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## Casework Policy

### About the Scottish Land Commission

We are a non-departmental public body established on 1 April 2017 by the [Land Reform \(Scotland\) Act 2016](#) and wholly funded by the Scottish Government. Our [Board of Commissioners](#) set the strategic direction of the organisation, supported by a team of staff, who work across Communications and Corporate Services, Policy and Research, and Good Practice.

Our role at the Scottish Land Commission is to review the effectiveness and impact of the laws and policies relating to land in Scotland, and to make recommendations to Scottish Ministers on future land reform. We have delivered a substantial programme of research and public engagement, making recommendations for significant changes in law and policy, and promoting more immediate changes in culture and practice through our [Good Practice Programme](#).

### Our work

Our work is informed by the Scottish Government's [Land Rights and Responsibilities Statement](#) (LRRS), which sets out principles for good practice in land ownership and use. The LRRS applies to everyone who owns or uses land in Scotland – whether they are a private individual, company, charity, community group, or public body.

Our Strategic Plan 2023-26 sets our focus for the coming three years on 'people, power and prosperity'. The plan sets an agenda for the Commission's work that will help Scotland:

- Strengthen the ways people participate in and influence decisions about land;
- Diversify the power and control in land ownership and governance;
- Use the value and benefits of land to support national economic prosperity.

Supporting the practical implementation of the LRRS is an important aspect of our work. What constitutes good practice may vary for different contexts of land use and scale, therefore, we are often asked for guidance and clarification relating to good practice. These requests come from a wide range of groups and individuals, including members of the public, community groups, landowners or managers, and tenant farmers. We are committed to responding to everyone who contacts us in a way that is welcoming, transparent, and fair. We are committed to being clear about where we can help, and what is outside our remit.

### What is casework?

Cases are when we are approached about, or otherwise become aware of, situations that may not align with the LRRS principles and our Protocol expectations. This may be when a person or



organisation contacts us about a specific situation, or when we hear about a specific situation through other routes such as media reports. Casework is when we decide to undertake further investigation or additional action about a case, including speaking with landowners and other stakeholders. For example:

- A community organisation gets in touch to say that they feel a local landowner is not engaging with them and is refusing to share information about their plans. We would speak to the community to get more information about the situation and may contact the landowner, if appropriate – and with the community’s consent – to make recommendations for good practice.

Cases are treated differently to enquiries. Enquiries are general requests for information, advice on implementing the LRRS, or signposting to another organisation. Examples include:

- An email is received from a community that is interested in purchasing land and seeking advice about where to start. We would respond with information about where to start and where to best get advice.
- A landowner phones with a request for information about how to engage with their local community. We would arrange to discuss their situation with them and send them our Protocol on Community Engagement with other supporting documents.

**This policy applies to cases and not to enquiries. Cases and enquiries are subject to our [privacy policy](#).**

## How we approach casework

When we are approached with a request for casework, we aim to find a way forward that works for all parties by improving understanding of the LRRS and our Protocols and guidance. We provide advice based on established facts, informed by the LRRS and our LRRS Protocol expectations. We take a mediatory approach, but we are not formal mediators or arbitrators. We also do not make decisions for those involved. Instead, we encourage all parties to communicate openly with each other.

Our aims in dealing with casework are to:

- Build capacity and confidence in issues related to land ownership, use and management;
- Enable and empower landowners and communities to build, improve or mend relationships, so that they can identify solutions that suit them and resolve issues in ways that benefit everyone;
- Identify common and recurring issues that require further investigation and intervention; and to
- Gather evidence about the Land Rights and Responsibilities Statement to enable us to provide useful feedback to stakeholders and to Scottish Government on the effectiveness and application of the LRRS vision and principles.



## Casework principles

We are committed to providing a transparent, fair and constructive casework service. The following principles underpin our approach to cases:

- **Constructive advice**
  - We provide advice and support in an objective way. Any conclusions we reach will be based on evidence gathered.
  - Our advice is based on the LRRS and on our Protocols, which have been consulted on and are supported by our Good Practice Advisory Group.
  - We seek to find a way forward that works for all parties by improving understanding of the LRRS and our protocols and guidance.
  - We are not a formal mediator or arbitrator, and we do not make decisions for those involved. Instead, we encourage all parties to communicate openly with each other.
  
- **Active listening**
  - We actively listen to all parties and endeavour to understand the range of perspectives on each situation.
  - We acknowledge and learn from the viewpoints shared with us.
  
- **Modelling behaviours**
  - We work to model the behaviours we expect of others. We are transparent in our work, seek to proactively engage and collaborate with others, practice effective communication, and act honestly and openly.
  - We work to uphold the organisational values of the Scottish Land Commission – Challenge, Empowerment, Integrity, and Innovation.
  
- **Confidentiality**
  - We will not share identifying information about cases with others, unless we must release the information in response to a Freedom of Information request, or we have the explicit permission of those involved. We may, however, use anonymised case studies to improve understanding of good practice.
  - We are transparent about the limitation of our ability to provide complete confidentiality due to the above constraints. You can find our [Privacy Policy](#) here.
  
- **Focus on next steps.**
  - We support others to find mutually acceptable solutions and move forward from the present situation.
  - We signpost to other sources of information and further support as appropriate.



## Responding to cases

People can and do get in touch with us about cases in a variety of ways, including email, phone, text message and in person. There is no single way in which we expect people to get in touch. We will usually respond in the same way that people got in touch with us, but this can vary.

When someone gets in touch about a situation that they believe does not meet the expectations set out in our Protocols ('cases'), we take the following steps:

- The case is assigned to a member of staff, usually in the Good Practice Team. This person becomes the lead contact for the case and is responsible for implementing this policy.
- Details of the case are recorded on our internal database system – see below for more information on what is recorded.
- The lead contact decides what the next steps should be. This may be signposting to other organisations, sending information or guidance, or speaking with the person who made contact with us. Occasionally, we may decide that we are not able to take a case forward for further action. This could be due to capacity or resource constraints or because we do not believe that our intervention will be effective. In these situations we will try to provide useful information or signposting.
- The lead contact sends a response to the person who got in touch with us within 10 working days of their initial contact.
- If appropriate, and with the permission of the person who got in touch with us, we will contact other parties who are involved. We will seek to understand other points of view and suggest appropriate ways forward in-line with the LRRS and Protocols.
- We will record how and when we have attempted to contact other parties, but we cannot compel people or organisations to respond to us.
- We will only share information from any party involved with any other parties involved if we have their permission to share this information; however, we strongly encourage all parties to be open and honest in their communications whenever possible.
- Where appropriate, we will make recommendations in line with the LRRS and Protocols to any party involved. Recommendations can be made verbally and in writing.
- We will sometimes follow-up on cases after an appropriate amount of time to understand if our recommendations have been implemented.

## Proactive contact

Most of the cases we deal with come to us from individuals, community organisations, landowners, land managers or intermediaries who are aware of our work. However, we know that not everyone knows about us and the help we can offer or has capacity to seek us out.



## **When we approach organisations or people**

To support good practice when we can see there is a problem, we may make a proactive approach. We will do this in the following situations:

- If we think that our intervention could help the parties involved to better understand each other, work together, or reach a resolution to an issue.
- When we observe issues that are high-profile, long-running, or appear to have significant impact on a local community (including residents and businesses).
- If we believe that making contact will help us to understand an issue better.
- If the situation relates to a relevant policy area and could contribute to our learning and views on the subject.

We will identify possible contacts and their contact details and get in touch with them to highlight our role and the role of the LRRS and our Protocols. We will set out how the issue has come to our attention and what help or advice we can offer.

## **What happens if we do not get a response**

If we do not receive a response from the parties involved within two weeks, we may send reminders, try different contact methods, or try contacting different people. If we still do not receive a response after one month we may escalate the issues to our board. We will consider doing so in the following circumstances:

- Where it appears that there are still significant issues that need to be resolved;
- Where we have made several attempts to make contact, through different contacts and channels, and;
- Where we believe it is in the wider public interest to do so.

Our escalation process will involve taking a confidential paper to Commissioners, setting out the issues identified, evidence gathered, prior attempts to make contact, public interest rationale for intervening, and the potential impact on the local community if the identified issues are not addressed. A decision will be made on whether further action should be taken to try and help raise awareness of or resolve the situation. We may take further action which could include making a public statement sharing our experience and views.

Where there are complex cases that would benefit from a co-ordinated and collaborative approach, we may work with and share information with other agencies, subject to our confidentiality obligations set out above.

## **Actions we will take**

There are several possible actions that we might undertake in response to cases. These include but are not limited to:

- Signposting to suitable sources of information or other organisations who can provide further support or specialist advice.



- Making recommendations to some or all parties involved to resolve the situation, including following the expectations set out in our protocols.
- Writing and publishing the example as a case study or example of good practice.
- Inviting a landowner to take part in a self-evaluation process to understand where they are aligned with the LRRS, what examples of good practice they can share, and where there are further actions for them to undertake.
- Reviewing and providing feedback on an action plan, policy or strategy to help alignment with the LRRS.
- Delivering training or workshops.
- Making contact with other parties involved in the issue to understand their perspectives.
- Recommending formal mediation.

## **When we can't help**

There are situations that people get in touch with us about where we can't help. If this is the case, we make it clear that we are unable to assist with the situation and that we will record details to help inform our future work. This could be:

- When an issue raised is outside of our remit.
- When the situation is between two individuals only (e.g. a neighbour dispute).
- When one or more parties do not respond or do not wish to engage with us – we do not have powers to compel any party to respond to or engage with us.
- Where we have spoken to the parties involved and made recommendations, but there are ongoing issues, and we decide there is no further useful action we can take.
- Where we decide that our intervention would not be beneficial in helping the parties to reach a solution.

## **Data protection and confidentiality**

In our internal database system we record the following information:

- Contact name
- Organisation / type of organisation
- Contact details (phone number or email address)
- Local authority area
- The subject we have been contacted about
- They type of landowner we have been contacted about
- A short description of the issue.

## **How we use information**

- We record information in our internal database system so that we can review and monitor casework.
- We may occasionally use contact details to follow-up on cases.
- We may use contact details to carry out evaluation work or seek views on other relevant work.



- We use information gathered to create summary reports but will not identify individuals in these.
- We may analyse information to identify recurring issues or trends.
- We may use the information gathered to inform the future of the Good Practice Programme or the Commission's policy work.

## **What information we publish:**

- We present a casework report to our Commissioners each quarter. This may include: information about the location of a case; the issues that have been raised; whether the contact has come from an individual, a community, a landowner or an intermediary; and what kind of landowner the case relates to.
- We will occasionally analyse the information we have gathered and use it to create reports or infographics, inform our policy work, and shape our good practice work.
- We may use information gathered from our casework to create anonymised case studies or examples to use in reports or in training and workshops. If doing so, we will not share any identifiable information and may change some details to ensure anonymity.

We will endeavour to not share identifiable information about cases. However, we may be required to share some information in response to Freedom of Information requests. We are transparent about this limitation of our ability to provide complete confidentiality due to the above constraints. You can find our [Privacy Policy](#) here.

## **When and how this policy will be reviewed**

This policy will be kept under review by the Good Practice Team. If our experience indicates that it is necessary to change our process or if there are changes to organisational priorities or capacity then this casework policy will be updated to reflect those changes.

We will undertake a formal policy review with the Scottish Land Commissioners every three years if not reviewed in the meantime.