

## Memorial Safety Policy

### 1. Introduction

Epworth Town 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 the council managed cemetery

1.2 A memorial is a permanent structure that commemorates a deceased person.

1.3 The policy recognises historic problems faced by the authority relating to past installation methods and ways of dealing with unstable and hazardous memorials that may have posed a threat to safety.

1.4 Epworth Town 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 & Safety at Work Act 1974.

1.5 All memorials should be inspected on a minimum 5 yearly cycle.

1.6 This document details the policy and procedures adopted by Epworth Town Council for the management of memorial safety in the council managed Cemetery.

1.7 Council staff involved in Cemetery management should follow these procedures designed to implement the council's policy on memorial safety.

### 2. Policy on Memorial Safety

2.1 It is the policy of Epworth Town Council to ensure that the condition of memorial in Epworth Cemetery do not pose a significant hazard to anyone who works in or visits the cemetery.

### 3. Responsibilities for Memorial Safety

3.1 A burial authority has a duty under the Health & Safety Act 1974 and the Occupiers Liability Act 1957 to control dangers within the site 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 authority 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 and unstable memorials, could result in claims of negligence being made against authorities corporately, and individually against responsible officers.

#### 3.2 The following parties have responsibility for memorial safety in the council cemetery;

- Epworth Town Council has health and safety responsibilities to its employees, contractors and visitors to the cemetery.
- A monumental mason is legally liable for the work it carries 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 6 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.

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

### **3.3 Inspection, Survey and Risk Assessment: - some initial warning signs of memorial instability are as follows:**

- Leaning 3 degrees or more from the 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

### **3.4 Existing memorials can (broadly) be divided into the following Memorial types:**

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

### **3.5 Risk Assessment**

The ministry of Justice and BS8415 state that a memorial assessment policy should adopt a "risk based and proportionate" approach to managing memorials.

- Identify hazards – 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

### 3.6 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 25K) in different directions to determine to what degree, if any, the headstone is loose.
- If some instability is detected following the hand check, a judgement 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. Ministry of Justice 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:

1. A notice in the On-site notice board and web-site
2. Placing notices on the Cemetery entrances and elsewhere in the Cemetery as appropriate

### 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, HSE directives and the NAAM Code of Practice, with due regard to the Institute of Cemetery, Crematorium Management (ICCM) and Ombudsman Special Report on Memorial Safety in local 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 the council managed cemetery 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 (in height) 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 (contractors) 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 the inspectors in determining the priority of memorial inspections.

5.8 The council will devise a suitable pro-forma for recording inspections.

5.9 The trained and qualified contractor will identify memorials in one of three categories:

Category 1 – not dangerous

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 5 year programme

## **6. Category 1 Memorials**

6.1 The inspection of Category 1 memorials will be recorded by the clerk and subject to re-inspection every 5 years.

## **7. Action to deal with Category 2 Memorials**

7.1 For category 2 memorials the following action will be taken without delay:

- Placing a coloured category 2 notice 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 5 working days of the inspection requesting memorial repair within 2 months.
- Identified unsafe memorials will be made safe with temporary support as deemed suitable to secure the memorial. The cost of this work will be charged to the owner (where known). If the memorial is less than 6 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 (the clerk) 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 5 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 fixings systems being in place since 2003 and also re-fixing following second interments/inscriptions 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.

- Effective 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.
- 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 1.5metres (in height) it will be cordoned off and where practicable either immediately or within 3 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.
- 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 5 working days of the inspection.
- When a category 3 memorial is repaired/re-fixed or lowered onto the ground, the works must be inspected and approved by the inspecting contractor. A list of actions taken will be provided by the monumental mason carrying out the works and signed off by the clerk. 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. New Memorial fixings and remedial works**

9.1 To ensure that new memorials and any remedial memorial fixings undertaken in Epworth cemetery does not pose a safety hazard, all memorial fixers must work to the current National Association of Memorial Masons Code of Working practice and BS8415. All memorial masons and memorial fixers installing memorials in Epworth cemetery will be required to construct and install memorials that meet specifications BS8415, as set out in the Code of Working Practice issued by NAAM

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 Mason advising the works are complete

9.3 Random inspections will be carried out by the clerk 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. Training**

10.1 Contractors carrying out memorial safety work will be required to provide evidence of appropriate qualifications to ensure competency and consistency when carrying out their duties.

10.2 Information 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 clerk.

#### 11. Review of this Policy and Procedure

11.1 This policy and procedure will be reviewed by the council periodically (at least every 5 years)

Presented to full council minute reference 20.03.19 and ADOPTED.

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