



**CROFTING COMMISSION  
COIMISEAN NA CROITEARACHD**

***COMMISSION MEETING***

***24 AUGUST 2020***

**CROFTING COMMISSION MEETING (TEAMS)  
24 AUGUST 2020 AT 0900 hrs**

**AGENDA**

- |           |   |                |                        |
|-----------|---|----------------|------------------------|
| <b>1</b>  | <b>APOLOGIES</b>  | <i>Oral</i>    | <i>Standing Item</i>   |
| <b>2</b>  | <b>DECLARATION OF INTERESTS</b>                             | <i>Oral</i>    | <i>Standing Item</i>   |
| <b>3</b>  | <b>BOARD MINUTES FROM:</b>                                  |                |                        |
|           | <i>(a) 5 May 2020 – Special Meeting (already published)</i> | <i>Minutes</i> | <i>For info</i>        |
|           | <i>(b) 25 June 2020 (already published)</i>                 | <i>Minutes</i> | <i>For info</i>        |
|           | <i>(c) 30 June 2020 – Special Meeting</i>                   | <i>Minutes</i> | <i>For info</i>        |
| <b>4</b>  | <b>MATTERS ARISING FROM PREVIOUS MINUTES</b>                | <i>Oral</i>    | <i>Standing Item</i>   |
| <b>5</b>  | <b>ANNUAL REPORT</b>  | <i>Report</i>  | <i>For signing off</i> |
| <b>6</b>  | <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 12 August 2020</i>                | <i>Minutes</i> | <i>For info</i>        |
|           | <i>(c) Q1 Performance Indicators</i>                        | <i>Paper</i>   | <i>For info</i>        |
|           | <i>(d) Annual Report on Committee Activity to Board</i>     | <i>Paper</i>   | <i>For info</i>        |
| <b>7</b>  | <b>‘ROUND THE TABLE’ UPDATES FROM COMMISSIONERS</b>         | <i>Oral</i>    | <i>Update</i>          |
| <b>8</b>  | <b>GLP – ANNUAL REVIEW BEFORE SUBMITTING REPORT TO BnG</b>  | <i>Paper</i>   | <i>For decision</i>    |
| <b>9</b>  | <b>REPORTS FROM HEADS OF TEAMS</b>                          |                |                        |
|           | <i>(a) IS Team</i>  | <i>Oral</i>    | <i>For info</i>        |
|           | <i>(b) RALU &amp; Reg Support</i>                           | <i>Oral</i>    | <i>For info</i>        |
|           | <i>(c) Operations &amp; Workforce</i>                       | <i>Oral</i>    | <i>For info</i>        |
|           | <i>(d) Grazings &amp; Policy</i>                            | <i>Oral</i>    | <i>For info</i>        |
| <b>10</b> | <b>REPORT ON RALU WORKING GROUP</b>                         | <i>Oral</i>    | <i>For info</i>        |
| <b>11</b> | <b>DEVELOPMENT OF CROFTING</b>                              | <i>Paper</i>   | <i>For discussion</i>  |
| <b>12</b> | <b>STRATEGIC RISK REGISTER</b>                              | <i>Paper</i>   | <i>For discussion</i>  |
| <b>13</b> | <b>STANDING ORDERS – ANNUAL REVIEW</b>                      | <i>Paper</i>   | <i>For decision</i>    |
| <b>14</b> | <b>DATE OF NEXT MEETING</b>                                 |                |                        |
|           | Wednesday 21 October 2020 – Skype Meeting                   |                |                        |
| <b>15</b> | <b>ANY URGENT BUSINESS</b>                                  |                |                        |
| <b>16</b> | <b>EXCLUSION OF THE PRESS AND PUBLIC</b>                    |                |                        |

# CROFTING COMMISSION

## MINUTE OF THE COMMISSION SPECIAL MEETING HELD VIA SKYPE ON 5 MAY 2020

Present:	Rod Mackenzie	Convener
	Andy Holt	Commissioner
	Mairi Mackenzie	Commissioner
	Malcolm Mathieson	Commissioner
	Iain Maciver	Commissioner
	James Scott	Commissioner
	Billy Neilson	Commissioner
	Bill Barron	Chief Executive
	David Findlay	Commission Solicitor
	Mary Ross	Head of Operations & Workforce
	Jane Thomas	Head of Compliance & Minute-taker

### 1 APOLOGIES AND WELCOME

The Convener welcomed everyone to the meeting, explaining the reason for calling it today, in these extraordinary times.

### 2 REVISION OF STANDING ORDERS

The Convener explained that the current version of Standing Orders for Commission meetings fails to make provision for them to take place other than face-to-face. As this is not possible at present, due to the Coronavirus restrictions, Commissioners have been asked to approve an amendment to allow Board meetings to take place also by electronic means or tele-conference, if necessary.

The Convener explained that flexibility was needed at the moment, but this did not mean the Commission would be switching to electronic meetings for good. The question was raised about access to meetings by the public and it was confirmed that a platform to allow the public digital access to Board meetings was being arranged and would be in place for the meeting on 14 May, so that would not be a Closed meeting. Although it would not be possible for the public to interact with Commissioners at a Board meeting, the viewing platform might increase the numbers accessing the meeting.

Everyone accepted that connectivity issues could create real challenges to clear communication and that gaps in audio clarity can cause confusion. The Convener gave an assurance that this method for holding Board meetings would be temporary, that Standing Orders overall would be reviewed in August and that it was his role to ensure there was clarity whenever a Decision was being taken at a Board meeting.

It was agreed that much more concentration is needed when participating in a Skype meeting and therefore it is important to keep meetings as short as possible or to take breaks and have meetings in two halves.

On this basis, the Commission approved the revision to Standing Orders, Clause 2.6. The document will be updated and placed on the Commission website.

<b><i>Decision</i></b>	<b><i>The Commission approved the amendment to clause 2.6 of Standing Orders to allow Commission meetings to take place by video-link, tele-conference or other digital means, to be reviewed in August 2020.</i></b>
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The Convener thanked everyone for attending and closed the meeting at 2:20pm.

### **3 DATE OF NEXT MEETING**

The next meeting of the Commission will take place by Skype on 14 May 2020 at 9:30am.

# CROFTING COMMISSION

## MINUTE OF THE COMMISSION MEETING HELD BY SKYPE ON 25 JUNE 2020

Present:	Rod Mackenzie	Convener
	Andy Holt	Commissioner
	Mairi Mackenzie	Commissioner
	Malcolm Mathieson	Commissioner
	Iain Maciver	Commissioner
	David Campbell	Commissioner
	Billy Neilson	Commissioner
	James Scott	Commissioner
	Bill Barron	Chief Executive
	Mary Ross	Head of Operations & Workforce
	Aaron Ramsay	Head of Digital & Improvement
	David Findlay	Commission solicitor
	John Toal	Head of Policy
	Joseph Kerr	Head of Regulatory Support
	Jane Thomas	Head of Compliance and minute taker
	Garry Laws	RALU team manager (from 15:30)
	Joy Smyth	Case Officer
	Gordon Jackson	Scottish Government
	Aileen Rore	Scottish Government

Up to 25 guests attended for part of the meeting.

### **1 APOLOGIES AND WELCOME**

The Convener welcomed everyone to the meeting and was especially pleased to see so many guests attending, including several members of staff.

Apologies were received from Michael Nugent and although Commissioner Annal joined the meeting for a few minutes, his connection was too poor for him to attend a substantial part of the meeting.

### **2 DECLARATION OF INTERESTS**

There were no declarations of interest in the public part of the meeting.

### **3 BOARD MINUTES OF 14 MAY 2020**

The Minute of the Meeting of 14 May 2020 had been approved by email and published on the website. It was brought to the meeting for information only. There were no questions.

### **4 MATTERS ARISING FROM PREVIOUS MEETING**

The CEO was aware that his absence from the May Board meeting had caused concern and he wished to place on the record the following points:

- i) He appreciated the support expressed by the Board for the urgent work required on assistance for care homes during the COVID-19 crisis.
- ii) He wanted Commissioners to know that SMT had risen to the challenge of managing the organisation in his absence.
- iii) He clarified that Scottish Government would not call him back without his consent and that he should have discussed the request by government with the Board more widely than he had.
- iv) Although there was no Acting Accountable Officer appointed as cover during the CEO's absence, this had been offered by SG but the CEO decided, as he had confidence in the SMT and the move was temporary, he would not take up this offer.
- v) He apologised for the poor communication on his temporary move to the Board and for the disquiet it had caused.

The Convener agreed that lessons had been learnt and wished to put his thanks to the SMT on record, for their work during this period.

## **5 ROUND THE TABLE UPDATE FROM COMMISSIONERS**

Commissioner Nielson thanked staff. He was impressed with the way staff were dealing with issues raised with him, via calls from crofters.

Commissioner Mackenzie agreed. She felt that telephone calls were increasing and customers beginning to expect more.

Commissioner Holt had taken some calls and found this has expanded his experience. He found it interesting and that many of the queries were about quite simple things.

Likewise, Commissioner Maciver thought calls were increasing and that sometimes it was a matter of people wanting someone to talk to.

Commissioner Campbell agreed that sometimes the queries received from callers were quite simple, which suggests more needs to be done to provide information but that pushing everything onto the website will not work for everyone.

Commissioner Mathieson reflected that staff had dealt swiftly with queries he had passed on from callers and the Convener found callers were still often quite apologetic, hoping not to inconvenience the Commission with their query, so it was good to be able to help.

## **6 UPDATE ON OPERATIONAL EFFECTIVENESS**

The Convener introduced the item, explaining how his office is being used as the base for scanning mail at present, with a staff rota now established and this seems to be working well with current volumes.

The CEO was pleased that the Head of Operations & Workforce was able to circulate a weekly case activity report to Commissioners, which appears to show that we are keeping pace with the new work coming in. The organisation will need to be ready to cope if this picks up. As well as new applications, we continue to receive Notifications and to work with RoS.

At the start of the crisis, SMT activated the Business Continuity Plan and held daily meetings to begin with, which have now reduced to 2-3 times a week. The Convener has been attending some of these and a note of the Actions is forwarded each week to Commissioners.

Managers have been keeping in close contact with staff, to try to help establish as robust a system for homeworking as possible and to ensure staff are supported.

In answer to a question on the provision of new ipads, Head of Digital & Improvement confirmed that new equipment would be sent to Commissioners shortly and CEO explained that the organisation is presently considering issues around the use of personal devices.

## 7 CROFTING DUTIES: POLICY PROPOSALS

The item was introduced by the Head of Policy, who explained there had been a previous paper on duties at the March Board meeting and a paper and discussion on - at a subsequent strategy meeting that also touched on this subject. The paper for consideration included a number of Recommendations, the objective being to deliver more sustainable crofting communities

The main thrust of policy for the last few years has been to emphasise self-regulation, encouraging compliance with the residency duty in particular by ease of access to relatively long-term sublets. The paper takes the view that while this allow flexibility it does not deliver the best results for crofting and that the focus should be more closely on the legislative requirements set out in the Act. This would require an earlier introduction to the legislative process and a disciplined approach, to deal more directly with the requirements and timescales set out in the Act. This would probably entail that resources could not be as readily be removed from duties work, but that depends upon the priority such work is given.

Head of Policy explained that the paper recommends that sub-lets/short leases for non-resident crofters should normally be restricted to 5 years, unless there are specific reasons for granting a longer let. Based upon an example provided of how the current process might disadvantage someone seeking consent to be absent as opposed to a sublet, it was also recommended that greater consideration could be given to using the consent to be absent route as temporary dispensation from the residency duty.

The greater difficulties encountered in delivering on the croft land use duties was highlighted, with particular reference to the SLC findings in the *Malone -v- Pattison* case. An ad hoc summary of this case was provided as it could have particular implications for assessing what constitutes croft cultivation. It was recommended that the Commissioners should consider the detail of the case and that a working group be formed to examine, in particular, how the Commission pursues the land use duties.

Commissioners agreed that all 3 aspects of possible breach of duties need to be looked at: Residency, Neglect and Cultivation and that lack of progress was frustrating. The CEO confirmed that he understands this is a priority for the Commission and hopes that a working group could consider how best to harness resources to gain results. Commissioners confirmed they would like to see Assessors involved on the working group and that one be established as soon as possible.

Without dissent, the Board agreed to adopt the recommendations in the paper.

<b>Decision</b>	<b><i>The Commission agreed to establish a STWG and to adopt the Recommendations detailed in the paper.</i></b>
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## 8 WOMEN & THE BOARD: GENDER BALANCE LEGISLATION

Head of Compliance (who takes the lead on Equality & Diversity) introduced the paper, explaining that Scottish Government had issued Regulations at the end of May. These set out a timeline for sponsor divisions and public bodies to report to the public, with evidence of what they are doing to comply with the SG objective of achieving gender balance in public appointments by December 2022, as set out in the 2018 Act.

Although Scottish Government will issue guidance on reporting, it was felt that work needs to begin on this, as the deadline for reporting is April 2021. Any work completed by the Commission to promote and encourage more women to come forward to seek Appointment to public bodies would also help the organisation reach out to women to encourage more to stand for election to the Board in 2022.

As the duty rests equally with Sponsor Division and the Commission, it was agreed that there would need to be close liaison on this issue.

It was confirmed that there will be one new Appointment in 2022; Commissioners Mathieson and Scott both wishing to record that it is their intention to seek re-appointment in 2023.

Members agreed that a working group should be set up but did not want the questionnaire appended to the paper to be sent out in its current form. It could be considered by the working group and a new draft circulated to the Board before being distributed.

The Convener was pleased that two female Assessors attending the meeting as guests agreed to join the working group and that Commissioner Campbell would also join, as his experience with the land agent stakeholders would be important.

<b>Decision</b>	<b><i>Establish STWG to consider how to encourage more women to seek appointment to Board vacancies.</i></b>
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## 9 (ITEM DELETED – FOR DISCUSSION AT A LATER DATE)

## 10 DATE OF NEXT MEETING

The next meeting will be held by Skype on 24 August 2020, with a 9:00am start agreed.

## 11 AOB

No urgent business was notified.

The public part of the meeting was closed by the Convener at 13:03. He thanked everyone who had attended as a guest, especially the Assessors.

## 12 EXCLUSION OF PRESS & PUBLIC

The Convener then closed the meeting at 16:30, thanking everyone for their contributions.



## CROFTING COMMISSION PERFORMANCE REPORT

QUARTER 1 – JULY 2020

## SUMMARY

Our Outcome		1. CROFTS ARE OCCUPIED AND MANAGED		RAG Status	Page
<b>Key Milestones</b>	<b>1/1</b>	May 2020 – Review all 2019 Census returns in order to extract all cases where the respondent has identified they are in breach of one or more of their statutory duties.		AMBER	5
	<b>1/2</b>	August 2020 - Write to 2019 census respondents who have advised us for the first time they are in breach of one or more of their duties, setting out their options for resolving their breach of duty at their own hand		GREEN	5
	<b>1/3</b>	Sept 2020 - 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		GREEN	5
	<b>1/4</b>	Sept 2020 - 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
	<b>1/5</b>	Ongoing - Follow-up action on the 2018 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		AMBER	6
	<b>1/6</b>	Ongoing - Follow-up action on all 2017 and 2018 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.		AMBER	6
<b>Performance Measures</b>	<b>1.1</b>	Reduce number of vacant crofts		AMBER	7
	<b>1.2</b>	Initiate correspondence with more crofters where a breach of RALU duties is suspected		GREEN	7
	<b>1.3</b>	Number of RALU breaches resolved by a crofter in breach of their residency duty by taking up residence on their croft		AMBER	8
	<b>1.4</b>	Number of RALU breaches resolved by assignation of the croft, or sale of an owner-occupied croft		AMBER	8
	<b>1.5</b>	Number of RALU breaches resolved by sublet, or by short-term lease of an owner-occupied croft		AMBER	9
	<b>1.6</b>	Number of RALU breaches concluded by tenancy terminations, approval of letting proposals etc		AMBER	9

Our Outcome		2. COMMON GRAZINGS ARE REGULATED AND SHARED MANAGEMENT PRACTICES CONTINUE		RAG Status	Page
<b>Key Milestones</b>	<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		GREEN	10
	<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		GREEN	10
	<b>2/3</b>	Ongoing – Maintain contact with shareholders of common grazings that have not returned a committee to office and establish contact with shareholders who have not had a committee for a longer period of time.		AMBER	10
	<b>2/4</b>	Ongoing – Encourage grazings committees to adopt the revised template for grazings regulations.		AMBER	10
<b>Performance Measures</b>	<b>2.1</b>	Increase in number of common grazings with a Committee in office		AMBER	11
	<b>2.2</b>	Increase in number of grazings committees who have adopted the new template regulations		GREEN	11
	<b>2.3</b>	Meetings or other substantial engagement with Grazings Committees and shareholders (as required) to support them with the regulation and management of common grazings		GREEN	12
	<b>2.4</b>	Establish correct shareholdings on common grazings by researching and updating records of shareholder situations.		GREEN	12
	<b>2.5</b>	Develop and assist with training and other events for grazings committees and the management of common grazings		AMBER	13

Our Outcome		3. CROFTING IS REGULATED IN A FAIR, EFFICIENT AND EFFECTIVE WAY			
			RAG Status	Page	
Key Milestones	3/1	May 2020 – Next build of the Crofting Information System released and upskilling delivered		AMBER	14
	3/2	June 2020 – Extend to other regulatory functions (currently decrofting and division) the triaging process 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 potential outcome.		AMBER	14
	3/3	June 2020 – Review website to minimise the number of incorrect forms received		GREEN	14
	3/4	June 2020 – Confirm and roll out system to measure customer satisfaction on Regulatory Applications		AMBER	15
	3/5	July 2020 – Establish a consistent MI suite for all areas of the Commission for the annual report, leading with Regulatory.		AMBER	15
	3/6	Sept 2020 - Undertake review of “Division by Tenant” process (section 9)		GREEN	15
	3/7	Sept 2020 – Confirm with Sponsor funding availability for progressing online applications, and agree what direction this work will take between the options presented with planning in place.		ACHIEVED	15
	3/8	Dec 2020 – Undertake review of “Letting of vacant crofts” process (section 23(3))		GREEN	15
	3/9	Dec 2020 – Agree, with Registers of Scotland, improvements to our combined processes, and how they can be implemented		GREEN	15
Performance Measures	3.1	Decrease in median turnaround times (registered crofts, Tier 1 approvals)		AMBER	17
	3.2	Decrease in number of regulatory cases outstanding after 12 months		GREEN	18
	3.3	Customer satisfaction rates		AMBER	18
	3.4	Decrease in number of general enquiries		GREEN	19
	3.5	Reduce number of applications rejected because of use of an incorrect form		AMBER	19

Our Outcome		4. THE FUTURE OF ACTIVE CROFTING IS SUPPORTED BY WELL-INFORMED ENGAGEMENT WITH STAKEHOLDERS			
			RAG Status	Page	
Key Milestones	4/1	May 2020 – Advise Scottish Government of our views concerning their forthcoming National Development Plan for Crofting.		GREEN	20
	4/2	June 2020 – Joint Board level meeting with Land Commission Board members		AMBER	20
	4/3	August 2020 – Have a formal Commission presence at 6 agricultural shows across the Highlands and Islands.		GREEN	20
	4/4	Sept 2020 - Publish a Commission paper on the Future of Crofting		AMBER	20
	4/5	Nov 2020 – Commission paper on how crofting can maximise its contribution to protecting biodiversity and mitigating climate change.		AMBER	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	5/1	April 2020 – Complete implementation of 2019 Staff Survey action plan.		AMBER	21
	5/2	May 2020 – Implement automated retention schedule procedures within revised CIS.		RED	21
	5/3	June 2020 – Expand succession planning for key posts as set out in the Workforce Plan.		AMBER	21
	5/4	Oct 2020 – Produce an internal plan for staff deployment and development, as set out in the Workforce Plan.		AMBER	21
	5/5	Mar 2021 - Conduct 2021 Staff Survey		GREEN	21
Performance Measures	5.1	Increase in staff engagement rating		AMBER	22
	5.2	Corporate carbon emissions		GREEN	22

## 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	Covid Effect	RAG Status	Responsible Manager	Details
<b>1/1</b> May 2020 – Review all 2019 Census returns in order to extract all cases where the respondent has identified they are in breach of one or more of their statutory duties.	<b>The census forms are currently in GGH</b>	<b>AMBER</b>	Joseph Kerr	The RALUT Manager is in the process of completing a DPIA to enable the forms to be obtained from GGH and stored with him. He will then create a spreadsheet identifying the breach notifications in order to assign cases to the Casework Officers in the team to undertake Milestones 1/2 and 1/3
<b>1/2</b> August 2020 - Write to 2019 census respondents who have advised us for the first time they are in breach of one or more of their duties, setting out their options for resolving their breach of duty at their own hand.		<b>GREEN</b>	Joseph Kerr	(see above)
<b>1/3</b> Sept 2020 - 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		<b>GREEN</b>	Joseph Kerr	(see above)
<b>1/4</b> Sept 2020 - 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.		<b>GREEN</b>	Joseph Kerr	This will be considered within the wider context of the Short Term Working Group on Duties

<p><b>1/5</b> Ongoing - Follow-up action on the 2018 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>The RALUT have been significantly impacted by covid-19 due to loss of output by staff being on Special Leave or on reduced productivity due to limitations imposed by the HWE</b></p>	<p><b>AMBER</b></p>	<p>Joseph Kerr</p>	<p>Ongoing</p>
<p><b>1/6</b> Ongoing - Follow-up action on all 2017 and 2018 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>The RALUT have been significantly impacted by covid-19 due to loss of output by staff being on Special Leave or on reduced productivity due to limitations imposed by the HWE</b></p>	<p><b>AMBER</b></p>	<p>Joseph Kerr</p>	<p>Ongoing</p>

**PERFORMANCE MEASURES -**

Number	Aim	Baseline	Target/Indicator	Measure
1.1	Reduce number of vacant crofts	144 in March 2019	Reduce by 5%	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:

**No planned activity until staff resource currently diverted to mainstream regulatory casework is returned to the team**

Covid Effect

Q1	Q2	Q3	Q4
AMBER			

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	77	Initiate RALU correspondence with 100 new cases	Records of administrative action. Those contacted will include all those whose 2019 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

Correspondence not due to commence until August and September

Q1	Q2	Q3	Q4
GREEN			

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	32	Maintain or increase the number in 2019-20	Records of administrative action								
<p><u>PROGRESS</u></p> <p>Covid Effect</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>AMBER</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Responsible Manager: Joseph Kerr</p>					Q1	Q2	Q3	Q4	AMBER			
Q1	Q2	Q3	Q4									
AMBER												

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	28	Maintain or increase the number in 2019-20	Records of administrative action								
<p><u>PROGRESS:</u></p> <p><u>1 crofter resolved their breach by assigning in the first quarter</u></p> <p>Covid Effect</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>AMBER</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Responsible Manager: Joseph Kerr</p>					Q1	Q2	Q3	Q4	AMBER			
Q1	Q2	Q3	Q4									
AMBER												



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	88	Maintain or increase the number in 2019-20	Records of administrative action								
<p><u>PROGRESS</u></p> <p><u>2 crofters resolved their breach of by subletting in the first quarter.</u></p> <p>Covid Effect</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>AMBER</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Responsible Manager: Joseph Kerr</p>					Q1	Q2	Q3	Q4	AMBER			
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AMBER												

Number	Aim	Baseline	Target/Indicator	Measure								
1.6	Number of RALU breaches concluded by tenancy terminations, approval of letting proposals etc	6	Maintain or increase the number in 2019-20	Records of administrative action								
<p><u>PROGRESS</u></p> <p><u>There was 1 tenancy termination in the first quarter</u></p> <p>Covid Effect</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>AMBER</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Responsible Manager: Joseph Kerr</p>					Q1	Q2	Q3	Q4	AMBER			
Q1	Q2	Q3	Q4									
AMBER												

**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	Covid Effect	RAG Status	Responsible Manager	Details
2/1 Ongoing - Contact all Grazings Committees whose terms are about to end, encouraging them to arrange election of a new Grazings Committee		GREEN	John Toal	Grazings Committees are still being contacted and advised that if willing to serve another term that the Commission is prepared to appoint the same members in terms of section 47(3) of Crofters(Scotland) Act 1993. There are currently 477 committees in office.
2/2 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.		GREEN	John Toal	The guidance continues to be the main reference point and will be used for smaller items of guidance and training initiatives over the coming year
2/3 Ongoing – Maintain contact with shareholders of common grazings that have not returned a committee to office and establish contact with shareholders who have not had a committee for a longer period of time.		AMBER	John Toal	The primary purpose of this is to enable shareholders to meet and appoint a grazings committee. It is not possible to do this at present.
2/4 Ongoing -Encourage grazings committees to adopt the revised template for grazings regulations.		AMBER	John Toal	Grazings Committee have been unable to meet during this quarter.

## PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure								
2.1	Increase in number of common grazings with a Committee in office	485 Grazings Committees in office on 31 March 2020	The number of Grazings Committees in office	Administrative records								
<u>PROGRESS</u>												
<p><b>Measures put in place to enable the appointment of existing committees going out of office has allowed some committees to return and continue the management of common grazings. Currently there are 477 grains committees in office.</b></p> <p>Covid Effect</p> <p><b>It is difficult for any shareholders in a common grazings that does not have an existing committee to appoint a committee as it has not been possible for them TO hold a public meeting during this quarter.</b></p>												
<table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>AMBER</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					Q1	Q2	Q3	Q4	AMBER			
Q1	Q2	Q3	Q4									
AMBER												
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	6 in 2019-20	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.								
<u>PROGRESS</u>												
<p>Covid Effect</p> <p><b>It has not been possible for possible for grazings committees to meet during this period. Consequently, there have been no new requests in this period. However, there are 10 already submitted at various stages of progress, although some will still require further consultation with grazings committees.</b></p>												
<table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>GREEN</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					Q1	Q2	Q3	Q4	GREEN			
Q1	Q2	Q3	Q4									
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	33 in 2019-20	The numbers of townships where grazings issues have been assisted, 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

**6 cases have been recorded.**

Covid Effect

**While there has been little opportunity for grazings committees to meet during this period, this does not necessarily entail that disputes will not arise in relation to committees and their management of common grazings.**

Q1	Q2	Q3	Q4
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.	14 in 2019-20	Number of townships researched	Records of administrative action

PROGRESS

**Three common grazings have had their shareholding situation updated during this period**

Covid Effect

**Less likely to be requested by committees but still possible for there to be circumstances in which they will be requested.**

Q1	Q2	Q3	Q4
GREEN			

Responsible Manager: John Toal

Number	Aim	Baseline	Target/Indicator	Measure
2.5	Develop and assist with training and other events for grazings committees and the management of common grazings	9 in 2019-20	Number of events	Records of administrative action
<u>PROGRESS</u>				
Covid Effect				
<p><b>There is less likelihood of continuing the interactive training events for grazings committees that were initiated last year. However, recent discussions have taken place with SAC who have been encouraged to use FAS funding for common grazings development. Consideration is being given to different on-line and digital training and events that should be beneficial to common grazings and those responsible for their management.</b></p>				
Q1	Q2	Q3	Q4	
AMBER				
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	Covid Effect	RAG Status	Responsible Manager	Details
<b>3/1</b> May 2020 – Next build of the Crofting Information System released and upskilling delivered	IS Team have needed to spend much time addressing connectivity issues for Home Working	<b>AMBER</b>	Aaron Ramsay	We have taken steps to reduce the calls on the system architect’s time, to allow him to complete the work required to prepare the new CIS system for testing. However, the original schedule has obviously been missed.
<b>3/2</b> June 2020 – Extend to other regulatory functions (currently decrofting and division) the triaging process 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 potential outcome.		<b>AMBER</b>	Joseph	Have identified subletting (section 27) and short term letting (section 29A) as the two regulatory functions most suited for inclusion in the triage process. There are a number of tasks currently in progress including a review of the delegated parameters, check lists and creation of a triage letters in relation to both functions. Anticipate that this will be in place by August.
<b>3/3</b> June 2020 – Review website to minimise the number of incorrect forms received		<b>GREEN</b>	Mary Ross	Application and Notification Forms are reviewed and updated on an annual basis. The original target date has not been met but plans are in place to review all forms in the current Financial Year, as part of the introduction of interactive pdfs.

<b>3/4</b> June 2020 – Confirm and roll out system to measure customer satisfaction on Regulatory Applications	Suspension of the customer satisfaction forms at end of March 2020 due to centralised issuing of mail.	<b>AMBER</b>	Mary Ross	Customer Service Forms issued for a four month period up to March 2020. A small sample of completed forms were received and all of the forms received were positive.
<b>3/5</b> July 2020 – Establish a consistent MI suite for all areas of the Commission for the annual report, leading with Regulatory.		<b>AMBER</b>	Aaron Ramsay/Mary Ross	Case Progression Report in production. The report will be able to be run on a monthly, quarterly or annual basis.  Report also in production to identify the cases that have been received more than 12 months ago but have not reached decision stage yet.
<b>3/6</b> Sept 2020 - Undertake review of “Division by Tenant” process (section 9)		<b>GREEN</b>	Joseph Kerr	
<b>3/7</b> Sept 2020 – Confirm with Sponsor funding availability for progressing online applications, and agree what direction this work will take between the options presented with planning in place.		<b>ACHIEVED</b>	Aaron Ramsay	This will be delivered as one of the one-off projects funded with the additional resources provided by the SG in the current year
<b>3/8</b> Dec 2020 – Undertake review of “Letting of vacant crofts” process (section 23(3))		<b>GREEN</b>	Joseph Kerr	
<b>3/9</b> Dec 2020 – Agree, with Registers of Scotland, improvements to our combined processes, and how they can be implemented	A pause to this work due to Registers of Scotland staff initially not being able to work remotely.	<b>GREEN</b>	Mary Ross	Improvements have been discussed with Registers of Scotland. This task is ongoing.

## PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure
3.1	Decrease in median turnaround times (registered crofts, Tier 1 approvals)	Figures for 2019/20:  Assignment 8 weeks Decrofting CHS 8 Decrofting Part 13.3 Letting by Landlord 9.4 Owner Occupier Letting 11.4	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

Covid Effect

Early indications show that there has been a slight slip in the turnaround times for the main application types due to the effect of home working. Pressure of work remains high, but with the recent improved connectivity and a better working environment, it is anticipated that this will stabilise.

Q1	Q2	Q3	Q4
AMBER			

	Approx Number of cases per year	Median weeks (2019-20)	Median weeks (2020-21 to date)
Assignment	c125	8	13.2
Decrofting Croft House Site	c50	8	2.8
Decrofting Part Croft	c100	13.3	17.3
Letting by Landlord	13	9.4	8.9
Letting by Owner Occupier	c10	11.4	-

Responsible Manager: Mary Ross



Number	Aim	Baseline	Target/Indicator	Measure
3.2	Decrease in number of regulatory cases outstanding after 12 months	Not available	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

Covid Effect

**No update yet. A report to provide this information is in production. This will allow the Regulatory Team to identify and investigate these cases. It has emerged that incomplete recording of when cases have been concluded, has been wrongly increasing the numbers of cases shown on CIS as outstanding for the long term. We plan to investigate all cases so that those genuinely outstanding can be identified – both for statistical purposes and to ensure required actions are completed.**

Q1	Q2	Q3	Q4
GREEN			

Responsible Manager: Mary Ross

Number	Aim	Baseline	Target/Indicator	Measure
3.3	Customer satisfaction rates	Not available	% of respondents reporting satisfaction to the CC enquiries	The customer satisfaction system was launched towards the end of 2019-20 but no baseline can be calculated from the limited data available so far

PROGRESS

Covid\_Effect

**Customer Service Forms issued for a four month period up to March 2020. A small sample of completed forms were received and all of the forms received were positive.**

Q1	Q2	Q3	Q4
AMBER			

Responsible Manager: Mary Ross

Number	Aim	Baseline	Target/Indicator	Measure
3.4	Decrease in number of general enquiries	2,394 in 2019-20	Reduce number	Number of general enquiries received

PROGRESS

Covid Effect

There was a slight decrease from the number of enquiries received during 2019/20 compared to 2018/19. A further reduction is expected following the uploading of the apportionment orders to the online Register of Crofts.

Q1	Q2	Q3	Q4
GREEN			

Responsible Manager: Mary Ross

Number	Aim	Baseline	Target/Indicator	Measure
3.5	Reduce number of applications rejected because of use of an incorrect form	48 forms were rejected in 2018/19 due to selecting an incorrect type	Reduction in incorrect form types submitted	Customers are better guided to choose correct application form type, reducing rejected applications and saving resource

PROGRESS

Covid Effect

No update yet. A CIS report will need to be developed to extract this information.

Q1	Q2	Q3	Q4
AMBER			

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	Covid Effect	RAG Status	Responsible Manager	Details
4/1 May 2020 – Advise Scottish Government of our views concerning their forthcoming National Development Plan for Crofting.		GREEN	John Toal	We have continued to engage with SG over the contents of the National Development Plan.
4/2 June 2020 – Joint Board level meeting with Land Commission Board members	pressure on how many matters can be included on Board agendas	AMBER	John Toal	This has been postponed – no new date set yet.
4/3 August 2020 – Have a formal Commission presence at 6 agricultural shows across the Highlands and Islands.	All shows have been cancelled	RED	Bill Barron	It will not be possible to achieve this Milestone in 2020/21.
4/4 Sept 2020 - Publish a Commission paper on the Future of Crofting	March Mtg postponed and papers' schedule disrupted	AMBER	Bill Barron / David Findlay/ John Toal	Some major themes have been explored but consensus is not always apparent. Has been impacted by changing circumstances and a revised approach is being pursued.
4/5 Nov 2020 – Commission paper on how crofting can maximise its contribution to protecting biodiversity and mitigating climate change.		AMBER	John Toal	Following on the November paper, there have been discussions with RPID, Sponsor, SNH and FLS involving officials and, in some cases, Commissioners. Biodiversity and climate change have featured in several SG crofting stakeholder meetings. A future paper on coastal erosion and climate change in South Uist will be presented in 2020, but has been delayed due to coronavirus.

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	Covid Effect	RAG Status	Responsible Manager	Details
5/1 April 2020 – Complete implementation of 2019 Staff Survey action plan.		AMBER	Bill Barron	Many actions had been completed by March 2021 but the remaining actions have been delayed because SMT attention has been on business continuity
5/2 May 2020 – Implement automated retention schedule procedures within revised CIS.		RED	Jane Thomas	This requirement has not been met because there has been no implementation of the next version of CIS. The delay is related to the extra work required of the Systems Architect due to the COVID-19 crisis.
5/3 June 2020 – Expand succession planning for key posts as set out in the Workforce Plan.		AMBER	Bill Barron	Delayed
5/4 Oct 2020 – Produce an internal plan for staff deployment and development, as set out in the Workforce Plan.		AMBER	Mary Ross	No update yet.
5/5 Mar 2021 - Conduct 2021 Staff Survey		GREEN	Bill Barron	In the meantime the 2020 survey was delayed from the spring and is being run in August 2020. The intention remains to conduct the 2021 survey in March 2021.

**PERFORMANCE MEASURES**

Number	Aim	Baseline	Target/Indicator	Measure								
5.1	Increase in staff engagement rating	51% in Spring 2019	Increase to 55%	Average scores for a set of fixed questions in the annual staff survey								
<p><u>PROGRESS</u></p> <p>Covid Effect</p> <p><b>No update yet. Issue of staff survey delayed due to Covid-19. Survey is currently live and results will be available late August 2020.</b></p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>AMBER</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Responsible Manager: Mary Ross</p>					Q1	Q2	Q3	Q4	AMBER			
Q1	Q2	Q3	Q4									
AMBER												

Number	Aim	Baseline	Target/Indicator	Measure								
5.2	Corporate carbon emissions	15.5tCO2e in 2018/19	Maintain or reduce	Emissions from business travel by staff and commissioners								
<p><u>PROGRESS</u></p> <p>Covid effect</p> <p>When the figure for 2020/21 is eventually known, it is likely to have fallen sharply because of Covid restrictions on travel. However, normally we only report on the figure one year in arrears, i.e. we would show the figure for 2019/20 in our annual report on 2020/21.</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>GREEN</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Responsible Manager: Bill Barron</p>					Q1	Q2	Q3	Q4	GREEN			
Q1	Q2	Q3	Q4									
GREEN												

## **AUDIT & FINANCE COMMITTEE MEETING**

**12 August 2020**

### **Annual Report on committee activity for 2019/20 to the Board**

#### **BACKGROUND**

**As part of the approved Committee workplan the Vice-Chair of the Audit & Finance Committee has drafted an annual report on the Committee's activity for the year for approval, prior to submitting to the Board for review.**

#### **OVERVIEW**

The activities of the Audit and Finance committee members during the past year were focused on the Business Plan, Medium Term Financial Plan and Business Continuity Planning. This turned out to be an effective review since the onset of Covid-19 required the Commission to review and implement its Business Continuity Plan in March 2020. The learnings from this situation will be discussed by the AFC during 20/21 and incorporated into an updated Business Continuity Plan.

The normal reviews of the Committee contained discussion on the achievement of key performance indicators, the business plan outcomes as well as financial performance and review of audit recommendations. Emphasis was also placed this year on reviewing all the major policies within the Commission to ensure they were up to date and relevant to the organisation. All information supplied to the AFC was again of a high standard, which allowed members to focus on key issues and provide the main board with assurances re the operational aspects of the Commission.

The AFC also distributed and reviewed self-assessment questionnaires from both the Board and the AFC. This was highly informative as it supplied the Board Convener and Vice Chair of the AFC with information to ensure all Commissioners were aware of their roles / responsibilities and that they were given sufficient information to make informed decisions. It also highlighted any additional training needs to allow Commissioners to undertake their roles effectively.

The Strategic Risk Register was redesigned in 19/20 and is now included quarterly for the main Board to review. This has been an invaluable document, as it has given the AFC the information to identify potential risks before they occur. Once again, the quality of the information supplied was good and the response to questions raised by Committee members were swiftly received.

**The work covered by the AFC during 2019/20 is listed below.**

<p><b>April 2019</b></p> <ul style="list-style-type: none"> <li>• Award of Internal Audit contract</li> <li>• AFC Annual Self-Assessment Questionnaire Review</li> <li>• Board Annual Self-Assessment Questionnaire Review</li> <li>• Review Financial Systems Shared Service SLA Performance</li> <li>• Review Development of a Commission Assurance Framework</li> <li>• Review Internal Audit Reports: “Business Continuity Planning Review” &amp; “Annual Internal Audit Assurance Report 2018/19”</li> <li>• Review of Strategic Risk Register prior to forwarding to Board</li> <li>• Review of the Organisational Diagnostic Report for the Crofting Commission Conducted by CTI Ltd</li> <li>• Committee workplan for 2019/20 – approved</li> <li>• Review Internal Audit Workplan for 2019/20</li> <li>• Considered draft Governance Statement for 2018/19 Accounts</li> </ul>
<p><b>August 2019</b></p> <ul style="list-style-type: none"> <li>• Reviewed External Audit report on 2018/19 Annual Report &amp; Accounts, recommended the report &amp; accounts for approval by Board</li> <li>• Annual Report on Committee Activity to Board – approved</li> <li>• Review Development of Crofting Commission Assurance Framework</li> <li>• Consider IS Oral Update/Presentation by Head of Digital &amp; Improvement</li> <li>• Considered report from Internal Audit <ul style="list-style-type: none"> <li>○ Follow Up Report on previous audit recommendations</li> </ul> </li> <li>• Private meeting of Committee Members with Internal Audit</li> <li>• Private meeting of Committee Members with External Audit</li> </ul>
<p><b>October 2019</b></p> <ul style="list-style-type: none"> <li>• Reviewed Board Scheme of Financial Delegation</li> <li>• Reviewed Standing Financial Instructions</li> <li>• Reviewed Committee Terms of Reference</li> <li>• Reviewed Anti-Fraud Policy/Conflict of Interest Policy</li> <li>• Reviewed Equalities &amp; Diversity Plan</li> <li>• Reviewed Whistleblowing Policies</li> <li>• Reviewed Risk Management Policy</li> <li>• Reviewed Crofting Commission Assurance Framework</li> </ul>
<p><b>January 2020</b></p> <ul style="list-style-type: none"> <li>• External Audit update and review of 2019/20 annual audit plan</li> <li>• Reviewed Key Accounting Policies for 2019/20 Accounts</li> <li>• Reviewed draft Business Plan for 2020/21 prior to Submission to Board</li> <li>• Consider Crofting Commission Workforce &amp; Succession Plan</li> <li>• Review Crofting Commission Assurance Framework</li> <li>• Review Crofting Commission Medium Term Financial Plan</li> <li>• Approved Board Self-Assessment Questionnaire to be issued in quarter 4 2019/20</li> <li>• Considered report from Internal Audit <ul style="list-style-type: none"> <li>○ GDPR Compliance</li> </ul> </li> <li>• Review of 2020/21 Budget – recommended to Board for approval</li> </ul>
<p><b>MARCH 2020</b></p> <ul style="list-style-type: none"> <li>• Additional Committee Meeting to consider Crofting Commission Budget Allocation 2020/21</li> </ul>
<p><b>Standing agenda items reviewed at each meeting</b></p> <ul style="list-style-type: none"> <li>• Review of Operational Risk Register</li> <li>• Progress Review on Audit Recommendations</li> <li>• Review of Key Performance Indicators</li> <li>• Review of Complaints Handling Report</li> <li>• Review of Financial Performance to date</li> </ul>

**RECOMMENDATION**

**The Committee is asked to consider and approve the report prior to presentation to the Board.**

Date 4 August 2020

Author: Table of Activity completed by Crofting Commission Finance Manager and Overview provided by Commissioner Malcolm Mathieson.



# CROFTING COMMISSION MEETING

24 August 2020

Report by the Chief Executive

## Annual Review of Gaelic Language Plan

### SUMMARY

**Annual Review of Gaelic Language Plan commitments by Board of Commissioners before submission of report to Bòrd na Gàidhlig.**

### BACKGROUND

The Commission's Gaelic Language Plan carries with it a range of practical commitments, which are reviewed regularly in the form of a Monitoring Report (**Annex A**). This is updated and presented to the Board once a year, before a report is submitted to Bòrd na Gàidhlig for review. This marks the final year of the current plan. A new iteration of the Commission's Gaelic Language Plan was drafted in late 2019, considered by the Board in November and put out for consultation, before being formally submitted to the Bòrd in June 2020.

### CURRENT POSITION

Following good progress towards all outstanding commitments over the last 3 years, all of the actions within the remit of the Crofting Commission are now marked 'Green' on the Monitoring Report. The Commission has continued to promote the use of Gaelic amongst staff and encouraged the development of Gaelic language skills, with a good take up of the training offer by new and experienced members of staff.

As well as two general awareness sessions in 2019, which almost all staff attended, the Commission delivered a further Awareness Session on 15 July, by Skype, with another booked for October. Throughout 2019/20 weekly Gaelic conversation classes were run, with a Beginners Class and an Intermediate class. This was a significant step forward, from informal conversation classes to something more structured.

In July, we heard that our application for GLAIF funding for 2020/21 has been successful, so planning can go ahead for the November 2020 – August 2021 period.

We continue to take part in the Gaelic Careers Fair each year (though I expect this will be delayed in 2020) and appreciate the contribution made by those members of staff fluent in Gaelic, particularly the telephone receptionist who is able to converse with Gaelic-speaking callers each day.

Though formal classes have been temporarily suspended because staff are homeworking, informal revision classes are taking place and we hope to commence study online with the tutor shortly.

**RECOMMENDATION**

**The Commission is requested to consider the updated Monitoring Report of the Gaelic Language Plan and agree any comments, before its submission to Bòrd na Gàidhlig for annual review.**

Date            22 July 2020

Author          Jane Thomas, Head of Compliance & Board Support

**Gaelic Language Plan 2015-2020  
MONITORING – UPDATED JULY 2020**

Key	
On track – minimal or no issues that can impact on quality or delivery of output to schedule.	
Delay in delivery time line 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 time-line.	

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 2020	
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	
Signage		
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	
Staffing		
Advertising of Posts and Recruitment of Gaelic Speakers		
Commitments/delivery dates	Progress	Status
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, and a full programme in 2019/20.	
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 delivered in August and Oct 2019. Weekly classes x 2 delivered until end March 2020.	
<b>Gaelic Awareness Training &amp; Encouraging the Use of Gaelic in the Workplace and Internal Communication</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. New ideas used in submission of GLP for 2020-2025 period.	
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. The latter has been a particular success, with a core group of 3 staff extending their skills. Weekly revision classes were established in 2019 and carried over to 2020. Successful GLAIF funding bid in 2019 and 2020.	
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>		
Commitments/delivery dates	Progress	Status
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. Intermediate class students x 3 have developed enough written Gaelic to be able to send tweets and answer basic emails in Gaelic.	
<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>		
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.	
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>		
Commitments/delivery dates	Progress	Status
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 2019/20.	
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, viewed 155 times.	

Printed Materials		
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	
Website and Social Media		
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. And in 2019 there were 6 tweets and 6 Facebook posts, with much more interaction.	
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.	
Events and Exhibitions		
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 (dependent on fair going ahead).	
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?	
Corpus		
Gaelic Orthographic Conventions		
Commitments/delivery dates	Progress	Status
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.	
Observation to correct place names		

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-áite 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>		
Commitments/delivery dates	Progress	Status
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 2019/20 this rose to 3730 for Tweets and 2119 for Facebook.	
<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

# CROFTING COMMISSION MEETING

**24 August 2020**

Report by the Chief Executive

## Promoting the interests of crofting

### SUMMARY

**This paper summarises the Commission's ongoing consideration of how it will expand its role of promoting the interests of crofting.**

### BACKGROUND

At its March meeting, the Board approved a letter to be sent to the Scottish Government, setting out the Commission's thinking on how it would expand its role in promoting the interests of crofting, should additional resources be available. This letter was sent by the CEO to the Scottish Government on 16 April.

The Cabinet Secretary for the Rural Economy, Fergus Ewing MSP, met with the Commission on 30 June 2020. At that meeting he announced an uplift of £325,000 to the Commission's 2020/21 budget and an intention to follow this through in future years so that additional permanent positions could be created. Mr Ewing said that this was being provided to allow the Commission to expand its role of developing crofting, although there would be no formal ring fence of current or future funding. He also asked that the Commission should establish four permanent posts in the Western Isles, and said that office space for these posts would be made available, without charge to the Commission, in the RPID offices in Stornoway and Balivanich.

Responding for the Commission, Convener Rod Mackenzie thanked the Cabinet Secretary for this expression of confidence in the Commission and for the very welcome opportunity to expand our activities in these ways.

### DISCUSSIONS SINCE 30 JUNE

Commissioners and senior managers have met several times since 30 June to discuss how to implement this opportunity. These discussions are ongoing, but a consensus on several points has begun to emerge. Officials' understanding of the Board's position is as follows:

- The Commission has a statutory function of "promoting the interests of crofting", and the work we are doing and will do, to develop and strengthen crofting and crofting communities, can be seen as part of our fulfilment of this function.
- The Commission takes a broad view of what 'promoting the interests of crofting' means. As set out in in our 16 April letter, this could involve extending our work with grazings committees, signposting accessible information to crofters about their options and



opportunities, enabling and supporting positive activities on common grazings and in crofting townships (particularly for environmental purposes), exploring new ways to ensure that entry to crofting is more accessible for new entrants, expanding our enforcement of crofters' duties, crofting community development to reverse depopulation, policy work, and much else. The Commission is of course already doing some of these things.

- The task as described above, is very substantial. The Commission will therefore need to work in partnership with other organisations and agencies in furtherance of these objectives.
- The specification of the aims, objectives and job descriptions of new posts will be critical and the Commission will take time to consider the best way forward, before we proceed to advertise these posts.
- The location of some posts in the Western Isles provides an opportunity for outward-facing work of a new kind (although an alternative would be to establish office-based posts with similar functions to existing teams in Inverness; or some posts of each type). Any outward-facing work that takes advantage of the close location of those postholders to key crofting communities, should be seen as a pilot with a view to adopting similar approaches elsewhere in the crofting counties in due course.
- The time taken to specify and recruit to the new posts will mean there is a substantial amount of additional resource available in 2020/21. As far as possible, this should be spent on one-off projects that will improve the Commission's effectiveness without carrying ongoing costs.

## **CONCLUSION**

Does the Board agree the summary of points listed above and does the Board wish to give any further steer at this stage, regarding how this initiative will be implemented?

Date            7 August 2020

Author         Bill Barron, CEO

20-25		High		Strategic Risk Register (SRR)															
10-16		Medium																	
4-9		Low																	
1-3		Very Low																	
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			Risk Movement	Additional Planned Actions	Achievable Score (once all our current plans are implemented)			Owner	Last updated	
				Impact	Likelihood	Total			Impact	Likelihood	Total			Impact	Likelihood	Total			
001	Crofts are occupied and managed	<p>Not enough momentum and political will can be gained to see an improvement, and/or an increase in legal challenges slows process.</p> <p>Resources have been reallocated away from the RALU team since October 2019 and this has been exacerbated by the impacts of Covid-19.</p>	<p>Crofting will continue to decline with land not being managed and communities shrinking</p> <p>Reputational - seen to not be doing enough to address or conversely could be perceived as being too heavy handed.</p> <p>Managing Expectations - could expend a lot of resources but with little overall impact, crofting may continue to decline anyway.</p> <p>Financial - increased legal challenges could not only impact the resources but also have financial implications</p>	4	5	20	<p>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.</p>	<p>Systematic approach for dealing with those who confirm through the census that they are in breach of duties. Established process for investigating breaches reported under section 26A of the 1993 Act.</p> <p>Resolving outstanding successions to croft tenancies.</p> <p>Videos made featuring Convenor and staff explaining the requirement to comply with statutory duties residence and land use duties and explaining options for resolving any breach.</p>	4	4	16	Static	<p>Targeted action with those who have repeatedly failed to return the census.</p> <p>Selected follow-up of resident non-users of their crofts</p> <p>Escalate knowledge from regulatory casework into enforcement action when appropriate.</p> <p>Consideration being given to the appropriate use of sublets; short term lets and consents to be absent, as short/medium term resolutions of absentee cases.</p>	4	3	12	Head of Regulatory Support	Jun-20	
002	Common grazings are regulated and shared management practices are encouraged.	<p>Changes in crofting practices and support see a continued decline and move away from common grazings being utilised and managed.</p> <p>Covid-19 pandemic causes difficulties to arrange meetings and form grazings committees.</p> <p>Covid19: reduction in resource capacity due to caring responsibilities and other aspects of home working</p>	<p>Common grazings will see a continued decline in use and management.</p>	3	5	15	<p>Grazing committees are enabled to generate a recovery in the productive communal use of common grazing land.</p>	<p>Template grazings regulations made available.</p> <p>Grazings guidance published February 2019.</p> <p>Direct support provided to grazings committees/ townships that encounter problems.</p> <p>Support and encouragement to get grazings committees back into office.</p> <p>Training for grazings clerks/committees.</p> <p>New policy agreed to enable appointment back to office of outgoing grazings committees by Commission under powers of section 47(3) of the 1993 Act.</p>	3	4	12	Static		3	3	9	Head of Policy	Jun-20	

20-25		High		Strategic Risk Register (SRR)														
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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 due to budgetary constraints - currently exacerbated by the effects of Covid-19.	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	5	25	Continued process improvement supported by use of digital service delivery provide enough capacity to absorb future budget pressures whilst maintaining good service provision. Daily support for staff to progress work by way of Skype and Teams during Covid-19 period.	Provision of Register of Crofts Online, including Decrofting directions hosted publicly.  Ongoing process reviews  Monitoring of turnaround times through KPI quarterly report to provide early warning of issues. During Covid-19, weekly monitoring of application/notification receipt and allocation of applications/ notifications to staff.  Regular Financial Forecasting which includes scenario planning for future  More flexible handling of General Enquiries  IS team providing technical support as homeworking issues arise.	5	4	20	Static	Further expansion of information available through ROC Online with apportionment orders  From 1st May 2020 all new decrofting directions and apportionment orders will be added to the ROC online as they are completed, with historic orders to be added later  Ongoing work with RoS to improve registration processes  Next stage of digital application process has funding tender in to sponsor for sufficient funds to begin converting our existing PDF applications to smarter versions.  Revision to Crofting website to improve application form selection to reduce applications on incorrect forms planned  Scoping work for digital payments - on hold due to potential cost implications  Further review of MIS products, including scoping missing requirements.	4	3	12	Head of Operations & Workforce  Head of Digital & Improvement	Jun-20
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.	Dialogue underway, at Board level, with the Land Commission.  Regular meetings between Convener/CEO and key stakeholders.  Participation in Cross Party Group on Crofting and Crofting Stakeholder Forum.  Web presence and videos.  Strategic Board discussions on the 'future of crofting' under way.	4	2	8	Static	CC "future of crofting" discussions to conclude by around September.  Promote the interests of crofting in further engagement with SG about development of crofting and support for crofting.	4	2	8	CEO/ Solicitor/ Head of Policy	Jun-20

20-25		High		Strategic Risk Register (SRR)														
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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.  Loss of valuable crofting knowledge.  Resources - staff may feel under increasing pressure and stress may become an issue.	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.	Workforce plan to support training and succession planning.  Prompt recruitment when necessary to fill posts.  Action Plan circulated to and discussed with all staff, to address concerns from Spring 2019 Staff Survey.  Representations made to SG about future budgets.  Regulatory training moved to pooled work model to assist with fair distribution of work. Training Officers in place and training material being reviewed and made more accessible.	4	4	16	Static	Workforce plan to be integrated with financial planning, and used as an ongoing tool.  Outstanding Staff Survey actions to be implemented.  Next Staff Survey to take place in Summer 2020.	3	3	9	Head of Operations & Workforce	Jun-20
006	All aspects of the Commission's objectives	Covid-19 and the closure of Great Glen House has severely hampered delivery of the Commission's work as a result of: loss of staff availability through caring responsibilities and other home working constraints; IT connectivity challenges; lack of access to GGH facilities such as postal services, printing, meeting rooms		5	5	25	All Commission processes operating adequately by means of remote working combined with occasional GGH access.	Business Continuity Plan activated, and lessons learned log instituted. Commissioners meeting weekly and SMT meeting 2-3 times per week. IT equipment and office equipment supplied to staff's homes. Staff surveys conducted to identify ongoing issues and resolve where possible. Additional server purchased to enhance performance, and much individual advice given to staff about resolving connectivity issues. Skype and Teams used regularly for meetings including Board and AFC meetings. Agreement reached with Nature Scotland to allow regular access to GGH for printing and posting or IT systems work. Scanning being undertaken at the Convener's office. Throughput of regulatory work being monitored weekly. Bespoke continuity plans in place for Finance team.	4	5	20	New	Continual improvement to the performance of remote working and staffs experience of home working.  Plans for eventual return to GGH being developed in discussion with Nature Scotland through fortnightly keeping in touch meetings	3	5	15	CEO	Jun-20

20-25	High	<b>Strategic Risk Register (SRR)</b>																
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						0					0					0		

# CROFTING COMMISSION MEETING

**24 August 2020**

Report by the Chief Executive

## **Standing Orders – Annual Review**

### **SUMMARY**

**Standing Orders are subject to an Annual Review, and therefore come to the Board meeting for consideration.**

### **BACKGROUND**

Standing Orders are reviewed on an annual basis. They form a key governance point for the Commission and are regularly referred to, to ensure meetings are conducted appropriately.

### **CURRENT POSITION**

Clause 2.6 of Standing Orders was revised in May 2020, to recognise the need to hold meetings in a variety of formats, due to the lockdown of office facilities during the Covid-19 outbreak.

The annual review of Standing Orders offers the Commission an opportunity to ensure that the particulars keep pace with changing situations and remain fit for purpose.

The Standing Orders document is shown as **Annex A**, with several areas highlighted in yellow. The Commission may wish to review these specific clauses, or any others, during the annual review.

### **RECOMMENDATION**

**The Commission is asked to review Standing Orders to ensure the document reflects best practice and confirm agreement with its contents.**

Date 21 July 2020

Author Jane Thomas, Head of Compliance



# **CROFTING COMMISSION**

## **STANDING ORDERS** **Relating to the Conduct of Meetings**

**VERSION 1.2**

Last Review: August 2019

Next Review: August 2020

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## PART 1: PRELIMINARIES

- 1.1. The purpose of these Standing Orders is to ensure the orderly and effective conduct of formal meetings of the Crofting Commission and that of its constituted committees.
- 1.2. These Standing Orders apply and are effective from 24 June 2015.
- 1.3. The Standing Orders may be reviewed on an annual basis. Any amendments must be agreed by a majority of members present at a meeting of the Crofting Commission.

(The Standards Officer reviews Standing Orders each year, so Commissioners may wish to change 'may be reviewed' to 'will be reviewed' on an annual basis.)

- 1.4. Amendment to these Standing Orders (other than at an annual review) shall be made only by resolution of which 14 days' notice has been given.
- 1.5. The Standing Orders may be amended by resolution carried by a majority of members present at a meeting of the Commission.
- 1.6. Where the word "**Convener**" is used in the Standing Orders, it includes any interim Convener appointed by the Scottish Ministers.
- 1.7. Where the word "**Chair**" is used in the Standing Orders in connection with a specific individual, it includes, as appropriate, the Convener (or any interim Convener) or any person appointed in terms of Standing Order 3.1 in place of the Convener to chair any meeting of the Commission or any of its committees.

## PART 2: CALLING MEETINGS

- 2.1. Generally, Notice of a meeting of the Commission will be given to every member of the Commission by, or on behalf of, the Chief Executive, at least 7 days prior to the date of the meeting. The Notice will be in written form and will provide the place, date and time of the meeting. The Notice will be delivered by post, fax or any accepted form of electronic communication to a member's usual place of residence or to any other address provided in writing by a member to the Chief Executive.
- 2.2. **Public Notice** of a meeting of the Commission will normally be given by posting a Notice on the Crofting Commission website at least 4 days before the meeting.  
  
The Notice of Meeting will include:
  - a) The date, time and place of the meeting, and
  - b) Information on the availability of the Agenda and accompanying reports.
- 2.3. **Public Notice** will not be required where a **Special Meeting** is convened to deal with a matter of a particularly sensitive (or urgent) nature.

- 2.4. The Chief Executive will call a **Special Meeting** of the Commission when required to do so by the Convener of the Commission. A Special Meeting will also be called by the Chief Executive if in receipt of a written request stating the business of the meeting from another Member of the Commission and seconded by a majority of the Commission. The meeting will be held within 21 days of the receipt of the requisition by the Chief Executive.
- 2.5. Where a Special Meeting is called under Standing Order 2.4, the Chief Executive may call the meeting without giving the 7 days' notice normally required at 2.1 above where there is particular urgency, provided every effort is made to contact Members to give as much notice as possible prior to the meeting.

## Place of Meetings

- 2.6. Board Meetings of the Commission and meetings of its Committees will normally be held at the Crofting Commission headquarters, Inverness, on the days fixed by the Commission or, if need be, by the Convener in consultation with the Chief Executive. Meetings may also be held at an alternative location or via video-link, tele-conference or other digital means. If this is the case, this will be clearly stated on the public Agenda and noted in the subsequent Minute of the meeting. Where practicably possible, the Commission will also hold at least one public meeting a year outwith Inverness in another part of the Crofting Counties, in addition to public Board meetings in Inverness.

## Meeting Agenda

- 2.7. The Convener or Chief Executive will generally determine the agenda for a meeting of the Commission, but the decision of the Chief Executive as to content of the agenda for such a meeting will be final. The agenda will be provided along with the Notice of Meeting. A Commissioner wishing to submit an item for the agenda of a Commission meeting must generally ensure that it is submitted in writing at least 14 days prior to the day of the meeting concerned, and by 5pm on the final day available. **(The agenda item must be communicated in writing to the Chief Executive and copied to the Convener).** Where a Commissioner submits an item for the agenda fewer than 14 days prior to the day of the meeting concerned, he or she must provide a reasonable explanation as to why the item was submitted fewer than 14 days prior to the day of the meeting concerned. The Convener and the Chief Executive will make reasonable endeavours to include any such submitted item on the agenda for a meeting of the Commission, but the decision of the Chief Executive as to whether or not to include the item on the agenda will be final. This is without prejudice to Standing Order 3.7 governing Commission decisions and voting.

## Urgent Business

- 2.8. No business other than that specified on the agenda will be transacted at the meeting, other than that which the Convener or the Chief Executive has accepted as urgent in advance of the meeting (with the decision of the Chief Executive on the matter being final). Any such accepted urgent items will be dealt with under the Any Other Business (AOB) agenda item. The circumstances for including such urgent business shall be recorded in the minute of the meeting.

## **PART 3: ATTENDANCE AT MEETINGS**

### **Chair**

- 3.1. The Convener must, if present, chair meetings of the Commission and any of their committees. If the Convener is not available to chair a meeting of the Commission or a committee, the Convener is to appoint another member of the Commission to chair the meeting.

Where the Commission has nominated a Vice-Convener, he or she may chair meetings in the absence of the Convener where the Convener has not nominated another member of the Commission to chair proceedings. Where both the Convener and Vice-Convener are absent and no member has been nominated, the Chief Executive will preside over the nomination of another member to chair from the members present.

Members of the press and the public are entitled to attend meetings of the Commission. However, the Commission may decide or determine (in terms of Standing Order 3.7) that matters of a confidential or sensitive nature should be considered without the press or the public in attendance. The agenda for a meeting of the Commission may contain items that are marked in advance for consideration in the exclusion of press and public, but any decision or determination of the Commission (in terms of Standing Order 3.7) as to whether or not a matter is confidential or sensitive and is to be considered in the exclusion of press or public will be conclusive of the matter.

### **Quorum**

- 3.2. A meeting of the Commission must consist of at least five members. Where there are three or more elected members, the quorum must include no fewer than three such members.

Meetings shall, subject to the presence of a quorum, start at the time set out in the Notice of the meeting. If a quorum is not present, the Convener may allow ten minutes before adjourning the meeting and fixing a time, then or afterwards, for it to take place. Where the Convener is not present and no other member has been nominated to chair the meeting, the Chief Executive, in consultation with members present, may adjourn the meeting or record that owing to the lack of quorum, no business could be transacted.

Whenever it is drawn to the attention of the Convener that a quorum may not be present, the Convener will halt proceedings to establish the situation, and only continue should the Commission be quorate.

No item of business can be transacted at a meeting of the Commission unless there is a quorum present.

## **Conduct of Meetings**

- 3.3. The person in the Chair must be respected by all members at a meeting of the Commission. The Chair has the authority to rule on any points of order or matters of procedure. It is the responsibility of the person chairing the meeting to ensure that members obtain a fair hearing and that order is preserved. In the event of any disorder, the Chair may adjourn the meeting for a suitable period.

In the event of any member failing to respect the authority of the person in the Chair or being guilty of obstructive or offensive conduct, the Chair may seek an apology or have a short adjournment. If necessary, a motion may be moved to suspend the member for the remainder of the meeting. The member will then be required to leave the meeting.

## **Sederunt**

- 3.4. The Chief Executive or another officer will record the names of the members present at each meeting of the Commission, as well as those who have submitted apologies for their absence.

## **Order of Business/Adjournment**

- 3.5. The business of the meeting of the Commission will normally be conducted in the order set on the agenda. However, where the members consent, the order may be altered for the benefit of the meeting. The Chair may, with the consent of the members, also adjourn the meeting to another time and date and place, if necessary. In the event of any disorder, the Chair has absolute discretion to adjourn the meeting, and his or her quitting the Chair in the event of such disorder will bring the meeting to an end.

## **Declarations of Interest**

- 3.6. A member of the Commission, or any officer working on behalf of the Commission, who has a direct or indirect interest in a matter being considered at a meeting of the Commission or a committee of the Commission, must disclose the nature of the interest to the meeting. Members who are crofters are not excluded from taking part in discussions relating to crofting.

Any disclosure of interest must be recorded in the minutes of the meeting.

Anyone declaring an interest should not take part in any deliberation of the matter, unless that is confined to general principles, as opposed to the specifics of the case. Such deliberation on general principles should only be with the consent of the other members.

Anyone declaring an interest must not take part in any decision of the Commission or of any committee of the Commission in respect of the matter to which the disclosure relates. Consideration should also be given to removal from the room while the matter is being discussed and determined. Any removal from the room following a declaration of an interest, and at what stage in proceedings, should also be recorded in the minute of the meeting.

## **Commission Decisions and Voting**

- 3.7. Whenever possible the Commission will seek to make decisions by reasoned debate and consensus. Only in situations where it is not possible to reach a conclusion in this manner will voting be required.

Where it is clearly understood what the members are voting on, formal motions from members will not be necessary.

Where an item of business that requires a decision has been given full consideration, and all members have had the opportunity to make their contribution, any member may propose a motion and seek a seconder. Any amendments to the motion must also be proposed and seconded. A member cannot move or second both the motion and amendment, or likewise more than one amendment.

Any motion or amendment to a motion must be written down and read out prior to any vote being taken.

Once moved and seconded, a motion or amendment will not be withdrawn without the consent of the mover or seconder.

Where there is a vote between the motion and amendment, the vote for the amendment will be taken first. If there is more than one amendment, the vote may be taken against each amendment, before being taken against the motion or, if determined by the Chair, each may be taken individually against the motion.

The vote of the Commission will normally be taken verbally or by a show of hands. If any member objects to the vote being taken in this manner, and a majority of those present and entitled to vote agree, the vote will be taken by ballot.

The person chairing a meeting of the Commission or any committee of the Commission has a casting vote.

For the avoidance of doubt, Standing Order 3.7 shall not apply to the provision of instructions to a solicitor (whether an in-house solicitor or an external firm of solicitors) unless the Chief Executive brings a particular matter for decision on which a specific instruction is required to be given to a solicitor/ solicitors acting on behalf of the Commission. The Chief Executive is required to set out the nature of the instruction that is sought or required before any decision is made to provide such an instruction.

## **Recording Dissent from Decision**

- 3.8. A member may have his or her dissent to a decision of the Commission recorded, provided that such a member requests immediately (or as soon as reasonably possible) after the item is disposed of that such dissent is recorded.

Once a decision has been reached, all members have a corporate responsibility to recognise and accept the decision as that of the Crofting Commission. Corporate responsibility entails that members must adhere to and accept such a decision until it is otherwise altered.

## Minutes of Commission Meetings

3.9. A minute of a meeting of the Commission will be taken on behalf of the Commission. The minutes will record the names of members in attendance and those apologising for their absence, and the business transacted at the meeting. A draft copy of the minutes will be circulated to members by email, for comment and suggested amendment. A final version of the minutes will then be circulated to members as the approved minute of the meeting and will be made available to the public on the Crofting Commission's website. A copy of the approved Minute will be available to members at the next Board meeting, for information and reference.

(In between the dates of Board Meetings) To assist with administration and the efficient use of Commission time and resources, the Convener and Chief Executive may determine that routine papers can be circulated electronically or by post for Commissioners' comment, approval or disapproval (rejection). It will be incumbent upon each Commissioner to respond within the agreed period of time, unless the Commissioner has already intimated his or her non availability. Where a Commissioner has not received an e-mail, it is permissible to request that the matter is discussed at a meeting of the Commission.

(In the event that the Commissioners responding to the emailed/posted paper confirm their approval of any Recommendation(s) made in the paper, this will be accepted as the Decision of the Commission, with immediate effect. In order for the Commission to act with transparency, any Decision agreed in this way will be intimated at the next Public Board Meeting, to allow the Decision to be recorded in the Minute of the meeting and therefore made public.)

In the event of a paper not receiving approval by a majority or if a Commissioner raises an unacceptable risk to the Commission relating to the paper, it will be remitted in the first instance to the Convener and/or Chief Executive, before deferral to the next meeting of the Board for full deliberation and decision.

## PART 4: COMMISSION COMMITTEES

### Committees

4.1. The Commission must establish –

- a) an audit committee; and
- b) such other committees as it considers appropriate.

The Commission may combine its audit and financial obligations, to provide an Audit & Finance Committee. This committee and any other committee of the Commission must comply with any directions given to it by the Commission. The Commission may appoint individuals who are not members of the Commission to its committees. However, no committee may consist solely of non-Commission members.

The provisions of the Standing Orders, with the obvious exception of what constitutes a quorum, will apply to committees as the Commission considers appropriate. Other sub-committees and working groups need not operate to the same formal level. Such groups will not have any delegated authority and will

report back to the Commission or make recommendations for Commission approval.

Decisions of a committee will not take effect until these decisions have been reported to the Commission, and been approved by the Commission, unless falling within the following category:

- a) A matter included in the delegation to or remitted with powers to the committee;
- b) Any matter that the committee considers to be urgent, which although not included in the annual budget does not entail major expenditure and has the approval of the Chief Executive and the Convener, and complies with the delegated responsibilities afforded to the Chief Executive of the Commission;
- c) Any routine matter that does not involve a change in policy.

## **Minutes of Committees**

4.2. The minutes of meetings of such committees will be made available to all members. In addition, a report explaining the deliberations of each committee will be provided at a meeting of the Commission.

The minutes of meetings of committees will be submitted to the next meeting of the Commission by the Chair of the committee (a) for confirmation in respect of business delegated or remitted with powers and (b) for approval in respect of matters referred. Any matter arising from the minutes should be addressed by a member of the committee who was present at the relevant meeting. The Commission will consider such matters and take decisions with immediate effect.

## **PART 5: MISCELLANEOUS**

### **Non-attendance at Meetings**

5.1. Members should tender their apologies to the Convener and to the Chief Executive, if possible in writing (by letter or electronically) as soon as practically possible, once they become aware they will be unable to attend a meeting.

If a Member of the Commission has been absent from meetings of the Commission for a period of six months without the permission of the Convener, the Chief Executive will draw the matter to the attention of the Scottish Ministers, to consider removing the Member by giving him or her notice in writing. **(The Board could add a reference to the relevant Schedule in the Act here.)**

### **Delegation of Powers**

5.2. The Crofting Reform (Scotland) Act 2010, Schedule 1, Section 15(1) provides for the Commission to delegate its functions to: any of its Members; any of its committees; its Chief Executive; any person whose services are provided to it by the Scottish Ministers; and any of its employees. The Commission will have the ability to determine the type of functions it can delegate and the extent to which these functions can be carried out on its behalf. Section 15(2) specifies that the Commission continue to have responsibility for the exercise of its functions even after a function has been delegated.

The Chief Executive has the power to refer for further consideration by the Commission, by way of a Notice of Referral, any decision taken which may be considered by the Sponsor Division as giving rise to or likely to give rise to a contravention of a statute or any Code of Practice, or maladministration. This Standing Order is without prejudice to the Chief Executive's role as Accountable Officer.

## **Members' Code of Conduct**

**5.3.** All members of the Commission will be bound by the provisions of the Commission's Code of Conduct, issued and approved by the Standards Commission for Scotland. [\(a link to the Code could be added here.\)](#)