

## Commission pushes on with its suicide count condition

REGULATION

**Reporting suicides** of anyone who may have gamed and gambled at your venue is now a condition of licence from the Commission. As to how and where you gather this data from, the regulator has no clue. As far as they are concerned - if someone who might have visited your arcade, bingo hall, FEC or pier amusements centre takes their own life, for whatever tragic circumstances led them to that choice, it's now your responsibility to report it to the Gambling Commission. From that point, it is understood that the UK regulator might decide to make the unacceptably intrusive journey of probing and picking their way through those very private lost lives and searching out reasons why those people committed suicide and if it was gambling related. The face of regulation so desperate to be seen as compassionate is beginning to show its very ugly side.

This week the Gambling Commission announced that it is pushing ahead with its proposal to make the reporting of suicides of anyone who has gambled with an operator part of its new licensing conditions. This new condition comes into force on April 1 2024.

According to the Commission's new code: "The licensee must notify the Commission, as soon as reasonably practicable, if it knows or has reasonable cause to suspect that a person who has gambled with it has died by suicide."

For any operator in any doubt, this means every suicide for every and any reason.

As the Commission confirmed, the operator must advise the regulator "whether or not such suicide is known or suspected to be associated with gambling. Such notification must include the person's name and date of birth, and a summary of their gambling activity, if that information is available to the licensee."

When asked last year during the consultation process on this proposal how this information should be gathered, the regulator

### Reporting a death by suicide

You must tell us, as soon as reasonably practicable, if you know or have reasonable cause to suspect that a person who has gambled, whether or not such suicide is known or suspected to be associated with gambling.

When reporting this event, you should include the following information:

- the date that the company became aware of the death - use the Date of the notification field to record this
- the person's name
- the person's date of birth
- a summary of the person's gambling activity (to a maximum of 4,500 characters, including spaces)

A summary of the person's gambling activity should include:

- whether the person had an active account with the company
- the period(s) the person gambled with the company
- whether the customer account had been managed in accordance with the company's policies and procedures
- the products the person had gambled upon
- whether the customer was being monitored from a safer gambling perspective
- any customer interactions
- any safer gambling alerts of concern
- any self-exclusion agreements and/or use of gambling management tools

In addition, it would be helpful if the company could briefly include, where known:

- the person's home address
- the person's email address
- the person's date of death
- how the company became aware of the death

Additional information in respect of third-party queries received by the company such as from relatives or a Coroner's officer

dithered somewhat - its uncertainty, even then, pointed to a concept most likely ill-conceived but certainly not thought through.

Its response now having thought it through is just as concerning: the information can be gathered from the newspapers.

Well that's OK - it's bound to be true and accurate!

According to a report in 2021 by the Samaritans, the charity wrote "speculation

about the 'trigger' or cause of a suicide can oversimplify the issue and should be avoided". The notion that operators should notify the Commission of suicides based on speculative reports from local newspapers is as dumb-founding as it is alarming.

So what do operators have to do? The Commission is clear - you must advise the regulator as soon as you know or suspect a customer has committed suicide.

And the information requires detail, quite a lot of detail: the date that the company became aware of the death, the person's name, date of birth, summary of their gambling activity (to a maximum of 4,500 characters); the products the person gambled on; whether the customer was being monitored from a safer gambling perspective; any customer interactions and more.

Designed, clearly, for the online punter, these requirements are certainly less amenable to the high street operator: address details are not necessarily available, most payments are made by cash - so card use is not trackable; and passing trade is far more common making personal information less accessible.

In its condition, the Commission is conscious of data protection guidelines, so it certainly comes as a relief to the regulator when it notes that "the Data Protection Act 2018 does not apply to the personal information of deceased individuals."

In death, it seems, one doesn't have to pay your respects in all areas. The Commission considers itself free to scour their personal details without recourse.

Which must be extremely distressing to the bereaved families of those that have taken their own lives. Even worse for those families whose loved ones committed suicide for reasons unrelated to gambling. To know that personal information from their lost loves is available to a regulatory bureaucrat to be used in their potentially intrusive powers to probe, check, analyse and judge the behavioural pat-

terns as part of their investigation as to whether gambling formed part of the decision to commit suicide... well it doesn't sit right, does it.

The Commission has yet to confirm whether it has a department ready to conduct these investigations as part of its licensing review procedures; albeit that question, in fairness, is pretty embarrassing to even ask.

Many argue that the Commission has walked itself into a minefield on the suicide issue, driven in large part by its highly vocal Lived Experience forum and a funding hungry public health lobby.

Going into the consultation on suicide reporting, the Commission would have been aware from an exchange last year between the National Statistician of the UK Statistics Authority and the Bishop of St Albans, profiled in Parliament, that: "There were no deaths in the past four years involving gambling ... in England and Wales."

It appears the Commission is not so impressed with the UK Statistics Authority and official Coroners data - the newspapers and media seem far more reliable and capable of providing accurate information.

### Gambling Business Group: "the absence of proper guidance on such sources is a poor show on behalf of the regulator"

**PETER HANNIBAL CEO GAMBLING BUSINESS GROUP**

For high street operators, this has been a troubling addition to the licensing conditions from concept last year all the way through to its implementation due in a few weeks time.

If you look into the responses to the consultation, it is apparent that the majority disagreed with the proposal: there were numerous points of objection not least the major concerns over identifying accurate sources of information relating to suicides.



This has not been adequately resolved by the Commission and the absence of proper guidance on such sources is a poor show on behalf of the regulator. However, the Commission did say to Local Authorities back in

November that the Coroners Office was doing some work on this and we can all expect to be advised in due course. That aside, it is not really good enough to suggest operators rely upon local media reports - that is not how the gambling review expects regulation to be conducted in the 'digital age'.

And in the meantime, the idea that all suicides - whatever the cause - be reported to the Commission remains a serious concern. Are we really going to see the regulator knocking on the door of

grieving families to ask to what extent their loved ones have gambled? We should all rightly be very concerned about mental health in gambling, but this is arguably a clumsy approach to a highly sensitive issue and it's a missed opportunity that is wasn't approached as a collective, including those in the third sector who understand these things.

There are more elegant ways to tackle the issue of identifying gambling related suicides. The Australian approach, for example, actu-

ally uses people qualified to report on suicides to provide the data - certainly not the media, preferably not the operator, and with the greatest respect, not officials at the Gambling Commission.

This condition has been steamrollered through by the regulator with a disregard to the practicalities involved. And if that wasn't enough, it's a poor reflection on a Commission that says it respects the protection of personal data, but in the same breath says that the data protection act does not apply to the deceased.