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Foster Carers' Fight for Employment Rights Heads to UK Supreme Court

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The UK Supreme Court is set to hear a landmark case this week that could reshape the legal status of foster carers and their right to employment protections. The case, brought by the Independent Workers Union of Great Britain (IWGB), challenges current rules that classify foster carers as self-employed and therefore ineligible for basic employment rights such as sick pay, holiday leave, and protection from unfair

dismissal. A victory could extend core legal protections to tens of thousands of foster carers across the country.

At the heart of the case is James and Christine Johnstone, a couple who have fostered children for decades under Glasgow City Council. They argue that the nature of their work, which involves 24/7 care, close supervision from local authorities, and strict contractual obligations, more closely resembles employment than freelance service. The Johnstones have said that despite their dedication, they lack even the most basic rights enjoyed by employees or workers under UK labour law.

The case is the culmination of a long-running legal campaign led by the IWGB, which has previously taken on employers over gig economy working conditions. The union contends that foster carers are being unfairly excluded from the protection of employment law despite the intense demands and responsibilities placed upon them. In lower courts, the Johnstones' case was dismissed, with judges siding with Glasgow City Council's view that foster carers are not workers but participants in a statutory scheme.

However, campaigners argue that this outdated legal interpretation fails to reflect the modern reality of fostering, where carers are held to rigorous standards, monitored closely, and face severe consequences if they fall short. They also highlight the emotional and financial pressures carers face, many of whom give up other work to provide full-time support to vulnerable children.

The outcome of the case could have far-reaching implications. Should the Supreme Court rule in favour of the Johnstones and the IWGB, it would mark the first time foster carers in the UK are recognised as

workers entitled to employment protections. Local authorities and fostering agencies warn that such a ruling could complicate the existing framework and increase operational costs.

Nonetheless, supporters see the case as a long-overdue correction to a system that relies heavily on carers but offers them little formal recognition or security. A decision is expected later this year and could set a precedent with wide-ranging effects on the rights of carers and the responsibilities of local authorities.