

### Privacy considerations

The consultation document set out our intention to summarise all responses and publish this summary on GOV.UK. We also indicated that the summary would include a list of names of organisations that responded, but not people's personal names, addresses or other contact details. Names of these organisations are published in a list of respondents at Annex B. In addition, organisations that submitted evidence via the online survey were able to consent to our privacy agreement. Respondents who submitted a confidential response are not listed.

### Data analysis

For the Likert scale questions in the online survey, responses were summarised into percentages. Where percentages were not whole numbers these were to the nearest whole number. Because of this some of the percentages do not add up to exactly 100%.

Open answer questions to questions in the online survey were analysed and pulled into a summary which draws out the general themes and reflections we received in responses. We use illustrative qualitative language such as "many", "some", and "a few" to summarise the written responses we received to our consultation. These descriptions are intended to provide

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an indication of the extent that a particular theme or sentiment was raised by respondents. Not all respondents answered every question.

Where respondents provided a written submission, we have consolidated their contributions into our overall summarised response. Where they have replicated the Likert scale questions in their narrative, we have incorporated that data into the percentage breakdown for individual questions – although we have avoided this approach if the respondent also separately provided that data in the online survey.

One online response and one written submission were omitted from the analysis where they covered ground outside the scope of the consultation. Four respondents used both channels (the online survey and the dedicated mailbox) to respond. These responses were counted only once to avoid duplication.

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## Annex B – List of respondents

- 5Rights Foundation
- Antisemitism Policy Trust
- Center for Countering Digital Hate (CCDH)
- Citizens Advice
- End Violence Against Women Coalition
- Free Speech Union Ltd
- Glitch
- Handley Gill
- 3 x individuals
- ICO
- Internet Matters
- IWF
- Kick It Out
- Mencap
- Mid-sized Platform Group
- Molly Rose Foundation
- NSPCC
- OSA Network
- Oxford Disinformation & Extremism Lab
- ParentZone
- Sada
- Samaritans
- South West Grid for Learning (SWGfL)
- techUK
- The Age Verification Providers Association
- The Christian Institute
- The Cyber Helpline
- Trust Alliance Group
- UK Safer Internet Centre (Childnet, Internet Watch Foundation and SWGfL)
- UK Finance
- Welsh Government
- Which?



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This consultation is available from: [www.gov.uk/government/organisations/department-for-science-innovation-and-technology](https://www.gov.uk/government/organisations/department-for-science-innovation-and-technology)

If you need a version of this document in a more accessible format, please email [alt.formats@dsit.gov.uk](mailto:alt.formats@dsit.gov.uk). Please tell us what format you need. It will help us if you say what assistive technology you use.