



Surgeons' Hall Museum

Procedure for Return from the Collections

Policy Owner:	Director of Heritage and Estates
Approved By:	RCSEd Heritage Committee: 4 March 2026 RCSEd Trustees: 18 March 2026
Review Date:	This procedure will be reviewed every two years, or sooner if there are significant changes in legislation, ethical standards, or museum practice.
Related Surgeons' Hall Museum Policies:	Human Remains in Collections Policy 2026 Collections Development Policy 2025 Collections Management Framework 2024

Introduction

1. Surgeons' Hall Museum (the Museum) is part of the Royal College of Surgeons of Edinburgh (RCSEd), an organisation incorporated by Royal Charter and registered as a charity in Scotland. RCSEd is dedicated to the education, training, and promotion of high standards in surgical and dental practice. The Museum's purpose is to develop, preserve, and share collections in ways that enable learning and dialogue about the impact of surgery and dentistry on society transparently, responsibly, and innovatively.
2. Founded in 1505, RCSEd has housed collections since the 1500s to support the study of the human body and the advancement of medical science. Today these collections include human remains, many of which do not meet contemporary standards of consent, and portions of which were taken in contexts that reflect significant imbalances of power, including colonial collecting. Additionally, the collection contains material associated with human remains including but not limited to funerary items, culturally significant objects, and ceremonial artefacts.
3. The Museum recognises that the collections it holds embody complex histories of medical education, colonial encounter, global exchange, and unequal power relations. Acknowledging these contexts is fundamental to the ethical management of the collections. This procedure extends across all material in the collection and operates in alignment with the three **Guiding Commitments (Minimise Harm, Promote Transparency & Accountability, and Encourage a Reflective Culture) set out in the Museum's Human Remains in Collections Policy (2026)**.
4. In addition to responding to requests, the Museum may initiate contact with appropriate descendant individuals, communities, cultural representatives, or governments. Any such engagement will follow this procedure to ensure a transparent and consistent approach.
5. All returns are approved by the College's Trustees, following review and recommendation by the RCSEd Heritage Committee, the body with delegated responsibility for oversight of the Museum and its collections.
6. To support clear and considered use of language, the Glossary provides definitions of specific terms. These are intended solely as operational guidance for staff and Trustees, recognising that some terms may be sensitive or contested, and that individuals and communities may use or prefer alternative expressions.
7. The Museum complies with all relevant legislation, regulations, and professional guidelines governing the management of collections. This includes, but is not limited to, those listed in the Appendix. Additionally, as part of the RCSEd, a registered Scottish charity, the Museum also ensures that all decisions align with Scottish charity law and advance the College's charitable purposes: the advancement of education; the advancement of health; and the advancement of the arts, heritage, culture or science.

Purpose

9. This procedure sets out how the Museum receives, assesses, and implements requests for the return of all material in the collection at Surgeons' Hall Museum. It ensures that decisions are handled lawfully, transparently, and respectfully, with clear responsibilities and records at each stage.

10. The Museum's return activities aim to ensure that, where appropriate, lawful, and supported by clear and robust evidence, material is appropriately returned.
11. In fulfilling this aim, the Museum recognises its dual responsibility:
 - To act with sensitivity, fairness, and respect in all return activities, and
 - To discharge its legal duties as a charity, ensuring that decisions are consistent with Scottish charity law and RCSEd's charitable purposes.
12. Alongside responding to formal requests, the Museum may take proactive steps to identify appropriate descendant individuals, communities, cultural representatives, or governments, and open discussions about potential return. This includes recognising that informing people of the presence of collections may cause distress or trauma, and acknowledging the importance of planned, sensitive communication throughout. If such discussions indicate that a return may be appropriate, this procedure will guide the process.
13. The Museum recognises that return is not always sought or desired by descendant individuals, communities, or cultural representatives. In some cases, dialogue, collaboration, shared authority, changes to care, interpretation, access, or the development of ongoing relationships may be preferred outcomes. These approaches are recognised as valid and meaningful, and will be pursued through informed, good-faith engagement that respects community priorities alongside the Museum's ethical commitments and charitable responsibilities.

Scope

14. This procedure applies to all material in the Museum's collection, regardless of date, origin, or method of acquisition. It sets out the steps to be followed when the Museum receives a request for return, or when the Museum initiates such a process proactively.
15. This procedure is linked directly to the Museum's Human Remains in Collections Policy (2026) and the Guiding Commitments set out in that policy apply here. It extends to human remains as well as all other material in the collections.

Receiving and Managing Requests

15. The Museum team coordinates all return requests, with the Director of Heritage and Estates serving as the lead for this work.
16. Guidance on how to submit a request, a contact point, and a simple request form will be published on the Museum's website and provided in alternative formats on request. The Museum will endeavour to provide this information in alternative formats and translate it into other languages on request, where possible.
17. All requests will be acknowledged within ten working days, with an outline of the assessment process and an indicative timetable.
18. Assessment methods will be adapted, where practicable, to reflect the needs and preferences of proposers, with any changes communicated clearly as discussions progress.
19. The Museum aims to complete assessments within ten months. Where further research, consultation, or external advice is required, a revised timetable and reasons for the extension will be provided, together with a case-specific outline of Committee and Trustee meeting cycles.

Assessment and Preparation

20. To ensure decisions are thorough and fair, the Museum team will work with proposers and any relevant stakeholders to compile a written summary covering:
- The identity of the proposer(s) and their relationship to the material requested
 - The cultural, spiritual, or historical significance of the material to the proposer(s), that some information may be sensitive or restricted, but that sufficient context will always be provided to enable Trustees to make an informed decision.
 - Provenance research establishing the origin, acquisition context, historic use, the presence or absence of meaningful consent, and chain of custody, including identification of colonial, coercive, or other unethical collecting practices.
 - Relevant legislation, professional standards, and sector guidance.
 - The views of relevant stakeholders through appropriate consultation.
 - The views of external experts with relevant knowledge and expertise where appropriate.
 - Note, where research activity applies to human remains and requires explicit informed consent and such consent cannot be established, activity will be limited to that permitted under the Human Remains in Collections Policy, including essential provenance research undertaken on a proportionate basis.
21. Where relevant stakeholders are identified, the Museum will consult with them promptly and record their views for inclusion in the assessment process. Where external expertise is required, the Museum may invite independent specialists to review the information gathered and provide a written opinion to inform decision-making.
22. Throughout this process, the Museum is committed to:
- Sharing relevant information openly with proposers to support an informed and collaborative process.
 - Adapting methods as far as practicable to meet the needs and preferences of proposers.
 - Conducting meaningful, good-faith consultation with proposers and relevant stakeholders
 - Seeking independent or specialist advice (legal, ethical, or cultural) where required
 - Documenting each stage of the process in a clear and accessible manner and sharing outcomes with proposers and relevant stakeholders.
23. The Museum holds a range of associated documentation including images, scans, film, that may relate to a return request. As part of the assessment, the Museum will consult with the proposer to confirm whether such documentation is within the scope of the request. Each case will be considered individually to ensure that related material is appropriately reviewed and considered for return in line with this procedure.

Decision-Making Process

24. All requests are first considered by the RCSEd Heritage Committee, which has Trustee delegated responsibility for oversight of the Museum and its collections. The Committee reviews each case on its merits and, where required, makes a recommendation to the College's Trustees, who retain responsibility for final approval. Any Committee or Trustee member with an actual or perceived conflict of interest will withdraw from consideration of the relevant case.

25. To support formal consideration by the Committee and Trustees, the Museum team will prepare briefing papers summarising all relevant information gathered during the assessment and preparation process and will provide a professional recommendation based on this evidence. Proposers and relevant stakeholders will be invited to contribute through formal representations, either in writing or in person, with the format determined by their preference.
26. The Committee will consider all relevant evidence when developing its recommendation to Trustees, including:
 - Provenance research establishing the origin, acquisition context, historic use, and cultural background of the material
 - The relationship between the requested material and the proposer
 - Consultation outcomes with stakeholders
 - Formal representations from proposers and stakeholders
 - Relevant professional and sector guidance (for example, Museums Association, ICOM, and national or international frameworks)
 - Independent expert and/or legal advice, and
 - The Guiding Commitments and the definition of Human Remains with Additional Identified Sensitivity set out in the Human Remains in Collections Policy.
27. When reaching a final decision, the Trustees will consider the Committee's recommendation alongside their legal and ethical duties. No single factor is determinative. Trustees will weigh all evidence in the round, including:
 - The need to act in ways that are ethical, respectful, and transparent
 - Obligations under charity law and RCSEd's charitable purposes, and
 - Relevant national and international legislation.
28. In reaching any decision, the Committee and Trustees will ensure that the proposed return is consistent with the College's responsibilities as a Scottish charity. This includes confirming that:
 - The decision advances the College's charitable purposes, such as promoting understanding between cultures, supporting education, or ensuring the responsible care and stewardship of heritage.
 - Appropriate due diligence has been undertaken and fully documented, with a clear record of the rationale for the decision.
 - Where applicable, OSCR is consulted or notified, and any required permissions are secured prior to transfer.
29. These considerations form part of the Trustees' overarching duty to act in the best interests of the charity and to ensure that all decisions are lawful, transparent, and aligned with the College's charitable aims.
30. Where appropriate, proposers may be invited to present their case directly to the Trustees, normally following the Committee's recommendation, to support transparency and fairness in the decision-making process.
31. Where competing claims or uncertainty exist, the Committee or Trustees may require further consultation, clarification, or evidence before reaching a decision.

Appeals and Reviews

32. Proposers may request a review within 60 working days of being notified of the decision. Reviews will be undertaken by the Trustees, with the option to seek independent external advice where necessary, to ensure fairness and transparency.
33. Reviews will consider whether due process was followed and whether the decision was reasonable in light of the evidence available. Any new information or evidence provided will also be considered.
34. The outcome of the review will be communicated in writing to the proposer. The review decision is final within the College's governance framework.

Media and External Communications

35. The Museum will handle all communications relating to return with care, clarity, and respect. A short communications plan will be prepared for each case, informed by the wishes of proposers and other key stakeholders. This will set out any planned external communication, including when and how it will be issued, preferred language, visibility, and any cultural or privacy considerations. Where individuals or communities prefer no media involvement, the Museum will respect this.
36. The Museum will also prepare a reactive communications plan for responding to unexpected media interest, informed by the wishes of proposers and other key stakeholders. The aim is to ensure that any unplanned enquiries are handled sensitively, factually, and in ways that minimise harm.
37. External communication will be transparent and proportionate. The Museum will consult with proposers and relevant stakeholders prior to publication to ensure accuracy and appropriate context.
38. The Museum recognises that public communication can cause distress and will seek at all times to minimise harm when planning or responding to media engagement.
39. All communication materials and decisions will be recorded as part of the case file.

Resources and Implementation

40. The Museum will allocate staff time and institutional resources to manage return processes with care and respect.
41. The Museum will work closely with proposers to explore practicable funding options, including potential grants or sponsorship, to support returns in a respectful and timely way. Direct financial costs of return, such as transport, insurance or specialist services, will not normally be met by the Museum.

Record-Keeping and Reporting

42. All records, correspondence, and decision documents will be securely stored within the Museum's collections management system and retained permanently as part of the institutional archive.
43. Collection catalogue entries and the online database will be updated to reflect the outcome and new custodianship status.

44. In addition to annual internal reporting to the Heritage Committee, the Museum will publish an annual online summary of completed returns, noting case descriptions and outcomes, subject to any confidentiality agreements.

Review of Procedure

45. This procedure will be actively monitored by the Director of Heritage and Estates and formally reviewed and reapproved every two years, or sooner if required, to take into account feedback and performance with different proposers and to ensure compliance with current legislation, ethical standards, and professional best practice.

Continuing Relationships and Post-Return Engagement

46. The Museum recognises that returns are not endpoints but part of a continuing process of dialogue, relationship-building, and mutual learning. It is committed to working collaboratively with descendant individuals, communities, relevant stakeholders, and partner institutions to support respectful post-return engagement. This includes the sharing of knowledge, care, and understanding beyond the act of return itself, fostering enduring relationships founded on trust, reciprocity, and respect.

GLOSSARY

This glossary is provided to support consistent and transparent use of language. The terms used and definitions are intended solely as operational guidance for staff and Trustees, recognizing that some may be sensitive or contested and that individuals and communities may use or prefer alternative expressions. Terms are listed alphabetically.

Briefing Paper

A document prepared by Museum staff summarising the findings of an assessment, including provenance information, consultation outcomes, and recommendations for consideration by the RCSEd Heritage Committee. This Committee considers the information set out in the paper and makes a recommendation to the RCSEd Trustees who have final decision-making authority.

Collections Management System

The Museum's central database (Axiell Collections) used to document, track, and manage all records, correspondence, and decisions relating to the collections, including return activities. .

Consultation

A structured process of dialogue and information exchange between the Museum and relevant individuals, communities, organisations, experts, or governments, to inform assessment and decision-making.

Descendant Individuals, Communities, or Cultural Representatives

Those with appropriate recognised cultural, spiritual, ancestral, or historical connection to human remains, and who have the standing or authority to speak on their care, management, or return. This may include:

- Descendant individuals, families, and/or communities with genealogical or ancestral links.
- Cultural representatives or authorities formally recognised or authorised by communities, governments, or other legitimate bodies to act on their behalf.

The Museum acknowledges that "appropriate" will vary according to context and may require consultation, dialogue, and sensitivity to determine.

Documentation

All written, photographic, audio-visual, or digital records relating to material under consideration, including accession and catalogue records, provenance research, consent documentation, conservation reports, images, scans, film, analytical data, correspondence, and decision records. Documentation supports transparency, accountability, and informed decision-making, and is created, stored, accessed, and shared in accordance with applicable legal, ethical, and access requirements. **Due Diligence**

A rigorous process of researching and determining the provenance, legal status, cultural context, and ethical considerations of the material requested for return. It ensures that all decisions are informed, lawful, and appropriate.

Explicit Informed Consent

Clear, voluntary, and fully informed agreement for a specific purpose, based on accessible information. Where consent has been given by an individual during their lifetime, or by an authorised party where legally permitted, that consent provides the authority for activity. Where explicit informed consent cannot be established, the Museum will not proceed with activities that require it. A limited exception applies where essential provenance research is necessary to establish origin, context, or potential community affiliation, and where such work can be undertaken on a proportionate, non-intrusive basis and without harm. Consent

may be withdrawn where applicable, after which activity will pause, and next steps will be agreed.

External Experts

Independent specialists with relevant legal, ethical, scientific, or cultural expertise invited by the Museum to review evidence and provide a written opinion to inform decision-making.

Heritage Committee

A formal Committee of RCSEd Council that provides governance oversight of the Museum's collections and makes recommendations to the RCSEd Trustees on matters including return activities.

Images and Associated Media

Photographs, scans, film, or digital files that depict or document requested material. Their inclusion in a restitution or repatriation request is determined in consultation with the proposer and considered on a case-by-case basis.

Proposer(s)

An individual, community, organisation, or authorised representative who submits a request to the Museum for the return of material.

Provenance Research

The process of establishing the origin, history, use, and chain of custody of the material requested, including the circumstances of collection and acquisition.

Requested Material

The specific material from the Museums' collections identified within a return request.

Return

The permanent transfer of material from the Museum's collections following a formal assessment and decision-making process. "Return" is used as an umbrella term encompassing restitution and repatriation.

Review

A process initiated by a proposer to request reconsideration of a decision, assessing whether due process was followed and whether the outcome was reasonable in light of the evidence available.

Stakeholders

Individuals, communities, organisations, institutions, or nations with a legitimate interest in, or connection to, human remains or associated material, or to decisions relating to their care, management, interpretation, access, or return. Relevant stakeholders are identified on a case-by-case basis, taking account of context, provenance, and sensitivity.

Trustee

The governing body of the Royal College of Surgeons of Edinburgh, responsible for final decisions relating to return activity and for ensuring compliance with charity law and the College's charitable purposes.

APPENDIX: RELEVANT LEGISLATION AND GUIDANCE

This appendix is not intended to be exhaustive and will be updated as legislation, regulatory requirements, and professional standards change.

The principal legislation, regulations, and professional frameworks informing this policy include, but are not limited to:

Primary Scottish Legislation

- Burial and Cremation (Scotland) Act 2016
- Burial (Applications and Register) (Scotland) Regulations 2024
- Burial (Management) (Scotland) Regulations 2025
- Cremation (Scotland) Regulations 2019
- Human Tissue (Scotland) Act 2006
- Anatomy Act 1984 (as it applies in Scotland)
- Public Health etc. (Scotland) Act 2008
- Charities and Trustee Investment (Scotland) Act 2005
- Equality Act 2010
- Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR)
- Freedom of Information (Scotland) Act 2002

UK-wide and Comparative Legislation

- Human Tissue Act 2004 (England, Wales, and Northern Ireland)
- Charities Act 2011 (England and Wales)

Sector Guidance and Professional Standards

- Museums Galleries Scotland, Guidelines for the Care of Human Remains in Scottish Museum Collections (2011)
- Arts Council England, Restitution and Repatriation: A Practical Guide for Museums in England (2022/2023)
- Department for Culture, Media and Sport (DCMS), Guidance for the Care of Human Remains in Museums (2005)
- Museums Association, Code of Ethics (2025)
- International Council of Museums (ICOM), Code of Ethics for Museums (2004; currently under review)

International Conventions and Ethical Frameworks

- UNESCO, Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)
- United Nations Declaration on the Rights of Indigenous Peoples (2007; adopted by the UK in 2018)

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- Professor Gordon Findlater, His Majesty's Inspector of Anatomy for Scotland
- Dr. John Giblin, Keeper of Global Arts, Cultures and Design at National Museums Scotland
- Alexander Herman, Director of the Institute of Art and Law
- Dr. Mobeen Hussain, Wellcome Trust Early Career Research Fellow at the University of York and Visiting Fellow and Trinity College Dublin.
- Dr. JC Niala, Deputy Director and Head of Research, Teaching & Collections, History of Science Museum, University of Oxford
- Evi Numen, Curator of the Old Anatomy Museum at Trinity College Dublin
- Professor Sarah Tarlow, Professor of Archaeology, University of Leicester
- Daniel Martin (Panel Chair), Associate Director, Collections and Digital at Wellcome Collection
- Triona White Hamilton, Curator of Modern History at National Museums Northern Ireland.

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- College Council Representative: Miss Amanda McCabe, RCSEd Council Member and Chair of the RCSEd Heritage Committee.
- Human Remains Conservator, Cat Irving.
- Curator, Louise Wilkie.
- Head of Museum Learning and Interpretation, Thomas Elliot.
- Director of Heritage and Estates, Chanté St Clair Inglis (Panel Coordinator).

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