



Strategy/Merger Consultation Responses  
Historic Scotland  
Room 2.31  
Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

30<sup>th</sup> July 2013

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Dear Sir/Madam

**[A Joint Consultation on the Historic Environment Strategy for Scotland and the Merger of Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland \(RCAHMS\).](#)**

Archaeology Scotland is a voluntary membership organisation which works to secure the archaeological heritage and the wider historic environment of Scotland for its people through education, promotion and support, and is a voice for the archaeological community. We welcome the opportunity to respond to this important consultation.

Part 1 Historic Environment Strategy for Scotland

Q1. Do you agree that the definition appropriately describes the 'historic environment'?

Having been involved in the working groups feeding in to the strategy development, we recognise the difficulties in reaching a definition that is acceptable to everyone and adequately describes what the historic environment is in terms of both tangible and intangible assets. The definition agreed on covers all the aspects including built heritage; landscapes; artefacts; traditions; stories and memories.

The key will be in ensuring that this definition is widely taken up and used and becomes central to our future understanding of the historic environment in Scotland.

We welcome the inclusive definition for the 'historic environment' used in this draft strategy and believe it is important to stress the value of the historic environment in creating and strengthening a sense of place. This is consistent with supporting true sustainable development and an economy that focuses properly on a sense of the Common Weal (being developed by the Carnegie Trust and the Reid Foundation <http://scottishcommonweal.org/what-is-common-weal/>)

The historic environment is an important component in strengthening this sense of identity that, in turn, strengthens communities and individuals.

Q2. Does the Vision take account of your aspirations for the historic environment?

Yes. We would echo the aspirations of the Culture Secretary when she stated:

"I want Scotland to be a country where everybody cares about, shares and champions our culture and our heritage – where everyone has a responsibility and can make a contribution."

"I want Scotland to be a country that is proud and confident, rooted in culture and heritage; a country where we not only cherish our diverse heritage and traditions, but also continually seek to create opportunities to share and to celebrate.....I believe that culture and heritage must continue to be at the heart of Scotland's continued development and must shape our engagement with the world." (Fiona Hyslop 5th June 2013).

<http://www.scotland.gov.uk/News/Releases/2013/06/Culture-Heritage05062013>

We welcome this vision for the historic environment but would like to see more details of how this vision will be embedded in policy and practice, particularly balancing this against the overarching Scottish Government aim of "sustainable economic growth". In thinking ahead to delivery of the strategy, it should be remembered that there are extreme pressures on local authorities in terms of capacity and funding to take on more work in relation to the management of the undesignated historic environment which accounts for around 92% of the assets in Scotland and are protected through the planning system.

Q3. Are the overarching principles the right principles to guide our activities over the next 10-15 years?

Yes. We welcome these overarching principles but would comment that there is a significant task in educating others out with the sector about the many and varied benefits that the historic environment brings to the economy, the environment and society.

Q4. Cross-cutting

(i) Does the overarching aim reflect your ambition for the historic environment?

Yes. The cross-cutting aim is one which many organisations in the sector have been working towards for many years and it is, therefore, warmly welcomed as part of this new strategy for the HE.

(ii) Do the cross-cutting priorities take account of what you think is important for the future of the historic environment?

Yes. The priority to mainstream the historic environment is a bold one that will require joined up delivery and a robust implementation plan. We fully support this aim which will require robust and sustained evidence base to convince other public policy departments that it can deliver their aims.

Gathering evidence and increasing advocacy and influence requires expertise and leadership at local and national levels across the whole range of stakeholders and there will be some advocacy that cannot be done by the new body but which can be taken on by the voluntary sector and local groups. The new body will be the lead public body but it needs to look to developing key partnerships as a matter of priority.

(iii) Do the suggested high level, cross-cutting actions provide a reasonable basis to begin to take the Strategy forward?

Yes but although the establishment of a policy unit at the heart of Government is important, further consideration needs to be given as to how this policy unit will seek to influence and work with the local authority sector and the voluntary sector. The relationship between Scottish Government and local government and the voluntary/third sector is vital in ensuring that mainstreaming actually happens. In addition, we would urge that there is a mechanism for ensuring that appropriate historic environment expertise is maintained within this policy unit going forward.

It seems to us that the area of Community Planning Partnerships and Single Outcome Agreements (SOA's) is misunderstood by many out with local government and we should be mindful of the work being done by Scottish Environment LINK on getting environmental indicators onto the menu of indicators local authorities can use for SOA's and look to develop partnerships with the natural environment sector on this.

There are no reference to the Scottish Land Use Strategy or indeed forestry and agricultural strategies. This section might benefit from referencing actions such as engagement with Local Development Plans and Strategies so that Historic Environment is more 'mainstreamed' into both actions and thinking. This is particularly important as green infrastructures and ecological services are developed and may offer a way in to discussions and actions if there were a more joined up approach with the natural environment lobby. Heritage aspects of Cultural Services need to be seen as integral to a proper holistic provision of ecological services rather than a separation of natural and cultural.

The eco-schools movement is one which should be explored with a view to a similar initiative for the historic environment and we have had preliminary discussions with Historic Scotland about this and look forward to progressing this idea.

We would like to see mention of climate change as a cross-cutting theme and the need for adaptation for impacts of climate change on the historic environment (such as coastal erosion; increasing storms and rainfall; re-use of existing building stock and recognition of the embedded energy in buildings).

(iv) How will the cross-cutting proposals impact on you and how will you be able to contribute to its success?

It will be important to have clear communication lines from and to the policy unit in Scottish Government and an understanding of how policy is planned to be rolled out (e.g. through Single Outcome Agreements; local action; regional strategies etc.).

Archaeology Scotland in its own right and also through the BEFS network and Scottish Environment LINK networks can contribute to success by feeding in issues;

championing the historic environment and community engagement and through our learning programmes, advice, case studies and knowledge. It would seem sensible that different organisations lead on aspects of delivery and Archaeology Scotland is one of the leading organisations in community archaeology and education in Scotland and is in a position to contribute to the success of the strategy.

We would like to see the reaffirmation of the Scottish Government's relationship with the voluntary sector as part of the outcomes of the strategy and a clearer indication of the relationship of the new body to the voluntary sector.

#### Q5. Investigate and Record

(i) Does the aim for investigate and record reflect your ambition for the historic environment?

Yes. There is much to be commended in the aims of this section and we recognise the importance and the success to date of initiatives such as ScARF. We are supportive of the SHED strategy; community engagement in investigating and recording and making information accessible to a wide audience. As with much of the work we do within the historic environment sector, we need to be better at communicating the value to the people of Scotland and making this information more accessible. The work being done by the Society of Antiquaries of Scotland's in disseminating the ScARF project is a good example of how this can be done as is use of social media such as Twitter and Facebook.

(ii) Do the priorities for investigate and record take account of what you think is important for the future of the historic environment?

No. We welcome the references to digitised data from national and local collections and would welcome reference to the historic environment in defining a sense of place. We would like to see wider use of Historic Land Use Assessment (HLA) data to inform decisions (full national coverage of HLA data should be achieved in 2014 and a new more user-friendly interface for existing data is being currently developed by staff at RCAHMS for launch later this summer on the new PASTMAP website).

We would also strongly recommend that the development of the Developing Scotland's Places polygonised GIS dataset is supported in the strategy as it will be an invaluable and consistent tool for planning authorities across Scotland. This is consistent with Scottish Government policy obligations to the historic environment and also benefits increased landscape and environmental mapping requirements for all farmland being asked for from the Rural Directorate by the European Council and Commission by 2018, as part of the Common Agricultural Policy settlement for 2014-2020.

(iii) Do the suggested high level actions for investigate and record provide a reasonable basis to begin to take the Strategy forward?

Yes. The strategy needs to take into account local and regional priorities and capacity. There needs to be a mechanism for convincing local authorities in particular of the benefits of investing in staff and IT infrastructure to take forward national strategies and deliver local benefits for the historic environment.

We would like to see more explicit recognition of the importance of museum collections and of work being undertaken by commercial archaeological companies in this section. Scotland's museums are not only the main repository of excavated and other evidence about the historic environment, but the most used source of public information about it. Glasgow Museums is the largest museum service in the UK outside London for example and the role of museums in managing and communicating information on the historic environment should be acknowledged.

Commercial archaeological units have carried out a great deal of activity and research in recent years and are a key source of new discovery and information in Scotland. Similarly, community engagement - such as through our Adopt-a-Monument programme - is providing new material, research and inclusive approaches to archaeological engagement on a national scale and has delivered 20 projects in its first two years and will continue until 2016.

(iv) How will proposals for investigating and recording the historic environment impact on you and how will you be able to contribute to its success?

It is important to remember that a healthy democracy also has a healthy voluntary sector and that the voluntary sector, at both national and local levels, has a vital role to play in delivering the strategy. The sector has a network of volunteers and contacts and it may be beneficial for the new body to focus on developing partnerships to deliver the participative side of investigation and recording and to take on the more strategic roles including giving direction, providing analysis and evaluation.

We are working in partnership with RCAHMS and Archaeological Data Service to develop a more user-friendly online reporting form for community groups and others to use to report field work to our annual journal, Discovery and Excavation in Scotland and will be making this data available through our website and through the national database.

#### Q6. Care and Protect

(i) Does the aim for care and protect reflect your ambition for the historic environment?

Yes. We welcome the emphasis being placed on a more active role for communities; the need to bring together a working group to look at management of the historic environment, but again would caution that consideration needs to be given to balancing the need to be seen to contribute towards sustainable economic growth whilst caring for and protecting the historic environment.

We are particularly concerned that the new body and the strategy identify sufficient resources (including experienced staff) to maintain adequate protection of designated sites, buildings and landscapes. The focus on tourism and properties in care needs to be balanced with the protection of the historic environment. We would like to see clarity about the relationship of the central policy unit and the heritage protection section of the new body.

(ii) Do the priorities for care and protect take account of what you think is important for the future of the historic environment?

No. We welcome the ethos of a holistic and sustainable approach to caring for and protecting the historic environment but a truly sustainable approach is more than repair of buildings as referenced in Heritage Counts 2011 which looked at the role of the independent sector, communities and groups in caring for the historic environment and the social benefits of this engagement.

We are concerned with the emphasis on designation as over 90% of historic environment assets are currently undesignated. The shift towards greater responsibilities of planning authorities in managing the historic environment is to be welcomed but it needs to be borne in mind the pressures that local authorities in particular are under to deliver with diminishing resources and, in some cases, lack of adequate advice.

The SHEP [www.historic-scotland.gov.uk/shep](http://www.historic-scotland.gov.uk/shep) emphasises Scottish Ministers policy on the significance of the whole historic environment (see key outcomes para 1.13)

(iii) Do the suggested high level actions for care and protect provide a reasonable basis to begin to take the Strategy forward?

Yes. We would like to see more detail about what is proposed and intended for the priority "Effective and proportionate protection and regulation - through designation, and with both control systems and incentives (financial, technical and logistical)"

We would also like to see some commitment towards funding incentives for repair of historic buildings and linkages to the Town Centres Initiative.

(iv) How will proposals for caring for and protecting the historic environment impact on you and how will you be able to contribute to its success?

We welcome the opportunities to engage in working together and in our expertise in identifying social benefits of historic environment and how that can be applied to issues of social inclusion; training and skills and community empowerment.

#### Q7. Share and Celebrate

(i) Does the aim for share and celebrate reflect your ambition for the historic environment?

Yes. Archaeology Scotland and its members are already convinced of the richness and significance of the historic environment and therefore this aim reflects our ambitions.

(ii) Do the priorities for share and celebrate take account of what you think is important for the future of the historic environment?

Yes. We welcome the priority to support communities to take a more active role in understanding, protecting and valuing the historic environment; more joining up and broadening access across the social spectrum.

(iii) Do the suggested high level actions for share and celebrate provide a reasonable basis to begin to take the Strategy forward?

Yes. A broad ranging approach to learning is vital and therefore the action for the new body to work in partnership is very important.

Although we are not a tourist organisation, we (and others in the sector) have a valuable contribution to make to discussions about how to make best use of our heritage assets. In particular, through both Scottish Archaeology Month and through our Adopt-a-Monument scheme we have first-hand experience of what is important to local people; what assets are being promoted and visited locally and how this can link in to more national initiatives. So often initiatives are generated at a national level that take little or no account of local interest and knowledge.

(iv) How will proposals for sharing and celebrating the historic environment impact on you and how will you be able to contribute to its success?

We have substantial experience of educational activities in promoting the historic environment to a wide range of learners and look forward to participating in delivery of the strategy. We are also working in partnership with the Society of Antiquaries of Scotland to promote 2015 as a special year for archaeology in Scotland supported by a range of activities and events. We continue to coordinate Scottish Archaeology Month each year which is the annual festival of walks, talks, exhibitions and events celebrating archaeology in Scotland and is the sister event to Doors Open Days. We have been working on a collaborative project with Creative Scotland to make the historic environment more accessible through community films and mobile phone apps.

#### Q8. Delivering the Vision

Do you agree that the Strategy will help the historic environment to remain in a position to:

(i) Continue to deliver positive outcomes?

Yes. We welcome the development of this Strategy but it is difficult to comment on this section until we know more about delivery and implementation. We welcome the emphasis on joining up and partnership working but the scale of the new body and possible need to restructure for delivery by the new body may overshadow these principles.

(ii) Harness available opportunities for the historic environment?

Yes. We look forward to working better, collaboratively together but as yet the detail about how we can help deliver the vision; what support and structures will be in place and what this will mean for project-led membership organisations like Archaeology Scotland are unclear.

(iii) Address the challenges it faces?

Yes. The strategy is intimately linked to the merger of HS and RCAHMS and will seek to address that challenge of maintaining the functions of RCAHMS in a time of economic stress. It must be remembered, however, that the reason for developing the strategy is not just to guide the new body, but it is to be owned and lead by the sector and therefore requires effort in ensuring true partnerships are developed.

If yes, which aspects of the Strategy do you support in particular? If no, what is missing?

We support all aspects of the strategy and recognise that there is an opportunity here for taking forward our collective vision for the historic environment.

Q9. Do you agree with the proposed structure which will govern how we realise the ambition set out in the Strategy?

No. Whilst the proposed structure can help deliver the strategy and it should have senior stakeholders in attendance, it should be remembered that this is a strategy for the sector; not just for the new merged body. The presence of the Cabinet Secretary as chair would certainly give weight to governance but we know that there is a view within government that the voluntary sector is "cluttered" and would have concerns over how to choose who sits on the Board and whether a strategy for the sector should be accountable to government.

Archaeology Scotland has already given support for the establishment of an intermediary body for the historic environment (BEFS) as recommended by HEACS and this would seem to be the most appropriate body to be represented on the Board.

Q10. What do you think success will look like for the Strategy and how do you think success should be measured?

Please indicate below if you would like to be involved in further discussions about measuring success.

Yes. The strategy has already identified what success will look like in its vision, aims and priorities.

Q11. Do you think that the proposals presented in the Strategy might impact on people differently depending on characteristics such as age, disability, gender, race, religion or belief, sexual orientation or gender identity? If so, please tell us more.

A sense of a more inclusive approach to engagement with the historic environment is coming through in the strategy which will, hopefully, benefit everyone in society.

Q12. Do you think that the proposals presented in the Strategy might impact on businesses, the third (voluntary) sector or have any regulatory impact? If so, please tell us more.

The strategy is likely to have an impact in terms of our capacity to engage effectively given our stretched resources and this will also be true of other sectors such as local authorities.

Q13. Do you think that the strategic environmental assessment has identified the key issues associated with the environmental implications of the Strategy?

Yes

Q14 Please use this section to provide any other comments you think are relevant to the Strategy

- End of Part 1 -

## Part 2 Merger of Historic Scotland and RCAHMS

Q15. Do you agree with the functions set out for the new body (see p. 24 of Consultation paper)?

Yes. The aim of the merger was to ensure that the functions of RCAHMS were maintained, however there seems to be no reference to the national database. For 65 years, field work carried out in Scotland has been reported in our annual journal, *Discovery and Excavation in Scotland* funded through contributions from the commercial archaeology sector and our membership and this data has been added to the national database soon after it is reported. We are investing efforts into making recording events even more user-friendly through a new online reporting form and would like to see the commitment to maintaining and making the national database accessible in the functions of the new body.

It also needs to be more explicitly stated that the new body will still have a statutory role in relation to regulation and consents and it is the arbiter for the historic environment with powers of enforcement.

The new body also has a strong research role and should be responsible for collating or commissioning data to plug existing gaps in our knowledge.

Q16. Do you agree that the values are an appropriate foundation for the culture, ethos and behaviour of the new organisation?

Yes. The values would seem to be appropriate for the new organisation but it should be clear that cooperation and collaboration should be with the sector and not just an internal value.

Q17. Do you agree that the desired outcomes will provide a good measure of the success of the merger?

No. We welcome the Ministerial commitment from the outset that the functions of RCAHMS should be maintained but these desired outcomes seem to relate entirely to the continuity of the existing organisations without being explicitly that this new body will be a conservation-focussed organisation.

The outcomes need to be looking more closely at a key factor which is the relationship of the new body with the wider sector and with the people of Scotland.

The outcome "Celebration of Scotland's Heritage" seems to be a difficult thing to measure as does "Building knowledge, understanding and enjoyment of the historic environment".

Q18. Do you agree that the proposed approach to the discharge of Scottish Ministers' Heritage Management functions is appropriate?

No. The new model proposed retains the regulatory-functions and it may have been more appropriate for these to have been transferred to the Scottish Government alongside the policy function.

We have a concern that a new organisation is both the regulatory authority and a granter of consents. The proposed arrangement cannot command the current

respect for independence and probity and thus risks costly challenges to its decisions.

Q19. Which approach to the management of Scheduled Monument Consent for properties in the care of Scottish Ministers is most appropriate?

Option 3

Tell us why?

There needs to be transparency in decision-making regarding consents to avoid undue advantages that the new body will have in terms of its influence within government.

Q20. Do you agree that the principle of exempting certain aspects of the organisation's work from Ministerial direction provides an appropriate balance between public accountability and scrutiny and the need to provide for independent professional decision making?

Yes. This would seem to be a sensible approach to the operations of the new organisation, ensuring that the new body can carry out its remit without undue influence.

Q21. Are there any other areas of work where there should be additional safeguards to ensure operational independence from Ministers?

Yes, specifically in grant-giving and fundraising:

We have concerns over transparency of process and potential reduction in funding for the sector if the new body is both giving grant-in-aid to the sector whilst also seeking to access grant funding for its own activities. We perceive that there may be a risk that the new body would be detrimental to the existing voluntary sector bodies and potentially reduce overall support to the sector.

We would like to see some clarity (possibly through a revised concordat with the voluntary sector) about the relationships between Scottish Government; the new body and the voluntary sector.

Q22. Is this the right approach with regards to collections in the Care of Scottish Ministers (see p. 30 of Consultation paper)?

Yes. This would seem to be an acceptable approach but may be more usefully implemented by revisiting the need for an acquisitions and disposals policy to ensure clarity and direction for the future.

Q23. Do you agree that the functions established for the new organisation and the development of clear transparent policy in relation to the operation of those functions is sufficient to handle any perceived conflict?

No. We would like clarification as to how potential areas of conflict are to be dealt with and the relationship of the new body to the voluntary sector.

Q24. Do you agree that the functions and activities of the new organisation will fulfil the charitable purposes set out on p32 of the consultation paper?

This (and questions 25 and 26) is a question for the Office of the Scottish Charity Regulator as is the granting of charitable status. While the business case gave examples of other public bodies that have regulatory function, it was not entirely clear as to what other bodies have similar constitutions to the one being proposed here. There needs to be a Chinese wall between the regulatory and the charitable parts of the new body.

Q25. Are there functions of the new organisation that do not fit the proposed charitable purpose?

Q26. Is there any reason why Ministers should not disapply the Ministerial direction clause in the Charities Act to enable the new organisation to apply for charitable status?

Q27. Do you agree that existing brand names should be retained?

No. A new name should be adopted to reflect the coming together of different organisation with different roles; however, we are aware of the costs involved in re-branding at a time of economic challenge.

Q28 Do you agree that the new organisation should have a new name and identity?

Yes. We do not have an answer to this question.

Q29 Do you think that the proposed legislation might impact on people differently depending on characteristics such as age, disability, gender, race, religion or belief, sexual orientation or gender identity?

Not significantly

Q30 What is the likely impact of the proposed creation of a new organisation on business?

There is concern that a new organisation is both the regulatory authority and a granter of consents and therefore could use, or be perceived to have used, its powers to give it an advantage by favouring its own applications for scheduled monument/listed building consents.

Q31 Do you expect the proposed creation of a new organisation to impact on you or any particular group of stakeholders?

If so how?

Our main concern lies with the proposed new body (merged HS/RCAHMS) which is to seek charitable status in order to raise donations to support its activities. There are potential conflicts that could arise from these proposals that could affect what we do, albeit unintentionally.

The first area of concern relates to grant-making powers:

The Scottish Government proposes that the new body would take over Historic Scotland's role as a grant-making body, while at the same time the new body would

seek to access for its own purposes other sources of grants for heritage conservation as well as seeking to raise funds from charitable sources.

This potential conflict of interest is not covered by the consultation document and we would suggest that this could be resolved by passing responsibility for grant-giving to an independent party. Our concerns would be over transparency of process and potential reduction in funding for the sector if the new body is both providing taxpayer funds to the sector while also seeking to access external funding streams.

A closely related aspect to the above is charitable fundraising. The new body will be seeking charitable status so it can secure donations to sustain its activities. As a public body with a range of expertise, connections across government and a strong reputation, there is a risk that the new body has an unfair advantage, by virtue of scale and diversity of funding streams, that it unintentionally destabilises several long-established, popular charities.

We would like to see some clarity (possibly through a revised concordat with the voluntary sector) about the relationships between Scottish Government, the new body and the voluntary sector. At present there is no core funding coming from Scottish Government for the historic environment voluntary sector and it is increasingly difficult to access funding from local authorities, meaning that the sector has to rely on grants from HLF, Trusts and Foundations and from trying to increase membership.

Q32 What is the likely impact of the proposed creation of a new organisation on Scottish firms?

Q33 What is the likely impact of the proposed creation of a new organisation on competitiveness?

The new body will continue to be a membership organisation but at present Historic Scotland is not limited by HM Revenue & Customs regulations on the amount and types of benefit that can be provided to members and the related Gift Aid that can be claimed. The new organisation should conform to the same regulations as apply to other heritage organisations.

Q 34 Any other comments on the merger?

Archaeology Scotland welcomes the intention that all the functions of RCAHMS should be maintained and believe this will provide a sound basis for implementation of the Strategy. We support the creation of an NDPB and the degree of independence that such a body will have, but we have some concerns over the possible weakening of the regulatory functions of the new body and of the impact a new large charity may have on the existing charitable historic environment sector. We look forward to working closely to implementation of the strategy and contributing to the legislative process that is now required to create the new body.

Yours faithfully



Eila Macqueen  
Director