

A second chance to be seen and protected

Analysis of policy and data on reconsideration requests for negative decisions from the National Referral Mechanism

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Research by:

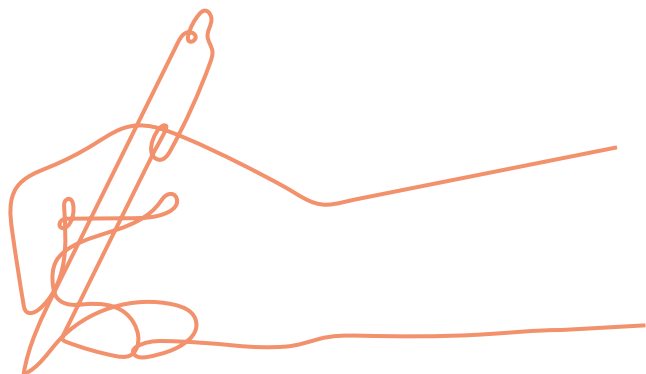
Executive summary

This briefing was commissioned by the Modern Slavery and Human Rights Policy and Evidence Centre (MSPEC) part of the University of Oxford, which in turn is funded by the Arts and Humanities Research Council (AHRC). The briefing is the second in a three-part series based on analysis of National Referral Mechanism (NRM) data by the International Organization for Migration (IOM). The briefings are focused on improving understanding about referrals and decision making.

This briefing examines data from cases in the NRM which have had a reconsideration request accepted. The NRM is the UK's system for formally identifying and supporting victims of modern slavery. A reconsideration request may be made following a negative decision from the NRM, i.e. if it was determined there are not reasonable or conclusive grounds to believe the person is a victim of modern slavery. Attention to the issue of reconsiderations is particularly important given the notable increase in these since the start of 2023.

Previous analysis and discussion on reconsideration requests could only use summary data on the total numbers of reconsideration requests that were accepted. This briefing provides the first analysis of disaggregated data on cases where a reconsideration request was accepted since this data was first published in May 2025.¹ The data on reconsiderations covers the period between January 2021 (the first period that data is available for) and June 2025 (the most recently available data at the time of writing). The briefing looks at the numbers and outcomes of reconsidered decisions by common nationalities, first responders, age and gender (analysis of those different variables was not possible using the summary data) as well as competent authorities.

The briefing highlights very high rates of positive decisions resulting from reconsiderations at both the Reasonable Grounds (RG) and Conclusive Grounds (CG) stages.



1. <https://datacatalogue.ukdataservice.ac.uk/studies/study/8910?id=8910#doi>

Some key findings in this research are

- Since 2023 the percentage of reconsidered RG and CG decisions resulting in a positive decision were higher than the percentage of initial positive decisions in that period.
- Overall, the percentages of negative RG and CG decisions which are reconsidered are extremely low but those decisions which are reconsidered have a very high likelihood of being given a positive decision.
- Between 1st January 2021 and 30th June 2025 over 650 people who received a positive RG decision following a successful reconsideration request went onto receive a positive Conclusive Grounds decision. 70% of Conclusive Grounds decisions were positive for people who received a positive RG decision after a reconsideration.
- There are higher percentages of reconsidered decisions by the Single Competent Authority (SCA) resulting in a positive decision than the Immigration Enforcement Competent Authority (IECA) at both RG and CG stages.
- The IECA is overrepresented among reconsidered RG decisions compared to how many negative RG decisions it makes but is underrepresented in reconsidered CG decisions until the most recent period that data is available.

The key recommendations of the briefing can be grouped into three categories

1. Recommendations for the policies for reconsideration requests.
2. Recommendations for further research.
3. Recommendations for how data on reconsidered NRM decisions are collected and presented.

Recommendations for the policies for reconsideration requests

1. The Home Office should withdraw paragraph 14.216 from the Modern Slavery Act Statutory Guidance to ensure that all people progressing through the NRM system have equal rights to have a negative NRM decision reconsidered.
2. The Home Office should consider revising the Modern Slavery Act Statutory Guidance to remove the 30-day time limit to submit a reconsideration request on the grounds of new evidence to restore focus on the material importance of new evidence for determining whether to accept a reconsideration request rather than when this evidence has become available or accessible.

3. The Home Office should consider revising the Modern Slavery Act Statutory Guidance to restore the three-month window for requests on the grounds of whether the decision was made in line with the guidance to realign the process with timeframes for lodging a judicial review.
4. The Home Office should consider revising the Statutory Guidance to acknowledge that judicial reviews may be used to challenge disqualifications from the NRM (which it acknowledges can be used in the case of decisions for an additional recovery period).
5. The Home Office should consider re-establishing Multi-Agency Assurance Panels (in an updated form) to review negative CG decisions to strengthen the quality assurance of decision-making by both competent authorities.

Recommendations for further research

6. Further qualitative and quantitative research and analysis is needed to better understand the differences in the outcomes of reconsidered cases for the following cohorts:
 - a. Those who have their cases decided by the Single Competent Authority, or by the Immigration Enforcement Competent Authority
 - b. Male and female referrals
 - c. Cases for referrals of children and adults
 - d. Cases for referrals of people with different nationalities

Recommendations for the Home Office on how data on reconsidered NRM decisions are collected and presented

1. Consider collecting and publishing data on the numbers of reconsideration requests submitted which are not accepted and the reasons they were not accepted. This would mean people deciding whether to make a reconsideration request would be better informed about the likelihood of a request being accepted. It would also help to contextualise the very high percentages of reconsidered decisions which are positive.
2. Consider publishing data on judicial reviews and pre-action-protocols for decisions from the NRM.
3. Consider exploring the possibility to make enhancements to the UKDS NRM dataset to show the reasons for initial negative decisions for cases with a reconsidered decision which is positive.

Introduction

The NRM is of central importance to the UK's international obligations to identify and protect people who have experienced modern slavery. The 2005 Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT) entered into force in the UK on the 1st April 2009 and the operation of the NRM began on that date in-order to meet the UK's responsibilities to identify potential survivors of modern slavery and provide support and protection while such persons are formally identified. There are two stages for decision-making within the NRM: reasonable grounds (RG) and conclusive grounds (CG). The RG decision is expected to be made within 5 working days (where possible) and is an assessment by the Home Office whether there are reasonable grounds to believe that an individual is a victim of modern slavery. The CG decision whether, 'on the balance of probabilities', there are sufficient grounds to decide that the individual is a victim of modern slavery.

The agencies with responsibility for NRM decision-making are the Single Competent Authority (SCA) and the Immigration Enforcement Competent Authority (IECA). Both the SCA and IECA sit within the Home Office. The SCA was established in April 2019 to replace the two separate decision-making authorities which existed at that time (UK Visas and Immigration which was responsible for non-EEA nationals and the UK Human Trafficking Centre which was responsible for EEA nationals). The SCA made decisions for all cases until the establishment of the IECA in November 2021. The IECA is responsible for specific cohorts of adults at the point of referral including: Foreign National Offenders, individuals in Immigration Removal Centres and those in Third Country Units. The cohorts are listed in the Statutory Guidance).²

Despite the significance of the outcomes of NRM decisions there has never been a formal appeals procedure built into the NRM process or the statutory guidance. For individuals to challenge a negative RG or CG decision or the statutory guidance for individuals to challenge a negative RG or CG decision. Individuals or their representative must instead request a reconsideration of the decision which depends on several circumstances and their request to have the decision reconsidered can be refused. (For the circumstances see Reconsiderations in Policy and Practice below).

This briefing discusses the context for the increase in the number of accepted reconsideration requests since the start of 2023 and examines the current policies and procedures for reconsideration requests and the outcomes of reconsideration requests which have been accepted.

2. All adult Foreign National Offenders (FNOs) detained in an Immigration Removal Centre, All adult FNOs in prison where a decision to deport has been made, All adult FNOs in prison where a decision has yet to be made on deportation, Non-detained adult FNOs where action to pursue cases towards deportation is taken in the community, 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, All individuals in the Third Country Unit (TCU)/ inadmissible process irrespective of whether detained or non-detained.

Data limitations

The analysis in this briefing shows very high levels of positive decisions following reconsiderations. However, there is no data showing how many reconsideration requests were initially rejected by the competent authorities. The NRM statistics published by the Home Office provide data on 2177 reconsideration requests of RG decisions between 1st January 2021 and 30th June 2025 and data on the outcomes of 2100 reconsidered RG decisions which had received either a positive or negative decision during that time.³ Given the lag between receiving a request for reconsideration and the outcome of a new decision for cases where a request for reconsideration is accepted, it appears that the data on reconsideration requests are only for cases which were accepted for reconsideration. The description of the required response for communicating that a reconsideration request will not be accepted is explained in the Statutory Guidance. It requires that the relevant competent authority sends written notification to the requestor of the decision explaining that the case will not be reconsidered and the reasons why. Where possible this notification should be sent within nine working days. Data on such initial rejections would help contextualise the very high rates of positive decisions for reconsidered cases at both RG and CG stage.

This briefing provides analysis of data on reconsideration requests while acknowledging the Home Office disclaimer in the NRM statistics that, “In a small number of reconsideration cases, there are data quality issues, including latest outcome date being recorded incorrectly, so use this data with caution. This data may be subject to revision.”⁴

Recommendation

- The Home Office should consider collecting and publishing data on the numbers of reconsideration requests submitted which are not accepted and the reasons they were not accepted. This would mean people deciding whether to make a reconsideration request would be better informed about the likelihood of a successful outcome. It would also help to contextualise the very high percentages of reconsidered decisions which are positive.

3. See tables 46 and 49 <https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-april-to-june-2025#documents>

4. <https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-april-to-june-2025#documents>

Reconsiderations in place of a right to appeal

The reconsideration request process exists in the absence of a formal right to appeal negative NRM decisions. The only other avenue to challenge a negative NRM decision is a judicial review. The Statutory Guidance does not include any mention of judicial review in the context of challenging negative decisions.

A judicial review is decided by a Judge (or Judges) and is a review of whether a decision or action by a public body is lawful or not.⁵ A judicial review would not determine whether a negative NRM decision was right or wrong, it would decide whether the processes to make the decision were lawful.⁶ A judicial review will also not provide a 'correct' decision. The competent authority may still make the same decision if it does so in a lawful way.⁷ The Anti-Trafficking and Labour Exploitation Unit (ATLEU) provides an overview of judicial reviews which highlights the significant challenges for using a judicial review. They explain,

“judicial reviews require strong procedural and/or evidential arguments and an experienced legal representative in order to have a good chance of success. Losing a judicial review can have serious consequences such as negative credibility findings from a judge and/or a litigation debt because ordinarily the losing party pays the costs of the successful party (unless the Claimant is protected from this because they are represented via legal aid.”⁸

Recent data on the use of judicial review for challenging negative decisions is not available.⁹ However, historical data on its use highlights that it was used very rarely. Between 1st April 2009 and 29th October 2012 only seventeen decisions were challenged by judicial review.¹⁰

The calls for the introduction of a formal right to appeal are longstanding. A 2013 report on the review of evidence for the Modern Slavery Bill recommended that the Bill should “include a provision for an appeal or review mechanism against an

5. [https://www.bih.org.uk/get-informed/legislation-explainers/what-is-judicial-review#:~:text=Judicial%20review%20is%20a%20type,the%20CQC\)%20and%20health%20authorities.](https://www.bih.org.uk/get-informed/legislation-explainers/what-is-judicial-review#:~:text=Judicial%20review%20is%20a%20type,the%20CQC)%20and%20health%20authorities.)

6. <https://www.judiciary.uk/how-the-law-works/judicial-review/>

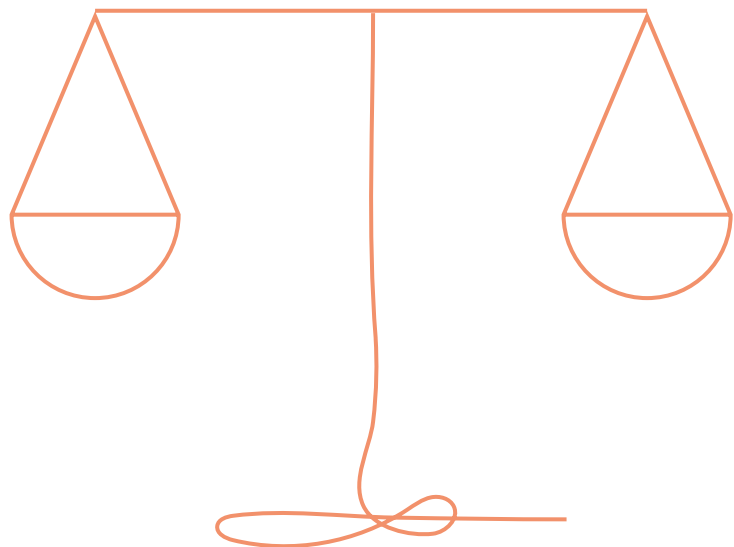
7. Ibid.

8. <https://athub.org.uk/knowledge-base/nrm-decisions-and-challenges/>

9. <https://questions-statements.parliament.uk/written-questions/detail/2019-01-14/208232>

10. <https://publications.parliament.uk/pa/cm201213/cmhansrd/cm121031/text/121031w0002.htm>

NRM decision.”¹¹ In 2016 the second evaluation report by the Group of Experts on Action Against Trafficking in Human Beings (GRETA) (the body responsible for monitoring the UK’s compliance with ECAT) recommended that the UK government “allow for appeal of a negative NRM decision, in particular where new information is available, and ensure that assistance continues to be provided while an appeal process is ongoing.”¹² The UK government’s formal response to the report’s recommendations did not address the right to appeal. Instead it focused on explaining it was in the process of establishing “an independent panel to review negative decisions.”¹³ The independent panel referred to the Multi Agency Assurance Panels (MAAPs) which operated between April 2019 and December 2022.¹⁴ The MAAPs involved individuals from independent organisations outside of the Home Office looking at cases where the competent authority had made a negative CG decision. The MAAPs looked at these cases before the decision was communicated to the individual. They did not operate as part of a review requested by the individual or their representative. The panels could not overturn negative decisions which they are disagreed with. The MAAPs could only request that the decision maker review the case based on the MAAP’s reasons for disagreeing with the negative decision.



11. Establishing Britain as a World Leader in the Fight Against Modern Slavery, Report of the Modern Slavery Bill Evidence Review, Rt Hon Baroness Butler-Sloss, Rt Hon Frank Field MP, Rt Hon Sir John Randall MP, 16 December 2013

12. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806abdc>

13. <https://rm.coe.int/cp-2017-33-rr2-gbr-en/16807647ce>

14. There is more information about the MAAPS in the first briefing in this series. Available at:

The policies for reconsideration requests and the reduction of eligibility and accessibility over time

The policies for reconsideration requests have been addressed in the Statutory Guidance since it was first published in March 2020.¹⁵ From version 1 of the guidance to the current version (4.2) it is explained that, “An individual, or someone acting on their behalf, may request reconsideration of a negative Reasonable Grounds or Conclusive Grounds decision.”¹⁶ The decision of whether to accept a reconsideration request is also made by the same competent authority that issued the negative decision.

Every version of the Statutory Guidance has used the same wording to describe the two circumstances for making a reconsideration request: “Where additional evidence can be provided which, taken with all the available evidence already considered, could demonstrate that the individual is a victim of modern slavery” and where “there are specific concerns that a decision made is not in line with this guidance.”¹⁷

However, since the publication of Version 3.7 of the Statutory Guidance in February 2024 the policy has been revised in ways that limit the possibility for people to submit reconsideration requests and that these requests will be accepted. These policy changes are set out in the table at the end of this section and in the discussion below.

Threshold for eligibility

The Statutory Guidance up to and including Version 3.6 required the decision maker to “review whether there are *sufficient grounds* to reconsider the negative decision.”¹⁸ [emphasis added]. However, Version 3.7 while retaining that wording also added the further requirement that a reconsideration can happen

15. <https://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims#full-publication-update-history>

16. See 14.217 of Version 4.2 of the Modern Slavery Act Statutory Guidance. <https://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims/modern-slavery-statutory-guidance-for-england-and-wales-under-s49-of-the-modern-slavery-act-2015-and-non-statutory-guidance-for-scotland-and-northe#bookmark30>

17. Ibid.

18. Version 3.6 of the Modern Slavery Act Statutory Guidance <https://webarchive.nationalarchives.gov.uk/ukgwa/20240206140003/https://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims/modern-slavery-statutory-guidance-for-england-and-wales-under-s49-of-the-modern-slavery-act-2015-and-non-statutory-guidance-for-scotland-and-northe>

if “a decision maker considers that there are *good reasons* that the negative reasonable grounds or conclusive grounds decision should be reconsidered.”
[emphasis added]

Timelines

Version 3.7 of the Statutory Guidance made significant changes to the deadlines for individuals or representatives to submit a request for a reconsideration of their negative decision. This guidance has always provided different timelines for the two reasons that a reconsideration can be requested: the decision was not in line with the guidance and where new evidence is available.

Prior to Version 3.7 a reconsideration request because the “decision is not in line with guidance” needed to be made within three months of the decision being issued. Although, it stated that requests sent after three months could be accepted “subject to exceptional circumstances that may have caused reasonable delay.” The explanation for the three-month deadline was that it was “in line with the time limit on judicial review claim.”¹⁹²⁰ Version 3.7 of the Statutory Guidance changed this to one month. While the Statutory Guidance notes that reconsideration requests made later can be considered in exceptional circumstances this is still a significant shortening of the deadline. Furthermore, whereas the timeline was previously justified in comparison to the time for a judicial review there is no such explanation for how a one-month period was considered an appropriate deadline.

Prior to Version 3.7 there was no deadline for submitting reconsiderations based on new available evidence. The guidance at that time instead focused on the nature and importance of the evidence being submitted rather than when the request was being submitted. It explained the decision was based on “whether the evidence is material to the outcome of the case.”²¹ Since Version 3.7 of the Statutory Guidance there is a one-month deadline to submit a request based on new evidence with the requirement that the new evidence is provided with the request.²² Such a short deadline gives very little time to practically obtain or present further evidence and is in stark contrast to the previous approach which focused on the material significance of the information. Since this change there is a possibility for extending the deadline in “exceptional circumstances.”

19. See 14.217 of Version 3.6 of the Modern Slavery Act Statutory Guidance

20. Judicial review—time limits and the pre-action protocol. LexisNexis. (2025) <https://www.lexisnexis.co.uk/legal/guidance/judicial-review-time-limits-the-pre-action-protocol>

21. See 14.218 of Version 3.6 of the Modern Slavery Act Statutory Guidance https://webarchive.nationalarchives.gov.uk/ukgwa/20240201165311mp_/https://assets.publishing.service.gov.uk/media/6597e0b6614fa20014f3a92c/Modern+Slavery+Statutory+Guidance+_EW_+and+Non-Statutory+Guidance+_SNI_+v3.6.pdf

22. See 14.219 of Version 3.7 of the Modern Slavery Act Statutory Guidance <https://webarchive.nationalarchives.gov.uk/ukgwa/20240212164201/https://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims>

However, the focus appears to be on providing more time to submit the new evidence rather than enabling people to submit a request on such grounds after 30 days since the decision. The current Statutory Guidance states,

“If an individual makes a reconsideration request on the basis of new information but is unable to provide the information within 30 calendar days of the negative reasonable or conclusive grounds decision, they should contact the Competent Authority as early as possible and request a reconsideration request extension.”²³

Without data on how many reconsideration requests are rejected and on what grounds it is not possible to understand how many cases have been recognised as meeting the “exceptional circumstances” and why.

Exclusion from reconsideration requests depending on immigration status and nationality

The most significant reform to reconsideration policy in limiting the ability for people to submit a reconsideration request was introduced on the 17th September 2025 with the publication of version 4.2 of the Statutory Guidance. The introduction of paragraph 14.216 excludes specific groups of people from requesting a reconsideration of a negative RG or CG decision. The guidance explains,

“Paragraphs 14.217 to 14.235 do not apply to individuals who have received a negative RG or CG decision, and where the SSHD intends to remove that individual to a country that is a signatory to the Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT) and European Convention on Human Rights (ECHR). For example, this may include individuals who have been served a notice or decision that informs an individual we are considering removing them to a country which is a signatory of ECAT and ECHR.”²⁴

23. See 14.227 of Version 4.0 of the Modern Slavery Act Statutory Guidance

24. See 14.216 - <https://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims/modern-slavery-statutory-guidance-for-england-and-wales-under-s49-of-the-modern-slavery-act-2015-and-non-statutory-guidance-for-scotland-and-northe>

The update to the Statutory Guidance was made following a case of a High Court injunction to prevent an Eritrean national being removed to France before he could complete a reconsideration request.²⁵ Article 13 of ECAT published by GRETA explains that individuals should be able to remain in the country where their status as a victim of trafficking is being assessed to appeal a negative decision, “Victims of trafficking should have the possibility to appeal a decision not to grant the recovery and reflection period... While the appeal proceedings are ongoing, the execution of expulsion orders should be put on hold.”²⁶

The change to the reconsideration request policy took place while there was an open call for evidence from the Home Office on the identification of victims of modern slavery which included a question on what changes could improve the process for gathering information to inform decisions for reconsidered cases (as well as other decisions).²⁷ The three recommendations made here for revisions to the reconsideration policy in the Statutory Guidance would all improve the reconsideration part of the identification system and contribute to the UK government’s ambitions to have an “accurate” and “effective” identification system.²⁸

Version of Modern Slavery Act Statutory Guidance	Issue	Wording
3.6	Thresholds for accepting a reconsideration request	“The relevant competent authority must review whether there are sufficient grounds to reconsider the negative decision, and in turn reconsider the decision where it has determined there are grounds to do so.”
3.7-4.2		<p>“The relevant competent authority must review whether there are sufficient grounds to reconsider the negative decision, and in turn reconsider the decision where it has determined there are grounds to do so.”</p> <p>“If a decision maker considers that there are good reasons that the negative reasonable grounds or conclusive grounds decision should be reconsidered, an individual can submit a reconsideration request or request someone involved in their case.”</p>

25. <https://www.independent.co.uk/news/uk/home-news/migrants-france-deal-modern-slavery-legal-challenge-b2829146.html>

26. <https://rm.coe.int/guidance-note-on-recovery-and-reflection-period-group-of-experts-on-ac/1680b1a3ca#:~:text=Article%2013%20of%20the%20Convention, person%20concerned%20is%20a%20victim.>

27. See Question 14a <https://www.gov.uk/government/calls-for-evidence/identification-of-victims-of-modern-slavery/call-for-evidence-questionnaire-accessible#fn:4>

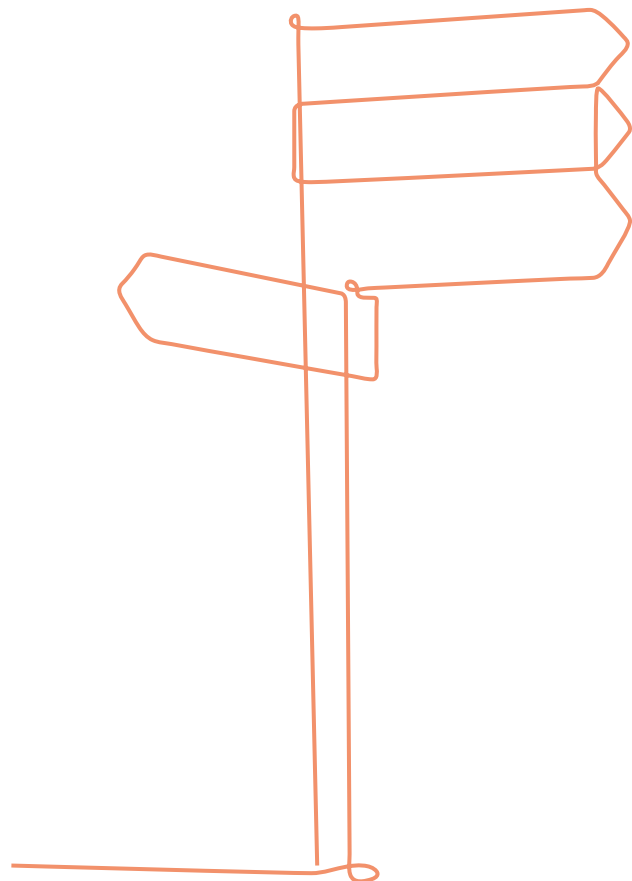
28. <https://www.gov.uk/government/calls-for-evidence/identification-of-victims-of-modern-slavery>

Version of Modern Slavery Act Statutory Guidance	Issue	Wording
3.6	Timelines for submitting a reconsideration request for decisions not made in line with the guidance	"Reconsiderations requests made on the basis of specific concerns that a decision is not in line with guidance should be brought within three months of a decision notice being issued by the relevant competent authority subject to exceptional circumstances that may have caused reasonable delay. This is in line with the time limit on judicial review claims."
3.7-4.2		"A reconsideration request must be made within 30 calendar days of the negative Reasonable Grounds or Conclusive Grounds decision on the following grounds: There are specific concerns that a decision made is not in line with this guidance."
3.6	Timelines for submitting a reconsideration request for decisions where new evidence is available	"There are no time limits on requests for reconsideration on the basis of new available evidence. Where further evidence is provided to the competent authority, the relevant competent authority will consider whether the evidence is material to the outcome of the case in determining whether to reconsider."
3.7-4.2		"A reconsideration request must be made within 30 calendar days of the negative Reasonable Grounds or Conclusive Grounds decision on the following grounds: Where additional evidence can be provided which, taken with all the available evidence already considered, could demonstrate that the individual is a victim of modern slavery."
3.6	Eligibility	"An individual, or someone acting on their behalf, may request reconsideration of a negative Reasonable Grounds or Conclusive Grounds decision by the relevant competent authority."
3.7-4.1		"An individual, or someone acting on their behalf, may request reconsideration of a negative Reasonable Grounds or Conclusive Grounds decision by the relevant competent authority."
4.2		"Paragraphs 14.217 to 14.235 [Those paragraphs are under the section Reconsideration of Reasonable Grounds or Conclusive Grounds decision] do not apply to individuals who have received a negative RG or CG decision, and where the SSHD intends to remove that individual to a country that is a signatory to the Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT) and European Convention on Human Rights (ECHR). For example, this may include individuals who have been served a notice or decision that informs an individual we are considering removing them to a country which is a signatory of ECAT and ECHR."

Table 1. Changes to wording of the policy on reconsideration requests in different versions of the Modern Slavery Act Statutory Guidance

Recommendations

- The Home Office should withdraw paragraph 14.216 from the Modern Slavery Act Statutory Guidance to ensure that all people given a negative NRM decision have equal rights to have it reconsidered.
- The Home Office should consider revising the Modern Slavery Act Statutory Guidance to remove the 30-day time limit to submit a reconsideration request on the grounds of new evidence to restore focus on the material importance of new evidence for determining whether to accept a reconsideration request rather than when this evidence has become available or accessible.
- The Home Office should consider revising the Modern Slavery Act Statutory Guidance to restore the three-month window for requests on the grounds of whether the decision was made in line with the guidance in order to realign the process with timeframes for lodging a judicial review.



Data on reconsideration requests of Reasonable Grounds decisions and the outcomes of those reconsiderations

Despite the difficulties to request a reconsideration²⁹ there are a large and increasing number of reconsideration requests for RG decisions.

Graph 1 (below) shows that the number of reconsideration requests for negative RG decisions in 2023 (655) and 2024 (724) were three times higher than 2022 (219). Data is only available for the first half of 2025, that data shows 433 reconsideration requests for negative RG decisions in that period. If the numbers continue at this rate in the second half of the year, 2025 would see the highest annual number of reconsideration requests.



Graph 1: (Data source: Home Office UK NRM statistics Q2 2025)³⁰

29. See <https://www.antislavery.org/wp-content/uploads/2025/03/Briefing-Modern-Slavery-Reconsiderations-After-Exploitation-ATMG.pdf> , https://www.biicl.org/documents/183_naba_report_biicl_branding_final.pdf , <https://trafficking-response.org/wp-content/uploads/2021/04/Hope-for-the-Future.pdf>

30. <https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-april-to-june-2025#documents>

The large increase in reconsiderations since the end of 2022 has followed the significant increase in negative RG decisions since the end of 2022.³¹³² Whereas only 11% of RG decisions in 2022 were negative this rose significantly to 45% in 2023 and 47% in 2024. The total numbers of negative decisions tripled from 1904 in 2022 to 6671 in 2023 and increased further to 9381 in 2024.³³

However, the percentage of negative RG decisions being reconsidered has fallen. In 2022 the number of reconsidered RG decisions was 12% of the total number of negative RG decisions that year but fell to 10% in 2023, 8% in 2024, rising to 9% for the first half of 2025. Such low percentages may reflect the challenges to have a decision reconsidered and the impact of new and shorter deadlines in which a reconsideration can be requested. Furthermore, with significant existing pressures on organisations and individuals to make referrals³⁴ and support victims there is limited capacity to meet the potential increased interest to assist with reconsideration requests among the much larger group of people given a negative decision.³⁵ These difficulties are exacerbated by wider challenges for victims of modern slavery to access legal advice amidst the broader problems of the legal aid sector.³⁶

Graph 2 shows that a significant majority of reconsidered decisions are given a positive RG. The highest point was in 2021 when 82% of reconsidered cases received a positive. The lowest point came in 2023 when 62% were given a positive which increased to 71% in 2024 and was 76% for reconsidered decisions in the first half of 2025.

31. <https://www.antislavery.org/wp-content/uploads/2024/12/GRETA-4th-round-evaluation-joint-submission-2024.pdf>

32. The factors behind the sudden and sharp fall in positive decisions are discussed in the first briefing in this series

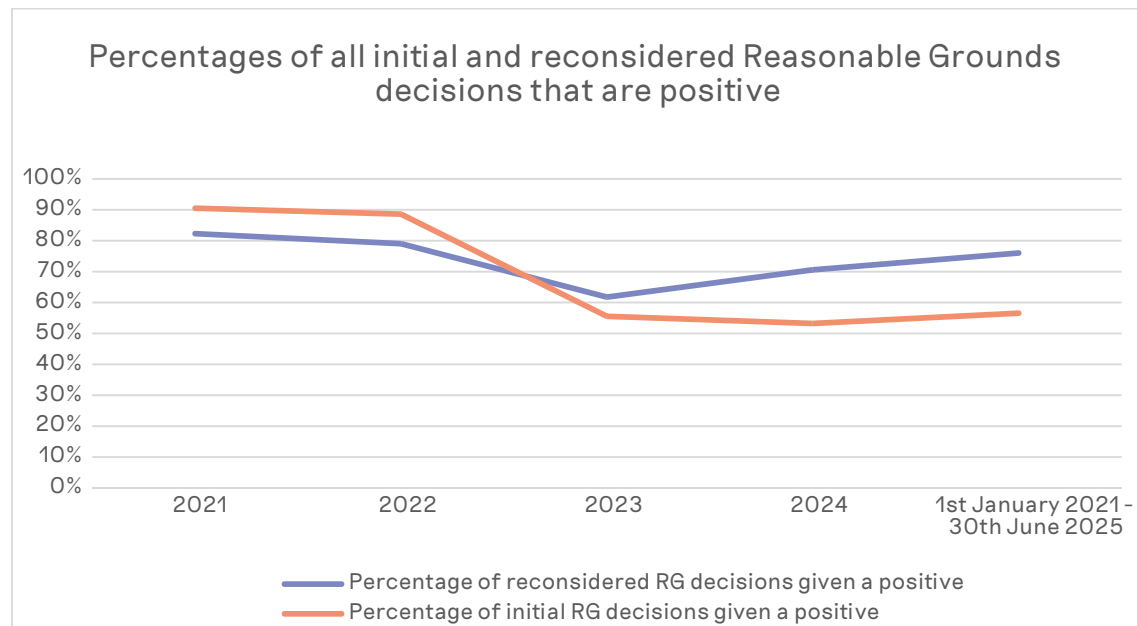
33. IOM's analysis using UKDS

34. <https://www.theguardian.com/law/2023/feb/13/modern-slavery-survivors-could-be-retrafficked-in-uk-charities-warn> <https://www.kalayaan.org.uk/campaign-posts/report-launch-the-national-referral-mechanism-near-breaking-point/>

35. <https://www.antislavery.org/wp-content/uploads/2024/12/GRETA-4th-round-evaluation-joint-submission-2024.pdf>

36. <https://static1.squarespace.com/static/65537d22e3e15a7904032075/t/6807a4a623f60c44ad0c1da5/1745331366639/>

[March+2025+ATLEU+Briefing+on+the+legal+advice+crisis+for+survivors+of+trafficking+and+modern+slavery.pdf](#)



Graph 2. (Data Source: UKDS NRM stats 2014-2025)³⁷

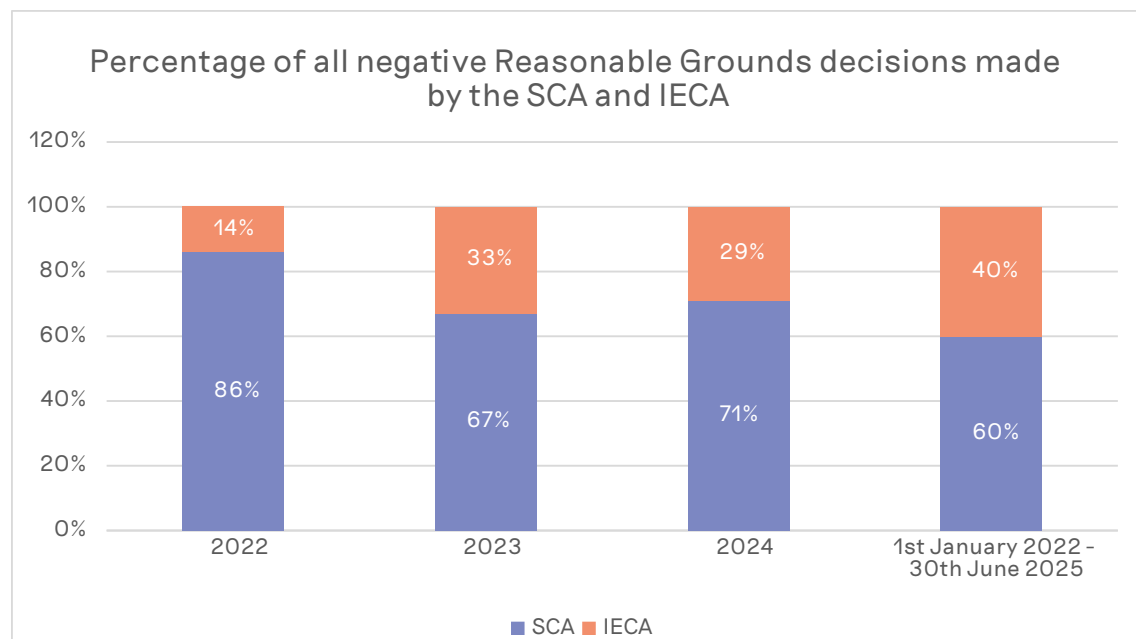
Graph 2 also shows that since 2023 the percentage of reconsidered RG decisions given a positive RG each year are higher than the percentage of initial RG decisions which are positive. This data makes it clear that the reconsideration process does provide a valuable opportunity for people to receive a positive decision. However, such data may also strengthen the case for reforming policy on reconsideration requests to ensure that it is sufficiently accessible. Furthermore, the significant rate of positive decisions for reconsidered cases is also relevant to wider reform and scrutiny of the processes and policies for initial decision-making.

37. Home Office, Modern Slavery Research & Analysis. (2025). National Referral Mechanism and Duty to Notify Statistics, 2014-2025. [data collection]. 17th Edition. UK Data Service. SN: 8910, <http://doi.org/10.5255/UKDA-SN-8910-17>

Competent authorities

Graph 1 disaggregated the reconsiderations by the competent authority and illustrates how in 2023 half (49%) of the reconsiderations were for decisions made by the IECA, falling to 38% in 2024 and increasing to 47% in the first half of 2025.

Graph 3 shows the percentages of how many of the total negative RG decisions are made by the two competent authorities.



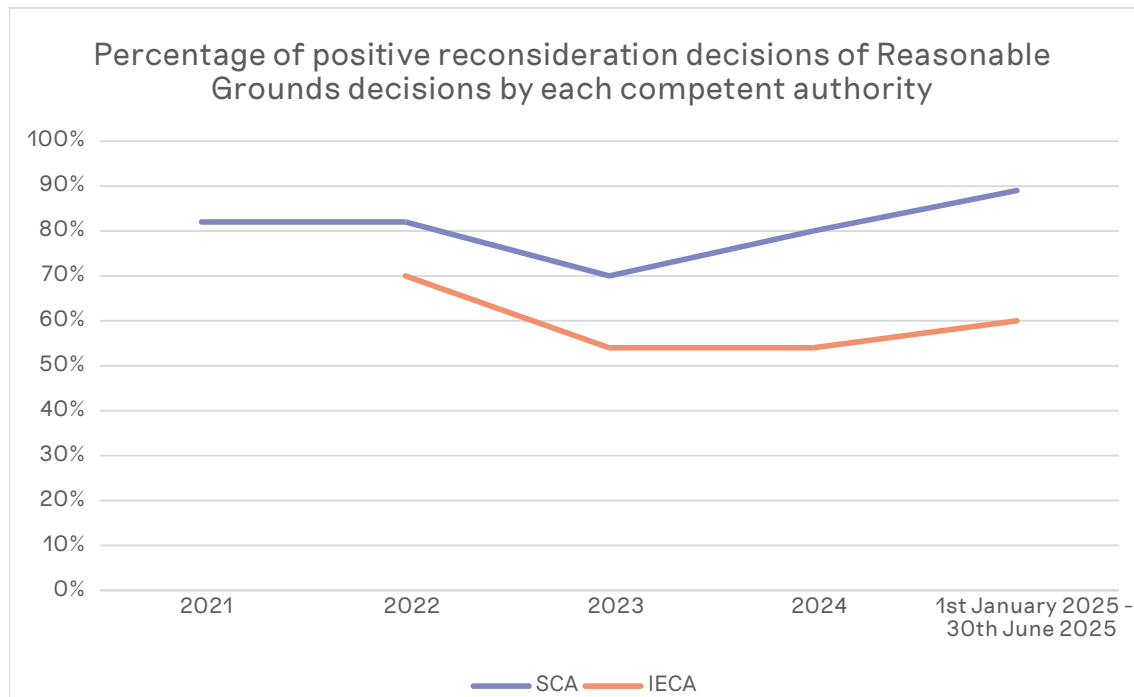
Graph 3: (Data source: Home Office UK NRM statistics Q2 2025)³⁸

By comparing this graph with graph 1 we can see that the IECA has been overrepresented in the requests for reconsiderations of RG decisions. In 2023 half (49%) of the reconsideration requests were for decisions made by the IECA who made just a third (33%) of negative decisions. In 2024 fewer than a third (29%) of negative RG decisions were made by the IECA but 38% of the reconsideration requests for negative RG decisions were made by the IECA. In the first half of 2025 the IECA were responsible for 40% of all negative RG decisions but 47% of the reconsidered RG decisions were made by them.

Further analysis of the outcomes for reconsidered RG decisions by the competent authority shows significant differences in the percentage of positive decisions following a reconsideration. There has been much discussion given to the data showing that the IECA has a much higher percentage of negative

38. Home Office, Modern Slavery Research & Analysis. (2025). National Referral Mechanism and Duty to Notify Statistics, 2014-2025. [data collection]. 17th Edition. UK Data Service. SN: 8910, <http://doi.org/10.5255/UKDA-SN-8910-17>.

RG decisions compared to the SCA.³⁹ However, graph 4 (below) shows that reconsiderations for the SCA are more likely to result in a positive decision compared to the IECA. The graph also shows that the difference between the SCA and IECA has increased every year. In the first half of 2025 89% of reconsidered decisions by the SCA were positive compared to 60% by the IECA.



Graph 4: (Data source: Home Office UK NRM statistics Q2 2025)⁴⁰

Recommendation

- Further qualitative and quantitative research and analysis is needed to better understand potential reasons for the differences in the outcomes of these reconsidered cases.

39. See <https://lawrs.org.uk/wp-content/uploads/2024/07/Detention-Taskforce-IECA-briefing-2.pdf> <https://unitedkingdom.iom.int/sites/g/files/tmzbd11381/files/documents/rcfe/iom-uk-response-to-the-icibi-call-for-evidence-on-the-ieca.pdf> <https://www.antislavery.org/wp-content/uploads/2024/12/GRETA-4th-round-evaluation-joint-submission-2024.pdf>

40. <https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-april-to-june-2025#documents>

First responders

Data on the number of reconsiderations for cases referred by First Responder Organisation (FRO) and the outcomes of those reconsiderations were also analysed for this briefing. The three first responders with the most referrals given negative RG decisions between Q1 2021 – Q2 2025 are; in descending order:

- Home Office Immigration Enforcement – 37% of all cases given a negative RG
- UKVI – 23% of all cases given a negative RG
- Local Authority – 10% of all cases given a negative RG

Home Office Immigration Enforcement was underrepresented among reconsidered RG decisions, with 30% of reconsidered RG decisions for cases they referred. Home Office UK Visas was overrepresented, with 31% of reconsidered RG decisions having been referred by them. 9% of reconsidered RG decisions were cases referred by a Local Authority which aligns with referrals made were for referrals by the Home Office at 26% and 10% respectively.⁴¹

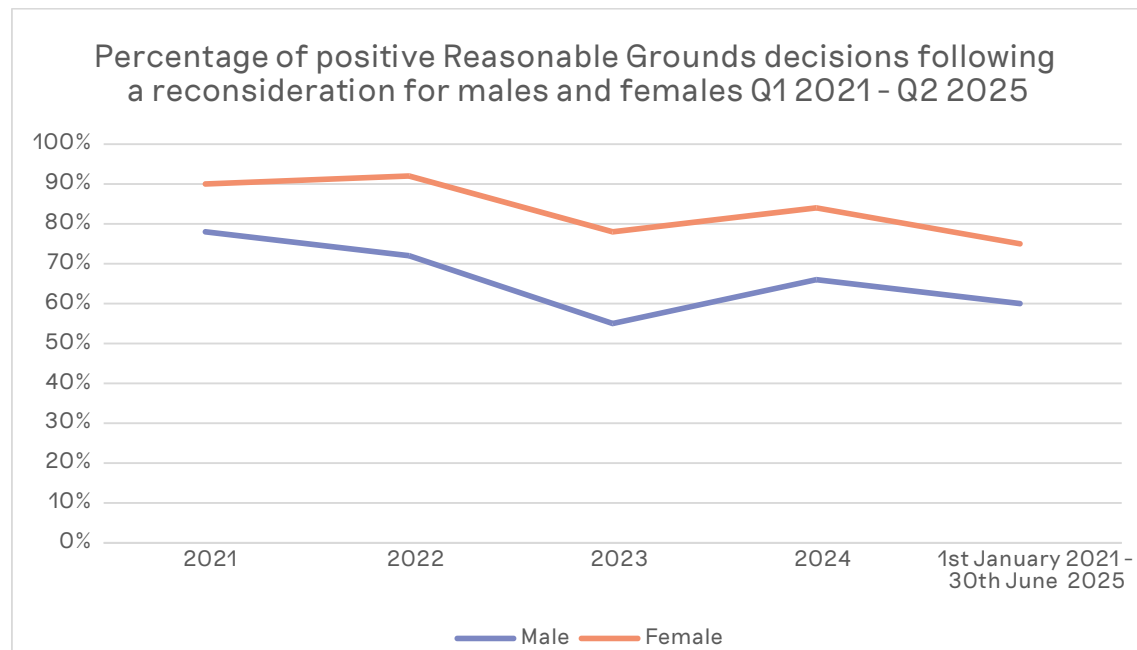
Gender

The percentages of all negative RG decisions between 1st January 2021 and 30th June 2025 that went to males (79%) and females (20%)⁴² are almost identical to the percentage of reconsideration requests for negative RG decisions that were for males (77%) and females (23%).

However, there are very different outcomes for those reconsidered decisions for males and females. The analysis of the NRM data for this briefing finds that females were more likely to receive a reconsidered RG decision that was positive than males in every year. Graph 5 (below) shows the different percentages of positive decisions for reconsidered cases for males and females for each year between 2021 and 2024 and the first half of 2025. It is important to note the small number of reconsidered cases for females in 2021 (33 cases) and 2022 (39 cases).

41. Home Office, Modern Slavery Research & Analysis. (2025). National Referral Mechanism and Duty to Notify Statistics, 2014-2025. [data collection]. 17th Edition. UK Data Service. SN: 8910, DOI: <http://doi.org/10.5255/UKDA-SN-8910-17>

42. Males means boys and men. Females means girls and women. These percentages don't total to 100% because of cases where gender is recorded as 'Other'.



Graph 5: (Data Source: UKDS NRM stats 2014-2025)⁴³

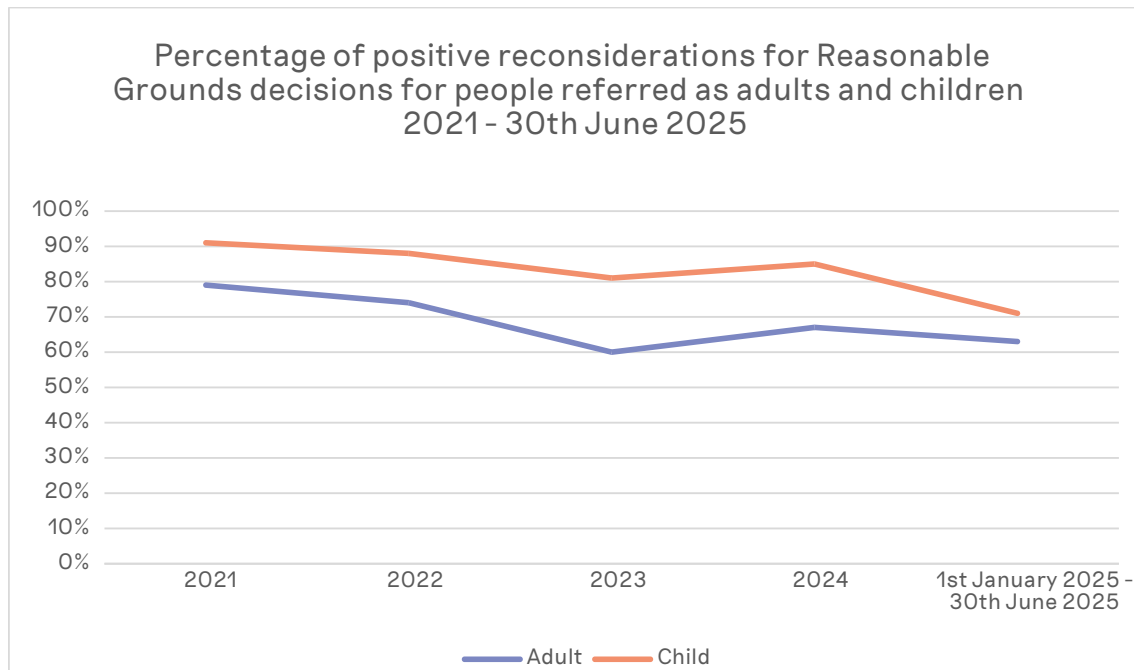
Recommendation

- Further qualitative and quantitative research and analysis is needed to better understand potential reasons for the differences in the outcomes of reconsidered cases for male and female referrals.

Age at referral

There is almost parity between the percentage of all negative RG decisions between 1st January 2021 and 30th June 2025 which went to people referred to the NRM as children (16%) and adults (84%) and the percentage of reconsiderations of those decisions that were referred as children (14%) and as adults (86%). However, there have been vast differences between the outcomes of the reconsidered decisions for those referred as adults and as children. Graph 6 (below) shows the much higher percentage of reconsidered RG decisions for children resulting in a positive RG decision compared to adults. However, the difference in the first half of 2025 of just 8-percentage points was the smallest gap between the two groups compared to the previous years that data is available for.

43. Home Office, Modern Slavery Research & Analysis. (2025). National Referral Mechanism and Duty to Notify Statistics, 2014-2025. [data collection]. 17th Edition. UK Data Service. SN: 8910, DOI: <http://doi.org/10.5255/UKDA-SN-8910-17>



Graph 6: (Data source: UKDS NRM data 2014-2025)⁴⁴

Recommendation

- Further qualitative and quantitative research and analysis is needed to better understand potential reasons for the differences in the outcomes of reconsidered cases for referrals of children and adults.

Nationalities

The table below shows the ten most common nationalities for reconsidered decisions at RG stage in descending order of the number reconsidered decisions with the percentage of positive decisions made following the reconsideration. The top nationalities are generally aligned with the ten most referred nationalities during this period (1st January 2021 – 30th June 2025), 7 of the 10 included here are in the 10 most referred. The differences are that Chinese, Nigerian and Syrian nationals were not among the ten most referred nationalities.

44. Home Office, Modern Slavery Research & Analysis. (2025). National Referral Mechanism and Duty to Notify Statistics, 2014-2025. [data collection]. 17th Edition. UK Data Service. SN: 8910, DOI: <http://doi.org/10.5255/UKDA-SN-8910-17>.

Nationality	Number of RG reconsiderations 1st January 2021 – 30th June 2025	Percentage of reconsiderations resulting in a positive RG decision ⁴⁵	Number of reconsidered RG decisions as a percentage of total number of negative RG decisions
Albanian	760	51%	13%
Vietnamese	239	77%	10%
UK	144	80%	7%
Eritrean	143	89%	7%
Somali	94	89%	18%
Sudanese	77	75%	5%
Indian	63	51%	9%
Chinese	55	77%	10%
Nigerian	46	78%	18%
Syrian	29	76%	6%

Table 3: Top 10 nationalities requesting reconsideration of RG decisions between 1st January 2021 and 30th June 2025 (Data source: UKDS NRM data 2014-2025)⁴⁶

Albanians accounted for most reconsidered decisions but were the joint least likely of these nationalities (with Indians) to receive a positive RG following the reconsideration. However, it is important to note that the total numbers of cases being reconsidered for other nationalities are very small.

This data can be interpreted in different ways. For example, the low rate of positive reconsidered decisions for Albanians may mean that a high proportion of decisions for Albanians are endorsed and verified. However, the data also shows extremely high proportions of reconsidered decisions resulting in a positive decision for some of the most referred nationalities (particularly Somali and Eritrean).

Recommendation

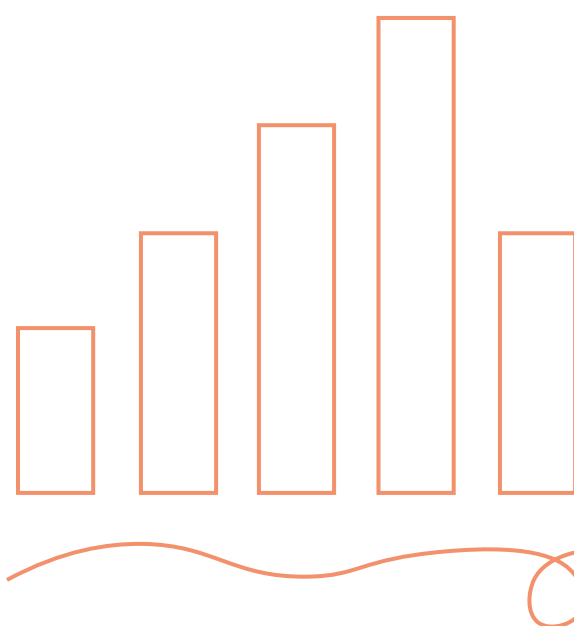
- Further qualitative and quantitative research and analysis is needed to better understand potential reasons for the differences in the outcomes of reconsidered cases for different nationalities.

45. Based on the total number of cases which have current decision status as positive RG or positive CG as a percentage of the total cases which have current decision status as positive or negative RG or positive CG decision.

46. Home Office, Modern Slavery Research & Analysis. (2025). National Referral Mechanism and Duty to Notify Statistics, 2014-2025. [data collection]. 17th Edition. UK Data Service. SN: 8910, DOI: <http://doi.org/10.5255/UKDA-SN-8910-17>

Longer-term outcomes for reconsidered RG decisions

Analysis of the UKDS NRM data on current decision status for this briefing explores the longer-term outcomes for cases which were given a positive RG following a reconsideration of a negative RG decision. This analysis further illustrates the importance that people have appropriate opportunity to have a negative RG decision reconsidered. Of the 2177 reconsideration requests for a negative RG decision, 646 have their current decision status recorded as positive CG compared to 274 which had negative CG as their current decision status. This means the percentage of positive CG decisions made following a reconsidered RG decision was 70%. A further 501 were still waiting for a CG decision.⁴⁷ The difference between an individual having a negative RG decision compared to a positive CG decision is stark. Those persons who were initially excluded from any government funded support for victims of modern slavery were then able to access that support and then given formal recognition as being a survivor of modern slavery with the options that consequently become available.



47. The rest of the cases were either withdrawn or suspended or disqualified after the positive RG decision.

Data on reconsideration requests of Conclusive Grounds decisions and the outcomes of those reconsiderations

There are significantly fewer reconsidered CG decisions than RG decisions. The NRM data shows 966 reconsideration requests for negative CG decisions were made between 1st January 2021 and 30th June 2025, less than half of the 2177 reconsideration requests for an RG decision during that period.

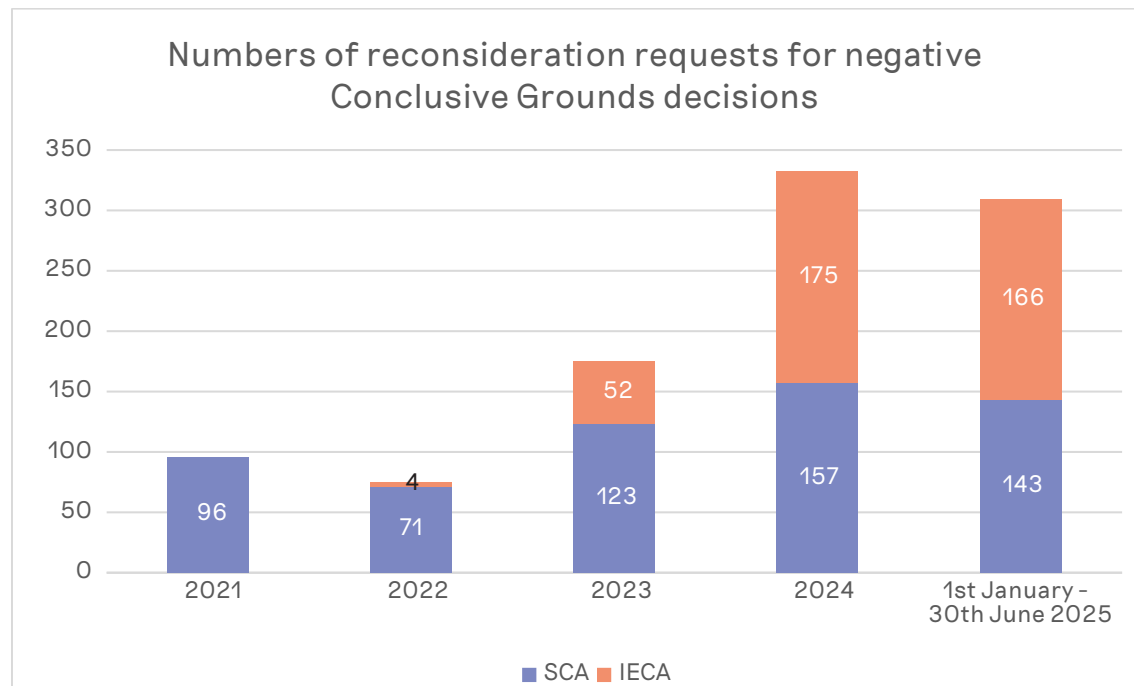
Graph 7 (below) shows the data on the numbers of reconsideration requests for CG decisions per year since 2021. The rise in reconsiderations of these decisions since the end of 2022 follows the significant increase in negative CG decisions (as we also saw in the case of negative RG decisions and reconsiderations). In 2022 only 11% of CG decisions were negative.⁴⁸ Whereas in 2023 and 2024 this was 34%⁴⁹ and 44%⁵⁰ respectively. In 2022 there were just 643 negative CG decisions, this quadrupled to 3208 in 2023. There were 7508 negative decisions in 2024, an increase of more than 1000% on 2022. The increase in reconsidered decisions looks small in comparison, from 75 in 2022 to 332 in 2024 (despite being an increase of more than 340%).

Similarly to RG decisions, there has been a fall in the percentage of negative CG decisions being reconsidered. In 2021 the 94 recorded reconsideration requests for CG decisions represented 39% of the 240 negative CG decisions given that year. For 2022 this was just 12%, falling further to 5% in 2023 and 4% in 2024 and rising to 6% for the first half of 2025. This means that CG decisions are less likely to be reconsidered than RG decisions. The difficulties to request a reconsideration and the limited capacities of organisations and individuals available to support people previously discussed in the context of RG reconsiderations apply here also.

48. <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022>

49. <https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-end-of-year-summary-2023/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2023>

50. [https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-end-of-year-summary-2024/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2024#:~:text=In%202024%2C%20the%20NRM%20received,the%20previous%20year%20\(16%2C990\).](https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-end-of-year-summary-2024/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2024#:~:text=In%202024%2C%20the%20NRM%20received,the%20previous%20year%20(16%2C990).)



Graph 7: (Data source: Home Office UK NRM statistics Q2 2025)⁵¹

The IECA was not established until November 2021 and only made its first CG decisions in the first quarter of 2022 which explains why there were no reconsidered decisions for the IECA in 2021 and such a small number for 2022. However, the graph shows that in 2024 and the first half of 2025 there were more reconsideration requests for negative CG decisions made by the IECA than the SCA.

In contrast to the IECA being overrepresented in reconsidered RG decisions it has historically been underrepresented in reconsidered CG decisions, but that appears to be changing. Table 4 (below) shows the percentages of all negative CG decisions made by the competent authorities and the percentage of all reconsiderations made by each of them. The table shows that that in 2022 and 2023 the IECA was underrepresented in the reconsiderations and there was parity in 2024. However, the first half of 2025 shows it was overrepresented for the first time. Whereas the IECA made just over a third (30%) more than half (54%) of reconsidered CG decisions were made by the IECA. In comparison the SCA was overrepresented in 2022 and 2023 among reconsideration requests for CG decisions with parity in 2024. However, in the first half of 2025 it was underrepresented which overlapped with it making a record numbers of negative CG decisions in the first half of 2025.

51. <https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-april-to-june-2025/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-quarter-2-2025-april-to-june>

Year	Percentage of reconsideration requests for CG decisions made by the SCA	Percentage of the total number of negative Conclusive Grounds decisions made by the SCA	Percentage of reconsideration requests for CG decisions made by the IECA	Percentage of the total number of negative Conclusive Grounds decisions made by the IECA
2021	100%	100%	0%	0%
2022	95%	88%	5%	12%
2023	70%	56%	30%	44%
2024	47%	46%	53%	54%
1st January – 30th June 2025	46%	70%	54%	30%

Table 4: Percentages of all negative CG decisions made by the SCA and IECA and percentages of all reconsiderations for CG decisions made by the SCA and IECA (Data source: UKDS NRM data 2014-2025)⁵²

Age at referral and gender

Unlike at RG stage, males are slightly underrepresented for reconsidered CG stages compared to negative CG decisions made for males. Whereas 77% of negative CG decisions between 1st January 2021 and 30th June 2025 went to males they represented 70% of reconsiderations of such decisions.

While there was almost complete parity at RG stage the analysis for this briefing finds that people referred to the NRM as children were slightly underrepresented in reconsiderations at CG stage. 20% of negative CG decisions between 1st January 2021 and 30th June 2025 went to children but only 13% of the reconsideration requests for CG decisions were for people referred as children.

Outcomes of the reconsidered CG decisions:

The analysis of the reconsidered CG decisions identifies the same patterns found in the analysis of the reconsidered RG decisions. The analysis is illustrated in graph 8 (below).

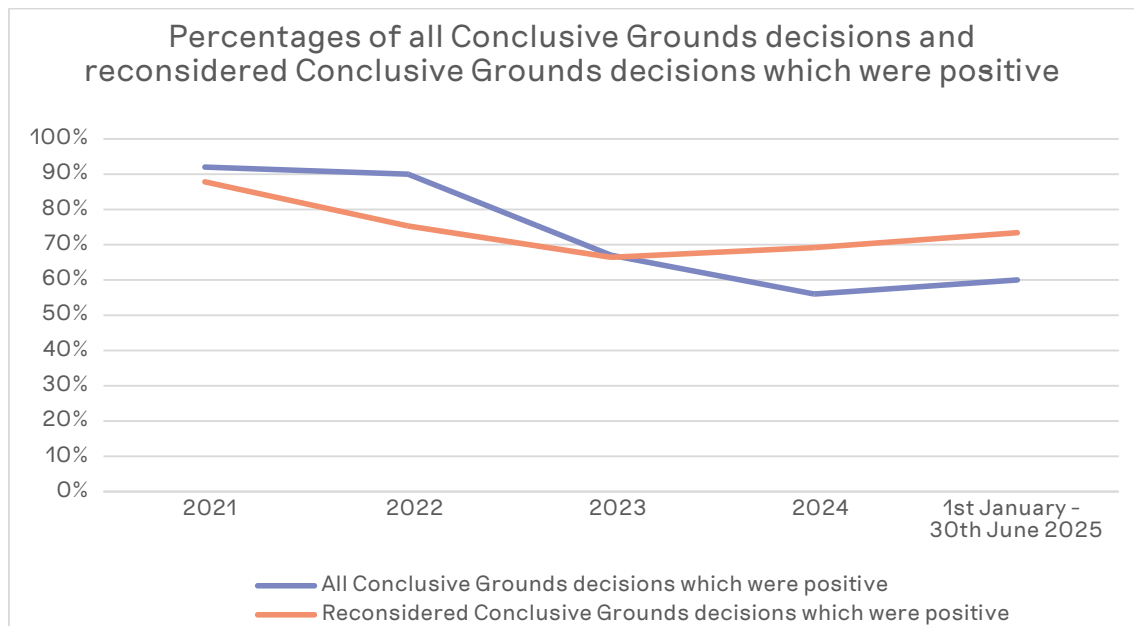
52. Home Office, Modern Slavery Research & Analysis. (2025). National Referral Mechanism and Duty to Notify Statistics, 2014-2025. [data collection]. 17th Edition. UK Data Service. SN: 8910, DOI: <http://doi.org/10.5255/UKDA-SN-8910-17>

The percentages of reconsidered CG decisions which were positive were lower than all CG decisions in the first years that data is available for due to the extremely high percentage of positive decisions between 2021-2022. However, in 2024 and the first half of 2025 the percentage of reconsidered CG decisions which were positive were higher than the percentage of all CG decisions which were positive.

More data on the reasons for negative decisions which are reconsidered could improve understanding of factors for a high percentage of reconsidered decisions being positive. Cases in the UKDS NRM data where a negative CG decision is reconsidered and the new decision is positive do not provide the reason for the original negative CG decision. The first briefing in this series highlighted the significant numbers of negative CG decisions due to insufficient information to meet the standard of proof required. If data was available on the reasons, it would be possible to see how many of the reconsideration requests for negative decisions for that reason were later given a positive CG decision, which would suggest that information did become available. There are significant impacts for individuals who lose their entitlements under ECAT when they receive a negative decision. Improving understanding of the outcomes for cases initially refused on grounds of credibility or for not having met the definition would also provide new insights that could be used to inform policy changes to help improve the quality of initial decision making which could mean there would be less reconsideration requests submitted in the future and fewer people affected by the consequences.

Recommendation

- If such data exists the Home Office should consider exploring the possibility to add a column to the UKDS NRM dataset which show the reason for an initial negative CG decision as well as the final CG decision when a reconsideration request has been made. This would improve understanding about the types of cases being successfully reconsidered. For example, it could show how many people given a negative decision due to insufficient information received a positive decision following a reconsideration request.



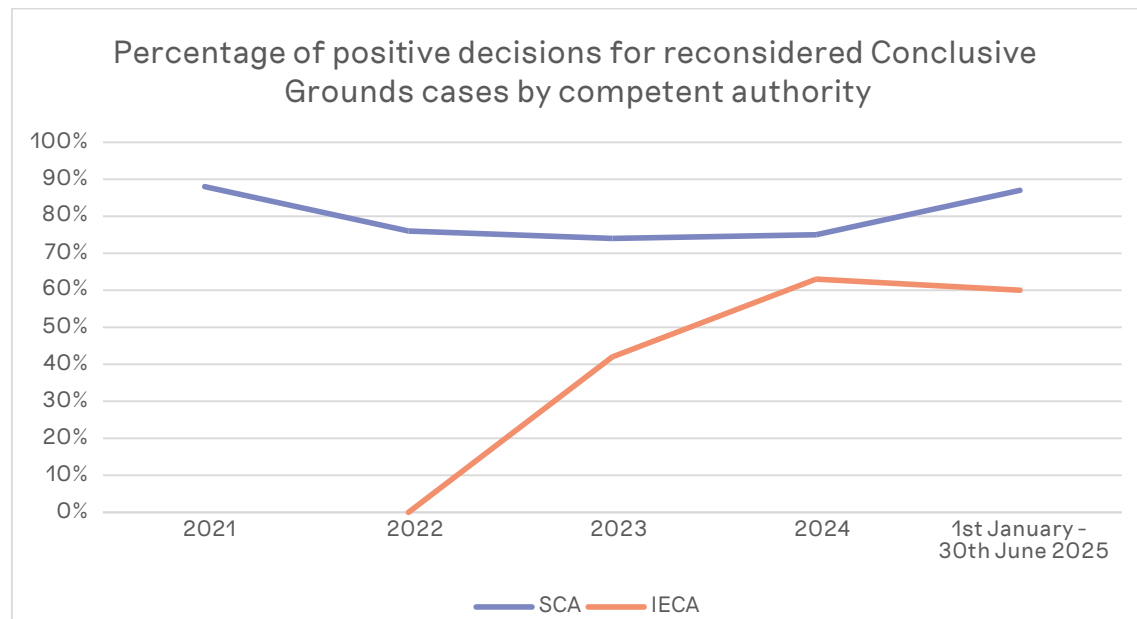
Graph 8: (Data source: UKDS NRM data 2014-2025)⁵³

Competent authorities

There has been much attention on the lower rates of positive CG decisions made by the IECA compared to the SCA and discussion on the potential factors which may impact on those variations.⁵⁴ However, this data shows that negative CG decisions made by the SCA are more likely to be overturned than negative decisions made by the IECA.

53. Home Office, Modern Slavery Research & Analysis. (2025). National Referral Mechanism and Duty to Notify Statistics, 2014-2025. [data collection]. 17th Edition. UK Data Service. SN: 8910, DOI: <http://doi.org/10.5255/UKDA-SN-8910-17>.

54. See https://assets.publishing.service.gov.uk/media/67586ee0f8e28262d63bfa7d/An_inspection_of_the_Immigration_Enforcement_Competent_Authority_January_June_2024.pdf and https://www.biicl.org/documents/183_naba_report_biicl_branding_final.pdf



Graph 9: (Data source: Home Office UK NRM statistics Q2 2025)^{55,56}

The two most important takeaways from the overall extremely high rate of negative CG decisions which are overturned are the need to have sufficient quality assurance measures for initial decision making and the necessity of introducing reforms to the policy and practice for having negative decisions reconsidered.

Recommendation

- The Home Office should consider re-establishing Multi-Agency Assurance Panels (in an updated form) to review negative CG decisions to strengthen the quality assurance of decision-making by both competent authorities.

Nationalities

With only 996 cases of reconsideration requests for CG decisions between 1st January 2021 and 30th June 2025 there is less value in conducting the same analysis of the same top 10 nationalities identified at RG stage. The three most common nationalities for reconsidered CG decisions are Albanian (241), Vietnamese (126) and UK (65). The percentage of those reconsidered CG decisions which are positive are 59%, 66% and 93%.

55. <https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-april-to-june-2025#documents>

56. There was only one reconsidered Conclusive Grounds decision made by the IECA in 2022 and the outcome was negative which is why the percentage is zero.

Recommendation

- Further qualitative and quantitative research and analysis is needed to better understand potential reasons for the differences in the outcomes of reconsidered cases for different nationalities.

First responders

The three first responders with the most referrals given negative CG decisions between Q1 2021 – Q2 2025 are the same at RG stage; in descending order these are:

- Home Office Immigration Enforcement – 35% of cases given negative CG
- UKVI – 21% of cases given negative CG
- Local Authority – 15% of cases given negative CG

Home Office Immigration Enforcement and Local Authority were both slightly underrepresented among reconsidered CG decisions at 26% and 10% respectively. In contrast Home Office UK Visas and Immigration was slightly overrepresented for reconsidered CG. 27% of reconsidered CG decisions were referred to the NRM by this first responder. The situation for the two Home Office first responders matches the situation at RG stage..

Age at referral

The outcomes for reconsidered CG decisions by age at referral and gender follow the same patterns as at RG stage.

Of the 966 reconsiderations requests for negative CG decisions between 1st January 2021 and 30th June 2025, 838 had a current decision status of positive or negative CG decision. 90% of the decisions were positive for referrals of children compared to only 69% for adults. The briefing does not provide breakdown of these rates per year given the small numbers of cases referred as children involving (just over 100 across the four-and-a-half-year period). Further analysis and evidence are needed to understand why such a high proportion of reconsiderations for children resulted in a positive decision.

Recommendation

- Further qualitative and quantitative research and analysis is needed to better understand potential reasons for the differences in the outcomes of reconsidered cases for referrals of children and adults.

Gender

Of the 966 cases with a reconsideration request for a negative CG decision the percentage of females with a current decision status of positive CG was higher than for males, as was the case at RG stage. Although the gap between the percentage of positive decisions here was smaller. For female cases 198 had the current decision status “positive CG” while 52 had “negative CG”, meaning 79% were positive. In comparison 402 males had “positive CG” and 186 had “negative CG”, meaning 68% were positive. The briefing does not provide breakdown of these rates per year given the small number of females (250 across the period).

Recommendation

Further qualitative and quantitative research and analysis is needed to better understand potential reasons for the differences in the outcomes of reconsidered cases for male and female referrals.

Cases given a second ‘Second chance’

Analysis of the UKDS NRM data identifies a very small number of people (58) who had reconsideration requests for both a negative RG and negative CG decision. Those cases represent 3% of people who received a positive RG decision following reconsideration. Analysis of the current decision status suggests that more than half of the cases which had reconsideration requests at both stages ultimately received a positive CG decision. Of the 58 cases, 31 had “positive CG” as their current decision status.

Data showing reconsiderations of disqualifications

Analysis of the public NRM data for this briefing initially identified what appeared to be a significant disconnection between policy and practice on reconsiderations of disqualifications which has not previously been discussed or explained elsewhere.

The Statutory Guidance states clearly that reconsiderations are not permitted for decisions regarding disqualifications,

“The reconsiderations policy set out in this guidance is not applicable to disqualification decisions made on the grounds of public order or bad faith or re-trafficking assessments. There is no ability for individuals to appeal the Public Order Disqualification decision or a re-trafficking assessment.”
[emphasis added]⁵⁷

The Statutory Guidance also highlights that there is “no right to a reconsideration of the additional recovery period decision” but specifies that judicial review is the only way to challenge such a decision.⁵⁸ In contrast there is no reference to the possible use of judicial review to challenge a public order or bad faith disqualification.

Despite the Statutory Guidance explicitly ruling out reconsiderations for disqualifications and making no reference to the possibility of judicial review to challenge disqualifications, the publicly available NRM data shows that data on reconsidered disqualifications is both collected and that disqualifications have been reconsidered. The NRM statistics for Quarter 2, 2025, published by the Home Office shows a total of twenty-two reconsiderations for disqualifications.⁵⁹

Through communication with the Home Office, it is now understood that there have not been any reconsiderations of disqualifications. The data on reconsiderations of disqualifications are actually cases of Pre-Action Protocol

57. See 14.289 of Modern Slavery Act Statutory Guidance <https://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims/modern-slavery-statutory-guidance-for-england-and-wales-under-s49-of-the-modern-slavery-act-2015-and-non-statutory-guidance-for-scotland-and-northe>

58. See 14.118 and 14.119 of the Modern Slavery Act Statutory Guidance <https://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims/modern-slavery-statutory-guidance-for-england-and-wales-under-s49-of-the-modern-slavery-act-2015-and-non-statutory-guidance-for-scotland-and-northe>

59. <https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-april-to-june-2025/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-quarter-2-2025-april-to-june>

(PAP) or judicial reviews which have been incorrectly recorded. The NRM statistics for Quarter 3, 2025⁶⁰ do not include any data about reconsiderations of disqualifications.

This briefing has previously discussed the absence of recent data on the use of judicial review for challenging NRM decisions. The understanding that data on reconsideration requests for disqualification shows cases of judicial reviews of those decisions suggests that the Home Office does record cases of judicial reviews of NRM decisions in the NRM database.

It appears from the Home Office data that options are available for people to attempt to challenge a disqualification from the NRM and that these can result in a disqualification being overturned. However, the Statutory Guidance does not provide any indication to an individual or someone representing them that they have the possibility of challenging a disqualification. If such persons are not cognisant of the possibility of challenging a disqualification, then they would be unlikely to attempt to do so.

Recommendations

- The Home Office should consider revising the Statutory Guidance to acknowledge that judicial reviews and pre-action-protocols may be used to challenge disqualifications from the NRM (which it acknowledges can be used in the case of decisions for an additional recovery period).
- The Home Office should consider publishing data on judicial reviews and pre-action-protocols for decisions from the NRM.

60. <https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-july-to-september-2025/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-quarter-3-2025-july-to-september>

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