

Title: Deaccession of human skeletal remains
Lead Officer: David Guilding, Arts Manager 01926 456230
Portfolio Holder: Councillor Liam Bartlett
Wards of the District directly affected: None

Summary

A group of human skeletal remains, including two skulls and several vertebrae, was given to Leamington Spa Art Gallery and Museum (LSAG&M) in 1914. They do not fall under Warwick District Council's (WDC) Collections Development Policy and their presence in the Arts Section's museum collection is not justified under the Department of Digital, Culture, Media and Sport's (DCMS) /Museums Association's ethical framework for curation, care and use of human remains.

Having carried our research into the issue, WDC's Arts Section has concluded that the most appropriate course of action is to deaccession the remains from the Arts Sections museum collection and transfer them to the Duckworth Collection at the University of Cambridge, following the DCMS/Museums Association ethical guidelines.

Recommendation(s)

- (1)** The Cabinet approve the deaccessioning of the human remains from the Arts Sections museum collection, and their transfer to the Duckworth Collection at the University of Cambridge.
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1 Background/Information

- 1.1 The recommendation follows a review of the human remains' relationship to the Arts Section's current Collections Development Policy. The human remains are part of the ethnography collection, which reflects the relationship between some of Leamington's residents and the wider world during the 19th and earlier 20th centuries.
- 1.2 The provenance of the human remains was not documented when they were acquired. Research suggests that they are most likely to have originated in India. This assumption is based on the donor's family history, and the Indian connections of two other names associated with the remains. However, this identification is not conclusive, and precise details of their geographical, cultural, or religious origins cannot now be established.
- 1.3 Since they are more than 100 years old, the human remains fall outside the scope of the Human Tissue Act (2004). The decision on deaccessioning them should therefore be informed by the DCMS/Museums Association ethical framework for care, curation and use of human remains.
- 1.4 The ethical framework sets out circumstances in which museums can justify holding collections of human remains. These include: scientific study;

educational use in teaching medicine, osteology or allied practical subjects; display in an educational context.

- 1.5 There is no documentation or other objects in the collection to give context to the human remains. This severely limits their potential for use in research. Their retention therefore does not provide scientific benefits.
- 1.6 The Arts Section's Collections & Engagement team do not foresee any circumstances in which it would be appropriate or desirable to display the human remains. They are also not suitable for use in teaching medical or other practical subjects. Their retention therefore does not provide any educational benefits, either to visitors to LSAG&M or other local residents.
- 1.7 There is therefore no public benefit to retaining the human remains as part of the collection.
- 1.8 Since officers cannot identify the exact origin community with any certainty, the options for repatriation or culturally appropriate disposal are limited.
- 1.9 The DCMS/Museums Association ethical framework suggests the following options: transfer to another collection where the remains can be retained and cared for in compliance with the ethical guidelines; repatriation to the origin community or cultural descendants; burial in a sealed container, in a designated location, with full documentation to be retained by the museum.
- 1.10 Neither the existing documentation nor the available techniques for scientific analysis can narrow down the origin of the human remains beyond a broad geographic area. This area has historically been home to a wide range of cultural and religious groups. Since we cannot identify the exact origin community, it is not possible to return the remains to their cultural descendants with any certainty. There is also no precedent for any UK museum to repatriate human remains to India, and no existing national policy or procedure in place to support this. Repatriation generally takes place only in response to specific requests, and no such requests have been received from India by any British collection to date.
- 1.11 Burial is not considered a culturally appropriate practice for the respectful disposal of human remains in the area where these remains originated. Since our primary motivation is to treat them with sensitivity and dignity, burial is not necessarily an appropriate course of action. However, DCMS guidelines do not support the use of cremation.
- 1.12 Transfer of the human remains to the Duckworth Collection will allow them to be cared for by a specialist curator. The collection includes the remains of approximately 18,000 individuals and has in place a detailed policy on the curation and conservation of human remains. In this context, the human remains will be scientifically analysed and grouped with others from similar origins which will facilitate any future repatriation or respectful disposal.
- 1.13 This recommendation is in line with the policies of other museums with comparable collections. LSAG&M has consulted with specialists in national and university collections, and with the Subject Specialist Network for Medical Collections, to establish current sector-wide best practice in these circumstances.

- 1.14 The Collections Development Policy states that *'the museum will only dispose of objects for curatorial reasons'*. The criteria for disposal include: *'Falls outside the Collections Development Policy'*.
- 1.15 Such a disposal requires the consent of the Council's elected leadership body: *'The decision to dispose of material from the collections will be taken by the governing body only after full consideration of the reasons for disposal. Other factors including public benefit, the implications for the museum's collections and collections held by museums and other organisations collecting the same material or in related fields will be considered.'*

2 Alternative Options available to Cabinet

- 2.1 The human remains could be retained by LSAG&M, where they would remain in storage. Storage space at the Royal Pump Rooms is very limited. The decision to permanently store objects, with no expectation that they will ever be displayed or otherwise used, would increase the pressure on the available space. This would limit potential future acquisitions and decrease the resources available for other parts of the collection.
- 2.2 The human remains could be buried following DCMS guidelines, but this would be potentially insensitive to their cultural origins. They could also be cremated in accordance with culturally appropriate practices, but this would be in violation of DCMS guidelines.

3 Consultation and Member's comments

- 3.1 A report was previously taken to Cabinet on 12 August 2021 regarding this issue. The recommendation of that report was originally to respectfully dispose of the human remains through burial in a sealed container, in a designated location, with full documentation to be retained by the museum. However, Members requested that officers carry out further research, as concerns were raised that another option may be more appropriate.
- 3.2 LSAG&M Curatorial team have since made further enquiries with several specialist organisations, including the Museum Ethnographers' Group, Pitt Rivers Museum, Oxford, Museum of Archaeology & Anthropology, Cambridge, The Natural History Museum, London. A summary of the research undertaken, and the timeline is attached at **Appendix A**.

4 Implications of the proposal

4.1 Legal/Human Rights Implications

- 4.1.1 Human remains hold a unique status within museum collections which puts particular responsibilities on the way they are acquired, curated, and displayed. It is recognised that some human remains were obtained in circumstances that are considered unacceptable. The human remains in the collection are subject to the Department of Digital, Culture, Media and Sport's (DCMS) /Museums Association's ethical framework for curation, care and use of human remains.

4.2 Financial

- 4.2.1 There would be a small cost associated with the safe transport of the human remains to Cambridge. This cost would be met from existing Arts Section budgets.

4.3 Council Plan

- 4.3.1 It is vital that the museum's collections continue to reflect the views of the communities they serve. Understandably, there are sensitivities surrounding how human remains are treated and it is appropriate for the collection to be reviewed in this way.
- 4.3.2 The review of the human remains follows best practice and their deaccessioning will free up valuable space in the museum stores for other objects.

4.4 **Environmental/Climate Change Implications**

4.4.1 Not applicable.

4.5 **Analysis of the effects on Equality**

4.5.1 Not applicable.

4.6 **Data Protection**

4.6.1 Not applicable.

4.7 **Health and Wellbeing**

4.7.1 Not applicable.

5 Risk Assessment

5.1 There may be public harm in keeping the human remains in the collection, since their presence may cause distress to local residents or to cultural descendants. This potential for harm may be exacerbated by the probable link to India, given the large local community of Indian origin.

6 Conclusion/Reasons for the Recommendation

6.1 Given the reasons outlined above officers recommend that the Cabinet approve the deaccessioning of the human remains from the Arts Sections museum collection, and their transfer to the Duckworth Collection at the University of Cambridge.

Background papers:

None.

Supporting documents:

Appendix A: A summary of the research undertaken

Report Information Sheet

Please complete and submit to Democratic Services with draft report

Committee/Date	Cabinet, 10 th February 2022	
Title of report	Deaccession of human skeletal remains	
Consultations undertaken		
Consultee *required	Date	Details of consultation /comments received
Ward Member(s)		
Portfolio Holder WDC & SDC *	20/12/21	Cllr Liam Bartlett
Financial Services *	18/1/22	Mike Snow
Legal Services *		
Other Services		
Chief Executive(s)	18/1/22	Chris Elliott
Head of Service(s)	20/12/21	Rose Winship
Section 151 Officer	18/1/22	Mike Snow
Monitoring Officer	18/1/22	Andrew Jones
CMT (WDC)	18/1/22	Chris Elliott, Andrew Jones
Leadership Co-ordination Group (WDC)		
Other organisations		Museums Association; Science Museum; Medical Collections Subject Specialist Network; Natural History Museum; Pitt Rivers Museum, University of Oxford; Duckworth Collection, University of Cambridge.
Final decision by this Committee or rec to another Ctte/Council?		Final decision
Contrary to Policy/Budget framework		No
Does this report contain exempt info/Confidential? If so, which paragraph(s)?		No
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?		Yes, Forward Plan item 1277– scheduled for 10 th February 2022

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