

Museums Association

Disposal consultation

Introduction

In response to the findings of the Museums Association's (MA's) Collections for the Future report the association is reviewing its advice and guidance on museum disposal.

This advice should give museums the confidence to engage more actively with disposal and encourage more museums to consider disposal as an integral part of collections development.

The MA's role is to provide sound ethical advice on disposal, reflecting both the sector's opinions and current practice. Ethical advice represents the views of a particular time, and requires regular review to ensure that it is an accurate reflection of the consensus of the museum sector. It has been over ten years since the MA's Ethical Guidelines on Disposal were produced and an update is now necessary.

Toolkit

In response to the sector's need, the MA will produce a toolkit that will bring together practical and ethical advice on disposal, and guide museums through each stage of the process.

The printed toolkit will be supported by an online resource providing illustrative case studies and additional information relating to disposal.

Purpose of the consultation

To ensure that all ethical advice reflects the views of the museum community it is essential that we seek the sector's opinions on a range of issues related to disposal. The views expressed by respondents to the consultation will help define the final advice offered in the toolkit.

Please complete the following:

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Questions to consider:

- **Guiding principle**

The MA's ethical advice has always been guided by a 'strong presumption against disposal' however there is evidence to suggest that this has acted as a deterrent to many museums when considering responsible disposal.

1. Should the current 'strong presumption against disposal' be retained, or should the MA adopt a less restrictive principle such as 'disposal should only be undertaken when it clearly serves the strategic aims and overall mission of the museum'?

The Society of Museum Archaeologists wishes to see the retention of the current wording 'strong presumption against disposal'. We feel that such robust guidance is essential to ensure the continuance of public confidence in museums. It is generally believed by the public that once an object, specimen or collection enters a museum it is there permanently. (Where object is used below it is intended to cover specimens and collections.) Indeed the role of the curator as a collector, saving collections for the public benefit, is one of the main reasons why people wish to become museum professionals. The existing guidance is not, however, an absolute injunction and in certain circumstances it would be possible for museums to dispose of collections subject to various safeguards. It is important that such disposals are seen as being actions that should be fully considered with a past, current and future dimension. An object collected in the Victorian period may not appear to be relevant now but could become so in the future. A good example would be ethnographic material from the days of the British Empire which comparatively recently may have been perceived to be of little interest, but now can be used with ethnic minority communities.

- **Involvement of stakeholders and donors**

The continued success and development of museums is dependent on the maintenance of public trust in these institutions. The act of disposing of items from collections affects public trust in museums and risks alienating future donors and others. Greater involvement, and improved communication about disposal, could help to ensure continued public trust in museums.

2. Who's views should be considered during the decision-making process?

The decision to dispose of an object must be taken on the basis of a careful assessment by a curator. He or she may wish to consult colleagues with specialist knowledge in other museums or in external institutions or elsewhere. It is entirely reasonable to consider the views of the local community, but there are issues of effectively obtaining these opinions as organising a wide consultation may be expensive and time-consuming as well as running the risk of producing

no clear outcome. One solution might be to canvass opinion amongst the museum friends organisation. Ultimately, however, the final decision to dispose of an item must be taken by the museum's governing body which in the case of local authority museums will consist of the elected representatives of the people who have a mandate to act on their behalf. It is appropriate to mention as well the role of the grant giving bodies (The Art Fund, MLA/V&A etc) who, as part of the grant conditions, stipulate that they must be consulted on any change to the status of a grant-aided object.

3. Is it appropriate to involve donors or their descendants in the disposal process?

If so, at what stage?:

as part of making the decision

as a courtesy to the donor once the decision to dispose has been made

other.

We do not feel that it is appropriate to involve donors or their descendants during the decision-making process. Once an object has been donated to a museum the original owner has transferred all rights in that object to the museum (in the same way as occurs with a purchase). Indeed there is a risk that a donor, or perhaps more likely their descendants, might seek to influence the decision-making process for personal gain or in an otherwise inappropriate manner. We would support the notification of the donor once the decision to dispose had been made.

4. Is it ever appropriate to return items to donors or their descendants? If so, in what circumstances?

We are unhappy about the return of objects to donors or their descendants except perhaps in those cases where the objects being returned are of no or negligible financial value.

• Retention within the museum sector and public domain

In recognition of the fact that acquisitions and donations are made on the expectation that items will be retained within museums, current guidance supports disposal that ensures retention within the museum sector or wider public domain.

5 What do you understand to be the public domain?

In the case of museums the public domain encompasses permanent institutions which are operated on 'a not for profit' basis and which exist to promote public access to, and enjoyment and understanding of collections of objects and specimens of scientific, historical and artistic significance which they hold in trust

for society. However, it is worth adding that this professional view is not necessarily held amongst the public at large. The public domain in the case of museums implies a unified system and this is not how people perceive museums. Many people give objects to their local museum because it reflects their local story and would not want things sent elsewhere.

6. Should retention within the public domain be the overriding priority when disposing?

Once a decision has been taken to dispose of an object we believe that it should be an overriding priority to seek retention within the public domain (despite the lack of understanding of this concept amongst the public). Furthermore we should strive to maintain the ideal of public museums transferring objects amongst themselves without payment. This principal is under threat at present, witness the Accountancy Standards Board discussion paper 'Heritage Assets', and should be defended robustly by the Museums Association.

7. If a new location for an item can not be found in a museum or elsewhere in the public domain, in what circumstances might it be appropriate for the disposing museum to:

- retain the item**
- sell at auction or privately**
- destroy the item.**

If a decision has been taken to dispose of an object, which presumably was taken with full regard to all the relevant facts, then this will still be the right decision for a particular museum even if transfer within the public domain cannot be achieved. It seems madness to destroy an object if a new location within the public domain cannot be found (unless of course it is already in a very poor condition). Under these, presumably rare, circumstances it may be appropriate to sell the object. Such a sale may be more appropriately achieved via an auction rather than a private sale since the latter may lead to difficulties in fairly identifying a prospective buyer and even the risk of corrupt practice. A museum should at all times explain the reasons for its decision in these circumstances in order not to undermine public confidence in its operation.

• Disposal through sale

The MA's ethical advice gives preference to disposal through free gift or transfer, recommending sale only once it has been established no other museum is able to take the items. This advice is designed to protect public trust, to make it more likely that collections remain within the museum sector and in recognition that it is preferable that decisions to dispose are not influenced by financial considerations. However some museums are giving more consideration to disposing of items through sale.

8. In what circumstances is sale (rather than free transfer) to other museums or elsewhere within the public domain acceptable?

We have already indicated that we do not believe that there are any circumstances when sale to other museums or elsewhere within the public domain is acceptable. We reiterate that the principal of free transfer should be robustly defended by the Museums Association.

9. Are there instances when it is acceptable for museums to sell collections primarily to generate funds?

If so, in what circumstances?

- in order to buy other items to improve the collection
- in order to provide improved care for collections
- other.

We do not support the selling of collections by museums to generate funds under any circumstances. It has to be stressed that selling what makes museums unique – their collections – is not the route to improved funding, improved access or greater public confidence. Once this principle is weakened where are the boundaries to be put? There will always be special circumstances which can be argued in individual cases to justify unethical decisions. The laudable aims given above – improving the quality and care of the collections – may be achieved by other means.

10. Should the type of museum (eg independent/local authority/national/university etc) or the method of acquisition (eg purchased with funds or donated) influence decisions about whether to sell items or offer them as a free transfer?

Neither of these criteria in our view have any influence on decisions to sell items or offer them as a free transfer. The only caveat on this relates to items originally purchased with grant aid where in the event of a sale the vendor would be liable to pay back the grant to the grant-giving bodies (and thereby might actually prejudice their future success in attracting further aid).

- **International disposal** (other than in the case of restitution or repatriation)

There are a few examples of museums disposing of items overseas but this is a relatively rare practice. However as there is now growing co-operation and partnership working with museums internationally, opportunities to dispose of items overseas could increase.

11. Should museums give more consideration to disposing of items to museums abroad?

We do not really see this as an option for archaeological objects which have a British provenance. Except in the case of 19th- or early 20th-century antiquarian collections British archaeological museums by and large do not hold comparative foreign material in any quantity. Likewise one assumes that museums in France or Germany, for example, would not be very interested in surplus quantities of Romano-British pottery. (In passing we might note that this question would appear to be of relevance to only a very small number of metropolitan institutions and of little interest to small- or medium-sized museums.)

- **Assessment of the public benefit of collections**

12. The MA is thinking of developing a framework to help museums assess the potential public benefit, both now and in the future, of items in their collection. This will assist museums making decisions to dispose. What should be included in this framework?

We do not understand the necessity for such a framework. Museum collections vary so considerably that any framework runs the risk of stating the obvious. The MA would be better advised to ensure that curators are properly trained in their chosen discipline and could most effectively do this by championing the Subject Specialist Networks initiative

19 Has your museum disposed of items outside of the public domain, and if so what factors did you consider?

20 Has your museum ever involved stakeholders, such as through a panel or peer review, to contribute to the decision-making process?

We are aware that the issue of disposal raises many questions, however it is not within the scope of this consultation to cover them all. Please raise any additional issues you would like the MA to consider in your response.

How to contribute

The consultation process will run until 31 October 2006. You can contribute by responding to the questions raised. You can also contribute your views at this year's MA conference.

Please send your responses to:
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The MA is interested in hearing from museums that are willing to contribute interesting examples of disposals that can be used as illustrative case studies.