

Fioretti Trust

Name of Policy
Debt Recovery Policy

<u>Debt Recovery Policy</u>	<u>Written By</u>	<u>Committee Responsible</u>	<u>Regularity of review</u>	Non-statutory	
	C Grainger	Trust Board or FAR	Bi- Annual		
<u>Version</u>	<u>Date Proposed</u>	<u>Date Accepted</u>	<u>Date of next review</u>	<u>Signature (Chair of Trust or Committee)</u>	<u>Reason for Revision</u>
Version 0.1	06.07.21	13.07.21	Summer term 2023		New Policy for Trust level (previously been at school level). Consistent approach across the trust
Version 0.02	04.07.23	11.07.23	Summer term 2025		No changes

“Owe nothing to anyone except to love one another; for he who loves his neighbour has fulfilled the law.” Romans 13:8

Contents

1. [Legal framework](#)
2. [Roles and responsibilities](#)
3. [Acceptable ‘credit period’](#)
4. [Declaring outstanding debt levels](#)
5. [Debt recovery procedures](#)
6. [Verbal and written overdue payment reminders](#)
7. [Failure to respond](#)
8. [Negotiation of debt repayment](#)
9. [Exceptional circumstances and remissions](#)
10. [Debt recovery costs](#)
11. [Monitoring and review](#)

Statement of intent

Fioretti Trust is committed to ensuring equal opportunities for all pupils, regardless of financial circumstances, and has established policies and procedures to ensure that no child is discriminated against by our offering of school trips, activities and educational extras.

Whilst this is the case, Fioretti Trust must have a policy in place to ensure the repayment and recuperation of any outstanding debts incurred by the school on behalf of a pupil. The school will take all reasonable measures to vigorously collect debts as part of its management of public funds. A debt will be written off only after all reasonable measures (commensurate with the size and nature of the debt) have been taken to recover it.

Each case is to be treated individually and the circumstances that have led to the outstanding debt will be considered to determine the best course of action and whether it is fair and reasonable to pursue the debt in its entirety if at all. Fioretti Trust is committed to adhering to legal requirements regarding charging for school food, activities and materials, and meeting all statutory guidance provided by the DfE.

1. Legal framework

- 1.1. This policy will adhere to the relevant legislation and statutory guidance surrounding school payments and debt recovery, including the following:
 - DfE (2018) ‘Charging for school activities’
 - DfE (2018) ‘Schemes for financing schools’
 - DfE (2020) ‘Governance handbook’

2. Roles and responsibilities

The Trustees have delegated the responsibility of recovering debt to each school and their local governing body (Resources Committee). However, the trust central team is available to support and give guidance at any stage.

- 2.1. As a general rule, to avoid incurring debts, payments for materials and services provided by the school should be collected in advance or at the point of sale.
- 2.2. Any person(s) involved in the monitoring, recording and pursuing of debts owed to the school must formally record any information gathered and actions taken – data which is to be kept by the school for a period of seven years.
- 2.3. The Governors' Resources committee:
 - Will regularly review details of its debts and what recovery action is needed.
 - Must be consulted if legal services are required for debt recovery. The CEO must be informed if any legal action is being pursued.
 - Will adhere to the privacy rights of pupils and their guardians in all cases.
 - May decide to leave a case of debt recovery to the decision of headteacher.
- 2.4. The finance administrator (or person delegated by the Headteacher to undertake this task) will ensure:
 - Debt reminders are recorded, and those records maintained for a period of seven years – dates and times of letters, phone calls, emails, conversations or any other correspondence.
 - Instances of debt are judged on an individual basis, with consideration of the nature of the debt and the circumstances of the family involved.
 - The privacy of the pupil and their family will be protected by all staff.
 - The level of outstanding debt owed to the school can be determined at short notice.

3. Acceptable 'credit period'

- 3.1. In the case of a debt, the Governors' Resources Committee should agree upon a 'credit period' within which the debtor can pay the outstanding sum before debt recovery procedures are exercised. This period of time may vary, at the discretion of the Governors' Resources Committee, dependent on the nature and size of the debt.

4. Declaring outstanding debt levels

- 4.1. The headteacher and Governors' Resources Committee (termly) will review the level of outstanding debts every term to determine whether current debt levels are acceptable and whether current methods and procedures to recover debts are effective.
- 4.2. Any individual cases of debt that are deemed to require intervention will then be pursued by the procedure starting from section five of this policy.

5. Debt recovery procedures

- 5.1. Where there is an outstanding payment yet to be received and the acceptable credit period has been surpassed, an official invoice should be created outlining the value and reason for the debt, as well as the debtor's identity.
- 5.2. Upon creating the invoice and stipulating a date on which it must be paid by, there is acknowledgement from the school that the debt has been set up. Debt can be any amount. However, when it surpasses £50 the Headteacher must be notified.

6. Verbal and written overdue payment reminders

- 6.1. **Initial reminder** – informal in-person/telephone/email correspondence by office staff notifying person of debt (date and time should be officially recorded). This is usually made within 7 days of the acceptable credit period being surpassed. **This will be undertaken by a finance administrator / office manager and must be formally recorded (including the method used for the initial reminder).**
- 6.2. **First formal written reminder** – an official, dated letter addressed to the debtor should be written up two weeks after the first informal reminder and should acknowledge that it took place. In a case where there is, or it is suspected that there is, an overdue debt from a family who may qualify for remissions, details of the different types of bursary available should be sent to the debtor in question. **This will be sent from the Headteacher.**
- 6.3. **Second formal written reminder** – this should come two weeks after the first formal written reminder, citing the details of both previous reminders and stating that concerted efforts have been made to make the person aware that an outstanding debt is overdue. **This will be sent from the Governor Resources Committee.** The letter will determine the timeframe that a response is required.

7. Failure to respond

- 7.1 If these reminders are not responded to, another letter will be sent to the debtor advising them that the case has been referred to the school's legal advisors and Governors' Resources Committee. It is then for these parties to agree on a time-frame for a repayment or, if necessary, a payment plan for separate instalments.

- 7.2 If these reminders are not responded to, a Formal Meeting will be held with the Headteacher and Resources Committee of the Governing Body to arrange a payment schedule.

8. Negotiation of debt repayment

- 8.1. It is expected that the debt should be repaid as soon as possible, particularly after repeated reminders; however, this can be negotiated at the discretion of the Headteacher, in consultation with the Governors' Resources Committee wherever appropriate, particularly if the circumstances in section nine of this policy apply.

If there is a case where the debtor is deemed to be refusing to pay without sufficient reason, the school may consider involving LAs and the council's legal services to resolve the issue and recuperate owed funds including interest and any administrative costs. This strategy would be the last resort but the trust would support legal intervention if the school had exhausted all other steps in the policy. The CEO must be informed of this decision.

9. Exceptional circumstances and remissions

- 9.1. The school must ensure that parents or carers of pupils or other debtors, are aware of the help the school can extend to those in financial difficulty. Debtors who may be eligible for remissions are those in receipt of any of the following benefits:

- Income Support
- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- Support under part VI of the Immigration and Asylum Act 1999
- The guaranteed element of State Pension Credit
- Child Tax Credit, provided that they are not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190
- Working Tax Credit run-on – paid for four weeks after they stop qualifying for Working Tax Credit
- Universal Credit – if they apply on or after 1 April 2018, their household income must be less than £7,400 a year (after tax and not including any benefits that they receive)

- 9.2. The Governors' Resources Committee is not guaranteed to but may decide to waive or reduce the outstanding debt in these circumstances.

10. Debt recovery costs

- 10.1. In addition to the remission allowances outlined in section nine, it may be advisable to waive or partially waive debts where it is deemed that it does not make financial sense to continue allocating time and resources to pursuing. The trust central team can help with further advice if required.
- 10.2. The Governors' Resources Committee will review any case a debt may be waived, and come to a final decision based on the value of costs versus value of the debt. The trust central team can help with further advice if required.

11. Monitoring and review

- 11.1. The school's Debt Recovery Policy will come under review bi-annually, and changes vis-à-vis any updated legislation will be made accordingly.

End of policy