



Saxilby Parish Council Memorial Testing Policy

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Introduction: Addition of wording: A memorial is defined as any constructed item placed on a grave space including headstones, crosses, tablets, kerbs, vases, plaques or any other structure.

2.13 All memorial masons undertaking work in the burial ground must be accredited under BRAMM or NAMM, and must work in accordance with BS 8415 and the BRAMM Blue Book/NAMM Code of Working Practice.

4.4 All inspectors must have one of the following: ICCM Memorial Management Course, BRAMM/NAMM Fixer or Inspector accreditation, Equivalent training

5.5 Memorial testing should not occur during: frozen ground, saturated ground, high winds, extreme heat.

11 'every two years' changed from 'bi-annually'.

Saxilby Parish Council Memorial Testing Policy

1. Introduction - “A memorial is defined as any constructed item placed on a grave space including headstones, crosses, tablets, kerbs, vases, plaques or any other structure.”

- 1.1. This Memorial Testing Policy applies to the Saxilby Burial Ground, Church Lane, Saxilby, LN1 2PE.
- 1.2. Unfortunately, there have been a small number of cases nationally where deaths and injuries have occurred due to falling or failing memorials.
- 1.3. The purpose of this policy is to ensure there is a robust process in place for the regular inspection of memorials in our burial ground, and for remedial actions required to make any dangerous memorials safe.

2. Responsibility and Liability

- 2.1 Responsibility for the overall safety (duty of care) within a burial ground lies with the burial authority¹, which has responsibilities under the Health and Safety at Work Act 1974 and the Occupiers Liability Act 1957 to ensure that, as far as reasonably practicable, their sites are maintained in a safe condition. This includes ensuring that anyone who enters the site to carry out work, such as a memorial mason, carries out such work in a safe manner and in such a way that others using the site will not be put at risk.
- 2.2 The burial authority also has powers under the Local Authorities' Cemeteries Order 1977 to “take any action that is necessary to remove a danger that arises by means of the condition of a vault, tombstone or other memorial”.
- 2.3 Specific responsibilities relating to memorials lie with both the owner of the memorial and the memorial mason responsible for installing it. The owner of the memorial is responsible for maintaining the memorial in a good condition and should be properly informed, in writing, of their and other party's responsibilities. This notification should happen whenever a new deed for the Exclusive Right of Burial is sent out and included in the terms and conditions relating to the grave purchased.
- 2.4 The memorial mason is the expert who erects the memorial and charges for their professional services. Memorial masons are legally liable for the work they carry out and should ensure that memorials are erected safely and in accordance with current standards available within the industry.
- 2.5 This burial authority now requires memorial masons to install memorials in accordance with BS 8415 and the appropriate industry code of practice every time a memorial is fixed or re-fixed in the burial ground.
- 2.6 Claims for poor workmanship by the memorial mason can be made up to 6 years after the memorial has been installed.
- 2.7 Where the burial ground has been consecrated² in accordance with the rights of the Church of England the Church, through the local diocesan Consistory Court, has jurisdiction over such ground. A faculty has to be obtained from the diocese giving permission to carry out inspection and making safe work and the church may want to place their own restrictions on

¹ The parish council is the burial authority

² Our burial ground has been consecrated

this work. This must be taken into account by the burial authority. Usually, the faculty would be requested for a minimum of five years, to cover the testing period.

- 2.8 Should a burial authority identify a memorial that has become unstable due to non-compliant installation within six years of installation the memorial mason must rectify the matter free of charge. Should dispute ensue on this matter it should be referred to the local Trading Standards office.
- 2.9 A burial authority should carry out regular inspections on their existing memorials, at least once every five years. Where this inspection programme identifies unsafe memorials, they have a responsibility to ensure such memorials are not a danger to visitors and employees in the cemetery. Where possible, they should contact the owner, advise them of the problem and ask them to make the memorial permanently safe, usually by having it refixed (unless the memorial was installed within the previous six years as above).
- 2.10 The burial authority should make any memorial found to be unsafe permanently safe within 18 months. In the interim it must be made temporarily safe.
- 2.11 Commonwealth War Grave memorials³ should not be tested by the burial authority and any observable defects should be reported immediately to the War Graves Commission.
- 2.12 When designing a new burial ground, the burial authority should pay due attention to the need to ensure the stability of memorials once they are installed in the burial ground.
- 2.13 All memorial masons undertaking work in the burial ground must be accredited under BRAMM or NAMM, and must work in accordance with BS 8415 and the BRAMM Blue Book/NAMM Code of Working Practice.

3. Communication and Awareness

- 3.1 Councillors need to be aware of the accidents and deaths that have been occurring in burial grounds throughout the country and need to appreciate the requirement for allocated funding⁴ to ensure the council as the burial authority is able to fulfill its requirements for inspection and making safe. councillors need to be aware of relevant health and safety requirements and potential penalties if ignored.
- 3.2 Appropriate publicity will be required, to inform parishioners that memorial testing will be taking place, and also to clarify what actions will be taken to temporarily make safe any dangerous memorials. Council will need to be mindful of the fine balance between potential risk to the public and potential public outcry if the provisions to make safe are seen to be excessive.
- 3.3 If for any reason the burial authority fails to follow the proper notification process, including publicity of the process, warning signs and letters to grave owners, the authority could be reported to the Local Government Ombudsman and accused of maladministration of the process.

4. Training

- 4.1 All grave digging and other maintenance operations that are carried out by the burial authority should be carried out by trained staff, in such a way that it will not de-stabilise any memorials.

³ Memorials erected to the Commonwealth War Graves Commission standards, namely a monolith construction fitted into concrete kerb/shoe-below ground is one of the safest designs of vertical memorials available.

⁴ To cover resource time, materials required for 'making safe', training, potential repair of unsafe memorials if the owner cannot be traced.

- 4.2 It is essential that training is provided for staff who will be responsible for the inspection and making safe programme and to any others likely to be involved in the process. This has been reinforced in the Local Government Ombudsman's Special Report on Memorial Safety⁵.
- 4.3 As the burial authority, we are responsible for ensuring work is carried out to a suitable standard. Evidence of training, adequate public liability insurance and suitable risk assessments and safe methods of working are all essential.
- 4.4 All inspectors must have one of the following: ICCM Memorial Management Course, BRAMM/NAMM Fixer or Inspector accreditation, Equivalent training

5. Risk Assessment

- 5.1 Before starting the inspection programme, officers need to decide where to start and in what order the work is carried out.
- 5.2 This will be determined by assessment of:
 - 5.2.1 Hazards and their potential to cause harm – the age, size, deterioration of memorials
 - 5.2.2 Number of visitors – the number of visitors to certain areas and the likelihood for accidents
 - 5.2.3 Vicinity to paths – consider the busiest areas for pedestrian traffic, usually around main footways and entrances
 - 5.2.4 Ground conditions – whether the ground conditions will affect the stability of a memorial
 - 5.2.5 Topography – is there any sloping ground which will affect the stability of a memorial
 - 5.2.6 Construction – consider the method and materials used in construction, whether some are more likely to deteriorate than others
- 5.3 All memorials should be risk-assessed.
- 5.4 Memorials over 625mm high should be inspected on a 5-year cycle.
- 5.5 Multi-part memorials, such as crosses, should be prioritized first.
- 5.6 Decisions must be made as to the most suitable means of making safe and ensuring this is proportional to the potential risk.
- 5.7 An assessment is also required of the risk to any employees carrying out any inspection or making safe work on memorials. This assessment should consider the range and extent of hazards in the burial ground, including the size of memorials, the likely stability/instability of memorials, ground conditions including presence of unstable vaults, kerbs etc., risks of falling masonry, lone working, topography, means of making safe, and accessibility.
- 5.8 Any risks identified should be reduced by adopting safe methods of working.
- 5.9 Memorial testing should not occur during: frozen ground, saturated ground, high winds, extreme heat.

6. Inspection and Making Safe

- 6.1 The process will consist of an initial inspection and then an ongoing inspection programme.
- 6.2 The inspection process must be coordinated with any requirement to make memorials safe. Once a memorial is identified as dangerous, immediate action must be taken to significantly reduce or eliminate the risk (see below). The inspection process should be managed in such a way so that it doesn't progress too far in advance of the making safe work or delay the

⁵ Special Report: Memorial Safety in Local Authority Cemeteries, The Local Government Ombudsmen, 2006

continuing inspection process.

- 6.3 It is recommended that temporary supports remain for 3 months which gives the owner sufficient time to make arrangements for repair. A temporary 'make safe' cannot remain in place for longer than 18 months and must be regularly inspected to ensure that its condition has not deteriorated further.
- 6.4 If the owner cannot be contacted the authority, then remedial action must be taken after the expiration of the period. In exceptional circumstances (and as a last resort) the burial authority may have to pay to have a dangerous memorial made safe, but this should not divert resources from making safe other potentially dangerous memorials.
- 6.5 It is recommended that burial authorities concentrate on the initial inspection and making safe of memorials in such a way that they will be able to demonstrate a coordinated inspection and 'make-safe' programme that is not unduly delayed by re-inspection or repair works.

7. Inspection Process

- 7.1 Prior to commencing inspections, the following must be in place:
 - 7.1.1 A method statement and reasons for prioritisation and order of assessments.
 - 7.1.2 A risk assessment of the process itself.
 - 7.1.3 Public Liability insurance if an external contractor is used.
 - 7.1.4 Appropriate resourced remedial procedures.
 - 7.1.5 A means of recording and storing inspection data.
- 7.2 The process used for inspection must be consistent, to ensure consistent results.
- 7.3 The initial assessment is aimed at obtaining the necessary information that is critical to identifying the safety of the memorial and, therefore, whether the memorial is an immediate danger to the public.
- 7.4 It is recommended that 3 categories of action classifications are used (see Inspection Records). A dangerous or unsafe memorial (immediate danger to the public) is defined as one that will move and continue to fall to the ground with the exertion of a force of 25Kg or less. Note that a memorial that moves under pressure but does not fall, does not necessarily pose a danger.
- 7.5 Once the initial inspection is complete, burial authorities can move on to the ongoing inspection programme. All memorials should be inspected at least every five years. Depending upon the risk assessment, others may need annual or two-yearly inspection. Memorials temporarily made safe will need annual inspection.
- 7.6 Memorials which failed the initial inspection and have had remedial action to temporarily make safe, will need re-inspection to ensure their condition has not deteriorated further, pending a permanent fix.
- 7.7 A visual assessment and hand test is recommended for all memorials (except memorials over 1.5m or complex structures). A force measure device is only recommended by ICCM on memorials 625mm to 1.5m where there is uncertainty over the results of a hand test.
- 7.8 The visual checks should consider:
 - 7.8.1 Are the joints intact?
 - 7.8.2 Are kerbs breaking apart?
 - 7.8.3 Is the memorial leaning or moving?
 - 7.8.4 Are the foundations (where evident) intact?
 - 7.8.5 What are the ground conditions like?
 - 7.8.6 Is it a hard or soft stone?
 - 7.8.7 Is there any intrusion of vegetation?

8. Actions for Unsafe Memorials

- 8.1 For memorials up to 625mm, the owner should be advised if any joints or components have been detached. No temporary supports will be required for most memorials of this height however some books on rests might be laid flat to prevent them from falling from their rests and breaking. Cavities that develop below the cover slab of kerbed memorials can be a danger to those who step onto the grave. Any found can be filled with earth or repaired.
- 8.2 For memorials over 625mm, once a memorial is found to be unsafe, a warning notice should be placed on it. Warning notices are a clear acknowledgement that hazards are present, and an authority found to be doing nothing to remove such hazards is likely to be found negligent.
- 8.3 The hazardous memorial may also need to be cordoned off, or have a temporary support added.
- 8.4 The owner of any memorial that fails the inspection should be contacted, if possible, by writing to the last known address. The notification should state that as the memorial has failed the owner is responsible for reinstating it to an approved specification (BS 8415).
- 8.5 The owner should be made aware of the reasons for the remedial action being taken, must not remove any cordon, temporary support systems, and must not attempt to correct/re-erect the memorial without using a registered memorial mason.
- 8.6 Long term cordoning might require suitable fencing. When using cordons, it is important to cordon off the radius of the fall of the memorial so that if it does fall it will land within the cordoned area.
- 8.7 Temporary supports can be sturdy stakes driven into the ground vertically behind the memorial and secured with appropriate banding. Corner protection is advisable so that the banding does not cause damage. Whilst cordons are suitable for memorials up to 1.5m in height they might not be appropriate for taller memorials.
- 8.8 If the remedial action is to lay down the memorial, then the authority needs to be mindful of the impact on the aesthetics of the burial ground if there are a number of memorials laid down. This will also have an impact on the authority's ability to maintain the burial ground and may potentially create further trip hazards.
- 8.9 An alternative remedial action is to convert the headstone to monolith⁶.
- 8.10 If the owner of any graves cannot be traced, the burial authority has to make a decision on how to deal with the memorial. Taking on responsibility for the repair, can prove to be costly for the burial authority.

9. Inspection Records

- 9.1 Every memorial must be inspected, and a record maintained of the inspection. The results of the initial inspection will inform the following inspections, so should be as complete as possible.

⁶ Monolith is where the memorial is set into the ground by 25-35% of the height. In some ground conditions this may also require the stone to be set into a 'shoe' underground.

9.2 The essential information required for the initial inspection is as follows:

- Plot number
- Name of deceased
- Size of memorial:

Below 625 mm – less of a hazard and less likely to cause a fatal accident

Between 625mm and 1500mm – a greater hazard as these memorials are more likely to cause a fatal accident

Over 1500mm – likely to be unable to be physically inspected and needing a structural engineer

- Type of memorial – headstone, cross etc
- Headstone material – hard or soft stone
- Action required – immediate action required to make it safe, or longer-term action required for making safe or for repair
- Category of action:

Category 1 – immediate action is required to make the memorial safe or to stop the public accessing the memorial. This could be the permanent removal of the hazard or the temporary making safe of the hazard.

Category 2 – The memorial is not an immediate danger to the public but is not fully stable and will therefore need to be monitored every 12 months to assess any further deterioration of the memorial. The construction, material use, or position of the memorial may also qualify it as category 2.

Category 3 – The memorial is perfectly stable or below 625mm in height and will only need to be inspected in 5 years' time.

- Failure force – useful as evidence should there be a complaint about the amount of force used in testing.
- Photo – provides evidence of testing failure and also provides a heritage record if the memorial has to be dismantled.
- Details of any vandalism
- Details of any weathering
- Is the memorial complete or are there any components missing?
- Is the memorial visited?
- Name of inspector
- Date of inspection

10. Analysis of Findings

10.1 Simple analysis of the findings should be undertaken to identify common problems, such as a high failure of memorials installed by a particular mason, or specific areas of the burial ground which are more prone to flooding or subsidence.

11. Review

A review of the policy shall be undertaken every two years (or as appropriate) and necessary amendments will be undertaken by the clerk and reported to full council for approval.

(These regulations are based on the ICCM's Management of Memorials Policy 2019)