



DAC Guidance

Health and safety around gravestones, tombs and memorials

Parishes are increasingly concerned about the safety of the gravestones, tombs and memorials in their churchyard. Churchyards are public places and there is a health and safety duty on those who have responsibility for them. On the other hand parishes do not have unlimited funds for maintenance, and some churchyards are subject to conservation requirements as well. This leaflet aims to give general guidance on the problem and to suggest where and when your parish should seek further advice.

SECTION 1 – GENERAL

RESPONSIBILITY FOR HEALTH AND SAFETY

The churchyard is normally vested in the incumbent, although responsibility is shared with the PCC. The upkeep of memorials is in the first instance the responsibility of the family of the deceased. However there are many memorials where the family either cannot be traced or else refuses to pay the costs of maintenance, and in this case the responsibility for any injury may rest with the parish.

Public liability applies to every visitor, no matter what their purpose, including children at play, concert audiences, people taking a short-cut through the churchyard, even intruders and vandals.

CLOSED CHURCHYARDS

Where the churchyard is closed, the local authority usually takes over responsibility for the costs of maintenance “in decent order” of all aspects: buildings, walls, pathways, tombs and memorials. Depending upon local circumstances, there may be special exceptions, for example mortuary chapels. If in doubt, please check the correspondence between the PCC and the local authority following the closure order to discover exactly which items the local authority has agreed to maintain.

Liability in the case of injury passes to the local authority where the churchyard has been handed over to the local authority under Section 215 of the Local Government Act 1972. In the event of litigation, it is likely that claims will be made in the first instance against the indemnity of the local authority.

CIVIL PLANNING REQUIREMENTS

Many tombs, memorials and even gravestones are listed structures in their own right, normally listed Grade II. Listing will depend upon factors such as design, quality, character, the importance of the person commemorated, or “group value” in the churchyard setting. Most monuments dating from the C18th or before will be listed. For the Victorian period (for listing purposes, after 1840) when memorials became more standardised in design and craftsmanship, it is more unusual for memorials to be listed. From the post-Victorian period, very few memorials are listed. If you are unsure whether a particular monument is listed, you should check with your local planning department or the Listed Buildings Information Service (see details below).

The question is important, because for listed items civil planning legislation will apply in parallel with the faculty system. For instance a major rebuilding of a listed C18 table (or chest) tomb may require both a faculty and listed building consent.

Equally, if the memorial is unlisted but the churchyard lies in a conservation area, then planning consent may be required. Check with the local authority if you are not sure of the situation.

FACULTY REQUIREMENTS

A faculty may be required for major works to a memorial or memorials, and you should contact the Archdeacon or DAC Secretary for advice on how to proceed. Even minor works, such as straightening a leaning memorial, should still be referred to the DAC for advice. In the case of an emergency or where repair works are planned, please contact the Archdeacon or the DAC Secretary as soon as possible.

SECTION 2 – PRACTICAL ADVICE

DRAWING UP A SAFETY PLAN

Parishes are recommended to consider carrying out an annual review of the state of the churchyard as a whole. This will enable the PCC to draw up a strategy for maintenance and to cope more easily with any emergencies which might arise. In addition, in the event of a legal claim against the church, this would be an important feature of the PCC’s defence.

* A risk assessment will be the first step in deciding which (if any) memorials need attention, and when. Which items are a potential safety risk in the churchyard?

In older churchyards the most common hazards are table tombs when the lid or sides have become unstable or fall away. Leaning gravestones might cause an injury if they fall; though generally the upright, heavy “monolith” headstone is the safest of all possible designs. There are many other items which could be a hazard: kerbs, railings or even mounds. If the grass is not regularly cut all of these can be obscured. Underground vaults must be kept well secured. Churchyard walls, which can be very ancient, should be regularly maintained. A record of the risk assessment and of subsequent regular inspections should be recorded in the PCC minutes, together with a record of any action taken.

* **Do you have a churchyard plan?** You will need one if you are seeking a faculty or planning consent, and the existence of a churchyard plan would prove that the PCC is taking its liability seriously. Advice on the preparation and recording of a churchyard plan is included

in the current edition of the Churchyard Handbook (see below under FURTHER INFORMATION). If your parish does not have the time or skills to draw together a churchyard plan it may be possible to enlist the help of a local historical society, university or school.

* **Do you have photographs** of the churchyard or of memorials which are listed or of particular interest? If an item is vandalised, or if you need to obtain faculty or planning consent for repairs, it is useful to have a photograph of it in its present state. The inscription, however worn, is as important as any ornament or feature of its design.

* **Some churches** with particularly well-known tombs or gravestones have decided to display a facsimile or illustration of the original in order to save wear and tear throughout the churchyard.

* **Are there items which would benefit from minor repairs now**, to save more major work in a few years' time? It is far cheaper for a mason to carry out simple regular repointing than to employ a conservator to completely rebuild a ruin, and it is always advisable to keep vegetation in check.

REGULAR TESTING

Ecclesiastical Insurance (the "EIG") recommends an annual inspection of all gravestones, tombs, memorials and vaults, using physical methods, to be carried out by PCC officers. It is not necessary to employ experts. Each stone should be handled to check for loose mountings, disintegrating mortar or serious spalling caused by age or frost. (Any of these can render the stonework unsafe.)

A gravestone should be secure enough not to topple over if someone holds on to it to help him- or herself up. Ecclesiastical Insurance does not expect every gravestone to be perfectly upright; if it is leaning but otherwise meets the test above, no further action would need to be taken. Stones in a dangerous state should be carefully laid on the ground. If possible the family should be contacted to advise of any action taken and give them the opportunity to remedy the defect.

As with the risk assessment (see section above), the PCC minutes should include a note of the survey, the date it occurred, the names of those taking part, and any action taken as a result.

EMERGENCIES

It is usually in an emergency that a parish can experience the sense of competing legislation – health and safety law overlapping with conservation, planning and faculty regulations.

– In the first case the PCC should put "danger tape" around the site and erect warning signs to keep the public away. Contact the Diocesan Registry (see below for details) for advice if you are not sure how to do this.

– Contact your insurers immediately.

– As soon as you can, obtain professional advice about repairs or other work needed. This should include at least a sketch and a method statement, in writing.

– If you have not already done so, contact the Archdeacon and DAC office with details.

OBTAINING ADVICE

If you are concerned that a particular item poses a health and safety risk, it is vital to obtain expert but impartial advice. Monumental masons can provide practical advice, but in some cases there may be a commercial interest in the solutions they recommend. “Topple Tester” machines are used, for instance by local authority cemeteries and some monumental masons, but are not recommended by Ecclesiastical Insurance or by the DAC since they can cause irreversible damage to the memorial. Your architect may give you safety advice in the quinquennial inspection report or during a visit. Alternatively your local authority may be able to advise as to whether an item is safe or not, but in the case of a listed monument it is important that any health and safety official should do this in consultation with the conservation or planning officer.

AVOIDING FUTURE PROBLEMS

It is in the PCC’s interest to ensure that any new additions in the churchyard are strong enough to stand the test of time; otherwise the parish may have to pay for repairs if the owners refuse or cannot be traced. Check every new introduction to make sure that the monumental mason has fulfilled his statutory duty to erect the memorial in a safe and durable manner.

By far the most stable design, and one which has stood the test of time (as at Stonehenge), is the single, upright flat stone (known in the trade as the “monolith”). Although it may lean, it is very unlikely to collapse, being buried by a third of its height in solid ground.

Modern gravestones and memorials, though expensive, are frequently supplied to the masons in a mass-produced “kit” form. They are often erected with inadequate foundations, and a recent study has found that it is the newest memorials which are the most prone to instability.

“Lawn memorials” have been popular with monumental masons since the 1960s for their convenience of fixing. Many “lawn memorials” are dowel-jointed and have little in the way of a solid base. They can become unsafe very rapidly, even within a couple of years. It is not clear whether the improved type with cement anchors will prove to be much more stable or safe in the long run.

Kerbs were commonly supplied in the 1930s to 1960s although they are not commonly approved now. They can cause people to trip easily if they are in rough ground where undergrowth conceals them. Some parishes prefer to remove old kerbs for safety or grass cutting, but where the kerbs were an integral part of the original grave design, taking them out can leave the headstone supported only by a weak cement bed with almost no foundations.

SECTION 3 – OTHER CONSIDERATIONS

LICHENS

Churchyards support important lichen colonies which are under threat from pollution and disturbance. In a few churchyards, very rare lichens are protected by law. Generally though it

is up to the churchyard carers to be aware of potential threats. If a memorial has to be laid flat for safety reasons, as a temporary measure a simple action such as propping one end of the memorial on a brick or breezeblock to allow air circulation will help the lichens to survive until repair work is undertaken. Alternatively, contact a local advice group if a tomb or slab which has been undisturbed for many years is to be moved. The address of the British Lichen Society and of its local health and safety officer is given below.

FUNDING REPAIRS

There are a small number of organisations devoted to funding repairs to churchyards and their memorials. Alternatively you could apply to the local authority (some of which are empowered to make grants towards the maintenance of listed tombs) or to local or national charitable trusts or companies. The DAC office can give general advice about fundraising or more details are available on the churchcare website for the Church Building Council – www.churchcare.co.uk

VAT

Listed Places of Worship Grant Scheme allows listed churches to reclaim VAT on fabric repairs and you should ensure that you consider this. Details of the LPWGS can be found at www.lpwscheme.org.uk.

SECTION 4 – FURTHER INFORMATION

Guidance Notes on Health and Safety, Health and Safety policy from the Ecclesiastical Insurance Group (see address below).

Churches and Headstones guidance note from the Ecclesiastical Insurance Group.
Practical Church Management: A Guidebook for Every Parish (2nd Edition) (ISBN 0-85244-602-0) by James Behrens. (Dr Behrens was Chancellor of the Diocese of Bristol.) Price £20, published by Gracewing, 2 Southern Avenue, Leominster, tel 01568 616835.

The Churchyard Handbook (ISBN 0-7151-7853-1). Price £10.95, published by Church House Publishing, available from Church House Bookshop, 31 Great Smith Street, London SW1P 3BN.

English Churchyard Memorials (ISBN 0-7524-1440-1) by Hilary Lees, published 2000 by Tempus Publishing, available via www.amazon.com.

SECTION 5 – USEFUL CONTACT ADDRESSES

South Gloucestershire District Council

Archaeology and Conservation Officer, Mr D Haigh, Civic Centre, High Street,
KINGSWOOD, S. Glos BS15 2TR

Tel: 01454 863434 Email: david_haigh@southglos.gov.uk

Wiltshire District Council

Ms J Enticknap, Listed Buildings Officer, Wiltshire District Council, Monkton Park,
CHIPPENHAM, Wilts, SN15 1ER

Tel: 01249 706660 Email: jenticknap@northwilts.gov.uk

Swindon Borough Council

Neil Buick, Listed Buildings Department, Premier House, Station Road, SWINDON
SN1 1TZ

Tel: 01793 466325 Email: nbuick@swindon.gov.uk

Ecclesiastical Insurance Group

Beaufort House, Brunswick Road

GLOUCESTER GL1 1JZ

Tel 01452 528533 www.ecclesiastical.com

The Association of Burial Authorities (ABA)

Waterloo House, 155 Upper Street

LONDON N1 1RA

Tel: 020 7288 2522

Listed Buildings Information Service

English Heritage NMR

55 Blandford Street

LONDON W1V 7HN www.english-heritage.org.uk/nmr

Church Buildings Council (formerly Council for the Care of Churches)

Church House, Great Smith Street

LONDON SW1P 3NZ

Tel: 020 7898 1866 www.churchcare.co.uk

English Heritage

23 Savile Row

LONDON W1S 2ET

Tel: 020 7973 3144 www.english-heritage.org.uk

British Lichen Society

The British Lichen Society

c/o Dept. of Botany, The Natural History Museum

Cromwell Road, London SW7 5BD www.thebls.org.uk

General Enquiries: BLS Secretary: Dr. Chris Ellis

Telephone: please email prior to a telephone enquiry

Email: c.ellis@rbge.org.uk

British Lichen Society – local advice on health and safety

Dr David Hill

School of Biological Sciences

University of Bristol, Woodland Road

Bristol BS8 1UG Email: D.J.Hill@bristol.ac.uk

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