Online Scenario Test Evaluation and Feedback Report

Deputy District Judge (Civil)

July 2020

Purpose

The purpose of this report is to provide an evaluation of the Deputy District Judge (Civil) online scenario test as well as general feedback on candidate performance in the 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 was attained. Additionally, it provides information on the overall performance of candidates in the test, identifying areas of good and poor performance and sharing more detailed comments in relation to each of the 5 questions in the test.

Competency Framework

The test was designed to assess the following competencies:

Exercising Judgement

Possessing and Building Knowledge

Assimilating and Clarifying Information

Working and Communicating with Others

Managing Work Efficiently.

The competencies were developed so that candidates could demonstrate the proficiency and capability transferable to the role 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 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.

In common with all the selection tools developed for this exercise, the scenarios and situational 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 reviewed internally by Operations, Policy, and Diversity and Engagement teams to quality and equality assure the material to ensure it was an effective tool to assess candidates. The teams also 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 this internal quality assurance, the material was then 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. It offers

its advice and guidance on the development of selection material and also looks at 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 the structure and timings of the test, and then make any necessary amendments.

Structure of the test

The test was hosted on Google Forms. The test was 50 minutes long. Candidates were presented with two scenarios comprising of 5 questions in total.

Scenario 1

An injunction application was brought in by a litigant in person to the County Court. The litigant had issued a non-molestation application under the Family Law Act 1996 against her next-door neighbour. The applicant was also seeking damages.

Scenario 2

The same parties were back before the Judge some months later for a fast track trial. One party was seeking orders under the Protection from Harassment Act 1997 against the other. Neither party was represented.

The situations used in the questions were based on potential real-life situations that may be encountered by a Deputy District Judge.

Candidates were required to provide narrative responses to each of the 5 questions. Each question had a word limit and a maximum amount of marks available. The word limit and marks for each question were as follows:

Question 1: 4 marks, a maximum of 100 words
Question 2: 9 marks, a maximum of 200 words
Question 3: 12 marks, a maximum of 100 words
Question 4: 40 marks, a maximum of 500 words
Question 5: 22 marks, a maximum of 500 words

Marking schedule

A marking schedule was provided to the panels. A maximum of 87 marks were available which equates to 100%. The schedule provided details to the marking panel of the number of marks available for each question, the maximum word count and the guide to candidate answers.

Marking of the test

The candidates test submissions were anonymised and marked by a panel of judicial members. There were 9 judicial members. JAC staff provided a full briefing to the markers at the outset of marking the papers.

970 candidates sat the test. A 10% sample of the test scripts were selected for moderation during the marking process in addition to those already discussed at the calibration meetings. Those selected were done so at random across the candidate cohort.

A further moderation took place once marking was complete. This included the scripts identified as candidates for moderation by markers; samples of the high, low and mid scoring test papers; a sample of test papers close to the prospective cut off point for invitation to selection days; and a further random sample.

Moderation took the form of markers cross checking each other's work. The moderation process concluded that the panels had been consistent and fair.

In line with JAC Policy, a Senior Selection Exercise Manager and the JAC Commissioner assigned to the selection exercise undertook separate quality assurance checks. Their independent conclusion was that marking had been robust and consistent.

Distribution of scores

1029 candidates were invited to take the test
59   candidates withdrew from the process or didn't take the test
970 candidates took the test
865 candidates completed the test within the allotted time
105 candidates were removed as they went over the allotted test time.

The scoring process was as follows: all candidates were scored on their answers to the test based on the marking schedule above. All candidates were then ranked in order of merit from first to last based on the average percentage score (further outlined below). Candidates who were out on time had their submission discarded as detailed in the instructions.

This provided a merit list determining how many candidates would be invited to the next stage of the exercise based on the approach outlined. The highest 302 scoring candidates from the scenario test were automatically shortlisted through to selection days. A further 12 candidates were shortlisted after the Equal Merit Provision (EMP) was employed. This is outlined later in the report.

We did not have a pre-determined pass mark for the test; however, candidates must score a minimum of 30%. 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 the selection exercise. For this exercise the score at which the line of shortlisting fell was 40% and above.

The highest and lowest marks awarded are shown in the table below. These are reflective of those candidates who submitted their test within time:

Distribution of marks	Question 1	Question 2	Question 3	Question 4	Question 5	Highest / lowest overall score
Highest score	4/4 (68 candidates)	8/9 (1 candidate)	12/12 (6 candidates)	32/40 (1 candidate)	19/22 (1 candidate)	57/87 (2 candidates)
Lowest score	0/4 (334 candidates)	0/9 (13 candidates)	0/12 (11 candidates)	0/40 (24 candidates)	0/22 (51 candidates)	0/87 (1 candidate)

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 the shortlisting stages until we reach the selection day ratio.

For this exercise we received a vacancy request to fill 150 posts. We therefore planned the selection exercise based on inviting around 300 candidates to selection day. To prevent a significant drop from the substantial number of candidates who applied to fill the much smaller number of selection day slots, we planned to have shortlisting stages as part of the selection process.

All candidates who applied for the combined qualifying test were invited to sit the online test, which involved a Situational Judgement and Critical Analysis test. Of the candidates who took this test 1029 candidates were invited to take the online scenario test. 970 candidates completed the test.

We planned to take 300 candidates to selection days.

The percentage score for each candidate is used to rank all candidates into a merit list. The highest percentage score reflects the most meritorious candidate and the lowest percentage score the least meritorious candidate.

The number of slots available in the next stage of the process is then applied onto the merit list to create the initial cut off line.


Equal Merit Provision

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.

The EMP was applied at this stage of the selection process.

After applying the above process, 314 candidates were invited to progress to the next stage of the selection exercise. This was an increase of 12 on the original number.
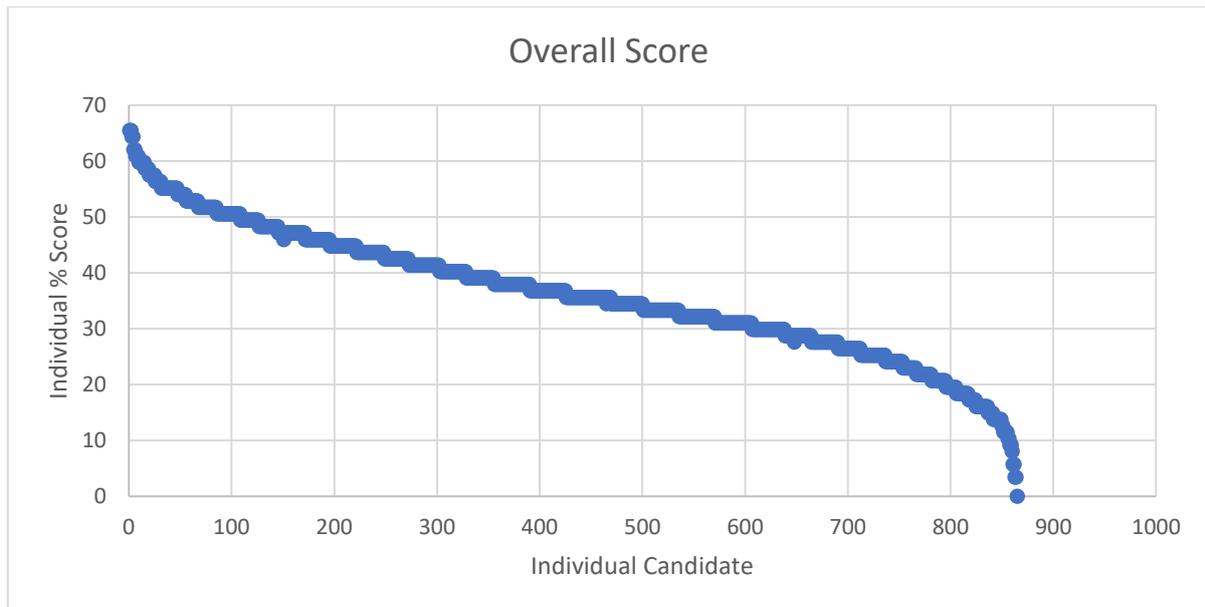
The average candidate score for this test was 36%.

Feedback from the marking panels

In advance of marking the test the marking panels were instructed to consider any common themes in the candidates' answers that could be included in the feedback report, which can be seen below.

For question 1 candidates who scored well included most or all of the following in their answers

- Clearly set out their decision to strike out/refuse/dismiss the application.
- Addressed the jurisdiction issue of the libel/slander claim.

For question 1 candidates who performed less effectively reflected most or all of the following in their answers

- Failed to make any order at all and/or provided discursive answers about orders they could potentially make without identifying their final decision.
- Deemed an application to have been made under the relevant Act and proceeded to make orders on an ex parte basis and without requiring a formal application to be issued.

For question 2 candidates who scored well included most or all of the following in their answers

- Use of clear language readily understood by a litigant in person.

- A succinct explanation of the reasons for the refusal of an order under the relevant Act.

- Signposting to the relevant Act.

For question 2 candidates who performed less effectively reflected most or all of the following in their answers

- Lengthy quoting of the legislation/multiple references to statutory provisions.

- Did not explain the application was dismissed because the court had no jurisdiction as the parties were not associated to one another.

- Did not explain adequately or at all the jurisdiction under the relevant Act.

- Did not address the practical guidance of signposting legal advice and warning how stressful neighbour disputes can be.

For question 3 candidates who scored well included most or all of the following in their answers

- Gave clear and concise replies to the options available.

- Identified the full range of options available.

For question 3 candidates who performed less effectively reflected most or all of the following in their answers

- Gave a rambling, incoherent and/or an unfocused account of what options were available.

- Failed to address all of the possible options.

- Provided discursive answers explaining why they were making a specific order(s) rather than referencing all the possible options.

For question 4 candidates who scored well included most or all of the following in their answers

- Identified all the available options, of which there were 4.

- Clearly set out the advantages and disadvantages of each option.

- Explaining clearly next steps.

For question 4 candidates who performed less effectively reflected most or all of the following in their answers

- Omitted to cross-reference the advantages and disadvantages to the options identified in question 3.

- Failed to identify any advantages or disadvantages of certain options identified at question 3.

- Having failed to identify a particular available option at question 3, failed to score.

- Gave limited answers of only a few words.

- Gave a rambling incoherent account with no clear focus on the advantages and disadvantages of each available option.

- Concentrated their answer on the option which they would have chosen rather than all the possible options, even if they considered it a poor option.

For question 5 candidates who scored well included most or all of the following in their answers

- Gave clear directions and an indicative timetable for the sequential filing of evidence, Scott Schedule, the filing of a bundle and relisting the trial date.

- Limited the number of allegations in the bundle and the size of the trial bundle.

For question 5 candidates who performed less effectively reflected most or all of the following in their answers

- Omitted key directions such as relisting the trial.

- Simply stated that they would "re-timetable the previous directions" but did not set out the exact terms of the directions that they would give.

- Gave limited answers.

- Failed to assimilate information set out in the scenario which could easily have been replicated in detail.

- Failed to reference the Scott Schedules, only referred to witness statements.

Feedback from candidates

Following the combined qualifying test candidates were asked to complete an anonymous survey. Some of the findings are referenced below.

Q1. How much time did you spend reading the preparation material for the combined qualifying test?

- 61% more than 2 hours
- 30% between 1 and 2 hours
- 9% up to 1 hour

Q2. If you had a copy of the pre-reading material to hand whilst sitting the test, in which format did you have it?

- 50% in a printed format
- 38% in an electronic format
- 11% in both formats
- 1% N/A

Q3. How clear were the instructions regarding taking a break between part 1 Situational Judgement and part 2 Critical Analysis?

- 40% very clear
- 42% clear
- 18% not clear

Following the scenario test candidates were asked to complete an anonymous survey. The findings are referenced below

Q1. I was provided with sufficient preparatory material to complete the scenario test.

- 20% strongly agree
- 58% agree
- 11% neither agree nor disagree
- 10% disagree
- 1% strongly disagree

Q2. The scenario test gave me the opportunity to show how I would deal with the type of situation that could arise in this role.

- 13% strongly agree
- 55% agree
- 10% neither agree nor disagree
- 19% disagree
- 3% strongly disagree

Q3. The scenario test was accessible in terms of format, language used, and topics covered

- 20% strongly agree
- 65% agree
- 6% neither agree nor disagree
- 6% disagree
- 3% strongly disagree

Q4. The word limit was a useful guide to help me plan my responses

- 5% strongly agree
- 38% agree
- 19% neither agree nor disagree
- 26% disagree
- 12% strongly disagree

Q5.   I am confident in the scenario test as a JAC selection tool

- 6% strongly agree
- 37% agree
- 24% neither agree nor disagree
- 24% disagree
- 9% strongly disagree

Q6.   The scenario test was easy to complete.

- 3% strongly agree
- 12% agree
- 15% neither agree nor disagree
- 48% disagree
- 22% strongly disagree

Q7.   The time allocated was sufficient to complete the test.

- 1% strongly agree
- 14% agree
- 14% neither agree nor disagree
- 39% disagree
- 29% strongly disagree
- 3% other

Q8.   Did you experience technical difficulties during the test?

- 14% yes
- 85% no
- 1% other