Qualifying Test Feedback Report

114 Fee Paid First-tier Tribunal and Employment Tribunal / 116 Deputy District Judge

Test Date: 24 April 2019

Purpose

The purpose of this report is to provide general feedback on candidate performance in the **114 Fee Paid First-tier Tribunal and Employment Tribunal** and the **116 Deputy District Judge** Part 1 and Part 2 qualifying test.

The report describes how the Judicial Appointments Commission (JAC) developed the test, marking schedule and how the test was structured. Additionally, it provides information on the overall performance of candidates in the test.

The qualifying test for these exercises is designed to test a candidate's transferrable skills and their potential to work effectively as a fee-paid entry level judge rather than to assess their jurisdictional knowledge. Irrespective of the jurisdiction(s) candidates were interested in sitting in, all candidates underwent the same selection process; qualifying test selection tools were not divided by jurisdiction at any stage throughout the process.

Competency Framework

The test is designed to assess the following competencies:

• Exercising Judgement
• Assimilating and Clarifying Information
• Managing Work Efficiently

The competencies were developed so that candidates could demonstrate the skills and abilities which were transferable to the role from other contexts. The specific bullet points under each competency heading were designed to reflect skills and abilities that an effective entry level judge is expected to have. This enabled us to assess candidates in a fair and consistent way.

Development of the test

The test and marking schedules for each element of the test were devised by two District Judges and two Regional Employment Judges.

The test material was designed to assess relevant transferable skills to minimise the extent to which candidates might be advantaged or disadvantaged by their professional background.

The JAC Advisory Group, which is composed of judicial members and representatives of the legal profession, offered advice and guidance during its development. In common with all qualifying tests used by the JAC, both the test and marking schedule were subject to an extensive quality – and equality – assurance process.

The effectiveness of the test was assessed by means of a dry run with a range of volunteers from relevant candidate groups.

Structure of the test

The test was administered online. The 75-minute test presented candidates with two parts**:**

• Part 1 (multiple choice): Situational Judgement (40 minutes, 20 questions)
• Part 2 (multiple choice): Critical Analysis (35 minutes, 21 questions)

In Part 1 all of the situations used in the questions were hypothetical and no prior knowledge of rules or procedures was required. No advance reading was required. Candidates were not being assessed on whether or not they knew the right answer based on knowledge or experience. They were assessed on their reading of a situation and their ability to judge the effectiveness of different responses.

In **Part 2** the questions were based on Lord Neuberger's Opening Remarks on 19 August 2016 for *"The Role of the Judge: Umpire in a Contest, Seeker of the Truth or Something in Between? Singapore Panel on Judicial Ethics and Dilemmas on the Bench"*. Candidates were provided with a link to the speech one week in advance of the test.

Marking of the test

Both parts of the test were marked automatically.

Marking schedule

In Part 1 (situational judgement) each question had five answers. Each question had a most appropriate answer which scored 1 point and a least appropriate answer which also scored 1 point. The three other options were wrong and scored 0 points. A total of 40 points could be received.

In Part 2 (critical analysis) each question had five answers. The correct answer scored 1 point. The other four options were wrong and scored 0 points. A total of 21 points could be received.

Distribution of scores

2,206 candidates took the test.

The scoring process was as follows:

- All candidates were scored on their answers to Part 1 and Part 2 of the test as a percentage all candidates were then ranked in order from first to last based on the their average score expressed as a percentage

- A number were then **sifted out** because in Part 1 or Part 2 they had not met the minimum score of 30% (these were the **lowest scoring** candidates of all)

- A number of candidates were sifted out because they went over the allocated test time (for either the Situational Judgement, Critical Analysis or both tests).

- In total **1,197 candidates went through to the DDJ online scenario qualifying test** which was held in June 2019.

- In total **1,490 candidates went through to the FTT online scenario qualifying test** which was held in June 2019.

The highest and lowest marks awarded are shown in the table below:

Part	Highest Score	Lowest Score
1. Situational Judgement	35/40 (1 candidate)	8/40 (1 candidate)
2. Critical Analysis	21/21 (5 candidates)	5/21 (2 candidate)

The test was clearly quite challenging because:

• 0 candidates scored the maximum possible marks on Part 1

• only 5 candidates scored the maximum possible marks on Part 2

Approach to marking Part 1 and Part 2

When we receive a vacancy request from HMCTS we calculate how many candidates we need to take to selection day to fill the vacancy request (usually 2 or 3 candidates for each vacancy). This allows us to estimate the number of candidates we need to progress after the qualifying tests to selection day (usually around twice the number of vacancies). If two or more candidates have the same score we will take all those candidates through, this is what we call 'bunching'. On these two competitions this allowed us to calculate how many candidates were needed to sit the second qualifying test.
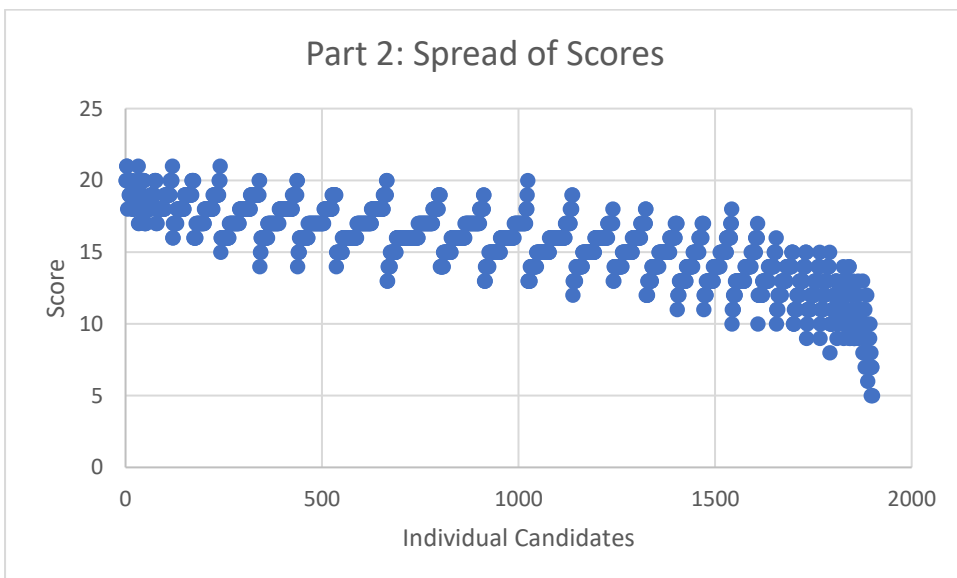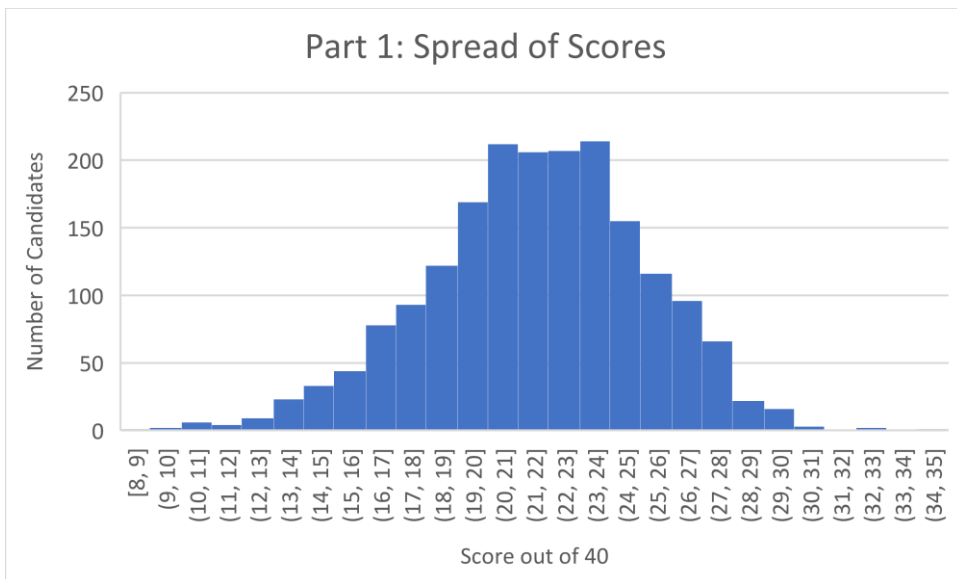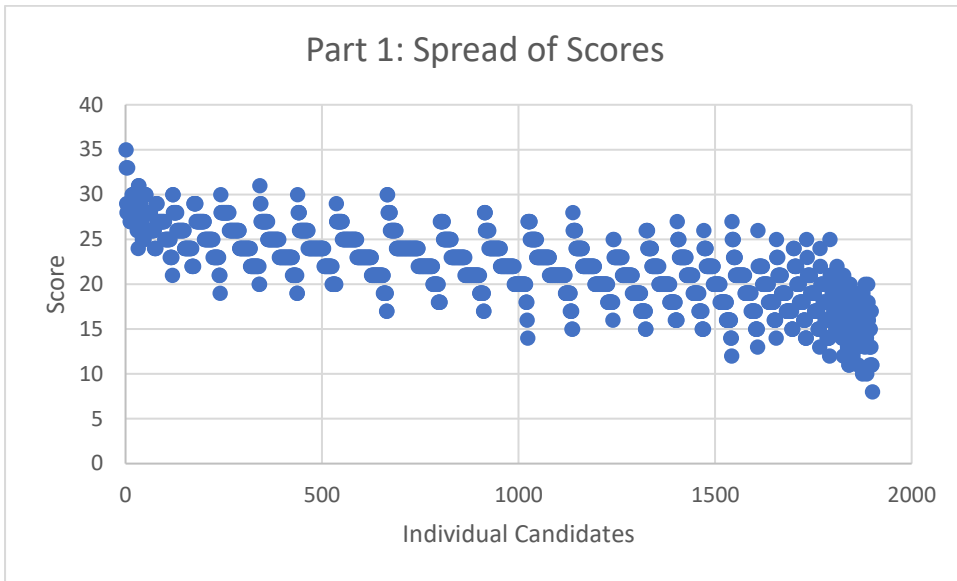
Usually on qualifying tests we do not use a simple score to rank candidates, instead we apply statistical analysis tools, such as an averaging across both online tests for each candidate, to scores before they are ranked into a merit order for decisions to be made about progression to the next stage of the exercise.
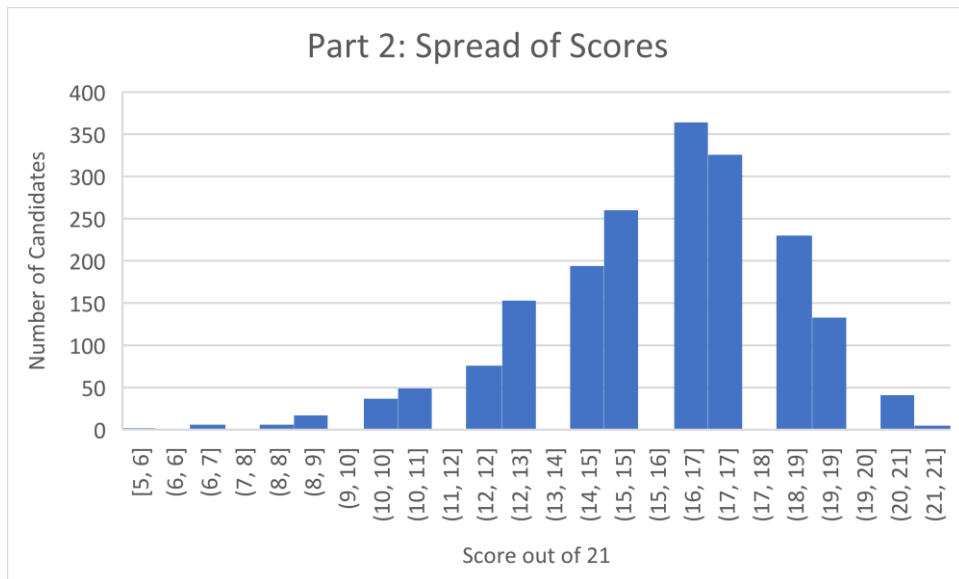
This ensures tests with more points available than others don't disproportionately affect outcomes. For example, so 30/40 (75%) in one test isn't better than 9/10 (90%) in another test just because the first test had 30 points scored compared to 9 points in the second.

We also do not have a fixed pass mark as such, our line is determined by how candidates' scores bunch once that analysis is complete, for example, a score of 30 points out of a possible maximum of 40 points in both parts of the test might mean there are 2 people with higher scores above you, or 30 people above you or 600, it depends on how strong your competitors were how much bunching there is at the highest merit points, so the pass mark is relative, not fixed. Such tests routinely involve over a thousand candidates so bunching around a score can be quite considerable.

We do have a lower line below which candidates are automatically sifted out of the competition, this is usually 30% or less on any part of the test.

The charts below show the spread of scores:

Part 1: Spread of Scores

(Scatter plot: Score vs Individual Candidates)

Part 1: Spread of Scores

(Histogram: Number of Candidates vs Score out of 40)

Part 2: Spread of Scores

(Scatter plot: Score vs Individual Candidates)

Part 2: Spread of Scores

The average candidate scores over Parts 1 and 2 combined for this test were as follows:

- the lowest candidate score was equivalent to 22%
- the highest candidate score was equivalent to 91%
- the average candidate score was equivalent to 65%

Feedback from candidates
Feedback from candidates on both this test, and the Scenario Tests for both the Deputy District Judge and the Fee Paid First Tier Tribunal and Employment Tribunal
will be provided in the Scenario Test feedback reports.