



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

COMMISSION MEETING

10 MAY 2023

**CROFTING COMMISSION MEETING
ST KILDA, GREAT GLEN HOUSE
10 MAY 2023 AT 0930 hrs**

AGENDA

1 APOLOGIES	<i>Oral</i>	<i>Standing Item</i>
2 DECLARATIONS OF INTEREST	<i>Oral</i>	<i>Standing Item</i>
3 DRAFT MINUTES FROM 22 MARCH 2023*	<i>Minutes</i>	<i>For approval</i>
4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING (of 22 March 2023)	<i>Paper</i>	<i>For info</i>
5 MATTERS ARISING FROM PREVIOUS MINUTES	<i>Oral</i>	<i>Standing Item</i>
6 AUDIT & FINANCE COMMITTEE REPORT (a) Update from Vice Chair of Committee (b) Draft Minutes from 26 April 2023*	<i>Paper Minutes</i>	<i>Standing Item For info</i>
7 RISK MANAGEMENT POLICY	<i>Paper</i>	<i>For approval</i>
8 REVIEW OF PERFORMANCE REPORT Q4 2022-2023	<i>Paper</i>	<i>For discussion</i>
9 STRATEGIC RISK REGISTER UPDATE FOR Q4 2022-2023	<i>Paper</i>	<i>For info</i>
10 DRAFT BUSINESS PLAN 2023-2024	<i>Paper</i>	<i>For approval</i>
11 REVIEW COMMISSIONER TRAINING PLAN	<i>Paper</i>	<i>For discussion</i>
12 REGULATORY CASEWORK UPDATE	<i>Paper</i>	<i>For info</i>
13 REGULATORY TRAINING PROGRAMME OVERVIEW	<i>Paper</i>	<i>For info</i>
14 SCOTTISH LAND MATCHING SERVICE AND CROFTING	<i>Paper</i>	<i>For discussion</i>
15 DIGITAL APPLICATIONS – FUTURE ROLLOUT REVIEW	<i>Paper</i>	<i>For discussion</i>
16 STAFF SURVEY 2022 – SUMMARY OF FINDINGS	<i>Paper</i>	<i>For info</i>
17 REPORT ON MEETINGS WITH SPONSOR DIVISION	<i>Paper</i>	<i>Standing Item</i>
18 DATE OF NEXT MEETING 27 June 2023 – Training with David Nicholl, St Kilda 28 June 2023 – St Kilda		
19 ANY URGENT BUSINESS		
20 EXCLUSION OF THE PRESS AND PUBLIC		

*Not available to the public

APOLOGIES – ORAL

DECLARATIONS OF INTEREST – ORAL

CROFTING COMMISSION MEETING

10 May 2023

Report by the Chief Executive

Review of Action Points from 22 March 2023

ITEM	ACTION	RESPONSIBLE OFFICER	DEADLINE	DATE COMPLETED	COMMENTS
1	Set up trial run on WhatsApp for Commissioners	Director of Corporate Services	By May Board	19/03/2023	
2	Investigate and consider potential to generate income in future budget forecasts	Director of Operations & Policy	October		If required, paper to be drafted for Board ahead of next version of MTFP
3	Present Improvement Plan, detailing interventions to reduce outstanding caseload of undecided applications	Director of Operations & Policy	May Board (Now June)		In agreement with Convener, this has been moved to June.
4	Present Options for 'emergency measures' that might be taken as one-off interventions to rapidly reduce caseload of outstanding applications	Director of Operations & Policy	May Board		Board paper on May Agenda
5	Update Standing Orders at 2.7	Head of Compliance	Immediately	03/04/2023	
6	Arrange for hard copy of Standing Orders to be mailed to Commissioner Kennedy	Head of Compliance	Immediately	03/04/2023	
7	Present Road Map for move to digital applications	Director of Corporate Services	May Board		Board paper on May Agenda
8	Provide the Board with consistent messaging in advance of public meetings	Head of Development	June		Comms Officer to be asked to develop appropriate lines to take for each meeting, with relevant input from others, as required.
9	Email sponsor recruiting manager to emphasise importance of timely recruitment of new CEO	CEO	Immediately	23/03/2023	Action has been completed by Convener
10	Convener to arrange a short Teams meeting for Commissioners to have a further discussion about our approach to regulation.	CEO	Unsure		CEO to discuss with Convener to see if informal meeting has taken place.

MATTERS ARISING FROM PREVIOUS MINUTES – ORAL

AUDIT & FINANCE COMMITTEE REPORT

CROFTING COMMISSION MEETING

10 May 2023

Report by the Vice-Chair of Audit & Finance Committee

SUMMARY

The purpose of this paper is to provide the Board with an update of the Audit & Finance Committee meeting of 26 April 2023.

BACKGROUND

The Board has established an Audit & Finance Committee (AFC) as a Committee of the Crofting Commission Board to support Board Members in their responsibilities for issues of risk, control and governance and associated assurance through a process of constructive challenge.

CURRENT POSITION

The Vice-Chair will provide Board Members with a verbal update of the AFC meeting of 26 April. Full details are in the following draft minute of the meeting.

Key points for Board Members to note –

1. External Audit for 2022/23 is at an early stage and is proceeding to plan.
2. Internal audit has given us a “reasonable” level of overall opinion for 2022/23.
3. Internal audit has reviewed our complaints handling process and concluded that we have robust procedures in place line with the Scottish Public Services Ombudsman (SPSO) guidance. We noted a need to consider extending our monitoring to broader indicators of service user satisfaction.
4. We approved an Internal Audit workplan for 2023/24 with a focus on corporate governance, use of management information, financial review and a review of prior audit issues. We also noted the importance of maintaining a focus on organisational design, risk identification/appetite, Best Value and performance management.
5. We reviewed arrangements for a board self-assessment exercise and concluded that a simple “box ticking” exercise using a questionnaire should be replaced by a more interactive and developmentally focussed discussion involving the whole board with 360 feedback from senior management.
6. External consultants have been appointed to strengthen assurance on health and safety.
7. We reviewed the operational and strategic risk registers and recommend further work by the board on strategic risk identification and appetite to build on recent board level risk management training.
8. We reviewed Q4 financial performance and noted a need for further development of targeted productivity indicators within the context of our financial reporting.

RECOMMENDATION

The Committee recommends that the Board should –

- **schedule a discussion about the potential use of service user satisfaction monitoring to help strengthen service quality.**
- **schedule a discussion about its own collective performance, making use of 360 feedback from senior management on what we do well as a board and where we might strengthen our effectiveness.**
- **schedule a discussion (preferably annual) about strategic risk involving a structured review of risk identification and appetite.**
- **schedule, in the context of medium term change to our regulatory work, a discussion about the productivity indicators that we may need to help monitor progress.**

Date 26 April 2023

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

CROFTING COMMISSION MEETING

10 May 2023

Report by the Director of Corporate Services

Risk Management Policy

SUMMARY

This report accompanies the revised Risk Management policy for Board review.

It is the recommendation of the Director of Corporate Services that the Board should note the revised policy (Annex A) and formally sign off, or request changes to the policy as needed.

BACKGROUND

The Director of Corporate Services and Chief Executive have reviewed and revised the Risk Management Policy and Procedures based upon the recommendations outlined within Azets internal audit review of the Commission's risk management framework.

This revised policy went to the Audit and Finance Committee meeting on Wednesday 25 January 2023, and was agreed by the AFC with the following observation (from the minutes of the AFC meeting):

"A general discussion ensued and was concluded by the Committee agreeing that the risk management policy was fit for purpose, but there were issues regards how the policy is being applied at a strategic level, particularly with regards to:

- *Risk identification*
- *Risk appetite"*

This revised policy is now presented to the Board with an invitation to comment upon the current draft with particular reference to the Commission's Risk Appetite (Section 2) statement, and the AFC observation.

Impact:	Comments
Financial	None
Reputational	None
Legal	None

RECOMMENDATIONS

It is the recommendation of the Director of Corporate Services that the Board should note the revised policy and formally sign off, or request changes to the policy as needed.

Date 24 April 2023

Author Aaron Ramsay, Director of Corporate Services

**CROFTING COMMISSION
RISK MANAGEMENT POLICY AND PROCEDURES**

DRAFT

**Version: 3
Last review: Jan 2023
Date of next review: Jan 2024**

1. Policy Statement

- 1.1. Risk is defined in the Scottish Public Finance Manual as uncertainty of outcome. Business risk is therefore any factor which causes uncertainty of outcome to business objectives. This includes the risk of inaction as well as action on any given objective.
- 1.2. Risk management is the process of identifying significant risks to the achievement of the organisation's strategic and operational objectives, evaluating their potential consequences and implementing the most cost-effective way of controlling or managing them. The organisation's response to different risks will vary from accepting that they can be managed if they arise, through to specific actions to reduce the likelihood of the risk occurring or to make contingency plans to mitigate the effects.
- 1.3. Risk appetite considers the level of exposure which is considered tolerable should the risk be realised. It is about comparing the value (financial or otherwise) of potential benefits with the losses which might be incurred (some losses may be incurred with or without realising the benefits). Risk appetite may change over time and is the responsibility of the Board to consider.
- 1.4. Some risk is unavoidable and it is not within the ability of the organisation to completely manage it. For example many organisations have to accept that there is a risk arising from terrorist activity which they cannot control. In these cases the organisation needs to have robust Business Continuity Plans to support risk registers.
- 1.5. The Commission is committed to an effective culture of risk management whereby appropriate procedures are embedded within the organisation which focus on the achievement of organisational aims and objectives. The Commission will also ensure that its system of risk management is appropriate for the organisation, proportionate, meets regulatory requirements and adopts good practice in the management of risk.

2. Risk Appetite

- 2.1. The Crofting Commission is a regulatory body accountable to the Scottish Government, and in common with other Scottish public bodies it has a zero or low risk tolerance for certain classes of operational risks, including cyber threats, leaks of sensitive information, and loss of financial controls.
- 2.2. The Commission is also responsible for the maintenance of public information in the Register of Crofts and elsewhere, about crofters' and others' land rights under the law. The Commission regards it as very important that this information is as accurate as possible, and it has a low tolerance of risk of inaccuracy *insofar as these are under the Commission's control*.
- 2.3. Many of the Commission's decisions are challengeable in the Scottish Land Court and any Commission decision which is lost on appeal causes costs for the Commission as well as cost and disruption to the parties involved in the case. However, the Commission is also very conscious of the need to promote speed of regulatory decision-making and is prepared to take calculated risks in order to enhance efficiency, even if this risks more errors being made or more decisions overturned.

- 2.4. Similarly, the Commission recognises that it is charged with promoting a thriving crofting system, and that it does this with limited resources. An overly risk-averse approach to matters such as the enforcement of crofters' duties, decisions on contested decroftings, or the resolution of longstanding community disputes, could result in the Commission becoming ineffective. When decisive action is necessary in the interests of the future of crofting and of crofting communities, the Commission has a higher risk appetite and is prepared to take bold steps to achieve its overarching ambitions.
- 2.5. In developing its use of IT, the Commission is prepared to be bold in taking steps that promote efficiency, such as moving to a wholly digital census at an early stage, even if these may risk criticism from crofters. However, the Commission is averse to risks that might compromise the security of its data or its processing systems. It is investing in technologies to protect against cyber risks, and intends to adopt a thorough approach around testing of system changes to internal systems before they are rolled out.

3. Risk Management Procedure

- 3.1. The Commission's approach to risk management draws a distinction between strategic and operational risks. Strategic risks are top-down, and are based on an analysis of the risks that might prevent or inhibit achievement of Commission's priority strategic objectives as agreed with the Scottish Government and set out in the Corporate Plan. Operational risks are bottom-up, based on regular reviews by officials of the wide range of contextual risks – such as to staffing, finance or IT – which could hamper the Commission's overall resources and its ability to deliver day to day business effectively.
- 3.2. The entries in the Operational Risk Register are reported directly to the AFC by management (the Executive Team supported by the Senior Management Team). However, teams within the Commission may use subsidiary risk registers where appropriate, with lower level risks monitored within teams. In these cases it is the ET and SMT members with responsibility for the piece of work who will decide whether to escalate the risk onto the higher level Operational Risk Register for consideration by the AFC.
- 3.3. Strategic risks are analysed on the Strategic Risk Register which is updated and presented to the Board on a quarterly basis. The more detailed Operational Risk Register is also updated at least quarterly and is overseen by the Audit and Finance Committee – with important points highlighted to the Board by the AFC Vice-chair.
- 3.4. In each case, a Risk Owner is appointed who is responsible for managing and for reporting on the individual identified risk whether strategic or operational.

4. Risk Identification

- 4.1. Once objectives have been set and agreed the Commission will formally undertake the process of identification of strategic risks, whereby the risks associated with the achievement of these objectives is considered. This is a subjective exercise and can provide only reasonable and not absolute assurance.

- 4.2. The identification of operational risks is a separate exercise, undertaken by Heads of Teams assessing risks within their operational areas and as part of SMT's regular monitoring of the register.
- 4.3. In order to understand the risk and subsequently identify appropriate ways of managing it, the underlying root causes will be identified as well as the implications of the risks occurring.
- 4.4. Once the key risks have been identified, ownership for the management of the risks is identified. Ownership will normally be assigned to the staff member/manager who has overall operational responsibility for activities driving the achievement of the corresponding objective. Details obtained as part of the risk identification process are entered onto the pro forma Risk Register for evaluation.

5. Evaluation of Risk

- 5.1. In order to ensure that the Commission remains focused on the achievement of objectives and the risk management system is aligned with these objectives, an evaluation is undertaken in order to identify the most significant risks.
- 5.2. For both Strategic and Operational risks, the Commission assesses the significance of each risk in terms of likelihood and impact. Impact is scored from 1 to 50 at intervals (1, 5, 10, 25, 50), while likelihood is scored from 1-5. In both cases a lower value represents a lesser impact and likelihood. An overall risk score is assigned based on the multiplied scores for likelihood and impact. These levels are classified as either Very High, high, Medium or Low.

Rating	Description
Low	Combined score 1-5. Acceptable level of risk. Low likelihood or impact, and unlikely to cause any significant impact on the day to day operations of the Commission. On review should be considered if the risk is still extant.
Medium	Combined score 10-30. Acceptable level of risk. Likelihood and/or impact considered moderate. May result in limited periods of operational downtime, interference with general operating procedures or possible negative external attention.
High	Combined score 40-75. Unacceptable level of risk. May result in the Commission's inability to fulfil its functions. Could include a live threat regarding availability of staff and resources, loss of data, system failure, and/or significant external criticism. Consideration should be given to highlighting to the Board.
Very High	Combined score of 100-250. Unacceptable level of risk. Likely to result in serious disruption to the Commission's ability to fulfil its functions, and potentially for an extended period of time. Could result in serious, long lasting financial or reputational damage. Should be highlighted to the Board.

- 5.3. In each of the risk registers, the scores for likelihood, impact and overall risk score are assessed twice:
- 5.3.1. The 'current scores represent an analysis of how severe the risk is at the point of the last updated to the entry. In the case of new risks this represents the level of risk before the Commission had taken any mitigating or controlling action of any kind.
 - 5.3.2. The 'target' score is the level of risk which the Commission would regard as an acceptable risk level, based on what is realistically possible as well as on what is theoretically desirable, taking into account the Commission's risk appetite. The 'target' score is often lower than the 'current' score, implying that further risk control action is called for, but it may also be level with the current score, where the mitigating actions are already judged to be sufficient.
- 5.4. This process of allocating risk levels gives an indication of priority in terms of managing the risks identified as significant. This is again a subjective approach, although one that is considered appropriate for the Commission in terms of ensuring that the risk management system is effective and appropriate.

6. Controls Identification & Evaluation

- 6.1. Once the significant risks have been identified and evaluated, the Commission seeks to identify the controls in place to mitigate the risks. Each significant risk and its corresponding objective are entered into the respective Risk Register.
- 6.2. Based on the evaluation of the controls and identification of the risk capacity, management will identify and record required further control actions which need to be in place to manage/mitigate the risks and bring the score closer to the target score. Management will then report to the AFC and Board on how these additional control actions have been implemented. In addition, responsibility and frequency of review are identified and recorded.
- 6.3. Each entry also has a confidence level which acts as a measure of the confidence of the Commission Management in the existing controls in place. This level of confidence is measured against the following levels:

Substantial	Controls are robust and well managed.
Reasonable	Controls are adequate but require improvement.
Limited	Controls are developing but weak.
Insufficient	Controls are not acceptable and have notable weaknesses.

7. Timetable for updates

- 7.1. The Commission's Audit & Finance Committee has responsibility for monitoring the Commission's risk management arrangements in accordance with SPFM guidance. However, the day to day management and review of these arrangements falls with the Commission's management team and each assigned risk owner. The Board is responsible for the overall approach as well as for regular scrutiny of the strategic risks.

7.2. Updated assessments of both risk registers are routinely carried out quarterly. Risk shall be on the agenda for every AFC meeting and also for those 4 Board meetings each year, which follow on from AFC meetings. For particularly significant risks, the Board, AFC or management may request more regular updating.

7.3. The required regular processes are as follows:

- **Strategic Risk Register.** Reviewed and updated by the Commission Executive Team around one month in advance of relevant Board meetings. The ET will present to the Board the updated assessments, highlighting any key points, and will consult the Board on proposed changes to the mitigating actions, or update on currently ongoing mitigating actions.
- **Operational Risk Register:** Regularly reviewed and updated by the SMT, with a consolidated update around one month in advance of each AFC meeting. Officials attending AFC will then present to AFC the updated assessments and proposed responses, for consideration. At the subsequent Board meeting, the AFC Vice-Chair will highlight key points from the Register, and consult the Board on the proposed changes to the mitigating actions.

8. Conclusion

8.1. This document sets out how risk is to be managed in order to support the achievement of organisational objectives. It should be highlighted that risk management is not a science, rather a methodology adopted by management in order to achieve objectives. Commissioners & Managers are required to use their judgment at each stage of the process.

8.2. It is the basis upon which the Commission can consider the management of risks. It is not a template to be applied to make decisions; rather, it will encourage the asking of the right questions so that well-balanced decisions can be made which take advantage of the opportunities as well as addressing the threats.

9. Review of the Commission's risk management policy and procedures

9.1. This policy, and the format of the strategic risk register, will be reviewed and refreshed early in the life of each newly elected Board of the Crofting Commission, who will need to take their own view of risk at the same time as they develop their new Policy Plan and Corporate Plan. This document will also be reviewed on an annual basis as part of the Audit & Finance Committee's workplan, or as and when the Board decide to make significant changes to their risk approach or appetite.

SUMMARY

Our Outcome		1. CROFTS ARE OCCUPIED AND MANAGED	RAG Status
Key Milestones	1a June 2022 – Write to a selection of 2021 census respondents who have advised us they are in breach of their duty to be ordinarily resident, obtaining their plans and intentions for resolving the breach and establishing whether there is a good reason not to issue a notice of suspected breach of duty under section 26C(1) of the 1993 Act.		ACHIEVED
	1b July 2022 – Write to a selection of crofters and owner-occupier crofters who have not responded to the 2021 census and whose address would indicate they are in breach of the residence duty. Should correspondence confirm that they are in breach then the case would be followed up in terms of 1a above.		ACHIEVED
	1c October 2022 – Write to a selection of tenant and owner-occupier crofters who have indicated in their 2021 crofting census returns that they are complying with the duty to be ordinarily resident but who are not cultivating the croft, giving information about their options.		ACHIEVED
	1d January 2023 – To be in a position to accept and process reports that landlords of vacant crofts are not resident on or within 20 miles (32 kilometres) of the croft and/or not working the croft to determine whether a notice should be issued under section 23(5) of the 1993 Act requiring the landlord to submit proposals for letting the croft.		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	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.	RED
	1.3	Number of RALU breaches resolved by the assignation of the croft, or the letting or sale of an owner-occupied croft.	GREEN
	1.4	Number of RALU breaches resolved by the Commission giving consent to the sublet of a tenanted croft, the short-term lease of an owner-occupied croft, or by a consent to be absent being given to a tenant or an owner-occupier crofter.	GREEN
	1.5	Number of RALU breaches escalated to the issue of a Notice of suspected breach of duty (section 26C), or a Notice providing an Undertaking (section 26D).	GREEN
	1.6	Number of RALU breaches concluded by tenancy terminations orders (section 26H), or approval of letting proposals submitted by owner-occupier crofters following a direction to do so (section 26J).	GREEN

Our Outcome		2. COMMON GRAZINGS ARE REGULATED AND SHARED MANAGEMENT PRACTICES CONTINUE	RAG Status
Key Milestones	2a Ongoing – Contact all Grazings Committees whose terms are about to end, encouraging them to arrange the appointment of a new Grazings Committee		GREEN
	2b Ongoing – Maintain contact with shareholders of common grazings that have not returned a committee to office and establish contact with shareholders who have not had a committee for a longer period of time.		GREEN
	2c Ongoing – Highlight to Grazings Committees and Shareholders the availability of the guidance, published February 2019, for effective management of common grazings. Respond to any questions for clarification.		GREEN
	2d December 2022 – Update and deliver a package of online training for Grazing Committees.		GREEN
	2e March 2023 – Publish guidance notes to clarify, as far as possible, how crofters can engage with supported schemes for tree planting and peatland restoration, after engaging with Scottish Government and other stakeholders.		GREEN
Performance Measures	2.1	Maintain or increase in number of common grazings with a Committee in office.	GREEN
	2.2	Increase in number of grazings committees who have adopted the new template regulations.	RED
	2.3	Meetings or other substantial engagement with Grazings Committees and shareholders (as required) to support them with the regulation and management of common grazings.	GREEN
	2.4	Establish correct shareholdings on common grazings by researching and updating records of shareholder situations.	GREEN

Our Outcome		3. CROFTING IS REGULATED IN A FAIR, EFFICIENT AND EFFECTIVE WAY	RAG Status
Key Milestones	3a August 2022 – Next build of the Crofting Information System released and upskilling delivered.		RED
	3b August 2022 – Digital options for the majority of regulatory application types rolled out and fully functioning.		AMBER
	3c August 2022 – Complete the expansion of the regulatory team through additional recruitment.		GREEN
	3d August 2022 – Complete suite of governance documents specifying the process for CIS change		GREEN
Performance Measures	3.1	Stability or decrease in median turnaround times (registered crofts, Tier 1 approvals).	ACHIEVED
	3.2	Decrease in number of live regulatory cases at a point in time.	RED
	3.3	Number of staff in the regulatory team that are trained in 13 of the key application types.	GREEN
	3.4	Substantial increase in number of regulatory cases discharged in the year.	RED
	3.5	Customer satisfaction rates.	RED

Our Outcome		4. THE FUTURE OF ACTIVE CROFTING IS SUPPORTED BY WELL-INFORMED ENGAGEMENT WITH STAKEHOLDERS	RAG Status
Key Milestones	4a August 2022 – Ensure that the work of the development officers takes account of issues from across the crofting counties and that they are accessible to crofters in all areas.		ACHIEVED
	4b September 2022 – Publish a revised and renewed Commission Policy Plan, reflecting the views of the Board of Commissioners in place after the elections.		ACHIEVED
	4c Ongoing – Progress the Commission’s actions in the National Development Plan for Crofting.		GREEN
	4d September 2022 – Review the Commission’s contribution to discussions with stakeholders and SG on the development of future support systems for crofting, in order to ensure its effectiveness.		GREEN
	4e November 2022 – Make representations to the Scottish Government regarding desirable changes to crofting legislation.		GREEN
Performance Measures	<i>There are no Key Performance Measures for this Outcome</i>		

Our Outcome			5. OUR WORKFORCE HAS THE RIGHT SKILLS AND MOTIVATION TO PERFORM WELL, OUR GOVERNANCE PROCESSES ARE BEST PRACTICE
			RAG Status
Key Milestones	5a August 2022 – Implement automated retention schedule procedures within revised CIS. (Is delayed and rated Amber.)		RED
	5b August 2022 – To provide structured training for Commissioners and SMT, especially those who join the Commission in Spring 2022, to enshrine the principles of On-Board training in the working of the Commission.		GREEN
	5c December 2022 – To clarify how the Commission will manage its historic information in line with data protection legislation, and take forward its Implementation.		AMBER
	5d January 2023 – Implement hybrid working for Crofting Commission staff, in a way which permits recruitment of more staff who are dispersed across the crofting counties.		GREEN
Performance Measures	5.1	Increase in Employee engagement Index.	ACHIEVED
	5.2	Corporate carbon emissions.	ACHIEVED
	5.3	Redeploy efficiency savings within £3.9m core budget.	ACHIEVED

DETAILED PROGRESS REPORTS

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

Our Outcome	1. CROFTS ARE OCCUPIED AND MANAGED By ensuring crofters are compliant with their Duties and by working with crofting communities and stakeholders, we can increase the number of crofts that are occupied and well managed.			
Milestone		RAG Status	Responsible Manager	Details
1a June 2022 – Write to a selection of 2021 census respondents who have advised us they are in breach of their duty to be ordinarily resident, obtaining their plans and intentions for resolving the breach and establishing whether there is a good reason not to issue a notice of suspected breach of duty under section 26C(1) of the 1993 Act.		ACHIEVED	Joseph Kerr	<p>Due to staff resourcing issues this task commenced in October 2022. The RALU Team lost a key member of staff earlier in the year, and while the recruitment of two new RALUT Casework Officers has been successful, the individuals concerned are existing staff currently with other Commission teams who obtained promotion to these posts. Arrangements had to be put in place to allow their own posts to be backfilled, and the two new casework officers did not take up post until 5 September 2022.</p> <p>In the meantime, the RALU Team received the 2022 Census report on census returns from IS colleagues and have commenced work on analysing the data and identifying the different categories of breach identified which will form the basis for the selection of the tenant and owner-occupier crofters who will be written to in distinct tranches this year. These comprise:</p> <ul style="list-style-type: none"> • Non-resident/non-cultivating tenants • Non-resident/non-cultivating owner-occupier crofters • Non-resident tenants • Resident Non-cultivating tenants <p>Between the above tranches and the non-census returners (which are reported separately under 1b and 1c), the Team initiated correspondence with 192 new census cases this reporting year.</p>

Milestone		RAG Status	Responsible Manager	Details
<p>1b July 2022 – Write to a selection of crofters and owner-occupier crofters who have not responded to the 2021 census and whose address would indicate they are in breach of the residence duty. Should correspondence confirm that they are in breach then the case would be followed up in terms of 1a above.</p>		ACHIEVED	Joseph Kerr	<p>In the third quarter of the year, the Team initiated corresponding with a selection of non-census returning tenants whose address would indicate they are in breach of the residence duty.</p> <p>In the third quarter of the year, the Team initiated correspondence with a selection of non-census returning owner-occupier crofters whose address would indicate they are in breach of the residence duty.</p>
<p>1c October 2022 – Write to a selection of tenant and owner-occupier crofters who have indicated in their 2021 crofting census returns that they are complying with the duty to be ordinarily resident but who are not cultivating the croft, giving information about their options.</p>		ACHIEVED	Joseph Kerr	<p>This milestone was achieved within the agreed timescale.</p>
<p>1d January 2023 – To be in a position to accept and process reports that landlords of vacant crofts are not resident on or within 20 miles (32 kilometres) of the croft and/or not working the croft to determine whether a notice should be issued under section 23(5) of the 1993 Act requiring the landlord to submit proposals for letting the croft.</p>		AMBER	Joseph Kerr	<p>The workflow process was drafted, and the majority of template letters were completed in 2022/23.</p> <p>The next stage of the process is to have the drafted workflow incorporated into the new CIS release, with the intention to go live and be in a position to accept reports of non-residence and/or non-cultivation by landlords of vacant crofts before the end of 2023.</p>

PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure
1.1	Number of formerly vacant crofts let by the landlord or the Commission following the Commission initiating action under the unresolved succession (section 11) or vacant croft (section 23) provisions of the 1993 Act.	9	15	Records of administrative action.

PROGRESS:

During the course of the year, the Commission issued:

Unresolved succession (section 11):

- **Three** notices under section 11(8) was issued due to failure to resolve a succession, terminating the tenancy, declaring the croft vacant and requiring the landlord to submit letting proposals
- **Three** crofts were let following the Commission's approval of the landlord's letting proposal. One of the tenants is a new entrant to crofting, the other two are existing crofters.

Vacant croft (section 23):

- **One** notice under section 23(5) was issued following the renunciation by a tenant, requiring the landlord to submit letting proposals
- **Three** notices under section 23(5) were issued following the Commission's termination of the tenancy of a croft under breach of duties enforcement action, requiring the landlord to submit letting proposals
- **Four** crofts were let following the Commission's approval of the landlord's letting proposal. Three of the tenants are new entrants to crofting, the other tenant is an existing crofter.

Q1	Q2	Q3	Q4
GREEN	GREEN	AMBER	AMBER

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
1.2	Number of RALU breaches resolved by a crofter or an owner-occupier crofter in breach of their residency duty taking up residence on their croft.	8	17	Records of administrative action.

PROGRESS

In the course of the year, 5 Crofters resolved their breach by taking up residence on or within 32 kilometres of their crofts.

Q1	Q2	Q3	Q4
GREEN	GREEN	AMBER	RED

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
1.3	Number of RALU breaches resolved by the assignation of the croft, or the letting or sale of an owner-occupied croft.	14	20	Records of administrative action

PROGRESS

In the course of the year:

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

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	GREEN

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
1.4	Number of RALU breaches resolved by a crofter or an owner-occupier crofter in breach of their residency duty by the Commission giving consent to the sublet of a tenanted croft, the short-term lease of an owner-occupied croft, or by a consent to be absent being given to a tenant or an owner-occupier crofter	34	No target (this is not a priority in its own right)	Records of administrative action

PROGRESS

In the course of the year:

- **12** Crofters resolved their breach by subletting their crofts
- **2** Owner-occupier crofter resolved their breach by obtaining consent to a short term let of their owner-occupied croft.
- **26** Crofters obtained consent to be absent from their crofts

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	GREEN

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
1.5	Number of RALU breaches escalated to the issue of a Notice of suspected breach of duty (section 26C), or a Notice providing an Undertaking (section 26D).	26	No target (this is an intermediate phase en route to KPI 1.6)	Records of administrative action

PROGRESS

In the course of the year, the Commission:

- Issued **57** notices of suspected breach of duty under section 26C(1)
- Considered in **3 cases** that there was a good reason not to issue a notice of suspected breach of duty under section 26C(1)
- Made **40** decisions that a crofter was in breach of duty under section 26C(5)
- Issued **16** notices providing crofters with the opportunity to comply with the duty within a timescale the Commission consider reasonable under section 26D(1)
- Made **11** decisions accepting undertakings to comply with the duty under section 26D(5).

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	GREEN

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
1.6	Number of RALU breaches concluded by tenancy terminations orders (section 26H), or approval of letting proposals submitted by owner-occupier crofters following a direction to do so (section 26J).	0	4	Records of administrative action

PROGRESS

In the course of the year, the Commission were satisfied that it was in the general interest of the crofting community to issue **5** Orders terminating the crofter's tenancy due to a breach of duty (**one** was initiated by a report of a suspected breach of duty under section 26A; **4** were initiated by the crofter reporting in their Crofting Census that they were in breach of duty).

In **2 of the 5** cases, prior to termination, the Commission were satisfied it was fair to divide the tenanted crofts under section 26G as in both cases there was a dwelling house on the croft which had not been decrofted.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	GREEN

Responsible Manager: Joseph Kerr

Our Outcome

2. COMMON GRAZINGS ARE REGULATED AND SHARED MANAGEMENT PRACTICES CONTINUE

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

Milestone	RAG Status	Responsible Manager	Details
<p>2a Ongoing - Contact all Grazings Committees whose terms are about to end, encouraging them to arrange the appointment of a new Grazings Committee</p>	<p>GREEN</p>	<p>Finlay Beaton</p>	<p>At the end of the fourth Quarter, the grazings team have maintained the number of grazings committees at 500 in office at the end of March 2023 for the fourth year running.</p> <p>It is noted that there are 23 Grazings committees who went out of office within the final quarter and so there is the potential for a high percentage of these grazings still to appoint a new committee.</p> <p>Our system of reminders is working well with the first reminder going out one month before the end of the term. If no response, then a reminder is sent out one month after the term completion with a further reminder at the 12-week period and we offer assistance if required throughout.</p>
<p>2b Ongoing – Maintain contact with shareholders of common grazings that have not returned a committee to office and establish contact with shareholders who have not had a committee for a longer period of time.</p>	<p>GREEN</p>	<p>Finlay Beaton</p>	<p>We continue to receive and respond to a high volume of communication from crofters regarding the required process for appointing a committee.</p> <p>The team continue to carry out special projects focusing on either specific areas or length of time where there has been no committee.</p> <p>In the coming months we will focus on 27 common grazings where a committee remained out of office in 2022.</p>
<p>2c Ongoing – Highlight to Grazings Committees and Shareholders the availability of the guidance, published February 2019, for effective management of common grazings. Respond to any questions for clarification.</p>	<p>GREEN</p>	<p>Finlay Beaton</p>	<p>We have a system in place, where once a new Committee goes into office, our good practice document is issued to the incoming Clerk.</p> <p>We also endeavour to obtain an email address for the Clerk to advise of any common grazing workshops/training when held in their area or online.</p> <p>The guidance is also made available at all our face-to-face workshops and also on our website.</p>

<p>2d Deliver a package of onsite training workshops which focuses on the formation, running and financial aspects of a grazings committee.</p>	<p>GREEN</p>	<p>Finlay Beaton</p>	<p>A total of 10 workshops have been delivered across the crofting counties over the 22/23 period with 139 participants attending.</p> <p>The workshops have been delivered through joint working with the Farm Advisory Service(FAS) so there is a minimal cost benefit for the Crofting Commission budget.</p> <p>Given the interest and the very positive feedback, the Farm Advisory Service have been successful in obtaining funding for a further round of workshops in the coming 23/24 period.</p> <p>We have also provided three Online Clerk Surgeries over the 4th quarter, again facilitated by the Farm Advisory Service with attendance averaging 20 people per session.</p> <p>Feedback for these surgeries has been very positive and it is envisaged that we will deliver more sessions in the 23/24 period if resources allow.</p>
<p>2e March 2023 – Publish guidance notes to clarify, as far as possible, how crofters can engage with supported schemes for tree planting and peatland restoration, after engaging with Scottish Government and other stakeholders.</p>	<p>GREEN</p>	<p>Arthur Macdonald</p>	<p>Information gathered and placed on Grazings section of the Commission website.</p> <p>27TH February 23 – Commission engaged with Woodland Trust to discuss avenues for crofters to take forward woodland and access financial support.</p> <p>29TH March 23 – Commission engaged with multi stakeholder representatives to review and discuss potential avenues for crofter involvement in peatland restoration schemes.</p>

PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure								
2.1	Maintain or increase in number of common grazings with a Committee in office.	497 Grazings Committees in office on 31 March 2022	Maintain at 500 or above	Administrative records								
<p>PROGRESS</p> <p>On 31st March 2023 there was exactly 500 Grazings Committees in office as per the Register of Crofts.</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> <p>Responsible Manager: Finlay Beaton</p>					Q1	Q2	Q3	Q4	GREEN	GREEN	GREEN	GREEN
Q1	Q2	Q3	Q4									
GREEN	GREEN	GREEN	GREEN									

Number	Aim	Baseline	Target/Indicator	Measure								
2.2	Increase in the number of grazings committees who have adopted the new template regulations.	3	Increase by at least 10 Commission approvals of new regulations submitted by committees based on the template.	Number of new grazings regulations approved which are based on the new template.								
<p>PROGRESS – This KPI remains a challenge for the team due to the increasing workload and the Grazings team being at a reduced level for the majority of the 22/23 period. There are a growing number of Grazings Committees who are keen to update their regulations with much of this interest coming from new Grazings committees and from promotion of the template at our Grazings workshops.</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> <p>Responsible Manager: Finlay Beaton</p>					Q1	Q2	Q3	Q4	RED	RED	RED	RED
Q1	Q2	Q3	Q4									
RED	RED	RED	RED									

Number	Aim	Baseline	Target/Indicator	Measure
2.3	Meetings or other substantial engagement with Grazings Committees and shareholders (as required) to support them with the regulation and management of common grazings.	16	No numerical target as this is in large part demand led	Records of administrative action. (Note that this covers different types of intervention: getting Committees into office; resolving medium size queries; and helping to address deeper issues.)

PROGRESS:

The Grazings team have responded to 373 queries on various common grazing subjects from a number of different sources (shareholders, committee members, landlords, developers, internal, and other public bodies) in the last 12 months.

A total of 10 workshops with 139 participants have been delivered at various locations across the crofting counties along with several online surgeries for.

The Grazings team have also been involved with 15 significant cases within the where there is a high volume of disharmony amongst the committee and shareholders. These cases generally involve a high volume of staff resource to deal with the issues raised.

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.	24	20 more townships researched in 2022/23	Records of administrative action

PROGRESS:

There have been 36 shareholding investigations carried out within the year which either focused on single shares or multiple shareholdings. These cases generally arise either through a request by the shareholder or in connection with a regulatory case. The team have also dealt with 47 requests for a list of all shareholdings within a common grazings with these requests coming from multiple sources such as Landlords, RPID and Grazings Clerks. These lists are checked prior to issue for items such as active sublets.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	GREEN

Responsible Manager: Finlay Beaton

Our Outcome

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

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

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

Milestone	RAG Status	Responsible Manager	Details
3a August 2022 – Next build of the Crofting Information System released and upskilling delivered.	RED	Aaron Ramsay	The new build of CIS, and the last before internal development moves to an AGILE model, is due to release in May / June 2023, after being pushed back from 5 th December 2022 due to server issues and data migration complexities. Currently user acceptance testing (UAT) is underway, with system testing and training material production complete. The release process for this build has been altered to include Board sign off due to the potential for strategic risks should the release fail in a very specific way, which the Board have approved.
3b August 2022 – Digital options for the majority of regulatory application types rolled out and fully functioning.	AMBER	Aaron Ramsay	Rollout of digital applications has recommenced with both Division types now available for professional bodies. All application types that account for the majority of applications received are now available digitally, which account for the majority of the technical system work. The Commission has engaged Brodies solicitors to carry out a full fraud risk review of the digital applications to support a decision to make all application types publicly accessible, which the Board will be asked to sign off in May 2023. All application types, except Apportionment, will be available digitally within Q2 of 2023, and new PDF forms will be rolled out at the same time. Apportionment will follow as soon as possible after a review of the process is complete.
3c August 2022 – Complete the expansion of the regulatory team through additional recruitment.	GREEN	Heather Mack	Considerable recruitment has taken place with 17 appointments taken up their posts following regulatory team recruitment exercises during 2022. These appointments have been for backfilling and new posts. Six new regulatory caseworkers started between January and March 2023.
3d August 2022 – Complete suite of governance documents specifying the process for CIS change	GREEN	Aaron Ramsay	A repeat audit has taken place which reviewed the areas for improvement identified in the previous CIS governance audit. This audit identified that many of the action have been met and discharged. Where documentation referred to the new AGILE method of CIS delivery the repeat audit noted that this could not be seen in practice as there was still no new release of the CIS, however the measures in place appeared to be correct.

PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure
3.1	Stability or decrease in median turnaround times (registered crofts, Tier 1 approvals)	Figures for 2021-22: Assignment – 12.9 weeks Decrofting CHSGG – 13.9 weeks Decrofting Part Croft – 25.3 weeks	Clear evidence that turnaround times are falling, by the final quarter of 2022/23	Time taken from application to notification of decision, <i>for cases where no registration is required</i>

PROGRESS

Average turnaround times for the indicator cases has shown some variability throughout the year and has shown reductions in the final quarter of the year. As the times have improved for the final quarter this means the target is achieved. Some errors with the data previously reported have been identified and are corrected for previous quarters below.

Q1	Q2	Q3	Q4
AMBER	AMBER	RED	ACHIEVED

	Approx Number of cases per year	Median weeks (2021-22)	Median weeks (2022-23 Q1)	Median weeks (2022-23 Q2)	Median weeks (2022-23 Q3)	Median weeks (2022-23 Q4)
Assignment	125	12.9	22	17.1	24.1	14.1
Decrofting Croft House Site	50	13.9	23.1	24.4	22.1	19.1
Decrofting Part Croft	100	25.3	28.0	25.4	27.4	24.1

Responsible Manager: Heather Mack

Number	Aim	Baseline	Target/Indicator	Measure
3.2	Decrease in number of live regulatory cases at a point in time	1087 on 31 March 2022	Reduce to 850	Number of live regulatory cases on 31 March

PROGRESS

The number of outstanding cases in the monthly report to management and the Board is 1052 for the end of March 2023. The case numbers are lower than the previous year (1087) but they are significantly off the target of 850.

Q1	Q2	Q3	Q4
AMBER	RED	RED	RED

Responsible Manager: Heather Mack

Number	Aim	Baseline	Target/Indicator	Measure
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3.3	Number of staff in the regulatory team that are trained in 13 of the key application types	One Casework administrators and 7 casework officers March 2022	Increase to 10 casework administrator and 9 casework officers	Number of staff that have progressed through the training for at least 13 application types
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PROGRESS

The training has progressed to the point where there is 20 staff trained in at least 13 of the main application types, exceeding the target of 19 staff.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	GREEN

Responsible Manager: Heather Mack

Number	Aim	Baseline	Target/Indicator	Measure
3.4	Substantial increase in number of regulatory cases discharged in the year	1517 in 2021/22	2000 (500 a quarter)	Total number of approvals and refusals during the year

PROGRESS

Cases discharged for 2022-23 total 1866, which is below the target of 2000. Despite not meeting the target significant progress has been made over the year, with the number of cases discharged increasing by 23 % (compared to the target increase of 32 %).

Q1	Q2	Q3	Q4
AMBER	AMBER	RED	RED

Cases discharged Q1	Cases discharged Q2	Cases discharged Q3	Cases discharged Q4	TOTAL
448	496	442	480	1866

Responsible Manager: Heather Mack

Number	Aim	Baseline	Target/Indicator	Measure								
3.5	Customer satisfaction rates		At least 80% of responses positive	Proportion of respondents answering 5 or 4 on the 5-point scale for overall satisfaction								
<p><u>PROGRESS</u> Reponses to the customer feedback form for the year to date has given an average score of customer satisfaction of 56.8 %. This is some way from the target indicator of 80 % positive responses.</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: Heather Mack												

Our Outcome

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

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

Milestone	RAG Status	Responsible Manager	Details
4a August 2022 – Ensure that the work of the development officers takes account of issues from across the crofting counties and that they are accessible to crofters in all areas.	ACHIEVED	Arthur Macdonald	Advertising for Crofting Area Representatives was published in February 23 and a reasonable response covering all crofting counties has been received and will be assessed in the next quarter 23/24.
4b September 2022 – Publish a revised and renewed Commission Policy Plan, reflecting the views of the Board of Commissioners in place after the elections.	ACHIEVED	David Findlay	The Policy Plan has been approved by Ministers and published.
4c Ongoing – Progress the Commission’s actions in the National Development Plan for Crofting.	GREEN	Arthur Macdonald	The succession planning project was further developed now under the auspices of the Crofting Commission. Impact assessments carried out and consultation with the Women In Agriculture team has taken place.
4d September 2022 – Review the Commission’s contribution to discussions with stakeholders and SG on the development of future support systems for crofting, in order to ensure its effectiveness.	GREEN	Arthur Macdonald	The Crofting Commission made representations at the Cross Party Group on Crofting stressing the importance of ensuring accessibility to future support systems for crofters and common grazings committees.
4e November 2022 – Make representations to the Scottish Government regarding desirable changes to crofting legislation.	GREEN	David Findlay	Commission is actively engaging in the Crofting Bill Group and contributed significant new proposals for consideration.

There are no Performance Measures for Outcome 4

Our Outcome

5. OUR WORKFORCE HAS THE RIGHT SKILLS AND MOTIVATION TO PERFORM WELL, OUR GOVERNANCE PROCESSES ARE BEST PRACTICE

By ensuring that our staff and Board Members have appropriate training and continued investment, we can develop a high-performing workforce. We will ensure that our organisation fulfils its legal requirements and contributes to the Scottish Government’s broader objectives for Scotland.

Milestone	RAG Status	Responsible Manager	Details
5a August 2022 – Implement automated retention schedule procedures within revised CIS.	RED	Aaron Ramsay	Implementation of retention functionality has been built into the next release of the CIS, due to go live in May / June 2023 for external documents, with internally generated documents to follow shortly afterwards.
5b August 2022 – To provide structured training for Commissioners and SMT, especially those who join the Commission in Spring 2022, to enshrine the principles of On-Board training in the working of the Commission.	GREEN	Bill Barron	A training plan for Commissioners is in place and is being implemented.
5c December 2022 – To clarify how the Commission will manage its historic information in line with data protection legislation, and take forward its Implementation.	AMBER	Jane Thomas	<p>This milestone is split into two parts; historic records held within the CIS and those held in paper format in file storage.</p> <p>The documents held in the CIS have an implementation plan to begin addressing this, however it is intrinsically tied to the release of the new CIS system as per item 3a, and as such cannot start until after the new system is live.</p> <p>Project carried out to upload all scanned Common Grazing files into the CIS database and will be available in the next release of CIS.</p> <p>New scanner purchased so file-weeding project to tackle historic files can begin in Q1 23/24.</p>
5d January 2023 – Implement hybrid working for Crofting Commission staff, in a way which permits recruitment of more staff who are dispersed across the crofting counties.	GREEN	Bill Barron	<p>Agreement reached with RPID that CC staff can use their offices in the Crofting Counties on a hybrid-working basis. This has allowed us to offer flexible location within permanent recruitments.</p> <p>The Commission has contracted an external health and safety organisation for 12 months. This fills the requirement for a competent person, and will also involve a full review of all H&S policies, including hybrid working.</p>

PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure
5.1	Increase in Employee engagement Index	62% in October 2021	Increase to 64%	SG people survey
<u>PROGRESS</u>				
The engagement index in the October 2022 survey had risen to 67%.				
Q1	Q2	Q3	Q4	
GREEN	GREEN	ACHIEVED	ACHIEVED	
Responsible Manager: Bill Barron				

Number	Aim	Baseline	Target/Indicator	Measure
5.2	Corporate carbon emissions	0.3 tCO2e in 2020/21 (much reduced by pandemic)	Below 5 tCO2e in 2021/22	Emissions from business travel by staff and Commissioners
<u>PROGRESS</u>				
Quarter 3: The Commission has published a 'Climate Emergency Charter' that was approved in principle by the Board on 27 September.				
Actuals for 2021/22 = 2.1 tCO2e against actual emissions from business travel which was the basis of the original target.. The Commission now has to record Homeworking emissions based upon a FTE equivalent formula. This equates to 16.2 tCO2e emissions relating to homeworking for 2021/22. Recommend that target/indicator is revised for 2023/24 to capture additional reporting requirements.				
Q1	Q2	Q3	Q4	
GREEN	GREEN	GREEN	ACHIEVED	
Responsible Manager: Neil Macdonald				

Number	Aim	Baseline	Target/Indicator	Measure
5.3	Redeploy efficiency savings within £3.9m core budget		3%	Funding redeployed as a result of efficiencies in existing operations
<u>PROGRESS</u>				
The Commission has invested £64k in a high specification file scanner in Quarter 4, which will allow the CC to scan its historic files that are currently stored externally, while providing longer term efficiency savings via reduced storage costs and external scanning costs. Overall 3% target met and additional detail will be published within statutory accounts for 2022/23.				
Q1	Q2	Q3	Q4	
GREEN	GREEN	GREEN	ACHIEVED	
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.

Risk Category	Risk ID	Risk Description	Controls in Place	Current Impact	Current Likelihood	Current Risk Score	Change to Risk explanation	Actions Planned	Controls Confidence Level	Target Impact	Target Likelihood	Target Risk Score	Target Date	Risk Owner	Date last updated
										25	2	50	Jun-23	Joseph Kerr	18/04/2023
Strategic	S1	Outcome 1: The Commission is seen as ineffective in tackling breaches of duty	New suite of RALU policies agreed by the Board. RALU team complement will be expanded by 2023 to seven B1s to deliver these policies in priority order. The scope of the work of the team was extended within existing resources in 2021/22 to include engaging with non-resident owner-occupier crofters and resident non-cultivating tenants. The work of the team was extended further in 2022/23 to include engaging with a sample of tenants and owner-occupier crofters whose address would indicate that they are in breach of the duty to be ordinarily resident on or within 20 miles (32 kilometres) of their crofts. In 2023/24 the work will be extended further to introduce the facility to investigate reports from members of the crofting community, grazings committees and assessors of on failure to reside and cultivate by landlords of vacant crofts.	25	4	100	Static	To extend the work of RALU team in 2023/24 to engage with non-census returners (both tenants and owner-occupier crofters) whose address would indicate that they are in breach of the duty to be ordinarily resident. To extend the work of the team in 2023/24 to investigate reports of occupiers of vacant crofts who are not residing on or near the vacant croft or cultivating or using the vacant croft for another purposeful use. In addition, the Scottish Government has launched an initiative to take its own action on duties in crofts where it is landlord, which has enabled the Commission to focus this year on breach of duties by tenants of private estates and owner-occupier crofters. Recent landlord events demonstrated a growing awareness by landlords and their agents of the work undertaken by the Commission in tackling breach of duty cases.	Reasonable	25	2	50	Jun-23	Joseph Kerr	18/04/2023
Strategic	S2	Outcome 2: Active use of common grazings declines	Support and guidance, coupled with face to face training courses are being provided to existing and new members of grazing committees. Reminders are being sent out to committees whose term of office will expire guiding them on the process of appointing a new committee. Projects to target long term out of office grazings committees have begun focusing on all grazings who went out of office and did not return since March 2020. The Development team are making contact with every new committee which goes into office to promote activity/development and diversification opportunities. Regulations work will be reactive until staffing situation returns to normal level	25	4	100	Static	Recruitment of a new Grazings officer to be carried out in the coming 1st Quarter 2023 to fill vacancy. A project focusing on common grazings committees who went out of office in 22/23 period will be undertaken to encourage a new committee to be formed. Funding through the Farm Advisory Service has been obtained for delivering a suite of further workshops in locations throughout the crofting counties. The Grazings team will continue to work closely with the development team to promote the active use of common grazings through both traditional methods and also the new development possibilities. The team will continue to work with committees and shareholders who are experiencing difficulties through mediation and/or application of the regulations as appropriate.	Reasonable	25	2	50	Jul-23	Finlay Beaton	13/04/2023

Risk Category	Risk ID	Risk Description	Controls in Place	Current Impact	Current Likelihood	Current Risk Score	Change to Risk explanation	Actions Planned	Controls Confidence Level	Target Impact	Target Likelihood	Target Risk Score	Target Date	Risk Owner	Date last updated
Operational	S3	Outcome 3: The regulatory backlog becomes unmanageable and continues to grow	Recruitment of Casework Officers and Regulatory Caseworkers has been ongoing throughout 2022 and early 2023 and the team is now at full complement of 31 staff (including registration staff). Training has been intensive over the last year and has resulted in the progression of 16 staff in regulatory casework processes. The most recent group of 8 staff to join the team have started their training. Extra steps introduced in response to the outstanding casework continues, including: an additional acknowledgment to applicants; more proactive management of the casework progression; and messaging shared on various platforms about how the situation will affect new and existing cases.	25	3	75	Static	The 8 newest members of the team have started training and this will continue as quickly as possible allowing time for staff to learn the range of processes, policy and legislative background. Whilst they will take several months to have enough training and experience once they do it will have a significant positive impact on the casework backlog. A planned change to the structure of the team will accommodate the new staff and allow for Regulatory Caseworkers to be associated with a specific geographical area which will help improve efficiency and customer service. The new Senior Casework Officers are putting in place new processes to ensure that queries and complex cases are progressed appropriately which should reduce pressure on the Regulatory Support Team and help improve the efficiency of casework through the system. The new release of CIS alongside the new process to raise, prioritise and progress change improvements will allow improvements to the speed and quality of casework processing. Further improvements beyond CIS processes are also in discussion.	Reasonable	10	2	20	Sep-23	Heather Mack	24/04/2023
Strategic	S4	Outcome 4: It gets even harder for young people to access crofts.	Website highlights the options available for those no longer wishing or able to use their crofts. RALUT & SGRPID have agreed a protocol for dealing with underused crofts within their Estates. RALU work expanded to tackle more owner occupier crofters. For those crofts which do become available for the Commission to let, we adopt a proactive policy to prioritise new entrants. Building links between Grazings and Development Teams to increase the interest in and availability of crofts for new entrants. Development team initiatives to promote 'living succession'.	10	4	40	Static	A third event for crofting landlords is being planned for Argyll area and the team will introduce an element relating to the impact of vacant crofts for communities and land. This will involve close liaison with the RALU team. Introduction of the new Crofting Commission Area Representatives and enhanced links with grazings staff and grazing committees will improve capacity to disseminate information on croft transfers. Investigation of an availability database for people seeking crofts and those offering crofts through extension of the SG Land Matching Service will continue. A project to assess the barriers to succession will be undertaken, initially in Uist, Barra and North West Sutherland with the results being used to inform actions across the entire crofting area.	Reasonable	10	3	30	Sep-23	Arthur Macdonald	18/04/2023
Strategic	S5	The Commission may be awarded "flat cash" through the next 3-4 financial years, resulting in a real world reduction in funding making it impossible to deliver its duties at the current level.	The Commission has reworked its medium term financial plan and created a blanked budget for 2023/24, however for 2024/25 and beyond a significant risk exists. The Commission Executive Team have raised this as a serious concern to the Audit and Finance Committee, who have escalated it to the Board for a strategic discussion.	25	4	100	Fallen	The Commission Executive Team have discussed the future projected budgets produced by finance, and finance have modelled worst to best case scenarios. Although projecting a minor overspend, the pay award remains unsettled and the Commission may be subject to a further backdated pay award for 2022/23, and the pay award for 2023/24 is unlikely to be confirmed until Q3/Q4. Finance team to monitor and present adjusted scenarios once more is known.	Reasonable	25	2	50	Feb-24	CEO	14/04/2023

Risk Category	Risk ID	Risk Description	Controls in Place	Current Impact	Current Likelihood	Current Risk Score	Change to Risk explanation	Actions Planned	Controls Confidence Level	Target Impact	Target Likelihood	Target Risk Score	Target Date	Risk Owner	Date last updated
Strategic	S6	The next release of the Commission CIS contains significant changes that, if the release fails, could carry strategic risk implications. If manifested, these risks could subject the Commission to legal, financial, or reputational damage.	The Board was presented a paper in March 23 detailing a modified release process for the next build of the CIS, which will see the Board presented with a pre-release report detailing the potential risks and Commissions level of confidence from various stages of testing. The purpose is to allow the Board to challenge the release and request any additional assurance as they feel appropriate to obtain a confidence level to agree the release.	5	2	10	New	The Board will be presented a paper covering the pre-release report in May / June, with a recommendation to ask for further assurance or sign off the release of the build.	Reasonable	1	1	1	May-23	Director of Corporate Services	14/04/2023

CROFTING COMMISSION MEETING

10 May 2023

Report by the CEO

Crofting Commission Draft Business Plan 2023-24

SUMMARY

This paper accompanies the Draft Business Plan for the 2023-24 financial year.

It is the recommendation of the CEO that the Board review the paper, including the revised targets, and consider approving.

BACKGROUND

The CEO presented the initial draft of the Crofting Commission Business Plan for the 2023-24 financial year at the February 2023 Board meeting. At this meeting the Board agreed the targets in principle, however this updated draft includes revised targets now that the final end of year position for 2022-23 is known.

The Board as asked to review the updated draft and the revised targets and offer any challenge or comment as the Board deems necessary before consideration is given to formally signing off the business plan.

Impact:	Comments
Financial	None
Reputational	None
Legal	None

RECOMMENDATIONS

It is the recommendation of the CEO that the Board review the paper, including the revised targets, and consider approving.

Date 27 April 2023

Author Aaron Ramsay, Director of Corporate Services

BUSINESS PLAN
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2023/24



CROFTING COMMISSION
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Contents

FOREWORD.....	3
PURPOSE OF THE BUSINESS PLAN.....	4
OUTCOME ONE – CROFTING IS REGULATED IN A FAIR, EFFICIENT AND EFFECTIVE WAY.....	5
OUTCOME TWO – CROFTING CONTINUES TO THRIVE AND TO EVOLVE.....	7
OUTCOME THREE – CROFTS ARE OCCUPIED AND USED.....	9
OUTCOME FOUR – OUR WORKFORCE IS SKILLED AND MOTIVATED, AND OUR GOVERNANCE PROCESSES ARE BEST PRACTICE.....	12
MEASURING SUCCESS.....	14
NATIONAL OUTCOMES.....	14
BUDGET INFORMATION.....	15

FOREWORD

2022/23 was a year of change and challenge for the Crofting Commission.

A new Board took shape, with 2 new and 2 returning commissioners elected in March 2022, and two new appointed commissioners in September 2023. As required, the new Board has moved quickly to issue a substantially new Policy Plan and Corporate Plan 2023-28. This Business Plan for 2023/24 is the first annual Business Plan based on the new Corporate Plan.

At the same time there were substantial changes in staffing. Following the independent report into our staffing requirements in November 2021 and a Business Case by the Commission in February 2022, in April the Scottish Government confirmed a significant increase in our funding, to permit expansion of the regulation & registration team, a new Executive Team structure with two new Director posts, and additional posts for our improvement, IS, crofting development and compliance teams. Implementing these changes required a great deal of recruitment, which continued throughout the year, and a substantially complete staff complement was in place by March 2023.

The expansion of staffing has allowed us to considerably strengthen our capacity for improving and developing our in-house IT systems, and work has continued on two major projects throughout the year. In the early months of the new financial year we should see a revamped internal casework management system, and a near-comprehensive provision for on-line digital applications. Later in the year we aim to deliver a facility for on-line checking of the status of a live case.

Alongside the IT projects, the main challenge for the Commission and our customers has been the continuing backlog of regulatory casework. The causes of this are many, including the increased complexity of regulation and registration demands, Covid-19, and losses of some key staff in 2021. However, with our expanded budget we have the capacity to overcome the problem. 2022/23 was the year in which the backlog peaked, in July 2022. Reducing it since then has been slower than we or our customers would wish, but with our new staff all engaging vigorously with training, our capacity will continue to increase. This Business Plan sets a target of eliminating the majority of the backlog during the current year, with turnaround times to improve.

To complement the expansion of the regulatory and registration team, the Commission has embarked on a far-reaching improvement plan to simplify and streamline regulatory processes wherever possible. Part of this is at our own hand, but equally important is the legislative changes which we believe are required. The Commission has worked with other crofting stakeholders to provide advice to the Scottish Government on the changes that would help improve crofting for ourselves and – more importantly – for crofters.

All of our teams, from the regulation and registration team through to development and grazings, Residency and Land Use, customer services, and the vital back office teams, are committed to regulating the crofting system fairly and efficiently, and to securing a strong and effective crofting system for the future.

Bill Barron – Chief Executive

April 2023

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 Executive Team and 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 2023-2028 are as follows:

Outcome One	Crofting is regulated in a fair, efficient and effective way
Outcome Two	Crofting continues to thrive and to evolve
Outcome Three	Crofts are occupied and used
Outcome Four	Our workforce is skilled and motivated, and our governance processes are best practice

OUTCOME ONE – 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 also seek 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 took place between February 2022 and March 2023. With an expanded team and a strong Board and management focus on processing casework, 2022/23 saw a 23% increase in the number of regulatory cases discharged, halting the increase of the backlog and beginning to reduce it. The aim for 2023/24 is to make a further significant increase in cases processed and see major reductions in the number of outstanding cases.

2023/24 will also see the culmination of two major IT projects, the revision of our internal Croft Information System and the wholesale availability of facilities for on-line digital applications.

Key Milestones

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

Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
1.1	Decrease in median turnaround times (registered crofts, Tier 1 approvals)	Figures for 2022-23: Assignment – 19.9 weeks Decrofting CHSGG – 23.1 weeks Decrofting Part Croft – 26.9 weeks	Assignment – 15 weeks Decrofting CHSGG – 18 weeks Decrofting Part Croft – 23 weeks	Time taken from application to notification of decision, <i>for cases where no registration is required</i>
1.2	Decrease in number of live regulatory cases at a point in time	1052 on 31 March 2022	Reduce to 800 or below	Number of live regulatory cases on 31 March
1.3	Increase in number of regulatory cases discharged in the year	1866 in 2022/23	2200	Total number of cases discharged during the year
1.4	Customer satisfaction rates	57% in 2022/23	At least 75% of responses positive	Proportion of respondents answering 5 or 4 on the 5-point scale for overall satisfaction

OUTCOME TWO – CROFTING CONTINUES TO THRIVE AND TO EVOLVE

The Commission has a responsibility to promote the interests of crofting, and to advise the Scottish Government about crofting issues. Our Policy, Development and Grazings team is in place to support crofters, those interested in crofting, and grazings committees alike. Along with other agencies we will do what we can to ensure that crofting communities continue to be resilient, and benefit from healthy turnover of crofts to new entrant crofters.

Narrative

In 2022/23, the Development Team and Grazings Team came together, forming a united team to focus on supporting crofting communities. The joint team has provided training sessions around the crofting counties, supported by the Farm Advisory Service. Our Grazings officers have continued to encourage grazings committees to be appointed by their shareholders, while the Development officers are developing a programme of support and communication, to help with croft turnover in particular. Failures of succession of crofts are a major headache for crofting communities, which can be tackled through succession planning.

The Commission is grateful to those who served as assessors during the last 5 years, and we have recently embarked on a recruitment exercise for “Crofting Commission Area Representatives” to work with us in the next period. The Policy, Development and Grazings team will be the key line of contact for CCARs, connecting the Commission to the heart of diverse crofting communities.

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	Encourage shareholders of common grazings, where there has been no grazings committee in office for a period of time, to form a new grazings committee to maintain and manage the common grazings.
2c	May 2023	Submit considered advice to Scottish Government on additional legislative changes for the proposed Crofting Bill
2d	July 2023	Recruit a panel of Area Representatives for 2023-2028
2e	July 2023	Launch campaign to encourage “living succession” within crofting
2g	Feb 2024	Deliver Training events for Grazings Committees/crofting communities/landlords

Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
2.1	Maintain or increase the number of common grazings with a grazings committee in office	500 Grazings Committees in office on 31 March 2023	Maintain at 500 or above	Administrative records
2.2	Establish correct shareholdings on common grazings by researching and updating records of shareholder situations.	36 townships with single or multiple investigations concluded	No numerical target as demand led. Investigation and response to be carried out within 28-day time period.	Records of administrative action
2.3	Meetings or other substantial engagement with Grazings Committees and shareholders (as required) to support them with the regulation and management of common grazings.	15 significant engagements	No numerical target as demand led. Aim to keep significant engagements below 20 cases through early intervention, provision of guidance, training and mediation as required.	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.)



OUTCOME THREE – CROFTS ARE OCCUPIED AND USED

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. 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 on 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
3a	June 2023	Write to a selection of tenant and owner-occupier crofters who have indicated in their 2022 crofting census returns that they are in breach of their duty to be ordinarily resident, obtaining their plans and intentions for resolving the breach and either issuing a notice section 26C(1) of the 1993 Act or establishing that there is a good reason not to issue a notice. .
3b	July 2023	Write to a selection of crofters and owner-occupier crofters who have not responded to the 2022 crofting census and whose address would indicate they are in breach of the residence duty. Should correspondence confirm that they are in breach then the case would be followed up in terms of 1a above.
3c	Aug 2023	Launch and publicise a system of investigating reports that owner-occupiers of vacant crofts are not resident on or within 20 miles (32 kilometres) of the croft and/or not working the croft, to determine whether a notice should be issued under section 23(5) of the 1993 Act requiring the landlord to submit proposals for letting the croft.
3d	Oct 2023	Write to a selection of tenant and owner-occupier crofters who have indicated in their 2022 crofting census returns they are in breach of the duty to cultivate the croft, giving information about their options. This will include both a selection of individuals who are also in breach of the residence duty, and those who are complying with their residence duty.

DRAFT

Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
3.1	Number of formerly vacant crofts let by the landlord or the Commission following the Commission initiating action under the unresolved succession (section 11) or vacant croft (section 23) provisions of the 1993 Act.	7	At least 45 permanent resolutions to breaches of duty, unresolved successions or vacant crofts delivered through Commission action (numbers will be reported separately for 3.1-3.4 but the target relates to the total of the four categories of intervention)	Records of administrative action
3.2	Number of RALU breaches resolved by a crofter or an owner-occupier crofter (i) in breach of their residency duty taking up residence on their croft; or (ii) in breach of their duty to cultivate and maintain the croft resuming cultivation and maintenance of the croft.	5		Records of administrative action
3.3	Number of RALU breaches resolved by the assignation or renunciation of a tenanted croft, or the letting or sale of an owner-occupied croft.	28		Records of administrative action
3.4	Number of RALU breaches concluded by tenancy terminations orders (section 26H), or approval of letting proposals submitted by owner-occupier crofters following a direction to do so (section 26J).	5		Records of administrative action

OUTCOME FOUR – OUR WORKFORCE IS SKILLED AND MOTIVATED, AND 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, including the reduction of carbon emissions.

Narrative

In 2022/23, the annual scrutiny by our external auditors confirmed that we have made considerable strides in implementing the recommendations of the 2021 Audit, resolving some longstanding tensions in the Commission's governance structure and putting our constitution on a firm footing.

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.

Every year we will update our Medium-Term Financial Plan and Workforce Plan, and take part in the civil-service-wide People Survey, to ensure we take account of the views of staff. The People Survey in October 2022 gave good scores for most of the indicators, and we will seek further improvement, focussing on the training, engagement and job satisfaction of our staff.

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.

Key Milestones

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

Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
4.1	Increase in Employee engagement Index	67% in October 2022	Maintain at 67% or above	SG people survey, October 2023
4.2	Business Travel corporate carbon emissions	Business travel 2.1tCO ₂ e in 2021/22	Below 5 tCO ₂ e in 2022/23	Emissions from business travel by staff and Commissioners
4.3	Redeploy efficiency savings within £4.17m core budget		3%	Funding redeployed as a result of efficiencies in existing operations

MEASURING SUCCESS

In our Corporate Plan 2023-2028 we identified a set of high level performance indicators which are reflected in this Business Plan as shown:

High Level Indicator	2023/24 Business Plan
Reduce regulatory application turnaround times	1.1
Improve customer satisfaction rates	1.4
Reduce the number of live applications awaiting decision	1.2
Keep the number of grazings with a committee in office above 500	2.1
Increase the number of breaches of duty resolved by Commission action	3.1-3.4
Improve our staff engagement rating	4.1
Reduce our corporate carbon emissions	4.2

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.

The Crofting Commission has been allocated grant in aid of £4.170m for 2023/24, 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 2023/24, we can estimate the cost of delivery for each outcome which is indicated in the table below based on the associated salaries, plus any other costs (for instance for our use of Great Glen House).

Corporate Outcome	Approximate Cost
1. Crofting is regulated in a fair, efficient and effective way	£2,254,000
2. Crofting continues to thrive and to evolve	£ 513,000
3. Crofts are occupied and used	£ 772,000
4. Our workforce is skilled and motivated, and our governance processes are best practice	£ 631,000

* Further information can be sourced from the Crofting Commission Medium-Term Financial Plan and Workforce Plan.

CROFTING COMMISSION MEETING

10 May 2023

Report by the Chief Executive

Review of Commissioner Training Plan

SUMMARY

The Board is asked to consider the Training Plan at Annex A and confirm it is a complete record for 2022/23 and to advise on the selection of training to be prioritised in the coming year.

BACKGROUND

Training is an essential element in assisting and supporting Commissioners in their role. A comprehensive 5-year programme was developed in 2017 for the previous iteration of the Board but several members felt this was too top-heavy, with too much training delivered in Year 1 and that a training plan for the Board after the 2022 elections should be more broadly spread across the Board's lifetime.

Therefore, the plan for 2022/23 focused on selective elements. The training delivered or offered to date is shown in detail on the table at **Annex A**.

CURRENT POSITION

Following the Wider Scope external audit in 2021, the Deloitte Report recommended at 2.9 that the Commissioner training plan should be subject to Board approval and updated annually. The Board should further set out clearly how the training plan has been decided upon.

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

As well as the 2022/23 training detailed at **Annex A**, the plan also includes a range of training sessions to be organised over the coming months. Several of these build on activity already offered, in order to expand the knowledge of the Board.

The majority of training sessions are delivered in-house but, when appropriate, sessions such as the in-depth look at the role of the Audit Committee, are outsourced to experts in a particular field.

As a follow-up action to the Deloitte report, since 2021/22 a log recording attendance at training events has been kept. The current log is shown at **Annex B**. To maximise attendance, Head of Compliance would welcome any suggestions from the Board relating to changes in the way training sessions are arranged, for instance the timing of events.

Information and materials associated with Commissioner training are held on the Commissioners' page of the intranet. This page represents a toolkit for Commissioners, which they can dip into and which can be added to, if requested.

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

RECOMMENDATION

It is recommended that the Board endorse the training proposed for 2023/24 and offer suggestions for any further training sessions and any changes to delivery arrangements.

Date 9 March 2023

Author Jane Thomas Head of Compliance & Business Support

TRAINING FOR COMMISSIONERS 2022/2023/2024

Theme	Subject	Delivery date	Completed	Comments
Role of a Board Member	Interface with Sponsor Division	31/03/2022	Yes	Delivered at Board Meeting (also offered to appointees)
	Briefing on Deloitte Issues	31/03/2022	Yes	As above
	Public Bodies Unit On Board Induction session	25/05/2022	Yes	Only one Commissioner attended. No further course available until Sept 2023
	Public Bodies Unit online modules x 3	Portal made available from March 2022		Two Commissioners have completed the online modules
	Corporate & Business Plans	tbc		Session to explain planning cycle and interface with sponsor
	On Board training with David Nicholl	9/02/2023	Yes	
	Scrutiny & Challenge	27/06/2023		How to influence well/interaction between executive and non-executive
	Induction Pack	March 2022/Sept 2022	Yes	Reference pack gathering all key documents in one place
Role of the Commission	Introductory session on IS Projects and Regulatory backlog	31/03/22	Yes	Also covered in various Board Meetings
	Overview of stages involved in Regulatory Casework	18/05/22	Yes	
	Casework overview Pt1	24/10/22	Yes	
	Casework overview Pt2	28/10/22	Yes	
	Tier 3 decision-making, to include overview of crofting legislation and potential for legislative change	18/05/23		
	Briefing on work of Grazings team	18/05/2023		
	Briefing on work of Development team	18/05/2023		

Theme	Subject	Delivery date	Completed	Comments
Governance Essentials	Declaring Interests and Code of Conduct essentials	20/05/22	Yes	Delivered by Standards Commission
	Online modules x 2 on Code of Conduct and Declaring Interests	Offered from Dec 2022	Yes	Modules developed by Standards Commission
	Code of Conduct essentials	02/02/23	Yes	Delivered by Standards Officer
	Information security & Information handling (FOI/GDPR)	11/05/22	Yes	
	UK GDPR refresher	04/04/23		
	FOI/EIR refresher	16/05/23		
	Audit committee training	07/02/23	Yes	
	Effective Risk Management	12/04/23		
	Equality & Diversity	To be arranged		
	Bullying & Harassment	04/05/22	Yes	Also offered to appointees
	Overview of T&S system	Offered in March/Sept		No-one accepted invitation
Media	Media Protocol included in Induction Pack			
	Media training	tbc		To be arranged when new Convener and CEO appointed
IT	Commissioners offered individual support by IS team			
	Protocols on Acceptable Use	Circulated to Board November 2022	Yes	Updated protocol circulated for acceptance in March 2023

Monitoring Training Report	John Kerr on role of Sponsor Division	CEO/Convener on Deloitte Issues	Commission Solicitor on Policy Plan	Session on regulatory backlog	IS Team Project Overview	Bullying & Harassment	GDPR/FOI	Overview of stages involved in processing regulatory casework	Code of Conduct	On Board Induction
	31 March 2022	31 March 2022	31 March 2022	31 March 2022	31 March 2022	04/05/2022	11/05/2022	18/05/2022	20/05/2022	25 May 2022
	Andrew	Not appointed yet	Not appointed yet	Not appointed yet	Not appointed yet	Not appointed yet	Not appointed yet	Not appointed yet	Not appointed yet	Not appointed yet
Colin	✓	✓	✓	✓	✓	X	X	X	X	X
Donald	✓	✓	✓	✓	✓	X	X	X	✓	X
Duncan G	✓	✓	✓	✓	✓	✓	X	✓	✓	✓
Duncan M	Not appointed yet	Not appointed yet	Not appointed yet	Not appointed yet	Not appointed yet	Not appointed yet	Not appointed yet	Not appointed yet	Not appointed yet	Not appointed yet
Iain	✓	✓	✓	✓	✓	✓	X	X	✓	X
Mairi	✓	✓	✓	✓	✓	✓	X	✓	✓	X
Malcolm	✓	✓	✓	✓	✓	X	X	✓	✓	X
Rod	✓	✓	✓	✓	✓	✓	✓	✓	✓	X

T&S Overview by Head of Finance September 2022	Casework Overview Part 1 - 24 October 2022	Casework Overview Part 2 - 28 October 2022	Standards Commission 18 January 2023	Code of Conduct 02 February 2023	Audit Committee 07 February 2023	On-Board Training 09 February 2023	Statutory Board Induction 03 March 2023
X	✓	X	✓	X	✓	✓	X
X	✓	✓	X	✓	X	✓	n/a
X	✓	✓	X	X	X	X	n/a
X	✓	X	✓	✓	X	✓	n/a
X	X	X	✓	X	X	X	X
X	✓	X	X	✓	X	✓	n/a
X	X	✓	✓	X	✓	✓	n/a
X	✓	X	✓	✓	X	✓	n/a
X	X	X	✓	X	X	✓	n/a

CROFTING COMMISSION MEETING

10 May 2023

Report by the Chief Executive Officer

Regulatory Casework Update

SUMMARY

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

Throughput of Regulatory Applications

The number of applications and notifications discharged during the last three months is reported to be **480**. This compares with 448 for Q1, 496 for Q2 and 442 for Q3. The leaves a deficit of 33 for the reporting year 2022-23, which is a significant improvement on the deficit from the year 2021-22 of 355. However, the Commission has failed to meet its target of 2000 discharges for the year. Further details are provided in **Figure 1**, below.

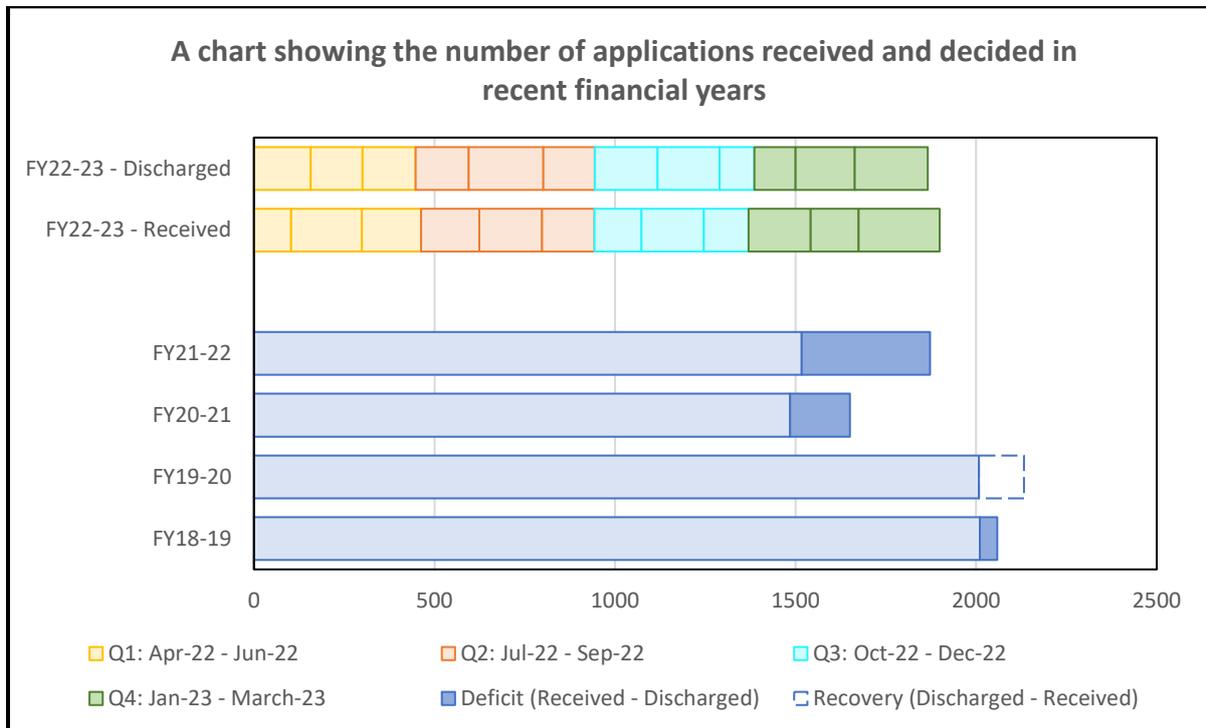


Figure 1 – The number of applications received¹ and discharged² in recent financial years. The solid blue bars represent the total applications received for each financial year. In addition to this the darker blue and dashed outline represents the deficit and surplus of applications discharged respectively.

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

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

The outstanding balance of undecided applications at the end of March 2023 is reported to be 1052, yielding a three-month rolling average of **1054** for the estimated balance at the end of February. The historic trend is shown in **Figure 2**, below.

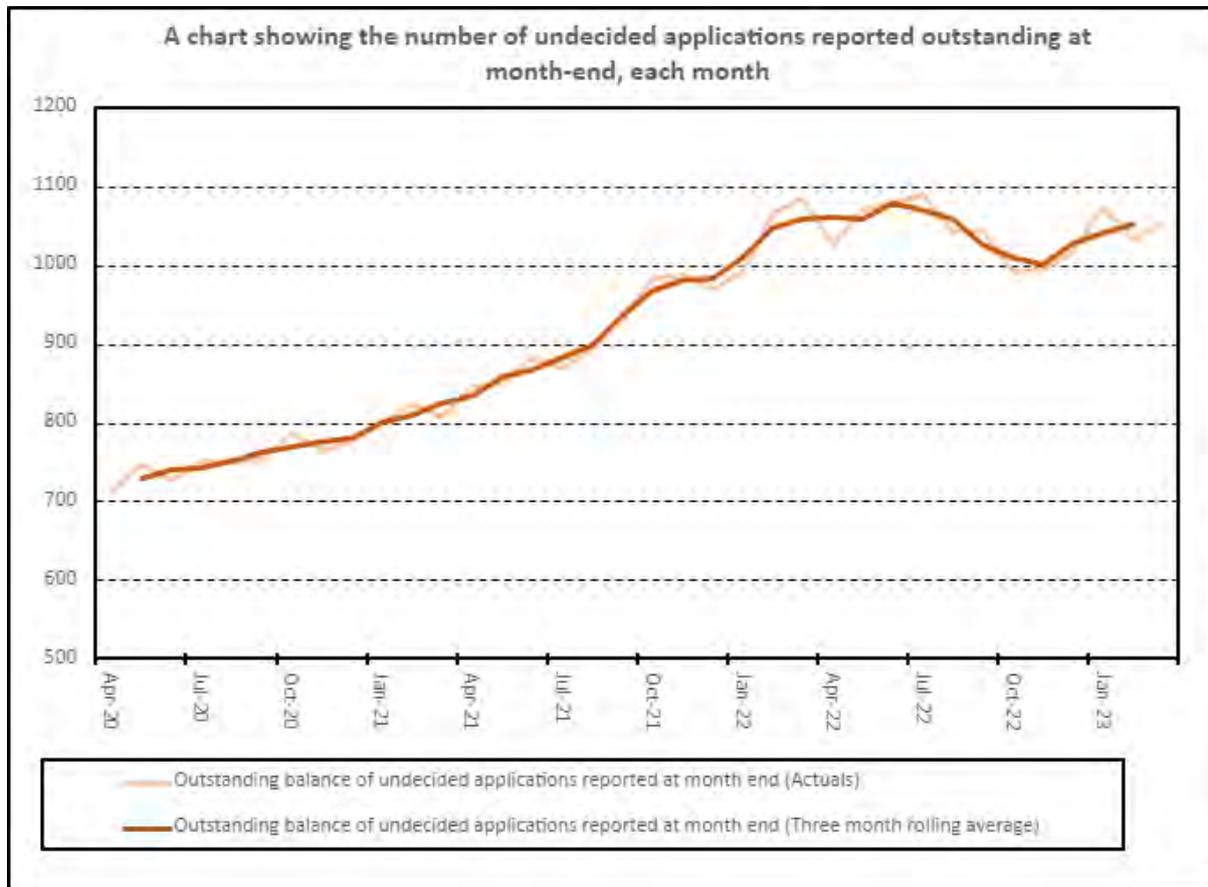


Figure 2 – The numbers of applications estimated¹ to be awaiting decision at month-end, as a three-month rolling average and as reported actuals.

The average (mean) discharges for the year 2022-23 is 155.5 cases a month. The target for the next financial year is 2200, which would require an average of 183.3 cases discharged per month.

Impact:	Comments
Financial	There will be an enduring requirement for higher staffing levels to deliver regulatory casework.
Legal/Political	Casework delays can have negative implications for the ease of regulatory decision-making and have reputational impacts for the Commission.
HR/staff resources	Sustained high volumes of outstanding regulatory casework mean ongoing pressure on staff resources in casework teams and beyond.

¹ New applications must be assumed to be valid and complete, until they are assessed to be otherwise, creating uncertainty in the total number of valid, complete applications awaiting decision at any point in time. There can also be some variation in the number of applications waiting to be recorded as received at the end of each month so the three-month rolling average is thought to provide a more reliable indicator of performance than the reported actuals.

RECOMMENDATION

The Board is invited to note the latest iteration of the monthly statistics about the throughput of decision-making on regulatory applications, as of 20 April 2023.

Date 20 April 2023

Author Heather Mack, Head of Operations

CROFTING COMMISSION MEETING

10 May 2023

Report by the Chief Executive Officer

Regulatory Training Programme Overview

Summary

This paper presents an outline of the regulatory training programme which new Regulatory Caseworkers and Casework Officers need to follow to provide them with the training to conduct their roles.

BACKGROUND

The full paper, attached at **Annex A**, was discussed by the Executive Team on 14 March 2023. The training programme is fundamental to the regulatory work of the Crofting Commission. It has been more crucial than ever before over the last 2 years due to staff turnover (9 staff left the team over the 2021-22 reporting period) and the expansion of the team by 8 new staff in 2022. The training programme continues to be crucial currently as many staff in the regulatory team are at various stages in their training and the strong commitment to reduce the overall number of outstanding casework and improve case turnaround times.

Some Commissioners have questioned the length of time it takes for a new recruit to master the training to the point where they are fully fledged Regulatory Caseworkers or Officers. The paper presents the factors that contribute to this, including the amount of knowledge of law, procedure, process and policy that the staff need to master. Alongside this there is a wide variety of croft and crofter scenarios, leading to a wide variety of complications that can arise with cases. This gives rise to the comment that no two cases are the same. The extent of the ongoing support and problem solving provision is notable, which is provided by the Training Officer, line managers, Senior Caseworkers, the Regulatory Support Team and the solicitor.

Some key points raised by the Executive team are discussed as follows:

- a. **Could the training programme be speeded up?** There is a very steep learning curve for staff embarking on the training programme. The concern would be if shortcuts were taken then it would negatively impact on the quality of the work and would create more work to fix issues that will arise when cases have been processed incorrectly. The training programme has already been sped up considerably since the introduction of dedicated resources to deliver training. Ongoing improvements are being worked on to the quality and speed of training, but they are relatively small scale. Efficiencies and simplifications to regulatory processes and legislation have potential to reduce the training programme more significantly.

- b. **How does training fit in with the wider quality control strategy?** The training programme is fundamental in ensuring that regulatory cases are processed correctly and consistently and that the Register of Crofts is maintained accurately. This is supported by checks of casework processing when a case is assessed at Tier 1 or at subsequent Tiers by Casework Officers, Senior Casework Officers and the Regulatory Support Team. The quality control will be expanded further once a geographical system is put in place for regulatory caseworkers which will allow more consistency and oversight within the geographical areas. A further checking system will be put in place by the Senior Regulatory Casework Officers over the 23-24 period to ensure consistency in specific processes.
- c. **How will the training evolve as the Commission moves into a period with fewer numbers of staff in training?** The training will easily adapt to lower numbers of staff in the training programme and it will mean greater resilience in this area. It will allow the Training Officer more time to dedicate to the ongoing development of staff across the whole organisation and the Senior Casework Officers more time for complex casework and to contribute to process improvements.
- d. **Could the training programme be adapted in terms of the order of delivery?** The training programme is delivered in a certain order to build the understanding of the staff in logical steps to give them the quickest route to becoming fully trained. The programme can and is changed in terms of the order of modules to suit current casework levels. However, this can have a detrimental effect on the overall progress of the training if it is not done carefully and with an understanding of the cohort. The rarest case types are typically not delivered in the module fashion and they are just delivered as and when cases arise.

Impact:	Comments
Financial	There is an ongoing requirement for sufficient staff to deliver the training programme.
Legal/Political	The length of time to train new staff is a key consideration in terms of regulatory casework and in particular with recent challenges of staff departures and a high volume of casework.
HR/staff resources	High numbers of staff in training have meant pressure on the staff delivering the training.

RECOMMENDATION

The Board is invited to take note the of regulatory training programme and ask any questions about it.

Date 20 April 2023

Author Heather Mack, Head of Operations

REGULATORY TRAINING

Board Paper: March 2023

*How the Commission builds capability across A and B band
regulatory caseworkers*

Glen Knott – Regulatory Training Officer

Contents

Introduction 2

Training Overview 4

- 1. What does induction training look like? 4
- 2. What does legal training look like? 4
- 3. What does desk training look like? 4
- 4. What does group work look like? 5
- 5. What does consolidation look like? 5
- 6. What does mentoring and coaching look like? 5
- 7. What does Admin & IT training look like? 6
- 8. What does Procedural Guidance training look like? 6

How do we assess and measure the impact of the training? 7

Summary 7

Questions to pose 7

Annexes 8

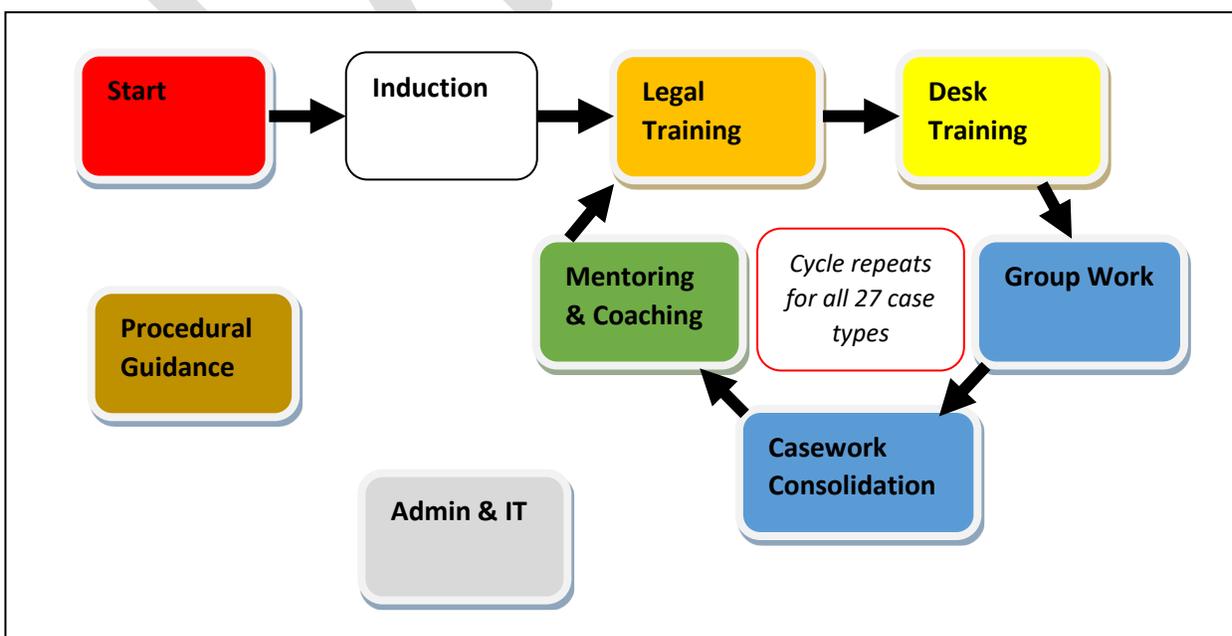
- Annex 1 – Training Matrix as at 10 March 2023 (Current position of the team) 8
- Annex 2 – Training Programme order and average timings 9
- Annex 3 – Training breakdown by subject (Induction / IT / Admin) 10
- Annex 4 – Training breakdown by subject (Legal / Desk) 11
- Annex 5 – Random Sample of Training Forum Questions 13
- Annex 6 – Trainee Feedback on training and the A/B role 14
- Annex 7 – Sample Desk Notes for one function (Decrofting Croft House Site & Garden Ground) 16

Introduction

This paper outlines the training delivered to regulatory caseworkers at both A and B band level. For the purposes of this paper, training is split into different categories:

1	Induction Training <i>First 2-4 weeks</i>	Induction, Meeting the teams, IT set up, Admin set up, E-HR, Flexi, CIS, CC overview, H&S, PLPs, Mandatory CSL.
2	Legal Training <i>2 hour session every 4-6 weeks</i>	Legal tutorials lead by the Head of Regulatory Support over 21 functions
3	Desk Training <i>1-5 hours per function every 4-6 weeks</i>	Desk process broken down in stages, led by the Regulatory Training Officer over 27 case types
4	Group Work <i>2 hour sessions following desk training</i>	Shared live cases worked collectively, led by the Regulatory Training Officer
5	Casework Consolidation <i>4-6 weeks from desk training</i>	Individual casework undertaken by trainees to practice
6	Mentoring & Coaching <i>Daily</i>	Support, Q&A forums on Teams, one-to-one supervision and group casework reviews lead by the Regulatory Training Officer for A stage work / led by Complex Casework Officers for B stage work.
7	Admin & IT <i>2 hours, periodically</i>	Training delivered by teams across the Commission on subjects such as CroftView, FOI requests, SARS, GDPR, Complaints Handling.
8	Procedural Guidance <i>2 hours, periodically</i>	Procedural guidance updates, legal seminars and policy changes delivered by RST.

Commission training follows a ‘continual professional development’ model. Once the initial induction of one-off overviews concludes, regulatory function skills are delivered as starting points for experience-based learning over 12 to 18 months. While training may begin as fixed points in the calendar, “sign off” per function is a graduated aim measured by individual consensus, concluding various case stages and the complexity of casework.



The knowledge requirements for regulatory staff at the Commission are unique and challenging due to the need to understand the legislation, policy and process, in addition to the vast range of croft and crofter scenarios. Please refer to Annex 6 for some comments from current A band trainees on the training and learning requirements.

For many years the Commission did not have a Training Officer. In 2020 a Training Officer role for A stage work was created and an Officer role delivering training/mentoring for B stage work was also established. At this time it was typical to be training around 2/3 staff. However, since early 2022 the Commission had had much higher number of new staff join than usual so it has been more efficient to start the training in blocks of several staff rather than start each staff member off individually as soon as they join. At present there are 3 groups in training of between 4 and 7 staff in each. This is by far the highest numbers of staff in training that the regulatory team has had at one time.

Supplementary to the Training Officer roles, training is delivered from Regulatory Support, Team/Line Managers, IS/L&D/H&S/Compliance Officers and SG Directorate to staff at both A and B grades. It is 'learning' rather than 'training' that makes up the bulk of the 12-18 month cycle. Active learning via mentoring and coaching is a key element to the learning, whereas the training sessions involve a lesser amount of time. Typically, regulatory caseworkers begin processing work within 2-3 weeks of joining the Commission and then more functions are added gradually over the 12-18 month time frame until a caseworker can accept all application types at any stage.

The training diet and timetable has proved to be extremely successful across both bands, providing consistency, stability and reducing traffic to other B band staff during the pressures of the backlog.

The structured training program is primarily for the A band training and the B band training is focused around mentoring. However the B band staff need to have gone through some, and ideally all, of the A band training program before they progress to B band work.

Training Overview

1. What does induction training look like?

- Induction training is delivered by a range of staff, as detailed in Annex 2.
- Induction covers the initial welcome to the Commission, IT set up and Admin overviews.
- Sessions vary from 30 minutes, 1-2 hours and whole days, but ideally conclude within the first 2-4 weeks of joining.

2. What does legal training look like?

- Legal tutorials are delivered by the Head of Regulatory Support.
- Tutorials cover 21 core regulatory functions, plus further tutorials on 'Regulatory Process', 'Deemed Crofts', 'Objectors', 'Stakeholders' and 'Crofting Terminology'.
- Sessions last between 1 and 2 hours each, and are attended live via Teams, with recordings of the most up to date session saved for revision/absence purposes. Attendance to all tutorials takes place over 12 to 18 months. As detailed in Annex 4.

Legal tutorials are the first stage of each 'core function' training. They provide an overview of the law, policy and procedures around each core function, with reference to both process and the Act. Tutorials are requested by the Regulatory Training Officer at around 4-6 week intervals to allow the other learning elements (desk training, group work, consolidation and mentoring/coaching) to conclude before progressing to the next function in the programme.

3. What does desk training look like?

- Desk training is delivered by the Regulatory Training Officer.
- Regulatory Desk Training covers the practical application of 27 different case types, plus further IT software packages and administrative tasks.
- Desk sessions take place after the legal function tutorial has been delivered, usually on a 4-6 week interval. As detailed in Annex 4.

Desk training is an overview led by the training officer. It covers the following elements: familiarisation with CIS, MARS and the ROC; the mechanics of casework within CIS; the application form and requisite data accuracy checks; the application of law, policy and procedure to the current case; stages of each case cycle (application capture, validity, incompleteness, evidence and consultation, decision stage, registration and ROC updates/conclusion). Further to this, navigation of caseload, emails, good working practices and general regulatory principles. At the early stage of the programme, due to the volume of points to address, desk training is split over 5 separate sessions, each running between 1-1.5 hours.

As the programme progresses, repetition and revision of some aspects of casework allow later functions to be covered with 2-3 desk sessions, then latterly 1 session.

Most case functions have minimum timeframes of 16 weeks, so training, mentoring and revision track the progress of live cases and are delivered in relation to need. Using Digital Directions as an example – this is covered during the initial CHSGG desk training (sessions 3&4), but for the trainee's own cases this won't come up as a task for an average of 12 weeks so further revision and support is required.

Training follows a pathway model, beginning with one function – Form A First Registration – but as months progress, training overlaps. By the time Short Term Letting is covered (7th function on the list), elements from all 7 previously covered subjects come up as training points throughout a caseworker’s weekly tasks. Consolidation, repetition and revision are core essentials in learning this subject.

4. What does group work look like?

- Group work is led by the training officer and shared among each trainee in attendance.
- Group work includes live walkthroughs and casework practice of current cases.
- This follows both the legal and desk function training, bridging the gap between an initial overview and self-lead consolidation.

This allows for active participation among the remaining trainees who did not lead during desk training, plus further demonstration, observation, opportunities to take notes and Q&A for those who did. Once a couple of examples have been explored, fresh cases are allocated to all attendees to continue the work on their own.

5. What does consolidation look like?

- Self-led casework by each individual trainee
- Practice in the recently learned case type, as well as managing competing tasks and priorities for their existing caseload.
- Consolidation takes place following legal, desk and group work sessions. This time usually runs for 4-6 weeks after each subject.

Following legal, desk and group training, cases are allocated by the Regulatory Manager to all parties completing each particular subject. Casework varies from applicant to applicant, area to area and croft to croft. Although training aims to cover the “80 over the 20”, there are too many anomalies to cover every possible problem during the initial overviews. For this reason, desk training covers the core ‘normal’; group work irons out common problems; and consolidation allows time to build up case experience and see errors, policies, procedures and applications in action.

Cases do not end when a decision is taken. Follow up registration requirements such as processing Form Bs, registration updates and administrative elements such as creating new units or updating the ROC add more tasks to the process. Cases also take an average of 16 weeks to process, so adequate time is required for each element of a case to be covered properly.

6. What does mentoring and coaching look like?

- A grade stages for both A & B staff are covered by the Regulatory Training Officer; B grade stages for B staff are covered by the Complex Casework Officers and RST.
- Mentoring and coaching involves a mixture of group and one-to-one guidance, across Teams chat, email, group meetings and one-to-one video calls.
- This takes place all day, every day, although casework review sessions are set twice a week (A grade) and once a week (B grade), with one-to-one’s set up throughout the calendar.

Mentoring and Coaching is broken down across a range of methods:

Casework Teams Chat Group: Teams group chat comprising 17 participants in the A grade forum and 13 participants in the B grade forum. Questions are raised throughout the day, with trainees submitting queries, screenshots of case stages, maps and links. These are addressed by the trainers so that all trainees at varying levels may benefit from both the question and the answer. Teams chat also allows questions to be raised with minimal disruption, banking them until an answer is provided. Please see Annex 5 for some examples of these.

Casework Reviews: Every Tuesday and Thursday morning (A grade, led by the Regulatory Training Officer) the casework review is a drop-in live 45 minute session where people can share their screens, present case problems, raise concerns about incorrect wording or workflows and make improvements to our processes.

Casework Reviews: Every Wednesday morning (B grade, led by the two B2 Senior Casework Officers) the casework review allows current B1s in training to raise procedural queries, seek help and support through the Tier system / delegated decision making. These sessions cover considering parameters, gathering evidence, considering objections and objector validity, requesting SGRPID reports, preparing case papers for Tiers 2 and 3, preparing cases to present at Tiers 2 and 3 and mentoring for complex enquiries.

One to One: Live support booked in the calendar per trainee to go over their general caseload, looking at particular cases, stages and processes that may require guidance or assistance. These sessions also extend to preparing and drafting letters, referring cases to senior colleagues and evidence gathering to move a case forward.

Revision Desk Training: As more functions are covered it is often necessary to revise functions that were covered earlier in the course. Attendance to both the legal and desk elements of revision is encouraged across the whole team, with live sessions and recordings supporting this approach.

7. What does Admin & IT training look like?

- Admin and IT training is delivered across the Commission, including the Training Officers, GIS, Compliance and IS teams.
- Changes to IT practices, CroftView, Freedom of Information requests, Subject Access Requests, GDPR, Complaints Handling and other Commission-wide compliance training in line with SG policy.
- A mix of one-off and refresher sessions are dotted periodically throughout the year.

8. What does Procedural Guidance training look like?

- Commission Policy and Procedural updates are delivered by the Head of Regulatory Support, RST and the Commission Solicitor.
- These updates cover policy, procedural guidance, legislative changes, SLC determinations and legal talks pertinent to the Commission and its wider work.
- Sessions typically last under 2 hours, and are delivered periodically throughout the year. Certain guidance is disseminated by email, with explanatory overviews scheduled to follow.

How do we assess and measure the impact of the training?

The matrix presented in Annex 1 shows the direct result of the training program which is used by the Operational Delivery Manager to allocate cases to staff according to their training level. In addition to the number of functions a staff member can process, their efficiency and accuracy might also be expected to improve, both of which is monitored by line management and other senior staff. This may include number of cases in their tray, numbers processed, general enquiries processed, the complexity of cases dealt with and the degree of research required on cases. Staff retention and promotion will also be an important indicator of success.

Summary

Points to summarise:

- Legal training, desk training, group work, consolidation, mentoring and coaching are all elements that contribute to building regulatory caseworker resilience within the team.
- ‘Training’ should be distinguished from ‘learning’ – and it’s fundamentally learning that takes time.
- Training is shared among Head of Regulatory Support, Regulatory Training Officer, RST, individual line managers, Senior Casework Officers, Team Leaders, H&S Officer, L&D Officer, Compliance Officer and SG Directorate trainers.
- Caseworkers typically start working in the Commission within 2-4 weeks of joining. They learn on live casework, so “training” should never be mistaken for “not working”.
- Training is not conducted in isolation – as each function is taken on, trainees juggle existing work with the new subject to be learned.
- There are other elements to the Caseworkers role which should be considered when measuring output including case creation, regulatory inbox queries, short term working groups (e.g. digital applications).
- A confident and structured training programme helps build a strong team morale, boosts staff retention and contributes to the Commission being a great place to work.
- The Commission is making a considerable investment in training regulatory staff and so retaining trained staff is a valuable outcome.

Questions to pose

1. The Commission has made an investment in training with the recruitment of a dedicated training officer. Is there anything further that should be done to ensure the resilience and effectiveness of this key function?
2. The Commission is currently in an unusual situation of a challenging caseload alongside the high number of staff recently recruited and requiring training. In response to this staff have been training in groups which has meant considerable efficiency savings and has benefits as the staff are learning within a peer group. This approach may not be possible in the future as recruitment of individual staff may be necessary. How should we handle this especially in light of how long the current staff will remain in training?
3. Should we consider how we can use the experience and extent of the regulatory training program to benefit other teams and their training?

Annexes

Annex 1 – Training Matrix as at 10 March 2023 (Current position of the team)

The table below highlights in red subjects and functions that are not yet covered by members of the A band and recently promoted B band caseworkers. All areas in green and blue show subjects that are either completed or capable of being worked. Orange displays recently covered legal tutorials, where further training is currently scheduled. Each column represents a member of the team (N.B. names have been removed).

	Jun 21	June 21	Nov 21	Mar 22	May 22	Jan 23	Jan 23	Mar 23	Mar 23	Mar 23	2019	2019	June 21	Oct 21	Oct 21	Oct 22						
CC Overview (Line Manager)																						
• Intro to CC-ARE-Civil Service	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• Meet the Teams (All CC)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• H&S Induction (Mark)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• L&D / PLPs	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• E-HR & Flexi	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
IT Packages																						
• IS Induction (Kin)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• Adobe DC Set up / Licenses	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• Portal Permissions	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• ROC / CIS (GJ / IS)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• MARS	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• Outlook - Quickparts	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• Edge - Shortcuts	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• Croftview (SH / GIS)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• CSL Online	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Regulatory Overviews																						
• Intro to Crofting (JK)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• Process & Terminology (JK)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• Trailings (JK)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• Stakeholders (JK)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• ROS / SLC / RPID	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• Planning	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• Newspapers	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
General Enqs • Overview	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
General Enqs • Case Creation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Regulatory Case Creation																						
Decrofting • CHSGG	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Decrofting • Part Croft	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Decrofting • Whole Croft	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Decrofting • S 17/18 Fau	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Registration • Form A	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Registration • Form G	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Deemed Crofts	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Assignment • Croft	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Assignment • % Share	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Subletting	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Short term letting	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Change of Ownership • LLVC	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Change of Ownership • LL	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Change of Ownership • PBT	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Change of Ownership • OOC	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Registration • Form B	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Succession • Testate	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Succession • Intestate	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Division • By Tenant	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Division • By OOC	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Letting • Whole	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Letting • Part	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Renunciation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Apportionment	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Create a New Croft	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Enlargement	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Exchange	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
50B																						

Annex 2 – Training Programme order and average timings

The table below shows the breakdown of subjects covered and the average times that each section takes to complete. These times are averages as the end result per function takes into consideration: the number of trainees in a group; their own uptake and comprehension; absence and annual leave.

TRAINING SCHEDULE		Items and functions covered outwith the schedule
1 (4-6 weeks)	CC Overview (Line Manager)	
	• Intro to CC-ARE-Civil Service	
	• Meet the Teams (All CC)	
	• H&S Induction (Mark)	
	• L&D / PLPs	
	• E-HR & Flexi	
	IT Packages	
	• IS Induction (Ken)	
	• Adobe DC Set up / Licenses	
	• Portal Permissions	
	• ROC / CIS (GJ / IS)	
	• MARS	
	• CSL Online (Pathways)	
	• Outlook - Quickparts	
	• Edge - Shortcuts	
	• Croftview (SH / GIS)	
	Regulatory Overviews	
	• Intro to Crofting (JK)	
• Process & Terminology (JK)		
• Triaging (JK)		
• Stakeholders (JK)		
2 (6 weeks)	General Enqs • Overview	Deemed Crofts
	General Enqs • Case Creation	
	Regulatory Case Creation	Decrofting • S 17/18 Feu
3 (6 weeks)	Registration • Form A	Deskwork Overview
	Decrofting • CHSGG	• Good Practices & Hacks
	Registration • Form G	• My Desk
	Decrofting • Part Croft	• Telephones
	Decrofting • Whole Croft	• Visitors
4 (6 weeks)	• ROS / SLC / RPID	• Information Management
	• Planning	
	• Newspapers	
5 (4 weeks)	Assignment • Croft	Registration • Form E
	Registration • Form B	Registration • Form F
6 (6 weeks)	Subletting	NOW B2 functions
	Short term letting	
	Change of Ownership • LLVC	
	Change of Ownership • LL	
7 (4-6 weeks)	Change of Ownership • PBT	Enlargement
	Change of Ownership • OOC	Exchange
	Succession • Testate	50B
8 (4 weeks)	Succession • Intestate	
	Division • By Tenant	
9 (4-6 weeks)	Division • By OOC	
	Letting • Whole	
10 (2 weeks)	Letting • Part	
	Renunciation	
11 (4 weeks)	Create a New Croft	
12 (4-6 weeks)	Apportionment	

Annex 3 – Training breakdown by subject (Induction / IT / Admin)

INDUCTION, IT & ADMIN TRAINING		
<i>Induction Training</i>	<i>Covers</i>	<i>Delivered by</i>
Overview of CC	Introduction, Vision Statement, Welcome	Recruitment managers
Meet the Teams	Department overviews, covering Regulatory, RALU, IS, GIS, Registration, Compliance, CACS, Grazing, Finance, Legal and SMT.	Recruitment manager, delivered by Team Leaders per team.
Introduction to Crofting	Legislative overview of Crofting Acts (1886-2010)	Head of RST
Register of Crofts	Digital ROC, ROC Online, Green Books, Landlord Returns, Parish Lists, Paper Croft Casefiles and Grazings files.	Head of RST RST Reg Trainer
RoS, RPID and the SLC	Overview of our partner organisations	Reg Trainer
Health & Safety	Desk Assessment, Equipment & Requirements	HSLO
PLPs / L&D	Personal Learning Plan, training requirements and mandatory training	Self-lead, discussed with Line Manager
<i>IT Training</i>		
<i>IT Training</i>	<i>Covers</i>	<i>Delivered by</i>
IS Induction	Set up laptop, log ins, accounts, Virtual Desktop	IS Team
CIS Overview	1 day tour of the system	IS Team
MARS Overview	Tour of the programme, Step by step walkthrough of attaching documents to cases	Reg Trainer
CroftView	Tour of the programme, Account set up	GIS
MS Office	Word, Excel, Outlook, Teams, Sharepoint, Edge Set up, shortcuts, useful hacks	Reg Trainer
CIS Good practice	Summary Notes, Initiator Dates, Mail types, Stopping the Clock	Reg Trainer
<i>Admin Training</i>		
<i>Admin Training</i>	<i>Covers</i>	<i>Delivered by</i>
Good work practices	Productivity, time management hacks, Office Etiquette, meeting prep, comms standards, when to use email vs teams, naming conventions.	Line Manager Reg Trainer
Telephones	Call handling, voicemail, useful scripts. Handling difficult customers.	Line Manager Reg Trainer Compliance Team
Visitors	Best practices, useful scripts.	Line Manager Reg Trainer
GDPR & Data Management	GDPR legislation Special Category Data	Compliance Team Line Manager
Frontline Complaints	Logging procedures, referrals to team managers and compliance	Compliance Team
Freedom of Information Subject Access Requests	Procedures, guidance, timescales, records.	Compliance Team
Newspaper Advertising	Placing Adverts, Approved titles, Account management, Proofing, Invoicing & Corrections	Reg Trainer

Annex 4 – Training breakdown by subject (Legal / Desk)

LEGAL & DESK FUNCTION TRAINING		
Training	Covers	Delivered by
General Enquiries	Regulatory Inbox, Creating this case type, search & retrieval exercises on the ROC	Reg Trainer
First Registration Form A	Legal Tutorial, Forms, Guidance, Desk Training: Case Processing, Validity/Incompletion, GIS reqs, ROS reqs	Head of RST Reg Trainer
First Registration Form G	Form Template, Desk Training: ROS/ROC data reqs	Reg Trainer
Subsequent Event Reg Form B	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, Finance, ROS reqs	Head of RST Reg Trainer
Rectification Form F	Overview with Registration team, Forms / ROS guidance, CIS process and correspondence	Registration Team Reg Trainer
Decrofting CHSGG	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, GIS reqs, ROS reqs, Digital Directions	Head of RST Reg Trainer
Decrofting Part Croft	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, GIS reqs, ROS reqs, Digital Directions, Public Consultation & Objectors	Head of RST Reg Trainer
Decrofting Whole Croft	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, GIS reqs, ROS reqs, Digital Directions, Public Consultation & Objectors	Head of RST Reg Trainer
Decrofting S17/S18 Feu	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, GIS reqs, Feu Charter Docs, ROS reqs, Digital Directions, removing house site only holdings.	Head of RST Reg Trainer
Assignment of Croft Tenancy	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, ROS reqs, Public Consultation & Objectors, Notification slip	Head of RST Reg Trainer
Assignment 3(4) Share	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, ROS reqs, Public Consultation & Objectors	Head of RST Reg Trainer
Subletting	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, GIS reqs, ROS reqs, Public Consultation & Objectors, Missives and Notification Slip	Head of RST Reg Trainer
Short Term Letting	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, GIS reqs, ROS reqs, Public Consultation & Objectors, Lease Agreement	Head of RST Reg Trainer
Change of Ownership – OOC	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, ROS reqs, Title Deeds, Section 19D competency	Head of RST Reg Trainer
Change of Ownership – PBT	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, ROS reqs, Deeds, S19B Definitions of OOC, Deemed Crofts	Head of RST Reg Trainer

Change of Ownership – LL	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, ROS reqs, Title Deeds, Title Deeds, Nominee purchasing	Head of RST Reg Trainer
Change of Ownership - LLVC	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, ROS reqs, Title Deeds, Nominee purchasing	Head of RST Reg Trainer
Letting – Whole	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, GIS reqs, ROS reqs, Public Consultation & Objectors	Head of RST Reg Trainer
Letting - Part	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, GIS reqs, ROS reqs, Public Consultation & Objectors	Head of RST Reg Trainer
Division – By OOC	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, GIS reqs, ROS reqs, Public Consultation & Objectors, Planning	Head of RST Reg Trainer
Division – By T	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, GIS reqs, ROS reqs, Public Consultation & Objectors, Planning	Head of RST Reg Trainer
Testate Succession	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, ROS reqs, succession timescales	Head of RST Reg Trainer
Intestate Succession	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, ROS reqs, succession timescales, Confirmation of Estate	Head of RST Reg Trainer
Renunciation of Tenancy	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, ROS reqs – non trigger updates	Head of RST Reg Trainer
Create A New Croft	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, GIS reqs, ROS reqs, Public Consultation & Objectors	Head of RST Reg Trainer
Apportionment	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, GIS reqs, ROS reqs, Public Consultation – 2 sets of advertisements, Objectors, planning/SSSIs and correspondence.	Head of RST Reg Trainer
Enlargement of Tenanted Croft	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, GIS reqs, ROS reqs, Public Consultation & Objectors	Head of RST Reg Trainer
Exchange of Croft Land	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, GIS reqs, ROS reqs, Public Consultation & Objectors	Head of RST Reg Trainer
Resumption	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, SLC process, ROS reqs, CC Consultation period, Objectors, CIS recording of SLC documents.	Head of RST Reg Trainer
50B	Legal Tutorial, Forms and Guidance, Desk Training: Case Processing, Validity/Incompletion, GIS reqs, ROS reqs, Public Consultation & Objectors	Head of RST Reg Trainer

Annex 5 – Random Sample of Training Forum Questions

<p>What's the format when a d/c case falls as they didn't get the Form B in within the three months? I sent a letter and closed the case. Now, obviously, the agent says 'sorry, was I supposed to send a Form B here?' !!</p> <p>They have to re-submit don't they? but can use the same form?</p>	<p>Morning guys. I have a Form A and Assingation case for a Grazing share that is already registered. Do I close the Form A case and inform them we will need a Form B if approved?</p> 
<p>Can a partner act as an agent for someone permanently if we have written confirmation of this, or do we only accept power of attorney?</p>	<p>Short term let of whole croft and croft is not registered. We need a map dont we?</p>
<p>Hey. Its been a month and a day since decision letters were issued for an assingation but i still have not received a notification form. Does this lapse ? or have they still got time to rectify this? (the workflow is confusing me a tad)</p>	<p>Sorry to be Twenty Questions Tony but I have a BoT that is at the hold in abeyance until First Registration process complete. At what point can I consider that complete enough to continue? i.e., this one is now registered on RoS as of two days ago and the case is with GIS Final Extents. Is that enough for me to finish the BoT case? The change of tenant is also now registered on RoS.</p>
<p>With a first reg/CHS&GG application, applicant is listed as tenant on the ROC but supporting documents confirm he is the owner since 2002, does a change of ownership form need to be submitted & effected before application can be processed? Thanks</p>	<p>I have an assingation where the proposed new tenant is acting as agent for the outgoing tenant (his mother) and provided a signed letter to this effect.</p> <p>I take it this means both decision letters go to him as opposed to one going to his mother?</p>
<p>I have a question...Applications in for first reg and CHS&GG. Form A application is not signed nor dated but Decrofting application is, do I return Form A? Also no Appendix 2 for Decrofting, as applicant is a tenant, do I send both back? many thank yous</p>	<p>I have a division where the RoC is showing the croft extent as 31.26200 ha but the 2 crofts are 19.664ha and 28.812 ha which would obviously add up to more than 31. The maps have been passed by GIS, am I okay to proceed?</p>
<p>Question of the day...where would you go to look for a copy of an original feu charter? There is a copy of the charter (1988) but not of the map that should have been attached to it.</p>	<p>I have an assingation where the proposed new tenant has stated they want to build a new residence on the croft, but have not secured planning permission. Is this material to the application's validity, or just something I note in evidence for the B1?</p>
<p>I have a short term let and a PC decrofting for the same croft. The STL is for the croft excluding proposed decrofting. Will I just do the decrofting case first ?</p>	<p>Quick question - Assingation, final steps where there is a subtenancy in place. Is the subtenant written to to advise assig is effected from the assig case or does that get dealt with in the subtenancy case? I ask because I have letters for app, LL's, Assignee and interested parties (GC etc), but nothing for subtenant?</p>

Annex 6 – Trainee Feedback on training and the A/B role

Learning regulatory casework is not only a highly complex task but can be challenging for anyone who has no outside knowledge of crofting. I myself hold a degree in Law and find aspects of regulatory training to be harder than my degree studies. The trainer, however, takes the time to explain the whys and wherefores behind crofting law in order to build a strong foundation for regulatory caseworkers.

B1 - 15 years Retail Management, 4 years Legal experience

When joining the Commission I expected normal administrative duties, however it is far from that. The job is both challenging and fulfilling, I have never experienced anywhere near as much training and responsibilities in any other job. It is definitely hard to get to grips with and takes a lot of effort and attention.

A4 – 5 years of admin and customer service

Have been in training for nearly a year now and the tutorials from RST and desk training from the Trainer are a really good start, but they are only a start. They cover the basic legalities and the basic process but the real learning actually comes from the consolidation period of working the case types just learnt and encountering the many variations you receive. Group case walkthroughs, Teams chat and one to ones with the Trainer help a lot but there are is a huge amount of information and scenarios to gain experience in.

A4 - 11 years as Project Manager for a chemicals company

I have found my Commission role far more difficult than other jobs I have had. From a training perspective, as a Coastguard Officer I had a variety of trainers ranging from University Maths and Physics professors, Ex Ships Captains, and high-ranking military professionals. At university I have been taught by 24 different legal professors over the past 3 years who have staggered between lectures and tutorials. I also have a range of various other qualifications. The Regulatory Trainer is one of the best trainers I have had: we have been given well communicated, clear training/training material and an excellent level of support while we consolidate... but no amount of training can compensate for awful records, over complicated procedures, outdated and old fashioned computer systems, additional duties such as case creation which take up 6 months of my working year, and the very esoteric and complex nature of the subject and questions which arise from it. In my previous role I worked 12 hour shifts using 4 computer screens at the same time and 11 different computer programs, some of which demanded mathematical formulas and accurate positioning data calculated under high pressured emergency situations. I had no issue using these systems and considered myself very computer literate before I joined the Commission. For further context, I have found being in charge of demanning oil rigs, dealing with sinking boats on fire, and searching for bodies to be simpler than the work we have to do here. Some of the subjects I have studied during my degree have been really challenging, such as constitutional law however I still find that compared to the nature of the crofting law combined with the set up in the Commission, constitutional law was easier in comparison. I really feel that the level of understanding required to do this job effectively is more akin to a vocational related masters level degree study. Even with that though, a law student is required to do a year of postgraduate study, but then have to be subject to a two year traineeship before they can practice as a Solicitor. Something like that in my view would be appropriate for this job.

A4 - Coastguard Maritime Officer of the Watch / Ops Officer, Law student

Excellent training programme, well set out, not too fast paced. Support from the trainer and the group members has been invaluable. I enjoy the complexities of crofting, each case makes you think harder than the last. I enjoy research, finding solutions and achievement. I always thrive on a challenge but being put into regulatory training can only be described as being put on the "struggle bus".

A4 – 18 years Civil Service (DWP / Nature Scot / Crofting Commission)

I enjoy the role of casework administrator and find it to be challenging and rewarding however, the role has more in common with managing involved legal cases than processing application forms. This is due to crofting legislation (and the regulatory framework derived from it) being so uncommonly involved and counter-intuitive, that unless an application is submitted to us in perfect condition, the scope of variables involved with its repair is so vast that it inevitably slows the process down. Speed of learning and quality of work are also inversely proportionate in this job; due to the reasons mentioned above, there is no way to learn the procedures quickly and still retain quality of work. During my legal training, I was not allowed to undertake any crofting work until I had completed a significant amount of conveyancing training, as the legal nuances were considered far too complex without a grounding in property law in general.

A4 - BA, M.Litt, LLB, Dip. Legal Practice / Uni Tutor, Legal Admin in Crofting Law firm

Processing regulatory casework can be a mixed bag, requiring a good grasp of the function and patience to read carefully and make the necessary notes. Other cases require a lot of further research. I appreciate that it must be difficult to train people in on the initiative side of things. In crofting you could look at the simplest case and see problems (seek the cracks and ye shall find) but its deciphering which of these need actioned that can sometimes be a challenge. The over-arching theme of all the work is initiative. By this I mean knowing what to flag up/nip in the bud (requiring help from senior staff/RST etc) and what to deal with yourself (contacting agent/applicant etc). I think having to do case creation when you don't have a relatively solid grasp of the functions is a recipe for disaster. Not only does this make extra work for people further down the line but it can also rattle the confidence of the newer staff and perhaps put people off the job. I think the regulatory inbox is far more work than is let on by upper management and personally I think it should be a job in its own right. When I do reg inbox I get very little casework done for the guts of a week.

A4 - Applied Ecology HNC, Environmental Resource Management BSc / Woodland Management

Annex 7 – Sample Desk Notes for one function (Decrofting Croft House Site & Garden Ground)

Voluntary Form As go straight to the Registration Team to process. For ‘trigger’ Form As, the Form A and the Regulatory Function should be worked in **tandem**. We always begin with the Form A First Registration case. It will instruct you half-way to check for Regulatory Applications, which is your cue to then jump through to the Decrofting case and progress that, before coming back to the Form A case and completing those steps. For already registered crofts, progress the CHSGG case first – a Form B will not be required until after the decision letters are issued.

Stage 1 – Application Capture: Read / assess forms, complete checklist, verify details, get maps checked.

Stage 2 – Valid Application: If the checklist is good and the maps are good – application is valid.

Stage 3 – Evidence Gathering: Complete the evidence list, then pass to B1

Stage 4 – Decision: T1/DDM by B1; escalated to T2 or T3 if out with parameters

Stage 5 – Issue Decision: Create direction, get it signed, then issue letters to all parties.

Stage 6 – Registration:

- First Reg – Owned: Form G to RoS at the decision letter stage, direction effected immediately
- First Reg – Tenanted (AoP): 5 years to buy, plus 3 months to notify. Await purchase slip, Form G to RoS.
- Already Reg – Owned: Await Form B within 3 months of decision.
- Already Reg – Tenanted (AoP): 5 years to buy and submit Form B.

First Reg Form A triggers – You should come here from the ‘Check Outstanding Regulatory Applications’ Step 8 in the Form A Desk Notes

Subsequent Event Form B triggers – Start here at step 1

1: CHSGG - Check ROC record

Always start with the croft – check the ROC record, stakeholders, open/closed case list, notes etc.
View Application Form (Case Docs > External Docs > RIGHT CLICK View Document)
Read through the form, comparing the info provided with what we have on the ROC.
Take notes if necessary – this initial assessment will set you up for the next steps.

2: Attaching & Confirming Documents

Confirm Mail – initiation doc & case date

Attaching Docs

As this case has been created for you, there will be documents already attached. Check that these are the correct docs for the case – if they are, please confirm them.

ATTACH additional doc(s) to the case using **MARS** (separate instructions should be available)

Any newly attached documents should show up on the case documents tab as 'not confirmed' – the next step is to go in and confirm each one. If a case was created by someone else and passed to you, follow the instructions from this point onwards.

Confirming Docs

Case Documents > External Documents; **RIGHT CLICK** on the document in question, and select **CONFIRM**.

'Initiation Document' is the document that started off the case, so for a CHSGG application we'd use this category for the application form. There should only be one 'initiation document' – but other document types are delineated below:

- Application Form – *Initiation Document*
- Cover Letter – *Case Document*
- Map – *Map*
- Appendix 2A – *Initiation Document Appendix*

For any follow up correspondence, a later submitted map, new application form etc you must **confirm** these are the current documents and **amend** the previous ones, for example:

- Previous Application Form – Initiation Doc > Invalid Application
- Previous Cover Letter – Case Document (No change)
- Previous Map – Map > Case Document
- New Application Form – Initiation Doc
- New Map – Map

Set type from drop down list if not chosen, then:

- For Initiation docs only: POST UPDATE > MAKE INITIATOR DATE AS POST RECEIPT > CONFIRM > OK
- For all other documents: POST UPDATE > CONFIRM > OK

3: Adding Stakeholders

Back on the Overview, click **AS PER INITIATOR DATE** and the Stakeholder button will become available.

Click **STAKEHOLDER** to open the stakeholder window. Existing parties on the croft will be listed below. The **FILTER** button and **NEW PERSON** button are for stakeholders not listed on the croft.

3A: Adding Existing Stakeholders	3B: Searching for Other Stakeholders
Click on the stakeholder from the list below.	Choose Case Only 0 or Incoming 0 then press FILTER button.
<p>RIGHT CLICK > Set ></p> <p>Case Only – no change to the ROC record Incumbent – stays on the record as they are Incoming – new, to be added to the ROC record Outgoing – to be removed from the ROC record</p>	<p>Search using the person search pop up. Select individual from the list below, then press CLOSE. Choose new role from the dropdown list (gen public / interested party / individual) then click SAVE</p>
	3C: Creating New Person
<p>For Form A: Applicant/Agent should be the only stakeholder; marked as Case Only; marked purple as applicant.</p>	<p>Choose Case Only 0 or Incoming 0 then press NEW PERSON button. Complete details of new person using the info you have, then press SAVE</p>

<p>For CHSGG: Agent – Case Only (marked purple) Tenant – Incumbent (purple if applicant / no agent) Landlord and/or Landlord Agent – Incumbent If OO – Incumbent If LLVC – Incumbent / Outgoing if it's their whole interest.</p>	
<p>If setting case only, choose role from the dropdown list (gen public / interested party / individual) then click SAVE Agents acting on behalf of the crofter are usually 'Crofter Agent' or 'Interested Party', depending on the option available. Roles for stakeholders can include: tenant, landlord, owner occupier, crofter agent, grazing clerk, interested party etc. Clicking Applicant marks the applicant as purple in the main stakeholder list for ease of reference.</p>	
4: Summary Box	
<p>The Summary box is essential for every case you ever do. Think of it like a Post It Note on the front of the case folder. The audience for this summary is mainly: You – It's your case, these are your notes to help remind, prompt and keep you on track. CACS – If they get a call, it's easier to check the summary than delve into the case. B1 / Reg Team – You'll hand most cases to a B1, so a quick trail of the case is useful to them. The info should be <i>clear, brief</i> and <i>accurate</i> so that all readers can get up to speed with the case. Summary Notes can also be edited and tidied up as a case progresses.</p>	
<p>Title Form A summary note: ***FORM A*** triggered by D/C CHSGG Title CHSGG summary note: ***D/C CHSGG*** will be Form G if approved (for First Reg cases) Title CHSGG summary note: *** D/C CHSGG*** will be Form B if approved (for already reg cases)</p>	
<p>12/08/2021: Brief line about what you've done // Initial each entry you do so readers know // (GK) Click SAVE and this will save your update and close the summary at the same time. We'll come back to this throughout the case.</p>	
5: Linking Registration Case / Tagging	
<p>Linking Registration Case Registration ID Box > Double Click > Link Case: Yes. Choose the First Registration Case from the list by selecting it, then click CLOSE. Tagging applies less to Form A and CHSGG cases, but it's useful to be aware of it at an early stage. We normally tag cases at the very start purely for statistical purposes. For any of the applicable tags in the list, CLICK on the tag name, then the [>] button to add it to the list.</p>	
6: Workflow	
<p>WORKFLOW tab, press START WORKFLOW button, then RIGHT CLICK on the start process step, choosing PROCESS</p>	
<p>This opens up the workflow steps. Each step has 'current', 'documents' and 'next'. Click on NEXT to go to the next step in the process.</p>	
<p>Attach application documents to case – you can select this step and choose NEXT as you've already done this.</p>	
7: Complete Caseform - CHECKLIST	
<p>The caseform is made of up multiple tabs: ROC Updates, CheckList, Evidence, Decision, Case Maps and ROS. At this stage we're only concentrating on the checklist.</p>	

Complete Checklist Tab: QUESTIONS	GUIDANCE
Is the subject applied for entered in the Register of Crofts as a croft?	This is to confirm that the croft applied for is on the ROC – as the case has been created for you, we’re just checking it’s for the right one.
Is the applicant entered in our records as the tenant, owner occupier crofter or landlord of a vacant croft?	Only these statuses are eligible to apply for CHSGG – executors cannot, nor can landlords of tenanted crofts.
If the applicant is the landlord, is the croft or the area applied for vacant?	Only LLVC can apply for a CHSGG Decrofting – that being said, circumstances are rare so check with a B1 before progressing.
If the house site applied for is situated on the common grazings or runrig land, has the area been apportioned?	Check Q9 in the form. If the site is not on CG land, ignore this question. If it is on CG land, confirm that the area was apportioned.
The applicant is not a Constituting Landlord?	They’re not eligible to apply – again, confirm that the applicant is T, OO or LLVC only.
If the applicant is the tenant, do they have the right to buy or if they have waived the right to buy, do we have evidence that the landlord has agreed to sell the area if the application is approved?	Check the ROC – Conditions of Let Varied. If they haven’t been, the tenant has the right to buy. If they have been varied, double check the T&Cs as the right to buy may not be the condition that was varied.
Is this the first application by the applicant(s) to decroft the croft house site and garden ground on this croft?	Check the ROC notes / Previous case list / Green books for previous CHSGG directions, in the same name as the applicant. If none, progress. If there is one, ensure it was effected – if so, application is invalid.
Has the current version of the application form been completed? If no, is it less than 2 months since this version was retired?	Discretion is essential for this question – check the overall state of the application. If the form is current, progress. If it’s a year out, but in good shape – check with B1. If it’s older than 1 year out, request a fresh application.
Have all of the relevant questions on the application form been answered?	If any are missing, request that the applicant addresses these (can be done by email).
Is the structure wind and watertight?	Q6 – confirm their answer.
Has the form/notification letter been signed and dated by the applicant(s), their solicitor(s)/professional agent(s) or authorised agent(s)?	Signature AND date are both essential.
Does the site contain only ONE house? (There should NOT be more than one house and no agricultural buildings included within the site applied for. However, it is acceptable to include other buildings ancillary to the croft house and used solely for domestic purposes, e.g. garden shed or detached garage. If in doubt, consult senior colleagues).	One house only; other buildings, barns etc – the whole application should be a PART CROFT DECROFTING. Garden sheds – discretionary, check with B1.

If No, application is INVALID	
There are no additional buildings located within the site applied for or we have evidence ALL additional buildings are ancillary to the house and used solely for domestic purposes. (If in doubt, consult senior colleague).	Additional buildings / agri buildings may be explained as for “domestic purposes”. If this info is supplied in the form, use their comments to update your evidence summary note. If unexplained, triage the application to ascertain more information.
If No, application is INCOMPLETE.	
If the agent is not a solicitor, have we received written confirmation from the applicant that they authorise the signatory to act as their agent?	Solicitors, SAC consultants and other agricultural agents are all exempt – we only need confirmation if the applicant is using a friend, family member etc to complete the form.
Do we have the date of birth of the applicant(s)?	Confirm in the form – if not provided, request by email.
Is the croft owned or do we have evidence that the applicant has given written notification of the application to the landlord(s) and any owner(s) of common grazings in which the croft shares?	Appendix 2A – first preference Proof of Postage – acceptable second preference Only if top two aren’t possible – public notice at the croft, photo evidence (last resort).
Is the applicant(s) aged over 16? If not, have guardian details been provided and the form signed by the applicant's legal guardian or agent?	Check DOB.
If the area applied for is owned by more than one person, has the form been signed by all of the owners or their agents?	Agents can sign for all the parties concerned, but this may sometimes need checked. Landlords – if there’s more than one, they should all sign IF the land to be decrofted belongs to them. OOs – they all jointly own the croft, therefore all should sign. LLVC – only the LLVCs to whom the land applied for belongs should sign the form.
Have maps/plans been provided, or is there a Land Register Title Number? (Number will have Prefix of 3 letters then 4/5 numbers - INV12345)	Check for a map. Section 13 is normally where land title refs are placed.
Only answer this question if the regulatory application/notification is being returned as INCOMPLETE and where a registration application is necessary but has not been submitted - If you answer no, the letter will advise a registration application should be submitted if regulatory application/notification is resubmitted.	This provides text prompting the submission of a registration form.
If the application/notification is incomplete, is the croft: (i) Already registered, or	This option provides text explaining why the Registration Form A is being returned along with the Regulatory Form – it’s to avoid the applicant paying £90 twice.

(ii) RoS application invalid and already returned, or (iii) Valid RoS form received?	
Can you confirm the applicant does not have an outstanding change of ownership registration application in relation to this croft?	For already registered crofts, check the Crofting Register at the same time as the ROC to ensure the details match on both. If an outstanding registration is required for a previous COO, this would have to be completed first before the application can progress.
Only answer this question if the regulatory application is being returned as INCOMPLETE and there is an accompanying valid Form A or Form B - Answer NO to advise that the Croft Registration application is also being returned.	Same text as above.
If the application is to be returned as incomplete, has the application passed the decrofting triage criteria? Application has failed decrofting Triage Criteria if: - Area to be decrofted is greater than 0.2 ha; - There are concerns over access to the remainder of the croft or other crofts or Common Grazings: - No purpose provided in terms of 20(3) of the Act (Part and Whole croft applications only)	We usually 'triage' at a later stage in evidence gathering – if however the application is to be returned as incomplete at an earlier stage, now would be a good time to cover triaging together. Ticking NO will provide letter text, and a separate CHSGG Triage Guide sheet should be included from our Regulatory Documents Folder.
Is there an existing house on the site applied for? If NO, application is invalid.	There must be an existing wind and watertight house in this application. Derelict buildings, house plots or anything requiring planning permission should be submitted as a PART CROFT Decrofting application.
Once the questions are answered, click CLOSE.	
8: Acknowledgement & Transfer to GIS	
Is a map required, has it been provided? For CHSGG a map is required – answer YES if it has been supplied (follow 8A) and NO if it hasn't (skip to Section 11). For maps that have already been checked by GIS prior to you receiving the case, skip to Section 11.	
8A: Yes – Issue acknowledgement letter	
Issue acknowledgement to correspondent – the stakeholder marked purple/applicant in the stakeholder list. In the 'documents' tab on this step, choose RIGHT CLICK > Edit on the letter template.	
In the letter, click SAVE first. You can't edit until you do this. Then under DOCUMENT SET UP , choose the recipient from the list of stakeholders available and click SAVE . Back under EDIT , you can make any changes in the white boxes of text. I'd recommend adding "It has been forwarded to our mapping team for assessment" to the first paragraph of the acknowledgment letter for clarity.	

For other letters, edit as appropriate.
 Once you're ready, click **PREVIEW LETTER**. Clicking **POST & PRINT** will take you to a printer dialogue box; print the letter as a **Microsoft PDF** and save it to your OneDrive.

In the office, you can print for posting. WFH, we save to pdf and issue it by email.

8B: Wait for GIS checks

Change the clock to today's date on this step, then click CLOSE.

Update the Summary Box, noting that you've issued an ack letter, any other obvious findings, and that you are putting the case to GIS.

Top row menu: Case > Change Case Owner > first option that shows up: Information Systems / GIS Team / GIS – Cases to be checked, click OK.

Close case window – the case will transfer to GIS, and pop back into your list once GIS have performed their map assessment.

If you're doing a CHSGG on its own, **REMEMBER TO EMAIL ANY PDF LETTERS THAT YOU HAVE ISSUED – Applicant OR Mail Out**. Proceed to Stage 2 / step 10.

If you're doing a Form A and CHSGG together, proceed to step 9 and issue both ack letters together.

9: Switch back to FORM A - Check for Outstanding Regulatory Applications step

We now pick up the FORM A steps where we left off. Close the Regulatory case window, and ROC holding window, and you should end up back on the Form A workflow step you left off.

COMPLETE RELEVANT REGISTRATION CASE STEPS – see Desk Notes where applicable

REMEMBER TO EMAIL ANY PDF LETTERS THAT YOU HAVE ISSUED – Applicant OR Mail Out.

Once both cases reappear in your worklist, progress to Stage 2 / Step 11 of the Form A Desk Notes or if you're doing CHSGG alone, straight to Stage Section 22 – Map Assessed by GIS Team.

Stage 2 – Once you get both cases/CHSGG case back from GIS, check the GIS map comments in the Case Form / Case Maps tab. Then, starting with the Form A, progress through the next set of steps.

**Coming from FORM A: Is associated reg case valid – jump to reg case
 And all CHSGG/Form B cases – go straight to step 10 below**

10: CHSGG – Wait for GIS Checks

If you haven't checked already, check the CASEFORM to see if the map has passed.

11: Map Assessed by GIS

OR

11: No – No Map

If the map has been assessed by GIS and passed – progress to Section 12, answering that the application is VALID (12A).

If no map has been provided, the application is incomplete. We require a site map for the Decrofting application. Progress to Section 12, answering that the application is INCOMPLETE (12B).

If the map has been assessed by GIS and failed and/or the Checklist has failed – progress to Section 12, answering that the application is INCOMPLETE (12B). This map can still be fixed and resubmitted.

12: Is the application VALID?

Is the application VALID – Valid or Incomplete/Invalid

If the checklist is perfect, and the maps have been approved – the application is VALID. (Follow 12A)
 If the checklist has issues (any NO responses), or the map is rejected by GIS – the application may be:

INCOMPLETE (12B) - Incomplete applications can be fixed by issuing a letter to the applicant and asking them to address the issues and get back to you. A satisfactory response should be attached to the case as a document, therefore ‘completing’ the application, which would then be VALID.

INVALID (12C) - Invalid applications are applications that cannot be fixed with correspondence to the applicant – in CHSGG examples, a landlord applying OR an application for two+ houses OR an application from someone who has already had a CHSGG Direction etc.

How to check if the application is valid – look at the checklist, every answer should be Yes. Then check the GIS response – if the map is also valid, we have a valid application.

GIS map comments can be found on the CASEFORM tab ‘Case Maps’.

Map Qualification Comment – this is the comment that GIS include for the applicant in cases where the map has to be returned for some reason. This text will automatically appear in an ‘Invalid Letter’ within the case form, OR you can copy/paste it into a Generic Letter if you’re doing your own.

Internal Comments – this is usually where you’ll see if a map is valid/approved/ok. Equally, if GIS have instructions for you to check something with an applicant, they’ll usually put these here.

12A: VALID	12B: Incomplete
<p>Is the application Valid? VALID Next process, end workflow > Close.</p> <p>In the WORKFLOW overview, right click the existing workflow set ‘Application Capture’ and select START NEXT.</p> <p>Personal and Special Category Data will appear. In the lower steps row, RIGHT CLICK > Process</p> <p>Has any special category data been submitted? NO – Next process</p> <p>YES – If the info isn’t required for the case, we advise the applicant by letter and move to the</p>	<p>Acknowledge receipt of incomplete application by:</p> <p>A: using the ‘Invalid Application’ letter from the checklist – remember every ticked ‘NO’ will populate the letter with text. If GIS have commented on a map, this text will also appear in the letter.</p> <p>OR</p> <p>B: Click GENERIC LETTER on the step, and compose your own correspondence. You can copy/paste GIS comments if required, and/or add your own bullet list of things to be amended.</p> <p>If you are returning a CHSGG application, remember to run the Triage checks as well: If they’re not required – no action necessary.</p>

<p>next process. If the info is required for the case, and; It's about the applicant, we acknowledge this and check if it implicates a third party.</p>	<p>If they are required, issue the info sheet at the same time so everything can be addressed by the applicant together.</p>
<p>It's about/also about a third party, we acknowledge both the provider and we inform the third party. In these instances we may require a consent form to process this information. If we don't, we move to NEXT PROCESS. If we do, we issue this (Check with Compliance Hub). If consent is given, we acknowledge and move to NEXT PROCESS. If it's not returned/given, we acknowledge this and advise the applicant that it wasn't given, then move to NEXT PROCESS.</p>	<p>Follow steps in Section 8A for letter guidance.</p> <p>Set case to resume in 56 days / 2 months. Roll the clock on, OK, then CLOSE the workflow window. Remember to note in the Summary Box if you've issued a letter requesting A, B and C – this will make it easier to follow if/once the applicant replies.</p> <p>In 56 days / 2 months time or sooner: Has the applicant returned the form (or replied to your letter for info)? YES: Process steps from Section 7 onwards (Complete caseform – case repeats same checks)</p>
<p>In the WORKFLOW overview, right click the existing workflow set 'Personal and Special Category Data' and select START NEXT.</p>	<p>NO: Ascertain if comments have been received. If Yes, advise all parties that application is invalid, then update CASE OUTCOME to INVALID and close the case. If No, just update the case outcome to INVALID and close the case.</p> <p>Update Summary Box then close case window. Closed cases will disappear from your worklist. ***END***</p>
<p>CHS Decrofting Valid Application will appear. In the lower steps row, RIGHT CLICK > Process.</p>	<p style="text-align: center;">12C: Invalid</p> <p>Return the invalid application – use the template letter choices from the Documents tab on the step, and edit as appropriate.</p> <p>Ascertain if comments have been received. If Yes, advise all parties that application is invalid, then update CASE OUTCOME to INVALID and close the case. If No, just update the case outcome to INVALID and close the case. Update Summary Box then close case window. Closed cases will disappear from your worklist. ***END***</p>
13: CHS Decrofting Valid Application	
<p>Is the croft registered/ROS application received?</p>	
YES – croft is registered OR we have Form A	No – croft is not registered and no Form A
<p>Has the application previously been returned?</p>	<p>Has the application previously been returned?</p>

<p>YES: Progress to acknowledgement letter, as any triaging should have been dealt with at the same time as the previous issues. This is a standard valid acknowledgment letter.</p> <p>If the application was returned previously but not triaged, and triaging is required, answer NO and complete the triage steps.</p> <p>NO: Check Extent, Reason and Access (14A)</p>	<p>YES: Progress to acknowledgement letter (this letter will acknowledge the valid CHSGG but request a Form A).</p> <p>NO: Check Extent, Reason and Access (14B)</p>
14: Check Extent Reason and Access	
<p>These are the triage criteria questions.</p> <p>If the extent is under 0.200ha, the CHSGG application is for ONE house, no agricultural buildings or multiple properties etc, and there are no access issues – the applicant will not need the opportunity to amend their application.</p> <p>If the parameters are breached however, we issue a letter and triage guidance to allow them time to resubmit a more reasonable application.</p>	
<p>14A: Should the applicant be given the opportunity to amend the application?</p>	<p>14B: Should the applicant be given the opportunity to amend the application?</p>
<p>NO: Progress to Acknowledgement (VALID) letter.</p> <p>YES: Issue letter with triage guidance, then set case to resume in 21 days.</p> <p>If they don't reply within the time, progress to the next stage.</p> <p>If they do reply, attach the new map to the case and resubmit the case to GIS to check it:</p> <p>Pass – Note the revised extent on the case form and summary box, then progress to next stage.</p> <p>Fail – Return the map, hold the application in abeyance and await their reply (repeat these steps)</p>	<p>YES or NO: Issue the relevant acknowledgement letter as per the step (documents tab).</p> <p>Application Acknowledged</p> <p>Has landlord or interested party commented?</p> <p>YES – acknowledge receipt of comments, then set case to resume in 6 months (time to await Form A)</p> <p>NO – Set case to resume in 6 months, to await Form A.</p>
<p>Issue Acknowledgement Letter to applicant We call this the VALID LETTER.</p> <p>Template is in the documents tab on the step – follow Section 8A guidance for issuing the letter.</p> <p>Next process > Ends</p> <p>Right click the current workflow group and choose 'Start Next' – next round of Personal Category Data.</p> <p>Then progress to CHS Decrofting Consultation</p>	<p>Have we received a valid Form A?</p> <p>YES – if landlord has commented, acknowledge the comments, then progress.</p> <p>If the applicant has revised the map, put to GIS as per steps in Section 8B.</p> <p>If the applicant hasn't revised the map, progress to next stage – Personal Category Data.</p> <p>Then progress to CHS Decrofting Consultation</p> <hr/> <p>NO – Advise applicant application is invalid, advise interested parties if comments were received, then close the case as invalid.</p>

Stage 3 – Evidence gathering. Complete the checklist, update your summary box and transfer the case to the B1 officer covering the relevant area.

15: Is the house site owned?	
15A: YES	15B: NO
Complete Evidence Tab on the CASEFORM	Has the landlord commented? YES – follow 15A NO – Has agreement been reached over the purchase of the area? If Yes – follow 15A If No – set to resume in 14 days, then after the time has passed follow 15A.
16: Enter Evidence on the Caseform	
Area to be decrofted	Put in the area as per the form and the map. If the map was revised, ensure it's the latest info.
As shown on attached plan	This is usually: Coloured in Hatched in Outlined in... whichever colour they've chosen.
Does the area applied for contain any agricultural buildings?	Check their answer on the form, and check the map. If in doubt, raise this in the evidence notes in your summary.
If yes, how is the agricultural building currently being utilised?	Summarise their answer in the form
Is the site applied for reasonable in relation to the size of the dwelling and the size of the croft?	Anything under 0.200 ha is 'reasonable'.
Is the croft access included in the site being sought?	Again, check their answer in the form and the map.
If Yes, is there alternative suitable established unrestricted access at all times to all remaining parts of the croft, or any other croft or common grazing land (4 metres wide vehicular access)?	Check the map, and correlate with their responses.
If access is not being included in the site being sought, are there any other access issues affecting the croft?	Assess the map and identify if there is suitable access or not.
Has the landlord made submissions on the proposal?	Check the External Documents and your mail folder to confirm.
17: Transfer ownership of case to Crofting Regulatory Officer	
Update your summary box with the recent activity (GIS, any attachments etc) then create an EVIDENCE entry and summarise the case for the B1.	
Example Summaries: Summaries should cover the main parameters of the case type, as well as anything significant to note. This is an opportunity to alert the B1 to anything you think is relevant.	
e.g.:	
EVIDENCE: Size is reasonable, reason is CHSGG, no access issues. No agri buildings included in the site.	

EVIDENCE: Size is above 0.2ha, reason is CHSGG, applicant answered no access issues but the map suggests it may landlock the croft. One shed included for domestic purposes.

EVIDENCE: Size is reasonable, reason is CHSGG, no access issues. Site includes a barn and byre, google earth suggests they are bigger than the house, may require investigation.

There's no prescriptive way to do the evidence summary – BUT, keep it brief and to the point.

Then, transfer the case to the B1 for the area (check with colleagues if you're not sure).

If processing in tandem with a Form A, close the case window, ROC window and you should return to the stage of the Form A steps we left at section 20.

If processing alone, close the case window – the next time you see this in your list will be when the B1 transfers it back to you to issue a decision.

COMPLETE RELEVANT REGISTRATION CASE STEPS – see Desk Notes where applicable

REMEMBER TO EMAIL ANY PDF LETTERS THAT YOU HAVE ISSUED – Applicant OR Mail Out

After this point, you won't see any associated Form A again. The Registration Team will finalise that process. We wait until the B1 returns the case for issuing a decision.

Stage 4 – Decision. This stage is carried out by the B1. They will complete a decision checklist, and if the case passes that it will be decided at 'Tier 1' (by the B1). These decisions are usually returned to you to issue shortly after they've been taken. If the case doesn't pass the T1 checklist, it may escalate to Tiers 2 or 3. Similarly the B1 may need to request an Area Office Report from SGRPID, and this will take longer to conclude.

Stage 5 – Issuing a Decision. This stage is completed in two steps – creating the Direction, then issuing the Direction with decision letters to all parties concerned.

DECROFTING CHSGG

Check Summary Note – refamiliarise yourself with the case

The first steps will ask if it's an Advance of Purchase Direction Y/N; whether it's First/Already Registered; and if you go down the owned route, if it's OOC/LLVC. All stages then present the next step – prepare a Decrofting Direction.

18: Prepare the Decrofting Direction

Full IS desk instructions for this process will be issued separately.

Summarised:

Advance of Purchase Decroftings – submitted by the tenant

Owned Decroftings – submitted by either the Owner Occupier(s) or Landlord(s) of a Vacant Croft

To do this you will need a **blank Decrofting certificate**, the **map** and the **stamp** for the map.

To get the certificate: Regulatory Documents shortcut in Edge > Templates > Directions > Decrofting Directions Templates > Current Directions

There are four to choose from: Adv of Purchase First Reg / Adv of Purchase Already Reg / Owned First Reg and Owned Already Reg. Open the one that you need in Word, and save a copy as a **Word Document** (not template!). Sample title; DD Croft Name 1 Jan 2021.

Copy Paste the information from the ROC on one screen, into the certificate on the other. Save this document as a PDF (Microsoft pdf, not Adobe pdf)

In CIS, open the correct map and save to your OneDrive as a pdf. Once saved, right click 'Open With' and use Adobe Acrobat DC. Use 'Edit PDF', then ADD IMAGE – selecting the Decrofting Stamp from the regulatory templates folder. Place the stamp in a suitable part of the map, save the file, then Save As a jpeg. Sample title; MAP – Croft Name.

Once you have the pdf certificate and the jpeg map; right click on the certificate and open with Adobe DC. 'Organise pages' will allow you to 'INSERT – FROM FILE' and add the jpg map. Click close, then save. Next you have to 'search tools' in the right hand menu drawer – Autotag Document. Click on this, then in the left hand menu drawer click on the tag symbol at the bottom, and 'figure' at the bottom of the expanded list. Right click 'figure' and select 'properties', then input your tag information – remember to note the case number as written words, e.g. Case one zero three... Select English UK from the drop down list, then close. Remember to test your tag using the View > Activate Read Out Loud > Read This Page Only option.

File > Save. At this point you should have a completed certificate, the map attached below, and the tag saved. Choose 'REQUEST SIGNATURES', set the approval to go to RST.

Drop the Transaction Number and the Signature box onto both the certificate and the stamped map, and when you're ready click send. You'll get an email confirmation that it's sent, and another once it's signed.

19: Obtain signature from authorised signatory

Once the Direction is signed, run Adobe DC on its own. Bottom left corner – All Agreements – click this and you'll see a list of previously requested documents.

Double click on the Direction, open it and save a copy to your OneDrive (overwriting the unsigned version of the same name). Close the Direction.

In the same list, click the same Direction again, but this time select Audit Report (right hand side). Save this also as a pdf to your OneDrive.

Once the Direction is signed, you're now set to issue the decision on the same date as the Direction.

First Registration
A- Owned (Owner Occupier Crofter OR Landlord of a Vacant Croft)
B- Advance of Purchase (Tenant)
Already Registered
C- Owned (Owner Occupier Crofter OR Landlord of a Vacant Croft)
D- Advance of Purchase (Tenant)

A: FIRST REGISTRATION – Owned (OOC or LLVC)

20A: Email Registers of Scotland to record the change

Use a FORM G template from your saved list, complete it using details from the ROC.

Attach the complete FORM G, with a copy of the Direction, and email it to ROS.

Subject: Form G heading from the table below.

First Reg Directions are effected on the day we send them to ROS.

21A: Amend effective date on case and enter revised croft extent

To do this, click on CASE FORM. The ROC tab is the first tab on the list. The effective date would be today's date, if you're sending the email to ROS now.

For extent, minus the amount of hectarage decrofted from the total overall extent on the ROC. If the extent reads 0, skip this step.

Once you've filled in the relevant fields, close the CASE FORM, then the workflow, and click on CASE OUTCOME.

22A: Update RoC Update/Interim Note

The interim and end notes give multiple options -delete the one(s) you don't need, edit whichever one you're using, and when you're ready click OK.

This OK will update any changes you listed in the ROC tab of the CASE FORM, plus any green stakeholders from the case overview, and add your note to the notes tab.

Check the ROC to ensure the updates are correct, then proceed.

23A: Issue Straight Approval Letter to applicant

Decision letters are issued by Recorded Delivery.

Complete the letter details. For the Newspaper Information, consult colleagues if you're not sure on the title. Input the title and the publication date. At this stage, it's sensible to prepare the advert: Newspapers (Edge) > Title > edition that is waiting TO SEND.

Fill in the advert for Decisions Issued, including the applicant name, croft name, extent, reason (Croft House Site & Garden Ground), conditions and case number. Save.

Once you know the advert is placed, return to your letter and POST & PRINT. Tick 'addressee header text' to ensure the Recorded Delivery mark is on the letter. Save to your OneDrive, and when you're ready to issue, attach the letter and Direction and email to Outgoing Mail (Subject: RECORDED – Croft Name)

24A: Upload Effected Decrofting Direction and Audit to CIS

Create your Tier one Grounds and Conditions before uploading all three docs together.

Blank grounds templates are held in the same regulatory folder as the Direction templates. Navigate to the folder and choose the Grounds – CHSGG. Save a blank copy as a Word Document.

Complete the details from the ROC / Case. The conditions on the grounds should match those on the Direction certificate. Save the completed document as a pdf in your OneDrive.
<p>MARS</p> <p>At this point, add all three documents to the case. You should have the DD, Audit and Grounds all saved as pdfs in your OneDrive.</p> <p>Use MARS to upload these as ‘internal’ documents, Commission Generated, dated today’s date to match the Direction and letters. Add all three using the dropdown type menu – Audit, Direction, Grounds. Once added, go in and confirm all three documents.</p>
<p>25A: Upload the effected DD to the ROC online</p> <p>For this, launch the ROC Portal link on Edge. Sign in, and click Add Decrofting. You’ll need:</p> <ul style="list-style-type: none"> • Document ID (number next to the DD in your external documents) • Holding ID (number between the ROC Number and the croft name on the case window) • Direction Date (date on the DD certificate) • Status (at this point, EFFECTED) • Date Lapses (not applicable) • PDF File (choose the file from your OneDrive DD Croft Name etc) <p>Add Decrofting Record, then log out / close Edge.</p>
<p>26A: Complete grounds and conditions</p> <p>– you’ve already done it.</p>
<p>27A: Prepare Direction Advert</p> <p>– you’ve already done it</p>
<p>28A: Set date to resume when advert is due to appear</p> <p>Set the date, close the steps window, then update your summary note to reflect what you’ve done: DD and letters issued // DD, Audit, Grounds attached // ROC updated, portal updated // Ad: News title and date – check it appears then roll on 5 days to check the crofting register. Save, then close the window.</p>
<p>29A: Email GIS to update them</p> <p>Use the template from the table below. Save to QuickParts for ease of use.</p>
<p>30A: Check crofting register has been updated correctly</p> <p>Go via the ROC using the blue link to the crofting register – check that the direction area has been correctly plotted.</p>
<p>31A: Close the Case</p> <p>Once the workflow is complete, close the workflow. CASE OUTCOME – Close Case. Before closing the case window overall, go back to Overview / Summary Box and finalise your summary before closing the case window. Once closed it will disappear from your list so it’s worth doing while it’s onscreen.</p>
<p>REMEMBER TO ISSUE ANY LETTERS YOU’VE PRINTED</p> <p>Direction + Decision Letter to be issued by RECORDED POSTAL DELIVERY</p>
<p>B: FIRST REGISTRATION – Advance of Purchase (Tenant)</p>
<p>20B: Issue Straight Approval Letter to applicant / landlord</p>
<p>Decision letters are issued by Recorded Delivery.</p> <p>Complete the letter details. For the Newspaper Information, consult colleagues if you’re not sure on the title. Input the title and the publication date. At this stage, it’s sensible to prepare the advert: Newspapers (Edge) > Title > edition that is waiting TO SEND.</p>

Fill in the advert for Decisions Issued, including the applicant name, croft name, extent, reason (Croft House Site & Garden Ground), conditions and case number. Save.

Once you know the advert is placed, return to your letter and POST & PRINT. Tick 'addressee header text' to ensure the Recorded Delivery mark is on the letter. Save to your OneDrive.

Then in Edge – Regulatory Documents – Templates – Regulatory Notification Forms, complete the Purchase Notification Slip (Decrofting CHSGG – First Reg). Save this as a pdf to your OneDrive.

When you're ready to issue, email the:

- Decision letter
- Decrofting Direction
- Purchase Notification Slip

to Outgoing Mail

(Subject: RECORDED – Croft Name)

21B: Complete Grounds and Conditions

Create your Tier one Grounds and Conditions before uploading all three docs together.

Blank grounds templates are held in the same regulatory folder as the Direction templates. Navigate to the folder and choose the Grounds – CHSGG. Save a blank copy as a Word Document.

Complete the details from the ROC / Case. The conditions on the grounds should match those on the Direction certificate. Save the completed document as a pdf in your OneDrive.

MARS

At this point, add all three documents to the case. You should have the DD, Audit and Grounds all saved as pdfs in your OneDrive.

Use MARS to upload these as 'internal' documents, Commission Generated, dated today's date to match the Direction and letters. Add all three using the dropdown type menu – Audit, Direction, Grounds. Once added, go in and confirm all three documents.

22B: Prepare Direction Advert

– you've already done it

23B: Update the ROC – interim note

Click on the CASE OUTCOME and select the ROC interim note. This is the note added to the ROC before the Direction is effected. Edit/complete the correct text and click OK.

24B: Upload the non-effected DD and Audit to CIS

– you've already done it.

25B: Upload the non-effected DD to the ROC online

For this, launch the ROC Portal link on Edge. Sign in, and click Add Decrofting. You'll need:

- Document ID (number next to the DD in your external documents)
- Holding ID (number between the ROC Number and the croft name on the case window)
- Direction Date (date on the DD certificate)
- Status (at this point, NOT EFFECTED)
- Date Lapses (enter the date it will lapse as per the certificate; 5yrs3mo)
- PDF File (choose the file from your OneDrive DD Croft Name etc)

Add Decrofting Record, then log out / close Edge.

It's easier to complete the workflow first, setting the date of the advert, then going to External Documents to both confirm what you've attached earlier and note the relevant numbers.

26B: Set date to resume when advert is due to appear

Set the date, close the steps window, then update your summary note to reflect what you've done: DD and letters issued // DD, Audit, Grounds attached // ROC updated, portal updated // Ad: News title and date – check it appears then roll on 2 years from the date of Direction. Save, then close the window.

27B: Case to resume 2 years from date of Direction

Once the ad appeared, roll the case on 2 years and await purchase notification.

Proceed to Advance of Purchase Steps

REMEMBER TO ISSUE ANY LETTERS YOU'VE PRINTED
Direction + Decision Letter to be issued by RECORDED POSTAL DELIVERY

C: ALREADY REGISTERED – Owned (OOC or LLVC)

20C: Issue Straight Approval Letter to applicant (OOC/LLVC)

Decision letters are issued by Recorded Delivery.

Complete the letter details. For the Newspaper Information, consult colleagues if you're not sure on the title. Input the title and the publication date. At this stage, it's sensible to prepare the advert: Newspapers (Edge) > Title > edition that is waiting TO SEND.

Fill in the advert for Decisions Issued, including the applicant name, croft name, extent, reason (Croft House Site & Garden Ground), conditions and case number. Save.

Once you know the advert is placed, return to your letter and POST & PRINT. Tick 'addressee header text' to ensure the Recorded Delivery mark is on the letter. Save to your OneDrive.

Then in Edge – Regulatory Documents – Templates – Regulatory Notification Forms, complete the Purchase Notification Slip (Decrofting CHSGG – First Reg). Save this as a pdf to your OneDrive.

When you're ready to issue, email the:

- Decision letter
- Decrofting Direction
- Purchase Notification Slip

to Outgoing Mail

(Subject: RECORDED – Croft Name)

21C: Complete Grounds and Conditions

Create your Tier one Grounds and Conditions before uploading all three docs together.

Blank grounds templates are held in the same regulatory folder as the Direction templates. Navigate to the folder and choose the Grounds – CHSGG. Save a blank copy as a Word Document.

Complete the details from the ROC / Case. The conditions on the grounds should match those on the Direction certificate. Save the completed document as a pdf in your OneDrive.

MARS

<p>At this point, add all three documents to the case. You should have the DD, Audit and Grounds all saved as pdfs in your OneDrive.</p> <p>Use MARS to upload these as 'internal' documents, Commission Generated, dated today's date to match the Direction and letters. Add all three using the dropdown type menu – Audit, Direction, Grounds. Once added, go in and confirm all three documents.</p>	
<p>22C: Update the ROC – interim note</p>	
<p>Click on the CASE OUTCOME and select the ROC interim note. This is the note added to the ROC before the Direction is effected. Edit/complete the correct text and click OK.</p>	
<p>23C: Upload the non-effected DD and Audit to CIS</p>	
<p>– you've already done it.</p>	
<p>24C: Upload the non-effected DD to the ROC online</p>	
<p>For this, launch the ROC Portal link on Edge. Sign in, and click Add Decrofting. You'll need:</p> <ul style="list-style-type: none"> • Document ID (number next to the DD in your external documents) • Holding ID (number between the ROC Number and the croft name on the case window) • Direction Date (date on the DD certificate) • Status (at this point, NOT EFFECTED) • Date Lapses (enter the date it will lapse as per the certificate; 5yrs3mo) • PDF File (choose the file from your OneDrive DD Croft Name etc) <p>Add Decrofting Record, then log out / close Edge.</p> <p>It's easier to complete the workflow first, setting the date of the advert, then going to External Documents to both confirm what you've attached earlier and note the relevant numbers.</p>	
<p>25B: Prepare Direction Advert</p>	
<p>– you've already done it</p>	
<p>26B: Set date to resume when advert is due to appear</p>	
<p>Set the date, close the steps window, then update your summary note to reflect what you've done: DD and letters issued // DD, Audit, Grounds attached // ROC updated, portal updated // Ad: News title and date – check it appears then roll on 3 months from the date of Direction. Save, then close the window.</p>	
<p style="text-align: center;">REMEMBER TO ISSUE ANY LETTERS YOU'VE PRINTED Direction + Decision Letter to be issued by RECORDED POSTAL DELIVERY</p>	
<p>27B: Once the advert appears, set the case to resume 3 months from the date of the Direction</p>	
<p>Roll on the case clock 3 months from the date of the Direction.</p>	
<p>28B: Has a completed application been received within the timeframe</p>	
<p>Essentially – have we received a Form B and payment within the 3 months since the Direction was issued?</p>	
<p>YES</p>	<p>NO</p>
<p>Hold in abeyance until Subsequent Event (Form B) process is complete</p>	<p>Update ROC End Note</p>
<p>Set the clock for one month – this ought to be enough – but you can amend as required. Update your Summary Note. Once the Form B registration is complete, finalise that case and continue from here.</p>	<p>Use the text noting that the Form B was not received in time and therefore the Direction has lapsed / not taken effect.</p>

Amend effective date on case, enter revised croft extent before updating.	Ensure the Online ROC Portal is updated to show the Direction lapsed
In the ROC tab of the CASEFORM, complete the relevant details. Extent decrofted is the hectarage noted on the Direction. The croft type/crofter status/croft status dropdowns only need to be changed if the Decrofting also removes an interest – in most instances these can be left as is. For extent, minus the amount of hectarage decrofted from the total overall extent on the ROC. If the extent reads 0, skip this step.	Log back in to the ROC Portal. Click on Manage Decroftings and complete the search box to find the existing entry. Uncheck lapse date. Amend the status to LAPSED, save and log out.
Update ROC End Note	Notify the applicant that the Direction has not taken effect
Complete the End note effecting the Direction.	Issue letters as required.
Update the Online ROC Portal to show the Direction has taken effect	Notify other parties that the Direction has not taken effect
Log back in to the ROC Portal. Click on Manage Decroftings and complete the search box to find the existing entry. Amend the status to EFFECTED, save and log out. Uncheck lapse date if completed.	Issue letters as required.
Notify the applicant that the Direction has taken effect and provide a copy entry.	Email the GIS team to update the Decrofting status
Once the ROC has been updated, you can draw down fresh copy entries displaying the new extent (and removed parties where applicable). Issue letters as required.	Use the template from the table below (save to QuickParts for ease of use).
Notify other parties that the Direction has taken effect.	Are you ready to update the case outcome?
Issue letters to all parties concerned – stakeholders, interested parties etc.	DOUBLE CHECK – if any stakeholders were set as outgoing, remedy this before updating. Check the ROC tab on the CASEFORM to ensure the extent remains the same. Then proceed.
Email GIS to advise them to update the Decrofting status.	Update the Case Outcome Status
Use the template from the table below (save to QuickParts for ease of use).	Save outcome that the Direction has fallen.
29B: Case Complete. Close Case.	
Once the workflow is complete, close the workflow. CASE OUTCOME – Close Case. Before closing the case window overall, go back to Overview / Summary Box and finalise your summary before closing the case window. Once closed it will disappear from your list so it's worth doing while it's onscreen.	
REMEMBER TO ISSUE ANY LETTERS YOU'VE PRINTED All other updates / completion letters to go by NORMAL delivery or via email	

D: ALREADY REGISTERED – Advance of Purchase (Tenant)

20D: Issue Straight Approval Letter to applicant (Tenant/agent) and Landlord/agent

Decision letters are issued by Recorded Delivery.

Complete the letter details. For the Newspaper Information, consult colleagues if you're not sure on the title. Input the title and the publication date. At this stage, it's sensible to prepare the advert: Newspapers (Edge) > Title > edition that is waiting TO SEND.

Fill in the advert for Decisions Issued, including the applicant name, croft name, extent, reason (Croft House Site & Garden Ground), conditions and case number. Save.

Once you know the advert is placed, return to your letter and POST & PRINT. Tick 'addressee header text' to ensure the Recorded Delivery mark is on the letter. Save to your OneDrive.

Then in Edge – Regulatory Documents – Templates – Regulatory Notification Forms, complete the Purchase Notification Slip (Decrofting CHSGG – First Reg). Save this as a pdf to your OneDrive.

When you're ready to issue, email the:

- Decision letter
- Decrofting Direction
- Purchase Notification Slip

to Outgoing Mail

(Subject: RECORDED – Croft Name)

21D: Complete Grounds and Conditions

Create your Tier one Grounds and Conditions before uploading all three docs together.

Blank grounds templates are held in the same regulatory folder as the Direction templates. Navigate to the folder and choose the Grounds – CHSGG. Save a blank copy as a Word Document.

Complete the details from the ROC / Case. The conditions on the grounds should match those on the Direction certificate. Save the completed document as a pdf in your OneDrive.

MARS

At this point, add all three documents to the case. You should have the DD, Audit and Grounds all saved as pdfs in your OneDrive.

Use MARS to upload these as 'internal' documents, Commission Generated, dated today's date to match the Direction and letters. Add all three using the dropdown type menu – Audit, Direction, Grounds. Once added, go in and confirm all three documents.

22D: Prepare Direction Advert

– you've already done it

23D: Update the ROC – interim note

Click on the CASE OUTCOME and select the ROC interim note. This is the note added to the ROC before the Direction is effected. Edit/complete the correct text and click OK.

24D: Upload the non-effected DD and Audit to CIS

– you've already done it.

25D: Upload the non-effected DD to the ROC online

For this, launch the ROC Portal link on Edge. Sign in, and click Add Decrofting. You'll need:

- Document ID (number next to the DD in your external documents)
- Holding ID (number between the ROC Number and the croft name on the case window)
- Direction Date (date on the DD certificate)
- Status (at this point, NOT EFFECTED)
- Date Lapses (enter the date it will lapse as per the certificate; 5yrs)
- PDF File (choose the file from your OneDrive DD Croft Name etc)

Add Decrofting Record, then log out / close Edge.

It's easier to complete the workflow first, setting the date of the advert, then going to External Documents to both confirm what you've attached earlier and note the relevant numbers.

26D: Set date to resume when advert is due to appear

Set the date, close the steps window, then update your summary note to reflect what you've done: DD and letters issued // DD, Audit, Grounds attached // ROC updated, portal updated // Ad: News title and date – check it appears then roll on 2 years from the date of Direction. Save, then close the window.

27D: Case to resume 2 years from date of Direction

Once the ad appeared, roll the case on 2 years and await purchase notification.

Proceed to Advance of Purchase Steps

REMEMBER TO ISSUE ANY LETTERS YOU'VE PRINTED
Direction + Decision Letter to be issued by RECORDED POSTAL DELIVERY

Advance of Purchase Steps: FIRST REGISTRATION

You've set the case to resume 2 years from the date of the Direction. In this time we are waiting for the applicant to purchase their CHSGG, and notify us using the Purchase Notification Slip. This could come in any time between issuing the Direction and the 5 year, 3 month deadline for First Registration / 5 year deadline for Already Registered.

28 B: Go to Purchase Details Workflow

This requires you to 'Start Next' on the workflow, and when it loads Right Click > Skip, then Right Click > Start Next again.

You need to skip past:

- Decrofting Tier 2 Consideration
- Tier 3 Consideration
- CHS Complex Approval
- Decrofting Decision Refusal
- SLC Decrofting Approval
- SLC Decrofting Refusal

When on Purchase Details – start workflow

29 B: Have we been notified of the purchase details?

Yes	No
First Registration – check the extent purchased is the same as that on the Direction.	Issue a reminder letter, then roll the case on 4 years, 6 months from the date of the Direction. Reminder letters are sent by Recorded Delivery.

<p>If an amended Direction is required, assign the case to 'Crofting Services Officer' to prepare a corrective Direction.</p> <p>If the extent matches, which is most often the case: select NO.</p> <p>Select: First Registration.</p>	<p>In 4 years, 6 month's time we repeat the process above.</p> <p>If yes, follow Yes steps.</p> <p>If still no, issue a further reminder and set the date: 5 years and 3 months (First Reg) OR 5 years and a day (Already Reg).</p>
<p>Email ROS with a Form G to update their records.</p> <p>Form G's are in your useful docs folder – use the preset one for Decrofting – Advance of Purchase.</p> <p>Send the Form G and Direction to ROS</p> <p>Email subject / content in appendix box below.</p>	<p>If we still don't get notified, we issue lapsed letters to all parties and give them 21 days to respond. If it turns out the site was purchased and they just didn't tell us, we can follow the purchased route.</p> <p>If it still wasn't purchased / no reply, then we notify GIS of the lapse, update the ROC status and end note, mark it lapsed on the ROC portal and close the case.</p>
<p>In the CASEFORM, amend the effective date, revised croft extent etc on the ROC tab.</p> <p>In CASE OUTCOME then update the ROC END NOTE to show that the Direction has taken effect.</p>	<p>ENDS</p>
<p>Once the ROC is updated, issue acknowledgement letters to the applicant and landlord, including a copy entry.</p>	
<p>Email GIS to update the Decrofting status</p>	
<p>Use the QuickPart text below to do this.</p>	
<p>Update the ROC online to show the Direction as 'effected'. As the Direction is already listed, this is via the 'manage decroftings' menu as opposed to the 'add decrofting' link. Remember to remove the lapse date at this stage.</p>	
<p>Set the case to resume in 5 days, then in that time check the Crofting Register to ensure it has been updated correctly.</p>	
<p>Once complete, update your summary box, then close the case.</p>	

Advance of Purchase Steps: ALREADY REGISTERED

You've set the case to resume 2 years from the date of the Direction. In this time we are waiting for the applicant to purchase their CHSGG, and notify us using the Purchase Notification Slip. This could come in any time between issuing the Direction and the 5 year, 3 month deadline for First Registration / 5 year deadline for Already Registered.

28 D: Go to Purchase Details Workflow

This requires you to 'Start Next' on the workflow, and when it loads Right Click > Skip, then Right Click > Start Next again.

<p>You need to skip past:</p> <p>Decrofting Tier 2 Consideration Tier 3 Consideration CHS Complex Approval Decrofting Decision Refusal SLC Decrofting Approval SLC Decrofting Refusal</p> <p>When on Purchase Details – start workflow</p>	
29 D: Have we been notified of the purchase details?	
Yes	No
<p>First Registration – Have we received a valid Form B?</p> <p>If no, follow the NO route and issue a reminder letter (yes we received the purchase slip, but we still require a Form B etc). If yes: check the extent purchased is the same as that on the Direction.</p> <p>If an amended Direction is required, assign the case to ‘Crofting Services Officer’ to prepare a corrective Direction.</p> <p>If the extent matches, which is most often the case: select NO.</p> <p>Select: Already Registered</p>	<p>Issue a reminder letter, then roll the case on 4 years, 6 months from the date of the Direction. Reminder letters are sent by Recorded Delivery.</p> <p>In 4 years, 6 month’s time we repeat the process above.</p> <p>If yes, follow Yes steps.</p> <p>If still no, issue a further reminder and set the date: 5 years and 3 months (First Reg) OR 5 years and a day (Already Reg).</p>
<p>Issue acknowledgement letter to purchaser, then hold the case in abeyance until the FORM B Registration process is completed.</p> <p>Set the clock for one month, amend as required.</p>	<p>If we still don’t get notified, or if they don’t submit a Form B within the timeframe, we issue lapsed letters to all parties, then we notify GIS of the lapse, update the ROC status and end note, mark it lapsed on the ROC portal and close the case.</p> <p>ENDS</p>
<p>In the CASEFORM, amend the effective date, revised croft extent etc on the ROC tab. In CASE OUTCOME then update the ROC END NOTE to show that the Direction has taken effect.</p>	
<p>Once the ROC is updated, issue acknowledgement letters to the applicant and landlord, including a copy entry.</p>	
<p>Email GIS to update the Decrofting status</p>	
<p>Use the QuickPart text below to do this.</p>	
<p>Update the ROC online to show the Direction as ‘effected’. As the Direction is already listed, this is via the ‘manage decroftings’ menu as opposed to the ‘add decrofting’ link. Remember to remove the lapse date at this stage.</p>	

Once complete, update your summary box, then close the case.

Notes:

Perfect Checklist AND Perfect Map = VALID

Imperfect Checklist AND/OR Imperfect Map = INCOMPLETE or INVALID

INCOMPLETE – can be fixed e.g. Needs signature, DOB, answer to a question, fresh map, App 2A etc

INVALID – cannot be fixed e.g. LL of tenanted croft applying, already had CHSGG, new build, derelict house, multiple houses

Triaging is a fine art – yes there are the parameters Reason, Extent and Access, but there's also discretion.

APPENDIX

ROS EMAIL TEXT

Good morning, / afternoon,

Please find attached a completed Form (*) in respect of registered croft *****
(C****).

This Form () is to register....

NOTES:

Kind regards,

ROS EMAIL SUBJECT HEADINGS

Croft applications

Case # / Form A / Name of Croft / Register of Crofts (Commission) Number

Case # / Form B / Name of Croft / Crofting Register Number / Register of Crofts (Commission) Number

Case # / Form G / Name of Croft / Crofting Register Number / Register of Crofts (Commission) Number

Common Grazings and Runrig applications

Case # / Form C / Name of Grazings or Runrig / Grazings Code

Case # / Form D / Name of Grazings or Runrig / Grazings Code

Case # / Form E / Name of Grazings or Runrig / Crofting Register Number / Grazings Code

Rectifications and Non-trigger Updates

Case # / Form F / Name of Croft, Grazings or Runrig / Crofting Register Number / Register of Crofts (Commission) Number or Grazings code

Case # / Non-trigger Update / Name of Croft, Grazings or Runrig / Crofting Register Number / Register of Crofts (Commission) Number or Grazings Code

GIS EMAIL TEXT

Hi all,

Please note the following Direction information for your records:

- Croft Name // ROC Number
- Case #
- Date Issued
- Date Effectuated
- Direction Doc ID:

Thanks,

Date Issued is the date on the Direction.

Date effectuated is the date we sent the Form G to ROS (First Reg cases) or the day the Crofting Register was updated (Form B cases).

Direction Doc ID is the number in the left column of the Case Documents / External Documents tab for the Decrofting Direction.

CROFTING COMMISSION MEETING

10 May 2023

Report by the Chief Executive

Scottish Land Matching Service & Crofting

SUMMARY

This paper sets out a proposal for the Development Team to facilitate the inclusion of croft land and crofting opportunities into the already established Scottish Land Matching Service. Discussions around the feasibility of a land matching service for crofting have been ongoing within the Commission, since it was specified as an action point in the National Development Plan for Crofting, published in March 2021.

BACKGROUND

Action point 1.9 in the *National Development Plan for Crofting* stated, “In 2021, the Crofting Commission will expand its residency and land use work by piloting a Land Matching Service, to facilitate the transfer of crofts, through assignation or sublet.” In March 2021 a paper was presented to the Board proposing the delivery of such a service. [Board Papers for 18 March 2021 \(scotland.gov.uk\)](#) However, Commissioners did not agree that the Commission should lead on the delivery of a ‘land matching service for crofting’. The meeting minute details that “There was concern that directly leading a Land Matching project could compromise the Commission’s position as the Regulator of crofting and that it is more appropriate for stakeholders such as the Scottish Crofting Federation (SCF) to be the lead. The Commission did not want to stand in the way of seeing the project develop to help population retention and activity and it was agreed to work with partners on ideas to help encourage the turnover of croft land.”

Instead, in February 2022, the Commission detailed plans to Scottish Government for a Croft Availability Network, which would “aim to stimulate active engagement on the issue, especially in areas where there is a critical need for new entrants and where there is a grazing committee and/or an assessor willing to be involved. The Network would involve working with landlords, including community landlords, who are enthusiastic about encouraging new entrants to crofting.” The integration of Crofting into the SLMS could form part of the core work of the development team and the Commission’s delivery of this network. This proposal to integrate crofting into the SLMS, was accepted by SG as an alternative to delivering the commitment that had been prematurely included in the *National Development Plan*.

It remains the case that the Commission will not be leading the delivery of the SLMS in respect of crofts. The SLMS is supportive of the Commission’s own drive to enhance croft turnover. A paper to the Board in September 2022 detailed “The SLMS has the potential to support a croft availability network, but it will need to make some changes to its current processes and promotional material, to include crofting at the heart of its work. We propose to continue working with this organisation and the associated Farming Opportunities for New Entrants (FONE) group to assess its suitability in facilitating croft transfers.” [Board Papers 27 March 2022](#). This was noted with approval by the Board.

The Development Team has therefore engaged with the SLMS to identify how it could contribute to the Commission's work on succession and turnover, without requiring resource input from the Commission (other than in processing any applications which result from SLMS activity). This paper proposes how that could most usefully be done.

SCOTTISH LAND MATCHING SERVICE (SLMS) – BACKGROUND INFORMATION

The Scottish Land Matching Service was funded and launched by the Scottish Government in 2019. SLMS offers a free service, which matches those who have a farming opportunity to offer with those looking for such an opportunity. [The SLMS](#) holds a database of both parties, which can be viewed on their website (personal details removed). Beyond the initial matching of potentially suitable parties, SLMS offers an advisory service to both parties and can assist in drawing up formal agreements for the desired arrangement. To date the SLMS has had 553 enquiries and has facilitated 26 such agreements. It is supported by numerous organisations and has close links with the Farming Opportunities for New Entrants (FONE) group, where the Commission is represented by Karen Macrae & Commissioner Donald MacDonald.

PROPOSAL TO INTEGRATE CROFTING INTO SLMS

Currently, the SLMS does not specifically cater for approaches from crofters wishing to offer an opportunity on or with their croft, or from people wanting to get into crofting. However, their marketing and online systems could readily be adapted to pick up such approaches.

The proposal is that a crofting-specific section will be developed on the SLMS website where people could register their interest to either offer an opportunity in crofting or seek an opportunity. As part of the registration process, parties will be asked about; the details of the croft, the status of the current crofter (tenant or OOC) its location, size, current/proposed use, the grazing share, souming, and the type of arrangement sought. It would be further specified that Sublet, Short Term Lets and Assignations are all subject to application to the Crofting Commission.

Upon registering with the service, staff from the SLMS will contact the individual for an initial, informal conversation. SLMS will signpost enquirers to the Commission website for important information on crofting, including regulatory applications, and the duties of a crofter.

On a monthly basis, SLMS will share anonymised statistics with the Commission on the registrations to the croft matching element of the service. This will be noted in the Memorandum of Understanding, which will be drafted in agreement with the Commission's solicitor.

It will be made clear throughout, that any applications resulting from interaction with SLMS, will be subject to the same parameters and decision-making process as any other application. All parties will be urged to seek their own independent legal advice.

The Commission will not be involved in any aspect of financial arrangements reached between the parties.

SLMS will not make any financial charge to the Commission to host the new crofting element on its website.

The new service will be promoted jointly by the Commission's Comms Officer and by the Scottish Government's PR Team.

POTENTIAL BENEFITS

The main benefit will be to create opportunities for new crofters. The Commission will meet its target of delivering a croft and crofting opportunities matching service. The project will assist SLMS with the integration of crofting into its service.

There will be no cost implication for the Commission, as the project is fully funded by SG.

It is known anecdotally that the level of demand for crofts is high, but it is difficult to quantify this, therefore statistics from the SLMS will allow us to evidence demand.

The database held by SLMS could complement the work of RALUT team in terms of the letting of vacant crofts.

Those crofters who are no longer utilising their croft, or are looking to pass it on, will be able to see the demand that exists and 'match' with the incoming crofter of their choice. It is important to note that there is no legal obligation on either party during any part of the SLMS process and parties can withdraw at any point.

Incorporating crofting into the SLMS could complement the Development Team's proposed work on Croft Succession by providing those without a successor in mind, with a database of those who are looking for an opportunity in crofting. When considering their successor, a crofter should be mindful of the need to fulfil crofting duties and consider if their successor will be able to fulfil those duties.

The working link with SLMS would allow the Commission to provide accurate information to prospective new crofters on what Crofting is and what the legal obligations are for crofters.

In addition, it is known that information provided by some estate agents and sellers is sometimes inadequate or misleading, and this service will help to highlight the need for accurate information about crofting.

Working with the SLMS presents the opportunity to influence owner occupier crofters who engage with the service to consider any grazing share associated with the croft as we know this is often overlooked in the transfer of croft ownership.

POTENTIAL RISKS

Demand may outstrip supply, with more enquirers than opportunities.

Crofters who are looking to pass on their croft, may still do so by selling to the highest bidder on the open market. Crofters would still be free to advertise their croft elsewhere.

Parties may reach informal arrangements, which are not recognised by the Commission, e.g. managing stock for a crofter but not under a sublet agreement. To protect both parties, SLMS will advise incoming crofters to make appropriate regulatory applications.

Any agreement, which becomes a regulatory application, would be subject to approval or refusal by the Commission.

The SLMS may generate new regulatory applications.

It is worth recognising that SLMS may go ahead and incorporate crofting in its service, without new or ongoing input from the Commission. All the benefits noted above could be lost.

MITIGATION OF RISKS

SLMS will advise all parties to seek independent legal advice prior to entering any agreement.

Should the Board approve this working arrangement with the SLMS, a Memorandum of Understanding will be drawn up in conjunction with the Commission's Solicitor. This will clearly define the roles of each organisation and provide for either party to end the working relationship in the future.

The working relationship between SLMS and the Commission will be reviewed on a timescale to be agreed on by both parties.

It is not anticipated that there will be a significant number of applications initially. However, the benefit of bringing inactive crofts back into active use, outweighs that small risk.

The customer service team currently receives enquiries about acquiring crofts and signposts these to the SCF, which holds a list of available crofts and is accessible to its members. The new SLMS service, with the crofting element, may help to reduce the level of those enquiries and provides a fuller service to those enquiring with the possibility of those both looking and offering opportunities being represented.

Impact:	Comments
Financial	There are no material financial implications for this work with SLMS out with the existing Development Team staff involvement. There is no cost implication to host the crofting element on the SLMS website.
Legal/Political	There will be a written agreement (Memorandum of Understanding) between the Crofting Commission and the Scottish Land Matching Service. There is political will for the delivery of a matching service for crofting and it is specified as a Commission Action in the NDPC.
HR/staff resources	The Development team liaises with SMLS and any crofters who are referred by SLMS. Promotion of the new service will be undertaken jointly by the Commission's Comms Officer and Scottish Government's Public Relations Team.

RECOMMENDATION

Commissioners are invited to approve the proposal to allow the Development Team to work with SLMS to facilitate the integration of crofting into the Scottish Land Matching Service.

Date: 21 April 2023

Author: Development Team

CROFTING COMMISSION MEETING

10 May 2023

Report by the Director of Corporate Services

Digital Applications – future rollout review

SUMMARY

This paper presents the initial findings of the Brodies' review of the current measures for cyber security and fraud prevention applied to the digital application system, as well as suggested areas for improvement. To compliment this are recommendations from the Commission Director of Corporate services against each of the specific suggestions to enhance the process from Brodies, and a recommended course for the future roll out of the digital application system is suggested for Board decision.

It is the recommendation of the Director of Corporate Services that the following actions are considered by the Board:

- **Accepting the risks associated with a simple electronic signature over the adoption of a more robust alternative (advanced or qualified electronic signature)**
- **Digital Applications are made available to the wider public again, adopting the recommendations in Annex A of this paper**
- **The restriction on Assignations and Lettings to the general public is removed but a more robust form of simple electronic signature (SES) is introduced**
- **Paper forms should remain available, however crofters should be guided to the digital system as the primary route of application**
- **The Commission should review and incorporate the suggested disclaimer wording from Brodies to both offline and online applications**

Brodis Report Executive Summary: Key Points

Brodis have indicated that in their view:

- “the Commission is not under any statutory or other positive obligation requiring it to conduct background enquiries to check information given in a Submission and verify the identity of an individual who makes a Submission”¹

¹ The Commission solicitor would point out that, legally, the only person entitled to make consent applications is the entitled person as set out in the 1993 Act, which is usually the crofter, but could be the owner-occupier crofter or landlord or another party as set out in the 1993 Act. If the Commission makes no formal identity check to ascertain to the Commission's reasonable satisfaction that the person applying is the person legally entitled to make the application, it could in some limited circumstances expose the Commission to liability in respect of financial losses sustained by the entitled person. Brodis does not disagree with this, but it does state that in its view the Commission has no requirement to verify the identity of those making applications and also makes a reasonable point about cases where the Commission wrongly authenticates a person's identity.

- On the subject of the use of a SES, Brodies report notes: “a simple electronic signature offers the equivalent level of assurance as an unwitnessed wet ink signature. It is no less valid legally nor is it probative. In our view, the risks associated with allowing electronic signatures are not greater than the risks with current practice and – given our analysis of the fraud risk above – permitting electronic signatures to be used for Notifications and Consent Applications would seem to be a reasonable and proportionate decision by the Commission.”
- It is the view of Brodies that the risk of fraud is no different for an offline or digital process, for the Commission’s purposes
- Brodies have suggested multiple options to strengthen the level of assurance that the Commission gets from a digital process

Background

The Crofting Commission (CC) embarked on a project to convert all its application forms into a digital process that functioned online. This access was originally split into two categories:

- Trusted Organisations; professional organisations that are required to contact the Commission in order to obtain this status, able to apply for any type of digital application without restriction
- Public user; any user who creates an online account, initially with access to Assignations and Letting type restricted due to concerns around the monetary values often involved and the increased potential for fraud due to this

Subsequent to its initial launch access to the digital application system was temporarily restricted to members of the public. Access for trusted organisations has remained open but uptake has still been progressing at a slower than anticipated pace. This restriction to the public was put in place after concerns were raised around the functioning of the system, and in particular a possible risk of fraud, and an awareness that there was no direct link between the online account portal and the Commission Register of Crofts (RoC) data. This lack of linking meant that the initiating individual was not necessarily the main applicant on the application.

In response to this the Commission sought the services of Brodies Solicitors, who are experienced in matters of both crofting law and cyber fraud, and commissioned them to carry out a risk review of the current process from a cyber fraud risk perspective. This review was to include suggested remedial or additional measures the Commission could introduce to reach a level of confidence that the digital process was safe and robust for both the Commission and crofters as a whole.

This paper looks at the findings of Brodies, and recommends a path forward based on the suggestions put forward. A full copy of the report can be found at **Annex C**.

The specification

Brodies were asked to produce a report for the Commission to the following specification:

The Commission would like a full analysis of the risks and processes carried out, with reference to both the digital and paper routes used for a comparison basis, and a summary of any suggested actions that may lead the Commission to a fully informed decision on the matter. This should include an assessment of the legal and inferred value of the wet signature process if possible, both when used probatively and (as is currently the case) when it is not witnessed but signed by the applicant only; i.e. the likelihood that having a wet signature affects the risk of attempted fraud in any way, positively or negatively.

In addition to the above, the Commission later added the request to evaluate the current process of restricting certain application types to the public (Assignations and Lettings).

Summary of findings

Brodies looked at the project in two sections; a review of the current offline process in terms of the declaration and signature, and an evaluation of the current digital offering alongside an analysis of the risks and recommendations to improve the level of assurance the Commission had.

Current offline process

As part of the evaluation of a digital signature, Brodies also evaluated our current wet signature processes for comparison and agreed with the opinion of the Commission solicitor that the wet signature is not probative as it is not witnessed, and as such offers a similar level of assurance to the Commission as a SES.

Brodies have suggested that the Commission tighten the wording on the declaration and notification stages for our offline applications, and have supplied suggested wordings for the Commission to consider on a sample Assignment form. It should be noted however that although the Commission can grant consent subject to conditions, such as that the information submitted is accurate, Brodies have confirmed following a request for clarification from the Commission solicitor that it is likely that only the courts could reduce the Commission's consent in such circumstances.

Current digital online process

Brodies have evaluated that the current process of a declaration including a check box that the customer must tick, which counts as a SES, offers a similar level of assurance to a non-probative wet signature. As such Brodies are of the view that there is no less assurance offered under the current digital system to the offline process, though have acknowledged that the declarations for the digital system might benefit from being strengthened as noted for the offline process above. Although risk to crofters was addressed, Brodies were of the view that the Commission should focus on the risk to itself when deciding how to move forward, and in performing its statutory duties.

Brodies have suggested a range of options that the Commission could implement to add further assurance to the digital process, which offer different levels of increased assurance weighted against the goal of offering an accessible and easy to use online application process. These are covered in detail in section 4.2 of the full report, however **Annex A** summarizes them for ease, along with which measures the Commission recommend implementing in the view of the Director of Corporate Services after consultation with the Commission Solicitor and Chief Executive.

Brodies have also offered a view on restricting access to the high value application types, Assignment and Letting, moving forward. Their view is that the Commission could treat these the same as any other application types, and that the recommendations put forward would safeguard these as well. Brodies also noted that treating any one or more application types differently could in reality indicate that the Commission is acknowledging a weakness in the others. This is further documented in an email exchange added to **Annex B**. It should be noted however that the advice indicates that there could be circumstances where the Commission suffers financial loss as a result of a fraud committed by an applicant, though it does not go into any detail as to the circumstances where such a loss could arise.

Conclusion

The view from Brodies is that if the digital application process uses a form of SES then it offers a similar level of assurance to the Commission that the current offline wet signature does, in terms of legal standing and fraud protection. That said, Brodies have supplied a range of options that they feel would strengthen the digital application process and offer a greater level of assurance to the Commission, and potentially allow a firmer footing against any possible future legal challenge.

One such improvement lies at the type of digital signature used. There are various levels of digital signature, on which the Commission solicitor has provided advice already, with Brodies confirming that the use of a third party service for digital signatures offers an audit trail mechanism. The Commission should consider for instance whether electronic signatures could be provided by third party providers such as Adobe or DocuSign, would be appropriate to mitigate risk; these signatures would still be classified legally as the lowest form of electronic signature (below advanced and qualified electronic signatures), but the involvement of a third party provider would give some measure of reassurance.

This, and all other suggested further improvements, need to be tempered against the desire for the Commission to have an easily accessible and easy to use online application system in order to promote this route over offline methods. As such the Board are asked to discuss with officials and the Commission Solicitor in more depth the potential strengths and weaknesses of each before making a final decision on how the Commission should progress forward with the digital application system.

Separately, the Commission solicitor advises that the Commission should work over the next few years to a system whereby all online applications are “advertised” or posted centrally on the Commission’s website within several days of being accepted as competent applications. This would in the solicitor’s view further reduce the risk of fraud as it would increase the likelihood that such an application could be noticed by those who could be affected by a fraud, especially with fewer people reading newspapers and some of the local newspapers having very low circulations within the relevant crofting area.

Impact:	Comments
Financial	The Commission may be challenged via the courts if a crofter or other applicant falls subject to fraud. This could result in the Commission suffering some financial damage, including, but not limited to, legal fees, compensation claims and fines.
Reputational	The Commission may be at risk of reputational damage should it come under public scrutiny around the robustness of the fraud prevention and identity verification methods employed for its digital applications, merited or otherwise.
Legal	The Commission may be challenged via the courts if a crofter or other applicant falls subject to fraud over how robust the methods of fraud prevention and identity verification implemented by the Commission are. Such a challenge, if lost, could have significant implications on the Commission.

RECOMMENDATIONS

It is the recommendation of the Director of Corporate Services that the following actions are considered by the Board:

- **Accepting the risks associated with a simple electronic signature over the adoption of a more robust alternative (advanced or qualified electronic signature)**
- **Digital Applications are made available to the wider public again, adopting the recommendations accepted in Annex A of this paper**
- **The restriction on Assignations and Lettings to the general public is removed but a more robust form of SES is introduced (Adobe Sign, DocuSign tc)**
- **Paper forms should remain available, however crofters should be guided to the digital system as the primary route of application**
- **The Commission should review and incorporate the suggested disclaimer wording from Brodies to both offline and online applications**

Date 23 April 2023

Author Aaron Ramsay, Director of Corporate Service

MEASURE	SCOPE	RECOMMENDATION
Sending an acknowledgement of any Submission by post to the croft combined with a "pause period" (section 4.3 of report)	Offline and digital process	Already done in most cases. Recommend formal implementation.
Adopting a requirement for an enhanced digital signature on a Submission (section 4.4 of report)	Digital process	A SES is already used in the form of a check box. This could be increased to a third party SES however this cost would need to be covered by the Commission. Costs would require investigation, however estimated at £3k per year depending on repeat applications. Would make the process more complex for crofters. Recommend consideration for Assignations and Lettings from sources that are not trusted organisations.
Adopting a requirement for a two stage Submission process (section 4.5 of report)	Digital process	Would require further investigation. Recommend further planning before consideration of adoption.
Adoption of tightened wording for the declaration on the Submission form (section 4.6 of report)	Offline and digital process	Recommend adoption after review by Commission Solicitor.
Adoption of new wording for inclusion on Commission consents (section 4.9 of report)	Offline and digital process	Recommend adoption after review by Commission Solicitor.
Updating the Commission's suite of guidance on submitting applications (section 4.7 of report)	Offline and digital process	Recommend adoption after review by Commission Solicitor.
Updating the Commission's Anti-Fraud and Bribery Policy (section 4.8 of report)	Governance and Policy	Recommend adoption.
Introduce electronic two factor authentication (section 4.10.1 of report) Discounted by Brodies	Digital process	Recommend against implementation.
Only accepting submissions from specially designated trusted partners, or categories of trusted partner (section 4.10.2 of report) Discounted by Brodies	Digital process	Recommend against implementation.
The Commission should create a register of approved signatures (section 4.10.3 of report) Discounted by Brodies	Offline process	Recommend against implementation.
The Commission should introduce formal identity checks (KYC) (section 4.10.4 or report) Discounted by Brodies	Offline and digital process	Recommend against implementation.

Hi Aaron – if you are referring to the question around permanently restricting access to the public to certain types of "Submission" – i.e. primarily because of value concerns, then no I don't think keeping that restriction long term is in line with the general premise in the paper. We explored that restriction in terms of authorised representatives but discounted it on the basis that the Commission isn't actually under a positive obligation to verify identities of applicants and I think if we go down the path of keeping that distinction, then it will at least optically appear to undermine the other safeguards we are suggesting to combat the risks of fraud. The safeguards should work for all types of application.

I hope this is helpful, please let me know if any further questions.

Kind regards

Rachel

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BRODIES^{LLP}

From: Aaron Ramsay <Aaron.Ramsay@Crofting.gov.scot>

Sent: 22 March 2023 08:16

To: Rachel Lawson (Brodies Solicitors) <rachel.lawson@brodies.com>

Cc: Anne Williamson <Anne.Williamson@Crofting.gov.scot>; Aart Wessels

<aart.wessels@crofting.gov.scot>; Grant S Campbell (Brodies Solicitors)

<grant.campbell@brodies.com>; David Findlay <David.Findlay@Crofting.gov.scot>; Bill Barron

<Bill.Barron@Crofting.gov.scot>

Subject: Re: Acknowledgement and Notification samples [BRO-D.FID6267114]

Good morning Rachel.

Thanks for getting this over, it's looking really good. Is it possible to quickly check one thing?

Toward the end of our call Bill specifically asked about your opinion on our need to separate out Assignment and Letting applications from being publicly possible. Grant said his initial thought was that there was no need to do this.

I can see one of your options is to restrict all applications to agents, however I didn't notice that specifically. Are you able to say if this is still your thinking; that if we allow public access to the digital apps that there is no need to restrict access to Assignations and Lettings?

Aaron

CROFTING COMMISSION

Report on Digital Transformation Project

19 April 2023



CLIENT CONT: Aaron Ramsay
CLIENT NAME: Crofting Commission
BRODIES CONTACT: Grant Campbell, Rachel Lawson

IMPORTANT NOTICE

This Report has been prepared on the basis outlined in Section 1 below. In particular the recommendations and findings in this Report:

- are based on information and answers provided during our discussions and email correspondence;
- only address issues identified in the scoping document. We have not sought to investigate/verify the accuracy of any information and answers given to us; and
- does not address technical issues such as the adequacy of information security/cyber measures nor do they seek to review/verify any technical data flows within the organisation.

TABLE OF CONTENTS

1 INTRODUCTION AND BACKGROUND5

2 SCOPE OF THIS REPORT6

3 GENERAL ANALYSIS8

4 MITIGATIONS 13

5 ENHANCED OFFLINE PROCESS20

6 PROPOSED NEW DIGITAL PROCESS20

7 SUMMARY OF RECOMMENDATIONS20

ANNEX 1 – KEY LEGISLATIVE PROVISIONS FROM CROFTING ACT22

ANNEX 2 – CATEGORIES OF SUBMISSION TO THE COMMISSION26

ANNEX 3 – OVERVIEW OF CURRENT OFFLINE PROCESS FOR CONSENT28

ANNEX 4 – OVERVIEW OF DIGITAL PROCESS FOR CONSENT29

ANNEX 5 – OVERVIEW OF ENHANCED OFFLINE PROCESS FOR CONSENT30

ANNEX 6 – TEMPLATE APPLICATION AND CONSENT FORMS (FOR ASSIGNATION)31

ANNEX 7 – REVISED APPLICATION FORM – DECLARATION WORDING65

ANNEX 8 – REVISED CONSENT LETTER (FOR ASSIGNATION)91

EXECUTIVE SUMMARY

1. As long as the Commission acts in accordance with its duties under the Crofting Act and common law, does not act with improper purposes, and acts in accordance with its own published guidance, then the Commission will have acted lawfully. See Section 3.2.
2. A key finding that has guided the approach taken in this Report is that the Commission is not under any statutory or other positive obligation requiring it to conduct background enquiries to check information given in a Submission and verify the identity of an individual who makes a Submission. See Section 3.6.
3. Notifications relating to the running of a croft generally pose a low risk of fraud – notwithstanding other forms of risk that we expand upon below – on the basis these do not create or alter legal rights that are likely to give rise to a fraud risk or a legal dispute. See Section 3.3.
4. The main risk area that the Report focuses on is in relation to Consents that are a necessary statutory prerequisite to the rights of the parties seeking consent to affect a legal transaction affecting a croft. Although any Consent from the Commission in relation to these Consent Applications does not in itself effect a change in the rights to a croft by its own accord (if there was a fraudulent Consent Application the fraud would be effected by the documentation registered with the Keeper and not by the Consent issued by the Commission), the nature of the impacts affected are potentially widespread. As well as considering fraud risks, we do also conduct a wider risk analysis analysing the different types of impact on the Commission under the process of Submissions. See Section 3.3.
5. The current practice for execution of a Submission in the Offline Process is to require a simple (unwitnessed) wet ink signature. This is not probative. In our view, a simple electronic signature offers the equivalent level of assurance as an unwitnessed wet ink signature. It is no less valid legally nor is it probative. In our view, the risks associated with allowing electronic signatures are not greater than the risks with current practice and – given our analysis of the fraud risk above – permitting electronic signatures to be used for Notifications and Consent Applications would seem to be a reasonable and proportionate decision by the Commission. See Section 3.5.
6. In relation to fraud, there is a risk that in both Offline and Digital Processes, a person provides false information in the relevant forms. It is difficult for the Commission to prevent this and we do not consider that the risks are different whether the process is offline or digital. As we have already stated (point 2 above), the Commission is not under any positive obligation to verify the identities of persons making Submissions but we consider there are three actions the Commission can take to try and address the issue. See Section 3.4.

7. Another key response to the fraud risk is around the communications with applicants. One particular recommendation we have is to strengthen the wording within Submissions in terms of relaying the obligations individuals have not to commit fraud, and the consequences for doing so. Including this within Submissions also adds weight to the Commission's ability to take action should fraud be committed, with consequences for the validity of acts taken in consideration of fraudulent Submissions. See Section 4.3.
8. If the Commission becomes aware that any Submission or Consent Application contains information that is false or inaccurate, it should take appropriate action where concerns of fraud arise regardless of the Submission method. Appropriate action may involve reporting to Police Scotland and/or raising civil legal proceedings to recover loss. See Section 3.5.
9. The Commission already has an Anti-Fraud and Bribery Policy, and we have recommendations within the Report to update this to cover its policy stance on 'externally originating' fraud in addition to its current internal focus. See Section 4.8.
10. Accordingly, we recommend that the Submission is amended in terms of both (1) outlining to individuals that providing false information could lead to them being found guilty of a criminal offence and (2) strengthening the declaration part of the Submission to specifically require signatories to confirm they are personally entitled to sign the Submission. See Section 3.6.
11. In relation to consents issued by the Commission in response to Consent Applications, various conditions are currently attached – but these mainly relate to the period of time individuals have to effect the change to their legal rights (if applicable) and physical condition of the croft holding. The Consent Application does not expressly state that if false or inaccurate information is included within it then any Consent purportedly given on the basis of that information will be invalid. We recommend this is addressed and that the Consent Application form contains conditions that state expressly that it is a condition on which any Consent is granted that the information in the Consent Application is accurate and if it is not, the purported Consent will be invalid and any application to the Keeper thereafter will be incompetent. See Section 3.7.
12. We have also recommended that the Commission introduces a new acknowledgement and 'pause' step upon receipt of Submissions and Consent Applications as part of both the Digital Process and an Enhanced Offline. See Section 4.3.
13. This Report also references a number of other risk mitigation measures that were considered as part of the preparatory work we carried out. These measures included the potential to require an enhanced form of electronic signature that would have carried greater assurance. For the reasons set out in the Report, in consultations with the Commission, these other measures were discounted at this stage but we recommend that they are kept under review. See Section 4.10.

1 INTRODUCTION AND BACKGROUND

- 1.1 Established by the Crofters (Scotland) Act 1993 (as amended by the Crofting Reform etc. Act 2007, the Crofting Reform (Scotland) Act 2010 and the Crofting (Amendment) (Scotland) Act 2013) (together the "**Crofting Act**"), the Crofting Commission (the "**Commission**") is the designated statutory body in Scotland charged with regulating crofting, reorganising crofting, promoting the interests of crofting, and keeping under review matters relating to crofting. The Commission has the status of a non-departmental public body of the Scottish Government.
- 1.2 As at the date of this Report, Crofters can make two sorts of "**Submission**" to the Commission, in relation to their croft (as detailed in Annex 2):
 - 1.2.1 a notification that a particular event has happened (a "**Notification**"); or
 - 1.2.2 an application for consent (a "**Consent Application**").
- 1.3 Although the relevant forms are available to download from the Commission's website¹ (the "**Website**"), the current Submissions process is an offline one (termed in this Report the "**Offline Process**") (Annex 3 contains an outline of this process in more detail). The Commission wish to create a new online digital process for Submissions (termed in this Report the "**Digital Process**"). In this Report when we refer to the either of these processes we refer not only to the Submission but to subsequent communications by the Commission to the relevant parties to a Submission, including but not limited to any decision in relation to a Consent Application.
- 1.4 We understand that the Commission is developing the Digital Process with the intent that it will be an alternative to the Offline Process. There is a recognition that some Crofters will continue to want to deal with the Commission in the way they have done thus far and the Commission is cognisant of that. Nevertheless, it wants to encourage Crofters and other relevant parties to take up the Digital Process because it will be more efficient, quicker and cost effective than the Offline Process. With that in mind, within this Report we have also analysed the current Offline Process and made recommendations as to how that may be improved in an **Enhanced Offline Process**.

2 SCOPE OF THIS REPORT

- 2.1 The Commission has built a digital submissions portal (the "**Portal**") on its Website through which the Digital Process will be facilitated. As set out in the '*Important Notice*' Section, we are not looking at the underlying technology solution employed by the Commission on which the Digital Process will run; and this Report will not cover any IT security or data protection aspects of the digitalisation project.
- 2.2 Instead, this Report:

¹ www.crofting.scotland.gov.uk

2.2.1 reviews the current Offline Process in terms of the identification, evaluation and analysis of risk and makes recommendations for measures that will better manage those risks in an Enhanced Offline Process; and

2.2.2 evaluates and analyses the risks of introducing a Digital Process using the Portal and makes recommendations for how the Digital Process can be structured and implemented in a way that manages those risks to an acceptable level.

In making our recommendations, we have been mindful throughout that the Commission will want to strike an appropriate balance between a number of competing objectives. Firstly, it will want to ensure that it is discharging its statutory functions and duties as a public sector body. Beyond that, it will want to ensure that risk is managed in a way that is reasonable and proportionate to the likelihood and impact of a risk arising, while also making the Digital Process easy and attractive for service users to use.

2.3 A summary of the risks and mitigants we will refer to throughout this Report are as follows:

RISK CATEGORY	SPECIFIC RISKS	MITIGANTS
Legal	<ul style="list-style-type: none"> • Commission acts outside its legislative competence including being subject to judicial review • Decisions by the Land Court against the Commission for failure to meet its obligations • Reduction of a dealing in rights in land associated with a fraudulent or otherwise incompetent Submission • Claims for damages 	<ul style="list-style-type: none"> • Implementing an anti-fraud policy • Revised declaration wording • Revised Commission consent conditions
Financial	<ul style="list-style-type: none"> • Decisions by the Land Court against the Commission for failure to meet its obligations leading to costs orders against the Commission such as compensation and/or expenses • Costs in defending itself against claims brought against the Commission in the Land Court 	<ul style="list-style-type: none"> • Implementing an anti-fraud policy • Revised declaration wording • Revised Commission consent conditions
Reputational	<ul style="list-style-type: none"> • Service users are inadequately informed about the new Digital Process leading to adverse publicity and low public confidence. • Legal risk issues identified above result in adverse publicity for the Commission • Aggrieved crofters seek to further grievances through the press resulting in adverse publicity 	<ul style="list-style-type: none"> • External communications campaign
Operational (Digital Process only)	<ul style="list-style-type: none"> • Technical issues with underlying technology solution • Low take-up by stakeholders • Stakeholders feel discouraged from using Digital Process 	<ul style="list-style-type: none"> • Appropriate due diligence undertaken on technology • Regular technology testing and audits

3 GENERAL ANALYSIS

3.1 In this Section of the Report, we address some key issues which are relevant to the more specific recommendations we have made in connection with the Enhanced Offline Process and the Digital Process. These observations are central to some of the key risk issues identified in this Report and also in the discussions that we have had with the Commission's team in the work we have done which has led to this Report.

3.2 *General roles and responsibilities of the Commission.*

3.2.1 The Commission's statutory role is to oversee crofters' and other relevant parties' dealings in their rights to crofts. The key legislative provisions which are relevant to this Report are set out in Annex 1.

3.2.2 As a Scottish public body, the Commission also needs to act reasonably and rationally and it is entitled to discharge that role reasonably and proportionately.

3.2.3 Having reviewed the relevant legislative provisions and considered the Commission's wider duties as a public body, we are of the view that:

3.2.3.1 provided that it acts in accordance with its duties under the Crofting Act and common law, i.e., that it has regard to the matters listed in s.58A(7) of the Crofting Act and any other relevant matters (but only relevant matters), that it does not act with improper purposes, and that it acts in accordance with its own published guidance, then it will have acted lawfully; and

3.2.3.2 it is under no statutory or other obligation to verify the identity of the person making a Submission.

3.3 *The limited legal nature of the Submissions process and any Consents granted*

3.3.1 Relevant to the assessment of the nature and extent of the legal, financial, reputational and operational risks identified above is the legal effect of any Submissions and, in the case of Consent Applications, the effect of any Consent actually given by the Commission.

3.3.2 In our view, Notifications pose low risk generally as they are merely notifications that a particular specified event has occurred. The mere fact that a Notification has been received and recorded on the Crofting Register does not create or alter legal rights that are likely to give rise to a fraud risk or a legal dispute.

- 3.3.3 Consents, on the other hand, do have legal effect in the sense that the granting of a Consent either affects matters pertaining to the running of the croft, or, they are a necessary statutory pre-requisite to the rights of the parties seeking consent to effect a legal transaction affecting a croft. In the former case, again, as with Notifications, the granting of Consent is unlikely to create or alter legal rights that are likely to give rise to a fraud risk or a legal dispute as they relate to the running of the croft itself. In the latter case, the Consent itself does not effect that transaction. In other words, the Consent itself does not effect a change in the rights to a croft by its own accord. Where the Commission grants a Consent to a transaction between the crofter and third parties, the crofter and the third parties then take a separate step to complete the relevant registration forms with the Keeper of the Registers of Scotland (the "**Keeper**").
- 3.3.4 If there were to be a fraudulent transaction involving a croft, in our view the fraud is effected by the application submitted to the Keeper, not by the Consent issued by the Commission. The Consent issued by the Commission is simply a consent issued in response to the Consent Application and on the understanding that the facts and information contained in that Consent Application are true and accurate.

3.4 *Probativity and signatures*

- 3.4.1 The Requirements of Writing (Scotland) Act 1995 only requires certain types of document to be in writing and signed to be valid, namely:
- 3.4.1.1 the constitution of:
 - 3.4.1.1.1 a contract or unilateral obligation for the creation, transfer, variation or extinction of a real right in land;
 - 3.4.1.1.2 a gratuitous unilateral obligation except an obligation undertaken in the course of business; and
 - 3.4.1.1.3 a trust whereby a person declares himself to be a sole trustee of his own property or any property he may acquire;
 - 3.4.1.2 the creation, transfer, variation or extinction of a real right in land otherwise than by the operation of a court decree, enactment or rule of law;
 - 3.4.1.3 the constitution of an agreement under s. 66(1) of the Land Registration (Scotland) Act 2012 (an agreement between proprietors to vary the boundary of adjacent plots of land); and

3.4.1.4 the making of any will, testamentary trust disposition and settlement or codicil.

3.4.2 None of these categories of document are relevant in the context of Submissions so there is no requirement for the documents to be writing and signed for formal validity. Issues of formal validity and the requirement for signature are therefore ones for the Commission in terms of the standards that it is prepared to accept, given the wider issues discussed in this Report in terms of risks.

3.4.3 Under the current Offline Process, the Commission operates on the basis of documents physically signed (ie wet ink signatures) by individuals who purport to be the individuals named in the relevant form. There is no requirement for witnessing and no other checks are made to verify that the signature is genuine. So, in these cases, the documents that are signed are valid in terms of legal formality and the Commission is able to rely on them but, if there were ever a challenge in terms of whether a signature on the document was genuine then there would be no presumption that it was because the signature would not be probative (ie self-proving). How important this is really depends on whether the Commission would be at risk from the fact that a signature was, in fact, invalid which we discuss at Section 3.5.

3.4.4 In terms of electronic signatures, we believe the issues are exactly the same as they are for wet ink signatures. We discuss the various types of electronic signatures and the assurances that are offered at Section 4.4 but, in simple terms, a simple electronic signature is no better or worse than an unwitnessed "wet ink" signature in terms of validity and evidential value nor do we think that there is any distinction between the two in term of a fraud analysis, which is where we turn to now.

3.5 *Fraud and electronic signatures*

3.5.1 In Scots law, fraud is a common law offence. The test for establishing fraud is whether there has been a "practical result" brought about by a "false pretence".

3.5.2 The required "practical result" can be any result, including the granting of a Consent by the Commission. There is no requirement for the practical result to include a financial gain.

3.5.3 The "false pretence" may be, for example, a person impersonating another person when making a Submission to the Commission or forging a signature. A false pretence may also be an individual intentionally misrepresenting the information it provides to the Commission in support of an application.

3.5.4 Fraud cannot be committed in error or by mistake. It must be intentional.

- 3.5.5 There is a risk that persons making Submissions apply false electronic signature to an application or other documentation. Similarly, there is a risk that a person provides false information as part of the Submission. In both instances, a person may be guilty of fraud.
- 3.5.6 This risk of fraud arises whether the Commission use a Digital or Offline Process for receiving Submissions. Regardless of the process used, it will not be possible for the Commission to completely avoid the risk of fraud arising. This is an issue faced in many sectors – for example banking and finance – where organisations are relying on signed consents to release funds. Organisations in these sectors implement compliance measures to mitigate the risk of fraud arising, including two factor authentication or requiring a wet ink signature when opening an account and checking subsequent digital signature against the original wet ink signature to ensure the two are a likeness together with physical checks of identity documentation.
- 3.5.7 It is important that the Commission takes appropriate action where concerns of suspected fraud arise. There is a risk of reputational damage to the Commission if it failed to respond appropriately to concerns of suspected fraud.
- 3.5.8 Where the Commission identify concerns of suspected fraud, it should:
- 3.5.8.1 Seek legal advice immediately.
 - 3.5.8.2 Conduct an internal investigation to establish the nature and extent of the alleged conduct; and
 - 3.5.8.3 Where appropriate, report the alleged conduct to Police Scotland and, separately, consider formal legal action to recover any losses incurred as a consequence of the fraud.
- 3.5.9 How the Commission should respond to concerns of fraud will depend on the nature and extent of the alleged conduct. In the event that a fraud concern arises, we recommend the Commission seek legal advice and support with the investigation and subsequent reporting of any conduct to Police Scotland.
- 3.5.10 Furthermore, the Commission may be able to raise civil legal proceedings to recover loss suffered (e.g. financial loss) as a consequence of the provision of false information by a Crofter in a Submission. We are happy to provide the Commission with further advice on whether it could raise civil legal proceedings in such circumstances.

3.6 *Submission Form*

- 3.6.1 The Submissions submitted by applicants or their representatives to the Commission in the current Offline Process all contain a form of declaration. Taking the Consent Application to assignation (as fully contained in Annex 6), the current crofter is asked to declare:
- 3.6.1.1 *"This application is submitted under section 8 of the Crofters (Scotland) Act 1993 for consent to assign the tenancy"; and*
- 3.6.1.2 *"I declare that, to the best of my knowledge, the information I have given in this application is correct".*
- 3.6.2 The Offline Process does not ask applicants to make any declaration in relation to their identity or the basis on which it has the right to submit the Submission. Notwithstanding the fact the Commission is under no positive obligation to verify the identities of persons making applications, there is merit in strengthening this part of the process – since this does not currently communicate to individuals in any formal sense that there are statutory rules around who can make applications and the repercussions in terms of the Crofting Act.
- 3.6.3 Furthermore, the Submission form should clearly explain that a person who provides false information or forges a signature on the declaration may be guilty of a criminal offence. As explained in detail below, we consider the Submission form and any accompanying guidance should also clearly communicate that the Commission will investigate suspected fraud and, where appropriate, take legal action and/or report the conduct to Police Scotland.

3.7 *Commission consent*

- 3.7.1 After receiving a Submission in the Offline Process, the Commission undertakes a consideration of the Submission request before informing the applicant of the outcome.
- 3.7.2 Where a Submission contains a Consent Application and the Commission decides to grant the consent that was requested, various types of condition are attached, including to do with the:
- 3.7.2.1 time period in which the crofter must act upon the consent given (i.e. to do the act to effect the consent)
- 3.7.2.2 physical condition of the croft holding; and
- 3.7.2.3 binding of successors to the crofting requirements.

A copy of the form of consent issued by the Commission in relation to a Consent Application to assignation is contained at Annex 6.

- 3.7.3 At present, no conditions are attached to the consent connected to the Submission – either in terms of the declaration being made lawfully and in good faith, and the information and details otherwise contained within the Submission are true and accurate.
- 3.7.4 This means that the Commission could potentially be limited in its ability to render consents void and would be limited to arguing that the individual, in assigning their croft pursuant to section 8 of the Crofting Act, had done so without *themselves* obtaining the consent of the Commission under section 8. The Commission might also argue that a consent given on the application of somebody other than the crofter or an authorised representative of the crofter (such as a fraudulent applicant) is a consent it has no power to give, and is accordingly null and void. Either approach would require a court to reduce the consent.

4 MITIGATIONS

- 4.1 In Section 2.3 of this Report, we briefly categorised the main risk types and suggested a number of possible mitigation measures. This Section 4 discusses the potential mitigations in more detail and makes recommendations as to which we recommend the Commission deploy. Sections 5 and 6 then discuss our recommendations for measures we believe should be put in place for the Enhanced Offline Process and the Digital Process.
- 4.2 Briefly, the mitigation measures we have considered are:
- 4.2.1 Sending an acknowledgement of any Submission by post to the croft combined with a "pause period" – this is discussed in Section 4.3. This would apply to both the Enhanced Offline Process and the Digital Process.
- 4.2.2 Adopting a requirement for an enhanced digital signature on a Submission – this is discussed in Section 4.4. This would apply to the Digital Process only.
- 4.2.3 Adopting a requirement for a two stage Submission process – this is discussed in Section 4.5. This would apply to the Digital Process only.
- 4.2.4 Adoption of tightened wording for the declaration on the Submission form – this is discussed in Section 4.6. This would apply to both the Enhanced Offline Process and the Digital Process.
- 4.2.5 Adoption of new wording for inclusion on Commission consents – this is discussed in Section 4.9 This would apply to both the Enhanced Offline Process and the Digital Process.
- 4.2.6 Updating the Commission's suite of guidance on submitting applications – this is discussed in Section 4.7 below.

- 4.2.7 Updating the Commission's Anti-Fraud and Bribery Policy dated November 2022 - this is discussed in Section 4.8 below.
 - 4.2.8 Electronic two factor authentication – this is discussed in Section 4.10.1. This would involve using purely electronic means to conduct the notification recommendation.
 - 4.2.9 Trusted partners only – this is discussed in Section 4.10.2. This would involve only accepting Submissions from specially designated trusted partners, or categories of trusted partner.
 - 4.2.10 Register of approved signatures – this is discussed in Section 4.10.3. This would involve the Commission undertaking a process similar to that carried out by retail banks in creating a register of approved signatures of crofters against which wet ink signatures on Submissions are compared.
 - 4.2.11 Formal identity checks (KYC) – this is discussed in Section 4.10.4. This would involve the Commission undertaking formal identity checks on applicants such as through checking of identity documents.
- 4.3 *Acknowledgement and pause period*
- 4.3.1 We propose that the Commission takes further steps to use the information on crofts and crofters through the Crofting Register to offer additional levels of comfort around Submissions. The Commission could do this through incorporating 2 new steps into its Submission procedure whereby the Commission writes to the registered address of the croft: (1) to confirm it has received a Submission and (2) to confirm the applicant of the outcome – both sent by post regardless of the methods otherwise used by the crofter in relation to the Submission. In relation to the first notification, we recommend this is accompanied by a grace period of 10 days whereby addressees are able to contact the Commission in the event they were not aware of the Submission being made in their name. Although the Commission does already send a receipt of confirmation of receipt of Submissions, this is currently framed as an acknowledgement that a Submission has been received and outlining the next steps such as timescales. It does not contain any substantive details about the Submission, nor is it directed to the relevant croft.
 - 4.3.2 Notwithstanding this proposal, we have identified 2 main limitations but which in our view don't materially alter the risk profile as they currently feature as limitations in the Offline Process:
 - 4.3.2.1 In relation to crofts where the relevant croft is not on the Crofting Register (including applications for first registration), the Commission may not have

the required information to contact the croft if the address is not held. This is a particular concern in relation to crofts which have undergone a form of apportionment.

- 4.3.2.2 The physical mailing could still be intercepted by a fraudulent party. Particularly in cases where the person committing the fraud either lives with or has access to the croft in question, that individual may have the ability to intercept a mailing from the Commission designed to mitigate against the same case of fraud.

4.4 *Digital signatures*

- 4.4.1 To implement a truly and wholly online Digital Process, the Submission will gather an electronic signature, removing the need in the Offline Process to print off the Submission form and sign in wet ink. Since a Submission is not a form of document falling under any of the categories listed at Sections 3.4.1.1-3.4.1.4, there is no legal barrier to the Commission accepting an electronic signature.

- 4.4.2 An electronic signature means that electronic data has been used by the applicant to sign the Submission rather than by wet ink, with the most common type of electronic signature in Scots law being the simple electronic signature ("**SES**"). The most basic of electronic signatures, there are different ways an SES can be captured, including: a signatory selecting a 'tick box', inserting a scan of a wet ink signature into a document, or through using one of the standard online signing functionality platforms such as Adobe Sign or DocuSign.

- 4.4.3 Strictly speaking, a SES has equivalent recognition to a wet ink signature in terms of its evidential weighting, however the ways in which the electronic signature is captured attracts different levels of assurance and document integrity. For example, simply inserting photographs or images of signatures onto documents is not recommended because there is no way of verifying who inserted the signature or whether it has been edited after signing. Using a third party service offers an audit trail mechanism from which the Commission can be more certain that the person making the application form is the person who has then signed the Submission.

4.5 *Two stage Submission Process*

- 4.5.1 Linking to the discussion on the forms of electronic signature available to the Commission set out in the Section above, the Commission can consider the ways in which it accepts Submissions, utilising electronic signature technology to formulate a two-step process.

4.5.2 As well as submitting the Submission to the Commission through the Portal and obtaining an authentication from the applicant during that initial process, we recommend that there is a second electronic form of authentication. This would take the form of a request to reauthenticate the Submission. This would have the benefit of reiterating to applicants that submitting a Submission to the Commission does require the applicant to declare twice that they are authorised to make the application. As well as act as a deterrent, together with the revised declaration wording we propose is added to the declaration form, the Commission's position as regards its acting upon any declaration is predicated on that being completed correctly, and there is a clearer basis on which to found a case of fraud should the applicant not have the requisite authority to act.

4.6 *Submission Form*

4.6.1 Applying the analysis above to the current practice as regards declarations, the Commission is potentially limited in its powers to act upon false declarations in that is limited to use the powers it has to reduce fraudulent Submissions rather than have a power to take action against individuals.

4.6.2 To mitigate against the risk of fraud identified in Section 3.5 above, we consider that the wording of the Submission declaration should be updated to clearly communicate that:

4.6.2.1 A person who provides false information to the Commission in the Submission Form may be liable to investigation and criminal prosecution;

4.6.2.2 The Commission will investigate and, where appropriate, report the provision of false information to Police Scotland; and

4.6.2.3 The Commission may take legal action against persons who provide false information to the Commission.

4.6.3 See Annex 7 for proposed amends to the declaration wording within a sample Application for Consent (for assignment).

4.7 *Guidance on application forms*

4.7.1 The Commission publishes guidance for applicants on how Submissions should be completed. For example, the Application for the Commission Consent to Assign a Croft Tenancy Guidance Notes (Annex 6) at Section 2 explains that applicants must answer questions as fully as possible.

4.7.2 We recommend that the Commission updates its suite of guidance documents to explain that the provision of false information, the impersonation of another or forging of signatures

by applicants is conduct that may result in the commission of a criminal offence. In line with the approach taken in the Submissions forms, the guidance should clearly communicate that the Commission will investigate and report this conduct to Police Scotland and/or raise formal legal action against applicants.

4.8 *Anti-Fraud Policy*

4.8.1 The Commission's Anti-Fraud and Bribery Policy dated 2022 provides guidance on how staff and volunteers should deal with concerns of fraud. We note that the focus of this policy is on the occurrence of fraud within the Commission (e.g. expenses fraud).

4.8.2 We recommend the Commission update this policy to explain to staff and volunteers the risks of fraud in the Submissions process. The policy should provide a non-exhaustive list of how fraud may arise during the Submission process with a focus on any areas/scenarios where the Commission considers the risk of fraud may be heightened.

4.8.3 Staff and volunteers within the Commission will play an important role in ensuring the Commission identifies and responds appropriately to concerns of fraud. The policy should explain the steps staff should take to identify fraud by applicants during the Submission process and the procedure for reporting any concerns internally.

4.8.4 Staff and volunteers within the Commission can also help mitigate the risk of fraud arising. The policy should explain what staff and volunteers should do as a matter of good practice to verify all signatures by applicants. The policy should include details on any additional steps that staff and volunteers should take where they have concerns that the signature (or other documentation) provided by the applicant is not genuine.

4.9 *Consent Wording*

4.9.1 The Commission can grant the consent subject to conditions (with reference to s.58A(6)(b) of the Crofting Act) and we recommend that where consent is granted in response to a Submission, conditions are attached to address the risks identified above in the Section analysing the Offline Process.

4.9.2 Our interpretation of the Crofting Act is that it would then be implicit that a failure to comply with those conditions would then either render the consent void or allow the Commission to withdraw it.

4.9.3 We recommend that the consent provided by the Commission in response to Applications for Consent is supplemented as shown in Annex 8.

4.9.4 The effect of expanding the conditions that are attached to consents in this way gives weight to the Commission's existing rights and responsibilities in response to the risks it faces in ways that are proportionate and reasonable. In essence, it means that the consent it provides is not completely unconditional – it requires a truthful and accurate Submission in terms of the information contained within it, and that the person who submitted the application had all appropriate authority to do so. If either of those points are missing, the consent is invalid and any conveyance undertaken on reliance of that consent is incompetent.

4.10 *Discounted Mitigations*

4.10.1 Electronic two factor authentication. In Section 4.3 we outline our proposals in relation to additional steps that the Commission can take to notify the croft in question that a Submission has been made. The proposals outlined include a manual process of sending a physical notification at 2 stages of the process – first when the Submission is first made and secondly at the decision stage. An alternative to the physical sending of a notification by post is by electronic two factor authentication. This would involve the Commission sending the 2 new notifications through electronic means – for example through text message, telephone call or email. However, we have discounted this mitigation on the basis that the details that the Commission would use to send electronic notifications would be through details supplied by the applicant. The Commission does not hold information on crofters regarding email addresses, telephone numbers or mobile numbers and therefore going through this process as described would not act as an additional safeguard in the Submissions process in relation to comfort around the identity of applicants.

4.10.2 Trusted partners only. This mitigation would open up the Digital Process to persons pre-authorised by the Commission as a 'trusted partner'. For example, registered solicitors or other professionals such as a professional land agent that was authorised to act on behalf of the applicant. This would reduce risks in the Digital Process by removing access from members of the public and restricting to those under a professional remit to act in good faith. However, although some applicants will use a formal agent to make Submissions on their behalf, we understand this is not common practice nor a requirement under the Crofting Act or under Commission rules. As such, implementing this mitigation into the process would be exclusionary and in low value transactions, a disproportionate requirement to impose on crofters. There is also a wider policy point to make on this mitigation – of course, it would be a straightforward change to implement by the Commission if Submissions could only be made in the Digital Process by "trusted partners" – and a significant one in terms of it being the most robust way of targeting all the identified legal and financial risks. However, this would fundamentally change the way that the Commission operates and interacts with its stakeholders – and so the operational and reputational risks wouldn't necessary be solved.

Even if using a trusted partner was only a requirement for some "higher risk" Submission types, the value in doing that doesn't alter the risks in and of itself. It also suggests that the other mitigations and recommendations are open to abuse if we put in additional measures just for "some" Submission types. That may be taken that the Commission implicitly recognises the potential shortcomings, leaving itself open to the argument that the process for other types of Submission is not adequate.

- 4.10.3 Register of approved signatures. More relevant in the context of enhancing the Offline Process, this mitigation would take the form of the Commission having in place a register of approved signatures against which Submission signatures would be cross-checked. This could deter fraudulent Submissions, however it puts an administratively heavy burden on the Commission to forensically check signatures against the register, as which is a specialist skill. In doing so the Commission would be taking on a verification role that it is not statutorily required to take which could lead to the Commission being the subject of legal proceedings should it have acted in reliance of a signature that was fraudulently applied.
- 4.10.4 Formal identity checks (KYC): Formal identity checks is a mitigation that would take the form of checks on identity similar to those employed by professional services firms under the Money Laundering Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017. The basic premise of these checks are to *"identify the client and verify their identity on the basis of documents, data or information obtained from a reliable source which is independent of the client unless the identity of the client is already known to you and has been verified by you"*. In practice, this means checking documents which can verify the individual's identity – most commonly through a passport or driving licence, and a utility bill or bank statement. Depending on the risk profile of a proposed matter, checks of these documents are either done in person, with physical copies, or online. This mitigation has been discounted due, again to the Commission not being statutorily required to verify the identities of those making applications and therefore by introducing a verification step, the Commission then potentially bears the risk of a fraudulent application that the process wrongly authenticates – because it has actively sought to properly verify the identity of the applicant.
- 4.10.5 Other forms of electronic signature. There are alternative forms of electronic signature available to SES, namely the advanced electronic signature ("**AES**") and qualified electronic signature ("**QES**"). AES is a form of electronic signature that would be obtained through a third party provider and results in a signature which is uniquely linked to the signatory, capable of identifying the signatory, created using means that the signatory can maintain under their sole control, and is linked using data which detects whether it is subsequently changed. While an AES is not self-proving, it provides a greater level of evidential assurance than a simple electronic signature whereas a QES is given the same self-proving status as

a wet ink signature that is witnessed. Although a QES and AES provide a higher level of evidence that an electronic signature is legitimate, the process for obtaining an AES or QES is more complex than a SES. In particular, a QES the individual has to have their identity verified by the trust service provider. The AES and QES mitigations were discounted on the basis the risks identified in the Digital Process are not sufficient to justify the additional assurance given through QES and AES, and requiring a AES or QES would dissuade and detract Digital Process take-up by the relevant stakeholders.

5 ENHANCED OFFLINE PROCESS

An outline of the Enhanced Offline Process for Submissions is set out in Annex 5.

6 PROPOSED NEW DIGITAL PROCESS

An outline of the Digital Process for Submissions is set out in Annex 4.

7 SUMMARY OF RECOMMENDATIONS

7.1 Strengthening the Submission form by:

7.1.1 Adding in an explanatory note to clearly explain that a person who provides false information or forges a signature on the declaration may be guilty of a criminal offence, and the Commission will investigate suspected fraud including by taking legal action and/or reporting the conduct to Police Scotland.

7.1.2 Amending the declaration wording to signatory to affirm that (1) all information provided within the Submission is true and accurate and (2) that the signatory is the individual who is entitled to sign the declaration.

7.2 Including the warnings around fraud within the Submission, also in the applicable Guidance issued by the Commission.

7.3 Implementing an acknowledgement of a Submission by post to the relevant croft, with a "pause period" to allow for objections.

7.4 In relation to the Digital Process only:

7.4.1 Adopting a simple electronic signature requirement on Submissions requiring the use of a third party provider which offers an audit trail mechanism.

7.4.2 Implementing a two-stage Submission process involving a second form of authentication in addition to the initial declaration.

- 7.5 Updating the Commission's existing Anti-Fraud and Bribery Policy to explain to staff and volunteers the risks of fraud in the Submissions process including the use of specific example scenarios.
- 7.6 Amending the form of consent issued by the Commission in response to a Consent Application to include conditions around the signatory's declaration, to the effect that failure to comply with the conditions would render the consent void and allow the Commission to withdraw it.

ANNEX 1 – KEY LEGISLATIVE PROVISIONS FROM CROFTING ACT

- Section 1:

Constitution and general functions of Crofting Commission

(1) The Crofting Commission (“the Commission”) established by section 1 of the 1955 Act shall continue in being.

(2) The Commission have—

- (a) the general functions of—
 - (i) regulating crofting;
 - (ii) reorganising crofting;
 - (iii) promoting the interests of crofting;
 - (iv) keeping under review matters relating to crofting; and
- (b) such other functions conferred on them by or under this Act or under any other enactment.

(2A) In exercising their functions under subsection (2), the Commission must have regard to—

- (a) the desirability of supporting population retention—
 - (i) in the crofting counties; and
 - (ii) in any area for the time being designated as mentioned in section 3A(1)(b) and in which there are crofts; and
- (b) the impact of changes to the overall area of land held in crofting tenure on the sustainability of crofting.

(3) The Commission shall discharge their functions in accordance with such directions of a general or specific character as may from time to time be given to them in writing by the Scottish Ministers.

(6) The provisions contained in Schedule 1 to this Act shall have effect in relation to the Commission.

- Section 2:

Particular powers and duties of the Commission

(1) In the exercise of their general functions of reorganising and regulating crofting, it shall be the duty of the Commission—

- (a) to keep under general review all matters relating to crofts and crofting conditions, including, without prejudice to the foregoing generality, land settlement ;
- (b) to collaborate so far as their powers and duties permit with any body or person in the carrying out of any measures for the economic development and social improvement of the crofting counties;
- (c) to advise the Secretary of State on any matter relating to crofts and crofting conditions which he may refer to them, or on which they may think fit to submit advice to him;
- (d) to exercise the powers conferred on them by this Act in such manner as may seem to them in each case desirable.

(3) The Commission shall send to the principal clerk of the Land Court to be recorded in the Crofters Holdings Book every order, determination, consent, authorisation or other proceeding of theirs which they may think proper to be recorded therein.

- Section 8:

Assignment of croft

(1) A crofter shall not assign his croft unless he obtains the consent of the Commission.

(1A) Where a crofter applies for consent to assign a croft by virtue of subsection (1), the crofter must—

- (a) notify the Commission as to where the proposed assignee would intend, following any such assignation, ordinarily to reside; and
- (b) provide the Commission with any other information it requests in connection with the application.

(1B) Where consent is applied for under subsection (1) in relation to an unregistered croft, the Commission—

- (a) may not grant that consent unless an application for first registration of the croft is submitted before the expiry of the period of 6 months beginning with the date on which the application for consent was made;
- (b) need not, during that 6 month period, consider the application for consent until an application for first registration of the croft is submitted.

(5) Where a crofter assigns his croft otherwise than with the consent of the Commission, such assignation and any deed purporting so to assign the tenancy shall be null and void and the Commission may declare the croft to be vacant.

(6) In relation to an unregistered croft or a first registered croft, an assignation to which the Commission have given their consent under this section shall take effect on such date as the Commission shall specify in the consent (being a date not less than two months after that on which the consent was intimated to the crofter) unless before that date the crofter or his executor or legatee and the assignee jointly give to the Commission notice in writing that they do not intend to proceed with the assignation.

(6A) In relation to a registered croft (other than a first registered croft) —

- (a) any consent of the Commission given under this section to an assignation expires at the end of the period of 3 months beginning with the date on which such consent was given unless an application for registration of the assignation is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
- (b) the assignation takes effect on the date of registration.

(7) Any reference in this section to a croft shall include a reference to a part of a croft, being a part consisting of any right in pasture or grazing land deemed by virtue of section 3(4) of this Act to form part of a croft.

- Section 11:

The registration schedule

(1) The Keeper must make up and maintain a registration schedule of every croft registered in the register.

(2) The Keeper must enter in the registration schedule—

- (a) a description of the land which comprises the croft that must consist of or include a description of it based on the ordnance map or such other map as the Keeper considers appropriate;
- (b) the name and designation of, as the case may be—
 - (i) any tenant of the croft;
 - (ii) any owner-occupier crofter of the croft;
 - (iii) any landlord of the croft;
 - (iv) any owner of the croft;
- (a) such other information as the Keeper considers appropriate.

.....

- Section 16:

Rectification of the register

(1) The Keeper—

- (a) may rectify the register in accordance with subsections (2) to (4);
- (b) must rectify the register on being ordered to do so by any court.

(2) Where a mistake in the register arises as a consequence of a mistake in an application for registration (not being a mistake to which subsection (3) applies), the Keeper may rectify the register to correct the mistake on the application of the person who made that application (the “original applicant”).

(3) Where a mistake in the register arises as a consequence of a mistake made by the Commission when forwarding an application for registration under section 7(3)(b) or when submitting (on their own behalf) an application for registration, the Keeper may so rectify the register on the application of—

- (a) in either case, the Commission; or
- (b) in the case of an application so forwarded, the original applicant.

(4) Where a mistake in the register arises as a consequence of a mistake by the Keeper when making up or amending a registration schedule or making consequential amendments to the register, the Keeper may so rectify the register whether on the application of any person to do so or not.

- Section 58A:

Obtaining Commission approval or consent

(1) Any requirement, under or by virtue of this Act, to obtain the approval or consent of the Commission, shall (subject to any express provision made by this Act in respect of any category of case) be complied with as follows.

(2) The application for approval or consent must—

- (a) be in such form; and
- (b) be accompanied by such documents and fee,

as the Commission shall specify; and the Commission may make different provision for different categories of case

....

(7) In considering their decision on the application, the Commission must have regard to the following—

(a) in the case of an application relating to a croft—

- (i) whether any person is or will be ordinarily resident on, or within 32 kilometres of, the croft;
- (ii) whether the croft is being or will be cultivated or put to such other purposeful use as is consented to under section 5C(4);

- (b) the interests of the estate which comprises the land to which the application relates;
- (c) the interests of the crofting community in the locality of that land;
- (d) the sustainable development of that crofting community;
- (e) the interests of the public at large;
- (f) any objections received under subsection (4) or (5A);
- (g) any plan of the Commission approved and published under section 2C;
- (h) any other matter which the Commission consider relevant.

(11) Subject to any other provision of this Act as to procedure, the Commission may determine by such procedure and arrangements (including arrangements as to delegation and the powers and duties of persons delegated) as they consider appropriate whether or not to grant the approval or consent applied for or grant it subject to conditions.

ANNEX 2 – CATEGORIES OF SUBMISSION TO THE COMMISSION

APPLICATION FORM	CONSENT	NOTIFICATION
'Another Purposeful Use'	Consent to use the croft for another purposeful use	
'Application by former subtenant to remain in occupation of croft'	Consent to remain in occupation of the croft	
'Apportionment - Extension of the period of a termed apportionment'	Consent for the extension of the term of the apportionment	
'Apportionment Individual Apportionment'	Apportionment application	
'Apportionment - Review of an apportionment'	Application to review an apportionment where the Commission can decide to either vary or revoke any condition of the apportionment; impose a new condition or bring the apportionment to an end.	
'Assignment'	Consent to assign a croft tenancy	
'Assignment of a grazing share'	Consent to assign a grazing share(s)	
'Breach of duties'		Notification of suspected breach of duties by tenant or owner-occupier crofters
'Change of Contact Details'		Notification of change of principal contact details
'Change of Ownership'		Notification of change of ownership of croft land
'Consent to be Absent'	Consent to be absent from the croft	
'Consent to be Absent Extension'	Consent for extension of time or variation of conditions to the consent to be absent from croft	
'Creating a New Croft'	Application for approval to create a new croft	
'Crofter Forestry'	Application for approval to use part of the grazing for forestry purposes	
'Decrofting - Croft House and Garden Ground'	Application for a house site and garden ground decrofting direction	
'Decrofting - Part Croft Owned'	Decrofting application	
'Decrofting - Part Croft Tenant'	Decrofting application	
'Decrofting - S17 or S18 Feu'	Decrofting application under s17 or 18 of the Crofters (Scotland) Act 1955	
'Decrofting - Whole Croft by Tenant'	Decrofting application	
'Decrofting - Whole Croft Owned'	Decrofting application	
'Division by a Tenant'	Consent to divide a croft tenancy	
'Division House Site (Bequest)'	Consent to divide a croft by an executor	
'Division of an Owner-	Consent to divide a croft by an owner-	

'Occupied Croft'	occupier crofter	
'Division of Grazing Share(s)'	Consent to divide the croft tenancy of a grazing share(s)	
'Enlargement'	Application for approval to enlarge tenanted croft land with non-croft land	
'Exchange of croft land'	Consent to exchange tenanted croft land	
'Intestate Succession'		Notification of transfer of croft tenancy by the executor
'Letting by Landlord of Vacant Croft'	Consent to let a croft tenancy (by landlord)	
'Letting by Owner-Occupier Crofter'	Consent to let a croft tenancy (by owner-occupier)	
'Letting Grazing Share(s)'	Consent to let grazing share(s)	
'Renunciation of a Croft Tenancy'		Notification of a renunciation of croft tenancy
'Resumption - Notification of Effecting'		Notification of a resumption of croft land
'Short Term Let'	Consent for owner-occupier crofter to short term let a croft	
'Subletting'	Consent to sublet a croft tenancy	
'Subletting of Grazing Shares(s)'	Consent to sublet a grazing share(s)	
'Testate Succession of a Croft Tenancy (Bequest)'		Notification of testate succession bequest of croft tenancy

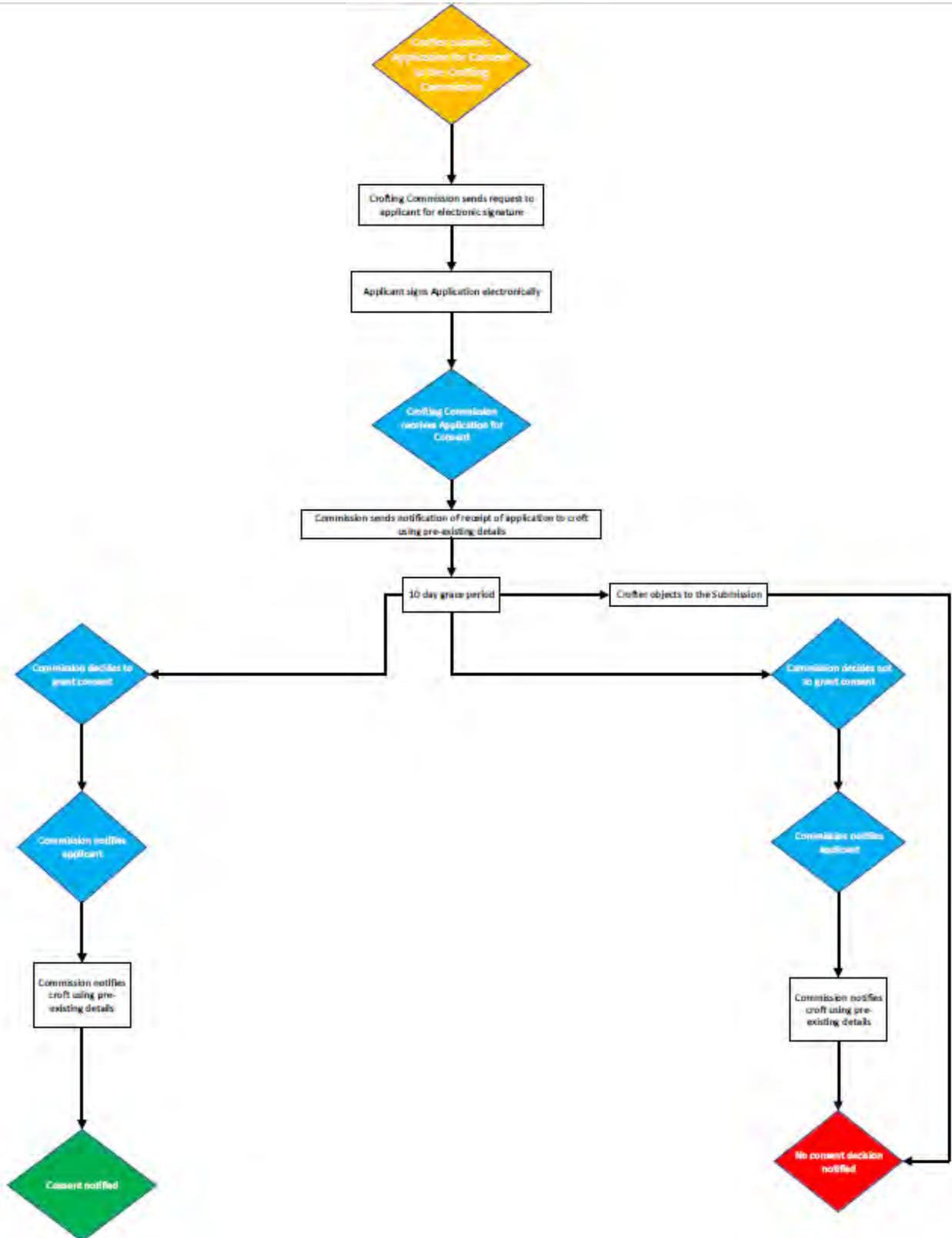
ANNEX 3 – OVERVIEW OF CURRENT OFFLINE PROCESS FOR CONSENT



KEY:

- Crofter actions
- Crofting Commission action
- Positive outcome
- Negative outcome

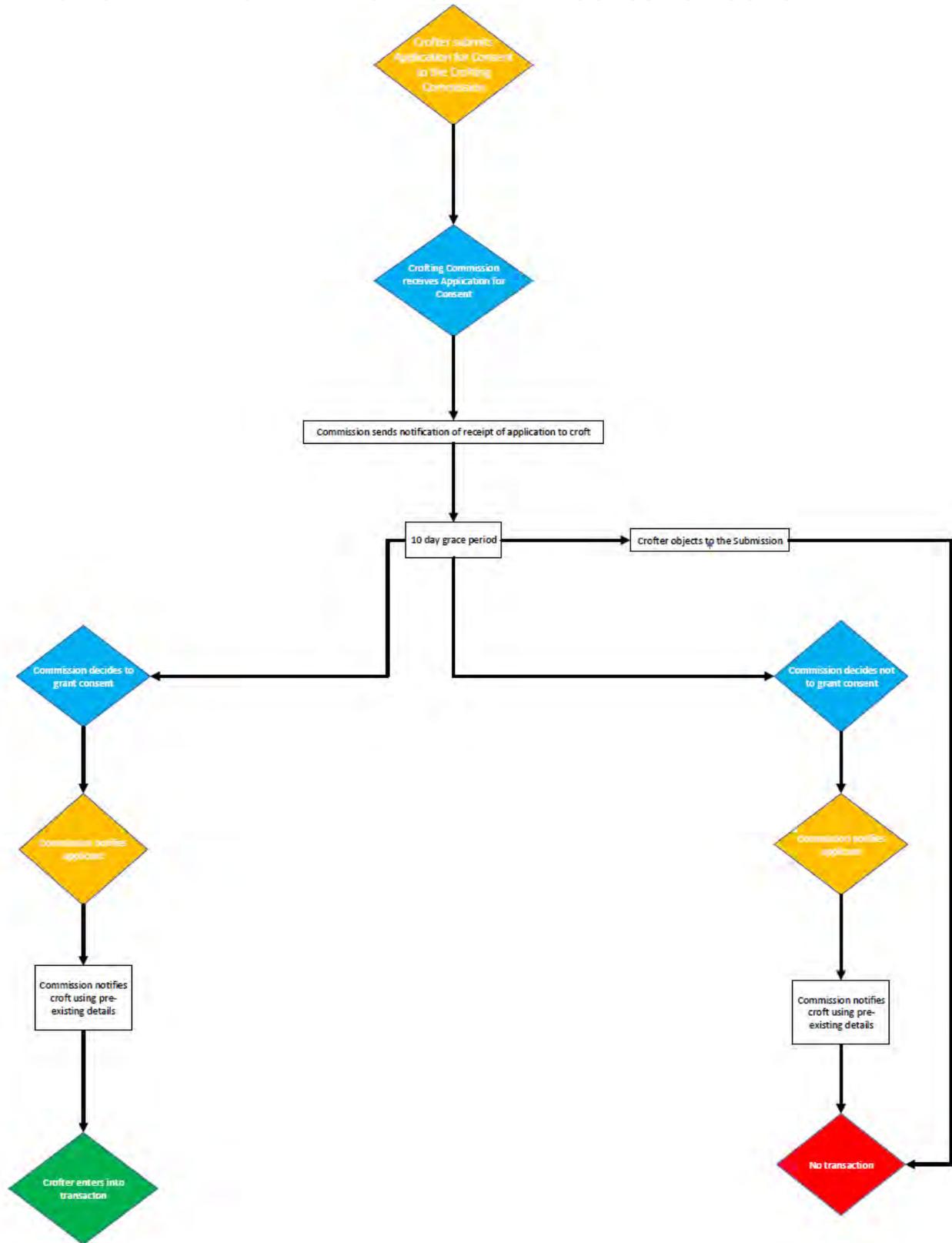
ANNEX 4 – OVERVIEW OF DIGITAL PROCESS FOR CONSENT



KEY:

- Crofter actions
- Crofting Commission actions
- Positive outcome
- Negative outcome
- New step

ANNEX 5 – OVERVIEW OF ENHANCED OFFLINE PROCESS FOR CONSENT



KEY:

- Crofter actions
- Crofting Commission actions
- Positive decisions
- Negative decisions
- New step

ANNEX 6 – TEMPLATE APPLICATION AND CONSENT FORMS (FOR ASSIGNATION)

CONSENT APPLICATION – ASSIGNATION



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

Great Glen House
Leachkin Road
Inverness IV3 8NW

Taigh a' Ghlinne Mhòir
Rathad an Leacainn
Inbhir Nis IV3 8NW

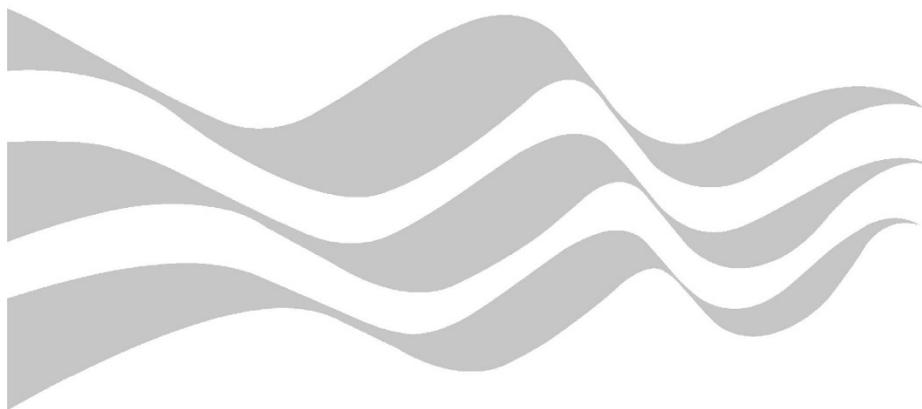
T: (01463) 663439
E: info@crofting.gov.scot
W: www.crofting.scotland.gov.uk

Application for Commission Consent to Assign a Croft Tenancy

Tagradh airson Cead a' Choimisein gu Gabhaltas Croite a Shònrachadh

There is a requirement to register your croft land, please read
Section 1 in the guidance notes:

Requirement to Register your Croft Land



OFFICE USE ONLY CASE No:

Revised August 2019

PRIVACY NOTICE

The Crofting Commission acts as the 'Controller' of the personal data you provide us with when you complete a Regulatory Application. Under the Crofters (Scotland) Act 1993 we are obliged to collect this information in order to facilitate the processing of your application. Please note that the Commission will be unable to process your application if you do not provide the information requested.

Any data provided by you is part of an open process and may be made available to other parties involved (unless told otherwise). These could include:

- The tenant / owner-occupier crofter / landlord of a vacant croft
- The proposed tenant/sub-tenant
- The landlord of the croft
- The owner of the common grazings
- The area assessor
- The grazings committee
- The owner of any adjacent non-croft land
- The occupier of any adjacent non-croft land
- Any member of the local crofting community
- Any other person with a significant interest
- Third Party Organisations – *RPID (Rural Payments & Inspections Directorate) and the Registers of Scotland.*

Your data will be used to update the Register of Crofts and it may also be released under a Freedom of Information enquiry, subject to any disclosure exemptions under Data Protection Laws.

Your information will be stored in the format received and electronically in the Commission's Crofting Information System (CIS). We will not keep your personal data for any longer than is necessary to complete the relevant processing and in line with our Retention Policy.

If at any point you believe the data we process on you is not accurate, you can request to see it and have it corrected or deleted. If you wish to raise a complaint about how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter. Our Data Protection Officer can be contacted by e-mailing DataProtection@crofting.gov.scot. Further details on the Crofting Commission's Data Protection Policy can be found at www.crofting.scotland.gov.uk/data-protection-act.

For information on submitting a complaint to the Crofting Commission, please visit our website at www.crofting.scotland.gov.uk/complaints. For details of how to complain to the Information Commissioner, please visit www.ico.org.uk.

CROFT AND CURRENT CROFTER DETAILS

ALL FIELDS MUST BE COMPLETED

1 Croft Details

Croft:	
Parish:	
Crofting Commission Register Number	
Registers of Scotland Register Number (where registered):	Main Location Code: (MLC)

2 Crofter Details

Surname:	Title:
Forename(s):	
Date of Birth ¹ :	
Main Residential Address:	
	Postcode:
Telephone:	
Alternative Telephone:	
E-mail Address:	
I agree to communication regarding this application by e-mail	
Yes <input type="checkbox"/>	No <input type="checkbox"/>

¹ The Act was amended on 1 October 2011 to include the requirement that the age and date of birth of the tenant of each croft shall be entered in the Register.

3 Agent Details for Crofter (only if applicable)

Name: _____

Postal Address: _____

_____ Postcode: _____

Telephone: _____

Alternative Telephone: _____

E-mail Address: _____

I agree to communication regarding this application by e-mail Yes No

4 Landlord Details (additional landlord/owner of common grazings details can be entered on Appendix 1)

Name of Organisation/Company/Estate: _____

Surname: _____ Title: _____

Forename(s): _____

Postal Address: _____

_____ Postcode: _____

Telephone: _____

Alternative Telephone: _____

E-mail Address: _____

5 Agent Details for Landlord (only if applicable) – additional agent details can be entered on Appendix 1

Name: _____

Postal Address: _____

_____ Postcode: _____

Telephone: _____

Alternative Telephone: _____

E-mail Address: _____

RESIDENCY AND LAND USE

Please read Section 3 – **Residency and Land Use** of the guidance before responding to the following

- 6** Do you currently reside on or within 32 kilometres (20 miles) of the croft? Yes No
- Will the proposed assignee be ordinarily resident on or within 32 kilometres (20 miles) of the croft, should the Commission approve the application? Yes No

The Commission require to know how the croft is currently being used.

- 7(i)** Is the croft currently being used for cropping activities? Yes No

If 'Yes', please provide details below:

.

- 7(ii)** Is the croft currently being used for stock management purposes? Yes No

If 'Yes', please provide details below:

.

FIXED EQUIPMENT AND PERMANENT IMPROVEMENTS

Please read Section 3.2 – **Fixed Equipment and Permanent Improvements** of the guidance before responding to the following

7(iii) Are there any buildings on the croft? Yes No

If **'Yes'**, please provide details below (include information about the size, condition, approximate age and current use) e.g. general purpose shed, dwellinghouse:

.

7(iv) Please provide details of any fixed equipment on the croft e.g. fences and ditches (include information about the condition and approximate age):

.

WIDER INTERESTS

Please read Section 4 – **Wider Interests** of the guidance before responding to the following

ESTATE

9(i) What effect, if any, do you consider this assignation will have on the interests of the estate?

CROFTING COMMUNITY

9(ii) What effect, if any, do you consider this assignation will have on the interests of the crofting community?

SUSTAINABLE DEVELOPMENT

Please read Section 4.1 – **Sustainable Development** section of the guidance before responding to the following

9(iii) What effect, if any, do you consider this assignation of the tenancy will have on the sustainable development of the local crofting community?

.

PUBLIC AT LARGE

Please read Section 4.2 – **Public Interests** section of the guidance before responding to the following

9(iv) What effect if any, do you consider this assignation will have on the interests of the public at large?

.

10 Please provide any additional information in support of your application that you consider may be helpful to the Commission in reaching its decision (for example, you may wish to tell us why you are applying to assign your croft):

.

PUBLIC NOTIFICATION

Please read Section 2.2 – **Public Notification** of the guidance before responding to the following

11 Please give details of the public notification arrangements you have made below:

(i) Name of newspaper displaying the advert: _____

(ii) The date advert will be displayed in newspaper: _____

A standard advert for your use is included in the guidance notes.

CROFTER/AGENT PLEASE SIGN THIS DECLARATION

12 I confirm that I have carried out the following in connection with this application:

- I have given the croft landlord(s)/owner of common grazings written notification of this assignation application and enclose evidence (see guidance section Landlord Notification and Appendix 2 and 2A)
- I have advertised this application for consent to assign the tenancy in a newspaper circulating in the local area.
- The proposed new crofter has completed question 16 of the application, advising whether he/she is or will be ordinarily resident.
- Questions 14 to 25 have been completed and the declaration has been signed by the proposed new crofter or their agent.
- I have included my application to register the croft (if applicable).
- Where the croft is sublet, I have given the subtenant 6 months notice of my intention to assign the tenancy.

13 DECLARATION

This application is submitted under section 8 of the Crofters (Scotland) Act 1993 for consent to assign the tenancy.

I declare that, to the best of my knowledge, the information I have given in this application is correct.

Signed

Date

Crofter/Agent

PROPOSED NEW CROFTER DETAILS

Please read Section 5 – **Proposed New Crofter Details** of the guidance before responding to the following

ALL FIELDS MUST BE COMPLETED

14. Proposed New Crofter Details

Surname:	Title:
Forename(s):	
Date of Birth ¹ :	
Main Residential Address:	
	Postcode:
Telephone:	
Alternative Telephone:	
E-mail Address:	
I agree to communication regarding this application by e-mail	
Yes <input type="checkbox"/>	No <input type="checkbox"/>

15. Agent/Guardian Details for Proposed New Crofter (only if applicable)

Name:	
Postal Address:	
	Postcode:
Telephone:	
Alternative Telephone:	
E-mail Address:	
I agree to communication regarding this application by e-mail	
Yes <input type="checkbox"/>	No <input type="checkbox"/>

¹ The Act was amended on 1 October 2011 to include the requirement that the age and date of birth of the tenant of each croft shall be entered in the Register.

RESIDENCY AND LAND USE

Please read Section 3 – **Residency and Land Use** of the guidance before responding to the following

16. Do you currently reside on or within 32 kilometres (20 miles) of the croft? Yes No

If **'Yes'**, go to question 17

If **'No'**:

(i) What is your timescale for taking up residence? Please provide reasons for this timescale.

.

(ii) Is there a habitable house on or in the locality of the croft in which you intend to reside? Yes No

If **'Yes'**, please provide details:

.

(iii) Do you intend to build a new dwellinghouse for yourself on the croft? Yes No

If 'Yes':

Has planning permission been obtained or are you in the process of applying for planning permission?

Planning obtained Applied for No

Planning Reference Number: _____

(iv) Will any other person reside on the croft prior to you taking up residence? Yes No

If 'Yes', please provide details:

•

v) How do you propose the croft will be cultivated and maintained until you take up residence?

•

17. As a resident crofter, or once resident, how do you intend to cultivate the croft?
Please provide details.

.

Crops (please specify)	Hectares

Livestock (e.g. sheep, cows, pigs, poultry)	Proposed number and timescale

Other proposed cultivation (e.g. horticulture, apiary)

.

18. As a resident crofter, or once resident, how do you intend to maintain the croft?
e.g. ensuring all fences are stockproof and land is properly drained. Please provide details.

.

Please read Section 3.1 – **What are Crofter’s Duties** of the guidance before responding to the following

19 Do you intend to put the croft or any part of it to a purposeful use other than cultivation?
e.g. Tourist Development, Livery or Renewable Energy Project
(see What are a Crofter’s Duties in the Guidance) Yes No

If **‘Yes’**:

(i) Please provide details including how the project will be funded (it may be helpful to include a copy of your Business Plan if this is available):

(ii) Has the landlord consented to the croft being put to this purposeful use? Yes No

20 Does the croft have an associated common grazing share? Yes No

If **‘Yes’**: please provide details of how you intend to use the share:

PROPOSED NEW CROFTER/AGENT PLEASE SIGN THIS DECLARATION

25 DECLARATION

I declare that:

- To the best of my knowledge, the information I have given in this application is correct.
- I am aware of the duties which a crofter is required to comply with relating to residency and land use as stated in 'What are Crofter's Duties' section in the guidance.

Signed

Date

Proposed New Crofter/Agent

What Happens Next?

- When we receive this application, we will send the applicant or their agent an acknowledgement letter.
- Providing the croft is registered with the Keeper of the Registers of Scotland, at the end of the 28 day consultation period we must decide whether or not to grant the application or to investigate further. If we decide to investigate further we will notify all interested parties. We aim to take a decision within 12-16 weeks.
- Our decision can be appealed to the Scottish Land Court within 42 days from the date we notify interested parties of our decision.

APPENDIX 1

Additional Landlord/Owner of Common Grazings Details

Name of Organisation/Company/Estate: _____

Surname: _____ Title: _____

Forename(s): _____

Postal Address: _____

_____ Postcode: _____

Telephone: _____

Alternative Telephone: _____

E-mail Address: _____

Additional Agent Details for Landlord (only if applicable)

Name: _____

Postal Address: _____

_____ Postcode: _____

Telephone: _____

E-mail Address: _____

Additional Landlord/Owner of Common Grazings Details

Name of Organisation/Company/Estate: _____

Surname: _____ Title: _____

Forename(s): _____

Postal Address: _____

_____ Postcode: _____

Telephone: _____

Alternative Telephone: _____

E-mail Address: _____

Additional Agent Details for Landlord (only if applicable)

Name: _____

Postal Address: _____

_____ Postcode: _____

Telephone: _____

E-mail Address: _____

APPENDIX 2

Notice for Landlord/Owner of Common Grazings

Proposed Assignation of a Croft

I _____ (PLEASE PRINT YOUR NAME)

am applying to the Crofting Commission for consent to assign the tenancy of the croft at

to _____ (proposed new crofter name)

of _____ (address).

If you have any comments, you may submit these in writing to the Crofting Commission, Great Glen House, Leachkin Road, Inverness IV3 8NW or email info@crofting.gov.scot by

(insert date here giving 28 days from date of publication of newspaper advert).

Please note that any comments received by the Crofting Commission are part of an open process and will be made available to myself and any interested parties. Your comments would also be released under a Freedom of Information enquiry.

Signed

Date

Crofter/Agent

APPENDIX 2A

**TO THE CROFTING COMMISSION –
CONFIRMATION OF RECEIPT OF NOTIFICATION BY LANDLORD/
OWNER OF COMMON GRAZINGS**

I confirm that I have seen the application form for the assignation of the tenancy of the croft

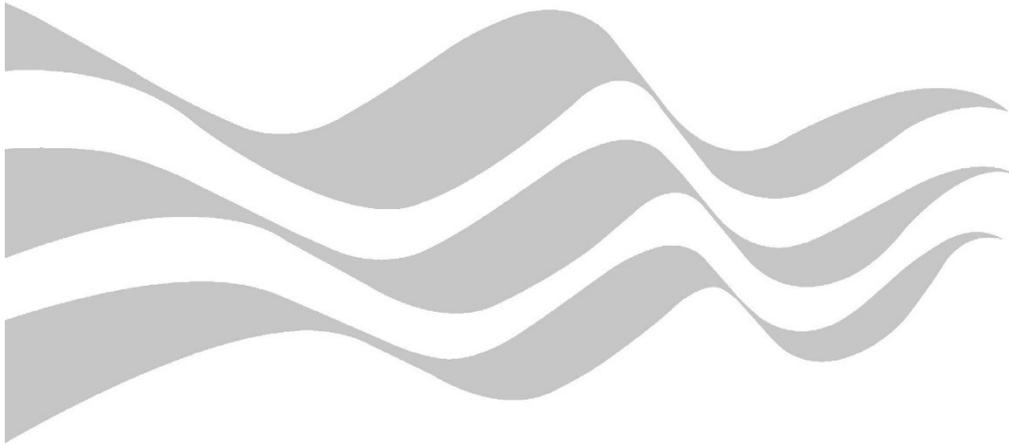
at _____

and that I will submit any comments within 28 days from the date of the newspaper advert.

Signed

Date

Landlord



Great Glen House Taigh a' Ghlinne Mhòir
Leachkin Road Rathad an Leacainn
Inverness IV3 8NW Inbhir Nis IV3 8NW

T: (01463) 663439
E: info@crofting.gov.scot
W: www.crofting.scotland.gov.uk



CONSENT APPLICATION – GUIDANCE NOTES



**Application for Commission Consent
to Assign a Croft Tenancy Guidance Notes**

**Notaichean Stiùiridh a thaobh Tagradh
airson Cead a' Choimisein gu Gabhaltas
Croite a Shònrachadh**



Revised August 2019

Assignment is the term used to describe the transfer, with Crofting Commission consent, of a croft tenancy from you as the crofter, referred to as the 'assignor' or 'current crofter', to a person of your choice referred to as the 'assignee' or 'proposed new crofter'.

This application form is for the assignment of the whole of your tenancy, if you wish to assign just the grazing share(s) please complete the Assignment – Grazings Share(s) application form. If you wish to retain part of your croft that has not been decrofted and/or purchased, you should first apply to divide the tenancy.

If the croft is currently sublet, you must give your subtenant 6 months written notice of your intention to assign the tenancy before submitting this application. (Refer to the Missive of Sublet).

If the application is being submitted by anyone other than you or your Solicitor, the form should be accompanied by written confirmation from you that you have authorised the signatory to act as your agent.

1. REQUIREMENT TO REGISTER YOUR CROFT LAND

The final element of the Crofting Reform (Scotland) Act 2010 relating to the registration of croft land came into effect on 30 November 2013.

The Crofting Register is map based and provides a definitive record of the extent of, and interest in, land within crofting tenure in Scotland. In addition to showing the boundaries of land, the register also contains information on the crofter, owner-occupier crofter and/or the landlord of the registered croft. The Crofting Register is maintained by the Keeper of the Registers of Scotland, although the application for registration is made in the first instance to the Crofting Commission who will check the information contained in or accompanying the registration application against the information contained in the Commission's Register of Crofts.

If your croft is unregistered, the Commission will be unable to make a decision on your assignment application until the croft has been registered with the Keeper of the Registers of Scotland. To avoid delays therefore, we recommend that your assignment application should be accompanied by your application to register the croft on the Crofting Register. This must be accompanied by a map showing the boundaries of the croft along with the registration fee.

A copy of the registration form and accompanying guidance notes can be found at www.ros.gov.uk/services/registration/crofting-register If an application to register is not submitted within 6 months of the date of receipt of this application, the application to assign will be withdrawn from our records and returned to you.

If your croft is already registered with the Keeper of the Registers of Scotland, an application for Registration of a Subsequent Event will be required should your assignment application be approved.

2 Please visit www.crofting.scotland.gov.uk or call 01463 663439 for more information

2. IMPORTANT INFORMATION

All questions must be answered as fully as possible, otherwise the form may be returned. To enable the Commission to give full consideration to your application, we would appreciate if you would provide us with as much information as possible to help us to arrive at a fully informed decision.

2.1 LANDLORD NOTIFICATION

You are legally required to give written notice to your landlord (and if your application includes grazings share(s), the owners of the common grazings) of this application. In order to confirm you have done this could you please provide one of the following:

1. Arrange for the signed notification form at Appendix 2A of the application form to be completed and signed by the landlord (and any owners of the common grazing)
2. A letter confirming receipt of notification from your landlord (and any owners of the common grazing)
OR
3. A copy of your posting receipt as evidence of notification having been sent by registered post or recorded delivery to your landlord (and any owners of the common grazing)

2.2 PUBLIC NOTIFICATION

You must advertise your application to assign the tenancy of the croft in a newspaper. You are responsible for paying for the advert. Please refer to our guidelines on advertising applications on our website at www.crofting.scotland.gov.uk/forms-and-guidance

Failure to follow the guidelines may result in you having to re-advertise your application in an accepted newspaper.

It is important that this application is sent to us before the advert appears in a newspaper.

A standard advert for your use is provided on page 4.

We would encourage you to contact the local Grazings Clerk/Constable to make them aware of your proposals, as experience has shown this can help establish good community relationships.

3 Please visit www.crofting.scotland.gov.uk or call **01463 663439** for more information

Sample Newspaper Advert:

Proposed Assignment of a Croft

(Your name)

is applying to assign the tenancy of the croft at

(croft name and parish)

to

(proposed new Crofter Name)

of

(address)

Written comments from those with a relevant interest (which may be made public) to: Crofting Commission, Leachkin Road, Inverness IV3 8NW, info@crofting.gov.scot by DD/MM/YY*.

* Insert date here giving 28 days from date of publication of newspaper advert.

4 Please visit www.crofting.scotland.gov.uk or call 01463 663439 for more information

3. RESIDENCY AND LAND USE

Section 58A(7)(a) of the Crofters (Scotland) Act 1993

In considering its decision on this application, the Commission must have regard to:

- (i) whether any person is or will be ordinarily resident on, or within 32 kilometres (20 miles) of, the croft;
- (ii) whether the croft is being or will be cultivated or put to such other purposeful use.

All crofters are required to comply with a number of statutory duties relating to residency and management of their crofts.

3.1 WHAT ARE CROFTER'S DUTIES?

Crofters Duties

Both tenant and owner-occupier crofters have a duty to:

- **Be resident on, or within 32 kilometres (20 miles) of their croft**
- **Not misuse or neglect the croft**

Misuse – This refers to a croft being used for something which is not considered as cultivation.

Crofters require the consent of their landlord or, failing that, the Crofting Commission if they wish to put their croft to another purposeful use.

Neglect – This refers to the management of the croft which should meet the standards of Good Agricultural and Environmental Condition (GAEC).

- **Cultivate and maintain the croft**

Cultivate – This refers to the croft being used for cultivation or put to another purposeful use. This includes horticulture, keeping livestock including poultry and bees, growing of crops and the planting of trees.

Maintain – This refers to the maintenance of the croft; to enable the croft to be cultivated it must be maintained in a fit state except where another purposeful use is incompatible with the croft being kept in such a state.

Purposeful use – This means any planned and managed use which does not adversely affect the croft, the public interest, the interests of the landlord or (if different) the owner, or the use of adjacent land.¹

3.2 FIXED EQUIPMENT AND PERMANENT IMPROVEMENTS

Any fixed equipment or permanent improvements e.g. agricultural or domestic buildings which form part of the tenancy will be assigned with the tenancy. If the croft house and garden ground is part of the tenancy of the croft and you wish to retain it, you must decroft and purchase the site prior to submitting the assignation application.

If an advance of purchase decrofting direction has been granted in respect of the croft house site and garden ground or part of the croft, this area will be included in the assignation of the croft tenancy unless it has been purchased from the landlord.

¹ A crofter may only put the croft to a purposeful use if the landlord has consented to the use (unconditionally or subject to conditions acceptable to the crofter); or the Commission has consented to the use if the landlord has withheld their consent.

5 Please visit www.crofting.scotland.gov.uk or call 01463 663439 for more information

4. WIDER INTERESTS

In this section you are provided with the opportunity to make any comments on these matters which you consider the Commission should take into account when considering your application.

Section 58A(7)(b)-(e) of the Crofters (Scotland) Act 1993

In considering its decision on this application, the Commission must have regard to:

- (b) the interests of the estate which comprises the land to which the application relates;
- (c) the interests of the crofting community* in the locality of that land;
- (d) the sustainable development of that crofting community;
- (e) the interests of the public at large

*Crofting community means all the persons who (either or both) – occupy crofts within a township which consists of two or more crofts registered with the Crofting Commission; hold shares in a common grazing associated with that township.

4.1 SUSTAINABLE DEVELOPMENT

Sustainable development of a crofting community will normally include the economic social and environmental well-being of the community but meeting the sustainable development criteria need not require meeting all these strands. For instance, the agricultural aspect of crofting is not always necessarily financially sustainable, but this does not preclude it from adding value to the well-being of the individual and the surrounding community. Consideration of applications should take account of the maintenance and possible increase in populations, good management practices, the protection and enhancement of environmental assets, economic demand and employment opportunities, the protection and encouragement of biodiversity, the production of renewable energy reduction in carbon emissions, resource efficiency and the avoidance of dereliction of land. There are many criteria available when considering sustainable development although not all will be applicable to each circumstance.

4.2 PUBLIC INTEREST

Crofting legislation does not define 'public interest', although it contains various references to it. It is therefore for the Commission to be satisfied that, where required on a case-by-case basis, the public interest test is met.

In exercising its functions, the Commission must have regard to (a) the desirability of supporting population retention in the crofting counties and in any other designated area where crofts have been created, and (b) the impact of changes to the overall area of land held in crofting tenure to the sustainability of crofting.

In determining if, for example, approving an application is in the public interest, the Commission may consider any evidence of the benefits and disbenefits to other crofters, crofting communities, the wider community and others the Commission considers as having an interest in the application. The Commission will also take into account the Scottish Government's crofting policies and will normally favour the wider public interest particularly where individual private interest will disadvantage the sections detailed above.

6 Please visit www.crofting.scotland.gov.uk or call 01463 663439 for more information

5. PROPOSED NEW CROFTER DETAILS

Please note a croft tenancy cannot be assigned to more than one person. A croft tenancy cannot be assigned to anyone who has an interest in the ownership of the land (e.g. is the landlord). Guardian details need to be provided where the proposed new crofter is aged under 16.

6. POLICY PLAN ON ASSIGNATION

Section 58A(7)(g), (h) of the Crofters (Scotland) Act 1993

In considering its decision on this application, the Commission must have regard to the Commission's policies included within its Policy Plan approved by the Scottish Ministers and any other matter which the Commission considers relevant.

When considering applications to assign, the Commission will apply section 58A of the 1993 Act as amended and its policies on residency, land use and shared management. The application should show that the proposed assignee is both able to and intends to comply with all the statutory duties and in particular that he or she intends to be ordinarily resident on or within 32 kilometres of the croft and to cultivate and maintain the croft or put it to a purposeful use which has section 5C(4) consent. The proposed assignee may live elsewhere pending the assignation, but the Commission will need to be satisfied that the assignee intends to fulfil the residency duty within a reasonable time, and may include as a condition that this duty is met within a specified period. The Commission will not generally approve an assignation where it has reason to believe that the proposed assignee will be absent from the croft or will otherwise fail to comply with a crofter's duties.

In considering applications to assign, the Commission may take into account the number of crofts which the proposed assignee already holds (as tenant or as owner-occupier crofter). The Commission's policy of promoting population retention and increased residency of crofts will not preclude multiple tenancies/occupation provided that the Commission is satisfied that this is in the wider interests of crofting and the crofting community.

7 Please visit www.crofting.scotland.gov.uk or call 01463 663439 for more information



Great Glen House Taigh a' Ghlinne Mhòir
Leachkin Road Rathad an Leacainn
Inverness IV3 8NW Inbhir Nis IV3 8NW

T: (01463) 663439
E: info@crofting.gov.scot
W: www.crofting.scotland.gov.uk



CONSENT LETTER - ASSIGNATION

Assignment

ASSIG33 - First Reg - approval with grounds - applt/agt - not sublet

I am writing about the above application.

Having fully considered all the evidence, this application has been granted by the Commission on the enclosed grounds.

All interested parties have been notified of this decision.

The Commission's decision or determination of the application can be appealed to the Scottish Land Court, George House, 126 George Street, Edinburgh, EH2 4HH, by any person with an interest in the case on any of the grounds set out in section 52A of the Crofters (Scotland) Act 1993. The appeal must be brought within 42 days from the date of this letter and should be made directly to the Land Court. The Commission cannot enter into any dialogue with parties while the 42 day appeal period is ongoing.

The assignment cannot take effect before <<<insert date 2 months and a day from date of this letter>>>. During this time both parties may jointly give notice to us in writing that the assignment is not to proceed. You are required to notify us, using the enclosed form, that the assignment has taken effect. We will in turn notify the Keeper of the Crofting Register held by Registers of Scotland of the change in tenancy. If you fail to return the notification form to the Commission by <<<insert date 3 months from decision letter>>>, the assignment will be deemed not to have taken effect.

Enclosures

Grounds for decision
Notification Form

ANNEX 7 – REVISED APPLICATION FORM – DECLARATION WORDING

**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

Great Glen House Taigh a' Ghlinne Mhoir
Leachkin Road Rathad an Leacainn
Inverness IV3 8NW Inbhir Nis IV3 8NW

T: (01463) 663439
E: info@crofting.gov.scot
W: www.crofting.scotland.gov.uk

**Application for Commission Consent
to Assign a Croft Tenancy**

**Tagradh airson Cead a' Choimisein
gu Gabhaltas Croite a Shonrachadh**

There is a requirement to register your croft land, please read
Section 1 in the guidance notes:

Requirement to Register your Croft Land



OFFICE USE ONLY CASE No:

Revised August 2019

PRIVACY NOTICE

The Crofting Commission acts as the 'Controller' of the personal data you provide us with when you complete a Regulatory Application. Under the Crofters (Scotland) Act 1993 we are obliged to collect this information in order to facilitate the processing of your application. Please note that the Commission will be unable to process your application if you do not provide the information requested.

Any data provided by you is part of an open process and may be made available to other parties involved (unless told otherwise). These could include:

- The tenant / owner-occupier crofter / landlord of a vacant croft
- The proposed tenant/sub-tenant
- The landlord of the croft
- The owner of the common grazings
- The area assessor
- The grazings committee
- The owner of any adjacent non-croft land
- The occupier of any adjacent non-croft land
- Any member of the local crofting community
- Any other person with a significant interest
- Third Party Organisations - *RPID (Rural Payments & Inspections Directorate) and the Registers of Scotland.*

Your data will be used to update the Register of Crofts and it may also be released under a Freedom of Information enquiry, subject to any disclosure exemptions under Data Protection Laws.

Your information will be stored in the format received and electronically in the Commission's Crofting Information System (CIS). We will not keep your personal data for any longer than is necessary to complete the relevant processing and in line with our Retention Policy.

If at any point you believe the data we process on you is not accurate, you can request to see it and have it corrected or deleted. If you wish to raise a complaint about how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter. Our Data Protection Officer can be contacted by e-mailing DataProtection@crofting.gov.scot. Further details on the Crofting Commission's Data Protection Policy can be found at www.crofting.scotland.gov.uk/data-protection-act.

For information on submitting a complaint to the Crofting Commission, please visit our website at www.crofting.scotland.gov.uk/complaints. For details of how to complain to the Information Commissioner, please visit www.ico.org.uk.

CROFT AND CURRENT CROFTER DETAILS

ALL FIELDS MUST BE COMPLETED

1 Croft Details

Croft: _____

Parish: _____

Registers of Scotland Register Number (where registered):	Main Location Code: (MLC)
--	------------------------------

Surname: _____

Crofting Commission Register Number _____

2 Crofter Details

Title: _____

Forename(s): _____

Date of Birth' : _____

Main Residential Address: _____

Postcode: _____

Telephone: _____

Alternative Telephone: _____

E-mail Address: _____

I agree to communication regarding this application by e-mail Yes • No •

I The Act was amended on 1 October 2011 to include the requirement that the age and date of birth of the tenant of each croft shall be entered in the Register.

3 Agent Details for Crofter (only if applicable)

Name: _____

Postal Address: _____

Postcode: _____

Telephone: _____

Alternative Telephone: _____

E-mail Address: _____

I agree to communication regarding this application by e-mail Yes No

4 Landlord Details (additional landlord/owner of common grazings details can be entered on Appendix 1)

Name of Organisation/Company/Estate: _____

Surname: _____

Title: _____

Forename(s): _____

Postal Address: _____

Postcode: _____

Telephone: _____

Alternative Telephone: _____

~~E-mail Address:~~ _____

5 Agent Details for Landlord (only if applicable) - additional agent details can be entered on Appendix 1

Name: _____

Postal Address: _____

Postcode: _____

Telephone: _____

Alternative Telephone: _____

E-mail Address: _____

RESIDENCY AND LAND USE

Please read Section 3 — **Residency and Land Use** of the guidance before responding to the following

- | | | | |
|----------|--|-----|----|
| 6 | Do you currently reside on or within 32 kilometres (20 miles) of the croft? | Yes | No |
| | Will the proposed assignee be ordinarily resident on or within 32 kilometres (20 miles) of the croft, should the Commission approve the application? | Yes | No |

The Commission require to know how the croft is currently being used.

- | | | | |
|-------------|--|-----|----|
| 7(i) | Is the croft currently being used for cropping activities? | Yes | No |
|-------------|--|-----|----|

If **'Yes'**, please provide details below:

- | | | | |
|--------------|--|-----|----|
| 7(ii) | Is the croft currently being used for stock management purposes? | Yes | No |
|--------------|--|-----|----|

If **'Yes'**, please provide details below:

FIXED EQUIPMENT AND PERMANENT IMPROVEMENTS

Please read Section 3.2 — **Fixed Equipment and Permanent Improvements** of the guidance before responding to the following

7(iii) Are there any buildings on the croft? Yes No

If **'Yes'**, please provide details below (include information about the size, condition, approximate age and current use) e.g. general purpose shed, dwellinghouse:

7(iv) Please provide details of any fixed equipment on the croft e.g. fences and ditches (include information about the condition and approximate age):

Please read Section 3.1 — **What are Crofter's Duties** of the guidance before responding to the following

8 Do you put the croft to a purposeful use other than cultivation?
(e.g Tourist Development, Livery or Renewable Energy Project)

Yes No

If **Yes**, please provide details:

WIDER INTERESTS

Please read Section 4 — **Wider Interests** of the guidance before responding to the following

ESTATE

9(i) What effect, if any, do you consider this assignment will have on the interests of the estate?

CROFTING COMMUNITY

9(ii) What effect, if any, do you consider this assignment will have on the interests of the crofting community?

SUSTAINABLE DEVELOPMENT

Please read Section 4.1 — **Sustainable Development** section of the guidance before responding to the following

9(iii) What effect, if any, do you consider this assignation of the tenancy will have on the sustainable development of the local crofting community?

PUBLIC AT LARGE

Please read Section 4.2 — **Public Interests** section of the guidance before responding to the following

9(iv) What effect if any, do you consider this assignation will have on the interests of the public at large?

10 Please provide any additional information in support of your application that you consider may be helpful to the Commission in reaching its decision (for example, you may wish to tell us why you are applying to assign your croft):

PUBLIC NOTIFICATION

Please read Section 2.2 — **Public Notification** of the guidance before responding to the following

11 Please give details of the public notification arrangements you have made below:

- (i) Name of newspaper displaying the advert:
- (ii) The date advert will be displayed in newspaper:

A standard advert for your use is included in the guidance notes.

CROFTER/AGENT PLEASE SIGN THIS DECLARATION

12 I confirm that I have carried out the following in connection with this application: I

have given the croft landlord(s)/owner of common grazings written notification of this assignation application and enclose evidence (see guidance section Landlord Notification and Appendix 2 and 2A)

I have advertised this application for consent to assign the tenancy in a newspaper circulating in the local area.

The proposed new crofter has completed question 16 of the application, advising whether he/she is or will be ordinarily resident.

Questions 14 to 25 have been completed and the declaration has been signed by the proposed new crofter or their agent.

I have included my application to register the croft (if applicable).

Where the croft is sublet, I have given the subtenant 6 months notice of my intention to assign the tenancy.

13 DECLARATION

This application is submitted under section 8 of the Crofters (Scotland) Act 1993 for consent to assign the tenancy.

I declare that:

- (i) i am the person named in section 2 of this form or an Agent authorised to act on behalf of the person named in section 2;

(i) all the particulars and other information given by me or my Agent in this form are true, accurate and complete to the best of my knowledge and belief; and

(ii) each document submitted by me or my Agent in accordance with this application is genuine.

I declare that, to the best of my knowledge, the information I have given in this application is correct.

Signed

Date

Crofter/Agent

IMPORTANT NOTICE: Any person who supplies false information to the Crofting Commission or uses, gives or sends any document or declaration required for purposes of this application which is false or has been forged in any way may be liable to prosecution and any consent to assign a croft tenancy issued in response to this application will be invalid. The provision of false information will be investigated by the Crofting Commission and legal action will be taken, including reporting to Police Scotland.

Application for Commission
Consent to Assign a Croft Tenancy

Revised August 2019

PROPOSED NEW CROFTER DETAILS

Please read Section 5 — **Proposed New Crofter Details** of the guidance before responding to the following

ALL FIELDS MUST BE COMPLETED

14. Proposed New Crofter Details

Surname: _____ Title: _____
Forename(s): _____
Date of Birth: _____ Postcode: _____
Main Residential Address: _____

Telephone: _____
Alternative Telephone: _____
E-mail Address: _____
I agree to communication regarding this application by e-mail Yes No •

15. Agent/Guardian Details for Proposed New Crofter (only if applicable)

Name: _____
Postal Address: _____

Postcode: _____
Telephone: _____
Alternative Telephone: _____
E-mail Address: _____
I agree to communication regarding this application by e-mail Yes No

The Act was amended on 1 October 2011 to include the requirement that the age and date of birth of the tenant of each croft shall be entered in the Register.

Revised August 2019

RESIDENCY AND LAND USE

Please read Section 3 — **Residency and Land Use** of the guidance before responding to the following

16. Do you currently reside on or within 32 kilometres (20 miles) of the croft? Yes No

If **'Yes'**, go to question 17

If **'No'**:

(i) What is your timescale for taking up residence? Please provide reasons for this timescale.

(ii) Is there a habitable house on or in the locality of the croft in which you intend to reside?

Yes No

If **'Yes'**, please provide details:

(iii) Do you intend to build a new dwellinghouse for yourself on the croft? Yes
No

If 'Yes':

Has planning permission been obtained or are you in the process of applying for planning permission?

Planning obtained Applied for No
Planning Reference Number:

(iv) Will any other person reside on the croft prior to you taking up residence? Yes
No

If 'Yes', please provide details:

v) How do you propose the croft will be cultivated and maintained until you take up residence?

Please read Section 3.1 — **What are Crofter's Duties** of the guidance before responding to the following

19 Do you intend to put the croft or any part of it to a purposeful use other than cultivation? e.g. Tourist Development, Livery or Renewable Energy Project (see What are a Crofter's Duties in the Guidance) Yes No

If **'Yes'**:

(i) Please provide details including how the project will be funded (it may be helpful to include a copy of your Business Plan if this is available):

(ii) Has the landlord consented to the croft being put to this purposeful use? Yes No

20 Does the croft have an associated common grazing share? Yes No

If **'Yes'**: please provide details of how you intend to use the share:

Revised August 2019 15

Application for Commission
Consent to Assign a Croft Tenancy

POLICY PLAN

Please read Section 6 — **Policy Plan on Assignment** of the guidance before responding to the following

- 21** What experience and/or skills do you have to implement your plans for working and maintaining the land, including non-agricultural experience and skills?
(You should include any relevant qualifications):

22 Are you currently the owner, owner-occupier crofter, tenant crofter or subtenant of any other croft or agricultural land?

Yes No

(i) If 'Yes', please give details below:

Agricultural Code No	Croft or Holding	Croft/Holding Name	Area in Hectares	Any common grazings rights? (Yes/No)	Status e.g. owner-occupier, tenant, subtenant or short lease tenant

(ii) How do you cultivate or otherwise use this other land?

Crops (please specify)	Hectares

Livestock (e.g. sheep, cows, pigs, poultry)	Present Number

Other Use (e.g. horticulture, trees, apiary)	

23 Please provide details of any crofting activities you already take part in or intend to take part in e.g. livestock gatherings or crofting community projects or sharing of machinery:

24 Please provide any additional information in support of this application that you consider may be helpful to the Commission in reaching its decision:
(includes wider community activities).

Revised August 2019

18

Application for Commission
Consent to Assign a Croft Tenancy

PROPOSED NEW CROFTER/AGENT PLEASE SIGN THIS DECLARATION

25 DECLARATION

I declare that:

- (i) I am the person named in section 14 or an Agent authorised to act on behalf of the person named in section 14;
- (ii) all the particulars and other information given by me or my Agent in this form are true, accurate complete to the best of my knowledge and belief; and
- (iii) each document submitted by me or my Agent in accordance with this application is genuine.

~~I declare that:~~

- ~~• To the best of my knowledge, the information I have given in this application is correct.~~
- ~~• I am aware of the duties which a crofter is required to comply with relating to residency and land use as stated in 'What are Crofter's Duties' section in the guidance.~~

Signed Date

Proposed New Crofter/Agent

IMPORTANT NOTICE: Any person who supplies false information to the Crofting Commission or uses, gives or sends any document or declaration required for purposes of this application which is false or has been forged in any way may be liable to prosecution and any consent to assign a croft tenancy issued in response to this application will be invalid. The provision of false information will be investigated by the Crofting Commission and legal action will be taken, including reporting to Police Scotland.

What Happens Next?

- When we receive this application, we will send the applicant or their agent an acknowledgement letter.

- Providing the croft is registered with the Keeper of the Registers of Scotland, at the end of the 28 day consultation period we must decide whether or not to grant the application or to investigate further. If we decide to investigate further we will notify all interested parties. We aim to take a decision within 12-16 weeks.
- Our decision can be appealed to the Scottish Land Court within 42 days from the date we notify interested parties of our decision.

APPENDIX 1

Additional Landlord/Owner of Common Grazings Details _____

Name of Organisation/Company/Estate: _____

Surname: _____

Title: _____

Forename(s): _____

Postal Address: _____

Postcode: _____

Telephone: _____

Alternative Telephone: _____

E-mail Address: _____

Additional Agent Details for Landlord (only if applicable)

Name: _____

Postal Address: _____

Postcode: _____

Telephone: _____

E-mail Address: _____

Additional Landlord/Owner of Common Grazings Details

Name of Organisation/Company/Estate: _____

Surname: _____

Title: _____

Forename(s): _____

Postal Address: _____

Postcode: _____

Telephone: _____

Alternative Telephone: _____

E-mail Address: _____

Additional Agent Details for Landlord (only if applicable)

Name: _____

Postal Address: _____

Postcode: _____

Telephone: _____

E-mail Address: _____

APPENDIX 1A
ADDITIONAL INFORMATION SECTION

Croft _____

Main Location Code (MLC) _____

Crofting Commission Register Number _____

Please use the space provided below to provide us with any additional information where there is insufficient space on the form.

Please clearly state which question the information relates to.

Revised August 2019

21

Application for Commission
Consent to Assign a Croft Tenancy

APPENDIX 2

Notice for Landlord/Owner of Common Grazings

Proposed Assingation of a Croft

I _____ (PLEASE PRINT YOUR NAME)

am applying to the Crofting Commission for consent to assign the tenancy of the croft at _____

to _____ (proposed new crofter name)

of _____ (address)

If you have any comments, you may submit these in writing to the Crofting Commission, Great Glen House, Leachkin Road, Inverness IV3 8NW or email info@crofting.gov.scot by

(insert date here giving 28 days from date of publication of newspaper advert).

Please note that any comments received by the Crofting Commission are part of an open process and will be made available to myself and any interested parties. Your comments would also be released under a Freedom of Information enquiry.

Signed

Date

Crofter/Agent

APPENDIX 2A

**TO THE CROFTING COMMISSION -
CONFIRMATION OF RECEIPT OF NOTIFICATION BY LANDLORD/
OWNER OF COMMON GRAZINGS**

I confirm that I have seen the application form for the assignation of the tenancy of the croft

at

and that I will submit any comments within 28 days from the date of the newspaper advert.

Signed

Date

Landlord

Great Glen House Taigh a' Ghlinne Mhoir
Leachkin Road Rathad an Leacainn
Invermess IV3 8NW Inbhir Nis IV3 8NW

T: (01463) 663439

E: info@crofting.gov.scot

W: www.crofting.scotland.gov.uk

ANNEX 8 – REVISED CONSENT LETTER – ASSIGNATION

Assignment

ASSIG33 - First Reg - approval with grounds - applt/agt - not sublet

I am writing about the above application.

Having fully considered all the evidence, this application has been granted by the Commission on the enclosed grounds. Furthermore, pursuant to section 58A(6)(b) of the Crofters (Scotland) Act 1993, this consent is granted on the condition that (1) the application for consent was made by the person named in section 2 of that application or an agent authorised to act on their behalf, and (2) the information contained within the application for consent is accurate and complete.

All interested parties have been notified of this decision.

The Commission's decision or determination of the application can be appealed to the Scottish Land Court, George House, 126 George Street, Edinburgh, EH2 4HH, by any person with an interest in the case on any of the grounds set out in section 52A of the Crofters (Scotland) Act 1993. The appeal must be brought within 42 days from the date of this letter and should be made directly to the Land Court. The Commission cannot enter into any dialogue with parties while the 42 day appeal period is ongoing.

The assignment cannot take effect before <<<insert date 2 months and a day from date of this letter>>>. During this time both parties may jointly give notice to us in writing that the assignment is not to proceed. You are required to notify us, using the enclosed form, that the assignment has taken effect. We will in turn notify the Keeper of the Crofting Register held by Registers of Scotland of the change in tenancy. If you fail to return the notification form to the Commission by <<<insert date 3 months from decision letter>>>, the assignment will be deemed not to have taken effect.

Enclosures

Grounds for decision
Notification Form

CROFTING COMMISSION MEETING

10 May 2023

Report by the Director of Corporate Services

Staff Survey 2022 – Summary of findings

SUMMARY

This report summarises the key findings from the 2022 staff survey, with Crofting Commission answers only isolated.

It is the recommendation of the Director of Corporate Services that the Board should note the report findings and offer challenge as deemed necessary.

Background

This report summarises the key findings from the 2022 staff survey, with Crofting Commission answers only isolated. The key highlights of the full survey have been summarised below, as well as the areas that the Commission Staff Engagement Group (SEG) have identified to take forward to form an action plan to address.

To select the areas for the action plan the following criteria were used:

- The positive score has dropped in 2022 significantly since the 2021 survey result
- A question has a significant negative response, regardless of score movement
- The Commission responses are significantly lower than the wider Scottish Government score. Note, the wider Civil Service score has been disregarded for this measure

Headlines

This year the survey had 45 respondents, which the Commission considers to be a positive return rate. The following key highlights should be noted:

- Commission overall engagement score increased by 5% over the 2021 result
- The overall Civil Service wide engagement score is 65%; 2% lower than the Commission
- The overall summary score of all core themes have increased over the 2021 result;
 - Specifically, the “My work”, “Organisational Objectives & Purpose”, “Pay & Benefits”, “Leadership & Managing”, and “Learning & Development” themes all increased by more than 10%
- Numbers of staff who reported being subjected to or witnessing bullying or discriminatory behaviour dropped against 2021 (in year results)

In particular scores relating to commitment to work, wellbeing, and contributing new ideas are areas that have scored highly, with “My manager helps me to understand how I contribute to my organisations objectives” and “I think it is safe to challenge the way things are done in my organisation” being the two most improved areas, with 26% and 25% increases in positive responses respectively.

One area that remains a lower score than the wider SG is around the “Organisational Objectives & Purpose” theme, with both questions in this theme having scores coming in lower than SG by 5% and 6%, despite the Commission result improving significantly (up 16% and 19% on last year).

The largest drop in score for the Commission was to the question “I think that my performance is evaluated fairly”, with a drop of 9% against 2021. This links to the Commissions poorest question scores when compared to the wider SG, for the questions “My manager recognises when I have done my job well” and “I receive regular feedback on my performance”. The Commission scored 15% and 21% lower than the wider SG respectively.

Although some areas can be highlighted for improvement work that the SEG will form an action plan to address, the top level scores are overall very positive and increases in engagement have been observed in almost all areas.

Areas the Staff Engagement Group will focus on

Below are the key areas that will form the basis of an improvement action plan being formed by the SEG. These areas have been identified based on the criteria noted earlier in this report. Specific questions have been listed against the sectional headers that they correlate to. It should be noted that pay and benefits remains an area that the Commission is behind the wider SG and has high levels of negative responses, however the SEG will not look at this section as there will be no remit within the action plan to address this. These scores were also gathered prior to the recent grading review in the Commission that resulted in all Regulatory and Registration A3s being regraded to A4, and so has been considered superseded.

NB. Where numbers of people are stated, this is a rounded calculation as this does not always translate to a direct whole number of responses as some people will not have answered all questions, and as such are guidelines only.

Survey topic header	Specific questions to be taken forward as part of the SEG action plan
My manager	1. "My manager recognises when I have done my job well" and "I receive regular feedback on my performance" down 4 % each, latter had a 24% negative response (11 people) 2. "I think that my performance is evaluated fairly" – down 9%
Inclusion and fair treatment	3. "I feel valued for the work I do" – 20% answered negatively (9 people)
Resources & workload	4. "I get the information I need to do my job well" – 27% answered negatively (12 people) 5. "I have the skills I need to do my job effectively" – down 2%
Leadership & managing change	6. "I believe the actions of senior managers are consistent with my organisation's values" – 16% below SG and wider CS 7. "I feel that change is managed well in my organisation" – only 31% positive
Personal Wellbeing	8. "Overall, how anxious did you feel yesterday?" – 39% negative (18 people) 9. "How often do you feel lonely?" – still 16% answering "Some of the time" and some answering "Often or always"
Organisational culture	10. "I am trusted to carry out my job effectively" – down 11%
Belief that action has and/or will be taken on the result of this survey	11. "Where I work, I think effective action has been taken on the results of the last survey" – 36% negative (16 people)
Local questions	12. "I am familiar with my organisation's values" – 10% lower than SG 13. "In the last 12 months, I have seen someone else being bullied or treated unfairly in my organisation" – 7% said yes (3 people) 14. "The process of filling vacancies within my organisation is fair" – 24% negative (11 people) 15. "I feel comfortable speaking to those more senior than me about their actions and impact" – 16% negative (7 people) 16. "I feel confident that if I challenged someone more senior than me in my Area, Directorate or Division they would be open to receiving the challenge" – 20% negative (9 people) 17. "We regularly review our performance as a team" – 16% negative (7 people)

Next steps

The SEG have carried out a follow up survey within the Commission to seek further information on the areas that have been identified above, and in particular any suggested actions that the Commission might undertake to address the issues identified. This survey has now closed with 28 responses which have been analysed, and attached at **Annex A** is the draft action plan that the SEG will be taking forward. The Board should be aware that currently the draft action plan has not been agreed, and it is possible that not all actions noted here will ultimately end up in the final action plan.

Impact:	Comments
Financial	None
Reputational	None
Legal	None

RECOMMENDATION

It is the recommendation of the Director of Corporate Services that the Board should note the report findings and offer challenge as deemed necessary.

Date 23 April 2023

Author Aaron Ramsay, Director of Corporate Services

DRAFT 2022 STAFF SURVEY ACTION PLAN (COLLATED)

SURVEY AREA	SUGGESTIONS TO ADDRESS ISSUES RAISED
Organisation Objectives & Purpose	<ol style="list-style-type: none"> 1. Organisation's core values and any mission statements to be clearly visible to all staff on the intranet 2. ET / Board to consider a session on Organisation Objectives, and what are we actually trying to achieve? (Board to join, perhaps instead of an all staff call)
My manager	<ol style="list-style-type: none"> 1. Management training to be mandatory for consistent approach. <ol style="list-style-type: none"> a. Mandatory training and training options, all managers to include these in monthly discussions and ensure staff area aware have access etc. 2. All line managers will be asked to do an assurance return and cascade upwards to ET to ensure every staff member has clear objectives and a PLP, and that structured monthly discussions are taking place <ol style="list-style-type: none"> a. ET to consider, is micro management a problem within the Commission? Do staff and managers have a clear understanding of what is expected of them? 3. A portal for managers and staff to use to record monthly conversation, PLPs, constructive and positive feedback etc. This portal would trigger reminders/alerts if actions were not taken by managers
Inclusion and Fair Treatment	<ol style="list-style-type: none"> 1. All managers to hold team meetings with staff on a weekly/fortnightly or monthly basis to provide feedback on team performance etc <ol style="list-style-type: none"> a. All SMT managers to ensure that relevant SMT feedback is cascaded downward to all teams b. shift on focus to recognition and praise at All Staff meeting and monthly conversations of the positives are a start to the way forward 2. ET to review policy and process for all new vacancies, regardless of type and duration to ensure fairness wherever possible. Policy to be published to staff for visibility. <ol style="list-style-type: none"> a. Business cases for staff and role changes to be stored somewhere staff can all access them once finalised 3. Clear policy on challenging behaviours / actions of LM or senior colleagues to be shared with all staff and easily available 4. Consider implementing an anonymous system which could be used like a suggestion box for ideas for people that don't feel comfortable or listened to
Resources & Workload	<ol style="list-style-type: none"> 1. ET to have learning and development hour brought back, added to all calendars similar to how bank holidays are done

SURVEY AREA	SUGGESTIONS TO ADDRESS ISSUES RAISED
Leadership & Managing Change	<ol style="list-style-type: none"> 1. Clear internal comms strategy to be implemented, including structured storing of guidance and process updates (consider short meetings via Teams to deliver significant changes of guidance so staff, recorded and available to all staff) <ol style="list-style-type: none"> a. Consider SharePoint to hold long term required info and teams for instant messages 2. Can the Intranet be given a new look homepage which is more engaging for staff. Is it possible to put in links to information stored on Teams for the SEG, Wellbeing, Social Committee etc. 3. Online “live” org chart to be introduced 4. All SMT / ET to undergo 360 feedback process 5. Consider taking action points from all staff calls so that queries that cannot be answered straight away are followed up and responded to for all to see
Personal Wellbeing	<ol style="list-style-type: none"> 1. FIKA to be introduced to the Commission 2. Jane Thomas will adopt the role of the Commissions wellbeing champion, and lead on wellbeing activities and support 3. Consider promotion of more office attendance – voice support from Board and SMT / ET <ol style="list-style-type: none"> a Offer small incentives to encourage more people into the office. For example, organise a coffee morning each week and bring in FIKA for in-office (as well as via Teams) 4. Wellbeing Champion could add hints and tips into the newsletter with helpful links for staff relating to remote working and keeping connected, not everyone looks at the Teams wellbeing channel so this could be a solution 5. Managers to consider introducing a Wellbeing hour to help combat home/work stress and isolation 6. all teams to use/setup chat groups on Teams to help combat isolation, encourage working relationships, sharing ideas and team development 7. As well as the All Staff away day all managers to consider how they can come together with staff at least once every 6 months, this could be in GGH for a day or a separate team away day
Organisational Culture	<ol style="list-style-type: none"> 1. All managers to contact Kirsteen with good news stories, no matter how small, for sharing internally, newsletter to be a regular fortnightly issue <ol style="list-style-type: none"> a. Consider using more widely to share things other than good news stories. For example, each issue focussing on a member of staff to do a short spotlight interview on what they do etc. b. run ‘A week in the life of RALUT/Regulatory/IS/GIS’ stories for example with an overview of the role plus an in-depth look at what that team/person does c. Make sure the Board get this also 2. Staff can connect with the Board by attending meetings, but the Board need to find a way to connect with staff
Belief that action has and/or will be taken	<ol style="list-style-type: none"> 1. SEG to make all documents and work on the staff survey (where possible) visible to staff on the main Commission Teams site. Do regular updates at all staff calls

CROFTING COMMISSION MEETING

10 May 2023

Report by the Chief Executive

Report on meetings with Sponsor Division

SUMMARY

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

BACKGROUND

Among other themes in the 2021 Deloitte report was the need to improve the reliability of communications between Sponsor, CEO/SMT, the convener and the Board, to ensure that the Board as a whole were kept informed of all relevant developments. As part of this, a brief summary of recent meetings involving the CEO and Sponsor is included on the agenda for each Board meeting.

RECENT MEETINGS INVOLVING CROFTING COMMISSION CEO AND SPONSOR DIVISION

<i>Topic and Date</i>	<i>Commissioners attending</i>	<i>Lead SG officer(s)</i>	<i>Agenda items</i>	<i>Key outcomes</i>
Introductory Meeting with Director General for Net Zero, 4 April	Convener	DG Net Zero	A general introduction to live issues such as the backlog, the targets in the Corporate Plan, and IT projects. Also a discussion about the timing of changes to the CEO and Convener.	Further discussions about the best time for the next change of Convener
Bill Group meeting, 19 April	Convener	Derek Wilson, Michael Nugent, Aileen Rore, Gift Mlambo	Extent of proposed minor reorganisation powers; ensuring changes of ownership of croft land are notified to the Commission; changes in the statutory conditions.	SG reported that the Cabinet Secretary, with the agreement of the new First Minister, has restated the commitment to a crofting reform bill within the life of this Parliament

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 21 April 2023

Author Bill Barron, CEO

DATE OF NEXT MEETING

27 June 2023 - On-Board Training, St Kilda

28 June 2023 - Board Meeting, St Kilda

ANY URGENT BUSINESS

EXCLUSION OF PRESS & PUBLIC