



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

ASSESSORS PANEL INDUCTION PACK 2012

(Updated February 2016)

CONTENTS

	Page
The Crofting Commission	1
Crofting Commission Aim Vision and Values	1
Scottish Government Strategic Objectives	2
Who we are and what we do	3-5
Crofting Commission Plan/Regulatory Policies	6
Contact Details	7
Job Description	8 -9
Code of Conduct	10 -11
Contact Details for SGRPID Area Offices	12

The Crofting Commission

The Commission is the statutory regulator for crofting. It is answerable to the Scottish Ministers and through them to the Scottish Parliament. It advises Ministers on crofting issues and ensures that Ministerial policies and priorities are reflected in Board decisions and the overall strategic direction of the Commission.

It comprises of nine members, with knowledge of crofting and at least one of them must speak Gaelic. Three Commissioners are appointed by Scottish Ministers and six are elected by crofters. One of the Commissioners is nominated as Convener. All of the Commissioners work on a part-time basis of approximately 4½ days per month, with the exception of the Convener who works 8 days per month.

The Commission take forward Scottish Government aspirations for crofting, set policies and monitor the progress of the organisation's operational tasks. Commissioners also serve a dedicated area within the crofting counties where they decide on applications made to the Commission in terms of the crofting legislation.

Commissioners also participate on a number of internal working groups and committees with senior Commission staff.

The present membership of the Commission is:

- Colin Kennedy (Convener)
- Ian George (IG) Macdonald (Vice-Convener)
- David Campbell
- Murdo MacLennan
- Arnie Pirie
- Marina Dennis
- Kathleen Sinclair
- William Swann

Crofting Commission Aim, Vision and Values

Our Aim: To regulate crofting in the public interest, population retention, crofts in productive use and not neglected, and shared management by crofters as a means of sustaining and enhancing rural communities.

Our Vision: A crofting system that positively creates more resilient, culturally rich and diverse rural communities that offer well managed landscapes and environments that are socially and economically sustainable.

We Value:

- Passion for our work
- Caring for our communities and our environment
- Positive teamwork
- Commitment to quality and doing things better
- Learn – Educate – Innovate

Scottish Government Strategic Objectives

The Government has five objectives that underpin its core purpose - to create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

- Wealthier and fairer
- Healthier
- Safer and stronger
- Smarter
- Greener

<http://www.scotland.gov.uk/About/Performance/Strategic-Objectives>

As Civil Servants our values are:

- integrity and honesty
- objectivity
- political impartiality
- fairness

Who we are and what we do

CROFTING COMMISSION & LEGISLATION

The Crofters Commission was established by the Crofters (Scotland) Act 1955. Several changes to crofting legislation have taken place since then. The Crofting Reform (Scotland) Act 2010 created the Crofting Commission, which came into being on 1 April 2012, taking over from the Crofters Commission.

FUNCTIONS AND DUTIES OF THE CROFTING COMMISSION

The Commission's functions set out in the legislation are to:

- Re-organise and regulate crofting in the former crofting counties of Scotland, to promote the interests of crofters and keep under review matters relating to crofting and such other functions as are conferred on them by or under the Act
- Work with other organisations and individuals to improve economic development and social improvement in the crofting counties
- Advise Scottish Ministers on any matter relating to crofts and crofting conditions which they may refer to them, or on which they may think fit to submit advice on
- The Commission make an Annual Report to the Scottish Ministers.

CUSTOMERS SERVED

There are over 19,000 crofts. During the course of an average year, the Commission deals with over 1000 items of casework involving changes in occupation and tenure issues.

ROLE OF COMMISSIONERS

The primary role of the Commissioners, under the leadership of the Convener and acting collectively, is strategic. This entails:

- Setting policy and priorities
- Establishing corporate and financial strategy
- Setting the organisation's business, operational and budget plans
- Setting targets and performance measures
- Overseeing progress against targets and objectives
- Determining delegation arrangements
- Overseeing the management of allocated resources
- Advising Ministers on the development and implementation of policies for crofting
- Ensuring that the Commission acts within the limits of its statutory authority and in accordance with guidance or conditions relating to the use of public funds
- Considering and deciding upon complex regulatory applications

COMMISSION MEETINGS

The Commission hold several Board Meetings a year. The Management Team and appropriate staff also attend these meetings. Their purpose is to discuss issues of strategic direction, organisational accountability and corporate importance and complex casework. In addition to these meetings, there are ad-hoc meetings to discuss other priority work.

MANAGEMENT STRUCTURE SENIOR MANAGEMENT TEAM (SMT)

The SMT Group comprises the Chief Executive, Head of Policy and Duties Team, Head of Information Systems, Head of Corporate and Customer Services, Head of Finance, Head of Regulation and Legal Support. The group meets once a week to provide strategic direction and agree organisational priorities, linking with the Board as required.

The organisation is structured in teams:

- Information Systems
- Executive Support
- Regulation and Duties Team
- Legal Support
- Corporate & Customer Services and Finance Team

REGULATION AND DUTIES

Regulatory work is carried out to cover all crofting areas, including:

- Northern Isles and Caithness
- Western Isles
- West and East Mainland (excluding Caithness)
- Argyll, Skye and Lochalsh

Crofting Services Officers deal with crofting regulation casework. The administration of the casework is carried forward in terms of the legislation and in line with agreed procedures. Some of the team also provide administrative support at Hearings into complex cases and open meetings. The team is also responsible for action on breaches of duties under the Act.

The teams work closely with crofters, landlords, solicitors and agents to progress crofters' regulatory business e.g. assignation, decrofting, apportionment, grazings activity, subletting etc. The teams note grazings committees' and constables' appointments and draw up grazings regulations to help shareholders manage their common grazings.

The team are also responsible for processing croft registration applications which are checked and forwarded to the Keeper of the Registers of Scotland (RoS) for inclusion in the new map-based crofting register.

INFORMATION SYSTEMS

The Information Systems Team brings together the management of all Information Technology (IT) and Information Systems (IS). This includes the following systems:

- Register of Crofts (RoC) – this is the database which contains all our data regarding Individuals, Holdings and Grazings
- Crofting Administration Database System (CADS) – this is the front end that we use to view the data held in the RoC and make up-dates to it. CADS also contains the workflows that we use to process applications
- Geographic Information System (GIS) – this is the map based data that we hold about crofts, grazings, apportionments, decroftings and so on
- Crofting Commission Intranet – this is the internal facing website
- IT infrastructure such as PCs, laptops, managing the network and so on.

The team also supports project work for the Commission such as the Registration of Common Grazing.

EXECUTIVE SUPPORT

Executive Support provides administrative support at Commission meetings and to the Convener, Commissioners and the Chief Executive.

LEGAL SUPPORT

Our in-house solicitor provides advice and guidance to the Chief Executive and Commissioners on crofting and other relevant legislation.

CORPORATE AND CUSTOMER SERVICES AND FINANCE TEAM

This team is responsible for HR issues and responding to consultations. Communications sits within this team and provides the organisation's press contact, develops the Annual Report and other corporate literature, is responsible for the website and the Assessor network. The team also provide in-house support to staff, and cover the Commission's main telephone reception and has overall responsibility for Records Management within the organisation.

Finance staff are responsible for financial management within the organisation, including travel and subsistence claims. Head of Finance co-ordinates all of the Commission's responsibilities in terms of its Financial Memorandum, Management Statement and other framework and enabling documents.

GLOSSARY OF TERMS

Our glossary of terms provides an explanation of the main terms you may come across in your day to day work. The full list can be accessed on the website.

<http://www.crofting.scotland.gov.uk/Glossary.asp>

CROFTING COMMISSION PLAN/REGULATORY POLICIES

The Crofting Reform (Scotland) Act 2010 required the Crofting Commission to prepare and submit a Plan to the Scottish Ministers setting out its policy on how it proposes to exercise its functions. The Plan will operate for the 5 year span of the Commission, with any substantive changes requiring further consultation and submission to Ministers. The Plan was revised in September 2014.

As a public body, the Commission is subject to and has duties under a range of other legislation, but the Plan focuses on the Commission's duties and powers under the Crofting Acts.

The Commission recognises that regulation of crofting will be considerably more effective if its regulatory decisions are understood and supported by the actions and decisions of other agencies. It is hoped that this Plan will:

- Guide council planning authorities when considering developments on land under crofting tenure and when writing their Local Plans and Development Plans
- Enable Highlands & Islands Enterprise (HIE) and Scottish Government to develop or deliver support in such a way as to reinforce the regulatory decisions being taken by the Commission, by rewarding crofting and community activity which is in line with crofting legislation
- Help to explain to the Scottish Land Court the reasons for regulatory decisions by the Commission - the Crofting Reform (Scotland) Act 2010 provides that the Scottish Land Court may have regard to the Plan when considering appeals
- Support the work of organisations who work with tenants and owner-occupier crofters and crofting communities, such as the Scottish Crofting Federation and its members, National Farmers Union Scotland, Community Land Scotland and the social enterprise movement, and Scottish Land and Estates.

Part 1 of this Plan outlines the new Commission's main policies and ambitions for crofting over the term of its office (until April 2017). Part 2 gives more detailed explanations of the policies the Commission will apply to its main regulatory functions to help achieve its objectives. Crofting law is very complex and future decisions of the Scottish Land Court may require changes to be made.

A copy of the Plan can be found on our website <http://crofting.scotland.gov.uk/legislation.asp>
Copies of the Law, Policy and Procedures for each regulatory function can also be found on our website at www.crofting.scotland.gov.uk/documents.asp?catid=40#open

COMMISSIONERS

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SENIOR MANAGEMENT TEAM

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Solicitor

David Findlay

David's role is to provide internal advice on crofting legislation. He cannot discuss or provide legal advice to external bodies or individuals

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Grazings Committees & Grazing Regulation Enquiries

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ASSESSOR NETWORK – JOB DESCRIPTION

Assessors provide a highly valued link between the Crofting Commission and local crofting communities. The Assessor Network covers an extensive area, with individual Assessors assigned to crofting parishes. There are currently 89 Assessors covering various parishes throughout the crofting counties. All newly appointed Assessors are provided with an Induction Pack. Copies of the Induction Pack are also available on the Commissions' website, which includes a dedicated Assessor's page.

An Assessor must be available to attend occasional local meetings and possess relevant experience of land-based activity within a crofting community. This may, for example, be as a crofter, a crofting landlord or a member of a grazings committee. In your role you will:

- Retain an interest in the state of crofting within the Assessor area, advising the Commission on any matters as appropriate, such as the demand for crofts or the use of croft land.
- Reply to questionnaires and requests for information from the Commission on particular matters relating to the functions of the Commission e.g. assist the Commission in its role as a Key Agency in planning by providing advice on croft land for Local Development Plans.
- Assist in the establishment of grazings committees by encouraging common grazing regulations. Liaise with common grazings committees, where necessary, in the exercise of their duties.
- Assist the Commission in the regulation of crofting by promoting the completion and return of the Crofting Census forms within the Assessor area.
- Assist the Commission in the regulation of crofting by informing crofters and aspiring crofters on the completion of regulatory application forms.
- Provide any relevant assistance and advice to individuals who are new to crofting and provide an initial source of contact.
- Attend Assessor's conferences and meetings, and contribute to the topics and matters being considered.
- Adhere to the Assessor's Code of Conduct and other standards as required of Commission appointees.

SKILLS/EXPERIENCE

Essential skills required

- Engagement in a crofting township/community
- Experience/awareness of land-based activities and issues
- Understanding/awareness of crofting system and/or local crofting culture

Desirable skills/criteria

- Active crofter
- Internet connectivity/use of e-mail
- Understanding of crofting regulation or crofting grants

ASSESSOR'S CODE OF CONDUCT

INTRODUCTION

As an Assessor, you are appointed on merit and you are expected to carry out your role with dedication and a commitment to the Crofting Commission and its core values: integrity, honesty, objectivity and impartiality.

In this Code:

- integrity is putting the obligations of public service above your own personal interests
- honesty is being truthful and open
- objectivity is basing your advice on rigorous analysis of the evidence
- impartiality is acting solely according to the merits of the case

These core values support good government and ensure the achievement of the highest possible standards in all that the Crofting Commission does. This in turn helps the Commission retain the respect of Ministers, Parliament, the public and crofting communities.

PROCEDURES FOR CARRYING OUT DUTIES

You will complete all duties as laid out in the Job Description with care and diligence in accordance with the Code of Conduct. Assessors are expected to carry out their duties in accordance with the following standards of behaviour:

Integrity

- When undertaking duties as an Assessor for the Crofting Commission, you must fulfil your duties and obligations responsibly
- Act in a way that deserves and retains the confidence of all those with whom you engage
- Ensure public resources are used properly and efficiently
- Deal with the Crofting Commission, public agencies and the general public sensitively
- You must not misuse your official position, for example by using information acquired in the course of your official duties to further your private interests or those of others
- You must not accept gifts, hospitality or other benefits from anyone which might reasonably be seen to compromise your judgement

Honesty

- You must set out the facts and relevant issues truthfully and correct errors as soon as possible
- You must not deceive or mislead Commissioners and the staff of the Crofting Commission or others or be influenced by improper pressures or the prospect of personal gain

Objectivity

- You must provide information and guidance on the basis of evidence and accurately present the options and facts
- Respect the integrity of the policies agreed by the Crofting Commission and decisions taken by the Commission
- You must not ignore relevant considerations when providing guidance or frustrate the implementation of policies once decisions are taken

Equality & Diversity

No one should be denied opportunities because of their race or ethnicity, their disability, their gender or sexual orientation, their age or religion. This principle underpins all the work of the Scottish Government. The Crofting Commission adopts the Scottish Government policies on equal opportunities and diversity and is committed to delivering its functions in a manner that encourages equal opportunities, aims to eliminate unlawful discrimination and other conduct prohibited by equality legislation. It is important that you have a grasp of how equality feeds into the day to day workings of the Commission and understanding the equality duty will leave you better placed to respond to enquiries from local people and to signpost effectively when more detailed knowledge is required. For more information visit: www.gov.scot/Topics/People/Equality

Impartiality

- You must carry out your responsibilities in a way that is fair, just and equitable and reflects the Crofting Commission's commitment to equality and diversity
- You must not act in a way that unjustifiably favours or discriminates against particular individuals or interests

Declaration of Interests

- You must declare if you have an interest in a matter, which may be perceived to affect your ability to act impartially
- You must regard yourself as having a personal interest in any matter, if that matter relates to any of the following:
 - (a) Employment or business you are involved in
 - (b) Posts you hold (whether remunerated or not)
 - (c) Property, including land, you own or tenant
 - (d) Associations or bodies you are a member of

Use of Social Media

Social media is a term used to describe online technologies, applications and practices that are used to share information, knowledge and opinions. The most well-known platforms include Facebook, Twitter, Instagram, YouTube and LinkedIn. The term social media can include, but is not limited to, social networking sites, blogs, wikis, content sharing sites, photo sharing sites, video sharing sites and customer feedback sites.

Assessors need to be mindful when they are using social media that the perception of when you are carrying out official business and when you are acting privately may be different to the view of the public. Factors to consider include whether:

- You are representing the Commission; whether you are readily identifiable as an Assessor in the situation / circumstances;
- You are using social media where you are identified as an Assessor;
- Your conduct could reasonably be regarded as bringing your position as an Assessor, or the Commission, into disrepute; and
- You are engaged in activity, or commenting on matters that are within the scope of the Commission's functions.

You should always try to think ahead. If you have any concerns about a potential problem or conflict of interest, speak to the Communications Manager at the Crofting Commission so that advice can be sought and/or action can be taken before a situation becomes a serious problem or before a complaint is made about you.

The rules of good conduct may apply when you are engaging in media activity including the use of social media. The conduct expected of you within a digital medium is no different to the conduct you should employ in other methods of communication, such as face to face meetings and written correspondence. Factors to consider when using social media include whether you:

- Are identifiable as a member by directly referring to yourself as such or indirectly as such by referring to the Commission or through information or images posted;
- Have complied with the law including defamation, copyright, data protection, employment and equalities or harassment provisions;
- The information you are posting is confidential and you only have access to it because you are an Assessor with the Commission;
- Are demonstrating bias or pre-determination – do not express an opinion on an matter the Commission is yet to determine;
- Have considered the immediate and permanent nature of the contribution you are about to make. Your comments are immediately available and may become more publicly shared than you intend.

Even if you are using social media in a private capacity, you should be aware that anything you post or put on your profile is a representation of you. Therefore you should not put anything online that you do not want to represent you. Remember standards of decency and the law apply. You may also wish to think about:

- Whether you are treating others with respect and consideration;
- Whether 'liking' re-posting and re-tweeting comments or posts, or publishing links to other sites could be reasonably perceived in the circumstances as endorsing the original opinion, comment or information, including information on other sites;
- Whether to allow disagreement on your social media pages;
- The tone can be harder to convey online so consider whether humour, irony and sarcasm be perceived as such;
- Whether you have to respond. Sometimes people will say nasty things and people in public life can be singled out for abuse. If people criticising you have the wrong information, by all means talk to them. But if they are being sarcastic or downright abusive you should consider whether there is any value in engaging.
- Whether anything you post could be considered obscene.

It is almost impossible to entirely delete anything that goes online. Even if you decided to delete something you have posted straightaway, there is always the possibility that someone has viewed, and even taken a screenshot of, the post in the meantime. What you post online will stay there and may potentially be shared with lots of other people, for both good and bad reasons.

Confidentiality

During and after your term of appointment to the Panel of Assessors, you will be subject to the obligation of confidentiality in relation to any information of a confidential nature which has come to your knowledge as a result of your appointment.

You must ensure that any information collated on behalf of the Commission is at all times managed sensitively and that no sensitive information is wrongly passed to a third party. Any paperwork or electronic mail and data must be stored securely.

Breaches and Complaints

When carrying out your duties you will be in regular contact with crofters, other government officials and members of the public. Failure to adhere to this Code of Conduct may result in your removal from the Panel of Assessors. Any complaints received by the Commission regarding your conduct will be treated seriously and investigated. In these circumstances, a review of the case will be carried out by the Chief Executive and reported to Commissioners for their final decision.

CONTACT DETAILS FOR LOCAL SGRPID AREA OFFICES

<p>BENBECULA AFRC-RPID Balivanich Isle of Benbecula HS7 5LA Tel: 0300 244 9600 Fax: 0300 244 9601 E-mail: SGRPID.Benbecula@scotland.gsi.gov.uk</p>	<p>ELGIN AFRD-RPID Alexander Fleming House 8 Southfield Drive Elgin IV30 6GR Tel: 01343 569500 Fax: 01343 569501 E-mail: SGRPID.Elgin@scotland.gsi.gov.uk</p>
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