



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

COMMISSION MEETING

8 MAY 2024

**CROFTING COMMISSION MEETING
ST KILDA, GREAT GLEN HOUSE
8 MAY 2024 AT 0900 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 20 MARCH 2024* | <i>Minutes</i> | <i>For approval</i> |
| 4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING
(of 20 March 2024) | <i>Paper</i> | <i>For info</i> |
| 5 MATTERS ARISING FROM PREVIOUS MINUTES | <i>Oral</i> | <i>Standing Item</i> |
| 6 AUDIT & FINANCE COMMITTEE REPORT
<i>(a) Update from Vice Chair of Committee</i>
<i>(b) Draft Minutes from 22 April 2024*</i> | <i>Paper</i>
<i>Minutes</i> | <i>Standing Item</i>
<i>For info</i> |
| 7 PERFORMANCE REPORT Q4 | <i>Paper</i> | <i>For info</i> |
| 8 STRATEGIC RISK REGISTER Q4 | <i>Paper</i> | <i>For info</i> |
| 9 UPDATE ON NATIONAL DEVELOPMENT PLAN 6.6 AND
NOTIFICATION OF AFFECTED GRAZINGS COMMITTEES | <i>Paper</i> | <i>For info</i> |
| 10 PROPOSED CHANGES TO DECISION MAKING FUNDAMENTALS AND
SCHEME OF DELEGATED DECISION MAKING | <i>Paper</i> | <i>For approval</i> |
| 11 ANNUAL REVIEW OF COMMISSIONER TRAINING PLAN | <i>Paper</i> | <i>For discussion</i> |
| 12 SCOTTISH LAND MATCHING SERVICE – 6 MONTH REVIEW | <i>Paper</i> | <i>For info</i> |
| 13 UPDATE ON ENGAGEMENT ON PEATLAND RESTORATION | <i>Oral</i> | <i>For info</i> |
| 14 PRESENTATION ON FORESTRY BY PAT SNOWDON | <i>Oral</i> | <i>For info</i> |
| 15 DATE OF NEXT MEETING
26 June 2024 – St Kilda | | |
| 16 ANY URGENT BUSINESS | | |
| <u>AFTERNOON (CLOSED) SESSION</u> | | |
| 17 EXCLUSION OF THE PRESS AND PUBLIC | | |

**Not in public copy*

APOLOGIES – ORAL

DECLARATIONS OF INTEREST – ORAL

CROFTING COMMISSION MEETING

8 May 2024

Report by the Chief Executive

Review of Action Points from 20 March and 23 January 2024

ACTION POINTS FROM 20 MARCH 2024					
ITEM	ACTION	RESPONSIBLE OFFICER	DEADLINE	DATE COMPLETED	COMMENTS
1	Arrange meeting for Convener to speak to SG officials on behalf of the Board regarding engagement on the creation of national parks	CEO/PA	asap		Subsequent to the meeting, Convener felt it was not necessary at the moment because the CEO is currently liaising with the government on it.
2	Provide data on how many RPID reports are requested	DoOp	By May Board	8 April 2024	
3	Provide relevant RPID officials with training on recent changes to allow streamlining to work	Head of Regulatory Support	Late April/early May	21 May	Joint meeting planned. An update can be provided at the May Board
4	The Convener will request that sponsor division arrange for a letter confirming the Minister has approved the selection of Commissioner Maciver to represent the Landlords' interest.	CEO	asap	19 April 2024	Sponsor will provide required documentation.

ACTION POINTS FROM 23 JANUARY 2024					
ITEM	ACTION	RESPONSIBLE OFFICER	DEADLINE	DATE COMPLETED	COMMENTS
5	A dialogue is started with SF/WCC with a view to making amendments to the WCC so that it is clear that woodland creation on land subject to crofting tenure can be validated and is eligible for the creation of carbon units	DF	Begin by May		
6	Separately, a dialogue is started with Scottish Forestry in order to facilitate SFGS applications by grazings committees, should committees wish to go down the subsidy route rather than the private/WCC route. Currently it is understood that applications are at a very low level.	DF	Begin by May		Run together with 5 above
9	Position Papers to be drafted on key regulatory areas during the next 12 months.	CEO	After 'Vision' paper		

MATTERS ARISING FROM PREVIOUS MINUTES – ORAL

AUDIT & FINANCE COMMITTEE REPORT

CROFTING COMMISSION MEETING

8 May 2024

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 22 April 2024.

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 22 April. Full details are in the following draft minute of the meeting.

Key points for Board Members to note –

1. We reviewed financial performance, including expenditure and cash flow control, for Q4 and identified no significant issues. We noted that leave accrual is now back to normal levels after a prolonged difficult period post Covid.
2. We reviewed a new information and cyber security risk management framework. We will continue to closely monitor assurances in this area.
3. We approved the Internal Audit Workplan for 2024/25 including an important focus on stakeholder engagement and regulatory function processes. We also discussed an ongoing concern of the committee regarding Board level governance including both internal processes and our structural/reporting relationship with Scottish Government.
4. We discussed an important Internal Audit report on CIS Governance and Development and noted significant progress against previously identified potential weaknesses.
5. We noted encouraging further progress on other outstanding audit recommendations.
6. We reviewed operational and strategic risk registers. We recommended closing risk 021 (emergency measures) on the former. On the latter we agreed to recommend increasing the risk likelihood on S3 (inconsistent decisions) and to add a new risk relating to appointing a new Convener and Board member in the autumn.
7. We reviewed our own ongoing performance as a committee and agreed to re-assess the skills matrix for the committee in the autumn following changes to Board composition.
8. We reviewed the quarterly complaints handling report and noted no significant concerns. We also noted improving social media commentary following recent initiatives by our communications staff.

RECOMMENDATION

The Committee recommends that the Board should –

- **Ask the CEO to bring to the June Board meeting a paper exploring the possibility of a Board led governance review focused on the following –**
 - **Structural and reporting relationships with the Scottish Government.**
 - **The wider adequacy of internal Board level governance processes.**
- **Seek formal clarification from SG sponsor about arrangements (with milestones) for appointing a new Convener and Board member later this year and satisfy itself that these will adequately meet the Board’s responsibilities for succession planning.**

Date 22 April 2024

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

CROFTING COMMISSION MEETING

8 May 2024

Report by the Chief Executive

Performance Report Q4 2023-24

SUMMARY

The quarterly Performance Report is one of the Commission's key reporting tools, with Outcomes linked to the Corporate and Business Plans.

<https://www.crofting.scotland.gov.uk/userfiles/file/appendices/240508/Q4-January-March-Performance-Report-2023-2024.pdf>

It is considered by the Audit & Finance committee each quarter before being brought to a subsequent Board meeting for information.

BACKGROUND

The Performance Report is split into four sections, with information detailed against Outcomes, as follows:

Outcome One – Crofting is regulated in a fair, efficient and effective way

Outcome Two – Crofting continues to thrive and evolve

Outcome Three – Crofts are occupied and used

Outcome Four – Our workforce has the right skills and motivation, and our governance processes are best practice.

CURRENT POSITION

There is currently one KPI within the report showing a red RAG status. This is item 4.1 relating to the staff engagement score. The target was set at the high end, at 67%, with the actual result in Q4 shown as 60% following the release of the 2023 Staff Survey results at the end of December. The Staff Survey Action Plan is therefore focused on seven Priority Areas where it is hoped activity will lead to an improved engagement score in Q3/4 2024/25.

Items showing an AMBER status in Q4 are:

- Outcome 1 – 1.1, 1.3
- Outcome 2 – 2a, 2b and 2.1
- Outcome 3 – 3c and 3.1
- Outcome 4 – 4b.

Notable positive improvement has been made on Outcome 1, 1.4 on Customer Satisfaction results and at Outcome 1, 1.2 with the target of 800 being exceeded, with an outstanding figure of 762.

Members of the Executive Team will be present at the meeting, happy to take questions from the Board members on the details set out in the report.

Impact:	Comments
Financial	Tasks detailed in the report are costed within the 24/25 budget
Legal/Political	N/A
HR/staff resources	Staff resources from all teams are expended delivering the targets outlined in the report.

Date: 09 April 2024

Author: Jane Thomas, Director of Corporate Services

CROFTING COMMISSION MEETING

8 May 2024

Report by the Chief Executive Officer

Review of Strategic Risk Register for Quarter 4

SUMMARY

The Board is invited to note the Strategic Risk Register for Quarter 4 (period to end March 2024), which can be found here: <https://www.crofting.scotland.gov.uk/userfiles/file/appendices/240508/8a-Strategic-Risk-Register-Q4-Jan-Mar-2024.pdf>. It has been updated by managers and was considered by the AFC at its meeting on 22 April 2024. It is an Information paper.

BACKGROUND

The Strategic Risk Register is reviewed by the Audit and Finance Committee at each of its quarterly meetings and then by the Board at its subsequent meetings. The Internal Auditor has recommended that the Executive Team should prepare a cover paper to highlight any key points.

POINTS TO NOTE

There are no increasing risks recorded in the register for Q4, though one new risk has been added at S2, relating to the challenge faced because RoS forms cannot presently be accepted in a digital format. This creates a knock-on effect, slowing down the maximum potential impact of the digital applications project.

One decreasing risk to note is at S4, relating to croft turnover and new entrants, where work is planned after the first phase of the Succession Project, including working in partnership with the Farm Advisory Service and SLMS, as well as plans to create a specific section on the website for Crofting Landlords.

Impact:	Comments
Financial	The Strategic Risk Register is a high-level tool which influences the prioritisation of objectives and deployment of resources across the Commission.
Legal/Political	
HR/staff resources	

Date: 22 April 2024

Author: Director of Corporate Services

CROFTING COMMISSION MEETING

8 May 2024

Report by the Chief Executive

Update on National Development Plan Action 6.6 and Notification of affected Grazings Committees

SUMMARY

This paper provides an update on Board Action Points from the previous meeting in January 2024 which were:

Investigate if action 6.6 from the National Development Plan for Crofting has been completed.

Establish how many grazings committees are in and out of office within the map areas and notify all those affected.

BACKGROUND

Action 6.6 from the National Development Plan for Crofting is detailed below. The Commission were not aware of having any partnership or contributing to this action since its publication. This was cross checked with the Sponsor Team and the details are provided of the update from NatureScot:

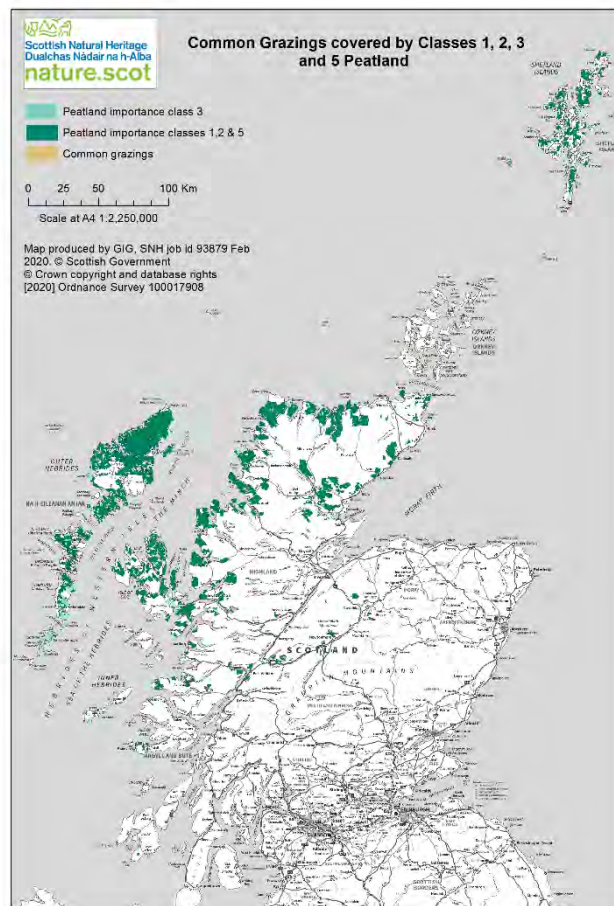
6.6	NatureScot, in partnership with the Commission, will identify those areas of degraded peatland in the crofting counties with a view to prioritising engagement with crofters and common grazing committees.	<p>A GIS map which Carbon and peatland is now available in the Scottish Government's Environment Web see https://map.environment.gov.scot/Soil_maps/?layer=10</p> <p>There is a Civic Tech Challenge project funding the development of a technical platform that will help identify which degraded peatland sites it is most cost-effective to focus restoration on (see Challenge 3 – How can technology help us identify peatland restoration sites that will optimise costs and benefits?)</p> <p>Work is also underway on building capacity for restoration. NatureScot is now running training courses with the Crichton Carbon Centre and a two week peatland restoration course with SRUC.</p> <p>Barriers remain to engage crofters and common grazings on peatland restoration, and through some of the cases where working is ongoing it is expected that these could be used as practical examples of path ways for others.</p>
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CURRENT POSITION

The Commission have contacted NatureScot about this several times and a meeting was arranged with Commission staff (including GIS colleagues). NatureScot confirmed that PeatSCOPE is the CivTech they referred to in the above update for the action. Please see a link to it which requires an element of registration and access given, it can be used as a tool for those looking to undertake peatland restoration:

<https://peatscope.com>

Initial investigations since this Board Action have shown that there appears to have been no collaboration previously undertaken with the Commission and there is no one map created that identifies prioritisation of specific areas within the crofting counties. NatureScot have provided the below map produced in 2020, which details classifications of peatland but does not give the level of detail or data required to fully compare to Commission records. NatureScot have not indicated that they will be undertaking anything further on this specific action.



A visual comparison and analysis of the above, information from James Hutton Report [Peatlands and Payments Phase 2 Report v3.0 - FOR PUBLICATION.pdf \(hutton.ac.uk\)](#) and looking at the different information on PeatSCOPE would indicate that focus or prioritisation of restoration may be worth considering on areas of **Lewis and Harris** and also areas of **Shetland**. Both areas have higher numbers of common grazings which may have the greatest potential with largest areas of peatland (some of which is shown as degraded). For indicative example of the number of grazings: our records show **248** in office grazings committees and **53** out of office for the areas of **Lewis and Harris**. **A total of approximately 500 Common Grazings are in office** across the whole crofting counties.

It is worth noting that the desktop data available has its own limitations and even with a map showing priority areas for peatland restoration, each grazings would still have to undertake further on the ground feasibility surveys and testing to know the full extent of peatland depths and degradations.

The Commission continue to have dialog with several other organisations about peatland restoration on croft land.

Impact:	Comments
Financial	Costs would mostly be for staff resource within the Policy, Grazings, Development and Comms team. Internal GIS resource also required
Legal/Political	Peatland restoration is a priority for the Scottish Government.
HR/staff resources	Internal staff resource within the Policy, Grazings, Development and Comms team and from GIS/IS resource also required. If further analysis required more time required to investigate.

RECOMMENDATION

Commissioners are invited to note the progress and advise if further or alternative actions should be taken by staff.

Date: 17 April 2024

Author: Development Team

CROFTING COMMISSION MEETING

8 May 2024

Report by the Director of Operations

Proposed changes to decision making fundamentals and scheme of delegated decision making

SUMMARY

This paper sets out proposals to clarify the core decision making principles of the Commissions Regulatory function and align them with the Board's current risk appetite.

BACKGROUND

This paper sets out proposals to clarify the core decision making principles of the Commissions Regulatory function and align them with the Board's current risk appetite, including a suggestion that new parameters are created that will allow further delegation of decision-making to the Tier 1 stage. The paper also aims to address an area of confusion around the Commissions use of invalid and incomplete as case outcomes, as well as the circumstances of section 58(A)(2) of the Act.

CORE PRINCIPLES OF REGULATORY DECISION-MAKING WITHIN THE COMMISSION

The following proposals rely on, and assume, the following core principles to be accepted:

1. The role of the Commission is to establish if there is cause to deny consent for a specific application, where consent needs to be obtained. It is expected that more refusals may result from this principle when combined with principle 2.
2. The role of the Commission is to make a determination on Regulatory applications submitted to it, in the form they are submitted. Although the Commission does have some powers to modify, the default position should be to determine applications as they are submitted to the Commission. Modifications for forward by the Commission should ordinarily be restricted to minor adjustments to address mapping inaccuracies¹.

¹ This does not remove the triage process and applicants will still be offered the chance to modify applications at this stage, however the Commission will not suggest significant modifications to allow for an approval as this may potentially leave the Commission liable to future legal challenges, such as over boundaries, in which one party could implicate the Commission as being the official body who advised a modified extent as being viable.

3. The Commission will take the default view that an applicant is telling the truth, unless it has reason to believe this is not the case. If the Commission does assert a mistruth, the burden of proof lies on the Commission to establish the applicant has not been truthful when considered on the balance of probability¹.
4. Any outcome determined by the Commission, be it referred to as invalid, incomplete, or any other form of words, is still a determination and as such can be appealed to the Land Court as per section 52(A)(1) of the Act. The only exception to this would be an application which was deemed non-competent under section 58(A)(2) of the Act².

THE PROBLEM

The first issue this paper addresses is that the Commission under the Act section 58(A)(6) can, where consent is required, grant an application, grant it with conditions, or refuse an application. Currently the Commission applies two additional possible outcomes to an application, specifically invalid and incomplete, each of which can be applied at various stages of a decision. This is a source of confusion and is not supported by the wording of the Act in its application by the Commission. These outcomes are also ordinarily already done at Tier 1.

The second issue is that the Commission often has complex cases supplied to it which require a high degree of technical expertise to resolve, and the current Tier system restricts the majority of refusal cases to being done at Tier 2 or above. This includes cases which may be viable to determine more rapidly at Tier 1 if caseworkers are empowered to a greater degree. It would also include cases which, under the proposal to remove invalid (other than under section 58(A)(2)) or incomplete as case closure reasons, would be refused for “mechanical” reasons (for example, an applicant failed to supply critical evidence that was requested).

Invalid cases

Currently invalid as a case outcome is generally used to refer to an application which the Commission deems it cannot progress. This links to section 58(A)(2):

*“The application for approval or consent must –
(a) be in such form; and
(b) be accompanied by such documents and fee,
as the Commission shall specify; and the Commission may make different
provision for different categories of case.”*

This section can be interpreted as pertaining to the initial submission only. This is taken to mean that section 58(A)(2) defines a valid submission as a fully completed submission on the correct form and with the correct supporting documents as specified by the Commission to deem it competent. If this definition is accepted then the application of an “invalid” state is not correct beyond any stage except the initial submission. For clarity such submissions will hereby be referred to in this paper as non-competent submissions.

To align with this moving forward the Commission will aim to introduce a process of carrying out an initial competency check within a much more restricted window (4 weeks).

¹ Balance of probability means that the Commission determines that something is more likely than not. This does not supersede evidential requirements determined by the Commission. For example, someone advising the Commission that they purchased something does not mean the Commission cannot ask for evidence of the transaction, however where a proposed assignee in an Assignment does not currently live near the croft but they state they intend to move post completion, this should be accepted as true unless good cause exists to refute it.

² See <http://www.scottish-land-court.org.uk/decisions/SLC.99.13.rub.html> for caselaw example supporting this.

Change 1:

The Commission adopts a strict policy that any submitted Regulatory application that is not completed fully, as per the guidance for each form as to which questions are mandatory for each set of individual circumstances, is treated as non-competent and returned to the applicant for completion. Such applications would be captured within the Crofting Information System for reporting purposes, however they would be excluded from live casework statistics (i.e. competent cases).

To address and clarify the invalid and incomplete outcome issue the Commission will take note of the Land Court appeal *MacGillivray -v- Crofting Commission* (see <http://www.scottish-land-court.org.uk/decisions/SLC.99.13.rub.html>). This clarifies that any determination by the Commission is appealable to the land court, which infers that incomplete and invalid outcomes are appealable and subject to the same rules as any other decision. This is reinforced in section 52(A)(1) of the Act, as follows:

“An appeal shall lie to the Land Court, on one or more of the grounds mentioned in subsection (3) below, against –
(a) any decision, determination or direction of, or
(b) the imposition of a condition by
the Commission on an application made to them under this Act.”

This allows outcomes for competent applications requiring consent to be distilled down to essentially two binary case outcome options in terms of right to appeal;

1. A determination which is positive for the applicant (granted, with or without conditions),
2. A determination which is negative for the applicant

Any determination which is negative for the applicant means any application for consent where consent was not granted, typically referred to as a refusal. The Commission will adopt this principle for cases currently decided as invalid post the section 58(A)(2) checks, or as incomplete, as these result in a negative outcome for the applicant.

For example, for an application for consent on an unregistered croft the Act states that the Commission may not grant consent for an application unless the application for the first registration of a croft is submitted within 6 months of the date of the application for consent. It is the current practice of the Commission to say that if this condition is not met that the application becomes invalid. However the Act does not specify that this invalidates the application, and as such the Commission would instead note that consent is refused because the conditions of the relevant section of the Act have not been met.

Change 2:

The Commission will cease using Invalid and Incomplete as outcomes, instead moving to determination on such cases and refusing where it is appropriate to do so¹.

Proposed extension to scheme of delegation

The Commission makes all determinations under delegated authority from the Board of Commissioners, and this is defined across three Tiers. The level of decision that can be taken at each stage is noted in the delegated decision-making parameters.

¹ Withdrawn would remain as a status, however it will be defined as a status that can only be applied when the withdrawal is intimated by the applicant. The exception to this would be where the applicant passes away before a determination can be reached, in which case the Commission will have the right to apply a withdrawn status instead of a refused status for sensitivity reasons.

Although there are three Tiers referred to, in actuality there are only two Tiers; simple and complex. The variances of these Tiers is noted in the table below:

Tier 1	Able to approve, and in very limited cases refuse, certain application types strictly under the Tier 1 parameters in the scheme of delegated decision making.
Tier 2	Decides cases which do not meet the parameters of Tier 1, or where a case is complex. The majority of refusals occur at Tier 2. No Tier 2 parameters exist in a similar form as for Tier 1, however decisions are taken against the Commission's current Policy Plan and the Board's risk appetite statement, as well as any supplementary policy instruction agreed at Board level.
Tier 3	Cases are decided by a panel of three Commissioners. Primary purpose is to determine directly any case where Tier 2 cannot apply policy instructions and / or risk appetite of the Board to a case without clarification. This may be due to the particular complexity of the case, new circumstances that have not been tested against the policy or risk appetites, or both.

The current restriction in refusals at Tier 1 to a very limited number of cases would potentially create a bottleneck if this became an outcome used more frequently, and create an additional burden on the Tier 2 process. To streamline and improve efficiency of the Commission decision making process and allow for faster turnaround of applications, it is recommended that the Board consider the introduction of new parameters that allows a wider range of refusal outcomes at Tier 1. For example, where a case passes a validity check but it is subsequently found to have critical missing information which is not supplied within 28 days, it may be preferable to allow refusal at Tier 1 in many cases. Similarly in the first registration case example at the top of page 3 where this will now be done as a refusal (invalid outcomes are currently done at Tier 1 stage already), this would also be preferable to be completed at Tier 1 as a refusal.

Increasing the level of delegated decision making possible at Tier 1 would also further release resource within Regulatory Support to focus on cases which presented new or particularly complex circumstances, and support Tier 1 casework officers to become more confident in dealing with a wider range of circumstances.

Given the examples above, it is proposed that if the Board agree the principles outlined in this paper align with their risk appetite that a follow up paper will be brought with draft parameters for approval that allow further delegation to the Tier 1 stage.

POTENTIAL IMPLICATIONS AND RISKS

There are potential reputational and legal impacts to these changes. Currently if an incomplete case is closed after 28 days but the information arrives shortly after, the Commission will look to continue the application through the creation of a new case. This process may, in theory, apply more than once through the life of a case, and results in skewed receipt and average clearance time statistics. Where the determination moves to a refusal, this would not be possible, and the Commission may receive negative press where more refusals are issued. It should be noted that any invalid outcome not attributed to section 58(A)(2), or any incomplete outcome which closes a case could equally be challenged in the Land Court as per current processes, should an applicant choose to do so.

There is also a minor risk of financial impact if more refusals result in more appeals, and the Commission is found to be at fault in any aspect of its application of the Act. This is not a risk unique to the proposal in this paper.

SUMMARY

The Board have expressed a wish to accept more risk in the Regulatory decision-making process if it results in faster processing of casework. This paper proposes that the Board consider if it is happy to empower a greater level of decision-making authority to the Tier 1 stage in order to achieve this, under new parameters.

The Board and AFC have also raised concerns that the Commission is currently making decisions (invalid at later stages and incomplete) which are not supported by the Act or scheme of delegation. The principles in this paper address this and aim to clarify the position into a more straightforward, Act compliant model of decision making.

Impact:	Comments
Financial	Potential financial risk due to increased appeals when decisions are instead concluded as refused over invalid or incomplete. Lost appeals could result in financial implications for the Commission.
Legal/Political	Potential for increased numbers of land court appeals and negative press when decisions are instead concluded as refused over invalid or incomplete.
HR/staff resources	An element of staff time will be needed to make changes to letters and workflows to implement, as well as produce draft parameters. It is suggested that full implementation would be by January 2025 at the earliest if fully approved by the Board.

RECOMMENDATION

The Board consider for approval the two proposed changes and the proposal around extending additional delegated powers to Tier 1, based on the clarified decision-making principles laid out in this paper, and the creation of new parameters designed to facilitate increased delegation of decision-making authority to Tier 1 to support faster processing of casework (to be presented at a later date).

Date 19 April 2024

Author Aaron Ramsay, Director of Operations

CROFTING COMMISSION MEETING

8 May 2024

Report by the Chief Executive

Review of Commissioner Training Plan

SUMMARY

The Board is asked to consider the Training Plan at Annex A, confirm it is a complete record for 2023/24 and to advise on the selection of training to be prioritised in the coming year.

BACKGROUND

Training is an essential element in assisting and supporting Commissioners in their role. A comprehensive 5-year programme was developed in 2022. The plan for 2022/23 focused on delivering selective elements. At annual review in May 2023, Commissioners decided to take the lead in identifying their learning and development needs.

CURRENT POSITION

Following the Wider Scope external audit in 2021, the Deloitte Report recommended that the Commissioner training plan should be subject to Board approval and updated annually.

The table at **Annex A** covers the training delivered or offered to date. The plan clusters activity around themes, such as The Role of the Commission and Governance Essentials. If the Board feel any relevant themes are missing, these can be added.

Most training sessions are delivered in-house but, when appropriate, sessions are outsourced to experts in a particular field.

At the conclusion of the training session between the Board members and the Executive Team on 6 December 2023 (Feedback Exercise), an Action Plan was drawn up which identified two training actions. One, on the strategic vision of the Commission, was delivered as a workshop on 7 May and a facilitator is being sourced to deliver a session, on the Effective Board.

In addition, it is recommended that within 2024/25 Board members receive a refresher training session on the Code of Conduct, following updates to its associated Guidance Notes and that media training is offered to the Board.

Impact:	Comments
Financial	A proportion of training can be delivered in-house. In addition, there is a separate training budget to cover the Board.
Legal/Political	Some of the training detailed is mandatory.
HR/staff resources	Several members of staff are engaged in either delivering training or arranging its delivery.

RECOMMENDATION

It is recommended that Board members attend a refresher training session on the Members Code of Conduct and that officers arrange media training for the Board.

Date 10 April 2024

Author Jane Thomas Director of Corporate Services

TRAINING FOR COMMISSIONERS 2022/2023/2024

Theme	Subject	Delivery date	Completed	Comments
Role of a Board Member	Interface with Sponsor Division	31/03/2022	Yes	Delivered at Board Meeting (also offered to appointees)
	Briefing on Deloitte Issues	31/03/2022	Yes	As above
	Public Bodies Unit On Board Induction session	25/05/2022	Yes	Only one Commissioner attended. No further course available until Sept 2023
	Public Bodies Unit online modules x 3	Portal made available from March 2022		Two Commissioners have completed the online modules
	On Board training with David Nicholl	09/02/2023	Yes	
	Scrutiny & Challenge	27/06/2023	Yes	How to influence well/interaction between executive and non-executive
	Induction Pack	March 2022/ Sept 2022	Yes	Reference pack gathering all key documents in one place
	Feedback exercise with senior managers	Dec 2023	Yes	Facilitated session
	The Effective Board	tbc		Follow-on from feedback exercise on 6 Dec 2023
Role of the Commission	Introductory session on IS Projects and Regulatory backlog	31/03/22	Yes	Also covered in various Board Meetings
	Overview of stages involved in Regulatory Casework	18/05/22	Yes	
	Casework overview Pt1	24/10/22	Yes	
	Casework overview Pt2	28/10/22	Yes	
	Tier 3 decision-making, to include overview of crofting legislation and potential for legislative change	25/05/23	Yes	
	Briefing on work of Grazings team	25/05/2023	Yes	
	Briefing on work of Development team	25/05/2023	Yes	
	Strategic Vision of Commission	07/05/2024	Yes	Facilitated workshop with SMT/ET members

Theme	Subject	Delivery date	Completed	Comments
Governance Essentials	Declaring Interests and Code of Conduct essentials	20/05/22	Yes	Delivered by Standards Commission
	Online modules x 2 on Code of Conduct and Declaring Interests	Offered from Dec 2022	Yes	Modules developed by Standards Commission
	Code of Conduct essentials	02/02/23	Yes	Delivered by Standards Officer
	Code of Conduct refresher	tbc		To be delivered by Standards Commission
	Information security & Information handling (FOI/GDPR)	11/05/22	Yes	
	UK GDPR refresher	04/04/23	Yes	
	FOI/EIR refresher	16/05/23	Yes	
	Audit committee training	07/02/23	Yes	
	Effective Risk Management	12/04/23	Yes	
	Bullying & Harassment	04/05/22	Yes	Also offered to appointees
	Overview of T&S system	Offered in March/Sept		No-one accepted invitation
Media	Media Protocol included in Induction Pack		Yes	
	Media training for Board members	tbc		
IT	Commissioners offered individual support by IS team		Yes	
	Protocols on Acceptable Use	Circulated to Board annually	Yes	Updated protocol circulated for acceptance in January 2024

CROFTING COMMISSION MEETING

8 May 2024

Report by the Chief Executive

Scottish Land Matching Service & Crofting

SUMMARY

This paper provides an overview of engagement between the Commission and the Scottish Land Matching Service (SLMS) as requested by the Board in June 2023.

BACKGROUND

Following the approval from the Board to work with the SLMS to assist in the integration of crofting into the service, the new crofting specific portal was launched in July 2023 and can be accessed via this link. <https://slms.scot/sign-up-crofting/>

SLMS

In the 9 months since the crofting portal has been live, the SLMS have had 273 people register with the service who are looking for an opportunity in crofting and two people register who have a crofting opportunity to offer.

The disparity in these numbers will perhaps not be a surprise to us, but it is the very first time we have a verified source of evidence that this is the case.

In June 2023, before the crofting portal was launched, the Scottish Land Matching Service process was evaluated and a report produced by RESAS. This can be accessed via this link [Scottish Land Matching Service \(SLMS\) Progress Review](#). The review found that SLMS was performing in line with similar services in the rest of the UK and received extremely positive feedback from those who had engaged with the service.

The SLMS has recently been subject to a project led by Scottish Agriculture Organisation Society (SAOS) looking into the longer-term future of SLMS as it moves out of the current pilot phase. Recommendations and outcomes from the project are currently with Scottish Government for consideration.

SLMS & Crofting Commission

Working alongside the SLMS has been very positive for the Commission. We now have somewhere central to signpost those who are looking to get into crofting and those who have a crofting opportunity to offer with the additional benefit of having data on the level of demand and supply across the crofting counties.

We have access to anonymised & collated data detailing:

- The number of each type of party that has registered with SLMS e.g. prospective new crofter, current crofter, landlord of a vacant croft etc
- The number of registered listings received from each crofting region.
- The desired arrangement & durations selected.
- The crofting activity desired

This data is important as we look to build an evidence base around crofting and in informing our ongoing work.

The SLMS accompanied us on our 2023 succession drop in events to provide information about the service. Information gathered from crofters indicated that 23% did not have a chosen successor and so registering with the SLMS could assist with that. It is hoped that the SLMS will further support us in our croft succession work in 2024.

The SLMS are also an important aspect in our upcoming work to contact landlords of vacant crofts. Registering their croft with the SLMS is one way to find those interested in getting into crofting in that particular area.

This first 9 months working with the Scottish Land Matching Service has been overwhelmingly positive and we can see many other avenues where the services will be of help to crofting stakeholders.

The Service have also just announced their first successful match between seeker and provider and we look forward to seeing that progress.

Impact:	Comments
Financial	Nil
Legal/Political	There is a written agreement (Memorandum of Understanding) between the Crofting Commission and the Scottish Land Matching Service. There is political will for the delivery of a matching service for crofting and it is specified as a Commission Action in the NDPC.
HR/staff resources	Would form part of the routine work of the Development Team.

RECOMMENDATION

Commissioners are invited to note the progress made working with SLMS to integrate crofting into the service and the benefits provides. It is proposed this engagement with the SLMS becomes a routine aspect of the Development team’s work.

Date: April 2024

Author: Development Team

UPDATE ON ENGAGEMENT ON PEATLAND RESTORATION - oral

PRESENTATION ON FORESTRY BY PAT SNOWDON

DATE OF NEXT MEETING

26 June 2024 - St Kilda

ANY URGENT BUSINESS

EXCLUSION OF PRESS & PUBLIC