



Setting Standards for
Retirement Communities













Model Section 106 Agreement for Integrated Retirement Communities

Introduction

- 1 The UK population is ageing. Specialist housing can improve the outcomes of older people, for example, their wellbeing and levels of loneliness. However, despite these benefits, there is an under-supply of specialist housing for older people as demonstrated by multiple studies, such as the 2022 Mayhew Review of older people’s housing.
- 2 The shortage of supply has been recognised by government, which launched the cross-departmental Older People’s Housing Task Force in June 2023 to examine barriers to supply.

Integrated Retirement Communities

- 3 Over the last 20 years, housing-with-care provision for older people has evolved and grown. In recent years, the sector has adopted a specific term – Integrated Retirement Community (IRC) – to delineate modern forms of provision from wider retirement housing and schemes with more limited services and facilities.
- 4 The key features of an IRC are 24-hour on-site support, extensive provision of communal facilities such as restaurants and wellbeing spaces, and the availability of personal care if it is required.
- 5 The following diagram sets out the specific features of IRCs and how they differ from retirement housing and residential care homes.

Where do IRCs sit?		
Retirement Housing Also known as sheltered housing or retirement flats	Retirement Communities Also known as extra care, retirement villages, housing-with-care, assisted living or independent living	Care Homes Also known as Nursing Homes, Residential Homes, Old People’s Home
 Self-contained homes for sale, shared-ownership or rent	 Self-contained homes for sale, shared-ownership or rent	 Communal residential living with residents occupying individual rooms, often with an en suite bathroom
 Part-time warden and emergency call systems	 24-hour onsite staff with optional care and domestic services available	 24-hour care and support (including meals)
 Usually have a lounge, laundry facilities, gardens and a guest room	 Range of facilities including a restaurant or café usually alongside leisure and wellness facilities such as gyms, hairdressers, activity rooms, residents’ lounges and gardens	 Range of facilities and activities, including gardens, lounges and dining rooms
 Typically 40 - 60 units	 Typically 60 - 250 units	 Sizes vary considerably

6 ARCO is the national membership body for charitable/not-for-profit and private operators of IRCs. ARCO has more than 30 members who collectively operate over 250 IRCs across England, providing more than 20,000 homes to over 30,000 residents. To be identified as an ARCO registered IRC under the ARCO Consumer Code, an IRC must offer the services and facilities set out in the following diagram:



A Model S106 for the IRC sector

7 There are many planning issues that impact on the supply and operation of IRCs. These often arise due to:

- A lack of understanding of the IRC model concept and its Use Class
- Lack of consistency of approach between local planning authorities
- A lack of up-to-date, and/or unsubstantiated policy specifically dealing with IRCs.

8 To address some of these issues, ARCO and its members have developed a Model S106 agreement to be attached to planning permissions for IRCs. The aim is to encourage a consistent approach among operators, and to present a consensus view to local planning authorities on the key operational terms and definitions that are used in planning agreements for IRCs; specifically those relating to use, occupancy and the provision of care services¹.

9 The terms and definitions contained in the Model S106 set out at the end of this document have been prepared to ensure that the accommodation provided as part of a consented scheme fulfils the minimum levels of service delivery, and incorporates the occupancy and operational principles necessary to meet the ARCO definition of an IRC (defined as a Class C2 use in planning terms).

10 The Model S106 provides certainty to local planning authorities that schemes will operate as genuine IRCs and ensures that there is a mechanism for enforcement of key aspects of those schemes in perpetuity.

11 While applicants and local planning authorities may wish to tailor specific S106 agreements to reflect local / scheme circumstances, any such changes should be kept to the minimum and should not undermine the overall purpose of the document to ensure that long-term service delivery is at the heart of specialist housing schemes following the IRC model.

12 Examples where changes might be acceptable could include: the exact definition of the Transport Services that are provided by an operator, which will depend upon the location of the scheme and its accessibility; or the extent of the Communal Facilities and the extent to which they are available to visiting members of the public, provided that schemes should always meet the minimum requirements for Occupants set out in the Care and Wellbeing Package definition.

¹ For the avoidance of doubt, the reference to “care services” in the Model S106 and the use of the term “personal care” in the definition of care provided in Section 2 of The Town and Country Planning (Use Classes) Order 1987 are not synonymous with the Regulated Activity of “Personal Care” as defined in health and social care legislation, regulations and guidance.

Model Section 106

Approved by ARCO Board 26 April 2022

Definitions relating to Use, Occupancy, and the provision of Care Services

Care and Wellbeing Package	<p>Means the minimum level of care wellbeing and support services that the [Owner / Operator] is required to provide to each Qualifying Person at a cost to be agreed between the [Owner / Operator] and the Qualifying Person and includes the following:</p> <ul style="list-style-type: none">• Provision of at least 2 hours a week of Care Services, as defined in this agreement;• Access to care or other member of staff on site 24 hours a day to provide an immediate response in an emergency;• The provision of 24-hour security, including detection and call systems;• On-site delivery of the Regulated Activity of Personal Care by a Care Quality Commission Registered Service Provider to those who need it (subject to a separate contract) provided that this does not affect the right of the Qualifying Person to choose their own care provider;• A regular review and update of the Care and Wellbeing Plan to ensure care and support needs are met;• Access to daily meals to Occupiers who need them – which can be taken in one of the Communal Facilities or the Occupier’s Unit;• Access to and use of the Communal Facilities;• Access to pre-arranged activities and classes to encourage health and wellbeing and to promote social interaction; and• Access to such further wellbeing and support staff and services as may be required from time to time, which might include domestic support (such as cleaning, laundry, ironing, making beds); housekeeping; property maintenance; shopping; assistance with correspondence, personal and business affairs; companionship; pet care; and arranging transport services.
Care and Wellbeing Plan	<p>Means an individual plan prepared for each Qualifying Person on or immediately following Occupation based on the findings of the Health Assessment, which is regularly reviewed, and its findings implemented to ensure that the Qualifying Person continues to receive an appropriate level and type of care and support as their needs change</p>
Care Services	<p>Means the care services provided to each Qualifying Person as part of the Care and Wellbeing Package, which may include any or all of, but are not confined to, the following:</p> <ul style="list-style-type: none">• Provision and delivery and / or preparation of meals, drinks, and snacks• Advice on food hygiene, nutrition, and menu planning• General health advice including encouragement to undertake physical and cognitive activity• Regular welfare calls and wellbeing checks such as blood pressure• Collection of prescriptions and benefits• Chaperone service to attend clinical and other appointments• Advice on activities to encourage health and wellbeing and promote social interaction, and supervision of such activities• Diabetes management• Use of on-site transport services for external activities and appointments• Hospital discharge support• Organised rehabilitation following a hospital visit or health event• Assistance with getting into and out of bed and dressing• Assistance with personal hygiene activities• Administration of / prompting to take / supervision of medication• Assistance with eating and drinking <p>For the avoidance of doubt the care services provided by the [Owner / Operator] as part of the Personal and Wellbeing Plan are not synonymous with the term Personal Care as defined in health and social care legislation, regulations and guidance. The Regulated Activity of Personal Care is organised and paid for as part of a separate contract between the Qualifying Person and their chosen Registered Service Provider, depending on the individual needs of each Qualifying Person.</p>

Care Quality Commission (CQC)	Means the independent regulator of health and social care services in England or any successor body or organisation
Communal Facilities	Means (1) the Health and Wellbeing Facilities (which may include but are not restricted to hydrotherapy pool, sauna, steam room, gym, exercise rooms, and treatment rooms) and (2) the Other Communal Facilities (which may include but are not restricted to restaurant, bistro and bar, meeting rooms, hobbies room, lounge and hair salon) to be provided in conjunction with the C2 Integrated Retirement Community Units as part of the Development to be made accessible to visiting members of the public in accordance with the provisions to be agreed between the [Owner / Operator] and the Local Planning Authority
Health Assessment	Means an assessment of the health care and wellbeing needs of potential residents to be undertaken on or before occupation of a C2 Integrated Retirement Community Unit by an appropriately qualified person and which is used to determine an appropriate Care and Wellbeing Plan for the Qualifying Person; and any further health assessment to be undertaken when the Care and Wellbeing Plan is reviewed
Occupation	Means the occupation of the Development or any part thereof for use as an Integrated Care Community in accordance with the provisions of Class C2 of the Town and Country Planning (Use Classes) Order 1987 as amended and Occupy and Occupied shall be construed accordingly
Qualifying Person	Means: <ul style="list-style-type: none"> • Persons who are (or, where two share accommodation together, at least one is) aged 65 years or more at the date of occupation; OR • Persons who are (or, where two share accommodation together, at least one is) suffering from a permanent physical or mental illness or disablement; OR • Persons whose occupancy has first been approved in writing by the local planning authority; AND <p>in addition to meeting at least one of the above criteria a Qualifying Person must have entered a contract to receive the Care and Wellbeing Package throughout their Occupation</p>
Qualifying Person Assessment	Means an assessment to be undertaken by the [Owner / Operator] prior to exchange of contracts to ensure that occupation of each C2 Integrated Retirement Community Unit is restricted to Qualifying Persons and any cohabitee, spouse, or dependant of a Qualifying Person only
C2 Integrated Retirement Community Unit	Means a unit within Use Class C2 to be constructed pursuant to the Planning Permission and C2 Integrated Retirement Community Units shall be construed accordingly. For the avoidance of doubt any guest accommodation provided as part of the Planning Permission is not a C2 Integrated Retirement Community Unit
Registered Service Provider	Means a body registered as a service provider under Chapter 2 of the Health and Social Care Act 2008 (or any comparable register established under any statutory system replacing that chapter) in respect of at least the provision of Personal Care as defined by the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 or any modification or amendment or substitution thereof
Transport Services	Means the transport services to be provided by the [Owner / Operator] for the use of Occupiers, their guests and staff as agreed with the Local Planning Authority
Use Class C2	Means the use defined as C2 in Part C of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 as amended) or other such successor legislation

Obligations relating to Occupancy and Use

The **[Owner / Operator]** hereby covenants with the Council as follows:

- 1** To restrict the use of the C2 Integrated Retirement Community Units to Use Class C2 of the Town and Country Planning Use Classes Order 1987 as amended or any replacement of such Order at any time;
- 2** To restrict Occupation of the C2 Integrated Retirement Community Units to Qualifying Persons and any cohabitee, spouse, or dependant of a Qualifying Person;
- 3** Prior to Occupation to procure the services of a Registered Service Provider which might be the [Owner / Operator] or a third party to operate and have an office at the Property;

For the avoidance of doubt the cohabitee, spouse or dependant of a Qualifying Person is also permitted to live at the Property, and in the event of the death of the Qualifying Person the cohabitee, spouse or dependant of that Qualifying Person is permitted to remain in Occupation, irrespective of their age or dependency. In the event of the death of that cohabitee, spouse, or dependant the new Occupier must meet the Qualifying Person criteria.

Obligations relating to Care Services

The **[Owner / Occupier]** hereby covenants with the Council as follows:

- 1** To ensure that a Health Assessment is undertaken for each Qualifying Person on or before Occupation to identify the level and type of care and other support and assistance they require;
- 2** On or before Occupation to put in place a Care and Wellbeing Plan for each Qualifying Person which shall be reviewed and updated on a regular basis to ensure the Qualifying Person continues to receive the most appropriate level and type of care and support as their needs change;
- 3** To make available on reasonable request of the Council evidence to show that its commitments in terms of Qualifying Person Assessments and Care and Wellbeing Plans are being met provided that such evidence shall not breach confidentiality commitments or obligations to the Qualifying Person;
- 4** At all times to provide the minimum level of care wellbeing and support services set out in the Care and Wellbeing Package;
- 5** To make arrangements for such additional care and support services as may be required over and above the Care and Wellbeing Package, either on its own or through a Registered Service Provider or through a combination of services to be provided by the **[Owner / Occupier]** and Registered Service Provider subject to the payment of additional fees by the Qualifying Person on commercial terms to be agreed and further subject to the right of that Qualifying Person to procure such additional care and support from their chosen provider. [Owner / Occupier] and Registered Service Provider subject to the payment of additional fees by the Qualifying Person on commercial terms to be agreed and further subject to the right of that Qualifying Person to procure such additional care and support from their chosen provider.

For further information, please visit www.arcouk.org

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