



Freeland Pre-school

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Freeland Pre-school is a Registered Charity [No: 1015592]

Unpaid Bill Procedure

N.B. All records of communication regarding fee collection should be retained in case of referral to the small claims court.

In the event of childcare fees being owed to the pre-school the following procedure should be applied:

Trigger: There is a childcare fee outstanding for more than 28 days

1. The Administrator will contact the Treasurer and flag the outstanding debt, providing the *parents/carers name, address, phone number, child/childrens name/s, outstanding monies owed and applicable dates.*
2. The Treasurer will communicate with the parents/carers and establish a payment method with them. It may be appropriate to recover the debt in instalments over a period of time. This is at the discretion of the Treasurer and Chair of the pre-school and will be wholly dependent upon the circumstances involved. **(Note: a “late payment” fee of £10 will be levied at this point and added to the subsequent invoice).**
3. Providing the debt is recovered or instalments are agreed no further action need be taken.
4. If a payment method is agreed and the debt is still outstanding the following steps should be taken.
5. The Treasurer and Chair of the committee will communicate further with the parents/carers and verbally reinforce that if the outstanding monies is not received fully within an agreed number of days then the pre-school will no longer have an obligation to provide “chargeable” childcare services for their child/children. At this point it will be made clear of the date when these services will be withdrawn*. This communication will be fed back to the Pre-school Manager and the Administrator in order to avoid any misunderstanding.

**The Pre-school will still have an obligation to provide Nursery Education Funding (NEF) funded sessions for the child/children involved, assuming they are applicable.*

6. Following this agreement a letter will be prepared by the Chair formally informing the parents/carers of the following:
 - the **amount owed** and for which dates
 - the agreed **date** the owed amount is to be paid by (and whether this needs to be cash, cheque or BACS)
 - the intention to **withdraw any “chargeable” childcare** arrangements
 - the **date from which these arrangements will come into force** if the debt is not recovered
 - the **names and telephone numbers of the Chair and Treasurer** for further communication

7. Following these measures if the debt is still not fully recovered the pre-school are within their rights to begin proceeding with the Small Claims Court.

The procedure for dealing with a Small Claim is detailed below, the website for using this court service is: www.hmcourts-service.gov.uk

Small Claims procedure

Step one

Before you start a small claims court case, you must have tried to resolve your dispute in other ways. You may need to show the judge what you have done to try and settle the dispute, so gather letters and notes of phone calls with the person you're in dispute with and evidence of any other steps you have taken to try and resolve the problem.

Step two

Visit the [court service website](#) or your local court to get an N1 claim form, and other documents that explain the process. Send a letter to the defendant (the person or organisation your claim is against) giving them a final chance to settle.

Set a deadline for a response and warn that if you don't hear from them, or they won't deal with your problem, you will bring legal proceedings.

Step three

If you get no satisfactory response, complete the claim form. You need to have the full name and address of the defendant. If it is a company, you will need to give the address of its registered office.

You will need to give a potted history of the problem you are claiming about. Collect paperwork related to the case: receipts, contracts and letters, for example.

When you have completed the form, either send it or take it to your local court, where they will log the document and assign it a number.

Once this happened, you may 'serve' the claim on the defendant, within four months, by posting, faxing, or taking it in person. Alternatively, you can leave it with the court to serve.

Step four

You must then give the defendant a chance to send a defence – a brief explanation of why they are disputing your claim.

The defendant has 14 days from the 'date of service' (the date by which they should have received your claim) to respond. However, the defendant can file an 'Acknowledgement of Service' form, which gives them an extra 14 days to respond.

Step five

- If the other side does not file a defence, make an application to the court to enter judgment for you. Fill in form N227, available from your court of the court service website. The court will normally grant your claim in full.
- If the other side does file a defence, you will have to wait until the court assigns a date. In the meantime you will receive an 'allocation questionnaire' which the court uses to decide how complex your case is, and how long it will take to hear.

Step six

At the hearing, the clerk of the court will call both parties into the room where the hearing is to take place, and both sides will put their case to the judge (or, in Scotland, sheriff). The judge or sheriff will give their decision, which will be confirmed in letter from the court a few days later.

Step seven

If you win your case, the defendant has a month to settle the claim. If they don't pay up, you might have to consider 'enforcement' proceedings (further court action to force them to pay, such as having money taken from their salary). The court service website has a section about enforcement proceedings.