



## Memorial Inspections Guidance

Many members will already be aware of the guidance recently issued by the Ministry of Justice entitled 'Managing the safety of Burial Ground Memorials - Practical advice for dealing with unstable memorials'.

Since publication the Institute has received calls from members concerned with its duty of care and need to comply with health and safety legislation. The Institute's response to members is to ensure that risk assessments are in place that identify the risks posed by the various types and sizes of memorials, consider the likelihood of identified risks being realized, consider the injuries that might be sustained should an accident happen and take suitable and sufficient steps (as far as is reasonably practicable) to eliminate or significantly reduce the risks identified. This action will ensure compliance with general duty of care as contained in health and safety legislation.

The Institute is also concerned at the dilemmas posed by this new guidance in respect of inspections and actions and makes the following comments:

We know that some memorials may look safe and stable however some that might *look* safe will fail a test with the slightest of pressure. Failure to identify and eliminate or significantly reduce known risks constitutes a breach of duty of care and is actionable.

A visual inspection followed by a hand test will identify the majority of unstable memorials however a confirmatory mechanical test to a pressure of 35kg on those memorials that pass a simple hand test will ensure that no memorials are over-pressured. This action will also ensure that no hazards are missed. In the past the public has accused some authorities of over pressuring memorials and hence the introduction of the force measuring device as a means of proving that memorials are not being over pressured.

Many local authorities use temporary supports on unstable lawn type memorials, as opposed to laying flat, as this is considered a more sensitive approach. This was evidenced many years ago by public backlash against authorities systematically laying memorials flat. The guidance suggests cordoning off prior to repair however in the absence of memorial owners are local authorities expected or empowered to spend large amounts of public money on private property? This has yet to be challenged by a local tax-payer or tested in the Courts. As the guidance suggests that the use of temporary supports should not be utilised local authorities are faced with a dilemma. Again the Institute would advise taking the most sensitive, suitable and sufficient steps to eliminate or significantly reduce risk. If this means using a temporary support your risk assessment will indicate so.

The guidance also suggests that temporary supports are hazardous in their own right however this analogy has not been extended to tree stakes or other types of support systems. There is no logical basis to support the statement that a temporary support constitutes a trip hazardous or could cause damage to a memorial if properly installed. A temporary support significantly reduces the risk of serious injury posed by an unstable memorial.

An unstable lawn memorial is capable of inflicting serious injuries therefore any guidance must be in tune with health and safety legislation. A risk assessment of an unstable lawn memorial would indicate that immediate action is required.

The Institute's board will be considering the guidance with a view to issuing further newsletters on the subject however at the present time it has no intention of amending its own guidance or training.

Member's views are sought on this new guidance therefore please forward the same to [timiccm@btinternet.com](mailto:timiccm@btinternet.com) in order that directors may gauge views nationally.

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