



Ben Chapman

Year of Call: 2015

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Overview

Ben is a Civil and Family Barrister who has appeared in courts of all levels up to the Court of Appeal. He has been consistently ranked in the 2022, 2023 and 2024 editions of the Legal 500 as a Tier 1 Rising Star in both 'Family: Children and Domestic Violence' and 'Social Housing'. He was also shortlisted for the Rising Star of the Year Award at the 2023 Private Client Modern Law Awards.

He is well regarded for his impeccable manner with vulnerable clients, eye for detail, and ability to grasp complex legal and factual themes. He has a friendly, welcoming and understanding approach which helps clients feel listened to. He fosters a culture of trust helping client be open with him and feel properly advised and supported in respect of their position.

His broad ranging practice across the spectrum of housing, trusts, private children law and matrimonial finance allows him to provide holistic and practical advice to clients across the multiple legal matters their case gives rise to. He has unique expertise in all aspects arising from relationship breakdowns, whether married or not. His caseload regularly includes complex features, such as domestic abuse (including rape and abuse towards children), parental alienation, relocation, occupation of the home, and homelessness.

Ben has an impressive and growing reputation amongst Public Access clients who are seeking to manage their own litigation with bespoke advice and advocacy assistance from a barrister.

He is committed to work involving human rights elements and champions access to justice. He supports Advocate, the Bar's Pro Bono charity. He was a co-founder of the pro bono legal education programme 'inFrinGeMent' raising awareness of FGM. He has developed training for NGOs working with human trafficking survivors in South East Asia and has trained a Police Force in awareness around Travellers and Gypsies.

Growing up Ben had a number of real-world jobs from working on a market stall, to working behind a bar, through to being a Duty Manager in Boots advising on healthcare.

Outside of work, Ben enjoys cooking, hot curries, and a wide variety of music (including rock, indie, lofi and instrumental). He regularly travels with his family in search of new foods and experiences. He also keeps a tiny dog named after a very large and hairy Star Wars character.

Practice Areas

Private Law Children

Ben has been consistently recognised by the Legal 500 as a Rising Star in this field. Clients value him as a robust, emotionally sensitive and pragmatic practitioner. They appreciate his approachable manner. Ben is often sought out for instructions on behalf of vulnerable people and his skillset makes him particularly suitable for vulnerable clients and emotionally sensitive work, and those cases where another party is acting as a litigant-in-person.

He is an experienced trial advocate and is regularly instructed in Enforcement/Committal matters and Fact-Finding Hearings with difficult and emotive subject matter, including rape and abuse towards children.

Ben regularly deals with cases involving particularly complex elements such as:

- Applications by grandparents;
- Parental influence/alienation;
- Cases involving Children's Guardians;
- Relocation both within the UK and abroad;
- Cases where a child or party has been examined by an expert.

Case examples include:

- H (2024): Securing contact beyond the recommendations of Cafcass for a Grandmother in a case involving a Covid-cautious lifestyle.
- K (2023): Successful enforcement application for a Father involving 54 breaches.
- R (2023): Unusual Final Hearing focussed upon the appropriateness of two costs orders previously made against Ben's client. One was set aside, and the other reduced with the effect that his client's costs liability halved.
- M (2022): Securing the return of children to a party whose former partner had sexually abused the children.

Family - Finance

Ben deals with cases across the financial spectrum: from multi-million pound matrimonial pots to more modest cases with a single family home catering for a family with children. His experience in children work allows him to better understand family dynamics and offer advice and submissions that take into account the realities of family life, particularly where there are conduct arguments and in 'needs' cases.

His civil experience, eye for detail and ability to grasp complex legal and factual themes assist in more difficult cases involving:

- Intervenor claims, particularly where 3rd parties may have interests in property with potential trust claims under TOLATA;
- S. 37 Matrimonial Causes Act 1973 applications and freezing injunctions;
- Extracting money from businesses;
- Non-disclosure;
- Addback arguments;
- Costs arguments;
- Enforcement.

Ben's practical and realistic approach means many of his cases settle at FDR, but where this cannot result in a fair outcome he is experienced in dealing with matters at Final Hearing.

Ben's experience is not limited to married couples and those in civil partnerships. He acts and advises in cases involving the breakdown of other relationships where civil principles of law apply (whether those couples are co-habiting or not).

Case examples include:

- B v B (2024): Interesting case involving an agricultural tie over land and whether this could be lifted for an individual with significant health needs. Settled.
- P v D (2024): Multi-track TOLATA matter in involving defences based upon undue influence and an inequitable bargain. Successfully defended.
- B v B (2023): Multi-million pound case and addback arguments worth circa £350,000. Settled.
- G v G (2021): Successful s. 37 Matrimonial Causes Act 1973 application to set aside a disposition of property to family members.

Housing

Ben has been consistently recognised by the Legal 500 as a Rising Star in this field. He regularly represents Local Authorities and Housing Authorities in applications for Anti-Social Behaviour Injunctions. His background as a Presenting Officer for the Teaching Regulation Authority makes him well placed to understand the nuances of representing public bodies that have to protect the interests of the wider public whilst ensuring fairness to the Defendant.

He also acts for landlords and tenants in possession matters, including where there are counterclaims for disrepair. He is experienced in advising on and drafting appeals in statutory homelessness matters.

Case examples include:

- L (2024): Secured an ouster ASBI in respect of an individual thought to be utilising their partner's address as a base away from their own home to deal drugs and utilise local children for distribution.
- C (2024): Negotiated outcome in a complex matter involving the conflict between a life tenancy and subsequently signed AST.
- R (2023): Factually complicated and sensitive ASBI application in which the tenant was the daughter of the Defendant who had a history of arson and abusive behaviour. The authority sought to uphold its duty to the daughter as its tenant by protecting her from the actions of her cohabitant mother in circumstances where the daughter was seeking to defend her mother's position. Ouster ASBI secured.
- O (2023): Instruction as extremely short notice to secure an ex-parte ouster ASBI against a violent tenant. Order secured from a reluctant court by negotiating procedural safeguards.
- J (2022): 5th set of possession proceedings against a mother of 4 children understood to be anti-social behaviour ringleaders on an estate with high crime rates who repeatedly sought to suspend warrants for possession. Successfully defended against an ambush Equality Act defence and negotiated the tenant agreeing to leave with an undertaking not to apply to suspend the warrant.
- W (2022): Advice and drafting an appeal in an interesting statutory homelessness matter involving an EU national who obtained worker status but suffered severe health difficulties in their first week of work. The case raised complicated questions about social welfare for pre-Brexit arrivals in a post-Brexit nation.

Qualifications

LLB Law (Hons.): First Class

LLM International Human Rights Law and Practice: Merit

Bar Professional Training Course: Very Competent

Recommendations

Tier 1 Rising Star in the Legal 500 consistently since 2022 in the 'Family: Children and Domestic Violence' and 'Social Housing' categories.

Shortlisted for the Rising Star of the Year Award 2023 at the Private Client Modern Law Awards 2023.

Quotes

"Ben has excellent communication skills. He is prompt, clear, accurate and helpful. He has a lovely, calm and reassuring manner with clients. He inspires the utmost confidence that he has read everything and is on top of their case."

Legal 500 2024

"Well regarded for his 'extensive knowledge of occupation orders' and ability with vulnerable clients."

"Ben has a great manner with clients and always gives a full note of the hearing and quickly updates following hearing."

Legal 500 2023

'Extremely good with clients, understands their concerns and ensures they understand even the most complicated of circumstances. Excellent attention to detail in a case.'

Legal 500 2022

"The client commented that Counsel was very professional and that his knowledge of his case was great. This case involved many issues and we were very pleased with how Ben has managed the progression of the case. The client has been provided with clear advice and I feel that he has managed the client's expectations really well.

Ben was prompt to provide a detailed note of the Hearing and has kept us fully informed regarding the drafting of the Order. His aftercare of the client has also been really good as he has contacted him to go through the Order which I think has been really helpful for this particular client. Overall we are really pleased with Ben's representation and look forward to his ongoing assistance."

Joanne Wilbraham, Ellis-Fermor & Negus

"I thought Ben was excellent and handled a very nervous client extremely well."

Local Managing Partner & Solicitor

"I recently instructed Ben to represent a wife, who had previously been a litigant in person, at a final financial remedy hearing. The outcome was excellent. Ben is an effective advocate, able to listen to client's instructions/

needs and then deliver the same in an engaging and considered way. The client was so pleased and commented that Ben was "amazing" and that she felt so relieved to have him representing her. I would not hesitate to recommend Ben."

Florence Ashcroft-Lane, Stowe Family Law

"Ben demonstrated excellent client care and explained complex legal matters to the client clearly and concisely. Very down to earth, thoroughly prepared and great attention to detail. I would not hesitate to instruct Ben again!"

Sarah McLoughlin, Stowe Family Law

Appointments

Judge of the Employment Tribunal.

Judge of the First-Tier Tribunal (Social Entitlement Chamber).

Memberships

Family Law Bar Association.

The Honourable Society of Middle Temple.

Awards

Sir Joseph Cantley Memorial Prize, Middle Temple.

Nottingham Law School Scholarship, NLS.

1st Place, Lex Senior Negotiation Competition, NLS.

NLS Best Plea in Mitigation Award.

Jeremy R Hyde CBE Award for the Legal Advice Centre, University of Hull.

Reported Cases

Housing

Rogerson v Bolsover District Council [2019] EWCA Civ 226 (Court of Appeal): Instructed as junior representing Claimant in a Defective Premises Act matter. The CoA used the opportunity to re-confirm the law in this area (<https://www.bailii.org/ew/cases/EWCA/Civ/2019/226.html>).

Regulatory

Teaching Regulation Authority (“TRA”) v (1) Talbi (2) Bernhardt (2022): Mr Nacerdine Talbi: Professional conduct panel outcome (publishing.service.gov.uk); LON_LIB1\26332993\1 (publishing.service.gov.uk)

Teaching Regulation Authority (“TRA”) v Smith (2021): CAR_LIB1\18833464\1 (publishing.service.gov.uk)

Teaching Regulation Authority (“TRA”) v Walker (2021): CAR_LIB1\19322017\1 (publishing.service.gov.uk)

Teaching Regulation Authority (“TRA”) v Marshall (2020): CAR_LIB1\17215851\1 (publishing.service.gov.uk)

Teaching Regulation Authority (“TRA”) v Marhsall (2020): CAR_LIB1\17215851\1 (publishing.service.gov.uk)

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