

'Justice for Punters'

Know your rights

gambling - have you been exploited?



It's often a muddy and slippery world dealing with gambling companies!

Contents (section number)

1. Introduction
2. Why a leaflet after 4-years
3. Getting help for a gambling disorder
4. How do I start (subject access requests)
5. Identifying gambling disorder traits and exploitation from your data
6. What next
7. What next (2)
8. Media
9. Legal options
10. Best practice for paying refunds
11. Conclusion
12. Statement/warning

1. Introduction

'Justice for Punters (J4P) always try to be 100% honest, so what follows in this leaflet isn't easy reading at times, but hopefully does provide some hope?

Firstly, if you have a gambling disorder, often referred to using the derogatory term 'a problem gambler' there is no point doing anything advised in this leaflet unless you are seeking professional and/or voluntary help for your gambling disorder. It can only be your choice and we're sorry to labour the point, but it's so important.

Just under 50% of the UK population gambles every 4-weeks. In 2018-19 they lost just over £14 billion.

Most people lose what they can afford and for nearly all those people gambling is a pastime (entertainment).

What many people don't know is that they may be 'groomed', often by VIP managers and allowed to lose everything, e.g. savings, car, house, literally everything, including their family or their life in some cases. Conversely, if a person wins they may not get paid and if they win regularly they will get banned from betting on sports using what is called stake restrictions.

The UK government and its regulators are aware of this, but at present the government and regulator don't offer any service to help vulnerable people to obtain refunds if they've been exploited and refuse to accept it's only fair for some customers to win up to a certain amount per bet using skill.

This leaflet is about gambling disorder. It aims to provide a brief introduction to what gambling traits might suggest a gambling disorder, what might be deemed as exploitation and how to seek a refund of losses if applicable. It's purely based on J4P's experience of helping people obtain over £1.6 million in refunds over the last 4-years.

ps: If you think gambling injustices or gambling addiction could never affect you, your children or for that matter any family member; think again.



2. Why a leaflet after 4-years

J4P volunteers have given many hours of their time daily for free to help many people. This can't go on forever.

The UK government through the Department for Digital, Culture, Media & Sport and its regulators must take responsibility for their failings in not setting up a free dispute system for those who are vulnerable and may have been exploited whilst gambling. Gambling companies must also take responsibility for their failings. J4P has tried on many occasions to get officialdom to recognise this and sadly failed. One outcome of this is section 9. 'Legal options'. **J4P never wanted to do this, but it's not our fault that nobody has listened, except for a couple of more enlightened gambling companies.**

J4P must take a step back from some 'front line action' whilst continuing to signpost people to obtain justice or it's possible nothing will ever change.

3. Getting help for a gambling disorder

As already mentioned, if you have a gambling disorder there is no point doing anything outlined in this leaflet unless you are seeking professional and/or voluntary help for your gambling disorder. Help is available:

There is a 24-hour helpline: 0808 8020 133 and a web-chat service available: <https://www.gamcare.org.uk/get-support/talk-to-us-now/> if you want immediate help.

It's also important to talk to your family about things and to access your local health services through your general practitioner (GP). In exceptional circumstances do not forget your local hospital's A&E department.

J4P would also recommend you sign up to GamStop: <https://www.gamstop.co.uk/> and MOSES: <https://self-exclusion.co.uk> if you feel your gambling is causing harm. It's also worth considering Gamban: <https://gamban.com/>



4. How do I start

Gambling companies do not like paying refunds to people with a gambling disorder. Historically, a significant amount of their profits have come from people who are vulnerable, so this isn't surprising. J4P genuinely hopes this is changing, but we still receive new cases weekly.

Evidence is everything to obtain a refund, so this must be gathered. In theory, this isn't as difficult as it may sound, but gambling companies can be extremely difficult.

Every person has a right of access to the data a gambling company holds about you (see: <https://ico.org.uk/your-data-matters/your-right-of-access/>). It's free to do this and it's a crucial starting point. J4P has a template for submitting a subject access request (SAR). This is easy to edit and can be found at: (<https://justiceforpunters.org/complaining/subject-access-request-have-you-been-exploited/>).

Gambling companies do tend to delay things as long as legally possible. They are even known to lie by not providing all the evidence they have, which is illegal. It's important to report any difficulties to the Information Commissioner's Office (casework@ico.org.uk) (0303 123 1113).

People should also contact the Gambling Commission (GC) (info@gamblingcommission.gov.uk) (0121 230 6666). The GC will not help you personally. However, it's still important you lodge a complaint, because the GC may decide to investigate the gambling company concerned.

When you eventually receive your data you may find that you need a password to open the file or files. You may also find that the company has put financial and betting histories into a pdf file to avoid easy analysis. The former is sensible, but sometimes not provided to delay things again. The latter is in breach of privacy law, so complain and ask for the data in Excel.



5. Identifying gambling disorder traits and exploitation from you data

J4P volunteers have often done this analysis for people, but some have been able to do it themselves or get a friend/family member to do it.

In the financial transaction and betting history data the signs to look for are: Long periods gambling, gambling during the night and early morning, wildly varying stakes, chasing losses, using numerous products, betting on obscure sporting games around the world, frequent and increasing deposits, depositing unusual amounts, use of different payment options, failed deposits, reverse withdrawals, etc.

In the non-financial data the interaction between the customer and the company is vital. As an example, when a customer is losing regularly and is invited to become a VIP what happened? Were VIP managers simply offering inducements to gamble more? Was a VIP level changed, e.g. from silver to gold? Was the customer asking for free bets/spins (this is often a sign of financial desperation)? OR were affordability checks requested before VIP status was awarded, e.g. proof of income & assets to sustain losses? Did VIP managers genuinely check regularly if the customer was able to sustain their losses, e.g. not a simple tick box email? The latter, despite being acceptable in UK gambling licensing is useless when somebody is at the height of their addiction.

Gambling companies now offer opportunities for people to limit their gambling, e.g. deposit limits. These are often cited as being crucial, but to be fair there is little evidence they work for those with a gambling disorder. The ultimate in these options is to self-exclude. Disappointingly, it's not unknown for people to be allowed to gamble again whilst a self-exclusion is in place. This is a major offence for a gambling company to commit and is often a reason for a company to agree a refund of losses.



6. What next

Following data analysis people should go back to the gambling company outlining the breaches of their gambling licence and/or laws, see: <https://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice.pdf> (section 3), <https://www.gamblingcommission.gov.uk/PDF/AML/Duties-and-responsibilities-under-the-proceeds-of-crime-act-2002-advice-to-operators.pdf> & <https://www.rahmanravelli.co.uk/articles/the-gambling-industrys-anti-money-laundering-obligations/>

Do not bother with customer services, they are programmed and are RARELY, IF EVER helpful. It's important to approach CEOs or Chairpeople with the information following analysis. Contact points for many gambling company CEOs or Chairpeople can be found here: ceoemail.com It's preferable to make contact by recorded letter. Who owns which gambling companies and addresses can be found here: <https://secure.gamblingcommission.gov.uk/PublicRegister/Search> Clearly, it's vital to be corresponding with the correct licensee/owner.

When a CEO receives your letter or email what will happen next? Hopefully the CEO concerned will pass your correspondence to a relevant senior member of staff who will start an internal investigation. 98% of these internal investigations are a joke and J4P's experience is that nearly every gambling company lies at this point. This is a shocking claim to make, but it's true. The phrase 'independent investigation' is nearly always used; it's nothing of the sort.

This is where most of the difficulties start and where any decent government or regulator would provide a free independent dispute system for vulnerable people. It's completely unacceptable that a winning gambler has access to such a system if winnings are being disputed or confiscated, but a vulnerable person doesn't. In years to come people will look back and laugh, but it's not funny at present.

7. What next (2)

People need to be patient, keep calm and resubmit what they feel happened and what went wrong. However, companies should not be given too many chances to take fair action.

Despite gambling case law being disadvantageous to vulnerable people, e.g. companies will quote losing cases involving gamblers who've tried to sue gambling companies, J4P has been advised by more than one Barrister that any new case, dependent on the circumstances, might be successful today.

Attitudes towards gambling disorder are changing. It's now a recognised diagnosis in psychiatry, so just like other people with health conditions can sue for being harmed, so can people with a gambling disorder. This does not mean a person will win a case against a gambling company, it simply means they have a better chance than in the past dependent on the circumstances.

As the Gambling Commission will still not help at this point, what options do people have?

Media
Legal options

8. Media

This will frighten some people, but it's important to realise that most media companies will allow vulnerable people to do stories anonymously.

Just as important is that gambling companies hate publicity about some of their practices. Over the last 5-years UK media of all forms have realised that the gambling industry is often trading unfairly and unsafely. They are frequently keen to cover gambling exploitation.

J4P has worked with a lot of media organisations, e.g. the BBC, Channel 4, The Guardian, The Times, The Daily Mail, etc. It's not difficult to find out which journalists are interested. A simple Google search will return many articles about gambling.

People should not approach the media if they feel it may affect their recovery and they must not have unrealistic expectations of what may happen. As an example it's rare for media stories to generate refunds, but it is another way of embarrassing companies and this sometimes leads to a rethink and a refund may follow.

It's important to think carefully before proceeding, but there are potential benefits.

9. Legal options

As stated earlier J4P never wanted to take this option, but the Gambling Commission and especially the gambling companies have forced us to do this. If there is no justice for many people in private it's everyone's right to seek legal redress.

Using the small claims court people can seek legal redress themselves, but unlike our leaflet on gambling companies not paying out and other poor practices when customers win J4P doesn't recommend a person who may still be vulnerable to take part in a legal fight alone.

J4P's experience is that fighting alone may lead to what people see as very frightening behaviour by lawyers employed by gambling companies, e.g. threats of their costs being paid by the vulnerable person, that vulnerable people have no legal rights due to case law, etc.



9. Legal options (continued)

None of the volunteers at J4P are legally qualified, so what follows isn't legal advice and neither is the information we can provide on who to consult with legally, a recommendation of their services. However, if people email us using info@justiceforpunters.org we will provide contact points for legal services we know have successfully helped people with a gambling disorder.

J4P is able to provide details of traditional legal services where a case assessment is initially paid for. A legal company will provide a professional opinion of a case, e.g. no case, a case where fees will apply whatever the outcome, through to no win/no fee. The initial case assessment usually costs around £1000.00 + VAT. This option is really good for people who have financial support from family or friends or have a pretty good personal income that is no longer being given to the gambling industry.

As J4P recognises that many, probably most people with a gambling disorder can't afford any legal costs we can also provide contact details for no win/no fee options. People need to recognise that no financial risk to the person means that a commission if a refund is achieved is charged. The commission tends to vary dependent on how complex a case becomes. It's impossible state what a commission will be, but frequently 25-40% is a reasonable estimate.

Please do note that only a tiny number of legal companies have experience of prosecuting gambling companies, so be careful.

10. Best practice for paying refunds

"We're not paying, they'll only lose it again." "I'm not sure giving refunds is a good idea."

These quotes from members of staff at a gambling company and a regulator say more about their own outdated attitudes than people with a gambling disorder.

Certainly some people are in danger of losing refunded money. This must be recognised and admitted. However, the question should be; where appropriate how can refunds be provided in the safest (best) way?

J4P's experience is that involvement of a partner or family is essential. If this isn't possible an independent financial organisation is needed, e.g. a solicitor or bank manager.

Providing refunds isn't a bad idea, in fact, it's an excellent idea when done well. Children can have presents without a parent taking out pay-day loans. Re-mortgages can be paid off. J4P has even had people say a refund has stopped them committing suicide.

J4P isn't aware if anyone in officialdom has ever discussed this topic, both internally or externally with gambling companies. If not, it's another massive mistake, possibly driven by out-dated attitudes. If a company has exploited someone (it's clear some have), a company should have to pay a refund based on joint responsibility, e.g. most likely a partial refund.

Where the refund will go should be agreed before payment and a timescale agreed. The biggest refund J4P has ever helped with was distributed to the agreed places within 48 hours. This is life changing.

This leaflet started with an emphasis on getting help and treatment. This is crucial again here. People should rarely be given refunds if they haven't had or are receiving treatment.

11. Conclusions

Gambling companies have and do exploit people. **This does not mean that a person who loses a lot of money gambling has been exploited.** J4P has certainly been approached by people whose motives for trying to receive a refund were inappropriate. Evidence is everything and should identify what is exploitation and what isn't.

The Gambling Commission (GC) should be told about cases, but people need to recognise that they will not help in obtaining refunds. In fact, quite a few people have told J4P that they feel the GC took their personal information and let them down by providing no feedback on how that information was used. This has to change.

Despite the success that J4P has had it has now become clear that most gambling companies couldn't care less about our voluntary attempts to reach private, fair financial settlements, where appropriate. **That is their choice, and it can only be their fault if they come to face much more forceful approaches, sometimes involving lawyers.**

J4P has been fortunate to receive free advice from a number of Barristers who are confident that a new case reaching court will overturn case law precedents from the past. People with a gambling disorder should interpret this positively. It's a hint that well prepared cases may be settled out of court in favour of the vulnerable person. Clearly this depends on the evidence of how a gambling company has acted.

Finally, J4P is extremely disappointed, because we never wanted to have to prepare this leaflet. J4P will still be there to advise, especially for those at crisis points, but our volunteers simply can't continue to spend many, many hours reading and helping people to respond to gambling company staff who've been trained never to admit any wrong doing. This job must be taken on by people being paid. Logically, this may be lawyers and will certainly be if the GC and government continue to refuse to setup what is clearly needed:

A free independent dispute service for people with a gambling disorder.

This should not be organised and provided by the present GC licensed alternative dispute providers, e.g. IBAS and e-Cogra. They're not qualified to do this work. Either an ombudsman or a new specialist organisation is required.





'Justice for Punters'
www.justiceforpunters.org
info@justiceforpunters.org

12. Statement/warning

Nobody associated with 'Justice for Punters' is legally trained or qualified. Users of this information leaflet need to be aware of this. The content is purely based on our experience, so we do not guarantee that anyone will win their case by following what is outlined here, but we can say that we have had a reasonable number of successful outcomes for the customer following the processes described.