

Reasonable grounds decisions in the NRM – who has been impacted by the change to the decision-making threshold?

INTRODUCTION

The National Referral Mechanism (NRM) is the Home Office process for identifying victims of modern slavery. Since it was established in 2009 the number of people known as ‘potential victims’ identified and referred for support has been continuously increasing. In 2024, 19,125 potential victims were referred to the NRM by a designated First Responder organisation.

In parallel with implementing the Nationality and Borders Act 2022, on 30 January 2023 the Home Office introduced an updated test for reasonable grounds (RG) decisions in the NRM which required greater objective evidence than previously. Although modified in July 2023 following legal action, the policy represents a significantly higher threshold.

A positive RG decision is necessary for access to specialist support for modern slavery victims — particularly important for adult victims who may have no other routes to assistance or protection, including protection— from being removed from the UK for those with insecure immigration status.

After the introduction of the policy there was a notable increase in the rate of negative RG decisions. We have analysed the latest NRM data available via the UK Data Service¹ to assess if this has continued and which cohorts of potential victims are most impacted.

Summary

The change to the RG threshold test caused a significant jump in negative RG decisions from 10% to around 50% and decisions have remained around that level in every quarter since it was implemented. There has been an even greater increase in the proportion of negative decisions that are specifically due to ‘insufficient information to meet the standard of proof required’. This demonstrates the impact of the change to the standard of proof.

Potential victims whose experience of modern slavery was entirely outside the UK are disproportionately receiving negative decisions when compared to the number of referrals from this group. However, potential victims exploited in the UK are also being excluded which may have implications for the prospects of investigating and prosecuting offenders.

The policy also disproportionately impacts adult victims. The proportion of adults receiving a positive RG decision has halved to only 4 in 10. This leaves many without access to specialist (or any) support and assistance simply because there was insufficient evidence of their abuse rather than a decision that they are not a victim.

Since the RG threshold changed, the Immigration Enforcement Competent Authority (IECA) now makes more negative RG decisions than would be expected from the number of referrals it receives. This

raises questions about the IECA’s evidence gathering processes and the quality of the information received where potential victims are in immigration detention or prison, or are being considered for removal.

Notably, potential victims who were referred to the NRM by government agencies (such as UK Visas and Immigration) receive disproportionately more negative decisions – even among adults exploited in the UK. This suggests there may be issues with the quality or nature of the evidence submitted by those government agencies which the competent authorities use to make their decisions.

Although the outcomes for government agency referrals and IECA decisions may be connected to the negative decision rate for potential victims exploited entirely overseas (as this group makes up a substantial proportion of their cases) there is nonetheless a need for further investigation into the contributory factors.

We cannot tell from the NRM data what happened to the people who received a negative decision. Nor can it explain conclusively why these particular groups of people appear to be disproportionately impacted.

The Home Office must conduct a thorough review of the impact of this policy change. This should include considering the outcomes of negative RG decisions for potential victims, their access to

¹ Home Office, Modern Slavery Research & Analysis. (2025). National Referral Mechanism and Duty to Notify Statistics, 2014-2025. [data collection]. 16th Edition. UK Data Service. SN: 8910, DOI: <http://doi.org/10.5255/UKDA-SN-8910-16>

support and the potential impact on prosecutions. It should also explore the factors that are leading to a disproportionate impact on the groups we have identified. The review should form part of the forthcoming consultation on identifying victims. Process and policy changes should be introduced to address these factors.

1. Does the data show an increase in negative RG decisions since the policy change and has this been maintained over time?

Yes. The significant increase in the rate of negative RG decisions that occurred immediately after the policy was introduced has been seen in every quarter since with very limited variation (Fig.1). Taking an annual average, in 2022, prior to the change just 11% of RG decisions were negative, whereas in 2024, 47% were negative (Fig.2).

Fig. 1

Rate of negative RG decisions

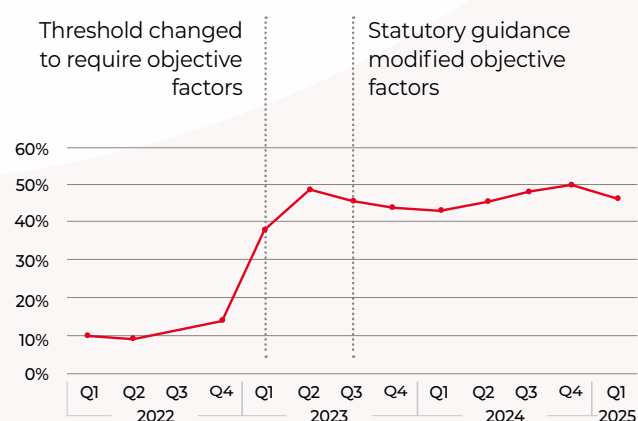
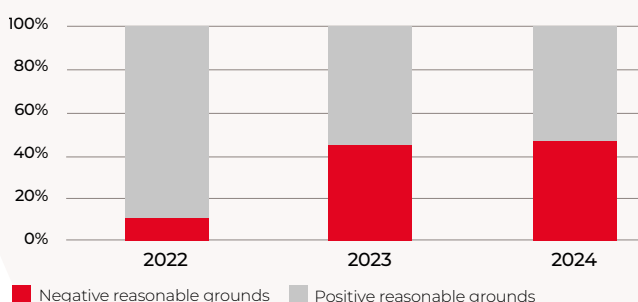


Fig. 2



2. Is the increase attributable to the change in the threshold requiring objective evidence?

Yes. There were no other significant changes in policy or practical circumstances in early 2023 that could explain such an increase.

Moreover, the significant increase in negative RG decisions since the threshold changed is matched by a significant increase in the number and proportion of negative RG decisions where the reason given for the negative decision is 'insufficient information to meet the standard of proof required' (Fig.3)².

In 2022, prior to the change, most negative RG decisions were for the reason of 'not met the definition' and 'insufficient information to meet the standard of proof required' resulted in just 3% of all negative decisions (Fig. 4).

In contrast since 2023 'insufficient information to meet the standard of proof required' is the most common reason for negative decisions with 54% negative RG decisions in 2023, and 52% negative RG decisions in 2024 (Fig. 4).

Fig. 3

Outcomes of RG decisions

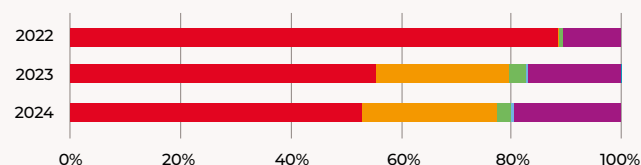
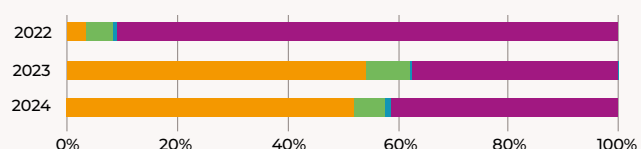


Fig. 4

Reasons for negative RG decisions



■ Positive
 ■ Negative: Insufficient information to meet the standard of proof required
 ■ Negative: Not credible
 ■ Negative: Not credible and not met the definition
 ■ Negative: Not met the definition

Note: one negative decision with no reason given has been excluded from these charts

It cannot simply be that cases are now being classed as having 'insufficient evidence' that would otherwise have been rejected as 'not meeting the definition'. If it were, then the overall proportion of negative decisions would not have changed (Fig.3).

Negative RG decisions for other reasons including 'not credible' and 'not met the definition' have also

² Home Office Statutory Guidance for competent authority staff states "If they fit the definition of human trafficking or slavery, servitude, and forced or compulsory labour, there is reliable supporting evidence and the account is credible to the required standard of proof, competent authority staff should recognise the person as being a victim of modern slavery." (paragraph 14.4) Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland Version 3.13, May 2025,

increased as a proportion of overall RG outcomes.³

The introduction of a 'bad faith' disqualification to remove victims from the NRM after a positive RG decision in NABA and the accompanying addition of questions about a victim's credibility on the NRM form may have contributed to the increase in the proportion of negative RG decisions because the victim is found to be 'not credible'.

3. Do the negative decisions predominantly impact particular groups of potential victims? If so, is this at a disproportionate rate to referrals?

Negative RG decisions are more common for certain groups of potential victim than others. However, there are also more referrals for some of those same groups of victims.

To determine whether there is a disproportionate impact on certain groups we have analysed the data to see if any groups of victims are getting a higher rate of negative decisions (especially due to a lack of evidence) than would be expected on the basis of the distribution of referrals in each category.⁴

3.1 Potential victims exploited outside the UK

Potential victims whose exploitation occurred completely outside the UK ('overseas') make up a greater percentage of negative RG decisions than they do of referrals. This has been consistently the case since before the RG threshold changed in 2023 (Fig.5).

However, it seems that the change to the threshold has had a disproportionate impact on this group of potential victims. There has been a steep rise in the proportion of such cases receiving a negative RG decision since 2023 (Fig.6).

These potential victims now also make up a much greater proportion of negative RG decisions for the reason of insufficient evidence than of referrals (Fig. 7). This group is much more likely to receive a negative RG decision due to the lack of evidence than potential victims exploited in the UK (Fig. 8).

Why might this group be affected?

The data cannot explain why victims exploited outside the UK are less able to meet the RG threshold. One reason is likely to be the physical distance and time from the exploitation to when the victim was identified. For example, documentary evidence may

have been lost and there is also less likely to be access to information from other sources such as police investigations.

Fig. 5

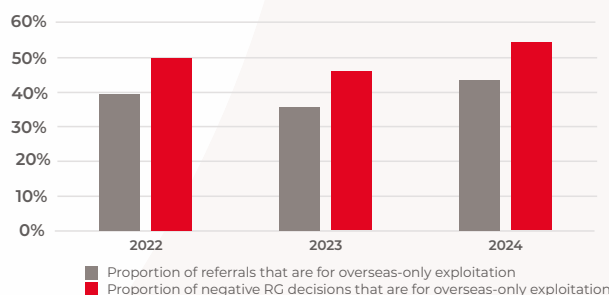


Fig.6

RG decisions for potential victims reporting exploitation overseas only

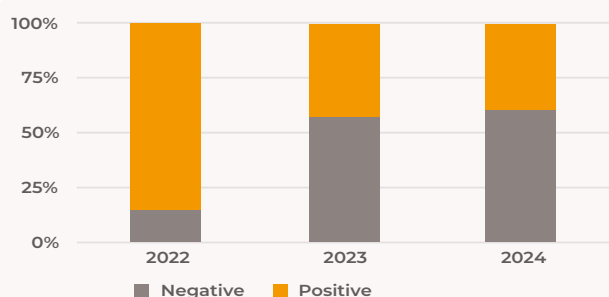


Fig.7

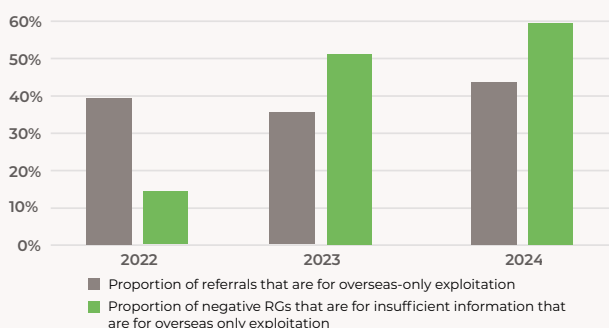
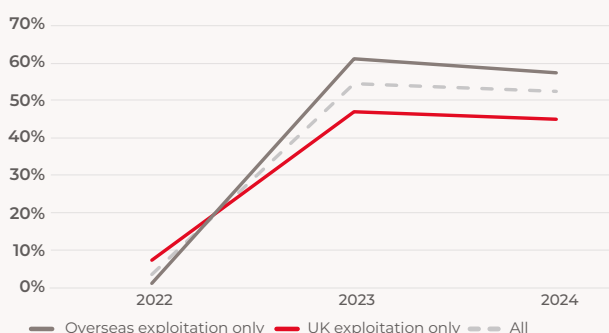


Fig.8



³ The Statutory Guidance provides detailed guidance for Competent Authority staff about assessing credibility in Annex E, including considering both the external and internal credibility of the material facts, the level of detail provided by a potential victim and consistency of their account. However, the guidance also requires decision-makers to take account of the impact of trauma on a person's ability to recall events and the impact of gender and culture on a person's experience or ability to disclose their exploitation.

⁴ The NRM data shows that the vast majority of people receive a RG decision in the same year as they were referred so there is a fair comparison between referrals and RG decisions in the same year. However, we acknowledge some decisions relate to cases referred the previous year or earlier.

3.2 Potential victims who are adults at the time of referral

The majority of people who receive negative RG decisions are adults at the time of referral and has been since before and after the RG policy changed.

Adults make up around two thirds of all referrals. Prior to the RG change adults formed a similar proportion of negative RG decisions. However, since the change in the RG threshold test, adults now make up a larger percentage of both negative RGs (Fig. 9) and of negative RGs for the reason of insufficient information (Fig. 10) by at least 10 percentage points. This indicates the change to the RG threshold is disproportionately affecting adults. In 2024, only 40% of adults received a positive RG decision compared to 88% in 2022 (Fig. 11).

Fig.9

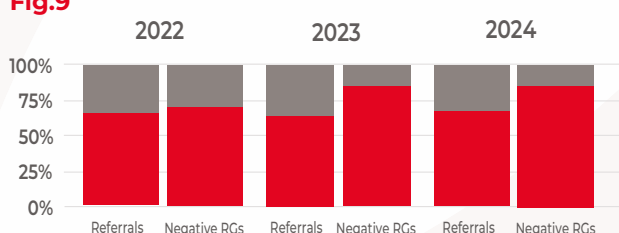
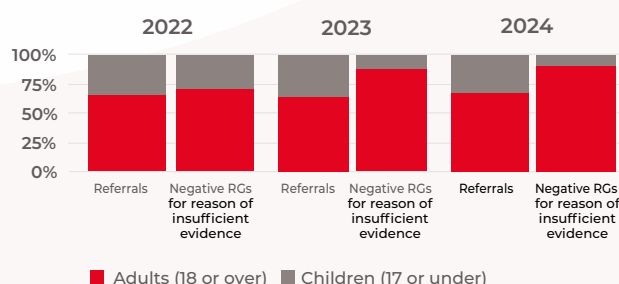


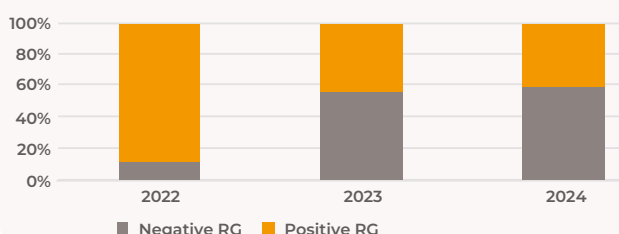
Fig.10



Note: a very small number of cases where the age at referral is unknown have been excluded from the chart

Fig.11

RG decisions for adults



Note: a very small number of cases where the age at referral is unknown have been excluded from the chart

Why might this group be affected?

There may be a connection to the high negative RG rates for potential victims who report being exploited entirely overseas, since about half of all adult referrals

are for exploitation outside the UK compared to just under 20% for child referrals.

The lower proportion of negative decisions for child victims may in part be because for children there is no need to demonstrate a 'means' (i.e. use of force, coercion, deception or exploitation of a position of vulnerability) to meet the definition of human trafficking.

Children may also have more contact with statutory agencies, such as social workers, who may be able to provide more supporting evidence for decisions.

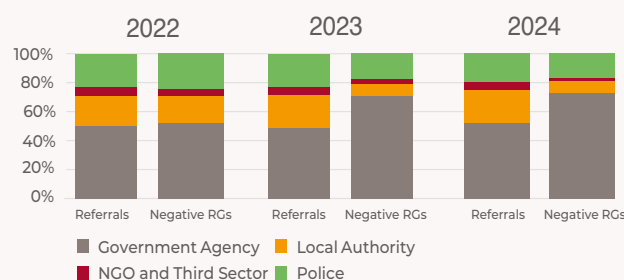
There may also be a connection to the pilots devolving NRM decision-making for children to local multi-agency panels. The evaluation of the pilots noted that panel members '*felt that effective local partnership working brought the advantage of being able to collate detailed evidence from a multitude of different agencies, allowing panels to have more contextual information to back up decisions.*'⁵ However, since the pilots currently take decisions for only a minority of NRM referrals for children (19% in the latest data available for Q3 2023- Q4 2024) the pilots cannot be the only reason children receive lower rates of negative decisions.⁶

3.3 Potential victims referred by government agency first responders

Potential victims referred by government agencies (UK Visas and Immigration, Border Force, Immigration Enforcement, the Gangmasters and Labour Abuse Authority and the National Crime Agency) are more likely to receive negative RG decisions than those referred by NGOs, local authorities or the police.

The proportion of referrals from government agencies over the last three years has remained constant at about half of all referrals. In 2022, a similar proportion of negative RG decisions was given to victims referred by these agencies. But since 2023, around 70% of negative RG decisions have been for potential victims referred by government agencies (Fig.12).

Fig. 12



Note: A small number of cases where the first responder is unknown have been excluded from the chart

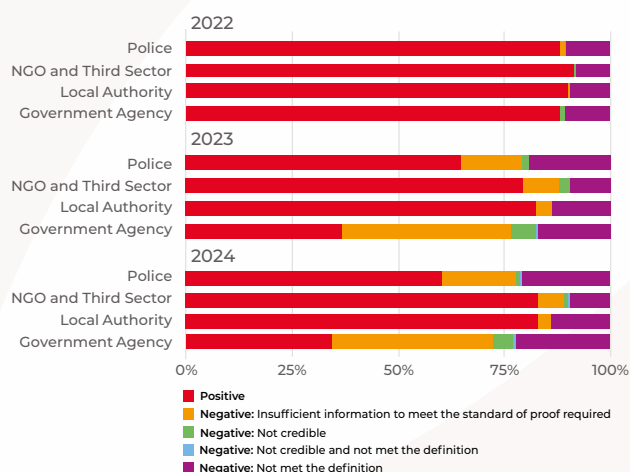
⁵ Home Office, An evaluation of the pilot to devolve decision-making for child victims of modern slavery, May 2024

⁶ Home Office, Annex: Devolving child decision-making pilot programme statistics, October 2023 to September 2024, November 2024

Government agencies not only have a higher rate of negative RG decisions but since 2023 most of these negative decisions have been for the reason of insufficient information to meet the standard of proof required – and at a greater proportion than other first responders. In fact, negative decisions due to failure to meet the information threshold are now the most common outcome of referrals by these first responders. (Fig 13).

Fig.13

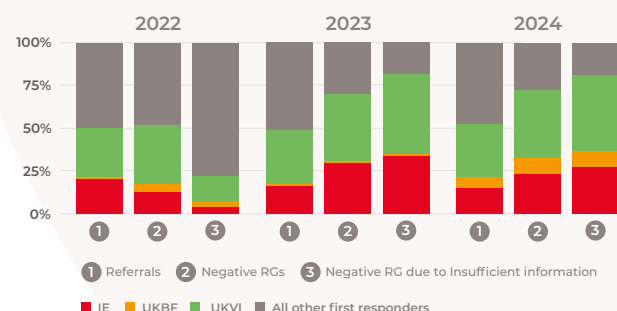
Outcomes of RG decisions



Note: A small number of cases where the first responder is unknown have been excluded from the chart

The increase in negative decisions and especially those due to insufficient information is most noticeable with the three government agency first responders operating within the immigration system UK Visas and Immigration (UKVI), Immigration Enforcement (IE) and UK Border Force (UKBF). Collectively these three agencies account for around half of all referrals to the NRM. In 2022, before the RG threshold changed, these same agencies also had about half of all negative RG decisions. However, in 2023 and 2024 that has risen to around 70% (Fig.14). Immigration Enforcement has had the most individual change with its share of referrals dropping but negative RG decisions increasing.

Fig. 14



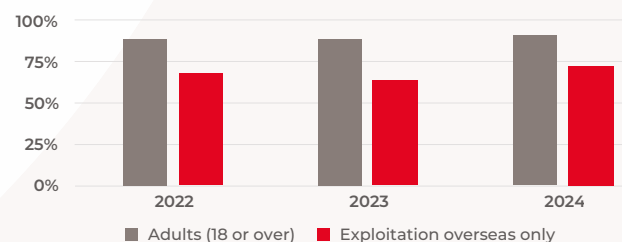
Why might this group be affected?

Government agencies refer mainly adults (over 88% of their referrals) and potential victims reporting

exploitation entirely overseas (over 63%) which may be connected to the higher rate of negative RG decisions (Fig. 15). However, the high rate of negative decisions specifically due to insufficient information raises questions about the quality of information these first responders are providing on NRM forms for the competent authorities to use when making decisions —particularly UK Visas and Immigration and Immigration Enforcement who make the vast majority of these referrals.

Fig.15

Government Agency Referrals



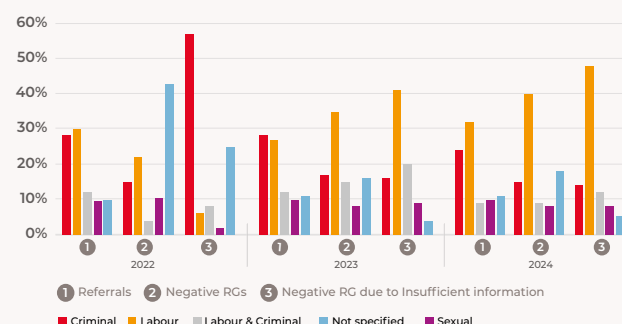
3.4 Potential victims of labour exploitation

There are more negative RG decisions for potential victims of labour exploitation than any of the other forms of modern slavery (where the type of exploitation is known). This was the case both before and after the RG threshold test changed (Fig.16).

However, only since the policy change in 2023 has labour exploitation been a greater proportion of negative RG decisions than of referrals (Fig.16). Potential victims of labour exploitation have been an even greater proportion of negative RG decisions due to insufficient information to meet the standard of proof. This suggests a disproportionate impact of the policy change to require more evidence on victims of this type of exploitation.

Fig.16

Most common exploitation types



Why might this group be affected?

The disproportionate impact on victims reporting labour exploitation is likely to be related to the high percentage of negative decisions for adult victims and victims exploited overseas outlined above. Since

2022, out of all referrals for labour exploitation adults have consistently represented more than 80% and overseas only exploitation more than 64%.

3.5 Potential victims whose NRM decisions are made by the IECA

Since it was created in November 2021, about a quarter of NRM decisions are made by the Immigration Enforcement Competent Authority (IECA)(Fig.17). These are victims already on a pathway to immigration removal (including foreign national offenders and those in immigration removal centres)⁷.

Prior to the change in the RG threshold, the IECA had a lower rate of negative RG decisions than its share of referrals. But since 2023 when the policy changed this has increased significantly.

In 2023, the IECA made 33% of all negative decisions in 2023 (up from 14% in 2022) compared to receiving 22% of referrals. Despite a small drop, the IECA still made substantially more negative decisions in 2024 than before the change in the test (making 29% of negative decisions but received only 23% of referrals) (Fig.17).

Similarly, the IECA makes a larger percentage of negative decisions for the reason of insufficient information than would be expected based on the proportion of referrals it receives – although there has again been a slight drop in 2024 (Fig. 18).

Since the change around 60% of all negative RG decisions made by the IECA are due to failing to meet the standard of proof (Fig.19).

In 2022, very few IECA RG decisions were negative (6%) —lower even than the other competent authority the SCA. However, since the threshold has increased, in 2023 and 2024 the majority of IECA RG decisions have been negative at a greater rate than the SCA (Fig. 20).

Fig. 17

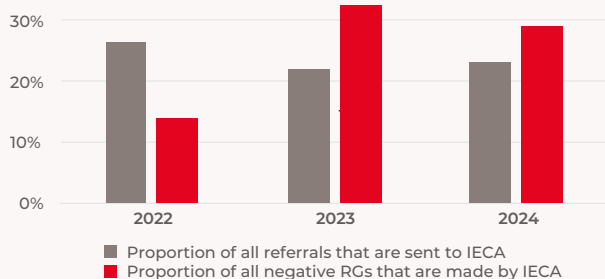


Fig. 18

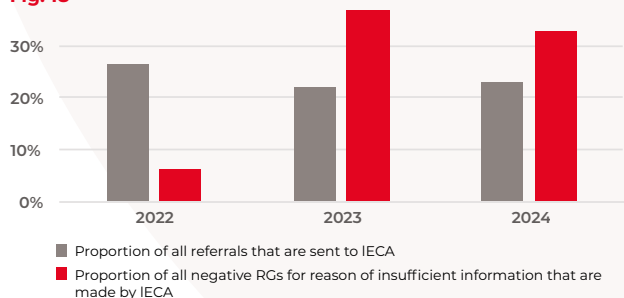


Fig. 19

Reasons for negative RG decisions by IECA

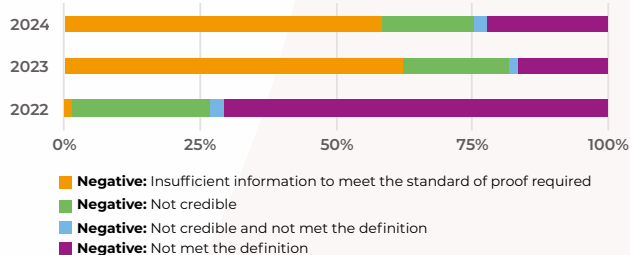
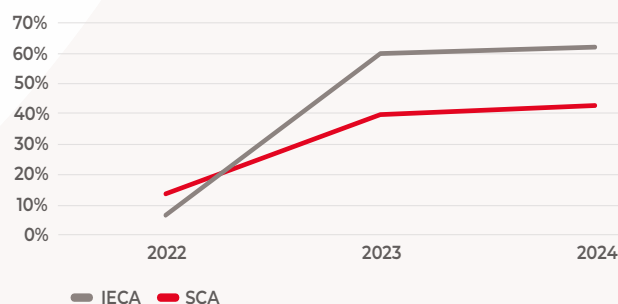


Fig.20

Proportion of RG decisions that are negative



Why might this group be affected?

The higher rate of negative decisions made by the IECA may be because close to half of IECA cases have reported exploitation that occurred entirely overseas which has already been identified as producing higher negative decisions since the change in the RG policy. The fact that many of these potential victims are in prison or immigration detention may affect their ability to provide information, especially since the Prison and Probation Service is not a First Responder under the NRM.

However, these statistics risk creating a perception of bias and that political priorities to increase removals of Foreign National Offenders may be playing a role in IECA decision-making.

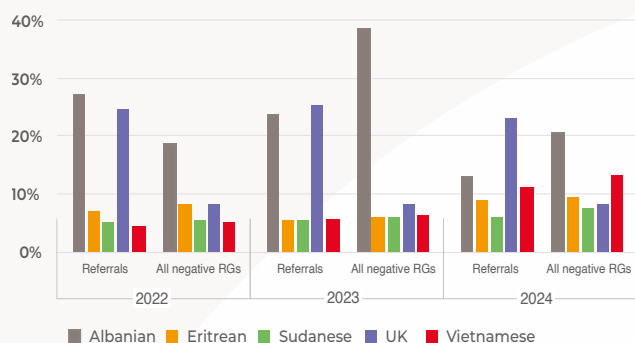
3.6 Other factors

Nationality

The most common nationalities of people referred into the NRM are also most commonly receiving negative decisions as would be expected. Albanian, Eritrean, Sudanese, UK and Vietnamese nationals were the top five nationalities for both referrals and negative RG decisions in 2023 and 2024 (in varying order). They were also the top five nationalities referred and in the top seven receiving negative RG decisions in 2022 before the RG threshold changed (Fig. 21).

⁷ The Home Office Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland Version 3.14 2 June 2025 contains a full list of the cohort of victims whose cases are decided by the IECA at paragraph 4.14

Fig. 21



The most notable difference since the change in policy is for Albanians, where there has been a marked increase in the proportion of negative RG decisions compared to referrals. However, since around 95% of all Albanians referred to the NRM are adults this may be connected to the high rate of negative RG decisions for adults rather than their nationality (Fig 23).

For the first time in three years, in 2024 Vietnamese became the second largest nationality for negative RG decisions, despite only being third largest for referrals. This may be in part due to a steep rise in the number (and proportion) of cases who report exploitation that took place entirely overseas (Fig.24) but should be monitored going forward.

UK nationals consistently receive fewer negative RG decisions than referrals which may similarly be related to the much lower proportion (just 25%) which are for adults (Fig. 23). It is also less common for UK nationals to receive a negative RG for the reason of insufficient evidence than the other commonly referred nationalities or the average (Fig.22). This could be due to the greater proportion of children but could also relate to a greater proportion of exploitation occurring in the UK or easier access to documents and other evidence due to language and location.

Fig. 22

Negative RG decisions for the reason of insufficient information to meet the standard of proof required

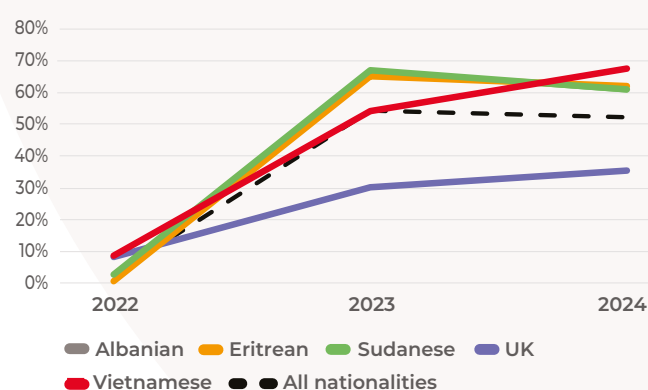


Fig. 23

Age at referral

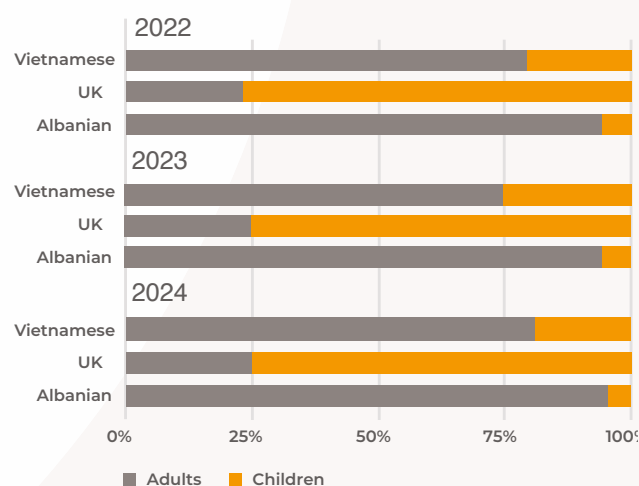
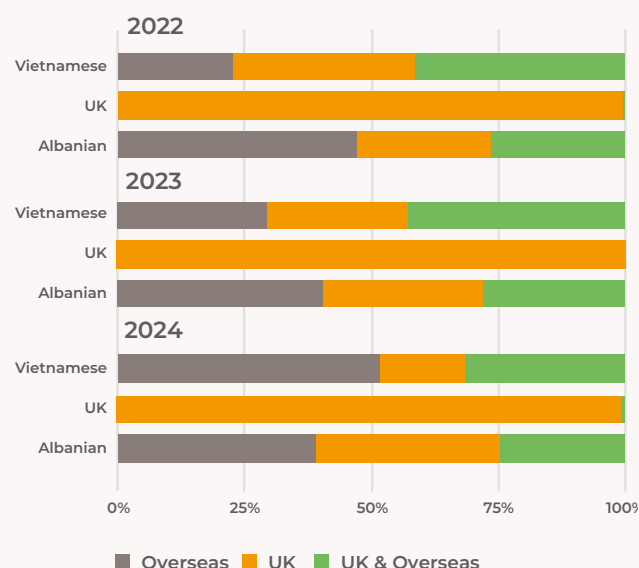


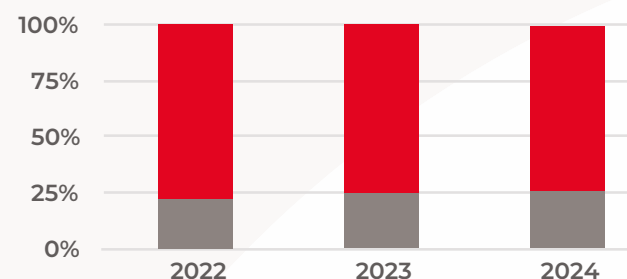
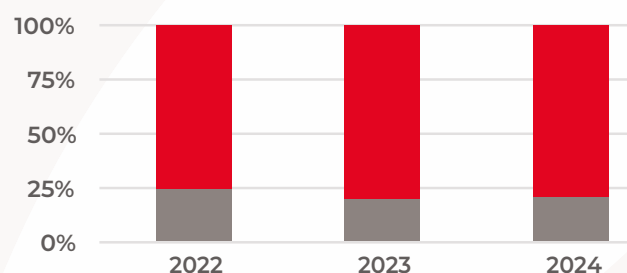
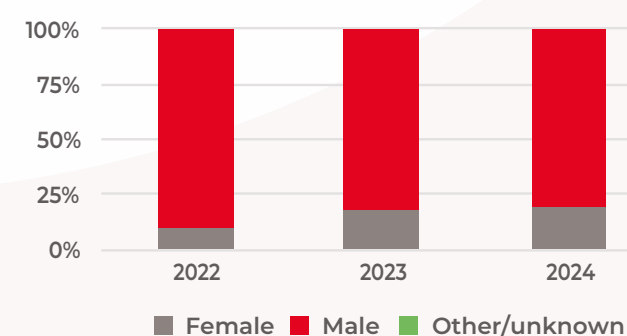
Fig.24

Location of exploitation by nationality - referrals



Gender

Most potential victims receiving a negative RG decision and specifically failing to meet the standard of proof are male. This is to be expected as most potential victims referred to the NRM are also male (Fig.25). Although males were a very slightly greater percentage of negative RG decisions (and those due to insufficient information to meet the standard of proof) this has not significantly changed since 2023. More than 77% of potential victims who report exploitation that took place entirely overseas are male so this may also be a factor in them failing to meet the level of evidence required.

Fig. 25**Referrals****Negative RG decisions****Negative RG decisions for the reason of insufficient information**

4. What are the possible impacts for potential victims and their access to support?

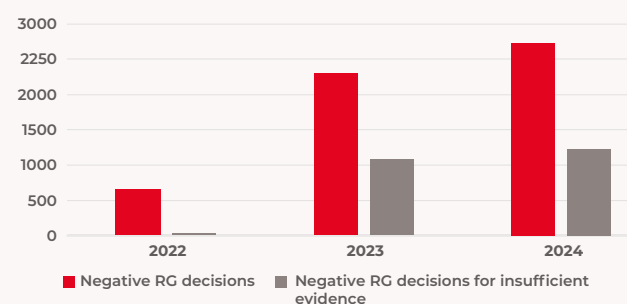
A positive RG decision is required for adult victims to receive support (in all parts of the UK) and immigration protection. Since the increase in negative decisions particularly affects adults, this means that most adults referred to the NRM are no longer able to access specialist support because they are given a negative RG decision. In 2024, only four in ten adults referred to the NRM went on to be eligible for support compared to nearly nine in ten in 2022. If potential victims do not have support, the risks of them returning to their exploiters or being drawn into other situations of modern slavery increase.

Not all victims will be left destitute and homeless. UK national victims may be eligible for housing and benefits through mainstream services and some

other victims may have applied for asylum and thus receive housing and limited financial assistance through the asylum support system. However, it is concerning that most of the adults identified by first responders as possibly being victims of modern slavery are no longer being provided with specialist support to help them in their recovery, a significant number of whom for the sole reason that there is insufficient evidence of their exploitation.

5. What are the possible impacts on prosecutions?

Although around half of all negative RG decisions are for potential victims exploited entirely outside the UK, the other half have some UK footprint. Around 30% have reported exploitation completely in the UK. In each of the last two years over 1,000 potential victims reporting exploitation in the UK have been given a negative RG decision due to insufficient evidence to meet the threshold (Fig. 26).

Fig. 26**Exploitation in the UK only**

A negative RG decision does not mean that there was no police investigation in these cases, since police inquiries are not dependent on NRM decision-making. However, these statistics raise questions about whether opportunities are being missed to investigate cases and bring offenders to justice and prevent them exploiting other victims. Where exploitation took place in the UK, every opportunity should be taken to investigate and bring the offenders to justice. Indeed, there is a duty to investigate under Article 4 of the European Convention on Human Rights.⁸

Our frontline work and wider research demonstrate that support is essential to enable victims to engage with police and provide information that can lead to effective investigations and prosecutions.⁹ Yet, if a significant percentage of victims are denied support through the NRM because of negative RG decisions the likelihood is they will be unable to participate in any investigation.

Some of those exploited in the UK and receiving a negative RG decision have even been referred by Police first responders. Although the overall rate of

⁸ European Court of Human Rights, Guide on Article 4 of the European Convention on Human Rights, Updated 31 December 2018

⁹ Centre for Social Justice and Justice and Care, Slavery at Home, February 2023; Centre for Social Justice and Justice and Care, A path to freedom and justice: a new vision for supporting victims of modern slavery, February 2022; Justice and Care, Victim Navigator Pilot Final Evaluation: From victim to witness to survivor, November 2022

negative RG decisions for police referrals is lower than the rate of referrals a substantial proportion of those negative decisions are due to lack of evidence as well as 'not meeting the definition'.

This is worth exploring further to understand why cases referred by the police (where one expects a referral to be followed by or connected to an ongoing investigation) are receiving negative decisions for lack of evidence. For example, are the referrals made before substantial investigation is undertaken, do victims have sufficient support and do they feel comfortable providing details of their exploitation to the police or are there communication barriers that mean further information is not received by the competent authority?

6. Quality of decision-making

Published NRM statistics show that since the change in the RG threshold there has been a four-fold increase in the proportion of negative RG decisions which undergo a formal reconsideration although the number remains low (1% in 2022 and 4% in 2024).¹⁰ However, the proportion of those reconsiderations that result in a positive decision (overturning the original) has decreased. Prior to the change in the RG threshold, around 80% of reconsiderations resulted in a positive decision, but in 2023 and 2024 that had dropped to 62% and 70% respectively.

The UK data service dataset does not include data on reconsiderations so we cannot assess whether certain groups of potential victims are seeing more of their negative RG decisions overturned through reconsideration than others.

7. Conclusion

The data cannot tell us why certain groups of victims seem to receive a disproportionate level of negative decisions and are failing to meet the threshold of evidence required.

Most significantly the data gives no information about what happened to these potential victims after they received a negative decision. We do not know how many disappeared or returned to exploitation (whether in the UK or elsewhere), how many had a separate ongoing asylum claim and what the outcome of that was, nor do we know how many were removed from the UK due to having no immigration protection.

We recommend the Government's forthcoming consultation on identifying modern slavery victims¹¹ should seek to understand more about the impact of the change to the reasonable grounds threshold. This should include specifically engaging with the competent authorities, first responders, survivors and other stakeholders to find out:

- why cases are failing to meet the threshold of sufficient evidence,
- why certain cohorts of potential victims are getting disproportionate levels of negative RG decisions and particularly for the reason of insufficient information,
- the outcomes for potential victims receiving negative RG decisions for this reason (how many are engaged in other support or immigration systems, how many are removed from the UK, with how many is all contact lost, is there any evidence of re-exploitation e.g. through repeat referrals to the NRM).

Process and policy changes should then be introduced to address these factors.



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¹⁰ Home Office, Modern Slavery: National Referral Mechanism and Duty to Notify Statistics End of Year Summary 2024 Data Tables, Tables 46 and 49

¹¹ Safeguarding Minister Jess Phillips MP during a debate in Parliament Hansard 27 March 2025 at column 1207