

# “Surviving, not living”: Lived experiences of crime and gambling



**Commission on Crime &  
Gambling Related Harms**

## Key points

- Undertaken on behalf of the Commission on Crime and Gambling Related Harms, this research explores the lived experiences of people who have experienced gambling harms and committed crime.
- Gambling can cause harm to individuals in a number of ways, with negative consequences for the gambler and those around them. In addition to being a recognised mental health disorder, gambling addiction has many psychological, physical and social repercussions. Crime can be one of the resulting harms and can further exacerbate other gambling-related harms.
- Pathways into gambling and crime were diverse, including normalisation from an early age, life transitions, and the range and accessibility of gambling facilities. Mental health issues played a complex role, and access to finances in the workplace, alongside high levels of debt, were precipitating factors.
- Participants referred to a lack of awareness and appropriate signposting among professionals across the criminal justice system. This had a wide-ranging impact on the efficacy/suitability of the criminal justice process in relation to individual's cases, and their experience of it. Participants explained that an improved understanding of gambling addiction and harm would have a positive impact on this.
- Proceeds of Crime Act (2002; POCA) proceedings had a disproportionately negative impact on people affected by gambling harm and crime and their future prospects (both for the individual and their families). The use of POCA in gambling-related cases appears paradoxical to its purpose; people experiencing gambling addiction or harms are not benefiting from their crimes, which instead perpetuate the cycle of addiction and harm.
- Gambling harms and crime had a significant and wide-ranging impact on people's health and lives. There was evidence of long term impact on mental health (including suicidal ideation) for both the individual and their families. Physical health was also impacted, as were accommodation and finances, relationships, and employment.
- In discussing access to treatment and support, participants highlighted a lack of awareness amongst GPs, and challenges in accessing suitable and relevant treatment and support. Family members also experienced challenges in accessing support.
- The role of people with lived experience should be integral to both support and treatment offerings, as well as decision making in relation to policy and practice.
- The research highlights a need for improved awareness of the complex nature and impact of gambling harms across society, identifying additional areas in which improvements could be made to safeguard people: improved safeguarding procedures in gambling facilities (online and face-to-face venues); transparent, timely and collaborative Gambling Commission investigations; a proactive approach from the banking industry; increased regulation of advertising and a review of messaging; and additional support in relation to employers and employees.

## Background

Gambling is prevalent across Great Britain with 24 per cent of people reporting gambling online in the past four weeks (Gambling Commission, 2021a). A variety of gambling methods are used, with online gambling becoming particularly dominant during more recent years. Disordered gambling is classified within the DSM-5 (American Psychiatric Association, 2013) as a mental health disorder and, more specifically, as maladaptive, behavioural addiction which leads to family, social, personal or recreational pursuits being compromised, disrupted or damaged by continuing the gambling behaviour (Delfrabbro, 2013). For some people, recreational gambling escalates into problem gambling, defined as gambling behaviour that creates negative consequences for the gambler or those around them (Ferris and Wynne, 2001), or gambling addiction, defined as a progressive addiction. Gambling addiction is an impulse control disorder, that has many psychological, physical and social repercussions (American Psychiatric Association, 2013). Problem gambling has been linked to health and social problems, including suicide, homelessness, and other addictions (Lorains et al., 2011; Sharman et al., 2015; Petry, 2007). Within the current research, there was some stigma around the phrase 'problem gambling', and therefore gambling harms was suggested instead (see also Saxton and Eberhardt, 2021). Gambling harms can extend beyond the individual, affecting families and the broader community (Langham et al, 2016).

Crimes committed by people experiencing gambling harms are typically, but not always, financial crimes, driven by an instrumental need to commit crime as a result of gambling harms (Turner et al., 2009). Prevalence rates of crime committed as a result of gambling are difficult to ascertain, with an estimated prevalence of problem gambling in prisons of 12 per cent, significantly higher than in the general population (May-Chahal, 2017).

The government Department of Culture Media and Sport (DCMS) is responsible for gambling policy and legislative framework. The key legislation in the UK for gambling is the Gambling Act (2005) which is currently undergoing a review. The Gambling Commission, an executive non-departmental public body, regulates all commercial gambling in the UK and seeks to prevent gambling from being a source of crime and disorder, to ensure that gambling is conducted in a fair and open way, and to protect children and vulnerable people from being harmed by gambling.

## Aims

This research was commissioned by the Commission on Crime and Gambling Related Harms in response to a lack of existing literature about the lived experiences of gambling and crime, particularly in England and Wales. The research sought to illuminate the following:

- Early engagement in gambling and the escalation into crime
- Experiences of the criminal justice system;
- How gambling and gambling related crime affects key relationships such as employment, social and family networks;
- Whether, and how, interventions or treatments for gambling are sought or utilised;
- The perspectives of people with lived experience of gambling and crime about what needs to happen in the future to aid prevention and better support people impacted by crime and gambling harm.

## Methodology

Twenty-two participants took part in semi-structured interviews to explore their experiences of crime and gambling. Four of the participants were family members of people who had been directly impacted by gambling harms. The interviews were conducted online, were transcribed verbatim and were analysed using the principles of Thematic Analysis (Braun and Clarke, 2006).

## Findings

### *Pathways into gambling and crime*

- Pathways into gambling and crime were diverse. Adverse childhood experiences were not common amongst the people who participated in the current research. Frequently, gambling normalisation from an early (teen) age was a feature. However, transitions into college or university, significant life events, peer influences and the impact of large, early wins were also important factors. In addition, online gambling, the accessibility of fixed odds betting terminals (FOBTs), and multiple methods of gambling within gambling and non-gambling venues had also featured in the development of problem and disordered gambling.

- The role of mental health issues in relation to the development of gambling addiction was complex. There was evidence that for some, gambling provided an escape from other life stressors. Boredom and isolation also factored in the development of gambling addiction.
- Access to finances in the workplace, alongside high levels of debt, accrued over several years had been significant precipitating factors in the commission of offences for a majority of participants. Often this took place over several months or years, with the amounts taken increasing over time. Offences had also occurred against friends and family, but this was less prevalent in the current research.

### *Criminal justice experiences*

- The police, while not unsympathetic to people, had little knowledge or awareness of gambling and crime-related harms. There was no systematic screening or support offered via police custody suites which was much needed.
- Among defence solicitors and barristers, while there were isolated instances of increased understanding, there was widespread reporting of a lack of knowledge and understanding in relation to representing clients who had experienced gambling harms. This was viewed as a missed opportunity for signposting and support and for some, impacted on the mitigations identified and portrayed in court, as well as adding to an already immensely stressful situation for people directly impacted, and their families.
- Many people who had committed crime as a result of gambling had spent lengthy periods of time either on bail or released under investigation (RUI). For some, they had been able to utilise this time to work on their recovery and access the support they needed. However, even when this was the case, the liminality and lack of information and communication during the period was challenging. In addition, for a number of participants this uncertainty had a significant negative impact on their recovery and their family.
- The pre-sentence report (PSR) process provides a further opportunity for people to be

offered support in relation to gambling harms. However, this requires understanding amongst probation staff about gambling addiction and the time and resources to facilitate understanding and supportive discussions, and to inform subsequent report writing. It was found that this was not always the case. The PSR process also provides an opportunity to increase understanding amongst the judiciary. Psychiatric reports provide further information upon which to base judgements. However, within the current research, it was reported that the recommendations made by PSRs were frequently disregarded by the courts in relation to cases involving gambling-related crimes.

- In many court cases experienced by the current sample, there was a lack of understanding and awareness shown amongst the judiciary. This meant that, for the most part, gambling harms were not viewed as a mitigating factor. However, where they were viewed as mitigating, and with evidence to support understanding of gambling harms, this was indicated to impact positively on sentencing outcomes.
- Prisons should provide an opportunity for support and recovery for people who have experienced gambling harms. However, this does not appear to be the current situation. A lack of screening and assessment, compounded by a lack of awareness among staff, has resulted in a vacuum for gambling-specific interventions and support. The problems relating to gambling and prisons are further exacerbated by widespread gambling within prisons, which is also facilitated by prison staff. Improved awareness, assessment and treatment in prisons are needed.
- People who had not yet experienced probation were hopeful about the support that may be offered to them. However, amongst people who had experienced probation supervision, it was reported that there had been no support and that it was not useful. This seemed to be underpinned by a lack of awareness amongst staff. There were concerns expressed in relation to the implications of this in terms of not recognising and being able to intervene when gambling was present.



- Many people who commit crime as a result of gambling addiction or harms have experienced Proceeds of Crime Act (2002; POCA) proceedings. However, given the nature of gambling addiction as a mental health disorder (American Psychiatric Association, 2013), and the lack of material benefit arising from gambling related crime, this seems paradoxical to the original purpose of POCA which is to confiscate proceeds where people have benefitted from their crimes. POCA was an additional significant stressor on people in prison and particularly for families who lived with them. Even after the sentence was completed, POCA still remained a stressor for people and hindered future progress, recovery and rehabilitation.

### *Impact of gambling and crime*

- There was evidence of feelings of guilt and shame, arising from gambling harms similar to previous research (see, for instance, Schlagintweit et al., 2017). However, this seemed to be further exacerbated by the commission of crime and the pressure of keeping up a façade. For many, the impact on mental health was so great that it had led to suicidal ideation and for some, active suicide attempts. Some people had been able to work to improve their mental health over time but there was evidence of the long-term impact on mental health, even after recovery from addiction. The impact on the mental health of family members was also highlighted.
- While less prevalent, there was evidence of a significant impact on physical health (such as reported digestive or cardiovascular problems) for people directly impacted by harms arising from gambling and crime, and this extended to family members.
- There was evidence of significant impacts on accommodation and finances as a result of gambling and the commission of crime, mostly, but not solely, linked to POCA. The long-term consequences of POCA had an impact on families and seemed disproportionate to the original sentencing.
- Many people had considered themselves very fortunate to have been able to maintain some significant relationships following their experiences of gambling and crime-related

harms. However, other family and friendship relationships had broken down. Factors influencing this included erosion of trust and lack of understanding about the nature of gambling harms. Family members also experienced secondary impacts on their own relationships and community distancing was a feature for some. There was also evidence of the impact on children such as bullying and increased anxiety for the future.

- Most participants had lost their job as a result of gambling and crime. Some had been successful in re-training and securing employment in a different role, without financial responsibility, which was often a feature of employment prior to the crime being committed. This type of role was no longer appropriate due to the nature of the crimes committed. However, others had struggled due to the complexities of disclosing offences to employers, for which there was little support. It was felt that increasing employer awareness about gambling harms could assist with this moving forward, and that gaining employment was a positive part of recovery.

### *Accessing support and treatment*

- There was a reported lack of awareness amongst GPs in relation to accessing support and treatment for gambling harms. Many people had self-referred into treatment and while this was largely effective, there were some challenges remaining around geographical coverage, ensuring appropriate locations, time-limited treatment, a lack of specific responsivity to gambling addiction, waiting times and a lack of practical aftercare support. A number of participants had benefited from a mixed method approach to treatment, accessing clinical treatment, alongside lived experience support. Self-exclusion software had been effective for a number of participants but there were limitations to this.
- The importance and benefits of lived experience in support and treatment offers was highlighted. In addition, people with lived experiences of gambling and crime should be an integral part of decision making in relation to policy and practice.

- There was very little support available to families who experience gambling and crime-related harms. While the situation seemed to be improving, there was still much more support required and a number of considerations for the operational delivery of such support. Operational considerations included a need for accessible, freely available and responsive support, which understood the specific harms relating to crime and gambling and could provide practical support in relation to the secondary impacts such as accommodation and finances. Schools also had a role to play in delivery of support to families affected by gambling harms.
- Promotional gambling advertising was viewed as too pervasive, despite advertising regulation. Current messages in relation to safer gambling were not considered effective and needed to be reviewed. There were calls for advertising reforms akin to tobacco advertising.
- While participants did not wish to place blame on their previous employers who, for many, had been the victims of their offences, there were areas for additional support in relation to employers and employees with regard to effective HR processes, robust auditing, and support should an employer become a victim of gambling-related financial crime.

### *Awareness, regulation and advertising*

- There was a need identified for improved awareness across society in relation to gambling and crime-related harms. This was needed for people to understand the complexity of gambling harms, to understand the subsequent breadth and depth of impact and to improve availability and access to treatment. Awareness could be increased through education establishments, sports venues, employers and cultural or religious venues.
- There was evidence of failures to safeguard people who had become vulnerable as a result of their gambling addiction through insufficient affordability checks, the ease of obtaining multiple accounts, the nature of VIP schemes, the nature of 'free' spins and credits to online accounts, and failures within face-to-face venues also. However, it is important to note that the Gambling Commission have provided recently updated guidance on VIP schemes which were not in place at the time many participants in the sample experienced them (Gambling Commission, 2020).
- Gambling Commission investigations may have taken place but without a transparent, collaborative and timely approach, this was not, and could not, be taken into consideration for sentencing and POCA-related decision making.
- A role for banks was highlighted within the research. While some banks had already taken a proactive approach towards the prevention of gambling harms, it was suggested this should be government mandated.

## **Recommendations**

### *Criminal justice system*

- There should be systematic screening and assessment of people entering police custody suites and prisons to ascertain whether they have experienced gambling harms and to identify where there is a need for further support. Criminal Justice Liaison and Diversion teams should support this. Specific guidance to police staff about gambling harms via mechanisms such as the Authorised Professional Practice Guidelines should be made available.
- Greater awareness, screening and access to support and treatment for people who have experienced gambling harms, as well as their families, across criminal justice services is required. Support and treatment should be made available through accessible referral pathways at multiple points within the criminal justice system, including upon first contact with the police, while a person is awaiting their court hearings, during custodial sentences, during community sentences and while on probation licence post-custody.
- A greater awareness of the nature of gambling harms is needed amongst professionals working within the criminal justice system, including police officers, probation staff, the judiciary, solicitors, barristers and prison staff. This should include continued professional development programmes tailored for different groups of professionals across the criminal justice system, with specific education

around legal representation of people who have experienced gambling harms.

- The pre-sentence report (PSR) process should specifically enquire about needs and circumstances relating to gambling harms, including signposting to support provisions where necessary. Information provided by the PSR pertaining to gambling harms should inform decision-making in relation to sentencing outcomes.
- The presence of gambling harms should be considered as a mitigating factor in sentencing outcomes.
- There should be greater use of community sentences, rather than custodial sentences, in order to facilitate access to treatment for gambling harms and promote long term recovery. Consideration should be given to the use of rehabilitation activity requirement (RAR) days to support access to treatment.
- A review of the use of POCA in cases where crimes have been committed as a result of gambling addiction is required.
- There needs to be a collaborative approach between the Police, the Crown Prosecution Service and the Gambling Commission to investigate the responsibilities of gambling operators in cases where crimes have been committed to fund gambling activity. Investigations should take place prior to and be considered during sentencing, and also be taken into consideration in POCA hearings.

### *Impact of gambling and crime-related harms*

- Gambling harms are further exacerbated by contact with the criminal justice system. There is a need for improved awareness across the criminal justice system of the breadth and depth of harms resulting from gambling and subsequent crime across mental health, physical health, accommodation, finances, family and relationships, and employment.
- There is a need for formal recording of the prevalence of suicides arising from gambling harms. This should be accompanied by robust investigations and the implementation of subsequent safeguarding recommendations

in order to work towards the prevention of future deaths by suicide as a result of gambling harms.

- There should be improved support in relation to practical issues relating to finances, accommodation and employment which have arisen as a result of gambling and crime. This should specifically include greater support for gaining suitable alternative employment, and the disclosure of offences.
- There needs to be greater support for the families of people who have experienced gambling harms, including specific support for children.
- Specialist support is required for families who are affected by POCA hearings. This should include readily available free of charge legal services.
- Greater education and awareness are required across all sectors of society. Information should be made available through educational establishments, sports clubs and employers, as well as providers of criminal justice-related services. Information needs to include the nature of gambling harms, and support and referral pathways.

### *Support and treatment*

- There needs to be a greater awareness of gambling harms amongst primary healthcare providers, with a particular focus on GPs. Clear referral pathways should be available to GPs, with supporting NICE guidance. NICE guidance for gambling identification, diagnosis and management is in development (NICE, 2021) but this is not expected to be published until 2024. It is recommended that this timescale be reviewed, and interim guidance be published.
- Support and treatment need to be accessible, timely, responsive to the specific needs of people experiencing gambling harms, time-limited only by the needs of the person accessing support and available in inclusive, therapeutic locations.
- Support and treatment should encompass a range of options to include counselling, support from other people with lived

experiences of crime and gambling, family support, and practical aftercare.

- Self-exclusion software should not be time limited.

### *Regulation and advertising*

- Whilst there continues to be development in the regulation of gambling operators, further measures are still required, as well as an ongoing review of the effectiveness of such measures. Specific robust regulation is required around affordability checks, access to multiple gambling accounts and VIP accounts to ensure that customers are appropriately safeguarded.
- There needs to be a reform of gambling advertising. Promotional advertising needs to be much less visible, and safer gambling messages need to be reviewed to ensure they are fit for purpose. Safer gambling messages need greater reverence to the depth of gambling harms that can arise.

### *Additional considerations*

- There needs to be greater involvement of people with lived experience of gambling and crime-related harms in decision making about policy and practice. People with lived experience should be integral to decision-making processes, rather than just being asked for their views.
- Banks should be mandated to allow gambling restrictions on bank accounts and to be able to intervene in situations where there appear to be high levels of gambling activity within bank accounts.
- Employers should be supported to develop appropriate HR policies in relation to gambling, in order to protect the employer and its employees, and to ensure robust auditing of financial processes.
- A number of suggestions for future research such as a need for specific research with women and ethnic minority communities, research into domestic abuse offences resulting from gambling harms, and longitudinal research were also made within this report.

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## Legislation

Gambling Act 2005, c.19, available at: <https://www.legislation.gov.uk/ukpga/2005/19/contents>

## About the Howard League for Penal Reform

The Howard League for Penal Reform is a national charity working for less crime, safer communities and fewer people in prison. We campaign and research on a wide range of issues including short term prison sentences, real work in prison, community sentences and youth justice. We work with parliament and the media, with criminal justice professionals, students and members of the public, influencing debate and forcing through meaningful change to create safer communities.

Our legal team provides free, independent and confidential advice, assistance and representation on a wide range of issues to young people under 21 who are in prisons or secure children's homes and

centres. By becoming a member, you will give us a bigger voice and give vital financial support to our work. We cannot achieve real and lasting change without your help.

Please visit [www.howardleague.org](http://www.howardleague.org) and join today.

## About the Commission on Crime and Gambling Related Harms

The Commission on Crime and Gambling Related Harms was launched by the Howard League for Penal Reform in 2019 and is scheduled to run until the end of 2022. The Chair of the Commission is Lord Peter Goldsmith QC. He leads a team of 12 Commissioners, comprising of academics and professionals with expertise in the criminal justice system and public health, as well as experts with knowledge of the gambling industry and with lived experience of addiction. The Commission seeks to answer three questions:

- What are the links between crime and gambling harms?
- What impact do these links have on communities and society?
- What should be done?

## About the author

Lauren Smith is a Lecturer in Psychology at the University of Lincoln. Up until April 2020, Lauren was a Senior Manager within a voluntary sector organisation working to support people in contact with the criminal justice system and their families. She has over ten years' experience as a Practitioner working across court, prison, probation and supported housing settings. Lauren utilises a mix of qualitative and quantitative methodologies to research resettlement and reintegration of people in contact with the criminal justice system. Recent work has included several reviews of services provided to support people in relation to homelessness, alcohol addiction and persistent offending behaviour, with lived experiences an integral part of the research.

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