

Written evidence submitted by GamCare

About GamCare

For 25 years we have been the leading provider of information, advice, and support for anyone affected by gambling harms in Great Britain. We operate the National Gambling Helpline, provide treatment for anyone harmed by gambling, create awareness about safer gambling and treatment, and encourage an effective approach to safer gambling within the gambling industry. We also work closely with financial institutions and the debt advice sector to prevent gambling-related financial harm. Each year 40,000 people call our National Gambling Helpline, and 10,000 people undertake structured treatment through GamCare and our partners.¹

We not only have data and insight, but also but also ensure all our services and programmes are informed by and coproduced with our lived experience community and have the voices of our service users at their heart. We have a unique position in this complex area and are keen to present oral evidence in support of this submission and to discuss our experience in supporting those experiencing harm related to gambling.

Executive summary

We welcome this opportunity to provide evidence to the House of Commons Digital, Culture, Media, and Sport Select Committee inquiry on gambling regulation. We make the following recommendations across each of the Inquiry's five core questions:

1. What is the scale of gambling-related harm in the UK?

1.1 Greater evidence is necessary to better understand the prevalence of both problem gambling and scale of gambling-related harm, including (but not exclusively) research:

- On how community, societal and commercial factors influence harmful gambling
- Quantifying the impact of harmful gambling on affected others (friends and family)
- On the types and extent of financial harm experienced
- To understand the impact of wider socioeconomic impact and costs of gambling harms
- On the psychological traits of people substituting gambling with financial products
- On the convergence of gambling and gaming (especially e-sports) and other online behaviours as they emerge

1.2 A range of partners must be involved in the funding and delivery of enhanced research to identify knowledge gaps measure and understand gambling-harms and their impact on individuals, families, communities, and society.

2. What should the key priorities be in the gambling White Paper?

- 2.1 A strong commitment to protect particularly vulnerable groups from online gambling harms
- 2.2 Greater action on gambling advertising to avoid visibility and normalisation of gambling to young people and those vulnerable to harm, including signposting to sources of support
- 2.3 Better definition of the Gambling Commission's objectives, targets, and metrics, in consultation with GamCare and our delivery partners
- 2.4 A strong and properly resourced regulator to regulate such a fast-moving industry, with funding commensurate with the scale of the sector
- 2.5 An ombudsman to offer fair and expeditious resolution of complaints in an impartial, confidential, and independent manner
- 2.6 Increased protections for vulnerable groups, including stronger age verifications, affordability or 'financial risk' checks, maximum stakes for online slot machines, and a ban on VIP schemes
- 2.7 Integrated regulation across online and land-based settings
- 2.8 An increase in long term investment in research, education and treatment, and new treatment target of 15% of those experiencing gambling-harm – for parity with other additions

3. How broadly the term 'gambling' should be drawn

- 3.1 The Government should encourage greater recognition of other relevant behaviours such as volatile trading and e-sports; and consider how these and other novel areas might be captured under the existing legal definition of 'gambling'
- 3.2 As part of its review, the Government should consider giving ministers the power to specify that any activity in their view having the characteristics of gambling should be treated as such for the purposes of current or

future gambling legislation

- 3.3 The Government should consider making regulations in the Gambling Act 2005 to specify that loot boxes and other similar games represent games of chance. The Government should consider including gambling as part of its Online Safety Bill to meet its ambition to enshrine in law a duty of care on online companies to keep their users safe

4. How can a regulator stay abreast of innovation in the online sphere?

- 4.1 Digital and online technologies necessitate a distinct and ethical regulatory approach, with new indicators to understand and address the drivers of harms for consumers and society
- 4.2 The Government should learn from best practice from other regulators, including ‘regulatory sandboxes’ that enable industry to test products with regulatory implications in safe environments and in close dialogue with policymakers
- 4.3 Soft law mechanisms, e.g., informal, and best-practice guidance, self-regulation, codes of conduct, and third-party certification and accreditation will support regulators to adapt quickly to changes without stifling innovation, and help regulators understand impacts
- 4.4 Given the huge implications and ethical issues surrounding next generation artificial intelligence, robust public engagement and legitimation must be embedded in the development of new regulation through an inclusive, structured and staged approach
- 4.5 Regulators should move from a primary focus on process compliance towards a greater focus on outcomes that are focused the reduction of gambling-related harms

5. What additional problems arise when online gambling companies are based outside of UK jurisdiction?

- 5.1 We recommend the Safer Gambling Standard as a model national and international regulators and operators may find helpful to drive up industry standards and reduce levels of harm.
- 5.2 We commend GAMSTOP, a free online self-exclusion service supporting anyone resident in the UK by preventing access to gambling websites and apps run by companies licensed in Great Britain; and Gamban, cost-effective international blocking software
- 5.3 We encourage greater cross-border regulatory collaboration. We further encourage the Gambling Commission to cooperate with financial services regulators to influence developing standards; and recommend strong cooperation with social media companies and regulators
- 5.4 We see merit in the Government considering website blocking of offshore websites

Detailed response to Inquiry questions

1. What is the scale of gambling-related harm in the UK?

- 1.1 At the outset, we recognise that efforts to develop a working definition of gambling-related harm, and to understand its scale, are both recent and complex.
- 1.2 Until recently, a focus (while helpful) was made on understanding population levels of at-risk or ‘problem gambling’ (see definition at 1.3 below), e.g., gambling compromising, disrupting or damaging family, personal or recreational pursuits.² As the Gambling Commission outlines, such approaches are rooted in a “identifying behaviours and symptoms, rather than the harms themselves”.³ Given this, we explore the following key areas:
- a. The prevalence of at-risk and ‘problem gambling’
 - b. The prevalence of gambling-related harm
 - c. The scale of people accessing treatment for problem gambling
 - d. The limitations of, and gaps in, the existing evidence base

a. The Prevalence of at risk and ‘problem gambling’

- 1.3 ‘Problem gambling’ means gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits. Problem gambling prevalence rates are measured through screening tools that include the Problem Gambling Severity Index (PGSI), which measure the number of problem gamblers, moderate risk gamblers and low risk gamblers in a population. On this screen:

- ‘Problem gamblers’ are ‘gamblers who gamble with negative consequences and a possible loss of control’,
- ‘Moderate risk’ gamblers are ‘gamblers who experience a moderate level of problems leading to some

negative consequences’

- ‘Low risk’ gamblers are defined as ‘gamblers who experience a low level of problems with few or no identified negative consequences’⁴

1.4 The 2018 Health Survey for England showed prevalence of problem gambling was up to 340,000 adults, and moderate and low risk gambling up to 481,245 and 1.4m respectively.⁵ The Gambling Commission’s latest PGSI Mini-Screen showed a problem gambling rate of 0.3%, and moderate risk and low-risk rates of 1.1% and 1.8%.⁶ In turn, the Office for Health Improvement and Disparities’ (OHID) January 2023 data estimates a problem gambling rate of 0.5% of the population, and low-medium risk rate of 3.8%.⁷

The 2018 Health Survey for England show prevalence of problem gambling of up to 340,000 adults, and moderate and low risk gambling up to 481,245 and 1.4m respectively

1.5 GambleAware’s online ‘Annual GB Treatment and Support Survey’ found substantially higher rates, with 2.7% (1.4m) adults experiencing problem gambling and 13.2% of at risk of experiencing gambling harms.⁸ GambleAware’s own analysis recognises that these figures may be the "upper bounds of the true rate of prevalence...at least relative to other survey methods (which could also be underestimated)".⁹ We also recognise that GambleAware’s independent review of the data cautions at a potential risk of selection bias.

1.6 In the same survey, 7.1% of the adult population in Great Britain surveyed, (3.34m) identified as a self-reported affected other, negatively affected by someone else’s gambling. The impact for affected others is felt most severely by immediate family members, with 43% of those affected by a spouse or partner’s gambling reporting a severe negative impact. The survey also outlined that severe impacts were reported in 38% of those affected by a father’s gambling and 29% affected by a mother’s gambling.¹⁰

1.7 Between 2021-2022, 0.9% of young people (11-16) were identified as problem gamblers and 2.4% as at-risk gamblers.¹¹ With 55,000 young people experiencing problem gambling, prevalence of gambling among children is higher than for e-cigarettes, cigarettes, or illegal drug use.^{12 13} The highest rates of problem gambling are among the youngest age groups.¹⁴

Prevalence of gambling among children is higher than that of e-cigarettes, cigarettes, or illegal drug use

1.8 OHID’s evidence review found association between prevalence of harmful gambling, unemployment, and deprivation; and higher prevalence of at-risk or problem gambling among people with poor health, low life satisfaction and wellbeing (particularly in indications of psychological health problems).¹⁵ The IPPR assessed that 1.8% of individuals in the fourth income quintile are problem gamblers, compared to 0.6% among the first quintile.¹⁶

1.9 It also found that problem gambling is higher among those of Asian/Asian British origin (2.8%) compared with those who identify as White/White British (0.8%); that the North-West (4.4%) and North-East (4.9%) had the highest prevalence of people gambling at elevated risk while the South-West (3.0%) had the lowest; and that men are five times more likely than women to experience problem gambling.¹⁷

b. The prevalence of gambling-related harm

1.10 In 2016, the IPPR identified ‘robust’ data for associations between the cost to government and an individual being a problem gambler across: health (primary care (mental health) services, secondary mental health services and hospital inpatient services; welfare and employment, housing, and criminal justice).¹⁸ The Gambling Commission identified similar harms including: loss of employment, bankruptcy and/or debt, loss of housing, homelessness, crime, relationship breakdown and suicide and suicidality.¹⁹

1.11 Recent OHID data outlines that the financial difficulties and debt experienced by gamblers and affected others are often severe, affecting children and leading to bankruptcy, housing problems including homelessness. OHID highlight studies reporting that people engaging in moderate-risk or problem gambling experience lower levels of family functioning and social support, impact on children, and associations with intimate partner violence (although causality was not demonstrated). OHID estimate financial harms, principally statutory homelessness, to cost £49m, while the IPPR’s earlier review estimated between £10-60m.^{20 21}

- 1.12 OHID found moderate to high quality studies demonstrating suicide is significantly higher among adults with gambling problems. While qualitative studies showed mixed results on causality, they did identify that gamblers experience negative emotions including guilt, shame, loss of self-esteem, and loneliness. Those affected by someone else's gambling reported negative emotional, psychological and health impacts while gamblers also reported co-occurring alcohol and drug problems. OHID estimate the cost of mental and physical health harms at £754m-1.475bn. IPPR's estimate costs of £180-£760m.^{22 23}
- 1.13 In terms of unemployment, the OHID review found that qualitative studies described adult gamblers losing jobs, being demoted, or resigning as a result of gambling. They further found that gambling was linked to loss of concentration, arriving late to or being tired at work. Children of gamblers reported challenges in school as a result of parental gambling.²⁴ The IPPR estimate employment and welfare costs of between £40-£160m, while OHID estimate the cost of employment and educational harms to be £77m.^{25 26}
- 1.14 On criminal activity, OHID estimate the cost of harms at £167.3m, based on an estimate of 3,744 people in prison who had committed an offence associated with problem gambling.²⁷ The IPPR's own review estimated costs of incarcerations at between £40-£190m.²⁸ OHID note that crime featured in 10 qualitative studies (of low to moderate quality), with financial difficulties associated with crimes by adult gamblers, including theft and selling drugs, with implications for wider society and associates, e.g., fraud and economic abuse.²⁹
- 1.15 In 2016, the IPPR concluded that “problem gambling [entrenches] and [exacerbates] socioeconomic disadvantages by disproportionately affecting individuals on low incomes and those with [comorbidities].” It estimated health, welfare and employment, housing, and criminal justice costs of £260m-£1.16bn per year in Great Britain.³⁰ In turn, OHID's 2023 analysis estimates annual excess direct financial cost to government associated with harmful gambling at £412.9m; and the societal value of health impacts at £635-£1.35bn.³¹

Problem gambling entrenches and exacerbates socioeconomic disadvantages by disproportionately affecting individuals on low incomes and those with comorbidities

c. The scale of people accessing treatment for problem gambling

- 1.16 The National Gambling Treatment Service (NGTS), commissioned by GambleAware, is a network of organisations working together to provide confidential treatment and support for anyone experiencing gambling-related harms, free to access across England, Scotland and Wales. It includes GamCare and our partner network (Aquarius, ARA (Recovery for All), Beacon Counselling Trust, Breakeven, Derman, Krysallis, Leeds Community Gambling Service, NECA, and RCA Trust), Gordon Moody. Of those who started treatment as ‘problem gamblers’, 70% were no longer defined as such on the PGSI scale at end of treatment.³²
- 1.17 Despite the clear evidence for its effectiveness, and while we are proud to have supported 29,000 people with structured treatment over the last three years (including 9,728 in 2021-22), many who need structured treatment are not accessing it.³³ Given the Health Survey for England's latest prevalence data above, last year fewer than 3% (2.86%) of people experiencing problem gambling accessed treatment. GambleAware's own data showed that for every person receiving treatment, 160 who could benefit do not get the help they need.³⁴
- 1.18 The low uptake of services emphasises the pressing need to mitigate the barriers to access and to improve treatment pathways. This includes, (as below at question 2), addressing the lack of awareness of treatment and tackling social stigma and the reluctance to recognise gambling problems. It also means addressing inequalities in access among women, people from ethnic minority and lower socioeconomic backgrounds, and young people.

The low uptake of services emphasises the pressing need to mitigate the barriers to access to treatment pathways

- 1.19 In this context, we welcome the recent publication by GambleAware of a new Outcomes Framework and Delivery Model for the NGTS. We look forward to supporting its implementation, which will help meet the growing and changing needs of those at risk.

d. The limitations of, and gaps in, the existing evidence base

I. Limitations of existing data on the prevalence of at-risk and problem gambling

- 1.20 OHID’s latest evidence cautions that the Health Survey for England, while a good data source, does not include all topics relevant to gambling. OHID identified 53 studies that described a range of harms resulting from gambling but note that most focused on the harms to the gambler, with fewer on harms to affected others.³⁵ We welcome the Gambling Commission’s ongoing work to develop a more robust methodology and survey content to better understand the incidence, nature and severity of harm.³⁶

II. Limitations of existing data on the scale, and costs, of gambling-related harm

Greater evidence is necessary to better understand the prevalence of both problem gambling and scale of gambling-related harm

- 1.21 The IPPR identify that the lack of evidence presents challenges determining excess fiscal costs to the UK government from problem gambling. Isolating problem gambling from other comorbidities, it stresses, “is not possible”; therefore, identifying causality between problem gambling and cost; and whether other factors contribute, is difficult.³⁷ The Gambling Commission also acknowledge ambiguity in attributing costs to gambling-related harms.³⁸
- 1.22 The IPPR also outline not only that unit costs have to be estimated separately from associations between problem gambling and the incurrence of cost, such that the two will not necessarily correspond precisely; but that associations between problem gambling and different types of cost are estimated from different data sources using different methods and screening instruments, meaning they are not directly comparable.³⁹
- 1.23 LSE adds that producing estimates of social costs involves “a range of assumptions...subject to a number of caveats.” The scale of costs of some harms will be underestimated since some harms do not “easily lend themselves to being converted into a monetary value.” Estimates of social costs “will be sensitive to external influences not sensitive enough to show how regulatory interventions or harm reduction measures are performing.”⁴⁰
- 1.24 OHID found that the lack of evidence meant it was unable to cost all harms identified in its review, or the social and economic burden felt by affected others. OHID outline that some harms were only partially costed in its review (financial, health, employment and education, crime), while others were not costed (cultural harms and impact on relationships).⁴¹
- 1.25 OHID did not identify any evidence of moderate or high confidence risk factors for harmful gambling in adults because of a lack of longitudinal studies. OHID relied on review level evidence to understand the risk factors for gambling and harmful gambling, which were low-quality and relied on cross-sectional studies with limited evidence of societal factors.⁴²
- 1.26 OHID also note the limited evidence analysing the costs to society and challenges arising from gambling and harms being measured differently across different studies. “Most of the studies published on gambling and harm”, it outlines, “do not allow us to determine that gambling came before the harm”.⁴³
- 1.27 Finally, while welcoming the Gambling Commission’s ongoing and transformative work to ensure that harms questions will be asked alongside core questions on participation and problem gambling from 2023, as part of its official statistics; we emphasise here that the Gambling Commission itself is not aiming to develop a headline score or scale of gambling-related harms, or to measure the cost of gambling-related harms to society.⁴⁴

e. Recommendations

- 1.28 We support OHID’s recommendation to undertake research into the areas outlined above where there are clear evidence gaps, and to undertake:
- Studies that quantify the types and extent of financial harm experienced by people engaging in harmful gambling
 - Longitudinal studies on if or how community, societal and commercial factors can influence harmful gambling

- c. Longitudinal quantitative studies that quantify the impact of harmful gambling on affected others, including family members, friends and close associates⁴⁵

1.29 We further support research to better understand the:

- d. Wider socioeconomic impact and costs of gambling harms
- e. Psychological traits of people substituting gambling with financial products

1.30 We have a unique role to play in contributing evidence on those accessing support and treatment and through our programmatic work, including, for example, our Young People's Gambling Harm Prevention Programme, Criminal Justice, Gambling-Related Financial Harm and Women's Programmes.

1.31 We also agree with the Gambling Commission that a range of partners must be involved in the funding and delivery of enhanced research to measure and understand gambling-harms and their impact on individuals, families, communities, and society. We welcome OHID's commitment to work in partnership with other government departments and key stakeholders to address the knowledge gaps identified in its review to improve data collection, and to deliver effective and implementable responses to gambling-related harms.

2. What should the key priorities be in the gambling White Paper?

2.1 In answer to this question, we draw the Committee's attention to our full response to the Government's Gambling Act Review.⁴⁶ An overview of our positions appears below.

a. Online protections

2.2 We believe that more can be done to protect particularly vulnerable groups from online gambling harms. With the majority of those coming to us for support and treatment citing problems with online gambling (75%) it is an area of concern for us and our service users.⁴⁷

2.3 Our audiences (including gamblers, those affected by gambling and those with a professional interest in gambling support) tell us that more needs to be done to reduce harm from online gambling. They particularly call for limits on time, maximum limits on spend, and a ban on VIP schemes, and think more can be done to protect younger audiences.⁴⁸ The visibility of online advertising to children and young people is of particular concern.

b. Advertising, sponsorship, and branding

2.4 Adverts from licensed operators can and should be managed in such a way that they avoid visibility to children and young people and protect those who are more vulnerable to gambling harm. A recent GamCare survey showed that 80% of respondents wanted to see a ban on sports sponsorship, and even more (83%) wanted to see a ban on gambling sponsorship on football shirts.⁴⁹

2.5 We know from our service users that the volume of advertising they are exposed to can be problematic for maintaining their recovery, and that the onus is on consumers to block access to gambling adverts on each platform they visit. Advertising should also routinely include more prominent and engaging safer gambling messaging and signposting to sources of support such as the National Gambling Helpline and other resources in a more consistent, helpful way for people to easily access the help and support they might need.

2.6 VIP schemes have been cited by our audiences as incentivising continued excessive gambling, and they would like to see more done in this area. 82% of respondents to a recent GamCare survey of our audiences, would like to see VIP schemes banned altogether.⁵⁰

2.7 We would encourage operators to invest more heavily in their creative marketing of safer gambling tools, messaging, and signposting. Analysis of 'safer gambling materials' has shown them as drab and lengthy compared with adverts such as those, for example, offering bonuses.⁵¹

c. Gambling Commission's powers and resources

2.8 We believe that there is a need to more clearly define the specific objectives and targets and metrics for the

Gambling Commission (including specific social responsibility objectives around safer gambling). This would help to set a clear focus and direction of the environment we are aiming for. We would recommend that the Gambling Commission set these objectives and targets in consultation with GamCare and our delivery partners.

- 2.9 A strong, properly resourced expert regulator is in everyone's interest. The Gambling Commission does not appear to be resourced to regulate such a fast-moving industry and their funding should reflect the scale of the sector and the challenge of regulating in such fast-moving environments. The creation of clear evidenced-based targets for the reduction of gambling related harm that both the gambling industry and those, like GamCare who are involved in education and treatment, can work towards, would be helpful.
- 2.10 We are clear that an increase in funding for gambling education and treatment is necessary, but our key focus is our service users. Increased funding that leads to better outcomes for people experiencing gambling harm matter more than how that funding is structured.
- 2.11 We believe the Safer Gambling Standard will aid consumer recognition of gambling businesses that implement high standards of customer protection and see this as complementary to the existing licensing measures the Gambling Commission deploys. We encourage the regulator to highlight the Standard as a way for consumers to make informed decisions on businesses that have evidenced high standards of customer protection.⁵²

d. Consumer redress

- 2.12 A well-run, compliant industry, with an Ombudsman offering fair and expeditious resolution of complaints in an impartial, confidential and independent manner is necessary. There are several Ombudsman models that work well in other sectors, and we are committed to cooperating with the Government and working with stakeholders across the sector on how redress arrangements could be managed in a way that puts customers at their heart.
- 2.13 We hear from individuals who would seek recourse against gambling operators if there were an Ombudsman and clear process in place. We believe that a lack of recourse to challenge the industry can cause emotional distress and negatively affect an individual's recovery

e. Age limits and verification

- 2.14 We support increased protections for all vulnerable groups, particularly young people. Our Safer Gambling Standard sets out best practice in relation to protecting young people. There is a case for tightening advertising protections for children and young people.
- 2.15 Data from the National Gambling Treatment Service tells us that on average gamblers reported problem gambling starting by the age of 24 years with problems surfacing later. Three quarters report problem gambling starting by the age of 32 years and one quarter by 19. As many as 61% cited an early win as the catalyst for their gambling problems so it is clear that education and outreach are needed to ensure we protect young adults.⁵³ Over time, people have started participating in gambling activity at an earlier age due to a range of factors including availability, affordability, and technological advances in the online space.

f. Land-based gambling

- 2.16 Nearly half of all those who come to us for help cite issues with land-based gambling (46%).⁵⁴ Gamblers contacting us often have multiple accounts across both land-based and online settings. According to data from the Gambling Commission (2019), gamblers have three accounts with online gambling operators on average. It is therefore critical that regulation is integrated across online and land-based settings.⁵⁵
- 2.17 We recognise that there has been rapid development in self-exclusion methods for online gambling. We know from our service users that there are significant inconsistencies in how self-exclusion methods operate in practice in land-based settings. There are multiple schemes depending on the type of land-based gambling. They include betting shops, casinos, bingo clubs and gaming centres and lotteries. The complexity of having different schemes creates loopholes and limited protection for the determined gambler.

3. How broadly should the term, ‘gambling’, be drawn?

a. The changing nature of gambling since 2005

- 3.1 The Gambling Act 2005 defines gambling any kind of betting, gaming, or playing lotteries. Gaming means taking part in games of chance for a prize (where the prize is money or money’s worth), betting involves making a bet on the outcome of sports, races, events or whether or not something is true, whose outcomes may or may not involve elements of skill but whose outcomes are uncertain and lotteries (typically) involve a payment to participate in an event in which prizes are allocated on the basis of chance.⁵⁶
- 3.2 In answering this question, we present two illustrative areas, loot boxes and cryptocurrencies, to demonstrate where we feel that the existing legal definition would benefit from further consideration and/or amendment to ensure it properly reflects the changing nature of gambling since the 2005 Act was introduced. As part of its review, the Government should consult on the legal definition to ensure that it addresses these and any other issues such that it is properly futureproofed for the next generation.

b. Social gaming and loot boxes

- 3.3 While ‘gaming’ and ‘betting’ are defined, the underlying concepts of ‘game’ and ‘bet’ are not. And, while a prize is widely defined as anything of value, there are exclusions, e.g., "gaming machines covering an award of an extended playing experience". This is an important consideration when considering ‘social gaming’, not regulated as a form of gambling”.⁵⁷
- 3.4 Social gaming may blur the line between video gaming and gambling, since they include gambling-like features e.g., playing with cards or dice, or slot machine style games. The Gambling Commission has adopted a narrow definition: “while some [online games] might look like gambling from a narrow legal perspective, if the prize is not money or money’s worth, they are not gambling under UK legislation.” It concluded that while a small group does spend significant amounts of money, it is not “sufficiently large to justify intervention.”⁵⁸
- 3.5 A less ambiguous area relates to ‘loot-boxes’. The Select Committee on Gambling Harm defines Loot Boxes as “all mechanisms by which a player pays money for a randomised item”.⁵⁹ In the context of video games, 'in-game' prizes or 'loot boxes' are outside the definition of 'gaming'. This is even if paying for the chance to win them and allocated by chance, provided the experience is not tradeable for value in the real world.⁶⁰
- 3.6 We draw attention to the Office of the Children’s Commissioner’s (OCC) conclusion that “loot box features can encourage children to spend excessively online”.⁶¹ GambleAware highlight that they are structurally and psychologically akin to gambling”, while the OCC point out that they can “lead children [to] a cycle of uncontrolled spending as they chase losses”.⁶² ⁶³ With 90% of UK children playing video games and 40% using Loot Boxes, this is of great concern.⁶⁴
- 3.7 Giving evidence before the Lords' the OCC made clear its view that “the [Act’s] definition of a prize, ‘money or money’s worth’, does not reflect the way children spend and... gamble money online. The Gambling Act is not working in the way it should in the modern world.”⁶⁵ Robust evidence demonstrates that spending money on loot boxes is linked to problem gambling; with the more spent, the more severe their problem gambling. York University research shows the impacts of loots boxes to be “of a clinically important magnitude.”⁶⁶
- 3.8 We further note the Belgian Gaming Commission’s conclusion that loot boxes meet its legislative definition of a “game of chance” and are therefore a form of gambling. It states that: “Players are tempted and misled by [loot boxes] and none of the protective measures for games of chance are applied.” ⁶⁷

c. Cryptocurrency and emerging technologies

- 3.9 Regulation of cryptocurrency in relation to gambling, and its definition as an investment asset versus a gambling mechanism, have not been given commensurate consideration by regulators or Government. The White Paper is a chance to develop regulatory clarity.

- 3.10 New research is revealing that “trading and gambling share structural characteristics”, and that “excessive trading may be driven by an addictive process”. Weidner outlines that the financial and gambling markets attract a similar audience of risk-seeking individuals, with people attracted to gambling statistically more likely to engage in higher-risk speculation such as crypto-currency trading.⁶⁸ A Dutch study estimates that 4.4% of retail investors are compulsive gamblers while 3.6% show signs of problem gambling.⁶⁹
- 3.11 In the UK, a reported 1.8m people started day-trading (high-frequency buying and selling of investments on the same day) during the COVID-19 pandemic.⁷⁰ We draw the Committee’s attention to the increase in client presentations we have seen through both our National Gambling Helpline and through our structured treatment services. Our Helpline now receives approximately 1,000 cryptocurrency related queries per year. Recent GamCare data suggests that 43% of people experiencing problem gambling own cryptocurrency.⁷¹
- 3.12 In this context, we draw the Committee’s attention to Fabio Panetta’s perspective (Executive Board member of the European Central Bank) perspective: “As a form of investment, cryptos lack any intrinsic value...in fact, they are a gamble disguised as an investment asset.” Panetta goes further, stating that “in the digital era, unbacked cryptos are likely to continue to be a vehicle for gambling.” Given this, he asserts that “regulation should acknowledge the speculative nature of unbacked cryptos and treat them as gambling activities.”⁷²
- 3.13 This view is echoed by Todd Baker, Senior Fellow at Columbia Law School: “Crypto trading isn’t economically similar to...the traditional financial services system and serves none of the productive purposes that define [it]. It is gambling emulating finance.” Baker asserts that crypto trading should be separated from traditional financial services.⁷³ Mr Panetta goes on to say that vulnerable consumers should be protected through principles like those recommended by the European Commission for online gambling.⁷⁴
- 3.14 We also recognise the different imperatives of financial and gambling regulators; the former ensuring market participants are reasonably informed, and the latter primarily concerned with player protection. We emphasise Weidner’s understanding that this makes it difficult to find a mutual solution for cross-industry problems. Participants are better protected in a regulated gambling environment as compared to the financial markets.⁷⁵

d. Recommendations

- 3.15 It is our hope that, as part of its review, the Government consults widely on the legal definition of ‘gambling’ as part of its review to ensure that it reflects the changing nature of gambling since the Gambling Act 2005 was introduced and is properly futureproofed to protect the next generation from harm. Greater legal certainty will optimise customer protection and mitigate against the risks presented through novel forms of ‘psychological nudges’, and emergent technologies.
- 3.16 Related to this, we see merit in the House of Lords Select Committee recommendation that Section 3 of the Gambling Act 2005 should be amended to give Ministers a power, analogous to that in section 6(6), to specify by regulations that any activity which in their view has the characteristics of gambling should be treated as gambling for the purposes of the Act.⁷⁶ This approach would be supportive of efforts, as described below in answer to question 4, to enable governments and regulators to keep up with the changing page of innovation.
- 3.17 In relation to ‘loot boxes’ we support GambleAware’s assessment that, given the rapidly evolving world of video gaming, “legislation is liable to be quickly rendered anachronistic.”⁷⁷ We further share GambleAware’s concern that reliance on voluntary industry action and parental controls may leave children exposed to financial and psychological harm.⁷⁸ We therefore see merit the House of Lords Select Committee finding that the Government should introduce regulations under Section 6 (6) of the Gambling Act specifying that loot boxes and similar games are games represent games of chance.
- 3.18 On the issue of high-risk crypto currency trading, we recognise the need for increased research to understand its similarities with the gambling market in view of the rapid development, ease of access to, and ‘gambification’ of online trading and financial services platforms.⁷⁹ More research is also needed into the psychological traits of people substituting gambling with financial products.
- 3.19 We agree with Weidner’s conclusion that regulators must “find a way to align their fundamentally different objectives to find common solutions to cross-industry problems.”⁸⁰ Better collaborative working is

necessary and could protect traders from developing gambling-related problems, provide significant insights for industry-wide and product-specific regulation and lead to a more informed use of technology for harm prevention.

- 3.20 Finally, while the Government has set out that the proposed Online Safety Bill will “enshrine in law a duty of care on online companies to keep their users safe”, we express caution at the exclusion of gambling. We see merit in the recommendation of the Joint Committee report on the draft Online Safety Bill that “known risks of harm to children [including gambling] should be set out on the face of the Bill”.⁸¹ We therefore urge the Government to reconsider including gambling as part of its commitment.

4. Is it possible for a regulator to stay abreast of innovation in the online sphere?

1) A proportionate and ethical approach

- 4.1 At the outset, we take a pragmatic position in relation to the development of emergent technologies in the online and digital space. In this context, we welcome the Government’s approach to driving growth and unlocking innovation in the digital space, for example in artificial intelligence and machine learning. This ethos is reflected in our own work to develop cutting-edge and best practice digital technologies to support people at risk of or experiencing gambling-related harms, including our soon to launch digital portal which will allow users to self-serve on their journey to recovery.
- 4.2 Regulators are challenged with creating or modifying regulations, enforcing them, and communicating them at an unprecedented pace. This complexity requires proportionate and ethical approaches to regulatory practice, rooted in new principles.⁸² While recognising Government’s objective for regulation to minimise any “unnecessary burden”, we do not view growth and protection as mutually exclusive.⁸³ As the World Economic Forum Stresses, “regulation and ethical commitment do not have to be trapped in binary opposition”.⁸⁴

2) Recommendations

I. A distinct regulatory approach

- 4.3 We therefore agree with the Government’s understanding that digital and online technologies and activities necessitate a distinct regulatory approach, with novel indicators to understand and address the drivers of harms for consumers and wider society.⁸⁵ With some caveats, we see merit in exploring an outcome-based regulatory approach in which required outcomes or objectives are specified, rather than defining how they are achieved.
- 4.4 In the first instance though, we do stress that there is a place for legislative and regulatory certainty, as outlined above. We agree with Nesta’s assessment that, while Government has, for example adopted a ‘one in two out’ rule, that more complexity may in fact optimise customer protection, particularly in the space of the scope of the definition of ‘gambling’. This may be underpinned by “simple principles, but with “flexibility to devise sufficiently detailed regulations to enable new models to emerge.”⁸⁶

II. Continuous testing and adaptation – regulatory ‘sandboxes’

- 4.5 However, we also recognise that the benefits from “continuous adaption may outweigh the benefits of stability and predictability”.⁸⁷ With a strong set of ethical and foundational principles and strong consumer safeguards, we find the model adopted by the Financial Conduct Authority to test ideas through “regulatory sandboxes” helpful. ⁸⁸ This enables and encourages industry to test and adapt products with regulatory and ethical implications in safe environments that can manage risk, in close dialogue with policymakers.⁸⁹

Safer Gambling Labs

We already adopt such approaches, including through the delivery of ‘Safer Gambling Labs’, which offer an opportunity to test or receive feedback from experts on a safer gambling initiative, message, activity, or process in a safe and structured way. SGLs bring together the expertise of our team, the lived experience of those who have recovered from a gambling problem, and businesses wishing to innovate in the field of safer gambling.⁹⁰

III. Recommendations – ‘Soft law mechanisms’

- 4.6 Related to this, we recognise the value of ‘soft law mechanisms’ that “create substantive expectations that are not directly enforceable”. Tools such as informal guidance, self-regulation, best-practice guidance, codes of conduct, and third-party certification and accreditation. As Deloitte outlines, these approaches allow regulators to adapt quickly to changes without stifling innovation. They also foster deep engagement with affected stakeholders, helping regulators understand the nuances and potential impacts.⁹¹

The Safer Gambling Standard

We also draw the Committee’s attention to our Safer Gambling Standard (launched in 2019) which provides an example of how a quality standard can work alongside regulation to raise standards of safer gambling practice in the industry. It is a rigorous accreditation programme for the gambling sector, that we would like to see all gambling businesses achieve to drive up awareness and standards of customer protection.⁹²

IV. Recommendations - Public engagement and legitimization

Putting the voice of people with lived experience at the heart of all we do

We are pleased to highlight GamCare’s own best practice engagement structures, including our Lived Experience Community (LEC). The LEC is a diverse group of people who have been affected by gambling related harm which helps influence wider developments in the prevention, support, and treatment of gambling harms at GamCare.

People that have been supported by GamCare and our treatment partners also attend the LEC and offer feedback on our services so we can continue to develop and improve how we improve our support offer. The LEC actively take part in consultation and co-production across all of our services including: the 24/7 helpline, our clinical and treatment teams, our range of programmes teams, our Safer Gambling Labs and our industry training offer, and our digital transformation work. Members also represent GamCare in the media and in policy responses, including this Select Committee Inquiry response.

- 4.7 The third sector and the public have an important role to play. We support Nesta’s emphasis on an inclusive, structured, and staged approach “to prevent power capture by powerful interests, and to ensure better diagnosis and prescription”. As Nesta outlines, “given the huge implications, and ethical issues, surrounding next generation AI, one of the biggest risks for industries is to attempt to bypass public engagement and legitimization.”⁹³
- 4.8 As GambleAware and NHS England both observe, it is well demonstrated that the meaningful involvement of those with lived experience is crucial at all levels of service delivery, policy and legislation formation, research, and civil society discussion and debate. Like GambleAware, we are keen to ensure that the early intervention and treatment services commissioned are what people want and need - and are effective in preventing and reducing gambling harms; ensuring the voice of people with lived experience is heard is key to that.^{94 95}

V. Recommendations – the importance of training for regulators

- 4.9 To achieve these approaches, we advocate for regulators to be equipped with new skills (including communication skills) and a greater understanding of new technologies and business models. Related to this, regulators could go move from a primary focus on process compliance towards a greater focus on outcomes, in particular the reduction of harms.

GamCare training for regulators

GamCare has offered effective training and guidance to support the Gambling Commission’s staff in their interactions with customers experiencing gambling harms

5. What additional problems arise when online gambling companies are based outside of UK jurisdiction?

- 5.1 As the leading provider of information, advice, and support for anyone affected by gambling harms in Great Britain, our focus is on the provision of treatment services within England, Scotland, and Wales (we are

also increasing our treatment offer to Northern Ireland), and support services through our National Gambling Helpline across the UK. We therefore have a more limited understanding of the issues arising from companies based outside of UK jurisdiction. However, we also recognise that only 44% of users accessing our website are based in the UK. Given this, we offer some headline suggestions in answer to this question.

a. Recommendations

- 5.2 First, we draw the Committee's attention to the Safer Gambling Standard (SGS), developed by GamCare as an assured Kitemark for the gambling industry. The SGS assesses the measures gambling businesses put in place to protect people from experiencing gambling-related harm. We are in process of considering an international SGS to meet growing demand. We recommend the SGS as a model that national and international regulators and operators may find helpful to drive up industry standards and reduce levels of harm.
- 5.3 Second, we commend the work of GAMSTOP, a free online self-exclusion service supporting anyone resident in the UK (Great Britain and Northern Ireland) by preventing access to gambling websites and apps run by companies licensed in Great Britain. The GAMSTOP model is a best practice example of technology that might be applied to support people outside of UK jurisdiction. We also commend to the Committee Gamban, an effective cross-platform blocking software package that creates greater friction by blocking online access to all forms of gambling across all devices and around the world.
- 5.4 Third, we encourage the Gambling Commission to cooperate with national and international financial services regulators to influence developing standards and legislative duties. fourth, we recommend strong cooperation with social media companies and regulators, including on novel forms of advertising, e.g., affiliates, influencers, and brand ambassadors. fifth, we see merit in the Government considering website blocking of offshore websites. And sixth, we encourage greater cross-border regulatory collaboration and priority setting.

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ENDNOTES

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