



SCHOLARS ACADEMY TRUST

Debt Recovery Policy

June 2020
Review December 2022

Signed *[Signature]*

Date *3/7/20*

Scholars Academy Trust Debt Recovery Policy

The Governing Bodies, trustees and members have a duty to ensure the Scholars Academy Trust receives all the funds to which it is entitled. This policy has been created to ensure the appropriate procedures are in place to deal with debts and the recovery of assets.

The following policy applies to all debt except dinner money which has a separate procedure (Appendix 1).

Parents should be made aware of, and given access to this policy and the school's debt recovery procedures. It will be included on each school's website and made available to view at the school office.

The principles

- The Governing Body, trustees and members will endeavour not to write off any debt.
- The school and the Trust will not write off any debts owed by the local authority (LA).
- A full record will be kept of debts owed to any of the schools for 7 years. This will include all letters requesting money, reminders and invoices.
- The school will not initiate legal action to recover debts. However, we will refer uncollected debts to the trustees and or EFSA to consider such action.

Roles and responsibilities

The headteacher and school business manager will ensure that:

- Letters requesting money are accurately recorded and those records maintained.
- Evidence of the steps taken by the school in pursuance of debt is recorded, including dates and times of both letters and phone calls.
- A final reminder is sent by recorded delivery to the debtor after a considered time (usually less than 2 months). Family cases will be judged fairly and according to the circumstances of the family involved.
- The privacy of the family involved will be respected and they will only be made known to those who need to know.
- The level of outstanding debt can be determined at any time.

The Governing Bodies / Trustees:

- Will prescribe and regularly review the arrangements for debt recovery.
- Must approve any legal action taken.
- Record approved actions in the minutes of the relevant meeting.
- Will adhere to the privacy arrangements.
- May delegate its responsibilities under this policy to senior leaders/ senior office staff.

The process for pursuing debts:

- **Informal reminder:** The debtor will be informally reminded, in person or by telephone, that they owe money to the school.
- **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.

- **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. These letters allow the debtor every opportunity to settle their debt and ensure the school can prove all reasonable steps have been taken to recover the debt should the issue proceed further.
- **Final reminder letter.** If no response is received following the second reminder after one month, the school will send a letter to the debtor advising them that they will be referring the matter to the trustees /EFSA to consider legal action. This letter will be sent by recorded delivery to ensure the debtor has had every chance to respond. At this point, at the discretion of the Governing Body / Trust Board, the debtor may be advised that they will have to pay in advance for certain services in the future.
- **Possible further action:** At this juncture, the appropriate body will decide whether to take legal action against the debtor or pass the matter on to an external debt collection agency.

If people are unable to pay

The School may reduce or cancel a debt in certain circumstances. A sensitive approach to debt recovery will be carried out, taking the following factors into account.

- Hardship – where paying the debt would cause financial hardship.
- Ill health – where our recovery action might cause further ill health.
- Time – where the debt is so large compared to the person’s income that it would take an unreasonable length of time to pay it all off.
- Cost – where the value of the debt is less than the cost of recovering it.
- Multiple debts – where someone owes more than one debt to the School. In this situation an attempt to agree one repayment plan to include all debts will be established.

Debtors are expected to settle the amount owed by a single payment as soon as possible after receiving the first ‘overdue payment’ reminder. If a debtor requests for ‘repayment terms’ these may be negotiated at the discretion of the Finance Committee and/or Governing Body/ Trust.

Waiving of debts

- The waiving of debts is at the discretion of the Headteacher and the Governing Body/ Trust. A debt may be waived when it is believed the debtor is experiencing serious financial hardship, or if all reasonable avenues to recover the debt have been exhausted and it is believed it would not be cost effective to pursue the debt through legal action.
- The headteacher is authorised to waive debts of up to £100.
- Debts over £100 will only be waived with the approval of the Governing Body/ Trust

Bad debt collection will follow any additional guidance as set out in the Academies Financial Handbook.

This policy will be reviewed biannually and/or in light of changes in the Academies Financial Handbook.

Appendix 1

Should a parent incur school dinner debts, the following procedures will apply:

- **Informal reminder:** The debtor will be informally reminded, in person or by telephone, that they owe money to the school.
- **First formal letter:** If the debt is yet to be paid two weeks after an informal reminder, a formal letter will be sent. The parent will be informed that their child should be bringing packed lunches as of a given date.
- **Second formal 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. This will be sent recorded delivery and will request a meeting with parent to discuss payment arrangements.
- **Final formal letter:** If no response is received following the second reminder after one month advising the parent that further action may be pursued if the school does not receive payment.
- **Trust Board:** At this juncture, the appropriate body will decide whether to take legal action against the debtor or pass the matter on to an external debt collection agency.

If the persons are unable to pay, the Debt collection procedure as outlined in the Debt Policy will be followed.