



SUMMARY REPORT

Josh's Law - Why it is needed

A review of the Unduly Lenient Sentencing (ULS) Scheme

By

**Policy Clinics at the
University of Lancashire
Lancaster University
The Open University Law School**

Foreword

It has been a privilege to work with Open Justice Centre at The Open University, the University of Lancashire and Lancaster University to commission this independent academic research to commission this independent academic research. This report provides crucial insights into the history of the Unduly Lenient Sentencing (ULS) scheme and the ongoing inequalities victims face within the Criminal Justice System (CJS).

On 11th October 2015, my 21-year-old son, Josh, was the victim of an unprovoked knife attack. Since that devastating moment, I have worked tirelessly within the Criminal Justice System to campaign for change—determined that no other family should have to endure the same failures and distress we experienced.

In Josh’s case, it took four years for a conviction and sentencing to be reached. At no stage during the trial or at the point of sentencing was I informed of the ULS scheme. I only learned of its existence from another bereaved parent, by which time I had just hours left to act within the strict 28-day limit. With no clear guidance available, I submitted an appeal late in the evening on the 28th day, only to be told it was “out of time” because it arrived outside office hours. That decision was final. I had no right to appeal.

Since 2019, I have been campaigning for **Josh’s Law**—a simple, vital reform that would require the CPS to notify all victims of offences within the scheme, including bereaved families, of their right to appeal under the ULS scheme. This should be done either before or at the time of sentencing. This is an incredibly modest request. We are not calling to extend the 28-day rule, but to ensure that if victims are not properly informed, this failure is recognised as an *exceptional circumstance*. In such cases, reviews should be permitted outside the 28-day limit.

Josh’s Law would close a damaging gap in the system, ensuring victims’ rights are finally brought into line with offenders’ rights—a balance that has been absent since 1907.

On this, the 10th anniversary of Josh’s murder, we are proud to launch both this report and The Josh Hanson Trust manifesto. Together, they call for Josh’s Law to be enshrined in legislation, delivering long-overdue equality and justice for victims of crime.

Tracey Hanson
CEO, The Josh Hanson Trust

INTRODUCTION

The Unduly Lenient Sentencing (ULS) Scheme provides for certain Crown Court sentences to be reviewed by the Attorney General's Office (AGO). If the sentence is considered too lenient, the AGO can request that the Court of Appeal review the sentence.

Anyone can make a request to review a sentence. Referrals to the AGO are often made by victims, bereaved families, MPs, pressure groups, charities or members of the public. There are very strict deadlines within which a referral can be made. A request must be made within 28 calendar days of the sentence. This report aims to establish if the ULS Scheme is working effectively for victims and whether the scheme is in need of review.

OVERVIEW

This research has been produced in response to a brief provided by [The Josh Hanson Trust](#) to explore the ULS Scheme. This research was undertaken by the policy clinics at the University of Central Lancashire, Lancaster University and the Open University Law School. These clinics are made up of law students. All work in the policy clinics is overseen by academics.

The report explores why the ULS Scheme was introduced and how it operates in practice. The report considers the effectiveness of the ULS scheme and makes suggestions for further research and reform to the ULS scheme.

BACKGROUND

The ULS scheme was implemented via Section 36 of the *Criminal Justice Act 1988* and enabled any member of the public the right to ask for a review of a criminal sentence if they considered it "unduly lenient". There were several driving forces behind the ULS's implementation.

Public opinion, coupled with support from leading academics and senior members of the judiciary, led to the policy decision for the introduction of the scheme.¹ Shute argues that the reasons behind the implementation of the ULS scheme were that lenient sentences: "damaged public confidence in the criminal justice system, dulled the deterrent effect of criminal sentences, weakened the morale of the police, made coherent sentencing policy hard to achieve and tempted disgruntled victims to take the law into their own hands".² Such a rationale, combined with universal interest from the public, led to the implementation of the ULS Scheme.

There are proposed amendments to the ULS scheme which include addressing some of the concerns around time limits, the scope of offences and victims' rights. In May 2025, the Ministry of Justice published a *Victims' and Courts' Bill Overarching Impact Assessment*, which sets out the legislative measures and details of both the monetary and non-monetary impacts of victims³. Measure 7 relates specifically to the ULS scheme. It refers to amending the time limit, acknowledging that it would improve the confidence of victims, their families and the criminal justice system. There is recognition that reform to the scheme is required.

¹ Stephen Shute, 'Prosecution Appeals against Sentence: The First Five Years' (1994) 57(5) Mod. L. Rev. 745, 745-746

² Ibid 745-746

³ https://assets.publishing.service.gov.uk/media/681b1b1f34321d7b2d873af2/vac-oia-ia.pdf?utm_source=perplexity

THE APPLICATION PROCESS

In 2023, even though the scheme had existed for 30 years, many victims were still unfamiliar with how the scheme operates.⁴ There is an online application process to ask for a sentence to be reviewed under the ULS scheme.⁵ But many found the application form itself difficult to locate, and it can require multiple searches until the correct government website is found.⁶

The form consists of several identification questions and asks for personal contact details and requires an explanation of why the sentence is believed to be unduly lenient. There is no clear information about how this information will be shared. The form is basic and clinical in nature.

The online form might cause difficulties for people who struggle with digital formats or have low levels of digital literacy. Within the application form, there is the option to request support via the ‘need help filling out this form’ hyperlink. This then takes the user to an email address and a phone number, which is available between 9 am and 5 pm, Monday to Friday.

If an extension to the 28-day rule were to be permitted in exceptional circumstances, as requested by The Josh Hanson Trust as part of Josh’s Law, it would be straightforward to add the following two questions to the form:

- Are you applying for an extension to the 28-day rule?
- What are your reasons to support this application for an extension?

These questions are included in the form NG, which offenders must complete when they wish to appeal against their sentence. Adding these questions and supporting notes to the ULS scheme application form would afford the same rights to victims wishing to appeal as are entitled to by offenders, who have a right to appeal outside of the 28-day rule⁷.

SUPPORT FOR VICTIMS AND FAMILIES

Support for victims and families regarding the ULS scheme is provided through statutory interventions. For instance, *the Code of Practice for Victims of Crime in England and Wales (Victims’ Code)* sets out the rights that the victim can expect to receive from criminal justice agencies.⁸ One of these is the right to be given information about the outcome of the case and any appeals.⁹ This places an obligation on the Witness Care Unit to inform victims about the ULS scheme once they are told the sentence.¹⁰ Further to this, if a victim or family member believes that they have not received any of their rights under this code, they can make a complaint.¹¹

Nonetheless, according to Lord Sandhurst, the support offered by the Code is insufficient because Witness Care Units only engage with victims who are witnesses in the court case. This excludes a proportion of victims, such as bereaved family members.¹²

The Victims and Prisoners Act 2024 is a statutory intervention which strengthens compliance with the *Victims’ Code of Practice (VCOP)*. Whilst this increases the support offered to victims and families, it does not fully address the issue of awareness of the

⁴ GOV. UK, “Unduly lenient sentence annual case outcomes data (GOV.U, 1 January 2011)”

<[⁵ \[Ask for a Crown Court sentence to be reviewed - GOV.UK\]\(#\)](https://www.gov.uk/government/publications/unduly-lenient-sentence-annual-case-outcomes-data#:~:text=If%20a%20sentence%20given%20in,t%20o%20look%20at%20the%20sentence.> accessed 2 February 2025.</p></div><div data-bbox=)

⁶ [Ask for a Crown Court sentence to be reviewed - GOV.UK](#)

⁷ <https://assets.publishing.service.gov.uk/media/5fdb228d8fa8f54d60878b3b/ng-guidance.pdf>

⁸ ‘Victims’ Code’ (*Victim Support*, 28 February 2024) < www.victimsupport.org.uk/help-and-support/your-rights/victims-code/> accessed 10 February 2025.

⁹ *Code of Practice for Victims of Crime in England and Wales* (Ministry of Justice 2020) para 9.

¹⁰ *ibid* para 9.6

¹¹ *ibid* para 12.1.

¹² Lord Sandhurst, ‘Amendment 113’ (*They work for you*, 7 February 2024) <

www.theyworkforyou.com/lords/?id=2024-02-07c.1722.0> accessed 10 February 2025.

scheme. This is because it does not create a duty to inform victims who are not in contact with the Witness Care Unit about the ULS scheme. This results in a continued gap in support for victims and families.

CONCERNS ABOUT THE ULS SCHEME'S OPERATION

1. Lack of awareness

A concern relates to a lack of awareness. Though it is well known the defendant can appeal, very few people know that victims or their families can do so too. As a result, many people unfairly lose their right to apply for the scheme as they found out too late. There should be a legal obligation and for all parties connected to a case to be informed of the ULS scheme.

2. The 28-day rule

Anyone wishing to use the ULS scheme must do so within 28 calendar days, which is restrictive and has been criticised.¹³ This is particularly true at certain times of year. For example, if the sentence was passed around a holiday period, such as Christmas, a large part of those 28 days would fall on bank holidays (not accounted for).

In addition, the information that must be provided when applying through the ULS scheme could be difficult to find, particularly within the short time frame. Often the people asking for a review have links to the victim or the case. If there is trauma, grief or emotional difficulties, a 28-day period is insufficient to allow them to process and act.

On 25 May 2021, Members of Parliament debated the need for reform, with talks focusing on the 28-day rule, which outlines that any claims of an unduly lenient sentence must be brought before the 28th day after sentencing.¹⁴

It has been argued that the time limit, which is absolute and cannot be extended in any circumstance, should be amended to allow the Court of Appeal discretion to extend the limit when necessary for justice. This lack of flexibility has been seen to lead to injustices in many circumstances, such as where sentencing announcements are withheld, the time limit lapses, and the victim is left without an adequate remedy. A scheme that aims to provide justice is limited, simply due to a too-rigid mechanism.

Furthermore, the debate emphasised the importance of raising awareness of the scheme, and the lack of requirement to inform is directly leading to injustice. Where a victim passes away due to a violent crime, family members are not informed of the scheme during judgment or thereafter, and families may be '...denied the right to challenge simply because they are not aware the scheme exists'.¹⁵ The debate argued for a responsibility to be placed on the CPS to inform family members of the ULS scheme.

Despite calls for reform, the government has stated that they do not currently plan to remove the time limit, due to the importance of finality in sentencing.¹⁶ Yet, the scheme itself is in place to assist where judges have made an error. Parliament and, subsequently, the CPS, passively increase injustice by creating an increasing lack of accessibility to the scheme, and it could be argued that this is a failure of the criminal justice system.

Recent developments do suggest that Parliament is responsive to some criticisms of the scheme. In June 2024, the list of offences eligible for a claim under the ULS scheme was expanded, demonstrating some willingness to address concerns around scope. However, this responsiveness appears selective. The same debate highlighted the rigidity of the 28-day rule, yet no changes were made to introduce greater flexibility. The continued

¹³ [Blackpool murder victim's sisters demands longer appeal period - BBC News](#)

¹⁴ WH Deb Vol 696 Col 85 (25 May 2021).

¹⁵ Stephanie Peacock, Unduly Lenient Sentence Scheme (Volume 696: debated on Tuesday 25 May 2021).

¹⁶ HL Deb 15 December 2021, vol 817, col 342.

application of this strict deadline has led to clear injustices, raising questions about the consistency and willingness of Parliament's approach to reform.

It should be considered whether pre-sentence reports should be made compulsory as they often hold vital information, including previous convictions that can otherwise be missed in assessing dangerousness, public safety and propensity (not relating to the ULS scheme only, this would have to apply to all courts).

KEY FINDINGS

Defendant and prosecution on equal footing

- There should be a legal duty to inform the victim and/or their family that they can ask for the sentence to be reviewed.
- A legal duty would give victims parity with defendants.
- The 28-day period should be extended. Currently, the 28 days include bank holidays and weekends. It does not account for the lack of awareness of the scheme or recognise the distress the victims and families are going through.
- Additional time would give the Attorney General's Office a greater opportunity to properly review cases to consider whether a sentence should be referred to the Court of Appeal.
- A more flexible approach would allow more people to access the scheme and provide greater equality between victims and defendants. Defendants are more likely to be aware of and informed of the process of reviewing a sentence by their legal teams, whereas victims (and their families may not be, and this would mitigate that).

Applications

- The online form should be reviewed and amended. There should be more guidance provided about the process for having a sentence reviewed. There should be links to organisations that can assist with the application, in addition to the contact details of the Attorney General's Office.
- There should be clearer information about the finality of the 28-day rule to ensure there is awareness that if the application is not received in time, the sentence cannot be reviewed.
- The form should explain and provide details of the 'follow-up process'. This would provide better information and communication to the person asking for the sentence to be reviewed.
- It is not clear what exactly happens to the form after submission – it would be advisable for this information to be made available to the person/s applying.
- It should be considered whether it is appropriate that the judge explains at the end of the court proceedings that the victim and or their family have the right to ask for the sentence to be reviewed.

Public legal education campaign

- There should be regular public legal education campaigns to ensure that there is greater knowledge of the ULS scheme and clearer guidance on how the scheme works.
- There should be greater use of social media to increase awareness of the scheme. In 2020, law officers wanted to promote the scheme both in Parliament and on social

media. Despite this, there has been no apparent increase in social media coverage surrounding the scheme since then.¹⁷

- There should be resources created that clearly explain in plain English how the scheme works to support victims' understanding of the terminology of the ULS scheme and to give them a better understanding of whether they should ask for a review of the sentence with confidence.

Increasing support for victims

- Financial support should be provided, where appropriate, to support a victim and their family with an application to the scheme. Currently, there is no provision for reimbursement or to mitigate the legal, travel and other related costs when seeking a ULS scheme review. This criticism is highlighted in the Transform Justice report, which found that families paid thousands to challenge unduly lenient sentences.¹⁸
- There is a provision when someone completes the form to request additional help with the form, but there needs to be better levels of support aligned with the ULS process.
- There are systemic problems with the scheme that need to be addressed to better support victims. The Victim Commissioner's report highlights the lack of support and the need for clearer and more effective communication with victims by the criminal justice system.¹⁹ There should also be a revision of the Victims' Code, and the recommendations from Claire Waxman, London's Victims' Commissioner, should be addressed.
- The scheme needs to take a victim-centred approach, ensuring that victims are notified of their right to appeal cases and informed of their options early or immediately after a sentence is given.

The Josh Hanson Trust calls for Josh's Law, which aims to

- ensure that the CPS are legally obliged to provide information about the ULS scheme to victims (including bereaved families) before or at the time of sentencing, and support to victims who wish to apply.
- allow for an application to be considered outside of the 28-day rule under exceptional circumstances, to bring victims' rights in line with the offenders' rights. If the CPS fail to provide the information at the time of sentencing, this would be recognised as an exceptional circumstance under Josh's Law.

¹⁷ European Union News, "Ellie Reeves asks the Attorney General, with reference to the Victims Commissioner's annual report 2019|20, what steps the Attorney General is taking with the Lord Chancellor to promote the changes to the review into the unduly lenient scheme to ensure victims are aware of their right to request a challenge." (2020), Gale General OneFile, <link.gale.com/apps/doc/A631045577/ITOF?u=unilanc&sid=bookmark-ITOF&xid=baf88cd0> Accessed 4 February 2025.

¹⁸ 'Transform Justice, Response to the Sentencing Review' (January 2025) <<https://www.transformjustice.org.uk/wp-content/uploads/2025/01/Transform-Justice-response-to-the-sentencing-review-Jan-2025.pdf>> accessed 13 February 2025.

¹⁹ 'Victims' Commissioner for England and Wales, Annual Report 2023/24' (October 2024) <<https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/6/2024/10/2023-24-Annual-Report-Victims-Commissioner-accessible.pdf>> accessed 13 February 2025.