



MEMORIAL SAFETY POLICY

JULY 2024 v1

Introduction

1. The purpose of this policy is to set out how the Parish Council will manage any risks to health and safety from unsafe memorials in West Rainton Cemetery, in a practical and appropriate manner, to ensure that the cemetery is a safe place to work and visit.
2. The policy includes the process for the approval to place a new Memorial in the Cemetery, to add to any inscription, or replace, add to or remove an installation.
3. The policy includes the safety testing process to assess the risk of a memorial falling and injuring someone and the measures to be taken when a memorial is found to be unsafe.
4. This policy takes account of the council's legal responsibilities and the guidance on the management of memorials provided by the Institute of Cemetery & Crematorium Management and the Ministry of Justice.

Background

5. As a burial authority the Parish Council has a general duty under the Local Authorities Cemeteries Order 1977 (LACO) to maintain the burial ground in good order.
6. The Parish Council also has a duty of care under Health and Safety at Work Act 1974 (HSWA74) and should do all that is reasonably practicable to ensure that visitors and those working in the cemetery. burial grounds are not exposed to risks to their health and safety
7. Memorial stability and safety is a key area of risk to be considered under these statutory requirements. The Health & Safety at Work Act 1974 requires burial authorities to ensure that memorials are safe so that the potential for injury to those visiting and working in cemeteries is reduced and under the LACO a burial authority is empowered to prevent a memorial from becoming unsafe or continuing to be a hazard to public safety.
8. Under the provisions of the LACO, it is a matter of discretion for burial authorities to decide whether they maintain graves and memorials but the primary responsibility to maintain a memorial lies with the purchaser.
9. When a new burial plot is purchased, the Parish Council will grant an Exclusive Right of Burial (EROB). This also includes the right to erect a memorial on the grave. The purchaser of these Grave Rights is known as the, "Grave Rights Owner", but the Grave Rights do not include ownership of land itself which at all times will remain the property of the Parish Council.
10. The Grave Rights entitle the owner to decide who may be buried in the grave: no-one may be buried in the grave and no memorial may be erected upon the grave without the written consent of the grave rights owner.

11. Any memorial installed by a grave rights owner remains the property of the grave rights owner and all memorials are placed in the cemetery by owners at their risk.
12. All burial authorities should advise owners of memorials that maintenance is their responsibility and to have this carried out on a regular basis following installation. Burial authorities should also advise all owners that their memorials will be subject to a minimum five-yearly inspection and that any defects reported with regard to stability should be corrected by the owners of the memorials at their own cost.
13. The approach to managing memorial safety involves ensuring that all new or replacement memorials are safely installed and that periodic assessment of all memorials installed in the cemetery are carried out as part of a planned exercise or when anything has changed, for example a programme of major work or repair to the burial ground environment.
14. The design, construction and installation of new memorials are central to the ongoing safety of the cemetery. Until relatively recent times memorials had not been designed to withstand a specific design force, this has now been addressed since the introduction of BS 8415, which is a performance specification, and the British Register of Accredited Memorial Masons (BRAMM) Blue Book and the National Association of Memorial Masons (NAMM) Code of Working Practice inform masons on how to achieve the requirement of the British Standard
15. Guidelines set down by the Health and Safety Executive (HSE) require all Burial Authorities to inspect every headstone in their cemeteries at least every 5 years. The inspection should be fully documented identifying all dangerous or unstable memorials.
16. The enforcing authorities under HSWA74 do not consider the risks from memorials to warrant inclusion in their proactive inspection regimes because of the low risk of injury. However, in the unlikely event of a serious accident, their inspectors may undertake an investigation. They will want assurance that operators had followed the guidance, had taken sensible, risk-based precautions and that they had done all that is reasonably practicable in the circumstances.
17. Memorial safety in burial grounds is a highly sensitive issue, do nothing and an accident or death could occur. In such circumstances, it is possible for the person (s) responsible for the management of the burial ground to be accused of criminal negligence.
18. When managing memorial safety in the cemetery good communication with the community is essential, especially relating to the notification of all aspects of the inspection and making safe actions. Anyone perceived to be interfering with a grave or memorial for reasons unknown may cause distress or anger, may hinder the inspection process or lead to complaints of maladministration. The over reliance on laying headstones flat to make safe may also lead to criticism.

The process for the approval to erect a memorial (or replace, remove, repair, alter or add an additional inscription to existing memorial)

19. No memorial may be erected, repaired, removed, replaced or altered or cleaned without written approval. All work, except cleaning, must only be undertaken by approved memorial masons in line with the current BS 8415.
20. Prior to any proposed memorial work is undertaken in the cemetery an application form must be submitted to the Parish Council for approval using a memorial application form. (Appendix A).

21. This form must be fully completed and signed by both the Grave Rights Owner and the memorial mason and returned to the Parish Clerk and approved before any work (including manufacture) commences.
22. Where the Grave Rights Owner is deceased or unknown, legal entitlement to exercise the Rights to the grave must be established, and a full legal transfer of these Rights completed, before any application for memorial works can be approved by the Council. In this instance, families should contact the Parish Clerk who will advise on the how to do this.
23. All masons wishing to carry out installation works within the Cemetery must:
- be either registered with the British Register of Accredited Memorial Masons (BRAMM) or have membership of the National Association of Memorial Masons (NAMM)
 - Possess a Fixer's license
 - Hold an appropriate level of Public Liability Insurance
 - Install all memorials in strict compliance with British Standard 8415. To achieve such compliance, masons must employ the fixing methods prescribed by the NAMM Code of Working Practice and / or the BRAMM Blue Book.
 - Return a signed declaration to Parish Clerk to indicate their understanding of our Cemetery Rules and Regulations relating to memorials as defined by this policy.
24. The Parish Council will maintain a register of local memorial mason businesses which meet these requirements and which are therefore authorised to work in the cemetery.
25. Once the application is approved, the Parish Clerk will sign and return a copy of the application form to the memorial mason, as written approval for the work to be undertaken. This will only be issued following receipt of the required fee.
26. Details of current fees are published on the website or will be provided by the Parish Clerk on request.
27. All memorials must be made from Natural Stone, Granite, Marble, Sandstone, Slate, Limestone or Yorkshire Stone.
28. Applications will only be considered if memorials do not exceed the following maximum dimensions:

Full grave plot - Headstone

- Maximum overall height ,36ins (including the depth of the base)
- Maximum width 34 ins (including the base)
- Minimum thickness 3 ins, maximum 5ins

Headstone & Kerb, (where permitted)

As above, plus maximum overall length 8ft including headstone

Cremated remains plot -

Headstone:

- A maximum Height of 18 ins
- A maximum Width 18ins (including foundations and base)

Desk top/.tablet:

- A maximum depth of 15 ins (front to back)
- A maximum width of 18ins
- A maximum thickness of 6ins tapering to a minimum of 3ins

Additional Memorials to full grave plot

- Desktop/tablet – Maximum dimensions as above
- Memorial Vase – Maximum dimensions H 12 ins, W 8ins, Depth 8ins

29. All memorials should be installed in accordance with the current BS 8415 and the appropriate industry code of practice. All Ground Anchors fitted to BS8415–2018 should be NAMM accredited.
30. To provide assurance to the Parish Council that memorials are installed in accordance with this safety standard, all memorials must be installed by a memorial mason registered with either NAMM (National Associational of Memorial Masons or BRAMM (The British Register of Accredited Memorial Masons).
31. Any approval is issued on the understanding that the work undertaken will fully comply with the details of the application form and the requirements of the current BS 8415.
32. A certificate of compliance with the current BS 8415 standard must be provided by the memorial mason to the owner of the memorial and a copy sent to the Parish Clerk.
33. Owners are to be advised that whilst memorial masons are responsible for ensuring compliance with BS 8415, owners are responsible for ensuring that they are regularly maintained and any repairs required are appropriately carried out. Prior approval of proposed repairs is needed.
34. The Council reserves the right to refuse any memorial work it considers to be unsuitable.
35. Owners are to be advised that they should seek a minimum 10-year guarantee for memorials installations from their memorial mason and to consider taking out insurance to cover all risks.
36. The Council will not accept any liability in respect of accident or damage to memorials. It is the responsibility of the owner(s) of any memorial to keep it in good condition and repair. Where safety measures have been taken as a result of defective workmanship, and a Certificate of Compliance is in force, the owner will have their own personal right of redress against the mason concerned.
37. Masons will be liable for any damage caused by their work in the cemetery. Any damage should be made good, to the satisfaction of the Parish Council and the grave deed owner concerned.
38. The Parish Council recommends a minimum period of 6 months must be allowed after the burial date before a memorial headstone is erected, due to grave settlement. Responsibility for determining when to install the memorial rests with the memorial mason who must make an assessment of ground conditions.

39. Masons must advise the Clerk when they plan to be on site to carry out approved memorial work.
40. Post installation or reinstatement of any memorial, a photograph should be taken by the installer and sent to the Parish Clerk for his records.

Memorial Safety Inspections

41. All memorial headstones will be tested at least every 5 years as recommended by the Health & Safety Executive.
42. All memorial inspections will be carried out by a suitably trained person(s) with experience of burial ground management and the associated risks, and a working knowledge of memorials to an agreed documented specification. If contractors are to be used, evidence of training, adequate public liability insurance and suitable risk assessments and safe methods of working are required.
43. Prior to carrying out any safety inspections, the council will publicise the inspection by way of notices on the cemetery gates and notice board, village notice boards, Village News (if timely), the parish council's website and Facebook page. This communication will advise the community that the council has the right, when necessary in the interests of public safety, to gain access across any grave and may remove or lay flat any memorial without notice or compensation to the owner.

Memorial Headstone Testing Process

The testing process will consist of:

44. A visual check for obvious signs of defects and that a memorial is likely to be unstable. The following check list will apply to visual inspections:
- Are joints intact
 - Are kerbs broken (may be H & S risk in itself or an indication of headstone instability)
 - Are foundations intact (where visible)
 - Any vegetation intrusion issues (e.g. tree roots that could affect stability)
 - Any visual faults or cracks
 - What are the ground conditions like
 - Is the memorial leaning
45. A hand test to confirm or identify stability problems to support the visual check. The hand test will be carried out by a person standing to one side of the memorial and using both hands to apply a firm and steady pressure in different directions. (A weight equivalent to someone using the memorial for support when getting up from a kneeling position when tending graves). This will be used to identify whether the memorial is unstable and if so, to what degree it is unstable, which will enable the correct level of risk to be determined and appropriate control measures applied.
46. A risk assessment will be completed for each memorial tested. This assessment will identify the level of risk for each memorial and whether further action is required to control that risk. This may include making arrangements for more detailed inspections by a specialist.
47. On completion of the inspection of each memorial, the level of risk and action required to address the risk will be assessed as follows:

Priority	Status	Action Needed
1	Unstable and unsafe memorial	Immediate steps to be undertaken to make the memorial safe by temporally laying it flat. Grave owner advised. Notice placed to explain why it has been laid flat
2	Memorial is not an immediate danger but is not fully stable and is likely to become unsafe in the future.	Warning Tape and Notice Placed on memorial Re inspection to be undertaken in 12 months if no action taken to address.
3	Memorial is stable and safe	5 yearly re-inspection

Unsafe Memorials

48. For priority 1, where the memorial owner has been contacted but is unwilling, or unable, to have the memorial repaired/reinstated, the owner will be advised that the memorial will be permanently laid flat on the grave.
49. If, after a period of 12 months, the council has been unable to make contact with the memorial owner or their descendants the Parish Council will consider: the following options:
- Memorial to be permanently laid flat
 - Memorial to be partially buried in the ground (the memorial is dug into the ground to a depth where they could be considered stable and safe but at the same time remains vertical and in situ but this may obscure some of the engraving as the recommended setting of memorials into the ground is one third of the height. This may be the most appropriate if lying flat hinders grounds maintenance and creates a tripping hazard.
50. If no owner can be found, but the memorial is considered to be of heritage or amenity value, the council may decide to repair it. In these circumstances, if any relative comes forward at a later date, they would be asked to pay for the cost of repair.

Record Keeping

51. The council will keep a record of all memorial inspections carried out which will include:
- The name of deceased and the grave plot number
 - The date of inspection
 - The names of those who carried out the inspection
 - Description of any visual defects
 - The risk classification, priority 1, 2 or 3
 - Control measures taken and any further action to be taken

- Date of the next inspection.

Procedure for communicating with memorial owners

52. A guide is published on the website to raise awareness of the responsibilities of memorial owners, memorial masons and the parish council in relation to memorial safety and this policy and procedures.
53. At least 28 days prior to commencement of the safety inspection, a public notice will be displayed on the cemetery gates and notice board, on village notice boards, village news if timely, and on the council's website/Facebook page.
54. The notice will explain how, why and when the inspection will be carried out and how people can obtain further information if needed.
55. If a memorial is found to be unsafe (priority 1) the council will make every practical effort to contact the memorial owner and advise them of action to make safe.
56. The method of contact will be via:
 - A warning notice attached to the memorial asking the owner to contact the council.
 - Where practical a letter will be sent to the last known address of the memorial owner. The letter to the owner will inform them that their memorial has been found to be unsafe, what action the council has already taken, i.e. laying flat and that they are responsible for repairs needed to reinstate it an approved safety specification, BS8415, so these must be carried out by a professional memorial mason registered with either NAMM or BRAMM .They should be also advised that the memorial mason will need to submit an application form to the parish council to seek approval prior to work proposed being undertaken.(via the memorial application form).
 - A public notice listing all unstable memorials made safe will be displayed at the cemetery gate, village notice boards, and on the council's website asking for memorial owners to contact the parish council
 - If no response is received after 3 months, a further letter will be sent. If there is still no response after 6 months, a third and final letter will be sent. At the end of 12 months, if there has still been no contact with the owner, the council will consider permanent options as described above.
57. If a memorial is found to be not fully stable but not an immediate danger (Priority 2) the council will make every practical effort to contact the memorial owner and advise them of action required to make safe.
58. The method of contact will be via:
 - Warning tap and a notice placed on the memorial advising the owner why the warning tape has been added, they should not to attempt to remove or repair the memorial themselves and to contact the parish council for more information. .
 - Where practical, a letter will be sent to the last known address of the memorial owner. The letter to the owner will inform them that their memorial has been found to be not fully stable and is likely to become unsafe if not repaired. As owner they are

responsible for the repairs and they should contact an approved professional memorial mason to arrange for the memorial to be repaired and reinstated to the approved safety specification, BS 8415. They should not attempt to repair or remove a memorial themselves. They should be also advised that the memorial mason will need to submit an application form to the parish council to seek approval prior to work proposed being undertaken.(via the memorial application form).The letter will also advise the owner that if no action is taken with 12 months to repair, the Parish Council will carry out a further inspection and look to reduce the risk by the most cost-effective means. This might include laying the memorial flat or sinking the memorial part way into the ground in an upright position which may obscure some of the engraving

- Publish a notice listing all memorials found to be not fully stable on the cemetery notice board/gate, on village notice boards, and on the council's website asking for memorial owners to contact the parish council.