

'We can have a

Emma and Martin did what any parent would do when they found a lump on their baby's head: they took him to their GP, who sent them to the local hospital. There, doctors called social services, who took the little boy into care and have now arranged his adoption.

Cassandra Jardine speaks to the parents about their nightmare – and hears how a closed and seemingly inflexible system might be reformed



Pictures: Martin Pope

Emma and Martin's home in Essex is filled with photographs of a round-faced, smiling baby boy whose whereabouts they no longer know. In the bathroom, a box of rubber toys awaits his return; on the stairs there are gates to prevent him falling – but his parents' chances of ever seeing him again are looking increasingly slim.

They dread the post. Any day now, it will bring a letter informing them that their son has been adopted against their wishes. It will set the seal on a process that began just over a year ago when Emma took Peter to their GP because she had noticed a lump on the side of his head. Although it didn't seem to be causing him any pain or affecting his behaviour, she wanted it checked

permanently, of their children in civil proceedings. They point to problems more deep-rooted and widespread than the questionable theories of individual medical experts – problems that many believe pervade the culture in which social services and the family courts operate.

"You are guilty until proved innocent," says Emma of her family's experiences. She has written a long, detailed and harrowing account of their past year which she has placed on the website of a support group, Pain (Parents Against Injustice). It describes the events leading up to what she calls "the longest walk of my life" – the steps she had to take away from her son after their final "contact" meeting in January. Despite the allegations of abuse, Martin's son from his first marriage can still stay with them as often as they like. "We can have

needed no treatment but when, after several days, Emma asked whether it was necessary to stay in hospital, social services applied for an emergency protection order, citing a fear that she might abscond if the child was not taken into care. On that same application, Martin was also described as arguing with a doctor. In fact, the couple say, it was the paediatric radiologist who was aggressive to him, on the day they left hospital, when they asked questions about the X-rays of their son's injuries. He refused to shake their hands, leaving them in stunned silence. It was their first taste of what Emma calls the "embellishments" with which social services established their control and cast the parents in the role of abusers.

No attempt was made, they felt, to investigate ways in which Peter might

My child in the world



evidence of a healing injury on one of Peter's legs, which "may have been a fracture".

Naturally, facing the accusation that their child had been injured twice, the parents asked for a second opinion. Another paediatric radiologist was lined up and sent not only the X-rays but the damning reports against them. His report included a one-line endorsement of the first doctor's findings. A third doctor had looked at the X-rays for the police and had not spotted the damage to the leg, but when he was told of the other two doctors' views and the background, he, too, fell into line. Emma and Martin were sunk.

All parental submissions to the court had to be in before those of social services or the guardian ad litem (the voice of the child), so the professionals were always able to respond to Emma and Martin's defence. Anything that might have helped their case was, they say, ignored both before and at the final disposal hearing. They produced 30 character witnesses and were accused of wasting time. An unsolicited and glowing report from Martin's ex-wife, who gladly lets her three-year-old son stay with his father at weekends, was deemed to have been written under duress. The exemplary contact reports were dismissed in favour of those written by social workers. Even a report by a psychologist who could find nothing wrong with either of them went against them: because they had no obvious flaws, there was nothing that could be fixed.

The whole process was so rapid that even though Emma e-mailed eminent paediatricians all over the world, asking for their opinions, she did not hear back from any of them until after the court had decided that their son should be adopted. It was on the day that she took those last agonising steps away from her son after their final meeting that she finally made contact with medical experts at the world-renowned Hospital for Sick Children in Toronto, whom she cannot name because of the secrecy surrounding any case involving children. The two Canadians who agreed to give an opinion on the X-rays - without charge - have CVs that stretch to 65 pages against the single page of the English doctor whose evidence was accepted by the court.

The first letter that Emma produces from one of her files is from a professor of paediatric surgery. Having examined the X-rays, he said the head wound could have been caused by Peter being dropped, or by a blow from a heavy object such as a suitcase. As for the previous leg injury, he couldn't find any evidence of one. Two further letters came from the surgeon in chief, who

reported that she had concerns because Emma had wanted appointments for her visits. "I merely wanted to know when she was coming, so Martin could come home from work to be there," says Emma.

Throughout the various stages of the proceedings, they felt as if evidence was selected to show them in the worst possible light. Thus, a single instance of Emma visiting her GP, complaining of feeling low, became "mental health problems". A row between herself and Martin in which she tripped over and needed stitches for a cut was cited as proof that theirs is a "violent relationship". Martin's attempt, 10 years ago, to help a young child being bullied by punching the 17-year-old ringleader became evidence of his uncontrollable nature: only the charges were noted, not

while. What would they have said if he had wet himself and had to wear urine-soaked clothes?"

At this later stage, all contact had to be made in a family assessment centre, 17 miles away from their home in the opposite direction to Martin's work. The sessions were arranged at irregular times, so it was hard for Martin to get the time off to be present. When they complained, they were criticised for putting Martin's work first. When they asked for meetings with social workers after working hours, so that Martin could attend, they were described as "reluctant to meet". Their determination not to give up worked against them. Social services remarked on "the lengths these parents will go to" as they wrote letters of protest. "Wouldn't you do the same, if your son was taken away

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The GP referred her to the local hospital for an X-ray. A hairline crack was found in Peter's skull. Since Emma couldn't explain the wound, the paediatrician deemed it suspicious and police and social services were summoned. They never left the hospital as a family. Peter was taken into care and Emma and Martin returned home, frantic with worry, but hopeful that it would all be sorted out soon.

Peter is now living with adopters who, when they are ready, can apply for the arrangement to be formalised. After that, there is no hope of reversal. Adoptions are final; birth families are history. Even though Emma and Martin now believe they have the evidence to clear their names, they cannot get anyone to listen.

Of 258 criminal cases that local authorities were asked to re-examine following Angela Cannings's successful appeal last December against her prison sentence for the murder of her children, only one is known to be under review. Meanwhile, there are hundreds – possibly even thousands – of other parents accused of physical or emotional abuse who believe that they have been unfairly deprived, temporarily or

"You are guilty until proved innocent," says Emma of her family's experiences. She has written a long, detailed and harrowing account of their past year which she has placed on the website of a support group, Pain (Parents Against Injustice). It describes the events leading up to what she calls "the longest walk of my life" – the steps she had to take away from her son after their final "contact" meeting in January. Despite the allegations of abuse, Martin's son from his first marriage can still stay with them as often as they like. "We can have any child in the world in this house except, Peter," says Emma.

The account is all the more searing because Emma writes in a deliberately unemotional manner – the same style that she uses in the many letters she has sent to those in social services, politics and the law whom she hopes can return their son to them. "I always ask Martin to read my letters, in case I have created a strident impression," she says, producing documents from the orderly box files that cover their dining room table.

When the police investigated the possibility that they had deliberately harmed their child, Emma and Martin were each interviewed at length and, because there was no evidence against them, all charges were dropped; the police officer even said he was sure they would soon have their son back. Social services, however, decided to pursue the case; Emma and Martin fear that their educated and reasoned approach counted against them. "They want you to admit guilt or blame one another and ask for help," says Emma. "We wouldn't do that, so we were considered in denial and beyond help."

Their problems began in the hospital after Peter was X-rayed. The child

with a doctor. In fact, the couple say, it was the paediatric radiologist who was aggressive to him, on the day they left hospital, when they asked questions about the X-rays of their son's injuries. He refused to shake their hands, leaving them in stunned silence. It was their first taste of what Emma calls the "embellishments" with which social services established their control and cast the parents in the role of abusers. No attempt was made, they felt, to investigate ways in which Peter might

'The social worker said t no trouble finding adopte

have been accidentally hurt. If it was not possible that he had simply hit his head on his cot, Emma and Martin have worked out that the injury must have occurred during a day out in London when they used public transport. Going into the hall, Emma fetches Peter's buggy. It has a hard frame but offers no protection to the sides of the head. Someone carrying a suitcase on the Underground could have knocked Peter without them noticing and, if he had blacked out, they would have assumed he had dozed off.

Social services' energies, however, appeared to be devoted to establishing the couple's guilt. A week later, when their social worker applied for an interim care order, they found, again, that acts for which there was an innocent explanation counted against them. Their health visitor, to take just one example,

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went wrong



selected to show them in the worst possible light. Thus, a single instance of Emma visiting her GP, complaining of feeling low, became "mental health problems". A row between herself and Martin in which she tripped over and needed stitches for a cut was cited as proof that theirs is a "violent relationship". Martin's attempt, 10 years ago, to help a young child being bullied by punching the 17-year-old ringleader became evidence of his uncontrollable nature: only the charges were noted, not

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conditional discharge. "It is very difficult to challenge assertions like those," Emma, who spotted 78 errors in the "assessment" of their family ground and personal histories. The social worker who compiled it met them but only observed them with their son for 15 minutes - most of which he spent talking about his holiday plans. Emma hoped that the skills and warmth displayed with their son in contact with social workers would count in their favour. Emma's observations on the early sessions, conducted in the presence of independent observers, were "inadequate" but when the sessions were held under the eye of social workers, everything written about them was unfailingly negative. Emma gave an example: "I was accused of not being interested in my son because I was not dressed by hygiene because, I didn't change his nappy, I didn't stand around without one for a

times, so it was hard for Martin to get the time off to be present. When they complained, they were criticised for putting Martin's work first. When they asked for meetings with social workers after working hours, so that Martin could attend, they were described as "reluctant to meet". Their determination not to give up worked against them. Social services remarked on "the lengths these parents will go to" as they wrote letters of protest. "Wouldn't you do the same, if your son was taken away from you?" asks Emma. Even simple kindness seems to have been denied them. When the social worker told Emma that they would have "no trouble" finding adopters for her son, because babies like him were "in high demand", she left her sobbing and made no attempt to comfort her.

Their solicitors advised Emma and Martin on procedures, but not on how to counter the half-truths in the reports. As advised, the couple had separate legal representation - members of the Children's Panel, experienced in this kind of work - but they felt that the solicitors were waiting for one of them to blame the other. "Then their job is easy: they fight it out between them," says Emma. Above all, she resents not being told that it was crucial that they should produce medical evidence in their defence before the causation hearing, four months after the injury occurred. "After that," she warns others in similar situations, "it is too late."

Before that hearing, the local authority had sought an expert opinion from a paediatric radiologist. He couldn't determine from the X-rays how the injuries were caused but gave a "personal opinion" that they were non-accidental. He also, to Emma and Martin's horror and disbelief, found

65 pages against the single page of the English doctor whose evidence was accepted by the court.

The first letter that Emma produces from one of her files is from a professor of paediatric surgery. Having examined the X-rays, he said the head wound could have been caused by Peter being dropped, or by a blow from a heavy object such as a suitcase. As for the previous leg injury, he couldn't find any evidence of one. Two further letters came from the surgeon in chief, who wrote that he had been "dealing with suspected abuse problems for 30 years" and is "perplexed by the way in which your courts handle this kind of problem". Since the child's injuries seem to him very likely accidental, "the most likely scenario in Canada is that the child would be supervised by social services... it is unlikely that the child would be removed from the family."

When Emma sent copies of the letters to Essex social services, the reply they received said that since she and Martin "refuse to accept" the judgment against them, "any further letters will not receive a response".

Unable to believe that there is no way they can use the evidence to get their child back, they have written to every influential person they can think of, from Tony Blair and Cherie Booth (in her legal capacity) to Margaret Hodge and Dame Elizabeth Butler-Sloss, president of the Family Division of the High Courts of Justice, and the social services ombudsman. Everyone has passed responsibility on to someone else. There seems no way forward.

Legally, they feel boxed in. The local government ombudsman cannot deal with cases that have been before the courts. Appeal is their only hope, but they cannot get legal aid because Martin

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As an MEP, Daniel Hannan meets many challenges, but per

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earns more than the threshold. They asked their judge's permission to show the case papers to the Bar Pro Bono Group; it was denied. Butler-Sloss suggested they appear as litigants in person but they do not dare because they would be liable for the legal costs of the local authority and guardian ad litem (which could be £60,000) and might still be denied leave to appeal.

Even if they were to risk bankruptcy, it would probably be too late. The adoption of their child would not be held up. Their only hope is for the local authority – which has responsibility for their son's best interests before he is adopted – to bring an appeal. Essex appears to have no interest in doing so: Emma and Martin have been informed that they have "made use of all legal avenues available".

Their MP, Alan Hurst, who is also a solicitor dealing in criminal cases, has been shocked to discover they aren't eligible for legal aid. "They are barred from full access to justice, as important evidence has not come before the court. Because hearsay evidence is permitted in family courts, it is all the more important that the appeal process should be available." As for being denied the right to show papers to the Bar Pro Bono Group: "That could be a human rights issue. Adoption is a very drastic step for both the parents and the child but the system as it stands makes it very difficult for them to prevent it. Many parents who come to the attention of social services have long histories – here, we have a single incident from which enormous consequences have followed."

Peter is now more than 18 months old; he must be walking and talking but his parents can only imagine what he is like. He will grow up to be told that his parents were abusers, and suffer all the confusions that afflict the adopted. As if their lives were not already blighted, Emma and Martin now know that if they were to have another child, he or she would be taken away at birth – unless

had written many, many letters begging for reconsideration or complaining against specific practices or individuals. This time, however, they were slightly less adamant that errors could not occur. "No system is foolproof..."; "no one always gets it right..." they demurred. At the end, Sharp turned and asked a blunt question. "Do you believe in adoption?"

The answer is yes. Swift, efficient adoption for young children whose parents are persistently abusive or incapable of caring for them gives them a second chance. Despite well-known learning and behavioural concerns, their prospects are better than if they were kept in care.

But it is a policy that raises concerns. Within social services, there are fears that the increase in the speed and numbers of adoptions might lead to more breakdowns if adopters are not properly prepared to cope with difficult children. Funds are being made available to prevent that. Among parents and extended families, there is concern that "letterbox" contact between birth families and adopters is available in theory but not so often in practice, because many adopters fear that contact will disrupt their newly forged family.

But the most serious concern is that the well-intentioned setting of targets in relation to time and numbers may be having unfortunate repercussions. "Targets are a two-edged sword," says Earl Howe. "Some may be over-zealous in meeting those targets."

Next year, under the new Adoption and Children Act, the system will be modified somewhat. There will be a new "special guardianship" status for children who are too old to be adopted or unwilling to lose contact with their birth parents. "Placement orders" will take over from "freeing orders", which remove parents' responsibility for their children; parents will still lose control but those children who aren't adopted will no longer be in parental limbo.

Further accountability is under way for

‘It’s the social services that abuse children by separating them from their families’

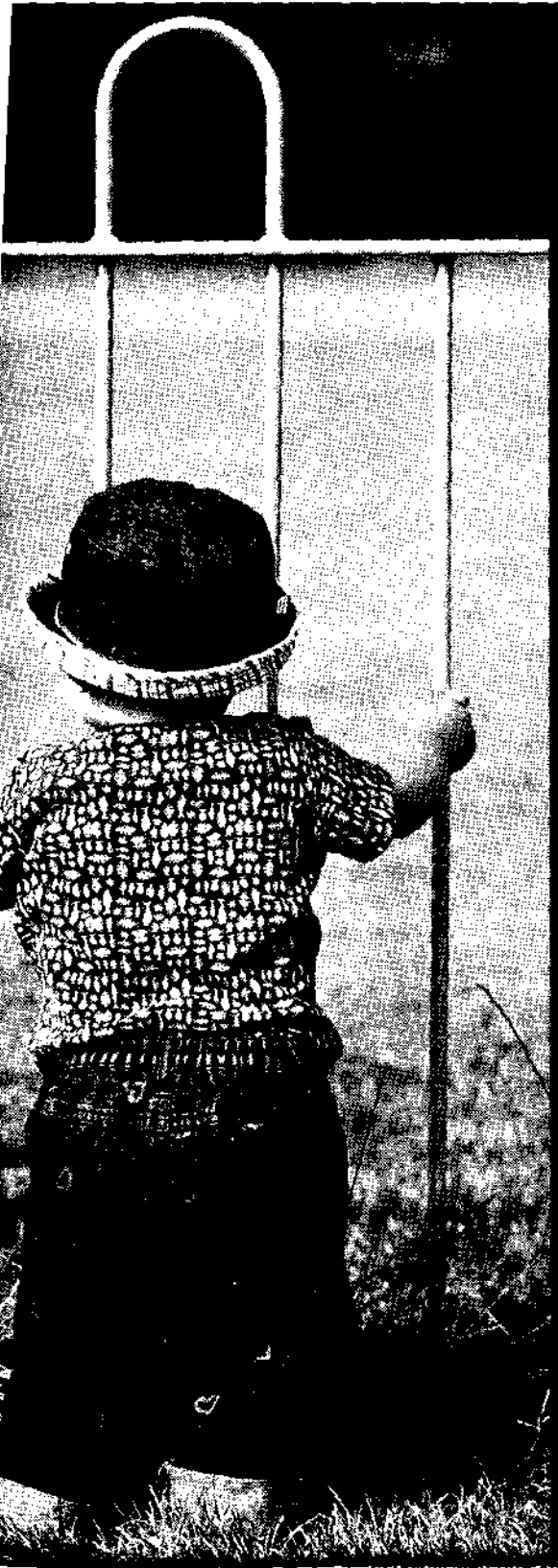
they could prove they had changed.

The Children Act 1989 stressed the importance of keeping families together, but in practice the couple believe that theirs has been torn apart in the over-

social services with the appointment of a Director of Children's Services in every local authority, as well as Safeguarding Children Boards and Area Child Protection Committees. There will also



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'Fight the courts? It's a brick wall'

Parents' chances of getting a child back decrease as proceedings progress towards the courts. In Essex, only eight per cent of hearings in the family court result in children being returned home. So, although more than three quarters of parents object to their children being taken into care initially, most are advised by their lawyers to give up the fight before they reach the court. If assessments go against them, they stand little chance of winning; judges have discretion on what evidence they admit in court and, under pressure to speed up proceedings, often do not allow parents' submissions.

The family courts were set up under the Children Act 1989 to provide an expert judiciary for cases that, until then, had been heard in the county and high courts. The idea was to minimise the adversarial atmosphere but parents say they feel excluded from the process. The local authority is deemed to be acting "in the child's best interests": the guardian ad litem is the child's "voice", so the parents feel they are fighting a rearguard action from the start.

The judge, they feel, is likely to respect the recommendations of the professional social workers and evidence is not tested as stringently as it would be in a criminal court. "The balance of probabilities" rather than "beyond reasonable doubt" is the test. David Wheeler, co-chair of the Solicitors Family Law Association, approves of the recent confirmation by Dame Elizabeth Butler-Sloss, president of the Family Division of the High Courts of Justice, that the standard of proof must continue to be the balance of probability. A stricter standard would make it too hard to protect children.

A single judge presides and parents report that they feel threatened by the familiarity between a judge and the local authority officers. It is rare for parents to prevail against a local authority's recommendations.

Social services talk of checks and balances to protect parental rights but parents find it hard to dispute local authority or expert reports. The need for speed makes it difficult to challenge evidence, especially as local authorities often do not respond promptly to requests for transcripts.

The judge's decision is final. An appeal will not delay adoption as a speedy resolution is considered to be in the interests of the child. Strict privacy rules mean that aggrieved parents have to ask leave of the judge to show transcripts to lawyers or medical experts who might assist an appeal. Often this is denied. Nor can many parents afford to appeal.

There is little that a parent who feels wronged can do. Social service departments and the social services ombudsman merely refer them to the court's decision. Even if they have proof, parents find it hard to get damaging records binned or revised. "It's a brick wall," says Chris Smith, a father who believes his children have been adopted unnecessarily.

"The complaints procedure is not there to remedy mistakes or irregularities but to present an attritional obstacle course to the general public," says a father who has been trying to establish that he and his wife were wrongfully accused. "Social workers have immunity, as there is no possibility of them being found out."

The Children Act 1989 stressed the importance of keeping families together, but in practice the couple believe that theirs has been torn apart in the over-zealous implementation of policies designed to prevent children suffering. The emphasis on speed has made it hard for them to clear their names and the current call for increased adoption has made that low-risk option seem preferable to giving parents a chance to prove that their son could live with them unharmed.

They understand that social services face a difficult problem when a baby suffers unexplained injury: they must take action if there is a danger of further abuse, but removing a child from parents should be a last resort. They feel they were not given the benefit of any doubt, even though they had drawn attention to their son's injury in the first place. "We have been called abusers," says Emma, "but it is the social services in this country which are really abusing children by separating them from their families."

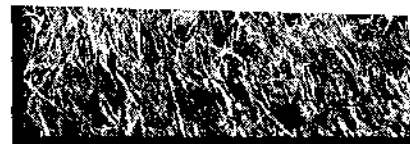
SIX WEEKS after the meeting at which my investigations into Essex's handling of adoption began, Tony Sharp, Lyndsay Davison and Letitia Collins (county adoption manager, adoption services manager and child care and assessment manager) were once again in Room 101 of County Hall, this time to hear my findings. I had found no evidence that adoption authorities were "snatching" children maliciously, or that they were motivated by a desire to help childless couples, but there did seem to be a substantial number of people who feel they have been victims of injustice.

Sharp and his colleagues appeared unaware of the unhappy "users" of the system - even though several parents

Director of Children's Services at the local authority, as well as Safeguarding Children Boards and Area Child Protection Committees. There will also be a General Social Care Council to accredit existing and new social workers, who will now have a three-year instead of two-year training. It remains to be seen whether those measures will be sufficient to counter Earl Howe's belief that social workers are "the only profession in which there is no individual accountability".

More cases scheduled to come before the GMC may create change on the medical front, though Rioch Edwards-Brown, who runs Five Percenters, a support group for parents accused of shaking their babies, is pushing for a fixed medical protocol which she thinks would prevent needless parental suffering. "Every time there is a suspicion of abuse, a child should be seen by a paediatrician - not a general doctor - and dead babies and children should be seen by a forensic pathologist. After 14 days, the case should be reviewed. All the surrounding factors should be taken into account; the welfare of the child, family background. It would take the pressure off the medical experts to come to a conclusion. I would like abuse to be the last conclusion that doctors come to, not the first."

But with the pressure still on to reduce risk, and adoption viewed as a panacea, parents have reason to fear if anything untoward occurs to their child that brings him to the attention of social services. "The Government is looking at this from the wrong end," says Cathy Ashley, chief executive of the Family Rights Group, which aims to promote better relationships between families and social services. "New social workers, who go into risk-averse local authorities,



learn to cover their backs and push resources at child protection. But from the experience of local authorities such as West Berkshire, which have rebalanced their investment to provide more support at an early stage, social workers can develop the confidence to treat families as part of the answer, rather than part of the problem. If they get it right, fewer children will need adoption."

When social workers do decide to remove a child, Ashley thinks that more could be done to help the birth parents. "They aren't informed of their rights, the spirit of partnership working is not followed and parents are not kept informed. Unless a child is at immediate risk of harm, all information should be shared. Parents should also have a right to an advocate with a social work or legal background to explain the system to them and prevent families feeling overwhelmed. Another person at a meeting will mean that a report isn't purely one person's word against another's. We are piloting this advocacy scheme in six London boroughs."

But it may be possible to develop a system that is not as adversarial as the existing one, says Andrew Cooper, professor of social work at the Tavistock Institute and author of *The Risk Factor*. "State involvement in the welfare of children is fundamentally conflictive. Whatever is going on - something or nothing - it will be a point of friction. There is a tendency for scared and angry parents to go on the defensive and for concerned professionals to escalate the degree of control, which obscures what is going on in the lives of the children involved. Then we have an adversarial court system in which truth tends to be sacrificed in favour of whether or not a case can be proved or defended."

Instead of tinkering with a system that leaves parents feeling cheated and professionals unfairly blamed, Cooper would draw attention to the French system. "There - unlike England and

When French child protection experts visited Britain, they were staggered by what they saw

Wales - social services don't need legally admissible evidence to take a case to court, just concern. They go to a children's judge and ask for a hearing, without lawyers, in informal office surroundings. The interest is in assessing the situation of the child. The judge cannot permanently separate the child from the parents or guardian and, although some babies are adopted, it is almost unknown for that to happen to older children. The judge takes an ongoing interest in finding ways to support the family." When French child protection experts visited Britain, he says: "They were

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aggrieved by what they saw. They found it interesting in finding permanent solutions perturbing." The problem with adoption is that it is ideal. In those cases where it may have been used for insufficient reasons, parents have the heartbreak of losing their child for ever – even if they subsequently prove their innocence. The child may never know that their loving parents tried their best to give them a home, but fell foul of the system. Before the Government presses further down the adoption accelerator pedal, it would be certain that everything is being done to ensure that such errors do not occur.

The names of Emma and Martin and some family details have been changed to protect their identities

mistakes or irregularities but to present an attritional obstacle course to the general public," says a father who has been trying to establish that he and his wife were wrongfully accused. "Social workers have immunity, as there is no possibility of them being found out."

"I'm very worried that the family courts are closed," says Earl Howe, opposition health spokesman in the Lords. "The experts' opinions are not subject to peer review and there is no appeal other than in a narrow set of circumstances: legal error or the judge having misdirected himself. Is secrecy necessary? I don't know why, as in the Bulger case, cases can't be reported without the names of the persons concerned. I also worry that past a certain stage, under the new Adoption and Children Act, parents may not make representations to the court. There is no guarantee that a court will take any notice of a parent's statement."

"After 14 years, it is time the family courts were looked at," says Dominic Grieve, shadow attorney general, who appeared as a barrister in the family courts until the early Nineties. "Courts are only as good as the evidence presented in front of them and the dice are always loaded when the individual takes on the establishment."

"It's an area in which it is easy to see how injustice can happen and, once it has, it is very difficult to put right. We have no family courts review commission."



is that the result is riveting. I still spent the first 20 minutes trying to figure out what it was about. But then I realised I had fallen into just the trap Crimp wanted me to: I was making my own "attempt" on Anne's life. By trying to pin her down, I was doing her a kind of violence, reducing her to a two-dimensional fantasy. As Anne says, "I feel like a TV screen... where everything from the front looks real and alive, but round the back there's just dust and a few wires." From then on I sat back and enjoyed letting the hundreds of clues and phrases form their own shimmering image of who Anne was. The fact that these attempts to define her multiple personalities fail is, after all, also a cause for celebration: "We are overwhelmed by all the things Anne can be," as one line turns. The six actors describing her in this tiny studio production, under director Anne Tipton, can be moving, threatening, sympathetic or pathetic – but always utterly engaging. There is a bare stage and no props except chairs. Maybe it is also deep.

THIS was the first time I'd seen Martin Crimp's genre-busting, postmodern play. It was first performed at the Royal Court in 1997. Critics greeted it with confused enthusiasm, unsure whether it was profound or merely pretentious, but generally settling for the former. Then Kate Mitchell directed a brilliant production in Milan that revealed a whole new stratum of meanings to the piece, and it became apparent that *Attempts*... was a work of real importance. The play has no characters or story, a new speaker is indicated by a dash in the script. It is a set of vignettes about a nebulous person known variously as Anne, Anya, Anushka and Annie. Sometimes she is a terrorist, at other times a porn star, a suicidal artist, even a car. The work's prime focus is on the elusiveness of identity, how we try to define the self.

Theatre
Attempts on Her Life
BAC, SW11

Six actors in search of

Reviews



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