

Leisure, Parks & Communities – Cemeteries Service

Memorial Safety Policy

Approved by SMB on 12th June 2007

Reviewed and Updated 10th July 2014

Background

This policy has been produced to set out Oxford City Council's (the Council) position with regard to memorial safety, the responsibilities of the Council, its contractors, memorial masons and Deed Holders as well as the actions that will be taken to minimise risk to the users of the cemeteries and some churchyards across Oxford.

Since Victorian times memorials have been erected on 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 any need for repair.

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

Responsibilities for Memorial Safety

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 & Safety at Work Act 1974) and a responsibility to visitors (Section 3 Health & Safety at Work Act 1974). The Management of Health & 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 laid down in the Cemeteries' Rules.
- An owner, the Deed Holder or successor in title, of a memorial has the responsibility to maintain it so as not to present a hazard.

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 remove the danger from unsafe memorials.

This will involve:

- Giving advance general notice in a local newspaper at least three months in advance of any inspection regime commencing.
- Making media announcements giving details of the assessment locations and methodology at least one month prior to commencement of any inspection.

- Publishing details of the assessment and methodology on the Council's website and in the Council's free magazine to householders, 'Your Oxford'.
- Placing public notices in prominent locations in the cemetery or churchyard affected by the assessment regime.

Assessment Process

The Council's in-house trained staff will assess the entire inventory of memorials at the Council's four cemeteries at Botley, Headington, Rose Hill and Wolvercote on a five year rolling programme. Furthermore, testing will also be undertaken on behalf of the Diocese of Oxford at the closed churchyards of St Sepulchres, Osney, St Andrews Headington, St Mary the Virgin Iffley, SS Mary the Virgin and Nicholas Littlemore, St Mary Magdalen Oxford, St Giles, St Philip, St James with St Margaret Oxford, St James Cowley, St Mary the Virgin with St Cross with St Peter in the East Oxford and St Mary and St John Cowley. Faculties will be required in advance from the Chancellor of the Diocese of Oxford authorising testing to be undertaken on consecrated land.

The safety assessment is to test whether memorials can withstand a reasonable hand force. This force has been arrived at scientifically and replicates the force of a person falling, pushing or pulling against a memorial.

Initial visual warning signs of memorial instability are as follows:

- Movement 5 degrees from vertical
- Cracks in headstone or base
- Movement if rocked
- Ground settlement
- Waterlogged ground
- Missing parts

Reasons for memorial instability include:

- Accidental damage
- Animal activity (e.g. burrowing by rabbits, moles, foxes etc)
- Insect activity (e.g. ants nests)
- Encroaching tree roots
- Inadequate fixing
- Inferior materials
- Lack of maintenance
- Poor workmanship
- Subsidence
- Vandalism
- Weather/storm damage
- Decay through ageing
- Weed killer chemicals

Existing memorials can broadly be divided into the following types:

- Lawn (headstone with base up to 0.762M (2' 6"))

- Cremated Remains memorial (low level up to 0.305M (12"))
- Traditional (headstone with base up to 1.067M (3' 6"))
- Large monument (statues etc greater than 1.067M (3' 6"))
- Multi Units (tiered crosses, obelisks etc.)
- Kerb Sets
- Children's memorials (headstone with base up to 0.457M (18"))
- Old Headstones (base below ground with saddle foundation)

The safety assessment consists of several elements:

- An overall visual inspection of all memorials for the purpose of assessing signs of instability and as part of the overall risk assessment process. A structural engineer should inspect memorials in excess of 2.5M (8' 2½") in height.
- A physical hand test of memorials up to 2.5M (8' 2½") in height to assess any lateral movement following the visual inspection.
- Memorials below 0.5M (1' 7¾ ") in height should be assessed to establish whether there is any benefit in applying any force to the memorial.

Council staff that have been trained in the methods used to carry out these tests, in order to identify the potential dangers of unstable memorials. A risk assessment for each site is to be compiled prior to testing beginning in accordance with the latest Health and Safety guidance. Appropriate protective clothing is to be worn by all staff undertaking the testing process.

At the completion of the testing process staff will identify memorials in one of two categories:

- Category 1 – requires immediate attention to make safe by stabilising with a stake and banding where possible, or carefully laid down within the grave space.
- Category 2 – stable and not dangerous in any way and to be reassessed in five years.

Remedial Action

Having considered the guidance¹ and industry standards² and the various options available, the Council will implement the following approach to memorials assessed in Category 1:

- Braced with a stake and banded to provide support. This will be the primary method of making safe.

¹ Special Report by the Local Government Ombudsmen – Memorial Safety in Local Authority Cemeteries dated March 2006.

² Institute of Cemetery and Crematorium Management – The Installation, Inspection, Management and Maintenance of Memorials dated October 2005.

- Carefully laid flat within the grave space with the inscription visible. This method is considered to be a last resort and will only be used where the danger is acute and immediate and there is no other way of making safe.
- Dismantled to remove the danger (larger memorials, tiered crosses, obelisks etc). This method is also considered to be a last resort and will only be used when unavoidable.
- Any memorial found to be unsafe is to have a warning notice attached explaining the situation and giving contact details for further advice.
- An appropriate officer of the Council will determine which of the above options will be used to make the memorial safe.

Documentation & Recording

Memorial assessments will be noted on record sheets or hand-held digital devices giving the following information:

- Name of Cemetery or Churchyard
- Cemetery Section reference
- Grave plot number
- Name(s) of deceased
- Date(s) of death
- Type of memorial, kerbs etc and material used
- Height of memorial
- Condition, (lean angle, stability, decay, movement etc)
- Assessment result showing category 1 or 2
- Details of reasons for failure
- Remedial actions required and taken (stabilised, laid down, notice displayed etc)
- Name of Assessor
- Date of inspection

Information taken from the records made at the cemetery will be transferred to computer for long-term reference and security.

Notification, Repair and Re-fixing

Where a memorial has been identified as being unsafe and action taken to remove the immediate danger, the following action will be taken:

- Detailed lists of failed memorials will be published on the Council's Internet website, www.oxford.gov.uk.
- Detailed lists of failed memorials will also be available for viewing at the Cemeteries Service office at Wolvercote Cemetery.

- A warning notice will be displayed and attached to any memorial that has been assessed as dangerous. This notice will explain the situation and offer advice and contact details for further information.

Future Installations

Although some deterioration to stonework, foundations, and fixings, due to weathering and the passage of time, is inevitable, the Council requires that, in order to minimise these effects for all future installations, memorial masons adhere to the National Association of Memorial Masons' (NAMM) Code of Ethics and Practice, this includes use of appropriate foundations and fixings, or other suitably approved and secure traditional methods for the installation of stone memorials, as well as the Cemetery Regulations currently in force.

The Council operates an Accredited List of memorial masons whereby only those masons belonging to the list will be approved to work within the Council's cemeteries. Approved masons are required to achieve certain criteria in order to gain approval, such as:

- Proof of adherence to NAMM recommended fixing methods or other suitably approved and secure traditional methods and, preferably, membership of the British Register of Accredited Memorial Masons.
- Proof of Public Liability Insurance cover.
- The issue of a minimum guarantee for their work of ten years.
- The production of appropriate risk assessments.

Deed Holders

The assessment process may be upsetting for Deed Holders and Oxford City Council regrets any distress that it may cause. It is better that the memorial is assessed rather than it is left to pose a potential danger to other people.

If a memorial has to be made safe Deed Holders can choose to either:

- **Take no further action;** if a stake has been used to support the memorial it is considered to be safe. The stake may be replaced to re-stabilise the memorial during any further assessment in the next five yearly round of assessments to stabilise it. If the memorial has been laid flat this action will have been taken as a last resort. Once a memorial has been laid flat it is considered to be safe.
- **Have the memorial repaired;** Deed Holders will need to arrange the necessary remedial work with an approved memorial mason, for which the mason is likely to charge a fee. The Cemeteries Office can supply a list of the memorial masons on the Council's Accredited List. These memorial masons should undertake the repair up to a minimum standard as recommended by NAMM or equivalent.

No attempt should be made to repair or remove any memorial except by a properly qualified memorial mason.

Points of Contact

Any concerns or questions about the memorial assessment process should be referred to a member of the Cemeteries staff through one of the methods below:

E-Mail: cemeteries@oxford.gov.uk

Telephone: 01865 252516

Fax: 01865 553275

Write: **Cemeteries Manager**
Oxford City Council Cemeteries Service
Cotteslowe Park
Harbord Road
Oxford
OX2 8ES