



Making an Application to the Federation of Master Builders (FMB) for Dispute Resolution



Introduction

The Federation of Master Builders (FMB) offers a free of charge Conciliation Scheme which is available to a consumer who is a private individual and has entered into a contract with an FMB member.

The FMB is a not-for-profit trade association, and our Conciliation Scheme has been certified by the Chartered Trading Standards Institute (CTSI) as an Alternative Dispute Resolution (ADR) provider.

The intention of conciliation is to reach an agreed solution via telephone mediation, and by reference to relevant documents. In the majority of cases this is successful, but where it is not, both parties are free to take further action including formal legal proceedings. No legally binding decisions will be made on your behalf. Only you and the builder can decide what the final outcome of the process will be.

We cannot help with your dispute if:

- You have not already attempted to resolve the dispute directly with the member.
- You do not have a contract with our member, for example if you are a neighbour of someone who is having work carried out. In which case we recommend that you speak with your neighbour and ask them to liaise with the builder, or you can seek advice from the Citizens Advice Consumer Helpline on: **03454 040506**.
- If the work you are unhappy with has now been rectified and/or completed by another builder.

- If the builder is not a member of the FMB. You may wish to contact Citizens Advice as above if that is the case. You may check whether a builder is an FMB member at **www.fmb.org.uk/checkamember** or call FMB Membership on **0113 393 4040**.
- If the dispute is being dealt with by the courts, or by another third party including another ADR provider. The FMB reserves the right to decline a case if there is any use of a third party that would impair the effectiveness of our service. We would only assist once this has fully concluded.
- If it is over six years since the building work was carried out by our member.
- If the work is covered by an FMB Warranty (in which case you will have been issued with Warranty documents). Please call FMB Insurance Services on **01353 652760** or visit **www.fmbinsurance.co.uk** for advice.

Please note that the FMB cannot pay compensation or make any financial awards on behalf of a member. We cannot assist with purely financial matters.

The FMB does not act like a court. The outcome of our conciliation process may be different from what a court would have issued, as you and the builder can agree to solutions that may not be open to a judge.

The FMB does not tolerate unreasonable behaviour towards its staff by anyone using our Dispute Resolution Service. We reserve the right to withdraw our service or deal only in writing with anyone behaving in an aggressive or unreasonable manner. Please see the FMB's Unreasonable Behaviour Policy at www.fmb.org.uk for more information.

Terms and Conditions of the Conciliation Scheme

Before you can make an application to the FMB you must have attempted to resolve the dispute by clearly describing to the member in writing the things you are unhappy with and how you want the dispute to be resolved. You should give them at least 10 working days to respond. We will only assist if this has been attempted and you remain in dispute.

Applications can only be accepted on the approved form, and this must be completed in English. If you require assistance with the form, you may call us on **0113 201 4263**.

Please answer all sections of the form to the best of your knowledge. Any missing or incorrect information may cause delays in handling your case.

There is no need for you to seek legal advice in order to use the FMB's ADR service. If you do ask someone to help you with your application, you should indicate this on the form.

What happens next?

- Once we receive your form, we will process it within five working days, and will contact you to confirm your case number.
- A copy of the form will be passed to our member, who must then provide a written response within 10 working days. If they fail to do so, we will contact them with reminders. If the member continues to fail to communicate, they will be expelled from membership for non-compliance with the FMB Code of Conduct.
- Once a response is received, a copy of this, along with our proposed next steps will be sent to you. The aim of the Conciliation Scheme is to reach an outcome within 30 working days at this stage.
- Our Dispute Case Handlers will attempt to find a satisfactory agreed compromise by communicating with both parties and, if necessary, trying to narrow the issues in dispute.
- Our procedures are impartial and fair to both parties, we do not impose solutions or look to apportion blame.
- If a solution is not found, we may suggest a solution for you both to consider, but which you do not have to accept. We may ask the FMB's Technical Team for advice to help with suggesting solutions.
- Some cases are referred to The Centre for Effective Dispute Resolution (CEDR), an independent dispute resolution organisation and charitable body, which is approved by the CAA and CTSI. We will inform you if we decide to refer your case to CEDR. This service is also offered free of charge, and is provided at the FMB's discretion where required.
- If you are successful in reaching an agreed outcome with the FMB or CEDR's the support, then an Outcome Statement document can be produced, and this becomes legally binding once signed by both parties. However, this is entirely voluntary, and no outcome can be imposed on either party.
- If you wish to only notify the FMB of alleged member misconduct, but do not require mediation, please tick the relevant box on the form. In such cases we are unable to investigate fully unless you also allow us to share the information about your complaint with our member, so that they have an opportunity to respond.
- The FMB may refer a member to it's Standards Committee, which can apply sanctions up to and including expulsion from membership. It is at the FMB's discretion whether a case is referred to the Committee for consideration, and this is an internal process which aims to monitor members compliance with the FMB's Code of Conduct.

Once you have read and understood these terms and conditions, you can now go ahead and complete the Application Form.

If you require assistance to complete the form please call us on **0113 201 4263** or visit the live chat function on our website: www.fmb.org.uk/about-the-fmb/dispute-resolution/



Staff use only:
Membership No:
Case No:
Date Received:

Application for Dispute Resolution

Your details

Title First Name

Surname

Address

Postcode

Phone Number

Mobile Number

Email Address

If someone else is assisting you to complete this form, they should give your details above, and give their own details below:

Representative's name

Title First Name

Surname

Relationship to person submitting application for dispute resolution:

Is the person submitting the application considered vulnerable, because of illness, disability or other cause?

Yes

No





FMB member's details

Please give the full trading name of the FMB member that you are in dispute with:

Which person at that firm is your main contact?

Title First Name

Surname

FMB Membership No. (If known)

Address

Postcode

Phone Number

Mobile Number

Email Address

Details of dispute

Type of work carried out (Tick all that apply).

<input type="checkbox"/> Roofing	<input type="checkbox"/> Loft Conversion	<input type="checkbox"/> Extension	<input type="checkbox"/> Kitchen	<input type="checkbox"/> Bathroom	<input type="checkbox"/> New Build
<input type="checkbox"/> Carpentry / Joinery	<input type="checkbox"/> Brickwork	<input type="checkbox"/> Driveways	<input type="checkbox"/> Other (Please specify) <input type="text"/>		

Do you have a written contract? We **do not** require a copy of this.

Yes

No

What is the total cost of the work?

Are you willing to have the member back to remedy/complete the work?

Yes

No

Please note that we cannot assist with mediation if you are not willing to have the member back to site, but you may still notify us of the dispute if you believe the member is in breach of the FMB's Code of Conduct.



Dispute details

Briefly describe the work carried out.



Briefly tell us what aspects of the work you are unhappy with.

We will only use the information provided in this form to determine whether the dispute meets our criteria. We will not accept any further documentation by any other method.



Dispute details continued



Is there a dispute over any outstanding money? If so please give brief details.

Have you had any remedial work carried out by another builder? If so please give brief details.

Please tell us what outcome you are seeking from the conciliation process.

We will only use the information provided in this form to determine whether the dispute meets our criteria. We will not accept any further documentation by any other method.



Please confirm the following:



Applying for Conciliation:

I am applying for conciliation under the FMB's Conciliation Scheme.

I have already tried to resolve this matter through negotiation with the builder.

I have read and understood the terms and conditions laid out in pages 1 – 2 of this form.

I understand that conciliation is a confidential and without prejudice process in which the conciliator acts as a neutral third party to assist us in working towards a negotiated agreement.

I understand that the information given to the conciliator during the process will be confidential unless I permit it being shared with the other party.

I understand that any agreement is not binding unless written down in an Outcome Statement and signed by both parties, and the parties remain in control of the decision to settle and the terms of resolution.

The conciliator does not act as a judge or arbitrator, however, should we be unable to reach an agreement, the conciliator may recommend a solution to the dispute.

Not applying for Conciliation:

I **do not** wish for the FMB to attempt conciliation in this case.

I do wish to notify you of the member's conduct which I believe to be breaching FMB's Code of Conduct.

Please complete in all cases:

I consent to the FMB sharing the contents of this form with the member.

I **do not** consent to the FMB sharing the contents of this form with the member.

If you do not consent to FMB sharing the contents of the form with the member, we will not be able to undertake conciliation, or any investigation of the members conduct. In that case we will keep the matter confidential, and will use it only for membership monitoring purposes.

I believe that the facts as set out in this form are true to the best of my knowledge.

Data Protection

The FMB will treat the personal information contained in this form carefully, and it will only be shared with third parties where this is required in order for us to provide the Conciliation Service to you. We may need to share your information with third parties, such as CEDR, Trading Standards, or members of the FMB's Standards Committee. For further information on the FMB's Privacy Policy please visit www.fmb.org.uk or request a copy from us via email or phone.

Signature

Print Name

Date

We cannot accept any additional supporting information. We will only use dispute details included in this form. Any other information will be disregarded. We may request further documentation at mediation stage only.

You can email this form to disputes@fmb.org.uk or send the form by post to:

FMB Dispute Resolution Service

Viscount Court,

245 Leeds Road

Rothwell

Leeds

LS26 0GR

T: 0113 201 4263