

# Memorial Safety Testing Policy

September 2010.

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## **SECTION 1: INTRODUCTION: RESPONSIBILITIES AND RISKS**

### **1.1 Responsibilities**

Rossendale Borough Council, as a Burial authority has a duty of care under the Local Authorities Order 1977 to maintain the burial grounds in good order. This includes the four Cemeteries managed by Rossendale Borough Council (Haslingden, Rawtenstall, Bacup and Whitworth) and closed churchyards under our maintenance (St James Churchyard, Haslingden; St Mary's Churchyard, Goodshaw; Lower Deardengate (United reformed) Churchyard, Haslingden; Stonefold Churchyard, Rising Bridge and St Thomas's Churchyard, Musbury, Helmshore).

In addition there is a legal duty under The Health and Safety at Work Act 1974 and associated regulations such as the Management of Health and Safety at Work Regulations 1999 meaning that the burial authority must ensure that systems are in place to control risks to employees, visitors and members of the public. Unsafe memorials pose a risk to these people.

Morally, Rossendale Borough Council should protect staff and members of the public from harm.

Monumental masons have the responsibility to work in accordance with the National Association of Memorial Masons (NAMM) standards, ensuring memorial stones erected are safe and secure. However many of the memorial stones in RBC cemeteries are older than the current standards and so do not conform.

An owner of a memorial has the responsibility to maintain that memorial so that it does not present a safety risk.

### **1.2 Risks**

Reports of serious incidents involving unsafe memorials are relatively rare in the UK (8 fatalities in the last 30 years). Despite this, there is a heightened perceived risk and without a programme of testing the actual risk can not be determined.

Recent guidance by the ministry of Justice sets out a sensible approach to enable burial authorities to meet the legal responsibilities. By following the guidance and procedures for inspecting, addressing and making memorials safe the authority can demonstrate that they are doing what they can to minimise the risk to health and safety in a proportionate, sensitive and sensible manor.

This policy brings together that guidance and the procedures set out. It explains how inspections will be carried out, how memorials will be made safe and how we engage with visitors and memorial or grave owners throughout this process.

## **SECTION 2: PLANNING AND METHOD OF INSPECTION AND TESTING**

### **2.1 Prioritising**

Rossendale Borough Council adopts a risk based and proportionate common sense approach to inspecting and testing memorials. All inspection and testing will be carried out by appropriately trained officers who also have knowledge of the layout, usage and different type of memorials within our cemeteries. This allows inspections and testing to be prioritised based on the risks posed by certain types of memorial. The factors considered during this assessment and prioritisations are:

- Location – memorials close to paths or visited regularly; areas which may attract antisocial behaviour or attract groups during unsociable hours and areas of uneven ground.
- Memorial type – multi part memorials where joints may fail; the stone or material is readily eroded; and narrow bases which are more likely to fail than those with a wider base.
- Age – recent memorials should meet BS8415 and construction be in accordance with NAMM code of working practice and therefore be of good stability.

Taking the above factors in to account inspections will take place on a plot by plot basis in order of the cemeteries shown below with a focus on plots containing the oldest and largest memorials first due to the higher risk of a fatality posed by such memorials.

Haslingden Cemetery  
Bacup Cemetery  
Rawtenstall Cemetery  
Whitworth Cemetery  
St James Churchyard, Haslingden\*  
St Mary's Churchyard, Goodshaw\*  
Lower Deardengate (United reformed) Churchyard, Haslingden.  
Stonefold Churchyard, Rising Bridge\*  
St Thomas's Churchyard, Musbury, Helmshore\*

\*Where inspection and testing is being carried out to memorials in Church of England Churchyards a faculty must first be obtained from the Bishop. This faculty will grant the permission for the inspection and testing.

Memorials that are listed may be inspected and tested, however if repairs are required then consent must be sought via the principal Conservation Officer at Rossendale Borough Council.

War graves may be inspected and tested but any defects must be reported to the war graves commission for implementing repairs.

## **2.2 Communication**

Prior to any inspection or testing being carried out on site, visitors must be aware of what to expect and when. Good communication is important if the support of the community is to be gained as any programme could potentially lead to distress if not handled correctly – especially where improvements are required.

Rossendale Borough Council will notify visitors in two main ways:

- 1). Generally to explain why testing is happening and what to expect to see taking place in the cemeteries and churchyards over the coming months. The specific timescales will not be published at this stage. The media used will be variable including: Notices within cemeteries, the council's website, e-mails to councillors, press releases and use of local radio.
- 2). Specifically at the cemetery or churchyard a minimum of 4 weeks prior to inspection and testing. The exact plots will be stated.

In all cases a contact number will be displayed or given so that visitors have a dedicated team to discuss any issues or queries with.

## **2.3 Method**

The inspection and testing method is carried out in two stages.

1). The first stage being a visual inspection with the following potential problems being looked for:

- Movement of the memorial from its original position
- Kerbs breaking apart
- Unstable foundations
- Leaning (especially if recent)
- Damage / eroded bonding
- The presence of vegetation which may cause cracks to widen.

2). The second stage is a hand test, whereby the tester applies firm and steady pressure manually to the memorial in different directions to determine what degree the headstone is loose.

Larger heavier memorials must not be tested in this way, but will need the advice for a specialist memorial mason. The visual test generally determines if this advice is needed.

Where memorials have no visible defect the hand test may not be necessary.

## **2.4 Recording**

A record will be kept of all memorial inspections with the following details being taken and uploaded to a custom designed electronic burial administration system:

- Who carried out the inspection
- Plot and grave number
- The memorial will be placed in to one of three categories.  
Category 1 – requires immediate attention.  
Category 2 – unstable but unlikely to cause immediate danger.  
Category 3 – in good condition.  
With a brief explanation of the defect where necessary.
- Actions required / planned to make the memorial safe.

## **SECTION 3: MAKING THE MEMORIAL SAFE – TEMPORARY MEASURES**

### **3.1 Stages**

Remedial work to make a memorial safe is likely to be in two stages. Firstly, a temporary repair to relieve the initial danger or risk to visitors and staff; followed by permanent repairs to ensure the future stability of that memorial. In all cases what remedial work is carried out will be recorded.

### **3.2 Temporary.**

Any precautions must be proportionate to the risk of visitors and staff suffering harm. However the precautions will be put in to place without prior notification specifically to the grave owner.

The method used will be appropriate to the size and type of memorial. The options available are:

- Laying the memorial flat.
- Cordoning off the grave space.

### **3.3 Other options considered.**

Temporary measures can also include banding and staking to stabilise the memorial. However this will not be used as it incurs additional expense looks unsightly and stakes can be subject to vandalism.

Notices stating “unsafe memorial” could also be placed on the memorial however again this is unsightly and considered insensitive. There is also the fact that notices do not reduce the risk but merely highlight the instability of the memorial stone.

## **SECTION 4: PERMANENT REPAIRS**

### **4.1 Options for permanent repairs.**

In all cases where temporary safety measures have been taken, steps to effect permanent repairs will be instigated. This may be commissioning works directly as a matter of urgency or initiating contact with the “right of burial” owner.

The available options for permanent fixing are as follows, they are not listed in a priority order as the method selected depends on the size, type and condition of the memorial.

- **Re-fix the memorial with a ground anchor or NAMM approved method.** The memorial is anchored with a stainless steel dowel, through a concrete foundation in to the ground. Most memorials, in good condition, can be re-fixed with ground anchors. This method can be relatively costly when compared to other options.
- **Bury the memorial one third in to the ground.** The memorial is buried between 25% and 35% of its height in to the ground at the head of the grave space. This method can be used for any memorial but is a particularly appropriate method for larger memorials. This is considered a more cost effective method. However, it is likely that in some cases inscriptions on the memorial will also be below ground level and therefore prior to sinking a photograph of the memorial will be taken and stored with cemetery records.
- **Bury the memorial entirely within the grave.** The memorial is buried within the grave space just below the surface and no deeper than 600mm. This method can be used for memorials that can not be re-fixed in any other way, such as multi component memorials, loose kerbs and broken memorials.
- **Lay down the memorial.** The memorial is carefully laid down within the grave space with the inscription facing upwards. This method would only be used as a last resort for memorials that are unsuitable for any other form of fixing (as it then poses an obstacle for grounds maintenance, access and future grave digging operations).
- **Tidy components within the grave space.** Multi component memorials can be tidied within the grave space. This includes items such as kerbs, crosses, broken headstones and vases. Dangerous items will be collected and disposed of sensitively.

In all cases the grave owner will be informed of the preferred option allowing consultation where contact with that person has been possible.



## **SECTION 5: SAFETY PROCEDURE**

### **5.1 Categorising the risk.**

The level of risk posed by an unsafe memorial can differ. There will be those which although unstable they are not likely to fall under normal circumstances. There will also be some found to be of a particularly high risk where all or part of the memorial is in imminent danger of falling.

### **5.2 Category 1: requires immediate attention.**

When a memorial is found to be imminently dangerous then temporary measures to reduce the risk of harm will be made within 2 working days of the inspection and test. The temporary measure opted for will be dependent on the size and type of memorial.

### **5.3 Category 2: unstable but unlikely to cause immediate danger.**

In these cases temporary fixing is considered unnecessary, but permanent repairs will be arranged.

In all cases notification of memorials requiring repairs will be displayed on notice boards prominently located within the cemetery and contacting "right of burial" owners will be initiated. This is explained in the next section.

### **5.4 Category 3 – in good condition.**

Records kept but no actions required.

### **5.5 Access and operations.**

Public access will be permitted as normal while testing is carried out. Burials and grounds maintenance will also continue as normal.

There may be localised restrictions to grave spaces to allow remedial works to occur.

## **SECTION 6: CONTACTING THE MEMORIAL OWNER**

### **6.1 Reason for contacting**

When a memorial is found to be unsafe and requiring permanent fixing, regardless of the category, measures to locate and contact the grave or memorial owner will be taken. The reasons for this being:

- The owner of the “right of burial” is responsible for the maintenance and upkeep of the memorial and has a duty to ensure it is safe.
- Courtesy to inform them of the situation.
- Opportunity to recover costs
- Allow the owner to organise with works themselves using a preferred mason (must be BRAMM registered).

### **6.2 Contact method and detail.**

Contact will be in the form of a letter to the grave owner using the last known address according to cemetery records and also none specifically via notice boards in cemeteries.

Letters will be sent out within two weeks of testing and will contain the following information:

- Date memorial was tested.
- Brief explanation of the problem, what temporary measures have been taken for safety reasons and what permanent repairs are required (preferred option).
- Statement explaining their responsibility.
- A request to contact us and let us know if they wish to make own arrangements.
- Timescale of 3 months to contact Rossendale Borough Council.
- Clear contact details at Rossendale Borough Council

If we can not locate the grave owner, do not receive a reply to the letter or the owner is happy for Rossendale Borough Council to undertake the work then permanent repairs will be made at the expense of the council.

It is expected that category 1 risk memorials are likely to be the older and larger type, whereby the grave owner is unlikely to be contactable and the grave probably no longer visited.

The details of any communication and the outcome will be recorded along with previous records on an electronic system.

### **6.3 Closed Churchyards**

Where testing has occurred in a Church of England Churchyard and memorials are found to require repairs Rossendale Borough Council will carry out any temporary fixing, but it is the responsibility of the church to contact the grave owner (for arranging permanent repair). In addition to this they must also demonstrate and evidence the methods used to contact grave owners such as notices and press releases.

## **SECTION 7: FINANCIAL IMPLICATIONS**

### **7.1 Responsibility.**

Memorials are not owned by Rossendale Borough Council and therefore they are strictly not our responsibility to maintain. However as the council has a legal duty to ensure the safety of burial grounds then inevitably the council should expect to incur the costs.

### **7.2 Options.**

A number of options regarding the cost of repairs were considered and discussed. These being:

- Rossendale Borough Council carrying out the repairs and then pursuing recovery of all costs from the owner of the “right or burial”.
- Requesting contribution in part or whole from the owner of the “right or burial”, but repairs carried out at the expense of Rossendale Borough Council.
- Stating that the owner of the “right or burial” must arrange for and ensure repairs are carried out at their expense.
- Rossendale Borough Council arranging for repairs, ensuring these are carried out and all costs incurred by the council.

### **7.3 Chosen Option.**

Discussion between staff and consultation with neighbouring authorities has meant the option below has been chosen:

- *Rossendale Borough Council arranging for repairs, ensuring these are carried out and all costs incurred by the council.*

The owner of the “right or burial” will be written to (see previous communication section) being informed of the selected method of permanent repair. They will then be given the option of contacting the council to discuss this – which would allow alternative arrangements to be made on an individual basis should the customer prefer a different solution.

Although this option is the most costly, it is the least risky and most efficient method of completing repairs. It does not discriminate between people who can and can't afford to pay and does not cause tension between customers.

## **SECTION 8: EVALUATION AND RETESTING**

### **8.1 Evaluation**

Throughout the testing and making safe process a great amount of detail regarding each grave will be taken. This will be stored on an electronic system allowing information to be tracked and checked..

### **8.2 Retesting**

Retesting should occur every five years and it is expected that repairs will be far fewer and much less costly.

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