



WIMBORNE
Est:1856 CEMETERY

Memorial Safety Policy and Procedures

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1. Background

Awareness of the potential dangers of memorials were heightened in 1995 when there was a death caused by a memorial falling on a young girl in Toxteth Cemetery in Liverpool. In response, the Confederation of Burial Authorities carried out research into the management of memorials in cemeteries. It was found that from 1992 to 1996 there had been five deaths due to falling memorials in cemeteries and many more significant but less serious injuries.

As a result of the research, guidelines were developed for local authorities to ensure that suitable inspection procedures were put in place to inspect memorials and take appropriate action for the safety of the public. Where applied in a sensitive manner there have been improvements in safety with little concern from members of the public.

However, due to more of an emphasis on health and safety and with little consideration to a proportional and sensitive approach to the issue, some authorities were subject to considerable criticism and public concern was also raised about the methodology employed by some authorities. This resulted in a review of the memorial safety guidance carried out by the Ministry of Justice. The review was led by the Health and Safety Executive with a sub-group comprising of burial ground operators, memorial masons, and cemetery managers. The insurance industry and the Local Government Association were also consulted.

In January 2009 the Ministry of Justice issued the new memorial safety guidance entitled "Managing the Safety of Burial Ground Memorials", with emphasis placed on a proportional approach to any actions, based on the level of risk posed. The guidance was supported by most organisations on the subgroup and represents good practice on the standard expected in the risk management of memorials in all types of burial grounds, public, private, or ecclesiastical. It is likely that the good practice detailed within the Ministry of Justice guidance, will be used as a basis of any investigation that may be carried out by the Health and Safety Executive throughout the UK.

In May 2015, an eight-year-old boy was killed by a falling memorial in Craigton Cemetery in Glasgow. During the recent inquest it appears apparent that suitable systems were not in place for the inspection of memorials. This has heightened awareness of the dangers posed by memorials in burial grounds and UK Parliament has now issued further guidance on "Unsafe Memorials in Cemeteries" in January 2017.

Wimborne Cemetery Joint Management Committee (JMC) has developed systems outlined in this memorial safety policy and based on available guidance, to control the risks from memorials to their employees, contractors, friends' groups, volunteers, and members of the public. We owe a general duty of care to all those who use Wimborne Cemetery.

2. Responsibilities for Memorial Safety

The JMC has health and safety responsibilities to its employees, contractors, and visitors to Wimborne Cemetery. The JMC has a responsibility to staff (Section 2 Health & Safety at Work Act 1974) and a responsibility to visitors (Section 3 Health & Safety at Work Act 1974) and the Occupiers Liability Act 1957. The Management of Health & Safety at Work Regulations 1999 places a legal duty on the JMC to assess the risks from cemetery structures and work activities and ensure the risks are controlled.

A monumental mason has the responsibility to work in accordance with the JMC's conditions and specifications for memorials as laid down in the Cemetery Regulations and are legally liable for the work they carry out and should ensure that memorials are installed safely and in accordance with current standards available within the industry i.e. BS8415, The National Association of Memorial Masons (NAMM) Code of Working Practice and the British Register of Accredited Memorial Masons (BRAMM) 'Blue Book'. 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).

An owner, the exclusive Right of Burial holder (or successor in title) of a memorial has the responsibility to maintain it so as not to present a hazard. They also have the responsibility and liability for all expenditure incurred to make safe their memorial in the event it is found unsafe or in a dangerous condition, including reversal of any works undertaken by staff on behalf of WMJMC to make it safe. This is not the responsibility of the JMC.

3. Purpose of this Memorial Safety Policy

To provide a consistent system of managing the safety of memorials within Wimborne Cemetery, that is transparent to the public, councillors, staff, and any voluntary groups who use, or have an interest in the safe operation of, Wimborne Cemetery.

4. Risk Assessment

The JMC will:

- carry out a documented risk assessment to develop a profile of risks - Wimborne Cemetery will be assessed using a risk assessment process that will ensure consistent results, whilst incorporating memorial safety as part of the JMC's overall approach to health and safety on the site. Each section within cemetery 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 Wimborne Cemetery that are potentially hazardous to the public will be identified by following the 2009 Memorial Safety Guidance (see page 2)

- Decide who might be harmed and how –
The JMC shall carry out all assessments in accord with the Health and Safety Executive's five steps to risk management and will properly assess the risks to all users of the site
- 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) Code of Practice
 - condition of ground around memorials
- Record findings and implement them –
Every memorial within Wimborne Cemetery will be inspected and full records maintained of any that are considered to pose a danger to the public, together with any action being taken to significantly reduce the level of risk.
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 at least once every five years.
- Review memorial risk assessments and update if necessary –
Burial ground risk assessments will initially be reviewed once a year or earlier if required.

5. Communication and Notice of Intent

The JMC is aware that the testing of memorials is a sensitive issue and will endeavour to ensure that adequate and regular communication is maintained with the public. The JMC, or its nominated contractor, will:

- Ensure notices are displayed within the Cemetery grounds to warn the public of the potential dangers of memorials, advise the public who to contact with any queries or concerns, advise of inspections taking place and, where necessary, fulfil any other obligations under existing health and safety legislation.

- Update the Wimborne Cemetery website to advise the public of all inspection work, why it is necessary and that all work shall be carried out in accordance with the Ministry of Justice Guidance.
- When memorials are found to be unstable, letters to grave owners will be issued, wherever this is possible, appropriate and where contact details are available. Attempts will be made to contact the grave owner as soon as possible to notify them that their memorial is unstable. The owner will be given the opportunity to have it repaired at their own cost and to BS8415/National Association of Memorial Masons Code of Practice standards which are current at the time of repair. If a memorial poses a serious risk or if the owner cannot be traced or wishes not to undertake any repairs, then, in the interests of public safety, the JMC retains the ability to lay the memorial down immediately or take other action to make the memorial safe. It is the responsibility of the grave owner to keep our records up to date with changes of address and contact details.

6. Inspection Process

The JMC, or its nominated contractor, will:

- Ensure all staff are suitably trained – all inspectors shall be trained to meet the standards specified in the Ministry of Justice guidance entitled “Managing the Safety of Burial Ground Memorials”. Training will be refreshed as required.
- Carry out a visual check on all memorials – this will be carried out irrespective of the level of risk in the section, or type of memorial.

There is a duty placed upon the authority and the inspectors to take due care of the heritage of memorials within the site. It will be the responsibility of inspectors to be able to identify styles of memorial or memorials that may have other heritage interest and treat them with due care should such memorials be found to be unstable.

- Carry out a hand test – the test will be used in accordance with the assessed level of risk.
- If required, a mechanical device may be used to measure the force at which a memorial has failed the inspection – occasionally a mechanical force measuring device may also be used, when necessary, to check the accuracy of a hand inspection. The mechanical device will also be used as a training tool to ensure the consistency of staff inspections.
- Priority of inspections will consider whether the memorial is in a high-risk area – areas of the cemetery may be identified as high-risk and inspections in these areas will be prioritised. An area may be considered high-risk if it is adjacent to a public pathway, more frequently visited, or contains a higher frequency of memorials that have visible signs of damage or defects.

6.1 Visual Checks

All memorials will be visually inspected for defects or signs of instability. Operatives will look for:

- damaged or eroding bonding
- joints that are no longer intact
- 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 to widen
- poor/unstable ground conditions or

Commonwealth War Graves will only undergo a visual check; any observable defects will be reported immediately to the War Graves Commission.

6.2 Physical 'Hand' Test

Prior to any physical test a safety assessment will take place as follows:

- an overall visual inspection of all memorials for the purpose of assessing signs of instability and as part of the overall risk assessment process; a structural engineer will inspect memorials more than 1500mm in height
- a physical hand test of memorials between 625mm and 1500mm in height to assess any lateral movement following the visual inspection
- memorials below 625mm in height should be assessed to establish whether there is any benefit in applying any force to the memorial

The physical testing will only take place when there is no risk to other persons and will be done using a hand test.

Force testing equipment will only be used in the case of dispute.

The procedure for carrying out a hand test is as follows:

- the inspection operative will stand to one side of the memorial and apply a firm but steady pressure in different directions to determine to what degree, if any, the headstone is loose
- a gentle pressure/force should be gradually increased until a force of approximately 25kg is applied. This force should be exerted in one direction, away from the body and should be repeated from the back of the memorial. Other physical hand tests from the sides of the memorial may also be required on certain designs. The force should be applied at the apex of the memorial or a high up the memorial as can comfortably be reached. A memorial that is an

'immediate danger' to the public is one that fails the testing procedure and/or will not withstand a force approximating 25kg. The memorial only fails if, because of the continuing application of 25kg or less, the memorial would continue to move and eventually fall to the ground.

6.3 Memorials over 2.5m

Memorials over 2.5m will only be inspected visually in accordance with the training provided. Where the visual inspection indicates that a problem may exist, the inspector will take immediate action to cordon off the memorial pending a full inspection by a structural engineer. A structural engineer will be used to inspect all memorials over 2.5m in height commencing with those identified by the inspector as possibly posing a hazard.

6.4 Classifying the Memorial

One of three simple classifications indicating the priority of action will be given to memorials when inspected, whether in a high, medium, or low risk area. The classification 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 risk categories to be assigned by the inspector are as follows:

- High Risk Category 1 – considered to be at risk of toppling and causing serious injury to the public, employees, and other visitors to the cemetery. The JMC will take immediate action to make the memorial safe or to stop the public accessing the memorial: this could be on a temporary basis for a period of up to 12 months, either by supporting it with stake and banding or cordoning it off, in conjunction with posting a warning sign on the memorial, or on a permanent basis by laying the memorial down within the grave space, inscription side up.
- Medium Risk Category 2 – the memorial is not an immediate danger to the public but is not fully stable and will, therefore, need to be monitored every 12 months to assess any further deterioration of the memorial. The construction, material used, or position of the memorial may also qualify it as risk category 2.
- Low Risk Category 3– the memorial is perfectly stable or below 625mm in height and will only need to be inspected in 5 years' time.

6.5 Frequency of Inspection

Inspections of all levels of risk will be carried out on a minimum frequency of once every five 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.

Decisions on whether to invoke the 12 monthly monitoring or the immediate action to make safe, 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.

6.6 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 an assessment of the need for repair or make safe will be carried out on an individual basis, in accordance with the training provided and in consideration of the following options. All action will be based on the likelihood of injury and will be proportionate to the level of risk.

A decision will also be taken on whether a warning notice should be placed, giving details of a contact number for the Cemetery Clerk.

Temporary measures will generally include consideration of the following:

- warning signs - placed on or near the memorial found to be unstable
- cordoning off the memorial with appropriate material to restrict the public accessing the memorial
- mechanical support to the memorial (i.e., a wooden stake and banding) - these will be placed discreetly to help support the memorial whilst the Cemetery Clerk attempts to contact the grave owner.
- laying down the memorial flat within the grave space, inscription face up, if necessary

Where a memorial has been temporarily supported, supports will remain in place for a maximum period of 12 months. If after this time attempts to contact the owner have been unsuccessful, the memorial will be made permanently safe by laying it down within the grave space, inscription side up.

7. Inspection Records

Inspections shall take place utilising data currently held by the Cemetery Clerk. All memorials will receive an inspection in accordance with procedures identified previously in this policy, any memorials which fail the inspection process, and are considered a significant risk to members of the public, shall be recorded onto the electronic database indicating the following:

- section
- grave number
- name of the first interred
- height of memorial (either <625mm, 625mm – 1500mm or >1500mm)
- ground condition
- type of memorial (description)
- headstone material
- comment on memorial condition and what action is required.
- classification of risk category (1, 2 or 3)
- pass / fail
- reinspection date
- date of inspection
- name of person carrying out the inspection
- GPS location
- photo of memorial

8. Contacting the JMC

The JMC is aware of the sensitivity of the work carried out in cemeteries and this Policy addresses the need to maintain a sensitive approach whilst addressing health and safety issues relating to potentially unstable memorials within Wimborne Cemetery.

Should anyone have any queries or concerns regarding this Policy then they should contact:

Rebecca Hoyland, Cemetery Clerk, Wimborne Cemetery.

Address: c/o Wimborne Minster Town Council, 37 West Borough, Wimborne Minster, BH21 1LT.

Telephone number: 07434 256392.

Email: clerk@wimbornecemetery.co.uk.

Website: www.wimbornecemetery.co.uk

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