POLICY BRIEFING

Key Implications of the Order for Lifelong Restriction (OLR) in Scotland

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Executive Summary

This briefing presents findings from doctoral research on the human consequences of the Order for Lifelong Restriction (OLR) in Scotland.

The OLR is a lifelong sentence with two parts; a punishment part set by a judge for the offence(s) committed and a part for public protection, which kicks in after the punishment part expires.

Drawing on 20 in-depth qualitative interviews with practitioners across the justice system, my research explored how this 'exceptional' sentence is experienced by both those responsible for managing the sentence and those subject to it.

Introduced in 2006, the OLR is a life sentence designed to manage individuals assessed as posing a high risk of serious harm. Practitioners involved in the OLR process described the burdens of managing a population characterised by complex needs and risk profiles within an equally complex framework of assessment, risk management, and progression.

The findings highlight the labour-intensive demands of the OLR framework and the extent to which procedural and administrative requirements can displace rehabilitative and progression-focused work.

The research also identified significant emotional and psychological challenges associated with working with the OLR population, including exposure to traumatic cases and highly scrutinised environments where concerns about serious reoffending and its consequences shape day-to-day practice.

The OLR was widely experienced as generating feelings of hopelessness and uncertainty for both practitioners and, through practitioners' accounts, those subject to the sentence. This reflected the challenges of working within an indeterminate framework characterised by uncertainty, the possibility of lifelong detention, and complex progression processes. Practitioners described how the bureaucratic demands of the system, combined with the difficulties individuals face in demonstrating reduced risk, could create diminishing optimism about the prospects for progression and release. They also reported observing experiences of hopelessness, disengagement, and frustration among those serving the sentence. Experiences of hopelessness were therefore not confined to those subject to the OLR, but were also evident in practitioners' own accounts of working within the system. Overall, the findings raise important questions about the operation, impact, and human rights implications of the OLR.

As the use of the sentence continues, greater scrutiny is required to ensure that a framework designed to prevent serious harm does not itself generate harm, and remains proportionate, effective, and consistent with human rights obligations.

Key Messages

- **Extended detention beyond tariff:** More than 92% of people serving an OLR remain in custody after the punishment part of their sentence has expired, raising concerns about fairness, proportionality, and psychological harm.

- **Barriers to progression and release:** Once individuals are assessed as posing a risk of serious harm, progression and release can become increasingly difficult, particularly for those with complex needs requiring specialist support. Limited progression opportunities, resource constraints, and the indeterminate nature of the sentence can compound these challenges.

- **Impact on professionals:** Increased administrative demands and heightened scrutiny contribute to uncertainty, emotional strain, and more cautious forms of practice among practitioners.

- **Psychological harm:** Professionals described experiences of hopelessness, stigma, uncertainty, and psychological deterioration among people subject to the sentence.

- **Human rights concerns:** The OLR raises important human rights questions, particularly in relation to the 'right to hope' recognised within European human rights jurisprudence.

- **Need for greater scrutiny:** Despite its severity and long-term consequences, the OLR remains under-examined and requires closer scrutiny of its operation, legitimacy, and effectiveness.

- **Tension between public protection and rights:** The OLR illustrates the challenges of balancing public protection, rehabilitation, and human rights obligations. The findings raise important questions about how risk is managed, how change is recognised, and what constitutes a realistic pathway towards release.

Introduction: A Sentence for Public Protection

The OLR is an indeterminate lifelong sentence for the management of persons assessed as posing a continuing risk of serious harm to the public.

Introduced in 2006, the OLR was legislated for at the same time as its closest comparison, the now abolished Imprisonment for Public Protection (IPP) sentence in England and Wales.

Like other indeterminate sentences[1], the OLR is intended to protect the public while supporting rehabilitation and reducing future risk. The sentence is overseen by the Risk Management Authority[2] (RMA) a public body responsible for overseeing risk assessment and risk management arrangements associated with the OLR.

The OLR operates a pre-sentencing risk assessment and lifelong risk management framework. The sentence is implemented through formal risk assessments, structured risk management planning, and regular review processes. This reflects the complexity and highly developed nature of Scotland's risk-based sentencing system.

Although the OLR has been found compatible with human rights law in principle[3], growing concerns have emerged regarding its operation in practice[4]. As the number of people serving the sentence has increased, so too has the proportion remaining in custody beyond the punishment part of their sentence, raising questions about progression, proportionality, and the long-term operation of the OLR[5].

Practitioners also described wider barriers to progression, including delays in sentence management[6], limited access to programmes and psychological support, and a lack of transparency in decision-making processes. These concerns[7] echo issues previously identified in relation to the Imprisonment for Public Protection (IPP) sentence in England and Wales, where the European Court of Human Rights found that inadequate opportunities for rehabilitation[8] and progression rendered aspects of the sentence's operation arbitrary and unlawful.

1 Indeterminate sentences imposed primarily for public protection are often described in the literature as forms of preventive detention or preventive sentencing. See Ashworth, A. and Zedner, L. (2014) *Preventive Justice.* Oxford: Oxford University Press.

2 The Risk Management Authority (RMA) does not determine sentence length or release decisions. Further information regarding the role of the RMA can be found at About the OLR - RMA - Risk Management Authority

3 Ferguson, E.A. (2021) '*A Sentence of Last Resort': The Order for Lifelong Restriction and the Sentencing of Dangerous Offenders in Scotland.* PhD thesis. University of Glasgow. Available at: https://theses.gla.ac.uk/82066/

4 Scottish Human Rights Commission (2025) *A Human Rights Analysis of Orders for Lifelong Restriction: Discussion Paper.* Edinburgh: Scottish Human Rights Commission. Available at: OLR discussion paper (Accessed on 12/3/2026).

5 HM Inspectorate of Prisons for Scotland, (2024) Thematic review: Prisoner progression in Scottish prisons. Available at: https://prisonsinspectoratescotland.gov.uk/publications/thematic-review-prisoner progression-scottish-prisons (Accessed on 31/3/2026)

6 Prison Reform Trust (2025) A Deficit in trust and lengthy delays in sentence progression are leaving long-term prisoners in Scotland without hope. Available at A deficit in trust and lengthy delays in sentence progression are leaving long-term prisoners in Scotland without hope | Prison Reform Trust (Accessed on 16/05/2026)

7 Scottish Human Rights Commission (2025).

8 In *James, Wells and Lee v United Kingdom* (2012), the European Court of Human Rights found that failures to provide prisoners serving indeterminate sentences with access to rehabilitative opportunities necessary to demonstrate reduced risk rendered aspects of their detention arbitrary and in breach of Article 5(1) ECHR.

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people have been made subject to an OLR. (NOLR, 2026)[9]

92%

of OLR prisoners are over their punishment part by an average of 7 years. (SHRC, 2025)[10]

There are currently 272 active OLR sentences. Of these, 209 individuals are beyond their punishment part expiration date but are considered to continue to present an unmanageable risk to the public and therefore remain in custody. (RMA, 2024-25 p29)[11]

Key findings

The Order for Lifelong Restriction (OLR) generates distinct administrative, ethical and emotional burdens for those working within the framework.

As an indeterminate sentence, it carries the potential for lifelong imprisonment, including detention until death. This reflects its original design, with the MacLean Committee acknowledging that some individuals may never be considered safe for release[12].

As a result, the OLR differs fundamentally from other sentencing frameworks[13] due to its power, scope and enduring nature. These characteristics have important implications for both professionals and those subject to the sentence.

9 What is the OLR? - OLR Campaign

10 Scottish Human Rights Commission (2025) A Human Rights Analysis of Orders for Lifelong Restriction: A Discussion Paper [available at] OLR discussion paper

11 RMA Annual Report and Accounts, 2025 [Available at] RMA_Annual Report 2025_7 accessed on 28/6/2026)

12 MacLean Committee (2000) Report on the Committee on Serious Violent and Sexual Offenders Available at lt4_risk2.pdf [accessed on 16/05/2026]

13 A distinctive feature of the OLR is its statutory pre-sentence risk assessment framework, which requires the court to determine that the individual presents a risk of serious harm such that no other sentence would adequately protect the public.

Professional frustration and disillusionment

Practitioners described significant frustrations when working within the OLR framework, reporting that practice had become heavily focused on documentation, audit, and procedural compliance, often at the expense of relational and rehabilitative work.

Many also expressed uncertainty about the overall purpose of the OLR and questioned whether the system consistently supported progression and rehabilitation.

Concerns were also raised about the extent to which future risk can be accurately predicted, particularly where decisions about progression and continued detention are based on assessments of potential future behaviour. Some participants questioned the reliability and validity of risk assessment tools, as well as the practical value of risk management planning. These concerns suggest a degree of scepticism towards key elements of the OLR framework and contribute to uncertainty and professional unease within decision-making processes.

A LOT OF WHAT THE OLR WAS ABOUT OR SEEMED TO BE ABOUT WAS THE PREPARATION OF THE RISK ASSESSMENT... TOO OFTEN THE ASSESSMENT BECOMES AN END IN ITSELF...
(Alan, Former Parole Board Member)

Decision-making within the OLR system is shaped by high levels of concern about serious harm. Practitioners described the challenges of balancing public protection with progression and reintegration, particularly as individuals move closer to community access and potential release.

This environment was reported to contribute to more cautious forms of practice. Many practitioners described concerns about personal and professional accountability in the event of serious further offending, contributing to anxiety, emotional strain, and risk-averse decision-making. This suggests that managing risk within the OLR framework is not solely a technical or procedural task, but also an emotionally demanding form of work shaped by uncertainty, responsibility, and concerns about future harm.

FOR EACH ONE OF MY CASES WITH THEM ALL BEING RSOS [REGISTERED SEX OFFENDERS], IT'S A POTENTIAL MINEFIELD FOR WHAT COULD HAPPEN.
(Bill, Social Worker)

Complex Needs and Limited Resources

I think one of the biggest flaws for me is that it's under-resourced. So we have 210 OLRs as of yesterday when I last checked (pause) some of these men are the most high risk individuals in Scotland and there isn't enough case managers, there is not enough specialist services... it should be a really intensive support package, but there just isn't the staff for it....and there's no resource (pause) and so they'll get put on one of the mainstream programmes, and it's not the same as what was recommended, it will be something, but it's not enough (Jodie, policy official)

Many people subject to the OLR were described as having complex and intersecting needs and vulnerabilities, including histories of childhood trauma, neurodevelopmental conditions, learning disabilities, mental ill health, and personality or paraphilic disorders.

In some cases, these factors are also identified within assessments as 'risk-relevant'. Early clinical observations[14] of the OLR group emphasised the importance of specialist intervention and support in responding to these needs.

Practitioners explained that many individuals did not fully understand their sentence or the steps required for progression towards release. This is consistent with findings from other reports[15,16]. Participants also described that a lack of visible progression among those serving the sentence could contribute to feelings of hopelessness and disengagement.

Limited specialist interventions, restricted programme availability, and wider resource pressures were identified as additional barriers to progression. Concerns were raised about whether the system is sufficiently equipped to respond to both risk and complex need in a way that supports rehabilitation, progression, and wellbeing without generating further harm.

Indeterminacy, Hopelessness, and Psychological Harm

I mean [one guy I work with] he's just like "I have to accept I'm never gonnae get out of jail, I'm gonnae die in here". He got an 18-month sentence and was slapped with an OLR and he's thinking, "I could die in this place" (Prison Chaplain)

14 Darjee, R. and Russell, K. (2011) 'The Assessment and Sentencing of High-Risk Offenders in Scotland: A Forensic Clinical Perspective, in McSherry, B. and Keyzer, P. (eds.) Dangerous People: Policy Prediction and Practice. Abingdon Routledge, pp. 217-231.

15 Prison Reform Trust (2025)

16 HMIPS, (2024)

If he's on the OLR with a punishment part of two half years, his first thoughts might be, that's great, but I think he's going to work out very, very, quickly that he is gonna have to spend maybe the bulk of the rest of his life trying to convince the authorities that he's safe enough to be released, and that's a pretty dispiriting position to be in. (Judge)

The OLR is an indeterminate sentence that requires individuals to demonstrate that any ongoing risk they pose can be safely managed before they can progress towards release. In practice, this can result in prolonged detention beyond the punishment part of the sentence and ongoing uncertainty about progression.

Practitioners described how this uncertainty can contribute to deep and enduring feelings of hopelessness and psychological deterioration, which may in turn create additional barriers to rehabilitation, progression and reintegration.

Participants also described the challenges of working within a framework that can assign a continuing label of high risk or dangerousness over long periods of time. They reported having to manage the practical and emotional consequences of diminished hope and stalled progression, both for those subject to the sentence and for themselves. For those released into the community, hope often remained conditional and fragile, constrained by the ever-present possibility of recall and the knowledge that the sentence itself had no definitive end. This enduring uncertainty inhibited any real sense of normalcy, limiting opportunities to plan for the future and making it difficult to rebuild a meaningful life beyond the sentence. As a result, the impacts of indeterminacy were not confined to those serving the sentence, but were also reflected in practitioners' accounts of emotional strain, frustration, and diminishing optimism about the prospect for meaningful progression and change.

Human Rights Concerns

The OLR engages important considerations under Article 3 of the European Convention on Human Rights, which protects against inhuman or degrading treatment.

European human rights case law has established that individuals serving indeterminate sentences must retain a realistic prospect of progression and release. Similar concerns arose in relation to the Imprisonment for Public Protection (IPP) sentence in England and Wales, where the European Court of Human Rights found that lack of access in access to rehabilitative opportunities prevented some prisoners from demonstrating reduced risk and progressing towards release.

The findings from this research suggest ongoing challenges in meeting these standards, including limited progression opportunities, restricted access to support, and experiences of prolonged uncertainty and hopelessness. Collectively, these factors raise questions about whether opportunities for rehabilitation and progression are sufficiently available in practice.

Particular concern arises in relation to the erosion of what has been described as a 'right to hope', especially where individuals experience little realistic prospect of progression or release despite prolonged periods of detention. Concerns were also raised about the symbolic and permanent nature of the sentence and diminished prospects in all aspects of life post release. This raises important questions about the compatibility of prolonged indeterminate detention with rehabilitative and rights-based approaches to justice.

Policy Recommendations

1. Clarify the purpose of the OLR
Further work is needed to improve understanding of the purpose and operation of the OLR, including the role and function of the Risk Management Authority. Although training and guidance are provided, misconceptions and uncertainty about the role of the RMA were still evident within practice. Greater transparency regarding risk assessment, risk management planning, and progression decision-making may help reduce ambiguity, improve understanding and support greater confidence in the operation of the sentence.

2. Review sentence management processes
The Scottish Prison Service should review sentence management processes to ensure that rehabilitative and progression-focused work is not displaced by administrative and compliance demands.

3. Introduce an OLR Review Tribunal:
Establish an independent tribunal-style review mechanism for individuals held significantly beyond tariff to provide additional scrutiny of progression, risk management decisions, and human rights compliance. This would operate alongside existing RMA arrangements to offer a means of safeguarding against unnecessary or prolonged detention.

4. Improve access to rehabilitation and progression
Expand access to offending behaviour programmes, psychological support, and therapeutic interventions in custody and the community to ensure people have realistic opportunities to demonstrate reduced risk.

5. Strengthen specialist support provision
Increase resources in custody for individuals with complex needs, including those with trauma histories, neurodivergent conditions, mental ill health, and personality-related difficulties, through tailored interventions and specialist staffing.

6. Enhance practitioner support and decision-making capacity
Strengthen training, and wellbeing support to help practitioners manage complex decision-making and emotionally demanding work.

7. Safeguard human rights compliance
Strengthen compliance with Article 3 ECHR protections, ensuring that those subject to the OLR have a realistic prospect of rehabilitation and release.

8. Monitor psychological wellbeing
Introduce routine monitoring of the mental health and wellbeing of people subject to the OLR, with clear pathways for support where deterioration is identified, particularly for those experiencing prolonged periods of detention beyond tariff.