

Wyre Council

Memorial management and
safety policy

Memorial Safety in council cemeteries - policy and procedures

1. Introduction

- 1.1** Wyre Council recognises that it has a duty of care to ensure the safety of employees, contractors and visitors who come into contact with memorials in council operated cemeteries.
- 1.2** A 'memorial' is a permanent structure that commemorates a deceased person.
- 1.3** The policy considers historic problems faced by the authority caused by past poor installation methods and ways of dealing with unstable, hazardous memorials that may pose a threat to safety.
- 1.4** Wyre Council is authorised to introduce a memorial safety policy and procedures under the provisions of the Local Government Act 1972, Local Authorities' Cemeteries Order 1977, and the Health and Safety at Work etc. Act 1974.
- 1.5** All memorials should be inspected on a minimum five yearly cycle.
- 1.6** This document details the policy and procedures adopted by Wyre Council for the management of memorial safety in cemeteries under the council's control. Council staff involved in cemetery management should follow these procedures designed to implement the council's policy on memorial safety.

Policy on memorial safety

- 2.1** Since 2003 it has been the policy of Wyre Council to ensure that the condition of memorials in cemeteries grounds under the council's control do not pose a significant hazard to anyone who works in, or visits the cemetery.

3. Responsibilities for memorial safety

Background

A burial authority have a duty under the Health and Safety Act 1974 and the occupiers Liability Act 1957 legislation to control dangers within their sites as far as is reasonably practicable by applying best practice principles within available resources. Although responsibility for the safety and stability of memorials rests with the grave owners (assuming they can be traced), local authorities have a 'duty of care' to protect the public and its employees. Failure to have appropriate procedures in place which enable identification and removal of dangerous unstable memorials, could result in claims of negligence being made against authorities corporately, and individually against responsible officers.

- 3.1** The following parties have responsibility for memorial safety in council cemeteries:
 - (a)** Wyre Council has health and safety responsibilities to its employees, contractors and visitors to cemeteries.
 - (b)** A monumental mason is legally liable for the work they carry out and should ensure that memorials are erected safely and in accordance with the current NAMM Code of Working Practice and BS8415 which are industry recognised standards. This responsibility is placed on masons in the Consumer Protection Act 1987, the Sale of Goods Act 1979 (amended 1994), the General Product

Safety Regulations 2005 and the Directive on Liability for Defective Products (85/374/EEC) The latter was introduced in the UK in August 2003. Claims for poor workmanship can be made up to six years after the memorials have been installed. The monumental mason has the responsibility to work in accordance with the council's conditions and specifications for memorials.

- (c) An owner of a memorial has the responsibility to maintain the memorial in a good condition.

3.2 Inspection, survey and risk assessment

Some initial warning signs of memorial instability are as follows:

- Leaning three degrees or more from vertical
- Cracks in headstone or base/loose joints
- Movement if rocked
- Ground settlement
- Waterlogged ground
- Missing structural parts

Reasons for memorial deterioration and instability can include:

- Accidental impact damage
- Animal activity
- Encroaching tree roots
- Inadequate fixing
- Inferior materials
- Lack of maintenance
- Poor workmanship
- Subsidence
- Vandalism
- Weather/storm damage
- Weathering
- Weed killer chemicals

3.3 Existing memorials can broadly be divided into the following. **Memorial types**

- Modern lawn memorials
- Full grave kerb sets/ledgers
- Monoliths
- Multi component/example, cross and tiered bases, book on rests.
- Large traditionally constructed memorials
- Small upright memorials under 625mm/ tablets and inscribed vases

3.4 Risk assessment

The MoJ and BS8415 states that a memorial assessment policy should adopt a 'Risk Based and Proportionate' approach to managing memorials.

- Identify hazard ~ usually potentially unstable memorials
- Identify who might be harmed and how employees, contractors or members of the public

- Evaluate the risk of a memorial falling and harming someone and decide the precautions and action needed to control or remove the risk
- Record the significant findings of the risk assessment
- Review the risk assessment periodically to see what, if anything has changed and update accordingly

3.5 Assessment of memorials

Where there are visual indications of potential instability or during periods of routine inspection the following inspection procedures are followed.

- After an initial visual inspection checking by hand is appropriate for many memorials, such as modern, lawn type, and smaller stepped designs or tiered crosses.
- The hand check is carried out by standing to one side of the memorial and applying a firm but steady pressure (max 25kg) in different directions to determine to what degree, if any, the headstone is loose.
- If some instability is detected following the hand check, a judgment is made as to whether this movement is limited, or whether there is sufficient movement for the memorial to present a health and safety risk, based on this qualified assessment appropriate action will be taken.
- Many memorials installed on independent foundations in recent years are fitted with a ground support system. These memorials may move but do so within designed tolerance limits and so long as the memorial locks on an approved anchor it presents no danger of collapsing.
- Larger, heavier taller memorials, such as columns or obelisk types etc. may require detailed assessment by a specialist constructional engineer if concerns are raised during an initial assessment. All memorial assessments and the recording of inspection details will be carried out by operatives who are appropriately trained and qualified for their specific task. MOJ and BS8415 guidance state the routine use of mechanical test instruments as inspection tools is not recommended.

4. Notice of intent

- 4.1** For memorials that are inspected immediately prior to an imminent burial taking place no notice will be given and any memorial found to be unsafe will be temporary supported and a warning notice attached
- 4.2** Prior to any memorials being inspected as part of the inspection programme, reasonable steps will be taken to inform grave owners and members of the public of the intention to inspect memorials and remove the danger from unsafe memorials
- 4.3** This will involve:
- (i) a notice in the onsite noticeboards and website see Appendix 1a
 - (ii) placing notices on the cemetery gates and elsewhere in the cemetery as appropriate, see Appendix, 1(b), and 1(c)

5. Procedures for memorial inspection and remedial action

- 5.1** These procedures have been formulated to be in compliance with Ministry of Justice 2009 and current BS8415 guidance, H S E directives and the NAMM Code of Working Practice, with due regard to the Institute of Cemetery Crematorium Management (ICCM) and Ombudsman Special Report on Memorial Safety in local authority cemeteries.

- 5.2 The degree of implementation of these procedures will be dependent on sufficient resources being available to carry out inspections and to take remedial action. The health and safety of individuals will be paramount and resources will be tailored accordingly.
- 5.3 The management of memorial safety in council controlled cemeteries is based on a risk assessment approach. As a priority, this will involve attempting to identify those memorials that present an immediate and significant hazard and making them safe.
- 5.4 Action will be taken to deal with memorials identified as being unstable but not an immediate hazard, to prevent these memorials becoming a risk to safety in the future. Any memorial less than 625mm is not required to be push tested as these are not considered to present a serious risk or danger to visitors or staff. However, they will still be assessed and their condition and details recorded.
- 5.5 Priority will be given to the identification of dangerous memorials as previously stated in 3.4 larger heavier memorials of 1.5m height and above are potentially the most hazardous.
- 5.6 Appropriately trained and qualified staff of the parks and open spaces section will inspect and assess all memorials The inspection will comprise of a visual assessment and a hand test where deemed appropriate and safe to do so. If further guidance is required regarding the stabilising of large/heavy/tall/complex/memorial structures the services of a structural engineer or suitably qualified stone mason will be sought.
- 5.7 The age of the memorial, ground conditions and local knowledge will be other factors used to guide inspecting staff in determining the priority of memorial inspections.
- 5.8 The Bereavement Services Officer will devise a suitable pro-forma for recording memorial inspections.
- 5.9 The trained and qualified inspecting officers will identify memorials in one of three categories:
- | | |
|------------|---|
| Category 1 | not dangerous/safe |
| Category 2 | unstable but unlikely to cause immediate danger/ In need of temporary support |
| Category 3 | requires immediate attention/unsafe |
- 5.10 All memorials will be inspected on a five year rolling programme with 20 percent completed each year

6. **Category 1 memorials**

- 6.1 The inspection of category 1 memorials will be recorded by cemetery staff and subject to re-inspection as part of the five year rolling programme

7. **Action to deal With category 2 memorials**

- 7.1 For category 2 memorials the following action will be taken without delay:
- Placing of a yellow category 2 notice appendix 1d in a suitable position on the memorial to warn of the unstable condition of the memorial
 - Where the grave owner or next of kin is identified, a category 2 letter must be sent within five working days of the inspection requesting memorial repair within two months. A copy of the letter is set out as Appendix 2
 - Identified unsafe memorials will be made safe with temporary support as deemed suitable to secure the memorial until the next scheduled inspection date. The costs of this work will be recharged to the owner, where known, together with an administration charge of 30% of the cost of the work. If the memorial is less than

six years old and the mason that installed the memorial is known they must be notified in order to arrange re-fixing to NAMM Code of Working Practice and current BS8415 standards

- Where a category 2 memorial is repaired by a monumental mason, the completed repair must be inspected by cemetery staff, or the inspecting contractor. A schedule of memorial repairs should be forwarded to the council by the monumental mason carrying out the repair. This will provide confirmation that the repair has been carried out in accordance with the council's conditions and specifications for memorials, contained in the council's cemetery regulations and procedures
- Memorial repairs must be carried out to approved National Association of Memorial Masons (NAMM) standards, irrespective of the period still to elapse on the grant to erect a memorial
- Where the grave owner or relation has taken no action to repair a memorial as requested, a temporary support will remain in place until the following advised re-inspection date or maximum five years when reaching this point, it will be treated as a category 3
- The number of memorials requiring temporary support will decrease at each inspection due to new fixing systems in place since 2003 and also re-fixing following second interments/inscription works

8. Action to deal With category 3 memorials

8.1 For all types of category 3 memorials, depending on the individual circumstances the following action will be taken without delay:

- Effectively cordoning off the memorial with accompanying hazard warnings
- Placing of a notice in a suitable position at the grave to warn of the immediate hazard posed by the memorial. A copy of the notice is attached as appendix 1d.
- Photographs are to be taken of the memorial at the time of the initial inspection and following the memorial being laid down or remedial work being completed. Photographs are to be retained with the inspection records
- If a memorial is over 1.5 metres, it will be cordoned off and where practicable, either immediately or within three working days of the initial inspection the hazard posed by the memorial will be removed by more appropriate long-term measures.
- Attempts will be made to recover the costs of this work from the owner, where known, together with an administration charge of 30% of the cost of the work.
- Where the owner of, or a person with an interest in, a memorial identified as a hazard is known, a letter will be sent within five working days of the inspection. A copy of the category 3 letter is set out as appendix 2
- When a category 3 memorial is repaired/re-fixed or lowered into the ground, the works must be inspected and approved by assigned cemetery staff, or the inspecting contractor. A list of action taken will be provided by the monumental mason carrying out the work and signed off by the council This will provide confirmation that the work has been carried out in accordance with the council's conditions and specifications for memorials, contained in the council's cemetery regulations and procedures

9. Action to deal With category 3 memorials

9.1 To ensure that new memorials and any remedial memorial fixing undertaken in

council cemeteries does not pose a safety hazard, all memorial fixers must work to the current National Associations of Memorial Masons Code of Working Practice and BS8415. All memorial masons and memorial fixers installing memorials in council controlled cemeteries will be required to construct and install memorials that meet specification BS8415, as set out in the Code of Working Practice issued by NAMM

9.2 All memorial applications must include details as to type of fixing system put in place and confirm the memorial fixing meets BS8415 fixing standards, a written permit is issued prior to works being undertaken. Monumental masons are required to ensure all workmanship is covered by a guarantee of conformity stating that work undertaken complies with current BS8415 and a ten-year stability guarantee. A reply slip is required from the monumental masons advising the works are complete

9.3 Random inspections will be carried out by bereavement services office of memorial application works. Any memorial found to be unsafe covered by the memorial mason guarantee, the memorial mason will be notified and required to carry out the repair unless destabilised by a third party

10. Staff training

10.1 All cemetery staff carrying out memorial safety work will be trained and appropriately qualified to ensure competency and consistency when carrying out their duties

10.2 An information booklet and question and answer sheet will be available to assist in the administration process. A record will be kept of replies from notices and letters as a record of the actions taken which shall be maintained by the bereavement services office. See appendix 3 and 4

11. Review of this policy and procedures

11.1 This policy and these procedures will be reviewed every five years by the council.

Dated: January 2018

**Wyre Council people and
places**

**Safety inspections of memorials in council
cemeteries**

**Local Authorities Cemeteries Order 1977
Health and Safety at Work Act 1974**

Notice is given that inspections of memorials, in cemeteries controlled by Wyre Council, are to be carried out to assess the safety of memorials.

The inspections will be carried out on a five year rolling programme to identify memorials that are an immediate hazard or unstable.

This inspection programme will start on

Where memorials are considered to be an immediate hazard the council will place a notice at the grave and take action to remove the hazard by laying the memorial down.

Where memorials are considered to be unstable the council will place a notice on the memorial and temporarily support in accordance with Ministry of Justice and BS8451 guidance and write to the memorial owner to carry out repairs to ensure the memorial is safe.

The council will make every effort to recover the costs of making memorials safe when carrying out work in default, from the memorial owner.

Full details of the memorial inspection programme can be obtained by contacting Wyre Council Cemetery Office at the Civic Centre, Breck Road, Poulton-le- Fylde FY6 7PU.

Public notice

Please note that the council's ongoing safety programme now involves the inspection of all memorials on:

Cemetery _____
Section _____
Week beginning _____

A notice and temporary support will be placed on any memorial that has not met the health and safety requirements. A letter will be posted to the registered grave rights owner.

**Do not attempt to test memorials yourselves
and contact a qualified memorial mason to
undertake the work on your behalf.**

**All memorials remain the responsibility of the owner to keep in
good safe order.**

We would appreciate your assistance and co-operation to ensure our cemeteries are a safe place for residents, visitors and staff.

Should you have any queries or concerns regarding a memorial please contact the cemetery and bereavement services office on:

www.wyre.gov.uk or telephone: 01253 891000

Important safety notice

Please note that the council's ongoing safety programme now involves the inspection of all memorials to check they have been fixed to the required standard BS8415.

A notice and temporary support will be placed on any memorial that does not meet the required safety requirements.

All memorials remain the responsibility of the owner to keep in good safe order.

We would appreciate your assistance and co-operation to ensure our cemeteries are a safe place for residents, visitors and staff.

Should you have any queries or concerns regarding a memorial please contact the cemetery and bereavement services office on:

www.wyre.gov.uk or telephone 01253 891000

Date _____

Important safety notice

This memorial has been found to be unsafe and in need of immediate attention to prevent injury to yourselves and members of the general public whilst visiting the cemetery.

Please contact the cemetery office as a matter of urgency to advise of your intentions to make safe. We can provide information or assistance regarding this matter including details of a registered stone mason to ensure the memorial is fixed to the National Association of Memorial Masons Regulations. Please contact:

Bereavement Services Office, Wyre Council, Wyre Civic Centre, Breck Road, Poulton-le-Fylde, Lancashire FY6 7PU.

Telephone: 01253 891000

www.wyre.gov.uk

Dear Sir/Madam,

Memorial Safety Programme within Cemetery
Section: _____ Gravespace No: _____

The council are continuing the memorial safety programme and have recently inspected the above section highlighting the memorials which are unsafe.

Our aim is to ensure the safety of all residents, visitors and staff while within the cemetery and the council does not wish to cause any unnecessary distress.

Please note as owner/next of kin of the rights of burial of the above grave it is your responsibility to ensure the continued safe maintenance of any memorial thereon.

Your memorial in this instance has been identified as being unsafe and in need of immediate remedial work. We would be grateful, if you have not already done so, if you would please contact a BRAMM/RQMF registered memorial mason to arrange repair. You should also contact the office on telephone number 01253 891000 to advise of your action.

We thank you in anticipation of your co-operation in this matter. Should you require any further information or assistance regarding this matter please do not hesitate to contact the Cemetery and Bereavement Services Office.

Yours sincerely,

Mark Billington
Service Director of People & Places

Memorial safety inspections in Fleetwood, Poulton-le-Fylde and Preesall

Memorial safety inspections

Wyre bereavement services staff are undertaking safety inspections of headstones within the cemetery. This work is required in compliance with health and safety requirements and the Ministry of Justice Guidance on memorial safety. The inspections are being carried out by officers who will make sure any work is carried out professionally and with due respect. Every headstone will be carefully examined and tested for stability to ensure that it is not in danger of toppling over and causing injury to visitors or employees working in the cemetery. Headstones that fail the test and are deemed to be unsafe will be marked with a yellow warning card, temporarily supported or laid flat.

Visitors

Visitors to cemeteries should keep to footpaths, avoid touching any memorials and ensure their children are supervised at all times. Areas may be cordoned off where testing or repair work is under way. If this is the case, please contact a member of staff before entering the area.

Responsibilities

All headstones are owned by and are the responsibility of the grave owner or their next of kin. However, the council has an obligation to inspect memorials and make safe any that are found to be in an unsafe condition while notifying the owners.

It is essential that our cemeteries are safe places for people to come and pay their respects. In other cemeteries in this country there have been fatalities and a countless number of accidents ranging from bruising to severe crush injuries and bone breakages when unsafe memorials have toppled onto people most of whom have been children. We cannot allow this to happen in Wyre.

We appreciate that people may be unhappy about what we have to do and we sincerely apologise if our actions cause distress. We understand how difficult it can be for families to see a memorial to a loved one laid flat and we want to help people deal with their unsafe memorials as quickly as possible. Anyone who wants to talk about what is happening or who needs information, please contact us. We will try to resolve your problems as soon as possible.

Memorial masons' registration schemes

Wyre Council insists that memorial masons and memorial fixers are accredited by either BRAMM British Register of Memorial Masons or RQMF Register of Qualified Memorial Fixers (administered by NAMM). This ensures that only appropriately qualified competent and fully insured memorial masons can work on memorials in Fleetwood, Poulton and Preesall cemeteries. A list of approved masons is available upon request. The council ensures that memorial masons carry out all memorial work to BS8415 and the National Association of Memorial Masons Code of Working Practice standard and that they provide a guarantee.

Insurance

Each stonemason on our approved list is required to advise you to purchase an appropriate insurance to protect your memorial. Should you require further information about insurance, please contact us or your memorial mason.

Frequency of inspections

Inspections of memorials are ongoing; all memorials will be inspected at least once every five years to ensure continued safety for visitors and employees working in the cemetery. Members of the public are asked for their understanding and co-operation in this process.

**If you would like this information in another format
please contact 01253 891000**

If you need to contact us:

The Cemetery and Bereavement Services Office is situated at:
Wyre Civic Centre, Breck Road, Poulton-le-Fylde, Lancashire, FY6 7PU
Telephone 01253 887662 or visit the website at www.wyre.gov.uk

The office is open from 9.00 am until 4.00 pm, Monday to Friday

Information and advice on memorial safety - your questions answered

Why are we carrying out headstone safety checks?

This work is required to ensure our cemeteries are safe places for visitors and for employees working in them. Tragically, there has been a number of incidents in other cemeteries around the country where unstable memorials have toppled onto people, including children, resulting in fatalities and serious injuries. The Health and Safety Executive are taking an active interest in memorial safety and have issued warnings to local authorities to insist they have policies and procedures in place to ensure the stability of memorials. The council has a responsibility for the safety of visitors to the cemeteries.

Who are the Health and Safety Executive?

The Health and Safety Executive is a Central Government Enforcement Agency responsible for the general health and safety in public areas.

Who is responsible for keeping my memorial repaired and in a safe condition?

The grave owner or their next of kin is responsible for keeping the headstone/memorial repaired and in a safe condition. However, the council has the obligation of making our cemeteries safe, and can use reasonable means to make safe any unsafe memorials a warning notice will be attached if it is found to be in an unsafe condition.

What does the safety test involve and who carries out the test?

Each headstone will be given a visual check to assess the condition of the memorial. Each headstone will then be given a gentle hands on push test to check the memorial's stability. The results of the test is logged and recorded either handwritten or fed into a computer. This safety check is carried out with officers of the council.

What will you do with headstones that fail the test?

Once a headstone is found unsafe the council has a duty of care to make sure it is safe immediately because the cemetery is a public place. Headstones which fail the test will be temporarily made safe or warning notices applied to the memorial. We will contact grave owners as soon as possible to inform them.

My headstone has been temporarily supported/banded and/or warning notice applied to the memorial and I wasn't contacted. Why?

Our immediate priority is to make safe any unstable memorials found during the inspection to ensure our cemeteries are safe places for the public to enter. We write to grave owners of unstable memorials at the last known address taken from our records as soon as possible following the inspection. If we have not contacted you it may be because we do not have a record of your current address.

Will my headstone be subject to further tests in the future?

Yes, we will be carrying out these tests at regular intervals in the future. All memorials will be inspected at least every five years.