

# Corporate Debt



## Policy

2008-2011



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*"Delivering Excellent Housing Services"*

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# Background



This document is Ashfield Homes (the Company's) Corporate Debt Policy.

Much of the debt that the Company manages is due from tenants and is collected on behalf of Ashfield District Council. This debt predominantly relates to current and former tenant rent arrears, including garage rents and household contents insurance premiums which are administered through tenants' rent accounts. Ashfield District Council is responsible for collecting other housing-related debt such as Council Tax, leasehold service charges, overpayments of Housing Benefit, and rechargeable repairs in respect of damage to Council property.

The Corporate Debt Policy recognises the need for:

- A holistic approach to debt;
- Maximising customers ability to pay rent and other housing-related debt;
- Ensuring that tenants are aware of both their responsibilities to pay their rent and other housing-related debt, and the consequences of non-payment;
- Recovery of priority debt;
- Facilitating effective information sharing, liaison and joint working arrangements with partner agencies to minimise debt;
- Early intervention;
- Compliance with the pre-action protocol for rent possession claims;
- Consideration of the cost effectiveness of recovery action;
- Minimising bad debt;
- Ensuring that vulnerable customers are not adversely affected by our actions.

## **Relevant Legislation and Regulations:**

Housing Act 1985 – Grounds for Possession;  
Housing Act 1996 – Introductory Tenancies;  
Human Rights Act 1998 – Possession Proceedings;  
Enterprise Act 2002 – Bankruptcy proceedings;  
HMCS / Ministry of Justice Pre-action Protocol for Rent Possession claims;  
Housing Benefit Regulations 2006.

## **Related policies and procedures:**

The Corporate Debt Policy outlines and is designed to meet the Company's aims and objectives in relation to the prevention and recovery of debt, though it is not a stand-alone document.

The Policy is closely aligned to the Company's aims and objectives, and its' other policies and procedures designed to maximise housing income and prevent bad debt, in particular:

- Financial Inclusion Strategy;
- Tackling Worklessness Strategy
- Rent Arrears Recovery procedure;
- Recharge procedure.

In addition, the Corporate Debt Policy is linked to Ashfield District Council's policies and procedures in relation to the recovery of customer debts.

# Introduction

Ashfield is ranked 81st out of 331 local authority areas in the 2007 Indices of Deprivation. 13.8% of the population are in receipt of out of work benefits. Approximately 70% of council tenants receive some Housing Benefit to assist with their rent payments.

Ashfield Homes is responsible for the collection and recovery of current and former tenants rent arrears, including garage tenancies, and household contents insurance premiums which are administered through tenants' rent accounts.

Housing Benefit overpayments are 'clawed-back' from tenants' rents accounts where the tenants continues to be in receipt of Housing Benefit, through a weekly deduction in the level of benefit that is credited to the account.

Leasehold service charges, overpayments of Housing Benefit where the tenant is no longer eligible for benefit, and rechargeable repairs are collected by Ashfield District Council.

Fundamental to the Company's role as landlord on behalf of the Council, is the Company's duty to manage rent effectively and to maximise income to the Housing Revenue Account for the benefit of all tenants and stakeholders. The Company has maintained excellent performance in relation to rent collection and the recovery of arrears, and has achieved a year on year reduction in the percentage of debt owed as a proportion of the total rental liability.

Whilst we are predominantly responsible for the collection and recovery of rent arrears, we acknowledge that in undertaking these functions, we will be required to pursue arrears from people who are experiencing money difficulties and may be unable to afford to pay their rent and arrears, and that our tenants may have other debts to meet, with multiple creditors competing for payment.

To this end, we will promote the collection of priority debts, and advise of customers of these, and the consequences of non-payment of each. Where we become aware that one of our customers has debts other than current rent arrears that we collect or have influence over, we will advise them to pay priority debts which relate to maintaining a home first, and will then negotiate the repayment of other, non-priority debts.

The Company employs a Money Management Advisor to provide comprehensive advice on money matters, debt, and Housing and Welfare Benefits, ensuring that individual customers' income is maximised, and that tenants can afford to pay their rent and arrears. Also acknowledging that some circumstances require specialist assistance, customers are sign-posted to partner agencies as appropriate.

We recognise the importance of effective Housing Benefit administration in the collection of rent and the recovery of arrears, particularly with such a high proportion of tenants receiving Housing Benefit. We have developed a Service Level Agreement with Ashfield District Council's Housing Benefit section covering such issues as communication and information sharing, timescales for processing claims, promotion of the Housing Benefit scheme, etc. We discuss performance against the Service Level Agreement at regular liaison meetings. Housing Benefit performance is also presented for scrutiny by tenants at bi-monthly Tenants Forum meetings.

# Introduction



The Company has developed an Anti-poverty Strategy, which seeks to improve the lives of residents most affected by poverty and low income. An important aim of the Strategy is to identify ways of maximising income and the levels of disposable income and wealth within the District. We are also developing a Financial Inclusion Strategy to ensure that all tenants and leaseholders have access to financial products, employment and training opportunities to enable them to fully participate and contribute to their communities.

The Company has a comprehensive set of procedures for the recovery of arrears which adopt a 'firm but fair' approach, emphasising the need for early intervention, appropriate advice and assistance, and negotiating realistic repayment plans.

The Corporate Debt Policy will link the work of these policies and procedures, demonstrating our approach to early intervention, emphasising access to quality advice, recovering priority debt, and appropriate and timely recovery action which demonstrates value for money.

# Policy Statement

## **The Aims and Objectives of our Corporate Debt Policy:**

To substantially reduce the level of debt owed by both current and former tenants. The Company will achieve this through a combination of prevention, support and assistance, and enforcement.

To provide flexible payment options that make it easy for customers to pay their rent and other housing-related charges and debts, whilst placing emphasis on the most cost effective methods such as direct debit, and to identify innovative technologies to improve and enhance access to methods of payment.

To develop effective joint working arrangements with Ashfield District Council in respect of Housing Benefit to ensure claims are processed quickly, and to prevent fraud and reduce overpayments of benefit which are 'clawed-back' through tenants' rent accounts.

To be proactive in identifying reasons for the accrual of debt, and for associated non-payment, in order to identify those groups 'at risk' of owing debt to the Company, and use this information to adjust debt prevention and recovery processes accordingly.

To provide all customers with housing-related debt with sound financial advice, and to negotiate practical repayment plans ensuring that priority debts are settled first.

To ensure that processes for the recovery of debt comply with good practice and legislative requirements including the pre-action protocol for rent possession claims, consider the principle of proportionality, and are effective, efficient and provide value for money.

Work towards integrating debt recovery processes for multiple debts.

To minimise the risk of bad debts and ensure appropriate arrangements are in place for writing-off debts that are uneconomical to pursue

# Housing Income Management



Rent accounts are managed by specialist Housing Management Advisors within the Tenancy Services Team who each manage all accounts that fall into arrears within a 'patch' of properties. Recovery is firm but fair with realistic repayment plans negotiated with tenants at the earliest opportunity. We offer our own Money Management Advice service and work with Ashfield Citizens Advice Bureau and other voluntary agencies to ensure tenants and leaseholders can obtain comprehensive money advice. We offer accessible and flexible payment options, and will seek to further improve these for the benefit of our tenants and leaseholders. We will help tenants to maximise their income so they can pay, and offer rewards those who do pay, but we will take action against tenants who persistently fail to pay their rent or accept help and support to enable them to do so.

## **Ashfield Homes Will:**

- Consider that our customers have a responsibility to pay any monies due under the terms of their tenancy agreement with the Council, with the highest priority given to debts that maintain a person's home;
- Contact customers at an early stage about any arrears before debts become unmanageable;
- Be pro-active in our attempts to minimise debt and provide opportunities for people to maximise their income and develop budgeting and money management skills;
- Work with partner agencies to ensure high quality money advice is provided;
- Provide training for our employees in Welfare Benefits, debt recovery, equality and diversity and customer care;
- Provide full information to our customers on the debt recovery process, the consequences of non-payment, and the help that is available to avoid those consequences;
- Give our customers the opportunity to be involved in shaping the policies and procedures affecting arrears recovery through the Tenancy Services Focus Group;
- Recognise that customers have other debts to pay including housing related debt such as Council Tax, former tenant's arrears and rechargeable repairs. We will advise on repaying debts, seeking to resolve priority debts first. We will explain the consequences of non payment for each debt;
- Provide a Self-Help Pack, including a standard template for letters to creditors, for tenants with multiple debts.
- Liaise closely with the Housing Benefit section to facilitate the speedy calculation of Housing Benefit claims;
- Work closely with agencies to prevent, detect and resolve fraudulent Benefit claims;

# Housing Income Management

## Housing Income Management Continued ....

- Ensure that where an overpayment of Housing Benefit is being 'clawed-back' through reducing the weekly amount of benefit paid to the rent account that the tenant can afford to pay, and support the tenant in requests to reduce the clawback amount;
- Work closely with Ashfield District Council in respect of housing-related debts such as rechargeable repairs and overpayments of Housing Benefit;
- Closely monitor our performance against Key Performance Indicators and report this information to our customers through the Home 4 Rent Magazine and our website, posters in blocks of flats, sheltered schemes and Property Shops and the Tenants Forum;
- Closely monitor the performance of Ashfield District Council in relation to the processing of Housing Benefit claims, and the recovery of rechargeable repairs and leasehold service charges.

# Contact with our Customers



We will contact our customers as soon as any debts arise, using a variety of methods such as home visits, letters, telephone, email and text messaging, using our customer's preferred method of contact wherever possible

## **Ashfield Homes Will:**

- Contact tenants in writing at the earliest opportunity to inform them of debts that are due, providing advice and assistance regarding payment methods, in a clear and understandable way;
- Encourage tenants to contact us as soon as debts occur;
- Encourage people to establish a regular payment habit;
- Contact customers by their preferred means of contact where this is known including large print, or via a representative where signed authorisation has been obtained from the tenant;
- Ensure that vulnerable tenants are offered appropriate advice and support;
- Ensure all letters and other information provided is accurate, easy to understand and free of jargon or unnecessary technical terminology;
- Give our customers the opportunity to be involved in shaping the policies and procedures affecting arrears recovery through the Tenancy Services Focus Group;
- Review forms letters and leaflets with our customers to ensure they are relevant and accurate;
- Provide regular feedback to customers on our performance and other issues affecting the service through a number of mechanisms including the Homes 4 Rent magazine, Tenants Forum, and the Tenancy Services Focus Group;
- Monitor rent arrears cases on a weekly basis ensuring that appropriate action is taken such as letters, visits, referrals for Money Management Advice, proportionate to the level of debt;
- Keep customers informed of the action being taken at each stage of the rent arrears recovery process;
- Provide rent statements on a quarterly basis and on demand;
- Provide leaseholder repairs statements on a quarterly basis so that leaseholders are aware of their anticipated annual service charge;

# Contact with our Customers

## Contact with our Customers continued ...

- Offer customers appointments in the privacy of their own home to discuss their rent account or any other housing-related debt that we have influence over;
- Promote through posters, letters, and leaflets independent advice agencies;
- Promote our own Money Management Advice Service;
- Deal with any complaints that have been received in accordance with our corporate complaints procedure;
- Respond to any correspondence about rent accounts within five working days;
- Provide information in large print, on audio tape, in Braille and in other languages upon request.

# Recovery of Current Rent Arrears



Ashfield Homes has comprehensive procedures for the recovery of current rent arrears. We aim to achieve excellence in rent collection whilst dealing sympathetically with vulnerable tenants. We will ensure our procedures comply with the Pre-action Protocol for rent possession claims, ensuring that accurate information is provided in respect of Housing Benefit entitlement, and that possession proceedings are issued as a last resort, with alternate means of dispute resolution being considered in the first instance.

## **Ashfield Homes Will:**

- Ensure that there are clear procedures to ensure the effective collection and recovery of rent and arrears;
- Ensure that recovery of rent arrears falls within the externally audited / accredited ISO:9001 Quality Procedures Manual which will cover all aspects of the recovery process;
- Promote a wide range of payment methods that are convenient and accessible with the emphasis on the promotion of the most cost effective methods such as Direct Debit;
- Promote the use of debit card telephone and internet payments rather than credit cards payment for the which there is a surcharge, to prevent tenants from accruing other debts;
- Take prompt and appropriate action to recover arrears, proportionate to the level of debt owed;
- Ensure welfare benefit and money management is offered to all tenants with rent arrears;
- Provide clear and concise information on the sanctions that are used in the recovery of arrears;
- Consider sanctions such as Direct Deductions from DWP benefits, Attachment of Earnings and Money Judgements;
- Consider possession proceedings as a last resort, after alternate recovery methods as above have been tried;
- Negotiate realistic repayment plans with tenants;
- Confirm any repayment plan in writing;
- Honour any agreement to repay the arrear before escalating recovery action;
- Comply with the Human Rights Act in the recovery of arrears and issuing of court proceedings.

# Housing Benefit

The Company recognises the importance of Housing Benefit as a means of housing rental income, and will promote the take-up of Housing Benefit amongst our customers.

## **Ashfield Homes Will:**

- Work with our partners to promote and encourage the take-up of Welfare Benefits, including Housing Benefit. We will carry out promotional campaigns jointly with other agencies such as Ashfield District Council and the DWP wherever possible;
- Provide advice and assistance to tenants in completing Housing Benefit application and review forms;
- Ensure that Housing Benefit claims for new tenants are completed in full, assisting in the speedy determination of claims and preventing the accrual of unnecessary rent arrears;
- Hold regular liaison meetings with Ashfield District Council's Revenues section to discuss any issues regarding the administration of the Housing Benefit scheme;
- Monitor the performance of Ashfield District Council in relation to time taken to process Housing Benefit claims and assist by encouraging all tenants to supply all information at the first point of contact, thus avoiding the build up of unnecessary arrears whilst further proofs of income and identify are supplied;
- Help to prevent fraud and overpayments by notifying Ashfield District Council's Revenues section of all changes in household composition that we become aware of;
- Raise awareness of fraud and overpayments and ensure that tenants are aware of their responsibility to notify Housing Benefits of all changes in personal circumstances;
- Where overpayments do occur that are being 'clawed-back' from the rent account through a weekly reduction in the amount of benefit that is paid, we will support tenants to reduce the weekly clawback amount to the statutory minimum, improving affordability and minimising the risk of arrears accruing on the rent account.

# Former Tenants Arrears



Our policy aim in this area is to substantially reduce the level of debt owed by former tenants. A key aspect of this aim will be to prevent such debts occurring in the first instance.

## **Ashfield Homes Will:**

- Ensure that there are clear and comprehensive procedures for employees to ensure the effective collection and recovery of former tenants arrears;
- Ensure that the recovery of former tenants arrears falls within the externally audited / accredited ISO:9001 Quality Procedures Manual which will cover all aspects of the recovery process;
- Provide advice and assistance to tenants wishing to terminate their tenancy, ensuring they are aware of their responsibility to pay the rent due until the agreed termination date;
- Contact tenants with rent arrears during their four week termination period to encourage tenants to negotiate a repayment plan;
- Advise debtors of the future consequences of the non-payment of former tenants arrears, for example, ineligibility for offers of accommodation through the Housing Register;
- Act sensitively in cases where former tenants have deceased or have gone into permanent residential care, liaising with Next of Kin / Executors to establish if there are any funds in the estate until a conclusion satisfactory to all parties has been reached;
- Adhere to guidance from the Information Commissioner and Audit Commission's National Fraud Initiative, and access information from Ashfield District Council regarding debtors that the Council have successfully traced to reduce pressure on the public purse in paying to external agencies to trace these debtors;
- Negotiate realistic repayment plans;
- Consider negotiating on and reducing larger debts where we are less likely to recover the full amount, in conjunction with a Service Manager;
- Confirm any repayment agreement in writing;
- Honour any agreement to repay the arrear before escalating recovery action;
- Consider sanctions such as Attachment of Earnings and Money Judgements if customers consistently fail to pay.

# Debt Collection Agencies

Ashfield Homes has procured a Debt Collection Agency for the tracing and collection of former tenants arrears, jointly with other ALMOs in Nottinghamshire, after initial attempts to recover the debt have proved unsuccessful.

## **Ashfield Homes Will:**

- Involve tenants in the tender and selection process for Debt Collection Agencies;
- Ensure that the Debt Collection Agencies contracted to trace and collect former tenants arrears are members of the appropriate professional body;
- Ensure that a contract is drawn up between the Company and the Debt Collection Agency, and that regular contract monitoring meetings take place to ensure that the terms and conditions of the contract are being met;
- Ensure that the Debt Collection Agency complies with the Company's Equality, Diversity and Inclusion Policy, including our policy aims regarding vulnerable people;
- Monitor any complaints received about the Debt Collection Agency, and their outcomes;
- Utilise the Debt Collection Agency to recover static debts on current rent accounts that we have been unable to collect;
- Set performance targets for the Debt Collection Agency and monitor performance on a monthly basis.

# Recharges



Recharges may arise when tenants cause wilful or accidental damage to Council property which cannot be attributed to fair wear and tear. Recharges for works carried out for current tenants are collected by Ashfield Homes' Finance Section. Recharges for former tenants are recovered by Ashfield District Council.

## **Ashfield Homes Will:**

- Provide information to our customers on how and why recharges can arise, and through publicity and promotional materials, seek to prevent the occurrence of recharges;
- Promote low-cost home contents insurance to protect tenants against some potential recharges;
- Ensure that there are clear and comprehensive procedures for employees to ensure the efficient and effective processing and recovery of recharges;
- Notify customers in writing of the value of the recharge debt at the earliest opportunity, offering them the opportunity to commence the appeal process;
- Seek to hear any appeals and resolve disputes prior to raising and sending invoices to debtors, to avoid duplication of work;
- In the case of deceased former tenants, ensure that we liaise with Next of Kin / Executors to establish if there are any funds in the estate prior to raising invoices;
- Review forms, letters and leaflets following feedback from our customers, to ensure that they are relevant and accurate;
- Ensure the provision of high quality photographic evidence to support recharges and minimise 'bad debts' that cannot be effectively pursued;
- In the case of recharges for current tenants over which we have direct influence, ensure that convenient and accessible payment methods are available, making it easy for our customers to pay off their debts;
- In the case of recharges for former tenants, ensure realistic repayment plans are negotiated between the customer and Ashfield District Council;
- Closely monitor the performance of Ashfield District Council in relation to the recovery of recharges;
- Follow Ashfield District Council's procedures in relation to the discharging of debts.

# Liaison with Ashfield District Council

Ashfield Homes realises that tenants with rent arrears may have other debts with Ashfield District Council such as Council Tax arrears and sundry debts.

## **Ashfield Homes Will:**

- Ensure contact is made with Ashfield District Council's Revenues Section prior to commencing legal action for rent arrears to ascertain if tenants have debts with the Council, who may be competing for payment, whilst adhering to our principles of ensuring that priority debts that maintain a persons home should be resolved first;
- Ensure contact is made with Ashfield District Council's Housing Options and Advice Section prior to commencing legal action, providing details of household composition and income details so that the Council are aware of potential homeless applications; and where possible carry out joint visits, particularly if children are involved in an attempt to prevent the families homelessness;
- Review our rent arrears procedures in line with the Council's income recovery procedures;
- Share information with the Council when we have successfully traced debtors;
- Follow good practice in relation to the prevention of fraudulent benefit claims;
- Ensure that there is full supporting evidence of debts pursued by the Council to reduce the number of challenges which may inhibit recovery action, for example, photographic evidence of damage to property in the case of recharges for former tenants, quarterly repairs statements in support of leasehold service charges, signed tenancy agreement and tenancy termination notices for private garage accounts;
- In the case of debts collected by Ashfield District Council, ensure that realistic repayment plans are negotiated between the customer and the Council;
- Hold regular liaison meetings with Ashfield District Council Revenues Services;
- Monitor the performance of Ashfield District Council in relation to the processing of Housing Benefit claims, and the recovery of rechargeable repairs and leasehold service charges.

# Bankruptcy



Ashfield Homes recognises that tenants with multiple debts seeking support from advice agencies may be offered the option of pursuing Individual Voluntary Arrangements (IVAs), or bankruptcy proceedings as a viable means of clearing their debts and achieving a 'fresh start'.

## **Ashfield Homes will:**

- Work with partner agencies to ensure high quality money advice is provided;
- Respond to any requests from the Official Receiver regarding debts owed to the Company, including evidence of the debt (for example rent statement) within five working days;
- Ask the Official Receiver to provide written confirmation that they have received the Proof of Debt, and that the debt is to be included within the Bankruptcy Order;
- Ensure that action is not taken to enforce payment of the debt at the date of the Bankruptcy Order (this may include writing off the debt from the rent account);
- Comply with Ashfield District Council's Financial Regulations in relation to appropriate delegation levels for the authorisation to write-off bad debt;
- Monitor any payments received from the Trustee to ensure this complies with the petition / Bankruptcy Order;
- Advise tenants of their responsibility to pay the ongoing rent due, under the terms of their tenancy agreement with the Council;
- Identify and implement good practice in this service area, with the aim of ensuring that income to the HRA is maximised, and debts do not have to be written-off, wherever possible.

# Write-offs

The Company recognises that substantial resources can be used in attempting to recover 'bad debts' that may be uneconomical to pursue.

## **Ashfield Homes will:**

- Ensure that there a clear and comprehensive write-off procedures for employees;
- Ensure that procedures for writing-off current and former tenants arrears fall within the externally audited / accredited ISO:9001 Quality Procedures Manual;
- Ensure that all reasonable efforts to recover the debt (as laid down in our rent recovery procedures) have been exhausted before writing off the debt is considered;
- Ensure that there is appropriate evidence of recovery action to support the write-off application, and that all write-off applications are scrutinised by a Service Manager;
- Comply with Ashfield District Council's Financial Regulations in relation to appropriate delegation levels for the authorisation to write-off bed debt;
- Monitor our performance in relation to the percentage of total debt that is written-off on a monthly basis, seeking to keep this as low as possible.

# Glossry of Terms

## Glossary of Terms:

<b>ALMO</b>	Arms Length Management Organisation
<b>DCA</b>	Debt Collection Agency
<b>DWP</b>	Department of Work and Pensions
<b>FTA</b>	Former Tenants Arrears
<b>HB</b>	Housing Benefit
<b>HMCS</b>	Her Majesty's Court Service
<b>HRA</b>	Housing Revenue Account
<b>IVA</b>	Individual Voluntary Arrangement

# How to Contact us



هەر زانیاریهك ده‌بارهی ئاشفیلد هۆمس كه به زمانی ئینگلیزی نوسراوه ئەتوانریت بۆ زمانی کوردی ته‌رجومه بکړیت. تکایه داوای زانیاری زیاتر له ئەندامیکی ده‌سته‌ی فه‌رمانبه‌ران بکه.

(Kurdish)

Ashfield Homes 印製的所有英文刊物，都可翻譯成中文。請聯絡本處職員，查詢詳情。

(Cantonese)

ایشفیلڈ ہومز سے متعلق انگریزی زبان میں دستیاب کسی بھی معلومات کا اردو زبان میں ترجمہ فراہم کیا جاسکتا ہے، مزید معلومات کے لیے برائے مہربانی اسٹاف کے کسی رکن سے بات کریں۔

(Urdu)

અંગ્રેજીમાં લખેલ એશફીલ્ડ હોમ્સની કોઈ પણ માહિતી ગુજરાતીમાં તરજૂમો થઈ શકે - કૃપા કરી વધારે વિગત માટે સ્ટાફના સભ્યને પૂછો

(Gujurati)

Wszelkie informacje dotyczące Ashfield Homes napisane po angielsku mogą być przetłumaczone na język polski - o dalsze szczegóły proszę zapytać osobę z personelu.

(Polish)

Toute l'information de maisons d'Ashfield est disponible dans d'autres langues

(French)

Any Ashfield Homes information is available in large print, audio, Braille and other languages upon request. Please contact Ashfield Homes Limited directly on **01623 608888** or Textphone **01623 608989**.

Tenant Participation Hotline – **0800 952 0198**

Ashfield Homes 24hr  
Repairs Call Handling Centre - **0800 479 4999**

Ashfield Homes Technical Services  
(Procurement) - **01623 608872**

Ashfield Homes Housing Services  
Appointment Line - **01623 608999**

Ashfield Homes 24hr Support Centre -  
**01623 608990**

Textphone / Minicom - **01623 608989**

Sutton Property Shop - **01623 608950**

Kirkby Property Shop - **01623 608932**

Hucknall Property Shop - **01159 568713**

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