



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Meeting of the Commissioners

Tuesday 6th April 2021, 11.00am
By Video-Conference

AGENDA

Item no	Item	Paper no	Action	Lead
	Welcome/Apologies			Andrew Thin
	Declarations of Interest			Andrew Thin
1.	Minutes of previous meeting 2 nd March 2021	1	For agreement	Andrew Thin
2.	21/22 Business Plan and Budget	2	For approval	Hamish Trench
3.	21/22 Communications Strategy	3	For approval	Posy MacRae
4.	Cyber Update	4	For information	Posy MacRae
5.	Land and Human Rights Advisory Group remit	5	For agreement	James MacKessack-Leitch
6.	Scottish Government Report on Public Attitudes to Land Reform	6 Attitudes to land reform: research - gov.scot	For discussion	Hamish Trench
7.	AOB			



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Commissioners' Meeting 6th April 2021

PAPER 2

21/22 ANNUAL BUSINESS PLAN AND BUDGET – FOR APPROVAL

Purpose: To consider and approve the 21/22 annual business plan and budget

1. Introduction

The annual Business Plan sets out for each financial year the way in which the Commission will deploy its resources against priorities. Our Business Plan is structured around the four programmes set out in our three-year Strategic Plan, together with organisational development and communications. The 21/22 Plan is the first annual plan of our new Strategic Plan and sets out how we will deliver on the priorities identified in our Programme of Work.

We are preparing this plan in a time of considerable uncertainty. The Covid-19 response may continue to affect staff capacity, stakeholder engagement and government priorities for some time to come, there may be new government priorities following the election and there is the possibility of land reform legislation within the next parliament. We should therefore recognise the need to retain sufficient flexibility and willingness to review and update the plan as the year progresses.

2. Priorities

The proposed plan at Annex A sets out the planned outputs for 21/22 against the priorities set out in our Strategic Plan and Programme of Work. Discussion at the Commissioners meeting on 5th March recognised the need to prioritise within our Programme of Work and identify a realistic set of outputs. The annual plan should be seen within the context of the three-year Programme of Work.

The proposed outputs take account of external timescales and specific requests for advice from Scottish Government, programming of workstreams across our three year strategic plan period, and staff capacity.

3. Annual budget

3.1 Grant-in-Aid

The grant-in-aid from Scottish Government for 21/22 is £1.526M, the same as 20/21. The grant-in-aid is paid to the Commission to deliver our statutory functions and the

priorities in our Strategic Plan, to support Scottish Government policy outcomes as articulated in the National Performance Framework. In line with the Public Services Reform Act the Commission is expected to make year-on-year efficiency savings of 3%. The grant-in-aid also requires the Commission to work collaboratively, maintain active participation in the Scottish Government Economy and Environment Leaders Group, support Fair Work and fulfil reporting requirements for the range of applicable public body duties.

3.2 Financial Strategy

The Commissioners meeting of 5th March considered the budget in terms of our medium-term financial strategy. Our strategy is to retain an appropriate balance between fixed and flexible costs so that we are able to respond and adjust to future changes in grant-in-aid. The ARC considered medium-term scenarios in November 2020 including year-on-year reductions in our grant-in-aid.

We seek to retain a ratio of approximately 70/30 fixed/flexible costs to provide sufficient flexibility to respond to future years' budget settlements. The nature of our remit means a key consideration is the balance between staff capacity and operational spend. Our current model balances sufficient staff capacity with sufficient operational spend to bring in specialist expertise, commission research and evidence or support projects.

For 21/22 total staff and Commissioner costs are 62% of total budget, and total fixed costs comprise 72%.

We will seek to make efficiency savings this year by reducing the costs of external communications support and reducing office accommodation costs. We will be re-tendering communications support mid-year. The office costs payable to Scottish Government this year are scheduled to be £42,625 (25% of non-staff/Commissioner fixed costs; 5.5% increase from 2017/18). We expect to consider alternative, lower cost, office accommodation once the offer of permanent home working has been made to staff when our long-term space requirements are clear. In the meantime we will also engage with Scottish Government to seek to reduce current occupation costs.

Therefore over the coming two years we will seek to reduce our fixed costs by reviewing accommodation provision.

3.3 Proposed Budget

The proposed budget is attached at Annex B. Key points to note are:

- Staff costs include provision for a new project support role to be recruited within the year on a fixed term basis. This would give an FTE of 15.4.
- Staff training budget of £41,000 includes specific provision for an organisation-wide development programme, taking forward the improvements to our ways of working considered in the organisational review. In addition provision is made for individual training and professional development.
- The communications campaign budget directly supports delivery of our programme of work – delivery of the campaigns is integrated with the relevant workstreams.

4. Monitoring and reporting

Progress against the planned outputs, budget and the KPIs will be reported to the board on a quarterly basis. The Management Team will monitor delivery and financial performance on a monthly basis. A reprofiled budget and anticipated out-turn will be reported to the board quarterly.

5. Conclusion

The proposed Business Plan and budget for 21/22 sets out a realistic set of outputs that deliver against the priorities set out in our Strategic Plan and Programme of Work. The proposed budget allocates our resources to balance sufficient staff capacity with operational spend allocated against the outputs planned in each workstream.

The Commissioners are asked to consider and approve the business plan and budget for 21/22.

Hamish Trench
Chief Executive



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Business Plan 2021-2022

INTRODUCTION

As we plan our work for 2021/22 we remain in a challenging time, responding to the public health, economic and wellbeing impacts of the pandemic. The ability to flex and adapt how we operate therefore remains key, both to staff wellbeing and to our delivery.

But we also have a clear focus on our role, and the role of land, in Scotland's economic recovery and renewal. This provides the central sense of purpose around which we will organise our work in the year ahead. Our Strategic Plan, published in September 2020 sets out why land is fundamental to Scotland's recovery and renewal. How we own and use land will help drive action on Scotland's big challenges and ambitions, specifically on the economy, inequalities, human rights and climate change. In short, it is clearer than ever that land needs to be right at the heart of Scotland's economic thinking. Our priorities this year focus on measures that will support economic recovery and the longer-term shift involved in rebuilding a more resilient and productive wellbeing economy.

OUR STRATEGY

Our Vision: 'A fair, inclusive and productive system of ownership, management and use of land that delivers greater benefit for all the people of Scotland.

We work to achieve these outcomes:

1. Scotland's land is owned and used in ways that are fair, responsible and productive;
2. More of Scotland's people are able to influence and benefit from decisions about land;
3. The way we own and use land creates public value and economic wellbeing.

We achieve these outcomes by focusing on change in three ways:

- Reforming land rights;
- Embedding responsible land ownership and use;
- Reforming land markets.

PRIORITIES FOR 2021/22

The sections below set out what we will deliver in 2021/22 against the objectives and priorities set out in our Strategic Plan and Programme of Work for 2020-23.

1. REFORMING LAND RIGHTS

Our objective: to reform the way land rights and ownership are controlled to drive economic, social and environmental value, strengthen community resilience and reduce inequalities.

Our Strategic Plan for 2020-23 sets out our intention to:	<ul style="list-style-type: none"> • Encourage a more diverse and productive pattern of land ownership • Identify new governance models that widen the range of people who will benefit from land rights and lead to greater productivity <p style="text-align: center;">Address the human rights relationship between property rights and achieving economic, social and cultural rights</p>	
In 2021/22 the priorities set out in our Programme of Work and our planned outputs are:	Priority	Planned Outputs
	1.1 Conduct a Review of potential tax reforms to support economic recovery, re-use of vacant land and a more diverse and productive pattern of land ownership	<ul style="list-style-type: none"> • Interim conclusions from Expert Advisory Group on Tax. • Programme of stakeholder and public engagement. • Proposals for reform.
	1.2 Conduct a Review of opportunities for new governance models that widen the benefits of land ownership, including Common Good, mixed governance, private and community ownership models	<ul style="list-style-type: none"> • Research into the benefits of diversification in other sectors of the economy. • Initiate multi-year programme of action research to explore and support diversified models of ownership and governance.
	1.3 Advise on options to complement the Scottish Land Fund with wider source of finance to support normalisation of community land ownership	<ul style="list-style-type: none"> • Stakeholder engagement and commissioned report informing advice to Scottish Government
	1.4 Commission expert opinion and analysis to inform the human rights implications of proposed reforms, particularly on the interaction of property rights and obligations to realise economic, social and cultural rights	<ul style="list-style-type: none"> • Establish human rights advisory group to consider the human rights implications of proposed reforms.

2. RESPONSIBLE LAND OWNERSHIP AND USE

Our objective: to put accountable and responsible approaches at the heart of land ownership and use.

<p>Our Strategic Plan for 2020-23 sets out our intention to:</p>	<ul style="list-style-type: none"> • Help people and organisations to adopt the Scottish Land Rights and Responsibilities Statement principles by supporting good practice • Look at ways to further include land rights and responsibilities in public policy and in responsible business conduct across all relevant sectors 	
<p>In 2021/22 the priorities set out in our Programme of Work and our planned outputs are:</p>	<p>Priority</p>	<p>Planned Outputs</p>
	<p>2.1 Promote and support practical implementation of Land Rights and Responsibilities Protocols and principles and associated casework</p>	<ul style="list-style-type: none"> • Promote uptake of Land Rights and Responsibilities through partnership training programmes. • Publish sectoral guidance on the practical application of Land Rights and Responsibilities. • Provide support to landowners and communities to understand and apply the protocols and share the good practice lessons learnt. • Publish a report on the pilot LRR self-assessment process. • Support public bodies in adopting a more proactive approach to estate management, consistent with the LRRS.
	<p>2.2 Engage and support stakeholders in implementing changes in practice identified in our reviews, for example in public interest-led development, vacant and derelict land, housing land supply</p>	<ul style="list-style-type: none"> • Provide advice to inform the design and implementation of the VDL fund and support the Clyde Mission. • Support second year of partnership with DTAS to support community-led regeneration of VDL • Deliver a programme of engagement and communications to support uptake of VDL Taskforce recommendations amongst public bodies.
	<p>2.3 Advise on options to strengthen implementation of the Land Rights and Responsibilities Statement to inform its review due in 2022, including opportunities to embed</p>	<ul style="list-style-type: none"> • Prepare advice to Scottish Government to inform the review of the Land Rights and Responsibilities Statement.

	LRRS in wider public policy, funding and delivery mechanisms	
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3. REFORMING LAND MARKETS

Our objective: to improve the efficiency and equity of land markets to support a fair and productive economy.

Our Strategic Plan for 2020-23 sets out our intention to:	<ul style="list-style-type: none"> • Identify changes to the tax system to support recovery and renewal, particularly in relation to town centre regeneration, promoting active land use and diverse ownership • Review approaches to land valuation, including the factors that influence the difference between market values and economic value, and factors that are likely to influence land values in the future, particularly as we move towards a net zero economy <p style="text-align: center; margin: 0;">Identify practical options for reforming land markets to ensure land is better used in the public interest</p>	
In 2021/22 the priorities set out in our Programme of Work and our planned outputs are:	Priority	Planned Outputs
	3.1 Advise on options for reforming the housing land market.	<ul style="list-style-type: none"> • Publish conclusions and recommendations from the review of land for housing and development. • Advise government on implementation and next steps.
	3.2 Advise on opportunities for vacant and derelict land regeneration to deliver recovery and renewal and potential tax reforms to address the risk of a new legacy of vacant property	<ul style="list-style-type: none"> • Outputs on tax and good practice detailed in priorities 1.1 and 2.2 above
	3.3 Conduct a Review of land valuation, including the differences between market and economic value and the factors likely to influence land values in the transition to a net zero economy	<ul style="list-style-type: none"> • Consider natural capital investment in workstreams on responsible land ownership and taxation.

4. TENANT FARMING COMMISSIONER

Our objective: to support good relationships between agricultural landlords and tenants, contributing to a thriving agricultural sector

<p>Our Strategic Plan for 2020-23 sets out our intention to:</p>	<ul style="list-style-type: none"> • Support a better functioning system of agricultural tenure through the work of the Tenant Farming Commissioner 	
<p>In 2021/22 the priorities set out in our Programme of Work and our planned outputs are:</p>	<p>Priority</p> <p>4.1 Support implementation of Codes of Practice and publish new Codes for rent reviews, relinquishments and assignments, with associated casework and inquiries</p> <p>4.2 Support effective implementation of relinquishment and assignment legislation through appointment of valuers</p> <p>4.3 Promote and support greater use of mediation in the agricultural sector</p> <p>4.4 Provide advice on ways to ensure agricultural tenants and landlords can contribute to and benefit from climate change targets</p> <p>Stakeholder engagement</p> <p>4.5 Support Scottish Government in enactment and implementation of 2016 legislation and provide advice on development of new agricultural holdings legislation</p>	<p>Planned Outputs</p> <ul style="list-style-type: none"> • Undertake casework and provide advice on compliance with Codes of Practice. • Publish TFC Guides on Statutory Compliance and Fixed Equipment. • Publish TFC Code on Waygo. • TFC appointment of valuers as per statutory requirements. • Promote and administer the TFC mediation scheme for 2021-23. • Publish TFC Guidance on tree planting and support industry work on case studies and analysis of legislation. • Biannual meetings of TFAF July & January <p>Provide advice on:</p> <ul style="list-style-type: none"> • Sale when landlord in breach • Repairing tenancies • Rent reviews • Compensation for resumption • Waygo • Barriers to tenants accessing opportunities to implement climate change measures.

5. COMMUNICATIONS AND ENGAGEMENT

Our objective: to be an open and public-facing organisation that stimulates fresh thinking and change

<p>Our Strategic Plan for 2020-23 sets out our intention to:</p>	<ul style="list-style-type: none"> • Involve people widely to help us understand why land matters to them and to Scotland • Be an open and accessible public-facing organisation • Help a wider range of voices to be heard 													
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6. ORGANISATIONAL DEVELOPMENT

Our objective: to be an organisation of shared purpose, responsibility and leadership that brings to life our core values of integrity, challenge, innovation and empowerment

<p>Our Strategic Plan for 2020-23 sets out our intention to:</p>	<ul style="list-style-type: none"> • Review our organisational structure and ways of working to create a culture of shared leadership and responsibility • Attract and retain highly motivated and empowered staff • Put the equality duty at the heart of our decision making, reflecting our commitment to equality and diversity • Implement our Climate Action Plan which commits us to operating with zero direct emissions by 2030 													
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7. PERFORMANCE MONITORING

Key Performance Indicators		
Business area	Key performance indicator (2020-23)	Measurement (2021-22)
Delivery	Delivered 95% of outputs identified in the annual business plans for the three-year period.	Delivered 95% of outputs identified in the annual business plan. Percentage number of outputs delivered and completed as detailed in the annual business plan
Impact & Reputation	Project evaluations identify impact and change in approach by stakeholders as a direct result of the Commission's work	Project evaluation surveys identify over 60% of respondents as acting on what they have learnt through event/engagement or able to identify a positive impact arising as a result of our work. <i>NB: Communications KPIs identified in the communications strategy and reported on annually.</i>
	Increase of 15% by 2023 of stakeholders identifying improvements and better outcomes in their organisation and practice as a result of the Commission's areas of work from the baseline of the 2019 perceptions audit.	
Staff wellbeing and satisfaction	Increase of 15% by 2023 of staff feeling valued and recognised for their work from the 2019 baseline in the annual staff survey	Increase of 5% of staff feeling valued and recognised for their work from the 2019 baseline in the annual staff survey
Finance	End of year outturn to be within 2% underspend of total allocated budget by 2023.	End of year outturn to be within 2% underspend of total allocated budget.

21/22 ANNUAL BUDGET

OVERALL BUDGET ALLOCATION	
Income:	£'000
Grant-in-aid	1,526
Expenditure	
Commissioners costs	61
Staffing costs	944
Corporate Services	203
Communications & Events	124
Research & Project costs	194
TOTAL EXPENDITURE	1,526

BUDGET ALLOCATION BY PRIORITY*	
Income:	£'000
Grant-in-aid	1,526
Expenditure	
Commissioners costs	61
Staffing costs*	402
Corporate Services	203
Communications & Events	124
Programme & Project costs:	
<i>Reforming land rights</i>	165
<i>Responsible land ownership</i>	270
<i>Reforming land markets</i>	209
<i>Tenant Farming Commissioner</i>	92
TOTAL EXPENDITURE	1,526
<i>*Relevant staffing and project costs allocated against Programme of Work priorities</i>	

ANNUAL BUDGET 2021/22

Reference	Name	Budget Holder	2020-21 budget	2021-22 budget	Notes
	Commissioners				
CMEETINGS	Commissioners meetings	Hamish Trench	0		
CTRAINDEVELP	Commissioners training and developmen	Hamish Trench	720	1500	
CTRAVELSUBS	Commissioners travel and subsistence	Hamish Trench	500		
FEES	Commissioners fees	Hamish Trench	58000	59976	
					61476
	Staffing				
PAYROLL	Staff payroll/on-costs	Hamish Trench	826000	900000	includes additional project support role
RECRUITMENT	Recruitment	Hamish Trench	0	2500	
STAFFTRAVEL	Staff travel and subsistence	Hamish Trench	200	400	
TRAINDEVELOP	Staff training and development	Hamish Trench	23000	41000	includes organsaiational development prog & individual training/dev
					943900
	Communications				
CAMPAIGNS	Communications campaigns	Posy MacRae	87988	46176	MyLand & campaigns re tax. LRR, VDL & housing workteams
	Communications Support	Posy MacRae		25000	Contract retender during year
DESIGN	Design and Printing	Posy MacRae	17500	17000	
DIGITAL	Digital	Posy MacRae	15500	11330	includes additional podcast provision
EVENTS	Events	Posy MacRae	4500	19500	includes conference, format tbc
MONITOR	Communications monitoring and review	Posy MacRae	6400	4500	
INTERNAL	Internal Communications	Posy MacRae	500	500	
					124006
	Organisational Development				
CLIMATEACTIO	Climate Action	Posy MacRae	1000	0	
EXTMEETINGS	External Meeting Costs	Posy MacRae	0	0	
HRSERVICE	HR Service	Posy MacRae	15000	15000	
HSEQ	Health, Safety, Environment & Quality	Posy MacRae	1500	1500	
INSURANCE	Insurance and bank charges	Posy MacRae	1600	1600	
ITSERVICE	IT Service	Posy MacRae	58000	60000	
LEGALADVICE	Legal Advice	Posy MacRae	28800	29000	
OFFICEACCOMM	Office Accommodation	Posy MacRae	41500	42625	
OFFICESUPPLI	Office Supplies	Posy MacRae	2000	2000	
ORGFINANPERF	Organisational Financial Performance	Posy MacRae	49060	48740	Internal & external audit costs & year-end accountancy support
RESEARCHCAPA	Research Capacity Building	Posy MacRae	1000	1000	
SUBSCRIPTION	Subscriptions and memberships	Posy MacRae	1600	1600	
					203065
	Ternant Farming				
GOOPRACTICE	Mediation	Sarah Allen	9600	15000	TFC mediation scheme
STAKEHOLDER	Stakeholder Engagement	Sarah Allen	6560		
					15000
	Responsible Land Ownership and Use				
LRR	Land Rights and Responsibilities	Emma Cooper	25000	55000	self assessment pilots, partnerships, LRR films, good practice
					55000
	Reforming land rights				
TAXFISCAL	Tax and Fiscal Policy	Shona Glenn	82392	12000	provision for additional analysis
DIVERSIFYING	Diversifying the pattern of land owne	Shona Glenn	27201	30000	collaborative work re governance models & diversification opps
PUBLICINTERE	Public Interest Governance and Models	Shona Glenn	0	30000	for contracting work re community ownership funding/SLF
					72000
	Reforming Land Markets				
VDL	Vacant and derelict land	Shona Glenn	57219	52204	2nd year of DTAS partnership
	Land valuation	Shona Glenn			provisions included within LRR and tax
					52204
Total					1526651



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Commissioners' Meeting 6 April 2021

PAPER 3

COMMUNICATIONS STRATEGY 2021-22

Purpose: To agree the Commission's communications strategy for 2021-22

Summary

The aim of the communications strategy is to broaden awareness of the role and opportunities land can bring to the people of Scotland and strengthen the Commission's position as leading the debate on the role of land and land reform in tackling Scotland's big challenges.

The objectives of this strategy are:

- To grow awareness of how land – and the ways in which it is owned, managed and used – can enhance the wellbeing of Scotland's people, creating a greener and fairer economy
- To build on the image of the Land Commission as the authority on land reform, strengthening the narrative and position as providing leadership in fresh thinking and change
- Deliver clear, targeted communications campaigns supporting the delivery of the Commission's work with strong actions and desires.

These objectives remain unchanged from the 2020-21 communications strategy and were developed using insight from the perceptions audit and the work on engagement with young people. Further evidence has contributed to this with the publication of Scottish Government's research into 'Attitudes to Land Reform'.

The strategy is to be as fluid and flexible as possible so that it can react to changes in political priorities, Scotland's recovery and renewal and also identify opportunities.

Recommendations

Commissioners are asked to review and approve the proposed communications strategy for 2021-22

Posy MacRae
March 2021



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

COMMUNICATIONS STRATEGY

2021-22



1. Introduction

This communications strategy outlines how communications activity and engagement will contribute to achieving the Commission's three year Strategic Plan, working towards the long term objectives and vision:

“Our vision is a fair, inclusive and productive system of ownership, management and use of land that delivers greater benefit for all of the people of Scotland.”

This strategy, along with the communications plan, details how communications will play a key role in delivering the Commission's 2021-22 Business Plan.

2. Background

The coming year is going to be a challenging time for Scotland, where recovery from the impact of Coronavirus continues to be a priority for all. Land can play a significant role in aiding the recovery and helping to create a greener and fairer economy, improving the wellbeing of the Scottish people.

This strategy is a high level approach to communications in this challenging context, where we have all lived with the impact of a pandemic for over a year and the future remains uncertain. We must ensure our messaging connects into the public's consciousness and becomes increasingly relevant as we move through the year where not only recovery from the pandemic will be a key focus but also climate action, with the hosting of COP26 in Glasgow. It is important that we amplify the role and opportunity land provides in tackling Scotland's big issues and the place of the Commission's work.

This strategy closely follows the main themes of last year's, with a focus on making land and land reform relevant to life in Scotland, no matter where you live. We need to take a step back from the technicalities of land reform and raise awareness of the role and benefits of land to everyday life in Scotland.

We will also need to demonstrate to our stakeholders the momentum of land reform in Scotland, the impact it has had and the long term benefits it can bring, with a particular focus around key events over the year.

The strategy will build on the Commission's position as the leading voice for land reform and foremost in fresh thinking and change to deliver land reform in Scotland. In this time of recovery, communications will play a key role in building awareness of the role of land, and land reform, in creating a successful Scotland. It will also position the Commission in delivering bold change in the way our land is owned, managed and used to achieve Scotland's recovery and ambitions.

This strategy will require an integrated approach across a broad range of media to target specific audiences. Clear, targeted communication needs to take place across a range of channels to ensure consistent messaging reinforcing the role of land reform, and the Commission, to both a rural and urban audience in Scotland.

3. Aims

The communications strategy is concentrating on the Commission's strategic outcomes as outlined in the Strategic Plan and priorities in the 2021-22 Business Plan:

1. Scotland's land is owned and used in ways that are fair, responsible and productive
2. More of Scotland's people are able to influence and benefit from decisions about land
3. The way we own and use land creates public value and economic wellbeing.

The aim of this strategy is to broaden awareness of the role and opportunities land can bring to the people of Scotland and strengthen the Commission's position as leading the debate on the role of land and land reform in tackling Scotland's big challenges.

4. Objectives

The objectives of this strategy are:

- To grow awareness of how land – and the ways in which it is owned, managed and used – can enhance the wellbeing of Scotland's people, creating a greener and fairer economy
- To build on the image of the Land Commission as the authority on land reform, strengthening the narrative and position as providing leadership in fresh thinking and change
- Deliver clear, targeted communications campaigns supporting the delivery of the Commission's work with strong actions and desires.

These objectives remain unchanged from the 2020-21 communications strategy and were developed using insight from the perceptions audit and the work on engagement with young people. Further evidence has contributed to this with the publication of Scottish Government's research into public 'Attitudes to Land Reform'.

5. Insight

Findings from the research highlights the disconnect, and lack of awareness, around the term 'land reform'. Participants feel 'it doesn't mean much to ordinary people' and that it is only relevant to rural, undeveloped land.

The research also found that when thinking about 'land in Scotland', participants tended to think first about rural land that has not been built on. There was a perception among urban participants that land was something 'out there' and located away from where most people live. The report concluded that this has implications for how land reform is positioned: a greater emphasis on the urban elements (both urban greenspace and buildings), and buildings in rural towns and villages, may help engage more of the public and help them see the relevance of land reform to their own lives.

This evidence supports the focus of the myland campaign in spotlighting the role of land in everyday life, connecting it to matters that are important to people with a specific target to the central belt. The myland campaign was postponed from February 2021 and will now take place in June 2021.

A social media audit was carried out in May 2020 which reviewed the four main channels we use, Twitter Facebook, LinkedIn and Instagram. The audit compared our activity against stakeholders in the sector and similar sized public bodies, including Community Land Scotland, Scottish Land & Estates, Scottish Futures Trust, Architecture & Design Scotland and Community Justice Scotland.

The audit found that we are right to concentrate on Twitter with Instagram, LinkedIn and Facebook as part of the social media mix. Recommendations were made to improve our engagement levels on Instagram and LinkedIn and these have been incorporated into our social media planning, resulting in a significant increase in followers and engagement on both channels.

6. Key Messages

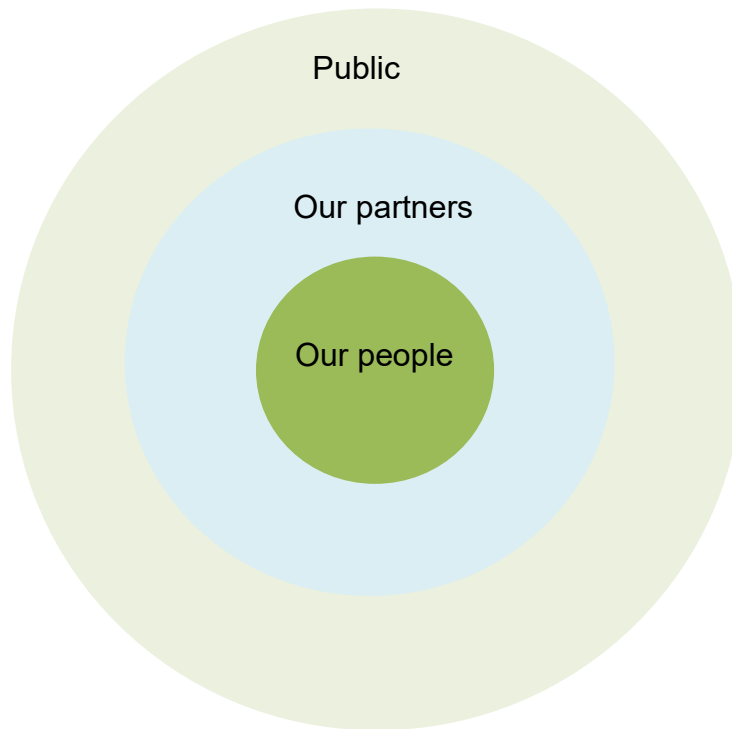
Communications will continue to be supported through a campaign-based approach with each campaign plan detailing the appropriate communication method for each workstream and audience.

All activity is to include some or all of the following messages, as appropriate:

1. Land matters because we all need and use it – we need to ensure that it is owned and used fairly to benefit Scotland's people and economy.
2. The Commission works to ensure that Scotland's land is owned and used in a fair and positive way to benefit everyone in Scotland by:
 - Contributing to a greener and fairer economy
 - Providing the leadership that brings parties together in fresh thinking and change
 - Driving a programme of land reform spanning both urban and rural land.

7. Audience

This communications strategy focuses on three main audience groups:



Refinement of the audiences comes at a campaign level, segmenting primary target audiences and prioritising based on time and resources, which must be tailored to the message and the action of the campaign.

8. Approach

The campaigns will be based on the three audiences identified. With a public campaign to build on the myland.scot work and raise awareness around land, why it matters and how it can contribute to climate action, wellbeing and recovery and renewal.

Working closely with the project teams, workstream campaigns will be targeted specifically to stakeholders and sectors for the key areas of work over the year. It is important to continue to link the overarching messages of the campaigns to the long term benefits of land reform. These campaigns will be timed with key parliamentary milestones over the year to ensure they connect into the big policy challenges. These campaigns will also be targeted to land reform influencers to grow awareness of the progress made on the ground and our work on culture change around the land rights and responsibilities.

With a new Parliament, the Commission will need to ensure that we are informing and are aligned to the new governmental priorities and continue to highlight the importance of land reform in addressing the big public policy challenges.

There will be strong emphasis on internal communications and engagement with staff and Commissioners building on the ongoing wellbeing activity. We need to ensure not only the wellbeing of staff but that they feel connected to the organisation and the values. Effective communication and engagement will also play a core part in the organisational review, creating an open and transparent environment where staff contribute to discussion and help to shape the organisation. Details of planned

activity, resources and responsibilities are included in the internal communications plan.



9. Channels

Communications and campaign-based activity will all take place using an integrated approach across a number of channels:

Media

Continued focus on mainstream media and building relations with specific outlets by providing exclusive access to stories where relevant, helping to provide the context to work and also have a targeted approach. Continue to provide opinion pieces by Commissioners and staff to build up the authority of the Commission on specific subject areas. Focus on regional and local press with relevant stories and localised case studies.

Campaign specific activity will target trade press publications, and national, regional and local press using case study examples to create interest.

Value is provided through the communications support contract, helping to connect into different media, audience and generating exclusive opportunities. The current contract is due to end in June 2021. It is proposed to tender again for this vital support with a reduced number of days of four per month.

Social Media

We have incorporated the recommendations of our social media audit into our social media planning with content targeted and adapted to suit the channel and audience and with a focus on visual content and engagement.

Channel	Target	Activity
Twitter	<ul style="list-style-type: none"> • Stakeholders • Land reform influencers • Political influencers • Leading thinkers on big issues such as wellbeing economy, climate action and human rights 	<ul style="list-style-type: none"> • Regular daily posting of activity, signposting and opening of discussion
LinkedIn	<ul style="list-style-type: none"> • Stakeholders • Leading influencers within stakeholder organisations 	<ul style="list-style-type: none"> • Organisational networking and influencing • 2-3 times a week sharing leading think pieces and sector activity
Facebook	<ul style="list-style-type: none"> • Community-based organisations • General public • Local groups with an interest in land • Partner organisations 	<ul style="list-style-type: none"> • 2-3 times a week to broaden awareness, people-focused stories, case studies and promotion of public meetings
Instagram	<ul style="list-style-type: none"> • General public • Individuals interested in land matters • Community organisations 	<ul style="list-style-type: none"> • 1-2 times a week sharing striking images to lead into stories including case studies • Use of hashtags to increase reach

The role of the myland.scot channels will be developed to broaden engagement in line with the campaign and have clear call to actions. We will continue to grow the Commission’s social media presence and use it as a driver for web traffic, a profile raiser and an engager.

Digital

Website – The updated website has now been live for over a year. We will review content along with how users are interacting with the site and make further developments to ensure a good user experience. We will also look at creating a dedicated area for a package of resources for those interested in finding out more about land reform and our work, such as universities and professional development. We will develop content for the myland.scot website with the creative agency as a key tool to the campaign.

Blog – The ‘Land and Economy’ blog series has raised that profile of the Commission and added land into the debate around many of Scotland’s big issues. It

is important to keep this momentum and reinforce the Commission’s role as the leading authority on land reform related matters. There will be a focus on not only increasing the number of guest blogs on the Commission blog but also in staff and Commissioner’s providing guest blogs for partners to help broaden the reach of our work.

Films – We aim to further develop the library of content to include a real focus on human communications and people telling their stories of land, the impact it has, and the opportunities it creates in the context of land rights and responsibilities. These will sit alongside short, concise summaries of reports and key areas of work which can be used across social media and are complemented with longer more in depth features, including webinars and CPD opportunities.

Enewsletter – Create momentum with the newsletters and continue to grow the subscriptions and engagement, producing regular editions highlighting and signposting to the work of the Commission and partners.

Podcasts – A series of podcasts are being developed in line with the myland campaign exploring a range of influencers’ views of land and the important role it has in everyday life. This will be built on throughout the year to create an accessible platform to develop awareness for those with limited knowledge/interest in land reform.

Events

We will continue delivering and taking part in online events throughout the year. The virtual public meetings have shown the unique opportunity online events have provided, enabling us to reach an average of 50 attendees for each meeting and a much broader range of people attending. We will continue with a programme of virtual public meetings over the year and keep under review whether this should be complemented with face to face meetings once the restrictions allow.

We will use a programme of webinars, workshops and training to engage with partners and sectors to increase action around LRRS and present and explain reports and recommendations, whilst also providing the opportunity to engage and discuss the work, including a series events looking at land reuse.

This year we will be holding the Commission’s biennial land reform conference. The focus of the conference will move the debate on from Scotland’s land and economy to putting land back into the economic model, looking at land markets and the links to specific workstreams. We are exploring the format for the conference but it is likely to be delivered online over two to three days with a mix of pre-recorded speeches and live discussions.

Below is an overview of the priorities for this year as outlined in the business plan:

Aim	Activity
Communications to support workstreams with sector specific engagement with a clear link to	Deliver targeted campaigns and stakeholder engagement for the tax, land for housing,

high level messaging on the role of land reform in creating a dynamic and resilient economy.	vacant and derelict land and land rights and responsibilities workstreams. Rolling 'hot topics' briefing for staff and Commissioners outlining position and key messages.
Increase awareness on the role of land in everyday lives and the impact and benefits of land reform	Focused 'Myland' campaign to engage public on why land matters, supporting land rights and responsibilities implementation.
Broaden the debate and increase engagement on our work and land reform.	Hold a series of regionally focused virtual public meetings. Work with the project team to develop a long-term strategy of engagement with young people.
Increase the profile of the Commission and the role of land in contributing to climate action and Scotland's recovery and renewal	High profile events including the biennial land reform conference. Explore options to link into COP26 with potential to extend myland campaign in the run up and focus on land and climate Lead the debate on the role of land and land reform in tackling Scotland's big challenges with a series of high profile blogs and opinion pieces.
Renew internal communications to ensure it is contributing to connecting staff to each other and the organisation, informing and supporting overall wellbeing.	Deliver internal communications plan

Communications activities across all channels will be designed to ensure that they are as accessible as possible in order to reach the widest audience and to comply with UK Government regulations governing accessibility.

10. Key Performance Indicators

Effective monitoring and measurement will take place over the coming year against the KPIs.

Channel	Activity	Communications KPI
MEDIA	Targeting print media, broadcast and online	- 10% year on year increase in quality media coverage

Channel	Activity	Communications KPI
	publications to build awareness	<ul style="list-style-type: none"> - 6 x opinion pieces of Commission's role in national print & broadcast media - 40 articles generated for TFC
SOCIAL MEDIA		
Twitter	Increase followers and engagement	<ul style="list-style-type: none"> - Increase followers by 4% month on month - Increase monthly engagement by 6%
Facebook	Increase likes and engagement	<ul style="list-style-type: none"> - Increase followers by 4% month on month - Increase engagement by 5%
LinkedIn	Increase followers	<ul style="list-style-type: none"> - Increase followers by 40%, build up presence and use for commentary on sector specific matters
Instagram	Increase followers and engagement	<ul style="list-style-type: none"> - Increase monthly engagement by 10%
DIGITAL		
Emarketing	Distribute quarterly newsletter	<ul style="list-style-type: none"> -Increase subscriptions by 10% -Maintain an open rate above 30%
Website	Increase use of website as go to resource for all information on land reform	<ul style="list-style-type: none"> -Achieve average visitor numbers of >2,200 per month (increase of 10%)
Blog	Build up blog activity commenting on a range of land reform issues	<ul style="list-style-type: none"> -Increase average views of posts by 10%
EVENTS		
	Raise awareness, increase engagement and visibility of Commission and Commissioners	<ul style="list-style-type: none"> - Hold a series of virtual public meetings with up to 500 attendees - Successful reach of conference building on 2019 audience c200+
INTERNAL COMMS		
	Support an effective and productive team	<ul style="list-style-type: none"> - Regular structured communications to staff focus on organisational review and wellbeing, monitored as part of regular staff surveys.

11. Planning

The strategy is to be implemented from 12 April 2021 with a focus on fulfilling the strategy and trialling, testing and adjusting accordingly.

12. Resources

The Head of Communications and Corporate Services will be responsible for the delivery of this strategy supported by the Communications Team and reporting to the Chief Executive. The strategy is currently supported by Pagoda PR for 5.5 days a month to the end of June 2021 leading on driving media coverage. Material are leading the myland campaign. Design and print will continue to be outsourced to Hill99.

The budget associated with implementing the Communications Strategy and Plan is detailed in the Commission's annual budget 2021-22.

13. Control

The Scottish Land Commission's communications strategy is aligned to the Commission's Strategic Plan and working towards the National Outcomes.

All press enquiries and communication requests are to be directed to the Communications Team who will lead on all external and internal communication, with support from the communications agency. A media protocol is in place which details the process for dealing with press enquiries and must be adhered to. The media protocol is promoted internally to all staff and Commissioners to ensure they understand the process.

The Communications team, staff and Commissioners are to follow the Scottish Government's social media policy and the Commission's social media strategy.

14. Analysis

It is important to continue the data collection and analysis and review the measures currently in place to ensure that they are fit for purpose. Collating a robust evidence base will help to guide and inform decisions in the future.

Communication activities, and in particular campaign activity, is to be measurable through specific 'call to action' points such as landing page, interactions on social media, etc so that progress against the strategy's KPIs can be monitored.

The 'Communications Activity Report' will continue to be completed monthly which will feed in to reviewing the Communications Plan and Strategy to ensure that it is reaching the target audience with a clear message and call to action and the activity is coming in on time and in budget.

15. Evaluation, Feedback and Adjustment

It is the responsibility of the Head of Communications and Corporate Services to prepare quarterly performance reports for the Commissioners, monitoring and evaluating the communications activity.

It is important that we are able to keep this strategy fluid and flexible as possible to be able to react to changes due to COVID-19 and the new parliament and also identify opportunities.

Communications activity will continue to be measured, evaluated and reviewed to ensure the objectives are on track and KPIs are being met. Any areas that are not performing as predicted or intended will be investigated and the strategy and plan adjusted as necessary in order to improve their effectiveness.



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Commissioners' Meeting 6 April 2021

PAPER 4

CYBER UPDATE

Purpose: To provide an update to the processes and preventions in place to strengthen the Commission's organisational resilience.

Summary

Cyber security is central to an organisation's health and resilience. The risk to cyber security has increased with more people working from home, reduced control over IT practices and irregular work patterns.

For information, Commissioners have been provided with a copy of the 'Organisational resilience' paper which was tabled at the Audit and Risk Committee meeting on 1 February 2021. The paper provides an overview of the controls in place to manage the Commission's resilience, including cyber security.

Cyber threats continue to change and evolve becoming more sophisticated over time. The Commission has put in a number of mitigations to ensure that resilience of our IT systems. These include:

- Cyber Incident Response Plan
- Cyber essentials accreditation and we are now working towards achieving cyber essentials plus
- Internal audit of IT systems and implementing the recommendations
- Implementing the initial recommendations from the lessons learned of the SEPA cyber attack
- Phishing email simulation to alert staff to the risk scams and how to identify a potential email. 87% of staff did not action the email, with 13% (3 people) clicking on the infected link. Training on cyber security will now be rolled out to all staff
- Training with the Scottish Cyber Resilience Centre
- Annual cyber security training is mandatory.

It is important for the Commission to monitor and be aware of potential threats and we receive regular communications from the Scottish Government's cyber resilience unit.

Recommendation

Commissioners are asked to note the measures the Commission has in place to reduce the cyber security risk.

Posy MacRae
March 2021



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Audit and Risk Committee 1 February 2021

Organisational Resilience

PAPER 5

Purpose

To provide an update to the processes and preventions in place to strengthen the Commission's organisational resilience.

Background

Organisational resilience is the ability of an organisation to anticipate, prepare for, respond and adapt to incremental and sudden change in order to succeed. Over the last 10 months there has been significant and unprecedented changes to how we work, operate and live, with external factors impacting all areas of the organisation.

The Commission's preventative controls to manage resilience such as the risk management framework and business continuity planning have been tested and put the organisation in a good position to foresee and cope with the many challenges throughout the year.

The preventative controls help the Commission to horizon scan, anticipate potential disruption and mitigate and manage those changes.

The Commission is well connected into Scottish Government and other public bodies in areas of communication, people, digital, operations and business continuity where information around organisational resilience is shared and discussed helping to learn from others and prepare the Commission's response.

Risk Management Framework

The Commission's risk management framework continues to provide key strategic oversight of risks to the organisation and the controls taken to address those risks. It is updated on a quarterly basis along with the organisational risk register. The organisational risk register has been updated to include current risks of working from home and the potential risks of a phased return to office working.

Business Continuity Planning

The Commission's Business Continuity Plan is regularly updated and it put the Commission in a good position to be able to manage the transition to home working during the initial COVID lockdown in March 2020.

The plan is currently being updated to take into account the move from continuity planning around disruption to physical environments, such as the office building, to

more virtual environments such as IT systems and potential power outages and also the recommendations from the internal audit of our IT systems. It will be brought to the next committee meeting.

Staff Wellbeing

One of the highest influences on the resilience of the Commission is the wellbeing of our staff. This is now more pertinent than ever, and individual resilience is being pushed to the maximum with everyone having to cope with external factors, various caring responsibilities and the changing and uncertain times we are in. To manage this the Commission has carefully monitored overall staff wellbeing and the support we can provide as an organisation. This is done through regular chats with line managers and teams and also through staff wellbeing surveys. Three surveys have taken place since the initial lockdown in March 2020 to monitor how people are coping, where the Commission can provide more support and suggestions of things that can be improved. A number of suggestions have been taken forward as a result, such as the wellbeing campaign. The campaign has been running throughout the winter to connect people, provide and signpost support, and to encourage everyone to look after their own wellbeing.

The Commission has had a flexible approach to working during the lockdown periods to ensure that staff who are juggling various situations are supported whilst still being able to deliver as an organisation. The general feedback has been positive with staff appreciating the support and flexibility offered.

The Commission's second annual staff survey which looks at roles, management, communications, training and organisational culture will be issued next month which will provide a more holistic view of how people feel about working at the Commission.

Cyber Security

Cyber security is central to an organisation's health and resilience. The risk to cyber security has increased with more people working from home, reduced control over IT practices and irregular work patterns. The severe impact a cyber attack can cause has been demonstrated by the ransomware attack suffered by SEPA just before Christmas. The Commission receives regular updates and learning from that incident through Scottish Government networks.

Cyber threats continue to change and evolve becoming more sophisticated over time. The Commission has put in a number of mitigations to ensure that resilience of our IT systems. These include:

- Cyber Incident Response Plan
- Cyber essentials accreditation and we are now working towards achieving cyber essentials plus
- Internal audit of IT systems and implementing the recommendations
- Implementing the initial recommendations from the lessons learned of the SEPA cyber attack

- Phishing email simulation to alert staff to the risk scams and how to identify a potential email. 87% of staff did not action the email, with 13% (3 people) clicking on the infected link. Training on cyber security will now be rolled out to all staff.
- Annual cyber security training is mandatory.

It is important for the Commission to monitor and be aware of potential threats and we receive regular communications from the Scottish Government's cyber resilience unit.

Fraud

Like cyber security, the potential of fraud has increased with criminals taking advantage of the disruption to the ways of working and the vulnerabilities this may cause to processes. The Commission has updated its finance desk instructions to take into account home working processes including approval and authentication. Procedures remain in place to protect against potential fraud such as through changes to supplier details.

Summary

The Commission has a number of preventative measures in place to ensure the resilience of the organisation. As well as responding, it is also important that we are noticing and exploring potential changes and how those changes can not only be managed but improve the organisation. Adapting to new ways of working in the long term and creating an offer that can benefit staff wellbeing and reduce costs provides future flexibility and resilience. The organisational review we are currently undertaking also contributes. By looking at what we are doing well and what we could do better helps ensure the Commission is a successful organisation where people want to work, creating long term resilience.

It is vital that the Commission continues to effectively anticipate, prepare for, respond, learn and adapt to change in order to succeed.

Posy MacRae

20 January 2021



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Commissioners' Meeting 6th April 2021

PAPER 5

Land and Human Rights Advisory Forum

Purpose: To advise Commissioners on progress towards establishing a Land and Human Rights Advisory Forum (LAHRAF), to invite the board to nominate a representative to participate in the Forum and discuss priorities for the Forum to consider during its first year.

Background

The 2020-23 Strategic Plan commits the Commission to “*Address the human rights relationship between property rights and achieving economic, social, and cultural rights*” and to do so by publishing expert opinion and advice.

The purpose of LAHRAF is to bring together a group of leading legal thinkers with expertise in land, property, and human rights, from academia and practice, to provide independent, impartial advice to the Scottish Land Commission on the human rights implications of specific policy proposals and ideas.

The outputs of the Forum will help us shape our input to the development of the new Human Rights Bill in the next Scottish Parliament, as announced by the Scottish Government in March 2021.

Partnership with the University of Strathclyde

SLC Staff identified the University of Strathclyde (UoS) as having substantial expertise in the fields of land law and human rights and that access to this resource would be of significant benefit to this project. A partnership arrangement with UoS to create and run the Forum would also open potential future opportunities for collaboration in other areas of work.

Initial exploratory discussions with UoS staff have been positive, and we are at the stage where a formalisation of our proposed relationship is now necessary.

To that end draft Terms of Reference are appended at Annex A outlining the proposed functions of the LAHRAF, and further detail on the background, work, and membership.

Relationship between the Board and LAHRAF

As outlined in the draft Terms of Reference it is proposed that the board should nominate a Land Commissioner to sit on the LAHRAF.

There is clear added value in the Commissioner becoming the strategic link between the Commission Board and the Forum, facilitating direct updates to the Board, and inputting to the annual review of the work of the Forum.

The Commissioner would also act as a conduit for ideas that will help inform the development of the group's future programme of work.

Simultaneously, SLC staff will ensure that operational links to Commission work are made, and that the work of the Forum is appropriately directed through the agenda.

How the Forum will Operate

Over the course of each year the Forum will set out to answer a number of questions relating to current policy areas. The areas for discussion will be agreed between SLC and UoS annually. Initial areas for are outlined in the following section.

Once established, Forum members will be invited to suggest future areas for discussion in subsequent years. The Commissioner member will play a key role in reporting back to the SLC board, who will then collectively prioritise forthcoming areas for discussion.

It is envisioned that after each meeting the Forum will provide a summary note that sets out issues discussed, key points made, areas of consensus and disagreement, and questions for future consideration, to be published on the SLC website.

There will also be a regular post-meeting public facing blog highlighting the discussions with appropriate commentary suitable for a lay audience. For topics of particular interest there will be scope to publish additional blogs between meetings.

To further enable good communication, the Chair of LAHRAF may from time to time be invited to attend a session with the board.

Initial Areas for Consideration

Three broad areas have been identified where it is expected that the Forum could make a contribution in its first year of operation:

- **Interventions in the land market** – the Commission has proposed legislative mechanisms to tackle concentrated landownership (paralleling experience in other economic sectors and internationally), such as a Public Interest Test on land transfers, and a Land Rights and Responsibilities Review process.

Key issues from a property rights perspective are expected to include significant EHCR implications arising from the operation of the proposed mechanisms – particularly where forced sales or disallowed transfers may arise; issues of compensation; and related impacts such as effects on inheritance law, and contract law as regards options agreements.

- **Compulsory Sales Orders** – the Commission published proposals in 2018 for a new legislative power that would enable local authorities to require property that has been unused for an undue period to be sold at public auction to the highest bidder.

Key issues from a property rights perspective are expected to include whether it is reasonable to compel a site to be sold with no prior agreement of the final

end use and whether a price determined by auction can reasonably be considered to represent fair market value.

- **Land Assembly** – The Land Commission will be making proposals later this year about how the public sector could begin to take a more proactive role in the delivery of housing. These proposals will consider challenging issues around how publicly created uplifts in land values can be shared more equitably across society.

Key issues from a property rights perspective are likely to relate to the factors that determine the creation of “hope value” and the question of what constitutes fair compensation in different circumstances. .

Each of these proposals has been designed to support the broader realisation of different social, economic, and cultural human rights. As well as considering the explicit challenges the proposals may present in terms of individual property rights, the Forum would also be expected to consider how the proposals could help to realise these wider rights and in so doing support a healthier balance between the two types of rights.

Review

It is proposed that the work of the Forum will be reviewed annually through a paper to, and discussion at, the SLC Board.

This paper will be drafted by the staff member responsible for facilitating the Forum with input from the Chair of the Forum and the Commissioner member. It will provide an opportunity to assess the effectiveness of the Forum, as well as suggest changes to the terms of reference, and provide a suitable juncture for the consideration of the topics for discussion in the coming year.

Next Steps

If approved, staff will develop the technical documents required to formalise our partnership with UoS, and establish the LAHRAF.

The Commissioners are asked to:

- approve the draft Terms of Reference for the LAHRAF;
- nominate a Commissioner to participate in the LAHRAF; and
- discuss and confirm approval for suggested topics for the first year of LAHRAF.

James MacKessack-Leitch and Shona Glenn
March 2021



Terms of Reference

Land and Human Rights Advisory Forum

This paper provides the terms of reference for the Land and Human Rights Advisory Forum, a joint initiative between the Scottish Land Commission and the University of Strathclyde.

1. Context

The Scottish Land Commission (SLC) was established under the Land Reform (Scotland) Act 2016 on 1st April 2017. Its purpose is to provide direction, leadership, and strategic thought to land reform in Scotland. Its vision is of a fair, inclusive, and productive system of ownership, management and use of land that delivers greater benefit for all the people of Scotland.

In its strategic plan 2020-2023, the Land Commission sets out its role in supporting a fair and green recovery and the “wellbeing economy” helping to create a Scotland that:

- promotes inclusive economic growth;
- reduces inequality;
- supports climate action and a just transition; and
- empowers people and communities to bring about positive change.

Within the plan, one of the Land Commission’s objectives is to reform the way land rights and ownership are controlled to drive economic, social, and environmental value, strengthen community resilience, and reduce inequalities.

To deliver this, the Land Commission has committed to helping to rebalance the human rights relationship between property rights and wider economic, social, and cultural rights.

In March 2021 the Scottish Government committed to the introduction of a new Human Rights Bill in, incorporating the International Covenant on Economic, Social and Cultural Rights, amongst other proposed provisions, following the recommendations of the National Taskforce for Human Rights Leadership (NTHLR). SLC was consulted as part of the work of the NTHLR, and there is a clear opportunity to help inform the development of the Bill as the parliamentary processes advance. It is envisaged that this Advisory Forum will play a key role in supporting the Land Commission in any contribution it may wish to make to the development of any new Human Rights Legislation brought forward by the Scottish Parliament.

2. Background

Scotland’s land reform programme is rooted in a human rights framework. We must consider property rights – a critical part of our economy – alongside the public interest in realising economic, social, and cultural rights.

The way land and human rights are organised influences the distribution of power, wealth, resources, and benefit across much of our economy and society. The effective protection of individual property rights is a fundamental expectation in any democratic society and an important pre-condition for a well functioning economy, but property rights are not absolute. They exist alongside, and must be balanced carefully against wider economic, social and cultural rights.



There is some evidence to suggest that in Scotland we do not always manage this balance effectively and that the status of individual property rights has become increasingly and unhelpfully difficult to challenge. Scotland's Land Rights and Responsibilities Statement (LRRS) aims to help correct this imbalance by making sure more people can benefit from land, helping to realise these wider economic, social, and cultural rights.

An effective framework that provides a more equitable balance between property rights and wider human rights will be central to achieving this. Through our work to embed the principles of the LRRS in public policy the SLC is working to achieve this and help reset the balance between individual property rights and wider collective human rights.

Doing this could drive economic, social, and environmental value, strengthen community resilience, and reduce inequalities. If the ways we own and use land provide – rather than restrict – opportunities for more people to benefit from good quality housing and environment, employment, economic activity, and empowered communities, this shows we are making progress in achieving the economic, social, and cultural human rights which the Scottish Parliament has put at the heart of Scotland's approach to land reform.

In order to think and work through the issues noted above, SLC believes assembling a Forum of suitable expertise would be immensely valuable in helping to shape this work. The deliberations of the Forum would help shape SLC work in tackling challenging issues, breaking new ground, and feeding into the work of others – such as the proposed new Human Rights Bill.

Rather than facilitate the Forum alone, SLC believes partnership working brings a variety of benefits, and has identified UoS as a leading institution in both land and human rights. There is a good fit between the partners in connecting emerging land reform and human rights policy, with leading expertise and academic rigour.

3. Purpose of the Forum

The purpose of the Forum is to bring together a group of leading legal thinkers with expertise in land, property, and human rights, from academia and practice, to provide independent, impartial advice to the Scottish Land Commission on the human rights implications of specific policy proposals and ideas. Specifically the group will be expected to:

- consider specific questions relating to human rights aspects of proposals being considered by the Commission;
- highlight any aspects of such proposals that may be considered challenging or problematic from a human rights perspective;
- provide suggestions and advice as to how any human rights related issues could be resolved;
- make suggestions about how the Commission's work could contribute to the realisation of wider social, economic and cultural human rights; and
- support the Land Commission in any contribution it may wish to make to the development of any new Human Rights Legislation brought forward by the Scottish Parliament; and



- provide advice to the Commission that will help us to develop a vision of, and the practical steps required to achieve a more equitable balance between property rights and wider economic, social and cultural rights fit for 21st century Scotland.

4. How the Forum will operate

Over the course of the year the Forum will be invited to consider specific questions relating to current policy work being taken forward by the Land Commission. This list will be agreed annually in advance with the Board of the Scottish Land Commission.

Once established, Forum members will be invited to suggest future areas for discussion in subsequent years. The Commissioner member will play a key role in reporting back to the SLC board, who will then collectively prioritise forthcoming areas for consideration.

It is envisioned that after each meeting the Chair of the Forum will provide a summary note of discussions to the Land Commission, which directly addresses the questions considered. The Chair will also arrange for a blog to be produced by a member of the Forum to help communicate the issues emerging to a lay audience. For topics of particular interest there will be scope to publish additional blogs between meetings.

As well as advice on the immediate work noted above, the Forum would be able to use such proposals as a lens through which to view broader questions and ideas for rebalancing the relationship between property rights and wider human rights such as:

- how the interpretation and application of rights over the last c.70 years has affected policy;
- whether the current human rights framework as pertaining to property fit for purpose;
- what would a reformed property rights regime look like; and,
- how could such a reformed property rights regime be implemented.

This would allow the forum to consider the basis upon which current and future proposals are made, (i.e. how perceived failures within the current property and human rights frameworks are seen and their effect, why that is the case with reference to prevailing and historical orthodoxy in thought and practice, how the proposals intend to remedy those failures, and what the implications of doing so would be on a future property rights regime), while keeping a practical focus on ongoing real-world issues.

5. Membership

Membership of the Forum will include relevant expertise from both academia and practice and be of a size that is flexible enough to bring in particular expertise as required. Therefore, the Forum will have a fixed core of eight permanent members, with a wider pool of interest upon which to draw as required.

Of the permanent members there will be:

- A Chair nominated by UoS;
 - The Chair will be responsible for facilitating the meetings of the Forum, and ensuring Secretariat functions are carried out.
- A Land Commissioner
 - The Land Commissioner will provide a direct link to the board of the Commission.



- The role of the Commissioner is to support effective liaison to help ensure the work of the Commission is well informed by the advisory forum. It is not an expert role providing advice.
- An observer from the Scottish Government;
 - The representative will act to provide an effective conduit between the Forum and the wider work of the Scottish Government, especially the development of the New Human Rights Bill.
 - As an observer this member will not be required to help the Forum formulate its position on issues but will be encouraged to play an active role in discussions.
 - This member will not necessarily possess legal expertise but will be encouraged to participate actively in discussions.
- Five further members agreed between UoS and SLC

An additional two guest members may be invited to join any particular meeting where specific expertise would be of help.

6. Commitment of Members

All members of the Forum will be expected to:

- attend the quarterly meetings of the Forum;
- read and consider meeting papers in advance;
- contribute actively and openly to discussions;
- assist the secretariat in locating any relevant information referred to during the course of discussion;
- promote the work of the Forum via social media and other networks.

It is anticipated that during the course of the operation of the Forum different members would be invited to contribute blogs based on their reflections on Forum meetings. Such contributions will be by invitation only but voluntary offers of support from members in this regard will be warmly received.

The Secretariat will ensure that:

- meetings take place quarterly, lasting two hours (initially online, but post-pandemic in person and/or hybrid attendance may be used);
- meetings are held under “Chatham House Rules”;
- papers are issued no later than one week in advance of each meeting;
- a note of each meeting is issued no later than two weeks after each meeting; and
- a blog piece reflecting on the discussions after each meeting is provided to the Land Commission no later than two weeks after each meeting.

Including meetings, associated reading, blog writing, and communication, members should expect to commit 16-20 hours per year to the work of the forum.

7. Scottish Land Commission Support



The Forum will be supported a member of staff from the Scottish Land Commission who will provide an operational link to the ongoing work of the Commission and contribute background material to support the work of the Forum. They will also play a key role in shaping the agenda of the Forum, and will attend Forum meetings.

They will be the primary SLC contact regarding the Forum.