

BUSINESS PLAN
PLANA GNOTHACH
2021/22



CROFTING COMMISSION
COIMISEAN NA CROITEARACHD

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FOREWORD

2020/21 was a critical year for the Crofting Commission, not only because of the coronavirus pandemic which disrupted our progress towards some of our goals, but also because in Summer 2020, the Scottish Government invited us to take on an expanded role. We very much welcome the additional role and the associated resource which was provided in-year, and which has also been built into our core budget for 2021/22 (see Budget Information, page 18).

In the light of these new opportunities, the Board of the Crofting Commission revised its forward planning and this Business Plan for 2021/22 sets out a new and ambitious set of plans and objectives. Three aspects of the Commission's work have particularly been enhanced:

Under Outcome 1, we set out our plans for an expanded Residency and Land Use team, increased by 2 posts as a result of the additional funding from the Scottish Government. Crofts need to be used, and the Commission is determined to play its part in ensuring that they are.

Under Outcome 3, we set out plans for delivering facilities for online regulatory applications. This work is already under way, and will be delivered during the coming year. Alongside this, we will aim to improve turnaround times at least back to the levels we were achieving in 2019-20, before the pandemic.

Under outcome 4, we present a largely new set of ambitions based on a new workstream led by our development team. Although some of this work will initially be concentrated in the Western Isles, by demonstrating the effectiveness of these interventions we aim to create momentum for an active development function across all of the crofting counties.

Finally, during the coming year we will be preparing for the crofting elections in March 2022, when the crofting public will elect 6 Commissioners to carry the work forward for the next 5 years. These are exciting times for crofting and the Commission, and we look forward to engaging with all who are interested in standing for election to the Board.

Bill Barron – Chief Executive

May 2021

PURPOSE OF THE BUSINESS PLAN

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

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

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

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

OUTCOME ONE – CROFTS ARE OCCUPIED AND MANAGED

By ensuring crofters are compliant with their Duties and by working with crofting communities and stakeholders, we can increase the number of crofts that are occupied and well managed.

Narrative

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

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

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

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

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

Key Milestones

Number	Date	Milestone
1a	September 2021	Create workflows, processes and supporting documentation to support investigations and engagement with landlords (owners of vacant crofts) who are suspected of not being resident and/or not cultivating their crofts.
1b	June 2021	Review 2020 Census returns in order to extract all cases where the respondent has identified they are in breach of one or more of their statutory duties.
1c	August 2021	Write to a selection of 2020 census respondents who have advised us they are in breach of their duty to be ordinarily resident, obtaining their plans and intentions for resolving the breach and establishing whether there is a good reason not to issue a notice of suspected breach of duty under section 26C(1) of the 1993 Act.
1d	October 2021	Write to a selection of crofters and owner-occupier crofters who have not responded to the 2020 census and whose address would indicate they are in breach of the residence duty. Should correspondence confirm that they are in breach then the case would be followed up in terms of 1c above.
1e	December 2021	Write to a selection of tenant and owner-occupier crofters who have indicated in their 2020 crofting census returns that they are complying with the duty to be ordinarily resident but who are not cultivating the croft, giving information about their options.
1f	February 2022	Follow-up with a selection of resident crofters whose crofts are not in use to encourage, and where necessary enforce, the requirements for crofters to cultivate and maintain the land.

Key Performance Measures

NB – some baselines shown are for 2019-20, the last ‘normal’ year of operation.

Number	Aim	Baseline figure	Target/Indicator	Measure
1.1	Number of formerly vacant crofts let by the landlord or the Commission following the Commission initiating action under the unresolved succession (section 11) or vacant croft (section 23) provisions of the 1993 Act.	7	15	Records of administrative action.
1.2	Initiate correspondence with more crofters where a breach of RALU duties is suspected.	77 in 2019-20	Initiate RALU correspondence with 100 new cases	Records of administrative action.
1.3	Initiate correspondence with landlords (owners of vacant croft) who are failing to reside on and/or cultivate their vacant crofts.	Baseline to be established after review.	Initiate correspondence with 30 cases	Records of administrative action
1.4	Number of RALU breaches resolved by a crofter or an owner-occupier crofter in breach of their residency duty taking up residence on their croft.	17 (average over the previous 2 years)	17	Records of administrative action
1.5	Number of RALU breaches resolved by the assignation of the croft, or the letting or sale of an owner-occupied croft.	20 (average over the previous 2 years)	20	Records of administrative action

Number	Aim	Baseline figure	Target/Indicator	Measure
1.6	Number of RALU breaches resolved by the Commission giving consent to the sublet of a tenanted croft, the short-term lease of an owner-occupied croft, or by a consent to be absent being given to a tenant or an owner-occupier crofter.	61 (average over the previous 2 years)	No target (this is not a priority in its own right)	Records of administrative action
1.7	Number of RALU breaches escalated to the issue of a Notice of suspected breach of duty (section 26C), or a Notice providing an Undertaking (section 26D).	26 (based on 2020/21)	No target (this is an intermediate phase en route to KPI 1.8)	
1.8	Number of RALU breaches concluded by tenancy terminations orders (section 26H), or approval of letting proposals submitted by owner-occupier crofters following a direction to do so (section 26J).	4 (based on 2020/21)	4	Records of administrative action

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

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

Narrative

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

We will continue to assist committees and shareholders to resolve difficulties and to operate within the requirements of legislation pertaining to common grazings. Committees will be specifically encouraged to adopt the revised template for grazings regulations to ensure compatibility with current crofting legislation. Ensuring that the shareholding situation and relevant souming share are established on common grazings will also receive continued attention. In addition, initial work will commence on examining individual grazings to establish what should and should not be included as common grazings on the Register of Crofts.

Key Milestones

Number	Date	Milestone
2a	Ongoing	Contact all Grazings Committees whose terms are about to end, encouraging them to arrange the appointment of a new Grazings Committee
2b	Ongoing	Highlight to Grazings Committees and Shareholders the availability of the guidance, published February 2019, for effective management of common grazings. Respond to any questions for clarification.
2c	Ongoing	Maintain contact with shareholders of common grazings that have not returned a committee to office and establish contact with shareholders who have not had a committee for a longer period of time.
2d	Ongoing	Encourage grazings committees to adopt the revised template for grazings regulations.

Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
2.1	Increase in number of common grazings with a Committee in office	500 Grazings Committees in office on 31 March 2021	Maintain the number of Grazings Committees in office (notwithstanding the pandemic)	Administrative records
2.2	Increase in number of grazings committees who have adopted the new template regulations	3 in 2020-21	Increase by at least 10 Commission approvals of new regulations submitted by committees based on the template.	Number of new grazings regulations approved which are based on the new template.
2.3	Meetings or other substantial engagement with Grazings Committees and shareholders (as required) to support them with the regulation and management of common grazings.	12 in 2020-21	No numerical target as this is in large part demand led.	Records of administrative action. (Note that this covers different types of Commission intervention: getting Committees into office; resolving medium size queries; and helping to address deeper issues.)
2.4	Establish correct shareholdings on common grazings by researching and updating records of shareholder situations.	15 in 2020-21	10 more townships researched in 2021/22	Records of administrative action
2.5	Develop and assist with training and other events for grazings committees and the management of common grazings.	5 in 2020-21	5 events in 2021/22	Records of administrative action

OUTCOME THREE – CROFTING IS REGULATED IN A FAIR, EFFICIENT AND EFFECTIVE WAY

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

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

Narrative

In 2020/21, the pandemic and associated lockdowns caused some challenges for our regulatory services, affecting mail handling, connectivity and staff availability at certain points in the year, and we saw a gradual increase in the number of outstanding cases over the course of the year. A key aim for 2021/22 will be to process more casework than we receive, in order to recover a more stable position and improve turnaround times.

Facilities for on-line applications are under development, and will become available to customers during 2021/22.

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

Key Milestones

Number	Date	Milestone
3a	Aug 2021	Next build of the Crofting Information System released and upskilling delivered, and CIS migrated to the cloud
3b	Aug 2021	Digital system implemented for notifications
3c	Nov 2021	Agree, with Registers of Scotland, improvements to our combined processes, and how they can be implemented
3d	Dec 2021	First 8 application types available digitally

Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
3.1	Decrease in median turnaround times (registered crofts, Tier 1 approvals)	Figures for 2020-21: Assignment – p10.7 weeks Decrofting CHSGG – 13 Decrofting Part Croft – 22.6	Reduce medians to: Assignment – 9 weeks Decrofting CHSGG – 11 Decrofting Part Croft – 16	Time taken from application to notification of decision, <i>for cases where no registration is required</i>
3.2	Decrease in number of live regulatory cases at a point in time	807 on 31 March 2021	Reduce to 732 (the level from June 2020)	Number of live regulatory cases on 31 March
3.3	Decrease in number of regulatory cases outstanding after 12 months	159 on 31 March 2021	Reduce to 140	Number of live regulatory cases on 31 March, which are more than 12 months since first received by the Commission
3.4	Customer satisfaction rates	100% satisfaction reported from a limited number of responses in 2020-21	At least 80% of responses positive	Proportion of respondents answering 5 or 4 on the 5-point scale for overall satisfaction

OUTCOME FOUR – THE FUTURE OF ACTIVE CROFTING IS SUPPORTED BY WELL-INFORMED ENGAGEMENT WITH STAKEHOLDERS

The Commission has a responsibility to promote the interests of crofting, and to advise the Scottish Government about crofting issues. We welcome collaborative initiatives with other organisations in order to contribute towards the sustainable development of crofting. We will work in conjunction with the Scottish Government to take forward the actions set out in the Scottish Government’s National Development Plan for crofting.

Narrative

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

Key Milestones

Number	Date	Milestone
4a	August 2021	Develop a signposting portal within Commission website in order to direct crofters and the public to relevant websites and information related to crofting.
4b	Sept 2021	Produce information about choices for crofters who are considering passing on their croft.
4c	Dec 2021	Investigate reasons why crofts are not passed on (temporarily or permanently) when duties are not met and develop strategies to promote croft turnover. Establish a cross-organisation working group via COHI (Convention of Highlands and Islands) to look at croft turnover and entry into crofting.
4d	Ongoing	Consider the affordability and accessibility of croft land to aspiring crofters, particularly the legal, policy and financial factors that influence croft prices.
4e	Sept 2021	Establish a cross-organisation working group via COHI to identify opportunities to reduce carbon emissions, increase carbon capture and enhance biodiversity within the crofting sector.
4f	Ongoing	Participate in discussions with stakeholders and SG on crofting interests and particularly the development of future support systems for crofting.

Key Performance Measures

There are no Key Performance Measures for this Outcome

OUTCOME FIVE – OUR WORKFORCE HAS THE RIGHT SKILLS AND MOTIVATION TO PERFORM WELL, GOVERNANCE PROCESSES ARE BEST PRACTICE

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

Narrative

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

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

We will implement the Workforce Plan we developed in 2019-20 and updated in 2020-21, seeking to improve the training, engagement and job satisfaction of our staff. Two particular priorities in the coming year will be succession planning and devising a policy on the location of our workforce.

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

Key Milestones

Number	Date	Milestone
5a	April 2021	Publish a report about the steps taken by the Commission to encourage more female Board members
5b	June 2021	Develop and implement continuity planning for key posts
5c	July 2021	Develop a Commission policy on the location of our workforce over the next period
5d	Aug 2021	Implement automated retention schedule procedures within revised CIS
5e	Aug 2021	Complete implementation of 2020 Staff Survey action plan
5f	Dec 2021	Highlight the opportunities for election to the Board, across the crofting counties and encouraging nominations from both women and men

Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
5.1	Increase in staff engagement rating	57% in Summer 2020	Maintain or surpass the record high achieved in 2020	Average scores for a set of fixed questions in the annual staff survey
5.2	Corporate carbon emissions	15 tCO2e in 2019/20	Reduce by 90% in pandemic year 2020/21	Emissions from business travel by staff and Commissioners
5.3	Redeploy efficiency savings within £3.2m core budget	3.4% (£95k) 2020/21	3%	Funding redeployed as a result of efficiencies in existing operations

MEASURING SUCCESS

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

High Level Indicator	Objective	2019/20 Business Plan
Number of vacant crofts let	Increasing	1.1
Number of breaches of duty, resolved through Commission action	Increasing	1.4, 1.5, 1.6, 1.8
Number of regulated grazings with committee in office	Increasing	2.1
Regulatory application turnaround times	Decreasing	3.1
Customer satisfaction rates	Increasing	3.4
Staff engagement rating	Increasing	5.1
Corporate carbon emissions	Decreasing	5.2

NATIONAL OUTCOMES

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

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

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

BUDGET INFORMATION

We receive Grant-in-Aid funding from the Scottish Government. Public budget decisions which set our Grant-in-Aid allocation are made on an annual basis therefore we have confirmation of the funding allocation for 2021/22 only. The annual Business Plan will direct financial and staff resources into the priority areas identified in this Corporate Plan and agreed by the Board.

The Crofting Commission has been allocated grant in aid of £3.200m for 2021/22, around 79% of which will be directly allocated for staff salaries, and the remainder covers costs associated with Board members and the standard running costs of the organisation.

In terms of the Business Objectives for 2021/22, we can estimate the cost of delivery for each outcome. The table below indicates the number of FTEs estimated as working on each outcome and the approximate cost is based on the associated salaries for those FTEs, plus any other associated costs. Fixed running costs (for instance for our occupation of Great Glen House) are incorporated on a pro-rata basis per FTE.

In addition to this, there are other remuneration costs associated with historical pensions and the Board totalling approximately £150k.

Corporate Outcome	FTEs	Approximate Cost
Crofts are occupied and managed	7.0	£380k
Common grazings are regulated and shared management practices continue	3.4	£170k
Crofting is regulated in a fair, efficient and effective way	32.8	£1,480k
The future of active crofting is supported by well-informed engagement with stakeholders	7.4	£520k
Our workforce has the right skills and motivation to perform well, our governance processes are best practice	8.7	£500k