



Scottish Land Commission

Determining the Views and Experiences of
Tenant Farmers and Landlords with regard to
the Operation of Agents

Research Report

January 2018

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Scottish Land Commission

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Contents

1.	EXECUTIVE SUMMARY	4
1.1	Introduction	4
1.2	Methodology	4
1.3	Summary of key findings.....	5
2.	INTRODUCTION	8
2.1	Introduction	8
2.2	Policy Context.....	8
2.3	Methodology	9
2.4	Sample design and response rates	10
2.5	Survey Analysis and Reporting.....	14
2.6	Report Structure	15
3.	TENANT FARMER RESULTS.....	16
3.1	Profile of tenant farmers who responded	16
3.2	Relationship with landlord	18
3.3	Contact with landlord	20
3.4	Use of agents.....	21
3.5	Frequency of contact with agents	23
3.6	Rating of agents.....	24
3.7	Attitudes towards agents.....	25
3.8	Overall satisfaction with agents	27
3.9	Dissatisfaction with agents.....	28
3.10	Making complaints	31
3.11	Benefits of using an agent	32
3.12	Drawbacks of using an agent.....	33
3.13	Impact of using an agent on landlord tenant relationships	34
3.14	Awareness of long term plans.....	35
3.15	Most important thing agents could do to improve relationships	36
4.	LANDLORD RESULTS	37
4.1	Profile of landlords who responded.....	37
4.2	Relationship with tenant(s).....	40
4.3	Contact with tenant(s)	42
4.4	Use of agents.....	43
4.5	Frequency of contact with agents	44
4.6	Rating of agents.....	45
4.7	Attitudes towards agents.....	46
4.8	Overall satisfaction with agents	48
4.9	Dissatisfaction with agents.....	49
4.10	Making complaints	50
4.11	Benefits of using an agent	51
4.12	Drawbacks of using an agent.....	51
4.13	Impact of using an agent on landlord tenant relationships	52

4.14 Awareness of long term plans..... 53
4.15 Most important thing agents could do to improve relationships 54
5. SUMMARY OF KEY FINDINGS 55
APPENDIX 1: TENANT FARMER QUESTIONNAIRE 59
APPENDIX 2: LANDLORD QUESTIONNAIRE 70

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Date: 24th January 2018

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Date: 29th January 2018

1. EXECUTIVE SUMMARY

1.1 Introduction

This report summarises the key findings of research commissioned by the Scottish Land Commission to carry out a survey of tenant farmers and landlords with regard to the operation of agents.

The Scottish Land Commission was established under the Land Reform (Scotland) Act 2016 and came into being on 1 April 2017. It comprises 5 Land Commissioners and one Tenant Farming Commissioner. Its purpose is to provide direction, leadership and strategic thought to land reform in Scotland.

The Tenant Farming Commissioner must also encourage good relations between landlords and tenants of agricultural holdings and prepare codes of practice for the purpose of giving practical guidance to landlords and tenants of agricultural holdings and their agents. The Tenant Farming Commissioner is also tasked under the Land Reform Act 2016 to prepare a report on the operation of agents of landlords and tenants in relation to agricultural holdings.

In order to inform this report, which is to include recommendations to Scottish Ministers to improve the operation of agents, the Scottish Land Commission commissioned Research Resource to carry out a survey on the views and experiences of agricultural landlords and tenants farmers in relation to their engagements with agents in business transactions relating to their agricultural holdings.

1.2 Methodology

The research was designed to be robust and reliable in order to develop an understanding of the views and experiences of landlords and tenants with regard to their business interactions with agents¹.

Two separate surveys were undertaken, one seeking the views of landlords and the other seeking the views of tenant farmers. The questionnaires were designed to mirror each other within the survey questionnaire and across questionnaires, so respondents were asked about their experience of dealing with agents that they employ and then the same set of questions with respect to dealing with the agents employed by their tenant/landlord.

Using a telephone methodology, a total of 914 interviews were completed with tenant farmers (providing data accurate to +/-3% based upon a 50% estimate at the 95% level of confidence) and 121 with landlords (providing data accurate to +/-8.4%

¹ Agents are defined as land agents or other professionals who act on behalf of landlords or tenants, such as agricultural advisors, factors, surveyors and solicitors.

(based upon a 50% estimate at the 95% level of confidence) to ascertain their views and experiences of dealing with agents.

1.3 Summary of key findings

The key objective of this research was to gain an understanding of the views and experiences of tenant farmers and landlords with respect to the conduct of agents. The surveys were developed in a way to provide mirror images of views both within surveys and between surveys. We therefore have been able to develop four mirror views on the conduct of agents:

- The views of tenant farmers employing agents
- The views of tenant farmers dealing with agents employed by their landlord
- The views of landlords employing agents
- The views of landlords dealing with agents employed by their tenants.

The analysis of these findings have shown similarities between the views and experiences of both tenants and landlords.

In general, the majority of tenants and landlords would describe the tenant/landlord relationship as good. 82% of tenant farmers described their relationship with their landlord as either very good or fairly good and 88% of landlords described their relationship as either very good or good.

Key factors which were found to influence the relationship with the landlord were:

- regular contact,
- face to face contact, and
- direct relationships with the landlord as opposed to the use of an agent.

For landlords, analysis by the number of agricultural tenancies held shows that where just one agricultural tenancy is held the relationship is much more likely to be perceived very positively with 74% of those with one agricultural tenancy rating this relationship as 'very good' compared to 46% of those with 5 or more agricultural tenancies rating the relationship as 'very good'.

Landlords were more likely to employ an agent of some sort to assist them with their business transactions (60%) than tenant farmers (25%).

Analysis for tenant farmers showed that those with larger farms were significantly more likely to use agents than those in smaller farms with 12% of tenant farmers with <5ha stating they have employed agents to assist them in their business transactions with their landlord compared to 43% of those who have >=250ha.

Where landlords or tenant farmers choose not to engage agents, their reasons are similar: they believe there is no need, they prefer to deal with things directly or cost is prohibitive. Trust is noted as a barrier by some but is not a frequently noted barrier.

Both tenant farmers and landlords were very positive about the agent they employ with regard to their attitude. Ratings given by tenant farmers and landlords with respect to politeness, professionalism, respect, trustworthiness, openness and honesty and treating them fairly ranged between 98% to 100% being positive.

This was less likely to be the case for tenant farmers regarding the agents they deal with who are employed by their landlord. Ratings for these agents ranged between 67% and 83% rated as 'good'. Similarly, landlords were less likely to rate their tenant's agent positively, with ratings of between 53% and 85% for the same factors. Both landlords and tenants were most positive about the politeness of the agent they were dealing with and least positive about trustworthiness, openness and honesty.

The greatest differential, noted by tenant farmers, between employing the agent compared to dealing with the agent employed by the landlord was noted with respect to:

- The agent **considers the wider community or public interest** (differential of 41% where 91% of tenant farmers employing agents agree with this statement and only 50% agree with this with respect to the dealings of the agent employed by their landlord).
- The agent has **regard for both landlord and tenant positions** (differential of 32% where 95% of tenants employing agents agree with this and only 62% agree with respect to the dealings of the agent employed by their landlord).

Respondents were then asked to state whether they agreed or disagreed with several statements about the agent they employ, and the agent employed by their landlord/tenant. Again, tenant farmers and landlords were more positive with respect to the agents they employ than the agents they dealt with who were employed by their landlord/tenant.

Overall satisfaction with the agents employed by tenant farmers/landlords was much greater than their satisfaction with the agents they were dealing with who were employed by their landlord/tenant.

- 98% of tenant farmers were either very satisfied or fairly satisfied with the agent they employ, compared to
- 66% of tenant farmers were either very or fairly satisfied with the agent they deal with who is employed by their landlord.
- 95% of landlords were either very satisfied or fairly satisfied with the agent they employ, compared to
- 44% of landlords were either very or fairly satisfied with the agent they deal with who is employed by their tenant.

17% of tenant farmers and 17% of landlords were very or fairly dissatisfied with their landlord/tenants agent.

A total of 70 tenant farmers and 6 landlords stated that they had been dissatisfied with the service provided by an agent. They were asked about their experience. Where tenant farmers were dissatisfied with the behaviour of their landlord's agent,

the main feeling was that the agent solely looks out for their landlord's interests. Whereas landlord comments made in relation to the agent employed by their tenant illustrated that they are working for the tenant and therefore not necessarily acting in the landlord's best interest. Suggestions from tenants as to how the agent could have improved how they dealt with them included:

- Listen to our views / show more understanding (32%)
- Be more professional (26%)
- Be more open/honest (23%)

The most commonly stated benefit of using an agent by tenant farmers is their professional expertise/ knowledge/ advice (26%). This was also the main benefit noted by landlords (55%). The second most commonly noted benefits by tenants was the agents knowledge of legal requirements/ legislation (25%). This was also the second most commonly noted benefit by landlords (52%). Almost one in five (17%) tenants stated that they didn't know what the benefits of using an agent were and 11% stated that they didn't believe there to be any benefits. Where the tenant farmer had not employed an agent, they were more likely to state that they didn't know what the benefits of using an agent were (21%) or that there were no benefits (13%).

When asked about the drawbacks of using an agent, the most commonly noted drawback from the perspective of the tenant farmer was the cost or expense of using an agent (54%). This was also noted by 54% of landlords.

Half of all tenant farmers who responded (50%) stated that they do not believe that the conduct of agents affects relationships between them and their landlord. However, 16% stated that they believe the conduct of agents improves relationships whereas 20% stated that they believe it worsens relationships. Landlords were more likely to be positive in this respect with 39% of landlords stating that they believe agents improve relationships compared to 8% believing they worsen relationships.

The most important things that tenant farmers believed that agents could do to improve the relationship between tenants and their landlord for the future benefit of all were:

- Better communications / regular meetings (19%)
- Bring both parties together / on side (10%)
- Disclose information (7%).

The most important things that landlords believed agents could do to improve relationships was to be professional, open and honest, improving communications, trying to understand both parties situations and working to maintain good relationships.

2. INTRODUCTION

2.1 Introduction

This report presents the key findings of research commissioned by the Scottish Land Commission to carry out a survey of tenant farmers and landlords with regard to the operation of agents.

2.2 Policy Context

The Scottish Land Commission was established under the Land Reform (Scotland) Act 2016 and came into being on 1 April 2017. It comprises 5 Land Commissioners and one Tenant Farming Commissioner. Its purpose is to provide direction, leadership and strategic thought to land reform in Scotland.

The Land Reform (Scotland) Act 2016² outlines the role and function of the Land Commissioners' and Tenant Farming Commissioner.

The Land Commissioners' statutory functions are, on any matter relating to land in Scotland, to:

- review the impact and effectiveness of any law or policy
- recommend changes to any law or policy
- gather evidence
- carry out research
- prepare reports
- provide information and guidance

The Tenant Farming Commissioner's statutory functions are to:

- prepare codes of practice on agricultural holdings
- promote codes of practice
- inquire into alleged breaches of the codes of practice
- prepare a report on the operation of agents of landlords and tenants
- prepare recommendations for a modern list of improvements to agricultural holdings
- refer for the opinion of the Land Court any question of law relating to agricultural holdings
- collaborate with the Land Commissioners in the exercise of their functions to the extent that those functions relate to agriculture and agricultural holdings

Through the passage of the Land Reform (Scotland) Bill, the standard of conduct between land agents, landlords and tenant farmers came under scrutiny and it was clear that some believed that the standards and relationships could be improved.

The Land Reform (Scotland) Act 2016 therefore commits the Tenant Farming Commissioner to reviewing the operation of professionals engaged by landlords and tenants in relation to business conducted with agricultural holdings. The Tenant

² <http://www.legislation.gov.uk/asp/2016/18/contents>

Farming Commissioner must then prepare a report on the operations of agents of landlords and tenants in relation to agricultural holdings which will include recommendations to improve the operation of agents of landlords and tenants in relation to agricultural holdings.

In order to inform this report, and in making recommendations to the Ministers to improve operation of agents and relationships between landlords and tenants, the Scottish Land Commission commissioned Research Resource to carry out a survey on the views and experiences of agricultural landlords and tenants farmers in relation to their engagements with agents in business transactions relating to their agricultural holdings.

2.3 Methodology

The research was designed to be robust and reliable in order to develop an understanding of the views and experiences of landlords and tenants with regard to their business interactions with agents³. Given the potential conflicting nature of tenants and landlord views, the research was carried out in a way that was completely independent, neutral and factual.

Two separate surveys were undertaken, one seeking the views of landlords and the other seeking the views of tenant farmers. Copies of the questionnaires agreed with SLC are available in Appendix 1 of this report for the tenant farmer survey and Appendix 2 for landlords.

The research sought to capture both qualitative and quantitative views of landlords and tenant farmers in a robust way. Specifically the survey sought to:

- identify the current level of usage of agents by landlords and tenants of agricultural holdings.
- Identify the views and experiences of landlords and tenants regarding the conduct of agents in relation to agents working for them and agents working on behalf of another party.
- Capture both positive and negative experiences.

The questionnaires were designed to mirror each other within the survey questionnaire and across questionnaires, so respondents were asked about their experience of dealing with agents that they employ and then the same set of questions with respect to dealing with the agents employed by their tenant/ landlord.

The survey was carried out using a telephone survey methodology with both tenant farmers and landlords. All interviews were carried out by Research Resource's trained and experienced interviewers, operating to our ISO20252 accredited policies and procedures and in line with the Market Research Society Code of Conduct.

³ Agents are defined as land agents or other professionals who act on behalf of landlords or tenants, such as agricultural advisors, factors, surveyors and solicitors.

2.4 Sample design and response rates

Tenant Farmer Survey

In defining the tenant farmer population the Scottish Government Agricultural Census⁴ was used. The target population for the survey were tenant farmers in Scotland, excluding Small Landholders Act (SLA) tenancies and those with solely crofting tenancies. The Scottish Government's estimated number of holdings with rented land, excluding any that are just croft holdings, is 6,432, (Table 10 of the June Census). Of these, 76 are SLAs, so, the estimated population size of tenant farmers is 6,356.

Unfortunately, because not everyone completes their census form fully, there are sometimes difficulties in identifying specific holdings based on type of rental agreement. A profile of 5,861 tenant farmers was provided by the Scottish Government which provided a distribution of all tenancies for which the Government knew were within the categories of the target survey population. Whilst this is not the full population of tenant farmers, it is the full population of tenant farmers for which the profile is known.

A sample of 2,500 tenant farmers were then selected by the Scottish Government from the Scottish Government tenant farmer database. This sample was drawn across Scotland and excluded Small Landholders Act tenancies and those with solely crofting tenancies from this sample. The overall profile of the tenant farmer population and sample drawn is shown below.

Region	Area of rented land	Population	% of population	Sample	% of sample
NE	<5ha	202	3.4%	70	2.8%
NE	5-50ha	417	7.1%	140	5.6%
NE	50-100ha	247	4.2%	83	3.3%
NE	100-250ha	274	4.7%	94	3.8%
NE	>=250ha	112	1.9%	38	1.5%
NW	<5ha	376	6.4%	478	19.1%
NW	5-50ha	437	7.5%	295	11.8%
NW	50-100ha	118	2.0%	48	1.9%
NW	100-250ha	102	1.7%	41	1.6%
NW	>=250ha	159	2.7%	59	2.4%
SE	<5ha	314	5.4%	102	4.1%
SE	5-50ha	408	7.0%	135	5.4%
SE	50-100ha	217	3.7%	72	2.9%
SE	100-250ha	344	5.9%	116	4.6%
SE	>=250ha	271	4.6%	92	3.7%
SW	<5ha	323	5.5%	113	4.5%
SW	5-50ha	524	8.9%	181	7.2%

⁴ <http://www.gov.scot/Topics/Statistics/Browse/Agriculture-Fisheries/PubFinalResultsJuneCensus>

Determining the views and experiences of Tenant Farmers and Landlords

SW	50-100ha	295	5.0%	98	3.9%
SW	100-250ha	375	6.4%	128	5.1%
SW	>=250ha	346	5.9%	117	4.7%
Total		5861	100%	2500	100.0%

From this sample, a total of 914 tenant farmer interviews were completed. This provides data accurate to +/-3% (based upon 50% estimate at the 95% level of confidence). This is a 37% response rate from the potential survey sample.

The table below shows the profile of interviews achieved relative to the overall tenant farmer population profile and the sample population with respect to regional location and farm size. Given the over variances in the profile of interviews achieved relative to the overall tenant farmer population, results were weighted to reflect the distribution of tenant farmers by regional location and farm size. Please note that in the interview profile the total interview base is 913 as opposed to 914 as one responded refused to provide the total area of rented land during the interview.

Region	Area of rented land	Population	% of population	Interviews	% of interviews	Weighted interview %
NE	<5ha	202	3.4%	22	2.4%	3.4%
NE	5-50ha	417	7.1%	54	5.9%	7.1%
NE	50-100ha	247	4.2%	30	3.3%	4.2%
NE	100-250ha	274	4.7%	29	3.2%	4.7%
NE	>=250ha	112	1.9%	17	1.9%	1.9%
NW	<5ha	376	6.4%	180	19.7%	6.4%
NW	5-50ha	437	7.5%	100	11.0%	7.5%
NW	50-100ha	118	2.0%	34	3.7%	2.0%
NW	100-250ha	102	1.7%	18	2.0%	1.7%
NW	>=250ha	159	2.7%	27	3.0%	2.7%
SE	<5ha	314	5.4%	20	2.2%	5.4%
SE	5-50ha	408	7.0%	34	3.7%	7.0%
SE	50-100ha	217	3.7%	29	3.2%	3.7%
SE	100-250ha	344	5.9%	42	4.6%	5.9%
SE	>=250ha	271	4.6%	39	4.3%	4.6%
SW	<5ha	323	5.5%	43	4.7%	5.5%
SW	5-50ha	524	8.9%	66	7.2%	8.9%
SW	50-100ha	295	5.0%	42	4.6%	5.0%
SW	100-250ha	375	6.4%	48	5.3%	6.4%
SW	>=250ha	346	5.9%	39	4.3%	5.9%
Total		5861	100%	913	100.0%	100%

Landlord Survey

The original proposition for the landlord survey was to achieve 480 interviews from an assumed landlord population of c. 1,400 landlords. However, there is no comprehensive data source. A mixed approach was therefore taken to collating a database from which interviews would be achieved. The steps taken were as follows:

1. Initially we received the Scottish Government Right to Buy database. This database held a total of 1,596 listings of tenancies, however, many of these referenced the same landlord. The database was therefore cleansed in order to identify a number of unique landlords, which reduced this to 873. The Scottish Government advised that there may be different tenancies held on the same estate which are sometimes held by different members of the family/trustees using different nomenclature. It was suggested selecting just one contact from each estate which further reduced contacts allowing us to come to a database of about half this size again (c. 436).

The database was then populated with telephone numbers. Each individual listing was looked up and a pdf scanned document reviewed to collect details of the landlord to allow us to access contact details. Through this process, a total of 223 telephone contact numbers were sourced. We contacted each of these contacts and achieved 12 interviews from this (a 5% response rate).

The issues we found were:

- Outdated telephone records, there were in excess of 100 records which were unobtainable or wrong numbers.
 - Telephone numbers were for people who would not consider themselves suitable to complete the interview. The vast majority of these were unable or unwilling to give details of who would be best to contact.
 - 31 said that they would take our details and pass on to the relevant person to contact us, to date none of these have contacted us in relation to the study.
2. Scottish Land and Estates hold a database of c. 1,400 members, a significant proportion of whom are not landlords of agricultural holdings. All members were emailed and provided with information on the survey and a link from which they could opt in to the survey. SLE also emailed their professional members and asked them to pass on the information to clients, which would include non SLE members. In addition, the Tenant Farming Commissioner made press releases requesting landlords to opt in to the survey via an online link. This was promoted on several occasions and resulted in a total of 67 opt ins from landlords. From this we achieved a total of 63 interviews giving us a 94% response rate. For those we have not achieved an interview for from the opt in list, the reasons for this is being unable to make contact despite making 10+ calls

3. The issues were discussed re collating the database and accessing landlords. The survey was opened up to allow us to speak to resident factors of estates in order to widen the scope for the survey, and on 4th December 2017 SLE issued a reminder email to members and informing them that resident factors and estate representatives could take part in the survey
4. It was also agreed at this point that we would begin to ask tenant farmers for contact details of their landlord in order to add to the survey sample and provide further leads for us to review. A total of 96 tenant farmers interviewed said that they would provide details for this. Of these, 36 provided a contact telephone number (21 instantly and 15 called back to provide this). 28 were fresh contacts that we had not previously interviewed or contacted. We achieved 25 interviews from this source. (an 89% response rate)
5. We sourced further contacts from 'Who Owns Scotland?' database, a database of landowners in Scotland. This prioritises landowners and we found from calling landowners that whilst they own land, the land is not always tenanted by tenant farmers. Using 'Who Owns Scotland?' we collated a database of 210 contacts and, from this, have achieved a total of 21 interviews (a 10% response rate).

Using these databases, a total of 121 interviews were achieved to the landlord survey, of which 90 were with landlords and 31 with factors.

No full and accurate information is available on the population of agricultural landlords. Previous work on gathering the views of landlords of agricultural holdings has come across the similar issues in devising a database of landlords of agricultural holdings.

In comparable (postal) surveys carried out by Ipsos MORI Scotland in 2014 (*Renting-out Agricultural Land in Scotland Survey* and *Views of Tenant Farmers and Agricultural Landlords on Aspects of the Agricultural Tenancy System*) contact details for landlords were gathered from registrations on the pre-emptive right to buy register (790) and Single Application Form returns that identified farm businesses that seasonally let out land (2519). In both of the surveys the majority of respondents were from those who solely let out land on seasonal lets.

In *Views of Tenant Farmers and Agricultural Landlords on Aspects of the Agricultural Tenancy System* only 299 of landlords (out of a total of 821 respondents) reported that they rent-out land on at least one lease of more than one year. Of the 1113 respondents in *Renting-out Agricultural Land in Scotland Survey* 23% of respondents had a 1991 Act tenancy, 15% SLDT and 10% LDT. Absolute numbers are not given, but based on these percentages the number of respondents with these types of tenancies could at most be 534. Some respondents had more than one tenancy type, so this is likely to be an overestimate.

More recently (2014) SLE carried out an economic survey with its circa 1400 members, which identified that 52% of respondents were agricultural landlords; however the response rate was 25% and not all landlords of agricultural holdings are members of SLE.

As highlighted above, the number of unique landlords identified on the SG Right to Buy database was reduced by 50% when different family members/trusts were amalgamated (to one contact) for the same estate. In these instances it is likely that the same family member (or representative) deals with tenancy issues. In reality many landowners divide their estates into different legal entities, but are in fact managed together. For the purposes of this survey we are more interested in the landlords who conduct business on behalf of an estate/family, rather than the number of landlords as defined by their legal entity.

However it should also be noted that there may be landlords of agricultural holdings who are simply not registered by any of the means identified in this survey, and in fact 20% of our survey respondents were contacts not identified by other means (see 4 above).

In light of this evidence it seems likely that the number of landlords of agricultural holdings (discounting those with solely seasonal lets, Small Landholding Act tenancies, and those with solely crofting tenancies) is likely to fall short of the 1400 originally estimated. For the purposes this survey, we are estimating the total population of landlords of agricultural holdings to be no more than 1000.

121 interviews provides data accurate to +/-8.4% based on the above rationale, we have used an estimated landlord population of 1000 to calculate our estimations of data accuracy (based upon a 50% estimate at the 95% level of confidence). Unfortunately, due to the lack of a comprehensive data source on the profile of landlords in Scotland it is not known if this sample is representative of the overall landlord population. As such, we can only say that the results represent the views and experiences of survey respondents.

2.5 Survey Analysis and Reporting

This report provides an overall analysis of the findings of the survey for tenants and landlords in separate chapters. The final chapter provides a summary of the key findings of the research, drawing comparisons between the tenant farmer and landlord findings.

In reading these reports, it should be noted that the findings are based upon a sample of tenant farmers and landlords, rather than the whole population, therefore, all results are subject to sampling tolerances and not all differences will be statistically significant. The tenant survey is known to be broadly representative of the overall population of tenant farmers. However, due to the unknown population size and opt in nature of the survey, we cannot be wholly confident that the profile of respondents to the landlord survey is broadly representative of the landlord population.

The survey findings represent the views of tenant farmers or landlords who replied, and not the entire population, so they are subject to sampling tolerances. This means that not all differences will be statistically significant. Throughout the report, differences between sub-groups are commented upon only where these are statistically significant, i.e. where we can be 95% certain that they have not occurred by chance, and are on the assumption that there is no response bias.

When reporting the data in this document, in general, percentages in tables have been rounded to the nearest whole number. Responses greater than 0% but less than 0.5% are shown as 0% and responses between 0.5% and less than 1% are rounded to 1%. Columns may not add to 100% because of rounding or where multiple responses to a question are possible. The total number of respondents to each question is shown either as 'Base' or 'n=xxx' in the tables or charts. Where the base or 'n' is less than the total number of respondents, this is because respondents may be 'routed' past some questions if they are not applicable or because a respondent or some respondents may have chosen not to answer a particular question. The base shown is the unweighted base i.e. the number of respondents to that particular question. The percentages shown are weighted percentages.

Where categories have been added together and referenced in the text of the report, these percentages have been calculated using the counts achieved to each option rather than adding together rounded percentages.

2.6 Report Structure

This document details the key findings to emerge from the survey, addressing the key findings of the survey for tenant farmers and landlords separately.

Chapter 3 TENANT FARMER RESULTS
Chapter 4 LANDLORD RESULTS
Chapter 5 SUMMARY OF KEY FINDINGS

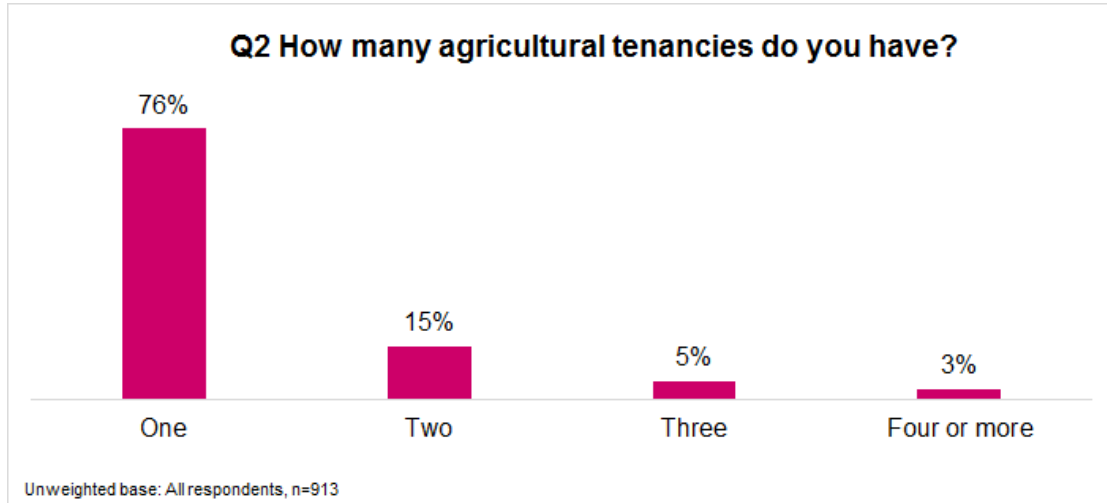
Appendix 1 – Tenant Farmer Questionnaire
Appendix 2 – Landlord Questionnaire

3. TENANT FARMER RESULTS

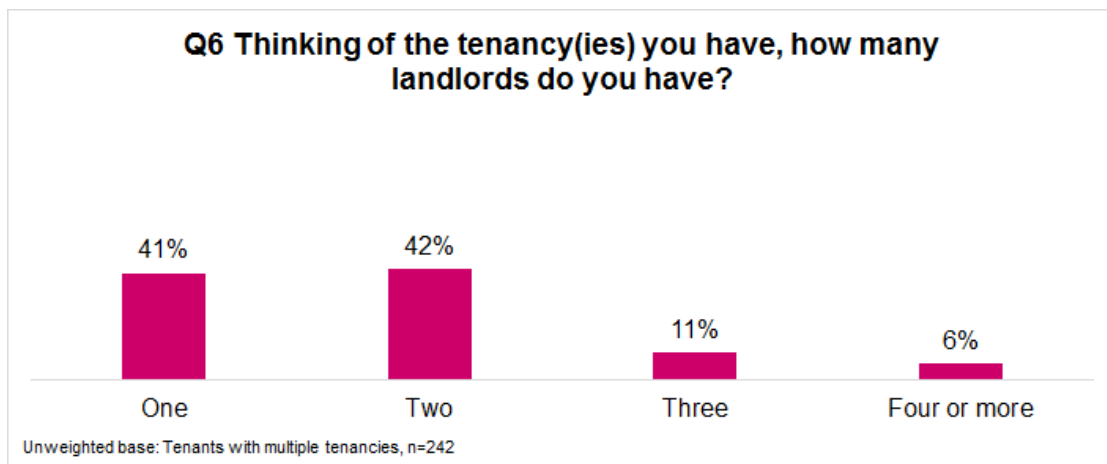
3.1 Profile of tenant farmers who responded

In terms of the profile of tenant farmers who responded, they were asked about the nature and number of agricultural tenancies they held and also the nature of their farm.

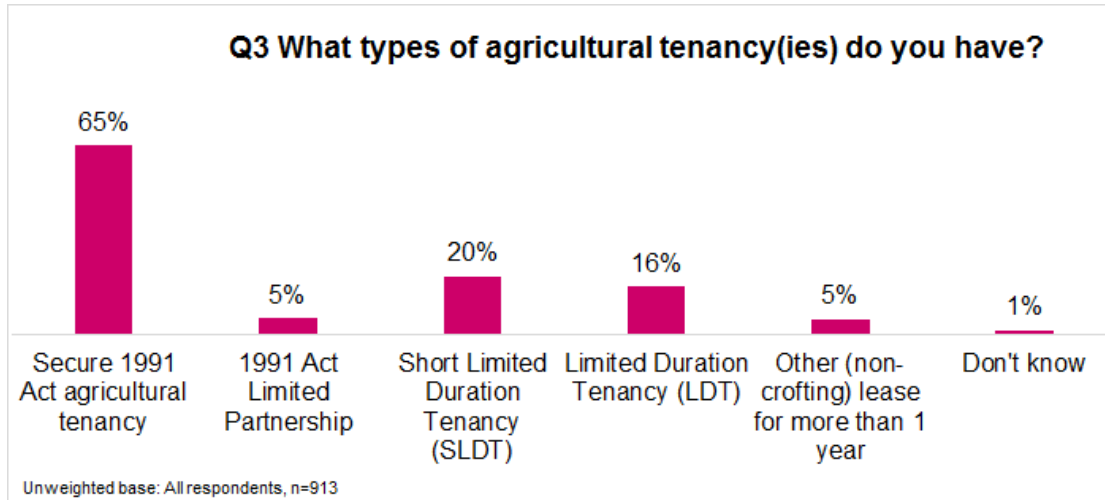
As shown below, the majority (76%) stated that they have just 1 agricultural tenancy.



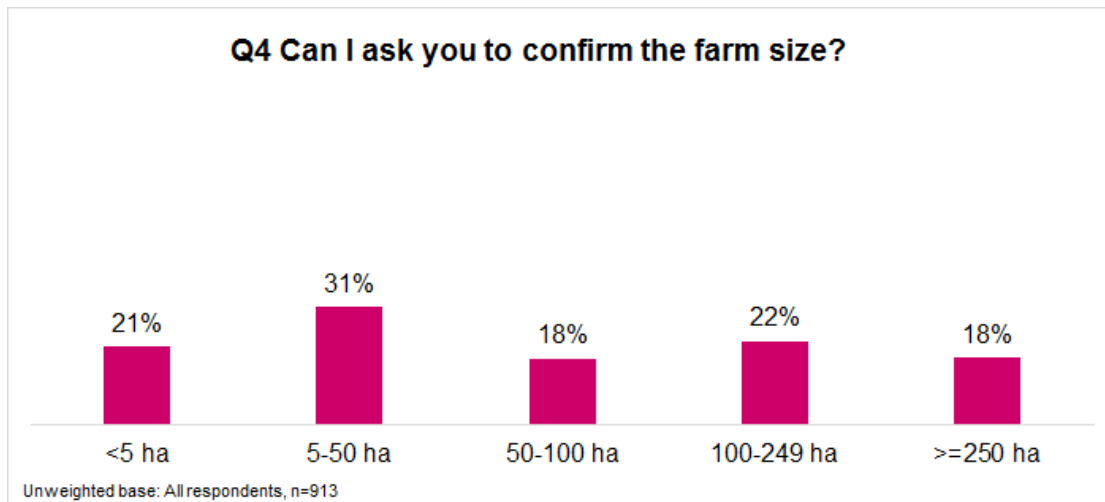
Where tenants had more than one tenancy the majority had multiple landlords. 41% stated that they have one landlord, 42% had two landlords, 11% had three landlords and 6% had four or more landlords. This is largely directly related to the number of tenancies, with the vast majority, for example, who had 3 tenancies also having 3 landlords.



The majority of agricultural tenancies held were Secure 1991 Act agricultural tenancies (65%). It should be noted that percentages on this chart sum to more than 100% as some farmers had more than one type of tenancy.



Farm size ranged from less than 5 hectares (21%) up to in excess of 250 hectares (18%). More than half of respondents (52%) stated that their farm size was less than 50 hectares.



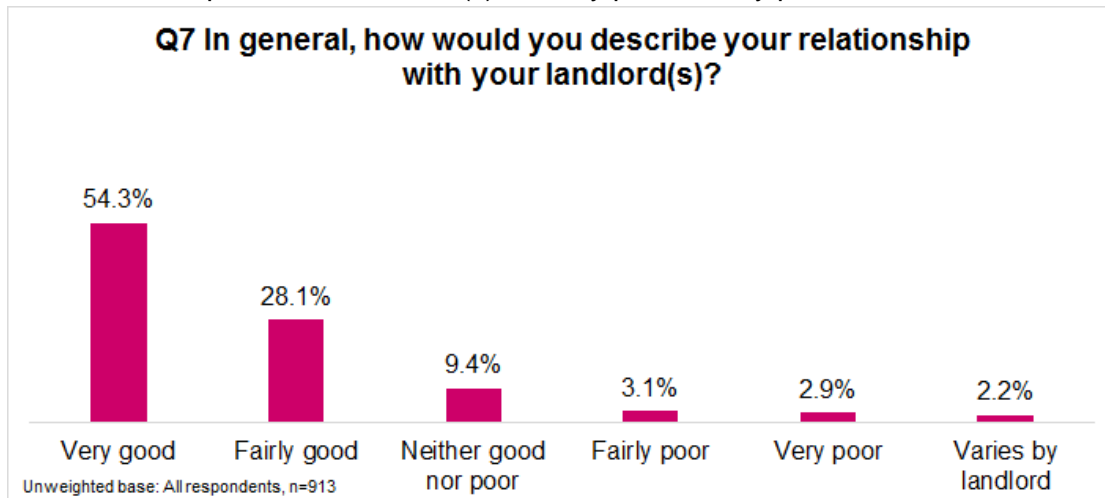
Sheep farming was the most commonly noted type of farming carried out on these agricultural tenancies (57%) closely followed by beef farming (48%).

Q5 What type of farming is carried out on your farm(s)?

Unweighted base: All respondents, n=913			
	%		%
Sheep	57%	Forage	3%
Beef	48%	Grazing	2%
Cereal	14%	Poultry	2%
General crops	13%	Other	2%
Arable	8%	Horticulture	2%
Dairy	4%	Hay	1%
Live stock	4%	Nothing at present	1%
Pigs	3%	Barley	1%
Grass	3%		

3.2 Relationship with landlord

In general, most tenants stated that they would describe their relationship with their landlord as either very good or fairly good (82%). 6% stated that they would describe their relationship with their landlord(s) as fairly poor or very poor.



Analysis shows that there is a correlation with regard to the relationship with the landlord and:

- **Size of farm** (farmers with smaller holdings were more likely to note a 'very good' relationship with their landlord with 65% of those with <5ha describing this relationship as very good compared to 45% of those with >=250ha)
- **Frequency of contact** (where tenant farmers reported more frequent contact with their landlord, they were more likely to describe their relationship as 'very good'. 81% of those with contact at least once a week described the relationship as very good compared to 26% of those that never have direct contact).
- **Method of contact** (where the tenant farmer noted that direct contact was most commonly made face to face, they were slightly more likely to rate their relationship as very good, with 65% rating the relationship as very good compared to 54% where direct contact is most commonly made by telephone).
- **Use of agents** (where the tenant farmer stated that they deal or have dealt with agents working on their landlord's behalf, they are less likely to state that the relationship they have with their landlord is 'very good' (38%) compared to those who do not have contact with agents who work on behalf of their landlord (69%)

Tenant farmers were also asked, if they wished to make any comments on their relationship with their landlord(s). This was asked as an open question where landlords could choose to comment, or not. As shown, 283 chose to make a comment about their relationship with their landlord. These have been grouped thematically to allow analysis.

The most common comment was that they believed that they had a good relationship or get on well with their landlord (32%). This was followed by 'never see the landlord' (16%), 'no problems' (12%), 'nothing gets done' (11%) and 'landlord takes too long to deal with issues' (11%).

Q7 Do you have any comments to make about your relationship with your landlord(s)?	
Unweighted base: made comment, n=283	%
Good relationship/ get on well	32%
Never see the landlord	16%
No problems	12%
Nothing gets done	11%
Landlord takes too long to deal with issues	11%
They are family members/ friends	9%
Some landlords are good/ some poor	6%
No communication	4%
Landlord only interested in money/ increasing rent	4%
All done through agent	3%
Other	2%

Some illustrative comments are noted below:

My family have been tenant farmers working with the estate since 1940's. It has been the same family running the estate over that period of time, so we have a long established relationship with the estate.

He calls us every few months to check everything's ok and we see him once a year.

Very good relationship with both landlord and factor, it works well.

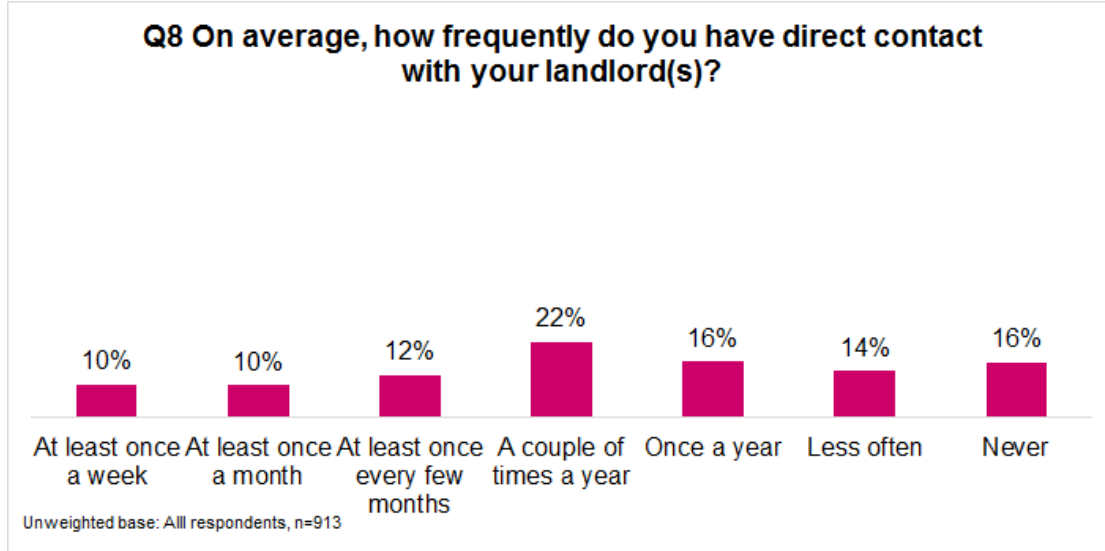
I never see him at all, I just pay him by post.

We've had no problems. Never had to deal with an agent, deal with landlord directly.

I wish they'd help more as you speak to the factor and he says he'll speak to the landlord but you never hear anything about it. So then you don't know if the factor forgot or the landlord just isn't seeing issues. The agent accepts responsibility, but still doesn't do the repairs, so in the end nothing gets done and it costs us a fortune.

3.3 Contact with landlord

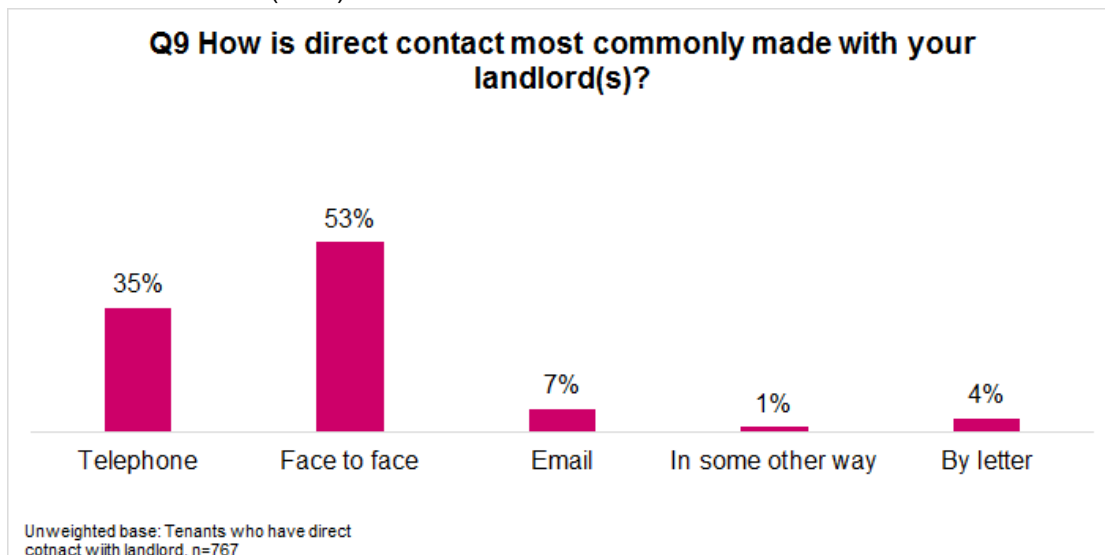
When asked about contact with their landlord, one in five tenant farmers (20%) have contact at least once a month, 14% less often than once per year and 16% stated that they never have contact.



Where they never have contact this tended to be because:

- Contact is done through an agent (62% of those that never deal with their landlord),
- The landlord is an absentee landlord/ lives abroad (12%),
- No need to contact (11%),
- Just pay by direct debit/ cheque so no contact (11%).

Where tenants have direct contact with their landlord, this is most commonly done on a face to face basis (53%).

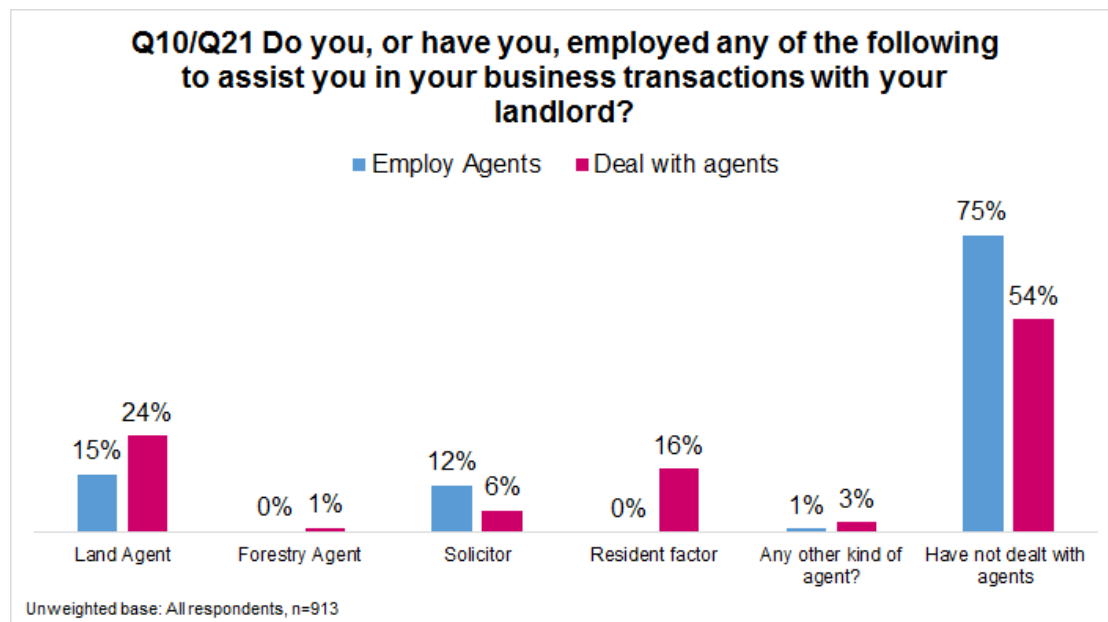


Analysis shows that there is no significant trend between size of farm, type of tenancy or geographical area and frequency or method of contact.

3.4 Use of agents

The survey went on to ask respondents about the use of agents. Tenant farmers were asked about their use of agents to assist them in their business transactions with their landlord(s) and then were asked a mirror set of questions relating to engagement with agents employed by their landlord. In order to understand the mirror view in terms of use of, and attitudes towards, agents, these questions have been analysed collectively.

In terms of usage of agents, it can be seen that tenants were less likely to use an agent to assist them in dealing with business transactions with their landlord than landlords were to engage an agent to deal with their tenant. As shown, 25% of tenants stated that they have employed an agent of some sort to assist them in their business transactions with their landlord(s) compared to 46% who stated that they have dealt with an agent working on behalf of their landlord(s).



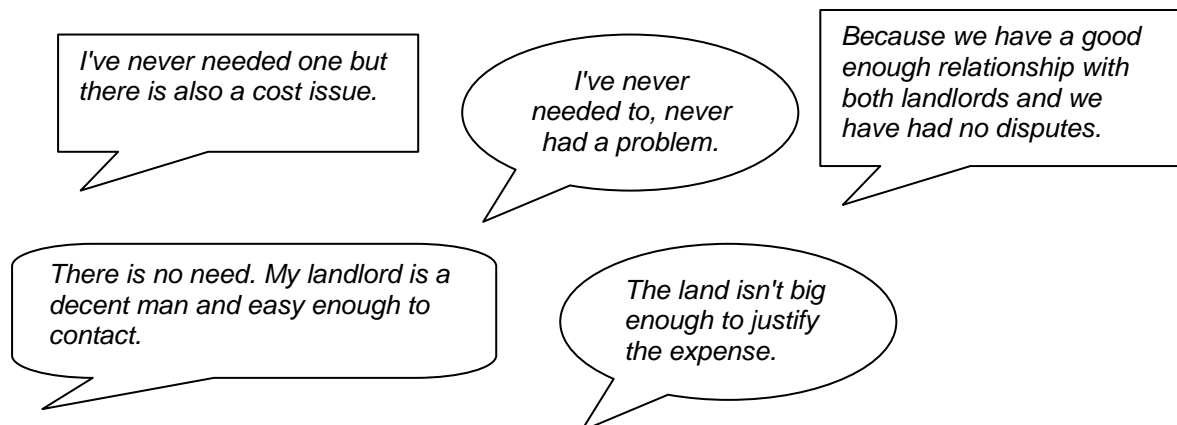
Analysis shows that those with **larger farms** were significantly more likely to use agents than those in smaller farms with 12% of tenant farmers with <5ha stating they have employed agents to assist them in their business transactions with their landlord compared to 43% of those who have >=250ha.

Tenant farmers with **multiple tenancies** were also more likely to employ agents. 43% of those with multiple tenancies stated that they had employed agents to assist them in their business transactions with their landlord compared to 22% of those with just one tenancy.

Those who do not employ agents were asked why this is. As shown, this is largely due to the fact that the tenant farmer feels that there is no need to use agents (67%).

Q11 Why do you not use agents?	
Unweighted base: All respondents, n=694	%
Don't/ no need	67%
Good relationship/work directly with landlord	8%
Can do it ourselves	7%
Land too small to use agents/ Not busy enough for agent	7%
Cost	6%
Family/ friends are landlords	4%
Don't know	2%
Don't trust agents	1%
Don't know enough about agents	1%

Some illustrative comments are noted below:



Where agents were used, tenant farmers were asked why they used the agent. The most common uses noted are summarised below.

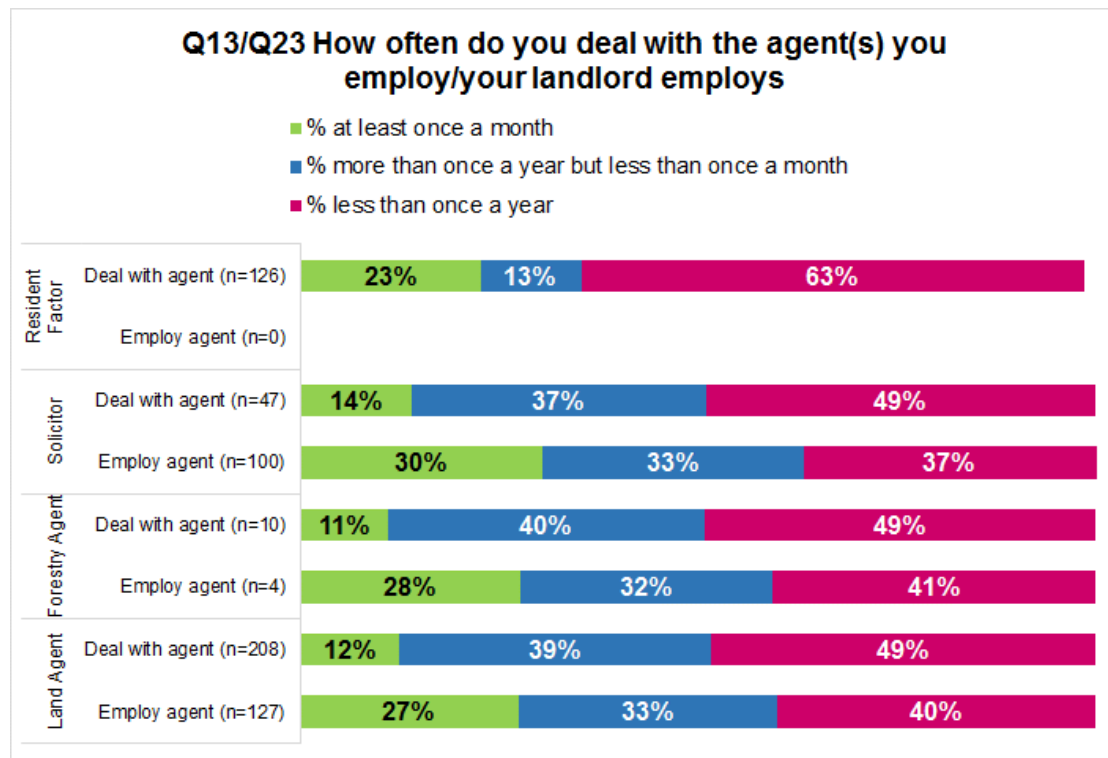
Land agent	Solicitor	Forestry agent
<ul style="list-style-type: none"> • Rent reviews • Negotiations • Valuations • Leases • Communication/ contact with landlord • General advice 	<ul style="list-style-type: none"> • Rent disputes • Assignment • Signing/ drawing up of the lease • Legal side of tenancy • Boundary 	<ul style="list-style-type: none"> • Planting knowledge • Negotiations for fencing and drainage

3.5 Frequency of contact with agents

Those tenant farmers that do use agents or have experience of working with agents employed by their landlord, were asked about the frequency of contact. The analysis of this has been combined to show the difference between dealings with their own agent compared to dealing with the agent employed by their landlord.

The frequency of contact was greater when the agent was employed by the farmer than when the agent was employed by the landlord. The frequency of contact was similar for all types of agent employed. Between 40% and 50% stated that contact was less than once per year for all types of contact with agent.

The one exception to this was where a resident factor was employed by the landlord. 23% of tenant farmers stated that they dealt with their landlord's factor at least once a month compared to 63% who stated that they dealt with the agent less than once a year.

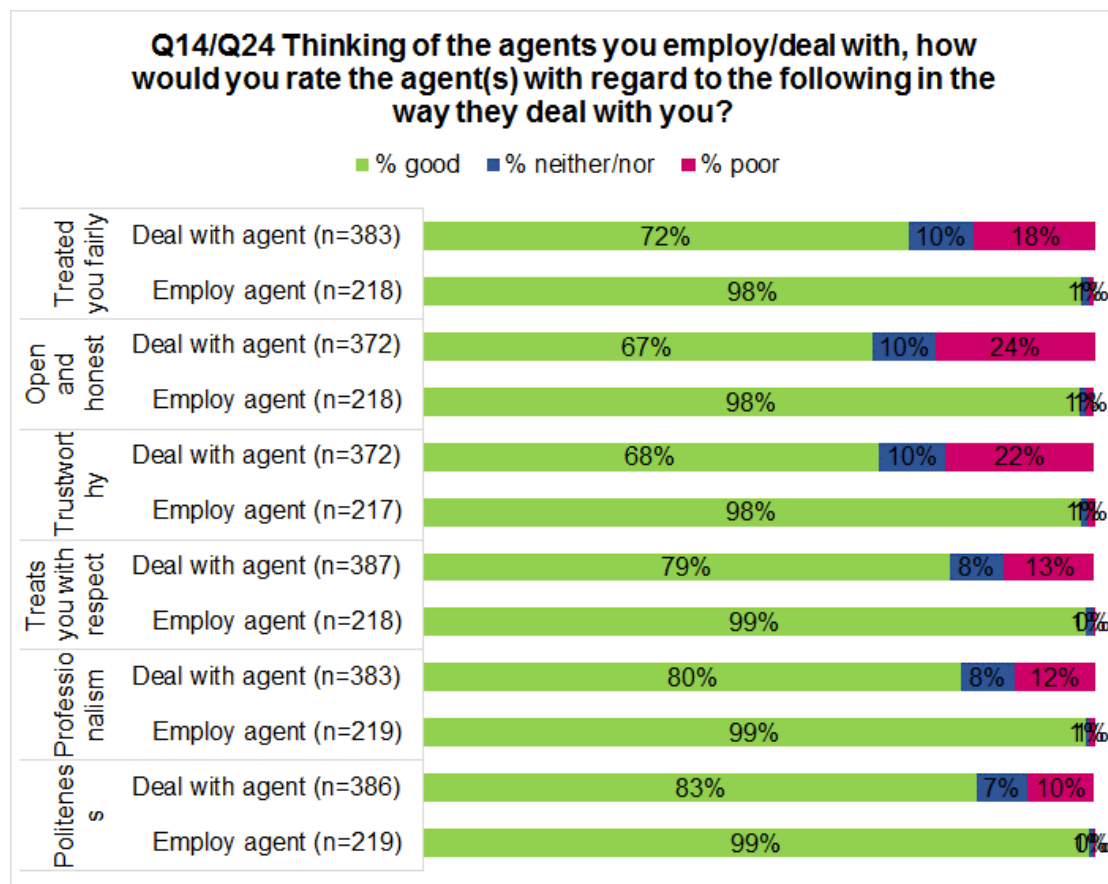


3.6 Rating of agents

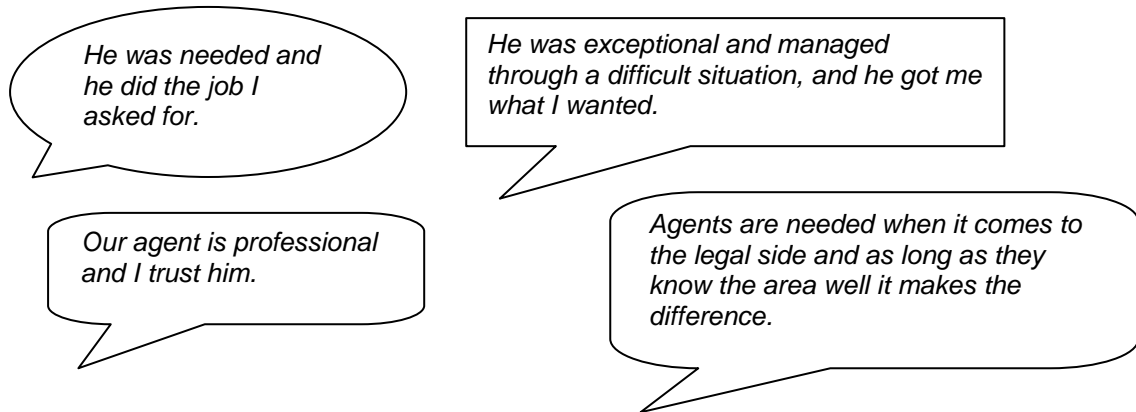
When asked to rate the agents they deal with, again, respondents were asked how they would rate the agents they employ and also the same set of ratings questions about the agents employed by their landlord.

This analysis has been combined in the chart below to allow comparison of rating of the agent the tenant employs compared to the rating of the agent employed by their landlord. As shown, rating of the agent employed directly by the tenant is very high in all aspects with 98-99% satisfied all aspects of the way their agent deals with them.

However, when this is compared to the tenant farmers rating of the agent employed by their landlord it can be seen that the rating is less positive with the highest rating of 83% being given for politeness and then 80% for professionalism. Ratings are lower with respect to being open and honest, where 67% rate the agent employed by their landlord as good in this way, and 68% rating the agent employed by their landlord as good in regard to being trustworthy.



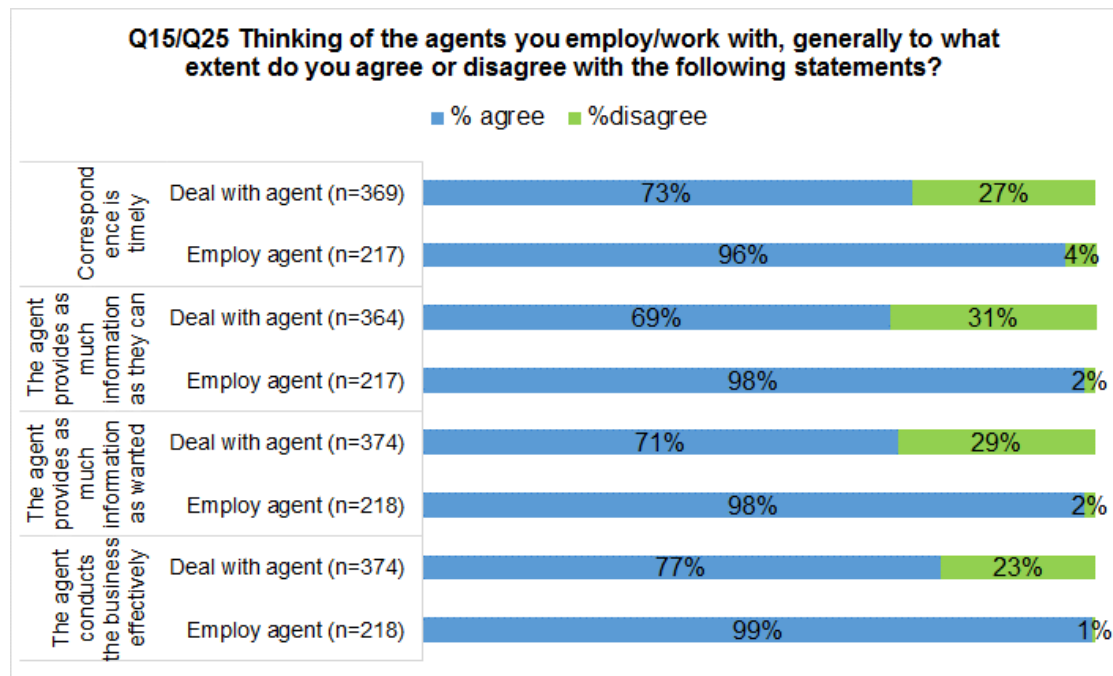
When asked for any comments, tenant farmers noted that they were very happy with their agent, that they had represented them well or that it was necessary to use an agent in some circumstances and they did the job that was required.

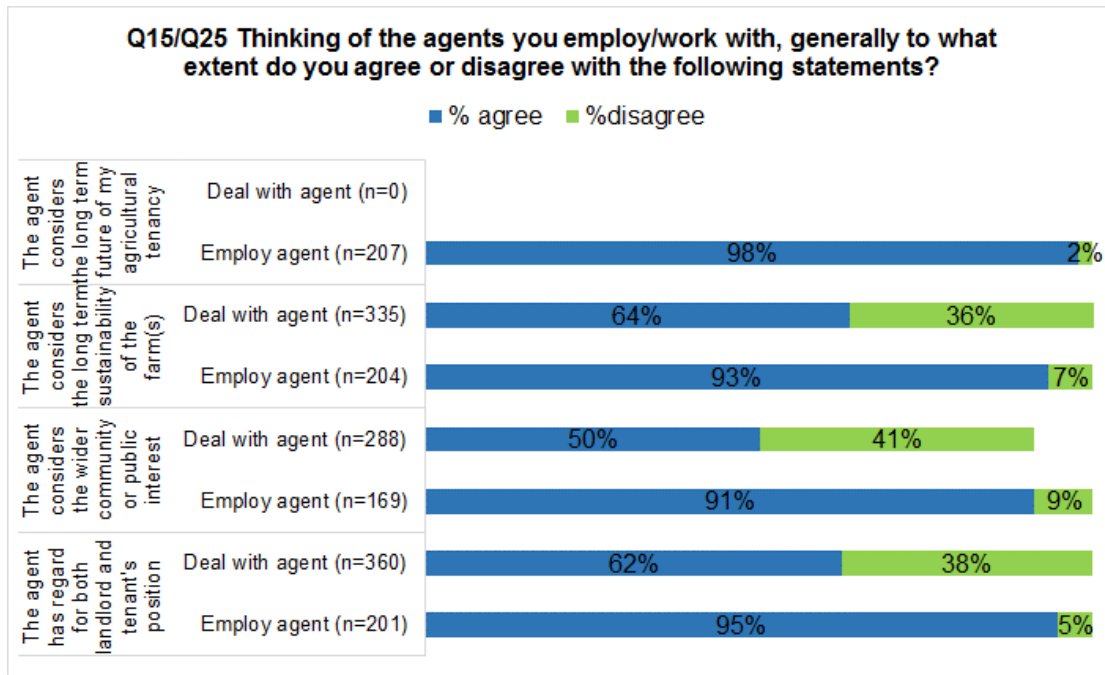


3.7 Attitudes towards agents

Respondents were then asked to state whether they agreed or disagreed with several statements about the agent they employ, and the agent employed by their landlord.

Again, tenant farmers were more positive with respect to the agents they employ than the agents they dealt with who were employed by their landlord.





The greatest differential between employing the agent compared to dealing with the agent employed by the landlord was noted with respect to:

- The agent **considers the wider community or public interest** (differential of 41% where 91% of tenant farmers employing agents agree with this statement and only 50% agree with this with respect to the dealings of the agent employed by their landlord).
- The agent has **regard for both landlord and tenant positions** (differential of 32% where 95% of tenants employing agents agree with this and only 62% agree with respect to the dealings of the agent employed by their landlord).

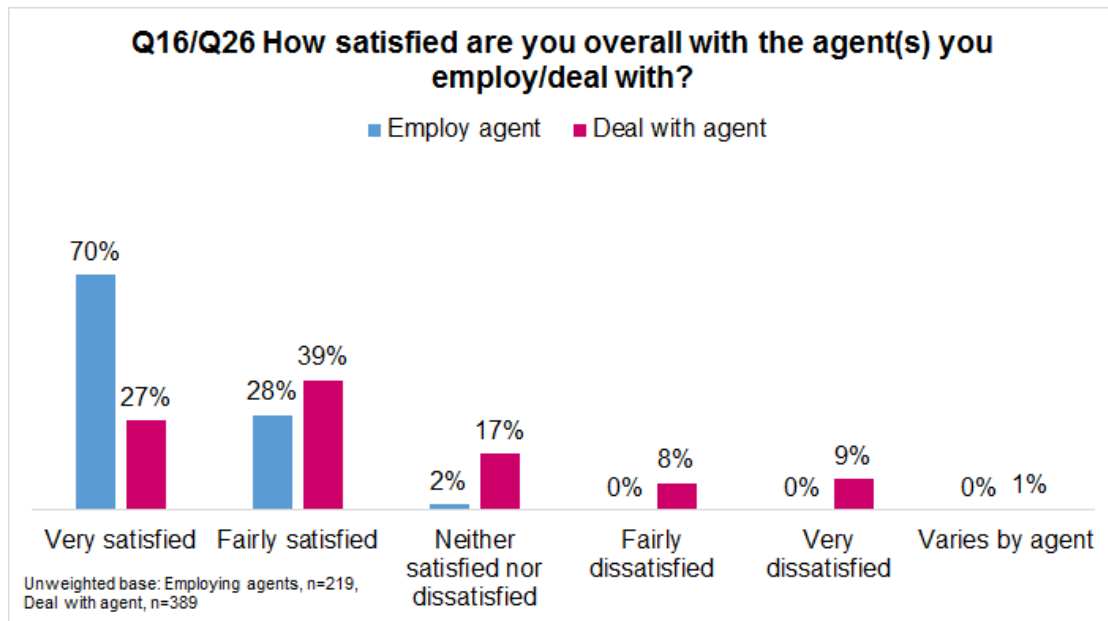
Tenant's perceptions of both the agent they employ and experience of dealing with agents employed by their landlord are much closer with respect to:

- The agent **conducts the business effectively** (differential of 23% where 99% of tenant farmers agree with this with respect to their agent and 77% agree with this with respect to their landlord's agent).
- **Correspondence is timely** (differential of 23% where 96% of tenant farmers agree with this with respect to their agent and 73% agree with this with respect to their landlord's agent).

3.8 Overall satisfaction with agents

Finally, with respect to their experience of agents, tenant farmers were asked about their satisfaction with the agent they employ and then the same question asked of the agents they deal with employed by their landlord.

As shown, satisfaction is much higher in relation to the agent they employ than the agent they deal with who is employed by their landlord. The vast majority of tenant farmers (98%) were either very satisfied or fairly satisfied with the agent they employ compared to 66% being either very or fairly satisfied with the agent they deal with who is employed by their landlord. 17% were very or fairly dissatisfied.



Few tenant farmers made comments in relation to their own agent, however, where they did they largely reinforced their satisfaction with the agent, for example:

He's at the other side of the phone. Easy to contact and very professional.

They are very good at their job.

They were very fair and straight forward to deal with.

They know the legal side so we need to use them. They did a good job, it's just expensive and timely.

He's the best in Scotland I think, he has a very good reputation with tenant farmers.

Extremely expensive but extremely effective.

Tenant farmers were asked if they had any comments to make on their overall satisfaction with the agent(s) their landlord uses. As shown, where respondents chose to make comment, the most common themes related to agents only looking out for the landlord or themselves (31%) or that the agent doesn't do anything (23%).

Do you have any comments to make on your overall satisfaction with the agent(s) your landlord uses?	
Unweighted base: made comment about landlord's agent, n=113	%
Only look out for landlord (themselves)/only after money	31%
Don't do anything	23%
They do their best/we get on well	22%
Lack of communication/hardly see them	10%
Use bully tactics	10%
Lack of trust/honesty	9%
Other	8%

3.9 Dissatisfaction with agents

Those who had been dissatisfied with the service provided by the agent were asked about their experience. No tenant farmers stated that they had been dissatisfied with the agents they employ. A total of 70 tenant farmers stated that they had been dissatisfied with the behaviour of an agent employed by their landlord.

Of those, 57% were dissatisfied with the behaviour of a land agent, 29% with a Factor and the remainder with a solicitor. The main reasons given for this dissatisfaction were the conduct of the agent (38%) or a lack of regard for the other's situation (30%).

Reason for dissatisfaction	
Unweighted base: dissatisfied with their landlord's agent's behaviour, n=70	%
Conduct	38%
No regard for the others situation	30%
Rent valuation	13%
Dishonesty	10%
Time taken	7%
Lack of knowledge	1%

Some illustrative comments are noted below:

The agent didn't seem to grasp the situation and seemed to think that everything was fine when it wasn't. He also made a lot of claims which he refused to provide evidence for.

He makes life very difficult for me. I recently made an agreement with him whereby I would pay a higher rent and I would get the roof of the farmhouse fixed. I agreed to the increase and was then told by the agent that the roof did not need work, but I still had to pay an increased rent.

He was very confrontational and not a people person.

Just over one quarter of those who were dissatisfied (26%) made a complaint. Where a complaint had been made, this was done to:

- The agent directly (7 respondents)
- The landlord directly (6 respondents)
- The Tenant Farming Commissioner (3 respondents)
- Scottish Tenant Farmers Association (2 respondents).

Where no complaint was made, this was largely because of a lack of knowledge of who to complain to (13 respondents), or a feeling that complaining would not make a difference (18 respondents) or that making a complaint could cause further problems or that they did not like to complain (15 respondents). Some illustrative comments are shown below:

What's the point, he works with the landlord. They put their own interests in front of anyone else's.

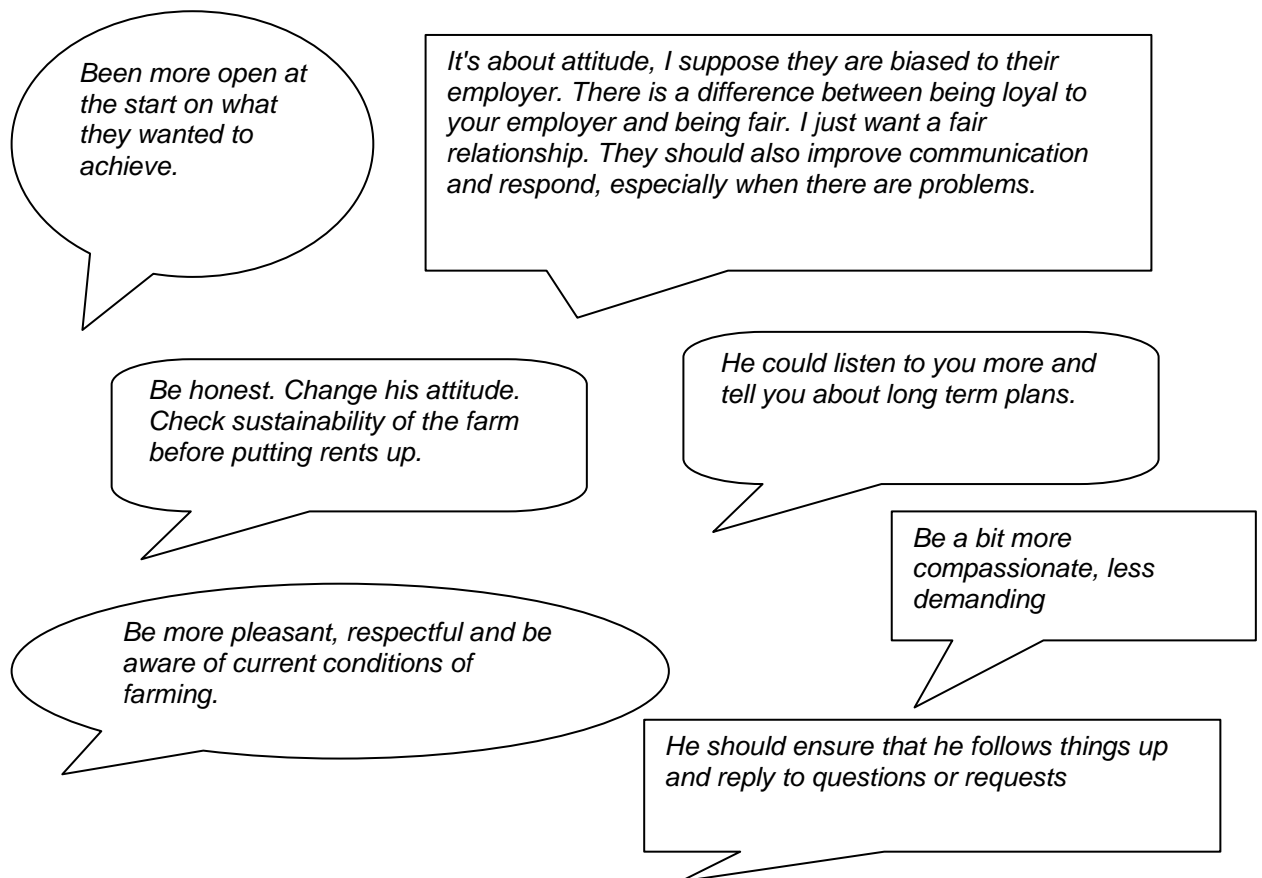
My husband used to be employed by the estate that we are renting from, and I fear we would be kicked out if I raised my concerns. My business is more important to me than making complaints.

There isn't any machinery really to make a complaint.

With respect to what the agent could have done to improve how they dealt with the tenant farmer, the main suggestions are noted below. Primarily these relate to listening or understanding the views of the tenant farmer, being more professional or being more honest or open.

Q29 What could the agent(s) have done to improve how they dealt with you?	
Unweighted base: dissatisfied with their landlord's agent's behaviour, n=70	%
Listen to our views/shown more understanding	32%
Be professional/abide by professional code of conduct	26%
Be more honest/open	23%
More communication	19%
Less bullying tactics/better attitude	16%
More respectful/reasonable	9%
Deal with issues/problems	5%
Other	3%

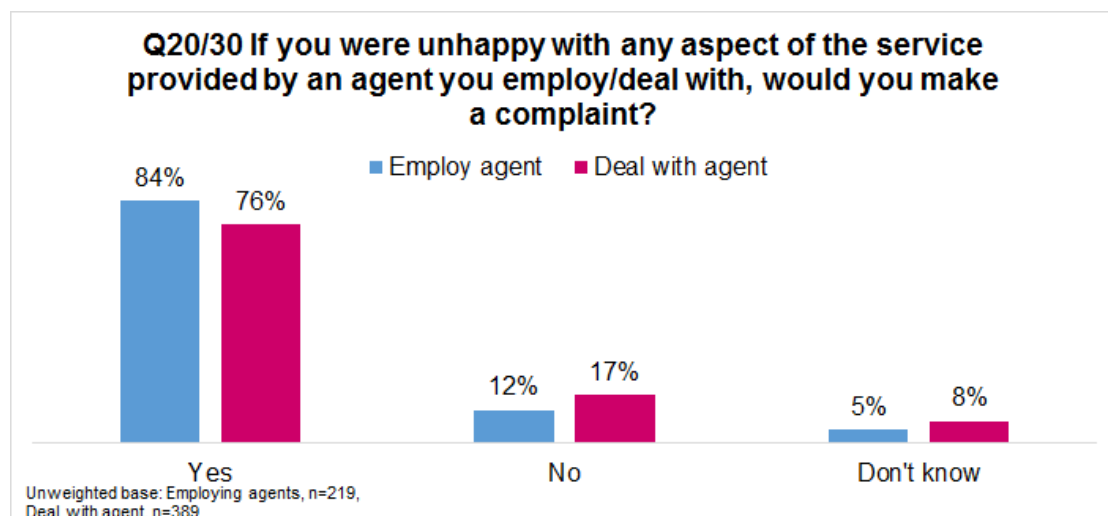
Some comments with respect to how agents could improve how they dealt with the tenant farmer are noted below:



3.10 Making complaints

All who had dealings with agents and had not stated that they were dissatisfied with the agents, whether their own agent or the agent employed by the landlord, were asked if they were unhappy with any aspect of the service provided by an agent, would they complain.

As shown, whether considering the service provided by their own agent or that of the agent of their tenant, the responses were similar with 84% of tenant farmers saying they would complain about the service provided by their agent and 76% saying they would complain about the service provided by their landlord's agent.



Where the tenant farmer would not make a complaint about the agent they employ, this was largely because the tenant farmer would simply hire someone else or that they would fire the agent. Just 9% stated that they wouldn't complain because they wouldn't know who to complain to.

In terms of complaining about the service provided by an agent employed by their landlord, the majority (54%) said they would complain directly to their landlord, 17% would complain to their agent, 15% stated that they didn't know who they would complain to. Other avenues of complaint noted were:

- Scottish Tenant Farmer Association (6%)
- Tenant Farming Commissioner (5%)
- NFU (2%)
- Law society (0.5%)
- RICS (0.5%)
- Councillor (0.5%)

3.11 Benefits of using an agent

The survey then went on to a final section about landlord, tenant and agent relations and how they could be improved. The first question in this section, asked of all tenant farmers, what they believed the benefits of using an agent were. This question was asked as an open question and the responses have then been grouped thematically for analysis purposes.

The benefits of using an agent are most commonly believed to be:

- their professional expertise/ knowledge/ advice (26%)
- knowledge of legal requirements/ legislation (25%)

Almost one in five (17%) stated that they didn't know what the benefits of using an agent were and 11% stated that they didn't believe there to be any benefits.

Q31 What would you say are the benefits of using an agent?	
Unweighted base: made comment, n=779	%
Professional knowledge/expertise	26%
Know the legal requirements/legislations	25%
Don't know	17%
No benefits	11%
Can help with problematic landlords	8%
Preserve relationship between tenant and landlord	7%
Time efficient/less paperwork	5%
Less stress	4%
More communication	3%
Don't know as never used one	3%
Other	1%

Analysis of this by whether or not the tenant farmer used agents shows that those who do, or have, employed agents were more likely to be positive about the benefits of employing an agent, with 41% of this group stating a benefit would be the agent's knowledge of legal requirements/legislation and 36% their professional knowledge/expertise.

Where the tenant farmer had not employed an agent, they were more likely to state that they didn't know what the benefits of using an agent were (21%) or that there were no benefits (13%).

Some example of the type of comments made relating to the benefits of employing agents were:

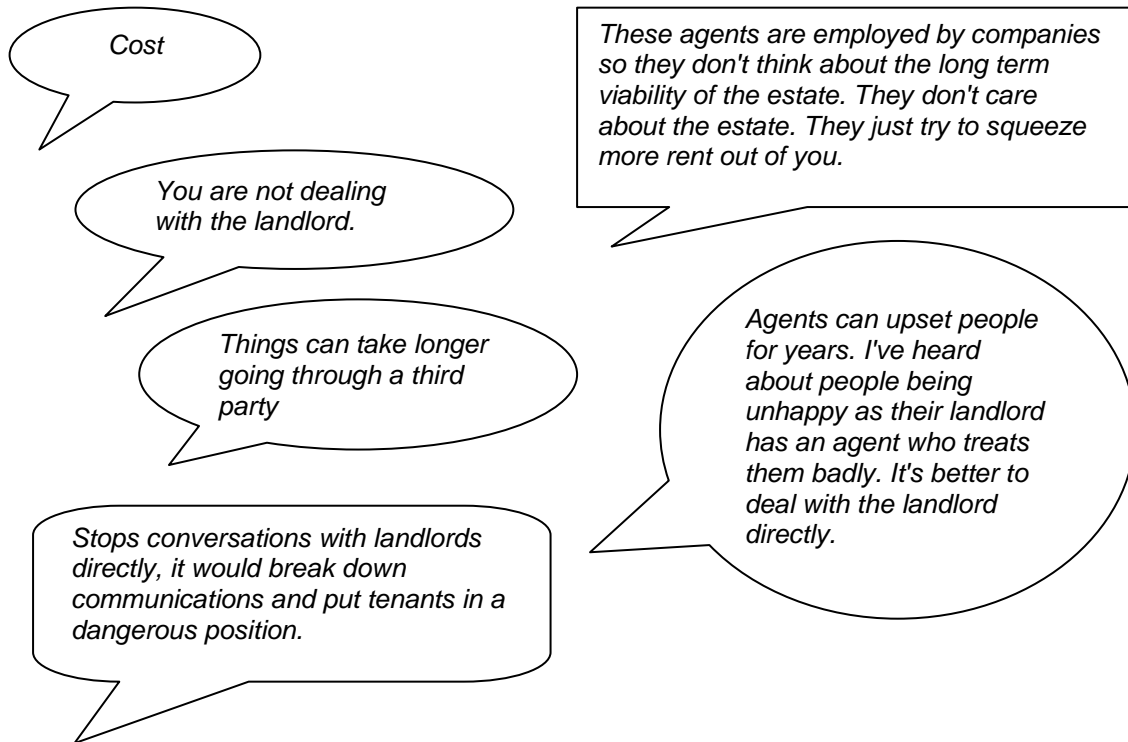


3.12 Drawbacks of using an agent

When asked about the drawbacks of using an agent, the most commonly noted drawback from the perspective of the tenant farmer was the cost or expense of using an agent (54%). Interestingly, this was more likely to be noted as a drawback by tenant farmers who use agents (68%) than those who do not (50%). Those who do not use agents were more likely to state that they ‘don’t know’ the drawbacks of using an agent (20%) than those who use agents (6%).

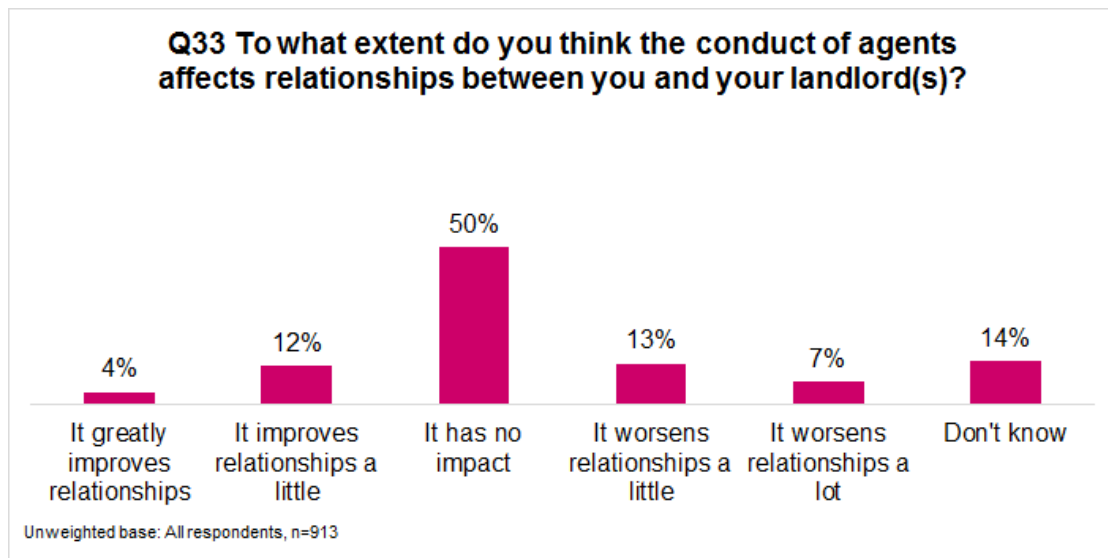
Q32 What would you say are the drawbacks of using an agent?	
Unweighted base: made comment, n=779	%
Cost/expense	54%
Don't know	17%
Best to deal directly with landlord/too many people involved/overcomplication/prevents direct contact with landlord	12%
Creates more problems/hassle	9%
Lose personal touch/relationship with landlord	6%
Lack of trust/honesty	4%
Miscommunication	4%
No drawbacks	2%
Don't know as never used agent	1%

Examples of some of the types of comments made in relation to the drawbacks of using an agent are noted below:



3.13 Impact of using an agent on landlord tenant relationships

Half of all tenant farmers who responded (50%) stated that they do not believe that the conduct of agents affects relationships between them and their landlord. However, 16% stated that they believe the conduct of agents improves relationships whereas 20% stated that they believe it worsens relationships.



3.14 Awareness of long term plans

Just under half of tenant farmers (44%) stated that they were aware of their landlord's long term plans and just over half (55%) stated that their landlord was aware of their long term plans for the farm.

Q34 Are you aware of your landlords long term plans for the farm(s)?	
Unweighted base: n=913	%
Yes	44%
No	55%
Some landlords	1%

Q35 Is/ Are your landlord(s) aware of your long term plans for the farm(s)?	
Unweighted base: n=913	%
Yes	55%
No	45%
Some landlords	0%

Where tenants were aware of their landlord's long term plans for their farm, they were also more likely to state that their landlord was aware of their long term plans for the farm (70%).

Where they were aware of the landlord's long term plans for the farm, tenants were also more likely to state that they had a good relationship with their landlord with 90% of tenants who were aware of their landlord's long term plans for the farm stating they have a good relationship with their landlord compared to 76% of those who were not aware of their landlord's long term plans.

Two thirds of tenant farmers (65%) stated that they believed it would help if both parties were aware of each other's long term plans.

Q36 Do you think it would help if you were both more aware of each other's long term plans?	
Unweighted base: n=913	%
Yes	65%
No	35%

3.15 Most important thing agents could do to improve relationships

Finally, respondents were asked what, if anything, is the most important thing that agents could do to improve the relationship between them and their landlord for the future benefit of all. Again, this question was asked as an open question and the responses grouped thematically for analysis purposes. One quarter of tenant farmers who responded (25%) stated that they were not sure what the agent could do to improve the relationship between them and their landlord. A further 9% stated that they had never used an agent and a further 7% stated that it was best to deal with landlords directly.

Where tangible suggestions were made, the most common themes were:

- Better communications/ regular meetings (19%)
- Bring both parties together/ on side (10%)
- Disclose information (7%).

Q37 To conclude, what, if anything, would you say is the most important thing that agents could do to improve the relationship between you and your landlord for the future benefit of all?	
Unweighted base: made comment, n=672	%
Not sure	25%
Better communication/Regular meetings	19%
Bring both parties together/on side	10%
Don't know never used agent/no agent needed	9%
Disclose more information/keep us updated	7%
Be more honest	7%
Best to deal with landlord directly	7%
Listen to both tenant/landlord	6%
Fine as it is	5%
Better attitude	5%
Be more open	5%
Let us know future plans	5%
Abolish agents	3%
Other	2%

Some illustrative comments are noted below:

They should respect people and treat them fairly, this would make things easier. By speaking to a mutual agent, compromises could be made fairer and easier.

More communication on landlords plans, more contact with both agents and landlords.

Ideally have more time to spend with landlords and tenants to establish better relationships. The problem is the industries they are involved with are not all that profitable so nobody has the money to pay them for that time.

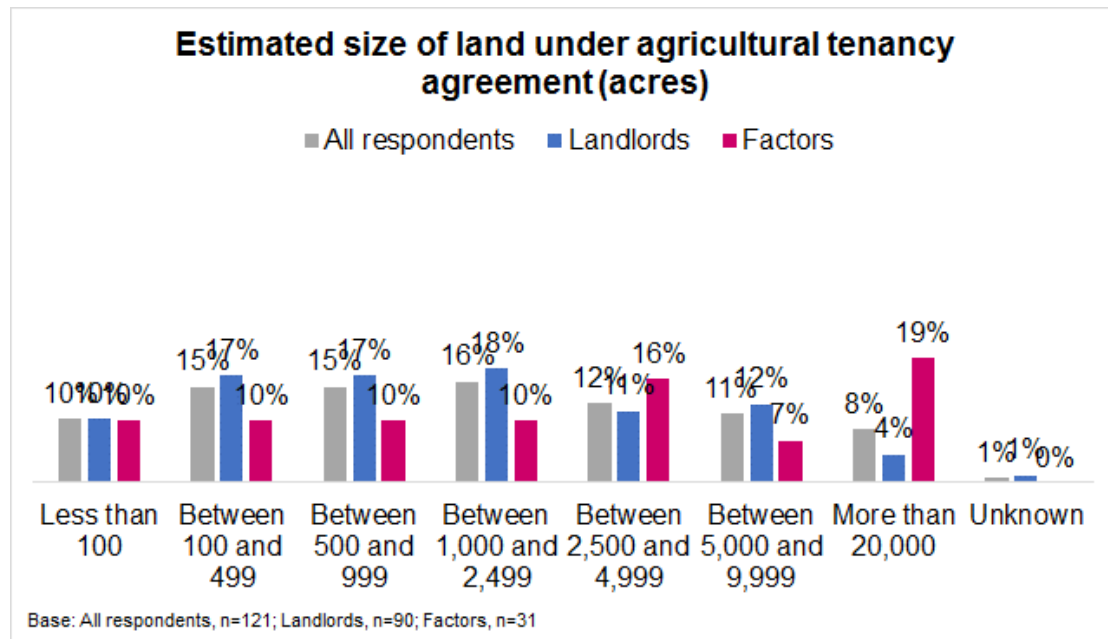
4. LANDLORD RESULTS

4.1 Profile of landlords who responded

The survey began by gaining an understanding of the profile of landlords responding. As noted, the survey is not representative of the overall profile of landlords of agricultural holdings, rather this section aims to allow us to understand the profile of landlords who responded to the survey and provide context to any survey analysis.

The survey asked landlords and factors the size of their estate and then what proportion of this estate was under an agricultural tenancy agreement. From this, an estimated size of the land under agricultural tenancy agreement has been estimated. As shown in the table below, it was estimated that just over half of respondents (56%) had an estate with land under agricultural tenancy of less than 2,500 acres. 8% of respondents overall had more than 20,000 acres under agricultural tenancy.

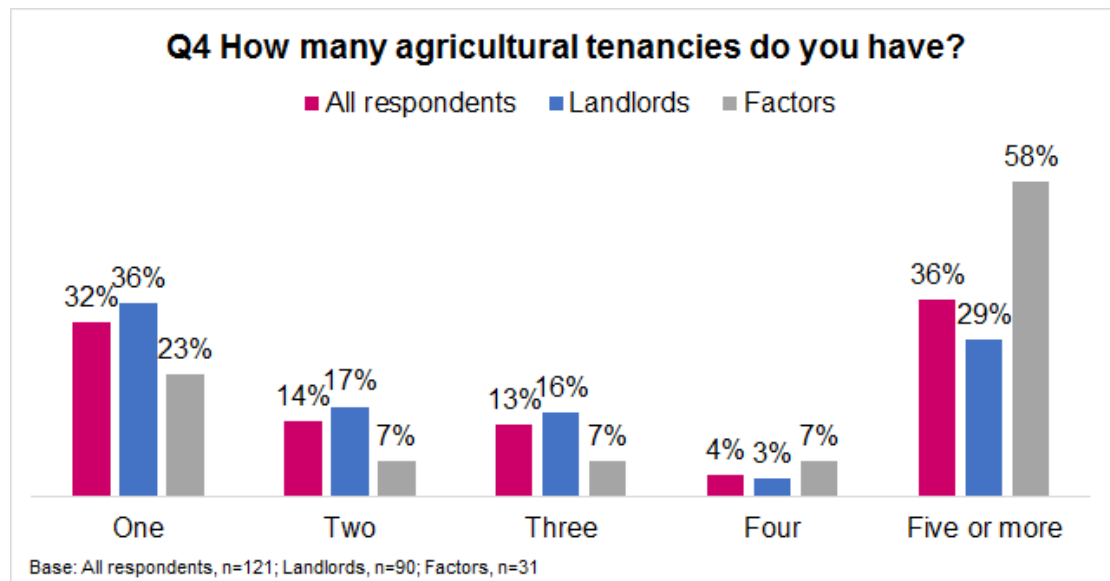
When this was analysed by responses from landlords compared to factors, it can be seen that factors were more likely to be responding on behalf of larger estates with 19% of factors responding with estates with more than 20,000 acres of land under agricultural tenancy.



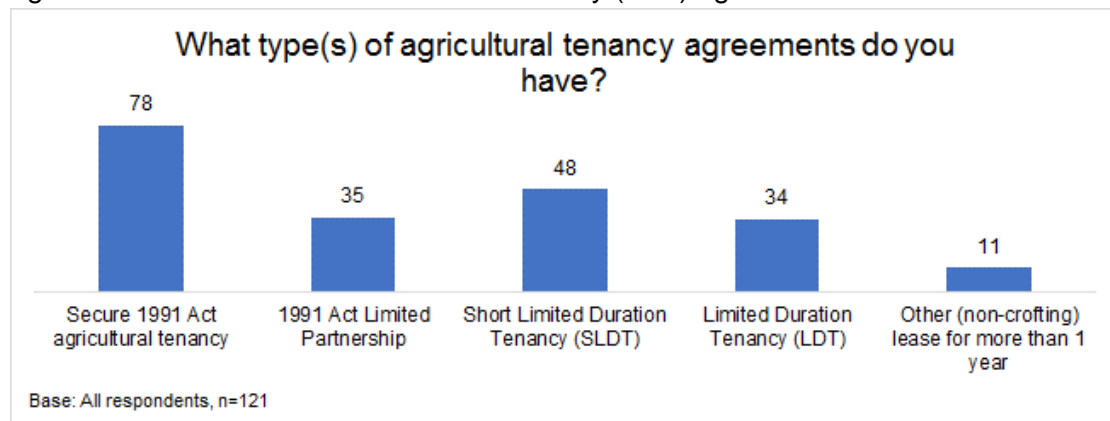
Respondents were then asked how many agricultural tenancies they had. As shown, almost one third overall (32%) stated that they had just one agricultural tenancy and 36% stated that they had 5 or more.

Analysis by landlord versus factor responses shows that factor respondents were more likely to report having 5 or more tenancies (58%) than landlord respondents (29%).

Analysis by the area of tenanted land held estimations shows a strong correlation between the size of tenanted land and the number of agricultural tenancies.



When asked what type of agricultural tenancy agreements they had, the most commonly noted agreement type was a secure 1991 Act tenancy, which was noted by 78 as being held. This was followed by Short Limited Duration Tenancy (SLDT), which was held by 48. 35 stated that they held 1991 Act Limited Partnership tenancy agreements and 34 Limited Duration Tenancy (LDT) agreements.



Finally in terms of profile, landlords and factors were asked what type of farming was carried out by the agricultural tenancies in their estate. The most commonly noted type of farming carried out by agricultural tenancies in the estate were:

- Beef (71%)
- Sheep (60%)
- Cereal (28%)
- General crops (26%).

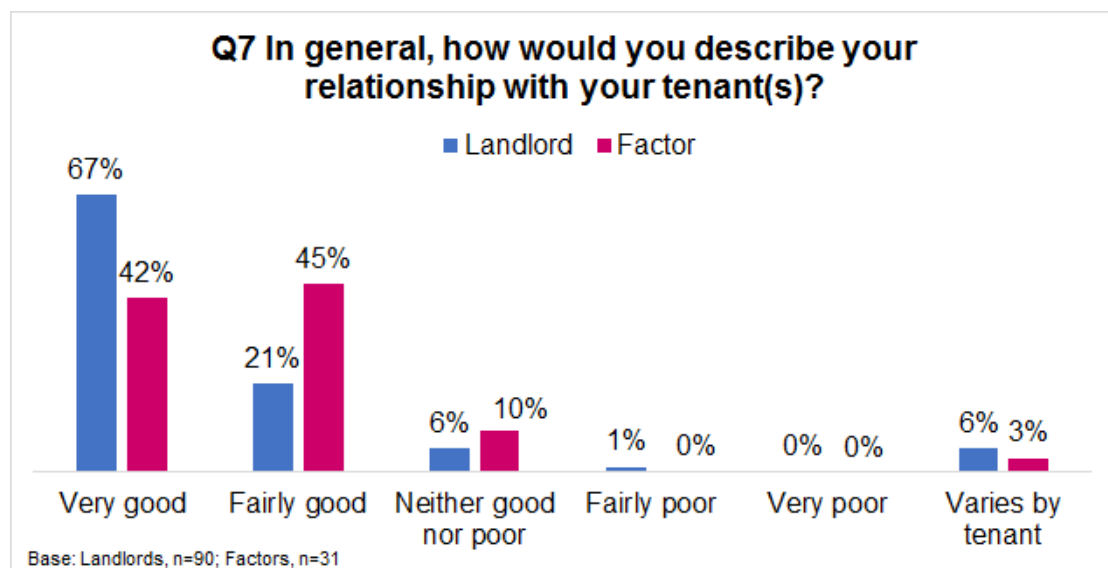
This was largely the case for both landlord and factor respondents. However, factors who responded were more likely to note that dairy was the type of farming carried out under their agricultural tenancy (26%) than landlords who responded (7%).

Q6 What type(s) of farming is carried out by agricultural tenancies in your estate?			
	All respondents	Landlord	Factor
Base:	121	90	31
Beef	71%	72%	68%
Sheep	60%	60%	61%
Cereal	28%	24%	39%
General crops	26%	24%	32%
Other	18%	16%	26%
Pigs	7%	8%	3%
Dairy	12%	7%	26%
Horticulture	7%	6%	13%
Poultry	6%	6%	7%
Forage	5%	6%	3%

4.2 Relationship with tenant(s)

The survey then went on to ask all respondents about their relationship with their tenants. This was asked of both landlords and factors. Results have been analysed by landlord and factor in order to identify any differences in perception between the two respondent groups.

When asked how, in general, they would describe their relationship with their tenants, respondents were largely positive. 88% of landlords described their relationship with their tenants as either very good or fairly good. However, analysis shows that landlords were more likely to rate the relationship as 'very good' (67%) than factors (42%).



Analysis by the number of agricultural tenancies held shows that where just one agricultural tenancy is held the relationship is much more likely to be perceived very positively with 74% of those with one agricultural tenancy rating this relationship as 'very good' compared to 46% of those with 5 or more agricultural tenancies rating the relationship as 'very good'.

Respondents were then asked if they had any comments to make about their relationship with their tenants. The majority noted simply that they had an excellent or good relationship. Regular contact, having an open and honest relationship or a long-standing relationship were all noted as factors which respondents help them have a positive relationship with their tenant(s).

Q7 Do you have any comments to make about your relationship with your tenant(s)?		
	Landlord	Factor
Base:	60	33
Excellent/ good relationship/ get on well	42%	36%
Regular contact	15%	18%
We have an honest relationship/ aware of plans/ have regular business discussions	11%	21%
It is a long standing relationship	11%	7%
Tenants are family members/ friends	9%	4%
Some are good/ some are not	9%	21%
We are neighbours	8%	0%
Other	8%	11%

Some illustrative comments are noted below:

They are very good. We encourage discussions with my tenants, myself and agents. We have carried out our 3 year rent review but have told them there will be no rise. We are in the process of a ten year plan. In discussion with all tenants so we can make plans for future benefits of tenants and landlords.

We have regular contact and I do that as often as possible. I try only use agents if and only when needed.

We work extremely hard on our relationship and work hard to maintain these relationships. I don't live on the land so I rely on my agent who is risk accredited and does an amazing job.

I'm a resident factor here and tenants can pop in at anytime

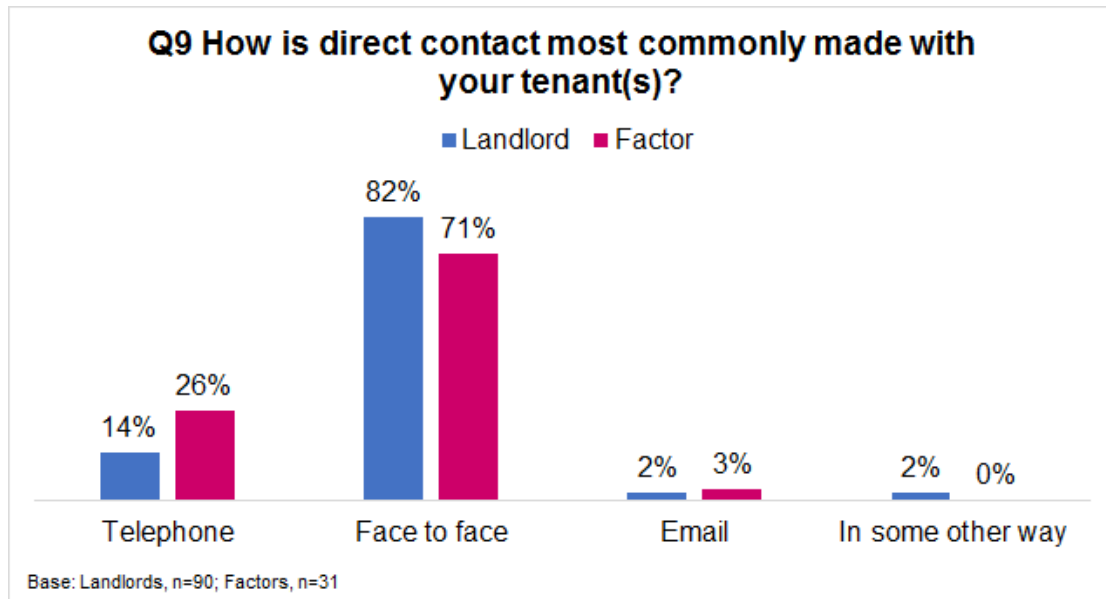
I see most of my tenants regularly. I never discuss rent reviews or tenancies with them. I provide a knowledgeable agent to do that on my behalf and tenant's behalf. Agent deals with the tenancies, there are no problems so I just let him get on with it.

4.3 Contact with tenant(s)

In terms of contact with their tenant(s), over half of landlords stated that they have contact at least once a month (59%). Factors were slightly less likely to have contact as frequently with 45% stating that they have direct contact at least once a month.

Q8 On average, how frequently do you have <u>direct contact</u> with your tenant(s)?		
	Landlord	Factor
Base:	90	31
At least once a week	26%	13%
At least once a month	33%	32%
At least once every few months	21%	32%
A couple of times a year	11%	16%
Once a year	6%	0%
Less often	1%	7%
Never	2%	0%

Direct contact is most likely to be made using face to face contact, which was noted by 82% of landlords and 71% of factors who responded. Telephone was slightly more likely to be used as a method of contact by factors (26%) than by landlords (14%).



4.4 Use of agents

The survey went on to ask respondents about the use of agents. Landlords only were asked about their use of agents to assist them in their business transactions with their tenant(s) and then both landlords and factors were asked a mirror set of questions relating to engagement with agents employed by their tenant. In order to understand the mirror view in terms of use of, and attitudes towards, agents, these questions have been analysed collectively.

In terms of usage of agents, it can be seen that landlords were more likely to use an agent to assist them in dealing with business transactions with their tenant than tenants are to engage an agent to deal with their landlord. As shown, 60% of landlords stated that they have employed an agent of some sort to assist them in their business transactions with their tenants compared to 33% who stated that they have dealt with an agent working on behalf of their tenant.

Most likely to be employed are Land agents (43% of landlords and 23% of tenants), Solicitors (29% of landlords and 21% of tenants). 11% of landlords who responded stated that they used a Factor.

	Q10 Do you, or have you, employed any of the following to assist you in your business transactions with your tenant(s)?	Q21 Do you, or have you, dealt with any agents who are working on behalf of your tenant?
	90	121
Base:	Landlords only	Landlords and Factors
Land Agent	43%	23%
Solicitor	29%	21%
Factor	11%	-
Forestry Agent	9%	0%
Any other kind of agent?	2%	1%
Have not used any agents	40%	67%

Those that do not use agents (n=36) were asked why they do not use agents. Respondents most commonly stated that they have 'no need' to use agents (94%) and a further 6% stated cost as the reason. Some illustrative comments are noted below:

No need for them, we manage perfectly well ourselves.

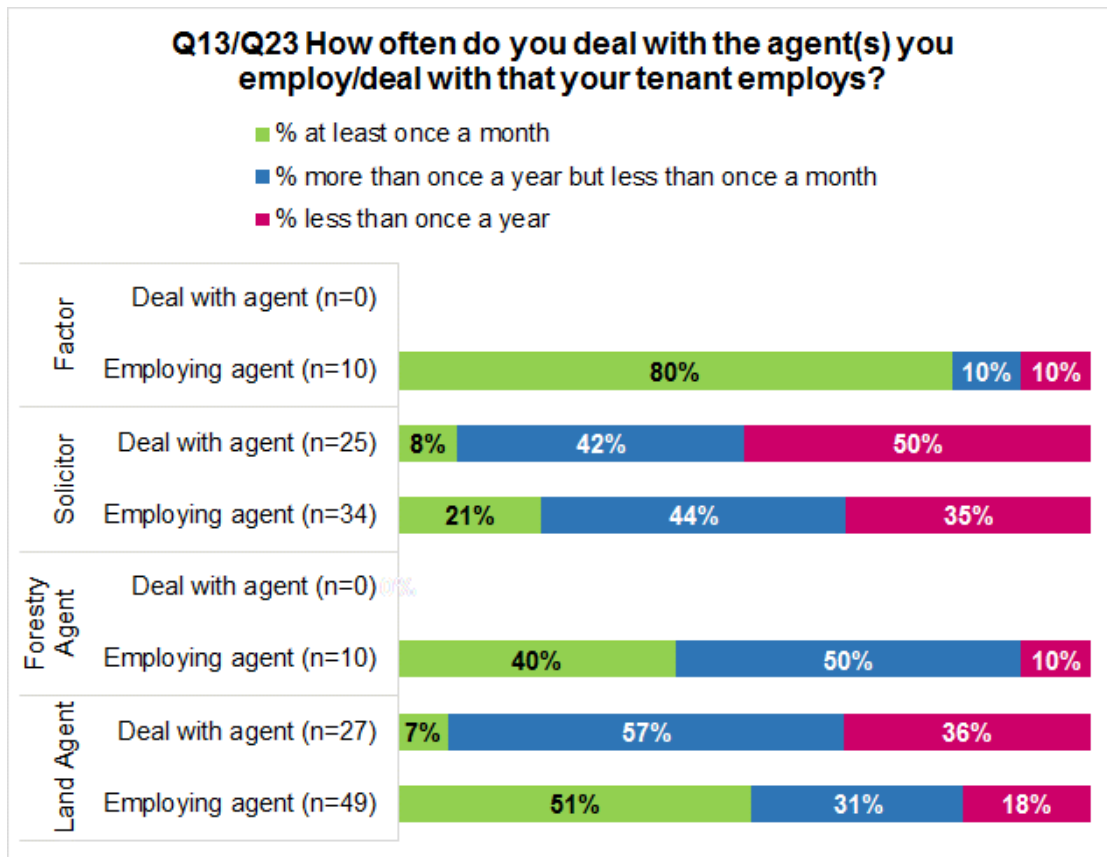
I do everything myself so I don't need an agent. If you have a lot of land or tenants maybe you need one, but I only have the one tenant.

Where they do use an agent, landlords were asked the key reasons for using an agent. These are summarised below, by type of agent:

Land agent	Solicitor	Factor	Forestry agent
<ul style="list-style-type: none"> •Rent reviews •Negotiations •Valuations •Leases 	<ul style="list-style-type: none"> •Legal matters •Negotiations •Leases (negotiations/drafting) •Applications for planting 	<ul style="list-style-type: none"> •Day to day running of things •Tenancy issues •Repairs 	<ul style="list-style-type: none"> •Access to forestry •Management of forestry issues

4.5 Frequency of contact with agents

Those that do use agents, or have experience of working with agents employed by their tenant farmer, were asked about the frequency of contact. The analysis of this has been combined to show the difference between dealings with their own agent compared to dealing with the agent employed by their tenant.



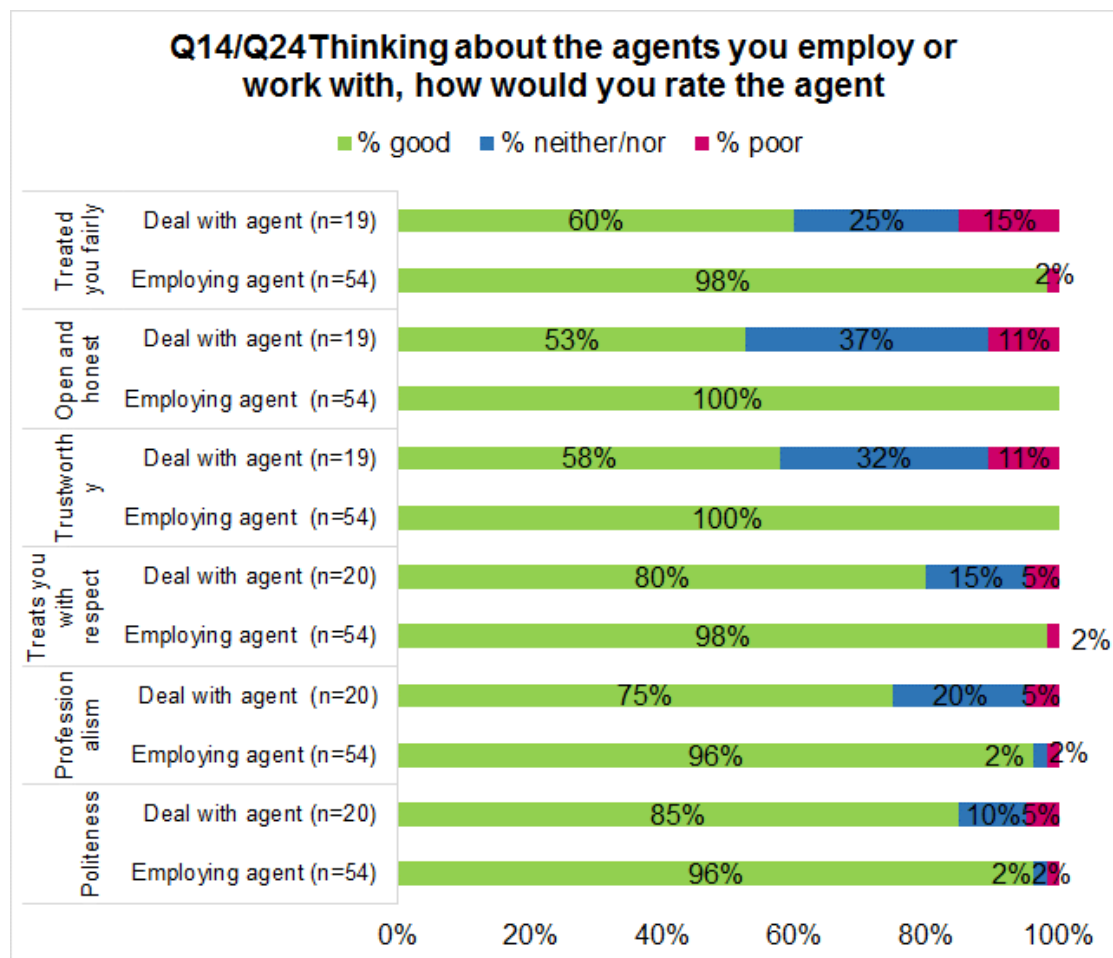
As shown, when the agent is employed by the landlord they are more likely to have frequent contact than when they are dealing with an agent employed by the tenant.

4.6 Rating of agents

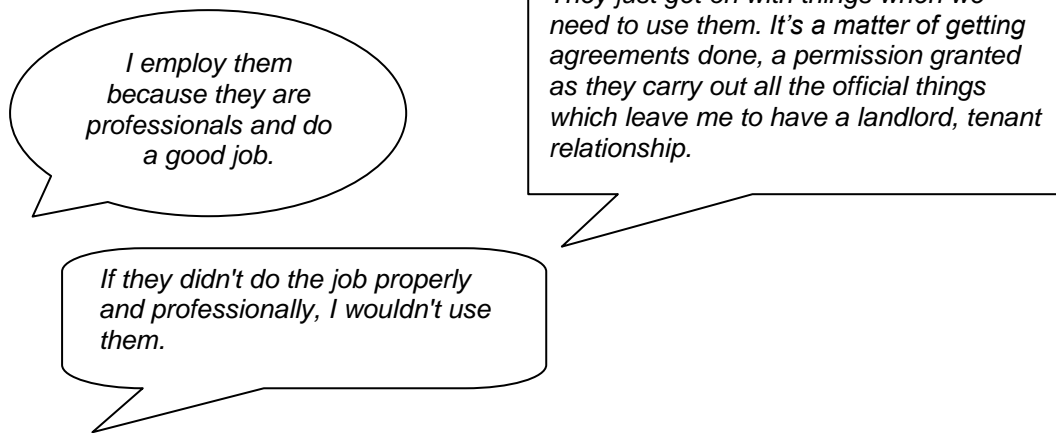
When asked to rate the agents they deal with, again, respondents were asked how they would rate the agents they employ and also the same set of ratings questions about the agents employed by their tenant.

This analysis has been combined in the chart below to allow comparison of rating of the agent the landlord employs compared to the rating of the agent employed by their tenant. As shown, rating of the agent employed directly by the landlord is very high in all aspects with 100% satisfied that the agent they employ is trustworthy, and open and honest. The lowest level of rating was 96% with respect to politeness and professionalism.

However, when this is compared to the landlord or factors rating of the agent employed by their tenant it can be seen that the rating is less positive with the highest rating of 85% being given for politeness and then 80% for treating you with respect. Ratings are lower with respect to being open and honest, where 53% rate the agent employed by their tenant as good in this way, and trustworthy with 58% rating the agent employed by their tenant as good in this respect.



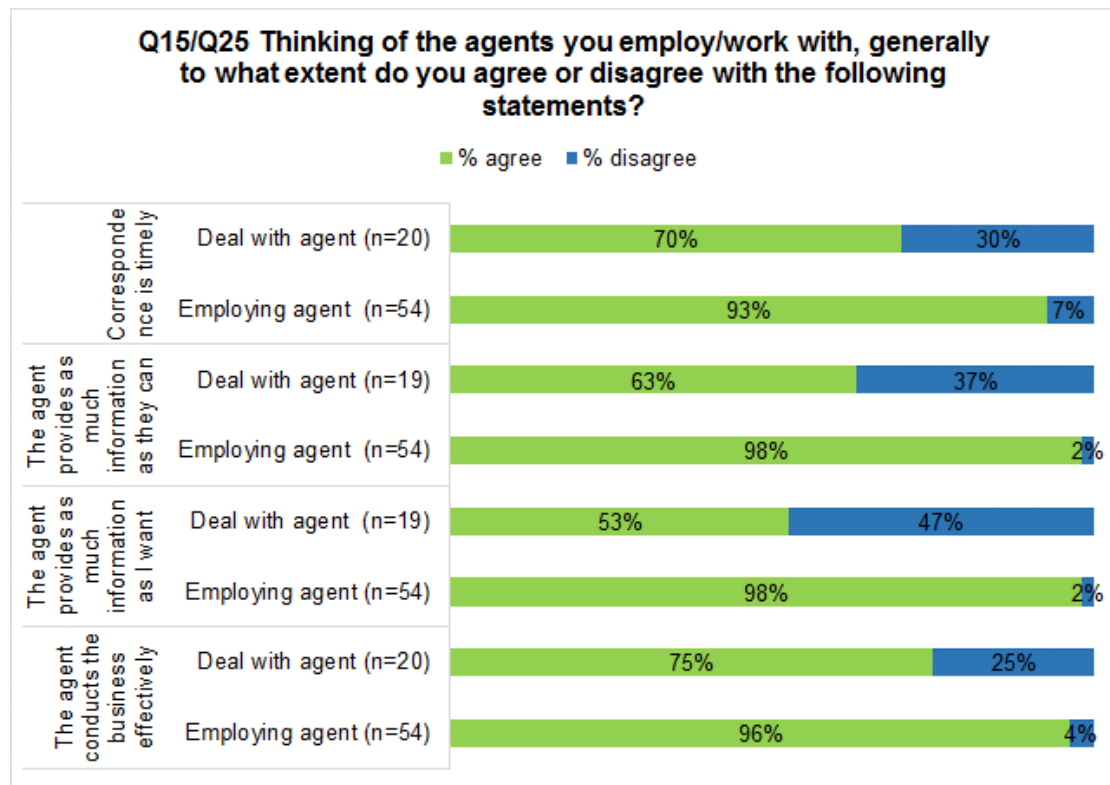
When asked for any comments, landlords noted that they simply would not employ the agent if they were not satisfied with them therefore it is unlikely that they would not be positive in this respect.

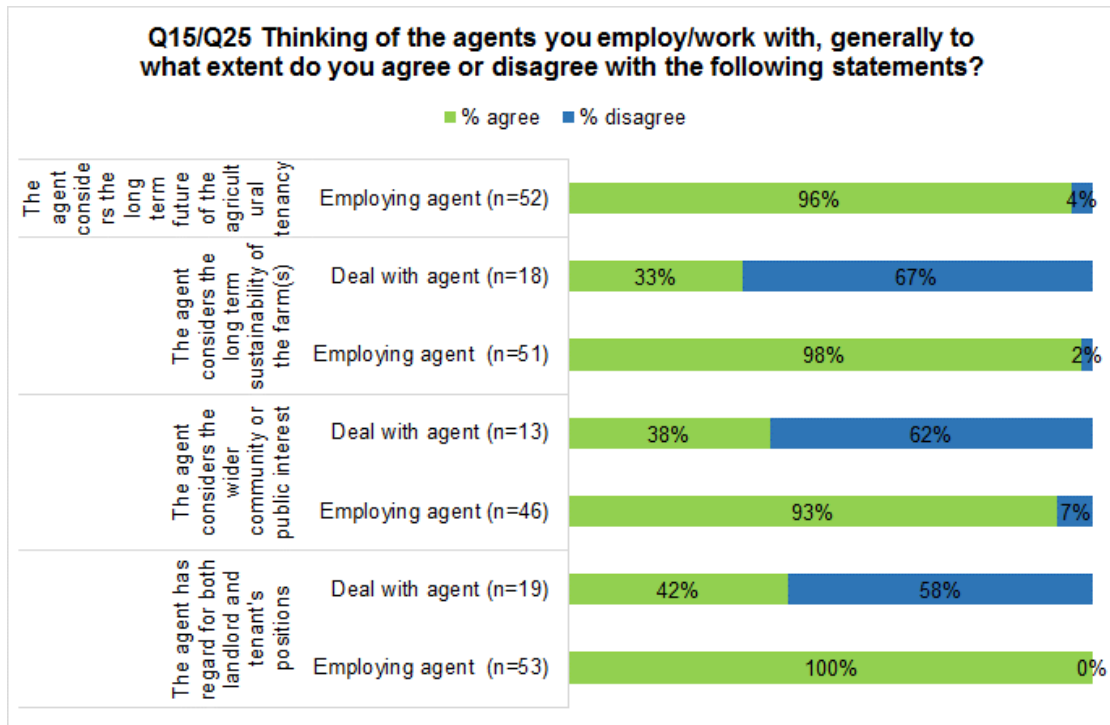


4.7 Attitudes towards agents

Respondents were then asked to state whether they agreed or disagreed with a number of statements about the agent they employ, and the agent employed by their tenant.

Again, it can be seen that landlords were more positive with respect to the agents they employ than the agents they dealt with who were employed by their tenant.





The greatest differential between employing the agent compared to dealing with the agent employed by the tenant was noted with respect to:

- The agent considers the **long term sustainability of the farm** (differential of 65% where 98% of landlords agree with this statement and only 33% agree with respect to the dealings of the agent employed by their tenant).
- The agent has **regard for both landlord and tenant positions** (differential of 58% where 100% of landlords employing agents agree with this and only 42% agree with respect to the dealings of the agent employed by their tenant).
- The agent **considers the wider community or public interest** (differential of 55% where 93% of landlords employing agents agree with this statement and only 38% agree with this with respect to the dealings of the agent employed by their tenant).

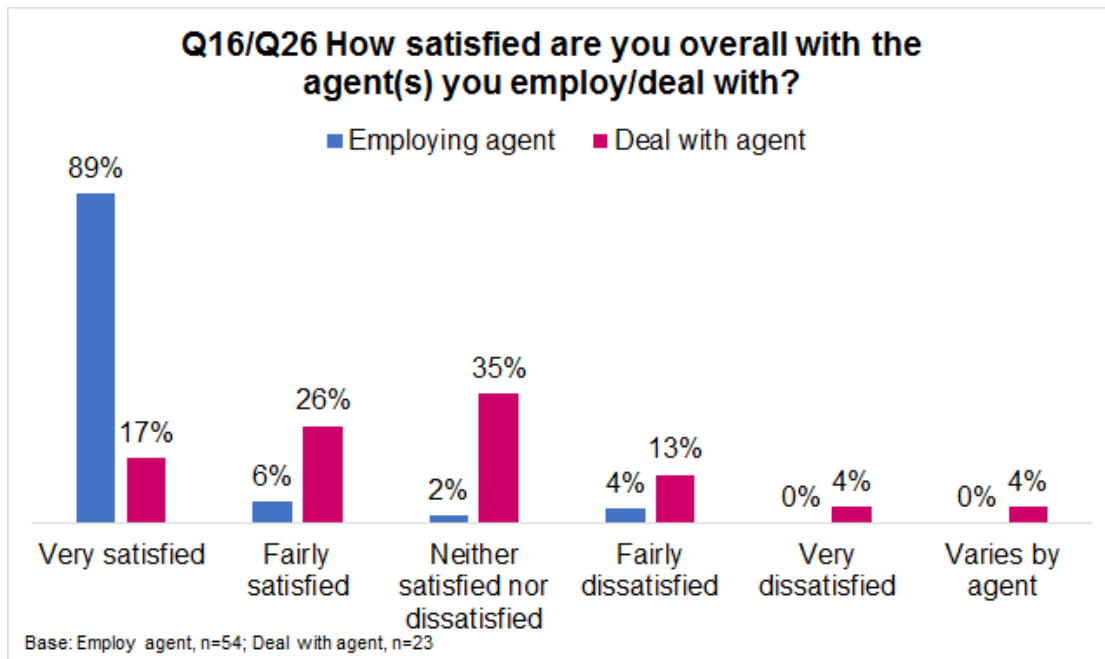
Landlords perceptions of both the agent they employ and experience of dealing with agents employed by their tenant are much closer with respect to:

- The agent **conducts the business effectively** (differential of 21% where 96% of landlords agree with this with respect to their agent and 75% agree with this with respect to their tenants agent).
- **Correspondence is timely** (differential of 23% where 93% of landlords agree with this with respect to their agent and 70% agree with this with respect to their tenants agent).

4.8 Overall satisfaction with agents

Finally, with respect to their experience of agents, landlords were asked about their satisfaction with the agent they employ and then the same question asked of the agents they deal with employed by their tenant.

As shown, satisfaction is much higher in relation to the agent they employ than the agent they deal with who is employed by their tenant. The vast majority of landlords (95%) are either very satisfied or fairly satisfied with the agent they employ compared to 44% being either very or fairly satisfied with the agent they deal with who is employed by their tenant. 17% stated that they were fairly or very dissatisfied.



Very few landlords made comments in relation to their own agent, however, where they did they reinforced the landlord's satisfaction with the agent, for example:

Very professional and full of confidence with him. He is a very good agent and fair with the landlords and tenants.

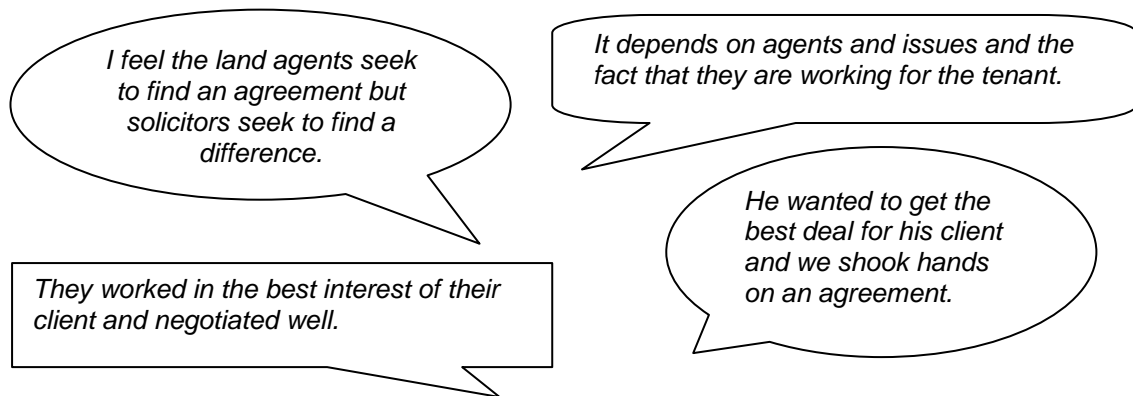
I wouldn't employ them if not.

They do a good job overall for myself and the tenant.

I feel people want professional but don't want to pay the fees. My agent is well qualified and worth every penny.

I trust the agents I use fully.

Whereas comments made in relation to the agent employed by their tenant illustrated a variability in service and also an acknowledgement that they are working for the tenant and therefore not necessarily in the landlord's best interest. Again, very few made comment but where they did, some examples of the comments made are noted below:



4.9 Dissatisfaction with agents

Those who had been dissatisfied with the service provided either by their agent (n=2) or by the service provided by the agent employed by their tenant's (n=5) were asked about their experience. Please note that one respondent was dissatisfied with both their agent and that of their tenants. There are therefore 7 instances of dissatisfaction reported from a total of 6 respondents.

Of the 7 instances of dissatisfaction (from 6 respondents), 6 were with reference to Land Agents and 1 with reference to a solicitor. The source of dissatisfaction varied and was noted as being:

- Timescales taken to deal with things (3 respondents)
- Lack of response/communication (2 respondents)
- Lack of understanding of the legislation (1 respondent)
- Causing trouble/mischief with a view to making money (1 respondent).

3 out of the 7 instances of dissatisfaction stated that they had made a complaint. All were made to the agent directly.

Where no complaint was made, this was because:

- The issue was resolved eventually (2 responses)
- It was not their own agent (noted by a landlord who was dissatisfied with the tenants agent).
- They hadn't thought about it.

All who were dissatisfied were asked what the agent could have done to improve the way they dealt with them. The key responses noted were:

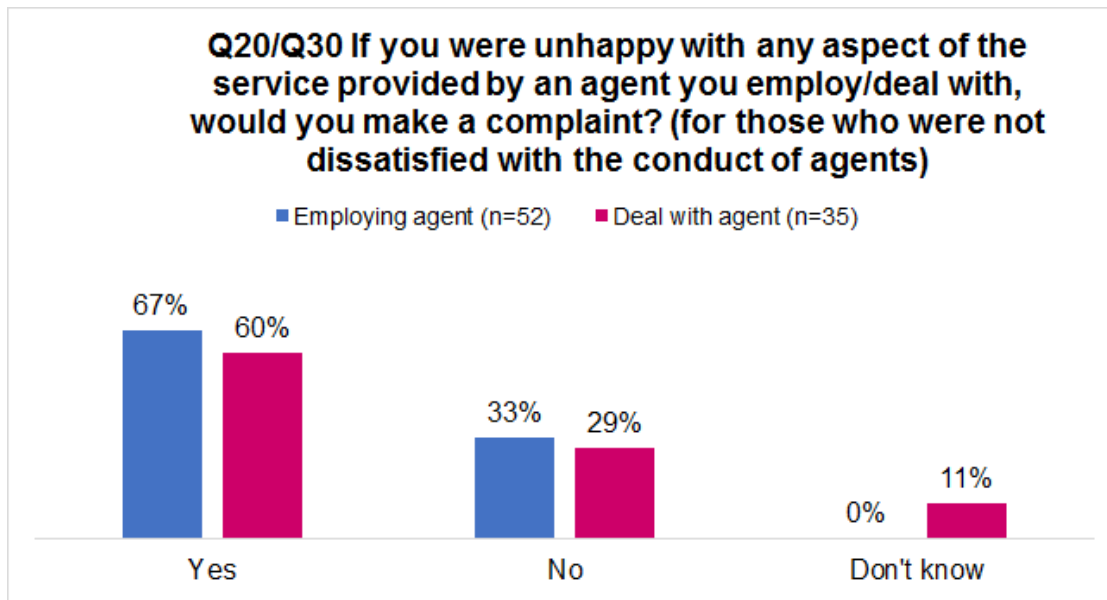
- Speed up negotiations (3 responses)
- Improve communication
- Listen to the brief

- Employ more suitably qualified staff
- Play fairly.

4.10 Making complaints

All who had dealings with agents and had not stated that they were dissatisfied with the agents they have dealt with, whether their own agent or the agent employed by the tenant, were asked if they were unhappy with any aspect of the service provided by an agent, would they complain.

As shown, whether considering the service provided by their own agent or that of the agent of their tenant, the responses provided by respondents were similar. 67% of landlords stated they would complain about the service provided by their agent and 60% stated they would complain about the service provided by their tenant’s agent.



Where respondents stated that they would not complain, and they employed the agent, this was largely because they would stop using the agent. Where they stated that they would not complain about the tenant’s agent, respondents stated that they would either not deal with the agent or that they would speak to the tenant directly.

Where respondents stated that they would complain about their tenant’s agent, they stated that they would complain to the Tenant Farming Commissioner (5 respondents), directly to the agent or farmer (7 respondents), the agent’s representative body (3 respondents). Just 2 stated that they were not sure whom they would complain to.

4.11 Benefits of using an agent

The survey then went on to a final section about landlord, tenant and agent relations and how they could be improved. The first question in this section asked, of all landlords and agents, what they believed the benefits of using an agent were. This question was asked as an open question and the responses have then been grouped thematically for analysis purposes.

The benefits of using an agent are most commonly believed to be their professional expertise/knowledge/advice. This was noted by 55% of landlords and 65% of factors. Factors were more likely to state that agents were needed for the legal side (52%) than landlords (24%).

Q31 What would you say are the benefits of using an agent?		
	Landlord (n=85)	Factors (n=31)
Professional/ expertise/ knowledge/ advice	55%	65%
Need for legalities	24%	52%
Negotiate for tenants/ middle man	14%	16%
Helpful to have 3rd party involved/ helps relationships	14%	26%
No benefits/ don't need one	9%	0%
Don't know	4%	0%
Other	0%	0%

4.12 Drawbacks of using an agent

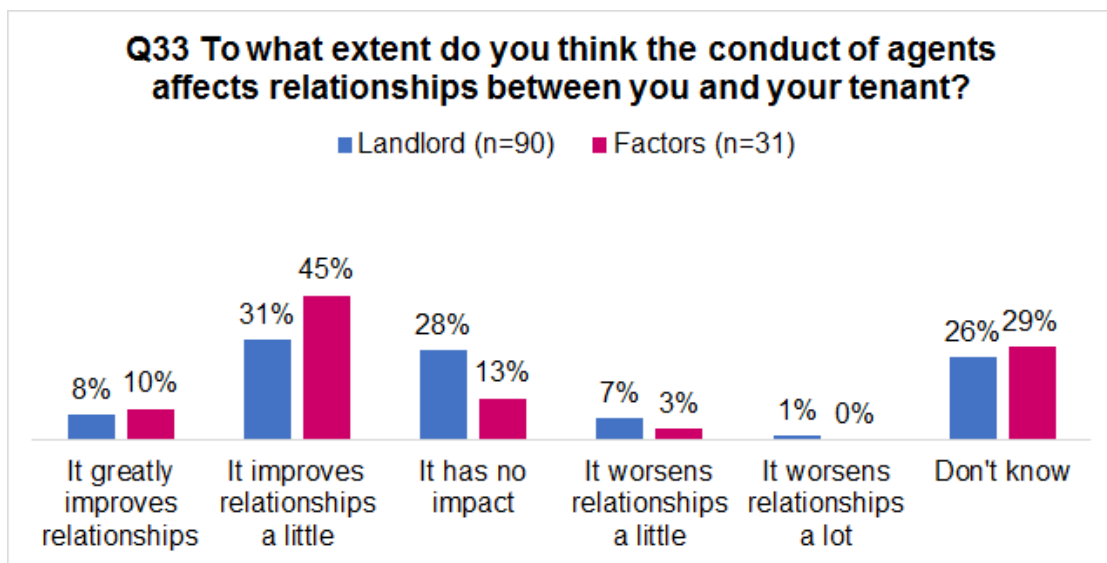
When asked about the drawbacks of using an agent, the most commonly noted drawback from the perspective of the landlord was the cost or expense of using an agent (54%). Factors were most likely to note loss of personal relationship (35%) and lack of trust (35%) as the main drawbacks of using an agent.

Q32 What would you say are the drawbacks of using an agent?		
	Landlord (n=78)	Factors (n=29)
Cost/ expense	54%	31%
Lose personal relationship/ personal touch	23%	35%
Lack of trust/ have own agenda	12%	35%
Poor advice/ knowledge	8%	10%
Reduced communication	6%	14%
Time consuming	5%	14%
Don't know	5%	0%
No drawbacks	4%	3%
Other	1%	3%
Don't need an agent	1%	0%

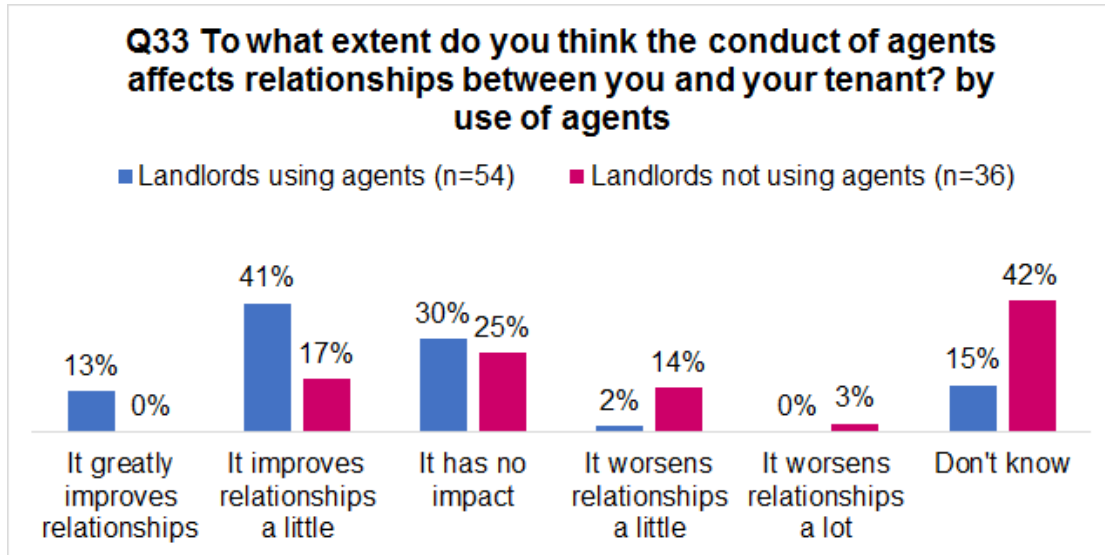
4.13 Impact of using an agent on landlord tenant relationships

When asked about the extent to which they believe the conduct of agents affects the relationships between them and their tenant, both landlords and factors were likely to feel that it improves relationships, with 39% of landlords and 55% of factors stating that they believe it improves relationships either greatly or a little.

In term of worsening relationships, 8% of landlords surveyed and 3% of factors stated that they believe the conduct of agents affects relationships between them and their tenant in a negative way, either worsening relationships a little or a lot.



It is interesting to note that analysis of this question by whether or not the landlord uses an agent shows that those who do not use an agent are more likely to state that they believe the conduct of agents worsens relationships between them and their tenant. 17% of those who have not used any agents stated that they believe that the conduct of agents worsens relationships compared to just 2% of those that use agents. Those that use agents were much more likely to believe this improves relationships (54%).



4.14 Awareness of long term plans

When considering awareness of long term plans, 62% of landlords and 45% of factors stated that they were aware of their tenant's long term plans for the farm.

Q34 Are you aware of your tenant's long term plans for the farm(s)?		
	Landlord (n=90)	Factors (n=31)
Yes	62%	45%
No	23%	16%
Some tenants	14%	39%

70% of landlords and 58% of factors stated that their tenant(s) were aware of their long terms plans for the farm. There were strong links between these two questions with 82% of those who said that they were aware of their tenant's long term plans also stating that their tenants were aware of their long term plans.

Q35 Is/ Are your tenant(s) aware of your long term plans for the farm(s)?		
	Landlord (n=90)	Factors (n=31)
Yes	70%	58%
No	20%	10%
Some landlords	10%	33%

In relation to whether it would help if they were aware of each other's long term plans, factors were more strongly of the opinion that this would help (97%) than landlords (64%).

Q36 Do you think it would help if you were both more aware of each other's long term plans?		
	Landlord (n=90)	Factors (n=31)
Yes	64%	97%
No	36%	3%

4.15 Most important thing agents could do to improve relationships

Finally, respondents were asked what, if anything, is the most important thing that agents could do to improve the relationship between them and their tenant for the future benefit of all. Again, this question was asked as an open question and the responses grouped thematically for analysis purposes. The most important thing from both the landlord and factor perspective was 'be professional, open and honest' which was stated by 30% of landlords and 32% of factors. Also commonly noted were good communication and being understanding of both parties.

Q37 To conclude, what, if anything, would you say is the most important thing that agents could do to improve the relationship between you and your tenant for the future benefit of all?		
	Landlord (n=78)	Factors (n=31)
Be professional/ open/ honest	30%	32%
Good communication/ kept up to date	18%	29%
Understanding of both parties/ less confrontation	15%	26%
None, fine as it is	15%	7%
Maintain/ develop good relations	13%	10%
No agents	9%	-
Don't know	8%	7%
Better/ simplified legislations	8%	13%
Don't have agent	4%	-
Other	4%	-
Quick to solve issues/ no time wasting	1%	10%

Some illustrative quotes are noted below:

They should take both parties interests into account, know the law and act as a broker between both parties.

Need to be mindful of relationships. Long term relationship with tenants and landlords extremely important.

Keep them aware of each other's plans and make them both aware of any schemes that can support both. Less time wasting to create more work for agents.

Give impartial advice while still acting for whoever employs them. Keep the relationship healthy between tenant and landlord that is very important, hence the reason I don't use agents often, only use them when needed.

5. SUMMARY OF KEY FINDINGS

The key objective of this research was to gain an understanding of the views and experiences of tenant farmers and landlords with respect to the conduct of agents. The surveys were developed in a way to provide mirror images of views both within surveys and between surveys. We therefore have been able to develop four mirror views on the conduct of agents:

- The views of tenant farmers employing agents
- The views of tenant farmers dealing with agents employed by their landlord
- The views of landlords employing agents
- The views of landlords dealing with agents employed by their tenants.

The analysis of these findings have shown similarities between the views and experiences of both tenants and landlords.

In general, the majority of tenants and landlords would describe the tenant/landlord relationship as good. 82% of tenant farmers described their relationship with their landlord as either very good or fairly good and 88% of landlords described their relationship as either very good or good.

Key factors which were found to influence the relationship with the landlord were:

- regular contact,
- face to face contact, and
- direct relationships with the landlord as opposed to the use of an agent.

For landlords, analysis by the number of agricultural tenancies held shows that where just one agricultural tenancy is held the relationship is much more likely to be perceived very positively with 74% of those with one agricultural tenancy rating this relationship as 'very good' compared to 46% of those with 5 or more agricultural tenancies rating the relationship as 'very good'.

Landlords were more likely to employ an agent of some sort to assist them with their business transactions (60%) than tenant farmers (25%).

Analysis for tenant farmers showed that those with larger farms were significantly more likely to use agents than those in smaller farms with 12% of tenant farmers with <5ha stating they have employed agents to assist them in their business transactions with their landlord compared to 43% of those who have >=250ha.

Where landlords or tenant farmers choose not to engage agents, their reasons are similar: they believe there is no need, they prefer to deal with things directly or cost is prohibitive. Trust is noted as a barrier by some but is not a frequently noted barrier.

Both tenant farmers and landlords were very positive about the agent they employ with regard to their attitude. Ratings given by tenant farmers and landlords with

respect to politeness, professionalism, respect, trustworthiness, openness and honesty and treating them fairly ranged between 98% to 100% being positive.

This was less likely to be the case for tenant farmers regarding the agents they deal with who are employed by their landlord. Ratings for these agents ranged between 67% and 83% rated as 'good'. Similarly, landlords were less likely to rate their tenant's agent positively, with ratings of between 53% and 85% for the same factors. Both landlords and tenants were most positive about the politeness of the agent they were dealing with and least positive about trustworthiness, openness and honesty.

The greatest differential, noted by tenant farmers, between employing the agent compared to dealing with the agent employed by the landlord was noted with respect to:

- The agent **considers the wider community or public interest** (differential of 41% where 91% of tenant farmers employing agents agree with this statement and only 50% agree with this with respect to the dealings of the agent employed by their landlord).
- The agent has **regard for both landlord and tenant positions** (differential of 32% where 95% of tenants employing agents agree with this and only 62% agree with respect to the dealings of the agent employed by their landlord).

Respondents were then asked to state whether they agreed or disagreed with several statements about the agent they employ, and the agent employed by their landlord/tenant. Again, tenant farmers and landlords were more positive with respect to the agents they employ than the agents they dealt with who were employed by their landlord/tenant.

Overall satisfaction with the agents employed by tenants/landlords was much greater than their satisfaction with the agents they were dealing with who were employed by their landlord/tenant.

- 98% of tenant farmers were either very satisfied or fairly satisfied with the agent they employ, compared to
- 66% of tenant farmers were either very or fairly satisfied with the agent they deal with who is employed by their landlord.
- 95% of landlords were either very satisfied or fairly satisfied with the agent they employ, compared to
- 44% of landlords were either very or fairly satisfied with the agent they deal with who is employed by their tenant.

17% of tenant farmers and 17% of landlords were very or fairly dissatisfied with their landlord/tenants agent.

A total of 70 tenant farmers and 6 landlords stated that they had been dissatisfied with the service provided by an agent. They were asked about their experience. Where tenant farmers were dissatisfied with the behaviour of their landlord's agent, the main feeling was that the agent solely looks out for their landlord's interests. Whereas landlord comments made in relation to the agent employed by their tenant

illustrated that they are working for the tenant and therefore not necessarily acting in the landlord's best interest. Suggestions from tenants as to how the agent could have improved how they dealt with them included:

- Listen to our views/show more understanding (32%)
- Be more professional (26%)
- Be more open/honest (23%)

The most commonly stated benefit of using an agent by tenant farmers is their professional expertise/knowledge/advice (26%). This was also the main benefit noted by landlords (55%). The second most commonly noted benefits by tenants was the agents knowledge of legal requirements/ legislation (25%). This was also the second most commonly noted benefit by landlords (52%). Almost one in five (17%) stated that they didn't know what the benefits of using an agent were and 11% stated that they didn't believe there to be any benefits. Where the tenant farmer had not employed an agent, they were more likely to state that they didn't know what the benefits of using an agent were (21%) or that there were no benefits (13%).

When asked about the drawbacks of using an agent, the most commonly noted drawback from the perspective of the tenant farmer was the cost or expense of using an agent (54%). This was also noted by 54% of landlords.

Half of all tenant farmers who responded (50%) stated that they do not believe that the conduct of agents affects relationships between them and their landlord. However, 16% stated that they believe the conduct of agents improves relationships whereas 20% stated that they believe it worsens relationships. Landlords were more likely to be positive in this respect with 39% of landlords stating that they believe agents improve relationships compared to 8% believing they worsen relationships.

The most important things that tenant farmers believed that agents could do to improve the relationship between tenants and their landlord for the future benefit of all were:

- Better communications/regular meetings (19%)
- Bring both parties together / on side (10%)
- Disclose information (7%).

The most important things that landlords believed agents could do to improve relationships was to be professional, open and honest, improving communications, trying to understand both parties situations and working to maintain good relationships.

APPENDIX 1: TENANT FARMER QUESTIONNAIRE

[INTRODUCTION]

Good morning/ afternoon, my name is **** and I am calling on behalf of the Scottish Land Commission from Research Resource. We are carrying out research on behalf of the Tenant Farming Commissioner in order to find out tenant farmers and landlord views on the operation of agents in relation to business conducted on agricultural holdings. All that you say will be completely confidential and we will only report back results of the survey from tenant farmers and landlords overall. No individual responses or comments will be identified. Can you spare some time to complete the survey with me just now? It should take about 15 minutes?

[IF NOT CONVENIENT ARRANGE A TIME TO CALL BACK]

[IF REFUSED, NOTE REASON FOR REFUSAL]

[INTERVIEWER: FURTHER INFORMATION IF REQUIRED]

By agents I mean solicitors, factors and land agents, for example.

The Tenant Farming Commissioner has, as part of his remit, a commitment to review the operation of professionals engaged by landlords and tenants and this research will inform his recommendations to Scottish Ministers.

Profile questions

Q1. Can I firstly confirm what your role is with regard to [CONFIRM ESTATE FROM SAMPLE DATABASE]?

Landlord	1	Go to Q2
Trustee	2	
Resident Factor	3	
Other (please specify)	4	

[INTERVIEWER: READ OUT] I'd like to begin by understanding a little about your situation. [NB IF THIS INFORMATION IS ALL AVAILABLE FROM THE SAMPLE DATABASE THE INTERVIEWER WILL CONFIRM DETAIL]

Q2. What is the size of your estate? [ENSURE UNIT OF MEASURE IS SPECIFIED]

Hectares:
Acres:

Q3. What proportion of your estate is under an agricultural tenancy agreement?

Up to 10%	1
Between 10% and 24%	2
Between 25% and 49%	3
Between 50% and 74%	4
Between 75% and 99%	5
100%	6

Q4. How many farming tenants do you have on your estate?

One	1
Two	2
Three	3
Four	4
Five or more	5

Q5. What type(s) of agricultural tenancy agreements do you have? [WRITE IN NUMBER]

Secure 1991 Act agricultural tenancy	
1991 Act Limited Partnership	
Short Limited Duration Tenancy (SLDT)	
Limited Duration Tenancy (LDT)	
Other (non-crofting) lease for more than 1 year	

Q6. What type(s) of farming is carried out by the agricultural tenancies in your estate? [SELECT ALL THAT APPLY FROM LIST]

Cereal	1
General crops	2
Horticulture	3
Beef	4
Sheep	5
Pigs	6
Poultry	7
Dairy	8
Forage	9
Other (please specify)	10

Relationship with your tenant(s)

Q7. In general, how would you describe your relationship with your tenant(s)?

Very good	1
Fairly good	2
Neither good nor poor	3
Fairly poor	4
Very poor	5
Varies by tenant [UNPROMPTED – RECORD IF NOTED]	6
Do you have any comments to make about your relationship with your tenant(s)?	

Q8. On average, how frequently do you have direct contact with your tenant(s)?

At least once a week	1	Go to Q9
At least once a month	2	
At least once every few months	3	
A couple of times a year	4	
Once a year	5	
Less often	6	
Never (EXPLAIN WHY)	7	Go to Q10

Q9. How is direct contact most commonly made with your tenant(s)?

Telephone	1
Face to face	2
Email	3
In some other way (please describe)	4

Employing Agents [ASK OF LANDLORDS ONLY – FACTORS GO TO Q21]

INTERVIEWER: READ OUT. This next section asks about any agents that you may employ to work on your behalf. We will then go on to talk about your dealings with any agents that your tenant employs. Please answer this next section only about the agents you employ.

Q10. Do you, or have you, employed any of the following to assist you your business transactions with your tenant(s)? [ALL THAT APPLY]

Land Agent	1	Go to Q12
Forestry Agent	2	
Solicitor	3	
Factor	4	
Any other kind of agent? (please describe)	5	
Have not used any agents	6	Go to Q11

Q11. [IF NOT USED ANY AGENTS] Why do you not use any agents? [PROBE FULLY]

--

GO TO NEXT SECTION, Q21

Q12. For each kind of agent employed, what do you use this agent for?

Land Agent	
Forestry Agent	
Solicitor	
Factor	
Other	

Q13. How often do you deal with the agent(s) you employ?

	At least once a week	At least once a month	At least once every few months	A couple of times a year	Once a year	Less often
Land Agent	1	2	3	4	5	6
Forestry Agent	1	2	3	4	5	6
Solicitor	1	2	3	4	5	6
Factor	1	2	3	4	5	6
Other	1	2	3	4	5	6

Q14. Thinking of the agent(s) you employ, generally how would you rate the agent(s) with regard to the following in the way they deal with you?

	Very good	Fairly Good	Neither good nor poor	Fairly Poor	Very poor	Don't know
Politeness	1	2	3	4	5	6
Professionalism	1	2	3	4	5	6
Treats you with respect	1	2	3	4	5	6
Trustworthy	1	2	3	4	5	6
Open and honest	1	2	3	4	5	6
Treated you fairly	1	2	3	4	5	6
[INTERVIEWER: PLEASE RECORD ANY COMMENTS MADE]						

Q15. Thinking of the agent(s) you employ, generally to what extent do you agree or disagree with the following statements?

	Strongly agree	Agree slightly	Disagree slightly	Strongly disagree	Don't know
My agent conducts the business effectively	1	2	3	4	5
My agent provides as much information as I want	1	2	3	4	5
My agent provides as much information as they can	1	2	3	4	5
Correspondence is timely	1	2	3	4	5
My agent has regard for my tenant's position as well as mine	1	2	3	4	5
My agent considers the wider community or public interest	1	2	3	4	5
My agent considers the long term sustainability of the farm(s)	1	2	3	4	5
My agent considers the long term future of my estate	1	2	3	4	5
[INTERVIEWER: PLEASE RECORD ANY COMMENTS MADE]					

Q16. How satisfied are you overall with the agent(s) you employ?

Very satisfied	1	Go to Q20
Fairly satisfied	2	
Neither satisfied nor dissatisfied	3	
Fairly dissatisfied	4	Go to Q17
Very dissatisfied	5	
Varies by agent [UNPROMPTED – CODE IF NOTED]	6	
Do you have any comments to make on your overall satisfaction with the agent(s) you employ?		

Q17. If you have not been satisfied with the behaviour of an agent you have employed, can tell me what type of agent this was and why? Just to be clear we are talking about the behaviour of an agent, not the outcome of any discussions.

Type of agent	
Reason for dissatisfaction	

Q18. Did you make a complaint?

Yes (if yes, who did you complain to?)	1	
No (please explain why not)	2	

Q19. What could the agent(s) have done to improve how they dealt with you?

--

GO TO Q21

Q20. If you were unhappy with any aspect of the service provided by an agent you employ, would you make a complaint?

Yes	1
No (please explain why not) [PROBE: IS THIS FOR ANY PARTICULAR AGENT OR ALL?]	2

Dealing with agents working on behalf of your tenant farmer

[INTERVIEWER: READ OUT] This next section is about any engagement you have with any agents working on behalf of your tenant farmer.

Q21. Do you, or have you, dealt with any agents who are working on behalf of your tenant? [ALL THAT APPLY]

Land Agent	1	Go to Q22
Forestry Agent	2	
Solicitor	3	
Any other kind of agent? (please describe)	4	
Have not dealt directly with any agents working on behalf of my tenant (please explain why?) Probe: is this because there have been no dealings or does your agent deal with your farmers agent on your behalf?	5	Go to Q31

Q22. For each kind of agent dealt with, what issue was the agent dealing with on behalf of your tenant?

Land Agent	
Forestry Agent	
Solicitor	
Other	

Q23. How often did/ do you deal with this agent(s)?

	At least once a week	At least once a month	At least once very few months	A couple of times a year	Once a year	Less often
Land Agent	1	2	3	4	5	6
Forestry Agent	1	2	3	4	5	6
Solicitor	1	2	3	4	5	6
Resident Factor	1	2	3	4	5	6
Other	1	2	3	4	5	6

Q24. Thinking of the agent(s) your tenant employs, generally how would you rate the agent(s) with regard to the following in the way they deal with you?

	Very good	Fairly Good	Neither good nor poor	Fairly Poor	Very poor	Don't know
Politeness	1	2	3	4	5	6
Professionalism	1	2	3	4	5	6
Treats you with respect	1	2	3	4	5	6
Trustworthy	1	2	3	4	5	6
Open and honest	1	2	3	4	5	6
Treated you fairly	1	2	3	4	5	6

Q25. Thinking of the agent(s) your tenant employs, generally to what extent do you agree or disagree with the following statements?

	Strongly agree	Agree slightly	Disagree slightly	Strongly disagree	Don't know
The agent conducts the business effectively	1	2	3	4	5
The agent provides as much information as I want	1	2	3	4	5
The agent provides as much information as they can	1	2	3	4	5
Correspondence is timely	1	2	3	4	5
The agent has regard for my position as well as my tenant's	1	2	3	4	5
The agent considers the wider community or public interest	1	2	3	4	5
The agent considers the long term sustainability of the farm	1	2	3	4	5

Q26. How satisfied are you overall with the agent(s) your tenant employs?

Very satisfied	1	Go to Q30
Fairly satisfied	2	
Neither satisfied nor dissatisfied	3	
Fairly dissatisfied	4	Go to Q27
Very dissatisfied	5	
Varies by agent [UNPROMPTED – CODE IF NOTED]	6	
Do you have any comments to make on your overall satisfaction with the agent(s) your tenant uses?		

Q27. If you have not been satisfied with the behaviour of an agent employed by your tenant, can tell me what type of agent this was and why? Just to be clear we are talking about the behaviour of an agent, not the outcome of any discussions.

Type of agent	
Reason for dissatisfaction	

Q28. Did you make a complaint?

Yes (if yes, who to?)	1
No (please explain why not)	2

Q29. What could the agent(s) have done to improve how they dealt with you?

--

GO TO Q31

Q30. If you were unhappy with any aspect of the service provided by an agent employed by your tenant, would you make a complaint?

Yes (who to?)	1
No (please explain why not) [PROBE: IS THIS FOR ANY PARTICULAR AGENT OR ALL?]	2

Landlord, Tenant, Agent Relations

[INTERVIEWER: READ OUT] This final section of the survey is about landlord, tenant and agent relations and how they could be improved.

Q31. What would you say are the benefits of using an agent? [PROBE WHETHER BENEFITS ARE FOR LANDLORD, TENANT OR BOTH]

--

Q32. What would you say are the drawbacks of using an agent? [PROBE WHETHER DRAWBACKS ARE FOR LANDLORD, TENANT OR BOTH]

--

Q33. To what extent do you think the conduct of agents affects relationships between you and your tenant?

It greatly improves relationships	1
It improves relationships a little	2
It has no impact	3
It worsens relationships a little	4
It worsens relationships a lot	5

Q34. Are you aware of your tenants long term plans for the farm(s)?

Yes	1
No	2
Some tenants	3

Q35. Is/Are your tenant(s) aware of your long term plans for the farm(s)?

Yes	1
No	2
Some tenants	3

Q36. Do you think it would help if you were both/all more aware of each other's long term plans?

Yes	1
No	2

Q37. To conclude, what, if anything, would you say is the most important thing that agents could do to improve the relationship between you and your tenant for the future benefit of all? (NB by all we mean your mutual benefit, public interest and sustainability of the estate)

Q38. If we have any questions about any of the answers you have given or if any issues arise through the research that the Land Commission would like to explore further, are you happy to be recontacted?

Yes	1
No	2

THANK AND CLOSE

APPENDIX 2: LANDLORD QUESTIONNAIRE

[INTRODUCTION]

Good morning/ afternoon, my name is **** and I am calling on behalf of the Scottish Land Commission from Research Resource. We are carrying out research on behalf of the Scottish Land Commission in order to find out tenant farmers and landlord views on the operation of agents in relation to business conducted on agricultural holdings. All that you say will be completely confidential and we will only report back results of the survey from tenant farmers and landlords overall. No individual responses or comments will be identified. Can you spare some time to complete the survey with me just now? It should take about 15 minutes?

[IF NOT CONVENIENT ARRANGE A TIME TO CALL BACK]

[IF REFUSED, NOTE REASON FOR REFUSAL]

[INTERVIEWER: FURTHER INFORMATION IF REQUIRED]

By agents I mean solicitors, factors and land agents, for example.

The Tenant Farming Commissioner has, as part of his remit, a commitment to review the operation of professionals engaged by landlords and tenants and this research will inform his recommendations to Scottish Ministers.

Profile questions

Q1. Are you the tenant of [CONFIRM AGRICULTURAL HOLDING FROM DATABASE]. If not, We need to speak to the person who deals with agents on behalf of the farm. Can I confirm that you are the appropriate person to speak to? If yes, what is your role on the farm? [IF NO, SPEAK TO APROPRIATE PERSON]

Tenant farmer	1	Go to Q2
Tenant farmer's wife	2	
Other (please specify)	3	Do not conduct the survey with a factor as they are an agent employed by the farmer. Ask so speak to tenant farmer directly

[INTERVIEWER: READ OUT] I'd like to begin by understanding a little about your situation. [NB IF THIS INFORMATION IS ALL AVAILABLE FROM THE AGRICULTURAL DATABASE THE INTERVIEWER WILL CONFIRM DETAIL]

Q2. How many agricultural tenancies do you have?

One	1
Two	2
Three	3
Four or more	4

Q3. What types of agricultural tenancy(ies) do you have? [WRITE IN NUMBER OF TENANCIES OF EACH TYPE]

Secure 1991 Act agricultural tenancy	
1991 Act Limited Partnership	
Short Limited Duration Tenancy (SLDT)	
Limited Duration Tenancy (LDT)	
Other (non-crofting) lease for more than 1 year	

Q4. Can I ask you to confirm the farm size? [WRITE IN NUMBER OF TENANCIES OF EACH SIZE]

<5 ha	
5-50 ha	
50-100 ha	
100-249 ha	
>= 250 ha	

Q5. What type of farming is carried out on your farm(s)? [SELECT ALL THAT APPLY FROM LIST]

Cereal	1
General crops	2
Horticulture	3
Beef	4
Sheep	5
Pigs	6
Poultry	7
Dairy	8
Forage	9
Other (please specify)	10

Q6. Thinking of the tenancy(ies) you have, how many landlords do you have?

One	1
Two	2
Three	3
Four or more	4

Relationship with your landlord(s)

Q7. In general, how would you describe your relationship with your landlord(s)?

Very good	1
Fairly good	2
Neither good nor poor	3
Fairly poor	4
Very poor	5
Varies by landlord [UNPROMPTED – RECORD IF NOTED]	6
Do you have any comments to make about your relationship with your landlord(s)?	

Q8. On average, How frequently do you have direct contact with your landlord(s)?

At least once a week	1	Go to Q9
At least once a month	2	
At least once every few months	3	
A couple of times a year	4	
Once a year	5	
Less often	6	Go to Q10
Never (explain why)	7	

Q9. How is direct contact most commonly made with your landlord(s)?

Telephone	1
Face to face	2
Email	3
In some other way (please describe)	4

Employing Agents

INTERVIEWER: READ OUT. This next section asks about any agents that you may employ to work on your behalf. We will go on to talk about your dealings with any agents that your landlord employs. Please answer this next section only about the agents you employ.

Q10. Do you, or have you, employed any of the following to assist you in your business transactions with your landlord? [ALL THAT APPLY]

Land Agent	1	Go to Q12
Forestry Agent	2	
Solicitor	3	
Any other kind of agent? (please describe)	4	
Have not used any agents	5	Go to Q11

Q11. [IF NOT USED ANY AGENTS] Why do you not use agents? [PROBE FULLY]

--

GO TO NEXT SECTION, Q21

Q12. For each kind of agent employed, what do you use this agent for?

Land Agent	
Forestry Agent	
Solicitor	
Other	

Q13. How often do you deal with the agent(s) you employ?

	At least once a week	At least once a month	At least once every few months	A couple of times a year	Once a year	Less often
Land Agent	1	2	3	4	5	6
Forestry Agent	1	2	3	4	5	6
Solicitor	1	2	3	4	5	6
Other	1	2	3	4	5	6

Q14. Thinking of the agent(s) you employ, generally how would you rate the agent(s) with regard to the following in the way they deal with you?

	Very good	Fairly Good	Neither good nor poor	Fairly Poor	Very poor	Don't know
Politeness	1	2	3	4	5	6
Professionalism	1	2	3	4	5	6
Treats you with respect	1	2	3	4	5	6
Trustworthy	1	2	3	4	5	6
Open and honest	1	2	3	4	5	6
Treated you fairly	1	2	3	4	5	6
[INTERVIEWER: PLEASE RECORD ANY COMMENTS MADE]						

Q15. Thinking of the agent(s) you employ, generally to what extent do you agree or disagree with the following statements?

	Strongly agree	Agree slightly	Disagree slightly	Strongly disagree	Don't know
My agent conducts the business effectively	1	2	3	4	5
My agent provides as much information as I want	1	2	3	4	5
My agent provides as much information as they can	1	2	3	4	5
Correspondence is timely	1	2	3	4	5
My agent has regard for my landlord's position as well as mine	1	2	3	4	5
My agent considers the wider community or public interest	1	2	3	4	5
My agent considers the long term sustainability of the farm(s)	1	2	3	4	5
My agent considers the long term future of my agricultural tenancy	1	2	3	4	5
[INTERVIEWER: PLEASE RECORD ANY COMMENTS MADE]					

Q16. How satisfied are you overall with the agent(s) you employ?

Very satisfied	1	Go to Q20
Fairly satisfied	2	
Neither satisfied nor dissatisfied	3	
Fairly dissatisfied	4	Go to Q17
Very dissatisfied	5	
Varies by agent [UNPROMPTED – CODE IF NOTED]	6	
Do you have any comments to make on your overall satisfaction with the agent(s) you employ?		

Q17. If you have not been satisfied with the behaviour of an agent you have employed, can tell me what type of agent this was and why? Just to be clear we are talking about the behaviour of an agent, not the outcome of any discussions.

Type of agent	
Reason for dissatisfaction	

Q18. Did you make a complaint?

Yes (if yes, who did you complain to?)	1	
No (please explain why not)	2	

Q19. What could the agent(s) have done to improve how they dealt with you?

GO TO Q21

Q20. If you were unhappy with any aspect of the service provided by an agent you employ, would you make a complaint?

Yes	1
No (please explain why not) [PROBE: IS THIS FOR ANY PARTICULAR AGENT OR ALL?]	2

Dealing with agents working on behalf of your landlord

[INTERVIEWER: READ OUT] This next section is about the dealings you have with any agents working on behalf of your landlord.

Q21. Do you, or have you, dealt with any agents who are working on behalf of your landlord? [ALL THAT APPLY]

Land Agent	1	Go to Q22
Forestry Agent	2	
Solicitor	3	
Resident Factor	4	
Any other kind of agent? (please describe)	5	
Have not dealt directly with any agents working on behalf of my landlord	6	Go to Q31

Q22. For each kind of agent dealt with, what issue was the agent dealing with on behalf of your landlord?

Land Agent	
Forestry Agent	
Solicitor	
Resident Factor	
Other	

Q23. How often did/ do you deal with this agent(s)?

	At least once a week	At least once a month	At least once every few months	A couple of times a year	Once a year	Less often
Land Agent	1	2	3	4	5	6
Forestry Agent	1	2	3	4	5	6
Solicitor	1	2	3	4	5	6
Resident Factor	1	2	3	4	5	6
Other	1	2	3	4	5	6

Q24. Thinking of the agent(s) your landlord employs, generally how would you rate the agent(s) with regard to the following in the way they deal with you?

	Very good	Fairly Good	Neither good nor poor	Fairly Poor	Very poor	Don't know
Politeness	1	2	3	4	5	6
Professionalism	1	2	3	4	5	6
Treats you with respect	1	2	3	4	5	6
Trustworthy	1	2	3	4	5	6
Open and honest	1	2	3	4	5	6
Treated you fairly	1	2	3	4	5	6

Q25. Thinking of the agent(s) your landlord employs, generally to what extent do you agree or disagree with the following statements?

	Strongly agree	Agree slightly	Disagree slightly	Strongly disagree	Don't know
The agent conducts the business effectively	1	2	3	4	5
The agent provides as much information as I want	1	2	3	4	5
The agent provides as much information as they can	1	2	3	4	5
Correspondence is timely	1	2	3	4	5
The agent has regard for my position as well as my landlord's	1	2	3	4	5
The agent considers the wider community or public interest	1	2	3	4	5
The agent considers the long term sustainability of the farm(s)	1	2	3	4	5

Q26. How satisfied are you overall with the agent(s) your landlord employs?

Very satisfied	1	Go to Q30
Fairly satisfied	2	
Neither satisfied nor dissatisfied	3	
Fairly dissatisfied	4	Go to Q27
Very dissatisfied	5	
Varies by agent [UNPROMPTED – CODE IF NOTED]	6	
Do you have any comments to make on your overall satisfaction with the agent(s) your landlord uses?		

Q27. If you have not been satisfied with the behaviour of an agent employed by your landlord, can tell me what type of agent this was and why? Just to be clear we are talking about the behaviour of an agent, not the outcome of any discussions.

Type of agent	
Reason for dissatisfaction	

Q28. Did you make a complaint?

Yes (if yes, who did you complain to?)	1	
No (please explain why not)	2	

Q29. What could the agent(s) have done to improve how they dealt with you?

--

GO TO Q31

Q30. If you were unhappy with any aspect of the service provided by an agent employed by your landlord, would you make a complaint?

Yes (who to?)	1
No (please explain why not) [PROBE: IS THIS FOR ANY PARTICULAR AGENT OR ALL?]	2

Landlord, Tenant, Agent Relations

[INTERVIEWER: READ OUT] This final section of the survey is about landlord, tenant and agent relations and how they could be improved.

Q31. What would you say are the benefits of using an agent? [PROBE WHETHER BENEFITS ARE FOR LANDLORD, TENANT OR BOTH]

--

Q32. What would you say are the drawbacks of using an agent? [PROBE WHETHER BENEFITS ARE FOR LANDLORD, TENANT OR BOTH]

--

Q33. To what extent do you think the conduct of agents affects relationships between you and your landlord(s)?

It greatly improves relationships	1
It improves relationships a little	2
It has no impact	3
It worsens relationships a little	4
It worsens relationships a lot	5

Q34. Are you aware of your landlords long term plans for the farm(s)?

Yes	1
No	2
Some landlords	3

Q35. Is/Are your landlord(s) aware of your long term plans for the farm(s)?

Yes	1
No	2
Some landlords	3

Q36. Do you think it would help if you were both more aware of each other's long term plans?

Yes	1
No	2

Q37. To conclude, what, if anything, would you say is the most important thing that agents could do to improve the relationship between you and your landlord for the future benefit of all? (NB by all we mean your mutual benefit, public interest and sustainability of the farm(s))

--

Q38. If we have any questions about any of the answers you have given or if any issues arise through the research that the Land Commission would like to explore further, are you happy to be recontacted?

Yes	1
No	2

THANK AND CLOSE