



**CROFTING COMMISSION  
COIMISEAN NA CROITEARACHD**

***COMMISSION MEETING***

***20 OCTOBER 2020***

**CROFTING COMMISSION MEETING (TEAMS)  
20 OCTOBER 2020 AT 0900 hrs**

**AGENDA**

- |    |  |                |                       |
|----|--|----------------|-----------------------|
| 1  | <b>APOLOGIES</b>   | <i>Oral</i>    | <i>Standing Item</i>  |
| 2  | <b>DECLARATION OF INTERESTS</b>  | <i>Oral</i>    | <i>Standing Item</i>  |
| 3  | <b>BOARD MINUTES FROM 24 AUGUST 2020</b>   | <i>Minutes</i> | <i>For info</i>       |
| 4  | <b>MATTERS ARISING FROM PREVIOUS MINUTES</b>   | <i>Oral</i>    | <i>Standing Item</i>  |
| 5  | <b>'ROUND THE TABLE' UPDATES FROM COMMISSIONERS</b>  | <i>Oral</i>    | <i>Update</i>         |
| 6  | <b>CROFTING AND CLIMATE CHANGE: PRESENTATION BY<br/>PROF STEWART ANGUS (NATURE.SCOT)</b>   | <i>Paper</i>   | <i>Presentation</i>   |
| 7  | <b>REPORTS FROM HEADS OF TEAMS</b>   |                |                       |
|    | <i>(a) IS Team</i>   | <i>Oral</i>    | <i>For info</i>       |
|    | <i>(b) RALU &amp; Reg Support</i>  | <i>Oral</i>    | <i>For info</i>       |
|    | <i>(c) Operations &amp; Workforce</i>  | <i>Oral</i>    | <i>For info</i>       |
|    | <i>(d) Grazings &amp; Policy</i>   | <i>Oral</i>    | <i>For info</i>       |
| 8  | <b>REPORTS FROM SHORT TERM WORKING GROUPS</b>  |                |                       |
|    | <i>(a) Residency and Land Use</i>  | <i>Oral</i>    | <i>For info</i>       |
|    | <i>(b) Women and Board membership</i>  | <i>Oral</i>    | <i>For info</i>       |
|    | <i>(c) Remote working and home working</i>   | <i>Oral</i>    | <i>For info</i>       |
| 9  | <b>REPORT ON RECRUITMENT AND PROMOTING THE INTERESTS OF<br/>CROFTING</b>                   | <i>Paper</i>   | <i>For discussion</i> |
| 10 | <b>2021 BOARD DATES</b>  | <i>Paper</i>   | <i>For decision</i>   |
| 11 | <b>DATE OF NEXT MEETING</b><br>3 December 2020 – Teams                                     |                |                       |
| 12 | <b>ANY URGENT BUSINESS</b><br><i>Annual census / Information about how crofts are used</i> | <i>Oral</i>    | <i>For discussion</i> |
| 13 | <b>EXCLUSION OF THE PRESS AND PUBLIC</b>   |                |                       |

# APOLOGIES – ORAL

## **DECLARATION OF INTERESTS – ORAL**

# CROFTING COMMISSION

## MINUTE OF THE COMMISSION MEETING HELD BY SKYPE ON 24 AUGUST 2020

Present:	Rod Mackenzie	Convener
	Andy Holt	Commissioner
	Mairi Mackenzie	Commissioner
	Malcolm Mathieson	Commissioner
	Iain Maciver	Commissioner
	David Campbell	Commissioner
	Billy Neilson	Commissioner
	Cyril Annal	Commissioner (until lunchtime)
	James Scott	Commissioner
	Bill Barron	Chief Executive
	David Findlay	Commission Solicitor
	Aaron Ramsay	Head of Digital & Improvement
	Joseph Kerr	Head of Regulatory Support
	Neil MacDonald	Head of Finance
	Jane Thomas	Head of Compliance and minute taker
	Betty Mackenzie	Communications Manager
	Finlay Beaton	Grazings Manager (until lunchtime)
	Pat Kenny	External Auditor (until 9:20)
	Darren Laing	BBC Alba
	Gordon Jackson	Sponsor Division
	Aileen Rore	Sponsor Division
	Michael Nugent	Sponsor Division

Assessors and members of staff (up to 24 participants for the public part of the meeting)

### **1 APOLOGIES AND WELCOME**

There were apologies from John Toal and Mary Ross, Head of Grazings & Policy and Head of Operations & Workforce. The Convener welcomed everyone to the meeting, in Gaelic followed by a welcome in English.

### **2 DECLARATION OF INTERESTS**

The Convener asked if anyone wished to declare an interest. No interests were declared in the public part of the meeting.

Before going further, the Convener announced that, following a ballot of members, Mairi Mackenzie had been chosen as Vice Convener and he looked forward to working closely with Mrs Mackenzie over the coming months.

### **3 BOARD MINUTES OF 5 MAY, 25 JUNE & 30 JUNE 2020**

The Minute of the Board Meetings of 5 May, 25 June and 30 June 2020 had been approved by email and, where appropriate, published on the website. The meetings held on 5 May and 30 June had been Special Board meetings. Copies of the Minutes were brought to the meeting for information.

It was noted that an Amendment was required to the wording of the final item in the Minute of 25 June, which would be taken later, as the meeting had not been in public.

### **4 MATTERS ARISING FROM PREVIOUS MEETING**

The Chief Executive referred to the setting up of three Short Term Working groups, which had been agreed at the last Board meeting. He confirmed two of the groups have already met and plans for the final one would be taken forward this week. All of the groups will report back to the Board.

### **5 ANNUAL REPORT FOR APPROVAL**

The 2019/20 Annual Report was brought to the meeting for formal approval and to arrange for the signing. External Audit explained the process by which this would happen via electronic signatures and confirmed it was a good report. The Commission approved the report.

### **6 AUDIT & FINANCE COMMITTEE REPORT**

#### **(a) Update from Malcolm Mathieson**

The Committee Vice Chair explained that the meeting of 12 August had been a very full one. He wished to pass on the thanks of the Committee to all those who had been involved in completing the Annual Report, under challenging circumstances. It was an excellent document.

He updated the Board on the results of the Deloitte Audit Report, which had overall been very positive, with the Commission being held up as an exemplar to others, in some areas of work. The Committee noted work is still needed to complete and update the Medium-Term Financial Plan and this will come to the AFC in November. With concerns over budgets going forward to 2022, in particular, sound financial planning is essential.

The AFC concurred with the auditors in wishing to see Finance as an integral part of the SMT, so it was pleasing to note this has been acted on and the Finance Manager welcomed to the Board meeting. The audit report also noted that the actions taken by Commissioners at the start of the crisis, which involved direct engagement in operational tasks, were appropriate as a short-term requirement and now the Board would return to its strategic role.

The Committee noted the importance of the Business Continuity Plan, which is due for renewal and was pleased to view the Lessons Learnt Log, which has been created. Management have given an assurance that this will return to the AFC after review, so that actions taken as a result can be confirmed.

It was good to note that although there are still 10 actions outstanding on the Internal Audit report, progress has been made and most of these are either minor or are in hand. On the Operational Risk Register, the Committee, though concerned about the delayed release of the new version of CIS because of competing pressures caused by the lockdown, were reassured by the plans in place.

On Finance, setting aside the budget for expanded operations, an overspend is still predicted but it is hoped this will be further reduced over the next few months and a close eye is being kept on it. The Commission noted the confirmation from Sponsor Division on the funding for an expanded role, which provides welcome clarity and flexibility. It confirms that the Commission is expected to create four new posts in the Western Isles and use the funding additionally to cover the topics described in the CEO's letter to Sponsor in April, to fulfil its role of promoting the interests of crofting.

The Board discussed the position of the Commission as co-locatees of Great Glen House and the possibility of savings versus extra costs associated with preparing the building for a return of staff or dealing with a Covid outbreak, with the CEO confirming that he is meeting with SNH on 25 August. Commissioners involved with the working group on remote working wished to see the current MOTU.

**(b) Draft Minute from 12 August 2020**

The Minute was brought to the meeting for information.

**(c) Q1 Performance Indicators**

The Key Performance Indicators had been considered by the Committee and were brought to the Board for information. There were no questions.

**(d) Annual Report on Committee activity**

The Board confirmed approval of the report and Commissioner Holt wished to record his thanks to the Commissioner members on the Committee for their hard work and diligence.

**7 'ROUND THE TABLE' UPDATES FROM COMMISSIONERS**

The Convener began the round-up by informing the Board that he has taken on an expanded role with Aberdeen & Northern Marts, as manager for Caithness and Shetland but that this will not interfere with his work with the Commission.

Commissioner Scott explained that he is also now busier with work and that this should be considered when meetings are arranged, with as much notice given as possible.

Commissioner Campbell welcomed the role to be undertaken by the Convener, believing it to be advantageous to the Commission to have a voice in the Caithness area. He spoke about still receiving calls from customers but often finding that they are not on matters for which the Commission is responsible.

Commissioner Mathieson agreed with the final point, having also taken calls, spending some time on them but concluding they are not for the Commission to take forward. It has given him an insight into what staff deal with on a routine basis and how much time this can take up.

Commissioner Holt agreed and said that the information was often on the website, but the caller chose a phone call as an easier option. So, if the access to information on the website could be simplified, this might help. There was a concern that expectations

have been raised by Commissioners taking calls and that customers perhaps expect this to continue. Though several Commissioners have no problem with this, some seeing it as inevitable, there is a need to draw a clear line between what is an appropriate interaction and what could tip over into something less clear cut, which may cause issues further down the line, if calls turn into cases.

It was agreed that Commissioners' email addresses should remain on the website, but they should no longer be identified with their mobile phone numbers as emergency contacts. The CEO agreed that it would be helpful to draft a policy on this, so that everyone is clear on what has been agreed.

Commissioner Annal wished to see more Guidance made available to solicitors on crofting and decrofting. Head of Regulatory Support confirmed that there is no moratorium on decrofting in Orkney or any other area but that this Board is refusing more decrofting applications if no Reasonable Purpose has been demonstrated by the applicant, for decrofting the land.

## **8 GAELIC LANGUAGE PLAN – Annual review**

Head of Compliance explained this is the final year of the current iteration of the Gaelic Language Plan, with a new plan submitted to Bòrd na Gàidhlig to take the Commission up to 2025, which it is hoped will be approved in the Autumn.

It was confirmed that staff surveys are carried out within the lifetime of each plan, to ascertain the level of competence of Gaelic speakers in the organisation and that the main telephone reception post is classed as essential for a Gaelic speaker. It was also confirmed that any request to complete application forms in Gaelic would be respected and dealt with and that this has not created an issue in the past.

Having reviewed the Monitoring Report, the Commission is content with the progress made over the last year and the Gaelic Language Officer will now submit a review to Bòrd na Gàidhlig.

## **9 REPORTS FROM HEADS OF TEAMS**

### **(a) IS Team**

The Convener explained this is a new Standing Item for the Board and the CEO confirmed that there will not be a Finance report, as this is made to the AFC or a Compliance report, as a quarterly report is already forwarded to the Board.

Head of Digital & Improvement gave an update on progress, reflecting that there are still some connectivity issues for a minority of staff but most of these have been ironed out as far as possible. Internet congestion remains a problem at times, especially on Wednesdays. Cellular boxes are helping. More technical support is being bought in so that work on CIS can progress. The project currently being planned to move to the Cloud will provide greater resilience and will remove the need to use VPN's which slow down connections.

Plans are beginning on improvements to mapping systems and application forms, which should reduce the number of rejected forms. From May, Apportionment Orders have been available online and scanning of the 2020 Annual Notice is being outsourced, which should free up approximately 200 staff hours. It was confirmed that the change to interactive forms would be widely promoted and that the ability to submit Annual Notice returns digitally will also be promoted.



## **(b) RALU & Regulatory Support**

Head of Regulatory Support explained that regulatory staff are helping the IS team with the work on the interactive forms, looking at more than 16 forms. He explained that application forms are reviewed each year and that the focus now is on making the language used as accessible as possible, to help applicants.

Triaging was explained and it was confirmed that the Tier 2 and 3 meetings are working well. For RALU, Q1 has been challenging, due to staff resource issues in the current circumstances and with lack of access to census returns. On terminations, there have been some successes and Commissioners were keen to see these good news stories publicised, though it was emphasised that it can take around 20 months to process even a straightforward case under the enforcement provisions of the Act.

## **(c) Operations & Workforce**

The Chief Executive gave an update, which had been provided by the Head of the team. For the regulatory staff, connectivity remained an issue for some, but all had now been set up with the necessary equipment for a home office, where this was possible. Volumes coming through now are at roughly 90% of the normal rates for the time of year, access to GGH twice a week allows for the mail out to be organised and this is working quite well. There is no current backlog of registrations, either within the Registration team or with RoS. Monthly statistics are now being provided to the Board, and the number of outstanding cases is being analysed to make sure this does not include numbers which should be closed.

There are some concerns about the capacity to cope if case numbers were to rise significantly but a close eye is being kept on this. 2019 census return updates are outstanding. The Convener expressed concern that the fragmentation of the workforce could have an increasingly negative impact on staff. The Head of Digital & Improvement was asked if retrospective trends analysis is possible and he will look into this.

## **(d) Grazings & Policy**

The Head of team was not able to be at the meeting, so an update was provided by the Grazings Manager. He explained the main focus since lockdown has been on grazings committees. The numbers registered in office have gone down slightly but that is to be expected and hopefully we will see a rise again once it is easier to hold meetings. Quite a number of long-term out of office committees have contacted the Commission, which is positive. The team is quite busy dealing with general enquiries, with over 100 processed since lockdown. Shareholder investigations are recommencing now that there is access to the files.

There is an obvious desire on the part of committees to hold meetings and staff refer callers to local health board guidance on this. Other issues which are referred on include wild camping and straying stock. With SRUC, it is hoped online training may be delivered in the near future. The Convener thanked the team for their hard work and wished to see their successes highlighted in publicity.

## **10 REPORT FROM RALU WORKING GROUP**

The Commission Solicitor provided a summary of the two meetings of the group which have taken place so far. The group is considering how the RALU team can work most effectively, given the high priority afforded to its work by the Board. Discussions have included the annual notice and work on non-returners of the census, as well as those who self-certify that they may be in breach of duties. It is felt that more work could be done to explain the consequences of non-compliance to the crofting public and agents.

The group has agreed to invite RPID representatives to the next meeting and a paper on asking for Counsel's advice on grazings rights will come to the Board and also wonder if the policy on unused Apportionments needs to be reviewed. It was agreed that it would be useful to send information to estate agents to reduce the number of property transactions which seem to take place where the purchaser has little idea of crofting rights and obligations. It was agreed a Guidance Note is needed for the website. The Convener hoped the ideas being considered by the STWG could be turned into solutions.

## 11 DEVELOPMENT OF CROFTING

The CEO introduced the paper, which had been supplemented by a further email in the last few days. He reminded the Board that when the Cabinet Secretary made an announcement at the end of June, the focus had been on the creation of four posts in the Western Isles. Since that announcement, there have been numerous meetings with Commissioners and the management team, to develop a plan, which is now coming together and the Commission should formalise.

It was agreed that the Commission takes a holistic view of its duty to promote the interests of crofting and that it has acknowledged the need to prioritise grazings and duties work, with a desire to encourage more active townships and that the establishment of new posts in the Western Isles is not in conflict with the need to remain one Commission. The aim is for the outward facing work envisaged in the Western Isles to act as a pilot, for possible transfer to other areas.

The Commission discussed the short-term projects being developed within this financial year to put the organisation on a firm footing for future delivery. It was agreed that this is a challenging time to be developing new posts and time will be needed to establish the work and build the necessary partnerships to deliver results. There was a discussion on appropriate grades, and this will be considered further by the CEO. It was confirmed that the posts could be job shares and will be advertised externally as well as internally. A consensus was reached, and the paper approved.

<b>Decision</b>	<b><i>The Board agreed with the Summary contained in the CEO's paper of 7 August 2020</i></b>
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## 12 STRATEGIC RISK REGISTER

The CEO introduced the item and explained that quite a few of the issues highlighted in it had already been discussed. There was a new risk, which allowed the Board to see the Covid impact, but this was reducing and should continue to improve. Policy work on item 004 had been somewhat delayed by the crisis but was being picked up again with a meeting next week. There had also been a delay in achieving some of the planned progress on the Workforce Plan, but this is in hand.

## 13 REVIEW OF STANDING ORDERS

The Head of Compliance introduced the item, in her role as Standards Officer, explaining that the document had been amended in May, to reflect the necessity of meeting by electronic means and this was its annual review. Several clauses had been highlighted for the Board to decide whether wording should be revised. The Commission agreed to revise clauses 1.3, 2.3, 2.7 (though reversing the order to read 'Convener' before 'Chief Executive'), 3.9, 5.1 and 5.3, with two words to be deleted. It was also agreed that under 2.6, the words, "if need be" should be deleted.

The changes having been agreed, the document would be revised and displayed on the website.

**14 DATE OF NEXT MEETING**

The next meeting of the Commission will take place remotely on 20 October 2020.

**15 ANY URGENT BUSINESS**

No urgent business was discussed.

**16 EXCLUSION OF PRESS AND PUBLIC**

The Convener then drew the meeting to a close at 15:41 and thanked everyone for their contributions.

**MATTERS ARISING FROM PREVIOUS MINUTES – ORAL**

## **'ROUND THE TABLE' – ORAL UPDATE**

## **CROFTING COMMISSION MEETING**

**20 October 2020**

Report by the Chief Executive

### **Presentation by Prof Stewart Angus on Crofting, climate change and biodiversity: South Uist and Benbecula case studies**

#### **SUMMARY**

The purpose of this short paper is to introduce a presentation to be made to the Board by Professor Stewart Angus of NatureScot in connection with rising sea levels (associated with climate change) and machair land and intricate drainage systems on South Uist. It is generally recognised that climate change (and the associated loss of biodiversity) poses potential problems to crofting, with South Uist and Benbecula providing a particular example of how rising sea levels could pose challenges to the future sustainability of certain townships in South Uist and the internationally acknowledged biodiversity of machair ecosystems. Stewart Angus is recognised internationally as a coastal ecologist and in particular for his research on Scottish machair systems.

This paper follows a paper presented by David Findlay, solicitor at the Board meeting held in Taynuilt on 8 October 2019. It was hoped that this paper could be presented to the Board early in the spring of 2020, but the coronavirus pandemic and closure of Great Glen House prevented this.

The presentation by Professor Angus, and the subsequent discussion, will identify a number of issues:-

- the importance of the machair systems in South Uist and Benbecula and the problems and threat posed by climate change
- the link between traditional crofting practices and biodiversity, particularly but not just within machair systems
- the vulnerability of particular crofting townships within South Uist and Benbecula to rising sea levels and the impact upon the intricate drainage system in South Uist and Benbecula.

#### **South Uist machairs – a case study and introduction**

Coastal habitats will naturally move inland in response to rising sea levels. In reality, they may well be unlikely to do so because of a combination of man-made structures (such as seawalls and causeways) and because of human activity on the coastal margins. In South Uist, if the dune systems are breached and if the intricate drainage channels dating back to the eighteenth century can no longer function due to rising sea levels and blockage by sediment, the water table will rise and the water even inland could in places become more saline. This could have

a devastating impact upon both the fertility of some flooded croft land and the viability of common grazings. The situation is summarised by Professor Stewart Angus as follows:

Climate change scenarios for NW Scotland and the Western Isles envisage a combination of rising sea level, increased winter precipitation, and increased frequency and severity of winter storms. The flat, low-lying machair lands of the Uists are thus particularly vulnerable, not only from marine overtopping of coastal dune ridges, but also from inland flooding and restricted drainage, which may enhance the duration and area of seasonal standing waters within the machair lands. The drainage network of the Uist machairs is a legacy of historic drainage of a more extensive loch network, which now forms an intricately balanced complex of linked water bodies exhibiting a wide range of pH and salinity. Any future change in water levels would impose significant environmental shifts. The conservation importance of machair is significantly augmented by a pattern of rotational cultivation that largely employs traditional methods and provides species-rich fallows. This tradition is already under economic threat, and increased flooding could have far-reaching consequences for both agriculture and wildlife. The Uist machair systems have a range of inter-dependent, multiple-interest international conservation designations and the vulnerability of these is examined in a context that incorporates the vital human dimension.<sup>1</sup>

One of the features of crofting is that croft boundaries and the boundaries of common grazings are fixed, a situation that is perhaps reinforced by croft registration. In Benbecula and South Uist (Griminish, for example), some of the arable strips on the arable machair are interchangeable between crofters, who also practise crop rotation. These practices point to a system that has some flexibility.

If parts of South Uist and Benbecula experience severe flooding events as a result of climate change (and in particular, if such flooding events occur towards the end of the winter), it is possible that whole townships could for instance be reorganised in order that there is a more equitable distribution of land that is less susceptible to flooding. Where there is a large element of owner-occupation in any particular township, it is much more difficult (though not impossible) to reorganise a township. Croft registration in the Crofting Register represents an additional challenge. In locations where the future of certain crofting townships is threatened by climate change, it may be important to develop policies to preserve the existing system of tenancy and the greater flexibility associated with it, but these issues could be developed further in the discussion following Stewart Angus' talk.

Another matter for discussion is whether any financial assistance to crofters could be used for measures that could mitigate some of the effects of rising sea levels and associated storm surges.

It is important to discuss and communicate the likely impacts of rising sea levels and associated storm surges with stakeholders, crofters and grazings committees, particularly with those who could be affected by storm surges and those who could influence decision making.

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<sup>1</sup> Angus, Stewart and Hansom, James D, "*Tir a'Mhachair, tir nan loch?* Climate change scenarios for Scottish Machair Systems: a wetter future?" (2004), published: [https://www.researchgate.net/profile/Jim\\_Hansom/publication/268016300\\_TIR\\_A'MHACHAIR\\_TIR\\_NAN\\_LOCH\\_CLIMATE\\_CHANGE\\_SCENARIOS\\_FOR\\_SCOTTISH\\_MACHAIR\\_SYSTEMS\\_A\\_WETTER\\_FUTURE/links/5469f48f0cf20dedafd32921.pdf](https://www.researchgate.net/profile/Jim_Hansom/publication/268016300_TIR_A'MHACHAIR_TIR_NAN_LOCH_CLIMATE_CHANGE_SCENARIOS_FOR_SCOTTISH_MACHAIR_SYSTEMS_A_WETTER_FUTURE/links/5469f48f0cf20dedafd32921.pdf)

## **RECOMMENDATION**

**The Board notes the presentation by Professor Stewart Angus and discusses whether the Commission through its policies (including its role in influencing other stakeholders) could help to mitigate some of the likely effects of rising sea levels on South Uist. It is also recommended that the Commission becomes more fully aware of the underlying issues for townships in South Uist vulnerable to rising sea levels/ storm surges and communicates these to stakeholders, decision makers, crofters and grazings committees.**

**It is also recommended that the two new Commission staff to be located at Balivanich, Isle of Benbecula, together with officials within the Commission's senior management, help to communicate and discuss some of the issues raised directly with townships and grazings committees who could be affected and receive feedback from them. Ideally this will take the form of meetings on the ground, with additional support from the Commission solicitor or others, but coronavirus restrictions might require some of these meetings to be virtual.**

Author: David Findlay, Crofting Commission Solicitor

Date: 22 September 2020



**REPORTS FROM HEADS OF TEAMS - ORAL**

- (a) *IS Team***
- (b) *RALU & Reg Support***
- (c) *Operations & Workforce***
- (d) *Grazings & Policy***

**REPORTS FROM SHORT TERM WORKING GROUPS - ORAL**

- (a) *Residency and Land Use***
- (b) *Women and Board membership***
- (c) *Remote working and home working***

# CROFTING COMMISSION MEETING

20 October 2020

Report by the Chief Executive

## Report on Recruitment and promoting the interests of crofting

### SUMMARY

This paper summarises how the Commission is taking forward the Scottish Government's request to expand its role of promoting the interests of crofting, focusing particularly on the recruitment of new permanent posts.

### BACKGROUND

At its August meeting, the Board agreed the following points as a summary of the conclusions of their discussions since the Cabinet Secretary's 30 June announcement of new funding for the Commission:

- The Commission has a statutory function of "promoting the interests of crofting", and the work we are doing and will do, to develop and strengthen crofting and crofting communities, can be seen as part of our fulfilment of this function.
- The Commission takes a broad view of what 'promoting the interests of crofting' means. As set out in our 16 April letter to the Scottish Government, this could involve extending our work with grazings committee, signposting accessible information to crofters about their options and opportunities, enabling and supporting positive activities on common grazings and in crofting townships (particularly for environmental purposes), exploring new ways to ensure that entry to crofting is more accessible for new entrants, expanding our enforcement of crofters' duties, crofting community development to reverse depopulation, policy work, and much else. The Commission is of course already doing some of these things.
- The task as described above, is very substantial. The Commission will therefore need to work in partnership with other organisations and agencies in furtherance of these objectives.
- The specification of the aims, objectives and job descriptions of new posts will be critical and the Commission will take time to consider the best way forward, before we proceed to advertise these posts.
- The location of some posts in the Western Isles provides an opportunity for outward-facing work of a new kind (although an alternative would be to establish office-based posts with similar functions to existing teams in Inverness; or some posts of each type). Any outward-facing work that takes advantage of the close location of those postholders to key crofting communities, should be seen as a pilot with a view to adopting similar approaches elsewhere in the crofting counties in due course.

- The time taken to specify and recruit to the new posts will mean there is a substantial amount of additional resource available in 2020/21. As far as possible, this should be spent on one-off projects that will improve the Commission's effectiveness without carrying ongoing costs.

## **CURRENT POSITION**

Building on that agreement and further discussions, the Commission now intends to recruit five additional posts, of which four will be located within the Western Isles. These five posts will be:

- Two additional posts for the residency and land use (RALU) team
- One additional post for the regulatory team, because additional RALU work will create additional work for the regulatory team
- Two 'outward-facing' posts to be located within the Western Isles.

The additional RALU and regulatory posts will not necessarily be tied to the Western Isles. The nature of these posts means they could be located in Inverness, Stornoway, Benbecula or in theory anywhere else, making use of technology to connect to the remainder of the Commission.

Each recruitment will be effected either by managed moves for existing Crofting Commission staff, or by open external recruitment on the basis of a published advert. As with all external recruits to the Commission, any recruits who are new to the civil service would start with a probationary period, and their progress to a permanent contract would be decided after this period had been completed. Interviews will probably be conducted remotely using videolink technology.

It is not intended that the initial external adverts would specify whether the successful applicant will have an office base in Stornoway or in Balivanich; instead, we propose to keep the field as wide as possible by offering the successful candidates the choice between the two. After the first appointments have been confirmed, it will be necessary to specify the particular location of the remaining recruitment exercises.

For the time being, in accordance with Scottish Government rules and guidance on coronavirus, the new recruits will be asked to work from home as much as is possible, subject to the roles they are required to perform and the feasibility of working at home. However, it is necessary for each to have a designated office base (the RPID office in Stornoway or in Balivanich, or Great Glen House, Inverness). This office base will be their default place of work once SG guidelines permit, and in the meantime will be treated as their main office location for all purposes including calculation of any travel expenses.

At time of writing, the position with each of these recruitments is as follows:

### *Residency and Land Use Team*

- One of the new RALU posts was filled in September, by the "managed move" (i.e. level transfer) of an existing Inverness-based officer from the Information Services (IS) Team to the RALU team.
  - SMT is likely shortly to approve the recruitment of an additional IT specialist to the IS team, to backfill for the above move. The recruitment to IS will be an external recruitment and will offer the successful candidate the option of being based in Inverness, Stornoway or Balivanich.

- The second new RALU post will be advertised externally, with a choice of Stornoway or Balivanich as its location. A job description is being developed. It will be based on the job descriptions for existing RALU team members and will be predominantly desk-based. It is expected that any 'outward-facing' RALU work will be undertaken by the 'outward-facing' posts – see below.

### Regulation

- The additional regulatory administrator post will be filled by a managed move of an existing Inverness-based officer from the Corporate and Customer Services (C&CS) team. This officer has already begun to take on some regulatory work, and her move to regulatory will be completed once her replacement has been recruited in the Western Isles.
  - Backfill for the C&CS team will be filled by recruitment within the Western Isles. A job description and advert are in preparation. These will be based on the job descriptions for existing C&CS team members but will include a strong element of call handling, and applicants for the post will require to speak Gaelic.

### Outward-facing posts

It is planned to recruit a pair of specifically 'outward-facing' posts, based in the Western Isles. They will be tasked with developing new ways of working with crofting communities in the Western Isles, and in the medium term it is envisaged that such approaches will be applied in other communities also, by themselves or by other staff of the Commission.

- A job description for the more senior of these two posts is being developed. As the Board has noted, this officer will need to develop a wide range of partnerships in order to have maximum effectiveness. The job description will therefore be based on the following:

#### **Liase/Contact with Crofting Community**

Along with Area Commissioner, design and develop an effective assessor network for the Western Isles that will establish a strong platform for advising on:

- Croft occupancy; croft land use, management of common grazings, issues impacting upon crofting, how to make best use of existing support structures, input ideas on future support and how these might be adapted more specifically for crofting in the Western Isles
- Develop linkages with crofting townships; identify where there may be opportunities to address croft neglect or croft absenteeism. Identify common grazings that have no management structure by way of grazings committee and assist and support with formation of such. Possibility of carrying out small-scale township surveys that could provide basis for subsequent Commission activity or basis for specific projects. Initial support or linkage for other township developments, e.g. township reorganisation.

#### **Liase/Contact with Crofting Landlords**

A large percentage of crofts in the Western Isles are now under the ownership of Community landlords, which in itself presents potential opportunities for mutual benefit for the crofting and local communities. There are also public and private landlords with whom crofting and community benefits could be advanced and delivered in a collaborative manner.

- Encourage consideration of options to provide more access to crofting for new entrants, including the possibility of croft creation.

- Encourage collaborative approaches to climate change mitigation; peatland restoration, renewable developments, woodland developments, carbon storage and natural capital usage.
- Promote effective use of croft land and develop possible basis for an overall agreement on the effective management and support for croft land and common grazings in the Western Isles.

**Liaise/Contact with other public bodies/NGOs and other organisations**

Given crofting’s prevalence in the Western Isles, most public bodies and many other organisations have either a direct engagement with crofting matters or some direct or indirect influence upon it.

- Comhairle nan Eileanan Siar: Wide ranging: economic and environmental, planning and land use; small-scale business development; education
- HIE Western Isles: Social and economic development, with particular emphasis on community development and the opportunities for crofting in that context
- Nature Scotland: Heritage and Environment are particularly strong features of the crofting system in the Western Isles and there should be opportunities for co-operation and mutual benefits
- SGRIPD: Important role in crofting land use and housing and a key contact for knowledge and development possibilities
- Bòrd na Gàidhlig: Strong cultural association between crofting and gaelic. Recent research has highlighted to the decline of the language in the vernacular community and the interrelationship with crofting may be a consideration in addressing this
- NHS Western Isles: The value of crofting in terms of both physical and mental wellbeing should not be overlooked. Production of local food itself might be an interest in this category as well as others
- Beyond this are many others such as SAC, SCF with specific roles in and with crofting, but also environmental bodies and those involved in economic regeneration that have an interest in crofting.

- The final Western-Isles-based post will be a deputy to this main outward-facing post and it is proposed to delay the recruitment until the more senior officer has been recruited and is able to take part in the recruitment process.

<b>Impact:</b>	<b>Comments</b>
Financial	This recruitment will make use of the additional resources announced by the Scottish Government in July 2020. The SG has given assurances that they recognise the need for continued future funding to allow these posts to be permanent.
Legal/Political	Next stage in implementing the expansion of the Commission’s role.
HR/staff resources	Adds five new posts to the Commission’s staff complement, four of which will be in the Western Isles.

**CONCLUSION**

**The Board is invited to note the progress being made, and to make any comments.**

Date            5 October 2020

Author         Bill Barron, CEO

# CROFTING COMMISSION MEETING

## 20 October 2020

Report by the Chief Executive

### Dates for 2021 Board Meetings

#### SUMMARY

To propose and agree Board Meeting Dates for 2021.

#### BACKGROUND

This Paper is submitted to the Commission laying out proposed meeting dates for 2021 for Board Meeting days. This includes three dates which will extend till 7pm to allow informal discussions after the formal meeting closes. Dates for Strategy Days have not been included at this point. This is to reflect the greater ease with which virtual meetings of Commissioners can be arranged and to allow the Board the flexibility of holding Strategy Meetings at various points through the year, on an ad hoc basis.

The proposed October dates are later in the year than normal to minimise the risk of clashes with lamb sales. The October dates could be used either for a pair of meetings in GGH or for an external meeting.

#### SUMMARY OF RECOMMENDATIONS

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

BOARD MEETING DATES 2020	BOARD MEETING DATES 2021
Thurs 6 February, 0930-1900	Thurs 4 February
Thurs 19 March, 0930-1530	Thurs 18 March
Thurs 14 May, 0930-1900	Thurs 13 May
Thurs 25 June, 0930-1530	Thurs 24 June
Monday 24 August, 0930-1900	Tuesday 10 August
Tuesday 20 October, 0930-1530	Tuesday 19 October – <b>External?</b>
	Wednesday 20 October – <b>External?</b>
Thurs 3 December, 0930-1530	Thurs 2 December

#### RECOMMENDATION

Schedule of Meetings outlined above is recommended.

Date 24 September 2020

Author Jane Thomas, Head of Compliance & Board Support

**DATE OF NEXT MEETING – 3 DECEMBER 2020 (TEAMS)**



**ANY URGENT BUSINESS – ORAL**

**Annual census / Information about how crofts are used**