

**JOINT BURIAL COMMITTEE OF CLAYBROOKE PARVA, CLAYBROOKE MAGNA AND ULLESTHORPE
PARISH COUNCILS'**

MEMORIAL SAFETY POLICY

1. INTRODUCTION

The intention of this policy is to set out how the Joint Burial Committee will undertake the management of any significant risks from memorials, within its cemetery in a sensible and appropriate manner. However, since the general risk can be deemed low it is not the intention of this policy to cause any unnecessary concern, only to provide guidance to any questions that may arise by any concerned party and to provide an assurance that memorials are properly managed.

The Joint Burial Committee is duty bound under the Management of Health and Safety at Work Regulations Act to assess reasonably foreseeable risks from its activities and to put in place control measures that will reduce the risks – so far as is reasonably practicable.

It is the Joint Burial Committee's intention to follow the latest guidance from the Institute of Cemetery and Crematorium Management (ICCM) on memorial safety and the Ministry of Justice – 'Managing the safety of Burial Ground Memorials'. The Joint Burial Committee will take appropriate action to any memorial deemed unsafe within the Claybrooke Cemetery.

Memorials within the cemetery, which after testing are found to be unsafe, dangerous or in poor condition will be cordoned off. Reasonable endeavours will be made by the Joint Burial Committee to contact any concerned parties before any further action is taken. (Priority will always be given to making safe, higher risk memorials).

2. BACKGROUND

In recent years the safety of memorials has become a focus of much attention and debate. Guidance from the Ministry of Justice (2009) states that over the previous 30 years eight people in the UK have been killed when a memorial has fallen on them. Given the number of memorials and the number of visitors to burial grounds in any one year, the risk of any injury is "extremely low." Action to manage risks in burial grounds, therefore, needs to be sensible, proportionate and undertaken in a sensitive way.

Statistics from the ICCM indicate that there have been many serious injuries caused by unsafe memorials. They also highlight the instances where local authorities have been investigated by the Health & Safety Executive (HSE) and improvement notices issued. In the most serious cases the HSE has threatened prosecution.

The Joint Burial Committee is bound by the conditions of the Local Authorities Cemeteries Order 1977. It has a legal duty under the Health and Safety at Work Act 1974, Management of Health and Safety at Work Regulations 1999 and Occupiers Liability Act 1957 to ensure that its burial ground is a safe place to work and visit.

Managing memorial safety, therefore, is an essential part of controlling the risks to health and safety.

3. JOINT BURIAL COMMITTEE POLICY

The purpose of this policy is to set out the Joint Burial Committee's position in all areas of memorial management including what procedures have been adopted for the treatment of memorials that are

found to be unsafe. No part of this policy will replace the Joint Burial Committee's responsibilities and duties under health and safety legislation or other legislation covering burial grounds.

3.1 NEW MEMORIALS

All new memorials must conform to maximum size criteria as set out in the Joint Burial Committee's rules and regulations. Details of specific restrictions are available from the Joint Burial Committee on request or on the Joint Burial Committee's website. The Committee have agreed that grave edgings will not be permitted in the cemetery extension however, quarter, flat in front of the memorial are subject to approval by the Committee.

3.2 CARRYING OUT MEMORIAL SAFETY INSPECTIONS

Prior to commencing memorial safety inspections, the Joint Burial Committee will follow a notification procedure as set out under the Local Authorities Cemeteries Order (LACO) 1974. This includes a notice in the cemetery and in local papers (newsletters of the three parish councils, if applicable). Notification will also be given on the website of the Joint Burial Committee and on the notice boards and websites of the three parish councils.

The Joint Burial Committee will carry out safety inspections on all memorials in the cemetery every five years. All memorial safety inspections will be carried out by suitably trained persons in accordance with ICCM and Ministry of Justice guidelines. A record of all memorial inspections and the results of these inspections will be kept by the Joint Burial Committee.

For each memorial inspected a Risk Assessment will be completed. This assessment will provide a hazard rating (severity of outcome) and likelihood rating (probability of outcome), which will in turn be used to calculate the risk associated with the memorial and whether or not further action to control that risk is required. The inspection will include both a visual check and a hand test. The hand test will be used to determine stability of the memorial. Even where a visual check reveals no sign of defects the hand test will be used 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. This will be used to determine if or to what degree the memorial is unstable.

The Joint Burial Committee acknowledges that memorials fitted with a ground anchor may move when tested. Inspectors are trained to identify when a ground anchor has been fitted and, therefore, would not fail the memorial for movement at the base to foundation joint, as the memorial will 'lock' on the ground anchor. Mechanical force measuring equipment will not be routinely used to test the stability of memorials. Such equipment will only be used if the safety of a memorial is under dispute. In these circumstances mechanical force measuring equipment may be used to confirm that the memorial is unable to withstand a force approximating 350 Newtons (circa 35kg) and is, therefore, an 'immediate danger'.

3.3 PROCEDURE FOR CONTACTING MEMORIAL OWNERS

At least 28 days prior to starting memorial safety inspections notices in accordance with 3.2 above will be placed. These notices will detail what is being done, when it will be done and how people can obtain further information.

If a memorial is found to require maintenance reasonable endeavours will be made to contact the memorial owner to undertake repairs. The methods of contact will be:

1. A notice attached to the unsafe memorial;
2. A letter to the last known address of the memorial owner;
3. A notice on the website of the Joint Burial Committee and the websites of the three parish councils.

If the Joint Burial Committee receives no response a further letter will be sent after three-months. It will inform the owner that their memorial has been found to be unsafe and details of the action needed to be taken. If there is no response a third and final letter will be sent after six months.

If there is no response the Joint Burial Committee, will take the necessary steps to permanently make safe the memorial. This will also apply to memorials where the memorial owners have been contacted and they are unwilling or unable to undertake a repair. The timescale for the Joint Burial Committee to permanently make safe memorials is dependent on the level of risk from the memorial. High risk memorials will be made safe after six months, medium risk after one year and low risk after two years.

3.4 DEALING WITH UNSAFE MEMORIALS

Different identified levels of risk will result in the following action:

Low risk memorials – inspect on 5-year cycle.

Medium risk memorials – inspect on a 2-year cycle.

High risk memorials – Ministry of Justice advice states ‘only when the memorial poses a significant risk, such as imminent collapse in a way that could lead to serious injury, does immediate action need to be taken to control the risk’. Based on this advice when a memorial poses a significant risk one or more of the following actions will be taken:

- i) A Safety Notice informing people that the memorial has found to be unsafe and the action to be taken by the owner will be displayed on or near to the memorial.
- ii) A temporary Make Safe Structural Support will be used to secure unsafe memorials whilst the memorial owner is contacted and repair arranged. These supports will be used for a maximum of six months.
- iii) Fencing/Cordoning off unsafe memorials may be necessary under some circumstances e.g. for very large memorials or where a significant number of memorials are unsafe within a specific area.
- iv) Memorials will be Laid Flat if there is no other practical means of making the memorial safe or where the memorial owner has requested it.

Temporary make safe structural supports will be used on memorials that pose an immediate risk to safety whilst the memorial owner is contacted. Where a memorial poses only a low risk a safety notice will be placed on the memorial and the memorial owner notified.

Where after at least six months from being found to be unsafe the Joint Burial Committee has been unable to contact the memorial owner a decision will be taken as to how to make the memorial safe. Under these circumstances the memorial will be partially buried in the ground, permanently laid flat or repaired. Where the memorial owner has been contacted but is unwilling or unable to have the memorial repaired, the owner will be given the choice to have the memorial partially buried or permanently laid flat.

If no memorial owner can be found but a memorial is determined to be of heritage or amenity value, the Joint Burial Committee may decide to repair a memorial. In these circumstances any relative being found in the future would be requested to pay the cost of the repair. The Joint Burial Committee will make no charge for applications from memorial masons to carry out repairs to an existing memorial.

3.5 RECORDS RELATING TO THE INSPECTION OF ALL MEMORIALS

All memorials will be inspected on a 5-year cycle and a record kept of the inspection. Records will include information that will assist in locating memorials in future inspections, information on the visual and hand tests, an assessment of the priority and any action taken.

EXAMPLE OF UNSAFE MEMORIAL NOTICE

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 stone mason. The Joint Burial Committee is attempting to contact the owner of the grave. For further information please contact the Clerk to the Joint Burial Committee. [\[Contact details to be inserted\]](#).

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