

# Online Safety Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**After Clause 17**

LORD STEVENSON OF BALMACARA

Insert the following new Clause—

**“OFCOM reviews of complaints systems**

- (1) Within the period of one year beginning on the day on which this Act is passed, and annually thereafter, OFCOM must review the workings of the complaints systems set up by regulated companies under section 17 (duties about complaints procedures), as to—
  - (a) their effectiveness;
  - (b) their cost and efficiency; and
  - (c) such other matters as seem appropriate.
- (2) In undertaking the reviews under subsection (1), OFCOM may take evidence from such bodies and individuals as it considers appropriate.
- (3) If OFCOM determines from the nature of the complaints being addressed, and the volumes of such complaints, that systems established under section 17 are not functioning as intended, it may establish an online safety ombudsman with the features outlined in subsections (4) to (8), with the costs of this service being met from the levy on regulated companies.
- (4) The purpose of the online safety ombudsman is to provide an impartial out-of-court procedure for the resolution of any dispute between—
  - (a) a user of a regulated user-to-user service, or a nominated representative for that user, and
  - (b) the regulated service provider,in cases where complaints made under processes which are compliant with section 17 have not, in the view of the user (or their representative), been adequately addressed.
- (5) The ombudsman must allow for a user (or their representative) who is a party to such a dispute to refer their case to the ombudsman if they are of the view that any feature or conduct of one or more provider of a regulated user-to-user service, which is relevant to that dispute, presents (or has presented) a material risk of—

**After Clause 17 - continued**

- (a) significant or potential harm;
  - (b) contravening a user's rights, as set out in the Human Rights Act 1998, including freedom of expression; or
  - (c) failure to uphold terms of service.
- (6) The ombudsman may make special provision for children, including (but not limited to) prioritisation of –
- (a) relevant provisions under the United Nations Convention on the Rights of the Child; or
  - (b) a child's physical, emotional or psychological state.
- (7) The ombudsman must have regard to the desirability of any dispute resolution service provided by the ombudsman being –
- (a) free;
  - (b) easy to use, including (where relevant) taking into account the needs of vulnerable users and children;
  - (c) effective and timely;
  - (d) fair and flexible, taking into account different forms of technology and the unique needs of different types of user; and
  - (e) transparent.
- (8) The Secretary of State must ensure that use of any dispute resolution service provided by the ombudsman does not affect the ability of a user (or their representative) to bring a claim in civil proceedings.”

***Member's explanatory statement***

*This new Clause would require Ofcom to conduct regular reviews of the effectiveness of complaints procedures under Clause 17. If Ofcom were of the view that such procedures were not functioning effectively, they would be able to establish an online safety ombudsman with the features outlined in subsections (4) to (8) of the Clause.*

**Clause 139**

LORD KNIGHT OF WEYMOUTH

Page 124, line 42, at end insert –

- “(6) The first report published under subsection (5) must include an assessment of whether an OFCOM code of practice on tackling disinformation and misinformation on regulated services would be effective and in the public interest.”

***Member's explanatory statement***

*This amendment would require the advisory committee on disinformation and misinformation to consider, as part of its first report, whether a dedicated Ofcom code of practice on this area would be effective and in the public interest.*

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*6 February 2023*

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