



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

COMMISSION MEETING

10 AUGUST 2021

**CROFTING COMMISSION MEETING (TEAMS)
10 AUGUST 2021 AT 0900 hrs**

AGENDA

- | | | | |
|-----------|---|----------------|-----------------------|
| 1 | APOLOGIES | <i>Oral</i> | <i>Standing Item</i> |
| 2 | DECLARATION OF INTERESTS | <i>Oral</i> | <i>Standing Item</i> |
| 3 | MINUTES FROM:
<i>Board Meeting – 13 May 2021 (already published)</i> | <i>Minutes</i> | <i>For info</i> |
| 4 | REVIEW OF ACTION POINTS FROM PREVIOUS MEETING (<i>of 13 May</i>) | <i>Paper</i> | <i>For info</i> |
| 5 | MATTERS ARISING FROM PREVIOUS MINUTES | <i>Oral</i> | <i>Standing Item</i> |
| 6 | APPROVAL OF CROFTING COMMISSION ANNUAL REPORT &
ACCOUNTS 2020/21 | <i>Report</i> | <i>For signing</i> |
| 7 | AUDIT & FINANCE COMMITTEE REPORT | | |
| | <i>(a) Update from David Campbell</i> | <i>Oral</i> | <i>Standing Item</i> |
| | <i>(b) Draft Minutes from 27 July 2021</i> | <i>Minutes</i> | <i>For info</i> |
| | <i>(c) Review of Key Performance Indicators Q1 2021</i> | <i>Paper</i> | <i>For review</i> |
| | <i>(d) Annual Report on Committee Activity to Board</i> | <i>Paper</i> | <i>For info</i> |
| 8 | UPDATE ON PEATLAND AND WOODLAND PROJECTS | <i>Oral</i> | <i>For info</i> |
| 9 | STRATEGIC RISK REGISTER | <i>Paper</i> | <i>For info</i> |
| 10 | COMMS REVIEW | <i>Paper</i> | <i>For discussion</i> |
| 11 | CENSUS 2020-2021 – PROCESSING ARRANGEMENTS | <i>Oral</i> | <i>For decision</i> |
| 12 | GAELIC LANGUAGE MONITORING PLAN – ANNUAL REVIEW BY THE
BOARD | <i>Paper</i> | <i>For approval</i> |
| 13 | STAFF TURNOVER | <i>Paper</i> | <i>For discussion</i> |
| 14 | BOARD DATES FOR 2022 | <i>Paper</i> | <i>For decision</i> |
| 15 | UPDATE FROM THE APPLICATION FORMS RE-DESIGN STWG | <i>Oral</i> | <i>For info</i> |
| 16 | REPORTS FROM HEADS OF TEAMS | | |
| | <i>(a) IS Team</i> | <i>Paper</i> | <i>For info</i> |
| | <i>(b) RALU & Reg Support</i> | <i>Paper</i> | <i>For info</i> |
| | <i>(c) Operations & Workforce</i> | <i>Paper</i> | <i>For info</i> |
| | <i>(d) Grazings & Policy</i> | <i>Paper</i> | <i>For info</i> |
| | <i>(e) Crofting Development</i> | <i>Paper</i> | <i>For info</i> |
| | <i>(f) Compliance</i> | <i>Paper</i> | <i>For info</i> |
| 17 | DATE OF NEXT MEETING
Tuesday 19 and Wednesday 20 October - Lairg | | |
| 18 | ANY URGENT BUSINESS | | |
| 19 | EXCLUSION OF THE PRESS AND PUBLIC | | |

APOLOGIES – ORAL

DECLARATION OF INTERESTS – ORAL

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD BY 'TEAMS' AT 9AM, 13 MAY 2021

Present:	Rod Mackenzie	Convener
	Andy Holt	Commissioner
	Mairi Mackenzie	Vice Convener
	Malcolm Mathieson	Commissioner
	Iain Maciver	Commissioner
	David Campbell	Commissioner
	Billy Neilson	Commissioner
	Cyril Annal	Commissioner (open session)
	James Scott	Commissioner
	Bill Barron	Chief Executive
	Aaron Ramsay	Head of Digital & Improvement
	David Findlay	Commission solicitor
	John Toal	Head of Policy & Grazings
	Joseph Kerr	Head of Regulatory Support
	Mary Ross	Head of Operations & Workforce
	Heather Mack	Head of Crofting Development
	Neil Macdonald	Head of Finance
	Jane Thomas	Head of Compliance and minute taker
	Karen MacRae	Development Officer (open session)
	Gordon Jackson	Scottish Government
	Aileen Rore	Scottish Government

Members of staff, Assessors and the public

1 APOLOGIES AND WELCOME

The Convener welcomed everyone to the meeting, including the staff, Assessors and members of the public observing, with a greeting in Gaelic, followed in English. There were no apologies.

2 DECLARATION OF INTERESTS

The Convener asked if anyone had any Declarations of Interest that they wished to inform the meeting of. Commissioner Campbell intimated that he would declare an interest in the private part of the meeting, under item 16(b).

3 BOARD MINUTES FROM 4 MARCH & 18 MARCH 2021

The Board Minutes of the Special Meeting on 4 March 2021 and the Board Meeting of 18 March 2021 had previously been circulated and approved, and subsequently published. They were brought to the meeting for information only.

4 MATTERS ARISING FROM PREVIOUS MINUTES

There were no Matters Arising.

5 EMAILED PAPER FOR APPROVAL: *Budget 2021-22*

Head of Finance explained that the budget had been reviewed by the Audit & Finance committee in January, prior to confirmation of the Grant-in-Aid award, and the pay uprate. It was subsequently presented to the Board in March and adjusted to reflect the agreement reached regards allocating additional resources towards key strategic priorities, such as delivery of IS projects. The final draft was then circulated to the AFC. The Vice-Chair confirmed that the draft had captured the Board's recommendations and the draft budget was subsequently circulated to the Board by email, to ensure everyone is content.

The Commission approved the budget for 2021-22.

Decision <i>The Commission approved the budget for 2021-22.</i>

6 AUDIT & FINANCE COMMITTEE REPORT

(a) Update from Malcolm Mathieson

Vice-Chair of Audit & Finance reported that the committee had gone through the end year results in depth, looking carefully at the budget for the current year and the draft Business Plan, which was approved with minor adjustments and is on the Board agenda for today.

Head of Digital & Improvement had given an important presentation to the committee, setting out the timelines and targets for the various IT-related projects that are currently in development. The Vice-Chair commended the way the information had been presented and would forward a copy of the chart to any Commissioner who wished to see it.

The committee had also approved the Internal Audit workplan for the year and, in order to discuss the Internal Audit report on CIS, an additional AFC meeting is being held on 17 May. It had been hoped that the External Audit Governance report would also be ready for discussion, but this now seems unlikely, as Deloitte's timescale has slipped slightly. The Internal Audit report would be discussed by the Board at a Special Meeting on the evening of 20 May. In answer to a question, the Vice-Chair explained that the External Audit report would be discussed at a specially convened AFC meeting, as soon as it is ready, and it will then come to the full Board for discussion.

(b) Draft Minutes from 28 April 2021

There were no comments on the Minute.

(c) Review of Key Performance Indicators Q4 2020-21

The KPI report was brought to the Board for information. Although there were several items marked as RED, the committee understood the reasons for this, which were mainly to do with COVID-19 restrictions impacting on the ability to meet the target; for instance, it had not been possible to attend agricultural shows for the last year.

Vice-Chair offered to meet any member of the Board outside the meeting, if any further detail on the report was requested.

7 RESULTS OF THE CROFT UNDERUSE AND AVAILABILITY SURVEY

Development Officer Karen MacRae introduced the paper, explaining the background, with the aim of the survey being to gain insight into the reasons for crofts being underused. There had been a good response rate of 410, with the Western Isles having the highest response.

The survey results showed that unused crofts and lack of availability of crofts to new entrants were issues of concern to the vast majority of respondents. There were four reasons for this that were most commonly highlighted. These, along with the possible solutions, will be taken forward by the Development Team, to help shape their approach to the issue. The team will work with the RALU team on this and their work on the turnover of crofts and also work with the Farm Advisory Service to improve information for crofters. On the ground, Development Officers will try to explain how underused crofts are a loss to local communities. The aim is to be as pro-active as possible and engage at a local level.

Commissioners supported this approach and hoped a positive momentum could be built up, agreeing that making a difference on one croft could have a ripple effect in a crofting community. There was support for the aim of being as visible as possible in the community.

Several Commissioners had received a FAS leaflet and thought that assignation should be given a higher prominence than sublet in the Succession section. It was therefore agreed that a dialogue should be opened with FAS to discuss this. This was taken as an Action Point for management.

8 NATIONAL DEVELOPMENT PLAN- ANALYSIS AND ACTIONS

Head of Crofting Development introduced the paper. The NDP is a multifaceted document and the paper showed what actions the Commission is either already engaged in or where action is planned, with an approximate timescale. To illustrate this, three areas of work were highlighted:

- Grazings, where there will be work on supporting committees, engaging with long-term out of office grazings and looking at Peatland Restoration;
- Entry to crofting, where the survey results will be used and communications improved, with case studies and myth-busting;
- Duties work, with follow-ups on resident non-cultivators and those not retuning a crofting census form and a policy recently approved on vacant crofts.

Board members queried why the Commission is not involved in all aspects of the National Development Plan's objectives, as it is a Plan for crofting. The Chief Executive agreed that the Commission has an interest in the whole of the plan but will not necessarily be the agency which delivers outputs for every item. The key is to engage with partners, and this is already underway and will develop further.

Sponsor Division confirmed that Scottish Government will establish a Steering Group to oversee the plan and the Commission will feed into that group. The Board was pleased to hear that a meeting has been arranged with HIE in the Western Isles and agreed that the Commission may not always be the appropriate lead partner for all activity.

Some concern was expressed regarding the possible impact of work on the NDP diverting attention from the Commission's core Regulatory work. The CEO reassured Commissioners that this would not be lost sight of and there would need to be a balance of resources. He felt, however, that there could be considerable benefits from the development work the Commission would be engaged in.

As all the other Board members had taken part in the discussion on the paper and the NDP, the Convener asked Commissioner Annal for his view. This was expressed by the Commissioner declaring that no croft or farm under 200 acres is economically viable. The Convener pointed out that the same could be said for marginal small holding systems all over the world, but this did not make the crofting system redundant, as evidenced by the demand for crofts.

Commissioner Holt wished to put on record his disquiet that a Crofting Commissioner expressed views such as those of Commissioner Annal, which seem out of kilter with the aims of the Commission. Vice-Convener Mackenzie agreed there is positive interest in crofting, with opportunities in agri-tourism. Commissioner Campbell pointed out that crofting did not have to be a full-time agricultural occupation. It is broader than that. Crofting can support a living for people in remote, environmentally, and culturally rich communities and that is why there is demand. Commissioner Maciver indicated that he understood the point being made by Commissioner Annal as being that a croft alone cannot sustain a crofter. He said crofting requires the support of government. Commissioner Neilson agreed and pointed out that getting a start in crofting was often the first step onto an agricultural ladder, and that new entrants should be encouraged. The Convener said that he would speak with Commissioner Annal after the meeting.

9 BUSINESS PLAN 2021-22

The CEO introduced the paper, which came to the Board for approval. As mentioned under item 6, the draft plan has been approved by the Audit & Finance committee, with all suggestions taken on board. Targets have been made as numerical as possible. Several targets are quite challenging but important and reflect previous conversations with the Board. It is an ambitious plan but one that management will work with the Board to deliver.

Commissioners were pleased with the format adopted for the Business Plan this year and hoped we would continue with this model, with defined quantifiable targets wherever possible. The plan was approved with no amendments.

<i>Decision</i>	<i>The Commission approved the Business Plan for 2021-22</i>
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10 ADDITIONAL QUESTIONS FOR CROFTING CENSUS 2021

The Convener set the scene for the discussion, by reminding Commissioners that an additional survey was carried out with the Crofting Census in 2018. Today's paper included possible questions for a further anonymous survey, as well as three possible new questions to add to the Crofting Census form itself.

Head of Development explained that if additional questions are added to the census form, this has cost implications and, to be GDPR compliant, there must be a clear reason for the processing because we would be collecting personal data. On the survey form, additional questions for discussion are marked in red. The most efficient way of distributing the survey would be to put it online.

The Commission solicitor then went through the reasoning behind the three additional questions which could be added to the census form. On Q2, there could be a reason for receiving additional information from people who have a grazings share only; on Q3, the 1993 Crofting Act contains a section on the need to report positive measures to control weeds, whins, and bracken, as well as vermin on the croft. On Q1, the Commission solicitor was less sure how the information could be used.

On the survey, the suggestions in red include a question on housing, as this issue comes up quite often in discussions.

Commissioners discussed the wording of the suggested questions in some detail, with there being general support for the inclusion of Q2 but more doubts over Q1 and Q3. It was agreed that officers would work on revised wording for Q1 and Q3 on the form and these could be circulated to the Board by email, for approval. It was also agreed that the survey questions required more discussion, in private but that the survey should be online only and made available at the same time as the 2021 Annual Notice.

11 REVIEW OF APPORTIONMENT POLICY (this item was taken after item 12)

Head of Policy & Grazings explained that the need to review policy on Apportionments came out of the RALU STWG recommendations. At present the Commission has a purely reactive role in relation to apportionments and if it conditioned apportionments with a review at intervals, it would have a more proactive one. The 2007 Act introduced the possibility of conditioning apportionments for a period of time or to be reviewed at fixed intervals, or both. Between 2009-2014, it was relatively common for the Commission to grant for a period of time but it has seldom conditioned apportionments by a review at fixed intervals. As suggested in the paper, these reviews could be a relatively light touch with minimum demand upon resources but would allow the Commission the capacity to monitor the use of areas of land it has agreed to apportion.

This would not be retrospective. There may be resource implications, but it is hard to judge at present because the reviews would be some time in the future. They could be based on self-assessment online forms, with minimal inspection required, in cases of suspected non-compliance.

The question of responsibility for paying compensation for permanent improvements was raised, with the Commission solicitor saying that he will give this some thought. It was confirmed that in Succession cases, the Apportionment would carry on. There was concern that the policy could lead to a 2-tier system of dealing with Apportionments, but Head of Regulatory Support said this already exists to an extent.

It was pointed out that the policy does not imply that a review is mandatory and that a flexible approach could be taken. The Convener asked if the Board was willing to approve the paper on that basis. Six Commissioners approved the recommendations in the paper, two did not approve and one Commissioner had no comment. The recommendations were therefore approved.

Decision	<i>The Commission approved the policy proposals contained in the paper, with review periods to be decided on a case-by-case basis.</i>
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12 REPORTS FROM HEADS OF TEAMS

(a) IS Team

Head of Digital & Improvement confirmed that cyber security had been reviewed and no significant issues found, with all the recommended improvements put in place within 24 hours of receiving the report. The website refresh was complete and the new website live. The accessibility review will take place in June. The external contractor will also review the accessibility of the Annual Report, as the organisation's major publication. Applications Received will be searchable on the website. The digital applications work is proceeding and there will be a Digital First test in late May.

The team has a new member of staff joining on 17 May and work has been switched within the team to allow one member to focus on the digital applications. On CIS, the team is plotting out specific steps towards the final version for the new release, due to go live in August. The project to migrate to the Cloud is in its final stages.

It was explained that rather than bringing a Project Manager in to help the team, the resource required was a Delivery Manager, and this was being sourced as a secondment opportunity, at B3 level for 6 months. There was a discussion on the time taken to bring someone in to complete the delivery work on the various projects, and why this needed to be someone from SG, with frustration at the delays.

(b) RALU & Regulatory Support

Head of Regulatory Support gave the update, reflecting that the Tier 2 system is considering 10 cases or more at each meeting, which is at the top end of what is possible. He reported on an interesting case of 7 woodland crofts in Argyll that will be coming to a meeting next week. Work on the modules required for the online applications is progressing well and is on track.

On RALU, the interviews will take place next week for a B1 officer to be based in the Western Isles. Ten breach of duty cases have been progressed since the last update. There are 98 ongoing cases being progressed, with several cases escalated to the team from Tier 3 meetings.

A meeting has been arranged at the end of May with a grazings committee on Skye, who have reported 29 suspected breach of duty cases to the Commission. Some unresolved Succession cases are also being dealt with by the team. This is a 'must' in the Act and there are cases in Shetland and Wester Ross plus a further 28 cases being looked at. These will include the issuing of termination notices.

It was agreed that this active work should be recorded on the website so that crofters can see that action is being taken on breach cases and that they can result in assignations to new tenants. It was also hoped these stories could be featured in the agricultural press and that solicitors would be made aware of them, as they highlight the powers of the Commission.

(c) Operations & Workforce

Head of Operations & Workforce had issued end of April statistics, which show an increase in cases coming through in March. The 2020 crofting census returns are creating work. Resilience in the team therefore needs to be built up. A member of the Customer Service team joined Regulation at the start of April and another two A3 staff will join in early June. A B1 officer from the Grazings team is also helping for 6 weeks, which is appreciated.

The team has carried out an exercise, reviewing file locations, which has resulted in useful streamlining, with documents now all in one place. On Registrations, there appears to be no backlog, which is good. The Convener expressed his thanks to the teams for their hard work. In answer to a question, Head of Operations & Workforce explained that experienced officers work across the board, on all application types but newer members of staff are taught one function at a time. One of the perennial challenges for the Regulatory team is the length of time it takes to train a new member of staff in what are complex processes.

Commissioners appreciated the case stats now provided. There has been a rise in Apportionment applications, which gives some concern, as these cases take a long time to process. It was agreed that it would be interesting to see data on this, to view the reasons being given for the applications. It was noted that housing may be one reason and that the issue of housing had come up several times during the meeting. It was therefore suggested that this is returned to on a Strategy Day in the near future.

(d) Grazings & Policy

Head of Policy & Grazings reported that the specific measures introduced last year to help grazings committees due to go out of office had been a success, with 510 now in office. It will be a challenge for some committees to arrange shareholder meetings when restrictions are eased. A high number of enquiries continue to come into the team. Many are quite straightforward but dealing with them well will hopefully prevent more complex issues arising. Advice at an early stage can prevent later problems.

In 2016/17 a new Template was made available for committees to use when drawing up Regulations. This is designed to assist committees, but it is not being used very often. There was, for instance, a recent Tier 3 case where a committee had sought to use its Regulations as a way of controlling the public when on the common grazing. But this is not what Regulations are for. They are a Code for the users of the grazings, not the public. Perhaps one way to promote the use of the Template would be to pre-populate it, to speed up the process of approval.

On Policy, the Commission has recently responded to a local development plan consultation for the Inner Moray Firth area, which includes over 700 crofts, on some of the better agricultural land. There is a value in this land, for local food production and food networks, for instance, that crofters can engage with. This area also contains a hinterland area with stricter controls on housing in the countryside. Commissioners were pleased that a submission had been made to the consultation. There was also a recognition of the work done by the grazings team and the limitations on their resources.

(e) Crofting Development

Head of Crofting Development gave a brief update, as there had already been papers from the team earlier in the meeting. She reported that the second B2 Development Officer would be joining the team shortly and that, when the B1 Communications Officer is recruited, they will join the Development Team, as much of the work of the team has an external focus. Apart from the survey work reported on, the team has held meetings with stakeholders and is learning about peatland restoration, has produced a leaflet, and is getting in touch with Assessors.

A Review into Communications has been completed by an external consultant, which has resulted in lots of things to think about. This will be summarised in a paper for the June Board meeting. In answer to a question, Head of Development confirmed the recruitment process for the Comms Officer is underway, but it may take several months, based on recent experience, for the post to be filled. The CEO confirmed we will be going straight to an external advertisement for the post.

13 'ROUND THE TABLE' UPDATES FROM COMMISSIONERS

The Convener noted that the local market for livestock is good at the moment, which helps people to invest in the land for the future. This is, after all, the focus of the Commission; investing in crofting for the future.

Commissioner Neilson had noted the same good prices when out and about, having spent time on QMS work and a week on Islay. He was still helping on the STWG on forms and, as a result, some policy questions may need to be brought to the Board.

Commissioner Maciver agreed the crofting economy was looking fairly good but urged that others needed to invest in crofting communities too, not just the crofters. He reported problems with sea eagles and geese from his area. Approaches from crofters continue but he is usually able to direct these to officers.

Commissioner Mathieson's work since the last meeting has focused on the Audit & Finance committee and he was thanked for his contribution to the committee's work.

Commissioner Scott said work was getting a lot busier, with restrictions easing and people going back to think about investments such as training, which is for the longer-term. He felt there is positivity in crofting at the moment. He was engaged in meetings connected to upland estates and noted that each interest group tends to focus on their own interest, so what can be lacking is a joined-up approach.

Vice-Convener Mackenzie had been busy with lambing. Sea eagles had also been seen in her area, which is quite a worry. She is sitting as part of a panel on agri/tourism on 20 May, promoting diversification on crofts.

Commissioner Campbell had attended the AFC meeting in April and continued to receive queries from crofters, which he directs to the website if possible. He mentioned that the sea eagle debate was interesting because, while they are predators, they also represent one of the main reasons tourists visit the Highlands and Islands – the wildlife.

Commissioner Holt reported that he was halfway through lambing, so it was a busy time of year.

Commissioner Annal was asked if he had anything to report and the Convener asked if he was in touch with crofters on Orkney. Commissioner Annal remarked that if you put several 100ac crofts in Orkney together, you might have a decent unit and that crofters he spoke to who had decrofted were glad to have done so. He said only places like North Ronaldsay wanted to retain small crofts. When asked about Caithness, he said most crofters want to decroft but that it might be different to Orkney, which has half the cows in the Highlands and Islands.

14 DATE OF NEXT MEETING

The next meeting will be held by Teams on 24 June 2021. The Board would be keen to hold a face-to-face meeting in August, if possible and confirmed that arrangements should be made for an external Board meeting in Lairg in October.

15 ANY URGENT BUSINESS

No urgent business was reported.

The Convener thanked everyone for attending and closed the public session at 13:44.

When the Closed session convened, Commissioner Annal did not return.

16 EXCLUSION OF THE PRESS AND PUBLIC

The Convener thanked everyone for their contributions and closed the meeting at 14:42.

ACTION POINTS FROM BOARD MEETING 13 MAY 2021

PAPER NO 4

UPDATED FOR 10 AUGUST BOARD MEETING

ITEM	ACTION	RESPONSIBLE OFFICER	STATUS
1	Open dialogue with FAS re importance of Succession	HM/JK	DONE
2	Produce revised wording for additional questions to be included on Annual Notice, especially Q1 and Q3, provide satisfactory purpose for processing personal data + schedule private meeting with Board to agree questions for survey, to be available online at same time as Annual Notice	DF/HM	All work on this to be concluded in line with timeline for prep/production of 2021 Crofting Census Email issued to Commissioners. To be discussed further with Commissioners to arrive at consensus
3	Consideration (legal) to be given to question of compensation for improvements, in Apportionment cases where land reverts	DF – will come back with a view. Think about how to present this to the Board. Confirmed this will represent legal advice	JK arranged meeting re changes to apportionments to tie in with AP but legal advice element is outstanding.
4	Publish good news stories and stats on RALU cases concluded over last few months, as reported to Board meeting, and make solicitors aware of action taken	HM	Comms are working on this re terminations (Karen and Heather)
5	Provide Board with data on reasons given on recent apportionment applications	Mary has cases extracted from CIS – email to Board as update	DONE
6	Schedule Strategy Day discussion on housing	BB	June Strategy Day meeting cancelled
7	Strategy Day discussion also requested to consider resources in Grazings team and how to support clerks and committees	JT	John has discussed with Iain and taken it as far as it can go at the moment.
8	Consider possibility of holding August Board meeting face-to-face and make preparations for External Board meeting to take place in Lairg in October	Jane/Bill	DONE – there were problems using Teams within an external meeting setting so a face-to-face Board meeting was not possible for August. However, external meeting prep being progressed.
9	Officers to begin preparations for series of Roadshows to promote crofting elections	HM/sponsor	Asap, planning for delivery Sept-Dec. Not begun yet but Crofting Elections group has met. Next meeting on 3 Aug.
10	Highlight to staff that RSABI also available to support mental health of staff	Bill	DONE

MATTERS ARISING FROM PREVIOUS MINUTES – ORAL

CROFTING COMMISSION MEETING

10 August 2021

Report by the Chief Executive

Annual Report & Accounts 2020/21

SUMMARY

The Crofting Commission Annual Report & Accounts 2020/21 are presented to the Board for approval.

BACKGROUND

The Annual Report and Accounts for 2020/21 have been finalised and is included as a separate attachment to your board papers.

The final draft was considered by the Audit & Finance Committee on 27 July 2021 and a copy of the draft was subsequently e-mailed to the Board for information.

CURRENT POSITION

The Audit & Finance Committee considered the Annual Report and Accounts and recommend these documents to the Board for approval. A representative from Deloitte LLP will be in attendance to provide an overview of their audit opinion.

Provided the Board is content to approve the document, the Chief Executive, Convener and Deloitte LLP will electronically 'sign off' on the report. This will ensure that the Commission can meet its statutory obligation to lay the Annual Report & Accounts before the Scottish Parliament once permission to do so is granted by the Auditor General for Scotland.

Impact:	Comments
Financial	N/A
Legal/Political	Ensures that the Crofting Commission adheres to its statutory duty to lay the audited statement before the Scottish Parliament.
HR/staff resources	N/A

RECOMMENDATION

It is recommended that the Board approves the Annual Report & Accounts for 2020/21.

Date 20 July 2021

Author Neil Macdonald, Head of Finance, Crofting Commission

AFC UPDATE FROM DAVID CAMPBELL - ORAL

CROFTING COMMISSION PERFORMANCE REPORT

QUARTER 1 – JULY 2021

SUMMARY

Our Outcome		1. CROFTS ARE OCCUPIED AND MANAGED	RAG Status	Page
Key Milestones	1a September 2021 – Create workflows, processes and supporting documentation to support investigations and engagement with landlords (owners of vacant crofts) who are suspected of not being resident and/or not cultivating their crofts.		GREEN	6
	1b June 2021 – Review 2020 Census returns in order to extract all cases where the respondent has identified they are in breach of one or more of their statutory duties.		AMBER	6
	1c August 2021 – Write to a selection of 2020 census respondents who have advised us they are in breach of their duty to be ordinarily resident, obtaining their plans and intentions for resolving the breach and establishing whether there is a good reason not to issue a notice of suspected breach of duty under section 26C(1) of the 1993 Act.		GREEN	6
	1d October 2021 – Write to a selection of crofters and owner-occupier crofters who have not responded to the 2020 census and whose address would indicate they are in breach of the residence duty. Should correspondence confirm that they are in breach then the case would be followed up in terms of 1c above.		GREEN	7
	1e December 2021 – Write to a selection of tenant and owner-occupier crofters who have indicated in their 2020 crofting census returns that they are complying with the duty to be ordinarily resident but who are not cultivating the croft, giving information about their options.		GREEN	7
	1f February 2022 – Follow-up with a selection of resident crofters whose crofts are not in use to encourage, and where necessary enforce, the requirements for crofters to cultivate and maintain the land.		GREEN	7
Performance Measures	1.1	Number of formerly vacant crofts let by the landlord or the Commission following the Commission initiating action under the unresolved succession (section 11) or vacant croft (section 23) provisions of the 1993 Act.	GREEN	8
	1.2	Initiate correspondence with more crofters where a breach of RALU duties is suspected.	GREEN	9
	1.3	Initiate correspondence with landlords (owners of vacant croft) who are failing to reside on and/or cultivate their vacant crofts.	GREEN	9
	1.4	Number of RALU breaches resolved by a crofter or an owner-occupier crofter in breach of their residency duty taking up residence on their croft.	GREEN	10
	1.5	Number of RALU breaches resolved by the assignation of the croft, or the letting or sale of an owner-occupied croft.	GREEN	10
	1.6	Number of RALU breaches resolved by the Commission giving consent to the sublet of a tenanted croft, the short-term lease of an owner-occupied croft, or by a consent to be absent being given to a tenant or an owner-occupier crofter.	GREEN	11
	1.7	Number of RALU breaches escalated to the issue of a Notice of suspected breach of duty (section 26C), or a Notice providing an Undertaking (section 26D).	GREEN	11
	1.8	Number of RALU breaches concluded by tenancy terminations orders (section 26H), or approval of letting proposals submitted by owner-occupier crofters following a direction to do so (section 26J).	AMBER	12

Our Outcome		2. COMMON GRAZINGS ARE REGULATED AND SHARED MANAGEMENT PRACTICES CONTINUE		RAG Status	Page
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	13
	2b 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	13
	2c 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	13
	2d Ongoing – Encourage grazings committees to adopt the revised template for grazings regulations.			RED	13
Performance Measures	2.1	Increase in number of common grazings with a Committee in office		GREEN	14
	2.2	Increase in number of grazings committees who have adopted the new template regulations		RED	14
	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	15
	2.4	Establish correct shareholdings on common grazings by researching and updating records of shareholder situations.		GREEN	15
	2.5	Develop and assist with training and other events for grazings committees and the management of common grazings.		AMBER	16

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

Our Outcome		4. THE FUTURE OF ACTIVE CROFTING IS SUPPORTED BY WELL-INFORMED ENGAGEMENT WITH STAKEHOLDERS		RAG Status	Page
Key Milestones	4a August 2021 – Develop a signposting portal within Commission website in order to direct crofters and the public to relevant websites and information related to crofting.			ACHIEVED	21
	4b September 2021 – Produce information about choices for crofters who are considering passing on their croft.			GREEN	21
	4c December 2021 – Investigate reasons why crofts are not passed on (temporarily or permanently) when duties are not met and develop strategies to promote croft turnover. Establish a cross-organisation working group via COHI (Convention of Highlands and Islands) to look at croft turnover and entry into crofting..			GREEN	21
	4d Ongoing - Consider the affordability and accessibility of croft land to aspiring crofters, particularly the legal, policy and financial factors that influence croft prices.			GREEN	21
	4e September 2021 - Establish a cross-organisation working group via COHI to identify opportunities to reduce carbon emissions, increase carbon capture and enhance biodiversity within the crofting sector.			GREEN	22
	4f Ongoing – Participate in discussions with stakeholders and SG on crofting interests and particularly the development of future support systems for crofting.			GREEN	22
Performance Measures	<i>There are no Key Performance Measures for this Outcome</i>				

Our Outcome		5. OUR WORKFORCE HAS THE RIGHT SKILLS AND MOTIVATION TO PERFORM WELL, OUR GOVERNANCE PROCESSES ARE BEST PRACTICE		RAG Status	Page
Key Milestones	5a April 2021– Publish a report about the steps taken by the Commission to encourage more female Board members			ACHIEVED	23
	5b June 2021 – Develop and implement continuity planning for key posts			AMBER	23
	5c July 2021 – Develop a Commission policy on the location of our workforce over the next period			GREEN	23
	5d August 2021– Implement automated retention schedule procedures within revised CIS			AMBER	23
	5e August 2021 – Complete implementation of 2020 Staff Survey action plan			GREEN	23
	5f December 2021 - Highlight the opportunities for election to the Board, across the crofting counties and encouraging nominations from both women and men			GREEN	24
Performance Measures	5.1	Increase in staff engagement rating		ACHIEVED	25
	5.2	Corporate carbon emissions		GREEN	25
	5.3	Redeploy efficiency savings within £3.2m core budget		GREEN	26

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	Covid Effect	RAG Status	Responsible Manager	Details
1a September 2021 – Create workflows, processes and supporting documentation to support investigations and engagement with landlords (owners of vacant crofts) who are suspected of not being resident and/or not cultivating their crofts.		GREEN	Joseph Kerr	In the first quarter of the year, the workflows on CIS for engagement with tenants and owner-occupier crofters have been reviewed and updated as required. Work is continuing on reconciling letters generated by CIS and template versions held by the Team. This work required to be completed and prioritised prior to progressing to landlords of vacant crofts.
1b June 2021 – Review 2020 Census returns in order to extract all cases where the respondent has identified they are in breach of one or more of their statutory duties.		AMBER	Joseph Kerr	The RALU Team received the 2020 Census report on 17 June 2021, work has now commenced on analysing the data and scoping the census follow-up work for the year ahead.
1c August 2021 – Write to a selection of 2020 census respondents who have advised us they are in breach of their duty to be ordinarily resident, obtaining their plans and intentions for resolving the breach and establishing whether there is a good reason not to issue a notice of suspected breach of duty under section 26C(1) of the 1993 Act.		GREEN	Joseph Kerr	Currently on track, revised template letters are in the process of being prepared.

<p>1d October 2021 – Write to a selection of crofters and owner-occupier crofters who have not responded to the 2020 census and whose address would indicate they are in breach of the residence duty. Should correspondence confirm that they are in breach then the case would be followed up in terms of 1c above.</p>		<p>GREEN</p>	<p>Joseph Kerr</p>	<p>Work has started on drafting the letters to be used in support of this process.</p>
<p>1e December 2021 – Write to a selection of tenant and owner-occupier crofters who have indicated in their 2020 crofting census returns that they are complying with the duty to be ordinarily resident but who are not cultivating the croft, giving information about their options.</p>		<p>GREEN</p>	<p>Joseph Kerr</p>	<p>Work has yet to commence on this milestone.</p>
<p>1f February 2022 – Follow-up with a selection of resident crofters whose crofts are not in use to encourage, and where necessary enforce, the requirements for crofters to cultivate and maintain the land.</p>		<p>GREEN</p>	<p>Joseph Kerr</p>	<p>Work has yet to commence on this milestone.</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.	7	15	Records of administrative action.

PROGRESS:

- a) In the first quarter the Commission issued **2** section 11(4) notices proposing to terminate the tenancy of crofts in **Kilmallie** which will result in terminations and lets if they progress to the section 11(8) termination order stages.
- b) In the first quarter the Commission issued **1** section 11(8) termination in **Shetland** which resulted in proposals being submitted by the landlord and approved by the Commission. The tenant is a new entrant to crofting.
- c) **One** section 23(5) notice was issued to a landlord in **Sutherland**, and we are currently awaiting proposals to let the croft.
- d) The Commission have been working with a landlord in **Skye** to let 3 long term vacant crofts constituted as “New Crofts” under section 3A. During the first quarter **1 of the 3** crofts was let to a new entrant to crofting, a further application to let has been received and is currently being processed, and the estate have committed to submitting an application to let the third croft by the end of the year.

Covid Effect

Q1	Q2	Q3	Q4
GREEN			

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
1.2	Initiate correspondence with more crofters where a breach of RALU duties is suspected.	77 in 2019-20	Initiate RALU correspondence with 100 new cases	Records of administrative action.

PROGRESS

The Commission commenced correspondence with **10** crofters in the first quarter. **2** as the result of receipt of reports of suspected breach of duty, and **8** as a result of a report from a Grazings Committee in Skye under section 49A. We met with the latter and identified **31** cases in total, a mixture of breach of the residence duty, failure to cultivate, and cases where both duties are reported as being breached. We agreed a programme for prioritising and commencing a rolling programme of enforcement action in these cases.

Covid Effect

Q1	Q2	Q3	Q4
GREEN			

Responsible Manager: Joseph Kerr

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

PROGRESS

This measure is due to commence later in the year.

Covid Effect

Q1	Q2	Q3	Q4
GREEN			

Responsible Manager: Joseph Kerr

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

In the first quarter **3** crofters resolved their breach of duty by taking up residence.

Covid Effect

Q1	Q2	Q3	Q4
GREEN			

Responsible Manager: Joseph Kerr

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

PROGRESS

In the first quarter **4** crofters resolved their breach of duty by assigning the tenancy of their crofts.

Covid Effect

Q1	Q2	Q3	Q4
GREEN			

Responsible Manager: Joseph Kerr

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

In the first quarter of the year, **5** crofters were given consent to sub-let their crofts. **8** crofters were given either consent to be absent or an extension of consent to be absent.

Covid Effect

Q1	Q2	Q3	Q4
GREEN			

Responsible Manager: Joseph Kerr

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

PROGRESS

In the first quarter of the year, the Commission issued **3** Notices under section 26C(1); Made **3** decisions under section 26C(5) that a duty was not being complied with, and issued **1** Notice providing an undertaking under section 26D(1).

Q1	Q2	Q3	Q4
GREEN			

Responsible Manager: Joseph Kerr

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

There were no termination orders or notice requiring letting proposals under these statutory provisions in the first quarter of the year.

Covid Effect

Q1	Q2	Q3	Q4
AMBER			

Responsible Manager: Joseph Kerr

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

Milestone	Covid Effect	RAG Status	Responsible Manager	Details
2a Ongoing - Contact all Grazings Committees whose terms are about to end, encouraging them to arrange the appointment of a new Grazings Committee		GREEN	John Toal	Contact is made before the end of committees' terms in office, and also afterwards if no appointment has been agreed. Special measures have been put in place to ensure that grazings committees demitting office during the Covid pandemic can be appointed by the Commission under section 47(3) of the Crofters (Scotland) Act 1993.
2b 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	John Toal	This publication remains available on the Commission website and all new committees are provided with a copy of it.
2c 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	John Toal	There are current difficulties for shareholders meeting to form new committees where there has not been one in place recently which would enable the Commission to appoint a retiring committee. However, it has been possible for the Commission to appoint committees in some other instances, but this requires the consent of all shareholders where it has not been possible to hold a public meeting. The Development Officers in the Western Isles are engaged in contacting shareholders of common grazings without committees to advise on why there are none in place and indicate support wherever possible.
2d Ongoing – Encourage grazings committees to adopt the revised template for grazings regulations.		RED	John Toal	A more pro-active approach has been devised but it is currently difficult to effect with covid restrictions and the temporary redeployment of Grazings Team members.

PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure								
2.1	Increase in number of common grazings with a Committee in office	500 Grazings Committees in office on 31 March 2021	Maintain the number of Grazings Committees in office (notwithstanding the pandemic)	Administrative records								
<p><u>PROGRESS</u> There are currently 510 grazings committees in office</p> <p>Covid Effect There are obvious difficulties in expanding the numbers in office beyond the Commission appointment of committees demitting office.</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>GREEN</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Responsible Manager: John Toal</p>					Q1	Q2	Q3	Q4	GREEN			
Q1	Q2	Q3	Q4									
GREEN												

Number	Aim	Baseline	Target/Indicator	Measure								
2.2	Increase in number of grazings committees who have adopted the new template regulations	3 in 2020-21	Increase by at least 10 Commission approvals of new regulations submitted by committees based on the template.	Number of new grazings regulations approved which are based on the new template.								
<p><u>PROGRESS</u> No grazings regulations were approved in this period.</p> <p>Covid Effect The difficulties experienced by grazings committees in holding meetings makes this difficult and is not generally a priority for most committees. This also hampers a more proactive approach by the Grazings Team itself, as does the fact that its resources have been reduced to provide support in other parts of the organisation.</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>RED</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Responsible Manager: John Toal</p>					Q1	Q2	Q3	Q4	RED			
Q1	Q2	Q3	Q4									
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.	12 in 2020-21	No numerical target as this is in large part demand led.	Records of administrative action. (Note that this covers different types of Commission intervention: getting Committees into office; resolving medium size queries; and helping to address deeper issues.)

PROGRESS

There are currently 5 situations that can be considered substantial, but 120 other individual inquiries and issues have been dealt with or assisted in this period. It might be considered an indicator of success in dealing at an early stage with the variety of issues arising the number that do not require any on-going substantial engagement.

Covid Effect

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

Q1	Q2	Q3	Q4
GREEN			

Responsible Manager: John Toal

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

PROGRESS

Accurate shareholding situation have been researched and established on 5 common grazings during this period.

Covid Effect

Q1	Q2	Q3	Q4
GREEN			

Responsible Manager: John Toal

Number	Aim	Baseline	Target/Indicator	Measure
2.5	Develop and assist with training and other events for grazings committees and the management of common grazings.	5 in 2020-21	5 events in 2021/22	Records of administrative action

PROGRESS

A planning meeting has taken place with SAC for an Autumn/Winter programme of training for grazings clerks and committees that can be supported by Farm Advisory Service funding. These are best provided by meetings in person that enables interaction between trainers and participants.

Covid Effect

Contingency plans are also being considered which would allow alternatives – albeit on a reduced scale – should it not be possible to provide events similar to previous levels.

Q1	Q2	Q3	Q4
AMBER			

Responsible Manager: John Toal

Our Outcome 3. CROFTING IS REGULATED IN A FAIR, EFFICIENT AND EFFECTIVE WAY

We are committed to providing a quality and professional service to all our customers, especially those that make regulatory applications to us or who send us applications for registration of their croft, for us to review and forward to the Registers of Scotland. We are committed to fairness in all our decision-making, and we monitor turnaround times for all the different types of process.

We are also committed to continuous improvement of our internal processes, to deliver consistent and fair decision making that is compliant with legislation, and that also delivers value for the public purse. By changing and expanding how we deliver our services to customers, we can provide a faster, more consistent and more informative service to our customers, thereby improving customer satisfaction and confidence.

Milestone	Covid Effect	RAG Status	Responsible Manager	Details
3a August 2021 – Next build of the Crofting Information System released and upskilling delivered, and CIS migrated to the cloud		RED	Aaron Ramsay	CIS in early bug testing as at end of June 21, however not likely to reach live release until Dec 21.
3b August 2021 – Digital system implemented for notifications		GREEN	Aaron Ramsay	On track
3c November 2021 – Agree, with Registers of Scotland, improvements to our combined processes, and how they can be implemented.		GREEN	Joseph Kerr	Commission and RoS officials have agreed (a) amendments to content of the croft registration forms and (b) changes to procedures whereby the fees will be obtained following the checks carried out on the application which opens up the possibility of alternative methods of payment. The matter is now with RoS to progress with SG colleagues.
3d December 2021 – First 8 application types available digitally		GREEN	Aaron Ramsay	On track.

PERFORMANCE MEASURES

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

PROGRESS

Covid Effect

Early indications show that there has been an improvement in the turnaround times for the two of the key application types. Pressure of work remains high and there are challenges ahead with staff pressures.

Q1	Q2	Q3	Q4
AMBER			

	Approx Number of cases per year	Median weeks (2020-21)	Median weeks (2021-22 to date)
Assignment	c125	10.7	9.0
Decrofting Croft House Site	c50	13	16.0
Decrofting Part Croft	c100	22.6	18.9

Responsible Manager: Mary Ross

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

PROGRESS

Covid Effect

The number of cases outstanding (which have not yet reached decision) has increased to 884. This figure includes all applications including applications recently received. The number of applications received has returned to the pre-covid levels. The number of cases discharged each month fluctuates with continued pressures of home working, staff availability, the addition of new staff to replace vacant posts and staff involvement in project work related to systems improvements, having an impact on the timely progression of work. Staff have advised that they are feeling under pressure with the volume of casework they have to progress.

Q1	Q2	Q3	Q4
RED			

Responsible Manager: Mary Ross

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

PROGRESS

Covid_Effect

Progress with these cases continue and as 30 June 2021, the number of cases which had not reached decision with 12 months has reduced to 131. These cases are complex in nature and the majority will be decided at Tier 2 and Tier 3 level.

Q1	Q2	Q3	Q4
GREEN			

Responsible Manager: Mary Ross

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

PROGRESS

Covid Effect

There continues to be a small sample of completed forms being received and all of the forms received were positive with respondents answering 5 and 4s for satisfaction.

Q1	Q2	Q3	Q4
GREEN			

Responsible Manager: Mary Ross

4. THE FUTURE OF ACTIVE CROFTING IS SUPPORTED BY WELL-INFORMED ENGAGEMENT WITH STAKEHOLDERS

The Commission has a responsibility to promote the interests of crofting, and to advise the Scottish Government about crofting issues. We welcome collaborative initiatives with other organisations in order to contribute towards the sustainable development of crofting

Milestone	Covid Effect	RAG Status	Responsible Manager	Details
4a August 2021 – Develop a signposting portal within Commission website in order to direct crofters and the public to relevant websites and information related to crofting.		ACHIEVED	Heather Mack	This has been completed and launched under ‘Useful links’ section of the website. Updates have also been made to the ‘Frequently asked questions’ section. The website is subject to continual update and review.
4b September 2021 – Produce information about choices for crofters who are considering passing on their croft.		GREEN	Heather Mack	A document on this has been drafted and is currently in progress.
4c December 2021 – Investigate reasons why crofts are not passed on (temporarily or permanently) when duties are not met and develop strategies to promote croft turnover. Establish a cross-organisation working group via COHI (Convention of Highlands and Islands) to look at croft turnover and entry into crofting..		GREEN	Heather Mack	<p>A survey looking at croft under-use and availability to new entrants was completed in May 2021, which had over 400 responses.</p> <p>Communications to highlight the issue and communicate crofting duties and the benefits of new entrant opportunities, to both crofters and the public is underway.</p> <p>Investigation into how prospective croft purchasers are made aware of crofting duties has been undertaken. This will be followed up with a project to raise awareness of crofting duties to prospective croft purchasers.</p> <p>Discussions have begun on creating a working group to look at these issues.</p>
4d Ongoing - Consider the affordability and accessibility of croft land to aspiring crofters, particularly the legal, policy and financial factors that influence croft prices.		GREEN	David Findlay	The Commission is going to produce a paper for consideration by the board by end of December 2021, which will involve contacting the Land Commission on issues of the sale and marketability of land and market controls, and which will also examine possible Commission initiatives or law reform that would facilitate accessibility of land, particularly for new entrants.

<p>4e September 2021 - Establish a cross-organisation working group via COHI to identify opportunities to reduce carbon emissions, increase carbon capture and enhance biodiversity within the crofting sector.</p>		<p>GREEN</p>	<p>Heather Mack</p>	<p>Discussions have begun on creating a working group to look at these issues.</p>
<p>4f Ongoing – Participate in discussions with stakeholders and SG on crofting interests and particularly the development of future support systems for crofting.</p>		<p>GREEN</p>	<p>Heather Mack</p>	<p>Discussions with stakeholders on various crofting issues have taken place. Including Rural Payment and Inspections Division, Scottish Crofting Federation, Farm Advisory Service, HIE, Visit Scotland, NatureScot, Comhairle nan Eilean Siar, Community Land Scotland and several community landlords.</p>

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	Covid Effect	RAG Status	Responsible Manager	Details
5a April 2021 – Publish a report about the steps taken by the Commission to encourage more female Board members		ACHIEVED	Jane Thomas	The Report was published in April 2021 and a copy forwarded
5b June 2021 – Develop and implement continuity planning for key posts		AMBER	Bill Barron	This work has been delayed, but should be delivered by end August.
5c July 2021 – Develop a Commission policy on the location of our workforce over the next period		GREEN	David Findlay	David will produce a short paper for the SMT meeting on 21 July 2021 following upon the STWG recommendations regarding a policy for working arrangements from October 2021.
5d August 2021 – Implement automated retention schedule procedures within revised CIS		AMBER	Aaron Ramsay	As per CIS progress update, not likely to be in place prior to Oct 21.
5e August 2021 – Complete implementation of 2020 Staff Survey action plan	The 2020 survey was delayed due to Covid and was issued in August 2020. The 2021 survey was realigned to the normal scheduling and was issued in April 2021.	GREEN	Mary Ross	Good progress has been made in meeting the actions points from the October 2020 survey. The 2021 survey took place in April and following the results of the survey an updated action plan has been drafted.
5f December 2021 - Highlight the opportunities for election to the Board, across the crofting counties and encouraging nominations from both women and men		GREEN	Heather Mack	A questionnaire looking at the barriers to women on boards has been completed. Plans for a campaign to raise awareness of the elections are being prepared.

PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure								
5.1	Increase in staff engagement rating	57% in Summer 2020	Maintain or surpass the record high achieved in 2020	Average scores for a set of fixed questions in the annual staff survey								
<p><u>PROGRESS</u></p> <p>Covid Effect The 2021 staff survey took place in April 2021. The staff engagement rating increased to 65%.</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>ACHIEVED</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Responsible Manager: Mary Ross</p>					Q1	Q2	Q3	Q4	ACHIEVED			
Q1	Q2	Q3	Q4									
ACHIEVED												

Number	Aim	Baseline	Target/Indicator	Measure								
5.2	Corporate carbon emissions	15 tCO2e in 2019/20	Reduce by 90% in pandemic year 2020/21	Emissions from business travel by staff and Commissioners								
<p><u>PROGRESS</u></p> <p>The Commission is scheduled to calculate and submit its Public Sector Report on Compliance with Climate Change Duties to the Scottish Government for 2020/21 in August 2021 (ahead of the 30 November deadline). Preliminary data reflects a dramatic fall in carbon emissions because of Covid-19 restrictions on travel. The Commission will exceed the 90% target for reduction in emissions for 2020/21.</p> <p>Covid effect</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></td> <td></td> <td></td> </tr> </tbody> </table> <p>Responsible Manager: Neil MacDonald</p>					Q1	Q2	Q3	Q4	GREEN			
Q1	Q2	Q3	Q4									
GREEN												

Number	Aim	Baseline	Target/Indicator	Measure
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5.3	Redeploy efficiency savings within £3.2m core budget	3.4% (£95k) 2020/21	3%	Funding redeployed as a result of efficiencies in existing operations								
<p>PROGRESS</p> <p>On target as at Q1. Examples include IS Team undertaking compliance review of on-line applications in-house, rather than having to rely upon Scottish Government assistance which was initially estimated at £17k. The funding is being redirected towards CIS User Acceptance Training/Testing and a cyber security assessment of Azure and Amazon Web Services (CIS move to the Cloud).</p> <p>Covid effect</p> <table border="1" data-bbox="129 483 660 555"> <tr> <td>Q1</td> <td>Q2</td> <td>Q3</td> <td>Q4</td> </tr> <tr> <td>GREEN</td> <td></td> <td></td> <td></td> </tr> </table>					Q1	Q2	Q3	Q4	GREEN			
Q1	Q2	Q3	Q4									
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.

AUDIT & FINANCE COMMITTEE MEETING 27 July 2021

ANNUAL REPORT ON COMMITTEE ACTIVITY FOR 2020/21 TO THE BOARD

BACKGROUND

As part of the approved Committee workplan, the Vice-Chair of the Audit & Finance Committee has drafted an annual report on the Committee's activity for the year for approval, prior to submitting to the Board for review.

OVERVIEW

The tasks of the Audit Finance Committee over the last 12 months have become varied due to the additional risk associated with Covid 19.

The main focus has been to ensure that all the Commission systems are capable of accommodating staff who have been required to work from home, and also to ensure that appropriate meetings were held remotely. This has been accomplished by the Commission's internal IT dept and credit is due to completing this task in such a short timescale.

The other main item was the Committees request that an external review of the Commissions Crofting Information System be undertaken by Internal Audit. This was to identify any risks to the operations of the Commission and to ensure that development work was in line with requirements. This report highlighted various action points and a steering group of Commissioners, SMT and staff have been appointed to review the recommendations for improvement.

The normal work of reviewing the Strategic and Operational Risk Register, External / Internal Audit reports and recommendations, Compliance and Complaints register, and Financial Performance was accomplished, and the AFC also reviewed and approved the revised Workforce and Medium-Term Finance plan. The Workforce and Medium-Term Finance Plan will be refreshed during 2021/22 in light of recent recommendations.

The work covered by the AFC during 2020/21 is listed below.

April 2020 (Additional Meeting Scheduled due to Covid-19)

- Business Continuity Planning: Operational Resilience Update
- Review of Operational Risk Register
- Any Other Key Financial Matters: Current & Future Risks

May 2020

- AFC Annual Self-Assessment Questionnaire Review
- Board Annual Self-Assessment Questionnaire Review
- Considered reports from Internal Audit
 - Core Financial Systems Review
 - Best Value Review
 - Annual Assurance 2019/20

<ul style="list-style-type: none"> • Review Financial Systems Shared Service SLA Performance • Committee workplan for 2020/21 – approved • Review Internal Audit Workplan for 2020/21 • Considered draft Governance Statement for 2019/20 Accounts
<p>August 2020</p> <ul style="list-style-type: none"> • Reviewed External Audit report on 2019/20 Annual Report & Accounts, recommended the report & accounts for approval by Board • Annual Report on Committee Activity to Board – approved • Business Continuity Plan: Lessons Learned Log • Review of Crofting Commission Assurance Framework • Considered report from Internal Audit <ul style="list-style-type: none"> ○ Follow Up Report on previous audit recommendations • Private meeting of Committee Members with Internal Audit • Private meeting of Committee Members with External Audit
<p>November 2020</p> <ul style="list-style-type: none"> • Reviewed Board Scheme of Financial Delegation • Reviewed Standing Financial Instructions • Reviewed Committee Terms of Reference • Reviewed Anti-Fraud Policy/Conflict of Interest Policy • Reviewed Equalities & Diversity Plan • Reviewed Whistleblowing Policies • Reviewed Risk Management Policy • Considered Business Continuity Plan: Lessons Learned Log and Action Plan • Staff Survey: Action Plan Progress • Workforce Plan: Action Plan • Consider Medium Term Financial Plan • Health & Safety Welfare Update
<p>January 2021</p> <ul style="list-style-type: none"> • External Audit update and review of 2020/21 annual audit plan • Reviewed Key Accounting Policies for 2020/21 Accounts • Consider Medium Term Financial Plan Update • Consider Workforce Plan Update • Consider Annual Improvement Report • Reviewed draft Business Plan for 2021/22 prior to Submission to Board • Health & Safety Welfare Update • Consider Summary Report from Short-Term Working Group on Home Working and Remote Working • Consider Business Continuity Plan 'Action Plan' Progress • Approved Board Self-Assessment Questionnaire to be issued in quarter 4 2020/21 • Considered report from Internal Audit <ul style="list-style-type: none"> ○ Core Financial Systems ○ Performance Management • Review of 2021/22 Budget
<p>Standing agenda items reviewed at each meeting</p> <ul style="list-style-type: none"> • Review of Operational Risk Register • Progress Review on Audit Recommendations • Review of Key Performance Indicators • Review of Complaints Handling Report • Review of Financial Performance to date

RECOMMENDATION

The Committee is asked to consider and approve the report prior to presentation to the Board.

Date 6 July 2021

Author: Table of Activity completed by Crofting Commission Head of Finance and
Overview provided by Commissioner Malcolm Mathieson.

UPDATE ON PEATLAND AND WOODLAND PROJECTS – ORAL

Strategic Risk Register (SRR)

		20-25 High																
		10-16 Medium																
		4-9 Low																
		1-3 Very Low																
		Untreated Score (how bad if we were doing nothing at all)								Current Score			Risk Movement	Achievable Score (once all our current plans are implemented)				Last updated
Risk No	Corporate Outcome	Risk Description (what is the thing that could jeopardise the outcome being achieved?)	Potential Consequences	Impact	Likelihood	Total	Desired Outcome (to prevent the risk from materialising or from having too much adverse effect)	Current Control Actions in place	Impact	Likelihood	Total		Additional Planned Actions	Impact	Likelihood	Total	Owner	
001	Crofts are occupied and managed	Not enough momentum can be gained to see a clear improvement, and/or an increase in legal challenges slows process. Resources have been reallocated away from the RALU team since October 2019 and this has been exacerbated by the impacts of Covid-19.	Crofting will continue to decline with land not being managed and communities shrinking Reputational - seen to not be doing enough to address or conversely could be perceived as being too heavy handed. Managing Expectations - could expend a lot of resources but with little overall impact, crofting may continue to decline anyway. Financial - increased legal challenges could not only impact the resources but also have financial implications	4	5	20	An appropriate balance is found which sees real delivery on this outcome that is viewed in a positive light without any significant adverse affect on the resources and costs of the organisation.	Systematic approach for dealing with those who confirm through the census that they are in breach of duties. Established process for investigating breaches reported under section 26A of the 1993 Act. Resolving outstanding successions to croft tenancies. Videos made featuring Convenor and staff explaining the requirement to comply with statutory duties residence and land use duties and explaining options for resolving any breach. Increased staff resources within the RALU Team in September 2020 by the addition of one B1 Casework Officer who is currently receiving training on the work of the team. In October/November 2020 processes were streamlined to escalate cases at an earlier stage to the statutory enforcement provisions at Sections 26C(1) to (5) of the 1993 Act. Process for escalating cases from regulatory casework tier 3 to RALUT to commence enforcement action, where appropriate, introduced.	4	4	16	Static	In December 2020 and February 2021 the Board accepted and prioritised the 12 recommendations of the Short Term Working Group on expanding the work of the RALU Team, early priorities being initiating action on non-census returners, owner-occupier crofters and referrals from casework where information relating to a possible breach of duty emerges during the course of processing of a regulatory application. Targeted action with those who have repeatedly failed to return the census. Selected follow-up of resident non-users of their crofts Consideration being given to the appropriate use of sublets; short term lets and consents to be absent, as short/medium term resolutions of absentee cases. It had been agreed to recruit an additional B1 Casework Officer to the RALU Team who will be based in the Western Isles. Interviews held and candidate selected in May. It had been further agreed to recruit an additional B1 Casework Officer to the RALU Team who will be based in Inverness. Recruitment process has commenced.	4	3	12	Head of Regulatory Support	Jun-21
002	Common grazings are regulated and shared management practices are encouraged.	Changes in crofting practices and support see a continued decline and move away from common grazings being utilised and managed. Covid-19 pandemic causes difficulties to arrange meetings and form grazings committees. Covid19: reduction in resource capacity due to caring responsibilities and other aspects of home working	Common grazings will see a continued decline in use and management.	3	5	15	Grazing committees are enabled to generate a recovery in the productive communal use of common grazing land.	Template grazings regulations made available. Grazings guidance published February 2019. Direct support provided to grazings committees/ townships that encounter problems. Support and encouragement to get grazings committees back into office. Training for grazings clerks/committees. Survey of clerks being carried out to assess need and interest in training for digital meetings. New policy agreed to enable appointment back to office of outgoing grazings committees by Commission under powers of section 47(3) of the 1993 Act.	3	4	12	Static	Agreed recommendations from Commission Meeting of February 2021. Improve register of common grazings. Invest in developing skills and capacity in crofting areas to support and retain the basic structures for managing common grazings. Ensure that the particular needs of common grazings are recognised within future support systems.	3	3	9	Head of Policy	Jun-21
003	Crofting is regulated in a fair, efficient and effective way	Volume and complexity of casework exceeds CC's ability to deliver high standards of customer service due to budgetary constraints - currently exacerbated by the effects of Covid-19.	Reputational - decline in performance either in quality of decision making or turnaround times. Resources - staff may feel under increasing pressure and stress may become an issue. Sponsor Relationship - decline in performance may lead to tension between the Commission, Sponsor Branch and the Cabinet Secretary.	5	5	25	Continued process improvement supported by use of digital service delivery provide enough capacity to absorb future budget pressures whilst maintaining good service provision. Additional temporary resources to be made available during pandemic to mitigate the effects of home working, since March 2020 the number of applications received remains higher than the number of applications being discharged. Daily support for staff to progress work by way of Skype and Teams during Covid-19 period.	Additional permanent post added to regulatory team as part of new money from summer 2020. Resilience provided from an experienced member of staff to support the team during periods of pressure. Provision of Register of Crofts Online, including Decrofting directions hosted publicly. Ongoing process reviews Monitoring of turnaround times through KPI quarterly report to provide early warning of issues. During Covid-19, weekly monitoring of application/notification receipt and allocation of applications/ notifications to staff. Monthly monitoring of applications/notifications received, discharged and outstanding. Attention being given to cases that have been outstanding longer than 12 months but have not yet reached conclusion. IS team providing technical support as homeworking issues arise.	5	5	25	Static	Additional FTA post being added to regulatory team for 2021/22. Further review of staffing complement for the Regulatory Team Ongoing work with RoS to improve registration processes Full review of application forms to make them more fit for purpose, with planning ongoing to facilitate a full digital return to remove the requirements for manual duplication of work entering into the CIS Limited trial of digital payments headed up by head of finance with a limited number of trusted agents. If successful this will lay the groundwork to examine digital payments for all Further review of MI products, including scoping missing requirements.	4	4	16	Head of Operations & Workforce Head of Digital & Improvement	Jun-21

20-25		High		Strategic Risk Register (SRR)														
10-16		Medium																
4-9		Low																
1-3		Very Low																
Risk No	Corporate Outcome	Risk Description (what is the thing that could jeopardise the outcome being achieved?)	Potential Consequences	Untreated Score (how bad if we were doing nothing at all)			Desired Outcome (to prevent the risk from materialising or from having too much adverse effect)	Current Control Actions in place	Current Score			Risk Movement	Additional Planned Actions	Achievable Score (once all our current plans are implemented)			Owner	Last updated
				Impact	Likelihood	Total			Impact	Likelihood	Total			Impact	Likelihood	Total		
003a	Crofting is regulated in a fair, efficient and effective way	Commission does not have the capacity either to enhance CIS and MARS in timely fashion, or to replace them. This was highlighted in the recent Azets audit of the CIS	Resource impact on Regulatory, RALU and other teams, exacerbating risks 001 and 003. Ongoing weaknesses in our management of information with the risk of a data protection breach.	3	5	15	Delivery, testing and implementation of release 1063. Establishment of internal resource positions to plan and delivery future changes, including Product Owner, Product Sponsor, Scrum Master and resilience within Coding capacity	Specification for release 1063 being tightened up User Acceptance Testers identified and testing to commence shortly with training and support from an external contractor Weekly control meetings between CEO, Head of Digital, Business Analyst and Systems Architect CIS Steering Group established to develop action plan in response to Azets report	3	4	12	New	Action Plan in response to Azets recommendations to be developed Full paper to be presented to Commission Board in August exploring potential alternatives to inhouse development of the CIS system High level discussions with Scottish Government to agree a costed strategy for control and development of CIS or an alternative system	2	2	4	Head of Digital & Improvement	Aug-21
004	We inform and support the future of active crofting	Conflicts arise due to clash between the crofting system, the modern environment and economy and different stakeholder agendas. Failure on the part of the Commission to agree any collective view on supporting the future of active crofting.	Crofting legislation and other systems don't improve. SG, SCF and NFUS have low regard for the Commission.	4	3	12	Commission positions on key issues for the future of crofting are developed, involving discussion with partner organisations. Commission implements an effective 'development' role, including the outward facing posts in the Western Isles	Additional funding provided to the Commission to expand our role of developing and promoting crofting. Two development officers being recruited to the Commission in Spring 2021 Input provided to SG drafts of the National Development Plan Regular meetings between Convener/CEO and key stakeholders. Participation in Cross Party Group on Crofting and Crofting Stakeholder Forum. Web presence and videos. Input given to Law Society review of aspects of crofting law	4	2	8	Static - but the focus has changed from the 'future of crofting' work to the National Development Plan and the Commission's expanded role	Work with development officers and partner organisations to implement a new stream of Commission work Promote the interests of crofting in further engagement with SG about support for crofting.	4	2	8	CEO/Solicitor/Head of Policy	Jun-21
005	Our workforce have the right skills and motivation to perform well and our governance processes are best practice	Inability to recruit and/or retain good/experienced staff, because of budget constraints or for other reasons.	Impact on any of the above corporate outcomes, as a result of one or more teams being short of experienced staff. Loss of valuable crofting knowledge. Resources - staff may feel under increasing pressure and stress may become an issue.	4	4	16	A staffing structure which allows delivery of all key outcomes within budget set by SG. Training and succession plans in place to provide career development opportunities and processes in place to ensure resilience in terms of knowledge management.	Workforce plan to support training and succession planning. Prompt recruitment when necessary to fill posts. Staff Survey conducted in August 2020 and Action Plan for improvements developed and issued to staff. Actions for 2020 Staff Survey implemented. Increased focus on the wellbeing of staff with a Wellbeing page created on Teams with information and services. Events to support wellbeing being organised by the Staff Engagement Group. Representations made to SG about future budgets. Regulatory allocation of work moved to pooled work model to assist with fair distribution of work. Training Officers in place and training material being reviewed and made more accessible. Wellbeing events for all staff, including webinar by SG wellbeing officer and yoga sessions	4	4	16	Static	Workforce plan to be integrated with financial planning, and used as an ongoing tool. Workforce Plan to be updated to take into account current circumstances relating to the addition work resulting from additional funding and the ongoing pandemic. Review and continue to progress workforce plan action plan. Actions Plan from 2021 CC staff survey being developed. SEG considering further wellbeing events.	3	3	9	Head of Operations & Workforce	Jun-21

20-25		High																
10-16		Medium																
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006	All aspects of the Commission's objectives	Covid-19 and the closure of Great Glen House has hampered delivery of the Commission's work as a result of: loss of staff availability through caring responsibilities and other home working constraints; IT connectivity challenges; lack of access to GGH facilities such as postal services, printing, meeting rooms		5	5	25	All Commission processes operating adequately by means of remote working combined with occasional GGH access.	Business Continuity Plan activated initially, lessons learned log compiled. Backup for key CC staff positions identified or under discussion. Health & Safety committee strengthened, new policies developed and H&S monitoring in place, both for staff in the office and for those working at home. IT equipment and office equipment supplied to staff's homes, and adjustments made to system and firewall to permit more efficient access. Additional server purchased to enhance performance, and much individual advice given to staff about resolving connectivity issues. Teams used regularly for meetings including Board and AFC meetings. Partial reopening of GGH agreed with NatureScot and implemented from the start of November 2020, but temporarily reversed following new lockdown of Jan 2021. Bespoke continuity plans in place for Finance team. Short Term Working Group on home working and remote working has reported to SMT and the Board Teams licenses enhanced to allow all staff who need it the ability to make and receive phone calls through Teams	4	5	20	Static	Continual improvement to the performance of remote working and staff's experience of home working. Liaison with NatureScot regarding greater use of GGH when lockdown conditions permit. Long term strategy for remote and home working being developed in response to the Short Term Working Group's report. Options being identified and tested for moving CIS to the cloud, in order to enhance resilience and reduce dependence on a physical office location.	3	5	15	CEO	Jun-21
			0			0			0									

CROFTING COMMISSION MEETING

10 August 2021

Report by the Chief Executive

Communications Review

SUMMARY

A review of external and internal communications for the Commission was recently undertaken. The main findings are presented below.

BACKGROUND

The Commission recently engaged Jane Craigie Marketing to review their external and internal communications. This was to provide recommendations for improving perceptions of the organisation as well as presenting a warmer and more positive narrative about crofting and the Commission's role. Jane Craigie Marketing interviewed stakeholders including staff, Commissioners, assessors, consultants and crofters to gain an insight into the perceptions of Commission communications and engagement. They also reviewed the Commission's recent press, digital and social media activity. Altogether this was used to inform a recommended communications strategy to address the challenges and achieve the Commission's objectives.

KEY POINTS

Perceptions around the Commission's role was found to include the recognition of it as a vital body as well as being under-resourced and distant. The complexity of crofting legislation spills over into the perception of the organisation. Recommendations from the review included to soften the organisation's image and give the Commission and Commissioners a human face. Opportunities to lead the narrative around crofting, its future and related issues could be taken. More case studies could be used in order to communicate issues in an engaging way. Internal communications have seen some improvements, however there can be confusion around internal information and it is recommended that this is streamlined.

Key excerpts from the review are included below (see **Annex A**), including key findings, strategic objectives and ideas for storylines and topics.

Impact:	Comments
Financial	n/a
Legal/Political	Improvements in perceptions of the organisation and increased awareness of crofting issues will raise the profile of the Commission and increase the likelihood of increased funding for crofting and the Commission.
HR/staff resources	Improvements to internal communications will improve staff efficiency and satisfaction.

RECOMMENDATION

That the Board discuss and note the findings of the review, and advise whether they would like a presentation from Jane Craigie Marketing on a date to be arranged.

Date 27 May 2021

Author Heather Mack, Head of Development

These include the following from the Jane Craigie Marketing Reviews: Key Findings; Strategic Objectives; and Storylines and Topics.

Key Findings

- The CC is seen as a **vital body** (alongside other stakeholders) for ensuring a strong future place for crofting in Scotland, and in representing the crofting system and structure, making the case for it to be supported politically and financially.
- The CC is perceived as being **under-resourced** with many interviewees saying that the organisation is doing the best that it can with limited resources.
- The CC has many opportunities to lead, be involved and to comment on crofting, its role and its future, even those with negative perceptions recognise the important role that the CC has in ensuring that **crofting remains part of the fabric of Scotland, its heritage and its land management**. Many also see that its role is to be involved/lead the debate on crofting as a mechanism to **tackle depopulation, climate change and biodiversity management**.
- The CC needs to **modernise and soften its image and get more involved in the crofting debate**. Areas cited include focus on young people, women, entrepreneurs, crofters as a powerful collective for the future, as well as good examples of traditional crofting/common grazing done well.
- **Good news stories** of how the CC has dealt with absentee or unworked crofts with a positive outcome would be well received – e.g. a new young crofter being mentored by the older crofter.
- The **grazings team is doing a great job** and has made a real impact on the ground, bringing a number back into 'office', much more collaboration in Common Grazing agreements, active meetings etc.
- Community visibility – the CC needs to be more **physical and human** – face to face engagement and online meetings, including a **wider representation of the CC team** is seen as crucial for **improving perception, local insight and building trust**. Development roles will help here. Commissioners have been well received. Commissioners and staff together are invaluable – they have the legislative skills to explain.
- Changes to crofting legalities **not well communicated** by the CC.
- Social media could be used far more effectively to **communicate changes, updates, calls to action** than is currently the case.

Key Findings

Continued

- The economics and legalities of crofting spills out into the perception about the CC. Lack of understanding and the frustrations of making a living/applying for grants etc. **Signposting and access to information/toolkits** could help this.
- The CC team holds a lot of knowledge and insight which would be valuable communications.
- **Customer service is perceived as being poor and slow.** This creates animosity. The CC is blamed for slow response, when it could well be other players in the crofter's case e.g. lawyers holding up the process. Lack of communication exacerbates the situation.
- CC is **viewed externally as a distant and largely uncontactable body**, in need of fresh blood – opportunity to build relationships **with increased presence in the community** and through digital channels with creative, engaging content and interaction.
- More could be done to **undertake joint communications** with stakeholders involved with crofting, e.g. ScotGov, local authorities, NFUS, SCF.
- Digital channels need **greater ownership and content curation** to reach different audiences and stakeholders.
- Press coverage is currently **largely passive** with little or no input from CC - opportunity to do more to control the narrative in the media.
- Internal communications are creating a **void in knowledge** and potential for learning from each other - opportunity to improve internal communications through regular proactive email and WhatsApp activity.
- Internal knowledge management and processes are unclear and could be simplified.
- Internal communications have been aided by fortnightly team meetings; team updates could help enhance the experience further.
- CC staff are **well respected** and could be utilised more for **external communications**.
- The annual census is seen as a **missed opportunity** for gaining more insight from crofters and communicating what, why and how the CC works. This communication costs £15k annually and could be used as an opportunity to engage and inspire recipients.
- The Cross-Party Group is seen as an important stakeholder liaison exercise.

Strategic objectives

Strategic objectives have been crafted to help positively position the CC with internal and external stakeholders.

Internal:

Improve internal communication to ensure a two-way symmetric model of communication is employed.

External:

To increase understanding and awareness of CC's role and create a clear identity of what it is and what the members of the team do.

- To position CC at the heart of the crofting debate.
- To illustrate CC is there to support not hinder and to drive increased contact for advice/support and applications to sustain/progress crofts.
- To drive traffic to the website.
- To increase Government funding for CC.
- To build community and sense of belonging.
- Boost positive engagement.
- To build and continue a 360-degree story of positive CC activity.



Storylines and topics

Storyline/topic	Description
Future of crofting in repopulation, climate change mitigation, tourism/agritourism, biodiversity emergency.	Leadership opinion pieces from Bill Barron and Commissioners. Blogs. Social media content.
Technical comment - Policy changes, crofters' rights and responsibilities, grants etc.	Comment and updates on policy/grants – what's new, what's changed. E-newsletter. Website. Social media.
Annual – status of crofting press briefing.	A year in view. Stats, facts, changes, number of cases etc. External speakers e.g. SCF, NatureScot. Held in person (with a meal) or online.
Developing crofting for the future.	Utilise the two new crofting development officers to talk about great examples of the development of crofting. Give them voice and a profile as the modern face of the CC.
Press visits.	Ad-hoc – e.g. a day out with a Commissioner to meet some interesting crofters, or a group visit (as JCM did for SAC Consulting to Lewis & Harris).
Events and meetings – CC only and third party.	Reports – on website. Press releases (pre). E-newsletters.
Case studies. Use of crofts	Press features. Press releases – linked to a news story e.g. youngest crofter, diversification winner, habitat creation, retiring from a croft, absentee returns, developing crofts' infrastructure, use of grants, working collaboratively etc.
Case studies – common grazing.	As above, but focus on common grazing examples and collaborations. Rights, grants etc.
Training/skills development.	News on training and skills development activities – good for local press.
History of crofting. What they were, what they are now. Peat cutting and other historical rights.	Regional features for regional/local publications e.g. Stornoway Gazette. National features e.g. on reaching a milestone e.g. 200 year anniversary of ?? Linked to a case study, the story of the croft and a family. Invaluable social media content that could soften the image of the CC.
Heritage and culture.	The role of crofts, crofters in the history and heritage of landscape, place, community, buildings, land use etc.
Communities in focus.	Crofting at the heart of communities.
People in focus – e.g. Commissioners, Assessors, Development team.	People profiles. Blogs, features and YouTube videos.
Language is leadership	CC staff learning Gaelic to connect with crofters. The impact of this both culturally and in a regulatory function

**CENSUS 2020-2021 –
PROCESSING ARRANGEMENTS – ORAL**

CROFTING COMMISSION MEETING

10 August 2021

Report by the Chief Executive

Annual Review Gaelic Language Plan

SUMMARY

The Crofting Commission must review its Gaelic Language Plan once a year, in advance of a report being submitted to Bòrd na Gàidhlig in September.

BACKGROUND

Under the Gaelic Language Act (Scotland) 2005 public authorities in Scotland have a duty to complete a Gaelic Language Plan, which must then be submitted for approval by Bòrd na Gàidhlig, publicised, reviewed each year, with a report on progress made to the Bòrd every year. A complete update of Plans takes place every five years.

The first Gaelic Language Plan, submitted by the Crofters Commission, was approved in 2009. The second iteration was approved for the Crofting Commission in 2015, and the third edition approved by the Bòrd in October 2020, which will run until 2025.

Reports, monitoring progress against the Gaelic Language Plan commitments, are made to the Senior Management Team by the Gaelic Officer (Head of Business Support & Compliance) every quarter and annually to the Commission Board.

CURRENT POSITION

The Commission has invested considerable time in developing a Gaelic Language Plan with a range of practical commitments aimed at supporting the objectives of the National Plan for Scotland, enhancing the status of Gaelic, promoting learning, and encouraging the use of the language in the workplace.

The organisation's commitment reflects the important place of Gaelic in the culture of particular crofting communities, with Gaelic-speaking households making up a significant base in many of the most widely crofted areas.

All staff are expected to have an awareness of the Gaelic Language Plan and it is part of the Induction process for new staff. The Plan is included in the Commissioners' Induction Pack. Despite a temporary postponement due to lockdown restrictions, the Commission Gaelic Language classes have been running throughout 2020/21 and into 2021/22 and we have recently had confirmation from Bòrd na Gàidhlig that our application for funding under the GLAIF programme was successful. This funds 80% of the cost of delivering the language training.

A copy of the Monitoring Report, which shows all the commitments and the progress made to achieve them, is attached as **Annex A**. This was last updated in July 2021. A report based on the Monitoring Report will be forwarded to Bòrd na Gàidhlig in September. It should be noted that the Bòrd view the Commission's Plan as a model of good practice and use it as an example when advising other authorities.

Impact:	Comments
Financial	Gaelic translation (General + Annual report) £6104, Classes £2073.
Legal/Political	Commission has obligations under the National Gaelic Plan for Scotland/ the Gaelic Language Act.
HR/staff resources	Resource focus is on Head of team as the Gaelic Language Officer. There is also a commitment of time by those staff who take up the opportunity of Gaelic classes provided through the Commission.

RECOMMENDATION

Commissioners are asked to consider the Gaelic Language Plan Monitoring Report and, if they are satisfied with progress against commitments, recommend the report to Bòrd na Gàidhlig.

Date 15 July 2021

Author Jane Thomas, Head of Business Support & Compliance

GAELIC LANGUAGE PLAN 2020-2025 MONITORING REPORT: JULY 2021

Base-line information	
Approval date of Gaelic Language Plan	27/10/2020
Senior officer with overall responsibility for the Plan	Jane Thomas, Head of Business Support & Compliance
Officer with day-to-day responsibility of the Plan	As above
Date of submission of monitoring report	

Key	
On track – minimal or no issues that can impact on quality or delivery of output to schedule.	
Delay in delivery timeline and/or quantity/quality of output within parameters of the Plan.	
Significant delay in output delivery/ output delivery will not be achieved within plan's timeline.	

HIGH LEVEL AIMS – Using Gaelic, Learning Gaelic, Promoting Gaelic			
ITEM	COMMITMENTS	PROGRESS	STATUS
1	Carry forward and include all commitments from the previous edition of Crofting Commission's Gaelic Language Plan which are within the Crofting Commission's remit.	On track	
2	The Crofting Commission will create and build on opportunities for staff and customers to use Gaelic in everyday interactions with the Commission, building on the work detailed in the GLP monitoring report.	Affected by Covid restrictions, which prevent a return of all staff to the office but despite this there has been an increase in the use of Gaelic in emails, with more basic in-house translation.	
3	The Crofting Commission will demonstrate its commitment to Gaelic language learning by offering every new member of staff opportunities to learn Gaelic, by including Gaelic as part of the induction process for new staff and by delivering Gaelic Awareness sessions across the organisation for each year of the plan.	2 x Gaelic Awareness sessions delivered in 2020, more planned for 2021, GLP is part of Induction process.	
4	The Crofting Commission will give equal weight to the presentation of information in Gaelic and English in all of its major publications and will continue to build a greater presence in Gaelic on social media platforms. Within its Equality & Diversity Policy and Action Plan, it will explicitly link promotion of the aims of the GLP with staff diversity objectives and it will continue to promote career opportunities for Gaelic speakers by such means as the attendance at careers fairs by Gaelic-speaking members of staff.	Increase in use of Gaelic on social media, e.g. Gaelic Video released in February 2021	

CORPORATE SERVICES AIMS

There are five core areas of service delivery that the Crofting Commission need to address in its Gaelic Language Plan these are:

- Status
- Staff
- Communicating with the public
- Information
- Corpus

The core commitments play an important role in raising the profile and visibility of Gaelic. The Commission intends to enable and encourage the use of Gaelic through the above core areas, to raise the profile of Gaelic in its business functions and in the delivery of its regulatory services.

ITEM	COMMITMENTS	PROGRESS	STATUS
1.1	Corporate Logo: All staff to be encouraged to carry a Gaelic Voicemail message on their desk telephone and all actions above continued.	Automated voicemail includes Gaelic welcome	
1.2	Signage: Maintain current level of bilingual signage and ensure any new signage is fully bilingual.	Complete, even the temporary signage displayed in the building under Covid restrictions is bilingual.	
2 STAFF			
ITEM	COMMITMENTS	PROGRESS	STATUS
2.1	Advertising of Posts and Recruitment of Gaelic Speakers: Ensure that the Commission Workforce Plan recognises that Gaelic is an essential skill for the telephone receptionist post(s) and includes provision for this in Succession Planning. Encourage Gaelic speakers to apply for Commission vacancies by advertising vacancies in Gaelic.	Workforce Plan recognises Gaelic as Essential for telephone receptionist and new A3 fluent in Gaelic recruited in Feb 2021.	
2.2	Gaelic Language Learning Staff learning Gaelic enabled to hold weekly revision sessions and informal Gaelic coffee breaks to embed skills. Evaluate current learning at the end of the course in October 2020, with a view to continued provision.	Weekly revision classed continuing via Teams. Positive report completed in Oct 2020 and final GLAIF report submitted in early 2021. GLAIF application made in April. Successful. Will fund 80% of costs from Oct 2021.	
2.3	Gaelic Awareness Training & Encouraging the Use of Gaelic in the Workplace: Promote Awareness sessions particularly to all new starts; promote local learning opportunities as well as those offered in-house; encourage beginner learners to progress to intermediate classes.	Completed in 2020, new beginners joined the classes in November 2020.	
3 COMMUNICATING WITH THE PUBLIC			
ITEM	COMMITMENTS	PROGRESS	STATUS
3.1	Telephone Service: Incoming calls answered with a basic Gaelic phrase: Madainn mhath or Feasgar math. Succession Planning required for main receptionist role, as this is an essential Gaelic speaker role. All Voicemail messages to include Gaelic.	Completed, new A3 recruited with fluent Gaelic, to begin training as telephone receptionist in March/April 2021.	
3.2	Frontline Services to the Public: Succession Planning to ensure the level and quality of the current service does not decline in the future.	On track	
3.3	Written Correspondence: Maintain current levels of service and ensure essential skills are not lost.	On track and improving.	
3.4	Forms: Carry out a review of additional forms and guidance, to increase the visibility of Gaelic. Consider the impact of online forms on Gaelic.	Target for later in 2021.	
3.5	Public Meetings: Review online information on holding meetings in Gaelic and wording for advertisements for public meetings in Gaelic speaking areas to ensure that an active offer is being made.	No public meetings being held at present due to Covid restrictions.	

4 INFORMATION			
ITEM	COMMITMENTS	PROGRESS	STATUS
4.1	Media & Public Relations: Develop use of social media in Gaelic, increasing number of interactions; publicising Gaelic videos; create Gaelic blogs.	Increase in Gaelic on social media, production of Gaelic video in Feb 2021. Attendance at virtual careers fair increased.	
4.2	Printed Materials: Review current service level and consider any new publications.	On track	
4.3	Website and Social Media: Maintain and improve current service level, with increased use of Gaelic on social media platforms and increased use of analytics to drive improvements.	On track	
4.4	Events and Exhibitions: Build on presence at careers fair with more staff attending, including Gaelic learners.	Complete – Commission presence at virtual careers fair increased from previous years.	
5 CORPUS			
ITEM	COMMITMENTS	PROGRESS	STATUS
5.1	Gaelic Orthographic Conventions: The Commission will tender a new contract for translation services within the lifetime of the Plan.	Within lifetime of plan	
5.2	Observation of Correct Place Names: Maintain level of service and act swiftly to correct inaccurate data and spelling.	On track	
5.3	Translating and Interpreting Services: Translation services to be put out to tender for new contract.	On track	

LESSONS LEARNED / ADDITIONAL INFORMATION:

CROFTING COMMISSION MEETING

10 August 2021

Report by the Chief Executive

Staff Turnover

SUMMARY

To provide facts, figures and comments on staff turnover rates, for discussion.

BACKGROUND

As a small organisation, the Commission is vulnerable to disproportionate impacts following the loss of skilled staff. This has been acutely felt by the Regulation team at various times, and more recently the departure of our Comms officer has caused a short-term issue. Other teams are also potentially vulnerable, including (but not only) highly specialised teams such as IS, GIS and Finance.

TURNOVER OF STAFF SINCE APRIL 2017

In the 4.4 years from April 2017 to August 2021, 23 permanent or fixed-term-appointment (FTA) staff have left the Commission (not counting one who took a career break but later returned). The number of leavers was steady for the first three years of the Board's term (5, 6, 5 leavers respectively); reduced to just one leaver in the Covid year 2020-21; but has increased in 2021-22 with 6 confirmed leavers already in the first five months.

The average number of leavers is 5.3 per year or about 10% of the workforce per annum. However, this masks very considerable differences in turnover rates, between the different grades.

Staff in grade B2 and above – 3% turnover

Since the start of this Board's term, there have been just 2 leavers in grades B2 and above, one retirement and one who left to pursue a different career pathway. For most of this period, there were 16 posts at that level, so the turnover rate for these grades has averaged about 3% per annum. This is very low, and has limited the opportunities for promotees or new recruits into senior positions.

B1 staff – 9% turnover

In the last 4.4 years, 9 B1s have left the Commission, an average of 2 per year, which is about 9% turnover on average. The reasons for leaving have been:

Secured promoted post within Scottish Government	5
Level transfer into Scottish Government	2
Resigned	2

In the same period, it is striking that there have been no promotions to B2 within the Commission (although one B1 member of staff was regraded to B2 as their role had evolved upwards, and two B1s had a period of TRS (temporary promotion)). Given this dearth of promotion opportunities, it is not surprising that a number have taken the opportunity to develop their career in the wider Scottish Government.

Staff at A4 and A3 – 30% turnover (including promotions within the Commission)

In the last 4.4 years, 12 A band staff have left the Commission, and a further 9 have been promoted to B1 within the Commission. As there are only 16 A3 posts within the Commission’s current complement, this represents a high turnover rate for these grades, about 30% per annum if the promotions are included, or 17% per annum on the basis of leavers only.

The reasons for leaving or progressing from the A grades have been as follows:

Secured B band within Crofting Commission	9
Secured B band post within Scottish Government or wider civil service	6
Level transfer into Scottish Government	1
Took career break and returned to SG rather than CC	1
Resigned for family reasons	1
Resigned to pursue a different type of work	1
Retired	1
Fixed Term Appointee not retained by the Commission	1

It is notable that the majority of the turnover has been promotions, within CC or elsewhere in Government. This is not surprising: Crofting Commission A band staff, most of them in the Regulatory team, have skill sets that are marketable, and it is inevitable that there will be a high level of turnover for this reason.

OBSERVATIONS

- Turnover at B2 and above is low. We need to ensure that CC staff are well prepared to compete for these opportunities when they arise.
- Turnover at B1 is moderate. Arguably, the level of B1 leavers from the Commission is quite modest, given their lack of opportunities for progressing within the Commission. However, as there may well now be an increase in SG advertising posts on a location neutral basis, turnover of CC B1 staff may get worse in the near future. If so, there would be more opportunities for the Commission’s A band staff to progress to B1, but consequently even more pressure on turnover at A band.
- We have consistently had a high level of turnover of A band staff, mainly because many of them have progressed to promoted posts within the Commission or the wider Government. This is inevitable, and positive for the officers concerned, but it presents a challenge for the regulatory team which has the majority of our A band posts.
- Anecdotal intelligence suggests that the European Structural Funds (ESF) team at Longman House may continue to offer promotion opportunities for CC staff for some time yet. That team is likely to be reduced in due course as a consequence of Brexit, and in anticipation of this, several of its established staff are now looking for other posts to move to. Unfortunately, that in turn opens up opportunities for CC staff to move to the ESF team.
- We have prioritised being as efficient as we can be in both recruitment and training to regulatory A3 posts, and we have increased the number of these posts so that the team is better able to withstand losses when they occur. But when several staff leave in a short space of time, problems are unavoidable. Someone leaving the regulatory team can do so in 6 weeks after securing a move into the SG, but it takes about a year to see their replacement fully trained up.

- Part of our response to the turnover threat is using temporary staff when appropriate. Temporary staff are quicker to recruit, and if they do well, as many do, they can often be encouraged to apply for permanent posts within the Commission.
- SMT believes there is a strong case for having the grading of our A3 posts reassessed, as part of the review of staffing that has been proposed. Any upward regrading would naturally be appreciated by staff and could reduce the numbers leaving. However, even if these posts were graded A4, that would be unlikely to prevent some staff opting to apply for B band opportunities in Scottish Government.

Impact:	Comments
<i>Note: No new actions are proposed by this paper, so there is no direct impact of new proposals, to consider. Instead, the sections below make general comments relating to the importance of this issue.</i>	
Financial	High turnover of B1 and A band staff causes small direct costs (for recruiting) and more significant costs for in-house training. If all regulatory A3 posts were regraded to A4, this would cost about £30k per annum.
Legal/Political	B1 and A band staff across the commission, especially in regulation, take decisions which have legal and occasionally political consequences; the system of parameters and Tier 2 is used to support them in this.
HR/staff resources	High turnover from frontline staff, means we are constantly losing valuable expertise. To counter this, we have made it a priority to recruit promptly to these posts when they fall vacant, including transferring A3s from Registration or Customer Services into Regulation when appropriate.

RECOMMENDATION

The Board is invited to note this analysis of turnover, and consider what more could be done (a) to create opportunities for progression within the Commission and/or (b) to overcome the negative impacts of turnover, particularly in the A grades.

Date 28 July 2021

Author Bill Barron, Chief Executive

CROFTING COMMISSION MEETING

10 August 2021

Report by the Chief Executive

SUMMARY

To propose and agree Board Meeting Dates for 2022 and to consider a date and place for an external Board Meeting.

BACKGROUND

This Paper is submitted to the Commission laying out proposed meeting dates for 2022 for Board Meeting days.

SUMMARY OF RECOMMENDATIONS

The Commission is asked to agree the Meeting dates outlined in the table below.

BOARD MEETING DATES 2022
Thursday 3 February 2022
Thursday 31 March 2022
Thursday 12 May 2022
Thursday 23 June 2022
Thursday 25 August 2022
Tuesday/Wednesday 25/26 October 2022 (External?)
Thursday 1 December 2022

RECOMMENDATION

Schedule of Meetings outlined above is recommended.

Date 28 July 2021

Author Bill Barron, Chief Executive

**UPDATE FROM THE APPLICATION FORMS RE-DESIGN
SHORT TERM WORKING GROUP - ORAL**

CROFTING COMMISSION MEETING

10 August 2021

Report by the Chief Executive

Team updates

SUMMARY

The annexes to this paper contain brief written updates from each of the Commission's main teams.

BACKGROUND

Since August 2020, Team leads have been asked to give a brief report to the Board at each meeting. Hitherto, these have been done orally, which allows a fully up-to-date presentation on each occasion. However, auditors have recommended that a more structured approach should be adopted, with a written report from each team circulated with the Board papers, and presented (with any necessary update) at the Board meeting.

The annexes to this paper provide updates from the following teams:

Annex A – IS Team

Annex B – RALUT

Annex C – Operations & Workforce

Annex D – Grazings

Annex E – Development

Annex F – Compliance Report (this is in the format of the Compliance reports which are regularly presented to SMT)

RECOMMENDATION

The Board is invited to note the content of the Annexes and to comment on:-

- (a) The format of these reports; and
- (b) Any of the issues raised in them.

Date 28 July 2021

Author Senior Management Team

IS TEAM

Website refresh

- a. New applications received are now live on the Commission website and are now a fully automated process populated from CIS data. Improvements have been added for historic cases so that further back than 6 weeks they can be searched, and applications directly link to the ROC. ROC pages now also show a record of applications received against them. Planning is underway to backfill this data for the history of CIS.
- b. Grounds are in the process of being revised to be added to the Commission website as they are produced, with this service expected to go live in August with the same enhancements as new applications.
- c. Accessibility review – this is underway and the outcome is expected within the next 1-2 weeks.

Digital applications

Paula Gray within the IS team now focusing full time on this, with support from HoD and a range of colleagues. Work progressing at a steady rate, with the initial redesign work on the paper forms nearing completion for several application types.

The website wizard page which will help prevent incorrect forms being chosen by customers and become the first step for digital applications is functional in draft form and should go live within the next 1-2 weeks.

CIS

Initial bug testing and early review by IS team on the next build complete, estimated time to fully complete next build is 10-13 weeks from the date of this paper.

Last feature, the file attachment revisions and retention, change request complete and due to commence coding.

External training and support for User Acceptance training sourced and provisionally arranged for 1 and 2 September.

Cloud migration

CIS has been successfully migrated to the Azure cloud environment and Commission staff are currently testing this until the end of August 2021.

Date 21 July 2021

Author Aaron Ramsay, Head of Digital and Improvement

RALUT

- 1 **Posts:** Western Isles post: SG has completed the successful candidate's pre-employment checks. They will start in post on 6 September 2021. The additional B1 post was advertised on 16 July 2021.
- 2 **Previous Census Returns:** The Commission are currently processing **74** ongoing breach of duties cases from previous Census Returns. The Commission are currently processing:
 - a. 12 applications for consent to assign the tenancy
 - b. 13 applications for consent to sublet the tenancy
 - c. 2 applications for consent to be absent
 - d. 47 cases that are being dealt with under the duties enforcement provisions
- 3 **Crofting Census returns for 2021.** The team have received the report on the 2021 Crofting Census returns. The report is currently being analysed and will form the basis of the next tranche of team activity in terms of initiating action in relation to new reported breaches by tenants and owner-occupier crofters. The team are still awaiting the report on non-census returners which will form the basis of a further tranche of work in relation to non-census returners whose address indicated that they were in breach of the residence duty.
- 4 **Cases escalated from Tier 3:** One of the recommendations of the short term working group (STWG) on Duties was that the RALU Team would progress duties action and vacant croft action following the escalation of cases from regulatory casework. The Team are in the process of progressing 4 cases recently referred to them following refusals at Tier 3.
 - a. 2 following refusals to consent to sublet
 - b. 2 following the refusal to grant a decrofting direction to the landlord of a vacant croft
- 5 **SGRPID Mapping:** A further recommendation of the STWG on Duties was to liaise with SGRPID with a view to obtaining aerial photographic evidence on croft land under a data sharing agreement. A positive meeting was held on this followed by a demonstration of the RPID viewer. It is anticipated that this could be a potentially useful tool as the Team extends its work into breaches of land use duties,
- 6 **Grazings Committee Report:** A virtual meeting was held with Grazings Committee and Shareholders in Skye, with Vice Convener MacKenzie and Commission officials following a report identifying 31 potential breaches of duty. It was agreed that the team would progress all of identified cases, but due to the numbers involved we would prioritise investigation and enforcement action. We agreed an initial tranche of 8 cases; 4 residence and 4 residency and cultivation, with the initial letters going out on 25 June 2021.
 - 3 are tenanted crofts and shares
 - 2 are owner-occupied crofts
 - 3 are deemed crofts (shares)
- 7 **Unresolved Successions:** There has been continuing action to resolve unresolved successions with one termination under section 11(8) and 3 notices proposing to terminate issued since the last update, with a further 26 cases currently under consideration by the Team.

Date 20 July 2021

Author Joseph Kerr

OPERATIONS AND WORKFORCE

STAFFING

Pressures within the Regulatory Team are substantial and there is a backlog of work. There is a combination of factors that have led to this situation. Some of the reasons are, changes to processes resulting in better outcomes but longer processing times, staff participating on short-term working groups to make improvements that will in the medium to longer term will improve processes, staff availability resulting from annual leave/sick leave and changes that have been made to adjust to home working.

An additional factor that we now face is the departure of two experienced Regulatory B1s and this will further exacerbate the situation. However, the recruitment to replace these officers is complete and two existing A grade regulatory staff have been successful in gaining promotion to these posts. They will start in post on 2 August 2021.

In addition to these two posts, we have decided to promote a third member of staff at B1 level, on a TRS basis for a period of 12 months, to assist during the transitional period which is likely to last months.

Promoting these officers will have a significant impact at A3 level. However, the A3 recruitment has also been completed and staff have been selected. There are currently 2 posts vacant within the team, one will be backfilled by a member from the Registration Team (with some experience of our systems) and the other will be taken up by an external candidate.

Regulatory staff have expressed their concern about the backlog of work and how they will cope moving forward.

In addition to the staffing mentioned above we have an experienced officer from another team continuing to provide support at B1 level to take forward the Tier 1 decisions. We also have an agency member of staff providing support.

REGULATORY STATISTICS

At the point of drafting this report, the July statistics had not been produced. From the statistics prepared at the end of June you will recall that the number of applications and notifications received had increased slightly compared with May (179 v 177 last month). The number of cases discharged had decreased from May (134 -v- 168 last month).

The outstanding cases figure had increased this month to 884.

Good progress is being made on clearing older cases and the number outstanding for more than 12 months continues to decline. However, many of the remainder are complex in nature and many of them will need to be resolved at Tier 2 and Tier 3 level.

By the August Board meeting, the July statistics will be available and will have been issued. It may be another difficult month following the staff losses and because of summer holidays.

REGISTRATION TEAM

The Registration team are progressing all of the registration forms as they are received and they currently do not have a backlog within the team. The Registration Team will gain a new external recruit following the transfer of staff to the Regulatory Team.

As you know we have met with ROS to discuss the changes that were required to the Registration Forms. These changes will allow the Commission to accept the fee by another payment method other than by cheque and will improve the quality of the information we request therefore improving the information we receive by reducing the number of client errors. ROS are in receipt of the Commission's suggestions for improvements and they are at the stage of mocking up the forms for final approval.

Date 19 July 2021

Author Mary Ross, Head of Operations and Workforce

GRAZINGS

Grazings Committees in Office

Throughout the duration of the Covid-19 pandemic the Commission has provided an alternative appointment system for committees demitting office. This has delivered successfully but its continuation is to be considered.

Grazings Advice & Guidance

A lot of the work of the Grazings Team is not specifically noticed because it is not recorded as a Key Performance Indicator. However, the team deals with and provides advice on a wide range issues, some not particularly specific to common grazings, and is a repository of significant range of relevant information. Approximately 125 individual queries and issues are handled each quarter. A summarised breakdown of categories from April 2020 – March 2021 is provided in the following table.

Category	Example	No
Grazings Committee/ AGMS.	Requesting guidance on appointment/vacancies/updates on membership/providing details of membership. Holding of meetings. COVID.	133
Shareholding's info.	Providing information/investigation and updating information held	77
Regulatory queries.	Assigning/explaining about deemed crofts/apportionments/basic queries	35
Disharmony	Complaints re breach of regulations or re operation of committees	32
Welfare/Straying stock/ fencing	Queries relating to Cattle/sheep/horses/goats on grazings, gardens or road.	27
Mapping	Registration/rectification/boundary info requests	24
Resumptions	Requesting information held/guidance and processing/form E's.	23
Financial issues	Paying out monies/allocation of expenses/raising monies/grazing fund spending	23
Landlord issues	Requesting/investigating and updating landlord info/shooting rights.	21
Regulations	Requesting copies/providing guidance and requesting new regs.	20
Miscellaneous	Maintenance/improvements, access issues, woodland development, renewables, other developments on common grazings	77

Providing New Regulations

As indicated in the KPI Report this is an area of current difficulty. The Grazings Team has considered methods that will accord with legislation that will allow it to be more pro-active in introducing the revised regulations template.

Training Programme for Committees and Clerks

As indicated in the KPI Report, an initial planning meeting for a training programme with SAC has taken place. It is intended that the interactive training that was successfully piloted on Lewis in 2019 might be provided in other crofting localities later in the year.

Meetings

The need for and the ability to attend meetings in crofting townships has been obviously affected. However, it has been possible to occasionally have virtual meetings with some committee members.

Date 22 July 2021

Author John Toal, Head of Policy and Grazings team

DEVELOPMENT TEAM

Recruitment: Since the previous report to the Board, we have had our second development officer join the team, Lynne, who is based in South Uist. On Communications we have had a successful recruitment to the post for B1 Communications Officer and this is now going through the final stages with Scottish Government HR. The new officer will start in August, initially on agency terms.

Communications: We have been working with Jane Craigie Marketing who have provided invaluable support over the last couple of months. We have been preparing some case studies in order to widen understanding of crofting, the Commission and crofting duties.

We have completed the leaflet 'Crofting in the Highlands and Islands' and have put this out to the nine Visit Scotland centres across the crofting counties and on our website. A press release on the leaflet with supporting comments from SCF is due in the coming weeks.

Connecting with stakeholders: We have had many meetings with stakeholders in order to create links and identify overlapping areas of interest that we can potentially work together on. These have included RPID, Scottish Crofting Federation, Highlands & Islands Enterprise, Comhairle nan Eilean Siar, Visit Scotland, Farm Advisory Service, some community landlords, NatureScot, Community Land Scotland, John Muir Trust and Peatland Action.

Western Isles Common Grazings: We have been working on a project writing to out of office grazings in the Western Isles. This is for the development officers to create links with local crofters, encourage them to form committees and to understand the reasons why some grazings have not had committees in place for some time.

Peatland: We have done work and thinking on peatland restoration, mentioned separately in the Board meeting.

Information and signposting: We have been working on how to get information to crofters about several different things including through the website. Topics include: working with staff from the Farm Advisory Service on flowcharts to show the steps for assignment; how the Commission website can best serve crofters in terms of developing their croft business; website information and a leaflet on succession; and work on what information is available to prospective crofters from estate agents and other sources, particularly in respect of crofting duties. We are drafting some information to go on the website aimed at prospective crofters and will engage estate agents about this.

Miscellaneous: We are receiving and responding to a wide range of enquiries as well as consultation papers. We are also working on several other smaller projects and ideas for future avenues of work.

Date 21 July 2021

Author: Heather Mack, Head of Development

Here is the Q1 Compliance Report, which has been shared with SMT. Head of Business Support and Compliance will attend the meeting and address any questions.

COMPLIANCE REPORT – 12 July 2021

FOI/EIR/SAR & COMPLAINTS

The Quarter 1 statistics have been captured in the below table:

	Period	Case Type	Received	Invalid / Withdrawn	Responded within statutory timescales	Review	Further Actions <i>e.g. if still dissatisfied CC to direct to SPSO</i>	Supervisory Authority Actions			Issues
								ICO	SICO	SPSO	
Q1	Apr-Jun 2021	SAR	0	-	-	-	-	-	-	-	
Q1	Apr-Jun 2021	FOI	4	-	4	-	-	-	-	-	
Q1	Apr-Jun 2021	EIR	4	-	4	-	-	-	-	-	
Q1	Apr-Jun 2021	Complaints: Frontline	5		5		-	-	-	-	
Q1	Apr-Jun 2021	Complaints: Stage 2	1	1	-		-	-	-	-	

GAELIC LANGUAGE PLAN

- GLP (2020-25) – first monitoring review has been conducted.
- GLAIF – application was submitted in April and has been successful. This helps to fund language classes.
- CC Gaelic Classes – Intermediate and Beginners classes are currently on summer break and will recommence on 10/08/2021.
- Gaelic glossary of crofting terms is currently being produced.

STANDARDS & POLICY

- **Standards Obligations** – Standards Commission Briefings passed to the Board.
- **Equality & Diversity** – STWG Actions being taken forward to conclusion, as part of election preparations. Survey results collated from women completing questionnaire and all contacted with invitations to attend Board meetings as observers. Workshop session on Resilience in the Workplace developed and delivered by Head of team.
- **Data Protection** – GDPR refresher training delivered, annual online training module circulated.
- **Complaints** – Frontline Complaints training for all staff to be provided on 21/07/2021.
- **FOI/EIR** – refresher training delivered.

Date: 21 July 2021

Author: Jane Thomas, Head of Business Support & Compliance

**DATE OF NEXT MEETING – TUESDAY 19 OCTOBER (PUBLIC MTG)
AND WEDNESDAY 20 OCTOBER (BOARD MTG) - LAIRG**

ANY URGENT BUSINESS – ORAL

EXCLUSION OF PRESS & PUBLIC