

Royal College of Surgeons of England Museums: Repatriation Policy

Collections: The Museums of The Royal College of Surgeons of England, including the Hunterian Collection; the College Museum; the Anatomy Collection; Pathology Collection; the Odontological Collection; the Historical Instrument Collection; the Microscope Slide Collection; the Special Collections and associated reserve collections.

Governing body: The Council of Royal College of Surgeons of England (RCS England)
Board of Trustees of the Hunterian Collection

Date approved by Trustees of the Hunterian Collection: 9 October 2024

Date approved by Library, Museums and Archive Committee: 19 September 2024

Date approved by College Council: 5 December 2024

Date for review: September 2029

1. Museums Statement of Purpose

1.1. The Royal College of Surgeons of England (RCS England) holds collections of outstanding medical, scientific, historical and cultural significance. Some Designated and Accredited by Arts Council England. The collections are held in trust for the benefit of the public in relation to its stated objectives. Its aim is to care for and use these collections to:

- 1.1.1. Enhance RCS England's reputation by raising awareness of surgeons and their work in society.
- 1.1.2. Aid the professional work of RCS England by providing training resources.
- 1.1.3. Facilitate and generate excellent medical, scientific, historical and other research.
- 1.1.4. Support public engagement with, and understanding of, surgery, its history and practice and related arts and sciences.

2. Scope of policy

The purpose of this policy is to articulate and update the general principles concerning requests for the repatriation of human remains and items in RCS England Museums collections.

It should be read in conjunction with other RCS England Museums policies when appropriate, of particular relevance are:

- *RCS England Museums Human Remains Policy*
- *RCS England Museums Collections Development Policy*

3. Guiding principles

RCS England welcomes indigenous community engagement with Museums collections. Any claims for the repatriation of human remains or items from the Museums collections will be considered in a sensitive, respectful, transparent and fair manner, in accordance with the criteria outlined in this policy.

4. Standards and guidelines

RCS England will follow the current versions of professional guidelines, including:

- *The Department of Culture, Media and Sport Guidance for the Care of Human Remains in Museums (2005)*
- *Museums Association Code of Ethics and additional guidance (2016)*
- *Arts Council England Restitution and Repatriation: A Practical Guide for Museums in England (2023)*
- *Museum Association Policy Statement on Repatriation of Cultural Property (2008)*
- *National Museum Directors' Council Statement on the Spoliation of Works of Art during the Holocaust and World War II period (2021)*

Legal frameworks will be followed, including:

- *The Human Tissue Act, 2004*
- *The Human Tissue Authority's Codes and Standards, 2017*
- *The Dealing in Cultural Objects (Offences) Act, 2003* and other legislation relevant to acquisition

5. History of the Museum Collections

In 1799 the British Government bought, from the estate of surgeon anatomist John Hunter (1728–93), his collection of 14,000 specimens and related paintings for the sum of £15,000. In December 1799 it was agreed Hunter's Collection would be given into the care of the Company of Surgeons in London, under the supervision of an independent Board of Trustees (The Hunterian Collection Board of Trustees). In 1800 the Company of Surgeons became the Royal College of Surgeons in London by a Royal Charter of King George III (subsequently amended by a Charter of 1843 to The Royal College of Surgeons of England). Hunter's collection was moved to the Royal College of Surgeons at Lincolns Inn Fields in 1806. Throughout the 19th and early 20th centuries further items were added to what became the 'College Museum'. In 1909 RCS England Museum received on loan from the Royal Society of Medicine the collection of the Odontological Society of Great Britain: this loan was converted into a gift in 1941. Following the destruction of around 60% of the collections caused by bombing of the RCS England building during the Second World War, a decision was taken to split the original College Museum into four departments, each of which operated separate accession and/or disposal procedures. These were brought under a common management structure in the 1990s. From 2010 - 2017 the Museums and Archives came under the same Department.

Today the RCS England Museum collections comprise of nearly 70,000 items. Some are displayed in the Hunterian Museum which opened to the public after redevelopment in May 2023. Other parts of the collections are used to support medical and surgical education in the Anatomy and Pathology Museum (open to medical and allied health professionals). There are approximately 12,200 individual human remains in RCS England Museums collections, including remains from an archaeological context and anatomical and pathological preparations used to study the human body. RCS England Museums recognises that historically, some human remains were obtained in circumstances that do not meet modern standards of consent and best practice. RCS England Museums aim to treat all human remains with care, respect and dignity and be mindful at all times that these were once living people.

6. Requests for repatriation

Repatriation requests should be addressed to the Director of Museums and Special Collections. The Repatriation Claimant is encouraged to provide information concerning the provenance of the item(s), in order, to establish a shared and agreed understanding of their provenance and significance. RCS England will provide the Repatriation Claimant with all available information concerning the acquisition and provenance of the item(s) concerned.

7. Requests for return of named individuals

RCS England will sympathetically consider requests received from close relatives for the return of the remains of named individuals on a case-by-case basis, provided that:

- 7.1. They can furnish legal evidence of the relationship.
- 7.2. The wishes of the named individual are not contravened.
- 7.3. The return does not involve contravention of any relevant British regulation (including the *Human Tissue Act 2004*) or of any International legal regulation regarding the exportation and importation of human remains.

Any decision to return human remains will be taken only after due consideration by the Royal College of Surgeons of England Council and, in the case of any material from the Hunterian Collection, with the permission of the Board of Trustees of the Hunterian Collection.

8. Human remains and items of non-European indigenous communities

RCS England will sympathetically consider requests for the return of human remains and items of non-European indigenous communities which are less than 1,000 years old, and for which accurate geographical provenance exists, on a case-by-case basis, provided that:

- 8.1.1. The request originates from a representative body recognised as such under relevant regional, state or national legislation covering the return of human remains.
- 8.1.2. Custodianship of the remains is not contested between two or more recognised representative bodies.
- 8.1.3. Return does not involve contravention of any relevant local or British or International legal regulation regarding the treatment or transport of human remains.

In the event of such a request being received, RCS England Council, and in the case of any material from the Hunterian Collection, the Board of Trustees of the Hunterian Collection, will seek opinion of the scientific and historical value of the specimens concerned. Together with the views of the indigenous community from whom the request is made, this information will be taken into consideration when deciding whether to grant any such requests.

9. Pending claims

The Repatriation Claimant will be kept apprised of all developments in the claim process.

Human remains that are the subject of a pending claim will not normally be made available for display, loan or research, though requests may be considered in exceptional cases. No destructive analysis that is contrary to the cultural sensitivities of indigenous originating communities will be carried out. Research into the provenance of remains may be permissible but this will be considered on a case-by-case basis.

10. Policy review procedure

This policy will be reviewed and published from time to time, at least once every five years.