

Ben Collins KC

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Overview

Ben Collins KC has an exceptionally diverse practice, appearing in landmark litigation, and recognised as a leading silk, in no fewer than five fields of practice: employment, professional discipline, clinical negligence, personal injury and administrative and public law. In 2020 he was named **Pro Bono KC of the Year** at the *Bar Pro Bono Awards*, and was shortlisted at *The Lawyer Awards* as **Barrister of the Year**.

The legal directories describe Ben as **“an exceptional barrister... incredibly bright and a pleasure to work with.”** Ben has a high-profile practice in both private and public law, with particular expertise in employment, healthcare and regulatory work, although his practice spans public law and human rights, clinical negligence, medical law, personal injury, inquests and inquiries, sports disputes and professional negligence.

Ben has vast experience in employment and discrimination claims, with particular expertise in disability discrimination and other health-related issues (including mixed employment, regulatory, discrimination and personal injury claims). He has considerable experience of high-profile and high-value whistleblowing claims; and of public sector work in general. He appears very regularly in [disputes involving doctors](#).

His disciplinary practice involves representing practitioners and professional bodies in professional conduct proceedings before regulatory bodies such as the GMC, GDC and ARB, as well as in judicial review challenges in the Administrative Court. He has appeared in [university](#) and police disciplinary proceedings, and has experience of major financial services regulatory work, including internationally (he appeared in the first contested hearing before the Financial Markets Tribunal in Dubai).

He is regularly instructed by both claimants and defendants in complex and high-value clinical negligence and personal injury claims. He has enormous experience in addressing medical issues and an in-depth understanding of the work of clinical professionals, as well as in meeting the needs of severely disabled claimants and their families. His case of [Hughes v Rattan](#) was named **Outstanding Case of the Year** at the *Personal Injury Awards 2022*.

Ben must be considered one of the leading experts in the law of criminal injuries compensation at the bar, having appeared in almost every major appeal in the field in the past decade, including *A (SC, exclusion of criminal convictions)*, *JT (CA, same roof rule)*, *CP (CA, fetal alcohol syndrome)*, *Jones (SC, crime of violence)* and *Y (CA, status of unborn child)*. He is consulting editor to Miers on *Criminal Injuries Compensation (OUP)*.

His public law practice involves review of decisions in the fields of equality, medical law, professional regulation, industrial relations, mental health, coroners, prisons and immigration. He advised the Lord Chancellor on changes to the discount rate for personal injury damages, and defended APIL’s judicial review of the rate. His work frequently encompasses human rights challenges.

He appears at inquests and public inquiries, most recently the Infected Blood Inquiry.

Publications

- Consulting editor to Miers on *Criminal Injuries Compensation (OUP)*.
- Contributing editor to *Professional Negligence and Liability (LLP)*, dealing with clinical practitioners.

Expertise

- Administrative & Public Law
- Civil Liberties and Human Rights
- Clinical Negligence
- Commercial Law
- Education & Safeguarding
- Employment & Discrimination
- Environment
- Finance
- Health
- Health & Safety & Environmental Law
- HR Professional Support
- Inquests & Public Inquiries
- Insurance
- Investigations
- Media and Entertainment
- Personal Injury
- Professional Regulatory & Discipline
- Public Law
- Retail and Consumer
- Sport
- Travel

Recommendations

"His advocacy is elegant and simple but always to the point. He understands what really matters in a case, and this resonates with judges and his opponents. He navigates the most complicated of legal problems and provides real solutions." Chambers & Partners 2024

"Ben is extremely thorough and does not overlook a single detail, just what you need in highly complex multi-defendant extremely high-value personal injury cases." The Legal 500 2024

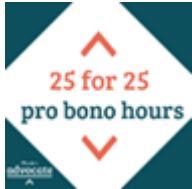
"One of the best – he has the courage and conviction to take on legally challenging cases that many barristers wouldn’t touch. A real team player and a pleasure to work with." The Legal 500 2023

"Ben’s advocacy is as good as it gets. Even on complex and contentious points, he has judges eating out of the palm of his hand – he is a pleasure to watch on his feet. In con and with clients, he is similarly good to work with – everything you could want from a silk." The Legal 500 2023

- Ben has contributed articles to JPIL, NLJ, ELA Review, Occupational Medicine, Judicial Review and Legal and Medical. He lectures regularly on a range of topics including employment and discrimination law, clinical negligence, human rights, medical law, professional discipline and civil procedure. He has led sessions at the ELA annual conference.

Appointments

- Deputy Head of Chambers
- Recorder (2018)
- Queen's Counsel (2016)
- Called to the Bar of Northern Ireland (2016)
- Special Advocate
- Member, International Paralympic Committee anti-doping appeal panel
- Attorney General's A Panel of Counsel (before taking silk)
- Former Member, Bar Standards Board Qualifications Committee
- Bar Pro Bono Unit, Reviewer Member
- ELA Pro Bono Committee
- Member of: ELA, ELBA, ARDL, PNBA, PIBA, Justice



Employment & Discrimination

Ben is recognised by both *Chambers & Partners UK* and *The Legal 500* as a leading employment law silk. He has extensive experience of a range of employment law claims. He represents large commercial and industrial respondents; public authorities (in particular [central and local government](#)); [health service bodies and practitioners](#); [higher education institutions](#); and claimants with high-value or complex claims.

He is frequently instructed in complex and high-value discrimination claims and has particular expertise in cases concerning disability and health issues. His human rights practice gives him a broad understanding of equality issues both within and beyond the employment sphere. He is often asked to advise public bodies on their equality obligations (flowing from the public sector equality duty, ECHR and discrimination legislation), as well as dealing with allegations of systematic and individual discrimination brought against them. He is experienced in claims relating to service provision discrimination.

Ben also appears regularly in claims concerning whistleblowing, TUPE, restraint of trade and all kinds of dismissals. He has wide experience of cases concerning the international jurisdiction of the employment tribunal.

Ben has an in-depth understanding of the workings of the health service and clinical professionals. He represents practitioners and trusts in internal disciplinary proceedings, High Court disputes and tribunal claims. His experience in professional regulation (in particular of the clinical professions), public law and clinical negligence contribute to his ability to represent parties to health-sector disputes with real effectiveness; not least given his long experience of working with medical experts.

Prior to taking silk, Ben was a member of the Attorney General's A Panel of counsel (and was a panellist in total for 13 years). He has appeared in some of the most significant and high-profile litigation brought against the government. He is a Special Advocate, has developed vetting security clearance and appears in employment and related disputes where national security is in issue.

Ben also has experience of representing professional footballers and managers in disputes with their present or former employers. He also has experience of claims involving rugby clubs.

Finally, Ben's experience of high-value personal injury and clinical negligence claims affords him particular expertise in dealing with complex issues on remedy, not least where psychiatric injury is alleged; or where long-term claims for loss of earnings arise. Ben has advised the Lord Chancellor on the current review of the discount rate and is skilled in dealing with large claims for future losses.

Ben is a member of ELA, ELBA and ILS, as well as Justice and Liberty.

Discrimination

- *IWGB v Mayor of London* [2021] 3 All ER 334; [2020] 4 WLR 112 (CA) – Race discrimination challenge to Mayor's decision to remove Congestion

Key contacts

William Meade

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Charge exemption from minicab drivers.

- *Wright-Turner v LBHF* (ET, 2021) – Successful dismissal and disability discrimination claim brought by senior council executive with psychiatric injury following Grenfell disaster.
- *Khan v Home Secretary and Cummings* (ET, 2020) – Represented Prime Minister's Chief of Staff in discrimination claim brought by Special Adviser.
- *F&G v Met Police* (ET, 2018): Special advocate for police officers denied security clearance on grounds of nationality.
- *Wastenev v E London NHS Foundation Trust* [2016] ICR 643. Leading case on direct religious discrimination in the workplace.
- *Quigley v CICA* (2015-6). Discrimination and human rights challenge by victim of acid attack to rules on criminal convictions in *Criminal Injuries Compensation Scheme 2012*.
- *Child Soldiers International v Secretary of State for Defence* [2016] 1 W.L.R. 1062. Age discrimination challenge to Army recruitment rules.
- *McCloud v Lord Chancellor* (ET, 2016 – one of The Lawyer's Top 20 Cases of 2016). Age discrimination claims brought by around 200 judges following government reform of the judicial pension scheme.
- *Holloway v MOD* [2015] UKEAT/0396/14. Territorial jurisdiction of tribunal in case arising from employment in British Overseas Territory.
- *Deangate v Hatley* [2015] ICR 890. Employment tribunal fee remission regime for claims filed online.
- *Tozer v Barts NHS Trust* (ET, 2015). Sex discrimination claim by high-profile fertility consultant suspected of dishonesty.
- *Storey v GCHQ* [2015] UKEAT/0269/14. Special advocate in disability and religious discrimination claim arising out of security vetting.
- *Saad v Health Education England* [2014] UKEAT. Whether the UK approach to disability discrimination accords with EU law post-Ring.

Whistleblowing

- *FCO v Bamieh* [2020] ICR 465 (CA) Territorial jurisdiction for whistleblowing claims against co-workers.
- *University Hospitals Birmingham NHS Foundation Trust v Reuser* [2020] Med LR 370 (EAT) whistleblowing claim brought by surgeon following dismissal by NHS Trust.
- *Gilham v Ministry of Justice* [2019] ICR 1655 (SC) Worker status of judges.

Other

- *National Union of Professional Foster Carers v Certification Officer* [2021] ICR 1397 – Worker status, and trade union rights, of foster carers.
- *Kowal v TDL* (ET, 2018) – Worker status of NHS blood couriers.
- *Secretary of State for Justice v Betts* [2017] ICR 1130 – Illegality in civil service appointments.
- *Holloway and others v MOD* (EAT, 2015) – Territorial jurisdiction of ET in claims arising from employment in British Overseas Territory.
- *Rogers v Deputy Commander* [2013] All ER (D) 308 (Mar). International jurisdiction dispute raising question of UK treaty obligations.
- *Grocott v MOD* (2012). Unfair dismissal and discrimination claim raising questions of international jurisdiction of the employment tribunal.
- *Jones v Mid-Cheshire Hospitals NHS Trust* (2008). Dismissal of hospital consultant for alleged involvement in fraudulent signing of death certificates.
- *David Platt v Football Association* (2005). Represented David Platt in contractual dispute on termination of employment.

Public Law

Ben has directory recognition as a leading public law silk, and has appeared in some of the most significant and high-profile litigation brought against the government, having appeared in a range of high-profile judicial reviews and appeals, including three Supreme Court cases in 2019-20. Prior to taking silk he was on the Attorney General's A Panel of Counsel, and was a panellist in total for 13 years. Ben also appears for individuals and regulatory bodies in judicial reviews of professional regulatory decisions.

Because Ben has a strong common law practice alongside his public law work, he has particular expertise in claims where claims for common law damages are made together with claims for public law and/or human rights remedies.

Ben has particular expertise in equality issues, by reference to the Public Sector Equality Duty, ECHR and discrimination law. He has advised on equality matters in relation to the new Criminal Injuries Compensation Scheme, the setting of the Discount Rate, Free Schools and the operation of public sector cuts.

Ben is a Special Advocate and has Developed Vetting security clearance. He appears in a range of disputes where national security is in issue, in both England and Northern Ireland.

Criminal Injuries Compensation

- *A v CICA* [2021] 1 WLR 3746 (SC). Availability of compensation for victims of trafficking with criminal convictions.
- *CICA v FTT (SEC)* [2022] UKUT 103 (AAC) - whether online grooming and abuse offences are crimes of violence under the Scheme.
- *Jones v FTT* [2019] 1 WLR 1391. Re-opening decisions in changed circumstances.
- *JT v FTT* [2019] 1 WLR 1313. Lawfulness of the “same roof rule” for historic abuse claims.
- *CICA v FTT and Y* [2017] 4 WLR 60. Whether child born disabled as a result of incestuous rape can claim compensation for injury sustained as a victim of a crime of violence.
- *R (McNiece and others) v CICA* [2017] EWHC 2. Whether barring compensation on grounds of previous criminal convictions is ultra vires or in breach of the HRA.
- *R (CICA) v FTT and MB* [2016] EWHC 2745 (Admin); [2016] A.C.D. 136. Reviving compensation claim after 19 years.
- *Clifford v FTT* [2016] EWCA Civ 1329. Proper approach to rules on compensation for minor multiple injuries.
- *CICA v FTT (CP)* [2014] EWCA Civ 1554; [2015] 2 W.L.R. 463. Whether women who harm their unborn children by drinking to excess are criminally liable.
- *CICA v FTT (TS)* [2014] EWCA Civ 65; [2014] P.I.Q.R. P10. Whether offence under Dangerous Dogs Act is crime of violence.
- *R. (Colefax) v FTT* [2014] EWCA Civ 945; [2015] 1 W.L.R. 35. Right to claim compensation where two injuries sustained, one latent and one patent.
- *RS v CICA* [2013] EWCA Civ 1040; [2014] 1 W.L.R. 1313. Limitations on secondary victims and meaning of “immediate aftermath”.
- *Jones v FTT* [2013] UKSC 19; [2013] 2 AC 48. Meaning of “crime of violence” for the purposes of the Criminal Injuries Compensation Scheme.
- *SDM v CICA* (Upper Tribunal, 2012). Defending Criminal Injuries Compensation Scheme from challenge to its compatibility with ECHR in the context of honour killings.
- *R (Levenes) v CICA* [2012] EWHC. Challenge to CICA payments policy.
- *Rust-Andrews v FTT* [2011] EWCA Civ 1148; [2012] PIQR P7. How to value loss of chance in criminal injuries cases.

Prisons and Parole

- *R (Pearce) v Parole Board* [2023] 2 WLR 839 (SC). Assessing the proper approach to decision-making by the Board in relation to non-proven allegations.
- *R (Bailey) v SSJ* [2023] 2 Cr.App. R.7 (Div Ct). Whether the law of contempt applies to the Parole Board.
- *R (Gourlay) v Parole Board* [2020] 1 WLR 5344 (SC). Whether Parole Board should be treated as a court. Whether the rule that courts will not ordinarily pay costs in JR proceedings is still good law.
- *R (DSD & NBV) v Parole Board and others* [2019] QB 285: Judicial Review of the decision to release “black cab rapist” John Worboys.
- *R (Hussain) v Parole Board* [2016] 1 WLR 4996. Challenge to Parole Board’s backlog of hearings.
- *R (Haney) v SSJ* [2013] EWHC 803 Admin; [2013] ACD 78. Challenge to failure to transfer prisoners to open prisons.
- *R (McGetrick) v Parole Board* [2013] 1 WLR 2064. Interlocutory powers of Parole Board.
- *R (Hindawi) v Parole Board* [2012] EWHC 3894 (Admin). Challenge to refusal of parole to convicted terrorist (attempted plane bomber) deportee.
- *R (Bourgass) v SSJ* [2012] EWHC. Judicial review of decision to keep convicted terrorist (who murdered police officer subsequent to the “ricin plot”) in maximum security conditions.
- *R (YG) v SSHD* [2008] EWHC 1735 (Admin). Release of foreign national (stateless) prisoner.
- *R (A) v Huntercombe Young Offenders Institute and Another* [2006] EWHC 2544 (Admin). Dispute as to the proper interpretation of sentencing provisions for young offenders.

Health

- *R (Brennan) v SLAM NHS Trust and others* (CA, 2016). Article 2 challenge to the lack of a system of mandatory independent investigations for deaths in hospitals (challenging *Antoniou v Central and North West London NHS Foundation Trust* [2015] 1 WLR 459).
- *R (AG) v NHS Redbridge* [2012] UKHC. Complex social care dispute involving partnership between local authority and PCT.
- *R (Care Principles Ltd) v Mental Health Review Tribunal and others* [2006] EWHC 3194 (Admin); (2007) BMLR 145. JR proceedings for emergency stay to detain mental health patient in hospital.
- *Stone v South East Coast Strategic Health Authority and Others* [2006]

EWHC 1668 (Admin); (2007) UKHRR 137 Successfully resisted convicted murderer Michael Stone's attempt to restrain publication of inquiry report.

Immigration

- *SSHD v Christy* [2019] 1 WLR 2017. Work permit rights for non-EU nationals.
- *R (Detention Action) v Lord Chancellor* [2015] EWHC (Admin). Whether fast track appeal system is lawful.
- *Oboh v SSHD* [2014] 1 W.L.R. 1680; [2014] Imm. A.R. 521. Right of relatives of EU nationals to reside in UK.
- *R (AB) v SSHD* [2013] EWHC 3453 (Admin); [2014] 2 C.M.L.R. 22. Alleged corruption by state officials in torture claim.
- *Aladeselu v SSHD* [2013] EWCA Civ 144. Rights of extended family members to consideration for residence permits.
- *AA (Nigeria) v Secretary of State for the Home Department* [2010] EWCA Civ 773; [2011] 1 WLR 564. Meaning of "false representations" in Immigration Rules.
- *GM (Eritrea) v SSHD* (and conjoined appeals) [2008] EWCA (Civ) 833. Guidance on the application of the burden of proof to asylum claimants from Eritrea.
- *AS (Pakistan) v SSHD* [2008] EWCA Civ 1118. Return of foreign national prisoner with British wife and child.
- *HC (Jamaica) v SSHD* [2008] EWCA Civ 37. Immigration and family life.
- *SF (Iran) v SSHD* [2007] EWCA Civ 227. Advising and representing Secretary of State in appeal to Court of Appeal on return of asylum seeker to Iran.

Tax

- *Earthshine* [2014] UKUT 271 (TCC); [2014] B.V.C. 522; [2014] S.T.I. 2290. Proper approach to considering allegations of MTIC fraud.
- *R (oao Glenn & Co (Essex) Ltd) v HMRC* [2010] EWHC 1469 (Admin); [2010] 4 All ER 998. Meaning of "document" in a range of statutory contexts.
- *Carousel (MTIC) fraud* (2006-2010) Advising on and coordinating HM Revenue and Customs' response to some 900 appeals and associated judicial reviews arising out of suspected carousel fraud; and appearing before tribunal as lead counsel.
- *CRC v Church of Scientology Religious Education College Inc* [2007] EWHC 1329 (Ch) Representing Commissioners for Revenue and Customs in multi-million pound appeal from VAT and Duties Tribunal.

Other

- *Kaszeta v DSTL* (2023). Successful challenge to decision to exclude chemical weapons expert from speaking at defence conference on grounds of social media comments.
- *R (Adiatu) v HM Treasury* [2021] 2 All ER 484 - Challenge to exclusions from furlough scheme.
- *R (IWGB) v Mayor of London* [2020] 4 WLR 112. Whether removal of congestion charge exemption for minicab drivers is discriminatory.
- *Child Soldiers International v MOD* [2015] EWHC 2183 (Admin); [2016] 1 W.L.R. 1062. Age discrimination challenge to Army recruitment rules.
- *Woodman-Smith v Architects Registration Board* [2014] EWHC 3639 (Admin). Sanctions regime for architects.
- *Al Jeddah v SSHD* [2014] AC 253. Special advocate in SIAC proceedings following decision of Supreme Court. Home Secretary seeking to deprive appellant of citizenship.
- *Dowland v Architect's Registration* [2013] EWHC 893 (Admin); [2013] B.P.I.R. 566; (2013) 163(7558) NLJ 16. Power of ARB to deny re-entry on the register.
- *R (APIL) v Lord Chancellor* (2012). Challenge to Discount Rate.

Professional Regulatory & Discipline

Ben has directory recognition as a leading silk in this field. He has worked on cases concerning the healthcare sector throughout his career (as well as professional discipline, he works in the related fields of clinical negligence and medical employment disputes). He has vast knowledge of the work of clinical professionals and healthcare providers, having appeared in cases involving doctors, dentists, nurses, opticians, paramedics and other healthcare professions.

He is also instructed to deal with disciplinary disputes in non-health contexts, for example, in relation to the regulation of architects, actuaries, athletes, financial services, the police and universities.

He appears at internal disciplinary proceedings; hearings before regulatory bodies such as the MPTS, GDC and NMC; hearings in the FTT; and High Court challenges to the decisions of employers and regulators. He is one of the few UK

practitioners to have appeared in the Financial Markets Tribunal of the DIFC (Dubai).

Notable Cases

- *Sun v GMC* [2023] EWHC 1515 (Admin). Appeal against erasure following allegations of dishonesty. Extension of time limit for appeal.
- *GDC v TA* (2022): Proper approach to non-cooperation in a case involving multiple registrants.
- *BW v APM* (2018): Successful defence of public law challenge to operation of regulator.
- *RT v IFA* (2018): Successful defence of claim alleging flaws in regulatory examination process.
- *X v DFSA* (2018). Financial services regulatory appeal in Dubai International Finance Centre.
- *R (Mandic-Bozic) v British Association for Counselling and Psychotherapy* (2017) 154 BMLR 159. Advising regulatory body on proper approach to disciplinary case brought by two different regulators.
- *IPC v Pereira* (2016). Paralympic anti-doping appeal.
- *Khastgir v ABM ULHB [2015] EWHC*. Injunction proceedings in disciplinary dispute.
- *Woodman-Smith v Architects Registration Board* [2014] EWHC 3639 (Admin). Sanctions regime for architects.
- *Wilson v University Hospital Birmingham NHS Trust* [2014] EWHC. Injunction proceedings in disciplinary dispute.
- *Dowland v Architect's Registration* [2013] EWHC 893 (Admin); [2013] B.P.I.R. 566; (2013) 163(7558) NLJ 16. Power of ARB to deny re-entry on the register.

Clinical Negligence

Ben has directory recognition as a leading clinical negligence silk and leads the clinical negligence team at Old Square Chambers. He has worked on cases concerning the healthcare sector throughout his career and has huge knowledge of the work of clinical professionals and healthcare providers. Having earlier in his career practised for over 15 years at 1 Crown Office Row, clinical negligence has always been an important part of his work. He has appeared for both claimants and defendants in the widest range of claims, including appearing as lead counsel in many claims relating to catastrophic injuries.

He has particular experience of claims involving: cerebral palsy; and other obstetric and neonatal injuries; catastrophic brain injury; neurosurgery (including spinal surgery, cauda equina and the treatment of Chiari malformation); bariatric surgery and malnutrition; GP failures, including delayed diagnosis of meningitis; orthopaedic, vascular and cardiothoracic surgery; and gynaecology. The list is far from exhaustive – over the course of his career, Ben has worked on cases concerning a vast range of aspects of clinical care.

Ben is experienced in and knowledgeable about the particular demands of military claims, appearing both for service personnel and MOD.

Ben regularly represents clinicians, healthcare providers and families at inquests where questions of clinical care are in issue. His human rights practice is particularly valuable in this context, especially if detention (either under mental health law or in prison) is in issue.

Ben was instructed by the Trust in the Alder Hey Inquiry into the retention of organs. He is currently instructed in a number of claims arising out of the Infected Blood Inquiry.

Ben is member of the PNBA. He is a contributing editor to *Professional Negligence and Liability*, dealing with the liability of clinical professionals. He chaired the 2017 and 2019 AvMA Cerebral Palsy and Brain Injury Conferences.

Notable Cases

- *McCulloch v Forth Valley Health Board* [2023] UKSC 26 – Test for breach of duty when doctor advises on a range of treatment options.
- *Hughes v Rattan* [2022] 1 LWR 1680 (CA) – Direct non-delegable duty and vicarious liability in the context of dental practices.
- *Williams v Favretti and others* [2022] EWHC (QB) – Complex bariatric surgery claim against overseas defendant.
- *Pawley v Whitecross Dental Care Ltd* [2022] 1 WLR 2577 (CA) – Permissibility of joinder of a defendant against the wishes of a claimant.
- *King v Royal United Hospitals Bath NHS Foundation Trust* [2021] PIQR P20 – Secondary victim claim arising from neonatal death.
- *Bass v MOD* [2021] ICR 162. Lead case in claims alleging failures to protect soldiers in Afghanistan from infectious disease.
- *Douse v Western Sussex NHS Trust* [2019] EWHC 2294 (QB). Success at liability trial for claimant in contested cerebral palsy claim.
- *Eaglesham v MOD* (2019). High-profile claim arising from Q fever chronic

fatigue syndrome.

- *M v GOSH (2018)*. Wrongful birth claim, very high value.
- *HXM v MOD (HC, 2019)*. Liability for and consequences of neonatal stroke.
- *HD v CW (HC, 2018)*. Negligent bariatric surgery and malnutrition in patient with multiple sclerosis.
- *Asante v Guy's and St Thomas NHS Trust [2018] EWHC 2570 (QB)*: Failure to treat osteomyelitis in patient with sickle cell disease.
- *Larner v Royal Brompton and Harefield NHS Trust [2017] EWHC*. Very high value claim arising from allegations of medical and surgical mismanagement of cardiological complications of Kawasaki disease.
- *Barlow v MOD (HC, 2016)*. Complex claim considering whether claimant suffers from cerebral palsy or dyspraxia.
- *Morrison v MOD (HC, 2016)*. Very high-value of claim arising from neonatal stroke following misdiagnosis of heart condition.
- *Adicott v Heart of England NHS Trust (HC, 2015)*. Successful claim for DDH in claim brought over 35 years out of time.
- *Hill v North Bristol NHS Trust (HC, 2015)*. Failure to diagnose breast cancer; formed part of major inquiry.
- *Scott v Frimley Park Hospital NHS Trust and others [2015] EWHC*. High value military claim arising from long-term management of compartment.
- *AE v ULH NHS Trust (2013)*. Cerebral palsy claim settled for over £10 million.
- *Scott v MOD and others (2013)*. High value military claim arising from diagnosis and treatment of compartment syndrome.
- *Bowden v Homerton University Hospital NHS Foundation Trust [2012] EWCA Civ 1548*. Successful appeal for claimant against interlocutory decision in relation to claim for negligence leading to liver transplant.
- *PW v N NHS Trust (High Court, 2012-13)*. Defending claim in respect of misdiagnosis of leukaemia leading to bone marrow transplant, graft v host disease and avascular necrosis.
- *Grisko v Newham PCT (High Court, 2012)*. High value settlement achieved for claimant who lost a foot due to negligent management of a diabetic foot.
- *CG v N NHS Trust (High Court, 2012)*. Defending cerebral palsy claim.
- *Cassidy v Homerton University Hospitals NHS Trust (High Court, 2012)*. Substantial compensation for alleged negligent joint replacement in young woman with arthritis.
- *ER v G PCT and others (High Court, 2011)*. High value claim relating to delayed diagnosis of meningitis.
- *Inquest into the death of Onyi Chando (2009)*. Represented family in inquest into death of infant under constant watch in hospital.
- *Inquest into the death of Joanne Lockham (2009)*. Represented anaesthetist at high-profile inquest into death in childbirth due to failed intubation.
- *Inquest into the death of Tommy Payne (2008)*. Represented Police Forensic Medical Examiner in inquest into death of police officer who committed suicide after being charged with corruption offences.
- *Royal Liverpool Children's Inquiry (2000)* Instructed by Trust for inquiry.
- *Re N [1999] EWCA Civ 1452; (1999) Lloyd's Rep Med 257*. Duty of care owed by Police Forensic Medical Examiner to rape victim.

Personal Injury

Ben is recognised as a leading personal injury silk and has long experience of dealing with personal injury claims. He appears as leading counsel in claims arising out of some of the most serious injuries, including when brain injury (both subtle and severe) is in issue.

Ben's extensive experience of clinical negligence claims (see separate entry) and his intimate knowledge of the healthcare sector provide him with great expertise in dealing with contested quantum issues. He has vast experience of working with medical experts and a detailed understanding of the interrelationship of medical expertise, care and occupational assistance and rehabilitation.

Ben has expertise in both employment and discrimination law and accordingly has notable expertise in dealing with mixed employment and personal injury cases arising out of stress, harassment and/or discrimination in the workplace.

Ben is experienced in and knowledgeable about the particular demands of military claims, appearing both for service personnel and MOD.

Ben has experience of large-scale mediation and of group actions, having been instructed by the MOD in the Kenyan Training Area claims group litigation and a range of claims arising out of the development of Q fever among service personnel in Afghanistan. He is currently instructed in a number of claims arising out of the Infected Blood Inquiry.

Ben must be considered one of the leading experts in the law of criminal injuries

compensation at the bar, having appeared in almost every major appeal in the field in the past decade, including *A* (SC, exclusion of criminal convictions), *JT* (CA, same roof rule), *CP* (CA, fetal alcohol syndrome), *Jones* (SC, crime of violence) and *Y* (CA, status of unborn child). He is consulting editor to Miers on *Criminal Injuries Compensation* (OUP).

Ben is a member of PIBA and has written for JPIL.

Notable Cases

- *XY v A Football Club* (2023). Fatal claim by family of senior employee at Premier League football club.
- *Bass v MOD* [2021] ICR 162. Test case arising out of development of Q fever among service personnel in Afghanistan.
- *AM v Mechantech Ltd and anor* (HC, 2022) - Very high value brain injury claim against defendants both in UK and overseas.
- *LS v South Yorks Fire and Rescue Service* (HC, 2020) - Very high value brain injury claim.
- *Momonakaya v MOD* (HC, 2018): Claim for psychiatric injury brought by Fijian soldier alleging racist bullying.
- *CF v X Football Club* (2018): Claimant by professional footballer against Championship club alleging negligent management of injury.
- *Douglas v UK Athletics* (2016). Claim by international triple jumper in respect of training accident overseas.
- *Scott v Frimley Park Hospital NHS Trust and others* [2015] EWHC. High-value military claim arising from long-term management of compartment syndrome.

CICA

- *A v CICA* [2021] 1 WLR 3746 (SC). Availability of compensation for victims of trafficking with criminal convictions.
- *CICA v FTT (SEC)* [2022] UKUT 103 (AAC) - whether online grooming and abuse offences are crimes of violence under the Scheme.
- *Jones v FTT* [2019] 1 WLR 1391. Re-opening decisions in changed circumstances.
- *JT v FTT* [2019] 1 WLR 1313. Lawfulness of the “same roof rule” for historic abuse claims.
- *CICA v FTT and Y* [2017] 4 WLR 60. Whether child born disabled as a result of incestuous rape can claim compensation for injury sustained as a victim of a crime of violence.
- *R (McNiece and others) v CICA* [2017] EWHC 2. Whether barring compensation on grounds of previous criminal convictions is ultra vires or in breach of the HRA.
- *R (CICA) v FTT and MB* [2016] EWHC 2745 (Admin); [2016] A.C.D. 136. Reviving compensation claim after 19 years.
- *Clifford v FTT* [2016] EWCA Civ 1329. Proper approach to rules on compensation for minor multiple injuries.
- *CICA v FTT (CP)* [2014] EWCA Civ 1554; [2015] 2 W.L.R. 463. Whether women who harm their unborn children by drinking to excess are criminally liable.
- *CICA v FTT (TS)* [2014] EWCA Civ 65; [2014] P.I.Q.R. P10. Whether offence under Dangerous Dogs Act is crime of violence.
- *R. (Colefax) v FTT* [2014] EWCA Civ 945; [2015] 1 W.L.R. 35. Right to claim compensation where two injuries sustained, one latent and one patent.
- *RS v CICA* [2013] EWCA Civ 1040; [2014] 1 W.L.R. 1313. Limitations on secondary victims and meaning of “immediate aftermath”.
- *Jones v FTT* [2013] UKSC 19; [2013] 2 AC 48. Meaning of “crime of violence” for the purposes of the Criminal Injuries Compensation Scheme.
- *SDM v CICA* (Upper Tribunal, 2012). Defending Criminal Injuries Compensation Scheme from challenge to its compatibility with ECHR in the context of honour killings.
- *R (Levenes) v CICA* [2012] EWHC. Challenge to CICA payments policy.
- *Rust-Andrews v FTT* [2011] EWCA Civ 1148; [2012] PIQR P7. How to value loss of chance in criminal injuries cases.

Sport

Ben has appeared in complex and high-profile litigation involving sports professionals for many years, in particular in cases brought by footballers, rugby players, and Olympic and Paralympic athletes.

He sits as an appeal panel member in International Paralympic Committee anti-doping appeals.

Ben appears in employment disputes involving sports professionals, for example representing an England U21 football manager in a post-termination contractual dispute with the FA.

He has experience of representing professional footballers in claims for personal injury and clinical negligence. These high-value claims draw on Ben's strong PI and clinical negligence practice, together with an understanding of the professional career development and wage structure of elite sports professionals.

Outside the law, Ben is an RFU accredited rugby coach and a season ticket holder at Brighton & Hove Albion.

Inquests & Public Inquiries

Ben regularly represents clinicians, healthcare providers and families at inquests where questions of clinical care are in issue. His human rights practice is particularly valuable in this context, particularly if detention (either under mental health law or in prison) is in issue.

He also has substantial expertise in judicial review of coroners and coronial law, as well as in claims made under Article 2 ECHR.

Ben is currently instructed in a number of claims arising out of the Infected Blood Inquiry, having been instructed earlier in his career in the Alder Hey Public Inquiry.

HR Professional Support

Ben has practised in the fields of employment and disciplinary law for the last 20 years. He has represented both management and employees in a range of disciplinary and appeal hearings, and has advised managers, HR practitioners and boards as to the handling of employment and disciplinary issues. Ben has particular expertise in the public and health care sectors, but has worked with major private sector employers and regulators throughout his career. His practice has taken him from the Employment Tribunal to the Supreme Court, with a range of courts and tribunals along the way. He has been recognised by the legal directories as a leading silk in five different areas of practice.

Before taking silk, Ben was a member of the Attorney General's A Panel of Counsel. He is a Special Advocate and has extensive experience in dealing with issues of the greatest sensitivity. He sits as a panellist hearing anti-doping appeals for the International Paralympic Committee, and as a Recorder, hearing criminal cases in the Crown Court.

Notable Cases:

Ben has appeared in over 50 reported cases – too many to list here. A small selection of significant recent work includes:

- *McCulloch v Forth Valley Health Board* [2023] UKSC 26 – Test for breach of duty when doctor advises on a range of treatment options.
- *R (Pearce) v Parole Board* [2023] 2 WLR 839 (SC). Assessing the proper approach to decision-making by the Board in relation to non-proven allegations.
- *Hughes v Rattan* [2022] 1 WLR 1680 – Key decision on direct non-delegable duties of care and vicarious liability in dental settings.
- *R (Adiatu) v HM Treasury* [2020] 4 WLR 112. Challenge to exclusion of workers from furlough scheme.
- *Bass v MOD* [2020] 3 All ER 1054. Group litigation arising from infections contracted by military personnel in Afghanistan.
- *FCO v Bamieh* [2020] ICR 465. International jurisdiction in whistle blowing claim.
- *Gilham v SSJ* [2019] ICR 1655 (SC). Whistle blowing claim examining worker status of judges.
- *R (DSD & NBV) v Parole Board and others* [2019] QB 285: Judicial Review of the decision to release “black cab rapist” John Worboys.
- *Douse v Western Sussex NHS Trust* [2019] EWHC 2294 (QB). Successful claim for injury caused by Caesarean section.
- *JT v FTT* [2019] 1 WLR 1313. Lawfulness of the “same roof rule” for historic abuse claims.
- *HXM v MOD* (HC, 2019). Liability for and consequences of neonatal stroke.
- *X v DFSA* (2018). Financial services regulatory appeal in Dubai.

Notable Cases

Ben has appeared in over 50 reported cases (including more than 30 appearances in the Court of Appeal, and 5 in the Supreme Court in the last 5 years).

A small selection of significant recent work includes:

- *McCulloch v Forth Valley Health Board* [2023] UKSC 26 – Test for breach of duty when doctor advises on a range of treatment options.
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- *R (DSD & NBV) v Parole Board and others* [2019] QB 285: Judicial Review of the decision to release “black cab rapist” John Worboys.
- *Douse v Western Sussex NHS Trust* [2019] EWHC 2294 (QB). Successful claim for injury caused by Caesarean section.
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- *HXM v MOD* (HC, 2019). Liability for and consequences of neonatal stroke.
- *X v DFSA* (2018). Financial services regulatory appeal in Dubai.

Professional Recommendations



“A very able lawyer, who is thorough in his preparation, creative in his approach to problems, produces excellent written submissions and relates well to clients.”

Chambers & Partners 2024

“Superb – a very strategic thinker.”

Chambers & Partners 2024

“Ben understands issues very quickly and understands medical evidence very well.”

Chambers & Partners 2024

“Ben Collins has great client care and excellent technical skills.”

Chambers & Partners 2024

“His advocacy is elegant and simple but always to the point. He understands what really matters in a case, and this resonates with judges and his opponents. He navigates the most complicated of legal problems and provides real solutions.”

Chambers & Partners 2024

“A real expert in his field.”

Chambers & Partners 2024

“He has a broad practice, and he is good with clients and good at explaining his advice.”

Chambers & Partners 2024

“He is very knowledgeable and proactive, and handles clients with great care and sensitivity.”

Chambers & Partners 2024

“Ben is excellent on matters relating to government and the trade unions.”

Chambers & Partners 2024

"He's a smooth, confident operator and very effective at what he does."

Chambers & Partners 2024

"Ben takes a very balanced, down-to-earth approach to simplify even the most complicated of medical and legal principles. He is very good with clients and an excellent tactician."

Chambers & Partners 2024

"His knowledge is excellent in the clinical/medical field and his tactical awareness is outstanding."

Chambers & Partners 2024

"Ben is an experienced silk, with good technical knowledge and an engaging style of advocacy. He has the confidence of the court."

The Legal 500 2024

"A silk with a very strategic mind."

The Legal 500 2024

"Ben is extremely thorough and does not overlook a single detail, just what you need in highly complex multi-defendant extremely high-value personal injury cases."

The Legal 500 2024

"Ben is calm under pressure, thorough, thoughtful and puts claimants and their families at ease. His advocacy is again calm, measured and highly effective."

The Legal 500 2024

'A silk who is very good at putting the client at ease with his calm demeanour.'

The Legal 500 2024

"He is very knowledgeable and proactive and handles clients with great care and sensitivity."

Chambers & Partners 2023

"Ben is excellent on matters relating to government and the trade unions."

Chambers & Partners 2023

"Ben is always highly professional, works to timescales and provides high-quality advice in a straightforward manner."

Chambers & Partners 2023

"He is academic in his approach but also down to earth in his delivery. He has the ability to listen to different parties and give them their turn to speak."

Chambers & Partners 2023

"He is an excellent lawyer and a great person to work with."

Chambers & Partners 2023

"He is an impressive silk."

Chambers & Partners 2023

"Ben is very capable and has good client skills."

Chambers & Partners 2023

"He has a good understanding of complex issues."

Chambers & Partners 2023

"Ben's client rapport is excellent."

Chambers & Partners 2023

"He has in-depth knowledge of administrative law and case law as it applies, excellent advocacy skills and clear, concise reasoning in opinions produced."

The Legal 500 2023

"Ben is a safe pair of hands. He is measured, focused and calm. He is tactically astute and easy to work with."

The Legal 500 2023

"Ben achieves first-class outcomes and is very calm and reassuring for clients."

The Legal 500 2023

"One of the best – he has the courage and conviction to take on legally challenging cases that many barristers wouldn't touch. A real team player and a pleasure to work with."

The Legal 500 2023

"Ben's advocacy is as good as it gets. Even on complex and contentious points, he has judges eating out of the palm of his hand – he is a pleasure to watch on his feet. In con and with clients, he is similarly good to work with – everything you could want from a silk."

The Legal 500 2023

"He has in-depth knowledge of administrative law and case law as it applies, excellent advocacy skills and clear, concise reasoning in opinions produced." "Ben is an unflappable silk. He is calm, considered and excellent with clients. His work is top-drawer." "Ben is unflappable and provides a calm reassurance. He provided not only legal advice but strategic support in a tricky equal pay claim, and was able to cut across the noise to keep in mind the central issues." "First-class negotiation skills and a brilliant manner with vulnerable and seriously injured claimants." "He is a fearless advocate who has recently appeared in forums as diverse as NHS disciplinary panels and the Supreme Court."

The Legal 500 2022

"He knows the judicial review system inside out and he is extremely good on his feet." "He gives calm and clear advice, and he is excellent on high-value claims requiring detailed financial analysis. He is our first-choice advocate for high-profile sensitive litigation." "On his feet he is elegant, he is precise and he is personable." "Extremely knowledgeable and seemingly unflappable when it comes to complex PI matters. His negotiation skills are second to none." "He is thorough and prepared, his advice is brilliant and he is very calm in the way he approaches matters." "He's authoritative and has great client care skills." "He is really unpretentious; he's interested in the cerebral side of law but is also very professional and good to work with."

Chambers & Partners 2022

"He is an exceptional barrister; he's great with clients and picks up points instantly." "He's super bright and very efficient." "He is very clear and precise in court, and is a really safe pair of hands." "He inspires confidence in his clients." "He's excellent with clients and unflappable in court. He's a very impressive advocate." "He is extremely calm and together – pressure doesn't fluster him." "A very impressive advocate."

Chambers & Partners 2021

"An experienced special advocate who shows sound judgement in everything he does." "A go-to silk. Comes across as very unflappable and instils confidence." "Always impressive in the courtroom. He is able to put arguments in a very persuasive way and establishes a good rapport with members of the judiciary." "Always calm in a storm, as well as being able to absorb huge amounts of data and speak to a variety of experts at their own level." "He is a truly excellent advocate, whether on the law in appellate cases or as a cross-examiner of lay and expert witnesses. He is one of those barristers whom I would want acting for me if I had a professional regulatory issue."

The Legal 500 2021

"Very good with clients and technically strong." "His advocacy is always perfectly paced and structured, easy to follow but forensic in detail." "He has a very detailed and analytical approach to the evidence." "Trusted by the GLD with high-profile cases."

The Legal 500 2020

"An exceptional advocate and a skilled cross-examiner." "Incredibly bright and a pleasure to work with." "A ferociously intelligent barrister who commands the respect of the courtroom." "Very approachable and down to earth. He provides measured and objective advice which is very much appreciated by his clients." "He is calm, considered and able to swiftly deal with developments on his feet." "A careful and measured advocate who has had a good year and done interesting things." "He struck the right tone between making the legal argument successfully and ensuring that the approach was portrayed in the right way, showing really good judgement." "He's an extremely solid and responsive public law silk." "He takes a very detailed and analytical approach to the evidence and his knowledge and ability to understand complex medical issues is very impressive." "Very effective and extremely easy to work with."

Chambers & Partners 2020

