Historic Environment Scotland Bill
ACFA Response to request for Written Evidence
to the Education & Culture Committee

The Association of Certificated Field Archaeologists (ACFA) is a charitable, membership organisation, of 26 years standing. As qualified and experienced volunteers we are focussed on contributing to knowledge of Scottish archaeology, and in that context have published c. 120 papers (to date) based upon our own field research activities.

Earlier, we were pleased to assist in the consultation exercise on the HE strategy and the merger of RCAHMS and HS, that preceded the development of this draft Bill, and we are keen equally to respond positively to the request for written evidence about it. In this response, we focus primarily on your questions 5 – 7 (though there is implicit cross-reference to other questions), and trust that our comments, as fully engaged members of the sector, particularly as they come from within the volunteer segment, are valuable.

Comments re questions 5 and 6:-
5. Are there any areas of the Bill that you consider could be strengthened or improved?
6. Do you consider that the Bill’s Policy Memorandum adequately sets out: the Bill’s policy objectives; whether alternative ways of meeting the objectives were considered; the consultation undertaken on the objectives; the Bill’s effects on equal opportunities, human rights, island communities, local government and sustainable development?

Though we appreciate the difficulty of developing a definition of the “historic environment” that would be both meaningful yet sufficiently flexible to anticipate changes over time, we believe strongly that the absence of any such definition, allied to the imprecision of the proposed general functions, will lead to confusion and potential future conflict. The Bill would benefit greatly from such a definition.

Similarly, we are unclear if the objective of the Bill is to determine and shape the work of a “lead body” or, conversely, to facilitate the efforts of a consensual archaeological sector. The precise nature of the role will determine the governance structure adopted.

Both these concerns reinforce the necessity for the Bill stipulate a planning process, and define responsibilities more clearly. Who is ultimately responsible for securing positive outcomes from the new organisation? Who is involved in the development of a corporate plan? To whom is the plan to be submitted for approval? Are those individuals adequately equipped, experienced to assess it? Decisions should be published, and subject to scrutiny. We recognise that much of this is already under review but wish to assert formally our view of the absolute necessity of producing a comprehensive, comprehensible, fair and assessable structure which is embodied within the Bill.

Many members of our Association are also members of Historic Scotland. In the past, as members, we have had the opportunity to contribute to governance, planning and decision-making, and to the scrutiny of all of these matters. We are, therefore, perplexed by the absence of any meaningful reference to the membership, either in the Bill or the associated documentation. Taken in conjunction with our concerns expressed above this must be addressed head-on in the Bill.

The Bill would be strengthened by specific cross-reference and linkage to Local Authorities, who will prove instrumental in achieving successful outcomes for the new
organisation. We acknowledge that further statutory constraints upon the LAs would be problematic, but their low profile the Bill is, nevertheless, troubling.

Equally, while the Bill intends to secure increased cooperation within the sector which is largely achievable, we would also like to see greater engagement at Government level to secure cooperation across Ministerial responsibilities. Thus, while explicit mention of Education is made, there is a danger that the potential advantages of improved collaboration with the Health sector (inter alia) are not acknowledged and may, therefore, not be realised. “Our Place in Time” refers to Policy Mainstreaming in the Scottish Government, but we believe the Bill itself should be strengthened in this important area, lest later Governments choose not to persist with a Policy Unit at the heart of Government.

Largely missing from the Bill, and likely to bear importantly on the success of its intention, is any specific reference to skills development, training, and capacity building generally (apart from “traditional skills”). Education, correctly, is given high priority but building on the expertise within the former member organisations of the new HES, AND of the wider sector (especially the so-called third sector, will be vital in implementing the intention of making the whole greater than the sum of its parts. Perhaps that fits more comfortably within the Policy Memorandum, but reference there should be.

We wish next to respond more to the invitation to “add any further comments that you consider would assist the Committee’s scrutiny of the Bill”, specifically in relation to your detailed queries at point 7).

Do the Strategy and the Bill, together ...

a) establish clearly who is responsible and accountable for delivering the strategy?

We believe that they do not provide sufficient clarity in respect of who is responsible and, particularly, accountable for delivering the strategy (see also comments above);

b) + c) involve appropriately all those public and private bodies with a role in improving the historic environment; and lead to demonstrably better access to, and enjoyment and management of, the historic environment.

In our view, together, they have the potential to involve all relevant bodies in improving the historic environment, increasing access to, and enjoyment and management of it, but flaws and omissions from the Bill make that potential harder to realise (see also comments above). This problem is exacerbated by the absence of any clear and robust policies or strategies for assessment of (similarly unspecified) objectives. Quantitative assessment of improvement to access and management MAY be achieved straight-forw ardly (though not necessarily usefully), but qualitative assessment of such matters as enjoyment are notoriously difficult and rendered near-impossible without clearly stated goals;

d) the possible benefits and disadvantages of Historic Environment Scotland being granted charitable status.

We believe that the advantages of becoming a charitable organisation will outweigh any disadvantages. We would go further and suggest that, after the award of charitable status, the new organisation prepare a cost benefit analysis on seeking VAT relief (in common with other “national collections” inter alia), even at the cost of abandoning entrance charges (c/f VAT Refund Scheme). With or without this advantage, the prospect of unpicking the charitable status that already applies to elements of the proposed
organisation appears to us nonsensical;

e) the implications for staff in Historic Scotland and RCAHMS of the creation of Historic Environment Scotland;

It is our understanding that the employment position of staff of the two organisations is explicitly protected, under the “no redundancy” policy of this Government. In addition, we believe that individual career prospects can be significantly enhanced within a larger organisation, and that staff recruitment can be enhanced and turnover reduced. Indeed, we recommend that specific effort be invested to secure such outcomes;

f) whether the Bill will improve existing policy and practice in relation to grants and loans; scheduled monuments; and listed buildings.

We acknowledge that some concern has been expressed about the possibility of a larger organisation dominating and monopolising funding streams by displacing other potentially successful applications from within the sector … we are less concerned about that: firstly because the existing organisations already compete with others, and secondly because we believe that new opportunities, currently un-tapped, will emerge to the benefit of the sector as a whole.