



**MANAGED GROWTH AND COMMUNITIES
DIRECTORATE**

BEREAVEMENT SERVICES

Management of Memorial Safety

Policy 2019

1.0 Introduction

- 1.1.1 Solihull MBC recognises that it has a duty of care to ensure the safety of employees, contractors and all visitors who enter our Cemeteries; this includes the management of memorials.
- 1.2 Under the Local Government Act 1972, the Local Authorities' Cemeteries Order 1977, the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999 SMBC has a legal obligation to implement a programme of memorial safety inspections.
- 1.3 This Policy is based upon the principles set out in the Ministry of Justice paper 'Managing the Safety of Burial Ground Memorials – practical advice for dealing with unstable memorials'.
- 1.4 A memorial can be either a temporary or permanent structure which commemorates a deceased person and may include the following:
 - Headstone;
 - Kerbs;
 - Posts;
 - Crosses;
 - Vases;
 - Railings;
 - Any other item as appropriate.
- 1.5 Where memorials are identified as being unsafe the Local Authority has a responsibility to take remedial action in proportion to the risk associated with that memorial.
- 1.6 The purpose of this document is to describe a structured approach to the management of any unsafe memorials within its cemeteries.
- 1.7 Memorials are not the property of the Council but of the bereaved families who purchased them. They have immense emotional value to these families and represent their memories of their loved ones. It is therefore essential that any work to any memorial is carried out in with extreme sensitivity. It is also desirable to ensure that memorials are not removed en masse and subsequently have a detrimental effect on the character of the cemetery.
- 1.8 It is also important to recognise that different religious and ethnic groups have specific requirements with regard to memorials.
- 1.9 Across all three of Solihull's cemeteries there are approximately 20,000 graves, most of which have a memorial.

2 Responsibility for the Safety of Memorials

- 2.1 The following parties have a responsibility for the safety of memorials within the authority's cemeteries:
- (a) Solihull MBC has a legal obligation to ensure the safety of everyone within its cemeteries;
 - (b) The owner of the "Exclusive Right of Burial" for any grave, on which a memorial is located, has a responsibility to maintain the memorial so as not to present a hazard;
 - (c) The memorial mason has a requirement to fix a memorial in accordance with the Authority's Cemetery and Crematorium Policy 2019 and within the British Register of Accredited Memorial Masons guidelines.

3 Notice of Intent

- 3.1 The management of memorial safety involves the periodic assessment of memorials as part of a planned exercise. Where action is needed following this assessment the measures used to control any risk should be proportionate to the level of the risk.
- 3.2 Prior to any inspection programme starting, all reasonable steps will be taken to inform grave owners and visitors to cemetery sites that an inspection programme will commence with the specific intention to identify and remove any danger from unsafe memorials.
- 3.3 This will involve the following:
- (a) Placing signs on the section of the cemetery where work is being undertaken;
 - (b) Placing notices in local newspapers, and other forms of media as appropriate;
 - (c) Provide training for all staff to deal with any specific queries regarding the inspection programme and any actions to be taken.

4 Action Required

- 4.1 Before beginning any inspection programme the operators involved should have knowledge of the different types of memorial to be found at each site including the different designs and materials and especially at Robin Hood Cemetery any memorials which are of particular historical and social importance. Also of significance is the location of memorials and the likelihood of members of the public visiting or walking past the memorial.

- 4.2 Consideration must also be given to how any memorials found to be dangerous are to be treated. They could be:
- a) Secured in their current location;
 - b) Burial or part buried within the grave area;
 - c) Repaired;
 - d) Cordoned off with tape and or fencing.
- 4.3 Whichever method is chosen has implications both for the public's experience and perception of the service, together with Solihull MBC's available budget.
- 4.4 With regards to cost implications, it is the grave owner's responsibility to maintain the memorial and keep it in good repair. However, it is the case not all owners are traceable and that many memorials will have to be dealt with at the Local Authority's expense.
- 4.5 When the memorial safety inspections are carried out each memorial will be rated:
- Red – pose an immediate danger
 - Amber – may pose a danger in the next 5 years
 - Green - no danger
- 4.6 Any memorials which are rated Red will need to be dealt with immediately as they pose an imminent danger. Once the memorial has been made safe all reasonable steps should be made to contact the owner of the grave to ask for it to be suitably repaired. Each memorial will be assessed to decide upon the best course of action which may include laying the memorial flat or cordoning off, depending upon location, degree of risk and cost.
- 4.7 Each memorial will be assessed to decide if immediate repair is required and will depend upon degree of risk and cost. In such cases where a delay in tracing the owner would mean that the risk remained, the Authority will consider undertaking the repair at its cost.
- 4.8 Many memorials will be rated Amber. This is because they have the potential to be dangerous either through being unstable to some degree but, perhaps, still with dowels intact, or with a crack in the stonework that does not run throughout. These memorials may require repairs to ensure their future safety but do not require immediate action. These memorials should not be repaired without notification to the grave owners or the Authority in accordance with the Local Authorities' Cemeteries Order (LACO) 1977.
- 4.9 Any work on memorials within the consecrated areas at Robin Hood requires a Faculty, in addition to the notification required by LACO 1977. The local diocese should also be advised of any emergency work where the memorials pose an imminent danger to the public.

5 Consideration and Methodology for Memorial Inspection

- 5.1 To enable full and effective implementation of this Policy, it is dependent on sufficient resources being made available to carry out inspections and undertake any required remedial action identified.
- 5.2 All operatives involved in the process will receive relevant training.
- 5.3 All memorials will be inspected on an on-going 5-year rolling programme.
- 5.4 The testing methodology will comprise of the following:
- a) Visual Inspection - for any obvious signs that the memorial may be unsafe checking; condition – for any sign of cracks or other evident damage and foundation – for surrounding ground conditions;
 - b) A firm but steady hand pressure will be applied to the memorial to help identify any stability problems;
 - c) Memorials over 2.5 metres in height will be inspected by a qualified Structural Engineer.
- 5.5 In addition to the inspection programme identified, a memorial should also be inspected when:
- a) It is on or adjacent to a grave to be excavated;
 - b) Any member of staff, contractor, memorial mason or visitor is concerned that a memorial may be unsafe;
 - c) A memorial has recently been repaired or installed.
- 5.6 Records will be maintained of the date of inspection for all memorials. The following details will be recorded:
- a) Site, section and grave number;
 - b) Type of damage (if any);
 - c) Action taken to make memorial safe (if any);
 - d) Date and signature of person inspecting.
- 5.7 Stability of memorials will be categorised as follows:
- a) Red- Unsafe requires immediate attention;
 - b) Amber- Minor damage will require retest in 12 months;
 - c) Green- Stable retest in 5 years time.
- 5.8 The inspector will decide the best way to deal with any hazard which poses immediate danger at the time of the inspection. The options to be considered areas follows:
- a) Temporary support in it's current position;
 - b) Cordoned off with tape or fencing;

c) The memorial will be repaired at the Authorities expense.

6.0 Action to deal with Red memorials

- 6.1 A photograph will be taken of before and again after any works are carried out. The grave area will be cordoned off where appropriate to minimise any immediate danger. A sign will be attached to the memorial; and where appropriate the headstone will be staked and banded, an entry will be made to the database recording what action has been taken following the inspection.
- 6.2 Within 5 working days of identifying an unsafe memorial a letter will be sent to the grave owner to inform them of the situation and to request them to take immediate action to make the memorial permanently safe.
- 6.3 If the grave owner cannot be contacted and there is no response to the letter or action taken within 6 weeks, then the Authority will make the memorial safe on behalf of the grave owner.
- 6.4 Where costs have been incurred by the Authority all practical attempts to recover these costs will be made. The Authority cannot accept liability for any damage to the memorial during this process. All repairs will be made in accordance with BRAMM (British Register of Accredited Memorial Masons) code of practice.

7.0 Action to deal with Amber memorials

- 7.1 A photograph will be taken of the memorial.
- 7.2 An entry will be made in the database of the damage and date of intended retest.
- 7.3 The grave owner will not be notified at this point and a notice will not be attached to the memorial.

8.0 Action to Deal with Green Memorials

- 8.1 An entry will be made on the database entering the date for retest in 5 years time.

9.0 New Memorials

- 9.1 Anyone wishing to install a new memorial or carry out works to an existing memorial must be accredited with BRAMM registration scheme and apply for a permit from Solihull MBC Bereavement Services.