

Memorial Safety Procedures - Review

Background

The Health and Safety at Work etc Act requires the Council to ensure that memorials in its cemeteries are safe and will not fall and cause injury. In determining whether a memorial requires works to make it safe the Council will have regard to whether or not the memorial moves under a 35 kilogram pressure test as indicated in advice from the Institute of Cemetery and Crematorium Management and the Health and Safety Executive.

Powers for the Council to carry out works to make memorials safe are contained in the Local Authorities Cemeteries Order 1977. In accordance with these legal processes the Council has obtained a faculty from the church authorities and advertised its intention in the press and on the premises.

Whilst the Council has a duty to ensure that memorials in its cemeteries are safe and has authorised a programme for doing so, it is the legal responsibility of the owners to ensure that action is taken to repair them and to meet any costs that may be incurred.

1. The Council's Responsibilities

The Council must have a strategy for identifying and dealing with memorials that constitute a risk and the Health and Safety Executive will expect to see such procedures clearly set out in writing.

As indicated in the first paragraph, a test has been adopted for establishing whether memorials are safe. When this test has been carried out and a memorial found to fail, there needs to be a clear understanding of:

- a] the procedures that are to be followed;
- b] circumstances where immediate action should be taken;
- c] the exceptionally sensitive nature of the situation and the consequences of the actions of officers who, when acting in accordance with this policy, will be deemed to have been carrying out their duties and responsibilities under the Health and Safety at Work Act appropriately.

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2 Testing and Works

- a The Council has trained its staff in assessment of memorial safety and making safe. It has also created the post of Memorials Officer, reporting to the Bereavement services Manager, to check the correct installation of new memorials and oversee works of repair and reinstatement. Testing and laying down will also be carried out by specialist contractors under the supervision of the cemetery management. Memorials that require specialist engineering works due to their size will be surveyed by consultants and individual contracts placed.

3 Approved Operating Procedures

a Memorials Over One Metre in Height

- i) Memorials over one metre in height will be given priority - commencing with those in Kingston Cemetery. After these have been completed, work will commence on memorials over one metre at Surbiton cemetery. Memorials of less than one metre in height will be dealt with progressively once these works have been completed, except to facilitate a burial or in the exceptional circumstances set out in paragraph 4.
- ii) Most, if not all, memorials that are over one metre high will be deemed to present a risk requiring immediate remedial action by laying down or other interim safety measures if they fail a 35 kg pressure test. In such cases the action taken will be as set out in [iii] to [v] below.
- iii) Memorials where the last internment was more than ten years ago and there is no evidence of recent visitations will be laid down immediately without notifying or attempting to notify owners in advance of the action to be taken. This recognises the seriousness of the problem, that most graves are not visited after this period of time and that ownership is unlikely to be traceable.
- iv) Memorials where the last internment was less than ten years ago or there is evidence of recent visitations, the memorial will be identified as unsafe by attaching to it a highly visible hazard warning notice. As far as practicable without affecting access to other graves in close proximity the memorial will have erected around it tape on posts to restrict access to the danger area. Attempts will be made to contact the grave owner, but if this has not been possible within two weeks or investigations show that the grave owner is deceased and there has been no transfer of ownership, the memorial will be laid down.
- v) If the owner is not traceable, it is intended that memorials that are of special significance due to their location, or aesthetic or historical value, will be reinstated by the Council after the safety works have been completed. It is anticipated that around 150 will be re-erected by the Council under this provision.

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b Memorials Under One Metre In Height

An assessment balancing risk of injury against the need to proceed sensitively having regard to the effects on the bereaved has determined that failing a 35 kg pressure test does not present a level of risk whereby, for that reason alone, immediate action should be taken to lay a memorial down.

This assessment has taken into consideration the large number of memorials that may fail the test, that many such memorials if displaced by the test will return to a stable position and the significant numbers of visitors to the areas where they are located.

The foregoing assessment will allow that, except in exceptional circumstances, owners can be advised of the unsatisfactory condition of a memorial with sufficient time for them to carry out works of repair before the Council lays it down or takes other remedial action. To this end, a period of eight weeks is the period to be allowed for owners to carry out works after they have been advised of the need to do so by one or more of the methods set out below.

The steps taken to advise owners shall be as follows

- i] Notices will be placed conspicuously at the end of each line of graves or at regular intervals around the burial section where inspections are due to take place. This notice will say that over the next specified period all memorials will be inspected for stability and that owners or visitors may contact or visit the cemetery office for more information. The notice will also advise visitors that they can have their memorial checked in their presence at no cost and that it is an owner's responsibility to ensure that it is properly maintained in a safe condition.
- ii] If a memorial fails to meet the test, a notice will be placed in front of it stating that is the case and requesting the owner to ensure that it is made safe within eight weeks. The notice will advise that, in the event that making safe has not been carried out within this period, the council will lay the memorial down on grave space or make it temporarily safe [see [iv] below].
- iii] As soon as practicable after the notice has been placed in front of the memorial and not more than two weeks later, a letter will be sent to the last registered owner of the grave in the same terms as set out above if no earlier contact has been made. Where the records show that the registered owner is deceased and there has been no transfer of ownership no letter will be sent. This avoids potential distress caused by letters being sent to persons who are deceased.

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iv] Where all the following circumstances apply, memorials will be temporarily supported by strapping them together at the end of the notice period instead of laying them down:

- a] the memorials are back to back on the same bearer;
- b] neither owner has undertaken to carry out works following the procedure set out in [i] to [iii] above;
- c] both memorials have failed the pressure test;
- d] the overall result of strapping them together creates a stable situation.

The notice placed on a memorial that has been strapped [see 3 b [ii] above] will state that it will be laid down if no action has been taken to repair it within three months or if the memorial to which it is strapped has been repaired in the intervening period.

4 It is recognised that in some circumstances memorials of less than 1 metre in height can still present a risk whereby delay in contacting the owners cannot be justified before taking immediate action either to laying it down or temporarily support it. Immediate action will be taken to lay the memorial down when all the following circumstances are identified:

- a] the memorial is more than 50cm in height;
- b] it fails a 35Kgm pressure test;
- c] it is obviously unstable when tested by hand (e.g. it will move with less than 15kgm horizontal pressure applied) and does not return to a stable position when marginally displaced, or could easily slip out of position;
- d] the memorial is not prevented from falling by another firmly fixed memorial or obstruction;
- e] the memorial cannot be immediately stabilised by the use of a ground post and tape or being strapped to another memorial.

OR

- f] the memorial has become separated from the base plate

There may also be exceptional circumstances not covered by the above where a memorial less than one metre in height is regarded by the operational officers as creating an imminent danger and that immediate action must be taken. In these cases the Borough Environmental Health Officer must be consulted in advance before any action is taken.

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5. Proof of Defectiveness

In the cases of :

- a] a memorial over 1 metre high where either the last internment was less than ten years ago or there is evidence of recent visitations
- b] any memorial under 1 metre high

photographic/date timed evidence should be taken to show the condition of the memorial before any action is taken if this is to be done without prior notification or warning.

6. Grave Ownership and Responsibility for Repairs

In many cases graves have no living registered owner. This causes difficulties in giving advice regarding the Council's intentions and duties as well as in establishing the right to carry out works of repair when persons come forward with the intention of doing so.

Therefore, to facilitate proper registration of ownership and reduce the financial burden, the Council will waive its usual fee for any person registering a grave in their name in order to carry out repairs.

The Council will not meet the cost of repair of any memorial in respect of which works are required under this procedure other than as set out in 3 a (v) unless it can be proven that a grave owner or representative paid the Council a fee to remove and subsequently reaffix a memorial to facilitate a burial.

7. Grave Excavation

The above procedures will not apply where an unstable memorial is adjacent to an area where work must take place for the preparation of a grave or exhumation. This exclusion reflects the time constraints under which a grave must be prepared for burial or opened. In these circumstances all unstable memorials will be made temporarily safe by an approved Council method and a notice placed on them advising that action had been taken to ensure the safety of employees and visitors. The grave owner will be subsequently notified in writing of the actions taken and the need for them to make their memorial safe within three months.

8. General

This policy may be revised in the light of any revised Guidelines issued by the Secretary of State and/or the relevant professional and enforcement bodies.