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Case No: CA-2026-000045

CA-2026-000050

IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE FAMILY COURT AT PORTSMOUTH

HH Judge Magee

PO25C50197

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 16 July 2026

Before :

LORD JUSTICE BAKER

LADY JUSTICE FALK

and

LORD JUSTICE MILES

T and F (PLACEMENT ORDERS: CHILD'S PERMANENCE REPORTS)

Sarah Phillimore (instructed by **Alletsons**) for the **First Appellant**

Anthony Hand (instructed by **Local Authority Solicitor**) for the **First Respondent**

Corinne Iten (instructed by **Dutton Gregory**) for the **Second and Third Respondents by**
their children's guardian

The Second Appellant was not present nor represented.

Hearing date: 2 July 2026

Approved Judgment

This judgment was handed down remotely at 2:00pm on 16 July 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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LORD JUSTICE BAKER:

1. These linked appeals raise a short procedural point about applications for orders authorising the placement of a child for adoption under section 21 of the Adoption and Children Act 2002 (“the 2002 Act”).
2. The parents of two children, a boy, who I shall call T, now aged rising 4, and a girl, F, now just 2, appeal against care and placement orders made at the conclusion of care proceedings concerning the children.
3. At the end of the appeal hearing, we informed the parties that the appeal would be dismissed for reasons to be given at a later date. This judgment sets out my reasons for joining in that decision.
4. The procedural point under consideration is the use of what are known as child’s permanence reports in adoption proceedings.
5. As stated in the Explanatory Memorandum, the Adoption Agencies Regulations 2005 (“the 2005 Regulations”) govern how adoption agencies (local authorities and registered adoption societies) exercise their functions in relation to adoption under the 2002 Act. Part 3 of the 2005 Regulations is headed “Duties of adoption agencies where the agency is considering adoption for a child”. Regulation 17 is headed “Requirement to prepare child’s permanence report”. Regulation 17(1) provides:

“The adoption agency must prepare a written report (“the child’s permanence report”) which shall include—

- (a) the information about the child and his family as specified in Parts 1 and 3 of Schedule 1;
- (b) a summary, written by the agency’s medical adviser, of the state of the child’s health, his health history and any need for health care which might arise in the future;
- (c) the wishes and feelings of the child regarding the matters set out in regulation 13(1)(c);
- (d) the wishes and feelings of the child’s parent or guardian, and where regulation 14(4)(a) applies, his father, and any other person the agency considers relevant, regarding the matters set out in regulation 14(1)(c);
- (e) the views of the agency about the child’s need for contact with his parent or guardian or other relative or with any other person the agency considers relevant and the arrangements the agency proposes to make for allowing any person contact with the child;
- (f) an assessment of the child’s emotional and behavioural development and any related needs;

- (g) an assessment of the parenting capacity of the child's parent or guardian and, where regulation 14(4)(a) applies, his father;
 - (h) a chronology of the decisions and actions taken by the agency with respect to the child;
 - (i) an analysis of the options for the future care of the child which have been considered by the agency and why placement for adoption is considered the preferred option; and
 - (j) any other information which the agency considers relevant."
- 6. Regulation 14(1)(c) (referred to in regulation 17(1)(d)) requires the agency, so far as reasonably practicable, to:
 - "ascertain the wishes and feelings of the parent or guardian of the child, and of any other person the agency considers relevant, regarding —
 - (i) the child;
 - (ii) the placement of the child for adoption and his adoption, including any wishes and feelings about the child's religious and cultural upbringing; and
 - (iii) contact with the child if the child is authorised to be placed for adoption or the child is adopted."
- 7. Under regulation 17(2C) and (2D), the adoption agency must send the report to its adoption panel which, under regulation 18(1), must consider the case and make a recommendation to the agency as to whether the child should be placed for adoption. The adoption agency then makes a decision about whether the child should be placed for adoption and in doing so must, under regulation 19(1), take into account the recommendation of the adoption panel.
- 8. The relevant factual background can be summarised briefly. Prior to the start of the proceedings, T and F were living in the care of their mother, together with their half-brother, B, who is the mother's child by a different father. On 23 May 2025, the local authority filed an application for care orders in respect of all three children. The basis on which the local authority asserted that the threshold criteria for making care orders under s.31 of the Children Act 1989 were satisfied was that the children were suffering, and likely to suffer, significant harm in their parents' care as a result of being exposed to violence and other forms of domestic abuse inflicted by T and F's father upon their mother, substance misuse by both parents, and, in the mother's case, significant mental health problems.
- 9. At the outset of the proceedings, B was placed with his father in whose care he has remained ever since. Interim care orders were made in respect of T and F, initially on the basis that the children remained in their mother's care living in a refuge. In August

2025, however, they were removed and placed in foster care after the mother's mental health deteriorated and she disclosed that, contrary to an agreement with the local authority, she had been using cocaine and drinking alcohol.

10. At an early case management hearing on 13 June 2025, the court made detailed directions within the care proceedings, including for the completion by the local authority of parenting assessments of both parents and of B's father, and alternative carer assessments of various friends and members of the extended family. An issues resolution hearing ("IRH") was listed on 3 October 2025, and directions given for the filing of statements. The court also ordered the local authority to take all steps to enable a decision by the adoption agency decision maker ("ADM") regarding placement for adoption "and to ensure the ADM decision regarding any placement application is made by no later than 4.00 pm on 19 September 2025". The court also made extensive directions contingent on that decision being made, including a direction that the local authority file placement order applications by that date. As described below, those directions were subsequently superseded so need not be recited in further detail, save that they included a direction that the local authority "shall serve the child's permanence report and the ADM's record of decision on the parties, but those documents shall not be included in the court bundle unless requested by any party by no later than the Issues Resolution Hearing".
11. The parenting assessments of T and F's parents each concluded that neither parent was able to meet the children's needs. The assessments of members of the extended family and other friends as alternative carers for the children also reached negative conclusions. For various reasons, however, there was a delay in completing these various assessments. As a result, at a further case management hearing on 29 September 2025, the IRH was adjourned to 7 November 2025. The date by which the local authority was directed to secure the ADM's decision was extended to 27 October and the directions contingent on that decision were also varied, including the date for service of the child's permanence reports.
12. At a further case management hearing on 24 October 2025, the IRH was adjourned for a further week to 14 November. The directions relating to the anticipated applications for placement orders were amended again so that they read as follows:
 - "19. The local authority shall ensure that the ADM decision regarding any placement application is made by 7 November 2025.
 20. The local authority shall issue any application for a placement order not later than 4.00pm on 7 November 2025.
 21. The local authority shall serve the child's permanence report and the record of the ADM decision on the parties, but those documents shall not be included in the court bundle unless requested by any party.
 22. Permission is given to serve the placement application on the solicitors for the parents if they remain on the record as acting for the parents in these care proceedings.

23. The following directions apply upon issue of the application for a placement order:

- (a) the children shall be made party to the application;
- (b) the existing children's guardian in the care proceedings shall be appointed as the children's guardian;
- (c) the evidence in the care proceedings shall be admitted in the placement proceedings and vice versa;
- (d) the parents must include their response to the placement application and the request to dispense with their consent within their final evidence in the care proceedings;
- (e) the children's guardian's final case analysis in the care proceedings must include a case analysis in respect of the placement application;
- (f) the placement order application must be listed and heard at the same time as the application for a care order;
- (g) the children shall not attend the final hearing of the application for placement orders."

13. Child's permanence reports were prepared for both children and submitted to the authority's ADM. The reports were compiled by the local authority using a standard form published by Coram BAAF. Each was a substantial document, extending to 79 and 77 pages respectively, and setting out the information required under the regulation, including full details of the child and the birth family, an extensive account of the background of each parent and their involvement with social services, and an analysis of the options for the future care of the child which had been considered by the agency and the reasons why placement for adoption was the preferred option. The standard form included an appendix, headed "Tools for gathering information", under which it was stated: "The information collected here should be incorporated into the main report" which in turn included a section headed "Child's parents' views" which stated: "Wherever possible, this record should be completed by the child's parents in their own words. It may be used as an important source of information for the agency in making its decisions and, when and where appropriate, for the child and the adoptive parents in understanding the child's background." In this case, the Appendix on each form was left blank.
14. Once the plan for adoption had been approved by the ADM, the local authority filed applications for placement orders within the care proceedings in accordance with the directions made on 24 October 2025.
15. The child's permanence reports were uploaded by the local authority onto the public law portal on which papers in care proceedings are filed and placed in a confidential file which was accessible by the court but not by the parents' representatives.

16. However, contrary to the directions made by the court on three occasions, the child's permanence reports were not served on the parents' solicitors. No further direction was made at the IRH on 14 November 2025, at which the proceedings concerning the children's half-brother B were concluded with a child arrangements order that he live with his father under a supervision order. No complaint about the failure to serve the child's permanence reports was made by the solicitors and the failure to serve them was not drawn to the judge's attention either at the IRH or at the final hearing.
17. In accordance with the court's direction, the court bundles filed for that hearing did not include a copy of the child's permanence reports, no party having requested that they be included. As usual, however, the court bundles did include social work statements which recited in detail the background, the evidence on which the local authority asserted that the threshold criteria under section 31 were met, a detailed assessment of the children's welfare needs by reference to the factors in the statutory welfare checklist, an analysis of the advantages and disadvantages of the options for their future care, and the local authority's recommendation that the court make care and placement orders. The bundle also included a report from the children's guardian which contained her own independent analysis of the children's welfare needs and a recommendation supporting the local authority's plan. Prior to preparing her report, the guardian had an opportunity to read the child's permanence reports.
18. The hearing took place over two days on 11 and 12 December 2025. Each parent was legally represented. The father opposed the local authority's applications and sought the return of the children to his care, either immediately or over a period of time. The mother chose not to challenge the evidence, although it was stated on her behalf that she opposed the plans and hoped that the court would allow her more time to demonstrate that she could make the changes needed to care for the children. Oral evidence was given by the social worker, the father and the guardian. In light of the mother's position, no party required her to give oral evidence.
19. Judgment was delivered ex tempore at the end of the second day. The judge found the threshold criteria proved on the basis claimed by the local authority and, after considering the evidence and analysing the advantages and disadvantages of the options for future care, concluded that "adoption is a necessary and proportionate interference in this family's Article 8 rights. In short, that nothing else will do to secure the safety and wellbeing of these children and give them the security and stability they need." She therefore made care orders in respect of each child, approved the local authority's plans and, after concluding that their welfare required that her to dispense with the parents' consent, made the placement orders.
20. On 28 January 2026, the mother filed a notice of appeal against the care and placement orders. On 9 February 2026, the father filed a separate notice of appeal against the orders. Both appeal notices were filed some weeks out of time. At that stage, each parent was acting in person and the grounds of appeal were set out in a series of documents. Each contended that the judge's decision was wrong, that the hearing had not been conducted fairly, and that there were deficiencies in the evidence and in the judge's reasoning. In addition, each drew attention to the fact that the child's permanence reports had been filed with the court but not served on them or their solicitors and asserted that this amounted to a serious procedural irregularity. Copies of the two reports, which by this stage had been disclosed to the parents, were included in the papers filed with the appeal notices.

21. On 13 May 2026, I adjourned the application for permission to appeal and directed the local authority and guardian to file responses under Practice Direction 52C paragraph 19 addressing the following questions:
- (1) Were child’s permanence reports filed with the court in respect of both children before the making of the placement orders?
 - (2) If so, were those reports fully completed? In particular, did they each contain the parents’ views in the Appendix and/or elsewhere?
 - (3) If not,
 - (a) Why were the reports not fully completed?
 - (b) Was the failure to serve them a breach of the regulations?
 - (4) Were the reports served on the children’s parents and/or their solicitors before the placement orders were made?
 - (5) If not,
 - (a) Why were they not so served?
 - (b) Was the failure to serve them a breach of the regulations or otherwise unlawful?
 - (6) What are the legal consequences of any failure (a) to complete the reports fully or (b) serve the reports on the parents before the placement orders were made?
 - (7) Were the placement orders made in compliance with the provisions of statute and regulations and case law, including the decision of the Court of Appeal in *Re S-F (A Child)* [2017] EWCA Civ 964?
22. In its response filed in compliance with this direction, the local authority confirmed that the reports had been filed with the court. It acknowledged that the Appendix did not contain any text. It asserted, however, that all the relevant information provided by the parents had been incorporated into the body of the report. In those circumstances, there had been no infringement of the regulation, and the reports had been fully completed “for the purposes of enabling the judge to determine whether a care plan for adoption was the correct care plan for [the children]”. It was submitted that the failure to serve the reports on the parents was not a breach of the regulations. Whilst it was acknowledged that there had been a failure to comply with the case management directions for service, it was submitted that, as the parents’ representatives had not asked to see the reports or raised the issue with the court, the failure to serve them was “not unlawful”. In the circumstances, there was no justification for interfering with the placement orders which had been made after a two-day hearing on the basis of a “wealth of evidence”. The guardian filed a response in broadly similar terms.
23. On receipt of these responses, I granted the parents leave to appeal out of time and granted permission to appeal on one ground only, that the failure to serve the child’s permanence reports relating to the two children on the parents prior to the making of the placement order was a serious procedural irregularity. The other grounds were dismissed for reasons set out in the order. They have no relevance to the issue arising on the appeal and need not be recited here.
24. Following the grant of permission, the mother instructed new solicitors who were granted legal aid, paid the fee required under the appeal regulations and instructed counsel, Ms Sarah Phillimore, to appear at the hearing of the appeal. The father, however, did not instruct solicitors and, despite several reminders by the Civil Appeals Office, did not pay the fee or apply for help with fees available under the regulations. Shortly before the hearing, he filed a skeleton argument and asked for permission to attend the hearing remotely and to address the court. A direction was given that he would be permitted to

attend remotely and address the court in response to the mother's appeal. In the event, he did not join the hearing.

25. On behalf of the mother, Ms Phillimore drew attention to rule 14.11(2) and (3) of the Family Procedure Rules 2010:

“(2) A local authority that is directed to prepare a report on the placement of the child for adoption must file that report within the timetable directed by the court.

(3) The reports must cover the matters specified in Practice Direction 14C.”

Paragraph 1.2 of Practice Direction 14C provides that “the matters to be covered in a report on the placement of the child for adoption are set out in Annex B to this Practice Direction”. The prescribed information in Annex B is substantially the same as the information required in the child's permanence report. Ms Phillimore informed the court that the child's permanence report may serve as an Annex B report or sit alongside it. She described the two reports as “functionally the same” and observed that the 2025 restructure of the child's permanence report form by Coram BAAF combined elements of the Annex B report to avoid duplication of work for social workers.

26. In the present case, I note that the earlier case management orders made on 13 June 2025 and 29 September 2025, in addition to the direction concerning child's permanence reports, included a provision (which I have not recited above) that the local authority should file Annex B reports at the same time as filing the placement order applications. When those case management orders were superseded by the order made on 24 October 2025, however, the placement order application directions (which I have set out in full above) made no reference to Annex B reports. It can therefore be inferred that the court took the decision that the child's permanence reports would fulfil the purpose of Annex B reports, in line with the practice described to us by Ms Phillimore.
27. Ms Phillimore's central argument was that, given the significance of adoption, it is essential that the local authority provides a proper analysis of why adoption is to be preferred above any other option for permanence. The child's permanence report was the document in which this analysis was set out for the purposes of the ADM's decision. Ms Phillimore submitted that, if any party to proceedings is deprived of an opportunity to scrutinise the child's permanence report, that raises an immediate and serious concern about procedural irregularity, even if other evidence exists to support the making of a placement order as well founded. By failing to comply with the court's direction to serve the reports in this case, the local authority deprived the parents of the opportunity to scrutinise the basis on which the local authority had concluded that adoption was the best option.
28. Ms Phillimore submitted that any assertion that the court would have made the same decision in any event undermines the seriousness of the procedural irregularity. The parents and their legal representatives were deprived of the opportunity to scrutinise a very important part of the evidence that was available to the judge and which the court had ordered was to be provided to them. That the court in this case did in fact have evidence on which to make a decision, or that the parents did not object until a late stage, does not excuse the failure to comply with necessary procedures in light of their general

and wider importance. Without a clear evidential foundation subject to transparent scrutiny within the court proceedings, there is a risk of harm to both the legal and ethical foundations of placement and adoption orders.

29. These arguments were repeated in a skeleton argument submitted by the father acting in person. He argued that the local authority had an absolute statutory obligation to provide the court and all parties with the child's permanence report well ahead of a placement hearing and that proceeding without this report prevented the parents properly challenging the local authority's case, rendering the judge's final order fundamentally unfair. The failure to serve the report severely compromised their lawyers' ability to present their case at the hearing, resulting in a severe miscarriage of justice.
30. On behalf of the local authority, Mr Anthony Hand acknowledged that the failure to serve the reports was a breach of the case management order but submitted that this had no impact on the outcome of the proceedings because the parties and the court had all the relevant information in other statements filed in the proceedings. He added that it was harsh and to a degree nonsensical that an appeal arising from a failure to serve a document should succeed where the appellants' legal representatives knew that the document had not been served and had not asked to see it.
31. On behalf of the guardian, Ms Corinne Iten cited the decisions of this Court in *Re D (Children)* [2015] EWCA Civ 749 and *Re S (Vulnerable Party: Fairness of Proceedings)* [2022] EWCA Civ 8. In each case, there had been procedural irregularities (respectively, a failure to determine whether the mother had litigation capacity and a failure to comply with provisions under the rules about vulnerable witnesses). In the latter case, I said (at paragraph 42):

“It does not follow, however, that a failure to comply with these provisions, whether through oversight or inadvertence, will invariably lead to a successful appeal. The question on appeal in each case will be, first, whether there has been a serious procedural or other irregularity and, secondly, if so, whether as a result the decision was unjust.”

Applying that test to the present case, Ms Iten submitted that, notwithstanding the procedural irregularity, the parents were not in the end adversely affected. There is no reference to the child's permanence reports in the judgment and the parents had every opportunity to challenge the evidence on which the judge based her decision.

Discussion

32. As Ms Phillimore submitted, the importance of the child's permanence report has been acknowledged by this Court in *Re S-F*. In that case, this Court dismissed a local authority's appeal against a judge's refusal to make a placement order. In giving the lead judgment, Sir Ernest Ryder, Senior President of Tribunals, observed that the evidence on which the judge had been asked to make the decision in that case was “limited”, having regard to the nature of the evidence which this Court had previously highlighted as being relevant to a placement order decision and the requirement for the court's reasoning when making the decision to be related to the evidence about the child, citing *Re V (Long-term Fostering or Adoption)* [2013] EWCA Civ 913 and *Re B-S* [2013] EWCA Civ 1146. He continued:

“10. In this context, the evidential importance of what is described in the Adoption Agencies Regulations 2005 as the ‘permanence report’ is not to be underestimated In England, and by reg 17 of the 2005 Regulations, the permanence report has to contain an analysis of the options for the future care of the child and why adoption is the preferred option. By reg 12, the local authority’s adoption agency decision has to be recorded in the child’s care record.

11. The permanence report and the agency decision maker’s record of decision contain the required analysis and reasoning which is necessary to support an application for a placement order. They are disclosable documents that should be scrutinised by the children’s guardian and are susceptible of cross examination. It is good practice to file them with the court in support of a placement order application. Given their importance, I would go further and say that it is poor practice not to file them with the court because this is the documentation that records in original form the pros and cons of each of the realistic care options and the social work reasoning behind the local authority’s decision to apply for a placement order.

12. The reasoning of necessity will include a justification of the opinion that nothing other than adoption will do, it will consider the child’s need for contact, on the facts of this case it would be the source of the best interests proposition that the search should be limited to six months and any relevant information about the feasibility and availability of the placement options. It is neither second hand nor in summary form as everything else tends to be. In this case the good practice that I have identified was not followed. The judge did not have the permanence report or the agency decision maker’s record of decision. Whatever analysis of the options that the documents could have provided was missing.”

33. As Sir Ernest Ryder observed, a failure to serve a child’s permanence report is “poor practice”. In the present case, that error was compounded by the local authority’s failure to comply with a specific direction from the court, a failure which is made all the more surprising by the fact that the direction was made on no fewer than three occasions in the course of the proceedings. The equally surprising fact that the omission was not picked up by the parents’ legal representatives does not excuse or cancel out the error. On any view it was a procedural irregularity and in my view it was a serious one.
34. The crucial question, however, is whether, as a result of this irregularity, the decision to make placement orders was unjust. It is only in those circumstances that an appeal against a decision that is not otherwise wrong can be allowed: CPR rule 52.21(3).
35. If the court had based its decision to make placement orders on information that was in the child’s permanence reports that was not found elsewhere in the papers before the court to which all parties had access, I would have concluded that the decision was unjust. In this case, however, that is not what happened.

36. When questioned by the Court, Ms Phillimore was unable to point to any information in the child's permanence reports that was material to the decision to make the placement order that was not also found in the statements and other reports before the court. She drew attention to a reference in the reports to the local authority's rejection of the proposal that the children be placed with a paternal aunt. Ms Phillimore told us that after the placement orders were made the local authority had agreed to assess the aunt. But that subsequent development has no impact on the validity of the placement orders. The child's permanence reports are very lengthy documents and plainly contain more detail about some aspects of the family history, as well as a great deal of repetition. But the key information which the court had to consider when deciding whether to make placement orders was in the statements in the court bundle. There was nothing in the child's permanence reports that could have had a bearing on the judge's decision that was not in the statements. Unlike *Re S-F*, the evidence on which the judge was asked to make the decision was not "limited". On the contrary, it was fully in line with the information which this Court had previously highlighted as being relevant to a placement order decision and the judgment complied with the requirement which this Court has also highlighted for the court's reasoning when making the decision to be related to the evidence.
37. Ms Phillimore is of course right to say that, given the significance of adoption recognised in the case law, it is essential that the local authority provides a proper analysis of why adoption is to be preferred above any other option for permanence. As Sir James Munby P emphasised in *Re B-S (Children)* [2013] EWCA Civ 1146 at paragraph 34, "the evidence must address *all* the options which are realistically possible and must contain an analysis of the arguments *for* and *against* each option." It is equally essential that the judge undertakes "a global, holistic evaluation of each of the options available for the child's future upbringing" (per McFarlane LJ in *Re G (A Child)* [2013] EWCA Civ 965, paragraph 50) and conducts "a balancing exercise in which each option is evaluated to the degree of detail necessary to analyse and weigh its own internal positives and negatives and each option is then compared, side by side, against the competing option or options" (*ibid*, paragraph 54). For the judge to carry out those essential tasks, he must have before him all the relevant evidence and a comprehensive analysis from the local authority and the guardian. In some cases, that evidence will have to include the child's permanence report. But where all the relevant evidence is included in other documents filed by the local authority, it will not be necessary for the court bundle to include the child's permanence reports.
38. That position was fairly reflected by the case management direction made in this case (which is in line with the standard template orders published by the President of the Family Division) that the local authority serve the child's permanence report and the record of the ADM decision on the parties, but those documents should not be included in the court bundle unless requested by any party.
39. I therefore conclude that, although the failure to serve the child's permanence reports was a serious procedural irregularity, it had no impact on the outcome of the proceedings. I do not accept the submission that, because of the life-changing significance of adoption, such a failure automatically renders the decision to make a placement order unjust. As in *Re D*, the question is whether the outcome was unjust because of a serious procedural irregularity. In this case, there was no injustice because all the relevant information in the reports was disclosed to the parties and before the court in other documents.

40. In reaching that conclusion, however, I am not condoning the procedural error. In different circumstances, it could have led to a successful appeal and further delay in reaching a decision about the child's future. The provision in the standard template order, which was properly incorporated into the case management directions in this case on several occasions, is important and where it is included in a court order it must be followed. In this case, however, I am satisfied that no injustice has occurred. It was for those reasons that I concluded that the appeal should be dismissed.
41. In those circumstances, it is unnecessary to consider the supplementary issue about the way in which the reports in this case were compiled, with the Appendix left blank. It was not suggested that this invalidated the making of the placement order in this case, but for my part I think it a mistake that this was not completed. Regulation 17(1)(d) stipulates that the report should include the wishes and feelings of the parent about the child and the proposals for future placement and contact. Anyone reading the report, which as I have observed above is a lengthy document, is likely to find it helpful for that information to be set out separately in the Appendix. As the form makes clear, one purpose of the Appendix is to record information provided by the parents for the benefit of the adopters and, at a later stage, the child. One can imagine that in years to come an adult child, reading the report, may be particularly interested in what their birth parents said at the time the decision was made. For that reason, as provided for in the Coram BAAF form, it is appropriate for that information to be gathered in one place, as well as being incorporated into the rest of the report.

LADY JUSTICE FALK

42. I agree.

LORD JUSTICE MILES

43. I agree.