



## **Comments from the Scottish Museums Council on the Scottish Executive's response to the Treasure Trove Review**

### **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.

SMC warmly welcomes the report of the review of Treasure Trove arrangements in Scotland undertaken by Andrew Normand.

SMC also welcomes the Scottish Executive's response to the review and call for comments on specific aspects of the review report. We appreciate the challenge faced in singling out a small number of priorities from such a comprehensive report.

A number of SMC's members have been and continue to be directly involved in Treasure Trove in a variety of ways, as reporters, claimants and/or eventual recipients of Treasure Trove items/assemblages and as local points of contact for finders. Our response to the Scottish Executive's call for comment has been framed following consultation with representatives of museums mainly collected through a consultation meeting held in Edinburgh on 22nd of January, which was attended by local authority and university organisations. Although all our member organisations were invited, most of those attending the meeting were people with direct experience of the various stages of the Treasure Trove process, including being in the front line of reporting finds and dealing with finders. There was considerable knowledge of Treasure Trove processes amongst this group and a general consensus on the main issues. We have drawn heavily on the views of this group in framing SMC's response.

Our response addresses the issues on which the Scottish Executive specifically sought views, then goes on to comment on the principal recommendations that the Executive

intends to take forward and finally, on wider issues raised by the original review in the light of these stated intentions.

## **2. Issues on which further views were sought**

### **2.1. The need for a new statutory basis for Treasure Trove**

There are undoubtedly some practical problems that result from working within the current legislative framework and a new strategic basis might clarify some of the uncertainties. However it could also create new ones and affect established working relationships while also diverting resources from other priorities. On balance we suggest that now is not the time to change legislation. We would suggest that there is more of a case for reviewing the legislation for Treasure Trove as part of a wider review of the legislative framework for all archaeological processes in say, three years time.

The current arrangements have taken several years to become established but are becoming workable. They should become more so if the suggested changes to infrastructure succeed in improving process such that, for example, reporting times are better understood. Overall our preference would be to make the suggested changes that improve infrastructure and communication using the development of the policy, the Code of Practice and new guidance as a means of ensuring everyone is working to the same rules. Once this has been tested, monitored and evaluated, the requirements of new legislation will be more clearly understood.

To effectively comply with the law requires enforcement as well as infrastructure. A consideration might be for the 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.

### **2.2. Merging the Treasure Trove Advisory Panel (TTAP) and the Finds Disposal panel (FDP)**

A single body would be fairer on recipients of finds and easier for the general public to understand. The TTAP is commended as having broad representation on the panel and therefore being able to make some challenging decisions about allocation. The recommendation for the TTAP to co-opt specialist expertise as and when required would further strengthen it. On the other hand, the FDP's box scheme for assemblages is highly valued amongst non-national museums. A merger would be an opportunity for a new panel that incorporates the respective strengths of the TTAP and the FDP. However, merger is seen as a less important issue than that of ensuring that both panels operate according to the same set of rules and having a unified public face, so a first step might be to encourage close collaboration.

### **2.3 An opportunity for finders to challenge the valuation**

Museums already have the opportunity to challenge valuations and therefore it would be inappropriate to not treat finders the same. On the other hand, reporting finds is a requirement of the law and it should be understood that the award is in recognition of this fact and is therefore offered as a fair reflection of market values. To encourage challenge would drive up valuations in what is an increasingly mercenary market in

antiquities. It would also raise processing costs and slow down an already over-stretched system.

Representatives of non-national museums who often find themselves often in the front-line with finders report that few finders are interested in financial gain. Many have an emotional investment in the items they report and so are more interested in cultural value or being properly recognised for their contribution. A more open and transparent process, as the Scottish Executive proposes, coupled with improved awareness of the ultimate benefits to society of Treasure Trove, would go a long way to raise satisfaction levels amongst finders. Challenging valuations should generally be discouraged. In a similar vein we agree with the Executive's suggestion that more should be done to make it understood that the acceptance of a reward is optional.

## **2.4 Time targets for the Treasure Trove process**

Time targets are not considered the best mechanism for increasing satisfaction with the process, or for improving its efficiency. Indeed they could be detrimental to the quality of the eventual decision on allocation. Better management of the expectations of all parties on the time it takes to implement a complex process would be significantly more productive. This will require investment in the development of excellent, reliable infrastructure and high quality publicity materials underpinned by clearly defined criteria and transparent processes.

## **3. General comments on wider issues raised by the response**

### **3.1 A clear statement of policy, a Code of Practice and new guidance material**

We support the recommendations to define policy, draw up a Code of Practice and to develop new guidance material and would urge that this is implemented quickly. We see many benefits arising from the process of developing the policy, Code of Practice and guidance material if its aim is also to improve processes of administering the scheme. Creating the policy, Code of Practice and guidance are opportunities to improve efficiency, effectiveness and consistency as well as understanding of the scheme. They also provide opportunities to clarify criteria, definitions and stakeholder roles. If undertaken in a consultative way the process of development will, of itself, improve perception and understanding by public and stakeholders. The Code of Practice should identify the stages in the process where stakeholders can expect to be updated or consulted. However, adequate additional resources will be required by the TTAP Secretariat to undertake this additional but necessary work and to ensure the necessary quality and dissemination of the published materials.

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.

### **3.2 Local advice through the new regional museum development officers network**

An idea which was warmly welcomed in principle was that of establishing a network of Finds Liaison Officers based in local museums. These people would have archaeological expertise and would be proactive in publicising the scheme and in

providing advice. They would also assist the efficient processing of Treasure Trove by reducing the number of cases finding their way into the system that are not eventually designated as Treasure Trove.

However, the proposed role of Finds Liaison Officers is entirely inconsistent with the overall purpose of the Regional Development Challenge Fund (RDCF). The latter is a challenge fund that addresses themes of learning, access, tourism and workforce development in the non-national museums sector, not issues of archaeology. The schemes are structurally incompatible, as is clear in the published version of the RDCF guidance which states that bids need not necessarily be for posts, and that the scheme is meant to facilitate the development of regional infrastructure not provide it. At an operational level, to deliver results in finds liaison and regional development will require widely different networks, knowledge and skills.

There is a much closer match between Finds Liaison Officers and those existing staff in museums and field archaeology units who are already working at the archaeology/public interface. Although also very patchy, more could be achieved by giving these people formal recognition and by recognising the important liaison role performed by the TTAP Secretariat itself. One route might be to fund the TTAP Secretariat to formally recognise regional museums to perform an improved liaison function. However, it must be said that that this solution would still only achieve part of what a network of dedicated liaison posts could achieve. The situation still remains that there needs to be a network of people with archaeological expertise, most especially in the 'cold spots' where local and specialist knowledge either does not exist or is too dispersed to effectively assist the Treasure Trove process. Dedicated archaeological Finds Liaison Officers continue to be a requirement.

The Scottish Executive's response to the Treasure Trove review was written before the RDCF guidance was finalised which may in part account for there having been some misunderstanding of the latter's purpose. Now that its purpose is clearly defined we would like to see a re-examination of the recommendation that the RDCF should attempt to undertake an archaeological liaison role and re-consideration of how the latter might be achieved through alternative means.

### **3.3 Greater recognition for finders**

As stated in Section 2.3, enabling finders to be more involved and more aware of the issues should raise satisfaction levels generally. The right of finders to be recognised should be respected, but recognition should be celebrated at the time - perhaps though an event, or certificate, or listing in a 'glossy' public annual report. It must not be translated into an ongoing duty on museums to acknowledge finders on exhibition labels, inform finders if items are withdrawn from display or by any other means. Intervention of this kind is heavy-handed, counter-productive and runs counter to the assumption that a museum is capable of taking responsibility for this in allocating it Treasure Trove material.

### **3.4 A new fast track procedure for normal allocation cases**

While speeding up the process would be desirable, a fast track will only be possible if there is better definition and understanding of what constitutes 'normal' process. See the process improvements we have suggested in Section 3.1.

### **3.5 Improved audit**

Although improved auditing would be helpful in that it would inform future allocation, it could also be seen as over-bureaucratic given that the Crown's responsibility currently stops once legal title is transferred. It might be appropriate to examine some means of establishing that items allocated as Treasure Trove are being properly looked after post allocation, as currently there is no system for retrieving items of Treasure Trove if standards fall or, for example, the museum falls out of Registration. Consideration should perhaps be given to providing financial support for continued care of Treasure Trove material.

Improved audit is not considered a priority unless additional resources are provided and mechanisms for addressing shortfalls found.

### **3.6 A new requirement for an annual report**

A published record of the year's activities aimed at the general public would be an excellent advocacy document for the scheme. However it would require additional resources to create and disseminate.

## **4. Wider issues from the review of Treasure Trove arrangements**

### **4.1 General points**

Andrew Normand's report is a comprehensive and thorough record of the scheme and perceptions of it at the time of writing but, as such, it does record some quite disparate views. To set a record straight, it is a view strongly felt by representatives of non-national museums with direct experience of Treasure Trove that the process in no way favours allocation to NMS. The corollary of this is that allocations to NMS do not need to be taken out of the normal process (see 4.3).

Also, 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 is that matters have very much improved over the last few years as processes have become established. The problems, such as they are, appear to be less to do with allocation and more to do with the public interface.

Concordats between local museums and between local and national museums have helped to improve relationships with regard to allocation and we agree they should be encouraged. However, the point has been made that two museums putting in separate bids is not evidence of the 'failure' of a local Concordat. It might, in fact, be evidence of collaboration but at the same time recognition of the fact that the same item/assemblage may relate in different ways to two collections, be just as significant to both and of overall significance to the locality. What is most important here is for the TTAP to have much clearer, published criteria to inform decisions. There is still much to be refined in the understanding of national and local significance of Treasure Trove and what is meant by 'significance' generally (see section 4.3).

## 4.2. Resource issues

The underlying problem with Treasure Trove 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. The Scottish Executive's proposals for what should be taken forward from Andrew Normand's report will achieve some process and communication improvements but additional resources are needed.

There was unanimous recognition for the work done by the TTAP secretariat in Andrew Normand's report. The most pressing need is to adequately resource it to undertake the improvements that are recommended.

Liaison between the numerous and various bodies that are stakeholders in archaeology locally is still absent. This gap would be addressed by Finds Liaison Officers, based in local museums, who could be proactive in publicising the scheme and providing advice and working closely with the TTAP Secretariat. 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.

Affordability of bidding is an issue for museums, bearing in mind that acquisition budgets are in many cases minimal. However acquisition is just the beginning of a funding commitment for the museums to which Treasure Trove is allocated.

Because Treasure Trove is Crown property, there are few incentives for material to receive much more than first-aid conservation until ownership is established. NMS's conservation staff undertake some conservation on an ad hoc basis while material is with the Secretariat, but this is done out of good-will and they are not remunerated or recognised for this. The result is that issues of condition and conservation tend to be passed down the line, increasing risk to items in the process and adding to the overall cost to museums receiving Treasure Trove.

There are also growing financial implications for museums that claim Treasure Trove arising from the cost of housing and caring for increasing amounts of material, a cost made worse by the drive to keep together large assemblages from modern archaeological digs. There is a growing likelihood that in future museums may decline to bid for archaeological assemblages on the basis that they no longer have the storage or curatorial capacity for more material.

The costs of bringing material to Edinburgh can be substantial, particularly from remote rural and island communities. Digital images and electronic communication must not be ruled out as a means of assisting with identification of finds. Images, in conjunction with dialogue, should help to at least sift items as potential Treasure Trove. Recognition of the informal roles played by local museum curators and national museum experts in Treasure Trove would create the circumstances whereby new technology could be increasingly adopted (see Section 4.4).

## 4.3 National significance and allocation to the national museums

The proposal by the Scottish Executive that items of 'international and national significance' should *in the first instance* be offered to NMS runs counter to the aim of clearly distinguishing the roles of the TTAP secretariat and NMS. In the interest of equality, accountability and transparency, the same process must be applied to the allocation of all items of Treasure Trove.

In our view it is not the outcome of a decision that the NMS should hold Treasure Trove items of international and national significance that is controversial but it is the means by which that decision is reached, and how it is validated, endorsed and communicated. This requires a clearly defined set of detailed criteria, underpinned by agreed priorities and values that are understood by all parties and which will guide the decisions of the TTAP Secretariat and the TTAP.

#### **4.4 Greater recognition of the roles of museums in Treasure Trove**

We welcome the move towards greater clarity of process and expect that as this occurs, the contribution made by various bodies, including the national and non-national museums, will be made more explicit.

We would especially welcome more recognition of those regional museums that are regularly involved in the process. In many parts of Scotland non-national museums are in the front-line of liaison with finders and reporting. It is often the same museums to which allocations are eventually made, for the practical reason that clusters of objects and expertise draw in more collecting. This community is also the group that may be deterred from bidding for material in future if the burden of bidding, housing and curating becomes too onerous in the long-term.

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