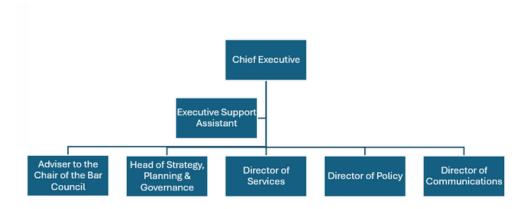


Candidate Brief





Chief Executive

AC0601

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Managing Director

Sarah Thewlis sat@thewlisgraham.com

T: +44 (0) 20 7850 4781 E: enquiries@thewlisgraham.com Thewlis Graham Associates, Floors 1-3, 4-5 High Town, Hereford HR1 2AA



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Welcome from Barbara Mills KC, Chair of the Bar Council and Kirsty Brimelow KC, Vice Chair of the Bar Council.

Dear Candidate

We are delighted at your interest in the position of Chief Executive at The General Council of the Bar (the Bar Council), and we hope you will find the information in this Candidate Brief useful alongside the content of our website https://www.barcouncil.org.uk/.

The Bar Council is the approved regulator and the professional voice in England and Wales, representing the c.18,000 self-employed and employed barristers who make up an inclusive, independent and influential Bar. Our mission is to lead, represent and support them in the public interest and to champion the rule of law and access to justice for everyone. Our regulatory functions are delegated to the operationally independent Bar Standards Board.

The Chief Executive has a pivotal role in the Bar Council's work, supporting our officers in strategy development and the fulfilment of our approved regulator and representative roles, and providing leadership and support to the c.90 staff employed in the Representation, Policy and Services Teams, and the Resources Group. It also carries with it a significant ambassadorial role with a wide range of stakeholders that includes government ministers and departmental agencies; the Legal Services Board (LSB); the four Inns of Court; the six geographical circuits across England and Wales; and the wider membership of barristers. The Chief Executive is also the accounting officer and responsible for overseeing the budget and the annual report and accounts.

This an excellent opportunity for an experienced and versatile senior leader to lead a high profile, complex, and multi-faceted organisation, with a highly committed profession and staff.

If this role interests you, we would welcome your application - details on how to apply are contained in this brief. If you have any further questions about the role please contact our recruitment partner Sarah Thewlis for a confidential conversation.

Her email is <u>applications@thewlisgraham.com</u>.

Yours sincerely,
Barbara Mills KC, Chair of the Bar Council
Kirsty Brimelow KC, Vice Chair of the Bar Council



2)The Bar Council

The General Council of the Bar (GCB) was formed in 1894 to deal with matters of professional etiquette. In 1974, the Bar Council and the governing body of the Inns, the Senate, combined to form the Senate of the Inns of Court and the Bar. However, on 1st January 1987, in line with the recommendations of a report on the Constitution of the Senate by Lord Rawlinson PC QC, a Council of the Inns of Court was re-established separately, and the Courts and Legal Services Act 1990 designated the Bar Council as the authorised body for the profession.

The Courts and Legal Services Act 1990 provides that individuals can appear in court if they are members of a professional body which has rules governing the conduct of its members, has an effective mechanism for enforcing those rules and is likely to enforce them. The Access to Justice Act 1999 and, more significantly the Legal Services Act 2007 (LSA 07), contain further provisions regarding services provided by the legal profession.

In 2006, following the recommendations of Sir David Clementi's review of legal services, the Bar Standards Board (BSB) was established by the GCB as an independent, ring-fenced regulator. Accordingly, the Bar Council, through the BSB, provides a regulatory framework, dealing with complaints and discipline, ethics and standards, education and training, equal opportunities and pupillage.

The Organisation

The Bar Council is the voice of the barrister profession in England and Wales. Our nearly 18,000 members – self-employed and employed barristers – make up a united Bar that is strong, inclusive, independent and influential.

We lead, represent and support the Bar in the public interest, championing the rule of law and access to justice by:

- Providing advice, guidance, services, training and events for our members
- Inspiring and supporting the next generation of barristers
- Drawing on our members' expertise to influence policy and legislation that relates to the justice system and the rule of law
- Promoting the Bar of England and Wales to develop career and business opportunities for barristers at home and abroad



The General Council of the Bar (GCB) comprises two distinct entities: the Bar Council, which is the representative body, and the Bar Standards Board (BSB), which is the regulatory body; both are supported by a shared services group, called the Resources Group. The GCB is an unincorporated association. As required by the LSA 07 and statutory rules made by the Legal Services Board (LSB – the oversight regulator for all approved regulators), the regulatory functions are delegated from the GCB to the operationally independent BSB. The GCB employs some 230 staff.

The Bar Council

The Chief Executive provides leadership and line management to the Representation, Policy and Services teams (~40 staff) and Resources Group (~50 staff).

Representation, Policy and Services (RPS) teams are: Policy, Services, Training and Events, Communications, Executive Office, Strategy Planning and Governance, and the Brussels Office. They work collaboratively to deliver the Bar Council's aims under the strategic plan.

Resources Group (RG) teams are: HR, Information Services and Project Management Office, Facilities and Finance. They deliver shared services across the GCB, to both the representative and regulatory parts of the organisation (RPS and the BSB).

The Bar Standards Board (BSB) (~140 staff) regulates barristers in England and Wales, under a delegation from the GCB. It is responsible for setting education and training requirements for becoming a barrister; professional development requirements for barristers; authorising organisations focusing on advocacy, litigation and specialist legal advice; monitoring services provided by barristers and the organisations it authorises; investigating reports and complaints about barristers/authorised organisations; and taking enforcement or other action where appropriate. The CEO has no line management responsibility for the BSB, which is led by a separate senior leadership team under the direction of the Director General of the BSB.

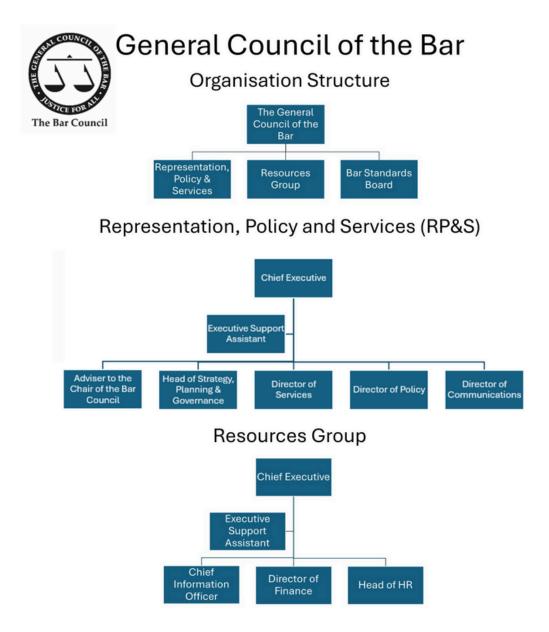
Further information on the Bar Council and the current strategic plan can be found in the link https://www.barcouncil.org.uk/about/bar-council-governance/strategic-plan.html



Bar Council Governance

The Bar Council's representative work is largely undertaken by committees comprising barristers and chambers professionals, who work in conjunction with the organisation's dedicated staff team. Their work is overseen by the General Management Committee (GMC) and the Bar Council. The Bar Council and GMC are chaired by the Chair of the Bar and include elected members and those representing Inns, circuits and specialist Bar associations.

The Bar Council officers (Chair, Vice Chair, and Treasurer) are elected by Bar Council members in May and serve for one calendar year (January to December). The Treasurer may be re-elected for up to four years. Find out more about the different parts of our organisation and governance on the link https://www.barcouncil.org.uk/about/bar-council-governance.html





Bar Council Finances

Barristers complete the annual authorisation to practise (AtP) process and pay practising fees based on their declared earnings/income. 73% of the practising certificate fees goes to the BSB, LSB and Legal Ombudsman. The remainder goes to the Bar Council, and that covers only 70% of the income we need to effectively support the Bar. The remaining funds are generated by our services, training and events portfolios, generous contributions from the Inns of Court and, importantly, the voluntary Bar Representation Fee (BRF). All of the income to the Bar Council is invested in services and support for barristers.

The latest set of published accounts can be found in the link https://www.barcouncil.org.uk/about/bar-council-governance/annual-reports-and-financial-statements.html

3) Relationship between the Bar Council and Bar Standards Board

The relationship between the representative and regulatory bodies is governed by statutory rules made by the LSB: the Internal Governance Rules (IGR):

https://legalservicesboard.org.uk/our-work/lsb-rules-and-guidance#Internal Governance Rules

They are 'internal' because the LSA 07 did not envisage completely separate and independent regulators. However, they seek to enforce the operational independence of the BSB.

Bar Council Protocol and Guidance for all staff

Last updated in 2019, this Protocol has the intent of fulfilling undertakings made jointly by the GCB and BSB to the LSB in relation to ensuring the regulatory independence of the regulatory body. The guidance ensures arrangements are in place to separate the GCB's regulatory functions from its representative functions and maintain the independence of its regulatory functions. It sets out the information that each organisation must provide to assure compliance with section 28 of the LSA 07.

Shared Service Agreements

Agreements exist between the Bar Council and BSB for the sharing of certain services, such as IT, Facilities, Finance, HR administration, PMO etc.





4) The Role of Chief Executive

CEO key responsibilities

The CEO is accountable to the GCB, as represented by the Officers of the Bar (Chair, Vice Chair and Treasurer), the General Management Committee and the Bar Council itself (c.120 elected and appointed members).

The CEO provides leadership to the staff and Senior Management Team of the Bar Council and supports the Chair of the Bar Council and, to a limited extent, the Chair of the Bar Standards Board (BSB), in their delivery (respectively) of representative and regulatory objectives. The role of CEO falls into five broad categories:

- Leadership, resources & governance
- Accounting officer
- Approved regulator (AR)
- Representation, Policy & Services (RPS)
- External and ambassadorial



CEO leadership, resources & governance

The GCB acts as the single employer for all staff regardless of area of work. As the most senior representative, the CEO is charged with providing strong and effective leadership to the organisation of the GCB as a whole from an employment perspective, whilst recognising and respecting the independence of the BSB in accordance with the IGR.

This includes specific responsibility for ensuring equality of staff treatment as well as adherence to best employment practices across all parts of the GCB, including the BSB. The CEO is responsible for dealing with leadership and management topics that span all parts of the organisation.

The CEO currently has the following direct reports:

Representation, Policy & Services (RPS) Group

- Director of Policy
- Director of Services (including Training and Events)
- Director of Communications
- Head of Strategy, Planning and Governance
- Adviser to the Chair

Resources Group (RG)

- Director of Finance
- Chief Information Officer
- Head of Human Resources

BSB

The CEO has no line management or managerial responsibility for the Director General of the BSB or any BSB staff. However, they do have a responsibility for ensuring that the BSB adheres to GCB policies.

Governance

The CEO has the overall statutory and operational responsibility for ensuring that the GCB manages the attendant risks facing the organisation. The CEO has operational responsibility for the risks arising in the RPS and RG parts of the organisation (while the BSB DG has equivalent responsibility for the regulatory risks). Both operate under the overall supervision of the Joint Audit committee (while the BSB DG is also overseen, as to regulatory risks, by the BSB's Governance, Risk and Audit Committee).

The CEO has further governance responsibilities as described in the Constitution and the Standing Orders(https://www.barcouncil.org.uk/about/bar-council-governance/constitution-and-structure.html), including (but not limited to) returning officer for Bar Council elections, convener of Bar Council meetings, the AGM and extraordinary general meetings.

Accounting Officer

The CEO is the accounting officer of the GCB and responsible for financial planning, the production of accounts and day-to-day financial management in respect of the GCB and the collection of practising certificate fees (the Director General is responsible for financial planning and day-to-day financial management in respect of the BSB).

Decisions on high level budgetary and resource matters are taken by the Finance Committee. It is the duty of the GCB to ensure that appropriate financial resources are available to the BSB to enable the latter to perform its statutory functions in accordance with the LSA 07 and the IGRs. The Audit Committee is charged with the oversight of the Bar Council audit and control functions. The CEO is a non-voting member of the Finance Committee and attends the Audit Committee.

The CEO acts with the delegated authority of the Finance and the Audit committees in managing resources and in ensuring the identification and implementation of all financial and audit policies relevant to the GCB. This will include a major role in the exercise of budgetary discipline as well screening, prior to submission to the Finance Committee, all budgetary proposals so as to ensure they are robust and properly supported. The CEO will exercise overall responsibility for the annual GCB budget submissions to the Finance Committee for approval. The CEO oversees the preparation and production of the annual report and accounts and leads the annual presentation of the GCB budget and practising certificate fee (PCF) proposals to the LSB.

Approved Regulator (AR)

The GCB is the AR of the profession under the LSA 07. The AR has a duty to delegate the discharge of its regulatory functions in compliance with section 28 of the LSA 07 to an operationally independent body – the Bar Standards Board (BSB). The BSB has its own constitution, recruits its own Board and sets its own budget. It has an independent lay Chair and is led at executive level by the Director General. In accordance with the LSA 07, the GCB remains responsible to the LSB for the regulatory performance of the BSB and it therefore has assurance responsibilities.

thewlis graham The CEO has specific statutory responsibilities on behalf of the AR in relation to the BSB, and in order to fulfil these must have a detailed knowledge of the LSB's IGR and associated arrangements. Responsibilities under the IGR include: ensuring that the exercise of the BSB's regulatory functions is not prejudiced by the GCB's representative functions and ensuring that the BSB provides sufficient information to the GCB as is reasonably required for the GCB to be assured of the BSB's compliance with the LSA 07.

The 'Protocol on regulatory independence and provision of assurance' is designed to give assurance that the BSB is operating independently in line with the intentions of the LSA 07 and such IGR as may apply. The CEO may offer advice and guidance to the BSB as appropriate and as required but will not play a part in the formal decision making of the BSB.

Representation, Policy & Services

The CEO contributes to the formulation of the GCB's representative strategies and policies, working closely with the Chair of the Bar, other Officers and representatives of the Bar, and other senior staff. They are also responsible for the development and effective delivery of the GCB's services to members and other commercial activities. The CEO is a member of – and reports to – the General Management Committee (GMC) and may attend such other representative committees as may, from time to time, be appropriate.

External

The CEO acts as an ambassador for the GCB in its capacity as AR and representative body. The CEO has a secondary ambassadorial role supporting, where invited so to do, the Chair of the Bar Council. On matters relating to the GCB in its capacity as AR, the CEO will liaise with external stakeholders such as central government, the LSB, the Inns of Court, the circuits, specialist Bar associations, Bar associations elsewhere in the United Kingdom and abroad, and with non-legal professional bodies.

Person Specification

Applicants should have:

- a university degree and/or professional qualification
- consistent achievement at CEO level, or substantial senior management experience in an organisation of comparable scope
- an ability to understand the work of the legal profession, the wider national and political context within which they operate, and the associated statutory and representative challenges and opportunities

- a track record in providing sound advice and guidance at senior management/director/elected member/ board member level and significant experience of operating at Board level
- a proven track record of successful corporate management, formulating and delivering corporate vision, strategies, policies and objectives
- acute financial and commercial awareness and strong analytical skills
- an ability to operate sensitively within an approved regulator environment and develop stakeholder relationships that command respect, trust and confidence
- a successful track record of building productive internal and external relationships and of collaborative working across the representative, statutory, government and private sectors
- excellent communication and networking skills and an ability to give clear comprehensive and persuasive presentations to a wide variety of audiences, on controversial and/or complex matters
- demonstrable evidence of linking diversity issues to policy and service development and delivery

5) Salary and benefits

c.£185,000 annually, together with

- 27 days paid annual leave per annum (plus discretionary business closure days between Christmas and New Year)
- Hybrid working
- Wellness and lifestyle benefit and app
- Generous Pension contributions
- Private health insurance
- Life Assurance
- Salary sacrifice schemes
- Interest free season ticket loan
- Enhanced maternity and paternity pay
- Employee assistance programme
- Eye tests and a contribution towards prescription glasses when needed for computer work

If you have read all this information and you still have a query, please contact us via email <u>applications@thewlisgraham.com</u> for a confidential conversation with Sarah Thewlis, Managing Director of Thewlis Graham Associates.



6) Application process and timeline

Dates	Activity
25 September 4pm	Closing date for applications.
W/C 29 September and 6 October	Thewlis Graham consultant interviewing of interested candidates – online.
W/C 27 October	The Bar Council first Interviews.
W/C 3 November	Final candidates to meet current CEO and senior management team
W/C 10 November	The Bar Council Final Interviews.

Thewlis Graham Associates will acknowledge all applications. These will be assessed against the criteria in the Job Description and Person Specification section and the people who best meet these will be invited for an interview with Thewlis Graham online. Candidates who are not invited to interview will be advised by email.

Longlisted candidates will be advised by email. After a consultation between The Bar Council and Thewlis Graham Associates a shortlist will be drawn up and shortlisted candidates invited for interview with the Bar Council.

To apply for this position, please complete the steps below, emailing your documentation to <u>applications@thewlisgraham.com</u> and quoting reference **AC0601**.

Your CV should be in Word format only. Your covering letter should also be in Word format only and no more than three pages in total, and should cover the following points:

- why you consider yourself suitable for the role
- why you are interested in the role
- your current remunerations details and notice period
- the name, job title, organisation, email address and mobile number of two professional referees (they will not be approached without your permission)
- your mobile number and email address



Diversity and Inclusion Monitoring

Diversity and inclusion monitoring is independent of the recruitment process but please do send a completed form with your application. Thewlis Graham Associates is committed to monitoring and analysing diversity information so that we can ensure that our processes are fair, transparent, promote equality of opportunity for all, and do not have an adverse impact on any particular group.

The link to this form is here: <u>Diversity Monitoring</u> If you have any problems with this, please contact Sarah via email: <u>applications@thewlisgraham.com</u>.

Any information provided on this form will be treated as strictly confidential and will be used for statistical purposes only. It will not be seen by anybody directly involved in the selection process. No information will be published or used in any way which allows any individual to be identified.

Thank you.

7) Further Background Information

The Legal Services Board (LSB)

The Legal Services Act ("LSA") received the Royal Assent in November 2007. The General Council of the Bar is the approved regulator of the Bar, for the purposes of the LSA. The LSA requires the approved regulator, when carrying out its regulatory functions, to act in a way which is compatible with the Regulatory Objectives.

The <u>Legal Services Act 2007</u> outlines the role and the responsibilities of the LSB. These include:

- oversight of the <u>approved regulators</u> oversight of the Office for Legal Complaints (which is responsible for administering the <u>Legal Ombudsman</u> scheme)
- making recommendations to amend the list of reserved legal activities
- setting up voluntary arrangements to improve standards (if required)

In all their work, they must consider how best to promote nine regulatory objectives set out in the Act. More information can be found on their website

https://legalservicesboard.org.uk/about-us/who-we-are

