MUSEUMS ASSOCIATION

Code of Ethics (Draft – July 2015)

DRAFT

Introduction

Museums are public-facing, collections-based institutions that rely on public trust and public engagement to fulfil their role. People who work in and with museums are in a position of trust in relation to their audience (past, present and future), local communities, donors, source communities, partner organisations, sponsors and funders. All of these stakeholders rely on museums to make sound ethical judgements on their behalf.

This Code does not contain all the answers to the ethical issues that museums face. In many cases, an issue will require museums to balance the key principles of Accessibility, Stewardship and Integrity against one another. In such cases, judgements can only be reached through a process of careful reflection, reasoning and dialogue with others.

This Code supports museums, those who work in them and their governing bodies in making those difficult decisions. It aims to help those who work in and with museums to recognise and resolve ethical issues and conflicts. It also provides specific guidance on key areas of museum practice, provides links to relevant additional guidance, and highlights areas where legal knowledge is required.

The development of this Code has been a collaborative process involving representatives from across the museums sector, funders, interest groups, members of the public and other stakeholders. This document represents the shared view of the sector on the ethical standards that are expected of all museums and those who work in and with them.
In order to maintain public trust,

How to Use the Code
In order to maintain public trust, the Code of Ethics should be used proactively to support good practice amongst all those working in or with museums on a day-to day basis. The Code's ethical principles should be integrated into the daily work of everyone who works in or with museums. Museums should champion ethical behaviour, and new staff, volunteers and governing bodies should be introduced to the Code and incorporate its principles into their daily work. Those working in or with museums should seek to work in the spirit, as well as to the letter, of the Code.

The Code of Ethics is structured according to three key principles – Accessibility, Stewardship and Integrity. These are summarised at the beginning of the Code as a quick guide to the ethics of the museums sector.

More in-depth guidance on ethical decision-making is contained in the body of the Code itself. This is sub-divided into sections based on the key principles noted above. While the Code is unable to provide the answer to every query, it does provide clear guidance on key areas affecting the museums sector. The Code also seeks to flag up areas that are potential ethical pitfalls for museums and provides guidance on how to avoid and/or address these issues for both individuals and organisations.

The Code also contains a number of 'Self-Evaluation Questions' which are designed to help ensure that users arrive at an ethical judgement based on a process of reflection and dialogue.

Application of the Code

The Code applies to members of staff, paid or unpaid, to consultants and those who work freelance, to members of museum governing bodies, and to those who work for or govern organisations that support, advise or provide services to museums, including the Museums Association (MA).

The MA expects all members to uphold and to promote the Code of Ethics for Museums as a professional obligation. To achieve Associateship of the Museums Association (AMA) members must demonstrate awareness of the Code and the ways in which it is used. To achieve Fellowship of the Museums Association (FMA) members must show that they promote the wider application of the Code within museums.

Where applicable, it also covers those working in associated sectors such as archives and heritage organisations.

Key Principles of the Code of Ethics

Museums and those who work in and with them agree to uphold the following principles throughout their work:

Public access and engagement
- Museums are inclusive and accessible organisations.
- Museums and those who work in and with them treat everyone with honesty, equality and respect.
- Museums and those who work in and with them use collections to inspire, educate and entertain the public.
- Museums actively engage existing audiences and reach out to new audiences.

Stewardship
- Museums maintain collections for current and future generations.
- Museums acquire, care for, exhibit and research collections with transparency and competency in order to generate knowledge and engage the public with collections.
- Museums treat their collections as cultural, rather than financial, assets.

Integrity
- Museums and those who work in and with them uphold the highest level of institutional integrity and personal conduct at all times.
- Museums build balanced and transparent relationships with partner organisations, governing bodies, staff and volunteers to ensure public trust in the museum's activities.

Principle 1: Public access and engagement

Public access and engagement
- Museums are inclusive and accessible organisations.
- Museums and those who work in and with them treat everyone with honesty, equality and respect.
- Museums and those who work in and with them use collections to inspire, educate and entertain the public.
- Museums actively engage existing audiences and reach out to new audiences.

According to the principles set out above, museums and those who work in and with them should commit to:

1. Access for Diverse Groups

1.1. Recognise the diversity and complexity of society and uphold the principle of equal access for all. Respond to the diverse requirements of different groups.

1.2. Promote public awareness, understanding and appreciation of the museum through a variety of channels. Promote the educational role of the museum in its widest sense and cater for a broad range of interest levels and abilities.

1.3. Take account of individuals' differing educational experiences, learning styles, abilities and ways of understanding. Provide a choice of types and levels of access.

1.4. Take account of present and potential users' ability and willingness to visit if admission or other charges are levied. Consider provisions for those for whom the cost of a ticket is a considerable barrier to entry.

1.5. Make the museum's services available on a regular basis and at times which reflect the needs of users and potential users. Make explicit the levels of access available to collections, including items not on display.

1.6. Respond to the needs and wishes of people with disabilities. Have in place effective systems to ensure that buildings, displays and other services are accessible to people with physical, sensory or learning disabilities. Consult with relevant organisations on the best way of achieving such access within the means of the museum.

> ### Self-Evaluation Questions
>
> Do I treat visitors to the museum with equality and respect? Have I sought specialist advice where necessary?
>
> Have I identified any groups that are prevented from accessing elements of the collection or other services? If so, what has been done to remove or reduce these barriers?
>
> Do I have a clear justification for any up-front costs incurred by the public in accessing the museum and its collection?

2. Access to Information and Items

2.1. Balance the museum's role in safeguarding items for the benefit of future users with its obligation to optimise access for present users. Make explicit the criteria used if access needs to be restricted. Balance provision for particular groups or individuals, such as specialist enquirers, with long-term provision for a wider audience.

2.2. Assist everyone who makes a reasonable request for information. Facilitate, where appropriate, public access to the expertise of members of staff. Give public access to all documentation and other information held by a museum, unless the information was imparted in confidence, or it can be shown that the wider public interest demands that access be restricted (for example to protect collections or prevent abuse of sites of historic or scientific importance).

2.3. Provide advance warning about certain specified items which may cause offence or distress to actual or cultural descendants. Provide separate storage facilities where appropriate.

2.4. 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. Valuation for a museum's own internal management processes, such as insurance and acquisition is ethical.

> **Self-Evaluation Questions**
>
> Do I have a clear justification for my museum's policy on access to the collection?
>
> Have I taken into account the wishes of donors, cultural descendants, researchers and the wider public when deciding on levels of access to an item?

3. Digital and Online Engagement

3.1. Consider digital and online engagement as a means to further the overall objectives of the museum. Understand the potential and risks of social media, apps and other forms of digital engagement as a tool to access collections and museums 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 Para. 18.2 – Personal Conduct).

3.2. Use digital media in a manner commensurate with the needs of the museum's audience and the user groups with which it works. Consider the needs of those who may find it disruptive or excluding, as well as those who will benefit from it.

3.3. Maintain the integrity of information provided via digital media. Adhere to relevant legislation (including, but not limited to: copyright, defamation and trademark

legislation) when posting images, text or other content online. Ensure that staff are aware of their responsibilities in this regard.

3.4. Balance the need to engage audiences via digital and online activities with the museum's legal requirements. Consider moderating user-generated content hosted on online platforms directly managed by the museum.

3.5. Refrain from posting material online in either an official or personal capacity that could cause reputational, physical or material damage to the museum and its staff.

Self-Evaluation questions

Have I identified the purpose of the social media that I intend to use?

Would I be comfortable with something I have written on social media being quoted in a newspaper?

Does the museum's use of digital media meet its current and future audience's needs? Have we considered the needs of those who are not comfortable with digital media?

Have I considered my legal obligations with regards to all digital and online engagement?

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4. Working with communities and supporters of museums

4.1. Seek the views of communities, users, potential users and supporters of the museum. Value the contributions they make and promote meaningful participation in the work of the museum. Engage with the changing needs of these groups and promote debate on issues that affect them.

4.2. Work in partnership with other groups and organisations. Involve partners in decision making. Treat partners with respect. Clarify the aspirations of the museum and partner organisations and establish common ground. Draw up clear statements of objectives and working methods for joint projects.

4.3. Keep up to date with social and economic change affecting users and potential users of the museum. Work collaboratively with other organisations to address social disadvantage and exclusion where appropriate.

Self-Evaluation questions

Have I consulted the views of the museum's audience and local community when developing new exhibitions, activities or policies?

Have I agreed clear parameters for the museum and partner organisations when collaborating on a project?

Principle 2: Stewardship of Collections

Stewardship
- Museums maintain collections for current and future generations.
- Museums acquire, care for, exhibit and research collections with transparency and competency in order to generate knowledge and engage the public with collections.
- Museums treat their collections as cultural, rather than financial, assets.

According to the principles set out above, museums and those who work in and with them should commit to:

5. Safeguarding Collections

5.1. Act as guardians of the long-term public interest in the collections. Preserve collections as a tangible link between the past, present and future. Balance the interests of different generations by safeguarding collections, which may include buildings and heritage sites.

5.2. Retain items in the public domain at whichever location provides the best balance of care, context and access.

5.3. Use the Collections Development Framework to publish, implement and regularly review a forward-looking plan, approved by the governing body, which specifies standards of care. Define levels of care appropriate for different parts of the collection, acceptable levels of risk and how items will be made accessible.

5.4. Protect all items from loss, damage and physical deterioration, wherever they are. Maintain appropriate standards of protection against hazards such as theft, fire, flood, vandalism and deterioration of the collections resulting from adverse environmental conditions. Prepare an Emergency Plan and specify the action to be taken in the event of disasters threatening the museum's buildings, staff, visitors, records or collections. Make every effort to protect the collections in the event of a disaster but never put people's lives at risk.

5.5. Apply any money received in compensation for the loss, damage or destruction of objects in the collection solely and directly for the benefit of the museum's collection.

5.6. Offer, where appropriate, 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 para 9.6; the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.)

5.7. Balance the duty of maintaining and enhancing collections for future generations with that of providing appropriate services to today's public. Reconcile security and conservation requirements with the public's rights of access and the desirability of lending outside the museum.

5.8. Pay due regard to safeguarding collections and the public's right of access whenever museum premises are used for functions or when buildings are closed.

5.9. Make arrangements to care properly for the health and wellbeing of any live animals for which the museum is responsible.

6. Interpretation

6.1. Use exhibitions and programming to make collections accessible, educational and engaging for the public.

6.2. Provide identification, contextual information and interpretation clearly and intelligibly when displayed. Where an item on display is a replica, it should be appropriately identified.

6.3. Strive for editorial integrity and remain alert to the pressure that can be exerted by particular interest groups, including lenders and funders (see also para.19.5 – Commercial Partnership and Sponsorship).

6.4. Cultivate a variety of perspectives on the collections to reflect the diversity of the communities served by the museum.

6.5. Represent ideas, personalities, events and source communities with sensitivity and respect. Develop procedures that allow people to define, and seek recognition of, their own cultural identity and intangible heritage (see also section 4 – Working with Communities and Supporters of Museums).

6.6. Respect the rights of others to express views, unless illegal to do so or inconsistent with the purpose of museums as socially inclusive institutions. Strive to dispel prejudice and indicate clearly the part played by opinion or conjecture in interpretation.

6.7. Avoid claiming impartiality and recognise the assumptions on which interpretation is based. Be aware that presentational styles may shape perception in unintended ways. Consider carefully the impact of interpretations that exclude any reference to people associated with the items.

6.8. Display human remains only if the museum believes that it makes a material contribution to a particular interpretation. Research and consult with existing source communities, and consider providing warnings 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.)

7. Research

7.1. Research and collate information about collections and the subject areas generally within which the museum has expertise. Enable all interested parties to keep up to date with developments in their field. Exercise sensitivity to anybody affected by the research.

7.2. Take steps to minimise bias in research undertaken by the museum. 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.

7.3. Make results and outputs from research publicly accessible. Conduct research with the intention of making it public. Publish research promptly and make it widely available.

7.4. 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. Make the museum a forum in which ideas can be discussed and tested.

7.5. 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.

7.6. Museums should ensure that any personal data collected about members of the public is held securely.

8. Acquisitions

8.1. Collect according to detailed, published policies that state clearly what, how and why the museum collects. Frame the Collections Development Policy in the light of the museum's stated mission. Collect only within the Collections Development Policy, except in exceptional circumstances. Acquire an item only after thorough consideration of its long-term significance and how it will be used.

8.2. Accept an item only if the museum can provide adequate, continuing long-term care for the item and public access to it, without compromising standards of care and access relating to the existing collections.

8.3. Examine carefully the implications of, and record the reasons for, accepting or acquiring 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 (see also section 16 – Financially Motivated Disposal.

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

8.5. Exercise sensitivity and seek professional advice whenever acquiring items from fieldwork. Consider always the desirability of recording and preserving items where they are.

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<u>Self-Evaluation Questions</u>

Have I consulted the museum's Collections Development Policy before acquiring an item for the collection? Once acquired, will the item be accessible to the public?

Is the museum capable of maintaining and preserving the acquired item in the long term?

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9. Combatting the Illicit Trade in Items

9.1. Exercise due diligence when considering an acquisition or inward loan. Verify the ownership of any item being considered and that the current holder is legitimately able to transfer title or to lend. Apply the same strict criteria to gifts, bequests and loans as to purchases.

9.2. Reject any item if there is any suspicion that it was wrongfully taken during a time of conflict, unless allowed by treaties or other agreements, or where the museum is co-operating with attempts to establish the identity of the original owners of an item.

9.3. Reject any item if there is any suspicion that it has been stolen unless, in exceptional circumstances, this is to bring it into the public domain, in consultation with the rightful owner.

9.4. Reject items that have been illicitly traded. Note that the UNESCO Convention (on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property) was finalised in 1970.

9.5. Reject, therefore, any item if there is any suspicion that, since 1970, it may have been stolen, illegally excavated or 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 and international treaties, unless the museum is able to obtain permission from authorities with the requisite jurisdiction in the country of origin.

9.6. Reject any item that lacks secure ownership history, unless there is reliable documentation to show that it was exported from its country of origin before 1970, or the museum is acting as an externally approved repository of last resort, or in the best judgement of experts in the field concerned the item is of minor importance and has not been illicitly traded.

9.7. 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.

9.8. 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.

9.9. 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.

> ### Self-Evaluation Questions
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> Have I conducted due diligence to assess the provenance of an item?
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> Have I sought legal advice and/or advice from the relevant enforcement officers where necessary?

10. Relationships with Vendors and Dealers

10.1. Maintain professional conduct and integrity in relations with vendors and dealers. Follow museum procedures, sector standards and exercise due diligence when considering any acquisition.

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

10.3. 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.

10.4. 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 (see also section 18 – Personal Conduct).

> ### Self-Evaluation Questions
>
> Have I conducted all dealings with vendors, dealers and auctions houses with professionalism and integrity?
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> Have I acted in the public interest in all dealing with vendors, dealers and auctions houses?

11. **Gifts, Bequests and Donations**

11.1. Encourage the establishment of mutual agreements between the museum and donors based on the principles of respect and understanding. Exercise caution when accepting conditions attached to acquisitions, particularly those involving gifts and bequests. Discuss expectations and clarify in writing the precise terms on which all parties are accepting transfer of title. 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 (see also Section 18 – Personal Conduct.)

11.2. Exercise sensitivity towards donors when accepting gifts and bequests. Take additional steps to ensure the legitimacy and authenticity of gifts and bequests from vulnerable people. Consider including a cooling-off period in these circumstances.

11.3. Do not accept an offer of a gift or bequest if items offered do not meet criteria set out in the museum's Collections Policy. Politely explain why the museum is unable to accept an offer of a gift or a bequest.

11.4. Refuse, in writing, any unwanted, unsolicited gifts even if the museum has been advised that they need not be returned. Consider informing intending benefactors, or their representatives, about other Accredited museums, archives or other public institutions that may be interested in the unwanted items.

11.5. Uphold and comply with conditions set by benefactors and accepted by the museum. Seek advice from the Charity Commission where changed circumstances mean that conditions need to be reconsidered in the light of what is generally held to be the public interest (see also para 15.5 – Disposals.)

11.6. 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 (see also the Museums and Galleries Act 1992.

Self-Evaluation Questions

Have I exercised due diligence in determining the ownership and provenance of an item from a donor or bequest?

Have I referred to the museum's Collections Development Policy when considering a donation or bequest?

Have I communicated to a donor the possible uses of the donated item(s) once accessioned into the museum collection?

Have I verified any conditions set by the donor before changing the use of an item?

12. Loans

12.1. Use loans as a means of increasing the public benefit derived from the museum collection for both the lending and borrowing institutions.

12.2. Have in place procedures for loans from and to the museum, including long-term loans. Ensure that lending institutions are acknowledged in interpretation materials.

12.3. Refuse to lend items to any exhibition that is likely to include illicitly traded items (see the MA's Smarter Loans document for further information).

12.4. Consider the implications for borrowing museums when charging for loans. Consider public access implications when lending items on long-term loan (see also para 5.7 – Safeguarding Collections.)

12.5. Consider the working practices and broader political context of partner institutions when conducting international loans (see also para 19.5 – Commercial Partnership and Sponsorship).

Self-Evaluation Questions

Have I consulted colleagues, internal procedures and/or sector organisations to ensure that inward and outward loans meet ethical standards?

Have I assessed the risk of an outward loan featuring in an exhibition that will include illicitly traded items?

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13. Digital Collections

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

13.2. Adhere to intellectual property, copyright, child protection, defamation and other relevant legislation when publishing digital content online. Consider the wishes of the source individual or community in all digital activities.

13.3. Ensure that provenance of born-digital items is documented and that due diligence is carried out to ascertain the authorship of the original item.

13.4. Ensure the long-term safety of collections by providing for their digital and physical integrity, and the security of sensitive information in line with relevant legislation.

14. Source Communities, Makers and Authors of Items

14.1. Acknowledge that the museum benefits from all those who have contributed to the making, meaning and presence in the museum of its collections.

14.2. 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 (see also section 10 for guidance on working with donors.)

14.3. Inform originating communities of the presence of items relevant to them in the museum's collections, wherever practical.

14.4. Respect the interests of source communities with regard to elements of their cultural heritage present or represented in the museum. Take account also of scientific and ethical arguments for and against leaving items in their original context when acquiring an item. Involve originating communities, wherever practical, in decisions about how the museum stores, researches, presents or otherwise uses collections and information about them.

14.5. Provide advance warning 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 (see also para 2.3 – Access to Information and Items.)

14.6. Encourage the articulation of intentions and expectations from makers and authors of item about projects such as commissions, collaborations and workshops. Specify agreements over matters such as funding, copyright, site preparation and maintenance. Make written exhibition policies available to exhibitors where appropriate.

15. <u>Disposal</u>

15.1. Ensure the museum's responsibility to the public and to future generations by ensuring that collections are well managed and sustainable. There is a strong presumption in favour of the retention of items within the public domain.

15.2. Note that some forms of disposal, such as transfer within the public domain, can improve access to, or the use, care or context of, items or collections. Responsible, curatorially motivated disposal takes place as part of a museum's long-term Collections Development Policy, in order to increase public benefit derived from museum collections.

15.3. Recognise that legal title to and guardianship of the collections is vested in the governing body, which must satisfy itself that decisions to dispose are informed by the highest standards of expertise and take into account all legal and other attendant circumstances.

15.4. Base decisions to dispose on clear, published criteria as part of the institution's long-term Collections Development Policy, approved by the governing body. Ensure transparency and carry out any disposal openly, according to unambiguous, generally accepted procedures. Manage the process with care and sensitivity to public perceptions.

15.5. Seek the views of stakeholders (such as donors, researchers, local and source communities and others served by the museum) who have a vested interest in a proposed disposal. In some cases consent from the donor may be a legal requirement. Where appropriate seek the views of colleagues and sector bodies.

15.6. Demonstrate clearly how the long-term local and general public interest is served in circumstances in which disposal may be appropriate and ensure that public trust in museums is upheld.

15.7. Give priority to transferring items, preferably by gift to Accredited museums. Consider donating items to other public institutions if it is not possible for another museum to accept them. To maintain public confidence in museums wherever possible do not transfer items out of the public domain. (This paragraph excludes material that is being disposed of because it is damaged beyond use, or dangerous, or is being returned to its place of origin or rightful owner.)

16. <u>Financially Motivated Disposal</u>

16.1. 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 in exceptional circumstances as defined in para. 16.2.

16.2. Consider financially motivated disposal only in exceptional circumstances and when it can be demonstrated that:

• It will significantly improve the long-term public benefit derived from the remaining collection

• It is not to generate short-term revenue (for example to meet a budget deficit)

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• It is as a last resort after other sources of funding have been thoroughly explored

• Extensive prior consultation with sector bodies has been undertaken

• The item under consideration lies outside the museum's established core collection as defined in the Collections Development Policy.

16.3. 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.

Self-Evaluation questions

Have I consulted the MA's disposal toolkit toolkit in full?

Have I given in-depth consideration to the conditions for financially motivated disposal, including public consultation?

Can I justify the disposal of an item in the best interest of the public?

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17. Repatriation

17.1. Deal sensitively and promptly with requests for repatriation both within the UK and from abroad of items in the museum's collection, taking 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; their future treatment.

17.2. Refer to Guidelines on Restitution and Repatriation issued by Arts Council England, Museums Galleries Scotland and DCMS guidelines on human remains or MGS Guidelines for the Care of Human Remains in Scottish Museum Collections . Refer to any subsequent guidance issued by the bodies and their successors listed above.

<u>Principle 3: Integrity</u>

Integrity
- Museums and those who work in and with them uphold the highest level of institutional integrity and personal conduct at all times.
- Museums build balanced and transparent relationships with partner organisations, governing bodies, staff and volunteers to ensure public trust in the museum's activities.

According to the principles set out above, museums and those who work in and with them should commit to:

18. Personal Conduct

18.1. Recognise the public and charitable purpose of museums. Put the public interest before other interests.

18.2. Avoid any private activity or pursuit of a personal interest that may conflict or be perceived to conflict with the public interest. Consider the effect of activities conducted in private life on the reputation of the museum and of museums generally, including in use of social media.

18.3. Avoid behaviour that could be construed as asserting personal ownership of collections.

18.4. Declare to the governing body or the relevant authority and have recorded by it any activity or pursuit of any interest that may conflict or be perceived to conflict with the public interest, including any gifts, favours or private collecting.

18.5. Refuse to acquire any items from collections that the museum has disposed of.

18.6. Refuse to place a value on items belonging to the public (see also para 2.4 – Access to Information and Items).

18.7. 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.

19. Institutional Conduct

Leadership and Governance

19.1. Act in the public interest. Make prudent use of resources and maximise the benefit that the public derives from all activities. Account fully and openly to the public about how money is raised and spent.

19.2. Fulfil all the museum's guardianship responsibilities in respect not only of the collections but also of all other resources (for example, premises, land and information), which, in legal or moral terms, it holds in trust for the benefit of the public.

19.3. Treat collections as non-negotiable assets in financial affairs. Refuse to mortgage collections or offer them as security for a loan. Sustain the financial viability of the museum irrespective of any valuation placed on items in its collections

19.4. Meet legal, constitutional and contractual requirements for financial control of the museum (and any subsidiary commercial companies). Avoid unjustifiable financial risk.

Commercial Partnership and Sponsorship

19.5. Carefully consider offers of financial support from commercial organisations and other sources. Exercise due diligence in understanding the ethical standards of commercial partners with a view to maintaining public trust and integrity in all museum activities. Consider refusing support from a partner where this might constitute a conflict of interest. Clearly define and agree the relationship between the museum and its partners to manage any influence on the museum's reputation or activities (see also para 12.4 – Loans).

19.6. Ensure that trading and commercial activities are consistent with the aims of the museum and, where possible, enhance the quality of the service. Prioritise access when engaging in trading and commercial activities. For further guidance see also the Museums Association's Ethical Guidelines on Trading and Commercial Activities.

19.7. 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.

20. Working in and with Museums

20.1. Recognise that all who work in and with the museum in any capacity have a contribution to make to its successful operation. Recruit and treat all staff fairly. Acknowledge the contributions of colleagues at all levels.

20.2. Recruit, train and develop individuals 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. Seek opportunities for continuous professional development.

20.3. Strive to increase the diversity of staff, volunteers and trustees so that they adequately represent the museum's present and potential audience. Recognise that greater public engagement and audience development could increase the diversity of job applicants, and vice versa.

20.4. Establish a fair, consistent and transparent workforce policy for all those working in the museum, including unpaid positions. Ensure that all relevant employment law is observed, and follow MA guidelines relating to the use of interns. Avoid direct replacement of paid positions with unpaid positions.

20.5. Co-operate fully with any appropriate scrutiny, appraisal or evaluation.

20.6. Recognise that it is legitimate for people who work in museums to present evidence based on their knowledge and experience of subjects that are a matter of public concern or controversy. Communicate internally before making statements on sensitive issues that affect the museum. Base any public comments as far as possible on sound scholarship and reliable information.

21. The Environment

21.1.　　Be sensitive to the impact of the museum and its visitors on natural and human environments. Make best use of resources, use energy and materials responsibly and minimise waste. Recognise that a museum can set a strong example, and that a better environment means a better life for present and future users of the museum

21.2.　　Contribute to the sustainable social and material vitality of the museum's surrounding area by, for example, attracting users, sustaining economic activity, offering satisfying and rewarding employment and pursuing local purchasing policies

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Additional Information

The MA

The MA is registered as a charity. It is a non-governmental, independently financed membership organisation providing services to and reflecting the interests of museums and those who work for, and govern them. The MA has acted as the guardian of UK museum ethics since the first Codes of Practice and Conduct were introduced in 1977. These were updated in 1987, 1991, 2002 and 2007. This updated version of the Code of Ethics for Museums outlines ethical principles for all museums in the UK and was agreed following an 18-month consultation process during 2014-15.

Role of the Ethics Committee

The Ethics Committee of the Museums Association is made up of a number of independent experts drawn from the museums sector and related sectors. Their role is to:

- develop and monitor the maintenance of sound ethical principles and behaviour within the museums sector
- give advice and guidance on ethical matters to the museums sector, including MA Board and staff
- recommend to the Board amendments to the Museums Association's Codes of Ethics, where thought necessary

The Ethics Committee will not normally adjudicate on disputes. In a small minority of cases, where a museum or museum professional is found to have acted unethically, the Ethics Committee will investigate a matter in detail in order to provide a considered opinion. The Committee is also able to report a breach to the Director of the MA, who may in turn report the matter to the MA Disciplinary Committee for further investigation and possible sanction.

The Code of Ethics and the Law

The Code of Ethics for Museums defines standards that are often higher than those required by law. It is, however, self-evident that the Code cannot override the legal obligations and rights of those who work in or for museums, including those arising from any contractual relationship there may be with an employer or client.

The MA encourages employers to assure adherence to the Code of Ethics for Museums as a contractual requirement. An effective way of achieving this is to include reference to upholding and promoting the MA's Code of Ethics for Museums in job descriptions that form part of an employee's contract of employment. The MA also recommends that adherence to the Code should be used as a standard requirement in contracts between consultants and their clients.

The Code of Ethics for Museums must be subordinate to the legal powers and obligations of governing bodies responsible for museums and the legal powers and obligations of individual members of such bodies. However, the MA believes this Code's provisions to be

in the best interests of the public and therefore urges all museum governing bodies (and where appropriate, subsidiary, subcontracted or delegated bodies such as executive committees, contractors or managing bodies), formally to adopt it.

The Code of Ethics and other voluntary standards

Adhering to the Code of Ethics is a minimum requirement for the national Accreditation scheme for museums in the UK at an institutional level. Accreditation is administered by the UK Accreditation Partnership. Consult the [Accreditation guidance](#) for further information.

The MA supports the work of specialist organisations in the UK whose members are involved in museum work and who may produce their own codes of ethics and ethical guidelines. The MA can help in cross-referencing to these codes and guidelines and in referring enquirers to appropriate sources of specialist advice.

The Code of Ethics for Museums is consistent with the Code of Ethics for Museums worldwide produced by the International Council of Museums (ICOM). The MA supports ICOM's work. The MA encourages its members to support international conventions relating to museums whether or not these conventions have been ratified in the UK, where consistent with this code and the law.

Glossary

Access – usually seen in terms of identifying barriers that prevent participation and developing strategies to dismantle them. Barriers come in many forms and may be physical, sensory, intellectual, attitudinal, social, cultural or financial.

Audience - individuals and groups who make use of the museum's resources or facilities in some way.

Collection - a body of cultural and heritage material. Collections may be physical, nontangible or digital.

Community – a group of individuals who share a particular characteristic, set of beliefs or attitudes.

Dealing – making a speculative acquisition with the intention of reselling for profit.

Governing Body – the principal body of individuals in which rests the ultimate responsibility for policy and decisions affecting the governance of the museum. Legal title to the assets of the museum may be vested in this body.

Item – a physical, nontangible or digital object or material held by a museum.

Partner organisation – an organisation with which a museum has built up a formal relationship relating to museum activities or museum funding.

Source Community - a group which identifies themselves as a community and would normally be expected to have a shared geographical location, shared cultural or spiritual and religious beliefs and shared language; or to share some of these facets; and which is recognised as the cultural source of items held in a museum collection.