



**Birmingham Museums Trust**

**Lending, Acquisition and Disposal Policy 2014 - 2019**

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This Lending, Acquisition and Disposal Policy was agreed by Birmingham Museums Trust's Board of Trustees on 24 July 2015, and was agreed by Birmingham City Council on 27 July 2015. It supersedes an earlier version of the policy approved by Birmingham Museums Trust's Board of Trustees on 13 November 2014.

## **1 INTRODUCTION**

### **1.1 Background**

The Council has established a wholly owned charitable company named Birmingham Museums Trust ("BMT"), operating as Birmingham Museums. BMT has two wholly owned subsidiary companies, Thinktank Trust (a charity) and Birmingham Museums Trading Limited.

The Council has entered into an agreement for services and extension, dated 30 March 2012 and 10 April 2015 respectively, with BMT to provide services on its behalf (together "the Agreement"). These services include the operation of museums within the City of Birmingham which are owned by the Council, being Birmingham Museum & Art Gallery, Thinktank, Aston Hall, Soho House, Blakesley Hall, Sarehole Mill, Museum of the Jewellery Quarter, Weoley Castle and Museum Collections Centre.

The accessioned collection which is held in the Museums ("the Collection") remains in the ownership of the Council and contractual arrangements are in place between the Council and BMT whereby BMT is granted certain rights and undertakes certain obligations in relation to the Collection. These rights and obligations include the management, display, preservation and maintenance of the Collection and are specified under the terms of the Agreement between the Council and BMT.

### **1.2 Purpose of the policy**

This section sets out the lending, acquisition and disposal policies which BMT will follow in managing and developing the Collection in its care and will be reviewed regularly by both the Council and the Board of Trustees of BMT. The adoption and implementation of this policy by the Council and the Board of Trustees of BMT is a requirement of the Arts Council England Accreditation scheme. The rights and obligations of BMT in relation to the Collection including lending, acquisition and disposal are specified under the terms of the Agreement and must also conform to the standards of the Accreditation Scheme.

### **1.3 Execution of policy**

The Director of BMT is the senior museum professional responsible to the Board of Trustees of BMT for the operation of Birmingham Museums according to proper professional standards and the implementation of the terms of the Agreement. The Director of Collections is the officer responsible to the Director of BMT for the physical and intellectual integrity of the Collection.

The Director of Collections will report on performance under the terms of this policy quarterly in arrears in August, November and February, and annually in May. The Director of BMT will present the reports to the Board of Trustees of BMT. A written report will form part of the quarterly reporting to the Council as part of its contract monitoring arrangements. The report will cover the following headings:

- Inward loans, including those connected with exhibitions
- Outward loans, including community loans and handling boxes
- Acquisitions

- Disputes/returns including spoliation
- De-accessions and disposals
- Destructive analysis
- Conservation
- Stores
- Research
- Inventory and audit
- Collections incidents
- Exhibitions and display changes
- Security and building maintenance issues
- BMT's performance in respect of carrying out the BMT obligations under the terms of the Agreement
- Any failure in performance or observation of the obligations of the respective Parties under the terms of the Agreement

The Director of Collections will prepare an annual report for the Director of BMT to present to the Board of Trustees of BMT summarising performance under the Agreement, which once agreed by the Board will be submitted to the Council.

The procedures governing loans, acquisitions and disposals are cited in full in this policy including the two appendices.

#### **1.4 Policy Review Procedure**

This Lending, Acquisition and Disposal Policy will be published and reviewed from time to time, at least once every five years or at the expiry of the Agreement. The first date for review will be April 2019. Arts Council England will be notified of any changes to the Lending, Acquisition and Disposal Policy, and the implications of any such changes for the future of the existing Collection.

This policy supersedes all previous and existing practices and policies, formal or informal, relating to the lending, acquisition and disposal of objects for the Collection of the Council by BMT.

## **2 LENDING TO AND FROM THE COLLECTION**

### **2.1 General Principles**

BMT will continue to provide access to the city's collection by lending to museums of Accredited or equivalent status. It may also borrow works from other institutions or private individuals for the purposes of public programming or research. BMT recognises its responsibility, in lending to or from the Collection, to ensure that the conditions of loan will meet the requirements of the Accreditation Standard and the terms of the Agreement. Each outward loan will be the subject of a loan agreement regulating the conditions under which the loan is made. Where appropriate, BMT will seek insurance cover for inward loans under the Government Indemnity Scheme.

All loaned items will be recorded on BMT's collections management system and overseen by the Loans Registrar to ensure loan records remain up-to-date and accurate.

Under the Agreement, BMT has responsibility for lending to and from the Council subject to the terms and conditions specified in this policy (Appendix 1). BMT has delegated this responsibility to the Director of BMT as its senior museum professional under BMT's Scheme of Delegations.

The following conditions apply:

1. BMT will give three months' advance notice to the Council of any intended inward or outward loan that includes an item with an insurance value of over £2 million
2. BMT will give three months' advance notice to the Council of any intended loan to an institution outside the UK
3. In submitting a loan schedule to the Council every quarter, the Council may withdraw its consent to loans with a duration beyond the lifetime of the current Agreement. However, the Council's consent will not be withheld unreasonably.

## **2.2 Inward Loans**

The acceptance of objects on loan, normally for a finite period for display or scientific study, may be authorised by the Director of BMT, on behalf of the Council, on the basis of recommendations from the Collections Meeting (Appendix 1). In exceptional cases, a privately owned object of major importance that falls outside the scope of this Policy may be accepted on a finite Long-term Inward Loan basis (each agreement to be renewed every three years, or earlier depending on the duration of the loan) whether or not it is required for immediate public programming or research.

No object will be received or lent on "permanent loan". It is noted that this term has no legal status. The period of all loans will be agreed in writing between the Director of BMT, and the owner or borrower of the object before the time of deposit. No loan contract will be for a period of more than three years. Where the term of the loan has expired, it may be renewed or extended for further finite periods, at the discretion of both the owner or borrower and the Director of BMT.

## **2.3 Licence Agreements for Inward Loans**

Licence agreements will be made between BMT and the artist/maker covering the performance or display of conceptual art or other theme/subject areas using film, video, audio or other equipment. These may also include service warranties for maintenance of equipment.

# **3 RULES AND REGULATIONS GOVERNING THE ACQUISITION OF OBJECTS**

## **3.1 General Principles**

BMT cares for the Collection owned by or on loan to the Council. The Board of Trustees of BMT accepts the general principle that it is their responsibility to ensure to the best of their ability that all of the Collection in the care of BMT is adequately housed, conserved and documented, and to prepare reports to the Council on the Collection as specified in the monitoring arrangement of the Agreement.

It is the intention of BMT to continue to develop the Collection by adding new acquisitions on behalf of the Council. BMT recognises its responsibility, in acquiring additions to the Collection, to ensure that collection care, documentation and use of the Collection will meet the standards of the Accreditation Scheme and the terms of the Agreement.

## **3.2 Legal Title and Illegal Import**

BMT will exercise due diligence and make every effort not to acquire on behalf of the Council, whether by purchase, gift, bequest or exchange, any object or specimen unless the Director of Collections is satisfied that a valid title can be acquired to the object in question.

In particular, BMT will not acquire any object or specimen on behalf of the Council unless it is satisfied that the object or specimen has not been acquired in, or exported from, its country of origin (or any intermediate country in which it may have been legally owned) in violation of that country's laws. (For the purposes of this paragraph 'country of origin' includes the United Kingdom.)

So far as biological and geological material is concerned, BMT will not acquire on behalf of the Council by any direct or indirect means any specimen that has been collected, sold or otherwise transferred in contravention of any national or international wildlife protection or natural history conservation law or treaty of the United Kingdom or any other country, except with the express consent of an appropriate outside authority.

### **3.3 Archaeological Material**

Under English law archaeological finds other than those deemed to be Treasure belong to the landowner. English archaeological material will therefore not be acquired unless the Director, acting on the Council's behalf, is satisfied that valid title to the object in question can be acquired. In England and Wales the following classes of material are defined as Treasure:

1. Objects, other than coins, which contain at least 10% gold or silver and are at least 300 years old.
2. Groups of 2 or more coins which contain at least 10% gold or silver and are at least 300 years old.
3. Groups of 10 or more base metal coins which are at least 300 years old.
4. Groups of Bronze Age metalwork.
5. All material found in association with any object which is defined as Treasure.
6. Objects which would have been Treasure Trove, as defined before 1996, but which do not fall within the above categories (e.g. a hoard of gold coins of the 19th century).

The option to acquire Treasure finds lies in the first instance (in England) with the British Museum. If the British Museum disclaims the find, then the option to acquire passes to the local museum(s). Acquisition of a Treasure find by a museum entails the museum paying the market value of the find as assessed by the Treasure Valuation Committee.

### **3.4 Cultural Property**

In accordance with the provisions of the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which the UK ratified with effect from 1 November 2002, and the Dealing in Cultural Objects (Offences) Act 2003, BMT will, on behalf of the Council, reject any objects that have been illicitly traded. The Director of BMT will be guided by the national guidance on the responsible acquisition of cultural property issued by DCMS in 2005.

### **3.5 Exceptions**

Any exceptions to the above clauses 3.1 – 3.4 will only be because BMT is either: acting on behalf of the Council as an externally approved repository of last resort for material of local origin, or acquiring an object of minor importance that lacks secure ownership history but in the best judgement of experts in the field concerned has not been illicitly traded; or acting with the permission of authorities with the requisite jurisdiction in the country of origin; or in possession of reliable documentary evidence that the object was exported from its country of origin before 1970. In these cases BMT will be open and transparent in the way it makes decisions and will act only with the express agreement of an appropriate outside authority.

### **3.6 Management of Archives**

As BMT holds and intends to acquire on behalf of the Council archival material, including photographs and printed ephemera, the Director of BMT will be guided by the Code of Practice on Archives for Museums and Galleries in the United Kingdom (3rd ed., 2002).

### **3.7 Spoliation**

BMT will use the statement of principles 'Spoliation of Works of Art during the Nazi, Holocaust and World War II period', issued for non-national museums in 1999 by the Museums and Galleries Commission.

### **3.8 Anonymous Bequests and Donations**

Anonymous donations will be actively discouraged. Where there is no opportunity to engage with the Donor nor to work through a third party such as the Donor's legal representative, failure by BMT to secure the Donor's name and address will not prevent BMT from legally acquiring the object on behalf of the Council, if appropriate, where it can be shown that every possible attempt has been made by BMT to locate, contact and secure agreement from the Donor. Nor will this prevent BMT from exercising the disposal of the object under the terms of the Disposal Policy should that be deemed appropriate.

Should there be any concern about the origin of the material i.e. theft or contravention of other legal statutes, the appropriate authority will be immediately notified. As with all acquisitions, the means by which the object is acquired or disposed of will be fully documented and be completely transparent.

### **3.9 COLLECTING AREAS**

#### **3.9.1 Criteria**

This policy describes the criteria that will be applied to future acquisitions and disposals, acknowledging that indefinite growth is not sustainable. See Appendix 2 Collection Development Policy 2014-19 for detailed strategic objectives and priorities for collecting during the period April 2014 – March 2019.

#### **3.9.2 Acquisitions not covered by the Collections Development Policy**

Acquisitions outside the stated policy will be made in very exceptional circumstances and then only after proper consideration by BMT, in consultation with the Council and with consideration of the interests of other museums.

#### **3.9.3 Collection Development Policies of other Museums**

BMT recognises the need for the co-operation and consultation between national and local museums and art galleries with similar or overlapping interests and collection development policies. It will consult with these organisations where conflicts of interest may arise or to define areas of specialism, in order to avoid unnecessary duplication and waste of resources. See Appendix 2 Collection Development Policy 2014-19 section 9.2 for a list of bodies that will be consulted. This list is not exhaustive.

The relevant BMT staff will also consult with appropriate institutions on specific acquisitions where conflict of collecting objectives is thought possible and, more generally, on defining areas of specialisation where the collection of objects from a place within the geographical sphere of influence of another museum is involved. The principle of open actions and good communication will apply.

#### **3.9.4 Emergency Rescue**

In an emergency, and to ensure the preservation locally (and in public ownership) of important material, the Director of BMT is exceptionally authorised to collect material on behalf of the Council from outside BMT's stated collecting area. Such material will be retained and recorded as a '*holding*' on the understanding that it be transferred to the party deemed most appropriate at a future time.

## **4 DISPOSAL POLICY**

### **4.1 INTRODUCTION**

#### **4.1.1 Purpose of the Policy**

This policy statement which has been agreed between the Council and BMT regulates the disposal of objects from the Council's Collection by BMT. The adoption and implementation of this policy by the BMT Board of Trustees is a requirement of Arts Council England's Accreditation Scheme and also complies with requirements set out in the Agreement.

This policy statement covers the circumstances in which the disposal may take place and the procedures to be followed.

#### **4.1.2 Assumption against Alienation and Disposal of Collection**

By definition, BMT has a long-term purpose and should possess (or intend to acquire) a permanent Collection on behalf of the Council in relation to its stated objectives. The Board of Trustees of BMT accepts the principle that there is a strong presumption against the disposal of objects from the Collection except for sound curatorial or conservation reasons. Principal examples of curatorial reasons include, but are not limited to, those cited below in Section 7. However, it also acknowledges that the indefinite expansion of the Collection is not a realistic option and that a strategic approach to collections rationalisation and disposal is necessary for the long-term sustainability of the Collection and the service.

### **4.2 GENERAL PRINCIPLE**

The Board of Trustees of BMT and the Council hereby confirm their acceptance of the principle that the Collection is held in trust for enjoyment, learning and research by future generations.

### **4.3 REASONS FOR DISPOSAL**

#### **4.3.1 Intellectual justification**

It may be necessary to remove from the Collection any object that demonstrably has no or a low potential for enjoyment, learning or research, measured against the criteria of BMT's Survey of Significance.

#### **4.3.2 Damage and Deterioration**

It may be necessary to remove from the Collection any object which is too badly damaged or has deteriorated too far to be of any further use for the service.

#### **4.3.3 Hazard**

It may be necessary to remove from the Collection any object which as a result of its material substance poses a severe threat of contamination or risk to the Collection or serious health hazard to staff and public, beyond that protection afforded by reasonable Health and Safety measures.

#### **4.3.4 Improved Access**

It may be desirable to transfer to the ownership of another museum of Accredited or equivalent status any accessioned object which, by reasons of changes in public demand, social or educational need, administrative responsibility, development priorities, or the establishment of a new Accredited Museum, would be more appropriately placed elsewhere. The Director of BMT will seek prior written agreement for such transfer from the Council.

#### **4.3.5 Improvement of Care**

It may be necessary to rationalise Collection areas that are demonstrably of lesser significance in terms of this policy and the Survey of Significance in order to achieve the most cost-effective allocation of resources for the long-term care of the Collection.

#### **4.3.6 Due Consideration**

All disposals will be dealt with in accordance with the Museums Association's Code of Ethics.

#### **4.4 AUTHORITY TO DISPOSE OF COLLECTION**

##### **4.4.1 Written Authority**

Under its Agreement, BMT has responsibility for disposing of certain defined categories of object subject to the terms and conditions specified in this policy (Appendix 1). BMT has delegated this responsibility to the Director of BMT, as its most senior museum professional.

BMT will seek prior written agreement from the Council for disposal of all other specimens or objects, whether by gift, exchange, or sale in writing, such approval not to be unreasonably withheld.

#### **4.5 DISPOSALS OF PURCHASES, DONATIONS AND BEQUESTS**

##### **4.5.1 Grant-aided Purchase**

When disposal of an object from the Collection is being considered, BMT will establish if it was acquired with funding from outside bodies or individuals, creating obligations for, or liabilities to, the Council. In such cases, BMT will seek prior written agreement from the Council.

##### **4.5.2 Permissions from Donors/Benefactors**

Objects given or bequeathed will not normally be disposed of without consultation with the original donors or their heirs within the first generation, and wherever possible their approval should be obtained to the course of action proposed. This is, however, a matter of courtesy, not a legal requirement. The Director of BMT will be able to waive this requirement where all reasonable efforts to trace a Donor have failed, and where it can be firmly established that no details of the Donor exist. In all cases a written report detailing the efforts to locate the Donor must be appended to the Disposal Report.

##### **4.5.3 Return to Donor or Benefactor**

The Donor or their successors or the Benefactors may be asked to accept the return of the object when all attempts to dispose of an object to an Accredited museum have failed.

##### **4.5.4 Museum's Rights**

No Donor will be entitled both to veto all practicable transfer options and to refuse to accept the return of the accessioned object. If the Donor refuses to accept the return of the accessioned object then it may be disposed of without the consent of the Donor in accordance with the terms of this Policy.

#### **4.6 CULTURAL RESTITUTION, SPOILIATION, HUMAN REMAINS AND RELATED ISSUES**

##### **4.6.1 Council Decision to Consider Restitution or Repatriation**

Each request for repatriation or restitution will be considered on its own merits. Recommendations to the Council will be made by BMT who will be represented by the Director of BMT, or a BMT delegated officer.

The Council may take the decision to return human remains, objects or specimens to a country or people of origin, on a case by case basis, taking into account the ethical implications and the legal position.

In addition, issues, claims or investigations arising from spoliation of works of art or other material will be fully investigated by BMT, consistent with the recommendations of the National Museums Trustees' Conference – Spoliation: Statement of Principles (25/10/2000) and the statement of principles 'Spoliation of Works of Art during the Nazi, Holocaust and World War II period', issued for non-national museums in 1999 by the Museums and Galleries Commission.

## **4.7 DISPOSAL PROCEDURE**

### **4.7.1 Offers to Other Museums**

Where approval for disposal of an accessioned object has been given by the Council, it will be offered first by exchange, gift or sale to Accredited Museums likely to be interested in its acquisition.

### **4.7.2 Offers to the Museums Community through the Museums Association Journal and Other Professional Journals**

If the object is not acquired by any Accredited Museums to which it was offered directly, then the museum community at large will be advised of the intention to dispose of the material, normally through an announcement in the Museums Association's Museums Journal, and in other professional journals where appropriate.

The announcement will indicate the number and nature of specimens or objects involved, and the basis on which the material will be transferred to another institution. Preference will be given to expressions of interest from other Accredited Museums. A period of at least two months will be allowed for an interest in acquiring the material to be expressed. At the end of this period, if no expressions of interest have been received, BMT may consider disposing of the material to other interested individuals and organisations subject to the terms of the Disposal Policy.

### **4.7.3 Competing Parties' Interests**

If as a result of such an announcement, more than one museum responds, care must be taken to avoid a situation where museums are competing with each other in ignorance. In such cases, and particularly if the transfer is to be by sale, it will usually be appropriate for the parties concerned to be informed of each other's interest and time allowed for open discussion before transfer is finalised.

### **4.7.4 By Gift: Failure to Secure Interest from Accredited Museum**

Following an announcement in the Museums Association's Museums Journal, where an accessioned museum object is to be disposed of by gift, and after six months no Accredited Museum can be found which is willing to accept responsibility for the object, BMT, on behalf of the Council may give the object to any appropriate organisation or individual willing to receive it. First priority must be given to organisations which are public bodies and deemed acceptable recipients by the Council.

### **4.7.5 By Sale: Failure to Secure Interest from an Accredited Museum**

Following an announcement in the Museums Association's Museums Journal, if, after six months, no Accredited Museum has declared an interest in acquiring the accessioned object on the basis offered by the Director, BMT, it may then be offered for sale by BMT on behalf of the Council to other interested organisations, private individuals, or by auction. This may also be done if an Accredited Museum that has previously expressed an intention to purchase is unable to complete such a purchase within a reasonable period, normally six months.

Where an object is being sold, BMT will pass the details of the purchasing organisation to the Council which will then manage the sale of the object.

### **4.7.6 Rules Governing Financial Transactions.**

Where it is intended that an object should be sold, an independent valuation should be sought. The Director of BMT, acting on behalf of the Council, will accept this as the maximum price for the sale of a museum object to an Accredited Museum, for a period of 6 months.

An Accredited Museum may be offered such an object at a reduced or nominal price subject to the Council's agreement, in order to keep the object in public ownership. If the sale to an individual, or an organisation other than a museum, does become necessary, the object would then normally be offered at a price no less than valuation.

#### **4.7.7 Use of Monies Accrued by Sale**

Any monies received by the Council from the disposal of the objects must be applied for the benefit of the Collection. This normally means the purchase of further acquisitions but in exceptional cases improvements relating to the care of the Collection may be justifiable. Advice on these cases will be sought by BMT from Arts Council England and from the Ethics Committee of the Museums Association.

#### **4.7.8 Failure to Dispose of the Objects by all Other Means**

If an accessioned object is irreparably damaged or hazardous, or in cases where disposal by all other means has proved to be impossible, the Director of BMT may authorise its destruction and notify the Council.

### **4.8 DISPOSAL BY DESTRUCTION**

#### **4.8.1 Permission of the Council**

When the Director has approved the disposal of an object on the grounds of irreparable damage, deterioration or contamination, the object will be disposed of by BMT promptly and in the safest and most environmentally responsible manner possible. This must be carried out in a discreet, confidential and permanent fashion. Any remains should be deposited at a recognised waste disposal facility, or otherwise as required by the appropriate legal authority.

### **4.9 PROCEDURE FOLLOWING DISPOSAL**

#### **4.9.1 Recording the Disposal**

Full records will be kept of all decisions leading to and of, disposals of accessioned objects from the Collection. Disposals will be recorded in full in the appropriate accession register. The Council will be notified to enable its asset register to be updated.

#### **4.9.2 Transfer of Records**

Full records will be kept of all decisions on disposals and the objects involved and proper arrangements made for the preservation and/or transfer, as appropriate, of the documentation relating to the objects concerned, including photographic records where practicable in accordance with SPECTRUM Procedure on de-accession and disposal.

## **DEFINITIONS**

**"Birmingham Museums"** are defined as those Museum premises, owned by the Council and managed on its behalf by BMT and the Collection of original material which may from time to time be under the control of or managed by BMT and held within these Museum premises. At the time of adoption of this policy, these comprise Birmingham Museum and Art Gallery, Thinktank, Aston Hall, Blakesley Hall, Sarehole Mill, Soho House, the Museum of the Jewellery Quarter, Weoley Castle and the Museums Collections Centre. The BMT outreach service may also create continuous temporary displays at community sites.

**"The Council"** is defined as Birmingham City Council. The Council will take its decisions in accordance with its constitution and schedule of delegations prevailing at the time. The first point of contact for all council approvals will be the Council's Authorised Officer.

**"The Agreement"** is defined as an agreement that the Council has entered into with BMT to provide services on its behalf and extension, dated 30 March 2012 and extended 10 April 2015 respectively.

**"Collection"** is defined as any object which is: a) entered in the Accession Registers of Birmingham Museums whether by way of a gift, bequest, purchase; b) a loan from the Collection to a Third Party; or (c) an object not entered in the Accession Registers but in the possession of Birmingham Museums that has been donated or purchased with the intention that it should become an accessioned part of the Collection.

**"Director"** is defined as being the BMT officer responsible to the Board of Trustees of BMT for the operation of Birmingham Museums according to proper professional standards.

**"Director of Collections"** is defined as the BMT officer responsible to the Director of BMT for the physical and intellectual integrity of the Collection.

**"Arts Council England"** ("ACE") is the strategic body responsible for the museums, libraries and archives sector in England. It administers (in England) the Accreditation Scheme, which sets national standards for museums in the UK.

**"Accessioned object"** is defined as any individual object that has been registered as accessioned into the Collection.

**"Collection Acquisition Fund"** is defined as a fund which is managed by Birmingham Museums Trust, for the specific purpose of purchasing new acquisitions for the museum collection belonging to Birmingham City Council and managed on its behalf by Birmingham Museums Trust.

## **APPENDICES**

**Appendix 1** - Procedures Governing Lending, Acquisitions and Disposals

**Appendix 2** - BMT Collection Development Policy 2014-19

## **APPENDIX 1**

### **PROCEDURES GOVERNING LENDING, ACQUISITIONS AND DISPOSALS**

#### **1. LENDING**

##### **1.1 Outward loans**

**1.1.1** Applications for outward loans are forwarded to the Loans Registrar, who sends an acknowledgement to the borrower within five working days of receipt of the application.

**1.1.2** The Loans Registrar submits new loan requests to the Loans Panel chaired by the Director of Collections for sifting. If a loan is agreed in principle, it is referred for curatorial and conservation assessment. In assessing loans requests the following criteria are applied:

- Does the loan involve research that will contribute to our knowledge and understanding of the object?
- Will the loan involve other benefits for the city and its collection, for example enhanced profile and reputation, or opportunities for future partnerships and staff development?
- How important is the object to the proposed public programming or research?
- Is the object in sufficiently good physical condition to travel, subject to appropriate treatment and preventive measures?
- What impact will the loan have on the delivery of current and future displays, public programming and research projects?
- Are there any legal or ethical restrictions relating to the loan of this object?
- What risks does lending pose, including risk of seizure?
- Can the borrower meet Birmingham City Council's contractual requirements in terms of costs, interpretation, public access, acknowledgements, security and environmental conditions?

**1.1.3** The Collections Meeting considers the loan request in the light of the assessments and makes a recommendation to the Senior Management Team.

**1.1.4** The Director of BMT approves or rejects the application.

##### **1.2 Credit**

Loan objects from the Collection should appear with the following credit:

Lent by Birmingham Museums Trust on behalf of Birmingham City Council. Donated by [insert as appropriate]

BMT images of the Collection should appear with the following credit:

© Birmingham Museums Trust

##### **1.3 Inward loans including renewals**

Applications for inward loans are forwarded by the curator to the Loans Registrar.

The Loans Registrar submits new loan requests to the Loans Panel chaired by the Director of Collections for sifting. The following criteria are applied:

- How important is the object to the proposed public programming or research?
- Are there cost-effective alternatives to borrowing, for example within the Collection or by purchase

- What impact will the loan have on the delivery of current and future displays, public programming and research projects?

The Collections Meeting considers the loan request in the light of the assessments and makes a recommendation to the Senior Management Team. The Director of BMT approves or rejects the application.

#### **1.4 Long-term Inward loans**

Birmingham Museums has a substantial backlog of long-term inward loans from private individuals which is being addressed through the long-term inward loans project. Long-term inward loans may be subject to changes of status in several ways:

- The lender or lender's heir may request to donate the object to the permanent collection. In this case all conditions relating to acquisition and disposal will apply.
- The lender or lender's heir may ask for the item to be returned.
- The lender or lender's heir may request that the object be transferred to a third party as a donation or for sale.

In considering changes to the status of long-term inward loans Birmingham Museums will require the lender to submit proof of identity and address such as a passport, driving licence, bank statement and/or utility bill, and/or in the case of heirs a formal solicitor's letter attesting the legal relationship to the owner.

BMT will give three months' advance notice to the Council of any intended inward or outward loan that includes an item with an insurance value of over £2 million.

BMT will give three months' advance notice to the Council of any intended loan to an institution outside the UK.

In submitting a loan schedule to the Council every quarter, the Council may withdraw its consent to loans with a duration beyond the lifetime of the current Agreement. However, the Council's consent will not be withheld unreasonably.

## **2. COLLECTING PROCEDURES**

### **2.1 Approval process for acquisitions**

The Council shall notify BMT's Director in writing within 10 working days of receiving notice of any bequest, donation or gift including details of any condition attached to such gift (copy to the Director of Collections). If the decision is taken to acquire, BMT will make the necessary arrangements for delivery to BMT.

The Director of BMT, will also have the authority to solicit gifts of material for the Collection within the terms of this policy, the BMT Scheme of Delegations, and with reference to Appendix 2 Collection Development Policy, and for making any recommendations, or for taking action on the purchase of material on behalf of the Council in accordance with this policy.

### **2.2 Delegation levels**

Under the terms of its Agreement, BMT is responsible for additions to the collection by bequest, donation, gift and purchase subject to approvals from the Council as outlined below.

The Director of BMT has responsibility for:

- the acceptance or rejection of potential bequests, donations and gifts to the Council subject to the terms and conditions specified in this policy
- the purchase of items on behalf of the Council up to the value of £200,000, and where there is no ongoing liability or condition for the Council associated with owning the asset (above the cost of day to day collections management, care and storage)
- making recommendations to the Board of BMT concerning the purchase of objects over the value of £200,000 on behalf of the Council

For any acquisition recommendation approved by the Board of BMT, for which the purchase price exceeds £200,000 and/or there is an ongoing liability or condition for the Council associated with owning the asset (above the cost of day to day collections management, care and storage), including but not limited to a commitment to keep the object on permanent display, BMT will seek approval in writing from the Council in advance of acquisition, giving details of the proposed acquisition, cost, liability and condition.

If BMT proposes to acquire any object which could, in all reasonableness, be considered damaging to the Council's reputation it will firstly seek written approval from the Council.

For all new acquisitions BMT will be required to include a description of the item, date of acquisition and its value in the first quarterly Collections Report to BMT's Board of Trustees and the Council after each said acquisition.

### **2.3 Existing Collection, including the subjects or themes for collecting**

A separate document is attached which describes existing collecting areas (see Appendix 2, Collection Development Policy)

### **2.4 Criteria governing future collecting, including the subject themes for collecting**

See Appendix 2 Collection Development Policy.

### **2.5 Implications for Birmingham Museums**

The Collections Meeting chaired by the Director of Collections, BMT, meets monthly to formally scrutinise and document all proposals relating to loans, donations, bequests, purchases, disposals, destructive testing, and return/repatriation on behalf of the Director of BMT. The Director of Collections submits the recommendations of the Meeting to the Director and Senior Management Team for decision subject to procedures outlined in 2.2. The following checks are carried out on proposed acquisitions and documented on an Acquisitions Proposal Form:

#### **1 Budget**

- Price (if any)
- Source(s) of funding: Purchase Fund, HLF, V&A Purchase Fund, the Art Fund, Friends of BM, other grant-giving bodies
- Cost to acquire (e.g. transport, documentation)

#### **2 Curatorial**

- Relevance to the Collection Development Policy, with paragraph reference
- Consideration of whether BMT acting on behalf of the Council is the most appropriate institution to collect
- Assessment of available resources to accession

#### **3 Research**

- Assessment of research potential
- Assessment of significance

#### **4 Engagement**

- Potential for learning, access and engagement
- Potential for future display
- Marketing, press coverage, display requirements, notification to Museums Journal

#### **5 Legal and professional issues**

- Entitlement of the individual, group or agency to transfer ownership to the Council
- Provenance, Customs notices (for imports), documentation for objects received in lieu of tax, firearms licence, explosives licence, birds' egg licence, Convention on International Trade in Endangered Species (CITES), Wildlife and Countryside Act, Treasure Act, guidelines on human remains, repatriation, restitution, spoliation of works of art, Code of Practice on Archives for Museums and Galleries, 3<sup>rd</sup> edition 2002
- Copyright ownership and transfer arrangements

#### **6 Conservation**

- Stability and condition checking before decision to acquire, infestations
- Packaging for transport and storage
- Environmental recommendations

#### **7 Collections Management**

- Documentation check for duplicates etc, inventory, data entry, object marking, contractor required
- Loans, transport
- Storage implications: space, storage furniture, staff resources
- Internal movement and transport
- Photography on acquisition

#### **8 H&S issues**

- Toxins, radioactivity, special lifting and handling

### **2.6 Reasons and Terms for Acquiring an Object**

The reasons and purpose for acquiring or accepting an object will be clearly established prior to its transfer to the Council. This will be made clear to the person/s or organisations from which the object is procured. The terms governing the procurement of an object - its status, the Council and BMT's rights, the donor's or seller's rights, the issue of disposal and any other conditions must be made clear to all parties, in writing, at the time of procurement (See section 2.9.3 of this Appendix 1)

### **2.7 Concept or Intellectual Artwork and Interactive Exhibits**

In the case of artworks where the physical materials are not the essence of the artwork, BMT undertakes to preserve or maintain those aspects of the artwork necessary for its continued existence or display. BMT retains the right to replace or restore, rather than conserve, the original piece in the event of the deterioration of the artwork, or redundancy of its technological components. This will be agreed in writing with the artist or owner at the time of procurement.

### **2.8 Oral History**

The purpose for the Collection of any oral history material will be made clear in writing to all individuals whose recollection form an oral history record. A written agreement between BMT as agent of the Council

and the individual will be entered into prior to any oral history being recorded and stored as part of the museum collection's sound archive.

## 2.9 Methods of Acquisition

### 2.9.1 Purchase

- **Collection Acquisition Fund**

All proposals to acquire under the Collection Acquisition Fund shall be submitted to the Collections Meeting chaired by the Director of Collections, BMT, for documentation and checking.

Small purchases up to a total value of £5,000 per annum may be approved by the Director of BMT following recommendations from the Collections Meeting. Wherever possible match funding will be sought for all purchases, but it is not obligatory for purchases up to the value of £5,000.

For purchases over £5,000 and up to the value of £200,000 using funds from the Collection Acquisition Fund, at least 50% of the price must be raised externally from grants, donations, sponsorship or other restricted funds. The Director of Collections will seek permission from the Director of BMT, giving details of the object, justification for acquisition in terms of this Policy, cost and potential sources of funding. All documentation, correspondence and records concerning purchases and grant applications will be archived in the object files.

For purchases over £200,000 using funds from the Collection Acquisition Fund the Director of Collections will firstly seek permission with details as above from the Director of BMT. If the Director of BMT agrees to the purchase s/he will seek permission from the Board of Trustees of BMT. Since the value of the acquisition is above £200,000 BMT will need to seek final written approval from the Council.

If an object is being sold at auction or there is otherwise relatively short notice regarding a potential acquisition, the Director of BMT will seek approval from the Chair of the Trustees within a 24-hour period and any approval shall be notified to the next meeting of the Board of Trustees of BMT. On receipt of the appropriate approval the Director will inform the Council which will arrange for payment of invoices. If the invoice cannot be issued in the name of the Council BMT will pay the invoice as agent of the Council and BMT will then invoice the Council.

In all instances procedures for accessioning will be strictly adhered to. It should be noted that financial procurement procedures are not relevant to the acquisition by purchase of museum objects, as each one is of unique significance.

- **Contemporary Art Acquisitions**

All proposals to acquire will be processed by the Collections Meeting and recommendations forwarded to the Director and Senior Management Team. Delegation levels and approval procedures are the same as specified in the first section above of section 2.9.1

In all instances procedures for accessioning and BMT purchasing procedures will be strictly adhered to. It should be noted that procurement procedures are not relevant to the acquisition by purchase of museum objects, as each one is of unique significance.

- **Commissions**

All proposed commissions will be subject to a contractual agreement between BMT on behalf of the Council and the person/s producing the commission, and must make full reference to the

relevant Collection Development and Disposal Policy conditions contained herein. Delegation levels and approval procedures are the same as specified in the first section above of section 2.9.1

In all instances procedures for accessioning and BMT purchasing procedures will be strictly adhered to. It should be noted that procurement procedures are not relevant to the acquisition by purchase of museum objects, as each one is of unique significance.

### **2.9.2 Bequests and Donations**

Acquisitions by Bequest and Donation will be referred to the Collections Meeting and recommendations submitted to the Director of BMT. In all instances procedures for accessioning will be strictly adhered to.

### **2.9.3 Transfer of Ownership**

BMT will ensure that the person or organisation from which BMT is procuring the object on behalf of the Council has the legal authority to transfer ownership to the Council. BMT will also undertake to explain to the person or organisation from which the object is procured the full meaning of transfer of ownership. The following circumstances will be agreed:

- the Council becomes the legal owner of the object and the Donor/seller, their families or representatives will have no further rights of claim upon the object
- although the Council is the legal owner of the object, it will be managed on the Council's behalf by BMT
- the object may be stored for long periods, and if not on display will be accessible by appointment
- the object is procured for the Collection to benefit the museum service as a whole and objects may be stored or displayed in any venue
- the object may be used for many purposes, including display, research, education, handling, and outreach
- BMT has the right to dispose of the object on behalf of the Council following the guidelines specified in the Disposal Policy
- Individuals or parties, having had the above explained to them, should seek independent legal advice before transferring the object to the Collection.

### **2.10 Copyright**

The ownership of the copyright of an object, where applicable, will be established in advance of, and formally agreed at, the time of procurement. Any assignation of copyright shall be in the name of the Council.

### **2.11 Securing Proof of Transfer of Ownership (Bequests and Donations)**

Where possible, BMT on behalf of the Council will issue every Donor with a Transfer of Title Agreement and a Donation Certificate.

BMT will issue the Donor, or the Donor's legal representative, with the Transfer of Title Agreement. This agreement will be signed by both parties and on receipt of the agreement by BMT, BMT will issue the Donor with a Donation Certificate signed by the Director of BMT on behalf of the Council. The Transfer of Title Agreement should be signed in advance of receipt of the object by BMT where possible. Copies of this documentation and of documentation relating to the transaction will be held in an appropriate secure object file.

Failure by BMT to secure the Donor's signature, either as a result of an anonymous donation or failure of the Donor to respond to the posted documentation within a fixed time period, will not prevent BMT from

legally acquiring the object on behalf of the Council where it can be shown that every possible attempt has been made by BMT to locate, contact and secure agreement from the Donor.

### **2.12 Purchase Records**

BMT will retain copies of all financial and contractual transactions relevant to the purchase of the object and archive this information in the relevant object file as part of the object documentation.

### **2.13 Restrictive Covenants or Special Conditions**

Objects offered to BMT on behalf of the Council as donations or bequests will not normally be accepted if they are subject to any restrictive covenant or special conditions, for example relating to display, access or lending.

However, in exceptional circumstances, if the Director of Collections can demonstrate that the object/s in question are of over-riding importance, the Director of BMT may be asked to approve the acquisition of a specific object to which conditions are attached.

### **2.14 Accessioning**

Each object acquired will be fully accessioned in the Accession Register and given and labelled with a unique identifiable Registration Number. The object's legal status will be verified and its provenance and any other social and historical contextual information recorded. Each object will be photographed for record purposes. A copy of the entire Accession Register will be maintained in a stable, paper format and housed in fireproof storage. The accession register will note material bequeathed or donated to the Council.

### **2.15 Electronic and digital information**

Information that is collected or accepted in a digital format for accessioning into the Collection will be registered and given a unique number. Edited or compiled versions of the original data may be separately accessioned as deemed appropriate. In the case of new audio and video footage accepted into the Collection, the consent of all parties represented or featured will be sought. All copyright, legal, and other contextual information will be also be recorded.

The accessioned object will be considered to be the digital information and the way it is presented, in audio and/or video form. The medium on which the information is recorded is not considered to be the accessioned object and can be changed as required for the safe preservation or interpretation of the information. BMT will make use of secure storage on magnetic, optical or other mass storage media suitable for archive storage and retrieval of digital information. Back-up copies, periodic checking, bulk copying and the use of new storage media will be used to manage the long-term access to and preservation of the digital information.

## **3. DISPOSALS**

### **3.1 Investigative report prior to disposal**

Any disposals of objects from the Collection will be made in accordance with the policy set out in this document, the Museums Association's ethical guidance on disposal and the Archaeological Archiving Forum's Guidelines. The BMT Disposals Panel, chaired by the Collections Care Manager, will consider recommendations for disposal in the first instance. Where a collection survey or other report suggests that there is a case for disposal of an object or objects, the panel will instigate preliminary investigations leading to a Disposal Report. In addition to a formal assessment against the criteria indicated above, this may require seeking valuations, the views of Donors, and identifying contacts with other Accredited

Museums which may be interested in accepting transfers. Full records will be kept of all such investigations. The Disposal Report will be considered by the Collections Meeting, BMT, which will forward recommendations to the Director of BMT for decision or submission to the Council as appropriate. Within the terms of this policy, it is understood that the Disposals Panel and the investigating officer will have the authority to act in this way, without prejudice to the eventual decision of the Council.

The Director of BMT has the delegated authority to take decisions on the immediate disposal of the following categories of item:

- Items containing materials that present a risk to health and safety, such as asbestos, explosives, radioactive material, arsenic or decaying biological matter
- Archaeological or natural history bulk finds or specimens with no future display or research value, on the recommendation of a qualified specialist
- Items that have deteriorated or been damaged beyond the point of recognition and use, or contain pest infestations that present a risk to the collection

### **3.2 Procedure for claims upon Birmingham Museums' collection for cultural restitution, spoliation, the return of human remains and related issues**

Relevant policy statements:

- Human remains DCMS Guidelines
  - Spoliation Cultural Property DCMS  
[http://webarchive.nationalarchives.gov.uk/http://www.culture.gov.uk/what\\_we\\_do/cultural\\_property/3296.aspx](http://webarchive.nationalarchives.gov.uk/http://www.culture.gov.uk/what_we_do/cultural_property/3296.aspx) [http://www.culturalpropertyadvice.gov.uk/public\\_collections/looted\\_art](http://www.culturalpropertyadvice.gov.uk/public_collections/looted_art)
  - Cultural sacred objects NAGPRA Guidelines
1. On receipt of a written claim for spoliation, return or repatriation the Director will write to the claimant acknowledge receipt and explain the procedure and potential duration of the process. The Director of BMT will notify the Director of Collections and the Council.
  2. In cases of Spoliation, the Director of Collections will advise the DCMS Spoliation Advisory Panel.
  3. The Director of Collections will table the claim at the first subsequent Collections Meeting as a record of receipt.
  4. The Director of Collections will convene a preliminary meeting of the internal panel. Attendees will include:
    - a. Collections Care Manager: object valuation
    - b. Curator: information on the history and provenance of the object
    - c. Conservation representative
    - d. Council representative
  5. In subsequent meetings the internal panel will consider:
    - a. The identity of the object or remains under claim (i.e. is the object or remains referred to present in Birmingham City Council's collection)
    - b. The status of those making the claim, including the identity of the claimant(s) and any intermediary/representative, the connection between the claimant(s) and the objects or remains, and the basis for the claim
    - c. Any information regarding other potential claimants.

- d. The continuity between the community or individual whence the object or remains derive and the current community or individual on whose behalf the request is being made
  - e. The cultural, religious or personal significance of the object or remains to the community or individual
  - f. How the object or remains have been acquired by the museum and their subsequent use
  - g. The future of the object or remains if returned
  - h. The claimant's wishes for the future of the object or remains
  - i. Any legal issues affecting the claim as advised by Legal Services
  - j. Any further information or consultation required
  - k. Any requirement to inform other agencies
  - l. Any requirement to manage Press interest
  - m. Any transportation and customs requirements
  - n. Any requirements requiring a farewell event or ritual
  - o. Any budget requirements
6. Once the Director deems the information and consultation to be complete, a nominated member of the internal panel will compile a final report on the evidence regarding the request and a provisional recommendation. The Director will forward the report for discussion to:
    - Board of Trustees of BMT
    - The Council
  7. The Director, advised by Legal Services, will notify the claimant in writing of the outcome. In the case of Spoliation a final report will be sent to DCMS.
  8. If the decision is to return the object, appropriate arrangements will be made.

#### **4 REPORTING**

The Director of Collections will report on performance under the terms of this policy, quarterly in arrears in August, November and February, and annually in May. The Director of BMT will present the reports to the Board of Trustees of BMT and the Council. The report will cover the following headings:

- Inward loans, including those connected with exhibitions
- Outward loans, including community loans and handling boxes
- Acquisitions
- Disputes/returns including spoliation
- De-accessions and disposals
- Destructive analysis
- Conservation
- Stores
- Research
- Inventory and audit
- Collections incident report forms
- Exhibitions and display changes
- Security and building maintenance issues
- BMT's performance in respect of carrying out the BMT obligations under the terms of the Agreement
- Any failure in performance or observation of the obligations of the respective Parties under the terms of the Agreement

## **Birmingham Museums Trust Collection Development Policy 2014-19**

The Collection Development Policy was agreed between Birmingham City Council and Birmingham Museums Trust ('BMT'). It was approved by the Council on 27 July 2015 and by BMT's governing body, its Board of Trustees, on 24 July 2015. This policy replaces an earlier version of the policy approved by BMT's Board of Trustees on 13 November 2014.

### **1. Introduction**

This Collection Development Policy forms part of Birmingham Museums Trust's 'Lending, Acquisition and Disposal Policy' agreed between Birmingham City Council (BCC) and Birmingham Museums Trust (BMT). It relates to the collection owned by Birmingham City Council and managed on its behalf by Birmingham Museums Trust.

The Collection Development Policy identifies Birmingham Museums Trust's collecting objectives for the five-year period 2014-19. It summarises the current collection and identifies collecting areas of particular priority across the broad collection areas of art, history and science. All collecting activity will be subject to the processes, procedures and criteria set out in this policy and in Birmingham Museums Trust's Lending, Acquisition and Disposal Policy 2014-19, to ensure that the collection continues to be managed within given resources and according to the highest professional standard (Accreditation).

A review of collecting undertaken during the life of the previous Collecting Policy (2009-13) has been carried out and its findings have informed the development of this Policy 2014-19.

### **2. Context**

Birmingham has the finest civic collection in England, cared for on behalf of the city by Birmingham Museums Trust. It consists of around 800,000 objects, displayed and stored across nine venues. Most areas of the collection are Designated as being of national importance, with numerous collection areas of international significance including the finest collection of Pre-Raphaelite art in the world. The collection is one of the city's greatest cultural assets and a priceless resource for learning, engagement and creativity.

The collection is the property of the citizens of Birmingham, and Birmingham Museums Trust is responsible for its physical and intellectual integrity, balancing the requirements of public access in the present with the need to preserve the collection for future generations. The ongoing development of the city's museum collection is vital in order to better represent and engage visitors and users from Birmingham and beyond, to further collections knowledge and understanding, to support research and scholarship, to keep pace with change – social, demographic, scientific, technological and environmental, as well as illuminate the myriad connections between historic and contemporary objects and collections as they evolve.

### **3. Policy review**

Our knowledge and understanding of Birmingham’s collection will continue to develop during the five year period of this policy, as new research into specific subject areas and Significance Assessments are undertaken across all collection areas. This will highlight additional collection areas for potential development. The collections development policy will be published and reviewed on an annual basis to ensure it responds to new research.

A full and comprehensive review of this five year policy will be conducted by March 2019.

Any proposed changes to the policy will be agreed between Birmingham City Council and Birmingham Museums Trust’s Board of Trustees before being implemented. Arts Council England will be notified of any changes to the collections development policy, and the implications of any such changes for the future of collections.

BMT’s performance in relation to collections development will be reported to BMT’s Board of Trustees and Birmingham City Council on a quarterly and annual basis as part of the Collections reporting procedures specified in the monitoring arrangement of the Agreement and stipulated in the Lending Acquisition and Disposal Policy’s Appendix 1: internal BMT procedures governing lending, acquisitions and disposals (section 4).

#### **4. Relationship to other relevant policies/plans of the organisation:**

##### **4.1 Strategic Context: Birmingham Museums Trust**

The Collections Development Policy must be seen in the context of BMT’s vision statement:

*To reflect Birmingham to the world and the world to Birmingham*

The Collections Development Policy supports BMT’s key strategic objectives:

1. Developing the collection and venues
2. Growing and diversifying audiences
3. Building a sustainable business
4. Investing in people

The collections development objectives for 2014-19 and the identification of specific priority collecting areas are also directly informed by BMT’s research agenda. In 2013 BMT began undertaking its first comprehensive survey of significance of the entire collection. The high level results of this survey will be published in 2016. This survey not only identifies collection areas of significance but also informs priority areas for future collections research and development.

As reflected in BMT’s vision, research and academic excellence will underpin the development of the collection over the coming five year period and the Collections Development Policy should also be seen in relation to BMT’s Research Strategy.

##### **4.2 Strategic Context: Birmingham City Council**

Birmingham City Council is the owner of the collection and this Collections Development Policy must also be seen in the context of the city council’s own strategic priorities. Birmingham City Council Leader’s Policy Statement sets out a clear vision for Birmingham to become: *An inclusive city in which many more people can play their part – a fair chance for everyone in Birmingham*

In this context the Collections Development Policy and its related programmes involving local people, will directly support three of the city council's highest level priority areas:

<u>A Fair City</u>	Wellbeing	All benefit from improved health and wellbeing
<u>A Prosperous City</u>	Employment, education and training	Young people will be in employment, education or training
<u>A Democratic City</u>	Engagement / Influence	Local people will be engaged in local democracy, and have more influence on local decisions

- 4.3** The governing body will ensure that both acquisition and disposal are carried out openly and with transparency.
- 4.4** By definition, the museum has a long-term purpose and holds collections in trust for the benefit of the public in relation to its stated objectives. The governing body therefore accepts the principle that sound curatorial reasons must be established before consideration is given to any acquisition to the collection, or the disposal of any items in the museum's collection.
- 4.5** Acquisitions outside the current stated policy will only be made in exceptional circumstances.
- 4.6** The museum recognises its responsibility, when acquiring additions to its collections, to ensure that care of collections, documentation arrangements and use of collections will meet the requirements of the Museum Accreditation Standard. This includes using SPECTRUM primary procedures for collections management. It will take into account limitations on collecting imposed by such factors as staffing, storage and care of collection arrangements.
- 4.7** The museum will undertake due diligence and make every effort not to acquire, whether by purchase, gift, bequest or exchange, any object or specimen unless the governing body or responsible officer is satisfied that the museum can acquire a valid title to the item in question.
- 4.8** In exceptional cases, disposal may be motivated principally by financial reasons. The method of disposal will therefore be by sale and the procedures outlined below will be followed. In cases where disposal is motivated by financial reasons, the governing body will not undertake disposal unless it can be demonstrated that all the following exceptional circumstances are met in full:
- the disposal will significantly improve the long-term public benefit derived from the remaining collection
  - the disposal will not be undertaken to generate short-term revenue (for example to meet a budget deficit)
  - the disposal will be undertaken as a last resort after other sources of funding have been thoroughly explored
  - extensive prior consultation with sector bodies has been undertaken
  - the item under consideration lies outside the museum's established core collection

## 5 History of the collection

The collections of Birmingham Museums have been developed over the last 160 years through gift, bequest and purchase, through the generosity of donors and through the application of specialist knowledge and research. Birmingham's early museum collections were brought together to inform, to educate and to enlighten. Skillfully designed and artistically fine objects were seen as being of assistance to Birmingham artisans and the eclectic variety of the objects reflects the variety of manufacturing in the City of a thousand trades.

When opened in 1885, the Museum & Art Gallery was at the heart of a civic and cultural centre for the city, driven to completion largely through the vision, vigour and influence of the Liberal leader, Joseph Chamberlain. The collections reflected the cultural preoccupations of the time, and included those aspects of art and design that were most highly regarded. There were displays of European, especially Italian, Renaissance material, including metalwork, ceramics, and glass, architectural sculpture and furniture and large loan collections of enamels, glass and ceramics. The needs of the city's metalworking industries were catered for in extensive displays of international jewellery and metalwork, including fine groups of both historic and contemporary Scandinavian, South Asian, Chinese and Japanese material. The city's arms manufacturing tradition was reflected in the Museum of Small Arms, acquired in 1876 from the Guardians of the Gun Barrel Proof House.

The international emphasis was maintained through the presence of outstanding individual works, such as the statue of Buddha from Sultanganj, in collections of historic Pre-Columbian American ceramics, classical Attic pottery, Iranian and Syrian tiles and European textiles, as well as collections of contemporary North Indian textiles and European glass. The eclectic displays' primary purpose was as a design resource in the South Kensington tradition. This focus was largely due to the Museum's first curator, Whitworth Wallis, appointed in 1883, fresh from a curatorial post at South Kensington, and whose influence on the establishment of the collections and the future pattern of development for the Museum was enormous.

In addition to fine and decorative art, the city developed its natural science collections with the Chase bird collection and numerous specimens of zoology, entomology and herbaria. The collections were to be a stimulus to the visitor on the diversity of natural life on earth as well as what could be found in and around the city.

In the early 20th century other gifts continued to broaden the Museum's collections. The extraordinary generosity of these benefactors, coupled with the varied nature of the collections, began to lead to a more passive approach to collecting, and an associated lack of direction to the collection's growth. The collection became strong in those areas in which it received gifts; but the Museum did not address those areas in which gifts were absent.

After the Second World War, under the directorship of Trenchard Cox, and his successor Mary Woodall (initially Cox's Keeper of Art), a new confidence developed. It was during this time that the outstanding collection of European Baroque painting was largely formed. A major collection of early English furniture was established for display at Aston and Blakesley Halls. Highly important examples of silver, ceramics and sculpture were purchased to provide an overview of the development of different European and English art forms from the Renaissance to the early 19th century.

This new sense of purpose and direction inevitably led to a rationalisation of the Museum's own collections. Several groups of material, including the majority of the Museum's collections of South Asian and Far Eastern metalwork and European furniture, together with a significant group of British, mostly

Victorian, paintings were disposed of by sale during the 1950s. The collection was weakened by what, in retrospect, appears an act of irrevocable rashness.

Although archaeological and ethnographic material had been entering the collections since the earliest days, the absence of a dedicated department for archaeological collections had led to a haphazard approach to the acquisition of material. A rigorous acquisition programme was put in hand with the appointment of the first Keeper of Archaeology in 1945, providing coherence to existing material and to extend the collection into new areas. This resulted in important groups of material from excavations in the ancient cities of Jericho and Jerusalem, Nimrud and Ur, the necropolis of Saqqara, the desert city of Petra and other major sites of the ancient world entering the collection.

Much of the ethnographic collection was acquired through individual collectors, most notably Arthur Wilkins, Ida Wench and P Amaury Talbot. As the range and quality of the collections increased, so Birmingham became the beneficiary of works transferred from smaller, local museums such as Tamworth, Stoke on Trent, Gloucester, Warwickshire, Reading and Shrewsbury, whose ethnographic or foreign archaeological material was considered to be of greater relevance within a more comprehensive collection.

From the 1940s material was actively sought which reflected the city's local history and development, tracing the evolution of the town from its pre-industrial, rural past to the 20th century. The acquisition in 1965 of the Pinto collection of wooden bygones – the finest such collection in the world – brought the Museum an outstanding collection of social historical material of international range.

Birmingham's Museum of Science & Industry opened in 1951 displaying collections that had been built up since the late 19th century. Some machines, recognised at the time as important examples of manufacturing progress, were "labeled" for transfer to the Museum of Science & Industry at the end of their working life. The collections related to both the illustration of scientific principles and progress and the development of Birmingham as the prime industrial city in the country. Birmingham's pre-eminence in the car industry, metal trades, and arms manufacturing was well represented.

The turn of the century has seen a greater focus on pro-active collecting of local history, particularly contemporary material reflecting the life, work and diverse cultures of a modern multicultural and multifaith city, culminating in the Millennibrum project. This collection area was further strengthened by a postwar Birmingham history collecting programme to support the development of new Birmingham History Galleries at the Museum & Art Gallery in 2012.

In the last two decades there has also been a considerable expansion of contemporary fine and applied art thanks to two major acquisitions programmes: the Contemporary Art Society's Special Collection Scheme supported by the Friends of BM&AG; and the Art Fund International programme which enabled Birmingham Museums to develop an outstanding collection of international contemporary art jointly owned with New Art Gallery Walsall, in partnership with the Ikon gallery.

The development of the collection would not have been possible without the generosity and support of donors and in particular, external grant-giving bodies. With core funding from Birmingham City Council for the Museums Service, a modest acquisition budget has acted as seed corn for external support. The contributions of government funds administered by the Victoria & Albert Museum, Science Museum PRISM fund, Art Fund (formerly National Art Collections Fund), The National Heritage Memorial Fund, the Contemporary Art Society, Arts Council and Heritage Lottery Funds have greatly assisted collections development. The Friends of Birmingham Museums and the Public Picture Gallery Fund, have been proactive supporters of acquisitions since their foundation, alongside local and national charitable trusts.

## **6 An overview of current collections and priorities for future collecting**

### **6.1 Collections Development Objectives 2014-19**

The following strategic collections development objectives set a framework for collecting over the five year period and do not focus on any one specific collection area:

1. To engage with and consult audiences about collecting, encouraging personal donations
2. To develop pro-active, creative and responsive programmes of contemporary collecting.
3. To represent the way in which the city and its people have changed over time.
4. To collect material that reflects growing up, living and working in Birmingham.
5. To increase the representation of BAME artists, designers and makers.
6. To increase the representation of artists, designers and makers with a close association to Birmingham.
7. To tell the story of technological innovation, industrial design and production in Birmingham
8. To collect material that reflects Birmingham to the world, and the world to Birmingham.
9. To collect material that supports BMT's priority projects including the major 'BMAG21C' redevelopment of Birmingham Museum & Art Gallery, and a new masterplan for Thinktank
10. To acquire objects of pre-eminent quality which contribute to the breadth, range and quality of the collection

### **6.2 Collection Area Overviews and Priority Collecting Areas**

Birmingham Museums Trust has a vast and diverse range of collections of local, regional, national and international significance. The collections of Art, Science and Industry, Birmingham History, Numismatics (coins and medals), and the Pinto collection of wooden objects have all been Designated by the Department of Culture, Media and Sport as collections of national importance; whilst the collections of Archaeology, Ethnography and Natural History are currently recognised as an important regional resource within the West Midlands.

The following section gives a summary of each area of the collection and identifies specific priority collecting areas over the coming five years:

### **6.3 ART**

#### **6.3.1 Fine Art**

26,500 items of mainly Western European art including paintings, works on paper, sculpture, digital art and photography from the 12<sup>th</sup> to the 21<sup>st</sup> centuries. Strengths include: a substantial and internationally significant collection of the Pre-Raphaelites and their contemporaries; the largest collection in the UK of the work of Birmingham-born artist David Cox; 25,000 works on paper, especially British 18<sup>th</sup> and 19<sup>th</sup> century watercolours and drawings; Italian Baroque painting (major works by Gentileschi, Guercino and Castiglione); modern and contemporary art, particularly British

art, abstract painting and printmaking, and work by over 25 international contemporary artists on the theme of the Metropolis and the urban environment.

Work by female artists is still relatively under-represented, particularly in relation to the Pre-Raphaelites. Work by BAME artists is also under-represented. Work by artists with a close association to Birmingham, including the Birmingham School is a collection strength, which will continue to be a priority for development. The generous Tessa Sidey bequest for purchasing prints has created an opportunity to extend the print collection area in particular, in consultation with colleagues at The British Museum, which builds on an existing strength. The Metropolis theme will be extended to include work by British artists to strengthen the contemporary collection further. Digital work will also be prioritised to build on the small but significant group of works acquired under the Art Fund International scheme. Contemporary sculpture has been identified as an area for development based on the strengths and weaknesses of the existing collection, which is strong in traditional, historic work, with outstanding examples of work by major British sculptors of the modern movement, but there is potential to bring it up to date and represent the diversity and quality of work being made today.

### **6.3.2 Applied Art**

40,618 items of ceramics, jewellery, silver and metalwork, glass, stained glass and design archives, furniture and woodwork, textiles and dress from the medieval period to the present. Strengths include: British Arts and Crafts and the Birmingham School (complementing the fine art collection); Birmingham jewellery and metalworking, including the outstanding Matthew Boulton material; the Pinto collection of treen, Canziani collection and other items, collectively forming a nationally significant collection of British and European Folk Art; contemporary metalwork, and studio ceramics. World cultures collections also include significant groups of Chinese, Japanese, Islamic and South Asian material which position the collection within a global context of trade and cultural exchange.

Work by female and BAME artists, designers and makers remains under-represented across most areas. Work produced by artists, designers, makers and manufacturers associated with Birmingham, including the Birmingham School, is an existing strength and will be a priority for further development.

Research into mapping and assessing the significance of the Islamic and South Asian collection is ongoing. This has been identified as a priority for collection development based on over 10 years of audience development and programming, and will feed into plans for the major BMAG21C redevelopment of Birmingham Museum & Art Gallery in particular.

### **6.3.3 Priority collecting areas for Art 2014-19:**

1. To acquire work by artists, designers or makers associated with the Birmingham School
2. To acquire material relating to the British Arts & Crafts movement, which build on existing collection strengths
3. To acquire prints which strengthen the significance of the works on paper collection, supported by the Tessa Sidey bequest
4. To acquire work by female artists, designers and makers and increase the representation of female artists associated with the Pre-Raphaelites in particular

5. To acquire work by artists who draw on Islamic traditions and increase the representation of Muslim cultures
6. To increase the representation of South Asian cultures
7. To acquire work by designers and makers associated with The School of Jewellery
8. To acquire work which extends the theme of the Metropolis and urban experience
9. To acquire work by contemporary artists working in new media, and sculpture

## **6.4 HISTORY**

### **6.4.1 Ancient Near East**

6,700 items from the Neolithic to the period of Islamic conquest in the 7<sup>th</sup> century AD. Jordan / Palestine / Israel, ancient Mesopotamia and Persia are well represented, Anatolia and Syria-Lebanon less so. Most of the collections are from controlled excavations and therefore well provenanced. Sites in the Levant are mainly represented by objects from Jericho with additional material from Lachish, Jerusalem and Petra, covering the Neolithic, Middle Bronze Age and Iron Age. Mesopotamian material consists principally of objects from Nineveh, Ur and Nimrud, dating to the prehistoric to the post-Assyrian periods. Highlights include a plastered skull from Jericho, Nimrud ivories and Luristan bronzes.

This collection area is not a priority for collecting as we wish to make better and more use of the collections we already have, through working collaboratively with The British Museum to further research and display.

### **6.4.2 Ancient Egypt**

8,000 ancient Egyptian artefacts spanning Egyptian history from the Predynastic period to the Graeco-Roman and Coptic eras. Includes material Egypt Exploration Society (EES) excavations, particularly Saqqara, Buhen, Qasr Ibrim, Abydos and Esna. Further material from rationalisation of regional museum collections, and a large group of material from the collection of Henry Wellcome. Strengths include a rich diversity of smaller objects illustrating daily life, such as Late Period bronzes, mummies, shabtis, Predynastic pottery and ivory work, amulets and stone vessels. Limited pharaonic material, and the collection lacks examples of papyrus or significant monumental stonework.

This collection area is not a priority for collecting. It remains a popular and important collection for formal learning and public access has been increased significantly in recent years through loans and touring exhibitions.

### **6.4.3 Ancient Greece, Rome and Cyprus**

3,700 items from Ancient Greece and Rome, the only collection of its kind in the West Midlands. Strengths include high quality pottery, a representative collection of clay figurines, clay oil lamps, metal items and plaster casts from Ancient Greece, and pottery, clay oil lamps, clay figurines, some stone sculpture and inscriptions, glass vessels and some metalwork from Ancient Rome. The Cypriot collection consists mainly of pottery, with many complete pots dating from the Early Bronze Age to the Roman period. It includes a large group of pieces from an Early Bronze Age cemetery at Vounous.

This collection area is not a priority for collecting as we wish to make better and more use of the collections we already have, through further research and interpretation. The number of items on display increased recently in 2013 with a redisplay at BMAG which targets schools in particular.

#### **6.4.4 British Archaeology**

18,750 items including prehistoric, Roman and medieval material mainly from excavations in the West Midlands. The finds from Weoley Castle dating from the 13<sup>th</sup>-16<sup>th</sup> century include high status material such as pottery, metal tools and vessels, glass and organic remains. The Anglo-Saxon holdings have been transformed by the discovery of the Staffordshire Hoard in 2009 – over 4,000 artefacts and fragments dating from the 7th century, made from gold, silver and copper alloy, decorated with garnet and fine filigree. The majority are fittings from the hilts of swords and daggers, and there are also helmet parts and Christian crosses.

This collection area is not a priority except in relation to the Staffordshire Hoard. The new Staffordshire Hoard Gallery opening Oct 2014 at BMAG has been designed to support the rotation of the Hoard and inclusion of contextual material in the future.

BMT also recognises its responsibility to be a repository for material from archaeological excavations and chance finds within the city boundaries.

#### **6.4.5 Numismatics**

37,850 items forming one of the most important collections of its kind in the UK due to its size, breadth, and capacity to demonstrate the impact that Birmingham-made coins and tokens have had on coinage world-wide. Strengths include Birmingham-made coins and tokens from the 18<sup>th</sup>-20<sup>th</sup> centuries, particularly those associated with Matthew Boulton, the Soho and Birmingham Mints. Medals date from the 16<sup>th</sup> – 21<sup>st</sup> centuries and commemorate an enormous range of subjects ranging from people, places and events, and place those made or worn in Birmingham in an international context.

Collecting in this area will build on existing strengths and support the strategic objectives, particularly (8) 'To collect material that reflects Birmingham to the world and the world to Birmingham'.

#### **6.4.6 Birmingham history**

34,696 items, a diverse collection representing the history of Birmingham and its people from prehistory to the present, and demonstrating the city's international role. Represents domestic, working and civic life, local trades and industries, personal items associated with political figures such as Joseph Chamberlain, topographical views and a significant collection of oral histories.

The Birmingham history galleries at BMAG ('Birmingham: its people, its history') have drawn on the strengths of this collection area and provided unprecedented levels of access to the collection since they opened in 2012. However, the collection is under-representative of the cultural and socio-economic diversity of the city, and contains relatively little material to represent the period from the Second World War to the present. These aspects are a particular priority for development in order to enable us to tell the story of the changing city and its diverse communities more effectively.

#### **6.4.7 World cultures**

9,160 items, including material from Oceania, Australia, Polynesia and Melanesia, Africa, North, South and Central America, and Asia. Particular strengths are weaponry, West African textiles and

Peruvian pottery. Highlights include an Oklahoma Cherokee coat, a Rarotongan god stick, and the large copper statue of Buddha from Sultanganj. The collection as a whole would benefit from specialist assessment.

There is a presumption against acquiring historic material and material without provenance. Research into key collectors and the formation of certain collection areas is being carried out as part of the Honorary Research Associates programme supported by the University of Birmingham. This will include research into contemporary material for potential acquisition, to provide a context for the historic items and the cultures they derive from, and enable us to present this as a 'living' collection.

#### **6.4.8 Priority collecting areas for History 2014-19:**

1. To acquire material which strengthens the significance of the Birmingham history collection
2. To acquire material from Aston, Soho, Nechells and Ladywood on the theme of growing up, living and working in Birmingham, supported by the HLF 'Collecting Cultures' award.
3. To acquire objects and oral histories which tell the story of Birmingham in the 1950s
4. To acquire objects and oral histories which reflect the history and impact of the First World War on Birmingham people
5. To acquire objects and oral histories which reflect the history and impact of the Second World War on Birmingham people
6. To acquire items with direct relevance to the histories and context of Birmingham Museums Trust's Heritage Sites
7. To acquire material which provides context for the Staffordshire Hoard
8. To acquire finds and associated documentation from archaeological excavations within the boundaries of the city of Birmingham
9. To acquire significant chance finds of archaeological material found within the boundaries of the city of Birmingham
10. To acquire contemporary indigenous art from Pacific and North America, which connects to the historic material in the collection

### **6.5 SCIENCE & INDUSTRY**

#### **6.5.1 Transport and technology**

40,480 items covering transport, engineering, machine tools and production machines, scientific and medical instruments, music boxes, player pianos and organs, horology, computing and mechanical devices spanning over 250 years of technological development. Products of Birmingham's historic trades and industries such as motorcars, firearms, pens and buttons are well-represented. James Watt's Smethwick Engine of 1778 is the oldest working steam engine in the world and its significance in the history of world industrialisation can hardly be overstated. The City of Birmingham steam locomotive and the Spitfire are spectacular objects.

This collection area is under-developed with no history of recent collecting activity. As with Birmingham history, the collection is not up to date and we will build on the collection's historic strengths to acquire material that reflects Birmingham's place at the cutting edge of technological and design innovation. The Spitfire Gallery (opens Thinktank March 2015) includes a contemporary collecting strand which will enhance the representation of the local significance of this aircraft, its manufacture and the social history of its production.

### **6.5.2 Natural science**

250,000 items, covering zoology, botany, entomology, geology, mineralogy and palaeontology, the largest natural science collection in the West Midlands, and an important regional resource. Particular strengths include significant bird, egg, herbarium, mollusc, insect, gem and mineral collections. These are valuable for scientific research and include unique type specimens as well as impressive display specimens such as the Triceratops dinosaur skull, fossil crocodile and Giant Irish Deer.

This collection area is underdeveloped with no history of recent collecting activity. Research into this area is an ongoing priority, with an ACE-funded Curator of Natural Science in post since early 2013. The emphasis for development will be on acquiring specimens which have a particular impact for display, or significant value in terms of research potential, strengthening BMT's position as a regional resource.

### **6.5.3 Priority collecting areas for Science & Industry 2014-19:**

1. To acquire material relating to the local aviation industry including the production of the Spitfire aircraft
2. To acquire material relating to technological research and development in Birmingham including medical, nanotechnology, Bio-energy
3. To acquire material relating to the development of the computing and gaming industries in Birmingham
4. To acquire specimens specifically for display e.g. mounted taxidermy, skeletons, fossils
5. To acquire regional natural science collections which have a significant research value
6. To acquire items which link to existing collections e.g. a common provenance such as the Carlier or Chase collections

## **7 Collection Rationalisation and disposal**

**7.1** The museum recognises that the principles on which priorities for rationalisation and disposal are determined will be through a formal review process that identifies which collections are included and excluded from the review. The outcome of review and any subsequent rationalisation will not reduce the quality or significance of the collection and will result in a more useable, well managed collection.

**7.2** The procedures used will meet professional standards. The process will be documented, open and transparent. There will be clear communication with key stakeholders about the outcomes and the process.

- 7.3** Please see BMT’s Lending, Acquisition and Disposal Policy 2014-19: Section 4 Disposal Policy for reasons for disposal, procedures and approval processes; and Appendix 1 Procedures for Governing Lending, Acquisitions and Disposals

## **8 Legal and ethical framework for acquisition and disposal of items**

- 8.1** The museum recognises its responsibility to work within the parameters of the Museum Association Code of Ethics when considering acquisition and disposal.

## **9 Collecting policies of other museums**

- 9.1** The museum will take account of the collecting policies of other museums and other organisations collecting in the same or related areas or subject fields. It will consult with these organisations where conflicts of interest may arise or to define areas of specialism, in order to avoid unnecessary duplication and waste of resources.

- 9.2** Specific reference is made to the following museum(s)/organisation(s):

### **Art**

National Gallery  
National Portrait Gallery  
V&A  
National Museums Liverpool  
The Ashmolean  
Manchester Art Gallery and Platt Hall  
Bristol Museums & Art Gallery  
Cambridge University Museums  
Bath Costume Museum  
Herbert Art Gallery, Coventry  
New Art Gallery Walsall  
Wolverhampton Arts & Museums  
Sandwell Museums  
Barber Institute of Fine Arts

### **History**

British Museum  
Royal Armouries Museum  
Imperial War Museum  
National Museums Liverpool  
Oxford University Museums  
Manchester Museum  
Horniman Museum  
Potteries Museum & Art Gallery  
Bristol Museums  
Warwickshire County Museums Service  
Museums Worcestershire  
Shropshire County Museums  
Library of Birmingham – Archives and Heritage Services  
University of Birmingham – Special Collections

### **Natural Science**

Natural History Museum  
National Museums Liverpool  
Manchester Museum  
Leeds City Museum  
University of Birmingham - Lapworth Museum

### **Transport and Technology**

The Science Museum, London  
Imperial War Museum  
Museum of Science and Industry  
Discovery Museum, Newcastle upon Tyne  
Centre for Life, Newcastle upon Tyne  
Bristol Museums  
Culture Coventry

This list is not exhaustive and other institutions to be consulted where relevant.

## **10 Acquisition**

- 10.1** The policy and procedures for agreeing acquisitions is outlined in the Lending, Acquisition and Disposals Policy 2014-19, to which this Collection Development Policy is an appendix
- 10.2** The museum will not acquire any object or specimen unless it is satisfied that the object or specimen has not been acquired in, or exported from, its country of origin (or any intermediate country in which it may have been legally owned) in violation of that country's laws. (For the purposes of this paragraph 'country of origin' includes the United Kingdom).
- 10.3** In accordance with the provisions of the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which the UK ratified with effect from November 1 2002, and the Dealing in Cultural Objects (Offences) Act 2003, the museum will reject any items that have been illicitly traded. The governing body will be guided by the national guidance on the responsible acquisition of cultural property issued by the Department for Culture, Media and Sport in 2005.

## **11 Human remains**

- 11.1** As the museum holds human remains, it will obtain the necessary licence under the Human Tissue Act 2004 and any subordinate legislation from time to time in force. It will follow the procedures in the 'Guidance for the care of human remains in museums' issued by DCMS in 2005.

## **12 Biological and geological material**

- 12.1** So far as biological and geological material is concerned, the museum will not acquire by any direct or indirect means any specimen that has been collected, sold or otherwise transferred in contravention of any national or international wildlife protection or natural history conservation law or treaty of the United Kingdom or any other country, except with the express consent of an appropriate outside authority.

## **13 Archaeological material**

**13.1** The museum will not acquire archaeological material (including excavated ceramics) in any case where the governing body or responsible officer has any suspicion that the circumstances of their recovery involved a failure to follow the appropriate legal procedures.

**13.2** In England, Wales and Northern Ireland the procedures include reporting finds to the landowner or occupier of the land and to the proper authorities in the case of possible treasure (i.e. the Coroner for Treasure) as set out in the Treasure Act 1996 (as amended by the Coroners & Justice Act 2009).

#### **14 Exceptions**

**14.1** Any exceptions to the above clauses will only be because the museum is:

- acting as an externally approved repository of last resort for material of local (UK) origin
- acting with the permission of authorities with the requisite jurisdiction in the country of origin
- In these cases the museum will be open and transparent in the way it makes decisions and will act only with the express consent of an appropriate outside authority. The museum will document when these exceptions occur.

#### **15 Spoliation**

**15.1** The museum will use the statement of principles ‘Spoliation of Works of Art during the Nazi, Holocaust and World War II period’, issued for non-national museums in 1999 by the Museums and Galleries Commission.

#### **16 The Repatriation and Restitution of objects and human remains**

**16.1** The museum’s governing body, acting on the advice of the museum’s professional staff, if any, may take a decision to return human remains (unless covered by the ‘Guidance for the care of human remains in museums’ issued by DCMS in 2005), objects or specimens to a country or people of origin. The museum will take such decisions on a case by case basis; within its legal position and taking into account all ethical implications and available guidance. This will mean that the procedures described in 16.1-5 will be followed but the remaining procedures are not appropriate.

**16.2** The disposal of human remains from museums in England, Northern Ireland and Wales will follow the procedures in the ‘Guidance for the care of human remains in museums’.

#### **17 Disposal procedures**

**17.1** All disposals will be undertaken with reference to the SPECTRUM Primary Procedures on disposal.

**17.2** The governing body will confirm that it is legally free to dispose of an item. Agreements on disposal made with donors will also be taken into account.

**17.3** When disposal of a museum object is being considered, the museum will establish if it was acquired with the aid of an external funding organisation. In such cases, any conditions attached to the original grant will be followed. This may include repayment of the original grant and a proportion of the proceeds if the item is disposed of by sale.

- 17.4** When disposal is motivated by curatorial reasons the procedures outlined below will be followed and the method of disposal may be by gift, sale, exchange or as a last resort - destruction.
- 17.5** The decision to dispose of material from the collections will be taken by the governing body only after full consideration of the reasons for disposal. Other factors including public benefit, the implications for the museum's collections and collections held by museums and other organisations collecting the same material or in related fields will be considered. Expert advice will be obtained and the views of stakeholders such as donors, researchers, local and source communities and others served by the museum will also be sought.
- 17.6** A decision to dispose of a specimen or object, whether by gift, exchange, sale or destruction (in the case of an item too badly damaged or deteriorated to be of any use for the purposes of the collections or for reasons of health and safety), will be the responsibility of the governing body of the museum acting on the advice of professional curatorial staff, if any, and not of the curator or manager of the collection acting alone.
- 17.7** Once a decision to dispose of material in the collection has been taken, priority will be given to retaining it within the public domain. It will therefore be offered in the first instance, by gift or sale, directly to other Accredited Museums likely to be interested in its acquisition.
- 17.8** If the material is not acquired by any Accredited museum to which it was offered as a gift or for sale, then the museum community at large will be advised of the intention to dispose of the material normally through a notice on the MA's Find an Object web listing service, an announcement in the Museums Association's Museums Journal or in other specialist publications and websites (if appropriate).
- 17.9** The announcement relating to gift or sale will indicate the number and nature of specimens or objects involved, and the basis on which the material will be transferred to another institution. Preference will be given to expressions of interest from other Accredited Museums. A period of at least two months will be allowed for an interest in acquiring the material to be expressed. At the end of this period, if no expressions of interest have been received, the museum may consider disposing of the material to other interested individuals and organisations giving priority to organisations in the public domain.
- 17.10** Any monies received by the museum governing body from the disposal of items will be applied solely and directly for the benefit of the collections. This normally means the purchase of further acquisitions. In exceptional cases, improvements relating to the care of collections in order to meet or exceed Accreditation requirements relating to the risk of damage to and deterioration of the collections may be justifiable. Any monies received in compensation for the damage, loss or destruction of items will be applied in the same way. Advice on those cases where the monies are intended to be used for the care of collections will be sought from the Arts Council England/CyMAL: Museums Archives and Libraries Wales/Museums Galleries Scotland/Northern Ireland Museums Council (*delete as appropriate*).
- 17.11** The proceeds of a sale will be allocated so it can be demonstrated that they are spent in a manner compatible with the requirements of the Accreditation standard. Money must be restricted to the long-term sustainability, use and development of the collection.

**17.12** Full records will be kept of all decisions on disposals and the items involved and proper arrangements made for the preservation and/or transfer, as appropriate, of the documentation relating to the items concerned, including photographic records where practicable in accordance with SPECTRUM Procedure on deaccession and disposal.

## **18 Disposal by Exchange**

The nature of disposal by exchange means that the museum will not necessarily be in a position to exchange the material with another Accredited museum. The governing body will therefore ensure that issues relating to accountability and impartiality are carefully considered to avoid undue influence on its decision-making process.

**18.1** In cases where the governing body wishes for sound curatorial reasons to exchange material directly with Accredited or non-Accredited museums, with other organisations or with individuals, the procedures in paragraphs 18.1-5 will apply.

**18.2** If the exchange is proposed to be made with a specific Accredited museum, other Accredited museums which collect in the same or related areas will be directly notified of the proposal and their comments will be requested.

**18.3** If the exchange is proposed with a non-Accredited museum, with another type of organisation or with an individual, the museum will place a notice on the MA's Find an Object web listing service, or make an announcement in the Museums Association's Museums Journal or in other specialist publications and websites (if appropriate).

**18.4** Both the notification and announcement must provide information on the number and nature of the specimens or objects involved both in the museum's collection and those intended to be acquired in exchange. A period of at least two months must be allowed for comments to be received. At the end of this period, the governing body must consider the comments before a final decision on the exchange is made.

## **19 Disposal by destruction**

**19.1** If it is not possible to dispose of an object through transfer or sale, the governing body may decide to destroy it.

**19.2** It is acceptable to destroy material of low intrinsic significance (duplicate mass-produced articles or common specimens which lack significant provenance) where no alternative method of disposal can be found.

**19.3** Destruction is also an acceptable method of disposal in cases where an object is in extremely poor condition, has high associated health and safety risks or is part of an approved destructive testing request identified in an organisation's research policy.

**19.4** Where necessary, specialist advice will be sought to establish the appropriate method of destruction. Health and safety risk assessments will be carried out by trained staff where required.

**19.5** The destruction of objects should be witnessed by an appropriate member of the museum workforce. In circumstances where this is not possible, eg the destruction of controlled substances, a police certificate should be obtained and kept in the relevant object history file.