



EVIDENCE TO SPEAKER'S CONFERENCE INQUIRY INTO THE SAFETY OF MPS, CANDIDATES AND ELECTIONS

1. We welcome the establishment of the Speaker's Conference and its remit to: *consider the factors influencing the threat levels against candidates and MPs and the effectiveness of the response to such threats, and make recommendations about the arrangements necessary to secure free and fair elections and the appropriate protection of candidates at future UK-wide parliamentary elections and of elected representatives thereafter.*

2. This evidence is submitted by William Perrin OBE, Professor Lorna Woods OBE and Maeve Walsh – the team formerly at Carnegie UK who supported Members, Peers and Select Committees during the passage of the Online Safety Bill and whose contributions were acknowledged in many of the debates.

'I also pay my own tribute to Carnegie UK, especially Will Perrin, Maeve Walsh and Professor Lorna Woods, for having the vision five years ago as to what was possible around the construction of a duty of care and for being by our side throughout the creation of this Bill'. (Lord Clement-Jones: 6 September 2023, [Column 470](#))

3. The [Online Safety Act Network](#) was established in November 2023 to pick up where Carnegie UK left off and support civil society organisations during the implementation phase of the Act. William Perrin sits on its Advisory Council, Prof Woods is the Network's expert adviser and its Director is Maeve Walsh.

Amending the Online Safety Act

4. Professor Woods' [intellectual breakthrough](#) enabled the UK to regulate for online safety – a duty of care that applies to the systems and processes social media companies use to run their platforms. This work was influential in the EU's Digital Services Act and Australia [has recently adopted](#) a duty of care.

5. The Conference will receive much evidence on the type and impact of threats to candidates. We have spoken with many MPs and Peers about their experiences online since 2016:

'As a young woman MP you don't open Twitter after nine o'clock at night if you want to sleep, it's horrific,' Anna Turley MP (in conversation) 2016

6. In our experience such harms are caused by the weaknesses that cause other types of online harm - bad design and poor operation of platforms, where decisions are made to put shareholder returns ahead of public safety.
7. We submitted an earlier version of this paper to the Conference in December 2024. Since then, the owner of X - Elon Musk - has [used his platform to target the Prime Minister](#), Jess Phillips MP and other elected representatives with abuse, which has been amplified at scale and which has led to further online threats to Phillips. A man [has been charged](#) in that regard with three counts of malicious communications. However, 'the communications offences do not seem to be a deterrent to mass abuse of elected members when deployed in small numbers/at point incidents. Better civil regulation is needed to prevent mass attacks and relieve the burden on the criminal justice system.'
8. We focus here on our proposed solutions. We first [set these out in](#) 2021 at Carnegie UK in response to the January 6 incidents in the USA. William Perrin [was cross-examined](#) on these by the Online Safety Bill Public Bill Committee in 2022. The Truss government did not pursue our solutions.
9. The [Online Safety Act](#) regime, like most safety regimes, is based on risk management. The Act requires companies operating online platforms as risk creators to assess risks to specific groups of people set out in the Act, under regulatory supervision. Companies then take steps to mitigate the risks found in the assessment, also under regulatory supervision. Companies follow a code of practice produced by OFCOM in consultation with victims. A penalty regime acts as a backstop. The penalties are effective enough to make even large foreign-owned and operated platforms comply. Such measures are compatible with the Human Rights Act, as for instance is the far more intrusive regulation of TV and radio for safety.
10. **The risk of harm to candidates and MPs is foreseeable. Elections and the time around them are foreseeable high-risk periods. The Online Safety Act should be amended to require online platforms to assess and mitigate these foreseeable risks. The Electoral Commission and the National Police Chiefs Council as the expert regulators should be designated under the Online Safety Act to work with OFCOM as the media regulation expert. The three regulators should draw up a code of conduct, working with likely victims. Companies then follow that code to mitigate harms.**
11. Platforms operate the services that create risks and micro-economic theory suggests it is most efficient for them to bear the costs of protecting democracy under the "polluter-pays" principle.

We would expect mitigation steps in the regulators' code of practice to include:

- A helpline service for candidates and MPs that actually works, with standards of performance set out by the regulator in consultation with candidates.

- Case workers assigned to groups of candidates or MPS by the platforms to help them manage problems.
- Tools for candidates and MPs that help them manage risk according to their tolerance. For instance – filters that protect against certain things.
- Rate modifiers to dial down the rate at which messages can be sent (a feature Facebook offers in its groups and that WhatsApp uses in crises).
- Adjustment of terms of service to protect participants in the democratic process more effectively.
- Terms of service changes to increase penalties for threatening candidates and MPS.
- Tougher action on repeat offenders who breach terms of service.
- Platforms interfacing with national and local police in a more effective manner.

Although not in the Conference's standing orders, councillors and election workers should receive the same protections.

Speed up the regulators

12. OFCOM and the Electoral Commission have thorough but very slow processes. Electoral periods are short. Regulatory action after an election on material that has affected candidate safety during a campaign is of little use. This allows reckless or cynical gaming of the system by bad actors. Elections and the functioning of democracy are one of the most precious things in our society.
13. **Parliament should direct the regulators to act swiftly, as if in an emergency, when an election is threatened. This would require a new duty on the Electoral Commission and OFCOM to act expeditiously during high risk periods such as elections. As a safeguard, the regulators would have to seek permission for urgent action from the High Court.**
14. Political parties tend to require that candidates and Members of Parliament use particular media as part of their standard communications suite. Parties should act as if they have an employer's duty of care to candidates and MPs, and risk assess their own guidance, advising candidates and MPs to vacate platforms that are dangerous where the risk of harm outweighs the benefit.
15. The measures above build on the foundation of existing regulation with simple amendments.

Fair elections

16. The Conference mentions fair elections and should consider the threats to the UK's ability collectively to debate facts and come to decisions – sometimes known as 'epistemic security' which also arise from badly designed and run online media. In 2020, UK defence scientists from Defence Science and Technology Laboratory and experts from the Alan Turing Institute [produced a report](#) on the threats to the UK's epistemic security. William Perrin is supporting a fresh look at this issue in work in [Demos's new programme: 'Epistemic Security 2029'](#):

'By the 2029 election will the UK be able to make collective decisions based on reliable information and productive public deliberation? Will we be debating what has actually happened to public services and the economy or debating untruths?'

17. We would be happy to provide further information, either in writing or in person, to the Conference.

Online Safety Act Network

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