



**UNIVERSITY OF
BIRMINGHAM**

Barber Institute of Fine Arts

University of Birmingham

Collections Development Policy 2023

Approved by University Executive Board (through Head of College of Arts and Law and Barber Steering Group): 26 October 2023

Approved by Henry Barber Trust: 26 October 2023

Date of next review: October 2028

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1. Existing Collections

The Barber Institute of Fine Art's (BIFA) collections consist of: paintings, works on paper, sculpture, decorative art, mainly c.1400-c.1990; Byzantine, Roman and medieval coins.

2.a. Criteria governing future Collections Development Policy

The current policy is based on:

- Lady Barber's Trust Deed, December 1932;
- variation made by the Charity Commission and DES, 1967, allowing the acquisition of works at least 30 years old;
- variation made by the Charity Commission, 1995, allowing loans;
- Coin Curator's policy on collecting coins, updated 2021;
- Director's policy agreed by HBT, 2005;
- variation made 2006, allowing gifts;
- decision by HBT not to create a formally accessioned handling collection, March 2013.

By the terms of the Founding Henry Barber Trust Deed, the BIFA's collection was to consist of 'works of art of beauty of exceptional and outstanding merit and comprising pictures painted not later than the end of the 19th Century, furniture tapestries needlework lace medieval manuscripts finely printed books and other works of art of such merit as aforesaid (but not pottery or china).' This was modified as outlined above. The following comments relate to the whole collection apart from the coins.

The BIFA is both unusual and fortunate in that it can continue to strengthen the collection thanks to the financial support of Henry Barber Trust (HBT) and that continues to be one of its key priorities. In practical terms, the present collecting policy is for HBT to acquire, on the advice of BIFA's Director and Deputy Director: Collections and Research, works of outstanding quality and significance, providing that they can be seen both to add a new dimension to the collection and to relate organically and meaningfully to what is already in it. Special importance is also attached to acquisitions which will make a significant difference not simply to the Institute's collections, but to those of the region, or the nation, particularly if they represent an artist, artistic style or type of work that can be seen nowhere else in the country.

While HBT was able to make exclusively outright purchases in its first fifty years, outside funding is now almost always necessary to support major acquisitions. Since 1992, generous financial assistance has been provided by the HLF, Art Fund, MLA/ V&A Purchase Grant Fund, RD Turner Charitable Trust, and the Friends of the Barber Institute (dissolved 2019). On three occasions, works of national significance have been acquired jointly with other institutions (Pietro da Cortona's drawing of *A Wooded River Landscape*, with Birmingham Museums and Art Gallery, 1992; Anthony van Dyck's *Portrait of François Langlois*, with the National Gallery, London, 1997; and Lovis Corinth's *Portrait of Dr Mainzer*, again with the

National Gallery, London, as a shared AIL allocation, 2021). Rotating the display of such joint purchases between partner venues usually entails ongoing practical and financial commitments. On two further occasions also, in 1984 with Renoir's *Young Woman Seated*, and in 2013 with Reynolds's *Maria and William Gideon*, the BIFA has benefited from the generous allocation to HBT of a work of national significance via the AIL scheme. The BIFA would look to utilise both the AIL scheme and the possibility of joint purchases in the future.

The cost of major 20th-century paintings by major artists such as Picasso or Bacon is often prohibitively expensive, but a significant number of modern drawings and prints (mainly German) were acquired 1990-2010, so as to fill this historic gap in the collection, and this practice may be continued and developed. An additional objective is to improve the diversity of artists represented more generally, in respect of gender and race in particular. Ultimately, acquisitions depend on a degree of opportunism, serendipity, and specialist knowledge, and the value of HBT's investments to fund future purchases.

Under-represented areas that are future priorities include, but are not limited to:

2.a.i Paintings, Works on Paper

1. 20th-century works of all media, especially from the period 1945-93;
2. German and Spanish School paintings pre-1900;
3. European 18th-century rococo and neoclassical paintings

2.a.ii Sculpture and Works of Art

1. 20th-century works of all media;
2. European medals/ plaquettes, c.1450-1600;
3. Northern European and Spanish sculpture, c.1550-c.1800

2.a.iii. Coins

1. Byzantine or Arab-Byzantine coins which may fill type gaps
2. European medieval and early modern siege coinage, and other pieces relating to specific events
3. Mercian Anglo-Saxon coinage

2.b. Period of time/ Geographical area to which collecting relates

Fine and decorative art: mainly works in the Western European tradition, 1250-Present (-30 years).

Coins: there are no chronological or geographical parameters for the collection, which stretches from the sixth-century BC to the mid-twentieth century although the bulk of it is late antique/ early medieval coinage from the Roman/ Byzantine empires.

2.c. Limitations

The HBT recognises its responsibility, in acquiring additions to its collections, to ensure that, managed by the BIFA, the care of collections, documentation arrangements and use of collections will meet the requirements of the Museum Accreditation Standard (5.1 [2022] at the time of writing). It will take into account limitations on collecting imposed by such factors as staffing, storage and care of collection arrangements.

2.d. Other Museums

The HBT will take account of the collecting policies of museums and other organisations collecting in the same or related areas or subject fields. It will consult with these organisations where conflicts of interest may arise or to define areas of specialisms, in order to avoid unnecessary duplication and waste of resources.

Specific reference is made to the following local museums:

- Birmingham Museums Trust
- Compton Verney
- Wolverhampton Art Gallery
- The New Art Gallery Walsall
- Leamington Spa Art Gallery
- University of Birmingham, Research and Cultural Collections

2.e. Acquisitions not covered

Acquisitions outside the current stated policy will only be made in exceptional circumstances, and then only after proper consideration by the Henry Barber Trust and exceptionally by the University of Birmingham where the object may be contested, having regard to the interests of other museums.

3.a. Acquisition Procedures

Major acquisitions are made by the HBT acting on advice from the Director and Deputy Director: Collections and Research, and with input from the Trustees, as appropriate. Additional funding may be required from external funding bodies, such as the HLF and Art Fund, and this will be pursued and managed by BIFA staff.

In addition, the Director has access to a modest annual discretionary fund intended for smaller purchases (often, but not confined to, works on paper).

3.a.i. The HBT will exercise due diligence and make every effort not to acquire, whether by purchase, gift, bequest or exchange, any object or specimen unless it is satisfied that it can acquire a valid title to the item in question. See **BIFA Collections Documentation Policy, Appendix IV.c (Due Diligence and Immunity from Seizure Policy)**.

3.a.ii. In particular, the HBT will not acquire any object unless it is satisfied that the object has not been acquired in, or exported from, its country of origin (or any intermediate country in which it may have been legally owned) in violation of that country's laws. (For the purposes of this paragraph 'country of origin' includes the UK).

3.a.iii. In accordance with the provisions of the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which the UK ratified with effect from 1 November 2002, and the Dealing in Cultural Objects (Offences) Act 2003, the HBT will reject any items that have been illicitly traded. The governing body will be guided by the national guidance on the responsible acquisition of cultural property issued by the Department for Culture, Media and Sport in 2005.

3.a.iv. The HBT does not hold or intend to acquire any biological or geological material.

3.a.v. The HBT does not ordinarily seek to acquire additional archaeological antiquities (other than coins). But, for the avoidance of doubt, the HBT will not acquire such material in any case where the HBT has any suspicion that the circumstances of their recovery involved a failure to follow the appropriate legal procedures.

3.a.vi. Any exceptions to the above clauses **3a.i-iii** or **3a.v** will only be because the HBT is either: acting as an externally approved repository of last resort for material of local (UK) origin; or acquiring an item of minor importance that lacks secure ownership history but in the best judgement of experts in the field concerned has not been illicitly traded; or acting with the permission of authorities with the requisite jurisdiction in the country of origin; or in possession of reliable documentary evidence that the item was exported from its country of origin before 1970.

In these cases the BIFA will be open and transparent in the way it makes decisions and will act only with the express consent of an appropriate outside authority.

3.a.vii. The HBT does not hold or intend to acquire any human remains.¹

3.a.viii. Spoliation

¹ One small exception is the Arm Reliquary, German, c.1200-25 (No. 61.9), which, while essentially a wooden object overlaid with sheet silver, contains within a small glazed recess a tiny fragment of human bone – in fact from the fibula of a right leg – the relic itself.

The HBT will use the statement of principles 'Spoliation of Works of Art during the Nazi, Holocaust and World War II period', issued for non-national museums in 1999 by the Museums and Galleries Commission.

3.a.ix. Management of Archives

As the BIFA holds and intends to acquire archives, including photographs and printed ephemera, the BIFA / University will be guided by the Code of Practice on Archives for Museums and Galleries in the United Kingdom (3rd ed., 2002).

4.a. Disposal Policy

The Founding Trust Deed of the HBT prohibits any active disposals. The HBT will only undertake disposals for legal or conservation reasons, for example spoliation or infestation.

4.b. Disposal Procedures

If, however, in exceptional circumstances, disposal of a work or works from the collection is deemed necessary by the HBT (see above), the following procedures will apply:

4.b.i. The HBT will ensure that the disposal process is carried out openly and with transparency.

4.b.ii. By definition, the HBT has a long-term purpose and holds collections in trust for society in relation to its stated objectives. HBT therefore accepts the principle that sound curatorial reasons for disposal must be established before consideration is given to the disposal of any items in HBT's collection.

4.b.iii. The HBT will confirm that it is legally free to dispose of an item and agreements on disposal made with donors will be taken into account.

4.b.iv. When disposal of a museum object is being considered, BIFA will establish if it was acquired with the aid of an external funding organisation. In such cases, any conditions attached to the original grant will be followed. This may include repayment of the original grant and a proportion of the proceeds if the item is disposed of by sale.

4.b.v. When disposal is motivated by curatorial reasons the procedures outlined in paragraphs **4.b.vii-xv** will be followed and the method of disposal may be by gift, sale or exchange.

4.b.vi. The HBT will not undertake disposal motivated principally by financial reasons.

4.b.vii. Whether the disposal is motivated either by curatorial or financial reasons, the decision to dispose of material from the collections will be taken by the HBT only after full consideration of the reasons for disposal. Other factors including the public benefit, the implications for the HBT's collections and collections held by museums and other organisations collecting the same material or in related fields will be considered. External expert advice will be obtained and the views of stakeholders such as donors, researchers,

local and source communities and others served by the museum will also be sought. The HBT will be motivated by curatorial rather than financial reasons in line with its founding trust deed.

4.b.viii. A decision to dispose of a specimen or object, whether by gift, exchange, sale or destruction (in the case of an item too badly damaged or deteriorated to be of any use for the purposes of the collections or for reasons of health and safety), will be the responsibility of the HBT acting on the advice of professional curatorial staff, if any, and not of the curator of the collection acting alone.

4.b.ix. Any monies received by the HBT from the disposal of items will be applied for the benefit of the collections. This normally means the purchase of further acquisitions. In exceptional cases, improvements relating to the care of collections in order to meet or exceed Accreditation requirements relating to the risk of damage to and deterioration of the collections may be justifiable. Any monies received in compensation for the damage, loss or destruction of items will be applied in the same way. Advice on those cases where the monies are intended to be used for the care of collections will be sought from the Arts Council England.

4.b.x. The proceeds of a sale will be ring-fenced so it can be demonstrated that they are spent in a manner compatible with the requirements of the Accreditation standard.

4.b.xi. Once a decision to dispose of material in the collection has been taken, priority will be given to retaining it within the public domain, unless it is to be destroyed. It will therefore be offered in the first instance, by gift or sale, directly to other Accredited Museums likely to be interested in its acquisition.

4.b.xii. If the material is not acquired by any Accredited Museums to which it was offered directly as a gift or for sale, then the museum community at large will be advised of the intention to dispose of the material, normally through an announcement in the Museums Association's Museums Journal, and in other specialist journals where appropriate.

4.b.xiii. The announcement relating to gift or sale will indicate the number and nature of specimens or objects involved, and the basis on which the material will be transferred to another institution. Preference will be given to expressions of interest from other Accredited Museums. A period of at least two months will be allowed for an interest in acquiring the material to be expressed. At the end of this period, if no expressions of interest have been received, the museum may consider disposing of the material to other interested individuals and organisations giving priority to organisations in the public domain.

4.b.xiv. The HBT will not dispose of items by exchange.

4.b.xv. Full records will be kept of all decisions on disposals and the items involved and proper arrangements made for the preservation and/or transfer, as appropriate, of the documentation relating to the items concerned, including photographic records where practicable in accordance with SPECTRUM procedure on de-accession and disposal.

5. Review of Policies and Procedures

The Collections Development Policy will be published and reviewed from time to time, at least once every five years. The date when the policy is next due for review is October 2028. ACE will be notified of any changes to the Collections Development Policy, and the implications of any such changes for the future of existing collections.