



A joint venture company working on behalf of
Staffordshire Moorlands District Council
and **High Peak Borough Council**.

Memorial management and safety policy

Feb 2025

Memorial Safety in council cemeteries

- policy and procedures

1. Introduction

- 1.1 Staffordshire Moorlands District Council (SMDC) and High Peak Borough Council (HPBC) recognize that they have a duty of care to ensure the safety of employees, contractors and visitors who come into contact with memorials in council operated cemeteries.
- 1.2 SMDC & HPBC have appointed Alliance Environmental Services Ltd (AES) to complete the operational works on their behalf.
- 1.3 SMDC & HPBC have appointed Cheshire East Bereavement Services Ltd (CEBS) to complete the administrative works in relation to memorial inspection and remediation.
- 1.4 A 'memorial' is a permanent structure that commemorates a deceased person.
- 1.5 The policy considers historic problems faced by the authority caused by past poor installation methods and ways of dealing with unstable, hazardous memorials that may pose a threat to safety.
- 1.6 SMDC and HPBC are required to introduce a memorial safety policy and procedures under the provisions of the Local Government Act 1972, Local Authorities' Cemeteries Order 1977, and the Health and Safety at Work etc. Act 1974.
- 1.7 All memorials should be inspected on a minimum five yearly cycle. This document details the policy and procedures adopted by both councils for the management of memorial safety in cemeteries under the council's control.
- 1.8 AES Ltd staff involved in cemetery management should follow these procedures designed to implement the policy on memorial safety.

2. Policy on memorial safety

- 2.1 It has been the policy of SMDC and HPBC to ensure that the conditions of memorials in cemeteries under the council's control do not pose a significant hazard to anyone who works in or visits the cemetery.

3. Responsibilities for memorial safety

Background

A burial authority has a duty under the Health and Safety Act 1974 and the occupiers Liability Act 1957 legislation to control dangers within their sites as far as is reasonably practicable by applying best practice principles within available resources. Although responsibility for the safety and stability of memorials rests with the grave owners, local authorities have a 'duty of care' to protect the public and its employees. Failure to have appropriate procedures in place which enable identification and removal of dangerous unstable memorials, could result in claims of negligence being made against authorities.

- 3.1 The following parties have responsibility for memorial safety in council cemeteries:
 - (a) Both Councils have health and safety responsibilities to its employees, contractors and visitors to cemeteries.
 - (b) A monumental mason is legally liable for the work they carry out and should ensure that memorials are erected safely and in accordance with the current NAMM Code of Working Practice and BS8415 which are industry recognised standards. 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) Claims for poor workmanship can be made up to six years after the memorials have been installed. The monumental mason has the responsibility to work in accordance with the council's conditions and specifications for memorials.

- (c) An owner of a memorial has the responsibility to maintain the memorial in a good condition.

3.2 Inspection and survey.

Some initial warning signs of memorial instability are as follows:

- Leaning three degrees or more from vertical
- Cracks in headstone or base/loose joints
- Movement if rocked.
- Ground settlement
- Waterlogged ground
- Missing structural parts

Reasons for memorial deterioration and instability can include:

- Accidental impact damage
- Animal activity
- Encroaching tree roots
- Inadequate fixing
- Inferior materials
- Lack of maintenance
- Poor workmanship
- Subsidence
- Vandalism
- Weather/storm damage
- Weathering
- Weed killer chemicals.

Existing memorials can broadly be divided into the following Memorial types:

- Modern lawn memorials
- Full grave kerb sets/ledgers
- Monoliths
- Multi component/example, cross and tiered bases, book on rests.
- Large traditionally constructed memorials
- Small upright memorials under 625mm/ tablets and inscribed vases

3.3 Risk assessment

The Ministry of Justice and BS8415 states that a memorial assessment policy should adopt a 'risk based and proportionate' approach to managing memorials, use of mechanical test instruments as inspection tools is not recommended.

- Identify hazard ~ usually potentially unstable memorials.
- Identify who might be harmed and how employees, contractors or members of the public.
- Evaluate the risk of a memorial falling and harming someone and decide the precautions and action needed to control or remove the risk.
- Record the significant findings of the risk assessment.

- Review the risk assessment periodically to see what if anything has changed and update accordingly.

3.4 Assessment of memorials

Where there are visual indications of potential instability or during periods of routine inspection the following inspection procedures are as follows.

- After an initial visual inspection checking by hand is appropriate for many memorials, such as modern, lawn type, and smaller stepped designs or tiered crosses.
- The hand check is carried out by standing to one side of the memorial and applying a firm but steady pressure (max 25kg) in different directions to determine to what degree, if any, the headstone is loose.
- If some instability is detected following the hand check, a judgment is made as to whether this movement is limited, or whether there is sufficient movement for the memorial to present a health and safety risk, based on this qualified assessment appropriate action will be taken.
- Many memorials installed on independent foundations in recent years are fitted with a ground support system. These memorials may move but do so within designed tolerance limits and so long as the memorial locks on an approved anchor it presents no danger of collapsing.
- Larger, heavier taller memorials, such as columns or obelisk types etc. may require detailed assessment by a specialist constructional engineer if concerns are raised during an initial assessment. All memorial assessments and the recording of inspection details will be carried out by operatives who are appropriately trained and qualified for their specific task.

4. Notice of intent

- 4.1 For memorials that are inspected immediately prior to an imminent burial taking place no notice will be given and any memorial found to be unsafe will be temporary supported and a warning notice attached.
- 4.2 Prior to any memorials being inspected as part of the inspection program, reasonable steps will be taken to inform grave owners and members of the public of the intention to inspect memorials and remove the danger from unsafe memorials.
- 4.3 This will involve:
- (i) a notice in the onsite noticeboards and website see Appendix 1a.

5. Procedures for memorial inspection and remedial action

- 5.1 These procedures have been formulated to be in compliance with Ministry of Justice 2009 and current BS8415 guidance, H S E directives and the NAMM Code of Working Practice, with due regard to the Institute of Cemetery Crematorium Management (ICCM) and Ombudsman Special Report on Memorial Safety in local authority cemeteries.
- 5.2 The degree of implementation of these procedures will be dependent on sufficient resources being available to carry out inspections and to take remedial action. The health and safety of individuals will be paramount, and resources will be tailored accordingly.
- 5.3 The management of memorial safety in council-controlled cemeteries is based on a risk assessment approach. As a priority, this will involve attempting to identify those memorials that present an immediate and significant hazard and making them safe.
- 5.4 Action will be taken to deal with memorials identified as being unstable but not an immediate hazard, to prevent these memorials becoming a risk to safety in the future. Any memorial less than 625mm (24") high is required to be push tested as these are not

considered to present a serious risk or danger to visitors or staff. However, they will still be assessed, and their condition and details recorded.

- 5.5** Priority will be given to the identification of dangerous memorials as previously stated in 3.4 larger heavier memorials of 1.5m height and above are potentially the most hazardous.
- 5.6** Appropriately trained and qualified staff will inspect and assess all memorials. The inspection will comprise of a visual assessment and a hand test where it's deemed appropriate and safe to do so. If further guidance is required regarding the stabilising of large/heavy/tall/complex/memorial structures the services of a structural engineer or suitably qualified stone mason will be sought.
- 5.7** The age of the memorial, ground conditions and local knowledge will be other factors used to guide inspecting staff in determining the priority of memorial inspections.
- 5.8** Inspections will be recorded and findings presented to CEBS and the Council's for action.
- 5.9** The trained and qualified inspecting officers will identify memorials in one of three categories:
- Category 1 Unsafe - requires immediate attention.
 - Category 2 Unstable but unlikely to cause immediate danger/ In need of temporary support.
 - Category 3 Safe - not dangerous
- 5.10** All memorials will be inspected on a five-year rolling program with around 20 percent completed each year.

6. Category 1 memorials

- 6.1** For all types of category 1 memorials, depending on the individual circumstances the following action will be taken without delay:
- Effectively cordoning off the memorial with accompanying hazard warnings
 - Placing of a notice in a suitable position at the grave to warn of the immediate hazard posed by the memorial. A copy of the notice is attached as appendix 1b.
 - Photographs are to be taken of the memorial at the time of the initial inspection and following the memorial being laid down or remedial work being completed. Photographs are to be retained with the inspection records.
 - If a memorial is over 1.5 metres, it will be cordoned off and where practicable, either immediately or within three working days of the initial inspection the hazard posed by the memorial will be removed by more appropriate long-term measures.
 - Attempts will be made to recover the costs of this work from the owner, where known, together with an administration charge of 30% of the cost of the work.
 - Where the owner of, or a person with an interest in, a memorial identified as a hazard is known, a letter will be sent by CEBS within ten working days of the inspection. A copy of the category 1 letter is set out as appendix 1c.

- When a category 1 memorial is repaired/re-fixed or lowered into the ground, the works must be inspected and approved by assigned cemetery staff, or the inspecting contractor. A list of action taken will be provided by the monumental mason carrying out the work and signed off by AES.

7. Action to deal with category 2 memorials.

7.1 For category 2 memorials the following action will be taken without delay:

- Placing of a category 2 notice appendix 1b in a suitable position on the memorial to warn of the unstable condition of the memorial.
- Where the grave owner or next of kin is identified, a category 2 letter must be sent by CEBS within ten working days of the inspection requesting memorial repair within three months. A copy of the letter is set out as Appendix 1c.
- Identified unsafe memorials will be made safe with temporary support as deemed suitable to secure the memorial until the next scheduled inspection date. The costs of this work will be recharged to the owner, where known, together with an administration charge of 30% of the cost of the work. If the memorial is less than six years old and the mason that installed the memorial is known they must be notified in order to arrange re-fixing to NAMM Code of Working Practice and current BS8415 standards.
- Where a category 2 memorial is repaired by a monumental mason, the completed repair must be inspected by AES, or the inspecting contractor. A schedule of memorial repairs should be forwarded to AES by the monumental mason carrying out the repair. This will provide confirmation that the repair has been carried out in accordance with the council's conditions and specifications for memorials, contained in the council's cemetery regulations and procedures.
- Memorial repairs must be carried out to approved National Association of Memorial Masons (NAMM) standards, irrespective of the period still to elapse on the grant to erect a memorial.
- Where the grave owner or relation has taken no action to repair a memorial as requested, a temporary support will remain in place until the following advised re-inspection date or maximum five years when reaching this point, it will be treated as a category 1.

8. Action to deal with category 3 memorials.

8.1 The inspection of category 3 memorials will be recorded by cemetery staff and subject to re-inspection as part of the five-year rolling program.

9. Policy on approval of new memorials

9.1 To ensure that new memorials and any remedial memorial fixing undertaken in

council cemeteries do not pose a safety hazard, all memorial fixers must work to the current National Associations of Memorial Masons Code of Working Practice and BS8415. All memorial masons and memorial fixers installing memorials in council-controlled cemeteries will be required to construct and install memorials that meet specification BS8415, as set out in the Code of Working Practice issued by NAMM.

9.2 All memorial applications must include details as to type of fixing system put in place and confirm the memorial fixing meets BS8415 fixing standards, a written permit is issued prior to works being undertaken. Monumental masons are required to ensure all workmanship is covered by a guarantee of conformity stating that work undertaken complies with current BS8415 and a ten-year stability guarantee. A reply slip is required from the monumental masons advising the works are complete.

9.3 Any memorial found to be unsafe covered by the memorial mason guarantee, the memorial mason will be notified and required to carry out the repair unless destabilised by a third party.

10. Staff training

10.1 All staff carrying out memorial safety work will be trained and appropriately qualified to ensure competency and consistency when carrying out their duties.

10.2 Information will be available to assist in the administration process. See appendix 2 and 3.

11. Review of this policy and procedures

11.1 This policy and these procedures will be reviewed every five years.

Dated: Feb 2025



Alliance Environmental Services, a joint venture company working on behalf of High Peak Borough Council and Staffordshire Moorlands District Council.

Important Notice

Alliance Environmental Services Ltd (AES Ltd) in conjunction with Cheshire East Bereavement Services (CEBS) on behalf of HPBC/SMDC.

- Memorial Safety Survey in----- church yard.

AES Ltd intends to carry out a safety survey of the memorials in the above burial grounds.

Any memorials found to be unstable will be temporarily secured with a memorial support or will be cordoned off; a structural engineer will assess older, larger memorials.

If a memorial is found to be unstable the memorial owner may choose to pay for repairs to be conducted by an approved memorial mason.

In default AES Ltd may lower it into the ground or seek authority to lay it flat. Kerb sets maybe buried so that only the top is visible or placed within the grave area.

AES Ltd recognises that this is a sensitive issue and urges grave owners to contact Cheshire East Bereavement Services so that any possible distress can be minimised.

CEBS Bereavement Services are compiling up-to-date records of grave owners and when memorials that need repaired are identified, letters will be sent to the last known address of the grave owner if an address is available.

We would urge anyone with relatives buried in the above burial ground or who believes that they are the owner of a memorial stone there to contact CEBS to ensure that records can be checked, updated and the options available discussed.



Cemetery Office, 87 Prestbury Road, Macclesfield, Cheshire, SK10 3BU
alliancecemeteries@cheshireeast.gov.uk Telephone - 01625 383945



High Peak
Borough Council

THIS MEMORIAL IS UNSAFE

**PLEASE DO NOT APPROACH THE MEMORIAL
OR ATTEMPT TO REMOVE THE NOTICE**

Will the Grave Owner please contact Cheshire East
Bereavement Services on 01625 383945
or e-mail alliancecemeteries@cheshireeast.gov.uk

Failure to do so may result in the memorial being laid down or permanently made safe by part burial of the memorial. Thank you in anticipation of your co-operation.



STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

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Cemetery Office, 87 Prestbury Road, Macclesfield, Cheshire, SK10 3BU

Dear [xxxxxxx]

Re:

- [Cemetery Churchyard] at: [xx] Grave number [xxx]
- Memorial to: [xxx]

I am writing to you as we believe from our records that you are the person responsible for the memorial on the above grave.

As you may be aware, Alliance Environmental Services Ltd (AES Ltd) in conjunction with Cheshire East Bereavement Services (CEBS) on behalf of Staffordshire Moorlands District Council/High Peak Borough Council are responsible for the maintenance of this [cemetery/graveyard] and as part of its responsibility it surveys the safety of memorials including workmanship and best practice.

We aim to ensure the safety of all visitors [to the cemeteries under our control] and following fatalities and injuries in other parts of the country caused by falling memorials, we are following advice by the Health and Safety Executive, the Ministry of Justice and the Diocesan Advisory Committee. This particular [cemetery/graveyard] is subject to the Faculty Jurisdiction of the Church of England, exercised through the Consistory Court.

During our latest survey we identified that the memorial for which we believe you are responsible on the above grave was found in need of remedial work. Because of the potential safety hazard the memorial has been temporarily [secured or cordoned off].

The primary responsibility for maintenance of the memorial rests with the owner of the memorial, and this is why we are writing to you. We require to know if you intend to carry out the essential remedial work identified in the attached document. We would be grateful if you would advise by contacting CEBS by the [xxxxxx].

If you wish to carry out the work yourself, you are free to do so, provided that you use a stonemason who is first approved by CEBS and who is in possession of Public Liability Insurance of at least £5 million. Any repairs need to be carried out in accordance with the recognised guidelines produced by the National Association of Memorial Masons of which all approved stonemasons are aware. If you are not willing to use the services of an approved stonemason, then you will need to seek authorisation from the Consistory Court.

If we do not hear from you by then it will be assumed that you do not wish to carry out the work and CEBS Ltd will then [arrange for the memorial to be lowered in the ground so that it remains upright within the grave space but with only two-thirds of its face is visible] [seek permission from the Consistory Court to lay the memorial flat] [bury the kerb setts within the grave space so that the top remains visible at ground level]. The costs incurred by AES for completing these remedial works will be passed on to you as the person responsible for the grave.

If you wish to discuss this matter further, please contact CEBS. Yours Sincerely,
Cheshire East Bereavement Services Ltd
alliancecemeteries@cheshireeast.gov.uk Telephone - 01625 383945.

Memorial safety inspections in High Peak and Staffordshire Moorlands

Memorial safety inspections

AES bereavement services staff are undertaking safety inspections of headstones within the cemetery. This work is in compliance with health and safety requirements and the Ministry of Justice Guidance on memorial safety. The inspections are being carried out by officers who will make sure any work is carried out professionally and with due respect. Every headstone will be carefully examined and tested for stability to ensure that it is not in danger of toppling over and causing injury to visitors or employees working in the cemetery. Headstones that fail the test and are deemed to be unsafe will be marked with a yellow warning card, temporarily supported or laid flat.

Visitors

Visitors to cemeteries should keep to footpaths, avoid touching any memorials and ensure their children are supervised at all times. Areas may be cordoned off where testing or repair work is under way. If this is the case, please contact a member of staff before entering the area.

Responsibilities

All headstones are owned by and are the responsibility of the grave owner or their next of kin. However, the council has an obligation to inspect memorials and make safe any that are found to be in an unsafe condition while notifying the owners.

It is essential that our cemeteries are safe places for people to come and pay their respects. In other cemeteries in this country there have been fatalities and a countless number of accidents ranging from bruising to severe crush injuries and bone breakages when unsafe memorials have toppled onto people most of whom have been children. We cannot allow this to happen.

We appreciate that people may be unhappy about what we have to do, and we sincerely apologise if our actions cause distress. We understand how difficult it can be for families to see a memorial to a loved one laid flat and we want to help people deal with their unsafe memorials as quickly as possible. Anyone who wants to talk about what is happening or who needs information, please contact us. We will try to resolve your problems as soon as possible.

Memorial masons' registration schemes

Staffordshire Moorlands District Council and High Peak Borough Councils require that memorial masons and memorial fixers are accredited by either BRAMM British Register of Memorial Masons or RQMF Register of Qualified Memorial Fixers (administered by NAMM). This ensures that only appropriately qualified competent and fully insured memorial masons can work on memorials in cemeteries. A list of approved masons is available upon request. The council ensures that memorial masons carry out all memorial work to BS8415 and the National Association of Memorial Masons Code of Working Practice standard and that they provide a guarantee.

Insurance

Each stonemason on our approved list is required to advise you to purchase an appropriate insurance to protect your memorial. Should you require further information about insurance, please contact us or your memorial mason.

Frequency of inspections

Inspections of memorials are ongoing; all memorials will be inspected at least once every five years to ensure continued safety for visitors and employees working in the cemetery. Members of the public are asked for their understanding and co-operation in this process.

**If you would like this information in another format,
please contact:**

**alliancecemeteries@cheshireeast.gov.uk
Telephone - 01625 383945**

If you need to contact us:

Cemetery Office, 87 Prestbury Road, Macclesfield, Cheshire, SK10 3BU

Cheshire East, Bereavement Services is a company owned and controlled by Cheshire East Borough Council

The office is open from 9.00 am until 4.00 pm, Monday to Friday - Telephone - 01625 383945



Information and advice on memorial safety - your questions answered.

Why is this work being carried out?

The safety checks are undertaken to ensure that our cemeteries and those closed churchyards which we are responsible for are safe for our employees and visitors. These checks have been ongoing in our cemeteries on a regular basis for many years and will continue to be carried out to ensure our cemeteries and closed churchyards remain safe places.

Who is responsible for keeping my memorial repaired and in a safe condition?

You are. The grave owner or their next of kin are responsible for the memorial and have a duty to keep the memorial repaired and in a safe condition.

What do the safety tests involve and who will carry them out?

Each headstone is given a visual check to assess the condition of the memorial. It is then given a gentle 'push-test' to check that the stone is not in immediate danger of falling. If the stone does not move or show signs of instability during the test it is passed as safe. The checks are carried out by a trained officer who will make sure that the work is carried out carefully and with due respect. Each memorial tested will be recorded to indicate that the safety check has been carried out. The record will include the type and condition of the memorial and any action that was taken.

What will you do with headstones that fail the test?

Once a headstone is found to be unsafe the Council has a duty of care to make sure that it is made safe as soon as possible because the cemetery is a public place. Headstones that are in immediate danger of collapse may be laid down or supported. Those that require work to make them safe will be marked with a notice explaining what to do next. The grave owner has a responsibility to have works undertaken promptly to rectify the issue. Memorials will not be removed from the grave space as part of the testing. Where we have up to date contact details, we will write to grave owners as soon as possible to inform them.

What should I do if my headstone / memorial has been lowered to the ground?

Please contact alliancecemeteries@cheshireeast.gov.uk detailing the cemetery/churchyard where the memorial is that you are contacting us about. We will discuss with you arrangements for re-erecting your memorial safely.

You should NEVER try to re-erect the memorial yourself; this could be very dangerous and may result in serious injury to yourself and/or to members of the public, as the repairs may not be up to the required National Association of Memorial Masons (NAMM) standards.

Please note: Only professional repairs to NAMM standards are permitted in High Peak/Staffordshire Moorlands' cemeteries.

If I have insurance cover on my memorial, will the costs of repair be covered?

High Peak Borough Council/Staffordshire Moorlands recommends in its cemetery regulations that all memorials sited within our cemeteries are insured against all risks.

Please check with your monumental mason or insurer to find out if repair work is covered.

My headstone has had a notice placed on it and I haven't been contacted first. Why?

Our immediate priority is to make sure that all our cemeteries are safe places for the public to enter.

Every headstone failing the test will have a notice attached to it advising the owner what to do next - this also acts as a warning to members of the public so please leave the notice in place. We will contact as many grave owners as possible whose memorials have failed the test. If we have not written to you it may be because we do not have an up-to-date record of your contact details.

This is unfortunately a common occurrence, as many of the graves are very old and grave owners have moved from the address recorded in the burial records.

Will my headstone be subject to further tests in the future?

Yes, we will be carrying out similar tests at regular intervals in the future, at approximately every five years. Because of this we recommend that your memorial is insured and is regularly and professionally checked and maintained by your memorial stonemason to ensure it is safely maintained.

Where can I get further information?

The Council understands how upsetting it can be for families to see work being carried out on a memorial to a loved one and we want to help people deal with their unsafe memorials as quickly as possible. Anyone who wants to talk about what is happening or needs information can contact alliancecemeteries@cheshireeast.gov.uk and we will try to resolve a problem as soon as possible.