

# CROFTING COMMISSION

## MINUTE OF THE COMMISSION MEETING HELD BY TEAMS AT 9AM ON TUESDAY 10 AUGUST 2021

|          |                                                               |                                             |
|----------|---------------------------------------------------------------|---------------------------------------------|
| Present: | Malcolm Mathieson                                             | Convener                                    |
|          | Andy Holt                                                     | Commissioner                                |
|          | Mairi Mackenzie                                               | Vice Convener                               |
|          | Archie MacNab                                                 | Commissioner                                |
|          | Iain Maciver                                                  | Commissioner                                |
|          | David Campbell                                                | Commissioner                                |
|          | Billy Neilson                                                 | Commissioner                                |
|          | Cyril Annal                                                   | Commissioner                                |
|          | James Scott                                                   | Commissioner                                |
|          | Bill Barron                                                   | Chief Executive                             |
|          | Anne Williamson                                               | Business Analyst (open session)             |
|          | David Findlay                                                 | Commission solicitor                        |
|          | John Toal                                                     | Head of Policy & Grazings                   |
|          | Joseph Kerr                                                   | Head of Regulatory Support                  |
|          | Neil Macdonald                                                | Head of Finance                             |
|          | Karen MacRae                                                  | Crofting Development Officer (open session) |
|          | Jane Thomas                                                   | Head of Compliance and minute taker         |
|          | Gordon Jackson/Aileen Rore Scottish Government (open session) |                                             |
|          | Assessors/staff/members of the public (open session)          |                                             |

### **1 APOLOGIES AND WELCOME**

The Convener welcomed everyone to the meeting, with a greeting in Gaelic, followed in English. Commissioner MacNab was warmly welcomed to his first Board meeting.

Apologies were received from Head of Crofting Development, Head of Digital & Improvement and Head of Operations & Workforce, who were all on annual leave.

### **2 DECLARATION OF INTERESTS**

No interests were declared in the public part of the meeting.

### **3 BOARD MINUTES FROM 13 MAY, 20 MAY, 3 JUNE, 8 JUNE, 22 JULY**

The Minutes of these Board meetings (13 May Public and the remainder Special Board meetings held in private) had already been approved and were brought to the Board for information. There were no questions on the Minutes.

### **4 REVIEW ACTION POINTS FROM 13 MAY 2021**

All Actions had been progressed and the updates were confirmed as accurate.

## 5 MATTERS ARISING FROM PREVIOUS MINUTES

There were no Matters Arising from previous meetings not dealt with on the agenda.

## 6 APPROVAL OF ANNUAL REPORT AND ACCOUNTS 2020/21

The Convener commended the report and the quality of the information it contained and the assurance it gave on financial controls within the organisation. Finance Manager explained that the draft report had previously been circulated to members and considered by the Audit & Finance Committee. It came before the Board for final approval and sign off.

Pat Kenny, representing the external auditor, gave a brief overview of the report, reflecting that it was of a very high quality and that he was happy to commend it to the Board.

The Commission formally approved the Annual Report & Accounts.

The Convener thanked all those who had been responsible for pulling the information for the report together to such a high quality.

|                 |                                                                                             |
|-----------------|---------------------------------------------------------------------------------------------|
| <b>Decision</b> | <b><i>The Commission formally approved the Annual Report &amp; Accounts for 2020/21</i></b> |
|-----------------|---------------------------------------------------------------------------------------------|

## 7 AUDIT & FINANCE COMMITTEE REPORT

### (a) Update from Vice Chair

This was Commissioner Campbell's first report to the Board as Vice Chair of the committee. He explained that the committee met on 27 July 2021 and had a full agenda, which included consideration of the final accounts. He wished to commend the work of the Finance Manager.

He confirmed that the committee is concerned about the timeline for IT projects, but this would be discussed later in the meeting.

The Convener thanked Commissioner Campbell for stepping into the Vice Chair role, adding that this provided welcome continuity.

### (b) Draft Minutes of 27 July 2021

There were no questions on the draft Minutes.

### (c) Review of Key Performance Indicators Q1 2021/22

The Convener confirmed that this was the last time the KPI's would be considered separately by the committee and that they would now be coming straight to the Board on a quarterly basis.

There were no questions on the report.

### (d) Annual Report on Committee Activity

The Convener trusted everyone had read the report, explaining its purpose. The Board was content with the report.

## **8 UPDATE ON PEATLAND & WOODLAND PROJECTS**

The Commission solicitor led the discussion on this topic, reminding members that there had been a paper a few months earlier. He commented that government funding for peatland restoration is likely to increase over the coming years, given the emphasis on the need to combat climate change.

He reported on discussions held with the John Muir Trust, which had been attended by staff and Commissioner Holt and had been very positive from a crofting point of view. As estate landlords, the trust is keen to see crofters benefit from peatland work carried out on the estates and wish to take a collaborative approach to land management.

The Commission, though not a major player, is willing to engage with other stakeholders and one focus could be to develop closer relationships with community land- owners. Scottish Ministers have also been in discussions with the Commission on ensuring crofters benefit from developments on their estates.

Issues are also being discussed with Scottish Government and Forestry agencies, around woodland crofts.

Commissioners agreed the need to be kept informed of these developments, as considerable investment will be required if crofters are to see benefits, for instance to compensate for reduced livestock numbers on common grazings, because of restoration work or tree planting. It was feared that there could be negative impacts on the rights of shareholders in common grazings, which made it important for the Commission to engage on these issues.

It was agreed that, wherever possible, there should be Commissioner participation in meetings with external agencies on these issues.

## **9 STRATEGIC RISK REGISTER**

The Chief Executive introduced the paper and provided the background for Commissioner MacNab. He explained the distinction between the Operational Risk Register, scrutinised by the Audit & Finance Committee and the Strategic Risk Register circulated to the Board, which reflects the Business Plan Objectives, via 5 Outcomes.

The Register had been updated in June, so the CEO explained where there has been change since then. He highlighted the inclusion of a risk around CIS and the work needed to mitigate this. A risk to cover Covid had been added but was now likely to reduce in its impact. The risk of most strategic concern is around regulatory throughput of casework and this, along with issues around CIS, would be discussed later in the meeting.

## **10 COMMUNICATIONS REVIEW**

The CEO led the discussion, explaining that the paper provides the background on a review carried out by Jane Craigie Marketing. It has been a long time since there was any professional review of the Commission's communications. The review focused on external comms but also touched on internal communication.

The review found that the complexity of crofting regulation creates a communication challenge, which requires on-going attention. A percentage of respondents reported that the Commission feels remote and difficult to contact but also singled out the Grazings team, praising its work on stakeholder engagement.

The CEO was pleased to report that a new Comms Officer will be starting in post on 16 August and one of her priorities will be to act on some of the recommendations in the review.

The review suggested softening the image of the Commission, but Board members agreed this was not always appropriate, as the Commission needs to be seen as the enforcer of Duties. There was concern about the perception that the organisation is remote and hard to contact and support for the idea of a Duty Officer, to be available to take calls during office hours. Commissioners would like to see this role filled by Regulatory staff on a rota basis.

Responding to a question on the continuing input of Jane Craigie Marketing, the CEO confirmed the company has been engaged on a short-term basis to cover the period when there was no Comms Officer in post.

It was agreed that the Board need to consider a detailed Communications Plan at their next meeting. This was captured as an Action Point.

## **11 PROCESSING ARRANGEMENTS FOR CROFTING CENSUS 2021**

The Board had previously received a paper on this issue and so the CEO wished to ensure public confirmation of the decision to outsource the processing of the 2021 Crofting Census. This was agreed.

Commissioners discussed the need to press on with plans for digital returns only, even if this means that this will result in a lower response rate. The CEO confirmed we would repeat the exercise of telephoning a selection of individuals who may not return a form, based on previous years and that we would not issue a returns envelope this year.

There was discussion around the possibility of involving the Fiscal's office in issuing fines or acting against non-returners. It was agreed to ensure any Comms campaign made the legal duty to complete the form clear and the sanction should be clearly stated on the form.

## **12 GAELIC LANGUAGE MONITORING PLAN – ANNUAL REVIEW**

Head of Business Support explained that the Gaelic Language Plan is monitored by the SMT on a quarterly basis and comes to the Board once a year for review, before a report is written for Bord na Gaidhlig in September.

Members were content with the activity being undertaken to meet our commitments in the GLP. In answer to a question, Head of Business Support confirmed that the main telephonist is a Gaelic speaker. This is an Essential Criteria for the post.

## **13 STAFF TURNOVER**

The Chief Executive introduced the item, explaining that the perception is that there has been quite a turnover of staff over the last few months, certainly compared to last year, when there was very little. Looking at the patterns over the last 5 years, he explained that there is little movement at B2 grade and above and the highest turnover is at A grade. Some of these officers will be getting promotion within the Commission and others largely leaving for promoted posts within SG.

The Commission is recruiting actively to fill any vacancies that arise, using agency staff when appropriate, training staff and supporting a call for a review of the A band grading, from A3 to A4, for the Regulatory team.

The CEO reported that a challenging longer-term effect of Working from Home and the probable development of hybrid working patterns is that more civil service and potentially other posts could become location neutral in future, meaning that our staff could be attracted to vacancies previously closed to them, if located in the central belt, for example.

Commissioners expressed concern that staff may be leaving because their workloads are too high and want this to be looked at, so that workloads are shared. It was confirmed that there is a template for Exit Interviews, and these should be carried out; one Commissioner suggesting that they should be carried out by an independent person, rather than a line manager.

Commissioners supported the idea in principle of more localism, with staff based in remote locations if possible. The CEO explained this was not cost-neutral and confirmed that a policy on Remote Working was in development and would come back to the Board in a few months' time.

#### **14 BOARD MEETING DATES 2022**

The Convener welcomed the opportunity to get the meeting dates fixed for next year, with the obvious caveat that a new group of Commissioners may need to review this in April 2022. It was confirmed that the present Commissioners will join the new members for their meeting on 31 March and this date will be highlighted in comms around the election.

The only date which appears to be an issue is 3 February so an alternative to this would be arranged. The Board agreed all of the other dates.

#### **15 UPDATE FROM APPLICATION FORM REDESIGN STWG**

Head of Regulatory Support introduced the item, explaining the background to the project and why it was decided to focus on applications made under Section 58(A) to begin with. These were prioritised because the individual requires the consent of the Commission to do something. As the function types also have similarities, it made sense to group them together.

Eight application types have been looked at and the STWG was helpfully joined by 2 members of the IS team, both with Regulatory backgrounds. Work on several application types is now 100% complete, for form redesign. Commissioners were very pleased to hear that we are close to being able to demonstrate what the new online forms will look like, and it is hoped that a demonstration will be possible as part of the public meeting in Lairg on 19 October. Officers agreed to take this forward.

The outstanding modules are now being looked at, a sub-group has been set up and the non-58(A) application types will be considered. There is at the same time a lot of work being done by the IS team and a contractor, to cover the digitising element of the project.

The Board commended the work of the STWG and the IS team and look forward to seeing this very significant project move forward to its target date for completion.

## **16 REPORTS FROM HEADS OF TEAMS**

### **(a) IS Team**

The CEO gave an update, based on the paper supplied to the Board. He drew attention to the 4 topics highlighted and paid tribute to the team, as these projects are all significant in scale and importance to the organisation. He explained that the work completed on the website and on the digital forms has prompted the Commission to look at processes, to see if any streamlining is possible.

On CIS, timescales continue to slip, which is disappointing, but progress is being made. The migration to the Cloud is a large project which brings benefits, but some issues have been uncovered, which need to be addressed.

Commissioners were pleased to hear that the website improvements had made the RoC searches intuitive and that the online forms would be pre-populated as much as possible, to reduce the risk of error by the applicants. The Business Analyst also confirmed that the applications received are now on the website and that Decisions will be soon.

### **(b) RALU & Regulatory Support**

Head of Regulatory explained what had been identified on the crofting census spreadsheet now that the returns had been analysed for 2020. The total number of cases for the team to follow up is 908, with 421 self-certified non-residents being the first to be tackled. Everything is in place to follow the cases up to the next stage. The team require more information on some categories and are liaising with the IS team for data reports on these.

Commissioners want to be sure crofters are aware of this work and so it must be part of the organisation's Communication Plan. This was agreed.

### **(c) Operations & Workforce**

The CEO did not propose to say a lot in addition to the paper prepared by the head of the team, as the issues on workload and turnaround times would be discussed in more detail later in the meeting. As an update, he was able to confirm that the statistics for July were a little better and that a notice has been placed on the website, asking customers for patience. It was confirmed that the numbers of cases shown as open after 12 months is reducing because of focused action.

### **(d) Grazings & Policy**

Head of Team hoped Commissioners had found the paper of interest. The team had been helped from February to April by an agency member of staff, who had been able to contact out of office committees. The interim arrangement for appointing committees where they could not meet had helped and the Board would be asked if it wanted to continue with this. The paper indicates the type of issues which come to the team. There is quite a variety.

The previous training undertaken by the team would be looked at again, with a view to face-to-face delivery combined with virtual sessions.

Commissioners commended the positive work being completed by the team.

### **(e) Crofting Development**

Crofting Development Officer introduced the paper, explaining that news releases are being prepared on a weekly basis, for the Commission's social media platforms. The leaflet created by the team has been well received and a good news story from RALU has been issued today regarding a case on Colonsay.

Team members are experiencing more direct contact with the public, raising their profile. Letters have gone out to 50 grazings committees which have been out of office for some time, with the aim being to help them resume office if possible. There have also been meetings with HIE, and more work is needed to find practical ways to collaborate.

### **(f) Compliance**

Head of Business Support explained that the quarterly statistical report on how the Commission meets its compliance obligations as a Scottish Public Body is emailed to SMT and Commissioners but, following an audit recommendation, it will now come to a Board meeting once a quarter. The Complaints statistics and report also go separately to the Audit & Finance Committee. Statistics and other information on Complaints and FOI/EIR requests are posted on the website every quarter.

In answer to a question, Head of Business Support said she would consider how a report could be compiled for the Board showing how and when other non-statutory governance documents are updated and reviewed.

## **17 DATE OF NEXT MEETING**

The next public Board Meeting will be held on 20 October in Lairg, preceded by an evening public meeting on 19 October. There will be a special private Board Meeting on 15 September 2021 at the Beaufort Hotel, Inverness.

## **18 ANY URGENT BUSINESS**

No urgent business had been notified.

The Convener thanked everyone for their contribution and closed the public part of the meeting at 12:00.

## **19 EXCLUSION OF THE PRESS AND PUBLIC**

This brought the business of the meeting to a close. The Convener thanked everyone for their participation and closed the meeting at 14:15.