



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

COMMISSION MEETING

30 NOVEMBER 2022

**CROFTING COMMISSION MEETING
VIA TEAMS
30 NOVEMBER 2022 AT 0930 hrs**

AGENDA

1 APOLOGIES	<i>Oral</i>	<i>Standing Item</i>
2 DECLARATIONS OF INTEREST	<i>Oral</i>	<i>Standing Item</i>
3 MINUTES FROM 27 SEPTEMBER 2022 (<i>already published</i>)	<i>Minutes</i>	<i>For info</i>
4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING (<i>of 27 September 2022</i>)	<i>Paper</i>	<i>For info</i>
5 MATTERS ARISING FROM PREVIOUS MINUTES	<i>Oral</i>	<i>Standing Item</i>
6 AUDIT & FINANCE COMMITTEE REPORT (<i>a Update from Vice Chair of Committee</i>)	<i>Paper</i>	<i>Standing Item</i>
7 REVIEW OF KEY PERFORMANCE INDICATORS Q2 2022	<i>Paper</i>	<i>For discussion</i>
8 STRATEGIC RISK REGISTER UPDATE FOR QUARTER 2	<i>Paper</i>	<i>For info</i>
9 REGULATORY CASEWORK UPDATE	<i>Paper</i>	<i>For info</i>
10 CORPORATE PLAN 2023-2028	<i>Paper</i>	<i>For decision</i>
11 COMMUNICATIONS POLICY	<i>Paper</i>	<i>For discussion</i>
12 COMMISSIONERS AND THE COMPLAINTS PROCESS	<i>Paper</i>	<i>For discussion</i>
13 FURTHER DELEGATION OF DECISION MAKING	<i>Paper</i>	<i>For approval</i>
14 REPORT ON PROGRESS AGAINST STRATEGIC OUTCOMES	<i>Paper</i>	<i>For info</i>
15 REPORT ON MEETINGS WITH SPONSOR DIVISION	<i>Paper</i>	<i>Standing Item</i>
16 DATE OF NEXT MEETING 8 February 2023 – St Kilda, Great Glen House		
17 ANY URGENT BUSINESS		
18 EXCLUSION OF THE PRESS AND PUBLIC		

APOLOGIES – ORAL

DECLARATIONS OF INTEREST – ORAL

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD IN ST KILDA, GREAT GLEN HOUSE, INVERNESS AT 9.30am ON 27 SEPTEMBER 2022

Present:	Malcolm Mathieson	Convener
	Mairi Renwick Mackenzie	Vice Convener
	Rod Mackenzie	Commissioner
	Colin Kennedy	Commissioner
	Iain Maciver	Commissioner
	Donald MacDonald	Commissioner
	Duncan Gray	Commissioner
	Andrew Thin	Commissioner
	Duncan Macaulay	Commissioner (by Teams)
	Bill Barron	Chief Executive
	Chris Reynish	Director of Operations & Policy
	Aaron Ramsay	Director of Corporate Services
	David Findlay	Commission solicitor
	Finlay Beaton	Head of Grazings
	Arthur Macdonald	Head of Development
	Karen MacRae	Development Team – item 10(b) (by Teams)

Observers: BBC Alba journalist (in Great Glen House); staff and members of the public (by Teams)

1 APOLOGIES AND WELCOME

The Convener welcomed everyone to the meeting in Gaelic and in English.

Apologies had been received from Joseph Kerr, Neil MacDonald, Heather Mack and Anne Williamson. Minutes were to be taken by David Findlay and Chris Reynish.

2 DECLARATION OF INTERESTS

No interests were declared for the open session.

3 MINUTES FROM 18 AUGUST 2022

The Board Minute of 18 August had been circulated, agreed and published. Commissioner Mackenzie and Commissioner Kennedy thanked that day's minute taker for the accuracy and detail of the record and requested that future minutes could adopt a similar style.

4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING

All action points were completed or on schedule.

5 MATTERS ARISING FROM THE PREVIOUS MINUTES

There were no matters arising.

6 DRAFT POLICY PLAN

The Convener sought any comments, by exception, on the amendments to the draft paper that had been proposed following stakeholder consultation. The Board noted the comments that had been made by consultees but felt that none of them needed to be incorporated into the previously approved draft. The Policy Plan was approved for submission to the Scottish Government.

7 UPDATE ON STAFF RECRUITMENT

The CEO updated the Board on the staff recruitment campaign within the Commission, as per the paper issued in advance.

There was a discussion about the training required by the regulatory casework teams. The Board was advised that caseworkers are considered trained after a year of bespoke and on-the-job training; although they undertake some regulatory casework almost from the outset. Commissioners explored what options there might be for improving the training offered to regulatory caseworkers or reduce the training time, including whether external advisors could help shape the activity.

Commissioner Mackenzie's offer to help provide opportunities for Commission staff to visit crofts to learn about crofting, was welcomed.

8 OUTSTANDING CASEWORK UPDATE

The Director of Operations and Policy outlined that the number of cases discharged in August had increased on previous months, reducing the total number of outstanding cases. He thanked colleagues for their work to achieve that. He set out that it was not possible at this stage to attribute the change confidently or directly to specific interventions but that the recruitment of new staff may be having an impact on the throughput of cases.

The Director of Operations and Policy advised that it is also difficult to predict future trends in the numbers of discharges. As the throughput of cases changes, there would also be changes – some unpredictable – to frictions and bottlenecks. The team had considered which other elements of the system may come under pressure if the throughput of cases increases, including the tier two process. The team would monitor the system carefully to identify and address problems that arise.

The Convener clarified that a normal number of cases being processed at any one time by the Commission is approximately 700, which means that the current "backlog" is approximately 300 cases.

Commissioner Mackenzie noted that some of the cases are very old (age profile), and that most of these older cases are time-consuming and difficult.

Commissioner Macaulay asked why a historic level of 700 live cases should be used as a benchmark rather than, for example, 300-400, and suggested that setting a lower target might be beneficial in future. The CEO said that the level of applications cannot be controlled, and that there are some constraints on how quickly cases can be processed to take account of, for example, advertising and the statutory timescales for objections.

Commissioner Kennedy said that he thought that the number of cases being dealt with by the Commission had been 350-400 when he was previously a Board member and Convener, but acknowledged that the number of applications might have increased. The Convener indicated that there had been an increase in the number of cases made to the Commission.

The CEO clarified that the outstanding cases are ones that are awaiting a decision. Further processing is often needed after the decision point, but cases at that stage are not included in the monthly statistics.

Commissioner Mackenzie said that he supported having a potential target for the number of cases and wanted to know that the organisation is working as efficiently as it can in the circumstances. The CEO replied that this matter could be discussed in the context of the corporate plan.

Commissioner Kennedy asked if there could be a dedicated team looking at older cases. The CEO responded that the regulatory manager had been asked to have a balanced approach that does not give priority exclusively to new or old cases.

Commissioner Thin said the key issue here is the credibility issue, and there has to be better communication with external people/ solicitors/ stakeholders so that they understand better Commission processes and timescales, the reasons for any delays and the progress that is being made.

9 REDUCING THE COMMISSION'S CARBON EMISSIONS

The Convener invited comments on the paper circulated in advance. It was suggested that action would be important for the Commission's reputation; and that action should be publicised. Mixed views were expressed about the likely size and impact of the Commission's emissions; and the opportunities for reducing them were not felt to be well understood.

The Board agreed the paper's recommendations to publish a Climate Emergency Charter and to engage external expertise to develop a Climate Action Plan. They did not agree a 2040 target for the Commission to be net zero, believing that a more ambitious aim should be possible. This will be considered as part of the work on a Climate Action Plan.

The Board also agreed that some of its meetings should be conducted remotely, including the November meeting.

10 DEVELOPMENT TEAM

(a) Dealing with underused crofts

The Head of Development set out the plans for the team, especially with regard to underused crofts. The team is also seeking to “demystify” crofting processes, which includes highlighting crofting opportunities (for instance, financing, carbon sequestration). The Head of Development set out the scale of the task, with the team having only three officers, one of whom has very recently joined the team. He set out that the team will work closely with existing teams such as the grazings team and with assessors, landlords and crofters.

Commissioner Mackenzie asked if there is any potential duplication of work between the development team and FAS, SAC and SCF, and asked if the team are qualified to give advice. He asked if, alternatively, the team could be more involved in the achievement of targets for crofter applications. The Head of Development said that the role of the team would be to signpost crofters and others to sources of more information and guidance, rather than give advice themselves. The CEO noted that the Commission has a statutory function to promote the interests of crofting, and not just to regulate crofting.

Commissioner Kennedy asked where the development team is located, as he does not see much presence in Argyll. The Head of Development said that the team’s focus was the whole of the crofting counties, but as there were only three development officers they would need support. Training of assessors could be important for developing crofting locally, for instance in helping people in what should be included in a Commission form. The Head of Development emphasised that the focus is on developing crofting as a system, rather than developing individual crofts.

Commissioner Renwick Mackenzie asked about how the development team would deal with carbon footprints and neglected crofts. The Head of Development noted that the team is working with government departments on this issue.

The Convener asked if there was any feedback from Commissioners who had attended agricultural shows. Commissioner Gray said that people value seeing Commission officers on the ground, and Commissioners Maciver and Mackenzie concurred. Commissioner Renwick Mackenzie underlined the importance of Commission staff, Commissioners and other organisations and stakeholders all being at a single event such as a show or a mart. Commissioner MacDonald said that local meetings could be valuable.

The Convener asked how the success of the development team would be measured. The Head of Development said he would like to collate statistics on underused crofts to see if the team is having an impact, and was exploring possibilities including through a data sharing agreement with RPID. He also said if there is some means of measuring how many people are becoming new crofters, that could indicate whether the team is being successful.

Commissioner Macaulay asked why owners and tenants are not willing to give up crofts, and asked if the Commission could look at the matter from a croft supply and demand point of view.

Commissioner Thin underlined that an important issue within the paper is about the broader benefits of the development of crofting tenure within the Highlands & Islands of Scotland. He added that the development of crofting tenure and its associated benefits should be communicated clearly to the wider public, including non-crofters outwith the crofting areas.

The Head of Development highlighted the issue of crofters who are “hanging on” to crofts, but not using them.

(b) Assessors

The development officer (Karen MacRae) set out the proposals for the development of the assessors network. She said that the role of assessors has developed since 1955. She asked if the Board agreed with the proposed role for assessors set out in the paper, and how many assessors there should be.

The development officer set out the current roles of assessors, as set out in the paper, and also their potential involvement in any Commission campaigns, such as the development team campaign on underused crofts.

Commissioner Gray said that from his experience as an assessor for many years, assessors had not been asked to do much. Commissioner Renwick Mackenzie agreed that she thought that assessors had been underutilised. Commissioner Kennedy said that there is a potential role for assessors, but emphasised that the role is largely voluntary. Commissioner Mackenzie said that the list of roles in the paper was too long for a voluntary job, and asked if assessors had been asked if they would apply again to be assessors. The Head of Development confirmed that conversations had taken place with existing assessors, most of whom were keen to continue, and he explained that it was not expected that any assessor would fulfil all of the functions in the list.

The Convener said the matter should come back to the Board after the assessors meeting in October 2022 for more discussion about the role. There was also a short discussion about whether the name “assessor” is appropriate and whether it should be changed in any forthcoming Bill, an idea which was supported by Commissioner Maciver.

11 ONLINE APPLICATIONS SYSTEM

The Director of Corporate Services referred to feedback the Commission had received from a recent meeting with some solicitors and agents regarding online applications, most of which was highly positive and which included feedback that the applications do not take a long time to complete. They had however been reluctant for the Commission to force the digital application forms over paper forms, recommending that paper applications should continue to be available. There was also some feedback as to whether digital applications could be “fast tracked” or prioritised in order to incentivise use of them. The Director of Corporate Services said that there would be a minute from the meeting with solicitors that would be made available to the Board. He noted that 6 online applications had been submitted online in August, and 14 (so far) in September.

The Convener had been present at the meeting with solicitors and agents and he confirmed that the meeting had given extremely positive feedback. He also explained that a benefit of the digital process was that the quality of applications should improve.

Commissioner Gray asked when crofters would be able to use digital applications for assignation applications. There was a discussion about the potential for fraudulent applications where Commission consent is associated with a high value transaction. The CEO agreed to revisit the arguments and see if a way of delivering this facility could be brought forward.

Commissioner Mackenzie said it was a good news story. He asked what prevents a larger uptake of online applications, and also asked what the benefit is to the Commission, and if there is a role for the development team here. He also suggested there should be a target for the number of online applications, such as reaching at least

50% in two years' time. The Director of Corporate Services said that although a lot of online accounts are being created, this is not translating at the present time into a large number of online forms. He also noted the carbon footprint benefits of online applications.

Commissioner Kennedy suggested that the Commission should be cautious about the impact of online forms on staff, because of the potential for a serious increase in the number of applications received, if the form is relatively easy to complete. However, the Convener doubted that changing the process would lead to any significant change in the number of applications.

The Board accepted the recommendation from the Director of Corporate Services that the first 3 out of the 5 suggestions in the paper should be taken forward, but not the other two.

ITEM 12 WAS DEFERRED UNTIL THE NOVEMBER BOARD MEETING

13 ANNUAL NOTICE DATA SHARING

The CEO introduced the paper. He explained that RPID are going to start their own initiative with crofters who may be in breach of crofting duties, which could involve taking action against crofters in breach. RPID have indicated that they would like to obtain the annual notice data for crofters on their estates from the Commission to assist with this process. The CEO said that the legalities of transferring personal data in this way would need to be checked, but he invited the Board to give their views in principle.

Commissioner Kennedy said that he was against any data sharing because it might have a negative impact on how many people would complete the annual notice. Commissioner Mackenzie supported the proposal if it were compatible with legislation and if there was a clear expectation of benefits to crofting and the Commission. The Head of Digital said that there would need to be a data sharing agreement if the Board was minded to go ahead with data sharing. Commissioner Maciver said that penalising crofters for their "honesty" in filling the form could be reputationally damaging, but the CEO argued that this would be no different than when the action is taken by the Commission's own RALU team.

Commissioner Gray said that legal advice would be required to consider further. Commissioner Thin suggested delegating this matter back to the CEO.

14 CORPORATE PLAN, 2023-2028

The CEO set out the role of the Corporate Plan and invited Commissioners to discuss their aspirations for the Commission over the next 5 years. He set out that the Commission has received enhanced funding and has an expanded workforce and a new management team, and suggested it would be appropriate for the plan to be suitably ambitious.

The Convener asked if anything is missing in terms of overall objectives. Commissioner Thin said it should be aligned with the Bute House coalition agreement and it should be simple and clear and aware of the political dynamics. Commissioner Kennedy concurred.

Commissioner Mackenzie said the plan needs to demonstrate how funding for the Commission is being used.

The matter will be discussed at the forthcoming private meeting on 26 October 2022.

15 UPDATE ON MEETINGS WITH SPONSOR DIVISION

The Convener reiterated that there is an open invitation to Commissioners to join his regular meetings with Sponsor Division.

The CEO briefly outlined the meeting of 24 August 2022, which had been requested by Sponsor Division to discuss aspects of law reform with senior Commission officials. He saw no conflict between attending such meetings on behalf of the Commission, and the principle in the 2021 Deloitte report, that “on matters which are strategic in nature, management should ensure that it does not commit or be seen to commit in any way in discussions with the Sponsor Division on matters which the Board should be making a final decision on”. The Board agreed.

16 DATES OF NEXT MEETINGS

A closed meeting to discuss the corporate plan and any other urgent matters will be held on 26 October 2022 at Great Glen House. The Board meeting on 30 November 2022 will be held by Teams.

17 ANY URGENT BUSINESS

There was no urgent business.

18 EXCLUSION OF THE PRESS AND PUBLIC

The meeting was closed at 1445hrs with thanks for everyone’s contributions.

CROFTING COMMISSION MEETING

30 November 2022

Report by the Chief Executive

Review of Action Points from 27 September 2022

ITEM	ACTION	RESPONSIBLE OFFICER	DEADLINE
1	Draft Policy Plan: Approved and should be submitted to Scottish Government.	Chief Executive	Actioned
2	Reducing the Commission's Carbon Emissions: Publish Climate Emergency Charter on website.	Director of Operations & Policy	November
3	Reducing the Commission's Carbon Emissions: Engage external expertise to develop a Climate Action Plan	Head of Finance	Specification of Requirements issued
4	Reducing the Commission's Carbon Emissions: The November Board will be conducted remotely via Microsoft TEAMS	Chief Executive	Actioned
5	Assessors (Development Team Agenda item 10): Role of the Assessors to be considered by Board after the Assessors Meeting Action Points of 27 October are captured.	Head of Development	In hand. Paper will be brought to February Board meeting
6	Online Applications: To revisit the arguments about potential fraud and see if a way of permitting crofters to make assignation applications could be brought forward.	Chief Executive	Outstanding
7	Corporate Plan, 2023-2028: To be revisited at private board meeting on 26 October 2022.	Chief Executive	Actioned

MATTERS ARISING FROM PREVIOUS MINUTES – ORAL

CROFTING COMMISSION MEETING

30 November 2022

Report by the Vice-Chair of Audit & Finance Committee

SUMMARY

The purpose of this paper is to provide the Board with an update of the Audit & Finance Committee meeting of 2 November.

BACKGROUND

The Board has established an Audit & Finance Committee (AFC) as a Committee of the Crofting Commission Board to support Board Members in their responsibilities for issues of risk, control and governance and associated assurance through a process of constructive challenge

CURRENT POSITION

The Vice-Chair will provide Board Members with a verbal update of the AFC meeting of 2 November. Full details are in the following draft minute of the meeting.

Key points for Board Members to note –

1. A review of complaints management will now replace a review of management information use in the Internal Audit Plan for the current year.
2. The medium-term financial outlook is extremely challenging and is potentially unsustainable on current plans. The committee recommends that the Board undertakes intensive strategic review work over the next six months to prepare for a number of realistic scenarios.
3. Outstanding audit recommendations are broadly on track to be resolved.
4. The committee will undertake a detailed review of risk management arrangements in January and will advise the Board on its responsibilities in relation to corporate risk management in the light of that.
5. At the six month stage, the organisation is managing expenditure close to budget and an outcome near to break even is anticipated at this point. The Board should continue to closely monitor the impact of inflationary and salary uplift pressures.
6. At the present time, the indicative GIA budget allocation from SG looks likely to be sufficient for the business plan as currently envisaged.

RECOMMENDATION

The Committee recommends that the Board should undertake intensive strategic review work over the next 6-month period encompassing productivity, scenario planning and sensitivity analysis to ensure the Commission is prepared for a flat (or reduced) grant allocation in future years.

Date 7 November 2022

Author Andrew Thin, Vice-Chair, Audit & Finance Committee

CROFTING COMMISSION PERFORMANCE REPORT

QUARTER 2 – JULY-SEPT 2022

SUMMARY

Our Outcome		1. CROFTS ARE OCCUPIED AND MANAGED	RAG Status
Key Milestones	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.		AMBER
	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.		AMBER
	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.		GREEN
	1d January 2023 – To be in a position to accept and process reports that landlords of vacant crofts are not resident on or within 20 miles (32 kilometres) of the croft and/or not working the croft to determine whether a notice should be issued under section 23(5) of the 1993 Act requiring the landlord to submit proposals for letting the croft.		GREEN
Performance Measures	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.	GREEN
	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.	GREEN
	1.3	Number of RALU breaches resolved by the assignation of the croft, or the letting or sale of an owner-occupied croft.	GREEN
	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.	GREEN
	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).	GREEN
	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).	GREEN

Our Outcome		2. COMMON GRAZINGS ARE REGULATED AND SHARED MANAGEMENT PRACTICES CONTINUE	RAG Status
Key Milestones	2a Ongoing – Contact all Grazings Committees whose terms are about to end, encouraging them to arrange the appointment of a new Grazings Committee		GREEN
	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.		GREEN
	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.		GREEN
	2d December 2022 – Update and deliver a package of online training for Grazing Committees.		GREEN
	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.		GREEN
Performance Measures	2.1	Maintain or increase in number of common grazings with a Committee in office.	GREEN
	2.2	Increase in number of grazings committees who have adopted the new template regulations.	RED
	2.3	Meetings or other substantial engagement with Grazings Committees and shareholders (as required) to support them with the regulation and management of common grazings.	GREEN
	2.4	Establish correct shareholdings on common grazings by researching and updating records of shareholder situations.	GREEN

Our Outcome		3. CROFTING IS REGULATED IN A FAIR, EFFICIENT AND EFFECTIVE WAY	RAG Status
Key Milestones	3a August 2022 – Next build of the Crofting Information System released and upskilling delivered.		RED
	3b August 2022 – Digital options for the majority of regulatory application types rolled out and fully functioning.		AMBER
	3c August 2022 – Complete the expansion of the regulatory team through additional recruitment.		GREEN
	3d August 2022 – Complete suite of governance documents specifying the process for CIS change		GREEN
Performance Measures	3.1	Stability or decrease in median turnaround times (registered crofts, Tier 1 approvals).	AMBER
	3.2	Decrease in number of live regulatory cases at a point in time.	RED
	3.3	Number of staff in the regulatory team that are trained in 13 of the key application types.	GREEN
	3.4	Substantial increase in number of regulatory cases discharged in the year.	AMBER
	3.5	Customer satisfaction rates.	RED

Our Outcome		4. THE FUTURE OF ACTIVE CROFTING IS SUPPORTED BY WELL-INFORMED ENGAGEMENT WITH STAKEHOLDERS	RAG Status
Key Milestones	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.		ACHIEVED
	4b September 2022 – Publish a revised and renewed Commission Policy Plan, reflecting the views of the Board of Commissioners in place after the elections.		ACHIEVED
	4c Ongoing – Progress the Commission’s actions in the National Development Plan for Crofting.		GREEN
	4d September 2022 – 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.		GREEN
	4e November 2022 – Make representations to the Scottish Government regarding desirable changes to crofting legislation.		GREEN
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
Key Milestones	5a August 2022 – Implement automated retention schedule procedures within revised CIS.			RED
	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.			GREEN
	5c December 2022 – To clarify how the Commission will manage its historic information in line with data protection legislation, and take forward its Implementation.			AMBER
	5d January 2023 – Implement hybrid working for Crofting Commission staff, in a way which permits recruitment of more staff who are dispersed across the crofting counties.			GREEN
Performance Measures	5.1	Increase in Employee engagement Index.		GREEN
	5.2	Corporate carbon emissions.		GREEN
	5.3	Redeploy efficiency savings within £3.9m core budget.		GREEN

DETAILED PROGRESS REPORTS

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

Our Outcome	1. 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		RAG Status	Responsible Manager	Details
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.		AMBER	Joseph Kerr	<p>Due to staff resourcing issues this task will commence in October 2022. The RALU Team lost a key member of staff earlier in the year, and while the recruitment of two new RALUT Casework Officers has been successful, the individuals concerned are existing staff currently with other Commission teams who obtained promotion to these posts. Arrangements had to be put in place to allow their own posts to be backfilled, and the two new casework officers did not take up post until 5 September 2022.</p> <p>In the meantime, the RALU Team received the 2022 Census report on census returns from IS colleagues and have commenced work on analysing the data and identifying the different categories of breach identified which will form the basis for the selection of the tenant and owner-occupier crofters who will be written to in distinct tranches this year. These comprise:</p> <ul style="list-style-type: none"> • Non-resident/non-cultivating tenants • Non-resident/non-cultivating owner-occupier crofters • Non-resident tenants • Resident Non-cultivating tenants <p>Between the above tranches and the non-census returners (which are reported separately under 1b and 1c), it is anticipated that the Team will be investigating over 200 new census cases this year.</p>

Milestone		RAG Status	Responsible Manager	Details
<p>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.</p>		<p>AMBER</p>	<p>Joseph Kerr</p>	<p>In October 2022, the Team started the process of corresponding with a selection of non-census returning tenants whose address would indicate they are in breach of the residence duty.</p> <p>In November 2022, the Team will start the process of corresponding with a selection of non-census returning owner-occupier crofters whose address would indicate they are in breach of the residence duty.</p>
<p>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.</p>		<p>GREEN</p>	<p>Joseph Kerr</p>	<p>This milestone remains on target to be achieved within the agreed timescale.</p>
<p>1d January 2023 – To be in a position to accept and process reports that landlords of vacant crofts are not resident on or within 20 miles (32 kilometres) of the croft and/or not working the croft to determine whether a notice should be issued under section 23(5) of the 1993 Act requiring the landlord to submit proposals for letting the croft.</p>		<p>GREEN</p>	<p>Joseph Kerr</p>	<p>This milestone remains on target to be achieved within the agreed timescale.</p>

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.	9	15	Records of administrative action.

PROGRESS:

In the first half of the year, the Commission issued:

Unresolved succession (section 11):

- **Three** notices under section 11(8) due to failure to resolve a succession, terminating the tenancy, declaring the croft vacant and requiring the landlord to submit letting proposals;
- **One** croft was let following the Commission’s approval of the landlord’s letting proposal. The tenant is a new entrant to crofting.

Vacant croft (section 23):

- **One** notice under section 23(5), following the renunciation by a tenant, requiring the landlord to submit letting proposals;
- **Three** notices under section 23(5), following the Commission’s termination of the tenancy of a croft under breach of duties enforcement action, requiring the landlord to submit letting proposals;
- **Two** crofts were let following the Commission’s approval of the landlord’s letting proposal. Both tenants are new entrants to crofting.

Q1	Q2	Q3	Q4
GREEN	GREEN		

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
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.	8	17	Records of administrative action.

PROGRESS

In the first half of the year, **5** Crofters resolved their breach by taking up residence on or within 32 kilometres of their crofts.

Q1	Q2	Q3	Q4
GREEN	GREEN		

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
1.3	Number of RALU breaches resolved by the assignation of the croft, or the letting or sale of an owner-occupied croft.	14	20	Records of administrative action

PROGRESS

In the first half of the year:

- **9** tenant crofters resolved their breach by assigning the tenancy of their crofts;
- **One** owner-occupier crofter resolved their breach by transferring ownership of their owner-occupied croft;
- **3** Croft tenancies were renounced, and are now available for let.

Q1	Q2	Q3	Q4
GREEN	GREEN		

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 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	34	No target (this is not a priority in its own right)	Records of administrative action

PROGRESS

In the first half of the year:

- **7** Crofters resolved their breach by subletting their crofts;
- **11** Crofters obtained consent to be absent from their crofts;
- **One** Owner-occupier crofter resolved their breach by obtaining consent to a short term let of their owner-occupied croft;

Q1	Q2	Q3	Q4
GREEN	GREEN		

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
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).	26	No target (this is an intermediate phase en route to KPI 1.6)	Records of administrative action

PROGRESS

In the first half of the year, the Commission:

- Issued **31** notices of suspected breach of duty under section 26C(1);
- Considered in **2** cases that there was a good reason not to issue a notice of suspected breach of duty under section 26C(1);
- Made **24** decisions that a crofter was in breach of duty under section 26C(5);
- Issued **6** notices providing crofters with the opportunity to comply with the duty within a timescale the Commission consider reasonable under section 26D(1) ;
- Made **6** decisions accepting undertakings to comply with the duty under section 26D(5).

Q1	Q2	Q3	Q4
GREEN	GREEN		

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
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).	0	4	Records of administrative action

PROGRESS

In the first half of the year, the Commission were satisfied that it was in the general interest of the crofting community to issue **3** Orders terminating the crofter's tenancy due to a breach of duty (**one** was initiated by a report of a suspected breach of duty under section 26A; **2** were initiated by the crofter reporting in their Crofting Census that they were in breach of duty).

In **2 of the 3** cases, prior to termination, the Commission were satisfied it was fair to divide the tenanted crofts under section 26G as in both cases there was a dwelling house on the croft which had not been decrofted.

Q1	Q2	Q3	Q4
GREEN	GREEN		

Responsible Manager: Joseph Kerr

Our Outcome

2. COMMON GRAZINGS ARE REGULATED AND SHARED MANAGEMENT PRACTICES CONTINUE

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

Milestone	RAG Status	Responsible Manager	Details
2a Ongoing - Contact all Grazings Committees whose terms are about to end, encouraging them to arrange the appointment of a new Grazings Committee	GREEN	Finlay Beaton	Number of Grazings Committees is remaining static presently with 501 Committees currently in office at the end of the second quarter. Our system of reminders is working well with the first reminder going out one month before the end of the term. If no response, then a reminder is sent out one month after the term completion with a further reminder at the 12-week period offering assistance throughout.
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.	GREEN	Finlay Beaton	This work is ongoing with projects in place to raise awareness of the importance of Grazings Committees. 7 Committees who didn't wish to hold meetings due to covid have now returned to office this quarter and we plan to contact all committees who went out of office since 2020 in the next 2 quarters to encourage them to take the necessary steps to appoint a new committee.
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.	GREEN	Finlay Beaton	We have a system in place, where once a new Committee goes into office, our good practice document is issued to the new Clerk. We also endeavour to obtain an email address for the Clerk to advise of any common grazing workshops/training when held in their area. Details of the new Clerk are passed to the Development team with the relevant development officer then sending an introductory letter.
2d Deliver a package of onsite training workshops which focuses on the formation, running and financial aspects of a grazings committee.	GREEN	Finlay Beaton	Within this quarter a total of 4 workshops have been delivered in Barra South Uist North Uist and Brora with 49 attendees across the different locations. Feedback has been very positive, and requests have been received for further workshops to be delivered in other parts of the crofting counties.
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.	GREEN	Arthur Macdonald	On track – not due yet

PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure								
2.1	Maintain or increase in number of common grazings with a Committee in office.	497 Grazings Committees in office on 31 March 2022	Maintain at 500 or above	Administrative records								
<p>PROGRESS – Number of Committees at the end of the quarter is 501. We are now starting to see longer term out of office committees coming back into office from within the covid period.</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>GREEN</td> <td>GREEN</td> <td></td> <td></td> </tr> </tbody> </table> <p>Responsible Manager: Finlay Beaton</p>					Q1	Q2	Q3	Q4	GREEN	GREEN		
Q1	Q2	Q3	Q4									
GREEN	GREEN											

Number	Aim	Baseline	Target/Indicator	Measure								
2.2	Increase in the number of grazings committees who have adopted the new template regulations.	3	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>PROGRESS – This area of work continues to prove challenging, principally due to an ongoing limited staff resource within the grazings team and the demands from other areas of our grazings work.</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>RED</td> <td>RED</td> <td></td> <td></td> </tr> </tbody> </table> <p>Responsible Manager: Finlay Beaton</p>					Q1	Q2	Q3	Q4	RED	RED		
Q1	Q2	Q3	Q4									
RED	RED											

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.	16	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.)

PROGRESS – Within this quarter a total of 4 workshops have been delivered in Barra South Uist North Uist and Brora with 49 attendees across the different locations. The Grazings team attended the North Uist Show and Black Isle Show and accompanied Commissioners at their nominated local shows within this quarter.

The team have been engaged with 5 Common Grazings which are experiencing a high level of difficulties in the running of the common grazings. We are liaising with the interested parties to try to resolve these difficulties.

We have also responded to over 102 queries within the quarter ranging from general to more detailed enquiries.

Q1	Q2	Q3	Q4
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.	24	20 more townships researched in 2021/22	Records of administrative action

PROGRESS – 13 Cases within this quarter where the team have been requested to investigate and establish the correct share position from historical records. These cases are instigated either by a crofter enquiry or arise from a regulatory case where the share position is in doubt.

Q1	Q2	Q3	Q4
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	RAG Status	Responsible Manager	Details
3a August 2022 – Next build of the Crofting Information System released and upskilling delivered.	RED	Aaron Ramsay	The new build of CIS, and the last before internal development moves to an AGILE model, is due to release in February 2023, after being pushed back from December the 5 th 2022 due to server issues and data migration complexities. Currently system testing is completing, with training material production complete and tested by the User Acceptance Testing group.
3b August 2022 – Digital options for the majority of regulatory application types rolled out and fully functioning.	AMBER	Aaron Ramsay	The planned rollout of digital applications was changed in order to target decrofting application types ahead of schedule. This work is progressing well, with the majority of decrofting types now live for professional bodies, though public access is currently restricted. All design work has been completed on the remaining decrofting applications, as well the two Division application types. The rollout has currently been paused for the period of the remainder of 2022 due to key personnel changing roles and to prioritise the release of the CIS update.
3c August 2022 – Complete the expansion of the regulatory team through additional recruitment.	GREEN	Heather Mack	Considerable recruitment has taken place with 17 appointments taken up their posts following regulatory team recruitment exercises during 2022 thus far. These appointments have been for backfilling and new posts. The final recruitment exercise to ensure that we are fully staffed with Regulatory caseworkers in permanent posts has taken place and these candidates are going through the Scottish Government checks ready to take up their posts. These are for 14 new staff and include some staff that have already been working with the Commission on an agency basis.
3d August 2022 – Complete suite of governance documents specifying the process for CIS change	GREEN	Aaron Ramsay	Work on the governance documentation has progressed well under the new Product Owner, with the required governance now produced in draft form. A repeat audit has taken place week commencing the 24 th of October, with the results expected mid November 22.

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 – 12.9 weeks Decrofting CHSGG – 13.9 weeks Decrofting Part Croft – 25.3 weeks	Clear evidence that turnaround times are falling, by the final quarter of 2022/23	Time taken from application to notification of decision, <i>for cases where no registration is required</i>

PROGRESS

Average turnaround times for the indicator cases have seen increases at both quarters 1 and 2 of the year to date. The results are concerning but there could be improvements seen later in the year which would mean that the measure might still be achieved.

Q1	Q2	Q3	Q4
AMBER	AMBER		

	Approx Number of cases per year	Median weeks (2021-22)	Median weeks (2022-23 Q1)	Median weeks (2022-23 Q2)
Assignment	125	12.9	14.3	16.3
Decrofting Croft House Site	50	13.9	15.9	19.9
Decrofting Part Croft	100	25.3	27.1	27.9

Responsible Manager: Heather Mack

Number	Aim	Baseline	Target/Indicator	Measure
3.2	Decrease in number of live regulatory cases at a point in time	1087 on 31 March 2022	Reduce to 850	Number of live regulatory cases on 31 March

PROGRESS

The number of outstanding cases in the monthly report to management and the board is 1044 for the end of September 2022. This is a drop from 1087 (March 2022) however significant improvements would need to be seen in coming months to meet the overall target.

Q1	Q2	Q3	Q4
AMBER	RED		

Responsible Manager: Heather Mack

Number	Aim	Baseline	Target/Indicator	Measure
3.3	Number of staff in the regulatory team that are trained in 13 of the key application types	One Casework administrators and 7 casework officers March 2022	Increase to 10 casework administrator and 9 casework officers	Number of staff that have progressed through the training for at least 13 application types

PROGRESS

The training has been progressing but remains at ten casework officers and six casework administrators trained in at least 13 application types. The progress to date means the team is still on track for 19 staff to be trained in at least 13 application types by March 2023.

Q1	Q2	Q3	Q4
GREEN	GREEN		

Responsible Manager: Heather Mack

Number	Aim	Baseline	Target/Indicator	Measure
3.4	Substantial increase in number of regulatory cases discharged in the year	1517 in 2021/22	2000 (500 a quarter)	Total number of approvals and refusals during the year

PROGRESS

Cases discharged over Quarter 2 of 2022-23 has increased from the first quarter of the year, and are considerably higher than the average number of cases discharged per quarter for 21-22 (379). This is positive, however, there is still a way to go to in order to achieve the overall target of 2000 cases discharged for the year. The overall number of cases discharged for the 2022-23 period (Q1 and Q2) is **944**.

Q1	Q2	Q3	Q4
AMBER	AMBER		

Cases discharged Q1	Cases discharged Q2	Cases discharged Q3	Cases discharged Q4	TOTAL
448	496			

Responsible Manager: Heather Mack

Number	Aim	Baseline	Target/Indicator	Measure
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

PROGRESS

Reponses to the customer feedback form for the year to date has given an average score of customer satisfaction of 58 %. This is some way from the target indicator of 80 % positive responses and it is very unlikely that the Commission will meet this target.

Q1	Q2	Q3	Q4
RED	RED		

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	RAG Status	Responsible Manager	Details
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.	ACHIEVED	Arthur Macdonald	Development team has now increased to its full complement of 3 officers. All crofting counties have been split between the 3 officers, so that there is a dedicated contact for customers. Development officers are organising Landlord events to cover the North & East Highlands Lochaber and Skye. An all-Assessor event will be organised by the Team to be held in October in Inverness.
4b September 2022 – Publish a revised and renewed Commission Policy Plan, reflecting the views of the Board of Commissioners in place after the elections.	ACHIEVED	David Findlay	The Policy Plan has been approved by Ministers and will be published shortly.
4c Ongoing – Progress the Commission’s actions in the National Development Plan for Crofting.	GREEN	Arthur MacDonald	Actions within the NDP are being taken forward by the Development Team and RALUT. A paper covering assessor utilisation, landlord information provision, FAS liaison, SCF/NFU liaison, RPID data sharing, SLMS croft availability data base, and SLE liaison has been presented and approved by the Board. Developing a communications campaign to reduce underused crofts throughout the crofting counties.
4d September 2022 – 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.	GREEN	Arthur MacDonald	We are participating in meetings with the Research Advisory Group and discussions the National test programmes for Track 1 & 2 in relation to future mechanisms for agricultural support and the Head of Development attends the Testing Actions for Sustainable Farming Questionnaire Group. The purpose of which is to ensure a broad range of crofting interest are included in the target group.
4e November 2022 – Make representations to the Scottish Government regarding desirable changes to crofting legislation.	GREEN	David Findlay	Commission is actively engaging in the Crofting Bill Group, and will firm up its further proposals following the Strategy Meeting on 26 September and subsequent internal discussions.

There are no Performance Measures for Outcome 4

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

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

Milestone	RAG Status	Responsible Manager	Details
5a August 2022 – Implement automated retention schedule procedures within revised CIS.	RED	Aaron Ramsay	Implementation of retention functionality has been built into the next release of the CIS, due to go live in Feb 2023 for external documents, with internally generated documents to follow shortly afterwards. This milestone is RED as it is tied to the release date of the next CIS update.
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.	GREEN	Bill Barron	A training plan for Commissioners is in place; parts of it have been delayed slightly because the new appointed commissioners were not in place till August/September.
5c December 2022 – To clarify how the Commission will manage its historic information in line with data protection legislation, and take forward its Implementation.	AMBER	Anne Williamson	<p>This milestone is split into two parts; historic records held within the CIS and those held in paper format in file storage.</p> <p>The documents held in the CIS have an implementation plan to begin addressing this, however it is intrinsically tied to the release of the new CIS system as per item 3a, and as such cannot start until after the new system is live.</p> <p>Project carried out to upload all scanned Common Grazing files into the CIS database and will be available in the next release of CIS.</p>
5d January 2023 – Implement hybrid working for Crofting Commission staff, in a way which permits recruitment of more staff who are dispersed across the crofting counties.	GREEN	Bill Barron	<p>Agreement reached with RPID that CC staff can use their offices in the Crofting Counties on a hybrid-working basis (except for Golspie where there is no space). This has allowed us to offer flexible location within permanent recruitments.</p> <p>The hybrid working policy remains under continuous review.</p>

PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure
5.1	Increase in Employee engagement Index	62% in October 2021	Increase to 64%	SG people survey
<u>PROGRESS</u>				
Awaiting results of Staff Survey in October, which will provide this measure.				
Q1	Q2	Q3	Q4	
GREEN	GREEN			
Responsible Manager: Bill Barron				

Number	Aim	Baseline	Target/Indicator	Measure
5.2	Corporate carbon emissions	0.3 tCO ₂ e in 2020/21 (much reduced by pandemic)	Below 5 tCO ₂ e in 2021/22	Emissions from business travel by staff and Commissioners
<u>PROGRESS</u>				
<p>Quarter 2: The Commission has drafted a 'Climate Emergency Charter' that was approved in principle by the Board on 27 September. Among the proposed actions is that the Commission will undertake to publish an emergency climate plan within the year. There are several additional reporting requirements for 2021/22 (due by November 2022) detailed within the Scottish Government "Public Sector Leadership on the Global Climate Emergency" published in October 2021, including a statutory duty to set a target date for achieving zero direct emissions of greenhouse gases, or such other targets that demonstrate how the body is contributing to Scotland achieving its emissions reduction targets. The Commission is liaising with the Sustainable Scotland Network (SSN) to ascertain expectations during Quarter 3 & 4. SSN is Scotland's public sector network on sustainability and climate change. SMT have approved a specification for the engagement of external expertise to initially assist with the development of a Climate Action Plan, which will ensure that the Commission is adhering to best practice.</p> <p>Actuals for 2021/22 = 2.1 tCO₂e against actual emissions from business travel. The Commission now has to record Homeworking emissions based upon a FTE equivalent formula. This equates to 16.2 tCO₂e emissions relating to homeworking for 2021/22. Recommend that target/indicator is revised for 2023/24 to capture additional reporting requirements.</p>				
Q1	Q2	Q3	Q4	
GREEN	GREEN			
Responsible Manager: Neil Macdonald				

Number	Aim	Baseline	Target/Indicator	Measure								
5.3	Redeploy efficiency savings within £3.9m core budget		3%	Funding redeployed as a result of efficiencies in existing operations								
<u>PROGRESS</u>												
<p>The Commission is proposing to invest in a high specification file scanner, which will allow the CC to scan its historic files that are currently stored externally, while providing longer term efficiency savings via reduced storage costs and external scanning costs. CEO & Director of Corporate Services will provide Sponsor with a detailed business case in due course. This has been raised at Board level and agreed in principle, subject to a review of the detailed business case and Sponsor approval. For budgetary purposes, the CC Finance Team has estimated a cost of £60k-£80k</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>GREEN</td> <td>GREEN</td> <td></td> <td></td> </tr> </tbody> </table>					Q1	Q2	Q3	Q4	GREEN	GREEN		
Q1	Q2	Q3	Q4									
GREEN	GREEN											
Responsible Manager: Neil Macdonald												

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.

CROFTING COMMISSION MEETING

30 November 2022

Report by the Chief Executive

Strategic Risk Register Update for Quarter 2

SUMMARY

This paper highlights key points from the updated Strategic Risk Register (Annex A).

BACKGROUND

The Commission maintains a Strategic Risk Register to consider, at least quarterly, the level of risk to the achievement of the Commission's top objectives. This is presented to the Board four times a year. This paper outlines the main features of the update for the end of Quarter 2 (end September 2022).

STRATEGIC RISK REGISTER – KEY POINTS

The risks currently analysed in the Strategic Risk Register are the following:

- The Commission is seen as ineffective in tackling breaches of duty
- Active use of common grazings declines
- The regulatory backlog becomes unmanageable and continues to grow
- It gets even harder for young people to access crofts
- Commission loses credibility because of Governance issues outlined in Deloitte report
- Future recruitment becomes more difficult because the Commission is tied to SG HR policies and cannot offer home working contracts.

The Column headed "Controls Confidence Level" indicates the level of resource and action that we are taking to address these risks. For each of them the level is either "reasonable" or "substantial" – indicating that there is no strategic risk that the Commission is unable to address.

The "Current Risk Scores" are a combination of the likelihood of the risk materialising and the potential impact on the Commission's aims if it did occur. Our judgement is that these risk scores have fallen (i.e. improved) for both tackling breaches of duty and managing the regulatory backlog. This is essentially because of the improved staffing position in RALU and Regulatory.

Nevertheless, the risk scores remain quite high for RALU and grazings (both at 100) and the backlog (75). The backlog score is lower than the other two because the risk itself is easier for the Commission to control, with sufficient resources, while the risks for RALU and grazings depend very much on the actions or inactions of crofters themselves.

The risk score for “it gets harder for young people to access crofts” is somewhat lower, not because this problem is any easier to fix, but because it is not generally seen as wholly the Commission’s issue. To the extent that this is a wider economic or Government issue, it can be scored lower on the Commission’s risk register.

The risk score for the Governance/Deloitte risk is now very low, in the light of the progress that has been made in addressing the Governance risks since 2021. Officials recommend that this risk can now be discharged from the Risk Register.

Impact:	Comments
Financial	Risk management is a tool to help ensure that the Commission’s resources are deployed where they are most needed.
Legal/Political	The risks identified in the Strategic Risk Register are critical to stakeholders’ perceptions of the Commission.
HR/staff resources	Risk management is a tool to help ensure that the Commission’s resources are deployed where they are most needed.

RECOMMENDATION

The Board is invited to note the Strategic Risk Register, make any comments, and agree to discharge the risk about the 2021 Deloitte report.

Date 22 November 2022

Author Bill Barron, CEO

Risk Category	Risk ID	Risk Description	Controls in Place	Current Impact	Current Likelihood	Current Risk Score	Change to Risk explanation	Actions Planned	Controls Confidence Level	Target Impact	Target Likelihood	Target Risk Score	Target Date	Risk Owner	Date last updated
				25	4	100	Fallen		Reasonable	25	2	50	Mar-23	Joseph Kerr	20/11/2022
Strategic	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 complement will be expanded by 2022/23 to 7 B1s to deliver these policies in priority order. The scope of the work of the team was extended within existing resources in 2021/22 to include engaging with non-resident owner-occupier crofters and resident non-cultivating tenants.	25	4	100	Fallen	The RALU Team was expanded by 2 B1s taking up post from 5 September 2022, bringing the total to 6. A further recruitment exercise will be undertaken in the Autumn to recruit a seventh B1. Corresponding expansion of enforcement activity. To extend the work of RALU team in 2002/23 to (i) engage with non-census returners (both tenants and owner-occupier crofters) whose address would indicate that they are in breach of the duty to be ordinarily resident, and (ii) occupiers of vacant crofts who are not residing on or near the vacant croft or cultivating or using the vacant croft for another purposeful use. In addition, the Scottish Government has launched an initiative to take its own action on duties in crofts where it is landlord, which has enabled the Commission to focus this year on breach of duties by tenants of private estates and owner-occupier crofters. Recent landlord events demonstrated a growing awareness by landlords and their agents of the work undertaken by the Commission in tackling breach of duty cases.	Reasonable	25	2	50	Mar-23	Joseph Kerr	20/11/2022
Strategic	S2	Outcome 2: Active use of common grazings declines	Support and guidance, coupled with face to face training courses are being provided to existing and new members of grazing committees. Reminders are being sent out to committees whose term of office will expire guiding them on the process of appointing a new committee. We will begin carrying out special projects to target long term out of office situations. The Development team are making contact with every new committee which goes into office to promote activity/development and diversification opportunities. Regulations work will be reactive until staffing situation returns to normal level	25	4	100	Static	Grazings workshops to be delivered to Argyll and Shetland area and discussion to take place with FAS to explore further funding of workshops given demand in other areas. Consider a follow up with all attendees for feedback and promote the use of both grazings and development teams within Commission. Dedicated A3 resource to focus on grazing committee appointments to maintain/increase total number of grazings committees. Continue to work closely with development team and Comms to promote activity on common grazings in line with good practice and legislation. We will continue to work with common grazings parties who are experiencing difficulties to find workable resolutions. New regulations continues to be difficult to progress with current resource but recruitment in process.	Reasonable	25	2	50	Mar-23	Finlay Beaton	06/10/2022

Risk Category	Risk ID	Risk Description	Controls in Place	Current Impact	Current Likelihood	Current Risk Score	Change to Risk explanation	Actions Planned	Controls Confidence Level	Target Impact	Target Likelihood	Target Risk Score	Target Date	Risk Owner	Date last updated
Operational	S3	Outcome 3: The regulatory backlog becomes unmanageable and continues to grow	Recruitment of Casework Officers and Regulatory Caseworkers has been ongoing throughout 2022 to considerably expand the regulatory team from 21.5 to 29.5 staff (currently at 24 staff). All posts have been appointed and the final intake of new staff will take place over December and January 2023. Training has been intensive over the last year and has resulted in the progression of 16 staff in Regulatory Caseworker processes and 7 Casework Officer processes. Extra steps introduced in response to the outstanding casework continues, including: overtime; an additional acknowledgment to applicants; more proactive management of the casework progression; and messaging shared on various platforms about how the situation will affect new and existing cases.	25	3	75	Fallen	New regulatory caseworkers are soon to join the regulatory team and will embark on the training program. This will improve capacity and resilience for the casework steps that are undertaken by the Regulatory caseworkers. A planned change to the structure of the team will accommodate the new staff and allow for Regulatory Caseworkers to be associated with a specific geographical area which will help improve efficiency and customer service. The new Senior Casework Officers are putting in place new processes to ensure that queries and complex cases are progressed appropriately which should reduce pressure on the Regulatory Support Team and help improve the efficiency of casework through the system. The new release of CIS alongside the new process to raise, prioritise and progress change improvements will allow improvements to the speed and quality of casework processing. Further improvements beyond CIS processes are also in discussion.	Reasonable	10	2	20	Mar-23	Heather Mack	09/11/2022
Strategic	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. Increased liaison with SGRPID in their capacity as Landlord to assist and complement work on underused crofts on their estates which is being used for a more outward focus with other Landlords. RALU work expanded to tackle more owner occupier crofters. For those crofts which do become available for the Commission to let, we adopt a proactive policy to prioritise new entrants. Building links between Grazings and Development Teams to increase the interest in and availability of crofts for new entrants. Development team initiatives to promote 'living succession'.	10	4	40	Static	The second event for crofting landlords is scheduled for 17th November in Brora covering the North and East Highland areas. Further Landlord events will be held in Portree and Oban before March 23. A meeting for Assessors will be held in October where consideration will be given to their future use and functions. Further discussions will be held with SLMS regarding creation of a database for new entrants coming into crofting. We will continue working with Grazings team staff on delivery of grazings training through FAS. and other events involving the Assessor network	Reasonable	10	3	30	Mar-23	Arthur MacDonald	06/10/2022
Governance	S5	Commission loses credibility because of Governance issues outlined in Deloitte report	All of the 41 Deloitte recommendations implemented and incorporated into Commission Governance Framework. Deloitte have reported to the AFC (27 July) and Board (18 August) that they have reviewed and confirmed all recommendations have been implemented and they are pleased with the progress made by the Commission within a very short timescale.	10	1	10	Static	Auditor General for Scotland is to provide a follow up report for the Scottish Parliament Public Audit Committee relating to the Section 22 issued for 2020/21. It is anticipated that this will be finalised in early December (the timing is outwith the Commission's control). The Section 22 update and Annual Report & Accounts for 2021/22 will be laid before Parliament mid December, The Commission intends to undertake a Communications exercise to publicise both Deloitte and Audit Scotland's reports after this event. Recommend this risk is discharged.	Substantial	10	1	10	Jun-22	Neil Macdonald	04/10/2022

Risk Category	Risk ID	Risk Description	Controls in Place	Current Impact	Current Likelihood	Current Risk Score	Change to Risk explanation	Actions Planned	Controls Confidence Level	Target Impact	Target Likelihood	Target Risk Score	Target Date	Risk Owner	Date last updated
People	SG6	Future recruitment becomes more difficult because the Commission is tied to SG HR policies for recruitment, while our recruitment competitors may be able to offer home working contracts.	Written policy on hybrid working, published March 2022; GGH and other RPID offices available to Commission staff who need or wish to use them, but most teams are using a substantial amount of home working. We are being flexible in our recruitment: while requiring every permanent member of staff to have an office base within the crofting counties, informal assurances are being given that requirements to travel to the office will be reasonable.	10	3	30	Static	Refinement of the hybrid working policy is planned, including to clarify the extent to which we wish to retain a concept of 'core hours' when staff are expected to be at work. Further thought to be given to what happens if an existing member of staff wants to move their home location and office base, within or beyond the crofting counties.	Substantial	5	2	10	Mar-23	Bill Barron	15/11/2022

CROFTING COMMISSION MEETING

30 November 2022

Report by the Chief Executive

Regulatory Casework Update

SUMMARY

A high volume of outstanding applications awaiting decision continues to be a challenge for the Commission. Recent reporting, at Annex A, seems to indicate that the situation is improving, with the decision rate having risen to pre-pandemic levels and the number of applications awaiting decision appearing to plateau.

The monthly reporting includes Crofting Commission applications and notifications. This paper, at Annex B, also introduces and provides initial analysis of the wide range of other casework undertaken by Commission staff which is not captured within the standard monthly counts, either directly or at all.

THROUGHPUT OF REGULATORY APPLICATIONS

A high volume of outstanding applications awaiting decision continues to be a challenge for the Commission. Recent reporting seems to indicate that the situation is improving:

- ~523 cases were decided during the three months up to the end of October, which suggests that the decision rate had increased such that the Commission was once more deciding upon roughly as many applications as it expected to receive and decide before the pandemic¹, circa 2000 per annum; and
- The total number of regulatory applications awaiting decision, appears, during the last six months, to have stopped increasing, at around ~1000 outstanding cases.

However, it is difficult to make reliable inferences based on monthly or short-term changes in our current reporting and these early positive signs should be read accordingly, with caution.

Further details regarding the number of applications decided in recent months and the number of applications awaiting decisions are provided at **Annex A**

Next Steps

As discussed at previous Board meetings, expansion of the regulatory casework team has been a key element of the improvement strategy. Following the recent recruitment competition in September, the staff resource available to process regulatory casework is now increasing further; and, as a result, the level of trained staff resource is expected, next year, to meet the increased allocation² that was agreed in April 2022.

¹ The number of regulatory applications received by the Commission fell from a historic norm of circa ~2000 per annum to ~1650 in 2020-21 and ~1870 in 2021-22. It remains to be seen whether the relaxation of COVID protections will see the number of new received cases rise above the historic norm in the short term.

² An increase from 21.5 to 29.5 full time equivalent staff (B3 and below) was agreed in April 2022.

Opportunities to make further changes to improve regulatory casework performance and productivity are also being explored and details of the emerging proposals and plans will be provided in the new year. Improvements to the quality of management information are among the further changes needed; and are being progressed ahead of that wider planning. To inform improvements to management information, we are collating a fuller articulation of the breadth of regulatory and related work undertaken by the casework teams; and the results of initial steps are summarised in **Annex B**.

Hereafter, it is intended that this information will inform development of:

- more rounded reporting, to better inform work planning and resourcing decisions, including at an operational level within the regulatory teams; and
- a shorter, one-page, covering dashboard to summarise more succinctly and consistently for the Board the information most needed to inform strategic oversight.

Impact:	Comments
Financial	There will be an enduring requirement for higher staffing levels to deliver regulatory casework.
Legal/Political	Casework delays can have negative implications for the ease of regulatory decision-making and have reputational impacts for the Commission.
HR/staff resources	Sustained high volumes of outstanding regulatory casework mean ongoing pressure on staff resources in casework teams and beyond. High levels of management resource have been focused on recruitment and training, to grow the teams.

RECOMMENDATION

The Board is invited to note:

- **the latest monthly statistics, at Annex A, on the throughput of decision-making on regulatory applications, as of 31 October;**
- **the summary, at Annex B, of other regulatory casework and related activity that is not otherwise routinely reported in the regular monthly statistics; and**
- **that that additional information is being collated to inform proposals, currently under development, to report the status of our regulatory casework more succinctly, fully, and consistently in the future.**

Date 9 November 2022

Authors Heather Mack, Head of Operations
Chris Reynish, Director of Operations and Policy

MONTHLY REGULATORY CASEWORK UPDATE

There have been some signs of improvement in recent months to the throughput of regulatory casework. *Figure 1*, below, shows the changes to casework volumes and throughput over time. There had been a clear increase in the number of applications awaiting decision since April 2020, including sharper increases in 2021 and early 2022, which mirrored staff departures. Throughout the majority of 2022 that increase had slowed; and the number of outstanding cases is no longer showing an overall increase and instead appears to be steady or turning downward. It is difficult to make reliable inferences based on short-term changes¹ in our current reporting and further monitoring in coming months will assess whether the number of applications awaiting decision is now decreasing.

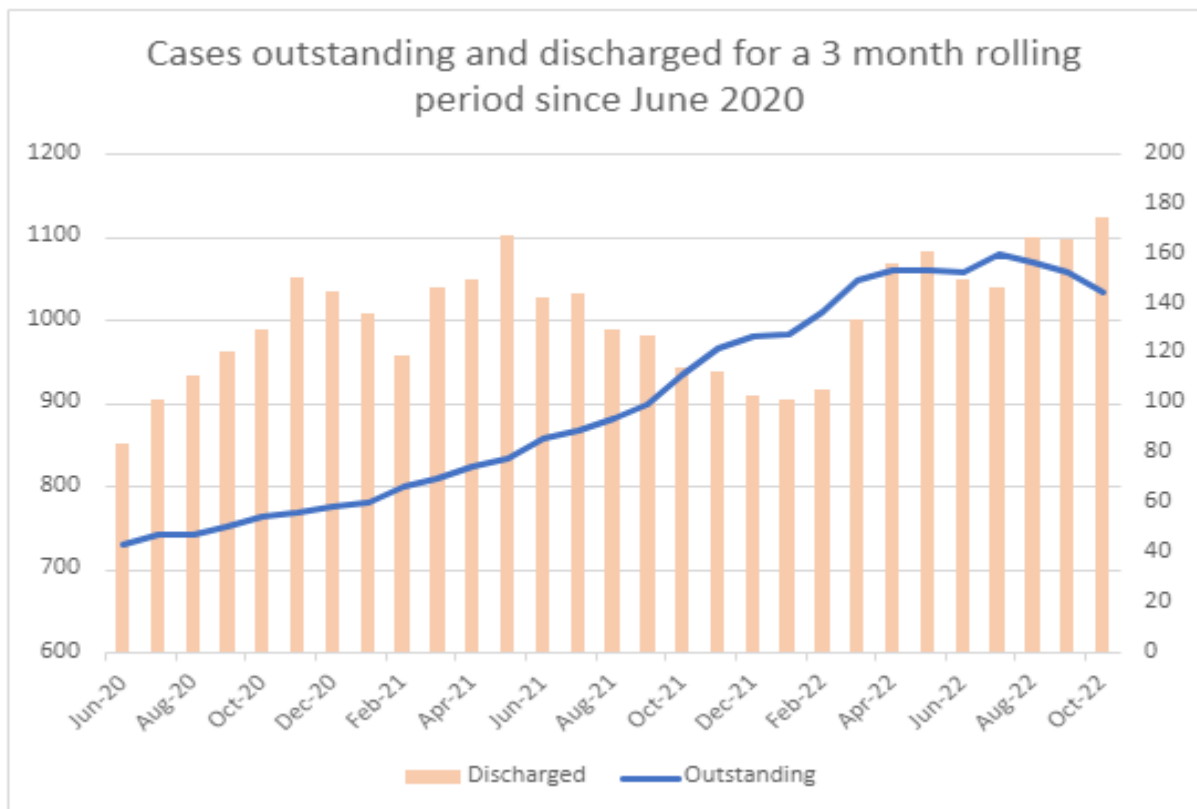


Figure 1 – The rolling three-month average² of the number of outstanding cases at month-end (blue line, left hand axis) and the rolling three-month average of the number of cases discharged each month (orange bars, right hand axis).

Figure 1 also shows the numbers of cases decided upon each month. A low in the number of cases decided each month is apparent in late 2021 and early 2022. Since March/April 2022, the number of cases decided each month has clearly increased and this has been maintained. Further increases have been seen in the last three months, with the number of decided cases above 500 per quarter during that period – the Commission was then deciding upon broadly the same number of cases as it expected to receive and decide upon before the pandemic.

¹ The reported number of applications awaiting decision can fluctuate a lot, daily. The value shown for October, in particular, is known to be unrepresentatively low due to an extended delay in recording new cases in the Crofting Information System at the end of the month. The variation in the reported numbers of applications received and decided each month can also be high. Work is underway to improve data quality.

² A rolling three-month average is the average of the values reported for each of the previous three months. It is used to reduce the impact of short-term fluctuations in the data.

COLLATING A FULLER ARTICULATION OF THE BREADTH OF REGULATORY AND RELATED WORK UNDERTAKEN BY THE CASEWORK TEAMS

The monthly casework statistics have been reporting the work required to bring Crofting Commission applications and notifications, as defined in crofting legislation, to the point of decision. The case types included in that reporting are listed in *Table 1*, below. *Table 1* also shows the Crofting Commission teams involved in processing these case types.

Case type	Processed by			
	Regulatory Team ¹	Regulatory Support Team ²	GIS Team	RALU Team
Apportionment	Yes	Yes	Yes	No
Decrofting - Croft House Site and Garden Ground	Yes	Yes	Yes	No
Decrofting - Part Croft	Yes	Yes	Yes	No
Decrofting - Whole Croft	Yes	Yes	Yes	No
Subletting	Yes	Yes	Yes	No
Create a new croft	Yes	Yes	Yes	No
Testate Succession - Bequest of Croft Tenancy	Yes	Yes	No	No
Division - Tenant	Yes	Yes	Yes	No
Division - Owner-Occupier Crofter	Yes	Yes	Yes	No
Decrofting - S17 & S18 Feu	Yes	Yes	Yes	No
Decrofting - Whole Croft - House Site Only	Yes	Yes	Yes	No
Assignment - Holding	Yes	Yes	No	No
Assignment - 3(4) Share	Yes	Yes	No	No
Letting - Landlord of a vacant croft	Yes	Yes	No	No
Letting - Owner-Occupier Crofter	Yes	Yes	No	No
MP MSP Correspondence	Yes	Yes	No	No
Consent to be absent initial app	No	Yes	No	Yes
Consent to be Absent - Extension	No	Yes	No	Yes
Exchange of croft land	Yes	Yes	Yes	No
Intestate Succession	Yes	Yes	No	No
Short Term Letting	Yes	Yes	Yes	No
Letting - Crofting Commission	Yes	Yes	Yes	No
Crofter Forestry	Yes	Yes	Yes	No
Letting - Proposals Required - S23(5)	No	Yes	No	Yes
Purchase by Tenant or Tenant's Nominee	Yes	Yes	No	No
Change of Landlord of a Tenanted Croft	Yes	Yes	No	No
Change of Landlord/Owner Occupier of vacant croft	Yes	Yes	No	No
Change of Owner-Occupier Crofter	Yes	Yes	No	No
Letting - Proposals Required - S11(8)	No	Yes	No	Yes
Enlargement of a tenanted croft	Yes	Yes	Yes	No
Change of Ownership	Yes	Yes	No	No

¹ The Registration sub-team is included in the Regulatory Team in this table.

² The Regulatory Support Team may be involved in any of the case types but will not be involved in all cases and are only involved if support is needed or if the application is escalated to Tier 2 or above.

Table 1 – List of case types that are included as part of the monthly reporting and the teams that are involved in each of the applications. The total received for all of these case types for the last year (November 2021 to October 2022) is 1814.

Previous Board discussions about the monthly casework statistics have noted that a count of the number of applications awaiting decision is not an adequate indicator of the total regulatory workload delivered by the Commission. Some applications in the count are much more labour-intensive than others; and there are several areas of casework in addition to bringing applications to the point of decision. For these reasons, we are developing more rounded reporting. As an early step towards achieving that, we have collated here a broader articulation of the different areas of casework undertaken by the Crofting Commission.

Casework that is not included in the monthly statistics

Other types of casework, additional to those that are included in the monthly casework reporting, are set out in *Table 2*, below. *Table 2* also indicates the numbers of cases of those types that have been received in the last year, a total of 3074. Typically, the cases included in the monthly reporting (*Table 1*) are more time consuming and do represent the bulk of the work done by the Regulatory Team and more widely across the organisation. There are some exceptions to this, for example, some 'first registration applications' (Form As) can be quite challenging if they reveal discrepancies between the Register of Crofts and the application.

The case types in *Table 2* have been broadly categorised into five areas:

- Applications and updates associated with the Crofting Register held by Registers of Scotland (ROS). There is a high volume of these cases. The Crofting Commission is responsible for conducting checks on first registration applications before they can be passed to Registers of Scotland. Checks include confirming that the application, and particularly the boundary map, is valid according to ROS guidelines. Checks also include ensuring that the application is consistent with the information, including map-based information, that is held in the Commission Register of Crofts. For subsequent event registrations, these are associated with Crofting Commission applications and follow on from the decision. These involve checking the form and forwarding it to Registers of Scotland. Rectifications to the Crofting Register are an aspect that Commission may also be involved with, especially in the case of registered Grazings since the Commission was the applicant in those cases. A further application that is processed by the Commission is 'notification following a regulatory decision' (Form G) which is not a separate case in CIS and so is not included in *Table 2*. These applications total 217 submitted to Registers of Scotland over the last year (data provided by ROS).
- For Scottish Land Court applications, the Crofting Commission is responsible for checking the information and providing any information that the Scottish Land Court require.
- Updates to the Crofting Commission Register of Crofts are updates to croft or individual details that do not pertain to a 'notification' as defined by the legislation. These are usually straightforward cases but as shown in the table 1278 cases of this type were received by the Commission in the last year.
- Applications to the Crofting Commission that do not have a defined workflow set are for unusual application types that do not yet have a specific workflow on CIS built for them.
- The final category includes Freedom of information requests and Environmental Information Regulations, which are responsibilities which require members of the regulatory team and other teams to collate and redact information as required for these requests. Complaints are also an area of work for the team and the numbers reflect complaints dealt with at stage 2 for the whole organisation.

Area of work	Case type	Cases received over the last year (Nov 2021 to Oct 2022)	Total for the area of work	Current number of cases active (prior to case outcome)
Registers of Scotland Crofting Register	Croft first registration Form A	838	1745	429
	Subsequent event registration Form B	680		111
	Rectifications (croft and grazings)	227		39
Scottish Land Court applications	Resumption order croft	21	43	7
	Challenge to first registration	10		17
	Resumption notification	12		6
Updates to Crofting Commission Register of Crofts	ROC update - new holding details	107	1278	2
	ROC update- ad-hoc update (holding)	356		5
	Renunciation	17		9
	General enquiry croft or individual	225		82
	Follow up notification of death	214		39
	Individual deceased	277		2
	Conditions of let varied	1		2
	Change of rent	2		0
	Change of personal information	73		3
	Change of croft name	6		2
Applications to the Crofting Commission	Applications without a workflow set (mainly apportionment review cases)	8	8	10
FOIs and Complaints	Freedom of Information/Environmental Information Regulations	38	62	5
	Complaints	24		7
TOTAL			3074	765

Table 2 – Table outlining the different casework processes that are conducted by the Crofting Commission that are not included in the monthly reporting (excluding cases from the Grazings and RALU teams).

Some of the case types in Table 2 are routine and quick and easy to implement, for example, updating the Commission’s Register of Crofts following notification of a death. While 277 such notifications were received over the last 12 months, only 2 were live at the end of October, which suggests that the Commission is well able to keep on top of this element of our casework. Conversely, where the count of live cases is a high proportion of the annual cases received, this reflects a case type which carries a significant volume of work and/or complexity. In particular, 429 live Form A applications compared to 828 annual applications, is a similar proportion to that for the “main” case types in Table 1. This is unsurprising, because many of these sit alongside regulatory applications and will remain open until a decision is taken on the application.

Work outside CIS

Other responsibilities are not included in the monthly reporting as they are not cases in CIS. These include general enquiries that are not included within CIS cases. Over the last year the majority of general enquiries were responded to directly rather than saved in CIS by the Regulatory and Corporate and Customer Services teams as well as other teams.

Work required after the decision point is reached

The monthly reporting describes cases as outstanding from when they are received until a decision is taken on the case. However, the Commission has responsibilities to fulfil beyond the point of decision. These includes communicating the decision outcome and, for specific case types, certain steps are included in the workflow beyond the decision, which are outlined in *Table 3*, below. These are all typically straightforward processes such as writing out to crofters or making updates. The outstanding number for the extent update on the ROC (4006) is particularly high. This is due to a process that is awaiting technical changes to allow a bulk update to be made. The other categories in this table do not have any cases outstanding beyond the trigger point at which they require action.

Case type	Description of processes to follow after decision	Number of open cases in this category
Decrofting CHS&GG and Part croft	For decrofting directions that are issued in advance of purchase. This means that the crofter has a condition on the decrofting to purchase the site within 5 years. For these cases they are written to 2 years after the decision and again at 4 years and 6 months after the decision to remind them.	361
Subletting and Short term letting	The applicants are written to once the let is completed (for example in 5 or 10 years) and the cases will remain open until that time.	597
Apportionment	The applicant is written to 18 months from the date the order was issued to enquire about whether the site has been fenced.	24
Termed Apportionment	The applicant is written to, to advise that the termed apportionment has come to an end.	54
Crofter Forestry	The applicant is written out to, to advise that the crofter forestry scheme has come to an end.	5
Notification to Registers of Scotland following a regulatory decision	This is part of the process for Commission applications after the decision is taken to notify Registers of Scotland to update the Crofting Register (Form G). The steps are within the workflow for the main case and so numbers of these have not been obtained.	Data not currently available
Follow up notification of death	After the death is noted on the ROC the Commission writes out to provide guidance on how to resolve the outstanding succession and invite either bequest or intestate succession notifications	163
Update to extent in the ROC	After any change is made that may affect the extent measure for the croft the case is forwarded to the GIS team in order to update the extent on the Commission ROC.	4006

Table 3 – Cases that contain specific tasks after the decision has been recorded on the case.

CROFTING COMMISSION MEETING

30 November 2022

Report by the Chief Executive

Corporate Plan 2023-2028

SUMMARY

This paper presents a revised draft Corporate Plan for 2023-2028, and invites the Board to approve this for submission to the Scottish Ministers.

BACKGROUND

The Board discussed the content of the next Corporate Plan at its meeting on 27 September and considered a first draft at its meeting on 26 October. At the latter meeting the Board commended the first draft but asked for a number of changes, in particular to make the aims as clear and achievable as possible.

SECOND DRAFT CORPORATE PLAN

A draft is attached at **Annex A**. Changes since the first draft are shown in tracks.

NEXT STEPS

Subject to any further changes requested by the Board, this Plan will now be submitted to the Scottish Ministers, who may then approve it or to ask for revisions.

Impact:	Comments
Financial	The aims agreed by the Board and Scottish Government, and set out in the new Corporate Plan, will inform the Commission's negotiations with SG over each year's Grant-in-Aid, and also the deployment of resources within the Commission.
Legal/Political	When approved, the Corporate Plan can be seen as the key document that underpins the partnership between the Crofting Commission and the Scottish Government.
HR/staff resources	The Corporate Plan will set the strategic context for the deployment of Commission staff over the next 5 years.

RECOMMENDATION

The Board is invited to approve the draft Corporate Plan.

Date 22 November 2022

Author Bill Barron, CEO

SECOND DRAFT CORPORATE PLAN

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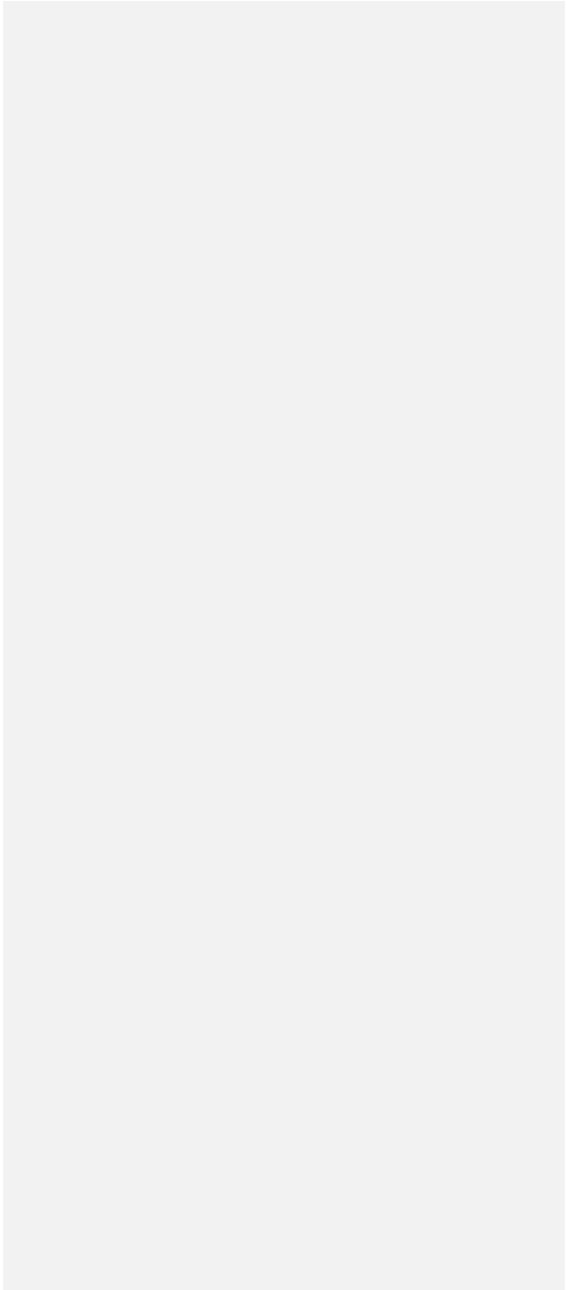
2023-2028



CROFTING COMMISSION
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INTRODUCTION

In 2021, the Scottish Government published its landmark *National Development Plan for Crofting*, recognising the importance and value of crofting and setting out its vision for its continued evolution within the Highlands and Islands. The Government's first commitment in the NDP was that "*The Crofting Commission will expand its current capacity, going beyond the delivery of regulatory functions to further enhance its role in crofting development activity.*" This is a task that the Commission has been delighted to accept. Our constitution, with a board of 6 elected crofters and 3 appointed commissioners, and with many of our staff having roots in crofting communities and/or a deep understanding of crofting from many years at the Commission, enables us to champion crofting in a way that no other public body can.

However, at the same time, the Commission was facing considerable challenges with the delivery of regulatory casework. The demands of an increasing number and increasing complexity of applications were multiplied by the disruption of the covid pandemic and, later, an unusually high number of staff retirements or promotions into the Scottish Government or elsewhere. The result was a significant backlog of casework which we are still working through.

As a Commission we aspire to the highest possible standards in all of our roles. Our principal responsibilities are: responding fairly and timeously to casework applications; proactively addressing breaches of duty by crofters; and promoting and developing crofting for the benefit of crofters, the Highlands and Islands, and Scotland as whole. The Scottish Government's increased investment in the Commission, from 2022/23 onwards, will enable us to deliver on all of our responsibilities over the period of this 5-year Corporate Plan.

The nature of the organisation is changing. We have expanded our Information Services team and invested in IT systems, bringing to crofting communities the convenience of being able to complete their annual census online, and to make regulatory applications using our very highly rated online portal. Using the technology and techniques developed during the pandemic, we now have several staff at a distance from Inverness, meaning that that more of them are living alongside, or are members of, the crofting communities that we serve. In 2023 we will be recruiting an expanded panel of assessors to support the Commission in its work and to represent the Commission in communities. In all these ways and others, we are determined to be a Commission that is approachable and accessible to crofters.

This Corporate Plan sets out more detail of our plans for the next 5 years. We commend it to you.

Malcolm Mathieson – Convener

Bill Barron – Chief Executive

CROFTING IN MODERN SCOTLAND

Crofting has its roots deep in Scottish history, and has existed as a regulated system since the Crofters Holdings (Scotland) Act 1886. There are now some [14,000] crofters on over 20,000 crofts, and they form the backbone of many communities across the Highlands and Islands, including Moray, Argyll and Arran. Crofters run a great variety of agricultural and other business activities, ranging from traditional livestock and food production, to tourism activities, energy production, forestry, environmental conservation and much else. There is no such thing as a ‘typical crofter’. Some can trace their holding on the land back several generations, while others are recent entrants; some crofts are very small, others relatively large; the nature of the land varies greatly according to the geographical location. But what all crofters have in common are their duties to reside within 32 km of their croft, and to keep their croft land in good condition and put it to purposeful use.

As a system which has always given land rights to the many, crofting sits foursquare within the Scottish Government’s agenda for the control and use of land.

The Scottish Government’s and the Crofting Commission’s vision for crofting is to enable crofters to continue to be at the heart of communities across the Highlands and Islands and to make the maximum possible contribution to modern Scotland. This will include:

- Local, sustainable, food production
- Contributing to the economy of the highlands and islands through traditional and innovative business activities
- Playing a full part in the drive to protect Scotland’s biodiversity and to achieve net zero for the nation,
- Providing a focus for the continued strength of remote communities, and preserving their unique culture.

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WHO WE ARE

The Crofting Reform (Scotland) Act 2010 created the Crofting Commission, which came into being on 1 April 2012, taking over from the Crofters Commission. It is a Non-Departmental Public Body (NDPB) which operates on a day-to-day basis independently of the Government, but for which Scottish Ministers are ultimately responsible. The Commission consists of six Crofting Commissioners elected from six geographical areas in the crofting counties, and three Commissioners appointed by the Scottish Government. One of the nine Commissioners is appointed by the Scottish Ministers as Convener. The Commission is supported by a staff of some 70, led by a Chief Executive (who is appointed by Scottish Ministers in consultation with the Convener of the Commission). The Commission's Headquarters is in Great Glen House, Inverness.

WHAT WE DO

The Crofting Commission's principal functions are regulating crofting, re-organising crofting, promoting the interests of crofting and keeping under review matters relating to crofting. The Act places a duty on the Commission to investigate reports of breaches of duty by tenants and owner-occupier crofters. It can advise the Minister on matters relating to crofting and it can also collaborate with other bodies for the economic development and social improvement of the crofting counties. As a public body, the Commission is subject to, and has duties under, a range of other legislation, but this Plan focuses on the Commission's duties and powers under the Crofting Acts.

This Corporate Plan sets out our aims and objectives for the next 5 years, grouped around 4 outcomes, with the key strategic actions for each being the following:

Customer service: We receive over 1500 regulatory applications from crofters every year. We will uphold high standards of fairness in our regulatory decision-making, and we will improve the customer's experience in terms of timeliness of our decision-making, online facilities, and clear communication.

Developing and supporting crofting: We will implement the Scottish Government's *National Development Plan for Crofting*, and will promote an innovative crofting sector with thriving communities and action on biodiversity and carbon sequestration. We will regulate and support grazings committees in their work, We will communicate effectively about crofting and its regulation, to crofters and the wider public.

Residency and land use enforcement: We will use our powers to address breaches of crofting duties so that more crofters work their crofts and are resident on or near their crofts.

Governance and workforce: We will strive for best practice in governance, workforce development and financial planning, drawing on the recommendations of internal and external auditors.

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OUR VISION

All of our responsibilities, whether regulating or promoting crofting, are focussed on securing the benefits that the regulated crofting system brings to crofters and the wider community, in terms of population retention, economic resilience, and land use that is both productive and sustainable. Our vision therefore is a simple one:

That crofts and crofting communities continue to enhance the social, cultural, economic and environmental fabric of the crofting areas

OUR PURPOSE

The Commission's powers and duties give us many opportunities to interact with crofters and crofting communities, whether we are making a decision on a regulatory application, investigating a case of absenteeism or neglect, supporting a grazings committee, or gathering evidence about the strength of crofting communities. In all our interventions we seek both to respect and uphold the rights of crofters, and to protect and promote crofting opportunities for the future. By thoughtful and effective regulation, the Commission can contribute in a variety of ways, enabling through its decision-making support for individuals, creation and support of local businesses, and population retention. In other circumstances, such as enforcing compliance with crofters' residency and land use duties, the Commission can make a direct difference over time by ensuring residency of crofts, therefore supporting population retention, and good land management through cultivation and maintenance of croft land.

Our purpose is therefore:

To regulate the crofting system fairly, and to protect and strengthen it for future generations

OUR VALUES

The Commission has developed corporate values which reflect what is important to us as an organisation and are at the heart of how we strive to operate on a day to day basis.

Caring for crofting communities and environment

Positive teamwork

Commitment to service quality and improvement

Encouraging staff and commissioner development

Being fair and impartial

CUSTOMER SERVICE

Outcome 1: Crofting is regulated in a fair, efficient and effective way

The Crofting Commission is committed to high standards of customer service, especially in our responses to regulatory applications. This means decisions that are rigorous and fair, and also timely. We believe that continuous improvement within the organisation is vital and that by investing in the people and systems that will deliver the Regulatory processes of the Commission, and by being open and accessible to crofters and their agents and solicitors, we will deliver improved services to the crofting communities that we serve.

We will:

- Deliver, by the end of 2023, a significant improvement in turnaround times for regulatory applications
- Continue to ensure that our policies and decisions are fully compliant with the Crofting Acts
- Provide high quality information to crofters, agents and solicitors, helping them to navigate the application process
- Maintain the accuracy of the information that is openly available through the online Register of Crofts
- Be accessible to applicants and other enquirers, answering their queries within reasonable timescales
- Roll out online applications and online checks of progress, making it easy for crofters, solicitors and agents to use them

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What will success look like?

- We will see improved turnaround times for Regulatory applications
- We will see improved Customer Satisfaction rates
- When our decisions are challenged, the great majority of them will be upheld by the Land Court

DEVELOPING AND SUPPORTING CROFTING AND PROMOTING ITS FUTURE

Outcome 2: Crofting continues to thrive and to evolve.

The Commission must promote the interests of crofting and keep matters related to crofting under review, advising the Scottish Government as necessary. We are committed to fulfilling our leading role in promoting a thriving and diverse crofting sector, in accordance with the Scottish Government's 2021 *National Development Plan for Crofting*. We can use our influence to promote crofting both now and for the future. To support this, we will continue working closely with key crofting stakeholders and the Scottish Government to identify and prioritise areas of action.

We will:

- Communicate effectively with crofters, stakeholders and the public to explain and demystify how the crofting system works, including signposting to other specialist sources of advice, information and support
- Support grazings committees to manage the common grazings actively
- Develop a network of assessors, grazings clerks and others to encourage a culture of residency, active use of croft land, and turnover of crofts
- Work with Scottish Government and others to identify priorities for legislative change
- Support landlords and crofters who wish to take forward joint initiatives on common grazings, especially to enhance biodiversity and carbon sequestration
- Facilitate decrofting for affordable housing developments when this is compatible with our regulatory responsibilities

What will success look like?

- We see an increase in the number of common grazings with a committee in office
- We see an increase in the rate of turnover of crofts and the number of new entrants to crofting.
- We see enhanced use of croft land, including common grazings, both for traditional and innovative purposes.

Deleted: <#>Encourage productive use of croft land, in ways that enhance the economy and communities¶

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Deleted: <#>Support planning authorities in developing plans and taking decisions related to croft land¶
<#>Develop measures to monitor the overall usage of croft land, to inform action by the Commission and others¶

RESIDENCY AND LAND USE ENFORCEMENT

Outcome 3: Crofts are occupied and used

Our role in enforcing compliance with crofting duties is a vital part of our work to maintain and strengthen the crofting system. We will use our powers consistently and over the long term to regulate and encourage the active use of crofts, and to support population retention and growth. Where possible, we will work with others to increase the understanding of the value of croft land as an asset which can contribute to the sustainable development of crofting communities and the financial viability of croft households.

We will:

- Provide information to crofters explaining their responsibilities and their options for resolving any breaches of duty
- Take action on reported and other suspected breaches of duty, by tenant crofters and owner-occupier crofters
- Require absentee landlords of vacant crofts to let them
- Seek action from crofters who do not submit a census return, to ensure they are complying with their duties
- Work with landlords, grazings committees and communities to encourage adherence to crofting duties

What will success look like?

- We see reported breaches of duty being resolved successfully with a positive outcome
- We see a reduction in the number of crofts which are legally vacant

Deleted: <#>We see higher rates of residency and cultivation of crofts¶

OUR GOVERNANCE AND WORKFORCE

Outcome 4: Our workforce is skilled and motivated, and our governance processes are best practice.

We believe it is important to have a high performing workforce both now and in the future. We know that to achieve this, there needs to be investment in staff recruitment, training and development, as well as in maintaining the cohesiveness of our team now that it is spread across many parts of the crofting counties. Equally, we are committed to best practice in governance and Board and Executive Team level, and we will draw on training opportunities and audit reports to ensure we maintain high standards.

We will:

- Update our Workforce Plan and our Medium Term Financial Plan annually
- Commit resources to Board and staff training to ensure that everyone is equipped to fulfil their role
- Maintain a 'no-blame' teamwork culture in which Board and staff work together in their respective roles
- Strive for 100% accuracy in the Register of Crofts and other information that we publish, and uphold high standards in the correct use of information in accordance with the Data Protection Act
- Commit to a date for the Crofting Commission to become 'net zero' as soon as possible
- Deliver a secure and fair election for Commissioners in March 2027

What will success look like?

- We see proactive Workforce Planning and forward financial planning within the organisation
- We see increased job satisfaction across the organisation
- We use technology effectively and exercise control over our direct carbon emissions
- Our financial budgeting and control will continue to be recognised as exemplary

Deleted: <#>Ensure our Governance processes are best practice¶

KEY PERFORMANCE INDICATORS

Each of the outcomes detailed in this plan will be delivered through actions in our annual Business Plans which will also detail specific actions to be delivered and performance targets for each year. Our progress against these targets will be reported in our Annual Reports which will also reflect our overall progress against the high-level success criteria identified in this Corporate Plan and in particular the following:

High Level Indicator
Reduce regulatory application turnaround times
Improve customer satisfaction rates
Reduce the number of live applications awaiting decision
Keep the number of grazings with a committee in office above 500
Increase the annual number of new entrant crofters
Increase the number of breaches of duty resolved by Commission action
Improve our staff engagement rating
Reduce our corporate carbon emissions

NATIONAL OUTCOMES

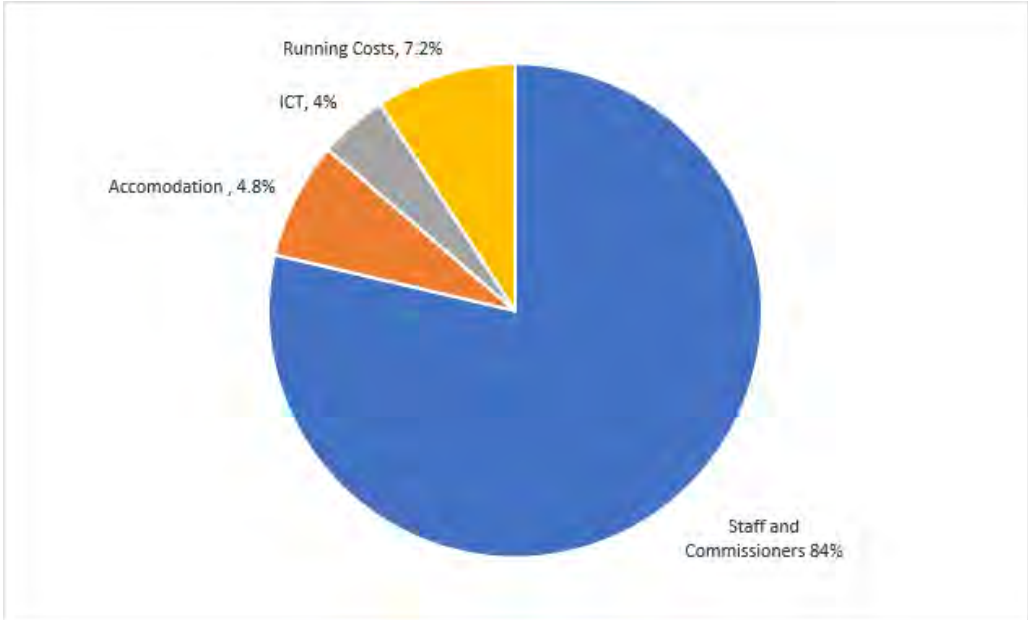
The outcomes of our Corporate Plan are aligned with those of others in the public sector to bring about delivery of the Scottish Government’s National Outcomes contained in the new National Performance Framework. Our main contributions are to 4 of the National Outcomes as summarised below.

National Outcomes	CC Outcomes	How we contribute
We value, enjoy, protect and enhance our environment.	ONE TWO THREE	We recognise the potential that lies within crofts and common grazings and we believe that by ensuring crofts are well managed and by facilitating development of crofts and common grazings through our decision making, we can enable an increase in productive use of croft land for a diverse range of activities. We acknowledge the detrimental impact that unworked crofts have on the well-being and productiveness of crofting communities and the land they occupy. By working with crofters to ensure they are fulfilling their duties in relation to cultivating and maintaining the land and working to increase the number of grazings committees in office, we contribute to better land management across the crofting counties.
We live in communities that are inclusive, empowered, resilient and safe.	TWO THREE	We understand that crofts without a resident crofter or crofter family can create holes in communities which can have far-reaching impacts. Our action to promote and enforce residency makes a direct contribution to maintaining sustainable communities. In addition, we will work with communities to help them understand the value of croft land as an asset and encourage more grazings committees into office to help fulfil the land’s potential through better management of shared assets.
We have a globally competitive, entrepreneurial, inclusive and sustainable economy.	TWO THREE FOUR	We recognise the potential within croft land to support local food and drink production, and also within common grazings to support renewable energy and carbon reduction and we will be mindful of this through our decision making, enabling use of crofting assets to support these industries. Within the organisation, we will ensure that our working practices are mindful of our carbon footprint and energy consumption and will progress changes to reduce these.
We respect, protect and fulfil human rights and live free from discrimination.	ONE TWO FOUR	By providing evidence-based information to Scottish Ministers and working with other crofting stakeholders, the Commission has a vital role in ensuring that the legislation and policies regarding crofting are fit for purpose both now and in the future. Further, by ensuring that our workforce are high performing and that the organisation operates in a straightforward and transparent way through process review and change, we can deliver significant improvements in service to the people of Scotland.

BUDGET INFORMATION

The Crofting Commission has been allocated grant in aid of £3.9m for 2022/23, and anticipates a small increase in 2023/24. For planning purposes, we assume that the core budget will then remain at the 2023/24 level in real terms, for the duration of this plan.

A high-level breakdown of our 2022/23 budget is shown below.



CROFTING COMMISSION MEETING

30 November 2022

Report by the Chief Executive

Communications Policy

SUMMARY

1. A paper was presented to the Board in March 2022 which outlined the Commission's external communications strategy and summarised its use of print and electronic communications channels.
2. The purpose of this paper is to:
 - Provide an update on recent developments related to internal communications within the Commission;
 - Remind Commissioners of current external communications activity; and
 - Invite a steer on the organisation's future approach to communications.

INTERNAL COMMUNICATIONS DEVELOPMENTS

In May 2022 all staff were consulted on their experience of internal communications in the Crofting Commission. Staff were asked to provide feedback and insight into: how they communicated with each other; how they would like to be provided with information in the future; and what problems they perceive with the current forms of communication. The survey asked both open and closed questions to provide both quantitative and qualitative feedback.

The results of the survey were used to create an action plan to improve internal communication in line with the wishes of the staff; the results and actions are summarised in **Annex A**. The Communications Officer will distribute an additional survey in May 2023, which will offer a direct comparison to the 2022 survey. The results will then be compared and analysed.

EXTERNAL COMMUNICATIONS

Current Activities and Channels

A range of external communications activities have been and are being delivered on several important issues, summarised in **Annex B**. The Commission has been using a variety of channels for its external communications activities, and these are summarised at **Annex C**.

Objectives and Communications Planning

The Commission's proposed high-level objectives for its external communications activity are to:-

- Enthuse the public about crofting;
- Inform and facilitate public and stakeholder discourse regarding the future of crofting and its role in supporting Government policies; and
- Raise the profile of and protect the reputation of the Crofting Commission and its regulatory and enforcement work.

Next Steps

If the Board agrees that these are the right objectives for the Commission’s external communications activity then they will be used to: inform identification of the Commission’s priority audiences; and develop a communications plan of specific future opportunities to bring influence to bear.

Impact:	Comments
Financial	N/A
Legal/Political	External communications are essential for communicating important information to crofters, for enhancing the Commission’s influence, and for protecting the Commission’s standing.
HR/staff resources	Internal communications are important to maintain a strong team spirit and staff morale.

RECOMMENDATION

The Board is invited to note:

- **The update, at Annex A, on recent developments related to internal communications within the Commission; and**
- **The background information provided at Annex B regarding recent and ongoing external communications activities and at Annex C regarding the channels the Commission uses to deliver its external communications activity.**

The Board is invited to:

- **consider and provide a steer on the proposed high-level objectives for its external engagement activity; and**
- **provide its views on how and where to target and prioritise future interventions.**

Date: 22 November 2022

Author: Kirsteen Currie, Communications Officer

INTERNAL COMMUNICATIONS SURVEY RESULTS AND RESPONSES

The main points from the staff survey results were:

- No single source of trusted corporate information is available;
- Staff would like a regular newsletter;
- Staff highlighted that some meetings required more effective minutes to ensure they could catch up if they missed a meeting;
- Staff felt that communication within a team did work well, but improvements had to be made between teams;
- The SharePoint intranet arrangements were poor; and
- Staff were keen to receive training on the effective use of Teams.

The Communications Officer (CO) took direct actions as a result of these results:

Concern from Staff	Action Taken	Current Progress
Single Source of Trusted Information	CO is working with the Development Team to create a new SharePoint intranet and content library	All staff have been asked to remove old files from the content library. CO has undertaken significant training to build new SharePoint site. A group of staff have met and are creating a plan to address problems.
Staff requested a regular newsletter	CO is publishing a monthly newsletter which is distributed to all staff, this directly meets the needs as identified by staff in the staff survey	Newsletter is popular with staff, however, it is apparent that some information should be shared in additional locations.
Some staff raised concerns over the effectiveness of meetings	CO has sourced a variety of training provision to enable staff to learn how to conduct a meeting and minute it effectively.	
Improvements to inter departmental communication	Newsletter aims to address this, as will the new SharePoint design.	Newsletter requires input from all staff teams, this is in its infancy but it is hoped that this will continue to improve.
SharePoint is hard to navigate and understand.	CO is working with the Development Team to create a new SharePoint intranet and content library	All staff have been asked to remove old files from the content library. CO has undertaken significant training to build new SharePoint site. A group of staff have met and are creating a plan to address problems.
Staff would like additional training	CO is sourcing Teams training	In progress

RECENT AND ONGOING EXTERNAL COMMUNICATIONS ACTIVITIES AND CAMPAIGNS

2021 Census

A communications campaign was delivered to encourage crofters to complete their census return digitally and to provide assistance to crofters who were struggling with this task. This involved creating a short animation in English and Gaelic, an instructional video as to how to complete the form, several press releases in print media and radio releases to remind crofters to complete their application online.

Backlog

Regular infographics are provided to crofters across our social media to highlight the backlog wait times in addition to press releases in print media early in 2022 to highlight issues.

2022 Crofting Commission Elections

This campaign had three phases, one to encourage people to stand for election, one to support the administration of the election and one to ask people to vote. This campaign utilised all of our forms of communication and included creating online live meetings where members of the public could participate in the roadshows, this proved to be exceptionally popular, with over 1000 people tuning in to our roadshows.

Succession

Working with the Development Team, the CO created a short animation in addition to several print media releases to raise awareness of the need for crofters to engage with succession planning. Whilst this is a sensitive subject for many crofters the video received very positive feedback whilst chatting to crofters at the agricultural shows over the course of 2022.

Common Grazings Committees

Working with the Grazings Team, the CO created a number of infographics to provide information and support to Common Grazings Committees to ensure that they are operating within the regulations and for the benefit of all. The campaign also involved regular print media releases. The CO also created a number of resources for the Common Grazings workshops, which have become a real talking point and engaging for crofters and stakeholders. The CO also used social media, print and radio to encourage crofters to attend the Common Grazings Workshops. These have been over subscribed in many places, with feedback received highlighting that crofters learned of these events from our social media output.

Job Vacancies

Recruitment campaigns have been held throughout 2022 for various departments within the Crofting Commission. Posts on social media have proven to be extremely popular, with their reach far exceeding normal reach for our posts. On the occasion where departments chose not to use social media to highlight an opportunity it has provided a good contrast with those that have, with these posts receiving far fewer applicants.

2022 Census

Work has begun on the 2022 census campaign, which initially is requesting that crofters check the ROC to ensure that their details are up to date for this year's census. This has taken the form of a short video, infographics and press releases to highlight the issue.

Landlord Engagement

Working with the Development team the CO has created resources and supported the connectivity and publicising of the landlord events that have been held in the Western Isles and in East Sutherland. Using infographics and publicly inviting landlords and agents in addition to press releases on the issue has ensured that the events have been well attended.

EXTERNAL COMMUNICATIONS CHANNELS

The Crofting Commission communicates with the general public and other stakeholders using a variety of different methods. These can be categorised as digital and print media in addition to in-person events. They are summarised below.

Digital Media	Print Media
Social Media Channels (Facebook, Twitter, Instagram and LinkedIn)	National Newspapers
YouTube	Local Newspapers
Radio Broadcasting	Local Newsletters
Podcasting	
Television	
Email Newsletters	

Digital Media

Social Media Channels

At present we use four main social media channels; Facebook, Twitter, Instagram and LinkedIn. Our audience on all these channels is steadily growing and audience analysis shows that it is growing within the Crofting counties. A monthly breakdown of each of our social media activity is provided to Commissioners.

We primarily use social media to convey messaging around operational issues; for example, if the office is going to be closed for a period of time. Posts such as these will not be carried in conventional print media, we now have a good network of community Facebook groups who share service messages with their audiences, this has greatly helped to increase the reach of our messaging to the right people.

We also use social media to reinforce campaigns to crofters and their communities. For example, earlier in 2022 we launched a campaign on succession, encouraging crofters to consider living succession. We released several print media articles on the issue and reinforced this message with multiple post on social media, including a short animation. Using social media to reinforce a message in Print media is very powerful as it reminds and encourages crofters to think carefully about the issue.

Social media has been particularly beneficial to advertise posts which are vacant within the commission. Some posts in 2022 had over 80 applications.

YouTube

The YouTube channel has been carefully looked at in recent months to fully take into consideration its purpose and effectiveness. All previous content was assessed against Scottish Government guidelines, our own policies and the UN Convention on the Rights of the Child. With this in mind, some of our content had to be removed.

The Communications Officer is now creating more content which will be informative for crofters to allow them to complete regulatory applications or other statutory functions effectively.

A new video will be published soon which will assist crofters in ensuring that their details are up to date on the ROC.

Radio

At several times during 2022 the Communications Officer has pre-recorded messaging and sent these out to local radio stations. Most recently a short piece about the Grazings workshops was used on Radio Shetland.

Podcasting

At present the Crofting Commission do not publish any material in this format, however, it is proving to be successful with other organisations such as the Farm Advisory Service. The Communications Officer plans to research and collaborate with others to establish if a podcast from the Crofting Commission would be valuable for our communications output.

Television

The Communication Officer liaises directly with broadcast media to ensure that we are able to make a comment on camera when we are given the opportunity.

Email Newsletters

We have recently established a newsletter for assessors to provide them with information on upcoming events and campaigns. These are indexed in the appendix to this paper.

Print Media

The Commission's press releases which are prepared for the print media are focused on campaigns within the commission, for example, the campaign on digital applications, or are comments on an issue which pertains to our remit.

National press

National press receive our press releases on each occasion they are issued. Occasionally national press journalists or freelance journalists will be in touch on crofting related issues, however, it should be noted that the majority of these are either lifestyle pieces or articles outwith our remit.

Local Press

Local press receive our press releases on each occasion they are issued. Local journalists are very rarely in contact for comment, in early 2022 one newspaper were regularly in contact, however, they appear to be running fewer stories on Crofting or the Crofting Commission than they have in the past.

Local newsletters

Local newsletters receive our press releases on each occasion they are issued, this network is expanding, however, it should be noted that a large percentage of local newsletters have now been replaced with an online format.

Regular Columns

The Crofting Commission provides an editorial piece to several farming and crofting titles throughout the year. This includes the Press and Journal's Farming North, The Crofter (Newsletter of the Scottish Crofting Federation) and The Scottish Farmer.

In-person events

Agricultural Shows

A considerable amount of work was required to ensure that we were fully resourced and prepared for the agricultural shows in the summer of 2022. For each show a number of reminders and posts were created on social media to alert people that we would have a presence there. During the shows it was important that we were properly resourced. The communications officer designed and commissioned materials to use at the events; these included a large backdrop and pedestal as well as reusable, durable, posters which alerted crofters to more details on the campaigns which we were running at the time.

The Communications officer also created a feedback programme where crofters could give feedback on their experience at the stall for that event. The Communications officer also created a large selfie board and small posters for crofters to pose with for photographs. These worked particularly well to reinforce the idea that the Commission is an active part of any crofting community.

Workshops

For each of the Grazings workshops the communications officer created several social media posts to alert crofters in the area of the event, this was also reinforced with a print media release and in one case a radio broadcast on the issue.

The Communications Officer created and commissioned a large vinyl common Grazings to be used during the training session, it is anticipated that this can also be used for many different training sessions for the future too.

CROFTING COMMISSION MEETING

30 November 2022

Report by the Chief Executive

Commissioners and the complaints process

SUMMARY

This paper considers how Commissioners can respond when approached by crofters or agents who are unhappy with an aspect of the Commission’s work, and explains how these approaches can be fed into the Commission’s complaints process when appropriate.

INTRODUCTION

Commissioners are the main public face of the Commission, and they frequently come into contact with crofters and other users of the Commission’s services. Sometimes, these contacts will express frustration with an aspect of crofting regulation, in particular the time taken for regulatory decisions to be reached.

On such occasions Commissioners should give a personal response directly to their contact, but will often also need to remit the issue to the office for investigation and/or a more formal response. Sometimes, depending on what is said, the Commissioner should explain how the issue can be raised as a formal complaint.

BACKGROUND – THE COMMISSION’S COMPLAINTS PROCESS

Like other public bodies, the Commission has a structured complaints process which is overseen by the Compliance Team and ultimately by the Scottish Public Services Ombudsman (SPSO). Guidance for customers is available on the Commission's website, along with a template which can be used in making a complaint.

Reporting of the current position of complaints statistics is carried out once a quarter to the Audit and Finance Committee (AFC), where they receive a paper for that particular end of quarter detailing a summary of cases dealt with at the Frontline Stage (minor everyday issues), Stage 2 (complex investigations), Trends and, where appropriate, Lessons Learnt. This is then summarised for the full Board in the AFC’s meeting minutes.

The Commission’s published guidance explains that a complaint is “any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf”. Commission staff respond to many such expressions of dissatisfaction quickly and informally, and to the satisfaction of the customer. Those that are treated formally as complaints may be dealt with at Frontline Stage (within 5 working days) or - where the issues are more complex or the dissatisfaction more substantial - at Stage 2 (20 working days).

In the case of Frontline complaints the complainer could receive a phone call or an email in response; where it is a Stage 2 case the complainer will receive a formal written response, explaining the full circumstances and whether the complaint is upheld, partially upheld, or not upheld.

Some expressions of dissatisfaction, however, are not about the Commission's action, lack of action, or standards of service. For example, a crofter who expresses the view that he/she ought to be entitled to decroft the whole croft, is not complaining about the Commission but expressing disagreement with Government policy and crofting law. Correspondence making such points will also get an informed and considered reply, but it would not be treated as a complaint.

Similarly, disagreement with a Commission decision is not a complaint. If a decision has been intimated, all interested parties would have been advised of the relevant provisions for submitting an appeal to the Scottish Land Court. Commissioners should not engage with parties in relation to appeals, the Commission solicitor will deal directly with and through the Land Court on any matters relating to an appeal.

HOW SHOULD COMMISSIONERS RESPOND?

If a Commissioner is contacted in writing, they should forward the correspondence to the office (info@crofting.gov.scot). At the same time they should acknowledge the email or letter to explain that they have forwarded it. The Commissioner may wish to ask the office to ensure they are copied in to the response. The office will consider whether it is to be treated as a complaint or as a general enquiry or other item of correspondence.

If a Commissioner is contacted orally, there is often more that they can do. How they respond will depend on the particular points being made, but in many cases Commissioners can/should:

- Listen to the points being made, express sympathy for the crofter's concerns, and say that the Commission will do what it can to help.
- Explain/defend the Commission's position as far as they feel able to. For example, where appropriate the Commissioner may feel comfortable explaining that the Commission "has limited powers to intervene in such matters" or "is required to follow due processes set out in the legislation" or "is currently carrying a backlog of casework, but staffing has been increased and the backlog is being addressed".
- Explain the normal lengths of time that Commission decisions often take, and explain that information ("parameters") about how to reduce the risk of delay an application is available on the website.
- If the person wants a response from the office, ask them to put their points in writing so that the issues to be investigated are clear.
- If it is a clear expression of dissatisfaction with the Commission, explain that there is a complaints process; and suggest that they can use the online complaints template or send an email to Complaints@crofting.gov.scot if they would like a formal response.

Where the contact is about a live or forthcoming regulatory application, Commissioners should **not** speculate about the likely decision the Commission will take.

Impact:	Comments
Financial	Sometimes, complainers about Commission services ask for financial compensation. It is therefore very important that Commissioners remain neutral in their comments and do not appear to prejudge the matter.
Legal/Political	Sympathetic, clear and positive responses to contacts from crofters and others – both orally by the Commissioner and later in writing by the office - can help promote understanding of crofting regulation and protect the Commission’s reputation
HR/staff resources	N/A

RECOMMENDATION

The Board is invited to note how commissioners can refer enquiries and expressions of dissatisfaction to the office, for response either as a complaint or as a general enquiry; and to make any comments.

Date 17 November 2022

Author Bill Barron, CEO

CROFTING COMMISSION MEETING

30 November 2022

Report by the Chief Executive

Further Delegation of Decision-making

SUMMARY

As part of the ongoing process of devolving regulatory decision making from Commissioners to staff, this paper comes to the Board to:

- (a) Discuss and agree whether to extend the Commission's Scheme of Delegation to include *"Applications submitted by crofters under section 52(11) of the Crofters (Scotland) Act 1993 ("the 1993 Act") to extend the period of a termed apportionment"*;
- (b) (Should it be agreed that applications made under section 52(11) of the 1993 Act be included in the Commission's Scheme of Delegation), to discuss and agree the proposed parameters of delegation.

BACKGROUND

It was agreed at the December 2021 Board Meeting that the next stage of the process of reducing Commissioners' direct involvement in regulatory decision making was to extend further the regulatory functions and decisions included in the Scheme of Delegation. Subsequently, in February 2022, a paper was brought to the Board who agreed to extend the Scheme of Delegation to include the following regulatory decisions:

- **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).

TERMED APPORTIONMENTS AND APPLICATIONS FOR EXTENSIONS TO THE TERMED PERIOD

The statutory basis for the Commission apportioning part of a common grazings for a termed period was introduced by provisions contained in the Crofting Reform etc Act 2007.

Prior to 2015 the Commission Policy Plan included the following in relation to apportionments:

"Recognising that the need for an apportionment is not necessarily permanent, the Commission will generally specify conditions, setting a specific period of time for the apportionment. In most circumstances this is likely to be for a period not exceeding 15 years, although the Commission will, at its discretion, extend the period according to the proposed use of the apportionment. Apportionments could, subject to Commission consent, be renewed thereafter on further application."

This meant that the majority of apportionment orders issued between around 2008 to 2015 were termed apportionments, for a period of 15 years, but occasionally for shorter or (more typically) longer periods, dependent on the use to be made of the apportioned land.

In contrast, the current (as of 5 September 2022) policy plan includes the following in relation to apportionments:

“The Commission may apportion an area of land to an individual crofter for a fixed period of time or provide that the apportionment will be subject to review consistent with any planning permission that has been granted for any particular development on the land to be apportioned.”

This means that a number of apportionments issued prior to 2015 are beginning to come to the end of their termed periods and significantly more will follow from 2024 and 2025 onwards. Initially it was envisaged that applications made under section 52(12) of the 1993 Act, to review apportionments, could be used to convert termed apportionments to permanent apportionments. However, we received legal advice that the review provisions could not be used to convert a termed to a permanent apportionment.

However, under section 52(11) of the 1993 Act, a crofter with a termed apportionment can apply to the Commission to extend the termed period. We have therefore created a new application form for this purpose.

We are therefore seeking the Board’s agreement to include the consideration of this type of application in the Commission’s Scheme of Delegation.

DELEGATION PARAMETERS

Should the Board agree to extend the Scheme of Delegation to include applications for extensions of termed apportionments, I have attached suggested parameters of delegation at **Annex A** of this paper for discussion and agreement.

Impact:	Comments
Financial	There would potentially be opportunity costs in the freeing up of Commissioners’ 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

Discuss and agree whether to extend the Commission’s Scheme of Delegation to include “Applications submitted by crofters under section 52(11) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to extend the period of a termed apportionment”; and, if agreed, to discuss and agree the proposed parameters of delegation.

Date: 28 October 2022

Author Joseph Kerr, Head of Regulatory Support

Decision: Whether to extend the period of a termed apportionment (Section 52(11)) of the Crofters (Scotland) Act 1993.

1. Is the apportionment fenced and stockproof?

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. Is the apportionment still required for the exclusive use of the crofter?

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

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

3. Is the application for an extension supported by the Grazings Committee?

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

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

4. Is the application for an extension supported by the owner of the common grazings?

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

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

CROFTING COMMISSION MEETING

30 November 2022

Report by the Chief Executive

Report on Progress against Strategic Outcomes

SUMMARY

This paper invites the Board to consider an overview of progress against the aims set out in the 2019-2022 Corporate Plan.

BACKGROUND

In February 2020, Scott-Moncrieff (later re-named Azets) submitted a generally favourable review of Best Value in the Crofting Commission. However, the report recommended that *“In addition to the regular reporting of performance measures and milestones, management should report into the governance structure on the overall progress against the strategy, utilising the corporate outcomes as a basis for reporting.”* The Commission has accepted this recommendation and it has been agreed to report the overall progress against the Corporate Strategy to the Board, every six months.

The Commission’s Corporate Strategy is set out in the Corporate Plan, which has to be produced every five years and must be agreed by the Cabinet Secretary before it is published. The current Plan, which runs to December 2022, was initially approved in 2017, and revised in 2019 to better reflect the then Board’s priorities, including their emphases on residency and land use and on communications with crofters. A new Corporate Plan to reflect the forward priorities of the current Board will be submitted to the Scottish Government shortly.

In future, it has been suggested that more frequent, perhaps annual, reviews of the Corporate Plan may be useful to ensure it keeps pace with the changing priorities, opportunities and challenges for the Commission and the Scottish Government.

The 2019-22 Plan identified a number of success factors for each outcome, and these are the basis for the attached report.

Of course, the Plan made no mention of adapting to Covid-19 or of the expanded development role, as it pre-dated both.

PROGRESS AGAINST CORPORATE OUTCOMES

The attached report (**Annex A**) describes overall progress against the aims set out by the Board in the Corporate Plan 2019-22. This is the fifth such bi-annual report, and the final one against the 2019-22 Corporate Plan. We have reflected on progress made throughout the last three years, as well as the latest 6-month period, and quoted from the 2022-23 KPIs as appropriate.

IMPACT

The priorities and aims set out in the Corporate Plan have provided the context for the allocation of the Commission's resources, as will be the case with the next Corporate Plan on an ongoing basis.

RECOMMENDATION

The Board is invited to comment on the report.

Date 18 November 2022

Author Bill Barron, CEO

PROGRESS AGAINST CORPORATE PLAN OUTCOMES AND SUCCESS FACTORS

<i>Outcome and Success Factors from 2019 Corporate Plan</i>	<i>Overall Progress to November 2022</i>
Outcome 1: Crofts are occupied and managed	
<p>We see reported breaches of duty being resolved successfully with a positive outcome</p>	<p>Since 2019, there has been sustained work by the RALU team to resolve breaches of duty, by consensus where possible but where necessary by enforcement. This work was to some extent disrupted by Covid and the overall pressures on the Commission, but has again built up pace in 2022.</p> <p>As well as following up all reported suspected breaches, in recent years RALU has been systematically following up many of those who admitted a residency breach in their census returns; and has expanded its work to include owner-occupiers as well as tenant crofters, and non-cultivation as well as non-residence. From Autumn 2022 they have started to similarly engage with a selection of some of those who have not responded to the census.</p> <p>From the four censuses from 2017 to 2020, the RALU team has written to 616 tenant crofters who had admitted a breach of duty. To date this work has led to the permanent or temporary resolution of 341 breaches, as follows:</p> <ul style="list-style-type: none"> • 85 crofters are now resident on the croft; • 59 have obtained Commission consent to assign the croft tenancy; • 4 have obtained Commission consent to let the croft tenancy; • 3 have renounced their croft tenancies; • 3 have transferred ownership of their crofts. • 53 have obtained consent to be absent from their croft; and • 134 have obtained Commission consent to sublet their croft. <p>In addition to the above, the Commission issued 4^[1] orders terminating croft tenancies, and a further 13 notices giving the crofter the opportunity to provide an undertaking to resolve their breach within a timescale which the Commission consider reasonable^[2]. This illustrates the significant time and resource required to conclude cases under the statutory enforcement provisions, reflecting the necessary and desirable provisions at various stages of the enforcement process for crofters to make representations, to engage with the Commission, and to appeal to the Scottish Land Court.</p>

^[1] If action following reported breaches is included, there has been a total of 11 termination orders issued since the enforcement provisions were introduced.

^[2] Should the undertaking not be complied with, these cases will also progress to the tenancy termination stage of the process.

Outcome and Success Factors from 2019 Corporate Plan	Overall Progress to November 2022
Outcome 1: Crofts are occupied and managed	
<p>We see a reduction in the number of vacant crofts</p> <p>We see higher rates of residency and cultivation of crofts</p>	<p>These two targets are hard to measure. While we can assess the number of crofts where a breach is resolved through Commission action, we cannot prove whether this is achieving a <i>net</i> improvement, as the self-reporting in successive censuses is not trusted to reveal the overall trend.</p> <p>However, it is encouraging that the Scottish Government has launched an initiative to take its own action on duties in crofts where it is landlord. This is an early sign of the cultural change that the Commission will be seeking to promote during the next period, and it has enabled the Commission to focus this year on breach of duties by tenants of private estates and owner-occupier crofters.</p>
<p>We see a high return rate on the annual Crofting Census</p>	<p>Census response rates have held up well since 2018, particularly for the 2021 census which achieved a 77% response. For the 2021 census, the Commission identified non census returners for the three previous consecutive years and defined a different approach to these, including targeted phone calls by Commission staff. This secured responses from 685 crofters who had not replied to three previous censuses.</p>

Outcome and Success Factors from 2019 Corporate Plan	Overall Progress to November 2022
Outcome 2: Common grazings are regulated and shared management practices continue	
We see an increase in the number of regulated common grazings	<p>Since 2019, the Grazings Team has reversed the historic decline in number of grazings committees, and the increase was sustained through the covid period. The number of Grazings Committees in office had fallen to about 430 but this has been increased to 501. The Team maintained this progress through the difficult period of the pandemic.</p> <p>The team have plans in place to follow up with 25 committees who have not come back into office during the pandemic period and have a project planned for North Uist to encourage/support out of office committees to come back into office in the next 9 months.</p>
We see an increase in adoption of the new grazings regulations	<p>This aspect of the work has fallen short of expectations, as there has been limited interest in modernising Grazings Regulations, and when Committees do choose to engage, the resource required (by them and by the Commission) has been substantial.</p> <p>The team continue to provide practical assistance and guidance to grazings committees and shareholders both through individual contact and provision of online training courses throughout the crofting counties.</p>
We see an increased number of common grazings registered on the Crofting Register	<p>The 2017-2022 Board decided that this work could not be taken forward in any substantial way given the other pressures on the Commission. The number of registered common grazings remains at 333, barely higher than it was in 2016.</p>

Outcome and Success Factors from 2019 Corporate Plan	Overall Progress to November 2022
Outcome 3: Crofting is regulated in a fair, efficient and effective way	
We see improved turnaround times for Regulatory applications	Turnaround times improved in 2019, but have been getting gradually worse since the pandemic of 2020, and especially following the staff losses of 2021. Decisive action has been taken in 2022 to improve the turnaround of casework, supported by additional funding from the Scottish Government. However, although the backlog appears to have begun to reduce, there will be a lag before this improvement feeds through to better turnaround times.
We see improved quality of applications and improved Customer Satisfaction rates	Customer satisfaction rates have been monitored through feedback forms as well as through customer enquiries and complaints. Until 2022, customer feedback was positive, showing that customers appreciated the personalised support provided by the Commission's staff, and our emphasis on fairness in our decision-making. However, since the worsening of the backlog in 2021, our measure of customer satisfaction has reduced to 58%. It is hoped that as the basics are in place – a strong culture of customer service and fairness – this indicator will improve quickly once the backlog has sufficiently reduced.
When our decisions are challenged, the great majority of them will be upheld by the Land Court	Since 2017, there have been just 4 Commission decisions overturned following appeal to the Land Court, and in the majority of these cases negotiation with the other parties has secured an acceptable outcome for the Commission, both in terms of the decision itself and any expenses.
We see an increase in services available to crofting communities and other stakeholders through digital delivery	<p>The digital applications portal was launched in 2022 after a sustained period of development, and has received very positive feedback from early test users. The main challenges now are:</p> <ul style="list-style-type: none"> • to ensure that the system provides strong protection against fraudulent use • and to encourage much wider adoption of the system. <p>This year the Commission ran a successful digital only census, where all responses were captured digitally. This had significant cost and resource savings, as well as helping to reduce the carbon footprint of the Commission.</p>
Empowerment of staff to take decisions at the appropriate level, continues to enhance customer service	The Tiered delegation of casework decisions has worked well throughout the period of the Corporate Plan, and has been expanded to broaden the number of decisions that can be taken by staff. Regulatory training for the Customer and Corporate services team has been valuable in ensuring that enquiries are dealt with effectively and allowing casework administrators and officers to prioritise the processing of casework. Training provision is critical due to the numbers staff in new roles and it has seen continual improvement due to the experience of the training officers and ongoing refinements.

Outcome and Success Factors from 2019 Corporate Plan	Overall Progress to November 2022
Outcome 4: The future of active crofting is supported by well-informed engagement with stakeholders	
We see an increase of collaborative working with Highlands & Islands Enterprise and other stakeholders, on joint initiatives.	Although it proved hard to identify specific actions to follow up the then Cabinet Secretary's request for joint initiatives with HIE, the last 2 years have seen a substantial increase in the Commission's engagement with other partners, through both shared information and joint initiatives. This has included a series of training events for Grazings Committees, engagement with a range of other stakeholders as listed below, and establishment of an information portal on the Commission's website which includes signposting to information available elsewhere.
Crofters and others engage with Commissioners and assessors in an open and constructive debate about the future of crofting.	<p>The development officers are now allocated specific areas throughout the crofting counties which match the areas served by corresponding grazing officers.</p> <p>The team have been working with the following stakeholders:</p> <ul style="list-style-type: none"> • RPID (office space for the development officers has now been obtained for meeting with customers and liaising with local RPID staff. • SRUC experts on Peatland restoration peatland codes and carbon trading. • Engagement with FONE – Farming opportunity for new entrants. • Engagement with the ECCR advisory group. • Farm Advisory service specifically linking with the Grazings team to support new appointed grazing committees and clerks. • Assessors have been contacted with a view to be included in future development work to support crofters and grazings committees. Although there has been very little contact with Assessors during the public health situation, they are keen to be involved. • The team organised a specific landlord information events in Galson, Western Isles and Brora, Sutherland, on matters pertinent to crofting landlords. Feedback from both has been positive.
There is continuing recognition of the value of crofting in sustaining biodiversity and reducing food miles	<p>The funding arrangements for crofters to participate in environmental initiatives, especially for carbon sequestration, remain problematic. However, the Commission website has been updated with new general information on the following subjects:</p> <ul style="list-style-type: none"> • Diversification and signposting to sources of funding and advice. • Succession • Peatland restoration and factors associated with carbon trading.

Outcome and Success Factors from 2019 Corporate Plan	Overall Progress to November 2022
Outcome 5: Our workforce has the right skills and motivation to perform well, and our governance processes are best practice	
We see proactive Workforce Planning used within the organisation	An initial Workforce Plan for the Commission was approved by the AFC in January 2020, and has been improved and expanded since then. Our approach to recruitment, training & development, retention and support of staff has been informed by successive versions of the Plan. In addition, our staffing structure and complement has been substantially enhanced following an independent report into our staffing needs in November 2021.
Continued investment in the development of staff and the Board	Training for staff and Board members has been a continued focus, especially regarding (a) improving training for recruits into the regulatory team and (b) joint training for commissioners, SMT and Sponsor.
We see increased job satisfaction across the organisation	Despite the pressures of backlogs and covid, morale has increased over recent years, as reflected particularly in the favourable staff survey responses in April 2021. Responses dipped somewhat in the October 2021 survey, but the additional recruitment following the Glen Shuraig report and Business Case appears to have led to a recovery of morale. Turnover of staff has generally been modest, with the exception of the latter half of 2021. It remains the case that most leavers from the Commission do so to promoted posts elsewhere.
We see robust risk management in line with best practice	Risk management policies and processes have been reviewed more than once. Following audit recommendations, the risk registers were revised and new training provided to commissioners and SMT, during 2021/22. A further comprehensive audit of our risk policies and practices is due to report shortly.

CROFTING COMMISSION MEETING

30 November 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 the 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 DIVISION

<i>Topic and Date</i>	<i>Commissioners attending</i>	<i>Lead SG officer(s)</i>	<i>Agenda items</i>	<i>Key outcomes</i>
Phone call, 4 October	None	Michael Nugent	To relay to Sponsor the Commissioners' views on the position of Convener	The Cabinet Secretary was aware of Commissioners' views when she extended Commissioner Mathieson's term as Convener
Bill Group meeting, 24 October	None (Convener was unable to attend)	Michael Nugent, Aileen Rore	Discussion of three technical points about processes for apportionment, assignation and letting	Commission solicitor ensured that Crofting Commission perspective is understood.
Discussion of CC budget, 24 October	Convener	Derek Wilson, Michael Nugent, Aileen Rore	To ensure Sponsor are aware that the recruitment we have undertaken following their acceptance of our Business Case requires a budget of £4.17m in 2023/24	Sponsor have ensured that their Finance colleagues know the position.
Regular Sponsor Meeting, 1 November	Convener	Michael Nugent, Aileen Rore, Gift Mlambo	Updates on implementing Business Case, addressing backlog, longer term improvements and Crofting Bill discussions	No specific action points

IMPACT

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

RECOMMENDATION

The Board is invited to note this report.

Date 15 November 2022

Author Bill Barron, CEO

DATE OF NEXT MEETING

8 February 2023 - St Kilda

ANY URGENT BUSINESS

EXCLUSION OF PRESS & PUBLIC