



**CROFTING COMMISSION  
COIMISEAN NA CROITEARACHD**

***COMMISSION MEETING***

***14 MAY 2020***

**CROFTING COMMISSION MEETING (SKYPE)  
14 MAY 2020 AT 0930 hrs**

**AGENDA**

- |    |  |                |                        |
|----|--|----------------|------------------------|
| 1  | <b>APOLOGIES</b>   | <i>Oral</i>    | <i>Standing Item</i>   |
| 2  | <b>DECLARATION OF INTERESTS</b>  | <i>Oral</i>    | <i>Standing Item</i>   |
| 3  | <b>BOARD MINUTES FROM 19 MARCH 2020 (<i>already published</i>)</b>               | <i>Minutes</i> | <i>For info</i>        |
| 4  | <b>MATTERS ARISING FROM PREVIOUS MINUTES</b>                                     | <i>Oral</i>    | <i>Standing Item</i>   |
| 5  | <b>E-MAILED PAPERS FOR APPROVAL</b>  |                |                        |
|    | <i>(a) Draft Gaelic Language Plan 2020-2025</i>                                  | <i>Plan</i>    | <i>For approval</i>    |
|    | <i>(b) Grazings Committees and Covid-19</i>                                      | <i>Paper</i>   | <i>For approval</i>    |
| 6  | <b>HOW THE COMMISSION IS RESPONDING TO THE COVID-19 CRISIS AND LOCKDOWN</b>      | <i>Paper</i>   | <i>For discussion</i>  |
| 7  | <b>'ROUND THE TABLE' UPDATES FROM COMMISSIONERS</b>                              | <i>Oral</i>    | <i>Update</i>          |
| 8  | <b>AUDIT &amp; FINANCE COMMITTEE REPORT</b>                                      |                |                        |
|    | <i>(a) Update from Malcolm Mathieson</i>   | <i>Oral</i>    | <i>Standing Item</i>   |
|    | <i>(b) Draft Minutes from March &amp; April</i>                                  | <i>Minutes</i> | <i>For info</i>        |
|    | <i>(c) 2019-20 AFC Committee Self-Assessment: Results for Board</i>              | <i>Paper</i>   | <i>For info</i>        |
|    | <i>(d) 2019-20 Board Self Evaluation Questionnaire results for consideration</i> | <i>Paper</i>   | <i>For info</i>        |
|    | <i>(e) Q4 Key Performance Indicator Results</i>                                  | <i>Paper</i>   | <i>Standing Item</i>   |
|    | <i>(f) Operational Risk Register</i>   | <i>Paper</i>   | <i>For info</i>        |
| 9  | <b>STRATEGIC RISK REGISTER</b>   | <i>Paper</i>   | <i>For info</i>        |
| 10 | <b>EXTENDING THE SCHEME OF DELEGATION</b>  | <i>Paper</i>   | <i>For approval</i>    |
| 11 | <b>RALUT – REPORT</b>  | <i>Report</i>  | <i>For information</i> |
| 12 | <b>DATE OF NEXT MEETING</b><br>25 June 2020 – Great Glen House/Skype             |                |                        |
| 13 | <b>ANY URGENT BUSINESS</b>   |                |                        |
| 14 | <b>EXCLUSION OF THE PRESS AND PUBLIC</b>   |                |                        |

# **APOLOGIES – ORAL**

**DECLARATION OF INTERESTS – ORAL**

**MATTERS ARISING FROM PREVIOUS MINUTES – ORAL**

## CROFTING COMMISSION MEETING

14 May 2020

Report by the Chief Executive

### Gaelic Language Plan 2020-2025

#### SUMMARY

**A new iteration of the Commission's Gaelic Language Plan is required to be submitted to Bòrd na Gàidhlig in 2020. The draft plan was approved by Commissioners in November. Following public consultation, it now comes before the Board for formal approval.**

#### BACKGROUND

Under the terms of Section 3 of the Gaelic Language (Scotland) Act 2005, the Crofting Commission is required to have in place a Gaelic Language Plan, approved by Bòrd na Gàidhlig. The first Commission Plan was approved in 2009 and the next iteration of the Plan must be submitted to Bòrd na Gàidhlig in 2020. Prior to submitting the Plan, the Commission must put out the draft plan for consultation.

#### CURRENT POSITION

The current iteration of the Commission's GLP (Gaelic Language Plan) runs from 2015-2020. A new version must be submitted for approval by September 2020, to run from 2020-2025, after a public consultation process. The draft plan was approved by Commissioners at the Board meeting in November. The consultation process has been undertaken. It lasted for six weeks. No responses were received. Therefore, the final draft of the Plan is forwarded to the Board for approval.

The Commission has built up a positive relationship with Bòrd na Gàidhlig and has worked hard to deliver on a wide range of commitments in the lifetime of its current GLP iteration. Annual Reviews are submitted to Bòrd na Gàidhlig and any suggested improvements acted on, where this is possible. The Plan attached as **Annex A** seeks to consolidate that position and has been developed following discussion with the Bòrd on the High Level Aims that the Commission should aspire to.

The High Level Aims included in the Plan were approved by Bòrd na Gàidhlig and signed off by the Minister responsible (John Swinney) in late November. Bòrd na Gàidhlig have indicated they are happy with the aims.

Although the Commission has limited resources, it has always been committed to promoting the aims of the National Plan for Gaelic and has achieved much to date and, with the support of Commissioners and staff, it can continue to make a positive contribution within the scope of the attached plan.

**RECOMMENDATION**

**Commissioners are asked to consider the third iteration of the Gaelic Language Plan for formal approval before it is submitted to Bòrd na Gàidhlig.**

Date            2 April 2020

Author           Jane Thomas, Head of Compliance (Gaelic Language Officer)



CROFTING COMMISSION  
COIMISEAN NA CROITEARACHD

# GAELIC LANGUAGE PLAN

## 2020-2025

This plan has been prepared under Section 3 of the Gaelic Language (Scotland) Act  
2005

Approved by Bòrd na Gàidhlig (date to be inserted and BnG logo added once Plan is  
approved)



## **Foreword**

As Chief Executive Officer of the Crofting Commission, I am pleased to introduce the third iteration of our organisations' Gaelic Language Plan. As the public regulator of the unique crofting system, I want to ensure that our organisation is doing all it can to encourage and promote Gaelic's place in Scottish life.

The Gaelic language has helped to shape crofting over generations and shares with crofting a resilience that learns from the past while engaging with the future.

The Crofting Commission has, of course, a statutory duty under the Gaelic Language (Scotland) Act 2005 to play its part in promoting the language, but the unique link with crofting gives us an additional responsibility, as well as enthusiasm for this task.

This Plan sets out a formal structure for our support of the Gaelic language, with new initiatives and clear targets, reflecting a strong commitment throughout the Commission to see Gaelic thrive.

Since joining the Crofting Commission in 2016, I have very much enjoyed participating with staff in Gaelic Learning classes and welcome the inclusion of Gaelic language greetings at every Board meeting and our larger stakeholder meetings.

The current Board is committed to supporting the Gaelic language in the Crofting counties, and together we continue to make our materials and all engagement with customers accessible to Gaelic speakers

Bill Barron  
Chief Executive  
Crofting Commission

14 May 2020

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## **SUMMARY**

This document has been prepared within the framework of the Gaelic Language (Scotland) Act 2005. It sets out how the Crofting Commission will promote the key overarching principle of equal respect for Gaelic, showing how the organisation will work actively to encourage the use of the language and work towards longer-term developments, to enhance the use of Gaelic by the authority and improve customer service.

# INTRODUCTION

## The Crofting Commission

The Crofting Commission is a NDPB (non-departmental public body) and it is the regulator of crofting. It is working to secure the future of crofting by creating and promoting a well-regulated crofting system that positively contributes to the sustainability of rural communities.

Crofting is a system of landholding unique to the Highlands and Islands of Scotland. A croft is a relatively small agricultural land holding, 5 hectares on average, and is usually held in tenancy. It may or may not have buildings or a house associated with it. Approximately 21,000 crofts, occupied by an estimated 10,000-12,000 crofting households, account for a total population of about 33,000.

The Crofting Commission was established in 2012 to administer the Crofters (Scotland) Act 1993 as amended by the Crofting Reform (Scotland) Act 2007 and the Crofting Reform (Scotland) Act 2010.

## Structure

The Crofting Commission's Board of Commissioners comprises 9 Commissioners. Three of the Commissioners are appointed by the Minister for Environment, Climate Change and Land Reform, and 6 Commissioners were elected by crofters. Commissioners sit together as a Board to set policies and take decisions on complex applications. Board meetings are held in public.

The Crofting Commission's members of staff are Scottish Government civil servants, accountable to Scottish Ministers, who are themselves accountable to the Scottish Parliament.

The Crofting Commission's office is located in Great Glen House, Inverness. The Commission publishes its Annual Report in both English and Gaelic and a number of other communications, including the website, are bilingual.

## The Gaelic Language (Scotland) Act 2005 and the issuing of Notice

The Gaelic Language (Scotland) Act 2005 was passed by the Scottish Parliament with a view to securing the status of the Gaelic language as an official language of Scotland commanding equal respect with the English language.

One of the key features of the 2005 Act is the provision enabling Bòrd na Gàidhlig (the Scottish Government's principal Gaelic development body) to require public bodies to prepare Gaelic Language Plans. This provision was designed to ensure that the public sector in Scotland plays its part in creating a sustainable future for Gaelic by raising its status and profile and creating practical opportunities for its use.

This document is the Crofting Commission's Gaelic Language Plan, prepared within the framework of the Gaelic Language (Scotland) Act 2005. It sets out how we will use Gaelic in the operation of our functions, how we will enable the use of Gaelic when communicating with the public and key partners, and how we will promote and develop Gaelic.

The Crofting Commission's Gaelic Language Plan has been prepared in accordance with statutory criteria set out in the 2005 Act and having regard to the National Gaelic Language Plan and the Guidance on the Development of Gaelic Language Plans.

The Crofters Commission, which preceded the Crofting Commission, first submitted its Gaelic Language Plan to the Bòrd in 2009. When the Crofting Commission was established in 2012, the Gaelic Language Plan was updated to reflect this change and submitted to the Bòrd for approval.

The second iteration of the Gaelic Language Plan for 2015 – 2020, built on the experience of implementing the first plan and developed ambitious commitments.

## **Approval of the Crofting Commission Gaelic Language Plan**

This third iteration will take the Commission's Plan to the year 2025. It will be presented to the Commission's Board in the summer of 2020 and then formally submitted to Bòrd na Gàidhlig for approval in September 2020.

## **Consultation on a draft Gaelic Language Plan**

The 2005 Act requires public bodies to bring the preparation of its Gaelic Language Plan to the attention of all interested parties. The Crofting Commission consulted publicly on the draft of its Gaelic Language Plan and considered representations made to it during the consultation process.

This iteration of the Plan for 2020-2025 builds upon the first two Plans and the Commission has reviewed the original targets, outcomes and progress. The draft plan was available for comment and promoted on the Commission's website, in Gaelic and English, and on its social media platforms. Members of the public were invited to submit comments during a six-week period, by using email, social media or by writing to the Crofting Commission at Great Glen House.

Please see [Appendix 2](#) for a detailed summary of the responses to the consultation.

## **Gaelic in Scotland**

The Crofting Commission recognises that Gaelic is an integral part of Scotland's heritage, national identity and cultural life. The Crofting Commission is committed to the objectives set out in the National Gaelic Language Plan and has put in place the necessary structure and initiatives to ensure Gaelic has a sustainable future in Scotland.

The Crofting Commission recognises that the position of Gaelic is extremely fragile and if Gaelic is to be revitalised as a living language in Scotland, a concerted effort on the part of government, the public and private sectors, community organisations and individual speakers is required to:

- *enhance the status of Gaelic;*
- *promote the acquisition and learning of Gaelic;*
- *encourage the increased use of Gaelic.*

## **Gaelic within the Commission's area of operation**

Crofting has played an important role in enabling people to remain living and working in the Highlands and Islands and helping to keep rural schools and other vital public services operating in some of the most remote rural areas of Scotland. Crofting has played a significant part in sustaining the local cultures of communities in the Highlands and Islands. Storytelling and poetry, crafts such as spinning and knitting, music, and seasonal celebrations are all aspects of crofting community culture, and language has played a key role in their retention. Communities in Shetland and Orkney have retained their Norse links, while the Gaelic language has remained strongest in crofting areas such as the Western Isles.

The Crofting Counties of Caithness, Sutherland, Ross & Cromarty, Inverness, Argyll and the Western Isles have been traditionally Gaelic speaking; Gaelic having been the first language of many of the older crofters in these areas. There are also strong resonances of Gaelic language and culture throughout the north and west of Scotland, seen particularly in place names. In the past, crofting townships produced many notable Gaelic scholars, poets, writers and musicians. The Crofting Commission would like to see crofting areas continuing to produce talented people who impart their culture and language to a worldwide audience in addition to stimulating interest and pride in the use of Gaelic in their own communities.

The total number of Gaelic speakers recorded in the 2011 census was 57,375, 1.1% of the Scottish Population. Gaelic speakers are spread throughout Scotland and just over half live in the Highland counties. The main stronghold of the language is the Western Isles and Gaelic is spoken by a majority of people in the Comhairle nan Eilean Siar area, and in the parish of Kilmuir in the Isle of Skye within the Highland Council area.

There are over 6,300 crofts in the Comhairle nan Eilean Siar area and around 10,000 in the Highland area. Research studies have shown that there is a particularly strong relationship between the proportion of Gaelic speakers and registered crofters across the Highlands and Islands.

59 primary schools across Scotland offer Gaelic medium education (GME) and 34 secondary schools offer Gaelic classes or subject teaching through the medium of the language.

In 2018-19 there were 6,773 children in Gaelic medium education:

- Gaelic Provision (0-3) – 56 locations
- Gaelic nurseries – 1078 children
- Gaelic medium education in primary – 3467 pupils
- Gaelic medium education in secondary – 1423 pupils.

There are a number of opportunities for adult Gaelic classes across the Commission's area of operation. Further information can be found on [www.learnghaelic.net](http://www.learnghaelic.net).

The Crofting Commission is co-located with Bòrd na Gàidhlig at Great Glen House and there are a wide range of Gaelic organisations and community organisations with a Gaelic function located across the Commission's area of operation (not including Orkney and Shetland).

The Crofting Commission, by bringing stability to crofting communities, has benefited the Gaelic language and culture in the past, and wishes to support the Scottish Parliament's commitment to Gaelic as set out in Bòrd na Gàidhlig's National Plan for Gaelic, as well as supporting the commitment to the National Plan for Gaelic expressed in Scottish Government's Gaelic Language Plan.

## **Gaelic within the Crofting Commission**

Gaelic language has always been integral to the Commission; given the history of the organisation and the links with both crofters and members of staff to the language.

By working towards the Crofting Commission's vision, "that crofts and crofting communities continue to enhance the social, cultural, economic and environmental fabric of the crofting areas", as stated in the Corporate Plan, the following successful outcomes will be achieved in relation to supporting Gaelic:

- Increase in the value placed on traditional culture, skills and knowledge associated with crofting
- The status of indigenous languages and dialects raised within our organisation.

## **Internal Gaelic Capacity Audit**

The Crofting Commission conducted a holistic audit of existing internal Gaelic capacity as part of the preparation of this Gaelic Language Plan. The results of this audit were taken into consideration when developing commitments in the Plan and have assisted the Commission in ascertaining how to establish, maintain or improve practices in order to develop the use of the Gaelic language.

A Gaelic Language Survey was carried out in March 2015 on Commissioners and Commission staff to determine their understanding and ability to speak, read, write or understand Gaelic. Out of 71 individuals invited to participate in the survey, 29, or 41% responded. The survey found that out of those who responded:

- 21% of staff are fluent or have conversational Gaelic.
- 42% can speak and understand at least a few words in Gaelic.
- 35% could greet people in Gaelic.
- 11% can read Gaelic fluently.

11% of those surveyed have attended Gaelic language courses outside of the workplace and 38% had attended Gaelic training within the workplace. 45% of those surveyed said that they would like to practice speaking Gaelic more in the workplace and 31% said that they would like Gaelic speaking staff to initiate conversations in Gaelic.

A number of comments from staff highlighted the use of Gaelic within the Commission in everyday operations:

- This is my second week at the Crofting Commission, and I am impressed at the amount of Gaidhlig used daily in the office.
- As an officer dealing with regulatory work in the Western Isles, I frequently converse with crofters in Gaelic - if they initiate the conversation in Gaelic, having detected my island accent.



- I speak with our Gaelic speaking customers on a daily basis. I converse with other Gaelic speaking colleagues on a daily basis. I was asked to assist with one of the Gaelic tutor classes here in Great Glen House. I get asked to translate Gaelic on a regular basis by my colleagues (i.e. Gaelic names and addresses or Gaelic sentences).

There are a number of staff who are fluent Gaelic speakers and they all have day to day dealings with customers. Commissioner Iain M. Maciver is the Commission's designated Gaelic speaker and in addition, the Convener and Chief Executive have attended Conversational Gaelic classes with staff members. Where appropriate, Gaelic speaking staff and Board members communicate Commission policies and promote crofting issues by interview through the Gaelic media.

The Commission produce a number of bilingual publications such as the Annual Report and there is a Gaelic version of the Commission's website.

The full audit and Gaelic Language Survey results can be found in [Appendix 1](#).

A new survey was carried out in June 2018, the results of which can also be found at [Appendix 1](#).

# THE GAELIC LANGUAGE PLAN IN THE CORPORATE STRUCTURE

This plan is the policy of the Crofting Commission and has been endorsed both by our senior management team and Board members.

## Position with operational responsibility over the plan

The senior officer with operational responsibility for overseeing preparation, delivery and monitoring of the Crofting Commission's Gaelic Language Plan is:

Jane Thomas  
Head of Compliance

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## Position with day to day responsibility over the plan

The Head of Compliance acts as the Commission's Gaelic Language Officer, with day-to-day responsibility for the Plan.

## Group overseeing development, implementation and monitoring of the Plan

To assist the lead officer and to ensure that the Gaelic Language Plan is embedded within the corporate structure, a Monitoring Report is submitted to the organisation's senior management team on a quarterly basis. It is also reviewed annually by the Board of Commissioners.

## Individual staff members

The Crofting Commission will inform staff of their duties under the Gaelic Language Plan through regular internal communications, monthly conversations with line managers and team meetings. The Gaelic Language Plan is recognised as one of the key policy documents of the organisation and is included in the Induction Pack for Commissioners and Induction training for new members of staff.

## Services delivered by third parties and Arm's Length Organisations

The Crofting Commission will ensure that those who deliver services/goods on the Commission's behalf are aware of and will adhere to the commitment of our Gaelic Language Plan through stating the requirement in the tendering and contracting of services/goods.

# PLANNING AND POLICY IMPLICATIONS FOR GAELIC

## Mainstreaming Gaelic

The Crofting Commission recognises that the various priority areas identified in the National Gaelic Language Plan will be primarily implemented through our Gaelic Language Plan but that opportunities will arise to promote and develop the language through existing policy measures. The Commission will examine current policy commitments to identify areas where Gaelic can be proactively incorporated, and the priorities of the National Gaelic Language Plan initiated through additional methods. We see this development as corresponding to the normalisation principle which aims to include Gaelic as an everyday part of life in Scotland.

In the formation, renewal and monitoring of policies, the Commission will consider the commitments made in this Gaelic Language Plan and ensure that the impacts on Gaelic will be in line with the National Gaelic Language Plan.

## The National Gaelic Language Plan

The National Gaelic Language Plan focuses on three main aims, all of which have a vital contribution to make in increasing the numbers of people learning, speaking and using Gaelic in Scotland, and identifies key development outcomes within each:

Development Area	Key Outcomes
Using Gaelic	<p>An increase in the use of Gaelic will be promoted and supported. This will be done in collaboration with key partners and providers and through Bord na Gaidhlig initiatives and programmes. This includes speakers and learners increasing their use of the language. It involves using Gaelic in situations where Gaelic can be used. It involves using Gaelic in situations where it has not been used previously and the increased use of Gaelic in daily life.</p> <p>The increased use of Gaelic strengthens the community of speakers and contributes to its confidence. This expands opportunities for Gaelic and Gaelic users, thus increasing awareness and the profile of the language.</p>
Learning Gaelic	<p>An increase in the learning of Gaelic will be promoted and supported. This will be done in collaboration with key partners and providers and through Bord na Gaidhlig initiatives and programmes.</p> <p>This includes promoting, supporting and expanding Gaelic learning at all levels and in all sectors. The benefits from this are clear: as progress is made with this, it will increase the number of those who understand, speak, read and write Gaelic and their ability to use Gaelic with confidence.</p> <p>A positive image of Gaelic will be promoted. This will be done in collaboration with key partners and providers and through Bord na Gaidhlig initiatives and programmes.</p>

Development Area	Key Outcomes
Promoting Gaelic	Ensuring that a positive image of Gaelic is promoted and strengthened depends on a number of initiatives. It also includes ensuring that Gaelic is valued and that its important contribution to the social, cultural and economic life of the nation is recognised. The promotion of a positive image of Gaelic is critical to strengthening the appeal and status of Gaelic in Scotland and abroad. This depends on users and non-users alike.

## Commitment to the objectives of the National Gaelic Language Plan

The Crofting Commission is committed to ensuring that the National Plan is implemented, and in this section, we set out how we will achieve that aim.

### Home and early years

The Crofting Commission recognises that a sustainable future for Gaelic requires more people to learn the language and that attention requires to be focused on the home, education and adult learning as the key means of achieving this.

### Education

The Crofting Commission recognises that creating a sustainable future for Gaelic requires increasing the number of people able to speak the language. We recognise the importance of education, training and life-long learning to achieve this goal. We will take the following steps to help create a supportive environment for growing the number of Gaelic speakers in the Commission:

- Extending access to, and participation in, a range of Gaelic learning opportunities for staff and Commissioners and increasing basic language awareness.

### Community

The Crofting Commission recognises that the status of a language is affected by its presence in the daily environment and the extent to which it is used, valued and perceived to be valued by those institutions which play an important role in our daily lives.

The Commission also recognises that creating a sustainable future for Gaelic requires not only increasing the number of people able to speak the language but increasing actual usage. We recognise the importance of enabling more people to use Gaelic as their preferred and normal mode of communication in an increasingly wide range of daily activities. We will take the following steps to help create a supportive environment for increasing Gaelic usage in communities across the Highlands and Islands:

- Increasing the profile and use of Gaelic through the availability of a range of Gaelic medium services in areas where 20% or more of the population have Gaelic abilities
- Promote initiatives that encourage the use of Gaelic among all kinds of communities of speakers
- Promote initiatives that make use of the skills and abilities of Gaelic speakers in community activities.

## **The Workplace**

The Crofting Commission recognises that Gaelic is an important skill adding value to our workforce and that formal and open recognition of Gaelic skills will have a positive impact on the Gaelic labour market more widely. We will take the following steps to increase our Gaelic capacity and the use of Gaelic as a workplace language in Scotland:

- Creating a positive attitude to Gaelic in the workplace through awareness-raising and signage
- Increasing opportunities for staff to learn Gaelic and for speakers to develop their language skills
- Promoting recruitment of Gaelic speakers, where this is an essential skill, to ensure the language is increasingly visible and used in the workplace and in providing services to the public.

## **Media and Arts; Heritage & Tourism**

The Crofting Commission recognises the central role played by the media, arts, heritage and tourism industries in sustaining and growing engagement and increased use of Gaelic across Scotland. Also, we recognise the significant contribution that these areas make to the Scottish economy. We will take the following steps to help create a supportive environment for the growth of Gaelic media, arts, heritage and tourism in Scotland:

- Encouraging opportunities for the arts and media to showcase the Gaelic language
- Promoting the visibility and audibility of Gaelic as a unique part of Scotland's heritage
- Ensuring the unique crofting voice is promoted in Gaelic by using Gaelic media and creating new media content in Gaelic.

## **Corpus**

The Crofting Commission recognises the need to strengthen the relevance and consistency of Gaelic, the importance of facilitating translation services and to promote research into the language. We will take the following steps to strengthen Gaelic corpus in Scotland:

- Ensuring appropriate support for initiatives in the areas of translation and interpretation
- Dissemination of information relating to this development area.

## **Scottish Government National Priorities**

The Crofting Commission is working to strengthen the language across our communications and organisation which will contribute to the cultural wellbeing of the Highlands and Islands. The Crofting Commission is committed to achieving the Scottish Government's strategic objectives of creating a Scotland that is:

- Wealthier and fairer
- Smarter
- Healthier
- Safer and stronger

- Greener

For more information on Scotland's Strategic Objectives, visit:  
<http://www.scotland.gov.uk/About/Performance/scotPerforms/objectives>

Scotland's sixteen National Outcomes articulate how the Government aims to achieve its strategic objectives and describe what the Government strives to achieve in the future.

For more information on Scotland's National Outcomes, visit:

<http://www.scotland.gov.uk/About/Performance/scotPerforms/outcome>

# PLAN COMMITMENTS

## High Level Aims

The following high-level aims have been outlined as the key priorities for the Commission in support of the current National Gaelic language plan and National Outcomes:

<b>THROUGHOUT THE PLAN</b>	
Carry forward and include all commitments from the previous iteration of Crofting Commission's Gaelic Language Plan which are within the Crofting Commission's remit.	
<b>Proposed Outcome:</b>	All commitments met or exceeded unless they have been substituted for an alternative.
<b>Current Practice:</b>	The Commission's current plan contains 59 commitments, which are monitored and reported on each quarter.
<b>Action Required:</b>	The status of each current commitment is Green, but the detail of several items will be developed in the new iteration of the Plan.
<b>Target date:</b>	This will be detailed against the new outcomes highlighted on the 2020-2025 monitoring report.
<b>Responsible Officer:</b>	Jane Thomas, Head of Compliance.
<b>USING GAELIC</b>	
The Crofting Commission will create and build on opportunities for staff and customers to use Gaelic in everyday interactions with the Commission, building on the work detailed in the GLP monitoring report.	
<b>Proposed Outcome:</b>	There will be an increase in the number and quality of daily interactions using Gaelic, both amongst staff and with customers.
<b>Current Practice:</b>	Gaelic is used on a daily basis by a limited number of staff, who converse with other members of staff and with customers.
<b>Action Required:</b>	Systematic measurement needs to be developed, to assess the level of interaction, particularly with customers and various methods of encouraging greater use of Gaelic in conversation will be explored.
<b>Target date:</b>	Throughout lifetime of plan, with incremental improvement.
<b>Responsible Officer:</b>	Jane Thomas, Head of Compliance.

<b>LEARNING GAELIC</b>	
<p>The Crofting Commission will demonstrate its commitment to Gaelic language learning by offering every new member of staff opportunities to learn Gaelic, by including Gaelic as part of the induction process for new staff and by delivering Gaelic Awareness sessions across the organisation for each year of the plan.</p>	
<b>Proposed Outcome:</b>	All staff will see that the offer of opportunities to learn Gaelic and develop language skills is part of the Commission's standard offer and a core part of learning and development in the organisation.
<b>Current Practice:</b>	Gaelic Awareness sessions are offered to all staff and Commissioners, at least twice a year. The GLP is part of the Induction Process for new staff and basic language classes are provided.
<b>Action Required:</b>	The spread of language skills will be deepened, with a focus on extending learning outside the classroom and those with some language skills encouraged to champion the everyday use of Gaelic in the workplace.
<b>Target date:</b>	Throughout the lifetime of the plan.
<b>Responsible Officer:</b>	Jane Thomas, Head of Compliance.
<b>PROMOTING GAELIC</b>	
<p>The Crofting Commission will give equal weight to the presentation of information in Gaelic and English in all of its major publications and will continue to build a greater presence in Gaelic on social media platforms. Within its Equality &amp; Diversity Policy and Action Plan, it will explicitly link promotion of the aims of the GLP with staff diversity objectives and it will continue to promote career opportunities for Gaelic speakers by such means as the attendance at careers fairs by Gaelic-speaking members of staff.</p>	
<b>Proposed Outcome:</b>	It will be clearly visible to customers and staff alike that the organisation encourages, invests in and promotes Gaelic language and culture.
<b>Current Practice:</b>	Main publications are issued in Gaelic and English, with a bilingual website and Gaelic social media presence. The most heavily used forms partially bilingual. Staff are encouraged to use Gaelic within the performance appraisal system. Gaelic events, such as the Mod and careers fairs are supported.
<b>Action Required:</b>	Build greater social media presence and give greater emphasis to Gaelic in blogs and on website. Ensure Gaelic is factored into any digital developments, such as online application processes.
<b>Target date:</b>	Through the lifetime of the plan to 2025.
<b>Responsible Officer:</b>	Jane Thomas, Head of Compliance.



The Commission is committed to achieving the high level aims through the implementation of this Gaelic Language Plan.

## **Corporate Service Aims**

Creating the conditions for the use of Gaelic in public life is identified by Bòrd na Gàidhlig, as a key factor in normalising the use of Gaelic. There are five overarching principles:

- Equal Respect
- Active Offer
- Third Parties
- Normalisation
- Corporate Parenting

The Bòrd has identified five core areas of service delivery that it wishes the Crofting Commission to address when preparing its Gaelic Language Plan:

- Status
- Communicating with the public
- Information
- Staff
- Corpus

The core commitments play an important role in raising the profile and visibility of Gaelic. The Commission intends to enable and encourage the use of Gaelic through the above core areas, to raise the profile of Gaelic in its business functions and in the delivery of its regulatory services.

The Crofting Commission operates in the Highlands and Islands of Scotland. The Northern Isles are associated with Norn languages rather than Gaelic, whereas in Skye and the Western Isles there are many Gaelic speakers as well as strong cultural associations with the Gaelic language. In other crofting areas, Gaelic was in use in the past but has fallen into partial disuse. The Crofting Commission has adopted a minimum level of provision applying to all of our areas of operation and provided an enhanced level of provision in areas where the number of Gaelic speakers is greater.

The Crofting Commission is committed to furthering the usage of Gaelic, and this section sets out the level of Gaelic provision which it intends to provide in the 5-year lifetime of the plan. This Gaelic Language Plan represents a starting point, and the Crofting Commission hopes to exceed targets and increase Gaelic provision gradually over the lifetime of the plan.

The following pages detail the actions the Commission will be taking, in relation to the corporate service commitments, over the next five years to deliver this Plan effectively.

## Status

The presence of Gaelic in the corporate identity and signage of a public authority greatly enhances the visibility of the language, increases its status and makes an important statement about how Gaelic is valued and how it is given recognition. Developing the use of Gaelic through signage can also enrich speakers' vocabulary, raise public awareness of the language and contribute to its development.

The Crofting Commission recognises the importance of extending the visibility of Gaelic and enhancing its status.

<b>DEVELOPMENT FUNCTION</b>	<b>CORPORATE LOGO</b>
Proposed Outcome	Visible and audible normalisation of Gaelic as a core element of the Crofting Commission's identity.
Current Practice	The Commission logo is fully bilingual; stationary, including letterheads, compliment slips and business cards are fully bilingual; job titles, divisional and team names, email signatures, automated email messages bilingual, major publications such as Annual report fully bilingual.
Actions required	All staff to be encouraged to carry a Gaelic Voicemail message on their desk telephone and all actions above continued.
Target Date	2021 and ongoing
Responsible Officer	Head of Compliance
<b>DEVELOPMENT FUNCTION</b>	<b>SIGNAGE</b>
Proposed outcome	Visible and audible normalisation of Gaelic as a core element of the Crofting Commission's identity and signage.
Current Practice	External signs on office buildings and in parking areas are fully bilingual; all internal signage is bilingual, signs and information for the public in the reception area is fully bilingual where possible.
Actions required	Maintain current level of bilingual signage and ensure any new signage is fully bilingual.
Target date	Ongoing
Responsible Officer	Great Glen House User Group

## Staff

In order to deliver services through the medium of Gaelic, it is necessary to develop the requisite job skills and language skills of staff. The provision of language learning for staff helps promote adult Gaelic learning and promotes Gaelic as a useful skill in the workplace. The identification of jobs in which Gaelic is a designated skill will contribute greatly to the status of the language and to identifying it as a positive skill to acquire.

The use of Gaelic in advertising also helps recognise that Gaelic should be used in public life and that Gaelic users have an important role to play within a public authority.

Whatever the level of Gaelic skills required it is important that authorities ensure that Gaelic is a genuine occupational requirement. Authorities should adopt and apply objective criteria to ensure appointments are made in each case on a fair and consistent basis, and reflect the identified skills needs of the post.

The Crofting Commission recognises the importance of seeing Gaelic as an important job skill and of identifying situations in which its use is essential or desirable. The Commission also recognises the importance of enabling staff to develop their Gaelic skills if they wish to do so.

<b>DEVELOPMENT FUNCTION</b>	<b>ADVERTISING OF POSTS AND RECRUITMENT OF GAELIC SPEAKERS</b>
Proposed Outcome	The Crofting Commission recruits to ensure posts are open to Gaelic speakers and ensures posts requiring a Gaelic speaker are identified.
Current Practice	Recruitment policy recognises Gaelic as an essential skill in specific posts and at least one Commissioner must be a Gaelic speaker.
Actions Required	Ensure that the Commission Workforce Plan recognises that Gaelic is an essential skill for the telephone receptionist post(s) and includes provision for this in Succession Planning. Encourage Gaelic speakers to apply for Commission vacancies by advertising vacancies in Gaelic.
Target Date	2020/21
Responsible Officer	Head of Compliance

<b>DEVELOPMENT FUNCTION</b>	<b>Gaelic Language Learning</b>
Proposed Outcome	Crofting Commission staff supported to learn Gaelic and given opportunities to use Gaelic skills at work.
Current Practice	Staff newsletters feature information about learning opportunities; staff are encouraged to use Personal Learning Plans and the Mandatory Diversity objective in the Performance Appraisal system to take advantage of opportunities to learn Gaelic; Gaelic lessons are available to staff and Commissioners at beginner and intermediary level and although hosted by the Commission, classes have been made available to staff from Scottish Government as well.
Actions Required	Staff learning Gaelic encouraged to hold weekly revision sessions and informal Gaelic coffee breaks to embed skills. Evaluate current learning at the end of the course in October 2020, with a view to continued provision, subject to resources.
Target Date	2020/21 and ongoing
Responsible Officer	Head of Compliance
<b>DEVELOPMENT FUNCTION</b>	<b>Gaelic Awareness Training &amp; Encouraging the Use of Gaelic in the Workplace</b>
Proposed Outcome	Crofting Commission staff supported to learn about Gaelic and given opportunities to use skills in the workplace.
Current Practice	Weekly Gaelic classes arranged for 2018-2020 period; Gaelic Language Plan circulated to all staff and Commissioners; commitment to Gaelic is part of new staff Induction process; 2 x Gaelic Awareness sessions organised for all staff each year; staff have opportunity to access interactive online tools, using Gaelic media.
Actions Required	Promote Awareness sessions particularly to all new starts; promote local learning opportunities as well as those offered in-house; encourage beginner learners to progress to intermediate classes.
Target Date	Ongoing
Responsible Officer	Head of Compliance

## Communicating with the public

The use of Gaelic at the initial point of contact that members of the public have with a public authority increases the visible and audible presence of the language and contributes to the sense that the use of Gaelic is possible and welcome. In addition to raising the profile of the language, it also creates opportunities for its practical use and encourages members of the public to use Gaelic in subsequent dealings with the public authority.

The use of Gaelic in interactions with the authority by mail, e-mail and by telephone is important in creating practical opportunities for the use of the language, and in contributing to the sense that its use is possible and welcome. The presence of Gaelic in a wide range of bilingual forms and Gaelic only forms can also greatly enhance the visibility and prestige of the language. The preparation of Gaelic forms, applications and similar documents, can also assist in expanding the range of Gaelic terminology and the awareness of the Gaelic-speaking public of such terminology, thus helping the development of the language itself.

The Crofting Commission recognises the importance of creating opportunities for the practical use of Gaelic in a wide range of everyday situations and is committed to increasing its level of provision in this area.

DEVELOPMENT FUNCTION	TELEPHONE SERVICE
Proposed Outcome	The Crofting Commission welcomes telephone communication in Gaelic
Current Practice	Reception staff answer the phone in Gaelic. Callers who wish to continue to communicate in Gaelic about their case are directed to a Gaelic-speaking officer whenever possible, or the call is returned by a Gaelic speaker within 24 hours; staff on switchboard fluent in Gaelic; bilingual message on main reception Voicemail and on that of several other officers' phones.
Actions Required	Incoming calls answered with a basic Gaelic phrase: Madainn mhath or Feasgar math. Succession Planning required for main receptionist role, as this is an essential Gaelic speaker role. All Voicemail messages to include Gaelic. Where it is known that individuals or organisations prefer communications in Gaelic, this is facilitated. Efforts will be made to broaden the current list.
Target Date	2021/22
Responsible Officer	Head of Compliance

<b>DEVELOPMENT FUNCTION</b>	<b>FRONTLINE SERVICES TO THE PUBLIC</b>
Proposed Outcome	Crofting Commission staff welcome and assist Gaelic speakers
Current Practice	Two members of staff are fluent Gaelic speakers, each with a customer-facing role; selected staff are able to assist people who prefer to communicate in Gaelic.
Actions Required	Succession Planning to ensure the level and quality of the current service does not decline in the future.
Target Date	2012/22
Responsible Officer	CEO
<b>DEVELOPMENT FUNCTION</b>	<b>WRITTEN CORRESPONDENCE</b>
Proposed Outcome	The Crofting Commission welcomes, and responds to written communication in Gaelic
Current Practice	Commitment to supportive attitude towards Gaelic throughout the organisation, led by Board of Commissioners and senior managers; mail and email received in Gaelic will be responded to in Gaelic; organisation contact details fully bilingual.
Actions Required	Maintain current levels of service and ensure essential skills are not lost.
Target Date	2021/22
Responsible Officer	CEO and Head of Compliance
<b>DEVELOPMENT FUNCTION</b>	<b>FORMS</b>
Proposed Outcome	Crofting Commission application forms and Guidance Notes carry bilingual information
Current Practice	The organisation welcomes the completion of application forms in Gaelic and will create bespoke versions of forms on request; the Commission ensures Gaelic is used and visible on its most commonly used forms; Feedback and Complaints forms are available in Gaelic.
Actions Required	Carry out a review of additional forms and guidance, to increase the visibility of Gaelic. Consider the impact of online forms on Gaelic.
Target Date	2020/21/22/23
Responsible Officer	Communications Manager

<b>DEVELOPMENT FUNCTION</b>	<b>PUBLIC MEETINGS</b>
Proposed Outcome	Members of the public participate in Crofting Commission meetings in the language of their choice.
Current Practice	Gaelic speaking Commissioner available for meetings; meetings can be conducted in Gaelic where 40% of participants request it; Hearings can be conducted in Gaelic when requested, those who attend a Hearing are informed that they can request the proceedings are held in Gaelic; Commissioners open public meetings, including Board meetings, with a Gaelic welcome and interviews with the media are carried out in Gaelic; advertisements for meetings in Gaelic speaking areas are bilingual.
Actions Required	Review online information on holding meetings in Gaelic and wording for advertisements for public meetings in Gaelic speaking areas.
Target Date	2021
Responsible Officer	Head of Compliance

## Information

The use of Gaelic in the media and a range of printed material can assist Gaelic development in a variety of ways. It helps increase the visibility of the language, it enhances Gaelic's status by being used in high profile publications, and it can help develop new and enhance existing terminology. The use of Gaelic in the media helps demonstrate a public authority's commitment to making important information available through the medium of Gaelic, as well as enhancing the visibility and status of the language. As more people access information about public authorities through their websites, making provision for the use of Gaelic can significantly enhance the status and visibility of the language.

The Crofting Commission is committed to increasing the use of Gaelic in these areas where the subject matter is of most interest to the general public or relates specifically to Gaelic issues.

<b>DEVELOPMENT FUNCTION</b>	<b>MEDIA &amp; PUBLIC RELATIONS</b>
Proposed Outcome	Visible and audible normalisation of Gaelic as a core element in the Crofting Commission's public relations.
Current Practice	Press releases relating to matters in the Western Isles, Argyll and Highland are bilingual; a Gaelic spokesperson is available for interviews in Gaelic wherever possible; Gaelic videos have been produced.
Actions Required	Develop use of social media in Gaelic, increasing number of interactions; publicising Gaelic videos; create Gaelic blogs.
Target Date	Ongoing
Responsible Officer	Communications Manager
<b>DEVELOPMENT FUNCTION</b>	<b>PRINTED MATERIALS</b>
Proposed Outcome	Crofting Commission literature and papers published in Gaelic.
Current Practice	Corporate publications are produced bilingually; Gaelic translation of approved Board Minutes published on our website.
Actions Required	Review current service level and consider any new publications.
Target Date	Ongoing
Responsible Officer	Communications Manager



<b>DEVELOPMENT FUNCTION</b>	<b>WEBSITE AND SOCIAL MEDIA</b>
Proposed Outcome	Increased visibility of Gaelic on the English and Gaelic versions of the Crofting Commission website.
Current Practice	Content on the Commission's website is provided in Gaelic and English, with a full Gaelic medium interface for the Gaelic version; Gaelic web address used in conjunction with the English web address; content of the Gaelic version of the website is checked regularly for updating; number of Gaelic page hits is monitored for website and social media platforms; user behaviour tracked to help identify most popular pages for updating and translating.
Actions Required	Maintain and improve current service level, with increased use of Gaelic on social media platforms and increased use of analytics to drive improvements.
Target Date	Ongoing
Responsible Officer	Communications Manager
<b>DEVELOPMENT FUNCTION</b>	<b>EVENTS AND EXHIBITIONS</b>
Proposed Outcome	Visible and audible normalisation of Gaelic as a core element of the Crofting Commission's functions.
Current Practice	Display materials are bilingual; attendance at Gaelic careers Fair each year, by Gaelic speaking member of staff; support for Gaelic events such as the Mod.
Actions Required	Build on presence at careers fair with more staff attending, including Gaelic learners.
Target Date	2020 onwards
Responsible Officer	Head of Compliance

## Corpus

The development of Gaelic in this sector is vital to the future of Gaelic in Scotland. Attention to this will allow Gaelic to develop new terminology and registers leading to greater relevance and consistency. For those reasons steps will be taken to ensure the continued development of the Gaelic language.

The Crofting Commission recognises the importance of developing the Gaelic language to ensure that it is fit for all appropriate purposes and for use in the growing range of contexts in which it features.

<b>DEVELOPMENT FUNCTION</b>	<b>Gaelic Orthographic Conventions</b>
Proposed Outcome	The Crofting Commission adheres to Gaelic Orthographic conventions.
Current Practice	The Commission current translation provision is in line with the latest orthographic conventions.
Actions Required	The Commission will tender a new contract for translation services within the lifetime of the Plan.
Target Date	2023
Responsible Officer	Head of Compliance
<b>DEVELOPMENT FUNCTION</b>	<b>Observation of Correct Place Names</b>
Proposed Outcome	The Crofting Commission will make sure that correct place names are being used across the organisation.
Current Practice	Correct place names are used across the organisation, for maps, correspondence, publications, in line with recommendations from Ainmean-aite na h-Alba.
Actions Required	Maintain level of service and act swiftly to correct inaccurate data and spelling.
Target Date	Ongoing
Responsible Officer	Head of Digital & Improvement

<b>DEVELOPMENT FUNCTION</b>	<b>TRANSLATING AND INTERPRETING SERVICES</b>
Proposed Outcome	Maintain a high level of translation services.
Current Practice	Translation services provided with a swift turnaround time, by translator with good knowledge of the Crofting Commission's business area and customer base.
Actions Required	Translation services to be put out to tender for new contract.
Target Date	2023
Responsible Officer	Head of Compliance

# IMPLEMENTATION AND MONITORING

## Timetable

The Gaelic Language Plan will formally remain in force for a period of five years from the date it was approved by Bòrd na Gaidhlig. By no later than the end of this period we will review the plan, make such amendments as necessary and submit it to the Bòrd for approval.

## Publicising the Plan

### External

The Crofting Commission's Gaelic Language Plan will be published bilingually on our website. In addition, we will:

- Issue a bilingual press release announcing the approval and publication of the plan
- Make copies of the Plan available in our office, for the public
- Arrange for media interviews to be offered in Gaelic and English
- Inform stakeholders about the new plan and how to access it
- Raise awareness of the plan through social media
- Distribute copies of the Plan to Gaelic organisations
- Make copies available in a variety of formats, on request.

### Internal

For staff and Commissioners, we will:

- Issue a notice in the staff newsletter, letting staff know how to access the Plan
- Make the Plan part of the Induction Pack for Commissioners and part of the Induction process for new staff
- The Plan will be saved on the internal intranet, with full access
- Hold an all-staff meeting, to raise awareness of the Plan and its commitments
- Forward a copy of the Plan to our Sponsor Division.

## Resourcing the Plan

The majority of activities outlined in this plan will be, or have already been, incorporated and normalised through the Crofting Commission's budgets agreed with its sponsor, Scottish Government. External funding may be sought for individual projects such as the creation of Gaelic videos and additional Gaelic resources for the staff learning.

## Monitoring the Implementation of the Plan

The Crofting Commission will monitor the implementation of the Plan through quarterly reporting to the Commission's Senior Management Team. The Board will also receive a detailed annual report on progress, which will then be submitted to Bòrd na Gaidhlig.

The Commission's Gaelic Officer will complete the Gaelic Language Plan Monitoring Report. This will be updated on a quarterly basis, to track activities against commitments. A blank Monitoring Report form is included at [Appendix 5](#) for information.

### INTERNAL GAELIC CAPACITY AUDIT

#### GAELIC LANGUAGE STAFF SURVEY RESULTS

In 2015 a survey was carried out with Commissioners and Commission staff to determine their understanding and ability to speak, read, write or understand Gaelic. Out of 71 individuals invited to participate in the survey 29, or 41%, responded.

#### SUMMARY OF RESULTS OF THOSE SURVEYED

- 6 or 21% of staff are fluent or have conversational Gaelic.
- 12 or 42% can speak and understand at least a few words in Gaelic.
- 10 or 35% could greet people in Gaelic.
- 3 or 11% can read Gaelic fluently.

Responses to each question asked are as follows:

Q1. What is your Gaelic speaking ability?

- 17 or 59% cannot speak Gaelic
- 2 or 7% have conversational Gaelic
- 4 or 14% are fluent Gaelic speakers
- 1 or 3% can understand and can speak a few sentences
- 5 or 17% can understand and speak a few words

Q2. What is your ability to greet people in Gaelic?

- 4 or 14% can greet people in Gaelic and fully converse with them
- 1 or 3% can greet people in Gaelic and converse with them on everyday topics
- 5 or 17% can greet people in Gaelic but could not hold a full conversation
- 19 or 66% would not feel confident speaking to someone in Gaelic

Q3. What is your ability in relation to Gaelic and crofting?

- 3 or 11% could converse with someone on crofting issues
- 3 or 11% could converse with someone on everyday/non-technical crofting issues
- 1 or 3% could read and understand a document on crofting issues
- 22 or 75% would not be confident in conversing on crofting issues.

Q4. What is your ability to read Gaelic?

- 3 or 11% able to read Gaelic fluently
- 4 or 14% able to read a little Gaelic
- 22 or 75% unable to read Gaelic

- Q5 Have you ever attended, or are currently attending Gaelic training outside the workplace?
- 3 or 11% - YES
- Q6 What level of training did/are you undertaking outside the workplace?
- 2 respondents confirmed they had basic training in Gaelic.
  - 1 respondent confirmed they had intermediate training in Gaelic.
- Q7 Have you ever attended Gaelic training which was paid for the Commission?
- 11 or 38% - YES
  - 18 or 62% - NO
- Q8 Have level of training did you do?
- 10 respondents confirmed they had basic training in Gaelic.
  - 1 respondent confirmed they had intermediate Gaelic training
- Q9 Would you be interested in further training to develop your Gaelic skills
- 12 or 42% - YES
  - 17 or 58% - NO
- Q10 Would you like to be able to practice speaking Gaelic more within the office?
- 13 or 45% - YES
  - 16 or 55% - NO
- Q11 Would you like fluent Gaelic speaking staff to initiate conversations with you in Gaelic?
- 9 or 31% - YES
  - 20 or 69% - NO
- Q12 Any other comments as to the use of Gaelic within the Commission?
- 6 people commented on the use of Gaelic with the Commission:
- This is my second week at the Crofting Commission, and I am impressed at the amount of Gaidhlig used daily in the office.
  - I carried out some training a long time ago but having not practised any Gaelic for a long time do not feel I have retained the knowledge.
  - I carried out basic training over a year ago but as I could not practice speaking Gaelic, I did not retain the knowledge – an hour a week is not long enough.
  - I feel that within the Commission there has been a decline in Gaelic speaking over the last 5yrs.
  - As an officer dealing with regulatory work in the Western Isles, I frequently converse with crofters in Gaelic - if they initiate the conversation in Gaelic, having detected my island accent.
  - Gle mhath gabh beachd

- I speak with our Gaelic speaking customers on a daily basis. I converse with other Gaelic speaking colleagues on a daily basis. I was asked to assist with one of the Gaelic tutor classes here in Great Glen House. I get asked to translate Gaelic on a regular basis by my colleagues (i.e. Gaelic names and addresses or Gaelic sentences).

## **GAELIC LANGUAGE STAFF SURVEY 2018 RESULTS**

In 2018 a survey was carried out with Commissioners and Commission staff to determine their understanding and ability to speak, read, write or understand Gaelic.

Out of all individuals invited to participate in the survey 62% responded.

Responses to each question asked can be found on pages 29-35.

### OUTCOMES OF CONSULTATION

The Crofting Commission's Gaelic Language Plan 2020-2025 was open for consultation for 6 weeks on the Commission's website and promoted on its social media platforms. Staff were also encouraged to comment on the draft Plan and Commissioners were consulted on the Plan, in preparation for the final version to be submitted to Bord na Gaidhlig.

The Commission received no responses to the consultation.



COPY OF EXISTING GAELIC POLICY



**CROFTING COMMISSION  
COIMISEAN NA CROITEARACHD**

# **GAELIC LANGUAGE PLAN**

## **2015-2020**

This plan has been prepared under Section 3 of the Gaelic Language (Scotland) Act 2005  
Approved by Bòrd na Gàidhlig 17 September 2015



CURRENT MONITORING REPORT

CROFTING COMMISSION



**GAELIC LANGUAGE PLAN 2015-2020  
MONITORING – UPDATED OCTOBER 2019**

BASE-LINE INFORMATION	
Approval date of Gaelic Language Plan	17 September 2015
Senior officer with overall responsibility for the Plan	Jane Thomas, Head of Compliance
Officer with day-to-day responsibility of the Plan	As above
Date of submission of monitoring report	17 September 2019

STATUS KEY	
On track – minimal or no issues that can impact on quality or delivery of output to schedule.	
Delay in delivery timeline and/or quantity/quality of output within parameters of the Plan.	
Significant delay in output delivery/ output delivery will not be achieved within plan’s timeline.	

CORE COMMITMENTS VISIBILITY		
Corporate Logo		
Commitments	Progress And Response	Status
1. The Commission’s logo is fully bilingual	Achieved	
2. The Commission’s corporate stationary including letterheads, compliment slips and business cards is fully bilingual	Achieved	
3. Job titles, divisional and team names, email signatures, automated email disclaimers and voicemail messages to be published bilingually across all channels	Achieve - Names, Job titles and Team names translated, and staff actively encouraged to use them in their email signature.  Bilingual voicemail messages included in Basic Skills training initially for 12 staff and rolled out as voluntary option.	
4. Continue to publish Corporate publications e.g. Annual report bilingually	Achieved	

<b>Signage</b>		
<b>Commitments/delivery dates</b>	<b>Progress</b>	<b>Status</b>
5. External signs on office buildings and in parking areas are fully bilingual	Achieved	
6. All internal signage is fully bilingual	Achieved	
7. Signs and information for the public in the building's reception area is fully bilingual where possible	Achieved	
<b>STAFFING</b>		
<b>Advertising of Posts and Recruitment of Gaelic Speakers</b>		
<b>Commitments/delivery dates</b>	<b>Progress</b>	<b>Status</b>
8. Appointment policy recognises Gaelic as a desirable job skill.	Achieved but, since 2018-19 SG HR policy has changed. The Commission is no longer allowed to use Desirable Criteria in recruitment process.	
9. Recruitment for posts in reception identifies Gaelic as a desirable skill.	Achieved and we would go further if recruiting to the post in the future, making it an Essential skill to have a Gaelic speaker as the main receptionist.	
10. At least one person on the Crofting Commission's Board must speak Gaelic.	Achieved in 2012 elections and in 2017 Commissioner elections. Iain MacIver is Gaelic Spokesperson. New Commissioners very supportive of need to promote and encourage use of Gaelic in workplace. Convener has learnt Gaelic welcomes and each meeting features a welcome in Gaelic. Board received presentation from BnG on 'Gaelic in the workplace' at their Board meeting in Dec 2017 and Convener has attended Basic Skills classes.	
11. Gaelic is specified as a desirable skill when recruiting for all posts.	Achieved – but see 8 above.	
12. Career opportunities for Gaelic users highlighted when posts are advertised.	Achieved – see 8 and 9.	
13. Where a certain level of Gaelic language skills is part of the job description, the post is advertised bilingually.	Ongoing Gaelic language skills were included as desirable criteria for all jobs, but we are no longer able to use this. Recognised in MM Objectives so she can be appraised on her Gaelic Language skills. Several staff encouraged to highlight Gaelic language skills in Objectives.	
<b>Gaelic Language Learning</b>		
14. Staff newsletters to feature information about Gaelic learning opportunities.	After previously utilising SNH classes, the Commission developed its own programme in 2017-18 and brought in trainer to deliver 3 x Gaelic Awareness workshops delivered in that year, followed by further sessions in 2018-19, with more planned for 2019-2020.	
15. Staff encouraged to develop their Gaelic language skills as part of their training plans	Awareness of GLP included in staff objectives, Basic Skills training arranged for 2017 -2018 in addition to Awareness courses. 3 x blocks of Basic Language Training delivered Sept-Dec 2017, followed by 4 x Craic sessions delivered Feb/March 2018. Informal taught classes developed from this and delivered throughout 2018-19 into 2019-2020, with plans to continue to end of year. Awareness sessions booked for August and Oct 2019.	

<b>Gaelic Awareness Training &amp; Encouraging the Use of Gaelic in the Workplace and Internal Communication</b>		
<b>Commitments/delivery dates</b>	<b>Progress</b>	<b>Status</b>
16. Gaelic language plan circulated to staff and raise awareness of Commission's commitment to Gaelic.	Promoted in staff newsletter with link to BnG annual review of GLP. Part of Induction Process. Show and Tell presentation on GLP delivered to all staff in June 2017 and Powerpoint presentation developed for future use in variety of venues. Monitoring report circulated to staff in June 2019, to encourage feedback and new ideas.	
17. Gaelic awareness training available to staff	Promoted Gaelic awareness classes organised by SNH to all staff (2016) Delivered 3 x sessions in March 2017 to CC staff. Attended by 50% staff. Excellent feedback. Since then awareness sessions have been delivered annually and informal classes arranged, attended by almost 20% of staff at one time or another. For 2019-20, 2 x awareness sessions delivered. On 10 October 2019, formal language classes began, to run for 1 year, for 14 students, including 2 Commissioners – comprising a Beginners Class and Intermediate class.	
18. Raise awareness of interactive Gaelic toolkit available to staff	Promoted regularly in staff newsletters, server issues being investigated regarding current access to Toolkit. Company ceased trading in 2018 so in 2019 all staff were given access to learn Gaelic website. Students learning Gaelic have also been given access to additional materials on their desktops.	
19. Actively promote training opportunities to staff.	Ongoing. Promoted Gaelic classes and Basic Skills training. Good take up. NB GLP essential part of staff Induction Process for all staff.	
<b>DAY TO DAY OPERATIONS</b>		
<b>Telephone</b>		
<b>Commitments/delivery dates</b>	<b>Progress</b>	<b>Status</b>
20. Reception staff answer the phone in Gaelic where possible. Callers who wish to continue to communicate in Gaelic are directed to a Gaelic speaker if possible, or the call is returned by a Gaelic speaker within 24 hours	Ongoing, lead receptionist answers phone in Gaelic and receives callers in Gaelic as necessary. Succession planning required but it has been agreed that having a Gaelic speaker in the Frontline to answer calls is an essential requirement for the organisation.	
21. Staff on switchboard trained in essential Gaelic.	SNH cover GGH switchboard. CC reception covered by Gaelic speaker majority of time.	
22. Bilingual message on reception voicemail.	Achieved	
23. Where it is known that individuals or organisations prefer communications in Gaelic, initiate contact made in Gaelic.	List was compiled of individuals and/or organisations that prefer communications in Gaelic and used for reference when initiating contact but since MM took over main telephonist duties, she is able to default to Gaelic as necessary with callers.	
<b>Frontline services to the public</b>		
24. One member of staff is fluent in Gaelic	Receptionist in Customer Services is fluent in Gaelic plus one Case Officer.	
25. Selected staff are able to deal with members of the public preferring to communicate in Gaelic.	Achieved – receptionist and staff in regulatory team available to speak to members of the public in Gaelic. Board member available to converse in Gaelic at public meetings.	
<b>Written Correspondence</b>		
26. Commitment given to promote supportive attitude to Gaelic throughout the organisation	Ongoing and feedback welcomed.	
27. Mail and emails received in Gaelic receive a response in Gaelic.	Ongoing. Customer services team to monitor and organise responses.	
28. Crofting Commission contact details are bilingual.	Achieved	

<b>Forms</b>		
<b>Commitments/delivery dates</b>	<b>Progress</b>	<b>Status</b>
29. The Crofting Commission supplies application forms in Gaelic on request	Publicised on website - <a href="http://www.crofting.scotland.gov.uk/forms-and-guidance">http://www.crofting.scotland.gov.uk/forms-and-guidance</a>	
30. The Crofting Commission increases the use and visibility of Gaelic in its most commonly used forms.	2016-18 Visibility increased on all key Factsheets – 18 done and on website too. Continuing until all are covered.	
31. The Crofting Commission publishes application forms in Gaelic	As above	
32. Publish guidance notes in Gaelic	As above	
33. Feedback and complaint forms and guidance notes are available in Gaelic	Available on request	
34. Carry out a review of additional forms and guidance which could be provided bilingually.	Grazings Census available in Gaelic Crofting Census available in Gaelic	
<b>Public meetings</b>		
35. A Gaelic speaking Commissioner and/or member of staff present at public meetings in the Western Isles, Highland and Argyll areas	Public meetings (Crofting Roadshows, Board Meetings, Future of Crofting Conf) greeted in Gaelic, except when in the Northern Isles. Gaelic speaking Commissioner available at selected Roadshows. Gaelic greeting given at all public Board meetings.	
<b>Public meetings</b>		
<b>Commitments/delivery dates</b>	<b>Progress</b>	<b>Status</b>
36. Hearings conducted in Gaelic when requested.	Ongoing - when requested. Those who request a hearing are advised that they can request a hearing in Gaelic. Also, on website and Hearing Factsheet.	
37. Meetings conducted in Gaelic where it is the language choice of 40% or more of those attending as identified by the Commissioner.	Gaelic speaking Commissioner available. Adverts in Gaelic-speaking areas include option of requesting meeting is held in Gaelic if request made by 40% before meeting takes place.	
38. Advertise to the public that they can request that the Commission holds meetings in Gaelic.	Ongoing – Ensure public meetings advert (where relevant) includes a line informing crofters that they can request the meeting to be in Gaelic. Commissioners open public meetings (except in Northern Isles) with a Gaelic welcome and speak in Gaelic on a one to one basis. See above – especially promoted for Hearings.	
<b>COMMUNICATIONS</b>		
<b>Media and Public Relations</b>		
<b>Commitments/delivery dates</b>	<b>Progress</b>	<b>Status</b>
39. Press releases relating to matters in the Western Isles, Argyll and Highland to be produced bilingually	2017-18 2016/17 Commission has a regular Gaelic column in the quarterly magazine 'Farming Scotland', continuing with Commissioner MacIver in 2018/19.	
40. A Gaelic spokesperson is provided for Gaelic interviews where possible.	Commissioner for the Western Isles available for Gaelic interviews.	
41. Develop use of multimedia and produce bilingual videos.	2016-17 Commission film 'Who we are and what we do' includes section in Gaelic. Gaelic videos produced in 2018-19 and 2019-20, with good feedback.	

<b>Printed Materials</b>		
<b>Commitments/delivery dates</b>	<b>Progress</b>	<b>Status</b>
42. Corporate publications are produced bilingually.	Ongoing - Annual Report, Assessor's Newsletter, Adverts,	
43. New suite of marketing materials to be produced bilingually	2016-17 – Bid for GLAIF funding unsuccessful. No new suite of materials planned but regular materials are bilingual. As no new suite of materials is planned BnG accept status can change to GREEN if we commit to a translation of any updated marketing material for customers. This has been overtaken by increased use of social media, which Gaelic features in.	
44. Gaelic translation of approved Board minutes published on our website.	Achieved	
45. Increase the visibility of Gaelic across all marketing materials.	Annual Report fully bilingual.	
46. Non-statutory adverts to be bilingual	Ongoing	
<b>Website and Social Media</b>		
47. Content on the Commission's website is provided in Gaelic and English with a full Gaelic medium interface for the Gaelic version.	New website now fully translated.	
48. Gaelic web address used in conjunction with the English web address.	Done	
49. Content of the Gaelic version of the website is checked regularly for updating.	Ongoing and good relationship with translator.	
50. Monitor the number of Gaelic page hits and track user behaviour to identify most popular pages for updating and translating.	Google Analytics set up and tracking Gaelic domain, more use being made of social media and in-house translators used whenever possible. Increased Gaelic tweets and re-tweets. Results for 2018 – 3 Gaelic tweets resulted in reach of 1751, with 48 interactions; 2 Facebook posts resulted in 1436 reach, with 74 interactions. This was an increase on 2017.	
51. Increase the amount of Gaelic content on social media.	Increasing Gaelic tweets and Facebook posts in Gaelic re: approval of the GLP and Annual Report. Also promote/repost BnG tweets of interest to our audience, and Gaelic day. Use of social media to promote language classes.	
52. Produce bilingual newsletter for the Assessors Network.	Quarterly newsletter produced and issued in both English and Gaelic. From 2019-2020 Newsletter no longer produced by Assessors encouraged to check social media.	
53. Develop and circulate quarterly bilingual newsletter to crofters.	By May 2018 this had been superseded by the regular posting of social media in Gaelic.	
<b>Events and Exhibitions</b>		
54. Display materials to be bilingual	Achieved Pop Up banner bilingual and supporting material. Supported Mod by taking out advert in programme in Gaelic.	
55. Build upon presence at Gaelic medium events such as the Gaelic Careers Fair.	2016-19 Christina attended the Gaelic Careers Fair at Eden Court on behalf of the CC in April 2016 highlighting the careers opportunities in the CC and we have had the same presence each year since then. Next year (2020) we will increase the Commission presence at the fair, with Intermediate students from language classes attending.	
56. Strong presence of Gaelic at Assessors Seminar, including in presentations, agenda and delegate pack.	This was the case at the last Annual seminar. As budgets are now tightly restricted, no further large-scale seminar is planned. Should this Commitment be replaced?	



<b>CORPUS</b>		
<b>Gaelic Orthographic Conventions</b>		
<b>Commitments/delivery dates</b>	<b>Progress</b>	<b>Status</b>
57. The Commission will ensure that translating services contracted are in line with the latest orthographic conventions.	Achieved Included in Design Tender and design agency signed up.	
<b>Observation to correct place names</b>		
58. Correct place names are to be used across all aspects of the organisation such as maps, correspondence and publications in line recommendations from Ainmean-àite na h-Alba.	Achieved. GIS use mapping layers from Ordnance Survey, who have in place Gaelic Names Policy ( <a href="https://www.ordnancesurvey.co.uk/about/governance/policies/gaelic-names.html">https://www.ordnancesurvey.co.uk/about/governance/policies/gaelic-names.html</a> ) adopting the Gaelic orthographic conventions agreed by the Scottish Qualifications Authority and is a partner in Ainmean-Àite na h-Alba.	
<b>Translating and Interpreting Service Standards</b>		
59. Review translation and interpreting services and confirm they are in line with industry standards.	2016 Achieved. Included in new Design Tender and new translation agency to be used for the translation of the Annual Report.	
<b>IMPLEMENTING AND MONITORING</b>		
<b>Publicising the plan</b>		
<b>Commitments/delivery dates</b>	<b>Progress</b>	<b>Status</b>
Plan published bilingually on website	Achieved – October 2015	
Issue a bilingual press release announcing the approval and publication of the plan	This was not achieved in 2016 as the Commission was focusing PR activity on campaign specific releases. Gaelic press release was issued following the Annual Review by BnG in 2017. In addition, there was a press release following successful Annual Review of GLP by Board in August, and we have also produced a PR in Gaelic to use on social media when new Policy Plan was approved in Oct 2017. BnG content Status changed to GREEN.	
Arrange for media interviews to be offered in Gaelic and English	Good relationship with BBC Alba and frequent Gaelic interviews are organised with the Commission's Gaelic spokesperson Commissioner Maciver.	
Tell staff and stakeholders about the new plan and how to access it through newsletters and the intranet	GLP promoted internally through the weekly staff newsletter, and it is available on the intranet. Show and Tell June 2017. Staff will be engaged in draft of new GLP	
Raise awareness of the plan through social media	GLP promoted on both Twitter and Facebook in English and Gaelic. Tweets had a reach of 1039 with 16 interactions in June 2017. Facebook posts had a reach of 172 people and 2 interactions. In 2018, Tweets had a reach of 1751 with 2 interactions and Facebook posts had a reach of 1436 people and 74 interactions.	
<b>Monitoring the Implementation of the Plan internally</b>		
The Crofting Commission will monitor the implementation of the plan through regular reporting to the Commission's Senior Management Team and a quarterly discussion at the Commission Board meetings. The Board will also receive a detailed annual report on progress, which will then be submitted to Bòrd na Gaidhlig.	Monitoring report developed and discussed at Senior Management team. Annual review sent to Commissioners with Board paper and submitted to BnG in Sept each year.	

### **LESSONS LEARNED/ADDITIONAL INFORMATION:**

COPY OF BLANK MONITORING REPORT

CROFTING COMMISSION



**GAELIC LANGUAGE PLAN 2020-2025  
MONITORING REPORT**

BASE-LINE INFORMATION	
Approval date of Gaelic Language Plan	
Senior officer with overall responsibility for the Plan	<b>Jane Thomas, Head of Compliance</b>
Officer with day-to-day responsibility of the Plan	<b>As above</b>
Date of submission of monitoring report	

STATUS KEY	
On track – minimal or no issues that can impact on quality or delivery of output to schedule.	
Delay in delivery timeline and/or quantity/quality of output within parameters of the Plan.	
Significant delay in output delivery/ output delivery will not be achieved within plan’s timeline.	

HIGH LEVEL AIMS			
ITEM	COMMITMENTS	PROGRESS	STATUS

CORPORATE SERVICES COMMITMENTS			
ITEM	COMMITMENTS	PROGRESS	STATUS

VISIBILITY			
ITEM	COMMITMENTS	PROGRESS	STATUS



STAFFING			
ITEM	COMMITMENTS	PROGRESS	STATUS
DAY-TO-DAY OPERATIONS			
ITEM	COMMITMENTS	PROGRESS	STATUS
COMMUNICATIONS			
ITEM	COMMITMENTS	PROGRESS	STATUS
CORPUS			
ITEM	COMMITMENTS	PROGRESS	STATUS

**LESSONS LEARNED / ADDITIONAL INFORMATION:**

# CROFTING COMMISSION MEETING

14 May 2020

Report by the Chief Executive

## Proposed Policy and Delegated Decision Making for Coronavirus Period

### SUMMARY

This paper is to formalise the position agreed by Commissioners to enable the appointment of grazings committees while public health regulations prevent the holding of public meetings.

### BACKGROUND

At the weekly update meeting of Commissioners via Skype on 26 March 2020, agreement was given to a policy paper (**Annex A**) for the appointment of grazings committees while public health restrictions prevented the calling of meetings to make appointments within crofting communities.

### CURRENT POSITION

The decision to enable retiring grazings committees to return for another term in office requires the formal approval of the Commission.

### RECOMMENDATION

It is recommended that the agreed recommendation, which has been enacted and publicly intimated, should receive formal consent.

Date 14 April 2020

Author John Toal, Head of Policy

## **CROFTING COMMISSION POLICY PAPER**

### **Proposed Policy and Delegated Decision Making for Coronavirus Period**

#### **Purpose: Appointment of Grazings Committees**

#### **REQUIREMENT**

The public health requirement to observe social isolation and social distancing to stem the spread of the Coronavirus makes the normal process for the appointment of grazings committees difficult and potentially hazardous to follow. Under **section 47(1)** of the Crofters (Scotland) Act 1993, a grazings committee is appointed by shareholders at a public meeting for which prior public notification has been given. Obviously, such gatherings should not now be taking place and the Commission cannot encourage the appointment of grazings committees on this basis.

#### **CONSEQUENCES**

The consequences are that 45 grazings committee will go out of office between today (20/03/20) and the end of June, and by the end of August the number will reach 70. Generally, the common grazings with committees in office are the more active crofting communities, and not having a committee could disrupt a range of activities and business needs within these communities.

The adverse consequence for the Commission is that much of the work over the past year in re-engaging with grazings committees and encouraging shareholders of grazings that no longer have committees to appoint a new one will be nullified. Depending upon how long restrictions are in place for, a build-up of work in appointing grazings committees could develop and the current proactive position will revert to being reactive.

The Commission advised those that had advertised meetings for the later in March to reconsider the holding any meetings. Committees that have been advised that their term of office will cease in April and that a meeting should be held to appoint a new committee, have been advised not to proceed with this. Already, some of those imminently retiring committees have asked about possible alternatives as there is a need for business continuity.

## PROPOSAL

The Commission has powers under **section 47 (3)**<sup>1</sup> of the Act to appoint a grazings committee where the crofters have failed to do so. In the current circumstances it is considered appropriate to utilise this part of the Act for the benefit of those that will technically have failed to appoint a new grazings committee. Therefore, it is suggested that the Commission utilises this power to appoint by offering the retiring committee the opportunity to return to office for another term. This will only be permitted while the Government health warnings on relevant restrictions remain in place and will only occur where committee members wish to return to office.

### RECOMMENDATION

**It is recommended that the Commission provides retiring grazings committees with the opportunity to be appointed for a further term of office under section 47(3) of the Crofters (Scotland) Act 1993. It is further recommended that the process of appointment be delegated to the Tier 1 level of common grazings decision making, with any escalation as may be considered necessary. This appointment process will expire whenever public health requirements permit.**

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<sup>1</sup> If the crofters who share in a common grazing fail at any time to appoint a grazings committee, the Commission may, after making such inquiry, if any, as they may deem necessary, appoint a grazings committee, or may appoint a person to be grazings constable; and a committee or constable so appointed shall have the like powers and duties as a grazings committee appointed under subsection (1) above **Sec 47(3)**

# CROFTING COMMISSION MEETING

14 May 2020

Report by the Chief Executive

## Business Continuity Planning: Operational Resilience Update

### Crofting Commission: Business Continuity during the Covid-19 Pandemic

#### Introduction

1. In its initial response to the Covid-19 pandemic, the Crofting Commission management followed the lead given by the Scottish Government, which meant our response was gradual, and a little slower than some other organisations such as our landlords Scottish Natural Heritage. Until the week beginning 16 March, we continued working largely as normal, as the SG was emphasising that Government buildings were remaining open. However, in the following week things developed quickly:
  - Throughout that week, the IS team accelerated plans to facilitate home working for the majority of staff
  - On Wednesday 18 March, the CEO took the decision that anyone who considered themselves at heightened risk, because of existing medical conditions, should not be in the office – even if there was no meaningful work they could do at home. (The SG guidance confirming that people in this position would not lose pay followed about a week later.) The same day SNH took the decision to close Great Glen House to the public, and encouraged tenant organisations such as ourselves to work from home as much as possible.
  - On Thursday 19 March, the Board met in Great Glen House, with most Commissioners and the solicitor joining the meeting remotely. The Board emphasised that the safety of staff was paramount and encouraged the CEO to allow everyone to work from home so long as this was not out of line with the SG's position. That evening the CEO spoke to senior managers at SG to seek their consent to a unilateral CC decision to ask all staff to work from home apart from a core team of volunteers.
  - On Friday 20 March, we asked all staff to take equipment home in order to work from home as from Monday. We asked for volunteers to continue services which could only be done in the office such as printing and postage, and half a dozen volunteered, and plans were put in place for their roles.
  - Following the FM's and PM's announcements of lockdown on Monday 23 March, SNH took the decision to ask us to send all staff home. This meant that our plans for a core team in the office could not be continued. From Tuesday 24 March onwards, staff have only been in GGH on an exceptional basis with permission from SNH.

## Business Continuity Plan Activated

2. We activated the Business Continuity Plan (Amber Pack) on Friday 20 March and constituted a "Crisis Management Team" comprising all members of SMT plus the operations manager Gerry McGarry. From 23 March, this team met by skype daily for the first two weeks and thrice weekly after that. We adapted the standard agenda from the BCP and have used a regular agenda covering staff, Board issues, Operational Effectiveness/IT, Finance, Communications and any other business, and have kept both an ongoing action log and a log of lessons learned.
3. Early actions included ensuring that all staff were in touch with their line managers, ensuring they promptly received SG guidance about terms and conditions relating to the new situation, and ensuring that communications arrangements were in place. The latter included advertising the Commissioners' mobile numbers to take calls from crofters, and notices on our website, automatic email replies and voicemail message, to ensure everyone could easily get in touch and could find out the conditions in which we were working. The Commission's telephonist returned to work in late April 20 and she has re-joined the customer services team.
4. The Finance Team created a continuity plan for financial services and agreed the key points with SNH and Scottish Government.
5. We also made arrangements to meet weekly with Registers of Scotland and arranged meetings with other key stakeholders including SCF, NFUS, Sponsor Team and SNH.

## Ongoing Issues

6. However, after the first few days, the pace of urgency declined somewhat, as it became clear that the lockdown was to continue for several weeks and that the new normal required sustained efforts to find solutions to the business continuity issues that the organisation faced. The critical issues hampering business continuity have been the following:
  - a. Staff availability. Like everyone else, staff face the direct threat to their health from the virus. In addition and more immediately, many staff have had to take on significant family responsibilities as a result of the pandemic and lockdown. This includes those who have young children at home and those who have older or vulnerable relatives to care for or worry about. There is little that can be done to overcome this issue, but we have asked colleagues to inform us of the personal constraints these present, and are adjusting the allocation of work accordingly.
  - b. Temporary loss of CEO to work on the covid-19 response. As of this week, the CEO has been loaned to Scottish Government for a period of around 4 weeks, with the exact return date to be agreed in due course. It is possible that other staff, including other senior staff, might similarly be borrowed by Scottish Government over the course of the emergency, though it is expected this would be by agreement with the Commission and the staff member(s) concerned. Similarly, it is possible that the Commission's system architect, who is an army reservist, may be called up for a period of several months.
  - c. Incoming mail. A solution has been found, with all mail being routed to the Convener's personal office where he kindly scans the mail and loads it into a common folder where it is accessed and sorted by staff.
  - d. Outgoing mail. This is proving a harder nut to crack. A proportion of our outgoing mail has to be issued by post, either as a legal requirement or because

we do not have email addresses for the applicants. SMT has taken the decision that it would be neither practical nor right to ask all staff to print and post mail from home, so a central arrangement needs to be arranged. Tenders for commercial companies to do this proved expensive (circa £150-£200 per day based on traditional volumes), but plans are in place for Scottish Government to print and post mail on our behalf for a couple of weeks, followed by an agreement with SNH that a CC officer will be able to use GGH regularly. The Convener has also kindly offered to print and post from his home office if this is needed.

- e. Staff's home broadband. Some staff have good broadband, others much weaker. We have collected information from staff about their individual situations and are preparing a scheme to explore potentially funding enhanced broadband for those for whom this could assist the business, for as long as they are using it for this purpose.

Before this solution is implemented, the Commission IS team will liaise directly with those identified as having particular difficulties to try and establish the best course of action for both the Commission and individual staff members.

- f. Other IT connectivity issues. The solution implemented by the Commission to allow remote access to CIS was to repurpose an old server to allow remote connections. This was an intermediary step based on work which was prior to the Covid pandemic to allow remote access for business continuity purposes through new hardware ordered for this purpose but which had not yet been delivered. Such a shift would normally undergo an extensive planning and testing exercise which the Commission had planned but did not have time to implement before Covid measures were introduced, meaning many aspects have had to be developed in a live environment. Current issues being investigated include:

- i. The use of a VPN is a necessity for security which may be having connectivity issues with different Internet Service Providers and causing connection issues
- ii. General performance of the solution is resulting in a working environment for most staff which affords low productivity. The IS team are still looking for solutions to improve this, including the implementation of new server hardware which has been delivered to the Commission

- g. Current IT position. The provision of the remote access to CIS is available to all staff within the Commission, with five known exceptions that do not have access to Commission hardware, or incorrectly configured Hardware. The restrictions on access to GGH and/or the personal circumstances of the individual members of staff make resolutions difficult, with each case being looked at one at a time.

The Commission currently have restricted access to the GGH server room, with extra precautions in place to prevent risk to staff from the Commission, SNH or any other tenant of the building. As the server room contains a disaster recovery server for the NHS, no external contractors who have not previously undergone a security check and induction through SNH are allowed entry, which precludes the Commission's appointed IT support company, SfG. Currently the Commission's Systems Architect will make efforts to install the new server hardware when access can be safely agreed, and is expected before the end of April.

- h. Newspaper advertising. With several local newspapers ceasing printed publication during the lockdown, we are considering how to adapt the Commission's own, and applicants' advertising which is normally required by law to be in a newspaper

circulating in the district of the croft in question.

- i. Current operational effectiveness. Staff have now been using remote access for a little over a month and there has been limited progression in terms of the number of cases advancing, with approximately 30 cases being moved forward. Staff are reporting issues that fall mainly into three categories:
  - i. Staff Availability – sickness, caring responsibilities and being unable to consistently access the systems due to technical difficulties.
  - ii. System Performance – slowness in the performance of the system and individual's network connections, inability to email from the CIS application, inability to open PDF documents and directing them to Tier 2, Tier 3 and RPID, system freezing and the CIS application closing, inability to redact information.
  - iii. Case Progression – until 20 April, having to stop mid process because of the unavailability of key information from incoming mail (objections, for Bs and Gs and notification slips etc), until 23 April, inability to issue hard copy outgoing mail (including decision letters by recorded delivery), inability to prepare and issue directions and orders, unavailability of applicant's and involved parties email addresses, RoS providing a very limited service for registering crofts, inability to send back received invalid/incomplete applications and cheques.

The issues highlighted above have been raised by staff over the past weeks and it is acknowledged that IS team, Head of Operations and Workforce, the Regulatory Team Manager, Head of Regulatory Support Team and the Commission's Solicitor are working on solutions to mitigate where possible. However, it should be noted that the issues raised are causing considerable issues for staff and therefore the progress of casework is being significantly hampered. These issues have caused a backlog and may potentially cause reputational issues.

The tables in **Annex A** detail current performance stats.

### **Future Return to Great Glen House (GGH)**

7. Once the Government lockdown around Covid-19 eases off, the Commission will need to return to GGH with careful planning to take account of numerous factors that will impact this:
  - i. SNH. The level of closure within GGH means that many preparations will need to be completed on their part before any tenants will be reallowed normal access, covering aspects such as cleaning, water safety, power restoration etc.
  - ii. Government legislation will play an important part in any return to working, with current indicators suggesting that initially the 2m distancing rule will still need to be applied, and additional prolonged home working may be desired
  - iii. The Commission allowed the borrowing of a number of IT items to facilitate home working, including many monitors and peripherals. Sorting such items, along with the implementation of any distancing regulations, will require an element of time.
  - iv. The possibility of a phased return for different teams will need to be planned and explored, with those who would most benefit from a return to GGH being identified.
8. Following the return to GGH the Commission will also need to undergo an extensive lessons-learnt exercise to evaluate the period of disruption with a view to identifying and implementing reasonable adjustments that can be introduced to minimise future



disruptions. It is anticipated that post SNH approval for tenants to begin returning to GGH a period of downtime of up to a week, followed by continuing reduced functionality dependant on legislation at the time, should be expected.

### **Conclusion**

9. The Covid-19 pandemic and associated lockdown have presented considerable problems for maintaining business continuity at anywhere near normal pace. Efforts will continue to ameliorate this as far as possible, but it is inevitable that services will be significantly reduced for as long as lockdown continues.
10. Post lockdown Government legislation will determine how quickly organisations can return to business as usual, however the Commission should prepare for a continuing reduction in productivity post which cannot currently be estimated, potentially with a significant period of continued full or partial home working.

Bill Barron  
CEO 23 April 2020

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## Annex A – current performance and stats by key area

### Regulation

Below shows the number of regulatory cases received and outstanding for the periods of January 20, February 20, March 20 and April 20 (up to 21 April). It also shows the number of cases where decision letters are to be issued week commencing 20 April 2020.

	Jan 20	Feb 20	Mar 20	Apr 1-20 <sup>th</sup>	w/c 20 Apr 2020
Applications and notifications received for main functions <b>(WORK IN) *</b>	123	137	83	3	
Applications decisions and notifications for main functions <b>(WORK CLEARED) *</b>	139	125	84	44	
Outstanding applications for main functions, which have not reached decision stage <b>(WORK OUTSTANDING) *</b>	583	588	583	553	
Regulatory applications and notifications received since 18 <sup>th</sup> March but not yet progressed					58
Ros Form As and Bs received but not yet progressed					48
Number of Decision cases with letters issued					19

**\* THE ABOVE FIGURES COME FROM A NEW SPONSOR REPORT WHICH IS CURRENTLY STILL IN PRODUCTION. WORK IN AND OUT FIGURES MAY NOT ADD UP PERFECTLY TO REFLECT OUTSTANDING FIGURES.**

### Grazings Team – Current Operations and Difficulties

#### Grazings Committees

Date	Regulated	Unregulated	Total
25/02/2020	467	12	479
23/04/2020	464	12	464

The Grazings team finished the final 2019/2020 quarter with 485 Grazings Committees in office. An increase of 60. However, the current health situation means that “end of term” Grazings Committees currently cannot meet to elect a new Grazings Committee as per section 47(1).

The Grazings team are now concentrating on all Grazings Committees who have been caught up in the public health situation and are now out of office. We are contacting the relevant Clerk or Chair to offer all Committee members a further 3-year term of office by appointment under section 47(3).

This focus will allow us to maintain the gains made in 2019/2020 and provide the Grazings Committees and shareholders some stability to ensure the continued management of the Common Grazings.

#### **Long Term Out of Office Committees:**

This work will require to be put on hold until social distancing requirements are relaxed, and shareholders can meet once again to elect a new committee. There may be some opportunities where there are a small number of shareholders involved and there is nothing potentially contentious.

## **New Regulations:**

Whilst Committees cannot meet to discuss and agree new regulations the Grazings team can complete three cases which were near to completion and where all the documentation had been completed.

We can also start to do the groundwork on new templates for Grazing Committees to consider once social distancing measures are relaxed.

However, it is unlikely any further new Regulations will be completed within the current restrictions.

## **Customer Engagement: Queries /Enquiries:**

<b>Date</b>	<b>General</b>	<b>Detail</b>	<b>Significant</b>	<b>Total</b>
January 2020	33	6	9	48
February 2020	34	2	5	41
23 <sup>rd</sup> March – 18 <sup>th</sup> April* (Emailed queries only)	17	1	5	23

\* The above does not include the mail which we have only obtained access to this week. There were 17 items for the Grazings team, and these will now be dealt with accordingly. E-mailed General/Detailed Enquires – all responded to and closed off.

Significant Enquires – Ongoing

The Grazings Team can continue to respond to such Queries/Enquiries should the present situation continue.

## **47(8) Enquiries**

None currently submitted.

## **52(1) Averments**

One Case open – The case is currently on hold as the next step requires a SGRPID report/inspection.

## **Shareholder Investigations**

Four cases currently in progress. – Difficult to progress these cases as access required to historic files/green books/shareholder lists.

## **Notification of Improvements –**

None currently submitted and unlikely to receive any such notifications until Grazing Committees can start to meet again and organise such future works.

## **Enlargement of Common Grazings Creation of Common Grazings Appointment of a Grazing Constable**

No applications or requests currently submitted and unlikely in the current situation.

## **Common Grazing – Forestry**

One Case – Application received just before lockdown and being processed accordingly. Not contentious and will allow forestry to proceed.

## **Common Grazings Resumption Work**

Existing Cases can continue to be processed in the normal manner although it is likely that any new cases will cease for the time being.

### *Difficulties Being Encountered*

Homeworking with associated difficulties such as other family/social commitments, lack of a good working environment within the home and poor connectivity.

## **RALUT**

The majority of work within RALUT is a continuous dialogue with crofters attempting to resolve their breach of duty/duties, making comparison difficult.

### **Ongoing work**

<b>Work area</b>	<b>Number</b>
26C(5) Notices to crofters complete	3
26C(5) Notices to crofters expected to progress within the next two weeks	2
Breach on tenancy – in progress	1
Crofts where the Commission are letting the tenancies	2

### **Cleared work during Jan and Feb 2020**

<b>Work area</b>	<b>Number</b>
Suspected BOD cases resolved	3
Cases where a crofter sublet the tenancy of their croft resolved	5
Cases where a crofter took up residence of their croft	1

## **Compliance**

Seven complaints were received in Q4 2019/20, with none received so far in Q1 2020/2021.

## **'ROUND THE TABLE' – ORAL UPDATE**

**AFC – ORAL UPDATE FROM MALCOLM**

## **AUDIT & FINANCE COMMITTEE MEETING 30 April 2020**

### **AFC Self Assessment Results**

#### **SUMMARY**

**The Approved Committee Workplan for 2019/20 includes a paper scheduled for the April 2020 Committee Meeting relating to an annual AFC self-assessment review that will then be forwarded to the Board as part of the Commission's focus upon good governance practices.**

#### **BACKGROUND**

All audit committees in organisations to which the Scottish Public Finance Manual (SPFM) is directly applicable are subject to the guidance in the Scottish Government's Audit Committee Handbook.

This Handbook sets out good practice for Audit Committees to follow. This good practice is captured in a self-assessment checklist which when completed allows an organisation to identify areas in its own practice that need to be addressed. Any significant governance failings would be considered for inclusion in the annual governance statement.

#### **CURRENT POSITION**

The Scottish Government issued a revised Audit and Assurance Committee Handbook in April 2018 to replace the previous Handbook published in July 2008. The Self-assessment checklist for 2019-20 was therefore reproduced from the revised 2018 Handbook and issued to Committee Members to complete independently of each other and return to the Finance Manager for collation.

Overall, there is a general consensus regards positive responses to the majority of the questions and any divergence of opinion is viewed as minor and will be clarified at the April Committee meeting.

#### **ACTION REQUIRED**

**Committee Members are requested to consider the collated results with specific reference to the 8 responses where responses differed, the majority of which appear to be due to how the question was interpreted, as opposed to a potential governance weakness. Provided the Committee is content, any updates will be captured, and the summary response will be forwarded to the Board for information purposes.**

Date 2 April 2020

Author Neil Macdonald, Finance Manager, Crofting Commission

# Crofting Commission Audit & Finance Committee Self-assessment checklist

3 Responses    09:00 Average time to complete    Active Status

1. Does the committee have written terms of reference?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



2. Do the terms of reference cover the core functions as identified in the SG Audit and Assurance Committee Handbook?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0





3. Are the terms of reference approved by the Audit and Assurance Committee and reviewed periodically?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



4. Has the committee been provided with sufficient membership, authority and resources to perform its role effectively and independently?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



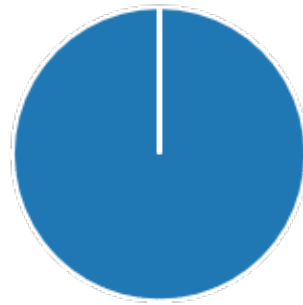
5. Does the body's governance statement mention the committee's establishment and its broad purpose?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



6. Does the committee periodically assess its own effectiveness?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



7. Any additional comments regards the Role & Remit of the Audit & Finance Committee?

0  
Responses

Latest Responses

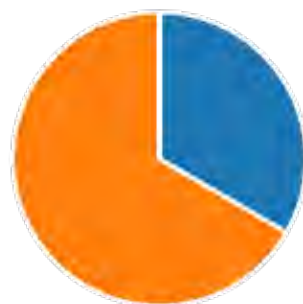
8. Has the membership of the committee been formally agreed by Board and or Accountable Officer and a quorum set?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



9. Are AFC members appointed for a fixed term?

● Yes	1
● No	2
● Don't Know	0
● Not Applicable	0



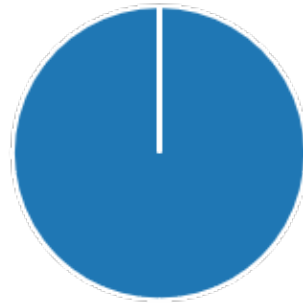
10. Does at least one of the committee members have a financial background?

Yes	3
No	0
Don't Know	0
Not Applicable	0



11. Are all members, including the Chair, independent of the Executive function?

Yes	3
No	0
Don't Know	0
Not Applicable	0



12. Are new committee members provided with an appropriate induction?

Yes	3
No	0
Don't Know	0
Not Applicable	0



13. Has each member formally declared his or her business interests?

Yes	3
No	0
Don't Know	0
Not Applicable	0



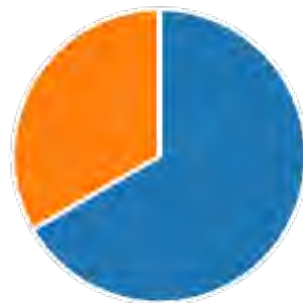
14. Are members sufficiently independent of the other key committees of the Board?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



15. Has the committee considered the arrangements for assessing the attendance and performance of each member?

● Yes	2
● No	1
● Don't Know	0
● Not Applicable	0



16. Any additional comments regards the membership, induction and training of the Audit & Finance Committee?

0  
Responses

Latest Responses

17. Does the committee meet regularly, at least four times a year?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



18. Do the terms of reference set out the frequency and broad timing of meetings?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



19. Does the committee calendar meet the body's business and governance needs, as well as the requirements of the financial reporting calendar?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



20. Are members attending meetings on a regular basis and if not, is appropriate action taken?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



21. Does the Accountable Officer attend all meetings and, if not, is he/she provided with a record of discussions?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



22. Does the committee have the benefit of attendance of appropriate officials at its meetings, including representatives from internal audit, external audit and finance?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



23. Any additional comments regards the meetings of the Audit & Finance Committee?

0  
Responses

Latest Responses

24. Does the committee consider the findings of annual reviews by internal audit and others, on the effectiveness of the arrangements for risk management, control and governance?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



25. Does the committee consider the findings of reviews on the effectiveness of the system of internal control?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



26. Does the committee have responsibility for review of the draft governance statement and does it consider it separately from the accounts?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



27. Does the committee consider how accurate and meaningful the governance statement is?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



28. Does the committee satisfy itself that the arrangements for risk management, control and governance have operated effectively throughout the reporting period?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



29. Has the committee considered how it should coordinate with other committees that may have responsibility for risk management and corporate governance?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



30. Has the committee satisfied itself that the body has adopted appropriate arrangements to counter and deal with fraud?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0





31. Has the committee been made aware of the role of risk management in the preparation of the internal audit plan?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



32. Does the committee's terms of reference include oversight of the risk management process?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



33. Does the committee consider assurances provided by senior staff?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



34. Does the committee receive and consider stewardship reports from senior staff in key business areas such as Finance, HR and Information Technology (IT)?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



35. Any additional comments regards internal control?

0  
Responses

Latest Responses

36. Is the committee's role in the consideration of the annual accounts clearly defined?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



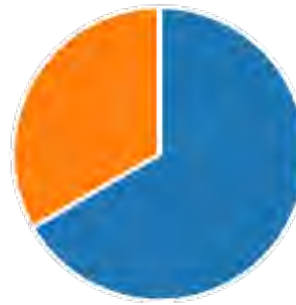
37. Does the committee consider, as appropriate, the suitability of accounting policies and treatments?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



38. Does the committee consider, as appropriate, major judgements made?

● Yes	2
● No	1
● Don't Know	0
● Not Applicable	0



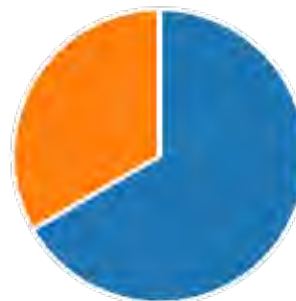
39. Does the committee consider, as appropriate, large write-offs?

● Yes	0
● No	0
● Don't Know	0
● Not Applicable	3



40. Does the committee consider, as appropriate, changes in accounting treatment?

● Yes	2
● No	1
● Don't Know	0
● Not Applicable	0



41. Does the committee consider, as appropriate, the reasonableness of accounting estimates?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



42. Does the committee consider, as appropriate, the narrative aspects of reporting?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



43. Is a committee meeting scheduled to receive the external auditor's report to those charged with governance including a discussion of proposed adjustments to the accounts and other issues arising from the audit?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



44. Does the committee review management's letter of representation?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



45. Does the committee gain an understanding of management's procedures for preparing the body's annual accounts?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



46. Does the committee have a mechanism to keep it aware of topical legal and regulatory issues?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



47. Any additional comments regards financial reporting and regulatory matters?

0  
Responses

Latest Responses

48. Does an Internal Audit representative attend meetings of the committee?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



49. Does the committee consider, annually and in detail, the internal audit plan including consideration of whether the scope of internal audit work addresses the body's significant risks?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



50. Does internal audit have a direct reporting line, if required, to the committee?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



51. As well as an annual report from the Head of Internal Audit, does the committee receive progress reports from internal audit?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



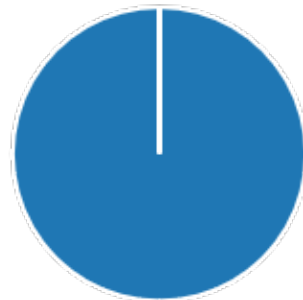
52. Are outputs from follow-up audits by internal audit monitored by the committee and does the committee consider the adequacy of implementation of recommendations?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



53. If considered necessary, is the committee chair able to hold private discussions with the Head of Internal Audit?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



54. Is there appropriate co-operation between the internal and external auditors?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



55. Does the committee review the adequacy of internal audit staffing and other resources?

Yes	3
No	0
Don't Know	0
Not Applicable	0



56. Are internal audit performance measures monitored by the committee?

Yes	3
No	0
Don't Know	0
Not Applicable	0



57. Has the committee considered the information it wishes to receive from internal audit?

Yes	3
No	0
Don't Know	0
Not Applicable	0



58. Has the committee considered formal terms of reference defining internal audit's objectives, responsibilities, authority and reporting lines?

Yes	3
No	0
Don't Know	0
Not Applicable	0





59. Any additional comments regards Internal Audit?

0  
Responses

Latest Responses

60. Does the external audit representative attend meetings of the committee?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



61. Do the external auditors present and discuss their audit plans and strategy with the committee (recognising the statutory duties of external audit)?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



62. Does the committee chair hold periodic private discussions with the external auditor?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



63. Does the committee review the external auditor's annual report to those charged with governance?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



64. Does the committee ensure that officials are monitoring action taken to implement external audit recommendations?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



65. Are reports on the work of external audit presented to the Audit and Assurance Committee?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



66. Does the committee assess the performance of external audit?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



67. Does the committee consider the external audit fee?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



68. Any additional comments regards External Audit?

0  
Responses

Latest Responses

69. Does the committee have a designated secretariat?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



70. Are agenda papers circulated in advance of meetings to allow adequate preparation by committee members and attendees?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



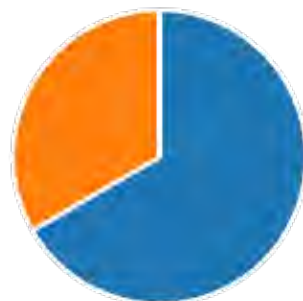
71. Do reports to the committee communicate relevant information at the right frequency, time, and in a format that is effective?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



72. Does the committee issue guidelines and/or a pro forma concerning the format and content of the papers to be presented?

● Yes	2
● No	1
● Don't Know	0
● Not Applicable	0



73. Are minutes prepared and circulated promptly to the appropriate people, including all members of the Board?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



74. Is a report on matters arising presented at the committee's next meeting?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



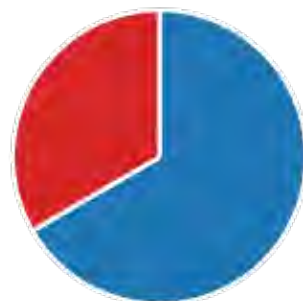
75. Do action points indicate who is to perform what and by when?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



76. Does the committee provide an effective annual report on its own activities?

● Yes	2
● No	0
● Don't Know	0
● Not Applicable	1



77. Any additional comments regards administration?

1  
Responses

Latest Responses

*"Regular reports are presented to the Board"*

78. Does the committee effectively contribute to the overall control environment of the organisation?

● Yes	3
● No	0
● Don't Know	0
● Not Applicable	0



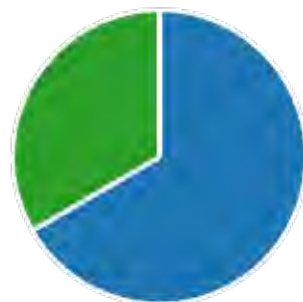
79. Are there any areas where the committee could improve upon its current level of effectiveness?

● Yes	1
● No	1
● Don't Know	1
● Not Applicable	0



80. Does the committee seek feedback on its performance from the Board and Accountable Officer?

● Yes	2
● No	0
● Don't Know	1
● Not Applicable	0



81. Any additional comments?

0  
Responses

Latest Responses

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## **AUDIT & FINANCE COMMITTEE MEETING 30 April 2020**

### **Review Results of Board Self-Assessment Evaluation Questionnaire**

#### **SUMMARY**

**At the August 2017 Meeting the Committee confirmed that the Commission should develop a Board self-assessment evaluation questionnaire to contribute to the continuous improvement of the Commission's decision-making, effectiveness and performance. The questionnaire was originally issued in March 2018 and has been subsequently issued again in Q4 2018/19 and Q4 2019/20 in an unchanged format.**

#### **BACKGROUND**

On Board – A Guide for Board Members of Public Bodies in Scotland highlights that it is useful for the Board to undertake an annual self-assessment questionnaire, in the form of a checklist that is completed independently by each Board Member.

Responses have been collated to ascertain if there are any areas of governance that required additional focus or clarification. In addition, the analysis is a useful benchmark to assess progress against future self-assessments.

#### **CURRENT POSITION**

The survey responses have been collated for each question and converted into pie charts for ease of reference in the subsequent report, which is supported by an initial analysis of key points to aid discussion.

#### **RECOMMENDATION**

**The Committee is asked to review the self-assessment evaluation questionnaire responses and provide recommendations which should be adopted, prior to presenting the results of this exercise to the Board.**

Date            2 April 2020

Author         Bill Barron, Chief Executive Officer, Crofting Commission



## Initial Analysis

### 1. Commissioner Responses

2017/18	8 out of 9 Commissioners responded
2018/19	9 out of 9 Commissioners responded
2019/20	9 out of 9 Commissioners responded

### 2. Summary Analysis of Responses

	Partly/Strongly Agree	Partly Disagree/Strongly Disagree	Don't Know
2017/18	90%	5%	5%
2018/19	87%	4%	9%
2019/20	91%	5%	4%*

\*Approximately two thirds of the 'don't knows' originate from one Commissioner.

### 3. Overall decrease in 'Don't Know' responses. 2019/20 'Don't Know' relates to following questions:

Question	Narrative	Don't Know Responses
12: Performance Management	The Board takes collective responsibility for the performance of the organisation.	1
15: Relationship with Stakeholders	The Sponsor Department and Scottish Parliament consider the Crofting Commission is performing well, has a strong Board and a good reputation.	2
16: Relationship with Stakeholders	The Board receives full reports whenever the Convener or CEO meets with Ministers, and other key stakeholders.	1
18: Propriety & Fraud	The Board is aware of, and annually approves the Scheme of Delegation.	1
23: Project Management	The Board is provided with timely and robust post-evaluation reviews of all major projects and programmes.	2
26: Risk Management	The Board has a sound process for identifying and regularly reviewing its principal risks and makes the necessary amendments in the light of changes in the internal and external environment. This process involves all parts of the business.	1
28: Risk Management	The Board takes full account of risk in its decisions, for example, in relation to legal costs related to the judicial review of Crofting Commission actions.	1

Question	Narrative	Don't Know Responses
32: Risk Management	No substantial, unexpected problems emerged which the Board should have been aware of earlier.	1
40: Board Room	The Convener leads meetings well with a clear focus on the big issues facing the Crofting Commission and allows full and open discussion before major decisions are taken. <b>Rod abstained from this response.</b>	1
41: Board Room	The relationship between the Convener and CEO is effective, balanced and appropriate.	1
42: Board Room	Induction and development programmes ensure Board members remain up to date throughout their time on the Board.	1
46: Reflections	Has the questionnaire addressed all issues in respect of the Board's performance?	1

4. Strongly Disagree Analysis:

2017/18	2
2018/19	3
2019/20	2

9: Performance Management	Management regularly reports to the Board on key outcomes and targets that flow directly from the Crofting Commission's Corporate and Business Plans.	1
11: Performance Management	Management provides a thorough analysis of performance against budget, targets and key outcomes, and discusses any remedial action.	1

5. Additional Comments

SECTION	RESPONSE
<b>Objectives, Strategy &amp; Remit</b>	I would say that the Board members do not fully co-ordinate in a unified position, whilst they generally perform well together, there is still differences of directions
	I believe the Board has a clear understanding of their remit – the only times that they have perhaps wavered from this is when they were aware of issues within the Commission and not feeling they were being properly communicated with regarding these issues.
	The Crofting Commission is too remote physically and practically from its principal stakeholders, Crofters. This is in spite of our best efforts. We are increasingly constrained by a limited and shrinking budget and burgeoning workload. We are just one lone voice in the clamour for the attention of SG. If we continue to spread our resources ever thinner we must not be surprised if we become ineffectual and unable to hit the targets we set ourselves.
	Still continually drawn into the detail. React to pressures rather than accept them and don't make sufficient progress in setting a strategic direction and demonstrating leadership
	While I believe the Board's objectives are in line with what the legislation requires of it, I fear that the expectations of what the Commission should be doing in the eyes of the wider community are not being met in many peoples eyes.
<b>Performance Management</b>	Generally speaking there is a consensus, although all thoughts and directions are fully recorded
<b>Relationship with Key Stakeholders</b>	More thoughts into the overall directions and long term future of Crofting and Crofters is needed as well as the overall strategies for land use and occupation, giving thought to population retention and strategic placement
<b>Propriety, fraud and other leakage</b>	Recognition of such may be a shortfall
<b>Project Management</b>	The audit and finance committee led by its chairman are conclusive with their work
<b>Risk Management</b>	Overall risk management is overseen by the Audit and Finance committee with the information to hand
	Risk appetite still unclear and inconsistent. Lack of strategic oversight and direction makes establishing the risks in this light impossible.
<b>Audit &amp; Finance committee, internal audit and corporate reporting</b>	The chairman leads this committee well
<b>Board Room</b>	The Board works fairly well, with consensus be reasonably achieved
	Diversity of views on Board role still exists. Some fractures becoming apparent. Some maintaining distinction between appointed versus "elected".
<b>Has the questionnaire addressed all issues in respect of the Board's performance?</b>	Perhaps a discourse on individual thoughts on direction is needed
	Board is performing ok in as far as it goes, but I would question the level of strategic direction and leadership it is providing to the organisation.

# Crofting Commission Board Evaluation Questionnaire 2019/2020

9 Responses    206:18 Average time to complete    Active Status

1. The Board has a clear set of objectives within the Crofting Commission Corporate Plan

● Strongly Disagree	0
● Partly Disagree	1
● Partly Agree	2
● Strongly Agree	6
● Don't Know	0



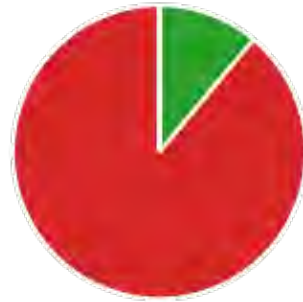
2. The Board realistically assesses its performance against its objectives at regular intervals and at year-end.

● Strongly Disagree	0
● Partly Disagree	1
● Partly Agree	3
● Strongly Agree	5
● Don't Know	0



3. The Board has developed a Corporate Plan for the organisation that is central to the way it is directed.

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	1
● Strongly Agree	8
● Don't Know	0



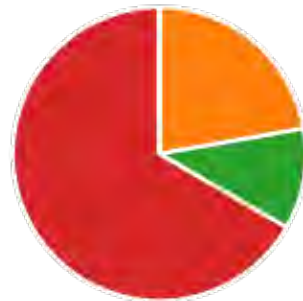
4. The Corporate Plan is well aligned to the Crofting Commission's remit and capabilities, i.e. its people, assets, intellectual property and financial resources.

● Strongly Disagree	0
● Partly Disagree	1
● Partly Agree	3
● Strongly Agree	5
● Don't Know	0



5. The Board devotes quality time to reviewing the implementation of the Corporate Plan.

● Strongly Disagree	0
● Partly Disagree	2
● Partly Agree	1
● Strongly Agree	6
● Don't Know	0



6. The Board and Chief Executive understand and respect their respective roles.

● Strongly Disagree	0
● Partly Disagree	1
● Partly Agree	1
● Strongly Agree	7
● Don't Know	0



7. The Board knows when to stay out of the day-to-day running of the Crofting Commission.

● Strongly Disagree	0
● Partly Disagree	1
● Partly Agree	3
● Strongly Agree	5
● Don't Know	0



8. Further comments on objectives, strategy & remit:

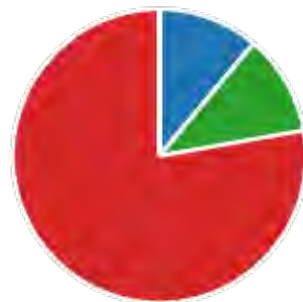
5  
Responses

Latest Responses

*"While I believe the Board's objectives are in line with what the le..."*

9. Management regularly reports to the Board on key outcomes and targets that flow directly from the Crofting Commission's Corporate and Business Plans.

● Strongly Disagree	1
● Partly Disagree	0
● Partly Agree	1
● Strongly Agree	7
● Don't Know	0



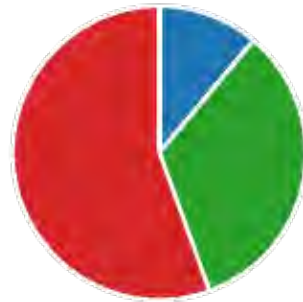
10. The Board gets early-warning signals of problems ahead that will adversely affect key outcomes, targets or financial performance.

● Strongly Disagree	0
● Partly Disagree	1
● Partly Agree	2
● Strongly Agree	6
● Don't Know	0



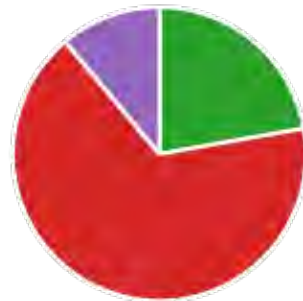
11. Management provides a thorough analysis of performance against budget, targets and key outcomes, and discusses any remedial action.

● Strongly Disagree	1
● Partly Disagree	0
● Partly Agree	3
● Strongly Agree	5
● Don't Know	0



12. The Board takes collective responsibility for the performance of the organisation.

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	2
● Strongly Agree	6
● Don't Know	1



13. Further comments on performance management:

1  
Responses

Latest Responses

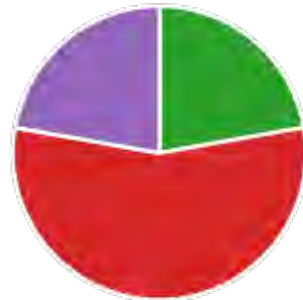
14. Relations with the sponsor department are productive and supported by regular and open communication.

● Strongly Disagree	0
● Partly Disagree	1
● Partly Agree	4
● Strongly Agree	4
● Don't Know	0



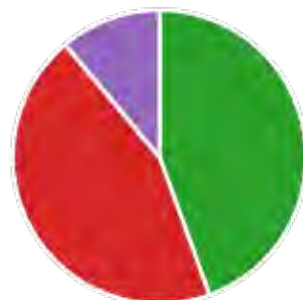
15. The sponsor department and Scottish Parliament consider the Crofting Commission is performing well, has a strong Board and a good reputation.

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	2
● Strongly Agree	5
● Don't Know	2



16. The Board receives full reports whenever the Convener or Chief Executive meets with Ministers, and other key stakeholders. The reports include stakeholder feedback on the Crofting Commission's performance, strengths and areas for development, where appropriate.

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	4
● Strongly Agree	4
● Don't Know	1





17. Further comments on relationship with key stakeholders:

1  
Responses

Latest Responses

18. The Board is aware of, and annually approves the scheme of delegation.

<span style="color: blue;">●</span> Strongly Disagree	0
<span style="color: orange;">●</span> Partly Disagree	0
<span style="color: green;">●</span> Partly Agree	1
<span style="color: red;">●</span> Strongly Agree	7
<span style="color: purple;">●</span> Don't Know	1



19. The Board is familiar with the Crofting Commission's Anti-Fraud Policy/Conflict of Interest Policy.

<span style="color: blue;">●</span> Strongly Disagree	0
<span style="color: orange;">●</span> Partly Disagree	0
<span style="color: green;">●</span> Partly Agree	3
<span style="color: red;">●</span> Strongly Agree	6
<span style="color: purple;">●</span> Don't Know	0



20. The Board is satisfied that it would receive full and timely notification of all significant losses, special payments and proposed novel or contentious expenditure.

<span style="color: blue;">●</span> Strongly Disagree	0
<span style="color: orange;">●</span> Partly Disagree	0
<span style="color: green;">●</span> Partly Agree	2
<span style="color: red;">●</span> Strongly Agree	7
<span style="color: purple;">●</span> Don't Know	0



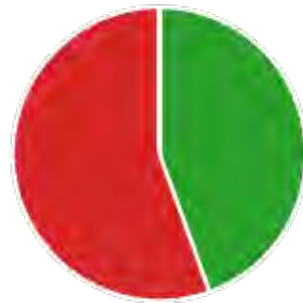
21. Further comments on propriety, fraud and other leakage:

1  
Responses

Latest Responses

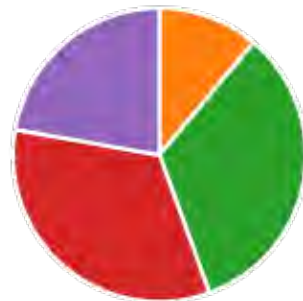
22. The Board receives regular updates on progress for all programmes and projects judged to be high risk by the Crofting Commission.

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	4
● Strongly Agree	5
● Don't Know	0



23. The Board is provided with timely and robust post-evaluation reviews for all major projects and programmes, including an examination of whether all intended benefits were realised.

● Strongly Disagree	0
● Partly Disagree	1
● Partly Agree	3
● Strongly Agree	3
● Don't Know	2



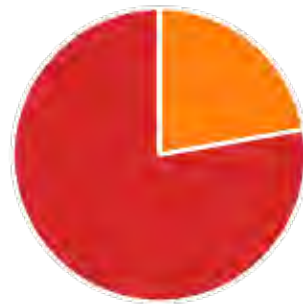
24. Further comments on project management:

1  
Responses

Latest Responses

25. The Board is clear on its risk appetite.

● Strongly Disagree	0
● Partly Disagree	2
● Partly Agree	0
● Strongly Agree	7
● Don't Know	0



26. The Board has a sound process for identifying and regularly reviewing its principal risks, and makes the necessary amendments in the light of changes in the internal and external environment. This process involves all parts of the business.

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	1
● Strongly Agree	7
● Don't Know	1



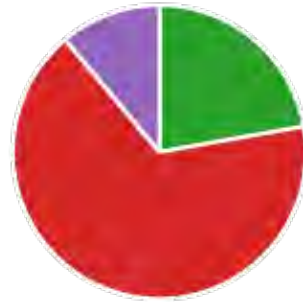
27. The Board receives regular, insightful reports on the Crofting Commission's risk management and internal control systems that provide assurance over their operational effectiveness.

● Strongly Disagree	0
● Partly Disagree	1
● Partly Agree	2
● Strongly Agree	6
● Don't Know	0



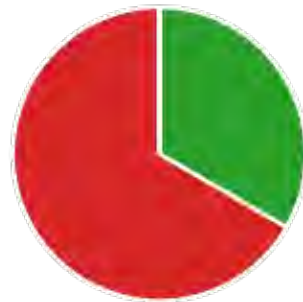
28. The Board takes full account of risk in its decisions, for example, in relation to legal costs related to the judicial review of Crofting Commission actions.

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	2
● Strongly Agree	6
● Don't Know	1



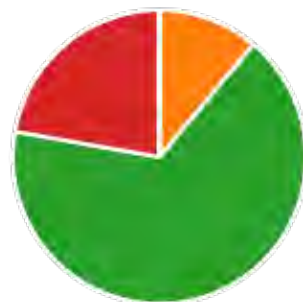
29. The Board is satisfied there have been no problems with regulatory and similar requirements, and that sound health and safety, employment and other practices are implemented to protect the Crofting Commission against unnecessary litigation and reputational risk.

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	3
● Strongly Agree	6
● Don't Know	0



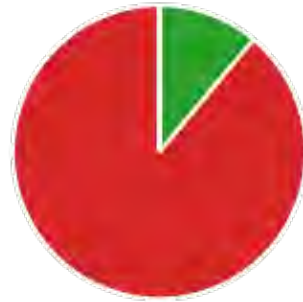
30. The Board monitors the political environment for potential changes to its remit and assesses the impact these will have on strategy.

● Strongly Disagree	0
● Partly Disagree	1
● Partly Agree	6
● Strongly Agree	2
● Don't Know	0



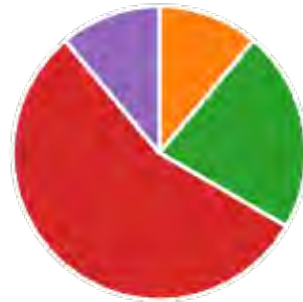
31. The Board is aware of the Crofting Commission's information needs. Any exceptions to best practice over data acquisition, usage, storage and destruction are reported.

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	1
● Strongly Agree	8
● Don't Know	0



32. No substantial, unexpected problems have emerged which the Board should have been aware of earlier.

● Strongly Disagree	0
● Partly Disagree	1
● Partly Agree	2
● Strongly Agree	5
● Don't Know	1



33. Further comments on risk management:

2  
Responses

Latest Responses

34. The Audit & Finance committee has sufficient expertise, support, time and access to key staff and information to enable it to discharge its monitoring and oversight role effectively.

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	0
● Strongly Agree	9
● Don't Know	0



35. There is a proper discussion (not just nodding through) by the Board of reports from the Audit & Finance committee, ensuring all members are aware of the issues discussed and their resolution.

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	2
● Strongly Agree	7
● Don't Know	0



36. The internal audit function is independent of management, appropriately skilled, competent and complies with Government Internal Audit Standards.

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	0
● Strongly Agree	9
● Don't Know	0



37. The Board is satisfied that the Crofting Commission's financial statements are fully transparent and adhere to Scottish Public Finance Manual principals.

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	0
● Strongly Agree	9
● Don't Know	0



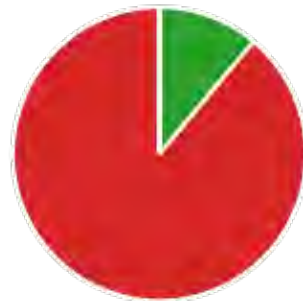
38. Further comments on the Audit & Finance committee, internal audit and corporate reporting:

1  
Responses

Latest Responses

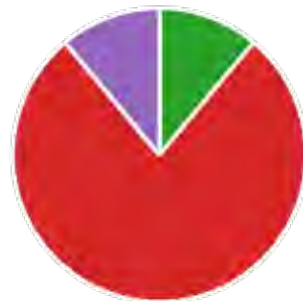
39. The Board is cohesive and combines being supportive of management with providing appropriate challenge.

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	1
● Strongly Agree	8
● Don't Know	0



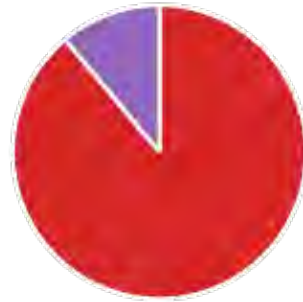
40. The Convener leads meetings well with a clear focus on the big issues facing the Crofting Commission and allows full and open discussion before major decisions are taken.

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	1
● Strongly Agree	7
● Don't Know	1



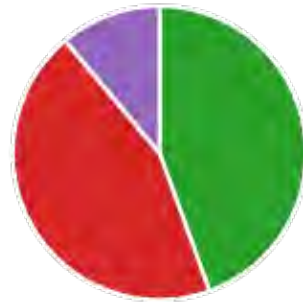
41. The relationship between the Convener and Chief Executive is effective, balanced and appropriate.

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	0
● Strongly Agree	8
● Don't Know	1



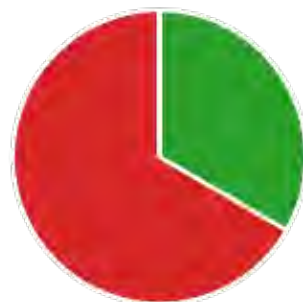
42. Induction and development programmes ensure Board members remain up-to-date throughout their time on the Board.

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	4
● Strongly Agree	4
● Don't Know	1



43. Working as a team, the Board has the right blend of skills, expertise and personalities, and the appropriate degree of diversity, to enable it to face today's and tomorrow's challenges successfully. Appointments place significant emphasis on succession planning both with regard to appointed and elected positions.

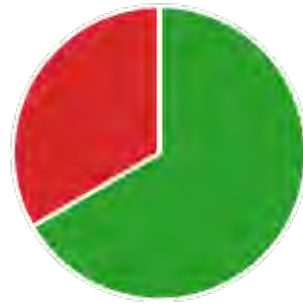
● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	3
● Strongly Agree	6
● Don't Know	0





44. The performance of Board members is captured within a formal annual review process.

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	6
● Strongly Agree	3
● Don't Know	0



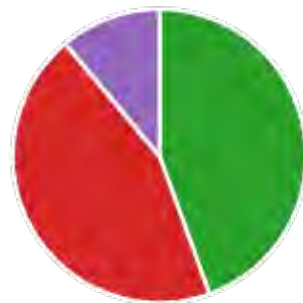
45. Further comments on the Board room:

2  
Responses

Latest Responses

46. Has the questionnaire addressed all issues in respect of the Board's performance?

● Strongly Disagree	0
● Partly Disagree	0
● Partly Agree	4
● Strongly Agree	4
● Don't Know	1



47. Further comments on reflections:

2  
Responses

Latest Responses

## CROFTING COMMISSION PERFORMANCE REPORT

QUARTER 4 – APRIL 2020

## SUMMARY

Our Outcome		1. CROFTS ARE OCCUPIED AND MANAGED	RAG Status	Page
Key Milestones		• May 2019 - Define and implement reports identifying numbers of residency & land use (RALU) cases in progress and outcomes being achieved	ACHIEVED	4
		• July 2019 - Write to all 2018 census respondents who have advised us for the first time they are in breach of residency duty, setting out their options for resolving their breach of duty at their own hand	ACHIEVED	4
		• Aug 2019 - Develop and implement process for escalating to the RALU team, any breaches identified through the Commission's other regulatory work	GREEN	4
		• Sept 2019 - Write to a selection of crofters who have never responded to the census and whose address indicates a breach of residency setting out their options for resolving their breach of duty at their own hand	AMBER	5
		• Sept 2019 - Develop options for Commissioners and Assessors to be pro-actively involved in ensuring crofts are occupied and managed, potentially focusing on the resident non-user of their croft.	GREEN	5
		• Ongoing - Follow-up action on the 2017 census returners advising of first time breaches, re-iterating options for resolving their breach of duty and escalating to the serving of notices as appropriate	ACHIEVED	5
		• Ongoing - Follow-up action on all 2017 returners who were in breach on more than one occasion, to progress cases through the section 26C to 26H enforcement provisions if they have failed to resolve the situation at their own hand.	ACHIEVED	5
Performance Measures	1.1	Reduce number of vacant crofts	AMBER	6
	1.2	Initiate correspondence with more crofters where a breach of RALU duties is suspected	ACHIEVED	6
	1.3	Number of RALU breaches resolved by a crofter in breach of their residency duty by taking up residence on their croft	ACHIEVED	7
	1.4	Number of RALU breaches resolved by assignation of the croft, or sale of an owner-occupied croft	ACHIEVED	7
	1.5	Number of RALU breaches resolved by sublet, or by short-term lease of an owner-occupied croft	ACHIEVED	8

Our Outcome 2. COMMON GRAZINGS ARE REGULATED AND SHARED MANAGEMENT PRACTICES CONTINUE					
				RAG Status	Page
Key Milestones	<ul style="list-style-type: none"> <li>Ongoing - Contact all Grazings Committees whose terms are about to end, encouraging them to arrange election of a new Grazings Committee</li> </ul>			GREEN	9
	<ul style="list-style-type: none"> <li>Ongoing - Highlight to Grazings Committees and Shareholders the availability of the guidance, published February 2019, for effective management of common grazings. Respond to any questions for clarification</li> </ul>			GREEN	9
Performance Measures	2.1	Increase in number of common grazings with a Committee in office		GREEN	10
	2.2	Increase in number of grazings committees who have adopted the new template regulations		GREEN	10
	2.3	Meetings or other substantial engagement with Grazings Committees and shareholders (as required) to support them with the regulation and management of common grazings		GREEN	11
	2.4	Establish correct shareholdings on common grazings by researching and updating records of shareholder situations.		GREEN	11

Our Outcome 3. CROFTING IS REGULATED IN A FAIR, EFFICIENT AND EFFECTIVE WAY					
				RAG Status	Page
Key Milestones	<ul style="list-style-type: none"> <li>June 2019 - Pilot a procedure for identifying potentially contentious cases at an earlier stage of the process to manage customer expectations in relation to the time taken to process their case and the potential outcome</li> </ul>			GREEN	12
	<ul style="list-style-type: none"> <li>Aug 2019 - Pilot a structured process to limit the time taken by contentious cases, without compromising fairness</li> </ul>			AMBER	12
	<ul style="list-style-type: none"> <li>Sept 2019 - Undertake review of "Review of Apportionment" process (section 52(12))</li> </ul>			GREEN	12
	<ul style="list-style-type: none"> <li>Oct 2019 - Add information about decroftings to the online Register of Crofts, so that this information is freely accessible</li> </ul>			ACHIEVED	13
	<ul style="list-style-type: none"> <li>Oct 2019 - Confirm procurement and implementation strategy for online applications/notification processes, probably on a phased basis</li> </ul>			AMBER	13
	<ul style="list-style-type: none"> <li>Dec 2019 - Undertake review of "Division by Tenant" process (section 9)</li> </ul>			AMBER	13
	<ul style="list-style-type: none"> <li>Dec 2019 - Agree, with Registers of Scotland, improvements to our combined processes, and how they can be implemented</li> </ul>			GREEN	13
	<ul style="list-style-type: none"> <li>Jan 2020 - Implement system to measure regulatory customer satisfaction</li> </ul>			GREEN	13
	<ul style="list-style-type: none"> <li>Mar 2020 - Add information about apportionments to the online Register of Crofts, so that this information is freely accessible</li> </ul>			GREEN	13
Performance Measures	3.1	Decrease in median turnaround times (registered crofts, Tier 1 approvals)		GREEN	14
	3.2	Decrease in number of regulatory cases outstanding after 12 months		-	15
	3.3	Customer satisfaction rates		GREEN	15
	3.4	Increase in proportion of decisions which are delegated to casework officers (Tier 1)		GREEN	16
	3.5	Increase proportion of decisions which are handled by officers		GREEN	17
	3.6	Decrease in number of general enquiries		-	18

Our Outcome		4. THE FUTURE OF ACTIVE CROFTING IS SUPPORTED BY WELL-INFORMED ENGAGEMENT WITH STAKEHOLDERS		
			RAG Status	Page
Key Milestones	•	May 2019 - Agree joint work programme with Highlands & Islands Enterprise to support the development of crofting	ACHIEVED	19
	•	May 2019 - Establish a Commission working group to consider the Phase 2 reform of crofting legislation, involving a selection of commissioners and assessors	ACHIEVED	19
	•	June 2019 - Analyse the findings of the Commission's survey of crofters' activities	ACHIEVED	19
	•	Sept 2019 - Publish a Commission statement on the interaction between crofting and the Scottish Land Commission's land reform agenda	AMBER	19
	•	Nov 2019 - Develop a Commission position on the priorities for reform of crofting support	-	19
	•	March 2020 - Develop outline CC positions on key issues for the expected phase 2 Crofting Bill, including Common Grazings, Registration and Crofting Regulation. (These positions to be finalised and published by September 2020)	-	19
	•	Ongoing - Advise the Scottish Government on issues for Phase 1 reform of crofting legislation	ACHIEVED	20
Performance Measures		<i>There are no Key Performance Measures for this Outcome</i>		

Our Outcome		5. OUR WORKFORCE HAS THE RIGHT SKILLS AND MOTIVATION TO PERFORM WELL, OUR GOVERNANCE PROCESSES ARE BEST PRACTICE		
			RAG Status	Page
Key Milestones	•	April 2019 - Implement paperless meetings across the office whenever possible	ACHIEVED	21
	•	June 2019 - Achieve full compliance in relation to data sharing agreements	GREEN	21
	•	July 2019 - Training for all Information Asset Owners in the Commission	ACHIEVED	21
	•	Oct 2019 - Implement automated records retention/deletion procedures within the Croft Information System (CIS)	GREEN	21
	•	Oct 2019 - Finalise the Workforce Plan and the timescale for implementing it	AMBER	21
	•	Dec 2019 - Launch online census capability	ACHIEVED	21
	•	Dec 2019 - Renew the Business Impact Analysis, conducted in 2014, which underpins our Business Continuity Planning	AMBER	21
Performance Measures	5.1	Increase in staff engagement rating	-	22
	5.2	Corporate carbon emissions	GREEN	22
	5.3	Increase use of email for correspondence with applicants	-	23
	5.4	Update on the levels of absence through sickness	AMBER	23

## DETAILED PROGRESS REPORTS

The following sections provide a detailed report on both the milestones and performance measures for each Outcome.

<b>Our Outcome 1. CROFTS ARE OCCUPIED AND MANAGED</b> By ensuring crofters are compliant with their Duties and by working with crofting communities and stakeholders, we can increase the number of crofts that are occupied and well managed.			
Milestone	RAG Status	Responsible Manager	Details
<b>1/1</b> May 2019 - Define and implement reports identifying numbers of residency & land use (RALU) cases in progress and outcomes being achieved	<b>ACHIEVED</b>	Joseph Kerr	Spreadsheet created containing cases relating to breach of duties reports, census returns, consent to be absent, unresolved successions, cc letting, progress with obtaining letting proposals from estate. Spreadsheet currently being populated with all live cases as from 1 April 2019. Reports have now been prepared to produce the range of reports required in respect of RALUT work.
<b>1/2</b> July 2019 - Write to all 2018 census respondents who have advised us for the first time they are in breach of residency duty, setting out their options for resolving their breach of duty at their own hand.	<b>ACHIEVED</b>	Joseph Kerr	<p>First batch of 2018 census returners written to between July and August 2019. All entrants in this category have since been written to; <b>a total of 77 tenants got sent a letter setting out their options.</b></p> <p>Of the 101, 2017 census respondents. 58 had either resolved the situation or there was a regulatory application under consideration. We have since written to 37 of the remainder instigation enforcement action, and will write to the remaining census respondents in the 4<sup>th</sup> quarter. <i>(stats to be updated)</i></p> <p>The next task will be to write to a selection of the 2019 census owner-occupier crofter respondents.</p>
<b>1/3</b> Aug 2019 - Develop and implement process for escalating to the RALU team, any breaches identified through the Commission's other regulatory work	<b>GREEN</b>	Joseph Kerr	<p>This work is being done in stages (1) We have introduced a process whereby long term unresolved successions are escalated to RALUT from the regulatory teams (we have also had cases escalated from the <b>grazings team</b>). <b>There are currently 6 cases in this category where the tenancy has been terminated and letting proposals called for, and a further 25 cases under consideration</b> (2) We carried out a review of all cases dealt with at tier 3 and escalated those cases where a follow-up breach of duty action should be undertaken to RALUT.</p>

<p><b>1/4</b> Sept 2019 - Write to a selection of crofters who have never responded to the census and whose address indicates a breach of residency setting out their options for resolving their breach of duty at their own hand.</p>	<p><b>AMBER</b></p>	<p>Joseph Kerr</p>	<p>A CIS report has been requested. Once report outcome is obtained, will analyse with a view to taking selected action in 2020/21.</p>
<p><b>1/5</b> Sept 2019 - Develop options for Commissioners and Assessors to be pro-actively involved in ensuring crofts are occupied and managed, potentially focusing on the resident non-user of their croft.</p>	<p><b>GREEN</b></p>	<p>Joseph Kerr</p>	<p>Initial thoughts are to tie this in with Commissioners meetings with Assessors.</p>
<p><b>1/6</b> Ongoing - Follow-up action on the 2017 census returners advising of first time breaches, re-iterating options for resolving their breach of duty and escalating to the serving of notices as appropriate.</p>	<p><b>ACHIEVED</b></p>	<p>Joseph Kerr</p>	<p>Ongoing day to day casework. (Detailed figures set out in report)</p>
<p><b>1/7</b> Ongoing - Follow-up action on all 2017 returners who were in breach on more than one occasion, to progress cases through the section 26C to 26H enforcement provisions if they have failed to resolve the situation at their own hand.</p>	<p><b>ACHIEVED</b></p>	<p>Joseph Kerr</p>	<p>Ongoing day to day casework. (Detailed figures set out in the report)</p>

**PERFORMANCE MEASURES -**

Number	Aim	Baseline	Target/Indicator	Measure
1.1	Reduce number of vacant crofts	144	Reduce by 10%	Figure will be taken from the Register of Crofts. 'Vacant' will be defined tightly, as those not only legally vacant but also having no <i>de facto</i> owner occupier.

PROGRESS

Q1	Q2	Q3	Q4
AMBER	AMBER	AMBER	AMBER

Vacant crofts have been identified following a review of all landlord of vacant croft/owner-occupier of vacant croft statuses. This work has been given a lower level of priority due to a transfer of resources from the team. **6 Letting proposals were approved following the Commission terminating the tenancy under the section 11(8) unresolved succession provisions.** There are a further 2 vacant crofts which will let by the Commission under the section 23(5) provisions which allows the Commission to step in and let a croft where the landlord has failed to do so.

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
1.2	Initiate correspondence with more crofters where a breach of RALU duties is suspected	306	Initiate RALU correspondence with 150 new cases	Records of administrative action. Those contacted will include all those whose 2018 census indicated a possible breach for the first time, a selection of census non-respondents, and other cases generated by e.g. notifications or regulatory casework

PROGRESS

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	ACHIEVED

Work on this is progressing with a total of **77 crofters** written to with a letter one setting out options ; **and a further 37 crofters written to instigating** duties enforcement action in the first three quarters of 2019/20.

**There are a further 10 cases under investigation as a suspected breach of duty under the section 26A investigation provisions.**

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
1.3	Number of RALU breaches resolved by a crofter in breach of their residency duty taking up residence on their croft	13	Maintain or increase the number in 2018-19	Records of administrative action

PROGRESS

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	ACHIEVED

From the 2017 & 2018 census returners, **32 crofters** have resolved their breach of duty by taking up residence in 2019/20.

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
1.4	Number of RALU breaches resolved by assignation of the croft, or sale of an owner-occupied croft	4 in 2018/19	Maintain or increase the number in 2018-19	Records of administrative action

PROGRESS

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	ACHIEVED

From the 2017 & 2018 census returners, **28 crofters** have resolved their breach of duty either by assigning or letting their crofts in 2019/20.

Responsible Manager: Joseph Kerr



Number	Aim	Baseline	Target/Indicator	Measure
1.5	Number of RALU breaches resolved by sublet, or by short-term lease of an owner-occupied croft	15 in 2018/19	Maintain or increase the number in 2018-19	Records of administrative action

PROGRESS

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	ACHIEVED

From the 2017 & 2018 census returners, **87 crofters** have resolved their breach of duty by subletting their crofts in 2019/20 and are therefore deemed to be compliant with their duties for the term of the sublet.

In addition to these sublets, **10 crofters** received consent to be absent from their croft and are therefore deemed to be compliant with their residence duty.

Also, **1 owner-occupier crofter** received consent for a short-term let of their croft and are therefore deemed to be compliant with their duties for the term of the short term let.

The Commission made **4 decisions to terminate the tenancy** under section 26H in 2019/20

Responsible Manager: Joseph Kerr

**Our Outcome 2. COMMON GRAZINGS ARE REGULATED AND SHARED MANAGEMENT PRACTICES CONTINUE**

Shared management and productive use of common grazings are important for the sustainability of crofting. The Commission works with grazings committees and crofting communities, providing both guidance and support, to ensure the effective management and use of common grazings.

Milestone	RAG Status	Responsible Manager	Details
<p><b>2/1</b> Ongoing - Contact all Grazings Committees whose terms are about to end, encouraging them to arrange election of a new Grazings Committee</p>	<p><b>GREEN</b></p>	<p>John Toal</p>	<p>All Grazings Committees are advised that that their term of office is due to end 6 weeks in advance and are further reminded if a new committee is not appointed within 6 weeks of that date. Further, all committees that went out of office between April 2018 – March 2019 and did not return have received further communication, advising on reforming a committee. This will also be implemented for those in the preceding year. A three-year trend of decline in the number of grazings committees in office appears to have been arrested and may now be reversed.</p>
<p><b>2/2</b> Ongoing - Highlight to Grazings Committees and Shareholders the availability of the guidance, published February 2019, for effective management of common grazings. Respond to any questions for clarification.</p>	<p><b>GREEN</b></p>	<p>John Toal</p>	<p>Links to Common Grazings Guidance has been provided to all committees and hard copies are provided on request. Indications are that guidance is proving helpful and that actions such as improvements are effected in line with legislation, with shareholders notified and informed of their rights to make representation to the Commission.</p> <p>Links to or copies of the revised Grazings Regulations template are provided for all new committees. The number of applications for new regulations would indicate that this is effective</p>

## PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure
2.1	Increase in number of common grazings with a Committee in office	424 in March 2019	An increase in the number of Grazings Committees in office	Administrative records

### PROGRESS

There are 485 grazings committees in office. There has been a steady rise in the number of grazings committees in office over the year, resulting mainly from re-establishing contact with grazings whose committees had not been re-appointed in the previous 3 years. The figures show that an additional 60 grazings committees took office this year, indicative of the re-engagement and reforming of trust between the Commission and crofting communities. It is known that a number of shareholders took place in March prior to the Covid-19 lockdown which have not returned details of newly appointed committees to date. Therefore, the figure for the year could be higher than currently reported.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	GREEN

Responsible Manager: John Toal

Number	Aim	Baseline	Target/Indicator	Measure
2.2	Increase in number of grazings committees who have adopted the new template regulations	4 in 2018/19	Commission approvals of new regulations submitted by committees based on the template.	Number of new grazings regulations approved which are based on the new template.

### PROGRESS

Six Grazings Committees have had regulations based on the new template confirmed by the Commission. Two of these were for grazings that had never had a committee nor regulations previously and required significant investigation to establish the correct shareholdings.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	GREEN

Responsible Manager: John Toal

Number	Aim	Baseline	Target/Indicator	Measure
2.3	Meetings or other substantial engagement with Grazings Committees and shareholders (as required) to support them with the regulation and management of common grazings	50 in 2018/19	Maintain or increase the numbers of townships where grazings issues have been progressed, or resolved, following Commission engagement	Records of administrative action. (Note that this covers different types of Commission intervention: getting Committees into office; resolving medium size queries; and helping to address deeper divisions.)

**PROGRESS**

There have been 33 substantive engagements involving committee and/or shareholders in common grazings. Members of the Grazings Team made 11 field visits in the course of this to assist committees in the undertaking of their duties. Additionally, the Grazings Team initiated a programme of 6 workshops for grazings committee training on Lewis, which received Farm Advisory Service assistance. More than 70 individuals attended these meetings. Members of the Grazings Team also attended and assisted at 3 other events for common grazings supported by FAS funding. The increased involvement in proactive and educational work may have assisted in less requirement for more reactive and ad hoc resolution involvement.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	GREEN

Responsible Manager: John Toal

Number	Aim	Baseline	Target/Indicator	Measure
2.4	Establish correct shareholdings on common grazings by researching and updating records of shareholder situations.	N/A	Number of townships researched	Records of administrative action

**PROGRESS**

14 significant shareholder investigations have been undertaken and completed.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	GREEN

Responsible Manager: John Toal

**Our Outcome 3. CROFTING IS REGULATED IN A FAIR, EFFICIENT AND EFFECTIVE WAY**

We are committed to providing a quality and professional service to all our customers, especially those that make regulatory applications to us or who send us applications for registration of their croft, for us to review and forward to the Registers of Scotland. We are committed to fairness in all our decision-making, and we monitor turnaround times for all the different types of process.

We are also committed to continuous improvement of our internal processes, to deliver consistent and fair decision making that is compliant with legislation, and that also delivers value for the public purse. By changing and expanding how we deliver our services to customers, we can provide a faster, more consistent and more informative service to our customers, thereby improving customer satisfaction and confidence.

Milestone	RAG Status	Responsible Manager	Details
<b>3/1</b> June 2019 - Pilot a procedure for identifying potentially contentious cases at an earlier stage of the process to manage customer expectations in relation to the time taken to process their case and the potential outcome.	<b>GREEN</b>	Joseph Kerr	<p>A short term working group was set up comprising staff from the Regulatory Support Team and the Regulatory Teams. The group met and produced, a number of template letters and Leaflets for each of the piloted functions (decrofting and division), it has been agreed that the triage element would be introduced at the conclusion of the case validation stage, with guidance from the Regulatory Support Team.</p> <p>Triage was introduced at Tier one for Decrofting and Division applications in September 2019. Triageing also regularly takes place at Tier 2 offering the applicant the opportunity to either (a) modify their application so it can be dealt with by officials, or (b) have the case escalated to Commissioners where the case can potentially be refused.</p>
<b>3/2</b> Aug 2019 - Pilot a structured process to review the procedures and control the time taken by contentious cases, without compromising fairness	<b>AMBER</b>	David Findlay	Some thinking has taken place but is still at a fairly early stage.
<b>3/3</b> Sept 2019 - Undertake review of “Review of Apportionment” process (section 52(12))	<b>GREEN</b>	Joseph Kerr	A short term working group was set up and met in September 2019. Prior to that preliminary legal advice has been sought and the group are currently looking at the scope of the review and having a streamlined process for non-contested cases, and an escalated process to give a higher level of scrutiny to more contentious cases. Changes have already been made to the apportionment review application form.

<b>3/4</b> Oct 2019 - Add information about decroftings to the online Register of Crofts, so that this information is freely accessible	<b>ACHIEVED</b>	Aaron Ramsay	This has been completed and decroftings are now largely hosted online. Ongoing work to routinely verify correct information is held is carried out.
<b>3/5</b> Oct 2019 - Confirm procurement and implementation strategy for online applications/notification processes, probably on a phased basis	<b>AMBER</b>	Aaron Ramsay	A full paper has been produced examining two possible methods of making the application process to the Commission more digital, with a proposal to adopt one or both of these. This has been shared with the Commission Board and Sponsor, with a request to obtain funding for the project to ensure that the correct expertise can be engaged to help deliver the transformation.
<b>3/6</b> Dec 2019 - Undertake review of "Division by Tenant" process (section 9)	<b>AMBER</b>	Joseph Kerr	Initial discussions have taken place with RoS which will feed into the review. Discussions have been held regarding the relationship between the original croft and the new crofts created by the division, particularly in relation to links to historical decroftings.
<b>3/7</b> Dec 2019 – Agree, with Registers of Scotland, improvements to our combined processes, and how they can be implemented	<b>GREEN</b>	Aaron Ramsay	Work has continued to build a relationship with RoS, with several aspects of the improvement work underway within the Commission overlapping with ties to RoS. Separate to this the Head of Regulation is looking at other aspects of the Commissions relationship with RoS, and how we can deliver a better service together.
<b>3/8</b> Jan 2020 - Implement system to measure regulatory customer satisfaction	<b>GREEN</b>	Mary Ross	Customer Satisfaction Form now issued with all decision letters. Commencement date 09/12/2019. Forms issued with all decisions. To date, only a handful of forms have been returned, all of them have been complementary.
<b>3/9</b> Mar 2020 - Add information about apportionments to the online Register of Crofts, so that this information is freely accessible	<b>GREEN</b>	Aaron Ramsay	This is currently in its planning phase following the successful hosting of the decrofting directions online.

## PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure
3.1	Decrease in median turnaround times (registered crofts, Tier 1 approvals)	Figures for 2018/19: Assignment 9.6 weeks Decrofting CHS 10.0 Decrofting Part 15.4 Division by Owner Occupier 9.1 Division by Tenant 24.4 Letting by Landlord 14.0 Owner Occupier Letting 13.6	Reduce median turnaround times for the main regulatory functions	Time taken from application to notification of decision, <i>for cases where no registration is required</i>

### PROGRESS

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	GREEN

Early indications are that the turnaround times for the main application types may have improved a little from last year. Plans have been developed for a number of initiatives to cope better with the demands, but pressure of work remains high.

	Approx Number of cases per year	Median weeks (2018-19)	Median weeks (2019-20 to date)
Assignment	c128	9.6	8.0
Decrofting Croft House Site	c52	10.0	8.0
Decrofting Part Croft	c134	15.4	13.3
Division by Owner Occupier	5 or less	9.1	
Division by Tenant	5 or less	24.4	
Letting by Landlord	c10	14.0	9.4
Letting by Owner Occupier	<10	13.6	11.4

Responsible Manager: Mary Ross

Number	Aim	Baseline	Target/Indicator	Measure
3.2	Decrease in number of regulatory cases outstanding after 12 months	TBC	Reduce number of cases still live after 12 months	Number of live regulatory cases (of all types, including those involving registration) on 31 March, which are more than 12 months since first received by the Commission

PROGRESS

Q1	Q2	Q3	Q4
-	-	-	-

No update as yet. A CIS report has been requested.

Responsible Manager: Mary Ross

Number	Aim	Baseline	Target/Indicator	Measure
3.3	Customer satisfaction rates	Not yet available	% of respondents reporting satisfaction to the CC enquiries	To be developed once customer satisfaction system is in place

PROGRESS

Q1	Q2	Q3	Q4
-	-	GREEN	GREEN

Customer Satisfaction Form now issued with all decision letters. Commencement date 09/12/2019. Forms issued with all decisions. To date, only a handful of forms have been returned, all of them have been complementary.

Responsible Manager: Mary Ross



Number	Aim	Baseline	Target/Indicator	Measure
3.4	Increase in proportion of decisions which are delegated to casework officers (Tier 1)	73%	Increase in the proportion	% of decisions handled at Tier 1

PROGRESS

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	GREEN

Numbers			
Tier	2018/19 (1 April 2018 to 31 December 2018)	2019/20 (1 April 2019 to 31 December 2019)	Comparison
One	551	693	142
Two	135	138	3
Three	39	43	4
<b>Total</b>	<b>725</b>	<b>874</b>	<b>149</b>

There was an increase of number of cases dealt with at both tier one and tier two levels of decision making in the first three quarters of 2019/20 compared to the same period in 2018/19. There was an overall increase in the number of cases of 149 (or 21%) compared to the first 9 months of 2018/19. The principle increases were in relation to the following functions which accounted for 143 of the increased case total:

Subletting = 52 increased cases; Decrofting Part Croft = 39; Assingation = 30; Decrofting house site and garden garden ground = 22.

Of the total 874 cases concluded, 693 cases were dealt with at Tier 1, an increase of 142 cases. **This represents 79 % of the total number of cases being concluded at Tier 1. This is 6% above the baseline target of 73% for the year.**

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
3.5	Increase proportion of decisions which are handled by officers	94%	Increase in the proportion	% of decisions handled at Tier 1 or Tier 2

PROGRESS

	Q1	Q2	Q3	Q4
	GREEN	GREEN	GREEN	GREEN
Per-centages				
Tier	2018/19 (1 April 2018 to 31 December 2018)	2019/20 (1 April 2019 to 31 December 2019)	Comparison	
One	76	79	3	
two	19	16	-3	
Three	5	5	0	
Total	100.0	100.0	0.0	

**A total of 731 cases were dealt with by officials at tier one and tier two combined (a per-centage of 95% of all cases which is the same per-centage compared to the same period in 2018/19) and is 1% above the baseline figure.** The increased per-centage of cases dealt with at tier one as opposed to tier two reflects an element of further delegation in decision making as staff continue to be empowered in taking decisions within parameters agreed by the Board. The level of decisions taken by Commissioners remains constant at 5% compared to 2018/19, there are no current plans to widen the range of delegated functions, but there is an ongoing review of parameters in relation to the functions which are already delegated, the most recent relating to divisions by tenants and owner-occupiers, applications to constitute non-croft land as crofts, and consent to be absent.

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure								
3.6	Decrease in number of general enquiries	2,459 in 2018/19	Reduce number	Number of general enquiries received								
<u>PROGRESS</u>												
<table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> </tbody> </table>					Q1	Q2	Q3	Q4	-	-	-	-
Q1	Q2	Q3	Q4									
-	-	-	-									
No update available as yet. However, the number of general enquiries are not expected to reduce until after the apportionment information has been added to the online Register of Crofts.												
Responsible Manager: Mary Ross												

Our Outcome

4. THE FUTURE OF ACTIVE CROFTING IS SUPPORTED BY WELL-INFORMED ENGAGEMENT WITH STAKEHOLDERS

The Commission has a responsibility to promote the interests of crofting, and to advise the Scottish Government about crofting issues. We welcome collaborative initiatives with other organisations in order to contribute towards the sustainable development of crofting

Milestone	RAG Status	Responsible Manager	Details
4/1 May 2019 - Agree joint work programme with Highlands & Islands Enterprise to support the development of crofting	ACHIEVED	John Toal	HIE representatives attended a CC Board meeting in May and agreed what work could be taken forward jointly
4/2 May 2019 - Establish a Commission working group to consider the Phase 2 reform of crofting legislation, involving a selection of commissioners and assessors	ACHIEVED	John Toal	Approach to be determined by Commission at its August Meeting. At this meeting, the Commission agreed to invite the Assessors who had expressed interest in this area of work to attend the November Strategy Meeting. Forthcoming strategy meetings will be the basis for taking this work forward. Refer to 4/5 below
4/3 June 2019 - Analyse the findings of the Commission's survey of crofters' activities	ACHIEVED	Bill Barron	Results of the survey were presented to the CC Board meeting in June 2019
4/4 Sept 2019 - Publish a Commission statement on the interaction between crofting and the Scottish Land Commission's land reform agenda	AMBER	Bill Barron / David Findlay	The two Boards held a joint meeting on 3 September 2019 and have agreed that the two organisations will work together, including feeding into the Commission's work on Crofting and its Future. However, neither body is ready or committed to issuing a joint statement at this stage. That will follow much later if at all.
4/5 Nov 2019 - Develop a Commission position on the priorities for reform of crofting support	-	John Toal	There have been no resources available for this work. Timing and context are also important, and this may be more appropriately considered in the future. Elements of this will be now be covered within the development of 4/6.
4/6 March 2020 - Develop outline CC positions on key issues for the expected phase 2 Crofting Bill, including Common Grazings,	-	John Toal	Now being considered in terms of "Crofting and its Future" Report as phase 2 of a Crofting Bill is unlikely to materialise. An initial strategy discussion was held in December by the group referenced in 4/2. The March meeting did not take place due to Covid-19 and while work has continued, genuine strategic engagement continues to be a challenge.

Registration and Crofting Regulation. (These positions to be finalised and published by September 2020)			
<b>4/7</b> Ongoing - Advise the Scottish Government on various issues for Phase 1 reform of crofting legislation	<b>ACHIEVED</b>	David Findlay	Commission Board members and officials have made a significant contribution to the SG's work on the Phase 1 Bill, including raising important questions about the proposed approach to joint tenancies. However, this SG work has now been put on ice, because of the challenges of Brexit, over which the Commission has no control.

**There are no Performance Measures for Outcome 4**

**Our Outcome 5. OUR WORKFORCE HAS THE RIGHT SKILLS AND MOTIVATION TO PERFORM WELL, OUR GOVERNANCE PROCESSES ARE BEST PRACTICE**

By ensuring that our staff and Board Members have appropriate training and continued investment, we can develop a high-performing workforce. We will ensure that our organisation fulfils its legal requirements and contributes to the Scottish Government’s broader objectives for Scotland.

Milestone	RAG Status	Responsible Manager	Details
5/1 April 2019 - Implement paperless meetings across the office whenever possible	ACHIEVED	Aaron Ramsay	Since June 2019, Board and AFC have been using electronic papers routinely.
5/2 June 2019 - Achieve full compliance in relation to data sharing agreements	GREEN	Jane Thomas	All agreements now in place.
5/3 July 2019 - Training for all Information Asset Owners in the Commission	ACHIEVED	Jane Thomas	Training has taken place and the SIRO has also received specific training.
5/4 Oct 2019 - Implement automated records retention/deletion procedures within the Croft Information System (CIS)	GREEN	Aaron Ramsay	The planned release of the next version of CIS has not met its anticipated window of Oct 19 due to a mix of reasons which have required the system architect to be refocussed on other priorities. Work is due to resume on the next CIS at the start of 2020, with an aspiration to release the next version to testing in early Q1 of 2020, which will include the automated retention schedules.
5/5 Oct 2019 - Finalise the Workforce Plan and the timescale for implementing it	AMBER	Bill Barron	A complete draft has been prepared for consideration by the AFC on 23 January.
5/6 Dec 2019 - Launch online census capability	ACHIEVED	Jacqueline MacBean / Aaron Ramsay	The 2019/20 census has been developed to allow a digital response by those who prefer that method. The law does not allow an entirely digital service as the census paper must be “served”.
5/7 Dec 2019 - Renew the Business Impact Analysis, conducted in 2014, which underpins our Business Continuity Planning	AMBER	Aaron Ramsay	The aspiration was to deliver this in draft form by the end of December 2019, however other priorities have taken precedent and it is now anticipated by the end of January 2020.

**PERFORMANCE MEASURES**

Number	Aim	Baseline	Target/Indicator	Measure
5.1	Increase in staff engagement rating	51%	Increase to 55%	Average scores for a set of fixed questions in the annual staff survey

PROGRESS

Q1	Q2	Q3	Q4
-	-	-	-

This was to be measured in the staff survey in March 2020. Due to Covid-19, the staff survey has been postponed. The CC’s participation in the SG’s staff survey in October should give an interim (but not-definitive) update.

Responsible Manager: Mary Ross

Number	Aim	Baseline	Target/Indicator	Measure
5.2	Corporate carbon emissions	18tCO2e in <b>2017/18</b>	Maintain or reduce	Emissions from business travel by staff and commissioners

PROGRESS

Q1	Q2	Q3	Q4
<b>GREEN</b>	N/A	N/A	<b>GREEN</b>

The Commission voluntarily signed up to The Public Sector Climate Change report which is completed on an annual basis (30 November). The Commission measures its CO2 emissions on an annual basis and the trend is as follows-

2015/16 19.6 tCO2e (Estimate)

2016/17 11.89 tCO2e (Estimate)

2017/18 18.45 tCO2e (Based upon Actual travel data)

2018/19 15.46 tCO2e (Based upon Actual travel data) The latest measure demonstrates a decrease in emissions from 2017/18. Overall there was a slight increase due to flights which was offset against lower car mileage, rail, ferry & taxi travel emissions.

Responsible Manager: Bill Barron

Number	Aim	Baseline	Target/Indicator	Measure								
5.3	Increase use of email for correspondence with applicants	7.4% at end of Q3	Increase to 15%	Proportion of correspondence generated from within CIS which is sent electronically								
<u>PROGRESS</u>												
<table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> </tbody> </table>					Q1	Q2	Q3	Q4	-	-	-	-
Q1	Q2	Q3	Q4									
-	-	-	-									
No update available as yet												
Responsible Manager: Aaron Ramsay												

5.4	Update on the levels of absences through sickness								
<u>BACKGROUND</u>									
The Commission Management is committed to monitoring sick absence and supporting staff during periods of illness. During 2019/20 there was an increase in the staff sick absence.									
<u>PROGRESS</u>									
<table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>-</td> <td>-</td> <td>-</td> <td>AMBER</td> </tr> </tbody> </table>		Q1	Q2	Q3	Q4	-	-	-	AMBER
Q1	Q2	Q3	Q4						
-	-	-	AMBER						
The Commission's management is aware of the increase in long-term sick leave in particular, and also of the smaller increase in short-term sick leave, and is monitoring the situation and is working with HR where particular members of staff have breached certain parameters. The Commission is aware that several members of staff have been on long-term sick leave for much of the last 12 months, which has a disproportionate effect within a small organisation. The Commission's senior management are aware of the pressure this puts on a small organisation. Individual managers are working with those affected and will identify whether there are any office-related issues arising from any particular individual's sick leave. <b>These are reported back to senior management who will identify whether it is necessary to make any changes to office practices.</b>									
Responsible Manager: David Findlay									



CC OPERATIONAL RISK REGISTER (ORR)

- 2 - Common Grazings are regulated and shared management practices are the norm.
- 3 - Crofting is regulated in a fair, efficient and effective way.
- 4 - We work with stakeholders to inform and support the future of active crofting.
- 5 - Our workforce have the right skills and motivation to perform well, our governance processes are best practice.
- 6 - We reduce our impact on the environment.

High  
Medium  
Low  
Very low

High  
Medium  
Low  
Very low

High  
Medium  
Low  
Very low

Ref no	Corporate Plan Outcome	Operational Area	Risk	Description	Untreated Impact	Untreated Likelihood	Untreated Risk Score	Controls in Place	Current Impact	Current Likelihood	Current Risk Score	Risk Movement	Action Planned	Target Impact	Target Likelihood	Target Risk Score	Target Date	Last Updated Date	Risk Owner
001	Our workforce have the right skills and motivation to perform well, our governance processes are best practice.	Finance	STAFFING: A small specialised unit and therefore vulnerable if staff are on long term sick leave or leave post at short notice.	Majority of duties are time sensitive and cannot be deferred. This will result in short, medium and longer term financial governance issues leading to - delays in processing workload; delay in paying creditors and Board Members; lack of specialist skills for specific tasks; increased levels of errors by available staff; erosion of financial governance controls, checks and balances; non-completion of specific statutory tasks; Crofting Commission reputational issues due to incomplete financial reconciliations, lack of financial control environment and failure to adhere to SG Framework Agreement. All of the above may lead to the qualification of Crofting Commission annual accounts and financial statements and potential Parliamentary review/audit of Crofting Commission's Accountable Officer's Actions.	5	5	25	B2 and B1 Finance Officer's are aware of each others roles and responsibilities and can cover for each other on a short term basis when required. Have also developed excellent working relationship with SG Sponsor and SNH. Formal Desk Procedures in place for a number of key tasks. Shared Service Finance Level agreement with SNH, includes sharing same Oracle finance ledger for processing and recording of all Commission financial transactions. SNH Finance are aware how Oracle System operates. Since new payroll process introduced Finance has developed a structured desk procedure regards key steps to be completed to ensure that Grant-in-Aid is drawn down in time to meet monthly staff payroll, and a reconciliation process is in place to ensure accounted for correctly. CEO advised of key external contacts to seek assistance from (SNH, External & Internal Audit, Sponsor & SG Treasury/Payroll).	4	3	12	Static	CEO has reviewed future financial resource expectations within Workforce Plan and Finance Manager has submitted a request to HR regards a review of grading/responsibilities within the team. Submitted to HR in Feb 2020 and await response.	3	3	9	May-20	22/04/2020	Finance Manager
		IS team	STAFFING: A small specialised unit, and therefore vulnerable if staff are on long term sick leave or leave post at short notice.	Due to many duties being highly technical and requiring extensive background knowledge, multiple functions are isolated to single team members. Unexpected absence or loss of a team member could lead to delays in processing CIS Help desk issues and resolution of technical problems. Crofting Commission reputational damage and risk of complaints due to delays in handling time also likely as a result. Also potential GDPR implications where data accuracy is not maintained in a timely fashion.	5	4	20	Skills transfer ongoing to build resilience within other members of the IS team. Issue of non-compliance with GDPR principles on data accuracy highlighted by DPO, investigated by Head of Operations. Improvement planned. External consultant with relevant skills sourced, and standing agreement arranged with them for resolution of serious issues where IT skillsets fall short. Contract in place with SIG software, an external support contractor, who can support all Commission systems and offer limited support to software.	3	3	9	Decreasing	GDPR issue being taken forward as priority once new version of CIS goes live, currently delayed due to Covid 19 pandemic. Development will continue however testing will prove slow and difficult due to remote working environments. Training across IS team to diversify skillsets and offer short term cover if required still ongoing, with a skill matrix in place to highlight where gaps exist and allow correct planning to address these. IS Team building up "knowledge base" of common processes to build capability and resilience across the team.	2	3	6	Sep-20	24/04/2020	Head of Digital & Improvement
		CIS software system development	STAFFING: Development of internal system is a very specialised skillset which would be difficult to diversify and expensive to replace at short notice.	Currently only the Systems Architect can perform these duties. The loss of this skillset could result in short term issues to the smooth running of the IS systems, and would prevent further development and progression of the system. Potential Crofting Commission reputational issues due to inability to progress applications if system crashed.	5	5	25	Skills transfer ongoing to build resilience within other members of the IS team, although it is unlikely that another member of the team could upskill to an appropriate level to replace system architect in development role as this is highly specialised. Licensing costs for development software are also prohibitive at roughly £7k every 3 years. External support contract in place with SIG software, who have people with experience of both SQL server and the relevant coding for the CIS.	4	4	16	Static	Should the need arise, SIG software would be able to be contracted to carry out essential maintenance on the CIS until a replacement system architect could be found, though may incur significant expense. Current system architect is enrolled on the Role Model development model, and this could be used to replace the current skillset if required.	4	4	16	N/A	24/04/2020	Head of Digital & Improvement
		Cyber security maintenance	STAFFING: Insufficient resilience of staff skills in IS Team due to being a small specialised unit, and therefore vulnerable if staff are on long term sick leave or leave post at short notice.	Currently only the Systems Architect can perform these duties. The loss of his services could result in short term issues to the smooth running of the IS systems. A shortfall in skills here could also leave Commission system vulnerable to Cyber Attack, and potentially compromise system functionality.	5	5	25	Skills transfer ongoing to build resilience within other members of the IS team. Documentation of network setup and vital associated information in place. IS Team developing "knowledge base" to cover procedures for most day to day tasks. Support contract in place with external provider, SIG, who are experienced in this area and can offer support if required with potential cost.	3	3	9	Static	A stronger focus on training, with plans to work with other local organisations to share costs and allow for more development being explored. Ongoing development of knowledge base to cover all basic functions of IS, including cyber security aspects.	3	2	6	Sep-20	13/02/2020	Head of Digital & Improvement
		Regulation	STAFFING: Vulnerable to loss of staff skills in crofting issues and/or technical support	Knowledge of crofting and its associated complexities and issues can take a long time to build up so any shortage in experience staff can lead to - delays in processing workload; lack of specialist skills for specific tasks; increased levels of errors by available staff; erosion of core regulatory work; non-completion of specific tasks.	4	4	16	Internal regulatory training in place, new staff appointed, Corporate Plan process has identified skills requirements. Structured training for newly appointed staff is in place - still being developed. Refresher training is being developed for existing staff. A designated Local Learning & Development Support Officer (LLDSO) was appointed in June 2017 to facilitate a proactive approach to support learning and development for all staff. Two Regulatory Staff have taken on training responsibilities within their workload. Both officers will provide a consistent approach to training.	4	3	12	Decreasing	Development training planned for new staff. Audit skills assessment to be conducted during 2018 to identify areas where training would be beneficial and also identify topic experts among existing staff that could deliver in-house training as part of their own development. New training items and links are to be added to new SharePoint site.	3	3	9	Oct-20	01/04/2020	Head of Operations & Workforce
		GIS team: map checks and system management	STAFFING - A small specialised unit and therefore vulnerable if staff are on long term sick leave or leave post at short notice.	Two GIS staff are required to do application checks in order to check the validity of the majority of regulatory and registration applications. Specialist GIS skills are limited to this small team and these posts could not be filled at short notice. A build up of work in this area would have considerable knock on effects for other teams and would lead to backlogs and prevent certain cases from progressing. Poor service to customers and reputational issues due to delays in processing cases. Currently only one colleague can carry out updates to the GIS database and has the experience to troubleshoot GIS errors.	5	5	25	Head of Digital carried out extensive upskilling, completed fresh install of a new GIS server. Standard GIS processes will be documented and added to IS knowledge base. Additional team member now trained on the GIS processes, covers one day per week to ensure skillsets are kept relevant. Verbal agreement with Registers of Scotland around the GIS tool and technical support as they use the same software. Transfer of skills from old Head of Compliance to GIS team members to lessen specialisation of knowledge. SIG external contractor also has skillset available to assist with server or database issues if needed, at cost.	2	1	2	Static	Further reviews of documentation to ensure resilience should multiple team members be absent, being added to IS knowledgebase. Post Covid 19 investigative work will be put into looking at utilizing online mapping services to move maintenance to external company, lessening the risk to the Commission.	2	1	2	n/a	24/04/2020	Head of Digital & Improvement
		Croft Registration	STAFFING - A small specialised unit and therefore vulnerable if staff are on long term sick leave or leave post at short notice. Potential build up of cases due to Covid-19 lockdown. ROS team are not operating fully during lockdown.	This team of 3 are responsible for the majority of croft registration checks and responsibilities. The processes are specific to the team although there is overlap with regulatory team processes. One member of staff within the team is by staff on fixed term contract resulting in a higher staff turnover in these posts. A considerable proportion of regulatory applications are dependent on croft registration so backlogs within this team have a knock on effect on cases and the regulatory team. O Poor service to customers and reputational issues due to delays in processing cases. Only one member of the ROS team are processing registration cases.	5	5	25	Training of staff within the team on all the different processes the team does to ensure resilience within the team. Awareness within the team of the areas on which to prioritise if the team is under pressure. Staff in other teams could step in to help with certain processes if necessary. Support for staff wellbeing. New Regulatory B1 has taken up team lead. The officer has regulatory experience and returned from a career break on 2 Sept 2019. However this will be on reduced hours (moving from 37 hour week to 18 hour week cover). Weekly meetings taking place during Covid-19 lockdown to monitor progress of cases.	4	4	16	Increasing	Training from B1 croft registration officer to regulatory team on the croft registration checks to improve quality and allow for better resilience. Training material being developed during April 2020. Training to take place following cease of Covid-19 lockdown.	3	2	6	Jul-20	01/04/2020	Head of Operations & Workforce

CC OPERATIONAL RISK REGISTER (ORR)

Ref no	Corporate Plan Outcome	Operational Area	Risk	Description	Untreated Impact	Untreated Likelihood	Untreated Risk Score	Controls in Place	Current Impact	Current Likelihood	Current Risk Score	Risk Movement	Action Planned	Target Impact	Target Likelihood	Target Risk Score	Target Date	Last Updated Date	Risk Owner
002	Our workforce have the right skills and motivation to perform well, our governance processes are best practice.	Finance	<b>FINANCE SHARED SERVICE WITH SNH:</b> Updated December 2019 SNH and CC have successfully undertaken the transition from Oracle to Oracle Fusion (Cloud based and supported by Oracle rather than SNH IS Team). Still in early stages of 'go-live' so a number of 'tweaks' required by CC Finance Team. RISK RATING HAS REDUCED SIGNIFICANTLY AND WILL DISCHARGE AFTER EXTERNAL AUDIT IN JUNE 2020 IF TREND CONTINUES.	This shared service arrangement currently provides essential separation of duties and an Oracle software platform which records Commission's financial transactions and financial trial balance and is the source of financial reporting. There are potential compatibility, cost and data management implications for the Commission if this arrangement changes. Commission is reliant upon the current structure, and would probably require to employ more finance staff directly if contract is not renewed. Commission would also have to source and support its own finance software. This would require a root and branch revision of current financial procedures. Serious risk to producing statutory accounts within parliamentary timelines if contract cancelled in an uncoordinated fashion.	5	5	25	Formal SLA in place and reviewed on a quarterly basis. Commission Finance Team has developed excellent and mutually supportive relationship with SNH. Commission continues to be updated by SNH since 'go live' date. Significant input has been required from B1 CC Finance Officer. Current Finance SLA is working well and External Audit, AFC and SMT have no concerns regards performance. Encountering a number of unanticipated operating issues but these are being resolved as they arise. To date the transition has been successful regards value for money (licence cost reduced by 22% and fixed for 5 years) with further efficiency savings being identified via upgraded financial reporting suite. CC staff and suppliers were unaffected by transition, and once CC Finance become more familiar with system we expect there will be more functionality. Although launch date was delayed from 1 April to 1 June, CC Finance Officer negotiated with SNH that all transactions from April/May would be mapped across to new system at no cost to CC. This should result in a smoother external audit review for 2019/20.	2	2	6	Decreasing	CC Finance continue to liaise with SNH on a daily basis and raise queries in a structured manner. Finance Manager has met with external audit in Feb 20 who confirm are content with progress. Purpose that this risk will be discharged after the June on site audit work is completed by Deloitte.	3	2	2	Aug-20	22/04/2020	Finance Manager
		All	<b>CONTRACTED SERVICES: Building maintenance, server space, onsite network (hardware cabling etc), Website and ROC Online, Registers of Scotland and GIS ARC Services</b>	These services are provided by third party contractors as part of fixed Service Level Agreements or contracts. As such the Commission does not have direct control over these but disruption could impact the service we offer.	5	3	15	Service Level Agreements in place with Scottish Natural Heritage around all building and infrastructure elements so any disruption would be rectified by them. External website / hosting suppliers have measures in place to ensure service delivery, and contracts cover the restoration of services in the event of failure. These are managed business risks.	3	2	6	Static	No further planned action at this time. Accept the current risk level but monitor actively should any significant changes look likely.	3	2	6	n/a	24/04/2020	Head of Digital & Improvement
003	Our workforce have the right skills and motivation to perform well, our governance processes are best practice.	Finance	<b>REGISTERS OF SCOTLAND FEE COLLECTION:</b> Any move to accept payment for registration by a means other than cheque.	Current payment method is by cheque. Collection, reconciliation and disbursement process is onerous and outdated. Every case in CC which involves a payment is routed to Finance for cheque clearing stage, therefore any case backlog impacts upon Finance Team as well. To date Finance has not delayed case progression as dealing with cases within 3 working days, however this often involves working additional hours. If there is a decision to offer payment to the crofting community by other means (card payment, BACS etc.), there is a risk that the Commission will quickly be unable to reconcile fees collected. This is due to the high volume of cases that are currently being returned as invalid. Fee collection by other means may potentially require additional finance staff to take card payments, as payment collection moves to a reactive basis.	4	4	16	External audit are aware of the current situation and while the current administrative system for reconciliation is cumbersome they are content that it can be reconciled. Due to a change in accounting policy the CC no longer reflects RoS fee collection within its primary financial statements. CC has exhausted options regards attempting to negotiate with RoS to collect fees directly and CC Solicitor confirmed that there is no intention to change our statutory duty to collect fees. Finance Team have undertaken some scoping options on their own initiative. Head of Digital & Improvement will need to confirm expectations regards process (for example online applications and liaising with RoS to agree that payment will be collected after an application is validated). December Update: Finance Manager has liaised with Head of Digital & Improvement and Head of Operations & Workforce to review reconciliation risks associated with card payment collection.	4	4	16	Static	Agreed that no further action planned until on-line applications are progressed.	2	2	4	Mar-21	03/03/2020	Finance Manager
004	Crofting is regulated in a fair, efficient and effective way	Finance	<b>STAFFING:</b> The Finance Manager issues a contract for a CA with 40 years Audit Scotland experience to proof the year end audit file and resource accounts for the Commission to ensure that they remain compliant with the FReM and SPFM.	The arrangement has been on a call-off and flexible basis. This has ensured that External Audits have produced 'clean' audit reports over last 4 year period. There may be additional costs in any new contract as well as losing the relationship and understanding that has been accumulated over recent years.	4	4	16	The Finance Manager has secured a SNH Financial Services peer review of 2019/20 draft accounts at minimal cost. In addition CC Finance are currently developing an electronic audit pack that includes look ups and notes to accounts the link to primary financial statements. This will add resilience to the finance function should there be a change in staff, as more straight forward to ascertain how accounts are compiled. As a result of Finance Officer developing an electronic audit pack, there are anticipated efficiency savings of £12k identified for future years. The Finance Team has continued to test and update the electronic pack by dropping in trial balances December, January & February.	3	2	6	Decreasing	The Finance Team will continue to work on electronic accounts package which will form the basis of the external audit review for 2019/20. External audit will test the audit pack during the mandatory external audit in June/July/Aug 2020. It is anticipated that this risk will be discharged provided the CC obtains a clean financial audit in August 2020.	2	2	4	Aug-20	22/04/2020	Finance Manager
005	Our workforce have the right skills and motivation to perform well, our governance processes are best practice.	Data Protection - information held	<b>DOCUMENT RETENTION POLICIES:</b> Automated and immediate application of document retention policies without full consideration of whether documents are labelled correctly. No activation of retention policies meaning organisation is not GDPR compliant.	Any wholesale deletion according to strict rules without any review process could result in significant loss of important data. If policies are not acted on, due to system delays, there is a risk of challenge because of non-compliance with GDPR	5	5	25	Agreed that automated deletion will only be applied to documents created on CIS after the implementation date of the new release. Approach outlined to address documents that were imported to CIS from CADS. Checking takes a long time using this process. Main risk remains until system improvements are complete. Issue has been scoped, with random sampling of 300,00 CADS documents - result indicates low level risk of deletion in error.	5	5	25	Increasing	collaboration between IS Team and Compliance Hub, re how to handle documents created between when CIS went live and the implementation date. Retention policies will be activated when next version of CIS goes live but DPO concerns re continuing delays to this. Level of risk re misnamed docs low but delays increase quantities. Concerned there is no end date for necessary work. There needs to be a Plan B.	4	4	16	Apr-20	07/04/2020	Head of Compliance
006	Our workforce have the right skills and motivation to perform well, our governance processes are best practice.	Records Management & Information Assets	<b>The organisation does not have an accurate record of the information it holds, who controls it and where it is stored. The information held is not classified according to a business classification system, leading to poor management of data</b>	Without an agreed Records Management Plan and comprehensive Information Asset Register and trained Information Asset Owners, there is a risk that information is not stored correctly, access restrictions may be inadequate and information held cannot be reported on	5	5	25	Records Management Plan has been revised and Information Asset register completed. All IAO's trained in their role to ensure they are aware of expectations and implications of non compliance. SIRO trained.	5	5	25	Increasing	Completion of Register and RMP and submission to the Keeper of Records for Scotland - dependent on new release of CIS.	4	4	16	May-20	07/04/2020	SIRO & Head of Compliance
007	Our workforce have the right skills and motivation to perform well, our governance processes are best practice.	Regulation	<b>Staff failing to comply with GDPR requirements</b>	There is a risk that staff will fail to comply with the GDPR principles on data accuracy and data minimisation, in particular and that personal data may be shared inappropriately. This may be caused by staff error or system problems.	5	5	25	Comprehensive guidance prepared for staff and all staff trained on GDPR principles, online annual mandatory training modules developed and rolled out to all staff, weekly one-to-one GDPR surgeries made available to all staff, working group set up to consider examples of day-to-day issues in casework. But well trained staff cannot overcome system issues.	5	5	25	Increasing	further training delivered spring 2019, compliance staff trained, compliance hub now fully staffed so assistance and advice can be maximised. Quality control monitoring plan in place. System issues continue to make it very difficult to maintain accuracy of data, until an admin tool is created. There needs to be a Plan B to cover continued delays.	5	5	25	Jun-20	07/04/2020	Head of Compliance
008	Our workforce have the right skills and motivation to perform well, our governance processes are best practice.	Regulation/IS	<b>Commission suffers a significant personal data breach</b>	Data Breaches can happen when personal data is lost, accessed without authorisation, altered without authorisation, destroyed or access to the data is lost. All organisations processing personal data are at risk of a breach incident. Outsourcing mail handling increases risk. No DPIA completed.	5	5	25	As well as appropriate levels of IT security, such as Cyber Essentials, all staff have been trained to recognise what constitutes a data breach, a data breach plan has been drawn up and circulated, information on avoiding data breaches is part of new online training module, an incident log has been opened. Clear desk policy in force.	5	5	25	Increasing	it is important that all staff complete the mandatory training module every year and refresh awareness of the IS security policy. All incidents of personal data breaches are recorded and investigated, in order to learn lessons and avoid repeats. As part of GDPR monitoring, Compliance team carry out monitoring of clear desk policy. But considerable increased risk because mail cannot be securely accessed at present.	5	5	25	Jun-20	07/04/2020	Head of Compliance

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009	Our workforce have the right skills and motivation to perform well, our governance processes are best practice.	All	Failure to adhere to statutory obligations	CC has statutory obligations in relation to FOISA/EIR requests, Subject Access Requests and Complaints. Failure to adhere to these requirements could result in awards of compensation against the organisation as well as reputational damage. Concerns over mail handling - formal Complaints and FOI requests could be stuck in mail.	5	5	25	We have robust procedures in place to deal with this range of responsibilities but nothing is fool proof and human error can result in risk if procedures are not followed. New risk caused by coronavirus, i.e. lack of staff to comply with obligations. Crisis planning underway.	5	5	25	Increasing	rolling programme of staff training, all new starts receive basic training, annual review of guidance materials, updating workflows and analysing how much can be done by compliance hub. CIS improvements would help. Crisis planning includes these obligations but mail needs to be brought under control.	3	3	9	May-20	07/04/2020	Head of Compliance
010	Our workforce have the right skills and motivation to perform well, our governance processes are best practice.	Regulation	DEVELOPMENT OF CIS: REQUIREMENTS, TRAINING AND TESTING Poor definition of user requirements and acceptance criteria. Lack of resources committed to user acceptance testing	Without clear definition of both requirements and their acceptance criteria, resources and time may be wasted developing functionality that is not fit for purpose, also causing delays and frustration. Without committed resource for user acceptance testing, functionality may be delivered that does not satisfy user requirements, leading to frustration, wasted development time and delays in delivery of correct functionality	5	4	20	CIS change and testing groups now in place, with draft TOR for each role to ensure clarity. Refined and controlled change request process in place to ensure that all changes undergo suitable planning and involve relevant stakeholders before sign off and implementation.	3	2	6	Static	Further refinement of planning and testing processes with evaluation of effectiveness.	3	2	6	May-20	24/04/2020	Head of Digital & Improvement
011	Our workforce have the right skills and motivation to perform well, our governance processes are best practice.	IS Team	Hardware Failure	Failure in hardware could result in a loss of services which would allow the Commission to carry out its normal daily functions	3	3	9	Service Contract in place for the maintenance of all Servers and related equipment.	2	2	4	Static	All hardware older than the recommended lifespan is planned replacement over a two year timeline, budget permitting. A new server is being purchased which will afford external working, and allow an element of redundancy.  Sponsor being approached at Audit & Finance committee suggestion with a view to replacing current hardware as part of a one off improvement.	1	2	2	May-20	24/04/2020	Head of Digital & Improvement
012	Crofting is regulated in a fair, efficient and effective way	Regulation	Regulatory Casework: Casework demands exceed capacity in number or complexity. Significantly reduced output due to Covid-19.	If case numbers or complexity exceed capacity, problematic cases and lengthy turnaround times may damage the Commission's reputation. Build up of casework during Covid-19 period.	5	5	25	Training tutorials developed for the majority of regulatory functions with ongoing training and refreshers. Regulatory team is fully staffed with relatively experienced staff. Active monitoring of casework and resolutions being implemented for IS issues.	4	4	16	Increasing	Identify further opportunities for delegation and review current parameters for already devolved functions. Improve communications in order to better set and manage expectations around expected turnaround times to customers. Improve training procedures and documents to ensure that new staff are trained as quickly and effectively as possible. Ongoing monitoring of workloads.	3	3	9	Jun-20	01/04/2020	Head of Operations & Workforce
013	Our workforce have the right skills and motivation to perform well, our governance processes are best practice.	All	Budgetary Restraints	The Commission is currently tracking a significant budget overspend for 2020/21 and auditors have raised initial concerns over our sustainability as a Going Concern	5	5	25	Bringing the budget on track will depend on staff reductions but the covid-19 pandemic is likely to halt most staff turnover as SG and other organisations cease recruitment. We have asked SG if they will provide additional funding to compensate the Commission when we loan staff to the SG, and if SG confirm they can do this, this will help a little. Meantime we are managing down non-staff costs as far as we can	4	5	20	Increasing	We have alerted SG to our inability to manage the staff budget at the current time. Looking to the medium term, CEO will be considering where staff reductions could best be made and if necessary will discuss the possibility of redeployments into the wider SG	3	3	9	Mar-21	23/04/2020	CEO
014	Our workforce have the right skills and motivation to perform well, our governance processes are best practice.	All	Limited business continuity readiness within the Commission, both from an IT and operational procedure aspect.	Business continuity within the Commission is not at an appropriate stage to meet the demands of a real incident. Some Commission staff do not have access to mobile devices, and critical systems such as CIS cannot be accessed out with the Commission building.	5	3	15	Currently there is a business continuity plan in place which was deemed not fit for purpose by Audit. Under revision to ensure that the Commission is able to survive a continuity incident.  Due to Covid 19 pandemic, CIS now has functionality outside of the Commission, with the majority of staff having access at varying levels of effectiveness. All staff now have Commission portable devices allowing working remotely.  New dedicated server for the purposes of enhancing GIS and remote CIS services now purchased and awaiting access to the building to install.	3	1	3	Decreasing	New server will be installed to provide better and more productive access to CIS and other systems remotely.  New business continuity plans will be tested, with support from another organisation.	1	1	1	Aug-20	24/04/2020	Head of Digital & Improvement, CEO
015	Our workforce have the right skills and motivation to perform well, our governance processes are best practice.	All	Disruption to Commission staffing and operations as a result of covid-19	Covid-19 presents several threats to the Commission: the health of the staff and Commissioners, and their families is itself at risk; more generally, impacts the lockdown are hindering staff's availability for work; and our office has been closed for an unknown and extended period and there are limitations to the effectiveness of our remote working arrangements. On the other hand, the health crisis has also resulted in a reduction in demand and expectations on the Commission.	5	5	25	We have activated our business continuity plan and have established a crisis management team comprising SMT (currently without the active involvement of the CEO, who has been temporarily seconded to core SG) and the regulatory manager. Communication with all staff is being maintained to support wellbeing with weekly all staff Skype calls, team calls and use of Teams message groups. Alternative arrangements have been put in place for incoming mail to be scanned and digitally sorted, and limited external outgoing mail facilities are in place and undergoing refinement. It solution has been introduced which allows access to CIS and essential systems remotely for the majority of staff, though quality of this service is under ongoing review to improve performance	4	4	16	New	Continuing efforts to improve the IT for remote working, with permission being sought from our buildings manager to set up a new server, and investigations ongoing whether several staff's home broadband can be improved	4	5	10	May-20	23/04/2020	CEO
016	Our workforce have the right skills and motivation to perform well, our governance processes are best practice.	IS team	NHS disaster recovery server may potentially restrict access to Commission server hardware	The Commission shares the server space with other tenants of Great Glen House, which includes an NHS disaster recovery server. Although under normal circumstances the Commission does not have any restrictions on access to the server hardware on site, the NHS server has the potential to restrict Commission access to the server room is the event of emergency scenarios such as the Covid 19 pandemic, where social distancing is implemented.	4	3	12	Under normal operating circumstances the Commission does not have restricted access to the server room, and this would only become an issue where an unexpected emergency, such as the current Global Pandemic, brought into play circumstances where regular access to Great Glen House was not possible.  Under the current scenario the Commission has negotiated emergency access with SNH, under planned agreement from them. This extends to Commission staff and external contractors who have previously undergone an induction through SNH for lone server room working only, which precludes the support company of the Commission, SFG.	4	3	12	New	The Commission has regular ongoing meetings with Senior Management within SNH to monitor the situation, and look for agreement to relax these controls if necessary.	4	2	8	n/a	30/04/2020	CEO / Head of Digital

Risk No	Corporate Outcome	Risk Description (what is the thing that could jeopardise the outcome being achieved?)	Potential Consequences	Untreated Score (how bad if we were doing nothing at all?)			Desired Outcome (to prevent the risk from materialising or from having too much adverse effect)	Current Control Actions in place	Current Score			Additional Planned Actions	Achievable Score (once all our current plans are implemented)			Owner
				Impact	Likelihood	Total			Impact	Likelihood	Total		Impact	Likelihood	Total	
001	Crofts are occupied and managed	Not enough momentum and political will can be gained to see an improvement, and/or an increase in legal challenges slows process	Crofting will continue to decline with land not being managed and communities shrinking  Reputational - seen to not be doing enough to address or conversely could be perceived as being too heavy handed  Resources - could expend a lot of resources but with little overall impact, crofting may continue to decline anyway  Financial - increased legal challenges could not only impact the resources' but also have financial implications	4	5	20	An appropriate balance is found which sees real delivery on this outcome that is viewed in a positive light without any significant adverse affect on the resources and costs of the organisation.	Systematic approach for dealing with those who confirm through the census that they are in breach of duties  Proactive work with landlords to improve occupancy on their estate  Work in collaboration with the FONE initiative	4	4	16	Targeted action with those who have repeatedly failed to return the census  Escalate knowledge from regulatory casework into enforcement action when appropriate	4	3	12	Head of Regulatory Support
002	Common grazings are regulated and shared management practices are encouraged	Changes in crofting practices and support see a continued decline and move away from common grazings being utilised and managed	Common grazings will see a continued decline in use and management	3	5	15	Grazing committees are enabled to generate a recovery in the productive communal use of common grazing land	Template grazings regulations made available  Grazings guidance published February 2019  Direct support provided to grazings committees/ townships that encounter problems  Support and encouragement to get grazings committees back into office	3	4	12	Structural reforms through Phase 2	3	3	9	Head of Policy
003	Crofting is regulated in a fair, efficient and effective way	Volume and complexity of casework exceeds CC's ability to deliver high standards of customer service	Reputational - decline in performance either in quality of decision making or turnaround times  Resources - staff may feel under increasing pressure and stress may become an issue  Sponsor Relationship - decline in performance may lead to tension between the Commission, Sponsor Branch and the Cabinet Secretary	5	4	20	Continued process improvement supported by use of digital service delivery provide enough capacity to absorb future budget pressures whilst maintaining good service provision	Provision of Register of Crofts Online  Ongoing process reviews  Monitoring of turnaround times through KPI quarterly report to provide early warning of issues  Regular Financial Forecasting which includes scenario planning for future  More flexible handling of General Enquiries	5	3	15	Improvements to processes secured through Phase 1 Bill  Expansion of information available through ROC Online  Work with RoS to improve registration processes  Improvement Project being scoped with SG  Procurement options for online application system being considered	4	2	8	Head of Operations & Workforce  Head of Digital & Improvement
004	We inform and support the future of active crofting	Conflicts arise due to clash between the crofting system, the modern environment and economy and different stakeholder agendas	Crofting legislation and other systems don't improve  SG, SCF and NFUS have low regard for the Commission	4	3	12	Commission positions on key issues for the future of crofting are developed, involving discussion with partner organisations	CC closely involved in Phase 1 Crofting Bill discussions  New working relationship with HIE in early stages  Regular meetings between Convener/CEO and key stakeholders  Participation in Cross Party Group on Crofting and Crofting Stakeholder Forum  Web presence and videos	4	2	8	CC closely involved with Phase 2 Crofting Bill discussions  Specific joint actions agreed with HIE  Promote the interests of crofting in further engagement with SG about support for crofting	4	2	8	CEO/Solicitor/Head of Policy

Risk No	Corporate Outcome	Risk Description (what is the thing that could jeopardise the outcome being achieved?)	Potential Consequences	Untreated Score (how bad if we were doing nothing at all?)			Desired Outcome (to prevent the risk from materialising or from having too much adverse effect)	Current Control Actions in place	Current Score			Additional Planned Actions	Achievable Score (once all our current plans are implemented)			Owner
				Impact	Likelihood	Total			Impact	Likelihood	Total		Impact	Likelihood	Total	
005	Our workforce have the right skills and motivation to perform well and our governance processes are best practice	Inability to recruit and/or retain good/experienced staff, because of budget constraints or for other reasons	Impact on any of the above corporate outcomes, as a result of one or more teams being short of experienced staff  Loss of valuable crofting knowledge  Resources - staff may feel under increasing pressure and stress may become an issue	4	4	16	A staffing structure which allows delivery of all key outcomes within budget set by SG  Training and succession plans in place to provide career development opportunities and processes in place to ensure resilience in terms of knowledge management	initial draft of Workforce plan to support training and succession planning  Prompt recruitment when necessary to fill posts  Appointments made to two new/recast B3 positions	4	4	16	Workforce plan to be finalised, integrated with financial planning, and used as an ongoing tool  Discussions with staff in the light of Spring 2019 Staff Survey  Inform SG of our budget pressures each year	3	3	9	Head of Operations & Workforce



# CROFTING COMMISSION MEETING

14 May 2020

Report by the Chief Executive

## Extending the Scheme of Delegation

### SUMMARY

To seek the Board's approval to supplement the Commission's existing and current "Scheme of Delegation" by authorising specified officials to sign certain Directions and Orders.

### 1. BACKGROUND

The current "Scheme of Delegation" is set out at **Annex A** as approved by the Commission.

#### 1.1 Statutory background

Schedule 1 to the Crofters (Scotland) Act 1993 ("the 1993 Act"), paragraph 15, empowers the Commission to delegate such of its functions as it may determine to any of its members, its Chief Executive or officers provided to the Commission by the Scottish Ministers. The Commission has already used paragraph 15 to set up the approved Scheme of Delegation. Schedule 1 to the 1993 Act, paragraph 13(1), also empowers the Commission to regulate its own procedure. The following further provisions regarding delegation are made by the Commission under paragraphs 15 and 13 to Schedule 1 of the 1993 Act.

The Scheme of Delegation ("the Scheme") sets out the four tier system of decision making within the Commission (Tiers one, two, three and the full Board), a list of functions and decisions included in the scheme, and an explanation of how the scheme operates.

#### 1.2 Directions and Orders

This paper seeks your approval to supplement the existing Scheme to include provision for which officials of the Commission are entitled to sign directions and orders on behalf of the Commission, whether that is applying a wet signature or an electronic signature. Any form of electronic signature will use appropriate electronic signature software, such as for instance Adobe Sign or any other appropriate software recommended by the Head of Digital and Improvement. The Commission Solicitor has advised that any scheme of delegation should make provision for which specific officials are empowered to sign official Commission documents on behalf of the Commission. This should be done by reference to job title rather than the name of the person who currently holds any particular post.

The important point to emphasise is that any person authorised to sign documents is authenticating the document by his or her signature and will have made reasonable checks to ensure that its contents are correct.

The Commission (by which is meant its Board members collectively) hereby accept that any person signing on its behalf will bind the Commission legally, which will also bind the Board members collectively. It is therefore reasonable for the Board to approve this as part of the scheme of delegation.

### **1.3 Decisions involving Commission consent**

In addition to official documents that the Commission issues in connection with certain of its statutory functions, the Commission also issues decision letters and grounds in respect of applications decided under section 58A of the Crofters (Scotland) Act 1993 (for instance, applications for consent such as assignation, division, consent to be absent, subletting and use of common grazings for other purposes).

Officials will bring further proposals to the Board to supplement the Scheme of Delegation by authorising specified officials to sign certain decision letters.

## 2. SPECIFIC DOCUMENTS AND AUTHORISED SIGNATORIES

The table below sets out the identified directions and orders and the proposed authorised signatories:

<b>Statute: Crofters (Scotland) Act 1993</b>	<b>Description of Direction or Order</b>	<b>Title of officers/level of authorised signatory</b>
Section 24(3)	Direction: Decrofting house site and garden ground by a landlord or tenant	Chief Executive Officer Head of Regulatory Support Regulatory Support Manager Residence and Land Use Team Manager
Section 24(3)	Direction: Decrofting part croft or whole croft by a landlord or tenant	Chief Executive Officer Head of Regulatory Support Regulatory Support Manager Residence and Land Use Team Manager
Section 24B(1)	Direction: Decrofting house site and garden ground by an owner-occupier crofter	Chief Executive Officer Head of Regulatory Support Regulatory Support Manager Residence and Land Use Team Manager
Section 24B(1)	Direction: Decrofting part or whole croft by an owner-occupier crofter	Chief Executive Officer Head of Regulatory Support Regulatory Support Manager Residence and Land Use Team Manager



<b>Statute: Crofters (Scotland) Act 1993</b>	<b>Description of Direction or Order</b>	<b>Title of officers/level of authorised signatory</b>
Section 24(3)	Direction:  Decrofting House site and garden ground in feu of which was granted under Section 17 or 18	Chief Executive Officer  Head of Regulatory Support  Regulatory Support Manager  Residence and Land Use Team Manager
Section 52(4)	Order:  Apportionment	Chief Executive Officer  Head of Regulatory Support  Crofting Support Manager  Residence and Land Use Team Manager
Section 26H(1)	Order:  Termination of a croft tenancy	Chief Executive Officer  Head of Regulatory Support  Residence and Land Use Team Manager
Section 26J(1)	Direction:  Seeking proposals for letting an owner-occupied croft	Chief Executive Officer  Head of Regulatory Support  Residence and Land Use Team Manager
Section 25(3)	Direction:  Recrofting land following a breach in conditions	Chief Executive Officer  Head of Regulatory Support  Crofting Support Manager  Residence and Land Use Team Manager

<b>Statute: Crofters (Scotland) Act 1993</b>	<b>Description of Direction or Order</b>	<b>Title of officers/level of authorised signatory</b>
Section 49(7)	Order: Confirming, making of amending grazings regulations	Chief Executive Officer Head of Policy Grazings Manager
Section 47(8)	Order: Removing a clerk or members of a grazings committee	Chief Executive Officer Head of Policy Head of Regulatory Support
Section 52(1E)	Order: Terminating a person's share in a common grazing	Chief Executive Officer Head of Policy Head of Regulatory Support
Section 38(8)	Order: Preparing a Scheme for the reorganisation of a township	Chief Executive Officer Head of Regulatory Support Head of Policy

**RECOMMENDATION**

**To discuss and agree to supplement the “Scheme of Delegation” to include the authorisation of specified officials to sign certain Directions and Orders on behalf of the Commission.**

Date 23 April 2020

Author Joseph Kerr, Head of Regulatory Support



**CROFTING COMMISSION'S  
FUNCTIONS AND DECISIONS:  
SCHEME OF DELEGATION**

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## INTRODUCTION

Up until October 2015 all decisions on regulatory applications were taken by Commissioners; either by a single Commissioner, a Casework Group comprising three Commissioners or the full Board. The level of decision-making being determined by the Commission's Instrument of Delegation.

From November 2015 a rolled-out programme of devolved decision making was introduced to enable Commissioners to focus on those issues which relate to the strategic leadership of the organisation.

The potential benefits of such an approach being:

- Frees up Commissioner's limited time;
- Decisions are made quicker;
- Decisions are more consistent across the organisation;
- Decisions are supported by more robust grounds;
- Staff are empowered.

How it works is that parameters for each function are agreed by the Board of Commissioners, and if a case falls with the parameters it can be dealt with by officials.

Initially 8 functions and decisions were included in the Scheme of Delegation, but over the last 3 to 4 years this has been extended to include the majority of functions and decisions set out in the Crofters (Scotland) Act 1993.

## HOW THE SCHEME OF DELEGATION OPERATES

There are 3 tiers of delegated decision making within the Commission.

### TIER ONE

#### **Who makes the decision at Tier One?**

- The Area Case Officer.

#### **What decision can be made at Tier One?**

- To approve applications which comply with the parameters agreed by the Board in relation to the relevant regulatory function.

#### **When are decisions (generally) made?**

- On a daily basis.

**N.B. If one or more of the parameters are breached, the case must be referred to Tier 2.**

## **TIER TWO**

### **Who makes the decision at Tier Two?**

- A Casework Group normally consisting of the Head of Regulation, Crofting Regulatory Manager and the B1 Case Officer.

### **What decision can be made at Tier Two?**

- To approve, condition or modify applications having considered the parameters agreed by the Board in relation to the relevant regulatory function.
- To escalate cases to Tier Three.

### **When are decisions (generally) made?**

- On a weekly basis.

**N.B. Neither Tier One or Two have the delegated authority to refuse an application.**

## **TIER THREE**

### **Who makes the decision at Tier Three?**

- A Casework Group consisting of 3 Commissioners, supported by the Commission Solicitor, Head of Regulatory Support, Crofting Regulatory Manager and the B1 Case Officer.

### **What decision can be made at Tier Three?**

- To approve, condition or modify applications having considered the parameters agreed by the Board in relation to the relevant regulatory function.
- To refuse applications.
- To escalate cases to the full Board of Commissioners.

### **When are decisions (generally) made?**

- On a monthly basis.

## **FUNCTIONS AND DECISIONS WHICH ARE INCLUDED IN THE SCHEME OF DELEGATION**

Decisions in these functions can be made at any of the 3 Tiers (depending on the consideration of the agreed parameters) or can be escalated to the full Board of Commissioners.

The following functions and decisions are included in the Scheme of Delegation:

- Constituting non-croft land as a new croft (Section 3A);
- Constituting non-croft land as a new common grazings (Section 51A);
- Enlargement of Crofts (Section 4);
- Exchange of crofts or parts of crofts (Section 4A);
- Assignment (Section 8);
- Division of a croft by a tenant (Section 9);
- Division of a croft by an executor to create 2 or more crofts (Sections 9 & 10);
- Division of a croft by an owner-occupier crofter (section 19D);
- Whether to serve a notice to terminate a tenancy due to a failure of statutory succession. (Section 11(4) to 11(8);
- Commission consent for absence from croft (Section 21B);
- Extension of consent for absence from croft (Section 21C);
- Variation of condition for absence from croft (Section 21D);
- Letting of a vacant croft by a landlord (Section 23(3));
- Letting proposals by a landlord (Section 23(5));
- Letting proposals by an owner-occupier crofter (Section 26(J)).
- Short term letting by owner-occupier crofters (Section 29);
- Letting of an owner-occupier croft (other than on short lease) by an owner-occupier crofter (Section 29A).
- Decrofting house site and garden ground by a landlord or tenant (Section 24);
- Decrofting part croft by a landlord or tenant (Section 24);
- Decrofting house site and garden ground by an owner-occupier crofter (Section 24A);
- Decrofting part croft by an owner-occupier crofter (Section 24A);

- Decrofting House site and garden ground in feu of which was granted under Section 17 or 18
- Subletting (Section 27);
- To decide whether to issue an order allowing a former subtenant to remain in occupation of a croft for up to 1 year following the termination of a sub-tenancy (Section 29(3));
- Use of common grazings for forestry purposes (Section 50);
- Use of common grazing for other purposes (Section 50B)'
- Apportionment (Section 52(4))
- Review of apportionment (Section 52)(12);
- Dealing with Late Objections (Section 58A(5A));
- Dealing with objections from individuals who the Commission consider do not have a relevant interest in an application.
- To decide whether a reported breach of duty is frivolous or vexatious. (Section 26A(5))
- To decide whether a notice should be served informing the crofter that the Commission consider a duty is not being complied with. (Section 26C(1))
- To decide whether a duty is being complied with, having provided the crofter with the opportunity to make representations. (Section 26C(5))
- To decide whether to accept an undertaking by a crofter to resolve the breach (Section 26D(4))
- Confirming, making or amending grazing regulations (Section 49(7)).



## **FUNCTIONS AND DECISIONS WHICH ARE EXCLUDED FROM THE SCHEME OF DELEGATION**

Decisions in these functions can only be made by Tier 3 or by the full Board of the Crofting Commission.

**The following functions and decisions are exempt from the Scheme of Delegation. These decisions have to be made by the Board of the Crofting Commission.**

- Complaints as respect Breach of a crofter's statutory conditions (Section 5A)
- Schemes for development (Section 19A);
- Whole Croft Decroftings (except for residual sites extending to less than 0.75(ha) – Section 24(3) and Section 24A);
- Whether to divide a croft prior to taking action to terminate a croft tenancy or to seek letting proposals from an owner-occupier crofter (Section 26G);
- Tenancy Termination procedure (Section 26H);
- Owner-occupier crofter: seeking croft letting procedure (Section 26J)
- Reorganisations Schemes (Section 38);
- To determine whether any or all members of a grazings committee (or the grazings clerk) are properly carrying out the duties imposed on them by the 1993 Act (Section 47(8));
- To determine whether a person has contravened or failed to comply with any common grazings regulations (Section 52(1C));
- Whether to suspend a person's share in a common grazings following a determination that they have contravened or failed to comply with any common grazings regulations (Section 52(1D));
- Whether to terminate a person's share in a common grazings following a determination that they have contravened or failed to comply with any common grazings regulations (Section 52(1E));
- Jurisdictional provisions i.e. whether to make reference to the Land Court for a determination on any question of fact or law (Section 53).

# CROFTING COMMISSION MEETING

**14 May 2020**

Report by the Chief Executive

## Residence and Land Use Team Report

### SUMMARY

**This report provides details of the work carried out by Residency and Land Use Team (RALUT) in 2018/19 and 2019/20 and sets out proposed activities for 2020/21.**

### 1. BACKGROUND

Unless otherwise stated this paper covers the work of the Residency and Land Use Team (RALUT) from 1 April 2018 to 19 February 2020.

The Team's nominal resource allocation consists of 4 members of staff (1@20hours; 1@32 hours; 1@33¼ hours and 1@37 hours per week). However, these resources have been frequently reduced through staff providing resilience to the Regulatory Team. Currently, RALUT is one full-time member of staff short (since 1 October 2019 and likely to be for one year) – which equates to 30% of the Team.

While duties enforcement is the primary focus of the work of the team, we are also involved in other activities encouraging the occupancy and use of crofts, including resolving long standing successions and the letting of vacant crofts.

### 2. DUTIES ENFORCEMENT WORK: CROFTING CENSUS

#### 2.1 Crofting Census 2017

Provisions in the Crofting Reform (Scotland) Act 2010 ("the 2010 Act") inserted a new section 40A "Annual Notice" into the Crofters (Scotland) Act 1993 ("the 1993 Act") which requires all tenant and owner-occupier crofters to complete an annual Crofting Census return declaring whether they are complying with their residence and land use duties.

In 2018, in a new initiative, the Commission wrote out to all **98 crofters** who indicated for the first time on the 2017 Crofting Census that they were in breach of one or more of their crofting duties, setting out their options and allowing them until the 2018 Crofting Census to resolve the breach at their own hands.

Of the **98 crofters** written to – **49 crofters** resolved their breaches as follows:

- 5 crofts were assigned
- 9 crofts were sublet
- 6 crofters applied for and received Consent to be Absent
- 29 crofters took up residence

In addition to the above, there were cases where the tenant of 2 crofts was in a care home; two crofters were deceased; one croft may have been purchased; two crofters had applied to sublet the croft where a decision has yet to be taken and one crofter had applied to assign their croft where a decision has yet to be taken. There was also one case where the Commission considered that whilst the crofter was in breach, there was a good reason not to take duties enforcement action. This left **40 crofters** who did not resolve their breach by the time the 2018 Census came around. They have since been written to setting out a timescale for resolving their breach; if the breach is not resolved within the timescale given then the case will be escalated to the next stage of enforcement action.

In 2018 we also wrote to **214 crofters** who indicated on two or more consecutive Census Returns that they were in breach of one or more of their statutory duties, setting out a timescale for resolving their breach.

Of the **214 crofters** written to – **157 crofters** resolved their breaches as follows:

- 23 crofts were assigned
- 86 crofts were sublet
- 30 crofters applied for and received Consent to be Absent
- 15 crofters took up residence
- 3 crofts were re-let

In addition to the above, there were 2 crofters who were deceased and 13 cases where the Commission considered that whilst the crofter was in breach, there was a good reason not to take enforcement action.

There are currently **42** cases ongoing – these consist of crofts which have been put up for sale (assignation), crofts where regulatory applications have been submitted which are pending a decision and other cases which are still at various stages of the duties enforcement process.

## **2.2 Crofting Census 2018**

In 2019, the Commission wrote out to all **77 crofters** who indicated for the first time in the 2018 Crofting Census that they were in breach of one or more of their crofting duties, setting out their options and allowing them until the 2020 Crofting Census to resolve the breach at their own hands.

At present, of the **77 crofters** written to – **7 crofters** have resolved their breaches as follows:

- 1 croft was assigned
- 2 crofts were sublet
- 1 crofter applied for and received Consent to be Absent
- 3 crofters took up residence

In addition to the above, 5 crofters stated they intend to sublet their croft; 4 stated they intend to assign their croft and one crofter hopes to take up residence soon.

As previously mentioned, the **40 crofters** who did not resolve their breach (from the 2017 Census) have been written to setting out a timescale for resolving their breach.

At present, of the **40 crofters** written to – **2 crofters** have resolved their breaches as follows:

- one croft was sublet
- one crofter took up residence

In addition to the above, 9 crofters have stated they intend to sublet their croft; one has stated they intend to assign their croft; 2 crofts have been put up for sale; 3 subletting applications have been submitted which are pending decisions; 5 assignation applications have been submitted which are pending decisions; two crofts have been purchased which require follow-up action, and a case where the tenant of two crofts is in a care home. There was also one case where the Commission considered that whilst the crofter was in breach, there was a good reason not to take duties enforcement action.

The remaining cases are progressing through the duties enforcement process which, as you will appreciate, is a lengthy process with distinct milestones and appeal stages i.e. determination of breach, undertakings, consideration of division and termination.

### **3. DUTIES ENFORCEMENT WORK: Reported Breaches of Duties**

Provisions in the 2010 Act inserted a new section 26A “Commission duty to investigate suspected breach of duty” into the 1993 Act which requires the Commission to investigate reports of breach of duty if made by a grazings committee or constable, an assessor or a member of the crofting community.

#### **1 April 2018 – 31 March 2019**

**19** cases of suspected breaches of duty were reported to the Commission. As a result:  
**3** were withdrawn (it was only after we processed the notifications that it became apparent that two of the tenancies were actually terminated by the landlord, but CC weren’t advised of this – the other croft tenancy was renounced but again CC weren’t advised)  
**2** were invalid (crofters concerned were deceased)  
**1** croft was sublet by the crofter as a result of the notification  
**1** croft was assigned by the crofter as a result of the notification  
**2** subletting applications were received – awaiting decision  
**4** cases resulted in an undertaking being issued and accepted by the crofter  
**1** case an undertaking was issued and we are awaiting a response from crofter  
**2** short term lets submitted – awaiting decisions  
**2** crofts were put up for sale (intended assignation) – cases to be revisited in Spring 2020  
**1** case ongoing – crofter requested to provide details of amount of time spent on croft in year

#### **1 April 2019 – 19 February 2020**

**15** cases of suspected breaches of duty were reported to the Commission. As a result:  
**3** cases were invalid (wrong form, no Committee in office, need minute of Committee meeting)  
**1** case was withdrawn (reporter now deceased)  
**1** case where a 26C(5) Notice was issued to crofter confirming breach (this is still within the 42 day appeal period)  
**1** case awaiting a subletting application  
**2** cases awaiting short term letting applications  
**1** crofter intends to assign tenancy of croft  
**6** cases still in investigation stages

In addition to the above, there are also a number of historical cases (pre April 2018) which are ongoing and cover a broad range of outcomes, including the sale of crofts; undertakings being provided and tenancy terminations.

**4. DUTIES ENFORCEMENT WORK: Applications for Consent to be Absent**

Provisions in the 2010 Act inserted a new section 21B “Commission consent for absence from croft” into the 1993 Act which provides that a crofter or an owner-occupier crofter may apply to the Commission for consent to be ordinarily resident other than on, or within 32 kilometres of, their croft.

The following applications have been processed - please note crofters can voluntarily apply for consent without having been prompted to do so via the enforcement provisions, therefore the figures below include the consent to be absent cases referred to at 2 above.

**1 April 2018 – 31 March 2019**

74 applications received

- 40 approved
- 6 refused
- 28 invalid (most of these were invalid as the form had not been fully completed)

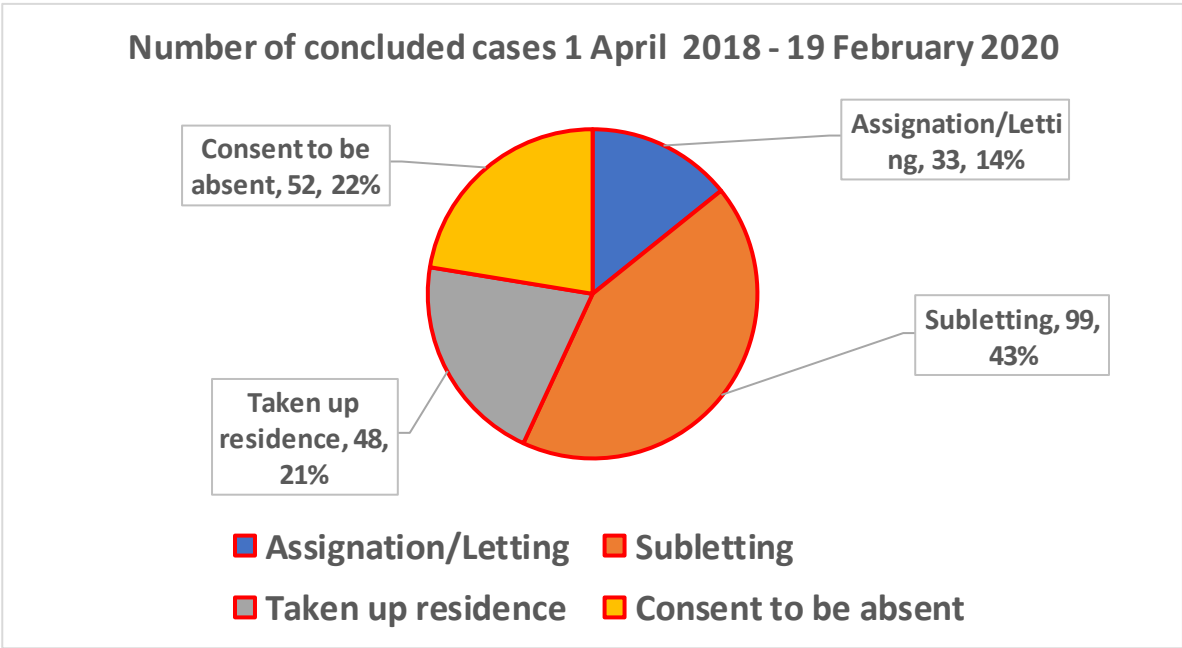
**1 April 2019 – 19 February 2020**

22 applications received

- 12 approved
- 6 refused
- 4 invalid (forms not fully completed)
- One application for an extension to Consent to be Absent was received but was invalid as the wrong form had been completed.

**5. DUTIES ENFORCEMENT WORK: SUMMARY OF CASES CONCLUDED**

To summarise, there were a total of 232 cases resolved during the period covered by this report from the various pro-active activities detailed above. The following chart sets out the various regulatory remedies utilised by crofters to resolve their breach of duties:



In May 2019 the Commission's information leaflets and the letters which are issued to crofters in breach were revised to move the focus away from Consent to be Absent to other resolution options. Consent to be Absent is a short term measure intended for those crofters who have firm plans and a reasonable timescale for becoming ordinarily resident on their croft.

## **6. ENFORCEMENT ACTION**

### **Termination of Croft Tenancies**

We do recognise that not all cases lead to either resolution or termination. Not all crofters resolve their breaches – there are cases which do not get resolved through mainstream regulatory activities where there is a 'good reason' not to give the crofter a Notice of suspected breach of duty under Section 26C(1) of the 1993 Act. There were 15 such cases in the period from 1 April 2018 to 19 February 2020 – reasons for not giving notice under Section 26C(1) included ill health of the crofter, ill health of a crofter's dependent, crofter or crofter's spouse serving in the armed forces.

In March 2019, the tenancy of one croft in Colonsay was terminated in terms of Section 26H of the 1993 Act, which resulted in the landlord letting the croft to a new entrant with effect from 1 November 2019.

There are a further 3 crofts – 2 in Skye and one in Lewis where the Team are in the process of terminating the tenancies under Section 26H of the 1993 Act - termination orders are currently being prepared. One of those 3 crofts is, prior to termination, being divided by the Commission thereby creating 2 new crofts for letting.

Other cases are progressing within the Team where it is likely that they will be presented to Tier 3 to consider terminating the tenancies in the coming months.

## **7. UNRESOLVED SUCCESSIONS**

There are currently 30 cases escalated to the team where the statutory timescale for resolving the succession to the tenancies of the crofts has expired. These cases are passed to RALUT to take action under Sections 11(4) and 11(8) of the 1993 Act to terminate the tenancies and declare the crofts vacant. Prior to going down that route, we try to establish if there is a confirmed Executor to the deceased crofters estate, or any beneficiaries so as we can advise them of options which may still be available to them if the landlord is willing to accept a late notification of succession. Should the landlord not be willing to accept late notification then we proceed down the Section 11(4) to 11(8) route to terminate the tenancies and, at the same time as terminating the tenancies, give notice to the landlord requiring them to submit re-letting proposals within the statutory timescales.

In one particular case we were approached by the National Trust for Scotland (NTS) to take action in respect of 2 crofts in Skye where the statutory timescale for resolving the succession to the tenancies had expired and where they indicated that they were not prepared to accept a transfer notified outwith the statutory 24 month period.. We worked closely with NTS and, under Section 11(8) of the 1993 Act terminated the tenancies of the crofts and gave NTS notice requiring them to submit re-letting proposals for the crofts. Proposals were received from NTS and approved by the Commission with one croft being let as a unit, and the other croft being let in 2 parts thereby bringing 3 new entrants into crofting.

## **8. VACANT CROFTS**

### **8.1 Letting proposals requested from landlords**

From 1 April 2018 to 19 February 2020 there are 11 cases where we requested letting proposals from landlords. Six of those were as a result of the Commission terminating the tenancies and declaring the crofts vacant due to failure of statutory succession (Section 11(8) of the 1993 Act) – with the other 5 being where the crofts were vacant and we requested letting proposals from the landlord (Section 23(5) of the 1993 Act).

We approved 5 of the Section 11(8) proposals and 4 of the Section 23(5) proposals – all resulting in new entrants into crofting.

In the other two cases, the landlords did not submit letting proposals within the statutory timescale, so the Commission have taken on the letting of these 2 crofts both of which are in Lewis. Expressions of interest in obtaining the tenancy of the crofts must be made to the Commission by 5 March 2020.

In addition, there were two historical cases in Harris and Gairloch where the Commission requested letting proposals from the landlord under Section 23(5) but the landlords did not submit letting proposals within the statutory timescale. These crofts were subsequently let by the Commission to new entrants following selection interviews by Commissioners.

### **8.2 Working with other Bodies**

In addition to the above, over the last couple of years, we have worked with estates in South Uist, Jura, Rum, South Inverness, Fort William and Skye with the aim to improve occupancy & residency on the crofts, as well as discussing opportunities for creating new crofts – some success has been achieved and this is very much an ongoing matter. In Corpach & Banavie we let a number of deemed crofts, we let a vacant croft in Rum and two applications to let crofts in Jura have been received and are being processed. Last summer we had a meeting with an estate's representatives in South Skye to discuss the re-letting of 3 vacant crofts and agreed a way forward which will see tenants selected and letting applications submitted this year. The Team involves and supports Commissioners in these meetings - recent meetings have seen the involvement of Commissioners Iain Maciver, Mairi Mackenzie and Billy Neilson.

## **9. SUMMARY**

This report shows what RALUT have achieved with the limited resources we have available. If additional resources were made available to the Team then we could broaden our work to deal with Census non-returners; owner-occupier crofter Census returners who have indicated they are in breach; resident non-cultivators and also cases escalated to RALUT from regulatory casework where it is apparent a breach has occurred.

As can be seen at Part 5 of this paper, RALUT work, by its nature, generates additional work for our regulatory colleagues, with 132 regulatory applications having been concluded by them as a result of our work, with a significant amount of cases still in progress.

The Team have been involved in a number of other varied initiatives recognising the wider nature of promoting occupancy and land use, however, staff resourcing is a limiting factor in what can be achieved.

## **10. MOVING FORWARD**

### **10.1 Continuation of Current cases**

It is imperative that RALUT continue to progress the cases we have been working on in 2018 and 2019 and bring these cases to a conclusion. Throughout the process we have set out options open to crofters who are in breach of duty, however we have also made clear that failure to resolve the breach can result in the termination of a croft tenancy, and as an organisation we have to be prepared to progress these cases to a conclusion.

### **10.2 Owner-occupier crofters**

We recognise the importance of dealing with the breach of duties by owner-occupier crofters. Managers made an operational resource decision for the first 2 years of Census work to focus on tenant crofters – all documentation and processes/workflows were built initially around tenanted crofts. In 2020/21 we will be in a position to look at owner-occupier crofters who have indicated on the Crofting Census to be in breach of one or more of their crofting duties. However, this work will be resource dependent and will split the amount of Census work being carried out between tenant crofters and owner-occupier crofters.

### **10.3 Census non-returners**

For the 2018 Crofting Census there were 19,269 Crofting Census forms issued and 13,347 returned – giving a figure of 5922 Census forms which were not returned. We are currently waiting for a report which will identify those crofters who have not returned their Census but are clearly in breach of their residence duty, based on the addresses held on our Register of Crofts.. Once this report is provided we can make plans for contacting a selection of those crofters in 2020/21 as resources allow.

### **10.4 Resident non-cultivators**

At the Assessor's Meeting in March 2019, three Assessors volunteered to be involved in assisting with Residency and Land Use work. Commissioners and Assessors were to meet to discuss how to take this forward – one line of thought being that they could take forward the 'resident non-cultivators' by visiting those crofters shown to be resident on their croft, but not cultivating it or putting it to another purposeful use, to discuss the options available to them. It was thought that a pilot could be carried out for those 'resident non-cultivators' in Skye and we have identified 21 such crofters from the 2018 Census returns.

Staff attended a meeting in December 2019 with Ian Davidson of the Scottish Land Matching Service to discuss a possible joint venture to match those crofters who are no longer able to work their croft with individuals who are actively seeking land. This matter is ongoing.

### **10.5 Cases escalated from regulatory work**

Thirty crofts were identified for follow-up action from cases considered by Commissioners at Tier 3. Of these, we noted that 18 of the cases were currently already in the process of being followed-up, either by RALUT through the enforcement duties provisions or by the regulatory teams processing regulatory applications. This leaves 12 cases to follow-up, they are a mixture of landlords of vacant crofts and crofters and owner-occupier crofters who are in breach of one or more of their statutory duties. Due to staff resources we are currently unable to progress them in the 2019/20 business year.



We would wish to be able to commence enforcement action on those cases and others as they are escalated but this would have to be on the basis of some form of prioritisation.

**RECOMMENDATION**

**For Commissioners to note the contents of this report and to consider the proposed activities for the coming year.**

Date            27 February 2020

Author         Garry J Laws, Residence and Land Use Team Manager

**DATE OF NEXT MEETING – 25 JUNE 2020**

**ANY URGENT BUSINESS – ORAL**

## **EXCLUSION OF PRESS & PUBLIC**