

Assessing the Modern Slavery Impacts of the Nationality and Borders Act: One Year On

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Executive Summary

This is a summary of the report 'Assessing the Modern Slavery Impacts of the Nationality and Borders Act 2022: One Year On', based on research conducted by the British Institute of International and Comparative Law (BIICL) in partnership with the Human Trafficking Foundation (HTF) and the Anti-Trafficking Monitoring Group (ATMG). The project was funded by the Modern Slavery and Human Rights Policy and Evidence Centre (Modern Slavery PEC) through its Commissioned Research mechanism. The Modern Slavery and Human Rights Policy and Evidence Centre is funded by the Arts and Humanities Research Council (AHRC), part of UK Research and Innovation (UKRI). The views expressed in the summary and the full report are those of the authors and not necessarily of the Modern Slavery PEC or AHRC. The full report can be accessed on the BIICL website at: www.biicl.org/publications/assessing-the-modern-slavery-impacts-of-the-nationality-and-borders-act.

Background

The Nationality and Borders Act ("NABA") passed into law in April 2022, introducing sweeping changes to British immigration, asylum, nationality, and modern slavery laws. Most of the NABA's provisions related to modern slavery (contained in Part 5 of the Act) entered into force on 30 January 2023, and were implemented on the same day through amendments to the Modern Slavery Statutory Guidance ("Statutory Guidance"), specifically in relation to:

- the definition of a ‘Reasonable Grounds’ decision (i.e., how to formally determine whether an individual is a ‘potential victim of slavery or human trafficking’);
- the definitions of ‘victims of trafficking’ and ‘victims of slavery’ (reflecting the 2022 Regulations adopted under section 69 of the Act);
- the entitlement to (additional) recovery periods;
- the possibility of disqualification from protection on grounds of ‘public order’ and ‘bad faith’.

These measures have been accompanied by corresponding changes to the National Referral Mechanism (“NRM”) online referral form and prompt sheet. Section 65 of NABA, meanwhile, has been implemented through the adoption of separate guidance on ‘Temporary permission to stay for victims of human trafficking and slavery’ (originally published on 30 January 2023).

Aims and methodology

The aim of this research was to examine and articulate the impacts of the NABA 2022 on the identification and wellbeing of people with lived experience of modern slavery, while also considering whether these impacts have been in line with the stated policy objectives of the legislation. In addition, it sought to analyse the impacts of the operationalised NABA measures on organisations working in the modern slavery sector. Given the timing of this report, the analysis is restricted to the impacts of Part 5 of NABA in the year following its implementation (covering the period from the first quarter of 2023, when most of the key provision entered into force, up to the fourth quarter of 2023).

To address the research questions, the project team deployed a mixed-methods approach consisting of desk research, a survey (distributed UK-wide to staff of anti-modern slavery NGOs, statutory and non-statutory First Responder Organisations, healthcare workers, and legal practitioners), focus groups and individual interviews with stakeholders from across the UK (including members of statutory and civil society organisations, as well as people with lived experience of modern slavery), and an extensive analysis of publicly available data published by the Home Office (until Q4-23). The project team received 39 responses to the survey and engaged 44 participants through focus groups and interviews (12 of whom were people with lived experience of modern slavery).

Key findings

Impacts on decision-making

- NABA and the associated changes to the Statutory Guidance have coincided with a significant decrease in the rate of positive decisions within the NRM at the Reasonable Grounds (“RG”) stage. This decrease has been particularly sharp in respect to three types of referrals: adult referrals, referrals concerning Albanian nationals, and referrals for which the Immigration Enforcement Competent Authority (“IECA”) has been deemed responsible. In parallel, the operationalisation of NABA has caused significant delays in rendering decisions at the RG stage (from a median time of 5-6 days prior to 2023 to as high as 47 days in Q3-23).

- Research participants resoundingly expressed the belief that the elevated evidentiary requirements introduced in January 2023 had resulted in very significant numbers of persons with lived experience of modern slavery being denied identification and support through the NRM and was not an effective way of meeting the stated aims of the policy – namely, to address alleged ‘abuse’ of the NRM. In addition, they indicated that, despite the withdrawal of the ‘objective factors’ test from the Statutory Guidance in July 2023, decision-makers continue to deliver negative RG decisions owing to a lack of evidence.
- Public Order Disqualifications (“POD”) have disproportionately affected people whose experience of modern slavery included an element of forced criminality (70% of all POD decisions), as well as Albanian nationals (70% of PODs, despite representing approximately 25% of all NRM referrals), and people originally referred into the NRM by the Home Office Immigration Enforcement (74% of PODs). These trends are cause for serious concern, highlighting a disturbing nexus between gender, nationality, and immigration status when it comes to disqualifying individuals on grounds of public order that closely resembles the profiles most affected by the fall in positive recognition rates within the NRM.

Impacts on people with lived experience of modern slavery

- The clearest impacts of the operationalised NABA measures have been the exclusion of people with lived experience of modern slavery from the statutory support provided within the NRM mechanism and, for those with a pending asylum claim based on a fear of re-trafficking or exploitation on return, the risk of their application being certified as ‘clearly unfounded’.
- NABA measures have also had lasting impacts on the mental health of people with lived experience of modern slavery – both due to the impact of the measures on the operation of the system, and as a result of the broader discourse that has accompanied the adoption of this legislation.
- Stakeholders voiced concerns that increasing numbers of individuals would be ‘driven underground’ by the changes, meaning that they would be absent from the NRM and DtN statistics altogether.

Impacts on organisations in the modern slavery sector

- Almost all research participants from the broader sector agreed that the changes have caused considerable uncertainty and confusion in the performance of their duties, especially due to a failure by the Home Office to officially communicate the changes ahead of time, or in some cases even after the changes had come into effect, as well as due to the lack of meaningful consultation and strategic planning around the changes.
- The changes introduced by NABA have exacerbated pre-existing issues regarding access to legal advice for people with lived experience of modern slavery on account of the increased of the demand for representation, but also the increased complexity of cases.

The combined effects of the NABA changes in terms of increased uncertainty, the added pressure place on organisations' capacity, and the distress caused to service users, were all reported to have taken a major toll on the mental health of staff working in this area.

Key recommendations

Based on the findings of the project, the research team makes recommendations to Parliamentarians, to the Home Office, and to the modern slavery sector. These are to be understood as *mitigating* recommendations: in light of the findings of the report, the only *remedial* recommendation would be to repeal Part 5 of NABA and to put in place a non-discriminatory, evidence-based, and international law-compliant set of measures to tackle modern slavery and ensure protection for people with lived experience of exploitation.

1. To Parliamentarians

- Revisit and amend relevant provisions of NABA (and implementing measures) to ensure compliance with the UK's international obligations and alignment with best practice. Ensure that all stakeholders, including people with experience of modern slavery, are consulted as part of the process of reviewing the Act and its impacts.
- Avoid stigmatising language in all communications around modern slavery. Special attention should be paid to ensuring that claims around modern slavery – for instance, in relation to alleged 'abuse' of the NRM system – are clearly supported by publicly accessible data. Consider processes for examining explicit and implicit biases in policy and decision-making at all levels.

2. To the Home Office

- Ensure that any changes to modern slavery policy, including changes to the online referral form and Statutory Guidance, are effectively communicated to First Responder Organisations and other relevant stakeholders, allowing them time to prepare appropriately before the changes come into effect.
- Ensure compliance with international legal obligations in the development of legislation and policy, including through an in-depth, transparent and open impact assessment ahead of the formalisation of proposals.
- Ensure the fairness of the decision-making process, including through regular reviews of data around NRM outcomes, disqualification, and VTS decisions by nationality, age, gender, and exploitation type. Special attention should be paid to ensuring that policies are not themselves discriminatory, nor implemented in a discriminatory manner. An important step towards ensuring the fairness of decision-making would be the re-establishment of a Single Competent Authority.

3. To the modern slavery sector

- Provide ongoing support to staff within their organisations, including necessary psycho-social support, in recognition of the nature of the work and the possibility of burnout, secondary

trauma, and related issues.

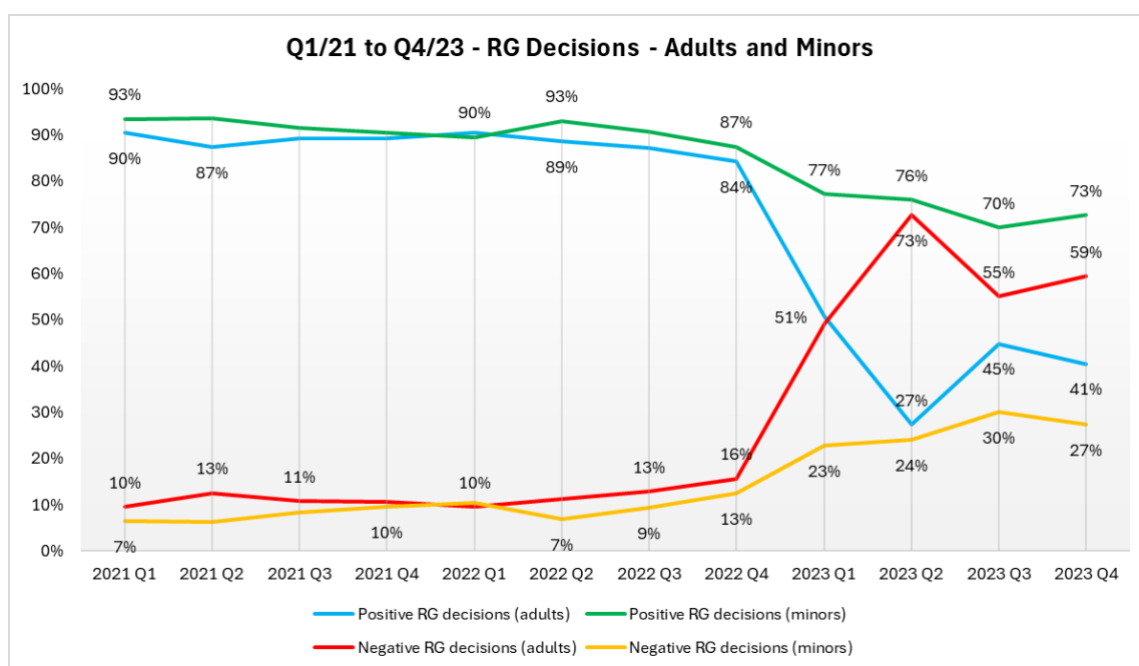
- Document and publish the impacts of policy measures, including NABA and implementing instruments, on sector staff and on people with lived experience of modern slavery, thereby contributing to the knowledge base around the impact(s) of such measures.

Findings

Impacts on decision-making

1. The research revealed that NABA and the associated changes to the Statutory Guidance have coincided with a significant decrease in the rate of positive decisions within the NRM at the Reasonable Grounds (“RG”) stage. This trend has been particularly extreme for specific groups of foreign nationals subject to immigration control (such as foreign national offenders and immigration detainees), as well as for certain nationalities. Some exploitation types have also been more affected than others.

- Our analysis of publicly available NRM data highlights a drastic decrease in positive RG decisions for adults following the changes to the Statutory Guidance in January 2023, from 84% (Q4-22) to 41% (Q4-23), falling as low as 27% in Q2-23, and a significant one for minors (at the time of exploitation), from 93% (Q2-22) to 73% (Q4-23), with Q3-23 marking the lowest rate across this period (70%). Figure 1 below depicts these changes over time:



- The general trend in the declining rate of positive RG decisions since January 2023 is observable across both Competent Authorities. Yet, the declining trend is considerably more pronounced within the Immigration Enforcement Competent Authority (“IECA”) – which deals with cases involving adult Foreign National Offenders (“FNOs”) and adults detained in Immigration Removal Centres (“IRCs”) – than it has been within the Single Competent Authority (SCA), which deals with all other cases. Within the IECA, the ratio of positive RG decisions plummeted from above 90% in each quarter of 2022, including Q4-22, to as low as

7% in Q2-23.¹

- While the ratio of positive RG decisions decreased for all nationalities after Q4-22, changes in the recognition rate for certain nationalities have been particularly significant. For Albanian nationals, the ratio of positive RG decisions fell from more than 90% in each quarter of 2022 to 31% in Q4-23, with an all-time low of 15% in Q2-23. Similar drops were recorded for Sudanese (89% to 60%, 28%), Eritrean (89% to 58%, 31%), and Vietnamese (88% to 60%, 48%) nationals across the same period. By contrast, the ratio of positive RG decisions for British nationals decreased in a much more limited manner. Combining nationality and gender, the most impacted profile has been that of Albanian males (positive RG decisions as low as 9% in Q2-23), while the least impacted profile has been that of British females.
- When looking at exploitation type, labour exploitation referrals have been the most impacted, with positive RG decisions decreasing from 94% in Q2-22 to 41% in Q4-23, followed by labour and criminal (as a mixed form of exploitation). Less severe has been the decrease in positive RG decisions for criminal and sexual exploitation.

2. Research participants from statutory and non-statutory organisations suggested that the decrease in the rate of positive RG decisions was directly linked to the elevated evidentiary requirements introduced through the January 2023 Statutory Guidance. They also resoundingly expressed the belief that the elevated evidentiary requirements had resulted in very significant numbers of persons with lived experience of modern slavery being denied identification and support through the NRM.

- Research participants highlighted that it is very difficult for people with lived experience of modern slavery to adduce substantial evidence at the RG stage (when they are likely to be in a situation of vulnerability and instability), and that these challenges are often exacerbated in the case of foreign nationals, especially when the exploitation occurred (in whole or in part) outside of the UK. For these reasons, imposing a higher evidentiary requirement was not considered an effective way of meeting the stated aims of the policy – namely, to address alleged ‘abuse’ of the NRM.
- Concerningly, several individuals consulted over the course of the study indicated that, despite the withdrawal of the ‘objective factors’ test from the Statutory Guidance in July 2023, decision-makers continue to deliver negative RG decisions owing to a lack of evidence. This is

¹ The IECA is responsible for a specific cohort of adult cases, namely individuals who fall within the following categories at the point of referral into the NRM:

- 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;
- and all individuals in the Third Country Unit (TCU)/inadmissible process irrespective of whether detained or non-detained.

supported by the fact that, in Q3- and Q4-23, the rate of positive RG decisions has stabilised at a considerably lower rate than prior to Q1-23, particularly for adults. This suggests that the changes introduced to the evidentiary requirements for making an RG decision are yet to be fully reversed.

3. Despite commitments to speeding up the decision-making process within the NRM, the operationalisation of NABA through the Statutory Guidance has caused significant delays in rendering decisions at the RG stage. While, prior to 2023, the median time between an NRM referral and RG decision oscillated between 5 and 6 days, this peaked at 47 days in Q3-23.

- Research participants attributed these delays to the increased 'back-and-forth' between First Responders and the Competent Authorities as a result of the elevated evidentiary requirements. Again, it was emphasised that these impacts are yet to be reversed by the July 2023 amendments.
- Participants also noted that the changes introduced by NABA have in many cases also increased the time it takes to submit NRM referrals in the first place, both due to the greater evidence-gathering requirements, and greater hesitation among First Responders around when to do so – an additional delay that would not be captured in the statistics.

4. The ratio of positive decisions at the Conclusive Grounds stage has also changed – though this has been less statistically significant than the changes at RG stage. Nonetheless, exploring the CG data in terms of nationality, gender, and type of exploitation reveals similar trends and patterns to those the rate of RG decisions over the same period. This is despite the fact that decision-making at the CG stage has not been amended under NABA or under the Statutory Guidance.

- While positive CG decisions were stable at around 90% on average in 2021 and 2022, the ratio dropped to an average of 68% in 2023. As in the case of RG decisions, the drop has been much more significant for adults (from an average of 86% to an average of 60%) than it has been for minors (from an average of 95% to an average of 81%). In Q4-23, for the first time in the history of the NRM, the number of negative CG decisions was higher than that of positive CG decisions.
- Between Q3-21 and Q4-23, out of 18,247 CG decisions, 11,732 were made with respect to Albanian (6,658) and British (5,074) nationals – equal to 64% of all CG decisions. While the number of decisions on British nationals per quarter has remained fairly stable (around 535 CG decisions per quarter), the number of decisions on Albanian nationals increased significantly from Q4-22 (514 decisions) to Q3-23 (1,214 decisions) and Q4-24 (1,199 decisions). This reflects the most recent version of the Statutory Guidance, which recognises that 'Albanian national potential victims' constitute a priority group for decision-making at the CG stage. While the ratio of positive CG decisions was similar for Albanian and British nationals in Q3-22 (88% for Albanian nationals, 93% for British nationals) and in Q4-22 (77% compared to 88%), that ratio has significantly differed in Q3-23 (55% for Albanian nationals, 77% for British nationals) and even more so in Q4-23 (42% compared to 84%).

- As in the case of RG decisions, there are significant differences between the SCA and the IECA. Positive CG decisions taken by the SCA dropped from almost 90% in Q4- 22 to 71% in Q4-23. Positive CG decisions taken by IECA, meanwhile, decreased from around 90% on average in 2022 to 24% in Q3-23 and 27% in Q4-23. Within the IECA, Albanians were vastly over-represented, with 1,914 CG decisions between Q1-22 and Q4-23 – compared to 121 decisions for Eritrean nationals, the second most represented nationality. Concerns arise when noting the decreasing trend of positive CG decisions issued by the IECA for Albanian nationals, from an average of 83% in 2022 to an average of 21% in 2023.

5. Research participants also noted a significant drop in the quality and consistency of decisions delivered by the Competent Authorities since the adoption of the Statutory Guidance in January 2023. Connected to this, they also reported relying much more on reconsideration requests to overturn decisions that were negative on first instance, especially at the RG stage.

- Research participants highlighted that the changes introduced to implement NABA exacerbated many of the pre-existing problems surrounding consistency in decision-making, particularly through uneven application of the new evidentiary requirements. Beyond issues relating to the evidentiary threshold, some research participants also described what they perceived to be a broader ‘culture change’ in how decisions have been made by the Competent Authorities over the past year, noting the emergence of a general climate of mistrust towards individuals going through the NRM system.
- The data shows that the total number of RG decisions overturned at the RG increased dramatically in Q3-23 and Q4-23. Significantly, the rate of success of these requests varies between the SCA and the IECA. In 2023, both Competent Authorities decided a similar number of reconsiderations at the RG stage (335 for the SCA, and 328 for the IECA). However, while the SCA decided 68% of reconsideration decisions positively, over the same period, the rate of positive decisions on RG reconsiderations for the IECA was 52%.
- Regarding reconsiderations of CG decisions, these have, until recently, remained relatively consistent, spiking in the last quarter of 2023. While the SCA and IECA decided a similar number of reconsideration requests in 2023 at the RG stage, this is not the case for CG reconsiderations (the SCA decided 103 cases in total across all four quarters, compared to 35 within the IECA). Although based on a smaller dataset, there continue to be discrepancies in the rate of positive reconsideration requests between the two Competent Authorities at the CG stage, with the SCA deciding 73% of reconsiderations positively, compared to 40% in the case of the IECA.

6. The research noted a disproportionate impact of Public Order Disqualifications (“POD”) on people whose experience of modern slavery included an element of forced criminality, as well as on the profiles most impacted by the decline in the rate of positive decisions at the RG and CG stages since the adoption of the January 2023 Statutory Guidance.

- Out of 330 POD decisions recorded in 2023, 70% concerned individuals who were acknowledged as having an element of criminal exploitation in their case, either on its own

(118 decisions, or 36%), or in combination with labour exploitation (111 decisions, or 34%).

- 99% of all disqualified individuals were male, while 70% were Albanian nationals (who represented approximately 25% of all individuals referred into the NRM over the same period). In addition, most disqualification decisions were taken by the IECA (216 decisions, or 65%), with 74% of decisions (245) relating to referrals originally made by the Home Office Immigration Enforcement (“UKIE”). These trends are cause for serious concern, highlighting a disturbing nexus between gender, nationality, and immigration status when it comes to disqualifying individuals on grounds of public order that closely resembles the profiles most affected by the fall in positive recognition rates within the NRM.
- Concerns were raised by research participants that POD decisions were often based on scant reasoning. It was also highlighted how there is no possibility for affected individuals to formally appeal or request reconsideration of these decisions, leaving judicial review as the only possible recourse to challenge POD decisions. Research participants confirmed that, in the absence of access to legal aid, it is next to impossible to challenge these decisions, while others expressed serious concerns that, in their experience, individuals were frequently detained at the time of the POD decision, making access to legal advice even more difficult.

7. Increased difficulties were identified in securing limited leave to remain for persons with lived experience of modern slavery since the publication of the ‘Temporary Permission to Stay’ Guidance (“VTS Guidance”).

- This was partly understood to be a result of narrowing the grounds for the conferral of leave to remain on the basis of the individual’s needs. However, there was also a general impression that decision-makers within the Home Office have not been engaging meaningfully with the evidence provided for VTS applications and that the reasoning provided in VTS decisions has been inadequate.
- Alongside this, research participants reported seeing negative VTS decisions placing great importance on the fact that the individual had a criminal conviction, even where considerable evidence was provided to substantiate their need for medical treatment in the UK owing to their experience of modern slavery. This raises concerns about access to VTS leave for people with lived experience of forced criminality.
- It has not been possible to test these claims due to the fact that the Home Office has not, to date, published data on the issue of VTS leave.²

² The project team submitted a Freedom of Information request to gather data on VTS decisions over the period analysed in the report. However, the Home Office failed to meet the deadline for providing a full response 20 days after the request (on 12 March 2024) owing to ‘data quality issues’. At the time of publication, this request is still outstanding.

Impacts on people with lived experience of modern slavery

1. Research participants noted that the clearest impact of the measures adopted to operationalise NABA has been the exclusion of people with lived experience of modern slavery from the statutory support provided within the NRM mechanism.

- Research participants noted that an inability to access support vastly increases the risk of homelessness and destitution, together with the likelihood that individuals will remain trapped in their current situation of exploitation, or, if they have already managed to leave this situation, that they will be trafficked and exploited again in the future. It was noted that this will be more acutely felt by people with lived experience of modern slavery who have no other means of accessing social welfare, such as foreign nationals without leave to remain.
- As well as outright exclusion from support, it was noted that the NABA measures have also resulted in many cases in delayed access to support – due to the fact that greater numbers have only been able to receive a positive RG decision upon reconsideration, as well as due to the delay in rendering first instance RG decisions. Research participants explained that, because of delayed access to support, people with lived experience of modern slavery were presenting with greater needs upon entry into their service than they had been prior to the introduction of these measures.

2. Additionally, the changes introduced by NABA were reported as having a significant negative impact on the asylum claims of individuals with lived experience of modern slavery.

- One issue that emerged repeatedly in the research was the fact that, for certain nationalities, a positive NRM decision was often required to ensure that an asylum claim based on a fear of re-trafficking or exploitation on return would not be certified as 'clearly unfounded'. Legal practitioners consulted for the research explained that this was an issue which was particularly prevalent among Albanian nationals, who have been among the most affected by the declining rate in positive NRM decisions since Part 5 of NABA entered into force.
- Another area where NRM decisions were felt to have a strong impact was with respect to unaccompanied children seeking asylum. While research participants generally agreed that recognition as a '(potential) victim' of trafficking or modern slavery through the NRM is less important for children when it comes to accessing support, in terms of asylum outcomes, it was emphasised that a positive decision within the NRM can have a very significant impact regardless of age.

3. Research participants explained that the NABA measures have had lasting impacts on the mental health of people with lived experience of modern slavery – both due to the impact of the measures on the operation of the system, and as a result of the broader discourse that has accompanied the adoption of this legislation.

- One source of distress for the affected individuals was the greater burden of proof at the RG stage, which was reported as having a particularly strong impact on individuals who had

experienced sexual exploitation, given the documented challenges of disclosure faced by this cohort. Research participants also pointed to procedural delays and rejections at the RG stage as being particularly distressing and having lasting impacts on the mental health of those concerned, even where those decisions were overturned upon reconsideration.

- The broader rhetoric around NABA (as well as the Illegal Migration Act) was also reported to have directly impacted the mental health of people with lived experience of modern slavery, creating a sense for many that they were no longer welcome in the country and requiring additional reassurance from support workers.

4. The measures adopted to implement NABA, combined with the broader rhetoric surrounding the Act, have contributed to greater reluctance for people with lived experience of modern slavery to enter the NRM or otherwise approach and engage with the authorities (including in the context of police investigations).

- Research participants noted that there was generally much more hesitation among people with lived experience of modern slavery around being referred into the NRM than before. This was the case even in organisations which have material, psychological and legal support in place to assist with a referral, and which had formerly rarely seen a service user refuse to be referred into the NRM. This is partially supported by the fact that the number of Duty to Notify (“DtN”) reports – that is to say, the number of reports filed on behalf of adults who are suspected to be victims of modern slavery but do not give consent to being referred into the NRM – increased significantly between Q4-22 and Q1-23, and only in Q4-23 returned to pre-NABA levels (around 1,000). It is also true, however, that an analysis of *relative* numbers shows a similar ratio of NRM/DtN between 2022 and 2023 – meaning that adult NRM referrals have increased *at the same rate* as DtN reports.
- A wide range of consulted stakeholders voiced concerns that increasing numbers of individuals would be ‘driven underground’ by the changes introduced to implement Part 5 of NABA, meaning that they would be absent from the NRM and DtN statistics altogether. It is thus noteworthy that the overall numbers of modern slavery-related engagements with First Responders have fallen at several points since the introduction of the NABA measures. While these figures are not adjusted for the possibility of double counting, it is nonetheless revealing that this trend deviates from the steady rise in combined NRM referrals and DtN reports across recent years.
- These findings not only raise serious concerns around the protection of people with lived experience of modern slavery in the UK, but, as several participants noted, also suggest that NABA is undermining efforts to investigate and prosecute perpetrators of modern slavery offences.

Impacts on organisations in the modern slavery sector

1. Almost all research participants from the broader sector agreed that the changes had caused considerable uncertainty and confusion in the performance of their duties.

- A key reason for this, for many stakeholders, was a failure by the Home Office to officially communicate the changes ahead of time, or in some cases even after the changes had come into effect. Other concerns raised included the lack of meaningful consultation and strategic planning around the changes. These issues also had ripple effects, such as creating challenges in the delivery of accurate and up-to-date training to First Responders.

2. The changes introduced by NABA have also required organisations to adapt their operations, with significant implications for their capacity to perform other roles.

- Frontline organisations reported having to make significant changes to their operations to ensure that people with lived experience of modern slavery could access the support they required, with additional pressures reported by NGOs and by local authority staff. NGOs and other stakeholders were required to perform additional tasks to support individuals in meeting the higher evidentiary bar, including requirements of clinical evidence and witness statements.
- The changes introduced by NABA have exacerbated pre-existing issues regarding access to legal advice for people with lived experience of modern slavery. Not only has demand for representation increased with the higher rate of negative NRM decisions, but practitioners also explained that the cases themselves have increased in complexity, limiting the number that they can take on at any one time. Challenges in securing access to legal advice were also reported as having a broader impact on the operations and capacity of frontline organisations.

3. The combined effects of the NABA changes in terms of increased uncertainty, the added pressure placed on organisations' capacity, and the distress caused to service users, were all reported to have taken a major toll on the mental health of staff working in this area.

- As various participants noted, pre-existing challenges in the sector have been exacerbated by the changes introduced by NABA, leaving staff feeling hopeless and compelling them to move into other sectors where they feel that they may be able to achieve positive results for service users. The intensity of what support workers are dealing with was reported as having increased drastically as a result of NABA, resulting in high levels of burnout and staff turnover in the sector.

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