



## **REVIEW OF HISTORIC SCOTLAND**

### **Response of the Scottish Museums Council**

#### **1 Introduction**

The Scottish Museums Council (SMC) is the membership organisation for Scotland's non national museums. SMC is primarily funded by the Scottish Executive and fulfils many of the functions of an appointed public body. It is recognised by the Scottish Executive as the main source of advice to the Executive and the main channel for Executive funding to Scotland's non national museums.

SMC has over 200 members who in turn manage over 360 museums. The members include all 32 Scottish local authorities, universities, regimental and independent museums, ranging in size from small voluntary trusts to large metropolitan services, attracting in excess of 1 million visitors each year. Over the last 4 years, SMC has moved into an increasingly strategic role, taking the initiative in the development of a National Strategy for Scotland's Museums and acting as coordinator of all museum programmes or projects such as the National Audit. SMC was funded by the Scottish Executive to conduct the National Audit which includes not only non-nationally funded museums but also the National Museums of Scotland, National Galleries of Scotland and Historic Scotland collections and services.

#### **2 Background**

The mission of Historic Scotland is 'to safeguard the Nation's built heritage and promote its understanding and enjoyment'. The review sets out the fact that the work of the organisation is guided by the following objectives:

- To protect and conserve Scotland's built heritage;
- To encourage public appreciation and enjoyment of Scotland's built heritage;
- To play an active role in the development and success of social, economic and environmental policies; and

- To be effective and efficient in its work.

It is noticeable that these objectives are aspirational and strategic. However the actual activities which are listed ranging from providing statutory protection through scheduling, listing of buildings through to generating income and making best use of external funding sources are operational and to a large degree commercial.

The key question for a review of Historic Scotland is whether the organisation is intended as a strategic agency, meeting aspirational and strategic objectives and performing a policy and - critically - a regulatory role. Or are those objectives overshadowed by the commercial operation of visitor attractions? As noted elsewhere, Historic Scotland has a 56% market share compared to other paid visitor attractions in Scotland. This factor creates an inherent tension within the organisation and it has to be considered whether all these activities sit happily alongside each other and are all appropriate for a core government department.

### **3 Questions about role and strategy**

***Are the functions undertaken by Historic Scotland necessary? Should any of the functions not be undertaken?***

There are 3 types of function currently undertaken by Historic Scotland.

- a. Some are unique to Historic Scotland including statutory protection of the built heritage eg scheduling monuments of national importance, listing buildings with special architectural or historical importance.
- b. Some functions relevant to the Scottish Executive's strategic objectives, such as contributing to sustainability and social inclusion, should be common to all organisations primarily funded by the Scottish Executive. They are therefore not unique to Historic Scotland, but roll out across NDPBs and partner organisations.
- c. Other functions are common to any organisation which operates visitor attractions. Again these functions are by no means unique to Historic Scotland, and include museums and galleries as well as commercial operations rated under the Visitor Attractions Quality Assurance Scheme. Operation of a visitor attraction within buildings of outstanding heritage merit is not confined to Historic Scotland: 63% of museums are in buildings which Historic Scotland have listed as of special architectural or historical importance.

***What would be the impact if any, or all, of Historic Scotland's functions were discontinued?***

There is no doubt that all of these functions are of importance in a civilised Scotland which has a proper respect for its built heritage. The question is not whether any of these functions are discontinued, but rather whether they properly lie with Historic Scotland.

***Are there functions carried out by Historic Scotland that might advantageously be carried out by other bodies working in the field of archaeology, preservation, conservation, presentation, recreation, access (such as local authorities, voluntary organisations, private sector organisations, the Scottish Executive)? Which functions and why?***

- a. **The functions which relate to statutory protection of built heritage.** Our understanding is that local authorities do a great deal of the practical work in relation to listings. We are not clear that Historic Scotland need to be involved in all such applications, and it may be sufficient if they have an overview and a role in relation to quality assurance of listings and procedures - perhaps not dissimilar to the current role of the Keeper of the Archives in relation to local authority records. This might also help to resolve some of the current ECHR difficulties within the current HS regulatory regime.
- b. **Archaeology.** There are a number of recommendations in the recent Treasure Trove Review conducted by the retiring Q&LTR. We understand that the Scottish Executive is due to submit a response to that report very shortly.
- c. **Recreation and Access:** should Historic Scotland be operating visitor attractions?
- d. **Presentation.** Even if Historic Scotland retain ownership and management of all existing sites, Historic Scotland could work more closely with local authorities and community groups to ensure that the key sites in their ownership reflect regional diversity and are interpreted as much for local people as for international tourists.

***Are there any functions carried out by such bodies – or perhaps not being carried out at all – that could be carried out by Historic Scotland. Which function and why? Are there functions which Historic Scotland are currently not undertaking which you consider they should be taking on?***

We do not advocate any marked expansion of the role of Historic Scotland but believe a combination of ECHR considerations and the demands of Best Value and community planning within the public sector will create considerable challenges to Historic Scotland continuing to undertake all its existing functions, and certainly doing so in accordance with its current practices.

***Is there scope to rationalise the functions of Historic Scotland with those of other bodies? Which function? And how might they be organised?***

The big question is whether Historic Scotland should be involved in the operation of visitor attractions. The analogy would be the SQA running key colleges or the Scottish Arts Council operating Scottish Opera. There is a legitimate argument that commercial operations cast too long a shadow over what should be a more strategic and transparent approach to the development of policy. Even if HS (or more correctly, Ministers) continues to own a site and collections, should the operation of museums and visitor attractions be devolved to a separate trust

and/or existing national organisations such as the National Museums of Scotland and the National Trust for Scotland?

Subsidiary possibilities include:

1. Conservation issues. Historic Scotland is clearly strong on conserving its own buildings and portable heritage, but when it comes to its wider duties of conservation there is a lack of clarity of remit and accountability. The purpose of the Scottish Conservation Bureau (which SMC part-funds) is particularly unclear in the area of support for conservation in museums.
2. Historic Underwater Wrecks. We understand Historic Scotland has responsibility for this, but we have little further information. There is an important function here, which needs greater profile and transparency.
3. Treasure Trove – see recommendations of Q&LTR.
4. Interpretation of sites. We think there is a strong argument here that this should be a local function, either delegated to local officers with greater autonomy or even transferred over to local authorities (matched by appropriate funding). An outstanding example of interpretation developed and delivered locally rather than centrally is Kilmartin.

Turning this argument on its head, there is a question not only whether Historic Scotland functions might be transferred to other bodies, but whether Historic Scotland should embrace functions currently undertaken by other bodies. The Scottish Executive is simultaneously about to embark on a review of culture sector governance. Although much of the press speculation has surrounded a possible re-emergence of the Scottish Arts Council and Scottish Screen, the Executive's Action Framework for Museums is explicit that the government review may result in a different structure and distribution of channels for funding museums and galleries. SMC has already recommended that there should be a single museums agency, but if there is an option of a new agency with an even wider remit then consideration should be given to what grouping of cultural heritage agencies is appropriate and within what structure.

***To what extent do Historic Scotland's objectives link with the guiding themes and values of the Scottish Executive and the Scottish Parliament – for example in tackling social disadvantage, promoting Scotland's identity, improving public services and safeguarding our environment?***

There are clear and appropriate links between Historic Scotland and the Scottish Executive's broader themes and values such as safeguarding the environment and promoting Scotland's identity.

However there are some inconsistencies in Executive policy. For example, the Scottish Executive currently fund NMS and NGS to allow free admission to their collections on the basis that this removes barriers to access and promotes greater social justice. However Historic Scotland charges for entry to many sites and thus

it can be argued that HS target of maintaining its market share creates a significant barrier to access and to the tackling of social disadvantage.

There is also an issue about parity across the built heritage. Clearly Historic Scotland does operate to safeguard the environment in the sense of conservation and maintenance of properties in care. However, as noted already, there are many other historic properties which are of equal architectural and historic merit which are not cared for by Historic Scotland. In this sense, buildings are directly analogous to collections, where many valuable objects are not in the care of the National Museums of Scotland and the National Galleries of Scotland. The Scottish Executive has recognised, although not yet acted upon, the principle of the Distributed National Collection for portable objects (see the Cities Review). If a similar principle were applied across historic buildings, the question would be whether the extent of investment in the Historic Scotland portfolio is a fair, equitable and transparent allocation of (limited) resources across the distributed landscape.

#### **4 Questions relating to Historic Scotland's planning and structure:**

***Is the current organisational structure of Historic Scotland appropriate to the delivery of the organisation's objectives? Would a different organisational structure improve the delivery of Historic Scotland's objectives? Some possible alternatives might include a Non-Departmental Public Body, a core Scottish Executive Department, a private sector organisation or a voluntary sector body.***

As noted Historic Scotland performs a variety of different functions. The current organisational status of Executive Agency is entirely appropriate to some government functions which are or should be carried out by an Executive Agency eg an explicit role for the development of government policy for the built heritage. Others sit less happily within this structure eg the operation of visitor attractions.

It is notable that the review document makes no reference to the newly established Historic Environment Advisory Council Scotland, and indeed there is very little public information about this body available. What is the relationship between the Council and Historic Scotland? How is policy actually determined? What will be the impact of Freedom of Information requirements?

***Does Historic Scotland need different freedoms and flexibilities to improve the delivery of its functions and objectives? If so how might this be achieved without weakening its overall accountability?***

We very much agree with the underlying assumption that there should be no weakening in accountability. Indeed, we think there needs to be a strengthening in Historic Scotland's wider accountability to partners and stakeholders. In the past, our experience has been that the status of Historic Scotland staff as part of the civil service has created barriers to constructive engagement and dialogue with organisations which are not a part of government. The extension of Best Value to Executive Agencies and NDPBs (see guidelines currently out for consultation) will present a considerable challenge to more traditional attitudes within all organisations affected. With the introduction of greater consultation and

transparency, it would then become less material whether Historic Scotland is an Executive Agency or an NDPB, or how far it exercises multiple functions.

The need for transparency and wider accountability in turn reinforces the need for greater local autonomy for regional staff to make links at strategic level eg within the community planning process and at operational level eg the development of regional interpretation.

However if Historic Scotland cannot operate at this greater level of transparency and accountability, this strengthens the argument for other functions, particularly more localised functions, to lie elsewhere.

## **5 Question relating to Historic Scotland's Performance**

***How significant are these or other achievements? Is there more that could be done? If so, what?***

We acknowledge the difficulty of setting performance targets for a national agency with such a diverse role. However, it has to be said that the current performance targets do not cover the range of Historic Scotland activities. Whatever functions are undertaken by Historic Scotland, key performance targets should :

- Be qualitative and not simply quantitative as at present
- Include some measure of impact on social and environmental objectives to match the Scottish Executive guiding themes and values, and functions particular to Historic Scotland.
- Overall provide outcome based reporting

***Are Historic Scotland's targets suitably stretching/demanding?***

As noted above, the targets do not cover either the range of activities nor do they seem to reflect the Scottish Executive's preferred approach to modern performance management. However the most demanding current target may be the least appropriate: should Historic Scotland be aiming for a market share of more than 50% of paid visitor attractions in Scotland.

***How does Historic Scotland's performance compare with that of other comparable bodies?***

There is no direct comparable body in Scotland, and it is difficult to make comparisons. Is the comparison to be in terms of status or the sector within which the organisation operates? In terms of status, there are 13 Executive Agencies which cover a vast range of operations from administration of the prison service to fisheries protection. The organisation which is perhaps most directly comparable is the National Archives of Scotland and there are many parallels to be drawn between the national/local interface, the exercise of public access to records and engagement with the professional community. The Scottish Council on Archives provides an interesting precedent for the professional interface.

The Scottish Executive draft guidelines are explicit that the principles of Best Value are as applicable to Historic Scotland as NDPBs. However the legislation covering community planning does not appear to impose a duty on Executive Agencies, although there is a statutory duty on public bodies listed. We think it desirable that the duty of community planning for Executive Agencies should go beyond the duty of the Minister to “promote and encourage” and extend into front line delivery by the Executive Agency. It is recognised to be a significant challenge for all national agencies, whether Executive Agencies or NDPBs, to engage in the local community planning process in 32 local authorities.

## **6 Questions about Partnerships and Stakeholders**

***Is there an effective understanding between Historic Scotland and your organisation about the role of Historic Scotland? Does Historic Scotland have a productive relationships with your organisations in terms of policy, planning and implementation?***

The organisations have a productive relationship at operational level, eg the Fire Liaison Group led by Historic Scotland. As noted, historically we have had a relationship where SMC part fund the Conservation Bureau *and* the future of this arrangement is under discussion.

At a more strategic level, there is less understanding, not least because of the lack of clarity of all the respective organisations within the cultural heritage landscape. Indeed the recent Scottish Executive consultation on museums and galleries posed the question of respective roles and responsibilities: the need to clarify the role of Historic Scotland as well as that of SMC was one of the SMC's 122 costed recommendations. The Scottish Executive's response, An Action Framework for Museums published in August 2003, set aside a radical review of roles and structures pending a review of cultural sector governance.

***How might these relationships be strengthened?***

1. By achieving clarity in the context of the cultural sector governance review as to the roles and responsibilities of Historic Scotland and other organisations.
2. Considering how Historic Scotland can reconcile more happily (if at all) a role for policy and standards on the one hand and front line operations on the other.

Given all that we have said, it is clear that relationships could be improved but as well as investing time and effort in improving any relationships within the existing framework, we feel it is essential that there is an examination and review of that framework.

It is therefore important that the forthcoming cultural sector governance review looks at the wider view of culture, including the cultural heritage, as set out in the Scottish Executive's National Cultural Strategy. The review should not be restricted to a review of the Scottish Arts Council/Scottish Screen and possibly the functions of the Scottish Museums Council. It is essential that the built environment, for which Historic Scotland has responsibility, is given its rightful

place as part of the culture of Scotland and that the functions undertaken by Historic Scotland and others are considered as part of that review.