Ben Mitchell



Call: 2017 England & Wales Call: 2019 Ireland

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Ben specialises in public, commercial, EU, education, employment and information law.

He is ranked in the directories as a leading junior in Administrative and Public Law, Education Law, Data Protection and Employment Law. Peers and clients describe him as a “phenomenal counsel”, “serene under pressure” and “excellent with clients”.

Ben brings strong experience in strategic and high-profile litigation, particularly judicial reviews involving environmental, equality, commercial and education issues.

Ben is a member of both the Equality & Human Rights Commission and Attorney General’s Panels of Counsel, and with membership in the Law Library of Ireland, he has rights of audience in European Union Courts.

> ***Ben is excellent. He is a good advocate.***
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> **CHAMBERS & PARTNERS**

Expertise

Public Law & Human Rights

Ben is ranked by the directories in public law fields and regularly appears in judicial review and wider public law proceedings, both as sole counsel and as part of larger teams. He has particular experience in cases raising environmental, equality, commercial and education issues.

Relevant recent judgments include:

> ***Ben is a really brilliant opponent who operates way beyond his year of call. He is collaborative and very calm.***
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> CHAMBERS & PARTNERS

R (NBT) v BePART Educational Trust

[2026] EWHC 1356 (ADMIN)

Acting for an academy trust in successfully resisting a challenge to the legality of a permanent exclusion decision.

HM Treasury v Global Feedback

FEEDBACK [2025] EWCA CIV 624; [2025] 4 ALL E.R. 187

Acting for the Claimant NGO, Foodrise, in a judicial review relating to the implementation of the UK-Australia trade deal on grounds relating to its environmental impact, led by Victoria Wakefield KC. Judgment on an appeal to the Supreme Court on whether the claim is an Aarhus Convention claim is pending.

R (CM) v Independent Review Panel of PQR Academy

[2025] EWHC 1414 (ADMIN)

Acting for an academy trust in successfully resisting a challenge to the legality of a permanent exclusion decision on grounds relating to human rights and modern slavery.

R (TW) v Essex CC

[2025] EWCA CIV 4; [2025] 2 F.L.R. 242

Acting for the successful Defendant local authority at first instance and on appeal concerning duties under the Children Act 1989, including the provision of accommodation, owed to children in need, led by Jonathan Moffett KC.

(Cilldara Group Holdings Ltd) v West Northamptonshire Council

[2023] EWHC 1675 (ADMIN)

Acting for the successful Defendant in a claim about local authority land disposal under s.123 of the Local Government Act 1972, led by James Goudie KC.

R (L) v Hampshire County Council

[2022] EWHC 49 (ADMIN); [2022] E.L.R. 314

Acting for the Defendant in a challenge to its guidance for schools on supporting LGBT+ students on human rights, religious freedom and political impartiality grounds, led by Andrew Sharland KC.

R (Elliott-Smith) v Secretary of State for Business, Energy and Industrial Strategy

[2021] EWHC 1633 (ADMIN), [2021] PTSR 1795

Acting for the Claimant environmental campaigner in a judicial review of the UK's Carbon Emissions Trading Scheme on grounds relating to the Paris Agreement and the Climate Change Act 2008, led by David Wolfe KC.

R (Adiatu) v HM Treasury

[2020] EWHC 1554 (ADMIN), [2020] IRLR 658

Acting for the Defendant in a challenge to the furlough scheme (Coronavirus Job Retention Scheme) and statutory sick pay on the grounds of discrimination under EU law and the ECHR and compliance with the public sector equality duty, led by Julian Milford KC and Rupert Paines.

R (RW) v Royal Borough of Kensington and Chelsea

[2023] EWHC 1449 (ADMIN); [2023] ALL ER (D) 116 (JUN)

Acting as sole counsel for the Defendant in a claim relating to disability-related expenditure in the calculation of care charges under the Care Act 2014.

R (ZK) v Norfolk County Council

[2021] EWHC 1249 (ADMIN)

Acting for the Defendant in a claim about after-care services under the Mental Health Act 1983, led by Clive Sheldon KC.

R (C) v Secretary of State for Work and Pensions

[2020] EWHC 2817 (ADMIN)

Acting for the Defendant in a discrimination challenge relating to the rates at which Carer's Allowance and Universal Credit were paid during the Covid-19 pandemic, led by Julian Milford KC and Heather Emmerson.

R (Jackson) v Secretary of State for Work and Pensions

[2020] 1 W.L.R. 1441, [2020] EWHC 183 (ADMIN)

Acting for the Defendant in a claim of discrimination contrary to Art.14 of the ECHR on the ground of marital/civil partnership status in relation to social welfare entitlements, led by Julian Milford.

Education

Ben has a wide education law practice and regularly accepts instructions from universities, schools, parents, students and local authorities. He is ranked as a leading junior in education law in Chambers & Partners and Legal500.

Ben regularly acts in judicial reviews concerning education matters, including local authority obligations to secure special educational provision under s.42 of the Children and Families Act 2014, academic and disciplinary decisions of universities, and policy decisions of government and local authorities. He has also acted for a large number of universities in cases brought by students alleging discrimination and breach of academic regulations.

Ben also has significant experience of appearing in special educational needs (SEN) and additional learning needs (ALN) cases before the First-tier and Upper Tribunal and exclusion cases before Independent Review Panels. Ben volunteers as a barrister mentor with the School Exclusion Project.

Ben has a strong advisory practice, having advised a number of universities, schools, local authorities and individuals on education law issues, including:

- Support and accommodation for transgender students in school
- Various academy issues, including on the provision of funding and land management
- Policies and procedures on permanent exclusion from school and on the legality of “managed moves”
- The legality of school closures
- Complaints to the Office of the Independent Adjudicator for Higher Education (OIA)
- SEN and decisions by local authorities to amend or cease to maintain Education, Health and Care Plans (EHCP)

> ***Ben is very responsive and has excellent technical knowledge.***
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> CHAMBERS & PARTNERS

European Union Law

Ben is a member of the Law Library of Ireland and has rights of audience before the Courts of the European Union. He frequently advises on EU law issues, both as they apply within the UK as assimilated law post-Brexit and within the EU. He regularly acts for parties before the Courts of the EU.

Recent and current cases include:

Digital Markets Act (DMA)

Acting for Apple in a set of annulment applications to decisions of the Commission under the Digital Markets Act (DMA), led by Daniel Beard KC.

Wood and Others v Commission

T-575/22, EU:T:2026:197

Acting unled for the Applicant environmental organisations in a challenge to the 'EU Taxonomy for sustainable practices' on grounds that they fail to protect the environment by not complying with the minimum thresholds of environmental protection set out in Regulation (EU) 2020/852. An appeal to the Court of Justice is pending.

ClientEarth v Commission

T-738/25 AND T-180/26

Acting for ClientEarth in a challenge to the Commission's refusal to disclose information about the Barroso Lithium Mine in Portugal.

Sabo and Others v Parliament and Council (EU Biomass Case)

T-141/19

Acting for the Applicants (individuals and environmental NGOs from across the EU and the USA) in a challenge to the EU's support for the forest biomass industry in the Renewable Energy Directive (Recast) (REDII) on the basis of the human rights and environmental protection principles in the EU Treaties.

Digital Services Act (DSA)

Advising a digital content platform on its obligations under the Digital Services Act (DSA).

Employment

Ben regularly represents employees and employers in all areas of employment law. He has particular expertise in cases of discrimination and whistleblowing.

Ben also has experience of advising on and appearing in employment law matters relating to:

- Employee status
- Redundancy
- Holiday pay and annual leave
- The Employment Tribunal's territorial jurisdiction

- Transfer of undertakings (TUPE)
- Constructive, unfair, wrongful and discriminatory dismissal
- Breach of contract, including the term of mutual trust and confidence

> ***Ben is a skilful barrister who is responsive and excellent with clients. He is a very impressive advocate and remains calm under pressure.***
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> LEGAL 500

Data Protection, Information and Media Law

Ben has substantial experience across information law and is regularly instructed in domestic and EU law matters relating to data protection, access to information, and online service provider obligations.

Ben is co-author of *Data Protection, Privacy and Information Law: A Practical Guide* (December 2024, Law Society).

He often appears in the courts and tribunals for businesses, journalists, individuals and the Information Commissioner's Office (ICO) in matters relating to:

- Claims against data controllers for data breaches or subject access requests. Ben also regularly advises on tactical steps to minimise the costs and inconvenience to businesses and organisations caused by these claims.
- Challenges to fines under Monetary Penalty Notices under PECR and the DPA/GDPR.
- Appeals against Decision Notices under the Freedom of Information Act (FOIA) and the Environmental Information Regulations (EIR).
- Acting for a journalist in a series of successful appeals to the First-Tier Tribunal on access to politically sensitive information.
- Advising and acting for a politician on data protection matters, led by Robin Hopkins.
- Advising a national government on data protection matters relating to a high-profiled sanctioned individual.
- Acting for a large sports club dealing with a mass data breach, led by Anya Proops KC.

> ***Ben understands the client's needs and attitudes towards litigation. He is approachable and easy to work with.***
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> CHAMBERS & PARTNERS

- Acting for a large national organisation dealing with a mass data breach, led by Anya Proops KC.

Pereira v Information Commissioner

[2023] UKUT 130 (AAC)

Acting for the Information Commissioner on the balance of interests applicable to the personal information exemption under s.40(2) FOIA

Walawalkar v Information Commissioner and Maritime and Coastguard Agency

[2025] UKUT 105 (AAC)

Acting for the Information Commissioner on the scope of the obligation to provide information in requested form, under s.11 FOIA.

Bickerdike v Information Commissioner and National Highways

Currently before the Upper Tribunal, acting for the Requester on the meaning of a "manifestly unreasonable" request under the EIR.

Procurement & State Aid

Ben has considerable experience of the application of the procurement and state aid rules.

Ben is frequently instructed in a number of procurement matters by economic operators and contracting authorities, as part of a large counsel team and individually, including:

- Acting for a defendant in a large procurement challenge under the Public Contracts Regulations 2015, led by Jason Coppel KC and Joseph Barrett.
- Drafting particulars of claim, advising and assisting with pre-action correspondence for various claimants and defendants.

Draeger SafetyUK Ltd v London Fire Commissioner

[2021] EWHC 2221 (TCC); 197 CON L.R. 151

Led by Jason Coppel KC, representing the successful claimant resisting an application to lift an automatic suspension on contract-making.

Achievements

Awards

Lord Mansfield Scholarship (Lincoln's Inn)

Lord Bowen Scholarship (Lincoln's Inn)

Hardwicke Entrance Exhibition (Lincoln's Inn)

Ussher PhD Fellowship (Trinity College Dublin)

Foley-Bejar Scholarship (Balliol College, Oxford)

Julian Prize for Second Place overall in LLB class (Trinity College Dublin)

Scholar of Trinity College Dublin

Entrance Exhibition (Trinity College Dublin)

Education

PhD in Law, Trinity College Dublin – focused on public interest education law

BCL, University of Oxford, Balliol College – Distinction

LLB, Trinity College Dublin – First Class