

**Qualifying Test Feedback Report**

**133 Recorder 2019**

**September 2019**

## **Purpose**

The purpose of this report is to provide general feedback on candidate performance in the 133 Recorder online situational judgement and critical analysis qualifying 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 the 20 situational judgement questions and 20 critical analysis questions in the test.

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## **Competency Framework**

The test was divided into two parts. Part 1 was a Situational Judgement test and part 2 was a Critical Analysis test. Both tests were designed to assess the following competencies:

Exercising Judgement  
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 Recorder 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 2 experienced judges, a High Court Judge and a Senior Circuit Judge.

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 JAC Advisory Group, which is composed of members of the judiciary and representatives of the legal professions and chaired by a lay JAC Commissioner, offered advice and guidance during their 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 including review by JAC Head of Diversity and Engagement and the Advisory Group. 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 a unique 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 Recorder.

In Part 2 of the test candidates were provided with reading material 1 week before the test. The reading material provided was 'The speech given by Lord Phillips at the Commonwealth Law Conference (2007) in Kenya'. The questions and answer options were based on the content of 'the speech'. Candidates were required to read the material and use their critical and logical thinking skills to decide upon the correct answer from four options for each of the 20 questions.

### **Marking of the test**

Both parts of the test were marked automatically.

The pass mark is determined by the number of candidates needed at the next selection stage, which varies between different exercises. If a candidate exceeds the time allocated for the test they do not proceed to the next stage. Furthermore, in any two-part online test those candidates who score below 30% in either part of the test do not proceed.

In both parts of the test each question had four answer options. For the Situational Judgement Test all questions had a 'most appropriate answer' which scored 1 point and a 'least appropriate answer' which scored 1 point, and 2 answers that were wrong and scored 0 points.

For the Critical Analysis test, each question had one correct answer which scored 1 point and 3 answers that were wrong and scored 0 points.

### **Distribution of marks**

995 candidates were invited to take the test. 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 combined average percentage score (further outlined below)

939 candidates took the test

105 candidates were removed as they went over the allocated test time (for either the Situational Judgement Test, Critical Analysis Test, or both tests)

2 candidates did not achieve the required minimum pass mark for qualifying tests which is 30%

This provided a merit list determining how many candidates would be invited to the second stage of shortlisting based on the approach outlined.

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

<b>Distribution of marks</b>	<b>Part 1 Situational Judgement</b>	<b>Part 2 Critical Analysis</b>	<b>Overall Total</b>
<b>Highest score</b>	31/40 (1 candidate)	20/20 (18 candidates)	49/60 (2 candidates)
<b>Lowest score</b>	13/40 (2 candidates)	8/20 (2 candidates)	24/60 (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 up to 100 posts. We therefore planned the selection exercise based on inviting around 235 candidates to selection day. This is just above the 2:1 ratio.

All candidates who applied for the exercise were invited to sit the first stage of shortlisting the online qualifying test. We planned to take 690 candidates to the second stage.

To identify the top 690 candidates from the qualifying test, the following method was used. First, each candidate has their score for each part converted into a percentage. Then the 2 percentages are added and a combined average score is calculated. Then the combined average score for each candidate is used to rank all candidates into a merit list, with the highest combined average score at the top of the list, and the lowest at the bottom.

For two-part tests using the combined average score to rank candidates in order of merit ensures tests with more points available in one of the 2 parts does not disproportionately affect outcomes. For example, 30/40 (75%) in one part isn't better than 9/10 (90%) in another part just because the first part had 30 points scored compared to 9 points in the second part.

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.

Applying the above criteria, the pass mark for this test was 65%

### **Equal Merit Provision**

Where there are candidates with the same score at the cut off line, the Equal Merit Provision (EMP) may be applied. If the EMP 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 at the relevant level of judiciary.
- reliance on EMP in the shortlisting exercise being conducted is a proportionate means of achieving the aim of increasing judicial diversity within the level of judiciary for which the selection is being made.

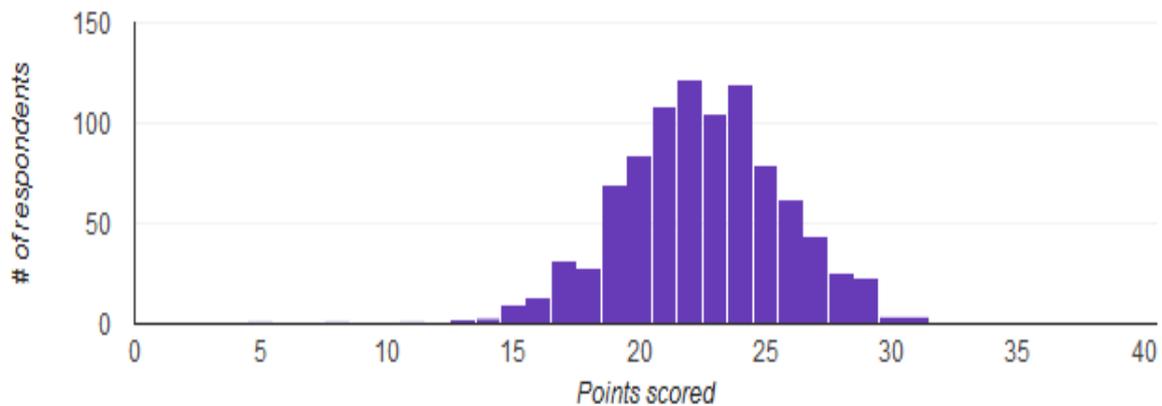
The EMP was applied at this stage of the selection process in line with published guidance on the JAC website.

After applying the above process, 695 candidates were invited to progress to the next stage of shortlisting.

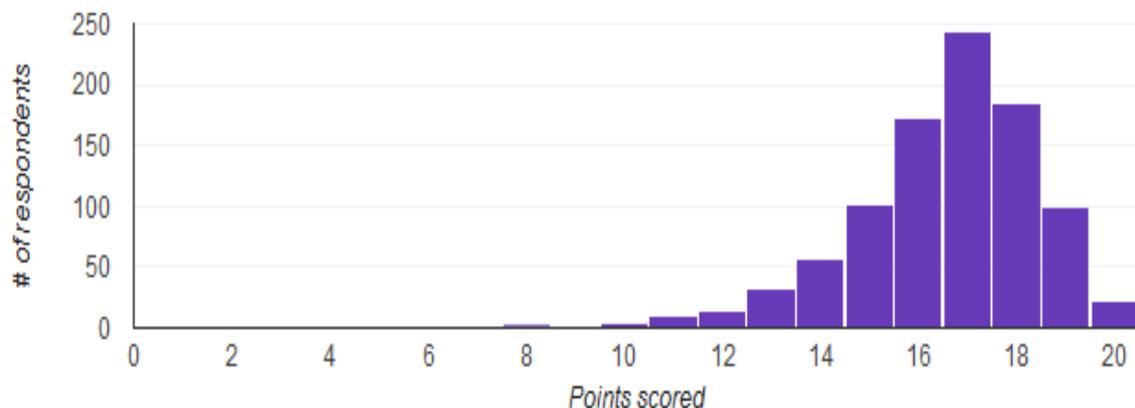
We therefore do not have a pre-determined pass mark for the test; the line of shortlisting is determined by the relationship between the relative performance of candidates against each other in any given test, and how many slots there are for the next stage of shortlisting.

The average candidate scores over Parts 1 and 2 combined for this test were as follows: lowest average candidate score was 33%, highest average candidate score was 77%. The average candidate score was 58%.

### Situational Judgement



### Critical Analysis



In Part 1 (Situational Judgement) there were

- 3 questions where 70% or more of candidates chose both parts of the question correctly (easier questions)
- 5 questions where under 20% of candidates chose the most or least appropriate response correctly (harder questions).

In Part 2 (Critical Analysis) there were:

- 2 questions where 53% or more candidates gave an incorrect answer (harder questions).
- 9 questions where 95% or more of candidates gave the correct answer (easier questions).

### **Feedback from candidates**

After the qualifying test, candidates were invited to complete an anonymous candidate survey. 250 candidates responded to the survey. Based on the results of the candidate survey:

#### **How would you rate the quality of the customer service you received from JAC staff during the qualifying test process?**

- around 1% of candidates selected poor to very poor
- around 6% of candidates selected fair to good
- around 58% of candidates selected good to excellent
- around 35% of candidates selected NA

#### **I understood from the instructions what was expected during the qualifying test?**

- around 1% of candidates disagreed or strongly disagreed
- around 6% of candidates neither agreed or disagreed
- around 93% of candidates agreed or strongly agreed

#### **The situational judgement test enabled me to demonstrate how I would tackle daily challenges working in a court or tribunal**

- around 14% of candidates disagreed or strongly disagreed
- around 24% of candidates neither agreed or disagreed
- around 62% of candidates agreed or strongly agreed

#### **I am confident in the situational judgement test as a JAC selection tool**

- around 17% of candidates disagreed or strongly disagreed
- around 35% of candidates neither agreed or disagreed
- around 48% of candidates agreed or strongly agreed

#### **The critical analysis test enabled me to demonstrate how I would analyse facts to form a judgement**

- around 11% of candidates disagreed or strongly disagreed
- around 30% of candidates neither agreed or disagreed
- around 59% of candidates agreed or strongly agreed

### **I am confident in the critical analysis test as a JAC selection tool**

- around 10% of candidates disagreed or strongly disagreed
- around 33% of candidates neither agreed or disagreed
- around 57 % of candidates agreed or strongly agreed

### **The qualifying test was accessible in terms of format, language used and topics covered**

- around 3% of candidates disagreed or strongly disagreed
- around 9% of candidates neither agreed or disagreed
- around 88 % of candidates agreed or strongly agreed

### **The qualifying test was easy to complete**

- around 15% of candidates disagreed or strongly disagreed
- around 30% of candidates neither agreed or disagreed
- around 55 % of candidates agreed or strongly agreed