



**CROFTING COMMISSION  
COIMISEAN NA CROITEARACHD**

***COMMISSION MEETING***

***8 FEBRUARY 2022***

**CROFTING COMMISSION MEETING via TEAMS  
8 FEBRUARY 2022 AT 0900 hrs**

**AGENDA**

1	<b>APOLOGIES</b>	<i>Oral</i>	<i>Standing Item</i>
2	<b>DECLARATION OF INTERESTS</b>	<i>Oral</i>	<i>Standing Item</i>
3	<b>MINUTES FROM 3 DECEMBER 2021</b> <i>(already published)</i>	<i>Minutes</i>	<i>For info</i>
4	<b>REVIEW OF ACTION POINTS FROM PREVIOUS MEETING</b> <i>(of 3 December 2021)</i>	<i>Paper</i>	<i>For info</i>
5	<b>MATTERS ARISING FROM PREVIOUS MINUTES</b>	<i>Oral</i>	<i>Standing Item</i>
6	<b>EMAILED PAPER FOR APPROVAL:</b> <i>Annual Review of Standing Orders</i>	<i>Paper</i>	<i>For approval</i>
7	<b>UPDATE ON MEETINGS WITH SPONSOR DIVISION</b>	<i>Paper</i>	<i>Standing Item</i>
8	<b>AUDIT &amp; FINANCE COMMITTEE REPORT</b> <i>(a) Update from Vice Chair of Committee</i>	<i>Oral</i>	<i>Standing Item</i>
9	<b>CONVENER REPORT ON APPRAISALS</b>	<i>Paper</i>	<i>For info</i>
10	<b>REVIEW OF Q3 JANUARY 2022 PERFORMANCE REPORT</b>	<i>Paper</i>	<i>For discussion</i>
11	<b>STRATEGIC RISK REGISTER</b>	<i>Paper</i>	<i>For discussion</i>
12	<b>INTERNAL AUDIT REPORT ON HOME WORKING</b>	<i>Paper</i>	<i>For info</i>
13	<b>CENSUS DATA – HOW OUTPUT IS USED</b>	<i>Paper</i>	<i>For info</i>
14	<b>EXTENDING THE SCHEME OF DELEGATION OF REGULATORY DECISION MAKING</b>	<i>Paper</i>	<i>For approval</i>
15	<b>UPDATE ON RE-APPOINTMENT OF GRAZINGS COMMITTEES</b>	<i>Paper</i>	<i>For info</i>
16	<b>WORKFORCE PLAN</b>	<i>Paper</i>	<i>For discussion</i>
17	<b>UPDATE ON DELOITTE</b>	<i>Oral</i>	<i>Standing Item</i>
18	<b>UPDATE ON AZETS REPORT ON CIS</b>	<i>Paper</i>	<i>For Info</i>
19	<b>DRAFT BUSINESS PLAN 2022-2023</b>	<i>Paper</i>	<i>For discussion</i>
20	<b>DATE OF NEXT MEETING</b> 31 March 2022 – Teams		
21	<b>ANY URGENT BUSINESS</b>		
22	<b>EXCLUSION OF THE PRESS AND PUBLIC</b>		

# APOLOGIES – ORAL

## **DECLARATIONS OF INTEREST – ORAL**

## CROFTING COMMISSION

### MINUTE OF THE COMMISSION MEETING HELD VIA 'TEAMS' AT 9AM, 3 DECEMBER 2021

Present:	Malcolm Mathieson	Convener
	Mairi Mackenzie	Vice Convener
	Andy Holt	Commissioner
	Archie Macnab	Commissioner
	Iain Maciver	Commissioner
	David Campbell	Commissioner
	Billy Neilson	Commissioner
	Cyril Annal	Commissioner (Until 11am)
	James Scott	Commissioner
	Bill Barron	Chief Executive
	David Findlay	Commission Solicitor
	Joseph Kerr	Head of Regulatory Support
	Neil Macdonald	Head of Finance
	Jane Thomas	Head of Compliance
	Gordon Jackson	Scottish Government
	Eleanor Ryan*	Glen Shuraig Consulting (Closed Session)
	Barbara Allison*	Glen Shuraig Consulting (Closed Session)
	<i>*Agenda item 17(f)</i>	

Members of staff, assessors and the public (Open Session)

#### **Minute takers:**

Neil Macdonald	Agenda items 1-9
Joseph Kerr	Agenda items 10-11, 17(e)
David Findlay	Agenda items 13, 14, 15, 16 & 17(b)
Bill Barron	Agenda items 12, 17(a, c, d, f)

## **1 APOLOGIES AND WELCOME**

The Convener welcomed everyone to the meeting, including the staff, and members of the public observing, with a greeting in Gaelic, followed in English. Apologies were received from Aaron Ramsay, Head of Digital & Improvement and Heather Mack, Head of Operations.

## **2 DECLARATION OF INTERESTS**

The Convener asked if anyone had any Declarations of Interest that they wished to inform the meeting of. No declarations were recorded.

## **3 BOARD MINUTES FROM 20 OCTOBER 2021**

The Board Minutes of 20 October 2021 had previously been circulated and approved, and subsequently published. They were brought to the meeting for information only.

#### **4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING 20 OCTOBER 2021**

Action Point 4: Commissioner Scott sought clarity regards agenda/presentation proposals for the Cabinet Secretary. This was discussed in detail within agenda item 17(a).

Action Point 12: The Chief Executive updated the Board regards the use of external contractors to assist with reports that RPID would normally undertake. After assessing the benefits/drawbacks it has been decided not to pursue the action at this time. The Head of Regulatory Support advised the Board that turnaround times were improving with RPID, and a joint training session had also recently been delivered successfully.

#### **5 MATTERS ARISING FROM PREVIOUS MINUTES**

There were no Matters Arising.

#### **6 UPDATE ON MEETINGS WITH SPONSOR DIVISION**

The Chief Executive advised the Board that he, along with the Convener, Vice-Convener and Solicitor had attended a Sponsor Meeting on 22 November. The agenda had been wide ranging, including:

- Staff Workforce Review and Budget
- Deloitte LLP's Wider Scope Audit
- Azets (Internal Audit) review of CIS (progression of recommendations)
- The Commission 2022 Elections
- The regulatory casework backlog

The Convener advised the Board that John Kerr (Head of Agriculture Policy Division) attended the meeting and was aware that there would be budgetary implications in relation to the Workforce Review.

As a point of order, Commissioner Campbell said that he hoped Scottish Government could produce minutes promptly as this was the best way for Commissioners to be informed of what had been discussed.

#### **7 AUDIT & FINANCE COMMITTEE REPORT**

##### **(a) Update**

The Convener thanked Commissioner Campbell for several years of service to the Committee, as he stepped down as AFC Vice-Chair after the meeting on 3 November. The Board recorded a vote of thanks.

The Head of Finance provided the Board with an overview of the AFC minutes. Commissioner Scott attended the AFC meeting as a newly appointed committee member on 3 November.

November is traditionally a meeting where the Committee reviews various standing policies, in line with its agreed work plan, to ensure that they remain fit for purpose. There was nothing of significance to report to the Board and the Head of Finance advised that policies that were linked to the Scottish Government Framework agreement would be refreshed once the Board has approved a revised Framework.

- **Release of New Version of CIS**

Given the current demands on all teams, and in particular the backlog of case work that the Commission is currently dealing with, a proposal was put forward to introduce a planned delay of 6 months to the release of the next CIS build in order to lessen these demands on other teams in the current climate. The Committee was advised that coding will continue to completion as planned, as will technical testing and user acceptance testing at a modest pace, however there will currently be no planned release of CIS until roughly May 2022.

This date will be reviewed periodically along with the backlog situation, and if the workload position changes significantly before then the release may be brought forward again.

The Systems Architect and Business Systems Analyst have been working with a range of staff to look at some of the key issues staff have raised about the CIS, such as document attaching, and short term resolutions have been developed. This makes the delay to the next full release much less critical.

The Head of Digital had advised the Committee that the Commission is still actively addressing the audit recommendations highlighted within the recent internal audit review of CIS and this proposal was a conscious delay of launching a new version of CIS, rather than forcing out a release to colleagues who are already under significant pressure.

A general Board discussion ensued regards delivery timelines. While disappointed by the recommendation, the Board acknowledged the reasons behind the postponement and confirmed that this was ultimately an operational decision for the SMT. Concerns were expressed that this may lead to a loss of focus on addressing audit recommendations.

- **Financial Planning & Scrutiny Internal Audit**

The Head of Finance advised the Board that the Committee had received a positive audit report that the Crofting Commission's financial planning processes are operating in line with the documented financial planning framework, in a generally well controlled environment. Minor recommendations from the audit have been actioned.

- **Health, Safety & Welfare Update**

The Board was advised that lessons have been learnt from the recent external meeting at Lairg in relation to implementing an improved risk assessment process for external meetings, particularly as Covid remained a high concern/risk.

- **Progress Report on Audit Recommendations**

The majority of the agenda item involved an update from Deloitte regards the wider scope audit and expectations relating to the Commission providing evidence to the Parliamentary Audit Committee on 2 December.

Deloitte noted that the Commission had marked a number of recommendations as 'completed' when actions would still be required in the future (Commissioner Appraisals as an example). While Deloitte have no issues regards how the Commission monitors progress, the recommendations will be formally reviewed during the 2021/22 audit. Deloitte will apply professional scepticism (critical and central to all audits) to test whether the Commission's view on progress appears to be reasonable.

Deloitte had noted that it was difficult for a small NDPB to meet similar governance expectations that are placed on larger organisations. This was acknowledged during a recent discussion between Deloitte and Audit Scotland that any small NDPB that was subject such a detailed wider scope governance audit review would potentially accrue significant audit recommendations.

- **Draft Budget 2022/23**

The Wider Scope audit undertaken by Deloitte recommended that *“the budget setting process should provide sufficient opportunity for the Board to contribute to the budget setting process at the ‘input’ stage, rather than only at the ‘approval’ stage”*.

The timescale has therefore been accelerated to facilitate a first draft review of the budget at the November AFC meeting.

The Head of Finance advised the Board that while the paper was detailed, it was based upon a number of assumptions and there were various unknown factors at this time:

1. Confirmation of Grant-in-Aid award for 2022/23
2. Pay award still to be concluded for 2021/22 and 2022/23 will not be formalised until into the start of new budget year
3. The independent staffing review with conclusions anticipated relating to resourcing, structure, grading and responsibilities. This could potentially have a significant impact upon staff resource requirements.

The Board’s attention was drawn towards the Financial Risk Appetite of the Commission for 2022/23. Historically the Commission’s financial risk appetite has been Very Low/Averse. The Head of Finance recommended that the Commission moves to a Low/Minimalist appetite. *“We are willing to accept a small amount of risk which would lead to a variance in our budget by 3% however we are risk averse regards fraud, error or failing to meet statutory requirements”*.

This effectively translates to the Commission being open to taking a Value for Money approach between staff costs versus an efficient use of staff resource. Currently the Finance Team tracks staff underspend caused by turnover that is difficult to reallocate effectively within a relatively short time scale (in-year). By adjusting the risk appetite, the Commission could potentially recruit another post A3/B1 on the assumption it will be funded from associated funding released due to turnover.

It was agreed that this will be revisited at the Strategic Board meeting scheduled for 8 December, but in principle the Board was in favour of an adjustment to the financial risk appetite.

- **Financial Performance 2021/22**

The Board was advised that the AFC had been provided with detailed performance papers relating to the Commission’s financial performance as at Quarter 2 of the financial year. There were no specific concerns raised by the Committee. The Head of Finance is tracking a minor underspend of £43k (1.3% of budget allocation) as at Quarter 2. This is primarily related to staff turnover and efficiencies obtained regards the proposed electronic delivery of the crofting census.

**(b) Draft Minutes from 3 November 2021**

There were no specific material comments on the content of the Minute.



### **(c) Nomination of Board Member to sit on Audit & Finance Committee**

The Board appointed Commissioner Neilson as an Audit & Finance Committee Member. The Committee will appoint a Vice-Chair from the three members prior to the scheduled AFC meeting of 26 January.

## **8 STRATEGIC RISK REGISTER**

The Chief Executive presented the paper to the Board. It is a Deloitte recommendation that the Operational & Strategic Risk Registers are refreshed. The SMT has recently completed training with the Scottish Government Risk Management & Policy Team, which emphasised a focus upon 'Additional Planned Actions' within a risk register.

The Board was advised that the Commission's Risk Registers will be reviewed with this recommendation in mind. The Chief Executive provided an update on each strategic risk, stating that risk scores had primarily increased due to the associated pressure of the case backlog which was impacting upon all areas of Commission operations.

Risk '007' 'Delivery of the Crofting Commission Elections' is a new risk added to the register as it is a reputationally critical project for the Commission. Although timescales are tight, the project is on track.

The Board noted the report.

## **9 REVISED STANDING ORDERS**

The Head of Compliance presented the paper, advising the Board that the Commission Standing Orders are reviewed on an annual basis which also affords the opportunity for the Commission to ensure every member of the Board is familiar with the details contained in Standing Orders.

The wider scope audit completed by Deloitte identified an issue which it recommended, at 4.10, could be addressed by revising Standing Orders. It recommends that Standing Orders should clearly set out how informal, private meetings of the Board can be called, how they should be conducted, any records which should be kept and emphasise the importance of the Board not using these meetings to in essence take Board decisions.

The following clause was suggested as a recommendation to address the above:

*2.6 The Convener may wish to consult with the Board by holding an informal private meeting, for Board members only. He/she must inform the Chief Executive that such a meeting has taken place and the general nature of the discussion. Though no formal Minute will be taken, the Convener should draft a contemporaneous Note of the discussion, including who attended and forward this to the Chief Executive for saving. This ensures that the provisions of the Freedom of Information (Scotland) Act are adhered to. No Board decisions can be taken outside formal Board meetings.*

A general discussion ensued regards what constitutes an informal discussion between Board Members, and the merits of taking a formal note of a coming together at the behest of the Convener for a focused discussion.

Commissioner Campbell also highlighted that clause 2.8 should be adjusted to reflect that it is the Convener that should have the final say on the agenda for a meeting of the Commission. It was also highlighted that a clause should be added regards observer protocol at a Board meeting.

Based upon the Board discussion, the Head of Compliance will revisit the Standing Orders.

## **10 COMMISSIONERS' TRAINING PLAN**

The Head of Compliance and Business Support presented the paper by referencing the annex which listed all the training Commissioners had received since 2017.

The purpose of this item was to plan training for the new Board of Commissioners coming into place in March 2022 following the elections. At the recent training, there had been a suggestion that the training for the current Board had been too heavily front loaded in the early months and there may be benefit in spreading the training out over a longer period. If that was the case, it would be helpful if Commissioners could indicate which training items could potentially be held later in the lifetime of the new Board.

This led to a general discussion which included:

- Reference to the importance of training on the respective roles and responsibilities of the Board, the Convener, the Cabinet Secretary, the Sponsor Division, the Chief Executive and the Senior Management Team.
- A recognition that the recent on-board training was considered to be really valuable, and Commissioners had gained a greater understanding of the respective roles, and that this should help frame the appropriate relationship with Sponsor Division moving forward.
- The importance of training on recognising and differentiating between strategic and operational matters.
- The suggestion that on-board training should be delivered annually as Commissioners gain greater insights into the practical application of the training as they develop in the role.

Commissioner Scott commented that in terms of the content and timing of delivery of training for the new Board, the real unknown is not knowing the make-up of the new Board, and the skills and experience that new members are going to be bringing to the Board. He suggested that certain aspects of the training should be treated as core training for any Board member e.g. induction, on-board training, best practice etc and that a further discussion should be held on other training content and timing once the make up of the new Board was known.

There was general agreement with Commissioner Scott's suggestion.

## **11 ON-BOARD TRAINING PLAN**

The Chief Executive presented this paper setting out the action plan put forward following the On-Board training sessions held in October and November and inviting Commissioners to comment. The CEO differentiated between Annex A – Action Plan set out as points 1 to 17, which included Sponsor Division, and Annex B set out as bullet points which did not involve Sponsor Division.

Commissioner Scott pointed out the contradiction between AP2 which states:

*“Wherever possible, the Commission website and all internal written and oral communications should not distinguish between Elected and Appointed Commissioners”*

With AP13 which states:

*The Commission will make it clear to all those standing for election as Elected Commissioners that they have a corporate role and not a lobbying role. The Commission will include this in pre-election briefing material*

It was agreed that it should be made clear that the reference to “..not a lobbying role” applied to both appointed and elected Commissioners.

Commissioner Maciver raised concern that there was no reference in the plan to training and support for Assessors. The Chief Executive did not disagree that training and support for Assessors was an important issue, but suggested that this was part of a separate discussion, and it will be a matter for the next Board to consider.

Subject to the qualification agreed at AP13, the Annex A of the On-Board Training Plan was agreed.

In terms of Annex B, Commissioner Campbell wished it to be reflected that only five Commissioners participated in the workshop which produced the set of bullet points.

There then followed a general discussion on the bullet points in Annex B. Following the discussion, the key actions set out in the bullet points were agreed.

## **12 UPDATE ON CHANGES TO THE COMMISSION’S SCHEME OF DELEGATION**

Head of Regulatory Support reported that the changes agreed by the Board at the previous meeting were being implemented. The changes to parameters meant that more cases were now being decided at Tier 1. Escalation from Tier 2 to Tier 3 would also reduce because of the agreement that Tier 2 could make refusals, and similarly could judge whether an objection had been fully answered. However, all uncertain cases would still be escalated to Tier 3, and the Board would remain responsible for deciding all the parameters to be applied.

Parameters were being developed for the 5 new delegated functions, and these would be brought to the next Board meeting.

Responding to questions from Commissioners, Head of Regulatory Support said that these changes would make a contribution to tackling the backlog; and that Regulatory Support colleagues were comfortable with the increased responsibility now held at Tier 2.

## **13 UPDATE ON DELOITTE AND PUBLIC AUDIT COMMITTEE**

The CEO said that the Convener and the CEO had appeared before the Public Audit Committee of the Scottish Parliament on 2 December 2021 in connection with report prepared by the Auditor General under s22 of the Public Finance and Accountability (Scotland) Act 2000. It was noted that the appearance was streamed live on Parliament TV and is available to be viewed.

In his evidence, the Convener had advised that 31 of the Deloitte action points and recommendations have been completed. Commissioners Campbell and Scott said it would be more accurate to note that some of the 31 were still work in progress, and the CEO agreed that there was follow-up work required on some of the recommendations, such as the Medium Term Financial Plan, even though initial action in response to the recommendation had been made at the time. Commissioner Macnab said that ultimately and, in any event, the external auditors Deloitte would decide whether or not the Commission has actually achieved and implemented its recommendations and followed them through successfully.

The Head of Finance said that the Medium Term Financial Plan would come again to Commission's own audit committee in January 2022. This recommendation is completed as far as it can be at this time, but it is a "living" document and will be subject to changes and revision over time, not least in the light of the budget announcement expected on 9 December.

Commissioner Scott said a number of points were not made accurately at the appearance before the Public Audit Committee, for example, with regard to how long the appointed Commissioners would stay in office. It was clarified that an appointed Commissioner could stay in office as a member of the Commission's Board for an extended term only if invited to do so by the Scottish Ministers. Commissioner Campbell said that it was not fully accurate to say that the Board was not aware that it could employ its own staff as he was aware of this since he had become a Board member.

Commissioner Neilson commended both Convener and CEO on how they handled their appearances before the Public Audit Committee.

#### **14 COMMISSION FRAMEWORK DOCUMENT**

The CEO presented this item. He said that changes to the framework document had been developed through discussions between the Convener, Vice Convener, Sponsor and himself, largely to clarify the authority of the Board and the CEO's accountability to the board. One change remained to be made to the current draft, to allow flexibility on whether the Director or Deputy Director would appraise the Convener. Subject to this change and to the Board's agreement, this draft was now ready to put the Scottish Ministers for formal approval.

Commissioner Campbell said the language of the document has to be correct, especially to recognise the relationship between the Board and government being directly with the Scottish Ministers. However, the CEO said that as the document was meant to include a practical guide to who does what, it was helpful that it set out, for example, when the Convener should communicate with Sponsor Unit. The Convener suggested that a "definition of terms" at the beginning of the document might help to reconcile these two views. Commissioner Campbell said that the wording about the Commission potentially employing staff should be clearer. He also emphasised that the framework document has to be consistent with the relevant legislation, and Commissioners Scott and Maciver agreed with this point.

The Convener said that he did not see that resolving these points needed be an obstacle to having the framework document agreed and approved quickly. He asked Commissioners to come back to him with immediate comments in writing, so that he could collate the requested changes. He would then consult Scottish Government and would thereafter revert to Commissioners during the week commencing 6 December 2021.

#### **15 DATE OF NEXT MEETING**

It was confirmed the date of the next meeting would be Tuesday 8<sup>th</sup> February 2022. It would likely be held on Microsoft Teams due to the ongoing issues with Covid-19 and omicron, but this will be confirmed in due course.

**16 ANY URGENT BUSINESS**

This was addressed within closed session.

**17 EXCLUSION OF THE PRESS AND PUBLIC**

The Convener thanked everyone for their participation and closed the meeting at 3.20 pm.

## CROFTING COMMISSION MEETING

8 February 2022

Report by the Chief Executive

### Review of Action Points from 3 December 2021

ITEM	ACTION	RESPONSIBLE OFFICER	DEADLINE
1	Contact Sponsor colleagues to see if Minutes from Sponsor meetings can be forwarded in a more timely manner, to share with the Board	Bill	Done
2	Revise Standing Orders clause 2.6, 2.8 and add new clause to cover observers at Board meetings	Jane	Done
3	Revise draft Commissioners' training plan and put on Board planner for March (include idea of mini-workshop based on real-life Board case study, to work through issues)	Jane	March Board meeting
4	Make sure the agreed On Board Action Plan is distributed to new Commissioners post-March + add deadlines to actions	Jane (distribution)/ Bill (setting deadlines)	Pre-March
5	Re-visit 'Completed' actions on Deloitte Improvement Plan – change status where necessary	Bill	Done
6	Act on alterations to Framework Document draft, once received from Convener	Bill	Done
7	Check what Comms officer is putting out on social media and whether it provides enough context for customers to understand. Also scrutinise social media report which is forwarded to Board – is it fit for purpose?	Bill	Done

**MATTERS ARISING FROM PREVIOUS MINUTES – ORAL**

# CROFTING COMMISSION MEETING

8 February 2022

Report by the Chief Executive

## Annual Review of Standing Orders

### SUMMARY

The Standing Orders governing Commission meetings were reviewed by the Board on 3 December. Head of Compliance and Board Support was asked to make several revisions, which now come to the Board for ratification.

### BACKGROUND

Standing Orders represent one of the key governance documents in the Commission. They are shown at **Annex A** and were last reviewed in December 2021. The annual review offers an opportunity for the Commission to ensure every member of the Board is familiar with the details contained in Standing Orders and content with the working document.

### CURRENT POSITION

The wider scope audit completed by Deloitte in 2021 identified an issue which it recommended, at 4.10, could be addressed by revising Standing Orders. It recommends that Standing Orders should clearly set out how informal, private meetings of the Board can be called, how they should be conducted, any records which should be kept and emphasise the importance of the Board not using these meetings to, in essence, take Board decisions.

At the Board meeting on 3 December suggested revisions were considered and members requested amendments to the text at 2.6 and 2.8. Members also requested that a new clause be added to provide clarity over the status of members of the public attending Board meetings. This has been added as 3.3, under the section 'Attendance at Meetings'.

Suggested revised text is highlighted in yellow in the document at **Annex A**.

Impact:	Comments
Financial	No financial implications.
Legal/Political	The Commission is required to adhere to Standing Orders as a Scottish Public Body.
HR/staff resources	The Standards Officer is responsible for ensuring the Board adheres to the provisions set out in Standing Orders.

### RECOMMENDATION

The Board is asked to confirm approval of revised Standing Orders or agree alternative revisions. Upon approval, the next review date will be set.

Date 15 December 2021

Author Jane Thomas, Head of Compliance & Business Support





# **CROFTING COMMISSION**

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

**VERSION 1.3**

Last Review: August 2020  
Next Review: August 2021

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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 will be reviewed on an annual basis. Any amendments must be agreed by a majority of members present at a meeting of the Crofting Commission.

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.

- 1.4. The Standing Orders may be amended by resolution carried by a majority of members present at a meeting of the Commission.
- 1.5. Where the word "**Convener**" is used in the Standing Orders, it includes any interim Convener appointed by the Scottish Ministers.
- 1.6. 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.
- 2.6. The Convener may wish to consult with the Board by holding an informal private meeting, for Board members only. He/she must inform the Chief Executive that such a meeting has taken place and the general nature of the discussion. Though no formal Minute will be taken, if there has been a substantive discussion involving a majority of the Board members, which could lead to an item being submitted to a future Board meeting, the Convener should draft a contemporaneous Note of the discussion, including who attended and forward this to the Chief Executive for saving. No Board decisions can be taken outside formal Board meetings.

## Place of Meetings

- 2.7. 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 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

- 2.8. The Convener or Chief Executive will generally determine the agenda for a meeting of the Commission, but the decision of the **Convener** 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 **Convener** and copied to the **Chief Executive**. 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 **Convener** as to whether or not to include the item on the agenda will be final, **seeking the advice of the Standards Officer as necessary**. This is without prejudice to Standing Order 3.7 governing Commission decisions and voting.

## **Urgent Business**

- 2.9. 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.

### **Members of the Public**

3.3 The majority of Board Meetings will be held in public, with members of the public able to attend in person, for physical meetings or online for virtual meetings (or a combination of both). Members of the public attend as observers only and cannot participate in the debate, unless expressly requested to do so by the Convener.

The Convener will make this position clear at the start of each Board Meeting where there are members of the public in attendance.

## **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 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. This is in line with Schedule 1 of the Crofting Acts.

### **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](#), approved by the Standards Commission for Scotland.

# **CROFTING COMMISSION MEETING**

**8 February 2022**

Report by the Chief Executive

## **Report on meetings with Sponsor Division**

### **SUMMARY**

**This paper lists meetings since the last Board meeting, which have involved both CEO and Sponsor Division.**

### **BACKGROUND**

Among other themes in the Deloitte report was the need to improve the reliability of communications between Sponsor, CEO/SMT, the Convener and the Board, to ensure that the Board as a whole were kept informed of all relevant developments. As part of this, a brief summary of recent meetings involving the CEO and Sponsor is included on the agenda for each Board meeting.

## RECENT MEETINGS INVOLVING CROFTING COMMISSION CEO AND SPONSOR/SCOTTISH GOVERNMENT

<b>Topic and Date</b>	<b>Commissioners attending</b>	<b>Lead SG officer(s)</b>	<b>Agenda items</b>	<b>Key outcomes</b>
Board meeting with Cabinet Secretary, 8 December 2021	Most Commissioners	Gordon Jackson	Commission's vision for Crofting, presented by Vice Convener	Cabinet Secretary welcomed the Board's vision, commitment, and partnership with SG
Convener's meeting with Cabinet Secretary, 22 December 2021	Convener	John Kerr, Gordon Jackson	General catch-up, touching on Backlog, the budget announcement, and reflections on the recent Public Audit Committee appearances by the Commission and the SG	Commission to present Business Case for additional staffing, to SG, early in 2022
Short Sponsor meeting, 10 January 2022	Convener, Vice convener	Gordon Jackson	Timing of advert for new Appointed Commissioners; SCF concerns about casework; action points from David Nicholl training	SG hoping to issue advert for appointed commissioners at some point between the close of election nominations and the election count
Azets report on CIS, 11 January 2022	Convener, James Scott	John Kerr, Gordon Jackson	Progress against Azets recommendations, as presented by Aaron Ramsay	SG reassured of progress on recommendations; suggestion that there should be a new audit before long to record this progress formally
Convener's meeting with Cabinet Secretary, 25 January 2022	Convener	Derek Wilson, Gordon Jackson	General catch-up, touching on Staffing review, Backlog, Deloitte actions progress, Electronic census, online applications going live.	No specific action points; each item to be followed up in the normal course of events
<b>Forthcoming meeting</b>				
Routine Sponsor Meeting, 31 January 2022	Convener, Vice convener (anticipated)	TBC	Crofting Commission Staff Review; Records of complaints to the SG about Commission performance; SCF Case Studies; Deloitte and Azets Reports – Status of actions; CC Election; Crofting Commission Budget / Spend; Economic Condition of Crofting Report (2019-2022); National Development Plan – general update on progress; Performance stats	TBC

**IMPACT**

Regular provision of these reports will ensure that all Commissioners are informed of discussions between the CEO and the SG.

**RECOMMENDATION**

The Board is invited to note this report.

Date 27 January 2022

Author Bill Barron, CEO

## **AUDIT & FINANCE COMMITTEE REPORT**

### **8(a) Update from Vice-Chair of Committee – Oral**

# CROFTING COMMISSION MEETING

8 February 2022

Report by the Chief Executive

## Convener Report on Appraisals

### SUMMARY

The Convener of the Crofting Commission, in line with Deloitte Recommendation 2.3, has completed Annual Performance Appraisals with each member of the Board and will present a short report on the process.

### BACKGROUND

As part of the Deloitte external audit report into leadership and governance at the Commission, published in June 2021, it was highlighted that there appeared to be a lack of evidence that systematic annual performance appraisals with Commissioners was being carried out by the Convener at the time.

This was referred to in Recommendation 2.3 of the report and it was suggested that appraisals for 2020/21 should be carried out without delay. However, following the resignation of the Convener and the selection of Commissioner Mathieson as the new Convener, it was agreed that it would not be appropriate for him to carry out retrospective performance appraisals and that he would concentrate on completing the process for 2021/22, from the period of his appointment.

### CURRENT POSITION

In October and November, Commissioners engaged with members of the Senior Management Team and SG Sponsor Division on joint training days, facilitated by a specialist in public Board training and development. As a result, a template detailing the performance appraisal process was agreed and a timeline for completion drawn up. Please see **Annex A** for details.

The Convener completed all of the appraisals in line with the timetable, confirming completion and providing a summary report for Sponsor Division in mid-January, reporting that the process appeared to work well. Unfortunately, due to Covid restrictions in place at the time, it was not possible to arrange face-to-face meetings, which would have been the preferred option and should be used wherever possible, going forward.

The Convener welcomes comments on the process from Commissioners.



<b>Impact:</b>	<b>Comments</b>
Financial	No financial implications.
Legal/Political	Conducting annual appraisals is a requirement for members of a Scottish public body.
HR/staff resources	The Standards Officer is responsible for ensuring the Board adheres to the provisions set out in Board members Terms & Conditions.

**RECOMMENDATION**

**Commissioners are asked to note the report, recommending any suggested improvements in the process for 2022/23.**

Date            19 January 2022

Author          Jane Thomas, Head of Compliance & Business Support



## COMMISSIONER PERFORMANCE APPRAISAL SYSTEM

The Directorate and the Crofting Commission (the Commission) are committed to following best practice in the appointment, appraisal and development of those serving on the Board of the Commission. The performance appraisal system for Commissioners is underpinned by the following principles:

- **Ongoing:** The assessment of a Commissioner's performance is a continual, all year-round process and is not restricted to the annual completion of the performance appraisal process. If performance issues are apparent during the year, it is incumbent on the Convener to address these as and when they arise
- **Open and honest:** Both the appraiser and appraisee should be open and honest about the Commissioner's performance and any obstacles to performance (which may include the appraiser)
- **Developmental:** Where shortcomings are identified, the emphasis is on development and improvement of the Commissioner's performance and not on finding fault
- **Fair and objective:** The assessment process will be objective with comments/criticisms supported by evidence and practical examples
- **Linked:** The performance of the Convener and Commissioners cannot be assessed in isolation from the performance of the Board and the Commission as an organisation. The sum of the individual assessments should equate to the 'collective' whole

## PROCESS

There are five main steps in the Commission's performance appraisal process for Commissioners:

- (1) Sections 1 to 4 of the performance assessment form should be completed by the Commissioner as a self-assessment exercise and copied to the Convener who will use the completed form as the basis of the formal appraisal meeting
- (2) The Convener and Commissioner will meet to discuss performance and professional/personal development on a one-to-one basis
- (3) The Convener and Commissioner will agree a personal development plan for the coming year
- (4) Following the formal meeting, the Convener will write up the performance appraisal and give it to the Commissioner to add his/her comments and sign it off
- (5) A summary report on the outcome of the Commissioner appraisals (including any development areas identified) shall be presented to the Deputy Director by the Convener with copies of the performance appraisal forms provided. This summary report shall also be presented by the Convener to the Board of the Commission

## TIMETABLE

<b>ACTIVITY</b>		<b>DEADLINE</b>
1	Self-assessment completed by Commissioners	15 Dec 2021
2	Appraisal meeting between Convener and Commissioners held and documentation completed	Early Jan 2022
3	Summary report by Convener to Deputy Director	Mid Jan 2022
4	Summary report presented to the Board	Feb 2022 (paper forwarded by 23 Jan)

# ASSESSMENT OF COMMISSIONER PERFORMANCE

<b>Name of Commissioner:</b>	
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<b>Period of report:</b>			
<b>From:</b>	April 2021	<b>To:</b>	December 2021

<b>Term of current appointment:</b>			
<b>Start date:</b>		<b>End date:</b>	

**TIME COMMITMENT**

Number of Board meetings held during assessment period      9

Number of Board meetings attended during assessment period      \_\_\_\_\_

Please complete the table below giving details of Committee membership and meetings attended during the assessment period (including working groups). Any reasons for poor attendance should be given in the overall assessment box.

<b>Name of Committee</b>		
Position held (Convener/Member)		
No. of meetings during assessment period		
Number attended		

# ASSESSMENT

The following markings should be used to assess performance:

1 = Very effective    2 = Effective    3 = Partially Effective    4 = Not Effective

## 1. ATTENDANCE AND COMMITMENT

<b>(a) Board (and Committee) meetings</b> (Attends meetings regularly; arrives on time and stays for the full meeting; comes fully prepared to contribute meaningfully to Board discussions and decisions)	
<b>Commissioner's comments:</b>	<b>Marking:</b>
<b>Convener's comments:</b>	<b>Marking:</b>

<b>(b) Committed to personal development and improving his/her effectiveness as a Commissioner</b> (Able to recognise his/her training and development needs and takes personal responsibility to further develop as a Commissioner. Has benefitted from training and development activity undertaken in the year under review)	
<b>Commissioner's comments:</b>	<b>Marking:</b>
<b>Convener's comments:</b>	<b>Marking:</b>

## 2. CONTRIBUTION TO WORK OF THE BOARD/CROFTING COMMISSION

<b>(c) Ability to constructively challenge within the Board</b> (Ensures that his/her challenge is focused on strategic matters, performance, governance and the management of corporate risks, not on areas which are purely operational or largely immaterial to the performance of the Commission)	
<b>Commissioner's comments:</b>	<b>Marking:</b>
<b>Convener's comments:</b>	<b>Marking:</b>

<b>(d) Contribution to strategy/policy formulation</b> (Actively contributes to the corporate planning process. Understands the external environment, the “big picture” and the short, medium and long term implications of decisions)	
<b>Commissioner’s comments:</b>	<b>Marking:</b>
<b>Convener’s comments:</b>	<b>Marking:</b>

<b>(e) Contribution to governance issues (including compliance, risk management, financial systems and internal controls)</b> (Has a good understanding of the Commission’s governance framework; understands the key risks facing the Commission; contributes to identification and oversight of key strategic risks; actively monitors financial performance; understands the role of internal and external audit in providing assurance; and ensures prompt action is taken to address any ‘governance’ failings)	
<b>Commissioner’s comments:</b>	<b>Marking:</b>
<b>Convener’s comments:</b>	<b>Marking:</b>

<b>(f) Team working</b> (Able to build consensus within the Board, accepts corporate decisions, does not seek to dominate, is a good team player)	
<b>Commissioner’s comments:</b>	<b>Marking:</b>
<b>Convener’s comments</b>	<b>Marking:</b>

<b>(g) Communication</b> (Can communicate effectively at Board meetings, able to put a point of view across clearly and concisely, can debate constructively, is accessible and responsive to the Convener)	
<b>Commissioner’s comments:</b>	<b>Marking:</b>
<b>Convener’s comments:</b>	<b>Marking:</b>

<b>(h) Is an effective ambassador for the Commission and the Board</b> (Is loyal to the Board/the Commission at all times, actively promotes Board policies, is able to build constructive relationships outside the organisation and represent the Board/the Commission in a positive manner)	
<b>Commissioner’s comments:</b>	<b>Marking:</b>
<b>Convener’s comments:</b>	<b>Marking:</b>

<b>(i) Personal conduct and behaviour</b> (Handles conflicts of interest openly and transparently, conduct is exemplary at Board meetings and with staff and stakeholders, adheres fully to the Code of Conduct and actively supports the Convener in enforcing it)	
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Commissioner's comments:	Marking:
Convener's comments:	Marking:

### 3. RECOGNITION OF ADDITIONAL COMMISSIONER CONTRIBUTIONS

(This could include, for instance, application of specialist knowledge of crofting issues, professional expertise, input to Committees, etc.)

*Please give details of specific contribution*

1.	
2.	
3.	
Commissioner's comments:	Marking:
Convener's comments:	Marking:

#### **4. AREAS FOR FURTHER DEVELOPMENT AND/OR TRAINING**

(This should include training and development needs which have been identified by the Convener during this assessment or where a Commissioner wishes to develop his/her own knowledge and skills to develop in the role or even to prepare for other future roles such as Chair of a Committee. This section covers both structured training and development interventions such as training courses as well as more informal development tools such as site visits, etc.)



## 5. OVERALL SUMMARY OF APPRAISAL

### TO BE COMPLETED BY CONVENER

The following markings should be used to assess the overall performance of the Commissioner:

1 = Very effective 2 = Effective 3 = Partially effective 4 = Not effective

### Convener's assessment of Commissioner's overall performance and contribution to the work of the public body

Comments in this section must provide an accurate summary, including strengths and any weaknesses in performance (with specific examples), of the Convener's formal appraisal of the Commissioner. In framing the comments, the Convener should consider Sections 1 to 3 above. If there are any areas where performance is unsatisfactory, the Convener should briefly describe the steps that have been agreed to address this.

Overall marking:	
Comments:	

## 6. SIGNATURES

The form should now be signed and dated by the Convener and Commissioner:

The information contained in this performance appraisal may be shared with other Scottish Government Directorates in line with their policy on the use of references when making public appointments.

**Convener**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Commissioner**

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Comments by Commissioner:**

*Please tick*

**I consent to my details being shared with other Scottish Government Directorates.**

Please note that you can withdraw your consent at any time, to do so contact the Head of Compliance, Jane Thomas, at [dataprotection@crofting.gov.scot](mailto:dataprotection@crofting.gov.scot).

Please note that all processing of your personal data will cease once you have withdrawn consent, other than where this is required by law, but this will not affect any personal data that has already been processed prior to this point.

## SUMMARY

Our Outcome		1. CROFTS ARE OCCUPIED AND MANAGED	RAG Status	Page
Key Milestones	<b>1a September 2021</b> – Create workflows, processes and supporting documentation to support investigations and engagement with landlords (owners of vacant crofts) who are suspected of not being resident and/or not cultivating their crofts.		AMBER	5
	<b>1b June 2021</b> – Review 2020 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.		ACHIEVED	6
	<b>1c August 2021</b> – Write to a selection of 2020 census respondents who have advised us they are in breach of their duty to be ordinarily resident, obtaining their plans and intentions for resolving the breach and establishing whether there is a good reason not to issue a notice of suspected breach of duty under section 26C(1) of the 1993 Act.		GREEN	6
	<b>1d October 2021</b> – Write to a selection of crofters and owner-occupier crofters who have not responded to the 2020 census and whose address would indicate they are in breach of the residence duty. Should correspondence confirm that they are in breach then the case would be followed up in terms of 1c above.		RED	7
	<b>1e December 2021</b> – Write to a selection of tenant and owner-occupier crofters who have indicated in their 2020 crofting census returns that they are complying with the duty to be ordinarily resident but who are not cultivating the croft, giving information about their options.		GREEN	7
	<b>1f February 2022</b> – Follow-up with a selection of resident crofters whose crofts are not in use to encourage, and where necessary enforce, the requirements for crofters to cultivate and maintain the land.		GREEN	7
Performance Measures	<b>1.1</b>	Number of formerly vacant crofts let by the landlord or the Commission following the Commission initiating action under the unresolved succession (section 11) or vacant croft (section 23) provisions of the 1993 Act.	AMBER	8
	<b>1.2</b>	Initiate correspondence with more crofters where a breach of RALU duties is suspected.	GREEN	9
	<b>1.3</b>	Initiate correspondence with landlords (owners of vacant croft) who are failing to reside on and/or cultivate their vacant crofts.	AMBER	9
	<b>1.4</b>	Number of RALU breaches resolved by a crofter or an owner-occupier crofter in breach of their residency duty taking up residence on their croft.	AMBER	10
	<b>1.5</b>	Number of RALU breaches resolved by the assignation of the croft, or the letting or sale of an owner-occupied croft.	AMBER	10

	<b>1.6</b>	Number of RALU breaches resolved by the Commission giving consent to the sublet of a tenanted croft, the short-term lease of an owner-occupied croft, or by a consent to be absent being given to a tenant or an owner-occupier crofter.	<b>AMBER</b>	11
	<b>1.7</b>	Number of RALU breaches escalated to the issue of a Notice of suspected breach of duty (section 26C), or a Notice providing an Undertaking (section 26D).	<b>GREEN</b>	11
	<b>1.8</b>	Number of RALU breaches concluded by tenancy terminations orders (section 26H), or approval of letting proposals submitted by owner-occupier crofters following a direction to do so (section 26J).	<b>AMBER</b>	12

Our Outcome				
2. COMMON GRAZINGS ARE REGULATED AND SHARED MANAGEMENT PRACTICES CONTINUE				
			RAG Status	Page
<b>Key Milestones</b>	<b>2a Ongoing</b>	Contact all Grazings Committees whose terms are about to end, encouraging them to arrange the appointment of a new Grazings Committee	<b>GREEN</b>	13
	<b>2b Ongoing</b>	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.	<b>GREEN</b>	13
	<b>2c Ongoing</b>	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.	<b>GREEN</b>	13
	<b>2d Ongoing</b>	Encourage grazings committees to adopt the revised template for grazings regulations.	<b>RED</b>	13
<b>Performance Measures</b>	<b>2.1</b>	Increase in number of common grazings with a Committee in office	<b>GREEN</b>	14
	<b>2.2</b>	Increase in number of grazings committees who have adopted the new template regulations	<b>RED</b>	14
	<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.	<b>GREEN</b>	15
	<b>2.4</b>	Establish correct shareholdings on common grazings by researching and updating records of shareholder situations.	<b>GREEN</b>	15
	<b>2.5</b>	Develop and assist with training and other events for grazings committees and the management of common grazings.	<b>GREEN</b>	16

Our Outcome		3. CROFTING IS REGULATED IN A FAIR, EFFICIENT AND EFFECTIVE WAY		RAG Status	Page
Key Milestones	3a June 2022 – Next build of the Crofting Information System released and upskilling delivered, and CIS migrated to the cloud			RED	17
	3b Summer 2022 – Digital system implemented for notifications			AMBER	17
	3c November 2021 – Agree, with Registers of Scotland, improvements to our combined processes, and how they can be implemented.			GREEN	17
	3d March 2022– First 8 application types available digitally			AMBER	17
Performance Measures	3.1	Decrease in median turnaround times (registered crofts, Tier 1 approvals)		RED	18
	3.2	Decrease in number of live regulatory cases at a point in time		RED	19
	3.3	Decrease in number of regulatory cases outstanding after 12 months		RED	19
	3.4	Customer satisfaction rates		GREEN	20

Our Outcome		4. THE FUTURE OF ACTIVE CROFTING IS SUPPORTED BY WELL-INFORMED ENGAGEMENT WITH STAKEHOLDERS		RAG Status	Page
Key Milestones	4a August 2021 – Develop a signposting portal within Commission website in order to direct crofters and the public to relevant websites and information related to crofting.			ACHIEVED	21
	4b September 2021 – Produce information about choices for crofters who are considering passing on their croft.			GREEN	21
	4c December 2021 – Investigate reasons why crofts are not passed on (temporarily or permanently) when duties are not met and develop strategies to promote croft turnover. Establish a cross-organisation working group via COHI (Convention of Highlands and Islands) to look at croft turnover and entry into crofting..			GREEN	22
	4d Ongoing - Consider the affordability and accessibility of croft land to aspiring crofters, particularly the legal, policy and financial factors that influence croft prices.			GREEN	22
	4e September 2021 - Establish a cross-organisation working group via COHI to identify opportunities to reduce carbon emissions, increase carbon capture and enhance biodiversity within the crofting sector.			AMBER	22
	4f Ongoing – Participate in discussions with stakeholders and SG on crofting interests and particularly the development of future support systems for crofting.			GREEN	22
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	5a April 2021– Publish a report about the steps taken by the Commission to encourage more female Board members		ACHIEVED	23
	5b June 2021 – Develop and implement continuity planning for key posts		ACHIEVED	23
	5c July 2021 – Develop a Commission policy on the location of our workforce over the next period		GREEN	23
	5d August 2021– Implement automated retention schedule procedures within revised CIS		RED	23
	5e August 2021 – Complete implementation of 2020 Staff Survey action plan		AMBER	23
	5f December 2021 - Highlight the opportunities for election to the Board, across the crofting counties and encouraging nominations from both women and men		ACHIEVED	23
Performance Measures	5.1	Increase in staff engagement rating	ACHIEVED	24
	5.2	Corporate carbon emissions	GREEN	24
	5.3	Redeploy efficiency savings within £3.2m core budget	GREEN	25

## DETAILED PROGRESS REPORTS

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

Our Outcome	<b>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>1a September 2021</b> – Create workflows, processes and supporting documentation to support investigations and engagement with landlords (owners of vacant crofts) who are suspected of not being resident and/or not cultivating their crofts.		<b>AMBER</b>	Joseph Kerr	<p>In the first quarter of the year, the workflows on CIS for engagement with tenants and owner-occupier crofters have been reviewed and updated as required. Work is continuing on reconciling letters generated by CIS and template versions held by the Team. This work required to be completed and prioritised prior to progressing to landlords of vacant crofts.</p> <p>In the second quarter of the year, discussions were held with regard to agreeing a process to enable the team to progress written reports of non-residence and non-cultivating in relation to vacant crofts, to take the case to the stage of either the croft being occupied and used or the Commission issuing a notice under section 23(5) require proposals for letting of the vacant croft. The next stage is for the process and workflows to be developed on cis with supporting documentation prepared.</p> <p>In the third quarter of the year, further meetings with staff and as a result a draft CIS workflow is currently in the process of being drawn up. Once finalised we will arrange for the relevant template letters to be finalised and associated with the relevant parts of the workflow.</p>

Our Outcome		2. CROFTS ARE OCCUPIED AND MANAGED														
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>1b June 2021</b> – Review 2020 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>ACHIEVED</b>	Joseph Kerr	<p>The RALU Team received the 2020 Census report on 17 June 2021, work has now commenced on analysing the data and scoping the census follow-up work for the year ahead.</p> <p>The report has been analysed and the different categories of breach identified which will form the basis for the selection of tenant and owner-occupier crofters to be written out to. The Team have identified the following number of cases in the different categories to be investigated further:</p> <table border="1"> <thead> <tr> <th>Category</th> <th>Numbers</th> </tr> </thead> <tbody> <tr> <td>Non-resident/non-cultivating tenants</td> <td>60</td> </tr> <tr> <td>Non-resident owner-occupier crofters</td> <td>40</td> </tr> <tr> <td>Non-resident tenants</td> <td>34</td> </tr> <tr> <td>Resident Non-cultivators tenants</td> <td>46</td> </tr> <tr> <td><b>Total</b></td> <td><b>180</b></td> </tr> </tbody> </table>	Category	Numbers	Non-resident/non-cultivating tenants	60	Non-resident owner-occupier crofters	40	Non-resident tenants	34	Resident Non-cultivators tenants	46	<b>Total</b>	<b>180</b>
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<b>Total</b>	<b>180</b>															
<b>1c August 2021</b> – Write to a selection of 2020 census respondents who have advised us they are in breach of their duty to be ordinarily resident, obtaining their plans and intentions for resolving the breach and establishing whether there is a good reason not to issue a notice of suspected breach of duty under section 26C(1) of the 1993 Act.		<b>GREEN</b>	Joseph Kerr	<p>In the third quarter of the year:</p> <ul style="list-style-type: none"> <li>the process of issuing letters to the First tranche category (non-resident non-cultivating tenants) was completed;</li> <li>The process of issuing letters to the Second tranche category (non-resident owner-occupier crofters) was completed;</li> <li>RALUT wrote to around half of the Third tranche category (non-resident tenants) the remainder will be written to before the end of the January 2022.</li> </ul>												



Our Outcome		3. CROFTS ARE OCCUPIED AND MANAGED		
		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>1d October 2021</b> – Write to a selection of crofters and owner-occupier crofters who have not responded to the 2020 census and whose address would indicate they are in breach of the residence duty. Should correspondence confirm that they are in breach then the case would be followed up in terms of 1c above.		RED	Joseph Kerr	<p>Letters were prepared and processes developed for this work.</p> <p>RALUT were awaiting the preparation of the spreadsheet showing non-census returners, in order to select cases to take forward.</p> <p>As a result of the decision made by management in the third quarter to divert 40% of the RALUT resources being diverted to assist colleagues in dealing with the regulatory casework backlog, this milestone was not completed before the issue of the 2021 Census Return. The Team will pick this up in 2022/23 once a report has been prepared for the 2021 Census non-returners.</p>
<b>1e December 2021</b> – Write to a selection of tenant and owner-occupier crofters who have indicated in their 2020 crofting census returns that they are complying with the duty to be ordinarily resident but who are not cultivating the croft, giving information about their options.		GREEN	Joseph Kerr	<p>RALUT liaised with Development Team colleagues as part of the pilot project to identify and contact resident non-cultivators in the Western Isles in 2021,</p> <p>Separately the process of writing to the fourth tranche category (resident non-cultivators) will be undertaken by RALUT in the 4<sup>th</sup> quarter of 2021/22.</p>
<b>1f February 2022</b> – Follow-up with a selection of resident crofters whose crofts are not in use to encourage, and where necessary enforce, the requirements for crofters to cultivate and maintain the land.		GREEN	Joseph Kerr	This is on track to take place on or before the target date.

**PERFORMANCE MEASURES -**

Number	Aim	Baseline	Target/Indicator	Measure
1.1	Number of formerly vacant crofts let by the landlord or the Commission following the Commission initiating action under the unresolved succession (section 11) or vacant croft (section 23) provisions of the 1993 Act.	7	15	Records of administrative action.

**PROGRESS:**

- a) The Commission have issued 4 section 11(4) notices proposing to terminate the tenancy of 2 crofts in Kilmallie, 1 croft in Applecross and 1 in Stoer which will result in terminations and lets if they progress to the section 11(8) termination order stages.
- b) The Commission have issued 4 section 11(8) terminations: 1 in Shetland which resulted in proposals to let to a new entrant to crofting being submitted by the landlord and approved by the Commission, and 2 in Kilmallie to existing crofters which have been approved, and 1 in Applecross where we are currently awaiting proposals from the landlord to let the crofts.
- c) 1 section 23(5) notice was issued to a landlord in Sutherland which resulted in proposals to let to a new entrant to crofting being submitted by the landlord and approved by the Commission.
- d) The Commission have been working with a landlord in Skye to let 3 long term vacant crofts constituted as “New Crofts” under section 3A. Two of the 3 crofts have been let to new entrants to crofting, an applications has been submitted to let the other croft which are currently being processed.

Q1	Q2	Q3	Q4
GREEN	GREEN	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 in 2019-20	Initiate RALU correspondence with 100 new cases	Records of administrative action.

**PROGRESS**

The Commission commenced correspondence with 137 crofters. 126 as a result of the 2020 Census returns (this includes the pilot in the Western Isles writing to resident non-cultivating tenants), 3 as the result of receipt of reports of suspected breach of duty, and 8 as a result of a report from a Grazings Committee in Skye under section 49A. We met with the latter and identified 31 cases in total, a mixture of breach of the residence duty, failure to cultivate, and cases where both duties are reported as being breached. We agreed a programme for prioritising and commencing a rolling programme of enforcement action in these cases. We are due to issue further letters to 2020 Census returners, and to the next tranche of 12 case reported by the Grazings Committee in Skye in the final quarter.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
1.3	Initiate correspondence with landlords (owners of vacant croft) who are failing to reside on and/or cultivate their vacant crofts.	Baseline to be established after review.	Initiate correspondence with 30 cases	Records of administrative action

**PROGRESS**

THE CIS workflow is currently in the process of being drawn up. Once finalised we will arrange for the relevant template letters to be finalised and associated with the relevant parts of the workflow and will then be in a position to deal with reports relating to landlords who are not residing on or cultivating their crofts.

Q1	Q2	Q3	Q4
GREEN	GREEN	AMBER	

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
1.4	Number of RALU breaches resolved by a crofter or an owner-occupier crofter in breach of their residency duty taking up residence on their croft.	17 (average over the previous 2 years)	17	Records of administrative action

PROGRESS:

6 crofters have resolved their breach of duty by taking up residence.

Q1	Q2	Q3	Q4
GREEN	GREEN	AMBER	

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
1.5	Number of RALU breaches resolved by the assignation of the croft, or the letting or sale of an owner-occupied croft.	20 (average over the previous 2 years)	20	Records of administrative action

PROGRESS

11 crofters resolved their breach of duty by assigning the tenancy of their crofts.

Covid Effect

Q1	Q2	Q3	Q4
GREEN	GREEN	AMBER	

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
1.6	Number of RALU breaches resolved by the Commission giving consent to the sublet of a tenanted croft, the short-term lease of an owner-occupied croft, or by a consent to be absent being given to a tenant or an owner-occupier crofter.	61 (average over the previous 2 years)	No target (this is not a priority in its own right)	Records of administrative action

PROGRESS

In the first half of the year, **12** crofters were given consent to sub-let their crofts. **18** crofters were given either consent to be absent or an extension of consent to be absent.

Q1	Q2	Q3	Q4
GREEN	AMBER	AMBER	

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
1.7	Number of RALU breaches escalated to the issue of a Notice of suspected breach of duty (section 26C), or a Notice providing an Undertaking (section 26D).	26 (based on 2020/21)	No target (this is an intermediate phase en route to KPI 1.8)	Records of administrative action

PROGRESS

the Commission issued 10 Notices under section 26C(1); Made 13 decisions under section 26C(5) that a duty was not being complied with, and issued 5 Notices providing an undertaking under section 26D(1).

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
1.8	Number of RALU breaches concluded by tenancy terminations orders (section 26H), or approval of letting proposals submitted by owner-occupier crofters following a direction to do so (section 26J).	4 (based on 2020/21)	4	Records of administrative action

PROGRESS

There have been no termination orders or notice requiring letting proposals under these statutory provisions

Q1	Q2	Q3	Q4
AMBER	AMBER	AMBER	

Responsible Manager: Joseph Kerr

**Our Outcome**

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

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

Milestone	Covid Effect	RAG Status	Responsible Manager	Details
<p><b>2a Ongoing</b> - Contact all Grazings Committees whose terms are about to end, encouraging them to arrange the appointment of a new Grazings Committee</p>		<p><b>GREEN</b></p>	<p>Finlay Beaton</p>	<p>Contact is made before the end of committees’ terms in office, and afterwards if no appointment has been agreed to encourage the forming of a new committee. The Commission is monitoring the public health situation and acknowledges there is still a requirement for the offering of special measures to appoint a new committee under section 47(3). There is also now an opportunity for shareholders to hold a public meeting to appoint a new Grazings committee under section 47(1) if they so desire.</p>
<p><b>2b Ongoing</b> – Highlight to Grazings Committees and Shareholders the availability of the guidance, published February 2019, for effective management of common grazings. Respond to any questions for clarification.</p>		<p><b>GREEN</b></p>	<p>Finlay Beaton</p>	<p>This publication remains available on the Commission website and all new grazings clerks are provided with a hard copy.</p>
<p><b>2c Ongoing</b> – 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.</p>		<p><b>GREEN</b></p>	<p>Finlay Beaton</p>	<p>There are current difficulties for shareholders meeting to form new committees where there has not been one in place recently which would enable the Commission to appoint a retiring committee. However, it has been possible for the Commission to appoint committees in some other instances, but this requires the consent of all shareholders where it has not been possible to hold a public meeting. This has seen a modest increase in the total number of grazings committees continuing over the previous 3 quarters. The Development Officers in the Western Isles have engaged in contacting active shareholders of common grazings without committees to obtain background information on why no committee is in office and then refer those who show interest in appointing a new committee to the Grazings team to take forward.</p>
<p><b>2d Ongoing</b> – Encourage grazings committees to adopt the revised template for grazings regulations.</p>		<p><b>RED</b></p>	<p>Finlay Beaton</p>	<p>A more pro-active approach has been devised but it is currently difficult to effect with covid restrictions and the temporary redeployment of Grazings Team members.</p>

## PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure								
<b>2.1</b>	Increase in number of common grazings with a committee in office	500 Grazings Committees in office on 31 March 2021	Maintain the number of Grazings Committees in office (notwithstanding the pandemic)	Administrative records								
<p><u>PROGRESS</u>            At the end of the 3<sup>rd</sup> quarter, there are currently 512 grazings committees in office which is an increase of 2 from the previous quarter</p> <p>Covid Effect            There are obvious difficulties in expanding the numbers in office beyond the Commission appointment of committees demitting office.</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td><b>GREEN</b></td> <td><b>GREEN</b></td> <td><b>GREEN</b></td> <td></td> </tr> </tbody> </table>					Q1	Q2	Q3	Q4	<b>GREEN</b>	<b>GREEN</b>	<b>GREEN</b>	
Q1	Q2	Q3	Q4									
<b>GREEN</b>	<b>GREEN</b>	<b>GREEN</b>										
Responsible Manager: Finlay Beaton												

Number	Aim	Baseline	Target/Indicator	Measure								
<b>2.2</b>	Increase in number of grazings committees who have adopted the new template regulations	3 in 2020-21	Increase by at least 10 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.								
<p><u>PROGRESS</u>            3 new sets of regulations have been approved and others are in process.            1 Amendment of common grazings regulations has been completed. Where the committee where not keen to adopt the new grazings template.</p> <p>Covid Effect            The difficulties experienced by grazings committees in holding meetings makes this difficult and is not generally a priority for most committees. This also hampers a more pro-active approach by the Grazings Team itself, as does the fact that its staff resources have been reduced through provision of support to other parts of the organisation.</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td><b>RED</b></td> <td><b>RED</b></td> <td><b>RED</b></td> <td></td> </tr> </tbody> </table>					Q1	Q2	Q3	Q4	<b>RED</b>	<b>RED</b>	<b>RED</b>	
Q1	Q2	Q3	Q4									
<b>RED</b>	<b>RED</b>	<b>RED</b>										
Responsible Manager: Finlay Beaton												



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.	12 in 2020-21	No numerical target as this is in large part demand led.	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 issues.)

**PROGRESS**

To date there have been 10 significant engagements with Grazings Committees and shareholders of which 3 have been closed and we are continuing to interact with those involved in the open cases.

It might be considered an indicator of success in dealing at an early stage with the variety of issues arising, which do not progress to the more serious official complaint route provided for within the Act - Sections 47(8) or 52(1).

Within the first 3 Quarters. the team have also responded to 329 other general queries from various stakeholders where there is a common grazings involvement.

**Covid Effect**

It has not been possible to attend meetings in person, but some meetings with members of grazings committees have been held via Teams and this has proven beneficial.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	

Responsible Manager: Finlay Beaton

Number	Aim	Baseline	Target/Indicator	Measure
2.4	Establish correct shareholdings on common grazings by researching and updating records of shareholder situations.	15 in 2020-21	10 more townships researched in 2021/22	Records of administrative action

**PROGRESS**

There have been 12 cases where establishment of the correct shareholding position for all shares has been required to date, of which 8 have been completed.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	

Responsible Manager: Finlay Beaton

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.	5 in 2020-21	5 events in 2021/22	Records of administrative action

PROGRESS

The Grazings team have continued to work with the Farm Advisory service to deliver training events. Face to face meeting is still being discouraged and so training has been delivered again via zoom meetings.

4 sessions have been delivered on how to form a grazing committee and then the carrying out the duties and functions of a committee correctly using best practice. These sessions have had 18/19 people attending each session.

A further 2 sessions on these subjects will be delivered in the coming weeks

A final session was also delivered on the subject of mediation to 8 attendees within the last quarter.

Q1	Q2	Q3	Q4
AMBER	GREEN	GREEN	

Responsible Manager: Finlay Beaton

**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>3a June 2022</b> – Next build of the Crofting Information System released and upskilling delivered, and CIS migrated to the cloud		<b>RED</b>	Aaron Ramsay	<p>First in-team technical testing has been carried out, final testing build due to be complete and passed to User Acceptance Testers in early November.</p> <p>Upskilling for testers complete. UAT script writing is underway with a plan to complete gradually over a number of weeks to support other business pressures.</p> <p>CIS migrated fully to the cloud has been achieved.</p>
<b>3b Summer 2022</b> – Digital system implemented for notifications		<b>AMBER</b>	Aaron Ramsay	Change of address functionality built on target, however go live with public notifications is not realistic currently as most of the are currently handled outside of the CIS, and implementing this would create additional pressures on Regulatory teams. Postponed until Summer 2022.
<b>3c November 2021</b> – Agree, with Registers of Scotland, improvements to our combined processes, and how they can be implemented.		<b>GREEN</b>	Joseph Kerr	Commission and RoS officials have agreed (a) amendments to content of the croft registration forms and (b) changes to procedures whereby the fees will be obtained following the checks carried out on the application which opens up the possibility of alternative methods of payment. The matter is now with RoS to progress with SG colleagues.
<b>3d March 2022</b> – First 8 application types available digitally		<b>AMBER</b>	Aaron Ramsay	Assignment live is testing, Assignment and Subletting due to go live to general public by end of January 2022. Additional application types will come online live through February and early March. Project delayed slightly as anti-fraud measures were re-evaluated for high risk application types (Assignment and Letting).

## PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure
3.1	Decrease in median turnaround times (registered crofts, Tier 1 approvals)	Figures for 2020-21: Assignment – p10.7 weeks Decrofting CHSGG – 13 Decrofting Part Croft – 22.6	Reduce medians to: Assignment – 9 weeks Decrofting CHSGG – 11 Decrofting Part Croft – 16	Time taken from application to notification of decision, <i>for cases where no registration is required</i>

### PROGRESS

Pressures within the regulatory team has led to increases in outstanding work, which has negatively affected turnaround times. The median turnaround times are higher or similar to last year's figures. The figures are taken from completed cases and so they will take some time to recover.

#### Covid Effect

Q1	Q2	Q3	Q4
AMBER	RED	RED	

	Approx Number of cases per year	Median weeks (2020-21)	Median weeks (2021-22 to date)
Assignment	c125	10.7	11.6
Decrofting Croft House Site	c50	13	12.9
Decrofting Part Croft	c100	22.6	24.4

Responsible Manager: Heather Mack

Number	Aim	Baseline	Target/Indicator	Measure
3.2	Decrease in number of live regulatory cases at a point in time	807 on 31 March 2021	Reduce to 732 (the level from June 2020)	Number of live regulatory cases on 31 March

PROGRESS

The number of cases outstanding (which have not yet reached decision) has increased to 971. The increase in outstanding cases is due to pressures within the team, with movement of staff to fill vacant posts and ongoing training of newer staff. Over the last quarter extra measures and resources from outside the team has meant the outstanding figure has peaked and is now becoming more steady.

Covid Effect

Q1	Q2	Q3	Q4
RED	RED	RED	

Responsible Manager: Heather Mack

Number	Aim	Baseline	Target/Indicator	Measure
3.3	Decrease in number of regulatory cases outstanding after 12 months	159 on 31 March 2021	Reduce to 140	Number of live regulatory cases on 31 March, which are more than 12 months since first received by the Commission

PROGRESS

Due to the level of outstanding cases work on this has slowed and the number of outstanding cases over 12 months has increased to 192.

Covid\_Effect

Q1	Q2	Q3	Q4
GREEN	GREEN	RED	

Responsible Manager: Heather Mack

Number	Aim	Baseline	Target/Indicator	Measure
3.4	Customer satisfaction rates	100% satisfaction reported from a limited number of responses in 2020-21	At least 80% of responses positive	Proportion of respondents answering 5 or 4 on the 5-point scale for overall satisfaction

PROGRESS

Only a small number of forms have been received for the year which have been mostly positive.

Covid Effect

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	

Responsible Manager: Heather Mack

**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
<b>4a August 2021</b> – Develop a signposting portal within Commission website in order to direct crofters and the public to relevant websites and information related to crofting.		<b>ACHIEVED</b>	Arthur	This has been completed and launched under ‘Useful links’ section of the website. Updates have also been made to the ‘Frequently asked questions’ section. The website is subject to continual update and review.
<b>4b September 2021</b> – Produce information about choices for crofters who are considering passing on their croft.		<b>GREEN</b>	Arthur	A website section has been completed. Social media work on succession is ongoing.
<b>4c December 2021</b> – Investigate reasons why crofts are not passed on (temporarily or permanently) when duties are not met and develop strategies to promote croft turnover. Establish a cross-organisation working group via COHI (Convention of Highlands and Islands) to look at croft turnover and entry into crofting.		<b>GREEN</b>	Arthur	<ul style="list-style-type: none"> <li>• A survey looking at croft under-use and availability to new entrants was completed in May 2021, which had over 400 responses.</li> <li>• Communications to highlight the issue and communicate crofting duties and the benefits of new entrant opportunities, to both crofters and the public is underway.</li> <li>• Investigation into how prospective croft purchasers are made aware of crofting duties has been undertaken. This has been followed up by contacting the 40 estate agents’ firms identified as marketing crofts to direct them and prospective buyers towards the new “Obtaining a Croft” section on the website.</li> <li>• Discussions have begun on creating a working group to look at these issues.</li> </ul> <p>All ongoing.</p>

<p><b>4d Ongoing</b> – Consider the affordability and accessibility of croft land to aspiring crofters, particularly the legal, policy and financial factors that influence croft prices.</p>		<p><b>GREEN</b></p>	<p>David Findlay</p>	<p>The Commission is going to produce a paper for consideration by the Board by end of February 2022, which will involve contacting the Land Commission on issues of the sale and marketability of land and market controls, and which will also examine possible Commission initiatives or law reform that would facilitate accessibility of land, particularly for new entrants.</p>
<p><b>4e September 2021 -</b> Establish a cross-organisation working group via COHI to identify opportunities to reduce carbon emissions, increase carbon capture and enhance biodiversity within the crofting sector.</p>		<p><b>AMBER</b></p>		<p>David to take forward CoHI group. Development team has engaged with stakeholders to gain a better understanding of the issues/sector.</p>
<p><b>4f Ongoing</b> – Participate in discussions with stakeholders and SG on crofting interests and particularly the development of future support systems for crofting.</p>		<p><b>GREEN</b></p>	<p>Arthur</p>	<p>Discussions with stakeholders on various crofting issues have taken place. Including Rural Payment and Inspections Division, Scottish Crofting Federation, Farm Advisory Service, HIE, Visit Scotland, NatureScot, Comhairle nan Eilean Siar, Community Land Scotland and several community landlords.</p> <p>Ongoing work.</p>
<p><b>There are no Performance Measures for Outcome 4</b></p>				



**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
<b>5a April 2021</b> – Publish a report about the steps taken by the Commission to encourage more female Board members		<b>ACHIEVED</b>	Jane Thomas	The Report was published in April 2021 and a copy forwarded
<b>5b June 2021</b> – Develop and implement continuity planning for key posts		<b>ACHIEVED</b>	Bill Barron	Discussions have taken place and the new approach is set out in the January 2022 draft revision of the Workforce Plan
<b>5c July 2021</b> – Develop a Commission policy on the location of our workforce over the next period		<b>GREEN</b>	David Findlay	SMT discussed a paper by David Findlay on 21 July 2021. SMT has agreed that there will be an element of hybrid working indefinitely, and CC has given notice to NatureScot that we require a smaller floorplate from April 2021. The location of posts in other areas in the crofting counties will be discussed further with SG but in the meantime several posts are being recruited on a location-neutral home-working basis.
<b>5d August 2021</b> – Implement automated retention schedule procedures within revised CIS		<b>RED</b>	Aaron Ramsay	As per CIS progress update, not likely to be in place prior to June 22 when the new CIS goes fully live.
<b>5e August 2021</b> – Complete implementation of 2020 Staff Survey action plan		<b>AMBER</b>	Bill Barron	An Action Plan was revised and issued to staff in May 2021. Good progress has been made on many of the actions but others remain to be completed.
<b>5f December 2021</b> - Highlight the opportunities for election to the Board, across the crofting counties and encouraging nominations from both women and men		<b>ACHIEVED</b>	Bill Barron	A questionnaire looking at the barriers to women on boards has been completed. Publicity, social media and online roadshows have been used to encourage people to stand in the 2022 elections.

## PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure
5.1	Increase in staff engagement rating	57% in Summer 2020	Maintain or surpass the record high achieved in 2020	Average scores for a set of fixed questions in the annual staff survey

### PROGRESS

The 2021 staff survey took place in April 2021. The staff engagement rating increased to 65%.

Q1	Q2	Q3	Q4
ACHIEVED			

Responsible Manager: Mary Ross

Number	Aim	Baseline	Target/Indicator	Measure
5.2	Corporate carbon emissions	15 tCO <sub>2</sub> e in 2019/20	Reduce by 90% in pandemic year 2020/21	Emissions from business travel by staff and Commissioners

### PROGRESS

The Commission calculated and submitted its Public Sector Report on Compliance with Climate Change Duties to the Scottish Government for 2020/21 in September 2021 (ahead of the 30 November deadline). As anticipated there has been a dramatic fall in carbon emissions because of Covid-19 restrictions on travel. The Commission recorded 0.3 tCO<sub>2</sub>e emissions for 2020/21. This relates to colleagues travel on specific Crofting Commission business and does not capture private travel to place of work or emissions based on the Commission working from home.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	

Responsible Manager: Neil MacDonald

Number	Aim	Baseline	Target/Indicator	Measure								
5.3	Redeploy efficiency savings within £3.2m core budget	3.4% (£95k) 2020/21	3%	Funding redeployed as a result of efficiencies in existing operations								
<p><u>PROGRESS</u></p> <p>On target as at Q2. Examples include:</p> <ul style="list-style-type: none"> <li>IS Team undertaking compliance review of on-line applications in-house, rather than having to rely upon Scottish Government assistance which was initially quoted at £17k. The funding is being redirected towards CIS User Acceptance Training/Testing and a cyber security assessment of Azure and Amazon Web Services (CIS move to the Cloud).</li> <li>Crofting Census transitioning to a digital only platform (estimated efficiency savings £27k)</li> <li>Travel &amp; Subsistence spend less than originally anticipated when budget set in January 2021 (estimated savings £15k to £20k)</li> <li>Staff Turnover (Either due to post(s) not being replaced in current format/new starts assuming post at bottom of pay grade band/lead in time to recruitment)</li> <li>Economies of Scale within on-line application project (£10k to £20k estimate at this time)</li> <li>Efficiency savings by utilising SG Framework Contracts as appropriate (estimate efficiency savings approx. £5k)</li> </ul> <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>GREEN</td> <td>GREEN</td> <td></td> </tr> </tbody> </table> <p>Responsible Manager: Neil MacDonald</p>					Q1	Q2	Q3	Q4	GREEN	GREEN	GREEN	
Q1	Q2	Q3	Q4									
GREEN	GREEN	GREEN										

#### Key to RAG definitions

R – Red A – Amber G – Green

**AMBER** means the objective is likely to fall short of successful delivery, in timescale or target or both; but the shortfall is expected to be modest.

**GREEN** is anything better than AMBER: no shortfall is anticipated;

**RED** indicates that we are seriously delayed or heading for a significant shortfall.

Once an objective has been completed during the financial year, we mark it **ACHIEVED**, even if it was late in the delivery.

Any tasks scheduled for later in the year, and so not started in Q1, can be marked **GREEN**, unless there is already a reason to think we may not be able to deliver them as intended.

Risk ID	Risk Description	Controls in Place	Current Impact	Current Likelihood	Current Risk Score	Actions Planned	Controls Confidence Level	Target Impact	Target Likelihood	Target Risk Score	Target Date	Risk Owner
S1	Outcome 1: The Commission is seen as ineffective in tackling breaches of duty	New suite of RALU policies agreed by the Board. RALU team expanded to 6 B1s to deliver these policies in priority order. However, loans to Regulatory and a vacant post mean the team is currently half that size.	25	5	125	Further expansion of RALU team, preferably to 7 B1s by October 2022. Corresponding expansion of enforcement activity.	Reasonable	25	2	50	Mar-23	Joseph Kerr
S2	Outcome 2: Active use of common grazings declines	Support and online training being given to grazing committees. Encouragement for grazing committees to remain in office. Information on diversification available from Development Team	25	4	100	Continued support from grazings team although they will be short staffed for the next 6 months. Further consideration of how best to inform committees about the opportunities for diversification including forestry. Exploratory discussions on peatland restoration continue.	Reasonable	25	2	50	Mar-23	Finlay Beaton
S3	Outcome 3: The regulatory backlog becomes unmanageable and continues to grow	Regulatory team has been expanded slightly. Training substantially enhanced through designated training officers. Staff loaned from other Commission teams, and overtime being worked. TRS used to fill gaps at B2 and B1 level. Recruitment of 8 new A3s under way.	50	4	200	Recruitment and training of 8 new A3s on an agency basis and then more front line staff on permanent contracts. Monthly monitoring of the size of the backlog. Streamlining of certain parameters to facilitate faster handling of certain cases.	Reasonable	25	2	50	Dec-22	Heather Mack
S3a	Outcome 3: Commission is unable to deliver improvements to CIS and online applications in a secure and timely fashion	Online applications in progress with substantial input from IS, Regulatory Support, Regulators, Solicitor and CEO. Product Owner appointed to lead on direction of improvements to CIS from within Regulatory. User Acceptance Testers trained and ready to deliver testing.	25	3	75	Sequential, cautious delivery of online applications following soft launch in January 2022, with sustained rollout of additional application types. Collaboration between IS and regulation to implement consequential workflow changes. Completion of delivery and user acceptance testing of CIS 10.6.3 by May 2022.	Reasonable	25	1	25	Jun-22	Aaron Ramsay
S4	Outcome 4: It gets even harder for young people to access crofts	Website highlights the options available for those no longer wishing or able to use their crofts. RALU work expanded to tackle more breaches. For those crofts which do become available for the Commission to let, we adopt a proactive policy to prioritise new entrants.	10	4	40	Further expansion of RALU team and its work. Liaising with SG and community landlords, and other willing landlords, to improve adherence to duties by their crofting tenants.	Limited	10	3	30	Mar-23	David Findlay
S5	Commission loses credibility because of Governance issues outlined in Deloitte report	34 of 41 Deloitte recommendations implemented. Governance action points by David Nicholl agreed. Framework Document revised and awaiting signoff. Glen Shuraig Report and SG draft budget point way to expanded staffing.	10	3	30	Completion of delivery of Deloitte recommendations and David Nicholl recommendations. Submission of Business Case to SG to secure funding for the agreed staff changes. Training programme for new commissioners which can also be a refresher for existing commissioners.	Substantial	10	1	10	Jun-22	Neil MacDonald
S5a	Serious errors in the delivery of the 2022 crofting elections lead to confusion in Board membership post-March	MiVoice appointed to provide Returning Officer and Returning Officer services. Timeline for all stages agreed and being monitored. Electoral roll derived from RoC in accordance with regulations.	25	2	50	Publication of candidates on 31 January. Electoral roll to be notified to MiVoice. Weekly liaison with MiVoice to confirm that their plans for delivery remain in line with regulations and the Commission's expectations.	Substantial	25	1	25	Mar-22	Jane Thomas

# CROFTING COMMISSION MEETING

## 8 February 2022

Report by the Chief Executive

### Azets report on Home Working

#### SUMMARY

This paper reports on the recent audit of the Commission's implementation of Home Working following the start of the Covid-19 pandemic.

#### BACKGROUND

As part of the regular programme of internal audit, in Autumn 2021 Azets carried out an audit of the Commission's home working arrangements over the period since March 2020.

#### FINDINGS

Azets reported the findings of this study to the AFC on 26 January 2022. They noted that there had been many aspects of good practice by the Commission, which meant we compared favourably with some other public bodies they had similarly audited. There were some recommendations for improvement, but none of these was rated as high risk exposure. Management has committed to actions to make these improvements, as recorded in the report.

A copy of the report is attached at **Annex A**. The key findings are summarised on page 3, as follows:

#### Good practice

We have gained assurance that Crofting Commission's procedures reflect good practice in a number of areas, including:

- The Commission has benefited from extant resilience; it was in a strong position to respond to the emerging pandemic as most staff had access to a Crofting Commission laptop, and plans were already being developed to move the IT infrastructure over to the Cloud.
- A governance group was quickly initiated at the beginning of the pandemic by re-purposing the Senior Management Team meetings and increasing their frequency to every couple of days during the first few months.
- There has been active communication with staff, and feedback sought on a range of issues and concerns.
- There has been responsive and flexible decision-making, with a focus on staff wellbeing.
- Management continued to actively engage with other organisations in relation to enable limited access to buildings (NatureScot, Rural Payments and Inspections Division) and identify flexibilities in existing policies (Scottish Government) to support staff in remote/home working.
- Following completion of the immediate crisis management, and in line with good business continuity practice, a lessons learned activity was undertaken.

## Areas for improvement

We have identified a small number of areas for improvement which, if addressed, would strengthen Crofting Commission's control framework:

- Ensuring the Crofting Commission home/remote working policy aligns with and informs emerging business, workforce and financial plans.
- Developing an internal communications strategy and plan, based on practices established and lessons learned during the pandemic, which supports the current working arrangements and the plans for remote/home working.
- Ensuring that management receive assurances over any communicated actions to be completed by staff.

<b>Impact:</b>	<b>Comments</b>
Financial	None
Legal/Political	None
HR/staff resources	The report reflects the management and staff resource which was put in to supporting home working in 2020 and 2021, which involved many across the office especially the Head of Business Support, the IS team, and the Health & Safety Committee. The implication of the report is that we need to continue to devote some resource to this aspect of management.

## RECOMMENDATION

**The Board is invited to note this report.**

Date            27 January 2022

Author         Bill Barron, CEO



# Crofting Commission

## Internal Audit Report 2021/22

### Home Working

November 2021



# Crofting Commission

## Internal Audit Report 2021/22

### Home Working

Executive Summary	1
Management Action Plan	5
Appendix A – Definitions	9

<b>Audit Sponsor</b>	<b>Key Contacts</b>	<b>Audit team</b>
<i>Bill Barron, Chief Executive</i>	<i>David Findlay, Solicitor</i>	<i>David Eardley, Director</i>
	<i>Jane Thomas, Head of Business Support and Compliance</i>	<i>Stephanie Hume, Senior Audit Manager</i>
	<i>Aaron Ramsay, Head of Digital and Improvement</i>	<i>Lorna Munro, Internal Auditor</i>
	<i>Gillian Cumming, Residency and Land User Officer</i>	
	<i>Lynne MacMillan, Development Officer</i>	



# Executive Summary

## Conclusion

**Whilst we confirmed that the Crofting Commission has regularly engaged with staff to ensure practical issues related to remote working and staff wellbeing are addressed, we identified that the Board are not receiving adequate assurance of any actions that staff are asked to undertake related to home working (such as risk assessments). Further, there is no internal communications strategy or similar plan supporting remote/home working.**

**A new business plan and refreshed workforce and financial plan are to be drafted in early 2022. This presents a timely opportunity to ensure that the decisions in relation to the home, office and remote working policy align with the corporate direction and/or financial resource allocation.**

## Background and scope

In March 2020, the Scottish Government advised against all 'non-essential' travel and contact with others, and recommended home working wherever possible to slow the spread of COVID-19.

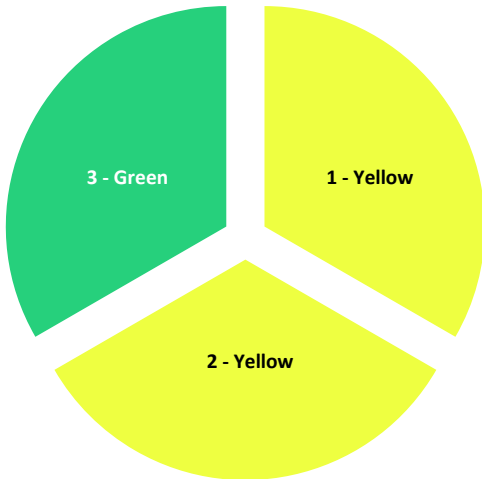
The Crofting Commission responded to this advice by requesting that all staff work from home. This represented a major change in the working arrangements for a number of staff.

It is therefore important that the Crofting Commission has in place arrangements to ensure staff have the tools they need to work safely and effectively from home, including ensuring staff wellbeing is being considered.

In accordance with the 2021/22 Internal Audit Plan, we reviewed the arrangements in place for ensuring the wellbeing of staff during this extended period of home working, and that there are processes in place to ensure staff have access to the appropriate equipment for home working.

# Control assessment

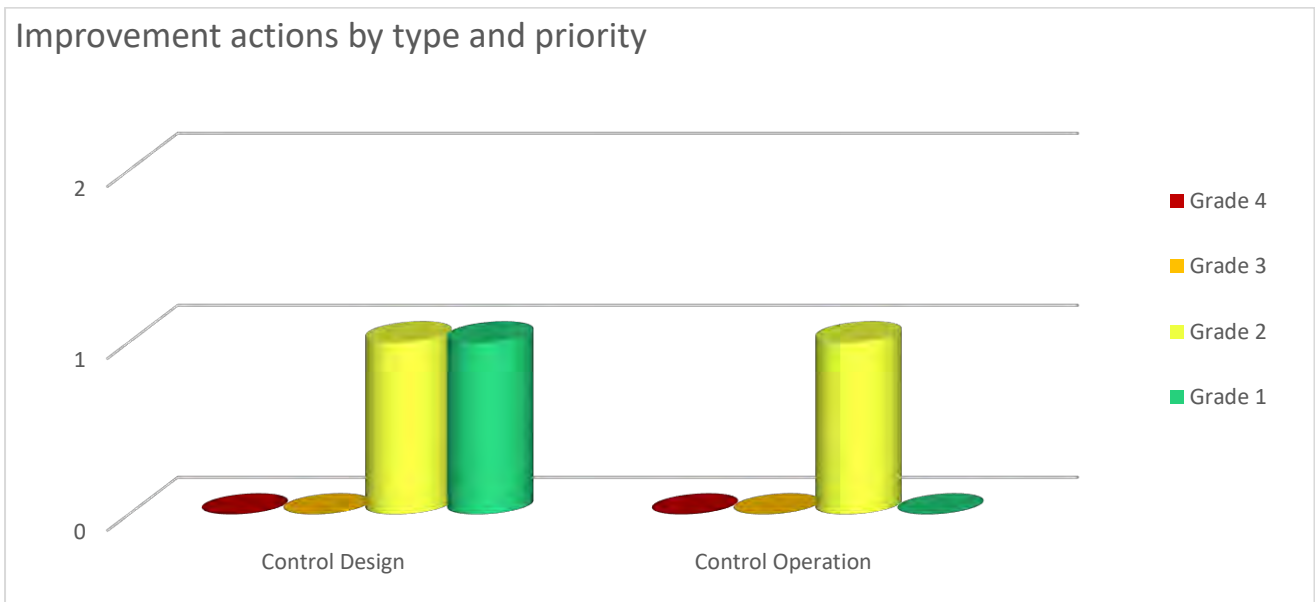
- 1. The Crofting Commission has processes in place to ensure staff have the appropriate set up for home working and that they have clear guidance for accessing Great Glen House where required.



- 2. The Crofting Commission has arrangements in place to maintain regular contact with staff, to ensure their ongoing wellbeing whilst working from home, and that key messages are being shared timeously.

- 3. There are mechanisms in place for staff to feedback any issues, concerns or advantages arising from home working, with issues being collated to facilitate lessons learned activity and dissemination of information to the wider organisation.

## Improvement actions by type and priority



Three improvement actions have been identified from this review, two of which relate to the design of controls. See Appendix A for definitions of colour coding.

# Key findings

## Good practice

We have gained assurance that Crofting Commission's procedures reflect good practice in a number of areas, including:

- The Commission has benefited from extant resilience; it was in a strong position to respond to the emerging pandemic as most staff had access to a Crofting Commission laptop, and plans were already being developed to move the IT infrastructure over to the Cloud.
- A governance group was quickly initiated at the beginning of the pandemic by re-purposing the Senior Management Team meetings and increasing their frequency to every couple of days during the first few months.
- There has been active communication with staff, and feedback sought on a range of issues and concerns.
- There has been responsive and flexible decision-making, with a focus on staff wellbeing.
- Management continued to actively engage with other organisations in relation to enable limited access to buildings (NatureScot, Rural Payments and Inspections Division) and identify flexibilities in existing policies (Scottish Government) to support staff in remote/home working.
- Following completion of the immediate crisis management, and in line with good business continuity practice, a lessons learned activity was undertaken.

## Areas for improvement

We have identified a small number of areas for improvement which, if addressed, would strengthen Crofting Commission's control framework:

- Ensuring the Crofting Commission home/remote working policy aligns with and informs emerging business, workforce and financial plans.
- Developing an internal communications strategy and plan, based on practices established and lessons learned during the pandemic, which supports the current working arrangements and the plans for remote/home working.
- Ensuring that management receive assurances over any communicated actions to be completed by staff.

These are further discussed in the Management Action Plan below.

## Impact on risk register

The Crofting Commission corporate risk register (dated June 2021) included the following risk particularly relevant to this review:

- Risk 006 (rated High): COVID-19 and the closure of Great Glen House has 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.

The actions taken to improve flexibility for staff working at home and the progress in addressing connectivity and other IT access issues provide a level of assurance over the actions and mitigations of this risk. Disaster and business continuity plans are also being put in place supporting a reduction in the risk impact.

## Acknowledgements

We would like to thank all staff consulted during this review for their assistance and co-operation.

# Management Action Plan

Control Objective 1: The Crofting Commission has processes in place to ensure staff have the appropriate set up for home working and that they have clear guidance for accessing Great Glen House where required.



## 1.1 Management assurance

Management communicated throughout the pandemic with staff and asked for various actions to be undertaken, such as DSE and risk assessment completion, COVID wellbeing checks and equipment requests. However, at the time of the audit, management were unable to confirm whether all the requested actions had been undertaken as expected, as assurance is not being provided within the governance structure on progress and/or completion of these.

Our testing of seven staff records for evidence of equipment, wellbeing, DSE and other risk assessments confirmed that these actions had been completed for these staff members, however we were required to request details for these on a case-by-case basis rather than there being proactive controls in place to provide assurance in this area.

### Risk

There is a risk that management are unable to confirm that expected actions to support home working have been completed as expected, which could result in risks to staff health and safety and ability to deliver activity in support of the corporate objectives.

### Recommendation

Management should ensure seek proactive assurance reporting that home working actions have been progress/completed as expected.

#### Management Action

We will check Commission-wide completion of these assessments.

**Action owner:** Head of Business Support and Compliance

**Due date:** 31 March 2022

Grade 2  
(Operation)

**Control Objective 2: The Crofting Commission has arrangements in place to maintain regular contact with staff, to ensure their ongoing wellbeing whilst working from home, and that key messages are being shared timeously.**



## **2.1 Communication Strategy/Plan**

The communications strategy evolved as the pandemic progressed:

- Initially, there was no specific format or frequency of communications, with reminders on existing policies and actions to be taken communicated by email and by phone where staff had no network access.
- Staff workshops, wellbeing information and sessions, staff quizzes, staff coffee and other events were supported virtually during the pandemic with changes made based on staff feedback on what they felt was useful. Some events were recorded so staff unable to attend at the specified date/time could take advantage of the activity.
- There were a range of staff surveys (April, June and October 2020 and April 2021) and polls used to gauge not only working practices but staff wellbeing across the period of the pandemic.
- A refreshed Staff Newsletter was issued in July 2021 covering a range of topics including cross-operational issues, such as training and Health and Safety.
- Normal day to day and monthly staff conversations were expected to continue during the pandemic albeit these were not in person, though these interactions are not documented.

Whilst the approach has been flexible, an internal communications strategy/plan (supported by Business Continuity Plans) may have been helpful in reaching an established, proactively coordinated position sooner and addressing concerns raised by staff early in the pandemic about the number of emails being received.

### **Risk**

Ineffective communication can lead to staff members having difficulty working remotely and unexpected and/or negative impacts on business operations.

### **Recommendation**

Management should develop an internal communications strategy and plan to reflect expected new models of working, drawing on established practice and lessons learned during the pandemic.

Grade 1  
(Design)

**Management Action**

We will ensure that our internal communications planning covers Home Working issues.

**Action owner:** Chief Executive

**Due date:** 31 May 2022

**Control Objective 3: There are mechanisms in place for staff to feedback any issues, concerns or advantages arising from home working, with issues being collated to facilitate lessons learned activity and dissemination of information to the wider organisation.**



### **3.1 Strategic, financial and workforce planning**

Following feedback received throughout the pandemic from staff, the Crofting Commission commissioned a Short-Term Working Group to review the home/remote working arrangements for the organisation. In January 2021 the group produced a report which identified staff preferences, positive and negative feedback received, and recommendations for remote working moving forward.

Actions continue progress on the back of this report, with another staff survey and a policy planned for delivery within the next six months. However, the Crofting Commission business plan, workforce plan and financial plan are all due for review and/or full refresh in early 2022. How home/remote working policies and implications will impact these reviews is still to be asserted.

#### **Risk**

If new/future working arrangements (including home and/or remote working) are not adequately addressed in the workforce, financial and/or business plans, this may impair efficient and effective use of resources and adversely impact a range of staffing matters (such as recruitment, retention, satisfaction/well-being etc).

#### **Recommendation**

Management should ensure that the Crofting Commission home/remote working policy aligns with and informs emerging business, workforce and financial plans.

#### **Management Action**

**Grade 2  
(Design)**

We will revise our Home Working policy, in writing, alongside our revised workforce and financial plans.

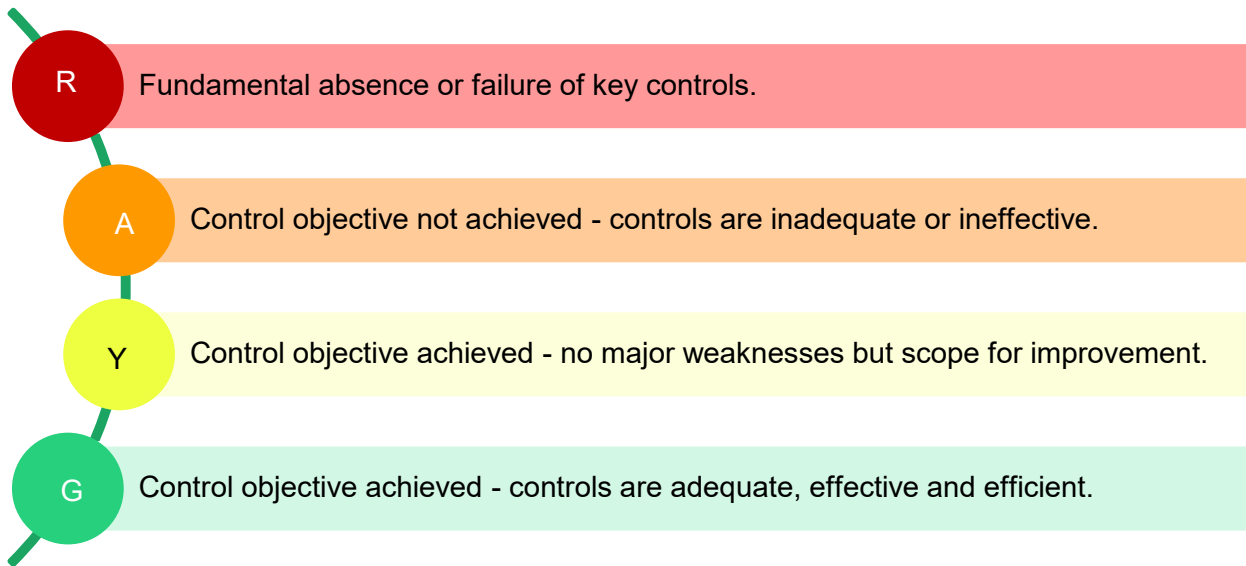
**Action owner:** Chief Executive

**Due date:** 31 May 2022

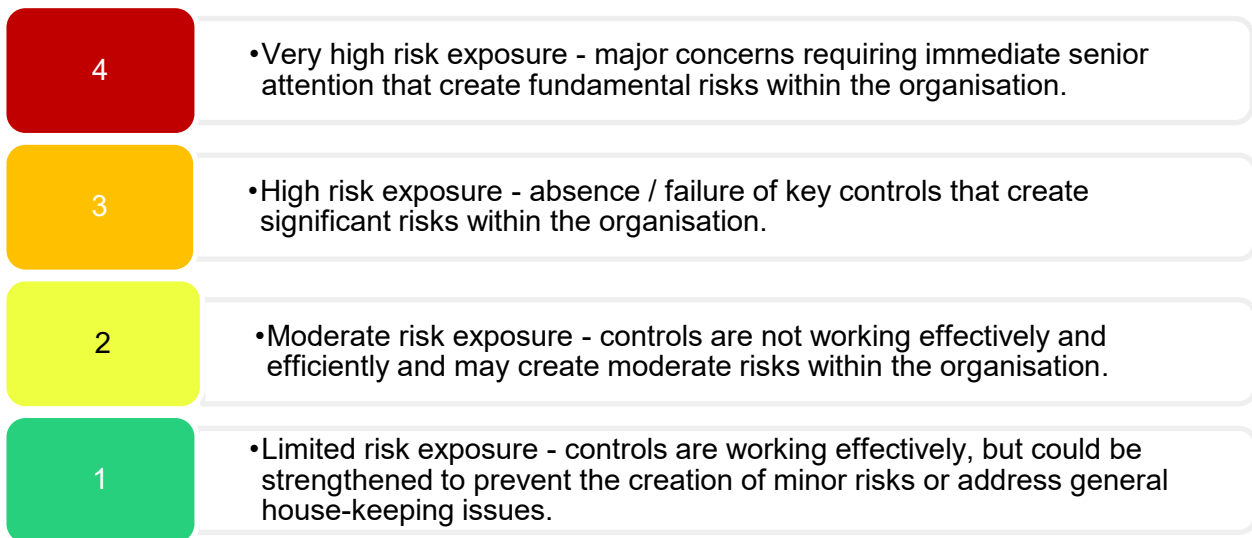


# Appendix A – Definitions

## Control assessments



## Management action grades



# CROFTING COMMISSION MEETING

8 February 2022

Report by the Chief Executive

## Census Data – How output is used

### SUMMARY

To provide the Board with an update on how the information from the Annual Notice is used by the Crofting Commission.

### BACKGROUND

In 2020 19,636 Annual Notices were issued to crofters and owner-occupiers (and, in 2019/20: 19,485). Of these, 17,645 related to actual crofts including stand-alone apportionments (and, in 2019/20: 17,519) and 1,991 (and, in 2019/20: 1,966) in respect of grazing rights.

Overall, 14,297 (2019/20: 14,726) Annual Notices were returned to the Commission. This is equivalent to a 72.8% (2019/20: 75.5%) return rate. The number of crofters who stated that they were not complying with at least one of their crofting duties was 1,289 (and, in 2019/20: 686). In 2020, 19.7% of the Annual Notice returns were submitted online.

This total of 1289 who accepted non-compliance with at least one crofting duty splits into:

- 977 (previous year, 513) who admitted being non-resident (and some of these were also in breach of one or both of the other duties)
- 419 (previous year, 221) who admitted non-cultivation and/or neglect, some of whom were also not resident.

It is most unlikely that these figures represent all actual breaches of duty across the crofting counties. Of the 25%-30% of crofters who do not return the notice, it is likely that a proportion of these crofters are in breach of duty, possibly higher in terms of percentage than those who do return the notice. It is also known that a proportion of the submitted returns do not represent the actual position on the ground and whether the crofter is resident.

Only approximately 70-75% of crofters respond to the annual notice, but the Commission through phone calls is seeking to increase this response rate for the 2021 census.

There was an increase in the number of crofters who submitted that they were in breach of at least one of the statutory duties during 2020. It is possible that this was because crofters were unable to visit their croft regularly enough to fulfil the residency duty, but this is speculative.

Crofters who submit a breach of duty are much the easiest breaches to tackle because this requires little or no investigation or evidence to establish that there is a breach. The Residency and Land Use Team at the Commission is currently investigating breaches of crofting duty by crofters who have accepted non-compliance with a duty in their annual notices.

### **How the Annual Notice information is used by Residency & Land Use**

The Residency & Land Use team have initiated correspondence with crofters with a view to having the breach of duty resolved or going through the crofting duties procedure, which includes:

- considering any comments made by the crofter
- making further enquiries, if required
- considering whether to issue a suspected breach of duties notice and then considering whether a duty is being complied with
- considering whether to accept an undertaking
- monitoring once the undertaking period has come to an end whether the breach of duty has been resolved and whether further action needs to be taken OR commencing tenancy termination procedure or compulsory letting if an undertaking is not accepted.

In response to the 2017 annual notice, the Residency & Land Use team wrote in 2018 to 316 crofters who indicated that they were in breach of duty. Of these, 253 cases were resolved as follows:

<b>Resolved cases (from 2017 annual notice)</b>
Assigned to another crofter or new entrant – 38
Let (in the case of owner-occupier crofters) – 3
Sublet by the crofter – 108
Crofter deceased and executor dealing with succession – 3
Statutory consent to be absent from croft – 36
Duty being complied with – 10
Good reason not to proceed with duties action – 12
Crofter has now taken up residency – 41
Tenancy terminated – 2 (10&11 Bornesketaig and 2 Ardhasaig)

Of the 316 crofters that the Residency & Land Use team wrote to, 43 crofters did not respond (the letter was an advisory letter and crofters were advised to resolve before next annual notice) and the team has 14 cases that are still open.

In response to the 2018 annual notice, the Residency & Land Use team wrote in 2019 to 126 crofters who indicated that they were in breach of duty. Of these, 39 cases were resolved as follows:

<b>Resolved cases (from 2018 annual notice)</b>
Assigned to another crofter or new entrant – 9
Let by owner-occupier crofter – 1
Sublet by crofter – 13
Deceased – 1
Consent to be absent – 2
Good reason not to proceed with duties action – 3
Now resident – 9
Withdrawn (case opened in error) – 1

58 crofters did not respond to the (advisory) letters sent out by the Residency & Land Use team. 19 cases are still open.

In response to the 2019 annual notice, the Residency & Land Use team wrote in 2020 to 45 crofters who indicated that they were in breach of duty. The work of the team was restricted in 2020 as a result of the coronavirus pandemic and the full staff complement was unavailable due to the pandemic. Of these, 26 cases were resolved as follows:

<b>Resolved cases (from 2019 Annual Notice)</b>
Assigned to another crofter or new entrant – 5
Sublet by crofter – 8
Deceased – 2
Consent to be absent – 5
Duty being complied with - 2
Good reason not to proceed – 1
Now resident – 3

As a result of the 2020 Annual Notice, a further 96 crofters and owner-occupier crofters have received letters from the Residency & Land Use Team. A further 32 crofters and owner-occupier crofters will be written to. Of these:

<b>Resolved cases (from 2020 Annual Notice)</b>
Deceased – 1
Consent to be absent – 3
Now resident – 1
Good reason not to proceed – 2
<b>TOTAL = 7</b>

**(and there are 89 cases open)**

This can be summarised as follows for the years 2017 to 2020 of the annual notice:

**TOTAL WRITTEN TO**

2017 Annual Notice – 316 written to  
 2018 Annual Notice – 126 written to  
 2019 Annual Notice – 45 written to  
 2020 Annual Notice – 96 written to  
**TOTAL = 583**

**TOTAL OF RESOLVED CASES**

Assigned – 52  
 Let – 4  
 Sublet – 129  
 Deceased – 7  
 Consent to be absent – 46  
 Duty being complied with – 12  
 Good reason not to proceed – 18  
 Now resident – 54  
 Tenancy terminated – 2  
 Withdrawn - 1  
**TOTAL = 325**

A total of 117 crofters have not responded to the letters sent out by the Residency and Land Use Team. The current number of cases the team has open are as follows:

**CURRENT OPEN CASES**

2017 Annual Notice – 14 open cases

2018 Annual Notice – 19 open cases

2019 Annual Notice – 19 open cases

2020 Annual Notice – 89 open cases

**TOTAL – 141 open cases**

**There are currently 25 regulatory applications (11 sublets and 14 assignments) lodged with the Commission which are pending a decision, which could result in these cases being resolved.**

In 2021, the Residency & Land Use Team intended to write to non-returners who had not returned the Annual Notice for multiple years, but the data extraction to create a list of such individuals was delayed. As a result, this action will be taken forward in summer 2022, by which time non-responders to the 2021 Annual Notice will have been included in the analysis.

Meantime, it will be noted that the current Annual Notice covering letter identifies those crofters who have not submitted a return for three consecutive years. The letter states that if a return is not submitted, this may result in the crofter's details being investigated to examine whether the crofter is complying with crofting duties.

It is also hoped that an exercise can be carried out that identifies where there is a discrepancy between (i) the postal address to which the Notice is sent and (ii) the croft address and where this discrepancy is in respect of a distance of more than 32 km. This would help the Residency and Land Use Team to use the Annual Notice data to identify more comprehensively those crofters who are in breach of the residency duty. In previous years, the paper forms have been passed to the Team so that they can carry out a postal address and residency check, but as the Annual Notice is now returned electronically, this is not a check that the Team can carry out directly.

The Team has noted that a not insubstantial number of crofters stated that they were complying with the residency duty in respect of cases where the Annual Notice was sent to an address that was also substantially more than 32km from the croft address.

The expansion of the Residency & Land Use team in 2021-2022 will result in more action being taken against crofters who do not return their annual notices, as outlined above. This action point came out of the Crofting Duties Working Group (2020/21), as Commissioners were of the view that the Commission should be taking more action in respect of non-returners.

**Wider use of the Annual Notice information**

Additionally, the annual notice is considered useful for improving the quality of data held in the Commission's Register of Crofts (RoC). Historically, the accuracy of some of the information in the RoC has been poor, often because the Commission is not informed of changes of ownership when a croft, or part of a croft, is sold. The Commission has carried out exercises in each of the years since the annual notice has been issued to crofters to update the information in the RoC. This is a valuable exercise and improves the quality of the information held by the Commission regarding registered crofts.

As part of this, the annual notice is useful in bringing to the attention of the Commission the death of the crofter or owner-occupier crofter. In the case of the death of a crofter, the Commission has statutory powers after 24 months from the date of death to start a statutory procedure that can result in the croft being declared vacant and so becoming available for re-letting. It is anticipated that there are a number of deceased crofters amongst the non-returners. The new initiative by the Commission to write to consecutive non-returners will likely identify a number of cases where the crofter is deceased. As well as making the Commission's records more accurate, it will allow the Commission to commence the 24 month procedure which can ultimately result in the croft becoming vacant and available for letting to a new entrant or existing crofter

<b>Impact:</b>	<b>Comments</b>
Financial	Commissioners should be aware that the wider issues as to how the Annual Notice information is used will involve decisions as to how adequately the Commission is resourced to carry out any required work.
Legal/Political	None
HR/staff resources	None

**RECOMMENDATION**

**To note the contents of this report.**

Date 24 January 2022

Author David Findlay, Solicitor

# CROFTING COMMISSION MEETING

8 February 2022

Report by the Chief Executive

## Further Delegation of Decision-making

### SUMMARY

For the Board to discuss and agree delegation parameters to extend the Commission's Scheme of Delegation to include additional regulatory decisions and functions as part of the ongoing process of devolving regulatory decision making from Commissioners to staff.

### 1. BACKGROUND

It was agreed at the December 2021 Board Meeting that the next stage of the process of reducing Commissioner involvement in regulatory decision making is to extend further the regulatory functions and decisions included in the Scheme of Delegation. It was agreed therefore that a paper setting out the delegation parameters for the following non-delegated functions to be included in the Scheme of Delegation would come to the Board for approval in February 2022:

- **Croft Registration:** Whether or not to forward an application for registration to the Keeper of the Registers of Scotland (RoS) (Section 7(5) of the 2010 Act).
- **Duties Enforcement:** Whether to divide a croft prior to taking action to terminate a croft tenancy or to seek letting proposals from an owner-occupier crofter (Section 26G of the Crofters (Scotland) Act 1993 ("the 1993 Act)).
- **Duties Enforcement:** Whether to issue an Order terminating a croft tenancy (Section 26H of the 1993 Act).
- **Duties Enforcement:** Whether to direct an owner-occupier crofter to submit letting proposals (Section 26J of the 1993 Act).
- **Whole Croft Decroftings:** Whether to approve or refuse whole croft decrofting applications (Sections 24(3) and Section 24A of the 1993 Act).

### 2. DELEGATION PARAMETERS

I have therefore attached as annexes to this paper, suggested parameters of delegation for each of the following decision/functions:

**Annex A:** Croft Registration

**Annex B:** Duties Enforcement: Owner-Occupier Crofter Letting Proposals and Division

**Annex C:** Duties Enforcement: Tenancy Terminations and Division

**Annex D:** Whole Croft Decroftings

<b>Impact:</b>	<b>Comments</b>
Financial	There would potentially be opportunity costs in the freeing up of Commissioner's time from regulatory decision making to focus more on strategic issues.
Legal/Political	There could potentially be reputational benefits for the Commission in cases being dealt with more quickly
HR/staff resources	While Commissioners time on regulatory decision making would reduce there may be a need to increase staff input to the regulatory decision-making role.

**RECOMMENDATION**

**To discuss and agree the delegation parameters for each of the regulatory decisions/functions set out in this paper, in order to extend the Scheme of Delegation further as part of the ongoing process of devolving regulatory decision making from Commissioners to staff.**

Date: 18 January 2022

Author Joseph Kerr, Head of Regulatory Support



Whether or not to forward an application for registration to the Keeper of the Registers of Scotland (RoS) (Section 7 of the Crofting Reform (Scotland) Act 2010 (“the 2010 Act”).

**Sub-section**

- 7(3)** Requires the Commission to check the information contained in or accompanying a registration application against the information relating to the croft in the Commission’s Register of Crofts.
- 7(4)** Requires the applicant to provide the Commission with further information relating to an application as they consider appropriate.
- 7(5)** Empowers the Commission to refuse to forward an application to RoS if:
- (a) The applicant has not provided the Commission with the information requested at 7(4)
  - (b) The application is frivolous or vexatious
  - (c) The fee has not been paid
  - (d) There is a material inaccuracy in the application
  - (e) The Commission consider the keeper would otherwise not accept the application under section 8(2)

- 1. Is the croft and stakeholder information provided by the applicant consistent with the corresponding information held in the Register of Crofts (including where there have there been any previous cases which would enable us to check the extent of the croft (e.g. division, part croft lettings, creation of new croft, Apportionment Orders in respect of non-croft shares, or SLC Orders defining the croft boundaries)?**

If **yes**, the application can continue to be dealt with at Tier 1

If **no**, revert to applicant in terms of Section 7(4) of 2010 requesting that they provide information to resolve any discrepancy.

If the matter remains unresolved, the case should be escalated to Tier 2 to determine whether or not to forward the application to RoS.

- 2. Has the applicant provided copies of all decrofting Directions, Resumptions Orders and Apportionment Orders issued within the last 20 years?**

If **yes**, the application can continue to be dealt with at Tier 1

If **no**, revert to the applicant in terms of Section 7(4) of 2010 requesting that they provide the required information.

If the matter remains unresolved, the application should be escalated to Tier 2 to determine whether or not to forward the application to RoS.

**3. Is the Commission aware of any dispute over the status of the land which is the subject of the croft registration application?**

If **no**, the application can continue to be dealt with at Tier 1

If **yes**, revert to applicant in terms of Section 7(4) of 2010 requesting that they provide information which will help resolve the dispute.

If the dispute remains unresolved, the case should be escalated to Tier 2 to determine whether or not to forward the application to RoS.

**4. Is the Commission aware of any other reason why the Keeper would not accept the application?**

If **no**, the application can continue to be dealt with at Tier 1

If **yes**, the case should be escalated to Tier 2 to determine whether or not to forward the application to RoS.

Whether to make an order terminating a crofter's tenancy (Section 26H of the Crofters (Scotland) Act 1993 ("the 1993 Act) **and**

Whether to divide a tenanted croft prior to terminating a crofter's tenancy (Section 26G of the 1993 Act.

### **Section 26H**

*If the Commission are satisfied that it is in the general interest of the crofting community in the locality of the croft, the Commission must make an order terminating the tenancy of the crofter unless they consider that there is a good reason not to.*

**1. Does the Commission consider there is good reason not to terminate the crofter's tenancy?**

If **no**, the case can continue to be dealt with at Tier 2.

If **yes**, the case should be escalated to Tier 3.

**2. Is the Commission satisfied that it is in the general interest of the crofting community in the locality of the croft to make an order terminating the tenancy**

If **yes**, the case can continue to be dealt with at Tier 2.

If **no**, the case should be escalated to Tier 3.

### **Section 26G**

*Before taking action under section 26H, the Commission may, if they are satisfied that it is fair to do so, divide a croft.*

**3. Prior to proceeding to terminate the tenancy: Does the Commission consider it is fair to divide the croft?**

If **no**, the croft will not be divided prior to termination.

If **yes**: **Is the croft registered on the Crofting Register?**

If **no**, the croft will not be divided prior to termination.

If **yes**, a decision on whether or not to divide the croft can be made at Tier 2.

Whether to direct an owner-occupier crofter to submit letting proposals (Section 26J of the Crofters (Scotland) Act 1993 ("the 1993 Act) **and**

Whether to divide an owner-occupied croft prior to directing an owner-occupier to submit letting proposals (Section 26G of the 1993 Act.

**Section 26J:** *The Commission must, unless they consider that there is a good reason not to, direct the owner-occupier crofter to submit proposals for letting the owner-occupied croft.*

**1. Does the Commission consider that there is a good reason not to direct the owner-occupier crofter to submit proposals for letting the owner-occupied croft?**

If **no**, the case can continue to be dealt with at Tier 2.

If **yes**, the case should be escalated to Tier 3.

**Section 26G:** *Before taking action under section 26J, the Commission may, if they are satisfied that it is fair to do so, divide an owner-occupied croft.*

**2. Prior to proceeding to direct the owner-occupier crofter to submit letting proposals: Do the Commission consider it is fair to divide the owner-occupied croft?**

If **no**, the croft will not be divided prior to the direction to the issue of the direction to submit letting proposals.

If **yes**: **Is the owner-occupied croft registered on the Crofting Register?**

If **no**, the owner-occupied croft will not be divided prior to termination.

If **yes**, a decision on whether or not to divide the owner-occupied croft can be made at Tier 2.

**Decrofting Whole Croft by a landlord or tenant (Sections 24(3) and 25(1)(a));  
Decrofting Whole Croft by an owner-occupier crofter (Section 24A and 25(1)(a)).**

**1. Is the purpose applied for a reasonable purpose (within the meaning of section 20 of the 1993 Act)?**

If **yes**, the case can be considered in the first tier of decision making.

If **no**, the case should be escalated to the second tier of decision making.

**2. Has the applicant applied for an area of more than 0.20 hectares?**

If **no**, the case can be considered at the first tier of decision making.

If **yes**, the case should be escalated to the second tier of decision making.

**3. Are there any buildings included in the site applied for?**

If **no**, the case can be considered in the first tier of decision making.

If **yes** and the buildings are a domestic dwelling house and/or are associated solely with/service a domestic dwelling house, the case can be considered in the **first tier** of decision making.

If **yes** and the buildings are currently being used/or are capable of being used as agricultural buildings equipping the croft, the application should be escalated to the **second tier** of the delegated decision-making structure.

**N.B.** It was recognised by the Group that where the building was contiguous or very close to a dwelling house applied for that it may still be appropriate to include the building in the decrofting, but that this should be a decision for the **second tier**.

**4. Are there any concerns over access to other croft or common grazing land?**

If **no**, the case can be considered at the first tier of decision making.

If **yes**, the case should be escalated to the second tier of decision making.

**5. In the case of an application by a tenant, have any negative submissions been received from the landlord?**

If **no**, the case can be considered in the first tier of decision making.

If **yes**, the case should be escalated to the second tier of decision making.

**6. Have any negative submissions been received from members of the crofting community?**

If **no**, the case can be considered in the first tier of decision making.

If **yes**, the case should be escalated to the second tier of decision making.

**7. Has demand been expressed for the tenancy of the croft?**

If **no**, the case can be considered at the first tier of decision making.

If **yes**, but all the other parameters are complied with, the case can be considered in the first tier of decision making.

If **yes**, and one or more of the other parameters are not met, the case should be escalated to the second tier of decision making.

**8. Have two or more non-discretionary (i.e. not related to the statutory dwelling house) directions or resumptions been issued in respect of this croft in the last 5 years?**

If **no**, the case can be considered in the first tier of decision making.

If **yes**, the case should be escalated to the second tier of decision making.

**9. Letters of Support Received from the landlord or members of the crofting community**

Unless a case has previously been escalated as a result of any of the factors listed before, there should be no reason why the case cannot continue to be dealt with as a first tier case, simply because a letter of support has been received.

**10. Planning: Has the Commission, as statutory consultees, previously objected to planning for any proposed development?**

If **no**, the case can be considered in the first tier of decision making.

If **yes**, the case should be escalated to the second tier of decision making.

**N.B.** This would be a future parameter linked to the creation of a workflow for planning consultations created on the CIS

## CROFTING COMMISSION MEETING

**8 February 2022**

Report by the Chief Executive

### **Appointment of Grazings Committees Review**

#### **SUMMARY**

**This paper is to review the current public health situation and consider the requirement for the continued use of Section 47(3) of the Crofters (Scotland) Act 1993, to appoint a retiring grazings committees for a further 3-year term in office.**

#### **BACKGROUND**

With the restrictions implemented to stem the spread of coronavirus, the normal process using section 47(1) involving the holding of a public meeting for appointment of a grazings committee, was prevented from happening.

In the Board meeting held in May 2020, the Board agreed to provide retiring grazings committees with the opportunity to be appointed for a further term of office under section 47(3).

The result of this decision is that the proper management of the common grazings has been able to continue throughout the pandemic period and allowed the overall grazings committee numbers to remain at pre pandemic levels.

#### **CURRENT POSITION**

Health restrictions were sufficiently lifted in Scotland in August 2021, to allow the option for public meetings to be held once again.

The Board considered the coronavirus health situation within the crofting counties at that time, and agreed that both options, 47(1) & 47(3) for appointment of a grazings committee should be made available to shareholders, whilst the coronavirus was still presenting a health risk, especially as we were approaching the winter months and it was unclear whether health restrictions would be implemented once again to combat the spread of the virus.

Of the 47 grazings committees who have been appointed since the lifting of restrictions, 17 have used the 47(1) public meeting option, whilst the other 30 have requested appointment under the 47(3) measures.

From 24 January 2022, the measures introduced after Christmas to combat the Omicron variant will be lifted, and so there are no rules regarding indoor events. However, my understanding is that there is still guidance in place which includes people being asked to limit the number of contacts they have and gather in groups of no more than three households indoors, however this may change.

The register shows that 57 Grazings Committees are due to go out of office within the period, 1 February 2022 to 31 May 2022.

<b>Impact:</b>	<b>Comments</b>
Financial	No impact
Legal/Political	The decision of when to require grazings committees to resume appointment by public meeting, will need to be carefully timed. Too early and we may make it harder for grazings committees to continue in office; but to delay unnecessarily would risk giving an exceptional arrangement too long a shelf life.
HR/staff resources	No impact

#### **RECOMMENDATION**

**Given the guidance in place and continued uncertainty on the health situation in the coming months, it is recommended that the Commission continue to provide retiring grazings committees with the 2 options.**

**The opportunity to be appointed for a further term of office under section 47(3) as well as the option to use the normal public meeting process under section 47(1) where restrictions allow and where shareholders deem it is safe to hold such a meeting.**

**It is proposed that this recommendation if implemented, be reviewed again in three months' time.**

Date            20 January 2022

Author         Finlay Beaton, Head of Grazings & Planning



# CROFTING COMMISSION MEETING

## 8 February 2022

Report by the Chief Executive

### Workforce Plan

#### SUMMARY

The 2022 revision of the Workforce Plan will be finalised after the Commission has submitted its staffing Business Case to the Scottish Government, and after the SG has responded.

Meantime, the Board is invited to comment on the current draft.

#### BACKGROUND

The Commission revises its Workforce Plan earlier in each calendar year. Normally, the Plan would be considered by the AFC in January and presented for approval to the Board in February. However, on this occasion, extensive revisions are required in the light of the Deloitte and Glen Shuraig reports, and the agreement which is yet to be reached between the Commission and Scottish Government regarding staffing for 2022/23. Accordingly, the current draft of the Workforce Plan is presented to the Board as a work in progress. The aim is to complete the draft and present it for approval to the 31 March Board meeting.

#### DISCUSSION

The attached draft Workforce Plan was discussed by the AFC on 26 January. While noting that sections relating to the Glen Shuraig report were still provisional, AFC approved the revised format of the Plan (including a section explicitly setting out a target workforce), and welcomed the new or revised sections on progression towards hybrid working, and on skills development as a means of succession planning.

Impact:	Comments
Financial	When completed, the Workforce Plan will set the direction of Crofting Commission spending for the next period.
Legal/Political	None
HR/staff resources	The draft report restates and analyses the Commission's commitment to high standards of workforce management.

#### RECOMMENDATION

The Board is invited to comment on the draft Workforce Plan.

Date 27 January 2022

Author Bill Barron, CEO

# WORKFORCE PLAN 2022-2026



## **CROFTING COMMISSION** **COIMISEAN NA CROITEARACHD**

**Version 0.1**

Last Review    January 2022  
Next Review    March 2023

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*Our purpose is “to regulate the crofting system fairly, and to protect and strengthen it for future generations”*

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## Purpose of this Plan

This is our 2022 Workforce Plan which is designed to sit alongside our Corporate Plan, to be rewritten and reissued later this year, our annual Business Plans, and our Medium-Term Financial Plan – which includes scenario planning for the future size and grading of our workforce, and addresses how we deploy our staffing to achieve the Commission’s objectives and contribute to the Scotland’s National Outcomes.

This Workforce Plan describes our current workforce structure and how we want this to develop over the next 5 years. It also describes how we will **support, develop** and **deploy our workforce** to deliver the commitments we make in our Corporate Plan.

## The Crofting Commission

The Crofting Commission’s functions are set out in the 1993 and 2010 Acts and are summarized in our organisational Purpose, set out in our Corporate Plan and quoted above.

The Acts set out in considerable detail the responsibilities of the Commission for regulating crofting, including the registration of crofts and crofters in the Register of Crofts and the Crofting Register. The greater part of the regulatory function is a demand-led service, in which the Commission responds to applications from crofters for assignation, sublet, decrofting, apportionment, or other changes.

The Commission’s role in protecting and strengthening crofting for future generations is less precisely defined, but no less important to the Scottish Government, the Commission’s Board, and crofting stakeholders. It includes proactive regulatory activity to enforce crofters’ duties, direct support for the system of common grazings committees, proactive interventions by the Commission’s development team, and advising the Scottish Government on the issues facing crofting and how it can be strengthened for the future. It includes 20 Action points set out in the Scottish Government’s *National Development Plan for Crofting* (March 2021) in which the Commission has responsibility to lead or to contribute.

The Commission draws all of its funding from Grant-in-Aid from the Scottish Government, and its budget is set annually by the Scottish Government with the agreement of the Scottish Parliament.

## Our Corporate Plan

Membership of the Board of the Crofting Commission is subject to substantial change every five years, given the quinquennial elections for two thirds of the Commissioners. The Commission develops and publishes a 5-year Corporate Plan after each election, which is then subject to annual review. The current Corporate Plan is for 2019-2022, but a new Plan for 2023-2027 will be developed following the elections of March 2022.

The current plan sets out 5 outcomes that the organisation seeks to deliver, each of which has workforce implications as set out in the following table:

Corporate Plan 2019-22 Outcome	Priorities for Workforce Plan 2022-26
Crofts are occupied and managed	The Residency & Land Use Team has been expanded since 2019 and it is a priority to expand it further in the next 5 years, to protect active crofting communities.
Common grazings are regulated and shared management practices continue	Since 2019, the Commission's small grazings team has seen more grazings committees in office, reversing an historic decline. The Commission would like to expand this team in the coming 5 years, to support more active townships and more active use of common grazings land.
Crofting is regulated in a fair, efficient and effective way <sup>1</sup>	<p>A workforce review in 2021 observed that turnover of front line staff was a major threat to the work of the regulatory team, and that it should be substantially expanded to compensate for turnover and to prevent casework backlogs. A top priority for the next period will be to recruit and train many more front line staff.</p> <p>Meantime, the Commission will continue to expand its Information Services team to ensure that systems and tools for regulatory casework develop in accordance with technological developments and the needs of the business.</p>
The future of active crofting is supported by well-informed engagement with stakeholders	In 2021, the Commission recruited two Development Officers based in the Western Isles. An ambition for the next five years will be to recruit Development Officers in other parts of the crofting counties.
Our workforce has the right skills and motivation to perform well, our governance processes are best practice	In the next period, the Commission's Board and management will agree with Scottish Government, and implement, a revised structure for the Senior Management Team.

## Our Workforce

Our workforce is by far our biggest resource with over 75% of our budget allocated to staffing. As at January 2022, the Commission's complement is about 60 full-time equivalent posts, but this is set to rise in 2022.

The Crofting Commission has the right either to draw its staffing from the Scottish Government or to recruit its own staff on its own pay and conditions, or a mixture of the two. However, the Commission has never chosen to recruit its own staff, as both management and staff see benefit in being part of the Scottish Government for all HR purposes. This means that all established CC staff are Scottish Government staff, appointed to work for the Commission, and the whole range of SG Human Resources policies (on

<sup>1</sup> For business planning purposes, including for this Workforce Plan, this outcome refers to the *responsive* regulatory work, assessing and taking decisions on regulatory application by crofters. However, other aspects of the Commission's work, including the residency and land use duties enforcement, and much of the work on common grazings, is also part of the Commission's regulation of crofting. The aspiration to regulate *fairly* applies to all the regulatory work of the Commission.

pay, conditions, welfare, recruitment, promotion etc) applies to the staff of the Crofting Commission as to other SG staff.

SG Human Resources policies therefore have a direct effect on the way the CC manages its workforce.

The Crofting Commission supplements its established staff with temporary staff on agency terms. Normally we keep this to a minimum, to avoid the premiums payable to the agency, but the use of agency staff provides flexibility to take people on at short notice or for specific purposes that cannot easily be covered by staff on SG terms and conditions. An example is that the Commission is currently advertising to recruit administrative staff to work from homes across the crofting counties, for up to 23 months.

### Locations and hybrid working

Prior to 2020, all Commission staff were based in Great Glen House, Inverness with a few staff authorised to work partially from home. As with other organisations, the covid-19 pandemic in 2020 and 2021 required the Commission to enable all staff to work from home where possible. In addition, in July 2020, the Commission agreed a Scottish Government request to recruit 4 permanent staff in the Western Isles. Consequently, the Commission will now have three office locations, and a variety of arrangements for home working.

In accordance with the Commission's and the SG's policies, the Commission is now developing a policy for 'hybrid working' – i.e. a mix of office and home working - once the pandemic conditions permit. The size of floorplate in Great Glen House is being reduced in anticipation that no more than 36 CC staff will use the building at any one time.

### Benefits of working at the Commission

Being part of the Scottish Government gives our employees a strong set of working conditions and support. The Crofting Commission already holds a [Living Wage Employer](#) accreditation. Commission employees benefit from all the benefits of working for the Scottish government with generous sick pay, maternity pay etc. The Commission is also very accommodating for staff who want to work on a part time pattern, which means that the Commission is an attractive place to work especially for staff with children or other caring responsibilities. Flexi time is also used within the Commission for staff on permanent and fixed term contracts, to the benefit of employees and the employer. When access to Great Glen House is re-established, Inverness-based employees will again benefit from being located in a modern, award-winning building with access to pleasant open spaces, changing rooms and showers, a gym, a locked bicycle shed and a café, all of which makes for a good working environment.

## Current and future staffing structure

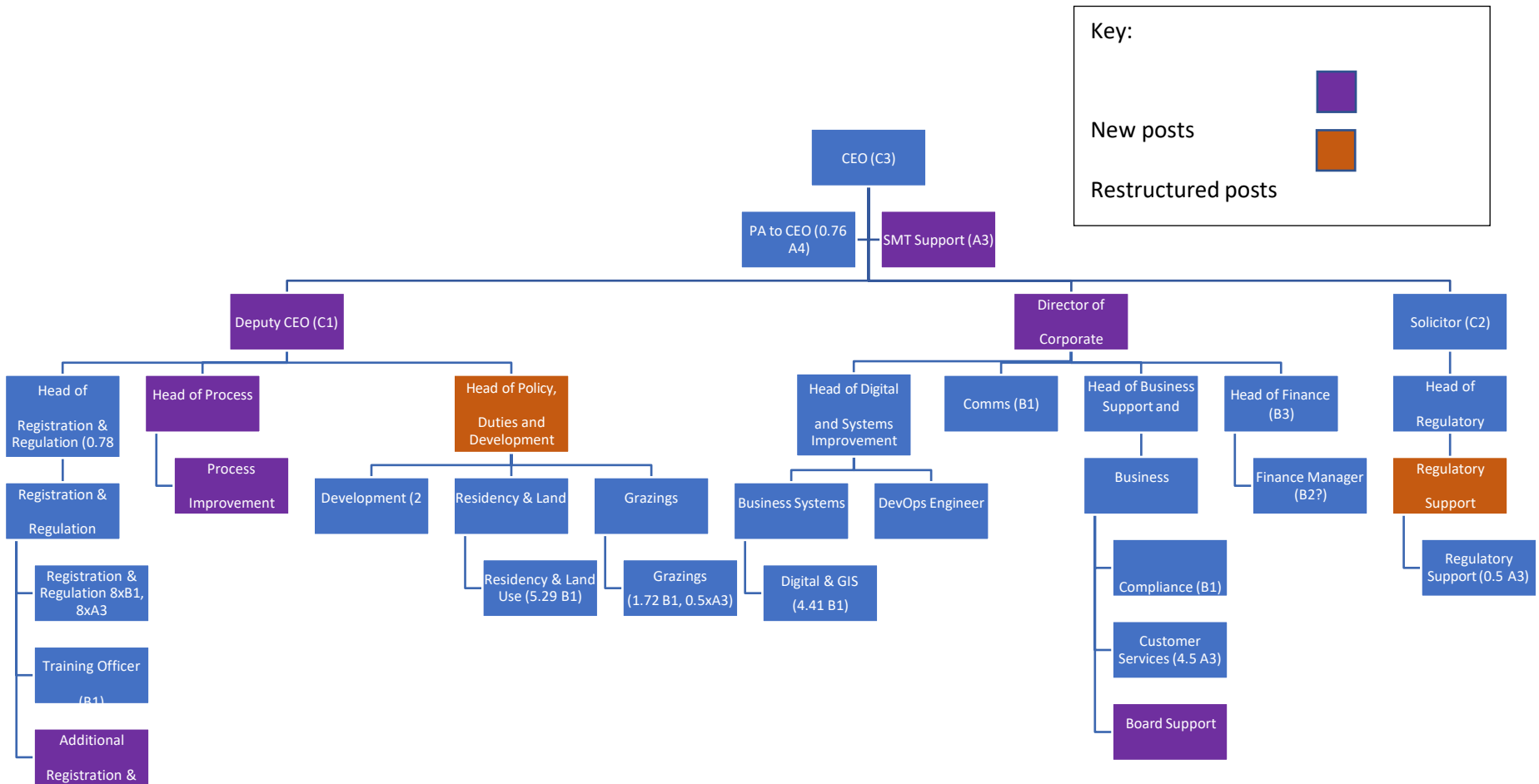
### Glen Shuraig Report

In Autumn 2021 Glen Shuraig Consulting undertook a study of the Commission's workforce. They identified weaknesses and vulnerabilities in the Commission's staffing and recommended that improvements in the following areas should be priorities for the period 2022-2024:

- 8 additional regulation/registration posts to put the responsive regulatory work onto a secure footing
- 2 C band posts to form a new leadership team along with the CEO and Solicitor
- 2 new posts for administrative support to the Board and SMT
- 2 new posts to focus on improvement of processes and systems
- Reassessment of the grading of certain posts and/or other initiatives to reduce turnover of junior staff

The changes to the structure recommended by Glen Shuraig are set out in the following diagram, taken from their report:

**Annex D: Proposed new structure of Crofting Commission 2022-23**



*Note that some boxes cover multiple posts*



Glen Shuraig also acknowledged that there could be a case for expanded staffing in development, grazings or RALU teams but advised that consideration of these should be held back until Autumn 2023. They commented:

We have considered whether additional staff are needed for these areas of work. At this stage, there are some uncertainties which make this difficult to assess. The Commission has recently recruited staff to two additional development posts, and the impact of this increased capacity is not yet fully understood. In addition, it is difficult to know what the full benefit will be if the Commission does not have to disrupt the work of staff in these teams in a reactive way to tackle regulatory casework. For these reasons, we are not proposing that further additional posts should be added for development and duties work at this stage – not because we don't see the importance of this work, but because we think the Commission needs to prioritise the clearing of the regulatory case backlog and the bedding in of the recently-added posts first before assessing what capacity is required. We are proposing that there be a formal review point in autumn of 2023 when the Commission would assess and discuss with SG how successful the steps it has taken have been and what further changes to staff structure would be required to ensure the Commission's future success.

### The Commission's workforce objectives

An increase in funding from the Scottish Government will allow substantial initial steps to be taken during 2022. Building on the Glen Shuraig report, the Commission has agreed a strategy for the development of its workforce in 2022-23 and beyond. The key elements are as follows.

In 2022-23:

- 8 additional regulation/registration posts to put the responsive regulatory work onto a secure footing
- **STILL UNDER DISCUSSION** [2 C band posts to form a new leadership team along with the CEO and Solicitor]
- 1 new post for administrative support to the Board and SMT
- 1 new post to focus on improvement of processes and systems
- Reassessment of the grading of the Commission's A3 posts
- 1 additional post for the RALU team
- 1 additional coder for the Information Services team

In subsequent years, subject to the available resources and fine tuning:

- A second new post on improvement
- A second new administrative post
- Further consideration of options for reassessing grading and/or incentivising retention
- Further expansion of the RALU and/or development and/or grazings teams, in accordance with the policies of post-2022 Board of the Commission. If this includes expansion of the development team, the new posts should be spread across different parts of the crofting counties.
- A second communications post.

The net result of all these improvements, would be a 2026 staffing structure based on the Glen Shuraig recommendations but also including:

- A B1 or B2 coder working with the DevOps Engineer
- A B2 head of comms
- Development expanded to 5 B2s supported by an A4 administrator
- RALU expanded to 8 B1s supported by an A4 administrator
- Grazings expanded to 4 B1s and 2 A3s

***The Commission will continue to progress towards the enhanced staffing structure set out in this Plan, as resources permit.***

For the longer term, the Commission needs to be prepared for whatever budget the Scottish Parliament sets for it. Beyond 2022/23, the level of workforce that is affordable may continue to increase, may level off, or may reduce.

We understand that some public sector bodies have chosen to see **all** voluntary exits by staff as an opportunity for budget savings, with the presumption that recruitment to replace them will take place

only in exceptional cases. For the Commission, given the priority currently being given to crofting and the Commission's work, such an approach would be inappropriate. *However, when staff do leave, the Commission's management will continue to consider whether this provides opportunities for changes that would secure an overall increase in the efficiency of how we deliver our functions, with the objective of creating as much budget headroom as possible. The option of not replacing the member of staff is always considered as part of such a review.*

## Key challenges for our Workforce Planning

### **Budget level and uncertainty**

The Crofting Commission was created in 2012 as a successor body to the Crofters' Commission, taking on a range of new or increased duties in relation to the registration of crofts and common grazings, the annual census, and a substantially redesigned system for enforcing residency and land use. It is doubtful whether the Commission's subsequent budget has been sufficient to fulfil these new duties adequately. It is hoped that the increase in resources to permit an increase in the regulatory team in 2022 will substantially resolve the issue of resource for regulatory casework, but other historic tensions look set to continue.

Moreover, in common with other public sector bodies, the Commission is normally notified of its budget for the next financial year, in December of each year. As a result, the Commission has to be ready to adapt at short notice should there be any unexpected change in the level of our budget.

### **Unpredictable workload**

The greater part of the Commission's work is demand-led. The Commission has little control over the number of regulatory applications made, nor the processes which the law requires us to follow in responding to them.

### **Skills and specialisms**

The vast majority of posts in the Crofting Commission require the post holder to have a high level of skill. Although it is several years since an assessment of Commission posts was made, it is believed that the demands on the majority of CC posts may be towards the upper end of the normal requirements for the pay band across the Scottish Government. If so, this may account for the fact that more CC staff succeed in securing promotion into the rest of SG, than are promoted from SG into the CC.

*In 2022 we will commission a review of the grading of all our A3 posts.* Depending on the outcome of that exercise, we will consider further initiatives to ensure our staff are properly rewarded for the work that they do.

Even more significant is the high level of specialist knowledge required in several of our posts, ranging from the knowledge of crofting law required of our regulatory, regulatory support, registration, grazings and RALU staff, to the technical/professional skills required of our Finance, IS, GIS, comms and compliance staff. This degree of specialism poses a challenge for flexibility within the organisation – the ability for people to cover for each other, and an additional degree of difficulty for moving between posts (either to meet the needs of the organisation or to broaden their experience as an aid to progression). For the most specialized and critical skill sets, it imposes on management a need to consider retention and succession planning for individual posts.

### **Structure of Senior Management Team**

Changes made at SMT level since spring 2019 have resulted in a flat top management structure which has a large number of managers reporting directly to the CEO. In 2021, Glen Shuraig noted that the structure was not working well. The lack of a tier between the CEO/Solicitor and the B3 team leaders meant that senior management and operational leadership was very stretched, with governance roles that would normally be carried out by Directors split between them, and consequently an over-reliance on one individual in several key posts. The Commission Board and management is to discuss a new SMT structure with Scottish Government.

### **Staff turnover**

With the exception of 2020, the perceived high level of turnover of staff has been a concern for the Board, management and staff for some time.

The rate of turnover for A band and B1 staff is of particular concern. In the calendar year 2021 eleven permanent staff left, six on a level transfer or higher paid posts within the Scottish Government in Inverness, one to the UK civil service fast track scheme, and four retirements. Each departure represents a loss of skills that are important to the organisation. Where the former postholder is replaced by someone from within the organisation, the knock-on consequences may be that several teams lose an experienced pair of hands.

High staff turnover is not conducive to a robust workforce as it means staff output is lost due to the need to train employees and an investment of time for the recruiting officers. This is particularly acute in the Commission because of the specialised and complex nature of work in the majority of the posts; which means that employees gain experience and training over an extended period, to become fully skilled to do the job.

### **Staff absences**

In 2020/21, our average working days lost through sickness absence was 6.7 days per person (slightly over the Scottish Government average of 5.4). Further analysis highlights that 54% of the 6.7 days relates to colleagues on long term absence. Given the relatively small size of the Commission, longer term absences puts additional pressure on the remaining staff.

Although the 2020/21 levels of sick leave were significantly lower than in the previous year, covid-19 and home working continued to bring different pressures on resourcing. Commission line management continues to work with those affected, identifying whether there are any office-related issues arising from any particular individual's sick leave and whether it is necessary to make any changes to working practices.

### Staff dis-satisfaction

The Commission takes part in a staff survey in October each year, as part of the survey of all Scottish Government staff. Until 2021 we also undertook an additional one in the spring when some of the questions were tailored to focus on particular issues facing the Commission.

Despite the pressures of covid and a growing backlog of regulatory casework, the staff survey results in April 2021 were remarkably positive, with the highest ever measure of our engagement index. The results for October 2021 were [add a section when results obtained].

## Priorities for Staff Wellbeing

### Health and Safety

The Commission has a statutory responsibility for the Health & Safety of its staff, which is discharged by the CEO, supported by a Health & Safety Officer and a Health & Safety Committee. This work has increased in scope since the arrival of the covid-19 pandemic, with a strong focus on protecting staff from exposure to covid at work, and on supporting the mental health of staff working alone at home. The CEO reports quarterly to the Audit & Finance Committee on developments, progress and the organisational response.

### Support

The Board and management team of the Commission are fully committed to the wellbeing of our staff, and ***we will continue to work with staff, particularly through the Staff Engagement Group and Trade Unions to improve the experience of working for the Crofting Commission and to resolve any issues.*** The Staff Engagement Group meets regularly; these meetings have generated initiatives such as regular training hours and wellbeing events, and SEG works with managers to address the concerns raised in the staff surveys.

We will continue to use annual staff surveys to gather systematic feedback from staff on issues, concerns and morale, and when staff leave we will continue to invite them to give an exit interview to gather further feedback. In addition, we offer private interviews with continuing members of staff, so that we do not have to wait until they leave to invite their considered thoughts.

## Priorities for Workforce Development

### Integrating multiple sites

In 2021, the Commission appointed 4 new staff to be based at offices in the Western Isles though initially they, like Inverness-based staff, are working from home. The island posts and home working both present challenges for the cohesion of the team, and also opportunities for different ways of working and greater proximity to crofting communities.

In 2022 we will appoint more staff based in remote locations and working from home, on agency terms.

The Commission has taken care to support staff working at home, both with practical IT support and also a range of business-related and social initiatives designed to retain connectedness across all staff.

In 2020, a Short-Term Working Group of Management, Commissioners, Staff, Trade Unions and Scottish Government HR considered the options for a geographically dispersed workforce in the longer term, and made recommendations which continue to be considered by management. Options to be considered for the future include further recruitment on a location-flexible basis within the crofting counties, to enhance the pool of potential recruits and establish a Commission staff presence in more areas in the crofting counties. ***In 2022, the Commission will develop a policy for a more geographically spread workforce, by agreement with Scottish Government HR.***

### Induction

In recent years, the majority of our recruitment has been to the A3 grade. We now have a well-established method of external recruitment to this grade, with fair and open competition to take up permanent A3 positions, in the regulatory, registration or corporate services teams. Once they have passed probation, staff are able to compete for level transfer or promoted posts anywhere across the Scottish Government. We believe recruitment into the Commission on these terms is a very attractive option for skilled people wanting to work in the public sector, and this is evidenced by the high number of quality applicants that these recruitments attract.

The creation of non-Inverness posts and the greater use of home working have implications for the induction of new recruits. In 2021 we reviewed and updated our Induction Pack to ensure it meets the needs of new recruits in all teams and all locations.

### Training

Training was highlighted within the 2019 staff survey as a key area of frustration for staff. In 2020 we made improvements to our procedures to address these concerns: we continue to promote Personal Learning for all staff as a responsibility of staff, supported by their line manager and by the Commission's Local Learning & Development Support Officer; and we have reviewed and strengthened job-specific training, particularly for Regulatory staff. For regulation, the training offered is a combination of briefings

by Regulatory Support colleagues, application-based training delivered by the Regulatory training officers, instruction by IS in the use of the IT systems, and peer-to-peer training.

***In 2022 we will again review training needs across the organisation and we will continue to support both coordinated and bespoke training as appropriate.***

### **Career progression**

The Commission is a fairly small body which means that opportunities for career progression within the organisation can be limited. In recent years there have generally been many opportunities to progress through our administrative grades to executive positions at B1, but progression to B2 and beyond has proven difficult as there is a much slower change in staffing at this level. With the anticipated expansion of the Commission there will be some opportunities for promotion above B1 in 2022, but in the long term the structural issue will remain.

Furthermore, the B1 posts which come available have tended to require particular skills and knowledge, so it is very often easier for those already working in the same area to secure the promotion.

A number of colleagues have been promoted into other parts of the Scottish Government, and while this is a loss to the Commission it is of benefit to the individuals as well as to the teams they join. Conversely, we know that other staff regard the Commission as their long term employer and wish to continue here.

In order to enhance Commission staff's prospects for progression, we continually consider whether we can broaden the opportunities for staff to gain experience by taking on different posts, or different roles, within the Commission. We also support staff who wish to gain experience through secondment other organisations, especially those with connections to crofting.

In addition, we expect line managers to give their staff personal support when competing for a promoted post whether within the Commission or not.

### **Resilience and flexibility**

The small and specialised nature of the Commission means that resilience is a very important consideration especially in the face of limited budgets. This has become very apparent in recent years when the Commission has had to deal with challenging situations with backlogs of work meaning that staff had to be temporarily reallocated to address this. The size of the organisation means that our specialist teams are also small and key skills and knowledge may only be possessed by limited numbers of staff. The continuity of key skills and knowledge is an important consideration to ensure that the organisation is equipped to deliver its functions.

## Skills Development and Succession Planning

Some of the posts in the Commission are so specialised that, should a postholder leave, it is highly likely that we would need to recruit a replacement externally. Examples include the Commission solicitor, DevOps Engineer, finance professional, and bilingual telephone receptionist. In 2021, we also used external recruitment to secure postholders in the Western Isles, and a communications officer. From time to time we have also secured incoming staff at all levels from the Scottish Government, other government departments or externally.

However, for most of our posts, a substantial knowledge of crofting and its regulation is important, and very often the successful candidates for such posts are from within the Commission. Thus, although we are a small organisation, it is important to have a strategy for skills development of existing staff, to enable them to compete for and successfully progress to promoted and specialist posts within the Commission.

Some of the key skill sets required at a senior level within the Commission are set out in the following table, with comments on how staff are able to develop these skills.

Regulatory Support (i.e. regulatory decision making in difficult cases)	The Commission needs a chief regulatory decision-maker, currently the Head of Regulatory Support. Several Commission staff have the opportunity to work on complicated casework, in Regulation, RALU or Grazings, but the greatest opportunity for developing these skills lies within the Regulatory Support B2 post(s).
Operational management	While RALU and Grazings managers have operational responsibility, by the greatest operational management challenges are the SMT and B2 posts overseeing the regulatory work. There has been some difficulty filling these posts since the departure of the former Deputy CEO in 2019. A restructure of the management roles for this work, including <i>at least</i> the creation of an additional B2 post to focus on CIS product ownership, improvement and management information, is strengthening the team and providing more opportunities for developing the skills. In addition, B band staff wishing to strengthen their operational management skills will be supported to undertake relevant training courses.
IT strategy and delivery	Since the re-establishment of a full-time Head of Digital role in 2019, the IS team has progressed a broader range of projects than before (including remote working, cloud-based systems, online applications, digital census, as well as CIS and workflows). The Head of Digital has strongly encouraged development and training for all members of the team. The leader of the team requires the ability to lead a broad digital service for the organisation and the members of the team are exposed to this type of work as far as possible.
Crofting policy and development	The current Board has emphasised the importance of strengthening crofting for future generations, focusing on the RALU team, grazings team and development officers. Many officers in the Commission, in these teams and elsewhere, have a good knowledge of crofting policy



	<p>issues and the challenges the crofting system faces. They have opportunities to deepen their knowledge through engagement with commissioners, assessors and other crofters, and through internal seminars about the work of the various teams. There is likely to be a restructuring of the teams in this area following the recent retirement of the Head of Policy, and closer collaboration between development, grazings and RALU staff would help individuals in all those teams to broaden their knowledge.</p> <p>In addition, there is a policy skill set – how to influence changes through public sector organisations and Government – which relatively few in the Commission have direct experience of. This may need to be strengthened through the expanding work of the development team, SG-based training courses, and occasional secondments.</p>
<p>NDPB Governance</p>	<p>For some years the Commission has relied heavily on two people, the Head of Business Support and Compliance and the Head of Finance, to keep on top of all the legal and constitutional requirements of an NDPB and to promote good practice. It will be desirable for more staff to have exposure to this work, although the skill sets can if necessary be brought in through external recruiting.</p>

It is a difficult balance to strike between encouraging staff to specialize and retaining flexibility so that one team can help out another that is under pressure. Therefore, ***we will develop the range of opportunities that are offered to staff in terms of training and working within different roles.***

Crofting Commission

January 2022

## Action plan

Action	Target Date	Lead officer
<i>The Commission will continue to progress towards the enhanced staffing structure set out in this Plan, as resources permit</i>	ongoing	CEO
<i>When staff do leave, the Commission's management will continue to consider whether this provides opportunities for changes that would secure an overall increase in the efficiency of how we deliver our functions, with the objective of creating as much budget headroom as possible. The option of not replacing the member of staff is always considered as part of such a review.</i>	ongoing	SMT
<i>In 2022 we will commission a review of the grading of all our A3 posts.</i>	Launch the review by April 2022	Head of Operations and Workforce
<i>We will continue to work with staff, particularly through the Staff Engagement Group and Trade Unions to improve the experience of working for the Crofting Commission and to resolve any issues.</i>	ongoing	CEO and SEG lead
<i>In 2022, the Commission will develop a policy for a more geographically spread workforce, by agreement with Scottish Government HR.</i>	TBC	DCS <sup>2</sup>
<i>In 2022 we will again review training needs across the organisation and we will continue to support both coordinated and bespoke training as appropriate.</i>	TBC	DCS <sup>2</sup>
<i>We will develop the range of opportunities that are offered to staff in terms of training and working within different roles.</i>	TBC	DCS <sup>2</sup>

Note 2: DCS – Director of Corporate Services – is a suggested new C band post, currently under discussion as part of the review of the structure of SMT. If the post is created, the postholder would have responsibility for these action points, among others. Until the post is filled, progress towards these objectives is likely to be limited by SMT capacity.

**UPDATE ON DELOITTE AND PUBLIC AUDIT COMMITTEE - ORAL**

## HoD Summary of audit recommendations & progress

Action	Due date	Status	Owner
<b>Leadership and governance</b>			
Assign a product owner for CIS	Nov 21	Complete	CEO
Assign a sponsor for CIS from SMT, if product owner is not an SMT member	Nov 21	Complete	CEO
Assign a scrum master	n/a	Complete	n/a
Establish a governance framework	Mar 22	Pending	Product Owner / HoD
Source and carry out training for scrum master and product owner	Nov 21	Partially done	HoD
<b>CIS strategy and engagement</b>			
A documented process for scoping future requirements for CIS changes to be produced	Mar 22	Pending	Product Owner
A full roadmap for future CIS releases is to be produced	Mar 22	Pending	Product Owner
<b>Risk, issue and defect management</b>			
Documentation to be produced covering all the roles and responsibilities related to CIS development	Nov 21	Pending	HoD / Product Owner / Sponsor
A CIS risk register should be developed with clearly defined escalation routes to the CC strategic and or operational risk registers	January 22	In progress	HoD
A review of the defects and issues process (bug logging) to be carried out	February 22	In progress	HoD
<b>Release management and testing</b>			
A fully documented testing and release process is to be produced	Nov 21	Pending	HoD
Formal training to be supplied to all user acceptance testers	Sep 21	Complete	HoD
User testing terms of reference to be updated and a documented process to be produced and linked to the overall CIS governance framework	Nov 21	In progress	HoD / Product Owner
<b>Wider considerations</b>			
Further explore the alternative development options, specifically the co-development of the CIS with internal SG colleagues	Mar 22	Pending <sup>1</sup>	HoD
Evaluate alternative options to CIS development in detail, including feasibility study and estimated costs for each other solution	Sep 22	Pending	HoD

<sup>1</sup> Note: A CIS Working Group of two commissioners and 3 SMT members has recommended that the Commission should continue with internal CIS development until at least Autumn 2022. After that, a decision will be taken on which if any alternative arrangements need to be considered in detail. Purchasing a COTS product has been provisionally ruled out, but co-production alternatives will be considered if necessary. The Board has accepted these recommendations.

# CROFTING COMMISSION MEETING

## 8 February 2022

Report by the Chief Executive

### Draft Business Plan for 2022/23

#### SUMMARY

To invite Board comment on a first draft of the 2022/23 Business Plan (Annex A), based on the Board's discussions at the strategic meeting on 8 December.

#### BACKGROUND

The Commission's current Corporate Plan runs from 2019-2022 and is due to be revised under the new Board following the March elections. In the meantime, the 2022/23 Business Plan will be the last one based on the current Corporate Plan.

The Board discussed the content of the Business Plan at its strategic meeting on 8 December, and the outcome of their discussions is reflected in the current draft.

#### NEXT STEPS

There may need to be further revisions in the light of Board decisions on the Business Case for an expanded workforce.

The Business Plan cannot be finalised until April, as it will need to include baseline figures based on the year end position on 31 March.

A revised plan will therefore be put to the Board for sign-off at its May meeting.

Impact:	Comments
Financial	The Business Plan will include summary information on the deployment of the Commission's budget.
Legal/Political	The Business Plan sets out the Key Performance Indicators (Milestones and Measures) against which the Commission's performance for the coming year will be judged by external audit.
HR/staff resources	The Business Plan will include summary information on the deployment of the Commission's staffing.

#### RECOMMENDATION

The Board are invited to comment on the draft Business Plan, noting that it will be revised further before being signed off in May.

Date 30 January 2022

Author: Bill Barron, CEO

BUSINESS PLAN  
PLANA GNOTHACH  
2022/23



**CROFTING COMMISSION**  
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## FOREWORD

2020/21 saw significant changes at the Crofting Commission, from the establishment of our new Development Team at the start of the year to the initial launch of our online applications system towards the end. However, it was also a difficult year, with the covid pandemic continuing to make some aspects of our work harder, considerable staff turnover, and a growing backlog of regulatory casework.

Early in the 2020/21 we received two critical audit reports: from Azets on how we plan, control and deliver enhancements to our internal Croft Information System; and from Deloitte on our Governance. We have taken action on both reports, which have helped the Commission to address some longstanding weaknesses. In particular, Deloitte's recommendation (supporting an earlier idea from the Board) that we should commission an independent review of our workforce needs, has the potential to lead to a stronger and more resilient Commission.

2021/22 will be a year of further change. Following the elections in March 2022, the Board, with an unknown number of new members, will need to review the existing Policy Plan and Corporate Plan and set its own direction for the next five years. This Business Plan for 2022/23 is therefore a plan for a transitional year. It is based on the Corporate Plan for 2019-22 and the five Corporate Outcomes within it, while also incorporating some elements of a new and emerging agenda, not least around the Commission's role in delivering aspects of the National Development Plan for Crofting.

However, the core priorities of the Commission are unlikely to change: high standards of service to crofters by delivering fair and efficient regulatory decisions; taking action to resolve breaches of duty; and supporting active crofting through our work on grazings, development, planning and policy. Alongside this, we aspire to be an exemplary Non-Departmental Public Body in terms of our governance and the way we lead and support our staff.

All of these themes feature in this Business Plan for 2022/23, which has been prepared prior to the 2022 elections but will be signed off by the Board that is in place after them.

**Bill Barron – Chief Executive**

*April 2022*



## PURPOSE OF THE BUSINESS PLAN

Each year, our Business Plan sets out the Commission’s key objectives for the coming year. These are set out in the tables below, which describe our key intentions and aims. During the year, the Business Plan becomes a tool for monitoring our progress and to assist in managing our staff, finances and other resources, to achieve the desired outcomes.

Progress against this Plan will be reviewed regularly by the Senior Management Team and reported to the Audit & Finance Committee through our quarterly performance management reports. Regular reporting helps to ensure that we remain focused on the priorities and have the right resources in the right place at the right time. Progress will be measured through our Key Performance Indicators of which our Board will receive regular progress updates.

The Corporate Outcomes highlighted in our Corporate Plan 2019 – 2022 are as follows:

<b>Outcome One</b>	<b>Crofts are occupied and managed</b>
<b>Outcome Two</b>	<b>Common grazings are regulated and shared management practices continue</b>
<b>Outcome Three</b>	<b>Crofting is regulated in a fair, efficient and effective way</b>
<b>Outcome Four</b>	<b>The future of active crofting is supported by well-informed engagement with stakeholders</b>
<b>Outcome Five</b>	<b>Our workforce has the right skills and motivation to perform well, our governance processes are best practice</b>

## OUTCOME ONE – CROFTS ARE OCCUPIED AND MANAGED

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.

### Narrative

Since 2017, we have been expanding our work to encourage – and where necessary enforce – the requirements for crofters to reside on or near their crofts and to cultivate and maintain the land.

It has been a consistent call of the Crofting Commission's Board that action to promote croft residency and active land use should be high on the Commission's list of priorities. The Board has responded to the Commission's enhanced budget allocation by indicating that some of this new allocation should be used to promote residency and active land use and build upon the existing work of the Commission's Residency and Land Use team.

We will therefore continue to investigate reported breaches of duty, work with public and private crofting landlords, engage with croft tenants who report their own non-compliance through the crofting census or whose breach of duties comes to our attention through regulatory casework, and take action to resolve longstanding intestate succession cases where the tenancy has not been transferred within the statutory timescales.

The team places equal focus on owner-occupier crofters as croft tenants, since the intention of the 1993 Act is that both tenants and owner-occupier crofters are subject to crofting duties. In addition, we will investigate individuals who have failed to return their census form but whose address details would indicate that they are not ordinarily resident on their crofts; and we will initiate correspondence with landlords of vacant crofts (or parts of crofts) who are not resident and/or do not cultivate the croft, with a view to the seeking a solution either through the landlord ensuring the croft is occupied and worked, or through the Commission taking action under the vacant croft provisions of the 1993 Act to ensure the croft is occupied by a tenant who will comply with the residence and land use duties.

Our approach will be supportive: we will help advise tenant and owner occupier crofters on the options open to them to resolve their breaches of duty; and likewise, we will work with landlords and help them understand how best to ensure that all crofts are managed in a positive way either through their own actions or by the Commission taking steps to ensure the croft is occupied and worked.

## Key Milestones

Number	Date	Milestone
1a	June 2022	Write to a selection of 2021 census respondents who have advised us they are in breach of their duty to be ordinarily resident, obtaining their plans and intentions for resolving the breach and establishing whether there is a good reason not to issue a notice of suspected breach of duty under section 26C(1) of the 1993 Act.
1b	July 2022	Write to a selection of crofters and owner-occupier crofters who have not responded to the 2021 census and whose address would indicate they are in breach of the residence duty. Should correspondence confirm that they are in breach then the case would be followed up in terms of 1a above.
1c	October 2022	Write to a selection of tenant and owner-occupier crofters who have indicated in their 2021 crofting census returns that they are complying with the duty to be ordinarily resident but who are not cultivating the croft, giving information about their options.
1d	February 2023	Follow-up new entrant crofters to ensure that they understand and accept the crofting duties, and initiating early enforcement action for any who do not.

DRAFT

## Key Performance Measures

Number	Aim	Baseline figure	Target/Indicator	Measure
1.1	Number of formerly vacant crofts let by the landlord or the Commission following the Commission initiating action under the unresolved succession (section 11) or vacant croft (section 23) provisions of the 1993 Act.		15	Records of administrative action.
1.2	Number of RALU breaches resolved by a crofter or an owner-occupier crofter in breach of their residency duty taking up residence on their croft.		17	Records of administrative action
1.3	Number of RALU breaches resolved by the assignation of the croft, or the letting or sale of an owner-occupied croft.		20	Records of administrative action
1.4	Number of RALU breaches resolved by the Commission giving consent to the sublet of a tenanted croft, the short-term lease of an owner-occupied croft, or by a consent to be absent being given to a tenant or an owner-occupier crofter.		No target (this is not a priority in its own right)	Records of administrative action
1.5	Number of RALU breaches escalated to the issue of a Notice of suspected breach of duty (section 26C), or a Notice providing an Undertaking (section 26D).		No target (this is an intermediate phase en route to KPI 1.8)	
1.6	Number of RALU breaches concluded by tenancy terminations orders (section 26H), or approval of letting proposals submitted by owner-occupier crofters following a direction to do so (section 26J).		4	Records of administrative action

## **OUTCOME TWO – COMMON GRAZINGS ARE REGULATED AND SHARED MANAGEMENT PRACTICES CONTINUE**

Shared management and productive use of common grazings are important for the cohesion and 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.

### **Narrative**

The bulk of the work of the Grazings Team is to support, develop and encourage common grazings committees in carrying out their duties. Over the next year we will prioritise communication between the Commission and grazings committees while also promoting the importance and effectiveness of having committees, where there are currently no committees in place. To progress this, we will continue to communicate with shareholders of grazings who have not returned committees to office and establish contact with shareholders whose grazings have not had a grazings committee for a number of years. In addition, we will provide and contribute to training and other events related to the formation of grazings committees and the management of common grazings.

We will continue to assist committees and shareholders to resolve difficulties and to operate within the requirements of legislation pertaining to common grazings. Committees will be specifically encouraged to adopt the revised template for grazings regulations to ensure compatibility with current crofting legislation. Ensuring that the shareholding situation and relevant souming share are established on common grazings will also receive continued attention.

## Key Milestones

Number	Date	Milestone
2a	Ongoing	Contact all Grazings Committees whose terms are about to end, encouraging them to arrange the appointment of a new Grazings Committee
2b	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.
2c	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.
2d	December 2022	Update and deliver a package of online training for Grazing Committees
2e	March 2023	Publish guidance notes to clarify, as far as possible, how crofters can engage with supported schemes for tree planting and peatland restoration, after engaging with Scottish Government and other stakeholders

## Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
2.1	Maintain or increase in number of common grazings with a Committee in office	xxx Grazings Committees in office on 31 March 2022	Maintain the number of Grazings Committees in office (notwithstanding the pandemic)	Administrative records
2.2	Increase in number of grazings committees who have adopted the new template regulations		Increase by at least 10 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.
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.		No numerical target as this is in large part demand led.	Records of administrative action. (Note that this covers different types of intervention: getting Committees into office; resolving medium size queries; and helping to address deeper issues.)
2.4	Establish correct shareholdings on common grazings by researching and updating records of shareholder situations.		10 more townships researched in 2021/22	Records of administrative action

## **OUTCOME THREE – 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 refining 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 while simultaneously improving value for money.

### Narrative

In 2021/22, staff turnover and the ongoing effects of the covid19 pandemic resulted in an increasing backlog of regulatory casework. Recruitment of additional staff to reverse this problem commenced in February 2022, and a key objective for the year 2022/23 will be to process more casework in order to reduce the current backlog and prevent any recurrence.

2021/22 also saw the initial launch of facilities for on-line applications, and more such facilities will be rolled out in 2022/23.

We will also work with Registers of Scotland to reach agreement on any changes that are necessary to improve the way the two organisations handle croft registration work, especially where it interacts with crofting regulation applications.

## Key Milestones

Number	Date	Milestone
3a	May 2022	Next build of the Crofting Information System released and upskilling delivered
3b	Aug 2022	Digital options for the majority of regulatory application types rolled out and fully functioning
3c	Aug 2022	Complete the recruitment of all additional regulatory staff
3d	Nov 2022	Confirm how future enhancements of the Croft Information System will be planned and delivered, ensuring that all posts are filled and postholders trained.

## Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
3.1	Stability or decrease in median turnaround times (registered crofts, Tier 1 approvals)	Figures for 2021-22: Assignment – Decrofting CHSGG – Decrofting Part Croft –		Time taken from application to notification of decision, <i>for cases where no registration is required</i>
3.2	Decrease in number of live regulatory cases at a point in time	807 on 31 March 2022	Reduce to 800	Number of live regulatory cases on 31 March
3.3	Decrease in number of regulatory cases outstanding after 12 months	159 on 31 March 2022		Number of live regulatory cases on 31 March, which are more than 12 months since first received by the Commission
3.4	Increase number of regulatory decisions taken in the year	xxx in 2021/22		Total number of approvals and refusals during the year
3.5	Customer satisfaction rates		At least 80% of responses positive	Proportion of respondents answering 5 or 4 on the 5-point scale for overall satisfaction



## **OUTCOME FOUR – 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. We will work in conjunction with the Scottish Government to take forward the actions set out in the Scottish Government's National Development Plan for crofting.

### **Narrative**

We welcomed the exciting addition of a development team to the Commission in 2021, following the publication of the Scottish Government's National Development Plan for Crofting. In the coming year we will focus on building up understanding of some of the reasons behind key issues faced by crofting, using our knowledge base and links to organisations and crofters. This will enable us to take steps to address some of these issues. We will work with others to develop and implement strategies for encouraging turnover of crofts, with the aim of making better use of underutilised crofts and meeting some of the considerable demand for them. There will also be close collaboration with other organisations to work together on some of the issues including accessibility of croft land, future support schemes and peatland restoration and management.

We will also renew and refresh our earlier advice to the Scottish Government on desirable changes to crofting legislation, building on the Crofting Law Sump and other analyses, and where necessary bringing them up to date.

## Key Milestones

Number	Date	Milestone
4a	August 2022	Ensure that the work of the development officers takes account of issues from across the crofting counties and that they are accessible to crofters in all areas.
4b	September 2022	Publish a revised and renewed Commission Policy Plan, reflecting the views of the Board of Commissioners in place after the elections
4c	Ongoing	Progress the Commission’s actions in the National Development Plan for Crofting
4d	November 2022	Make representations to the Scottish Government regarding desirable changes to crofting legislation
4e	Feb 2023	Review the Commission’s contribution to discussions with stakeholders and SG on the development of future support systems for crofting, in order to ensure its effectiveness.

## Key Performance Measures

*There are no Key Performance Measures for this Outcome*

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## **OUTCOME FIVE – OUR WORKFORCE HAS THE RIGHT SKILLS AND MOTIVATION TO PERFORM WELL, 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.

### **Narrative**

In 2022/23 we will complete any outstanding recommendations from the May 2021 Deloitte report which made recommendations to improve our governance, and over the course of 2022 we will recruit the staffing needed to improve the Commission's capacity and resilience.

As a public body, we will fulfil the legal requirements and strive for best practice in our handling of information, our responsiveness to our customers, and our pursuit of clear communication, efficiency and value for money. In the coming year, we will continue to embed our processes for handling information and records in accordance with the requirements of GDPR and the Data Protection Act.

We will improve our assurance of customer satisfaction by ensuring that we have robust and effective mechanisms in place to resolve and address any complaints from customers. We will continue to respond timeously to all complaints and to learn lessons whenever a complaint is upheld.

We will implement the Workforce Plan we developed in 2019-20 and updated each year, seeking to improve the training, engagement and job satisfaction of our staff. A particular priority in the coming year will be a policy on the location of our workforce.

Just as crofting contributes to environmentally sustainable food production and the protection of biodiversity, we as its regulator will continue to monitor our corporate carbon emissions and to implement measures to reduce them. In 2020/21 and 2021/22, the Commission radically reduced its business travel because of the pandemic, and we are committed to retaining greater use of telecommunications, such as remote meetings for regulatory casework decisions, even when normal travel is again permitted. Our KPI measure runs one year behind, so during 2022/23 we will report on the emissions from our business travel in 2021/22 – which is expected to be very low because of the effects of the pandemic.

## Key Milestones

Number	Date	Milestone
5a	June 2022	Implement automated retention schedule procedures within revised CIS
5b	August 2022	To provide structured training for Commissioners and SMT, especially those who join the Commission in Spring 2022, to enshrine the principles of On-Board training in the working of the Commission
5c	October 2022	To clarify how the Commission will manage its historic information in line with data protection legislation, and take forward its implementation
5d	Jan 2023	Implement hybrid working for Crofting Commission staff, in a way which permits recruitment of more staff who are dispersed across the crofting counties

## Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
5.1	Increase in staff engagement rating	xx% in October 2021		SG people survey
5.2	Corporate carbon emissions	15 tCO2e in 2019/20	Reduce by 90% in pandemic year 2021/22	Emissions from business travel by staff and Commissioners
5.3	Redeploy efficiency savings within £3.9m core budget		3%	Funding redeployed as a result of efficiencies in existing operations

## MEASURING SUCCESS

In our Corporate Plan 2019-22 we identified a set of high level performance indicators which are reflected in this Business Plan as shown:

High Level Indicator	Objective	2022/23 Business Plan
Number of vacant crofts let	Increasing	1.1
Number of breaches of duty, resolved through Commission action	Increasing	1.2, 1.3, 1.4, 1.6
Number of regulated grazings with committee in office	Increasing	2.1
Regulatory application turnaround times	Decreasing	3.1
Customer satisfaction rates	Increasing	3.5
Staff engagement rating	Increasing	5.1
Corporate carbon emissions	Decreasing	5.2

## NATIONAL OUTCOMES

The outcomes of our Corporate Plan are aligned with those of others in the public sector to bring about delivery of the Scottish Government's National Outcomes contained in the new National Performance Framework. We believe that we contribute to 4 of the National Outcomes:

- We value, enjoy, protect and enhance our environment.
- We live in communities that are inclusive, empowered, resilient and safe.
- We have a globally competitive, entrepreneurial, inclusive and sustainable economy.
- We respect, protect and fulfil human rights and live free from discrimination.

A summary of how we have contributed to each National Outcome is included in our Annual Report each year.

## BUDGET INFORMATION

We receive Grant-in-Aid funding from the Scottish Government. Public budget decisions which set our Grant-in-Aid allocation are made on an annual basis and at the time of writing the allocation for 2022/23 is provisional.

The Crofting Commission has provisionally been allocated grant in aid of £3.900m for 2021/22, around 80% of which will be directly allocated for staff salaries, and the remainder covers costs associated with Board members and the standard running costs of the organisation.

In terms of the Business Objectives for 2022/23, we can estimate the cost of delivery for each outcome. The table below indicates the number of FTEs estimated as working on each outcome and the approximate cost, based on the associated salaries for those FTEs, plus any other associated costs. Fixed running costs (for instance for our use of Great Glen House) are incorporated on a pro-rata basis per FTE.

In addition to this, there are other remuneration costs associated with historical pensions and the Board totalling approximately £150k.

Corporate Outcome	FTEs	Approximate Cost
Crofts are occupied and managed	TBC	TBC
Common grazings are regulated and shared management practices continue	TBC	TBC
Crofting is regulated in a fair, efficient and effective way	TBC	TBC
The future of active crofting is supported by well-informed engagement with stakeholders	TBC	TBC
Our workforce has the right skills and motivation to perform well, our governance processes are best practice	TBC	TBC

**DATE OF NEXT MEETING – THURSDAY 31 MARCH 2022 - TEAMS**

**ANY URGENT BUSINESS – ORAL**



**EXCLUSION OF PRESS & PUBLIC**