

# Code of Ethics: Additional Guidance

# 1

## Public engagement and public benefit

1.1 Making the collections, knowledge and inspiration available to all	04
1.2 Access to information and collections	04
1.3 Digital and Online Engagement	05
1.4 Working with communities, collaborators and supporters of the museum	05
1.5 Research	06

# 2

## Stewardship of collections

04

2.1 Protecting and cultivating collections	08
2.2 Interpretation	08
2.3 Human Remains	09
2.4 Source communities, makers and authors of items	09
2.5 Repatriation	10
2.6 Acquisitions	10
2.7 Combatting the illicit trade in cultural and scientific heritage	10
2.8 Gifts, bequests and donations	11
2.9 Loans	12
2.10 Disposal	12
2.11 Financially motivated disposal	13
2.12 Digital Collections	13

# 3

## Individual & institutional integrity

14

3.1 Personal Conduct	15
3.2 Governance	15
3.3 Working Internationally	15
3.4 Commercial partnership and sponsorship	16
3.5 Working in and with museums	16
3.6 Environmental and human wellbeing	17

07

# 1

Museums and those who work in and with them should:

# Public engagement & public benefit

- actively engage and work in partnership with existing audiences and reach out to new and diverse audiences
- treat everyone equally, with honesty and respect
- provide and generate accurate information for and with the public
- support freedom of speech and debate
- use collections for public benefit - for learning, inspiration and enjoyment

## 1.1 Making the collections, knowledge and inspiration available to all

### **Respond to the access requirements of audiences**

In order that your services can be enjoyed by all audiences, including people with physical, sensory or learning disabilities, have in place effective systems to ensure that buildings, displays and other services are accessible. Consult with relevant organisations on the best way of achieving such access within the means of the museum.

### **Promote the service to a diverse audience**

Use a variety of different channels to spread awareness, understanding and appreciation of the museum and its many different forms of educational potential.

### **Consider a range of needs**

Museum visitors may have a variety of different educational experiences, learning styles, abilities and ways of understanding. Provide them with a choice by catering to a broad range of interest levels, access levels and abilities.

### **Considerations around charging**

If you are considering charging for access to a museum site, collection or service, this should be balanced against the effect it may have on your audience as well as the museum. Weigh up the costs and benefits to the museum of levying charges, taking into consideration the effect on the willingness or ability of audiences to attend.

## 1.2 Access to information and collections

### **Availability of the service**

Making the service available on a regular basis and at times which reflect the needs of users and potential users increases its accessibility. Be explicit and transparent about the levels of access available to collections, including items not on display.

### **Requests for information**

Requests for access to information, expertise and items by members of the public should be facilitated by the museum within its means. Where the museum has a policy regarding public access to information, this should be publicly available.

### **Managing restrictions to information**

Access cannot always be granted, whether because the information was imparted in confidence, [because of specific donor wishes], because of intellectual property legislation, or if it can be shown that the wider public interest demands that access be restricted (for example to protect collections, respect cultural sensitivities or prevent abuse of sites of historic or scientific importance). Make explicit the criteria used if access needs to be restricted.

### **Sensitive or distressing material**

Be aware that some items in the collection may be considered to be of an inflammatory, controversial or upsetting nature or may cause offence or distress to actual or cultural descendants. In such cases, ensure consultation occurs with representatives of key stakeholder groups, including source communities, and provide advance notice to visitors.

## 1.3 Digital and Online Engagement

### **Approaching audience engagement using digital and social media**

Be aware of both the potential and the risks of social media, apps and other forms of digital engagement as tools to access and promote collections and museum activities. Consider publishing a digital media policy and ensure that staff and volunteers receive adequate training in the correct use of the media platforms used by the museum.

(See also 3.1 Personal Conduct)

### **Balancing digital engagement strategies with existing forms of engagement**

While digital media can bring in new audiences, museums must also respond to the requirements of existing users. Consider the needs of those who may find it disruptive or excluding, as well as those who will benefit from it.

### **Maintaining the integrity of content**

Digital media is a fast changing area; innovations are often accompanied by new pitfalls and the museum should balance the need to engage audiences via digital and online activities with its professional and legal responsibilities. Ensure that staff are aware of their responsibilities in this regard, and ensure the museum is able to adequately moderate user-generated content hosted on online platforms directly managed by the museum.

## 1.4 Working with communities, collaborators and supporters of the museum

### **Promote meaningful participation in museums**

Treat audiences as active participants in the work of the museum, by seeking their views and valuing their contributions, balancing this with the museum's editorial integrity.

### **Involve the museum in the current concerns of its users**

Museums benefit from being socially relevant, by engaging with the interests and changing needs of their audiences, and promoting debate on issues that affect them. Keep up-to-date with social and economic change affecting audiences and potential audiences of the museum. Consult and work collaboratively with other organisations to address social disadvantage and exclusion where appropriate.

### **Encourage respectful and balanced partnerships**

Museums and their audiences can benefit from partnerships with other organisations which are based on a common ground of understanding, equality, and clearly defined and complementary goals. Consider drawing up clear statements of objectives and working methods for joint projects.

## 1.5 Research

### **Encouraging unbiased research**

Maintain, as far as possible, records and material so that the evidence on which research is based can be submitted to peer-review, re-examined and verified independently when appropriate.

### **Disseminating research**

Ensure that research achieves a benefit to the public by making results and outputs publicly accessible by publishing or making it widely available promptly.

### **Providing access for researchers**

Develop mechanisms that encourage people to research collections, develop their own ideas about them and participate in a variety of ways in shaping the interpretations offered by the museum. Consider how to balance this service with the other duties of the museum, and be explicit and transparent about your reasons.

See also Access to information and collections (above)

### **Conducting safe visitor and market research**

Research involving members of the public e.g. visitor research, marketing research, consultation and evaluation should be conducted in a way which does not harm the safety, dignity or privacy of participants. Research participants should be informed of the ways the information they provide will be used by the museum or on behalf of the museum. Any reporting should be on an anonymised basis unless specific permission has been given by an individual. Museums must have the capability of holding sensitive data securely, and must work within the Data Protection Act. More information can be found via the Information Commissioner's Office.

# 2

Museums and those who work in and with them should:

- maintain and develop collections for current and future generations
- acquire, care for, exhibit and loan collections with transparency and competency in order to generate knowledge and engage the public with collections
- treat museum collections as cultural, scientific or historic assets, not financial assets

## Stewardship of Collections

## 2.1 Protecting and cultivating collections

### **Maintain and develop sustainable collections**

A coherent and forward looking Collections Development Policy should be implemented to ensure that collections are focused yet flexible, and that their maintenance is within the means of the museum. Use the Code of Practice for Cultural Collections Management (PAS197) to define specific levels of care appropriate to different areas of the collection, acceptable levels of risk and how items will be made accessible. Acknowledge that under such a plan certain items may benefit from removal to another collection, but only if they remain within the public domain.

### **Balancing care of collections with public access under special circumstances**

Reconcile conservation requirements and the public's rights of access when considering loaning items or private hire of buildings and galleries.

### **Maintain appropriate standards of protection and preparation**

Collections should be protected against loss, damage and deterioration. Have in place a Risk and Mitigation Strategy and specify the action to be taken in the event of disasters threatening the museum's buildings, staff, visitors, records or collections, to protect collections without putting people's lives at risk. This should also take into account safety requirements for potentially dangerous items in the collection.

### **Protecting heritage outside of the museum collection**

If appropriate, consider offering to help safeguard items owned by museums which are at risk from war or disaster. Obtain legal advice before entering any such arrangement and agree clear terms for return with the institution which owns the at-risk items (see also the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.)

### **Using compensation**

Money received in compensation for the loss, damage or destruction of objects in the collection should be applied solely and directly for the benefit of the museum's collection.

### **Welfare of live animals under the care of the museum**

Make arrangements to care properly for the health and wellbeing of any live animals for which the museum is responsible. Ensure that in the case of non-domestic animals, the proper licenses have been attained.

## 2.2 Interpretation

### **Presentation**

Clear and intelligible identification, contextual information and interpretation of objects will benefit the viewer and the goals of the museum by increasing the accessibility of items on display. Where an item on display is a replica, it should be appropriately identified as such. Be aware that presentational styles can potentially shape perception in unintended ways.

### **Representation of source communities**

Develop procedures and interpretation that allows people to define, and seek recognition of, their own cultural identity and intangible heritage within the museum. This should extend to involving originating communities, wherever practical, in decisions about how the museum stores, researches, presents or otherwise uses collections and information about them. Also, consider carefully the impact of interpretations that exclude any reference to people associated with the items.

## Avoiding bias

Be transparent in interpretation. Recognise the assumptions on which narratives can be based, and consider the competing historical or cultural narratives that can be represented by an object. Museums should strive to cultivate a variety of perspectives on the collections to reflect the diversity of local communities, and should consider the role of the museum in dispelling prejudice and bias in the interpretation of collections.

## 2.3 Human Remains

### Human remains policy

Where a museum holds human remains, the museum should ensure that they have the capacity to hold them in a stable and respectful environment. Museums with human remains should develop a specific policy, as part of the Collections Development Policy or separately, which outlines why and in what instances the museum will acquire, hold, dispose of and repatriate human remains. Museums should take proactive steps to consult with existing source communities when displaying, storing and researching human remains.

### Repatriation of human remains

Museums should set out within the human remains policy a clear process for handling claims for the return of human remains, taking into account as a minimum: the history of possession; the link between the claimant and the remains; the extent to which the claimant is representative of the source community; the significance

of the remains; the likely consequences of retaining or repatriating the remains; the possibility of further partnership with the source community; broader societal interests. (See also - DCMS Guidance for the Care of Human Remains in Museums or MGS Guidelines for the Care of Human Remains in Scottish Museum Collections.)

### Displaying human remains

Displaying human remains can help people to learn about, understand and reflect upon different cultures and periods of history. They can also cause distress to certain individuals or groups. Display them only if the museum believes that they make a material contribution to a particular interpretation. Consider providing advance notice to audiences prior to display. (See also - DCMS Guidance for the Care of Human Remains in Museums or MGS Guidelines for the Care of Human Remains in Scottish Museum Collections.)

## 2.4 Source communities, makers and authors of items

### Build lasting and meaningful relationships

Develop constructive relationships with people who contributed to collections, with representatives of these people, their heirs and cultural descendants, balancing responsibilities to a range of stakeholders.

### Communicating with source communities

Work with representatives of originating communities, and take proactive steps to inform them of the presence of items relevant to them in the museum's collections, wherever practical. Provide advance notice about certain specified items, particularly human remains and items of ceremonial or religious importance, where they may cause offence or distress to actual or cultural descendants. Weigh up the scientific and ethical arguments for and against leaving items in their original context when acquiring an item.

## 2.5 Repatriation

Deal sensitively and promptly with requests for repatriation of items in the museum's collection, both within the UK and from abroad. Take into account: the law; current thinking on the subject; the interests of actual and cultural descendants; the strength of claimants' relationship to the items; their scientific, educational, cultural and historical importance; and the consequences of retention and repatriation for a range of stakeholders. (See also - DCMS Guidance for the Care of Human Remains in Museums or MGS Guidelines for the Care of Human Remains in Scottish Museum Collections and the MGC Guidance on Repatriation.)

## 2.6 Acquisitions

### **Relevant collecting**

Museums should have a clearly defined Collections Development Policy aligned with the stated mission of the museum, and where relevant its charitable purposes and any statutory rules, which can ensure focused, relevant collecting. Items should be acquired only after thorough consideration of their long-term significance and how they will be used to the benefit of the public.

### **Sustainable collecting**

Items should only be collected if the museum can provide adequate, continuing long-term care for the item and public access to it.

### **Co-operative collecting**

Co-operate with other UK museums and related organisations when collecting. Recognise that other institutions may have a stronger claim to acquisition of a particular item. Resolve such disputes constructively and in the best interest of the public.

### **Acquiring from vendors and fieldwork**

Maintain professional conduct and integrity in relations with vendors and dealers. Follow museum procedures, sector standards and exercise due diligence when considering any acquisition. Encourage potential vendors to get an independent valuation when offering items for sale to the museum. Seek the best discount from vendors once they are aware of the likely value on the open market of items they offer to sell to the museum. If acquiring items from fieldwork, exercise sensitivity and seek professional advice. Consider always the desirability of recording and preserving items where they are.

**FURTHER READING:**  
MA Acquisition Guidelines

## 2.7 Combatting the illicit trade in cultural and scientific heritage

### **Due Diligence of ownership and provenance**

When acquiring an item, whether as a gift, bequest, loan or purchase, a museum must verify its ownership and that the current holder is legitimately permitted to transfer title or to lend. Reject any item if there is any suspicion that, since 1970 (the agreement of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property), it may have been stolen, illegally excavated, removed from a monument, site or wreck contrary to local law or otherwise acquired in or exported from its country of origin (including the UK), or any intermediate country, in violation of that country's laws or any national or international treaties, unless the museum is able to obtain permission from authorities with the requisite jurisdiction in the country of origin.

### Items taken during times of conflict

Reject any item that lacks secure ownership history and that may have been wrongfully taken during times of conflict, unless the museum is supporting attempts to establish the identity of the original owners of an item and to ensure its timely return.

### Comply with national and international treaties and legislation

Comply not only with treaties which have been ratified by the UK Government, but also uphold the principles of other international treaties intended to curtail the illicit trade, if legally free to do so. In particular, note the museums' responsibilities under:

- UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property
- Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954
- The Nagoya Protocol
- Convention on International Trade in Endangered Species of Wild Fauna and Flora

### Report illicit trading

Contact colleagues and appropriate authorities both in the UK and overseas for any information or advice that may be necessary to inform judgement regarding the legitimacy of items considered for acquisition or inward loan. Report any other suspicions of illicit trade to other museums collecting in the same area and to organisations that aim to curtail the illicit trade. Report any suspicion of criminal activity to the appropriate police unit. Decline to offer expertise on, or otherwise assist the current possessor of any item that may have been illicitly obtained, unless it is to assist law enforcement or to support other organisations in countering illicit activities.

### Maintain the integrity of the museum's reputation

Avoid appearing to promote or tolerate the sale of any items without adequate ownership history through inappropriate or compromising associations with vendors, dealers or auction houses.

## 2.8 Gifts, bequests and donations

### Accepting items

Establish agreements between the museum and donors, recognising donor wishes as well as the potential implications for the museum in its future activities. Discuss and clarify in writing all expectations and terms with understanding, sensitivity and respect. Specify unambiguously to donors the museum's intentions regarding such matters as: the long term retention of items; display; storage; use; operation; and public acknowledgement. Explain, where applicable, to donors or lenders the existence of provisions within the governing statute of a museum which permits it to dispense with conditions attached to a donation after a stated period of time.

### Due diligence and special circumstances

Exercise due diligence when offered an item for the museum collections. Insist on complete documentation proving that the donor is legitimately able to transfer title, and that they acquired the item legally. Also ensure that due consideration of donor circumstances are taken into account and that the donor understands the full legal implication of the donation.

### Refusing items

An item should only be accepted into the collection if it meets the criteria set out in the museum's Collections Development Policy. Be transparent about the reasons for the refusal, and respond to all offers with clarity and sensitivity. Communicate this in writing to avoid inadvertently becoming the legal owner by default. Consider informing intending benefactors, or their representatives, about other Accredited museums, archives or other public institutions that may be interested in the unwanted items.

### **Donor wishes**

Museums should, wherever possible, uphold and comply with conditions set by donors. Seek legal and ethical advice where changed circumstances mean that conditions need to be reconsidered in the light of what is generally held to be the public interest.

### **Accessioning**

Examine carefully the implications of, and record the reasons for, accepting items that will not be immediately accessioned into the permanent collection. (Acceptable reasons may include loan, demonstration, handling, testing or retention pending a final decision to accession into the permanent collection.) Not accessioning an item should not be used as a means of circumventing the provisions against disposal or to avoid questions relating to provenance.

#### **FURTHER READING:**

- MA Acquisition Guidelines

## 2.9 Loans

### **Public benefit**

Consider the implications to the public's access and appreciation of collections when loaning or receiving items. Use loans as a means of increasing the public benefit derived from the museum collection for both the lending and borrowing institutions. Consider public access implications when lending items on long-term loan

### **Safety and integrity of items**

When loaning an item, consider carefully the working practices or resources of your partner institution, the nature of the exhibition, the legitimacy of the other items on display, the wishes of donors, the political context and the reputational implications of the agreement, as you should a partnership of any sort with another institution, at home or abroad.

### **Drawing up loan agreements**

Museums in loan relationships should have in place mutually beneficial agreements and procedures for acknowledgement, care, interpretation, and the maximisation of public benefit from the loan. Consider the implications for borrowing museums when charging for loans.

#### **FURTHER READING**

- MA Smarter Loans

## 2.10 Disposal

### **Responsible disposal**

Museum collections are held in trust for the public. There is a strong presumption in favour of the retention of items within the public domain. Sometimes transfer out of the museum can improve access to, or use of, the items or collections. Responsible disposal takes place as part of a museum's long-term Collections Development Policy and starts with a curatorial review. Ensure transparency and carry out any disposal openly, according to accepted procedures including the MA's Disposal Toolkit.

#### **FURTHER READING:**

- Disposal Toolkit
- Financially Motivated Disposal Toolkit
- Guidance on Curator Led Disposal

## 2.11 Financially motivated disposal

Recognise that financially motivated disposal risks damaging public confidence in museums and the principle that collections should not normally be regarded as financially negotiable assets. Refuse to undertake disposal principally for financial reasons, except where it will significantly improve the long-term public benefit derived from the remaining collection. This will include demonstrating that:

- The item under consideration lies outside the museum's established core collection as defined in the Collections Development Policy.
- Extensive prior consultation with sector bodies and the public has been undertaken and considered
- It is not to generate short-term revenue (for example to meet a budget deficit)
- It is as a last resort after other sources of funding have been thoroughly explored

### Proceeds of Sale

Restrict the proceeds of disposal through sale, if this exceptional circumstance arises, solely and directly for the benefit of the museum's collection. Money raised must be restricted to the long-term sustainability, use and development of the collection. If in doubt about the proposed use of such restricted funds consult sector bodies.

**FURTHER READING:**  
- Financially Motivated Disposal Toolkit

## 2.12 Digital Collections

### Digitising collections

Balance the need for digitising collections with the resources available and the continued preservation of the material collection. Ensure that digital collections and acquisitions are subject to the museum's Collections Development Policy.

### Understand Legislation and Guidelines

Ensure full understanding of relevant legislation regarding copyright and the proper use of images. Ensure that procedures are in place to standardise the application of metadata, and consider donor wishes in all digital work. Ensure that provenance of born-digital items is documented and that due diligence is carried out to ascertain the authorship of the original item. Be mindful of Orphan Works legislation.

### Safety

Be aware that digital items should be protected to the same standards as physical collections, and managers should familiarise themselves with potential threats to the long-term safety of the collections and provide for the integrity storage systems. Ensure that sensitive information is stored in line with relevant legislation

### Accessibility

If collections are digitised for online access by the public, ensure that the methods used are accessible, that no private, incorrect or incomplete data is displayed, and that issues of a sensitive or controversial nature are sensitively portrayed, just as in an exhibition.

# 3

Museums and those who work in and with them should:

- act in the public interest in all areas of work
- uphold the highest level of institutional integrity and personal conduct at all times
- build respectful and transparent relationships with partner organisations, governing bodies, staff and volunteers to ensure public trust in the museum's activities

# Individual & institutional integrity

## 3.1 Personal Conduct

### **Private interests**

Consider whether private activities or personal pursuits may have negative implications for the reputation of your museum, the projects in which you are involved, and may therefore conflict with public interest. This includes personal collecting and receipt of gifts or favours. Declare openly to the governing body or the relevant authority such potential conflicts of interest, so that it can be recorded and discussed. Those who work in museums, including volunteers and members of governing bodies, should refuse to compete with their museum, or to acquire any items which have been disposed of from its collections.

### **Valuing collections**

Encourage public appreciation of the cultural rather than financial value of items in the museum collection. Avoid placing financial value on museum items for the public, except where such a valuation plays an integral part in the story of an item. Valuation for a museum's own internal management processes, such as insurance and acquisition is ethical.

### **Public Speaking**

Make clear when speaking personally or on behalf of another organisation that views expressed do not necessarily represent those of the museum in which you work. This includes opinions published under your name on social media.

### **Personal use of Collections**

As museums hold collections in trust on behalf of society, museum professionals should avoid behaviour that could be construed as asserting personal ownership of collections.

## 3.2 Governance

### **Maximising public benefit**

In order to focus on the best interests of the public, governing bodies must make sensible use of public money, and avoid unjustifiable risk. Use resources well and meet legal, constitutional and contractual requirements for financial control of the museum, and any subsidiary commercial companies within it, with the best interests of the public at heart.

## 3.3 Working Internationally

Museums with activities outside the UK or dealings with foreign partners should consider the ethical dimension of their international engagements, including the backgrounds of partner organisations, any involvement in the illicit trade in objects, human rights issues and potential reputational risks for the wider museum sector.

## 3.4 Commercial partnership and sponsorship

### **Institutional integrity in partnership and sponsorship**

When considering partnerships or sponsorships, museums should consider whether the non-museum partner's activities and ethos are aligned with those of the museum. It is the responsibility of the museum to conduct due diligence on potential and current partners and understand their ethical standards to ensure that public trust can be upheld, and that neither the institution nor the sector are brought into disrepute. Where this is not the case, the museum should consider seeking alternative partners or sponsors.

### **Commercial activities and procurement**

Ensure that a museum's trading activities are consistent with the goals of the museum and that their presence enhances the experience of the users of the museum.

#### **FURTHER READING**

- MA Ethical Guidelines on Trading and Commercial Activities.

## 3.5 Working in and with museums

### **Creating a fair and friendly workplace**

Acknowledge that workforce policies can standardise good practice and contribute to better working conditions. Recognise the contribution to the work of the museum of all staff at every level. Avoid direct replacement of paid positions with unpaid positions. Ensure adherence to relevant employment law, and consistently co-operate with or carry out any appropriate scrutiny, appraisal or evaluations.

### **Developing individuals**

Acknowledge that the development of individuals contributes to the museum as a whole. Where possible, provide and allow for continuing professional development opportunities so that the skills and knowledge of museum staff, the governing body and support groups are appropriate to the needs of the individual and the goals of the museum.

### **Recruiting and employing staff**

Recognise that diversity of staff, volunteers and trustees enhances their representation of the museum's present and potential audience, and enriches and refreshes museum practice. Encouraging public engagement and audience development can increase the diversity of job applicants, and vice versa.

### **Working fairly with volunteers and interns**

Ensure that unpaid workers are employed under conditions which are legal, fair and provide sufficient structure and benefit for the individual and for the museum. Seek advice if necessary and follow relevant guidelines in the area, including MA guidelines relating to the use of interns.

### **Safety of staff and audiences**

Museum management and governing bodies have a responsibility for the safety and security of all those who visit or work in museums. Ensure compliance with all relevant safety legislation, and have in place clear working practices for those in contact with potentially hazardous or dangerous items in the collection. (See also HSE RIDDOR requirements.)

### **Private work**

Have in place policy and procedures so that private work undertaken by employees is approved in advance and does not conflict with the museum's interest or wider public interest.

## 3.6 **Environmental and human wellbeing**

### **Improving wellbeing**

Recognise that a museum can set a strong example and is uniquely placed to be an instrument of change, and that a better environment means a better life for present and future communities and users. Embed notions of environmental sustainability into every activity of the museum, and inspire colleagues to do the same.

### **Contribute to your locality**

Involving the museum in its surrounding area can contribute to the social and material vitality of the museum and its community. A museum prominent among its neighbours and engaged in local issues can sustain economic activity by purchasing locally and offer satisfying and rewarding employment thus attracting a larger and more diverse audience.