



Department  
for Culture,  
Media & Sport

Rt Hon Lucy Frazer KC MP  
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4 September 2023  
[REDACTED]

Mr Ivan Cartwright  
H.M. Coroner's Office (Leicester City & South  
Leicestershire)  
Town Hall  
Town Hall Square  
Leicester LE1 9BG

Dear Mr Cartwright,

**Response to Regulation 28 report following inquest into the death of Luke Ashton**

1. I write in response to the Regulation 28 Report to Prevent Future Deaths (the "Report") dated 12 July 2023, made following the inquest into the death of Luke Ashton.
2. In providing this response to the Report, I wish to express my deepest sympathies to Mr Ashton's family and friends for their loss. The Department for Culture, Media and Sport ("DCMS") and wider government are committed to protecting people from gambling related harms and preventing future tragedies under similar circumstances. We have carefully considered the concerns you highlight, and will continue to take action to make gambling safer and increase protections for those at risk of harm.
3. The Report arises from the Inquest into Mr Ashton's death which finished on 29 June 2023. You concluded that the evidence showed that gambling disorder had contributed to Mr Ashton's decision to take his own life, and you established gambling disorder as a cause of death. The particular matters of concern identified in the Report were that:
  - i. That the player protection tools were and are inadequate to protect a person such as Mr Ashton, specifically that such tools do not amount to any or any meaningful interaction with the gambler, or any intervention into the practices of the gambler.
  - ii. That the algorithm devised and operated by Betfair, to assist its staff in, amongst other things, observing and monitoring the gambling patterns and practices of its customers, failed to flag up Mr Ashton as a problem gambler, despite the increases in his time online (gambling) the value of his deposits and the size of his losses, in part because his gambling practices, even in the last 10-12 weeks of his life, were deemed not to be exceptional, when averaged among gambling customers, generally.
  - iii. That the operator Betfair appears to judge the extent of its responsibilities to gambling customers solely with regard to industry (regulatory) standards, rather than current good or best practice in order to prevent further harming problem gamblers, or those who, as a result of their changing practices and patterns are likely to become problem gamblers.



## Background

4. Ensuring that gambling happens safely is a top departmental priority. From December 2020 to April 2023 the government undertook a comprehensive Review of the Gambling Act 2005. The Review launched with a call for evidence which ran from December 2020 to March 2021 and received 16,000 submissions. Ministers and officials have supplemented this with hundreds of meetings with a wide range of stakeholders, including those bereaved by gambling related suicide. We are particularly grateful to those like Mr Ashton's widow who have shared their personal experience with DCMS and highlighted priorities for change. We have assessed the best available evidence and in April we published a [white paper](#) outlining a comprehensive package of new protections to build on existing controls and help safeguard customers.
5. A number of the proposals in the white paper relate to the [protection of online gamblers](#), and these are being introduced in addition to the specific changes outlined below in relation to your concerns. For example, we are creating new obligations on operators to conduct checks to understand if a customer's gambling is likely to be harmful in the context of their financial circumstances, seeking to mandate participation in a cross-operator harm prevention system based on data sharing, bringing in new rules to make online games safer by design, and introducing a maximum stake limit for online slots games. We will also continue to tighten rules on advertising and marketing, tackling aggressive practices like using bonuses in ways which exacerbate harms, and working with health and behavioural science experts to develop independent messaging that raises awareness of the risks of gambling. We are working at pace to deliver these and other white paper proposals as soon as possible.

### **Concern 1: The player protection tools were and are inadequate to protect consumers and do not amount to any meaningful operator interaction or intervention**

4. All licensed online operators are required to provide customers with a range of tools to help them gamble safely, such as gambling activity statements, 'time out' functionality, and facilities to set limits on spend. Operators must also provide facilities to allow gamblers to self-exclude, and since March 2020 all remote operators have been required to integrate with GAMSTOP, the national self exclusion scheme. While the use of these tools by customers is voluntary and operators are afforded a degree of discretion around how they are designed, there are requirements attached to certain tools, and encouraging or mandating customers to use them is part of the range of interventions operators are expected to consider for those showing indicators of harm.
5. The Gambling Act Review gave extensive consideration to these tools, and we received evidence that many customers find them a useful way of controlling their gambling spend.
6. However, the white paper recognised opportunities to improve both the uptake of the voluntary tools, and their efficacy in preventing harm. For example, building on evidence from the [Behavioural Insights Team](#) the review found that the design of many currently available deposit limits (as the most widely used safer gambling tool), is sub-optimal and likely to encourage the setting of high monetary limits which may not prevent harm as intended.

7. As outlined in the white paper, the Gambling Commission will consult on implementing improvements to customer-led tools such as making them mandatory or opt-out rather than opt-in, or pre-populating tools like deposit limits with a default spending limit. The Commission is also continuing a programme of work to support the efficacy of multi-operator self exclusion tools.
8. As an additional protection, we will also continue work with the gambling and financial services sectors to make customer-controlled gambling transaction blocks as robust as possible, for instance by expanding them to cover non-card payment methods. Finally, the Gambling Commission's new customer interaction requirements put a specific obligation on operators to consider a customer's use of gambling management tools when assessing for signs of risk (outlined below). I am hopeful that these changes can and will address your concerns.
9. However, while these tools are helpful for many online gamblers, we acknowledge that they alone are not enough to fully mitigate the risks and may not be effective for those in the grips of an addiction. They are therefore only part of the player protection package which we, alongside the Gambling Commission, have taken significant steps to strengthen over recent years, and will continue to do so following the gambling white paper.

**Concern II: Betfair's harm detection algorithm failed to flag Mr Ashton as at risk despite displaying indicators of harmful gambling**

10. All remote gambling operators must monitor player behaviour and use the wealth of data they have available to identify those who may be at risk and take action to protect them, in line with the Gambling Commission's licence conditions and customer interaction guidance. Where needed, the actions taken must include encouraging or requiring a player to set limits, actively signposting to support services, suspending marketing in cases where there are strong indicators of harm, and unilaterally suspending or closing accounts.
11. Despite this, we are aware that operators' approaches vary and there have been too many cases of interventions coming too late, or in some cases not at all. While the Commission has taken strong enforcement action where operators failed to meet the customer interaction requirements, it has also taken steps to substantially strengthen the rules themselves with a view to preventing future harm.
12. These new requirements which came into force in September 2022 and February 2023 clarify operator responsibilities around customer interaction and mandate consistency in harm detection algorithms across the sector. In particular, Social Responsibility Code 3.4.3 now specifies seven relevant categories of "indicators of harm" which all operators must monitor from the moment an account is opened. The core indicators that operators must use are:
  - a. customer spend
  - b. patterns of spend
  - c. time spent gambling
  - d. gambling behaviour indicators
  - e. customer-led contact
  - f. use of gambling management tools
  - g. account indicators.

13. In addition, the code sets out how operators must tailor the action they take based on these behavioural indicators and the level of risk identified. This includes requirements around responding to concerns in a timely manner (including with automated processes where appropriate), preventing direct marketing to or the use of bonus offers by those showing strong indicators of harm, and effective evaluation of any customer interactions. To support operators in fulfilling these requirements, new guidance was published in August 2023 and will come into effect this autumn. The guidance includes specific expectations for operators to identify and intervene with customers who may be at risk of suicide, including where necessary through referrals to emergency services.
14. We understand that since Mr Ashton's death, Betfair has made significant changes to its controls, including mandatory deposit limits for customers who return after a period of self-exclusion.
15. The new rules above have strengthened requirements on gambling businesses to monitor, identify and protect customers at risk of harm. However, a number of measures outlined in the white paper are intended to reduce the reliance on inherently reactive harm detection algorithms by placing a greater focus on preventing harms, such as unaffordable losses, in the first place. At the time of writing, the government is consulting on proposals for a maximum stake limit on online slots games. The Gambling Commission is also consulting on a number of proposals including to make online games safer and to introduce a system of financial risk checks with clear thresholds for operator action.

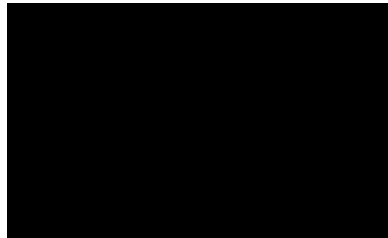
**Concern III: Betfair is only adhering to minimum regulatory standards and is not striving to improve outcomes for consumers via good or best practices**

16. This concern is addressed to Betfair specifically, however in seeking to provide a full response I recognise the concern that other operators may similarly seek only to meet the minimum standards of regulation and legislation.
17. The regulatory framework is designed to be outcomes based as it is impossible for the regulatory and legislative requirements to foresee every circumstance which might arise in the course of a licensee's business. However, I am clear that all operators must strive to deliver the high level licensing objectives (protecting children and vulnerable people, keeping gambling fair and open, and ensuring it is crime free) as well as the specific requirements in individual areas.
18. Both DCMS and the Gambling Commission have sought to encourage the adoption of best-practice where socially responsible operators have taken ownership of these objectives. We have welcomed voluntary initiatives which are evidence based and likely to minimise the risk of gambling related harm, both within individual operators and those coordinated by trade bodies.
19. More broadly we have encouraged a 'race to the top' through issuing industry challenges and, where best practice does emerge, mandating all operators to meet that standard. This removes the potential commercial disadvantage for early movers, and incentivises continuous improvement across all licensees. The mandated integration of all remote operators with GAMSTOP or the inclusion of the Industry Group for Responsible Gambling (IGRG) responsible advertising code in Ordinary Code provisions are examples of where this approach has successfully raised standards across the sector.

## Conclusion

20. The government remains committed to tackling gambling-related harms. We are working with the Gambling Commission, the industry, and others to progress and implement the white paper proposals as quickly as possible, with a view to the main measures being in force by summer 2024. We will continue to adopt a proactive approach to bring about necessary improvements in the areas where evidence suggests further action may be required.
21. I hope that the matters set out above address, in sufficient detail, the concerns raised in the Report. If, however, further information or clarification would be of assistance DCMS will of course endeavour to provide this, as required.

Yours sincerely,



Rt Hon Lucy Frazer KC MP  
**Secretary of State for Culture, Media and Sport**