

'Justice for Punters'

Know your rights

when sports betting and casino gaming: a guide



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

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1. Introduction

On October 31st 2018 the UK Gambling Commission (UKGC) introduced **new rules for gambling companies**. J4P's website covers everything in detail: <https://justiceforpunters.org/other-punter-injustices/moving-towards-a-fairer-deal/> J4P is hoping, but we're not fantasists, that these improved rules will enable J4P to close down.

At J4P we strongly support the primary aims of the Gambling Act (2005), in this case the one that states gambling should be 'fair and open'. This booklet contributes towards that aim by outlining different ways a consumer can obtain their rights in a dispute with a bookmaker or gambling company, whichever term you choose to use.

This booklet is informed by case studies dealt with by a small group of volunteers who have helped customers obtain their consumer rights in disputes where the recommended alternative dispute resolution process has often let them down. It has been updated to reflect all the new rules that were introduced on 31-10-2018.

The processes this booklet recommends are primarily based on the Consumer Act (2015) (<http://www.legislation.gov.uk/ukpga/2015/15/contents/enacted>). This is a summary:

<https://www.citizensadvice.org.uk/about-us/how-citizens-advice-works/citizens-advice-consumer-work/the-consumer-rights-act-2015/>

This booklet is aimed at any type of sports betting or casino service, however our experience would suggest that the biggest problem is online betting and casino gaming, followed by telephone betting and lastly in a betting shop. As with most things in life, disputes usually get settled more easily when there is personal face-to-face contact, so this possibly explains J4P's perception of where most problems occur?

These new rules do not mean gambling companies will play fair. History tells us that fairness is not high on the agenda of many gambling companies, so customers will still need to make sure they fight hard and take no notice when company staff say they don't have rights.



2. Take the dispute up with the company

Hopefully, this will lead to an amicable solution.

If it doesn't, it is vitally important that you have kept written evidence of your discussions, so make sure you keep copies of letters, emails and 'live chat' conversations. If it involves telephone betting, the bookmaker will likely have recorded your conversations, but sometimes these recordings do seem to disappear, so it might be a good idea to explore ways of recording the conversations yourself.

If you're worried about the law concerning recording telephone calls in the UK, don't be, see: https://en.wikipedia.org/wiki/Telephone_recording_laws#United_Kingdom

The following url explains cheap and easy ways to record your telephone calls, but don't forget to shop around: <http://www.pcadvisor.co.uk/how-to/audio/how-record-phone-calls-3508046/>

Our experience would suggest that customer service staff do not always tell the whole truth, do not always address the issue and will certainly quote unfair terms and conditions in an attempt to stop a consumer obtaining their rights. If this was any other industry there would certainly have been large fines imposed already by a regulator or ombudsman for poor customer service, but not so in this industry.

If discussions with customer service staff fail you should email or send a letter to the Chief Executive Officer of the company you are in dispute with. The following website often helps with email addresses: <http://www.ceoemail.com>. A Google search will find a postal address.

Under the new 10/18 rules a company has a maximum of 8-weeks to settle a dispute amicably. If this is not achieved then the company must hand the dispute over to an alternative dispute organisation. The customer can do this earlier if they wish and/or use 'Resolver' earlier (see next section).



3. 'Resolver'

This option was added by the UKGC in August 2017 as a result of a review they completed, which concluded that present gambling dispute systems were not working for the customer.

'Justice for Punters' recommends use of this option quickly if a bookmaker or casino is messing a customer about, e.g. not responding to emails, never answering questions on 'live chat', etc. These problems are very common.

If you go to: <https://www.resolver.co.uk/> and then type in the name of the company you have a dispute with it will tell you if they are signed-up. All gambling companies licensed by the UKGC have to sign-up. If the company you are in dispute with isn't you should report this to the UKGC using consumers@gamblingcommission.gov.uk or you can telephone 0121 230 6666.

Basically 'Resolver' enables people to progress their dispute in a formal way that is known to have had success in other business areas. You can be pretty sure that bookmakers did not volunteer to use 'Resolver', which says it all.

Gambling companies often try to slow down or refuse to use 'Resolver', because it generates a new email address for the customer, i.e. not one linked to the gambling account where the dispute is. This is nonsense, the customer should just tell the company to get on with it or report the problem to 'Resolver'.

Where gambling companies try to get out of using 'Resolver', it should be reported to the UKGC: info@gamblingcommission.gov.uk or telephone 0121 230 6666.

If you would prefer to use an alternative dispute organisation listed on a gambling company website without using 'Resolver' this is fine; it's your choice.



4. Use alternative dispute resolution

If you fail to settle the dispute directly with the bookmaker or casino they must say who their chosen alternative dispute resolution (ADR) organisation is: This will be on their website. The customer can refuse their choice and suggest one of their own, but the bookmaker can also refuse this choice (really helpful that)!

Using an ADR is where most of the new 10/18 rules will have an impact. According to the GC the ADR system hasn't been working for consumers, so they have taken action. ADRs will have to improve immensely if they are to meet the new standards, which is great for consumers.

ADR providers, e.g. IBAS; will have to **take on more types of dispute, including non-payment of customer balances** and do everything in their powers to avoid the need for court action.

ADRs will **also have to share all dispute evidence submitted with all parties**. It's quite incredible that this has never applied before, but consumers can now look forward to much better transparency. Further transparency is also expected on ADR websites whereby consumers will know the exact stage their dispute is at **through the provision of online case tracking**.

The introduction of a **potential for customer compensation** is another interesting new option. J4P hopes it's never needed, but?

J4P is also pleased that potential 'conflicts of interests' are being addressed and hope to see **'industry insiders' of all types being excluded from dispute decision making panels**.

Overall, so long as the new standards and guidance are implemented correctly J4P is happy with them for now. J4P will be watching very, very closely. J4P genuinely hopes no ADRs will have their licence taken off them, but we also urge the Gambling Commission to do so if service standards do not meet the new expectations.



5. Alternative option: Citizens Advice

It's always worth trying this option, as times change and it's free.

Disappointingly, our experience is that they are rarely keen to advise on betting disputes. Certainly, we have received conflicting feedback about what they are willing to do. The customer's choice and it is only a telephone call in the first instance, so you've nothing to lose.

There is better news in the case of people who have a gambling problem; Citizens Advice is now actively helping this group of people (see: <https://sbcnews.co.uk/europe/2018/09/24/gambleaware-expands-uk-gambling-harm-support-network-with-citizens-advice-partnership/>), so another useful url is: <https://www.citizensadvice.org.uk/>

There are different websites you can link to from <https://www.citizensadvice.org.uk> dependent on the area of the UK where you live. You should select your option and look for the 'Contact us' page, e.g. <https://www.citizensadvice.org.uk/about-us/contact-us/>



6. Alternative option: Small claims court

This will frighten some people, but the likely cost, so long as you have a good case, tell the truth and are willing to appear in court (incredibly unlikely – see later) could be as little as £25.00 by using the HM Courts & Tribunals Service online: <https://www.moneyclaim.gov.uk/web/mcol/welcome>. The link to the complete fee structure is: <https://www.gov.uk/make-court-claim-for-money/court-fees>. Please note that small claims does not mean tiny amounts of money and the fees for claims up to £10,000.00 are very reasonable. The fee is recouped from by the bookmaker or casino if the customer wins. It is possible to use the small claims court for amounts of £200,000+, but the fee is substantial (£10,000).

Please note that the full online service can only be used to submit claims up to 10K concerning bet/s placed and money owed in England and Wales, and with companies who have registered offices in England and Wales. For all other bookmakers and this will include most online disputes, because the online arms of nearly every big bookmaker are based abroad for tax efficiency purposes, you will have to complete the downloadable pdf forms (n001 & n510) and print the forms out after completing them. They then need posting, enclosing a relevant payment, to:

County Court Money Claims Centre, PO Box 527, Salford, M5 0BY

The person also needs to post a copy of both forms using recorded delivery to the gambling company at their head office address in Gibraltar, Malta or wherever. **Please note** that the post to the money claims centre in Salford must also contain form N215 - Certificate of Service.

If you have difficulty completing the form online or any part of the form or forms as pdfs there is a **freephone helpline – 0300 123 1372**. There are example completed forms on our website: <https://justiceforpunters.org/small-claims-court/how-to-complete-small-claims-court-forms/>

The government also provides an excellent step-by-step guide on using the small claims court and what will happen: <https://www.gov.uk/make-court-claim-for-money/overview>.

There is no question that this option can be a good option for betting disputes, because there is little, if any chance, that a bookmaker or casino will go to court if they know the dispute involves using unfair T&Cs to stop a customer obtaining their rights. Some common examples of this are:

- a) Not paying out the correct amount on promotions, e.g. retrospectively stating best odds guaranteed (BOG) has been withdrawn.
- b) Not paying out on bets placed 2-3 seconds after the off in shop, if there is evidence that the shop staff do this all the time.
- c) Not paying out, because your account has not been verified correctly, when you have sent perfectly clear scans of proof of address and a personal picture of either your driving licence or passport photograph page (unless there is evidence of criminal activity).
- d) Confiscating the money in your account, because a bookmaker claims someone else has been using your account without providing conclusive proof someone has. It is very, very unlikely a bookmaker will have this evidence, whatever they claim and if they refuse to provide it, you will have a very good chance of winning a small claim (unless there is evidence of criminal activity).

We could go on forever as some bookmakers use so many unfair T&Cs.

7. Where next

We are a volunteer service with no income, therefore we cannot help people individually often, but we are more than willing to initially receive emails at the following address:

info@justiceforpunters.org

And impartially advise (no guarantees of being correct) on whether a dispute is probably worth pursuing or not and where we cannot help directly we will guide you to our self-help web pages. These web pages contain letters/emails you can adapt to help you get through each process of a dispute (see: <http://justiceforpunters.org/helpful-letteremail-layouts/>).

As mentioned J4P is hoping the new rules will mean gambling consumers are much more likely to obtain their rights without having to use J4P.

8. Conclusion

Winning a dispute with a bookmaker or casino can be difficult; some companies make sure of that, but if you feel your rights have been infringed, you should fight. We've helped recoup over £1.3 million for people who were told they had no rights to the money they eventually received.

It will take time and patience, and there maybe frequent attempts to make life difficult for you. If you choose the small claims route some companies will often make you go through 95% of the process, i.e. until the day of a court appearance. But, do not worry, our experience is that this is all 'bluff' and the company will be highly likely to settle the claim outside court on the same day. If your case is sound it is highly unlikely that a company will want a judge to make a judgement on an unfair T&C or other unfair practice, because this will set a precedent that stops companies trying to put other customers off obtaining the same rights in the future.



9. Case studies

Customer A

Placed a single win bet and an ew double on two horses 20 minutes after opening an account. One horse won and the other was placed. Both drifted, so customer A benefitted from a best odds guaranteed (BOG) promotion. The correct amount was initially added to customer A's account. The following morning customer A received an email from the company saying best odds guaranteed had been removed from the account. The amount of money in the account had been changed to reflect this email. Customer A was now £1100.00 worse off.

Customer A came to 'Justice for Punters' as the company was refusing to change their decision. What they had done was illegal under consumer law. J4P advised customer A to use the small claims court.

Customer A sent a 'letter before action' to the company (no response). Then a small claim was submitted at a cost of £80.00. As soon as the company received the claim from the court the company paid out in full as they knew they would lose in a court of law due to their use of unfair terms and conditions.

Customer B

Had won £5,500 but the company was refusing to process a cash withdrawal as they claimed customer B had previously self-excluded from an account with another company in their corporate group (unknown to customer B). This issue had never arisen when customer B was gambling, but the company were now only offering customer B's deposit back (£200.00), as under their terms and conditions customer B should not have been allowed to gamble. Despite the problem being caused by the company, i.e. their social responsibility procedures had failed they were still refusing to pay out.

Customer B would likely have won the case using the small claims court, but B decided to contact a major media outlet. The company was contacted by the media outlet and told that a story would be published about the case. The company paid out in full 48 hours later, 18 hours before the story was due to run.

Customer C

Had an account closed by a major bookmaker. Of course, no reason was given. Customer C provided 'Justice for Punters' with details of correspondence relating to the company refusing to reopen the account and the bet history from the account. The bets were all between £2-£6 and C was losing money on the account.

'Justice for Punters' provided a letter, which was sent to the Chief Executive Officer of the company. The account was reopened, an apology sent with an offer of free bets for the time and troubles caused.

These are three very different cases, two involve money, but just as importantly one involves a software mistake that the company were refusing to look into. C was a grandma, who was treated like a 'criminal', but she does have rights and certainly she should have been treated with respect by customer services. Thankfully, eventually she was, but the damage was done.



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

10. 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.