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# **Piloting Land Rights and Responsibilities Self-Assessment: Community Landowners' Experience**

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# Acknowledgement

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# 1. Introduction

The Land Rights and Responsibilities Statement (LRRS) sets out a vision and six principles for land use, management and ownership in Scotland. The principles underpin the Scottish Government's vision for a stronger relationship between the people of Scotland and the land, where ownership and use deliver greater public benefits through an accountable and transparent system of land rights and responsibilities.


The Scottish Land Commission is co-ordinating the piloting of a template document to enable various types of landowners (e.g. public, private, community, third sector) to self-assess their performance in relation to the six principles contained in the LRRS on a voluntary basis.

This report contributes to the overall pilot project being led by the Scottish Land Commission. It presents the findings of the pilot self-assessment process as it relates to community landowners and makes recommendations regarding the further development of a self-assessment tool and associated support as a result of the pilot process.

## 2. Key Messages

The report's key messages are as follows:

- ▶ Participating community landowners were generally positive about the experience of piloting the self-assessment template on a voluntary basis. It enabled many of them to review and reflect on their operational activities and identify gaps in provision and/or processes in relation to specific LRRS principles.
- ▶ The time required to complete the template varied considerably for participants depending on factors such as capacity and familiarity with terminology.
- ▶ Some examples of good practice were self-identified along with areas for improvement. Participants were reluctant to score themselves as 'excellent' in relation to any of the six principles, partly due to the absence of benchmarks as to what constitutes 'excellence' in relation to any of the principles.
- ▶ The template was viewed as lengthy and complicated to complete by some participants and relatively straightforward by others. They generally found the guidance and related support from the researchers to be useful in assisting them to complete the template comprehensively.

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- ▶ There is considerable diversity in community landowners' characteristics, scale and functions. Therefore, issues of context, proportionality and applicability are important to consider when assessing landowners' performance in relation to the LRRS principles.
  - ▶ Interest was expressed by some participants in an accreditation process for good management in line with the LRRS process.
  - ▶ There are some design and formatting issues to be addressed in relation to the pilot template to make it more user friendly. An online version of the template with drop-down menus would be welcomed by some participant
  - ▶ Access to appropriate external support will be essential to ensuring that community landowners are incentivised to engage with the self-assessment process. Such support could usefully include 'real life' case-studies, 'peer to peer' knowledge exchange and learning, and online guidance material including webinars.



## 3. Methodology

The community landowners who took part in the piloting process were all selected from the membership list of Community Land Scotland using a purposive, non-probability technique to ensure a representative sample within which to test the template. The sample was designed to include a diverse range of community landowners, encompassing the following characteristics:

- **Scale** using the categories of Large/Island, Medium and Small;
- **Functional complexity** to reflect the diversity of landholdings and associated activities;
- **Geographical region and location** to enable inclusion of both rural and urban participants;
- **Maturity** by assessing participants according to whether they purchased their land up to 5 years previously; 6 to 10 years; 11-20 years; and more than 20 years previously.

A matrix was created to show the range of activities in which individual community landowners were involved using the following categories: Sporting, Forestry, Renewables, Conservation, Crofting, Housing, Marine, Business Space, Tourism Business, Community Business, Community Facilities, Amenity/Access, and Training.

From the matrix a long list of 20 landowners was identified who would be suitable to take part in the piloting process. The time available allowed for 8-12 landowner representatives to be interviewed. Therefore, an initial 9 were selected as a first choice who would be representative of the broad range of landowner types and activities. A further 8 were marked as second priority to give a selection that broadly shadowed the first group. This allowed for suitable substitutes to be chosen for any group which was approached first and was either unable or unwilling to take part.

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A total of 11 community landowners participated in the study. These included 5 in Group 1 (North and West) and 6 in Group 2 (South and East).

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It was initially hoped that COVID-19 restrictions would be lifted sufficiently to allow for site visits to work through the assessment with participants. Therefore, the participants were divided into 2 groups according to their relative accessibility to the researchers. The first group roughly comprised the north and west of the country and the second group the south and east. In practice, site visits were not possible but the division of the groups meant that in general larger landowners were in the first category (where a number of islands and whole estates have been purchased) and smaller landowners were in the second group.


A total of 11 community landowners participated in the study. These included 5 in Group 1 (North and West) and 6 in Group 2 (South and East). Table 1 provides a profile of participating landowners.



**Table 1: Profile of Participating Community Landowners**

Participant	Size & maturity of Landholding	Main type of Landholding	Other interests	Governance	Completed by
1	20,000 ha 11-20 years	Crofting estate	Sporting, renewables, tourism, community facilities.	Charitable Company limited by guarantee	Chief Executive
2	5000ha 5 years	Crofting estate	Sporting, community facility.	Charitable Company limited by guarantee	Development Manager
3	7225ha 6-10 years	Crofting estate	Sporting, renewables, housing, tourism accommodation, tourism business, community facility, amenity.	Charitable Company limited by guarantee	Commercial Manager
4	7,000+ha >20 years	Rural estate	Forestry, renewables, housing, crofting, sporting.	Charitable Company limited by guarantee	Operations Manager
5	360 ha 5 years	Forest	Conservation, amenity, training facility.	Charitable Company limited by guarantee	Chair

Participant	Size & maturity of Landholding	Main type of Landholding	Other interests	Governance	Completed by
6	6.95 ha 5 years	Woods and building	Forestry, conservation, amenity, training facility, community business, community facility, amenity, training facility, commercial business, commercial office, manufacturing.	Charitable Company limited by guarantee	Chair and Development Manager
7	0.4 ha 5 years	Community facility	Community garden.	Community Benefit Society with Charitable Status	Trustees
8	1 acre 5 years	Community facility	Conservation, renewables, community business, amenity.	Charitable Company limited by guarantee	Trustees
9	65 ha 5 years	Community facilities and amenity land	Conservation, amenity, community development.	Charitable Company limited by guarantee	Trustee
10	37 ha 6-10 years	Woodland and community facility	Renwables.	Charitable Company limited by guarantee	Trustee
11	32 ha	Land and buildings	Business development, woodland, amenity.	Charitable Company limited by guarantee	Trustee



Community landowners were first contacted by email to ascertain their interest in taking part. If they were uncertain, a phone or Zoom call was arranged to explain the process further. Following acceptance, a copy of the self- assessment template was emailed to the landowners for them to read. Individual telephone or Zoom meetings were then arranged for the researchers to explain the different elements of the template, to suggest how questions could be approached and to answer, as far as possible, any questions the landowner had arising from their reading of the form.

The researchers and participants agreed a timeframe of between two to three weeks for the latter to complete the template and return it to the researchers. The researchers read and assessed the completed templates after which follow-up meetings were conducted to discuss the self -assessment process and evidence provided in relation to the LRRS principles. In a small number of cases the landowner decided to do some further work and a second call followed.

A series of set questions were asked at the end of the review call to gain an understanding of landowners' motives for participating, the time taken to complete the template, whether they would carry out the process again, and what improvements could be made in relation to the template and related issues.

A first draft of the community version of the LRRS Self-Assessment document was trialled with one large community landowner with diverse activities and several staff members in order to test its usefulness prior to using it more widely. A number of minor changes were made in order to improve its usability with other participants. These changes were related to helping improve understanding of the information being sought. There were no changes to the substance of the template.





## 4. Self-Assessment Outputs and Learning

### 4.1 Interpreting and Applying the LRRS Principles

The Land Rights and Responsibilities Statement (LRRS) articulates the following vision:

*“A Scotland with a strong and dynamic relationship with its land and people, where all land contributes to a modern and successful country, and where rights and responsibilities in relation to land are fully recognised and fulfilled”.*

Following on from that, the LRRS has three distinctive aims which are identified in the Statement. They include:

- Firstly, to inform the development of Government policy and action in relation to land as it relates to a wide range of public policy areas (e.g. housing, environment, planning, agriculture etc);
- Secondly, *“to encourage and support others with significant responsibilities over land, such as local authorities and large private land owners, to consider how their decision-making powers could contribute to realising the vision in the Statement”;*
- Thirdly, *“to encourage all of us to recognise our responsibilities as well as our rights in relation to land”.*

In turn, the six principles contained within the LRRS are designed to enable both the vision and the aims of the Statement to be fulfilled in practice. These principles include:

**PRINCIPLE 1** - The overall framework of land rights, responsibilities and public policies should promote, fulfil and respect relevant human rights in relation to land, contribute to public interest and wellbeing, and balance public and private interests. The framework should support sustainable economic development, protect and enhance the environment, help achieve social justice and build a fairer society.

**PRINCIPLE 2** - There should be a more diverse pattern of land ownership and tenure, with more opportunities for people to own, lease and have access to land.

**PRINCIPLE 3** - More local communities should have the opportunity to own, lease or use buildings and land which can contribute to their community's wellbeing and future development.

**PRINCIPLE 4** - The holders of land rights should exercise these rights in ways that take account of their responsibilities to meet high standards of land ownership, management and use. Acting as the stewards of Scotland's land resource for future generations they contribute to sustainable growth and a modern, successful country.

**PRINCIPLE 5** - There should be improved transparency of information about the ownership, use and management of land, and this should be publicly available, clear and contain relevant detail.

**PRINCIPLE 6** - There should be greater collaboration and community engagement in decisions about land.

The LRRS states that, *"The vision and principles are high-level and ambitious and, together, provide a goal to work towards. The Statement intentionally does not define how land rights and responsibilities should apply in specific or day-to-day situations"*.

The multiple aims of the LRRS, ranging from informing Government policy to guiding individual actions, together with its non-prescriptive approach to the application of the six principles have important implications for its implementation in practice. The findings from the pilot study

“Context, proportionality and applicability will be important to emphasise in a final version of the self-assessment template.”

indicate that issues of context, proportionality, and applicability will be important considerations to emphasise in a final version of the self-assessment template and associated guidance. We discuss these issues in more detail in relation to particular principles below.

**PRINCIPLE 1** - *The overall framework of land rights, responsibilities and public policies should promote, fulfil and respect relevant human rights in relation to land, contribute to public interest and wellbeing, and balance public and private interests. The framework should support sustainable economic development, protect and enhance the environment, help achieve social justice and build a fairer society.*

Principle 1 is essentially a ‘framing’ principle setting out the broad parameters of the Statement and its connection to the formulation and implementation of public policy in relevant areas to ensure that the overall aims of the Statement are achieved in practice. Both the wide scope and purpose of this framing principle, and its inevitable overlap with the focus of other principles, make it questionable as to whether there is value in asking individual community landowners (or, indeed, any other specific type of individual landowner) to meaningfully assess their performance in relation to it.

All of the participants did, however, attempt to assess their own Trusts’ perceived performance in relation to principle 1, using various of the suggested evidence indicators included in the pilot template to guide their responses. In that regard, quantitative data in relation to employment creation, businesses supported, and environmental and wider sustainability outcomes were used in particular to illustrate their contributions. In addition, some respondents highlighted the partnership work in which they engaged with a range of other organisations (e.g. with NatureScot, the John Muir Trust and RSPB) in relation to achieving environmental outcomes) and internal environmental audits which had been conducted on their behalf by organisations such as Zero Waste Scotland and Changeworks. One participant summarised their engagement in relation to principle 1 as follows:

*“The provision of community space is the main public interest priority for our land and building. Balancing the public interest of using the asset, and the private interest of neighbours to [Trust] is*



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*As a community landowner, the Trust is answerable to its members, the community.”*

*crucial. We consider the provision of an affordable and safe public space to gather and play as our main contribution to the realisation of human rights; the evolving programme of renewable energy provision and improvements to biodiversity and the streetscape also play a role in the human right to a healthy environment.”*

**PRINCIPLE 2** - *There should be a more diverse pattern of land ownership and tenure, with more opportunities for people to own, lease and have access to land.*

**Principle 2** is arguably also foundational in nature, given that it reflects a long-held public policy objective to diversify Scotland’s highly concentrated pattern of rural land ownership in particular. By taking ownership of land and associated assets on behalf of their communities, respondents consider themselves – implicitly or explicitly - to be making a contribution towards addressing the structural policy objective of diversifying Scotland’s concentrated pattern of land ownership. Several participating Trusts have organisational policy positions whereby they do not consider the sale of community-owned land or else have introduced a moratorium on doing so. The scale of the landholdings in question also plays a part in determining the desirability or otherwise of selling or leasing land (e.g. where the urban community landholding is relatively small-scale). However, several of the Trusts have leasing arrangements and/or service level agreements in place regarding part of their land and/or built assets. One participant noted that there was a need for their Trust to raise awareness as to its openness to proposals to lease land that it owns. Closely related to that, providing the community with access to land and/or built assets under their ownership is a core concern for all participants via tenure and other arrangements. One participant outlined how their Trust balances the elements contained in principle 2 in their evolving land sales policy:

*“As a community landowner, the Trust is answerable to its members, the community. The Trust is supportive of diversification and aims to revitalise the community through attracting new residents, creating housing and employment opportunities. The Trust’s land sales policy has been adapted over time to ensure it is not restrictive to the needs of the community, whilst protecting the interests of the estate.”*

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*We will often take on administration and negotiation of land discussions to ensure fair terms for community organisations/tenants.”*

**PRINCIPLE 3** - *More local communities should have the opportunity to own, lease or use buildings and land which can contribute to their community's wellbeing and future development.*

There is considerable overlap between principle 3 and principle 2. These similarities are reflected in some of the same suggested evidence sources being included in the template for both principles. By virtue of their role as community land and asset owners, several participants saw themselves as already fulfilling a remit of facilitating more community ownership of land and buildings, while also being open to leasing arrangements that would further community wellbeing and development. Their pre-existing status as community landowners helps explain the relative absence of examples of the suggested evidence relating to principle 3. One respondent summed up their approach in relation to principle 3 as follows:

*“We have not blocked any community groups acquiring land; we have a good working relationship with community groups and I believe they would feel comfortable talking to us about any developments. However, we do not have policies or procedures in place to reflect this”.*

Another participant noted the ‘brokering role’ that their Trust occasionally fulfils within the community:

*“[A]s a community owner there is an openness to working with the wider community. As landowner we will often take on the administration and negotiation of land discussions to ensure fair terms are in place for community organisations/tenants. The role is like a broker role in some situations.”*

**PRINCIPLE 4** - *The holders of land rights should exercise these rights in ways that take account of their responsibilities to meet high standards of land ownership, management and use. Acting as the stewards of Scotland's land resource for future generations they contribute to sustainable growth and a modern, successful country.*

Several of the larger rural community landowners participating in the pilot either have strategic land management plans in place or are in the process of developing such plans; some of which are being developed and/or implemented in partnership with external organisations. Other

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*The vast majority of participants were able to demonstrate high levels of transparency of information regarding the ownership, use and management of their land and associated assets.”*

participants do not have such plans either due to the small scale or specific functions of their landholdings. However, one urban participant indicated that they are developing a strategic vision for their community-owned building in partnership with an architect.

It should also be noted that some participants were able to evidence examples of environmental good practice which were indicative of sustainable stewardship even where they were not considered to be especially ‘strategic’ in character. Issues of context and applicability are also influential factors in determining whether other suggested evidence indicators have been utilised by participants in completing their self-assessments. For example, in relation to affordable housing. As noted previously, there is also some overlap (e.g. regarding employment opportunities) between suggested evidence indicators for principle 4 and those for other principles.

**PRINCIPLE 5** - *There should be improved transparency of information about the ownership, use and management of land, and this should be publicly available, clear and contain relevant detail.*

The vast majority of participants were able to demonstrate high levels of transparency of information regarding the ownership, use and management of their land and associated assets. In turn, that is reflected in their high self-scoring in relation to this principle (see section 5 for further details). Trusts’ websites and social media platforms are important tools for facilitating the provision of information relating to developments. Several circulate the minutes from their Board meetings (although others do not, for reasons of commercial confidentiality) and use regular newsletters to communicate news regarding their activities. Annual General Meetings, shareholder meetings and community consultations on development plans also feature as ways to communicate and gather information relating to their landholdings. Contact details for Trust staff and details of Board members are readily accessible on Trusts’ websites. One respondent commented:

*“We have done much work recently on the media we use to communicate with the Community. We have seen a recent (2 years) increase in the types of communication and the frequency with monthly newsletters and regular “round-robin” email updates. The introduction of our new Website is also a new mechanism for communicating to the wider community and there is still work to be done on the website to create a “community” area for booking services and getting the latest news.”*



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*Social media is utilised on a day-to-day basis, with project details and development plans available online.”*

**PRINCIPLE 6** - *There should be greater collaboration and community engagement in decisions about land.*

Very few of the participating Trusts appear to have formal community engagement plans in place. However, they generally appear to engage extensively with their local communities in relation to decisions about land via the mechanisms identified in relation to principle 5 (e.g. website, social media, newsletters and WhatsApp groups). As shown in section 5, the majority of participants view their Trusts' performance in relation to this principle as being 'Good'. One participant stated that their Trust has appointed a community engagement officer. Three other participants provided the following assessments of their respective approaches to community engagement:

*“Where we are taking forward a particular project initiative or addressing a pressing issue we do escalate Mailchimp updates, website and Facebook content, and use of Survey Monkey, local press and social media. Our digital presence could be stronger and more fluid (less clunky)”.*

*“We are definitely strong on this. Work is devolved to committees on Paths and Access, Deer Management, Firewood, Wildlife and ecology. Members of the community join these as well as board members. We may go further and have a working group or groups to cover fundraising, volunteering and communications and plant/machinery but we lack numbers to make this happen at the moment.”*

*“The Trust sends bi-annual newsletters to all members and residents of the community, as well as those with an interest in the work of the Trust, Social media is utilised on a day-to-day basis, with project details and development plans available online. We also utilise the local paper which is read by many in the community.”*


## 4.2 The Evidence Base for Applying the Principles

The draft template was designed so as to include a number of specific questions for participants to consider in relation to each principle when completing their self-assessment. These questions were supplemented by types of suggested evidence relating to each principle for participants to consider incorporating into their responses within the template. The suggested evidence was included for guidance purposes rather than being intended as prescriptive in nature. In practice, participants tended to focus their responses on the 'suggested evidence' categories that applied to their own contexts along with some input to the 'any other evidence' section for each principle as appropriate. Our discussions with participants after they had completed the template indicated that they found both the key questions and 'suggested evidence' very helpful in enabling them to structure their thinking and responses.

## 4.3 Content of Completed Templates

Groups were asked, where possible, to support any statements made in a text box with access to policies, information contained on a website etc. The level of information provided by participants was variable. Some completed the boxes and made references to documents but did not supply these. In some cases, the information was verified by checking websites. Other participants provided access to a folder or transfer site in the Cloud where files were placed which provided a great deal of supporting information. The supplied evidence included quantitative data (e.g. relating to employment, affordable housing etc) and qualitative data in the form of commentary included by respondents in the template, as well as policy documents and plans as highlighted above.

All participants engaged strongly with the questions, providing well-reasoned answers with references to specific actions, plans and policies. In several cases individuals overlooked the opportunity to use the same information as evidence for different principles. For example, one respondent listed several private businesses that were being supported through their access to community land under Principle 1 but had not thought of including that under Principle 2. Conversely, other respondents cross-referenced the same evidence in relation to more than one principle.



Respondents were not pushed to provide additional information in the context of a process which was being implemented on a voluntary basis and which was trialling self-assessment. This meant that not all supplied information could be verified but neither was there any suggestion of information being incorrect. Respondents were assessing themselves, and knew the information provided was not being shared more widely. Therefore they had no reason not to be honest and accurate in that regard.

#### **4.4 Good Practice and Areas for Improvement**

Part of the self-assessment process involved participants identifying examples of good practice and areas for improvement in relation to the LRRS's six principles. These are presented in tables 2 to 7 below.

*PRINCIPLE 1 - The overall framework of land rights, responsibilities and public policies should promote, fulfil and respect relevant human rights in relation to land, contribute to public interest and wellbeing, and balance public and private interests. The framework should support sustainable economic development, protect and enhance the environment, help achieve social justice and build a fairer society.*

**Table 2**

Good Practice	Areas for improvement
Strategic plan, some policies and our approach and principles adopted around community consultation.	Systematic collection of some data to assess trends and measuring our impact.
Deer Management, Regenerative Forestry.	Strategic plan, more local circular economy.
Memoranda of Understanding with anchor tenant and with [...] which could be shared.	Formal policies regarding requests to buy land for hutting or a community business.
Increase in residents and housing tenure options.	Land management including environmental and sustainability policies.
Approach to collective control and addressing social isolation, and working on skills development.	<p>Develop our economic sustainability in time, and also make better use of the land and facilities for a wide range of people and groups in our community (in non-Covid times).</p> <p>Support more local social enterprises through our funds.</p> <p>Further thinking about our contribution to the realisation of human rights in [location] and wider area.</p> <p>Engagement with local authority.</p>



*PRINCIPLE 2 - There should be a more diverse pattern of land ownership and tenure, with more opportunities for people to own, lease and have access to land.*

<b>Table 3</b> <b>Good Practice</b>	<b>Areas for improvement</b>
Rural Housing Burden Scheme.	Policies and procedures.
Land sales policy kept under review to ensure it is not restrictive to the needs of the community in supporting the objectives of the Trust.	Support wider public to consider areas of diversification for their own tenancies (crofting).
Lease documents developed for rent of office space and rent of storage space.	Creating opportunities to lease land and buildings.
Clear securities favouring use of land for community purposes forever even if our existing organisation has to fold.	Consider whether we have any land that is surplus to the core needs of a community forest and consider other options for community benefit.
	Land management.

*PRINCIPLE 3 - More local communities should have the opportunity to own, lease or use buildings and land which can contribute to their community's wellbeing and future development.*

Table 4	Good Practice	Areas for improvement
<p>Making use of the land and constantly working with the community to develop every part of it organically, responding to ideas and needs (e.g. the recent development of the mindfulness garden, the bothy space, the outdoor play area, the chapel as storage, the front garden as an orchard, our new path, and our events space – all developments done by volunteers after our renovation work, and in constant development.</p>	<p>Policies and procedures.</p>	
<p>Our documentation.</p>	<p>Develop more long term rental/uses from local community organisations of the land and buildings.</p>	
	<p>Communication of availability [of land]. Documented process. Consider what land is core to our main goals and whether we could develop something different or let someone else do something with the land for the community.</p>	
	<p>Keep better records of community occupancy at Trust assets.</p> <p>Securing access to a network of professional experience (on the board, or through special interest groups, or targeted (ideally no cost) access when needed), as well as those with local knowledge and expertise.</p>	

*PRINCIPLE 4 - The holders of land rights should exercise these rights in ways that take account of their responsibilities to meet high standards of land ownership, management and use. Acting as the stewards of Scotland's land resource for future generations they contribute to sustainable growth and a modern, successful country.*

Table 5	Good Practice	Areas for improvement
	Good governance, some good tools in place to support ongoing improvement.	More of a focused policy and plan around derelict/vacant land.
	Volunteer, community engagement. Diverse skills of supporters shares the burden.	Need more volunteers and more projects. We need to use social media more. Possibly engage with New Start and other similar rehabilitation and work experience providers.
	Partnership working with the John Muir Trust.	Land management plan.
	Pro bono inputs to the development of management plans for [projects] – drawing on skills held within the community.	Strengthen core administrative capacity, back-office systems, and increase the staff complement. Improve recruitment of active volunteers.
	Active group of volunteers managing the land on a weekly basis, including a monthly volunteer run 'Land Group' with its own Chair and secretary, who collectively all manage the land and buildings on site.  We carry out an annual disability audit of the building to improve the site accessibility and consulted with disability organisations on the renovation plans and designs.	We need a better garden plan for a rotation and better use system, making better use of the food and green waste, and also a better management plan for volunteers and sessional workers.  We want to build a compost toilet on site and create links between this, the Bothy and the orchard area being developed We need to create a more accessible path and parking spaces in our car park.  We need to constantly improve the accessibility of the site.... (e.g. to be more accessible we would have an adult changing facility) and dementia friendly seating, but we do not have funding yet for these things.
	Regular communication with neighbours and wider community – being open and accessible regarding dealing with concerns and problems.	Participation in voluntary schemes and awards. Ongoing work to keep neighbours on-side and to develop good relationships.

*PRINCIPLE 5 - There should be improved transparency of information about the ownership, use and management of land, and this should be publicly available, clear and contain relevant detail.*

<p><b>Table 6</b></p> <p><b>Good Practice</b></p>	<p><b>Areas for improvement</b></p>
<p>Good website and also using other channels of communication, recognising not everyone is online. Genuine desire to reach the community.</p>	<p>Significant opportunity to build a “[Trust] Brand” through better communication with neighbours, hirers, and potential customers. The voluntary board does not have specific and professional skills in communications.</p>
<p>Technology for creating a community space online.</p> <p>Facebook page.</p>	<p>Timeliness of website updates/uploading information.</p> <p>We need to use Instagram and possible YouTube.</p>
<p>Manageable regularity of planned communications.</p>	<p>We need to improve and increase regular/monthly / quarterly paper distribution of information and newsletters direct to peoples houses and to local noticeboards again.</p> <p>We need to encourage more social media engagement and communication in sub-groups and forum.</p> <p>Request for a volunteers comments box, which we introduced on site, but we need a digital version online, on the website, perhaps for anonymous comments too.</p>
<p>We share our decision making structures with the public and all minutes and information is shared publicly and when requested.</p> <p>We have lots of regularly used communication channels.</p>	
<p>Regular updates across a variety of media.</p> <p>Willingness to address problems and concerns and to work towards “best practice” in relation to consultation and neighbour notification, rather than just what is required by regulatory regimes.</p>	



*PRINCIPLE 6 - There should be greater collaboration and community engagement in decisions about land.*

<p><b>Table 7</b></p> <p><b>Good Practice</b></p>	<p><b>Areas for improvement</b></p>
<p>Good processes, adhere to engagement principles and employ administrative staff to support the delivery of an excellent service.</p>	<p>Community engagement plan.</p>
<p>Setting up the working groups or committees was a big plus towards openness, efficiency and ownership.</p>	<p>Better guidance around the processes i.e. to support people to understand how long a transaction might take as often many people need to be consulted i.e. Grazings.</p>
<p>Consider all members of the community and their preferred method of communication.</p>	<p>Look at whether we require a Community Engagement Plan. Increased encouragement to participate.</p>
<p>Having regular (and effectively routine – even if only annual) engagement events keeps the community informed and engaged, encourages debate, and promotes community spirit.</p>	<p>Regular update of websites. Develop and publish a community engagement plan.</p>
<p>Having an effective communications system and strategy in place really simplifies the process of communication and engagement.</p>	<p>We have the broad machinery in place to respond to threats and opportunities, but lack the capacity (mainly under-resourced in staffing and volunteer capacity) to be more pro-active in this area.</p>
<p>Excellent all round community engagement, with up to 80 active volunteers from all walks of life, many who are very committed helping out more than 3 or 4 days a week.</p>	<p>We need to work with our newly appointed Community Development Manager to write and publish a community engagement strategy.</p>
<p>We have been commended for [our community development approaches] from members, supports, partner organisations, local elected representatives, and have many positive case studies/testimonials, evaluations and awards.</p>	<p>More details needed on regular surveys and consultation we have done.  The Board is hoping to move to a better, safer internal communication system like Slack. Digital literacy difficulties in knowing how to set this up and use it as barriers to moving to this though.</p>
<p>Regular updates for different interest groups e.g. neighbours, members, volunteers and users. These all require slightly different approaches and levels of detail.</p>	<p>We should survey users and volunteers etc – this would allow for a different style of interaction and would be proactive rather than reactive.</p>


Table 2 (above) shows a diverse range identified good practice regarding principle 1, ranging from broad areas of work (e.g. regenerative forestry) to specific documentation (e.g. a Memoranda of Understanding). Many of the areas identified for improvement are quite broad in focus, reflecting the breadth of coverage and foundational 'framing' characteristics of principle 1 discussed earlier in this report.

Identified good practice examples in relation to principles 2 and 3 are relatively similar, largely focusing on specific policies and or procedures designed to ensure that tenure arrangements secure community benefits. Similarly, areas identified for improvement regarding each principle focus mainly on the scope for potential diversification of tenure arrangements and related policies and procedures. These findings reflect the similarities between principles 2 and 3, while highlighting the macro-level framing characteristics of principle 2 in particular.

Much of the good practice identified in relation to principle 4 relates to the work of volunteers, capacity building and community engagement. Specific examples of good practice are mentioned (e.g. partnership working with the John Muir Trust and conducting an annual disability audit). Some of the identified areas for improvement are also focused on capacity issues and plan development, although one participant was able to provide detailed information regarding specific actions for improvement.

Identified examples of good practice regarding principle 5 mainly focused on transparency of information relating to specific Trusts' activities, the means by which it is communicated and a culture of openness underpinning particular Trusts' actions in that regard. Several of the identified areas for improvement focused on enhanced use of social media for communicating information in a timely manner. Interestingly, none of the participating Trusts explicitly raised the issue of land ownership transparency. For most, if not all, of these Trusts, their ownership of land or other assets will be considered to be self-evident. In some cases, Trusts will have maps or other indicators of ownership on their websites and/or in their offices.

Several participants were able to provide examples of good practice in relation to principle 6, some of which were more specific in nature than others. A number of respondents identified the



development of a community engagement plan as an area for improvement in relation to principle 6.

Overall, the piloting process identified some useful examples of both good practice and areas for improvement in relation to the principles. It should be noted that several participants did not identify either good practice or areas for improvement when completing the template, either due to time constraints, being new to their post, or because they were unsure as to what constituted appropriate responses in these regards.

Examples of identified good practice across the range of LRRS principles included good governance, website and communications, volunteering, community engagement, increase in residents, housing tenure options, continual review of land sales policy, and partnership working. Areas identified for improvement included the need for additional plans, policies and procedures, with some of these responses arising from the suggestions for supporting evidence in the template document. The need to improve communications including better use of social media also featured.

# 5. Measuring Performance

Participants were asked to rate their Trusts' performance in terms of adhering to each of the LRRS's six principles using a self-scoring system<sup>1</sup> detailed in the self-assessment template. The grade levels and their descriptions are shown in table 8 below.

Grade levels	Description
<b>Level 6: Excellent</b>	<b>Outstanding, sector leading.</b> Activities are models of best practice and demonstrate contribution to the public interest to a high degree. Levels of performance are sustainable and will be maintained.
<b>Level 5: Very Good</b>	<b>Major strengths.</b> There are few areas for improvement and any that do exist do not harm the public interest.
<b>Level 4: Good</b>	<b>Important strengths with few areas for improvement.</b> There are important strengths in practice, but also some aspects in which improvement is required. There is capacity and a positive attitude to improve within a reasonable timescale.
<b>Level 3: Satisfactory</b>	<b>Some strengths with several areas for improvement.</b> Strengths have a positive impact, but just outweigh weaknesses. Weaknesses may not have a substantially adverse impact on the public interest but reduce the overall positive impact.
<b>Level 2: Weak</b>	<b>Room for considerable improvement.</b> There are some strengths in current practice, but also important areas for improvement. Weaknesses may diminish or harm the public interest.
<b>Level 1: Basic</b>	<b>Just starting out.</b> Requires significant improvement, or not applicable to current activities. There are many weaknesses that require an urgent and sustained course of action.

<sup>1</sup> The system was adapted from self-assessment system used for the [National Standards of Community Engagement](#) and the criteria used for a tenant participation accreditation scheme.



Participants were asked to use the evidence collated during the self-assessment process to apply a grade level which they could comfortably demonstrate in relation to each principle. Examples of good practice and areas identified for improvement were then articulated on the basis of the evidence or gaps therein.

9 of the 11 participants contained in the pilot sample of community landowners applied grades to their Trusts in relation to the six LRRS principles. These grades are summarised in table 9 below.

<b>Table 9: Participants' Self-Assessment Grades</b>										
	<b>CL1</b>	<b>CL2</b>	<b>CL3</b>	<b>CL4</b>	<b>CL5</b>	<b>CL6</b>	<b>CL7</b>	<b>CL8</b>	<b>CL9</b>	<b>Average</b>
<b>Principle 1</b>	4	4	4	4	4	4	5	4	4	4.1
<b>Principle 2</b>	3	5	4	5	4	5	5	4	3	4.2
<b>Principle 3</b>	2	5	4	5	4	4	4	4	3	3.8
<b>Principle 4</b>	3	4	3	2	4	5	5	-	5	3.8
<b>Principle 5</b>	2	5	3	5	5	5	5	4	5	4.3
<b>Principle 6</b>	2	5	4	4	4	4	5	3	5	4

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*None of the participants scored their Trusts as 1 (Basic) or 6 (Excellent).”*

None of the participants scored their Trusts as 1 (Basic) or 6 (Excellent). Two participants scored their Trusts as 2 (Weak) in relation to specific principles<sup>2</sup>. Otherwise, all participants scored at levels 3 (Satisfactory), 4 (Good) and /or 5 (Very Good) in relation to specific principles. The majority of participants scored their Trusts as being at least ‘Good’ in relation to their adherence to all six principles. Six participants graded their Trusts as being ‘Very Good’ in their adherence to principle 5 relating to transparency of information.

The unwillingness to score a 6 (Excellent) was discussed with those who potentially merited this score on certain aspects of their work. They indicated that it was difficult to know whether their Trust was worthy of a 6 because there were no comparators available against which to benchmark performance, particularly with reference to the term “sector leading”. It appears that no-one was willing to suggest that they might be sector leading in case that proved not to be so. Participants’ underscoring was not only confined to the highest grade in the scoring system. One possible explanation for that discrepancy is that – in addition to being unclear as to what constitutes ‘excellence’ in relation to specific principles – participants are reluctant to be perceived as over-emphasising their achievements.

The absence of appropriate benchmarks against which participants could reference their own performance raises important questions regarding the application of a grading system as part of a future iteration of the self-assessment template. Especially given that that LRRS principles are not intended to be prescriptively applied in “day to day” situations. Careful consideration will have to be given to what constitutes ‘evidence’ in relation to particular grade classifications. That will be particularly important if some form of external accreditation is incorporated into the assessment process. In turn, that points to the need for the production of appropriate ‘real life’ case studies and scope for ‘peer to peer’ knowledge exchange and learning as part of the available support mechanisms for undertaking future self-assessments.

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<sup>2</sup> (CL1 in relation to principles 3, 5 and 6; and CL4 in relation to principle 4).



# 6. Assessment Process Evaluation

## 6.1 Motivations for Participating

All of the Trusts that participated in the pilot self-assessment process did so in response to an invitation from Community Land Scotland. Their motivations for doing so mainly focused on a desire to assist Community Land Scotland with the piloting process and also to reflect on how they manage their land rights and responsibilities and on how their performance in these regards could be improved. Comments regarding participants' motivations to engage in the project included the following:

*"To help with the process but also tighten up our understanding of what we are doing and what we should be doing."*

*"To help out Community Land Scotland, and to reflect on where we are as a community land owner in our journey, and to understand how we could embed the land rights and responsibilities framework into everything we do as an organisation and community land owner."*

*"We were asked to – however [The Trust] recognises that the LRRS is iterative, and that it is a core part of Scotland's land reform process. We are glad to be involved. [The Trust] recognises the history of land reform in Scotland, and changes to land ownership and use have been hard fought. We want to make it easier and better for those who follow."*

Those who participated were all positive about the process. They noted that it made them think about what they were doing, the progress they had made and how it was measured. For some participants this was the first time they had taken such a comprehensive look at their

activities and the extent to which these activities combined to impact upon the sustainability of their communities. The self-assessment process also helped them to identify and reflect on gaps in their provision. Two participants stated that the self-assessment process made for a very good review of the business and would act as a catalyst for their Trusts' next round of business planning. One participant indicated that the process had helped them identify skills and practices from their previous sector of work (unrelated to land management) which could be adapted to their current working environment. Other comments regarding the usefulness of the process included the following:

*"Help[s] with the process [of thinking about the land and management plans] but also tighten up our understanding of what we are doing and what we should be doing."*

*"Very useful to reflect on all this, and the start of the process. It has helped identify areas for improvement and work we can do to achieve that. Although capacity is limited and board members are wary of tasking staff, so this creates a challenge unless staff agree to these changes."*

*"It has been a helpful process because it has allowed [the Trust] to think about how it communicates and what "best practice" might look like. It will not be possible to eliminate all neighbour concerns and complaints, however we are committed to an open and honest dialogue, and to balancing privacy, property rights and the public interest."*

*"As a member of a board of Trustees, these principles help to define our purpose, and provide a basis for decision making."*

*"It shows areas where we think we do good work but don't know why or how we do it."*

*"Many plans in place already but allows us to focus on utilising the land more as the asset and how that acts and an enabler for the community and long-term sustainability and regeneration."*

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*The framework has to be relevant to urban land reform bodies as well as rural landowners.”*

Most respondents indicated that they would be prepared to use the LRRS template (or a further iteration of it) in future to help inform their activities at set time periods. However, that willingness was caveated by issues relating to time constraints, appropriateness and incentives to engage in self-assessment. As one participant noted:

*“We are happy to use the framework on an ongoing basis, however it has to be relevant to urban land reform bodies as well as large rural landowners – therein lies the challenge!”*

Several respondents also raised the possibility of including an accreditation process for good management in line with the LRRS principles as part of the process. Independently, several suggested that such a system would be a positive incentive and accreditation a demonstration of good policies, procedures and practice. One participant stated:

*“What are the incentives to encourage land owners to complete the assessment and to continue to keep returning to it – if they are hard pressed for time, or don’t think it is relevant to them? Do they get a standard mark or something like with the Scottish Living Wage, which is recognised by the Scottish Government, and perhaps gives people additional scoring or points in funding applications for government, council and NHS funding – something like this to recognise its value and importance. Maybe a requirement to revise it at least every 5 years to get the Standard Mark renewed?”*

There are several existing models of such standards in land-based industries including:

- Red Tractor farm assurance scheme
- Scotch Quality Wild Venison
- Deer Management Qualifications

Each of these models was introduced on a voluntary basis but over time have increasingly become the standard for their industry. Farms that are not registered with the Red Tractor scheme will now, for example, find it more difficult to find an outlet willing to take their produce. A similar approach could be taken for a land management standard with a voluntary scheme established

for those land managers who were keen to demonstrate their credentials to their local community and beyond. A well-designed scheme would hopefully over time attract increasing numbers of landowners. Purchasers of products and services from landowners may then decide to focus their trade on those registered with the scheme. Further down the line the Scottish Government or other agencies may make public support conditional on achieving the standards set by the industry scheme. This gradualist approach would have the effect of raising standards across the board.

As noted above, time constraints are also likely to be a key factor in determining whether participants would be prepared to undertake the self-assessment process again. Most participants indicated that they would be willing to do so but not all were convinced that they would in practice due to the pressure of other commitments. The time taken to complete the template varied considerably, from an estimate of 1 hour by one respondent to between 4 and 5 days by another. However, the majority of respondents indicated that they had allocated between several hours and a complete working day to completing the template, often working in conjunction with other staff and/or Board members. The variation in time taken was influenced by the size and complexity of the business and also by the length of time the respondent(s) had been in post. Respondents who had been in post for a long time either had relevant information to hand or knew how to access it.

## **6.2 Completing the Self-Assessment Template**

The majority of participants indicated that they found the template relatively straightforward to complete. In particular, they found the guidance in relation to key questions to consider and suggested evidence for each principle to be useful in enabling them to formulate their responses. However, participants' feedback during interviews following completion indicated some confusion as to the relevance of particular principles to the context of community landowners, as the following comments illustrate:

*"I find it difficult in our case; (1) because it is confusing the questions for a private landowner who may or may not be open to a community purchase, or are they for a community organisation trying to acquire land? And (2) because it seems many of the questions are not relevant to our circumstances."*



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*‘One size’ does not fit all in terms of levels of engagement with the LRRS’s principles.”*

*“It is not entirely relevant to small urban landowners as it seems to focus on large areas of land and relationships with land-use tenants e.g. farming.”*

*“Some of the questions were hard to answer as we don’t have the evidence suggested but I don’t feel we are particularly bad, so hard to know how to answer.”*

As noted earlier, these findings further underscore the importance of clearly highlighting the issues of context, proportionality and applicability in the supporting guidance for any future iteration of the template. Clearly, ‘one size’ does not fit all in terms of levels of engagement with the LRRS’s principles.

### **6.3 Template Format**

The self-assessment template was issued as a Word document. While no serious issues that prevented completion of the form were identified, a number of minor issues did arise. Specifically:

- The large amounts of text at the beginning of the template to introduce the subject gave the impression of a document that would take a very long time to complete.
- It was unclear to some participants what the column headed with Y was for (Yes in relation to some answers).
- If the box to summarise the current position of the landowner moved to a new page following the insertion of a lot of text above, it would cause the box to be printed upside down.
- The further a participant progressed in the assessment the further away they were from the page outlining the scoring rationale to guide their decision-making.

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*Participants were generally satisfied with the level and quality of guidance available to complete the self-assessment process. ”*

Several participants wondered if an online version might improve usability of the process and enable future assessments to be done more easily. This suggestion has considerable merit because an online version could:

- Include drop-down menus (or similar) for guidance appropriate to each stage on the process.
- Save data for later reference.
- Pre-populate a later version with existing data for amendment rather than writing from scratch. This is currently done with the Integrated Administration and Control System (IACS) for the management of farm support.
- Incorporate anonymised data analysis for landowners to compare their progress.
- Include worked 'good practice' examples for those undertaking self-assessment for the first time.

Participants had several suggestions for changes and/or additional questions to be included in a future iteration of the template. One suggestion was to include a question about engagement with local representatives and local community bodies such as community councils or local forums such as Youth Work Form or local Voluntary Sector Forum. It was also suggested that having space in the template to provide context and motivation for community purchase in the first place would be useful. A third suggestion was to use a 'traffic light' system to highlight things that should or could be done to address specific principles (especially if linked to an accreditation process or specific SLC protocols).

Participants were generally satisfied with the level and quality of guidance available to complete the self-assessment process. They welcomed the 'one to one' support as a way of clarifying expectations from the outset and discussing any specific issues relating to the self-assessment process. That support was considered helpful in relation to discussing each of the principles and the types of information it would be useful to include to illustrate how they were being addressed in practice.

The second, follow-up meetings were also viewed as useful in terms of enabling reflection on the process and the Trusts' performance in relation to specific principles. In some instances, these meetings provided an opportunity to further refine or add to the substance of evidence of Trusts' practice in relation to specific principles. Participants also suggested that webinars and/or small group discussions would also be beneficial support resources to draw upon when completing the template.



## 7. Conclusions and Recommendations

A voluntary review of performance against the principles of the LRRS offers community landowners the opportunity to assess and improve their operations and governance arrangements so as to further contribute to the sustainability of their communities. The community landowners who took part in the pilot programme engaged well with the process and appreciated the opportunity to assess their organisations' activities against a set of standards to see how well they were performing. For some participants this was the first time they had taken part in such an exercise. Many could see benefits from the process in terms of strategic planning and operational considerations.

The ability of community landowners to take part at a time of their own choosing will be important to future take-up of the self-assessment process. This is relevant for two reasons. First, at least one Trust participant originally included in our sample was unable to take part due to delivering multiple projects at the time. They therefore did not have the spare capacity available at the time of the research. However, in a year's time they are likely to have some very valuable outcomes to their investments which will have a significant impact upon addressing the 6 principles of the LRRS statement. Secondly, as a review process, the self-assessment lends itself naturally to the end of one business planning cycle and providing a basis for preparing the next. Different landowners will have different timeframes for these cycles.

The process required time and space to think for the individuals involved. This is a challenge for managers and voluntary directors in normal times, and more so during a pandemic. Therefore, the researchers played an important role in agreeing timeframes and following up with participants. In the absence of external support, it is open to question as to whether a majority of participants would have completed the process. **For a future voluntary process, it is therefore recommended that provision is made for support for participants.** This

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*The pilot self-assessment template would benefit from revision in its format and content to increase its functionality and accessibility.*”

could either be in the form of SLC staff provision or the use of outside contractors to provide the service. **It is further recommended that such support potentially include a ‘peer to peer’ dimension, provision of good practice case-studies and online guidance material and mechanisms including webinars. Issues of context, proportionality and applicability of specific principles should form a central aspect of such support and guidance.**

The pilot self-assessment template would benefit from revision of its format and content to increase its functionality and accessibility. **It is recommended that an online version of the template be developed with drop-down guidance and checklists, and potentially utilising a ‘traffic light’ system to enable users to navigate the template as quickly and effectively as possible, in ways that are commensurate with their characteristics as community landowners.**

It was notable that several participants independently raised the issue of a future accreditation scheme for landowners who demonstrated good practice according to the LRRS principles. Such a scheme could provide recognition for individual landowners, raise awareness of the self-assessment framework among landowners more generally, and promote the management of land in accordance with the Scottish Government’s LRRS principles. There is an important distinction to be made here though. The process that was trialled, and intended to be rolled out, is one of self-assessment. An accreditation scheme would require, by its very nature, independent assessment. There is no reason, however, why these two processes cannot be reconciled. SLC could continue to provide the framework for self-assessment by landowners, while a sector-led group could base its own award criteria on reaching certain standards in relation to the 6 principles. **It is recommended that consideration be given to the future development of an accreditation scheme as a means of incentivising community landowners to engage with the assessment process.**

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