

**Northern Ireland Museums Council**

**Governance and Management for Museums**

**Introduction**

Recent years have seen a shift of focus within the public service sector. Such bodies, including museums, while appreciated and valued for the excellence of the services delivered, are now required to be notably transparent and accountable for the resources placed at their disposal and in how they exercise their cultural, environmental, social, and sometimes political, responsibilities. Of late the major scandals surrounding public bodies were often not about the quality of service provided, but more concerned with failures in the way in which they were carried out, how associated decisions were arrived at, the honesty and fairness of the associated processes, the line of accountability for resources, and the extent to which citizens and other stakeholders were fully informed about the background to decisions made.

While definitions of what constitutes ‘good governance’ vary, as do the means by which it may be measured, there is tacit agreement on what it might comprise. Fundamentally, corporate governance is the framework through which power is exercised and decisions made by way of advancing the aims and objectives of an organisation. It is informed by legislation, ethics and standards, models of good practice, transparent processes and procedures, which should be applied with rigor and professionalism by way of building confidence amongst interested parties and ensuring the sustainability of the body.

Given the funding base of most of Northern Ireland’s museums, these aims and objectives are predicated on public policy objectives to a notable degree. Setting aside the associated debates regarding the measurement of outcomes of public sector interventions, it is obvious that the principles and processes of governance are not absolute. The time and resources a museum will need dedicate to matters of corporate governance are variable and it remains a judgment call for the governing body of each museum depending upon the context and circumstances within which it operates. Nevertheless, governance is not something which can be ignored for the consequences of poor governance are inevitably catastrophic.

The following information has been drawn together by the Northern Ireland Museums Council to provide local museums with an overview of the principles of governance and signpost them to sources of further, detailed information. The principle aim in doing so is to strengthen the sector so that it continues to be seen as credible, well-run and managed, trustworthy, worthy of investment and operating to the highest possible standards.

Date of compilation: September 2013

Date of next review: September 2014

|  |  |
| --- | --- |
| **Principles and Ethics** | |
| **Codes of Ethics**  There are two reference points on ethics for museums.  The code devised by the **Museum Association** (revised in 2008) is centred on ten core principles, summarised as follows:  Museums should:   * Hold collections in trust for the benefit of society * Focus on public service * Encourage people to explore collections for inspiration, learning and enjoyment * Consult and involve communities, users and supporters * Acquire items honestly and responsibly * Safeguard the long term public interest in the collections * Recognise the interests of people who made, used, owned, collected or gave items in the collections * Support the protection of natural and human environments * Research, share and interpret information related to collections, reflecting diverse views * Review performance to innovate and improve   The **International Council of Museums** (ICOM) adopted a Code of Ethics for Museums in 1986 and revised in 2004. It establishes the values and principles shared by ICOM and the international museum community. | The full Code of Ethics is available at <http://www.museumsassociation.org/download?id=944515>  See <http://icom.museum/the-vision/code-of-ethics/> |
| **Nolan principles**  The first Chairman of the Committee on Standards in Public Life was Lord Nolan. The Committee published the Seven Principles of Public Life in 1995.   * Selflessness * Integrity * Objectivity * Accountability * Openness * Honesty * Leadership   The Principles are not statutory but most public bodies incorporate them into Codes of Conduct or Practice. | See <http://www.archive.official-documents.co.uk/document/parlment/nolan/nolan.htm> |
| **Codes of Conduct**  This is a document which sets out the rules and principles by which a museum’s governing body will operate.  The more successful Codes;   * Convey the commitment of the governing body, * Clearly state that ethical standards are applicable to everyone concerned (whether professional and voluntary), * Give clear direction on recognised issues relevant to all concerned and material to the museum’s business activities, * Are comprehensive, helpful, and clear in terms of language and style.   Such is the variety in type, scale, approach and character of museums that there is no ‘model’ Code, but some examples are given opposite.  Additionally, various **Standards** and **Codes of Practice** have been developed for particular aspects of museum practice and collections activity (see **Professional Standards** below). | Examples of museum Codes of Conduct include:  <http://www.nmni.com/Documents/FOI/HR/Staff-Code-of-Conduct>  <http://www.iwm.org.uk/sites/default/files/public-document/Corporate%20Governance%20Code.pdf> |
| **Governing Body** | |
| **Constitution**  The governing body should ensure that the  museum has a written and published  constitution, statute, or other public document  that is in accordance with national laws, which  clearly states the museum's legal status,  mission, permanence and non-profit nature.  The museums in Northern Ireland are variously constituted; by Act of Parliament, by Order in Council, as companies, or as Charitable Trusts. | See  Museums and Galleries (Northern Ireland) Order 1998  <http://www.legislation.gov.uk/nisi/1998/261/contents>  National Trust (Northern Ireland) Act 2007  <http://www.legislation.gov.uk/ukla/2007/3/enacted>  Companies Act 2006  <http://www.legislation.gov.uk/ukpga/2006/46/contents>  Charitable Trusts  <http://www.nicva.org/sites/default/files/Advice%20Note%207%20%20Charity%20Trustee's%20Duties_0.pdf> |
| **Role and Responsibilities**  The roles and responsibilities of Board members and Trustees vary according to the governance instrument and arrangements, but clarity must be established in this regard.  The **Northern Ireland Council for Voluntary Action** has compiled a *Code of Good Governance* with the aim of assisting bodies operating in the community and voluntary sectors. Allied to this, the **DIY Committee Guide** provides support for groups implementing the Code of Good Governance.  The **Association of Independent Museum** tabulates its guidance on successful governance and the role of board members in its *Golden Rules for Good Governance* andits recent publication *Successful Governance in Independent Museums*. It has also issued a most useful ‘focus paper’ entitled *Governing Independent Museums*. | See  <http://www.nicva.org/publications/code-good-governance-0>  <http://www.diycommitteeguide.org/>  See  <http://www.aim-museums.co.uk/downloads/a4a1c5f9-dd8d-11e2-b572-001999b209eb.pdf>  and  http://www.aim-museums.co.uk/downloads/727b74d1-04e4-11e3-b572-001999b209eb.pdf  and  <http://www.aim-museums.co.uk/downloads/1bf3188a-dd7d-11e1-bdfc-001999b209eb.pdf> |
| **Board training**  **NICVA** runs practical training on governance and charity issues for voluntary and community organisations throughout Northern Ireland.  **On Board** specialises in providing high quality and practical training, advice and support for boards and board members of public bodies.  The **Department of Finance and Personnel** has compiled guidance and good practice on corporate governance across central government in Northern Ireland  Training in public accountability and governance for Board Members is also delivered in Northern Ireland by the **Chief Executives Forum** and **Public Accountability Training Limited**  **Arts and Business** in Northern Ireland provide bespoke professional development for training and placing business individuals on the Boards of not-for-profit arts & cultural organisations  The **Chartered Institute of Public Finance and Accountancy** in Northern Ireland hold over 200 courses a year in finance, audit and general governance skills.  **Strictly Boardroom** is a Northern Ireland based consultancy that focuses on governance support | See  <http://www.nicva.org/training/governance-and-charity-advice-training>  See  <http://www.onboard-training.co.uk/>  See  <http://www.dfpni.gov.uk/index/finance/afmd/afmd-corporate-governance/afmd-corporate_governance.htm>  See  <http://www.ceforum.org/>  <http://publicaccountability.co.uk/>  See  <http://www.artsandbusinessni.org.uk/professional-development-programmes/>  See  <http://www.cipfa.org/regions/northern-ireland/training>  See  <http://www.strictlyboardroom.com/> |
| **Disclosures**  Conflict of Interest - Conflicts of interest arise in three ways: through direct financial gain or benefit to museum personnel; indirect financial gain or benefit (say through the awarding of grants to a third party with whom a person has an association) and through conflicts of loyalty (where a decision may have an adverse or advantageous impact).  Gifts and Hospitality – the general guiding principle for Board members, staff and volunteers of publically-funded bodies is that they must not accept gifts or hospitality or receive other benefits which might reasonably be seen to compromise personal judgment or integrity. Many public sector bodies keep a register of the gifts and hospitality received, publishing it through their web site and annual report.  Annual Disclosures – If the museum is constituted as a company then it must deliver particular documents every year to Companies House, including accounts for each financial year, usually accompanied by a directors’ report. The consequences of not doing so could be serious. Guidance on what is required is provided by Companies House.  Annual Report and Minutes – Some museums, especially those within the public domain, underline their commitment to transparency and accountability through the publication of their annual report and sometimes the minutes of governance meetings on their web sites. | Department of Culture, Media and Sport in England publish a guide on conflicts of interest for charitable museums and galleries which is available at <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/84128/Charitable_Museums_and_Galleries_PDF.pdf>  See  <http://www.companieshouse.gov.uk/about/gbhtml/gp2.shtml> |
| **Legislation** | |
| Depending upon their status, constitution, scale, funding base, and individual circumstances museums are required to meet particular legal obligations. Given this variation, it is not possible to provide an exhaustive list of legislative obligations. Instead, some authorative ‘starting points’ are indicated by way of exploring the associated obligations.  **It is highly recommended that specialist advice is sought to ensure that your museum meets all of its legal responsibilities.**  See <http://www.legislation.gov.uk/> | Charity law:  see  <http://www.charitycommissionni.org.uk/Our_regulatory_activity/Compliance_work/default.aspx>  Child Protection  See  <http://www.nspcc.org.uk/inform/policyandpublicaffairs/northernireland/guidance/guidance_wda61700.html>  Company law:  see  <http://www.companieshouse.gov.uk/index.shtml>  Cultural Property  See  <http://www.culturalpropertyadvice.gov.uk/public_collections/legislation>  <http://www.legislation.gov.uk/ukpga/2003/27/section/1>  Data protection & Freedom of Information  See  <http://www.ico.org.uk/for_organisations/data_protection>  <http://www.ico.org.uk/for_organisations/freedom_of_information>  Employment law:  See  <http://www.cipd.co.uk/cipd-hr-profession/about-us/default.aspx>  <http://www.delni.gov.uk/index/publications/pubs-employment-rights/erbooklets.htm>  Equality law  See  <http://www.equalityni.org/sections/default.asp?secid=3>  Health and Safety law:  See  <http://www.hseni.gov.uk/index.htm>  Property law:  See  <http://www.ipo.gov.uk/types/copy.htm>  <http://www.collectionslink.org.uk/discover/copyright>  Tax and finance law:  see  <http://www.hmrc.gov.uk/employers/index.shtml>  <http://www.hmrc.gov.uk/vat/index.htm>  <http://www.hmrc.gov.uk/individuals/giving/gift-aid.htm>  <http://www.hmrc.gov.uk/reportingfraud/help.htm>  <http://www.artscouncil.org.uk/what-we-do/supporting-museums/cultural-property/tax-incentives/>  Treasure  <http://www.doeni.gov.uk/niea/detecting_leaflet.pdf> |
| **Standards** | |
| **Professional Standards**  Accreditation  The Accreditation Scheme sets nationally agreed standards for museums in the UK and aids museums in their commitment to managing collections effectively for the enjoyment and benefit of users.  Collections  PAS 197:2009 covers the provision, implementation and maintenance of a collections management framework for all types and sizes of cultural collections, including policies, processes and procedures for:   * collections development * collections information * collections access * collections care and conservation.   Spectrum  The Spectrum Standard is the primary specification for collections management activity in museums and is widely used throughout the world  ICOM  The International Committee on Museums offers a series of guidelines for the management of collections  Museum Standards Programme for Ireland  This programme, administered by the Heritage Council, sets out to improve all aspects of Ireland’s museum practice  Archives  The Code of Practice for Archives in Museums and Galleries in the UK was revised in 2002. | See <http://www.artscouncil.org.uk/what-we-do/supporting-museums/accreditation-scheme/>  See  <http://www.collectionstrust.org.uk/code-of-practice-for-cultural-collections-management/>  <http://shop.bsigroup.com/ProductDetail/?pid=000000000030175180>  See  <http://www.collectionslink.org.uk/spectrum>  See  <http://icom.museum/professional-standards/standards-guidelines/>  See  <http://www.heritagecouncil.ie/mhusaem-chartlann/tionscnaimh/museums-standards-programme-for-ireland/?L=3%27%20aNd%20%272333%27%3D%272>  See  <http://www.archivesandmuseums.org.uk/scam/code.pdf> |
| **Regulation** | |
| **Charities**  The Charity Commission for Northern Ireland is the independent regulator for charities in Northern Ireland and provides guidance on the operation and governance of charities. | See  <http://www.charitycommissionni.org.uk/Charity_requirements_guidance/default.aspx> |
| **Finance and Accounting Standards**  The Finance Reporting Council sets the framework of codes and standards for the accounting, auditing, actuarial and investor communities. It regulates and oversees the conduct of the professionals involved.  FRS30 – Heritage Assets  The Financial Reporting Standard 30 requires organisations holding assets principally for their contribution to knowledge and culture to provide information about their total holdings of these assets and their stewardship. The Association of Independent Museums provides advice on this matter. | See  <http://www.aim-museums.co.uk/downloads/b70d1f06-dd76-11e1-bdfc-001999b209eb.pdf> |
| **Ombudsman**  Given that the majority of Northern Ireland’s museums are run by public bodies, their conduct and quality of service may come under the remit of the Northern Ireland Ombudsman. | See  <http://www.ni-ombudsman.org.uk/> |
| **Business Planning** |  |
| **Policies and Procedures**  Beyond the general policies and procedures required for the effective running of an organisation, museums require the same for their unique functions. Most of these will be consequent to the museum meeting the requirements set out above, with some additional links here for specific areas. | Accreditation  <http://www.artscouncil.org.uk/media/uploads/pdf/accreditation_standard_english_web.pdf>  <http://www.collectionslink.org.uk/programmes/museum-accreditation>  Cultural Property  <http://www.culturalpropertyadvice.gov.uk/public_collections>  Education and Learning  <http://www.aim-museums.co.uk/downloads/d892a895-dd7d-11e1-bdfc-001999b209eb.pdf>  Emergency Planning  <http://icom.museum/programmes/museums-emergency-programme/>  <http://www.conservationregister.com/PIcon-EmergencyPlanning.asp>  <http://www.sharemuseumseast.org.uk/shares/resource_116.pdf>  Human Remains  <http://www.museumsassociation.org/campaigns/8125>  <http://www.museumsgalleriesscotland.org.uk/research-and-resources/resources/publications/publication/378/guidelines-for-the-care-of-human-remains-in-scottish-museum-collections>  Risk Management and Insurance  <http://www.aim-museums.co.uk/downloads/5aba76d8-dd7d-11e1-bdfc-001999b209eb.pdf>  Safeguarding  <http://www.nspcc.org.uk/Inform/research/briefings/writing-cp-policy_wda93825.html> |

This information is provided as a convenience to users while every reasonable effort is made to ensure that the information provided in this document is accurate, no guarantees for the currency or accuracy of information are made. It is provided without any representation or endorsement being made. In no event will NIMC be liable for any loss or damage, including, without limitation, indirect or consequential loss or damage, or any loss or damages whatsoever arising from use this information.