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| **Neutral Citation No: [2025] NICA 26**<br><br>*Judgment: approved by the court for handing down (subject to editorial corrections)** | *Ref:* **KEE12753**<br>*ICOS No:* **21/017556/01**<br>*Delivered:* **12/05/2025** |

**IN HIS MAJESTY'S COURT OF APPEAL IN NORTHERN IRELAND**

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**ON APPEAL FROM THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND FAMILY DIVISION**

**IN THE MATTER OF THE ADOPTION (NORTHERN IRELAND) ORDER 1987**

**BETWEEN:**

**A FATHER ("EF")**

**Appellant**

**and**

**A HEALTH AND SOCIAL CARE TRUST**

**Respondent**

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**The respondent mother was unrepresented and did not participate in the proceedings**
**Ms Ramsey KC with Ms McCullagh (instructed by Toal Herron Donnelly Solicitors) for the Appellant Father**
**Ms Murphy KC with Ms McCloskey (instructed by JJ Haughey Solicitors) for the Children's Court Guardian**
**Ms Simpson KC with Ms Lindsay KC (instructed by the Director of Legal Services) for the Respondent Trust**

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**Before: Keegan LCJ, Treacy LJ and O'Hara J**

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**KEEGAN LCJ (*delivering the judgment of the court*)**

**Nothing must be published which would identify the family of the child to whom this child relates. This case has been anonymised as it concerns proceedings in relation to a child. Acronyms have been used for the various parties at first instance and are also applied in this court.**

*Introduction*

[1] This is an appeal against a decision of Mr Justice Kinney ("the judge") wherein he made an order freeing a child referred to as X at first instance for

adoption, pursuant to the Adoption (Northern Ireland) Order 1987 ("the 1987 Order").

[2] The mother of the child has played no part in these proceedings. She confirmed at first instance that she did not want to participate in the proceedings and that remains the position. The father, EF, objected to the Trust's application and is now the appellant before this court.

***Relevant background***

[3] The background to this case is uncontentious and so may be simply stated. The child, X, who is the subject of the proceedings is now over five years of age having been born in January 2020. His history shows that he lived for a very short time with his parents. This was for roughly a week after his birth when he moved with his parents to live at the home of his paternal grandparents. After that week, he lived with his parents for a period of approximately two months. He then returned to live with his paternal grandparents in a kinship placement.

[4] In November 2020, the father began to suggest various kinship options for the child going forward. In particular, he suggested one of his sisters and his parents as potential kinship options. At the same time, he also indicated to the Trust that he did not want another sister to be involved with the care of the child or the support network. It is reported that the day after making this representation to the Trust, the father informed the Trust that he wished to put all his siblings forward as potential kinship options.

[5] However, after discussions involving the Trust and the family, the preferred option for X was to be placed with a sister of the father, who is referred to in these proceedings as L. She is the sister who the father did raise an objection at an early stage. The formal Trust planning process quickly ruled out rehabilitation to the mother in this case which is unsurprising given that she detached herself from the life of the child at an early stage and does not now have any contact. However, rehabilitation to the father took a different course in that he did maintain an interest in the child and some contact. Rehabilitation of X to his father was ruled out at a Looked After Child ("LAC") review in January 2021, however, and a care plan of kinship adoption was proposed. The father did not accept this plan, and so various assessments were carried out on him including an assessment by the Family Centre, by Dr Philip Pollock, a Consultant Clinical Psychologist, and by Rebecca Dermirkol, an Independent Social Worker, who provided an assessment report on behalf of the father.

[6] We have had the benefit of reading these reports. First in time is the Family Centre assessment which took place from June to December 2020. Part of this assessment included providing EF with a thorough chronology in respect of the mother's long and unhappy involvement with social services. Despite having this, EF remained of the view that professionals had let the mother down. Then given

these parents' separation following a domestic abuse incident in October 2020, the father was offered additional sessions to assess his ability to care for X as a single parent, but this assessment concluded that he was not a protective parent.

[7] The report of Ms Dermirkol is dated 26 May 2021. It is a comprehensive report in relation to the father including contact observations. It is fair to say there are some positive observations from contact recorded within this report. However, at para 10.32 Ms Dermirkol opined that "in relation to suggestions to improve contact, EF needs to put adult issues to one side." Various assessments were suggested for the father to ensure that he could prioritise his son's needs and work with professionals.

[8] The report from Dr Pollock is dated 15 October 2021. We highlight some material aspects of it as follows. First, para 9.16 reads:

> "In many respects, EF does not present with helpful attitudes which could facilitate forging a working alliance with professionals to constructively explore and address any parenting concerns and issues. This proved a disappointing facet of EF's presentation and risks hindering progression of new learning, instruction, advice and guidance if offered through assessment and education."

[9] The report refers to the fact that EF did not have any deficits in terms of intellectual functioning and at para 14.21 Dr Pollock states:

> "Intellectually, the father is entirely capable of understanding all of the Trust concerns."

[10] However, at para 14.34 Dr Pollock opined that the father's capacity to meet his son's needs is questionable, given the evidence to date. At para 14.41 it is instructive to note that EF denied any childhood, adolescent or family issues negatively affected or shaped his personal development. Overall, Dr Pollock referred to attitudinal issues on the part of EF and reached the final conclusion in his report as follows at para 14.68:

> "Whether or not the father can adjust his attitudes and approach to undertake the work as recommended from (i)-(v) above is questionable at this juncture. It would be feasible to ask if the educative work and its evaluation during contact (recommendation at point (i) above should form the first and initial stage of any interventions for EF to allow opportunity for the father to demonstrate that he can adjust his attitudes to addressing concerns, he can engage constructively with professionals, he can develop

> insight into how his son's needs require prioritisation and he can make positive changes which are child centred and are not impeded by his father's own, adult issues.
>
> 14.69 In terms of prognosis or prediction that EF will be able to demonstrate change as specified, the assessor would express doubt that the father would be able to modify and adapt his approach and attitudes to successfully complete this work in a meaningful manner which is commensurate with X's needs for permanency."

[11] After these assessments, a significant turning point came in this case which effectively overtook the process that might have been undertaken, namely that the father was arrested for drugs offences in November 2021 and was remanded in custody. He was subsequently convicted of serious drugs offences, namely possession of Class A drugs with intent to supply and possession of criminal property. He was sentenced to seven years and six months in custody in March 2023. His earliest expected release date is August 2025.

[12] X was placed with his paternal aunt, L, and her husband in February 2022. The Trust applied to have the court approve this care plan and have the child live outside the jurisdiction with his kinship carer and her husband. In May 2022, the court granted a full care order and approved the plan. Contact between the father and X was set at once a month via Zoom. At a LAC review in September 2022, that contact was reduced to once every two months.

[13] The Trust contact records refer to issues with contact and also issues between EF and the Trust. A snapshot of the problems that arise is taken from the Trust report which refers to some events as follows:

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| 11 March 2022 | Zoom meeting between EF and the social worker to discuss the commencement of indirect contact. EF was antagonistic and refused to engage in meaningful conversation about his son. He constantly complained about Trust procedures and the meeting was terminated. |
| 9 June 2022 | Zoom contact between X and EF. This was of poor quality with EF presenting as angry and irritated towards his sister (X's kinship carer) and the social worker who were facilitating and supervising the visit respectively. X was noted to be quiet and withdrawn during the visit and was very upset and dysregulated following this. He had a waking nightmare the same evening, the social worker wrote of EF to provide further feedback about contact. |

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| 11 July 2022 | Zoom contact between X and EF. It was noted that EF's demeanour and interaction with X had improved, it was also noted that he repeatedly asked questions which X could not answer and left awkward silences on the call. The social worker wrote to EF following the contact to provide feedback and advice in improving the quality of the contact. |
| 6 August 2022 | Zoom contact between EF and X which highlighted significant concerns regarding EF's presentation, his emotional warmth and interaction with X. EF was abrupt and disrespectful towards the social worker. X was noted to be quieter than usual and opted to play on a scooter, moving regularly away from the camera. His interaction with EF was limited. X was withdrawn and unsettled following the visit and his carers noted that his sleep was disrupted for over a week. |

[14] Thereafter, a LAC review on 9 September 2022, decided that EF's contact would be reduced to bi-monthly. On 27 October 2022, a "best interests' recommendation" was given by the adoption panel. On 4 November 2002, a LAC review ratified the recommendation of the adoption panel. This was then communicated to EF. A specific issue LAC review took place on 7 December 2022, the meeting discussed and agreed the following regarding post-freeing and post-adoption contact. Regarding the mother, no contact was recommended given that she has not engaged with the Trust since the conclusion of the care proceedings and had advised that she did not wish to avail of contact with X. Regarding EF post-freeing indirect contact was to take place once every three months. Post-adoption contact was to take place indirectly once a year. It was stated that these contact proposals would remain subject to ongoing review in line with X's development and best interests.

***This appeal***

[15] The original notice of appeal contained many appeal grounds. However, as a preliminary issue we had to deal with the fact that the appeal was out of time. That is because the freeing order was made on 20 September 2024, and it was only by summons and affidavit of 5 March 2025, that EF made an application to extend time for appeal.

[16] In this judgment we explain our decision which was given orally on 1 April 2025 to extend time on three limited grounds, and the practice issues which arise which we need to articulate for the benefit of practitioners.

[17] Order 59 rule 4 of the Rules of the Court of Judicature (Northern Ireland) 1980, governs the time for appealing in such cases and reads as follows:

> "4.-(1) Subject to the provisions of this rule, every notice of appeal must be served under rule 3(4) within the following period (calculated from the date on which the judgment or order of the court below was filed), that is to say:
>
> (a) in the case of an appeal from an interlocutory order or from a judgment or order given or made under Order 14 or Order 86, 21 days;
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> (b) in the case of an appeal from an order or decision made or given in the matter of the winding up of a company, or in the matter of any proceedings under the Bankruptcy Acts (NI) 1857 to 1980, 21 days;
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> (c) in any other case, 6 weeks."

[18] Order 59 rule 15 allows for an extension of time on the following terms:

> "15. Without prejudice to the power of the Court of Appeal under Order 3 rule 5, to extend the time prescribed by any provision of this Order, the period for serving notice of appeal under rule 4 or for making application ex parte under rule 14(3) may be extended by the court below on application made before the expiration of that period."

[19] Order 3 rule 5 states under the heading:

> "Extension, etc of time
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> 5-(1) The court may, on such term as it thinks just, extend or abridge the period within which a person is required or authorised by these Rules, or by any judgment, order or direction, to do any act in any proceedings.
>
> (2) The court may extend any such period as is referred to in paragraph (1) although the application for extension is not made until after the expiration of that period."

[20] *Davis v Northern Ireland Carriers* [1979] NI 19, provides a practical guide to courts faced with an application to extend time for appeal. These principles have

been applied to family law cases most recently by the Court of Appeal in *Berisha and Berisha* [2024] NICA 81. The applicable principles are:

(i) Whether the time is sped: a court will, where the reason is a good one, look more favourably on an application before the time is up;

(ii) When the time limit has expired, the extent to which the party applying is in default;

(iii) The effect on the opposite party of granting the application and, in particular, whether he can be compensated by costs;

(iv) Whether a hearing on the merits has taken place or will be denied by refusing extension;

(v) Whether there is a point of substance (which, in effect, means a legal point of substance when dealing with cases stated) to be made which could not otherwise be put forward;

(vi) Whether the point is of general, and not merely particular, significance; and

(vii) That the Rules of Court are there to be observed.

[21] The relevant chronology is as follows:

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| 20 September 2024 | A freeing order was made in respect of the child with a written judgment being handed down subject to editorial correction. |
| 9 October 2024 | The court office emailed a copy of the final freeing order to all solicitors. |
| 18 October 2024 | The appellant's solicitor, via email, asked the court office to issue a direction that any time for filing an appeal would run from the date of the issued judgment. |
| 29 January 2025 | The final judgment was published on the Judiciary NI website. |
| 12 February 2025 | The Trust's solicitor advised the appellant's solicitor of the publication of the judgment. |
| 14 February 2025 | The court office confirmed that the final judgment had been received from the judge on 23 January 2025, but that it did not notify the parties. |

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| 17 February 2025 | The Lady Chief Justice's Office ("LCJO") confirmed the publication of the judgment on 29 January 2025. |
| 18 February 2025 | The appellant's solicitor sought an extension of the appeal period to 28 days after 12 February 2025. |
| 21 February 2025 | The LCJO emailed the appellant's solicitor requiring the filing of a formal application to extend time to lodge an appeal. |
| 7 March 2025 | The appellant's application for extension of time is served on the Trust's solicitor. |

[22] It is plain from the above that the practice and procedure in this case has not been ideal. There has been confusion as to when the appeal time arises. We wish to provide clarity on that. Time runs from when a court order is filed in a particular case. That follows from the unambiguous wording of Order 59 rule 4(1).

[23] What this means is that even if a judgment is being corrected the filing of the order of the court triggers the appeal time running. In this case, the appeal time therefore ran from 9 October 2024 when the court office sent a copy of the final freeing order to all solicitors.

[24] In parallel, the correction of the judgment seems to have taken a protracted course which has not been particularly helpful. Without conducting an entire audit of all of the corrections that were suggested and then applied to the judgment, we remind practitioners of the limited facility to correct judgments where there have been typographical or other identified errors. The point is summarised in *Re I* [2019] EWCA Civ 898, in the following terms at para [41].

> "41. It is neither necessary nor appropriate for this court to seek to identify any bright line or to provide guidelines as to the limits of the appropriate nature or extent of clarification which may properly be sought in either children or financial remedy cases. I would merely remind practitioners that receiving a judge's draft judgment is not an 'invitation to treat', nor is it an opportunity to critique the judgment or to enter into negotiations with the judge as to the outcome or to reargue the case in an attempt to water down unpalatable findings."

[25] In this case, the judge invited suggested corrections in relation to the judgment and he then did make some corrections. We consider that his approach was rather generous in terms of the time allowed and the extent of the corrections. However, that is not the real point in this case. The problem in this case is, as we see

it, that the appellant's solicitor wrote to the court office on 18 October 2024 asking the court to issue a direction or effectively extend time for any appeal from the date of the issued judgment. There was no response to this correspondence and so, we think, validly the appellant's solicitors acted based on an understanding that time was not running, albeit they should have themselves chased up the issue. There is a further problem in that the final judgment was only published on the Judiciary NI website on 29 January 2025 without notification to the parties.

[26] Summarising, the parties should be aware that the time for appeal runs from the filing of the order subject to any extension of time. An extension of time application is best made formally because then the issue is properly canvassed before a court. If a judge seeks corrections or typographical errors after delivery of a judgment, he or she should give a very limited timeframe for the submission of those no more, we suggest, than a few days or in the most complicated cases seven days. Then the final corrected judgment should issue immediately. This way procedural problems will be avoided.

[27] In this case we decided that there was good reason to extend time because there were errors made by several relevant persons engaged with this case. We did not consider that default on behalf of the appellant was evident. In addition, we did not think there was any prejudice in allowing an extension of time in a case where all parties had known that the appellant wished to appeal. Therefore, applying a proportionate approach and taking up the suggestion of the court children's guardian, we decided that an extension of time should be granted but on limited grounds to avoid further delay in this case.

[28] The three specific grounds upon which we granted leave were comprised in a notice of appeal dated 3 April 2025 as follows:

(i) The court was wrong to approve a contact plan which reduced family time between the subject child and the appellant from once every two months (20 minutes) via Zoom to indirect contact once every three months following the making of a freeing order, with a further prospective reduction to one indirect contact per year in the event of the making of an adoption order.

(ii) The court was wrong in failing to provide or articulate any or adequate reasons for its approval of the contact plan, particularly given that such contact is set at an unusually low level for an adoption in this jurisdiction, is set within the context of a kinship adoption, and relates to a child who is residing, and will continue to reside, outside this jurisdiction.

(iii) The court was wrong to approve a Trust contact plan which was silent on prospective sibling contact between the child and his maternal half-siblings and which only, when challenged in evidence, became a generalised indication that such contact would be looked at and promoted.

*Our analysis*

[29] This is framed by the judge's conclusions. We pause at this point to observe that the judge heard evidence over four days from the social workers and court children's guardian in this case. Both witnesses were cross-examined by representatives for the father. However, the father did not give evidence, albeit he was present in court. The judge was, therefore, in a better position than this appellate court to assess the evidence. Having done so, he stated at para [38] of his judgment that he was satisfied that it would overwhelmingly be in X's best interests that he should have the benefit of an adoption order rather than remain in long term foster care. In arriving at that decision, he said that he had taken into account the article 8 rights of both X and his parents. He acknowledged the importance of the bond between a child and his parents, but he was satisfied that this was a case where freeing for adoption was both necessary and a proportionate order.

[30] There is no issue as to the legal test that the judge applied when dispensing with the father's consent on the basis that he was unreasonably withholding his consent. Germane to this appeal is the fact that the judge considered the question of contact when deciding whether he should dispense with the father's consent.

[31] Paras [42]-[44] of the judgment contain the judge's core reasoning:

> "[42] Another aspect of the father's criticisms in this case has been on the level and nature of contact. There is no ongoing contact for X with his mother. He has no contact with his half siblings. Contact with the father is by way of video contact. This has not been without its own difficulties. The father's behaviour is at times inappropriate and sadly X has become distressed after calls and has had nightmares. L has been proactive in providing information through the social worker to the father to facilitate and improve contact. She has engaged in contact and prompted both X and the father during the video call to help improve the quality of contact. I was told this has helped. However, all of the problems have not been solved.
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> [43] The father objects to the Trust proposals for contact. He seeks direct contact. His position in my view is simply untenable. The father currently remains in Magilligan prison. X resides in Dublin. A conservative estimate of the round-trip travel time for this young child would be 7-8 hours. The father's request, in my view, is not child focused in any respect. I am satisfied with the level of commitment shown not just by the Trust but also by L in promoting contact and in promoting the quality of

> that contact. L has always put X's needs first. It is also clear that the current proposals for indirect contact are based on the father's current situation and will be reviewed by the normal LAC process. It is clear that the father can take steps to improve the quality of contact which is currently available to him. L has played a very significant role in supporting X and encouraging responses. The father has raised through his counsel criticisms of some of the contacts including their location and also references made to family events. The father perceives these to be deliberate and malicious attempts to annoy him or disrupt contact. Having heard the evidence I am satisfied that this demonstrates again how the father's focus is firmly placed upon himself. The social worker has confirmed that L is open to extending contact and also to meeting with the father. Both the Trust and L are keen to work in partnership with the father and the post adoption team will remain involved.
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> [44] Another aspect of the contact is the lack of contact between X and his siblings. It would appear that this aspect of X's needs has been overshadowed by the difficulties in contact with the father. None of the siblings remain in the care of their mother and are in different placements. The carers have indicated to the Guardian that they would welcome further information about the siblings to be able to support X. They will form an important part of his life story work. Both the Trust and the carers have indicated that this contact will be carefully looked at and promoted."

[32] There is one mistake at para [43] above where the judge says that ongoing contact would be reviewed through the LAC process. That would not be correct after a child is freed for adoption and adopted, rather there would be annual placement meetings which involve all of those concerned in a child's life, but principally the social services and the carers and with which the father is engaged. This is not a material error that invalidates the judge's conclusions, but it is important to point out that the system of reviewing arrangement changes once a child becomes a child freed for adoption. Other than this observation, there are no factual errors in the core passages of the judgment which is outlined above.

[33] The appellate test which we must apply is found in *Re HW* [2022] UKSC 17 where the Supreme Court reviewed the test in *Re B* [2013] UKSC and established that where an appeal occurs by way of review of a lower court decision, the appellate court should decide whether the judge was wrong. This appellate approach has been affirmed in *AU v Belfast HSCT* [2024] NICA 1, para [26]:

> "[26] It follows that a court may not interfere with a decision unless it is satisfied that the judge exercised his discretion on a principle of law which is wrong or under a material misapprehension of fact or based on failing to take into account all relevant options in a case or based upon a failure to provide proper reasons."

[34] With these principles in mind, we turn to the points raised on appeal. The first issue is whether the judge was right to approve the contact care plan which did not allow for direct contact on an ongoing basis. Ms Ramsey made the following points in relation to the judge's analysis. First, she maintained that the adoption team had not been involved in the hearing or the giving of evidence and that that was a flaw. Second, she critiqued the judge for not referring to adoption as life long in accordance with the provisions found in Article 9 of the 1987 Order. Third, she highlighted the error we have already referred to that matters could not be reviewed through the LAC process. Fourth, she contended that there should be a more solid agreement on contact which potentially could have been dealt with at an adoption hearing rather than a freeing hearing. Fifth, she made the point that the father could be disadvantaged in future in making an application if he was not satisfied with post-adoption contact arrangements because the carers lived outside the jurisdiction.

[35] All of these appeal points were overlaid by a submission that it was unusual not to have direct contact in this jurisdiction. As a result, Ms Ramsey submitted that the freeing order should be set aside, and adoption looked at again in order to properly address contact arguments between the father and X and X and his half siblings. We have not been persuaded that any of the father's arguments can succeed for the following reasons.

[36] Whilst the judge may not have specifically mentioned the duty to promote the welfare of the child throughout his childhood and the lifelong nature of adoption, it is plain from the judgment that he considered the relevant statutory provisions, and he was aware of the effect of adoption. It is not necessary and, it may well be strained and artificial for the judge to repeat principles which are well-known if when the judgment is read as a whole it is apparent that the judge understood the law and applied the relevant principles. In such circumstances there can be no error of law which an appellate court would interfere with. This is such a case.

[37] While the adoption team were not involved in the freeing hearing that was because within this Trust the adoption team only become involved after freeing. We are entirely satisfied that this is a matter which falls within the reasonable decision-making powers of a Trust and does not lead to any prejudice. This is not a case where it was realistic to think that an adoption order application rather than a freeing order would solve the tensions in the case which the judge found were largely of the making of the father. Rather, there was a benefit in having the preliminary stage of freeing to avoid further acrimony in the family situation.

[38] In addition, there is no basis upon which we would interfere with factual findings made by the judge in relation to the father. There was ample evidence in the papers of his poor attitude towards professionals and his family. The making of serious allegations of abuse against his parents which he later retracted, have understandably caused great upset within the family.

[39] Furthermore, we find no traction whatsoever in the argument that the father is prejudiced because the carers live outside of the jurisdiction. The issue of post-adoption contact does arise in this jurisdiction from time to time and any former parent can apply for leave under Article 8 of the Children (Northern Ireland) Order 1995 to apply for a contact order if dissatisfied. That would apply to the father if the carers lived in Northern Ireland or the Republic of Ireland because the right to apply attaches to him not where the carers live.

[40] We turn to whether the judge was wrong to approve the contact plan. We discern no error in his analysis. This is an area which is quintessentially within the judge's discretionary decision-making function. There was also ample evidence, about the difficulties with contact between X and his father. The appellant did not give evidence. His counsel cross-examined the social workers in relation to this. However, applying common sense, direct contact would be problematic not least because the appellant was imprisoned in Magilligan prison which would be too disruptive for the child. After considering the logistics of contact, the court looked at the quality of contact and found that it was problematic and there is evidence to vouch for that. We could not possibly interfere, as an appellate court, with that factual finding.

[41] It is also plain from the judgment that the door remained open on contact for the father in the future. This is also a case where the carer has not closed the door to contact evidenced by an email of 6 October 2023. The distress caused to the paternal family by the appellant's allegations of sexual abuse are outlined within that email. Even with that, the email is generous in in its terms to the father as the following portion illustrates:

> "It remains the case that we are fully open to supporting the appellant and my husband and I are fully committed for X's sake to engage with the appellant into the future. This will be done willingly and positively …the appellant is my brother and always will be. He will always be X's father. These two things mean I have lasting ties to the appellant and will continue – for X's sake, in particular, to help the appellant if I can. X's best interests are my primary concern and I would urge for his sake that the appellant would seek and accept the help he clearly needs. It will enormously benefit X if the appellant can achieve stability thereby enabling him to have as positive

> a role as possible in his life. X is a joyous, kind, witty and gorgeous child in every sense, and I would like nothing more than for him to enjoy a substantial relationship with the appellant and for the appellant to be able to enjoy his company. I regularly speak to X about both the appellant and the mother in positive terms and show him photographs so that his identity evolves organically. I will continue to do this and follow all recommendations relating to this, including life-story work. For my part, I will do anything that is recommended as being of assistance to X and remain willing, at the right, to engage in mediation as appropriate."

[42] The appellant's position is totally unsustainable in circumstances where he is currently imprisoned, where he has acted inappropriately at contact, where he has made spurious allegations against his parents which have caused great upset and where he will have to readjust to life in the community on licence once he is released from prison. There are many variables which will dictate how contact goes forward. The appellant can also avail of the support of the adoption team going forward and, as we pointed out at the hearing, the relevant adoption regulations require the adoption team to provide post-adoption counselling to him by an independent body.

[43] In the meantime, the two-way contact that is proposed indirectly once per year cannot be described as inappropriate. The Trust will update the father and provide photographs, and the father can send information or indirect contact which, if appropriate, would be shared with the child. This case would not benefit from the rigidity of a contact order which is in any event, very rarely made in this jurisdiction. The reality of this case is that it concerns a family situation which will have to be managed in the future and X will know who his father is in the future. So, if the appellant is stable and does not disrupt the placement he can have some role, albeit a different role, in the child's life as that will be the natural course of events. We, therefore, dismiss the first ground of appeal as without merit.

[44] The second ground of appeal is directed at the judge's reasoning. We can deal with this appeal point in short compass given the law in this area. *In Re F* [2016] EWCA Civ 546 at para [22] refers to the duty of a trial judge not to slavishly repeat large parts of evidence or jurisprudence in a family law case but, rather, to produce a judgment which allows the parties to know who has won or lost and why. In this case, the judge has clearly explained his analysis and outcome. He has dealt with all of the issues in a way that is comprehensible and understandable. There is no basis upon which this judgment could be vitiated for lack of reasoning. We, therefore, dismiss the second ground of appeal.

[45] The third ground of appeal which is in relation to sibling contact is entirely without merit. At the time of the hearing of the freeing order, X was four years old, he had four older maternal half-siblings, one of whom lived in a kinship placement

and the other three who had been adopted. The father had never raised the issue of inter-sibling contact throughout proceedings or throughout many discussions with the social workers and many review meetings. Ms Ramsey accepted that sibling contact was not raised in any of the affidavits or statements of evidence that the appellant filed during these proceedings. The issue was not raised by the Trust because of the weak bonds between these half-siblings. That is understandable. However, the omission is not fatal in any event because the issue was raised by the court children's guardian during the evidence and considered.

[46] There is no established relationship between any of these children. However, the judge noted that the carers had indicated to the court children's guardian that they would welcome further information about the siblings to be able to support X as part of life-story work and thereafter this contact could be, if there was to be any, looked at carefully and promoted all with the best interests of this child in mind. Accordingly, we find no basis upon which the judge has erred in law or fact on this issue. Frankly, this is an extremely weak point raised during the hearing without any foundational basis. We, therefore, dismiss the third ground of appeal.

***Conclusion***

[47] Accordingly, we affirm the order made by the judge that there should be an order freeing X for adoption. It is obvious to us that this child needs a stable and settled home and that is being provided to him. This placement is an opportunity for X to thrive and have a happy life. We understand that the father may not view the situation in this way at this time but we hope that he will take up post-adoption counselling which will assist him and that he achieves some stability in his life.