



Ben Amunwa

Year of Call: 2013

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Overview

Ben Amunwa helps a vast range of clients resolve complex education, employment and public law disputes. He takes instructions in strategic cases that often raise technical points of law, public interest considerations and commercially sensitive issues.

He joined 3PB in March 2024 and became chambers' 250th barrister. Ben's analytical approach and integrity have earned him high esteem across his practice areas.

He is driven by achieving positive outcomes for all his clients. Ben has secured numerous central government policy reversals, positively affecting the lives of thousands. In the landmark case of *DMA & Others v SSHD [2021] 1 W.L.R. 2374*, Ben represented a severely disabled claimant and successfully established a 'duty to monitor' the performance of third-parties in high value public sector contracts.

In his education practice, he helps families, schools and local authorities ensure the right provision and adjustments are made for children and young people.

In employment and commercial, he advises senior executives, regulated professionals and start-ups to navigate legal risk.

Ben is an innovative and helpful collaborator who brings expertise across several disciplines and is often able to anticipate and address points that others miss, such as in equalities or data protection law. Where necessary, he develops novel arguments and tests legal boundaries. He is currently acting in an unprecedented test case before the Court of Appeal for 90 families seeking damages under the Human Rights Act 1998 for being subjected to an unlawful government policy.

Publications

Ben features on his *Law Mostly Blog* and is the author of "*High Court declares Home Office may grant migrants access to benefits on any visa type (PA and NA (by her litigation friend and mother PA) v SSHD)*", "*Immigration bail (Practice notes)*", "*Illegal working: dealing with employees (published by Lexis Nexis PSL)*" and "*Supporting Migrant Workers: rights-based approaches*" (published by Law Centres Network).

Recommendations

"He is thorough and dedicated. Ben is knowledgeable on immigration and asylum issues."

Chambers UK 2024

"Ben is well respected, responsive and efficient, providing a high quality of drafting and advocacy."

Chambers UK 2024

"He provides superb work that never needs amending and has good judgement."

Chambers UK 2023

"He is an extremely clever barrister, who provides excellent drafting and is also great with clients." "He is collaborative, responds quickly and is very dedicated."

Chambers UK 2022

"I will never understand how on earth Ben absorbed so much detail... In cross-examination of the other side's witnesses, Ben very artfully led those witnesses to make admissions that they had avoided. He blew their case wide open, making them admit that they should have taken steps to retain data, that they should not have deleted electronic data. These were witnesses at the top of the organisational chart."

Farzana Saiyed, Employment law client 2020

Academic qualifications

- BA Hons in English and Related Literature (1st Class), University of York
- BPTC (Very Competent), City University of London
- GDL (Distinction), City University of London

Scholarships

- Lord Denning Major Scholarship, Lincoln's Inn
- Lord Brougham CPE Scholarship, Lincoln's Inn

Professional bodies

- Administrative Law Bar Association ('ALBA')
- Education Lawyers Association ('ELAS')
- Employment Lawyers Association ('ELA')
- Advocate (formerly the Bar Pro Bono Unit)
- Bar Council, Race training panel
- Lincoln's Inn

Direct Access

Ben Amunwa is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.

Expertise

Education

Ben Amunwa has extensive experience in resolving education law disputes that span early years to higher education settings.

He provides advice and representation on admissions, exclusions, SEN, discrimination, judicial reviews, transport, school complaints and OIA matters, as well as teachers' regulation and civil claims. Ben's clients include local authorities, families, university students, and national teachers' unions.

Since 2014, Ben has appeared regularly in SENDIST appeals (including multi-day extended appeals and onward appeals to the Upper Tribunal). He has acted in complex appeals with Exceptional Case Funding. Ben is adept at expert witness handling and is able to support teams of professional witnesses with ease.

Ben is a well-established SEN practitioner who focuses on finding the right solutions for the children and young people. His accessible and collegiate approach to SEN hearings has been praised by principal educational psychologists and instructing solicitors alike. He provides seamless additional support where matters escalate into judicial reviews, complaints or human rights damages claims.

Ben is also a prolific trainer who enjoys engaging individuals, educators and local authority professionals in understanding and applying the framework of law, policy and judicial learning in the education sector. He recently published a 45-page manual providing an introduction to SEN and education law.

Employment and discrimination

Ben Amunwa is an experienced employment lawyer who advises and assists employers and employees on grievances, disciplinary matters, dismissals, discrimination, sexual harassment, whistleblowing, business transfers, wages and holiday disputes, union matters and modern slavery.

Ben has conducted complex trials in person and remotely via video-link, including several 15-day discrimination, victimisation and whistleblowing trials cases involving thousands of pages of evidence and multiple witnesses.

Ben's experience includes settlement negotiations, drafting (employment contracts, internal policies and pleadings) and representation in Tribunals, civil courts and before regulatory panels. He primarily focuses on the corporate, legal and public sectors but also accepts instructions from other fields or industries.

He provides practical and strategic advice, negotiation skills and effective representation at preliminary hearings, multi-day trials and appeals.

Owing to the breadth of Ben's practice, clients often request him when atypical points arise, such as wasted costs, self-incrimination, breaches of disclosure duties, data protection or immigration issues. Unusually, he has cross-examined numerous solicitors (including partners at magic circle law firms) in his employment trials, as well as questioning executive witnesses over sexual harassment allegations.

Ben has given training to employment law practitioners and has written an acclaimed guidebook for the Law Centres Network on employment rights (described by a Head of Employment as "incredibly useful and thorough"), plus many articles and blogs.

Administrative and Public Law

Ben Amunwa is frequently instructed in urgent, high-profile and complex public law matters for individuals, NGOs (such as The Unity Project and LIBERTY) and local authorities. He has acted in high-profile, cutting-edge litigation. Several of his recent cases have been reported in the national media.

Ben has a track-record of successfully deploying equality law points in judicial review proceedings. Working closely with committed teams of solicitors and other colleagues, he has helped achieve life-changing outcomes for some of his clients, often obtaining urgent court orders for interim relief and substantial settlements or awards of compensation.

Ben enjoys a good reputation before the Administrative Court and is undaunted by heavyweight opponents. He has appeared in cases that concern the application of international law, rights derived from Treaties as well as domestic statutory interpretation and issues of constitutional and fundamental rights.

Ben regularly assists on matters of international law, extraterritorial jurisdiction, fundamental rights, detention, discrimination, statutory duties and costs. He maintains an interest in child rights and education law challenges (including special educational needs cases). He has published many articles and blog posts on these topics.

Ben assists individuals and public sector clients on information law, privacy and data protection matters. He has acted for claimants and defendants in numerous damages claims involving unauthorised disclosure of personal data and breaches of human rights, (including vicarious liability claims). Ben has advised and represented clients in information rights appeals in the First-tier Tribunal (General Regulatory Chamber), including appeals concerning legal advice privilege, historic protection arrangements for the Royal Family and Cabinet Ministers and intelligence concerning the analysis of criminal offence data.

Notable recent cases

TG, MN, HAA & MJ v SSHD (2024): acting for a lead Claimant in a systemic challenge to the re-purposing of RAF Wethersfield as asylum support accommodation and related policies. Instructed by DPG.

Smith v SSHD (2024): acting for a proposed intervenor in a constitutional challenge to the compatibility of the new criminal offence in section 60C of the Criminal Justice and Public Order Act 1994 with the ECHR. Led by Tim Buley KC. Instructed by LIBERTY.

MN, ZR & others v (1) SSHD (2) SSD (3) SSFCDA (4) The Prime Minister (2023): representing lead claimants in a challenge to the Afghan Relocations and Assistance Policy. Proceedings led to a large-scale urgent evacuation of Afghan citizens from Pakistan to the UK. Case widely reported in the Independent and BBC News. Led by Tom de la Mare KC. Instructed by Deighton Pierce Glynn ('DPG').

PA & NA (by her litigation friend and mother PA) v SSHD [2023] EWHC 2476 (Admin): SoS's 'no recourse to public funds' ('NRPF') policy declared unlawful for misdirecting caseworkers on the exercise of their statutory discretion. SoS produced a new policy in response. Led by Alex Goodman KC. Instructed by DPG.

R (HA & Ors) v SSHD [2023] EWHC 1876 (Admin): correct interpretation of regulation 10A of the Asylum Support Regulations 2000 payments to pregnant women and children under 3, while accommodated in contractor-run hotels. Systemic delays and breaches of the statutory duty to provide asylum support quickly. Led by Zoe Leventhal KC. Instructed by DPG.

Home Office v ASY & Ors [2023] EWHC 196 (KB): scope and content of the ECHR Article 3 duty to avoid the inhuman and degrading treatment by reason of destitution. On appeal to the Court of Appeal. Led by Alex Goodman KC. Instructed by DPG.

Training/Conferences

Ben is also a prolific trainer and conference chair and speaker whose recent engagements have included:

- Chair at Public Law Project's event on 'Challenging unfairness in the immigration system'

- Chair and speaker at 'Asylum support in the cost of living crisis'
- Speaker at Public Law Project's Advanced Judicial Review conference on 'Systemic legal challenges'

Articles

Ben Amunwa analyses the case of Secretary of State for Business and Trade v Mercer [2024] UKSC 12, in which the UK Supreme Court hands out a victory for the protection of Trade Union freedoms and workers' rights, finding the UK to be in breach of ECHR article 11 as section 146(2) of TULRCA fails to provide protection from detriment for workers participating in lawful strike action.

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Ben Amunwa analyses the case of Omooba v Michael Garrett Associates Ltd (t/a Global Artists) & Anor [2024] EAT 30, in which the EAT upheld the Tribunal's judgment, including its key finding that where a protected belief forms part of the context but not part of the reason for a decision, that will be insufficient to establish religion or belief discrimination.

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