

Disposals Policy for the Parliamentary Art Collection

This paper provides background information on the issue of disposals of works of art held in collections within the public domain and presents the Disposal Policy adopted by both Houses in 2014.

The policy was last revised in March 2014.

The policy was reviewed in 2021, clause 3.1.4 was added in 2023.

The policy is due for review in 2026.

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The following definitions have been used:

Heritage institution = museum, gallery, archive, library, historic house or other organisation holding a historic collection, giving public access to its collections and caring for its collections to accepted industry standards.

Parliament = House of Commons and the House of Lords

Works of Art Collection = the individual collections of the House of Commons and the House of Lords, and the jointly owned collection (based on a 60:40 split of works not identified to the ownership of an individual House).

Documentation = hard copy and digital

1 Background - Disposals policy in the public sector

Heritage institutions in the public sector are guardians rather than owners of their collections. They have a responsibility to future generations to pass their collections on intact and in good, well documented, and sustainable condition. They also have a responsibility to past generations not to undermine the integrity of a collection or to disregard their intentions and endeavours in forming or adding to the collection. These responsibilities have to balance with the requirement to meet current day needs.

The topic of disposal or de-accessioning in the public sector continues to be a topic of increasing professional and public interest. A number of institutions have found themselves receiving a significant level of public and press criticism as a result of their disposal activities and, in some cases, have lost their status as registered museums because of their actions. The loss of this status is significant not only from the point of view of reputational risk but because it effectively means they are

unable to apply for funding from the many grant making bodies on which public collections rely.

However at the same time the number of museums making successful disposals, in line with the Museums Association guidelines has dramatically increased. For public collections a well managed and documented disposal policy allows them to rehome items which they find in their collections despite having no relevance to their collecting policy and which will consequently never be displayed.

A disposal policy which complies with the Museums Code of Ethics also allows museums to destroy works which have deteriorated either by damage or infestation to a state where they cannot be reclaimed to a viable condition by conservation.

Ethical disposal is underwritten by a number of central premises, namely:

- Disposal should be curatorially not financially motivated.
- Each act of disposal should be a transparent demonstration that disposal serves the long term interests of all stakeholders, including the public.
- Transfer to another public collection should be prioritised over other forms of disposal.
- A disposals policy should be published in the public domain and reviewed regularly.
- All disposals should be openly documented in line with published policy.
- Disposal should never be financially motivated, however, should exceptional circumstances arise and money is raised as a result of disposal through sale, or compensation for loss, damage or destruction of objects in the Collection, these funds should be restricted and used solely and directly for the use and development of the Collection and not the institution more generally.
- Any grants or funding received from other organisations from which the work has benefited are repaid.

2 Parliamentary context

The Parliamentary Art Collection comprises of a wide range of works extending from wall paintings to works on paper, and including three dimensional works, from large scale sculpture to small scale political memorabilia, textiles and coins and medals. The Collection is managed to accepted museum standards, and shares many of the imperatives for research, display and interpretation of other publicly funded collections. It is a working collection, displayed in the working areas of the Parliamentary Estate, and is seen by those working in Parliament as well as business and public visitors every day. It is also available to the public via the web and other engagement forms from the televising of Parliament to loans of works to other institutions and exhibitions. Its primary purpose is to document the work and history of Parliament, and this is supplemented with views of the UK, Parliament's constituency. There are published acquisition policies which are regularly reviewed.

The Collection is managed by the Heritage Collections team whose operations/policies are overseen by the - the Speaker's Advisory Committee in the House of Commons, and the Lord Speaker's Advisory Panel, in the House of Lords. It is proposed that one policy for disposal is agreed by both Houses. Each House would be responsible for managing the disposals of works clearly attributed to their ownership, however, it is proposed when the House ownership of a work is, for historic reasons, unclear, or when a work is jointly owned both Houses would have to approve the decision to dispose for disposal to proceed.

Generally the issue of disposal in the context of the Parliamentary Collection should reflect the general concerns of all public collections with the exception of the area of duplication, which needs to be considered in light of the unique nature of the Parliamentary Collection.

Unlike some institutions where the duplication of a work within the Collection is identified as a reason for disposal, within the Parliamentary collections duplication is generally an asset not a detriment. Multiple representations of subjects, particularly, but not solely, in portraiture, allows for a fuller and better understanding of the subject and allows knowledge of the subject at different times in their career to be documented. It also provides a record of the various kinds of representations used for a subject, either using the same technique ie oil painting, or across a range of techniques eg print, sculpture, ceramic, medal or in approach, satirical, formal portrait, informal portrait, within the working environment. Multiple images of the same subject also benefit the Collection by meeting the needs of its users through display the subject in more than one area of the Palace eg Prime Ministerial hang in Committee Corridor, the Prime Minister's Office and function/dining rooms.

3 Disposal policy

Parliament accepts the principle that there is a strong presumption against the disposal by gift, exchange or sale of any works in its care. However, it accepts that disposal can be beneficial to the Collection on some occasions and it reserves the right, subject to the conditions listed below and satisfactory completion of the procedure to dispose of works from its Collection.

Note: the following definitions apply throughout:

- **Heritage institution** = museum, gallery, archive, library, historic house or other organisation holding a historic collection, giving public access to its collections and caring for its collections to recognised industry standards.
- **Parliament** = The House of Commons and the House of Lords
- **Works of Art Collection** = the individual collections of the House of Commons and the House of Lords, and the jointly owned collection (based on a 60:40 split of works not identified to the ownership of an individual House).
- **Documentation** = hard copy and digital

3.1 Conditions for disposal

One or more of the following conditions must apply:

- 3.1.1 Parliament can clearly demonstrate that the work would benefit from relocation and would be better cared for by another heritage institution.
- 3.1.2 The work demonstrably falls outside the scope of the Collections acquisition policy and would be better contextualised or more accessible in another heritage institution. This condition includes portraits, or other works, whose identification, formerly accepted by Parliament, is discredited and the subject now falls outside the acquisitions policy.
- 3.1.3 The work is irretrievably damaged or has physically deteriorated beyond retrieval by conservation and/or poses serious health or safety risks to people or other works in the Collection.
- 3.1.4 The work is identified as having been incorrectly accessioned into the Parliamentary Art Collection and there is a legal requirement or rationale for the return to a previous owner.

3.2 Authority to Dispose

Once a work has been identified for possible disposal:

- 3.2.1 A report will be prepared by a member of the Heritage Collections staff detailing the acquisition of the object including the acquisition cost, the history of the object in the collection, including its display and loan history, the direct costs attributed to its care since acquisition and any other known information; a valuation, sought from an independent expert, will be obtained and included.
- 3.2.2 Evidence of legal ownership will be established and documented;
- 3.2.3 Every reasonable effort will be made to investigate if the material is legally free to be disposed of;
- 3.2.4 Any organisation that grant aided acquisition or conservation of the item will be contacted and views sought;
- 3.2.5 Any donor, or their representative, will be contacted and their permission to dispose sought and documented;
- 3.2.6 Views of other stakeholders will be sought, including other public organisations with similar or overlapping collecting policies.

The report and other documentation supporting 3.2.2-3.2.6 will then make the '*case for disposal*' which will then be presented by the report author for consideration by the Disposals Group.

3.3 Disposals Group

The Disposals Group comprises:

- The Director of Heritage Collections and Chief Curator

- The Director of the Parliamentary Archives
- The Director of Finance from the owning House, or in the case of joint ownership, both Houses
- An external member agreed by the Disposals Group who is a specialist in the relevant collections field from a Heritage Institution but who is not connected with any institution which may benefit from the disposal under consideration.

The group will meet as required.

NB: where the Curator is the author of the 'case for disposal' the Deputy Curator will take the Curator's place on the Disposal Group.

3.4 Authority to dispose

In all instances the case for disposal will first be considered by the Disposals Group, who will make a recommendation either for or against disposal. The case for disposal and the recommended action will then be raised with the relevant Works of Art Committee/Panel and its views sought. The recommended action will be passed to the relevant Corporate Officer/s for approval. Only the Corporate Officer/s can give authority to dispose. Once approval has been given, the relevant Works of Art Committee/s will be informed and the work will then be removed from the Collection in accordance with the disposal procedure.

3.5 Disposal procedure

Once the authority to dispose of the work has been made, priority will be given to retaining it in a publicly accessible collection, unless it is to be destroyed. The Heritage Collection team will be responsible for managing the disposal procedure in line with ethical disposal policy within the museum sector. The procedure will be undertaken in consultation with relevant departments of the House/s (eg Legal Services Office and Department/s of Finance) to ensure that the requirements of each House's Financial Reporting Manual (FReM) and Managing Public Money are complied with.

- 3.5.1 The work will be offered for transfer to other heritage institutions by advertisement in the Museums Journal. A period of 3 months will be allowed for expressions of interest in acquiring the work after advertisement.
- 3.5.2 If transfer proceeds legal title of the work must be transferred to the receiving institution together with, if at all possible, rights held in the work.
- 3.5.3 If, after the three month period, no heritage institution wishes to acquire the work Parliament will:
 - Offer the work to other organisations who can offer public accessibility.
 - Exceptionally consider disposing of the work by sale. In this event all funds raised will be accounted for as capital receipts, with the proceeds shared between the Houses in proportion to their share of

the asset value. The collections grant will be increased by the equivalent amount, so that, in line with disposal policy within the museum sector, the funds raised will be used for the benefit of the collection and not the institution more generally.

3.5.4 If the work is to be destroyed, the process of destruction must be witnessed, documented and all information about the object retained.

3.5.5 Full records will be kept by the Heritage Collections team of all decisions to dispose or destroy, together with a full record of the procedure and all other documentation relating to the work and its period in the collection.

3.6 **Exclusions**

The issue of repatriating human remains and culturally sensitive objects is not addressed in this paper as no objects within the Parliamentary Collection have been identified as falling into this category. Should this situation change the disposals policy would be revised to reflect best ethical practice.

3.7 This Disposals Policy, agreed by the House of Commons Works of Art Committee and the House of Lords Works of Art Panel and by the Corporate Officers, will be published online and reviewed every five years.

March 2021 review

July 2023 addition of clause 3.1.4

Speaker's Advisory Committee on Works of Art