I have read the Historic Environment Bill paper and believe that if fully implemented this Bill could greatly benefit the people of Scotland across many cultural and historic areas and so I welcome the paper and its main proposals. I address the main issues through the Questions posed at the beginning of the paper.

Q1 The creation of HES will resolve an anomaly, long recognised outside the organisations, that HS and RCAHMS could manage the Historic Environment of Scotland more efficiently as a single organisation since work could flow more smoothly.

There is apprehension in some areas, but the merger should improve all aspects of the organisation, from the core business of defining and protecting the historic past, to removal of duplication of work, improved job security and more openness.

A major task will be to ensure that all aspects of the historic environment are presented to the wider public in an open way, so that the population is given the opportunity to appreciate the range of monuments and their wider environment as well as to contribute to many aspects of work and enjoyment in the area.

Q2 The proposed functions as set out in paragraph 2(2 a-e) cover the main categories succinctly. The importance given to collections and objects is of concern, since there is no mention of collaboration with the National Museums of Scotland, where appropriate skills reside. However, the proposal to make collections more available will be of local benefit and will help local people to study, enjoy and appreciate the wide range of objects derived locally, their historic environment, skills, activities more easily.

There is a mix of legislative elements, working practices, detail and public benefit, which weakens the overall importance of several points.

Schedule 1 The Status of HES staff is strongly set out and it should be beneficial to working practices that they are not civil servants.

Membership. (p14) This is the first mention of management. It would help to refer to the Board of Management from the outset, since its composition will have a strong and lasting influence on how the HES develops and carries out its roles.

HES staff (p15) There is no mention of the size of the staff (until near the end of the document). Nor is there comment on the position of the present staff. The staff number, 1100, so proudly noted, should offer opportunities for streamlining, and changes, reduction in numbers naturally, but not by encouraged ‘early retirement’.

P16. Committees. The prominence of committee members not being allowed to vote seems misplaced, presenting appointed members as second class members. More emphasis should be placed on the purpose of the committees, how they will operate. The division promoted in this statement does not auger well for serious collaboration.

P17. Charitable status. It is difficult to accept a government funded body as a charitable organisation. Charitable bodies normally have to secure their own funding and meet the OSCR rules. HES largely will be undertaking delegated work of Scottish Ministers. This ‘Judge and Jury’ element has been of concern to the public for a long time. This is a difficult area and should be clarified completely before the Bill is finalised. Already ‘at the top’, working on behalf of Scottish Ministers charitable status is neither a requirement nor desirable as a way to ensure success.

Q3 There is little reference to other public and private bodies. At national and local level there are numerous organisations that could assist HES, but it is not clear how this could be done, unless it is
specifically stated in the Bill and its appendices that all bodies, whatever their size should be included, as long as their aims and objects are relevant.

Q4 The more open structure of HES should make it easier to work with the new organisations and to develop partnerships, associations, etc, to undertake work jointly or in other ways. This already happens on a very small scale, but urgently requires development.

Q5 In the Policy Memorandum, P10 para 60 There is mention of Diversity and equal opportunities. This will not be easy to undertake. First the diversity will be needed among the Board and the staff of the organisation.

There is more to diversity than appointing someone from another culture, colour, class. Their upbringing may include areas that are not fully understood (eg by HES). Interfaith Groups and other cultural groups are very friendly and willing, but do not always understand the perspective of Scotland or other ethnic groups. If we are to achieve any kind of integration it will be essential to develop open discussion, to make other groups feel they participate equally in seeking new ways to look at modern, multi-cultural Scotland through its Historic Environment

Q6 Some of the Policy objectives may not be sufficiently detailed. In other cases Scottish legislation provides the details and HES should follow the national regulations, eg human rights, equal opportunities, health and safety, local government, but not devise their own ways of dealing with such matters. The size of the organisation should enable it readily to include people from other cultural backgrounds and at all levels, whether Scottish or other.

More attention should be paid to other communities, to help them integrate. They feel strongly about their own heritage. HES must address ways to create opportunities for a ‘mixed’ heritage, to encourage ethnic groups to develop new ideas, not only to look back to the country of origin but also to look forward to their role in Scotland, to show how they contribute to Scotland now. For example, has an effort been made to identify the earliest mosque or other building of significance to other communities, built/used in Scotland and designate it as a Listed Building? That approach would be helpful to these communities and their ideas of self-worth and integration.

Q7.1 Yes, this will be very important. Proof will be genuine cultural integration among staff at all levels and a willingness to work with others outside their own ‘bubble’. The staff always consider themselves to be ‘right’ and therefore exclude small organisations from full participation.

.2 Yes, it will be essential to involve appropriately, but what is meant by appropriately - all the other organisations in the public and private sectors. Many of these are run impeccably and are extremely knowledgeable in their particular fields, but as members of the third sector (ie volunteers) are not highly regarded.

.3 Better access to, enjoyment and management of the historic environment will be important. An important aspect would be to remove entrance charges to monuments that have been developed with tax payers money. Many families find it hard to give their children visit opportunities, as the cost is too high. There must be a way to offer a family ticket to improve participation.

However, it is necessary also to note that many skilled volunteers in the field of heritage do not feel valued. This is particularly true of third sector organisations, carrying out valuable work, including training less able or unemployed volunteers, but inadequately funded. HES will be well-advised to look at this area. Funding is urgently required by many groups of all kinds. However, increasingly charitable trusts are unwilling to support organisations not supported by HS (at present).

.4 As I have already indicated I personally feel that a government body, even at arm’s length, should not be given charitable status as they do not fit the charitable definitions. They are funded by tax payers. How can this fit in to the charitable legislation?
If they set up a Membership organisation, with privileged entry to sites or events, this would be unsatisfactory in relation to those who cannot afford to join. If, as a Membership organisation they ask people to support through Gift Aid when already funded by tax payers that would be inappropriate, obtaining two or more sets of tax funding for one role. HES should set up projects to gain recognition and remuneration efficiently through its own efforts.

5 The implications for the staff of the new organisation are little different from the recent, painful, changes in the third sector. Staff had to come together, but the Third Sector reorganisation is not working well. HES will have to work hard to ensure real integration and not focus on equality of salaries and titles. This will take time. Staff at all levels should be involved in discussions at all levels, with no discrimination. Every effort should be made to ensure acceptance of change in the organisation. The need to integrate people of other cultures and backgrounds must be addressed urgently, from the outset, to ensure the new organisation does not replicate old animosities or working cultures.

6 It will be essential for the new organisation to ensure that the new organisation looks at the present arrangements for funding the voluntary sector. Many organisations assist the present organisation through their expertise, projects and activities. At present too little funding is available across the board and too little reaches the smaller organisations, who are then criticised for not completing projects.

Legislation and the significance of Scheduled Monuments and listed buildings are poorly understood by the public in general, as they do not understand the system or the terminology and this needs to be opened up. Modernisation of terminology could be beneficial. Scheduled Monument Consent is a particularly difficult concept for many members of the public. Many do not know what the Schedule is. This is an example of the areas in which the HES should adopt a more modern phraseology, so people do learn what these matters are about.

Listed Buildings need a stronger steer from the new organisation. Too many high quality buildings are being neglected at the hand of local authorities and owners, who are not sufficiently accountable for failure of maintenance. This is particularly true of buildings in public sector, ie not private, ownership. We have to encourage an understanding of old buildings as part of the rich heritage of Scotland and encourage owners to retain the buildings meaningfully, retaining the spirit of each place.

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