



Westmorland  
& Furness  
Council

# Management and Safety of Memorials Policy

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# Introduction

Cemeteries have been a feature of the British landscape since the Bronze Age. Different societies have placed different values on the way they care for their ancestors. The legacy of cemeteries today are that many large, splendid features in our local environment have fallen into disrepair.

Since 1995 there have been several fatal accidents and countless less serious accidents involving memorials within cemeteries across the UK. This highlights the need for an inspection process. Many memorials on graves have become unstable and may pose a danger to the visiting public and those who work in the cemeteries.

The strategic aim of this policy is to make Westmorland and Furness' cemeteries safe places for staff, visitors and all others who may carry out work there. This policy covers the arrangements to be put into place for assessment, monitoring and remedial works required. The councils which Westmorland and Furness replaces have inspected memorials for a number of years and this policy reflects updated guidance and best practice gained from all areas.

The purpose of this policy is to make it clear to all stakeholders the responsibilities of the council in ensuring safety of cemetery visitors and the actions the council will take to deal with safety concerns identified during routine inspections.

## Terms

BRAMM - The British Register of Accredited Memorial Masons

BS8415 – The current British Standard for the erection of memorials

The Council – Westmorland and Furness Council

Memorial – A permanent structure that commemorates a deceased person such as a headstone, tombstone, grave surround, stone vase erected by a monumental mason.

Memorabilia – other forms of memorialisation found cemeteries such as flower holders, small potted plants, ornaments etc. It should be noted some items of memorabilia are prohibited under the councils Cemetery Regulations.

NAMM - The National Association of Memorial Masons

## Responsibilities

Westmorland and Furness Council must recognise its duty of care under the Health and Safety at Work Act 1974 with regard to the provision of safe places of work for members of staff and the extension of this duty to include the safety of members of the public and others visiting or working at their cemeteries. It also has a duty of care under the Occupiers Liability Act 1957, to ensure, as far as reasonably practicable, their sites are maintained in a safe condition.

## Purpose

The aim of the Management of Memorials policy is to ensure the council meets its legal obligation to manage the health and safety of its sites in relation to memorials. It also aims to ensure a fair and transparent approach to what is often an emotive topic.

# Scope

## Cemeteries

These regulations will apply with effect from 1<sup>st</sup> April 2023 to all cemeteries operated by Westmorland and Furness Council.

## Memorial Management

The management of memorials can be divided into two broad areas as well as a subsidiary category of memorabilia:

### New Memorials

Westmorland and Furness Council have introduced a memorial masons' registration scheme whereby all masons must be qualified through a recognised national association to become a member of the Memorial Mason Registration Scheme, new installations have to be fixed to nationally recognised standards as well as BS 8415 and all new fixings are inspected by Council Staff.

Only companies registered within the scheme are issued permits to work in Westmorland and Furness Council Cemeteries.

For further details on the process and safety considerations for new memorials please refer to the Monumental Mason Registration Scheme.

### Existing Memorials

These are those which have already been erected within the cemeteries and closed churchyards and which could present an immediate danger to the public if they are in an unsafe condition. If so they require immediate attention in order to prevent the possibility of injury.

Until relatively recently dangerous memorials appear to have been dealt with as 'one off' incidents by virtually all authorities. Only very unfortunate fatal incidents have brought health and safety to the forefront. Bereavement Services **manage 8 cemeteries, 15 closed churchyards and one closed burial ground (listed as appendix 1.0)** within the council boundary and all contain potentially dangerous memorials due to their age and size.

### Memorabilia

The council and its officers take a pragmatic and reasonable approach to the placing of memorabilia on graves where family wish to personalise a grave space whether a memorial is placed or not.

However the Cemetery Regulations make a number of notable comments with regards to memorabilia as follows:

<p>3.25 Cut Flowers and other personal tributes may be placed within the area of the headstone base in a suitable vase or container. Glassed Jars and bottles are not permitted as they are breakable and prove dangerous to the public and ground staff.</p>
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3.26 The council cannot accept responsibility for the safety of flower holders or their contents, and other items and reserves the right to remove any such articles including artificial flowers, which may have become broken or unsightly.

3.27 The council do not accept responsibility for any personal items which families place on their graves and reserve the right to remove any items not contained within the footprint of the headstone base (36"x18"); or which we deem as dangerous, a nuisance, or inappropriate.

## Inspection Policy

### Frequency

To comply with legislation and current guidelines from the HSE the Council is required to survey every headstone/memorial within cemeteries and closed churchyards on a rolling 5 year programme, to ensure that they are in a stable condition and do not pose any threat or danger to visitors and staff.

Council staff are professionally trained to undertake this survey and administer a rolling 5 year programme. Records are held within the Bereavement Services departments.

Each headstone is carefully assessed by a visual and hand test to check for movement of the memorial, further details are contained within this policy.

### Record Keeping

Information is held which provides inspection reports on:

- Those memorials requiring immediate attention and any action already taken
- Those requiring attention within a specified term (e.g. 12 months)
- Those memorials requiring attention by a structural engineer (i.e. those over 2.0m in height)
- Number of memorials inspected
- The total number of memorials

### Inspection Categories

Following inspection all memorials are categorised into three categories:

Category	Description	Response
3	Hand Test Pass – No Movement	Re-inspect in a maximum of 5 years.
2	Hand Test Pass- Movement not posing immediate risk	Consider remedial action to further lower risk if possible. Inform grave owner Re-inspect as required (max 12 months)
1	Hand Test Fail – Movement posing immediate risk	Take immediate remedial action Inform grave owner Re-inspect as required (max 12 months)

Such inspection categories are reasonable to provide adequate protection to the public and are achievable in terms of resource availability.

## General Risk Assessment

A general risk assessment of the cemetery or closed churchyard must be carried out prior to any work being carried out. The following factors should be considered:

- Size of Memorials
- Frequency of use by the Public/ Contractors/Funeral Directors
- Level of Vandalism

These risk assessments are held by the Bereavement Services Team and are shared with relevant staff. They are regularly updated and monitored to reflect the above factors as well as general safety concerns.

## Inspection Regime

The inspection of the memorials is split into 2 phases; the initial phase is as follows:

- Inspect and make safe where necessary, all memorials, 1 metre or over up to 2.0 metres in height, which pose an immediate risk.
- Simultaneously inspect and make safe, where necessary, all memorials under 1 metre in height.
- Visually inspect all memorials of 2.0 meters or over, cordon off any that show signs of instability and arrange inspection by a structural engineer or other suitably qualified person.

The inspection of each memorial consists of a full visual inspection, recording of findings, action taken and a date when carried out. This information is stored within Bereavement Services and registered owners informed where applicable.

## Rolling Inspection Programme

A systematic process has been introduced on a rolling program. Trained staff from the council move from section to section using appropriate statutory plans in order to ensure all memorials receive appropriate attention. Staff receive full and comprehensive training in the processes of visual inspections and testing of memorials.

Each memorial receives a full visual inspection in order to alert the inspector to any potential problems prior to testing taking place. Findings from the visual inspection are recorded. The results of the visual inspection are used to assess the possible risks that may be posed by the memorial. The risks are confirmed or otherwise by the physical inspection which follows.

Council staff can only inspect memorials of 2 metres and under. Memorials of over 2 metres require specialist advice by a structural engineer or other suitable person. Specific guidance and information in regards to testing of memorials are contained within the Risk Assessments which appear later in this document.

In accordance with these findings the memorials are categorised into the following:

Category	Description	Response
3	Hand Test Pass – No Movement	Re-inspect in a maximum of 5 years.

2	Hand Test Pass- Movement not posing immediate risk	Consider remedial action to further lower risk if possible. Inform grave owner Re-inspect as required (max 12 months)
1	Hand Test Fail – Movement posing immediate risk	Take immediate remedial action Inform grave owner Re-inspect as required (max 12 months)

On finding an unsafe memorial immediate action must be taken to eliminate the hazard or the potential of someone coming into contact with that hazard prior to its elimination. These actions may include temporarily laying the memorial flat, securing the memorial or the placing of any loose components onto the base of the memorial.

The risk assessment for undertaking memorial testing is kept within the department and is available on request.

## Inspection of New Memorials

As part of our Monumental Mason Registration Scheme all new memorials are inspected following their installation to ensure they meet our cemetery regulations and current standards. Further details on this can be found in our Memorial Mason Registration Scheme. Where issues are located during this stage a request to rectify will be made to the stone mason.

## Communication

To minimise negative press coverage and causing distress to cemetery visitors, prior to headstone testing taking place, communications will be sent via social media, and through the council's website to alert the wider community of the planned works.

Notices will also be placed at entrances to cemeteries where works are planned and on Cemetery notice boards where available explaining the planned works and how to find more information if required.

As soon as is practical following a test failure attempts will be made via recorded mail to contact the grave owner detailing their options to rectify the memorial and make it safe to current standards. If a grave owner is unhappy about the authority's decision to identify their memorial as being unstable a meeting can be arranged at the burial ground where they can witness a further inspection of the memorial.

## Personal Protective Equipment (PPE)

Inspectors should be prepared with adequate personal protective equipment for the inspections they will be completing as per the risk assessment. This may include protective footwear, gloves, goggles, safety helmet dependent on the type, height and age of the memorials being inspected and the type of remedial action necessary.



Staff should have access to adequate PPE even if its use is not envisaged to be prepared to react to any identified issue within a given cemetery.

## **Testing Procedure**

### **Visual Inspection**

Prior to any physical testing of a memorial a full visual examination must take place. This examination will alert the inspector to any possible faults, which may indicate that the memorial will fail the stability test and thus lead the inspector to take a more cautious approach.

Unless a full visual inspection is carried out prior to testing, the possibility exists for the memorial to fall suddenly on the exertion of minimum pressure possibly causing the inspector to fall and injure themselves.

The visual inspection should take into account all joints, kerbs and corner posts where present, angle of lean, cracks and faults, what type of stone, ground conditions and action of nearby trees, shrubs etc. This should then be recorded on the appropriate document.

### **Hand Testing**

As previously mentioned, all memorials up to a height of 2 metres are tested by trained staff. Staff must stand to the side of the memorial being tested and apply pressure in a forward motion. Memorials must never be pulled towards the operative. Staff must make sure no one stands in the radius of fall of the memorial being tested. Further details on this is contained within the Risk Assessment.

Should there be movement detected prior to the maximum test pressure being reached, the operative must cease testing. Where this movement could result in the sudden failure of the memorial it will be deemed unstable and immediate action must be taken. This action will be explained in the flow chart section to follow.

Memorials that are found to be stable but in need of some repair to kerbs will have the details recorded to create a schedule of work. Any part of the memorial that does pose an immediate danger must have immediate action taken to eliminate the risk.

Operatives must wear appropriate safety footwear and hard hats must be worn when inspecting memorials overhead height, and in particular when there is a danger of falling masonry.

The flow chart explains the inspection regime and indicates factors which place memorials in various categories.

### **Immediate Actions**

Whenever a memorial that poses an immediate danger is identified the operative must take immediate action to eliminate the hazard or prevent any person coming into contact with the hazard. Immediate action may necessitate the use of specialist lifting equipment, like a gantry or the application of a support structure.

The support structure must be seen as a temporary measure which will require the elimination of the hazard at a later specified date.

Immediate actions must be recorded together with further actions that are required. This information will be used to compile work schedules for further actions designed to eliminate hazards.

### Lawn Sections

On lawn sections within our cemeteries we will use one of the following methods to eliminate the risk in the short term while we try and contact the grave owner.

- Stake and band the memorial
- Lay the memorial flat
- Cordon off
- Monolith – sink in one third of the memorial

With all methods used a notice will be placed on or next to the memorial with information provided on why this has happened and with the Bereavement Services department contact details.

### Traditional Sections

On traditional sections within our cemeteries we will use one of the following methods to eliminate the risk in the short term while we try and contact the grave owner.

- Stake and band the memorial
- Lay the memorial flat
- Cordon off
- Monolith – sink in one third of the memorial

Where kerbs are present and pose a hazard they may be removed and buried underneath the turf to eliminate the risk they pose. This would allow for the grave owner if they wished to retrieve them and have them reinstated or reused for another purpose.

### All Sections

If contact with the grave owner is unsuccessful or does not have a satisfactory result following follow up inspections the council reserves the right under Article 16 of the Local Authority Cemeteries Order (LACO) to alter the position or re-erect a tombstone or other memorial within their cemeteries as part of the statutory duty to protect the health and safety of all visitors.

Where none of the above is a suitable action to ensure the health and safety of visitors to a site the council may use its powers under Article 16 of LACO to move a memorial to a safe location within a cemetery or remove from the cemetery.

With all methods used a notice will be placed on or next to the memorial with information provided on why this has happened and with the Bereavement Services department contact details.

## Ongoing Monitoring

Following the inspections a schedule of works will be drawn up to allow for the planning of future inspections this will include the mandatory 5 year inspections of all memorials as well as including the interim inspections to monitor temporary fixes applied.

A copy of this schedule will be held and updated by the Bereavement Services team.

## Records

A record of findings for each memorial will be recorded within the Bereavement Services administration system. The record for each memorial is considered to be the individual risk assessment and will be used to establish which category each memorial should be placed within. Memorials found to be in a stable condition will be recorded as such.

Records of at least the last two inspections will be retained in order to be able to demonstrate the history of inspection and action for each individual memorial, spanning a 5 year period.

The records will be used to compile works programmes (further actions) and re-inspection programmes (categorised memorials).