

BUSINESS PLAN
PLANA GNOTHACH
2022/23



CROFTING COMMISSION
COIMISEAN NA CROITEARACHD

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FOREWORD

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

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

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

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

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

Bill Barron – Chief Executive

May 2022

PURPOSE OF THE BUSINESS PLAN

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

Progress against this Plan will be reviewed regularly by the Senior Management Team and reported to the Board 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.

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

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

OUTCOME ONE – CROFTS ARE OCCUPIED AND MANAGED

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

Narrative

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

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

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

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

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

Key Milestones

Number	Date	Milestone
1a	June 2022	Write to a selection of 2021 census respondents who have advised us they are in breach of their duty to be ordinarily resident, obtaining their plans and intentions for resolving the breach and establishing whether there is a good reason not to issue a notice of suspected breach of duty under section 26C(1) of the 1993 Act.
1b	July 2022	Write to a selection of crofters and owner-occupier crofters who have not responded to the 2021 census and whose address would indicate they are in breach of the residence duty. Should correspondence confirm that they are in breach then the case would be followed up in terms of 1a above.
1c	October 2022	Write to a selection of tenant and owner-occupier crofters who have indicated in their 2021 crofting census returns that they are complying with the duty to be ordinarily resident but who are not cultivating the croft, giving information about their options.
1d	January 2023	To be in a position to accept and process reports that landlords of vacant crofts are not resident on or within 20 miles (32 kilometres) of the croft and/or not working the croft to determine whether a notice should be issued under section 23(5) of the 1993 Act requiring the landlord to submit proposals for letting the croft.

Key Performance Measures

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

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

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

Narrative

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

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

Key Milestones

Number	Date	Milestone
2a	Ongoing	Contact all Grazings Committees whose terms are about to end, encouraging them to arrange the appointment of a new Grazings Committee
2b	Ongoing	Maintain contact with shareholders of common grazings that have not returned a committee to office and establish contact with shareholders who have not had a committee for a longer period of time.
2c	Ongoing	Highlight to Grazings Committees and Shareholders the availability of the guidance, published February 2019, for effective management of common grazings. Respond to any questions for clarification.
2d	December 2022	Update and deliver a package of online training for Grazing Committees
2e	March 2023	Publish guidance notes to clarify, as far as possible, how crofters can engage with supported schemes for tree planting and peatland restoration, after engaging with Scottish Government and other stakeholders

Key Performance Measures

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

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

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

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

Narrative

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

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

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

Key Milestones

Number	Date	Milestone
3a	Aug 2022	Next build of the Crofting Information System released and upskilling delivered
3b	Aug 2022	Digital options for the majority of regulatory application types rolled out and fully functioning
3c	Aug 2022	Complete the expansion of the regulatory team through additional recruitment
3d	Aug 2022	Complete suite of governance documents specifying the process for CIS changes

Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
3.1	Stability or decrease in median turnaround times (registered crofts, Tier 1 approvals)	Figures for 2021-22: Assignment – 12.9 weeks Decrofting CHSGG – 13.9 weeks Decrofting Part Croft – 25.3 weeks	Clear evidence that turnaround times are falling, by the final quarter of 2022/23	Time taken from application to notification of decision, <i>for cases where no registration is required</i>
3.2	Decrease in number of live regulatory cases at a point in time	1087 on 31 March 2022	Reduce to 850	Number of live regulatory cases on 31 March
3.3	Number of staff in the regulatory team that are trained in 13 of the key application types	One Casework administrators and 7 casework officers March 2022	Increase to 10 casework administrator and 9 casework officers	Number of staff that have progressed through the training for at least 13 application types
3.4	Substantial increase in number of regulatory cases discharged in the year	1517 in 2021/22	2000	Total number of approvals and refusals during the year
3.5	Customer satisfaction rates		At least 80% of responses positive	Proportion of respondents answering 5 or 4 on the 5-point scale for overall satisfaction

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

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

Narrative

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

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

Key Milestones

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

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

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

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

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

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

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

Key Milestones

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

Key Performance Measures

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

MEASURING SUCCESS

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

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

NATIONAL OUTCOMES

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

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

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

BUDGET INFORMATION

We receive Grant-in-Aid funding from the Scottish Government. Public budget decisions which set our Grant-in-Aid allocation are made on an annual basis.

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

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

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

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