



Benjamin Tankel

Year of call: 2009

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"A most impressive lawyer with a penetrating and subtle mind" The Legal 500, 2022

Benjamin Tankel practises in public law, regulatory law, professional discipline, financial services, and procurement.

Ben always strives to understand the needs and wishes of his clients, to give pragmatic and practical advice, and to achieve the best possible outcome in the most cost-effective way. He enjoys working collaboratively as part of a team.

He represents central government, local authorities, NHS bodies, regulators, education bodies, and claimants. He has been involved in some of the most significant public law cases of recent times, including the Charlie Gard case and challenges to the prohibition against assisted dying.

He regularly appears in all levels of court and tribunal, including six appearances in the Supreme Court.

Ben graduated with a double first in History from Sidney Sussex College at Cambridge University, where he came top of his year in a number of papers and won several prizes and scholarships.

Areas of expertise

Administrative and Public

Disciplinary

Regulatory

Banking and Financial Services

Procurement

Healthcare

Court of Protection - Welfare

Community Care and Mental Health

Medical Treatment Cases

Education

Education

Ben acts for universities, students, local authorities, and the Department for Education, in all areas of education law.

This has included claims for breach of contract and educational negligence (in relation to universities); special educational needs claims; equalities and discrimination; compliance/registration issues; and matters concerning freedom of speech and academic freedom.

He has also acted for schools, and for the Department for Education, in respect of Ofsted reports and decisions.

Cases of note:

- ***R(Article 39) v Secretary of State for Education [2022] 1 WLR 4240*** - Ben represented the Secretary of State in this high-level judicial review challenge to the introduction of a prohibition on unregulated care homes for those aged 16 or under.
- ***Da Silva v Kings College London [2021] EWHC 1421 (QB)*** - Ben represented Kings College London ("KCL") in a breach of contract claim brought by a student withdrawn from his medical course for failure to present for an academic exam whilst he was caring for his grandmother. The claimant claimed that KCL had wrongly exercised its discretion in deciding to withdraw him from the course, and that this was a breach of its contract with the student.
- ***Orbis Education and Care Limited v Secretary of State for Education [2020]*** - Representing the Department for Education in an appeal to the First-tier Tribunal by a school against a decision to de-register it following a number of critical Ofsted reports.
- ***R(Devon Buchanan) v Kings College London [2018]*** - Ben represented Kings College London ("KCL") in a judicial review claim by a medical student who claimed that social communication difficulties arising from his Asperger's syndrome made it more difficult for him to pass his practical exams ("OSCEs"), and that reasonable adjustments ought therefore to have been made.

Recommendations

- *"A most impressive lawyer with a penetrating and subtle mind"* (*The Legal 500, Administrative Law and Human Rights, 2023*)
- *"balances clear legal advice with thoughtfulness about the impact of a case"* (*The Legal 500, Professional Disciplinary and Regulatory Law, 2023*)
- *"demonstrates a strong level of commercial vision"* (*Chambers, Administrative & Public Law 2023*)

Qualifications

Education

- 2007: BA (History), Double First, Sidney Sussex College, University of Cambridge.
- 2008: Graduate Diploma in Law, City University.
- 2009: Bar Vocational Course, BPP.

Prizes & Scholarships

- 2008: Astbury Scholarship (Middle Temple).
- 2007: Diplock Scholarship (Middle Temple).

- 2007: Peachey History Prize for highest first in College.
- 2006: Peachey History Prize for highest first in College.
- 2006: Parry Dutton Scholarship for North American History.

Memberships

- Constitutional and Administrative Law Bar Association (ALBA)

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