

Briefing: Amendments on a national register of foster carers for stage two of the Children (Care, Care Experience and Services Planning) (Scotland) Bill

4th February 2026

This briefing sets out our support for several amendments to the Children's Bill on a national register of foster carers, tabled by Martin Whitfield MSP. The Fostering Network welcomes the Bill provisions to create a national register. We believe the register could strengthen safeguarding of children, improve the professional recognition of foster carers, enable foster carers to transfer services more easily, and facilitate better informed local matching of children and foster carers. However, to maximise the benefits of a register and ensure it is proportionate, we urge the Education, Children and Young People Committee to support the following amendments.

Establishing a Foster Carers Council to oversee the register

Much of the support we have seen for a register – in our 2024 [State of the Nations' Foster Care survey](#) (SotN), engagement sessions with foster carers on the future of foster care consultation, and conversations with our Foster Carer Advisory Board – is based on the idea of moving responsibility for allegations investigations away from fostering services and to a separate, impartial body. While all allegations against foster carers must be properly investigated to safeguard children, the current process can be highly distressing for carers and children alike, and affects carer retention. In responses to the 2024 SotN survey, foster carers in Scotland who had experienced one or more allegations in the previous 24 months were twice as likely to be considering resigning from fostering (26%) than those who had not experienced an allegation in this time (13%). Comments show that the negative impact of allegations is often due to perceptions of unfairness in the system and a lack of support throughout the process. Less than half (48%) of foster carers in Scotland said they received independent support for their most recent allegation and only one in five (25%) said they received specialist counselling support.

"Current system needs scrapped. Foster carers registration should not be held by [fostering services]. Foster carers need an independent licensing body which is responsible for allegation investigation and fitness to practice processes." – foster carer, 2024 SotN survey

Moving responsibility for allegations investigations to an independent body could increase trust in the system, drive up standards and ensure allegations are dealt with consistently and fairly. While provisions for a register in the Bill currently do not include a fitness to practice function or investigatory powers, we believe this should be a medium-term goal for the register.

This change should also be accompanied by new statutory guidance on allegations to replace the existing guidance from 2013. The new guidance must include a requirement on fostering services to provide foster carers with independent support and counselling where needed.

To deliver these changes, amendment 176 would establish a Foster Carers Council to oversee the register and give it responsibility for producing guidance on allegations against foster carers.

Martin Whitfield

176 In section 10, page 12, line 40, at end insert—

<30DA Scottish Foster Carers Council

- (1) The Scottish Foster Carers Council is established.
- (2) The functions of the Council are—
 - (a) to oversee the implementation of the register of foster carers,
 - (b) to ensure the register is kept up to date,
 - (c) to produce, jointly with the Scottish Ministers, guidance for foster carers on the handling of allegations against them,
 - (d) such other functions as the Scottish Ministers may authorise the Council to perform.
- (3) The persons constituting the Scottish Foster Carers Council must have experience—
 - (a) as a foster carer,
 - (b) as a kinship carer,
 - (c) working in a fostering service, or
 - (d) such other experience as the Scottish Ministers consider to be relevant.
- (4) The Scottish Ministers may, by regulations, make further provision about the Scottish Foster Carers Council.>

Enabling foster carers to access their own details in the register

The Bill provisions do not currently specify whether foster carers would have access to their data in the register. We believe it is important that this is explicitly stated as foster carers should be able to view the information that is held about them in the register. Providing all foster carers with an account to enable them to access their details themselves would also avoid the financial and resource costs of responding to Subject Access Requests.

"I think that foster carers themselves should have access if they are included on it." – foster carer, 2023 survey on a register in Scotland

As well as being able to access their data, we believe foster carers should be able to edit some of their data in the register. The Bill provisions currently make fostering services responsible for adding information about foster carers to the register. While this is appropriate in most cases – as information could be added or amended in line with a foster carer's annual review – there are some cases in which it would be useful for foster carers to be able to

update their own details. For example, it should be possible for a foster carer to provide optional demographic information about themselves, or to add details of training they have completed, which could be used to provide more tailored matching suggestions for services.

While flexibility is required at this stage to allow the register to be fully co-produced, amendment 173 would encourage Ministers to consider foster carers' ownership of their personal data.

Amendment text

Martin Whitfield

173 In section 10, page 11, line 17, at end insert—

<() as to how a person to whom information in the register relates is able to—
(i) access the personal data being held,
(ii) request correction of any information,>

Circumstances in which information about individuals considered but not approved as foster carers can be included in the register

Discussions with our members have revealed concern that adding people's information to the register as soon as they apply to foster could put people off from applying. We are also concerned that including information about individuals who have applied to foster but not ultimately been approved could risk 'blacklisting' these individuals, when in many cases they may have not been approved for entirely innocuous reasons. For example, they may have realised their home was not suitable, or their work, relationship or other circumstances may have changed.

Amendment 172 would mean services are only authorised to include information about individuals considered but not approved as foster carers in the register if the decision not to approve them was based on concerns about their suitability to work with children. This would ensure that data is not captured unnecessarily on people, except in circumstances where safeguarding concerns require their details to be held in the register.

Amendment text

Martin Whitfield

172 In section 10, page 10, line 35, after <approved> insert <, but only if the decision not to approve the person was based on concerns about the person's suitability to work with children>

Summary

Provisions to create a national register of foster carers in the Children's Bill are a welcome step towards improving the fostering system for children, young people and foster carers. However, several key aspects are missing from these provisions. We therefore urge MSPs to support Martin Whitfield MSP's amendments on the independence of the register, foster carers' access to their data in the register, and circumstances in which information about people considered but not approved as foster carers can be included in the register.

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