

IMPROVING OUR ADMINISTRATION... SAY 'HELLO' TO SAM!



Samantha Jackson joined the BRAMM office in Taunton in January 2011 as BRAMM Administrator, working alongside Alan Slade.

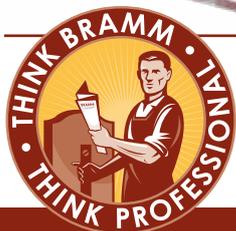
Sam (as she likes to be known) brings with her a depth of skills and experience in administrative and secretarial practice. She now manages all aspects of Business Accreditation, Fixer Licensing and the registration of Burial Operators. And if this was not enough, Sam also maintains the content of the website and acts as Secretary to the Executive Board.

Sam is rapidly becoming a font of all knowledge and if she does not know the answer to something, she certainly knows someone who does.

The Taunton office is open Monday to Friday from 9am to 1pm so if you have any queries or problems, please call Sam who will be very happy to talk to you.

Outside of office hours, an answer-phone is available to take your call. Also please be aware that if Sam is already on a call to another member during working hours, the answer-phone will cut in to ensure that we do not miss anyone's call.

OFFICE OPEN HOURS
Monday – Friday
9am – 1pm



BRAMM – The only memorial mason accreditation scheme fully supported by the following industry organisations and with fair and equal representation from both independent memorial masons and burial authorities.



Society of
Local Council Clerks
Professional Supportive Innovative



A MATTER OF RESPECT

A memorial stone is something that demands a significant amount of respect. Not only does it mark a burial site and act as a memory for the bereaved, but for the rest of us it is a reminder of our own human frailty and inevitable demise. Whether we knew the deceased or not is irrelevant, acting with due respect for those who have gone before us is an important part of what makes us human.

Sadly, this isn't understood by some masons who effectively vandalise memorials during installation, by failing to properly install them. For example, deliberately wedging a screwdriver into core drilled holes instead of fixing an approved anchor system is hardly showing respect for the deceased or indeed the family who are paying for what is presumed to be a professional installation. This sort of behaviour is no better than petty vandalism or graffiti.

One organisation who truly understands the significance and importance of memorial stones is the Commonwealth War Graves Commission (CWGC). Established in 1917, the CWGC pays tribute to the 1,700,000 men and women of the Commonwealth forces who died in the two world wars. Over the best part of a century they have constructed 2,500 war cemeteries and plots and commemorated over one million casualties in military and civil sites in some 150 countries.

Needless to say, the CWGC know a thing or two about the memorial mason's industry and the importance of doing the job properly, professionally and with due respect. We are pleased to highlight that the CWGC are in full support of BRAMM and agree with our ethos to promote and facilitate On-going Training in the industry to help improve standards of workmanship.

The desire to learn, to improve and to work together to an agreed standard will help improve the culture within our industry. Together we can ensure the proper installation of long-lasting memorials that properly commemorate the lives of those who have gone before us showing a level of respect that we will, one day, expect for ourselves.

There's more to the CWGC than cenotaphs and cemeteries. Find out more about this organisation's vital role in remembering the war dead by visiting: www.cwgc.org

Upcoming Training

CHECK YOUR BRAMM FIXER LICENCE

Are you nearing renewal time? Do you need to participate in on-going training before renewal?

ON-GOING TRAINING DAYS FOR THE EXTENSION OF FIXER LICENCES

Our On-going Training course includes:

1. A general overview of memorial fixing matters;
2. A review of the current BS8415, together with an update of proposed amendments to the standard;
3. The new BRAMM Blue Guide, available free of charge to masons, will be discussed;
4. Demonstrations/discussions about cement free fixings;
5. Methods employed for memorial inspections.

This course is FREE to BRAMM registered masons and charged at £125 + VAT to those not registered with us.

**FREE
TO BRAMM
REGISTERED
MASONS**

Glasgow	6 th September 2011
Edinburgh	7 th September 2011
Inverness	8 th September 2011
South Wales	14 th September 2011
Manchester	22 nd September 2011
Stoke-on-Trent	21 st September 2011
Exeter	27 th September 2011
City of London	20 th October 2011

UP-COMING BRAMM FIXER LICENCE (BFL) TEST DAYS

The following Test Days have been organised.

South Wales	4 th July 2011
City of London	12 th July 2011
Exeter	21 st July 2011

UP-COMING BRAMM FIXER LICENCE (BFL) TRAINING DAYS

**SAVE
£90**

If you're attending a BRAMM Fixer Licence Test Day and think you'd benefit from a pre-test day training course then you might consider the opportunities below. These training days cost £150 each, but BRAMM offer a significant discount of £90 to BRAMM accredited businesses wanting their staff to be qualified fixers.

City of London	5 th July 2011
Exeter	14 th July 2011

On this date there will be a Refresher Course (between 9 & 10am) for those needing to retake their theory paper. There will then be a Re-Test (between 4 & 5pm) for those who failed their Theory Test in January 2011.

FOR MORE INFORMATION AND TO BOOK YOUR PLACE
CALL BRAMM ON: 01788 544963 (MON – FRI, 9am – 1pm)

Judicial Review – NAMM and Cardiff City Council

Following the recent court case between NAMM and Cardiff City Council, the FBCA (Federation of Burial and Cremation Authorities) produced the following information (see page 3) to explain to their members what this case was about and what judgement was made by the court. The outcome of this case has significant impact on the future of accreditation schemes for this industry, so at BRAMM we have kept a careful eye on these proceedings. We consider the FBCA document an informative and non-bias summary of the case and well worth a read for anyone interested in how this legal challenge was concluded. To download the full judgement go to:

www.bailii.org/ew/cases/EWHC/Admin/2011/922.html



IN THE HIGH COURT OF JUSTICE, QUEEN'S BENCH DIVISION, ADMINISTRATIVE COURT, SITTING AT CARDIFF BEFORE THE HONOURABLE MR JUSTICE BLAKE

Judicial Review – The National Association of Memorial Masons and Cardiff City Council

1. This case, which was heard on 15 and 16 March 2011 in the Administrative Court, Cardiff, arose as a result of an application by the National Association of Memorial Masons (NAMM) for judicial review of Cardiff City Council's policy for the accreditation of memorial masons who work in the cemeteries it manages.
2. The parties were agreed that one of the things that a burial authority may do in exercise of its statutory powers is to adopt a policy for regulating which memorial masons may work in cemeteries under its control, and that such a policy could include a scheme of accreditation. This is authorised by Article 3(1) of the Local Authority Cemeteries Order 1977, which includes a power to "Do all such things as they consider necessary or desirable for the proper management, regulation and control of the cemetery."
3. From 1990, Cardiff City Council, like many other burial authorities, had its own local memorial masons registration scheme. However, concerns had begun to emerge from the year 2000, as to the safety of cemeteries where headstones or other funeral monuments had been erected. In the light of those concerns, interested parties came together to devise a national system of accreditation, to be called the British Register of Accredited Memorial Masons (BRAMM) and this registration scheme became operational in late 2004. In April 2006, Cardiff adopted, for a trial period, a scheme whereby BRAMM-accredited masons were able to work in its cemeteries, and the BRAMM scheme was formally adopted by the authority from 1 April 2007, after a lead-in period.
4. In November 2009, NAMM set up a new national independent register of professional memorial masonry businesses and nationally competent memorial fixers, called the Register of Qualified Memorial Fixers (RQMF).
5. In April 2009, however, Cardiff City Council had adopted a new policy for the fixing of memorials, which stated:
6.2 Fixing of Memorials
6.2.1 No works are permitted to be carried out on any grave space except by a monumental mason who is accredited to the British Register of Accredited Memorial Masons (BRAMM) or by staff of Cardiff Bereavement Services, and such works may include any works associated with memorial safety inspections and the subsequent temporary marking of any memorial.
6. NAMM first became aware of this policy in the spring of 2010 when 2 NAMM members who were formally BRAMM registered, but had ceased to pay the annual fee and were now registered with RQMF were informed that they could no longer work in Cardiff cemeteries.
7. Following representations from NAMM in April 2010, Cardiff City Council amended its policy so that memorial masons who wished to carry out masonry works within the Council's crematorium and cemeteries would be required to be accredited to the BRAMM scheme or an equivalent scheme. The Council indicated, however, that it did not consider the RQMF to be equivalent to the BRAMM scheme, one of the key issues being that the RQMF scheme did not have burial authority representation on its board.
8. Following an exchange of correspondence, an application to bring judicial review proceedings was lodged by NAMM in June 2010, alleging that Cardiff City Council's policy was:
 - i) unlawful by reason that the policy was in restraint of trade;
 - ii) irrational, perverse and disproportionate;
 - iii) based on material misunderstanding of the relevant facts;
 - iv) that the decision to exclude RQMF accredited memorial masons was procedurally unfair owing to perceived bias on the part of the Council's bereavement services manager.
9. It was claimed that the Council was acting contrary to the statutory purpose and powers under Article 3 of the Local Authorities Cemeteries Order 1977. Furthermore, NAMM claimed that the decision was biased, owing to the significant position of responsibility that Cardiff's bereavement services officer had within the Institute of Cemetery and Crematorium Management and consequently/indirectly BRAMM, whom NAMM was in dispute with at the time regarding matters relating to the scheme, as were the BRAMM board as a whole.
10. The judge concluded that, in the particular circumstances of this authority, the emergence in May 2009 of a different scheme promoting the same standards of professional good practice justified a careful review of the Council's policy. The City Council did amend its policy in April 2010, agreeing that it would recognise any "equivalent" scheme. At the same time, a decision was reached that the RQMF was not equivalent for a number of reasons:
 - that one of the main purposes of the BRAMM scheme was to remove the need for multiple registration schemes;
 - to have a national registration scheme whose board would be represented by memorial masons, industry professionals and by burial authorities themselves enables burial authorities to express their views and influence industry standards of accreditation, regulation and discipline, so as to ensure that they are appropriately robust to address the risks to the public of inadequately fixed or defective memorials. An authority's concern that a scheme of accreditation should have local authority representation on the governing body is a reasonable one;
 - the scheme offers comfort to the burial authority as to the standard and proficiency of the work carried out by memorial masons in its cemeteries, including regular review to prevent complacency and ensure that current best fixing methods are being adhered to. The newly established NAMM Register of Qualified Memorial Fixers did not offer the same level of comfort;
 - The costs of accrediting and regulating a scheme were also material considerations to be taken into account. Memorial masons registered with BRAMM are required to undergo regular checks in order to maintain their registration and the costs of this are met by the BRAMM scheme. For NAMM registration however these checks are an optional service for the burial authority, charged at a fee to be fixed according to the number of memorial masons registered within the authority's area and at the burial authority's expense. The eventual calculated cost of this to the authority was unknown;
 - any instances of non-compliance with industry standards by memorial masons can be reported to BRAMM by the burial authority. BRAMM investigates such matters and, where necessary, will instigate disciplinary procedures against the offending mason with any associated costs being met by BRAMM.
11. In his judgement, Mr Justice Blake said that these reasons, as to why the Council required masons to be registered under the BRAMM scheme, were both appropriate and reasonable. He said that a lawful accreditation policy is not a restraint of trade, but an incidental cost of trade as any modest payment to a regulatory body might be, but where a different scheme promoting the same standards of professional good practice exists, there should be a careful evidence-based assessment and appraisal as to their equivalence. In this context, equivalent does not mean the same as, but having the same value as the comparator.
12. Although the City Council did take account of NAMM's solicitor's letter setting out their views as to the similarities between the two schemes, a fair procedure may well have called for a period of information gathering and consultation as to:
 - a) the disciplinary procedures and practices adopted by RQMF;
 - b) the level of service by way of investigation of complaints against RQMF accredited firms that was provided by the scheme without cost to the local authority;
 - c) the geographical reach of the RQMF scheme compared with BRAMM, and;
 - d) the extent to which other local authorities had found RQMF accreditation satisfactory as a means of ensuring appropriate safety and business standards in memorial masonry.
13. However, the judge did conclude that while he did not propose to quash Cardiff's policy, there was a real possibility that its decision that the RQMF scheme was not equivalent to BRAMM was procedurally flawed by apparent bias, owing to the close involvement of its bereavement services manager with the wider dispute between the ICCM and NAMM regarding the governance of the NAMM scheme. The consequence of his conclusion was that the decision should be set-aside and re-taken by an impartial body even though it may possibly come up with the same result.
14. The judge made no costs awards, each party having to bear its own significant legal costs.

BRAMM is a not for profit organisation covering all main professional bodies that represent burial and cremation authorities, from unitary councils to parish councils, who have no commercial interest. All are working in equal partnership with memorial masons.

A MESSAGE TO BURIAL AUTHORITIES

The benefits of BRAMM:

- 50% representation by burial authorities on the management board giving you your say.
- 50% representation on any disciplinary panel making your voice heard.
- No cost to your authority.
- CPD ensuring that memorial masons working in your cemeteries are up to speed.
- Confidence that memorials will be installed in accordance with British Standard 8415.
- BRAMM takes action when instances of non-compliance are reported by you.
- BRAMM has representation on the British Standards committee.
- The BRAMM Blue Book – A FREE guide to installing memorials in accordance with British Standard 8415 that you can specify in your regulations.
- Access to all registered mason's independently assessed insurance document and risk assessment via a comprehensive website. No need to gather these yourself.
- Regular newsletters.
- Support from a dedicated local authority liaison officer.
- Working with memorial masons for the benefit of the bereaved.

BURIAL AUTHORITIES > ARE YOU USING OUR WEBSITE?

It is really important that BRAMM registered Burial Authorities regularly use our website to check the status of each mason working in their burial ground.

Ensuring that all masons admitted are on the BRAMM register is a vital requirement to make this scheme work and forms part of your agreement with us.

This action will give you a recourse through BRAMM when/ if things go wrong and most importantly, it supports those masons who do things by the book (i.e. have insurance, invest in training, install memorials properly).

www.bramm-uk.org



A MESSAGE TO MEMORIAL MASONS

The benefits to Memorial Masons:

- 50% representation on the BRAMM management board.
- 50% representation on any disciplinary panel.
- You will be eligible to stand for election to the BRAMM management board.
- FREE CPD training events.
- Have you the City & Guilds qualification? If yes you can register with BRAMM for an admin fee of £25+VAT.
- Have you an NVQ or SVQ? If yes you can register with BRAMM for an admin fee of £25+VAT.
- The BRAMM Blue Book – A FREE guide to installing memorials in accordance with British Standard 8415 prepared for you by masons on the British Standards committee.
- Working with burial authorities for the benefit of your clients.
- Only sending insurance and risk assessment documents to one point as opposed to all burial authorities whose cemeteries you work in.
- Increased credibility and reassurance for prospective clients.



MASONS > BRANCH COSTS AND LOGO USE

It has become evident that some businesses with multiple named branches are using the BRAMM logo to promote those 'other named' branches without registering them with BRAMM. Needless to say, this all becomes very confusing for both the public and burial authorities who cannot determine if the BRAMM logo is being used legitimately. If you have multiple branches, you MUST register each with us, so that the branches are included on your 'parent company' registration. There is a small additional charge made per branch of £10 to cover the administration costs.

PLEASE NOTE: If issues arise regarding workmanship etc. of any employee in any of your registered branches, the Registered Company (parent company) at the main address must take responsibility for the activities of their branches.