

**Implementation of a 'Processing Fee' by Museums within
developer-led archaeology for accessioning the physical
element of archaeological archives in Scotland – A
Feasibility Report**

2021 Consultation Report

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Executive Summary

Following the identification that some form of remuneration was required to offset the costs to museums of regular deposition of archaeological assemblages, the majority of which originates from developer-led archaeology, a Feasibility Report was prepared by the Association of Local Government Archaeological Officers in November 2020. The principal aim of the report was to consider whether a fee for the deposition / processing of archaeological assemblages could be applied in Scotland, via the planning process in the first instance, and if so, what that fee would look like.

Funded by Historic Environment Scotland, the consultation on the Feasibility Report was led by the Association of Local Government Archaeological Officers, National Museums Scotland, and the Museum Working Group of Scotland's Archaeology Strategy. The consultation was undertaken in the winter of 2020/21, and in total 23 responses were received representing all parts of the sector.

Key results include support (in principle) within the sector for the introduction of a 'processing fee' for museums, a desire to see chance finds made by the public be exempt from the fee, agreement that the implications for community groups should be more carefully explored before any fee was potentially introduced for them, and agreement that university projects are held to the same requirements as developer-led archaeology.

A total of 7 revised recommendations have been made as a result of the consultation.

Contents

1	Introduction	4
2	Methodology	5
3	Overview of Responses	5
4	Overall Concept of Introducing a museum 'processing fee'	7
4.1	Consultation Feedback on concept of a museum 'processing fee'	7
4.2	Consultation Feedback on the recommendations	7
4.3	Consultation Discussion on the recommendations	13
5	Missed Considerations in the Feasibility Report	18
5.1	Consultation Feedback	18
5.2	Consultation Discussion	24
6	Options for Fee Charging Models	30
6.1	Consultation Feedback	30
6.2	Consultation Discussion	34
7	Any Other Feedback	35
7.1	Consultation Feedback	35
7.2	Consultation Discussion	41
8	Revised Recommendations and Next Steps	44
9	Acknowledgements	46
Appendix 1 Recommendations Contained in Original Feasibility Report		47

1 Introduction

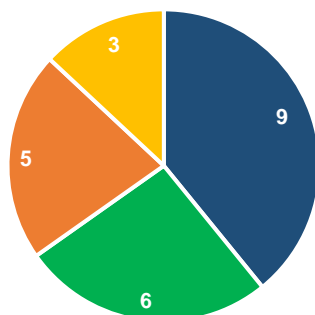
- 1.1 This report presents the results of a consultation undertaken as part of the 'Before the Museum' Project. This is a one-year project which has been developed by the Scottish Archaeology in Museums Working Group as part of Aim 3 'Caring & Protecting' of Scotland's Archaeology Strategy (2015). The project addresses the first of three work strands identified by the Working Group as areas to focus on for the improvement of processes and partnership working (the work strands being 1- 'Before the Museum', 2- 'At the Museum' and 3- 'Access to knowledge/expertise/skills'). The project, which commenced in April 2020, is led by Association of Local Government Archaeological Officers Scotland (ALGAO Scotland) and National Museums Scotland (NMS), and funded by Historic Environment Scotland (HES).
- 1.2 The aim of the project is to provide a stronger bridge between archaeological fieldwork and museums. Through a series of workshops with museums, Treasure Trove, and local authority representatives, held during 2018 and 2019, the priorities and actions to achieve this aim were identified. The final outcomes seek to improve the creation of the artefacts element of archaeological archives and streamline their accessioning into museum collections.
- 1.3 As part of this project, a Feasibility Report was written in November 2020 to consider whether a fee for the deposition / processing of archaeological assemblages could be applied via the planning process in Scotland in the first instance, and if so, what that fee would look like. This was the first step in arriving at a solution to what has long been regarded as a problematic issue within the sector. Following the release of the Feasibility Report a consultation was undertaken between the 14th December 2020 and 8th February 2021 across Scotland, the results of which are presented in this report.

2 Methodology

- 2.1 The consultation was designed to collate feedback from representatives across the sector who would be impacted by the introduction of a fee within developer-led archaeology. The Feasibility Report, along with this consultation, is envisaged as the first step in establishing a system which is practical, achievable, fair, and sustainable.
- 2.2 The consultation utilized the Microsoft ©Forms platform through the Aberdeenshire Council corporate account. It was issued on the 14th December 2020 via 106 targeted email contacts, Twitter, the Chartered Institute for Archaeology Scottish Branch, Museums Galleries Scotland, and regional museum forums. Two follow-up calls by the project team for participants were made via email and social media while the consultation was open, with the consultation ending on the 8th February 2021. In total the consultation ran for eight weeks, though it should be noted part of this fell over Christmas and New Year.
- 2.3 Upon closure of the consultation all the results were collated in Excel. Where conflicting or incomplete responses were encountered, clarification was sought from the original responding organisation.

3 Overview of Responses

- 3.1 The survey received 24 usable responses representing 23 different organisations or individuals.



Overview of Responses

- Museums
- Commercial Archaeological Companies and Individuals
- National Organisations
- Others

Those responses can be broken down further into the following types:

- 9 museums
- 5 national organisations (2 of which have UK-wide remits)
- 4 commercial archaeological companies (or 'units')
- 2 independent archaeological contractors / consultants
- 1 local heritage trust
- 1 local authority archaeology service
- 1 individual

Of these responses all museums noted themselves as having 'accredited' status except for one which was 'provisionally accredited'. The response from the individual was based on both their own archaeological experience and those of a former museum curator with whom they liaised with for this consultation.

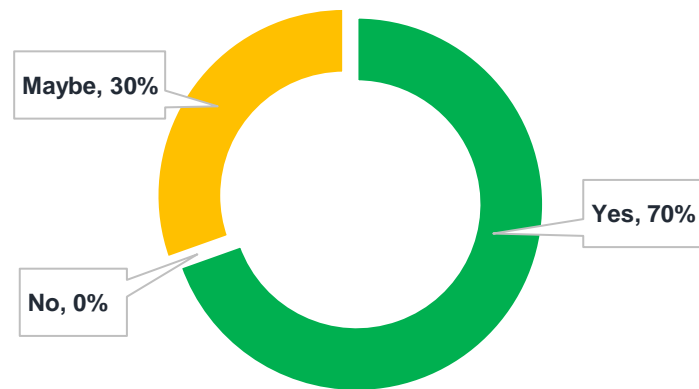
- 3.2 There were no blank responses or duplicates by the same individuals, but there was one instance of multiple answers from the same organisation. These were checked and distilled down to one answer for that organisation as no conflicting answers had been provided by the two respondents. As a result, a maximum of 23 responses were attributed to any individual question within the consultation.
- 3.3 For all usable responses used in the survey analysis, information on their contact details, type of organisation, and willingness for such data to be held in accordance with GDPR was provided with only one exception. Following the compilation of this report the respondent's details under this one exception was deleted accordingly.

4 Overall concept of introducing a museum 'processing fee'

4.1 Consultation Feedback on concept of a museum 'processing fee'

All 23 respondents answered this question, with the majority indicating support (in principle) for the introduction of some form of 'processing fee'. While subsequent feedback from the rest of the consultation highlighted caveats, concerns or potential issues for further consideration and clarification, no organisation or individual rejected the overall concept.

Do you agree with a museum processing fee for assemblages being introduced in Scotland?



4.2 Consultation Feedback on the recommendations in the Feasibility Report

In total 22 of the 23 respondents answered this question. The following comments have been grouped according to whether they were happy with the recommendations; overall happy with the recommendations but had specific issues to note for consideration; or had larger concerns for consideration (see Appendix 1 for the recommendations contained in the original Feasibility Report). Note that some of the respondents gave responses that have been split between the groups.

4.2.1 **Group A** - Happy with the recommendations (9 responses in total, with extracts from those expanding beyond a simple 'yes'):

a) *"the Feasibility Report provides a clear presentation of the issues"*

- b) *"...although we feel that input from the commercial units could have been sought earlier."*
- c) *"we think it is a very useful and broadly-framed report, and makes the case strongly that this is a key stage of the archaeological process."*
- d) *"this is a balanced review of the current situation and a reasonable justification for proceeding with a fee."*
- e) *"Introduction of this helps to remind people and reinforces the message that the archaeological process and 'journey' of an assemblage doesn't actually end with submission to Treasure Trove."*

4.2.2 **Group B** - Overall happy with the recommendations but had specific issues to note for consideration (10 responses in total with some feedback split between Group B and Group C depending on scale of issues listed within the original response):

- a) *"further detail on definition of 'assemblage' would be helpful e.g. what of the ecofacts?"*
- b) *"...the argument is well put, however I would have some concern that an individual may be deterred from declaring finds if s/he thought a fee might be payable."*
- c) *"This will only work if it is specified in the Local Authority archaeologists brief that the developer is expected to pay this."*
- d) *"Agree with the recommendations except for No 6 where it talks about extending the fee to individuals which may impact on the amount of reporting by metal-detectorists etc."*
- e) *"I agree with Recommendations 1-4, 6. However, I am particularly concerned about Number 5. The Museum/recipient may not have direct contact with the Planning / excavator element of the process. Our contact is with the Treasure Trove Unit when acquiring such Finds. It is an established point of contact for all transactions. At the point that the Finds*

Disposal is decided, the description could include what "fee" has been attached to the acquisition. This will assist in the decision-making process for us, at the point that we make a bid for it. The payment would be more fairly and consistently brokered and administered via this route."

- f) *"Generally, Organisation Blank are agreeable to the principle of fees for depositing archaeological assemblages in Scotland, albeit with caveats. We strongly agree that such fees should not be incurred for fieldwork that has already been commissioned."*
- g) *"Generally, we are agreeable to the principle of fees for depositing archaeological assemblages in Scotland, albeit with caveats. We strongly agree that such fees should not be incurred for fieldwork that has already been commissioned. But we acknowledge and accept the issues Museums have been dealing with archaeological assemblages and that a payment to aid that would on the face of it be an improvement for them."*
- h) *"We agree that there needs to be an 'understanding' that the post-excavation process does not end at allocation, but there also needs to be an understanding from museums what an archaeological assemblage is."*
- i) *"We do have a slight concern about no 6 if this was to bring in a fee for individuals who find chance finds as this could reduce the chances of them declaring material if they were to be charged."*
- j) *"...agree with and welcome the recommendations but have reservations about Recommendation 6 - recommends extending the fee to 'individuals'. If these are the same people referred to in 4.2 1) Chance finds by members of the public, including metal-detectorists, we would be worried that the fee structure would deter individuals from reporting finds."*
- k) *"Establishing standard terminology would be highly beneficial for getting a smooth & working processing fee and in avoiding ambiguity."*
- l) *"Consultation splits out "paper & digital archives" but doesn't actually explain why (we assume because HES is publicly funded), but might be worth explaining this in more detail."*

- m) *“Museums sometimes finally decline to accept an assemblage long after the excavation is over. It then falls to the contractor to store, dispose of, or give away the assemblage. What becomes of the fee in these cases?”*
- n) *“If the fee is collected from the client before discharge of a planning condition, who should hold the fee until the museum accepts deposition, perhaps years later? Especially if large sums are involved?”*
- o) *“At what point would the scale of the fee be calculated? A fixed nominal sum (like DES payments) can easily be factored into tenders, but is probably not worth the bother of collecting for most museums. Accurately estimating the scale of the fee in advance of excavation is going to involve risk for someone. Calculating the scale of the fee after excavation is likely to become a bone of contention (literally!), confronting developers with yet another under-budgeted cost. This may be acceptable on large infrastructure projects where post-excavation costs are usually calculated at a later stage. Less so on small projects.”*
- p) *“Perhaps a fixed nominal sum should be agreed for small projects (on the DES model), and some sort of fixed pro-rata scale for larger ones, on the ‘box grant’ model.”*

4.2.3 **Group C** – Had larger concerns for consideration (6 responses in total with some feedback split between Group B and Group C depending on scale of issues listed within the original response):

- a) *“Nothing in the report to how this should be implemented, or how much this could be, why were archaeologists not asked for their ideas, individual archaeologists don’t seem to have been asked in the first place only ‘commercial companies’.”*
- b) *“Section 4.1 Archaeological material outwith that generated by commercial activity in the development management process. I think this is a much more difficult area to make provision for. This is*

particularly true for: 1) Chance finds by members of the public, including metal-detectorists. 2) Community-led excavations and surveys.”

- c) *“Archaeology and museum archaeology collections in Scotland have always been, and still to a very great extent are, heavily dependent on the non-professional sector, whatever the professional sector might believe or wish to believe. A very great deal of the most important and indeed iconic items in our museum collections are there not as a result of professionally organised, funded and conducted rescue or research excavations but as chance finds or the result of small-scale individual and community led research work, this would include not only random and unregulated metal detecting, but assemblages generated as a result of field walking, for example.*

I think there needs to be a clear understanding of what constitutes “an assemblage”. There needs to be a differentiation between individual items and small-scale assemblages donated to or deposited in museums and large assemblages, including small finds and quantities of samples of various sorts (flots, carbon, soil and environmental samples for example) that can be deposited (dumped!) on and in museums in quite large quantities. I see a very clear justification of fees in regard to material generated by commercial activity in the development management process or research funded by larger institutions such as universities where the fees can be included in the funding process. However setting fees for the deposition of the individual donations and smaller assemblages seems to be fraught with difficulties and probably counter-productive.”

- d) *“Whilst it is correct that all assemblages should be afforded equal due diligence, it is equally clear that perceived 'worth' varies. A collection that would be lovingly cared for by a community group and would be exhibited locally to great benefit may well end up boxed away and never used for local educational purposes. This report is great for outlining a*

plan for commercially-created assemblages but simply refers to 'community assemblages' in passing without engaging at all with those particular problems and requirements.”

e) *“The introduction notes the aim of ‘reducing the financial burden placed on museums’. 'Burden' is an interesting term here as this is generally how most museums feel about most developer-led archaeological assemblages, mostly because everything and anything was submitted and allocated. There is a financial and physical burden on most museums in Scotland, albeit intrinsic to their core purpose. The financial/physical burden is created because:*

- i. a significant number of developer-led assemblages were reported and allocated when they did not need to be and overburdened the system.*
- ii. a significant number of developer-led assemblages did not fulfil the brief of 'museum ready' and so it took up resources to deal with them.*
- iii. few museums have the expertise to deal with these assemblages, are on reduced staff, or are mostly volunteers.*

In short, a processing fee is not going to resolve any of those issues. The draft Guidance on the Minimum Standards for the transfer of archaeological assemblages to museums in Scotland will hopefully go some way to providing some baseline on what condition an assemblage should be in before it goes to a museum.”

f) *“Archaeological archives are an integral part of the process and the deposition of them at a suitable repository will require appropriate resources. However, there are fewer museums now who will accept archaeological assemblages because they do not have the expertise to deal with them. Much of this is due to the significant gap between units and museums which is not helped by the allocation process. Although rather than changing the process, TTU should be the 'bridge' between*

the two to increase communication so that museums have a better idea of what they were getting in the first place, and that in many cases it is an opportunity to expand their collections. Additional money for museums should always be supported because they need it, but we are concerned here that this fee is a strawman to resolve an issue that is more complex than just finances. It is also about communication, understanding, expertise, funding, staffing. One key thing we all need to do (archaeology companies, FAME, local planning authority archaeological advisers, TTU, ClfA etc) is to reduce the volume of material going into museums in the first place.”

- g) *“In principle we think this is a really good thing, but in practical terms unsure how it will actually work e.g. contractors going out of business, developers going out of business, time between archaeological work, post-ex and deposition, extracting the fee from a developer etc.”*
- h) *“Often many years elapse between excavation and deposition in museum. Museums may be unable / unwilling to commit to accept an assemblage by any realistic date. What happens if the Contractor, Developer or even Museum cease to operate in the meantime? Or if the Developer abandons the project? Or simply refuses to pay? A planning condition cannot be kept undischarged for years, or retrospectively re-imposed if the Developer defaults. Few contractors have the resources to sue the client, who may in any case be or become insolvent. What happens to the fee in these cases?”*

4.3 Consultation Discussion on the recommendations in the Feasibility Report

- 4.3.1 The respondents agree with the general principle of introducing a museum 'processing fee', but with many raising concerns or potential issues around its implementation. No-one rejected the concept. Of the 23 respondents, 19

of them raised various questions, issues, and concerns within their feedback across the rest of the consultation questions.

For the feedback linked to the recommendations within the Feasibility Report, and which have been detailed above, common themes not already addressed within the report have been identified and responded to accordingly below.

4.3.2 **Timescales and consultation approach**

There is some criticism that engagement with the commercial sector before this consultation has been lacking. One respondent also felt that larger commercial companies had been talked to prior to the consultation but not individual contractors, a perception which the authors of the Feasibility Report can confirm is not the case. The authors of that report fully acknowledge the criticism around the lack of earlier consultation, though any earlier discussions would have been lacking substance around which a debate could have been held. The intention of the Feasibility Report was to initially assess both the desire of the museum sector for a 'processing fee' to be introduced, for Local Authority archaeologists to understand whether it could be introduced through the planning process in the first instance, and to present the concept to the rest of the sector for their feedback. It is the intention that, now the sector has indicated support for its introduction, all parts of the sector will be involved in the details of how to develop and implement the recommendations. This includes both the actual costs of a fee, in order to ensure that it is fair, achievable, and sustainable for all involved, and the timeframe for it to be implemented (now that the sector has indicated support for its introduction).

As stated under the original Recommendation 5 within the Feasibility Report, a processing fee will only be implemented *'within the planning process once Recommendations 1 – 4 have been completed, and for that fee to only be applied to new projects from that date forward. The fee is not to be applied*

retrospectively. Advance notice of adoption date must be given to museums and Federation of Archaeological Managers & Employers, and the Chartered Institute for Archaeologists.' The revised wording of the Recommendation in Section 8 of this report maintains this position.

4.3.3 Language and definitions

While a definition of 'archaeological archives' has been provided in the report this is not sufficient for understanding what is meant by an 'assemblage' and what this may contain in the context of archaeology. Agreement on a definition, cross-referenced with the 'Guidance on the Minimum Standards for the transfer of archaeological assemblages to museums in Scotland' and other relevant documentation, will be included in the revised recommendations. As noted by one respondent it is important to establish standard terminology to avoid ambiguity.

4.3.4 Who this fee will apply to

Several respondents felt strongly about the lack of detailed consideration of other parts of the sector outwith that of developer-led, and the intention behind the Feasibility Report Recommendation 6 of extending the fee to others who generate archaeological material. The primary aim of this current report, as indicated by the title, is to consider implementation of a fee for developer-led archaeology. However, given the feedback received, some further clarification of how the fee may or may not be applied to other parts of the sector needs to be added to the revised recommendations.

Firstly, a 'processing fee' should not be applied to members of the public reporting chance finds / finds from metal-detecting. As noted later by one respondent "*Chance finds should be excluded from this, as the museum chooses to acquire those and pays for them; it thus takes responsibility for their accessioning.*" A fee may also be counter-productive and actively discourage people from reporting their finds.

Secondly, the issue of community groups, how they are funded, and what can or should be expected of them in terms of responsibilities around the finds that they generate, needs a separate review to explore further. For museums, for instance, waiving any such fee could be seen as contributing to the community project through a form of match funding.

Thirdly, academic research should not be excluded from the initial rollout of a fee. Universities therefore will need to be included sooner rather than later in developing the next steps through the revised recommendations.

A respondent also noted that while the paper and digital elements of the archive have been split and left out of the consultation paper, no detailed explanation of this was given. Future documentation will address this accordingly.

4.3.5 **Implementation and enforcement of the fee**

Several respondents raised concerns around the practical implementation of a fee which, while hinted at within Recommendation 3 *'Creation of a guidance document detailing when and where a 'processing fee' may be introduced as a requirement of commercial activity, responsibilities for such a fee, and enforcement of the application of the fee. The document must also establish a mechanism for reviewing and increasing / decreasing the fee on a regular basis in line with external considerations such as inflation, and a mechanism for reviewing and reporting cases where assemblages are rejected and / or the fee is not paid.'*, are obviously concerns that will need to be addressed. In summary they are:

- What happens to the fee if a contractor, organisation, developer, or museum, ceases to operate, and / or the fee cannot be extracted from the funder?
- What becomes of the fee should a museum decline an assemblage?
- Who should hold the fee until it is paid to the museum?

- At what stage of the process would the fee be calculated? How can this be factored into initial tenders?
- Could there be a fixed nominal sum for small projects and a fixed pro-rata scale for larger ones?
- Treasure Trove need to inform museums what fee is included during the allocation process.
- For developer-led archaeology the role of local authority archaeologists is critical, and application of the requirement for a 'processing fee' must be consistent.

In terms of what happens to the fee if it can't be paid to a museum (the assemblage is not claimed), one option could be for the depositing organisation to retain the fee to cover the costs of the ethical disposal of the assemblage on behalf of the default owner. This will need to be explored further, in particular with FAME members.

A more general concern was also highlighted; *"One key thing we all need to do (archaeology companies, FAME, local planning authority archaeological advisers, TTU, ClfA etc) is to reduce the volume of material going into museums in the first place"*. Initial discussions around this topic have already been undertaken by the 'Before the Museum' Project Team while developing the *'Guidance on the Minimum Standards for the transfer of archaeological assemblages to museums in Scotland'*. Any final solution will need to be meet the legal requirements of *Bona Vacantia* and agreed with the Treasure Trove Unit.

5 Missed Considerations in the Feasibility Report

5.1 Consultation Feedback on Missed Considerations in the Feasibility Report

Respondents were given an opportunity to highlight anything they felt had been missed during the consideration of factors in introducing a museum 'processing fee' for assemblages. 22 respondents answered this question, of which 6 indicated that they felt nothing had been missed. Of the remaining comments these have been grouped around type of consideration where possible, though note there is overlap with comments included in Section 4.3.

5.1.2 Payment of a fee

- a) *"How much would it be, who would administer it. would a fee remain for a fixed time i.e. 3 years, who and how would it be reviewed, if the process of TT takes so long how do we charge a client if we don't know how long it will take to it being processed?"*
- b) *"There needs to be some clarification of point 6.3 regarding the need or otherwise for the allowance of VAT."*
- c) *"Specific reference to the fact that fee scales would have to be agreed would be valuable – agreed scales help with budget forecasting etc."*
- d) *"These should include allowance for regular review in line with inflation, along with an initial review period when first implemented to establish if the agreed fee is appropriate."*
- e) *"A better understanding of how the fee will be applied, and the timescales for payment, would be welcome as it's not clear where in the process this would fall at the moment around the allocation stage of Treasure Trove."*

5.1.3 Implementation of a fee

- a) *"Strongly agree that It would be advantageous to have a consensus on the wording to be included in a WSI and PERD as it would avoid any*

ambiguity between different planning authorities and any future expectation of what is required of developers and their archaeological contractor.”

- b) *“We cannot see an indication of who will own and manage the overall scheme. Will it enter into any legal/statutory requirement? If a unit is consistently not delivering assemblages in suitable condition, who would pursue that? What would be the ramifications for units not meeting requirements? Would this be through CfA? Who will ensure local authorities are all implementing the scheme (if approved)? There are references in Recommendation 3 to "guidance document" and "mechanism", and in Recommendation 5 to "implement" but there is no clarity as to whether or not compliance will be optional or compulsory, and if the latter, how it would be enforced. What additional or alternative mechanisms for agreement and enforcement are envisaged for non-commercial archaeology museum processing fees?”*
- c) *“Not all projects with finds will go on to further analysis through agreement of a PERD, and therefore it is not appropriate to expect fees to only be included in archaeological costs at the PERD stage.”*
- d) *If this suggestion for a processing fee is taken forward when would it apply from? In other words one assumes it wouldn't be back dated!*
- e) *“There is no mention of how this will be enforced or what the process would be for non-payment at the time of transfer.”*
- f) *“With regards Option 2 (fee charging model) would there be some procedures put in place so that excavators wouldn't overfill boxes just so that they had to pay for fewer boxes? Also, would box size take into account for example box with 1 large object versus box with 300 small sherds? Packaging / staff time etc could differ enormously. Also, more clarification about which packaging is included / excluded.”*
- g) *“How the fee will be paid for assemblages that have a protracted post-ex phase (i.e. it isn't reported to TT or allocated to the museum until*

decades after the excavation). More clarification of what is / is not included in the fee would be helpful, particularly in regards to packaging.”

- h) *“With regard to making suitable provision for archive deposition, the issue here is that archaeological contractors do not know where an archive is being deposited. This is due to how the allocation process is communicated between both commercial and museum sectors. This includes not knowing if it is actually going to be allocated at all and may end up back with the contractor for ethical deposition. Has the fee already been paid at that point or budgeted in? What happens to it if it is disclaimed?”*

5.1.4 Impact a fee would have

- a) *“I am uneasy about the principle of monetizing the accession process. There is a danger that cash-strapped institutions and particularly Local Authorities will see this as ultimately a revenue-generating opportunity., seeking to off-set costs by essentially commercialising museums as depositories of physical and archival material. The very real danger is that such a policy will inevitably discourage donations of potentially significant material from those who, for whatever reason are unable or unwilling to pay the fee. Moreover, it could also limit to an unacceptable extent individual museum’s and their Curatorial staff’s ability and freedom to accept or reject donations of material solely according to their Collections, Acquisitions and Disposals Policy and rather than whether or not a fee is being paid. It all comes down to being very clear about exactly to whom and for what a fee is able to be charged.”*
- b) *“I have a slight concern about the time it will take to implement these recommendations and that there is a possibility for a loophole to send finds through the allocation process before the fee is implemented. I also have a concern that there will be Units/Sole traders who have a*

backlog of assemblages yet to go through the allocation process, but no means to negotiate with developers. From the Museum point of view, my primary concern would be to avoid a sudden flood of archive allocation in order to avoid the fee, but there is also the question of what happens to already excavated but yet to be allocated archive. - I wonder if there should be some consideration of the practicalities of implementing the scheme in the short term?"

- c) *"The processing fee is almost similar to an ex-gratia award that goes to chance finders. Will it act like that to encourage museums to take archaeological assemblages? It could potentially be regarded as a source of funding for museums, but how will it be used? Will certain standards from the museum need to be met and who checks that these standards are being met? Will this give the client oversight beyond the excavation?"*
- d) *"Any deposition fee will sharpen the need for early and pragmatic decisions on abandonment of some parts of an assemblage, before funds have been wastefully spent or fees claimed and then refused for listing and preparing unwanted materials for deposition. Delegation in principle to the contractor is probably the answer."*
- e) *"The financial/physical burden is created because: i) a significant number of developer-led assemblages were reported and allocated when they did need to be and overburdened the system, ii) a significant number of developer-led assemblages did not fulfil the brief of 'museum ready' and so it took up resources to deal with them, iii) few museums have the expertise to deal with these assemblages, are on reduced staff, or are mostly volunteers. In short, a processing fee is not going to resolve any of those issues. The cost and how the developer will pay is the crux of the issue and needs careful consideration. There is a conflict between adequately providing time to deal with assemblages and losing the contract and assemblage to a less prepared company who are then*

unable to afford to submit the assemblage to a museum. How these fees would be managed and the timeframes involved cannot be allowed to impact negatively on commercial companies; e.g. they are left with the burden of bearing the cost for either storing the material or submitting it to a museum without recompense from the client.”

- f) *“We note that the consultation explains that the proposal for a fee is focused on archaeological material archives, and that “paper and digital archives are dealt with separately”. It would have been useful to explain this further and consider whether parallel issues regarding costs for paper and digital archiving could or should have been included at this stage. We appreciate that this consultation focuses on pressures/costs on museums, not HES archives, but we suspect that it may not be easy to get a second opportunity to address any parallel costs / sustainability issues for paper / digital archives once a processing fee has already been introduced.”*

5.1.5 **Treasure Trove**

- a) *“Communication within the Treasure Trove system could improve. Our experience in limited conversations with museums (who rarely contact us in any case), is that museums do not even get the detail we provide to the Treasure Trove Unit as part of our submission. This part of the process obviously needs to be improved.”*
- b) *“Archaeological archives are an integral part of the process and the deposition of them at a suitable repository will require appropriate resources. However, it is crucial to understand that there are fewer museums now who will accept archaeological assemblages because they do not have the expertise to deal with them. Much of this is due to the significant gap between units and museums which is not helped by the allocation process. Although rather than changing the process, the Treasure Trove Unit should be the 'bridge' between the two to increase*

communication so that museums have a better idea of what they were getting in the first place, and that in many cases it is an opportunity to expand their collections. Additional money for museums should always be supported because they need it, but we are concerned here that this fee is a strawman to resolve an issue that is more complex than just finances. It is also about communication, understanding, expertise, funding, staffing. One key thing we all need to do (Archaeology units, local authority archaeologist, museum curators, TTU, ClfA etc) is to reduce the volume of material going into museums in the first place.”

- c) *“The present inability of the TTAP mechanism to deliver prompt decisions for large assemblages, while a project and its funding stream are still ‘live’, has been if anything underestimated. Any system will be unworkable if allocation decisions are made years after a project has come to end, and fees are uncollectable.”*
- d) *“We also suggest that the introduction of a ‘processing fee’ may have been an opportune moment to raise questions about the expectations and responsibilities for archive selection / disposal under the Treasure Trove process. We would be interested to pick up discussions of whether there are pragmatic or streamlining improvements that could be sought at this time including whether sustainability solutions addressed by the ClfA Selections Toolkit could be adapted to be more useful within the Scottish system.”*

5.1.6 Non-developer-led parts of the sector (community groups, general public, universities)

- a) *“Not enough account is taken in the report of community groups, many of whose excavations result in large quantities of 'low-value' finds that few museums would wish to curate but which might be gladly housed within the community. Sadly, because of the archaic (and regressive) Treasure Trove law operative in Scotland, it seems that giant hurdles*

(and, perhaps, prohibitive costs) will be created for community groups to overcome in this process that may discourage them from engaging in serious local archaeology. But, maybe this is the hope(?)”

- b) *“Perhaps the notion that the Museum/recipient may choose to waive the processing fee if they wish to? This might be a way for us to support local excavations by volunteer groups who do not benefit financially from their activities - or who did not anticipate the likely fee at the point they applied for grant funding? This could be the Museum's "in kind" contribution to their project.”*
- c) *“We would also question if University-led fieldwork should be exempt from this proposed system of assemblage deposition fees but instead should be included at the outset as a measure to encourage University Archaeologists to adopt the same standards of work (e.g. ClfA standards) that professional contractors do.”*
- d) *“We would like to hear more about the plan for extending deposition charges to university and community depositors. While we understand that the focus of this consultation was on exploring the feasibility of introducing a fee that can be applied via the planning process, we question why it was not possible or desirable to discuss university and community depositors alongside this aim. We would have welcomed a short discussion of the barriers that would have potentially made extending fees to these other groups problematic at this time, or which would have scoped the additional work that may be needed in advance of taking forward Recommendation 6.”*

5.2 Consultation Discussion on Missed Considerations in the Feasibility Report

Of the 22 respondents, 16 of them raised various questions, issues, and concerns within their feedback on missed considerations. Common themes not

already addressed within the report have been identified and responded to accordingly below.

5.2.1 **Payment of a fee**

Several respondents raised questions around missing details in the report concerning how much the fee would be, how it would be reviewed, timescales for payment, and who would administer it. These are all critical issues which need to be resolved, but it was felt they were outside of the scope of the initial Feasibility Report and that further work would need to be done with key stakeholders across the sector to reach agreement (as indicated in the original Recommendations 1 and 3).

Further clarification around whether VAT will or will not apply to any fee will be sought and provided in the intended guidance document (Recommendation 3).

5.2.2 **Implementation and enforcement of the fee**

Concerns were raised over who would oversee the scheme, how non-compliance would be dealt with, and whether the fee would be made optional or compulsory. From the perspective of developer-led archaeology, for which the Feasibility Report was undertaken, it is envisaged that the fee would be a requirement for projects, the same as the payment of a *'Discovery & Excavation in Scotland'* fee is currently. The wording and embedding of the requirement in the key documents of the developer-led process, starting with the Written Scheme of Investigation, will help ensure compliance. Where a fee isn't paid, a museum can refuse to take the assemblage. Safeguards around this not happening should be considered when compiling the intended Guidance document for the implementation of a fee. For those outwith the developer-led process, the funder providers will need to include the requirement into their terms and conditions.

As stated within the original report the *“fee [is] to only be applied to new projects from that date forward. The fee is not to be applied retrospectively. Advance notice of adoption date must be given”*. The date referred to is not a calendar one but rather a point at which all these issues, in particular governance, have been agreed across the sector.

Respondents also raised questions around the implication of a fee having been budgeted for, but the assemblage is disclaimed, and what then happens to the fee. Further discussions will need to be undertaken around this matter, but one solution is that the fee is used for the ethical disposal of the assemblage on behalf of the default owner. There is a cost at the moment for an archaeological contractor to do this, one which is largely unbudgeted for owing to when it occurs in the sequence of their contracted work. The disposal of unclaimed assemblages needs to have greater clarity beyond the ad hoc nature of what currently happens, and this could be a step towards that.

Finally, further clarification was requested as to what the fee would cover, especially in terms of packing. Section 5.1 of the Feasibility Report specifically states that basic conservation, cleaning and packing of the assemblage by the depositing organisation is not covered by the fee. This issue will be addressed under the *‘Guidance on the Minimum Standards for the transfer of archaeological assemblages to museums in Scotland’* document.

5.2.3 **Impact of a fee**

One respondent raised the issue that hosting organisations of museum services, such as local authorities, will seek to *“off-set costs by essentially commercialising museums as depositories of physical and archival material.”* Given the Feasibility Report’s authors’ employment within local authorities the project team certainly acknowledge the ever-present pressure to ensure full-cost recovery for all services provided within local government. Monitoring will be required of the situation, especially around the bid and allocation system for assemblages at the Treasure Trove stage of the process. Given the likely

scale of the fees to be paid, and the number of assemblages which any one museum receives in a year (see Section 4.6 'Origin and volume of deposited archives' in *Depositing Archaeological Finds & Assemblages in Scottish Museums 2020 Survey Report*) the overall level of 'income' any such fee is likely to generate on an annual basis is low. Any monitoring introduced (who does it, how often, and all museums versus spot checks will need to be considered) could also be used as a means of ensuring that the deposited assemblages are being accessioned as intended through the provision of a 'processing fee'.

Another concern is for depositors to flood the museums with assemblages as they try and beat the introduction of the fee. As stated previously, the fee will be for new projects only after an agreed implementation date, meaning that any as yet unprocessed existing assemblages are exempt from the fee, thereby avoiding this issue.

Three respondents also raised the issue of ensuring that only appropriate material is included in the assemblage in the first place, something that has been picked up in previous sector wide discussions. The extent to which material can be selected for retention or disposal has to be based on what is legal under the current Treasure Trove system, but further clarification and implementation of procedures such as ClfA's Selection Toolkit would be a welcome step towards resolving this general issue.

One respondent again highlighted the separation in the Feasibility Report of the physical archive from that of the paper and digital archives which make up any given project. At this time there is no base-line data for understanding potential issues and backlogs associated with the deposition of paper and digital archives with Historic Environment Scotland, or whether any fee would help alleviate this. Within the archive processes already in place, fees are already paid for the *Discovery & Excavation* entry, the *OASIS* entry, and the final publication of reports. Any extension beyond those payments would

require an additional study and feasibility report which is beyond the scope of the existing 'Before the Museum' Project. However, further clarification on how all the elements of a project archive are paid for, and who receives the payment, would be of benefit to all involved, including those who ultimately pay for the works.

5.2.4 **Who this fee will apply to**

One respondent's observation "*sadly, because of the archaic (and regressive) Treasure Trove law operative in Scotland, it seems that giant hurdles (and, perhaps, prohibitive costs) will be created for community groups to overcome in this process that may discourage them from engaging in serious local archaeology. But, maybe this is the hope(?)*." is unfortunate as that is by no means the intention of the concept of a 'processing fee'. As discussed in 4.3.4 of this report, there are options as to how or even if such a fee should be extended to community groups at all. It is beyond the scope of this report to fully consider community groups, but amongst the revised Recommendation 6 this issue is noted, along with the need to have a sector discussion over what can or should be expected of community archaeology.

The suggestion that a "*Museum/recipient may choose to waiver the processing fee if they wish to? This might be a way for us to support local excavations by volunteer groups who do not benefit financially from their activities - or who did not anticipate the likely fee at the point they applied for grant funding? This could be the Museum's "in kind" contribution to their project.*" should be seriously considered as one solution to this issue of community archaeology.

Respondents also highlighted the focussed nature of the implementation of a 'processing fee' in this report, and that it should extend beyond just developer-led archaeology. The inclusion of universities in particular has been previously touched upon in 4.3.4 of this report, and the authors of the Feasibility Report acknowledge that while beyond their immediate influence of what fees can be

introduced, this should not hinder further work being undertaken as soon as possible to examine the issue in more detail.

5.2.5 **Treasure Trove**

As previously identified in the survey '*Depositing Archaeological Finds and Assemblages in Scottish Museums*' (Mann, 2020) and noted again by respondents to this consultation, there are concerns around how contractors, museums, and Treasure Trove communicate with each other during the assemblage allocation process. Key issues raised include:

- i. The detail of information about assemblages which are provided to Treasure Trove is not passed on to the museums.
- ii. There is little to no communication between those generating assemblages and the museums receiving them.
- iii. More needs to be done to reduce the volume of material going to museums in the first place, and whether there are streamlining improvements that could be made (including further adaption of the ClfA Selections Toolkit).
- iv. The inability of the TTAP mechanism to deliver prompt decisions for large assemblages.

One respondent urged that *“rather than changing the process, the Treasure Trove Unit should be the 'bridge' between the two to increase communication so that museums have a better idea of what they were getting in the first place, and that in many cases it is an opportunity to expand their collections.”* This concept, and the other issues identified, will be explored, and hopefully addressed, under a new recommendation for future work (see Section 8 of this report).

6 Options for Fee Charging Models

6.1 Consultation Feedback on Fee Charging Models

6.1.1. All 23 respondents answered this question 'Of the options for fee charging models listed...which would be your preference?' Within the original Feasibility Report four possible models were presented for introducing fee charging:

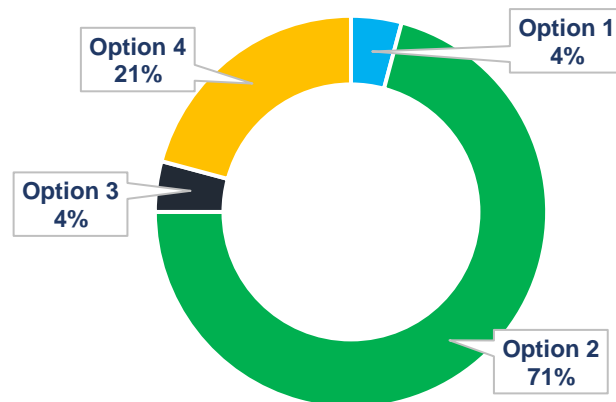
Option 1 – A standardised fee is paid, based on an average curatorial rate for accessioning and cataloguing.

Option 2 – A standardised sliding scale fee is paid, based on the number of boxes / volume / size of the assemblage being deposited.

Option 3 – A standardised fee is paid, based on the number of artefacts from the deposited assemblage that will need to be accessioned.

Option 4 – A standardised one-off museum registration fee is paid.

Preferred Fee Charging Model



6.1.2 In addition to the four options provided to choose from, several other points were raised for consideration in the last section of the consultation (which sought any other comments):

- a) *“Option 1 – Good luck with calculating and getting agreement on that!”*
- b) *“Option 1 - The costs will vary wildly depending on the assemblage and may have no impact at all to help a museum struggling with resources. We are also concerned that some museums will not be able to cope with the additional administration costs of processing this, or be able to even provide information on how much such costs will be.”* (note this comment was submitted in two different responses)
- c) *“Option 1 is unfair as it is the same value whether it is a single house development or an estate with 250 homes.”*
- d) *“Option 2 for a processing fee seems the best balance to me.”*
- e) *“Option 2 - This will be hard to gauge at the time when the post-excavation fee is agreed with the developer client, as this will normally precede the actual processing of finds and environmental samples which generates the final volume of the assemblage. Given the difficulties in agreeing post-excavation fees with developer clients, it is not practical to require archaeology companies to go back cap-in-hand at the end of the post-excavation process, which will usually be several years after the work was commissioned. This is impractical because by that time the developer’s planning condition will have already been signed off, which routinely occurs at the beginning of the post-excavation process upon confirmation that the works have been commissioned. However, it may be that this fee can be included in project post-excavation budgets at the outset, if a fair, reasonable and standard scale of rates is implemented that takes account of these variables.”* (note this comment was submitted in two different responses)
- f) *“Option 2 – There is a danger of this being a disincentive to lodge the whole of the assemblage. Considering all museum’s chronic lack of*

storage space, this might on the surface seem to be a welcome screening mechanism, but it would be a dangerous thing to do.”

- g) *“Option 2 reflects how the system operates in England and seems to be the most effective way of accounting for the size of the assemblage. It might be very difficult to establish in advance how many artefacts would be accessioned and there may still be cataloguing requirements regardless (Option 3) and Options 1 and 4 don’t account for differences in assemblage size.”*
- h) *“Options 2 and 3 have the added difficulty of not knowing which (if any) museum may take an assemblage until after post-excavation analysis has been completed and the assemblage has been notified to TTU – trying to explain to a client at that very late stage in a project about additional fees would be very difficult and we would be unlikely to recoup those fees from clients who are long-gone.”*
- i) *“Option 3 – The problem with this idea is that, such is the pressure on most museums in terms of staff time, the decision about what to actually accession and enter into ADLIB may not be taken until some time after the assemblage has been lodged (quite often a very long time!).”*
- j) *“Option 3 – This could have an impact the integrity of an assemblage if it is felt 'too expensive' to deposit them.”* (note this comment was submitted in two different responses)
- k) *“Option 3 is problematic, as an assemblage could comprise one box that hold hundreds of artefacts (thinking flints) whereas another could be a single large carved stone. Which actually requires more work, storage space etc.?”*
- l) *“Option 4 – It is not clear how this is different from Option 1.”* (note this comment was submitted in two different responses)
- m) *“I've been forced to pick an option...but do not accept that any of them will do anything to alleviate the potential problems I have raised.”* (note

that the problems raised were in relation to community groups only and not commercial archaeology)

- n) *"We think that a one-off flat fee per project, to be built into project costs in the same way as DES costs currently are, would be the fairest way of introducing a museum processing fee as it would ensure a level playing field across all commercial units operating in Scotland. It would give each project equal weight and would avoid anyone discarding material to save money at the final archive stage. A one-off flat fee would be most in line with the current DES model, and therefore will be the easiest to convey to clients and would not involve the guesswork that would come with Options 2 and 3 – as not all projects with finds will go on to further analysis through agreement of a PERD, units would have to try to pre-empt any costs when tendering for projects in the case of Options 2 and 3."*
- o) *"It is clear that charging by the number of boxes is too crude but a fixed fee might leave museums under-resourced, so Option 2 could be refined to take into account the size of the project and perhaps the project budget. The size of the assemblage, in terms of the amount of time it would take museum staff to accession an archive, is a better measure than the number of boxes, but a sliding scale would still be appropriate? Some people have suggested that the fee could be a percentage of the project budget, regardless of the size of the assemblage. Option 4 could be calculated on the that basis?"*
- p) *"There are pros and cons to each of the four options they set out, but a standard charge per box is probably easiest to administer. Thus, boxes need to be broadly equivalent in size; with an equivalence also between box / large Tupperware / palette of unboxed material."*
- q) *"...probably needs a fifth option, e.g. some mixture depending on circumstances."*

6.2 Consultation Discussion on Fee Charging Models

The majority (71%) of the respondents indicated Option 2 'A standardised sliding scale fee is paid, based on the number of boxes / volume / size of the assemblage being deposited.' as their preferred fee model, including all national organisations. The second most popular option (21%) was Option 4, 'A standardised one-off museum registration fee is paid.', which was strongly supported by the commercial sector.

At the heart of both options lies a desire to see a standardised fee which can be accounted for at the outset of any budgeting during the project planning phase. Critical to the commercial sector is clarity over what the fee will be, and reassurance that hidden costs are not going to emerge later in the process which falls to them, rather than their client, to absorb. This also equally applies to those outwith the developer-led part of the sector when they are applying for funding.

One respondent asked whether the fee could be calculated on the basis of the project budget (something more applicable to Option 4). This is an intriguing suggestion, though when in the process it would be calculated would need to be agreed.

Recommendation 1 of the Feasibility Report will be amended to account for the choice of preferred model and second choice model, and the considerations around keeping the fee simple, fair, and transparent. One such solution would be for any fee model to be limited, for instance, to three fixed levels on a scale to keep it manageable (e.g., 1 box = £x, 2 to 10 boxes = £x, 11 boxes + = £x). Large finds not appropriate for a box, such as a large carved stone, could be accounted for as 'one box'. This set scale approach should also be considered against the percentage of the project budget suggestion, as this would also allow a potentially simple but fair solution to be calculated if equally applied by all.

7 Any Other Feedback

7.1 Consultation Feedback and General Comments on Feasibility Report

Respondents were given a final opportunity to provide general comments and feedback. 19 respondents answered this question, with some of their specific comments included above where they were of direct relevance. Of the remaining comments, these have been grouped around common themes where possible.

7.1.1 General Comments about the Report

- a) *"Well written and something that need to be addressed, but should there not have been some idea of a timescale for when this should start?"*
- b) *"I think this is a great concept and will hopefully help in ensuring assemblages are properly dealt with."*
- c) *"Thank you for addressing these important issues and we look forward to hearing more."*
- d) *"These recommendations are much needed - thanks for addressing the issue."*
- e) *"We note that the terms 'processing' and 'deposition' are both used in the documentation – sometimes interchangeably. We suggest that careful use or explanation of these terms is necessary for the purpose of understanding the fee clearly. Clear definition of these terms could be linked to the activities listed in paragraph 5.1."*
- f) *"Section 2.4 'Consensus on wording': over retention/disposal, or over deposition? For the latter, the new guidance document will be an obvious reference point. More consensus over retention/disposal would be valuable but would need specialist discussion."*
- g) *"While acknowledging that there are still issues to be resolved over how to implement such a fee, we welcome these efforts to resolve what has been a long-standing issue within the sector."*

7.1.2 General Comments about a 'processing fee' and its implementation in developer-led archaeology

- a) *"Would welcome a single fee Scotland-wide, and a national uniform system."*
- b) *"Variances by Council area / receiving organisation would make system complicated to implement as allocation and therefore confirmation of receiving organisation comes late in the Post Excavation process."*
- c) *"...Inclusions and exclusions. Making the assemblage accessible for the future is included which conflicts with exclusion of basic conservation and cleaning – or does it mean that basic conservation and cleaning are expected to have been done by the depositor out with the new fee? What is the role of TTU here? While we are not advocating amateur cleaning by metal detectorists, much of our acquired archaeological archive is from this source and requires attention before storage or display. Perhaps this is clarified in the "Museum Ready" survey."*
- d) *"...Payment should be as if processing will be by paid staff as even for a volunteer run museum, volunteers need supervision, training and professional input, and depending on the amount to be processed, temporary professional staff and outsourcing may be required."*
- e) *"Re 6.3 VAT – some organisations are eligible for VAT rebate."*
- f) *"A great piece of work, thank you! I think provision should also be made for the costs of conservation in the fee."*
- g) *"We would like to stress the importance of archaeological companies being informed well in advance of when the fee will become mandatory and what the cut-off date will be, and the actual cost of the fee, so we can plan implementation."*
- h) *"Given the current time lag in the final decision being made as to whether an assemblage has been claimed and where it should go, I would suggest that some review of the current Scottish Treasure Trove process is urgently required."*

- i) *“We very much agree that the system has to be standardised and consistent across the country regardless of local authority area.”*
- j) *“Paper and Digital impact: The introduction of a processing fee for assemblages destined for museums is interesting and could potentially cause a divergence in approach in terms of the documentary archive. There are similar problems with archaeological archives – there is no/limited resource to catalogue the resulting material and it can take years for archives to be processed. The costs of storage – especially digital – is going to be an increasing issue. We are very conscious that this is overdue a review.”*
- k) *“While we are not against the principle of fees for depositing archaeological assemblages in Scotland, the proposed changes do not address the core issue which is the significant undervaluing of archaeological expertise and capacity within museums in Scotland. The risk of introducing fees from developer-led archaeology is that if the museums opt to simply absorb these additional funds into their general budgets, commercial clients may rightly ponder if it is reasonable that developers take on this additional financial burden. Therefore, the proposals must also include regulation of the use of these fees.”*
- l) *“While Organisation Blank is supportive of a fee in principle, professional members have noted a range of issues that may make implementation of a processing fee challenging. These issues include: Finding a workable method for archaeological contractors to pass on fees to clients, recognising that fees levied early (eg at WSI stage) will be need to be estimated, but fees collected later in the process once known will add complexity for contractors and risk them not getting paid; The issue of variable costs and levels of service incurred by collecting institutions and how to set a standardised fee that is fair. We recognise that these issues will need to be discussed under subsequent actions in fulfilment of recommendations 1, 2, 3 and 4.”*

- m) *“Payment on deposition: but could it be costed at PERD stage, based on size of assemblage recovered? This may be a step too soon - ideally, it would be once the assemblage has seen specialist assessment such that (e.g.) boxes of natural stone are not being included in the costings - but there is rarely a detailed assessment stage such as this, and if it is left too late in the process to cost it, the risk is that the money is used for something else.”*
- n) *“6.1 There a pros and cons to each of the four options they set out, but a standard charge per box is probably easiest to administer. Thus, boxes need to be broadly equivalent in size; with an equivalence also between box / large Tupperware / palette of unboxed material.”*

7.1.3 General Comments about extending a 'processing fee' to other parts of the sector

- a) *“...Processing fee for archaeological material generated outwith commercial development should definitely follow / parallel that for commercial development. Can it be introduced/enforced as more than “strongly encouraged...as best practice”? Likely funders (including universities) should also be alerted to insist on an indication of amount required for dealing with archiving. However, very likely there may be opposition in non-developer led archaeological quarters!”*
- b) *“Given that proposals in both current consultation documents (Implementing a museum processing fee for archaeological assemblages in Scotland and New draft guidance for the minimum standards for the transfer of archaeological assemblages to museums in Scotland) follow the ‘re-imagining Scottish archaeology’ proposal, there does seem to be an agenda of sorts to use Scotland’s Archaeology Strategy as a means to address perceived problems related to commercial archaeology (whether or not these perceptions are accurate or address the core underlying issues) but fail to address other sectors*

of archaeology. For instance, we would question if university-led fieldwork should be exempt from this proposed system of assemblage deposition fees but instead should be included at the outset as a measure to encourage university archaeologists to adopt the same standards of work (e.g. ClfA standards) that professional contractors do. There is a wide gap between the skillsets new graduates are leaving universities with and the skillsets and qualifications that are required from these same graduates upon entering the profession.”

- c) *“It would be advantageous for recommendations to be made within this for this process to extend to grant funded and research excavations in order for a consistent system to be in place for all archaeological work – all projects should be held to the same standard and it sends a potentially dangerous message to imply that non-developer funded work is held to a different criterion. This should be embedded as a requirement of grant funding conditions and a condition of sign off for WSIs / PERDs for all projects.”*
- d) *“Recommendation 6 – Extend the concept of a ‘processing fee’ to other funders within the sector, and to other organisations and individuals who generate archaeological material out with the developer-led planning process. This should also include a review of how it sits alongside the Historic Environment Scotland ‘box grant system’. If the requirement is extended to grant funded or research excavations, it would be most appropriate for the new system to supersede the current HES box grant system. The museum processing fee would replace the need for individual box grants (which are currently only available for HES sponsored excavations) and would be costed as part of the post excavation process, therefore this should be considered as part of post excavation grant funding at that stage of the project. Attempting to keep both systems in place would be confusing and contradictory to a standardised and consistent process for the museum ‘processing fee’*

across the sector. This would be desirable as a more sustainable practice as the current box grant is applied for at a late stage in the process rather than planned and forecasted fee, and is therefore problematic to administer. Communication of such a change from past custom and practice could be tied in with communication of the new payment system.”

- e) *“4.1.1 Chance finds should be excluded from this, as the museum chooses to acquire those and pays for them; it thus takes responsibility for their accessioning.”*
- f) *“6.1 Reference to HES box grants; do these still exist?”*

7.1.4 General Comments about museum storage

- a) *“...Regional/national storage – good this is highlighted but need to ensure this is pursued, even if as suggested, as a separate project.”*
- b) *“Space is an issue in many museums with storage being too full. I think this should have been considered in the report.”*
- c) *“We would be concerned about point 5.2 where it talks about the centralisation of collections storage on a national level. Due to our island geography we do not think this appropriate and would like support to find regional solutions which would be of more benefit to our Heritage Services, local economy and our communities.”*
- d) *“We would be grateful for some more information about the concept of a separate national or regional storage facility (5.2). Given our island location we wouldn't be in favour of archaeological collections being held in a central facility on the mainland.”*

7.2 Consultation Discussion on Feedback and General Comments

7.2.1 General Feedback on a 'processing fee' in developer-led archaeology

Respondents agreed that any fee system has to be standardised and consistent across Scotland, that plenty of advance warning is given prior to its introduction, and that it cannot be retrospectively applied to any projects before the implementation date.

The speed of the allocation process, and the information included within it, could be improved by the Treasure Trove Unit. Furthermore, general communication between the commercial sector and museums should, and indeed must, improve so that each can better understand the issues the other faces.

Such a fee does not resolve bigger issues, such as the undervaluing of archaeological expertise and capacity in museums across Scotland. Fees shouldn't be simply absorbed into wider museum budgets, but rather need to be safeguarded for their intended use as set out in the Feasibility Report.

7.2.2 General Feedback on a 'processing fee' in other parts of the sector

The costs and issues around processing the paper and digital elements of the archive need to be considered too, as there are similar mounting problems around capacity, backlogs, and cataloguing.

Any introduction of a fee to the non-commercial sector must mirror the payments made by developer-led archaeology in order to ensure fairness and equal adherence to standards. Respondents felt in particular that academic research, especially that done by universities, *"should be included at the outset as a measure to encourage university archaeologists to adopt the same standards of work (e.g., ClfA standards) that professional contractors do"*.

Extending the requirements for the payment of a 'processing fee' to other funders as part of their conditions of grant would help embed the system

within the sector, and indeed could be seen as an opportunity to replace outdated and complex systems such as the HES Box Grant (currently only available for HES sponsored excavations).

Chance finds by the public, including metal-detectorists, should be excluded from having to pay a fee. Furthermore the extent, if any, to which community-led archaeology should be paying such a fee needs to be explored in more detail.

7.2.3 **General Feedback on museum storage**

Section 5.2 of the Feasibility Report briefly discusses the sector-wide acknowledged issue that museums, in particular regional ones, are facing severe storage issues as they are nearing capacity or capacity has already been reached. One line suggests *“a separate, national or regional, solution for the storage of collections is required under the auspices of a new project.”*

This was picked up by several respondents who were concerned over the implied centralisation of collections storage. The authors of the Feasibility Report would like to stress that there was no intention to pre-empt any future project's recommendations for potential solutions, but rather an attempt to indicate that museum storage issues extend far beyond the scope of this particular report, and indeed are of such a magnitude that a separately resourced project is the only way progress this matter.

A positive contribution to this issue will be through further discussions and agreement on selection, retention, and disposal of finds. As noted by one respondent the new *'Guidance on the Minimum Standards for the transfer of archaeological assemblages to museums in Scotland'* will be an obvious reference point for this.

7.2.4 **General Feedback on the Feasibility Report**

The report has largely been received in the manner it was intended, an initial laying out of the issues and considerations around introducing a fee, and the

policy and legislative background for doing that within developer-led archaeology in the first instance. Where concerns and questions have been raised, these are largely reflective of the type of feedback to be expected when the sector is first presented with a proposed change which impacts on daily workloads and budgets. The authors of the Feasibility Report hope that the feedback collated through this consultation, and the revised recommendations, will ensure a collaborative approach going forward that establishes a system which is practical, achievable, fair, and sustainable. To quote from one respondent, *“While acknowledging that there are still issues to be resolved over how to implement such a fee, we welcome these efforts to resolve what has been a long-standing issue within the sector.”*

8 Revised Feasibility Report Recommendations and Next Steps

Overwhelming support for the introduction of a museum 'processing fee' has been established through this consultation, with concerns and caveats noted from those it would have an impact on. Following the consultation the recommendations in the Feasibility Report have been revised as follows:

Recommendation 1 – Undertake a consultation with Museums Galleries

Scotland, Chartered Institute for Archaeologists, Federation of Archaeological Managers & Employers, Association of Local Government Archaeological Officers, and universities to establish what would be an acceptable fee charge. The fee must be simple, clear, fair, and practical for ease of implementation. In addition, a clear and concise definition of 'assemblage' in this context will be agreed.

Recommendation 2 – Creation and dissemination of a transparent, standardised 'processing fee' for inclusion within the developer-led planning process, to be applied equally to all who generate archaeological assemblages via that process through reference within Written Schemes of Investigation and, where appropriate, Post-Excavation Research Designs.

Recommendation 3 – Creation of a guidance document detailing when and where a 'processing fee' may be introduced within a project, responsibilities for charging or receiving a fee, and the monitoring requirements around compliance by all stakeholders. The document must also establish a mechanism for reviewing and increasing / decreasing the fee on a regular basis in line with external considerations such as inflation and how effective the fee is proving since being implemented; a mechanism for reviewing and reporting cases where assemblages are rejected and / or the fee is not paid; cases where the contractor, organisation, developer, or museum, ceases to operate, and / or the fee cannot be extracted from the funder. The document will also include clarification of what constitutes an assemblage, and what constitutes archive that goes to the relevant holding organisation (Historic Environment

Scotland). In addition, there should also be a review of how the fee sits alongside the Historic Environment Scotland 'box grant system', which ideally is replaced through the adoption of this new standard fee.

Recommendation 4 – Creation of standard wording for inclusion in Written Schemes of Investigation and Post-Excavation Research Designs to reference the inclusion of a 'processing fee' following agreement between the Association of Local Government Archaeological Officers, the Federation of Archaeological Managers & Employers, and the Chartered Institute for Archaeologists.

Recommendation 5 – Review the selection, retention, and disposal process for archaeological assemblages in conjunction with Treasure Trove Unit with an aim of reducing the volume of unnecessary material being passed to museums, speeding up the processing of assemblages, and improving the ethical disposal of assemblages if they are disclaimed. Part of the review should include the wider adoption and adaption of the ClfA Selection Toolkit.

Recommendation 6 – Implement the 'processing fee' within the planning process and other appropriate organisational activity once Recommendations 1 – 4 have been completed and made available to the sector, that fee to only be applied to new projects from that date forward. The fee is not to be applied retrospectively. Advance notice of adoption date must be given to Museums Galleries Scotland, the Federation of Archaeological Managers & Employers, the Museums, the Chartered Institute for Archaeologists, appropriate representation from the construction industry, the Association of Local Government Archaeologists, Historic Environment Scotland, and Universities.

Recommendation 7 – Explore the concept of extending the 'processing fee' to other funders within the sector, and to other groups who generate archaeological material. This will include a review of the barriers and opportunities such a fee would introduce for community-led archaeology. Specifically, members of the public, including metal-detectorists, making chance finds will be exempt from the fee.

9 Acknowledgements

The consultation was prepared as part of the 'Before the Museum Project' led by the Association of Local Government Archaeologists Scotland (ALGAO: Scotland) and the National Museums Scotland (NMS), and funded by Historic Environment Scotland (HES) as part of Scotland's Archaeology Strategy. The consultation was developed by Bruce Mann (Aberdeenshire Council, ALGAO: Scotland, and Project Manager of 'Before the Museum Project') on behalf of the Museum Working Group of Scotland's Archaeology Strategy: Claire Pannell (East Lothian Council), Jane Flint (Glasgow Museums), Katinka Dalglish (Glasgow Museums), Jenny Murray (Shetland Museum), Mark Hall (Perth Museum & Art Gallery), Lisa Brown (Historic Environment Scotland), Beth Spence (Historic Environment Scotland), Emily Freeman (Treasure Trove Unit), and Fraser Hunter (NMS). Thanks in particular to Andrew Robertson (East Lothian Council), and to Hugh McBrien (West of Scotland Archaeology Service), John Lawson (Edinburgh City Council), Kevin Murphy (Comhairle nan Eilean Siar), and Murray Cook (Stirling Council). Thanks also to Caroline Palmer (Aberdeenshire Council) for proofreading the report. The Project Team are very grateful to all the individuals and organisations who responded to the survey, especially during the extremely difficult circumstances faced by all as a result of the impact of Covid-19.



Appendix 1 Recommendations contained in original Feasibility Report

It is clear that all stakeholders engaged in the formulation of this report have come to the same overarching conclusion; a 'processing fee' can be introduced, but if introduced then there must be clarity in why it is being paid, the scope of what it covers, and how it has been calculated.

Recommendation 1 – Undertake a consultation with Museums Galleries Scotland, individual museums, Chartered Institute for Archaeologists, and the Federation of Archaeological Managers & Employers to establish what would be an acceptable fee charge.

Recommendation 2 – Creation and dissemination of a transparent, standardised 'processing fee' for inclusion within the developer-led planning process, to be applied equally to all who generate archaeological assemblages via that process through reference within Written Schemes of Investigation and Post-Excavation Research Designs.

Recommendation 3 – Creation of a guidance document detailing when and where a 'processing fee' may be introduced as a requirement of commercial activity, responsibilities for such a fee, and enforcement of the application of the fee. The document must also establish a mechanism for reviewing and increasing / decreasing the fee on a regular basis in line with external considerations such as inflation, and a mechanism for reviewing and reporting cases where assemblages are rejected and / or the fee is not paid.

Recommendation 4 – Creation of standard wording for inclusion in Written Schemes of Investigation and Post-Excavation Research Designs to reference the inclusion of a 'processing fee' following agreement between Association of Local Government Archaeological Officers, Federation of Archaeological Managers & Employers, and Chartered Institute for Archaeologists.

Recommendation 5 – Implement the 'processing fee' within the planning process once Recommendations 1 – 4 have been completed, and for that fee to only be applied to new projects from that date forward. The fee is not to be applied retrospectively. Advance notice

of adoption date must be given to museums and Federation of Archaeological Managers & Employers, and the Chartered Institute for Archaeologists.

Recommendation 6 – Extend the concept of a 'processing fee' to other funders within the sector, and to other organisations and individuals who generate archaeological material outwith the developer-led planning process. This should also include a review of how it sits alongside the Historic Environment Scotland 'box grant system'.