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Dear Lord Goldsmith,

## **Commission on Crime and Problem Gambling**

### **1. Introduction**

There are around 2 million adults in the UK experiencing some level of harm, including 340,000 adults who would be considered as experiencing gambling disorder. Gambling disorder is a recognised mental health condition and the World Health Organisation (WHO) define it as 'an addictive behaviour with implications for mental health', and for some gambling addiction can lead to criminal activity, bankruptcy, relationship breakdown and suicide.

There are further worrying statistics available that show that 55,000 children aged 11-16 are experiencing harms from gambling in England, Scotland and Wales and research suggests that the younger the age at which problem gambling develops the greater the problem and effects are later in life.

The National Gambling Treatment Service, commissioned and funded by GambleAware, currently treats less than 3% of adults with gambling disorder which is wholly unacceptable and has shown little improvement in recent years. The NHS has committed to 15 specialist gambling treatment clinics and an evidence review by Public Health England, but currently there are 97% of people suffering gambling disorder not being treated and evidence further suggests that a high proportion will commit a crime to fund a continued gambling problem.

We are delighted to be given the opportunity to speak to, and present evidence and insight, to the Commission and this submission is designed to complement the oral evidence session of Thursday 26<sup>th</sup> November 2020, and the accompanying minutes due to be published on the 15<sup>th</sup> December 2020.

## 2. Biographies – our experiences of crime and ‘problem gambling’ OR gambling disorder

### 2.1. Rebecca Jones

My name is Rebecca Jones, I am 30 years old, a mother of 2 daughters and my husband is Benjamin Jones (Ben). Ben is currently serving a 3-year prison sentence for committing a crime to fund his gambling disorder, totaling just over £374,000. He was sentenced in November 2019 and since then I have tried to raise awareness around the impact on those affected by a loved one's gambling disorder, as well as Ben's case and the poor practices of the gambling industry that preceded his imprisonment. Ben is due to be released in January 2021 on Home Detention Curfew.

On 30th November 2018 my husband, Ben Jones was caught gambling at work and suspended from employment, whereby he confessed to committing a crime to fund his gambling disorder. Ben handed himself into the police and was interviewed under caution in January 2019, where he was released under investigation.

Ben reported his case to the Gambling Commission in January 2019 and provided them with all the relevant information, as well as his Subject Access Request from Betway. This consisted of over 1000 pages of communications and transactions with his VIP manager and showed over £35,000 of free, incentivised bonuses being regularly deposited into his account. It wasn't until March 2020 that the Gambling Commission investigation was completed and released; this came 4 months after Ben had been sentenced to imprisonment. Betway were fined £11.6 million, which is the largest fine of its kind to date for the legal failings in Ben's and a number of other customer accounts. Betway refunded £240,000 to Ben's ex-employer as a result of this investigation.

Prior to Ben's sentencing, he was clinically diagnosed as having a gambling disorder, whereby he satisfied 9/10 criteria in the Diagnostic Statistic Manual, which deemed his disorder to be a severe one. His bank accounts were forensically analysed and showed that he had no available assets to show for his addiction, other than a huge amount of debt.

On the day of my husband's court hearing, his sentence was raised to the highest category which has a starting point of 7 years based on the financial impact it had on the company. The judge deemed that Ben had committed the crime for personal gain, as it was to satisfy his personal addiction, even though he never used it to lead a lavish lifestyle, which is the traditional definition of personal gain. Through mitigation, cooperation and guilty plea, Ben's sentence was reduced to 3 years.

Since being sentenced, Ben has had no sense of support in prison for his addiction as he was told they don't see enough of these crimes to warrant funding or be able to offer support. Ben took it upon himself to attend AA meetings, as it was the closest thing he could get to

counselling as well as understanding. However, unfortunately with Covid and the lockdown, he has now essentially been on 23 hour lock up since March of this year and all concepts of help or a focus on rehabilitation have disappeared. Restrictions were just starting to be eased before we entered into the last lockdown. Since November 2019, I have seen my husband for a total of 19 hours as visits were suspended for 6 months and he has been unable to transfer to a category D prison because of the timings of restrictions and now his pending release. We knew this year was going to be hard, but Coronavirus has certainly made it even harder for us all, but especially Ben.

In August 2020, Ben's POCA hearing was finally heard and here the judge would not consider the refunded money from Betway to his old employer to be taken into consideration for the benefit amount, and actually approved the amount to be that of £400,000 as the CPS had added inflation to the benefit amount. The judge said that Betway were a victim as they had missed out on that amount for profit, even though they should never have had it in the first place. This shows a huge lack of understanding by the CJS, as even the Gambling Commission had acknowledged that legal failings and laws were broken by Betway, such as that of AML, source of funds and affordability checks, the handling of stolen goods, as well as profiting from criminal activity. Ultimately, this now means that Ben has a POCA confiscation order of £400,000 to his name, which will severely impact on his future and further punish him and us as a family.

I am very much looking forward to my husband being released and being a family again, as gambling addiction and crime has had a huge amount of collateral damage on us, but I truly believe that the future will be better, free of a gambling disorder and we will be able to move forward with our lives. Everyone has to reach bottom before they can enter into recovery, this is different for everyone, sadly crime and 2 near suicide attempts were Ben's, but from here the only way is up.

## **2.2. Steve Ramsey**

I am 54 years young from Newcastle upon Tyne. The occasional and social flutter for over 20 years turned into an all-consuming addiction from literally the moment I placed my first online in-play bet. Over a period of 7 years I gambled away all of my savings, reached limits on numerous credit cards and took out numerous loans and pay day loans to fund my gambling. Sadly, I started to steal from my workplace to feed my addiction. Over a period of 4 years I stole around £192,000 until I could no longer carry on doing what I was doing and confessed to my crime which earned a custodial sentence of 27 months.

Having taken responsibility for my actions, accepted my punishment and still living with the associated guilt things changed for me whilst in prison when I was notified that a gambling operator had repaid some of my stolen money and received a million pound fine for their failings in their responsibilities in dealing with me as one of their customers. My aim is simply to try to improve things in this area to ensure what happened to me does not happen to others.

## 2.3. Paul Buck

I am 44 years old, a husband, a father of 3 children and now the CEO of a gambling harm minimisation consultancy (EPIC Risk Management [www.epicriskmanagement.com](http://www.epicriskmanagement.com)) that works in the 6 highest risk sectors evidentially and statistically for gambling related harm.

I didn't place a bet in my life for the first 18 years but then in my first week at Leeds University, in 1994, I placed £10 e/w on a horse at 33/1 ... and it won. There then wasn't a day that I didn't place a bet for 17 years. I was chasing that feeling that the first win gave me and never found it again.

I believe I remained a recreational gambler until 2001 and this was backed up by a Forensic Psychiatrists Report in 2012. Between 2001 and 2011, I transacted over £4.8m across 93 betting accounts losing over £1.3m. I had built a good career with Europe's largest bank as a financial advisor and then Regional Manager, I was paid well but as a disordered gambler you will always gamble more than you can afford to lose (both time and money). I stole a total of £434,000 from my employer to part fund my gambling addiction and it culminated in a huge realisation moment in November 2011 and I attempted suicide by hanging in a branch of Santander in Preston.

Very fortunate to survive I handed myself into my employer the following day and was charged with fraud. I spent 6 months on bail whilst my bank accounts and work career were scrutinised line by line and eventually ended up at Preston Crown Court on 29<sup>th</sup> June 2012 where I was sentenced to 2 years 8 months imprisonment. The bank I worked for was fined by the financial regulator for lack of process control and this was commented upon by the Judge.

There was no operator investigation that I was aware of (this wasn't happening in 2012) but I had 93 accounts and self-excluded 92 times. I didn't ever receive a customer intervention call, email or text but I was taken abroad on all expenses paid trips, given money back, free bets and numerous incentives including high value hampers and sports tickets.

Whilst in prison it became clear that gambling was a really big problem. From bullying to peer pressure to debt it was commonplace, and I set up a gambling support group in HMP Kirkham that over 90 lads went through in 6 months. I made a decision to make a difference in this field on release as there was very little (if any) prevention activity taking place and you had to have fallen off the edge of a cliff to get any kind of support. I wanted EPIC to start the process of stopping people getting to the edge of the cliff in the first place and putting the voice of lived experience at the heart of everything we do.

I am very proud that we have done that since day one and now employ 13 other people who have suffered this disorder. Others laughed at the thought of this in 2013, but now others are starting lived experience groups including the regulator and GambleAware.

I am keen to continue to work in every way I can to prevent gambling related harms and help stop others suffering the harm that I did and so many others have since.

### **3. Specific questions and responses**

#### **3.1. *What impact does the commission of criminal offences to finance a problem gambling have on families and friends?***

RJ: Gambling addiction as an affected other has had a huge impact on the whole of my life. I went from being happy, having a future and making plans, and in the moment of a phone call all of that changed in an instance, to police, courts, and prison. It has financially affected me, I now have to provide and support a family on my own on a part time wage, I had to reduce my hours at work to accommodate childcare. There is a long-term financial responsibility for me, as I have to take them on in order to protect our family and myself for the future, and to safeguard what we have. It has changed me as a person; I have gone from being happy, positive and confident, to being exhausted, anxious, stressed, continuously worried and full of uncertainty.

SR: This is a difficult question for me to answer and is probably best left for Rebecca who is better able to describe the impact from her own experience, however I can give my own beliefs based on conversations I have had with my family and friends since I first admitted my addiction.

The initial reaction was one of shock, nobody knew I had a problem, this is symptomatic of gambling disorder in that is such a hidden illness, I had told nobody. The sheer magnitude of my offence was initially very difficult for them to understand. There was an element of anger too, not so much that I had committed a crime but more that I had let this go on for such a long period of time without confiding or disclosing it to anyone. The lack of understanding of gambling disorder was another major factor, at the early stages after disclosure I had very limited understanding myself which resulted in it being extremely hard to try to explain my actions to others. There was also a lot of fear, fear of both the consequences and the custodial sentence to come. The hardest impact I found was the guilt they shared, guilt at not seeing something was wrong, guilt at not spotting any signs. Guilt at not being there.

And of course there is the financial impact, gambling had left me penniless, in huge amounts of debt and I was obviously jobless. With the breakdown of my 14-year relationship with my partner I was pretty much homeless as well. Thankfully, my family were happy to fully support me in providing a home and the help to start addressing all my issues.

PB: Gambling disorder isn't a problem just for the gambler themselves, it affects everyone around them from family to friends to employer to society. In our case we ended up in prison, but other rock bottoms include relationship breakdown, bankruptcy and suicide. In my case my wife thought that she was married to a successful finance professional with financial security. In the space of an hour she was married to a gambling addict who had just tried to commit suicide with £1m of debt and worse to come. It was my wife who had to keep the family unit together whilst I was in prison very much like Rebecca has had to do for the last 12 months.

### **3.2. What has been your experience of the response of the police to gambling related crime and what could they have done more to support you in custody?**

RJ: I asked Ben about this question as it is not necessarily relevant to me, Ben had very little input with police, he handed himself in, was given a reference number and told they would be in touch. It was a month later that he had a call asking him to go in to be interviewed under caution. He was screened for drugs and alcohol addiction but not gambling. He was released under investigation and that was the last we heard from them.

SR: Surprisingly, I had a very limited experience with the police. On July 4th, 2017, immediately after informing my employer I had been stealing to fund my gambling disorder I walked into my police station and confessed my crime to them. I had a four-and-a-half-hour interview with them and was processed and released on bail. I had no further interaction with the Police after this point.

Looking back now, with a much greater understanding of my disorder, I was really in no fit state and extremely vulnerable when I presented myself at the police station.

I was mentally distressed from 4 years of turmoil and although I felt what I was doing was the right thing to do, it was clearly not from my own legal standpoint. I was allowed to speak with the Duty Solicitor but ignored their advice to leave without disclosing anything and await my employer to make their own investigations and call the police if necessary, once the investigation was complete. The Police had no real idea on how to deal with me at first and offered no signposting for any support. At the time I was just enormously relieved to have gotten it all off my chest, looking back the entire thing seems a little surreal. I guess I gave two detectives a result without them having to do anything. The first few hours of the interview were basically the officers' trying to determine why I had handed myself in, who I was covering for and how I had perhaps syphoned off far more than I was leading them to believe. Once they had established I was actually just telling the truth it was all wrapped up pretty quickly and I was released never to see them again.

PB: My experience with the police was all on the day I handed myself in. Unbeknown to me two detectives had blue-lighted through Preston City Centre as I had handed myself in and heightened vulnerability.

I was held in Preston Police Station custody suite for the best part of 24 hours having 3 mental health assessments and then a 4-hour interview which was the first time in 10 years I had really spoken to anyone about gambling. I did speak to a duty solicitor but to be honest she advised say nothing and I went against that advice. What I did find was that the police had very little understanding or awareness of gambling addiction and they found me fascinating. A couple assured me I wouldn't be going to prison because they are full, and I would end up doing a 'bit of community service'. I found out later a congratulatory award on my conviction went around Lancashire Police Service – ironic when I had handed myself in and there was really very little work they had done!

### **3.3. How is crime related to problem gambling in your experience?**

RJ: Again, I sought this response from Ben as it is not of relevance to me, he said that ultimately gambling addiction is an escalating addiction, when money ran out via his own finances and credit, then taking money from work meant that was the only option he had left to satisfy his gambling disorder. To him this was the gambling addiction talking, not him. He can safely say if he didn't have an addiction then he would never have resorted to or committed a crime for the rest of his life.

SR: I was a first-time offender and without the gambling disorder, quite simply, I would have remained crime free for the remainder of my life. The disorder meant that once I had used up all my money and savings and access to credit I still had to gamble so stealing was, to my mentally unbalanced mind, the only option remaining to me. Despite the mental anguish this caused it was an action I repeated and repeated. Gambling was the only reason for my crime.

PB: I was always the kid growing up that wouldn't steal a Mars bar from the corner shop when all my mates did because I had been brought up to know right from wrong. Now I was stealing nearly ½ million from the bank that were providing me with a brilliant career. Gambling disorder is a progressive addiction that gets to a stage where it completely envelops your brain to the point that the only thing that matters is placing your next bet or the bet you have already placed. At that stage you will do anything to place that bet and that is why there is a multi-responsibility of not only the individual but also the operators, banks, regulator and politicians to ensure that when the person loses that control safeguards, processes and controls are in place to protect the player. Without a gambling disorder I would not have committed a crime.

### **3.4. What has been your experience of the response of duty and defence solicitors to gambling related crime?**

RJ: Ben's legal team appeared unaware of the gambling side of the crime; other than the fact it was the reason behind why he committed it. Their focus was the fraud and trying to get him the lowest sentence possible.

He had to educate them on the Gambling Commission, other gambling related crime cases, the industry practices such as VIP schemes and requesting his SAR. They were not aware of the need for him to have a clinical assessment to obtain a mental health diagnosis, this was something that those with lived experience advised him to do.

SR: As previously mentioned, I refused assistance from the Duty Solicitor, I also mentioned I was vulnerable. Perhaps if the Duty Solicitor or the police understood gambling disorder as they so obviously did with drug and alcohol problems, a fact they repeated often to me, I may have received appropriate support. My Solicitor is an affected other, her son suffers himself with gambling disorder. This was a boost to me as she understood, far more than literally everyone I had encountered up to this point, what I was going through and what I had done. However her hands were tied due to the current rules and laws surrounding sentencing for my crime and also facts still unknown at the time of my Court appearance.

PB: The duty Solicitor didn't want to be there and just advised that I say nothing. In all honesty not fit for purpose. My defence solicitor was much better. They openly admitted they knew very little about gambling addiction, but they learned, and they learned quickly and then made sure that I was introduced to a good barrister who did understand it. In 2012 gambling related crime was fairly uncommon and my case ended up being a case law that has influenced many more sentences since. Unfortunately it is much more common now and that is something that has to change.

### **3.5. What impact does the commission of criminal offences to finance a problem gambling have on perpetrators?**

RJ: Ben says that gambling addiction and crime has had an impact on his mental health, where he felt taking his own life was the only available option, that he would never have felt like this if it wasn't for having a gambling disorder. He feels he has lost his future, his reputation and his freedom. He has strong feelings of shame, guilt and regret, as well as an overwhelming, continuous sense of negative emotions. He felt he was treated as a criminal, not someone who was unwell or ill and suffering from a mental health disorder.

SR: This is a question that if answered fully could result in a book. The impact is huge. It nearly ended my life as suicidal thoughts were a constant thought towards the later stages of my gambling. It affects all parts of your life and has far reaching consequences. Gambling harm does not end when you stop gambling, I live with the resulting harm every day and the consequences will always be with me, mentally, physically and financially. It is a question that cannot be given the justice it deserves in the time allotted today.

PB: Gambling is not just a financial disorder. That is just the currency. It affects your mental health, your self-worth, your career, your family, your friendships, your finances, your resilience, your employability and more. It doesn't end when you stop gambling, and most would admit to depression or anxiety as an ongoing condition. In my case it ended in a too close to call suicide attempt and a year away from my wife and kids. In most serious cases it ends in loss of life.



### **3.6. What impact does the commission of criminal offences to finance a problem gambling have on employers?**

RJ: Here, the employer is ultimately the victim, there is naturally a financial impact on them, it will have caused them a great amount of stress and worry about their livelihood and those of their employees. The majority of crime and gambling addiction cases have all been a result of stealing from their employer to fund their addiction; it appears they are a common source of the theft.

SR: A difficult one for me to answer and I can only go on what I have subsequently learned. Obviously, my relationship with my Employer ended quite abruptly on my disclosure. What I can say is I was a valued employee; I had worked there for 14 years and had some very good friends there. Mostly my work was of high standard, in the latter years when my gambling was at its worst my work did suffer and as in question one, the guilt of those I worked with is hard to take. Why didn't we spot this, did we miss the signs? Then there are the obvious failings in audit, I did not leave a sophisticated trail of deceit in my accounting, any decent and correct audit would have found missing deposits. I presume they had to carry out full process checks and take a good look at their practices. I suggest as part of your research you contact the Employers who have suffered from disordered gamblers as they are obviously best at answering.

PB: The impact on employers is huge in many ways. Not least gambling disorder has been classified as a mental health condition since 2013 so that changes a duty of care for employers to ensure they provide a safe place to work. From EPIC's work with small, medium and large employers there is very little understanding or care shown to this issue. There are obviously the financial implications. Just in this session today there are three employers who have had in excess of £1m stolen from them to fund gambling disorders. If you then add the brand, reputation and effects on the workforce and you can see the impact is much more far reaching than losing one employee.

### **3.7. What has been your experience of the response of the crown prosecution service to gambling related crime?**

RJ: Based on our experience, it appears that the CPS push for the harshest of sentences and pursue POCA even though in very few cases the individual actually benefitted from the gambling related crime. POCA is there traditionally for cases around drug dealing, a crime where people do benefit from criminal activity. Ben was found to have no available assets and no available money, so his available amount was £1, yet they still served him with a confiscation order with a £400,000 benefit amount, even though forensically it was shown that he did not benefit from it. Especially as Betway refunded a large amount of the money taken after being given their fine, it should be taken into consideration. The CPS definitely focus on the what and not the why.

SR: Very limited. I believe the fact I went to the Police and provided access to my bank details allowed them to work with the CPS and forensically examine my dealings. I believe their findings were passed to my Employer and over a series of meetings I worked with them to confirm the total stolen. CPS saw that in the period of my theft 74% of every penny that went through my account was deposited into a gambling operators account. I stole just under £192,000 and repaid £56,000. They concluded the difference of £136,000 was unrecoverable and I was subject to a £1 payment to settle.

I subsequently received notification from CPS that my POCA had been amended. as SkyBet, one of the operators I used, had failed in their responsibilities and had therefore repaid my Employer my net loss of just over £76,000 meaning just shy of £60,000 was unrecoverable and this was subject to the £1 settlement. After contacting Skybet and then the Gambling Commission I was informed SkyBet had also been fined £1.1M for their failings.

PB: There was definitely a case of let's hit him as hard as we can, charge him with the maximum offences and then get as much back as we can through POCA. There was a clear lack of understanding in the CPS around this issue and no desire to learn or take gambling disorder into consideration. I was sentenced in 2012 so before it was reclassified as a mental health condition but I believe very little has changed since.

POCA is fundamentally not fit for purpose for gambling related crime. There is no benefit. Online gambling statements can prove that the money has gone on disordered gambling and where it does then it should not even be a consideration. It is outdated and inappropriate. My experience of the CPS throughout my criminal justice journey was incredibly poor.

### **3.8. What has been your experience of the courts and judiciary to gambling related crime?**

RJ: There appears to be very little understanding and knowledge of gambling related harm, Ben was simply viewed, punished and sentenced as a fraudster. I don't ever detract from or excuse what Ben did and a sense of punishment was needed. However, imprisonment isn't necessarily the answer for a first time offender with a severe gambling disorder, who has accepted full responsibility, shown nothing but remorse and tried to rectify his life. In comparison to historical gambling related crime cases, Ben's sentence was quite harsh.

SR: It is misunderstood, it is a simple as that. Again this is a huge conversation and a complex one. It is my experience that there are huge mitigating circumstances at play that are currently not taken into consideration. Can you imagine if my defence was able to state to my Judge that an operator had accepted they failed and had repaid my employer my total loss and had been fined a million pounds? Would it have kept me out of jail? I can't answer that, but I am sure that information should have been presented to my defence.

A defendant should surely be able to go to trial or to their sentencing with all the facts available. You must remember at the time of sentencing I was unaware of this and had taken full responsibility and was fully expecting a custodial sentence, actually welcoming it to appease my guilt. But should not the courts and judiciary know of what is at play here and ensure the facts are fully examined prior to Court?

PB: I found a big difference between Magistrates Court and Crown Court. At Magistrates Court there was a level of humanity and understanding but at Crown Court I was told it was 'Russian Roulette' as to what judge you got as to what sentence you got. That isn't right. At my sentencing hearing an elderly judge opened up by saying that this was one of the worst frauds he had seen as gambling is no excuse or mitigation as it is just a fun activity that millions do every day. There was a complete lack of understanding and I am fortunate that my barrister had a forensic psychiatry report, a pre-sentencing report and my online statements showing that I had not used the money for a lavish lifestyle or the sentence would have been much higher.

### **3.9. What has been your experience of prisons to gambling related crime?**

RJ: From what Ben tells me, there is a big gambling environment in prison, everything is bet related. Inmates play lots of poker and he has noticed more people getting involved since lockdown through boredom and need for entertainment. Ben has experienced aggression towards him as he wouldn't partake in the virtual Grand National, he was told he wasn't participating in the spirit of the wing. For Ben boredom and stress is a trigger and I worry that he may relapse because of the effects of lockdown in prison and the lack of support. However, despite these worries, Ben has remained gamble free during his imprisonment and that speaks volumes about his strength of character and determination to recover from his gambling disorder.

SR: I previously mentioned that I had accepted a custodial sentence was inevitable, almost welcomed it as part of my need to move on from this awful situation I had found myself in. So when the Judge summed up and reduced a possible 5-year sentence down to 27 months it was almost a relief. That feeling left me within 5 minutes, from the moment I was taking downstairs to the Court cells the next 39 weeks were mostly unpleasant.

It is safe to say I was in an environment totally unfamiliar and had placed my trust that this was the best place for me to serve my punishment. Looking back I fail to see how anyone really benefitted from my serving a custodial sentence other than I guess the deterrent value. I spent the first 12 weeks at HMP Armley in Leeds a category B remand prison, this was unexpected as I had been told I would be in Durham closer to home, unfortunately Durham was full. My initial screening on my first full day was basically a form with multiple questions surrounding my health. I was asked if I had problems with alcohol or drugs to which I said no and that was it. I spent 12 weeks in Armley and gambling was not mentioned once. I had no involvement in any sort of rehabilitation at all. It was a pretty horrendous experience filled with dread and the threat of danger was constant, as were drugs, mental health issues and sadly suicide.

Those 12 weeks represented nearly one third of my time in prison.

I moved to HMP Kirklevington Grange mid-April a Category D Open Prison where life did improve. However it was not really until July when I first spoke about what had led me to end up in Prison. You have to follow the regime structure and prove you are fit to earn the right to receive Community Service, day release, home release and Employment. I earned that right and as part of that spoke about my gambling to a member of staff for the first time. This was more than half was through my time inside. Unfortunately, there was very little help available, the DART Team was well established but there was nothing gambling related. Eventually I wore down my Security Officer and was able to get a licence to attend Gamblers Anonymous every Monday, my first visit was at the end of August. GA is a self-help group so the only real support for my gambling issues came from outside the prison. This lack of support seems unique as those with say drug, alcohol or violence issues are supported fully throughout their stay and are unable to progress through the system without engaging in the support.

PB: I spent 4 weeks in HMP Preston in Lancashire and then the remaining 10.5 months in HMP Kirkham near Blackpool. The time in Preston was horrendous experiencing violence, drugs and suicide. The time in Kirkham was less intimidatory and I spent the time working either in the gardens or the Library teaching people to read or engaging in the Storybook Dads initiative. The worst bit about Kirkham was being away from my wife and kids and the uncertainty of what was to come on release. There was literally no support for gambling in either prison. Plenty for drugs and alcohol but nothing for gambling. It just wasn't seen as an issue and as it was a rule that you couldn't gamble in prison lads were reluctant to ask for help or risk being shipped back out to a higher category prison. I managed to convince a forward-thinking Governor to allow a support group every fortnight and over 90 lads went through that in 6 months.

It was whilst in Kirkham that I made the decision to set up EPIC on release which would help prevent people treading the same path. Criminal Justice was one of the sectors to work as there was a clear need for interventions.

Between 2016-2018 we were commissioned by GambleAware to work on awareness in selected privately run prisons by Sodexo Justice Services (primarily at HMP Forest Bank) providing awareness raising sessions to serving prisoners, probation and prison staff. In addition counselling was offered to serving prisoners who were suffering gambling disorder through Beacon CT. Delivering sessions to 620 prisoners and over 400 staff, the evaluations found significant successes including improving target groups awareness of gambling harm and how it can be prevented and improved knowledge and confidence of CJS staff in prisons and probation to apply their learnings in the workplace by changing or developing practices, systems and processes in their organisations. It also developed a model integrating education and treatment in a custodial sentence.

An independent social impact report by the respected Dr Richard Hazenberg, of the University of Northampton, (October 2018) concluded that if the Compass Programme was rolled out nationwide then the potential saving to society would be over £36m. More importantly prisoners throughout the estate would get the awareness and help they need. A copy of this report is available on request.

Unfortunately the Compass Programme has not been followed up on and has been replaced by generic resources including in cell workbooks that contain gambling terms. Not only ineffective but actually a potentially harmful trigger.

### **3.10. What has been your experience of probation services to gambling related crime?**

RJ: To date I have had very little input with the Probation Service. I have had my clearance completed but I was asked during this call what we have put in place to support Ben's recovery and reduce likelihood of reoffending. Therefore, it appears from our brief interactions with them, that potentially the responsibility is on me and Ben and not necessarily the probation service to rehabilitate.

SR: I engaged with Probation on my release in November 2018 until May 2019 when my licence ended, initially a weekly face to face meeting which after 12 weeks moved to a monthly face to face meeting. Due to staff sickness my initial Probation Worker was unavailable. By this time I was settled at home had gained employment and was attending GA on a regular basis, so the first few months were really just a check in type appointment. I informed them I was fine and that was about it. Into the new year and I had a new Probation Worker who did take an interest in my situation and understood gambling disorder and who could see I was going to offer them no problems.

I felt the Probation Team could not really offer me anything and could see they were overworked so really just checked in with them when I had to. The only real engagement I had with them was to ensure my tag times were amended to ensure I could attend two GA meetings per week and able to adjust the times for my work times. I have respect for their work but really felt it was pretty much a tick box exercise from my point of view.

PB: A very similar experience to Steve in many ways. At the end of my time with probation they openly admitted that they learned more from me about this issue than they had helped me. It was certainly a tick box exercise with no real value. As part of our work a few years after I went back to my probation team and did some sessions with them where they admitted there was more and more gambling cases coming through and that they felt more empowered to help people because of EPIC's work. My argument is that it shouldn't be a small consultancy that has to do this with one probation area. Why is there not more widespread education and learning so that individuals can be dealt with positively and correctly?

### **3.11. What support or treatment, if any, have you received to manage problem gambling and related offending or the impact of problem gambling and related offending and how helpful have you found it?**

RJ: In the year that Ben had before being imprisoned, he had weekly counselling, participated in online support groups, and he engaged with lived experience sessions. This was all very beneficial to Ben and provided him with a strong foundation as he entered into recovery. It gave him a focus, allowed him to come to terms with and understand his addiction better, as well as have a safe place to air his thoughts and feelings to those who understood him. But all of this was stopped when he entered into prison; his support network went from quite intense to nothing, as stated before, there is no support or treatment in prison for gambling addiction. I have come across an activity pack that can be given to people in custody and prison who are suffering from a gambling addiction and it contains a wordsearch that is full of gambling related terms. This is a concern of mine as there is potential for an activity containing gambling related terminology to possibly trigger a relapse, yet that is all that is available.

We found visiting the GP to not necessarily be of great assistance, Ben was put on antidepressants and offered self-referral services such as CBT, and other than recommending GA there was very little available to him. The GP is generally the first port of call for anyone with a mental health illness, yet there are no direct NICE guidelines or care pathways for them to follow for gambling addiction. I feel this is something that is greatly needed and that the NHS Gambling Clinics need to be priority for referrals.

SR: I will not offend again if I remain free from Gambling, that is a fact. Looking back I have used GA massively and it has been brilliant for me, something I found myself. I decided I needed to learn as much as possible about this disorder, about the treatment and education available out there and have picked and chosen myself what I believe is best for me. I am happy to support certain areas and also happy to stay away from others I see of no real benefit. This is a very personal issue but what I have found or felt is that there is no real joined up process. There is an often-dangerous perception that the Gambling Industry is too involved in this area so good work being done can be tainted.

PB: I received a lot of treatment back in 2011/12 for my gambling disorder. Nothing to do with related offending. If the gambling hadn't been there then neither would the offending. My first port of call was Dr Henrietta Bowden-Jones and her National Problem Gambling Clinic in London. I researched the NHS and found only this clinic which was 250 miles and £220 train fare away. I'm glad I made that journey as Henrietta and her team gave me the support, guidance and hope that I needed at that time. I also received counselling and CBT through different avenues and I still see a counsellor once a month now.

I was particularly delighted to see three more NHS clinics open in Leeds, Sunderland and Manchester in 2019/20 with the promise of 12 more. For me, the NHS treatment should be priority treatment as it is the most effective and this is a public health issue.

### **3.12. What further regulation of the gambling industry would you like to see which would seek to reduce problem gambling related crime, including legislative change and steps taken by gambling operators?**

RJ: The Gambling Commission were aware of Ben's case as of January 2019, they should have to investigate the gambling companies involved in crime alongside the police investigations and no sentence should be served until it is complete. There is a huge sense of dual accountability and responsibility, the legal failings identified in such investigations should be used in mitigation and any money refunded should be taken into account. The industry repeatedly allows for crime to take place in order to profit and continuously break the law, yet they are never found accountable in a court of law.

Companies need to have lower thresholds for deposits, individualised limits based on affordability and income checks. VIP schemes need to be scrapped completely, not renamed, they are not necessary, those who have a gambling disorder and resort to crime, I would safely say were all VIP customers. They are immoral, encourage gambling when their customers are at their most vulnerable, deemed to be grooming, and have no sense of duty of care. They are just not necessary.

I believe an Independent ombudsman is needed to investigate cases and complaints as industry investigating industry is just biased and far from objective. GAMSTOP needs to have a life-long ban on it, not a maximum of 5 years as that knowledge of being able to gamble again, could for some be enough for relapse.

SR: Prevention is better than Education and Treatment. Gambling Operators need to be far, far better at following the laws and their licence objectives and the regulator needs to step up and ensure operators are held to account when they fail. I believe a statutory levy should be introduced and this should fund a National Health led programme to tackle this issue. The operators need to introduce a fit and proper affordability system to ensure nobody gambles beyond their means. Dangerous and addictive products should be removed or made safer. Advertising needs to be restricted and the normalisation of gambling fed by this advertising needs to stop.

PB: The DCMS announced a Gambling Act Review this month and it should be an evidence led review that brings gambling legislation into the digital age.

There is much to do but my focuses would be affordability & source of wealth checks (nobody should be able to gamble one pound or minute that they can't afford to lose), protecting the young and the vulnerable (nobody under the age of 18 should be able to gamble on anything ... full stop) and there should be a greater emphasis on markers of harm, tracking them and fit for purpose customer interactions when harm is detected ... and earlier. Tone and quantity of advertisements in all formats should also be reviewed.

**3.13. Several banks have recently enabled customers to ask for payments to gambling sites to be blocked. What further action, if any, should banks take to prevent problem gambling leading to crime?**

RJ: I think there should be an automatic block on accounts for gambling transactions and is more of an opt-in scenario, when people opt-in, they have to be screened to ensure it is safe to do. It is another barrier they have to overcome and could be an early source of detection and prevention. Gambling with credit cards is now banned but balance transfers are still an option to gamble with, any transfers done could be tracked to ensure that it is not used to gamble with. Ben kept having the credit limit on his credit cards increased even though he didn't request or ask for that, ultimately that just gave him more to gamble with and resulted in more debt. Banks are often the first source of gambling transactions; they are able to detect fraudulent activity, so surely they can detect unhealthy gambling behaviours in a similar manner?

SR: It would be great if ALL Banks offered blocking facilities and perhaps for new Customers' make it a switch on system rather than the current switch off so the Customer will have to switch off if they wish to gamble. The banks hold huge amounts of data that could be used to provide a greater understanding of the amount spent on gambling. I think more collaboration between the banks, the regulator and operators could have a huge impact on gambling harm.

PB: Bank blocks are a welcome change that have been pushed for by forward thinking individuals such as Tony Franklin for many years, but they aren't perfect and can be navigated. It is my opinion that the banks (having worked with one at a senior level for a decade) have been given an easy ride on this issue and it is now the role of the Financial Services regulator to hold them to account. The banks know who the disordered gamblers are just as much as gambling operators, but they have no duty of care to intervene or indeed challenge. Banks charge customers upwards of £3 for every gambling transaction. There is a clear need for the regulators to work together and put fit for purpose rules and procedures in place to identify and intervene with those customers suffering harm.

**3.14. What else, if anything, might have prevented problem gambling leading to crime in your experience?**

RJ: I believe an earlier intervention from gambling companies is fundamental here, they provide an addictive product so better protection from harm practices are needed, generic gambling addiction emails aren't enough to stop someone suffering from a gambling disorder, continuing to gamble. If someone triggers a threshold then more effective referral screening needs to take place, whether it be speaking to someone trained to recognise addictive behaviours, enforce limits and continue to monitor their activity more closely. They have the software to detect those who win regularly where blocks and limits are put in place, they can do the same for those that lose large amounts as well, as they are more likely to be suffering from a gambling disorder.



Additionally, if Ben wasn't a VIP customer and given thousands of pounds in bonus money to gamble with, and to keep him placing bets when he would have huge losses, then he may never have resorted to crime, as the funds to gamble such large amounts would not have been as available to him. If the correct policies and procedures, such as affordability and source of funds checks were completed as they should have been, then the monetary figures would never have reached as high as they did and he may not be in prison. The fact Betway were fined such a large amount for their poor management of Ben's and others accounts, reflects on their industry and legal failings.

SR: I will never lose the guilt or regret at not admitting or opening up about my disorder earlier than I did. However a million pound fine to an Operator tells you they failed; not once did they check whether I could afford the amount I was spending. Nor did my Bank intervene despite knowing exactly what I earned. Lessons must be learnt. The operators need to improve their process in identifying and intervening when a Customer is showing obvious signs of problematic gambling.

PB: Early intervention from either work (who performed 34 Fit and Proper checks on my accounts), the gambling operators (92 self-exclusions across 18 operators), my bank who saw £4.8m of gambling transactions go through my account or family and friends who put my changes in behaviour down to other things such as work pressures. As previously stated, gambling disorder is a progressive illness and early intervention is crucial is harm is to be prevented.

### **3.15. What would you like to see this Commission achieve in the course of its work?**

RJ: I hope that the commission will be able to achieve the following:

To hopefully unveil the true extent of gambling related crime as I believe those that reach the courts are just the tip of the iceberg, many crimes go unreported as it happens on a lower level, such as credit card fraud within families, opening accounts in another's name and the stealing of money from family and friends. Even though the monetary value of unreported crimes, may not be as high as those that reach the courts and result in prison sentences, there has still been failings by the industry for such instances to happen and the impact on those involved is just as harmful and life changing.

To highlight the lack of understanding of the agencies involved, from the police, to legal teams and the courts. Especially the inconsistencies in sentencing from one case to another, as the lack of case law or precedent available when deciding on length of prison term varies greatly and as a result has an impact on each case heard.

To show that there is an element of dual accountability and responsibility from the gambling industry in gambling related crime and activity, as that is solely weighted on the gambling addict themselves.

To identify the consistencies between each of the criminal cases available, ie were they all part of a VIP scheme, were they all in job roles of monetary management? - as by using the similarities in turn will show the weaknesses/flaws/gaps, where people are falling through the net and crime is easily being committed as well as where the industry is failing.

To identify the need for more support and help when crime is involved, from being interviewed through to serving their sentence as well as the need to educate the prison service in gambling related harm.

The need for NICE guidelines and referral pathways as there is nothing, a person's GP is usually the first port of call and they are exceptionally unprepared for dealing with such addictions, it is often down to the individual to seek their own help.

SR: For me this is quite simple, the Commission needs to recommend a complete overhaul of the entire process when it comes to disordered gambling. There is no argument from me that punishment is required when gambling leads to criminal activity, but a disordered gambler should receive fair and appropriate support to ensure there is a greater chance of rehabilitation. They should push for a statutory levy and a Public Health led approach to tackle this problem.

PB: It is really important that this Commission studies all the evidence thoroughly and then makes a series of recommendations that are well informed and fit for purpose. The Gambling Act Review over the next few months will aim to bring gambling into the digital age. This Commission needs to ensure that the Criminal Justice System does the same and that every level of the process from custody suite to solicitors to barristers to judges & courts to prisons to probation are all brought into the 21<sup>st</sup> century. There are distinct failings at every stage of the process currently. There should also be protracted use of lived experience which is still underrepresented at decision making level - including this Commission.

#### **4. Recommendations & Conclusion**

The Gambling Commission has a statutory duty to aim to permit gambling, in so far as they think it reasonably consistent with pursuit of the licensing objectives. The licensing objectives are:

- Prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
- Ensure that gambling is conducted in a fair and open way.
- Protect children and other vulnerable persons from being harmed or exploited by gambling.

This Commission concentrates on point 1 mainly but there are links between all 3.

We have all suffered the effects of gambling related crime and gambling related harm, but we are the tip of the iceberg and EPIC's independent research shows that there have been at least 1,089 criminal convictions that have led to a custodial sentence since 2013 for a combined sentence of over 2,100 years.

Our top 7 recommendations are:

1. The Criminal Justice System, in regard to gambling disorder, is currently broken at every stage from custody suite to probation and all in between. There needs to be a robust, experience and evidence led awareness and education campaign across the entire system to bring the CJS into the 21<sup>st</sup> century around gambling related harm and gambling disorder.
2. There is currently very limited work being done in a custodial setting for those who have been sentenced for gambling related offences or indeed develop gambling disorder whilst incarcerated. This is despite successful pilots of programmes. The work currently being done, and certain resources, could actually be harmful and should be reviewed immediately. A full review of in prison provision should be independently conducted and better collaboration be facilitated outside the current closed network.
3. People with lived experience of both gambling disorder and the criminal justice system should be at the front and centre of the review. Whilst we welcome the platform and the oral evidence session there should have been a greater representation of lived experience on this Commission.
4. No criminal case should be sentenced until the Gambling Commission have completed their investigations into operator conduct. It should be a priority for the Gambling Commission to thoroughly investigate operator conduct and processes prior to any court proceedings as the result of these investigations can have a significant and material effect on sentencing. If it is proven that the operator has acted in a way that breaches the licensing conditions, and either agrees a settlement or is fined, then this sanction should be fully disclosed to the court and taken as mitigation in terms of both sentence and POCA.

5. POCA is not fit for purpose in any way for sentences that are proven to be triggered by gambling disorder and can be proven to be so. This is easy to prove through online gambling statements, bank statements and forensic psychiatry reports. Since 2013, gambling disorder has been classified as a mental health condition and there is certainly no benefit to the disordered gambler of losing huge sums of money and time gambling. For the draconian and outdated rules of POCA to be applied to disordered gamblers in the same way it was introduced for drug dealing and offences is disingenuous & ill-informed. Additionally, there appear to be inconsistencies in the application of POCA in gambling related crime cases, for example SR had his confiscation order amount reduced by the sum repaid by one of the operator's failings, whereas Ben's order was not reduced, and was actually increased, despite a large sum being paid back to his employer as a result of the Betway fine.
6. There should be consideration of onward opportunity for people who have suffered gambling related harm and committed gambling related crime. Where is the rehabilitation and opportunities post-sentence? Often those who relapse or reoffend cite the reason as being no hope or opportunity.
7. There should be investment into help of affected others. It is often the unintended victims of these crimes who need the help the most such as family, friends, employers. Currently the signposting is poor, and services limited although there are some independent charities beginning to appear like GAMILY and GamFam.

With kind regards

**Rebecca Jones, Steve Ramsey & Paul Buck**