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# Memorial Safety Policy and Procedures

## **1. Background**

Awareness of the potential dangers of unsafe memorials were heightened in 1995 and 2001 following the deaths of a nine year girl and six year old boy caused by memorials falling on them. As a result guidelines were developed for local authorities to ensure memorial inspection procedures were put in place. 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 represents good practice on the standard expected in the risk management of memorials in all types of burial grounds, public, private, or ecclesiastical and will be used as a basis of any investigation that may be carried out by the Health and Safety Executive. Further guidance, Unsafe Memorials in Cemeteries, was issued in 2017 following the death of an eight year old boy killed by a falling memorial in Glasgow. Burnhope Parish Council (the Council) has developed systems outlined in this Policy based on Ministry of Justice guidance and the Institute of Cemetery and Crematorium Management (ICCM).

## **2. Responsibilities for memorial safety**

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

A monument mason has the responsibility to work in accordance with the Council's conditions and specifications for memorials as laid down in the Cemetery Regulations and are legally liable to seek permission 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).

The owner (s) of a memorial (Exclusive Right of Burial) has the responsibility to maintain a memorial so as not to present a hazard and are liable for all expenditure incurred to make their memorial safe in the event it is assessed as unsafe or in a dangerous condition, including works undertaken by staff or contractors on behalf of the Council to make a memorial safe as per this Policy and guidance.

### **3. Purpose of this Policy**

To provide a consistent system of managing the safety of memorials within Burnhope Parish Council Cemetery, that is transparent to the public, councillors, staff, or anyone who has an interest in the safe operation of, Burnhope Parish Council Cemetery.

### **4. Risk assessment**

The Council will:

- Carry out a documented risk assessment to develop a profile of risks -the Parish Council Cemetery will be assessed using a risk assessment process that will ensure consistent results, whilst incorporating memorial safety as part of the Council's overall approach to health and safety on the site. Each section within the 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 the Cemetery that are potentially hazardous to the public will be identified by following the 2009 Memorial Safety Guidance.
- Decide who might be harmed and how – the Council 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 (this 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 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 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 Council 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 when undertaking memorial safety inspections and identifying concerns. The Council, 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 Burnhope Parish Council 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
- in cases where memorials are found to be unstable, the Parish Clerk, on behalf of the Council, will promptly contact the grave/memorial owner(s) by phone and letter, wherever feasible and appropriate, provided contact details are available, informing them of the instability of their memorials. The memorial will be temporarily made safe using reversible measures (see 6.6) during which time the owners will have the opportunity to arrange repairs at their own expense, adhering to the standards outlined in BS8415, NAMM's Code of Practice and Bramm's 'The Blue Book', and as applicable at the time of repair. Should a memorial pose a significant risk or if the owner cannot be traced, or opts against repairs, the Parish Council reserves the right to implement further reversible measures to ensure public safety, including laying the memorial flat. Grave/memorial owners are reminded of their responsibility to keep their contact information current with the Clerk to Burnhope Parish Council who maintains the cemetery records.

## **6. Inspection process**

The Council, or its nominated contractor, will:

- ensure any staff or contractors undertaking memorial safety testing are suitably trained and competent – suitable regular training will be provided by the Council for any staff who will be responsible for the inspection and making safe programme and to any others likely to be involved in this process. If a contractor is used, they will be required to provide evidence of their training and suitability to test memorials for safety.
- 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 Council and staff / contractors inspecting memorials to take due care of the heritage of memorials within the site, including identifying styles of heritage interest, and to 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.
- priority of inspections will consider whether the memorial is in a high-risk area (for example adjacent to a public pathway, more frequently visited, or contains a higher frequency of memorials that have visible signs of damage or defects) and inspections in these areas will be prioritised.

### **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

## **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 test will only take place when there is no risk to other persons and will be done by hand only - no mechanical force-measuring devices ('topple-testers') will be used. 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 as 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 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, immediate action will be taken to cordon off the memorial pending a full inspection by a structural engineer.

## **6.4 Classifying the memorial**

Three simple classifications indicating the priority of action will be given to memorials when inspected - high, medium, or low risk:

- High Risk Category 1 – at risk of toppling and causing serious injury. The Council will take immediate reversible action to make the memorial safe or to stop the public accessing the memorial: this will initially be on a temporary basis for a period of up

to 18 months, either by supporting it with stake and banding or cordoning it off, in conjunction with posting a warning sign on the memorial. As per recommendations, after the 18-month period has expired, the memorial will be made permanently safe by either being laid flat, inscription side up, or converted to monolith, whichever is more appropriate for the individual memorial.

- Medium Risk Category 2 – no immediate danger but is not fully stable and will need monitoring 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 stable or below 625mm in height and will be re-inspected in 5 years.

### **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, and based on the level of assessed risk, memorials showing early signs of instability will be monitored every 12 months. 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.

### **6.6 Temporary measures**

If a memorial is classified as High Risk Category 1, immediate reversible action will be taken to make the memorial safe and / or stop the public accessing it. This action will be taken in a sensitive manner, in accordance with memorial safety guidance and training, and will be proportionate to the level of risk. A warning notice will be placed on the memorial to warn visitors to the cemetery of the potential danger and to instruct the grave/memorial owner of what steps they need to take, including Council contact information. Initial temporary make-safe measures will include implementation of one or a combination 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 with a wooden stake and banding – a sturdy stake driven into the ground vertically to one or two sides of the memorial and secured with appropriate banding and corner protection where needed so that the banding does not cause damage to the memorial. Where a memorial has been temporarily supported, supports will remain in place for a maximum period of 18 months. If after this time attempts to contact the owner have been unsuccessful, the memorial will be made permanently safe by either laying it down within the grave

space, inscription side up or converting it to monolith (burying 1/3rd of it in the ground in front of the memorial foundation stone), whichever is more appropriate based on the type of memorial and the area it's within.

## **7 Inspection records**

A full record will be maintained of all inspections, including the initial inspection to identify risks, regardless of whether the memorial passes or fails the inspection, and prior to any make safe action being taken. The following information will be recorded:

- plot section and grave number
- name of the first deceased interred
- size of memorial (either 1500mm)
- type of memorial (headstone, cross, book, etc.)
- headstone material (to identify hard or soft stone)
- condition of memorial (overall condition and condition of different elements; foundation, joints, kerbs (if present), inscription, weathering, movement, completeness, leaning, vandalism)
- comment on memorial condition and what action is required.
- classification of risk category (1, 2 or 3)
- date of inspection/re-inspection date
- name of person(s) inspecting
- digital photos of the memorial showing all inscriptions/sides with significance.

Each subsequent inspection will record:

- condition of memorial (overall condition and condition of different elements; foundation, joints, kerbs (if present), inscription, weathering, movement, completeness, leaning, vandalism)
- comment on memorial condition and what action is required.
- classification of risk category (1, 2 or 3)
- date of inspection/re-inspection date
- name of person(s) inspecting

- digital photos of the memorial showing all inscriptions/sides with significance

## **8 Unauthorised Memorials**

Should any unauthorised items be placed on or around any grave or any Memorial put in place contravene the Rules the grave will be photographed, the unauthorised item(s) shall be removed and placed into storage by the Parish Council for a period of up to 1 month, after which they may be destroyed.

No notice will be given to the owner of the Exclusive Right of Burial. Pursuant to the Local Authorities' Cemeteries Order 1977 no tombstone or other memorial may be placed in a cemetery without the permission of the Parish Council. If permission has not been granted, the Parish Council is permitted to remove the memorialisation from the site. It is essential that the burial sections are maintained to the agreed standard for the benefit of all of our visitors. It is unfair for one or two families to furnish their graves with articles outside of the Rules which can cause distress to others when alternative options are available. It is not always possible to notify the grave owner of the need to remove unauthorised memorialisation, particularly if the grave owner has moved and not informed the Parish Clerk. It is for this reason, we hold any items that are removed and destroy them after 1 month without necessarily giving notice.

The Parish Council, in its capacity as a burial authority, is legally entitled to recover the cost it may incur in removing any unauthorised tombstone or other Memorial from the person to whose order the tombstone or Memorial was placed, or within two years from the placing of the tombstone or memorial, from the personal representative of such a person. All memorials installed within the Cemetery must be approved by the Parish Council by the granting of a permit.

If any memorials are erected outside of the Rules or without proper permission they may be removed and destroyed. This rule will also apply to any memorial placed on any asset owned by the Parish Council. A full list of Parish Council's assets is available on the Parish Council website.

## **9. Memorial Liabilities and Insurance**

Any authorised memorial placed on a grave space remains the property of the owner(s) of the Exclusive Right of Burial. The owner is therefore responsible for ensuring the memorial remains in a safe condition.

The Parish Council can take no responsibility for any damage, accidental or otherwise, to any memorial within its cemetery. Therefore, any person arranging for the installation of a memorial must consider appropriate insurance that will cover repair or

replacement of a memorial should it become damaged in the future. It has to be understood that memorials are exposed to all types of weather and maintenance in and around the site. Memorial Masons will be required to fix to the best standards of the day, however future occurrences such as bad weather may result in memorials becoming damaged or destroyed beyond repair. Your memorial mason will be able to advise of insurance options available to you.

## **10 Contacting the Council**

The Council is aware of the sensitivity of the work carried out in our Cemetery and this Policy aims to maintain a sensitive approach to addressing health and safety compliance within Burnhope Parish Council Cemetery.

Should anyone have any queries or concerns regarding this Policy then they should contact the Parish Council Clerk via email on [clerk@burnhope-pc.gov.uk](mailto:clerk@burnhope-pc.gov.uk) or via the Parish Council website contact us link.

Policy date : 3<sup>rd</sup> September, 2026