

Written evidence submitted by
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Inquiry: The DCMS Committee inquiry into the Government's approach to the regulation of gambling, following warnings that more needs to be done to protect people, including children, from gambling-related harm.

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Inquiry Questions:

1. What is the scale of gambling-related harm in the UK?
2. What should the key priorities be in the gambling White Paper?
3. How broadly should the term, 'gambling', be drawn?
4. Is it possible for a regulator to stay abreast of innovation in the online sphere?
5. What additional problems arise when online gambling companies are based outside of UK jurisdiction?

Executive Summary:

- Our collective primary research and associated secondary literature searching centres our response to answering questions 1-3. However, we highlight concerns about online gambling and gambling operators in an amalgamated response to questions 4 and 5.
- The extent of gambling harms is not fully known in the UK because screening for gambling addiction and gambling harms is less apparent within the criminal justice system and better screening from police arrest through to pre-sentence report is needed. We do know that gambling harms are significantly life affecting and have broad consequences from the individual level, through to concerned others, employers and have wider costs to the State.

- The White paper should focus attention on increasing restrictions to operators and to gambling advertising, along with ensuring there is appropriate treatment available for those addicted to gambling for those and concerned about another's gambling. Increased attention to links between gambling and crime and bespoke sentences to address addictions through problem solving courts would be welcomed.
- Gambling should have a broad definition to ensure that appropriate safeguards and education is available for children and adults.
- Stricter restrictions on operators, advertising and online gambling activities are needed to better safeguard children and those in recovery of gambling addiction. Stricter restrictions would also be a preventative measure for others experiencing gambling related harms. Responsibility on operators for earlier identification of proof of funds to gamble would also be welcomed.

Full response:

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

This response is based on our collective previous and current primary research in the field of gambling harms and that of previous literature in this area. Firstly, we would like to highlight that definition of gambling related harm is something that first must be considered. We recognise the government's gambling related harm evidence review¹ in exploring the scope of harm, however from our own research² we have found that the understanding of harm and what constitutes harm caused by people with gambling issues is not fully understood by family members of people with gambling issues and professionals working within the criminal justice system. Therefore, we have found that our knowledge and measurement of the scale of gambling related harm is in part restricted to the understanding of what is gambling related harm is to the public.

Secondly, the knowledge of the extent of gambling harm is hindered by a lack of consistent screening for gambling addiction and a somewhat reluctant disclosure of all harms when screening and assessment do not occur. From our research³, we

¹ UK GOV Gambling-related harms evidence review:

<https://www.gov.uk/government/publications/gambling-related-harms-evidence-review>

² Page, S. (2021) Sentencers' understanding and treatment of problem gamblers: The report of the Commission on Crime and Problem Gambling. Howard League for Penal Reform, London ISBN 978-1-911114-59-8; Page, S., Turner, J., Bailey, L., Plimley, S., Bratt, S. & McFarlane, K. (2021) Collaboration in conducting research: reflections on a mixed methods online data collection study with sentencers pertaining to their knowledge and experiences of sentencing those with gambling problems committed crimes. ECAN Bulletin, Howard League for Penal Reform; Page, S. & Turner, J. (2022) Advocating for Sentencing Guideline changes for gambling related crime. The Magistrate. Feb-March 2022 Edition, Pp4-6; Page, S., Turner, J., Plimley, S. (2022) Identifying gambling-related harms earlier to inform sentencing and treatment pathways. Probation Quarterly. Issue 26, ISSN 2752-6933 pp 55-60; Pointon, L. Problem Gambling and Family Violence: A life course analysis (PhD thesis).

³ Pointon, L. Problem Gambling and Family Violence: A life course analysis (PhD thesis).

have found that gambling related harms are not always recognised or acknowledged, and are often minimised when they are accepted as harmful practices or behaviours. This is particularly true of financial harms where domestic economic abuse is not initially recognised by either the person with gambling issues or their family members. This disconnect of recognition or detection of harm is continued in the measurement tools utilised by healthcare professionals and practitioners. We found that gambling addiction is not screened for within the current pre-sentence report assessment tool used by probation, nor within liaison and diversion assessment⁴, and work is underway to provide better screening within HMPPS services⁵. Furthermore, our research has found that measurement tools such as the HITS domestic violence screen⁶ used by professionals do not detect the nuances of gambling related harm when it comes to family violence, again this is particularly true of economic abuse, and coercive and manipulative behaviours. We therefore highlight that more awareness of what constitutes family violence both in general and in the context of gambling related harm is needed to fully understand the scope of the problem.

Thirdly, from those we have collected qualitative data from who have lived and learned experience of gambling harms⁷, it is apparent that gambling harms include suicidal thoughts and attempts, poor mental health, family breakdown, engagement in domestic and child abuse, becoming a victim of domestic abuse, loss of employment, engagement in acquisitive crime, breaches of trust, significant economic loss, the establishment of other addictions (alcohol and drug usage). Where gambling has directly been associated with criminal behaviour as a result of chasing loses, support within the criminal justice system to reduce gambling harms is minimal⁸. When gambling stops or reduces, the gambling harm of involvement in crime also reduces⁹. However, other gambling-harms are ongoing, and mostly relate to the gambling-related debts that have been incurred. As such, there is need for continued support for a person after they have reduced or ceased gambling and gambling related crime.

⁴ Page, S. (2021) Sentencers' understanding and treatment of problem gamblers: The report of the Commission on Crime and Problem Gambling. Howard League for Penal Reform, London ISBN 978-1-911114-59-8

⁵ Current research led by Sarah Page working alongside GamCare and HMPPS; Page, S., Turner, J., Plimley, S. (2022) Identifying gambling-related harms earlier to inform sentencing and treatment pathways. Probation Quarterly. Issue 26, ISSN 2752-6933 pp 55-60

⁶ Sherin KM, Sinacore JM, Li XQ, Zitter RE, Shakil A. HITS: a short domestic violence screening tool for use in a family practice setting. Fam Med 1998;30(7):508-12.

⁷ Page, S. (2021) Sentencers' understanding and treatment of problem gamblers: The report of the Commission on Crime and Problem Gambling. Howard League for Penal Reform, London ISBN 978-1-911114-59-8; Pointon, L. Problem Gambling and Family Violence. A life course analysis (PhD thesis; current research working with GamCare and HMPPS; Page, S., Turner, J., Plimley, S. (2022) Identifying gambling-related harms earlier to inform sentencing and treatment pathways. Probation Quarterly. Issue 26, ISSN 2752-6933 pp 55-60.

⁸ Page, S. (2021) Sentencers' understanding and treatment of problem gamblers: The report of the Commission on Crime and Problem Gambling. Howard League for Penal Reform, London ISBN 978-1-911114-59-8 and current research with GamCare and HMPPS; Page, S., Turner, J., Plimley, S. (2022) Identifying gambling-related harms earlier to inform sentencing and treatment pathways. Probation Quarterly. Issue 26, ISSN 2752-6933 pp 55-60.

⁹ Page, S., Turner, J., Plimley, S. (2022) Identifying gambling-related harms earlier to inform sentencing and treatment pathways. Probation Quarterly. Issue 26, ISSN 2752-6933 pp 55-60.

Fourthly, gambling harms are significantly life affecting and have broad consequences from the individual level¹⁰, through to concerned others, employers and costs to the State in criminal justice and healthcare responses. From our research¹¹, we have found that the impact of gambling related harm can have longevity when it is financially damaging. It must be acknowledged that finances connect to almost every area of our lives and once a person or family has been tarnished with financial difficulties it is exceptionally difficult to recover and this ties into almost every area of modern living, from renting or purchasing a property to taking out a credit card and in some cases, it may impact a person's ability to work in certain sectors¹². As people with gambling issues often rack up debt and bad credit in both their names and those of family members, it can have a debilitating effect on the family's ability to recover. It must be acknowledged that the longevity of financial based gambling harms do not detract from the significant number of other gambling related harms, instead we only seek to highlight the importance and significance of having financial stability and 'good credit' in modern life and during a particularly turbulent economic climate.

Fifthly, a significant harm from gambling addiction is that the person experiences cognitive processing impairment when chasing gambling losses with the consequence that more gambling occurs more gambling occurs¹³. Scientific evidence points to alterations to brain chemistry and neuro-cognitive functioning¹⁴, which is indicative of rational choices being diminished when a person commits crime to address gambling related debts¹⁵. Internationally, leading mental health assessment tools, such as the DSM-5 and WHO ICD, cite that gambling is an addiction with similar cognitive and mental health impacts to substance misuse addiction¹⁶. Gambling and

¹⁰ Langham, E., Thorne, H., Browne, M., Donaldson, P., Rose, J. and Rockloff, M. (2016), 'Understanding gambling related harm: A proposed definition, conceptual framework, and taxonomy of harms', *BMC Public Health*, Vol 16:80

¹¹ Pointon, L. Problem Gambling and Family Violence. A life course analysis (PhD thesis)

¹² Ballance, J., Clifford, R. and Shoag, D. (2020) "No more credit score": Employer credit check bans and signal substitution', *Labour economics*, 63, p. 101769

¹³ Smith, G. and Simpson, R. (2014), 'Gambling Addiction Defence on Trial: Canadian Expert Witness Perspectives', *International Journal of Criminology and Sociology*, 3:319–326.

¹⁴ Blaszczynski, A., Walker, M., Sharpe, L. and Nower, L. (2008,) 'Withdrawal and tolerance phenomenon in problem gambling', *International Gambling Studies*, Vol 8(2): 179–192; Leeman, R.F., Potenza, M.N. (2012), 'Similarities and differences between pathological gambling and substance use disorders: A focus on impulsivity and compulsivity', *Psychopharmacology*, Vol 219: 469–490; Jabr, F. (2013), Gambling on the brain. *Scientific American*, 309(5), pp.28-31; Pettorruso, M., Martinotti, G., Cocciolillo, F., De Risio, L., Cinquino, A., Di Nicola, M., Camardese, G., Migliara, G., Moccia, L., Conte, E., Janiri, L. and Di Giuda, D. (2019), 'Striatal presynaptic dopaminergic dysfunction in gambling disorder: A 123I-FP-CIT SPECT study', *Addiction Biology*, Vol 4(5):1077–1086; Zhang K. and Clark L. (2020), 'Loss-chasing in gambling behaviour: Neurocognitive and behavioural economic perspectives', *Current Opinion in Behavioral Sciences*, Vol 31: 1–7; Leeman, R.F., Potenza, M.N. (2012), 'Similarities and differences between pathological gambling and substance use disorders: A focus on impulsivity and compulsivity', *Psychopharmacology*, Vol 219: 469–490

¹⁵ Page, S. (2021) Sentencers' understanding and treatment of problem gamblers: The report of the Commission on Crime and Problem Gambling. Howard League for Penal Reform, London ISBN 978-1-911114-59-8. <https://howardleague.org/wp-content/uploads/2021/09/Sentencers-report-FINAL-Online.pdf>

¹⁶ Page, S., Turner, J., Plimley, S. (2022) Identifying gambling-related harms earlier to inform

drug addicts share many of the same genetic predispositions for impulsivity and reward seeking, which promotes escalation of gambling, as with escalation of drug addiction. This is particularly important when considering the need for gambling treatment services and more specifically within the context of the criminal justice system, as sentencers do not have the options within sentencing guidance to make treatment a sentence requirement¹⁷, which they do with drugs.

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

Our research advocates for sentencing reform to allow for mitigation when offences are directly associated to gambling addiction and for appropriate treatment-based sentencing pathways to be established across the criminal justice system¹⁸. As such, we are interested in the exploration of problem-solving courts to be extended to those with gambling addiction, as this has proven to be effective in other nations¹⁹.

Our research promotes the need for gambling screening throughout the criminal justice system and for earlier interventions. We also recognised the need for effective community-based screening tools that might be utilised by various healthcare professionals. Our research encourages the development of risk-factor screening to be used in conjunction with gambling screening tools that may help to identify gambling related harm and comorbid conditions earlier.

Our research indicates a need for training for professionals across the criminal justice system. Education on gambling harms in the public domain is also important, particularly in education settings and through media campaigns.

Our research raises concern regarding prolific advertising of gambling on daytime TV and at sports matches where children are being normalised into gambling activity. This raises safeguarding concerns as we are aware that children may use online gambling opportunities and masquerade as being 18 years and over. Greater restrictions to gambling advertising and online gambling operatives are needed.

Question 3: How broadly should the term, 'gambling', be drawn?

sentencing and treatment pathways. Probation Quarterly. Issue 26, ISSN 2752-6933 pp 55-60

¹⁷ Page, S. (2021) Sentencers' understanding and treatment of problem gamblers: The report of the Commission on Crime and Problem Gambling. Howard League for Penal Reform, London ISBN 978-1-911114-59-8

¹⁸ Page, S. (2021) Sentencers' understanding and treatment of problem gamblers: The report of the Commission on Crime and Problem Gambling. Howard League for Penal Reform, London ISBN 978-1-911114-59-8

¹⁹ Adolphe, A., van Golde, C. and Blaszczynski, A. (2019), 'Examining the potential for therapeutic jurisprudence in cases of gambling related criminal offending in Australia', *Current Issues in Criminal Justice*, 31(2):236–254; Dollar, C.B., Ray, B., Hudson, M.K. and Hood, B.J. (2018), 'Examining changes in procedural justice and their influence on problem-solving court outcomes', *Behavioral Sciences and the Law*, 36(1):32–45; Turner, N.E., McAvoy, S., Ferentzy, P., Matheson, F.I., Myers, C., Jindani, F., Littman-Sharp, N. and Malat, J. (2017), 'Addressing the Issue of Problem Gambling in the Criminal Justice System: A Series of Case Studies', *Journal of Gambling Issues*, 35:74–100

We answer this question based on our primary research findings from discussions with people with gambling issues and their family members. When we consider the scope and extent of gambling related harm and our current findings that highlight the need for further inquiry and awareness, we must consider the need for defining 'gambling' in the broadest sense. In our research²⁰, we found common themes emerging, such as the origin of the gambling issues emanating from the gambler's initial foray into the gambling world. Most importantly these introductions were during their childhood years and were centred around family pastimes and entertainment, they included playing arcade style games, online gaming and attending sporting events where they were permitted to place bets with family members. We therefore highlight that even the most 'innocuous' of gambling related activities has the potential to become problematic or lead to problematic behaviour in the future, thus the term and definition of gambling must be drawn as broadly as possible to safeguard and protect both children and adults from the potential of gambling related harms.

A further consideration to the term gambling is the context that gambling takes place in. For example, in our research with GamCare and HMPPS our co-produced definition in prison settings has been: *"Gambling is risking money and other things you own on an outcome that you hope will happen. For example, in prison you might play cards/dominos to win someone else's canteen, or bet a snickers bar on who will win a game of snooker/pool."* *W[^] This is when you continue gambling despite experiencing harm e.g. stress, anxiety, debt, violence, relationship breakdown and so on. This is when you are experiencing ongoing gambling harms."*²¹ Research with people with lived experience of gambling related crime and contact with the criminal justice system has indicated that such activities in prison can lead to gambling-harms²²GamCare and HMPPS²³.

Question 4 and 5: summarised as known challenges with online gambling and gambling operators

Our research is not specifically in this sphere. However, we have found not sufficient²⁴. We have also found that gambling operators prey on people who are addicted to gambling by offering them incentives to gamble when their online systems track that

²⁰ Pointon, L. Problem Gambling and Family Violence: A life course analysis (PhD thesis).

²¹ Prison Survey on Gambling Harm – GamCare, His Majesty's Prison and Probation Service (HMPPS) and Staffordshire University (2023); Page, S., Turner, J., Plimley, S. (2022) Identifying gambling-related harms earlier to inform sentencing and treatment pathways. Probation Quarterly. Issue 26, ISSN 2752-6933 pp 55-60

²² Smith, L. (2022) "Surviving not living": Lived experiences of crime and gambling. The report of the Commission on Crime and Gambling Related Harms. Howard League for Penal Reform. ISBN: 978-1-911114-64-2

²³ Page, S., Turner, J., Plimley, S. (2022) Identifying gambling-related harms earlier to inform sentencing and treatment pathways. Probation Quarterly. Issue 26, ISSN 2752-6933 pp 55-60

²⁴ Page, S. (2021) Sentencers' understanding and treatment of problem gamblers: The report of the Commission on Crime and Problem Gambling. Howard League for Penal Reform, London ISBN 978-1-911114-59-8; Page, S. & Turner, J. (2022) Advocating for Sentencing Guideline changes for gambling related crime. The Magistrate. February - March 2022 Edition, Pp4-6.

the person has had a short break in gambling activity. This does not help people in gambling addiction recovery²⁵.

Research has indicated that addicted to gambling may get support sooner if operators perform affordability checks earlier to ask for proof of funds²⁶. This would ensure that vulnerable people are better safeguarded, as would making support more overt before escalation.

We advocate for stricter gambling advertising restrictions and increase to online safeguards for children attempting to gamble²⁷. We would welcome clearer signposting for support, both digitally and in person. For example, given the digital technology available today, support numbers could appear in pop-up windows digitally and on in-person consoles.

²⁵ Current research with GamCare and HMPPS; Page, S., Turner, J., Plimley, S. (2022) Identifying gambling-related harms earlier to inform sentencing and treatment pathways. *Probation Quarterly*. Issue 26, ISSN 2752-6933 pp. 55-60

²⁶ Smith, L. (2022) "Surviving not living": Lived experiences of crime and gambling. The report of the Commission on Crime and Gambling Related Harms. Howard League for Penal Reform. ISBN: 978-1-911114-64-2

²⁷ Page, S. (2021) Sentencers' understanding and treatment of problem gamblers: The report of the Commission on Crime and Problem Gambling. Howard League for Penal Reform, London ISBN 978-1-911114-59-8