



**CROFTING COMMISSION  
COIMISEAN NA CROITEARACHD**

***COMMISSION MEETING***

***16 AUGUST 2023***

**CROFTING COMMISSION MEETING  
ST KILDA, GREAT GLEN HOUSE  
16 AUGUST 2023 AT 0930 hrs**

**AGENDA**

<b>1 APOLOGIES</b>	<i>Oral</i>	<i>Standing Item</i>
<b>2 DECLARATIONS OF INTEREST</b>	<i>Oral</i>	<i>Standing Item</i>
<b>3 DRAFT MINUTES FROM 28 JUNE 2023*</b>	<i>Minutes</i>	<i>For approval</i>
<b>4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING (of 28 June 2023)</b>	<i>Paper</i>	<i>For info</i>
<b>5 MATTERS ARISING FROM PREVIOUS MINUTES</b>	<i>Oral</i>	<i>Standing Item</i>
<b>6 AUDIT &amp; FINANCE COMMITTEE REPORT</b> <i>(a) Update from Vice Chair of Committee</i> <i>(b) Draft Minutes from 26 July 2023*</i>	<i>Paper</i> <i>Minutes</i>	<i>Standing Item</i> <i>For info</i>
<b>7 REVIEW OF KEY PERFORMANCE INDICATORS Q1</b>	<i>Paper</i>	<i>For discussion</i>
<b>8 STRATEGIC RISK REGISTER Q1</b>	<i>Paper</i>	<i>For info</i>
<b>9 STRUCTURE OF TIER 3 DECISION MAKING</b>	<i>Paper</i>	<i>For discussion</i>
<b>10 CIS RELEASE BUILD 1063 ASSURANCE</b>	<i>Paper</i>	<i>For decision</i>
<b>11 MILESTONES FOR DIGITAL APPLICATIONS</b>	<i>Paper</i>	<i>For discussion</i>
<b>12 UPDATE ON PROGRESS WITH THE IMPLEMENTATION OF THE EMERGENCY MEASURE RELATING TO ASSIGNATIONS</b>	<i>Paper</i>	<i>For decision</i>
<b>13 CROFTING ACTIVITY SURVEY 2022</b>	<i>Paper</i>	<i>For discussion</i>
<b>14 BOARD MEETING DATES FOR 2024</b>	<i>Paper</i>	<i>For approval</i>
<b>15 REGULATORY CASEWORK UPDATE</b>	<i>Paper</i>	<i>For info</i>
<b>16 ABUSIVE CALLERS – POLICY AND PROCESS UPDATE</b>	<i>Paper</i>	<i>For info</i>
<b>17 CONVENER REPORT ON APPRAISALS 2022/23</b>	<i>Paper</i>	<i>For info</i>
<b>18 REPORT ON MEETINGS WITH SPONSOR DIVISION</b>	<i>Paper</i>	<i>Standing Item</i>
<b>19 DATE OF NEXT MEETING</b> 04 October 2023 – St Kilda		
<b>20 ANY URGENT BUSINESS</b>		
<b><u>AFTERNOON (CLOSED) SESSION</u></b>		
<b>21 EXCLUSION OF THE PRESS AND PUBLIC</b>		

*\*Not included in public papers*

# APOLOGIES – ORAL

## **DECLARATIONS OF INTEREST – ORAL**

# CROFTING COMMISSION MEETING

## 16 August 2023

Report by the Chief Executive

### Review of Action Points from 28 June 2023

ITEM	ACTION	RESPONSIBLE OFFICER	DEADLINE	DATE COMPLETED	COMMENTS
1	Annual review by Board of work with SLMS by Development Team	HM	May 2024	29/06/23	JT add to Board Planner
2	Review Outcomes in Corp Plan in 6-9 months time	CEO	Dec 2023	29/06/23	JT add to Board Planner
3	Revise draft of new SRR, reflecting comments of Board at June meeting. Circulate new SRR for discussion at July AFC then Board meeting.	CEO	August Board	29/06/23	JT add to Board Planner
4	Vice chair of AFC to draft statements describing Board risk appetite, for discussion by AFC	CEO (on behalf of Commissioner)	July AFC	29/06/23	Statements drafted by Vice Chair
5	Draft Milestones to be added to Roadmap for digital applications, 3mth, 6mth, 9mth, 12mth	Director of Operations & Policy	August Board		Discussions ongoing with RoS
6	Report on outcome of supplementary survey included in 2022 crofting census (Development team)	Head of Development	August Board		
7	Compile data to show number of cases waiting to progress to different tiers for decision	Regulatory Support	By email	17/07/23	Data requested to identify if there is a bottleneck.
8	Paper to Board on future of Tier 3 process, based on discussion at June Board	CEO	August Board		
9	Comms campaign required to publicise the changes agreed under paper 13 (short-term measures)	Comms Officer via Director			Draft with CEO
10	Draft paper for August Board on implementation of higher risk short-term changes to assignation, and include some quantifiable data	CEO	August Board		
11	Draft review paper for Board showing impact of short-term measures, with figures	CEO	October Board		
12	Arrange for Board to spend discussion time in afternoon of August Board on Policy Plan	CEO/JT	August Board		Circulate Policy Plan closer to time (2 weeks ahead of meeting)
13	Convener to get in touch with sponsor division to request that the opportunity of a secondment to CEO post is added to job advert	CEO (to check)	Now	End June	Convener contacted Sponsor Division
14	Scheme of Delegation to be amended to include decisions on s47(8) and s52 grazings cases	Head of Regulatory Support	Oct Board to ratify		

**MATTERS ARISING FROM PREVIOUS MINUTES – ORAL**

# CROFTING COMMISSION MEETING

**16 August 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 July 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 July. Full details are in the following draft minute of the meeting.

Key points for Board Members to note –

1. An external member (James Munro) has now joined the AFC. He has over 40 years of experience as a Chartered Accountant and Chartered Management Accountant, much of this time with Audit Scotland.
2. We had an extensive discussion on risk appetite and concluded that our existing risk appetite statement is sufficient for the time being. We further concluded that the board should discuss with the senior executive team what “calculated risks in order to enhance efficiency” should look like as regards regulatory decision making, including by collectively thinking through worked examples.
3. We reviewed our assurance framework and suggested that an internal audit review of regulation of crofting duties might be appropriate given claims from some stakeholders that we do not always fulfil our responsibilities in this area.
4. We reviewed a new Health and Safety Policy developed with support from qualified external consultants. We agreed that appropriate performance indicators should be reported to the AFC going forward.
5. We reviewed progress against outstanding audit recommendations. We noted “reasonable progress” assurance from internal audit and emphasised the importance of discharging timeously a small number of long outstanding audit recommendations.
6. We reviewed operational and strategic risk registers and agreed to recommend two new strategic risks to the board.
7. We reviewed in year financial performance for Q1. Subject to some uncertainty over salary uplift costs we were satisfied that expenditure is under tight control.
8. We discussed a concern flagged by our Head of Finance regarding ongoing financial sustainability beyond 2023/24 and agreed to recommend that the board give further thought to communications strategy and to options for structural adjustment(s) that might deliver significant medium term cost efficiencies.

## RECOMMENDATION

The Committee recommends that the Board should –

- Schedule a discussion, based on worked examples, to explore what the Board expects from the executive in implementing para 2.2 of the current risk appetite statement, and especially the phrase “*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*”.
- Schedule a discussion about communications strategy in the light of severe medium-term pressures on public spending and the need to defend/justify the Commission’s grant in aid allocation for 2024/25 and beyond.
- Recognising the possibility of real terms cuts to the Commission’s Grant in Aid allocation over the medium term, ask the executive to prepare a paper for the board exploring the balance between fixed and variable cost in our annual budget along with proposals for how that balance might be shifted over time to create more flexibility.

Date 26 July 2023

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

# CROFTING COMMISSION MEETING

**16 August 2023**

Report by the Chief Executive Officer

## **Q1 Report on Business Plan KPIs**

### **SUMMARY**

**The Board is invited to note and comment on the progress made against the Key Performance Indicators (KPIs) in the 2023-34 Business Plan.**

### **BACKGROUND**

Earlier in 2023, the Commission published a Corporate Plan for 2023-2028, which was approved by the Scottish Ministers, and then a Business Plan for 2023-24 which is based on the Corporate Plan. The Business Plan contains objectives for the year in the form of 'key milestones' and 'performance measures' which are collectively known as KPIs.

The attached report notes progress against these KPIs in the first quarter of the year.

### **POINTS TO NOTE**

Of the thirty-one KPIs, twenty-two are Green or Achieved, seven are Amber and one is Red. One is marked "no information yet".

#### Green or Achieved

The four milestones which have been Achieved are 1a and 1b which relate to the rollout of online applications, 2c on advice to the Scottish Government about legislative change, and 2d about the recruitment of Area Representatives.

Other notably promising elements at this stage of the year are:

- a reduction in some of the turnaround times (but not for part-croft decroftings) (KPI 1.1)
- a small further increase in the number of grazings committees in office (2.1)
- early results from RALU work (3.2 and 3.3)

#### Amber

Within those marked Amber are some milestones where the delays are expected to be only marginal: the full roll-out of an action plan to improve regulatory efficiency (1c) and aspects of RALU work (3a and 3b) are progressing well, albeit slightly behind the schedule envisaged in the Business Plan.

Similarly, KPIs 3.1 and 3.4 are marked Amber because these elements of RALU work are not progressing as fast as they might, but we are on track to deliver the combined numerical target for KPIs 3.1-3.4 combined.

Corporate carbon emissions (4.2) is marked Amber because there is more work to be done here and some of the thinking may be difficult.

KPIs 1.2 and 1.3 both relate to the discharge of regulatory casework: the reduction in overall live caseload and the number of cases discharged, respectively. On the basis of the first quarter, we appear to be on track to meet the target for 1.2 but narrowly miss the target for 1.3, and so one is marked Green and the other Amber. However, in practice, both targets are within reasonable touching distance over the year as a whole, and neither is noticeably easier than the other.

Red

The KPI marked Red relates to feedback from customers on completion of their regulatory applications. The customer feedback survey is not working well and we only received responses from five applicants in the first quarter. Of these, two were negative, two neutral and only one positive.

We are taking steps to increase the amount of feedback we get from this survey as well as to improve the customer’s experience.

We have also amended the definition of this indicator and target because there was an inconsistency in how this was expressed in the Business Plan. However, on any definition, the target we set for ourselves for 2023/24 was a challenging one: essentially, to get back to the levels of customer satisfaction that we may have experienced at good times before Covid. That is a stretching objective and one which may well be too challenging for the current year; but it is an important one to strive for, nevertheless.

Impact:	Comments
Financial	The quarterly KPI reports track progress on the Commission’s main objectives across the year, and the end-year position is reported in the Annual Report and scrutinised by External Audit. The KPI reports are therefore a live tool for monitoring performance and making strategic and management changes through the year.
Legal/Political	
HR/staff resources	

**RECOMMENDATION**  
**It is recommended that the Board notes and comments on the Q1 KPI report.**

Date: 3 August 2023

Author: Bill Barron, CEO

## SUMMARY

Our Outcome 1 CROFTING IS REGULATED IN A FAIR, EFFICIENT AND EFFECTIVE WAY			RAG Status
Key Milestones	1a May 2023 – Strategy agreed for allowing wider use of online system while protecting against identify fraud.		ACHIEVED
	1b July 2023 – Digital options for the majority of regulatory application types rolled out and fully functioning.		ACHIEVED
	1c July 2023 – Action plan finalised, with timings, to improve efficiency in casework handling.		AMBER
	1d Dec 2023 – Implement online progress status of a case for self-serve usage.		GREEN
Performance Measures	1.1	Decrease in median turnaround times (registered crofts, Tier 1 approvals)	GREEN
	1.2	Decrease in number of live regulatory cases at a point in time	GREEN
	1.3	Increase in number of regulatory cases discharged in the year	AMBER
	1.4	Customer satisfaction rates	RED
Our Outcome 2 CROFTING CONTINUES TO THRIVE AND EVOLVE			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 – 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.		GREEN
	2c May 2023 – Submit considered advice to Scottish Government on additional legislative changes for the proposed Crofting Bill.		ACHIEVED
	2d July 2023 – Recruit a panel of Area Representatives for 2023-2028.		ACHIEVED
	2e July 2023 – Launch campaign to encourage “living succession” within crofting.		GREEN
	2f Feb 2024 – Deliver Training events for Grazings Committees/crofting communities/landlords.		GREEN
Performance Measures	2.1	Maintain or increase the number of common grazings with a grazings committee in office.	GREEN
	2.2	Establish correct shareholdings on common grazings by researching and updating records of shareholder situations.	GREEN
	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

Our Outcome	3 CROFTS ARE OCCUPIED AND USED		
			RAG Status
Key Milestones	<b>3a June 2023</b> – 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.		AMBER
	<b>3b July 2023</b> – 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		AMBER
	<b>3c August 2023</b> – 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.		GREEN
	<b>3d October 2023</b> – 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.		GREEN
Performance Measures	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.	AMBER
	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.	GREEN
	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.	GREEN
	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).	AMBER

Our Outcome 4 OUR WORKFORCE HAS THE RIGHT SKILLS AND MOTIVATION, AND OUR GOVERNANCE PROCESSES ARE BEST PRACTICE			RAG Status
Key Milestones	4a October 2023 – Climate Emergency Charter: We will create an Environmental Team and publish an Emergency Climate Plan.		GREEN
	4b October 2023 – Introduce quality assurance and checking programme for regulatory work that feeds into the Register of Crofts.		GREEN
	4c January 2024 – Update Workforce Plan and Medium Term Financial Plan.		GREEN
Performance Measures	4.1	Increase in Employee engagement Index.	No info yet
	4.2	Business Travel corporate carbon emissions.	AMBER
	4.3	Redeploy efficiency savings within £4.17m core budget.	GREEN

## DETAILED PROGRESS REPORTS

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

Our Outcome			
<p><b>1 CROFTING IS REGULATED IN A FAIR, EFFICIENT AND EFFECTIVE WAY</b></p> <p>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.</p> <p>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.</p>			
Milestone	RAG Status	Responsible Manager	Details
<b>1a May 2023</b> – Strategy agreed for allowing wider use of online system while protecting against identify fraud	<b>ACHIEVED</b>	Aaron Ramsay	The Commission has worked with an external solicitor with a specialist knowledge of digital fraud and identity issues, as well as a good knowledge of crofting law. The outcome of this was a route to handling digital signatures and identity verification that was agreed by the Commission Board at the May 2023 public meeting.
<b>1b July 2023</b> – Digital options for the majority of regulatory application types rolled out and fully functioning	<b>ACHIEVED</b>	Aart Wessels	The digital applications system is now live fully to the public with all developed application types, and a roadmap in place to deliver all key Regulatory applications by Q3 of 2023. Post this the remaining notification types will be brought online to bring the project to an initial completion stage.
<b>1c July 2023</b> – Action plan finalised, with timings, to improve efficiency in casework handling	<b>AMBER</b>	Aaron Ramsay	The Board agreed a range of short term measures in the June 2023 public Board meeting which were to compliment a range of measures already under development, also cover in the paper. Now this approval has been given for implementation to proceed Commission officials are finalising a rollout plan including go live date and measures to rate success. Expected to complete July / August 2023.
<b>1d Dec 2023</b> – Implement online progress status of a case for self-serve usage	<b>GREEN</b>	Aart Wessels	This feature is linked to the next release of the CIS which is due to go for Board approval in Augst of 2023. Once the new CIS is released implementation of this feature is expected to follow on track, however if further assurance on the CIS release is requested then this would also be subject to delay.

## 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>

### PROGRESS

Average case turnaround times have significantly improved for the first quarter of 2023-24 for Assignations and house site decroftings. However, case turnaround times have increased for Part croft decroftings.

Q1	Q2	Q3	Q4
GREEN			

	Approx Number of cases per year	Median weeks (2022-23)	Median weeks (2022-23 Q1)	Median weeks (2022-23 Q1-2)	Median weeks (2022-23 Q1-3)	Median weeks (2023-24 Q1-4)
Assignment	300	19.9	14.7			
Decrofting Croft House Site	125	23.1	11.0			
Decrofting Part Croft	300	26.9	33.0			

Responsible Manager: Stuart Hogg

Number	Aim	Baseline	Target/Indicator	Measure
1.2	Decrease in number of live regulatory cases at a point in time	1052 on 31 March 2023	Reduce to 800 or below	Number of live regulatory cases on 31 March

### PROGRESS

Outstanding cases at the end of June 2023 is 976 which is reduced from the baseline of 1052 from March 2023. To achieve the goal for the end of March 2024 a similar level of reduction in the outstanding cases would need to be maintained for the remaining quarters. The outstanding cases figure fluctuates considerable so this should be considered.

Q1	Q2	Q3	Q4
GREEN			

Responsible Manager: Stuart Hogg

Number	Aim	Baseline	Target/Indicator	Measure
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

**PROGRESS**

502 cases were discharged for the first quarter of 2023-24, this falls short of the target of 2200 for the year. An average of 550 cases would need to be discharged each quarter to achieve the target.

Q1	Q2	Q3	Q4
AMBER			

Responsible Manager: Stuart Hogg

Number	Aim	Baseline	Target/Indicator	Measure
1.4	Customer satisfaction rates	2.8 in 2022/23 (across all questions)	Average of 3.75	Average 'overall satisfaction' score on a scale of 1 (unsatisfied) to 5 (satisfied). <i>NB This indicator has been redefined but the target is broadly comparable with that in the business plan</i>

**PROGRESS**

Customer Feedback forms were issued to 32 randomly selected cases following a decision in Q1, but only 5 returns were received, with an average 'overall satisfaction' score of 2.4. This is below the 2022/23 baseline value.

Q1	Q2	Q3	Q4
RED			

Responsible Manager: Stuart Hogg

**Our Outcome**

**2. CROFTING CONTINUES TO THRIVE AND 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.

<b>Milestone</b>	<b>RAG Status</b>	<b>Responsible Manager</b>	<b>Details</b>
<b>2a Ongoing</b> – Contact all Grazings Committees whose terms are about to end, encouraging them to arrange the appointment of a new Grazings Committee.	<b>GREEN</b>	Finlay Beaton	Our target is to maintain the number at 500 or above and as of 1 July 2023, there are currently 510 Grazings Committees in office which is an increase of 10 from the end of the previous quarter. We have a system in place to issue reminders to Committees whose term of office will complete. The first reminder is one month prior to the end of term to make the Committees aware of the necessary action to appoint a new Committee. If the Committee fails to return, we issue reminders at the 4 and 12 week stages after the Committee is out of office.
<b>2b Ongoing</b> – 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.	<b>GREEN</b>	Finlay Beaton	Projects to encourage committees are carried out when resources which may focus on specific areas or the length of time that there has been no committee. Within this first quarter, there have been 3 long term Committees returning which had been out of office since 2015, 2016 and 2019. We offer guidance and templates to assist the formation of new Committees upon request to ensure the legislation and good practice is adhered to.
<b>2c May 2023</b> – Submit considered advice to Scottish Government on additional legislative changes for the proposed Crofting Bill.	<b>ACHIEVED</b>	David Findlay	Main series of proposals, including radical proposal on assignments, submitted to Scottish Government as approved by the Board. We are also taking the opportunity to make further suggestions as and when ideas arise.
<b>2d July 2023</b> – Recruit a panel of Area Representatives for 2023-2028.	<b>ACHIEVED</b>	Heather Mack	A Panel of 19 Area Representatives was appointed on 1 June 2023 for an initial 3 year term as requested by the Board.
<b>2e July 2023</b> – Launch campaign to encourage “living succession” within crofting.	<b>GREEN</b>	Heather Mack	This work has been held back to avoid causing increased numbers of regulatory applications at the current time. An Autumn launch is now envisaged. Meantime, work is in progress with materials to support the campaign in production including a succession information pack, a survey which will be send to 3000 crofters and case study videos. The crofting specific portal on the Scottish Land Matching Service, which is an important element of the succession work, is now ready and will be launched before the end of July.
<b>2f February 2024</b> – Deliver Training events for Grazings Committees/ crofting communities/landlords.	<b>GREEN</b>	Heather Mack	Three Grazings Workshops have been delivered to 40 individuals in Gairloch, Onich and Dalmary. Feedback from the workshops has been very positive with the Farm Advisory Service now offering further funding to deliver further workshops in other parts of the Crofting Counties.

## PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure								
2.1	Maintain or increase in 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								
<p>PROGRESS – An increase of 10 Committees from the previous quarter to bring total to 510.</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>GREEN</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					Q1	Q2	Q3	Q4	GREEN			
Q1	Q2	Q3	Q4									
GREEN												
Responsible Manager: Finlay Beaton												

Number	Aim	Baseline	Target/Indicator	Measure								
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.								
<p>PROGRESS Requests received from either internal or external sources. Within this quarter we have received 11 requests for individual share investigations and 1 request from a solicitor to research and provide the share position on a specific common grazings. We have also had 6 requests for the whole shareholding position on a common grazings which has been checked and provided in all cases.</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>GREEN</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					Q1	Q2	Q3	Q4	GREEN			
Q1	Q2	Q3	Q4									
GREEN												
Responsible Manager: Finlay Beaton												

Number	Aim	Baseline	Target/Indicator	Measure
2.3	Meetings or other substantial engagement with Grazings Committees and shareholders (as required) to support them with the regulation and management of common grazings.	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.)

PROGRESS Three Grazings Workshop delivered to 40 individuals within the quarter, plus one meeting with a Grazings Committee and shareholders which requires a significant engagement due to a number of issues causing disharmony within the community.

Q1	Q2	Q3	Q4
GREEN			

Responsible Manager: Finlay Beaton

Our Outcome	<b>3 CROFTS ARE OCCUPIED AND USED</b> By ensuring crofters are complaint 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
<b>3a June 2023</b> – 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.	AMBER	Joseph Kerr	RALUT are in the process of identifying the tenant and owner-occupier crofters who fall into this category.  letters will go out from August 2023.
<b>3b July 2023</b> – 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.	AMBER	Joseph Kerr	RALUT are in the process of identifying the tenant and owner-occupier crofters who fall into this category.  letters will go out from August 2023.
<b>3c August 2023</b> – 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.	GREEN	Joseph Kerr	Currently on target for being achieved within timescale.  Workflows have designed by RALUT and are currently with IS team for building.  Supporting documentation is in the process of being finalised.  Will engage with Comms Team prior to launch.

<p><b>3d October 2023</b> – 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.</p>	<p><b>GREEN</b></p>	<p>Joseph Kerr</p>	<p>Currently on target for being achieved within timescale.</p>
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## 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.

### PROGRESS:

#### **Unresolved succession (section 11):**

The Commission are currently dealing with **24** cases where the succession to the tenancy remains unresolved after 3 years of the death of the crofter. The Team are in correspondence with parties to assist the resolving of these successions. If these efforts are unsuccessful, the cases will progress to the issuing of notices under the section 11 intestate succession proposing to terminate the tenancy, declare the croft vacant and require the landlord to submit letting proposals.

#### **Vacant croft (section 23):**

The Commission are currently liaising with private landlords in Jura and Kilfinnan with a view to letting **12** vacant crofts created under the constituting non-croft land as croft provisions set out at section 3A of the 1993 Act. The Commission are also currently liaising with a public sector landlord with a view to letting **2** vacant crofts where the tenancy was terminated under the duties enforcement provisions of the 1993 Act.

Q1	Q2	Q3	Q4
AMBER			

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
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	(see 3.1)	Records of administrative action.

**PROGRESS**

In the first quarter: **11** crofters/owner-occupier crofters have resolved their breach of duty by cultivating and maintaining their crofts.

Q1	Q2	Q3	Q4
GREEN			

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
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	(see 3.1)	Records of administrative action

**PROGRESS**

In the first quarter:

- **5** crofters resolved their breach of duty by assigning the tenancy of their crofts;
- **one** croft tenancy was renounced and is now available for let

In addition, in the first quarter

- **5** crofters resolved their breach on a temporary basis by subletting their crofts;
- **5** crofters obtained consent to be absent from their crofts.

Q1	Q2	Q3	Q4
GREEN			

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
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	(see 3.1)	Records of administrative action

PROGRESS

In the first quarter of the year:

- **Issued 24 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 **19** decisions that a crofter was in breach of duty under section 26C(5);
- Made **4** decisions that a crofter was not in breach of duty under section 26C(5);
- Issued **11** notices providing crofters with the opportunity to comply with the duty within a timescale the Commission consider reasonable under section 26D(1)
- Made **3** decisions accepting undertakings to comply with the duty under section 26D(5).
- There were **0** termination orders issued in the first quarter, however there were **2** decisions to terminate in the first quarter which will result in Orders being issued in the second quarter.

Q1	Q2	Q3	Q4
AMBER			

Responsible Manager: Joseph Kerr

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, including the reduction of carbon emissions.

Milestone	RAG Status	Responsible Manager	Details
<b>4a October 2023</b> – Climate Emergency Charter: We will create an Environmental Team and publish an Emergency Climate Plan.	GREEN	Neil Macdonald	Currently tendering for a GHG assessment covering emission scopes 1, 2, and a subset of scope 3 and assistance developing a Carbon Management Plan to set out how the Commission will reduce its GHG emissions.
<b>4b October 2023</b> – Introduce quality assurance and checking programme for regulatory work that feeds into the Register of Crofts.	GREEN	Aaron Ramsay	The senior casework officers are considering implementation of this programme, and the practicalities of it. Initial reports of common data errors has been produced, to be combined with processing errors and hot spots. This planning is being extended to other teams and is on track for implementation.
<b>4c January 2024</b> – Update Workforce Plan and Medium Term Financial Plan.	GREEN	Bill Barron	These will be as complete as possible prior to the departure of the current CEO, but will then require further update once the 2024/25 budget is known.

## 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								
<p><u>PROGRESS</u></p> <p>This score cannot be updated until after the 2023 staff survey is run.</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>n/a</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					Q1	Q2	Q3	Q4	n/a			
Q1	Q2	Q3	Q4									
n/a												
Responsible Manager: Jane Thomas												

Number	Aim	Baseline	Target/Indicator	Measure								
4.2	Business Travel corporate carbon emissions	Business travel 2.1tCO2e in 2021/22	Below 5 tCO2e in 2022/23	Emissions from business travel by staff and Commissioners								
<p><u>PROGRESS</u></p> <p>Currently tendering for a GHG assessment covering emission scopes 1, 2, and a subset of scope 3 and assistance developing a Carbon Management Plan to set out how the Commission will reduce its GHG emissions.</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>AMBER</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					Q1	Q2	Q3	Q4	AMBER			
Q1	Q2	Q3	Q4									
AMBER												
Responsible Manager: Neil Macdonald												

Number	Aim	Baseline	Target/Indicator	Measure								
4.3	Redeploy efficiency savings within £4.17m core budget		3%	Funding redeployed as a result of efficiencies in existing operations								
<p><u>PROGRESS</u></p> <p>Various efficiency measures are being identified. In addition, staff churn and managed lead in times for recruitment will contribute to achievement of the target.</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>GREEN</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					Q1	Q2	Q3	Q4	GREEN			
Q1	Q2	Q3	Q4									
GREEN												
Responsible Manager: Neil Macdonald												

### Key to RAG definitions

R – Red   A – Amber   G – Green

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

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

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

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

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

# CROFTING COMMISSION MEETING

**16 August 2023**

Report by the Chief Executive Officer

## **Review of Strategic Risk Register**

### **SUMMARY**

**The Board is invited to note the revised Strategic Risk Register and comment on the selection of risks, the assessments, and the adequacy of the mitigation measures.**

### **BACKGROUND**

Following publication, earlier this year, of a new Corporate Plan for 2023-28, the Commission has rewritten its Strategic Risk Register to align with the new Corporate Plan. The Board considered a draft of the new SRR at its June meeting, and made a number of suggestions for additions to it. These have been taken into account with, in particular, the addition of two new rows numbered S2A and S4A in the attached register.

The attached Strategic Risk Register was presented to the AFC in July and accepted by that Committee. It is now presented to the Board for its consideration.

### **STRATEGIC RISK REGISTER - OVERVIEW**

Following discussion by the Board in June, the Strategic Risk Register now highlights 10 high level risks for the organisation:

- Under Outcome 1 (casework), three risks relating to the decrease of the level of outstanding cases, the take up of digital applications, and the consistency of decision-making;
- Under Outcome 2 (development of crofting), three risks relating to the rate of turnover of crofts, the number of grazings committees in office, and the overall credibility of the crofting system;
- Under Outcome 3, one risk about the effectiveness of our enforcement of crofters' duties;
- Under Outcome 4 (governance), two risks related to the staffing and budget of the Commission;
- A standalone risk related to the successful release of the next version of CIS.

The Board is asked to consider if these risks encompass the main strategic risks for the organisation.

The Board is also asked to consider the numerical risk assessments included in the register, and the adequacy of the existing and planned mitigation measures shown. It should be noted that the assessment highlights the following as the most significant risks, in this order:

- 1. Future budget allocations
- 2. Continued reduction in number of live cases
- 3. Delivery of the Commission’s targets for resolving breaches of duty.

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

**RECOMMENDATION**

**It is recommended that the Board accepts the content of the revised Strategic Risk Register, and comments on the mitigation actions proposed.**

Date: 3 August 2023

Author: Bill Barron, CEO

Risk ID	Risk Description	Controls in Place	Current Impact	Current Likelihood	Current Risk Score	Change to Risk	Actions Planned	Controls Confidence Level	Target Impact	Target Likelihood	Target Risk Score	Target Date	Risk Owner	Date last updated
S1	Outcome 1: The number of outstanding cases falls slowly or not at all.	The regulatory team has been expanded by 40 % since 2022 and is currently at full complement, with training ongoing. Monitoring of casework between different sub teams and work trays is ongoing, with flexibility and resilience in place to relocate resources to address bottlenecks. Support to staff processing casework is high, via the Senior Casework Officers and the Training Officer in addition to line management.	25	3	75	New	Training, which takes 12-18 months for Regulatory Caseworkers, is ongoing and will result in a team with a high level of expertise in summer 2024. Several process improvements are being implemented and planned. These will result in incremental improvements to different aspects of casework processing with a focus on efficiency. The upcoming release of CIS will bring additional efficiencies.	Substantial	10	2	20	Jun-24	Stuart Hogg	09/06/2023
S2	Outcome 1: Take up of online applications is slow. This is impacted by RoS forms and cheque payments, both of which require a change of legislation / process on the part of RoS.	The digital application system currently has the digital journey as the default route that all customers looking to submit an application take for live types, and must opt out of to get a PDF form. Communications have gone out to advise that our forms are changing and that, as such, all applicants should use the website to ensure they have the correct form and avoid rejection.	5	5	25	New	Work is ongoing to develop all remaining application and notification types into a digital journey. The Commission is in discussions with RoS to address the requirement for a signature on RoS forms, and agreement has been reached to change the forms to allow payment methods other than cheque.	Reasonable	1	1	1	n/a	Aaron Ramsay	12/06/2023
S2A	Outcome 1: The Commission's regulatory decisions are inconsistent and/or too many decisions are vulnerable to being overturned on appeal in the Land Court	Parameters control the levels at which decisions are taken, and the Policy Plan sets out policy principles which are taken into account in all decision making, in accordance with the Act. When decisions are taken by only 3 commissioners (in a Tier 3 panel) officials are present to give guidance on policy and precedent; and where necessary they can ask for the decision to be reconsidered before it is intimated.	5	2	10	New	Tier 3 process to be reviewed at the Board meeting in August 2023	Reasonable	5	1	5	Dec-23	Joseph Kerr	19/07/2023
S3	Outcome 2: There is a decrease in the rate of turnover of crofts and in the number of new entrants. The use of croft land for traditional and innovative purposes decreases	The Commission's 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, for example, 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. Development team initiatives to promote 'living succession'. Material on the CC website specifically highlighting traditional as well as diversification opportunities and the definition of "purposeful use".	10	4	40	New	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. Assisting the Scottish Land Matching Service to integrate crofting more specifically into the service. This will assist in evidencing the demand for crofts and be of assistance to crofters with no successor in mind. A project to evidence 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. Introduction of the new Crofting Commission Area Representatives and enhanced links with Crofting Communities and grazing committees will improve capacity to disseminate information on croft transfers, diversification and good practice.	Reasonable	10	3	30	Jun-24	Heather Mack	08/06/2023
S4	Outcome 2: The number of grazings committees in office falls.	A system of reminders is in place to issue reminder letters to Clerks, one month prior to going out of office and thereafter at 4 weeks and 12 week intervals from the committee end of term date. Projects for long term out of office committees are carried out focusing on specific areas also.	10	2	20	New	Recruitment to fill current vacancy to assist and enhance Grazings team tasks. Delivery of further training to support and encourage the formation of grazings committees to be delivered throughout crofting counties..	Substantial	5	1	5	Mar-24	Heather Mack	12/06/2023

Risk ID	Risk Description	Controls in Place	Current Impact	Current Likelihood	Current Risk Score	Change to Risk	Actions Planned	Controls Confidence Level	Target Impact	Target Likelihood	Target Risk Score	Target Date	Risk Owner	Date last updated
S4A	Outcome 2: The credibility of crofting as a system declines within the Highlands and Islands and across Scotland	The Commission's staffing includes a RALU team and a Development Team focussed on making crofting work better. Expanded Regulatory team is enabling casework turnaround times to be improved. Comms officer puts out proactive and reactive lines to defend the reputations of the Commission and crofting.	10	4	40	New	Implement Comms plan more proactively to influence opinion formers	Reasonable	5	2	10	Mar-24	Heather Mack	19/07/2023
S5	Outcome 3: Complexity of RALU cases restricts the RALU team's permanent resolution of breaches to below target levels	Staff resources were increased from 4 to 6 B1s in 2022/23. This resulted in one of the experienced B1s being diverted to a significant degree from a casework management role to taking on the role of training the new staff in work of the team. Staff have now received the required training, and therefore all 6 B1s in the complement can focus this year on their casework management roles, which will increase the number of cases that can be initiated and progressed by the team.	25	2	50	New	The Team plan to continue the process of initiating enforcement action with new breach of duties cases identified from the latest census returns. This will include both tenants and owner-occupier crofters who are failing to comply with their residence and/or cultivation duties. The Team will also engage with a selection of non-census returners (both tenant and owner-occupier crofters) whose details would indicate that they are failing to comply with their residence duty. The Team also plan 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.	Reasonable	10	2	20	Jun-24	Joseph Kerr	12/06/2023
S6	Outcome 4: Morale, training, retention or recruitment issues hamper delivery of the Commission's objectives.	The Commission Staff Engagement Group (SEG) have developed an action plan in response to the SG 2022 staff survey which addresses the key issues raised. The Commission also operates a hybrid home working policy that allows the majority of staff a very high degree of flexibility when it comes to working from home and custom working patterns. The Commission has full access to the new SG recruitment portal.	5	2	10	New	The SEG will continue to deliver the action plan in response to the 2022 staff survey, and follow up survey conducted within the Commission. The Commission will continue to monitor its hybrid working policy and adapt it as needed.	Substantial	5	2	10	maintain at this level	Jane Thomas	12/06/2023
S7	Outcome 4: Future budget allocations do not keep pace with inflation.	Medium Term Financial Plan extended to 5 years and has been updated as a result of Scottish Government pay award published in 2022/23. Balanced 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	Static	Our improvement work and legislative change will enhance the efficiency of casework processing in the short, medium and long terms. Meantime, ensuring the continued support of the Cabinet Secretary for Rural Affairs, Land Reform and Islands will be critical. As the largest risk and opportunity for the Commission outlined within the MTFP, Grant-in-Aid funding should be actively managed by the Chief Executive and Convener of the Commission, involving regular, open, and transparent discussion with the Scottish Government. The Executive Team are regularly updated on worst to best case scenarios by CC Finance Team. 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	3	75	Jan-24	Chief Executive	09/07/2023

Risk ID	Risk Description	Controls in Place	Current Impact	Current Likelihood	Current Risk Score	Change to Risk	Actions Planned	Controls Confidence Level	Target Impact	Target Likelihood	Target Risk Score	Target Date	Risk Owner	Date last updated
S8	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	Static	The Board will be presented a paper covering the pre-release report in August, with a recommendation to ask for further assurance or sign off the release of the build.	Reasonable	1	1	1	Aug-23	Aart Wessels	05/06/2023

# CROFTING COMMISSION MEETING

**16 August 2023**

Report by the Chief Executive

## **Structure of Tier 3 decision-making**

### **SUMMARY**

**This paper invites the Board to decide the arrangements for Tier 3 decision-making in future.**

### **BACKGROUND**

Under the delegated decision-making arrangements, about 96% of regulatory applications are decided by staff in line with parameters set by the Board. The other 4% are decided by Commissioners, with most of these decided by Tier 3 panels, and only a small number decided by the full Board.

A Tier 3 panel is held every month, by Microsoft Teams, so if the work is shared between all nine Commissioners, each can expect to attend about four or five Tier 3 panels per year.

At its meeting on 20 October 2021, the Board considered whether Tier 3 should be abolished, with all applications requiring a decision at Commissioner level to be decided by the full Board. However, the Board decided that the system of Tier 3 panels had merit, not only for efficient use of Commissioner time, but also because Tier 3 work gave Commissioners a chance to get to grips with individual cases at close quarters, and to work closely with staff from Operations and Regulatory Support.

At its meeting on 28 June 2023, the Board considered the current arrangements for Tier 3 panels, and expressed concern about how it was possible to ensure consistency in decision-making when decisions were made by different Commissioners on different cases. There was also concern about the policy that a Tier 3 decision was only considered finalised at the point when it was intimated, rather than at the panel meeting itself. The Board requested further analysis of an alternative method, whereby all Tier 3 decisions could be taken by a Standing Committee of five Commissioners appointed to that role by the Board, with a designated Vice-Chair. This paper therefore presents three options for the structure of Tier 3 decision-making, and analyses the pros and cons of each.

During the discussion on 28 June, it was agreed that whatever form Tier 3 decision-making took, this needed to be formally specified in written “Rules of Procedure” – although it should be noted that even doing this will provide another avenue for grounds of appeal: appellants will in future be able to argue that the Commission did not follow its Rules of Procedure.

It was also tentatively agreed that:

- Where legal advice was required, this should be provided in advance of a Tier 3 meeting rather than after it;
- There was no need for minutes of Tier 3 meetings, because the outcome of the meeting is formally recorded in the grounds of the decision, which are sent to the applicant and other interested parties.

## **CONSISTENCY IN DECISION-MAKING**

It is important that the Commission ensures that its regulatory decisions are consistent. This is a basic requirement of fairness to applicants, and any lack of consistency would damage confidence in the Commission as an impartial regulator. Achieving consistency is helped by:

- Reference to the documents that guide the decision-making, and in particular the 1993 Act, the Policy Plan, and the parameters in the scheme of delegation.
- Panels taking account of the views of the Solicitor and Regulatory Support staff, who see all Tier 3 decisions and are well placed to comment when any question of consistency arises during a Tier 3 panel meeting.
- Commissioners who have an interest in a case declaring an interest, taking no part in the discussion and making no attempt to influence the decision by their colleagues.

A related question is whether recommendations by officials should be presented on each Tier 3 case. Each of the options below could work with recommendations, or without recommendations, but for Option C it is recommended that recommendations *should* be made, as without this, the support for consistency would seem weaker than in the other two options.

In any of the options, recommendations from officials would support greater consistency and clarity in decision-making; but the chief arguments against official recommendations are that they would detract from (a) encouraging Commissioners on the Panels to engage with the papers in depth; and (b) allowing the eventual decision to emerge from the Panel discussion itself.

## **ADMINISTRATIVE CONSIDERATIONS**

Many Tier 3 dates are set well in advance, but sometimes it is desirable to set up a Tier 3 meeting at short notice to decide a case which has become urgent for the applicants. Also, sometimes the membership of Tier 3 panels has to be changed at short notice if a Commissioner has to change his or her plans at short notice. Ideally, the task of arranging meetings needs to be no more complicated than at present.

## **ALTERNATIVE MODELS OF TIER 3 PROCESS**

This paper proposed three alternative models:

- A) Essentially the existing Tier 3 process, but with the practices that have sought to ensure consistency in the past, made more rigorous and written down.
- B) A Standing Committee taking all the Tier 3 decisions.
- C) A hybrid approach, in which certain Commissioners are appointed by the Board to be involved in the majority of Tier 3 decisions and to have a key role in ensuring consistency, but other Commissioners are also involved from time to time.

## **A) FORMALISED CURRENT PROCESS**

This Option is based on the view that the current Tier 3 works well and is valued by Commissioners, but needs strengthening to ensure a high degree of consistency of decision-making. This could be achieved by documented Rules of Procedure which would set out the current arrangements formally, viz:

- A Tier 3 panel has three members and also a quorum of three. A decision can be taken by a majority, i.e. 2-1 or 2-0 with one abstention.
- The members of a Tier 3 panel are selected administratively and their role is to recommend and then confirm a decision on behalf of the Board.
- When it meets, a Tier 3 panel makes a “proposed decision” rather than a “decision”.
- After the meeting, at the time when the grounds are being prepared, officials are asked to highlight to the CEO, the Panel and if necessary other Commissioners, if they have any doubts that the proposed decision is in line with the Act, the Policy Plan, and other related decisions (unless the decision appeared to be supported by compelling reasons why the policy should not be applied); equally, any Commissioner from the panel may also highlight concerns about the proposed decision.
- The CEO shall decide whether to reconvene the panel to take a final decision or to escalate the decision to the Full Board for a final decision.
- The decision is considered finalised when a set of grounds has been prepared and has been agreed by all members of the panel.

*Many Commissioners with experience during 2017-2022 say that this approach helped them to grow into their role as Commissioners and enabled them to contribute to the maximum as Commissioners. Primarily for this reason, officials recommend this Option.*

## **B) STANDING COMMITTEE**

This model would be based on the concept of a local authority’s Planning Committee, where only a selection of councillors are involved in Planning decisions. Consistency in the membership of the Tier 3 Committee, and the higher number of Commissioners involved in each decision, would help to underpin consistency in the decision-making.

- The Board appoints five members of the Board to form a Tier 3 Standing Committee, and all Tier 3 decisions are taken by this Committee.
- The Board would appoint a Vice-Chair and Deputy-Vice-Chair of the Committee from among the five members. (Or, if the convener were a member, he/she would be Chair and there would be no need for a Deputy-Vice-Chair.)
- The quorum would be five members of the Standing Committee, and there would need to be at least three members in agreement with any decision for it to be considered final. If supported by three members then a decision would be taken at the meeting and could not be changed afterwards (though it would not be intimated until the grounds were prepared and agreed).
- Probably, but not necessarily, the Head of Regulatory Support would include a recommended decision by officials in the papers for each decision.
- Other Commissioners would not be involved in Tier 3 decision-making; but the Tier 3 Committee would report on its activities periodically to the Board. Should officials or panel members have any concerns about the work of the Committee, these concerns could of course be highlighted to the Convener and CEO for consideration at a Board meeting.

**C) HYBRID MODEL – ‘CORE’ COMMITTEE PLUS CO-OPTED COMMISSIONERS FOR EACH MEETING**

This model would seek to combine the benefits of both (A) and (B), by having a core membership of a Tier 3 Standing Committee but allowing for other Commissioners to take part in the Tier 3 decision-making as well.

- The Board appoints three members of the Board to form a Tier 3 Standing Committee, and all Tier 3 decisions are taken by this Committee.
- The Board would appoint a Vice-Chair and Deputy-Vice-Chair of the Committee from among the three members.
- *For every meeting, one or two additional Commissioners would be co-opted onto the Committee for the cases in question.* The quorum for a panel would be four Commissioners including at least two regular members of the Standing Committee.
- There would need to be at least three Commissioners at the panel meeting in agreement with any decision for it to be considered final. If supported by three Commissioners then a decision would be taken at the meeting and could not be changed afterwards (though it would not be intimated until the grounds were prepared and agreed).
- To assist with consistency, the Head of Regulatory Support *would* include a recommended decision by officials in the papers for each decision.

**ADVANTAGES AND DISADVANTAGES OF THE THREE MODELS**

	<b>Advantages</b>	<b>Disadvantages</b>
<b>FORMALISED CURRENT PROCESS</b>	<ul style="list-style-type: none"> <li>• Involves all Commissioners in Tier 3 decision-making</li> <li>• Administratively flexible – panels are only three strong and can be drawn together whenever the need arises</li> <li>• Post-meeting process allows for checks of consistency and ensures that all panel members are happy with the decision and grounds before it is considered final.</li> </ul>	<ul style="list-style-type: none"> <li>• Decision cannot be final at the point of the meeting</li> <li>• This may lead to uncomfortable delays after the meeting, before the decision can be finalised and issued</li> <li>• Status of the Tier 3 panel is unclear. It does not look like an official sub-committee of the Board but a group of Commissioners brought together for one set of decisions only.</li> </ul>
<b>STANDING COMMITTEE</b>	<ul style="list-style-type: none"> <li>• Regular membership of the Tier 3 committees should help ensure consistency of decision-making</li> <li>• The vice-chair and deputy-vice-chair would be able to manage the decision-making process in an efficient and effective manner</li> <li>• Decisions can be taken at the meeting and intimated as soon as grounds have been drawn up.</li> </ul>	<ul style="list-style-type: none"> <li>• Four Commissioners are excluded from Tier 3 decision-making, which has hitherto been seen as <i>the</i> most important part of a Commissioner’s work for the Commission.</li> <li>• This could cause a divide between “Tier-3 Commissioners” and “non-Tier-3 Commissioners</li> <li>• The five Commissioners on the Standing Committee would need to attend at least ten Tier-3 meetings each year.</li> </ul>
<b>HYBRID MODEL</b>	<ul style="list-style-type: none"> <li>• Involves all Commissioners in Tier 3 decision-making</li> <li>• The role of the three regular Committee members would assist consistency of decision-making</li> <li>• Recommendations from officials would also support consistency of decision-making; because of this there should be no need for consistency checks after the meeting.</li> <li>• Decisions can be taken at the meeting and intimated as soon as grounds have been drawn up.</li> </ul>	<ul style="list-style-type: none"> <li>• Significant workload for the three regular members of the Committee, who would each need to attend the majority of Tier 3 meetings.</li> <li>• Administrative complexity of arranging the panels for the meetings.</li> </ul>

<b>Impact:</b>	<b>Comments</b>
Financial	Any lack of rigour at Tier 3 panels could lead to adverse legal appeals which carry significant costs.
Legal/Political	As above
HR/staff resources	The choice of model will have implications for the time commitment require by Commissioners. Option A makes the lowest call on Commissioner time and spreads it evenly. Option B and to a lesser extent Option C will make increased calls on the time of those Commissioners who are appointed to the Tier 3 Committee.

#### **RECOMMENDATIONS**

**The Board is invited to decide which of the three Options should be the basis for a reworked, written structure for Tier 3 panels.**

**It is recommended that the Board adopt Option A and ask for the current process to be formalised in written Rules of Procedure.**

Date            3 August 2023

Author          Bill Barron, CEO

# CROFTING COMMISSION MEETING

**16 August 2023**

Report by the Chief Executive

## **CIS Release Build 1063 Assurance**

### **SUMMARY**

**This paper details the assurance protocols and results applied to build 1063 of the Crofting Information System, as well as the acceptance statements by the representatives of the different assurance stages.**

**It is recommended that the Board signs off on proceeding with the release of CIS build 1063 on the basis that they find themselves satisfied with the assurance protocols applied.**

### **BACKGROUND**

The Commission has successfully wrapped up the final testing stages of releasing Build 1063 of the Crofting Information System (CIS). Under normal development governance, the decision to release a new build would ordinarily sit with the Product Owner and Product Sponsor once all appropriate gateway approvals have been met. However, this release of the CIS is substantial in both its scale and the complexity of some changes, which in turn brings substantial risk. As per the agreement found in the Crofting Commission Meeting of 22 March 2023, for such an instance, the Commission seeks a sign off by the Board on receipt of this pre-release report detailing all applied assurance protocols.

### **APPLIED QUALITY ASSURANCE PROTOCOLS**

As part of the CIS assurance process, three fundamental layers of testing have been applied:

- Unit Testing – low level system testing done by the developers, including data migration
- System Testing – a combination of verification of the data migration process and build testing for bug identification
- User Acceptance Testing (UAT) – targeted scripts for specific functions combined with real-world scenario testing

The intention of these activities is to minimise any risk resulting from releasing build 1063 to the work carried out by the Commission's officials.

Where Unit Testing is an integral part of the development process, both System Testing and User Acceptance Testing are individual processes, each resulting in a report consisting of executed tests and their respective results, as well as an overall acceptance statement, based on these results.

The applied assurance protocols, and the resulting test reports can be found in the appendices of this paper.

**Annex A** consists of the Testing Plan and Assurance Process applied in qualifying build 1063 for release, which details all undertaken quality assurance activities.

**Annex B** contains the System Test Report (STR)

**Annex C** contains the User Acceptance Test Report (UATR)

**RISKS**

The previous reports have brought details to the Board highlighting potential risks that could cross into the strategic sphere. These risks primarily focussed on a scenario with a very low likelihood under which a data migration failure would go unnoticed for a period of time, and had failed to such a degree that the recovery of the data without a full restore was not possible. These risks were the main driver for classifying this release of the system as requiring Board approval.

It is the opinion of Head of Digital that the likelihood of these very specific risks has been reduced after additional migration testing and data verification, and is now considered to be virtually impossible to occur.

**CONCLUSION**

To support the Board in assessing the assurance protocols and resulting activities applied to CIS build 1063, the Commission has provided all completed testing steps and their outcomes, assurances from the different stakeholders involved, and an overview of outstanding issues and errors.

All of this can be summarised in the acceptance statements below:

**Summary of Acceptance Statements**

<b>Role</b>	<b>Acceptance Statement</b>	<b>Confidence</b>
Development Team	Unconditionally Accepted	High
System Testing Team	Unconditionally Accepted	High
UAT Team	Conditionally Accepted, on the condition that script 09 is retested without failures with a High or Critical severity  <b>2 August 2023 – Condition met</b>	High
Product Sponsor	Conditionally Accepted, on the condition that script 09 is retested without failures with a High or Critical severity	High

Given the assurance protocols applied, and the acceptance stated provided by the different stakeholders, the recommendation is that the Board finds the level of assurance applied satisfactory and approves the release of CIS build 1063.

<b>Impact:</b>	<b>Comments</b>
Financial	Minor risk where compensation claims and repeated application costs may be claimed from the Commission in the event of a serious failure or data corruption.
Reputational	The Commission would suffer significant reputational damage from both Crofters and other stakeholders, with the potential for negative press coverage in the event of a serious failure or data corruption.
Legal	The Commission may be open to legal challenge around the circumstances of lost applications and the delays to personal circumstances of Crofters. As the Commission is the owner of the Register of Crofts, any indication that the integrity of this is in doubt could result in potential challenge to the Commission at a fundamental level.

**RECOMMENDATION**

**It is recommended that the Board signs off on proceeding with the release of CIS build 1063 on the basis that they find themselves satisfied with the assurance protocols applied.**

Date            2 August 2023

Author            Aart Wessels, Head of Digital

# CIS Testing Strategy

CIS Build 1063

02/08/2023

## Document Data

<b>Confidentiality</b>	Restricted
<b>Status</b>	APPROVED
<b>Authors</b>	Aaron RAMSAY Aart WESSELS

## Revision record

Revision	Date	Author	Description	Section affected
<b>0.1</b>	16/03/2023	AWE	Initial version	All
<b>0.2</b>	05/04/2023	AWE	Added UAT traceability and test scripts	Annex 4 & 5
<b>1.0</b>	21/07/2023	AWE	APPROVED VERSION	

Review & Approval  
Approvers

Role	Name
CEO	Bill Barron
Director of Corporate Services	Aaron Ramsay
Product Sponsor	Bill Barron

Reviewers

Role	Name
Product Owner	[REDACTED]
Head of Compliance	Jane Thomas
System Developer	[REDACTED]
Business Analyst	[REDACTED]
[REDACTED]	[REDACTED]
User Acceptance Tester	[REDACTED]
Head of Digital	Aart Wessels
<b>Optional Reviewers</b>	
[REDACTED]	
Heather Mack	

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## Introduction

This document sets out to describe the processes applied to assure the quality of the scope of build 1063 of the Crofting Information System (CIS).

In doing so, it describes the scope of the build, the types of testing performed by whom and to which purpose, as well as how exceptions (problems/errors) are dealt with.

The objective of this document is to serve as guidance throughout the qualification, as well as during the final acceptance of the go-live of this build.

Considering the broad scope of build 1063, which has been established over multiple years, and its impact on the commission, it is believed not to be an operational maintenance release, though rather a strategic release.

The broad scope introduces an increased risk. Should the release fail, and this failure not be noticed in the earliest stages, the Commission could suffer significant reputational, legal and financial damage.

This document intends to provide the assurance needed by the different decisionmakers at the different tollgates.

## Environment

### General

The following test environments are required to perform the respective testing activities:

- **Development Environment:** Each developer has its own local development environment, with a shared development database schema, on which they can run the application locally.
- **Test Environment:** Environment in which the software is deployed on a regular basis. It is used to test whether the various software components work together, as well as for User Acceptance Testing.

### Hardware & Software Requirements

There are no specific requirements for testing. The hardware and software available to staff is sufficient to perform testing.

For comparative testing, where the current version of CIS needs to be compared to the new build, both Windows Virtual Desktop and the regular Windows Desktop environments need to be used in parallel.

## Scope of testing

the release of build 1063 of the Crofting Information System (CIS) only.

CR ID	Summary	Description	System Area	Status
22	Retention Policy Implementation	Functionality is required to allow for the creation, maintenance and application of document retention policies in accordance with rules defined under the Records Management Plan and to ensure compliance with GDPR requirements.	CIS; CIS Admin; MARS	Superseded by CR 81
14	Record power of attorney	The incumbent stakeholder, who must remain as a stakeholder on the system, but has someone acting on their behalf via power of attorney, could have a tick box option available within their individual record (as shown on screenshot example) which when ticked will automatically clear their address fields and allow the person's contact details who has POA to be added instead (potential for an 'are you sure you want to proceed' pop up box at this point?).	Holding Stakeholders	Completed
21	Remove full name in letters	It was agreed to implement a change which will include the initial of the first middle name in the addressee's name and any subsequent middle names will be omitted	Not progressed	Dropped
23	Change of Rent	Rent to be recorded against the Holding and not the Individual - Holding to have new field displaying the rent if one is known for a tenanted croft	CIS Holding	Completed
27	Ability to reprint beyond 24 hours - no change request written up	Reprint at any time with ability to change the date and reprint a fresh letter	CIS Generated Letters	Completed
33	Linking Landlord and Agent stakeholders	Ability to link landlords and agents. On Data Migration all landlords and agents with a 1:1 relationship on the holding will be linked. Where there is a 1:many relationship, Agents will not be linked and will be listed as a stakeholder type of Landlord Agent (Legacy)	Holding Stakeholders	Completed
40	Remove date of birth	Please remove the date of birth from all copy entries issued by the Commission under section 41(2) of the 1993 Act. New feature to allow date of birth to be produced only on one workflow set to be created.	Case - Copy Entry	Completed

41	Linking Apportionments and Shares	Ability to show an apportionment as a separate deemed Holding entry on CIS. This deemed holding will either have a shown link in the Common Grazings, or the link can be hidden on the Common Grazing but details will be seen on the holding to show which grazing it was granted in.	CIS Admin - can be done in SQL but needs a tool	Postponed
42	Restrictions on Use of Case Warning Feature	In addition to the case warning feature that is already in place, the creation, amendment and completion of a case warning is at B1 level and above only	Cases	Completed
46	Life renter	Holding only - Create new Stakeholder Status – Select on Incoming – New Role – Life Renter The 'Life Renter' stakeholder type will need to be displayed on CIS on the Stakeholders tab for the Holding (similar to a sublet - alongside the tenant, landlord etc). They would also appear on Copy Entry and Holding Summary Reports. – See example below This stakeholder will need to be displayed on ROC Online and appear on online Copy Entry. This stakeholder will NOT be receiving a Census form.	Holding Stakeholders	Completed
48	Invalid/Incomplete Button on Case Form	Checklist tab – button currently called INVALID APPLICATION – this button generates a letter based on the 'No' answers to the checklist questions. This button is to be renamed INCOMPLETE APPLICATION but still perform the same function. If an application is INVALID, the workflow will take the user to a template letter that will return the application and then close the case. The auto generated letter is to be renamed Incomplete Application Letter when attached to the Case.	Cases	Completed
52	Address Format Change	The current address blocks are broken into different fields for house number, house name, place Steet, town, region. These are to be amalgamated to form 5 address lines	CIS	Completed
54	Holding Summary Report Notes updating	When ROC update function performed, notes are added to the Holding Notes. These notes currently are only visible on the Holding but they also need to be displayed when a Holding Summary Report is generated. Currently only the notes that migrated from CADS are displayed. All new notes created on CIS should be displayed	CIS	Completed
57	Display of Stakeholders on a Holding or Grazing	1. Display to be amended to show an icon for an agent against the landlord's details 2. Grazings Landlord/Owner details would also be displayed on the Stakeholders tab on the Holding 3. Grazings – Owners need to be able to associate with the Grazing, Park or Scattald that they own (SubArea, SubAreaPatch and SubScattald)	Holding Stakeholders	Partly Completed - Point 3 needs more information provided.
60	Copy Entry Common Grazing	Form to pull data from the Grazing record that can be issued out with the Commission. New button on main Grazing screen that will pull all details into one Report	CIS Grazing	Completed
61	Grazing Committee Search by Date	Currently there are Radio buttons to filter on Grazing Committee – In Office, Out of Office or No Filter Request to add two date fields here to enhance the filter options – Start and End dates	CIS – Grazing – Main Screen	Completed
61a	Termed Consent Tab issues	The ability to delete an individual who has been numerous entered or entered in error on the termed consents tab as a subtenant, short-term tenant or someone who has been granted consent to be absent. The ability to delete/edit the details shown here, as a large number of records are missing start and/or end dates or showing incorrect stakeholder information	CIS Holding - Sublets and Short Term Lets removed from Term Consent Tab	Completed
64	ROC Online - Wizard for picking application forms	Amend RoC online where application forms are downloaded from to limit the options available based on information entered by the user	Created	Completed
68	Document creation page on the CIS Admin Tool to indicate to which steps the documents are attached	I would like to be able to identify to which step(s) a CIS generated letter is attached.	CIS Admin	Completed

<b>71</b>	Case Outcome on Close Case	On an open case the option to select a Case Outcome of either Withdrawn or Invalid is available without having to reach an approval gateway step in a workflow. On Close Case, force the selection of a Case Outcome before closing a case.	CIS	Completed
<b>74</b>	STWG Looking at changes to MARS	Full review of MARS features - resulted in the decision to create new facility to allow the quick association of a document with a case stakeholder and record only the information necessary	CIS Cases	Completed
<b>77</b>	Restrict letters being issued when address unknown			
<b>78</b>	Ability to view workflow diagrams on CIS	Link to Workflow Diagrams - ability to view a workflow from within a step on a case	CIS	Completed
<b>81</b>	Documents Management and Document Retention	CIS Desktop: need to add, view and manage documents in an efficient manner within CIS without the requirement for MARS. Ability to add, update, view, download, remove and manage the retention of important documents. CIS Admin: Ability to associate groups of document types with Workflow Set and manage the retention and movement of documents within cases and from cases to records and the ROC online.	CIS	Completed
<b>82</b>	Retention Policy - FOI cases how to handle	Relates to CR 22 and 81. This additional paper to provide further clarification on the requirements and how they actually link together to manage a process to stop document deletion in the case of an Appeal or FOI.	CIS	Dropped
<b>83</b>	Land Court Order updating	To improved data quality introduce input validation on the purpose field of land court order record. It has been noticed that some users forget to input the purpose information when filling in the form	CIS -Land Court Orders	Completed

## Requirements Traceability

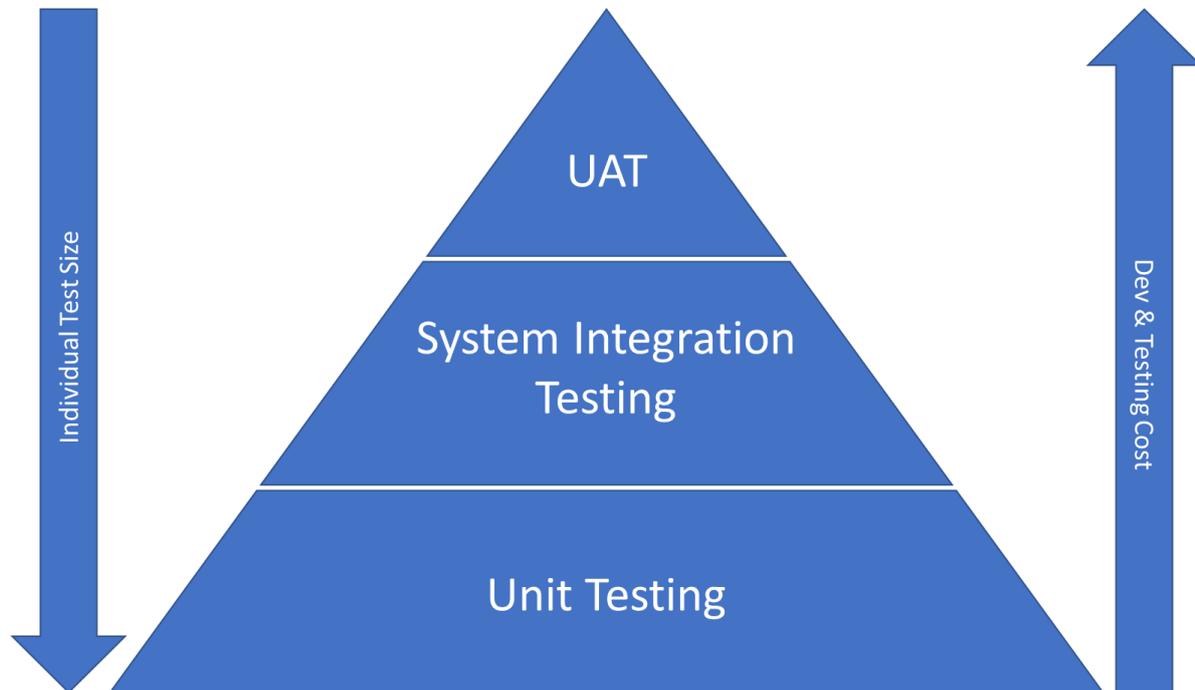
The requirements are written by business analysts and the product owner and recorded in Azure Devops. Along their implementation lifecycle, they are updated to reflect the most recent insights.

All System Tests and User Acceptance Tests are traced back to the functional requirements they cover.

## Types of Testing

The testing for CIS forms two main processes with the Commission for the release of build 1063:

- Unit Testing
- System (Integration) Testing
- User Acceptance Testing (UAT)



As per the testing pyramid depicted above, the further along we come in the testing process, the larger the individual tests become. At the same time, the cost of testing for both testing and development increases. Finding as many issues as early as possible is crucial to minimise cost while maximising the level of confidence.

### Unit Testing

The foundation of CIS testing is made up of unit tests. These unit tests make sure that a certain unit of the codebase works as intended. These tests have the narrowest scope of all tests done as part of our qualification activities, are generally quick and come at a low cost.

Unit Testing is primarily done by the developers, as soon as (part of) a change is implemented.

### Static Code Analysis

The Integrated Development Environment used by the developers runs Static Code Analysis on compilations. High severity problems prevent compilation and will need to be resolved before compiling the software successfully. Lower severity suggestions, generally cosmetic, made by the IDE are evaluated by the developers in terms of cost and impact and processed accordingly.

### System (Integration) Testing

System (Integration) Testing is a type of white-box testing and is the next layer, where a collated list of the changes is tested thoroughly in isolation for functionality. This list of changes is comprised

from a combination of the change requirements and a screen-by-screen comparison of the current live systems against a build of the new system.

The objective of System (Integration) Testing is to validate that all applications integrate properly with the parts living outside the application (such as filesystem, database, separate services, other applications in the system).

For the release of build 1063 of the CIS, the system integration testing is supported by the delivery of training on this new version, during which the testers go through all changes with a live demonstration, after which all attendee's go through a practical exercise using the system.

The training spans 3 weeks; as issues were identified in the training environment, these were reported to the development team, and fixed where possible, with a new release put out for the next training session.

As the next training session covers the same processes, this allowed for regression testing as part of the system integration testing.

The issues remaining after the final training session will be classified on criticality and urgency and fixed where necessary for a successful Go-Live. A final run of system integration tests and regression tests will, when required, be performed after a build with these fixes has been supplied.

The system testing also covers the other elements of the CIS, including the admin tool, report generation, document retention functionality, ROC online updates, digital application submissions and data migration tool (one off requirement). This testing is comprised of specific tests to ensure that each stage is successful, normally by data interrogation.

System testing is carried out by various IS team members and Business System Analyst.

### User Acceptance Testing

The UAT is carried out by a dedicated group who have undergone training in this process. The focus of this type of black-box testing is at a higher level than system testing, where the wider ability of the system to successfully carry our entire business processes is evaluated alongside the general user experience. At the end of UAT a statement will be sought from each member of the group which can state one of 3 things:

1. They are unconditionally satisfied the system is ready for use.
2. They are conditionally satisfied that the system is ready for use. For example, the tester is satisfied that the system is fit for use as long as one or more highlighted issues are corrected prior to release.
3. They are not satisfied that the system is ready for use.

These scenarios are not descriptive, however are defined as per the following table for the purposes of the release of build 1063 of the CIS:

Unconditionally accepted	The testing identified no issues preventing a case from being processed end to end, and no risks to the RoC were identified. Some minor errors may still be present however these will be limited to visual or non-impacting elements considered low priority. An example of this might be an incorrect terminology or
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	<p>downloaded files opening twice instead of once.</p> <p>The recommendation is for this release to be deployed in Live.</p>
Conditionally accepted (listing the conditions)	<p>The testing identified minor problems which may prevent a case from being processed end-to-end or make this a poor user experience. No risks to the RoC were identified. Some medium errors may still be present that require correction before release. An example of this might be a program execution error which can be skipped without causing the application to close.</p> <p>The recommendation is for this release to be deployed in Live if the conditions are satisfied before the actual deployment.</p>
Not accepted	<p>The testing has identified critical problems or errors which either prevent the successful completion of end-to-end case processing or has other issues which risk the integrity of the RoC data.</p> <p>The recommendation is for this release not to be deployed in Live.</p>

The UAT will consist of testing in two phases.

#### UAT Phase 1

Phase one of the UAT will focus on traditional scripted tests for key known changes to functionality. These changes will be areas where a significant change has taken place that covers a wide range of possible issues across the system. For example, release 1063 changes the address formats for crofters in the RoC which will impact multiple screens which display this information, all letters generated and printed via the system, and updates to both the RoC and the RoC online.

This testing will follow a traditional UAT process whereby scripts for specific tests will be supplied to the UAT group to take forward.

#### UAT Phase 2

The second phase of UAT will task the UAT team to process dummy applications in their entirety from start to finish, including all steps that would be performed in the real processing of these cases, with the exception of waiting periods due to advertising etc.

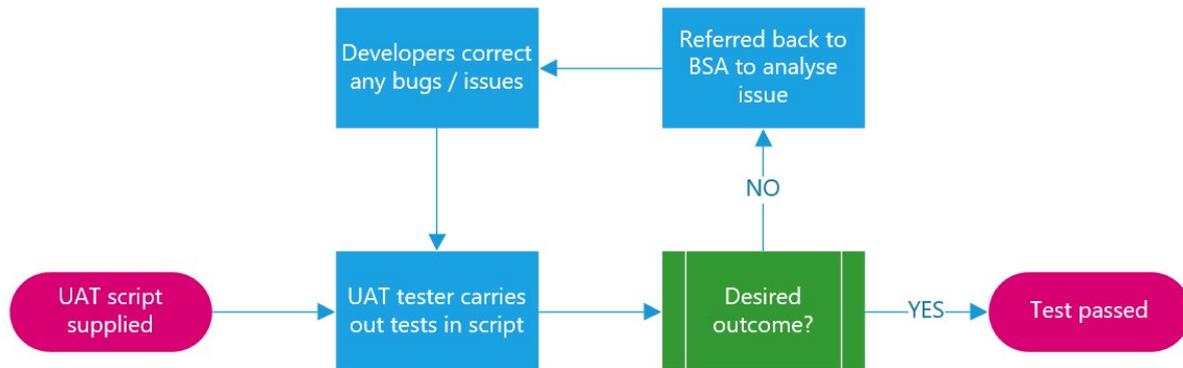
A range of application types will be supplied to the UAT team covering a range of different circumstances, but which will between them cover all functionality for any application type possible. This method will ensure that the new CIS release is capable of performing the day-to-day processing duties of the Commission.

Additional resources may be sought to support certain aspect of this and to ensure that as robust a testing process as possible is performed within the resource confines of the Commission.

## The UAT loop

It is expected that three iterations of UAT are required to come to a state in which the outcome of UAT will be (conditionally) accepted.

A general, simplified flow of each UAT iteration is noted below.



This iterative process allows for complex tests to be repeated through test / error fix cycle until it can be successfully completed start to finish. In order to ensure that the best possible chance of detecting issues is achieved for complex tests, the same script will be given to multiple testers and contain elements which are purposefully vague. For example, a test may include an instruction such as “create an individual on a holding”, where the holding and details of the individual are not supplied. This allows different testers the potential to use the system in different ways to achieve the goal, and creates more chances of a specific error which may only exist in one scenario to be identified.

## Regression testing

Regression testing is a process of assuring that changes or fixes made to an application do not have unexpected impact on other processes or functionality supported by the system. As an example; a UAT tester was asked to process an application and that the entire process consisted of 25 steps. The UAT gets to step 10 in the process and uncovers a error. This is referred back to the development team and rectified. If the UAT tester recommenced at step 10 again, it would be impossible to know the fix had not introduced an error in one of the earlier steps. To safeguard against this, the UAT tester would restart the test at step 1 again and repeat this process until they can complete the entire process end to end, and often multiple times with variations of the data across multiple testers.

## Estimated time commitments

The UAT group consists of four staff, three Regulatory (2 x A4, 1 x B2), and one member of the Grazings Team (1x B1; potentially supported for 4-eyes validation in some specific areas by another Grazings B1).

Based on assessments done by both the CIS team and the UAT team, it is estimated that each iteration of UAT, covering both UAT phases, will take approximately 1 week. Throughout such an iteration, primary focus on the UAT process, and support this process, is expected from both the UAT team and the CIS team.

This does not mean all team members will be occupied full-time by UAT, it means that UAT takes priority over other activities.

## Post Deployment Verification

In post-deployment verification, the IS team and a small group of key users will assess whether the release/software meets the requirements after deployment in the Live environment. Post deployment verification activities are executed and documented by the involved team members and will result in a statement which advises either to move forward with the general activation, or to roll back to the previous release.

## Processing findings

Throughout the different types of testing, problems or errors can be identified, which may need to be resolved.

Throughout Unit Testing, this is integral part of the development process, and does not result in any specific records.

Problems and errors identified during System (Integration) Testing and User Acceptance Testing will be recorded as such in the CIS Backlog managed in [Azure Devops](#). In order to do this, Testers will complete a template ([Link](#)) to report their finding to the Business Analyst, for assessment and further processing.

Reported issues are assessed by the CIS team together with the Product Owner and classified as either a error with a severity indicating the impact or as a change request with an indication of priority.

An error is a problem in the code causing the CIS application to crash or produce invalid output. We recognise 4 severity levels of errors:

### **1 – Critical**

Critical errors result in a complete breakdown of the CIS application, or any of its core components, with no available workaround.

### **2 – High**

An error with high severity is capable of collapsing large parts of the application, and disrupts the normal workflows. Workarounds are available.

### **3 – Medium**

These errors result in some unexpected or undesired behaviour, but not enough to disrupt the normal functioning of the application.

### **4 - Low**

These are errors not resulting in any noticeable breakdown of the application, and workarounds are available or cosmetic problems.

Change requests are findings discovered during testing which will add value for some or all users when implemented, however do not currently cause invalid output or break the system or it's workflows. These change requests are added to the backlog and are prioritised by the Product Owner based on value and complexity.

Both the System (Integration) Test Report and the User Acceptance Test Report will contain a full overview of the errors and problems identified during these tests, their classification and respective status. A summary will show the open errors for each severity level. This summary will also contain an acceptance statement, which is based on the following guidelines:

**Unconditionally accepted** – Open errors, if any, are of severity-level 4 only

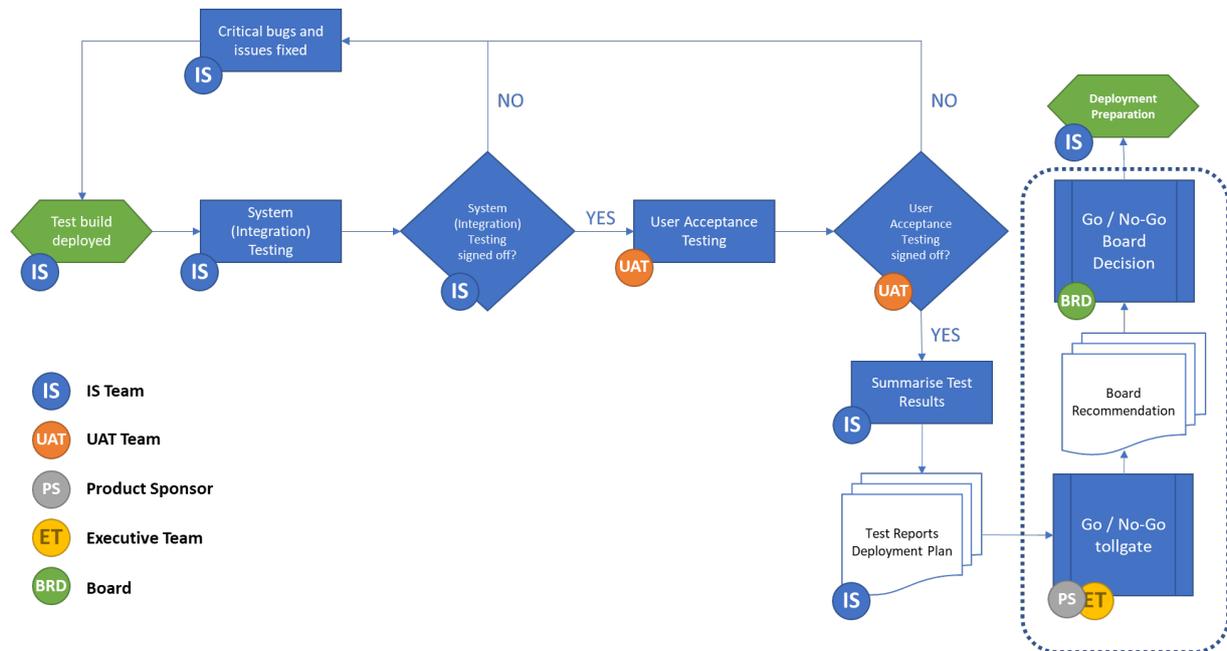
**Conditionally accepted** – Open errors are of severity-level 3 or 4, with conditions detailed related for the resolution of severity-level 3 errors and workarounds.

**Not accepted** – There are open errors remaining of severity-level 1 or 2.

## Sign off and Release

The process for the final release of an update to the CIS, under normal circumstances, would be an operational consideration that would involve several gateway steps, as per the diagram below.

The produced Test Reports will contain an acceptance statement, serving as a recommendation for the Go/No-Go decision.



The final sign-off stage, in the dashed area in the image above, involves Product Sponsor sign-off resulting in a recommendation for the board, based on the acceptance statements and deployment plan. The Product Sponsor will therefore consult with members of ET and any other stakeholders as required to come to a balanced recommendation.

Once the build is ready for go live a short period of downtime will be implemented (for 1063 approximately half a day, however regular smaller releases will have an insignificant window) to allow for final testing and data migration validation to take place.

## Rollback plans

Prior to release a one-time backup of all CIS data, including files, will be performed in addition to the regular backups the system is subject to. If the sanity testing immediately after deployment indicates any critical issues, the system will be automatically reverted to the last stable build, 1062. In this case, a high priority assessment of the identified issues will be made, and a proposal will be made towards the Product Sponsor as to how to proceed.

As the CIS operates off of a single Live database, the only recovery method is reversion back to an earlier point in time which would result in the loss of all processing action since this point in time.

As for the data conversion required as part of build 1063, there is no possibility foreseen for migrating data from build 1063 back to build 1062. This means there is no way to recover data entered in between go-live and a roll-back, other than by processing such cases again.

## Release variation for build 1063

For the release of version 1063 it is anticipated that the scope of the build will make the release cross over from an operational to a strategic topic due to the sizable risks that are involved. Should the release fail, and this failure not be noticed in the earliest stages, the Commission could suffer significant reputational, legal and financial damage.

One scenario where this is possible is the considerable data migration exercise that needs to be completed prior to release due to the change in the table structures that power the CIS. Although this will undergo initial testing by the developers in the Commission (unit testing) and then system testing, the migration is complex and has the potential to corrupt the RoC database.

Given this, for build 1063, it is suggested that the following additional step will be introduced:

- At the point of sign off by Product Sponsor a final release report will be produced for the Board. This will cover:
  - Any known errors or problems, and planned actions to rectify
  - A risk assessment of the release, and possible mitigating actions / safeguards
  - A recommendation to release that the Board will be asked to agree

This paper will not be presented until a level of confidence exists within the Commission that the release is possible, however it signifies a recognition that all releases come with a risk of issue, and that the release of 1063 of the CIS comes with a significantly increased risk in various areas. Given the timing of Board meetings and the planned release (est. 20 March 2023 +/- 2 weeks) it is aimed to present this report to the Board ahead of the Board meeting and seek ratification on the day if sufficient time does not exist for the Board paper cut off.

## Annex 1 – System tests

An overview of all executed system tests and results can be found in the Excel spreadsheet linked below:

[System Testing 1.6.3.xlsx](#)

## Annex 2 – Phase one of UAT: areas for specific script based testing

- Adding documents
  - Create a case against any holding, add a document, and then verify that the document appears on your case correctly and can be accessed
- Do a person search any individual you know exists (compare to current CIS) - do the details all display as expected
  - As above, for a holding
  - As above, for a grazing
  - As above, for a share
- Create a draft letter on any case on any holding to a crofter with no agent, verify that it is displayed correctly
  - If there is an email address, verify that you can post by email (Outlook opens up, you don't actually have to send the email)
- Repeat above, but with a range of different individuals
- Create a case, add an individual, add an agent in substitution mode
  - Create a draft letter on the case, verify that it is displayed correctly with the agents details and not the crofters
  - Add a second individual, add an agent in copy mode
    - Create a draft letter on the case, verify that it is displays correctly with both sets of details for the crofter and the agent
- B1 only - Create a new register of crofts entry, fill in all details with made up data - verify that it generates a register number on completion
  - Verify that you can create a new "RoC update - new holding details" case against this record
  - Complete all steps in this case, including the RoC update questions - verify that details are correct in the holding
- Test that you cannot create a copy entry for a non croft subject, but also that you can for a valid one
- Change a rent on a holding using a change of rent case
  - Negative test changing rent against an individual

## Annex 3 – phase two of UAT: end to end applications processing tests

- Assignment – a mix of first registration and subsequent event
  - GIS involvement – first registration only
  - Can GIS attach both PDF and shapefiles? Can ZIP files be uploaded?
- Part croft decrofting
  - GIS involvement
  - Can GIS attach both PDF and shapefiles? Can ZIP files be uploaded?
- Apportionment
  - GIS involvement
  - Can GIS attach both PDF and shapefiles? Can ZIP files be uploaded?
- Appointment of a grazing committee - get form the website
  - Forms do not need to have specific items within them - can use dummy applications from the digital apps portal (include maps)
- Notification of Intestate Succession
- Create an individual deceased case type
  - Prove this cannot be undone – pass to IS to make sure that they can correct
- RALUT – needs to create and open a case – census 2021 case
  - Needs a RALUT member of staff

All UAT testers can do the A4 side of the applications, Christina and Daniel can do the B1 side of the applications. Additional resources may be requested from Grazings to ensure robustness of testing by not having all tests performed by a single tester. All test cases are to be passed back to Business Systems Analyst for confirmation that the relevant data updates have worked once the testing is successful.

## Annex 4 – UAT Traceability Matrix

CR ID	Summary	Description	System Area	UAT Script
14	Record power of attorney	The incumbent stakeholder, who must remain as a stakeholder on the system, but has someone acting on their behalf via power of attorney, could have a tick box option available within their individual record (as shown on screenshot example) which when ticked will automatically clear their address fields and <b>allow the person's contact details who has POA to be added instead</b> (potential for an 'are you sure you want to proceed' pop up box at this point?).	Holding Stakeholders	9
23	Change of Rent	Rent to be recorded against the Holding and not the Individual - Holding to have new field displaying the rent if one is known for a tenanted croft	CIS Holding	17
27	Ability to reprint beyond 24 hours - no change request written up	Reprint at any time with ability to change the date and reprint a fresh letter	CIS Generated Letters	7
33	Linking Landlord and Agent stakeholders	Ability to link landlords and agents. On Data Migration all landlords and agents with a 1:1 relationship on the holding will be linked. Where there is a 1:many relationship, Agents will not be linked and will be listed as a stakeholder type of Landlord Agent (Legacy)	Holding Stakeholders	9
40	Remove date of birth	please remove the date of birth from all copy entries issued by the Commission under section 41(2) of the 1993 Act. New feature to allow date of birth to be produced only on one workflow set to be created.	Case - Copy Entry	18

42	Restrictions on Use of Case Warning Feature	In addition to the case warning feature that is already in place, the creation, amendment and completion of a case warning is at B1 level and above only	Cases	
48	Invalid/Incomplete Button on Case Form	<p>Checklist tab – button currently called INVALID APPLICATION – this button generates a letter based on the ‘No’ answers to the checklist questions. This button is to be renamed INCOMPLETE APPLICATION but still perform the same function. If an application is INVALID, the workflow will take the user to a template letter that will return the application and then close the case.</p> <p>The auto generated letter is to be renamed Incomplete Application Letter when attached to the Case.</p>	Cases	19
52	Address Format Change	The current address blocks are broken into different fields for house number, house name, place Steet, town, region. These are to be amalgamated to form 5 address lines	CIS	3;7;9
54	Holding Summary Report Notes updating	When ROC update function performed, notes are added to the Holding Notes. These notes currently are only visible on the Holding but they also need to be displayed when a Holding Summary Report is generated. Currently only the notes that migrated from CADS are displayed. All new notes created on CIS should be displayed	CIS	20

57	Display of Stakeholders on a Holding or Grazing	<ol style="list-style-type: none"> <li>1. Display to be amended to show an icon for an agent against the landlord's details</li> <li>2. Grazings Landlord/ Owner details would also be displayed on the Stakeholders tab on the Holding</li> <li>3. Grazings – Owners need to be able to associate with the Grazing, Park or Scattald that they own (SubArea, SubAreaPatch and SubScattald)</li> </ol>	Holding Stakeholders	5
60	Copy Entry Common Grazing	<p>Form to pull data from the Grazing record that can be issued out with the Commission.</p> <p>New button on main Grazing screen that will pull all details into one Report</p>	CIS Grazing	5
61	Grazing Committee Search by Date	<p>Currently there are Radio buttons to filter on Grazing Committee – In Office, Out of Office or No Filter</p> <p>Request to add two date fields here to enhance the filter options – Start and End dates</p>		5
61a	Termed Consent Tab issues	<p>The ability to delete an individual who has been numerous entered or entered in error on the termed consents tab as a subtenant, short-term tenant or someone who has been granted consent to be absent. The ability to delete/edit the details shown here, as a large number of records are missing start and/or end dates or showing incorrect stakeholder information</p>	<p>CIS – Grazing – Main Screen</p> <p>CIS Holding - Sublets and Short Term Lets removed from Term Consent Tab</p>	

71	Case Outcome on Close Case	On an open case the option to select a Case Outcome of either Withdrawn or Invalid is available without having to reach an approval gateway step in a workflow. On Close Case, force the selection of a Case Outcome before closing a case.	CIS	21
74	STWG Looking at changes to MARS	Full review of MARS features - resulted in the decision to create new facility to allow the quick association of a document with a case stakeholder and record only the information necessary	CIS Cases	1
77	Restrict letters being issued when address unknown			7
78	Ability to view workflow diagrams on CIS	Link to Workflow Diagrams - ability to view a workflow from within a step on a case	CIS	22
81	Documents Management and Document Retention	CIS Desktop: need to add, view and manage documents in an efficient manner within CIS without the requirement for MARS. Ability to add, update, view, download, remove and manage the retention of important documents. CIS Admin: Ability to associate groups of document types with Workflow Set and manage the retention and movement of documents within cases and from cases to records and the ROC online.	CIS	1
83	Land Court Order updating	To improved data quality introduce input validation on the purpose field of land court order record. It has been noticed that some users forget to input the purpose information when filling in the form	CIS – Land Court Orders	16

## Annex 5 – UAT Test Scripts

Test Type	ID	Description
Usability	1	<a href="#">Retention</a>
Usability	3	<a href="#">Person Search</a>
Usability	4	<a href="#">Holding Search</a>
Usability	5	<a href="#">Grazing Search</a>
Usability	6	<a href="#">Search a Share</a>
Usability	7	<a href="#">Create a Draft Letter</a>
Usability	8	<a href="#">Create a Draft Letter with E-mail</a>
Usability	9	<a href="#">Create a case and add agent in substitution mode and update RoC</a>
Usability	10	<a href="#">Create a case and add agent in copy mode</a>
Usability	11	<a href="#">B1 - Create new RoC entry</a>
Usability	12	<a href="#">Skipping workflow steps</a>
Usability	14	<a href="#">Test recorded delivery</a>
Usability	15	<a href="#">Test solicitors reference</a>
Usability	16	<a href="#">Add land court order</a>

Usability 17 [Change of Rent](#)

Usability 18 [Date of Birth copy entries](#)

Usability 19 [Invalid or Incomplete button on Case Form](#)

Usability 20 [Holding Summary Report Notes](#)

Usability 21 [Recording a Case Outcome before Closing a Case](#)

Usability 22 [Ability to view a workflow diagram from a step within a CIS case](#)

# CIS System Test Report (STR)

02/08/2023

IN REVIEW

## Review & Approval

### Approvers

Role	Name
CEO	Bill Barron
Director of Corporate Services	Jane Thomas
Product Sponsor	Bill Barron

### Reviewers

Role	Name
Product Owner	
System Developer	
Business Analyst	
System (Integration) Tester	
Head of Digital	Aart Wessels
<b>Optional Reviewers</b>	
Aaron Ramsay	

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IN REVIEW

## Introduction

The purpose of the System Test Report is to provide our leadership with sufficient assurance about the quality of the release to enable them to decide whether to implement the release (viewed from the testing body representing the IS team).

## Scope of the document

The scope of qualification is as follows:

- Installation and Configuration of CIS build 1063
- New features and/or Bug testing:

CR ID	Summary	Description	System Area
14	Record power of attorney	The incumbent stakeholder, who must remain as a stakeholder on the system, but has someone acting on their behalf via power of attorney, could have a tick box option available within their individual record (as shown on screenshot example) which when ticked will automatically clear their address fields and allow the person's contact details who has POA to be added instead (potential for an 'are you sure you want to proceed' pop up box at this point?).	Holding Stakeholders
23	Change of Rent	Rent to be recorded against the Holding and not the Individual - Holding to have new field displaying the rent if one is known for a tenanted croft	CIS Holding
27	Ability to reprint beyond 24 hours - no change request written up	Reprint at any time with ability to change the date and reprint a fresh letter	CIS Generated Letters
33	Linking Landlord and Agent stakeholders	Ability to link landlords and agents. On Data Migration all landlords and agents with a 1:1 relationship on the holding will be linked. Where there is a 1:many relationship, Agents will not be linked and will be listed as a stakeholder type of Landlord Agent (Legacy)	Holding Stakeholders
40	Remove date of birth	please remove the date of birth from all copy entries issued by the Commission under section 41(2) of the 1993 Act. New feature to allow date of birth to be produced only on one workflow set to be created.	Case - Copy Entry
42	Restrictions on Use of Case Warning Feature	In addition to the case warning feature that is already in place, the creation, amendment and completion of a case warning is at B1 level and above only	Cases
46	Life renter	Holding only - Create new Stakeholder Status – Select on Incoming – New Role – Life Renter The 'Life Renter' stakeholder type will need to be displayed on CIS on the Stakeholders tab for the Holding (similar to a sublet - alongside the tenant, landlord etc). They would also appear on Copy Entry and Holding Summary Reports. – See example below This stakeholder will need to be displayed on ROC Online and appear on online Copy Entry. This stakeholder will NOT be receiving a Census form.	Holding Stakeholders
48	Invalid/Incomplete Button on Case Form	Checklist tab – button currently called INVALID APPLICATION – this button generates a letter based on the 'No' answers to the checklist questions. This button is to be renamed INCOMPLETE APPLICATION but still perform the same function. If an application is INVALID, the workflow will take the user to a template letter that will return the application and then close the case. The auto generated letter is to be renamed Incomplete Application Letter when attached to the Case.	Cases
52	Address Format Change	The current address blocks are broken into different fields for house number, house name, place Steet, town, region. These are to be amalgamated to form 5 address lines	CIS

54	Holding Summary Report Notes updating	When ROC update function performed, notes are added to the Holding Notes. These notes currently are only visible on the Holding but they also need to be displayed when a Holding Summary Report is generated. Currently only the notes that migrated from CADS are displayed. All new notes created on CIS should be displayed	CIS
57	Display of Stakeholders on a Holding or Grazing	1. Display to be amended to show an icon for an agent against the landlord's details 2. Grazings Landlord/Owner details would also be displayed on the Stakeholders tab on the Holding	Holding Stakeholders
60	Copy Entry Common Grazing	Form to pull data from the Grazing record that can be issued out with the Commission. New button on main Grazing screen that will pull all details into one Report	CIS Grazing
61	Grazing Committee Search by Date	Currently there are Radio buttons to filter on Grazing Committee – In Office, Out of Office or No Filter Request to add two date fields here to enhance the filter options – Start and End dates	CIS – Grazing – Main Screen
61 a	Termed Consent Tab issues	The ability to delete an individual who has been numerous entered or entered in error on the termed consents tab as a subtenant, short-term tenant or someone who has been granted consent to be absent. The ability to delete/edit the details shown here, as a large number of records are missing start and/or end dates or showing incorrect stakeholder information	CIS Holding - Sublets and Short Term Lets removed from Term Consent Tab Created
64	ROC Online - Wizard for picking application forms	Amend RoC online where application forms are downloaded from to limit the options available based on information entered by the user	
68	Document creation page on the CIS Admin Tool to indicate to which steps the documents are attached	I would like to be able to identify to which step(s) a CIS generated letter is attached.	CIS Admin
71	Case Outcome on Close Case	On an open case the option to select a Case Outcome of either Withdrawn or Invalid is available without having to reach an approval gateway step in a workflow. On Close Case, force the selection of a Case Outcome before closing a case.	CIS
74	STWG Looking at changes to MARS	Full review of MARS features - resulted in the decision to create new facility to allow the quick association of a document with a case stakeholder and record only the information necessary	CIS Cases
77	Restrict letters being issued when address unknown		
78	Ability to view workflow diagrams on CIS	Link to Workflow Diagrams - ability to view a workflow from within a step on a case	CIS
81	Documents Management and Document Retention	CIS Desktop: need to add, view and manage documents in an efficient manner within CIS without the requirement for MARS. Ability to add, update, view, download, remove and manage the retention of important documents. CIS Admin: Ability to associate groups of document types with Workflow Set and manage the retention and movement of documents within cases and from cases to records and the ROC online.	CIS
83	land Court Order updating	To improved data quality introduce input validation on the purpose field of land court order record. It has been noticed that some users forget to input the purpose information when filling in the form	CIS -Land Court Orders

## Qualification Statement

### Acceptance Statement

Qualification has been completed for the installation and configuration of the CIS build 1063 within System Testing. The release qualification has been completed and met all exit criteria. The release deliverables are unconditionally accepted.

We recommend the installation of the following deliverables in Live:

Release	Version	SHA256 / Package
<b>CIS 1063</b>	1.6.3.39	05ab5488d03c30a0be2c3269d8ef238b86417277

### Pending Issues

N/A if none

Pending issues are as follows:

Issue ID/Link	Summary	Severity
<a href="#">381</a>	CIS Admin - No Text	Low
<a href="#">358</a>	Training Material : Reprint of letters	Low
<a href="#">283</a>	071 - Grazings copy entry	Low
<a href="#">279</a>	067 - Copy entry for non croft subjects	Low
<a href="#">270</a>	Case Search - Time Span search not working with staff filter	Low

## Test Results and Evidence

Location of detailed test scripts and results

[System Testing 1.6.3.xlsx](#)

### Qualification summary

Test ID	Summary	Result
1	Initial Log In Screen - Permissions per user for Live, Training, Test, Dev	Pass
2	Initial Log In Screen - Update Personal Information fields - all fields updated	Pass
3	Initial Log In Screen - Set Principal Colleague	Pass
4	CIS Home Screen - Test all Search and Function Buttons on Home screen	Pass
5	CIS Home Screen - Test all Tabs on Home screen	Pass
6	Holding Search - Test all Search fields on Holding Search screen	Pass
7	Holding Search - Test accessing results on Holding search	Pass
8	Holding Search - Check test results display correct information	Pass
9	Holding Search - Export Search results to Excel spreadsheet	Pass
10	Person Search - Test all Search fields on Person Search	Pass
11	Person Search - Test accessing results on Person Search	Pass
12	Person Search - Check test result display correct information	Pass
13	Person Search - Export Search results to Excel spreadsheet	Pass
14	Case Search - Test all Search fields on Case Search	Pass
15	Case Search - Test accessing results on Case Search	Pass
16	Case Search - Check test result display correct information	Pass
17	Case Search - Export Search results to Excel spreadsheet	Pass
18	Grazing Search - Test all Search fields on Grazing Search	Pass
19	Grazing Search - Test accessing results on Grazing Search	Pass
20	Grazing Search - Check test result display correct information	Pass
21	Grazing Search - Export Search results to Excel spreadsheet	Pass
22	Parish Search - Test all Search fields on Parish Search	Pass
23	Parish Search - Test accessing township and croft results on Parish Search	Pass
24	Parish Search - Check test result display correct information	Pass
25	Document Search - Test all Search field on Document Search	Pass
26	Document Search - Test accessing document from search	Pass
27	Document Search - Check test result display correct information	Pass
28	Document Search - Search results input into an email	Pass
29	External Documents - Test all Search fields on External Document Search	Pass
30	External Documents - Test accessing document from search	Pass
31	ROC - Holding Record Screen - Test all fields display expected data	Pass
32	ROC - Holding Record Screen - Rent - tested that Rent displayed when known	Pass
33	ROC - Holding Record Screen - All quick access buttons take you to data	Pass
34	ROC - Holding Record Screen - All tabs take you to data	Pass
35	ROC - Holding Record Screen - Check test result display correct information	Pass
36	ROC - Holding Record Screen - Produce Copy Entry - no Date of Birth	Pass
37	ROC - Holding Record Screen - Produce Holding Summary Report	Pass
38	ROC - Holding Record Screen - ROC Online - link working	Pass
39	ROC - Holding Record Screen - Crofting Register Number - link to RoS working	Pass
40	ROC - Holding Record Screen - Case tab - filtering on cases working	Pass

41	ROC - Holding Record Screen - Grazing Share tab - displaying correct share information	Pass
42	Individual Screen - Test all fields display expected data	Pass
43	Individual Screen - Test all tabs take you to appropriate area of data	Pass
44	Individual Screen - All quick access buttons take you to data	Pass
45	Individual Screen - Check test result display correct information	Pass
46	Create a New ROC Entry - Create a new holding - clone from previous holding	Pass
47	Create a New ROC Entry - Select to take shares from original holding	Pass
48	Create a New ROC Entry - Check new holding record created correctly	Pass
49	Create a New ROC Entry - Use a case to update new holding data	Pass
50	Create a New ROC Entry - Check new data updated correctly	Pass
51	Create a New ROC Entry - ROC Update performed and notes generated	Pass
52	Changes to Grazing Area of CIS - Test all Search and Function Buttons on Home screen	Pass
53	Changes to Grazing Area of CIS - Test all fields display expected data	Pass
54	Changes to Grazing Area of CIS - Create new Grazing Holding Summary Report	Pass
55	Changes to Grazing Area of CIS - Create new Grazing Copy Entry	Pass
56	Appointment of a Grazing Committee - Create new Grazing Committee Individual and add agents	Pass
57	Appointment of a Grazing Committee - View correct details for committee's	Pass
58	Appointment of a Grazing Committee - Carry out ROC Update of new Committee	Pass
59	Appointment of a Grazing Committee - Add Committee as Stakeholder to a case and write to Clerk	Pass
60	Case Home Screen - Test all Menu options and Function Buttons on Home screen	Pass
61	Case Home Screen - Test all Tabs on Home screen	Pass
62	Create a New Case - Create a New Case - select a Workflow Set and select focus Record	Pass
63	Creation of an Agent on ROC and a Case - View existing agents on the ROC	Pass
64	Creation of an Agent on ROC and a Case - View existing agents on cases	Pass
65	Creation of an Agent on ROC and a Case - Create a new stakeholder on a case and add an agent substitution mode	Pass
66	Creation of an Agent on ROC and a Case - Create a new stakeholder on a case and add an agent copy mode	Pass
67	Creation of an Agent on ROC and a Case - Create a new stakeholder on a case and add an agent to appear on ROC	Pass
68	Prepare CIS generated Document - Test that template letter appear on workflow steps	Pass
69	Prepare CIS generated Document - Open a template letter and pick recipient from case stakeholders	Pass
70	Prepare CIS generated Document - Open a Generic letter template and pick recipient from case stakeholders	Pass
71	Prepare CIS generated Document - Edit the template and save amendments	Pass
72	Prepare CIS generated Document - Send letter to Individual or Agent by Post and Print	Pass
73	Prepare CIS generated Document - Send letter to Individual or Agent by Post and Email	Pass
74	Prepare CIS generated Document - Set letter as Recorded Delivery	Pass

75	Prepare CIS generated Document - Reprint a letter with the same date/ or alternative date	Pass
76	Prepare CIS generated Document - Delete and unsent letter	Pass
77	Documents - Add a Document to a Case using the PaperClip Icon	Pass
78	Documents - Add a Document to a Case by right click on a Case Stakeholder	Pass
79	Documents - Remove a CIS generated Document from a Case - where not Sent - enabled	Pass
80	Documents - Remove a CIS generated Document from a Case - where Sent - not enabled	Pass
81	Documents - Remove an Uploaded Document	Pass
82	Documents - Document Menu - View Email Staff	Pass
83	Documents - Document Menu - Email Staff	Pass
84	Documents - Document Menu - Download	Pass
85	Documents - Document Menu - Make Zip File	Pass
86	Documents - Properties Options - Reference (Add or Delete) depending on document	Pass
87	Documents - Properties - Date - edit	Pass
88	Documents - Properties - Document Type - edit	Pass
89	Documents - Properties - Document Description - edit	Pass
90	Documents - Properties - Confirm Document - greyed out if already confirmed	Pass
91	Documents - Properties - Individual - add or edit	Pass
92	Documents - Add to Case	Pass
93	Documents - Add to Case Paper Candidate List	Pass
94	Documents - Remove from Case	Pass
95	Documents - Reply with Generic Letter	Pass
96	Retention - Add Document and select In List and Document Type	Pass
97	Retention - Add Document and select Out List and Document Type	Pass
98	Retention - Add Document and select Internal and Document Type	Pass
99	Retention - Try adding Document to a Closed Case -	Pass
100	ROC Update Holding Notes - Case Outcome button	Pass
101	ROC Update Holding Notes - Next ROC Update	Pass
102	ROC Update Holding Notes - If not required select Close	Pass
103	ROC Update Holding Notes - View ROC notes prior to select Update ROC	Pass
104	ROC Update Holding Notes - View Template Notes	Pass
105	ROC Update Holding Notes - Add a Case Document to a Note	Pass
106	ROC Update Holding Notes - View Note on Holding Notes screen	Pass

## Test in figures

Number of defects

<b>Defect Severity</b>	<b>Detected</b>	<b>Closed</b>	<b>Open</b>
<b>Critical</b>	2	2	0
<b>High</b>	57	57	0
<b>Medium</b>	4	4	0
<b>Low</b>	25	20	5
<b>Total</b>	<b>88</b>	<b>83</b>	<b>5</b>

IN REVIEW

## Revision record

Revision	Date	Author	Description	Section affected
<b>0.1</b>	21/03/2023	AWE	Initial version	All
<b>0.2</b>	01/08/2023	AWE	Updated test results	Test in figures

IN REVIEW

# CIS User Acceptance Test Report (UATR)

02/08/2023

IN REVIEW

## Review & Approval

### Approvers

Role	Name
CEO	Bill Barron
Director of Corporate Services	Jane Thomas
Product Sponsor	Bill Barron

### Reviewers

Role	Name
Product Owner	[REDACTED]
[REDACTED]	[REDACTED]
Business Analyst	[REDACTED]
System (Integration) Tester	[REDACTED]
User Acceptance Tester	[REDACTED]
Head of Digital	Aart Wessels
Optional Reviewers	
Aaron Ramsay	

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IN REVIEW

## Introduction

The purpose of the User Acceptance Test Report is to provide our leadership with sufficient assurance about the quality of the release to enable them to decide whether to implement the release (viewed from the testing body representing the end users).

### Scope of the document

The scope of qualification is as follows:

- Installation and Configuration of CIS build 1063
- New features and/or Bug testing:

CR ID	Summary	Description	System Area
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23	Change of Rent	Rent to be recorded against the Holding and not the Individual – Holding to have new field displaying the rent if one is known for a tenanted croft	CIS Holding
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40	Remove date of birth	please remove the date of birth from all copy entries issued by the Commission under section 41(2) of the 1993 Act. New feature to allow date of birth to be produced only on one workflow set to be created.	Case - Copy Entry
42	Restrictions on Use of Case Warning Feature	In addition to the case warning feature that is already in place, the creation, amendment and completion of a case warning is at B1 level and above only	Cases
46	Life renter	Holding only - Create new Stakeholder Status – Select on Incoming – New Role – Life Renter The 'Life Renter' stakeholder type will need to be displayed on CIS on the Stakeholders tab for the Holding (similar to a sublet – alongside the tenant, landlord etc). They would also appear on Copy Entry and Holding Summary Reports. – See example below This stakeholder will need to be displayed on ROC Online and appear on online Copy Entry. This stakeholder will NOT be receiving a Census form.	Holding Stakeholders
48	Invalid/Incomplete Button on Case Form	Checklist tab – button currently called INVALID APPLICATION – this button generates a letter based on the 'No' answers to the checklist questions. This button is to be renamed INCOMPLETE APPLICATION but still perform the same function. If an application is INVALID, the workflow will take the user to a template letter that will return the application and then close the case. The auto generated letter is to be renamed Incomplete Application Letter when attached to the Case.	Cases

52	Address Format Change	The current address blocks are broken into different fields for house number, house name, place Steet, town, region. These are to be amalgamated to form 5 address lines	CIS
54	Holding Summary Report Notes updating	When ROC update function performed, notes are added to the Holding Notes. These notes currently are only visible on the Holding but they also need to be displayed when a Holding Summary Report is generated. Currently only the notes that migrated from CADS are displayed. All new notes created on CIS should be displayed	CIS
57	Display of Stakeholders on a Holding or Grazing	1. Display to be amended to show an icon for an agent against the landlord's details 2. Grazings Landlord/Owner details would also be displayed on the Stakeholders tab on the Holding	Holding Stakeholders
60	Copy Entry Common Grazing	Form to pull data from the Grazing record that can be issued out with the Commission. New button on main Grazing screen that will pull all details into one Report	CIS Grazing
61	Grazing Committee Search by Date	Currently there are Radio buttons to filter on Grazing Committee – In Office, Out of Office or No Filter Request to add two date fields here to enhance the filter options – Start and End dates	CIS – Grazing – Main Screen
61a	Termed Consent Tab issues	The ability to delete an individual who has been numerously entered or entered in error on the termed consents tab as a subtenant, short-term tenant or someone who has been granted consent to be absent. The ability to delete/edit the details shown here, as a large number of records are missing start and/or end dates or showing incorrect stakeholder information	CIS Holding - Sublets and Short Term Lets removed from Term Consent Tab
64	ROC Online - Wizard for picking application forms	Amend RoC online where application forms are downloaded from to limit the options available based on information entered by the user	Created
68	Document creation page on the CIS Admin Tool to indicate to which steps the documents are attached	I would like to be able to identify to which step(s) a CIS generated letter is attached.	CIS Admin
71	Case Outcome on Close Case	On an open case the option to select a Case Outcome of either Withdrawn or Invalid is available without having to reach an approval gateway step in a workflow. On Close Case, force the selection of a Case Outcome before closing a case.	CIS
74	STWG Looking at changes to MARS	Full review of MARS features - resulted in the decision to create new facility to allow the quick association of a document with a case stakeholder and record only the information necessary	CIS Cases
77	Restrict letters being issued when address unknown		
78	Ability to view workflow diagrams on CIS	Link to Workflow Diagrams - ability to view a workflow from within a step on a case	CIS
81	Documents Management and Document Retention	CIS Desktop: need to add, view and manage documents in an efficient manner within CIS without the requirement for MARS. Ability to add, update, view, download, remove and manage the retention of important documents. CIS Admin: Ability to associate groups of document types with Workflow Set and manage the retention and movement of documents within cases and from cases to records and the ROC online.	CIS
83	land Court Order updating	To improved data quality introduce input validation on the purpose field of land court order record. It has been noticed that some users forget to input the purpose information when filling in the form	CIS -Land Court Orders

- End-to-end testing of key functionalities

## Qualification Statement

### Acceptance Statement

Qualification has been completed for the installation and configuration of the CIS build 1063 within User Acceptance Testing. The release qualification has been completed and met all exit criteria. The release deliverables are conditionally accepted, based on the condition that the retest of script 09 is successful.

We recommend the installation of the following deliverables in Live:

Release	Version	SHA256 / Package
<b>CIS 1063</b>	1.6.3.39	05ab5488d03c30a0be2c3269d8ef238b86417277

### Pending Issues

N/A if none

Pending issues are as follows:

Issue ID/Link	Summary	Severity
<a href="#">400</a>	Grazing Search	Low
<a href="#">409</a>	Service Providers no data	Low
<a href="#">408</a>	Grazing Committee appointment not updating	Low
<a href="#">406</a>	ROC Updates - Questions not updating – Rent	Low

## Test Results and Evidence

Location of detailed test scripts and results

[FINAL TEST SCRIPTS JULY 2023](#)

### Qualification summary

Test ID	Description	Result
01	Retention	Pass
03	Person Search	Pass
04	Holding Search	Pass
05	Grazing Search	<b>Partial Pass</b>
06	Search a Share	Pass
07	Create a Draft Letter	Pass
08	Create a Draft Letter with email	Pass
09	Create a Case and Add Agent in Substitution Mode and Update RoC	<b>Provisional Pass (retest)</b>
10	Create a Case and Add Agent in Copy Mode	Pass
11	B1 – Create New RoC Entry	Pass
12	Skipping Workflows within a Workflow Set	Pass
14	Test Recorded Delivery	Pass
15	Test Solicitors Reference	Pass
17	Change of Rent	Pass
18	Date of Birth on Copy Entries	<b>Partial Pass</b>
19	Invalid or Incomplete Button on Case Form	Pass
20	Holding Summary Report Notes	Pass
21	Recording a Case Outcome before Closing a Case	Pass
22	Ability to View a Workflow Diagram from a Step within a CIS Case	Pass
23	Uploading SLC Order Information	Pass
24	Prepare Advert – Service Providers Details	<b>Fail</b>

In addition to the prepared scripts, all UAT testers have tested the processing of real-life cases in order to increase their confidence.

### Test in figures

Number of defects

Defect Severity	Detected	Closed	Open
Critical	0	0	0
High	8	8	0
Medium	8	8	0
Low	11	7	4
Total	27	24	4

#### 1 – Critical

Critical errors result in a complete breakdown of the CIS application, or any of its core components, with no available workaround.

## 2 – High

An error with high severity is capable of collapsing large parts of the application, and disrupts the normal workflows. Workarounds are available.

## 3 – Medium

These errors result in some unexpected or undesired behaviour, but not enough to disrupt the normal functioning of the application.

## 4 - Low

These are errors not resulting in any noticeable breakdown of the application, and workarounds are available or cosmetic problems.

IN REVIEW

## Revision record

Revision	Date	Author	Description	Section affected
<b>0.1</b>	21/03/2023	AWE	Initial version	All
<b>0.2</b>	21/07/2023	AWE	Updated test results	All
<b>0.3</b>	27/07/2023	AWE	Updated test results	Test in figures
<b>0.4</b>	01/08/2023	AWE	Prepare for review	TOC, Watermark

IN REVIEW

# CROFTING COMMISSION MEETING

16 August 2023

Report by the Director of Corporate Services

## Milestones for Digital Applications

### SUMMARY

This paper forms an update for the Board on the current Digital Applications release roadmap, and the related timescales for realisation of the expected benefits.

### BACKGROUND

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

As per the business case prepared in 2019/2020, the expected key benefits were described as:

- Improved service quality
- Financial benefits by reduced time spent by staff on mail handling and case creation
- Productivity increase due to less incorrect or incomplete forms

A full extract of the benefits described in the business case can be found in **Annex A**.

### CURRENT POSITION

The recent decision to open the online application portal to the wider community has immediately led to a significant increase in applications commenced in the online portal, as can be recognised in the June 2023 statistics. In June 2023 more applications have been created online than any month before, with a total of 57. (**Annex B**)

We've also seen a significant increase in new users since June, with a total of almost 500 registered users today. (**Annex B**)

### REALISATION OF BENEFITS

When looking at the realisation of benefits specifically, it is best to look at completed cases, and how they differ between application started in the Online Application Portal and those started in the Classic way.

At the current rate, we're looking at over 20% of the completed cases having started their lifecycle as an online application by the end of 2023, and with the remaining application types being added, dependencies on RoS (detailed further under 'Dependencies') being removed, and new functionality such as Online Status Tracking being added, this rate is expected to speed up further towards the end of 2024.

### Improved Service Quality

Although the current dataset is not sufficient for a reasonable analysis on improved accuracy of data held in the RoC, we do recognise a positive evolution in the completeness of data provided as part of online applications. Where in completed cases created in the Classic way over the last 18 months, 23.4% has had to be returned to the applicant as incomplete, this occurred only in 18.3% of the cases created through the Online Application Portal. This does not only reflect an increase in data accuracy, but it also indicates a reduction in time spent by staff on such applications.

### Financial Benefits

Based on the adoption rate of the Online Application Portal, current savings on mail handling and case creation are estimated at roughly 20% of the staff resources used for these functions.

## **DEPENDENCIES**

Maximising the adoption of the online application portal does not only depend on the availability of application types, usability, and promotion of the portal.

Some application types require submission of forms and/or inclusion of payment for RoS. In such cases, the Digital Applications team have feedback from agents that they find it of very little value to make an application online, while still sending the forms for RoS and a cheque in paper format.

Collaboration with RoS on further improvements to this process, in the shape of digital forms, signatures and electronic payment is ongoing.

Based on the current results of investigations, changes in the related RoS forms will lead to a need for specific changes in secondary legislation, which is likely to take 18 months or more, assuming that an agreed approach for signatures on RoS forms can be reached.

Accessibility needs and technological limitations of applicants will prevent a 100% adoption of the Online Application Portal, however the exact level of impact cannot currently be fully quantified.

## **REALISATION OF BENEFITS – FORECAST**

Benefits described in the business case assume a 100% adoption rate for the online application portal. The aforementioned dependencies prevent, or postpone, a 100% adoption rate.

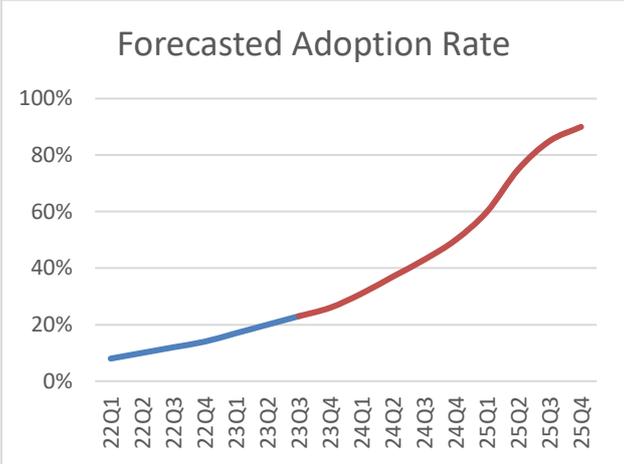
The current adoption rate shows a positive evolution, especially now that the Online Application Portal has been opened for the general public without restrictions on any application types. (**Annex B**)

A further increase in adoption is expected to be triggered by the availability of other types of applications and new functionality such as the Online Live Status in the Online Application Portal.

The timeline of the remaining application types and key functionality currently is as shown in **Annex C**.

At the current rate of adoption, it is expected that more than 50% of all applications will be started through the Online Application Portal by the end of 2024, driven in part by the availability of the application status in the Online Application Portal as of Q1 2024.

By Q4 of 2024, we expect to see the results from improvements agreed with RoS leading to a further uptake in adoption of the Online Application Portal by applicants, bringing us potentially closer towards 90% at the end of 2025. However if an agreed joint approach to making the RoS forms and payments digital cannot be reached it is unlikely that a 90% adoption rate can be reached.



Over time, with the remaining application types, and functionality, being made available through the Online Application Portal, we will be able to continue taking our measurements on completed applications, which will further narrow down this forecast.

In addition to this, we plan to reach out to applicants using the Online Application Portal, to find out how we can improve their customer journey, and how we can ensure that initiated applications are submitted.

Impact:	Comments
Financial	None
Legal/Political	None
HR/staff resources	None

**RECOMMENDATION**

**The Board is invited to note the current benefits realisation roadmap as well as the current dependencies and blockers.**

Date            21 July 2023

Author            Aart Wessels, Head of Digital

## Extract of Benefits described in Online Applications Business Case

### Expected Benefits

#### Improved service quality

A key business benefit of moving to digital applications will be a significant improvement in the overall quality of the service we provide to our customers. The changes proposed in this paper would ensure that the Commission would be able to streamline our customers application process and improve the accuracy of the information held in the RoC database on crofts, crofters and common land. The removal of postal processes would reduce application turnaround times and lessen resource demands on the Commission, allowing additional services to benefit.

By introducing efficiencies to the application process which reduce the Commissions turnaround times and offering real-time updates on the status of an application, the reputation of the Commission to deliver a quality, consistent service will increase, which will reflect on both the Commission and wider on Scottish Government as a whole.

#### Financial

Current resource demands across three areas of the commission involved in initial application processes are noted below. The Customer Services Team has one member of staff almost full time dealing with the mail (1 x A3), the Regulatory Team have 8 A3 Administrators (8 x A3) and 8 B1 Regulatory Team Officers (8 x B1), and Residency and Land Use Team have 4 B1 (RALUT) Officers (4 x B1):

	Salary 2019 - 2020	Current Time per case	No of Cases in 2018/19	Total Time	Expected reduction in time(approx.)	Total Savings anticipated
Customer Services A3 (x1)	£21,482	40 mins	2500	1666 hours	90%	Approx. £20,000 per year
Casework Administrator A3 (x8)	£21,482	40 mins	2500	1666 hours	90%	Approx. £20,000 per year
RALUT Team B1 (x4)	£28,341	40 mins	100	66 hours	10%	Approx. £1,000 per year
<b>Total</b>						<b>£41,000</b>

With increasing demands on the resources of the Commission consideration has to be given to where improvements can not only increase the quality of our service but also release resources to deal with increasing workloads. The Commission are under scrutiny from external stakeholders and its Board of Commissioners to be more proactive in our work such as looking at non residency and misuse or neglect of croft land; streamlining our processes will help to release staff resources that could be deployed to other areas of work.

## Productivity

At present processing of paper application forms is time consuming and requires staff trained in the relevant procedures. Currently approximately one FTE resource at A3 level is required to process the incoming mail, which is a labour intensive task subject to human error. During periods of leave backlogs can arise which then have a knock on effect to the other teams. When a case is opened on CIS, the current application form process has no direct integration to our database and requires caseworkers to carry out a manual transfer of the data into a case along with any documents received.

By looking at the current manual process it is evident to see where efficiency savings might be achieved because of the numerous steps that are involved. These manual steps include:

- Mail opened by member of Mail Team
- Application form electronically scanned, renamed and uploaded into our mail tool (MARS)
- Paper forms passed to Casework Administrator
- Case created on the CIS
- Application form uploaded to case on the CIS from MARS
- Validity checklist completed – could result in application being returned
- Receipt of Application acknowledgement letter issued

However, if we consider the process, which is performed on average 10 times every day, it currently involves a minimum of 30-40 mins per mail item to process, and 40 mins for the caseworker to create and validate an application. If an application is invalid/incomplete (of which approx. 25% currently are) this can add weeks to the processing of an application. Translating the same process into an online system that is much more defined and integrated with the database will allow the automatic creation of cases with validation already being complete, documents being linked and an acknowledgement issued. This would represent a 90% reduction in time to get to the same point in the process as all the steps outlined above would be automated and only minimal validation would need to be carried out.

In terms of turnaround times, we estimate this could take 2-3 weeks off the overall average processing of an application at the initial stages.

Alongside the reduction in time saving an online process would ensure that all the required data and information about the application would be obtained at the outset. Redesigned forms would create mandatory questions to ensure they are answered and standardise the response options to provide greater details instead of just providing free text options. This could result in a decrease in the number of cases that are delayed during processing when further information has to be requested.

The solutions proposed in this paper could also provide a service that would allow applicants to check the progress of their application online without the need to contact the Commission. They could see what stage the application was at up until a decision has been taken. This, in conjunction with a simpler process, shorter timeframes and quicker decisions will significantly improve our customer satisfaction and result in fewer complaints being received.

**Resilience**

Covid 19 has forced the Commission to take steps to ensure that all staff have the capability to work from home. We were in the fortunate position of already having begun a roadmap for this which included the rollout of laptops to all staff and a dedicated server being purchased for running external connections. This addressed technical aspects however did not provide a solution to the postal application process currently common within the Commission.

Initially due to the issues with access the incoming mail the Commission were unable to process new applications for approx. 4 - 6 weeks. Lack of access to our printing and mail services also impacted our ability to issue decisions on cases. Now that systems are in place to allow the scanning and distribution of incoming mail, and the printing of outgoing mail, productivity has increased but is still not back to pre-lock down levels

Total cases opened on CIS (approx. numbers, rounded off)

Feb 2020	440
March 2020	500
April 2020	40
May 2020	180
June 2020 (3 weeks)	135

Total Decisions issued (approx. numbers, rounded off)

Feb 2020	101
March 2020	53
April 2020	16
May 2020	51
June 2020 (3 weeks)	48

The above figures show a decrease in cases opened since March 2020. It is acknowledged that there was likely a natural drop off in applications being submitted as crofters and agents would have been focussed on learning to live with lock down rather than submitting an application to the Commission. As the country now settles into a more normal routine, it is expected that the numbers of applications will start to rise again to near normal levels over the coming weeks and months.

The number of decisions issued also dropped significantly during the initial weeks of lockdown, which was due to the lack of facilities to allow printing and posting. If we had a more digital application process the Commission may have been able to use alternate digital means to continue working.

**Staff Morale**

Introducing an online application process that reduces the manual handling of cases will have a positive impact on staff who use the system. By automating the validation process the Commission will reduce the spent inputting data and reduce the opportunity for errors to occur. This will allow staff more time on the actual processing of casework and make their day to day work more interesting and less repetitive.

The Regulatory Team has recently seen a higher than normal turnover in admin staff. On leaving they have cited the complexity of the work and slow progression to being fully trained as reasons for them seeking employment elsewhere. The reduction in the onerous and complex manual tasks they have to learn for each process would speed up and simplify their training and induction progress. It would be anticipated that by creating a smoother introduction to the work, we would be able to reduce staff turnover at this level.

## **Environmental**

Consideration should also be given to the environmental savings that could be achieved from online applications. The Commission receive approx. 2500 applications, each of which averages 6 double sides of A4 paper. This would equate to 15,000 sheets of paper, or 30 boxed reams, being received each year. These paper application forms are stored in the office for a year from the date of receipt of the application and are then shredded. The costs of paper shredding to the Commission is approx. £1,000 a year. There would also be an overall impact on the carbon footprint for both the applicant and the Commission due to the reduction in delivery costs and reduced printing costs for toner etc.

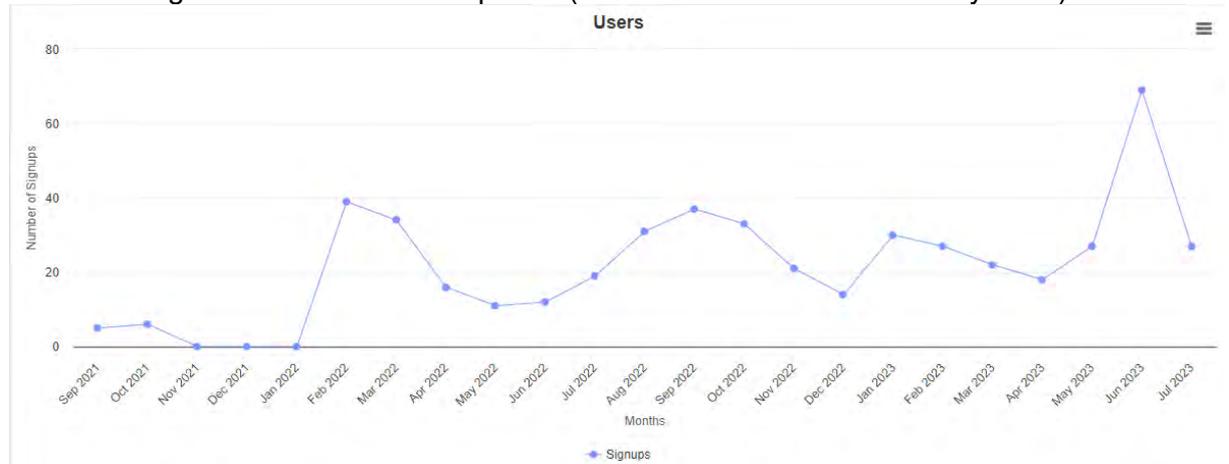
## Online Portal Statistics

Applications commenced in the Online Portal: (Statistics extracted on 17<sup>th</sup> July 2023)

Application Type	Feb 22	Mar 22	Apr 22	May 22	Jun 22	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	Jul 23	Tot
Assignment	9	2	3	3	5	7	3	10	3	5	0	6	8	6	2	11	12	1	96
Change of Contact Details	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	1	6
Decrofting - Part Croft Owned	0	0	0	0	0	0	1	6	1	2	2	2	3	2	0	14	16	6	55
Decrofting - Part Croft Tenant	0	0	0	0	0	0	9	7	5	7	2	5	3	2	0	3	10	8	61
Decrofting - Whole Croft by Tenant	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	2
Decrofting - Whole Croft Owned	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3
Division by a Tenant	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	3	0	4
Division of an Owner-Occupied Croft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	2	0	3
Short Term Let	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	2	1	0	4
Subletting	5	2	1	1	1	3	5	4	9	5	3	7	5	1	0	0	4	3	59
	14	4	4	4	6	10	18	28	19	19	7	20	19	11	2	32	57	19	293



New user registrations in the online portal: (Statistics extracted on 17<sup>th</sup> July 2023)



## Timeline additional application types and new functionality

Live	Q3 23	Q4 23	Q1 2024
✓ Assignment	○ Notification of death	○ Consent to be absent	○ Online Live Status
✓ Part croft decrofting (tenant, OOC and LL)	○ Letting by landlord of a vacant croft	○ Apportionment	○ Remaining notification types
✓ Whole croft decrofting (tenant, OOC, LL)	○ Letting by OOC	○ Notification of change of owner	
✓ Division (tenant, OOC)	○ Letting of a grazing share		
✓ Notification – change of contact details	○ Decrofting HSGG		
✓ Subletting	○ Division of house site bequest		
✓ Subletting of a grazing share			
✓ Assignment of a share			
✓ Short term let			

# CROFTING COMMISSION MEETING

**16 August 2023**

Report by the Chief Executive

## **Update on progress with the implementation of the Emergency Measure relating to Assignations**

### **SUMMARY**

**This paper is to provide the Board with the update they requested at the meeting held on 28 June 2023 on the process of implementing the emergency measure to approve assignation applications received on or before that date where no objections were received.**

### **1. BACKGROUND**

At the Board Meeting on 28 June 2023 the Board agreed the following:

That all applications for Commission consent to assign the tenancy of a croft of a grazing share would be approved in those cases where:

- no objections were received following the 28 day objection period commencing with the date of the advertising of the application in newspaper circulating in the district in which the croft or grazing share which is the subject of the application is situated;
- the application was received on or before 28 June 2023.

The Board agreed further that:

- The CEO would go back and discuss the implications of approving the cohort of cases currently in the system, where there is no objection, to ensure no unforeseen consequences.
- The CEO will provide a description of how the process of approval will be handled for a trial period, as well as quantifying the numbers involved in the changes at the August Board Meeting, followed by a quick-fire review in October.

This paper is to provide Board with the requested update on the process of how the identified cases will be handled.

## 2. CURRENT POSITION

### 2.1 Identification of cases

It was identified that those assignation cases where:

- The 28 day objection period has concluded; and
- No objections have been received; and
- The croft has been registered with RoS

can proceed to a decision under the emergency measure.

### 2.2 Wording of decision letters

Decision letters for the cases approved under the emergency measures will be worded as follows:

*“As there were no objections received following the advertising of the assignation in a newspaper circulating in the district in which the croft is situated, the application has been granted.”*

### 2.3 Discretion to escalate cases even if they meet the criteria for approval under the emergency measure relating to assignations.

If a casework officer is dealing with an assignation application which meets the criteria for approving under the emergency measures provisions but has concerns about whether the application should be processed under these measures it will be open to the casework officer to escalate the case to Tier 2 to discuss their concerns e.g. a potential example would be where there have been no objections, but where the proposed assignee has a close association with the ownership and management of the estate.

If Tier 2 share the casework officer’s concerns the case will be escalated to the Executive Team with a recommendation on whether the case should be excluded from the emergency measure provisions relating to assignations.

## 3. IDENTIFIED NUMBERS OF CASES POTENTIALLY IMPACTED BY THE EMERGENCY MEASURE

### 3.1 Details of all assignation cases

Description	No of cases
Assignation applications with the Commission as at 28 June 2023	123
<b>Of which:</b>	
Applications where the objection period has concluded	99
Applications which are still within the 28 day objection period	17
Applications where the advertising date (and therefore the 28 day objection period) has yet to be confirmed	7

### 3.2 Objection details of the 99 assignation cases where the objection period has concluded:

Description	No of cases
Assignation applications with where objections were received	11
Applications where no objections were received	76
Applications where the objection position still has to be clarified	12

**3.3 Registration details of the 76 assignation cases where the objection period has as concluded and we can confirm that no objections have been received:**

Description	No of cases
No of crofts registered	39
No of crofts not registered	37

**4. SUMMARY AND NEXT STEPS**

There are therefore a total of **39** cases currently in a position to progress to an approval, with a potential further **73** cases<sup>1</sup> potentially able to progress to an approval subject to either croft registration, confirmation that no objections have been received or a combination of both.

The Commission will record and report separately in due course on the number of cases approved as a result of the emergency measure and those cases which would have been approved under the standard tier one delegation parameters.

The next stages of the process, prior to approving applications, are:

- a) To make the changes required to CIS to facilitate implementation of the emergency measure.
- b) To provide a training session to the regulatory casework officers on the implementation of the emergency measure.

**5. UPDATE**

The training session referred to at 4(b) above took place on 2 August; the CIS changes went live immediately following the training and the first application was approved under the assignation measure on 3 August.

Impact:	Comments
Financial	The impact of the emergency measures adopted by the Commission were set out in the Board Papers in May and June 2023.
Legal/Political	
HR/staff resources	

**RECOMMENDATION**

**The Board is invited to note the update of progress in implementing the emergency measure in relation to assignations agreed at the Board meeting held on 28 June 2023.**

Date            24 July 2023, updated 4 August 2023

Author         Joseph Kerr (Head of Regulatory Support)

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<sup>1</sup> 37 not registered, 24 still in the objection period, and 12 where the objection position is yet to be clarified.

# CROFTING COMMISSION MEETING

**16 August 2023**

Report by the Director of Policy

## **Crofting Activity Survey 2022**

### **SUMMARY**

The Crofting Activity Survey 2022 ran in conjunction with the Annual Notice and received 1,829 responses. The collated results are analysed and compared to the survey run in 2021, results are broadly similar despite the increased response rate. It is proposed that having established a base line that this survey is re-run every 3 years to measure the impact the work of the Commission and inform the future work of the organisation.

### **BACKGROUND**

In 2021 a crofting survey was run, in parallel with the annual notice, to gather baseline data on a range of crofting subjects. The survey results were collated and presented to the Board in May 2022.

The 2021 survey generated 523 responses. Following the 2021 survey, the questions were redefined to elicit more accurate information. As an incentive, participants were offered the opportunity to enter a prize draw to win a £50 voucher upon completion of the 2022 survey. To encourage better participation the survey was integrated into the online system, which crofters used to complete their annual notice. The 2022 survey generated 1,829 responses, which is an increase of 250% and represents approx. 12% of all crofters.

The survey provides a valuable insight into the activities on crofts. However, it is important to be aware of the potential for bias in the results. The crofters who were invited to complete this survey are those who completed their census return, which for 2022 was 59.2 % of crofters. This was a reduction from 76.7 % in 2021. It is likely that the crofters responding are relatively active on their crofts and so the results may not give a balanced view of all crofting activity. It is likely the inactive or less active crofts are not well represented in the survey results.

**CURRENT POSITION**

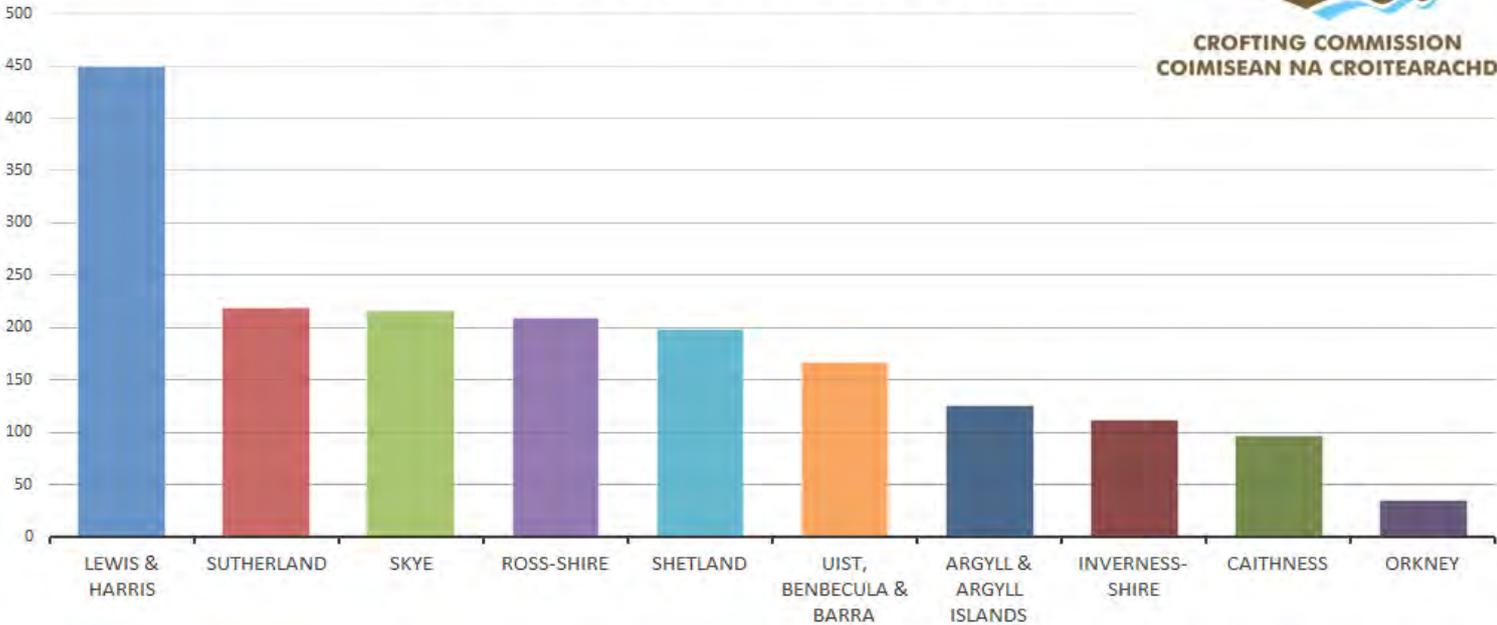
The results of the 2022 survey are below, showing comparisons with the results of the 2021 survey where possible.

**GEOGRAPHIC AREA**

As in 2021, we were pleased to received responses from all crofting counties, with the distribution of response levels being very similar to that of 2021.

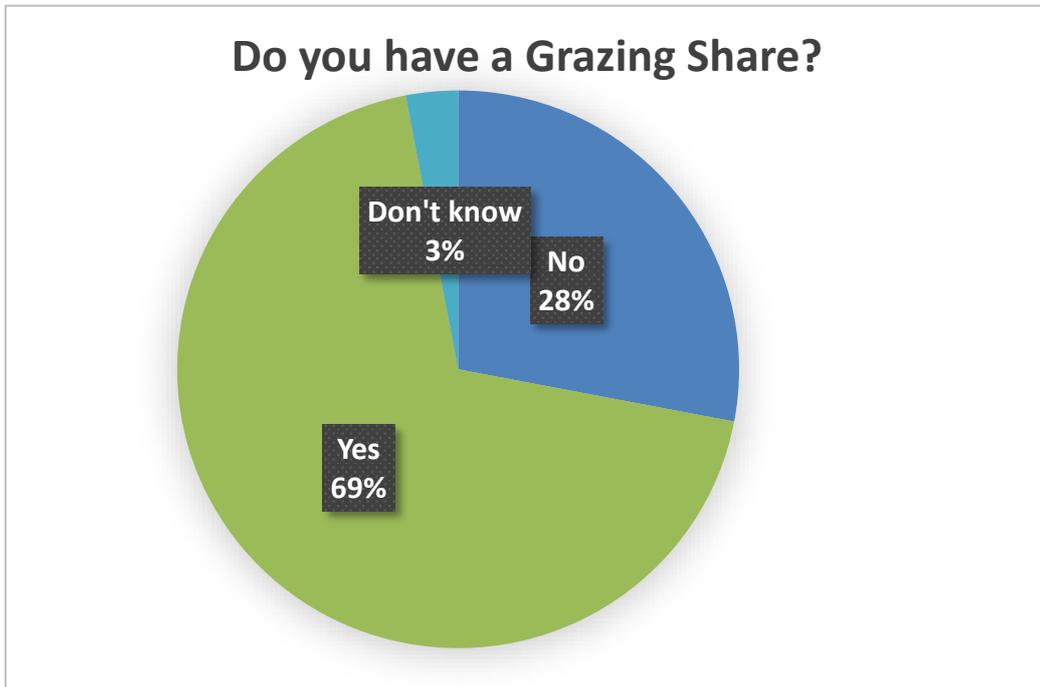
The level of response from each of geographic area broadly represents the density of crofts in these areas.

**In which geographic area is your croft?**



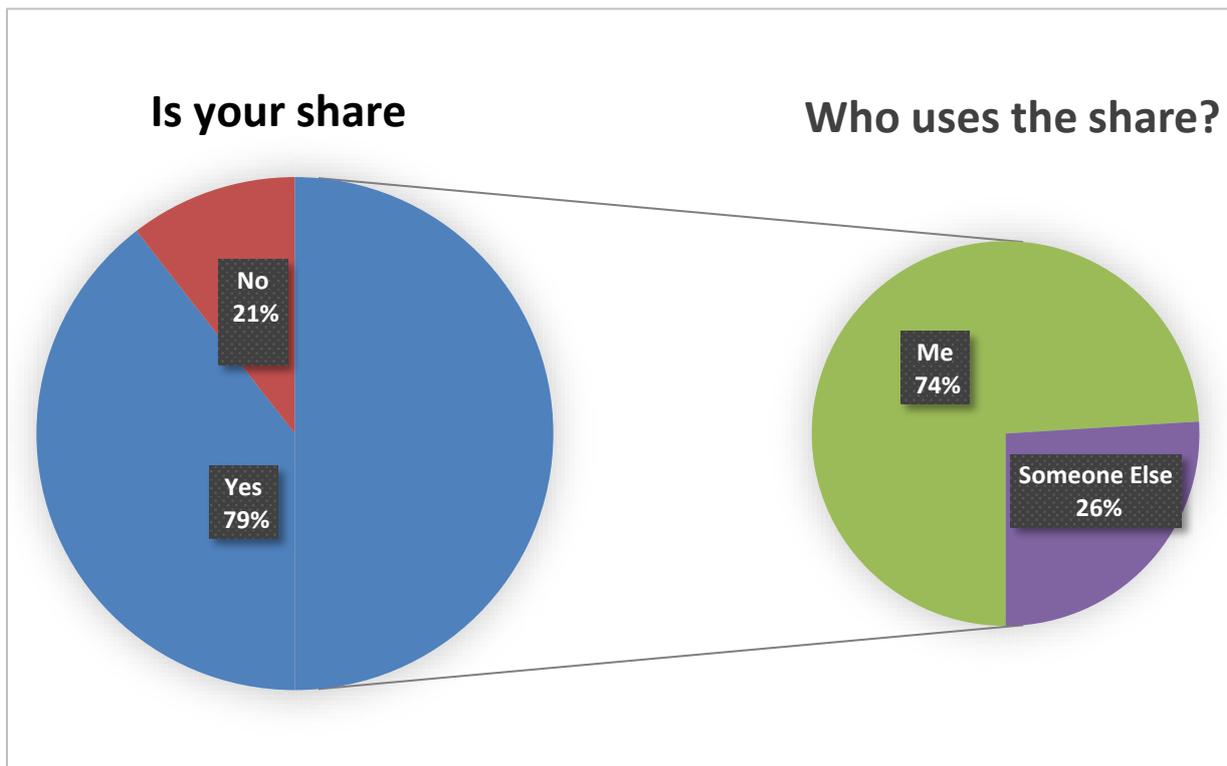
## GRAZING SHARE

Last year the first grazing question was “Do you use your Crofts Grazing Share?” This year we changed this to help give us a clearer idea of the number of crofters who do not have an associated grazing share



## GRAZING SHARE USE

Those who told us they had a grazing share were asked if the share was used and if so, by whom. In 2021, 52% of crofters told us they used their own grazing share. In 2022, with the subtle change in question to “Is the share used?” you can see that 79% of respondents said yes.



When asked about who uses the share, 26% responded to say that “someone else” uses the share. Due to the survey being anonymous, we do not know whether this is by informal agreement or an official arrangement, such as sublet or the reallocation or underused souming as per grazing regulations.

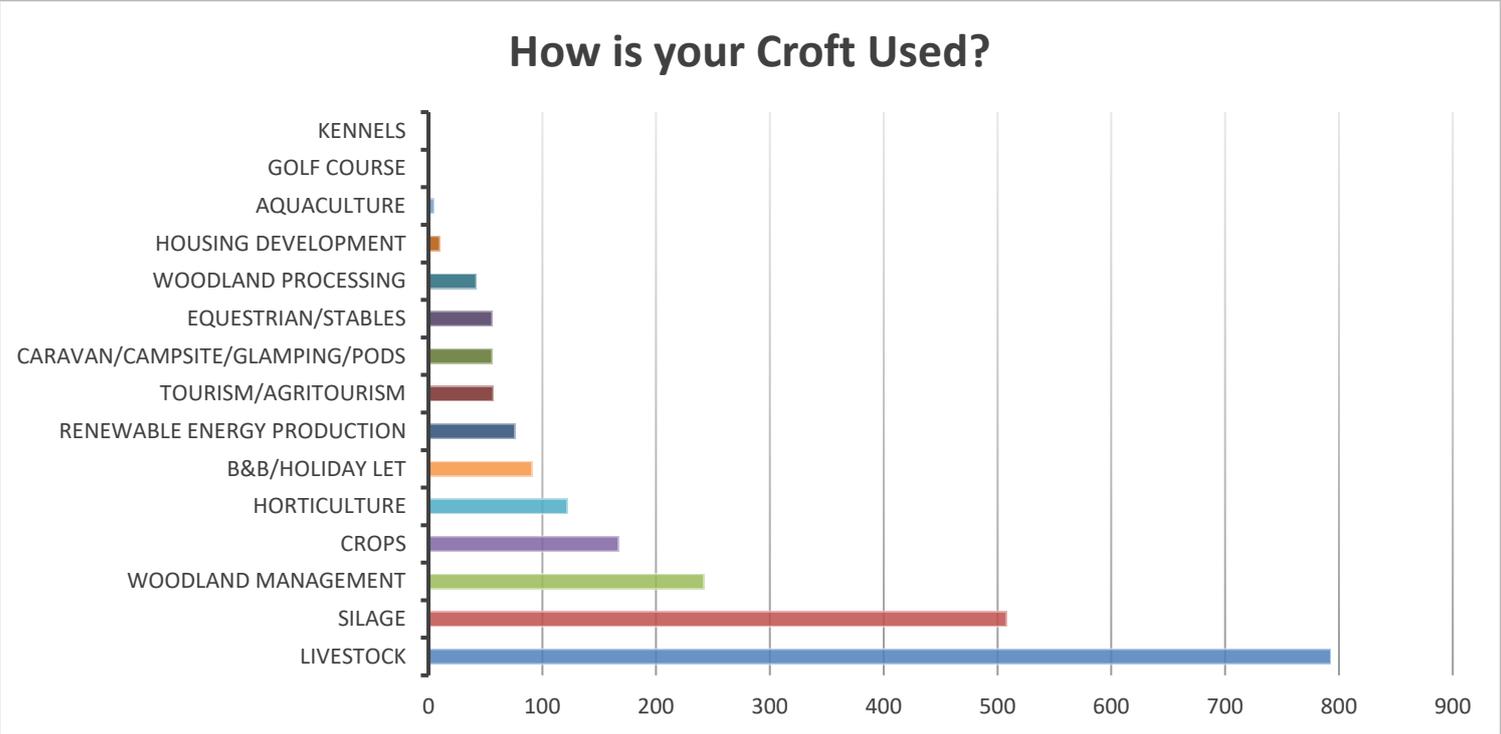
As in 2021, those who stated their share was not used, were asked to specify why, and the top responses were as follows:

2022 Results		2021 Results	
No livestock	55%	No livestock	54%
Other	24%	Other	36%
Lack of communal activity	21%	By agreement with other shareholders	10%

**CROFT USAGE**

The results in 2022 are like 2021 and the top 5 crofting activities remain as:

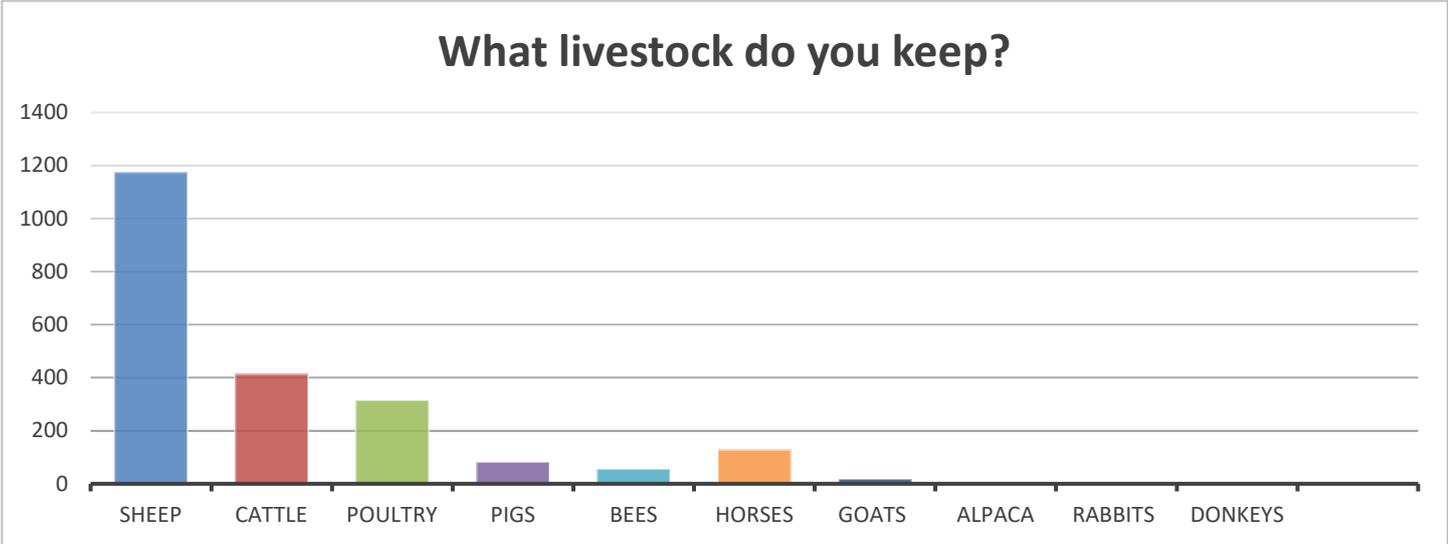
1. **Livestock**
2. **Silage**
3. **Woodland Management**
4. **Crops**
5. **Horticulture**



We can see a comparative increase in the ratio of those reporting to use their crofts for silage in 2022. Although we did not ask any questions which may evidence the reason behind this, the pandemic, and the post-Brexit increase in feed costs may have contributed to this.

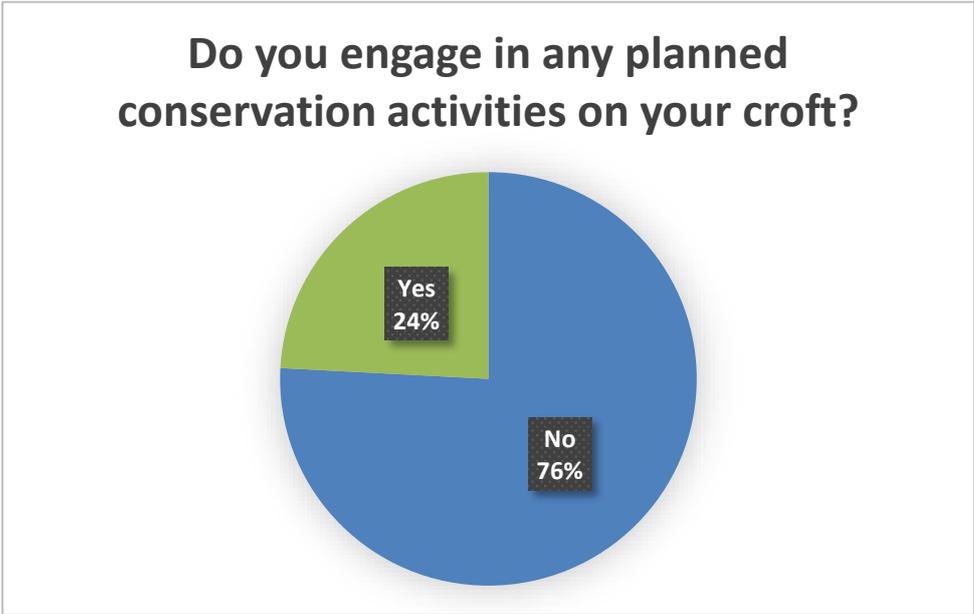
**LIVESTOCK**

In comparison to 2021, cattle have overtaken poultry as the second most popular livestock.

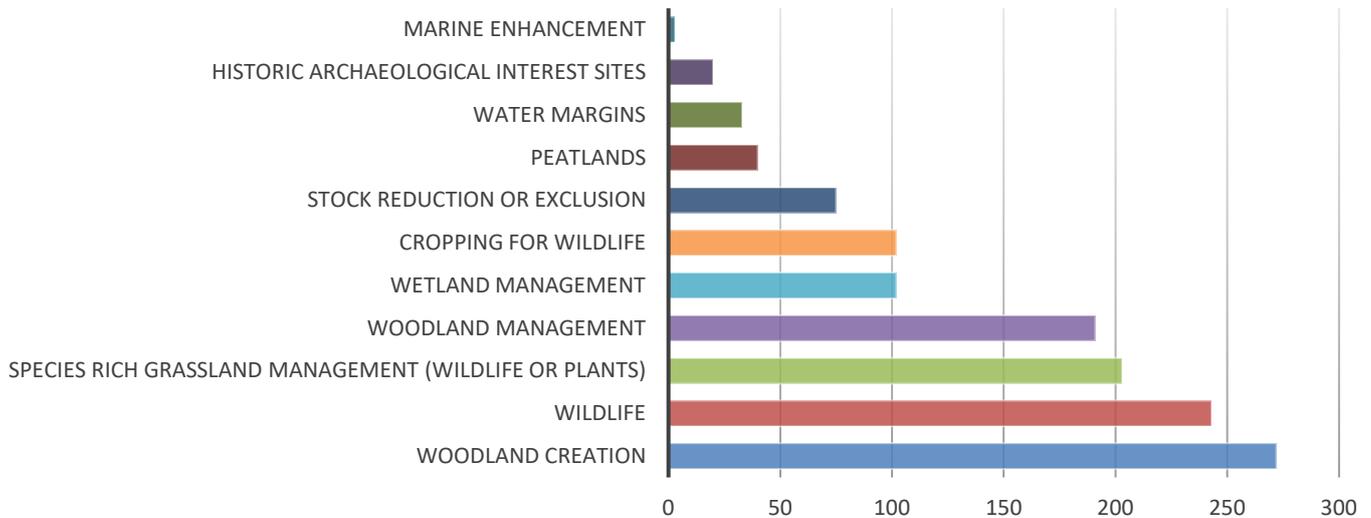


**CONSERVATION ACTIVITIES**

29% of crofters told us they engage in 'any planned conservation activities on their croft', which is an 8% decrease from 2021.



## Which aspect of conservation did this focus on?

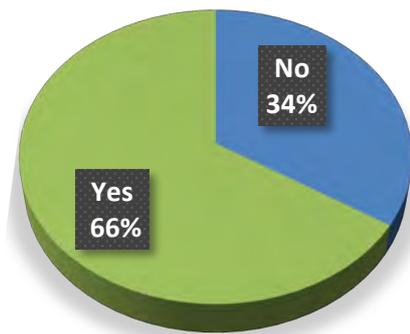


Since 2021, 'woodland creation' has overtaken 'wildlife', as the most undertaken conservation activity.

### SUPPORT SCHEMES

In 2022, there is a 15% increase in the number of crofters responding, who indicated that they are aware of the support schemes available for crofters. This is a positive result for those organisations who offer crofting advice and support.

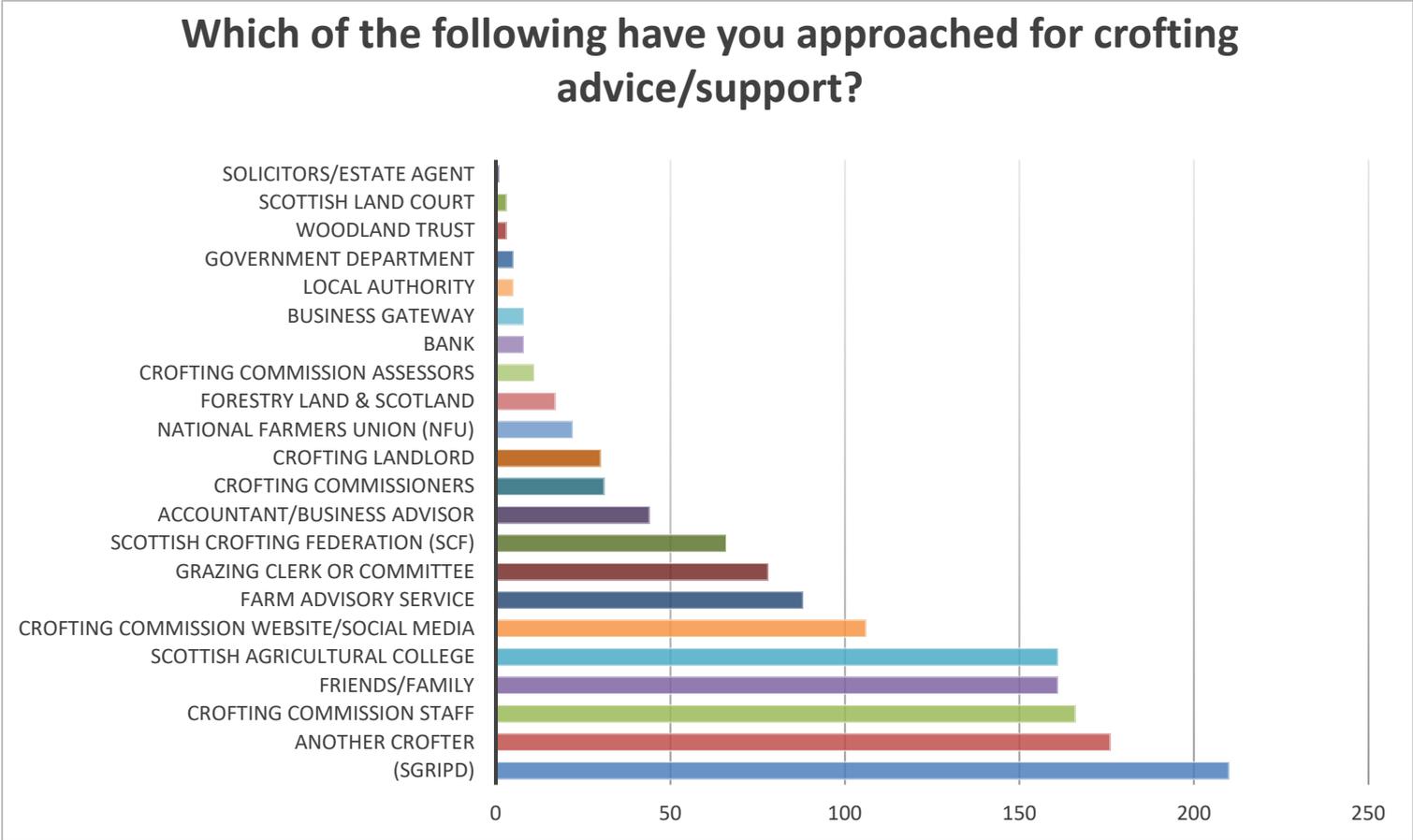
## Are you aware of the support schemes available to Crofters?



**SOURCES OF SUPPORT**

In 2021, 31% of respondents told us they sought crofting support/advice during the previous year. That figure has dropped slightly to 28% of crofters in 2022.

The top five sources of crofting advice/support remain unchanged from 2021, with Commission Staff being third, after SCRIPD and from 'another crofter'.

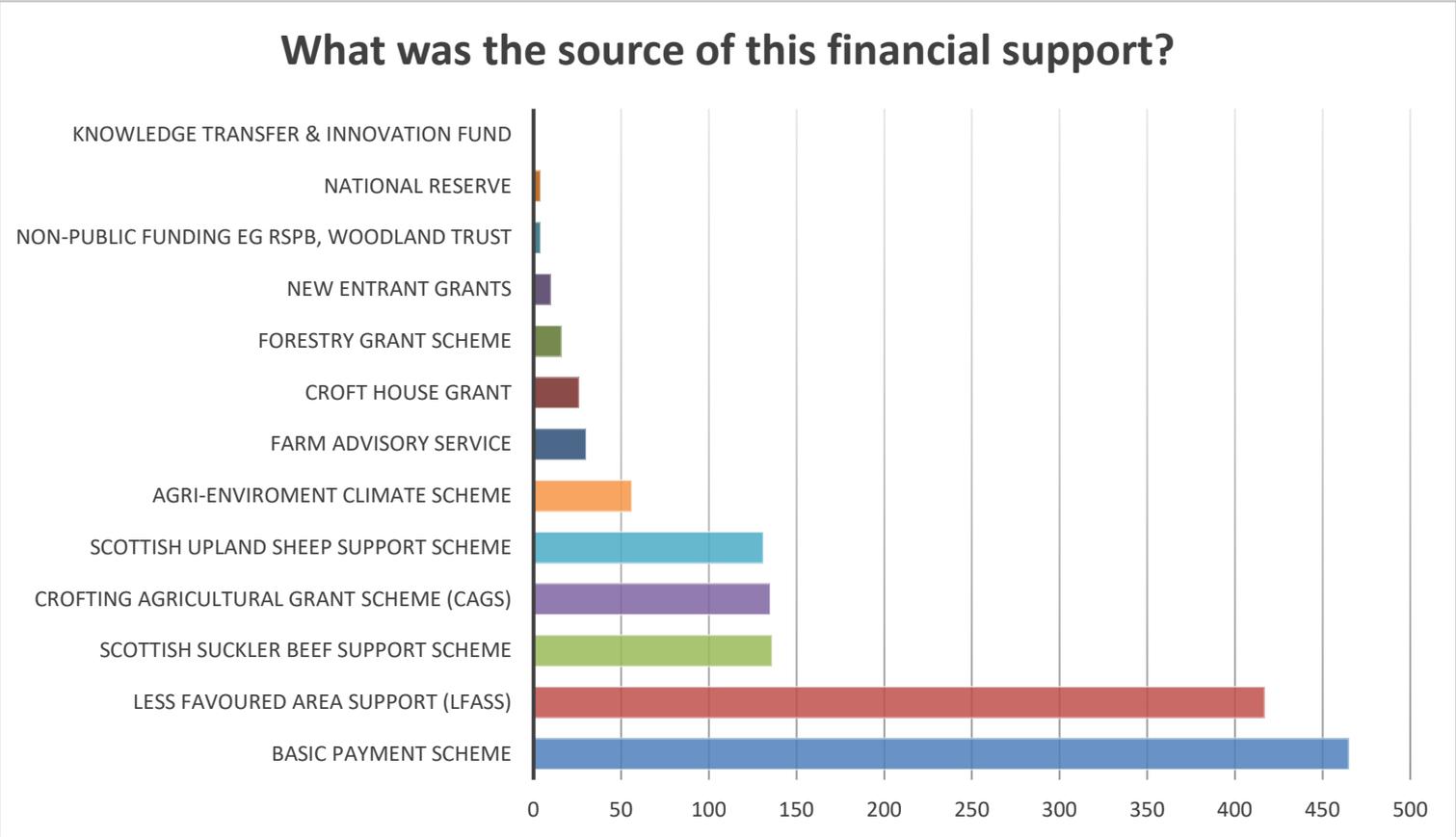


**FINANCIAL SUPPORT**

In 2022, the questions relating to crofting support were expanded to (a) financial support, and (b) crofting related advice/support. This will provide better information in future surveys. We therefore do not have a direct comparison this year.

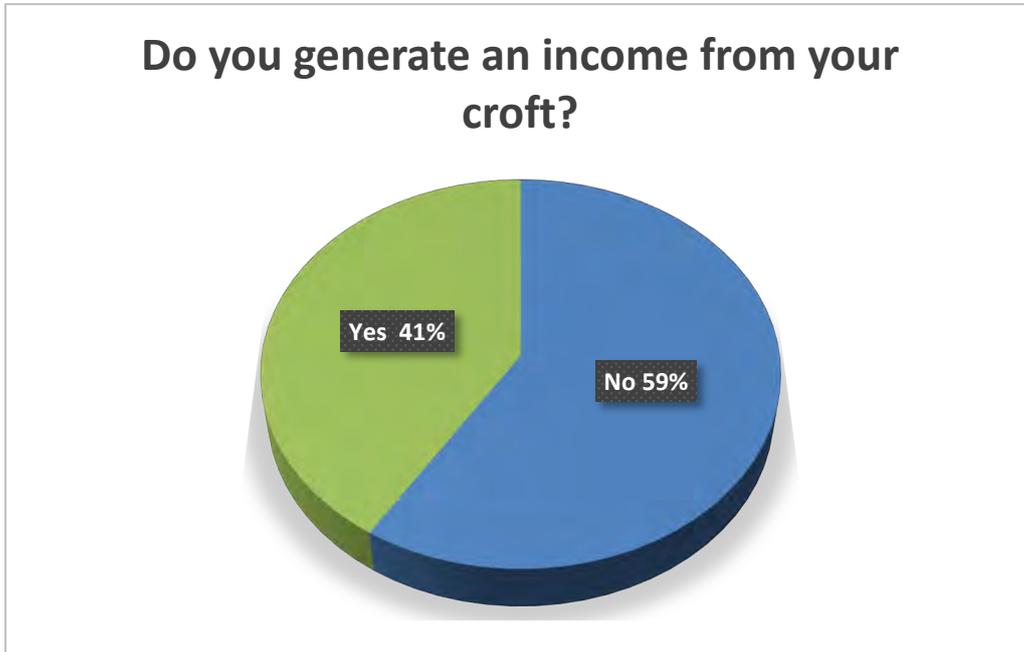


**SOURCES OF FINANCIAL SUPPORT**



## Croft Income Generation

This question was introduced for the first time in 2022. The results of this question indicated a higher percentage of crofters don't generate any income from their croft, than the results of the Economic Conditions of Crofting Report (SG) indicated.



## SUCCESSION PLANNING

The word "formal" has been added to the succession plan question in this year's survey, and the response is significantly different to 2021. In 2021 58% of respondents told us they did have a succession plan in place. In 2022 the results had not changed significantly. This information which highlighted the lack of succession planning led us to developing a project to encourage crofters to consider succession planning and its benefits.



At the end of the survey all applicants were provided with links directing them to further information on the subjects referenced.

**CONCLUSION**

In conclusion, the survey is a valuable resource for the Development Team to provide an insight into current crofting activity, which will help to inform future work for the team and the wider Commission.

<b>Impact:</b>	<b>Comments</b>
Financial	N/A
Legal/Political	N/A
HR/staff resources	The survey being produced every 3 years rather than annually will reduce the resourced required from the development and IS team.

**RECOMMENDATION**

**The Board is invited to note the findings within this paper.**

**The Board is invited to approve the proposal to change the survey from annual to every three years. The survey allows the Development Team, and the Commission, to gain information, measure trends, and inform future work.**

Date: 24 July 2023

Author: Development Team

# CROFTING COMMISSION MEETING

**16 August 2023**

Report by the Chief Executive

## Proposed Board meeting dates for 2024

### SUMMARY

To propose and agree Board meeting dates for 2024.

### BACKGROUND

This paper is submitted to the Commission laying out proposed meeting dates for Board meetings in 2024.

### SUMMARY OF RECOMMENDATIONS

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

<b>BOARD MEETING DATES 2024</b>
Wednesday 7 February 2024
Wednesday 20 March 2024
Wednesday 8 May 2024
Wednesday 26 June 2024
Wednesday 21 August 2024
Wednesday 9 October 2024
Wednesday 27 November 2024

### RECOMMENDATION

Schedule of meetings outlined above is recommended.

Date 24 July 2023

Author Bill Barron, Chief Executive

# CROFTING COMMISSION MEETING

## 16 August 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. This paper is based on figures up to the end of June 2023.

#### Throughput of Regulatory Applications

The number of applications and notifications discharged during the last three months is reported to be **502**. This compares with 448 for Q1, 496 for Q2, 442 for Q3 and 480 for Q4 in the previous reporting year. Further details are provided in **Figure 1**, below.

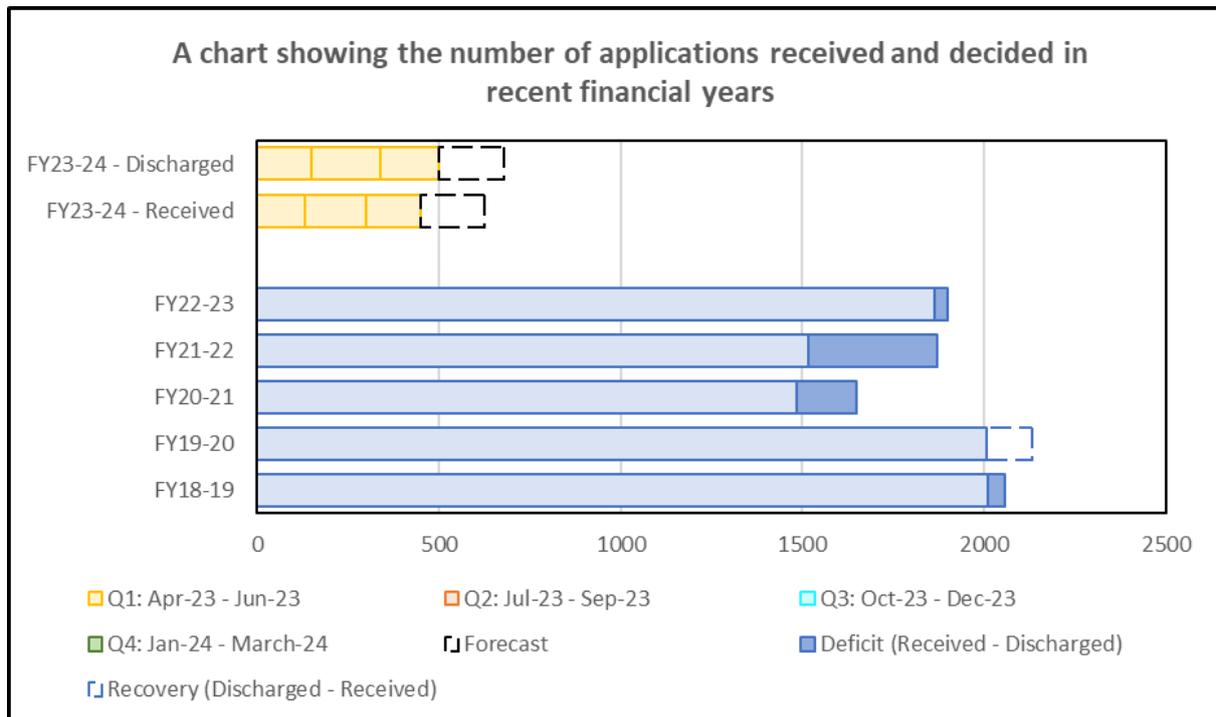


Figure 1 – The number of applications received<sup>1</sup> and discharged<sup>2</sup> in recent financial years. The solid blue bars represent the total applications received for each financial year. In addition to this the darker blue and dashed outline represents the deficit and surplus of applications discharged respectively.

<sup>1</sup> 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.

<sup>2</sup> 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 June 2023 is reported to be 976, yielding a three-month rolling average of **1000** for the estimated balance at the end of May. The historic trend is shown in **Figure 2**, below.

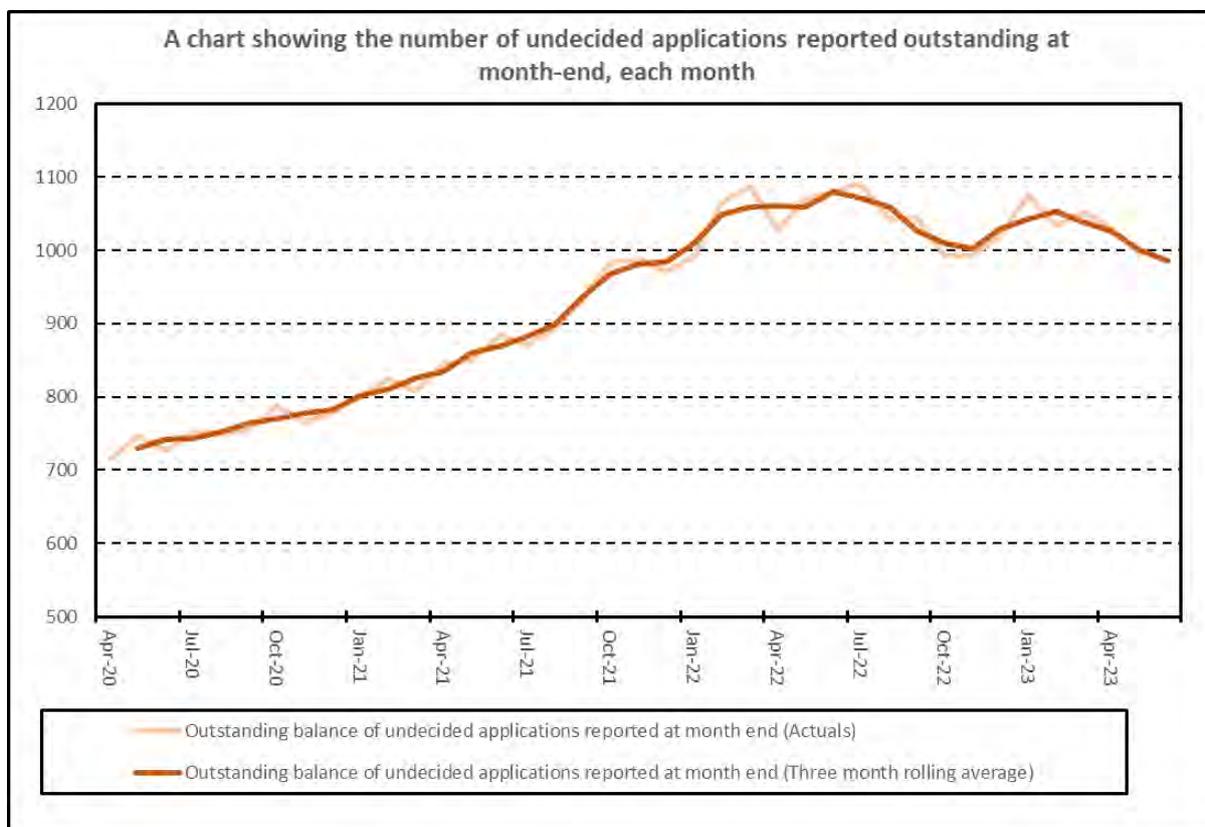


Figure 2 – The numbers of applications estimated<sup>1</sup> to be awaiting decision at month-end, as a three-month rolling average and as reported actuals.

The average (mean) discharges for the year 2022-23 is 155.5 cases a month. The target for this financial year is 2200, or 550 per quarter, which would require an average of 183.3 cases discharged per month.

<sup>1</sup> 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, the three-month rolling average is thought to provide a more reliable indicator of performance than the reported actuals.

<b>Impact:</b>	<b>Comments</b>
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.

**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 24 July 2023.**

Date            24 July 2023

Author         Stuart Hogg, Head of Operations

# CROFTING COMMISSION MEETING

**16 August 2023**

Paper by the Director of Corporate Services

## **Abusive Callers – Policy & Process Update**

### **SUMMARY**

**Following a discussion at the May Board meeting, this paper provides an update on action taken in relation to abusive callers. The paper is for information.**

### **BACKGROUND**

The Crofting Commission has noted a rise in feedback from staff over the last few months around customer behaviour. In response, the Commission Executive Team and Senior Management Team have reiterated their stance of zero tolerance of abusive or inappropriate behaviour towards staff, which the Board endorsed at its meeting on 10 May 2023.

To assure all staff that the topic is taken seriously, the Commission has undertaken several measures to combat abusive contact from customers.

### **CURRENT POSITION**

In consultation with the staff most likely to be affected, new Customer Behaviour Standards were drafted, and a hosting page created on the website. Staff email signature blocks have been altered to include a reference to the new standards expected of customers, with a hyperlink to the relevant website page for fuller details.

The Commission telephone message has been enhanced, so that callers receive a brief alert regarding the need to treat staff with respect, also providing a reference to further information being available on the website.

Staff have been assured by management that the Commission will not tolerate abusive behaviour from customers and the relevant policy document, which has been drawn up with the approval and assistance of the Scottish Public Services Ombudsman, has been amended. It is shown at **Annex A**.

Training in call handling, focused on dealing with challenging calls, is being sourced and will be delivered to all Customer Service staff as well as those members of the Regulatory, Grazings and RALU teams who are in regular telephone contact with customers.

<b>Impact:</b>	<b>Comments</b>
Financial	Cost of training on call handling to be met from staff training budget.
Legal/Political	The Commission has a duty of care to protect staff from callers behaving in an abusive manner.
HR/staff resources	Limited impact on resources once training has been delivered.

**RECOMMENDATION**

**The Board is invited to note the actions taken.**

Date: 20 July 2023

Author Jane Thomas, Director of Corporate Services



# **CROFTING COMMISSION**

## **BEHAVIOURS POLICY**

**VERSION 0.2**

Last Review: Feb 2023  
Next Review: Feb 2024

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## **INTRODUCTION**

We come into contact with many people in the course of the work of the Crofting Commission, and in the vast majority of cases these interactions are positive and productive for all parties. Occasionally, the behaviour or actions of individuals we have dealings with make it impossible for us to continue any constructive engagement. In this small number of cases we have to consider taking steps to protect our staff or to ensure that our ability to work effectively is not undermined. This policy explains how we will approach these situations.

## **AIMS AND OBJECTIVES**

We believe that all correspondents and complainants have the right to be heard, understood and respected. We also believe that our staff have the same rights.

We aim in all our dealings to:

- make it clear to everyone we deal with, both on initial contact and throughout our engagement, what the Crofting Commission can and cannot do to meet their concerns and expectations
- be open and not raise expectations that we cannot meet
- deal fairly, honestly, consistently and appropriately with all correspondents and complainants, even those whose behaviour or actions we consider unacceptable
- provide a service that is accessible to all
- ensure that our staff and other people who use the services of the Crofting Commission do not suffer disadvantage as a result of the unacceptable behaviour of others.

## **DEFINITIONS**

The Crofting Commission understands that people may act out of character in times of trouble or distress. Often they have experienced upsetting or distressing circumstances leading up to a complaint or concern being raised with us. We do not view behaviour as unacceptable simply because a correspondent or complainant is forceful or determined.

However, we consider actions that result in unreasonable demands on our business or unreasonable behaviour towards our staff as unacceptable. The Crofting Commission has grouped these actions under the following three broad headings.

### **Aggressive or Abusive Behaviour**

We understand that people can feel passionate about the issues they discuss with us, and sometimes hurt, frustrated or angry. If those feelings escalate into aggression towards Crofting Commission staff, or towards other crofters or individuals outwith the Commission but which are communicated to Commission officials, we consider that unacceptable. Violence towards or abuse of our staff will never be tolerated.

Violence and aggression are not restricted to acts which cause or threaten physical harm. They also include behaviour or language (whether oral or written) that may cause staff to feel afraid for their welfare or that of others, threatened or abused. Examples of such behaviour include swearing, threats, personal verbal abuse, derogatory remarks and rudeness.

Inflammatory statements and unsubstantiated allegations can also be abusive behaviour. Statements do not need to be made directly to a member of staff or expressly address or name them to be abusive or threatening. Even statements made outside the work environment or directed towards friends or family of a staff member, may constitute unacceptable actions in the terms of this policy, on which the Commission will act. It is the overall context of the behaviour that is important.

## **Unreasonable Demands**

People can make unreasonable demands on our resources by the nature and scale of the service they expect. Examples of such behaviour include repeatedly demanding responses within an unreasonable time-scale, placing unreasonable conditions on officials, insisting on seeing or speaking to a particular member of staff even when it isn't possible, refusing to accept that the Commission cannot provide a particular service or action a particular issue, or repeatedly changing the exact nature of the complaint or issue they are raising or raising unrelated concerns. These kinds of behaviour can detract from the service we can offer to others, placing a significant burden on the Commission. Dealing with such behaviour requires a disproportionate amount of time and diverts an unreasonable proportion of our financial and human resources away from our statutory functions. This can be difficult and stressful for staff to deal with when it is impossible to find common ground or a realistic approach to the issues being raised. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour.

## **Unreasonable Persistence**

Sometimes an individual will contact the Crofting Commission repeatedly about the same issue or closely related issues. Their manner in these contacts may be quite reasonable in itself, but the persistence of their approach is not – they take up a disproportionate amount of time or resources in exchanges that are unproductive to us and ultimately to themselves. Sometimes this persistence will take the form of serial complaining – lodging complaints about the handling of complaints, often across different organisations or parts of the same organisation. The defining characteristic is the persistence of approaches over time. The Crofting Commission has the right to assess whether that persistence has reached the point of disrupting our ability to undertake the work of the Commission or is amounting to harassment or unreasonable treatment of our staff.

## **MANAGING ACTIONS & BEHAVIOURS**

We will aim to ensure that a person is warned immediately if their behaviour is tending towards unacceptable, and what will follow if they persist. We will do so in a way calculated to defuse the situation, and the aim will be to bring the tone of communication back to a more reasonable level.

We will not tolerate any threat or use of physical violence against, or verbal abuse or harassment of, our staff. Such behaviour may be reported to the police and will always be reported if physical violence is used or threatened.

Where we receive correspondence or a communication that is abusive towards staff, is threatening or abusive towards any third party external to the Commission, gratuitously offensive, or which makes clearly unreasonable demands, we will not deal with that communication, and will inform the correspondent of that fact. We will also warn the correspondent that if she or he continues to use such language that we will consider terminating all contact.

Where threatening or abusive behaviour is targeted at any party external to the Commission this may be passed on to the Police for consideration. This includes any comment or behaviour, including threats, which the Commission official involved judges to be serious, either in their own judgement or in discussion with a manager or senior official. Commission officials will not make a decision on the likelihood of a threat being carried out, and only the nature of the inappropriate behaviour will be used to decide if the Police should be involved. For example, a threat of direct violence against any party will normally result in the Police being contacted.

If someone ignores the warning they have been given, or if they use or threaten physical violence, we will take action aimed as far as possible towards:

- reducing the risk of harm to Crofting Commission staff
- preventing the individual from inflicting further harm on him/herself or others
- ensuring that the business of the Crofting Commission is carried out as efficiently and effectively as possible and to the extent required by law.

This action is likely to involve terminating or limiting contact with the individual for a period of time. The Commission may also contact the police depending on the nature of the inappropriate behaviour.

## **Terminating or Limiting Contact**

The process of terminating contact will be carefully managed. There are a number of issues to consider, and the decision to terminate will not be taken lightly or without sufficient evidenced grounds.

Generally, the recommendation to terminate contact will be made by the Head of Department. However, where the primary reason for termination is the individual's unreasonable behaviour towards staff, the decision will be taken by the Chief Executive.

We will carefully consider the form of such a termination in order to balance the rights of the individual against the duty of the Crofting Commission to protect our staff and to avoid disruption of the business of government. We will consider a range of options, such as:

- terminating all contact (subject to necessary limitations referred to below)
- terminating communication by specified channels only (e.g. refusing to take telephone calls from an individual)
- refusing to accept communication on a specified subject only
- requiring the individual to communicate only through a third party.

## **Limitations on Termination of Contact**

Any consideration of limiting or terminating contact needs to start by considering the nature of the contact we have had.

In deciding to terminate or restrict contact, we will not attempt to restrict the rights of an individual to raise requests under information legislation, such as the right to request information under the Freedom of Information (Scotland) Act 2002 (FOISA), the Environmental Information (Scotland) Regulations 2004 (EIR) or the Data Protection Act 2018 as appropriate. Any such requests received will be considered under the normal terms of those access regimes – although of course such a request, if couched in terms that are harassing or unreasonable, may be deemed vexatious under FOISA or manifestly unreasonable under EIR(S).

We will also consider if the individual's or anyone else's rights under the Human Rights Act 1998 are engaged in this decision, especially Section 12 relating to freedom of expression (this will be of particular relevance if the individual is or could be seen to be a journalist, or if our decision could be seen to have a chilling effect on the free reporting of matters on public interest).

## **Informing the Individual**

When a decision to restrict or terminate communication with an individual is made, we will inform that individual of the decision and its terms. This communication will also make it clear what if any recourse the individual has to make representations regarding that decision ([see below](#)).

## **Where an Individual Represents an Organisation**

An offending individual may be in contact with Commission staff as a representative of an organisation. In that case, an initial approach should be made, usually by a manager in the affected team, to the organisation itself. The Commission reserves the right to terminate contact in the interests of our own staff even where an external organisation is not able or willing to act in respect of alleged unacceptable behaviour.

## **Measures to Prevent Contact**

We will consider using technical measures to block an individual's attempts to contact us if that individual's communications have been judged to be abusive, threatening, or to constitute harassment of our staff. We will consider measures such as seeking to block an individual's telephone number or email address, and we will consider in more extreme cases whether to seek to interdict the individual or take other legal measures in order to protect our staff. Where we decide to implement technical blocking measures, e.g. of an email address, we will not necessarily make that known to the individual concerned. Whether to inform the individual of the use of technical measures will be a matter of judgement for the manager taking the decision to terminate or restrict contact.

## **RIGHT OF APPEAL OR TO MAKE REPRESENTATIONS**

Where we decide to terminate all contact with an individual, we will offer no right of appeal and entertain no representations from them. We will make this clear in our final communication, and we will draw their attention to their right to complain about Crofting Commission services to the [Scottish Public Services Ombudsman](#).

Where we decide to place restrictions on how an individual may contact us or on what subject etc., we will consider whether to offer a route for the individual to make representations to a senior member of staff in the Crofting Commission. This will not be a formal right of appeal but an opportunity for the Commission to consider if the restrictions we have decided to apply are unfair in some way to the individual affected.

Where we have terminated or restricted contact and a period of time has elapsed (at least one year), we will consider representations from an individual that something significant has occurred which will give us assurance that their behaviour has moderated sufficiently for us to lift restrictions.

## **RECORDING A DECISION TO RESTRICT CONTACT**

We will record incidents involving unacceptable actions and behaviours as they occur but will retain those records only for a limited period unless further action is decided on in that time. This period should be no longer than 20 days in general, but in some cases (e.g. where contact with an individual takes place on a quarterly cycle) should be longer, as appropriate.

Where it is decided to terminate or restrict contact with an individual, we will record that decision and the reasons for it. This record will be shared with teams that have general public contact, and also with any that have been contacted by the individual or where it is judged possible or likely that the individual may contact a team.

## **ADDITIONAL GUIDANCE**

This policy takes account of the Scottish Public Sector Ombudsman's '[Unacceptable Actions Policy](#)'; and the Scottish Information Commissioner's briefings on '[Vexatious or Repeated Requests](#)' and '[Manifestly Unreasonable Requests](#)'.

## **OUR CONTACT DETAILS**

You can write or visit us at:

The Crofting Commission  
Great Glen House  
Leachkin Road  
Inverness  
IV3 8NW

If you would like to visit in person, you **MUST** make an appointment first.

Phone: 01463 663 439

Email: [complaints@crofting.gov.scot](mailto:complaints@crofting.gov.scot)

Website: [www.crofting.scotland.gov.uk](http://www.crofting.scotland.gov.uk)

# CROFTING COMMISSION MEETING

## 16 August 2023

Report by the Chief Executive

### Convener Report on Appraisals

#### SUMMARY

**The Convener of the Crofting Commission, in line with Deloitte Recommendation 2.3 and 'On Board' guidance has completed Annual Performance Appraisals with each member of the Board and will present a short report on the process.**

#### BACKGROUND

As part of the Deloitte external audit report into leadership and governance at the Commission, published in June 2021, it was highlighted that there appeared to be a lack of evidence that systematic annual performance appraisals with Commissioners was being carried out by the Convener at the time.

This was referred to in Recommendation 2.3 of the report. Appraisals have been completed by the Convener for 2021/22 (reported in February 2022) and for 2022/23.

#### CURRENT POSITION

In October and November 2021, Commissioners engaged with members of the Senior Management Team and SG Sponsor Division on joint training days, facilitated by a specialist in public Board training and development. As a result, a template detailing the performance appraisal process was agreed. Please see **Annex A** for details.

The Convener has completed seven out of eight appraisals for 2022/23, attempting face-to-face meetings with Commissioners wherever possible. A summary report has been submitted to sponsor division.

The Convener welcomes comments on the process from Commissioners.

<b>Impact:</b>	<b>Comments</b>
Financial	No financial implications.
Legal/Political	Conducting annual appraisals is a requirement for members of a Scottish public body.
HR/staff resources	The Standards Officer is responsible for ensuring the Board adheres to the provisions set out in Board members Terms & Conditions.

#### RECOMMENDATION

**Commissioners are asked to note the report, recommending any suggested improvements in the process for 2022/23.**

Date 19 January 2022

Author Jane Thomas, Head of Compliance & Business Support

## COMMISSIONER PERFORMANCE APPRAISAL SYSTEM

The Directorate and the Crofting Commission (the Commission) are committed to following best practice in the appointment, appraisal and development of those serving on the Board of the Commission. The performance appraisal system for Commissioners is underpinned by the following principles:

- **Ongoing:** The assessment of a Commissioner's performance is a continual, all year-round process and is not restricted to the annual completion of the performance appraisal process. If performance issues are apparent during the year, it is incumbent on the Convener to address these as and when they arise
- **Open and honest:** Both the appraiser and appraisee should be open and honest about the Commissioner's performance and any obstacles to performance (which may include the appraiser)
- **Developmental:** Where shortcomings are identified, the emphasis is on development and improvement of the Commissioner's performance and not on finding fault
- **Fair and objective:** The assessment process will be objective with comments/criticisms supported by evidence and practical examples
- **Linked:** The performance of the Convener and Commissioners cannot be assessed in isolation from the performance of the Board and the Commission as an organisation. The sum of the individual assessments should equate to the 'collective' whole

### Process

There are five main steps in the Commission's performance appraisal process for Commissioners:

- (1) Sections 1 to 4 of the performance assessment form should be completed by the Commissioner as a self-assessment exercise and copied to the Convener who will use the completed form as the basis of the formal appraisal meeting
- (2) The Convener and Commissioner will meet to discuss performance and professional/personal development on a one-to-one basis
- (3) The Convener and Commissioner will agree a personal development plan for the coming year
- (4) Following the formal meeting, the Convener will write up the performance appraisal and give it to the Commissioner to add his/her comments and sign it off
- (5) A summary report on the outcome of the Commissioner appraisals (including any development areas identified) shall be presented to the Deputy Director by the Convener with copies of the performance appraisal forms provided. This summary report shall also be presented by the Convener to the Board of the Commission

### Timetable

Activity
1. Self-assessment completed
2. Appraisal meeting held and documentation completed
3. Summary report by Convener to Deputy Director
4. Summary report presented to the Board

## ASSESSMENT OF COMMISSIONER PERFORMANCE

Name of Commissioner \_\_\_\_\_

Period of report: From April 2022 To March 2023

Term of current appointment:

Start date: \_\_\_\_\_ End date: \_\_\_\_\_

### TIME COMMITMENT

Number of Board meetings held during assessment period \_\_\_\_\_ 9 \_\_\_\_\_

Number of Board meetings attended during assessment period \_\_\_\_\_

Please complete the table below giving details of Committee membership and meetings attended during the assessment period (incl working groups). Any reasons for poor attendance should be given in the overall assessment box.

<b>Name of Committee</b>		
Position held (Convener/Member)		
No. of meetings during assessment period		
Number attended		

### ASSESSMENT

**The following markings should be used to assess performance:**

1 = Very effective 2 = Effective 3 = Partially Effective 4 = Not Effective

#### 1. Attendance and commitment

<b>(a) Board (and Committee) meetings</b> (Attends meetings regularly; arrives on time and stays for the full meeting; comes fully prepared to contribute meaningfully to Board discussions and decisions)	
<b>Commissioner's comments:</b>	<b>Marking:</b>
<b>Convener's comments:</b>	<b>Marking:</b>

<b>(b) Committed to personal development and improving his/her effectiveness as a Commissioner</b> (Able to recognise his/her training and development needs and takes personal responsibility to further develop as a Commissioner. Has benefitted from training and development activity undertaken in the year under review)
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<b>Commissioner's comments:</b>	<b>Marking:</b>
<b>Convener's comments:</b>	<b>Marking:</b>

## 2. Contribution to work of the Board/Crofting Commission

<b>(c) Ability to constructively challenge within the Board</b> (Ensures that his/her challenge is focused on strategic matters, performance, governance and the management of corporate risks, not on areas which are purely operational or largely immaterial to the performance of the Commission)	
<b>Commissioner's comments:</b>	<b>Marking:</b>
<b>Convener's comments:</b>	<b>Marking:</b>
<b>(d) Contribution to strategy/policy formulation</b> (Actively contributes to the corporate planning process. Understands the external environment, the "big picture" and the short, medium and long term implications of decisions)	
<b>Commissioner's comments:</b>	<b>Marking:</b>
<b>Convener's comments:</b>	<b>Marking:</b>
<b>(e) Contribution to governance issues (including compliance, risk management, financial systems and internal controls)</b> (Has a good understanding of the Commission's governance framework; understands the key risks facing the Commission; contributes to identification and oversight of key strategic risks; actively monitors financial performance; understands the role of internal and external audit in providing assurance; and ensures prompt action is taken to address any 'governance' failings)	
<b>Commissioner's comments:</b>	<b>Marking:</b>
<b>Convener's comments:</b>	<b>Marking:</b>
<b>(f) Team working</b> (Able to build consensus within the Board, accepts corporate decisions, does not seek to dominate, is a good team player)	
<b>Commissioner's comments:</b>	<b>Marking:</b>
<b>Convener's comments:</b>	<b>Marking:</b>
<b>(g) Communication</b> (Can communicate effectively at Board meetings, able to put a point of view across clearly and concisely, can debate constructively, is accessible and responsive to the Convener)	
<b>Commissioner's comments:</b>	<b>Marking:</b>
<b>Convener's comments:</b>	<b>Marking:</b>

<b>(h) Is an effective ambassador for the Commission and the Board</b> (Is loyal to the Board/the Commission at all times, actively promotes Board policies, is able to build constructive relationships outside the organisation and represent the Board/the Commission in a positive manner)	
<b>Commissioner's comments:</b>	<b>Marking:</b>
<b>Convener's comments:</b>	<b>Marking:</b>

<b>(i) Personal conduct and behaviour</b> (Handles conflicts of interest openly and transparently, conduct is exemplary at Board meetings and with staff and stakeholders, adheres fully to the Code of Conduct and actively supports the Convener in enforcing it)	
<b>Commissioner's comments:</b>	<b>Marking:</b>
<b>Convener's comments:</b>	<b>Marking:</b>

**3. Recognition of additional Commissioner contributions**  
(This could include, for instance, application of specialist knowledge of crofting issues, professional expertise, input to Committees, etc.)

*Please give details of specific contribution*

1.	
2.	
3.	
<b>Commissioner's comments:</b>	<b>Marking:</b>
<b>Convener's comments:</b>	<b>Marking:</b>

**4. Areas for further development and/or training**

(This should include training and development needs which have been identified by the Convener during this assessment or where a Commissioner wishes to develop his/her own knowledge and skills to develop in the role or even to prepare for other future roles such as Chair of a Committee. This section covers both structured training and development interventions such as training courses as well as more informal development tools such as site visits, etc.)

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## 5. Overall summary of appraisal

### TO BE COMPLETED BY CONVENER

The following markings should be used to assess the overall performance of the Commissioner:

1 = Very effective 2 = Effective 3 = Partially effective 4 = Not effective

### Convener's assessment of Commissioner's overall performance and contribution to the work of the public body

Comments in this section must provide an accurate summary, including strengths and any weaknesses in performance (with specific examples), of the Convener's formal appraisal of the Commissioner. In framing the comments, the Convener should consider Sections 1 to 3 above. If there are any areas where performance is unsatisfactory, the Convener should briefly describe the steps that have been agreed to address this.

Overall marking:	
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Comments:
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## 6. Signatures

The form should now be signed and dated by the Convener and Commissioner:

The information contained in this performance appraisal may be shared with other Scottish Government Directorates in line with their policy on the use of references when making public appointments.

**Convener**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Commissioner**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Comments by Commissioner:
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# CROFTING COMMISSION MEETING

## 16 August 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>
Bill Group meeting, 8 August	Convener	TBC, likely Derek Wilson, Michael Nugent, Aileen Rore	Definition of crofting community;  Proportionate sanctions for those who breach any conditions set by the Commission in its approvals/consents	TBC – at time of writing, meeting has yet to take place.

#### 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 3 August 2023

Author Bill Barron, CEO

**DATE OF NEXT MEETING**

**4 October 2023 - St Kilda**

**ANY URGENT BUSINESS**

**EXCLUSION OF PRESS & PUBLIC**