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Foster Carers Take UK Supreme Court Battle Over Workers' Rights

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A group of foster carers has escalated their fight for full employment rights to the UK Supreme Court, challenging the widespread belief that they lack legal protections such as sick pay, holiday leave, whistleblowing safeguards and discrimination redress. This landmark case centres on the claim that foster carers' essential work is being

undervalued by treating them as “self-employed” while subjecting them to the demands and risks of employee-like roles.

Foster carers report working around the clock, managing challenging family dynamics, crisis interventions, travel expenses, and complex record-keeping—all without access to basic workplace rights. One carer, who has provided care for over a decade, calculated her effective hourly wage at just 80 pence, describing the system as one that “exploits” those caring for society’s most vulnerable children. Many carers rely on Universal Credit to make ends meet, a situation campaigners argue is unsustainable and morally indefensible.

A tribunal decision in January recognised that three carers should be allowed to bring discrimination and whistleblowing claims, prompting this appeal to the Supreme Court. The ruling was hailed as a victory by Robin Findlay, leader of the National Union of Professional Foster Carers (NUPFC). He argued that treating carers as self-employed contractors enables councils and private agencies to shift risk and responsibility while denying proper support and security.

The legal challenge arrives at a time when fostering is in crisis, with carer numbers at a decade-low. Prior rulings, such as the “W v Essex” case, have excluded carers from employment law entitlements. Carers say they face threats of having placements withdrawn if they question authorities or request extra resources. One recounted being labelled a “troublemaker” simply for advocating for extra shoes for a foster child.

In response, some campaigners are calling for statutory protections, a “bill of rights”, coupled with independent regulation to safeguard carers from exploitation. Proposed reforms include reframing career pay

structures, guaranteeing sick and holiday leave, enabling whistleblowing without fear, and introducing national registration standards.

Government departments and local councils have yet to signal how they will respond should the Supreme Court rule in favour of rights claims. Foster carers and their supporters hope a positive ruling will stem the departure of dedicated carers and attract new ones, thereby safeguarding Britain's capacity to support children in need.