

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.

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[The Scottish Museums Council \(SMC\)](#) is the strategic agency and membership body for non-national museums in Scotland. Our vision is for a welcoming museums and galleries sector that opens doors and celebrates collections, inspiring creativity, learning and enjoyment for all.

Our membership includes all local authority, university and regimental museums and a large number of independent museums. Together, they manage over 340 sites and vary in size from small voluntary trusts to large metropolitan services. SMC is acknowledged by the Scottish Executive as its main adviser on local museums and galleries, and the main channel of support for the sector.

ii) Introduction

SMC welcomes the Museum Association's (MA) consultation on disposal and its plans, in light of the *Collections for the Future* enquiry, to review and potentially update its advice to museums on disposal.

We are particularly pleased to have been invited to participate in the Disposal Forum established to gather ideas for production of a toolkit and online resource to guide museums through the practicalities and ethics of disposal. The topic is complex, and we believe that these aids could assist the sector to discuss it more confidentially and more strategically. Accordingly, we look forward to working closely with the MA to promote future use of the toolkit in Scotland whilst also progressing some ideas which are central to SMC's *A National Collections Development Strategy for Scotland's Museums*. (To download a copy of the Strategy go to: www.scottishmuseums.org.uk)

In it, responsible disposal is discussed as an essential element of constructive collections development. We recognise that it requires assured decision-making based upon sound knowledge of collections, supported by robust policies and access to appropriate resources.

During sector consultation in 2005, it was established that dedicated attention and funding will be enough to revitalise some under-used collections in Scotland. However there are others which, it must be acknowledged, never will be useful, which are a constant drain on staff time and resources and are not accessible, nor therefore of interest, to museum users.

In such cases, we suggest that museums have a responsibility not to ignore their collections but to assess them formally and take appropriate action; however disposal of collections requires resources. Frameworks exist to help museums to secure these and established criteria are in place which can equip staff to make necessary decisions. It is crucial however, that the sector is confident both about the process and procedures of disposal, and about communicating this function as an essential part of progressive collections management to their stakeholders.

Museums can help each other enormously by providing peer support and sharing their experiences of disposal, and so we are pleased that the toolkit will include case studies. The positive outcomes associated with acquisition are currently more familiar than those associated with disposal, but handled appropriately and as part of planned collections development programme, they can exist here too. We are hopeful that use of the new toolkit and resources will help inspire a more

confident, informed approach to the shaping of collections, one of the three key priorities of SMC's *A National Collections Development Strategy for Scotland's Museums*.

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 proposed amendment is essential if there is to be a cultural change in the way museums consider and use disposal.

As it stands, the current statement provides some museums with an acceptable rationale with which to avoid the active re-shaping of collections, except in the most extreme circumstances.

The amended version suggests that the requirement for a considered, strategic approach must be retained, whilst also acknowledging that disposal can and ought to be explored as a positive influence on development of collections.

- **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?

In SMC's *A National Collections Development Strategy for Scotland's Museums*, museums are urged to prioritize community and individual opportunity to participate with both public programmes and core collections activity - including all aspects of collections development.

Accordingly, we would suggest that the views of all those with a stake in the museum, its collections and services are given the opportunity to contribute to decisions made about disposal.

If such involvement fosters wider public understanding of the need for active collections development and helps to counter wholly negative perceptions about disposal, then this would be especially helpful.

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.**

Where the item in question is an historic acquisition, or one with incomplete or inaccessible supporting documentation, it is not always possible let alone appropriate to involve donors or their descendants in any stage of the process.

Where it is possible and the donor is living, it would be appropriate in most cases to try to contact them early on in the process and as far as is practicable, to consider their preferred course of action.

This arrangement should not extend to the involvement of descendants however, as it may become difficult and costly not only to locate next of kin, but undesirable to become embroiled in potential disputes about eligibility.

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

Other than in the example cited above (where the donor is living, contactable and would like to have the donation returned) - generally, no.

Exceptions would include sacred objects or human remains, or items of doubtful provenance where there is concern that they were not acquired legally.

• 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?

All organisations in receipt of public money, either directly or indirectly, with a remit to provide services and/ or access to resources for their local communities and the general public.

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

Where the item has been a gift or donation, or has been purchased with public funding - yes. It's important to consider the variety of organisations this might include however. If for example a local authority arts, health or community services department would be able to care for the item and can provide more opportunity for meaningful public interaction, this would be an appropriate alternative to a museum where this could not be assured.

Again, frameworks exist and have been successfully employed which can help museums to consider disposal as a staged process, one where a number of possible outcomes or uses for objects are considered (i.e. set dressing, educational use) before they are dispensed with completely.

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 all options for transfer of a donated item within the public domain have been exhausted and the original donor is not contactable or does not want the item returned, museums must be confident that they can act in a manner (i.e. adopting as many of the options related above) as is ethical, appropriate to their circumstances and progresses their plans for strategic development.

Precedents and established frameworks exist which can equip staff and governing bodies with the information and procedures needed to make their decision - and it is important that the ethical guidance offered them is flexible enough to allow this.

SMC's *A National Collections Development Strategy for Scotland's Museums* discusses the need for more, and more positive communication about the needs for and effects of planned disposal. It would also be useful if more museums shared stories of disposal which have been communicated successfully in their own locale.

- **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?

Generally, this is not acceptable. It is important that the process is not allowed to be driven by financial considerations or short term, misguided efforts to increase storage capacity.

The only imaginable exception might be where items have been acquired with private funds.

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.

Consideration of collections' value in financial terms runs contrary to the established ethical position and encourages the likelihood of their being considered as assets, to be acquired and disposed of in terms of the monetary gain.

Whilst this is considered a dangerous precedent, and one that many museums would not want to set, there has been some public argument recently that it ought to happen in certain circumstances - if, for example, the item/ collection has been acquired by a private organization with private, not public funds.

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

There is a strong argument that publicly funded museums in consideration of publicly funded or donated items have a greater obligation to retain items in the

public domain. When considering disposal, there is an equally strong argument that free transfer within the public domain ought to remain the preferred option.

Whilst the rules might be more flexible for privately funded museums, or when discussing the disposal of privately financed acquisition outwith the public domain, in reality it would not be desirable or feasible to produce different 'levels' of ethical guidance. There must be a single Code, but it must be flexible enough for all museums to be able to adhere to.

- **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?

For the majority of Scotland's museums, which care for collections of local, regional or Scottish national significance, this may not be a priority

For those with more broad ranging collections, frameworks and networks do exist and ought to be considered where appropriate, to ensure items are disposed of wherever is most appropriate, whether at home or abroad.

There are notable examples already existing in Scotland where successful links have been made with organizations overseas to negotiate and manage the safe repatriation of human remains. These might be useful in exploring options for more diverse disposals abroad in the future.

- **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?

Useful components might include:

- Mechanisms to enable museums to better understand user/ visitor composition
- Mechanisms which encourage greater awareness of user/ visitor interest in collections and associated information

- Guidance on how to conduct public consultation in order to ascertain what aspects of collections and associated information users want to engage with

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.