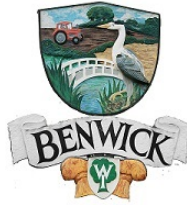


Benwick Parish Council



Memorial Safety Policy

Adopted February 2020 Item 197/19-20(b)

Reviewed at meeting 12th April 2021 item 266/20-21(n)

Reviewed at meeting 4th April 2022 item 232/21-22(n)



1. Introduction

- 1.1. In January 2009 the Ministry of Justice issued the new memorial safety guidance with emphasis placed on risk assessment and a proportional approach to any actions, based on the level of risk posed. The guidance represents good practice on the standard expected in the risk management of memorials in all types of burial grounds, public or private. With this in mind the following procedures reflect the new approach to memorial safety adopted by the Council.
- 1.2. The Guidance issued by the Ministry of Justice (MoJ) is, however, general guidance and needs to be applied to the Benwick Parish Council. This memorial safety policy is based on the MoJ guidance but provides detail on how the Council will follow the guidance. The Council has systems in place to control the risks from memorials to their employees, contractors, voluntary groups and members of the public. We owe a general duty of care to all those who use our cemeteries.
- 1.3. This policy now sets out a risk-based approach to ensure the Council takes a proportionate approach to managing the risk associated with memorials, based on good practice.
- 1.4. The safety policy will deal with
 - Notification of owners of burial rights of memorials
 - Public Notices
 - Staff Safety
 - Inspection and Remedial Procedures
- 1.5. The memorial safety policy will be applied to Benwick Cemetery.

2. RISK ASSESSMENT

- 2.1. The Council will:
 - Carry out a documented risk assessment to develop a profile of risks on the burial site - The cemetery will be assessed using a risk assessment process, whilst incorporating memorial safety as part of the Council's overall approach to health and safety. Each section within the burial site will be assessed to identify areas of high, medium and low risk, this will then be recorded on a site plan.
 - Identify hazards in relation to memorial safety - Any memorials within the Council's burial ground that are potentially hazardous to the public will be identified by following the 2009 Memorial Safety Guidance.
 - Decide who might be harmed and how - Will carry out all assessments in accord with the HSE's 5 steps to risk management and will properly assess the risks to all users of the Council's burial ground.
 - Evaluate the risks and decide on precautions - All risks posed by memorials will be properly evaluated through both the risk assessment and memorial inspection processes. A range of

suitable precautions shall be considered and utilised in a way that is proportional to the level of risk posed.

Risks will be evaluated using the following criteria, although the list is not exhaustive:

- Areas with memorials near main paths and drives
 - Well visited areas or memorials
 - Areas that attract anti-social behaviour
 - Areas with memorials on sloping or uneven ground
 - Areas with many large multi-part memorials
 - Areas with monolith memorials
 - Areas with badly weathered memorials
 - Areas with more recent memorials fitted to BS8415 / National Association of Memorial Masons (NAMM) standards
 - Condition of ground around memorials
- Record findings and implement them - Every memorial within the Council's burial grounds has been inspected and full records are maintained. All memorials will continue to receive an inspection of some sort, ranging from only a visual inspection, through to a full visual and hand inspection. Where a memorial fails the inspection, the appropriate actions will be recorded and a priority allocated.
 - Review memorial risk assessments and update if necessary – Burial ground risk assessments will initially be reviewed once every 12 months. Memorials will be inspected at least once every five years.

3.0 Procedure for Notification of Owners of burial rights of memorials

- 3.1 Owners of burial rights of memorials are responsible for maintaining memorials in a safe condition. However, in practice it can be difficult to trace owners of older graves, either because the original purchaser has been buried in the grave, their address details have changed, or because the family can't be traced.
- 3.2 Where memorials are identified as unsafe the Council will seek to notify the owners of graves in which the last burial has taken place within the last 40 years.
- 3.3 Where memorials are identified as unsafe the Council will not seek to notify owners of graves in which the last burial took place over 40 years ago, unless there is clear evidence that the grave is still

visited. Reliance will be placed upon signage within the cemetery, and notice on Parish Council Website to ensure owners of such graves are made aware of the work being carried out.

3.4 The administrative procedure will be as follows:

- Ensure notices in place in Cemetery and on website
- Inspect memorial
- If a defect is found, indicate so on the inspection records
- Identify a list of graves from records of memorials requiring letters (i.e. graves in which burials took place within 40 years, and in cases where there is evidence of visitation to graves where the last burial was over 40 years ago.)
- Clerk to locate last known address of owner & add to records, and send standard letter (Appendix 1)
- Action taken is logged on records
- Replies logged on records
- Two weeks prior to the end of the notification period a further letter sent to all non-responsive addresses indicating the action that will be taken if the owner does not effect a repair

4.0 Public Notices and Communication with Public and Religious Bodies

4.1 The Local Authorities Cemeteries Order 1977 places duties on burial authorities to notify owners of burial rights of memorials of the intention to undertake work to memorials. Whilst this does not necessarily apply to the making safe of dangerous memorials the spirit of the legislation will be followed wherever possible, as follows:

- Public Notice
A public notice will be placed on the Parish Council Website to notify owners of burial rights of memorials and relatives that inspections and remedial work will be taking place.
- Notices within the Cemetery
Notices will be placed advising cemetery visitors of the work that is being carried out. Notices will be of good quality and visually obvious for visitors.

5.0 Inspection of Memorials

5.1 The Council will:

- Carry out a visual check on all memorials – this will be carried out irrespective of the level of risk on the section, or type of memorial.
- Carry out a hand test – the test will be used in accordance with the assessed level of risk.
- Inspections will be proportionate to the level of risk identified in the section on which they stand - Each section of the cemeteries will be identified as high, medium or low risk. The areas will be inspected as follows:

5.1 Low risk - In most cases an initial visual and hand test will already have been completed. Where an initial inspection has not been carried out, a visual test will be sufficient, unless an individual memorial is

Memorial Safety in Burial Grounds



identified to have a defect, obvious during the visual test. In such cases a hand test will be then be undertaken in addition to the visual test.

- 5.2 Medium Risk - In most cases an initial visual and hand test will already have been completed. Where an initial inspection has not been carried out, this first inspection will include a visual and a hand test. In the majority of subsequent inspections a visual test and hand test will also be undertaken, unless an individual memorial is considered to pose a lesser risk following the visual test. In such cases a visual test may be deemed sufficient. Some memorials in medium risk areas may need specialist inspection and advice so appropriate procedures are in place to call on such specialist assessors.
- 5.3 High Risk - In most cases an initial visual and hand test will already have been completed. Where an initial inspection has not been carried out, this first inspection will include a visual and a hand test. In the majority of subsequent inspections a visual test and hand test will also be undertaken, unless an individual memorial is considered to pose a lesser risk following the visual test. In such cases a visual test may be deemed sufficient. Some memorials in high risk areas may need specialist inspection and advice so appropriate procedures are in place to call on such specialist assessors.

In a section considered to be a high risk, particular attention should be paid to memorials that could pose a significant risk to members of the public. An early decision should be made on any action needed to make the memorial safe, this should be proportional to the level of risk.

- 5.4 Prioritisation - A simple priority will be given to memorials when inspected, whether in a high, medium or low risk area. The priority indicates the level of risk the inspector considers is posed to the public based on the area in which the memorial lies and the inherent risk of the memorial itself. The priorities to be applied by the inspector are as follows:

- Priority 1 (Red) – Is considered to be an immediate risk of toppling and causing serious injury. Requires immediate attention to protect the public, employees and other visitors to the cemetery. Action: Immediate action will be required to significantly reduce the risk by using the appropriate means of making the memorial safe.
- Priority 2 (Amber) – Is considered to have potential of becoming a danger to the public, employees and other visitors to the cemetery, but is not in immediate risk of toppling and causing serious injury. Action: Re-inspect in 12 months
- Priority 3 (Green) – Is considered to be of little risk to the public, employees and other visitors to the cemetery. Action: Re-inspect in 5 years

- 5.5 Frequency of Inspection - Inspections of all levels of risk will be carried out on a minimum frequency of once every 5 years. As indicated above, any memorials showing early signs of instability will, in the interests of public safety, be monitored every 12 months, where this is considered necessary. Any memorials considered to be in such a condition where there is an immediate risk of them toppling and causing serious injury to members of the public will be immediately assessed and a decision taken on how the memorial will be made safe or repaired. Decisions on whether to invoke the 12 monthly monitoring or the immediate action to make safe or repair, will be taken in relation to the perceived level of risk of the individual memorial and the level of risk allocated to the section in which it lies, as identified from the site risk assessment.



5.6 Memorials over 2.5.m - Due to the diverse nature and complexity of these memorials, a visual check of all joints and any other areas of weakness will be carried out. The visual inspection will include a decision on whether further professional advice is needed.

- Priority 1 - will require more professional advice, i.e. a structural engineer. The area will be cordoned off and appropriate safety notices put in place until specialist advice can be obtained.
- Priority 2 – will require more professional advice within the next 12 months but does not pose an immediate danger to the public
- Priority 3 – will not require specialist advice as the structure appears sound.

During the visual assessment the inspector will assess whether the memorial is safe enough to warrant him/her doing a hand test.

5.7 Temporary Measures - Irrespective of whether a memorial lies within a high, medium or low risk area, if a memorial is considered to pose a significant risk and is likely to topple and cause serious injury to a member of the public, then a warning notice giving details of a contact number for the Council will be placed and an assessment of the need for repair or make safe will be carried out on an individual basis, and in consideration of the following options. All actions will be based on the likelihood of injury and will be proportionate to the level of risk.

5.7.1 Temporary measures will generally include consideration of the following:

- Warning Signs will be placed on or near the memorial found to be unstable.
- Cordoning off the memorial with:
 - hazard warning tape
- Laying down only if absolutely necessary.

6.0 Recording Results

6.1 Records will be kept as follows:

- Record of cemetery risk assessments and plans identifying the profile of risks on the site.
- Record of all visual and hand tests undertaken with detailed information on individual memorials tested.
- Record of any significant risks to be dealt with, taking account of the numbers of people who may be exposed, and the likelihood of the risk.
- Record of any reasonable precautions taken to ensure the remaining risk is acceptable.

7.0 MEMORIAL REGISTRATION SCHEME

Memorial Safety in Burial Grounds



7.1 All memorial masons must be registered under a registration scheme, which may incorporate a national scheme, such as the British Register of Approved Memorial Masons (BRAMM) or the Register of Qualified Memorial Fixers (RQMF) operated by the National Association of Memorial Masons (NAMM), or any reasonable equivalent. Masons must meet the following basic requirements:-

- Every mason shall be insured for public liability to the value of £5,000,000.
- Masons must be able to prove that their staff are suitably qualified and competent to carry out the necessary work within the Authorities Cemetery. If required companies may need to be business registered with BRAMM, or equivalent, and at least one fixer per installation may need to hold a BRAMM / RQMF Fixers' Licence, or equivalent.
- Discipline and Workmanship. All masons will comply with all statutory requirements, Cemetery Management Rules, the memorial masons registration scheme, the NAMM (National Association of Memorial Masons) Code of Practice and BS8415.
- All work shall be covered by a Certificate of Compliance to protect the bereaved against poor workmanship.

7.2 Notices - The memorials that are identified as unstable and made safe, other than by laying the memorial flat, will be identified using a warning sign, affixed to the memorial. The wording of the sign to be as follows:

IMPORTANT NOTICE UNSAFE MEMORIAL

It is with regret that we must inform you that this memorial has been inspected and has been found to be unsafe. Please do not touch or interfere with it in any way. The memorial can only be repaired by an approved mason.

The memorial has been reported to the Parish Council and attempts are being made to contact the owner of the grave.

For further information please contact:

The Clerk, Benwick Parish Council

Tel: 07842 700075

7.3 Where a memorial has to be laid flat then a notice will be attached on the front face of the memorial only. The wording will be as follows:

IMPORTANT SAFETY NOTICE

This memorial has been inspected and was found to be unsafe.
Please do not attempt to re-erect the memorial without the use of an approved memorial mason.

This is for your own safety

For further information please contact

The Clerk, Benwick Parish Council on

07842 700075

Memorial Safety in Burial Grounds



- 7.4 Signs shall be placed so as not to obscure any inscription or photo, and in a position to cause least offence. The banding is to be affixed firmly to secure the sign into the chosen position.



7.5 Choice of Make Safe Action

- 7.5.1 Burial within the last 40 years - Memorials on graves in which the first burial occurred within the last 40 years will be tested and warning signs placed on those that are unsafe. Make safe work will be based on a presumption that if practical and safe to do so, the memorial will be retained in an upright position on a temporary basis whilst awaiting a full repair by the owner of the grave rights. A risk assessment of the level of hazard will take place to identify whether the memorial needs to be fitted with a notice only or individually barrier fenced or laid flat. If the number of failures in a particular section is high then consideration will be given to installing barrier fencing around the whole section.
- 7.5.2 Upon the expiry of a 28 week notice period no further attempts will be made to contact owners, and if repairs are not arranged, memorials laid flat, unless they are in back to back formation. The ongoing maintenance of temporary options will become impractical after this period.
- 7.5.3 Burial over 40 years – Memorials on graves in which the last burial occurred more than 40 years ago will be tested and warning signs placed on those that are unsafe. Make safe work will be based on the presumption that the hazard must be removed if possible, therefore, the memorial will be laid flat. Laying flat will be the preferred action where kerb sets exist. If the grave shows signs of visitation the memorial will be retained in an upright position (if practical and safe to do so).
- 7.5.4 A list of failed memorials will be maintained at the Benwick Parish Council Office and lists will be posted, if possible, on the Council's web site.

8.0 Outline Policy of Work and Rationale

- 8.1 Whilst it would be ideal to remove the risk from the cemetery at once, in reality this is impossible. The intended approach is based on evaluating the hierarchy of risk and best use of the resources available.
- 8.2 Follow up Inspections and Making Safe - It will be necessary to return to previously inspected plots to make safe any memorials where an unsuccessful attempt was made to trace the owner. Work may be required to make memorials safe on a permanent basis.

9.0 Long Term Inspection Programme

- 9.1 A systematic rolling survey of each memorial will need to be undertaken by Benwick P.C at five year intervals, including any memorials identified for an annual inspection. A programme of remedial works can also be prepared, based on the information gathered during any inspection.

10.0 Installation of New Memorials and Re-fixing of Memorials Removed for Burial

- 9.1 The Council will immediately require all new memorials to be fixed in accordance with the recommendations of the National Association of Memorial Masons or Council approved method.

Memorial Safety in Burial Grounds



9.2 The same standard will apply to memorials that are removed and re-fixed by owners of burial rights of memorials when burials take place and also to the re-fixing of memorials that are identified during the inspection process.

9.3 Memorial masons should:

- Have satisfactory and proven experience.

- Comply with the NAMM Code of Working Practice or equivalent.

- Provide full construction details on application to erect a memorial.

- Provide public liability insurance, to a minimum of £5m.

Memorial Safety in Burial Grounds



APPENDIX 1

Proposed letter of notification to owners of burial rights of memorials

SAFETY INSPECTIONS – BENWICK CEMETERY,

MEMORIAL: GRAVE No

Dear

According to our records you are the registered owner of the burial rights of the above grave at Benwick Cemetery. If the address or ownership details are incorrect please could you telephone to let us know.

You may have read on the Parish Council Website or a Notice at the Cemetery that we are carrying out a safety inspection at Benwick Cemetery following a number of deaths and serious accidents that have occurred in cemeteries due to unsafe memorials.

Unfortunately, during the inspection the headstone on the grave in your ownership was found to be unstable. A small warning sign has been fixed to the headstone.

The Parish Council is only able to make the memorial safe and it is the responsibility of the owner of the grave rights to ensure the memorial is maintained in a safe condition. We recommend you contact the original supplier of the stone who may be willing to re-fix it at no cost to yourself under the terms of your purchase agreement.

I would be grateful if you could confirm, within the next 28 days, that you will arrange to have the memorial properly secured. This work must be carried out within six months of the date of this letter and must be carried out by a NAMM accredited stone mason. If we do not hear from you, the Council will need to make the memorial safe, which in some cases may mean laying the memorial flat.

I thank you in anticipation of your co-operation in the hope that we can work together to ensure that Benwick Cemetery remains a safe environment for all visitors.

Yours sincerely

Richard Robinson
Clerk



APPENDIX 2-General Safety Notice



IMPORTANT SAFETY NOTICE

Memorials in this cemetery may be unsafe. Benwick Parish Council will be commencing inspections in the near future. To ensure your ongoing safety, please assist Benwick Parish Council by keeping to the footpaths, not walking between memorials and ensuring children are supervised at all times.

Where memorials are found to be unsafe the Council will take steps to make them safe.

Should you have any concerns about the Council's safety policy or if you would like further information, please contact

Richard Robinson
Benwick Parish Council,
1, Holbrow Court,
Warboys,
PE28 2WF
Tel: 07842 700075



IMPORTANT NOTICE

UNSAFE MEMORIAL

It is with regret that we must inform you that this memorial has been inspected and has been found to be unsafe. Please do not touch or interfere with it in any way. The memorial can only be repaired by an approved mason.

The memorial has been reported to the Parish Council and attempts are being made to contact the owner of the grave.

For further information please contact:

The Clerk, Benwick Parish Council

Tel: 07842 700075

