

# 1GC | Family Law

## Gemma Kelly

Year of Call: 2007



## Practice Overview

Gemma is a specialist Children practitioner and her work spans the whole spectrum of public and private law proceedings, including those featuring an international element and modern family structures.

She acts in equal measure for local authorities, parents, children, extended family members and the Official Solicitor. She is frequently instructed in complex cases up to Court of Appeal level. She has a particular interest in cases involving 'heavy' medical evidence.

Gemma also has a strong Court of Protection practice, often dealing with cases where there is interplay between those proceedings and care proceedings.

Gemma is ranked in Chambers and Partners. Chambers and Partners states 'She's just quite simply excellent. She is able beyond her years and already has experience in a lot of big matters'.

## Children (public law)

Gemma has a flourishing care and adoption practice. She has a particular interest in matters involving complex medical evidence. Recent cases have involved FII, radicalisation, non-accidental injuries (brain injuries, multiple fractures, burns and bruises) intergenerational sexual abuse, criminal charges of murder and human rights claims.

Gemma, led by Charles Geekie QC, successfully appealed on behalf of the local authority in the Court of Appeal case of *Re W(A Child)* [2016] EWCA Civ 1140. The judgment sets out important guidance on witnesses being able to challenge findings made against them, if made in breach of their Article 8 rights. The case has attracted considerable media interest.

Gemma has recently been appointed by the Attorney General as a Special Advocate. This involves her representing a party's interests in closed hearings, from which that party has been excluded, and typically in cases involving serious allegations of radicalisation.

## Children (private law)

In private law proceedings, Gemma is instructed on behalf of parents, children and extended family members in the full range of applications. These include difficult cases of implacable hostility, shared

care arrangements, internal and external relocation, special guardianship and fact-finding hearings regarding domestic violence, sexual abuse and children giving evidence. She is well placed to act in cases where there is the potential for care proceedings to be initiated.

Gemma also has a keen interest in cases involving alternative families and surrogacy.

## International family law

Gemma has expertise in cases involving an international element, both in the public and private law arenas. These include Child Abduction, Forced Marriage, Radicalisation and International Relocation.

She successfully represented the child, led by Deirdre Fottrell QC, in a case before the President of the Family Division in *Re N (A child)* [2016] EWHC 3085 (Fam) regarding recognition of foreign adoptions.

## Domestic violence & injunctions

Gemma undertakes all applications under the Family Law Act 1996. This includes forced marriage cases involving both children and adults lacking capacity.

## Court of Protection

Gemma accepts instructions on Health and Welfare Court of Protection work. She has acted pro-bono for a mother in the High Court in a welfare application regarding where P should live following allegations of sexual abuse by her against a family member.

## Modern families & surrogacy

Gemma has a keen interest in cases involving alternative families, including surrogacy and assisted reproduction, donor conception, adoption and parental rights and fertility treatment law.

## What the directories say

**Chambers UK Bar 2019:** *'She's incredibly thorough, a fantastic advocate and a good strategist.'* *'She's very intelligent, and can really get to the nub of an issue very quickly.'*

## Notable Cases

Royal Borough of Greenwich v Adopters [2018] EWFC 87

*L (A Child), Re* [2017] EWHC 3707

*Re W (Children); Application by SW* [2017] EWFC 61

An application by a social worker, against whom unfair findings had been made, for disclosure of documents from care proceedings to her legal team for the purpose of QBD proceedings.

*Re J (A Child)* [2017] EWCA Civ 398

An important decision in the Court of Appeal regarding the procedure to be adopted at an IRH. Led by Andrew Bagchi QC for the Local Authority.

*Re N (A child)* [2016] EWHC 3085 (Fam) A significant judgment from the President regarding recognition of foreign adoptions. Led by Deirdre Fottrell QC.

*Re W(A Child)* [2016] EWCA Civ 1140.

The Court of Appeal sets out important guidance on witnesses being able to challenge findings made against them, if made in breach of their Article 8 rights. Led by Charles Geekie QC.

*Re W (Fact-Finding)* [2014] EWHC 4347 (Fam)

*Royal Borough of Greenwich v JB & Ors* [2014] EWHC B18

## Education

MA(Hons) English, St Anne's College, Oxford University  
GDL and BVC, BPP Law School, London  
Inner Temple Scholarship

## Appointments

Gemma has recently been appointed by the Attorney General as a Special Advocate.  
Gemma sat as the Chair of the Local Family Justice Board in Oxfordshire between 2014 and 2017.  
The Board monitors and improves the performance of the family justice system in the area.

## Awards

Inner Temple Scholarship.

## Memberships & Associations

Member of [Inner Temple](#)  
Member of [Family Law Bar Association \(FLBA\)](#)  
Member of [Association of Lawyers for Children and Resolution \(ALC\)](#)  
Member of [Resolution](#)  
Member of [Bar Pro-Bono Unit](#)

Seminars, publications and training

**2016:** A public debate held by the Family Court in Bristol against the motion "*Our Care System is Too Risk Averse*".

**2015:** Online seminar for Lexis Nexis regarding Litigants in Person.

**2014:** An in-house seminar on The Interplay Between Care and Criminal Proceedings.

**2014:** *“Making Contact Work”* seminar delivered to several large solicitors firms.

**2014:** *“Re B-S And Beyond”*: training for local authorities.

Gemma has written for the online legal resource, Practical Law Company. She has drafted guidance on *“Contact with Children In Care”* and *“Interim Orders”*.