

Model Law Commission Report 2025



SURROGACY



CORPORATE CRIME



CHILDREN & SOCIAL MEDIA



COSMETIC SURGERY

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Foreword note by the BVL Chief Executive Officer

The legal profession is changing and so are the young minds who will shape its future.

At Big Voice London (BVL), we exist to ensure that future includes talented, state-educated students who might otherwise be excluded. As a social mobility charity, our mission is to inspire young people from non-fee-paying schools to pursue careers in law by giving them meaningful, hands-on experiences. One of our flagship programmes is the Model Law Commission (MLC).

Now in its twelfth year, the MLC is a four-month project that simulates the work of the Law Commission. Students are divided into four groups, each tasked with reforming a different area of law. This year, they tackled Surrogacy Law, Corporate Offending, Children and Social Media, and Cosmetic Surgery, topics that demand both legal rigour and imagination.

For the first time, students were invited to use artificial intelligence to support their drafting. While the ideas in this report are their own, AI helped them refine their writing, mirroring the transformation underway in the legal profession itself. By the time these students enter the workforce, many routine tasks will be automated. What will remain essential are the skills they've honed with BVL: critical thinking, legal analysis, and collaborative problem-solving.

The MLC challenges students to ask and answer difficult questions: What is working in the law? What isn't? What imaginative reforms could make it better? Our students have approached them with curiosity and careful thought. Their ability to engage with complex legal issues and propose innovative solutions is a testament to their potential.

Collaboration is also at the heart of this report. Over four months, our students worked entirely remotely via video calls and group chats. They will only meet in person for the first time to present their proposals at Portcullis House, Westminster. Their ability to build trust, share ideas, and deliver results across distance is not just impressive; it's a preview of the future of legal practice. People skills, including the ability to work effectively with others, often remotely, will be as vital as legal knowledge in the years ahead and our students will be one step ahead.

I also know our students will thrive because many of our alumni are already doing so. They have reported studying at top universities including Oxford, Cambridge, King's College London, Exeter and Manchester. Some have already entered the profession. One former student, who participated in a BVL project in 2020, recently shared:

"[BVL] was my first real insight into the legal world, and it was the experience that sparked everything that followed.

At the time, I had no formal legal education – just curiosity and a willingness to learn. From that moment, I chose to study A-levels with the goal of pursuing law at university. I went on to secure a place at a top law school, where I immersed myself in both academic study and pro bono work. I've since completed several vacation schemes and gained experience as a paralegal. Now, I'm proud to say that I've secured a training contract with the world's largest law firm – a full-circle moment that began with [BVL].

This programme didn't just introduce me to the legal system – it gave me the confidence and clarity to pursue my interest in law and it planted the seed that's grown into a real, tangible future."

Our alumni are also giving back. Several of this year's MLC volunteers are former students, including one who participated just last year and is now studying law at the University of Bristol. Their presence is a powerful reminder: opportunity creates a ripple effect. Who better to guide and inspire the next generation than someone who stood in their shoes only 12 months ago?

So, what's next for BVL? We remain committed to expanding access to the legal profession. But demand far exceeds our current capacity. In the past year alone, we received over 1,000 applications and could only accept around 275 students. That means hundreds of bright, motivated young people missed out.

This is our call to action.

If you believe that talent should determine opportunity – not background – we invite you to work with us. Whether through funding, volunteering, or partnership, your support can help us open the door wider. We are proud of what our students have achieved, and we know there is so much more we could do with your help.

It is with immense pride that I now present the 2025 Model Law Commission Report. I hope it inspires you as much as it has inspired us and I hope it sparks a conversation about how we can work together to build a more inclusive legal profession.

Introduction

BVL

BVL is a social mobility charity and legal education charity, which seeks to engage young people from non-fee paying schools between the ages of 16 and 18 years old with law and legal policy. This is all with the aim of assisting them in entering the legal profession should they choose to pursue a career in law. To further this aim, we take students from non-fee paying schools and provide them with opportunities to give them insight into the law, such as the Model Law Commission.

Since BVL's inception in 2011, BVL has gone from a small student-run organisation to a registered charity and continues to grow, reaching out to more students each year. We now run a variety of programmes, including: a Mooting Competition with the UK Supreme Court, an Introduction to the Legal System project, also in association with the UK Supreme Court, a Summer School and the Model Law Commission.

From 2020 onwards, as a result of the Covid-19 pandemic, BVL took its projects online and has offered the last four years' projects, including the Model Law Commission, to students across the whole of England and Wales. As a result of our growth to a national charity, in 2021 we changed from 'Big Voice London' to 'BVL'.

We are delighted to be able to name 5RB Chambers, BCL Solicitors, The Blair Partnership, Dekka Chambers, ICLR, and Schillings International LLP as financial donors and sponsors of the charity, in addition to ongoing support from Cumberland Lodge, the Law Commission, and the University of Law. We also extend our appreciation to the UK Supreme Court for its continued support of our objectives.

Model Law Commission 2025

The Model Law Commission is a four-month long project that provides A-Level students with the chance to simulate the work of the Law Commission. We split our pool of students into four groups, each tasked with the reform of one of the following areas of law: (1) Family, Trusts or Land Law; (2) Criminal Law; (3) Commercial and Common Law; or (4) Public Law. From October to December, the young people undertook a five-stage process: research, formulating recommendations, consulting with their peers, reporting on their proposals and devising their legislation.

Each year, the Model Law Commission begins with a two-day conference, which again this year was hosted via Zoom. It is over the course of these two days that our students are introduced to their respective topics by experts in the field who spoke to them from all over the country. The young people then take that information and over the following weeks discuss reform ideas with each other, their Group Leaders and their peers.

The results of these months of hard work are contained within this report. This is a reflection of what these young people believe should be the law governing these particular issues and is written entirely in their own words.

Our students

When recruiting students, our only requirement is that applicants come from non-fee paying schools. We do not set grade boundaries or have entrance exams. We only ask that students be keen to learn and commit to the project.

All the students that participate in the Model Law Commission apply to this project entirely independently. It is not a school-run activity; these are students who want to learn about and have their voices heard in the law. With sessions run every week in the evenings after school, this is not a small commitment to undertake alongside studying for all-important A-Level exams. We hope that as we expand, we will be able to provide this valuable opportunity to more ambitious young people.

The Authors/Commissioners

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Disclaimer

The work, recommendations and opinions contained in this report are solely those of the student authors listed. The views expressed do not represent those of any other external organisation or individuals, including guest speakers listed in this report, the UK Supreme Court and the Law Commission. BVL is an entirely independent organisation, and while we value the ongoing support and guidance of many organisations all views expressed are our own.

Part One: Property, Family & Trusts

Recommendations on the law governing Surrogacy Law

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Introduction

Over the years, surrogacy laws in the UK have raised several ethical and legal issues for both the surrogate and the intended parents. The current legislation, in particular the Surrogacy Arrangements Act 1985 ('SAA 1985') and the Human Fertilisation and Embryology Act 2008 ('HFEA 2008'), do not allow for all involved in a surrogacy arrangement to be adequately protected. Laws provide a legal structure, but they are not reflective of modern society, leaving all parties at risk of future disputes.

Current issues include the recognition of legal parentage at birth, the wait time before Parental Order applications and the delays created by this, and the lack of clarity of 'reasonable expenses'.¹ Additionally, both the SAA 1985 and the HFEA 2008 have significantly limited the role of lawyers in surrogacy arrangements.

This report proposes three key areas of reform:

1. Clarification of "reasonable expenses."
2. Increasing lawyers' involvement in the surrogacy process.
3. Amendment of the parental order process to allow intended parents to be recognised as legal parents immediately following birth.

Methodology

In order to write our report, we broadly replicated the work of the Law Commission. To do this, we had to follow four stages: pre-consultation, consultation, policy development, and reporting.

During the pre-consultation phase, we listened to speeches by four fertility experts about surrogacy in the UK and abroad. After attending a question and answer session, we were able to gain a larger understanding of the current issues of surrogacy laws enabling us to create a questionnaire about potential reforms that received over 230 responses.

One limiting factor is that we did not reach as wide a demographic as the Law Commission reports are able to. As such, our respondents are not as representative of society. For example, our results show that 47.9% of those surveyed were under 18, while 72% of the respondents were female. These results could indicate a bias in the opinions of those surveyed, as both age and gender will play a huge role in people's outlooks and opinions.

Additionally, over 34% of the respondents did not have any previous knowledge about surrogacy and over 50% did not know the legal age for surrogacy. This is likely due to almost half of the respondents being 18 without access to fertility services, so, they would not have knowledge of the system.

While these limitations should be acknowledged, the information gathered from the survey still assisted us in selecting our reform proposals.

¹ HFEA 2008, ss.33 and 54.

Reform 1: 'Reasonable expenses' should be clarified

Guidelines published on the surrogacy pathway in the HFEA 2008, the SAA 1985, and the Department of Health and Social Care do not offer a clear definition of “reasonable expenses.”² Instead, they depend on the specific circumstances of the case. Currently, we can determine what constitutes reasonable expenses by looking at what the court generally accepts as “reasonable” from previous cases. This includes covering the loss of earnings of the surrogate, additional childcare costs, and help with matters such as cleaning, food, and therapy to support the pregnancy. They can also consider reasonable expenses to include things like travel and maternity clothes, as in the case of *Re A, B and C*.³

Surrogacy is significantly cheaper in the UK than it is in countries, such as the US, where commercial surrogacy is legal (£15,000 vs \$240,000).⁴ However, for surrogacy to be a pathway people more widely consider, there needs to be additional guidance, as currently it is difficult to predict costs at the beginning of the process, which may lead to issues such as withdrawal when costs rise higher than expected. Reforming the law in this area would leave less room for confusion and allow for a more open discussion without financial worries, decreasing the chance that costs are a limiting factor for couples seeking surrogacy in the UK. Hopefully this would decrease the number of UK citizens seeking surrogacy arrangements abroad.

Our survey showed that 82.4% of people did not know what is considered reasonable expenses for surrogacy. This can lead to doubt over what the surrogate is entitled to. In this same survey, we asked what respondents believed should be classified as “reasonable expenses.” In response, 91% believed medical expenses should count, 81.5% loss of earnings, 12% rent, and 4.3% holidays. This survey highlights the need for clarification due to the vast differences in what people consider “reasonable expenses”.

The current definition of “reasonable expenses” does not reflect the modern costs of fertility treatment; it is outdated. Costs for matters like specialist diet, maternity exercise classes, or even professional childcare to allow the surrogate to attend appointments are modern costs often excluded from a strict reading of “reasonable expenses.”

The case of *Re C (A Child)* emphasised that applicants must be precise in detailing exactly how much was paid and why, highlighting that the vague nature of “reasonable expenses” forces families to justify payments for non-traditional or modern costs that should be clearly covered, but are currently at the mercy of judicial discretion.⁵ This inconsistency means that the uncertainty continues and we risk pushing people abroad for surrogacy arrangements. If parents do not assist, or this falls below what would be distinguished as “reasonable,” then the surrogate, in most cases, is solely reliant on maternity pay throughout the duration of the pregnancy, which only lasts for up to 39 weeks.⁶ This means that the surrogate will be without financial provision for the remaining 13 weeks if they decide to take the full 52 week maternity leave that they are entitled to.

Before Parental Orders are passed, the court has to check expenses to confirm they are reasonable. Judges are tasked with balancing the legal requirement to prevent commercial surrogacy against the welfare of the child. In practice, judges almost always authorise excessive payments because refusing the order would be damaging for the child’s welfare, leaving them legally unrecognised by their intended parents and remaining with the surrogate parent.

This would mean that the intended parents could be exploited if they cannot get legal parenthood of the child after spending vast quantities of money. It would also mean that surrogates would obtain, with impunity, excessive expenses, because the legal sanction for breaking the rules is a “paper tiger.” This is a threat that is never carried out, meaning the law is rendered ineffective as a deterrent against commercial surrogacy.⁷ This is shown in the case of *Re Z (A Child) (No 2)*, which reaffirmed the principle that excessive payments must be authorised to protect the child’s welfare, a principle imported from section 1 of the

² The Surrogacy Pathway: surrogacy and the legal process for intended parents and surrogates in England and Wales, (Department of Health & Social Care, 3 October 2025) <https://www.gov.uk/government/publications/having-a-child-through-surrogacy/the-surrogacy-pathway-surrogacy-and-the-legal-process-for-intended-parents-and-surrogates-in-england-and-wales> accessed 19 November 2025.

³ *Re A, B and C (UK Surrogacy Expenses)* (2016) EWFC 33.

⁴ Human Fertilisation and Embryology Authority, ‘Surrogacy: a factsheet’ <https://www.hfea.gov.uk/about-us/media-centre/surrogacy-a-factsheet/> accessed 20 November 2025; ‘Preparing for the cost of surrogacy’ <https://www.conceiveabilities.com/about/blog/preparing-for-the-cost-of-surrogacy> accessed 23 November 2025.

⁵ *Re C (A Child)* [2013] EWCA Civ 1257.

⁶ UK Government ‘Maternity Allowance: What You’ll Get’ <https://www.gov.uk/maternity-allowance/what-youll-get> accessed 20 November 2025.

⁷ HFEA 2008, s.54(8).

Adoption and Children Act 2000.⁸ The main focus in family law is that the child's best interest always comes first. By transparently defining what would be accounted for as a "reasonable expense," it becomes possible to reduce the risk of financial exploitation for both parties involved.

Reform in this area should aim to provide a statutory definition as to what is considered a "reasonable expense" for both the intended parents and the surrogate. By doing so, it enables both parties to maintain a list of any payments that have been made, which can later be presented to the court when applying for a Parental Order. This makes the process simpler and quicker, and avoids any disagreements over any payments made by either party while holding the child's best interest in mind.

Reform 2: Lawyers should be able to be involved in the process of surrogacy

More than half of children born through surrogacy to UK parents are born through international surrogacy.⁹ This may be due to the difficulties created by the current UK legal framework. One such issue surrounds the lack of lawyers' involvement in the surrogacy process in the UK due to commercial surrogacy being illegal.¹⁰

Currently, statutes criminalise certain types of legal involvement, meaning lawyers have a limited role in the surrogacy process. These limitations are found in the SAA 1985, that restricts lawyers from drafting agreements between the two parties.¹¹ The reasoning behind the regulations is to diminish any commercial aspects of surrogacy. Although lawyers cannot draft an agreement, they are allowed to help families understand their rights and responsibilities regarding surrogacy arrangements. The current law means that lawyers would not be criminalised for giving generic legal guidance.¹² Lawyers are also allowed to advise on the Parental Order process, which transfers parentage from the surrogate to the intended parents.

One of the main issues highlighted in our survey was that respondents felt lawyers should be able to play a larger role in supporting both parties if things go wrong during a surrogacy arrangement. Our survey also highlighted that 64.1% of people who participated feel that current surrogacy laws protect both parties only 60% of the time. This highlights how many people believe themselves to be unprotected should they enter into the surrogacy process. It should be noted that around 47.9% of respondents were between the ages of 18 to 24, suggesting that the respondents were heavily made up of young adults who are the most likely to consider surrogacy in the future and most importantly, to take the legal procedures, structures and layout into consideration beforehand.

In the United States, surrogacy contracts are legally enforceable, which gives both parties certainty in the process.¹³ Whereas, in the UK, there is a lack of enforceability for surrogacy agreements, meaning that the surrogate and intended parents must rely on the courts to resolve any disputes between them. This creates backlogs and unnecessary delays, leaving families having to wait for a decision. If lawyers were involved sooner in dispute resolution, it could decrease the chances of this disruption.

While disputes are rare, they still need to be considered. In the survey, 87.9% of respondents strongly believed that lawyers must be involved when it comes to drafting agreements and providing legal advice for intended parents to avoid any conflict between the two parties. The respondents were random and did not specialise in law, which shows the sheer importance of lawyers having more input for both intended parents and surrogates. The law surrounding lawyers' input currently needs to be updated; it will help society have more reassurance in the legal system relating to surrogacy.

Another issue is that the lack of legal protection in the surrogacy process can cause surrogates or intended parents to have to take on a much larger responsibility than intended. If the surrogate were to back out or the intended parents reconsidered their choices due to unforeseen circumstances – such as if the child were diagnosed with a health condition such as Down syndrome – then, the intended parents could claim they no longer want the child and the agreement could then be broken with impunity, resulting in the surrogate needing to take responsibility for the child.

⁸ *Re Z (A Child) (No 2)* [2016] EWHC 1191 (Fam).

⁹ NGA Law, 'Surrogacy law reform: Parliamentary briefing paper', <https://brilliantbeginnings.co.uk/wp-content/uploads/2025/05/Parliamentary-briefing-paper-2025.pdf> accessed 21 November 2025.

¹⁰ SAA 1985, s.2(1).

¹¹ *Ibid.*

¹² *Ibid.*

¹³ Baloch DrK, 'Legal Considerations for Surrogacy Across U.S. States' (Surrogacy4all, 18 August 2025). <https://www.surrogacy4all.com/surrogacy-legal-usa/> accessed 21 November 2025.

In a legal reform, lawyers should be permitted the ability to draft arrangements and negotiate with both intended parents and the surrogate to get the best outcome for the child. This would be beneficial since they can share their views and opinions to prevent disputes later down the line. If any party failed to bring up a problem, then later raised it, both parties would be putting themselves and the child at risk. So, it is important that discussions are had prior to surrogacy even beginning.

Reform 3: Intended parents should be granted Parental Orders at birth

The current law regarding Parental Orders falls under the HFEA 2008, which states that intended parents do not become the legal parents of the child at birth. Under section 54(3) HFEA 2008, the intended parents must apply for the Parental Order during the period of 6 months beginning with the day on which the child is born. This procedure takes 6 to 12 months with hearings being held at the Family Court, or the High Court if it is international. The surrogate can withdraw her consent within 6 weeks after the child's birth under section 54(6). This creates an issue of intended parents and surrogates being left in legal uncertainty until an order is made. It also raises concerns in terms of whether the law is in the child's best interest, highlighting the need for reform.

During the 6-week period, the child has no legal relationship with the intended parents, causing a disconnect from parental responsibility. Consequently, any important medical decisions about the child must be made by the surrogate, illustrating the intended parents' lack of control over the needs of their child, as the intended parents have no legal rights until an order is made. This was best exemplified through the fact that if the surrogate had received reasonable expenses from the intended parents and then withdrew their consent or an intended parent changed their mind, there are no legal requirements for those expenses to be reimbursed. Whilst this is rare, it is still an issue and does occur today.¹⁴

This area of law should be reformed so that Parental Orders are either granted at birth or pre-birth, as supported by 51.3% of responses to our survey. That said, there are limitations to this reform. It may bring about negative consequences, such as restricting the surrogate's autonomy over her body and conflicting with the view of "my body, my choice." This was reflected in 30.8% of respondents to our survey that the intended parents should become the legal parents after the birth. As such, there is a need to maintain the surrogate's autonomy over her body, and to ensure that psychological factors, such as emotional attachment to the child, are considered as a valuable reason for withdrawal.

Conversely, the surrogate's protection is also impaired in the current law. This is evidenced in cases where a child was born with a disability, which led the intended parents to leave this child with the surrogate.¹⁵ This is a form of exploitation. The surrogate has been left in a vulnerable state and with a child that she does not want. Therefore, as stated before, the same rules should apply where the intended parents agreed to create a child and should therefore bear responsibility for that child, regardless of their health. Thus, by reforming the law on Parental Orders, it will provide security to the surrogate mother as she will bear no legal responsibility over the child.

It could be argued that if stricter laws are implemented, it may lead surrogacy to become a more transactional process with moral implications that come with that. Despite this, we believe that reform will encourage more intended parents to partake in surrogacy in the UK, as the same security that is offered abroad, such as in the USA, will be available nationally.

When participants were asked the question, "When should the intended parents become the legal parents?" responses were more proportionately distributed. The greatest belief was 30.8% of respondents believing that legal rights should be given after the surrogate consents. The responses show a fairly even split between beliefs regarding pre- and post-birth rights, with 26.5% saying rights should be given "at birth" and 24.8% saying rights should be given "pre-birth." Responses showed a disagreement with Parental Orders, as only 17.9% of respondents said parental rights should be given "after birth". The results are fairly even, yet they suggest a preference for parental rights being given to intended parents as soon as possible, as opposed to the current system, which requires a Parental Order after birth.

Ultimately, our proposed reform would positively impact the intended parents, as it would ensure security for them in their chances of having their own child. The process of surrogacy can take between 18 to 36

¹⁴ Z (surrogacy: step-parent adoption), Re [2024] EWFC 20.

¹⁵ Jacky Campbell, Forte Family Lawyers, 'The Baby Gammy Case' (24 June 2016) <https://fortefamilylawyers.com.au/the-baby-gammy-case/> accessed 13 November 2025.

months; it is a time-consuming process.¹⁶ Furthermore, if the surrogate had withdrawn at the last minute, it would leave parents economically and mentally strained. Therefore, there is great need for reform to give parents more security and support within the surrogacy process.

Conclusion

Through the responses to our survey and the research completed based on these responses, we found that surrogacy laws in the UK need to be improved. The majority of people who completed the questionnaire were unsure of how these laws work, making it evident that matters around surrogacy are not adequately made known to members of the general public. For example, 82.4% of our respondents did not know what the term “reasonable expenses” refers to, and over half our respondents were unaware of what the legal age for surrogacy and fertility treatment is. 33.5% of participants believe that a reasonable expense within surrogacy is profit, which conflicts with current laws in the UK prohibiting commercial surrogacy. This shows that surrogacy law is not discussed enough, and is clearly not understood by the public, reflecting that more efforts to increase awareness are needed.

Lawyers being present in the process of surrogacy is our next reform proposal that has proven to be a popular from our questionnaire, as around 88% of our respondents believed that lawyers should be more involved in the process, especially if there are complications in the process. This shows a clear gap between what the law currently allows and what people think is needed for a fairer and clearer surrogacy arrangement in the UK.

Currently, lawyers have a limited role in this process, which makes it more difficult to give each side the support that they need. In particular, the SAA 1985 restricts third parties’ input, including lawyers, in the surrogacy arrangements. This is why lawyers have a limited role in the process. However, they can advise clients and assist with the legal transfer of parenthood through a Parental Order under section 54 of the HFEA, but they cannot actually manage the arrangement itself. This means that the intended parents and surrogates work through most of the process without consistent legal support.

Our final reform proposal is that intended parents should be granted Parental Orders straight after birth. When we asked at what point the intended parents should become the legal parents of the child, we found divided responses, yet we were able to find that 30.8% of respondents selected “after the surrogate consents” and 26.5% of them selected that it should be “at birth.” This shows that although views differ, the majority of people want a process that will protect the rights of each party.

Overall, current UK surrogacy laws feel outdated by the general public and fail to reflect modern family structures. They do not clearly define key terms like “reasonable expenses,” delay parental legal recognition until after birth, and restrict professional legal involvement, leaving both parties without adequate protection. The divisive responses we obtained are a clear indication that surrogacy laws are not made clear to the public and that views are also heavily attached to personal ethics and opinions. Reform is needed to modernise these laws, increase legal clarity, and ensure fairness and support for all involved in surrogacy arrangements.

¹⁶ ‘How long does surrogacy take?’ (Brilliant Beginnings) <https://brilliantbeginnings.co.uk/how-long-does-surrogacy-take/> accessed 23 November 2025.

Part Two: Commercial & Common Law

Recommendations on the law governing Children and Social Media

Compiled with thanks to:

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Introduction

Social networking has become deeply integrated into daily life as social media usage has become widespread. Social media can be defined as “technology that affords scalable sociality as it provides greater control in communication, over both the degree of privacy and size of group, when compared with previous forms of communication media.”¹⁷ It has become a primary means of communication and entertainment for many, contributing to growing concern about child safety online. This is because young, vulnerable users face increased exposure to harmful content with increasing average social media screen time. Research indicates that, “among 16-to-25-year-olds in the UK, as many as 99% use social media every day”.¹⁸

The Online Safety Act 2023 ('OSA 2023') addresses these issues by placing responsibility on social media platforms to improve user safety online by removing illegal content and preventing children from accessing harmful and age-inappropriate content. Examples of such content include: “child sexual abuse, controlling or coercive behaviour, extreme sexual violence, extreme pornography, fraud, racially or religiously aggravated public order offences, inciting violence, illegal immigration and people smuggling, promoting or facilitating suicide, intimate image abuse, selling illegal drugs or weapons, sexual exploitation and terrorism”.¹⁹ Additionally, it provides caregivers and children with clear and accessible ways to report problems online when they do arise.²⁰ Despite this legislative effort, prominent issues such as dangerous content, cyberbullying, grooming and breaches of personal data remain. The proposed reforms in this report aim to create a safe online environment for children. It advocates for the introduction of stronger child protection policies along with enhanced digital literacy, online risk awareness and online safety education in schools.

1. Introducing Strong Government-led Child Protection Measures

Many platforms lack effective age verification systems, meaning young people can access age-restricted, inappropriate, and potentially exploitative content.²¹ Social media algorithms are known for promoting content that is hateful and abusive onto the screens of users and the UK regulator Ofcom notes that “algorithms from all the major social media companies have been recommending harmful content to children, even if unintentionally”.²² This poses a critical issue when the number of children using social media platforms continues to rise.

¹⁷ UCL Social & Historical Sciences, 'What Is Social Media?' (UCL Faculty of Social & Historical Sciences, 2025) <https://www.ucl.ac.uk/social-historical-sciences/anthropology/research/why-we-post/project-aims/what-social-media> accessed 21 November 2025.

¹⁸ Nicola Boon, 'Social Media' (Youth Sport Trust, October 2023) <https://www.youthsporttrust.org/media/xtenj0hk/bwpo12-social-media-v3-october-2023.pdf> accessed 14 November 2025.

¹⁹ 'Online Safety Act: Explainer' (Department for Science, Innovation & Technology, 24 April 2025) <https://www.gov.uk/government/publications/online-safety-act-explainer/online-safety-act-explainer> accessed 21 November 2025.

²⁰ Ibid.

²¹ Tom Singleton, "'It's so Easy to Lie': A Fifth of Children Use Fake Age on Social Media" BBC News (28 November 2024) <https://www.bbc.co.uk/news/articles/cn4v52ezx17o> accessed 21 November 2025.

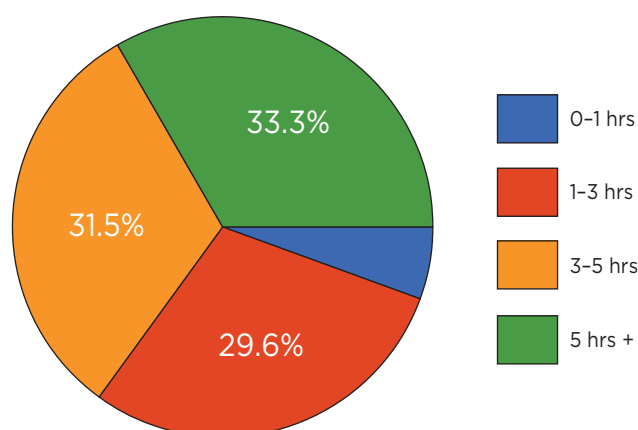
²² Marianna Spring, 'Social Media: Why Algorithms Show Violence to Boys' (BBC News2 September 2024) <https://www.bbc.co.uk/news/articles/c4gdqzypdzo> accessed 21 November 2025.

Ofcom's report on children's online behaviour shows that 87% of 3 to 5-year-olds have an online presence, which is the age range in the early literacy developmental stage. Children then start to use social media more, with 42% of 6 to 7-year-olds and 54% of 8 to 9-year-olds using social media apps or sites. By the age of 13 to 15, all children have an online presence, and 97% have their own profile on a social media site.²³ These Ofcom statistics highlight that a majority of our youth are present on social media, meaning the Government should adopt a more proactive approach to implementing stringent child protection measures.

The following graph, taken from our research findings²⁴, illustrates how youth respondents to our survey (aged 11 to 18) spend their time on social media. 64.8% of respondents said that they have a minimum daily social media screen time of 3 hours, however this figure can reach 7 or 8 hours daily or even higher. Children are simply struggling to self-regulate their social media screen time.

What is your daily screen time on social media apps?

108 responses



Children's heavy reliance on screen media has raised serious public health concerns, as it may stunt their cognitive, linguistic, and social-emotional growth.²⁵ Wider concerns in excessive social media usage are that it often leads to increased stress, anxiety, poor self-esteem, depression, behaviour disorders, self-harm, sleep deprivation, eating disorders, poor social relationships and poor progress at school.²⁶

Subsequently, increased social media usage has enhanced children's exposure to inappropriate content. Engaging with objectively harmful content often encourages children to replicate the behaviours they see presented on social media.²⁷ This is especially true for younger children who are more prone to repeating behaviours.²⁸ These harmful behaviours include: self-harming, eating disorders and participating in dangerous trends. In accordance with this, research suggests that harmful language, images and videos are prevalent in social media content, with 64% of teens reporting that they are exposed to hate-based content.²⁹

The graph below, based on our survey findings³⁰, illustrates that out of 108 survey respondents (with an average age of 17), approximately 90% had some degree of exposure to dangerous content.

²³ 'Child Development Ages, Stages and Online Behaviour' (Ofcom 8 May 2024) <https://www.ofcom.org.uk/siteassets/resources/documents/research-and-data/online-research/keeping-children-safe-online/child-development-stages-review/child-development-and-online-behaviour.pdf?v=319064> 16 accessed 21 November 2025.

²⁴ BVL Questionnaire: Children and Social Media (Model Law Commission, 12 October 2025).

²⁵ Sudheer Kumar Muppalla and others, 'Effects of Excessive Screen Time on Child Development: An Updated Review and Strategies for Management' (National Library of Medicine, 18 June 2023) <https://pmc.ncbi.nlm.nih.gov/articles/PMC10353947/> accessed 20 November 2025.

²⁶ Barnardo's, 'SMH0134 - Evidence on Impact of Social Media and Screen-Use on Young People's Health' (Parliament.uk2016) <https://committees.parliament.uk/writtenevidence/89014/html/> accessed 21 November 2025.

²⁷ Karima Lajnef, 'The Effect of Social Media Influencers' on Teenagers Behavior: An Empirical Study Using Cognitive Map Technique' (2023) 42 Current Psychology 19364 <https://pmc.ncbi.nlm.nih.gov/articles/PMC9887568/> accessed 21 November 2025.

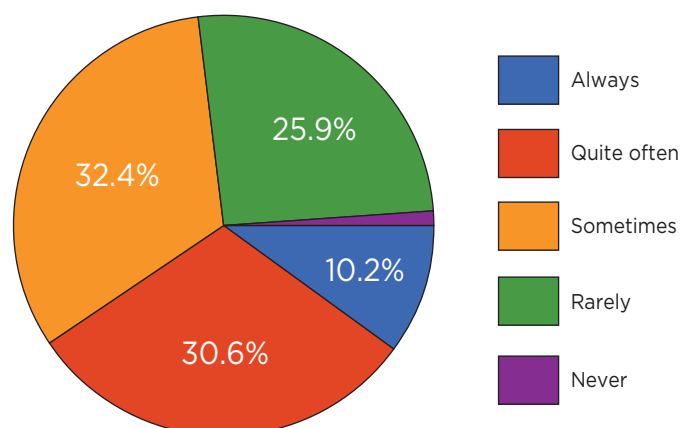
²⁸ Rick Nauert, 'Modeling Behavior for Children Has Long-Lasting Effects' (Psych Central, 27 May 2018) <https://psychcentral.com/news/2018/05/27/modeling-behavior-for-children-has-long-lasting-effects> accessed 20 November 2025.

²⁹ Cleveland Clinic, 'How Social Media Can Negatively Affect Your Child' (Cleveland Clinic, 15 January 2024) <https://health.clevelandclinic.org/dangers-of-social-media-for-youth> accessed 20 November 2025.

³⁰ BVL Questionnaire: Children and Social Media (Model Law Commission, 12 October 2025).

How often are you exposed to content like Eating Disorders, Body shaming and Graphic content when scrolling?

108 responses



How is the current legislation falling short?

Despite the introduction of the OSA 2023, serious gaps remain in the regulation of social media and in the protection of children online. Studies show that social media platforms are still pushing suicide-related content to teens despite new UK safety laws. The article stated that “Researchers who set up dummy accounts as a 15-year-old girl were bombarded with self-harm and depression posts”.³¹ Additionally, the exposure to sexual illicit content has significantly risen. Sexual crimes committed against children online have risen by 400% since 2013, and 79% of children had encountered violent pornography before the age of 18.³²

The 2025 Priority Offences Amendment to the OSA details a priority crackdown on “potentially harmful content,” a highly vague, subjective phrase.³³ The term “harmful” is up to interpretation, which risks cultural and ideological bias interfering with the effective moderation of social media content. The Amendment also states that “content depicting self-harm on streaming and online services” will be censored.³⁴

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³¹ Rachel Hall, ‘Social Media Still Pushing Suicide-Related Content to Teens despite New UK Safety Laws’ (the Guardian 18 August 2025) <https://www.theguardian.com/technology/2025/aug/19/social-media-still-pushing-suicide-related-content-to-teens-despite-new-uk-safety-laws> accessed 21 November 2025.

³² Education Committee, ‘Screen Time: Impacts on Education and Wellbeing – Education Committee’ (Parliament.uk 25 May 2024) <https://publications.parliament.uk/pa/cm5804/cmselect/cmeduc/118/summary.html> accessed 21 November 2025.

³³ ‘Online Safety Act: Explainer’ (Department for Science, Innovation & Technology, 24 April 2025) <https://www.gov.uk/government/publications/online-safety-act-explainer/online-safety-act-explainer> accessed 20 November 2025.

³⁴ Ibid.

³⁵ Rachel Hall, ‘Social Media Still Pushing Suicide-Related Content to Teens despite New UK Safety Laws’ (the Guardian 18 August 2025) <https://www.theguardian.com/technology/2025/aug/19/social-media-still-pushing-suicide-related-content-to-teens-despite-new-uk-safety-laws> accessed 21 November 2025.

³⁶ Education Committee, ‘Screen Time: Impacts on Education and Wellbeing – Education Committee’ (Parliament.uk 25 May 2024) <https://publications.parliament.uk/pa/cm5804/cmselect/cmeduc/118/summary.html> accessed 21 November 2025.

³⁷ ‘Online Safety Act: Explainer’ (Department for Science, Innovation & Technology, 24 April 2025) <https://www.gov.uk/government/publications/online-safety-act-explainer/online-safety-act-explainer> accessed 20 November 2025.

³⁸ Ibid.

On the surface, this presents a desirable pretense as it is a topic that deserves to be handled sensitively. However, this amendment also risks that needed topics around mental health that require productive discussion will be shadow-banned, demonetised, and subsequently increase the stigmatisation of mental health. Discussions around topics such as grief, anxiety, and mental health issues could get swept up in the algorithms' binary logic as 'harmful content'.³⁹ Since an AI algorithm scans content to determine whether it is compatible with the OSA 2023, videos or sites that are designed to aid and inform people on topics such as sexual health and mental health services, legitimate content, would be effectively silenced.⁴⁰

Additionally, as technology rapidly evolves, legislation falls behind. For example, new forms of harm for children and young people include AI-generated pornographic content, dog whistles and grooming via live streaming, which AI algorithms may not detect. Over the last six years, 50% of referrals to the deradicalisation programme "Prevent" have been for children under 18, with 11–15-year-olds being the largest age group referred.⁴¹ The OSA 2023's requirements around the detection of child sexual exploitation push online platforms toward more advanced technologies, which raise technical, privacy, and implementation issues.⁴² Although Ofcom oversees the implementation of the OSA 2023, research indicates that children's safety is not always prioritised or satisfies children's data protection or safety criteria.⁴³

One significant impact of the OSA 2023's limitations is that users are still being exposed to harmful or illegal content. Despite introducing new duties for platforms to remove such material, the legislation says that companies must use "proportionate systems and processes" to limit illegal content.⁴⁴ This means that companies only need to take action they subjectively consider reasonable, which may be insufficient and lead to ongoing exposure to harmful material. As a result, many dangerous forms of online material, such as violent videos, bullying, or self-harm content, remain accessible to children.

Ultimately, this ongoing exposure can increase the risk of developing anxiety, body image issues, and desensitisation to violence. A 2024 Youth Endowment fund report found that around 70% of UK children aged 13 to 17 had witnessed videos of real-world violence online within the past year.⁴⁵ Such repeated exposure has distorted how young people view the world, making them believe it is far more dangerous than it really is, a reaction known as "Mean World Syndrome", identified by media scholar George Gerbner.⁴⁶ This constant sense of threat can heighten emotional distress, whilst simultaneously reducing empathy towards others, as children become increasingly numb to the suffering they see online.

Therefore, OSA 2023's extreme reliance on platforms using "proportionate systems and processes" is a critical limitation. It grants companies too much discretion and autonomy, ultimately leaving young people vulnerable to material that will influence their emotions, self-image and worldview in damaging ways, undermining the purpose of the act itself.

Furthermore, the current methods for moderating social media platforms are ineffective in protecting children from dangerous content online. This is because children are still exposed to content that may deteriorate their mental health (such as content that promotes eating disorders).⁴⁷ Current moderation can easily be bypassed through the use of VPNs or false information about age or region, without enforcing measures to verify accuracy before granting access to certain content.⁴⁸

This exposure to harmful content can lead to severely damaging effects on children's mental health. To reiterate, this exposure could encourage children to mimic harmful behaviour and contribute to the

³⁹ Nigel Cory and Ellysse Dick, 'How to Build Back Better the Transatlantic Data Relationship' (Itif.org, 2024) <https://itif.org/publications/2021/03/25/how-build-back-better-transatlantic-data-relationship/> accessed 21 November 2025.

⁴⁰ John Woodhouse, 'Implementation of the Online Safety Act' (House of Commons Library, 9 March 2025) <https://commonslibrary.parliament.uk/research-briefings/cdp-2025-0043/> accessed 21 November 2025.

⁴¹ 'Individuals Referred to and Supported through the Prevent Programme, April 2024 to March 2025' (Home Office, 6 November 2025) <https://www.gov.uk/government/statistics/individuals-referred-to-prevent-to-march-2025/individuals-referred-to-and-supported-through-the-prevent-programme-april-2024-to-march-2025> accessed 21 November 2025.

⁴² 'The Online Safety Act Explained' (IWF, 2023) <https://www.iwf.org.uk/policy-work/the-online-safety-act-osa-explained/> accessed 21 November 2025.

⁴³ 'Ofcom's Approach to Implementing the Online Safety Act' (Ofcom, 26 October 2023) <https://www.ofcom.org.uk/online-safety/illegal-and-harmful-content/roadmap-to-regulation> accessed 21 November 2025.

⁴⁴ OSA 2023, s.10(3)(a).

⁴⁵ 'Children, Violence and Vulnerability 2024 | Youth Endowment Fund' (Youth Endowment Fund, 25 November 2024) <https://youthendowmentfund.org.uk/reports/children-violence-and-vulnerability-2024/> accessed 21 November 2025.

⁴⁶ Jeffrey Jensen Arnett, 'Mean World Syndrome' (2007) (Vol. 2, pp. 489–489) SAGE Publications, Inc. eBooks. accessed 21 November 2025

⁴⁷ 'A Deeper Look at Social Media and Eating Disorders' (National Alliance for Eating Disorders, 3 October 2023) <https://www.allianceforeatingdisorders.com/a-deeper-look-at-social-media-and-eating-disorders/> accessed 21 November 2025.

⁴⁸ Vėjūnė Rimašiūtė, 'Is VPN a Way to Get around UK Age-Verification?' (Cybernews, 4 June 2025) <https://cybernews.com/uk/how-to-use-vpn/get-around-uk-age-verification-requirements/> accessed 21 November 2025.

development of mental health issues such as depression, anxiety (10% of children aged 3–17 have diagnosed anxiety and 4% have diagnosed depression)⁴⁹ and various eating disorders.⁵⁰ These effects can hinder children’s educational and personal development, ultimately limiting their ability to self-actualise.

Proposed Actionable Solutions for Safer Social Media

We can mitigate the addressed issues by implementing a new method of social media moderation. This could be achieved by outsourcing to a third party, possibly run by the government or by a government-backed body, aiming to prevent harmful content from being exposed to children. They could do this by implementing stricter verification measures. This could include requiring physical identification like passports, driver’s licences and birth certificates to ensure that the information provided is accurate. This could prevent children from bypassing the verification measures, as they would not have the required identification sources. This could also minimise the use of VPNs, as using identity binding verification methods requires regional information, as well as personal identity. This can make anonymous VPN operation difficult, as it requires specific and accurate information.

Outsourcing third-party moderators will help reduce the bias inherent in current social media moderation. In a study conducted by the University of Michigan, they found that moderators can be prone to political bias, which leads to them moderating content that has opposing political views to them.⁵¹ Everyone has subjective opinions on what is harmful, so we propose that guidelines be introduced, which explicitly outline to moderators what type of content needs to be moderated. This creates a more objective method for online moderation.

Additionally, it is crucial that humans moderate content due to AI bias. AI can discriminately moderate content due to either the developers who coded them, or the data used to train the AI.⁵² A third-party *human* moderation, although expensive, can contribute to a safer online environment for everyone.⁵³ While they may be prone to personal biases, the moderators who are not affiliated with the social media platforms will increase the chances of non-biased moderation of harmful content. Furthermore, the previously suggested objective guidelines will also help to reduce the possibility of bias. Implementing a government-led, third-party moderator will create a more peaceful online environment than the current one.

Regarding the requested change to implement stricter verification measures, it must also account for public concern. Social media platforms requesting users to share sensitive ID, such as their passports or driving licenses, for verification purposes have raised confidentiality concerns.⁵⁴ Users do not like their sensitive data being kept on the app due to said concerns.⁵⁵ Thus, for peace of mind, social media platforms should guarantee that user data will be immediately deleted upon verification. This simultaneously protects children from harmful content and accounts for public concern.

2. Improving Digital Literacy and Online Risk-Awareness in Schools

The speed at which digital technology has evolved has outpaced the capacity and relevance of existing statutes and educational policies designed to protect and empower children effectively. The current legal and regulatory frameworks, particularly OSA 2023, do not go far enough to ensure that all children develop the critical literacy and awareness needed to navigate online risks. Although the legislation focuses on harmful content and places duties on online platforms, it does not address the underlying issue that many children lack the knowledge, skills and confidence required to recognise and respond to digital

49 Centers for Disease Control and Prevention, ‘Data and Statistics on Children’s Mental Health’ (Children’s Mental Health, 5 June 2025) <https://www.cdc.gov/children-mental-health/data-research/index.html> accessed 20 November 2025.

50 Sakshi Prasad and others, ‘Anxiety and Depression amongst Youth as Adverse Effects of Using Social Media : A Review’ (2023) 85 Annals of medicine and surgery 3974 <https://pubmed.ncbi.nlm.nih.gov/37554895/> accessed 21 November 2025.

51 JT Godfrey, ‘U-M Study Explores How Political Bias in Content Moderation on Social Media Feeds Echo Chambers’ (University of Michigan News, 28 October 2024) <https://news.umich.edu/u-m-study-explores-how-political-bias-in-content-moderation-on-social-media-feeds-echo-chambers/> accessed 20 November 2025.

52 SAP, ‘What Is AI Bias? Causes, Effects, and Mitigation Strategies’ (<http://Sap.com> 30 October 2024) <https://www.sap.com/resources/what-is-ai-bias> accessed 20 November 2025.

53 Katie Schoolov, ‘Why Content Moderation Costs Billions and Is so Tricky for Facebook, Twitter, YouTube and Others’ (CNBC, 27 February 2021) <https://www.cnbc.com/2021/02/27/content-moderation-on-social-media.html> accessed 20 November 2025.

54 Chris Vallance, ‘Discord’s Face Scanning Age Checks “Start of a Bigger Shift”’ BBC News (17 April 2025) <https://www.bbc.co.uk/news/articles/cjr75wypg0vo> accessed 20 November 2025.

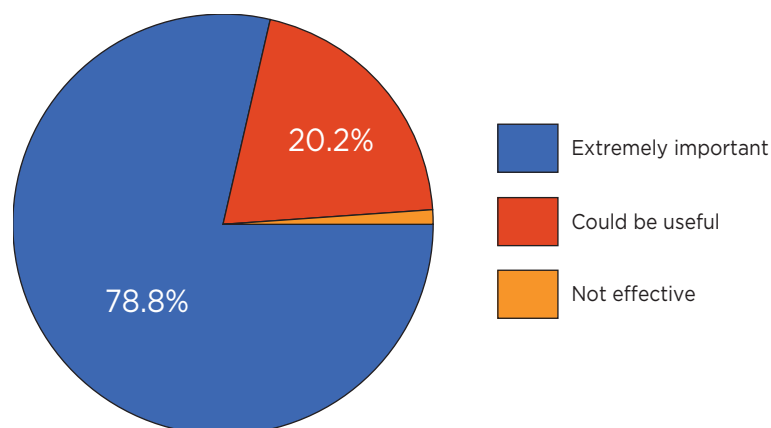
55 Mark Tsagas, ‘Online Age Checking Is Creating a Treasure Trove of Data for Hackers’ (Yahoo News, 11 November 2025) <https://uk.news.yahoo.com/online-age-checking-creating-treasure-171956357.html> accessed 20 November 2025.

threats.⁵⁶ This creates vulnerabilities within educational settings, where limited teacher training, inconsistent school-level approaches and non-statutory governmental guidance leave young people ill-equipped for the realities of digital life.

In the following diagram, a projected 99% of respondents to our survey⁵⁷ agreed that digital literacy education can benefit schools and parents, further highlighting how the youth themselves are requesting structural change.

How important is digital literacy education for parents and children if it warns them about the dangers of social media, and informs them how to stay safe?

104 responses



Our proposed reforms aim to strengthen digital education in schools, establish clear and enforceable national standards for technical safeguards and clarify institutional responsibilities when managing online harm. By making digital literacy compulsory, standardising online safety practice and strengthening cooperation between schools and regulators, the UK can better prepare young people to recognise and manage online risks. Such changes would not only improve safety but also support children in developing the confidence and resilience necessary for responsible participation in an increasingly digital world.

We define digital engagement as the way individuals connect and participate with online platforms and services, through activities such as networking, sharing information, and online learning. Statistics showed that children's social media screen time is reaching concerning levels, and as digital engagement increases, so does the range of emerging harms that children are exposed to.⁵⁸ Data from Ofcom in 2024 found that "32% of children aged 8–17 had said they had seen something worrying" and had received hurtful messages online.⁵⁹ These findings indicate that many children on social media are ill-equipped, as a result of a general lack of digital literacy education, to recognise these online risks, bearing potential life-long consequences.

Insufficient teacher training means education providers themselves are ill-equipped to protect our children. A report from the SWGfL in 2023 found that over a third of schools in England are inadequately providing staff with the training required to address online dangers concerning students.⁶⁰ This is dangerous as children are becoming increasingly exposed to unsafe content, and if teachers are not receiving adequate training, it means that more students are not going to know how to prepare against the risk of online harms.

Where does the current legislation fall short?

The OSA 2023 aims to address issues of digital literacy and online risk awareness in schools. It does so by targeting social media companies and other internet service providers to protect users from illegal content

⁵⁶ Peter Kingdom and others, 'Subjective versus Objective Knowledge of Online Safety/Dangers as Predictors of Children's Perceived Online Safety and Attitudes towards E-Safety Education in the United' (2018) https://irep.ntu.ac.uk/id/eprint/38606/1/1244223_Betts.pdf accessed 21 November 2025.

⁵⁷ BVL Questionnaire: Children and Social Media (Model Law Commission, 12 October 2025).

⁵⁸ 'Children and Parents: Media Use and Attitudes Report 2024' (Ofcom, 19 April 2024) <https://www.ofcom.org.uk/media-use-and-attitudes/media-habits-children/children-and-parents-media-use-and-attitudes-report-2024> accessed 21 November 2025.

⁵⁹ Ibid.

⁶⁰ Will Earp, 'England Schools Online Safety Policy & Practice Assessment 2023' (2023) <https://swgfl.org.uk/research/england-schools-online-safety-policy-and-practice-assessment-2023/> accessed 21 November 2025.

and harmful material, particularly for children.⁶¹ Although imposing legal duties on companies to conduct risk assessments and limit access to harmful material through age-assurance measures can be effective, it does very little to improve digital literacy itself. It does not make young people any more aware of the risks of online activity.

According to the UK Digital Poverty Evidence Review 2022, the digital literacy rate was about 85% before the implementation of the OSA 2023.⁶² Afterwards, in 2025, the current digital literacy rate is approximately 84%, demonstrating minimal change, largely due to the OSA 2023's lack of focus on educating young people about the harms of the internet and how to use it. Furthermore, in alignment with the OSA 2023, platforms are not required to remove any material that violates it; they can simply rewrite their terms of service, which 68% of people do not read, according to a study done by the University of Law.⁶³ This highlights significant gaps in the legislation surrounding online safety for young people, which must be addressed.

Government policies and frameworks, such as the Digital Inclusion Action Plan, directly target improving digital literacy and online-risk awareness in schools.⁶⁴ Whilst the plan is effective in investing in closing the digital divide – for example, the £45 million put towards improving school connectivity with fiber cabling and wireless network upgrades – the guidance given to schools is not always followed. As part of the plan, the government recommends conducting surveys and offers training to support young people with their use of the internet, but all the guidance is non-statutory, meaning that there is no penalty for non-compliance, as schools are not bound by the law to support their students in improving digital literacy and online-risk awareness.

This creates a loophole in which schools may technically comply with safeguarding duties while failing to educate students about the risks of social media exposure. Consequently, this inability to clearly define digital literacy in the educational sphere undermines the usefulness of further safety acts. For example, the OSA 2023 places duties of care on online platforms but assumes users already possess the digital literacy to act safely.⁶⁵ Ofcom's regulatory roadmap recognises that children's safe online engagement depends not only on platform design and provider duties, but also on users' capability to understand and navigate online risks, highlighting the need for stronger links between platform regulation and education.⁶⁶ Without clear legislative direction, accountability for online harm remains blurred among schools, parents, and service providers.

A coherent reform strategy is required to address the limitations of the United Kingdom's current approach to digital literacy and online risk-awareness. The first reform proposes the inclusion of digital literacy as a compulsory element of the national curriculum through an amendment to the Education Act 2002. Embedding digital literacy within Computing, Citizenship, and RSHE, guided by the UKCIS Education for a Connected World framework, would establish a clear national standard for all schools.⁶⁷ Making digital literacy a formal curricular requirement would provide a stronger basis for monitoring and evaluation, enabling Ofsted to assess its delivery and ensuring consistent provision across educational settings.

The second reform concerns the technical infrastructure that underpins safe digital engagement in schools. The Department for Education's *'Filtering and Monitoring Standards'* should be converted from advisory guidance into a legally mandated minimum.⁶⁸ A ring-fenced funding stream would allow schools to implement effective filtering, monitoring, and incident-response systems. The significant number of data

⁶¹ 'Online Safety Act: Explainer' (Department for Science, Innovation & Technology, 24 April 2025) <https://www.gov.uk/government/publications/online-safety-act-explainer/online-safety-act-explainer> accessed 21 November 2025.

⁶² Kira Allmann, 'UK Digital Poverty Evidence Review 2022' (28 June 2022) <https://kiraallmann.com/2022/06/28/uk-digital-poverty-evidence-review-2022/> accessed 21 November 2025.

⁶³ 'More than Two Thirds of People Don't Read or Understand Their Contracts' (University of Law, 30 March 2023) <https://www.law.ac.uk/about/press-releases/more-than-two-thirds-of-people-dont-read-their-contracts/> accessed 20 November 2025.

⁶⁴ 'Digital Inclusion Action Plan: First Steps' (Department for Science, Innovation & Technology, 26 February 2025) <https://www.gov.uk/government/publications/digital-inclusion-action-plan-first-steps> accessed 21 November 2025.

⁶⁵ 'Online Safety Act: Explainer' (24 April 2025) <https://www.gov.uk/government/publications/online-safety-act-explainer/online-safety-act-explainer> accessed 21 November 2025.

⁶⁶ 'Ofcom's Approach to Implementing the Online Safety Act' (Ofcom, 26 October 2023) <https://www.ofcom.org.uk/online-safety/illegal-and-harmful-content/roadmap-to-regulation> accessed 21 November 2025.

⁶⁷ 'Education for a Connected World' (UK Council for Internet Safety, 23 February 2018) <https://www.gov.uk/government/publications/education-for-a-connected-world> accessed 19 November 2025.

⁶⁸ 'Meeting Digital and Technology Standards in Schools and Colleges – Filtering and Monitoring Standards for Schools and Colleges – Guidance' (Department for Education, 23 March 2022) <https://www.gov.uk/guidance/meeting-digital-and-technology-standards-in-schools-and-colleges/filtering-and-monitoring-standards-for-schools-and-colleges> accessed 20 November 2025.

breaches reported by the ICO between 2022 and 2024 demonstrates that optional compliance is insufficient for ensuring pupil safety.⁶⁹

Thirdly, the establishment of a national Online Safety Support Unit (OSSU) within the Department for Education or Ofcom would provide specialist expertise to schools. The OSSU would liaise with platforms to remove harmful content, support evidence preservation, and maintain a national incident dataset. This model reflects the success of CEOP in coordinating responses to harm at scale.⁷⁰

Fourthly, schools' safeguarding duties should be updated to reflect digital patterns of behaviour. Clarifying that schools must act where off-site online conduct causes harm within the school community would modernise the principle in *Bradford-Smart v West Sussex CC*, in which the Court of Appeal ruled that the duty of care in schools does not extend outside its premises.⁷¹ The Court of Appeal has also provided clearer legal guidance on how schools should respond to cyberbullying and online harassment.

Finally, platform accountability should be reinforced through coordinated enforcement between Ofcom and the ICO. Recent actions, such as the TikTok enforcement⁷² and the implications of *Lloyd v Google*⁷³, where the Supreme Court ruled that class action claims for data breach cannot proceed without demonstrating individual damage, highlight the need for joint sanctions and operational restrictions to ensure compliance and safeguard children effectively.

Adapting the curriculum and enforcing digital literacy education as a statutory requirement will improve children's awareness of digital risks, supporting them in balancing both digital and real life. Findings suggest that children with improved digital literacy experience lower levels of digital stress, but a greater ability in online decision making, such as choosing who they communicate with and what they post.⁷⁴ In a time where cyber threats are increasing rapidly, with online grooming in children increasing by 89% in the last 6 years,⁷⁵ it is crucial that children are made aware of such risks. The requirement for digital literacy aims to spread awareness of risks. This could help reduce the number of cyber incidents occurring and prevent an increase in the future. Moreover, there is a clear need for support in digital life balance.

High internet usage is directly correlated with a low digital life balance.⁷⁶ As a result, an increase in digital literacy is vital to educating children on the detrimental effects (impaired focus, lack of productivity, derealisation) of low digital life balance. Instead, it helps promote a healthy digital life balance. Furthermore, children with higher levels of digital literacy are said to have increased mental resilience, and are therefore better at avoiding, or dealing with, the negative consequences procuring from online risks.⁷⁷ Consequently, requiring digital literacy in schools will help increase adaptive capacity and prepare for coping with the negative aspects of social media.

Critical Evaluation of the Proposed Reforms

Whilst many of these reforms are desirable and possible, the main problem is that digital literacy and online presence are dictated by several factors, each with various challenges which need to be navigated with caution to create a safe online space for children.

One of the main barriers to the first reform is funding. The National Education Union states that school costs will increase by 4.1 per cent for 2025/26, but school funding will only rise by 3.4 per cent.⁷⁸ Schools,

⁶⁹ 'Insider Threat of Students Leading to Increasing Number of Cyber Attacks in Schools' (ICO, 11 September 2025) <https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2025/09/insider-threat-of-students-leading-to-increasing-number-of-cyber-attacks-in-schools/> accessed 20 November 2025.

⁷⁰ 'National Crime Agency Annual Report and Accounts' (NCA, 2024) https://assets.publishing.service.gov.uk/media/6887534dbe2291b14d11af91/NCA_Annual_Report_Accounts_2024-25.pdf accessed 20 November 2025.

⁷¹ *Bradford-Smart v West Sussex County Council* [2002] EWCA Civ 7.

⁷² ICO, 'ICO Fines TikTok £12.7 Million for Misusing Children's Data' (ico.org.uk 4 April 2023) <https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2023/04/ico-fines-tiktok-127-million-for-misusing-children-s-data/> accessed 3 December 2025.

⁷³ *Lloyd (Respondent) v Google LLC (Appellant)* [2021] UKSC 50.

⁷⁴ Kinjal H Shah and Dhaval Kataria, 'Digital Literacy and its impact on students' well-being' (2025) https://www.researchgate.net/publication/394720896_DIGITAL_LITERACY_AND_ITS_IMPACT_ON_STUDENTS accessed 21 November 2025.

⁷⁵ 'Online Grooming Crimes against Children Increase by 89% in Six Years' (NSPCC, 1 November 2024) <https://www.nspcc.org.uk/about-us/news-opinion/2024/online-grooming-crimes-increase/> accessed 21 November 2025.

⁷⁶ Mirko Duradoni, Elena Serritella, Franca Paolo Severino, Andrea Guazzini, 'Exploring the Relationships Between Digital Life Balance and Internet Social Capital, Loneliness, Fear of Missing Out, and Anxiety' (Human Behavior and Emerging Technologies, 2024) <https://doi.org/10.1155/2024/5079719> accessed 20 November 2025.

⁷⁷ Joyce Vissenberg, Leen d'Haenens and Sonia Livingstone, 'Digital Literacy and Online Resilience as Facilitators of Young People's Wellbeing? A Systematic Review' (2022) https://eprints.lse.ac.uk/115036/1/Preprint_Vissenbergetal_DigitalLiteracyResilienceWellbeing.pdf accessed 21 November 2025.

⁷⁸ 'Stop School Cuts | National Education Union' (National Education Union, 2025) <https://neu.org.uk/stop-school-cuts> accessed 21 November 2025.

which are already underfunded, will not be able to bear the costs of hiring teachers and purchasing resources without additional funding. Additionally, the advances in social media are constant and rapid, leading to a structural educational issue. Digital literacy curricula need to be a flexible and adaptive structure to deliver relevant digital literacy skills and awareness in a set period of time, or else we risk outdated education that does little to nothing to solve the issue of lacking online awareness.

The second and fifth reforms are more feasible to action and uphold, as guidelines being converted to a government-mandated restriction will bring legal and financial consequences to websites that do not comply. This causes sites to take accountability and act with caution when introducing new features, contributing to a safer online environment. Furthermore, platform accountability may encourage sites to consistently adapt guidelines to reflect new changes in content moderation in future years.

Finally, the third and fourth reforms require a clear baseline definition of what is considered harmful to children, which can be based on the Department for Education's *'Filtering and Monitoring Standards'*. Once a baseline has been set, schools and external organisations can remove and restrict harmful content and support children affected.

Conclusion

In conclusion, this report presents the efforts made to improve children's online safety and the structural insufficiencies that continue to fail to protect them. Social media has become an integral part of young people's daily lives. Yet, current moderation practices, legal frameworks, and educational policies continue to fall short in preventing exposure to harmful content. The Online Safety Act, despite the law's positive intentions, unfortunately relies heavily on platforms' own judgment of what is 'reasonable', leaving children vulnerable to objectively violent, abusive, and self-harm material.

Further weaknesses are evident in insufficient age-verification measures, inconsistent digital literacy provision in schools, and a lack of accountability from technology companies. The errors and lack of care result in exposure to harmful content that can negatively impact children's mental health, well-being, and perception of the world. Therefore, stronger enforcement mechanisms, clearer statutory duties, improved digital education, and more robust moderation systems must be implemented immediately. Only through coordinated and immediate action from government, schools, and online platforms can we ensure that the digital environment becomes a space that genuinely safeguards the rights, development and safety of every child.

Part Three: Public Law

Recommendations on the law governing Cosmetic Surgery

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Introduction

Cosmetic surgery in the UK raises several issues that affect patients and the wider healthcare system. It is defined as an elective, invasive medical procedure that aims to alter a person's physical appearance for aesthetic purposes.⁷⁹ Current UK cosmetic surgery legislation is outlined in the Health and Care Act 2022, focusing on stricter licensing for cosmetic procedures.⁸⁰ The main regulatory bodies overseeing cosmetic surgery are the Care Quality Commission (CQC) and the General Medical Council (GMC), supported by the Advertising Standards Authority (ASA) and the Independent Sector Complaints Adjudication Service.⁸¹

Whilst the 2022 reforms improved licensing standards, significant, deeper concerns persist, and the existing framework can be seen as inadequate. As a predominantly private-sector industry, cosmetic surgery risks exploiting patient insecurities for commercial means. In particular, current legislation fails to address psychological screening and restrict misleading advertisements.

Therefore, this report proposes two reforms designed to uphold patient welfare and prevent misinformation spreading. The reforms recommended to address the concerns raised are:

1. Mandatory psychological screening prior to cosmetic procedures.
2. Stricter controls over false or misleading advertisements within the industry.

These reforms are established through analysis of international models from other jurisdictions and their approaches to advertising and patient screening.

Current Law and Key Issues for Reform

The UK cosmetic surgery legal framework consists of medical regulations and broader rules surrounding aspects such as the rates at which regulation occurs at. However, these regulations depend strongly on whether the procedure is categorised as surgical or non-surgical.

Legally, a surgical procedure involves making an incision into the skin and can only be performed by registered GMC doctors.⁸² However, non-surgical procedures currently lack a mandatory licensing scheme. This means that doctors with inadequate training can legally perform these treatments. Although the Botulinum Toxin and Cosmetic Fillers (Children) Act 2021 prohibits such treatment for minors, there remains no legal requirement for practitioners treating adults. Having recognised this issue, the Health and

⁷⁹ 'What is Cosmetic Surgery?' (Royal College of Surgeons of England, 2025) <https://www.rcseng.ac.uk/patient-care/cosmetic-surgery/what-is-cosmetic-surgery/> accessed 13 November 2025.

⁸⁰ Health and Care Act 2022, s.180.

⁸¹ Sanjay Rai, 'Navigating the Regulations: Understanding Cosmetic Surgery Laws in the UK' (Berkley Square Medical, 24 January 2024) <https://www.berkeleysquaremedical.com/understanding-cosmetic-surgery-laws-in-the-uk/> accessed 13 November 2025.

⁸² 'Licence to practise – information for doctors on the register' (GMC) <https://www.gmc-uk.org/registration-and-licensing/managing-your-registration/information-for-doctors-on-the-register/licensing/> accessed 6 November 2025.

Care Act 2022 granted the Secretary of State powers to introduce a risk-based licensing scheme.⁸³ The government's proposed red-amber-green categorisation system (set up by the CQC) indicated which procedures require the most regulation and clinical oversight.⁸⁴

However, this framework focuses solely on physical complications, with no specific emphasis on mental and psychological risk. Under common law, consent is required for procedures through discussing risks and benefits, but this does not specifically assess mental preparedness or emotional vulnerability. No statute discusses this or mandates a cooling-off period before decisions are made.⁸⁵ This exposes a significant gap. The absence of a legal requirement for a pre-surgery psychological assessment or a post-surgery acknowledgement of potential mental harm severely fractures ethical standards.

While the GMC encourages the consideration of patient mental well-being, this is not legally enforced.⁸⁶ Therefore, individuals experiencing body dysmorphia, low self-esteem, or external pressure can access procedures without any formal mental health evaluation. Patients may undergo high-risk treatments while in a vulnerable state of mind, increasing chances of regret, poor outcomes or addiction to cosmetic procedures.

Having discussed mental harm, this section also seeks to explain the risk of physical harm from cosmetic surgery. This includes infection, tissue necrosis, scarring, and, in rare cases, sepsis or death. This is prevalent, particularly when performed by unqualified practitioners.⁸⁷ Subsequently, these complications place additional pressure on the NHS and public healthcare resources. The fragmented regulatory oversight, shared between the GMC, CQC and local authorities, results in inconsistent enforcement of safety requirements, practitioner competence and facility standards.⁸⁸

Advertising further exacerbates these risks. Although the ASA and Committee of Advertising Practice Codes prohibit misleading advertising, enforcement is largely self-regulated and inconsistent.⁸⁹ On social media, influencer promotions often present procedures without transparent risk disclosure, and the targeting of young people persists despite legal restrictions.⁹⁰ Unregistered practitioners may bypass advertising controls entirely, increasing access to procedures without safeguards.

These issues demonstrate a need for more comprehensive reform to ensure that cosmetic interventions are delivered safely, ethically, and transparently. Statutory requirements for psychological screening, clear and comprehensive consent procedures, and a cooling-off period would protect mental well-being, reduce impulsive decisions, and mitigate regret and addiction. Stronger enforcement of advertising regulations, particularly on social media, is also necessary.

Lastly, a single licensing framework for practitioners, mandatory training standards, and improved data collection, would increase patient safety, accountability, and transparency across the industry.

Case Law Analysis

Case studies provide further insight into the need for reform. Previously, the status quo for the informed consent test was from *Bolam v Friern Hospital Management Committee*.⁹¹ This was a doctor-centric care standard where a doctor is not guilty of negligence if they act in accordance with a practice accepted as proper by a responsible body of medics.⁹² This meant that doctors were not required to disclose all risks of a procedure, allowing patients to undergo surgery without giving informed consent.

⁸³ 'Licensing of Non-Surgical Cosmetic Procedures in England: consultation response' (Department of Health and Social Care, 6 August 2025) <https://www.gov.uk/government/consultations/licensing-of-non-surgical-cosmetic-procedures/outcome/the-licensing-of-non-surgical-cosmetic-procedures-in-england-consultation-response> accessed 5 November 2025.

⁸⁴ 'Crackdown on unsafe cosmetic procedures to protect the public' (Department of Health and Social Care, 7 August 2025) <https://www.gov.uk/government/news/crackdown-on-unsafe-cosmetic-procedures-to-protect-the-public> accessed 6 November 2025.

⁸⁵ *Montgomery v Lanarkshire Health Board* [2015] UKSC 11, [2015] AC 1430.

⁸⁶ 'Guidance for Doctors Who Offer Cosmetic Interventions' (General Medical Council) <https://www.gmc-uk.org/professional-standards/the-professional-standards/cosmetic-interventions> accessed 6 November 2025.

⁸⁷ 'RCS Position Statement: Non-Surgical Cosmetic Procedures' (Royal College of Surgeons, March 2015) https://www.rcseng.ac.uk/-/media/files/rcs/about-rcs/government-relations-consultation/rcs-position-statement_nonsurgical-cosmetic-procedures_march-2015.pdf accessed 6 November 2025.

⁸⁸ Abigail Stamp, 'Cosmetic Surgery Law' (Talk delivered at the BVL Weekend Conference, 20 September 2025).

⁸⁹ 'Advertising Guidance on Cosmetic Interventions' (ASA and CAP, 2022) <https://www.asa.org.uk/static/815e71f5-4ce7-4f03-82c85387a23295b3/CAP-Advertising-Guidance-Cosmetic-Interventions-2021-update.pdf> accessed 21 November 2025.

⁹⁰ 'Don't botch it up: cosmetic surgery ads targeting under-18s are banned' (Bird & Bird, 2022) <https://www.twobirds.com/en/insights/2022/uk/dont-botch-it-up-cosmetic-surgery-ads-targeting-under-18s-are-banned> accessed 6 November 2025.

⁹¹ *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582.

⁹² *Ibid.*

However, this practice changed with *Montgomery v Lanarkshire Health Board*.⁹³ The case concerned a claimant whose son was born with serious disabilities following birth complications. The Claimant's baby was expected to encounter multiple health challenges including shoulder dystocia and cerebral palsy due to increased weight. Failure to disclose this information amplified the medical risks. A claim against the doctor was made, alleging negligence against those responsible for the Claimant's care during pregnancy and delivery. The Supreme Court ruled in the claimant's favour, upholding an award of over £5 million, and setting a new precedent for procedures where doctors must inform patients of "all material risks".⁹⁴

Although *Montgomery* was not a cosmetic surgery case, there are significant implications for cosmetic surgery law. Since cosmetic surgery is elective and non-therapeutic, this new patient-centric standard of care means that all patients must be clearly informed of material risks and all possible alternatives (including not performing a procedure). This case acts as one of many stepping stones needed to improve patient autonomy and safety in cosmetic surgery law.

Despite this landmark precedent, informed consent issues persist within cosmetic surgery cases. The surgeon's assessment – or lack thereof – of whether a patient's expectations are grounded, can lead to disappointment or severe health complications, as in *Tracey Giles v Dr Alexandra Chambers*.⁹⁵ The claimant felt unwell after receiving liposuction and was admitted to A&E five days afterwards. Healthcare professionals described her legs as 'defatted' and 'skeletonised'.⁹⁶

The Defendant claimed she had shown images to the Claimant, from which she picked her 'desired appearance' and that the Claimant wanted 'all her active muscles exposed'.⁹⁷ If true, this may have contributed to unrealistic expectations about the procedure.

This case demonstrates why cosmetic surgery law needs reform. The lack of warning, combined with distorted patient expectations, is a common theme in cosmetic surgery cases. Disregarding patient well-being, the implementation of psychological screening tests, and restrictions to advertising may prevent these unrealistic aims from materialising.

Psychological Screening and Advertising: The Connection

The issue of psychological screening and advertising concerns whether individuals with psychological disorders should be better protected from advertisements. If advertisements are more restrictive, with more laws in place, it would decrease the number of individuals who undergo harmful procedures, which may worsen their insecurities.

Medical professionals have a duty of care for their patients, including ensuring that patients are psychologically fit for cosmetic procedures.⁹⁸ Following this, advertising must comply with consumer protection laws that involve not using people's vulnerabilities, nor being misleading when advertising to a desired audience.

There are several psychological factors that can result in undergoing cosmetic procedures, such as body dysmorphic disorder, attitude, body dissatisfaction and low self-esteem. "Body dysmorphic disorder, one of the most common body image disorders, is defined as any distressing and/or impairing preoccupation with a nonexistent or slight defect in physical appearance."⁹⁹ Individuals with these disorders may not be able to give proper consideration and consent for surgery. There is a lack of awareness of side effects, increasing the chance of people undergoing cosmetic procedures in order to fit in with societal standards. Psychological screening should therefore be a legal requirement to ensure patients' safety and mental stability.

⁹³ *Montgomery v Lanarkshire Health Board* [2015] UKSC 11, [2015] AC 1430.

⁹⁴ 'Montgomery and informed consent' (Medical Defence Union, 2024) <https://www.themdu.com/guidance-and-advice/guides/montgomery-and-informed-consent> accessed 7 November 2025.

⁹⁵ *Tracey Giles v Alexandra Chambers* [2017] EWHC 1661 (QB).

⁹⁶ *Tracey Giles v Alexandra Chambers* [2017] EWHC 1661 (QB) at [78]; see also Vanessa Cashman, 'Tracey Giles v Alexandra Chambers [2017] EWHC 1661 (QB): Negligent Provision of Liposuction' (Clinical Negligence Law Blog, 23 July 2017) <https://clinicalnegligence.blog/2017/07/23/tracey-giles-v-alexandra-chambers-2017-ewhc-1661-qb-negligent-provision-of-liposuction/> accessed 21 November 2025.

⁹⁷ *Tracey Giles v Alexandra Chambers* [2017] EWHC 1661 (QB) at [119].

⁹⁸ 'Communication, Partnership and Team-work: Responsibility for Seeking Consent for Cosmetic Interventions' (General Medical Council) <https://www.gmc-uk.org/professional-standards/the-professional-standards/cosmetic-interventions/communication-partnership-and-teamwork#responsibility-for-seeking-consent-for-cosmetic-interventions-01B98F067D114C009759E7C81931127E> accessed 6 November 2025.

⁹⁹ Honigman RJ, Phillips KA and Castle DJ, 'A Review of Psychosocial Outcomes for Patients Seeking Cosmetic Surgery' (2004) 113 *Plastic and Reconstructive Surgery* 1229 <https://pmc.ncbi.nlm.nih.gov/articles/PMC4803990/> accessed 8 November 2025.

A recent American Society for Dermatologic Surgery survey found that social media ranked in the top three reasons to consider when people purchased skin care products, and sixth for whether to undergo cosmetic treatment.¹⁰⁰ The study noted '41% of patients follow their current or potential provider on Instagram, and 43% of consumer decisions to schedule an appointment were due to the provider's social media presence.'¹⁰¹ This shows the exploitation of insecurities; patients may then attempt to solve these issues with cosmetic surgery. However, this may cause more long-term psychological harm. Our psychological screening reform will prevent this by helping to identify whether the patient would truly benefit from cosmetic surgery.

The Supreme Court has ruled that there is "a duty on the part of doctors to take reasonable care to ensure that a patient is aware of material risks of injury that are inherent in treatment".¹⁰² While this shows how functional risks may amount to negligence, it should be embedded in legislation to include psychological screenings so that patients understand the attached risks to their actions, and, if something goes wrong, they have the emotional capacity to deal with any complications.

The pervasiveness of cosmetic surgery online has driven British culture to one where people feel alienated from their bodies, as shown by polling which found that nearly half of the British population were concerned about the objectification of women and girls in advertising.¹⁰³

Tribunal Judge Anne Scott ruled on a cosmetic surgeon's credibility on the claim that their work was a treatment for mental health conditions and benefitted their patients, saying:¹⁰⁴

"I was referred to the NHS information online in 2022 which described BDD as a mental health condition (...) However, given the alleged profile of the Clinic, I am surprised on the reliance thereon as what it said was that:

- a. Patients should see a GP if they thought they had BDD.*
- b. It was most common in teenagers and young adults.*
- c. It could lead to depression and in that regard mindfulness might help.*
- d. Psychological therapies, like CBT, could help as could medication like SSRIs.*
- e. If those did not work, mental health clinics or hospitals might assist.*

Botox and fillers are not mentioned. They are also not mentioned in the NICE Clinical guideline."

Furthermore, psychologist Rachel Calogero found that women who live in a culture where the female body is objectified risk self-objectification which can have real and far-reaching consequences.¹⁰⁵

Psychologists have illustrated the mental health risks of cosmetic surgery. Furthermore, female participants who had cosmetic surgery were more likely to develop mental health issues, including an increased likelihood of depression and anxiety, illicit drug use, self-harm, and suicide.

The separation between identity and self-perception is having an immediate and observable impact on the nation's mental health, and the cosmetic surgery industry is taking advantage of the growing body dysmorphia issue.¹⁰⁶ 48% of women polled in a 2020 YouGov survey thought advertisements objectified them to the same extent or greater over the past five years.¹⁰⁷

Comparative Analysis: International Approaches

It is also important to examine how other countries face and overcome cosmetic surgery issues through the regulation of advertising and psychological screening.

¹⁰⁰ Boen M and Jerdan K, 'Growing Impact of Social Media in Aesthetics: Review and Debate' (2022) 40 Clinics in Dermatology 45 <https://pubmed.ncbi.nlm.nih.gov/35190064/> accessed 21 November 2025.

¹⁰¹ Ibid.

¹⁰² *Montgomery v Lanarkshire Health Board* [2015] UKSC 11, [2015] AC 1430 at [82].

¹⁰³ ASA, 'Understanding Advertising: Portrayal and Imagery' <https://www.asa.org.uk/advice-and-resources/research-at-the-asa-and-cap/understanding-advertising-uk-ad-concerns/portrayal-and-imagery.html#2> 23 November 2025.

¹⁰⁴ *Aesthetic-Doctor.Com Ltd v The Commissioners for HMRC* [2024] UKFTT 48 (TC) at [349]–[350].

¹⁰⁵ Jarrett C, 'Mental Health Problems Worsen after Cosmetic Surgery' (BPS, 9 December 2022) <https://www.bps.org.uk/research-digest/mental-health-problems-worsen-after-cosmetic-surgery-0> accessed 7 November 2025.

¹⁰⁶ Jean McHale, 'Cosmetic Surgery and English Law: Questions of Law, Ethics and Regulation' (Talk delivered at BVL Weekend Conference, 20 September 2025).

¹⁰⁷ Karen Murawski, 'Half of women think female representation in advertising has improved' (YouGov, 2020) <https://yougov.co.uk/entertainment/articles/28301-half-women-think-female-representation-advertising> accessed 21 November 2025.

One example of advertising reform was by the ASA. This targeted Türkiye and its misleading cosmetic surgery advertisements; such advertisements have significantly affected consumers globally. The ASA criticised the advertisements for exploiting insecurities and pressuring consumers to conform to unrealistic beauty standards. This led to their pressing reminder of companies' responsibilities to attract consumers ethically.¹⁰⁸ Although not an example of a self-regulated reform carried out by Türkiye itself and restricted to one country, it is an advertising approach that has been enforced in one of the countries with the highest plastic surgery rates. It is an example of transnational regulatory influence and a crucial stepping stone to global cosmetic surgery reform. Many people seek cosmetic surgery abroad, and this reform helps to regulate the associated misinformation.

When looking at the USA – another country with one of the world's highest cosmetic surgery rates, with nearly 1.6 million cosmetic surgical procedures performed in 2023 – we must acknowledge the legal approaches and regulatory frameworks in place to address cosmetic surgery issues.¹⁰⁹ A controversial approach taken is the legislative response of states such as New Jersey to tax cosmetic surgery procedures.¹¹⁰ This may seem effective. However, many patients are middle-income individuals who will be financially distressed by this legislation and, therefore, the reform is somewhat limited, further evidencing the difficulty of implementing financially accessible reform.¹¹¹

As such, by exploring and examining reforms in other countries, we can compare and improve the UK's approach. Only through understanding what types of reforms have already taken place internationally, may we then construct a reform with short and long-term benefits.

Some of the more famous ideas from abroad include regulations and public awareness, with less commonly known ideas being continuous training and collaboration with medical specialists. As Seymenoglu warns, the risks of plastic surgery will continue to escalate; hence, "the rapid growth of the cosmetic industry, coupled with rising cases of botched procedures, makes regulatory reform essential".¹¹² Rising concerns around the harmful impacts of cosmetic surgery have led many doctors and specialists to propose the significance of continuous training for medical specialists.¹¹³ Hence, ideally, more practices will have to go for routine checkups and updates regarding the fast-advancing market.

Firstly, the need for consultation by medical specialists has increased due to the rise of surgeries in countries such as South Korea and Brazil.¹¹⁴ Secondly, medical consultation before cases may be more psychologically and physically beneficial when preventing mental health issues and physical mishaps. Overall, these practices are uncommon globally, especially in the UK, leading to cases of deep emotional or physical harm.

The UK could tighten advertising rules, including a ban on false advertising, such as exaggeration and/or misleading before and after images. By flagging and taking down posts on social media, the influence on the younger generation may decrease significantly, as they are highly impressionable. Additionally, prohibiting discounts and 'bundle deals' without clear terms can also be beneficial, as it will decrease scams due to false advertising and lead older generations to become victims of them. The legal requirement for advertisements to clearly outline the practitioner's information, such as experience and number, so patients can verify credentials, may also be beneficial. By imposing higher penalties for breaches, misleading information can be expected to decrease. For example, Australia introduced maximum fines which were increased for significantly unlawful advertising.¹¹⁵

¹⁰⁸ Brinsley Dresden, Jessica Todd, '3 new ASA cosmetic surgery decisions: Türkiye, Turkey, or chickens coming home to roost?' (28 September 2023) <https://www.lewissilkin.com/insights/2023/09/28/3-new-asa-cosmetic-surgery-decisions-turkiye-turkey-or-chickens-coming-home-to-roost/> accessed 11 November 2025.

¹⁰⁹ American Society of Plastic Surgeons, 'Plastic Surgery Sees Steady Growth Amidst Economic Uncertainty: American Society of Plastic Surgeons 2023 Procedural Statistics Report Finds' (The Aesthetic Guide, 2024) <https://www.theaestheticguide.com/cosmetic-surgery/plastic-surgery-sees-steady-growth-amidst-economic-uncertainty-american-society-of-plastic-surgeons-2023-procedural-statistics-report-finds> accessed 23 November 2025.

¹¹⁰ NJ Division of Taxation, Cosmetic Medical Procedures Gross Receipts Tax Overview (State of NJ, updated 9 April 2025) https://www.nj.gov/treasury/taxation/cosmed_over.shtml accessed 20 November 2025.

¹¹¹ 'Cosmetic surgery patients: Unfair tax targets?' (The Aesthetic Guide, 1 June 2005) <https://www.theaestheticguide.com/legal-compliance/cosmetic-surgery-patients-unfair-tax-targets> accessed 9 November 2025.

¹¹² Aesthetic Medicine, 'Calls for Stricter UK Regulations to Tackle Rise in Botched Cosmetic Surgeries' <https://aestheticmed.co.uk/cosmetic-surgery-regulation-uk-botched-procedures> accessed 18 November 2025.

¹¹³ GMC, Cosmetic Interventions: Professional Standards (GMC) <https://www.gmc-uk.org/professional-standards/the-professional-standards/cosmetic-interventions> accessed 20 November 2025.

¹¹⁴ Jane Dalton, 'Global Plastic Surgery Hotspots: Which Country Has the Most Procedures Per Person?' The Independent (22 March 2016) <https://www.independent.co.uk/life-style/health-and-families/health-news/global-plastic-surgery-hotspots-a7072381.html> accessed 23 November 2025.

¹¹⁵ Medical Board of Australia, 'Advertising a Regulated Health Service' <https://www.medicalboard.gov.au/Codes-Guidelines-Policies/Advertising-a-regulated-health-service/> accessed 14 November 2025.

A mandatory minimum qualification for practitioners should be considered, allowing only those who meet the training threshold to perform complex cosmetic procedures. This may decrease the number of cosmetic surgeries that go wrong, as doctors will be trained, qualified, and achieve the best possible outcome. Moreover, by restricting high-risk procedures, as seen in the Netherlands, the cosmetic surgery industry has the potential to become safer and more appealing by moving away from extreme procedures, which often carry the highest risk.¹¹⁶ Instead, a focus on more balanced, realistic outcomes and improved safety standards can help ensure better long-term results for patients.

Survey Findings and Social Context

To aid in our research, data was collected from 216 people using a survey of open-ended and multiple-choice questions.¹¹⁷ Our results reveal that social media is the dominant platform for cosmetic surgery advertisements, cited by over 70% of respondents. Evidence from recent literature shows how social media directly influences people's perceptions of cosmetic procedures, with over half of UK facial plastic surgeons reporting that patients were inspired to seek surgery to improve their online image, and 65% believing that social media broadly increased their interest in surgery.¹¹⁸ With over 70% of respondents reporting seeing advertisements on social media, this highlights that regulatory efforts must prioritise online platforms over traditional media. Furthermore, systematic reviews show that 70% of young women and 60% of young men cite body dissatisfaction driven by social media as a reason for seeking cosmetic procedures.¹¹⁹

Influencers, hashtags, and selfie culture have also facilitated body comparison, reinforcing unattainable beauty standards, as they often fail to highlight the risks involved in cosmetic procedures while portraying them as another type of beauty treatment, such as a manicure.¹²⁰ Moreover, our respondents also agreed, citing social media platforms, especially Instagram and TikTok, fueling societal pressure and the desire for cosmetic procedures due to misleading and unrealistic beauty standards from ads. In addition, academic sentiment analysis of YouTube comments also demonstrates how videos from dermatology influencers significantly impact viewers, with positive comments highlighting the informative nature of the content, but often neglecting the risks and realities of procedures.¹²¹ Furthermore, there has also been public concern over cosmetic surgery from our data, which shows that over 70% of respondents felt adverts can be misleading and target vulnerable groups. This was also evidenced as various journals confirm that advertising for cosmetic procedures can damage body satisfaction and encourage unhealthy beauty ideals, particularly when marketing omits risk information.¹²² Similarly, this mirrors our survey findings, where 90% of respondents label dishonest ads as very dangerous. Overall, the majority of our respondents (approximately 40%) called for stricter regulation and advertising standards.

The main demographics observed were females, students, and those of Asian ethnicity. Over half of those surveyed have not considered getting cosmetic surgery, with a majority not having undergone any cosmetic surgery altogether. Therefore, the issues discussed may contain some bias. Generally, the highlighted themes were regulation, mandatory counselling, and a focus on protecting young, vulnerable individuals, which is notable considering the number of student responses.

Within the consultations for these procedures, 61% of cosmetic surgeons stated that patients often mentioned social media filters as the desired outcome.¹²³ Perhaps, one explanation for this could be how such surgeries are advertised online, unrealistically showing the persuasive nature of them on patients and how these adverts are generally perceived as credible sources by patients. Alternatively, the general public seems to have a less positive view of advertising cosmetic procedures, especially when it comes to celebrities and influencers. This is shown in our survey results, as nearly 80% of participants feel that

¹¹⁶ Netherlands Enterprise Agency, 'Performing Cosmetic Procedures' <https://business.gov.nl/regulation/performing-cosmetic-procedures/> accessed 17 November 2025.

¹¹⁷ BVL Questionnaire: Cosmetic Surgery (Model Law Commission, 11 October 2025).

¹¹⁸ Manole F and others, 'The Use of Social Media and Its Influence on Rhinoplasty Decision' (2024) 14 Romanian Journal of Rhinology, 4.

¹¹⁹ Mironica A and others, 'Social Media Influence on Body Image and Cosmetic Surgery Considerations: A Systematic Review' (Cureus, 29 July 2024) https://www.cureus.com/articles/276677-social-media-influence-on-body-image-and-cosmetic-surgery-considerations-a-systematic-review?utm_source accessed 6 November 2025.

¹²⁰ 'Social Media Aids Quest for Beauty Perfection: News' (The University of Edinburgh) https://www.ed.ac.uk/news/2022/social-media-aids-quest-for-beauty-perfection?utm_source accessed 6 November 2025.

¹²¹ Sinha N and Muskaan M, 'Social Media Mavens' Influence on Consumer Perceptions of Cosmetic Surgery: A Sentiment Analysis of YouTube Comments' [2025] Global Knowledge, Memory and Communication.

¹²² Ashikali E-M, Dittmar H and Ayers S, 'The Impact of Cosmetic Surgery Advertising on Swiss Women's Body Image and Attitudes toward Cosmetic Surgery' (2017) 76 Swiss Journal of Psychology 13.

¹²³ Veras A et al, 'Influence of Social Media Filters on Plastic Surgery: A Surgeon's Perspective on Evolving Patient Demands' Plastic and Reconstructive Surgery (2024).

celebrities who advertise cosmetic surgery in a misleading or harmful way should face legal consequences, which could show a discrepancy in attitude between those who have undergone procedures and those who have not – the latter being most people, as previously stated.

Implementation of Proposed Reforms

Cosmetic surgery laws in the UK should be updated to make the systems safer and more organised. One proposed reform is to implement a national licensing scheme for non-surgical procedures under the Health and Care Act 2022, to ensure only qualified practitioners can carry out these procedures.¹²⁴ Additionally, introducing mandatory psychological screening during consultation could help identify patients who are vulnerable or feeling pressured. Allowing extra time between their consultation and treatment would also allow them to make informed choices, rather than rushing into something they might regret. Furthermore, advertising rules should be tightened, especially online, where cosmetic surgery is often presented as quick, simple, and risk-free.

These reforms could face financial, administrative, and legal challenges. Regulators would need extra funding to carry out inspections and collect data, while clinics might face higher costs to meet licensing and safety requirements. Administrators would also need clear guidance on what counts as a high-risk procedure. Another issue is medical tourism; the UK has little control over patients travelling abroad for cheaper cosmetic treatment, and recent reports of deaths overseas show how dangerous this can be.¹²⁵ In many cases, the NHS is left dealing with complications when patients return home.¹²⁶

Several organisations would need to work together to make these reforms happen. The Department of Health and Social Care would be responsible for managing policy changes, while the Care Quality Commission would carry out inspections and issue licences to clinics. Local authorities would monitor premises that meet standards, and the General Medical Council would make sure practitioners follow the rules. Professional Bodies, like the British Association of Aesthetic Plastic Surgeons, would support training and guidance. By working together, these organisations could create a safer and more consistent system for cosmetic procedures in the UK.

Impact and Controversies Surrounding Reform

Implementing mandatory psychological assessments and having stricter advertising controls can be evaluated in terms of the impacts they may have on patient safety, public trust, industry reputation, and cost and accessibility.

One impact is the economic changes of reform. The added costs and longer waiting periods introduced by mandatory psychological assessments can lead more people to seek lower costs and shorter waiting times overseas.¹²⁷ Any complications arising from procedures abroad will need more NHS resources to tackle them. Cost barriers will be raised for both patients and practitioners through increased consultations and potential referrals to mental health professionals. Procedures may also become harder to access for low-income patients as costs rise. However, screening enables early identification of mental health conditions, like body dysmorphia, that may impair decision-making. Therefore, this ensures patients are psychologically prepared for the effects of cosmetic procedures, promoting safer clinical practice and possibly helping to reduce avoidable harm. By making sure cosmetic procedures are performed responsibly through the prevention of unsafe procedures, the NHS might, therefore, be able to manage fewer mishandled treatments and any follow-up expenses.

Another impact is stricter advertising controls and mandatory screening. These may be viewed as limiting patient autonomy and self-expression.¹²⁸ This could be seen as a government breach into personal medical choices. However, such measures are ethically appropriate to safeguard vulnerable individuals by reinforcing the duty of care. This will help doctors to avoid operating on people who may be seeking surgery for unhealthy or unrealistic reasons, encouraging complete transparency. Thus, these reforms

¹²⁴ Department of Health and Social Care, 'Crackdown on unsafe cosmetic procedures to protect the public' (7 August 2025) <https://www.gov.uk/government/news/crackdown-on-unsafe-cosmetic-procedures-to-protect-the-public> accessed 14 November 2025.

¹²⁵ Salisbury J, 'British Mum-of-Two Dies after Brazilian Butt-Lift Surgery in Turkey' (The Standard, 19 August 2024) <https://www.standard.co.uk/news/uk/turkey-cosmetic-surgery-death-sheffield-kaydell-brown-b1177203.html> accessed 6 November 2025.

¹²⁶ Abigail Stamp, 'Cosmetic Surgery Law' (Talk delivered at the BVL Weekend Conference, 20 September 2025); British Medical Association, 'Surgical tourism creating 'considerable complications'.

¹²⁷ Elgin JM and J, 'Government Turns to TikTokers to Advise on Cosmetic Surgery Abroad' (BBC News, 14 August 2025) <https://www.bbc.co.uk/news/articles/c707985dqwko> accessed 14 November 2025.

¹²⁸ n(31).

improve informed consent, protect professional integrity, and lower the possibility of psychological damage or post-operative regret.

One final impact of introducing stricter screening regulations is that they will require working with external psychologists. This creates challenges in determining standardised criteria for what makes a sound mental state. This may prove difficult to enforce consistently, particularly as patients' psychological state may change significantly over time. However, these measures serve to strengthen public trust in the cosmetic surgery industry. By demonstrating dedication to the psychological well-being of patients and making sure procedures are performed responsibly and professionally, these reforms can build greater public confidence and trust in ethical practice. Having these clear, standardised laws for pre-operative assessments can potentially lead to a reduced likelihood of negligence claims as patients are screened and fully informed of risks before consenting to procedures.

Conclusion

Through broadening our comprehension of the various aspects of cosmetic procedures, we have proved that the current laws (demonstrated by examples such as *Tracey Giles*, *Montgomery*, *Aesthetic-Doctor.com*) and regulations do not explicitly ensure long-term well-being, desired medical results, or consumer satisfaction.¹²⁹ Therefore, it is important that the laws governing cosmetic procedures align with the reforms outlined in this report.

Our desired reform implements a psychological screening that involves a doctor unaffiliated with the surgeon, commencing with the cosmetic procedure, who will examine if psychological factors such as body dysmorphia and low self-esteem severely impact the willingness to proceed with the cosmetic surgery. Through psychological screening, it will ensure an agreement that promotes the welfare of the doctor and the patient. This reform affirms that it is in the best interest of the doctor that the patient commences with the procedure, reducing the risk of life-altering changes, but also subjectivity to mental disorders that necessitate a need for cosmetic procedures.

Additionally, we have realised advertising plays a crucial role in heightening beauty ideals, which leads people to undergo cosmetic procedures. This may be through incentivising cosmetic procedures, portraying unrealistic outcomes, or highlighting a need to remove ethnic features and pursue Eurocentric features. Our reform will impose stricter restrictions on advertising, thereby reducing advertisements that prioritise economic goals over actual patient care, and those that portray unrealistic outcomes.

In this report, we have discussed reforms that enforce regulations that will lead to ethical cosmetic procedures and authenticity within the media's portrayal. Our ideas will ensure that cosmetic procedures are held up to a fair standard.

¹²⁹ n(19); n(8); n(28).

Part Four: Criminal Law

Recommendations on the law governing Corporate Offending

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Introduction

Corporate criminal liability is the legal concept that a corporation can be held criminally responsible for crimes it commits.¹³⁰ The Economic Crime and Corporate Transparency Act 2023 (the ‘ECCTA 2023’) introduced the “failure to prevent fraud” offence, which extended the existing “failure to prevent” model beyond bribery and tax evasion.¹³¹ This was a step in the right direction, but the Act still has serious limitations. The offence only applies to large organisations, completely exempting smaller companies from this type of vicarious liability. Worse still, the Act’s incomplete approach to resolving the issues posed by the model exposes serious financial crimes like money laundering, creating major gaps in how corporate wrongdoing is tackled. Even after the Home Office published guidance in November 2024, questions remain about the identification principle and whether “reasonable procedures” give organisations enough clarity about what is expected of them.¹³²

This report considers the ECCTA 2023’s main provisions and where they fall short, particularly its inconsistent coverage of financial crimes. We also examine the problems with the identification principle, reasonable procedures (including the Modern Slavery Act 2015) and recommend changes to these areas of legislation.

Identification Principle

Current Law

The ECCTA 2023 serves to improve the handling of economic and financial crimes against corporations by reforming how companies are held criminally liable.¹³³ The identification principle outlines that companies may be found criminally liable if proven that a senior manager “acting within the actual or apparent scope of their authority” has committed offences listed in the Act.¹³⁴ A “senior manager” refers to someone with a major decision-making role, or who manages an important part of the business, reflecting Corporate Manslaughter and Corporate Homicide Act 2007’s definition.¹³⁵ Since a company may exist as a legal entity but is not a natural person, it can only act through those who run it. Hence, the identification principle can attribute the minds and actions of these individuals to the company.

Before the ECCTA 2023, the identification principle was established in *Tesco Supermarkets Ltd v Natrass*, where low-level managers’ infringements were not attributed to Tesco.¹³⁶ The principle determined when

¹³⁰ LexisNexis, ‘Corporate criminal liability reform- tracker’ <https://plus.lexis.com/uk/practical-guidance-uk/corporate-criminal-liability-reformtracker/?crd=470bdf62-7e50-4dd5-84d9-9afe972bfe0e&pdproductcontenttypeid=urn:pct:244&pdiskwview=false&pdpinpoint=> accessed 14 November 2025.

¹³¹ Home Office and The Rt Hon Lord Hanson of Flint, ‘New failure to prevent fraud guidance published’ (GOV.UK, 6 November 2024) <https://www.gov.uk/government/news/new-failure-to-prevent-fraud-guidance-published> accessed 23 November 2025.

¹³² Home Office, ‘Economic Crime and Corporate Transparency Act 2023: Guidance to organisations on the offence of failure to prevent fraud’ (GOV.UK, November 2024) <https://assets.publishing.service.gov.uk/media/68e79ea7e5f463a62cb985b7/Failure+to+Prevent+Fraud+Guidance+-+English+Language+v1.5.pdf> accessed 14 November 2025.

¹³³ ECCTA Act 2023, s.196 to 199.

¹³⁴ ECCTA 2023, s.196(1).

¹³⁵ Corporate Manslaughter and Corporate Homicide Act 2007 s.1(4)(c).

¹³⁶ *Tesco Supermarkets Ltd v Natrass* [1972] AC 153.

a company could be criminally liable for offences requiring intent, and liability applied only if the culpable mental state was in the 'directing mind and will' of the company. This was typically senior directors or officers.¹³⁷ The challenge was to apply this to larger, multi-layered corporate groups; proving senior-level intent for offences was difficult. However, this was reformed, broadening corporate criminal liability beyond top-level management, ensuring companies could not escape responsibility for their senior managers' crimes.

Identified Issues with the Current Law

Yet, when considering the new and old identification principles' practicality, the doctrine is more limited than it is useful. It does not reflect how modern companies really function. As argued previously by the Law Commission, individuals who are responsible for an economic crime in small companies are easier to identify than those in larger companies, where decision-making is shared across multiple levels of administration and management.¹³⁸ Consequently, a company's size plays a considerable role in determining who is prosecuted, with this disproportionality allowing for disparities in the treatment of large and small companies.

The ECCTA 2023 attempts to address the issues with the principle raised by the Law Commission, by specifying that an offence committed by a senior manager can make the company liable for the economic crime. However, the principle is still too vague to be properly applied.¹³⁹ The Act still fails to clarify how senior managers should be identified, as its definition for a senior manager remains broad and covers a wide scope of individuals who may hold a degree of authority.¹⁴⁰

Furthermore, the identification principle adapted by the Act only deals with some relevant offences, which, in Schedule 12, are only economic crimes, such as money laundering, fraud and embezzlement.¹⁴¹ This limits the identification principle's functionality and potential to be applied to other corporate crimes, such as corporate manslaughter and health and safety violations.

Recommendation for Change

A recommendation for change towards the identification principle is to apply the Senior Management Attribution Model to all corporate criminal legislation. While the ECCTA 2023 introduced the senior management test for economic offences, this could be extended to all corporate crimes, ensuring the law reflects modern corporate structures.¹⁴² Therefore, this reform should be expanded as such to include, for example, regulatory crimes (environmental and health and safety offences). In environmental pollution cases, responsibility may be shared between operations, compliance and site management, a structure the Law Commission has recognised as typical of large organisations, where decision-making is diffused rather than concentrated in one individual.¹⁴³ This standard would reduce the limitation for corporate liability and increase clarity in identifying the directing mind and will of larger companies.

Impact Assessment of Our Recommendation

The senior management test can be viewed to be limited in its implications and the need for its expansion to other crimes becomes urgent.¹⁴⁴ In crimes not supported by the new test, criminal liability of 'leading minds' within corporations can be harder to prove. Consequently, the public may lose confidence in the justice system's ability to hold larger corporations liable for all of their actions. This was evidenced by our survey, in which a common worry was that company officials were able to get away without criminal prosecution, citing reasoning such as "CEOs never get jailed."

In the case of *SFO v Barclays*, the Court considered it unfair that stakeholders who were not involved in the fraud were deemed criminally responsible.¹⁴⁵ The senior management test needed further definition to

¹³⁷ *Lennard's Carrying Co Ltd v Asiatic Petroleum Co Ltd* [1915] AC 705 (HL) 713.

¹³⁸ Law Commission, *Corporate Criminal Liability – Summary of Options Paper* (Law Com No 399, 2022).

¹³⁹ ECCTA 2023, s.196 (4).

¹⁴⁰ ECCTA s.196(1).

¹⁴¹ ECCTA s.196 Schedule 12.

¹⁴² ECCTA 2023, Part 5.

¹⁴³ Law Commission, *Corporate Criminal Liability: Options Paper* (Law Com No 399, 2022) p 3.58.

¹⁴⁴ Feldman MBBM Ali Sallaway, Laura, 'Preparing Senior Managers for Reformed Corporate Crime Liability' (*Freshfields*, 13 November 2023) <https://riskandcompliance.freshfields.com/post/102isf0/preparing-senior-managers-for-reformed-corporate-crime-liability> accessed 14 November 2025.

¹⁴⁵ *Serious Fraud Office v Barclays plc and another* [2018] EWHC 3055 (QB).

determine who qualifies as a ‘substantial part’ of a company’s operations. Thus, it is imperative that the test is applied to all corporate offending if deemed to be essential in the past, as not to create future complexities.

Failure To Prevent

Current Law

In the UK, the ‘failure to prevent’ offence aims to ensure that companies take responsibility when employees commit crimes that benefit their business.¹⁴⁶ The first example came from the Bribery Act 2010, which made it illegal for a company to fail to stop bribery by its employees or agents.¹⁴⁷ Later, the Criminal Finances Act 2017 added another version of this offence, focusing on failing to prevent the facilitation of tax evasion.¹⁴⁸

The idea behind these laws is to make companies set up systems to prevent illegal behaviour.¹⁴⁹ If an employee commits bribery or helps someone evade tax, the company can be prosecuted unless it shows it had “reasonable procedures” in place. Guidance from the Ministry of Justice and law firms explain that these procedures need to be tailored to a company’s specific risks (a “risk-based approach”) and clearly assign responsibility to the correct people to ensure practicality.¹⁵⁰

However, there are still gaps in the law. Right now, “failure to prevent” only applies to bribery and tax evasion, not to other serious financial crimes like fraud or money laundering. This means companies are not fully held accountable for all possible corporate offences. The ECCTA 2023 introduces a new “failure to prevent fraud” offence, but it is not fully in force yet.¹⁵¹ Currently, the law only partially addresses the issue.¹⁵²

Need for Change – Problems with the Current Law and How it Works

Recent reforms, such as those in 2025 to the financial threshold of section 199 ECCTA 2023, acknowledge the arising issues with failure to prevent and its modern legal application. Large corporations were now defined under a new threshold of more than 250 employees, £36 million in turnover, and £18 million in total assets.¹⁵³

However, this amendment was limited to associated person(s) committing fraud-related crimes.¹⁵⁴ This enables large companies not to be defined in other corporate offences, such as environmental and non-fraud related crimes, while facing the same repercussions as much smaller businesses.

Furthermore, the House of Lords has strongly criticised the failure to prevent bribery offence, namely the unduly vague nature of the Bribery Act 2010, which maintains corporations must have “adequate procedures” in place to prevent bribery.¹⁵⁵ Such criticism is evident in the amendments made by Lord Henley and Lord Tunccliffe, providing clarity and guidance for what an “adequate procedure” actually entails.¹⁵⁶ Failure to prevent fraud consequently suffers from the same issue, stating that corporations must have “reasonable” procedures against fraud.¹⁵⁷

Notwithstanding the guidance, this law is still problematic as “responsibility for determining adequacy lies with the court”.¹⁵⁸ Therefore, it limits fairness through its subjective and inconsistent application. Such ambiguity may lead to its incorrect application by lawyers.

¹⁴⁶ ECCTA 2023, s.199.

¹⁴⁷ Bribery Act 2010, s.7.

¹⁴⁸ Criminal Finances Act 2017, ss.45 to 46.

¹⁴⁹ ECCTA 2023, s.199(2).

¹⁵⁰ Ministry of Justice, ‘Guidance about procedures which relevant commercial organisations can put into place to prevent persons associated with them from bribing’ (GOV.UK, 11 February 2012) <https://assets.publishing.service.gov.uk/media/5d80cfc3ed915d51e9aff85a/bribery-act-2010-guidance.pdf> accessed 13 November 2025.

¹⁵¹ ECCTA 2023, Part 5 (Failure to Prevent Fraud).

¹⁵² Law Commission, *Corporate Criminal Liability: An Options Paper* (Law Com No 398, 2022).

¹⁵³ ECCTA 2023 s.201.

¹⁵⁴ ECCTA 2023 s.199(1).

¹⁵⁵ Bribery Act 2010 s.7(2).

¹⁵⁶ Rachna Gokani and Sean Larkin KC, ‘The Bribery Bill 2010 – an overview’ (QRB Hollis Whiteman 27 January 2010) https://www.qrbholliswhiteman.co.uk/cms/document/the_bribery_bill_2010.pdf accessed 14 November 2025.

¹⁵⁷ Economic Crime and Corporate Transparency Act 2023, s.199(4).

¹⁵⁸ Shabir Korotana, ‘The Corporate Failure to Prevent Principle in the UK Bribery Act 2010: Philosophical Foundations of Economic Crime’, *Statute Law Review*, Volume 45, Issue 1, (2024) <https://doi.org/10.1093/slr/hmae007> accessed 4 November 2025.

Recommendation for Change

The recommendation to clarify what constitutes reasonable measures to prevent fraud under the ECCTA 2023 represents an important reform aimed at improving certainty and consistency in corporate compliance standards.¹⁵⁹ Currently, the government guidance accompanying failure to prevent fraud outlines six principles for “reasonable fraud prevention procedures,” but it does not prescribe concrete procedural requirements.¹⁶⁰ This leaves organisations uncertain about their expected level of oversight and diligence.

Introducing clear statutory guidance and specific minimum benchmarks would reduce this ambiguity and provide a more practical compliance framework. One proposal is the requirement for mandatory annual external risk assessments. Regular, independent reviews would help ensure that organisations continually evaluate and strengthen their internal systems and controls in response to evolving fraud risks.

Additionally, we propose a multi-person approval process for major transactions, with at least three individuals required to conduct due diligence and authorise high-value decisions. This would enhance internal oversight, reduce opportunities for individual misconduct, and promote shared responsibility within management structures.

This proposal draws heavily on the Bribery Act 2010, which created the failing to prevent bribery offence and was supported by detailed Ministry of Justice guidance on “adequate procedures”.¹⁶¹

Under this approach, “reasonable measures” would be defined through specific requirements including annual external risk assessments and multi-person approval processes.¹⁶² These benchmarks would sit within a structured compliance framework, mirroring the Bribery Act’s principles while offering more detailed procedural expectations for organisations.

Impact Assessment

The introduction of companies requiring at least three individuals to approve high-value transactions is beneficial as it creates an easily traceable payment trail, allowing the Serious Fraud Office to have transparent recordings of a business and its intentions to actively control financial crime risks.¹⁶³

However, this may prove dangerous when individuals are tasked with approving transactions that may relate to the economic crimes taking place. This gives them greater access and oversight, which can be abused, decreasing the payment trail’s legitimacy.

Moreover, smaller businesses may face increased compliance costs. Additional recruitment may be needed for annual risk assessments, demonstrating how such assessments may not be cost-effective and fair for all businesses. This emphasises the need to retain flexibility, as it allows proportionality based on business size and risk exposure.

A key element of the proposed reform is the introduction of mandatory risk assessments, requiring corporations to identify, record, and regularly review fraud risks. While this could create a more consistent framework for corporate accountability, its effectiveness depends on its application by organisations. Large companies may approach assessments as mere procedural tasks rather than meaningful preventative tools, turning them into a tick-box exercise that overlooks deeper internal issues enabling fraud.

This problem is amplified by the absence of clear statutory standards. The reform does not specify what information must be recorded, the frequency of assessments, or which categories of fraud to include. Therefore, companies may focus on external risks such as cyber or third-party fraud while neglecting internal misconduct, weak controls, or employees with excessive system access.

¹⁵⁹ ECCTA 2023 s.199(4)(a).

¹⁶⁰ Bribery Act 2010, s.9.

¹⁶¹ Ministry of Justice, ‘Guidance about procedures which relevant commercial organisations can put into place to prevent persons associated with them from bribing’ (GOV.UK, 11 February 2012) <https://assets.publishing.service.gov.uk/media/5d80cfc3ed915d51e9aff85a/bribery-act-2010-guidance.pdf> accessed 13 November 2025.

¹⁶² Home Office, ‘Economic Crime and Corporate Transparency Act 2023: Guidance to Organisations on the Failure to Prevent Fraud Offence’ (GOV.UK, 6 November 2024) <https://assets.publishing.service.gov.uk/media/68e79ea7e5f463a62cb985b7/Failure+to+Prevent+Fraud+Guidance+-+English+Language+v1.5.pdf> accessed 14 November 2025.

¹⁶³ Liam Linnane, ‘Enhancing Business Control’ (*Fire Financial Services Limited*, 17 April 2025) <https://www.fire.com/blog/enhancing-business-control-with-multi-user-authorisation/> accessed 13 November 2025.

“Nominated risk owners” may also cause issues if roles are assigned to junior or untrained staff, weakening accountability. Ultimately, clear statutory guidance and enforcement mechanisms are crucial; without them, the reform risks increasing administrative burden without reducing fraud. With proper safeguards, however, it has potential to strengthen accountability.

Reasonable Procedures

Introduction and Current Law

To combat the issue of fraud, reasonable procedures were put in place to prevent fraudulent behaviour.¹⁶⁴ This will implement easier methods to hold organisations accountable for a crime committed by employees, senior management or agents.

The ECCTA 2023 was a direct response to resolve the criminal liability laws that were unfit for purpose, especially in complex organisations that would prove harder to identify individuals who breached the entity’s fraud policies. ‘Reasonable procedures’ is a legal standard that appears in section 199(4) and (5), stating that it is a defence for the organisation to demonstrate that they have satisfactory acceptable procedures in place.¹⁶⁵

Reasonable procedures ground fact-based reasons that an officer can use against fraudulent behaviour. They are tailored to the organisation and guided by principles such as top-level commitment, risk assessments and monitoring and review. The purpose of these steps is to prevent offences, which are considered as a defence against liabilities for actions of the employees or agents.

Areas for Change

The risk assessment outlined in the reasonable procedures section of the ECCTA 2023 guidance states that to prevent fraud, an organisation must assess its “exposure to the risk of employees”.¹⁶⁶ In order to do this, organisations identify typologies of associated persons.¹⁶⁷ Using these typologies, nominated risk owners in the organisation then consider circumstances under which the associated person(s) could attempt fraud.

However, the government guidance does not mention criteria for choosing nominated risk owners.¹⁶⁸ This means that the nominated risk owners could include fraud-committing individuals, and enable risk assessments to be carried out in a way that allows the organisation to continue committing fraud, essentially corrupting the process. This could be especially harmful as these individuals – whose morals may be compromised – will be the sole risk assessors, including considerations of motives, rationalisations and opportunities.

The guidance also outlines that “merely applying existing procedures tailored to a different type of risk [of offending] will not necessarily be an adequate response to tackle the risk of fraud”.¹⁶⁹ Only focusing on particular risks (in this case, only concentrating on aspects that would negatively impact an organisation) will not help to reduce fraud. Thus, while corporations and organisations have tailored effective procedures to prevent inward fraud, these processes are ineffective at preventing outward fraud because they do not thoroughly consider potential risks of fraud that would benefit a company.

¹⁶⁴ Home Office; ‘Guidance: Introducing a failure to prevent fraud offence: impact assessment’ (GOV.UK, 10 October 2025) <https://www.gov.uk/government/publications/offence-of-failure-to-prevent-fraud-introduced-by-eccta/introducing-a-failure-to-prevent-fraud-offence-impact-assessment-accessible> at paragraph 79, accessed 17 November 2025.

¹⁶⁵ Naylor C, Lowe D and Pennell R, ‘Understanding ECCTA: What Is the “Reasonable Procedures” Defence and How Does It Affect Your Contracts?’ (Gowling WLG, 9 October 2025) <https://gowlingwlg.com/en-gb/insights-resources/articles/2025/understanding-eccta-what-is-the-reasonable-procedures-defence-and-how-does-it-affect-your-contracts> accessed 17 November 2025.

¹⁶⁶ Home Office, ‘Economic Crime and Corporate Transparency Act 2023: Guidance to organisations on the offence of failure to prevent fraud’ (GOV.UK, 10 October 2025) Chapter 3.2 <https://www.gov.uk/government/publications/offence-of-failure-to-prevent-fraud-introduced-by-eccta/economic-crime-and-corporate-transparency-act-2023-guidance-to-organisations-on-the-offence-of-failure-to-prevent-fraud-accessible-version> accessed 17 November 2025.

¹⁶⁷ Ibid.

¹⁶⁸ Andrew Reeves, Stuart Neely, Neil O’May, Ruth Cowley, David Harris, Katie Stephen, and Thomas Hubbard, ‘Failure to prevent fraud guidance on reasonable procedures: a first look’ (Norton Rose Fulbright, 7 November 2024) <https://www.regulationtomorrow.com/eu/failure-to-prevent-fraud-guidance-on-reasonable-procedures-a-first-look/> accessed 17 November 2025.

¹⁶⁹ Home Office, ‘Economic Crime and Corporate Transparency Act 2023: Guidance to organisations on the offence of failure to prevent fraud’ (GOV.UK, 10 October 2025) Chapter 3.4 <https://www.gov.uk/government/publications/offence-of-failure-to-prevent-fraud-introduced-by-eccta/economic-crime-and-corporate-transparency-act-2023-guidance-to-organisations-on-the-offence-of-failure-to-prevent-fraud-accessible-version> accessed 17 November 2025.

Recommendation for Change

While the guidance requires organisations to appoint nominated risk owners to assess fraud risks, it does not establish explicit criteria for selecting these individuals.¹⁷⁰ Thus, the first proposal is for the guidance to establish explicit criteria for selecting nominated risk owners to maintain the integrity of fraud prevention frameworks. This should include mandatory integrity assessments, background checks, and ensuring they have no ties to high-risk operations, thus serving as a deterrent against compromised individuals.

Additionally, organisations should implement AI-powered fraud detection systems that monitor transactional patterns and employee behaviour to track and identify suspicious behaviours. When suspicious activity is detected, automated alerts must be sent to the risk owner and senior management. This dual alert mechanism prevents the compromised risk owners from suppressing warnings, so that fraud detection is not left to one individual who could overlook problems.

However, organisations must consider the risk of algorithm bias and false alerts from AI. Nevertheless, these risks can be effectively minimised through close examination. Organisations should regularly screen algorithms for bias by assessing their inputs and outputs to identify susceptibility to biased agents.¹⁷¹ Additionally, organisations should establish permanent structures and protocols for ongoing bias mitigation, including dedicated teams responsible for monitoring algorithmic performance.¹⁷²

Impact Assessment

Whilst a lack of explicit criteria for the nomination of risk owners could enable fraudulent individuals to be nominated, the current legislation is deliberately ambiguous to allow flexibility and proportionality. Creating a rigid structure could restrict access for smaller companies that are subject to different risk assessments.

This vital point is accounted for in the November 2024 guidance, which states that “an organisation’s procedures to prevent fraud by persons associated with it are proportionate to the fraud risks it faces and to the nature, scale and complexity of the organisation’s activities”.¹⁷³ The legislation reflects the individual requirements of corporations and therefore keeps this open. This is reflected in the ambiguity of “reasonable” in s199(4) ECCTA 2023, as, although arguably broad, it allows individual circumstances to be accounted for. Noting that the criteria should remain moderately vague, the suggested proposals would be effective in reducing the risk of fraudulent behaviour. They are also accessible, as systems like background checks are often used in recruitment.

Considering the AI proposals, extending information about potential fraudulent behaviour to management and risk owners will reduce the risk of fraud due to a system of mutual oversight. The opposing arguments in regard to algorithm bias and false alerts must be considered, particularly due to AI’s evolving nature and its susceptibility to mistakes and bias.¹⁷⁴ Reliance on AI should therefore be avoided until more developed systems are implemented. Programming this, however, would be expensive and time-consuming. This needs to be weighed in comparison to the benefits. Inevitably, AI would require close examination, which could strengthen reasonable procedures due to heightened scrutiny.

ECCTA 2023 and Modern Slavery Act 2015

Currently, the ‘reasonable procedures’ in place for fraud prevention by relevant organisations must be informed by six principles: top-level commitment, risk assessment, proportionate risk-based prevention procedures, due diligence, communication (including training), and monitoring and review.¹⁷⁵

¹⁷⁰ Ibid.

¹⁷¹ American Hospital Association ‘4 Steps to Mitigate Algorithmic Bias’ (*American Hospital Association*) <https://www.aha.org/aha-center-health-innovation-market-scan/2021-10-05-4-steps-mitigate-algorithmic-bias> accessed 17 November 2025.

¹⁷² Ibid.

¹⁷³ Home Office (2024) ‘*Economic Crime and Corporate Transparency Act 2023: Guidance to organisations on the offence of failure to prevent fraud*’, <https://www.gov.uk/government/publications/offence-of-failure-to-prevent-fraud-introduced-by-eccta/economic-crime-and-corporate-transparency-act-2023-guidance-to-organisations-on-the-offence-of-failure-to-prevent-fraud-accessible-version> pages 29 to 46, accessed 17 November 2025.

¹⁷⁴ MIT Management STS Teaching & Learning Technologies ‘When AI Gets It Wrong: Addressing AI Hallucinations and Bias’ (*MIT Management STS Teaching & Learning Technologies*) <https://mitsloanedtech.mit.edu/ai/basics/addressing-ai-hallucinations-and-bias/> accessed 17 November 2025.

¹⁷⁵ Home Office ‘*Economic Crime and Corporate Transparency Act 2023: Guidance to organisations on the offence of failure to prevent fraud*’ (GOV.UK, November 2024) Chapter 3 <https://assets.publishing.service.gov.uk/media/68e79ea7e5f463a62cb985b7/Failure+to+Prevent+Fraud+Guidance+-+English+Language+v1.5.pdf> accessed 17 November 2025.

Arguably, the Modern Slavery Act 2015 ('MSA 2015') would be considered a strong example in regards to the use of reasonable procedures, as it was initially introduced to strengthen the UK's legal response to slavery and human trafficking, particularly to hold corporations accountable for exploitation within their operations and supply chains.

In section 54 of the MSA 2015, large commercial organisations are required to publish an annual statement outlining the steps taken to prevent modern slavery within their business.¹⁷⁶ Prospectively, the Act represented a major step forward in promoting institutional transparency and safety matters within minority-based communities. However, unfortunately, its practical impact has been far less effective, considering the manner in which many organisations view this Act, perhaps as an honourable gesture.

There are currently reasonable procedures that are used in a corporate setting. For example, the ECCTA 2023, which aims to prevent fraud, links to this.¹⁷⁷ However, some flaws in the Act can be identified. The law does not cover everything. Certain trusts and offshore ownerships can still conceal who truly controls their company.¹⁷⁸ This makes it harder to enforce the rules of the ECCTA 2023.

Notably, the duty under section 54 is largely advisory in content, non-binding without any mandatory requirements.¹⁷⁹ The findings highlighted by these examples expose a critical weakness in the current legislative framework. Seeing as the Act was designed specifically to promote transparency, it has effectively allowed bigger corporations to comply superficially without demonstrating genuine due diligence.

This failure alone demonstrates why reasonable procedures are so vital, as transparency alone is most definitely not enough to prevent exploitation or economic crime in the near future. These shortcomings mirror the very issues the ECCTA 2023 seeks to address. While the MSA relies heavily on voluntary disclosure, the ECCTA 2023 introduces the concept of reasonable procedures, showing a development from the failures following the vague details of the MSA 2015.

To strengthen its effectiveness, the MSA 2015 could directly learn from the procedural integrity embedded within the ECCTA, as it does more by obliging companies and big corporations to prove they have appropriate anti-fraud controls. The MSA could mandate independent auditing of supply chains, risk assessments and also internal accountability mechanisms, which could potentially transform the Act from a passive one to a more compliant one of safety regulations.¹⁸⁰ In essence, the MSA could adopt ECCTA's core principle: that ethical corporate conduct cannot rely on voluntary declarations but must be enforced through structured, reasonable and reviewable procedures.

Conclusion

Overall, the ECCTA represents a significant step towards modernising the UK's approach to corporate criminal liability, yet the analysis above makes clear that substantial gaps and inconsistencies remain which we propose to remediate.

The Act still struggles to reflect the realities of modern corporate structures and the scale of current economic crime across its key components: the identification principle, the failure to prevent offences, mandatory risk assessments, and the notion of "reasonable procedures".

As we have demonstrated, a central aspect across these shortcomings is the persistence of ambiguity. Ambiguity in who qualifies as a senior manager, in what constitutes reasonable preventative procedures, and in how far obligations should extend across different forms of corporate offending. These

¹⁷⁶ Modern Slavery Act 2015, s 54.

¹⁷⁷ Home Office 'Economic Crime and Corporate Transparency Act 2023: Guidance to Organisations on the Offence of Failure to Prevent Fraud' (GOV.UK, 10 October 2025) <https://www.gov.uk/government/publications/offence-of-failure-to-prevent-fraud-introduced-by-eccta/economic-crime-and-corporate-transparency-act-2023-guidance-to-organisations-on-the-offence-of-failure-to-prevent-fraud-accessible-version> accessed 17 November 2025.

¹⁷⁸ Steve Goodrich and Margot Mollat 'Trust issues: Tackling the final frontier in secret property ownership. Transparency International UK' (Transparency International UK, 19 May 2025), <https://www.transparency.org.uk/news/trust-issues-tackling-final-frontier-secret-property-ownership> accessed 17 November 2025.

¹⁷⁹ Home Office, Transparency in Supply Chains: a Practical Guidance (accessible) <https://www.gov.uk/government/publications/transparency-in-supply-chains-a-practical-guide/transparency-in-supply-chains-a-practical-guide-accessible#Section-54-requirement> accessed 17 November 2025.

¹⁸⁰ Moira Thompson Oliver, Remi Pfister, Helena Campbell, and Mizan Rahman 'Report on the Modern Slavery Act 2015: Calls to Make the UK, Once again, a World Leader in the Fight against Modern Slavery' (Slaughter and May, 23 October 2024) <https://sustainability.slaughterandmay.com/post/102jmgg/report-on-the-modern-slavery-act-2015-calls-to-make-the-uk-once-again-a-world> accessed 17 November 2025.

uncertainties create space for inconsistent application of the law and, consequently, result in unequal accountability, particularly between small and large corporations.

Our reforms to the identification principle illustrate this problem clearly. While expanding liability beyond the narrow “controlling mind” standard has been shown to be overdue, the senior management test remains too broad and insufficiently defined. As the Law Commission highlighted, this perpetuates disparities whereby large companies, because of the diffused and layered decision-making structures, remain less likely to hold individuals accountable compared to smaller organisations. Clarifying who meets the standard of a ‘senior manager’ and extending the Senior Management Attribution Model to all corporate crime, not just economic offences, is therefore essential to achieve coherence, fairness, and the genuine deterrence of corporate offences.

Similarly, the failure to prevent offences demonstrates disproportionate development across economic crime. Bribery and tax evasion benefit from relatively detailed guidance, yet fraud and other serious financial crimes still lack equal clarity.

Additionally, without explicit benchmarks for what constitutes “reasonable measures,” courts are susceptible to subjective decision-making while the organisations involved face uncertainty.¹⁸¹ Adopting a model akin to the Bribery Act’s “adequate procedures” guidance, with structured minimum standards, would significantly enhance consistency and transparency across the compliance landscape.¹⁸²

The proposals relating to mandatory risk assessments and the role of nominated risk owners further highlight the importance of structural integrity in corporate governance. Without clear criteria for selecting risk owners or safeguards such as multi-tiered oversight, we argue that organisations risk placing crucial responsibilities in the hands of self-interested individuals. AI-assisted monitoring and other supportive mechanisms may seem adequate. However, this would introduce new risks of algorithmic bias, false alerts, and over-reliance on evolving technology. Any such innovation must therefore be accompanied by strong human oversight and rigorous validation.

Finally, our legislative analysis, particularly with the MSA, illustrates the consequences of insufficient, and overly flexible, procedural requirements. The failures show that transparency, without enforceable standards, invites superficial compliance. Therefore, the current laws surrounding corporate criminal liability must avoid this by ensuring that reasonable procedures are not merely aspirational but reviewable, embedded, and matched with meaningful enforcement.

Our conclusive findings are that the ECCTA 2023 marks progress but not completion, overlooking the certain setbacks that hinder the integrity of the legal system regarding corporate offending. Addressing the remaining ambiguity through clearer statutory definitions, proportionate and consistent procedural expectations and stronger oversight mechanisms is crucial. By tightening these foundations, UK law should hope to establish a corporate criminal liability framework that is coherent, enforceable, and capable of meeting the complexities of modern economic and corporate crime.

¹⁸¹ Catherine Naylor, David Lowe, and Rachel Pennell ‘Understanding ECCTA: What is the “reasonable procedures” defence and how does it affect your contracts?’ (Gowling WLG, 9 October 2025) <https://gowlingwlg.com/en-gb/insights-resources/articles/2025/understanding-eccta-what-is-the-reasonable-procedures-defence-and-how-does-it-affect-your-contracts> accessed 17 November 2025.

¹⁸² Ministry of Justice and The Rt Hon Lord Herbert of South Downs CBE PC ‘Bribery Act 2010 guidance’, (GOV.UK, 11 February 2012) <https://www.gov.uk/government/publications/bribery-act-2010-guidance> accessed 17 November 2025.

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