# Caistor Town Council

## Memorial safety and inspection policy – Aug 2024

## 1. Introduction

CTC have overall responsibility and duty of care for the management of the cemetery.

Since North Kelsey Rd Cemetery opened for burials, memorials have been erected on graves as a permanent reminder of loved ones buried within. It is often wrongly assumed that memorials are permanent structures, installed to the highest standards, which will last forever without any need for repair. Sadly, this assumption has cost the lives of eight people nationally in recent years, most of whom have been children, and there have been countless accidents ranging from bruising to severe crush injuries and bone breakages.

Under health and safety at work act 1974 and occupiers liability act 1957 overall responsibility for health and safety lies with the burial authority however, the memorials do not belong to CTC; they remain the property of the Holder of the Exclusive Rights of Burial (EROB) for the grave or their successors in title.

Through this policy CTC will seek to balance the risk of injury from unstable memorials with the sensitivities of carrying out works in the cemetery.

## 2. General Responsibility

Overall responsibility for the health and safety lies with Caistor Town Council (CTC) as the burial authority. We have a duty to ensure the cemeteries are maintained in a way that ensures the risks are properly managed. CTC has a duty of care to its employees, contractors and visitors.

Monumental masons have the responsibility to work in accordance with CTC's conditions and specifications for memorials as laid down in the Cemetery's Regulations; to erect a memorial safely in line with those conditions; and to follow guidelines issued by relevant memorial fixing standards agencies. They are also legally liable for their standard of workmanship and owners are protected under general consumer protection legislation should a memorial fail within the first 6 years.

The owner, the EROB holder or successor in title, of a memorial has the responsibility to ensure their property is installed and maintained in a safe manner. They are encouraged to have their memorials suitably insured and maintained so as not to present a hazard.

## 3. Design, construction and installation

All memorials must adhere to the current Caistor Town Council cemetery regulations in force at the time of application and installation. All memorials must be fitted by a qualified memorial mason to current relevant standards including BS8415

All new memorials should be installed on undisturbed ground whenever possible.

# 4. Pre Inspection Awareness

It is essential grave owners and the public are informed of CTC's proposal to carry out safety inspections on memorials and advise them on any implications which may subsequently arise. This will be carried out by publicising the proposals at least 28 days in advance of any formal inspection.

Early consultation with the local media will be carried out to develop a positive publicity campaign to fully inform the public on the actions being undertaken by CTC.

Notices will be placed on site at the cemetery and on CTC's website, informing the public of works that are to be undertaken and advising on contact details for anyone seeking further advice.

Consideration will also be given to placing notices on CTC's social media site (e.g. Facebook) to attempt to increase number of potential grave owners reached.

# 5. Inspections and reduction of risk

CTC will risk assess and test memorials in accordance with the guidelines issued by the Institute of Cemetery and Crematorium Management and taking account the Ministry of Justice Guidance Managing the Safety of Burial Ground Memorials.

Inspection and making safe of memorials will be coordinated, where a memorial has been identified as unsafe immediate action will be taken to significantly reduce said risk taking into consideration:

- Aesthetics
- Maintenance
- Heritage value

## 5.1 A risk assessment will be completed in advance of the inspection, this will include

- What is the risk to operatives carrying out inspections and remedial work
- Where the inspection will start and how it will proceed
- What is the most appropriate means of making safe

### 5.1.1 The risk to operatives carrying out inspection and safety maintenance works.

This assessment should include:

- An assessment of the type and seriousness of potential hazards. This will include such factors as memorial size, the likelihood of unstable memorials, ground conditions to include slip and trip hazards both natural and from memorials and ephemera. Lone working, falling masonry, accessibility, methods of making safe unstable memorials. Many specific hazards to the burial ground being inspected will also need to be taken into consideration.

Identified hazards should be considered and systems put into place to either remove the hazards or reduce them significantly, this could be through the use of equipment, work methods and processes or extra PPE.

### 5.1.2 Inspection process Risk Assessment

This risk assessment should include:

- The identification of hazards and their potential to cause harm. Individual memorials should be assessed on, amongst other points, their size, age and condition.
- Footfall in the vicinity. More frequently visited areas of a burial ground will obviously have a greater risk of accident than an infrequently visited area.
- Memorial construction/erection technique. Memorial materials, styles and erection techniques vary widely with some more prone to a higher risk rating than others.
- Positioning of memorials in relation to access. This should take into consideration both pedestrian and vehicular traffic. Memorials beside well frequented access will have a higher risk rating than those away from traffic.
- Ground conditions and topography. Generally, if authority operatives are completing the inspection process a knowledge of ground conditions will be known and memorials in areas with adverse ground conditions will invariably have a higher risk rating than memorials in more stable areas. The topography of the area being inspected may also be a consideration where sloping ground may provide additional risk.

### 5.1.3 Safety Maintenance/making safe Risk Assessment

This risk assessment should include:

Large memorials, hazards and potential to cause harm. Large memorials have an extreme risk rating if found to be unstable with the potential to kill. It is of utmost necessity to take immediate action following the inspection of a large memorial deemed as unsafe.

Modern lawn memorials, hazards and potential to cause harm. Smaller modern memorials will have a lower risk rating than the larger older styles given that an unstable memorial would tend to pose a less serious injury risk.

Severity of instability, hazards and their potential to cause harm. Inherently some memorials will be identified as more unstable than others. Where a memorial is deemed extremely unstable and likely to fall it should be dealt with by removing the hazard irrespective of the type of memorial. The way the memorial is made safe and the inherent risk rating will be dependant of the type of memorial.

# 6. Completing inspections

The inspection programme will involve three elements – (a) the initial inspection and testing of memorials; (b) immediate and temporary stabilisation of any memorials identified as unsafe; and, (c) thereafter, the repair/making safe of memorials which have been stabilised temporarily.

## 6.1 Inspection and testing

Before inspections can begin consideration must be given to how the work is going to be carried out. As inspections are carried out, as stated above, immediate risks must be controlled and steps taken to significantly reduce or eliminate the risk immediately following it becoming known. As such the processes by which risks are to be managed need identifying, as before this could involve setting into the ground, laying flat or cordoning off. A method statement of the various techniques and their procedures needs to be agreed and made available to operatives conducting the inspection.

Upon completion of all relevant public notifications, risk assessment procedures and method statement the inspection process can begin.

The testing procedure consists of three separate observations

- Visual check
- Hand test
- Mechanical test (optional)

6.1.1 Visual check – A visual check supplies a good indication of the general condition of the memorial and is a good precursor to assessing which other means of testing may be viable. All memorials will be assessed visually and the following points should be taken into consideration:

Ground conditions

Material of construction

Date of installation

Has the memorial shifted/leaning?

Is the foundation intact? (where observable)

Any evidence of faults and cracks

Are construction joints intact?

Parts displaced from initial erection

6.1.2 Hand Test - The hand test is a simple pressure test whereby the operative conducting the inspection uses light hand pressure to check for movement in the memorial, joints and foundation. Excess pressure must not be used. All memorials will be tested in this manner.

6.1.3 Mechanical Test - The mechanical test is by means of specialist force testing apparatus which is checked to be correctly calibrated and to be only used by a trained competent operator. This test should only be used in certain circumstances which will be detailed, when appropriate below.

6.2 Testing types - Memorial types can be split into 3 groups each with its own testing and making safe procedures detailed below:

6.2.1 Memorials above 1.5m in height
- Visual inspection
- Hand test

6.2.2 Memorials up to 625mm in height
- Visual inspection
- Hand test

6.2.3 Memorials between 625mm and 1.5m in height
- Visual inspection
- Hand test

• Mechanical test. This test is at the inspector's discretion and should NOT be used as a blanket operation, and only then if the findings from the hand test are unclear and it proves necessary to test by another means. In these situations, the force exerted must not exceed 25kg at 1.5m or the top of the memorial, whichever is the lower.

## 7. Making memorial safe

Suitable methods of making safe will be decided on a case to case basis. The following actions may be considered following the identification of an unsafe memorial:

- Staking in an upright position
- Shoring with earth/timber
- Partially reburying
- Laying down
- Removal (only memorials CTC hold rights to)

The `laying down' of memorials shall only be considered as a last resort where this course of action is necessary to prevent a genuine hazard to health and safety.

If following the inspection it is thought necessary to temporarily repair any unstable memorials, such works will be carried out whilst appropriate arrangements are put in place to contact the Grave owner responsible for the longer term repair / or otherwise of an identified unstable memorial. All making safe work will be temporary pending longer term remedial work. This approach is endorsed by both the Institute of Cemetery and Crematorium Management and the Local Government Ombudsman.

CTC's duty to ensure the health, safety and welfare of employees or contractors working on behalf of CTC and those visiting the burial ground, will remain CTC's highest priority, but any memorial stabilisation work to memorials will be carried out in a sympathetic and sensitive manner.

Any memorial which is in danger of falling/shifting and which poses a risk of injury will be assessed as unsafe.

7.1 Memorials above 1.5m in height

If a memorial tested as unsafe can be made safe by repair, reaffixing, setting into the ground or laying flat immediately following inspection this must be done. If it is not possible to immediately make safe a memorial such as this, substantial efforts should be made to restrict any access in the vicinity until a permanent safe fixing can be arranged. This should be via way of cordoning off an area around the memorial in such a way as if the memorial were to fall/break apart the falling parts would be contained within the cordon. Cordons should be constructed in such a way as to comply with current HSE standards HSG 151 – Protecting the public. Temporary support systems can be deemed acceptable in certain circumstances but must be suitable and part of a frequent inspection process to ensure their continued safety, these should not be seen as a permanent fix but only used for a limited period whilst surviving relatives/funds/methods of permanent fixing are located. Temporary support systems are just that and it is recommended they are used for a maximum of 12 weeks giving time to find a solution to the problem. Under no circumstances should temporary supports remain for more than 18 months, if following this time no satisfactory

method of reaffixing is found or owners are found to be uncontactable the memorial must be made permanently safe by any method the authority sees fit. If complicated repair is proved necessary a structural engineer will be able to assist in advising of available methods to deal with the risks/repairs involved in this type of unstable memorial.

7.2 Memorials up to 625mm in height

Being of the least risk small memorials require the least in-depth inspection a visual and hand test will suffice. Generally, signage placed noticeably on the memorial advising of the risk is ample to satisfy management of risk. Special consideration should be given to open book on stand style memorials where the book part can become detached from the stand, in these situations it is good practice to remove the loose element and lay it on the grave immediately in front of the foundation slab. These smaller memorials, being more modern, are more likely to be frequently visited and owners more likely to be contactable so remedial repairs can be provided more quickly. It is important signage and management of this type of unstable memorial is conducted in a sensitive manner to avoid distress to the bereaved.

7.3 Memorials between 625mm and 1.5m in height

Medium sized memorials when unstable obviously pose a higher risk than small memorials and a more in-depth testing process on occasion is required. Making safe processes can include at the most basic level clear signage placed clearly visible on or beside the memorial. Memorials deemed higher risk can be made safe by reaffixing, sinking into the ground to provide a monolith style anchorage or laying flat. If specialist repair or advice is required and making safe work cannot proceed immediately following inspection cordoning off an area around the memorial or a temporary support system as detailed with the largest memorials will be required

# 8. Inspection Records

Inspections must include all memorials and thorough records kept. This does not involve only memorials rated as posing a risk but includes all memorials, a record of each memorials condition is necessary to ensure due diligence on behalf of the authorities' duty of care.

Essential information to be recorded must be as complete as possible and should include the following criteria:

- Date of inspection
- Name and signature of inspector
- Photograph of memorial. This is not essential but can prove useful to prove evidence of the failure of inspection if required and also to assist in reconstruction work if dismantling of said memorial is necessary to reaffix/make safe.
- Position of memorial (grave section/plot number)
- Name of deceased inscribed on memorial. This should be checked against plot number at this point to ensure accurate cross referencing.
- Style/type of memorial
- Size of memorial. The same specifications as used during inspection are adequate rather than exact measurements being required
- Defects identified. Specifics such as broken fixings, cracks, broken joints and movement.

- Action required. This should be made as simple as possible and clearly understood as to the class of action required for the particular memorial. 3 classes should suffice but others can be added if the authority deems it required.

  Class 1 – Memorial is of immediate danger to persons in the vicinity and immediate action is required to remove this risk by cordoning off access, removal of hazard or temporarily supporting the structure.

  Class 2- Memorial is unstable or damaged but does not prove an immediate danger to persons in the vicinity. No action is required but class 2 memorials should be subject to regular inspections to ensure the risk has not increased.

  Class 3- Memorial is sound or under 625mm in height showing no appreciable risk.

## 9. Action After Making Safe

When action is necessary notices will be placed on or near to the memorial advising on the current condition of the stone and giving the appropriate CTC contact details.

Following the identification of any unstable memorials and their subsequent temporary repair, CTC will inform the memorial owner by writing to the last known memorial owner, and by displaying a notice on/near each identified unstable memorial.

A list of memorials which fail the test shall be displayed on the noticeboard/s in the Burial Ground and on CTC's website. All public notices shall give CTC's contact details and the period for making contact. The responsibility for maintaining a memorial in a safe condition and the repair is that of the grave/EROB owner. Individual owners contacted following the identification of unstable memorials will be offered the opportunity to rectify any identified problems.

If memorials tested as unsafe can be re-affixed easily CTC may be able to provide this service at cost to the owners. If more complicated fixings are required it is the responsibility of the owner to contact an appropriately qualified memorial mason and have the memorial made safe within an acceptable amount of time.

Owners will be required to ensure all repairs are carried out by an approved mason, in accordance with CTC's regulations along with the relevant memorial fixings regulatory guidelines and Code of Practice and as provided in British Standard, BS 8415.

The memorial mason must complete an application to refix a memorial which has been designated as unsafe. Caistor Town Council will assess the application and issue a memorial permit to the memorial mason. Providing the memorial mason is purely refixing the memorial, Caistor will not charge to issue the permit. In any other circumstances where memorials are being refurbished, standard fees will apply.

Owners will be offered 3 months to respond.

If after 3 months no response has been received from the EROB owner, CTC will write again to ask what action is being taken to make the memorial safe. If no response, or a negative response is received from the owner of any memorials after 6 months, CTC will classify the memorial as abandoned, take control of the memorial and take a decision as to how the memorial shall be made safe permanently. In doing so, consider making essential repairs to the memorial at CTC's cost subject to funds being available, re-fixing it in a safe manner

(e.g. using a monolith system for headstones), laying it flat or removing it. CTC reserve the right to recharge the cost of any repairs back to the owner at any point in the future.

## 10. Inspection Records

Every memorial tested as unsafe will be recorded on a database along with relevant information on tests used, priority of action to be taken and work completed in the making safe process.

## 11. Management and administration of memorial safety

The right to erect a memorial is not inferred following burial and are not in perpetuity, rights must be applied for and are given for 99 years initially. Memorials with lapsed rights will be taken under the governance of CTC and will be managed/maintained as they see fit to comply with the health and safety at work act 1974 and occupiers liability act 1957.

## 12. Professional Conduct and Control

Only memorial masons working to approved standards will be allowed to install memorials pending permits and approval from CTC.

Unauthorised memorials will be removed at cost to the grave owner.

Non standard memorials may be allowed providing all fittings comply with current standards and cemetery rules and regulations.

**This policy was reviewed by the Caistor Estates Committee at a meeting held on 27.08.2024. Date of next review – August 2025**