



CEMETERY MEMORIAL SAFETY POLICY

This policy sets out the general principles and approach that the council will follow in respect of ensuring the safety of memorials, health and safety and managing risk at Temple Balsall Cemetery.

PURPOSE

To set out a procedure for the regular inspection of memorials and a process for making safe any that are found to be unstable or dangerous.

To ensure that any works are carried out in a sympathetic way and the feelings of the bereaved are considered.

It is the responsibility of all councillors' and employees of the council to be aware of the following policy statements and of the organisational arrangements made to implement these policies.

COUNCIL'S COMMITMENT AND LEGAL CONTEXT

The Burial Authority (Balsall Parish Council) has responsibilities under Health and Safety at Work Act 1974, Occupiers Liability Act 1957 and The Management of Health and Safety at Work Regulations (1998) to provide and maintain safe and healthy working conditions for its employees and members. This includes a duty of care to other persons such as visitors to the cemetery, volunteers and contractors who work on behalf of the council.

Memorial inspection, assessment and action is covered by this written policy in accordance with the legal requirement of the Ministry of Justice 'Duty of Care' and supported by BS8415:2018. The policy covers the initial decision to carry out a memorial inspection scheme through to establishing an ongoing inspection regime.

Balsall Parish Council will take all reasonable steps to ensure that it complies with the law on health, safety and welfare and any relevant regulations, approved codes of practice and guidance.

Balsall Parish Council will provide the resources to ensure the safety of its employees and others affected by its work.

PROCESS

The council will take all reasonable steps to ensure that:

- Information, instruction, training, supervision, equipment and facilities necessary to achieve a safe working environment for employees, members of the public, contractors and volunteers are provided;
- Work is done in ways so that members of the public are not put at risk;
- Arrangements are in place for the safe use, handling, storage and disposal of all substances and equipment that may endanger health or welfare;
- This policy is brought to the attention of all councillors, employees, members of the public, contractors and volunteers;
- When necessary, there is consultation and negotiation with employees on health, safety and welfare at work to ensure continuing improvement.



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RESPONSIBILITIES

A grave owner is responsible for maintaining the grave memorial in a safe condition.

The memorial mason is responsible for erecting it safely (Brown v Cotterill 1934). The mason is legally liable under the Consumer Protection Act 1987, Sale of Goods Act 1979, General Product Safety Regulations 2005 and Directive on Liability for Defective Products 2003.

The clerk shall keep records of all risk assessments, cemetery regulations, method statements, memorial inspections, assessment and actions. All councillors and employees should have access to and be aware of the contents.

All councillors, employees, contractors and volunteers have a duty to take reasonable care for their own health and safety and that of any persons who may be affected by their acts or omissions.

This policy is reviewed annually by the council.

LEGAL POSITION OF THE BURIAL AUTHORITY

Although the burial authority (Balsall Parish Council) is not the owner of a memorial, under the Local Authorities Cemeteries Order 1977 Article 3, it may do all things considered necessary for the proper management, regulation and control of a cemetery.

Article 16 (2)(b) states that "A Burial Authority may alter the position on a grave or re-erect at another place in the cemetery or elsewhere any tombstone or memorial on a grave or grave space subject to Schedule 3." This means Balsall Parish Council can carry out works (including removal) to memorials if the correct procedures in Schedule 3 are followed.

PROCEDURE

Inspection Regime

Stage 1: Visual Inspection

Visual inspection to include identifying damaged or eroded bonding; movement of parts from their original position; evidence of kerb stones breaking apart; evidence of undermined or unstable foundations; evidence of the memorial deviated from vertical; structural damage (e.g. cracks); vegetation that may cause damage to worsen.

Stage 2:

a. Memorial tablets and vases:

Tablet and vase memorials will not undergo further assessment. Visual inspection is sufficient to identify a potential (e.g. tripping) hazard.

b. Headstones under 625mm in height:

Hand test.

Owner advised of detached parts or components.

No temporary support required although books on rests may be laid flat.

Cavities below kerbs/foundations to be earth filled.

c. Headstones over 625mm and below 1500mm in height:

Hand test.

This could be followed by a confirmation test using a force measuring device calibrated to 25kg of pressure.

d. Headstones above 1500mm in height:

Hand test.



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Opinion of a structural engineer may be sought.

Assessment of risk and action

If some instability is detected during the hand test, the inspector will assign a risk rating to that instability (which is to be recorded on the inspection report) as a guide to the action she/he recommends should be taken. This is a judgement as to the degree of risk to health and safety presented by the memorial's movement.

The risk factor considers the potential severity of the fault (i.e. what is the worst possible injury that could realistically occur because of it) and the probability of its occurrence (i.e. how likely is it that an accident or injury will occur because of it). The inspection will also consider the memorial's location in the cemetery - relation to other unstable memorials, public paths, ground conditions, construction method etc.

Risk	Action Required
Low	Priority 3 – Unstable but safe. Re-inspect in 5 years. Inform the owner of the inspection result and suggest that remedial action may be required.
Medium	Priority 2 – Unstable but no immediate danger Memorial is not an immediate danger but is not fully stable and will therefore need to be monitored every 2 years to assess further deterioration. Inform the owner of the inspection result and ask for remedial action to be taken within a fixed timescale.
High	Priority 1 – Dangerous Immediate temporary remedial action to be taken to make the memorial safe and stop anyone accessing the memorial. To include signs and a temporary fix; stake and band; cordon off; sink in; lay flat; remove from location to eliminate danger and risk of injury. The temporary action to remain in place for no longer than 3 months without checking and a permanent fix must be in place by 18 months post inspection. Letters will be sent to owners including information on the action taken and advised that repairs should be arranged within three months of notification. The grave owner or his/her representatives are responsible for authorising suitable repairs to be undertaken by an approved BRAMM accredited mason.

Follow up for dangerous memorials (Priority 1)

An owner or their representative will be requested to arrange to make an unsafe memorial permanently safe within 3 months of the inspection.

After 3 months from inspection where no person has come forward to arrange repairs, the council may lay such memorials flat or bury. Should it be necessary for any memorial to be removed from a position due to it being a danger Balsall Parish Council may carry out any such removal in accordance with the provisions of Section 3 (1) of the Local Authorities' Cemeteries Order 1977. Such provisions include the requirement for the council to display a notice in conspicuous positions at the entrances to the cemetery, publish the notice in two successive weeks in a local newspaper and consider any objections made to the proposals.



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Communication

Steps will be taken to publicise that the inspection is to be carried out and to ensure that the public are informed about the work to be carried out, why it needs to be done and how it will be done.

Balsall Parish Council to:

Raise awareness Internally

Prepare and agree a Memorial Safety Policy

Take a formal agreed decision with appropriate budget

Raise awareness externally and manage PR - Notices in Press, social media, signs in cemetery, inform memorial masons, funeral directors, St Mary's Church, St Peter's Church, Balsall Common Methodist Church, Blessed Robert Grissold Catholic Church, Lady Katherine Leveson Trust.

The owner of any memorial that fails the inspection should be contacted, if possible, by writing to the last known address. The notification should be written in a sympathetic manner stating that as the memorial has failed the owner is responsible for reinstating it to an approved specification (BS 8415).

Whilst raising awareness cannot guarantee that there will not be complaints about the process, should complaints be received, they will be dealt with promptly and sympathetically. Most unstable memorials are likely to be due to a lack of dowelling on construction and installation, or the use of unsuitable foundations and the memorial itself can be effectively and safely refixed.

Consecrated Ground

A significant part of Temple Balsall Cemetery is consecrated.

The Church of England Diocese should be informed at the same time as the public or earlier, advising them of the work that is required. It is likely that the Diocese will require a Faculty to be issued and work should be carried out in accordance with any specific conditions contained within the Faculty.

Where a Faculty is required attempts should be made to ensure the life of the Faculty is a minimum of five years, to match the five yearly inspection process.

Conservation Area and heritage value

Part of Temple Balsall Cemetery falls within the Temple Balsall Conservation Area and Solihull MBC Planning Service will be contacted for guidance on the possible impact this may have.

Consideration should be given to memorials with heritage value and care taken in the inspection and making safe process.

Commonwealth War Grave memorials

Temple Balsall Cemetery contains Commonwealth War Graves which will be subject to a visual test only. Any observable defects will be reported immediately to the Commission.

Project Plan

Generate necessary paperwork and ancillary documentation.

Effective communication with the local community and other bodies who may be involved to obtain their understanding and support.

Prioritise the burial areas within the burial ground which are most at risk.



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Set realistic timescales.

Set a realistic budget.

Commission qualified contractors to undertake the task.

Formulate a workable, satisfactory and fully understood exit strategy.

Record keeping and arrangements for ongoing inspections.

Implementation

Balsall Parish Council will use a contractor for every 5 yearly inspection and the making safe of dangerous memorials. The contractor will supply the council with risk assessments, safe methods of working and insurance cover.

The inspection work will be co-ordinated with the making safe of memorials. Once a memorial is identified as dangerous, immediate action must be taken to significantly reduce or eliminate the risk, whether that be to make the memorial permanently safe by setting it into the ground or laying it down or whether it is temporarily made safe with some sort of support system or whether access is restricted by the use of a cordon or barrier. The inspection process should be managed in such a way as not to allow it to progress too far in advance of the making safe work or delay the continuing inspection process.

Every memorial will be inspected, and a record maintained of the inspection. The essential information required for the initial inspection is as follows:

- Plot section and number
- Name of deceased – normally this will be the name of the first interred
- Size of memorial – below 625mm/between 625mm and 1500mm/over 1500mm
- Type of memorial - headstone, cross etc.
- Headstone material – broad identification only
- Memorial condition: cracks, is the memorial leaning, are the joints intact, is the memorial moving, comment on what action is required
- Category of action –Priority 1/Priority 2/ Priority 3
- Failure force
- Digital image of all memorials
- Name of inspector
- Date of inspection

The inspection will be recorded on an inspection sheet manually or digitally. If recorded digitally, the inspection company will be required to utilise the InspectEDGE application within Eptaph (the council's record system) to import all the inspection data including digital images to the system once completed. If recorded manually, the inspection company will be required to enter all the inspection data and digital images into Eptaph. Inspection reports can then be produced for management of progress on actions.

Ongoing Formal Inspection

Following the initial inspection of all memorials (year one), Balsall Parish Council will follow this inspection programme:

Year One

All memorials to be inspected.

Year Two and Four

Inspect any memorials temporarily made safe.



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Inspect all Priority 2 memorials.

Year Three

Inspect any memorials temporarily made safe.

Year Five

All memorials to be inspected.

Ongoing Cemetery Management

Informal inspection

The Council has a legal obligation to ensure its cemetery is safe to both visit and work in. The Clerk, subject to the receipt of appropriate training will conduct an informal inspection of all memorials and record the outcome every 6 months. Memorials may fall or be damaged, cavities may be noted, vegetation may be causing a hazard, unauthorised memorials placed etc. In such cases the council will authorise the Clerk to take appropriate action from expenditure within the cemetery budget.

Guarantee of Conformity

All memorials installed in a cemetery from the date of installation must be subject to a 'Guarantee of Conformity' granted by the mason who installed the memorial. Such a guarantee is given to confirm that the memorial has been fixed to the best standard set by NAMM at the date of fixing and should last for a minimum of 30 years. If at any point during the life of the memorial it becomes loose or unstable and this cannot be attributed to ground conditions or disturbance, the mason should, under the terms of the said guarantee, refix the memorial to the original standard at no cost to the grave owner or the council. This is a standard guarantee and its issue to a grave owner and provision of a file copy for the burial authority should be made a condition of Balsall Parish Council's cemetery memorial permission and management.

Memorial permission

The council in issuing a right to erect a memorial should provide advice that the memorial will be inspected every five years.

Guidance and advice

To ensure the bereaved understand their responsibilities with regard to choice and safety, it is essential that good quality information is provided to the funeral directors and the memorial masons who act as agents for the council in the sale of grave space and memorial rights. The burial authority should provide leaflets/guidance and ensure that regular liaison meetings take place with all the parties involved in the provision of the service.

GLOSSARY

Burial Authority

Organisation responsible for managing a burial ground.

Contractor

Any person who is employed by the burial authority, or by a third party, to carry out work within the burial ground. This will include memorial masons, funeral directors and may also include grounds maintenance staff and gravediggers.

Dangerous Memorial

A memorial that fails an inspection at less than 25kg. The memorial only fails if, as a result of the continuing application of 25kg or less, the memorial would continue to move and eventually fall to the ground.

Epitaph

Balsall Parish Council's digital cemetery record system.

Faculty

Written permission from the Church of England for prescribed work in the consecrated areas of the cemetery to be carried out.

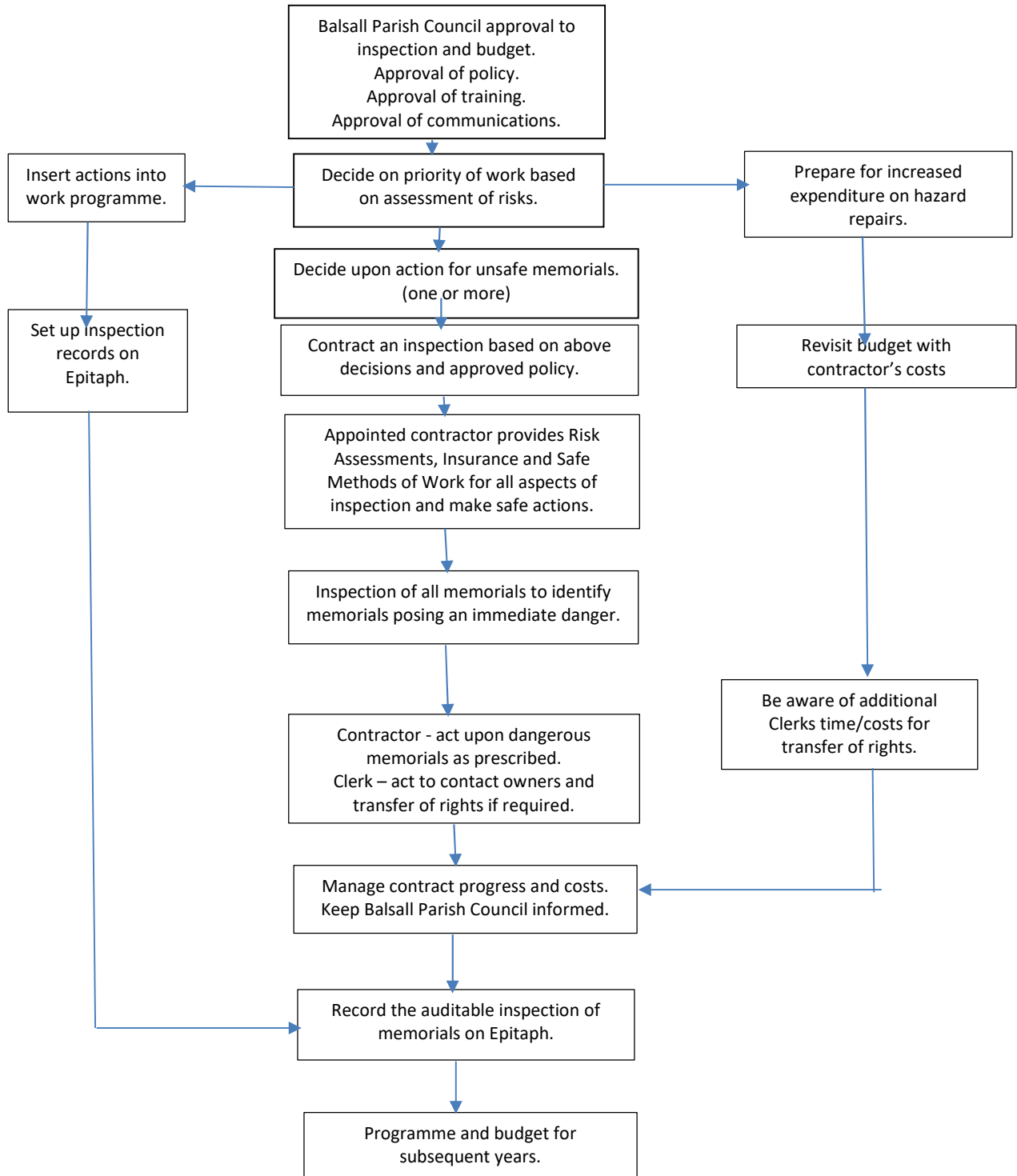


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Hand Test	A firm but steady pressure exerted in different directions by one hand on the highest part of a memorial in different directions to determine to what degree, if any, the headstone is loose.
Lawn Memorial	A jointed memorial with an upright stone fitted to the back of a base stone. The grave surface is mown lawn.
Memorial	An object erected in a burial ground in memory of a deceased person.
Memorial Mason	A tradesperson responsible for installing memorials.
Temporary Remedial Action	A short term measure designed to reduce the risk of a memorial injuring anyone.



Management of Memorials – Flow Chart



This policy is cross-referenced to the following Balsall Parish Council's adopted policies and procedures:
Risk Assessment Management
Health and Safety Policy
Cemetery Risk Assessment