

Decision under Delegated Powers

Officer Making the Decision

Head of Cleansing and Open Spaces

Recommendation

That the Memorial Safety Policy and Procedures document be approved.
(Attached at Appendix A)

Reason

In January 2009 the Ministry of Justice issued the new memorial safety guidance with emphasis placed on a proportional approach to any actions, based on the level of risk posed. The guidance was supported by most organisations on the sub group and represents good practice on the standard expected in the risk management of memorials in all types of burial grounds, public or private. It is likely that such good practice will be used by the Health and Safety Executive throughout the UK.

The Memorial Safety Policy and Procedures seek to incorporate the Ministry of Justice standards into the Council's cemetery management practices.

Authority for Decision

The Head of Cleansing and Open Spaces has authority to manage the Council's cemeteries (item 12 on page 8-19 of the Council's Constitution) and all operational management matters for those functions and service areas for which he has responsibility (item (i) on page 8-1 of the Council's Constitution).

Decision and Date



Matthew Bradford – Head of Cleansing and Open Spaces
3rd February 2017

Background

As a result of the research, Ministry of Justice guidelines were developed for local authorities to ensure that suitable memorial inspection procedures were put in place to inspect memorials and take appropriate action for the safety of the public. Where applied in a sensitive manner there have been improvements in safety with little concern from members of the public.

Detail

The Council has systems in place to control the risks from memorials to their employees, contractors, friends' groups, volunteers and members of the

public. We owe a general duty of care to all those who use our cemeteries and closed churchyards

This policy now sets out a risk-based approach to help authorities and other operators develop a proportionate approach to managing the risk associated with memorials, based on good practice, this is now in place within the Council cemeteries and closed churchyards

Financial Implications

Any additional expenditure resulting from the implementation of the policy can be met from existing budgets.

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Complaints from family members regarding testing procedures and process in place for memorials that fail tests	Low	Low	Sympathetic policy and practices in place. Procedures follow recognised guidelines.

Key Decision:

No

Background Papers

Memorial Safety Policy and Procedures

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Memorial Safety Policy and Procedures

Memorial Safety Policy

Awareness of the potential dangers of memorials was heightened in 1995 when there was a death caused by a memorial falling on a young girl in Toxteth Cemetery in Liverpool. In response, the Confederation of Burial authorities carried out research into the management of memorials in cemeteries. It was found that from 1992 to 1996 there had been five deaths due to falling memorials in cemeteries and many more significant but less serious injuries.

As a result of the research, guidelines were developed for local authorities to ensure that suitable inspection procedures were put in place to inspect memorials and take appropriate action for the safety of the public. Where applied in a sensitive manner there have been improvements in safety with little concern from members of the public.

However, due to more of an emphasis on health and safety and with little consideration to a proportional and sensitive approach to the issue, some authorities were subject to considerable criticism, public concern was also raised about the methodology employed by some authorities. This resulted in a review of the memorial safety guidance carried out by the Ministry of Justice. The review was led by the Health and Safety Executive with a sub-group comprising burial ground operators, memorial masons and cemetery managers as well as the Health and Safety Executive. The insurance industry and the Local Government Association were also consulted.

In January 2009 the Ministry of Justice issued the new memorial safety guidance with emphasis placed on a proportional approach to any actions, based on the level of risk posed. The guidance was supported by most organisations on the sub group and represents good practice on the standard expected in the risk management of memorials in all types of burial grounds, public or private. It is likely that such good practice will be used by the Health and Safety Executive throughout the UK. With this in mind, the Council has now received training to the new standards. This policy is based on the MoJ guidance but provides details on how this Council will follow the guidance.

The Council has systems in place to control the risks from memorials to their employees, contractors, friends' groups, volunteers and members of the public. We owe a general duty of care to all those who use our cemeteries and closed churchyards

This policy now sets out a risk-based approach to help authorities and other operators develop a proportionate approach to managing the risk associated with memorials, based on good practice, this is now in place within the Council cemeteries and closed churchyards

RISK ASSESMENT

The Council will:

- Carry out a documented risk assessment to develop a profile of risks on each burial site - Each cemetery will be assessed using a risk assessment process that will ensure consistent results across all the Council's cemeteries and closed churchyards whilst incorporating memorial safety as part of the Council's overall approach to health and safety on each of their sites. Each section within the burial sites will be assessed to identify areas of high, medium and low risk, which will then be recorded on a site plan for each burial site.
- Identify hazards in relation to memorial safety - Any memorials within the Council's burial grounds that are potentially hazardous to the public will be identified by following the 2009 Memorial Safety Guidance.
- Decide who might be harmed and how - Will carry out all assessments in accord with the HSE's 5 steps to risk management and will properly assess the risks to all users of the Council's burial grounds
- 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, although the 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 National Association of Memorial Masons (NAMM) standards
 - Condition of ground around memorials
- Record findings and implement them - Every memorial within the Council's burial grounds will be inspected and full records maintained. All memorials will continue to receive an inspection of some sort, ranging from only a visual inspection, through to a full visual and hand inspection. Where a memorial fails the inspection, the appropriate actions will be recorded and a priority allocated.

Review memorial risk assessments and update if necessary – Burial ground risk assessments will initially be reviewed once every 12 months. Memorials will be inspected at least once every five years

COMMUNICATION

The Council will:

- Ensure notices are displayed within the Cemetery grounds. This is 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
- Issue press releases - to advise the public and the press of all inspection work and why it is necessary to undertake it in accordance with the 2009 Guidance.
- When memorials are found to be unstable, letters to grave owners will be issued, wherever this is possible – where they can be contacted owners will be informed that the Council are currently carrying out an inspection of memorials, in accordance with the 2009 Memorial Guidance and to meet statutory duties under the Health and Safety at Work Act 1974. They will be informed that their memorial has been found to be unstable and will be given the opportunity to have it repaired to NAMM standards current at the time of repair.

If a grave owner is unhappy about the authority's decision to identify their memorial as being unstable a meeting can be arranged at the burial ground where they can witness a further inspection of the memorial.

If a memorial poses a serious risk then, in the interests of public safety, the Council retains the ability to lay the memorial down immediately, or take other action to make the memorial safe. A notice will be placed on the memorial informing the grave owner of the action taken and providing a contact number for the Council. Attempts will be made to contact the grave owner as soon as possible if current contact details are available.

INSPECTION

The Council will:

- Carry out a visual check on all memorials – this will be carried out irrespective of the level of risk on the section, or type of memorial.
- Carry out a hand test – the test will be used in accordance with the assessed level of risk.
- If required, a mechanical device may be used to measure the force at which a memorial has failed the inspection – occasionally it may also be used, when absolutely necessary, to check the accuracy of a hand inspection. The mechanical device will also be used as a training tool to ensure the consistency of staff inspections
- Inspections will be proportionate to the level of risk identified in the section on which they stand - Each section of the cemeteries will be identified as high, medium or low risk. The areas will be inspected as follows:

Low risk

A visual test will be sufficient, unless an individual memorial is identified to have a defect, obvious during the visual test. In such cases a hand test will be then be undertaken in addition to the visual test.

Medium Risk

Where an initial inspection has not been carried out, this first inspection will include a visual and a hand test. In the majority of subsequent inspections a visual test and hand test will also be undertaken, unless an individual memorial is considered to pose a lesser risk following the visual test. In such cases a visual test may be deemed sufficient.

Some memorials in medium risk areas may need specialist inspection and advice so appropriate procedures are in place to call on such specialist assessors.

High Risk

Where an initial inspection has not been carried out, this first inspection will include a visual and a hand test. In the majority of subsequent inspections a visual test and hand test will also be undertaken, unless an individual memorial is considered to pose a lesser risk following the visual test. In such cases a visual test may be deemed sufficient.

Some memorials in high risk areas may need specialist inspection and advice so appropriate procedures are in place to call on such specialist assessors.

In a section considered to be a high risk, particular attention should be paid to memorials that could pose a significant risk to members of the public. An early decision should be made on any action needed to make the memorial safe, this should be proportional to the level of risk.

Prioritisation

A simple priority will be given to memorials when inspected, whether in a high, medium or low risk area. The priority indicates the level of risk the inspector considers is posed to the public based on the area in which the memorial lies and the inherent risk of the memorial itself. The priorities to be applied by the inspector are as follows:

- Priority 1 (Red) – Is considered to be an immediate risk of toppling and causing serious injury. Requires immediate attention to protect the public, employees and other visitors to the cemetery. Action: Immediate action will be required to significantly reduce the risk by using the appropriate means of making the memorial safe.
- Priority 2 (Amber) – Is considered to have potential of becoming a danger to the public, employees and other visitors to the cemetery, but is not in immediate risk of toppling and causing serious injury. Action: Re-inspect in 12 months
- Priority 3 (Green) – Is considered to be of little risk to the public, employees and other visitors to the cemetery. Action: Re-inspect in 5 years

Frequency of Inspection

Inspections of all levels of risk will be carried out on a minimum frequency of once every 5 years. As indicated above, any memorials showing early signs of instability will, in the interests of public safety, be monitored every 12 months, where this is considered necessary. 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 or repaired. Decisions on whether to invoke the 12 monthly monitoring or the immediate action to make safe or repair, will be taken in relation to the perceived level of risk of the individual memorial and the level of risk allocated to the section in which it lies, as identified from the site risk assessment.

Memorials over 2.5.m

Due to the diverse nature and complexity of these memorials, a visual check of all joints and any other areas of weakness will be carried out in accordance with training provided. The visual inspection will include a decision on whether further professional advice is needed.

- Priority 1 - will require more professional advice, i.e. a structural engineer. The area will be cordoned off and appropriate safety notices put in place until specialist advice can be obtained.
- Priority 2 – will require more professional advice within the next 12 months but does not pose an immediate danger to the public
- Priority 3 – will not require specialist advice as the structure appears sound.

During the visual assessment the trained inspector will assess whether the memorial is safe enough to warrant him/her doing a hand test.

TEMPORARY MEASURES

Irrespective of whether a memorial lies within a high, medium or low risk area, if a memorial is considered to pose a significant risk and is likely to topple and cause serious injury to a member of the public, then a warning notice giving details of a contact number for the Council will be placed and an assessment of the need for repair or make safe will be carried out on an individual basis, in accordance with the training provided and in consideration of the following options. All action will be based on the likelihood of injury and will be proportionate to the level of risk.

Temporary measures will generally include consideration of the following:

- Warning Signs will be placed on or near the memorial found to be unstable.
- Mechanical support to the memorial (i.e. either metal or wooden supports). These will be placed discreetly to help support the memorial whilst the Council attempts to contact the grave owner.
- Re-fixing the memorial using an M3 polymer fixing compound

- Setting the memorial into the ground
- Laying down only if absolutely necessary.

Where a memorial has been temporarily supported, supports will remain in place for (a maximum of 12 months after this the memorial will be set in the ground, laid down or refixed using an M3 polymer jointing compound. .

RECORDING

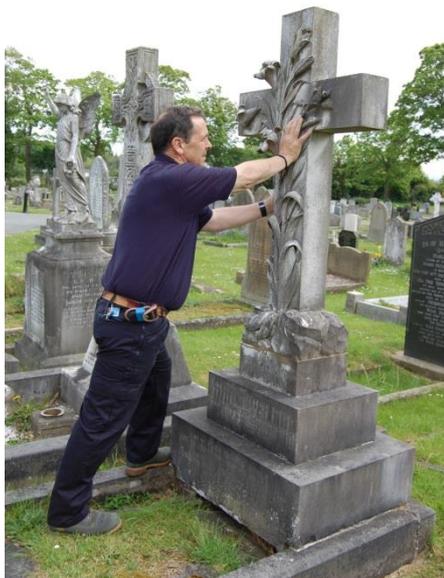
Records will be kept as follows:

- Record of cemetery risk assessments and plans identifying the profile of risks on each site.
- Record of all visual and hand tests undertaken with detailed information on individual memorials tested.
- Record of any significant risks to be dealt with, taking account of the numbers of people who may be exposed, and the likelihood of the risk.
- Record of any reasonable precautions taken to ensure the remaining risk is acceptable.

Memorial Safety Procedures

1. Memorial safety inspections will generally be carried out by two operatives working as a team although a single operative may carry out inspections in accordance with a suitable risk assessment that takes account of lone working. Only officer's trained to the industry best practice standards shall be eligible to carry out safety inspections on headstones/memorials.
2. Personal Protective Equipment (P.P.E.) must be worn at all times, this will include safety footwear and hard hats as required for larger memorials.
3. On entering the burial ground with the intention of carrying out an inspection of Headstones/Memorials it is essential that all operations be carried out in a manner that shall take cognisance of hazards and potential dangers within the whole site. A documented site risk assessment, together with a current 'Memorial Inspectors' risk assessment should be in place prior to inspection. Operatives should also be particularly aware of dangers in the immediate location where they are working or where members of the public may have access.
4. If a documented site risk assessment has not been completed then one will be carried out prior to starting the memorial inspection as the risk assessment provides focus for the inspection. This should be carried out in accordance with the training given in compliance with industry best practice standards and using the Council's assessment form attached to these procedures as Appendix 1.
5. All memorial inspections should be recorded on the Council's software database 2. Each memorial should firstly receive a visual check to identify if there is obvious danger and shall also indicate the safest approach to carryout a hand test if required.

6. Operatives must always be aware of Headstones/Memorials that are made-up of more than one section or blocks. Operatives must always examine the top section first and work down the memorial, this will avoid such elements of the memorial falling and potentially causing injury during any inspection. Suitable hard hats will be worn when inspecting memorials that extend above head height.
7. Any ornament on the top of the stone should be inspected with extreme care as these objects may create a great risk to the safety of the memorial inspector and others.
8. The hand test should be carried out standing in front, but to one side, of the headstone where possible and a gentle pressure/force should be gradually increased until a force approximating 25kg (250 Newtons) 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 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 a high up the memorial as can comfortably be reached.



Correct testing stance - larger memorial



Correct testing stance - smaller memorial

9. A memorial should only fail the safety inspection if it will move and continue to move until it falls to the ground under an initial firm but reasonable force approximating 25 kg. Memorials that do not freely move following the 'initial' force should not be considered unsafe unless in an area of high risk.
10. Should a memorial fail the hand test a mechanical measuring device may be used, simply to confirm the force at which the memorial had failed. When using this device it should be noted that the memorial will be unstable and great care should be taken. The measuring device should be used in a similar way to the hand test with the force

being applied at the apex of the memorial, or just below shoulder height on taller memorials up to 1.5m. The mechanical measuring device is not suitable for memorials taller than 1.5m

11. The routine use of staking to make a memorial permanently safe is not recommended. If a memorial is found to be unsafe following the above inspection process consideration should be given to the following options:
 - A warning notice will be placed on every occasion a memorial is considered unsafe
 - Setting in the ground
 - Refixing using M3 polymer jointing compound
 - Staking
 - Laying flat

The decision on the type of make safe procedure to use will be based on an assessment of the risk based on the site risk assessment and the Council's Memorial Safety Policy.

Should a temporary measure be used to make the memorial safe this should be inspected on a regular basis whilst it remains in place.

12. All headstones should be inspected, categorised and recorded on the Council's inspection sheets in accordance with the training given in compliance with industry best practice, to determine the risk factor for each headstone/memorial.
13. All recorded inspections are to be passed to the supervisor and thereafter entered in to the Council's dedicated computer systems for Burial Ground safety.

APPENDIX 1

Council Memorial Safety Risk Assessment Form

Cemetery
Section/Area

	Memorials		Access/Traffic		Environment
1	Monolith memorials	1	Inaccessible/ No visitation, overgrown	1	New lawn section, well maintained
2	NAMM Fix Memorials or below 500mm	2	Away from roads/paths, seldom visited	2	New lawn section, average maintenance
3	Lawn memorials - back to back	3	Accessible, reasonable numbers	3	Older lawn section
4	Lawn memorials – not back to back	4	Signs of misuse in area	4	Older section no kerbs
5	Kerbed Memorials under 1m	5	Accessible, well visited	5	Older section with kerbs
6	Memorials from 1m to 1.5m	6	Adjacent to well used roads and footpaths	6	Old section, kerbs, vaults – reasonable maintenance
7	Old jointed memorials over 1.5m	7	Very well visited ongoing burials in section	7	Old section, kerbs, vaults poor maintenance

Activity rating number: (memorial+access/traffic+environment)

Additional comments:

Action required to be taken:

Date of assessment:	Validated by (Print)
Assessors signature:	Signed
Print name	Date

Scoresheet - please see overleaf

Council Memorial Safety Assessment

SCORE SHEET

- Note:** A memorial should only be considered as unsafe if it moves and will continue to move until it falls to the floor under an initial firm but reasonable force (suggest a force approximating 25kg)
- 3 - 10 **Low risk** – Visual inspection only. Place notice only if a memorial is found to be unstable unless the memorial is considered an immediate danger and could cause a serious injury, should this be the case then alternative making safe methods should be considered and implemented. If individual memorials are considered a higher risk then these should be inspected using a visual followed by a hand test.
- 11 - 16 **Medium Risk - The** area have an initial visual and hand test on every memorial using experienced/trained staff. Some memorials may need specialist inspections.
- A full inspection on a minimum frequency of 5 years is recommended. Any memorials showing early signs of instability should be monitored every 12 months. Memorials that are found to be unstable should be have notices placed and should be set in the ground, cordoned off, temporarily supported, repaired, or laid down immediately.
- All action must be based on the likelihood of injury and should be proportionate to a medium risk area.
- 17+ **High Risk -** Area will need a visual and hand test on every memorial using experienced/trained staff. Some memorials may need specialist inspections.
- Memorials will require full inspection on a minimum frequency of 5 years. Any memorials showing early signs of instability should be monitored every 12 months. Memorials that are found to be unstable should be have notices placed and should be cordoned off and should be set in the ground, cordoned off, temporarily supported, repaired, or laid down immediately.
- All action must be based on the likelihood of injury and should be proportionate to a high risk area.