

Delegated Decisions by Cabinet Member for Safer & Stronger Communities


***Monday, 12 December 2011 at 12.00 pm or on the rising of the Safer & Stronger Communities Scrutiny Committee, whichever is the later
County Hall, New Road, Oxford***

Items for Decision

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on 21 December 2011 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

These proceedings are open to the public



Peter G. Clark
County Solicitor

December 2011

Contact Officer: **Julie Dean**
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Note: Date of next meeting: 16 January 2012

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

Items for Decision

1. **Declarations of Interest**

2. **Questions from County Councillors**

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

3. **Petitions and Public Address**

4. **Oxfordshire County Museums Service Human Remains Policy**

(Pages 1 - 10)

Forward Plan Ref: 2011/194

Contact: Carol Anderson, Museum Service Manager Tel: (01993) 814105

Report by Director for Social & Community Services (**CMDSSC4**).

This report introduces the Museums Service's proposed Human Remains Policy which relates to human remains, principally skeletal material recovered from archaeological contexts in the county, held in the care of the County Council's Museums Service. It establishes the principles and practises to be followed by the Service in curating, researching and displaying human remains. It also gives guidance to those seeking to submit a claim for the return of human remains and provides information as to the circumstances in which a claim may be accepted.

The policy has been developed following extensive consultation and in line with Guidance for the Care of Human Remains in Museums issued in 2005 by the Department of Culture, Media and Sport .

The Cabinet Member is RECOMMENDED to endorse the Human Remains Policy 2011.

Division(s): N/A

CABINET MEMBER DELEGATED DECISION – SAFER & STRONGER COMMUNITIES – 12 DECEMBER 2011

OXFORDSHIRE MUSEUMS SERVICE HUMAN REMAINS POLICY

Report by Director of Social and Community Services

Introduction

1. The activities of the Oxfordshire Museums Service in respect of the collections it acquires and holds in trust for the County are governed by the Oxfordshire Museums Service Acquisitions and Disposals Policy (2005). This policy defines what the Service collects, how it cares for that material, makes it accessible to the public and, if necessary, disposes of items from the collection. Since the last revision of this Policy in 2005, however, as a result of developments elsewhere in the Museums sector and beyond it has become clear that a separate policy is required to deal with the very specific issues which can arise in relation to the curation of human remains.

Scope of the Policy

2. The definition used in this Policy refers to skeletal and soft tissue parts of Homo sapiens, including hair and nails, and artefacts made of human and other components. Types of human remains in the Museums Service's archaeology collections are unmodified skeletal remains and cremated remains from Oxfordshire sites excavated since the 1960s. They are of prehistoric, Roman and medieval date. There are currently 422 entries of human skeletal remains on the Service's collection's data-base. The Social History collections do not contain human remains.
3. As custodians of human remains the Museums Service has a duty, acting on behalf of the County Council, to keep the remains appropriately and to consider applications for their return from those who have a claim on them. This policy therefore sets out how the Museums Service curates, researches and displays the human remains in its care. It also provides guidance to those seeking to submit a claim for the return of human remains as to how a claim may be made, the procedure for considering and responding to claims and the circumstances in which a claim may be accepted.

Consultation

4. In devising a Human Remains Policy for the collections in its care the Museums Service is adhering to best practice as in the Guidance for the Care of Human Remains in Museums published by the Department for Culture, Media & Sport (DCMS) in October 2005
5. In developing this Policy the Museums Service has drawn heavily upon the experience of other Museums holding significant collections of human remains and who have experience of handling requests for the repatriation.

Notable amongst these are the British Museum, The Pitt Rivers Museum and the University of Manchester.

6. Consultation has also taken place with the local archaeological community and the draft policy has been tested against two recent requests for repatriation from faith communities in the county.

Corporate Policies and Priorities

7. The Human Remains Policy supports the Council's strategic objective of providing efficient and effective public services by adopting a standard for the care of human remains and providing accessible information for those who wish to request repatriation of human remains.

Financial and Staff Implications

8. The Human Remains Policy codifies the practices and procedures currently in place and its formal adoption would have no additional financial or staffing implications

RECOMMENDATION

9. The Cabinet Member is **RECOMMENDED** to endorse the Human Remains Policy 2011.

JOHN JACKSON
Director for Social and Community Services

Background papers: Nil

Contact Officer: Carol Anderson, Museums Service Manager TEL: (01993) 814105

November 2011

OXFORDSHIRE COUNTY MUSEUMS SERVICE

Human Remains Policy 2011

1. Introduction

1.1 The Museums Service has developed a human remains policy according to the recommendations of the Guidance for the Care of Human Remains in Museum Collections, published by the Department for Culture, Media and Sport (DCMS) in October 2005.

It acknowledges the *Guidance for best practice for treatment of human remains excavated from Christian burial grounds in England* published by The Church of England and English Heritage (CoE/EH 2005); in particular paragraph 26: '...human remains should be treated with respect and reverence: a society that cares for the dead demonstrates that it values life.'

The policy has also been developed in accordance with the Museums Association's *Code of Ethics* which requires the Museums to: "Respect the interests of originating communities with regard to elements of their cultural heritage present or represented in the museum. (Museums Association *Code of Ethics* 2002, 7.5)

1.2 This policy sets out how the Museums Service curates, researches and displays the human remains in its care and gives guidance to those seeking to submit a claim for the return of human remains as to the procedure for considering claims and on the circumstances in which a claim may be accepted.

1.2 In the UK, the practice of excavating historic and prehistoric human remains, studying them and including them in museum collections is well-established. These remains are of great scientific interest in the fields of population, genetics, dietary studies and the history of disease in relation to ancient and historical societies. The Museums Service recognises that human remains are regarded as culturally sensitive.

1.3 County collections

The Museums Service holds collections of Social History and Archaeology relating to Oxfordshire, built up by gift, bequest and purchase over the past fifty years. It uses them for education, inspiration and enjoyment through public displays at The Oxfordshire Museum, through loans to other museums and through its web presence. The Museums Resource Centre at Standlake houses the reserve collections and is the designated repository for archaeological site archives for the County. These collections are used for research, mainly by external specialists.

1.4 Acquisition

All human remains held by the Museums Service are from archaeological contexts in the County. They are used for museum display and universities and related institutions use them for teaching and scientific research. For these reasons the Museums Service intends to retain its collection of human

remains and will continue to acquire them through the deposition of archaeological archives.

1.5 Definition of human remains

The definition used in this policy refers to skeletal and soft tissue parts of *Homo sapiens*, including hair and nails, and artefacts made of human and other components.

1.6 Type and quantity of human remains in the County collections

Types of human remains in the Museums Service's archaeology collections are unmodified skeletal remains and cremated remains from Oxfordshire sites excavated since the 1960s. They are of prehistoric, Roman and medieval date. These remains are catalogued on the Museums Service's database and, although not available on-line, the information can be made available to the interested public on request. At time of writing, there are 422 entries of human skeletal remains on the data-base. The Social History collections do not contain human remains.

2. Policy on human remains

2.1 Acquisition

In accordance with its Acquisition and Disposal Policy and as the repository for site archives, the Museums Service will continue to acquire human remains as long as it is satisfied that it can hold them lawfully, their provenance is known and the remains are of potential value for research. The Museums Service expects that it will continue to acquire human remains from excavations in Oxfordshire and the transfer of these remains will be conducted in accordance with legal requirements and published professional standards of archaeological investigation. The Museums Service does not expect to acquire human remains that are less than 100 years old which would in any event be subject to legislation set out in the Human Tissue Act 2004.

2.2 Storage, conservation and collection management

The Museums Service will store human remains professionally and respectfully. Premises will be secure, clean and free of vermin and the storage environment will be stable and regularly monitored. Human remains will be stored in a designated part of these premises, access to which will be limited to museum staff and visitors by special arrangement. Where possible, the remains of each individual will be stored in a separate container.

Handling will be kept to a minimum and, where appropriate, conservation standard gloves will be worn. Where conservation is necessary, treatments will follow the principle of minimum intervention and be as reversible as possible. The wishes of museum staff preferring not to see and handle human remains will be respected.

2.3 Loans

If requested by other museums, university departments or comparable academic institutions, human remains may be loaned for display or teaching purposes provided the borrowing institution meets the considerations set out

in the Department for Culture, Media and Sport (2005) Guidance for the Care of Human Remains in Museums and provides written assurances.

2.4 Display

Careful consideration will be given to the purpose and circumstances of displaying human remains whether by the Museums Service or by a borrowing institution. Such displays will be accompanied by explanatory and contextual information to heighten public appreciation and understanding. Where some special significance of particular human remains has been established, then particular sensitivity would be appropriate. Further consideration will be given to prepare visitors for the display, so that the remains are viewed respectfully and can be avoided by those who do not wish to see them. Borrowing institutions should provide the Museums Service with written assurances of agreement in this respect.

2.5 Access for research

Research on human remains may require destructive sampling. The Museums Service's agreement to such actions will depend on the condition of the remains, the credentials of the applicant, the merits of the project and the benefits that might accrue from it. Those given access will be reminded of the ethical obligations with regard to human remains and guidelines will be provided to which researchers will be required to adhere. In due course, researchers are expected to make the results of their research publically available by depositing them with the Museums Service. As part of its documentation procedures the Museums Service will maintain a research register detailing all requests as well as research carried out. The register will list the project name, its research objectives, methodology, date, research results and outputs.

The Museums Service will not allow access to any human remains while the outcome of a claim for their return to a source community is pending, unless it is with the agreement of the claimant.

2.6 De-accessioning

Human remains may be de-accessioned if they do not meet the Museums Service's collecting criteria or in response to approved claims for return. In such cases, in accordance with its status as an Accredited museum, the Museums Service is required to satisfy itself that the remains will be dealt with appropriately.

3. Claims for the return of human remains

The Museums Service presumes that its collections should stay intact for the benefit of the wider community, but it will give serious consideration to the return of human remains to a source community if a very close geographical, religious and cultural link can be demonstrated. For any claim to be considered, the claimant would have to establish a sound evidential base for a prima facie claim. For detailed guidance see **Appendix 1**

4. Procedure for making and processing a claim

4.1 The Museums Service wishes to be open and transparent with regard to approaches from claimants wishing to see the return of human remains to

communities of origin. It will try to ensure that its actions are consultative and its negotiations are as equitable as possible.

4.2 Requests should be submitted in writing to the Curator of Archaeology. The request should include as much information as possible about the remains being claimed, the community making the claim, the reasons for the claim and the evidence that substantiates it. The Curator of Archaeology will be the single point of contact for claimants and other interested parties throughout the process and all enquiries should be submitted to him/her.

4.3 The claim will be formally acknowledged in writing including an indication of how long it is likely to take the Museums Service to process the claim and who will be consulted during this process. The time taken will depend on the quality of the information submitted with the claim, the timing of meetings and internal work pressures.

4.4 Claims will be assessed against criteria set out in the **Appendix 1** below, reflecting official guidance provided by the DCMS, English Heritage, faith communities and museums organisations.

4.5 Each claim will be discussed at the first Collections meeting following the receipt of the claim, provided the claim is received at least 1 month prior to the meeting. The Collections Management Team is responsible for decision making in respect of the acquisition and disposal of items from the Museums Service's permanent collections. The Team is composed of the County Museums Officer, Curators and one representative each from the specialisms of Conservation, Documentation and Learning and Access. Having consulted those who excavated the remains and representatives of the community making the claim, the Collections Management Team may make a decision based on that information. Alternatively, it may request advice from external consultees such as relevant faith or community groups and the Oxfordshire Architectural and Historical Society, in which case it will be discussed at the next meeting of the Oxford City and County Archaeological Forum (OCCAF).

5. Decision making

5.1 The timescale of decision-making and consultation will depend on relevant meeting cycles (for example, Collections meetings are held at two month intervals, OCCAF meetings at approximately four month intervals).

5.2 After the first meeting the dossier of the case will be made publicly available, giving an opportunity for all with an interest to comment. Any advice requested by the Curator of Archaeology or comments made to him/her will be made public. An open dialogue will take place with the claimants with regard to the claim and criteria against which it will be assessed.

5.3 In reaching a decision, the Collections Management Team will take account of the details of the claim and the advice of the Curator of Archaeology and all consultees in seeking a solution that, as far as possible, accommodates all interests.

5.4 Once a decision has been made a written report explaining how the decision has been reached will be sent to the claimant and then published on the Museums Service pages on the County Council's website. If the decision is taken to return the human remains then the Curator of Archaeology will begin discussions with the claimant as to when and how this will take place. Once the transfer is completed, the documentation of the detailed arrangements made will be lodged as part of the Museum Service de-accessioning records and in the remaining site archive.

6. Appeals against decisions

The arrangements for consultation and objective of seeking consensus are intended to minimise grounds for challenging a decision once reached. Appeals will only be considered on the basis that the procedures set out above have not been followed and should be made through the County Council's non-statutory complaints procedure.

7. Policy Review

This Policy will be reviewed within a period of five years and will be modified in line with any good practice or the requirements of the Laws of England that may be in force at that time.

APPENDIX 1

Detailed guidance for those wishing to make a claim

In dealing with any claim the Museums Service will consider the following criteria:

1. The status of those making the request

1.1 *Genealogical descendants.* Under normal circumstances the wishes of claimants will be seriously considered if they can demonstrate a direct and close genealogical link to the human remains being claimed. Claimants should, however, do everything that they can to ensure that they are the only possible claimants and, if they are not, that there is agreement over who has the right to make the claim.

1.2 There may be exceptional circumstances where remains would not be returned to genealogical descendants, for example if the remains are deemed to constitute evidence in a criminal investigation. It is, however, expected that in the majority of cases human remains would be returned to genealogical descendants.

1.3 In practice, individuals who died more than 100 years ago may have many descendants from more than one community, such that genealogical descent alone may not be a sufficient criterion.

1.4 *Community of origin.* Where a claim is submitted by a cultural community the Museums Service will seek to verify that the claimants have the authority to submit a claim for the return of the human remains; or where there is more than one group of claimants that they are fully supported by the other claimants.

1.5 For a group to be recognised and their claim for human remains considered the Museums Service would expect that claimants are able to demonstrate a continuity of belief, location and customs between themselves and those of the community from which the remains originate.

1.6 It would be unusual for the Museums Service to consider a claim from a community which did not either occupy the land from which the remains came, practise the same religious beliefs, or share the same culture.

2. The cultural and spiritual significance of the human remains

It would be expected, but not regarded as essential, that the claimant group should demonstrate that the human remains and their treatment have a particular cultural or spiritual significance to their community. Examples might include the fact that the human remains were removed outside the laws and normal practices of the community at the time, or that the correct “laying to rest” of remains was not followed. Demonstration of a very strong cultural or spiritual significance of the human remains, whose continued holding by the Museums Service perpetuates a strong feeling of grief amongst claimants, will be duly considered by the Museums Service when making a decision.

3. The age of the human remains

Archaeological and historical studies have shown that in the vast majority of cases it is very difficult to demonstrate clear genealogical, cultural or ethnic continuity far into the past. For these reasons the Museums Service accepts the view of the DCMS Guidance that the older the remains are the less likely they are to be returned, but whatever the age of the remains it will give primary consideration to:

1. the claimant demonstrating a legitimate locus to make a request
2. how best to accommodate the strength of both scientific interests and personal, cultural or religious values and sensitivities.

4. The potential public benefit of the human remains

When considering a claim the Museums Service will assess the research potential and public benefit of the human remains in question. This assessment will include a review of the research on the human remains that has taken place in the past and an assessment of the potential contribution that the human remains can make in the future based on the current understanding of the appropriate research field.

The human remains in question may also be utilised through display and teaching to further our understanding of humanity and this fact will also be taken into consideration.

Appendix 2

Consultation

The following documents were consulted in the preparation of this Policy

Department for Culture, Media and Sport, 2005, Guidance for the Care of Human Remains in Museums

The Manchester Museum: Policy on Human Remains

University of Oxford: Policy on Human Remains held by the University of Oxford's Museums

The British Museum: Policy on Human Remains

English Heritage, 2005, Guidance for best practice for treatment of human remains excavated from Christian burial grounds in England

The following organisations were consulted during the development of this Policy

English Heritage

Society of Museum Archaeologists

Advisory Panel on Archaeological Burials in England

Oxfordshire Museums Joint Working Group

Oxford City and County Archaeological Forum

Carol Anderson: Museums Service Manager

Esther Cameron: Curator of Archaeology

November 2011