



FEDERATION OF
**MASTER
BUILDERS**

Federation of Master Builders Standards Committee Terms of Reference

July 2024



Build with confidence

FMB Standards Committee

1. Purpose

The purpose of the Standards Committee is to protect the reputation and interests of the FMB.

The Committee does this by ensuring that the FMB Code of Conduct sets clear standards in relation to competence, customer service and integrity, which FMB members must adhere to.

The Committee also has the power to take enforcement action, or to direct FMB staff to do so, if the Code of Conduct is breached.

2. Membership

Membership is made up of:

- Directors, business owners, or senior employees of five current FMB member businesses.
- Three independent committee members from a consumer protection organisation; relevant professional services, or a lay-person, appointed at the discretion of the Chair
- The Committee will elect one of the FMB members as Chair.
- The Committee will also elect a Vice-Chair who will Chair meetings in the Chair's absence. The Vice-Chair will not necessarily become Chair if the Chair steps down.
- An independent specialist or FMB inspector may be invited to attend any Standards Committee meeting when their expertise would be helpful, for example in a case involving a health and safety breach. Such expert witnesses do not have voting rights.

Records will be kept by the Standards Committee's secretariat, provided by FMB staff, who will attend meetings as required, but will not have voting rights. The secretariat will carry out all administrative duties, including provision of minutes, agendas and papers, and provision of reports on the Committee's activities to the Board and other third party bodies as appropriate.

All Members of the Committee are bound by collective responsibility for all decisions made by the Committee, and the Committee's deliberations are confidential.

Members are expected to attend at least three of the meetings that they have been requested to attend, in one year otherwise they will be asked by the Chair to stand down.

When a vacancy arises on the Committee, the FMB will share information about the role through its member communication channels, for example the FMB website and newsletters, and invite expressions of interest. Expressions of interest will then be shared with the Committee members, and assessed against criteria agreed by the Committee. These may include a call for particular expertise which the Committee requires. Interested members will be invited to attend a meeting as an observer. The Committee members will then vote on them joining the Committee.

Members of the Standards Committee must comply with all current vetting and monitoring requirements of FMB.

Any allegations that a member of the Standards Committee is not compliant with the Code of Conduct will be referred to the Presidential Team of the FMB, and may be considered by the FMB Board.

The term of office for each member on the Standards Committee is a maximum of seven years and the term of office is at the discretion of the Chair for independent members. There is no minimum term of office.

3. Roles and Responsibilities

The role of the Committee is:

- To advise the FMB Board about any changes that are needed to the FMB's Code of Conduct to ensure they are fit for purpose.
- To advise and make recommendations to the FMB Board about membership standards with the objective that the FMB's entry criteria is fit for purpose, as applied through vetting of new member applications and ongoing monitoring of members.
- To address allegations about a member who may not be adhering to the FMB's agreed standards, and/or has breached the Code of Conduct and to decide on whether a Member can remain in membership, by following the procedure set out below.
- To carry out other duties which the FMB Board may from time to time deem to fall within the Standards Committee's remit.

The role of the Chair is:

- To ensure that the Standards Committee functions within the requirements of these terms of reference;
- To chair meetings of the Committee;
- To facilitate discussions and provide guidance and information as necessary during meetings, to encourage and enable consensus on issues for decision;
- To act as the Standards Committee's liaison with the Board

4. Meetings and Decision-making

- A quorum is two-thirds of the voting members, so five out of eight voting members, comprising at least four voting FMB members, plus at least one voting independent member. This includes the Chair who has a casting vote.
- Meetings will be held both face-to-face and virtually at the discretion of the Chair. It is suggested that at least half the meetings are held virtually.
- Any face-to-face meetings are to be held in the UK at a location convenient for members of the Committee.
- Decisions are normally made on a consensus basis following discussion. If a vote is required then a simple majority vote will be taken, and the Chair will have the casting vote if voting members' votes are tied.
- Minutes of the Committee will record decisions and will be kept confidential to the Committee Members and the FMB Board.
- Committee Members are required to follow the confidentiality requirements set out in FMB's Privacy Policy.

FMB Standards Committee: Procedure

Dispute Resolution Service

The FMB offers a Chartered Trading Standards Institute certified Dispute Resolution service for the benefit of members and their clients. This service aims to reach a mutually satisfactory agreement through informal mediation.

There is no assumption that use of this service is the result of the member's failure to comply with the Code of Conduct, and the FMB recognises that disputes can arise for a number of reasons.

Clients can start the procedure by submitting an online application form to the FMB, or members may issue their client with a deadlock letter if they have been unable to reach agreement through negotiation, which invites them to start the procedure.

Builder and client must have attempted to resolve matters between themselves for a period of 28 days before accessing the service.

Referral to Standards Committee

In the course of dealing with the dispute, if serious or repeated breaches of the FMB Code of Conduct are alleged, and credible evidence is provided to support them, the FMB reserves the right to refer the matter to the Standards Committee for consideration, as set out in the Code of Conduct which all members agree to abide by. Decisions about referral to Standards Committee are made by the FMB staff team, in consultation with the Committee Chair, and are at FMBs absolute discretion.

As well as referral through the FMB Dispute Resolution Procedure, under Rule 33 of the FMB Rules, any other allegation made against a member which has, or is likely to, bring FMB into disrepute in any other way, can also be referred to the Standards Committee for its consideration.

Under Rule 34, membership may be suspended where there is a reasonable expectation that continued membership poses a significant risk to the FMB's reputation. This action can be taken at any point during the dispute resolution procedure.

Members who are required to attend a meeting of the Standards Committee will receive at least 10 working days' notice in writing of the meeting date, and a summary of the allegations against them, as well as copies of any evidence supplied to the Committee, such as surveyors reports, and images, copies of forms submitted and any other relevant communications.

The FMB recommends that a Director or business owner attends the Standards Committee meeting to represent their business. If they lack detailed knowledge of the case(s) being discussed they can bring another appropriate person to the meeting with them.

FMB will make any reasonable adjustments to the way the meeting is conducted in order to facilitate participation if any person attending has an additional need and requires support. Members will need to discuss this with the FMB staff prior to the meeting. This may include an additional person attending to support.

Failure to respond to communications from FMB about a Standards Committee Meeting, as set out in Rule 38, will result in expulsion from membership and listing on FMB's website as 'Resigned whilst under investigation' and members will be notified of this in writing. Failure to attend the meeting will result in automatic expulsion from membership.

Standards Committee Meeting

When attending the meeting, the member will be invited to speak, to describe the nature of their business and give their view on the cases for which the Committee have seen evidence.

Members will also be required to answer any questions that Committee members may have. The Committee will then deliberate privately. The Committee will make its decision based on whether the member has complied with the FMB Code of Conduct, and whether its continued membership is likely to bring the FMB into disrepute. When deciding on an outcome the Committee will take the following factors into particular account:

- **The business:** the way the business is run including supervision of work by employees and subcontractors, business documents including use of written contracts and clear pricing.
- **The work:** has the work been done competently and in accordance with the contract.
- **Communications:** has the member responded to their client in a timely and appropriate manner.
- **Health and Safety:** Has the member proactively managed health and safety during the project
- **Other factors:** The committee will take into account any mitigating or aggravating factors, including the member's FMB membership record and dispute case record.
- Clear expectations on all of the above are set out in the FMB Code of Conduct.
- These criteria may be adapted to suit the case at any time by the Committee at its absolute discretion.

Outcomes

In accordance with Rule 35, notification of all Standards Committee decisions will be provided to a member in writing, within five working days of the meeting.

In accordance with the FMB Rules, the three outcomes available to the Standards Committee are set out below. Under the terms of the FMB Code of Conduct, all members are required to comply with the findings or sanctions of the Standards Committee.

- 1. Dismiss the complaint;** where no further action is taken in relation to the membership. The case file will remain on record.
- 2. Issue recommendations or a warning to the member;**
 - The Committee can recommend that the member takes a particular course of action which will assist them in complying with the Code of Conduct. This may include undertaking specific training or following FMB guidance.

- The Committee may also issue a warning against a particular business practice or specific course of action.
 - Membership may be suspended for a specified period until the Committee has received evidence of compliance with the recommendation or warning issued, within a specified timescale that has been made clear to the member.
 - Failure to comply with a Standards Committee warning within the notified timescale may result in expulsion.
- 3. Expel the member from membership of FMB.** This will apply with immediate effect from the date of the meeting. The member will be notified in writing within 5 working days, including of their right of appeal.

Appeals and Further Actions

Appeals: Appeals can only be submitted in accordance with the Rules, on the grounds of FMB procedure set out above not being followed, or substantial relevant new information being available which was not given to the committee at the time of the meeting. A notice of intention to appeal must be submitted within 10 working days of the member being notified of the decision to expel.

Members expelled for reason of failure to engage with the process, or failure to attend a Standards Committee meeting do not have a right of appeal.

Appeals procedure: An appeal should be submitted to the FMB staff in the first instance, as advised in the outcome notification letter. The appeal should provide evidence of FMB procedures not being followed, and/or provide substantial relevant new evidence about their case(s) that was not previously available to the Standards Committee. The staff will then consult with the Standards Committee Chair to decide whether the conditions for convening an Appeals Committee have been met.

Appeals Committee: Any valid appeals will be referred to the FMB Appeals Committee, in accordance with its Terms of Reference. If the Appeals Committee agrees that there are valid grounds to appeal against a decision to expel, they will require the Standards Committee to reconsider the case in the light of any further evidence provided. The procedure for referral to Standards Committee as set out above will be followed.

Logos and trademarks: expelled members are advised to remove all references to FMB membership and logos from wherever they appear with immediate effect. FMB will check for non-compliance and report any logo misuse to Trading Standards who may take action under the Consumer Protection regulations 2008.

Re-application: Under Rule 37, expelled members are eligible to re-apply for membership of FMB 5 years after the date of expulsion, and their application will be vetted in accordance with FMB's membership criteria at the time, including by reference to their previous membership(s). This applies to all companies that a director of an expelled company may in future be a director of, even if other directors of that business have had no involvement in the expelled member company.

Publication of details: Expelled members business names are listed on the expelled members page of the FMB website which is publicly accessible. An expelled member who is TrustMark registered will lose their TrustMark registration via the FMB, and TrustMark will be notified of the expulsion.

These Terms of Reference are approved by the FMB Board of Directors.
Last updated July 2024.



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Founded in 1941, the Federation of Master Builders (FMB) is the largest trade association in the UK construction industry representing the interests of micro, small and medium-sized building companies. The FMB is independent and non-profit making, lobbying for members' interests at national, regional and local levels. The FMB is a source of knowledge, professional advice, and support for its members, providing a range of modern and relevant business building services to help them succeed.

fmb.org.uk