



## **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.



THE FOLLOWING INFORMATION IS PROVIDED IN THE JULY 2023 VERSION 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 Local Authorities

12.12. Local Authorities have a wide range of roles to play in tackling modern slavery. These roles include:

#### Identifying and referring potential victims into the NRM

Possible victims of modern slavery could be identified by a number of frontline council staff, including children's and adult's services, housing teams, or those working in a range of different regulatory and environmental roles, community safety and general customer contact. It is important that councils ensure that all relevant frontline staff have received basic awareness training on what modern slavery and human trafficking is, identifying indicators of modern slavery and human trafficking and groups at particular risk.

Local Authorities are First Responder Organisations and, under section 52 of the Modern Slavery Act 2015, have a statutory Duty to Notify the Home Office when they suspect a person may be a victim of modern slavery or human trafficking. This is discharged by [referring a victim](#) into the NRM or by completing a notification to the Home Office when a potential adult victim does not consent to a referral. Councils must ensure that individuals acting as First Responders have adequate training to ensure they are clear about the steps they should take in the event that they identify a possible victim or victims of modern slavery and where such concerns should be referred to (i.e. the council's referral pathway). This training should be clear on who is responsible for making the NRM referral, whether it is the individual who has encountered the victim, a designated Modern Slavery lead, or Adult or Child Social Services.

Councils may find it helpful to distinguish between the broad range of frontline staff who are responsible for recognising the indicators of modern slavery and identifying potential victims, and a smaller group of frontline staff who are responsible for the First Responder functions of gathering information about what has happened to a suspected victim, making an NRM National Referral Mechanism referral, submitting a reconsideration request where appropriate and providing a point of contact for the relevant competent authority. More detailed and specialist training is likely to be required for this group of staff, for example on working with victims or vicarious trauma.

#### Supporting child victims

Dependent on their functions and responsibilities, councils have statutory responsibilities to provide support to all suspected child victims of modern slavery. Modern slavery is a form of child abuse and normal safeguarding/child protection procedures should always be followed in regard to any potential victim, in line with the guidance outlined in [Working Together to Safeguard Children 2018](#).

#### Supporting adults at risk

Adult victims of modern slavery may be at risk and there may be a role for Adult Safeguarding and an enquiry under Section 42 of the [Care Act 2014](#). Modern slavery is a form of abuse and councils should adhere to their

roles and responsibilities under the Care Act 2014, the [Housing Act 1996](#) and the [Homelessness Reduction Act 2017](#).

### **Providing accommodation to adult victims**

Adult victims who meet the eligibility criteria for Local Authority accommodation should be able to access safe and secure accommodation through the Local Authority.

### **Disrupting modern slavery**

Regulatory and community safety services may additionally be involved in joint action to disrupt suspected modern slavery in the local area.

### **Ensuring compliance with other statutory frameworks**

Local Authorities should ensure they comply with other relevant statutory frameworks, for example, on information sharing, UK GDPR and the Modern Slavery Act 2015.

12.13. Given the breadth of different roles and service areas potentially involved in modern slavery and human trafficking, councils may find it helpful to designate an existing role or team that can lead the organisation's work on modern slavery. This could involve acting as a first point of contact for modern slavery referrals and queries, ensuring a link with safeguarding responsibilities, and helping to coordinate activity and intelligence across different parts of the organisation.

12.14. Tackling modern slavery and human trafficking requires councils to work in partnership with local and national partners including the police, GLAA, health services and third sector and local businesses. Councils must ensure they are linked-in to local multi-agency arrangements for dealing with modern slavery and human trafficking and that referral pathways reflect both their own internal arrangements as well as local partnership structures.

12.15. Councils can draw on examples of good practice and training materials from a number of sources, including the Independent Anti-Slavery Commissioner and University of Nottingham's [Anti-slavery partnership toolkit](#).

12.16. Referral pathways for frontline staff in councils will be shaped by the internal structures individual councils establish for managing modern slavery, the way in which a suspected victim has been identified, and by whom - for example, whether or not a victim has been identified in the course of a regulatory visit and remains in a situation of exploitation, or has presented to the council as a victim.

12.17. However, the following general principles should apply across all Local Authority referral pathways:

- designating an existing role or team to act as a modern slavery lead or first point of contact within the council may help coordinate intelligence and support across different service areas and cases, providing a critical starting and reference point in the referral pathway
- referral pathways should take account of the broader local partnership arrangements that have been put in place to tackle modern slavery and human trafficking, with relevant information and intelligence shared appropriately
- supporting victims and the underpinning referral pathways may require close and coordinated working between different services, for example between housing and social care. Two-tier areas should agree systems for joint working on modern slavery and human trafficking so that referral pathways effectively link relevant services in different councils

- depending on whether a potential victim chooses to enter the National Referral Mechanism or not they may need immediate support, or support once they exit the NRM
- when a victim has been identified and appears to be at risk of immediate harm, the relevant frontline officer should contact the police on 999 and seek emergency assistance
- where a situation of ongoing possible exploitation has been identified but is not considered to present an immediate danger, this should be referred (via a council modern slavery lead if appropriate) to relevant local multi- agency arrangements for consideration of next steps. For suspected child victims, this would include local children's services alongside local modern slavery structures
- any planned disruption activity relating to suspected cases of modern slavery or human trafficking should involve prior consultation with relevant council and third sector support services – housing, safeguarding and social care – to ensure support can be accessed

12.18. The referral pathway will also need to consider how councils handle and coordinate work by different services and agencies on a single case.

## **Local Authority Referral Pathways Summary**

### **Adult victims - Key stages of a LA referral pathway**

Initial identification and referral:

- potential victim identified
- in immediate danger? Contact 999
- if not in immediate danger refer according to Local Authority pathway e.g. to Single Point of Contact (SPOC)

Handling and coordination:

- how does Local Authority ensure potential victims' cases are managed across services – SPOC? Case worker?
- how is Local Authority linked into local modern slavery partnership activity?

Consent to enter NRM/Duty to Notify:

- trained/specialist staff engage with potential victim to discuss NRM
- does the potential victim consent to enter the NRM?
- if yes, is the potential victim in need of Emergency Accommodation prior to a Reasonable Grounds decision?
- if no, complete a Duty to Notify

Eligibility for immediate and post MSVCC support:

- what are the needs of the potential victim?
- is the potential victim in need of and eligible for housing assistance?
- is the potential victim in need of and eligible for support under the Care Act 2014?

## Child victims - Key stages of a LA referral pathway

### Initial identification and referral:

- potential victim identified
- in immediate danger? Contact 999 and alert Children's Services
- if not in immediate danger refer to children's services (and potentially refer to Local Authority lead/SPOC)
- refer to ICTG service if available

### Normal child protection procedures:

- children's services follow standard child protection and safeguarding procedures

### Effective link-up with LA/Local Modern Slavery structures:

- children's services complete NRM referral
- children's services update and share intelligence with Local Authority/local partnership structures