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 is to stimulate fresh thinking, support change in practice and make recommendations to Scottish Ministers, where appropriate, for legislative and policy change in how we as a nation own and use land. We carry out research and public engagement, make recommendations for changes to law and policy, and promote changes in culture and practice around land ownership, use and management.

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, a company, a charity or community group, or a public body.

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, and 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 outwith our remit.

Definitions

When people contact us for advice or to highlight an issue, we consider it to be either an enquiry or a case:

We consider **enquiries** to be contacts requesting general information or signposting to another organisation.

> For example, an email is received asking for information about a situation, e.g. a community that is interested in purchasing land or a landowner wanting to know about resources on community engagement. A response is sent with links and attached documents, and, where appropriate, they are signposted to another organisation such as CLS, HIE, SoSE, or DTAS.

We consider contacts to be **cases** when they require more involvement and input from us, such as further information gathering or additional action, including speaking with landowners and other stakeholders. These could be contacts where we are notified of or identify practice that does not align with the LRRS principles and our protocol expectations, or situations where a landowner or manager gets in touch asking for support with an issue or opportunity relating to land which requires ongoing contact.

> For example, a community organisation gets in touch to say that a local landowner is not engaging with them or is refusing to share information about land use. We speak to the community to get more information about the situation and contact the landowner to hear their side of the story. After considering all the information, we might make recommendations to all parties to support good practice.

How we deal with casework

When handling casework we seek to find a way forward that works for both parties by improving understanding of the LRRS and our protocols and guidance. We provide advice based on established facts, informed by the LRRS principles and our LRRS Protocol expectations. We are not a mediator or arbitrator, and we do not make decisions for those involved. Instead, we encourage all parties to communicate openly with each other.

Our aims in dealing with casework and enquiries are:

- To help all stakeholders understand the principles of the LRRS.
- To help cultivate a culture of respect and co-operation in relation to land issues.
- To provide support and guidance for practical actions on how to meet the expectations set out in the Commission's LRRS protocols.
- To build capacity and confidence in issues related to land ownership, use and management.
- To 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.
- To identify common and recurring issues that require further information gathering and intervention.
- To gather evidence about the Land Rights and Responsibilities Statement to enable us to provide useful feedback.

The approach we take to casework is based on these principles:

- Impartial support
    - We provide advice and support but do not take sides or apportion blame.
    - We seek to find a way forward that works for both parties by improving understanding of the LRRS and our protocols and guidance.

    - We are not a mediator or arbitrator; 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.

- Fact-based approach
    - We provide advice based on established facts, informed by the LRRS principles and our LRRS Protocol expectations.

- 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.

- Confidentiality
    - While we may use anonymised case studies to inform our work or demonstrate scenarios which can arise, we will not share identifying information about cases with others, although we may share information if we have the explicit permission of those involved, and we may be required to release some information in the event that we receive a relevant Freedom of Information request.
    - 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.

- 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 contacts

The steps we follow when someone makes contact with us are as follows:

- We receive contact from a member of the public about a situation that they believe does not meet the expectations set out in our protocols.
- The contact is assigned to a member of staff.
- Details are recorded on our CRM system.

- Staff member assesses issue and determines best course of action. If we are unable to help, then we will be honest about this and will signpost to other sources of support (where available).
- Staff member sends response to enquiry or makes contact to establish further facts or set up a meeting within 5 working days.
  For cases:
- Meetings with contact and any other parties as required.
- Determine outcome.
    - Contact parties involved to let them know of any recommendations or actions.

Proactive contact

Most of the enquiries and 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

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.
- Where we see an opportunity to contact an organisation we would like to work with.
- 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 contact details and email them to highlight our role and the role of the LRRS principles and our protocols, and we will set out how the issue has come to our attention and what help or advice we can offer. If we do not receive a response from the parties involved, we may send reminders or try alternative contacts. If we still do not receive a response, we may escalate the issues to our management team or board. Where there are significant issues and no response after repeated attempts to make contact, we may make 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.

Outcomes from enquiries and cases

There are a number of possible outcomes for enquiries and cases. These include but are not limited to:

- We make contact with other parties involved in the issue to hear their perspectives
- We recommend that those involved follow specific expectations set out in our protocols.
- We provide advice on additional engagement activity or recommend development of a proactive community engagement plan.
- We share case studies and examples of good practice.
- We invite the landowner to take part in self-evaluation process.
- We review and provide feedback on an action plan, policy or strategy.
- We work with a landowner, land manager or community to deliver training / workshops.
- We recommend formal mediation.
- We signpost to suitable sources of information.
- We signpost to other organisations who can provide further support or specialist advice.
- We make it clear if we are unable to assist with the situation. This could be the case when:
    - An issue raised is outwith our remit.
    - The situation is between two individuals (e.g. a neighbour dispute).
    - A landowner does not respond or does not wish to engage.
    - We have already spoken to the parties involved and made recommendations but there are ongoing issues.
    - We judge that our intervention would not help reach a solution.

Data protection / Confidentiality

What we record:

- 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 Customer Record Management 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 feedback.
- We use information gathered to create summary reports.
- We may analyse information to identify recurring issues or trends.
- We may use the information gathered to information the future of the Good Practice Programme or the Commission’s policy work.

What we publish

- We present a casework report to our Commissioners each quarter. This may include information about the where cases and enquiries have come from, the issues have been raised, who has contacted us (whether an individual, community body, landowner, or other party), and what kind of landowner the contact 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. We are always learning when we manage enquiries and casework and 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.