



TREASURE TROVE REVIEW

Response of the Scottish Museums Council

February 2003

1 Introduction

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

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

As part of the consultation for the review of Treasure Trove , we convened an open meeting to which all SMC' s members were invited to discuss the issues arising. There was a considerable consensus amongst those attending and we have drawn heavily on these views in framing our response. We have also drawn on our established knowledge of museums in membership. In addition, the Director of SMC is a member of the Finds Disposal Panel.

2 General

It is true that there are, and will remain, some high profile disagreements about allocations by the Treasure Trove Advisory Panel. However, the general view expressed was that matters had very much improved over the last few years. The problems, such as they are, appear to be less to do with allocation (although there are some concerns about consistency of implementation) and more to do with public interface. The underlying problem is that the system is under resourced at all stages, and this is reflected in different ways, particularly in blockages in processing material and paperwork but also in inadequate transportation and conservation which ultimately put items at risk.

3 Finding and reporting

One of the main frustrations with the current system is the length of time between the reporting of finds and their eventual disposition. In most cases finds are reported to local museums, who are then required to report items to the Treasure Trove Secretariat. However many now find their way direct to NMS. The item may be claimed or rejected as Treasure Trove: if claimed it is open to museums to bid for the item, subject to finding the appropriate financial reward. Given that museums should not be acquiring items without legal title, there is no doubt that this clarity of ownership is very helpful. However, the disadvantage of such a centralised system is that museum curators can no longer exercise an element of discretion in deciding whether or not an item should be considered for Treasure Trove. This certainly lengthens the process, frustrating finders who are looking for ongoing information from the Secretariat/Panel (few draw a distinction between the Secretariat and Panel). In addition, some curators have found that the first they know about eventual disposition is when an item has been rejected by the Panel. Several commented that it would be very helpful if copies of letters to finders were sent to relevant institutions at the same time. Published lists of finds and allocations would be helpful.

The most problematic aspect of the current system is that there are no published criteria for claiming Treasure Trove, which makes it difficult for museums to offer advice. Most people consulted had assumed that decisions about whether or not an item is Treasure Trove are made by the Treasure Trove Advisory Panel. In fact it appears that the decisions are made by a member of the Secretariat. We think this is not an appropriate or acceptable state of affairs. We strongly recommend that there should be clear criteria indicating what will be claimed as Treasure Trove, and that there should be a clear decision making process involving the Panel. It should also be possible for more information to be offered prior to bidding, using new technology for digital images and communication.

It may be that decisions can be delegated to local level, but this would require some very careful thought and design of a system which was coherent and consistent across the country. Although it may have been pragmatic, we suspect that the previous practice of curators exercising discretion mentioned above was not necessarily consistent, and would no longer be appropriate without detailed criteria and guidance of exactly the sort which is missing.

An idea which was warmly welcomed in principle was that of establishing a network of Finds Liaison Officers, based in local museums, who could be proactive in publicising the scheme and providing advice. However, the system is already overwhelmed with finds which are reported, and the resource requirements of a scheme extended in this way would be considerable.

4 Claiming and allocation

Life has moved on considerably since publication of the original guidelines on allocation, which are now out of step with both current thinking and current practice. In general, museums have accepted that, although there will inevitably remain some high profile contentious cases, the system of allocation works well. Guidelines need to be rewritten to reflect what is now accepted as current practice, that there is no presumption of allocation in favour of the National Museums. However this still leaves open the question of the circumstances in which NMS should have priority and the crux of the matter is that the role of the National Museums in the 21st century remains unresolved. However, this is a much bigger issue than can be encompassed with the current review process.

The point was made that contested bids are not necessarily between NMS and the local museum, but may equally be between two non national museums. This reinforces the recommendation made by SMC in the recent museum consultation, namely that there should be an effort to harmonise collecting policies. The possibility of joint ownership might also be a way of saving some of the energies wasted on contested ownership and there are already illustrations of this eg the Cramond Lioness. A specific recommendation was the need to keep the paper archive with archaeological assemblages, since the biggest aid to understanding archaeology lies in the archives. However this does raise questions about whether the museums have archive expertise and storage capacity.

The condition of objects can be problematic. Because all items are deemed crown property, few if any museums undertake conservation work before reporting to the Secretariat at NMS. Once within NMS it is not clear what are procedures and resources for undertaking any treatment, so there may be no treatment or analysis of the object. Different museums have different expectations of the condition of the object for which they might be bidding, although it is likely that regular users of the system have more realistic expectations than occasional bidders. Nevertheless as the pressure for local allocation grows, the condition issue may become more significant. We recommend that the responsibilities of NMS in this respect should be made clear (and is likely to require allocation of specific resources).

Another problem, which is peculiar to archaeological excavations, is issue of scale of the modern assemblage, including (at worst) extensive unprocessed and unnecessary soil samples. There is a good argument for more rigorous selection in the course of the excavation, which would require amended guidelines to archaeologists. There is also a good argument for considering a single national environmental centre, almost certainly based within NMS (Granton site?). Finally a small but not insignificant issue is that of human bones. New finds are studied and reburied, but in an ideal world there should be some co-ordinated scheme for the transition and reburial of existing bones.

4 Evaluation and reward

In general it was felt that few finders were motivated by financial reward but did have an emotional investment in the finds which they reported. This is one of the reasons why there is such frustration at both the length of time and lack of information coming back from the Treasure Trove Advisory Panel.

Affordability is an issue for museums, bearing in mind that acquisition budgets are minimal. We know of one local authority which gives grants to independent museums to assist the purchase of items, and applications can also be made to the National Fund for Acquisitions. In general, museums did not raise this as a particular problem. The problems are rather the endemic ones of lack of resources for adequate conservation, storage, display and research. There are certainly recent examples of museums declining to bid to the Finds Disposal Panel for archaeological assemblages on the basis that they no longer have the storage or curatorial capacity for these.

5 Other

An effective system requires both infrastructure and enforcement. As well as infrastructure issues, discussed above, it might be appropriate to close some potential gaps in the system. Areas which might be improved include:

- introduction of a formal offence for trading in illicit objects. There was considerable support for this at the seminar organised by the Society of Antiquaries in November.
- some means of establishing that items allocated as Treasure Trove are being properly looked after post allocation. Leaving aside whether or not Registration provides a sufficient quality threshold, the fact is that Registration is only considered at the time of allocation. There is no system for retrieving items of Treasure Trove if standards fall and, for example, the museum falls out of Registration. Obviously a perpetual policing system is unrealistic, but it may be appropriate to have a system of random sampling or some other audit scheme. This was a specific recommendation of the original National Strategy for Museums published by SMC, NMS and NGS in 1999 but to date this has not been taken up.
- There has been discussion of whether it would be sensible to merge the Finds Disposal Panel and Treasure Trove Panel and this is something which might be explored. We certainly feel that there is a need to clarify the routes to the TTAP and FDP as part of the exercise in clarifying the criteria for claiming Treasure Trove. However there are still major resource issues and the transfer of responsibility to from NMS and Historic Scotland will not of itself resolve these issues. It may be the better route is to improve the current Treasure Trove process with immediate effect and look to a further review within a specific time eg 3 years, giving all parties the opportunity to review the better working of the system and consider the issues in greater depth.

Finally, to end on a positive note, there was unanimous recognition for the work done by the current NMS Secretariat. It is generally recognised that most of the problems identified are a result of lack of resources, rather than error or dysfunction. There was recognition that it would be valuable to continue to rely not only on their personal expertise but the ability to tap into the corporate expertise of NMS. There was therefore no support for a wholly independent Secretariat, although there was some comment that it would be sensible to ensure that the NMS role is as formalised as possible to avoid any perception of conflict of interest.