

To: Leadership Board

On: 24 February 2021

Report by: Chief Executive

Heading: Museum Policies

1. Summary

- 1.1 Renfrewshire Leisure regularly updates museum policy in order to maintain good practice, fulfilling obligations as managers of the civic collections and to comply with the requirements of sector specific schemes such as Museum Accreditation and the Museum Association's code of ethics.
- 1.2 Policies are developed and delivered in accordance with the obligation of, and agreements between, Renfrewshire Council and Renfrewshire Leisure Limited as part of the Renfrewshire Council Renfrewshire Leisure Limited Collections Agreement, 2 July 2015.
- 1.3 These policies sit within a suite of policies relating to the civic Museum collections and previously approved by Council, including the Collections Development Policy, Care and Conservation Policy and Documentation Policy.
- 1.4 The development of policies relating to Human Remains and Return of Cultural Policy provides clarity for all interested parties on policy relating to sensitive material and allows Renfrewshire Leisure to manage such material culture within collections related activity to current standards of good practice.
- 1.5 As owners of the collections, Renfrewshire Council's Leadership Board has final approval of the policies. Renfrewshire Leisure, as the manager of the collections, recommends them to Renfrewshire Council's Leadership Board for adoption.

2. Recommendations

2.1 It is recommended that the Leadership Board:

- I. Approve the Return of Cultural Property Policy – Appendix A
- II. Approve the Human Remains Policy – Appendix B

3. Background

3.1 These policies have been developed to more specifically outline responsibilities in caring for Human Remains, and the principles and process of considering a request to return to an originating community any material pertaining to that culture, which is held in the Museum collections.

3.2 Whilst there is a standard timescale for policy review, these are two areas where professional practice and broader community expectations are actively evolving. The Leadership Board are advised that an earlier review of the policy may be required should there be substantive changes to legislation and/or guidance.

3.3 The full intent of the policies is expressed in the appendices. For the Board's information the key principles informing the policies are as follows:

3.4 Return of Cultural Property Policy

- To outline a clear and transparent process to consider requests, which can be made available to any party considering or making a request.
- To outline the roles and responsibilities of Renfrewshire Leisure (as collections managers) and Renfrewshire Council (as collections owners) in considering a request and making a decision.
- To establish a policy position that whilst legal ownership can be regarded as an absolute value, there may be circumstances where legal entitlement cannot be demonstrated by a third party, but the Council may wish to hear and respond to a moral case for the return of cultural property.

3.5 Human Remains Policy

- To outline how human remains are looked after and respected whilst in our care.

Implications of the Report

1. **Financial** – not applicable
2. **HR & Organisational Development** – not applicable
3. **Community/Council Planning** – not applicable
4. **Legal** – Actions arising from the implementation of the recommendations in this report must align with the appropriate current legislation, including Human Tissue (Scotland) Act 2006
5. **Property/Assets** – In the event the Council makes a decision to return an item from the collection, the relevant asset lists will be updated and the process fully documented.
6. **Information Technology** – not applicable
7. **Equality & Human Rights**
 - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because for example it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** – not applicable
9. **Procurement** – not applicable
10. **Risk** – not applicable.
11. **Privacy Impact** – not applicable.
12. **Cosla Policy Position** –not applicable.
13. **Climate Change**- not applicable.

List of Background Papers

- (a) n/a

Author: Laura McIntyre, Head of Policy and Commissioning

Renfrewshire Leisure Return of Cultural Property Policy 2021 - 2025



1. What this policy covers

- 1.1.1 This policy covers the approach to be taken should a request be received for the return of cultural property held in the collections of Renfrewshire's museums. It will only apply to items confirmed as being within Council ownership, ie it excludes items on loan to the Council.

2. Context of the policy

- 2.1 The collections managed by Renfrewshire Leisure Limited (RLL) on behalf of Renfrewshire Council (RC) are national and international in scope and span various time periods. Paisley Museum has been collecting, caring for and displaying these collections since the foundation of the museum in 1871 and the museum itself is part of the history of Paisley and Renfrewshire, Scotland and the wider world.
- 2.2 Like most UK museum collections, several objects in Renfrewshire Museums' collections were acquired during a period when colonial enterprises involving exploration, trade and war were taking place. These objects may therefore reflect previous colonial and commercially exploitative arrangements. The collecting, keeping and describing of objects may reflect colonial mindsets and attitudes. For a number of communities internationally, they could represent a power imbalance which is not a historical, but a contemporary issue. The return of cultural property can be significant to an originating community for a variety of reasons, different in each case.
- 2.3 A request for return of cultural property may be accompanied by evidence which demonstrates legal entitlement to ownership of items. It may also be the case that requests are received where rightful ownership is more difficult to evidence in legal terms, but there are ethical considerations around the original acquisition of items from an originating community.
- 2.4 The values that we would now apply to these relationships and transactions may be understood to be different to the values which were prevalent at the time of acquisition. Any request will require a judgement to be made on the part of Renfrewshire Council as to the public interest, reflecting our contemporary role in the world, the relationships which we value, and how we want to interact with others. An outcome of these judgements could be that items currently in our collections have greater cultural and / or spiritual significance for others and could lead to the transfer of legal ownership. Alternatively, an outcome could be that we do not regard the case as having sufficient merit or clarity to result in a return of property.

3. Operations

- 3.1 Renfrewshire's museum collections held primarily at Paisley Museum, Renfrew Museum and Paisley: The Secret Collection, are owned by Renfrewshire Council, and managed on its behalf by Renfrewshire Leisure.

3.2 Renfrewshire Council is the local government authority, and Renfrewshire Leisure is an arm's length organisation of the Council, established as a company limited by guarantee. Renfrewshire Leisure has its own Board of Directors. The Council is the sole shareholder of Renfrewshire Leisure.

4. Roles and remits

4.1 Renfrewshire Leisure, as the manager of the collections, will provide Renfrewshire Council, as the owner of the collections, with professional advice and recommendations as to how to proceed. Renfrewshire Council will undertake analysis of each request on a case by case basis. The decision on whether to agree or not to agree to a request will be taken by Renfrewshire Council. The policy recognises the respective roles of Renfrewshire Leisure and the Council, with matters requiring decision being referred to the Leadership Board.

5. Policy position

5.1 Renfrewshire Leisure and Renfrewshire Council will deal with all requests with respect.

5.2 Our starting point will not be to assume that our ownership of an item must be defended, but to understand how it came to be with us, and to make a judgement if we continue to regard that as right.

5.3 We will seek to provide as full information as we can on the circumstances of objects entering our collection, and to make all relevant information we have freely available.

5.4 We will work collaboratively with an enquirer and / or the requester of a return of cultural property to share and learn as much as we can about the circumstances of an object's life before entering our collections, and how it came to be in our collections.

5.5 As part of ongoing research into the collections we will approach communities, individuals or institutions to share and exchange knowledge and explore developing partnerships.

5.6 We will ensure that anyone requesting the return of cultural property is given the fullest opportunity to set out their case.

5.7 As part of the process of consideration, we may seek to establish if the legitimacy of a claim could be contested by other representatives of the originating community.

- 5.8 We will provide anyone requesting return of cultural property with expected timescales for the decision-making process, and updates throughout the process. We will provide a named point of contact and will provide additional updates when requested.
- 5.9 We will seek to understand and follow advice on any culturally appropriate approaches, for example where access to an item is to be restricted to particular individuals, or where a ceremony needs to be performed, and will do our best to honour these requirements while objects are in our care.

6. Background

- 6.1 Paisley Museum, Paisley: The Secret Collection and Renfrew Museum are a home for collections, which are held in trust for past, present and future generations, with ongoing responsibilities associated with the items themselves and the express and implied wishes of the many collectors and donors. Renfrewshire Leisure has a duty to care for the collections and to encourage access and understanding for as many people as possible.
- 6.2 Renfrewshire Leisure aims to respond with sensitivity and respect to requests for rights over items in the collection, while at the same time maintaining its responsibility to safeguard the long-term public interest in the collections. Renfrewshire Leisure recognises that items in the collection may be considered as ancestral remains and sacred items: the use of the term ‘object’ or ‘item’ in this and other policies does not diminish the importance of other terms, but rather uses generic terminology in the museum context. The term “object” in the context of museum collections therefore also includes human remains and sacred material.
- 6.3 Renfrewshire Leisure and Renfrewshire Council recognise the rights of communities to seek both a fuller understanding of and in some instances the return of human remains, sacred artefacts and other elements of cultural property. This process of return of cultural property is also referred to as repatriation.
- 6.4 The principles which underpin the context of our considerations of requests are outlined in national and international policy guidance. These are:
- World Archaeological Congress: both the Vermillion Accord (1989) and the subsequently ratified Code of Ethics on Obligations to Indigenous Peoples.
 - Museums Association (UK): Code of Ethics for Museums.
 - International Council of Museums (ICOM, part of UNESCO): Code of Professional Ethics (including human remains and items of sacred significance in museums).
 - Museum Ethnographers Group: Guidelines for the Storage, Display, Interpretation and Return of Human Remains in Ethnographical Collections in UK Museums.
 - Museums & Galleries Commission (UK): Restitution and Repatriation – Guidelines for good practice (2000).

- Museums Galleries Scotland (April 2011): Guidance for the Care of Human Remains in Scottish Museum Collections.
- Collections Trust guidance on restitution and repatriation.
- CITES (Convention on the International Trade in Endangered Species).

6.5 The principle of disclosing information as fully as possible, and in accordance with any relevant law, will apply. Decisions on disclosure may also be guided by requests from an originating community where information or access to objects is restricted for cultural reasons.

7. Process to submit a request

7.1 The steps to process a request for return of cultural property are:

- Step 1 – Informal enquiry for repatriation information
- Step 2 – Request for consultation visit and / or collections review
- Step 3 – Formal repatriation request
- Step 4 - Review led by Renfrewshire Leisure and recommendations made to Renfrewshire Council
- Step 5 – Decision by Renfrewshire Council

7.1.1 Step 1 – Informal enquiry

A request to return cultural property should begin with a request for a list and description of objects held in our care relating to the culture or heritage of the originating community. This request should be made to the Research and Collections Co-ordinator. Depending on the level of information we hold, and whether this is on digital or manual systems, this may be a straightforward process, or it could be more complex. Because of the way in which objects may have been collected and recorded, we may have only minimal information about objects with further research required. The correct title or meaning may not be attributed correctly in our records. Once we have received the initial request, we will acknowledge receipt and give an indicative timescale of when we think we may be able to respond with accurate information. We will then provide any requested collections inventories, with related images.

7.1.2 Step 2 – Request for consultation visit and / or collections review

A visit to the collection is an opportunity to view items for potential claim, to consult with staff and to review the collections in person. If it is preferred and culturally appropriate to do so, we can arrange a visual session over the internet via appropriate platform e.g. Skype, Facetime etc to undertake a remote visual inspection of the objects.

The cost of a visit to the collections will normally be borne by the potential claimant, however in circumstances where this is challenging, we will work with enquirers to establish if there is a source of funding which can be accessed to support a visit.

Prior to a visit, we will establish with the enquirer any specific requirements for circumstances in which the objects should be viewed, and if there are any restrictions or ceremonies which should be facilitated as part of the visit. We will note any directions as to how an item should be stored or handled.

Any notes we take during a visit will be shared with enquirers and agreed with them as accurate record of any information they are prepared to share. This information will be regarded as sensitive information which will be shared only with those Renfrewshire Council and Renfrewshire Leisure staff actively working on the enquiry, unless we are authorised by the enquirer to share more widely.

7.1.3 Step 3 – Formal repatriation request

A request should be submitted in writing to Renfrewshire Leisure's Head of Cultural Services setting out the basis of the case. It should include:

- Who the party submitting the claim is.
- The point of contact for all correspondence on the claim, including an email or postal address.
- Evidence to demonstrate the connection between the claimant and the object. This may include evidence of the continuity of practices or group identity between the original possessors and those making the request or that the object is regarded as a sacred artefact or other element of cultural heritage.
- If the claimant is acting on behalf of another person or group, evidence must also be presented to demonstrate that they have the right to act as a representative.
- Information from the museum's inventory listings including accession number, object title and brief descriptions which identify the specific object the claim relates to.
- Why the object is being claimed.
- History of the object within the originating culture, which may include the cultural (including sacred, religious, scientific or other) importance, relevance or significance of the object to the claimant community.
- Who it is proposed the ownership of the object should be transferred to (e.g. cultural or community organisation)?
- Evidence about the likely future management, care and uses of the object if it is returned. This may include information such as possible display, research, destruction, alteration or restrictions on access.
- Impact on the originating community of a decision to return or a decision not to return the item.

After receiving the formal request, a letter of acknowledgement will be sent. An initial assessment of the claim will be undertaken, to establish if there is any further information or clarification required at that stage.

Renfrewshire Leisure's Head of Cultural Services will notify Renfrewshire Council's Head of Corporate Governance and Head of Policy and Commissioning that such a request has been received.

7.1.4 **Step 4 – Review led by Renfrewshire Leisure and recommendations made to Renfrewshire Council**

A Return of Cultural Property working group will be convened to consider the request.

The remit of this group will be to consider proposals for the repatriation and associated deaccessioning from the collections of specific items, to take advice and hear evidence in support of such proposals from Renfrewshire Museums staff, claimants and independent advisors, and to prepare information and make recommendations to the RLL Board and Renfrewshire Council Board for final decision.

The Return of Cultural Property Working Group will receive papers relating to the request and any written responses by museum staff and external experts and may invite further written and oral submissions from the party submitting the request and other third parties.

The Return of Cultural Property Working Group will consist of a standing membership, augmented by additional appointments to bring expertise relating to specific cases. The standing membership will consist of:

Head of Cultural Services, RL
Heritage Manager, RL
Research and Collections Co-ordinator, RL
Communications staff, RL and RC
Legal representative, RC

Additional staff or external individuals at the discretion of the Head of Cultural Services, specific to the individual case may be brought into the process. This may include Museum staff with specific subject expertise, external experts, and community representatives. The expertise of the group will be intended to give as full a consideration to the case as possible.

The Return of Cultural Property Working Group will direct the research process required to help clarify any outstanding matters in the claim. During the research process, it may be determined that other interested parties have an interest in the claim. In such cases, Renfrewshire Leisure will notify the original claimant and potentially interested parties to progress the process and maintain transparency. The potentially interested parties will be provided with adequate time and instruction as to how to express their interest for the items under claim. We will do our best to facilitate any competing claim through the research phase, so that a competing claim is not received further on in the process. If a competing claim cannot be resolved, Renfrewshire Council will maintain stewardship until claimants are able to resolve their differences.

The final report will include the case made by the claimant, a summary of further relevant research including whether any competing claims were established and how they were resolved, and will make a recommendation as to whether there is a case to deaccession the object(s) from the collection and transfer ownership to the claimant.

7.1.5 **Step 5 – Decision by Renfrewshire Council**

This report will then be presented to the Renfrewshire Leisure Board for consideration. Their recommendation will then be made to Renfrewshire Council's Leadership Board for final decision.

Subject to the nature of the case, or if there is a need or desire to consult the wider public of Renfrewshire, Renfrewshire Council's Leadership Board may refer the matter to Renfrewshire Council.

The claimant will be informed of the decision by letter.

8. Thank you

- 8.1 Renfrewshire Leisure and Renfrewshire Council are honored to hold cultural heritage from around the world in our collections, representing the initiative and creativity of countless individuals and communities through time. We respectfully acknowledge that we do not have full understanding of all these collections and cannot relate to them in the same way as people for whom they have other meaning. We thank you for your interest, and hope this assists you in understanding the process of return of cultural property.

Renfrewshire Leisure Human Remains Policy 2021 - 2024



Date at which this policy is due for review: 30th September 2024*

* an earlier review might be required should there be substantive changes to legislation and/or guidance.

1. What this policy covers

1.1 This policy covers the approach taken to caring for human remains in the Renfrewshire Council museum collections.

2. Context of the policy

2.1 The collections managed by Renfrewshire Leisure Limited (RLL) on behalf of Renfrewshire Council (RC) are national and international in scope and span various time periods. Paisley Museum has been collecting, caring for and displaying these collections since the foundation of the museum in 1871 and the museum itself is part of the history of Paisley and Renfrewshire, Scotland and the wider world.

3. Background

3.1 Renfrewshire's museum collections held primarily at Paisley Museum, Museum and Paisley: The Secret Collection, are owned by Renfrewshire Council, and managed on its behalf by Renfrewshire Leisure.

3.2 Renfrewshire Council is the local government authority, and Renfrewshire Leisure is an arm's length organisation of the Council, established as a company limited by guarantee. Renfrewshire Leisure has its own Board of Directors. The Council is the sole shareholder of Renfrewshire Leisure.

4. Human Remains in Collections

4.1 Introduction

4.1.1 This policy should be read alongside Renfrewshire Leisure Collections Development Policy and Renfrewshire Leisure Return of Cultural Property Policy.

4.1.2 This policy identifies collections made from or containing human remains as worthy of special consideration in regard to acquisition, curation and disposal, including transfer.

4.1.3 It also outlines the procedures and processes to be followed with regard to requests or demands for the permanent transfer of such material from the permanent collection, on the basis of claims made by communities and National Governments/recognised National Agencies (Museums).

4.2 Definition

4.2.1 Renfrewshire Museums adopts the definition of ‘human remains’ as found within the UK *Human Tissue (2004) Act* and the *Human Tissue (Scotland) 2006 Act*.

4.2.2 For the purposes of this policy, the term ‘human remains’ is understood to mean the bodies and parts of bodies, of members of the species *Homo sapiens*.

Human remains therefore include:

- (i) human osteological material (whole or part skeletons, individual bones or fragments of bones);
- (ii) human soft tissue, including organs and skin and slide preparations of human tissues;
- (iii) any of the above that may have been modified in some way by human skill and/or may be bound up with non-human materials, to form an artefact composed of several materials;
- (iv) artworks composed of human bodily fluids or soft tissue.

4.2.3 Human teeth, hair and nails are parts of the human body that can be shed naturally during a lifetime. Such substances will not be considered to be subject to the requests for transfer according to the principles set out later in this policy, unless attached to other body parts identified in i) and ii) or where there is evidence that these were removed without consent.

5. Scope of Renfrewshire Council’s human remains collections

5.1 Renfrewshire Leisure statement of purpose

5.1.1 Renfrewshire Leisure aim to enhance public understanding of the human and natural world, principally by the use of original objects. This is achieved by:

- (i) managing the collections;
- (ii) enhancing awareness of the collections;
- (iii) enabling access to the collections;
- (iv) interpreting the collections.

5.2 Renfrewshire Council’s human remains collections

5.2.1 Renfrewshire Leisure is responsible for collections concerning the human species and supports access for appropriate research. The number of human objects within the collections is very limited, but it is possible that ongoing research into the collections may identify human remains that have not until now been identified as such.

5.2.2 Known human remains within the collections include:

- World Cultures. This part of the collection includes mummified remains from ancient Egypt.
- Social History and Archaeology. This part of the collection may include archaeological human remains.
- Natural History. This part of the collection includes skeletal human remains and microscope slides of human tissue.

5.3 Human remains in the care of Renfrewshire Leisure are preserved with care and respect, and any loans or displays of such items must guarantee their treatment with such care and respect. Renfrewshire Leisure will approach the care of human remains in the collections in line with relevant laws and codes of ethics including but not limited to the UK *Human Tissue (2004) Act*, the *Human Tissue (Scotland) 2006 Act*, the Museums and Galleries Scotland Guidelines for the Care of Human Remains in Scottish Museums Collections, 2011 and Historic Environment Scotland's *The Treatment of Human Remains in Archaeology (2006)*.

5.3.1 The acquisition, care of, research into and display of human remains in museums is an area where professional practice and broader community expectations are evolving, so there may be a need to bring back policy revisions within a shorter timescale than that set for this policy.

5.3.2 In all aspects of the care of human remains, Renfrewshire Leisure will take into consideration any relevant guidance published by central government, or other appropriate organisations.

5.4 Research on human remains collections will be balanced against the requirements of Renfrewshire Leisure's duty of responsible care, taking advice where appropriate as to the potential significance of the research outcomes. Researchers will be asked to specify their credentials, articulate their research questions, proposed methodology, sampling strategy, and anticipated outcomes, as well as intended publication location and date. Researchers will be expected to follow the relevant principles of this policy and any relevant guidance, as above (5.3). Renfrewshire Leisure may subject this research to review.

6. Legal Framework

6.1 Renfrewshire Leisure are bound by the specific restrictions on the ownership, transfer and disposal of items as set out in the Collections Development Strategy as approved by Renfrewshire Council and meeting Museum Accreditation Standards.

7. Acquisition

- 7.1 Renfrewshire Leisure will not actively seek to acquire human remains. However, any offer of human remains to the collection will be considered in line with relevant national and international legislation.

8. Storage and Care

- 8.1 All human remains will be stored in closed boxes appropriate for the types of material held labelled in an appropriate and reversible way such as a tied or labelled box.
- 8.2 Boxes will be stored on shelving or pallets at least 15cm off the ground; areas known to be prone to water leaks will be avoided.
- 8.3 The human remains will not be on open view within the stores and will not be visible or accessible to members of the public attending stores tours.
- 8.4 Human remains will be handled only by Museum staff, by designated volunteers and students supervised by Museum staff or by external specialists for example curators, conservators or researchers who have been commissioned by Museum staff or have specified their credentials, articulated their research questions, proposed methodology, sampling strategy, and anticipated outcomes, as well as intended publication location and date. All non-Museum staff will be supervised by collections management staff.

9. Display

- 9.1 When considering whether or not it is appropriate to display human remains Renfrewshire Leisure will consider the following:
- whether the human remains make a material contribution to the interpretation of and that contribution could not be achieved another way.
 - whether a display or use of human remains reinforces cultural stereotypes or broadens an understanding of a particular group of people in a way which is relevant to the present day.
 - whether a display or use of human remains might cause offence to actual or cultural descendants or to other audiences or visitors.

10. Loans

- 10.1 In considering requests for outgoing loans (for research or display) Renfrewshire Leisure will seek the assurance of the borrower that it is able to satisfy the legal, ethical and practical considerations set out in this policy and any relevant national and international guidance together with standard environmental and security requirements.

11. Request for permanent transfer of human remains

- 11.1 Requests made for permanent transfer out of the Renfrewshire Leisure managed collection will be considered in accordance with Renfrewshire Leisure Return of Cultural Property Policy.