



Briefing: Amendments on foster carer finances for stage three of the Children (Care, Care Experience and Services Planning) (Scotland) Bill

18th March 2026



This briefing sets out our support for amendments to the Children's Bill on foster carer finances, tabled by Martin Whitfield MSP.

Foster carers and eligible kinship carers in Scotland receive a financial allowance which is intended to cover the costs of looking after a child in care. Most foster carers also receive a fee in recognition of their time and experience. But these payments are often inadequate, meaning children's needs are not being met and fostering is becoming increasingly unaffordable.

We urge MSPs to support Martin Whitfield's amendments on allowances, fees, financial transparency and monitoring. We believe these amendments are crucial to ensure foster carers are adequately financially supported to provide the best possible care for the children they look after, and to tackle the ongoing retention and recruitment crisis in foster care.

Need for the amendments

Section 110 of the Adoption and Children (Scotland) Act 2007 gives Scottish Ministers powers to make regulations setting out foster care payments and requiring or recommending that local authorities pay these. We welcomed the Children's Minister's amendments at stage two of the Children (Care, Care Experience and Services Planning) (Scotland) Bill 2025 which specify powers to set out allowance and other payment rates in regulations; place an annual inflationary uprating duty on any allowance rates set out in regulations; and require local authorities to publish the rates of allowances and any other payments they make to foster carers.

However, the provisions do not enable Ministers to require or recommend that local authorities pay the other rates, such as foster carer fee rates, that may be set out in regulations. This power will be crucial if these regulations ever intend to address the inconsistency and inadequacy of foster carer fees across Scotland. Our [fees report](#) shows that, according to freedom of information requests sent in May 2023, only six local authorities in Scotland (19%) provided a fee that was above the National Living Wage for a notional 40-hour week. Echoing this, only 21% of foster carers in Scotland who responded to the 2024 [State of the Nations' Foster Care survey](#) said their fee is sufficient to cover their essential living costs, for example their bills, rent or mortgage, and food. Furthermore, the fees report shows that the levels of fees provided by different local authorities in Scotland varied by more than £34,000 per year. This Bill must give Ministers the powers to address this – as supported by 82% of respondents to the Scottish Government's [consultation on the future of foster care](#) – rather than further engraining a lack of national direction on fees.

The provisions also do not enable Ministers to place duties on independent fostering services, only on local authorities. The recent [review](#) of the implementation of the Scottish Recommended Allowance (SRA) found that not all independent fostering agencies are paying the SRA, so any future duties around allowances and other payments must not omit independent agencies.

Additionally, the power to require local authorities to publish their payment rates does not specify that these should be provided separately for allowances and any other payments such as fees. Members of our Foster Carers' Advisory Board shared concerns about this as fostering services often publish combined fee and allowance rates, which does not provide adequate transparency about the payments foster carers can expect to receive to cover their own living costs.

Finally, the uprating duty on allowances will only apply once Ministers use their powers to set out allowance rates in regulations, which they are not currently required to do. The SRA review found universal support for annual uprating of allowances so it is essential that no doubts remain about whether this will be enacted, especially as Scotland prepares for a new Children's Minister.

Requirement on Ministers to use regulation-making powers on finances

Purpose of the amendment

This amendment requires Ministers to use their powers to make regulations setting out allowance and other payment rates for foster carers. It aims to create national consistency in foster carer fees – as exists for allowances through the Scottish Recommended Allowance – and bring the uprating duty on allowances into effect.

Text of the amendment

145 In section 10H, page 20, line 5, at end insert—
<() for “may” substitute “must”,>

Parity between local authority and independent fostering services

Purpose of the amendment

This amendment ensures the provisions in section 110 of the Adoption and Children (Scotland) Act 2007 apply to both local authority and independent fostering services. It aims to create parity between the requirements Ministers may place on them to pay set allowance or fee rates or publish the rates they pay their foster carers.

Text of the amendment

147 In section 10H, page 20, line 11, after <authorities> insert <and fostering services>

Distinction between allowances and fees

Purpose of the amendment

This amendment ensures any requirement Ministers may place on services to publish their payment rates must be a requirement to publish separate allowance and fee rates. This will enable carers and prospective carers to accurately budget and ensure payments made by different services can be compared.

Text of the amendment

148 In section 10H, page 20, line 11, after <them,> insert <broken down into allowances, fees and any other payments,>

Monitoring of allowances and fees

Purpose of the amendments

These amendments would require the Care Inspectorate to monitor and report on the allowances and other payments provided by fostering services to foster carers. They aim to increase accountability around payments to foster carers.

Text of the amendments

149 In section 10H, page 20, line 12, at end insert—

<() after subsection (3) insert—

“(3A) Regulations under subsection (1) must make provision for Social Care and Social Work Improvement Scotland to monitor and report on the payments made.”,>

152 After section 10I, insert—

<**Foster care: inspections and fees**

The Scottish Ministers must take such steps as it considers necessary, including by making regulations, to ensure that inspections by Social Care and Social Work Improvement Scotland of providers of foster care include gathering information on the fees and other payments made to foster carers.>

Inflationary uprating duty on other fostering payments

Purpose of amendment

The purpose of this amendment is to ensure any payments to foster carers that may be set out in future regulations, such as fees, increase annually in line with inflation. This means the annual inflationary uprating duty which currently applies to allowances would also apply to any other payments to foster carers that may be set out in regulations.

Text of amendment

151 In section 10I, page 20, line 26, after <1(a)> insert <or (b)>

Summary

The Independent Care Review's [The Promise](#) report (p.77) states that “To provide the care that children require, foster carers must be sufficiently financially maintained.” For too long the Scottish Government and fostering services have relied on foster carers' goodwill to make up the shortfall in allowances and fees provided. But since the cost of living crisis began, this has become increasingly unmanageable for foster carers, and many cannot reach any further into their own pockets. We therefore urge MSPs to support Martin Whitfield's amendments on foster

carer finances at stage three to ensure fostering is financially viable and children receive the level of care they deserve.

For more information on the contents of this briefing, please contact Natalie Williams, Head of Policy and Campaigns at The Fostering Network, at Natalie.Williams@fostering.net.