

## Credit Control Policy and Procedures

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# 1 Credit Control Policy

## 1.1 Introduction

It is important for the College to establish and adhere to a credit control policy in order that debts are collected promptly. Effective credit control ensures that the College does not experience any cash flow difficulties, does not adversely affect the income position by failure to collect debts and maintains an acceptable liquidity ratio. The Financial Regulations of the College state that appropriate debt recovery/credit control procedures shall be determined by the Vice Principal/Chief Operating Officer in discussion with the Head of Finance and Personnel with any significant changes subject to approval by the Corporation. Also, that where a debtor has not settled an account within the credit period the debt will be pursued in accordance with the approved credit control policy.

## 1.2 Credit Terms

The College default credit terms are 30 days net. The College is registered with the Financial Conduct Authority and as such may offer instalments. Instalments are available in certain circumstances defined by the Vice Principal/Chief Operating Officer. Notable exceptions of 30-day credit terms are invoices in relating to the use of the College Nursery, Course fees by instalments and Course Fees paid by Student Loan. Nursery Fees must be paid by the first working day of the following month. Should a student opt to pay for course fees through an instalment arrangement, as specified in the credit agreement, all instalment payments must be made in full irrespective of attendance and retention subject to the parameters of the Refund Policy. Where debtors cancel or default on instalment agreements the full balance of the debt is then payable immediately. Where a student opts to pay their fees through a student loan it is not always possible for the loan to be approved before enrolment so evidence of application of a loan is required prior to enrolment. If the loan is not approved within 60 days of the course start date the debt will become payable immediately.

## 1.3 Documentation

All invoices are dispatched from the College by post and/or email. Customers are notified of charges on an official College invoice. Once a Direct Debit has been set up a payment plan letter will be issued.

## 1.4 Credit Control

Reminder letters are issued to customers who have overdue debts. These are issued after the debt becomes due at credit control review points. A final demand may be issued after a subsequent 10-day period or next credit control review point if there has been no satisfactory response from the debtor. Should further action be required the College may continue to pursue collection of a debt through the County Court either independently or via a credit agency or pass the debt to a credit agency or factor if appropriate. Section 3 includes details of approved credit agencies and factor companies.

When pursuing debts by telephone or in writing debtors will be treated courteously and all dialogue should be factual. Details of credit control actions shall be noted on the debtor's account held in the finance system.

## **1.5 Provision of Goods and Services**

If a debtor defaults on the credit terms of their debt the College may cease to provide goods or services to that debtor on approval of the Vice Principal/Chief Operating Officer or Head of Finance and Personnel.

Budget holders and others concerned with the generation of income should be informed when debts become bad. Further goods and services should not be supplied to bad debtors unless there are extenuating circumstances and, approval is given by the Vice Principal/Chief Operating Officer or Head of Finance and Personnel.

## **1.6 Late Payment of Commercial Debts (Interest) Act 1998**

The College may exercise its statutory right to claim interest (chargeable at base rate plus 8%) from another business (not an individual) if invoices are paid late.

## **1.7 Write-Off of Debts**

Should debts need to be written off, this is conducted in accordance with Financial Regulations and HM Revenue and Customs directives.

## **1.8 Review of Policy**

The policy will be reviewed annually with any significant changes reported to Corporation for their consideration/approval.

## **2 Credit Control Procedures**

### **2.1 Introduction**

This Credit Control Procedure underpins the Credit Control Policy, Finance Policy including Financial Regulations and Standing Orders Relating to Contracts. The purpose of the procedure is to ensure that there are clearly defined and effective systems for the timely collection of income.

Contained within this document are the terms and conditions under which debt owed to Halesowen College is controlled. The aim of the Credit Control Policy of Halesowen College is to ensure that the debt profile of the College is managed effectively, that debt owed to the College is converted into cash in a timely manner, that debt converted to cash is maximised and any potential bad debt is minimised. The College has many sources of income, which are collected by different methods.

### **2.2 College Credit Terms and Raising Invoices**

The College informs its customers of charges for goods and services provided on an Official College Invoice. Budget holders and others concerned with the generation of income must ensure that requests for invoices are raised on the finance portal (eBis) promptly, so that all income due to College is invoiced as soon as the service is provided, or preferably in advance if this is possible. Invoices shall not be issued from any other source. Official invoices should clearly state the credit terms. For example, the College's normal credit terms are 30 days and, an invoice raised and dispatched on say 1 October, should be settled by 31 October.

### **2.3 Special Credit Terms**

There are circumstances when credit terms deviate from 30 days. In certain situations, different terms may be imposed or, alternatively an instalment arrangement may be established. In circumstances where credit terms are less than 30 days this must be agreed with the Vice Principal/Chief Operating Officer or Head of Finance and Personnel.

#### Nursery Fees (HCE)

Invoices are raised in the second week of the month and settled by the first of the following month (see Nursery Policy). If the debtor fails to make payment within the terms the nursery place may be revoked by the Nursery Manager.

#### Student Loans

Where a student opts to pay their fees through a student loan it is not always possible for the loan to be approved before enrolment so evidence of application of a loan is required prior to enrolment. If the loan is not approved within 60 days of the course start date the debt will become payable immediately.

#### Instalments

Instalment agreements are offered to students paying for course fees and companies paying for an apprenticeship. The due date shall be 30 days prior to the expected end date. If the debtor defaults on the instalment agreement, then all charges are payable immediately and the standard credit control procedure shall then apply.

## 2.4 Credit Limits

As a form of control, credit limits in the Finance System can be used to limit the credit available to customers and thereby alert users when raising an invoice if the customer is exceeding their credit limit.

Nursery customers shall have a standard credit limit of £1000.00 or the equivalent of two months of nursery fees (whichever is higher).

Students shall have a standard credit limit of £5000.00 this can be increased if their course fees are higher than this by the Credit Controller or Finance and Assurance Manager

Companies shall have a standard credit limit of £5000.00 this can be increased on a required basis by the Credit Controller or Finance and Assurance Manager as some customers such as local councils have high value contracts with the College.

## 2.5 Student Course Fees

As detailed in the Fees and Refund Policies adult students on a programme of study at Halesowen College may be required to pay course fees in respect of each academic year of the period of study or the qualification.

The Fees and Refund Policies provide guidance on funding that may be available to students together with guidance on the payment terms and refund circumstances.

Students retain the ultimate liability for the payment of their course fees. This applies in the event of payment default by a third-party sponsor, such as the Student Loan Company or corporate sponsor/employer.

The College reserves the right to apply sanctions against any students who do not pay their course fees, or make satisfactory arrangements to pay, during their studies. The College reserves the right to claim any charges, interest, legal or other debt collection costs from students who fail to pay in accordance with any agreements made with the College.

The Finance and Assurance Manager and/or Credit Controller will contact the student's personal coach who may begin a dialogue with the student to make satisfactory arrangements to pay during their studies. Consumer protection laws prevent academic sanctions being applied to non-academic debts. This means the disciplinary process can only be used for course debts and not other debts such as nursery fees.

## 2.6 Instalment Plans and Fees:

Instalments can be split monthly over a maximum of 6 months, unless special arrangements are in place. All instalments must be paid before the course finishes.

For educational visits, all instalments must be paid in advance of the visit taking place. Instalments usually fall due on the 1st of the month or the next working day after this date.

### College Direct Debits

College instalments require a minimum deposit of 20% or £100.00 (whichever is higher).

The minimum value of an instalment agreement is £200.00 and minimum monthly payments are £20.00.

All Direct Debits are to be collected on the 1st of the month or the next working day after this date.

The instalments may be spread over a maximum of 6 months providing that the final payment is made 30 days before the course end date.

Students should be issued with a payment plan letter with their invoice.

Failed Direct Debits shall be re-collected promptly. If the re-collection attempt fails or the Direct Debit has been cancelled the debtor shall be notified by all available means (letter, email, text and phone) that the full fees will become due immediately unless they make their agreed payment. The Credit Controller or Finance and Assurance Manager may accept a reasonable payment pattern that is different from the original. In such cases it is still expected that the final payment be made before the course end date.

Reminder notifications relating to failed Direct Debit collections shall constitute the first reminder letter as per this policy. Should the debtor fail to take action and agree a reasonable payment plan a final demand may be issued and disciplinary action taken if appropriate.

### General Instalment Procedures

Instalments are not allowable for overseas course fees, all of which must be paid in full before the course commences.

All instalment payments must be by Direct Debit. The debtor cannot opt to pay in accordance with a different instalment pattern.

Whilst the procedure to collect monies outstanding is specific to each individual case the usual steps will be taken for all outstanding student debt in terms of reminders. The normal credit control policy will be activated from the date the instalment falls due

In the collection of debts, the College will accept any reasonable payment pattern to recoup debts which otherwise may not be collectable. The Credit Controller and Finance and Assurance Manager can agree reasonable payment plans which will cover the debt within two years. Nominal payments or plans that go beyond two years must be approved by the Head of Finance and Personnel or Vice Principal/Chief Operating Officer. The College reserves the right to pass the debt to a Credit Agency or Factor where payments cannot be made within the original agreed timescale. Where the debt is passed to a Credit Agency or Factor an additional 10% charge will be made.

Where a debtor fails to pay their invoice or adhere to their payment plan, their account will be placed on stop with all future requests for credit subject to investigation into the value/nature of the bad debt and approval from the Vice Principal/Chief Operating Officer or Head of Finance and Personnel. In making the decision to offer future credit the level of existing debt, payment pattern, special circumstances and for course fee debts, the student's attendance should be considered.

Should a student fail to pay for course fees they may not be able to complete their programme of study and may be prevented from re-enrolling unless payment is made, or a payment plan agreed and adhered to or permission is given by the Director of Finance and Corporate Service or Head of Finance and Personnel.

Where a debt has been passed to a Credit Agency or Factor the Credit Controller must respond to their queries within a timely manner. Debts passed to a Credit Agency or Factor shall be reconciled to the finance system on at least a termly basis.

## **2.7 Debt Recovery (all debts)**

The Credit Controller shall review all outstanding debts on at least a termly basis. Where a debtor has not settled an account within the credit period a reminder notice will be issued. If this is not acted on within 10 days, a final demand may be issued advising the debtor of possible legal action if payment is not received within 10 days. After this stage the Finance Team shall review any overdue invoices at the final demand stage. The circumstances surrounding the debt must be carefully considered before further action is taken. The debt recovery processes may begin when the debt becomes due or when a debtor defaults on their instalment agreement or if a student loan has not been approved within 60 days.

In cases of financial hardship, resolution via an instalment agreement should be sought before any legal action is considered. This may be through a Credit Agency where nominal payments are offered.

All reminder letters have standard wording (see section 4 and 5). There may be exceptional circumstances whereby it is not appropriate to issue reminder letters for a time. This should be recorded on their account and approved by the Vice Principal/Chief Operating Officer or Head of Finance and Personnel. Reminder letters may be put on hold without approval if an invoice is disputed or complaint made. Normal credit control should proceed at the earliest opportunity.

If a debtor defaults on their Direct Debit it shall be posted for re-collection. The right to instalment payments is terminated and the whole value outstanding becomes due immediately and debt recovery procedures activated if re-collection fails.

## **2.8 Further Action**

Should the debtor again fail to respond within the specified timescale and if this debt is for more than £100 the debt shall be referred to a Credit Agency on the authority of the Vice Principal/Chief Operating Officer or Head of Finance and Personnel. Once passed to an agency there is no further contact between College and debtor. In certain circumstances the Vice Principal/Chief Operating Officer or Head of Finance and Personnel may decide not to refer to a credit agency but to continue to pursue in-house if there are exceptional circumstances; these should be documented. Where a credit control agency recommends an address trace this should usually be approved. There is a cost for such traces so will require the approval of the Vice Principal/Chief Operating Officer or Head of Finance and Personnel. A purchase order will need to be raised.

All debts less than £100 should usually be recommended for write off when the internal credit control process has been exhausted. However, if the debtor has admitted liability for the debt and indicates that payment would be made, then it is worthwhile pursuing credit control. There may also be individual reasons why a particular debt should be pursued. Occasionally, there may be valid reason to refer debts of a lower value; such referrals shall be on the authority of the Vice Principal/Chief Operating Officer or Head of Finance and Personnel and the reasons for the deviation from normal policy fully documented.

Failure to collect a debt internally or via Credit Agency (non-legal) proceedings, the College may either write off the debt, instigate legal action, or pass the debt to a factor if appropriate.

Only on the authority of the Vice Principal/Chief Operating Officer shall debtors be referred to the County Court or a factor. The Vice Principal/Chief Operating Officer also has authority to instruct that efforts to recoup the debt via the County Court be ceased. Legal action can be conducted directly with the Courts or through a credit agency. Once referred to the Courts further credit control direct with the debtor shall cease and recovery of the debt will be in accordance with the Courts/credit agency time scales and procedures. At each stage in the legal process the Vice Principal/Chief Operating Officer must review the situation to ensure that further legal action still represents the most appropriate and cost-effective solution.

Generally, it is not cost effective to pursue a debt through the Courts or pass to a factor if it is less than £1000 and each case must be individually evaluated prior to legal proceedings. The rationale for referral/non-referral must be documented. This shall be in the first instance by the Finance Team to review the value of the debt, available evidence and current policies and procedures. This may result in either a recommendation for write off or for a case review to consider legal action. The case review process shall include the Finance and Assurance Manager or Credit Controller, and Head of Finance and Personnel or Vice Principal/Chief Operating Officer and curriculum/department area relevant to the debt. The case review shall consider all evidence and circumstances around the debt and debtor. This shall be documented and a recommendation to pursue or write off be made.

To pursue a debt through the County Court is costly both in terms of time and resources. Other non-financial considerations such as adverse publicity and future relationships with customers are important. However, the College has to operate on a commercial basis and must seek to recover all debts and minimise financial loss. Costs of legal action should be collated. Following a positive trace conducted by the collection agency, first stage legal action would be the issue of a 14-day judgement letter from the Court. Failure to respond would result in the Court issuing a judgement in default notice to the debtor. The College may then consider application for attachment of earnings order or Court bailiffs can be instructed to seek goods/payment.

Should the Vice Principal/Chief Operating Officer deem that a debt cannot be pursued in the Court, the debt will be recommended for write-off. All legal action will be reported to the senior leadership team. Should legal action prove too costly or fail, the debt shall be recommended for write off.

In the case of all debts where a debtor defaults the Vice Principal/Chief Operating Officer or Head of Finance and Personnel may authorise that services being provided to the debtor be ceased.

Appendix A includes details of approved credit agencies and factor companies. The Vice Principal/Chief Operating Officer must approve all credit agencies and factors used by Halesowen College.

## **2.9 Nursery Further Action**

Should nursery invoices not be paid by the due date, the Finance Team Leader or Credit Controller or Nursery Manager will contact the debtor and explain that failure to make payment within a further 10 days will result in the nursery place being suspended. Debtors who have financial difficulties may on the Vice Principal/Chief Operating Officer or Finance Team Leader approval have an individual payment plan. Once the nursery place is suspended or child leaves nursery then normal credit control procedures apply, and the place is revoked.

## **2.10 Individual Voluntary Arrangement**

Where a debtor has sought an Individual Voluntary Arrangement (IVA) the College is required to cease communication with the debtor and contact their agent who is arranging the IVA. In such cases the College is unlikely to receive payment of the full debt and small payments will be made over a 5 year period after which time the debt will need to be written off.

The College should complete all paperwork sent by the agent as applicable to ensure that the College receive payment. The College can instruct the chairman that decides the outcome of an IVA if it does not agree to the proposed IVA.



When the College is notified a debtor has sought an IVA it should update the finance with details of the IVA for future records. If the debtor is a student, their record on the student records system should also be flagged to refer to finance.

## **2.11 Debt Respite Scheme (Breathing Space)**

As a consequence of the difficult year experienced by much of the population and the impact of individuals' finances and mental health, the government will be launching The Debt Respite Scheme on 4th May 2021, otherwise known as Breathing Space. This scheme will give someone in problem debt the right to legal protections from their creditors. There are two types of breathing space: a standard breathing space and a mental health crisis breathing space.

- The standard breathing space is available to anyone with problem debt. It gives the customers legal protections from further creditor action for up to 60 days. The protections include pausing most enforcement action, a cease on contact from creditors and the freezing of interest and charges on their debts.
- The mental health crisis breathing space is only available to someone who is receiving mental health crisis treatment and it has some stronger protections and implications. It lasts as long as the person's mental health crisis treatment, plus 30 days (no matter how long the crisis treatment lasts).

It is possible that the College or Credit Agency we use will be notified of this breathing space. If the College is informed, we must inform the Credit Agency and vice versa. This has to be communicated as a matter of urgency to prevent the other party communicating with the debtor once breathing space has begun.

A breathing space can only be started by a debt advice provider or a local authority.

What the College has to do:

- Stop the debtor having to pay certain interest, fees, penalties or charges for that debt during the breathing space
- Stop any enforcement or recovery action to recover that debt, by you or any agent you've appointed
- contacting the debtor to request repayment of that debt, unless you've got permission from the court
- Search for any additional debts owed to you by the debtor and inform the debt advisor

A breathing space is not a payment holiday. The College cannot enforce a breathing space debt during a breathing space or charge interest or fees on it, a debtor is still legally required to pay their debts and liabilities. During the Breathing Space, the debtor should continue to pay any debts and liabilities they owe. The College can continue to accept these payments, including those you get from existing direct debits.

## **2.12 The Late Payment of Commercial Debts (Interest) Act 1998**

From 1 November 2002 all businesses and public-sector organisations have a statutory right to obtain interest from all businesses and public-sector bodies on overdue debts. Halesowen College credit terms and the Act's default credit period is 30 days. The College may decide on the authority of the Vice Principal/Chief Operating Officer or Head of Finance and Personnel to apply interest charges on certain commercial debts.

In such circumstances the finance office will issue a letter informing the debtor that the College is claiming interest under the Act, the value owed, details of the debt, to whom payment should be made, by what date and by what method.

Interest is charged at the Bank of England base rate +8% using the base rate at the end of the day on which the contract states that payment is to be made. This is a simple interest calculation and not compounded. The formula is as follows:

$$\text{debt} \times \text{interest rate} \times \frac{\text{the number of days late}}{365}$$

Using website [www.payontime.co.uk/calculator/statutory.html](http://www.payontime.co.uk/calculator/statutory.html) interest can be easily calculated.

Interest stops running once a debt has been paid. An official College invoice should be issued for all interim and final interest charges. Such debts may be passed to a credit agency and/or pursued legally or passed to a factor if appropriate in accordance with this policy.

Interest charges cannot be charged to an individual

Costs to recover the debt can be charged to the individual, business, or public-sector organisation

## 2.13 Issue of Credit Notes

Where invoices have been raised in error and a credit note therefore be due, this will be issued on the authority of the Vice Principal/Chief Operating Officer or Head of Finance and Personnel or Finance Team Leader using eBis.

Credit notes may also be issued in line with the Refund Policy which includes withdrawals.

## 2.14 Write-Off of Debts

The write-off of a debt should be a last resort after all other options for recovery have been exhausted (see Debt Recovery Sections 2.6 and 2.7). Write offs are to be actioned on the authority of

< £100.00	Credit Controller and Finance and Assurance Manager
£100.01 to £7,499.99	Finance Team Leader
£7,500.00 to £14,999.00	Head of Finance and Personnel
£15,000.00 to £30,000.00	Vice Principal/Chief Operating Officer
> £30,000.00	Principal

The debtor will not be informed that the debt has been written off. Any payments received against previously written off invoices will be banked by the College and the debt reinstated. An overview of bad debt write offs will be reported as part of monthly financial information. Note an invoice which includes VAT must be at least six months old after the due date before it is written off. This is in accordance with HM Revenue and Customs directives.

The College has an established provision for bad debt. This will be reviewed annually by the Vice Principal/Chief Operating Officer with any significant change reported by Corporation.

## 2.15 Protocol

When pursuing debts either by telephone, in person or written correspondence (emails, text messages and letters), it is imperative that debtors are treated courteously and, that all dialogue is factual. Appropriate notes must be recorded on the debtor's account in the sales ledger of all communication.

## **2.16 Provision of Further Goods and Services**

Budget holders and others concerned with the generation of income should be informed when debts become bad. Further goods and services should not be supplied to bad debtors unless there are extenuating circumstances and, approval is given by the Vice Principal/Chief Operating Officer or Head of Finance and Personnel.

Students who have debts to the College or who have had previous bad debts written off are flagged on the enrolment system as refer to finance, so the College is aware of previous bad debt history. This shall apply to course fee debts greater than £100.00.

The Credit Controller must inform budget holders of any problem debts, which they have originated. The budget holder must then exercise discretion as to whether any further goods/services are to be provided until the original debt is settled in full.

## **2.17 Financial Conduct Authority**

The College is registered with the Financial Conduct Authority to be on the Financial Services Register and as such may offer instalments.

An annual return for the financial year (1 August to 31 July) must be made providing the number of instalments made, value and information regarding any arrears. The Finance and Assurance Manager will make the return.

## **2.18 Review of Policy**

The Credit Control Policy and Procedures will be reviewed annually by the Vice Principal/Chief Operating Officer with any significant changes reported to the College Leadership Team and/or Corporation as appropriate.

### 3 Approved Credit Agencies and Factor Companies

#### 3.1 Credit Agencies

Company Name	Company Details	Charge	Consortia
<b>CCI legal Services</b>	The CCI Centre Snowdonia Business Park Porthmadog Gwynedd LL48 6LD  01766 771840	10% of amount recovered	
<b>Oriel Collections Ltd</b>	1st Floor Regent House 65 Rodney Road Cheltenham GL50 1HX  01242 508635	10% of amount recovered	

#### 3.2 Factor Companies

There are no approved factor companies at present

## 4 REMINDER NOTICE

05/02/19

«Name»  
«Address1»  
«Address2»  
«Address3»  
«Address4»  
«Address5»  
«Postcode»

**Re: Account no. «Customer»**

**Overdue Balance «Outstanding\_Document\_Value»**

The balance on your account is now overdue.

Our credit terms are 30 days from date of invoice and your remittance in settlement is now overdue.

Please see outstanding invoice transaction below:

<b>Date</b>	<b>Invoice No</b>	<b>Outstanding Balance</b>	<b>Due Date</b>
«Document_ Date»	«Document»	«Outstanding_Document_V alue»	«Due_Date»

As such please forward full payment within 10 days. To make payment you can either pay in person at Student Services or Reception or by phone on 0121 602 7777 ext. 7531.

Or, in the event of any queries, please contact me on 0121 602 7777 extension 7531 or email [invoices@halesowen.ac.uk](mailto:invoices@halesowen.ac.uk) as soon as possible.

If your payment has been sent recently, please disregard this letter and accept my apologies.

Yours sincerely

**Credit Control Team**

## 5 FINAL NOTICE

05/02/19

«Name»

«Address1»

«Address2»

«Address3»

«Address4»

«Address5»

«Postcode»

**Re: Account no. «Customer»**

**Overdue Balance «Outstanding\_Document\_Value»**

The balance on your account is now overdue.

Our credit terms are 30 days from date of invoice and your remittance in settlement is now overdue. As such please forward full payment within 10 days. To make payment you can either pay in person at Student Services or Reception or by phone on 0121 602 7777 ext. 7531.

Please see outstanding invoice transaction below:-

Date	Invoice No	Outstanding Balance	Due Date
«Document_Date»	«Document»	«Outstanding_Document_Value»	«Due_Date»

Failure to make payment shall result in the matter being referred for recovery to a credit collection agency or through the County Court. Such action may result in legal costs and interest also becoming payable.

If your payment has been sent recently, please disregard this letter and accept my apologies.

In the event of any queries, please contact me on 0121 602 7777 extension 7531 or email [invoices@halesowen.ac.uk](mailto:invoices@halesowen.ac.uk) as soon as possible.

Yours sincerely,

**Credit Control Team**

## 6 Review

<b>Reviewed/Approved</b>	<b>By</b>	<b>Date</b>
Updated by	Jacque Carman	April 2021
Approved at	CLT	
Amended by	Helen Smith	11 August 2021