

DEBT RECOVERY POLICY 2022-24

Potteries Educational Trust



Policy Family	Finance
Reference	FIN-10
Responsible Manager	Chief Financial Officer
Approval Date	3 rd March 2022
Issue Number	1
Next Review Date	June 2024

Aim

The Potteries Educational Trust (PET) has established a Debt Recovery Policy with the aim to ensure the Trust receives all the funds to which it is entitled. This policy ensures the appropriate procedures are in place to deal with debts and the recovery of assets.

Scope

This policy applies to the Potteries Educational Trust, which includes a number of member organisations. Collectively, the member organisations within the trust are referred to as the Trust.

Policy

Introduction

- The Potteries Educational Trust has a duty to ensure the Trust receives all the funds to which it is entitled. This policy ensures the appropriate procedures are in place to deal with debts and the recovery of assets. It encompasses all debts owed to the Trust including, but not limited to, payments for goods, services, facilities hire, educational trips, and meal payments. It also covers overpayments of salary and the recovery of money or assets lost through theft or fraud.

Limits for writing off debts

- The Education Skills Funding Agency (ESFA) requires the Trust obtain prior approval for the writing off of debts or losses that are over £45,000 per transaction or 1% of total annual income whichever is smaller. The ESFA stipulates that the Trust should always pursue recovery of amounts owed to it, irrespective of how they came to be made. Should it be considered that a debt of this size should be written off, the Chief Executive Officer and/or the Chief Financial Officer will be responsible for gaining the necessary clearances from the ESFA.
- The Potteries Educational Trust financial scheme of delegation requires that the writing-off of amounts over £10,000 are approved by the Board of Trustees delegated to the Finance and Resources Committee. Amounts under that level require approval by the Chief Financial Officer. Such approval will only be given after a recommendation.

Delivering excellence and inspiring futures

Debt Recovery Process

- In practice there will be both practical and legal limits as to how cases should be handled and there are some debts where the effort to recover will be judged to outweigh the reward. Records should be kept of all contact made and letters sent, preferably electronically in a folder held by the Finance Office at each academy within the Trust. These records should be kept for a period of seven years.

The recovery process is:

- **Informal reminder:** The debtor will be informally reminded, in person, by telephone or by e-mail from a member of the finance team at the respective academy, that they owe money to the academy.
- **First reminder letter:** If the debt is yet to be paid two weeks after an informal reminder, a formal letter will be sent to the debtor (either by post or e-mail) alongside a copy of the outstanding invoice(s). (See Appendix A)
- **Second reminder letter:** If the debt is yet to be paid two weeks after a first formal reminder, a second formal letter will be sent to the debtor (either by post or e-mail). These letters allow the debtor every opportunity to settle their debt and ensure the academy can prove all reasonable steps have been taken to recover the debt should the issue proceed further. At this point the debtor should be advised that they will have to pay in advance for all paid for services in the future if this has not already been done. (See Appendix B)
- **Final reminder letter:** If no response is received following the second reminder after a further 2 weeks, the academy will send a letter (by post) to the debtor advising them that they will be considering possible legal action. This letter will be sent by recorded delivery to ensure the debtor has had every chance to respond. (See Appendix C)
- **Possible legal action:** The Principal / Headteacher of the respective academy will consult with the Trust's Chief Financial Officer to decide whether to take legal action against the debtor using the Trust's legal advisors. The first stage will likely be a solicitor's letter followed by consideration of action through debt collection agencies or the small claims court.

Financial Processes

- All debts should be recorded through the raising of a sales invoice using the Trust's financial accounting system within 30 days of the debt becoming due. This is to ensure that the Trustees of the Trust are aware of all outstanding debts. Finance staff should seek the support of the central finance team to ensure each invoice is properly raised.
- Academy staff should note that the raising of a sales invoice correctly raises the income due within the trusts accounts. Should the invoice prove to be irrecoverable, the writing off of the debt will reduce the income of the academy accordingly. Care should be taken that when income is received against a debt, that it is posted to the sales ledger and not credited as

income for a second time. (Please seek the support of the central finance team should you have any queries of this nature)

- The Aged Debt report should be reviewed at the end of each month and signed by the Business/Finance Manager to ensure that appropriate action is being taken
- Debtors are expected to settle the amount owed by a single payment as soon as possible after receiving the first 'overdue reminder'.
- If a debtor asks for 'repayment terms' these may be negotiated at the discretion of the Principal/ Headteacher or Chief Financial Officer. A letter will be issued to the debtor confirming the agreed terms. The settlement period should be the shortest that is judged reasonable.
- The Principal / Headteacher or Chief Financial Officer should decide whether any debtor who has been granted extended settlement terms will be offered any further 'credit' or should be required to pay in advance in future.
- Where an academy incurs material additional costs in recovering a debt then such costs should be recovered from the debtor. The debtor will be formally advised that they will be required to pay the additional costs incurred by the Trust in recovering the debt.
- Where the debt relates to a family owing a debt for more than one pupil being educated in the Trust then paid for services may be withdrawn from all students until the debt is paid.
- Debit balance on creditor accounts (due to error or receipt of credit notes) should be reviewed at the end of each month as part of the financial closedown process and a refund processed if the balance is unlikely to be cleared within the next month (e.g. future sales invoices).
- Where remittances are not cleared ("bounced" cheques) the academy finance team should notify the debtor concerned as soon as possible so the debt can be successfully recovered.

Specific Debts

Dinner Money for student meals

- Dinner money should generally be paid in advance. It is suggested that debts of more than a week should not be allowed to be built up, but each academy will need to consider its own procedures as to whether a meal is provided to a student where significant debts have been accumulated. Such decisions will take into account the age of the student and known family circumstances.
- Where a family is known to have financial difficulties then a recommendation for the registration for free school meals should be pursued, with the academy offering assistance if required.
- Legally there is no requirement to provide a meal if payment is not forthcoming.

Trips and Educational Visits

- For educational visits (part of the curriculum) it is not legally permissible to prevent a student from going on the visit if a voluntary contribution has not been made. Therefore any unpaid

contributions to educational visits cannot be treated as requiring debt recovery and must not be invoiced.

- For Optional Extra trips (eg: not part of the curriculum) payment should be required before the student attends the trip/event.

Childcare

- For any academies providing childcare (nursery, before and after school clubs, holiday clubs) payment should be required in advance of the service being provided to avoid debts occurring. Should a debt of 1 week of fees be incurred then the matter should be formalised (invoice raised, formal reminder sent). The Principal/Headteacher of the relevant academy should also at this point withdraw the service until the debt is cleared.

Lettings / Facilities Hire

- Lettings should be billed in advance and access withheld for further use of the facilities once a debt has been outstanding for 4 weeks or more unless the alternative arrangements are specified in the lease or license.

Staff debts

- Overpayments of salaries will normally be recovered through the payroll.
- If the member of staff has left the employment of the Trust and owes a debt this should be pursued by letter. Any debts older than 30 days should be invoiced and pursued in the normal way.
- Staff should not be allowed to incur debts for incidental items such as for school lunches.

Losses due to fraud or theft

- Losses due to fraud or theft should always be recovered in full. The police will be involved in such cases.

Music Lessons

- Music lessons should be paid for in advance. The academy is often committed to making payment for the lessons for the full year and it is strongly suggested that the commitment from the parent matches the commitment to the supplier and such commitment should be made in writing.

Remissions

- Where there is a genuine difficulty in making payment, parents should in the first instance be encouraged to register for free school meals if eligible as this will also release an income stream to the academy. Academies are able to use income for deprivation, including but not limited to pupil premium, to support pupils whose parents would otherwise not be able to afford access to educational trips and events, childcare, music lessons or other academy

activities.

Letters to be used

Appendix A - First reminder letter

Dear [Name]

Debtors Account

This is a reminder that there is an overdue balance of £ [insert balance] on your account. This comprises the following:

[Insert description and amounts]

Either: In line with our debt recovery policy we enclose a formal invoice for this amount.

Or: Invoices have already been issued to you for this amount and we enclose copies for your information.

The academy normally requires payment in advance for all paid-for services and so payment within the next 14 days (**by DATE TO BE INSERTED**) is requested.

Either: All further paid for services must be paid for in advance or it will unfortunately not be possible for us to provide these services to you.

Or: If payment is not received by DD/MM/YY all further paid for services must be paid for in advance or it will unfortunately not be possible for us to provide these services to you.

If you wish to speak to us about the overdue balance please contact the academy office on XXXX XXXXXX

Yours Sincerely
[Name]

Appendix B - Second reminder letter

Dear [Name]

Debtors Account Number [Insert number]

Despite previous correspondence there remains an overdue balance on your account of £ [insert balance]. This comprises:

[Insert invoice numbers and amounts]

All further paid for services must be paid for in advance or it will unfortunately not be possible for us to provide these services to you.

If we do not receive payment within the next 14 days (**by DATE TO BE INSERTED**) we shall have no alternative but to take the necessary steps to recover the amount owing to us.

If you wish to speak to us about the overdue balance please contact the academy office on XXXX XXXXXX

Yours Sincerely
[Name]

Appendix C - Final reminder letter

Dear [Name]

Debtors Account Number [Insert number]

We have contacted you on a number of occasions regarding the following outstanding invoices:- [Insert invoice numbers and amounts]

I would encourage you to contact us urgently to discuss the outstanding balance and any issues that may be preventing payment being made.

Under the Potteries Educational Trust's debt recovery policy the academy will take all steps necessary to recover amounts owing to the trust. Unless we receive payment within 7 days (**by DATE TO BE INSERTED**) we shall be forced to refer the matter to the Chief Financial Officer of our Trust who will instruct solicitors to recover the debt.

If you wish to speak to us about the overdue balance please contact the academy Office immediately on XXXX XXXXXX.

Yours Sincerely
[Name]

Implementation of this policy will be the responsibility of the Chief Financial Officer, who will act on behalf of the Trust in all matters in relation to the recovery of debt.

Communication

This Policy will be circulated to appropriate staff within the Trust and is also available on the Potteries Educational Trust website.

Monitoring

The responsible manager named on the front of this policy is responsible for ensuring that this document is kept up to date and revised as appropriate, seeking management and/or trustee approval in advance of the review date so that a new version can be communicated to staff and stakeholders in a timely fashion.