

British Museum's Independent Review

British Museum Independent Collection, Security, and Governance Review: Terms of Reference

1. Overview

This is an Independent Collection, Security and Governance Review (the "Review"), performed at the request of and reporting directly to the Trustees of the British Museum (the "Trustees"). Interim reports on the progress of the Review and its findings will be made to the Chair of the Trustees and shared with the Secretary of State for Culture, Media and Sport (the "Secretary of State") and the Permanent Secretary.

The Review is to be chaired jointly by Sir Nigel Boardman, Lucy D'Orsi and Ian Karet (the "Co-Chairs"). Lucy D'Orsi has no previous connection to the Museum but was appointed to the Audit Committee of the Trustees on 25 July. Ian Karet has no previous connection to the Museum. In consultation with the Charity Commission he was appointed as Co-Chair on 9 October in light of his knowledge and experience of charity law and governance. Sir Nigel Boardman, Lucy D'Orsi and Ian Karet are not being remunerated (but have been indemnified) by the Trustees for this Review.

Other members (the "Review Members") will include the British Museum's Head of Internal Audit, the Head of Security and Visitor Services and the Keeper of Greece and Rome and such other persons as confirmed in writing by the Co-Chairs and the Chair of the Trustees. The Review will work closely with the British Museum's Interim Director.

The Review will, as appropriate, draw upon further expertise from within and outside the British Museum.
2. Background

The Trustees have become aware that certain objects from the British Museum's Greece and Rome collection are missing (believed stolen) or damaged (together, the "Affected Objects") and have reason to believe that the loss and/or damage of the Affected Objects occurred during the period from 1993 to 2022 (the "Relevant Period").
3. Objectives
 - To determine what has happened with respect to the Affected Objects during the Relevant Period, including, to the extent possible, identifying a complete list of the Affected Objects and determining how this loss and damage to the Affected Objects occurred during the Relevant Period.
 - To identify where failures of controls, processes or policies or failure to adhere to such controls, processes or policies during the Relevant Period may have contributed to the occurrence of the loss and/or damage of the Affected Objects and to make recommendations on improved controls, processes or policies to help minimise the risk of similar loss or damage to objects in future.

- To review the actions taken by the Board of Trustees in response to allegations of loss and/or damage of the Affected Objects during the Relevant Period; to review whether actions taken or not taken with respect to those allegations were in accordance with existing controls, processes and/or policies and were reasonable, based on the information known at the time; and to make recommendations on improved controls, processes or policies to help improve the response to similar allegations or concerns about loss and/or damage of objects in future.
- To establish and carry out a programme for recovery of the Affected Objects that are missing or stolen. This shall involve the conduct and control, with the oversight and approval of the Trustees, of civil litigation in support of the recovery programme, including, where appropriate, civil litigation against persons suspected of involvement with the theft/damage of the Affected Objects during the Relevant Period and persons suspected of possessing missing Affected Objects. The Review shall report directly to the Trustees on a regular basis concerning the conduct and progress of such litigation. The recovery programme and related litigation is expected to continue beyond the submission of the Review's Report to the Trustees. [Following such submission therefore, the conduct and control of the recovery programme and related litigation shall be handed over to the Museum's executive, acting under the oversight and approval of the Trustees].

4. Governance

- The Review will be co-chaired by Sir Nigel Boardman, Lucy D'Orsi and Ian Karet. They, and those assisting them, will operate entirely independently of the Museum's management structure but in compliance with the Museum's Finance Operating Manual and in cooperation with the Interim Director, it being noted that any British Museum employees who are Review Members will necessarily be part of the Museum's management structure as part of their regular terms of employment. The Co-Chairs will have the right of immediate and unrestricted access to all records, assets, personnel, and premises to obtain such information as is reasonably considered necessary to fulfil their responsibilities with respect to the Objectives set out above.
- The Co-Chairs and Review Members shall disclose any conflict or potential conflict of interest of which they become aware in the course of the Review. In the event of a conflict of interest being declared by either of the co-chairs, related actions and decisions will be taken by the unconflicted co-chair.

5. Resourcing

- The Co-Chairs will work in close cooperation with other Review Members.
- Additional Review Members may be appointed with the written consent of the Co-Chairs and the Chair of Trustees.
- External resourcing in areas such as legal, communications and IT may also be used at the discretion of the Co-Chairs, provided that the engagement of external resources shall comply at all times with the Museum's procurement policies and procedures

and applicable procurement rules, including in particular Managing Public Money.

- The Review will liaise as appropriate and as required with representatives of the Metropolitan Police. The Museum's Head of Security and Visitor Services will be responsible for coordinating support for the criminal investigation.

6. Comms

- The Interim Director will publish to staff these terms of reference for the Review and publicise the confidential email address established to receive information relevant to the Review.
- The Co-Chairs, Review Members, the Trustees and members of the British Museum's staff will not engage in external communications save through a process approved by the Chair of Trustees.

7. Reporting:

- The Review Members will, in respect of this Review, report to the Co-Chairs and to the Chair of the Audit Committee.
- The Co-Chairs shall produce a report of the findings from the review in accordance with the Objectives set out above (the "Report"), which shall be completed by and presented at the December meeting of the Trustees.
- Other interim reporting by the Co-Chairs on the progress and findings of the Review will take place regularly and as requested to the Chair of Trustees and the Chair of the Audit Committee.
- The Trustees will consider the Report and will, at their discretion, issue a response through the Chair.
- The Report will be shared with the Secretary of State and the Permanent Secretary, and the Trustees will share any response with DCMS.
- The ongoing detailed audit of Affected Objects is likely to take longer and is expected to continue beyond the scope of this Review. [Following issuance of the Report, management and control of this audit shall be handed over to the Museum's executive.]
- The Report will be kept confidential, except that the Trustees reserve the right to publish it in the whole or part, but if in part, only with the approval of the Co-Chairs.

8. Confidentiality and documentation

- All staff involved in the Review have a duty of confidentiality and are not permitted to disclose any information pertaining to it either during or once the Review is concluded unless express permission is obtained from the Interim Director (or unless otherwise required by applicable law, to assist a law enforcement authority for the purposes of law enforcement, or to make a protected disclosure pursuant to Part IVA of the Employment Rights Act 1996).
- External organisations or individuals involved in the Review will be required to agree confidentiality terms. All disclosures of information and/or documents by the Review to external parties will be done under a clearly defined protocol and subject to restriction for onward disclosure unless prior consent is obtained.

- It is noted that the British Museum is subject to the Freedom of Information Act 2000, Data Protection Act 2018 and other related legislation.
9. Documentation
- A solution will be developed to ensure the security, integrity and privacy of documentation gathered during this Review and produced as a result of it. This will be the responsibility of the Co-Chairs, with the support of the Interim Director.