



CHESTERFIELD
BOROUGH COUNCIL

MANAGEMENT OF MEMORIAL SAFETY - POLICY AND PROCEDURES

March 2024

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1. BACKGROUND

This policy has been produced to set out Chesterfield Borough Council's position with regard to memorial safety and the actions that will be taken to minimise the risks to users of Council managed cemeteries and closed churchyards.

The assumption that memorials will last forever with out any need for repair has resulted in countless accidents and unfortunately caused deaths in recent years.

Memorials on graves do not belong to the Council, they remain the property of the holder of the Exclusive Right of Burial, but we are responsible for ensuring the safety of visitors and therefore are duty bound to inspect and make our cemeteries and closed churchyards safe.

2. RESPONSIBILITIES

The following parties have responsibility for memorial safety in Council managed cemeteries and closed churchyards:

- (a) Chesterfield Borough 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) and the Occupiers Liability Act 1957. 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 the risks are controlled.
- (b) 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' Regulations and 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 i.e. BS8415, The National Association of Memorial Masons (NAMM) Code of Working Practice and the British Register of Accredited Memorial Masons (BRAMM) 'Blue Book'. This responsibility is placed on masons in the Consumer Protection Act 1987, the Sale of Goods Act 1979 (amended 1994), the General Product Safety Regulations 2005 and the Directive on Liability for Defective Products (85/374/EEC).
- (c) The owner the Exclusive Right of Burial (or successor in title) of a memorial has the responsibility to maintain it so as not to present a hazard. They also have the responsibility and liability for all expenditure incurred to make safe their memorial in the event it is found unsafe or in a dangerous condition. This is not the responsibility of the Council.

3. NOTICE OF INTENT

Prior to any memorials being inspected, reasonable steps will be taken by the Council to inform the owners of the Exclusive Right of Burial, and members of the public, of the intention to inspect memorials and minimise the danger from unsafe memorials.

This will involve:

- Publishing details of the assessment programme on the Council’s website
- Informing the Diocese of Derby prior to inspections in Consecrated areas

4. ASSESSMENT SCHEDULE

It is recommended that memorials be inspected on a minimum 5-year cycle. Due to the number of memorials with the Council managed cemeteries and the 6 closed churchyards, a rolling programme of testing will take place as seen in the table below;

Cemetery	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
Boythorpe	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue
Brimington	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue
Staveley	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red
Spital	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue
Churchyard	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
St Bartholomew’s Church (Old Whittington)		Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red
St Mary’s and All Saints (Crooked Spire)		Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red
St John The Evangelist (Newbold)		Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red
Holy Trinity (Chesterfield)	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue
St John The Baptist (Staveley)	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue
St Michael and All Angels (Brimington)		Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red	Blue	Red
Test this year	Blue												
Retest failures from last year	Red												

Faculties covering the whole testing cycle will be applied for in advance from the Diocese of Derby for testing on Consecrated Ground.

5. ASSESSMENT METHOD

Prior to commencing inspections, the following must be in place:

- A method statement and reasons for prioritisation and order of assessments
- A risk assessment of the process itself (Appendix 1)
- Public Liability insurance if an external contractor is used
- Appropriate resourced remedial procedures
- A means of recording and storing inspection data

Memorial safety testing shall not apply to cremated remains plaques, vases and kerbsets without headstones. This is because there is no risk of harm from toppling.

All memorials in the burial ground should be visually assessed as part of the overall risk assessment process. Memorials should be assessed bearing in mind the following issues:

- Are joints intact?
- Are kerbs etc breaking apart?
- Is the memorial leaning?
- Are the foundations (where evident) intact?
- What are the ground conditions like?
- Is it a hard or a soft stone?
- Intrusion of vegetation?
- Are faults or cracks present?

All memorials will undergo a hand test. The hand test can be carried out by standing to one side of the memorial and applying a firm but steady pressure in different directions to determine to what degree, if any, the headstone is loose.

Testing shall only be carried out by competent persons, employed by Chesterfield Borough Council and who have achieved a qualification in memorial safety inspections.

If the initial inspection identifies significant risk or potential problems on memorials over 1.5m in height, then arrangements are in place for more detailed inspections to be made by Chesterfield Borough Council's Structural Engineering Service.

6. REMEDIAL ACTION, REPAIR AND REFIXING

In the first instance, attempts will be made to contact the owner of the Exclusive Right of Burial, by letter, explaining the assessment process, the findings and the options available to them to make the memorial safe again. The memorial shall in any case, be made temporarily safe by the Council, by staking the memorial to secure to the ground. If, after 12 months, no further action has been taken by the owner of the Exclusive Right of Burial, then the Council will make the memorial permanently safe.

If it has not been possible to contact the owner of the Exclusive Right of Burial and it is felt that the memorial is of historic significance or it's repair is important to maintain and preserve the character of the Cemetery, then, subject to funds being available, the Council will consider carrying out repairs. Those repairs may include re-bonding or re-burying into the ground.

A memorial might be so unstable that there is an imminent risk of it toppling. In a very few cases where this could result in serious injury, immediate steps may be necessary to reduce the risk e.g. restricting access or laying the memorial flat.

Repairs shall only be carried out by competent persons employed by Chesterfield Borough Council, or by Monumental Masons who are on the Council's approved list and employed by the owner of the Exclusive Right of Burial. Memorials cannot be repaired by families.

7. DOCUMENTATION AND RECORDING

Memorial assessments will be noted on paper worksheets that are handed to the Cemetery Officer once complete. Whilst every memorial will have been tested, only those that have been found to have a problem or concern will be noted. Those worksheets are then scanned electronically and transferred onto the computerised BACAS system as a permanent record on the register.

An example of those records can be seen as Appendix 2.

8. REVIEW OF THIS POLICY

The Council will regularly review this policy.

MEMORIAL SAFETY RISK ASSESSMENT FORM

CEMETERY / CHURCHYARD

NAME.....

SECTION / AREA.....

	MEMORIALS		ACCESS/TRAFFIC		ENVIRONMENT
1	Monolith memorials	1	Inaccessible/no visitation, overgrown	1	New lawn section, well maintained
2	NAMM fixed 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 - 1.5m	6	Adjacent to well used roads/paths	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 or sloping ground

Activity rating number (memorial+access/traffic+environment)	
Additional comments:	
Action required:	
Date and time of assessment:	
Assessor name:	Validated by:
Assessor signature:	Signed:

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 (suggested force of approximately 25kg)

3 - 10	<p>LOW RISK</p> <p>Visual inspection only. Place notice only if 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.</p>
11 - 16	<p>MEDIUM RISK</p> <p>All memorials in this area need to have visual and hand test conducted by experienced, trained staff. Some memorials may need specialist inspections.</p> <p>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 have notices placed on them and should be set into the ground, cordoned off, temporarily supported, repaired or laid down immediately.</p> <p>All action must be based on the likelihood of injury and should be proportionate to a medium risk area.</p>
17+	<p>HIGH RISK</p> <p>All memorials in this area need to have visual and hand test conducted by experienced, trained staff. Some memorials may need specialist inspections.</p> <p>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 have notices placed on them and should be set into the ground, cordoned off, temporarily supported, repaired or laid down immediately.</p> <p>All action must be based on the likelihood of injury and should be proportionate to a high risk area.</p>



BEREAVEMENT SERVICES

CEMETERY MEMORIAL INSPECTION FORM

This form is used to record all memorials that are found to present a risk within

section _____ of _____ Cemetery.

PLOT NO.	SURNAME(S)	DATE(S) OF DEATH	MEMORIAL TYPE (HEADSTONE, KERBSET, VASE ETC.)	RISK (ROCK, LEAN, CRACK, JOINT, SIZE ETC.)	ACTION TAKEN	ACTION REQUIRED	NOTES

Inspected by; _____ (Signature)

Inspected by; _____ (Signature)

Date; _____