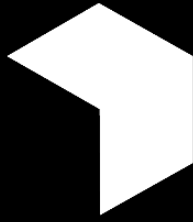# Consumer views on fair and open gambling in Great Britain

March 2025

BIT

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This project would not have been possible without you!

Contents

List of Acronyms

BIT	The Behavioural Insights Team
CRA	Consumer Rights Act 2015
CMA	Competition and Markets Authority
DMCC	Digital Markets, Competition and Consumers Act 2024
FCA	Financial Conduct Authority
GB	Great Britain
GC	Gambling Commission
LCCP	Licence Conditions and Codes of Practice
LE	Lived Experience of Gambling Harm
LO	Licensing Objective
OECD	Organisation for Economic Co-operation and Development
PGSI	Problem Gambling Severity Index
T&Cs	Terms and Conditions

Executive Summary

Fairness and transparency form the cornerstone of trust in any consumer-business relationship. This is no different for gambling: fairness and transparency are essential to ensure customers feel confident that games follow established rules, the odds and terms are clear, and they are protected from harm.

One of the Gambling Commission's (GC's) core licensing objectives (LOs)[1] is to ensure that gambling is conducted in a fair and open, or transparent, way. That is, products and services provided by regulated operators deliver what they promise, consumers are able to make informed choices about their gambling, and consumer issues are addressed properly and promptly.[2]

However, research on consumer perceptions of 'fair' and 'transparent' practices within gambling is limited.[3, 4] This project addresses that gap by gathering consumer perspectives on these concepts. Through three deliberative Forums with about 60 participants from across Great Britain, we explored how fairness and transparency in gambling should be defined and implemented.

To our knowledge, this is one of the first studies using a deliberative approach to gather consumer views on core principles underpinning gambling regulation in Great Britain.

A consumer-led definition of fairness and transparency in gambling

Participants in the three Forums (1) developed and voted on a definition of what fairness and transparency in gambling means (see below); (2) proposed actions that operators should take to implement this definition.

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[1] Gambling Commission (GC) (2017) *Statement of principles for licensing and regulation*
[2] GC (2024) *Impact Metrics*
[3] GC (2024) *Business plan and budget 2024 to 2025*
[4] The GC's own research on this is being informed by insights from its consumer research programme, data from Alternative Dispute Resolution providers, findings from compliance efforts, and horizon scanning.

*A definition of **fairness** in gambling, based on the views of consumers from across Great Britain*

1. Operators balance* enjoyment derived from (i) uncertainty in outcomes and (ii) design of games and the gambling environment, with providing a high level of protection against gambling-related harms.

   > *Balance means operators take actions that place **equal** weight on customer protection and an enjoyable gambling experience.

2. Operators and customers share a responsibility for protections from gambling-related harms, so (i) all customers can adjust their level of protection; (ii) operators must prevent serious harm and protect vulnerable groups.
   a. Point (2) applies across game design, the environment in which gambling takes place, communication and support.
   b. For point (2ii), the decision-rules used to determine high risk of gambling-related harms and other vulnerabilities are standardised across operators.
3. Operator investment in customer experience, products and marketing is equal to their investment in support, treatment, and raising awareness of risks.

*A definition of **transparency** in gambling, based on the views of consumers from across Great Britain*

1. Operators support customers to fully understand the rules, terms and conditions for products, marketing claims, offers, and support;

2. Operators support customers to fully understand the risks of gambling;

3. The provision of complete information for customers to make an informed decision is balanced with the gambling experience.

The consumer-led definitions of fairness and transparency are in many ways aligned with how these terms are currently interpreted by the GC and in consumer law; however, there are some differences.

Both strike a **balance between ensuring gambling in Great Britain continues to be an enjoyable activity for the majority, and ensuring prevention of gambling-related harms**. However, participants expressed that their definition of fairness strives for a **higher level of baseline protection** than they believe is currently practised by industry – and therefore by extension, potentially required within existing definitions. Equally, more emphasis was placed on consumers with different backgrounds and needs being enabled to fully understand risks.

The consumer-led definition also emphasises the **interconnectedness of fairness, transparency and protection from harm** and that all consumers should receive a high base-level of protections. This is in contrast to the current licensing objectives, which separates out protection, with a focus on vulnerable consumers and children. While this ensures an emphasis on the importance of protection, it might overlook protection against harm being a necessary condition for fairness.

The consumer-led definition also provides **a clearer description of operator and consumer roles.** For operators, in addition to the responsibility of providing a high level of protection from gambling-related harms, the definition sets out two new responsibilities not indicated within existing definitions: 1) standardisation of decision-rules to identify customer vulnerabilities across operators (Fairness definition point 2.b), and 2) operator investment in customer experience, products and marketing being equal to investment in support, treatment, and raising awareness of risks (Fairness definition point 3). Consumers, on the other hand, **share a responsibility with operators for their protection against harms**, though operators must fully assume it when consumers cannot.

As a second step, **participants generated a number of potential actions that operators could take** to implement the definition. These actions are not intended to be exhaustive. Instead, they are an illustration of what consumers value and where they see gaps in current practice. These actions ranged from a ban on autospins and near wins to a universally-used traffic-light warning system to identify customer vulnerabilities earlier. While some actions align with the status quo, others build on

the status quo, or are new ideas completely, indicating there is a desire among consumers to strengthen protection.

Methodology

Deliberation is a rigorous approach to encourage informed and well-considered contributions and decision-making among a diverse group of people. To ensure that the outputs meet these expectations, it is necessary that the process and discussions meet certain quality criteria. We assessed the quality of deliberation during the Forums using a modified version of the Organisation for Economic Co-operation and Development'S (OECD) Evaluation Guidelines for Representative Deliberative Processes[5] at two stages: 1) after each Forum, to ensure the subsequent Forum addressed any identified weaknesses or issues; and 2) after the completion of all three Forums to check the quality of deliberation our participants engaged in. Our evaluation suggests that the Forums meet the OECD criteria and let us conclude that they supported development of a well-informed and nuanced consumer view on fairness and openness.

Conclusion

The definition and proposed actions provide an additional perspective for consideration by the GC, industry and other stakeholders when advancing regulation and practice. They could either provide first steps towards outcome-based regulation or be used to refine and update existing rules-based regulation.

We see the following opportunities for building on this research:

1. Understanding subgroup needs to help inform group-differentiated regulation;
2. Exploring the role of other stakeholders, such as banks, the Advertising Standards Authority, and support organisations, in ensuring fairness and transparency in gambling;
3. Using deliberative approaches to design more consumer-centric regulation and policy in other sectors.

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[5] OECD (2021) *Evaluation Guidelines for Representative Deliberative Processes*.

1. Introduction

In any consumer-business relationship, fairness and transparency are key to building trust. Whether purchasing a product or using a service, people expect clear terms and an honest exchange. Gambling is no different: it involves a transaction where consumers stake money in return for the chance of a monetary reward - and often some 'fun' experienced during the game.

However, what fairness and transparency means in practice is open to interpretation. Is it achieved through an enforcement of minimum standards, to avoid consumer harm? Or should it go beyond this towards articulating what fairness and transparency means in a positive sense?

And whose voices should the regulator take into consideration when determining what terms of fairness and transparency means?

The research presented in this report sought to explore what fairness and transparency in gambling meant to consumers specifically, adding an often underexplored voice to the interpretation of these terms.

Regulatory context

The GC is the primary regulatory authority for gambling activities in Great Britain. It works with the government to develop regulations and independently manages operator licensing eligibility and enforces compliance. The GC's framework is built on three core licensing objectives (LOs):[6]

1. preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
2. ensuring that gambling is conducted in a fair and open way;
3. protecting children and other vulnerable people from being harmed or exploited by gambling.

A strategic assessment of the second objective is part of the GC's current 2024-25 business plan. The GC's aims for this objective are that:

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[6] GC (2017) *Statement of principles for licensing and regulation*

- products and services provided by licensees (that is, the regulated operators) are fair and deliver what they promise;
- consumers are able to make informed choices about their gambling;
- licensees ensure consumer issues are addressed fairly and promptly.[7]

Box 1: Openness and transparency

The terms 'openness'/ 'open' and 'transparency'/ 'transparent' are frequently used interchangeably in the relevant regulations and other publications. We only use the terms 'open' and 'openness' in this report when specifically referring to the GC's Licensing Objectives, and otherwise use the more commonly used terms 'transparent' and 'transparency'.

The GC promotes fairness and transparency in the gambling industry through its Licence Conditions and Codes of Practice (LCCP), as well as the guidance it issues to operators.[8] The GC's Code of Practice provision 4 and Operating Licence Condition 7.11 specifically address fairness and transparency by requiring licensees to ensure their terms are not unfair, and to comply with consumer protection laws.[9][10] These include clear rules for the display of terms and conditions, ensuring that gambling operations are both transparent and equitable.

In parallel, the Consumer Rights Act 2015 and the Digital Markets, Competition, and Consumers Act 2024 further strengthen consumer protections by ensuring that business-to-consumer contractual terms are fair.[11][12] They also define 'unfair' practices, such as terms that disadvantage consumers by limiting their rights or increasing their obligations disproportionately. We see these legislative frameworks as representing a regulatory 'floor', ensuring minimum standards and banning of practices deemed harmful or exploitative. Transparency is viewed as a necessary

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[7] GC (2024) *Impact Metrics*
[8] GC (2017) *Statement of principles for licensing and regulation*
[9] GC (n.d) *Code of practice provision 4. 'Fair and open' provisions*
[10] GC (n.d.) *Operating licence condition 7.1.1 - Fair and transparent terms and practices*
[11] HMG (2015) *Consumer Rights Act 2015*
[12] HMG (2024) *Digital Markets, Competition and Consumers Act 2024*

component of fairness, requiring terms and conditions to be clear and understandable.[13]

Research objectives

To date, there has been limited research on consumer perceptions of 'fair' and 'transparent' practices within gambling.[14, 15] This project aims to address this gap by incorporating consumers' interpretation of these concepts and how they would like them put into action.[16]

Specifically, the research aimed to:

1. Develop a consumer-led definition of fairness and transparency in gambling;
2. Formulate recommendations for how to implement this definition, based on consumer insights.

By asking consumers to consider what they think good/'fair' gambling would look like, we move beyond a focus on regulatory minimum standards that avoid 'unfair' and harmful practices, bringing in a positive vision on what fairness and transparency in gambling could look like.

Approach

To achieve our research objectives, we used an innovative participatory methodology known as deliberative forums. Over three sessions, 60 individuals from across Great Britain explored diverse perspectives to develop an informed position on fairness and transparency in gambling.

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[13] A fuller description of the regulatory and legislative framework and other regulators' perspectives is provided in Appendix A.

[14] GC (2024) *Business plan and budget 2024 to 2025*

[15] The GC's own research on this is being informed by insights from its consumer research programme, data from Alternative Dispute Resolution providers, findings from compliance efforts, and horizon scanning.

[16] This research project forms part of a larger BIT initiative on behavioural market design. This includes identifying potential opportunities to design market incentives to retain enjoyment of gambling while enhancing overall consumer well-being. See this policy proposal for more detail: BIT (2023) Using behavioural market design to align gambling operator incentives with consumer interests

Deliberative forums - also known as citizens' assemblies - are structured decision-making processes to gather informed views on complex issues. Through a process of learning from various sources, including experts, and discussing, participants engage with diverse viewpoints, weigh trade-offs and consider the impact of different issues and policies on others. This approach often leads participants to refine their initial views, before they are asked to come forward with their proposals or vote for an option.

The sampling and recruitment of participants is carefully designed to ensure representation of a diverse range of experiences, perspectives, and opinions. Moderation during the sessions seeks to ensure that minority voices are heard and that no single viewpoint dominates the conversation. This inclusivity is fundamental to the integrity and legitimacy of deliberative forums.

The structured discussion and intentional recruitment makes deliberative forums particularly effective for tackling complex, contentious topics where diverse experiences and beliefs need to be considered.[17,18,19]

We chose a deliberative forum approach for our research to allow a diverse group of individuals to explore the nuanced trade-offs between different policy options, such as balancing consumer protection with individual freedoms. It allowed us to engage participants from different walks of life and with varying levels of experience in gambling, ranging from those who gamble regularly and enjoy it to those who had never gambled and those who have been negatively affected by someone else's gambling. Beyond this, we also encouraged participants to consider implications for different gambling products, operator practice and vulnerable consumer groups throughout the process.

Furthermore, the approach dedicated time to learning - from a briefing pack before the first Forum, and experts representing different stakeholders.

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[17] Carnegie Mellon University (n.d) _A Handbook for Deliberative Community Forums_
[18] Involve (n.d.) _Deliberative Public Engagement_
[19] You can find a detailed comparison of deliberative approaches to other research methods in Appendix B.

Structure of the report

The remainder of this report is organised as follows: Section 2 presents the output of our research: a consumer-led definition of fairness and transparency in gambling, along with examples of suggested actions to implement the definitions. Section 3 describes the methodology used and Section 4 details the findings and includes an evaluation of the quality of the Forums. Finally, Section 5 provides the conclusion.

2. A consumer-led definition of fairness and transparency in gambling

*Box 2. Definition of **fairness** in gambling, based on the views of consumers from across Great Britain*

1) Operators balance* enjoyment derived from (i) uncertainty in outcomes and (ii) design of games and the gambling environment, with providing a high level of protection against gambling-related harms.

   *Balance means operators take actions that place **equal** weight on customer protection and an enjoyable gambling experience.

2) Operators and customers share a responsibility for protections from gambling-related harms, so (i) all customers can adjust their level of protection; (ii) operators must prevent serious harm and protect vulnerable groups.
   a) Point (2) applies across game design, the environment in which gambling takes place, communication and support.
   b) For point (2ii), the decision-rules used to determine high risk of gambling-related harms and other vulnerabilities are standardised across operators.
3) Operator investment in customer experience, products and marketing is equal to their investment in support, treatment, and raising awareness of risks.

Box 3. A definition of ***transparency*** *in gambling, based on the views of consumers from across Great Britain*

1) Operators support customers to fully understand the rules, terms and conditions for products, marketing claims, offers, and support;

2) Operators support customers to fully understand the risks of gambling;

3) The provision of complete information for customers to make an informed decision is balanced with the gambling experience.

Comparing and contrasting with the existing definitions

The consumer-led definitions of fairness and transparency are in many ways aligned with how these terms are currently interpreted by the GC and in consumer law; however, there are some differences. We have based our understanding of the current interpretation on a number of sources reviewed, including the GC's licensing conditions and the Consumer Rights Act 2015.[20]

(1) Both sets of definitions share an ambition to ensure consumers receive appropriate treatment: when gambling, a customer consumes a benefit – such as enjoyment from gameplay, socialising with others, and/or the opportunity to win money[21] – in exchange for payment, and is at the same time safeguarded from potential harm. The consumer-led definition is explicit in balancing protection and enjoyment throughout gambling transactions, while the interpretations represented in current regulation reflect a similar sentiment more implicitly. **However, the consumer-led definitions strive for higher standards of appropriate treatment, namely by raising the level of protection versus the status quo.** The existing definitions make fewer explicit references to protection, and when mentioned, it is primarily in relation to protecting the vulnerable. In contrast, the consumer-led definitions explicitly recognises that *everyone* should receive a *high* level of protection as a starting point. Equally, more emphasis was placed on consumers with different backgrounds and needs being enabled to fully understand the rules of the game and risks.

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[20] See full list of sources referenced in Appendix A.

[21] GC (2022) Understanding why people gamble and typologies

(2) The consumer-led definition explicitly mentions protection from harm of all consumers as part of the fairness considerations. The GC's interpretation is aligned with fairness and protection being covered by two separate licensing objectives. It makes smaller, indirect references that imply harm avoidance for all consumers, such as 'welcome bonus offers and wagering requirements, which may encourage excessive play'. This does not mean harm is treated completely separately from the fair and open licensing objective, as this objective requires compliance with consumer protection laws and any regulatory issue might in practice cut across both objectives. However, the consumer-led definition sees harm avoidance as more central to fairness, and also acknowledges more explicitly that *all* consumers, and not just those whose background and situation makes them more vulnerable can experience harm.

(3) Both sets of definitions outline transparency as primarily concerned with enabling customers to make informed decisions. They indicate that consumers must understand the terms of a transaction, the rules that govern their play, and the outcomes of play. The consumer-led definition of transparency goes further in supporting 'fully' informed decision-making; it suggests operators should proactively support comprehension, for example by testing customers on their understanding of product risks ahead of play, beyond baseline interventions like writing terms and conditions (T&Cs) in plain language. This also illustrates the interconnectedness between transparency and protection from broader consumer harms.

(4) The consumer-led definitions are framed based on what good standards look like. Existing provisions and guidance, on the other hand, tends to outline what unfair and nontransparent business practices involve and what is, therefore, prohibited. This is partly due to the consumer-led definitions being high-level and comprehensive, at the expense of the specificity that rules-based regulation requires. From a regulatory point of view, it is ultimately easier to write and enforce rules that prohibit certain actions, rather than providing a comprehensive list of all permissible or, going further, desirable actions. However, thanks to its focus on what 'good' looks like, the consumer-led definition has the potential to help improve outcomes for consumers, by encouraging movement away from a focus on minimum standards.

(5) Operator and consumer roles are more explicit in the consumer-led definition of fairness. Firstly, it explicitly outlines a role for consumers, namely that they 'share responsibility' with operators for their protection against harms. This reflects

participants' desire to have some control over the level of protection that is provided. However, the 'shared responsibility' also reflects participants' appetite for operators to take proactive steps to encourage consumers to take an active role in understanding and evaluating the risk involved, and supporting them to adjust their protections in line with their own preferences. However, where consumers' ability to protect themselves is compromised, participants agreed that operators should assume greater responsibility—aligning with existing laws and the requirement to protect vulnerable individuals.

Secondly, the consumer-led definition sets out two new responsibilities for operators that are not indicated within existing interpretations:1) standardisation of decision-rules to identify customer vulnerabilities across operators, and 2) operator investment into customer experience, products and marketing being equal to investment in support, treatment, and raising awareness of risks. These operator roles support the consumer-led definition's ambition to raise industry standards, to ensure prevention from gambling-related harms is consistent across all license holders, and that protections are balanced with the consumers' enjoyment of the game.

Proposed actions to implement the definition

After agreeing on the final definition, participants developed proposals for actions that operators and other stakeholders could take to implement the definition of fairness and transparency.

The list of actions are not intended to be exhaustive; instead, they illustrate what consumers value and where they see gaps in current practice. We also did not seek to achieve consensus on these actions among participants, meaning that they showcase a range of views on how the consumer-led definition should be implemented.

After the Forums, we mapped these actions against the different parts of the definition of fairness and transparency. The full list of proposed actions can be found in Appendix D, a selection for illustrative purposes in Table 1.

A number of the proposed actions align with the status quo. The fact participants suggested actions similar to existing provisions could indicate a gap in consumer

awareness,[22] creating a potential opportunity for operators to better implement or communicate these provisions or indicating a need for the regulator to close any implementation gaps through refinement of regulation and/ or better enforcement.

In contrast, other actions introduce new ideas or build in a significant way on the status quo, indicating participants' desire to further strengthen consumer protection and achieve fairness and transparency in gambling.

We also recognise that some of the proposed actions will need to be weighed against other considerations, principles (for example, in the consumer protection space), and stakeholder interests. In Appendix D, we provide some commentary on where we see the need for further consideration, especially to reduce the risk of potential backfires that lead to lower overall consumer welfare or disproportionate negative impact on a particular group.

Table 1: Selected actions for implementing the consumer-led definition of fairness and transparency.

Operators should make games less colourful / attractive / flashy, and reduce music tempo on online games to reduce speed of play. Customers can adjust these settings. This could be extended to ban the use of design licences that could appeal to children, for example, Jumanji themed slot machines.	**Relevant elements of definition:** Balancing enjoyment and protection[23] **Status:** Builds on current practice / regulation
There should be restrictions on the number of machines within venues that are not betting shops - for example, halls, pubs, and clubs.	**Relevant elements of definition:** Balancing enjoyment and protection **Status:** Implemented in current practice / regulation

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[22] We note that this spanned different levels of experience with gambling, so was not just constrained to those with less/no involvement.

[23] From definition "Operators balance enjoyment derived from (i) uncertainty in outcomes and (ii) design of games and the gambling environment, with providing a high level of protection against gambling-related harms."

Operators should introduce stake limits: either as a default maximum limit set by operators or a maximum spend limit set by individuals before the start of the session. For products like lottery, bingo and scratchcards, there should be a maximum number of tickets that a person can buy at a time or within a session.	**Relevant elements of definition:** Balancing enjoyment and protection; Shared responsibility for protections from gambling-related harms[24] **Status:** Implemented in current practice / regulation
Consumers should be able to set a limit on the number of games they can play.	**Relevant elements of definition:** Shared responsibility for protections from gambling-related harms **Status:** Departure from current practice/ regulation
Operators should offer non-automated customer support so that consumers' real needs are appropriately and empathetically addressed.	**Relevant elements of definition:** Proportionate investment in support and treatment[25] **Status:** Building on current practice / regulation
Land based staff should be given adequate training to identify gambling-related harms and signpost support to consumers.	**Relevant elements of definition:** Proportionate investment in support and treatment **Status:** Implemented in current practice / regulation

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[24] From definition "Operators and customers share a responsibility for protections from gambling-related harms,so (i) all customers can adjust their level of protection; (ii) operators must prevent serious harm and protect vulnerable groups."

[25] Operator investment in customer experience, products and marketing is equal to their investment in support, treatment, and raising awareness of risks.

Customers should be able to control what marketing and promotions they receive. ● Operators should make options to get additional support for this process salient throughout, so that those struggling can easily seek help if needed to establish their preferences (for example, those who may be less tech savvy or digitally literate). ● Operators should prompt customers to review these preferences regularly, for example, every 6 months. ● Operators should provide customers with information and a rationale to enable them to make an informed choice about how to set their preferences.	**Relevant elements of definition:** Full understanding of rules, T&Cs, marketing claims, offers, and support[26]; Full understanding the risks of gambling; Balancing provision of complete information with gambling experience[27]; Shared responsibility for protections from gambling-related harms **Status:** Implemented in current practice / regulation; Building on current practice / regulation.
Operators should draft T&Cs so they are available in different languages, meet a lower reading age, and can be understood by people with neurodiverse conditions. For example, ensuring people understand wagering requirements associated with bonuses or explaining odds in real terms (£ instead of %).	**Relevant elements of definition:** Full understanding of rules, T&Cs, marketing claims, offers, and support; Full understanding the risks of gambling **Status:** Building on current practice / regulation

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[26] Operators support customers to fully understand the rules, terms and conditions for products, marketing claims, offers, and support.

[27] The provision of complete information for customers to make an informed decision is balanced with the gambling experience.

Operators should require consumers to evidence that they comprehend the risks of playing to enable them to make informed gambling decisions.	**Relevant elements of definition:** Full understanding of rules, T&Cs, marketing claims, offers, and support; Full understanding the risks of gambling; Shared responsibility for protections from gambling-related harms **Status:** Departure from current practice / regulation .

Implications for gambling policy and regulation in Great Britain

The consumer-led definition of fairness and transparency in gambling adds to the existing definitions evident in regulation and guidance. The list of proposed actions indicates how consumers would like to see this definition implemented in practice.

Implementing the consumer-led definition through regulation

We see two potential uses of this new definition:

Firstly, it could represent a first step towards outcomes, rather than the current rules-based regulation in the gambling sector: The regulator defines, at a high level, what 'good' looks like, but leaves it largely to the regulated firms - in this case, gambling operators, to determine how they achieve 'good' outcomes. The proposed actions could then be seen as examples of good practice, and form part of guidance from the regulator.

Secondly, the definition and example actions could provide an indication for the GC on where to take a rules-based regulatory regime next - potentially paving the way for outcomes-based regulation in the long run. For example, the definition indicated that consumers want a higher level of baseline protection for all, not just for vulnerable consumers. The proposed actions suggest areas where consumers see a need for improvement. The outcomes envisaged by the definition might then either be achieved through rules that prohibit bad practice or that describe good practice, depending on factors such as how clearly defined the relevant risks are.

For outcomes-based regulation to be effective, objective and measurable compliance metrics are needed. For example, it is relatively easy to assess whether consumers "understand the rules, terms and conditions for products, marketing claims, offers, and support" (see definition of transparency). In contrast, defining the balance between enjoyment and protection is more subjective, potentially making it better suited to a rules-based approach where the regulator sets clear practices. In practice, a consumer-led definition may therefore be best achieved through a mix of outcomes- and rules-based approaches.

Further considerations to operationalise the definitions

Certain parts of the consumer-led definition may require further consultation. Firstly, how can a balance between enjoyment and a high baseline level of protection be achieved and assessed in practice. One option could be to use existing customer satisfaction and complaints data, but further work would be required to determine what objective 'balance' looks like.

Secondly, how to implement the view that fairness implies protections for all consumers and how this can be balanced with enjoyment. Currently, the GC has a separate LO for protecting vulnerable consumers from harm ('protecting children and other vulnerable persons from being harmed or exploited by gambling.').[28] However consumers express seeing the fairness and protection as inseparable, partly based on a view that all consumers are potentially vulnerable.

Finally, the standardised decision-rules may need to be developed in collaboration with industry, to ensure they are feasible and pragmatic. The regulator and existing industry groups may need to take on the responsibility of monitoring and reviewing these decision-rules, ensuring they remain fit for purpose and evolve based on developments in gambling technology.

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[28] GC (2017) *Statement of principles for licensing and regulation*

3. Methodology

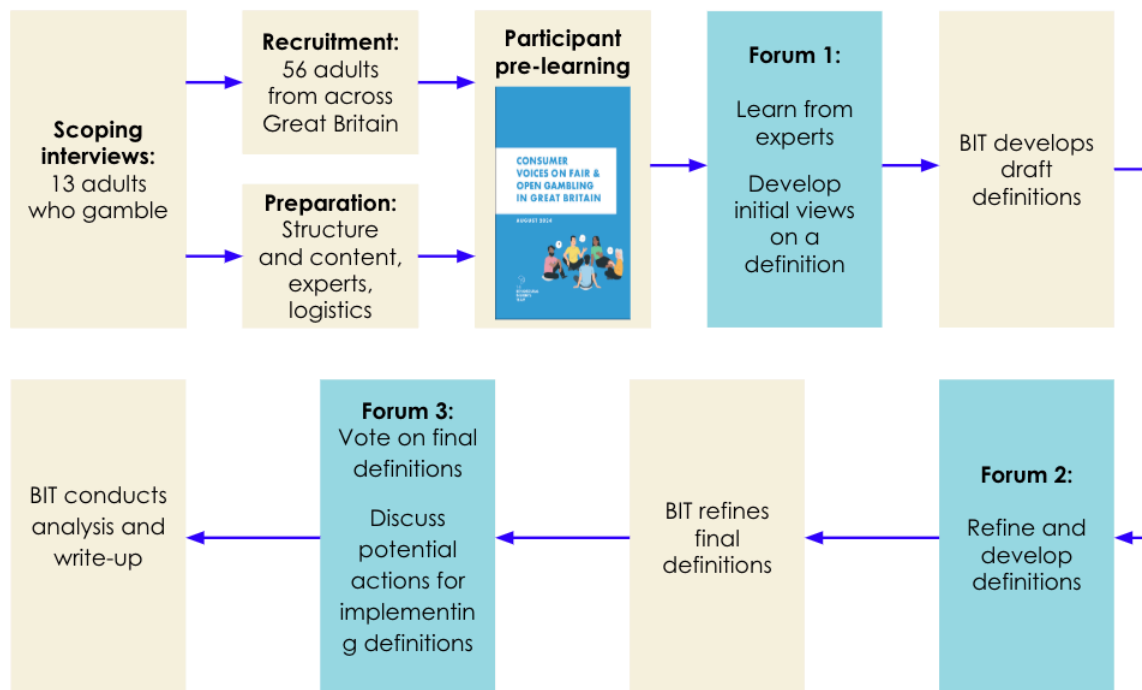## Description of the deliberative forum process

Figure 1: Our research process.

Scoping

Ahead of our Deliberative Forums, we conducted interviews with 13 individuals who gamble to explore their experiences and perceptions of 'fairness' and 'openness'/ 'transparency' in gambling. These interviews helped us understand how consumers believe fair and open/ transparent treatment should be reflected in practice, to develop an initial set of problem statements and questions and ultimately the design of the Forums.

The structure of the Forums

Three online Forums were conducted via Zoom between 10th August and 21st September 2024, with the same set of participants attending each session. Forums

included plenary sessions and breakout discussions, where participants deliberated on key issues. The sessions aimed to:

- **Forum 1:** Gather initial views on a definition of fairness and transparency in gambling.
- **Forum 2:** Refine and develop these definitions based on participant feedback.
- **Forum 3:** Vote on a definition and explore how it could be applied across the user journey.

The content of each Forum is described in Appendix B. The outputs from each Forum informed the subsequent one. The initial ideas and expectations of what constitutes fairness and transparency raised in Forum 1 were synthesised by BIT into a set of three draft definitions for discussion in Forum 2. Feedback on these draft definitions gathered during Forum 2 were then used to iterate and develop the final two definitions that were voted on in the first half of Forum 3. Participants then discussed how this definition should be implemented in the second half.

How discussions were organised

Learning phase

Learning is a key part of the deliberative forum process. Before the first Forum participants received an information pack to brief them on the topic and which provided guidance on effective deliberation. In Forum 1 participants heard presentations from an expert panel and had the opportunity to ask questions. To ensure participants heard different perspectives on fairness and transparency, the expert panel included representation from the gambling regulator, the gambling industry, and academia.[29]

Deliberation phase

The Forums included both plenary sessions and smaller breakout groups of 10-13 participants, each led by a trained BIT facilitator. The size of these smaller groups

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[29] For their biographies, see Appendix B.

were chosen to bring in diverse perspectives, whilst at the same time keeping discussions manageable and allowing everyone to contribute.[30,31]

Most participant contributions took place in the breakout sessions, where all members participated in the same activity. Facilitators introduced these activities/ discussion prompts with pre-prepared slide decks, providing instructions and relevant context.

Facilitators encouraged participants to explore trade-offs related to differing views on fairness and transparency, considering how these perspectives might vary across diverse consumer groups and different types of gambling products. To assist with this, participants were provided with personas representing various consumer groups to help frame their discussions. They captured participants' ideas on a Zoom whiteboard, visible to all members of the breakout group.

Appendix B outlines the key themes, highlights the trade-offs, and describes the different personas participants considered. Section 4 describes techniques facilitators used to encourage balanced contributions and build consensus.

Our participants

The size of deliberative forums can vary based on the range of experiences the organisers wish to include. According to OECD research, an ideal participant range is between 50 and 200, as this size ensures diverse viewpoints while remaining logistically manageable.[32] To capture a broad spectrum of perspectives, we targeted participants based on key characteristics such as types of gambling activity, frequency of gambling, and whether they were individuals with experience gambling, who never or no longer gamble, or were 'affected others'[33]. While some deliberative models aim to achieve statistical representation, we solely aimed to

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[30] Tausczik, Y., & Huang, X. (2019). The impact of group size on the discovery of hidden profiles in online discussion groups. *ACM Transactions on Social Computing*, 2(3), 1-25.

[31] Esterling, K. M., Fung, A., & Lee, T. (2015). How much disagreement is good for democratic deliberation?. *Political Communication*, 32(4), 529-551.

[32] OECD (2020) *Innovative Citizen Participation and New Democratic Institutions Catching the Deliberative Wave*

[33] Affected others are individuals who have been negatively affected by someone else's gambling - for example a partner, sibling, parent, or friend. To avoid safeguarding risks, we only included individuals who have not been significantly negatively affected by another's gambling.

capture a wide range of experiences and backgrounds. We set a target sample size of 60 participants but aimed to recruit 75 to account for potential attrition. Our final sample size was 56 participants. The sampling approach, accessibility inclusion and ethical considerations are described in Appendix B.

Definition development and evaluation approach

Our approach consisted of two distinct elements: definition development during and between the Forums, and the evaluation of the quality of the deliberative process.

Definition and principle development

After each of the first two Forums, facilitators summarised and organised breakout group transcripts using a pre-prepared framework to manage key inputs for the next Forum. Facilitators tracked how participants' views evolved, the factors and experiences they cited, and the trade-offs they considered. They documented discussions on diverse gambling experiences, game types, harm levels, and varying perspectives, as well as noting any assumptions, uncertainties, or discarded ideas. These insights were analysed and synthesised into a cohesive set of definitions, reflecting the group's diverse views and forming the basis for further discussions in subsequent Forums.

Evaluation of the deliberative process

After the completion of the three Forums, we assessed the overall quality of the deliberation against five key metrics derived from OECD guidelines.[34] These metrics are outlined in Section 4. This involved revisiting the rapid analysis frameworks and full transcripts from each Forum after the process was complete. This evaluation sought to assess the strengths and limitations of the deliberation across all three Forums and identify areas for improvement or further research.

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[34] OECD (2021) *Evaluation Guidelines for Representative Deliberative Processes*

4. The deliberative process: key findings and quality evaluation

Deliberation process

Across the three Forums, participants deliberated on the question of how to define fairness and transparency in the context of gambling. This section summarises the key discussions and debates that led to the final definition, including how opinions developed over the course of the process through deliberation and debate.

Forum 1

In Forum 1, facilitators encouraged participants to consider how to define fairness and transparency across three themes developed from findings from the preparatory phase of the project[35] and designed to capture the key elements of the gambling user journey:

1. Information and communication by gambling operators and about games
2. Game design, rules, and outcomes
3. Services and support from gambling operators

Participants discussed how they perceived fairness and transparency against these three themes, including their reflections and learnings from the expert presentations. The following key findings emerged from discussions:

Fairness as protecting customers

Operators have a duty of care towards all customers, but particularly those vulnerable to experiencing gambling-related harms. There was a range of views on the appropriate level of operator proactiveness in protecting customers from harm, with the following two on opposite ends:

1. **Fairness as enhancing customer control over their gambling experience**: Operators should support and empower consumers to make informed choices about their gambling. This includes helping customers understand game rules, terms and conditions, associated risks, and providing feedback

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[35] Further detail about these themes can be found in Appendix B.

on customers' gambling behaviour. Operators should also enable customers to manage their exposure to gambling, for example customising marketing preferences. Such measures should be standardised across different gambling products and operators. The core assumption is that improving access to information and control mechanisms will help customers safeguard themselves from harm. For example, fairness could involve 'opt-out' options, such as allowing customers to adjust preset limits, or 'opt-in' decisions, where customers set their own limits after receiving comprehensive information about potential risks.

2. **Fairness as proactive decision-making on behalf of the customer:** Consumers must be protected from gambling-related harms, as they may not always act in their own best interest. Therefore, operators should make proactive decisions on customers' behalf if they are at risk of experiencing harm. For example, fairness in this situation would involve operators setting limits for customers proactively, which they may not be able to adjust themselves.

Fairness as consideration of consumers' needs and preferences

Participants saw fairness as operators treating individuals considerately and consistently, but in line with their needs and preferences. There were mixed views on whether this should occur via:

1. **Differential treatment**: Tailoring support to customers based on their characteristics (e.g., being under 25 or having disabilities like dyslexia) or circumstances (e.g., being a new customer or experiencing gambling-related harms);

2. **Equal treatment**: Providing identical support to all customers, irrespective of their characteristics or circumstances.

Fairness as symmetry in treatment or consumer experience

Operators should invest equal resources into customer wellbeing as they do into promotions and marketing, ensure symmetry in customer experience (e.g., making account closure as simple as opening), and provide information that highlights risks as prominently as the 'fun' potentially associated with gambling.

Transparency as consumers feeling empowered to make informed decisions that align with their preferences

Operators should ensure that all information and support is accessible, clear, and consistent in standardised formats where possible and provided at appropriate times. This includes information about game, design choices, as well as feedback about a customer's gambling choices.

Draft definitions of fairness and transparency

Based on these inputs from Forum 1, we drafted three definitions of fairness and transparency to reflect the range of participants' perspectives.[36] The key elements of each definition are as follows:

Definition 1

- Customers are treated by operators in line with their individual preferences.
- Customers have maximum control over how they want to be treated by operators.
- All operators ensure resources spent on customer acquisition and retention is proportionate to customer support.
- All operators offer standardised choices to customers.

Definition 2

- All customers are treated equally, based on the needs of the average customer.
- Customers have maximum control over how they want to be treated by operators.
- All operators ensure resources spent on customer acquisition and retention is proportionate to customer support.
- All operators offer standardised choices to customers.

Definition 3

- Customers are treated by operators in line with their individual needs.
- Operators make proactive decisions on behalf of customers in order to meet their needs and protect them from harm.

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[36] The wording of these definitions are listed in Appendix C.

- All operators ensure resources spent on customer acquisition and retention is proportionate to customer support.
- All operators offer standardised choices to customers.

Forum 2

In Forum 2, participants discussed the three draft definitions and, after initial deliberation, decided to focus on iterating definition 3 via a vote in the plenary. The majority of participants viewed fairness and transparency as centred on protecting customers from harm through proactive intervention by operators.[37] The following key findings emerged from discussions:

Broad support for differential treatment based on consumer needs and preferences rather than equal treatment

Participants emphasised the importance of addressing individual customer needs, arguing that relying too much on personal decision-making could lead to harm—drawing comparisons with issues faced by consumers in other industries like alcohol, tobacco, or drugs. They also stressed the need to 'normalise' and clearly highlight the risks of gambling to all involved.

Debate on the extent of operator proactivity to ensure protection

However, as participants began to refine the definitions to better reflect their views on fairness and transparency, debate arose about the extent of operator proactivity in ensuring protection. Concerns were raised about potential overreach by operators, decision-making that might not align with customers' best interests, and the role of algorithms in making these decisions. Participants spread themselves across and in between two standpoints on these issues:

1. **Fairness and transparency as default and strong operator responsibility towards protection from harms:** For example, participants continued to strongly view that, as harm increases, the operator's responsibility increases as well.

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[37] The results of the vote were as follows:
- Definition 1: 5 / 61, 8%
- Definition 2: 10 / 61, 16%
- Definition 3: 46 / 61, 75%

2. **Fairness and transparency as involving some degree of individual responsibility from choosing to gamble, balanced with protection of vulnerable groups**: For example, participants were concerned that strong restrictions or interventions to ensure safer gambling would be 'annoying' and take away from the 'fun' of the game. Similarly, blanket restrictions would take away from customers' control over their own gambling.

Participants falling in between these two opposing standpoints argued for default protection but with appeal mechanisms or advanced warning of monitoring to allow customers to have a greater say in any proactive decision-making by operators around their wellbeing.

Refined definitions of fairness and transparency

Based on this feedback from participants, the BIT researchers iterated the draft definitions after Forum 2 to create two new versions of a definition of fairness and transparency. The key point of differentiation between these two versions aligned with the main differences in views among participants:

Version A[38]	Version B
Operators prioritise protecting all customers from gambling-related harms as a default.	Operators aim to strike a balance between high protection for vulnerable customers and enjoyment for non-vulnerable customers.

Forum 3

In Forum 3, participants engaged with the potential implications of the two versions. The following key findings emerged from discussions:

Concerns around the feasibility of implementing a preventative approach to harm

While there was support for the preventive approach to harm encapsulated by Version A, criticisms included uncertainty about the feasibility of implementation – for example, worries around the possible impacts on operator revenue and business

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[38] The wording of this definition can be found in Appendix C.

that might result in operator closures, increased costs for customers, and reductions in tax revenue. There was also continued concern around negative impact on the gambling experience and control of non-vulnerable consumers. For some participants, even if high protection was something they considered as being fair in the 'ideal' world, in reality, they saw it as being too impractical or too expensive for operators to implement.

Preference for high protection from harm for all consumers

Concerns around implementation were not unanimous. Other participants preferred the preventative approach to harm-reduction under Version A compared to the more reactive approach under Version B. There was strong concern that customers may still experience harm before they are supported by the operator under version B. These participants were willing to accept reductions in the enjoyment of the game and potential increases in costs and friction in the customer experience in exchange for high protection for all consumers – arguing that these restrictions would simply become a 'new normal' within the gambling industry.

Final vote

In the final vote, 60% of participants chose Version B as their preferred definition of fairness and transparency in gambling. 37% voted for Version B, while 3% chose to abstain from choosing either option.[39]

The majority of participants thus preferred the balanced approach to protection, where operators continued to hold a duty of care and responsibility towards vulnerable customers but without the potential implications of a more protective approach. They preferred the focus of fairness and transparency to be on balancing individual responsibility and choice-making, enjoyment, costs, and privacy for other customers. The final definition is as in Boxes 4 and 5.[40]

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[39] The results of this vote were as follows:
- Version A: 21 / 57, 37%
- Version B: 34 / 57, 60%
- Abstain: 2/ 57, 3%

[40] This is the same as Boxes 2 and 3 above.

Box 2. *Definition of **fairness** in gambling, based on the views of consumers from across Great Britain*

4) Operators balance* enjoyment derived from (i) uncertainty in outcomes and (ii) design of games and the gambling environment, with providing a high level of protection against gambling-related harms.

> *Balance means operators take actions that place **equal** weight on customer protection and an enjoyable gambling experience.

5) Operators and customers share a responsibility for protections from gambling-related harms, so (i) all customers can adjust their level of protection; (ii) operators must prevent serious harm and protect vulnerable groups.
   a) Point (2) applies across game design, the environment in which gambling takes place, communication and support.
   b) For point (2ii), the decision-rules used to determine high risk of gambling-related harms and other vulnerabilities are standardised across operators.
6) Operator investment in customer experience, products and marketing is equal to their investment in support, treatment, and raising awareness of risks.

Box 3. *A definition of **transparency** in gambling, based on the views of consumers from across Great Britain*

4) Operators support customers to fully understand the rules, terms and conditions for products, marketing claims, offers, and support;

5) Operators support customers to fully understand the risks of gambling;

6) The provision of complete information for customers to make an informed decision is balanced with the gambling experience.

In Forum 3, participants also developed actions to implement this chosen definition. The suggested actions are listed in Appendix D. We did not seek consensus on these actions among participants, meaning there were a range of views expressed.

Outstanding questions or feedback on the final definition

While the Forums were designed to maximise deliberation and consideration before the final vote, there were a few pieces of outstanding feedback around the final chosen definition:

- **Concerns around operators determining vulnerability**: this includes worries about operators not being able to accurately determine vulnerability due to preconceptions or biases in the assessment process.

- **Concerns around shared responsibility to prevent harm:** Some saw this as meaning operators may push the blame onto the consumers when they experience harm. Contrastingly, others were concerned that it would go too far and push consumers into the unregulated market.

- **Concerns around the feasibility of implementing this chosen definition**, particularly if the increased responsibility on operators would affect the business or revenue of operators. There were also worries about data collected for monitoring being subject to misuse or leaks.

These points of feedback are pertinent, but may be more relevant to how the chosen definition will be implemented in practice, as discussed in Section 2.

Evaluating the quality of deliberation

To ensure and evaluate rigour in the methodology, we assessed the quality of deliberation during the Forums at two stages:

- after each Forum, to ensure the subsequent Forum addressed any identified weaknesses or issues in methodology.
- after the completion of all three Forums to assess overall quality.

The aim of the latter is to assess to what extent the findings and recommendations generated by deliberation can be treated as the considered view of participants.

We used a modified version of the **OECD's Evaluation Guidelines for Representative Deliberative Processes** in the evaluation process,[41] with the following metrics:

- Quality of judgement;
- Perceived knowledge gains by members;
- Accessibility and equality of opportunity to speak;
- Respect and mutual comprehension;
- Free decision making and response.

1.   Quality of judgement

This focuses on evaluating whether participants examined conflicting values, structural issues, diversity of viewpoints, and alternative views and trade-offs associated with the topic under consideration.

1.1 Trade-offs

Deliberative forums are meant to consider trade-offs so participants can understand the practical implications of choosing between different versions or perspectives on a topic. Across the Forums, participants were asked to engage with the fact that choosing a particular definition of fairness and transparency would mean compromising on or giving up some of the positive elements of an alternative definition.

We assessed the quality of consideration of a set of key trade-offs:

- Degree of operator proactiveness in ensuring protection from harms,
- Minimising frictions in gambling experience vs facilitating fully-informed decision-making,
- Monetary cost of playing / return to player,
- Enjoyment of the game,
- Privacy implications.

These trade-offs were derived from emerging discussion within the Forums, other BIT research, and discussions with experts. They were not explicitly shared with participants, but facilitators were briefed to probe participants across these trade-offs.

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[41] OECD (2021) *Evaluation Guidelines for Representative Deliberative Processes*

Within each Forum, each breakout group discussed at least two trade-offs from the list. The number of trade-offs discussed increased with each Forum, and by the third Forum, all breakout groups largely discussed all the listed trade-offs with varying levels of detail.

In Forum 1, participants began their initial consideration of the different trade-offs associated with adopting different definitions of fairness and transparency within gambling. However, their discussions often focused on one particular side of the trade-off, with less emphasis on the implications of dismissing the other side. This evolved with each subsequent Forum – by Forums 2 and 3, participants engaged in further debate and discussed the trade-offs with more depth. This may be on account of changes we made to the structure of Forums 2 and 3 based on learnings from Forum 1 to prompt explicit consideration of trade-offs, as well as participants gaining more understanding of the implications of different sides or approaches over time.

This can most strongly be seen in participants' evolution of views on the importance of operator responsibility towards protecting vulnerable consumers as a necessary element of fairness: in Forum 1, participants strongly emphasised this view as being an integral part of fairness and transparency. They engaged less with its potential impacts on the enjoyment of the game, customer privacy, or ease in the customer journey. In Forum 2, participants' views split, with a new perspective emerging that emphasised the need to balance the protection of vulnerable customers with the enjoyment of the game for non-vulnerable customers, as well as the necessity of considering the potential impacts on overall customer privacy, costs, and ease. In Forum 3, participants explicitly debated these two perspectives: whether operators should specifically and strongly prioritise the prevention and mitigation of harms within gambling over non-vulnerable customers' preferences for enjoyment, privacy, and ease. Ultimately, participants chose a balance between the two in the final vote.

1.2 Diversity of experiences with gambling

Deliberative forums are meant to consider diversity of experiences to ensure that any final decision-making or judgement rests in a consideration of perspectives beyond just the individual participant's. The aim of these Forums was to ensure that

the final chosen definition of fairness and transparency considered the needs and preferences of *all* consumers, not just those present in the Forum.

We assess the quality of deliberation under this metric by looking at the consideration participants gave to diversity of experiences based on (1) vulnerability; (2) frequency of gambling; (3) different types of gambling activities.

As discussed above, participants spent a considerable amount of time considering the experiences of individuals with varying levels of vulnerability. This included individuals actually experiencing gambling-related harms as well as those at risk of experiencing harm. Participants considered both circumstances of vulnerability to harm such as being a new customer, as well as characteristics of vulnerability such as being under-18 or a young adult, or having disabilities such as dyslexia. In Forum 1, participants focussed more on the perspectives of those at high risk of harm or experiencing complex harms, but by Forums 2 and 3, they also considered the perspectives of individuals with medium, low or no risk of experiencing harm.

The personas[42] participants were introduced to in Forum 1 as well as the disclosure of personal direct and indirect experiences with gambling influenced participants' consideration of the diversity of experiences based on frequency of gambling. They expressed their consideration in three ways:

1. They considered how individuals who gamble regularly but at no risk, who gamble large amounts of money but can afford to do so, and who gamble more professionally may feel overly restricted by definitions of fairness and transparency focussed on high protections.

2. Across the Forums, they considered how an intensification of gambling - either due to an individual's choices or an operator's practices such as marketing and promotions - can increase an individual's risk of harm and therefore affect their experiences of fairness and transparency.

3. Their consideration of individuals who do not gamble focussed on the potential risk of harm produced by exposure to gambling - for example, how individuals who do not gamble, who are new to gambling, or who gambled in the past, may be enticed into gambling or gambling more intensely via

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[42] These can be found in Appendix B.

constant exposure in the form of promotions, advertisements, and social environments.

Lastly, there was relatively less deliberation on the implications of diversity of experiences based on types of gambling activities for the definition of fairness and transparency. Instead, participants focused on this more while discussing implementation. This happened explicitly while discussing potential actions for the chosen definition in Forum 3, as well as implicitly across Forum 1 (when deriving inputs for a definition), and in Forum 2 (during comparisons of the feasibility of implementing the different draft definitions). Participants considered how fairness and transparency might look across land-based and online gambling, as well as different types of games such as slots, sports betting, casino games, bingo, and the lottery. While these discussions indicated that participants expected differences in how fairness and transparency will be achieved across the gambling industry, it also suggests that participants did not consider the ethos of what fairness and transparency means to them - that is, high protections balanced with enjoyment - to be affected by variation in gambling products across the industry.

2.   Perceived knowledge gains by members

Knowledge gains are an important aspect of a deliberative approach because it suggests that participants are deeply engaging with the subject matter under discussion and learning from it, rather than basing their views exclusively on their prior knowledge. While knowledge gains will not necessarily result in an evolution of views, this is a good proxy of at least some knowledge gain across the group.

As highlighted earlier, participants exhibited an evolution in their views primarily via consideration and debate around trade-offs. Changes in how participants described fairness and transparency based on considering frequency of gambling is another example of evolution of views across the three Forums.

Another key factor that prompted an evolution of views was the expert presentations, which participants often referenced while discussing their views, and how it influenced their thinking, particularly in Forum 1. It is unclear whether participants continued to consider these presentations in later Forums. Similarly, we do not know whether the participant information pack shared ahead of the Forum

had a meaningful impact on knowledge gains or evolution of views, as participants largely did not refer back to it.

Thus, while deliberation and discussion among participants as well the expert presentations prompted some degree of knowledge gains among participants, the information pack may have been less influential.

3.   Accessibility and equality of opportunity to speak

Participation in a deliberative forum must be accessible and equitable to ensure that all participants have the opportunity to shape the final decision.

At a design level, we used various techniques to ensure balanced contributions: giving participants a few minutes to reflect on their ideas before sharing them aloud, using a 'round-robin' approach where each participant took turns speaking, inviting quieter participants by name to share their thoughts, and encouraging participants to engage in direct conversations with one another. To manage disagreements, facilitators acknowledged differing perspectives and encouraged finding common ground.

As a result of these design choices, participants across our Forums received an equal opportunity to contribute - while some participants were more frequent contributors, facilitators did not identify any specific participants or groups dominating discussions, nor did participants provide this feedback to us.

The online nature of the Forums meant a small number of participants experienced technical challenges and may have found it difficult to participate (we estimate the number to be less than 6-8 in each Forum; many of them only temporarily experienced these challenges). Further, it is possible that some participants may have felt less able to contribute without necessarily providing this feedback to us. However, in the absence of this information, we believe that among participants who did not experience technical issues, the design choices behind the Forums ensured equality of opportunity.

4.   Respect and mutual comprehension

Deliberative forums need a respectful and welcoming environment to ensure that all participants feel comfortable expressing their thoughts without fear of judgement or backlash.

As with the previous metric, the design choices behind the Forums were aimed at meeting this metric: at the start of each Forum, facilitators highlighted the Code of Conduct and ground rules for group discussions. These were also shared with participants ahead of the first Forum. Facilitators underwent training to practice how to respond in situations of tense disagreement, disrespectful conversation, etc. As a result, discussions across the Forums were respectful and involved active listening - participants often cited points raised by each other in the breakout groups, and participants felt comfortable disagreeing with each other. There were no safeguarding issues raised during the Forums and we did not receive any formal or informal negative feedback from participants.

5.   Free decision-making and response

Decision-making in a deliberative forum must be free from interference and coercion from the organiser and facilitators, and follow democratic decision-making rules such as consensus and majority rule.

Various techniques were employed in decision-making processes, both formal and informal, to support free decision-making:

- Informal techniques within each breakout group included facilitators checking for agreement or disagreement within the breakout groups and conducting verbal polls or votes. For instance, after gathering all ideas on a topic in each breakout group, members were asked individually to explain which ideas they would keep and which they would remove, followed by a group vote.

- Two cross-plenary votes were conducted: one in the middle of Forum 2 to narrow down the group's focus from three draft definitions, and one in the middle of Forum 3 to choose the final definition of fairness and transparency. Before voting, participants had the opportunity to discuss each definition in detail, considering the needs and preferences of all consumers, the benefits and challenges for their own and others' gambling experiences, and the trade-offs between the two options.

- Before the final vote, participants were instructed on the mechanics of the vote as well as the decision-rules that were being followed - that is, at least a simple majority of support would be required for a definition to win.

Across both informal and formal decision-making processes, we had high participation rates. Facilitators did not report any individual or groups abstaining from participation consistently. In the final vote, two participants abstained; however, given that we do not know the reasons, we assume that these might have been deliberate abstentions, implying 100% participation (or 96% otherwise). These suggest that all participants contributed strongly and freely to any final decisions in the Forums.

Methodological limitations of this study

While deliberation is a rigorous method to encourage informed and well-considered contributions and decision-making among a diverse group of people, it has its own set of methodological limitations.

General limitations

- **Representation:** Participants are sampled across a diverse range of characteristics, but these are not exhaustive nor representative of the entire population. Therefore, perspectives and opinions expressed and deliberated on can be limited to the knowledge and experiences in the room. The pre-learning materials such as the information pack and the expert contributions are aimed at counteracting this information silo, but to some extent, it remains present.

- **Time for deliberation:** it is possible that additional time may have prompted participants to consider/re-consider different views in further depth, and therefore vote differently. However, there is no evidence on an 'ideal' level of deliberation required to make well-informed and stable decisions, and duration ultimately has to be traded-off against risk of participant fatigue and feasibility.

- **Influence of facilitators:** while deliberative forums are meant to involve free and open discussion among participants, there is still the risk of a mediating influence of the facilitator, which cannot be eliminated entirely even with deliberate design and facilitator training.

Limitations of our Forums

- **Trade-offs:** One key aim of these Forums was to engage participants in an in-depth deliberation on the potential trade-offs and implications associated with different ideas of fairness and transparency in gambling. The trade-offs that were focussed on were derived from emerging discussion within the Forums, other BIT research, and discussions with experts. However, these trade-offs are not exhaustive and there may be more implications that participants did not discuss organically or were not probed into by facilitators.

- **Exhaustiveness of discussion:** Given the length of each Forum and the time lag between them, there were ideas initially raised and considered by participants but for various reasons were dropped or disengaged with across the course of the Forums. While the length of each Forum was selected to balance maximising the opportunity for each participant to contribute with minimising any burden and cognitive load on them, the time commitment was still quite heavy.

- **Focus on definition:** Lastly, compared to the time involved in developing the definition, participants had relatively less time to discuss implementing it - this means there was limited discussion on the feasibility and trade-offs associated with implementing the definition in different ways.

Other methodological limitations are listed in [Appendix B](#).

5. Conclusion

Significance of this research

The Gambling Commission pursues three core licensing objectives, including ensuring gambling is conducted in a fair and open, or transparent, way. However, so far, the interpretation of what fairness and transparency in gambling look like has largely not accounted for the consumer view. Our research addresses this gap: using a deliberative approach, we worked with almost 60 consumers with diverse backgrounds and views from across Great Britain to come to a consumer-led definition of fair and transparent gambling. The proposed actions provide tangible examples of what consumers across GB think fair and transparent operator practices look like. The findings thereby provide an additional perspective for consideration by the GC, industry and other stakeholders when advancing regulation and practice.

Deliberation helps consumers to come to an informed view on complex policy issues. The question of what fairness and transparency in gambling should look like requires consideration of a range of use cases, perspectives and trade-offs, and the topic thereby lends itself to a deliberative approach. The three Forums followed commonly agreed standards for good deliberation, such as ensuring representation, facilitating participation, and supporting knowledge gain.

A new interpretation of fair and open gambling

The resulting definition represents an evolution, not a revolution: participants voted for a view that balances enjoyment and protection; stresses the importance of agency and responsibility of the customer, while at the same time asking for a high level of protection against harms, especially of vulnerable customers. The focus on vulnerable consumers - with a view that everyone can be vulnerable - implies that they see consideration for this group as fundamental to 'fairness', rather than as a separate obligation. This suggests that there might be a case for a closer integration of the two licensing objectives covering fairness and protection of vulnerable customers. Consumers also want to see more equal operator investment in the customer experience on the one hand, and the protection from harms on the other.

In their definition of transparency, participants emphasised the importance of making sure that gambling customers can understand the rules of the games they

play, the general terms and conditions and also the risks associated with gambling. Finally, standardisation of practices across operators was seen as key to both fairness and transparency.

The definition and proposed actions could either provide first steps towards outcome-based regulation or be used to refine and update existing rules-based regulation.

Future directions for research and policy

We see three specific opportunities for building on this research:

1. **Understanding subgroup needs**: While the Forums included diverse participants, they weren't designed to examine differences across subgroups, such as young people or vulnerable consumers. However, regulation is partly differentiated by subgroups - such as the new stake limit for online slots, which is lower for young adults. Understanding differences in views across groups could therefore help design regulation that better meets their needs.

2. **Defining roles of other stakeholders**: Participants highlighted the potential role of other stakeholders, such as banks, the Advertising Standards Authority, and support organisations, in ensuring fairness and transparency. However, the definition developed through the Forums focused on the role of operators. Further research could explore consumer views on actions that these stakeholders should take towards making gambling fair and transparent.

3. **Using deliberative approaches to design consumer-centric regulation and policy**: Deliberative approaches are designed to help a diverse group of participants to come to an informed and nuanced view on complex topics. They therefore lend themselves to policy decisions that have no clear 'right' or 'wrong' answer, are too complex to lend themselves to a simple opinion poll or referendum, and at the same time benefit from the voice of the public. They therefore provide an innovative avenue for the design of more consumer-centric regulation and policy, in gambling and beyond. In gambling policy and regulation, such topics could include advertising, affordability checks and regulations on game design.

Appendices

A) Review of existing definitions and research

Existing definitions of fairness and openness in gambling

We conducted a high-level review of the Gambling Commission's (GC) regulations and the applicable consumer protection laws, alongside an examination of the GC's research on consumer trust in the gambling industry. Additionally, we considered perspectives from other regulators. This review aimed to explore how fairness and openness are currently conceptualised within the gambling industry and other regulated sectors, identifying areas where our findings align with, enhance, or diverge from current practices.

The GC regulates gambling to protect consumers and the public, guided by the three LOs provided in the Gambling Act 2005 (see [Section 1](#)). The second LO[43] 'ensuring that gambling is conducted in a fair and open way' is the focus of this research. This LO is kept conceptually separate from the objective of 'protecting children and other vulnerable persons from being harmed or exploited by gambling', for example in the expectations outlined in the Statement of principles for licensing and regulation. [44]

This statement and the Licence Conditions and Codes of Practice (LCCP) build on the objectives and govern how it carries out its work. Code of practice provision 4 'Fair and open' provisions states that licensees must satisfy themselves that their terms are not unfair and provides regulations on the display of rules.[45] Operating licence condition 7.11 covers 'Fair and transparent terms and practices'[46] and states licensees must follow consumer protection laws; these requirements cover contractual terms and business practices.[47]

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[43] The first LO is 'preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime'

[44] GC (2017) *Statement of principles for licensing and regulation*

[45] GC (n.d) *Code of practice provision 4. 'Fair and open' provisions*

[46] GC (n.d.) *Operating licence condition 7.1.1 - Fair and transparent terms and practices*

[47] GC (2022) *Fair and transparent terms and practices*

The Consumer Rights Act 2015 (CRA) requires business to consumer contractual terms and notices[48] to be fair. Rather than define what fair is, it instead defines unfair terms and conditions. 'Unfair' terms put the consumer at a disadvantage, by limiting their rights or disproportionately increasing their obligations compared to the trader's rights and obligations.[49] Additionally under the CRA, consumer contracts and notices must also be transparent, that is, written in plain and intelligible language.[50] The GC provides examples of potentially unfair terms including terms that allow licensees to confiscate customers' un-staked deposits, welcome bonus offers and wagering requirements which may encourage excessive play and terms and conditions that are difficult to understand.[51] GC provides specific guidance on fairness and openness in these and other areas. For example regarding transparency it says 'Consumers must be able to understand all of the terms that govern their play' and gives more detailed guidance relating to promotions.[52]

The Digital Markets, Competition, and Consumers Act 2024 (DMCC) updates previous consumer protection regulations, in particular the Consumer Protection from Unfair Trading Regulations 2008. It similarly does not define 'fairness,' but provides a framework for identifying and regulating unfair business practices. A practice is unfair if it leads the average consumer to make a decision they wouldn't have otherwise made. This can happen through misleading actions, omissions, aggressive tactics, or a breach of professional diligence. Certain practices are automatically classified as unfair. Examples of inherently unfair practices include misleading consumers about their chances of winning, falsely using terms like 'free' when hidden costs are involved, and making persistent, unwanted solicitations.[53]

The DMCC Act defines unfair practices with reference to the 'average consumer' which it characterises as reasonably 'well-informed', 'observant', and 'circumspect'. It also recognises 'vulnerable consumers,' whose personal characteristics (e.g., age) or life circumstances (e.g., bereavement, divorce, job loss) may impair their ability to make informed decisions. Vulnerability is acknowledged in two ways: foreseeable

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[48] A consumer notice informs a consumer about their rights or obligations in relation to a product or service. It might also limit the seller's liability

[49] Conway (2022) *Consumer Rights Act 2015 Research Briefing,* House of Commons Library

[50] Conway (2022) *Consumer Rights Act 2015 Research Briefing,* House of Commons Library

[51] GC (2022) *Gambling Commission updates guidance on fair terms and practices*

[52] GC (2023) *Transparency*

[53] HMG (2024) *Digital Markets, Competition and Consumers Act 2024*

susceptibility to certain practices or products, and impairment in decision-making ability.

Although the GC's third LO explicitly refers to protecting vulnerable people, the second LO also implicitly safeguards them by requiring compliance with consumer protection laws, which consider vulnerability a key consideration.

Licensees must comply with the principles set by the Competition and Markets Authority (CMA), the primary regulator for consumer protection law to meet the GC's 'Fair and Open' LO.[54] For instance, following an investigation into online gambling, the CMA issued guidance to address unfair terms and conditions.[55] This guidance includes ensuring customers can exit promotions easily while retaining deposits and winnings, clearly distinguishing between bonus funds and customer money, and fairly applying charges to dormant accounts. Operators are prohibited from altering free bet offers after play has begun, restricting access to funds, imposing unreasonable play restrictions, requiring participation in publicity, or confiscating funds due to delays in identity verification or account inactivity.[56]

Consumer trust in gambling

Consumer trust in the gambling industry is closely tied to the concepts of fairness and openness. The GC has undertaken a comprehensive mixed-methodology study as part of its Consumer Voices Research Programme to explore the key drivers of this trust.[57] The research specifically examined the transparency of terms and conditions and the fairness of gameplay.

The role of regulatory bodies, particularly the GC, was identified as fundamental to sustaining trust. Safeguarding vulnerable individuals, including young people, was the second most significant factor influencing consumer trust. Respondents expressed a strong moral expectation for the industry to protect these groups from gambling-related harms, though the industry was perceived as underperforming in this area.

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[54] GC (2022) *Fair and transparent terms and practices*
[55] CMA (2018) *CMA action in the remote gambling sector Overview for industry*
[56] CMA (2018) *Guidance Online gambling promotions: do's and don'ts*
[57] GC (2024) *Exploring Drivers of Consumer Trust in Gambling*

Transparency in gameplay, odds, and terms was a moderate priority. Consumers viewed clear and fair practices as essential for trust, especially in online environments where scepticism about fairness is higher. These factors were particularly critical for individuals with higher Problem Gambling Severity Index (PGSI) scores.

Marketing and promotional practices were ranked as less influential drivers of trust compared to other themes. However, concerns were raised about aggressive and potentially exploitative advertising, particularly on digital and social media platforms. Consumers expressed a preference for responsible and transparent promotional activities that prioritise player well-being over profit maximisation.

Other regulators' perspectives

Ofcom

Ofcom employs a fairness framework to evaluate practices on a case-by-case basis, ensuring alignment with its regulatory principles and statutory duties. This framework covers all aspects of the customer experience, including pricing.

Ofcom differentiates between procedural fairness (how companies treat customers within the market) and distributive fairness (unequal pricing or service quality among customers). Procedural fairness focuses on improving market efficiency by reducing barriers to switching or accessing services and addressing biases that may hinder consumers' ability to make optimal decisions. From Ofcom's perspective, distributive unfairness occurs when some customers pay more than others for the same service or receive a lower-quality product or service.

Ofcom's fairness for customers commitments include providers offering fair deals that meet customers' needs; supporting vulnerable customers, such as those affected by age, disability, mental illness, or bereavement, to ensure they have equal access to services; and assisting customers in making well-informed decisions by providing clear information at every stage of their contract.[58, 59]

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[58] Ofcom (2019) *Making communications markets work well for customers A framework for assessing fairness in broadband, mobile, home phone and pay-TV Discussion Paper*
[59] Ofcom (2020) *Making communications markets work well for customers A framework for assessing fairness in broadband, mobile, home phone and pay-TV Policy Statement*

Financial Conduct Authority (FCA)

The FCA similarly distinguishes between procedural fairness, which relates to how financial firms treat consumers, and distributive fairness, concerning unequal pricing or service access among consumers. While distributive fairness is more subjective and receives less regulatory attention, the FCA uses six evidentiary questions to evaluate such issues, focusing on who is affected and the extent of harm caused.[60]

Conclusion

The concepts of fairness and openness are fundamental to fostering consumer trust in the gambling industry. The Gambling Commission's regulatory framework, particularly the second LO (ensuring gambling is conducted in a fair and open way), establishes vital protections for consumers.

Current regulations, such as the Consumer Rights Act 2015 and the Digital Markets, Competition, and Consumers Act 2024, focus on defining what is unfair. By doing so, they aim to prohibit harmful or exploitative behaviours.

B) Methodology details

Comparison between deliberative forums and other research approaches

Table B.1 compares deliberative forums with traditional qualitative and quantitative research methods such as interviews and surveys.

Table B.1: Comparison of deliberative forums with traditional qualitative and quantitative methodologies[61, 62]

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[60] FCA (2018) *Price discrimination in financial services. How should we deal with questions of fairness?* Research Note

[61] Burchardt, T (2012) *Deliberative research as a tool to make value judgements*

[62] Scottish Government Social Research Group (n.d.) *Guide 1: Deliberative Methods. Social Science Methods Series*

Aspect	Deliberative forums	Qualitative research (e.g. interviews, focus groups)	Quantitative research (e.g., surveys, polls)
Purpose	Achieve informed, considered judgements via discussion and public reasoning.	Explore detailed, contextual insights into thoughts and behaviours.	Measure and quantify attitudes or behaviours across populations.
Depth of Insight	High depth, engaging participants with new information and expert input.	High depth, capturing rich, detailed, contextual narratives.	Low depth; Provides insight into broad trends through standardised responses.
Representation	Attempts representation but can be challenging	Limited representation; focuses on small, specific groups.	High representation via large sample sizes and robust sampling.
Use of Expert Input	Relies on external expertise to provide balanced, relevant information.	Rarely involves expert input, focusing on participants' unmediated views.	No expert input; Uses carefully designed, standardised questionnaires to collect consistent data.
Engagement with Complexity	Encourages engagement with complex issues via facilitated dialogue and expert evidence.	Can engage complexity but relies on participants' prior knowledge.	Simplifies complex topics into predefined questions, for clarity and comparability.
Participant Transform-ation	Participants' views may evolve due to exposure to new information and diverse perspectives.	Minimal transformation; focuses on capturing existing views.	No transformation; captures existing opinions or behaviours.
Policy Implications	Provides insights on opinion shifts under informed conditions but can be politically challenging to implement.	Offers nuanced, context-rich insights but may lack scalability.	Provides clear, actionable data but may miss contextual depth.

Deliberative forum content

Forum 1 (10th August, 2024, 4 hours)

Context and Aim

Prior to Forum 1, participants were provided with a [briefing pack](#) introducing them to the topic area and what to expect from these forums. Forum 1 aims were to:

- Launch event, clarify participants' understanding of remit and topic;
- Introduce participants to the research and deliberation as a method;
- Augment participants' understanding of the topic area through interactions with experts;
- Arrive at participants' initial thoughts and expectations of a definition of fairness & transparency through multiple activities such as empathy mapping.

Sections

1. **Opening and introductions**: Plenary session; introduction to the research project and what the forum will look like (10 mins)
2. **Ice-breakers & rapport building**: Breakout session; introducing rules of deliberation and safeguarding; getting participants used to deliberating (10 mins)
3. **Expert videos & question generation**: Breakout session; streaming expert videos and generating questions for the panel (1 hour incl break)
4. **Expert panel discussion**: Plenary session; chair moderating live expert panel and conducting Q&A (50 mins)
5. **Break** (10 mins)
6. **Initial idea generation**: Breakout session; developing the first set of ideas against an assigned topic (20 mins)
7. **Empathy mapping**: Breakout session; using personas (detailed below) to get participants to reflect on other perspectives (20 mins)
8. **Break** (10 mins)
9. **Prioritisation of activities**: Breakout session; finalising list of ideas for a definition against the assigned topic (15 min)
10. **Close**: Plenary session; thank you & sharing resources (5 mins)

Forum 2 (29th August, 2024, 2.5 hours)

Aim

The Forum 2 aim was to discuss and iterate three definition drafts.

Sections

1. **Opening:** Plenary session; welcome and presenting draft definitions (18 min)
2. **Initial reflections:** Breakout session; initial reflections + understanding the implications of each definition for participants (47 min)
3. **Voting**: Plenary session; narrowing from 3 definitions to 1 via a simple vote (5 min)
4. **Break** (5 min)
5. **Iterating**: Breakout session; suggesting ideas to iterate the definition (30 min)
6. **Break** (15 min): AI-generation of definitions by BIT research team
7. **Definition finalisation**: Breakout session; commenting on AI-generated definition and finalising wording (20 min)
8. **Presentation of results**: Plenary session; facilitators present their group's definition and close (10 min)

Forum 3 (21st September 2024, 4 hours)

Aim

Forum 3 aims were to:

- Vote on a final consumer-led definition of fairness and transparency;
- Derive a list of actions for implementing this definition;
- Close event.

Sections

1. **Welcome, recap, today's session:** Plenary session; purpose of the Forum, code of conduct, explaining the two versions of the definitions (20 mins)
2. **Deliberation on definitions:** Breakout session; deliberation on definitions; initial reflections on definitions including time for individual reflection and facilitators explaining differences between definitions. Deliberation on tradeoffs, directed prompting by facilitators on the tradeoffs. Individual reflection time by participants using an impact table as guidance (1 hour 10 mins)

3. **Break** (5 mins)

4. **Vote on definitions**: Breakout session; vote on definitions using Google form voting (10 mins)

5. **Initial implementation ideas:** Breakout session; introduction to activity; initial implementation ideas for non-vulnerable groups and for vulnerable groups. Iteration and refinement using tradeoffs (1 hour and 20 mins including break)

6. **Break:** Each facilitator swaps with another facilitator their sub-group's ideas so each has 2 sets. (15 mins)

7. **Critiquing ideas** Breakout session; critiquing other groups' ideas & refining own list (30 mins)

8. **Close** Plenary session; what happens next, thank you & goodbye (10 mins)

Figure A.1 shows an example activity from Forum 3. Figure A.2 illustrates a shared Zoom whiteboard on which facilitators captured participants' ideas.

What do you think about our chosen draft definition?

Take a minute to reflect - remember, there are no right or wrong answers! Here are some questions to guide you:

- What are the most important parts of this definition?

- What is potentially missing from the definition?

- How could it incorporate the points we felt were missing in activity 1?

- How could it incorporate parts of the other definitions?

We'll go round the 'room' and you can tell us what you're thinking.

Figure A.1: An example activity from Forum 2

Activity 4: Initial ideas for a definition of fairness and transparency

Information & communication by gambling operators and about games

Fairness				Transparency			
No discrimination -	how would you treat them if they were their family	Consider changing circumstances/ environment - mental health, lack of support	Educating the public	Nothing hidden/ nothing ambiguous	Everyone has a clear understanding, no matter what their education/ age - also with lower level of education	Explain concepts like wagering requirements clearly	A glossary at beginning of session with key T&Cs
Adverts that educate the public	Safer gambling campaigns that encourage support	All advertising needs to follow advertising code	Advertising should not target people under 18 and vulnerabilities	Puts odds on more often in a clear format that people can happen - to help people understand chances of winning	Putting time limit on T&Cs, so that people cannot just click it away	Clarify what people might lose (downward risk)	Warnings similar to investment ("you might get out less than you invest")
Consider every individual - think of vulnerable people	Watersheds - difficult	More warnings re problems/ risks everywhere you can gamble	Communication not enough - regularly assess personal circumstances (has anything changed? are they placing any bets) - e.g. every few months	Distribution of winnings - chances of winning small vs big	Repeat rules regularly	Encourage awareness of spending (time, money)	Person at in-person venues proactively to offer support
Enable people to put on limits	Interrupt play regularly with e.g. video before they can continue gambling	A minimum spin to make people think about it	Test understanding of gambling key points, re-do regularly				

Figure A.2: An example of a shared Zoom whiteboard with participants' inputs.

Key themes of deliberation

In the preparatory phase of this research, we conducted interviews with people who gamble in order to get a preliminary understanding of what constitutes fairness and transparency in gambling. We identified three key themes in participants' accounts:

1. **Information & communication about gambling operators and games**: This covers any kind of information or communication individuals may receive about gambling and that they use to make a decision whether to gamble. This covers advertisements, promotions / offers, information about the operator or their games, and terms & conditions and could be at any stage of the gambling journey: before playing a game, while playing, or after completing a game. We were interested in understanding how the information and communication supports decision-making that is as fair and transparent as possible.

2. **Game design, rules, and outcomes:** This broadly covers the various elements of a game experience within gambling: the rules of the game, the layout / environment and visuals of the game, and information about expenditure and outcomes of the game. We were interested in understanding how the

choice architecture of different types of games has an impact on individuals' views on fairness and transparency.

3. **Services and support from the gambling operators**: This explores individuals' views on managing their gambling experience: managing or closing their accounts, setting up safer gambling tools, withdrawing their money, and accessing customer support. In essence, this covers any direct interactions individuals may have with the gambling operator to improve or adjust their gambling experience at any stage of the gambling journey. We were interested in understanding how individuals view fairness and transparency in these kinds of interactions.

Personas

Persona 1 - Alex

Alex is 23. He has gambled on and off since he was 18. He and his mates play the slot machines at their local pub on a night out, and he occasionally plays online slot games on one website when he receives a good offer.

He has received marketing communications by email about other gambling activities, such as the lottery and sports betting, but he's not that bothered about other types of gambling. Gambling for him is more about having a bit of fun with his mates, and when he has a spare bit of cash. When he started playing initially, he read the T&Cs before each game more carefully, but no longer bothers to.

In the pub, he generally doesn't spend more than £5 in an evening while playing slots. He's set up a £25 monthly deposit limit with a gambling operator, so that he doesn't spend more than he's happy to pay for entertainment. He spends more time when playing slots online compared to the pub as there are many to choose from, and gets more offers. Typically he gambles a couple of times a month.

Alex generally views losing as part of gambling, but he's always hopeful that he'll hit the big jackpot one day. Once he's spent his deposit, he likes to cash out any winnings straightaway. So far, he has not needed customer support so he has not looked for how to access it.

Persona 2 - Ella

Ella is 53. As an avid football fan, she started betting occasionally on her favourite football team a few years ago. In the past year, she's gotten more serious about her betting. She now researches and places bets on matches in different leagues across Europe.

Ella carefully plans and selects her bets - she invests time and effort to find the best ones, and reads through T&Cs, odds, etc. She also researches teams, matches, and players. She used to place bets via a local bookie, but has recently started using betting exchanges where people bet against each other rather than a bookmaker. She thinks these have better odds and outcomes.

The amount she spends on gambling can vary, depending on the schedules of different leagues. In general,she bets a lot more money than anyone she knows, but has recently won more than she has bet. She generally ignores promotions from operators. She's recently expanded to horse betting, but spends less money as she doesn't understand it as well.

Since this is a big part of her life, Ella dedicates lots of time and energy doing the required research to place bets she's confident she'll win. She enjoys the buzz from getting it right and being good at betting. She tracks her deposits, winnings, and losses in a spreadsheet. She withdraws her money strategically to move it to different exchanges that offer the best bets. She contacted customer support once when she had an issue with a withdrawal.

Persona 3 - Sara

Sara is 35. She started gambling when she got married and quit her job to stay at home. She loves playing bingo, mainly online. She plays a couple of times a week, usually while her kids are at school and she's bored. She enjoys the excitement and fun that comes with the game.

Sara has a few operators she enjoys playing with. She opened accounts with them a few years ago, and has their apps on her phone. She gets email notifications with offers like free tickets which she uses if she's in the mood to gamble and has the time. She knows these platforms offer more games, but she hasn't really explored these.

Sara doesn't have a consistent amount of money she deposits each time. She spent small amounts when she first started gambling, but has recently started spending larger amounts to feel the same 'rush'. On a few occasions she played for a couple of hours instead of doing housework. She has also started to hide how much money she spends on bingo from her husband.

Sara knows she's lost a lot of money, but it hasn't impacted her life too much. She's occasionally skipped going out with friends after a bad week. She received an email from her operator about their different gambling management tools, but she hasn't looked into it yet. She withdraws her money regularly, but generally maintains a balance for future gambling.

Persona 4 - Joel

Joel is 67. He only started gambling after he retired, but considers it his main hobby now. He has tried all sorts of gambling: slots, horse betting, scratch cards, casino games. His favourite is slots - he plays these both at his local betting shop and online. He gambles at least once a day.

Joel has many accounts across multiple operators. Usually one of his apps will send him a notification with an offer which he clicks on. He also likes opening new accounts as that's when he gets the best offers. He generally clicks through T&Cs and opening pages, without reading them, to get to the game as fast as possible.

Joel doesn't track how much he deposits. He uses Apple Pay to transfer money, usually depositing the biggest amounts right after receiving his state pension. After using his offers on the different apps, he generally plays whatever game takes his fancy. He also places his horse bets in his local betting shop every other evening, followed by some sessions on the slot machines while waiting for the results.

Joel hates losing. He has lost track of time and money spent trying to win back money he lost. In recent months, he's had to borrow money from his daughter to pay his electricity bills. She's told him multiple times that he needs to stop gambling. She's sent him links to safer gambling tools which he's looked at, but not taken any further steps.

Trade-offs in deliberation

Developing and implementing a particular definition of fairness and transparency involves trade-offs. This means that adopting one type of approach to the topic comes at the cost of another. These trade-offs prompt participants to consider which they value more when it comes to fairness and transparency at each stage of the gambling user journey.

When facilitators prompted participants to evaluate the trade-offs between version A and B of the fairness and transparency definitions, they were asked to consider the following factors:

- Monetary cost of playing
- Enjoyment of the game
- Risk of experiencing harm
- Privacy

Participants selection and recruitment

Sampling approach

Participants were recruited based on the following target criteria:

- **Individuals who gamble** (At least 40 participants): This group includes both individuals who are currently engaged in gambling and those who have stopped gambling, but not due to gambling-related harms.

- **Individuals who only play scratch cards or the lottery** (At least 4 participants).

- **Individuals who do not gamble** (At least 14 participants). This group includes individuals who have never gambled and affected others. Affected others are individuals who have a significant relationship with someone experiencing low to moderate issues with gambling (as measured by the Problem Gambling Severity Index, or PGSI). We did not include affected others who are facing serious personal issues themselves, such as significant mental health challenges.

The full sampling matrix is provided in Table B.2.

Table B.2: Full sampling matrix.

Sampling criteria	Details	Target *N*
Group		
Individuals who gamble[63]	Active (gambled in last 12 months, excl individuals that only played lottery scratch card)	Min 30
	Only lottery / scratch cards players (gambled in the last 12 months)	Min 4
	Abstinent (gambled in the past at least monthly, but have not gambled in the last 12 months).	Min 6
Individuals who have a lived experience of gambling harm	Lived experience (LE) of severe gambling harm, currently or post recovery	Min 6
Individuals who do not gamble	Never gamble	Min 8
	Affected others	Min 6
Gambling type and frequency among participants who gamble [excluding LE] (n = 36)		
Type of primary gambling activity	Online	At least 26
	Land-based	At least 10
Primary gambling	Online slot games	At least 8
	Online casino games (excluding slot games)	At least 6

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[63] In line with other research, we have put individuals who only play lottery / scratch cards in their own category.

activities	Online sports betting	At least 10
	Land-based bingo / arcades / sports	At least 6
	Land-based casino	At least 6
Gambling frequency	At least weekly	At least 18
	Monthly	At least 12
	Less than monthly	At least 6
PGSI	No risk (0)	At least 20
	Low risk (1-2)	10
	Moderate risk (3-7)	6
Demographics among participants who gamble [excluding LE] (n = 36)		
Gender identity	Women	At least 15
	Men	At least 15
	Non-binary	Open
Age	18-24	At least 8
	25-54	At least 17
	55+	At least 6
Ethnicity	Asian	At least 10
	Black	At least 10
Region	South & East	At least 10
	North	At least 8
	Midlands	At least 6

	Scotland/Wales	At least 6
	London	At least 3
Household Income (proxy for risk of Financial Vulnerability[64])	Household income £25,0000 - <£35,000[65]	At least 18
	Household income < £25,000	At least 10
Demographics among those who never gamble or only lottery/scratch-card (n = 12)		
Gender	Women	At least 5
	Men	At least 5
	Non-binary	Open
Age	18-24	At least 3
	25-54	At least 4
	55+	At least 3
Demographics among affected others (n = 6)		
Gender	Women	At least 2
	Men	At least 2
	Non-binary	Open

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[64] Household income is not a direct measure of financial vulnerability (which has many other factors contributing to it, including level of debt, savings, etc.). Since this is not a primary criteria, we can use household income as a proxy measure for the risk of experiencing financial vulnerability.

[65] Median household income in the financial year ending 2020 was £32,300 from ONS (2021) _Data and analysis from Census 2021_

Recruitment, accessibility and inclusion

The participants with lived experience of severe gambling harms were recruited via GamCare's Lived Experience panel, with other participants recruited through a fieldwork agency. While we aimed to make the Forums concise and scheduled sessions on weekends and evenings, the time commitment may have still excluded individuals with e.g. caregiving responsibilities, certain health conditions, or non-standard working hours. Participants received compensation for their time.[66]

We decided not to specifically recruit participants who are currently at high risk of experiencing gambling-related harms, although we cannot be certain that none fell into this category, via our recruitment partner. While their insights would be valuable, we determined that the potential risks of participation outweighed the benefits for these individuals. Instead, we aimed to capture the perspectives of this group by including participants who are part of GamCare's Lived Experience Network - these are individuals who have taken additional steps towards addressing the harm they may be experiencing, and there were additional safeguards in place via GamCare.

Participants were not required to write during the Forums but were expected to speak English, as their first or second language. To ensure regional diversity, the Forums were held online, eliminating the need for travel. Participants did need internet access, familiarity with using Zoom, and a laptop, tablet, or desktop computer. A BIT technical lead was available throughout the Forums to assist with any technical issues.

Ethical considerations

To minimise the risk of harm to participants, we took the following steps:

- An independent review by BIT's ethics panel[67] was conducted to assess and approve the study's approach.

- Recruitment strategies were designed to minimise geographical overlap, reducing the likelihood of participants knowing each other.

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[66] Participants received £100, £70 and £100 for participating in each of forums 1, 2 and 3 respectively; a £40 bonus for participating in all three forums and £30 as compensation for time spent learning before the first Forum.
[67] The reviewers are senior BIT staff who are not involved in the design and delivery of the project.

- Facilitators and the Forum chairs attended safeguarding and trauma-informed research training, covering issue identification, signs of distress and escalation procedures.

- Forum materials were reviewed by GamCare (an organisation that works closely with people who have a lived experience of gambling harm) to minimise potentially distressing content.

- Forum materials were designed to avoid direct questions about participants' experiences with gambling - these were only included in discussions when voluntarily raised by participants themselves.

- Briefing materials detailed the study's scope and potential for sensitive discussions.

- Written consent was obtained from all participants, and all materials included information on support, such as the contact details of gambling support organisations.

Implementation challenges

The Forums were designed to be as methodologically robust as possible. However, across the three Forums, we experienced:

- **Attrition in the sample:** Participants were initially overrecruited assuming a certain number of dropouts, with the aim for an overall final sample size of 60 participants. 62 participants attended Forum 1, and 56 participants completed Forum 3. Known reasons for drop outs include personal circumstances such as illness and technical challenges. However, the distribution of participants across our sampling criteria stayed consistent and there was no disproportionate attrition among any specific subgroup.

- **Challenges with engagement within each Forum:** While the Forums were designed to be as engaging and interactive as possible, the length and high cognitive load on participants meant that there were variations in levels of engagement, particularly towards the end of each Forum. However, the key activities were designed to be conducted in the middle of each Forum, to avoid this affecting data quality.

- **Unclear levels of engagement with pre-learning materials:** While the information pack was shared well in advance of the first Forum and the incentive pack included an amount for 'pre-learning', we do not know how closely participants read and engaged with the pack.

- **Technical difficulties** During the final vote on the definition, participants experienced technical difficulties in accessing the Google Form to vote. As a result, we had to pivot to a Zoom poll vote. However, due to quick pivot, the language used in the final Zoom poll did not match the wording we intended in the Google Form:

  - Intended language: 'Which definition of fairness and transparency in gambling best represents the needs and preferences of consumers?'

  - Zoom poll language: 'Which version of definition would you like to take forward for the rest of the forum?'

We do not anticipate this change in language had a major impact on how participants voted: across the Forums, the chairs and facilitators emphasised the importance of the final definition needing to align with the needs and preferences of all consumers. We also designed Forum 3 such that participants had at least 15 minutes of reflection time before the final vote, and thus it is likely that participants had already decided how they were going to vote ahead of actually seeing the question.

Our expert panel

Peter Rangeley - Senior Manager in Strategy at the Gambling Commission. Peter is currently leading the Commission's review of their fair and open gambling licensing objective. He has worked for over 17 years in licensing, policy and strategy at the Commission.

Prof Mark Griffiths - Chartered Psychologist and Distinguished Professor of Behavioural Addiction at Nottingham Trent University, and Director of the International Gaming Research Unit. Mark He has spent 37 in the field and is internationally known for his work into gambling, gaming, and behavioural addictions. He has published over 1500 peer-reviewed research papers, six books, over 200 book chapters, and over 1500 other articles. He has won 25 national and international awards for his work

including the John Rosecrance Prize (1994), Joseph Lister Prize (2004), US National Council on Problem Gambling Lifetime Research Award (2013), ISSBA Lifetime Achievement Award for the Study of Behavioral Addictions (2023). He also does a lot of freelance journalism and has appeared on over 3500 radio and television programs, and written over 400 articles for national and international newspapers and magazines.

Peter Cartwright - Professor of Consumer Protection Law at the University of Nottingham. Peter's main research interests are in consumer protection, financial services law (especially banking and regulatory aspects) law and technology and criminal law, and he has published widely in these areas. Peter has also served on the Council of the Consumers' Association (Which?); the Law Society of England and Wales's Advisory Group on Consumer Rights; and the UK Department of Trade and Industry's (as it then was) Advisory Committee on Consumer Law Reform

A fourth panel member represented the perspective of gambling operators in Great Britain.

C) Drafts of other definitions

Draft definitions of fairness and transparency (used in Forum 2)

Box C.1: Draft definition 1

Fairness means

- Operators treat customers in **accordance with their stated preferences**. This means that customers **choose** how they want to be exposed to and interact with gambling, across communication, game design, and support. All customers receive **a minimum level of protection** by default, in the event they do not share their preferences. Customers can choose to increase this level of protection. *For example: operators restrict the number of stakes a customer can make per minute. Customers can then choose to adjust other parts of the game's design, such as the tempo of the game's music.*

- Operators ensure that **resources spent on acquiring and retaining** customers are **proportionate** to **customer support, experience and protection from risks**. *For example: operators do not only advertise their products, but also run risk*

awareness campaigns.

- **The choices** customers have are the same across different operators. *For example: operators offer the same options for personalising marketing permissions and monitoring personal gambling behaviour.*

Transparency means

- Operators make available **complete information** to help customers make **informed decisions** throughout their gambling journey. *For example: customers can access full information about how a gambling product is designed, what the odds and the distribution of payouts are.*

- Customers **choose** what information they wish to see, how and when. Customers can adjust how information is presented to make it **clear, accessible** and **easy to understand.** *For example: a customer chooses whether they want the T&Cs to be read out loud to them, or they want to receive reminders of time spent playing every 30 minutes.*

Box C.2: Draft definition 2

Fairness means

- Operators **treat all customers equally**, based on the needs and preferences of the average customer, ensuring that they receive the same products, offers, communications and support. All customers receive **a moderate level of protection** by default, set to the needs of the average customer. Customers can choose to increase or decrease this protection, and ask the operator to make suggestions based on their play behaviour. *For example, customers are required to set a deposit limit before they can play. Operators suggest a limit based on the average customer. Customers can change the limit themselves, or ask for a new suggested limit based on their monthly spend.*

- Operators give customers the choice to change how they want to be exposed to and interact with gambling, across communication, game design, and support. *For example: operators do not cross-sell to customers by default, but a*

customer can choose to receive marketing about other types of gambling activities they may be interested in.

- Operators ensure that **resources spent on acquiring and retaining** customers are **proportionate** to customer **support, protection from risks.**

- **The choices** customers have are the same across platforms.

Transparency means

- Operators provide customers with **complete information** to help them make **informed decisions** throughout their gambling journey. *For example: operators state the risks associated with gambling before play in a format customers can understand.*

- Operators ensure that all information is **clear, accessible, and easy to understand** by meeting **specific accessibility standards**.

Box C.3: Draft definition 3

Fairness means

- Operators treat customers with **consideration for their needs and their risk of gambling-related harms.** They proactively make **adjustments** to how customers are exposed to and interact with gambling, across communication, game design, and support. This is to ensure **accessibility,** and a **high level of protection** by default. *For example: all customers are shown risk warnings at the beginning of every session. These risk warnings may be switched off once a customer has demonstrated they can play safely.*

- Operators determine the **degree of control** customers have over how they are treated. This is based on **customers' risk of gambling-related harms.** *For example: existing customers at high risk of harm/ showing harm already, cannot opt out of potential restrictions on marketing or spending limits. Those at lower risk can customise or opt-out of these adjustments.*

- Operators ensure that **resources spent on acquiring and retaining** customers

are **proportionate** to **customer experience and protection from risks**.

- All operators have to use **the same decision-rules** for the adjustments they make.

Transparency means

- Operators provide customers with **information most relevant to their needs, and current or risk of gambling related-harm.** *For example: operators provide existing customers at low risk of gambling-related harms with the game's odds information and direct them to other game information before playing, while new customers in the same scenario see the odds information, the payout table, and an explanation of what this information means to the customer.*

- Operators ensure that all information is **clear, accessible, and easy to understand** by all customers, including vulnerable individuals. *For example: All communication has to be understood by individuals with a low reading age.*

- When operators **select and/or summarise information** to make it easier for customers to process, they **clearly signpost the full version**.

- Operators **inform customers of any adjustments** made on their behalf. They provide a **clear and understandable justification** for these adjustments.

Refined definitions of fairness and transparency (used in Forum 3)

Box C.4: Version A - the rejected definition

Fairness means

1. Operators prioritise* the protection of their customers from gambling-related harms across communication, game design, design of the gambling environment and support.

   *Prioritise means operators take actions that put protections from related harms first, and making the gambling experience enjoyable comes second.

2. Operators consider each customer's needs and risk of harm, and may adjust a customer's gambling experience accordingly. This overrides customer

preferences, where additional protection from harm is needed.

3. All operators follow the same decision-making rules for implementing points (1) and (2).

Transparency means

1. Operators take all reasonable steps to ensure customers fully understand the rules, terms and conditions for products, marketing claims, offers, and support.

2. Operators take all reasonable steps to ensure customers fully understand the risks associated with gambling before play.

3. The provision of complete information for customers to make an informed decision is prioritised* above other factors relating to the gambling experience. *Prioritise means operators take actions that put comprehension first, and ease and enjoyment of the gambling experience comes second.

D) Longlist of actions for implementing the consumer-led definition of fairness and transparency[68]

Table D.1 summarises the longlist of actions participants developed during Forum 3. We map these actions against the relevant elements of the definition and categorise them based on whether these are already implemented through regulation in the status quo, whether they build on existing regulation, or are new ideas. We add comments to contextualise and outline further considerations.

Table D.1: Longlist of proposed actions to implement the consumer-led definition of fairness and transparency.

Operators should make games less colourful / attractive / flashy, and reduce music tempo on online games to reduce speed of play. Customers can adjust these settings. This could be extended to ban using design licences that could appeal to children, for example, Jumanji themed slot machines.	**Relevant elements of definition:** Balancing enjoyment and protection[69] **Status:** Builds on current practice / regulation **Comments:** ● The proposed action goes beyond the GC's consultation response prohibiting visual and auditory effects that give the illusion of 'false wins'.

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[68] The list of actions and the associated principles are not intended to be exhaustive. Instead, they are an illustration of what consumers value and where they see gaps in current practice.
[69] Operators balance enjoyment derived from (i) uncertainty in outcomes and (ii) design of games and the gambling environment, with providing a high level of protection against gambling-related harms.

	● The proposed ban on design licensing appealing to children could be relaxed for machines located in spaces like betting shops which already have restricted access for under-18s.
Operators should provide games that allow customers to play for prizes / virtual games, rather than staking money.	**Relevant elements of definition:** Balancing enjoyment and protection **Status:** Departure from current practice / regulation **Comments:** ● While this is a new idea, these types of games may not classify as a gambling / betting product and therefore will not require a GC license. It is likely that participants proposed this as a mechanism for individuals to have the option to experience the 'fun' associated with gambling without the risks. ● However, there is a risk that these games may be treated as 'trials' that could entice new customers into gambling.
Operators should ban autospins and near wins.	**Relevant elements of definition:** Balancing enjoyment and protection **Status:** Implemented in current practice / regulation

	Comments: • The GC [does not permit autoplay for online products]().
There should be restrictions on the number of machines within venues that are not betting shops - for example, halls, pubs, and clubs.	**Relevant elements of definition:** Balancing enjoyment and protection **Status:** Implemented in current practice / regulation **Comments:** • There are already [restrictions on the number of machines allowed within pubs and other alcohol licensed premises](). The exact numbers vary depending on type of machine classifications and type of venue. • Participants did not make it explicit whether they wanted this restriction to be stricter, e.g., lowering the number currently allowed, or this suggestion was based on a misunderstanding that there are currently no limits.

Operators should introduce stake limits: either as a default maximum limit set by operators or a maximum spend limit set by individuals before the start of the session. ● For products like lottery, bingo and scratchcards, there should be a maximum number of tickets that a person can buy at a time or within a session.	**Relevant elements of definition:** Balancing enjoyment and protection; Shared responsibility for protections from gambling-related harms[70] **Status:** Implemented in current practice / regulation **Comments:** ● Stake limits already exist for slot games. Online stake limits will be implemented in 2025. Customers are also restricted to 10 scratchcards per person. ● BIT research from 2024 also found that certain operators offer stake limits as a safer gambling tool.
Consumers should be able to set a limit on the number of games they can play.	**Relevant elements of definition:** Shared responsibility for protections from gambling-related harms **Status:** Departure from current practice/ regulation **Comments:** ● It is unclear whether participants were suggesting this limit should be

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[70] Operators and customers share a responsibility for protections from gambling-related harms,so (i) all customers can adjust their level of protection; (ii) operators must prevent serious harm and protect vulnerable groups.

	on the different types of games, or rounds / sessions within a game.
Operators should offer positive incentives such as rewards or badges for safer gambling practices (e.g. as players taking a break between sessions) to encourage them to be more mindful and reflective of their choices.	**Relevant elements of definition:** Shared responsibility for protections from gambling-related harms **Status:** Departure from current practice/ regulation
Within games and products, there should be a direct link to safer gambling tools or a help button.	**Relevant elements of definition:** Shared responsibility for protections from gambling-related harms; Full understanding the risks of gambling[71] **Status:** Building on current practice / regulation **Comments:** • The Betting and Gambling Council's Responsible Gambling Code requires its members to offer limits (money and time) on gaming machines and it is mandatory for players to decide whether to set a limit before they can start to play; as well as ensure betting shops follow self-exclusion agreements. • However, there is no additional regulatory requirement for operators

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[71] Operators support customers to fully understand the risks of gambling.

	to offer these.
Operators should offer non-automated customer support so that consumers' real needs are appropriately and empathetically addressed.	**Relevant elements of definition:** Proportionate investment in support and treatment[72] **Status:** Building on current practice / regulation
Land based staff should be given adequate training to identify gambling-related harms and signpost support to consumers.	**Relevant elements of definition:** Proportionate investment in support and treatment **Status:** Implemented in current practice / regulation
Consumers should be given the option to add a contact who can be informed about a consumer's gambling behaviour.	**Relevant elements of definition:** Shared responsibility for protections from gambling-related harms **Status:** Departure from current practice / regulation
Operators should fund third-party public health campaigns.	**Relevant elements of definition:** Proportionate investment in support and treatment; Full understanding the risks of gambling

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[72] Operator investment in customer experience, products and marketing is equal to their investment in support, treatment, and raising awareness of risks.

	Status: Building on current practice / regulation **Comments:** - [The new statutory levy on gambling operators](#) will be used to fund research, prevention and treatment of gambling harms. It is likely that public health campaigns will at least partly be funded through the levy.
Operators should develop a universally-used, early, traffic-light warning system, so that customers' vulnerabilities are detected earlier. Operators can use patterns of play as well as body language in land-based settings to assess risk.	**Relevant elements of definition:** Balancing enjoyment and protection **Status:** Building on current practice / regulation **Comments:** - Individual operators may have systems in place. For example, one of the [GC's licensing conditions](#) is that operators must implement effective customer interaction systems and processes in a way which minimises the risk of customers experiencing harms associated with gambling. **However, this action suggests an earlier and universal system.**
Operators should enable a single-customer view so player behaviour can be monitored across	**Relevant elements of definition:** Balancing enjoyment and protection

accounts and vulnerable customers receive better protection. For example, this could involve a unique gambling ID that all customers need to use to be able to gamble.	**Status:** Building on current practice / regulation **Comments:** - The introduction of Gamprotect is a first step to implement this action, but it is only used by some operators. - In land-based settings, this may require the introduction of account-based play - we did not explicitly ask participants their view on this.
Operators should adjust monitoring based on risk of harm (for example, increasing monitoring as risk of harm increases) and customer lifespan (for example new customers should be more closely monitored until there is sufficient evidence that they are not currently at high risk of harm)	**Relevant elements of definition:** Balancing enjoyment and protection **Status:** Building on current practice / regulation **Comments:** - While individual operators have algorithms and monitoring systems, it is unclear what the metrics used are. This action suggests that operators are more transparent with their monitoring processes and there is standardisation of these metrics across operators.

Operators ban customers who display risky behaviours so that they are protected while other customers can continue to enjoy those games.	**Relevant elements of definition:** Balancing enjoyment and protection **Status:** Implemented in current practice / regulation **Comments:** ● This part of the GC's licensing conditions.
Customers should be able to control what marketing and promotions they receive. ● Operators should make options to get additional support for this process salient throughout, so that those struggling can easily seek help if needed to establish their preferences (for example, those who may be less tech savvy or digitally literate). ● Operators should prompt customers to review these preferences regularly, for example, every 6 months.	**Relevant elements of definition:** Full understanding of rules, T&Cs, marketing claims, offers, and support[73]; Full understanding the risks of gambling; Balancing provision of complete information with gambling experience[74]; Shared responsibility for protections from gambling-related harms **Status:** Implemented in current practice / regulation; Building on current practice / regulation. **Comments:** ● As per the GC's proposed changes based on the 2023 consultation on the subject: ○ Operators must provide customers with options to opt-in to direct marketing on a per product and per channel basis, as

[73] Operators support customers to fully understand the rules, terms and conditions for products, marketing claims, offers, and support.

[74] The provision of complete information for customers to make an informed decision is balanced with the gambling experience.

• Operators should provide customers with information and a rationale to enable them to make an informed choice about how to set their preferences.	part of the registration process and be updateable should customers change their preference. Operators are also required to provide enough information for customers to make an informed choice. Operators cannot send direct marketing that contravenes customers preferences and existing customers who have not already opted out of marketing must be asked at their first log-in ○ Any confirmation of choices must only involve one-click, without any encouragement or option to change choices. ○ **However, this new requirement does not involve a biannual review of choices or enhanced support as suggested by participants.**
Operators should not target potentially vulnerable customers with promotions, so that customers are protected from potential risk. • Operators should not cross-sell to new customers without a track record, to avoid cross-selling to customers at risk of harm	**Relevant elements of definition:** Balancing enjoyment and protection **Status:** Building on current practice / regulation. **Comments:** • This is partially covered by the GC's response to the 2023 consultation. • There is a potential for a backfire effect with limiting all promotions to only individuals with lower spend with promotions, especially if it increases the amount of marketing currently targeted at them. It is

• Operators should limit their promotions to customers who signed up but have not been spending much, in order to prevent incentivising high spending for those at the risk of harm.	also unclear what the thresholds would be, but may be developed based on the affordability checks policy. This action may not be desirable from a consumer protection perspective, nor practical to implement.
Operators should develop clear and accessible terms and conditions (T&Cs), so that customers know exactly what they're signing up to, for example, highlighting things visually, using simple words, and summarising / highlighting key words.	**Relevant elements of definition:** Full understanding of rules, T&Cs, marketing claims, offers, and support; Full understanding the risks of gambling **Status:** Implemented in current practice / regulation; Building on current practice / regulation **Comments:** • While operators have to follow the Competition and Market Authority's guidance, these are not very detailed.
Operators should draft T&Cs so they are available in different languages, meet a lower reading age, and can be understood by people with neurodiverse conditions. For example, ensuring people understand wagering requirements	**Relevant elements of definition:** Full understanding of rules, T&Cs, marketing claims, offers, and support; Full understanding the risks of gambling **Status:** Building on current practice / regulation **Comments:**

associated with bonuses or explaining odds in real terms (£ instead of %).	• [Current GC regulation] only flags to operators to be aware that customers may not have English as a first language, and that literacy levels may vary significantly across the population. However, translation into multiple languages and meeting other accessibility standards is not required. • [BIT research] (2024) found that safer gambling pages tend to be text heavy, use complex sentences, and use few visuals compared to other parts of the website.
Operators should require consumers to evidence that they comprehend the risks of playing to enable them to make informed gambling decisions.	**Relevant elements of definition:** Full understanding of rules, T&Cs, marketing claims, offers, and support; Full understanding the risks of gambling; Shared responsibility for protections from gambling-related harms **Status:** Departure from current practice / regulation .
In land-based settings, operators should provide a space for customers to read through the T&Cs so they do not feel the pressure to rush through their decision.	**Relevant elements of definition:** Full understanding of rules, T&Cs, marketing claims, offers, and support; Full understanding the risks of gambling; Balancing provision of complete information with gambling experience **Status:** Departure from current practice / regulation

Operators should ask customers if they have more questions or clarify their understanding, for example after showing T&Cs.	**Relevant elements of definition:** Full understanding of rules, T&Cs, marketing claims, offers, and support; Full understanding the risks of gambling; **Status:** Departure from current practice / regulation
Operators should provide feedback on gambling behaviour, so that customers know how much time or money they spend on a particular game. Where customers exhibit increasingly risky play, operators should send warning messages flagging the behaviour to the customer, explain why it's risky, and provide suggested actions for them. If a customer continues to play at risky levels, operators should intervene and take action.	**Relevant elements of definition:** Full understanding the risks of gambling; Balancing provision of complete information with gambling experience; Balancing enjoyment and protection; Shared responsibility for protections from gambling-related harms **Status:** Building on current practice / regulation **Comments:** ● [BIT research](#) (2024) found that none of the operators included in our behavioural audit offer this feedback.
Operators should provide information on the real time spent and amount deposited while gambling, and stake / balance / time trackers (or feed) that provides information in a simple form, for example, via colours.	**Relevant elements of definition:** Full understanding the risks of gambling; Shared responsibility for protections from gambling-related harms **Status:** Building on current practice / regulation

Operators should explain their reasoning behind all decisions taken based on customer monitoring and give customers a chance to adjust their gambling behaviour accordingly to prevent restrictions. There should be a cooling off period involved if any restriction is being removed due to changed gambling behaviour.	**Relevant elements of definition:** Full understanding the risks of gambling; Shared responsibility for protections from gambling-related harms **Status:** Building on current practice / regulation **Comments:** ● While operators may currently communicate and check-in with customers regarding their gambling behaviour, especially if intervening, it is unclear what the nature and content of these conversations are, whether they are standardised, and whether any cooling off periods are involved. ● There may be the risk of a backfire effect by encouraging customers to hide their gambling behaviour.
Banks should inform and warn customers about their gambling spend so that they can access support if needed.	**Relevant elements of definition:** N/A **Status:** Building on current practice / regulation
Operators should explain the benefits of using safer gambling tools, such as time/ spending	**Relevant elements of definition:** Full understanding the risks of gambling; Shared responsibility for protections from gambling-related harms

limits, and how to use them during account opening.	**Status:** Building on current practice / regulation
Operators should educate customers about the risks and harms of gambling, for example via more salient gambling warnings.	**Relevant elements of definition:** Full understanding the risks of gambling; Shared responsibility for protections from gambling-related harms **Status:** Building on current practice / regulation
Operators should provide customers with strategies and support to gamble more safely.	**Relevant elements of definition:** Full understanding the risks of gambling; Shared responsibility for protections from gambling-related harms; Proportionate investment in support and treatment **Status:** Building on current practice / regulation **Comments:** - [Research from BIT's operator audit](link) found that safer gambling pages were difficult to find on some operator websites, were often text-heavy and difficult to understand.
Operators should facilitate conversations to break down the stigma of gambling-related harms.	**Relevant elements of definition:** Full understanding the risks of gambling; Proportionate investment in support and treatment

	Status: Departure from current practice / regulation
Operators should offer more support for local communities affected by gambling (for example, conducting workshops on safer gambling) and help combat the stigma associated with gambling.	**Relevant elements of definition:** Full understanding the risks of gambling; Proportionate investment in support and treatment **Status:** Departure from current practice / regulation **Comments:** ● As stated above, the new statutory levy on gambling operators will be used to fund research, prevention and treatment of gambling harms. However, it is unclear whether this will be extended to support local communities - for example, setting up a community fund or community initiatives.
Operators should show how much profit and loss a game has made over time.	**Relevant elements of definition:** Full understanding the risks of gambling; Shared responsibility for protections from gambling-related harms; **Status:** Departure from current practice / regulation
All operators should ensure there are no additional frictions or barriers to closing accounts compared to opening them.	**Relevant elements of definition:** Balancing enjoyment and protection **Status:** Building on current practice / regulation

Operators should offer seamless withdrawal processes.	**Relevant elements of definition:** Balancing enjoyment and protection **Status:** Building on current practice / regulation **Comments:** • Current regulation states that operators must allow players to withdraw funds from their deposit balance, even if they are allocated to a bonus including when a bonus is pending or active in the account. However, given that numerous small withdrawals can be costly for an operator, they can deduct a cost-reflective processing fee for withdrawals. • However, [BIT's behavioural risk audit of gambling operator platforms](#) from 2022 found that withdrawing funds is significantly more challenging than depositing funds.
Operators should provide the same level of support and protection across land-based and online gambling so that all customers are supported well.	**Relevant elements of definition:** Proportionate investment in support and treatment **Status:** Building on current practice / regulation **Comments:** • Currently, the GC regulates this separately for [land-based](#) and

	<u>remote settings</u>. ● However, there may be challenges with collecting information on consumers in land-based settings when they do not have an account set up. This action would require operators to be transparent with their protocols to ensure that the protocols across both are aligned and comparable as far as can be feasibly achieved.
Banks should not allow overdraft facilities as a form of payment so that customers do not incur excessive costs.	**Relevant elements of definition:** N/A **Status:** Implemented in current practice / regulation **Comments:** ● The <u>GC also highlights the role of financial services</u> in implementing this action.
Operators should explain the chances of winning in a standardised way, in monetary values rather than proportions, and explain the risks associated. ● This could be adjusted according to the amount deposited.	**Relevant elements of definition:** Full understanding the risks of gambling; Shared responsibility for protections from gambling-related harms **Status:** Departure from current practice / regulation

● This could be communicated as a traffic light system	
Government/ the regulator should provide operators with a framework to communicate about harm, so that operator communication is standardised.	**Relevant elements of definition:** Full understanding of rules, T&Cs, marketing claims, offers, and support; Full understanding the risks of gambling **Status:** Departure from current practice / regulation **Comments:** ● [BIT research](link) (2024) shows that operators often use different terms or descriptions for safer gambling tools, which can be confusing for customers.
Games should have standardised warning messages, so that customers know the risks of using that product.	**Relevant elements of definition:** Shared responsibility for protections from gambling-related harms; Full understanding the risks of gambling **Status:** Building on current practice / regulation **Comments:** ● It is important that these warning messages are salient and have

	evidenced efficacy.[75]
Operators should explain to customers how the algorithms work that decide wins / losses	**Relevant elements of definition:** Shared responsibility for protections from gambling-related harms; Balancing provision of complete information with gambling experience; Full understanding the risks of gambling **Status:** Departure from current practice / regulation
Customers should be able to provide feedback to operators via a review system, similar to platforms such as TripAdvisor.	**Relevant elements of definition:** Shared responsibility for protections from gambling-related harms; **Status:** Building on current practice / regulation **Comments:** • While websites such as Revolver and Trust Pilot provide such services, it is unclear how aware people are and how much they use them. Further, as BIT research (2022) suggests, more evidence is needed on the relative importance of different pieces of information when an individual is using such tables to choose between different operators.

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[75] Gainsbury, S.M., 2015. *Optimal content for warning messages to enhance consumer decision making and reduce problem gambling*. KELM (Knowledge, Education, Law, and Management), 11(3), pp.64-80.

Operators should be audited on their handling of customer interactions so that customers receive a high quality of assistance.	**Relevant elements of definition:** Proportionate investment in support and treatment **Status:** Building on current practice / regulation **Comments:** • While operators are audited in relation to consumer protection, it is unclear if this included customer interactions. This information may also not be made public or salient.
Operators should absorb the cost of any additional regulation (compared to the status quo) so that customers are not unfairly impacted by safer gambling requirements in the form of lower returns.	**Relevant elements of definition:** Proportionate investment in support and treatment **Status:** Departure from current practice / regulation

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