



CHANGES TO NRM REASONABLE GROUNDS DECISION MAKING

Key considerations for all agencies:

- Ensure training and policies are updated to include changes outlined in this document.
- When updated, follow your own organisations safeguarding or modern slavery policy and seek advice from internal specialists if required.
- Where specific guidance is provided by your organisation, be aware of and follow this.
- If you have identified a potential victim and are not a First Responder, ensure that all possible steps are taken to make yourself known to the First Responder to support an NRM submission.
- When a potential victim is encountered, ensure detailed notes are kept, including key information on [modern slavery indicators](#), to support any submission to the National Referral Mechanism made by a First Responder.
- There may be a need to refer into local safeguarding or support services. Do ensure these are completed in addition to the NRM submission e.g., Barnardo's Independent Child Trafficking Guardianship Service or to MASH for an adult s.42 assessment.

Background

As a result of the Nationality and Borders Act 2022, changes have been made to the evidence that should be provided to support how decisions are made regarding potential victims of modern slavery and human trafficking (MSHT).

If a potential victim is identified, a [First Responder](#) can make a submission to the National Referral Mechanism (NRM), which can enable access to victim care and support dependent on a positive reasonable grounds decision being made. The NRM comprises two decision making bodies:

- The Single Competent Authority (SCA). All NRMs made go to the SCA in the first instance.
- The Immigration Enforcement Single Competent Authority (IESCA). In the following instances, the SCA will pass decision making to the IESCA:
 - o all adult Foreign National Offenders (FNOs) detained in an Immigration Removal Centre.
 - o all adult FNOs in prison where a decision to deport has been made.
 - o all adult FNOs in prison where a decision has yet to be made on deportation.
 - o all non-detained adult FNOs where action to pursue cases towards deportation is taken in the community .
 - o all individuals detained in an Immigration Removal Centre (IRC) managed by the National Returns Command (NRC), including those in the Detained Asylum Casework (DAC) process.
 - o all individuals in the Third Country Unit (TCU)/inadmissible process irrespective of whether detained or non-detained.

These decision-making bodies decide, based on information provided, whether or not an individual can be considered a potential victim. There are two stages to the process:

- Reasonable Grounds (RG) decision. There have been two changes this year to this part of the process which affects the evidence provided in an NRM submission and the way in which decisions are made. A decision should be made within five days of an NRM being submitted, although we are aware of this taking longer in some circumstances.
- Conclusive Grounds (CG) decision.

What changes have been made?

In February 2023, changes to making Reasonable Grounds decisions that were included in the Nationality and Borders Act 2022 came into force. This changed the decision-making threshold from 'may be' to 'is'.

Previously, the decision was made based on whether there were reasonable grounds to believe an individual **may be** a victim of modern slavery.

The decision is made based on whether there are reasonable grounds to believe an individual **is** a victim of modern slavery. However, Statutory Guidance published in July 2023 changes the requirement of a decision maker to base a Reasonable Grounds decision on objective factors from **'must'** to **'should'**. This means all forms of evidence can be considered, not just objective factors.

Evidence of 'objective factors' should continue to be provided by the First Responder where it is available, to evidence that someone submitted to the NRM **is** a potential victim. This evidence may include:

- **Country evidence:** E.g. Does public or government information relating to modern slavery trends in a particular country support the account?
- **Indicators of Modern Slavery:** Are there [specific indicators of modern slavery](#) included in the referral?
- **Travel Records:** Is there confirmation, for example, that the individual was in a country where the claim is centred. However, travel records, without some other specific evidence, will not usually be sufficient to meet the RG threshold.
- **Added vulnerability:** Is the victim in a demographic known to be particularly vulnerable to Modern Slavery such as children or those whose age of maturity or developmental stage is that of a child? Does the victim present with vulnerabilities?
- **Witness statements:** Is there supporting evidence from an independent witness, e.g., a police officer?
- A detailed explanation of **why the individual has been referred**. Additional evidence or information relating to the person's exploitation and any evidence raised regarding the credibility of the account,
- **Evidence against any suspect** that can be considered,
- **Information requested by the First Responder but not provided,**
- **How the referral came to be made** e.g. was the First Responder asked to make the referral by the individual or a third party
- **Views of trusted third parties other than the Police:** For instance, Adult or Child Safeguarding Services, Independent Child Trafficking Guardians (where appointed).

Available victim care services

For those under 18, a referral must be made into statutory services, even where an NRM is submitted. Consent is not required for an NRM to be submitted. A separate referral should also be made to Barnardo's [Independent Child Trafficking Guardianship](#) service.

For those over 18, the potential victim must provide consent to be submitted to the NRM, and victim care will be provided by services contracted by the Home Office. Salvation Army are the Primary Contract holders, with a number of local sub-contracted providers across the country. In the Northwest these are:

- Medaille Trust (safe house accommodation).
- Causeway Charitable Services (outreach, inreach and safe house accommodation)
- St. John of God (outreach and inreach)

A safeguarding referral will also be required.

Even where an individual receives a Reasonable Grounds decision, if they have recourse to public funds, certain needs will be expected to be met by statutory services under existing legislation e.g. accommodation.

Where consent to be submitted to the NRM is not provided, or where a negative reasonable grounds decision is received, local service provision should be explored.



Challenger

Tackling serious
and organised
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THE FOLLOWING INFORMATION IS PROVIDED IN THE JULY 2023 VERION OF THE MODERN
SLAVERY STATUTORY GUIDANCE.

PLEASE CHECK YOUR OWN ORGANISATIONS POLICY AND PROCEDURE, IF AVAILABLE

Referral pathways for organisations that may encounter potential victims

Guidance for Work Coaches and other staff at a Job Centre Plus

12.56. If DWP frontline staff believe an applicant is facing clear risks to their welfare or safety, they are explicitly empowered by DWP policy and relevant legislation to take reasonable steps to address these risks.

12.57. DWP frontline staff should refer any applicant they think may be a potential victim to an inbox monitored by DWP's Serious Organised Crime team for immediate assessment against the indicators of modern slavery.

12.58. Instructions on how to make this referral to the Serious Organised Crime team are housed on the Department's internal website, including a link to a self-populating email.

12.59. Where the Serious Organised Crime team suspect a person may be a victim of modern slavery this information will be passed on to police as a First Responder Organisation.

12.60. Benefit fraud often occurs alongside other types of exploitation. In some cases, jobs are found through legitimate recruitment agencies, but perpetrators will control the victims' bank accounts and take all or most of their wages. The control of bank accounts often overlaps with benefit fraud.

12.61. As such, it is important that frontline staff in job centres are familiar with the indicators of modern slavery set out here. In particular, staff may notice that victims are always accompanied to appointments and not given the opportunity to speak for themselves or may appear frightened or anxious during the appointment. For a full list of indicators see [Identifying victims of modern slavery](#).