



## **Online Qualifying Test Evaluation and Feedback Report**

**Combined Qualifying Test for Deputy District Judge (Civil) and Fee-paid Judge of the First-tier Tribunal and Fee-paid Judge of the Employment Tribunal**

**June 2020**

## **Purpose**

The purpose of this report is to provide an evaluation of the Combined Qualifying Test for the **Deputy District Judge** and the **Fee-paid Judge of the First-tier Tribunal and Fee-paid Judge of the Employment Tribunal** selection exercises. The report provides details of the online qualifying test and general feedback on candidate performance in the test. This test comprised of two elements: a situational judgement test and a critical analysis test.

The report describes how the Judicial Appointments Commission (JAC) developed the test and marking schedule, how the test was structured, and how the number of candidates shortlisted for progression for each exercise was attained.

Additionally, it provides information on the overall performance of candidates in the test, identifying areas of good and poor performance in the test.

## **Competency Framework**

The test was divided into two parts.

Part 1 was a situational judgement test which was designed to test the following competencies:

- Exercising Judgement
- Assimilating and Clarifying Information
- Working and Communicating with Others
- Managing Work Efficiently

Part 2 was a critical analysis test which was designed to test the following competency:

- Assimilating and Clarifying Information

The competencies were developed so that candidates could demonstrate the proficiency and capability transferable to the roles from other contexts. The specific bullet points under each competency heading were designed to reflect the skills and abilities that an effective Deputy District Judge, Fee-paid Judge of the First-tier Tribunal, or Fee-paid Judge of the Employment Tribunal 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 were devised by two District Judges, a regional Tribunal Judge and a Tribunal President.

In common with all the selection tools developed for this exercise, the questions were designed to assess relevant transferable skills and to minimise the extent to which candidates might be advantaged or disadvantaged by their professional background.

The materials developed for this exercise were subject to an extensive quality and equality assurance process as they were reviewed internally by the JAC Operations, Policy, and Diversity and Engagement teams. The teams ensured that the materials did not unfairly advantage or disadvantage any potential candidates taking the test on the basis of their diversity characteristic or professional background.

Following the internal quality assurance, the material was reviewed by the JAC Advisory Group. The Advisory Group is composed of members of the judiciary and representatives of the legal professions and is chaired by a lay JAC Commissioner. The group offered its advice and guidance on the development of the selection material and also reviewed the material in terms of quality and whether it would have any negative impacts on diverse groups.

The effectiveness of the test was assessed by means of a dry run with a range of volunteers from relevant candidate groups. This provided an opportunity to trial the test material and make any necessary amendments.

### **Structure of the test**

The test was hosted on Google Forms. Candidates accessed the test using their registered email address and a unique alpha numeric code, issued to them by email with the test instructions.

The 80-minute test presented candidates with 2 parts:

- Part 1 (multiple choice): Situational Judgement - 40 minutes, 20 questions with 2 answers required and a total of 40 marks available.
- Part 2 (multiple choice): Critical Analysis - 40 minutes, 20 questions with 1 correct answer and a total of 20 marks available.

In **Part 1** of the test candidates were presented with a range of different situations they might experience in the job as a Deputy District Judge, Fee-paid Judge of the First-tier Tribunal or Fee-paid Judge of the Employment Tribunal. Candidates were assessed on their reading of a situation and their ability to judge the effectiveness of a number of different responses provided under each question. Candidates were asked to identify both a most appropriate and least appropriate answer from the five options presented.

Candidates then had an opportunity to take a break between the two parts of the test.

In **Part 2** of the test candidates were provided with the speech of The Right Honourable Lord Thomas of Cwmgiedd - "Law Reform Now" in 21st Century Britain: Brexit And Beyond, one week in advance of the test. The questions were based on the content of 'the speech'. Candidates were required to use their critical and logical thinking skills to decide upon the correct answer from four possible options for each of the 20 questions.

### **Marking Schedule**

In Part 1 of the test each question had five options. It was necessary for the candidate to identify the most appropriate and least appropriate response, with 1 point scored for each answer. Therefore, candidates could score a maximum of 2 points for each question. A total of 40 points were available for this part of the test.

In Part 2 of the test each question had four options. It was necessary for the candidate to identify the correct answer, with 1 point scored for each answer. A total of 20 points were available for this test.

### **Marking of the test**

Both parts of the test were marked automatically.

### **Distribution of marks**

3841 candidates were invited to take the test. 3094 candidates completed the test within their allotted time, while 523 candidates did not take the test.

The scoring process was as follows:

- Each candidate has their score for each part of the test converted into a percentage. The two percentages were added, and a combined average score was calculated. The combined average score for each candidate was used to rank all candidates onto a merit list in merit order – the highest combined average score at the top and the lowest combined average score at the bottom.
- A number of candidates were then sifted out because they had not met the minimum score of 30% in Part 1 and / or Part 2 of the test.
- A number of candidates were also sifted out because they went over the allotted test time for Part 1 and / or Part 2 of the test.
- The pass mark was then determined by the number of candidates needed at the next selection stage, which varied between the **Deputy District Judge** exercise and the **Fee-paid Judge of the First-tier Tribunal and Fee-paid Judge of the Employment Tribunal** exercise.
- In total, 1029 candidates were invited to the next selection stage of the **Deputy District Judge** exercise and 1106 candidates were invited to the next stage of the **Fee-paid Judge of the First-tier Tribunal and Fee-paid Judge of the Employment Tribunal** exercise.

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

Distribution of marks	Part 1 Situational Judgement	Part 2 Critical Analysis	Overall Total	Distribution of marks
Highest score	30/40 (1 candidate)	20/20 (19 candidates)	47/60 (1 candidate)	Highest score
Lowest score	3/40 (1 candidate)	0/20 (1 candidate)	9/60 (1 candidate)	Lowest score

### Approach to shortlisting

When the JAC receives notification from HMCTS confirming the final number of vacancies for the requested post, calculations are made to establish how many candidates will be taken to selection day (usually at a ratio of 2 or 3 candidates interviewed for each vacancy). This allows us to estimate the number of candidates we need to progress after each shortlisting stage until we reach the selection day ratio.

For **Deputy District Judge**, we received a vacancy request to fill 150 posts. We planned the selection exercise based on taking approximately 1000 candidates to the second stage of shortlisting (the **Deputy District Judge** online scenario test) and inviting around 300 candidates to selection day.

For **Fee-paid Judge of the First-tier Tribunal and Fee-paid Judge of the Employment Tribunal** we received a vacancy request to fill 200 posts. We planned the selection exercise based on taking approximately 1100 candidates to the second stage of shortlisting (the **Fee-paid Judge of the First-tier Tribunal and Fee-paid Judge of the Employment Tribunal** online scenario test) and inviting around 400 candidates to selection day.

To identify the top candidates from the first stage of the shortlisting process – the combined qualifying test, each candidate had their score for each part of the test converted into a percentage. The two percentages were added, and a combined average score was calculated. The combined average score for each candidate was used to rank all candidates in the merit list, with the highest combined average score at the top of the list, and the lowest combined average score at the bottom. Using the combined average score to rank candidates in order of merit ensures tests with more points available in one of the two parts does not disproportionately affect outcomes. For example, 30 out of 40 (75%) in one part isn't better than 9 out of 10 (90%) in another part just because the first part had 30 points scored compared to 9 points in the second part. The pass mark was then determined by the number of candidates needed at the next selection stage, which varied for both exercises.

The pass mark for the **Deputy District Judge** exercise was 61%. However, some candidates who scored 60% were invited to proceed to the next stage of the selection process (please see the equal merit provision section below).

For the **Fee-paid Judge of the First-tier Tribunal and Fee-paid Judge of the Employment Tribunal** exercise, the pass mark was 62%. However, some candidates who scored 61% were invited to proceed to the next stage of the selection process (please see the equal merit provision section below).

### **Equal Merit Approach**

Where there are candidates with the same score at the cut off line, the Equal Merit Provision (EMP) may be applied in line with the JAC's published policy, which is available [here](#). If the equal merit approach is applied, this will be after the consideration of a sub-committee of Commissioners; consisting of a legal Commissioner, a lay Commissioner and the Assigned Commissioner for the exercise. The sub-committee will consider and will need to be satisfied that:

- The candidates about whom a decision is being taken are of equal merit.
- The particular protected characteristic is underrepresented either in the judiciary as a whole or at the relevant level of judiciary.
- Reliance on EMP in the shortlisting process being conducted is a proportionate means of achieving the aim of increasing judicial diversity.

For **Deputy District Judge**, the EMP was applied at this stage of the selection process in line with the published guidance on the JAC website. This meant that an additional 68 candidates with relevant underrepresented protected characteristics who scored 60% proceeded to the next stage of the selection process. After applying the EMP, 1029 candidates in total were invited to progress to the next stage of the selection exercise.

For **Fee-Paid Judge of the First-tier Tribunal and Fee-paid Judge of the Employment Tribunal** the EMP was applied at this stage of the selection process in line with the published guidance on the JAC website. This meant that an additional 75 candidates with relevant underrepresented protected characteristics who scored 61% proceeded to the next

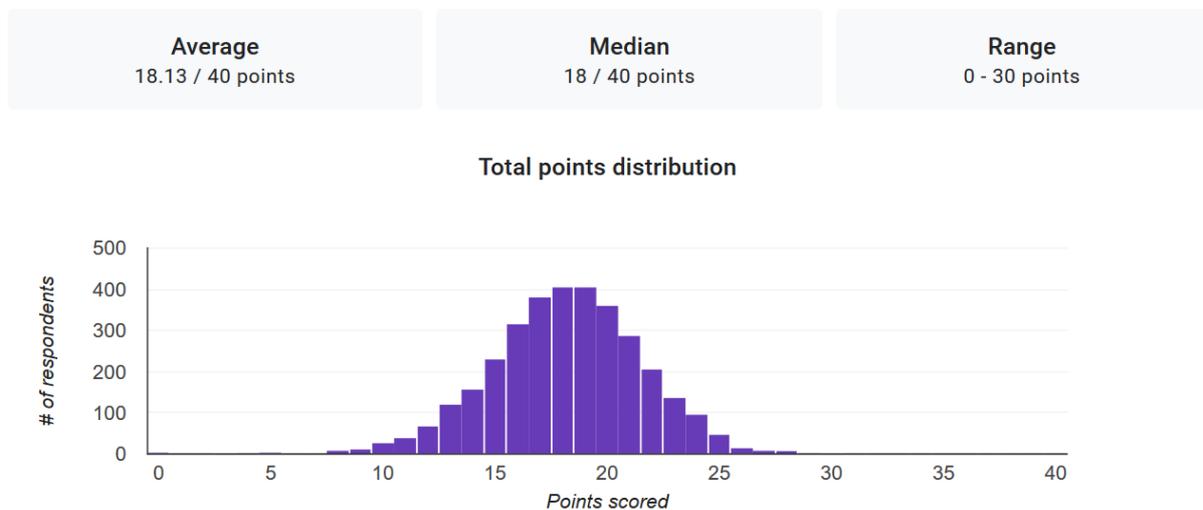
stage of the selection process. After applying the EMP, 1106 candidates in total were invited to progress to the next stage of the selection exercise.

We did not have a pre-determined pass mark for the test; the line of shortlisting is determined by the relationship between the relative performance of candidates against each other in any given test, and how many slots there are for the next stage of shortlisting.

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

- Lowest average candidate score was 11%.
- Highest average candidate score was 84%.
- The average candidate score was 58%.

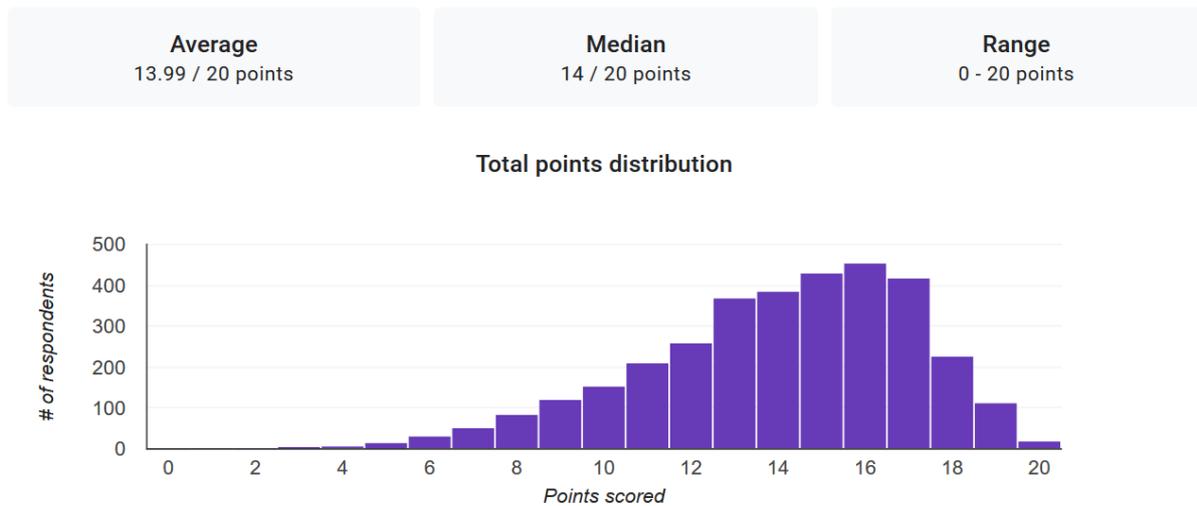
**Fig.1 A bar chart showing the distribution of scores for part 1 (Situational Judgement)**



In Part 1 (Situational Judgement):

- candidates scored best on the question regarding an inadequate time estimate for a court hearing. (84% getting both the most and least appropriate responses correct)
- candidates also scored well on the question regarding a foreign man's assets. (67% getting the most appropriate response correct and 79% getting the least appropriate response correct)
- candidates scored worst on the question regarding another judge giving you advice on a residential property case. (4% getting the most appropriate response correct and 8% getting the least appropriate response correct)
- candidates also scored poorly on the question regarding drafting written reasons before sitting a full list the next day. (19% getting both the most and least appropriate responses correct)

**Fig.2 A bar chart showing the distribution of scores for part 2 (Critical Analysis)**



In Part 2 (Critical Analysis):

- candidates scored best on a question regarding the make-up of the Law Commission (95% choosing the correct response)
- candidates also scored well on a question regarding technological advances (94% choosing the correct response)
- candidates scored worst on a question regarding Lord Thomas' views of the Law Commission (14% choosing the correct response)
- candidates also scored poorly on a question regarding a stance Lord Thomas takes (28% choosing the correct response)

### **Feedback from candidates**

After the combined qualifying test, candidates were invited to complete an anonymous candidate survey. **Reference to this information will be included in the two Scenario Test Feedback Reports for the two separate exercises.**