

# **Burial Ground Memorial Safety**

**Guidance for Scotland's Local Authorities**

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# Overarching Principles

1. This guidance follows the principles below as a guide to good and effective practice and these principles can be considered at every stage of any memorial inspection programme. The principles of the Health and Safety Executive's (HSE) Five Steps to Risk Assessment are:
  1. Step 1: **Identify the hazards.**
  2. Step 2: **Decide who might be harmed and how.**
  3. Step 3: **Evaluate the risks and decide on precautions.**
  4. Step 4: **Record your findings and implement them.**
  5. Step 5: **Review your assessment and update if necessary.**
  
2. It should be noted that this guidance does not negate or supersede any guidance or code of practice published by the HSE and has not been approved by the HSE. Further information on health and safety duties and responsibilities can be obtained from the HSE website:  
<https://www.hse.gov.uk/>.

# Background

3. The responsibility for memorial safety and implementation of a comprehensive memorial inspection programme represents a significant undertaking for any local authority. Regardless, the safety of staff and visitors in burial grounds is a statutory obligation for local authorities. This is primarily completed under both the Health and Safety at Work etc. Act 1974 (as amended) (HSWA1974) and the Occupier's Liability (Scotland) Act 1960.
4. To assist authorities meet such obligations this guidance sets out considerations and practice which local authorities may evaluate and incorporate into their memorial inspection programme. Implementing this guidance may assist local authorities to manage their burial grounds effectively, to minimise the risk of injury that unstable memorials or their components can present to visitors and their staff. This guidance was created in response to recommendations made in January 2018 following a Fatal Accident Inquiry (FAI) into the death of a child.
5. In considering the recommendations made in the FAI, the Scottish Government examined the feasibility of defining how 'large' memorials should be described and inspected. During discussions with experts involved in burial ground management, it became clear that there are many factors which contribute to the stability of a memorial including height, weight, design, lean, topography, vegetation cover, proximity to other memorials, structures, walls or paths etc. and that guidance on memorial safety should take account of a wide variety of factors.
6. The guidance therefore is not limited to the inspection and maintenance of specific types of memorials e.g. based upon height. It instead addresses the management of all types of memorials, taking into account every factor that may affect a memorial's stability. It sets out that a local authority should fully understand the extent of their burial grounds and account for every memorial within each of those grounds. It advocates an active management programme that means all memorials, regardless of size, are examined and fully inspected relevant to their individual circumstances. It places an emphasis on having in place robust recording and reporting procedures for every memorial inspection including ongoing assessment, to ensure everyone can safely visit burial grounds now and in the future.
7. The Scottish Government, as set out in this guidance, is of the view that to fully achieve the comprehensive and long lasting safety of all memorials within burial grounds, a local authority must understand and have in place the appropriate procedures and processes to achieve and maintain a safe environment for

those visiting and working in their grounds. Local authorities will be able to use this guidance to review and reassess current practices, which will facilitate a level of consistency across the local authority burial sector in relation to memorial safety.

8. All 32 Scottish local authorities are burial authorities, operating and managing numerous burial grounds. These grounds may be in-use, receiving new interments and lair purchases, or they may be at capacity, closed cemeteries. Many burial grounds under local authority control are historic and not in use grounds e.g. originally attached to a parish church.
9. Local authorities are ultimately responsible for the vast majority of burial grounds in Scotland. Information collated for the Scottish Government, with co-operation from local authority representatives, indicates that there are at least 2,240 burial grounds which are the responsibility of local authorities. National individual memorial numbers will, as a minimum, be in the hundreds of thousands. Within this number are a huge variety of memorials, presenting further challenges to any memorial management process.
10. Along with local authority burial authorities, Scotland has many other interested and relevant organisations concerned with memorial safety and the wider management of burial grounds. This includes private burial authorities of varying size and business models, statutory bodies such as Historic Environment Scotland (HES), archaeological and conservation societies, cemetery friends groups and local community interest groups.
11. The examples above highlight competing priorities that must be managed during the implementation of any memorial inspection programme. This will include subsequent local authority action to make memorials of all types safe in their burial grounds.

### **Lair Ownership**

12. Local authority burial authorities are responsible for ensuring the safety of those visiting and working in their burial grounds. This means that regular memorial inspections should be carried out to achieve this. However, inspecting and taking action to make safe does not confer ownership. This guidance notes that the responsibility for the full and complete repair of memorials remains the duty of the lair owner.

13. All authorities follow their own procedures for locating and contacting lair owners to inform them of the need for repair, and this guidance sets out suggested methods of doing so. Where a burial authority is unable to locate a lair owner, it is a decision for each authority about what repairs they may carry out on an unsafe memorial, followed by action taken to make that memorial safe.

# Introduction

## Who the Guidance applies to

14. The purpose of this document is to give guidance to local authorities about procedures to assist making memorials safe and to provide a safe environment in burial grounds. The guidance may also be of use to any private, non-local authority burial authority to assist their ongoing management of ground(s) under their control.

## Wider Scope

15. This guidance can also act as a first step towards an authority drawing together or updating a comprehensive burial ground management plan. This may include all elements of burial ground management in addition to memorials e.g. boundary walls, burial aisles, ruined structures, railings, soil conditions, roads and path infrastructure, vegetation and trees, lighting, etc.

## Application of Guidance

16. Local authorities can review and consider this document in conjunction with their local requirements. Full implementation of a comprehensive, fully recorded and robust memorial inspection programme, if not already in place, will require significant time to implement. Failure to effectively monitor and manage burial grounds, including both modern and historic memorials (and larger memorial structures) within burial grounds under local authority control presents a risk to the local authority, its employees and visitors to burial grounds.
17. The recognition of potential risks and the removal of an immediate hazard can be the overriding aim of any authority inspection programme. When planning, cataloguing or zoning areas within burial grounds to inspect all memorials, individual circumstances will contribute to any risk presented by a memorial.
18. The sections below set out a number of topics which will be relevant for any local authority inspection programme, along with suggestions of how to enhance that programme's effectiveness.
19. All information set out is not exhaustive or prescriptive, and instead may act as a reference or guide for implementing a more comprehensive memorial inspection programme.

## **Definition of a Memorial**

20. The design, construction and materials used for memorials across Scotland is very diverse. There are a number of terms used to describe various types of memorials e.g. modern lawn type, monolith, large traditional, obelisk, cross and die, full grave headstone with kerbs, ledger, tablets, etc. Memorials may also be items embedded in larger structures and buildings.
21. Of overriding importance is that every assessor involved in any memorial inspection programme possesses a common understanding of the descriptors and definitions used by their burial authority. For example, this may be achieved through the use of specific photographic examples provided during training and by consistently using agreed definitions when recording inspection results.
22. Subsequently, the actions employed for assessment, inspection and making safe are dependent on each memorial's size, stone type, its orientation (lean), its method of construction and overall condition. Any associated factors that currently or may potentially affect a memorial's stability, such as subsidence, soil erosion, tree roots, adjacent excavations etc. can also be taken into account.



# Pre-Inspection

## Public Notification

23. Bereavement is an emotive experience. Failure to suitably advise lair owners and visitors of the presence, potential impact and related corrective action of a memorial inspection programme of any scale may easily cause further distress.
24. It is acknowledged that there is no guarantee of accurate lair ownership details. For older memorials, the ability to notify lair owners of inspections may be hindered by a lack of up to date records. To mitigate this, other options can be used to make both the public and lair owners aware of any memorial inspection programme, in addition to direct contact.
25. There are many routes to raise awareness through use of digital means e.g. Twitter, Facebook, authority webpages, etc. However, notification of an inspection programme will not be solely restricted to these. Such methods of advising the public via noticeboards, free-standing-signs, local press, etc. can be considered as valid options.
26. In all methods of notification, authorities may wish to provide information about the extent of works and contact details to allow interested parties the opportunity to access more information. **Considerations for notification:**
  - Install signage, with visual warnings and contact information, in and around the burial ground advising of the inspection process and potential hazards.
  - Write directly to the last known lair owners.
  - Write to local funeral directors and memorial masons. They may hold information about current lair owners or may be contacted by them directly as a result of an inspection.
  - Provide written notification to local authority councillors to ensure they are aware of actions being taken to inspect memorials.
  - Check statutory designations. A burial ground or an individual memorial may be listed or scheduled, and consent may be required to carry out works. For listed memorials, the relevant authority is the planning authority. For scheduled memorials, Historic Environment Scotland (HES) must be contacted.
  - Contact other relevant organisations which may have an interest in the burial ground or memorial e.g. Commonwealth War Graves Commission (CWGC), community councils, city heritage trusts, friends groups etc.
  - Place a public notice in the local press advising of the programme.
  - Publish details of planned inspections on the local authority webpage.
  - Circulate a Twitter feed or use of other social media platform.

- Produce a short information video demonstrating how your local authority assesses and makes safe memorials. This might be permanently hosted on the local authority webpage and shared on social media.
27. Notification can also be considered in conjunction with the methods of making safe. For example, where a memorial is found to be unsafe it might be cordoned off and signposted and/or methods taken for its temporarily making safe for a set period of time, pending contact with the owner, before permanent action is taken to make safe.

### **Site and Zoning Risk Assessment**

28. In order to prioritise a memorial inspection programme effectively, an assessment of the area of local authority control should be carried out. To achieve this, burial authorities would complete a risk assessment of all their burial grounds and from this produce a priority list for memorial inspections.
29. During such a prioritisation process it is essential that each burial authority understands the extent and character of their burial grounds, to effectively undertake a comprehensive memorial inspection programme. These assessments then may be periodically revisited and updated. **Considerations for this assessment:**
- Catalogue all burial grounds under your control.
  - The location of the burial ground. For example, is the burial ground in a rural or urban setting, on the edge of a conurbation or in the town/city centre, is the area residential or industrial?
  - Condition of the burial ground e.g. the state of repair of its walls, paths, scope of vegetation coverage etc.
  - Frequency of services. Are there regular interments with new ground available or is the site used infrequently, for example, are there less than five interments per year? Does the site receive infrequent maintenance compared to others?
  - Historic or cultural significance. Is the burial ground, its structures or memorials within a site of historic or cultural significance? If so this may require particular management measures or consent for any works. Inclusion of a short statement of the possible historic or cultural significance for each burial ground may strengthen any site and zoning risk assessment.
  - Layout and topography. The layout and topography of each burial ground will have relevance in formulating a site and zoning risk assessment. Where a burial ground is spread over undulating countryside or subject to ground slippage, soil erosion, subsidence, flooding etc. this may impact memorial stability.
  - Frequency of public use. Is the site active e.g. interments which are regularly visited? Is there a regularly used thoroughfare through the site

such as a public path or are there areas of regular attendance e.g. nearby memorials or site of historical or cultural significance?

- Memorial size, design and method of construction. Is there a large variety in type and dimensions to memorials? Are memorials mostly of a smaller, modern design or are memorials of larger, generally historic e.g. pre-1900 dimensions? Are there a mixture of both size, design and construction?
- Is the site used for any amenity or other purposes which may increase pedestrian traffic or demand for more frequent maintenance or works?

# Inspection

30. Each memorial inspection can be considered a unique risk assessment. Every risk assessment should be proportionate with the potential risk presented by each memorial. An initial site and zonal risk assessment, noting the types of memorials within the area and which are of a higher risk and requiring inspection, is crucial. This will assist in preparing and implementing appropriate assessment procedures and carrying out any remedial actions necessary to remove an immediate hazard.
31. Each memorial will be subject to inspection. The dimensions (height and width) of an unstable memorial will, however, be relative to its ability to cause serious or fatal injury in the event of failure. Subsequent actions taken are dependent on these dimensions, and in some cases the historic or cultural significance of the memorial.
32. This guidance notes that it will be burial authority staff who will complete all initial memorial inspections. It is expected that such staff will have been given appropriate training and have the required local knowledge in respect of the burial ground layout and local conditions to be able to do so.
33. The information as set out below is not prescriptive and is instead intended to act as a general guide, to assist in the implementation of a wider inspection programme. Full and detailed training from appropriately qualified persons should always be provided to any authority assessors prior to completing an inspection.

## Visual Inspection

34. This represents the first stage of any memorial inspection and determines how further inspection or action progresses. Factors such as the dimensions of the memorial, its angle of lean, loose or damaged components and its overall condition will dictate continuing inspection.
35. An initial (360 degree) visual inspection of all sides of the memorial from a safe distance will act as a check of its general condition and identify any obvious signs of damage, wear and tear or lean. Before an assessor approaches the memorial a visual check may be made on any urns, pediments and other ornamentation above shoulder height, if they are present. This initial visual inspection may include an assessment of the foundation (where visible) and the surrounding area e.g. incline, dips, tree roots, vegetation cover etc.

### Considerations for visual inspection:

- Ensure assessors are aware of factors to be considered during visual inspection, and have received appropriate training.
- Procedures are in place detailing actions to be taken if a physical inspection is deemed unsafe to complete following a visual inspection.

- Procedures are in place and materials available to implement required 'make safe' precautions.
  - Appropriate methods are in place to record inspection findings and actions taken.
  - Keeping a photographic record to enhance the inspection record.
36. Where a memorial is particularly large e.g. more akin to a structure, or obviously dilapidated, an appropriately trained assessor should decide if the inspection can safely continue or if the memorial should be referred for a more detailed inspection e.g. completed by an external specialist. Appropriate steps should be taken to make the memorial safe at this point until any such further inspection is completed. This assessor may also determine if any other immediate action is required.

### **Physical Inspection**

37. Following a visual inspection where the assessor is satisfied that an inspection can be carried out safely, a physical assessment would normally be completed. For the majority of memorials of a modern construction (e.g. a lawn memorial) this will most commonly involve a hand pressure test by a trained assessor. Prior to applying any pressure test by hand, the assessor should be trained to evaluate the safety of conducting this test e.g. considering the dimensions and proportions of the memorial, its surrounding area and any other factors which may compromise safe completion of the test.
38. Generally, a hand pressure test is the application of gentle pressure in one direction (not a rocking movement) normally administered by applying hand pressure to the top of a memorial plate (the upright section of a headstone). In the case of a modern lawn memorial this would generally be at various heights up to 1200 mm. Where possible and when access and escape route is clear, the same pressure is applied to the other side of a memorial at the same height and in the same manner.
39. In the case of obviously large, very heavy memorials, or for any other reason, a hand pressure test may be of limited benefit for assessment purposes as determined by the assessor. A suitably trained assessor will be able to visually assess potential hazards based on the presentation of other indicators. This may include material damage at pressure points, an angle of lean, the state of memorial joints/foundation or obvious structural defects.
40. If any doubt remains on the state and potential risk presented by a memorial, it should be referred to an expert or specialist for further detailed inspection. The memorial would also be suitably cordoned off as soon as possible, in conjunction with any appropriate temporary measures to make safe, if this is the case.
41. Due to the potential of overestimating the risk posed by a memorial, the routine use of mechanical testing equipment is not recommended for assessing memorials and their safety.

### Considerations for physical inspection:

- Ensure assessors are aware of the factors to be considered during a physical inspection and have received appropriate training, are suitably equipped and appropriately supported.
- Ensure assessors are fully aware of maintaining their own safety and the safety of others during the entire inspection process. Ensure that assessors are trained on what to do when they discover a suspected or immediate risk.
- Consider memorial inspections being completed by a minimum of two persons, rather than a single individual. For example, an assessor and recorder, both appropriately trained in memorial inspection. This can allow quality assurance and corroboration to be built into any inspection programme.
- Does the inspection assessment fully incorporate HSE's 'five steps to risk assessment' principles?

### Recording

42. It is essential that an accurate record of the outcome of each inspection and any actions taken, including referral, are fully recorded and retained in an accessible and appropriate format. In addition, this record may define a hierarchy for the communication of results to all associated parties e.g. lair owners (where possible), other statutory authorities if relevant, management, staff, visitors etc.
43. Further information is set out in the 'Recording and Communication' section of this guidance.

### Making Safe

44. Whilst not prescriptive, the 'Methods of Making Safe' section of this guidance sets out some of the options open to burial authorities to make memorials safe.

### Re-inspection

45. The frequency of return inspections will need to be well defined. The outcome of each inspection and its assessment record will dictate future interaction with each memorial. To ensure safety of each burial ground, a set programme of re-inspections can be implemented.
46. This guidance notes it is accepted that there are usually two outcomes of any inspection 'pass' or 'fail', with a further element which sits between the two allowing an intermediate rating and flagging for earlier re-inspection.
47. This category system for inspection outcomes may be in the form of a traffic light system e.g. **red** (fail), **amber** (pass but flagged for earlier re-inspection e.g.

in two years. A date may be recommended and recorded by the assessor at the time of inspection) and **green** (pass and re-inspect as routine e.g. in five years).

48. Further to the set memorial inspection programme, a burial authority may also have in place procedures for recording concerns or actions raised during the course of completing 'day to day' activities in a burial ground, outwith dedicated memorial inspection. These may also be entered into any memorial assessment record.
49. A suggested period of when to routinely re-inspect is a maximum of five years. It is for each burial authority to decide on the appropriate schedule of re-inspections, but a maximum of five years between routine inspections is considered as best practice by this guidance.

**Considerations for re-inspection:**

- Are the frequency of re-inspections sufficient?
- How are re-inspections recorded?
- Would setting out a simple risk hierarchy or categorisation system for prioritising memorial re-inspection assist your inspection programme e.g. a traffic light system.
- Are procedures in place that allow memorials to be re-inspected as required e.g. those flagged for concern but not requiring immediate action.

# Recording and Communication

## Information to be recorded

50. To ensure that a memorial inspection programme is effectively managed, accurate recording of each element of the assessment is essential. Recording may be in paper or electronic formats.
51. Due to the requirement to consistently refer to the outcome of inspections and update the assessment record, individual records should be easily accessible once stored. This may mean an electronic record system is more appropriate. The record taken at the time of a memorial assessment **may include**:
- The name of the burial ground.
  - The section and lair number.
  - Name of assessor(s) who completed the inspection.
  - Date of inspection.
  - The location and topography e.g. next to a path, on a slope etc.
  - The name(s) and date(s) of death recorded on the memorial.
  - The type of memorial e.g. modern lawn memorial, monolith, wall mounted etc.
  - The type of memorial material(s) e.g. granite, sandstone, marble, terrazzo, etc.
  - The structural condition of the memorial e.g. visible wear and tear, damage, cracks, weathering, evidence of previous repair, state of repair etc.
  - Any lean and the degree of lean of the memorial.
  - The visibility and condition of the foundation.
  - The ground conditions e.g. conditions of structures nearby, underground vaults, soil type, drainage, vegetation etc.
  - If the memorial is designated for its historic or cultural significance (and any consents or licences that may be required for works).
  - Photographic evidence.
  - If immediate corrective action is required.
52. Taking a photograph of each memorial before the assessment is carried out, for the memorial inspection record, can be useful when completing future inspections or explaining the outcome of an assessment to lair owners. However photographs alone would not be a substitute to a documented record, as outlined above.



53. Some authority bereavement services use specific software administration packages that have modules or elements which will provide inspection recording via hand-held units. There are also readily available packages which have the assessment record, a photograph and a mapping reference stored together in the register of lairs, depending on the software package. Exploration of the feasibility of utilising these types of recording methods is encouraged as best practice.

### **Reporting and Action Taken**

54. As well as recording and dating all findings, based upon the suggested list above, it is also important that any actions taken and/or future actions required are contained within this memorial inspection record.
55. In terms of on-going safety, effective reporting of all memorial inspections that require further action is important. The actions taken are completely dependent on the outcome of an inspection. Appropriate recording should be robust enough to ensure that all the relevant tiers of management are aware of these outcomes and the record can be easily accessed. This will also include the need to contact or consult relevant parties and/or obtain consents or licences for work.
56. Further considerations for recording and reporting:
- Are paper records suitable for all conditions?
  - If appropriate, can the inspection record be directly linked to any existing burial records?
  - What information or categorisation system for inspecting memorials and their safety do assessors require?
  - How accessible is recorded data?
  - What process is followed when a memorial is flagged for immediate action to make safe by an assessor, and how is this recorded and implemented?
  - Is there a set process to 'prompt' or 'flag' for re-inspections relative to the degree of risk a memorial may present?

## Methods of Making Safe

57. A programme of memorial inspection is a permanent responsibility. As a result, any methods used to make memorials safe then become part of that programme. Not only are the memorials subject to re-inspection but the methods of making safe should also be periodically re-assessed.
58. General considerations for making safe:
- Are authority assessors fully equipped to deal with all circumstances?
  - Have all appropriate parties been consulted about or informed of the proposed action e.g. staff, management, lair owners, other agencies with a potential interest.
  - If any consents or licences are required, have these been obtained e.g. work on a listed building or scheduled monument.
  - Are the methods of making safe proportionate to the risk and have different options been explored?
  - If employing an external memorial mason or structural engineer to make a memorial safe, is that external contractor appropriately qualified or able to offer an appropriate guarantee for their work?
  - If a memorial requires immediate action to make safe after an inspection, this action may be taken before formal consultation with lair owners. However, if required, statutory consents or licences must always be obtained before direct action to a memorial is taken.
59. There are a range of options used to make memorials safe, and it is unlikely that one single approach can be universally applied even in a single burial ground. There are a variety of factors which may dictate the method of making a memorial safe and will be dependent on the outcome of each memorial inspection.
60. Any method of making a memorial safe should be done in a manner which would allow that memorial to be readily repaired or reinstalled at a future date by any suitably qualified memorial mason or structural engineer. The following represents a number of potential options for making safe. These high level examples are not exhaustive or prescriptive. Any temporary measures put in place should always be followed up by permanent action to make a memorial safe.

### Refer to an Expert

61. Input from specialist advisers may need to be considered. This might include seeking advice from local authority conservation advisors, other conservation professionals or structural engineers to assess memorial safety.
62. It is important to note that the act of referral is not strictly a method of making safe, but an important step in the process to achieving it being made safe. In

these circumstances, the memorial could be cordoned off in the first instance following referral to another source for assessment and recommendation of further action(s).

## **Repair**

63. The long term solution to address all memorials which have failed assessment is to complete a full repair. Any repairs which are carried out would be expected to be repaired to current industry standards e.g. BS8415-2018, with an appropriate level of guarantee offered by those making the repairs.
64. Local constraints, potentially imposed by the total cost for large numbers of memorials requiring repair or confirming lair ownership, may mean this is not always possible. However, repair can be the most appropriate and long term solution to ensuring memorial safety and may also be viewed as an effective way to fulfil statutory obligations for any local authority.

## **Public Notices**

65. Install highly visible dedicated public notices, with contact information, at the entrances to and within the burial ground advising of both an inspection programme and the potential risks or hazards arising from unsafe memorials. These can generally advise burial ground users of the need to stay clear of memorials.
66. This can be an effective means of drawing attention to the issue, however, it would not address the requirement to make memorials safe if an inspection identifies that action is required.

## **Individual Notices**

67. Place an individual notice on or next to a memorial which has not passed assessment, advising of the inspection programme and providing contact details for further information. This may be a more acceptable route for individual, smaller memorials which may not present a general risk to ground users. As with public notices, this method alone will not address the need to make the memorial safe. It may also be considered that as with any notice, there is a risk that it may attract attention to the memorial, so a notice should be highly visible to prevent visitors being in close proximity to a memorial identified as unsafe.

## **Cordoning**

68. Using barrier tapes or temporary fencing and attaching a notice to the cordon to prevent access to a memorial of any size which has failed an assessment. This process can address the immediate risk but may require further re-inspection and require follow up with a permanent solution i.e. repair.

69. In the case of larger memorials, sturdy temporary fencing of appropriate proportions may be the most effective means to provide immediate short term protection, pending other methods of making safe or repair. This is another method which may encourage and result in greater public attention of the memorial or the inspection programme.

### **Sinking In/Trenching**

70. Lifting the memorial off a lair then excavating a trench in front of its foundation to then insert the memorial, which is secured with the backfill material. Any trench should be of sufficient depth e.g. the lower third of a memorial, to ensure the memorial does not continue to present a hazard. Such a method can mean some inscribed text may be obscured and appropriate care is needed to ensure the memorial is not damaged as it is moved.
71. A decision will need to be taken by the authority if memorials made safe by this method require future, routine re-inspection. However, this may be considered as a low risk category. This method may remove the hazard and can provide longer term remedial action while enabling the memorial to perform its original function as a grave marker.

### **Staking and Tying**

72. Installing wooden or metal stakes at one or both sides of a memorial which has failed an assessment and then securing the memorial to these by plastic banding. This process may address the immediate concern, but as each memorial can be different, the depth in which stakes are driven into the ground, and therefore the length of the stakes, need be appropriate to the individual memorial.
73. This method may be considered temporary and require further periodic inspection of not only the memorial but also the stakes and banding. Care needs to be taken during this process not to cause damage to the memorial.

### **Laying Flat**

74. Laying flat an unsafe memorial, which has failed an assessment, in a controlled manner and with appropriate equipment. This would be so that the inscribed text is face up and the memorial preferably supported slightly off the ground with a gentle slope to allow water to run off. If and when the memorial is re-erected, this gap can allow it to be lifted more easily.
75. A memorial lying flat can have a greater negative aesthetic impact on a burial ground if a large number of memorials are in this position. Widespread use of this method may also present significant cost implications at a future date, especially where many memorials may have been laid flat and may deteriorate further as a result before a repair can be completed.

## **Closure of a Burial Ground or Sections of a Burial Ground**

76. Ultimately, a means to control risk can be to seek to remove it completely. It may be that completely restricting access to a burial ground, or a section of a ground, achieves this. In practical terms, however, the closure of burial grounds, or sections of them, is unlikely to be acceptable in regards to service delivery with visitors or lair owners and is not recommended as long term action to mitigate risk. Before such a step is taken, other options should be fully explored to more effectively address memorial safety concerns.
77. Any risk presented by unsafe memorials can remain even where a burial ground is fully closed or access is restricted.

## **Future Proofing**

78. As the nature of burial grounds and of burial change over time, the management of these sites can also change. For example, burial grounds can now offer access to valuable city 'green space' while still providing a direct link to the heritage of a village, town or city. This may mean the associated management of burial grounds considers how a variety of users and visitors with varying interests are kept safe. Ensuring memorial safety is a significant element of this safe access.

### **Preventative Maintenance**

79. Concerns or issues with memorial safety may be mitigated through the general process of routine maintenance of a burial ground.
80. A holistic approach to memorial management, one which considers not only the memorial but the site maintenance too, is encouraged. Grounds maintenance regimes may compromise memorial stability as weed killer and other herbicides can trigger stone decay and soil erosion. Contact from grass cutting equipment has the potential to cause significant damage. A less intensive approach to grass cutting and weed control may assist in preventing deterioration to any memorial and this maintenance may also include routinely cutting back ivy, tree roots, other vegetation etc.
81. Consultation with other relevant or interested parties e.g. community groups within a burial ground may also contribute to a more effective programme of general maintenance being developed and implemented.

### **Minimum Standards of Memorial Installation**

82. Setting minimum standards of memorial installation e.g. to BS8415-2018 is an option for burial authorities. For example, this may also include requiring a minimum standard of foundation for all new memorials. Ensuring memorials are constructed and installed to a set standard will build in significant protection and alleviate potentially complex repairs in the future. Professional organisations representing memorial masons may be able to advise on how to best approach this.
83. In conjunction with a minimum standards policy, the application of a memorial mason registration scheme can also be considered, by either creating a local one or joining existing national registration schemes, and will complement such a policy. This can confirm all memorial masons operating in a local authority burial ground are appropriately qualified and insured to install new memorials in accordance to an agreed standard.

### **Continual Review of Industry Standards**

84. To assist in the managing of a memorial inspection programme, a number of industry codes of practice are in place to assist with maintaining memorial

standards, which may be referred to by a burial authority. Such guidance can provide extensive detail and instruction on how memorials of varying shape, size and construction can be approached in order to be made safe.

### **Community Engagement**

85. To build ownership within the community, visitors or local groups could be encouraged to engage and become involved in supporting burial ground management through “friends of” or other community groups. At the discretion of a burial authority, volunteers may be able to generally assist in the identification of certain memorials or flag to a burial authority what appears to be sections of a ground requiring attention.
86. However, volunteers should not be used to visually or physically inspect memorials to assess their safety. This should only be undertaken by appropriately trained and qualified burial authority assessors or other specialists, such as a structural engineer.

# Important Considerations

## Historic Burial Grounds and Memorials

87. Many burial grounds contain multi-phase historical evidence in the form of historically significant memorials, buried archaeological remains of earlier structures, the upstanding remains of former churches and the evidence of the local populations which supported them. Many of these continue to retain important historical associations for local and wider communities today. Some burial grounds or memorials within them are designated as being of national importance, for example as scheduled monuments or listed buildings.

## Scheduled Monuments

88. There are numerous burial grounds included on the schedule of ancient monuments in recognition of their national importance. Information about which burial grounds are scheduled can be identified via the online search tool Pastmap <https://pastmap.org.uk/map>. It is a criminal offence to carry out unauthorised works, or to allow unauthorised works to be carried out, on a scheduled monument. This is set out in the Ancient Monuments and Archaeological Areas Act 1979.
89. Scheduled monument consent is the mechanism by which HES ensures that any changes to monuments of national importance are appropriate and sympathetic to their character. It helps to protect what is a rare and unique resource. Further information can be found here <https://www.historicenvironment.scot/advice-and-support/applying-for-consents/scheduled-monument-consent>.
90. Most works on scheduled monuments require scheduled monument consent from HES. This includes repairs and many conservation works. Works requiring consent are defined as:
- any works resulting in demolition, destruction or damage to a scheduled monument,
  - any works for the purpose of removing or repairing a scheduled monument or making alterations or additions,
  - any flooding or tipping operations in, on or under land where there is a scheduled monument.
91. Some types of works do not require scheduled monument consent as they are deemed to have consent under the terms of the Ancient Monuments (Class Consents) (Scotland) Order 1996. Works covered under class consents include some types of ploughing, emergency works and works carried out as part of a management agreement. Of particular relevance are Class V works, which are those that are urgently necessary in the interests of health or safety. Such urgent works might include:



- erecting masonry supports to prevent collapse,
  - the fencing of an area of unstable memorials,
  - other minor works where there is an immediate threat to the public.
92. Such works are covered under Class V of the Class Consents Order, provided that the works are limited to the minimum measures immediately necessary. You must notify HES of any works carried out under Class V.

### **Listed Buildings**

93. HES list buildings or man-made structures of special architectural or historic interest. Listing is the way that a building or structure of special architectural or historic interest is recognised by law through the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Listing covers both the exterior and the interior. Listing can cover structures not mentioned which are part of the curtilage of the building, such as memorials in a burial ground or the burial ground itself.
94. There are a significant number of burial grounds across Scotland which may carry a HES listing and therefore the memorials would be included in this listing. In the context of urgent works, the historic significance/heritage values of a listed memorial should, where possible, inform the options for making safe. However, there may be situations where urgent works for health and safety purposes will need to proceed immediately. The need to carry out this work may require late consent, and all actions should be recorded to ensure that they can be justified if required.
95. Local Authorities are responsible for determining whether Listed Building Consent (LBC) is required. Where LBC is required and it relates to a Category A or B Listed building the local authority is required to consult with HES prior to reaching a view.

### **Commonwealth War Graves Commission (CWGC)**

96. In Scotland, there are over 21,000 war graves and commemorations. Where there is a known burial location, war graves are marked with either the Commission's standard war pattern headstones which are easily recognisable, or with private family memorials, which vary in size, shape and design. These private family memorials are not immediately recognisable as war graves due to their varying designs, so it is important that burial authorities understand the scope of the CWGC's commitment.
97. There are over 5,200 war graves in Scotland commemorated with a private family memorial. If any burial authority is unclear whether a particular lair is a war grave, clarification from the Commission can be obtained. Where a standard pattern Commission headstone is not appropriate or there is no private family memorial, the Commission may place one of its other standard pattern markers.

98. The Commission is the lair rights owner for a number of war graves in Scotland. However, some lairs are abandoned, or are owned by the family. The Commission is still responsible for all war graves, notwithstanding lair rights.
99. The Commission regularly inspects all war graves to ensure that they adequately commemorate the war casualty. War graves commemorated with private family memorials are inspected to ensure that they provide adequate commemoration. The Commission does check the stability of its headstones as part of its inspection cycle of all war graves on a 4 to 5 yearly basis but local authority burial authorities remain responsible for ensuring the safety of their burial grounds for visitors.
100. Burial authorities may be obliged to inspect all headstones in their respective burial grounds more frequently, so inspection by the Commission does not absolve a burial authority's obligation to complete such testing of all memorials.
101. Whilst the CWGC actively ensures that standard pattern headstones are repaired and replaced as required, the Commission cannot operate such control over private family memorials, many of which are nearly 100 years old. Therefore, the Commission may engage with burial authorities to ensure the safety of private memorials and to ensure those casualties continue to be commemorated in perpetuity.

### **Bespoke or Unauthorised Memorialisation**

102. Although not strictly considered as part of a memorial inspection programme, issues may arise in regards to maintenance, health and safety considerations and, possibly, aesthetics arising from unauthorised memorialisation. This is represented by memorials where additional fences, coping stones, solar lights, etc. are placed by the lair owner or others.
103. Where such memorialisation is not permitted due to the impact upon any inspection process or other ground maintenance, due consideration must be given by lair owners to relevant burial ground regulations set by the authority. It is a burial authority's responsibility to uphold these regulations and make lair owners aware of their duty to these.

# Overview

104. The table below highlights an ‘at a glance’ description of elements which can be included in any inspection programme.

<b>Subject</b>	<b>Actions</b>	<b>Planned Outcome</b>
Inspection Programme	Agree a policy. Consult the stakeholders: <ul style="list-style-type: none"> <li>• lair-holders and public,</li> <li>• staff and senior management,</li> <li>• local authority architects or structural engineers,</li> <li>• other statutory bodies,</li> <li>• memorial masons,</li> <li>• funeral directors,</li> <li>• elected members of local authority,</li> <li>• relevant community groups or interest groups.</li> </ul> Publish the policy and commit to review the policy.	This allows an authority the chance to produce a policy that considers all its elements and may create a practical and workable process of inspections.  By publishing and subsequently reviewing the policy at a set date the authority can ensure that all elements meet with current good practice and continue to reflect stakeholder input.
Training	Assess the availability of specific training from organisations such as: <ul style="list-style-type: none"> <li>• FBCA</li> <li>• ICCM</li> <li>• NAMM</li> <li>• independent specialist</li> </ul>	There are a range of training opportunities, most of which will meet a recognised standard e.g. provided by trade representative bodies. Before deciding on which training best meets the needs of your circumstances, it may be worth providing the training agency with a copy of your inspection policy. In some circumstances the agency may assist in the preparation of a policy.
Site and Zoning Risk Assessment	Complete a process of prioritising the sequence of inspections across all locations e.g. identifying memorials in one burial ground as the first to be inspected, and memorials in a second burial ground as a lower risk to be inspected after, and so on.	Referencing criteria listed earlier in this guidance, assess all the burial grounds under your control. A score rating may be used e.g. the higher the frequency of visitors, higher the score would be. By applying this to each criteria, a total score will provide each site with a rating for categorising inspections.  Once this zoning assessment has provided a priority of action, use the same criteria in each burial ground to provide a priority of actions in each site.  Where relevant, specialist advice can be sought.  Where necessary, consents or licences should be obtained.
Notification	Notify all relevant parties. This may include: <ul style="list-style-type: none"> <li>• lair owners,</li> <li>• memorial masons,</li> <li>• funeral directors,</li> <li>• elected members of local authority,</li> <li>• relevant organisations which may have an</li> </ul>	The widespread publication of the inspection programme and what it aims to achieve may ease the anticipated impact of any action. Notices, examples of which provided earlier in this guidance, can also provide contact information and explain the on-going nature of the programme.

	<p>interest in the memorial e.g. local authority archaeology and conservation advisors, HES, CWGC, community councils, city heritage trusts, friends groups etc.</p>	
Inspections	<ul style="list-style-type: none"> <li>• inspect all memorials,</li> <li>• record all inspections,</li> <li>• record all actions,</li> <li>• identify when re-inspections will take place,</li> <li>• complete inspections.</li> </ul>	<p>The inspection programme may include all memorials within the burial ground. By applying a detailed risk assessment to each memorial the most suitable course of action may be identified.</p> <p>Referencing guidance earlier in the document, a record of inspections can list the factors assessed, the basis for the outcome, the action taken and also the expected time period before re-assessment.</p>
Making Safe	<ul style="list-style-type: none"> <li>• repair,</li> <li>• cordoning,</li> <li>• sinking in/trenching,</li> <li>• staking and tying,</li> <li>• laying flat,</li> <li>• ground or section closure.</li> </ul>	<p>Some or all of the listed processes earlier in this guidance for making safe may be applied within a single burial ground. Before deciding on what to use, the on-going maintenance and scale of use of each process should be evaluated. Other methods of making safe may be identified by the authority as being appropriate to undertake.</p> <p>Referring to an expert or outside specialist may however be the best way to fully ensure memorial safety in a burial ground.</p>
Reporting	<ul style="list-style-type: none"> <li>• lair owner,</li> <li>• visitors,</li> <li>• management,</li> <li>• staff,</li> <li>• scheduled monument or listed status – appropriate notification to relevant authority e.g. HES.</li> </ul>	<p>Whilst making direct contact with a lair owner of any memorial may be difficult, a record of the outcome of any inspection should be recorded against the appropriate entry in a lair register. It is also important to ensure necessary stakeholders are aware of the outcome of inspections. In addition it is important to ensure an effective process is in place to advise management (and possibly elected council members) of outcome of inspections.</p> <p>Where necessary, the need for consents or licences for proposed management measures should be identified.</p>
Review	<p>Fully review the policy and its processes at agreed, set intervals.</p>	<p>As good practice, this entire memorial inspection programme will benefit from regular and scheduled review. This ensures that all elements retain appropriate effectiveness.</p>

## **Conclusion**

105. The aim of this guidance is to assist local authority burial authorities to fully review, reevaluate and update their memorial inspection programmes as required.
106. Any inspection programme and its management will be specific to each authority. However by referencing the above sections, considerations and suggestions an authority can improve the effectiveness of their memorial inspection programme and wider programme of burial ground management.

### **Commitment to review**

107. This guidance will be fully reviewed by the Scottish Government once the Burial Ground (Scotland) Regulations come into force during 2019/20 (subject to parliamentary timescales), as part of the ongoing implementation of the Burial and Cremation (Scotland) Act 2016.

## Useful Contacts and Links

### **Scottish Government**

Burial, Cremation, Anatomy & Death Certification Team

Contact: [burialandcremation@gov.scot](mailto:burialandcremation@gov.scot)

### **Commonwealth War Graves Commission (CWGC)**

Email: [enquiries@cwgc.org](mailto:enquiries@cwgc.org)

Tel: 01628 634221

Search for a CWGC cemetery or memorial: <https://www.cwgc.org/find/find-cemeteries-and-memorials>

### **Federation of Burial and Cremation Authorities (FBCA)**

Email: [secretary@fbca.org.uk](mailto:secretary@fbca.org.uk)

Tel: 0292 167 9105

### **Historic Environment Scotland (HES)**

Email: enquiries and consultations: [hmconsultations@hes.scot](mailto:hmconsultations@hes.scot)

Search for a Listed Building:

<http://historicscotland.maps.arcgis.com/apps/Viewer/index.html?appid=18d2608ac1284066ba3927312710d16d>

Search for a Scheduled Monument:

<https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/scheduled-monuments/search-for-a-scheduled-monument>

Search for a Historic Environment Designation:

<https://pastmap.org.uk/map>

Guidance on how to apply for scheduled monument consent:

<https://www.historicenvironment.scot/advice-and-support/applying-for-consents/scheduled-monument-consent>

### **Institute of Cemetery and Crematorium Management (ICCM)**

Email: [iccmjulie@gmail.com](mailto:iccmjulie@gmail.com)

Tel: 020 8989 4661

### **National Association of Memorial Masons (NAMM)**

Email: [technical@namm.org.uk](mailto:technical@namm.org.uk)

Tel: 01788 542264

### **Scottish Bereavement Benchmarking Group (SBBG)**

Facilitator: Glasgow City Council

Email: [David.MacColl@glasgow.gov.uk](mailto:David.MacColl@glasgow.gov.uk)

Tel: 0141 287 3966

## Terminology

<b>Term</b>	<b>Definition</b>
Burial Authority	Defined in the Burial and Cremation (Scotland) 2016 Act as the person having responsibility for the management of a burial ground.
Burial Ground	Defined in the 2016 Act as meaning land used, or intended to be used, primarily for the burial of human remains and where a charge for burials is made. This definition also includes land that was, but is no longer, used primarily for the burial of human remains.
Burial Ground (Scotland) Regulations	Regulations made under the 2016 Act relating to burial. The relevant sections of the 2016 Act and its regulations will come into force during 2019/2020.
BS8415-2018	A non-statutory industry requirement set by The British Standards Institute and originally founded on the NAMM Code of Working Practice. Widely recognised, it is an example of industry approved guidelines which generally apply to all new and reinstated memorials.
Conservation Area	A conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Demolition of unlisted buildings or other structures within these areas may require Conservational Area Consent.
Interment	The act of burying human remains in a lair. This may be either within a coffin or cremated remains within a container e.g. an urn.
Lair	A grave/ plot within a burial ground.
Lair Owner	The owner of the right of burial in a grave/ plot, usually a family member of those interred.
Listed Buildings	Buildings of special architectural or historic interest. Buildings are put into one of three listing categories according to their relative importance (A, B or C).
Memorial	All forms of headstone or grave marker, of any size or type, within a burial ground.
Memorialisation	The act of placing physical items on or around a graveside, including the memorial, by relatives or others. Most burial authorities have burial ground regulations which set out how objects may be placed and at what distance from a memorial.
Memorial Mason	An appropriately qualified and skilled individual able to produce, repair and erect memorials to the required standard.
Scheduled Monument	There are over 8000 scheduled monuments in Scotland, which are recognised as being of national importance and are legally protected to ensure they are preserved for future generations. Most works to Scheduled Monuments require Scheduled Monument Consent from Historic Environment Scotland.

## List of Contributors

This guidance has been developed with contributions from and in agreement with the following organisations:

- Commonwealth War Graves Commission (CWGC)
- Dumfries and Galloway Council
- East Ayrshire Council
- Federation of Burial and Cremation Authorities (FBCA)
- Glasgow City Council
- Highland Council
- Historic Environment Scotland (HES)
- Institute of Cemetery and Crematorium Management (ICCM)
- Inverclyde Council
- Midlothian Council
- National Association of Memorial Masons (NAMM)
- National Committee on Carved Stones in Scotland (NCCSS)
- North Ayrshire Council
- North Lanarkshire Council
- Perth and Kinross Council
- Renfrewshire Council
- Scottish Bereavement Benchmarking Group (SBBG)
- Scottish Borders Council
- South Lanarkshire Council





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