



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

COMMISSION MEETING

BEAUFORT HOTEL, CULDUTHEL ROAD, INVERNESS

12 MAY 2022

**CROFTING COMMISSION MEETING
BEAUFORT HOTEL, CULDUTHEL ROAD, INVERNESS
12 MAY 2022 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 31 MARCH 2022 (already published)	<i>Minutes</i>	<i>For info</i>
4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING (of 31 March 2022)	<i>Paper</i>	<i>For info</i>
5 MATTERS ARISING FROM PREVIOUS MINUTES	<i>Oral</i>	<i>Standing Item</i>
6 UPDATE ON MEETINGS WITH SPONSOR DIVISION	<i>Paper</i>	<i>Standing Item</i>
7 AUDIT & FINANCE COMMITTEE REPORT (a) Update from Vice Chair of Committee	<i>Oral</i>	<i>Standing Item</i>
8 PRINCIPLES FOR POLICY PLAN	<i>Paper</i>	<i>For approval</i>
9 Q4 PERFORMANCE REPORT	<i>Paper</i>	<i>For discussion</i>
10 BUSINESS PLAN 2022-2023	<i>Paper</i>	<i>For decision</i>
11 2022 ELECTION TURNOUT AND CONSTITUENCIES	<i>Paper</i>	<i>For info</i>
12 MEDIA STRATEGY	<i>Paper</i>	<i>For discussion</i>
13 OUTSTANDING CASEWORK UPDATE	<i>Paper</i>	<i>For info</i>
14 CHANGES TO THE SCHEME OF DELEGATION	<i>Paper</i>	<i>For decision</i>
15 UPDATE ON DELOITTE	<i>Paper</i>	<i>Standing Item</i>
16 2021 CENSUS REPORT	<i>Paper</i>	<i>For discussion</i>
17 DIGITAL APPLICATIONS UPDATE	<i>Paper</i>	<i>For info</i>
18 COMMISSIONER ROLE IN HOSTING PUBLIC EVENTS	<i>Oral</i>	<i>For discussion</i>
19 DATE OF NEXT MEETING Wednesday 29 June 2022 – venue to be confirmed		
20 ANY URGENT BUSINESS		
21 EXCLUSION OF THE PRESS AND PUBLIC		

APOLOGIES – ORAL

DECLARATIONS OF INTEREST – ORAL

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD IN BEAUFORT HOTEL, INVERNESS AT 9AM ON 31 MARCH 2022

Present:	Malcolm Mathieson	Convener
	Duncan Gray	Commissioner
	Mairi Renwick Mackenzie	Vice Convener
	Rod Mackenzie	Commissioner
	Iain Maciver	Commissioner
	David Campbell	Commissioner
	Donald Macdonald	Commissioner
	Colin Kennedy	Commissioner
	James Scott	Commissioner
	Bill Barron	Chief Executive
	Aaron Ramsay	Head of Digital & Improvement
	David Findlay	Commission solicitor
	Arthur Macdonald	Head of Development
	Joseph Kerr	Head of Regulatory Support
	Heather Mack	Head of Operations & Workforce
	Jane Thomas	Head of Compliance and minute taker
	Gordon Jackson	Sponsor Division
	John Kerr	Sponsor Division

Members of the public/staff joined via Teams; two members of the public observed in person

1 APOLOGIES AND WELCOME

The Convener welcomed everyone to the meeting, with a greeting in Gaelic, followed in English. Apologies were received from Neil MacDonald and Finlay Beaton.

As this was the first meeting after the recently held Crofting Elections, the Convener wanted to thank all the candidates who had stood for election, welcoming two new faces as Board members, two members who had been re-elected and two members who had previously been on the Board.

By way of introduction, the newly elected Board members were asked to say a few words about their background before the business of the meeting got underway.

2 DECLARATION OF INTERESTS

The Convener reminded members of the need to declare any interests associated with agenda items, whether these were in the public part of the meeting or the private section. No interests were declared at this point.

3 BOARD MINUTES FROM 8 FEBRUARY

The Minutes were brought to the meeting for information only, having been previously circulated and approved. There were no questions.

4 REVIEW OF ACTION POINTS 8 FEBRUARY

The Action Points arising from the Board Meeting of 8 February had been discharged. There were no questions.

5 MATTERS ARISING FROM PREVIOUS MINUTES

The Convener referred to the item on Standing Orders discussed at the last Board meeting. The Minute recorded that the Board had agreed to alter Standing Orders to reflect that, where there is a Vice Convener, this Board member will also fill the position of Vice Chair of the Audit & Finance committee. Following circulation of the draft Minute several Commissioners had commented that they had not thought a decision had been taken on this point. They thought the agreement had been to ask the Standards Officer to check whether the change represented any governance concerns and then bring the matter back to the Board.

The CEO and the Minute-taker of 8 February believed a decision had been agreed by the Board, which was reflected in the Minute, but a Footnote had been added to cover this point.

6 REVISED CODE OF CONDUCT & STANDING ORDERS

The Standards Officer explained the background to the papers on the Code of Conduct. This represented a revised Code, issued recently by the Standards Commission, and approved by Scottish Parliament, covering members of devolved public bodies. She explained that it is essential for all Board members to read the Code and become familiar with it, whether they were new members or not, as the Code had been changed in several places. It should be read in conjunction with Standing Orders governing meetings of the Commission.

The Standards Officer had also circulated the Standards Commission Guidance Notes which, though lengthy, provide extra detail on how the provisions of the Code are applied.

New members were reminded to return their Register of Interests and Declaration of Interests forms as soon as possible and that queries from crofters should be directed to the CEO.

7 COMMISSIONER DRAFT TRAINING PLAN

Head of Business Support and Compliance explained that the annex to the paper gave the Board information on several topics for training which need to be covered in the first year of the Commissioner's term of office. Feedback from Commissioners elected in 2017, who had found too much training had been delivered early in their term, had been taken on board.

With two new appointed members due to join the Board in the summer, the training plan showed how training would be delivered between March – May and from July 2022 – March 2023. Several items are mandatory, but Commissioners were encouraged to get in touch with ideas for additional training.

It was agreed that, when arranging for new Board members to meet the staff, this should be opened up for the full Board to participate. It may not be possible to arrange a floorplate meeting in the office with staff (who are still largely working from home) in the near future, but a large online meeting could be held, and plans made for an Away-Day in the coming months.

8 UPDATE ON DELOITTE

The CEO provided the update and was asked to produce future updates as a written paper, rather than an oral item. He explained that thirty-eight of the 41 Recommendations are marked 'implemented' but will be scrutinised by Deloitte, to ensure progress against them is embedded. He reflected that the time following receipt of the report represented a learning journey for all involved.

On the top six items, he reported:

- On the need for the CEO to report to the Board – this has been thought through and changes made to the Framework document with Scottish Government
- Much work has been done to ensure that the relationship between the CEO and Sponsor Division does not bypass the Board when it comes to strategic direction,
- The collegiate role of the Commissioner needs to be better understood, so that voters understand the corporate nature of the Board and do not have an expectation that Board members represent constituencies
- Documentation needed to be improved, which is why there has been an emphasis on getting the Framework Document right
- There has been joint training between the Board, the SMT and Sponsor Division, aiming to improve communication and provide greater clarity on roles and responsibilities
- The recommendation to review the staffing structure and to re-structure SMT has been acted on, with an independent review (the Glen Shuraig report).

Following the last point, a Business Case has been submitted to Scottish Government for funds to increase the workforce, as staff turnover was highlighted as one of the main contributing factors to have created delays in case processing.

John Kerr was invited to say a few words on this, from the perspective of Sponsor Division and explained, for the benefit of the new members, that Sponsor Division are the first point of contact between the Minister and the NDPB.

It was hoped that the progress made against the Deloitte recommendations would place the Commission on a stronger footing, the report being likened to an MOT for the organisation. The Convener especially wished to draw attention to the improved communications between the Board and Sponsor Division because of the work undertaken following the report.

It was agreed that the CEO will provide a written Summary paper, so that the new members have a good understanding of the background to the report and subsequent actions. This will also be circulated to other Board members.

9 TRENDS IN OUTSTANDING CASEWORK

The Convener explained that this was an important paper and that it was critical to have the Board's view on this issue.

Head of Operations & Workforce presented the paper, explaining that she had tried to capture as much relevant information as possible. Going through the data in the paper, she explained that there were several reasons contributing to the backlog in casework, including higher staff turnover than in previous years and extra complexities in the processing. For the last couple of months, the Commission had been engaged in a recruitment drive to increase staff resources in the Regulatory team and extra resources had also been pulled in from other teams.

Recent changes to staffing included an Improvement Manager, which should help going forward. The time it takes to train new officers in Regulation was highlighted as a key factor in the Glen Shuraig report, which suggests reaching a recovery position by March 2023 if no more staff are lost to the team.

Head of Operations & Workforce wished to pay tribute to the team, who have been working hard to do what they can to keep on top of the casework, sometimes in more challenging circumstances, working from home. It is exceedingly difficult to maintain staff morale when the team is under so much pressure. This was acknowledged by the Convener, who said the Board appreciates the efforts staff are making.

The CEO explained that the Board had received data on the length of time cases have been with the Commission, showing the statistics broken down into time categories. He concurred that efforts are being made to recruit and train new staff as quickly as possible and reducing casework delays was everyone's top priority. He reflected that a new Crofting Bill might help streamline some of the processes and that IT developments such as online applications should also have a positive impact over time, but it remains hard to make up for the loss of experienced staff.

The Convener thanked Head of Operations & Workforce for a most informative paper. Several Commissioners had a concern that the backlog experienced in 2018 had not been effectively dealt with, in terms of its underlying issues, which contributed to the problem today. The CEO confirmed that the staff had been consulted while the workforce review was taking place. The views of staff at all grades had been considered.

Some Commissioners questioned whether the focus on resources was the answer to the problem or whether there were process and management issues contributing to the problem. It was agreed that creating a new position for an Improvement Manager was a good idea. Head of Operations & Workforce also felt that having two new casework officers at B2 level will help because they will look at complex cases, reduce a potential bottleneck and share the line management burden more evenly. Head of Digital & Improvement also pointed out that though the Commission experienced some teething problems when we first went into lockdown, these were quickly addressed, and the organisation never had to 'shut down.' No significant work time was lost because of the switch to working from home; a point which has been picked up favourably by the Internal Auditors.

It was agreed that this issue should come to the Board as a Standing Item until the situation is resolved.

10 DIGITAL APPLICATIONS

Head of Digital & Improvement gave a brief history of the project, explaining the amount of work created because the Commission application forms were all pdfs. He also pointed out the environmental cost of a paper-based system. The project to move applications online will also save the Commission around £50K.

With some application types, we are at the 'soft launch' stage, with Assignment and Sub-Letting complete. There has been limited uptake so far, but this should grow and feedback from agents has been positive. Four more application types will be ready for a launch in the coming months. The SG Digital First process must be completed first, to test the system. There is still an issue to be resolved over wet signatures.

The paper route will still be open to customers, but the digital option highlighted as the easiest route to take. Paper pdfs are also being redesigned and streamlined where possible. Using the online channel especially helps reduce the numbers of invalid applications. Improving the quality of receipted applications will save staff time.

The Commission agreed that this is the correct direction of travel for all public bodies and should be marketed as a good news story. The Convener confirmed that the CEO and Communications Officer will be bringing a media strategy to the next Board meeting.

11 CIS UPDATE AND AUDIT PROGRESS

Head of Digital & Improvement clarified that the Internal Audit had not been on CIS as a system but on its management. He summarised where we are in terms of the audit recommendations, which were on track. Some are more straightforward than others to deal with. Someone with experience and knowledge of governance issues had been brought in on a temporary contract to assist.

The wider considerations highlighted in the paper need time to scope, following the work of the Steering Group. It was agreed that the work of the group should continue, and Commissioner Gray volunteered to join the group, with Commissioner Scott agreeing to carry on as the Chair. There will be a follow-up meeting with the Auditors in July.

It was confirmed that the Steering Group have tried to ensure the system is better managed and staff have been involved in this. It was agreed that the Product Owner role would help going forward. The Board accepted that there will always be movement in a computer system, as every change in policy or legislation or process has a knock-on effect.

Head of Digital & Improvement confirmed that bringing in a second developer will make the management of the system more robust and that moving to an AGILE methodology will help us to make smaller changes more quickly and more transparently. He reported that the next large release of CIS is at the technical testing stage and is very keen that development is driven by the users, which requires a cultural shift. The result will be a faster service for customers, by simplifying things for staff.

12 STRATEGIC RISK REGISTER

CEO led the item, explaining that the Strategic Risk Register is scrutinised by the Board, with the Operational Risk Register going to the AFC meetings each quarter. The Strategic Register looks at the security around the priorities the Commission is focused on, what it is trying to achieve. Specific items, such as the elections, may only be a risk for a brief time, others are more long-standing. It is a judgement rather than a science.

It was agreed that the score for item 5 should be changed and that item 3a could move to the ORR and that an action on living Succession should be added to item 4. It was also agreed to add a column to show where scores had increased or decreased. There was a discussion on the score given to the item on Common Grazings. It was agreed to leave the score as it is.

13 CROFTING COMMISSION POLICY PLAN 2022

The Commission Solicitor introduced the paper, explaining what the Policy Plan is and what it must do. The paper looks at the plan from a legal point of view, looking at what the Commission can and cannot do in law. The plan needs to set out the direction the Commission wishes to travel in. A new plan could therefore be trimmed to focus on what must be done and place the emphasis on the Commission's priorities. 'What is crofting' is a question that is central to the Policy Plan, in terms of the Vision of the Board.

The six proposals included in the paper present a possible structure for the plan. It was agreed that a Draft Plan should be brought back to the May Board meeting and that, in the meantime, a Strategy Day meeting via Teams will be arranged, in the next fortnight.

14 COMMISSION ATTENDANCE AT SHOWS 2022

The Convener reflected that it has not been possible to attend Agricultural Shows for the past 2 years, so it would be good to have a Commission presence at a limited number this year, asking Commissioners to think about their top choices.

It was agreed that there should be a clear purpose or desired outcome from attending shows. Head of Development felt there were different options. The Commission could book a stand and have staff in attendance. This was the most expensive option. A stand could be shared with other public agencies, which would be cheaper and have the benefit of networking or staff and Commissioners could attend shows, with no stand but wearing a Commission gilet or fleece. Commissioners were asked to get back to Head of Development with ideas and choices.

15 BUDGET 2022-2023

The Convener explained that the draft budget had been previously considered and discussed by the AFC and the Board. The final Budget had then been circulated to Commissioners by email before the election, with a majority approving and no-one dissenting. It therefore came to the public Board meeting to ratify the approval and would be effective from next week.

Decision	The Board approved the Budget for 2022-2023
-----------------	--

16 UPDATE ON MEETINGS WITH SPONSOR DIVISION

The CEO and Convener took members through the paper and agreed there should be as much advance notice of the meetings as possible, to allow other Board members to contribute if they wished to.

17 APPOINTMENT OF AFC MEMBERS

The Convener explained that the changes of elected Commissioners had consequences for the AFC. Three Commissioners are required to sit on the Committee, and he proposed a stop-gap solution until the two new appointments are confirmed in June. As Mairi Renwick Mackenzie was the Vice Convener at the last Board meeting and has been returned in the elections, he proposed that Mrs Renwick Mackenzie and 2 Commissioners who had previously served on the Committee, Commissioner Campbell and Commissioner Maciver, form the AFC for the meeting in April, with the selection of these positions and the Vice Convener coming back to the Board in June.

This was agreed.

18 DATE OF NEXT MEETING

The next meeting will be held in the Beaufort Hotel (tbc) and via Teams, if necessary, on 12 May 2022.

There was a discussion on the dates of future meetings. It was agreed to move the June Board meeting to 29 June and to canvas Commissioners to see if there is a majority in favour of moving the August and December Board meeting dates from a Thursday to a Wednesday.

19 ANY URGENT BUSINESS

There was no urgent business.

The Convener then closed the public part of the meeting, wishing to put on record his thanks to staff for all their efforts at a challenging time. He also wanted to thank Head of Operations & Workforce and Head of Digital & Improvement for their highly informative and useful papers brought to the meeting today. Gordon Jackson left at this point.

20 EXCLUSION OF THE PRESS AND PUBLIC

The Convener then closed the meeting, thanking everyone for their contributions. It was agreed that the preference going forward was to hold Board meetings in person but that members had the option of joining via Teams.

CROFTING COMMISSION MEETING

31 March 2022

Report by the Chief Executive

Review of Action Points from 31 March 2022

ITEM	ACTION	RESPONSIBLE OFFICER	DEADLINE
1	Take forward Commissioner training as agreed	Jane	Begin now and schedule plan for Year 2-5 to go to Board in Dec
2	Forward copies of deloitte report + improvement plan to new Commissioners + Summary written report (copy latter to full Board)	Bill	Now/soon DONE 07/04/2022
3	Add paper on Trends in O/S casework to Board Planner as Standing item	Jane/Heather	Added to Board Planner DONE 07/04/2022
4	Media Strategy – paper required for May	Bill/Kirsteen	May Board
5	Send new Commissioners background papers on Azets audit and steering group work	Aaron	Now
6	Make changes to SRR, including transfer CIS to ORR	Bill	Now
7	Arrange Strategy Day on Policy Plan via Teams	Jane/David	In hand – DONE 07/04/2022
8	Make update on Deloitte a paper not an oral item	Bill	May – IN HAND – WILL DO PAPER
9	Make sure Board members get advance notice of sponsor meetings, agenda, papers etc	Bill	Now – DONE, Fiona to do for future, check with Aileen about more notice in future
10	AFC members + VC position to be confirmed in June	Bill/Convener	On planner
11	Change date of June Board meeting and re-circulate dates?	Jane/FM	Now – DONE
12	Create 'good news' story out of census stats	Bill/Kirsteen	Now (and in print media) – DONE

MATTERS ARISING FROM PREVIOUS MINUTES – ORAL

CROFTING COMMISSION MEETING

12 May 2022

Report by the Chief Executive

Report on meetings with Sponsor Division

SUMMARY

This paper lists meetings since the last Board meeting, which have involved both CEO and Sponsor Division.

BACKGROUND

Among other themes in the Deloitte report was the need to improve the reliability of communications between Sponsor, CEO/SMT, the Convener and the Board, to ensure that the Board as a whole were kept informed of all relevant developments. As part of this, a brief summary of recent meetings involving the CEO and Sponsor is included on the agenda for each Board meeting.

RECENT MEETINGS INVOLVING CROFTING COMMISSION CEO AND SPONSOR DIVISION

<i>Topic & Date</i>	<i>Commissioners attending</i>	<i>Lead SG officer(s)</i>	<i>Agenda items</i>	<i>Key outcomes</i>
Elections process washup meeting with MiVoice	None	Gordon Jackson, Michael Nugent	Review of the process of running the election and consideration of possible changes to regulations for 2027	Clarifications needed about aspects of processes including purchasing of Returning Officer services if this is required again. Scope for revisiting regulations e.g. to simplify (if possible) who gets the vote and to specify consequences if any candidates do not abide by the rules.
Convener's meeting with Cabinet Sec, 21 April 2022	Convener	Derek Wilson, Gordon Jackson	Convener thanked Cabinet Secretary for the funding that followed SG's acceptance of our Business Case. We gave updates on the Strategy Discussion about the Policy Plan, online census, online applications, election process, and regulatory casework backlog.	Cabinet Secretary wishes to meet the whole Board later in 2022.

IMPACT

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

RECOMMENDATION

The Board is invited to note this report.

Date 25 April 2022

Author Bill Barron, CEO

UPDATE FROM VICE CHAIR OF COMMITTEE - ORAL

CROFTING COMMISSION MEETING

12 May 2022

Report by the Chief Executive

Principles for Policy Plan

SUMMARY

This paper invites Commissioners to comment on draft text for the forthcoming Policy Plan.

BACKGROUND

As proposed at the Board meeting on 31 March, the Commission held a Strategy Meeting on 14 April to compare views on crofting and to consider the approach to the Commission's next Policy Plan.

The Commission is required to consult on, and then publish, a Policy Plan within 6 months of the election. The working assumption is that the 2022 Plan will not contain a wealth of detail about individual application types, as that information can more appropriately be included within regulatory guidance. Instead, it is suggested that the Policy Plan should describe the Commission's vision and the policies it intends to follow across all of its work, including development and grazings as well as regulatory decision-making.

Taking account of the views expressed by Commissioners at the Strategy meeting, a group of officials have written a first draft Vision and Principles that could be included within the Policy Plan. This is attached at **Annex A**, and Commissioners are invited to make both high-level and detailed comments on the draft text. Specific questions to consider are:-

- Is the format of this text suitable to be the heart of the Commission's 2022 Policy Plan?
- Do Commissioners agree with the content of the draft?
- What else should be added?

In the light of the Board's comments, the next stage will be to expand the draft text into a complete draft Policy Plan for consultation with stakeholders.

Impact:	Comments
Financial	N/A
Legal/Political	It is a legal requirement to consult on and publish a Policy Plan by September 2022.
HR/staff resources	The Policy Plan will set the strategic context for the deployment of Commission staff over the next 5 years.

RECOMMENDATION

The Board is invited to comment on the draft Vision and Principles for the Policy Plan.

Date 29 April 2022

Author Bill Barron, CEO

FIRST DRAFT

COMMISSION VISION AND POLICY PRINCIPLES FOR INCLUSION IN THE 2022 POLICY PLAN

Crofting Commission – our vision

The Crofting Commission is an executive non-departmental public body that has a legal identity that is distinct from government, but carries out administrative and regulatory functions relating to crofting on behalf of the Scottish Government. The Crofting Commission also provides specialist advice on crofting to the Scottish Ministers and keeps ministers advised on all matters relating to crofts and crofting. The Crofting Commission operates within a framework set by the Scottish Ministers and develops its own policies within that context. The Commission is a creature of statute, which means that its powers and responsibilities are set out in legislation. It has the power to regulate only on matters that are specifically provided for in legislation.

The Commission's vision for crofting is one that balances tradition and innovation. The Commission regulates crofting in a way that balances the rights of existing crofters¹, the interests of crofting communities and the aspirations of individuals who may wish to take up crofting. The Commission recognises the importance of having diversity amongst crofters and new entrants to crofting as well as the importance of encouraging a diverse range of land uses that encompass local food production, stewardship of the land to enhance biodiversity and sequester carbon, community enterprise and local economic activity. The Commission also recognises that crofts and common grazings comprise some of the most remote parts of the Scottish highlands and islands and some of the most challenging land to cultivate. It is the Commission's view that the diversity of land types within crofting tenure also presents opportunities to use the land in different ways that combine innovation and tradition.

It is the Commission's view that crofting, as a regulated system of land tenure of smallholdings and common grazing land, contributes to the retention of rural population and helps to sustain local and rural economies, and can deliver substantial wider environmental benefits where the land is managed sustainably. Crofting provides important opportunities for both individual and communal land management. It also provides a real and enduring connection between people and the land. It is the Commission's view that a well-regulated crofting system is central to rural life, the rural economy and the rural environment across large parts of the Scottish highlands and islands.

In accordance with this vision, the Crofting Commission will adopt the following policy principles as it seeks to play its role within the provisions of legislation and in fulfilment of the Scottish Government's policy for crofting.

¹ Throughout this Policy Plan, 'crofters' includes both tenant crofters and owner-occupier crofters, unless the context implies otherwise.

Policy principles

Policy on customer service

By far the largest of the Commission's teams is the Regulatory team, responsible for responding to applications by crofters and their agents, for changes such as assignation, sublet and decrofting.

The Regulatory Team are also responsible for responding to notifications by crofters and their agents and executors for changes to the Register of Crofts such as testate successions, intestate successions and changes to ownership. While no decisions are taken in respect of notifications, the Commission is required to ensure that the notification complies with the relevant statutory requirements to enable both the Register of Crofts and the Crofting Register to be accurately maintained and updated.

The Commission is fully committed to making sure that our decisions on all regulatory applications are in accordance with the legislation and fair to all parties. In addition, we aspire to significantly improve the speed of processing for both applications and notifications, both by increasing the number of staff responding to casework, and by improving the processes by which applications are handled. For example, the delegation of routine decision making to officials and more recently the development of an online application system are both substantial enhancements to the efficiency of our work.

We are committed to continual improvement of customer service to applicants that have an application or notification in progress and to those seeking information. We recognise that Commission processes can appear to be complex and we will seek to provide helpful and accessible information from a range of sources, in particular our website and direct enquiries.

Policy on registration and mapping of crofts and common grazings

The Commission's role in registration of crofts is set out in statute, and it is essentially a supportive role. The principal responsibilities for registering crofts lie with crofters, their neighbours who are informed of proposed registrations and have a right to object, and the Registers of Scotland (RoS). The Commission has limited powers to influence this process, but we do check proposed croft maps against such information as is held by ourselves, and can delay the process of a registration if there is evidence of an inaccuracy. The Commission are also required to check information in the registration application and supporting documentation against the information relating to the croft in the Register of Crofts, and to seek further information in order to resolve any discrepancies prior to forwarding the registration application to RoS. However, we are not empowered, and nor would we have the means, to make sure that all croft maps are 'correct'.

The legislation gives the Crofting Commission a major role in the registration of common grazings, and we aspire to continue the process of mapping and registering common grazings when other priorities and resources permit.

Policies on decrofting and retaining land within crofting tenure

The legislation and a body of case law developed by the Scottish Land Court sets out the basis on which the Crofting Commission can consider granting a decrofting direction. The Commission is required to assess each reasonable purpose application against the following legislative factors: the good of the croft, the crofting community, the estate (where relevant) and the public interest, and must be satisfied that the extent applied for is not excessive. The legislation also sets out additional factors to which the Commission may have regard, including the sustainability of crofting and the crofting community in the locality, the landscape and environment of the locality and the social and cultural benefits associated with crofting. The Commission cannot adopt any policies with regard to decrofting that are inconsistent with the legislation and case law. There are statutory factors to which the Commission must have regard in each and every application for decrofting. The Commission is also required to carry out a careful balancing exercise and assess the individual facts of the case in relation to the various factors set out in the legislation.

The Commission's approach to decrofting is that its decisions with regard to decrofting applications are determined by the legislation having regard to the individual facts of the case, but will be informed by the Commission's policy position that there is value in retaining croft land within crofting tenure. The Commission's policy position in this regard is informed by the importance of providing opportunities for both existing crofters and future generations of crofters to continue crofting croft land. It is also likely that actively used croft land will continue to attract financial assistance in future years for the various social, economic and environmental benefits associated with crofting, and such assistance will be important for the future of crofting.

Policy on croft residency and use of crofts

The Crofting Commission will work by both statutory and non-statutory means to increase croft residency and to increase the amount of croft land that is cultivated or put to a purposeful use. The Commission's policies on residency and land use apply equally to tenant crofters and owner-occupier crofters. It is the Commission's view that a healthy crofting system consists of crofters who are resident within their crofting communities and are actively using and managing their crofts and common grazings. It is the Commission's view that resident crofters within the crofting community will make these communities more resilient and better able to retain rural population as well as create and generate economic activity within rural, and sometimes remote, populations.

The Commission recognises that much croft land and/or common grazing land is currently neglected because some crofters are failing to comply with their crofting duties. The Commission acknowledges that non-residency and neglect has the potential to undermine the credibility of the crofting system. The policy of the Crofting Commission from 2014 has been to encourage greater voluntary compliance with crofting duties. The current policy of the Commission is that this work will continue over the next five years, but Commission policy will also recognise the need for crofting duties enforcement action on non-residency and failure to use the land. Although the Commission's crofting duties enforcement team is small in comparison to the size of the task, the Commission has recently invested additional resources in it, and our policy is to invest further in crofting duties enforcement over the next five years. The Commission will take targeted action on crofting duties enforcement to increase croft residency and active land use. Some of this action will be as a result of reports or information received from grazings committees, assessors and members of the relevant crofting community. The Commission relies upon receiving information from these persons before it is able to investigate a case of potential non-compliance with a crofting duty or duties. Some of the duty enforcement action will be taken where the Commission is aware of potential non-compliance with crofting duties, for instance as a result of an annual notice return or a failure to return the annual notice.

We have the right to inspect croft land ourselves, or employ a partner agency to do this, as part of gathering evidence about the use to which a croft is being put.

The Commission will also work with landlords to ensure that vacant crofts are let to individuals who will comply with the statutory duties relating to residence and land use. Where the landlord of a vacant croft fails to submit a letting application or a proposal to let the croft, the Commission will take on the process of advertising and letting the vacant croft.

The Commission will seek to ensure that long-standing unresolved successions are resolved in the first instance by the executor of the deceased crofter or the landlord, but failing that the Commission may use its statutory powers to terminate the tenancy and declare the croft vacant, to enable the tenancy to be let to an individual who will comply with the statutory duties relating to residence and land use.

Policy on new entrants, tenancy termination and compulsory letting

Aligned to the Commission's work on crofting duties is the Commission's policy that crofting and the crofting system should create new opportunities for people who wish to become crofters or owner-occupier crofters for the first time. It is the policy of the Commission that crofting should be an inclusive system that includes people regardless of their background, sex, disability, sexual orientation, age or ethnicity. The Commission's policy in this area will be similar to its policy on crofting duties, and it will encourage voluntary action whilst also not hesitating to use its statutory powers. The Commission's development team will work to encourage non-resident and/or non-active crofters to assign or sell their crofts to someone who will be resident and will use the croft. At the same time, the Commission's crofting duties enforcement team will take targeted action (as set out above at paragraph XX) to work with non-resident and/or non-active crofters and require them, in cases of non-compliance, to take steps to ensure that they are compliant with crofting duties. If the crofter is unable to take steps to ensure compliance with the relevant crofting duty or duties, the Commission will proceed to terminate the crofter's tenancy or require the owner-occupier crofter to let the croft, unless there is a good reason not to. Such action will result in new croft tenancies becoming available for letting to new entrants to crofting as well as to existing crofters. Such action also results in the owner-occupier crofter losing his or her owner-occupier status and his or her crofting rights.

Policy on land use

The legislation enables crofters to carry out many different forms of cultivation, which includes livestock production as well as growing of vegetables, fruits and keeping of bees and planting of trees. The legislation also permits crofters to carry out purposeful uses that are not cultivation (provided in the case of tenant crofters that they have the consent of their landlord). These uses could include, for instance, the use of part of a croft for holiday-letting accommodation, a local bakery or farm shop or a facility associated with a leisure activity. All of the croft must be used for either the purposeful use or cultivation or a mixture of the two.

It is the individual crofter's right to cultivate the croft or put it to a purposeful use as he or she chooses, but the land must be used and neglect is not an option. It is the Commission's policy to work through its development team with crofters and crofting communities to encourage a diverse range of land uses which can deliver social, economic and environmental benefits within local crofting communities and populations, but decisions as to how the land will be used lie with the crofter (or, in the case of common grazings, the grazings committees and the crofters sharing in the common grazing). These uses include small-scale livestock production, growing of vegetables and fruit, renewable energy, local enterprises, development of woodland (in appropriate locations) and tourist facilities, to name a few.

It is also the Commission's policy to collaborate with other agencies and bodies and crofters, so far as its resources permit, to encourage sustainable land uses which enhance biodiversity and increase carbon sequestration (for instance, through restoration of peat land). Crofting affects approximately three-quarters of a million hectares of land across the Scottish highlands and islands.

Policy on apportionments

The legislation and case law from the Scottish Land Court set out the basis on which the Commission considers apportioning an area of common grazing for the exclusive use of a crofter or township. In assessing apportionment applications, the Commission will consider each application on its merits and exercise its discretion to balance the interests of the applicant in having the land apportioned and the interests of the shareholders in the common grazings; and will consider any comments from the grazings committee and the landlord/owner of the common grazings."

Where the land sought to be apportioned has "hope value" and there is a prospect of development, such "hope value" is a relevant consideration and the Commission will decide how much weight to give to such a consideration having regard to all the facts of the case.

Policy on crofting development and support

Developing crofting is a key element of Commission activity which will underpin many of the other aspects of the Commission's remit.

Downward pressure on profitability of agricultural activity means action is required to ensure crofters are aware of and enabled to benefit from financial returns of alternative opportunities utilising their available assets, land and people. The Commission will develop a network of support for crofters and grazings committees identifying sources of financial support and technical guidance. This will be made available on the Commission web site by the Commission's development officers. The officers will also link with named staff in the organisations and agencies providing support and with the panel of assessors and grazings committees, to promote opportunities for development.

A programme of education to ensure all crofters are aware of their rights, opportunities, obligations and liabilities will be instigated and delivered through the network described previously.

To assist crofters with the above, information will be provided by way of regular reminders and presentation of options through the network and web site keeping crofters informed as their circumstances change.

Notably the Commission is aware of the increasing numbers of ageing crofters and will provide specific information on their options for dealing with succession regarding crofting assets.

The Commission is also aware of the pressures and difficulties some crofters have as tenants and owner occupiers in complying with their duties and will provide guidance on options to address these matters. Aspects of community-based working along with temporary or permanent transfer of duties responsibility will be highlighted.

The Commission will consult and advise Scottish Government and other organisations to ensure their support systems are adapted where necessary to suit individual crofters and grazings committees.

The Commission will consider and advise on the possibility of introducing a Croft Availability Network to assist new entrants into crofting and existing crofters to leave.

All the development work of the Commission will include consideration of environmental and climate impacts.

Policy on grazings

The Commission recognises the significant role played by the voluntary Grazings Committees and the scale of the crofting asset held under common grazing and will seek to increase the number of committees in office. Through these committees the Commission will encourage greater utilisation of the land and opportunities it presents, particularly in the area of climate change mitigation.

The Commission will continue to provide training for committees and their clerks in the effective regulation and financial administration of the common grazings.

Policy on planning

As a statutory consultee, the Crofting Commission has a right to be consulted on Planning Authorities' draft Plans, and on individual planning applications on croft land. We regularly make comments on Local Plans, representing the interests of the crofting communities in general terms, and we will work with Planning Authorities to acquire a mutual understanding of the needs of remote communities.

Conversely, we will not often 'take sides' in relation to an individual planning application, preferring to leave the representations to the parties directly involved, and the decision to the Planning Authority. This seems more appropriate, given that we have our own statutory regulatory role, and may indeed need to take our own decision on a related decrofting application. However, as resources permit, we will sometimes guide Planning Authorities on how to weigh up any crofting-related issues that are at the heart of a contested planning application.

Policy on law reform

It is the Commission's view that the existing legislation applying to crofting brings many benefits and statutory protections for crofters, owner-occupier crofters, crofting communities and the wider public. However, there is a generally held view that the existing legislation needs to be updated, in some respects urgently, and various anomalies need to be removed from the legislation. To this end, it will be the Commission's policy to collaborate with its sponsor division within Scottish government to assist with law reform and legislative proposals and to keep its sponsor division properly advised on crofting matters, including legal matters relating to crofts and crofting. The Commission would like to see future legislation assisting the further development and growth of crofting and is willing to assist the Scottish Government in assessing whether the Commission requires enhanced legal powers to assist with this.

CROFTING COMMISSION PERFORMANCE REPORT

QUARTER 4 – APRIL 2022

SUMMARY

Our Outcome		1. CROFTS ARE OCCUPIED AND MANAGED	RAG Status
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.		AMBER
	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.		ACHIEVED
	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
	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.		RED
	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
	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.		AMBER
Performance Measures	1.1	Number of formerly vacant crofts let by the landlord or the Commission following the Commission initiating action under the unresolved succession (section 11) or vacant croft (section 23) provisions of the 1993 Act.	AMBER
	1.2	Initiate correspondence with more crofters where a breach of RALU duties is suspected.	GREEN
	1.3	Initiate correspondence with landlords (owners of vacant croft) who are failing to reside on and/or cultivate their vacant crofts.	AMBER
	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.	AMBER
	1.5	Number of RALU breaches resolved by the assignation of the croft, or the letting or sale of an owner-occupied croft.	AMBER

	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.	AMBER
	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
	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).	RED

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

Our Outcome			3. CROFTING IS REGULATED IN A FAIR, EFFICIENT AND EFFECTIVE WAY	RAG Status
Key Milestones	3a July / August 2022 – Next build of the Crofting Information System released and upskilling delivered, and CIS migrated to the cloud			RED
	3b Summer 2022 – Digital system implemented for notifications			AMBER
	3c November 2021 – Agree, with Registers of Scotland, improvements to our combined processes, and how they can be implemented.			GREEN
	3d June 2022– First 8 application types available digitally			AMBER
Performance Measures	3.1	Decrease in median turnaround times (registered crofts, Tier 1 approvals)		RED
	3.2	Decrease in number of live regulatory cases at a point in time		RED
	3.3	Decrease in number of regulatory cases outstanding after 12 months		RED
	3.4	Customer satisfaction rates		RED

Our Outcome			4. THE FUTURE OF ACTIVE CROFTING IS SUPPORTED BY WELL-INFORMED ENGAGEMENT WITH STAKEHOLDERS	RAG Status
Key Milestones	4a August 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
	4b September 2021 – Produce information about choices for crofters who are considering passing on their croft.			GREEN
	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
	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
	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.			AMBER
	4f Ongoing – Participate in discussions with stakeholders and SG on crofting interests and particularly the development of future support systems for crofting.			GREEN
Performance Measures	<i>There are no Key Performance Measures for this Outcome</i>			

Our Outcome			5. OUR WORKFORCE HAS THE RIGHT SKILLS AND MOTIVATION TO PERFORM WELL, OUR GOVERNANCE PROCESSES ARE BEST PRACTICE		
			RAG Status		
Key Milestones	5a April 2021– Publish a report about the steps taken by the Commission to encourage more female Board members		ACHIEVED		
	5b June 2021 – Develop and implement continuity planning for key posts		ACHIEVED		
	5c July 2021 – Develop a Commission policy on the location of our workforce over the next period		GREEN		
	5d July / August 2022 – Implement automated retention schedule procedures within revised CIS		RED		
	5e August 2021 – Complete implementation of 2020 Staff Survey action plan		AMBER		
	5f December 2021 - Highlight the opportunities for election to the Board, across the crofting counties and encouraging nominations from both women and men		ACHIEVED		
Performance Measures	5.1	Increase in staff engagement rating	ACHIEVED		
	5.2	Corporate carbon emissions	GREEN		
	5.3	Redeploy efficiency savings within £3.2m core budget	GREEN		

DETAILED PROGRESS REPORTS

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

Our Outcome	1. CROFTS ARE OCCUPIED AND MANAGED By ensuring crofters are compliant with their Duties and by working with crofting communities and stakeholders, we can increase the number of crofts that are occupied and well managed.			
Milestone	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.		AMBER	Joseph Kerr	<p>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.</p> <p>In the second quarter of the year, discussions were held with regard to agreeing a process to enable the team to progress written reports of non-residence and non-cultivating in relation to vacant crofts, to take the case to the stage of either the croft being occupied and used or the Commission issuing a notice under section 23(5) require proposals for letting of the vacant croft. The next stage is for the process and workflows to be developed on cis with supporting documentation prepared.</p> <p>In the third quarter of the year, further meetings with staff and as a result a draft CIS workflow is currently in the process of being drawn up. Once finalised we will arrange for the relevant template letters to be finalised and associated with the relevant parts of the workflow.</p> <p>In the fourth quarter, the CIS workflow was completed. We are currently in the process of creating the relevant template letters to be associated with the relevant parts of the workflow and will then be in a position to deal with reports relating to landlords who are not residing on or cultivating their crofts.</p>

Our Outcome	2. 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												
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.		ACHIEVED	Joseph Kerr	<p>The RALU Team received the 2020 Census report on 17 June 2021.</p> <p>The report has been analysed and the different categories of breach identified which will form the basis for the selection of tenant and owner-occupier crofters to be written out to. The Team have identified the following number of cases in the different categories to be investigated further:</p> <table border="1" data-bbox="1144 560 1921 754"> <thead> <tr> <th>Category</th> <th>Numbers</th> </tr> </thead> <tbody> <tr> <td>Non-resident/non-cultivating tenants</td> <td>60</td> </tr> <tr> <td>Non-resident owner-occupier crofters</td> <td>40</td> </tr> <tr> <td>Non-resident tenants</td> <td>34</td> </tr> <tr> <td>Resident Non-cultivators tenants</td> <td>46</td> </tr> <tr> <td>Total</td> <td>180</td> </tr> </tbody> </table>	Category	Numbers	Non-resident/non-cultivating tenants	60	Non-resident owner-occupier crofters	40	Non-resident tenants	34	Resident Non-cultivators tenants	46	Total	180
Category	Numbers															
Non-resident/non-cultivating tenants	60															
Non-resident owner-occupier crofters	40															
Non-resident tenants	34															
Resident Non-cultivators tenants	46															
Total	180															
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	<p>In the third quarter of the year:</p> <ul style="list-style-type: none"> The process of issuing letters to the First tranche category (non-resident non-cultivating tenants) was completed; The process of issuing letters to the Second tranche category (non-resident owner-occupier crofters) was completed; The process of issuing letters to the Third tranche category (non-resident tenants) was completed; <p>In the fourth quarter of the year:</p> <ul style="list-style-type: none"> The process of issuing letters to the Fourth tranche category (resident non-cultivating tenants) was completed. <p>In addition to this, the new Development Team liaised with the Residency and Land Use Team (RALUT) to obtain the results from the 2020 Census of the crofters who had declared that whilst they were resident, they were not cultivating their croft.</p>												

				<p>A pilot project for the Western Isles was chosen by the Development Team as the best method to gauge what could be achieved, and if it worked, could then be rolled out across the Crofting Counties after the next Census.</p> <p>The RALU team provided a spreadsheet with information on 90 crofters living within the Western Isles who had declared in the 2020 Census that whilst they were resident on the croft, they were not cultivating the croft.</p> <p>A new form of letter was prepared with the RALU team, to offer support and advice on the options to remedy the non-cultivation. These options included the crofter starting to cultivate, the crofter choosing to sublet the croft or the crofter choosing to assign the croft to someone else.</p>
--	--	--	--	---

Our Outcome	3. 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
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.		RED	Joseph Kerr	Letters were prepared and processes developed for this work. RALUT were awaiting the preparation of the spreadsheet showing non-census returners, in order to select cases to take forward. As a result of the decision made by management in the third quarter to divert 40% of the RALUT resources being diverted to assist colleagues in dealing with the regulatory casework backlog, this milestone was not completed before the issue of the 2021 Census Return. The Team will pick this up in 2022/23 once a report has been prepared for the 2021 Census non-returners.
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	Joseph Kerr	RALUT liaised with Development Team colleagues as part of the pilot project to identify and contact resident non-cultivators in the Western Isles in 2021, Separately the process of writing to the fourth tranche category (resident non-cultivating tenants) was undertaken by RALUT in the 4 th quarter of 2021/22.
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.		AMBER	Joseph Kerr	As there was a delay in sending out the 4 th tranche of letters (resident non-cultivating tenants) due to resources being diverted to support regulatory colleagues, the follow-up will take place in 2022/23.

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) The Commission have issued 4 section 11(4) notices proposing to terminate the tenancy of two crofts in Kilmallie, one croft in Applecross and one in Stoer which will result in terminations and lets if they progress to the section 11(8) termination order stages.
- b) The Commission have issued 4 section 11(8) terminations: one in Shetland which resulted in proposals to let to a new entrant to crofting being submitted by the landlord and approved by the Commission, 2 in Kilmallie to existing crofters which have been approved, and one in Applecross to a new entrant to crofting.
- c) One section 23(5) notice was issued to a landlord in Sutherland which resulted in proposals to let to a new entrant to crofting being submitted by the landlord and approved by the Commission.
- d) The Commission have been working with a landlord in Skye to let 3 long term (over 10 years) vacant crofts constituted as “New Crofts” under section 3A. Two of the three crofts have been let to new entrants to crofting; an application has been submitted to let the other croft which is currently being processed.

Q1	Q2	Q3	Q4
GREEN	GREEN	AMBER	AMBER

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 **140** crofters. 125 as a result of the 2020 Census returns (this includes the pilot in the Western Isles writing to resident non-cultivating tenants), 3 as the result of receipt of reports of suspected breach of duty, and 12 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.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	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

THE CIS workflow has been designed & completed. We are now at the stage of creating the relevant template letters to be associated with the relevant parts of the workflow and will then be in a position to deal with reports relating to landlords who are not residing on or cultivating their crofts.

Q1	Q2	Q3	Q4
GREEN	GREEN	AMBER	AMBER

Responsible Manager: Joseph Kerr

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

PROGRESS:

8 crofters have resolved their breach of duty by taking up residence.

Q1	Q2	Q3	Q4
GREEN	GREEN	AMBER	AMBER

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

14 crofters resolved their breach of duty by assigning the tenancy of their crofts.

Covid Effect

Q1	Q2	Q3	Q4
GREEN	GREEN	AMBER	AMBER

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
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

PROGRESS

During the course of the year, **12** crofters were given consent to sub-let their crofts. **22** crofters were given either consent to be absent or an extension of consent to be absent.

Q1	Q2	Q3	Q4
GREEN	AMBER	AMBER	AMBER

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

the Commission issued 15 Notices under section 26C(1); Made 18 decisions under section 26C(5) that a duty was not being complied with, and issued 8 Notices providing an undertaking under section 26D(1).

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	GREEN

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
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

PROGRESS

There have been no termination orders or notice requiring letting proposals under these statutory provisions

Q1	Q2	Q3	Q4
AMBER	AMBER	AMBER	RED

Responsible Manager: Joseph Kerr

Our Outcome

2. COMMON GRAZINGS ARE REGULATED AND SHARED MANAGEMENT PRACTICES CONTINUE

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

Milestone	Covid Effect	RAG Status	Responsible Manager	Details
<p>2a Ongoing - Contact all Grazings Committees whose terms are about to end, encouraging them to arrange the appointment of a new Grazings Committee</p>		<p>GREEN</p>	<p>Finlay Beaton</p>	<p>Contact is made before the end of committees' terms in office, and afterwards if no appointment has been agreed to encourage the forming of a new committee. The Commission is monitoring the public health situation and acknowledges there is still a requirement for the offering of special measures to appoint a new committee under section 47(3).</p> <p>There is also now an opportunity for shareholders to hold a public meeting to appoint a new Grazings committee under section 47(1) if they so desire.</p>
<p>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.</p>		<p>GREEN</p>	<p>Finlay Beaton</p>	<p>This publication remains available on the Commission website and all new grazings clerks are provided with a hard copy.</p>
<p>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.</p>		<p>GREEN</p>	<p>Finlay Beaton</p>	<p>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.</p> <p>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. This has seen a modest increase in the total number of grazings committees continuing over the previous 3 quarters.</p> <p>The Development Officers in the Western Isles have engaged in contacting active shareholders of common grazings without committees to obtain background information on why no committee is in office and then refer those who show interest in appointing a new committee to the Grazings team to take forward.</p>
<p>2d Ongoing – Encourage grazings committees to adopt the revised template for grazings regulations.</p>		<p>RED</p>	<p>Finlay Beaton</p>	<p>A more pro-active approach has been devised but it has been difficult to effect with covid restrictions and the temporary redeployment of Grazings Team members.</p>

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></p> <p>At the end of the 4th quarter, there are currently 497 grazings committees in office. However, as a further ten are only out of office because they have slightly delayed the planned meeting to elect a new committee (because of Covid), the target has for all practical purposes been met.</p> <p>Covid Effect</p> <p>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>GREEN</td> <td>GREEN</td> <td>GREEN</td> </tr> </tbody> </table>					Q1	Q2	Q3	Q4	GREEN	GREEN	GREEN	GREEN
Q1	Q2	Q3	Q4									
GREEN	GREEN	GREEN	GREEN									
Responsible Manager: Finlay Beaton												

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></p> <p>3 new sets of regulations have been approved and others are in process.</p> <p>One Amendment of common grazings regulations has been completed. Where the committee were not keen to adopt the new grazings template.</p> <p>Covid Effect</p> <p>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 pro-active approach by the Grazings Team itself, as does the fact that its staff resources have been reduced through provision of support to other parts of the organisation.</p> <p>7 other cases are at various stages, to be progressed when resources allow.</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>RED</td> <td>RED</td> <td>RED</td> <td>RED</td> </tr> </tbody> </table>					Q1	Q2	Q3	Q4	RED	RED	RED	RED
Q1	Q2	Q3	Q4									
RED	RED	RED	RED									
Responsible Manager: Finlay Beaton												

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

To date there have been 16 significant engagements with Grazings Committees and shareholders of which 9 have been closed and we are continuing to interact with those involved in the open cases.

It might be considered an indicator of success in dealing at an early stage with the variety of issues arising, which do not progress to the more serious official complaint route provided for within the Act - Sections 47(8) or 52(1).

Within the first 3 Quarters. the team have also responded to 436 other general queries from various stakeholders where there is a common grazings involvement.

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 proven beneficial.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	GREEN

Responsible Manager: Finlay Beaton

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

PROGRESS

There have been 24 cases where establishment of the correct shareholding position for all shares has researched. 36 single-share investigations have also been undertaken.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	GREEN

Responsible Manager: Finlay Beaton

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

The Grazings team have continued to work with the Farm Advisory service to deliver training events. Face to face meeting is still being discouraged and so training has been delivered again via zoom meetings.

6 sessions have been delivered on how to form a grazing committee and then the carrying out the duties and functions of a committee correctly using best practice. These sessions have had an average of 19 people attending each session.

A session was also delivered on the subject of mediation to 8 attendees, and a Pilot session to 12 attendees as a surgery for Grazings Clerks.

Q1	Q2	Q3	Q4
AMBER	GREEN	GREEN	GREEN

Responsible Manager: Finlay Beaton

Our Outcome

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

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

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

Milestone	Covid Effect	RAG Status	Responsible Manager	Details
3a July / August 2022 – Next build of the Crofting Information System released and upskilling delivered, and CIS migrated to the cloud		RED	Aaron Ramsay	<p>System testing is underway, with work to produce new training material being planned for commencement in April 2022. Final full release of build after all testing and training planned for July / August 2022.</p> <p>Temporary UAT manager in place to support the next release process. UAT script writing is underway with a plan to complete gradually over a number of weeks to support other business pressures. Significant work undertaken to improvement governance approach to the system development, including the appointment of a Product Owner, Scrum Master, and Product Sponsor. Full revised Governance framework planned for completion by July 2022.</p> <p>CIS migrated fully to the cloud has been achieved.</p>
3b Summer 2022 – Digital system implemented for notifications		AMBER	Aaron Ramsay	<p>Change of address functionality built on target, however go live with public notifications is not realistic currently as currently the majority of this notification type are handled outside of the CIS, and implementing this would create additional pressures on Regulatory teams as each notification would automatically create a CIS case. Postponed until Summer 2022, pending review of work load levels.</p>
3c November 2021 – Agree, with Registers of Scotland, improvements to our combined processes, and how they can be implemented.		GREEN	Joseph Kerr	<p>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. RoS have prepared draft changes incorporating changes to RoS Form A (Initial registration application) and RoS Form B (Change registration application) which the Commission have provided comments on.</p>

3d June 2022 – First 8 application types available digitally		AMBER	Aaron Ramsay	Assignment and Subletting now live on the system as part of a soft launch, with applications received digitally for both. Additional application types will come online live through April and May after a short delay due to competing pressures on the limited development resource. Planned full release of initial 8 application types by June 2022, fully tested and live.
---	--	--------------	--------------	---

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

High numbers of outstanding cases over previous months and continued difficulties have meant that the turnaround times have increased for assignment and part croft decroftings and have remained static for house site and garden ground decroftings.

Covid Effect

Q1	Q2	Q3	Q4
AMBER	RED	RED	RED

	Approx Number of cases per year	Median weeks (2020-21)	Median weeks (2021-22 to date)
Assignment	c125	10.7	12.9
Decrofting Croft House Site	c50	13	13.9
Decrofting Part Croft	c100	22.6	25.3

Responsible Manager: Heather Mack

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

The number of cases outstanding (which have not yet reached decision) has increased to **1087**. The continued increase in outstanding cases is due to pressures within the team, in particular to knock on effects of staff leaving, which means movement of staff to fill posts and brand new staff. The long training period means that the team has effectively been working at a reduced capacity for this last quarter.

Covid Effect

Q1	Q2	Q3	Q4
RED	RED	RED	RED

Responsible Manager: Heather Mack

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

Due to the level of outstanding cases work on this has slowed and the number of outstanding cases over 12 months has increased to **206**.

Covid Effect

Q1	Q2	Q3	Q4
GREEN	GREEN	RED	RED

Responsible Manager: Heather Mack

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

No customer feedback forms have been received in the last quarter. Higher than usual numbers of emails chasing up cases and complaints indicate that customer satisfaction is a concern.

Covid Effect

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	RED

Responsible Manager: Heather Mack

Our Outcome

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

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

Milestone	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	Arthur	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	Arthur	A website section has been completed. Social media work on succession is ongoing.
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	Arthur	<ul style="list-style-type: none"> • A survey looking at croft under-use and availability to new entrants was completed in May 2021, which had over 400 responses. • Communications to highlight the issue and communicate crofting duties and the benefits of new entrant opportunities, to both crofters and the public is underway. • Investigation into how prospective croft purchasers are made aware of crofting duties has been undertaken. This has been followed up by contacting the 40 estate agents’ firms identified as marketing crofts to direct them and prospective buyers towards the new “Obtaining a Croft” section on the website. • Discussions have begun on creating a working group to look at these issues. <p>All ongoing.</p>

<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.</p>		<p>GREEN</p>	<p>David Findlay</p>	<p>The Board considered two papers on this topic. The first examined issues around the sale and marketability of land and market controls, while the second considered possible Commission initiatives or law reform that would facilitate accessibility of land, particularly for new entrants.</p>
<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>AMBER</p>	<p>David Findlay / Arthur</p>	<p>The COHI group has not progressed. However, the Development team has engaged with stakeholders to gain a better understanding of the issues/sector around carbon capture on peatland and biodiversity improvements.</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>Arthur</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> <p>Ongoing work.</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		ACHIEVED	Bill Barron	Discussions have taken place and the new approach is set out in the January 2022 draft revision of the Workforce Plan
5c July 2021 – Develop a Commission policy on the location of our workforce over the next period		GREEN	David Findlay	SMT discussed a paper by David Findlay on 21 July 2021. SMT has agreed that there will be an element of hybrid working indefinitely, and CC has given notice to NatureScot that we require a smaller floorplate from April 2022. The location of posts in other areas in the crofting counties will be discussed further with SG but in the meantime several posts are being recruited on a location-neutral home-working basis.
5d August 2021 – Implement automated retention schedule procedures within revised CIS		RED	Aaron Ramsay	As per CIS progress update, will be introduced with the new release of CIS in July / August 2022.
5e August 2021 – Complete implementation of 2020 Staff Survey action plan		AMBER	Bill Barron	An Action Plan was revised and issued to staff in May 2021. Good progress has been made on many of the actions but others remain to be completed.
5f December 2021 - Highlight the opportunities for election to the Board, across the crofting counties and encouraging nominations from both women and men		ACHIEVED	Bill Barron	A questionnaire looking at the barriers to women on boards has been completed. Publicity, social media and online roadshows have been used to encourage people to stand in the 2022 elections.

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

PROGRESS

The 2021 staff survey took place in April 2021. The staff engagement rating increased to 65%.

Q1	Q2	Q3	Q4
ACHIEVED			

Responsible Manager: Mary Ross

Number	Aim	Baseline	Target/Indicator	Measure
5.2	Corporate carbon emissions	15 tCO ₂ e in 2019/20	Reduce by 90% in pandemic year 2020/21	Emissions from business travel by staff and Commissioners

PROGRESS

The Commission calculated and submitted its Public Sector Report on Compliance with Climate Change Duties to the Scottish Government for 2020/21 in September 2021 (ahead of the 30 November deadline). As anticipated there has been a dramatic fall in carbon emissions because of Covid-19 restrictions on travel. The Commission recorded 0.3 tCO₂e emissions for 2020/21. This relates to colleagues travel on specific Crofting Commission business and does not capture private travel to place of work or emissions based on the Commission working from home.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	GREEN

Responsible Manager: Neil MacDonald

Number	Aim	Baseline	Target/Indicator	Measure								
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><u>PROGRESS</u> Achieved as at Q4. Examples include:</p> <ul style="list-style-type: none"> IS Team undertaking compliance review of online applications in-house, rather than having to rely upon Scottish Government assistance which was initially estimated at £50k. 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). Crofting Census transitioning to a digital only platform (estimated efficiency savings £27k) Travel & Subsistence spend less than originally anticipated when budget set in January 2021 (estimated savings £30k) RALU B1 Vacancy: £30k Reduction in Business Rates as reduced floor space from 14.8% to 13.8% of GGH 2020/21 (estimated savings £6k) Efficiency savings by utilising SG Framework Contracts as appropriate (estimate efficiency savings approx. £3k) <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>GREEN</td> <td>GREEN</td> <td>GREEN</td> <td>GREEN</td> </tr> </tbody> </table>					Q1	Q2	Q3	Q4	GREEN	GREEN	GREEN	GREEN
Q1	Q2	Q3	Q4									
GREEN	GREEN	GREEN	GREEN									
Responsible Manager: Neil MacDonald												

Key to RAG definitions

R – Red A – Amber G – Green

AMBER means the objective is likely to fall short of successful delivery, in timescale or target or both; but the shortfall is expected to be modest.

GREEN is anything better than AMBER: no shortfall is anticipated;

RED indicates that we are seriously delayed or heading for a significant shortfall.

Once an objective has been completed during the financial year, we mark it **ACHIEVED**, even if it was late in the delivery.

Any tasks scheduled for later in the year, and so not started in Q1, can be marked **GREEN**, unless there is already a reason to think we may not be able to deliver them as intended.

CROFTING COMMISSION MEETING

12 May 2022

Report by the Chief Executive

Business Plan for 2022/23

SUMMARY

This paper invites Commissioners to approve the Business Plan (see Annex A) for 2022/23

BACKGROUND

The Commission’s overarching strategic planning documents are the Policy Plan and the Corporate Plan. Both of these will be rewritten during 2022 to reflect the policies and priorities of the Board following the election results. Both have to be approved by the Scottish Government before they can be published; they may last for 5 years or they can be modified during the term of a Commission Board.

In addition, an annual Business Plan is published early in each financial year. The Business Plans are heavily based on the Corporate Plan and must reflect how the Commission will work towards the overall aims set out in the Corporate Plan. Each year’s Business Plan contains specific Milestones (deliverables with a target deadline) and Performance Measures, which together form the basis for the Commission’s performance reporting throughout the year.

DISCUSSION

A draft Business Plan for 2022/23 was produced in the Winter and considered by the Board before the election. This has been slightly revised and updated and is now presented to the Board for formal approval. As it is based on the Corporate Plan for 2019-2022, major changes of its structure cannot be considered at this stage, but any changes to the detailed content can of course be incorporated if the Board wishes.

Later in the year, the Board will be fully involved in developing a new Corporate Plan for 2023-2027, which will set the priorities for the Business Plans for the next few years.

Impact:	Comments
Financial	The Business Plan sets out how resources will be deployed between the five Outcomes in the 2019-2022 Corporate Plan
Legal/Political	This Plan will forms the basis for performance reporting throughout 2022/23.
HR/staff resources	The Business Plan sets out how resources will be deployed between the five Outcomes in the 2019-2022 Corporate Plan

RECOMMENDATION

The Board is invited to approve the 2022/23 Business Plan.

Date 4 May 2022

Author Bill Barron, CEO

BUSINESS PLAN
PLANA GNOTHACH
2022/23



CROFTING COMMISSION
COIMISEAN NA CROITEARACHD

Contents

FOREWORD.....	3
PURPOSE OF THE BUSINESS PLAN.....	4
OUTCOME ONE – CROFTS ARE OCCUPIED AND MANAGED	5
OUTCOME TWO – COMMON GRAZINGS ARE REGULATED AND SHARED MANAGEMENT PRACTICES CONTINUE.....	8
OUTCOME THREE – CROFTING IS REGULATED IN A FAIR, EFFICIENT AND EFFECTIVE WAY.....	10
OUTCOME FOUR – THE FUTURE OF ACTIVE CROFTING IS SUPPORTED BY WELL-INFORMED ENGAGEMENT WITH STAKEHOLDERS	12
OUTCOME FIVE – OUR WORKFORCE HAS THE RIGHT SKILLS AND MOTIVATION TO PERFORM WELL, GOVERNANCE PROCESSES ARE BEST PRACTICE	14
MEASURING SUCCESS.....	16
NATIONAL OUTCOMES.....	16
BUDGET INFORMATION	17

FOREWORD

2021/22 saw significant changes at the Crofting Commission, from the establishment of our new Development Team at the start of the year to the initial launch of our online applications system towards the end. However, it was also a difficult year, with the covid pandemic continuing to make some aspects of our work harder, considerable staff turnover, and a growing backlog of regulatory casework.

Early in 2021/22 we received two critical audit reports: from Azets on how we plan, control and deliver enhancements to our internal Croft Information System; and from Deloitte on our Governance. We have taken action on both reports, which have helped the Commission to address some longstanding weaknesses. In particular, Deloitte's recommendation (supporting an earlier idea from the Board) that we should commission an independent review of our workforce needs, has the potential to lead to a stronger and more resilient Commission. A Business Case was submitted to the Scottish Government in February 2022 and approved in April.

2022/23 will be a year of further change. Following the elections in March 2022, the Board, with two wholly new members and two who had returned after a period away from the Board, will need to review the existing Policy Plan and Corporate Plan and set its own direction for the next five years. This Business Plan for 2022/23 is therefore a plan for a transitional year. It is based on the Corporate Plan for 2019-22 and the five Corporate Outcomes within it, while also incorporating some elements of a new and emerging agenda, not least around the Commission's role in delivering aspects of the National Development Plan for Crofting.

However, the core priorities of the Commission are unlikely to change: high standards of service to crofters by delivering fair and efficient regulatory decisions; taking action to resolve breaches of duty; and supporting active crofting through our work on grazings, development, planning and policy. Alongside this, we aspire to be an exemplary Non-Departmental Public Body in terms of our governance and the way we lead and support our staff.

All of these themes feature in this Business Plan for 2022/23, which has been prepared prior to the 2022 elections but will be signed off by the Board that is in place after them.

Bill Barron – Chief Executive

April 2022

PURPOSE OF THE BUSINESS PLAN

Each year, our Business Plan sets out the Commission’s key objectives for the coming year. These are set out in the tables below, which describe our key intentions and aims. During the year, the Business Plan becomes a tool for monitoring our progress and to assist in managing our staff, finances and other resources, to achieve the desired outcomes.

Progress against this Plan will be reviewed regularly by the Senior Management Team and reported to the Audit & Finance Committee through our quarterly performance management reports. Regular reporting helps to ensure that we remain focused on the priorities and have the right resources in the right place at the right time. Progress will be measured through our Key Performance Indicators of which our Board will receive regular progress updates.

The Corporate Outcomes highlighted in our Corporate Plan 2019 – 2022 are as follows:

Outcome One	Crofts are occupied and managed
Outcome Two	Common grazings are regulated and shared management practices continue
Outcome Three	Crofting is regulated in a fair, efficient and effective way
Outcome Four	The future of active crofting is supported by well-informed engagement with stakeholders
Outcome Five	Our workforce has the right skills and motivation to perform well, our governance processes are best practice

OUTCOME ONE – 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.

Narrative

Since 2017, we have been expanding our work to encourage – and where necessary enforce – the requirements for crofters to reside on or near their crofts and to cultivate and maintain the land.

It has been a consistent call of the Crofting Commission's Board that action to promote croft residency and active land use should be high on the Commission's list of priorities. The Board has responded to the Commission's enhanced budget allocation by indicating that some of this new allocation should be used to promote residency and active land use and build upon the existing work of the Commission's Residency and Land Use team.

We will therefore continue to investigate reported breaches of duty, work with public and private crofting landlords, engage with croft tenants who report their own non-compliance through the crofting census or whose breach of duties comes to our attention through regulatory casework, and take action to resolve longstanding intestate succession cases where the tenancy has not been transferred within the statutory timescales.

The team places equal focus on owner-occupier crofters as croft tenants, since the intention of the 1993 Act is that both tenants and owner-occupier crofters are subject to crofting duties. In addition, we will investigate individuals who have failed to return their census form but whose address details would indicate that they are not ordinarily resident on their crofts; and we will initiate correspondence with landlords of vacant crofts (or parts of crofts) who are not resident and/or do not cultivate the croft, with a view to the seeking a solution either through the landlord ensuring the croft is occupied and worked, or through the Commission taking action under the vacant croft provisions of the 1993 Act to ensure the croft is occupied by a tenant who will comply with the residence and land use duties.

Our approach will be supportive: we will help advise tenant and owner occupier crofters on the options open to them to resolve their breaches of duty; and likewise, we will work with landlords and help them understand how best to ensure that all crofts are managed in a positive way either through their own actions or by the Commission taking steps to ensure the croft is occupied and worked.

Key Milestones

Number	Date	Milestone
1a	June 2022	Write to a selection of 2021 census respondents who have advised us they are in breach of their duty to be ordinarily resident, obtaining their plans and intentions for resolving the breach and establishing whether there is a good reason not to issue a notice of suspected breach of duty under section 26C(1) of the 1993 Act.
1b	July 2022	Write to a selection of crofters and owner-occupier crofters who have not responded to the 2021 census and whose address would indicate they are in breach of the residence duty. Should correspondence confirm that they are in breach then the case would be followed up in terms of 1a above.
1c	October 2022	Write to a selection of tenant and owner-occupier crofters who have indicated in their 2021 crofting census returns that they are complying with the duty to be ordinarily resident but who are not cultivating the croft, giving information about their options.
1d	February 2023	Follow-up new entrant crofters to ensure that they understand and accept the crofting duties, and initiating early enforcement action for any who do not.

DRAFT

Key Performance Measures

Number	Aim	Baseline figure	Target/Indicator	Measure
1.1	Number of formerly vacant crofts let by the landlord or the Commission following the Commission initiating action under the unresolved succession (section 11) or vacant croft (section 23) provisions of the 1993 Act.	9	15	Records of administrative action
1.2	Number of RALU breaches resolved by a crofter or an owner-occupier crofter in breach of their residency duty taking up residence on their croft.	8	17	Records of administrative action
1.3	Number of RALU breaches resolved by the assignation of the croft, or the letting or sale of an owner-occupied croft.	14	20	Records of administrative action
1.4	Number of RALU breaches resolved by the Commission giving consent to the sublet of a tenanted croft, the short-term lease of an owner-occupied croft, or by a consent to be absent being given to a tenant or an owner-occupier crofter.	34	No target (this is not a priority in its own right)	Records of administrative action
1.5	Number of RALU breaches escalated to the issue of a Notice of suspected breach of duty (section 26C), or a Notice providing an Undertaking (section 26D).	26	No target (this is an intermediate phase en route to KPI 1.8)	Records of administrative action
1.6	Number of RALU breaches concluded by tenancy terminations orders (section 26H), or approval of letting proposals submitted by owner-occupier crofters following a direction to do so (section 26J).	0	4	Records of administrative action

OUTCOME TWO – COMMON GRAZINGS ARE REGULATED AND SHARED MANAGEMENT PRACTICES CONTINUE

Shared management and productive use of common grazings are important for the cohesion and 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.

Narrative

The bulk of the work of the Grazings Team is to support, develop and encourage common grazings committees in carrying out their duties. Over the next year we will prioritise communication between the Commission and grazings committees while also promoting the importance and effectiveness of having committees, where there are currently no committees in place. To progress this, we will continue to communicate with shareholders of grazings who have not returned committees to office and establish contact with shareholders whose grazings have not had a grazings committee for a number of years. In addition, we will provide and contribute to training and other events related to the formation of grazings committees and the management of common grazings.

We will continue to assist committees and shareholders to resolve difficulties and to operate within the requirements of legislation pertaining to common grazings. Committees will be specifically encouraged to adopt the revised template for grazings regulations to ensure compatibility with current crofting legislation. Ensuring that the shareholding situation and relevant souming share are established on common grazings will also receive continued attention.

Key Milestones

Number	Date	Milestone
2a	Ongoing	Contact all Grazings Committees whose terms are about to end, encouraging them to arrange the appointment of a new Grazings Committee
2b	Ongoing	Maintain contact with shareholders of common grazings that have not returned a committee to office and establish contact with shareholders who have not had a committee for a longer period of time.
2c	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.
2d	December 2022	Update and deliver a package of online training for Grazing Committees
2e	March 2023	Publish guidance notes to clarify, as far as possible, how crofters can engage with supported schemes for tree planting and peatland restoration, after engaging with Scottish Government and other stakeholders

Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
2.1	Maintain or increase in number of common grazings with a Committee in office	497 Grazings Committees in office on 31 March 2022	Maintain at 500 or above	Administrative records
2.2	Increase in number of grazings committees who have adopted the new template regulations	3	Increase by at least 10 Commission approvals of new regulations submitted by committees based on the template.	Number of new grazings regulations approved which are based on the new template.
2.3	Meetings or other substantial engagement with Grazings Committees and shareholders (as required) to support them with the regulation and management of common grazings.	16	No numerical target as this is in large part demand led.	Records of administrative action. (Note that this covers different types of intervention: getting Committees into office; resolving medium size queries; and helping to address deeper issues.)
2.4	Establish correct shareholdings on common grazings by researching and updating records of shareholder situations.	24	20 more townships researched in 2021/22	Records of administrative action

OUTCOME THREE – 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 refining 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 while simultaneously improving value for money.

Narrative

In 2021/22, staff turnover and the ongoing effects of the covid19 pandemic resulted in an increasing backlog of regulatory casework. Recruitment of additional staff to reverse this problem commenced in February 2022, and a key objective for the year 2022/23 will be to process more casework in order to reduce the current backlog and prevent any recurrence.

2021/22 also saw the initial launch of facilities for on-line applications, and more such facilities will be rolled out in 2022/23.

We will also work with Registers of Scotland to reach agreement on any changes that are necessary to improve the way the two organisations handle croft registration work, especially where it interacts with crofting regulation applications.

Key Milestones

Number	Date	Milestone
3a	Aug 2022	Next build of the Crofting Information System released and upskilling delivered
3b	Aug 2022	Digital options for the majority of regulatory application types rolled out and fully functioning
3c	Aug 2022	Complete the expansion of the regulatory team through additional recruitment
3d	Nov 2022	Confirm how future enhancements of the Croft Information System will be planned and delivered, ensuring that all posts are filled and postholders trained.

Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
3.1	Stability or decrease in median turnaround times (registered crofts, Tier 1 approvals)	Figures for 2021-22: Assignment – 12.9 weeks Decrofting CHSGG – 13.9 weeks Decrofting Part Croft – 25.3 weeks	Clear evidence that turnaround times are falling, by the final quarter of 2022/23	Time taken from application to notification of decision, <i>for cases where no registration is required</i>
3.2	Decrease in number of live regulatory cases at a point in time	1087 on 31 March 2022	Reduce to 850	Number of live regulatory cases on 31 March
3.3	Limit any increase in number of regulatory cases outstanding after 12 months	206 on 31 March 2022	Restrict increase to no more than 230	Number of live regulatory cases on 31 March, which are more than 12 months since first received by the Commission
3.4	Substantial increase in number of regulatory cases discharged in the year	1517 in 2021/22	2000	Total number of approvals and refusals during the year
3.5	Customer satisfaction rates		At least 80% of responses positive	Proportion of respondents answering 5 or 4 on the 5-point scale for overall satisfaction

OUTCOME FOUR – 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. We will work in conjunction with the Scottish Government to take forward the actions set out in the Scottish Government's National Development Plan for crofting.

Narrative

We welcomed the exciting addition of a development team to the Commission in 2021, following the publication of the Scottish Government's National Development Plan for Crofting. In the coming year we will focus on building up understanding of some of the reasons behind key issues faced by crofting, using our knowledge base and links to organisations and crofters. This will enable us to take steps to address some of these issues. We will work with others to develop and implement strategies for encouraging turnover of crofts, with the aim of making better use of underutilised crofts and meeting some of the considerable demand for them. There will also be close collaboration with other organisations to work together on some of the issues including accessibility of croft land, future support schemes and peatland restoration and management.

We will also renew and refresh our earlier advice to the Scottish Government on desirable changes to crofting legislation, building on the Crofting Law Sump and other analyses, and where necessary bringing them up to date.

Key Milestones

Number	Date	Milestone
4a	August 2022	Ensure that the work of the development officers takes account of issues from across the crofting counties and that they are accessible to crofters in all areas.
4b	September 2022	Publish a revised and renewed Commission Policy Plan, reflecting the views of the Board of Commissioners in place after the elections
4c	Ongoing	Progress the Commission's actions in the National Development Plan for Crofting
4d	November 2022	Make representations to the Scottish Government regarding desirable changes to crofting legislation
4e	Feb 2023	Review the Commission's contribution to discussions with stakeholders and SG on the development of future support systems for crofting, in order to ensure its effectiveness.

Key Performance Measures

There are no Key Performance Measures for this Outcome

DRAFT

OUTCOME FIVE – OUR WORKFORCE HAS THE RIGHT SKILLS AND MOTIVATION TO PERFORM WELL, 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.

Narrative

In 2022/23 we will complete any outstanding recommendations from the May 2021 Deloitte report which made recommendations to improve our governance, and over the course of 2022 we will recruit the staffing needed to improve the Commission's capacity and resilience.

As a public body, we will fulfil the legal requirements and strive for best practice in our handling of information, our responsiveness to our customers, and our pursuit of clear communication, efficiency and value for money. In the coming year, we will continue to embed our processes for handling information and records in accordance with the requirements of GDPR and the Data Protection Act.

We will improve our assurance of customer satisfaction by ensuring that we have robust and effective mechanisms in place to resolve and address any complaints from customers. We will continue to respond timeously to all complaints and to learn lessons whenever a complaint is upheld.

We will implement the Workforce Plan we developed in 2019-20 and updated each year, seeking to improve the training, engagement and job satisfaction of our staff. A particular priority in the coming year will be a policy on the location of our workforce.

Just as crofting contributes to environmentally sustainable food production and the protection of biodiversity, we as its regulator will continue to monitor our corporate carbon emissions and to implement measures to reduce them. In 2020/21 and 2021/22, the Commission radically reduced its business travel because of the pandemic, and we are committed to retaining greater use of telecommunications, such as remote meetings for regulatory casework decisions, even when normal travel is again permitted. Our KPI measure runs one year behind, so during 2022/23 we will report on the emissions from our business travel in 2021/22 – which is expected to be very low because of the effects of the pandemic.

Key Milestones

Number	Date	Milestone
5a	June 2022	Implement automated retention schedule procedures within revised CIS
5b	August 2022	To provide structured training for Commissioners and SMT, especially those who join the Commission in Spring 2022, to enshrine the principles of On-Board training in the working of the Commission
5c	October 2022	To clarify how the Commission will manage its historic information in line with data protection legislation, and take forward its implementation
5d	Jan 2023	Implement hybrid working for Crofting Commission staff, in a way which permits recruitment of more staff who are dispersed across the crofting counties

Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
5.1	Increase in Employee engagement Index	62% in October 2021	Increase to 64%	SG people survey
5.2	Corporate carbon emissions	0.3 tCO ₂ e in 2020/21 (much reduced by pandemic)	Below 5 tCO ₂ e in 2021/22	Emissions from business travel by staff and Commissioners
5.3	Redeploy efficiency savings within £3.9m core budget		3%	Funding redeployed as a result of efficiencies in existing operations

MEASURING SUCCESS

In our Corporate Plan 2019-22 we identified a set of high level performance indicators which are reflected in this Business Plan as shown:

High Level Indicator	Objective	2022/23 Business Plan
Number of vacant crofts let	Increasing	1.1
Number of breaches of duty, resolved through Commission action	Increasing	1.2, 1.3, 1.4, 1.6
Number of regulated grazings with committee in office	Increasing	2.1
Regulatory application turnaround times	Decreasing	3.1
Customer satisfaction rates	Increasing	3.5
Staff engagement rating	Increasing	5.1
Corporate carbon emissions	Decreasing	5.2

NATIONAL OUTCOMES

The outcomes of our Corporate Plan are aligned with those of others in the public sector to bring about delivery of the Scottish Government’s National Outcomes contained in the new National Performance Framework. We believe that we contribute to 4 of the National Outcomes:

- We value, enjoy, protect and enhance our environment.
- We live in communities that are inclusive, empowered, resilient and safe.
- We have a globally competitive, entrepreneurial, inclusive and sustainable economy.
- We respect, protect and fulfil human rights and live free from discrimination.

A summary of how we have contributed to each National Outcome is included in our Annual Report each year.

BUDGET INFORMATION

We receive Grant-in-Aid funding from the Scottish Government. Public budget decisions which set our Grant-in-Aid allocation are made on an annual basis and at the time of writing the allocation for 2022/23 is provisional.

The Crofting Commission has been allocated grant in aid of £3.900m for 2021/22, around 80% of which will be directly allocated for staff salaries, and the remainder covers costs associated with Board members and the standard running costs of the organisation.

In terms of the Business Objectives for 2022/23, we can estimate the cost of delivery for each outcome. The table below indicates the number of FTEs estimated as working on each outcome and the approximate cost, based on the associated salaries for those FTEs, plus any other associated costs. Fixed running costs (for instance for our use of Great Glen House) are incorporated on a pro-rata basis per FTE*.

Corporate Outcome	FTEs	Approximate Cost
Crofts are occupied and managed	10.3	£550,000
Common grazings are regulated and shared management practices continue	3.4	£197,000
Crofting is regulated in a fair, efficient and effective way	46.9	£2,181,000
The future of active crofting is supported by well-informed engagement with stakeholders	6.9	£528,000
Our workforce has the right skills and motivation to perform well, our governance processes are best practice	7.7	£444,000

*Board costs of £162k are split evenly between the 5 Corporate Outcomes. As at the time of publishing, various posts are at the recruitment stage. The approximate costs are based upon recruitment being completed within pre-agreed timescales. Further information can be sourced from the Crofting Commission Medium-Term Financial Plan 2022-27 and Workforce Plan.

CROFTING COMMISSION MEETING

12 May 2022

Report by the Chief Executive

2022 Election turnout and constituencies

SUMMARY

This paper notes the low turnout at the March 2022 elections, particularly in the larger constituencies; and invites the Board to consider making representations to the Scottish Government about the constituency boundaries to be used in 2027.

INTRODUCTION

Crofting Elections have now been held on three separate occasions, in 2012, 2017, and 2022, with the same 6 constituencies used on each occasion. A positive from the 2022 elections was that there was a contest in all 6 constituencies, which had not happened before; but the voter turnout was disappointing, averaging just below 30%, compared to about 40% in the contested constituencies in 2017.

The uneven distribution of crofting population between the 6 constituencies has been criticised by various people before, and was discussed by the Board in 2020. A feature of the 2022 turnout was that it was lowest in the two very large constituencies, Western Isles and West Highlands. This adds weight to the argument that there might be merit in changing the constituency boundaries for future elections.

The 1993 Act allows the Government to change the electoral system, including the boundaries, through Regulations (secondary legislation), following consultation. Sponsor Division has indicated that they intend to make some changes to the Crofting Elections Regulations before the 2027 elections, and this will provide an opportunity for a consultation on the constituencies.

2022 ELECTIONS – PERCENTAGE TURNOUT AND NUMBERS OF VOTES CAST

The following table compares the turnout percentages in the 6 constituencies. The figures show that unfortunately:-

- Turnout was low in all 6 constituencies, with the best (Shetland) only 36.4%.
- The percentage turnout was lowest in the two largest constituencies.
- The number of people voting has reduced in all the constituencies where there have been previous contests.

Not many people responded to the consultation, and of those who did, some were opposed to either of the alternatives put forward. There were criticisms that the range of options put forward had been insufficient. However, the Scottish Government concluded that the consultation responses did not provide a justification for making any changes, and so the 2012 constituencies were retained for 2017.

In 2019-2020, the Crofting Commission Board debated the matter of constituencies and prepared to make some proposals to the Scottish Government. However, the Scottish Government indicated that it did not intend to make any changes for 2022, and so this thinking was never pursued to a conclusion.

The Crofting Commission's central proposal, tentatively agreed by the Board in 2020, was that there should be two constituencies for the Western Isles; one for Shetland; and that the area from Orkney, Highlands, Moray, Argyll and Arran should be divided into either three or preferably four equally sized constituencies. The preferred option required an increase in the size of the Board to ten commissioners, to allow a seventh constituency. The map of this proposal is attached at **Annex A**.

DISCUSSION

The Board is invited to discuss the following questions:

1. What type of balance of crofting knowledge and experience would be most desirable on the Board?
 - Should a geographical balance based on equal population representation be the highest (or only) priority?
 - Or is there merit in the argument that different crofting cultures/systems should be reflected in the membership of the Board, even if this means areas with widely differing numbers of crofters? What areas have a distinct identity that might justify a constituency?
2. Previous results suggest that it is difficult for a recent new entrant, or a specialist such as a forest crofter, to have much chance in an election against an established and well-known local figure. If this is considered a problem, it is possible that a system of multi-member constituencies *might* make it more possible for those with minority interests to become an elected commissioner. But the risk would be that we might lose the geographical balance.
3. Would the Board favour an increase in the number of Commissioners if this would enable a more balanced Board? (Note: each additional Commissioner would cost about £15,000 per annum for remuneration and expenses.)
4. Specifically, regarding the Western Isles: Is it important that there should be two Commissioners from the Western Isles, to reflect the high number of crofts and crofters there? If so, would the Board favour two constituencies (Lewis & Harris; Uists and Barra) on the grounds that these are two distinct crofting areas, even though the former would have well over twice the number of crofts/crofters as the latter? Or should alternatives be considered such as linking Harris with the Uists and Barra, or having one Western Isles constituency electing two members under the Single Transferable Vote system?

PROPOSAL

Officials will draft a letter for the Convener to send to the Scottish Government, in the light of the Board's discussion of the above points and any other issues.

Impact:	Comments
Financial	Neutral, unless the Board favours an expansion in the Board, which would cost approx. £15,000 per additional commissioner.
Legal/Political	Changes to the constituencies or voting arrangements are made by amendments to elections regulations, which are a matter for the Scottish Government.
HR/staff resources	N/A

RECOMMENDATION

The Board is invited to consider whether changes to the constituencies might help reverse the decline in voter turnout; and to give its view on the four discussion questions and any other factors it might wish to highlight to the Scottish Government.

Date 25 April 2022

Author Bill Barron, CEO

7 Constituencies

ANNEX A – 7 CONSTITUENCY PROPOSAL
as considered by the Board in 2019/20
(showing number of crofts in each constituency)



3020

4361

2838

3172

1966

2706

2516



CROFTING COMMISSION MEETING

12 May 2022

Report by the Chief Executive

Media Strategy

SUMMARY

This paper outlines the Media Strategy that is being followed, and invites the Board's comments.

INTRODUCTION

The Board has agreed the importance of a proactive and positive media strategy, focused primarily on Print Media, to get the Commission's messages across to crofters, communities and other stakeholders. This paper reports on the strategy that has been developed since the recruitment of the current Communications Officer in summer 2021.

Different Channels for different purposes

There are several different ways in which the Crofting Commission communicate with our stakeholders. It is important to be clear from the outset that different methods of delivery are used.

- **Print media** and (when available) **broadcast media** are the main channels, used to promote positive messaging from the Commission, including good news stories and comment on Crofting matters. Print media includes both news releases and columns.
- **Social Media** is used primarily to convey regulatory and operational messages, generally for neutral or informative posts about operational matters or developments. ***NB – Whilst newspaper releases are shared on Social Media, this is only to complement our press output and to ensure that the stories do get some publication.***
- The **news pages on the Commission website** are used as an additional means of publishing new material and also as an archive store of all news releases.

PRINT MEDIA

Publications and Media outlets that we distribute to:

Scottish Provincial Press (SPP) titles:

Banffshire Journal

Caithness Courier

Forres Gazette

Highland News

Inverness Courier

John O'Groats Journal

Lochaber News

North Star

The Northern Scot

The Northern Times

Ross-shire Journal

Strathspey and Badenoch Herald

Other Titles:

The Oban Times
The Buteman
Dunoon Observer
Argyllshire Advertiser
Campbeltown Courier
Helensburgh Advertiser
Orcadian
Shetland Times
Stornoway Gazette
West Highland Free Press
Guth Bharraidh

National Titles:

The National
The Herald
The Press and Journal
The Scotsman

Press releases and publication since September 2021

Date	Press Release	Publication
Aug-21	New Commissioner announced	Taken in all SPP online editions. Printed in RSJ
Sep-21	Women / young people board members	Widely taken in print by nationals (Herald, Scotsman and P&J)
Sep-21	Lairg Public Meeting	Taken in all SPP online editions. Printed in one
Oct-21	Demystifying crofting commission elections	Op-ed piece for use in magazines. Printed in both English and in Gaelic
Oct-21	Edderton public meeting and croft visits	Taken in all SPP online editions. Printed in one
Oct-21	Audit Scotland	Widely taken in both print and online editions
Nov-21	Elections	Widely distributed in print and online
Nov-21	Digital census	Taken widely in online editions, only printed in one newspaper
Nov-21	Public Audit committee response	Widely taken in online and print editions
Nov-21	Crofting in the Western Isles	Copy in Daily Mail and online subsidiaries
Dec-21	Elections roadshows	Limited coverage. Two online editions on SPP took it
Dec-21	Digital census	Taken widely in SPP online editions, only printed in two newspapers
Jan-22	Digital census	Limited publication online. No print coverage
Jan-22	Census Return	SPP, Guth Bharraidh, online edition of the P&J and Scotsman
Jan-22	Remote Rural Economies – benefits of crofting	GB
Jan-22	Elections roadshows	Limited coverage. Two online editions on SPP took it
Jan-22	Development pages launched	Widely taken in both print and online editions
Jan-22	Elections – nominations announced	Only taken in online editions of GB and SPP
Feb-22	New Staff starting work	Two Caithness publications – online edition only
Feb-22	Farming North Column	Widely distributed in print and online
Feb-22	Response to Public Audit Committee	Not printed. Missed deadline. Comments used on broadcast media.
Feb-22	Response to letter in Farming Scotland (?)	Letter published.
Feb-22	ME from Sunday Post in relation to digital census	Published in Sunday Post and subsidiaries online
Feb-22	Digital applications	Guth Bharraidh – only digitally published.
Feb-22	Candidate statements for elections	Not published
Mar-22	ME from the Crofter on elections	Printed in the Crofter
Mar-22	Elections final week	Widely taken online. One publication (RSJ) printed
Mar-22	Census final week	Online editions for SPP

Date	Press Release	Publication
Mar-22	ME from Daily Mail in relation to Crofting Law	Published in Daily Mail
Mar-22	Media call for attendance at count	Only one member of the press was in attendance.
Mar-22	Elections results	Widely taken in print and online
Apr-22	First meeting of the board since the election	SPP – across all titles
Apr-22	Farming North Column	SPP – across all titles
Apr-22	Welcoming increased funding from Scottish Government	SPP – online all titles
Apr-22	Landlord event success on Lewis	SPP – across all titles

Columns

In addition to the media outlets above, we also have regular columns in: HSPC Property Guide, The Crofter, Farming North and The Scottish Farmer. These are used to promote developments within the commission in a more conversational style with more explanation on developments for the reader. Topics for columns are best decided at the time, rather than weeks in advance, so that they can be as topical as possible. Columns are sometimes authored by or with a Commissioner, and this can be an effective way of introducing commissioners to the crofting public.

Media Monitoring

Media monitoring is mainly done through Google Alerts to the Comms officer, who receives daily alerts on key terms from Google; these are particularly helpful as this is a free service and is able to alert her to stories, even if they are behind a paywall. Google provides this service free of charge and can be easily set up for anyone's email account. The service will only send one email per day and will summarise all content which is related to the word that you have created an alert for.

When criticisms of the Commission are made in print, a judgement has to be made as to whether it is worth responding. Sometimes, a response from the Commission would just prolong the attention without changing the narrative substantially, while on other occasions a direct response can correct misleading information. The Comms officer will recommend to the CEO and Convener when she considers a rebuttal would be useful. On such occasions, deadlines can be very tight. Our target audience prefer to read news in a weekly format. Deadlines are now several days in advance of when a paper goes on sale, which can mean that responses and articles need to be prepared at short notice. In instances where a response or press release is required quickly, articles are to be agreed by the Chief Executive and the Convener to ensure that deadlines are met.

Broadcast Media:

BBC Scotland
 BBC Alba
 STV
 2 Lochs Radio
 An Radio
 Argyll Radio
 Caithness FM
 Cullins FM
 Isles FM
 MFR
 Radio Orkney
 Radio Shetland
 Sian FM

We have been successful in securing television and radio interviews. The Comms officer has recently started pre-recording sound files and sending them on spec to local radio stations for use in their bulletins which has been effective.

When commissioners have featured on TV, the Comms officer has curated a graphic, shared with a link, to alert our followers – this has been very popular and has seen increased interaction particularly in the Western Isles.

Social Media

Until 31 March, the Crofting Commission published, on average, one post across its four main social media channels per day. These posts were to convey operational matters, for example, informing our audience about additional wait times, or advertising job vacancies. They are to complement the information that we release to print media. Our reach and engagement are steadily increasing across our social media channels.

From analysis of our history of social media engagement it can be seen that our posts in the past have rarely been used to engage with our audience. Some posts were informative; however, the majority were curated from other organisations as opposed to created by us. This has led to the Commission having a poor performance on Social Media as our target audience was not engaging and is not interested in repeated pieces of information from other sources on their newsfeeds.

To be effective on Social Media in communicating key messages we must obtain more engaged followers.

News Pages on Website

All news releases are also published on the Commission's website, links to these are then shared on social media.

Impact:	Comments
Financial	N/A
Legal/Political	A positive media strategy can improve perceptions of the Commission and of crofting, and can counter misleading reports.
HR/staff resources	The Commission continues to operate with a single Comms officer, supported by others in the Development Team

<p>RECOMMENDATION</p> <p>The Board is invited to comment on the media strategy being pursued.</p>

Date 27 April 2022

Authors Kirsteen Currie, Comms Officer
 Bill Barron, CEO

CROFTING COMMISSION MEETING

12 May 2022

Report by the Chief Executive

Outstanding Casework Update

SUMMARY

The number of outstanding cases remains high but considerable progress has been made in strengthening the regulatory team. Recruitment is underway and has already taken place for several posts. Training has been progressing very well and will remain a critical function within the team in coming months and years. The steps taken now will result in a decrease in outstanding cases in due course, but significant improvements may not be seen for some months due to the length of time for recruitment and training.

Background

A paper was presented to the board at the 31 March 2022 Board meeting explaining the trends in casework that have been seen since 2020. Outstanding cases have seen worrying increases between summer 2021 and spring 2022. The paper explored the reasons behind the increases, steps taken to mitigate the effects, the impact the increased outstanding work has had and the upcoming plans and considerations for reversing the trend.

Key issues identified included the high turnover of staff during the 2021-22 period and the considerable investment in training that is required to get new staff trained to the level required to process all the different case types and croft scenarios. Recruiting and training new staff has been identified as the most important step to reverse the trends that have been seen over the last few months. This has been enabled by the recent confirmation of additional funding from the Scottish Government for the Commission, as proposed in the Commission's business case.

Outstanding casework update

Since the Board paper presented on 31 March, an update of the outstanding cases has been reported to the Board as part of the monthly case progression statistics for the end of March. The total number of outstanding cases has increased slightly from 1065 to 1087. However, despite this increase a high number of cases were discharged for the month of March, which is the highest they have been for the entire reporting year (Figure 1). It is very encouraging to see this increase in cases discharged and it is related to the increasing development of casework officers and administrators in their roles, as well as development of the registration team staff. The increase in the number of outstanding cases overall is because there was also a high number of cases received for March.

Figure 1 shows the totals for the numbers of cases received and discharged each month for the 2021-22 reporting year, in addition to the outstanding cases by month. In a normal year, cases received and discharged do fluctuate and lower numbers of cases discharged are associated with the typical holiday periods with increases in the month or two after the holiday periods. For the year 2021-22 as shown in Figure 1, the lowest months of cases discharged from October 21 to January 22 reflects the most challenging period of this year in terms of regulatory team staffing. The increase in cases discharged for February and March reflects the increase in staffing and the ongoing training of existing staff that have started in their roles within the previous few months. The next report will run for April and may experience a dip in cases discharged as this is a holiday period.

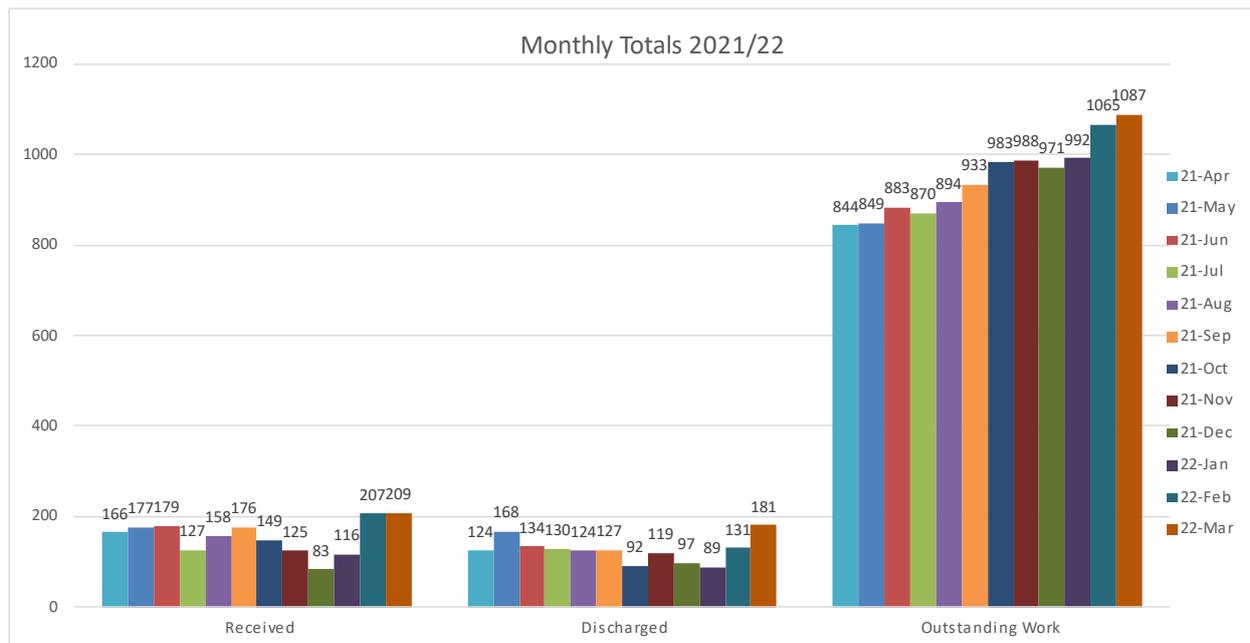


Figure 1 – The monthly totals of cases received, cases discharged and cases outstanding for those cases that are included as part of the monthly reporting.

Recruitment

Recruitment and training of additional staff has already taken place with the addition of seven new Casework Administrator staff on agency contracts in February and March 2022. The advantage of the agency contracts means that it was possible to use home working contracts and get a much wider spread and larger pool of applicants. This allowed for a high calibre of staff to be recruited to ensure that training goes as smoothly as possible.

Recruitment for four new Regulatory Casework Officers is underway to fill current vacancies and allow for additional staff as outlined in the business case for the additional funding. Following this recruitment another round of Casework Administrator recruitment will take place; the exact number of recruits will depend on the outcome of the current recruitment as some internal staff may be successful in securing these posts.

The Operational Improvement Manager post has just been appointed on a permanent basis and the Operational Delivery Manager recruitment has almost been completed. These are two roles which are currently filled on a TRS (temporary responsibility supplement) basis, which is a temporary promotion. Recruitment for two further posts at the B2 level, which are for Senior Casework Officers, is underway and the adverts are expected to go up by the end of May. These posts will be crucial for making progress with improvements to processes, strengthening training and mentoring within the team, filtering the flow of work to the Regulatory Support Team, and thereby helping to prevent bottlenecks, helping with development in the team and taking steps to improve resilience. Once these posts are bedded in, it will be possible to progress this improvement work which will bring many benefits.

Training

Training has been going very well and has been going quicker than usual due to having dedicated, experienced trainers and due to the relevant prior experience of the trainees. Casework Officers who have been in post since late summer 2021 are now receiving all application types and are consolidating their learning. Casework Administrators who have been in post several months are well underway with their training and have undergone training in a range of application types including decrofting, assignation, registration, subletting, change of ownership, and succession. The new group of casework administrators have started training on decrofting and first registration, and as they develop further in the role in coming months this should allow a progression of outstanding casework at a faster rate.

The intensive period of training will continue as more staff are recruited to Casework Officer and Casework Administrator posts. The importance of this in-house training is very high at present and steps have been taken to ensure that there is resilience and other staff can step into this role if needed. Resilience will be increased further as the size of the team increases and particularly with the recruitment of the Senior Casework Officers. This will mean the training responsibilities can be spread out as needed and training documentation can be progressed.

Customer enquiries

Customers are continuing to be informed via an early acknowledgement of applications which is an extra process that has been in place since November 2021. In March additional staff were assigned to help process enquiries to the regulatory team to ensure they are being kept informed. Customer service staff have also received additional training from the regulatory trainer during March which has been successful in increasing their confidence and ability in dealing with enquiries about ongoing casework. This allows for more enquiries to be dealt with directly by customer services, allowing regulatory staff to focus on dealing with processing cases. Training will continue for some customer services staff to develop their knowledge further. Nonetheless this remains a difficult time, with staff dealing with high numbers of enquiries about cases and customer frustrations.

Conclusion

Whilst the numbers of outstanding cases remains high, considerable progress has been made within the team, particularly with recruitment and training. This investment in the future strength of the team will come to fruition and should result in considerable improvements in the outstanding case numbers in coming months. There will be a lag in this due to the time taken for training and so the second half of 2022-23 should see greater progress than the first half. The training time for regulatory staff brand new to the Commission is 12 months, with a further 6 months for consolidation.

Staff have been working in difficult circumstances with a high level of outstanding cases and associated pressures for a sustained period, which does take its toll. However, the team has been encouraged by the recent positive changes including promotion opportunities, which may help with staff retention. Any future staff departures will have a detrimental impact on case progression and so this will be an important factor in the coming months and years.

Impact:	Comments
Financial	Costs associated with expanding the Regulatory team.
Legal/Political	Wider impacts of casework delays and reputation issues for the Commission.
HR/staff resources	Ongoing pressures on staff from high volumes of work in the regulatory team and knock on affects to other teams. Considerable resource is being put into recruiting and training, taking staff time away from other duties.

RECOMMENDATION

That the Board note the issues surrounding the outstanding casework and the recent developments and progress.

Date 24 April 2022

Author Heather Mack, Head of Operations

CROFTING COMMISSION MEETING

12 May 2022

Report by the Chief Executive

Changes to the Scheme of Delegation

SUMMARY: Changes to the Scheme of Delegation

This paper comes to you to discuss potential changes to the current Scheme of Delegation (see Annex A for a copy of the Scheme of Delegation) including:

- (1) Incorporating reference in the Scheme of Delegation to processing regulatory applications made by Commissioners and members of Staff;
- (2) Changing the designated signatory for certain types of directions and orders;
- (3) Review the parameters of delegation in relation to part croft decroftings.

BACKGROUND

In recent months the Board have agreed a number of changes made to the Scheme of Delegation including:

- Extending the right to Tier 2 to refuse regulatory applications which are (a) clearly contrary to the Commission Policy as agreed by Commissioners, and (b) where there is no compelling evidence as to why the policy should not be applied;
- Extending the range of regulatory decisions included in the Scheme of Delegation;
- Reviewing the parameters of delegation in relation to a number of regulatory functions.

This paper comes to you as part of the ongoing process of keeping the Scheme of Delegation under review.

1. REVIEW OF THE SCHEME OF DELEGATION

1.1 Regulatory Applications made by Commissioners or staff

The Commission's former Instrument of Delegation, which was superseded by the current Scheme of Delegation, provided that all:

- Regulatory applications by Commissioners and members of the SMT, and
- Regulatory applications by members of staff out with the SMT

are decided by the Board in Closed Session (Exclusion of press and public).

There is no corresponding reference in the Scheme of Delegation in respect of regulatory applications made by Commissioners or members of staff.

It is therefore recommended that the Board agree that the following section be incorporated into the Scheme of Delegation:

Regulatory Applications made by a Commissioner or a member of staff

Any regulation application submitted by a Commissioner or a member of staff which complies with all the parameters for delegation, as agreed by the Board, **can be approved at Tier One (Casework Officer).**

Any regulatory application submitted by a Commissioner or a member of staff which falls to comply with one or more of the parameters for delegation, as agreed by the Board, **shall be escalated to the Full Board for consideration in closed session.**

1.2 Changes to the designated signatories for certain types of directions and orders

Due to a recent staffing change in the Regulatory Support Team, the Board are asked to agree that in relation to:

- Section 24(3) - Decrofting Direction to a landlord of a vacant croft or a tenant in advance of purchase
- Section 24B(1) – Decrofting Direction to an owner-occupier crofter
- Section 25(3) – Direction bringing land back into crofting tenure
- Section 52(4) – Apportionment Order.

That the reference in the designated signatories to “Residence and Land Use Manager” be replaced with “B2 level manager in the Regulatory Support Team”.

1.3 To agree changes to the parameters of delegation in relation to part croft decrofting applications

The Board are asked to agree that the following be added to the list of parameters in relation to “Decrofting Part Croft” applications

Additional Parameter (1): Are we considering any other decrofting applications for this croft?

If **no**, the case can be considered at the first tier of decision making.

If **yes**, the case should be escalated to the second tier of decision making.

Additional Parameter (2): In the case of an application by a tenant or owner-occupier crofter, are we investigating a suspected breach of duties?

If **no**, the case can be considered at the first tier of decision.

If **yes**, the case should be escalated to the second tier of decision making.

Reasoning: As the RALU Team engage with new breach of duties cases, one of the initial responses from the tenant or owner-occupier crofter in breach of one or more of their statutory duties is to apply to the Commission for a decrofting direction. Where they are entitled to apply under the statutory provisions at section 25(1)(b) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) for a decrofting direction in respect of the site of the existing dwelling house on the croft, that is fine, and indeed can be part of the solution for resolving the breach i.e. by decrofting the house in advance of assigning the tenancy of the bareland croft. However, the Commission should take a joined-up approach as an

organisation by escalating those cases in the situation where the tenant or owner-occupier who is in breach of one or more of their statutory duties seeks to decroft one or more sites under the discretionary part croft decrofting provisions at section 25(1)(a) of the 1993 Act, prior to their breach being resolved.

Impact:	Comments
Financial	N/A
Legal/political	The changes at 2.1 and 2.3 should improve the public perception of the way the Commission handles potentially sensitive cases.
HR/staff resources	There will be a small increase in the workload of Tier 2 and potentially Tier 3 as a result of the change proposed at 2.3

RECOMMENDATION

For the Board to discuss and consider the contents of this paper and decide whether to agree to:

- a) including the proposed reference in the Scheme of Delegation to processing regulatory applications made by Commissioners and members of Staff.**
- b) changing the designated signatory for certain Directions and Orders.**
- c) changing the parameters of delegation in relation to part croft decroftings.**

Date 21 April 2022

Author Joseph Kerr, Head of Regulatory Support



CROFTING COMMISSION'S FUNCTIONS AND DECISIONS:

SCHEME OF DELEGATION

UPDATED NOVEMBER 2021

Contents

INTRODUCTION 1

HOW THE SCHEME OF DELEGATION OPERATES 1

 TIER ONE 1

 TIER TWO 2

 TIER THREE 2

FUNCTIONS AND DECISIONS WHICH ARE INCLUDED IN THE SCHEME OF DELEGATION 3

FUNCTIONS AND DECISIONS WHICH ARE EXCLUDED FROM THE SCHEME OF DELEGATION 5

INTRODUCTION

Up until October 2015 all decisions on regulatory applications were taken by Commissioners; either by a single Commissioner, a Casework Group comprising three Commissioners or the full Board, the level of decision-making being determined by the Commission's Instrument of Delegation.

From November 2015 a rolled-out programme of devolved decision making was introduced to enable Commissioners to focus on those issues which relate to the strategic leadership of the organisation.

The potential benefits of such an approach being:

- Frees up Commissioner's limited time
- Decisions are made quicker
- Decisions are more consistent across the organisation
- Decisions are supported by more robust grounds
- Staff are empowered.

How it works is that parameters for each function are agreed by the Board of Commissioners, and if a case falls with the parameters, it can be dealt with by officials.

Initially 8 functions and decisions were included in the Scheme of Delegation, but over the last 6 years this has been extended to include the majority of functions and decisions set out in the Crofters (Scotland) Act 1993.

HOW THE SCHEME OF DELEGATION OPERATES

There are 3 tiers of delegated decision making within the Commission.

TIER ONE

Who makes the decision at Tier One?

- The Area Case Officer.

What decision can be made at Tier One?

- To approve applications which comply with the parameters agreed by the Board in relation to the relevant regulatory function.

When are decisions (generally) made?

- On a daily basis.

N.B. If one or more of the parameters are breached, the case must be referred to Tier 2.

TIER TWO

Who makes the decision at Tier Two?

- A Casework Group normally consisting of the Head of Regulatory Support, the Regulatory Support Manager, and the B1 Case Officer.

What decision can be made at Tier Two?

- To approve, condition or modify applications having considered the parameters agreed by the Board in relation to the relevant regulatory function.
- To refuse applications which are clearly contrary to the Commission Policy as agreed by Commissioners, and there is no compelling evidence as to why the policy should not be applied.
- To escalate cases to Tier Three.

When are decisions (generally) made?

- On a weekly basis.

TIER THREE

Who makes the decision at Tier Three?

- A Casework Group consisting of 3 Commissioners, supported by the Commission Solicitor, Head of Regulatory Support, the Regulatory Support Manager, and the B1 Case Officer.

What decision can be made at Tier Three?

- To approve, condition or modify applications having considered the parameters agreed by the Board in relation to the relevant regulatory function
- To refuse applications
- To escalate cases to the full Board of Commissioners.

When are decisions (generally) made?

- On a monthly basis.

N.B. Only Tier Two and Tier Three have the delegated authority to refuse an application.

FUNCTIONS AND DECISIONS WHICH ARE INCLUDED IN THE SCHEME OF DELEGATION

Decisions in these functions can be made at any of the 3 Tiers (depending on the consideration of the agreed parameters) or can be escalated to the full Board of Commissioners.

The following functions and decisions are included in the Scheme of Delegation:

- Constituting non-croft land as a new croft (Section 3A)
- Constituting non-croft land as a new common grazings (Section 51A)
- Enlargement of Crofts (Section 4)
- Exchange of crofts or parts of crofts (Section 4A)
- Assignment (Section 8)
- Division of a croft by a tenant (Section 9)
- Division of a croft by an executor to create 2 or more crofts (Sections 9 & 10)
- Division of a croft by an owner-occupier crofter (section 19D)
- Whether to serve a notice to terminate a tenancy due to a failure of statutory succession (Section 11(4) to 11(8))
- Commission consent for absence from croft (Section 21B)
- Extension of consent for absence from croft (Section 21C)
- Variation of condition for absence from croft (Section 21D)
- Letting of a vacant croft by a landlord (Section 23(3))
- Letting proposals by a landlord (Section 23(5))
- Letting proposals by an owner-occupier crofter (Section 26(J))
- Short term letting by owner-occupier crofters (Section 29)
- Letting of an owner-occupier croft (other than on short lease) by an owner-occupier crofter (Section 29A)
- Decrofting house site and garden ground by a landlord or tenant (Section 24)
- Decrofting part croft by a landlord or tenant (Section 24)
- Decrofting house site and garden ground by an owner-occupier crofter (Section 24A)
- Decrofting part croft by an owner-occupier crofter (Section 24A)
- Decrofting House site and garden ground in feu of which was granted under Section 17 or 18
- Subletting (Section 27)
- To decide whether to issue an order allowing a former subtenant to remain in occupation of a croft for up to 1 year following the termination of a sub-tenancy (Section 29(3))
- Use of common grazings for forestry purposes (Section 50)

- Use of common grazing for other purposes (Section 50B)
- Apportionment (Section 52(4))
- Review of apportionment (Section 52)(12)
- Dealing with Late Objections (Section 58A(5A))
- Dealing with objections from individuals who the Commission consider do not have a relevant interest in an application
- To decide whether a reported breach of duty is frivolous or vexatious. (Section 26A(5))
- To decide whether a notice should be served informing the crofter that the Commission consider a duty is not being complied with (Section 26C(1))
- To decide whether a duty is being complied with, having provided the crofter with the opportunity to make representations (Section 26C(5))
- To decide whether to accept an undertaking by a crofter to resolve the breach (Section 26D(4))
- Confirming, making, or amending grazing regulations (Section 49(7)).

FUNCTIONS AND DECISIONS WHICH ARE EXCLUDED FROM THE SCHEME OF DELEGATION

Decisions in these functions can only be made by Tier 3 or by the full Board of the Crofting Commission.

The following functions and decisions are exempt from the Scheme of Delegation. These decisions have to be made by the Board of the Crofting Commission.

- Complaints as respect Breach of a crofter's statutory conditions (Section 5A)
- Schemes for development (Section 19A)
- Whole Croft Decroftings (except for residual sites extending to less than 0.75(ha) – Section 24(3) and Section 24A)
- Whether to divide a croft prior to taking action to terminate a croft tenancy or to seek letting proposals from an owner-occupier crofter (Section 26G)
- Tenancy Termination procedure (Section 26H)
- Owner-occupier crofter: seeking croft letting procedure (Section 26J)
- Reorganisations Schemes (Section 38)
- To determine whether any or all members of a grazings committee (or the grazings clerk) are properly carrying out the duties imposed on them by the 1993 Act (Section 47(8))
- To determine whether a person has contravened or failed to comply with any common grazings regulations (Section 52(1C))
- Whether to suspend a person's share in a common grazings following a determination that they have contravened or failed to comply with any common grazings regulations (Section 52(1D))
- Whether to terminate a person's share in a common grazings following a determination that they have contravened or failed to comply with any common grazings regulations (Section 52(1E))
- Jurisdictional provisions i.e., whether to make reference to the Land Court for a determination on any question of fact or law (Section 53).

DOCUMENTS AND AUTHORISED SIGNATORIES

DIRECTIONS AND ORDERS WHICH OFFICIALS ARE AUTHORISED TO SIGN

The table below sets out the identified directions and orders and the proposed authorised signatories:

Statute: Crofters (Scotland) Act 1993	Description of Direction or Order	Title of officers/level of authorised signatory
Section 24(3)	Direction: Decrofting house site and garden ground by a landlord or tenant	Chief Executive Officer Head of Regulatory Support Regulatory Support Manager Residence & Land Use Team Manager
Section 24(3)	Direction: Decrofting part croft or whole croft by a landlord or tenant	Chief Executive Officer Head of Regulatory Support Regulatory Support Manager Residence & Land Use Team Manager
Section 24B(1)	Direction: Decrofting house site and garden ground by an owner-occupier crofter	Chief Executive Officer Head of Regulatory Support Regulatory Support Manager Residence & Land Use Team Manager
Section 24B(1)	Direction: Decrofting part or whole croft by an owner-occupier crofter	Chief Executive Officer Head of Regulatory Support Regulatory Support Manager Residence & Land Use Team Manager
Section 24(3)	Direction: Decrofting House site and garden ground in feu of which was granted under Section 17 or 18	Chief Executive Officer Head of Regulatory Support Regulatory Support Manager Residence & Land Use Team Manager
Section 52(4)	Order: Apportionment	Chief Executive Officer Head of Regulatory Support Regulatory Support Manager Residence & Land Use Team Manager
Section 26H(1)	Order: Termination of a croft tenancy	Chief Executive Officer Head of Regulatory Support Residence & Land Use Team Manager

Statute: Crofters (Scotland) Act 1993	Description of Direction or Order	Title of officers/level of authorised signatory
Section 26J(1)	Direction: Seeking proposals for letting an owner-occupied croft	Chief Executive Officer Head of Regulatory Support Residence & Land Use Team Manager
Section 25(3)	Direction: Recrofting land following a breach in conditions	Chief Executive Officer Head of Regulatory Support Regulatory Support Manager Residence & Land Use Team Manager
Section 49(7)	Order: Confirming, making of amending grazings regulations	Chief Executive Officer Head of Policy Grazings Manager
Section 47(8)	Order: Removing a clerk or members of a grazings committee.	Chief Executive Officer Head of Policy Head of Regulatory Support.
Section 52(1E)	Order: Terminating a person's share in a common grazing.	Chief Executive Officer Head of Policy Head of Regulatory Support.
Section 38(8)	Order: Preparing a Scheme for the reorganisation of a township.	Chief Executive Officer Head of Regulatory Support Head of Policy

CROFTING COMMISSION MEETING

12 May 2022

Report by the Chief Executive

Update on Deloitte

SUMMARY

This paper invites the Board to note progress with the implementation of the recommendations from the May 2021 Deloitte report.

The Board is also invited to agree that recommendation 3.5 could be discharged, with a decision that the proposed Overarching Code of Corporate Governance should *not* include an explicit test of 'reasonableness' in communications.

BACKGROUND

In early Spring 2021, Deloitte indicated to the Commission that they intended to undertake a comprehensive 'Wider Scope' audit of the Crofting Commission. Their report was finalised on 28 May 2021. This was considered by Audit Scotland, and in October the Auditor General for Scotland published his own take on the issues in a "Section 22" report. Both reports can be found on the Audit Scotland website.

From June 2021 onwards, the Crofting Commission's Board, AFC and management took a proactive approach to implementing the 41 recommendations in the Deloitte report. A summary of progress against the 41 recommendations is attached at **Annex A**. 38 of the 41 have been implemented. The three outstanding recommendations are:

1.4: Subject to the findings of the independent review into the Commission's workforce, the Commission should revise its Workforce Plan to clearly set out how the Commission intends to make any transition from the current structure to the proposed structure.

3.4: The Commission should consider whether it needs an overriding Code of Corporate Governance, bringing together its interpretation of its governing legislation, Scottish Government guidance as it applies to the Commission, and the Commission's Framework Document.

3.5: In developing a Code of Corporate Governance or revising its Framework Document, the Commission should consider including an explicit 'reasonableness' test for communication of matters between management, the Board and the Scottish Government.

CURRENT POSITION REGARDING THE THREE OUTSTANDING RECOMMENDATIONS

A new draft Workforce Plan will be submitted for consideration by the Board at its meeting on 29 June.

The CEO, Finance Manager and Head of Business Support & Compliance have discussed whether the Commission needs an Overarching Code of Corporate Governance. We consider that any such document should not be lengthy, and that it should not duplicate the many pages of existing guidance in, for example, the Framework Document, the Code of Conduct, and the *On Board* guidance. However, we do believe that there would be merit in producing a short *Guide* to the guidance, to help new Commissioners and new members of SMT get to grips with the main principles in a short, accessible format, and indicating where further guidance can be found. We therefore propose to draft a Code of this nature, and present it for consideration by the Board at the 29 June meeting.

We have considered whether this Code should include an explicit test of reasonableness in regard to communications between the Board, Management and the Scottish Government. However, the principles of how communication should work are already covered in some detail in the Framework Document, and the proposed Code is envisaged to be a high level document, not a document that adds further fine detail to existing guidance. In any event, the need for 'reasonableness' is easily stated, but less easy to define explicitly. For these reasons, we do not propose to include a test of reasonableness in the draft Code that is presented to the Board in June.

The Board is invited to agree this position now, if it wishes, in which case recommendation 3.5 could be discharged at this point. Alternatively, the Board might prefer to wait for the June meeting and see how the draft Code looks, before confirming their view on recommendation 3.5.

CURRENT POSITION REGARDING THE RECOMMENDATIONS THAT HAVE BEEN IMPLEMENTED

While the Board has agreed that 38 of the 41 recommendations have been implemented, the position with these recommendations is not static. For some, there is ongoing work to maintain or update them, such as the recent redrafting of the Medium Term Financial Plan (approved by AFC in April) and the forthcoming Commissioner training. More generally, Deloitte are currently undertaking their 2022 Audit, which will include reviewing the implementation of the 41 recommendations and whether they have had the intended beneficial effects.

Impact:	Comments
Financial	N/A
Legal/Political	The Commission will continue to face the possibility of additional scrutiny by Parliament, journalists and crofters, until the lessons from the 2021 Deloitte audit are seen to have been taken on Board fully, with further audit comment to confirm this.
HR/staff resources	Board, AFC and SMT are continuing to give some time to the issues raised in the 2021 Audit.

RECOMMENDATION

The Board is invited to comment on the current state of play with the Deloitte recommendations, and to consider whether they wish at this stage to discharge recommendation 3.5.

Date 2 May 2022

Author Bill Barron, CEO

Deloitte LLP Governance & Transparency Audit Action Points

Progress as at 31 March 2022

FINANCIAL SUSTAINABILITY

<u>Action Point</u>	<u>Ownership</u>	<u>Deloitte</u> <u>Priority</u>	<u>CC</u> <u>Weighting</u>	<u>Target Date</u>	<u>%</u> <u>Implemented</u>	<u>Outcomes</u>
1.1	Finance	H	3	June	100%	Incorporated 2022/23 budget process
1.2	Finance/CEO	H	3	September	100%	Fully revised MTFP approved by AFC April 2022
1.3	CEO/Convener	H	1	September	100%	Conclusions considered by Board on 3 & 8 December 2021
1.4	CEO/Operations	H	2	To follow 1.3	60%	Workforce Plan to be revised, to take account of plans in the Business Case approved by Scottish Government
1.5	CEO/AFC/Board	H	1	September	100%	Business Case submitted to Scottish Government
1.6	Finance	M	4	July	100%	Approved at July Audit & Finance Committee
1.7	Finance	L	5	July	100%	Incorporated 2022/23 budget process

LEADERSHIP

<u>Action Point</u>	<u>Ownership</u>	<u>Deloitte</u> <u>Priority</u>	<u>CC</u> <u>Weighting</u>	<u>Target Date</u>	<u>%</u> <u>Implemented</u>	<u>Outcomes</u>
2.1	Board	H	1	October	100%	The Board has cancelled its earlier 'no confidence' position
2.2	Board	H	1	June	100%	New Convener appointed July 2021
2.3	Convener	H	3	Feb-22	100%	Process agreed and implemented.
2.4	CEO	H	3	August	100%	SMT Training Plan Formalised and populated
2.5	CEO/Convener	H	2	June	100%	CEO and Convener now document communications with Sponsor Division. A recap of these is now a Standing Item on Board agenda Training sourced and delivered. Action Plan to be considered by Board 31 March 2022
2.6	Convener/Business S	H	2	September	100%	CC Solicitor will be main contact in event AO unavailable
2.7	Convener	H	2	August	100%	Refer to 2.6
2.8	Convener/Business S	H	2	September	100%	Refer to 2.6
2.9	Business Support	M	4	September	100%	AFC agreed revised training plan.
2.10	Business Support	M	4	September	100%	Feedback monitoring form created and circulated

GOVERNANCE

<u>Action Point</u>	<u>Ownership</u>	<u>Deloitte</u> <u>Priority</u>	<u>CC</u> <u>Weighting</u>	<u>Target Date</u>	<u>%</u> <u>Implemented</u>	<u>Outcomes</u>
3.1	Convener	H	3	August	100%	Signed off 25 January 2022
3.2	CEO	H	3	August	100%	Board confirmed at October 2021 Meeting
3.3	Convener	H	3	August	100%	Linked to 3.1; new protocols set out in revised Framework Doc
3.4	CEO/Convener	H	3	October	30%	Head of Finance has created an initial draft for comment
3.5	CEO/AFC	H	4	Linked to 3.4	-	3.4 and 3.5 to follow after 3.1 completed
3.6	Convener/Business S	H	2	September	100%	Refer to 2.6
3.7	Business Support	H	2	September	100%	Refer to 2.6
3.8	Business Support	H	2	September	100%	Refer to 2.6
3.9	Finance/AFC	H	3	August	100%	KPI Report has transferred to Board Agenda & AFC Workplan in line with SG Audit & Assurance Committee Handbook
3.10	Business Support/Bo	H	3	December	100%	Delivered within pre-election materials and events

OPENESS & TRANSPARENCY

<u>Action Point</u>	<u>Ownership</u>	<u>Deloitte</u> <u>Priority</u>	<u>CC</u> <u>Weighting</u>	<u>Target Date</u>	<u>%</u> <u>Implemented</u>	<u>Outcomes</u>
4.1	CEO	H	3	August	100%	Reviewed
4.2	Business Support	H	3	September	100%	Training delivered and follow up plan in place.
4.3	CEO/AFC	H	2	Jan-22	100%	Reviewed by AFC & Board.
4.4	CEO/Board	H	3	Nov	100%	Regulatory Stats now in Board Papers.
4.5	Business Support	M	4	July	100%	Incorporated into minute taking process
4.6	SMT	M	4	August	100%	Written reports now standard, with oral reports only as needed
4.7	CEO	M	4	August	100%	Captured within other Action Points
4.8	CEO/Board	M	2	June	100%	Captured within Board Workplan; Board now scrutinises this.
4.9	Business Support	M	3	June	100%	Incorporated into SMT Agenda as Standing Item
4.10	Business Support	M	2	December	100%	Final draft stage; Board sign off confirmed on 31 March 2022

RELATIONSHIPS

<u>Action Point</u>	<u>Ownership</u>	<u>Deloitte Priority</u>	<u>CC Weighting</u>	<u>Target Date</u>	<u>% Implemented</u>	<u>Outcomes</u>
5.1	Convener	H	2	August	100%	Invite automatically issued by Sponsor to Convener/Vice Convener
5.2	CEO/Convener	H	3	August	100%	Minutes/agenda of sponsor division meetings with Commission to be shared with Board
5.3	Business Support	H	3	August	100%	Standing item added to Board agenda
5.4	Convener	H	3	August	100%	SG Sponsor will be invited to CC internal meetings 'as appropriate'.

CC Weighting Key

- 1 CRITICAL**
- 2 URGENT**
- 3 MODERATELY URGENT**
- 4 LEAST URGENT**
- 5 NOT URGENT**

CROFTING COMMISSION MEETING

12 May 2022

Report by the Chief Executive

2021 Census report

SUMMARY

This paper gives a summary of the result of the 2021 Crofting Census, with options for onward consideration by the Board.

BACKGROUND

The Crofting Commission (CC) conducts an annual notice (census) each year. The purpose of this is to ensure that crofters are compliant with their duties as specified within the Crofting Act, and also to ensure that Commission records are as up to date as possible. Historically the census has been conducted by posting out a questionnaire to all known crofters for all crofts and deemed crofts, which includes prepaid return postage. This process was expensive, both financially and in terms of CC resources needed to process the returns, and was not an environmentally friendly process due to the carbon footprint the postal service produces. The paper method was also subject to issues such as lost post in either direction, potential issues with incorrect data being sent to crofters, and the need to update IT equipment and staff training each year.

This year, for the 2021 census, the CC Board took the decision to move to a solely digital return for the census, utilising the technology that the CC had established over the preceding two years as an optional digital route for crofters to return their census results. This would significantly reduce the financial and resource cost to the Commission, allow for a more secure single letter to be issued, and reduce the carbon footprint of the census by reducing postal material and travel.

To note, there was no option to move to a 100% digital census, including outgoing communication, as the status of the census as a legal notice requires it be physically served.

Additionally this year the CC opted to take a staged approach to the census by splitting the targeted crofters into two categories, with a different letter being sent to each category; crofters who have a recorded census return within the previous 3 years and crofters where the CC has no recorded census return within the previous 3 years. This was then reinforced by the employment of two dedicated staff to both answer incoming calls from crofters with questions or concerns around the digital return, and to make outgoing calls to crofters who had not completed their return to prompt them and if needed complete the return on their behalf where they had received a postal letter (had been served).

This paper evaluates the success of the census and presents several options that the Board are asked to consider moving forward.

CURRENT POSITION

Census results

The primary matrix for evaluating the success of the census which is reported in the CC annual report is the calculation of the return rate, the proportion of potential eligible crofters sent a return who then completed it. Additional measures, such as financial impact, error rate and customer complaints, are then factored internally as a method of improving processes. Each of these are broken down below.

Return rate

The return rates for the 2018 through 2021 census returns are noted in the table below:

Year	Forms issued	Returns completed	Return rate
2018	19,269	13,347	69.3%
2019	19,485	14,726	75.5%
2020	19,636	14,297	72.8%
2021	19,810	15,195	76.7%

The above shows that the CC has achieved a higher return rate for this census than over the preceding 3 years. There are numerous factors which potentially contribute to this outcome including:

- Covid 19 restrictions that may have impacted previous years due to the outsourcing of the census
- An increase in outgoing calls to support a good return rate
- The split process this year of targeting known non returners

The last point is of particular relevance as the split identified a list of 1,642 individuals who did not have a recorded return within the previous 3 years. At the close of the census 685 of these individuals had done a return, making a 41.7% success rate for the individuals. As well as representing a significant success in terms of obtaining the returns from this particular group, the action taken to secure these additional returns was also responsible for raising the overall return rate above that of previous years. If none of these 685 responses had been received, the overall return rate would have been approximately 73.2%.

Telephone calls

The CC employed two temporary staff members for the entire duration of the census to handle enquiries and concerns over the digital only process, and also altered its phone system to provide a dedicated options service for incoming calls to speak to someone around the census. In addition to taking these incoming calls, the CC set an objective to contact by phone or email all individuals / landlords who had been issued a census in order to support them to do a return, where the system did not show that they had already completed one.

During this window the CC made over 3,700 outgoing calls, of which the outcomes are split down below:

Average successful connections	46%
From connected calls, number of returns taken over the phone	21%
From connected calls, number of crofters stating they will do	16%
From connected calls, number of crofters requesting a new letter	7%

The successful connection rate for outgoing calls was less than 50%, which is based on two attempts to contact each customer and a voicemail being left where this was appropriate. As the resource cost for the two dedicated call operators was £13.8k, this could be considered to represent a poor financial return, though this cost is still lower than the full postal service of previous years. It should be noted, however, that it is anticipated that at least half of the return rates for the 3 year non-returners is attributable to the outgoing calls.

The phone calls also highlighted various instances of incorrect data within the Crofting Information System (CIS) or cases where the Commission appears to have not completed an action to update records fully. These cases have been escalated and methods to prevent this re-occurring are being explored.

Verbal feedback from the calls indicate that the primary reason offered for those on the 3 year non-returned list centred around confusion where more than one individual was a stakeholder on the same holding, for example a husband and wife, and they did not realise both were required to complete a return. This could potentially be traced back to the previous Commissioner election where the rules stated that only one individual in the described scenario would be eligible to vote, and communications at the time for both the census and election were done within a very close window. This is however anecdotal and cannot be 100% verified, but the CC will look carefully at communications around the next census on the back of this.

Other feedback including a significant number of individuals unhappy at the requirement to do a return every year, noting that their information rarely changed. None of these escalated to official complaints.

Only two formal complaints were raised this year, one via phone and one via letter, which both focussed on the wish to return to the postal service.

Overall the majority of individuals spoken to by the telephony team were very receptive to the call, and were positive about the ability to complete the return over the phone. The majority were also happy with the how quick and easy the return was when done online directly, or via the phone route.

Lessons learned

On the back of the census completion a full wash up exercise was done to capture lessons learned from the first digital only census return. The key points of this are noted at **Annex A** of this paper, however two specific points are highlighted for Board consideration moving forward:

- Should the CC consider using paper-based advertising for the census in future years?
- The Board consider shortening the window for the census returns to be completed

The first suggestion stems from the feedback that there is a number of crofters unable to do the digital process, which may also preclude them from seeing any online messaging that the Commission does during the census window.

The second suggestion stems from the clash with the CC census and the SGRPID census being issued in the same window, which feedback suggests confuses many crofters who think it is the same census, and may result in the CC one not being completed. This may have been increased this year with the CC move to issuing only a single letter and not the full form as previously was the practice.

Impact:	Comments
Financial	The digital only census saved approximately £25k over the traditional paper census due to reduced printing and postage costs, along with considerable environmental benefits, however the additional staffing costs for phone coverage amounted to £13.8k; this would be expected to reduce by 50% in subsequent years as only one resource would be required.
Legal/political	It is hoped that the forthcoming Crofting Bill will relax the requirement for the census to be conducted every year.
HR/staff resources	Employing temps to make phone calls to boost the response rate, cost in the region of £4000 for each additional percentage point added to the return rate.

RECOMMENDATIONS

- 1. The Commission continues with a digital return only census**
- 2. The Commission continues to invest in the additional resources needed to man a phone service in the future, promoting more actively the ability to call in to give the result should a digital return not be possible**
 - i. The Commission continue outgoing calls to over 3 years non-returners, however, do not aim to actively call crofters we have heard from within the past 3 years at the point of the next census**
- 3. The Board considers moving to a bi-annual census return when legislation permits**
- 4. The Board considers moving the census back to the original earlier window (Sept-Oct)**
- 5. The Board considers shortening the return window in the future**
- 6. The CC considers the use of print media for advertising the census in future**

Date 27 April 2022

Author Aaron Ramsay

LESSONS LEARNED FULL LIST

- The CC cannot do a digital only census, this will need to be supported with phone options
 - Feedback from many customers is that they were very appreciative of doing it on the phone, especially where there are multiple crofts - this applies more so to the elderly
- In the future the CC should be more upfront about advertising the phone lines and putting the message out there that it can be done over the phone on the letter
 - Quite a few emails and written letters came in from customers who were worried they could not do the digital route - could be resolved with better communication
 - We would need to have the staff ready in advance and trained
 - We have now built an expectation of the phones being available
- Reception to outgoing calls was largely fine, very few perturbed people
 - The CC needs to have a better controlled set scripts around what telephony operators say, including for leaving messages
- Phones calls VS emails
 - Emails were very successful; roughly 1500 email chasers were sent, and only 300 were undeliverable. Worth doing email chasers to everyone where possible
- Worth sending them more regularly (done monthly this year)
 - Suggested we send an email to everyone who is to get a census to alert that the letters are sent out
- The census team feel it may be worth looking at media posts in print format in the future
- Could we use the assessors to put promotional material up around local communities?
- Periodicity
 - The census team feel the census should move to bi-annually
- Would rather it was not around Christmas / New Year time - move back to September / October window
- Mail delivery is impacted more at the Christmas / new year time of year
- Clashes with SGRPID census, many crofters seem to be confused and think they have completed the CC census when they have not
 - Census team feel the 3 month window is too long to complete it as people just put it aside, which may be exacerbated by the digital element; suggest a month is enough
- Outgoing calls
 - Worthwhile calling all the 3 year plus non returners
- Not worth phoning every single crofter
 - Worth calling those who did not complete online but perhaps only within the last 2-3 weeks (depending if return window is shortened)
 - System options to generate an automatic email for those who start online but do not fully submit should be considered
 - Consider narrative be added to the letter advising that if they do not do their return someone at the CC **may** call them? May also help to alleviate fraud concerns raised by some individuals when cold called
- Consider rewording of the letter to make it more clear and less wordy?
- On the split of 3 year non-returners and others:
 - The CC should do again; a small number of people were slightly annoyed and insisted that they had done a return however the number in the category should reduce year on year. Consider changing time frame.
- Continue to use the format of a single letter – no issues of incorrectly delivered mail
- Issue with inaccurate data on the system
 - There were several cases of deceased people that were not marked on the system but which evidence suggests we had been notified around, or cases of a croft being sold and evidence that we had been notified

- The CC needs to look at a process to reduce the likelihood of this recurring
- Online system
 - ID codes need confusing characters removed (l and 1, O and 0)
 - Explore potential of a system that shows the previous year's answers and has an option to simply note "no changes"
 - Explore potential of an option within the digital system to indicate that the individual is deceased or the croft was sold
- If the owner has changed, the system should work like the digital applications and ask to confirm that the person who is recorded bought the croft
- CIS details are not changed without Regulation for investigating
- The grazing share question needs to be made clearer with more appropriate options

CROFTING COMMISSION MEETING

12 May 2022

Report by the Chief Executive

Digital Applications update

SUMMARY

This paper gives a summary of the current digital applications picture, as at the end of April 2022.

BACKGROUND

The Crofting Commission (CC) embarked on a project to convert all of its application forms into a digital process that functioned online in order to realise the benefits this would bring, both for the applicant and the organisation. This project not only looked to bring the application process online, but also to redesign the forms themselves for those who could not or would not use the digital process, with a key goal to refresh the information gathered and make the application process more accessible.

This paper gives an update on the current state of play with the digital application project, as well as the redesign of the paper forms themselves.

CURRENT POSITION

Applications received

As of the writing of this paper the number of applications received digitally stands at 6, which is the same as per the report to the Board from 31 March 2022. Although a slow uptake of digital applications was anticipated, especially while the number of application types was limited at the start, this does represent a much slower uptake than was predicted, especially when compared to the number of paper forms being received. Pinpointing the reason for this is difficult due to the nature of the system, however varying actions have taken place to try and address this, covered further in this paper.

As a basis for comparison, the numbers of Assignment and Subletting applications received since the start of February (the go live was the end of January for the digital system for these two types) can be looked at. For the period of February 9th to April 7th there were 65 Assignment and 14 Subletting applications via a paper form route. This compares to the digital system which has had 4 Assignment and 2 Subletting applications in total since going live. Further analysis of the Assignment data shows the following:

Unique organisations which submitted an application	Organisations which did not use the digital application system	Organisations which did not use the digital system but are registered within it	Organisations who submitted a digital application, but then subsequently a paper one
16	13	4	1*

Note, the Subletting applications were not done via Solicitors or Agents so a similar comparison is not possible.

*This was a large organisation where the individual who submitted the paper application had not created an account.

This data is very limited so a statistically valid conclusion is difficult to draw from it, however the numbers do indicate that some solicitors and agents are opting not to use the digital system over the paper process, and includes one who appears to have reverted back to using the paper system since making a digital application previously. Scrutiny shows however that for the organisation who submitted a paper form after previously submitting digital ones, this case appears to be from a specific member within the organisation who had not created an account, and the previous digital applications had been received from others within that organisation.

Reasons for slower than expected uptake

Some of the possible reasons for the slow uptake of the digital applications are noted below:

1. A limited number of application types are available digitally
2. Solicitors and agents are habitually using paper forms, possibly because they already have copies stored locally
3. The system is not liked by solicitors and agents, or is too difficult to use
4. IT / technical issues within the crofter base, or lack of technical awareness or fear using a digital system
5. Lack of awareness of the system generally
6. The website makes it unclear how the digital system works / makes it too easy to bypass it
7. The digital applications are slightly different to the paper-based versions due to the new forms not being online yet, and that may create a preference
8. The Commissions current backlog of work may be masking the benefits of submitting the application digitally as the time savings are not easily visible

To try and explore this further, the Commission put out a survey to all Solicitors and Agents who worked with it during the planning and creation of the digital system. The purpose of this survey was to try and understand their general impressions of the system, and in particular to ask if any had reverted back to paper forms and the reasons for this. Full details of the questions and answers are at **Annex A**, however the high-level points of note indicate that all respondents were aware of the digital system, intended to use the digital system in the future, and those which had already used it noted they found it easy and preferable.

Of the two responses noting that they had subsequently completed a paper form after doing a digital one, the reasons were “habits” and “an individual or their agent on other side who is not able to use digital system”. Although the survey has only had 7 respondents to date, out of the approximately 40 individuals who were contacted, this limited feedback does potentially appear to support conclusions 2 and 4 from the list of possible reasons for slow uptake, and partially debunk 3.

N.B. It should also be noted that the Finance team within the Commission have reported a similar trend with the option to do BACS payments over cheques, with some solicitors and agents using BACS but then reverting back to cheques.

It is also worth noting that the Commission is aware, via feedback passed to another team on the back of unrelated work, that the current design of the applications page on the Commission website is not clear. The feedback specifically related to the wizard page which guides customers to the correct form and acts as the start of the digital process for those application types which are live digitally, and the inability of the individual to find a full list of all forms as was previously the practice.

Further action planned

To continue to promote and develop the digital application system the following actions are either planned or currently underway within the Commission, and directly respond to the suspected reasons for slow uptake of the system noted above. These actions include:

- Additional application types being developed for launch during May 2022 to put all 58A application types online
- A focus on bringing the redesigned PDF online at the same time as the digital apps, with the same questions as the digital journey
- Development of a full media campaign to raise awareness of the digital system for a wider audience, now that confidence in the system has grown
- A re-design of the Commission applications webpage to make the wizard clearer, but also to reduce the chance of customers bypassing the wizard by moving access to the full list of forms to the last step (currently it was accessible from the first step)

It is hoped that the changes to the applications page on the website, and moving the link to access all forms to a later stage of the process, will prompt more people through the whole wizard and create more chance of them starting a digital application. The addition of more application types for both public and professional use, and the aligning of the form and digital process questions, will increase the habitual use of the digital system and remove any bias to the PDF route. This will be supported by a wider reaching communication strategy to promote the use of the digitally system publicly, once more application types which are not restricted to professional organisations are available.

Impact:	Comments
None	

RECOMMENDATIONS
There are no recommendations, this paper is for update only.

Date 28 April 2022

Author Aaron Ramsay

Full survey responses

1. Are you aware of the ability to submit an Assignment or Subletting application to the Crofting Commission digitally online now?

[More Details](#)



2. Have you used the online system to submit a digital application to the Commission?

[More Details](#)



3. How would you rate your experience with the online account portal and dashboard?

[More Details](#)

2
Responses



4. Would you like to give us any comments or feedback around the online account portal or dashboard? Are there any aspects that you do not like, or that we could improve to make the service better for you?

[More Details](#)

2
Responses

Latest Responses

5. How would you rate the digital application process itself, the modular process of answering questions?

[More Details](#)

2
Responses



6. Would you like to give us any comments or feedback around the application process ? Are there any aspects that you do not like, or that we could improve to make the service easier or more clear for you?

[More Details](#)

1

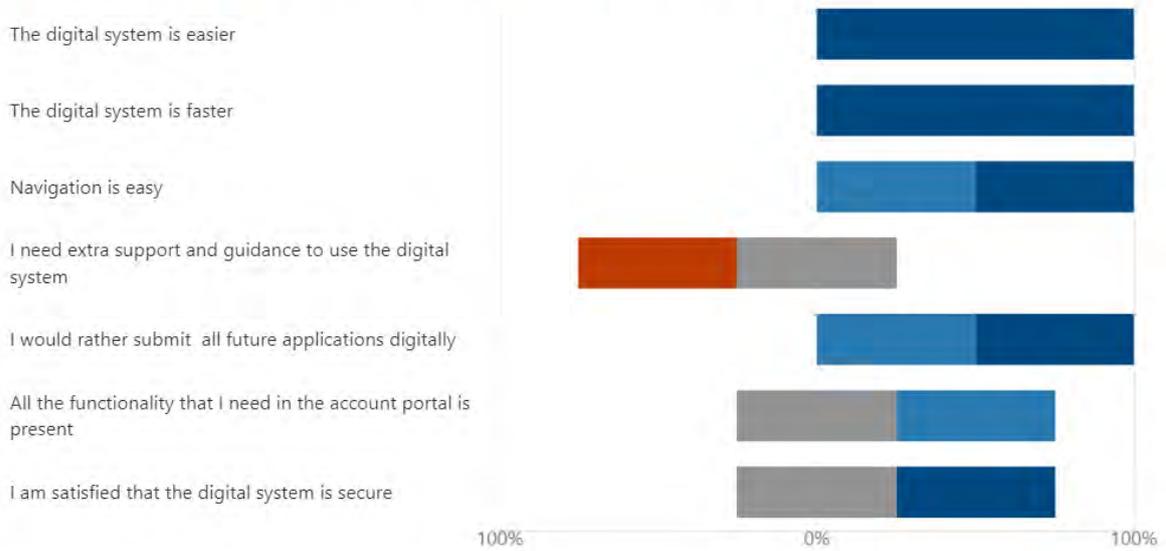
Responses

Latest Responses

7. How do you feel the digital application process compares to the paper based application process in the following areas

[More Details](#)

Strongly disagree Disagree Neutral or N/A Agree Strongly agree



8. Is there any other feedback you have not covered about your experience that you would like to give around the digital application system? This could include things such as consider things what worked well, things which did not work well, and improvements you would like to see introduced.

[More Details](#)

1

Responses

Latest Responses

9. Have you submitted a paper application for an Assignment or Subletting since the 1st of February 2022?

[More Details](#)

Yes	2
No	5



10. Can you please tell us why you chose the paper route to submit this application(s) instead of the digital system?

[More Details](#)

2
Responses

Latest Responses

"An individual or their agent on other side who not able to use digital ..."

11. Do you plan to use the digital system in the future?

[More Details](#)

Yes	7
No	0
Maybe	0



12. Please tell us briefly why you answered this way and how we can improve the service to change your mind

[More Details](#)

0
Responses

Latest Responses

13. Thank you. If you would like some specific feedback around your answers please tell us your organisation name and a contact email below. This is entirely optional.

[More Details](#)

2
Responses

COMMISSIONER ROLE IN HOSTING PUBLIC EVENTS - ORAL

DATE OF NEXT MEETING – WEDNESDAY 29 JUNE 2022 - VENUE tbc

ANY URGENT BUSINESS – ORAL

EXCLUSION OF PRESS & PUBLIC