



Eglwys Bresbyteraidd Cymru
The Presbyterian Church of Wales

GUIDANCE ON THE MANAGEMENT OF CEMETERIES

This document provides guidance to assist local Chapel Trustees in the management of Cemeteries.

Background

The Presbyterian Church of Wales holds a large number of Cemeteries varying greatly in size. Ownership and the overall responsibility for these cemeteries rest with the Presbyterian Church of Wales although they are locally managed by Chapel Trustees.

Where a Church closes the cemetery will continue to be managed by the PCW unless other arrangements are made. (For example, arrangements can sometimes be made for the lessee or purchaser of the redundant church to maintain the Cemeteries.)

A GUIDANCE NOTE ON THE RESPONSIBLE CARE OF CEMETERIES

Introduction

This guide offers practical guidance to assist trustees in the management of cemeteries. Some high profile cases of incidents in cemeteries have highlighted concerns over potential liabilities and this guide seeks to provide advice upon reasonable standards to comply with the duty of care required by insurers and statute.

The managing trustees have a general duty under the Local Authorities' Cemeteries Order 1977 to maintain the burial ground in good order. In addition they have responsibilities under the Health and safety at Work Act 1974 and The Management of Health and Safety at Work (MHSW) Regulations 1999

The managing trustees should also do all that is reasonably practicable to ensure that visitors and those working in cemeteries are not exposed to risks to their health and safety.

If a serious incident does occur then any investigation would need clarification that the managing trustees had taken sensible risk based precautions and they had done all that is reasonably practicable in the circumstances.

To this end it is a requirement that the Managing Trustees develop a system for management of health and safety based on identification of potential hazards, the risk of serious harm they present, and the steps you will take to mitigate those risks (this is called Risk Assessment).

Set out below are the main areas requiring consideration.

MEMORIALS

The approach set out below involves the periodic assessment of memorials as part of a planned exercise and where action is necessary following this assessment, reasonable and proportionate measures are taken to control any risk.

The gravestones and tombs are the property of the families that erected them. They have primary responsibility for their care. However, they are located on church land and the church has a duty to manage the risks they present.

In line with Government recommendations the inspection of the memorials should only be undertaken by experienced and trained persons. If members of the church wish to undertake the inspections then an adequate training programme will need to be undertaken.

The following is a recommended management approach:

1. It is advised that notices should be placed and publicised in the cemetery and local paper advising that a risk assessment will be undertaken on the cemetery giving at least 4 weeks notice.
2. Inspect all gravestones, tombs and vaults at least annually
3. Each stone should be physically handled to check for loose mountings, disintegrating mortar or undue spalling caused by age or frost. Stones should be graded according to the risk they present.
4. Identify immediately dangerous stones i.e. in danger of toppling: in such cases access should be restricted or the stone laid flat. Expert advice should be sought, from a monumental mason or structural engineer, if the defect is outside the experience and knowledge of the person carrying out the inspection.
5. For stones that require repair but do not pose an immediate risk, reasonable steps must be taken to identify family members to carry out repairs to make the stones safe within a timescale appropriate to the degree of risk involved. The family should be advised in writing and informed of the action that will be taken if the timescale is not met (this should be the minimum necessary to make the stones safe and will usually mean laying the stone flat). If no action is taken, a follow up letter should be sent informing the family that the work is to be carried out.
6. Where the family cannot be traced, the stone should be labelled with the work proposed to the stone listed. Advertising in local papers that work is intended and that interested parties should visit the cemetery to inspect proposals is recommended

7. Stones requiring repair should be clearly marked with appropriate signage (use symbols as they are clear to all) and/or tape without delay
8. Stones that pose a potential concern should be clearly identified /recorded for ongoing, regular monitoring
9. Maintain records of the inspection and results, including the date and name of inspector, noting in particular those memorials where action is necessary, or likely to be necessary in the future.

THE ASSESSMENT SHOULD BE UNDERTAKEN WITH A COMMON SENSE APPROACH AND ANY ACTION TAKEN SHOULD BE APPROPRIATE TO THE PERCEIVED RISKS.

IF IN DOUBT IT IS BETTER TO ASSUME THE WORST CASE AND CARRY OUT THE NECESSARY WORKS, EITHER LAYING THE HEAD STONE FLAT OR CORDONING OFF THE GRAVE.

It is recommended that only experienced and professional memorial masons are permitted to work in PCW cemeteries. It is good practice that all work should be undertaken in accordance with the National Association of Memorial Masons Code of Working Practice (which supports British Standard 8415) and that masons are asked to confirm in writing that work has been done in this way. It is advisable to ask for a record drawing of how monuments have been erected.

CEMETERY MAINTENANCE

The cemetery will often be maintained by volunteer labour. The following considerations should be applied:

- Inspect and service maintenance machinery and equipment regularly
- Provide and wear appropriate safety clothing e.g. safety boots, ear defenders, safety goggles, gloves
- Take special care when clearing litter and rubbish – wear heavy-duty gloves. Watch out for broken glass and discarded hypodermic needles
- Only use machinery or equipment if you are trained to do so. Some equipment will have a minimum age limit for use.
- Always have two people present when work is undertaken

- Use of ladders needs careful consideration. Consider hiring specialist access towers or contracting such work to specialists. Always secure ladders appropriately. See <http://www.hse.gov.uk/falls/casestudies/gutters.htm> for advice on risk assessment prior to using ladders

If possible, it is advantageous to arrange for cemetery maintenance to be undertaken by responsible outside contractors where possible. Such contractors should:

- Carry public liability insurance
- Be competent and experienced to undertake the work
- Satisfy the PCW that they have an appropriate health and safety policy
- Provide their own machinery

WALLS, PATHS, STEPS, AND OTHER STRUCTURES

Walls, fences paths, steps and other areas should be regularly inspected to assess their condition and any works/action required to provide a safe environment.

If any structures are identified as unsafe, action should be taken to remedy them as soon as possible with appropriate safety fencing erected to keep people away from the area until a repair can be undertaken.

Sometimes, walls and other structures may be separately listed and works may require listed building consent.

VISITORS

The Managing trustee, together with the PCW, owes a duty of care to all persons entering the cemeteries including trespassers. This duty is to take such care as is reasonable in all the circumstances to see that the visitor does not suffer injury on the premises.

Additional Information

This document has been prepared by the Presbyterian Church of Wales to assist its local managing trustees to meet with the requirements of the Health and Safety at Work etc. Act 1974, Local Authorities' Cemeteries Order 1977, and any other statutory legislation.

This advice and information is given in good faith and is based on our understanding of the current law. Neither The Presbyterian Church of Wales nor its Officers accept any liability whatsoever for any errors or omissions which may result in injury, loss or damage, including consequential or financial loss. It is the responsibility of the Insured or any other person to ensure that they comply with their statutory obligations and any interpretation or implementation of the above is at the sole discretion of the Insured or other party who may read these notes and use this document.

Further Information

Further information and advice can be obtained from the The Presbyterian Church of Wales, main office at Capel y Tabernacle 81 Merthyr Road Whitchurch , Cardiff CF14 1DD, Tel: 029 20627465.

Useful web links

<http://www.hse.gov.uk/>

<http://www.justice.gov.uk/publications/safety-burial-grounds.htm>

Publications

- Ministry of Justice - Managing the safety of burial ground memorials
- Local Authorities' Cemeteries Order 1977 (SI 1977/204)
- The Health and Safety at Work Act 1974.
- The Management of Health and Safety at Work (MHSW) Regulations 1999

