



**WHO  
CARES?**  
SCOTLAND

**EQUALITY | RESPECT | LOVE**



# Foster Care

Who Cares? Scotland's response to the Scottish Government's fostering consultation

February 2025

---

[www.whocarescotland.org](http://www.whocarescotland.org)

# Contents

Who we are.....	3
Summary .....	3
Scottish Government’s Vision .....	4
Flexible Fostering Approach.....	7
Independent Fostering Agencies.....	13
Recruitment of foster carers .....	15
Retention of foster carers – learning, development and practical support.....	16
Retention of foster carers – financial support .....	20
Retention of foster carers – day to day decisions .....	22
Retention of foster carers – a national register .....	25
Retention of foster carers – allegations .....	27
Wider issues .....	28

## Who we are

[Who Cares? Scotland](#) is Scotland's only national independent membership organisation for Care Experienced people. Our mission is to secure a lifetime of equality, respect, and love for Care Experienced people in Scotland and we currently have around 4300 members.

At the heart of our work are the rights of Care Experienced people, and the power of their voices to bring about positive change. We provide individual relationship-based independent advocacy and a range of participation and connection opportunities for Care Experienced people across Scotland.

We work alongside Corporate Parents and various communities to broaden understanding and challenge the stigma faced by Care Experienced people. We work with policy makers, leaders, and elected representatives locally and nationally to shape legislation, policy and practice. We do this collaboratively to build on the aspirations of [The Promise](#) and secure positive change.

## Summary

We broadly support the Scottish Government's future vision for fostering.

Who Cares? Scotland is calling for:

- A new fostering approach to prioritise, in line with our advocacy evidence:
  - Children feeling part of a family / belonging; feeling heard and having a child centred approach; and retaining their relationships with brothers and sisters, wider family, and friends.
- Safeguards for some proposals which have a risk of birth families experiencing discrimination and prejudice.
- Sufficiently proportionate access to independent advocacy, which is essential to ensuring the above points are met and empowering children to be able to raise any issues about their living situation.
- Learning and development for foster carers should include training on corporate parenting duties and being 'care aware', relationship based trauma training, and sibling rights.

# Scottish Government's Vision

## 1. What are your views on our vision for foster care?

We support the principles of the Scottish Government's vision for foster care and welcome the commitment to continue to listen to what children and young people say is important to them and build upon the experiences of people with experience of foster care.

We welcome the statement that the vision is 'underpinned by listening to the voice of children and young people, upholding their rights and ensuring they feel safe, loved and respected.' We support a flexible fostering approach which offers options to keep more families together and upholds the UNCRC for all children, as well as one which recognises the needs of older young people who may want to exercise their right to continuing care placements and need support to get ready to live independently.

We believe that the child's views must be at the centre of a decision to implement these options, and that they must be given equal weighting to professionals in the room who believe a flexible fostering approach would be a good fit for the child. As children may face difficulties in understanding their options, speaking up in formal settings and sharing their views with an adult they disagree with, ensuring that any child can access independent advocacy is essential.

We would like to highlight our evidence of current experiences of foster care to share recent views from Care Experienced people with decision-makers shaping the flexible fostering approach and associated training and materials.

### **Key themes:**

Last year, 1,063 issues were raised with our advocacy workers by approximately 271 people in foster care. The average age of this group was 11.7. The top themes of advocacy issues raised, in order of frequency, were relationships, moving around, education and training, dissatisfaction with services, and legal. The right to maintaining relationships with brothers and sisters was really important to this cohort.

### **Relationships with family**

Many individuals spoke about their relationships with their family members, including wanting to return home or spend more time in the family home, with siblings, with extended family, or not wanting to see family.

"[Name] has expressed that they would like to have more contact with their auntie and cousins, [name] has only seen extended family twice while living in foster care and were very close with auntie and cousins while staying at the family home."

“Young person does not want to have any family time with their mum.”

“[Name] has expressed that they would like to see their gran more. Question: ‘if gran was to drive by me would she be allowed to stop and give me a cuddle?’”

- Entries to our advocacy database, 2024

### **Relationship with foster carers**

The vast majority were positive about their relationship with their foster carers and felt part of the family, although there were some areas of tension. A few wished to return home but wanted to remain with their current foster carers if that wasn’t possible.

“Wants to stay where they are with [foster carer] – ‘til I’m 21, I feel safe here’.”

“The children wish to remain in the current placement with their foster carers as they see this as their home and family.”

“[Name] is currently finding life at home quite difficult. [They feel] that [their] foster mum and dad are being very overbearing and protective which in turn is impacting in their relationship. They feel that they are being stifled and treated like a child when they are now close to 21 years old.”

- Entries to our advocacy database, 2024

### **Maintaining daily life while in foster care**

Another key theme raised by children in foster care was maintaining daily life. Some individuals spoke about wishing to access support across other parts of their life, especially when moving from their family home or to a new foster placement. This included school, relationships and day to day routines. The examples below contrast, which highlights the importance of hearing the child’s views and taking a person-centred approach to care planning.

“[Name] would like to remain in their current high school placement. They receive the help they need and use a Chromebook and overlays when required... they have friends there and stay connected with them outside of school by phone. [they] currently travel by taxi to and from school and the journey is fine.”

“Advised meeting that [name] has shared that they wanted to change school and attend [primary school] which is a school for pupils where they now live with their foster carers. This would help [name] make some friends in their own community.”

- Entries to our advocacy database, 2024.

### **Feeling safe, loved and respected in foster care**

In 2024 we asked in a survey to inform our Belonging Report what made respondents feel safe, loved and respected, and what did not. Understanding these experiences is vital to improving care today, as well as improving lifelong support for Care Experienced adults. In order of prevalence, respondents described stability; consistency; unconditional love; feeling included and being treated equally as factors which contributed to feeling safe, loved and respected. Conversely, respondents highlighted not being listened to; stigma and discrimination; lack of control; choice and independence; and abuse, as factors which prevented this.

People who were consistent and went the extra mile were seen as providing stability in otherwise testing times:

“My foster mum was amazing! No matter what hardships I put her through from my experiences and learning the hard way, she always gave me a home, somebody to trust, she never lied to me, she fought every battle by my side, and it was always what I felt I wanted/needed, and she advocated hard for me. She was a "mother" to me. She taught me everything I know today, and I still have a very loving relationship with her.”

Unconditional love, feeling included and being treated equally to children who were not Care Experienced was key for many responses:

‘Being included in my foster family’s family events.’

Conversely, people didn’t feel safe, loved and respected when they weren’t listened to or treated fairly alongside children who were not Care Experienced.

“Being treated as less important than our own children by short term carers.”

“It was made out that it was my fault, that I was the problem... it affected me as an adult and still does”.

You can find our Belonging Report online here: <https://www.whocaresscotland.org/wp-content/uploads/2024/12/Lifelong-Rights-for-Care-Experienced-People-Belonging-and-Connection-Issue-Paper.pdf>.

Overall, this evidence shows a broadly positive picture of foster care in Scotland, and highlights the importance of feeling heard, feeling part of the family, and retaining relationships with brothers and sisters, wider family, and friends. We support the vision of foster care and call for these points to be recognised as priorities within it.

# Flexible Fostering Approach

## 2. What are your views on the proposed flexible fostering approach?

Overall, we welcome the proposed flexible fostering approach, however, we are concerned about some of the elements which could result in tension between birth parents and foster carers as a result of different cultures, class and parenting ideas, which could ultimately result in prejudice and discrimination. However, ongoing high quality and support planned for foster carers could alleviate these concerns where sufficient capacity is built to:

- Ensure a child-centred and respectful approach.
- Understand and appreciate different parenting styles, the concept of 'good enough' parenting, constructive communication, and the needs of families from various backgrounds sharing different characteristics eg. care experience, religion, race, disability, gender identity etc. Please refer to our answer to question 3 for more detail.

## 3. What are your views on the seven different elements in the flexible fostering approach?

We wholly support the first, second and sixth elements of the flexible fostering approach.

1. "High quality alternative family-based care which provides a positive family experience for infants, children and young people in the foster carer's own home.
2. To build the potential and capacity of existing foster carers to support and facilitate family time where appropriate, in line with the child's care plan, so that children, including infants, can keep in touch with people that are important to them.
6. Alongside professionals, we propose using more experienced foster carers who no longer wish to foster full-time, to mentor new foster carers, deliver foster carers' training and share practice and knowledge."

We believe the new strategy should specifically name siblings within element 2 regarding family time, as sibling rights are not yet being widely upheld and this would improve policy cohesion.

**Required support and training, and elements three, four and seven:**

3. “As part of the child’s plan, foster carers may, in some situations, have a role in supporting birth families whose children are in foster care, to facilitate reunification of the child or young person with their birth family.
4. Foster carers may be well placed to have a role supporting families on the edge of care to enable more children to remain home.
7. Potentially, the facility, where it is appropriate, for a foster carer to stay in a family home, for a short time, to provide immediate support and care at times of family crisis.”

As set out in our answer to question 2, we are concerned about some of the elements which could result in tension between birth parents and foster carers as a result of different cultures, class and parenting ideas, which could ultimately result in prejudice and discrimination as a result of conscious or unconscious bias.

Research by the Independent Care Review found that children from the most deprived neighbourhoods were over twenty times more likely to be taken into care than in the most affluent neighbourhoods. Poverty restricts many parent’s abilities to parent in the way they may wish to, for example, cooking homemade meals, paying for leisure clubs and hobbies, having an overcrowded house, and not being able to be as present a parent due to a need to work an increased number of hours or multiple jobs. These factors do not necessarily mean that they are a poor parent or that a child would be better off relocated to a typically wealthier family. Please refer to question 13 for detail of the community based training we believe foster carers would benefit from. We recommend that foster carers receive comprehensive training and guidance on what is considered ‘good enough’ parenting and to be aware of any unconscious bias. ‘Good enough parenting’ is commonly defined as that which:

- meeting children's health and developmental needs
- putting children's needs first
- providing routine and consistent care
- acknowledging problems and engaging with support services.

For more information, please refer to [NSPCC guidance](https://www.theministryofparenting.com/wp-content/uploads/2015/08/factsheet-assessing-parenting-capacity8.pdf) available here: <https://www.theministryofparenting.com/wp-content/uploads/2015/08/factsheet-assessing-parenting-capacity8.pdf>

In particular, we are concerned about the risks of Care Experienced parents experiencing heightened stigma and discrimination. In 2022, we spoke with 47 Care Experienced parents to create our [Believe in Us report](#). We found that many had experienced prejudice as a parent with care experience, and that this contributed to only 31% feeling comfortable to ask for help from services and professionals, due to a widely prevalent fear of having their child removed. Participants described experiencing automatic referrals to social work after sharing that they had been in care, and feeling as though they were expected not to succeed as a parent.



Contrastingly, 61% also said that they had felt there had not been enough support given during the first three years of parenthood.

It is imperative that a foster carer with a different quality of living or a different background is able to set aside any judgements they may make on this basis and solely support a family with their ability to parent and meet a child's fundamental and emotional needs, to keep families together. Families must also have the access to independently raise concerns about unfair prejudice from a foster carer without fear of negative consequences, for example, being viewed as uncooperative or needing to continue a relationship with a foster carer who they do not feel respected by. The ongoing involvement of a foster carer in a child's life while living at home must be regularly reviewed with the child and their views taken into account as this may not work for all families.

We recognise the benefit of the seventh element in circumstances such as a parent going into hospital for a short period of time, but again we have concerns about the practicality of this and tensions in the household if the foster carer and the parent were to both live in the house at the same time at any point, as well as potential issues with class prejudice.

**Ongoing high quality and support planned for foster carers could alleviate these concerns where sufficient capacity is built to:**

- **Ensure a child-centred and respectful approach.**
- **Understand and appreciate different parenting styles, the concept of 'good enough' parenting, constructive communication, and the needs of families from various backgrounds sharing different protected characteristics eg. Care Experience, religion, race, disability, gender identity etc.**

#### **Short breaks and element 5:**

"5. Building on existing short break provision, regular breaks, which are also child centred, would be provided to existing foster carers, or to families experiencing difficulties."

- We recognise the practicalities of family lives and the need for carers to have breaks. Many families arrange for their children to stay with family members in summer holidays or weekends, and we recognise this as a normal part of family life for many children.
- However, **short breaks must follow the guidance in the Promise** that children 'must only ever go and stay away from their home with other people whom they trust and have an ongoing relationship with. Being away from their

main home must be a time of fun, treats and enjoyment'. Most importantly, the child's views must be at the centre of the decision.

- Ideally, short breaks should be avoided during key moments in a child's life, such as starting a new school or around an important date or hearing.
- It also must not be used to exclude and other a foster child from a family's holiday, celebrations or other key family events, as members have described happening to them.

"[Name] shared that they are still trying to fully settle at his new foster carers and advised that they are still finding this difficult... whilst having dinner together was part of the daily routine at [previous foster carers house], [new foster carers] tend to eat separately from them and then other young person who stays here. The other young person tends to listen to music or play on their phone whilst eating, so [name] misses this daily interaction and feels that it is regular moments such as these which prevent them from fully settling."

- Entry to our advocacy database, 2024.

### **Sibling rights:**

We believe that in order to fulfil both the Promise and sibling rights set out in the Children (Scotland) Act 2020, the approach must also include an eight element relating to recruiting foster carers who can accommodate groups of siblings, in line with the recommendations of the [Staying Together And Connected: National Implementation Group final report](#), p7.

This may include foster carers in social housing being willing to move to a larger property, or foster carers who live very nearby being able to form a type of extended family, with siblings separated between two houses. We are aware of this type of cluster foster family being trialled in South Lanarkshire council with good results, allowing siblings to spend time at each other's houses frequently and have family trips and meals together more regularly. Brothers and sisters have the right to be able to live together wherever this is safe, but while housing and placement practicalities restrict this, adapting a Mockingbird model to maximise their time together and specifically recruiting foster carers able to have a larger number of children offers some step forward towards realising this.

### **Groups of brothers and sisters must be able to live together in foster care by**

- **Recruiting foster carers willing to take in multiple children**
- **Having the infrastructure in place to support foster carers willing to relocate to larger properties**
- **National rollout of the mockingbird model or similar.**

### **Lifting families out of poverty:**

Where children are safe and loved, they should be supported to stay. Article 27 (3) of the UNCRC states:

“States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.”

For some families, direct financial aid which would alleviate stress and tension in the home would be more beneficial than emotional support while the parent continues to struggle with poverty and the effects of it. Given the Scottish Government’s renewed commitment to lift children out of poverty, we recommend that local authorities are empowered to be able to give direct financial relief with minimal bureaucratic hurdles to families they know are in need, which will reduce the escalation of crises in many families and prevent the need for children to come into contact with the care system. We hope to see families lifted out of poverty rather than children lifted out of poverty and relocated with wealthier foster families.

- **We recommend that local authorities are able to give direct financial aid to families where this may alleviate stresses and subvert the need for children to come into care.**

### **Keeping families together vs respect for views of the child:**

Our advocacy evidence also shows that a significant number of children and young people in foster care who ask for advocacy support request advocacy because they do not want to return home, or have any contact with a biological parent or relative. Whilst keeping families together is an essential pillar of keeping the Promise and new care policy, the child’s wishes regarding being kept together with family, or not, must outweigh any pressure to fulfil these aims.

“[Name] very pleased to be living with sisters and is looking to maintain this placement – no change required or wanted.”

“We spoke about biological family briefly and [name] expressed that they hadn’t seen their mum in a number of years now and had no wish to see her.”

- Entries to our advocacy database, 2024.

We are aware of some intentions of the Promise being misinterpreted in some areas of the country, to the detriment of Care Experienced children and young people. For example, in some areas, children who were settled and happy in a placement outwith the local authority area have been uprooted from their home and school to be relocated back to their home council in order to reduce the councils’ numbers of children living outside their area. It is important to recognise the risks of policies such

as this and 'keeping families together' overpowering a child's wishes and best interests.

**We recommend that**

- **Clear guidance is given to local authorities regarding keeping families together to avoid any misinterpretation**
- **The child's views regarding a decision to return home are held in equal weight to professional views**
- **Children are made aware of independent advocacy and how to access it.**

## **5. How can the Scottish Government, working with you, support the delivery of the flexible fostering approach?**

Children must have a say in decisions being made about their care. The flexible fostering approach will be a significant change to many children's lives and their views on the approach must be at the centre of a decision to implement it in their life.

Who Cares? Scotland provide high quality, professional, relationship based and independent advocacy to children of all ages with experience of the care system. Our advocates have specialist training to understand the particular needs, rights and entitlements of children in care and care leavers, as well as to provide non instructed advocacy for those who are very young or have complex communication needs.

This advocacy ensures that Article 12 of the UNCRC is upheld for children in care to be heard in decisions which affect their care, alongside other rights under the UNCRC, international conventions and domestic legislation.

However, current provision of independent advocacy by local authorities only allows for a minority of children in care to receive this support, and therefore children on our waiting lists with reviews, hearings and serious breaches of rights need to be prioritised. The UNCRC must be upheld for every child, and every child should be able to access an independent advocate at their point of need. We call on the Scottish Government to map out the additional funding required to ensure there is a proportionately (per local authority) adequate provision of independent advocacy for children in foster care across the country.

## Independent Fostering Agencies

### 6. What is the role of Independent Fostering Agencies (IFAs) in the future of fostering?

Who Cares? Scotland encourages the Scottish Government to set out a plan to end their use in it's current format by 2030, in order to keep The Promise which made it clear that "Scotland must avoid the monetisation of the care of children and prevent the marketisation of care".

The Competition and Markets Authority's 2022 market study into children's social care across Scotland, England and Wales has three categories of recommendations, with the first being 'recommendations to improve commissioning, by having some functions performed via collaborative bodies, providing additional national support and supporting local authority initiatives to provide more in-house foster care.'

We believe IFAs should have parity with the costs for a local authority placement. The increased cost to local authorities paying IFAs to deliver foster care would be better spent supporting local authorities to better support their foster carers and children in foster care, and to increase recruitment of the local authority foster carers.

All foster carers should expect to be paid fairly and be paid equally to other foster carers. IFAs being exempt from the requirement to pay their foster carers the Scottish Recommended Allowance is unjust and contributes to discussions around foster care centring on money and marketisation, over the quality of care given to a child and the support a foster carer receives.

It is clear from the consultation paper that the current use of IFAs is not in line with the Promise and must end.

Notwithstanding, we recognise the enhanced support carers feel they receive from IFAs and the benefit this will pass on to the children in their care.

We believe there is a role for IFAs in Scotland's future but that they must evolve to end such practices as moving children away from their communities and strive to meet the commitments of the Promise by 2030. We recognise that sometimes IFAs offer local authorities struggling to find a good match a wider pool of foster carers that might offer a placement suitable for a specific child with specific needs. However outside of these circumstances, we do not support IFAs being able to move children away from their communities and networks unnecessarily.

Care Experienced people have consistently told us that they are concerned about the pace of change and lack of accountability regarding the Promise, as evidenced in the Scottish Parliament Education, Children and Young People Committee's Informal Session report, 13 May 2024, and Who Cares? Scotland's Paving the Way report, June 2022. This concern was also raised in the Oversight Board's third report, which highlighted that Scotland is not currently on track to keep the Promise. Despite pockets of good progress across the country, the Oversight Board is clear that for the Promise to be considered successful, children and young people must be able to feel the change being talked about, alongside reliable data collection which can accurately measure the change and impact.

These reports are available here - <https://www.parliament.scot/-/media/files/committees/education-children-and-young-people-committee/correspondence/2024/who-cares-scotland-informal-session-notes-13-may-2024.pdf>, <https://www.whocaresscotland.org/wp-content/uploads/2022/08/Paving-the-Way-Report-June-2022.pdf> and [oversight-board-report-three.pdf](#).

There must be closer scrutiny of IFAs' progress to keep the Promise and accountability for IFAs to move towards these requirements above. This could possibly be delivered by the Care Inspectorate, social work departments who commission IFAs or a new regulator.

## **7. Should we require all IFAs to have charitable status?**

Yes.

Some private care providers are reported to make vast profits each year, as discussed by the 2022 Competitions and Markets Authority report into the children's social care market. There is a risk that companies aiming for profit do not fully work in support of family reunification as the loss of a child in a placement is a financial loss for their business.

## **8. Should we limit how much local authorities can pay to IFAs?**

Yes. Local authorities purchasing placements from IFAs is expensive and diverts stretched funds. A national cap on the maximum cost per placement any local authority could pay would lower the cost to be equal or closer to the cost of local authority placements.

## **9. Should IFAs be required to pay their foster carers the Scottish Recommended Allowance (SRA)?**

Yes.

## Recruitment of foster carers

### 10. What are your views on the recruitment 'offer' described in this section of the consultation document?

We welcome the outlined work on the recruitment of foster carers. However, it is important that any campaign or communication to recruit must be about the values of fostering.

In 2020, after several fostering campaigns had received backlash, Who Cares? Scotland hosted a conversation with a cross UK group entirely made up of Care Experienced people including some with professional experience of marketing, advertising, delivery of care and therapeutic support. Together, they created an open source, free to use fostering campaign that shows how Care Experienced people want conversations about fostering to be.

The group shared that fostering campaigns should be people-centred and highlight the different benefits and possibilities of becoming a foster carer. It should be about sharing a life with someone. This is instead of recruitment that is about making money or making use of a spare bedroom.

Furthermore, recruitment based on values opposed to money and convenience will likely have a positive impact on the retention of foster carers, while simultaneously being beneficial for those in foster care.

You can read more about this piece of work online at [www.whocaresscotland.org/members/shareourlife/](http://www.whocaresscotland.org/members/shareourlife/).

Additionally, any campaign about fostering should actively work to reduce the stigma faced by the Care Experienced community. For hundreds of years, the media has portrayed stereotypes of children and young people in care as the troubled kid, a villain or having to prove their worth to society. These stories affect people's attitudes and behaviours in unconscious ways and shapes the experiences of Care Experienced people in all aspects of life.

If any fostering campaign is to truly benefit the Care Experienced community and contribute to increasing the value and recognition of both foster carers and foster children, it must focus on the values fostering can bring to both of them.

### 11. What more can the Scottish Government and local authorities do to recruit foster carers?

Please refer to our answer to question 10.

## Retention of foster carers – learning, development and practical support

### 12. What is your experience of the SSSC ‘Standard for Foster Care’, and do you find it helpful?

As set out in our answers to question 1 and 3, some Care Experienced children and young people in foster care have told us that they feel they are treated differently to other children in the family, and that this impacts on their sense of belonging, safety and love. This shows a disconnect between the Standard for Foster Care and reality for some children and young people. It is important that children are able to understand in an age-appropriate way how they should expect to be cared for, and what they can do if they are unhappy with their placement. A child friendly version of the Standard for Foster Care and clear signposting to independent advocacy and child friendly complaints mechanisms is essential to upholding the rights of children in foster care and promoting their emotional wellbeing and happiness.

Furthermore, the Standard states that foster carers will be able to act as advocates for the child in their care. We believe it would be more useful if the Standard differentiated the role of independent advocacy as different to the kind of advocacy a foster carer would provide, as a foster carer cannot advocate independently for a child in their home who they receive money to care for, as they are not financially, psychologically or physically independent and therefore able to solely represent the child’s views, which they may disagree with.

“It is extremely important that an advocate is made available and is completely impartial with no agenda dependent on the outcome.”

– Care Experienced person, Summer of Participation, 2023.

“I know my advocate is there for me not SW [social work] or school etc. And my advocate says what I want her to say.”

- Care Experienced person, Summer of Participation, 2023.

The Scottish Independent Advocacy Alliance (SIAA) describes independent advocacy as:

“Speaking up for, and standing alongside individuals or groups, and not being influenced by the views of others. Fundamentally it is about everyone having the right to a voice: addressing barriers and imbalances of power, and ensuring that an individual’s human rights are recognised, respected, and secured. Independent advocacy supports people to navigate systems and acts as a catalyst for change in a situation. Independent advocacy can have a preventative role and stop situations from escalating, and it can help individuals



and groups being supported to develop the skills, confidence and understanding to advocate for themselves.”

This is a particular job and skillset, and it is imperative that anyone taking up this role truly understands that their work must not be influenced by their own or others’ view of a situation.

The advocacy evidence we hold, and the independent Scottish Child Abuse Inquiry shows that for many children, their rights are not always upheld in foster care, and abuse continues to occur in placements across the country. We outline the need to ensure independent advocacy is available to all children in foster care to be able to understand their rights and options, be heard in decisions affecting their care and have an independent professional available to raise concerns within our answer to question 5.

We also recommend in question 13 that training for foster carers is developed which gives them an insight into a Care Experienced child’s point of view and what they value from foster carers.

### **13. Should there be a new national learning framework for foster carers which could also be a pathway for continuous development?**

Yes.

This should link with the 2023 Learning and Development Framework produced by the Staying Together and Connected National Implementation Group, which sets out the knowledge, skills and abilities regarding sibling rights required at three levels (‘aware, informed and enhanced’).

Who Cares? Scotland’s Belonging and Connection Report, published December 2024, recommends that the development of relationships based trauma training is expedited to support adoptive parents, kinship and foster carers. Alternative caregivers are being considered in the long term delivery plan, but we know that some adoptive parents and foster carers are still treating their Care Experienced children differently to their birth children four years after The Promise. As we have seen that emotional abuse will have a lifelong detrimental impact on connection and belonging. This development should be expedited to prevent further harm to Care Experienced individuals now and could be included in this new learning framework.

Who Cares? Scotland have over a number of years developed a model of training that could be used as a blueprint and adapted to support specific training and upskilling of foster carers. Our “Care Aware” training is a key feature of both our communities that Care Whole-School Approach and our Care Aware Workforce training. Using evidence-based framing techniques and centring voices of lived experience,

participants are invited to understand care in a safe and trauma-informed space and are invited to be part of a new story about care experience – one in which all Care Experienced people are welcomed, understood, and supported to succeed.

This training is currently being implemented in schools across Renfrewshire, Edinburgh and Clackmannanshire and across workforces as diverse as the John Lewis Partnership and the King's Trust.

Who Cares? Scotland are also funded to deliver training to public bodies named as 'Corporate Parents' in Part 9 of the 2014 Children and Young People (Scotland) Act. This includes all local authorities in Scotland and, by extension, foster carers employed by local authorities. It is vital that all Corporate Parents understand how to fulfil their statutory Corporate Parenting duties in practice to ensure that Care Experienced people have the equity of support needed to thrive and to succeed. Therefore, we would recommend that all foster carers, and those who support them, receive training on Corporate Parenting duties in order to fulfil the aims and spirit of this legislation.


Development of a new national learning framework should include exploration of the reasons for carers reporting that the 2017 Standard for Foster Care has not been fully implemented in their area. These barriers must be understood so that a future new national learning framework can plan to avoid these same pitfalls.

## **14. What more can the Scottish Government do to nationally support the learning and development of foster carers?**

The Scottish Government could consider how the learning and development of foster carers themselves will extend to the families and communities of foster carers, to ensure that children in foster care are welcomed by the whole community a foster carer lives in. Our aforementioned 'Care Aware' training extends to communities, and we would be happy to offer this kind of learning and development to enhance foster care.

## **15. What, if any, specific support might be needed to ensure that foster care in Scotland is attuned to the unique and specific needs of infants and very young children?**

Our answers to questions 5 and 12 outline the important of sufficient provision of independent advocacy for children and young people in care. For very young children, access to advocacy workers trained to deliver non instructed advocacy is essential. This requires the professionals around the child to know and understand the role and value of non-instructed advocacy. Our non-instructed advocacy workers often find that their role is misunderstood, which can create situations where our staff have been



refused to attend meetings or speak on the child's behalf. We therefore call for training on independent advocacy and non-instructed advocacy to be rolled out to professionals around the child.

**16. What, if any, additional learning and development would be needed for the 'flexible fostering' approach?**

Please refer to our answer to question 3.

## Retention of foster carers – financial support

### 17. Do you think there should be a national approach for Continuing Care allowances and fees?

Yes, we would be supportive of this. This should be set at a level that resolves the following current issues with continuing care, highlighted in CELCIS research 'Continuing Care: An exploration of implementation', published March 2022:

#### **Financial contributions required of young people to continuing care fees:**

Some young people have been told that they will be required to financially contribute to their carer's fees if they begin working or move out during term times for study. This is despite a policy note being issued regarding the interaction of the Care Experienced Bursary with the financial support for care experienced people provided by local authorities across a range of settings, including Continuing Care and Aftercare, to all local authorities in 2019 from the then Depute First Minister John Swinney. The policy notes states:

*"The CEB is based on the Review's calculations of the Living Wage, and it is important to note that the policy intention of the CEB is not only to provide enhanced living cost support, adding value to the existing support provided by local authorities, but also to act as an incentive to enter FE and HE for people with experience of care.*

*The result of any reduction in discretionary financial support received by care-experienced students from local authorities could mean they do not have an adequate package of support to meet their particular needs and could be more likely to leave education. As Corporate Parents, the Scottish Government, FE and HE institutions and local authorities have a responsibility to help care-experienced students benefit from the opportunities, services and support available."*

National guidelines to continuing care allowances and fees must prohibit financial contributions being required from the young person in the placement.

#### **Carers being unwilling to receive less pay for a continuing care placement:**

CELCIS, p28, say "Carers and foster carer social workers explained that carers could feel concerned or stressed in response to a reduction in finances received to continuing care for young people, despite the continued emotional support and home environment provided." Who Cares? Scotland advocacy workers have seen cases of young people being unable to exercise their right to continuing care because their

foster carer was not willing to move to a continuing care placement which they would receive less funding for.

This is a significant barrier to young people being able to enjoy their right to continuing care. Assessment of the prevalence of this issue and routes to address it is required. This could potentially be achieved by requiring foster carers to agree to continuing care placements in order to be approved, or by matching the level of fees and allowance for foster care nationally.

### **Local authorities being unable to afford continuing care:**

CELCIS also discuss the stretched local authority budgets being often unable to afford continuing care fees.

“There was a recognition from several interviewees that the budget for continuing care was inadequate to meet demand, with deficits pre-dating continuing care, budgets not increasing with inflation, the end of additional implementation funding, and an increase in the number of young people accessing continuing care without corresponding budgets. Participants indicated that local authorities made efforts to budget for continuing care, yet budgets were not able to be rapidly adjusted... One local authority intentionally slowed implementation to ensure appropriate resourcing.”

Who Cares? Scotland knows that many Care Experienced young people eligible for continuing care are not informed about this option by their social workers, which may be due to the pressures on budgets to be able to practically offer this. A national approach to funding local authorities for this service would hopefully resolve issues preventing continuing care from being able to be promoted as an option to many young people.

The CELCIS research is available here:  
[https://www.celcis.org/application/files/5816/4751/7713/continuing\\_care\\_an\\_exploration\\_of\\_implementation.pdf](https://www.celcis.org/application/files/5816/4751/7713/continuing_care_an_exploration_of_implementation.pdf).

## Retention of foster carers – day to day decisions

### 18. Is the existing framework under which foster carers can make decisions clear?

We consulted a group of independent advocacy workers on questions 27 and 28, and welcome clearer guidance, enhanced training on the guidance, and confidence from social work teams to go against a parent's views in circumstances where they are abusing their parental rights and it is in the child's best interests, under the UNCRC (Incorporation) (Scotland) Act 2024.

We have outlined some of the points raised by our advocacy workers to illustrate the different difficulties with day to day decisions and the complexity of this issue for many young people:

#### **Clarity of the guidance:**

There were mixed responses regarding whether or not the framework is clear, as local iterations of this differ. There was consensus that more education on the framework is needed for both foster carers and social workers to enable them to feel empowered to take decisions, particularly when they are disagreeing with the wishes of a parent. The guidance may be clear but it is not well known and confidently utilised. It was felt that this could be a very grey area, dependent on parental rights and individual cases and therefore makes the framework difficult to confidently apply to individuals in some circumstances. We call for more transparency from councils on their policies.

*“[Name] shared that they would like to be able to have a sleepover at their friends house or viceversa, have a friend stay over at [their house]. [They] said that he had mentioned it to his foster carer but that it hadn't so far happened.”*

*– entry to advocacy database, 2024.*

There was agreement in the group that the understanding of the guidance and confidence to use it needs to be improved, across foster carers and social workers.

#### **Impact of decisions being delayed:**

Advocates described the impact of the stress a parent refusing to engage to grant consent for things like sleepovers and school trips had on young people, as well as causing their social network to suffer and becoming excluded and avoided by friends because of the difficulties in inviting them to gatherings and activities. In one case, the advocacy worker reported that the stress of this and the impact it had on the young person had caused the placement to break down.

Issues with parents withholding consent for control over a young person, ignoring requests for consent, giving and then removing consent, and giving consent and then denying this were discussed. It was felt that these types of barriers were deeply unfair on the young person and should be recognised as an abuse of parental rights.

### **Other solutions to improve the ease of day to day decisions being made:**

Advocates reported that sometimes social workers who have a good relationship with a birth family have informal agreements in place which allow the foster carer to consent for many more everyday decisions. A few also mentioned the benefits of having these conversations in the room at panel meetings when the parent is in attendance, to reduce the delay of parents not replying to requests for consents.

Advocates shared that permanence orders can significantly improve this however this process and make it much easier for foster carers to consent for a child, however this can take many months or years to complete. One worker shared an example of a foster carer and young people who have been pursuing permanence for over a year now because the father of the young people is refusing to give permission for them to get passports and go on holiday. Another advocacy worker shared that they have seen Chief Social Work Officers in numerous local authorities overrule a parent's decision to forbid their child from applying for a passport. This highlighted that there are options available, however, these are not often well known about.

### **Workforce confidence to take decisions which conflict with parents' views:**

Additionally, advocates shared wishes for social workers to appeal more to the Chief Social Work Officer for discretion, and to be more confident to sign off on decisions which disagree with parents. It was felt that increasingly, social workers are reluctant to go against parents' wishes for fear of complaints being raised, and were referring more frequently to local authorities' own legal teams to make decisions, which causes increased delays for the child. It was also shared that generally, the legal teams decide not to allow the decision against the parent, which is arguably not always in the best interests of the child and perhaps showing a lack of understanding and application of Article 12 UNCRC. Advocates agreed that this was particularly true for health related issues, and for cases where the parents are uncooperative.

*“One young person I work with had wanted to get the flu vaccine in school but their parents wouldn't consent. All the professionals involved in the case were content for the young person to be vaccinated, however social work said no as the young person's parents were known for challenging decisions and lodging complaints and viewed as difficult.”*

– Case study from an advocacy worker, 2025.

### **Social work crisis:**

Finally, it was noted that the current social work retention crisis is also exacerbating delays, as many social workers are under such pressure with caseloads that they necessarily prioritise child protection issues and this causes delay for responding to requests for support around consent.

### **19. Would further guidance, for example good practice, be helpful to support decision making for foster carers (sometimes called delegated decision making) be helpful?**

Yes, however, foster carers and social workers need to feel confident and empowered to make decisions, particularly those which go against a parent's wishes. New guidance alone will not resolve these issues. Please refer to our answer to question 18.



## Retention of foster carers – a national register

### 20. What are your views on a national register for foster carers in Scotland?

We support this proposal due to the increased safeguarding and public protection measures it would bring. The Scottish Child Abuse Inquiry has an extensive record online evidencing that children have been continuing to experience abuse in foster care as recently as 2014. More robust measures to identify concerns with potential foster carers are required. We would like the register to also record complaints made about a foster carer by a child, young person or other relevant person to help identify concerning patterns in behaviour.

We are also supportive of the register for the potential to make better matches between children and foster carers, providing that in line with The Promise, children do not become matched too far away from where they currently go to school and have established social networks and relationships with family members.


### 21. What are your views on the potential to linking continuous professional development to a register?

We support this proposal as it would potentially flag a concern if a foster carer never engaged in continuous professional development. Even the most experienced of foster carers will have a need to engage in learning to keep up with the latest changes in relevant policy, legislation, opportunities and best practice to support and care for a child with trauma and their particular needs, such as additional support needs, educational difficulties, involvement with the justice system, or being an unaccompanied asylum seeking young person, for example.

### 22. What are your views on a national approach to foster care placement matching?

Guidelines would need to be developed to ensure this works in the child's best interests and has the child's views at the centre of this decision, and to end the negative ramifications for a 'care leaver' who has been moved out with their home authority. Ending the practice of moving a child far away from where their social and familial relationships are and disrupting their education is a key aim of the Promise and there is a risk that a national approach to placement matching may increase the likelihood of children being matched with carers from a different area of the country.

In some cases, a foster carer in a different local authority may be a good decision for a child, either because of the child's particular needs and the carer's particular skills, because the local authority is very close to their home authority, or because the child



would feel safer with a fresh start in a new local authority. Inconsistencies between councils and consequences for the young person when trying to access local after care support, or care leaver housing points from their current local authority are resolved.

## Retention of foster carers – allegations

### 23. Should the Scottish Government update its guidance on managing allegations against foster carers? If yes, please explain what you'd like to see updated or added.

Yes. We would like to see the guidance updated to recommend that all children who have made an allegation are offered independent advocacy.

The guidance currently includes considering independent advocacy and support for the foster carer in the list of immediate actions to be considered, but advocacy for the child is not mentioned until much later in the guidance and is only recommended in some circumstances:

“Children and young people should, as far as possible, be given an opportunity to express their views if moving placement is being considered. Their views should be taken into account, giving due consideration to the child or young person’s age, maturity and understanding. In some circumstances it may be appropriate to offer children and young people the support of an independent advocate or children’s rights worker to help them effectively present their views. This could be a worker from Who Cares? Scotland, an Independent Reviewing Officer who knows the child, or a children’s rights worker. These views should be noted and recorded on the Child’s Plan.”

While an independent reviewing officer is independent of the complaint, they are unlikely to have the time or remit to offer high quality relationship-based practice to the child and support them throughout their complaint and wider issues. A children’s rights worker may be able to offer this level of relationship-based support, but is not independent of the local authority likely involved in the complaint. Therefore, we highlight independent and relationship based professional advocacy as the best form of support for a child who has made an allegation. This independent advocacy should be offered regardless of whether a placement move is being considered or not.

In line with the UNCRC (Incorporation) (Scotland) Act 2024, children must have access to child friendly complaints mechanisms and access to justice. Given the difficulties in raising a complaint against an adult as a child, navigating a complaints process, living with the person the complaint or allegation is about and possibly not being listened to by other professionals, there is little doubt that for most children an independent advocacy worker who can listen to their views and speak on their behalf would be beneficial. Numerous councils and individuals have highlighted independent advocacy as a protective factor against abuse in the Scottish Child Abuse Inquiry. Independent advocacy should be explained and offered to every child who makes a complaint or allegation about a professional involved in their care, and particularly one who they may have to continue living with.

## Wider issues

### 24. Is there anything not covered in the consultation which impacts on fostering that you would like to tell us about, or take action on? E.g. housing, poverty etc.

#### **Lifelong relationships:**

The Promise, amongst numerous other sources, recognises the importance of loving and lifelong relationships for Care Experienced people. Who Cares? Scotland's lifelong rights campaign highlights the impact care can have on a person beyond the current arbitrary age caps for support of 16 and 26. We call for lifelong support to be available on an as needed basis to Care Experienced people, alongside recognition in policy of Care Experienced people as a distinct group of rights holders and access to independent advocacy at any age. Read our [lifelong rights report](https://www.whocaresscotland.org/wp-content/uploads/2023/10/LRC-Report.pdf) here: <https://www.whocaresscotland.org/wp-content/uploads/2023/10/LRC-Report.pdf>.


We would like to see a culture in foster care that normalises and encourages these types of lifelong relationships between foster carers and their young people. As set out in our answer to question 10, we welcome a recruitment campaign that attracts people who envision a lifelong relationship with the child they care for, where this is wanted by the child, and invites the child to be a true part of their family.

#### **Keeping brothers and sisters together:**

Despite new rights in the Children (Scotland) Act 2020 for brothers and sisters to stay together wherever possible, siblings remain one of the most common issues Care Experienced people request advocacy from Who Cares? Scotland for support with.

The Looked After Children (Scotland) Regulations 2009, as amended by the Looked After Children (Scotland) Amendment Regulations 2021 says that where the local authority is considering placing a child with a kinship carer, a foster carer, or in a residential placement, and any brothers or sisters of the child are also looked after or about to be looked after, the local authority must, where appropriate, place the sisters and/or brothers together (with the same carer or in the same residential placement) or in homes near to one another, however implementing this is currently severely hindered by a number of factors.

The Staying Together and Connected National Implementation Group's report recommended that work by the Scottish Government to consider the future of foster care and adoption, including any recommendations such as recruitment of foster carers; and national attention being given to the recruitment, retention and training and development of the social work workforce in order to increase the number of placements for brothers and sisters to live together.



The report also highlighted that a lack of suitable affordable housing for foster carers was a significant limiting factor in being able to care for multiple children from the same family. The STAC National Practice Guidance asserts that housing should never be a reason brothers and sisters cannot stay together and recommends that early communication between social work and housing takes place to find creative solutions.

### **Support for kinship carers:**

This consultation focuses on foster care and the support, recognition and financial remuneration foster carers deserve in exchange for providing a safe and loving home for a child in care.

One of the four key pillars of the Promise is to Keep Families Together. Thousands of children live with relatives in kinship care where loving relationships exist and are able to stay within their wider family and their local community. This is in line with the Promise and saves the council a huge amount financially given the costs of residential or foster placements they would otherwise need to arrange for these children. Scotland has a strong commitment to end child poverty and closing the attainment gap however many of initiatives to achieve this are promoted to parents. Financial support to all kinship carers is an essential step to ensure children in care do not grow up in poverty, their placement is more likely to be sustainable long term, and that they have the best chance to achieve equal outcomes to their peers.

Regardless of the incredible work kinship carers do for Scotland's children, they do not receive nearly as much recognition, support and financial support as foster carers. Given that many kinship carers are grandparents who are possibly past retirement age, it is not uncommon for kinship families to discuss the financial pressures of raising a child they had not expected to have and the struggles they have faced to get support for their child, particularly if the arrangement has not been formalised by social work.

Who Cares? Scotland are hopeful that a future definition of care experience is inclusive recognises formal and informal kinship care, and that the future support established for foster carers can also be extended to kinship carers.