

# Unduly Lenient Sentence Scheme

**The Victims' Commissioner for England and Wales, Claire Waxman OBE, is calling for amendments to the Victims and Courts Bill which seek to improve the awareness of and access to the Unduly Lenient Sentence Scheme for victims of crime.**

The Unduly Lenient Sentence (ULS) scheme allows anyone to ask for certain Crown Court sentences to be reviewed by the Attorney General's Office (AGO) if they think the sentence is too lenient.

Currently, victims have a strict 28-day time limit from the point of sentencing within which they can make an application under the ULS Scheme. This means if a victim is not informed of the scheme within good time and misses the deadline, there is no other mechanism for the victim to challenge the decision, and the sentence is final. Consequently, the victim's voice remains unheard.

[The Victims' Code](#) places responsibility for informing victims about the ULS scheme on Witness Care Units (WCUs). For bereaved families entitled to [the Crown Prosecution Service \(CPS\) bereaved families' scheme](#), the CPS - where possible through the prosecutor - and the trial advocate should meet the family at court following sentencing if they attended the hearing and inform them about the ULS scheme, where appropriate. **However, evidence from victims and bereaved families shows this often does not happen, with many only learning about the scheme when it is too late to apply.**

Offenders have 28 days to appeal their sentence; however, they are able to appeal outside of the 28-day timeframe in extenuating circumstances. Offenders also have post-sentence meetings with their legal representative, where they will have the right to appeal explained to them and discussed. No similar meeting is offered to the victim or their family.

The Victims and Courts Bill introduces changes to the ULS scheme that give the Attorney General's Office an additional 14 days to review applications. **While this is positive, this does not benefit victims, who must still submit applications within the existing 28-day deadline.**

Calls to extend this deadline for victims have previously been met with the government emphasising the importance of finality in sentencing for offenders. Yet, for victims, there is currently no such finality. Offenders have considerable flexibility to appeal their sentence, with cases shared with the Victims' Commissioner in which an appeal has been lodged more than 180 days after sentencing, creating a structural imbalance and a clear disparity between the rights of victims and offenders. (See court of appeal case examples further below).

The Government has also cited the ongoing Law Commission review of criminal appeals as a reason for not progressing measures to achieve parity for victims. Yet the review only consulted on whether to extend the scheme to cases involving death by dangerous driving and animal cruelty offences. This does not address the issues victims face within the ULS scheme in relation to restrictive time limits and failures to notify victims, which leads to a lack of awareness and missed opportunities to apply.

Moreover, the Government has already agreed changes to the magistrates' court appeals process ahead of the Law Commission's review being published, and, as noted above, is extending the Attorney General's review period for the ULS scheme. This makes clear that when action is necessary, the review does not prevent the Government from implementing reform.

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This Bill therefore offers a critical opportunity that cannot be missed to align victims' rights with those of offenders and address gaps that have hindered victims' ability to challenge decisions affecting them. Additionally, with significant sentencing reforms underway, strengthening the ULS scheme is essential to ensure victims retain a clear route to challenge sentences and have their voices heard.

### Tracey Hanson's Story

This issue was first brought to Claire Waxman's attention when she met with Tracey Hanson, a bereaved mother who had been let down by the justice system. They have worked closely on this issue ever since.

Tracey's son, Josh Hanson was tragically murdered in 2015. The offender absconded, resulting in an international manhunt. Following 3 years on the run, the offender was finally caught and sentenced in 2019 to prison for a minimum of 26 years.

Tracey was left angry at a sentence that she felt did not reflect the loss of a life, the harm and distress caused to her family and the resources wasted in tracking the offender. Despite making clear her frustrations with the sentence, no agency made Tracey aware that she was able to refer the case under the ULS Scheme,

It was only when Claire Waxman spoke with her on the 28th day following the sentence that Tracey was made aware of the scheme. Unfortunately, this was the last day she was able to lodge a complaint.

Tracey immediately submitted her application to the Attorney General's office on the 28th day, however this was rejected for being 'outside of court hours'. At the time, there was no mention of court hours within the Victims' Code or on the Government website.

Tracey has since campaigned for reform to the ULS Scheme, pushing for the 28-day time limit to be extended in exceptional circumstance (such as when a victim is not informed), and pushing for victims to be notified of their right to apply to the scheme.

Extensive reporting has been done on Tracey's story, including in [My London](#), [the Mirror](#), [the Telegraph](#), and others.

### The proposal

To ensure the Unduly Lenient Sentence (ULS) Scheme works effectively for victims and provides parity with the mechanisms available to offenders post-sentence, Claire Waxman OBE has worked with Tracey Hanson to call for:

- **A statutory duty on a government department nominated by the secretary of state** to inform victims and bereaved families of their right to appeal under the ULS scheme, before or at the time of sentencing, mirroring the notification afforded to offenders.
- **An extension of the 28-day timeframe in exceptional circumstances**, so that victims who were not informed of the scheme can still access it.

### How this will improve victim's experiences

Although the Unduly Lenient Sentence (ULS) scheme has existed since 1988, awareness remains very low. Most victims and their families do not know they can challenge a sentence, while it is widely understood that offenders can appeal if they believe their sentence is too harsh. This lack of awareness

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often means victims learn about the scheme too late and lose their right to apply—leaving them feeling secondary to the offender and undermining confidence in the justice system.

These amendments will help address this by clearly defining who is responsible for informing victims about the Scheme, reinforcing agencies' obligations under the Victims' Code, and ensuring victims are not left in the dark until it is too late.

The amendments will also ensure that, in cases like Tracey Hanson's, where victims were not informed, their voice can still be heard by extending the deadline in exceptional circumstances. This provides reassurance that the justice system values and respects victims' voices.

## The Victims and Courts Bill

These calls were previously raised in Parliament during the passage of the Victims and Prisoners Act. The amendments received cross-party support during [report stage at the House of Lords](#), and received a tie in votes, highlighting the concern across the chamber.

The Victims and Courts Bill presents a further opportunity to reform the ULS Scheme, bringing parity to the rights of the victim with the rights of the offender and ensuring that the provisions around the Scheme directly improve victims' experiences, supporting them to utilise their Code rights.

As the Bill progresses through the House of Lords, the Victims' Commissioner will be advocating for the following amendments and is seeking support from peers to deliver these vital changes:

insert the following new Clause—

### **“Duty to inform victims and families of the unduly lenient sentencing scheme**

After section 36 of the Criminal Justice Act 1988, insert—

#### **“36A Duty to inform victims and families of the unduly lenient sentencing scheme**

(1) The Secretary of State must nominate a government department to inform victims and their families of their rights set out in section 36 (reviews of sentencing).

(2) The information provided under subsection (1) must include the type of sentence and the time limit for application, and advise that applications must be made to the Attorney General.”

#### ***Member's explanatory statement***

*This amendment will ensure that victims are aware of the Unduly Lenient Sentencing scheme which presently has a strict 28-day timeframe in which to apply, there being no power to extend the time.*

After Clause 13, insert the following new Clause—

#### **“Unduly lenient sentences: time limit**

In paragraph 1 of Schedule 3 to the Criminal Justice Act 1988, at end insert “, subject to sub-paragraph 2.

(2) The time limit of 28 days shall be extended in exceptional circumstances,

which may include but not be limited to a failure of the relevant body to inform the victim and families of their rights under section 36 (reviews of sentencing).”

#### ***Member's explanatory statement***

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*This amendment would allow for the 28-day timeframe to be extended in exceptional circumstances, and prompt criminal justice agencies to meet their obligation to inform of their rights and the tight time limit.*

### Victim Case Studies

#### Claire's Case [as covered in the [Independent](#)]

- Claire was stabbed repeatedly and had her throat cut by her ex-partner, witnessed by her daughter. She was rushed to hospital and placed in an induced coma until her operations. She thankfully survived.
- The offender was arrested and pled guilty to attempted murder. In March 2021 he was sentenced to life imprisonment, but with a minimum term of just 8 years.
- While thankful that he received a life sentence, Claire was horrified that he could be released after just 8 years.
- Unfortunately, none of the relevant criminal justice agencies informed Claire of her right to appeal under the ULS Scheme. It was only when speaking to a support service that she learned of the Scheme.
- Following this, she asked the police about her right to appeal, who wrongly informed her that she could not appeal because a life sentence is the maximum. In reality, Claire would have had the right to appeal the minimum of 8 years, however she missed this opportunity because of the relevant agencies not only not informing her, but in fact misinforming her.
- This means the man who repeatedly stabbed her in front of her daughter may be released in just 8 years.

#### Abigail Blake's Case [as covered in the [Telegraph](#)]

- Abigail was a victim of domestic abuse, whose husband attacked her, severing her spinal cord, puncturing her lung, and breaking multiple ribs.
- He was sentenced to three years and four months in jail, and she believed that he would not be released for at least 20 months. However, she was later told there had been a "discrepancy" in the sentencing which meant his 17 months under curfew on an electronic tag before the trial had not been included in calculating the time he should spend in jail.
- As a result, he was to be released early and allowed to travel home to where the family lived, forcing Abigail and her children to temporarily leave their home for safety until he was under supervision.
- Abigail wasn't ever told about the Unduly Lenient Sentence Scheme, and so was not aware that she could have applied to the Attorney General to appeal his sentence. It was only after getting in touch with support services that she was made aware of the scheme but was beyond the 28 days within which to make an appeal.

#### Gemma Robinson's Case [as raised in [Westminster Hall Debate](#) by Gareth Johnson MP]

- Gemma Robinson from Dartford was attacked in 2019 by her partner, Joseph Falconer. He had previously assaulted her and was subject to a restraining order, but had tricked his way both back into her life and into her home.

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- She was mercilessly beaten by Falconer until her eye socket was fractured and her tooth punched through her lip. She was then spat on by him before he left the house and, in the final insult, he completely cleared her bank accounts.
- He was arrested and charged with section 18 GBH, an offence that is covered under the ULS. The matter went to trial, with Mr Falconer having pleaded not guilty.
- Gemma Robinson, feeling unable to face him in court, took her own life—an event that devastated her family.
- Subsequently, Joseph Falconer was offered a less serious charge under section 20 of Offences against the Person Act 1861—an offence of malicious wounding. This is an offence that is not covered by the ULS and he pleaded guilty to that charge. Despite being described by the judge in court as a “dangerous, jealous and controlling man”, he was given just three and a half years imprisonment.

### Conflict with the Slip Rule ([Alex Belfield case](#))

- There is the potential for conflict between the 28-Day ULS Scheme time limit and the 56-Day Slip Rule time limit.
- This conflict was exemplified in the case of Alex Belfield, who received a 5.5 year prison sentence for a campaign of stalking against various employees of the BBC. Claire Waxman personally referred this case to the Attorney General's office, as she considered it to be unduly lenient.
- A response was received several weeks later to explain that the case had been referred back to the CPS who requested the matter be listed under the Slip Rule. Although the Judge agreed there had been an error in his approach to sentencing, he declined to interfere with the sentence. The letter went on to explain that the time limit for referral to the Court of Appeals had since passed, and so the Attorney General's office would not be able to refer the case under the ULS Scheme, despite the initial application being within the time limit.
- This unduly lenient sentence, which stemmed from a clear error on the Judge's part, was therefore unable to be rectified. An amendment to legislation, as proposed, would have provided the opportunity for the case to be heard by the Court of Appeal, as consideration of the case under the Slip Rule would have been considered an exceptional circumstance through which the ULS Scheme timeframe could have been extended.

## Court of appeal case examples

These examples are taken from cases observed in the Court of Appeal in which the offender lodged an appeal outside the 28-day deadline.

### Case 1

- The offender was on license after a 17-year sentence for drug trafficking. The offender was then arrested and convicted for conspiracy to traffic cocaine and sentenced to 65 months. The offender then appealed this sentence.
- The appeal was received 167 days after sentencing yet was still heard
- The reason given for the lateness of appeal was that the email was “stuck in the defence lawyer's outbox”
- The appeal was ultimately denied, but on the facts of the case not on the timeframe.

### Case 2

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- The offender had multiple convictions for stalking and breaches of a Restraining Order over a period of many years
- This appeal was received 182 days after the latest conviction for breach of an Restraining Order, but the offender also used it to appeal against a variation of the Restraining Order which was done in 2023 (so two years prior)
- The appeal was ultimately denied because of the merits of the appeal rather than time limit.