

**NORTH EAST DERBYSHIRE
DISTRICT COUNCIL**

**MANAGEMENT OF MEMORIALS
IN BURIAL GROUNDS**

1. INTRODUCTION

North East Derbyshire District Council (the Council) manages and maintains cemeteries and closed churchyards, collectively called burial grounds, within its District which include memorials, predominantly constructed of numerous stone, granite and marble materials adopting various styles and methods of fixing.

The Council has a duty of care to take practicable and reasonable steps to ensure burial grounds are safe places for visitors and staff.

Memorials require periodic inspection to ensure their safety and identify maintenance requirements and to this end, the Council deploy a combination of proactive and reactive systems to manage the safety of burial grounds in line with the inspection schedules identified in Appendix C.

The Council recognises burial ground management is extremely sensitive and must be undertaken in a manner that is both proportionate to the risk and sensitive to the feelings of bereaved families.

The Ministry for Justice has introduced guidance, **Managing the Safety of Burial Ground Memorials**, and the Council's guidelines seek to adopt this guidance and the management of memorial safety within its burial grounds.

The Council will adopt a two stage approach by implementing a sensitive, risk based procedure to ensure the safety of our historical legacy and memorials by ensuring all future memorials are installed to nationally recognised standards

2. LEGAL REQUIREMENTS

The Council has a legal requirement under the following legislation to ensure that burial grounds in its control are safe places for visitors and staff without undue risk to their health and safety:

- Health & Safety at Work etc Act 1974
- Management of Health and Safety at Work Regulations 1999
- Local Authorities Cemetery Order 1977 (LACO)
- Occupiers Liability Acts 1957 and 1984
- Confined Spaces Regulations 1997
- Manual Handling Operation Regulations 1992
- Construction (Health, Safety and Welfare) Regulations 1996

These place obligations on the Council to ensure risk is effectively managed to acceptable levels.

A **monumental mason** is required to undertake work in accordance with the Council's conditions and specifications for memorials as set out by the National Association of Memorial Mason Standards.

The **Deed Holder**, or successor in title, of a memorial has the ultimate responsibility to maintain it so as not to present a hazard to themselves, members of the public or Council staff, and as such are therefore responsible and liable for all expenditure incurred to make safe their memorial in the event it is found to be unsafe or dangerous.

To meet our obligations the Council will put in place:

- A system of identifying risks and necessary controls as outlined in this document
- A system for implementing these controls and ensuring that they are effective
- Making people who are affected by these risks aware of what the issues are and what they need to do for their health and safety and the safety of others
- Ensuring that accurate records are maintained.

3. INSPECTION PROGRAMME

Risk assessment

A risk assessment provides for a focus on those risks with the potential to cause harm to visitors and Council staff. An assessment will be completed by the trained Council staff using their experience of burial ground management and the associated risks and knowledge of memorial construction.

Inspection will primarily focus on memorials considered most likely to present the greatest risk, as well as their design, style, environmental conditions factors. The following scope of inspections takes this in to account:

- Memorials alongside or within a short distance of paths are more likely to present a risk to visitors than those which are less accessible. Less frequented areas may attract anti-social behaviour or may need greater maintenance as relatives are no longer tending memorials. Memorials situated on sloping or uneven ground may present an increased risk.
- Multi-part memorials, which depend on bonding of their parts for stability, can present a greater risk where the joint has failed. Some memorials might also be made of material which more readily erodes and becomes unsafe. Consideration should be taken that the risk of joint failure is absent in monolithic monuments, and memorials with a broad base are less likely to fall than those with a relatively narrow base.
- More recent memorials should be designed to British Standard 8415 (Monuments within burial grounds and memorial sites), and the construction, dowels and fixings should be in accordance with the National Association of Memorial Masons (NAMM) Code of Working Practice. Memorials installed to these practices have greater assurance of good stability.
- Regular inspections will assist in building up a profile of the memorials in the Council's burial grounds. This will provide a focus on future priorities for the inspection and assessment process.

Inspection of memorials

Visual inspection will be undertaken in assessing the stability of a memorial and to identify:

- Damaged or eroded bonding.
- Movement of parts of a memorial from its original position.
- Kerb stones breaking apart.
- Undermined or unstable foundations.
- Leaning memorials – particularly if there is evidence of recent movement.
- Evidence of structural damage or disturbance (e.g. cracks).
- The presence of vegetation, which may cause cracks etc to widen.

A photographic record of each memorial, regardless of the condition, will be taken and catalogued to correspond with each inspection record.

Where a memorial shows visible signs of damage or defects, such as joint or component failure, a hand test should be used to determine stability of the memorial.

Where memorials have no sign of defects, a hand test should still be undertaken to confirm that the memorial is stable.

The hand test will be carried out by standing to one side of the memorial and applying a firm but steady pressure in different directions to determine to what degree, if any, memorial stability.

It should be noted that the inspector should not test a newly installed memorial for at least 28 days from placement to allow for the curing of any jointing material.

If the inspector is satisfied that the memorial passes the hand test and the memorial is leaning from the vertical then the angle of inclination should be measured. This should be noted together with the date and the information retained for monitoring purposes.

If some instability is detected following the hand test a judgment must be made as to whether this movement is limited or whether there is sufficient movement for the memorial to present a high risk to people's health and safety.

Memorials installed in recent years on independent foundations are fitted with a ground support system. These memorials may move, even rock if the base to foundation joint is broken, but do so within designed tolerance limits and represent no danger as the memorial will lock on the ground anchor. The inspector will however still contact the grave owner to inform them of the movement.

Larger, heavier memorials, such as older columns or obelisk types, initially require a visual check as stated above. These inspections should be recorded and, where this judgment is not so clear, the inspector may need to consult a specialist engineer or memorial mason for advice.

The Council will not undertake a mechanical test. Should the inspector be unsure of the memorial stability then the inspector may need to consult a specialist engineer or memorial mason for advice.

Kerbstones and the associated bridging material ie concrete or stone pads shall be inspected since there may be a trip hazard if the kerb has fallen from the grave space. The condition of the inner bridge part should be inspected since there may be voids because of below ground subsidence which may cause the bridging material ie stone or concrete to collapse when a weight is applied. Kerbs may be integral with and support the headstone and therefore this may be another indication that the headstone memorial part may be unsafe.

Frequency

The frequency of inspection will be determined by the Council as part of their assessment and ongoing review procedures. It is possible to vary inspection frequency based on age, size and condition of the memorial and actions detailed in each inspection record. To reduce risks and eliminate the potential for errors or omissions every memorial will at least receive an inspection every five years as outlined in the inspection action plan **Appendix C**.

Deciding on Precautions

Inspection will be recorded as set out at **Appendix A**, along with identified actions. Each inspection will be classified to assist the inspector formulate an action plan:

Category	Risk	Action
1	Dangerous and likely to fall over requiring immediate attention	Memorials cordoned off using hazard markers and where practicable laid down within five working days
2	Unstable but unlikely to cause immediate danger needs monitoring (re-inspect with 12 months)	Notification to families of the bereaved will be through a letter to the executor of the grave asking that they notify the Council of their future intentions to organise a repair through a memorial mason. In the event of no reply, within 14 days, the Council will assume that the executor has moved from the last known address and secure a notice (in a plastic cover) on the memorial asking that the family contact a named person. The notice shall be in place for 30 days before a further risk assessment is undertaken to establish whether, if left unattended, the memorial may constitute a significant higher risk, such as imminent collapse in a way that could lead to serious injury. Where the risk has increased, following no remedial action, then the headstone may be made safe. This would normally result in the dismantling of the memorial and laying it flat on the grave space or removal into storage.
3	Re-inspect within 5 years in accordance with inspection schedule	Memorials subject to re-inspection as part of a five-year rolling programme.

Modern lawn type memorials present a low level of risk due to their design, size and method of fixing. However, larger and older memorials may present a greater risk through instability requiring more immediate steps to reduce the risk to visitors and Council staff (e.g. restricting access, cordoning off or laying the memorial flat).

Where a temporary cordon is to be positioned around a memorial, the area to be fenced will need to cover a 1 metre swathe further than the potential fall zone of the memorial.

The Council recognises potential for upset and distress this may give rise to bereaved families, as well as the potential impact on appearance of a burial ground. In all cases where temporary measures have been taken to make memorials safe, steps to effect a permanent repair or resolve will be taken as soon as practically reasonable.

Employee Awareness guidelines

All Council employees who undertake works in the burial grounds shall be issued with general guidelines outlined in **Appendix B** to facilitate their reporting of memorials which are believed may be unstable. This will also be advertised on the Council's website and contained within the cemetery rules booklets issued to the bereaved families.

Communication prior to inspections

The sensitivities of the memorial inspection process and the management of the outcomes from it mean good communications are a vital consideration. Prior to inspections taking place the Council will place notices in burial grounds informing of the safety programme with contact number for those requiring further information. The notices will be sited on prominent entrance areas within the notice boards provided.

In the case of closed churchyards, should a notice board not be available, the Reverend of the Parish or Secretary to the Parochial Church Council should be contacted so that they are made aware and can communicate this to their congregation.

Communication with the public

Ownership of memorials rests with family of the deceased and for this reason communicating with memorial owners, the bereaved and the wider community as part of the arrangements for managing memorials is considered important.

Where memorials are found to require maintenance, every effort should be made to contact the family to effect repairs. Only when the memorial poses a significant risk, such as imminent collapse in a way that could lead to serious injury, will immediate action be taken to reduce the risk.

Other relevant controls

All memorial erections should comply with the NAMM (National Association of Memorial Masons) approved standards. This includes installation of ground anchor pins to secure the base of the memorial and stainless steel dowels to secure bases of the memorials to headstone sections. This method of memorial installation is to ensure all new memorials are

safe and secure. The Council shall require a signed declaration from Monumental Masons (the installer) to demonstrate installations conform to the NAMM Standards.

The issue of a right to erect a memorial is controlled under the Local Authorities Cemeteries Order, 1977. The Council grants permission to erect a memorial for a period of 20 years, any future renewal will be subject to a memorial being in sound and safe condition and in accordance with the relevant nationally recognised safety standards.

Record Keeping /Action Plans

Inspection records will be clear and unambiguous; for example; it should note any prioritisation; a record of those memorials that were judged high risk of collapse and precautions taken/planned to mitigate identified risk; also, the timescale for when the assessment/inspection process will be repeated.

The Council will maintain records identifying:

- Proper checks were carried out
- Those who might be affected were identified.
- Significant risks will be dealt with, taking account of the number of people who might be exposed, and the likelihood of the risk.
- Any precautions are reasonable, and the remaining risk is acceptable.

Training

Staff undertaking inspections in the burial grounds shall be trained to demonstrate a level of competence in the inspection and techniques for hand testing memorials and be competent to assess the risk of injury in a proportionate manner. Examples of the relevant training required would be a National Proficiency Tests Council (NPTC) Certificate of Competence for the Safety Inspection and Assessment of Memorials. Training will be delivered by a competent professional body; examples of such are the National Association of Memorial Masons (NAMM) or Institute of Cemetery and Crematorium Management (ICCM).

5. REFERENCES

This procedure reflects guidance set out in the following:

- Managing the Safety of Burial Ground Memorials - Practical advice for dealing with unstable memorials – Ministry of Justice
- Code of Safe Working Practice for Cemeteries – Institute of Burial and Cremations Administration (IBCA)
- Inspection and Safety Assessment of Memorials – National Association of Memorial Masons
- Special report Memorial Safety in Local Authority Cemeteries – Ombudsman for Wales.

Appendix A

MEMORIALS INSPECTION SHEET

MEMORIAL TYPE = i.e. Headstone, Kerbset, Book, Vase Block **SIZE** = A = Up to 1 metre, B = 1 metre to 2.5 metres, C = Over 2.5 metres

ROCK = Is the memorial rocking – yes or no. **JOINT** = Has the memorial failed at the joint – yes or no.

CRACKS = Has the memorial any cracks in it – yes or no. **LEAN** = Is the memorial leaning – yes or no. **IMAGE** = Digital image taken – yes or no

ACTION/COMMENT = Action taken or further comment about the memorial. **PRIORITY** = Priority of condition of memorial and level of risk

PRIORITIES = 1 Immediate Danger, 2 = Re-inspect in 12 months, 3 = Re-inspect in 5 years

Plot No.	Name	Mem Type	Size	Rock	Joint	Cracks	Lean	Image	Action Required/Comment	Priority	Further notes

CEMETERY..... **BLOCK**..... **INSPECTED BY** **DATE**.....

EMPLOYEE GUIDELINES

Employees undertake various maintenance operations in the burial grounds under the control the Council. These duties range from general amenity operations such as mowing and hedge cutting, to undertaking the burial operations and repair of walls, paths and fences.

All employees working in the grounds of any cemetery or closed churchyard shall be aware of the etiquette required and have regard for their own Health and Safety by reporting any unsafe memorial masonry or dangerous occurrences.

These guidelines are given to make employees aware of the risks involved in undertaking maintenance of these grounds and should be read in conjunction with the Council's risk assessments and Methods statements.

DO's

- Always report suspected defects to memorials or dangerous occurrences immediately to your Supervisor.
- Always be vigilant where you walk. Look out for trip hazards such as brambles, holes in the ground and dislodged kerb sets.
- Always be vigilant where you place your hands. Look out for hazards such as hypodermic needles and broken glass vases.
- Always wear the recommended personal protective equipment.
- Always ensure that the guards are in position on all mowing machinery.
- Always report any accident and fill in the accident book.
- Always be aware of wasp and bees nests in kerb sets and voids in the Burial Grounds.
- Always stand clear of leaning memorials (falling area) by using the mower only beneath the memorial.
- Always maintain a safe working distance between your colleagues to prevent injury from falling masonry in the event of an accidental impact from machinery.

DONT

- Never walk across any concrete kerb set or gravel covering the grave as this may hide underground subsidence of the grave.
- Never undertake any hand testing, report all suspected defects to your Supervisor.
- Never mow around suspect dangerous memorials with ride on mowers. The vibration of the heavy machinery may cause movement.
- Never enter enclosed fencing protecting unsafe memorials to mow the grass.
- Never allow hands or any part of the body to come into contact with the moving blades of mowing machinery.
- Never use a leaking, mechanically unsound or damaged machine.
- Never smoke whilst using mowing machinery.
- Lift fallen masonry unless a personal manual handling assessment of the stones weight has been undertaken.

Appendix C

Quarter	Month	Year	Location	Section	Description	Date Inspected	Inspected By	No of mems
1	January	2011	Shirland Killamarsh Cemetery	2	Blocks H-I	January	AG	601
				all	all	January	AJB	280
2	April		Pilsley Calow	all	all	May / June	AG / GK	480
				all	all	May	AJB	540
3	July		Temple Normanton Killamarsh Churchyard	all 1	all			
4	October		Shirland Killamarsh Churchyard	1 2	Blocks A-G			
1	January	2012	Hasland Cemetery Hasland Cemetery	1	Blocks A-B			
				2	Blocks C-D			
2	April		Hasland Cemetery Dronfield	4 all	Blocks G-J all			
3	July		Heath Ridgeway	all	all			
				all	all			
4	October		Clay Cross Old Brampton	all 1	all			
1	January	2013	Danesmoor Cemetery Danesmoor Cemetery	1				
				2				
2	April		Hasland Cemetery Old Brampton	3	Blocks E-F			
				2				
3	July		Danesmoor Cemetery Eckington	3 all	all			
4	October		Hasland Cemetery Middle Handley	5 all	Blocks K-M all			
1	January	2014	Danesmoor Cemetery Duckmanton	4 all	all			