



Development and Infrastructure Services

Roads and Amenity Services

Memorial Safety Policy

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August 2018

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1. INTRODUCTION

Sherrif Ruxton published her determination of the Craigton Cemetery Fatal Accident Inquiry on 22 January 2018.

As part of that determination Sheriff Ruxton made a number of recommendations, including a recommendation that Scottish Government develop and publish national guidance on memorial safety in cemeteries, for use by local authorities in Scotland. Sheriff Ruxton recommended that this guidance should contain specific advice on inspection methods and standards for older, larger memorials.

Notwithstanding the above, Scottish Government have urged local authorities to review their inspection arrangements for memorial safety in cemeteries. This policy document provides the review.

Under the Health and Safety at Work Act 1974 statutory responsibility for ensuring cemetery and memorial safety rests with individual local authorities.

Argyll and Bute Council have ownership and management responsibility for 131 Burial grounds and cemeteries with approximately 42,130 headstones.

This policy document sets out the framework which Argyll and Bute Council will follow to ensure that reasonable measures are taken in terms of inspecting headstones and memorials and any necessary remedial action. A further review of this policy may be required depending on future guidance from Scottish Government.

The Council has duties as a Burial Authority and holder of information relating to ownership of memorials. These duties are contained in key pieces of legislation:

- Health and Safety at Work Act 1974 (HSAWA)
- Occupier's Liability (Scotland) Act 1960
- Management of Health and Safety at Work Regulations 1999
- Burial and Cremation (Scotland) Act 2016
- General Data Protection Regulations 2018
- Corporate Health and Safety Policies

2. SCOPE

The policy sets out how Argyll and Bute Council will deliver its responsibility and duty of care by identifying hazards within cemeteries it has responsibility for. The policy identifies the methods that will be used to manage the risks presented by potentially dangerous, unstable and incorrectly fixed memorials. Guidance in the Argyll and Bute Council Management Rules for Cemeteries and Burial Grounds 2016 identifies the correct fixing techniques for new memorials. The policy can be viewed in Appendix 1.

3. MANDATORY RESPONSIBILITIES OF ARGYLL AND BUTE COUNCIL

Argyll and Bute Council has a duty to ensure the safety of staff and visitors in cemeteries and burial grounds. This will be managed in part by complying with this policy and guidance documents advising on correct fixing systems for memorials, inspection regimes and mitigation to manage risk associated with memorials in burial grounds and cemeteries.

4. IDENTIFICATION OF HAZARDS

Hazards will be identified using Argyll and Bute Council's standard risk assessment approach. These risk assessments are in place and are periodically reviewed and updated as necessary. Separate assessments will cover:

- risk assessment of memorials in burial grounds and cemeteries at time of erection,
- routine inspection of site,
- assessment of obelisks and memorials over 2 metres in height.

5. INSPECTION REGIME

Argyll and Bute Council have staff who are trained to inspect memorials. An inspection regime of lawn memorials is undertaken every three years using guidance in British Standard 8415. Each test result is recorded and action taken as required. Forms and guidance in BS8415 and ICCM guidance shall be used.

Obelisks and tall memorials i.e. those over two metres shall be visually inspected. These inspections will be carried out by suitably qualified and trained engineers as required. Photographs and results shall be recorded and where necessary appropriate suitable and sufficient action will be taken. Advisory information shall be posted at cemetery gates and on the Argyll and Bute Council website detailing why appropriate suitable and sufficient action is taken.

5.1 INSPECTION AND RISK SCENARIOS

These are shown by category, below.

5.2 INSPECTION REGIME FOR NEW MEMORIALS

The approved national standard inspection will be carried out using guidance in Monuments within burial grounds and memorial sites BS8415. The inspection will be recorded using the form in this guidance. Argyll and Bute Council recognise that a memorial that moves under pressure does not necessarily pose a danger and should be judged against the aforementioned document definition.

5.3 RISK ASSESSMENT AND MITIGATION OF UNSAFE MEMORIALS

Argyll and Bute Council will manage the risk associated with an unsafe memorial by laying it flat or closing off areas within a cemetery or burial ground with no unsupervised access. Argyll and Bute Council acknowledge that this may cause issues regarding the aesthetic appearance of a cemetery but safety must be the overriding factor. Contact will be made with the registered lair holder to enable them to make arrangements to re-erect the memorial.

If no current lair holder can be identified from the lair register, Argyll and Bute Council will undertake to manage the risk presented by this category of stones by limiting access to the area and/or laying the stone flat on the ground, inscription face up. Memorials found to be immediately unsafe at inspection will be laid flat on the ground. Where an area in the cemetery or burial ground has a number of unsafe memorials the area will be cordoned off. Information will be posted at the site, on Argyll and Bute Council's website and on memorials or fences. The information will seek to ask any person believing they have the right of ownership to contact Argyll and Bute Council.

5.4 INCORRECTLY ERECTED MEMORIALS

Approved trained inspectors employed by the council will identify headstones not complying with NAMM Code of Practice, BRAMM guidance and the Blue Book and/or BS 8415. The responsibility for the re-erection of these memorials to the correct standard will lie with the lair holder who is also the memorial owner. Where memorials pre-date written requirement on standards to be used for erection of memorials; i.e. before 1997, lair holders will be asked to carry out works to re-erect stones safely in situations where there may be safety concerns. If no action is taken we will take steps to mitigate potential hazard by lying flat or restricting access to sections of burial ground.

Argyll and Bute Council does not have a legal obligation to re-erect memorials laid flat for safety reasons or those which have fallen due to deterioration of foundation or construction due to excessive age. Whilst the responsibility for re-erecting or repairing these stones does lie with lair holders, it is acknowledged that it may be difficult to identify such people where stones record burials that took place i.e. 1940's and

before. Around 45% of lair holder information is thought to show lair holders who are alive.

Argyll and Bute Council do not undertake to re-erect any memorials dealt with in this way. There is no identified funding to deal with re-erection of head stones and whilst some limited work used to be carried out the succession of budget reductions does not allow these works to be carried within the current service delivery specification

In order to tackle the wider issues of older stones laid flat, officers are currently working in partnerships with appropriate third sector local groups where they have accessed funds to undertake a variety of projects in burial grounds.

Only memorial masons registered with National Association of Memorial Masons (NAMM) and/or BRAMM are permitted to work in cemeteries and burial grounds managed by Argyll and Bute Council. The Council rules for management of cemeteries section 10 shows this requirement.

5.5 INSPECTION REGIMES FOR OLDER MEMORIALS, OBELISKS AND MEMORIALS OVER 2 METRES

The size and complexities involved with inspections of this type of memorial make it necessary to assess the larger memorials using specialist equipment and suitably qualified engineers. See section 5 above.

Carrying out a risk assessment using standard Argyll and Bute Council systems will provide suitable and sufficient risk control measures, undertaken by trained risk assessors on a site-by-site basis.

6. PUBLIC ENQUIRIES/REQUESTS

The appropriate legislation and protocols shall be supplied at time of sale of lair, issue of certificate of right of burial and via the contact centre. The Rules for Management of Burial Grounds can be found at Appendix 2.

7. ASSET/RECORD MANAGEMENT

Memorials on grave lairs in burial grounds and cemeteries are not an asset of Argyll and Bute Council, however burial grounds and cemeteries are Council assets and their sustainability, safe use by staff and visitors is the driver to ensure safe memorials:

- There is a legal requirement for the Council as Burial authority to keep records of burials, cremations and lair holders, this is currently held as a historic paper system and since approximately 2003 on BACAS electronic record system.

- These records are kept updated on a regular basis.
- In 2018 a project is underway to further enhance asset management data. This will include details of headstones which may need to be monitored. This is being developed as part of an ongoing asset management data capture project using the Enviro Land Management module within Asset management Programme WDM. This system will provide hold and enable analysis of data sets for cemetery assets.

8. MEASURING EFFECTIVENESS

The effectiveness of this policy will be measured by achieving inspection targets, recording actions taken and implementing recommendations made in Guidance on memorial safety recommendations made after the Craigton Cemetery Fatal Accident Inquiry January 2018.

9. APPENDICES

Documents can be viewed by clicking on links below.

Appendix 1 – Protocol for provision of cemetery and cremation services
https://www.argyll-bute.gov.uk/sites/default/files/ras014_-_protocol_for_provision_of_cemetery_and_cremation_services_-_august_2016.pdf

Appendix 2 – Rules for the Management of Burial Grounds
https://www.argyll-bute.gov.uk/sites/default/files/ras015_-_rules_for_the_management_of_burial_grounds_-_august_2016_-_updated_following_edi.pdf

Useful Links:

[ICCM Memorial Policy](#)
[NAMM-code-working-practice](#)