

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD IN BEAUFORT HOTEL, INVERNESS AT 9AM ON 31 MARCH 2022

Present:	Malcolm Mathieson	Convener
	Duncan Gray	Commissioner
	Mairi Renwick Mackenzie	Vice Convener
	Rod Mackenzie	Commissioner
	Iain Maciver	Commissioner
	David Campbell	Commissioner
	Donald Macdonald	Commissioner
	Colin Kennedy	Commissioner
	James Scott	Commissioner
	Bill Barron	Chief Executive
	Aaron Ramsay	Head of Digital & Improvement
	David Findlay	Commission solicitor
	Arthur Macdonald	Head of Development
	Joseph Kerr	Head of Regulatory Support
	Heather Mack	Head of Operations & Workforce
	Jane Thomas	Head of Compliance and minute taker
	Gordon Jackson	Sponsor Division
	John Kerr	Sponsor Division

Members of the public/staff joined via Teams; two members of the public observed in person

1 APOLOGIES AND WELCOME

The Convener welcomed everyone to the meeting, with a greeting in Gaelic, followed in English. Apologies were received from Neil MacDonald and Finlay Beaton.

As this was the first meeting after the recently held Crofting Elections, the Convener wanted to thank all the candidates who had stood for election, welcoming two new faces as Board members, two members who had been re-elected and two members who had previously been on the Board.

By way of introduction, the newly elected Board members were asked to say a few words about their background before the business of the meeting got underway.

2 DECLARATION OF INTERESTS

The Convener reminded members of the need to declare any interests associated with agenda items, whether these were in the public part of the meeting or the private section. No interests were declared at this point.

3 BOARD MINUTES FROM 8 FEBRUARY

The Minutes were brought to the meeting for information only, having been previously circulated and approved. There were no questions.

4 REVIEW OF ACTION POINTS 8 FEBRUARY

The Action Points arising from the Board Meeting of 8 February had been discharged. There were no questions.

5 MATTERS ARISING FROM PREVIOUS MINUTES

The Convener referred to the item on Standing Orders discussed at the last Board meeting. The Minute recorded that the Board had agreed to alter Standing Orders to reflect that, where there is a Vice Convener, this Board member will also fill the position of Vice Chair of the Audit & Finance committee. Following circulation of the draft Minute several Commissioners had commented that they had not thought a decision had been taken on this point. They thought the agreement had been to ask the Standards Officer to check whether the change represented any governance concerns and then bring the matter back to the Board.

The CEO and the Minute-taker of 8 February believed a decision had been agreed by the Board, which was reflected in the Minute, but a Footnote had been added to cover this point.

6 REVISED CODE OF CONDUCT & STANDING ORDERS

The Standards Officer explained the background to the papers on the Code of Conduct. This represented a revised Code, issued recently by the Standards Commission, and approved by Scottish Parliament, covering members of devolved public bodies. She explained that it is essential for all Board members to read the Code and become familiar with it, whether they were new members or not, as the Code had been changed in several places. It should be read in conjunction with Standing Orders governing meetings of the Commission.

The Standards Officer had also circulated the Standards Commission Guidance Notes which, though lengthy, provide extra detail on how the provisions of the Code are applied.

New members were reminded to return their Register of Interests and Declaration of Interests forms as soon as possible and that queries from crofters should be directed to the CEO.

7 COMMISSIONER DRAFT TRAINING PLAN

Head of Business Support and Compliance explained that the annex to the paper gave the Board information on several topics for training which need to be covered in the first year of the Commissioner's term of office. Feedback from Commissioners elected in 2017, who had found too much training had been delivered early in their term, had been taken on board.

With two new appointed members due to join the Board in the summer, the training plan showed how training would be delivered between March – May and from July 2022 – March 2023. Several items are mandatory, but Commissioners were encouraged to get in touch with ideas for additional training.

It was agreed that, when arranging for new Board members to meet the staff, this should be opened up for the full Board to participate. It may not be possible to arrange a floorplate meeting in the office with staff (who are still largely working from home) in the near future, but a large online meeting could be held, and plans made for an Away-Day in the coming months.

8 UPDATE ON DELOITTE

The CEO provided the update and was asked to produce future updates as a written paper, rather than an oral item. He explained that thirty-eight of the 41 Recommendations are marked 'implemented' but will be scrutinised by Deloitte, to ensure progress against them is embedded. He reflected that the time following receipt of the report represented a learning journey for all involved.

On the top six items, he reported:

- On the need for the CEO to report to the Board – this has been thought through and changes made to the Framework document with Scottish Government
- Much work has been done to ensure that the relationship between the CEO and Sponsor Division does not bypass the Board when it comes to strategic direction,
- The collegiate role of the Commissioner needs to be better understood, so that voters understand the corporate nature of the Board and do not have an expectation that Board members represent constituencies
- Documentation needed to be improved, which is why there has been an emphasis on getting the Framework Document right
- There has been joint training between the Board, the SMT and Sponsor Division, aiming to improve communication and provide greater clarity on roles and responsibilities
- The recommendation to review the staffing structure and to re-structure SMT has been acted on, with an independent review (the Glen Shuraig report).

Following the last point, a Business Case has been submitted to Scottish Government for funds to increase the workforce, as staff turnover was highlighted as one of the main contributing factors to have created delays in case processing.

John Kerr was invited to say a few words on this, from the perspective of Sponsor Division and explained, for the benefit of the new members, that Sponsor Division are the first point of contact between the Minister and the NDPB.

It was hoped that the progress made against the Deloitte recommendations would place the Commission on a stronger footing, the report being likened to an MOT for the organisation. The Convener especially wished to draw attention to the improved communications between the Board and Sponsor Division because of the work undertaken following the report.

It was agreed that the CEO will provide a written Summary paper, so that the new members have a good understanding of the background to the report and subsequent actions. This will also be circulated to other Board members.

9 TRENDS IN OUTSTANDING CASEWORK

The Convener explained that this was an important paper and that it was critical to have the Board's view on this issue.

Head of Operations & Workforce presented the paper, explaining that she had tried to capture as much relevant information as possible. Going through the data in the paper, she explained that there were several reasons contributing to the backlog in casework, including higher staff turnover than in previous years and extra complexities in the processing. For the last couple of months, the Commission had been engaged in a recruitment drive to increase staff resources in the Regulatory team and extra resources had also been pulled in from other teams.

Recent changes to staffing included an Improvement Manager, which should help going forward. The time it takes to train new officers in Regulation was highlighted as a key

factor in the Glen Shuraig report, which suggests reaching a recovery position by March 2023 if no more staff are lost to the team.

Head of Operations & Workforce wished to pay tribute to the team, who have been working hard to do what they can to keep on top of the casework, sometimes in more challenging circumstances, working from home. It is exceedingly difficult to maintain staff morale when the team is under so much pressure. This was acknowledged by the Convener, who said the Board appreciates the efforts staff are making.

The CEO explained that the Board had received data on the length of time cases have been with the Commission, showing the statistics broken down into time categories. He concurred that efforts are being made to recruit and train new staff as quickly as possible and reducing casework delays was everyone's top priority. He reflected that a new Crofting Bill might help streamline some of the processes and that IT developments such as online applications should also have a positive impact over time, but it remains hard to make up for the loss of experienced staff.

The Convener thanked Head of Operations & Workforce for a most informative paper. Several Commissioners had a concern that the backlog experienced in 2018 had not been effectively dealt with, in terms of its underlying issues, which contributed to the problem today. The CEO confirmed that the staff had been consulted while the workforce review was taking place. The views of staff at all grades had been considered.

Some Commissioners questioned whether the focus on resources was the answer to the problem or whether there were process and management issues contributing to the problem. It was agreed that creating a new position for an Improvement Manager was a good idea. Head of Operations & Workforce also felt that having two new casework officers at B2 level will help because they will look at complex cases, reduce a potential bottleneck and share the line management burden more evenly. Head of Digital & Improvement also pointed out that though the Commission experienced some teething problems when we first went into lockdown, these were quickly addressed, and the organisation never had to 'shut down.' No significant work time was lost because of the switch to working from home; a point which has been picked up favourably by the Internal Auditors.

It was agreed that this issue should come to the Board as a Standing Item until the situation is resolved.

10 DIGITAL APPLICATIONS

Head of Digital & Improvement gave a brief history of the project, explaining the amount of work created because the Commission application forms were all pdfs. He also pointed out the environmental cost of a paper-based system. The project to move applications online will also save the Commission around £50K.

With some application types, we are at the 'soft launch' stage, with Assignment and Sub-Letting complete. There has been limited uptake so far, but this should grow and feedback from agents has been positive. Four more application types will be ready for a launch in the coming months. The SG Digital First process must be completed first, to test the system. There is still an issue to be resolved over wet signatures.

The paper route will still be open to customers, but the digital option highlighted as the easiest route to take. Paper pdfs are also being redesigned and streamlined where possible. Using the online channel especially helps reduce the numbers of invalid applications. Improving the quality of receipted applications will save staff time.

The Commission agreed that this is the correct direction of travel for all public bodies and should be marketed as a good news story. The Convener confirmed that the CEO and Communications Officer will be bringing a media strategy to the next Board meeting.

11 CIS UPDATE AND AUDIT PROGRESS

Head of Digital & Improvement clarified that the Internal Audit had not been on CIS as a system but on its management. He summarised where we are in terms of the audit recommendations, which were on track. Some are more straightforward than others to deal with. Someone with experience and knowledge of governance issues had been brought in on a temporary contract to assist.

The wider considerations highlighted in the paper need time to scope, following the work of the Steering Group. It was agreed that the work of the group should continue, and Commissioner Gray volunteered to join the group, with Commissioner Scott agreeing to carry on as the Chair. There will be a follow-up meeting with the Auditors in July.

It was confirmed that the Steering Group have tried to ensure the system is better managed and staff have been involved in this. It was agreed that the Product Owner role would help going forward. The Board accepted that there will always be movement in a computer system, as every change in policy or legislation or process has a knock-on effect.

Head of Digital & Improvement confirmed that bringing in a second developer will make the management of the system more robust and that moving to an AGILE methodology will help us to make smaller changes more quickly and more transparently. He reported that the next large release of CIS is at the technical testing stage and is very keen that development is driven by the users, which requires a cultural shift. The result will be a faster service for customers, by simplifying things for staff.

12 STRATEGIC RISK REGISTER

CEO led the item, explaining that the Strategic Risk Register is scrutinised by the Board, with the Operational Risk Register going to the AFC meetings each quarter. The Strategic Register looks at the security around the priorities the Commission is focused on, what it is trying to achieve. Specific items, such as the elections, may only be a risk for a brief time, others are more long-standing. It is a judgement rather than a science.

It was agreed that the score for item 5 should be changed and that item 3a could move to the ORR and that an action on living Succession should be added to item 4. It was also agreed to add a column to show where scores had increased or decreased. There was a discussion on the score given to the item on Common Grazings. It was agreed to leave the score as it is.

13 CROFTING COMMISSION POLICY PLAN 2022

The Commission Solicitor introduced the paper, explaining what the Policy Plan is and what it must do. The paper looks at the plan from a legal point of view, looking at what the Commission can and cannot do in law. The plan needs to set out the direction the Commission wishes to travel in. A new plan could therefore be trimmed to focus on what must be done and place the emphasis on the Commission's priorities. 'What is crofting' is a question that is central to the Policy Plan, in terms of the Vision of the Board.

The six proposals included in the paper present a possible structure for the plan. It was agreed that a Draft Plan should be brought back to the May Board meeting and that, in the meantime, a Strategy Day meeting via Teams will be arranged, in the next fortnight.

14 COMMISSION ATTENDANCE AT SHOWS 2022

The Convener reflected that it has not been possible to attend Agricultural Shows for the past 2 years, so it would be good to have a Commission presence at a limited number this year, asking Commissioners to think about their top choices.

It was agreed that there should be a clear purpose or desired outcome from attending shows. Head of Development felt there were different options. The Commission could book a stand and have staff in attendance. This was the most expensive option. A stand could be shared with other public agencies, which would be cheaper and have the benefit of networking or staff and Commissioners could attend shows, with no stand but wearing a Commission gilet or fleece. Commissioners were asked to get back to Head of Development with ideas and choices.

15 BUDGET 2022-2023

The Convener explained that the draft budget had been previously considered and discussed by the AFC and the Board. The final Budget had then been circulated to Commissioners by email before the election, with a majority approving and no-one dissenting. It therefore came to the public Board meeting to ratify the approval and would be effective from next week.

Decision	The Board approved the Budget for 2022-2023
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16 UPDATE ON MEETINGS WITH SPONSOR DIVISION

The CEO and Convener took members through the paper and agreed there should be as much advance notice of the meetings as possible, to allow other Board members to contribute if they wished to.

17 APPOINTMENT OF AFC MEMBERS

The Convener explained that the changes of elected Commissioners had consequences for the AFC. Three Commissioners are required to sit on the Committee, and he proposed a stop-gap solution until the two new appointments are confirmed in June. As Mairi Renwick Mackenzie was the Vice Convener at the last Board meeting and has been returned in the elections, he proposed that Mrs Renwick Mackenzie and 2 Commissioners who had previously served on the Committee, Commissioner Campbell and Commissioner Maciver, form the AFC for the meeting in April, with the selection of these positions and the Vice Convener coming back to the Board in June.

This was agreed.

18 DATE OF NEXT MEETING

The next meeting will be held in the Beaufort Hotel (tbc) and via Teams, if necessary, on 12 May 2022.

There was a discussion on the dates of future meetings. It was agreed to move the June Board meeting to 29 June and to canvas Commissioners to see if there is a majority in favour of moving the August and December Board meeting dates from a Thursday to a Wednesday.

19 ANY URGENT BUSINESS

There was no urgent business.

The Convener then closed the public part of the meeting, wishing to put on record his thanks to staff for all their efforts at a challenging time. He also wanted to thank Head of Operations & Workforce and Head of Digital & Improvement for their highly informative and useful papers brought to the meeting today. Gordon Jackson left at this point.

20 EXCLUSION OF THE PRESS AND PUBLIC

The Convener then closed the meeting, thanking everyone for their contributions. It was agreed that the preference going forward was to hold Board meetings in person but that members had the option of joining via Teams.