

Annex D - Review of Gaming Machines and Social Responsibility - Submission template

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For all respondents:

Q1. What, if any, changes in maximum stakes and/or prizes across the different categories of gaming machines support the Government's objective set out in this document? Please provide evidence to support this position.

The Government's objective for this review is 'to look across the industry and determine what, if any, changes are needed to strike the right balance between socially responsible growth and the protection of consumers and wider communities.' (paragraph 1.4)

Q1 invites us to focus on 'changes to stakes and/or prizes across the different categories of gaming machines' which might support this objective and to 'provide evidence to support this position'.

Main points:

- **The evidence requested by Q1 is only accessible to the gambling industry. This renders responses from other stakeholders conjectural / 'anecdotal' in comparison.**
- **If data was accessible to all researchers through a comprehensive framework, as suggested by the Responsible Gambling Strategy Board (RGSB), an open discussion of this important question could take place based on independent assessment of methodologies and analysis.**
- **Lack of access to data is part of a broader problem: the lack of independence in the structures that are currently used to fund and commission research.**

Supporting evidence:

Independent researchers find it almost impossible to gain access to industry data. I asked the Responsible Gambling Trust (now GambleAware) for access to the data used in their machines research in person, at the launch event in December 2014, and repeatedly since that time, via email. Access has not been forthcoming.

My experiences are common to many other independent researchers. In 2014 I published *Fair Game*, a report based on research supported by the European Research Council and written with my colleagues Dr Andrea Pisac and Dr Claire Loussouarn. *Fair Game* is based on interviews with 109 gambling industry executives, policy makers, researchers and treatment providers. The full report can be found here: <https://www.gold.ac.uk/media/documents-by-section/departments/anthropology/Fair-Game-Web-Final.pdf>

***Fair Game* provides clear evidence that the industry has become adept at shaping the field of gambling studies by withholding access, as this executive explains:**

You just sit tight and hope that the research looks somewhere else. I would ignore your emails, then be really apologetic and upfront if I saw you again. Polite, but with no intention of ever, ever coming through for you.

Another explained that:

I tell researchers how much I enjoyed our conversation and to keep in touch and maybe we can sort something out next year. Works every time.

Researchers describe how these tactics affect their work:

We negotiated for months with the industry to get access to gaming floors to interview patrons. And they just stalled and stalled and stalled...

If I can manage to find an email address, which I usually can, I find that my emails are completely ignored.

They didn't tell me anything, they just ignored my efforts to communicate with them. Eventually, after many months when they replied, my fieldwork was over. So this was their way of avoiding the cooperation: just silence. I sent emails, letters and phoned many people within the company, but I received no reply.

Lack of access to data is part of a broader problem: the lack of independence in the structures that are currently used to fund and commission research.

Despite reassurances, changes to personnel and branding, the separation between fund raising and commissioning of research does not enjoy wide public confidence. See the Guardian article at <https://www.theguardian.com/society/2016/jan/06/documents-reveal-gambling-charity-chair-conflict-of-interest>

The need for a data framework has been recognised by RGSB. However, a framework created by a charitable body that is perceived as being influenced by industry will not enjoy public confidence.

In 2012 the Select Committee recommended that:

the Government works with the Gambling Commission to provide a clear indication of how it intends to ensure that sufficient high-quality research on problem gambling is available to policy-makers. It is particularly important that research is *seen to be independent and comparable over time* to show whether or not there is a change in the levels of problem gambling. (my italics)

This recommendation is equally urgent today.

Under the current structure, academics cannot flourish without working collaboratively with the industry, as they are dependent upon them for either access, or funding, or both.

Below are extracts from four extended interviews with academics which show the kinds of pressure they encounter when working on gambling:

With the anxiety that I always felt about potentially upsetting the industry and colleagues who were closely linked with them, I had enough. I didn't even finish writing up, because it was going to be too much. So no one ever told me not to publish, but in a sense I self-sabotaged. I was really scared about potentially annoying the industry and then getting my reputation trashed, because I saw that happen at something and it really was horrible. So I had a choice, say everything is fine. In other words, lie. Or keep quiet and not expose myself to that critical attention. Wasn't very brave of me was it? (Female researcher with five years' experience in the field of gambling)

We ran some seminars and workshops to disseminate our findings and people came to those and attacked us – people from the industry primarily. Attacking us and suggesting that our research was flawed and asking us about studies we'd never heard of and then claiming we didn't know anything about the field; they were trying to undermine our reputation. They tried to intimidate us indirectly in terms of what we published. And to discredit us in the eyes of other people. No one tried to shape directly what we wrote, but I didn't try to take the work forward after that. (Female researcher with seven years' experience in the field)

When I was talking with the audience I stepped over the line very slightly and cor blimey, they got very hot on me. It was quite good actually, it really brought me up, thinking. What I usually say in academic conferences, I'm quite free, whereas you've got to be really careful with these audiences, you've got to be very sensitive to them. I mean we don't want to upset the operator who gave us access, but equally we don't want to be their mouthpiece necessarily. (Male researcher with two years' experience)

The industry are very good at knocking down research that they don't agree with by questioning the evidence and the industry usually get their arguments let alone their

facts straight and that's when they will trot out their data so they are very clever and they work it to their advantage. (name and status withheld)

***Fair Game* also provides evidence of the tactics that the industry uses to shape the field of gambling studies. For example, a UK based executive who has worked in the industry for 11 years told me:**

People in the industry are just suspicious about research because, let's face it, the likelihood is that they already know if there's a problem and their job is to keep it quiet. If research comes up that we don't like then you either say it's not comparable, because it comes from somewhere else, or the offering is different, or regulation is different or whatever, or you look at the methodology and you say well it's only based on 50 people so it's hardly representative, or you just get hold of some other research you've done already that says the opposite. It's not difficult.

How do we deal with bad news? We just don't respond. Don't provide any oxygen, but behind the scenes we might give someone a bollocking for funding a bit of research. If we sit on a board we might show that we weren't very happy. When GamCare comes round cap in hand we might point out that we weren't very happy. Just the usual things that you would expect really. (executive in the industry for seventeen years)

These lengthy extracts are included in order to show how the field of gambling research is reproduced. Early career scholars, in particular, are under pressure to work collaboratively with industry in order to gain access to funding and data, or face leaving the field, for want of opportunities. The quality and diversity of the knowledge produced under these conditions is limited, and ensures that policy makers and the public continue to be poorly served by gambling research.

Q2. To what extent have industry measures on gaming machines mitigated harm or improved player protections and mitigated harm to consumers and communities? Please provide evidence to support this position.

Main points:

- **Like Q1, the kind of data that Q2 is designed to elicit is only accessible to the gambling industry. Responses from other stakeholders are thus easily dismissed as conjecture or 'anecdote'.**
- **Meaningful access to the data necessary to assess the public health impact of new products should be part of licensing. The onus should be on industry to provide whatever data policy makers require to fully understand new products and their impact on player behaviour.**

- One of the well documented tactics of the tobacco and alcohol industries has been to use complexity to create doubt, and to hold research to inappropriate and unachievable levels of proof. The question of whether FOBTs ‘cause’ problem gambling, is an example of this tactic. Focusing on unanswerable questions distracts policy makers and researchers from finding practical solutions to actual problems that occur in gambling environments.

Supporting evidence:

The *Evaluation of Gaming Machine (Circumstances of Use) (Amendment) Regulations 2015* (Department for Culture, Media & Sport) repeatedly describes the inadequacy of the evidence available to assess the impact of counter authorisations of over £50 stakes.

The executive summary offers three possible explanations for changes to player behaviour, but adds that, there is not ‘conclusive evidence’ for any of them, adding that, ‘We would require more detailed data on speed of play during sessions to examine this issue. This information should be included as part of any future research.’ (p.3)

The impact assessment reveals the limitations of using data of any single kind to explore complex behaviour as well as the poor quality of data made available by the industry.

Compounding problems with access is the focus on questions like: ‘Do FOBTs cause problem gambling?’

Even if perfect data was available, it is not possible to extrapolate motivation, let alone ‘causation’, from machine data. Limited correlations between behaviour and environment can only be implied by a rich mix of approaches and types of data. Methods might include measuring changes in staking behaviour, asking people why they behaved as they did, changing the conditions under which they are gambling and seeing how their behaviour changes, and so on.

None of these very basic experimental approaches are currently possible in the UK where access to data and gambling environments is controlled by the industry.

As described in Q1, research based on imperfect datasets is easily discredited by the industry, as one veteran executive of eleven years explained in an interview for *Fair Game*:

If research comes up that we don’t like then you either say it’s not comparable, because it comes from somewhere else, or the offering is different, or regulation is

different or whatever, or you look at the methodology and you say well it's only based on 50 people so it's hardly representative, or you just get hold of some other research you've done already that says the opposite. It's not difficult.

Under these conditions, top researchers move to different fields such as alcohol research, or go overseas. Professor Luke Clark, for example, has moved to Canada to conduct his ground breaking research because he can gain greater access to data and funding (through a statutory levy) than in the UK. See: <http://psych.ubc.ca/persons/luke-clark/>

One of the well documented tactics of the tobacco and alcohol industries has been to use complexity to create doubt, and to hold research to inappropriate and unachievable levels of proof. The question of whether FOBTs 'cause' problem gambling, is an example of this tactic.

Those of us who raised this point before the machines research conducted by the RGT were told to 'wait and see'. When, as expected, the research was not able to answer the question, we were told that we would not be able to see the data.

In 2009 Gary Banks, chairman of the Productivity Commission in Australia, spoke of the importance of consulting a wide variety of evidence in order to formulate gambling policy, referring to a 'triangulation' approach, which drew systematically from a range of sources. See Banks, G. 2009. 'Evidence-based policy making: What is it? How do we get it?' (ANU Public Lecture Series, presented by ANZSOG, 4 February), Productivity Commission, Canberra.

The impact assessment also calls for 'Survey data and qualitative data on what has driven changes to players' behaviour might help to examine the possible explanations behind the observed changes in patterns of play.' (p.32)

The quality of gambling research will only improve if funding and access are reformed. A wider range of questions could then be answered, thus providing more and more varieties of evidence than are invited by Q1 and 2.

For the current review it is essential that those assessing the evidence are aware of the difficulties that independent researchers face in gaining access to industry data.

Conducting arguments exclusively in terms of causation and changes in behaviour as captured by machine data, places non industry stakeholders at a huge disadvantage.

Q3. What other factors should Government be considering to ensure the correct balance in gaming machine regulation? Please provide evidence to support this position.

Main points:

- **A strong, independent gambling research culture embracing a variety of methods, approaches, disciplines and individuals, is necessary to help policy makers find the optimum balance in gambling regulation.**
- **A reformed, independent research culture should be supported by a compulsory levy distributed by national research councils including RCUK and NIHR.**
- **The functions of fund raising and commissioning research should not be performed by a single organisation. The idea that a single organisation can raise funds from industry and also commission research which could negatively impact their profits does not inspire public confidence and is not best practice in related fields such as alcohol research.**

Supporting evidence:

When interviewed for *Fair Game*, experienced researchers suggested that the current framework for funding and commissioning research invites ‘safe’ research which favours the status quo:

Psychology invites some very safe research in that a lot of the research has come out of labs and is not really contextualised in any sort of policy context. There are probably not that many psychologists who I would say have questioned the prevailing paradigm that tends to legitimate a lot of the government and industry coalescence of interests.

There are these little cabals of researchers who dominate the so-called big ranked journals with the same stuff year in year out. They are quite exclusionary and self-reinforcing.

Many promising researchers have left the field for these reasons:

Two problems with the field which is why I would never really intend to work in gambling studies again. One is there's a very tight controlling and policing of who is allowed to be in the gambling research community by certain key academics. The other side of it is the way that the industry operates ... they operate both separately and together to decide who is allowed to do what in gambling studies.

A reformed, independent research culture could be supported by a compulsory levy distributed by national research councils including RCUK and NIHR.

Access to the data necessary to assess the impact of particular products on public health could be a condition of licensing, rather than created through ad hoc arrangements between individual researchers and corporations.

Funding raised through a compulsory levy and distributed by research councils would underpin a more open and critical research culture, breaking down existing silos and enabling us to find creative solutions to complex problems in an open and collaborative setting.

As Kate Lampard, Chair of GambleAware, noted at the APPG on FOBTs on 29th November 2016, a statutory levy of 0.1% would raise £11,000,000 which could be used on research, education and treatment. It would be appropriate for a portion of that £11,000,000 to be remitted to Research Councils for research whilst treatment and public awareness campaigns were retained by GambleAware.

This levy remains minuscule compared to states in the USA and Australia which attract a compulsory 2% levy on gross gambling yield, but would be a major improvement on the current voluntary mechanism. Voluntary ‘gifts’ perpetuate a sense of entitlement and corresponding indebtedness. The levy would be another cost of doing business.

Raising funds from the industry and commissioning research which may negatively impact their profits should not be the responsibility of one organisation. The integrity or good intentions of the individuals involved is not the issue. It is the structure which does not inspire public confidence and must be reformed.

These points are echoed by recent articles in international peer reviewed journals including *Addiction* (see, for example, Livingstone C., Adams P. Clear ethical principles are needed for integrity in gambling research. *Addiction* 2015; 111: 5-10.)

Q4. What, if any, changes in the number and location of current gaming machine allocations support the Government’s objective set out in this document? Please provide evidence to support this position.

Main points:

- **Once again, it is very difficult to produce the kind of evidence that is given precedence by policy makers without access to industry data.**
- **More, and more kinds of research including interdisciplinary work which combines methods and types of data, are needed to interrogate the connections between deprivation, unemployment, homelessness, crime and gambling.**

Supporting evidence:

The complex relationships between deprivation and betting shops are not well understood, although correlations have been mapped by, for example, the Geofutures report (2014), which showed that, ‘Areas close to betting shops tend towards higher levels of crime events, and resident deprivation, unemployment, and ethnic diversity.’ (p. 3). More, and more kinds of research are needed to interrogate the connections between deprivation, unemployment, homelessness, crime and gambling.

Q5. What has been the impact of social responsibility measures since 2013, especially on vulnerable consumers and communities with high levels of deprivation?

Main points:

- **Without access to industry data it is very difficult to say.**
- **Access to the data necessary to assess the success of social responsibility measures should be a condition of licensing.**

Supporting evidence:

A recent review of harm minimisation measures in Victoria, Australia, concluded that, ‘The most effective interventions, measured by apparent effects on aggregate EGM expenditure’...‘appear to be those where a relatively significant feature of the EGM or its environment was modified.’ These modifications were more effective than, for example, interventions such as ‘signage or, indeed, self-exclusion’. (2014, p. 17)

https://www.researchgate.net/profile/Angela_Rintoul/publication/266023628_What_is_the_evidence_for_harm_minimisation_measures_in_gambling_venues/links/542396a30cf238c6ea6e45c7.pdf

Q6. Is there anything further that should be considered to improve social responsibility measures across the industry? Please provide evidence to support this position.

Main points:

- **As noted in the response to Q5, social responsibility measures across the industry could be significantly improved if the data necessary to assess their efficacy was accessible to independent researchers as a condition of licensing.**
- **Independent scrutiny would improve public confidence in evidence driven gambling policy as well as improving the quality of gambling research. The industry has concerns around ‘commercial confidentiality’. However, work**

in Australia and with other industries has shown that data can be successfully aggregated and anonymised as part of licensing conditions and therefore retain confidentiality of customers and industry whilst still making data available to researchers.

Q7. Is there any evidence on whether existing rules on gambling advertising are appropriate to protect children and vulnerable people from the possible harmful impact of gambling advertising?

Main points:

- **The existing academic work on the impact of advertising is inconclusive and easily dismissed as it is based on ‘self-report’ by gamblers which is presented as unreliable.**
- **A wider approach to the impact of gambling advertising could use a variety of interdisciplinary approaches to consider its effect on the broader community including gamblers and non-gamblers.**

Supporting evidence:

A recent article by Mark Griffiths suggests that, ‘Overall, the small body of research on the relationship between gambling advertising and problem gambling has few definitive conclusions.’ The article goes on to challenge the evidence drawn on by work which focuses on the effects of advertising on problem gamblers and adolescents, because it is mostly ‘self-reported data that has been shown to be unreliable among gamblers’.

(http://irep.ntu.ac.uk/28820/1/6361_Griffiths.pdf).

Griffiths concludes by saying that: ‘At best, the scientific research only hints at the potential dangers of gambling adverts. But in order to challenge the increasing normalisation of gambling among these most-at-risk groups, more robust evidence is needed’.

It is also possible to view the proliferation of advertising as a wider societal issue and to use mixed methods to appreciate its impact on the wider community.

My approach has been to conduct participant observation with gamblers and non-gamblers, and to invite their views on the increase in gambling advertising that we have experienced since the Gambling Act came into force in 2007. For many, the proliferation of gambling advertising has negatively impacted their enjoyment of sport, for example. As senior citizen Wilf explained:

I used to enjoy the football but now it's all Paddy this and Ladbrokes that. I'm a Methodist and I don't want to see all that. I think it's wrong. Even though we take it for granted these days.

Sam, a younger football fan with kids, echoes his views:

I want my kids to watch football, but I am conscious of the normalization effect of gambling advertising. The purity of the enjoyment I got from watching sport when I was a kid has been changed into a different kind of high.

Even the bookmakers I interviewed had mixed feelings about the increase in advertising and the proliferation of opportunities to gamble:

When you look at gambling on TV and in the shops, the scratchcards and all that, not to mention every kind of gambling under the sun a click away on the phone in your pocket it's hard to believe what my father did was illegal when he started. The exact same thing as companies on television and quoted on the stock market are doing today was illegal in his day and mine. A boy growing up today wouldn't have a clue that gambling was illegal not so long ago. (Bookmaker, south east London, 2006)

These extracts are not intended as conclusive proof of a particular hypothesis. However, taking into account a wider range of evidence, both qualitative and quantitative, would enable policy makers to take decisions about the impact of advertising on all members of our communities including gamblers, problem gamblers, old and young people.

Q8. Any other relevant issues, supported by evidence that you would like to raise as part of this review but that has not been covered by questions 1-7?

Main points:

The issues that I would like to raise concern the production of knowledge about gambling. They have been covered in *Fair Game* and in my answers to the previous questions. They can be summarised as:

- **Independent researchers should have access to data which would enable them to answer questions about the relationships between stakes, prizes and player behaviour.**
- **Independent researchers should have access to data which would enable them to answer questions about the efficacy of social responsibility measures.**
- **Both the above datasets should be made a licensing condition for gambling operators, who could aggregate and anonymise datasets to**

ensure some level of customer and commercial confidentiality whilst still allowing meaningful access to data.

- **A vibrant, independent research culture based on a compulsory levy of 0.1% of gross gambling yields (ca. £11m), with research commissioned by Research Councils, would produce a wider variety of evidence for policy makers to consult, and command greater public trust.**
- **The causes of problems associated with gambling are complex, but complexity should not prevent action. Unanswerable questions like, ‘Do FOBTs cause problem gambling?’ should be replaced by proposals to trial marginal, reversible interventions, the effects of which may be assessed using accessible industry data. Causality may never be understood, and is more of a philosophical or social question. More practical questions might include, ‘If we reduce stakes on FOBTs, or remove the “recent spin history” from FOBTs, how does it change the way that people interact with them?’**
- **The diversity of the gambling industry and the internal divisions and rivalries should be recognised, including its role in driving controversy and directing research.**

Finally, like academics, MPs and civil servants, bookmakers are a diverse group and some of them are very concerned about the direction that their industry is taking. Interviews can help us to better appreciate and understand the diversity that exists within the industry, including identifying areas where social responsibility can make real gains. For example:

I’ve retired because of the machines. I’ve sold up. I’m off to Spain. You’ve got to earn a living but you need to look in the mirror when you shave or else you’ll cut your throat. (Bookmaker, London, 2009)

I’ve spoken to other organisations and everyone is absolutely flabbergasted. Everyone to a man came up through the shops and in 15 years in shops I’ve only known one problem gambler. Since I left shops and the rise of FOBTs every single shop has serious problems with them. The old act wasn’t great, but it did hold things in check and at least had that moral position. Now I’ve got moral issues, and moral issues with the company. It’s bothering me to a great extent. (Development officer, UK betting operator, 2009)

Some of the companies in Gibraltar are ruthless. They are not nice. You would not want to work for them. Their idea of social responsibility is putting the sign up and forgetting about it. We never have been cut from that cloth because we came from the communications industry and we see things very differently. We are part of the world, we don’t stand outside it like they do. We want to make a living but we don’t want anyone to be ruined. (Mobile gambling executive, 2013)

These quotations are included in order to support my argument for a vibrant and independent research culture, and for a more nuanced and broader approach to what counts as evidence in gambling research.