



Strategy / Merger Consultation responses
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31 July 2013

Dear Sir / Madam,

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

Thank you for the opportunity to comment on this joint consultation.

The Institute for Archaeologists

The Institute for Archaeologists (IfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves.

IfA has over 3,000 members and more than 70 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

IfA's Scottish Group has over 200 members practising in the public, private and voluntary sector in Scotland. Furthermore, IfA is a member of the Built Environment Forum Scotland (BEFS), a network organisation that brings together non-governmental organisations and professional bodies that work with Scotland's built environment.

Historic Environment Strategy for Scotland and the Merger of Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland

General

IfA welcomes and strongly supports the publication of an '*overarching strategy for the protection and promotion of the historic environment*' in Scotland (Ministerial Statement, page 4). The Institute endorses the aim to provide '*ambition and direction for Scotland's historic environment*' (Historic Environment Strategy for Scotland, Ministerial Statement, page 4) and recognises the importance of obtaining the sector's 'buy in'. Nevertheless, it is important that the strategy is a Government strategy and one of its strengths should be that it operates across Government. Moreover, if the strategy is to be effective in achieving its priorities, it also needs to be consistent with, and complement, other Government policy and guidance relating to the historic environment (such as that in Scottish Planning Policy, in SHEP and in PAN 02/2011).

With regard to the proposed merger of Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS), IfA particularly welcomes the clear assurance from Scottish Government that '*all the functions [of both bodies] should be maintained and that protection should be given to RCAHMS functions by placing them on a statutory footing for the first time*' (Joint Consultation document, page 24) and recognition of '*[o]rganisational and financial resilience and sustainability of functions*' (rather than cost cutting) as desired outcomes (page 26).

Specific Questions

The Historic Environment Strategy for Scotland

Question 1

Do you agree that the definition appropriately describes the ‘historic environment’?

1.1 Yes, subject to the caveats expressed below.

If yes, what do you like about it?

1.2 Its broad and holistic nature.

If no, how do you think it could be improved?

1.3 (i) The definition should be consistent with, and linked to, the definition of ‘historic environment’ in SHEP (page 5) and Scottish Planning Policy (paragraph 110 et seq).

(ii) The proposed definition refers to ‘*evidence for human activity that connects people with place ...*’. However, the fact that such a connection has not as yet been established should not preclude evidence for human activity from falling within the definition of ‘historic environment’. The definition would be better phrased: ‘*Scotland’s historic environment is the evidence for human activity. It can connect people with place and includes ...*’

(iii) In the supporting text ecofacts should be included in the ‘associated evidence’ and care needs to be taken not to confuse ‘heritage’ and the ‘historic environment’. Throughout the document the term ‘historic environment’ should generally be used (as opposed, for instance, to ‘heritage’) unless the context requires otherwise.

Question 2

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

2.1 Yes.

If yes, what do you like about it?

2.2 Its simplicity. Although concise it still manages to convey key concepts (understanding and valuing, caring and protecting, enjoying and enhancing), to mainstream the historic environment and to establish an important, express link with sustainability.

Question 3

Are these the right principles to guide our activities over the next 10-15 years?

3.1 Yes, subject to the caveats expressed below.

If yes, what do you like about them?

3.2 They are simple, clear and ambitious. Too often policies and strategies seek to ‘continue’ or to ‘maintain’ rather than improve, whereas this draft strategy is clear: ‘*Be ambitious: do more ...*’.

If no, what would you change?

3.3 The enhancement of wellbeing identified under ‘Scotland’s historic environment is important’ at page 14 is welcome. Notwithstanding subsequent references to wellbeing in the strategy, we would like to see further and clearer elaboration of the link between the historic environment and wellbeing in the text (whether here or elsewhere).

3.4 IfA fully recognises the economic challenges facing this and all other sectors and it would be facile to ignore them in the draft strategy. However, we question the wording of the first bullet point under ‘Face the challenges’ on page 14 (*‘Achieve aims with a clear view of the best value for money’*). ‘Best value’ may be a legal requirement, but to highlight it here might give the impression that we need to make the economic case for the historic environment (a view emphatically dismissed by Fiona Hyslop, Scottish Government’s Cabinet Secretary for Culture and External Affairs, in a speech to BEFS on 13 June 2013: *‘The heritage sector does not need to make a new economic case to justify public support for its work’*). Although this is rightly intended to be a pan-Government document, it is a Historic Environment Strategy and an avowedly ambitious one. Would a Government economic strategy seek to achieve its aims *‘with a clear view of the best option for the historic environment?’* We would suggest that this point be rephrased along the lines *‘Achieve best outcomes for the historic environment given the resources available’*.

Question 4 Cross-cutting

(i) Does the overarching aim reflect your ambition for the historic environment? If yes, what do you like about it? If no, what would you change?

4.1 No, nor does it reflect the ambition explicit earlier in the strategy. The Key Aim is not improvement but maintenance of the status quo (*‘... continues to make a major contribution ...’*). This should be corrected.

(ii) Do the cross-cutting priorities take account of what you think is important for the future of the historic environment? If yes, which priorities do you like most? If no, what would you change?

4.2 Yes. We strongly support all the cross-cutting priorities (Mainstreaming the historic environment, Informed decision making, Leadership and collaborative working at all levels, Skills and capacity at all levels).

(iii) Do the suggested high level, cross-cutting actions provide a reasonable basis to begin to take the Strategy forward? If yes, which actions are particularly important? If no, what actions should be taken forward and which need to be changed or added?

4.3 Yes, subject to the following:

(i) A strong policy unit at the heart of Government championing the historic environment is crucial, but policy alone will not suffice if adequate resources are not available to implement policy and other initiatives.

(ii) As a professional body IfA is particularly keen to ensure that appropriate skills are available to manage the historic environment. The Institute strongly supports the accreditation of competence, not only with regard to traditional building skills (as mentioned on page 22) but with regard to the historic environment, generally, and archaeology, in particular. Government needs to be clear as to the purpose and precise nature of accreditation schemes. IfA would be happy to discuss further the scope for Government endorsement of accreditation schemes in archaeology.

(iii) Although other actions are equally important, IfA commends the intention to explore the relationship between the natural environment and the historic environment with a view to achieving mutual cooperation and synergies.

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

4.4 As a professional body, IfA, through its advocacy, training and regulation of its members and registered organisations, contributes (directly or indirectly) to a number of the actions identified. A positive lead from Government should have a highly beneficial effect on our activities in this regard.

Question 5 Investigate and Record

(i) Does the aim for investigate and record reflect your ambition for the historic environment? If yes, what do you like about it? If no, what would you change?

5.1 No, insofar as the stated aim needs to be broader so as to encompass analysis and dissemination. Although this is reflected in the priorities ('Accessible knowledge'), it is not reflected in the key aim which could more accurately be phrased 'investigate and interpret'

(ii) Do the priorities for investigate and record take account of what you think is important for the future of the historic environment? If yes, which priorities do you like most? If no, what would you change?

5.2 Yes. The priority relating to accessible knowledge, in particular, helps to deliver the public benefit that underpins this strategy and Scottish Government policy on the historic environment.

(iii) Do the suggested high level actions for investigate and record provide a reasonable basis to begin to take the Strategy forward? If yes, which actions are particularly important? If no, what actions do you think should be taken forward and which need to be changed or added?

5.3 Yes, save that these actions should include:

- (i) work with the commercial sector (given the proportion of archaeological work which is developer funded)
- (ii) identification of and support for Historic Environment Records (HERs) and Sites and Monuments Records (SMRs) and the professional staff that support them as a key resource within the SHED Strategy. In its recent response to consultation on the draft SHED Strategy IfA stated that it '*would like to see included in the objectives the introduction of a statutory duty for planning authorities to have access to a professionally supported and maintained Historic Environment Record, and an objective of accredited compliance with relevant professional standards*'.

(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?

5.4 These proposals, if successfully implemented, will deliver public benefit. IfA contributes to this, *inter alia*, by providing and (in relation to its members and registered organisations) enforcing professional standards in the public interest (see <http://www.archaeologists.net/codes/ifa>).

Question 6 Care and Protect

(i) Does the aim for care and protect reflect your ambition for the historic environment? If yes, what do you like about it? If no, what would you change?

6.1 Yes.

(ii) Do the priorities for care and protect take account of what you think is important for the future of the historic environment? If yes, which priorities do you like most? If no, what would you change?

6.2.1 Yes. All three priorities are important:

- (i) a '*holistic and sustainable approach to the management of the historic environment*' is wholly endorsed (not only for its tacit recognition of the breadth and variety of the historic environment, which is not confined to the built environment, but also providing scope for synergies, for instance, with the management of the natural environment)

- (ii) '*effective and proportionate protection and regulation*' is crucial but this priority should expressly identify regulation through the planning system given the fact that around 95% of the historic environment is undesignated and managed and protected through the planning system
- (iii) '*ensuring capacity*' is central the management of the historic environment and an integral part of IfA's activities as a professional body.

6.2.2 However, the accompanying text and high level actions do not in all respects reflect key aspects of those priorities.

6.2.3 For instance, pages 28 and 29 of the Strategy largely concentrate on buildings and should be balanced by references to other aspects of the historic environment including buried remains. The text box on page 31 could also usefully provide an estimate of the investment in archaeology from developer funding.

6.2.4 The contrasting of 'Professionals' and 'Volunteers' on page 32 fails to recognise that volunteers can be professional insofar as they act in accordance with professional standards, while some employed in the sector require encouragement to act professionally. Professional accreditation allows the demonstration of competence and adherence to professional standards regardless of status and could helpfully be highlighted in this section.

6.2.5 As regards detailed drafting:

- (i) since managing change is inherent in 'conservation', the reference at pages 28 and 29 to balancing '*conservation with an acceptable degree of change*' might better be expressed as balancing preservation with an acceptable degree of change
- (ii) the reference at page 30 to undesignated heritage assets being a material consideration '*once recorded*' should be amended to refer to such assets being a material consideration once identified.

(iii) Do the suggested high level actions for care and protect provide a reasonable basis to begin to take the Strategy forward? If yes, which actions are particularly important? If no, what actions do you think should be taken forward and which need to be changed or added?

6.3.1 IfA does not take issue with the actions identified in the Strategy, but believes that they should go further. In particular, given the crucial importance of the planning system in the management and protection of the historic environment, simply establishing '*a collective working group*' to consider related issues (while we have no objection to this) appears to be a time-honoured rather than an ambitious response. The threat to local authority archaeology and historic environment services is current and very real and specific actions to support, and maintain resources for, such services and the functions which they perform are important.

6.3.2 Further specific actions should also be developed to harness and develop the work of the commercial sector through the planning regime and the work of museums in caring for and protecting the historic environment.

(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?

6.4 Our contribution is as a professional body 'setting standards for the study and care of the historic environment'.

Question 7 Share and Celebrate

(i) Does the aim for share and celebrate reflect your ambition for the historic environment? If yes, what do you like about it? If no, what would you change?

7.1 Yes. It is positive and embodies an appropriate significance-based approach.

(ii) Do the priorities for share and celebrate take account of what you think is important for the future of the historic environment? If yes, which priorities do you like most? If no, what would you change?

7.2 Yes. Enhancing participation (and the understanding which comes with it) is a particularly welcome priority.

(iii) Do the suggested high level actions for share and celebrate provide a reasonable basis to begin to take the Strategy forward? If yes, which actions are particularly important? If no, what actions do you think should be taken forward and which need to be changed or added?

7.3 Yes. If the ambitious vision for the historic environment in Scotland is to be fully realised, people need increasingly to '*value the historic environment as ... an important community resource in its own right*'. That is not to underplay the huge role which tourism has to play and the importance of the historic environment to tourism.

(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?

7.4 Providing and/or facilitating '*training and support for volunteers in the skills and knowledge required to understand, record and promote the historic environment*' (along with other bodies in the sector) is an integral part of IfA's activities.

Question 8

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

(i) Continue to deliver positive outcomes?

8.1 Yes. An overarching strategy to which the sector subscribes and which applies across Government should help to deliver positive outcomes.

(ii) Harness available opportunities for the historic environment?

8.2 Yes, provided that resources are available to do so.

(iii) Address the challenges it faces? If yes, which aspects of the Strategy do you support in particular? If no, what is missing?

8.3 To some extent. However, the Strategy will not be a panacea and without adequate resources some of the opportunities are likely to be lost.

8.4 Moreover, greater attention needs to be given in the Strategy to its relationship with planning policy and the operation of the planning regime through which many of the opportunities will ultimately be realised.

Question 9

Do you agree with the proposed structure which will govern how we realise the ambition set out in the Strategy? If yes, what do you like about it? If no, what would you change?

9.1 This appears sensible, but in the event much will depend upon the manner in which the structure is implemented. IfA is keen to be involved in this process.

Question 10

What do you think success will look like for the Strategy? How do you think success should be measured? Please indicate if you would like to be involved in further discussions about measuring success.

10.1 The vision realised which should be an improvement on what currently exists. Success should be measured by a mixture of objective indicators (as, for instance, provided in Scotland's Historic Environment Audit (SHEA)) and subjective feedback (for instance, public and business attitudes). IfA would be interested in participating in further discussions about measuring success.

Question 11

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.

11.1 No.

Question 12

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.

12.1 Yes. If the Strategy will have no impact on businesses or the third sector and no regulatory impact then it will have failed. If the Strategy is successful it will have had a positive impact.

Question 13

Do you think that the Strategic Environmental Assessment has identified the key issues associated with the environmental implications of the Strategy? If no, what is missing or needs to be changed?

13.1 No comment.

Question 14

Please provide any further comments on the Strategy

14.1 No comment.

The Merger of Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland

Question 15

Do you agree with the functions set out for the new body? If there is anything missing, what and why should it be included?

15.1 Yes, provided that necessary legislation ensures that all current functions of both organisations are maintained as intended (and confirmed at page 24 of the Joint Consultation document). IfA is particularly pleased to note that the context for the proposed merger is one of '*seeking sustainability of functions rather than significant savings*' (paragraph 7.4.1 of the Outline Business Case). The Institute also welcomes the intention that these functions should be '*permissive and enabling ...*' allowing '*...the organisation to act as an enabler, supporting the contribution of others, in addition to the individual areas of activity it undertakes*' (pages 33-34 of the Outline Business Case).

15.2 It would be helpful if the functions expressly identified maintenance of the Royal Commission's database, an indispensable tool in the management and protection of the historic environment.

Question 16

Do you agree that the values as set out are an appropriate foundation for the culture, ethos and behaviour of the new organisation? If not, what values should the organisation adopt?

16.1 Yes, save that ‘public service’ might be added as a value since *[a]t a fundamental level, the organisation will carry out its work for the benefit of Scotland’s people*’ (paragraph 3.3.2 of the Outline Business Case).

Question 17

Do you agree that the desired outcomes will provide a good measure of the success of merger? If not, what should the desired outcomes be?

17.1 The desired outcomes are laudable in themselves. (We particularly welcome the identification of organisational and financial resilience and sustainability of functions as a desired outcome.) Whether they will provide a good measure of the success of the merger is another matter. Although the outcomes are elaborated in the Outline Business Case along with a long term vision (pages 37-43) many aspects are not easily measured.

17.2 Furthermore, since the new organisation will be a key body in delivering the Historic Environment Strategy, its contribution to realising the Strategy’s vision (a historic environment which is understood, cared for and protected, enjoyed and enhanced and is at the heart of a flourishing and sustainable Scotland) should be more clearly expressed and integrated into the desired outcomes for the organisation.

Question 18

Do you agree that the proposed approach to the discharge of Scottish ministers’ Heritage Management functions is appropriate? If not, what approach should be used?

18.1 Yes. The separation of the strategic policy development function is logical and the new unit will have a crucial role to play in mainstreaming the care and protection of the historic environment across Government.

18.2 At a more detailed level, however, there remain a number of issues to be resolved as regards the working relationships of the new organisation and the new policy unit with other bodies in discharging their respective functions. Moreover, it will be important to ensure that the unit has access to appropriate expertise in relation to the historic environment.

Question 19

Which approach to the management of Scheduled Monument Consent for Properties in the care of Scottish Ministers is most appropriate and why?

19.1 Whichever approach is adopted, there must be adequate safeguards to ensure transparency and the rigorous application of clear and consistent criteria in dealing with Properties in Care.

Question 20

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? If not, why and what approach should be adopted?

20.1 Yes. The capacity for independent professional decision making where required will be crucial.

Question 21

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

21.1 Operational independence (subject ultimately to the oversight of Ministers) is desirable for the majority of the new organisation's activities. For instance, decisions as regards the investigation of archaeological sites should be made on the basis of expert archaeological assessment and not for any extraneous reasons and safeguards should be in place to ensure that this will be the case.

Question 22

Is this the right approach with regards to collections in the Care of Scottish Ministers? If not, what approach should be adopted?

22.1 Yes.

Question 23

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? If not, what additional provisions are appropriate?

23.1 In addition to transparency (which is vital) there needs to be a clear separation of roles within the new organisation.

Question 24

Do you agree that the functions and activities of the new organisation will fulfil the charitable purposes set out above? If not, why?

24.1 Yes (subject to the definitive view of the Office of the Scottish Charity Regulator or the Courts).

24.2 As to the broader question of charitable status for the new organisation, we note the view stated at page 97 of the Outline Business Case that

'Overall, such is the scale of the charitable sector in Scotland that the addition of one additional charity is unlikely to significantly disadvantage other charities. Indeed if the new organisation were to attract new donations and bequests due to the specific nature of its business, then the overall size of the sector may expand at the margin thus creating room for the new charity. ... Competition within the sector is healthy and leads to efficient use of charitable resources.'

Although growth of funding within the sector is highly desirable, IfA is concerned that the above view may be an optimistic one, particularly in the current economic climate. We would like to see further consideration given to the affect of the increased fund raising potency of the new organisation on other bodies within the sector. Charitable status for the new organisation has much to commend it, and the Institute is not opposed in principle but would prefer to see it developed in a spirit of partnership rather than competition.

Question 25

Are there functions of the new organisation that do not fit the proposed charitable purpose? Please specify what those functions are?

25.1 This is a matter best left for the Office of the Scottish Charity Regulator.

Question 26

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? If so, please specify.

26.1 No (subject to the concerns expressed at paragraph 24.2).

Question 27

Do you agree that existing brand names should be retained? If not, why not?

27.1 IfA has no objection to the retention of existing brand names, should this be commercially expedient. However, the launch of a new organisation with a new name may provide a timely opportunity to reinvigorate and realign brands within the historic environment.

Question 28

Do you agree that the new organisation should have a new name and identity? If not, why?

28.1 Yes

If so, what should it be called?

28.2 Something which reflects that new identity.

Question 29

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? If so please tell us more.

29.1 No.

Question 30

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

30.1 This matter is best addressed by individual members of the Institute.

Question 31

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

31. Yes. If the desired outcomes of merger are achieved this should have a positive effect on the Institute's working relationship with the new organisation facilitating IfA's promotion of the study and care of the historic environment in Scotland.

Question 32

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

32.1 No comment.

Question 33

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

33.1 See concerns expressed at paragraph 24.2.

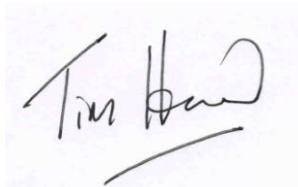
Question 34

Please provide any further comments on the proposed merger

34.1 IfA would be pleased to contribute further to work on establishing the new organisation.

In the meantime, if there is anything further that I can do to assist please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Tim Howard".

Tim Howard LLB, Dip Prof Arch
Policy Advisor