

Due Diligence Policy

English Heritage will acquire and borrow items only if they are legally and ethically sound, and the donor or lender is legally able to transfer or lend the item. We will undertake thorough due diligence on all objects entering the collections and reject an item if there is any suspicion about it, or the circumstances surrounding it.

Standards

English Heritage due diligence procedures are followed in accordance with all applicable national and international laws, conventions and agreements, including (but not limited to):

- Statement of Principles issued by the National Museum Directors Conference on “spoliation of works of art during the Holocaust and World War II period” in 1998;
- Combating Illicit Trade: Due Diligence guidelines for museums, libraries and archives on collecting and borrowing cultural material, published by DCMS, October 2005;
- The UNESCO 1970 Convention on the Means of prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property;
- The ICOM Code of Ethics;
- MA Code of Ethics;
- SPECTRUM: UK Documentation Standard for museums;
- Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- ICOM red list.

Due diligence procedures also comply with English Heritage internal policies and procedures, including the Collections Development Policy (2022).

Due Diligence Checks

The English Heritage Collections Curatorial Team carry out due diligence checks to ensure all incoming objects have their provenance assessed, with particular scrutiny on any objects entering the collections through acquisition or loan. These include:

- Consultation with the owner or lender on item provenance;
- Full ownership history where possible, with special consideration to the 1933-45 period, more recent provenance i.e. post-1970, and to any other information which may suggest irregularity of ownership/acquisition; and
- The owner’s legal authority to lend.

Where necessary, English Heritage will request documentary evidence to support due diligence checks and extend provenance research beyond information provided by the owner (or lender) to further clarify the history of the object.

English Heritage acknowledges that it may not always be possible to obtain a complete and detailed history for every item entering the collection, and in such circumstances will make a reasoned judgement based on the information gathered through curatorial research.

Expertise

The curator will complete preliminary due diligence checks and present their findings to the English Heritage Acquisitions, Disposals and Loans Committee, who make the final decision to either accept or reject the acquisition or loan based on the evidence submitted.

Further expert guidance and advice may also be sought from additional sources. These include other internal specialist colleagues; major museums or academic institutions; principal auction houses; as well as more in-depth investigations using professional companies or consultants e.g. cross-checking acquisitions against art loss databases.

The Conservation, Curatorial and Learning Director has overall responsibility for ensuring the appropriate due diligence procedures are carried out, supported by the Senior Collections Manager.

Record Keeping

English Heritage retains records and documentation relating to due diligence and provenance checks, including (but not limited to):

- completed Due Diligence Assessments;
- outcomes of any object research;
- details of any published material;
- signed loan agreements;
- valuations; and
- any other relevant correspondence.

Printed copies of all relevant information are retained securely on registered files. When not in use, files are either held internally with the Registry Team (Swindon) or sent to an off-site facility for safe keeping within the retention period.

For acquisition and governance files, the retention policy is for a period of 15 years at which point this will be reviewed. For loan files, the retention policy is for a period of 8 years at which point this will be reviewed.

Loan Agreements

All loan requests must be approved by the Acquisitions, Disposals and Loans Committee (on behalf of the Trustees). They are subject to a formal agreement, signed by both parties, and will be for a defined period (though may be renewed). The English Heritage standard international inward loan agreement confirms that:

- the lender has the legal authority to lend the objects;
- the lender is not aware of any past, current or potential claim by a third party;
- the loan is made in accordance with all applicable national and international laws conventions and agreements; and
- the object must leave the UK at the end of the exhibition period and be returned to the lender (either immediately or at the completion of a travelling exhibition through multiple countries).

Supporting Documents

For additional guidance, please see the following English Heritage policies and procedures:

- Due Diligence Assessment
- Acquisition Procedure
- Loans Procedure
- Object Entry Procedure
- English Heritage National Collections Development Policy (2022)