



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

COMMISSION MEETING

8 FEBRUARY 2023

**CROFTING COMMISSION MEETING
ST KILDA, GREAT GLEN HOUSE
8 FEBRUARY 2023 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 DRAFT MINUTES FROM 30 NOVEMBER 2022*	<i>Minutes</i>	<i>For approval</i>
4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING (of 30 November 2022)	<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 (a) Update from Vice Chair of Committee (b) Draft Minutes from 25 January 2023*	<i>Paper Minutes</i>	<i>Standing Item For info</i>
7 REVIEW OF PERFORMANCE REPORT Q3 2022-2023	<i>Paper</i>	<i>For discussion</i>
8 STRATEGIC RISK REGISTER UPDATE FOR Q3 2022-2023	<i>Paper</i>	<i>For info</i>
9 REGULATORY CASEWORK UPDATE	<i>Paper</i>	<i>For info</i>
10 DRAFT BUSINESS PLAN 2023-2024	<i>Paper</i>	<i>For discussion</i>
11 AGRICULTURAL SHOWS 2023	<i>Paper</i>	<i>For discussion</i>
12 FUTURE OF ASSESSOR ROLE	<i>Paper</i>	<i>For discussion</i>
13 REPORT ON MEETINGS WITH SPONSOR DIVISION	<i>Paper</i>	<i>Standing Item</i>
14 DATE OF NEXT MEETING 22 March 2023 – St Kilda, Great Glen House		
15 ANY URGENT BUSINESS		
16 EXCLUSION OF THE PRESS AND PUBLIC		

**not included in public version*

APOLOGIES – ORAL

DECLARATIONS OF INTEREST – ORAL

CROFTING COMMISSION MEETING

8 February 2023

Report by the Chief Executive

Review of Action Points from 30 November 2022

ITEM	ACTION	RESPONSIBLE OFFICER	DEADLINE
1	Revert to former practice of approving Minutes at Board meeting	JT	DONE
2	Provide advice on the impacts of subletting for aspiring new entrants to crofting, including stats on the ages of recipients of sublets.	AM	DONE
3	Revise draft Corporate Plan to include range of targets.	CEO	DONE
4	Step up external comms activities which help reduce the outstanding caseload of regulatory applications.	KC	Comms planning underway
5	Revise Comms planning to reflect Board discussion on strategic aims and explicitly link planning with Corporate Plan Outcomes.	KC	DONE
6	Circulate evaluation of impact of attendance at agricultural shows to Board	AM	DONE
7	Establish process for reminders to go to all those affected by termed apportionments coming to an end.	JK	Early 2023
8	Clearer instruction to Board needed from AO re handling approaches from crofters to Commissioners	CEO	In hand
9	Provide training to Board on dangers of lobbying, preference etc and Code of Conduct, in relation to interaction with crofters	JT	New Year – set date
10	SMT/ET to consider how staff can feedback to Commissioners on action taken following an approach from a crofter, i.e. crofter approaches Commissioner and is told to contact office –how to ensure Commissioner knows what happens next	SMT discussion	CEO to consider with 8 & 9 above.
11	Consider adding Appeal to Board element to Complaints Procedure. Reach agreement after investigating.	JT	Report to AFC/Board after internal audit.
12	Get feedback from Board on whether they prefer hybrid, face-to-face or online meetings +SMT	BB (FM)	DONE
13	Alteration of draft minute of 26 Oct required	CEO	DONE
14	Circulate revised Standing Orders	JT	DONE
15	Consider question raised over anonymity of case example used in paper	DF	Too late to change paper. CEO will convey lessons learnt to Board.
16	Consider whether we can change Policy to accommodate error rectification or not, consider unintended consequences	DF	On agenda for 8 February
17	Nominate official to attend future meetings of Moorland Forum and encourage SCF to attend	CEO	AM nominated
18	Arrange meeting between Convener, BB/DF to discuss format of SLC update to Board and level of detail required.	DF/CEO	DONE
19	Re-visit policy on declaring conflicts of interest (staff/Board) and circulate original Scott-Moncrieff recommendations	JT	Report circulated, issue to be discussed in early Feb with auditors.

MATTERS ARISING FROM PREVIOUS MINUTES – ORAL

AUDIT & FINANCE COMMITTEE REPORT

CROFTING COMMISSION MEETING

8 February 2023

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 25 January 2023.

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 25 January. Full details are in the following draft minute of the meeting.

Key points for Board Members to note –

1. Internal Audit have reviewed our risk management arrangements and made some important recommendations. We recommend that the Board undertakes a training session in the practical application of risk management at a strategic level.
2. Internal Audit have reviewed our governance of IT projects including a follow up review of our Crofting Information System (CIS). We have recommended that the CEO should review the future of our existing CIS Steering Group and advise the Chair/Board.
3. We reviewed emerging thinking for the 2023/24 Business Plan including draft budget and concluded there may be merit in making some of the KPIs a little more ambitious.
4. We considered an update on Health, Safety and Welfare and concluded that this needs to remain a priority for our committee especially in relation to new and emerging risks as regards online/home working.
5. We reviewed our operational risk register and noted continuing/growing risks around digital applications impacting on the regulatory backlog. There is particular concern around the adequacy of available controls relating to the digital applications risk.
6. We reviewed our strategic risk register and noted continuing/growing risks around medium term finance, breaches of duty and active use of common grazings. The risk of further increase in the regulatory backlog has been downgraded but this remains a high reputational risk until further reduced.
7. We reviewed Q3 financial performance which is broadly on track with a commendably small forecast year end underspend.
8. We noted that an agenda item on our medium term financial strategy is likely to come to the board in March.
9. We agreed that there may be merit in co-opting a fourth external member to our committee who has relevant skills (risk management; qualified accountant ACCA/CIMA/CIPFA) to compliment those of the existing three members. A recommendation will be brought to the March board meeting.

RECOMMENDATION

The Committee recommends that the Board should undertake a suitable training session on risk management at board/strategic level, this to include issues such as –

- **Risk identification – how to identify key emerging strategic risks in a systematic manner.**
- **Risk appetite – how to assess the level of uncertainty we are willing to accept in relation to different risks.**
- **Risk management – how to ensure regular and timely overview of key strategic risks as they evolve, including how we mitigate their potential impacts.**

Date 25 January 2023

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

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.		ACHIEVED
	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.		ACHIEVED
	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.	AMBER
	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.	AMBER
	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).	RED
	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.	RED
	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.	ACHIEVED
	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.		ACHIEVED	Joseph Kerr	<p>Due to staff resourcing issues this task commenced 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), the Team initiated correspondence with 170 new census cases this reporting 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>		ACHIEVED	Joseph Kerr	<p>In the third quarter of the year, the Team initiated corresponding with a selection of non-census returning tenants whose address would indicate they are in breach of the residence duty.</p> <p>In the third quarter of the year, the Team initiated correspondence 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>		GREEN	Joseph Kerr	<p>This milestone was 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>		GREEN	Joseph Kerr	<p>This milestone remains on target to be achieved within the agreed timescale. The workflow is almost completed, and the template letters are in the process of being created.</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 three quarters 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
- **Three** crofts were let following the Commission’s approval of the landlord’s letting proposal. One of the tenants is a new entrant to crofting, the other two are existing crofters.

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
- **Four** crofts were let following the Commission’s approval of the landlord’s letting proposal. Three of the tenants are new entrants to crofting, the other tenant is an existing crofter.

Q1	Q2	Q3	Q4
GREEN	GREEN	AMBER	

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 three quarters of the year, **6** Crofters resolved their breach by taking up residence on or within 32 kilometres of their crofts.

Q1	Q2	Q3	Q4
GREEN	GREEN	AMBER	

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 three quarters of the year:

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

Q1	Q2	Q3	Q4
GREEN	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 three quarters of the year:

- **9** Crofters resolved their breach by subletting their crofts
- **15** Crofters obtained consent to be absent from their crofts
- **2** 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	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 three quarters of the year, the Commission:

- Issued **32** notices of suspected breach of duty under section 26C(1)
- Considered in **3** cases that there was a good reason not to issue a notice of suspected breach of duty under section 26C(1)
- Made **28** decisions that a crofter was in breach of duty under section 26C(5)
- Issued **11** notices providing crofters with the opportunity to comply with the duty within a timescale the Commission consider reasonable under section 26D(1)
- Made **8** decisions accepting undertakings to comply with the duty under section 26D(5).

Q1	Q2	Q3	Q4
GREEN	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 three quarters of the year, the Commission were satisfied that it was in the general interest of the crofting community to issue **4** 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; **3** were initiated by the crofter reporting in their Crofting Census that they were in breach of duty).

In **2 of the 4** 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	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
<p>2a Ongoing - Contact all Grazings Committees whose terms are about to end, encouraging them to arrange the appointment of a new Grazings Committee</p>	<p>GREEN</p>	<p>Finlay Beaton</p>	<p>The third quarter has seen a slight reduction of in office Committees from 501 to 490. However, we are aware of a number of committees who have replied to state they are proposing to hold a meeting after we issued reminders to them. 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.</p>
<p>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.</p>	<p>GREEN</p>	<p>Finlay Beaton</p>	<p>We have started a long term out of office project for all grazings who went out of office since March 2020 to encourage them to come back into office. There are 22 grazings which fall into this category. Its also proposed to have a specific project focusing on the Island of Tiree where there are a high number of committees currently out of office.</p>
<p>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.</p>	<p>GREEN</p>	<p>Finlay Beaton</p>	<p>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.</p>
<p>2d Deliver a package of onsite training workshops which focuses on the formation, running and financial aspects of a grazings committee.</p>	<p>GREEN</p>	<p>Finlay Beaton</p>	<p>4 Workshops were delivered to approximately 60 attendees. The sessions took place in Brora, Fort William, Lerwick and Yell. The Fort William event was significantly oversubscribed and so there is a waiting list for another session which is hoped to be delivered in the 23/24 period. Given the demand for these events we have secured further funding to deliver a further 2 sessions in the Western Isles (Lewis & Harris) within the 4th quarter.</p>
<p>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.</p>	<p>GREEN</p>	<p>Arthur Macdonald</p>	<p>Information gathered and placed on Grazings section of the Commission website.</p>

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</p> <p>There is a drop from the previous quarter total of 501 to 490, however its expected notifications will be received shortly from several common grazings who have responded to our reminders stating they will be holding appointment meetings shortly.</p> <p>A project focusing on all committees who have not returned to office since March 2020 (22 cases) plus a further project is planned for Tیره to achieve the target.</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>GREEN</td> <td></td> </tr> </tbody> </table> <p>Responsible Manager: Finlay Beaton</p>					Q1	Q2	Q3	Q4	GREEN	GREEN	GREEN	
Q1	Q2	Q3	Q4									
GREEN	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 KPI remains a challenge for the team primarily due to a staff vacancy at the Grazings officer (B1) level. There are several grazings committees who are seeking to update their regulations in line with the template document and so we will endeavour to target these requests as they are received.</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>RED</td> <td></td> </tr> </tbody> </table> <p>Responsible Manager: Finlay Beaton</p>					Q1	Q2	Q3	Q4	RED	RED	RED	
Q1	Q2	Q3	Q4									
RED	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:

4 Workshops deliver within this quarter in Brora, Fort William Lerwick and Yell which had 60 attendees. Feedback from these events has been very positive and we are now receiving requests to visit other areas and also return to areas where we have already delivered a workshop. It's proposed to return to Lewis and Harris in March 23 and funding has been secured from the FAS.

The team have been engaged with 7 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.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	

Responsible Manager: Finlay Beaton

Number	Aim	Baseline	Target/Indicator	Measure
2.4	Establish correct shareholdings on common grazings by researching and updating records of shareholder situations.	24	20 more townships researched in 2022/23	Records of administrative action

PROGRESS:

The running total to date within the first 3 quarters is 20 cases where single shareholdings have been investigated and established. These cases have arisen either through a request by the shareholder or in connection with a regulatory case. The team have also dealt with 30 requests for a list of all shareholdings within a common grazings with these requests coming from multiple sources such as Landlords, RPID and Grazings Clerks

Q1	Q2	Q3	Q4
GREEN	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 5 th December 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. These appointments have been for backfilling and new posts. Four new regulatory caseworkers started in January 2023 with three more due to start in March.
3d August 2022 – Complete suite of governance documents specifying the process for CIS change	GREEN	Aaron Ramsay	A repeat audit has taken place which reviewed the areas for improvement identified in the previous CIS governance audit. This audit identified that many of the action have been met and discharged. Where documentation referred to the new AGILE method of CIS delivery the repeat audit noted that this could not be seen in practice as there was still no new release of the CIS, however the measures in place appeared to be correct.

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 throughout the year which is disappointing, though not unexpected. The data may not be robust due to sampling relatively short periods of time and at the point of case completion which will reflect delays in the past rather than at the present time.

Q1	Q2	Q3	Q4
AMBER	AMBER	RED	

	Approx Number of cases per year	Median weeks (2021-22)	Median weeks (2022-23 Q1)	Median weeks (2022-23 Q2)	Median weeks (2022-23 Q3)
Assignment	125	12.9	14.3	16.3	24.9
Decrofting Croft House Site	50	13.9	15.9	19.9	22.1
Decrofting Part Croft	100	25.3	27.1	27.9	27.4

Responsible Manager: Heather Mack

Number	Aim	Baseline	Target/Indicator	Measure
3.2	Decrease in number of live regulatory cases at a point in time	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 1018 for the end of December 2022. The case numbers appear to be dropping however they are well off the target of 850 for the year end.

Q1	Q2	Q3	Q4
AMBER	RED	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 and currently fifteen staff in the regulatory team are trained in at least 13 application types. Seven Regulatory caseworkers have been progressing through their training and are expected to have completed training up to this level by March 2023, which would mean the target will be met.

Q1	Q2	Q3	Q4
GREEN	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 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 lower level of discharges in Q3 is affected by the Christmas period in December. The overall number of cases discharged for the 2022-23 period (Q1-Q3) is **1388**.

Q1	Q2	Q3	Q4
AMBER	AMBER	RED	

Cases discharged Q1	Cases discharged Q2	Cases discharged Q3	Cases discharged Q4	TOTAL
448	496	444		

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 62 %. 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	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 have delivered a landlord event to cover the North & East Highlands which involved 12 Landlord representatives being in attendance. Positive feedback received on the usefulness of the day. An Assessors event was held in Inverness in October, where 10 Assessors and 5 Commissioners attended and the future role of Assessors was discussed. Information and discussion sessions involved SLMS and SAOS.
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	A succession planning project was developed in conjunction with the Islands Team and will be taken forward in the coming period. 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 completed our participation in the ECCR, provided comment on the responses, and the results have now been published. Discussions the National test programmes for Track 1 & 2 in relation to future mechanisms for agricultural support has been completed with the Commissions input being provided. The Agricultural Bill response has been started and will be completed in the 4th quarter.
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 and is being implemented.
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. 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								
<p><u>PROGRESS</u></p> <p>The engagement index in the October 2022 survey had risen to 67%.</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>ACHIEVED</td> <td></td> </tr> </tbody> </table> <p>Responsible Manager: Bill Barron</p>					Q1	Q2	Q3	Q4	GREEN	GREEN	ACHIEVED	
Q1	Q2	Q3	Q4									
GREEN	GREEN	ACHIEVED										

Number	Aim	Baseline	Target/Indicator	Measure								
5.2	Corporate carbon emissions	0.3 tCO2e in 2020/21 (much reduced by pandemic)	Below 5 tCO2e in 2021/22	Emissions from business travel by staff and Commissioners								
<p><u>PROGRESS</u></p> <p>Quarter 3: The Commission has published a ‘Climate Emergency Charter’ that was approved in principle by the Board on 27 September.</p> <p>Actuals for 2021/22 = 2.1 tCO2e against actual emissions from business travel which was the basis of the original target.. 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> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>GREEN</td> <td>GREEN</td> <td>GREEN</td> <td></td> </tr> </tbody> </table> <p>Responsible Manager: Neil Macdonald</p>					Q1	Q2	Q3	Q4	GREEN	GREEN	GREEN	
Q1	Q2	Q3	Q4									
GREEN	GREEN	GREEN										

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>				
The Commission is investing 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. For budgetary purposes, the CC Finance Team has estimated a cost of £60k-£80k				
Q1	Q2	Q3	Q4	
GREEN	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

8 February 2022

Report by the Chief Executive

Strategic Risk Register Update for Quarter 3

SUMMARY

The Board is invited to note and comment on the Strategic Risk Register which has been updated by managers and assessed by the Audit Finance Committee. The Board is invited to agree the deletion of two of the current risks.

BACKGROUND

The Strategic Risk Register analyses the risk to achievement of the Commission's top objectives, and other high level over-arching risks to our effectiveness. It is reviewed by the AFC and the Board on a quarterly basis.

Azets have recommended that a cover paper should be prepared by the Executive Team to highlight key points. This paper provides that analysis in the form of the four tables below.

POINTS TO NOTE

The AFC discussed the Strategic Risk Register at its meeting on 25 January and endorsed management's recommendation that two of the risks could now be discharged. This recommendation now goes to the Board for decision.

The Board is asked to consider the analysis of risks in the register, but also to consider whether there are high level strategic risks which are not currently included.

HIGHEST RISKS			
Ref no	Topic	Risk score	Comments
S7	Future budgets	125	While the budget for 2023/24 is adequate, this risk is high because it focuses on the medium term outlook for the Commission's budget, which is very uncertain.
S1	Breaches of duty	100	High risk score because it is impossible for the Commission to meet the expectations of crofting communities that all breaches will be 'dealt with'. However, the score has been reduced since the previous quarter because the increase in RALU staffing will make it more likely that we can establish credibility.
S2	Active use of common grazings	100	Similar to S1, this score is high because the Commission has a monumental task to stall or reverse longstanding decline in communal working in crofting communities.
S3	Growing backlog	75	This risk is given a score of "only" 75 because of the way the risk is worded, focusing on the risk of the backlog "continuing to grow". While the backlog remains a major concern, it is now six months since it peaked.

RISKS THAT ARE INCREASING			
<i>Ref no</i>	<i>Topic</i>	<i>Risk score</i>	<i>Comments</i>
None			

RISKS WHERE THE CONTROLS ARE INSUFFICIENT			
<i>Ref no</i>	<i>Topic</i>	<i>Risk score</i>	<i>Comments</i>
None			

RISKS TO BE DISCHARGED			
<i>Ref no</i>	<i>Topic</i>	<i>Risk score</i>	<i>Comments</i>
S5	Deloitte's criticisms of our governance	5	The 2022 Deloitte report and the comments of the Auditor General mean that this issue is no longer a live concern.
S6	Recruitment	20	This risk concerns the fear that the introduction of "working at home" and "location flexible recruitment" by other employers would lead to a loss of Commission staff. However, the signs are that these trends have worked to the Commission's advantage, to date. Our recruitment in 2022 has been remarkably successful, and retention has not been a problem.

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 Audit & Finance Committee is invited to comment on the content of the Strategic Risk Register; and on the format of this cover paper.

Date 25 January 2023

Author: Bill Barron, CEO

Risk Category	Risk ID	Risk Description	Controls in Place	Current Impact	Current Likelihood	Current Risk Score	Change to Risk	Actions Planned	Controls Confidence	Target Impact	Target Likelihood	Target Risk Score	Target Date	Risk Owner	Date last update
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 2023 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. The work of the team was extended further in 2022/23 to include engaging with a sample of tenants and owner-occupier crofters whose address would indicate that they are in breach of the duty to be ordinarily resident on or within 20 miles (32 kilometres) of their crofts.	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 shortly to recruit a seventh B1. Corresponding expansion of enforcement activity. To extend the work of RALU team in 2022/23 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	Jun-23	Joseph Kerr	11/01/2023
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. Projects to target long term out of office grazings committees have begun focusing on all grazings who went out of office and did not return since March 2020. 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	Further support obtained from the Farm Advisory Service to carry out a further 2 face to face meetings in the Western Isles in March 23 which will also include a surgery element to deal with individual situations. In the 4th quarter we will also be carrying out 3 online sessions for Grazings Clerks to communally discuss any issues, again using FAS support. 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. Recruitment to fill current B1 vacancy will be carried out shortly.	Reasonable	25	2	50	Jun-23	Finlay Beaton	12/01/2023

Risk Category	Risk ID	Risk Description	Controls in Place	Current Impact	Current Likelihood	Current Risk Score	Change to Risk	Actions Planned	Controls Confidence	Target Impact	Target Likelihood	Target Risk Score	Target Date	Risk Owner	Date last update
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 January and March 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	Static	4 new regulatory caseworkers joined in January 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	Sep-23	Heather Mack	13/01/2023
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. RALUT & SGRPID have agreed a protocol for dealing with underused crofts within their Estates. 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	Further Landlord events will be held in Portree and Oban before March 23. A paper will be presented in February proposing a plan for appointing assessors for a 5 year period. functions. It is anticipated that local Assessors will play a key role in assisting new entrants and signposting outgoing crofters to sources of help and information to resolve their situation. Liaison between Development and RALUT will be explored to see where the two teams can interact effectively to address the better access to croft opportunities. Further discussions will be held with SLMS regarding creation of a database for new entrants coming into crofting.	Reasonable	10	3	30	Jun-23	Arthur MacDonald	11/01/2023
Governance	S5	Outcome 5: Commission loses credibility because of Governance issues outlined in 2021 Deloitte report	Deloitte's 2022 report and the Audit General's subsequent report both accepted that all 41 Deloitte recommendations have been successfully implemented, and they are pleased with the progress made by the Commission within a short timescale.	5	1	5	Fallen	Continue to ensure that improvements in governance continue to be observed. Recommend this risk is discharged.	Substantial	10	1	10	Jun-22	Neil Macdonald	13/01/2023
People	S6	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	2	20	Fallen	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. However, recent recruitment and retention trends are very favourable; Recommend this risk is discharged, though it could be reinstated in future if adverse trends reoccur.	Substantial	10	2	20	Mar-23	Bill Barron	13/01/2023

Risk Category	Risk ID	Risk Description	Controls in Place	Current Impact	Current Likelihood	Current Risk Score	Change to Risk	Actions Planned	Controls Confidence	Target Impact	Target Likelihood	Target Risk Score	Target Date	Risk Owner	Date last update
Strategic	S7	The Commission may be awarded "flat cash" through the next 3-4 financial years, resulting in a real world reduction in funding making it impossible to deliver its duties at the current level.	The Commission has reworked its medium term financial plan and created a blanked budget for 2023/24, however for 2024/25 and beyond a significant risk exists. The Commission Executive Team have raised this as a serious concern to the Audit and Finance Committee, who have escalated it to the Board for a strategic discussion.	25	5	125	New	The Commission Executive Team are to discuss potential options for the future budget years, including what a real terms reduction in funding might look like, to inform a later Board level discussion.	Reasonable	25	2	50	Feb-24	CEO	10/01/2023

CROFTING COMMISSION MEETING

8 February 2023

Report by the Director of Operations and Policy

Regulatory Casework Update

Summary

This paper provides the routine update on the numbers of regulatory applications discharged and received by the Commission each month and awaiting decision at the end of each month.

Throughput of Regulatory Applications

The number of applications discharged during the quarter ending 31 December 2022 (Q3) is reported to be **442**. This compares with 441 for Q1 and 496 for Q2. The Q3 figure was depressed by a lower count of discharged cases in December, reflecting the planned pause in activity for the Christmas holiday period. Further details and analogous historic data are provided in **figure 1**, below.

The top two rows in **figure 1** show the monthly discharges and receipts, coloured by quarter, and with a notional extrapolation for Q4, proportional to the first nine months. This extrapolation would take the total number of applications discharged in Financial Year 2022-23 well above the totals for the previous two years, but still short of pre-Covid levels.

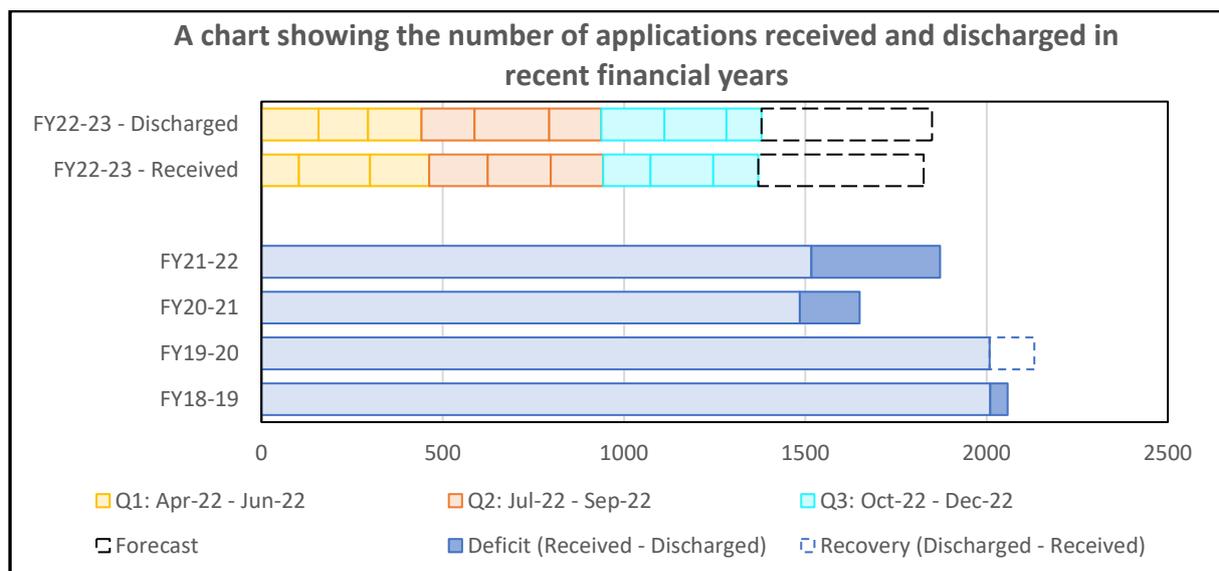


Figure 1 – The number of applications received¹ and discharged² in recent financial years

The outstanding balance of undecided applications at the end of December 2022 is reported to be ~1018, yielding a three-month rolling average of **1002** for the estimated balance at the end of November. The historic trend is shown in **figure 2**, below.

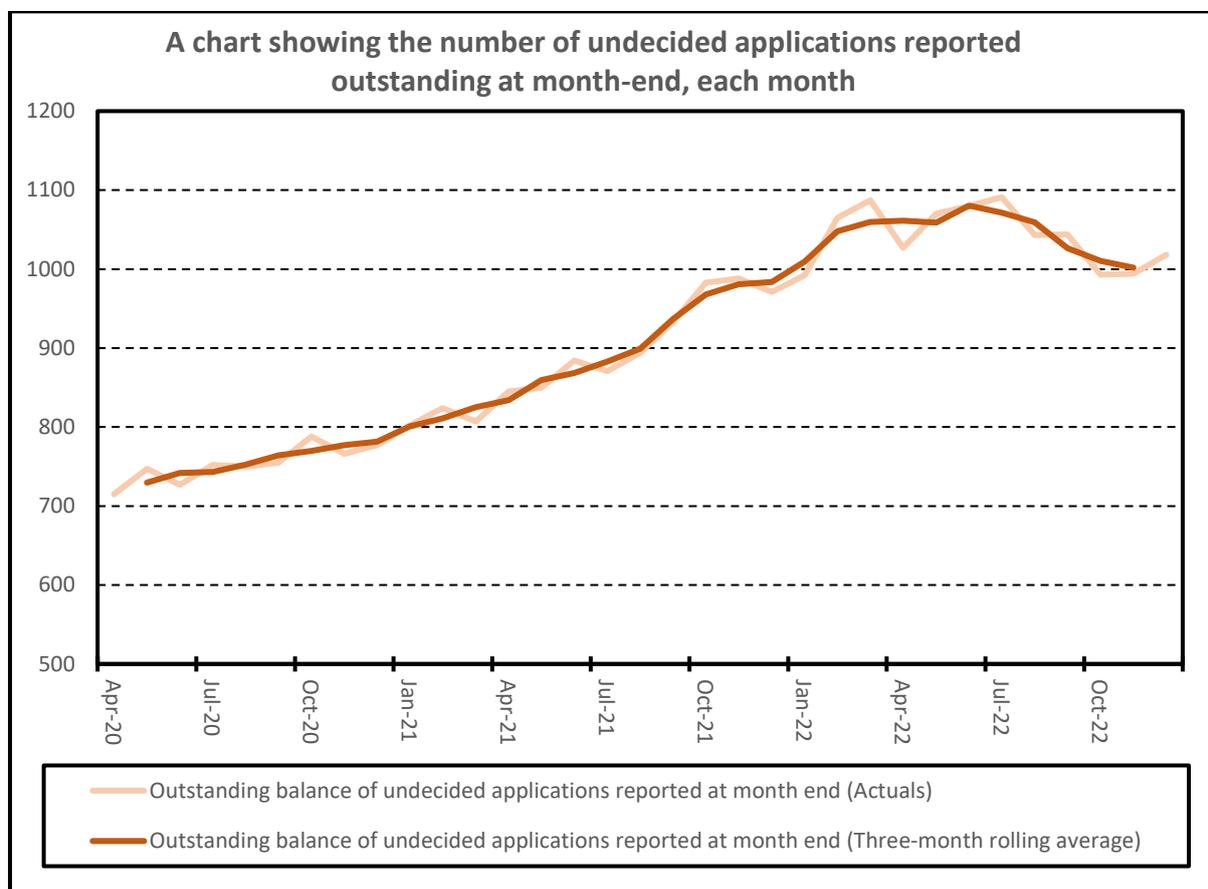


Figure 2 – The numbers of applications estimated³ to be awaiting decision at month-end, as a three-month rolling average and as reported actuals.

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.

¹ Some applications which become valid and complete at a date subsequent to the date of initial receipt have been double counted in the 'received' data shown in figure 1, yielding over-estimation of deficits.

² An application is considered 'discharged' once a decision is taken to approve or refuse the application or when it is confirmed that a decision is no longer required because the application is withdrawn or invalid.

³ New applications must be assumed to be valid and complete, until they are assessed to be otherwise, creating uncertainty in the total number of valid, complete applications awaiting decision at any point in time. There can also be some variation in the number of applications waiting to be recorded as received at the end of each month so the three-month rolling average is thought to provide a more reliable indicator of performance than the reported actuals.

RECOMMENDATION

The Board is invited to note the latest iteration of the monthly statistics about the throughput of decision-making on regulatory applications, as of 31 December 2022.

Date 27 January 2023

Author Christopher Reynish, Director of Operations and Policy

CROFTING COMMISSION MEETING

8 February 2023

Report by the Chief Executive

Milestones and Measures for Business Plan 2023-2024

SUMMARY

The Board is invited to consider proposed milestones and numerical targets for inclusion in the 2023/24 Business Plan.

BACKGROUND

The Commission publishes its annual Business Plan in around May each year. The main section of each Business Plan comprises the Key Performance Indicators (KPIs) - the specific actions (milestones) that the Commission intends to deliver and the targets it will adopt for various key measures. The Board is invited to consider what milestones and measures should be set for the year ahead, based on the attached draft (**Annex A**).

CURRENT POSITION

The Business Plan should be based on and consistent with the 5-year Corporate Plan which is agreed between the Crofting Commission and the Scottish Government. The Convener and CEO submitted a draft Corporate Plan for 2023-2028 to SG on 20 December 2022. SG officials have asked whether, prior to their submitting the draft to the Cabinet Secretary, the Commission would agree to a more ambitious 5-year target for the number of grazings committees in office (i.e. above 500) and the number of live regulatory applications/notifications (i.e. below 700). Officials are not convinced that changing these targets would be sensible at this time, and this is currently under consideration by the Board.

Meantime the attached draft reminds AFC members the key content of the draft Corporate Plan as submitted to SG in December, and suggests milestones and measures for the 2023/24 Business Plan based on it.

Impact:	Comments
Financial	Proposed milestones and targets have been set in the light of the £4.17m budget set by the SG for 2023/24.
Legal/Political	The Commission decides its own Business Plan but this must be based on the Corporate Plan that requires SG agreement.
HR/staff resources	A full staff complement should be sufficient to deliver the commitments proposed for the Business Plan.

RECOMMENDATION

The Board is invited to comment on the proposed milestones and measures for inclusion in the Business Plan for 2023/24, prior to a full draft Business Plan being prepared.

Date 30 January 2023

Author: Bill Barron, CEO, Crofting Commission

Extract from draft 2023-2028 Corporate Plan and proposed Measures and Milestones for Business Plan 2023-24

CUSTOMER SERVICE

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

DRAFT CORPORATE PLAN 2023-2028

The Crofting Commission is committed to high standards of customer service, especially in our responses to regulatory applications. This includes our handling of regulatory applications and notifications to the Crofting Commission as well as handling registration applications for the Crofting Register held by Registers of Scotland. 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; and take all available actions to reduce the number of pending decisions as far as possible within legislation
- 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

What will success look like?

- The number of pending regulatory decisions will fall below and then remain below 700.
- 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

SUGGESTED MILESTONES AND MEASURES FOR BUSINESS PLAN 2023-24

Key Milestones

Number	Date	Milestone
1a	May 2023	Strategy agreed for allowing wider use of online system while protecting against identity fraud
1b	July 2023	Digital options for the majority of regulatory application types rolled out and fully functioning
1c	July 2023	Action plan produced to improve productivity in casework handling
1d	Dec 2023	Implement online progress status of a case for self-serve usage

Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
1.1	Decrease in median turnaround times (registered crofts, Tier 1 approvals)	Figures for 2022-23: Assignment – TBC weeks Decrofting CHSGG – TBC weeks Decrofting Part Croft – TBC weeks	TBC	Time taken from application to notification of decision, <i>for cases where no registration is required</i>
1.2	Decrease in number of live regulatory cases at a point in time	TBC on 31 March 2022	Reduce to 700 or below	Number of live regulatory cases on 31 March
1.3	Increase in number of regulatory cases discharged in the year	TBC in 2022/23	2200	Total number of cases discharged during the year
1.4	Customer satisfaction rates	TBC in 2022/23	At least 80% of responses positive	Proportion of respondents answering 5 or 4 on the 5-point scale for overall satisfaction

DEVELOPING AND SUPPORTING CROFTING AND PROMOTING ITS FUTURE

Outcome 2: Crofting continues to thrive and to evolve.

DRAFT CORPORATE PLAN 2023-2028

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?

- The number of common grazings with a committee in office will remain above 500.
- 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.

SUGGESTED MILESTONES AND MEASURES FOR BUSINESS PLAN 2023-24

Key Milestones

Number	Date	Milestone
2a	Ongoing	Contact all Grazings Committees whose terms are about to end, encouraging them to arrange the appointment of a new Grazings Committee
2b	Ongoing	Maintain contact with shareholders of common grazings that have not returned a committee to office and establish contact with shareholders who have not had a committee for a longer period of time.
2c	May 2023	Submit considered advice to Scottish Government on additional legislative changes for the proposed Crofting Bill
2d	July 2023	Recruit a panel of assessors for 2023-2028
2e	July 2023	Launch campaign to encourage “living succession” within crofting
2g	Feb 2024	Deliver Training events for Grazings Committees/crofting communities/landlords

Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
2.1	Maintain or increase the number of common grazings with a Committee in office	TBC Grazings Committees in office on 31 March 2023	Maintain at 500 or above	Administrative records
2.2	Establish correct shareholdings on common grazings by researching and updating records of shareholder situations.	TBC	20 more townships researched in 2023/24	Records of administrative action
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.	TBC	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.)

RESIDENCY AND LAND USE ENFORCEMENT

Outcome 3: Crofts are occupied and used

DRAFT CORPORATE PLAN 2023-2028

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 owners 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?

- At least 200 breaches of duty, unresolved successions and vacant crofts will be permanently¹ resolved through Commission action, in the period from April 2023-March 2028
- We see a reduction in the number of crofts which are legally vacant

¹ Not including breaches temporarily resolved e.g. through sublet or consent to be absent

SUGGESTED MILESTONES AND MEASURES FOR BUSINESS PLAN 2023-24

Key Milestones

Number	Date	Milestone
3a	June 2023	Write to a selection of tenant and owner-occupier crofters who have indicated in their 2022 crofting census returns that they are in breach of their duty to be ordinarily resident, obtaining their plans and intentions for resolving the breach and either issuing a notice section 26C(1) of the 1993 Act or establishing that there is a good reason not to issue a notice. .
3b	July 2023	Write to a selection of crofters and owner-occupier crofters who have not responded to the 2022 crofting 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.
3c	Aug 2023	Launch and publicise a system of investigating reports that owner-occupiers 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.
3d	October 2023	Write to a selection of tenant and owner-occupier crofters who have indicated in their 2022 crofting census returns they are in breach of the duty to cultivate the croft, giving information about their options. This will include both a selection of individuals who are also in breach of the residence duty, and those who are complying with their residence duty.

Key Performance Measures

Number	Aim	Baseline figure	Target/Indicator	Measure
3.1	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.	TBC	At least 40 permanent resolutions to breaches of duty, unresolved successions or vacant crofts delivered through Commission action (numbers will be reported separately for 3.1-3.4 but the target relates to the total of the four categories of intervention)	Records of administrative action
3.2	Number of RALU breaches resolved by a crofter or an owner-occupier crofter (i) in breach of their residency duty taking up residence on their croft; or (ii) in breach of their duty to cultivate and maintain the croft resuming cultivation and maintenance of the croft.	TBC		Records of administrative action
3.3	Number of RALU breaches resolved by the assignation of the croft, or the letting or sale of an owner-occupied croft.	TBC		Records of administrative action
3.4	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).	TBC		Records of administrative action

OUR GOVERNANCE AND WORKFORCE

DRAFT CORPORATE PLAN 2023-2028

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?

- Our Employee Engagement Index will increase by 5 percentage points above the 2021 level, and will then remain above the UK civil service average.
- We see proactive Workforce Planning and forward financial planning within 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

SUGGESTED MILESTONES AND MEASURES FOR BUSINESS PLAN 2023-24

Key Milestones

Number	Date	Milestone
4a	August 2023	Climate Emergency Charter: We will create an Environmental Team and publish an Emergency Climate Plan.
4b	Oct 2023	Introduce quality assurance and checking programme for regulatory work that feeds into the Register of Crofts
4c	Jan 2024	Update Workforce Plan and Medium Term Financial Plan

Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
4.1	Increase in Employee engagement Index	67% in October 2022	Maintain at 67% or above	SG people survey, October 2023
4.2	Business Travel corporate carbon emissions	Business travel 2.1tCO2e in 2021/22	Below 3 tCO2e in 2022/23	Emissions from business travel by staff and Commissioners
4.3	Redeploy efficiency savings within £4.17m core budget		3%	Funding redeployed as a result of efficiencies in existing operations

FOR REFERENCE - KEY PERFORMANCE INDICATORS – FROM DRAFT CORPORATE PLAN 2023-2028

These measures should be included in the business plan where possible, as they are our high level measures to be monitored throughout the 5 year term of the Corporate Plan. The difficult one is the number of new entrant crofters, because of the time lag in calculating that measure

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

CROFTING COMMISSION MEETING

8 February 2023

Paper by the Chief Executive

Agricultural Shows 2023

SUMMARY

- This paper provides information and costs associated with attendance at Agricultural Shows in 2022 and projected costs for attending shows in 2023, including the Royal Highland Show.
- The Board's views are sought on the merit of attending shows in 2023 and if considered to be worthwhile, which shows they wish to attend, with a Commission stand or otherwise.

AGRICULTURAL SHOWS ATTENDED IN 2022

During the Spring of 2022 the Development, Communication and Grazings teams created a strategy and framework for the Crofting Commission to attend agricultural shows throughout the Crofting Counties. A strategy was created, which aligned with the broad proposals and aspirations as laid out by the Board, and once agreed by the Chief Executive, the team began planning.

Seven locations were chosen as potential shows to attend. It was identified that a greater presence, with a stall, would be beneficial at two key locations: North Uist and the Black Isle Show. These locations were chosen as a result of research from the Development and Grazings teams as being potentially beneficial locations to raise awareness of two key issues (encouraging the formation of Grazings Committees and Living Succession) to an audience that would be receptive, or in communities where issues with these key themes were problematic.

Five additional locations were chosen by Commissioners to attend, but where there wouldn't be a Commission stand. Commissioners would attend in an informal capacity and would be supported by members of staff to capture key issues that were discussed with them or report back specific issues or problems to the Commission. These shows were: Lochaber Show, Sutherland Show, Caithness Show, Voe Show and Grantown Show.

Staff identified that some resources were purchased in the past and being stored within Great Glen House, including a Commission-branded gazebo. The Communications Officer created a series of weatherproof posters, a display backdrop, props for photographs and a suite of digital marketing materials, including short animations, to support the Commission's attendance at the shows.

North Uist Show

Six members of staff from Grazings, Development and Communications attended the event and were joined in the Commission's stand by Commissioner Iain Maciver and Assessor Phil Jubb.

As the tent was located at the entrance and exit to the show ground, staff were able to speak to many attendees. The show was especially busy in 2022, with just under 1,000 attendees.

The Living Succession animation was played during the day, which made an excellent talking point for passers-by. The Commission created resources to be used with members of the public, for example a 'selfie board', which proved to be very popular. The Commission also invited feedback on an iPad, where visitors to the stall could rate their experience out of 5 stars. Feedback from the North Uist Show was 4/5 stars.

Black Isle Show

Nine members of staff from Grazings, Development, Communication, Regulatory & IS attended the event. They were joined in the Gazebo by Commissioner Mairi Renwick Mackenzie, Commissioner David Campbell and Commission Convener Malcolm Mathieson.

The animation for Living Succession video and a tutorial video on digital applications were played throughout the day within the tent; this proved to be particularly popular with other agencies and with solicitors and agents. It was noted that many people scanned the QR posters, which were displayed prominently, to allow visitors to gain more information.

The IS team was able to liaise directly with solicitors and agents on their stalls and talk through the process of digital applications. They also met a solicitor who has been using the new system and were able to gain valuable feedback from them.

Staff were asked to keep note of the general themes of the conversations which were had at the Black Isle Show. The most common conversations were:

1. Apportionments
2. Succession
3. Grazings Committees
4. Crofters Duties
5. Living Succession

The Commission also invited feedback on an iPad, where visitors to the stall could rate their experience out of 5 stars. Feedback from the Black Isle Show was 4/5 stars.

Shows Commissioners attended with staff support

Commissioners attended the Sutherland, Caithness, Voe and Grantown Shows with staff support. Anecdotal evidence suggests that it was positive that Commissioners were present at these shows, however no formal statistics or feedback was gathered from any of these shows.

COSTS OF ATTENDING 2022 SHOWS

BLACK ISLE			VOE	
Travel and Subsistance	£628.94		Travel and Subsistance	333.84
Hotel	£558.14		Hotel	276
Ferry	£289.70		Ferry	
Air	£0.00		Air	330.91
Car Hire	£0.00		Car Hire	
Show Costs	£557.00			
Total	£2,033.78		Total	940.75
NORTH UIST			GRANTOWN	
Travel and Subsistance	£881.35		Travel and Subsistance	£58.00
Hotel	0		Hotel	
Ferry	£241.70		Ferry	
Air	0		Air	
Car Hire	169.19		Car Hire	
Show Costs	£384.20			
Total	£1,676.44		Total	£58.00
SUTHERLAND			LOCHABER	
Travel and Subsistance	£63.60		Travel and Subsistance	£186.35
Hotel			Hotel	
Ferry			Ferry	
Air			Air	
Car Hire			Car Hire	
Show Costs	£90			
Total	£153.60		Total	£186.35
CAITHNESS				
Travel and Subsistance				
Hotel			Total 2022 Shows:	£5,048.92
Ferry				
Air				
Car Hire				
Show Costs				
Total	0			

NB: Full costing for 2022 shows may increase as T&S claims are yet to be received from some for this period.

AGRICULTURAL SHOWS IN 2023

The Communications officer has investigated the possibility of attending the Royal Highland Show in 2023 and has highlighted below the initial costs for attendance. It should be noted that full costings for this are not available at present as some costs can only be ascertained once a commitment has been made to attend. Costings here have been based on 11 team members attending, as was the case for the Black Isle Show in 2022.

Royal Highland Show Outline Costs – 22nd to 25th June 2023	
Item	Line Cost (Inc VAT)
Space at Countryside Area	230.40
Electricity Supply	TBC
Water Supply	TBC
Additional Tickets	600
Parking Tickets	150
Travel	TBC – For staff travelling from the Inverness Area allow at least £300 per member of staff. For staff travelling from the Western Isles allow at least £400 per member of staff. Based on Black Isle Show attendance this cost would be: £3,500 approximately
Subsistence	Based on Black Isle Show Attendance this cost would be £6,275.50 (this cost may increase as it is unlikely that the £75 limit will be achievable during this time in Edinburgh)
Additional resources	We would require around £500 in additional resources – e.g. printing costs, merchandise
Advert in Programme	TBC
Possible Marquee hire	TBC
Total (omitting additional costs which will be incurred after booking)	£11,255.90

Potential Shows to attend in 2023

Ayr County Show	May	13th	Ayr
Royal Highland Show	June	22nd-25th	Ingliston, Edinburgh
Caithness Show	July	14th	Riverside Park, Wick
Point Show	July	16th	Lewis
Sutherland Show	July	22nd	Dornoch
Lochs Agricultural Show	July	23rd	Lochs
Westside Show	July	27th	Barvas and Brue Community Centre, Lewis
Bernera Community Centre 40 th anniversary	July	28th	Bosta Beach
North Uist Show	July	TBC	Hosta
South Harris Show	July	TBC	TBC
South Uist and Benbecula	July	TBC	TBC
Carloway Show	August	1st	Carloway School
Black Isle	August	2nd & 3rd	Muir of Ord
Arran Show	August	2nd	Glenkiln Farm, Lamlash
Voe Show	August	5th	Voe, Shetland
Skye Show	August	6th	Portree
Cunningsburgh Show	August	9th	Shetland
Islay Show	August	10th	Islay
Mid Argyll Show	August	12th	Lochgilphead
Orkney County Show	August	12th	Bignold Park, Kirkwall
North Harris Show	August	2nd week	Willow Park, Urgha
Lochaber Show	August	26th	Ft William
Unst Show	TBC	TBC	Shetland
Walls Show	TBC	TBC	Shetland

Impact:	Comments
Financial	As the projected spend to allow 11 members of staff, including two Commissioners, to attend the Royal Highland Show in 2023 is in excess of £10,000, an operational business case would be required to be compiled and agreed.
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	Staff time and allocation of work will need to be carefully considered when deciding on show attendance in 2023. Staff with caring responsibilities should also be carefully considered if The Royal Highland Show is to be attended formally by the Commission.

RECOMMENDATION

The Board is invited to note the:

- summary of attendance at the 2022 shows
- potential costs of attending the Royal Highland Show in 2023

The Board is invited to:

- Consider and provide a steer on attendance at agricultural shows in 2023

Date: 17 January 2023

Author: Kirsteen Currie, Communications Officer

CROFTING COMMISSION MEETING

8 February 2023

Report by the Chief Executive

Future of Assessor Role

SUMMARY

This paper comes to the Board following an event hosted for current Assessors in October 2022 where the prospective future of the role was discussed in depth. The paper details the proposed future description of this role, a suggested change of working title to better reflect its function along with the proposed future number of Assessors and the process for their appointment for the 2023-2028 term.

BACKGROUND

Following a paper to the Board in September 2022, the Development Team hosted an event for current Assessors on 27 October in Inverness. At this event proposals for the potential future role for Assessors, the number of Assessors and the method for their recruitment for the 2023-2028 term were all discussed.

ASSESSORS' EVENT 27 OCTOBER 2022

Of the 20 currently appointed Assessors, 10 were in attendance for all/part of the day. Weather affecting travel arrangements and last-minute work commitments resulted in three last minute cancellations. There were also five Commissioners present during the day. The morning session in Great Glen House included an overview of the Commission and its structure by the Development team. The IS Team then provided Assessors with a run through of the recently launched online application system and its benefits. The last of the morning sessions was taken by Regulatory Support who explained how the Commission reaches decisions on cases, the Tier system and triaging.

The afternoon session began with discussion on the proposed future role for Assessors. The proposed role description was discussed and agreed. The consensus was that the Assessors have felt somewhat ignored in recent years and are enthusiastic to become more involved in working with the Commission.

The Assessor role description attached at **Annex A** is a refined version of that ratified by the Board in September. It is proposed that this is approved and used as the basis for the next recruitment of Assessors in March 2023.

As previously discussed, the name "Assessor" may be somewhat misleading now that we are no longer asking those in the role to assess anything. Those in attendance were asked to suggest a more appropriate title and opted for Crofters Area Representative. The SCF also have area representatives and so the Board is asked to approve one of the following titles which best reflects their future role:

- Crofting Commission Area Representatives
- Crofting Commission Local Volunteers

It should be noted that while the word Assessor will remain in legislation, there is scope to use a different working title to best reflect the role.

It is interesting to note that in the feedback forms issued on the day, 80% of Assessors said they would be interested in continuing in the proposed new role.

Appointment Process March 2023

The ideal number of Assessors for the next 5-year term was also discussed in October, and it was agreed that the number of Assessors in an area should be representative of the number of crofts in that area. It is suggested a maximum of 30; the table below details the percentage of the total number of crofts in each area and how that would look in terms of Assessors per area.

Area	No of Crofts	% of Total	Proposed No of Assessors?
Argyll	1994	9.20%	3
East Mainland	2407	11.20%	3
Skye	2393	11.10%	3
Uist & Barra	2004	9.33%	3
Lewis & Harris	4412	21.14%	6
West Mainland	2599	12.11%	4
Caithness & Orkney	2427	11.30%	3
Shetland	3249	15.10%	5
Totals	21,485	100%	30

Having considered the various methods of recruitment (as detailed in the paper in September 2022) it is proposed, in March 2023, to invite interested parties to submit applications based on the skills & knowledge detailed in the role description. To encourage applications and interest the opportunity will be promoted by the Communications Officer and wider networks. Exact dates for this application process have yet to be determined but it is intended to have the application stage open for a month.

The Development Team will the review applications received and along with the Development Manager & the Commissioner proposed to have responsibility for Assessors appoint the applicants that meet the requirements and are best suited to the role.

Remuneration

Non-salaried individuals will be eligible to claim for loss of earnings incurred while carrying out their role and this will be paid at rates approved by Scottish Govt. All Assessors will be eligible to claim back expenses and milage incurred while carrying out their role.

Training

It is inevitable that Assessors will all have varying knowledge of the work and processes of the Commission. Initial training will be provided covering the structure of the organisation, the work of each of the teams and the parameters and decision-making process in regulatory applications. The majority of this training will take place online. IT Training on Microsoft teams will be provided if required. Mandatory training will be provided as required. It is not envisaged that any external training will be required.

Budget 2023-24

Assessor’s meetings with crofters/other:
 Average 6 visits per year x 40 miles = 240 miles @ 0.45p = £108.00
 £108.00 x 30 Assessors = **£3240** Per annum

Accommodation, average one overnight stay per assessor (not including conference) – food and expenses:
 Hotel - £70 per night
 Meal Allowance - £23.50 per 24 hours
 £93.50 x 30 = **£2,805** Per annum

Annual Assessor Conference Costs (Based on event held in Oct 22) = **£10,000**

Bilingual recruitment advertising costs = **£2,000** (one advert in local print media for each “area”.)

Total Annual Assessor Expenses = £18,045

Impact:	Comments
Financial	Cost of appointment, subsistence & travel for Assessors.
Legal/Political	Schedule 1 s16 (1) - (5)
HR/staff resources	The Development team will be the main point of contact for the assessors. Internal staff resource will be required to provide initial training.

RECOMMENDATION

The Commission is invited approve:

- **Annex A as the role description for Assessors recruited in March 2023**
- **A new working title for the role.**
- **A specific Commissioner with remit for Assessors**
- **The proposed number of Assessors to be appointed in 2023.**
- **The proposed process for recruitment.**
- **The budget allocation for the 23-24 year.**

Date: 23 January 2023

Author: Development Team

CROFTING COMMISSION ASSESSOR VOLUNTEER ROLE DESCRIPTION

Assessors provide a highly valued link between the Crofting Commission and local crofting communities. An Assessor should have relevant experience of land-based activity within a crofting community, for example, as a crofter, a crofting landlord or a member of a grazings committee.

As an Assessor you may be asked to:

- Retain an interest in the state of crofting within your area, assisting the Commission on any matters as appropriate.
- Respond to requests for information from the Commission.
- Encourage and assist in the establishment and operation of grazings committees.
- Assist the Commission by promoting the completion and return of the Crofting Census forms within your area.
- Provide relevant assistance and information to individuals who are new to crofting and provide an initial source of contact.
- Signpost Crofters to relevant Commission website guidance, information and factsheets where appropriate.
- Share information on matters of interest to crofting in the local area from the Commission.
- Co-operate with relevant stakeholder organisations when engaged on Crofting Commission business.
- Bring to the notice of the Crofting Commission any relevant local matter concerning crofting, which you consider the Commission should be aware of.
- Assist the Commission in implementing any current initiatives.
- Attend Assessors' conferences and meetings.
- Willingness to participate in training sessions.
- Adhere to the Assessors' Code of Conduct and other standards as required of Commission appointees.

Skills/Knowledge

Essential

- Experience of active crofting
- Engaged in a crofting township/community.
- Understanding/awareness of crofting system and/or local crofting culture.
- Experience/awareness of land-based activities and associated issues
- IT and email proficiency with internet connectivity.
- Driver's Licence

Desirable

- Current or previous involvement in Common Grazings Committees
- Excellent communication skills
- Gaelic speaker (if relevant in your area).

CROFTING COMMISSION MEETING

8 February 2023

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>
Bill Group meeting, 29 November	Convener	Michael Nugent, Aileen Rore	Various technical points	Commission solicitor ensured that Crofting Commission perspective is understood.
Meeting with Cabinet Secretary, 14 December	Convener	Derek Wilson, Michael Nugent	Implementation of Business Case including recruitment; backlog, Crofting Bill, online applications	The Cabinet Secretary is keeping abreast of the Commission's progress and its challenges
Bill Group meeting, 24 January	Convener (but only towards the end)	Michael Nugent, Aileen Rore	Standard Securities	SG are minded to proceed with provisions about Standard Securities in the bill, subject to further discussions with lenders and stakeholders
Regular Sponsor Meeting, 30 January	Convener, others invited as observers	Michael Nugent, Aileen Rore, Gift Mlambo	Implementation of Business Case, backlog, Crofting Bill, Public Service Reform	TBC

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 30 January 2023

Author Bill Barron, CEO

DATE OF NEXT MEETING

22 March 2023 - St Kilda

ANY URGENT BUSINESS

EXCLUSION OF PRESS & PUBLIC