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Gemma White KC



Year of call: **1994**
Appointed to silk: **2016**
Degree: **LLB (London) (1st Class), Maitrise en Droit Francais (Paris I), BCL (Oxon)**
Languages: **French (fluent), Spanish (working knowledge)**

Gemma is a leading silk with a broad-based practice, encompassing public law, professional discipline, discrimination, education, sport and tax. Gemma has particular experience of running complex and confidential internal investigations.

Her clients include government departments, regulators, local authorities, sporting bodies, universities and schools, individuals and action groups. In addition to appearing in the Administrative Court, appellate courts and a range of tribunals she has considerable experience of chairing/sitting on disciplinary/grievance and safeguarding panels, particularly in the education and sporting sectors. Gemma is a CEDR accredited mediator.

Gemma led the 2018-2019 Inquiry into bullying and harassment of Westminster MP's Parliamentary staff and others engaged in Parliamentary work on their behalf. The Inquiry was commissioned by the House of Commons and Gemma's report was published in July 2019 (available here). In February 2025, the BBC published the findings of a review carried out by Gemma concerning Tim Westwood's conduct during his time working for the BBC (available here).

EXPERIENCE

Investigations & Inquiries

Gemma has considerable experience of conducting highly sensitive, and in most cases confidential, investigations and inquiries. Her work includes the following:

- BBC commissioned review of what was known of allegations concerning hip hop DJ Tim Westwood during his time working for the the BBC.
- House of Commons Inquiry into the Bullying and Harassment by MPs of their Parliamentary Staff.
- Inquiry into the way in which a university college handled allegations of sexual misconduct against students and staff.

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- Investigation of allegations of sexual assault made by a student against a university tutor.
- Investigation into allegations of bullying and sexual harassment made against partners in a solicitors' firm.
- Investigation into allegations by company employees of unwanted sexual contact by the Chief Executive Officer.
- Investigation into allegations of race discrimination and use of racist language by the Chair of a Board of a regulator.
- Investigation of allegations made by school teachers and staff against other staff members of a school.
- Investigation into grievances brought against employees of a Government department, and the Department itself.
- Investigation into whistleblowing allegations made against a judge of a sporting fixture.
- Investigation into an allegation that the president of the UAE Athletics Federation had made gifts of Rolex watches to delegates at the Confederation Africaine d'Athletisme in an attempt to persuade them to vote for him in forthcoming elections to the Council of the International Athletics Federation. Her report led to charges being brought before a Panel of the IAAF Ethics Board. See here.
- Investigation into the source of a leak of a draft confidential report prepared for the Board of a national sporting body.

Sport

Gemma has considerable experience in the sporting sector, principally chairing arbitration panels or sitting as sole arbitrator in cases relating to rule breaches, alleged misconduct and safeguarding. She has also been appointed by sporting bodies to conduct investigations into allegations of misconduct and safeguarding reviews.

Gemma was appointed as a member of ECB's Cricket Discipline Panel in March 2025.

Her experience covers football, cricket, horseracing, tennis, netball, athletics, swimming, rowing, climbing and canoeing.

Cases

Ahmad Al Kamali and the IAAF Code of Ethics

2020

Gemma was appointed to investigation an allegation that the president of the UAE Athletics Federation had made gifts of Rolex watches to delegates at the Confederation Africaine d'Athletisme in an attempt to persuade them to vote for him in forthcoming elections to the Council of the International Athletics Federation. Her report led to charges being brought before a Panel of the IAAF Ethics Board. See here.

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Leak investigation

2020

Gemma was appointed by a national sporting body to investigate and repot on the source of a leak of a draft confidential report prepared for the Board of a national sporting body.

Safeguarding Appeal

2020

Chaired appeal panel appointed by a national sporting body considering an appeal from an individual who had been disqualified by a national sporting body for inappropriate behaviour (including messages) with teenage girls.

Safeguarding Appeal

2019

Chaired appeal panel appointed by a national sporting body to consider an appeal from a former coach who had been disqualified as a result of an inappropriate relationship with an individual he coached. The coach had been charged with criminal offences and acquitted.

Safeguarding review

2017

Conducted a review of and produced a report on safeguarding procedures and practices in a sports body

Whistleblowing allegations against judge of a sporting fixture

2017

Appointed by a national sporting body to investigate and report on allegations that a judge of a sporting fixture had acted inappropriately and had altered evidence.

Public & Regulatory

Gemma has a wide-ranging public law practice. Her clients include government departments, local authorities, schools, regulators, individuals and action groups. Gemma appears regularly in the Administrative Court and appellate courts as well as a variety of statutory tribunals. She has conducted a number of internal investigations and disciplinary processes for clients and chairs/sits on school admission/exclusion panels in both the public and private sector.

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Cases have included claims brought by prisoners/young offenders relating to prison closures, conditions and regime, advice on acquisition of airports by public airport companies, airport safety, cases relating to the provision and repayment of student loans, health regulation and professional discipline, freedom of information and data protection, electoral expenses, challenges to housing benefit legislation and challenges to decisions taken by HMRC in relation to tax avoidance schemes.

Cases

R (SXM) v Disclosure and Barring Service

[2020] EWHC 624 (Admin) [2020] 1 WLR 3259

Represented the Disclosure and Barring Service resisting an application for judicial review of its decision to refuse to inform an individual whether the person she alleged had sexually abused her had been placed on the Children's Barred List.

R (Christchurch BC) v Secretary of State for Housing, Communities and Local Government

[2018] EWHC 2126 (Admin) [2019] PTSR 598

Appeared on behalf of various interested party local authorities resisting an application for judicial review of a decision of the Secretary of State for Housing, Communities and Local Government in relation to local government reorganisation

R (Awuku) v Secretary of State for the Home Department

[2017] EWCA Civ 178

Appeared for the Secretary of State for the Home Department on an appeal concerning the rules applicable to the recognition of the marriage of an EU national to a national of a third country, the marriage having taken place by proxy in that country.

R (Rowe) v HMRC and R (Vital Nut) v HMRC

Appeared in Court of Appeal led by James Eadie QC on behalf of HMRC in the lead cases on the legality of Accelerated Payment Notices issued under the provisions of the Finance Act 2014.

R (Dickinson) v HMRC

[2017] EWHC 1705 (Admin); [2017] 4 WLR 126

Appeared on behalf of HMRC in case concerning the legality of Accelerated Payment Notices requiring the Claimants to pay tax they had avoided by making use of tax avoidance schemes known as Contractor Loans Schemes.

Acted for HMRC in a large number of related cases.

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A solicitors firm v HMRC

2017

Advised a firm of solicitors and drafted an appeal to HMRC against a notice served on the firm under the provisions of Schedule 23 to the Finance Act 2011 requiring it to provide HMRC information in relation to the beneficial ownership of offshore entities.

R (JM) v Secretary of State for Justice

[2013] EWHC 2465 (Admin)

Appeared for the Youth Justice Board and Secretary of State for Justice resisting an application for judicial review of their decision to decommission Ashfield Young Offenders Institute. The child claimant contended that closure would breach his rights under Article 8 ECHR as he would be detained further from his family.

R (Mohammed) v Secretary of State for the Home Department

[2014] EWHC 4317 (Admin) [2015] 1 WLR 3349

Acted for the Secretary of State resisting an application for judicial review challenging the Secretary of State's decision to detain the claimant. The issue in the case was whether a mistake of law could amount to "reasonable grounds" for suspecting that the claimant was a person in respect of whom removal directions could be given.

Awuku v Secretary of State for the Home Department

[2017] EWCA Civ 178; [2017] Imm AR 1066

Appeared for the Secretary of State for the Home Department on an appeal concerning the rules applicable to the recognition of the marriage of an EU national to a national of a third country, the marriage having taken place by proxy in that country.

Egeononu v Egeononu

[2017] EWHC 43 (Fam); [2017] 4 WLR 100

Instructed as Advocate to the Court in a case concerning the extent of the inherent jurisdiction of the Family Division of the High Court in relation to extradition for contempt of court in family proceedings.

R (Al-Wayne Barnes) v Secretary of State for Justice

2016

Instructed by the Secretary of State for Justice resisting a claim challenging the rules relating to prison uniform.

R (Lazenby) v Care Quality Commission

2016

Instructed by the Care Quality Commission on a judicial review challenge to decisions which led to the closure of Bootham Park Hospital in York. The Claimants withdrew their claim shortly before the hearing.

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R (VVB Engineering Services) v HMRC

[2017] EWHC 506 (Admin)

Appeared for HMRC on a case concerning the appropriate principles to be applied to grating interim relief to large number of claimants who had applied for judicial review of HMRC's decisions to issue them with Accelerated Payment Notices under the provisions of the Finance Act 2014.

R (Vital Nut) v HMRC; R (Dickinson) v HMRC

[2016] EWHC 1797 (Admin); [2016] 4 WLR 144; [2017] EWHC 1705 (Admin); [2017] 4 WLR 126

Acting for HMRC in a large number of multi-claimant claims for judicial review arising out of the Accelerated Payment Notice ("APN") provisions of the 2014 Finance Act which require users of tax avoidance schemes to make payments on account pending resolution of disputes about the efficacy of the scheme in question.

Rutherford v Secretary of State for Work and Pensions

[2016] EWCA Civ 29; [2016] UKSC 58

Appeared, led by James Eadie QC, on appeal to the Court of Appeal and Supreme Court relating to the Secretary of State for Work and Pensions' housing benefit reforms (known as the "Removal of the Spare Room Subsidy"). The main issue in the case was whether the reforms discriminated against the claimants by reason of disability contrary to Article 14 ECHR.

R (Fox) v Secretary of State for Education

[2016] EWHC 3404 (Admin)

Appeared on behalf of the Secretary of State for Education resisting a challenge, brought by parents and children supported by the British Humanist Association, to the new Religious Studies GCSE subject content. The claimants contended that the Secretary of State had breached their rights under Article 2 of the First Protocol ECHR by asserting that schools could discharge their statutory obligations to teach religious education by providing a GCSE in accordance with the new content.

R (GJD) v Governor of Grendon Prison

[2015] EWHC 3501 (Admin)

Appeared for the Governor of HMP Grendon resisting an application for habeas corpus made by a prisoner who contended that the sentencing judge had no power to impose a sentence of imprisonment for public protection.

R (Sarfaz) v Disclosure and Barring Service

[2015] EWCA 544; [2015] 1 WLR 4441

Appeared on behalf of the Disclosure and Barring Service in a case concerning the Court of Appeal's jurisdiction to entertain an application for permission to appeal from the Upper Tribunal's refusal of permission to appeal in respect of a decision to place a person on the children and adults' barred lists.

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R (Oxford Aviation Service) v Secretary of State for Defence

[2015] EWHC 24 (Admin)

Appeared on behalf of the Secretary of State for Transport and Secretary of State for Defence in a claim concerning the safety standards applicable to the use by civilian aircraft of RAF Northolt.

A teacher v Disclosure and Barring Service

(2015)

Appeared, on behalf of the Disclosure and Barring Service, in the Upper Tribunal resisting an appeal from its decision to place a teacher on the Children's Barred List as a result of his inappropriate sexual contact with a pupil.

R (HMRC) v HM Coroner for Liverpool

[2014] EWHC 1586 (Admin); [2015] QB 481

Appeared for HMRC on an application for judicial review of a Coroner's notice requiring HMRC to provide an occupational history of a deceased taxpayer. The main issue in the case was whether the Coroners and Justice Act 2009 binds the Crown by necessary implication, such that HMRC could provide the occupational history without breaching its duty of confidentiality under s18 Commissioners for Revenue and Customs Act 2005.

Daiichi Sankyo (UK) Ltd v Information Commissioner

EA/2014/0045

Appeared for the Department of Health resisting an appeal from a decision of the Information Commissioner upholding its refusal to provide information relating to the performance of pharmaceutical companies under the Pharmaceutical Price regulation Scheme. The case required consideration of the form in which information should be provided pursuant to s11 Freedom of Information Act 2000 and the exemptions for confidential and commercially sensitive information.

Womens Custodial Estate review

Advised on and settled summary grounds defending a number of linked challenges to decisions taken as a result of the Secretary of State for Justice's review of the custodial estate for women.

R (UK Uncut Legal Action Ltd) v Revenue and Customs Commissioners

[2013] EWHC 1283 (Admin); [2013] STI 1849

Appeared, led by James Eadie QC, on behalf of the Commissioners for Revenue and Customs, resisting an application for judicial review of a settlement reached by HMRC with Goldman Sachs.

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Rev Nicholas Mercer v Information Commissioner

EA/2013/0250

Appeared on behalf of the Ministry of Defence resisting an appeal from the decision of the Information Commissioner upholding the MoD refusal (on the basis of the FOIA exemption for legal professional privilege) to disclose a legal opinion relating to the compatibility of the courts of the UK Sovereign Base Area in Cyprus with the ECHR.

Greg Callus v Information Commissioner

EA/2013/0159

Appeared on behalf of the Home Office resisting an appeal from a decision of the Information Commissioner upholding the Home Office's refusal to disclose the identities of individuals performing specific functions under the Regulation of Investigatory Powers Act 2000. The case addressed a number of exemptions under the Freedom of Information Act 2000 including s23 (national security), s31 (prejudice to the prevention or detection of crime) and s38 (prejudice to health or safety).

Data Protection and foreign legal proceedings

Advised on issues arising under the Data Protection Act 1998 in connection with disclosure of documents in foreign legal proceedings.

Challenges to designation decisions under the Education (Student Support) Regulations 2011

Gemma has advised and settled summary grounds of defence in a number of cases in which private providers of higher education courses have sought permission to challenge the Secretary of State's decisions in relation to the designation of their courses (course designation being required for students to be eligible for student finance). None of the claimants were granted permission to apply for judicial review.

Education

Gemma undertakes a wide variety of work throughout the education sector. Her clients include government departments, schools, universities and other education providers as well as pupils/students, parents, teachers and their unions. Cases include public law challenges to decisions relating to school organisation, discrimination claims, procurement issues and intellectual property claims. She has advised on a number of occasions on the inclusion of non-conviction information on teachers' CRB certificates, matters relating to school teachers' employment, pay and conditions and professional discipline. In the higher education sector she has advised on and drafted submissions responding to complaints to the Office of the Independent Adjudicator and has been instructed in related High Court challenges. She has also advised universities and colleges and appeared before university disciplinary tribunals representing colleges and students.

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Gemma has also frequently appeared (pro bono) before the First-tier Tribunal (previously SENDIST) representing parents challenging decisions made by local authorities in relation to provision for their children's special educational needs. She has chaired and/or acted as a member of independent appeal panels in both the public and private sector dealing with admission decisions, exclusion decisions and appeals against public exam results. She has also conducted a number of internal disciplinary/grievance investigations in the education sector.

Cases

R (Fox) v Secretary of State for Education

[2016] EWHC 3404 (Admin)

Appeared on behalf of the Secretary of State for Education resisting a challenge, brought by parents and children supported by the British Humanist Association, to the new Religious Studies GCSE subject content. The claimants contended that the Secretary of State had breached their rights under Article 2 of the First Protocol ECHR by asserting that schools could discharge their statutory obligations to teach religious education by providing a GCSE in accordance with the new content.

Challenges to designation decisions under the Education (Student Support) Regulations 2011

Gemma has advised and settled summary grounds of defence in a number of cases in which private providers of higher education courses have sought permission to challenge the Secretary of State's decisions in relation to the designation of their courses (course designation being required for students to be eligible for student finance). None of the claimants were granted permission to apply for judicial review.

Student loans

Advised on various matters relating to the provision and repayment of student loans and drafted summary grounds resisting claims brought by students.

A teacher v Disclosure and Barring Service

(2015)

Appeared, on behalf of the Disclosure and Barring Service, in the Upper Tribunal resisting an appeal from its decision to place a teacher on the Children's Barred List as a result of his inappropriate sexual contact with a pupil.

Independent Schools Standards

(2014)

Advised on a case concerning the effects of non-compliance by an independent school with the Education (Independent School Standards) (England) Regulations 2010 and an appeal to the First tier Tribunal from the Secretary of State's decision that the school should be removed from the register of independent schools.

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A level examination results appeal
2012

Chaired an independent school appeal panel considering the appeal of a parent against the head teacher's refusal to institute an appeal to the relevant examination boards in relation to his against his child's A level results.

Safeguarding review
2017

Conducted a review of and produced a report on safeguarding procedures and practices in a sports body

A Head Teacher v Ofsted
2016

Advised a head teacher in connection with a proposed challenge to an Ofsted report.

School grievance and whistle-blowing investigation
2012

Investigated and reported on a grievance and whistle-blowing complaint brought against a head teacher by the school bursar

A Student v A College

Represented an Oxford College resisting a student's appeal to the Conference of Colleges Appeal Tribunal against its decision that the student be sent down

Civil Liberties & Human Rights

Gemma has advised on and drafted applications to the European Court of Human Rights and has drafted observations on behalf of the Government. Many of the cases in which she is instructed in domestic courts require consideration of claims advanced under the Human Rights Act and the European Convention on Human Rights.

Cases

R (Vital Nut) v HMRC; R (Dickinson) v HMRC
[2016] EWHC 1797 (Admin); [2016] 4 WLR 144; [2017] EWHC 1705 (Admin); [2017] 4 WLR 126

Gemma is currently instructed by HMRC in a large number of judicial review claims in which multiple claimants are bringing challenges to Accelerated Payment Notices issued to them in respect of their use of tax avoidance schemes. The claimants contend, amongst other things, that their rights under Article 6 and Article 1 Protocol 1 ECHR have been breached.

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R (Fox) v Secretary of State for Education

[2016] EWHC 3404 (Admin)

Appeared on behalf of the Secretary of State for Education resisting a challenge, brought by parents and children supported by the British Humanist Association, to the new Religious Studies GCSE subject content. The claimants contended that the Secretary of State had breached their rights under Article 2 of the First Protocol ECHR by asserting that schools could discharge their statutory obligations to teach religious education by providing a GCSE in accordance with the new content.

Rutherford v Secretary of State for Work and Pensions

[2016] EWCA Civ 29; [2016] UKSC 58

Appeared, led by James Eadie QC, on appeal to the Court of Appeal and Supreme Court relating to the Secretary of State for Work and Pensions' housing benefit reforms (known as the "Removal of the Spare Room Subsidy"). The main issue in the case was whether the reforms discriminated against the claimants by reason of disability contrary to Article 14 ECHR.

R (JM) v Secretary of State for Justice

[2013] EWHC 2465 (Admin)

Appeared for the Youth Justice Board and Secretary of State for Justice resisting an application for judicial review of their decision to decommission Ashfield Young Offenders Institute. The child claimant contended that closure would breach his rights under Article 8 ECHR as he would be detained further from his family.

Professional Discipline

Gemma has appeared frequently on behalf of the General Medical Council in the High Court: defending appeals from decisions of fitness to practise panels erasing or suspending doctors from the medical register; resisting applications to terminate interim orders made against doctors; and resisting applications for judicial review of GMC decisions. She has also appeared before the Care Standards Tribunal (now FTT – Care Standards) on behalf of the General Social Care Council, advised on university disciplinary proceedings and the Teachers Disciplinary Regulations.

ACHIEVEMENTS

Education

LLB (London) (1st Class), Maîtrise en Droit Français (Paris I Pantheon-Sorbonne) (Mention Bien), BCL (Oxon)

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Publications

Contributor to Coppel on Information Rights: A Practitioner's Guide to Data Protection, Freedom of Information and Other Information Rights, 6th ed., Hart Publishing, Oxford, 2023

Selected earlier reported cases

Public & Regulatory

- BPAS v Secretary of State for Health [2011] 235 (Admin); [2011] 3 All E.R. 1012
- R (easyJet Airline Co Ltd) v Civil Aviation Authority [2009] EWCA Civ 1361; [2010] ACD 19
- Export Credits Guarantee Department v (1) Friends of the Earth (2) Information Commissioner [2008] EWHC 638
- Secretary of State for the Home Department v Lord Alton of Liverpool and Others [2008] EWCA Civ 443

Education

- R (Sandhar) v Office of the Independent Adjudicator for Higher Education [2011] EWCA Civ 1614; [2012] ELR 160
- R (B) v Brent LBC Independent Appeal Panel [2009] EWHC 1189 (Admin)
- R (Parents for Legal Action Limited) v Northumberland County Council [2006] EWHC 1081 (Admin); [2006] ELR 397

Civil Liberties & Human Rights

- R (Morales) v Parole Board and others [2011] EWHC 28 (Admin); [2011] 1 WLR 1095
- R (SP) v Secretary of State for Justice [2010] EWHC 1124; [2010] EWCA Civ 1590; [2011] MHLR 65
- R (Roberts) v Parole Board and Secretary of State for Justice [2009] EWHC 2321 (Admin)
- R (London Secure Services Ltd) v Youth Justice Board for England and Wales [2009] EWHC 2347 (Admin)
- R (P) v Secretary of State for Justice [2009] EWHC 2464 (Admin)
- R (X) v Secretary of State for Justice [2009] EWHC 2465 (Admin)
- R (Brooke) v Parole Board [2007] EWHC 2036 (Admin); [2008] EWCA Civ 29
- R (Girling) v Secretary of State for the Home Department [2006] EWCA Civ 1779: [2007] QB 783
- R (Shreeve) v Secretary for the Home Department [2007] EWHC 2431 (Admin)

Professional Discipline

- Scholten v General Medical Council [2013] EWHC 173 (Admin)
- Cornish v GMC [2012] EWHC 1196
- Ayyub v General Medical Council [2012] EWHC 797 (Admin)
- Ujam v General Medical Council [2012] EWHC 580 (Admin)
- Belal v General Medical Council [2011] EWHC 2859
- Sulaiman v General Medical Council [2011] EWHC 1903 (Admin)

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- Karwal v General Medical Council [2011] EWHC 826 (Admin); (2011) 120 BMLR 71
- Nooh v General Medical Council [2011] EWHC 359
- Bradshaw v General Medical Council [2010] EWHC 1296 (Admin)
- Uruakpa v General Medical Council [2010] EWHC 1302 (Admin)
- R (Remedy UK Ltd) v General Medical Council [2010] EWHC 1245 (Admin)
- Sandler v General Medical Council [2010] EWHC 1029 (Admin); (2010) 114 BMLR 141
- Odes v General Medical Council [2010] EWHC 552 (Admin); (2010) 113 BMLR 139
- Sacha v General Medical Council [2009] EWHC 302 (Admin)
- Sinha v General Medical Council [2009] EWHC 1732 (Admin)
- Abrahaeme v General Medical Council [2008] EWHC 183 (Admin)
- Drafted written representations to the Bar Standards Board on behalf of a law student who had been convicted of a criminal offence.

VAT registration number: 662451735

Barristers regulated by the Bar Standards Board