

2024 Treasure Trove Review Consultation Response

1a. Does the preservation and recording of heritage delivered by the Treasure Trove system represent meaningful public benefit?

Yes, but there is opportunity for added public benefit.

The system allows a variety of accredited museums across the country to display material found in the locality and increases our knowledge of the past (for example through understanding individual objects or developing an understanding of the distribution of objects). It is therefore a critical component of the means by which cultural heritage, or portable heritage, is made publicly available, and given the record numbers of visitors to NMS it is clear that artefacts from the past are valued by people.

It doesn't just represent meaningful public benefit in itself; it enables other organisations to deliver public benefit.

However, there would be added value to be gained by improving the online database and providing a searchable distribution map and/or other research tools. The development of regional Finds Liaison Officers or equivalent (see later in response) and a specific Public Engagement/Comms role (to support and continually develop the finds identification app, communications etc.) would realise additional public benefit.

1b. What more can the Treasure Trove system do to deliver public benefit (for example: training and research)?

The TT system could deliver a wide range of activity that would increase the public benefit of the system (see for example response to 1a), but training and research could be delivered through other avenues in collaboration.

A unique area that TT could enhance is the support and interaction with local communities and communities of interest. While the proposals later in this consultation to work with local museums is a step in the right direction, the Society fully endorses the previous Normand Review recommendation (no 26) that locally-based experts in the TT system should be developed around Scotland (also known as Finds Liaison Officers). However,

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any such development will require additional ring fenced expertise and/or capacity investment and sustained over a long period in the system; the Society recognises the parlous situation in local authorities with regard to their heritage/conservation expertise and the fact that museums services are already stretched.

Making data available would also enhance public benefit, providing searchable and transparent information about the provenance and subsequent deposition of claimed portable antiquities, including the location of relevant archives. The Society has previously called for the database be integrated with Canmore/Pastmap as part of the national heritage offer.

2a. Given the high levels of archaeological activity across Scotland in recent years, do these comprehensive criteria remain fit for purpose?

The currently still unique comprehensive nature of the criteria used to assess the significance of finds is a clear strength of the TT system and should be retained.

2b. If not, what change would you suggest?

N/A

3a. Should the Treasure Trove system take on the role of allocating archaeological human and animal remains and environmental samples that have been excavated or found without any associated objects?

With a lack of clarity around the roles and responsibilities around human remains and environmental samples, there should certainly be stronger guidance and increased clarity developed. This was recommended in the RSE Advice Paper (12-13) published in 2012 on Treasure Trove, and while that report stated that TT should NOT take on the role of allocating human remains (the introduction of “archaeological” here is confusing and should be avoided at all costs throughout any further communications except where referring specifically to the process of archaeological research), the Society considers that TT should have a key role in helping to review and develop guidance and bring the wider

sector together to discuss the issue and determine a preferred course. The Society stands ready to help with that work.

3b. If not, where do you consider the responsibility for this material lies?

A review of the current situation is required before a clear answer can be provided, certainly anatomy museums used to undertake this role, and they should be engaged with the discussion.

4a. Would such a network encourage reporting and communication? If not, why?

A formal network, if properly resourced, would make a positive contribution to the operation of the TT system. However, given the financial pressures in local authorities across Scotland it would require additional sustained funding and training to deliver. As an option it seems to fall short of the Normand proposal for TT Finds Liaison Officers in strategic location across Scotland.

4b. What benefits would 'Treasure Trove Partner Museum' status bring for Museums?

Again, so long as adequately funded, it could bring additional skills and greater public engagement opportunities to museums, and could, if highlighted as a critical part of the TT system and actively supported by the KLTR, and other heritage organisations, help to emphasise the importance of local museums to their funders, partners and local communities.

4c. What kind of support would museums need to act as partners?

Without a clear proposal of what would be expected this is difficult to answer, but certainly additional training and support for artefact recognition, curation and accessioning would be fundamental. It is likely however that funding to support additional person hours would

be crucial. Ring fenced clearly additional resource will be required (see 1b) which adds to and supports the expertise in local museums.

5a. What are the main obstacles that museums face in the bidding and allocation process?

Finding the funds for ex gratia awards, despite the availability of a national fund for acquisitions remains a key issue, especially for significant items with a high attributed value. Associated with this is the issue of valuations increasing in worth.

A lack of expertise at local level to bid for certain objects and then curate and display them as well as a lack of conservation resource in most local authorities is critical.

Many local museums do not have specific archaeological or relevant curatorial expertise and the Society would advise that the TT process encourages and supports such recipients of Treasure Trove to access archaeological advice in their curation.

Lack of space for storage of assemblages from which only a few objects might be displayed is a major issue, and archaeological assemblages from modern excavations are increasing in size, with a variety of materials that require different storage conditions, and increasing understanding of the conditions required to enable future scientific analysis for example.

With reference to archaeological assemblages, consultation undertaken by the 'Before the Museum' project suggests that the level of information around the contents of an assemblage at bidding / allocation stages can be insufficient, making it difficult for museums to fully understand what the assemblage is, as well as any implications for ongoing storage / conservation needs. Lack of clarification around expectations for selection of material for deposition ahead of the bidding process, is one procedural reason for this which could be addressed. Clarity for both museums and depositing groups of museum-ready standards and the process of selection would be beneficial, as would pre-allocation discussions between the likely receiving museum and those making the deposition through the TT system.

Even a conversation in advance of an excavation of a site that is likely to yield objects of interest, rather than at the end of the process, would provide a local museum more of an opportunity to benefit from the public interest in the excavation and longer to raise funds if required.

5b. What measures could be taken to adapt the system to support museums in their bids for allocation of Treasure Trove finds?

While a National Fund for acquisitions already exists, it is evidently limited, since even the National Museums of Scotland needs to fundraise for significant items.

More training of curatorial staff and provision of conservation training and/or expertise at a local level, this could be linked to a review of storage in Scotland and proposals to address that, including possible regional storage centres to be used by multiple local museums.

Standard fees should be set for deposition of excavated assemblages which can be costed into projects at the outset to support accession of archives by the museum, this should help to cover the time needed to process and integrate an archive into a collection.

Greater communication between depositors and receiving museums – which currently can't be easily facilitated due to the stages and process of allocation.

For archives, provision of standardised information about the collection, its research interest, significance and potential, as well as opportunities for public engagement, could all be provided by project teams prior to and/or as part of the bidding process. This is currently being considered and as part of the 'Before the Museums' project.

A mechanism through which a regional museum can build a specialist collection supported by TT would be useful, i.e. not just about local versus national but also about subject matter.

6. What are the main obstacles to the reporting of finds?

Lack of knowledge of the law in Scotland; this is linked to successful communication of the imperative to report objects – including the value it brings to understanding, further clarity for the public on the process of dealing with found and excavated material, and the relationship with other heritage management processes. This would also benefit from more co-ordinated public information from heritage organisations, including museums (MGS?), HES, NMS, TTU etc.

Misinformation, for example reports that processing of finds can take years – processing used to be hampered by there being only two TT staff for the whole country. Now there are six but they are dealing with an exponential rise in activity during Covid and a large backlog.

Maintaining this staffing level will be essential for the future capacity and extension of service across a geographically fragmented country. Misinformation will also be combated by better communications as noted above.

The Society has heard reports on the inability to easily report finds and excavation material, including inaccessibility - where to find TTU, difficulty in reporting finds online, requirements for reporting excavation archives, especially legacy collections, and clarity over the expectations of both the TT system and the depositor etc. Some of this could be addressed through improved communications (requiring dedicated resource) and the proposed app.

7a. Would an app of this kind be widely used by finders? If not, why not, and what would encourage its use?

Without clarity over the precise functionality of an app it is difficult to determine how useful this might be, and how widely used. However, in principle, anything that makes reporting easier and processing quicker would be welcomed, as would being able to look up objects and find out more about them.

7b. What additional measures could be taken to make reporting easier?

The adoption of the Normand review proposal for Finds Liaison Officers across Scotland would make reporting much easier and provide in-person support to local heritage centres and museums for example.

As noted above the provision of specific communications resource and expertise would also help, with support from other areas of the heritage sector.

8a. Is the principle of ex gratia awards linked to market value fair for finders and museums, and does it work well in practice?

The Society recognises that the issue of ex gratia payments has been debated many times since the 19th century at least. It is presumed that ex gratia rewards for reporting increases

the chances of finds being caught by the TT system, but there is an ethical query often raised as to whether the public should be asked to pay for heritage in this way, especially when it's a legal requirement to report finds. An updated review of the current situation would need to ask whether the carrot and stick approach works, and whether there are any other ways to enhance reporting without ex gratia awards. The most recent survey was focused on establishing the extent and character of metal detecting in Scotland (published in 2017) and an updated report would be useful for comparison in any case.

The Society understands there is some concern within the Museum community about high valuations for some relatively common object types.

More publicly available advice, and perhaps workshops, on how to undertake metal-detecting legally and usefully, from all areas of the heritage sector, would help to build trust and increase reporting. Trust can also be built through improved processes and better communication which requires both sustaining the current investment and adding specialist communications expertise.

8b. Are there any measures concerning the method of setting of ex gratia awards that could increase confidence in the system?

Greater clarity is required on the method by which valuations are reached would be welcomed, and providing finders either publicly or in advance with indicative valuations has merit but presumably has resource and risk implications which need consideration.

The Society understands that the finder has the right to commission their own valuation. The problem, as identified by the museum sector to us, is that they then commission an auction house who have an interest in inflating the valuation so that they get a larger fee if the material goes to auction.

An object is returned to the finder if museum fund-raising to pay an ex-gratia award is unsuccessful. This is a clear risk which could remove important material (and by the nature of the award, which requires fundraising, it is likely the material has considerable heritage significance) from Crown control and thus also risks loss of public benefit as well as the opportunity for research to improve our understanding of the past.

A means by which valuations can be independently assessed without recourse to those working for auction houses would be useful, but difficult to envisage currently.

9. What measures might encourage finders to waive ex gratia awards to help museums acquire finds?

Making it much clearer that donating or reducing the ex gratia award is an option from the outset – providing case studies with quotes from those who have done so.

There should be research undertaken into the value of the ex gratia award system and its incentivisation to ensure that decisions on the topic are made with data and the risks and costs are weighed against the benefits.

Further clarity for the public on where funds for ex gratia awards comes from, in essence who is paying (them) for this material, with more co-ordinated communications as noted earlier into the whole process.

10. What more could be done to address deliberate non-reporting of finds and tackle dishonesty?

While the concept of heritage crime is a very useful one to bring the issue to the attention of the authorities (in the same way as knife crime, rural crime etc does), and has raised the perception and perhaps increased the prosecution of crimes, it may not resonate well with the public, while everyone understands theft. Historic England appear to have made this a higher priority/profile than we seem to have done in Scotland.

Continued working with metal-detectorists and building trust between them and heritage professionals will also help, with attendant increased communications as noted previously, especially on the value to society and improved understanding of our past when undertaken responsibly. This will require collaboration among heritage organisations and individuals working in heritage, ensuring clarity around responsibilities, methodologies and the value we place on objects recovered through TT.

11a. Would the creation of an advisory group, led by the KLTR Department, bring benefits to the system?

It is likely this would indeed bring benefits, including greater awareness of the system among a wider range of organisations and individuals. However, there would need to be clarity over the roles of this new body, the NMS, SAFAP and TTU, and clear communication

of those roles to the wider public. The Society would advocate investment in the TTU and an increase in their strategic capacity over the addition of another advisory panel (which in our experience will increase the workload for existing team members).

11b. What other practical measures could improve communication and definition of roles?

A single agreed Code of Practice for finding and reporting material used and publicised by all heritage organisations.

Guidance and workshops on metal-detecting, which includes clarifying the system and the roles undertaken by different organisations.

12. What impact have these investments made on the operation of the system?

The additional staffing and development of an online public database for the TTU has been of immense benefit to the operation of the system and needs to be maintained for the future.

However, given the current scope the team is still potentially underpowered in specific areas of expertise, notably in communications and IT development. With little strategic responsibility it is not clear how they are in a position to undertake all that is expected of them.

Further investment in the TT system is required (and, as noted at the outset, will deliver public benefit to the whole heritage sector): this might include the introduction of a strategic lead role with defined responsibilities; introduce regional Finds Liaisons Officers or equivalent - see earlier comments; introduce a new public engagement/communications role; invest in the interface between TTU, those undertaking excavations and legacy project analysis and local and national museums.

13. Would the charging of excavation allocation fees on this basis be fair in principle?

Yes, but care is required to collaborate closely with the Before the Museums project, to either keep separate from other fees or ensure a simple system, and any charging must be

equally required from all those undertaking excavation, including academics and volunteers, not just the commercial sector.

This would need to go in tandem with a sectoral re-assessment of what is retained during excavations in line with professional standards and guidance (e.g. the ClfA Selection Toolkit).

14. Would cost recovery on this basis be fair in principle?

Yes – but needs to be clear and easy to understand to enable costs to be fully integrated into project tenders or budgets at the start of projects. This will enable costs to be included in fees for development led fieldwork or grant applications etc, in the same way that other costs are recovered. Recovery also needs to be timely – while projects (and budgets) are still live, and this is dependent on a process which is also able to transfer fees prior to deposition, or resolve allocation quickly.

15. What opportunities and risks should the Treasure Trove system anticipate in relation to developments over the coming decade (for example: future technologies, the growing popularity of commercial metal detecting events, the emergence of magnet fishing, the potential impact of climate change)?

More ways of uncovering or finding objects will inevitably lead to more resource being required for the system. Some of this can be enabled through setting in place the infrastructure now before it is overwhelmed in the future, and allowing time for any new process to develop in relation to these changes.

There is also a need to go in tandem with a sectoral re-assessment of what is retained during excavations in line with professional standards and guidance (e.g. the ClfA Selection Toolkit).

16a. Are there areas of the Code of Practice that need to be changed or clarified?

Probably – the previous specific consultation on the Code was in 2013 (over 10 years ago now), and any changes to the system enacted through this consultation will inevitably require an updated Code in any case. See also the previous comment for a widely recognised, shared and promoted Code.

16b. Are there risks to archaeology, the environment, and/or to wider public benefit delivered by the system that are not covered in the existing Code of Practice?

Probably – the previous specific consultation on the Code was in 2013 (over 10 years ago now), and there have since been major changes to challenges faced by the public and the heritage sector since then, as reflected in the development of the national Historic Environment Strategy (now Our Past, Our Future).

17. Do you have any other comments about the Treasure Trove system in Scotland that you wish to bring to the attention of the Review?

For archaeological excavations the process and guidance needs to be able to deal with an assemblage of material finds as part of collaborative research process which supports public benefit. This ideally means ongoing communication within a project between the archaeological research team and the receiving museum. For example, this would support greater implementation of selection strategies, reducing the burden on museums, and ensure that those receiving the assemblage are aware of the contents ahead of deposition – and that the archive is properly prepared and museum ready. The current process does not support this, and whilst fundamental changes are not necessarily being suggested, recognition of the need to facilitate pre-allocation communication between the likely recipient and depositing team could provide a useful solution to some issues (transfer of a fee, appropriate selection, creation of museum ready archives).

There should be a review of the tasks asked of the TTU to ensure efficiency and increase collaboration across the sector. For example, the Society would query whether, in light of the issues raised and tasked identified through this review, the TTU should be undertaking excavation ('investigating find spots')?