



Oswestry Rural Parish Council

MEMORIAL SAFETY POLICY

Introduction

This policy has been produced to set out Oswestry Rural Parish Council's (the Council) position with regard to memorial safety, the responsibilities of the Council, its Contractors, Memorial Masons and Deed Holders. The Policy provides an overview of the actions that will be taken to minimize risk to users of the cemeteries the Council is responsible for.

Since Victorian times memorials have been erected at the head of graves as a permanent reminder of those buried within. It is often wrongly assumed that memorials are permanent structures, installed to the highest standards, and will last forever without need for repair.

Unfortunately, this assumption has cost the lives of 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. Local authorities now have to tackle years of neglect and in some cases poor workmanship. The memorials do not belong to the council; they remain the property and the responsibility of the Deed Holder to the Exclusive Rights of Burial.

Responsibilities required

The following parties have responsibility for memorial safety in Council cemeteries:

The Council has health and safety responsibilities to its employees, contractors and visitors to cemeteries. The council has a responsibility to staff (Section 2 Health and Safety at Work Act 1974) and a responsibility to visitors (Section 3 Health and Safety at Work Act 1974). 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 that the risks are controlled.

A monumental mason has the responsibility to work in accordance with the Council's conditions and specifications for memorials as described in the Cemeteries' Rules. The Council adheres to BS8415 and the National Association of Memorial Mason Standards (NAMM) for the fixing of memorials. All memorials must be installed to these standards.

The Deed Holder or successor in title, of a memorial has the ultimate responsibility to maintain it so as not to present a hazard to themselves, members of the public or cemetery staff, and as such are therefore responsible and liable for all expenditure incurred to make safe their memorial in the event that their memorial is found to be unsafe or dangerous condition. This is not the responsibility of the Council.

Notice of intent

Prior to any memorials being inspected, reasonable steps will be taken by the Council to inform grave owners, Deed Holders or successors in title, and members of the public, of the intention to inspect memorials and reducing the risk posed by unsafe memorials.

This will involve:

Giving advanced notice of an inspection regime. Placing public notices on the cemetery gates, Council noticeboards and in prominent locations elsewhere in the cemetery affected by the assessment regime. Where practicable, to notify the owner, Deed Holder or successor in title.

Formal inspection programme

All individuals carrying out memorial safety inspections at cemeteries must have attended a training course on the subject and obtained certificates of competence which will be held on their personnel file. A memorial is only considered as unsafe if it moves and will continue to move until it falls to the floor, under an initial firm but reasonable force approximating 25kg.

All memorials will be assessed in accordance with the Ministry of Justice Guidance 2009 and a profile of risk will be developed for memorials on each site. The profile will provide a focus for subsequent inspection work as follows:

Low risk – Visual inspection only. If individual memorials within a low risk area are considered a higher risk, then these will be inspected using a visual inspection followed by a hand test. Where a memorial is found to be unstable, is considered an immediate danger and could cause a serious injury, then suitable make safe methods will be considered and implemented.

Medium Risk - Every memorial will receive an initial visual and hand test using experienced/trained staff.

High Risk Areas will need a visual and hand test on every memorial using experienced/trained staff. Some memorials may need specialist inspections. A full inspection will take place on a minimum frequency of once every 5 years. All action must be based on the likelihood of injury and should be proportionate to a medium risk area.

Memorial Make-safe, Repair or Re-fixing

Where a memorial is found to be unstable, is considered an immediate danger and could cause a serious injury, then suitable make safe methods will be considered and implemented. Such memorials will have notices placed on them and may be either:

- set in the ground
- cordoned off
- temporarily supported
- re-fixed using jointing compound
- repaired to BS8415 or NAMM Code
- laid down

Decisions of how each memorial is treated will be dependent on the type of memorial and an individual assessment.

All repairs or re-fixing that requires the work to be carried out by a NAMM registered stonemason, shall be carried out in accordance with BS8415 and/or the NAMM Code of Working Practice. Where a semi-permanent re-fix is required, using an approved jointing compound, this shall be carried out by staff who have been trained to carry out such work.

Any requirement to make-safe, repair or re-fix a memorial shall be notified to the grave owner, where they can be identified. Any temporary supports shall be left in place only whilst attempts are made to contact the owner of the rights of burial in the grave. Supports will be removed and alternative methods of making safe the memorial will be used after a maximum of 12 months.

Memorials which fail the test and are temporarily made safe, will be inspected again one year from the make safe date to ascertain whether they have been repaired by a NAMM registered stonemason instructed by the grave deed owner. Informal visual inspections will also be carried out by council staff during their normal working days i.e. locally to where graves are being dug and grass cutting operations are taking place; should any memorials fail these random visual tests the employee or contractor will report their findings to the Clerk.

Communication

The council is aware that memorial testing is a sensitive issue for those involved. Regular communication will be maintained so that the general public, staff and members are aware and understand each stage of the testing process. Communication will take place through:

- Local newspapers.
- The Council's website.
- Signage within the cemetery.

This Policy was adopted by the Council on 26 January 2016.