



Qualifying Test Feedback Report

00033 Recorder 2020

Test date: 30 September 2020

Purpose

The purpose of this report is to provide an evaluation of the **Recorder 2020** online Qualifying Test as well as general feedback on candidate performance in the test. This test comprised of two elements, a situational judgement test and a critical analysis test.

This report describes how we 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.

Competency Framework

The test was designed to assess the following competencies:

- The Situational Judgement test was designed to test Exercising Judgement, Working and Communicating with Others and Managing Work Efficiently.
- The Critical Analysis Test was designed to test Possessing and Building Knowledge and Assimilating and Clarifying Information

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 two Circuit Judges.

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 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 materials were then reviewed by the JAC Advisory Group. The Advisory Group is composed of members of the judiciary and representatives of the legal professions and 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 make any necessary amendments.

Structure of the test

The test was hosted on the JAC Digital Platform which was accessible when candidates logged onto their JAC account. Candidates were presented with two parts and the overall time for the test was one hour and 20 minutes

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

In **Part 1** of the test candidates were presented with a range of different situations they might experience in the job as a Recorder.

There was no requirement of any previous knowledge of rules and procedures expected of candidates. No advance reading was required.

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, both a most appropriate and least appropriate answer from the five options presented.

In **Part 2** of the test the questions were based on a speech by Lord Sales, Justice of the Supreme Court, to the Anglo-Australasian Law Society on 27 August 2019, entitled, Directors' duties and climate change: Keeping pace with environmental challenges.

Candidates were provided with a link to the speech one week in advance of the test and to then 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

The JAC Digital Platform marks both parts of the test automatically. It also provides an on-screen timer, visible at the top of the screen throughout the test. The timer turns red during the last minute of the test to provide a warning to candidates that their time is about to expire. The test is automatically submitted if it has not been completed. All tests, including those that have not been completed, are marked. This means that no candidate is removed from the test for going out of time.

In Part 1 of the test each question had **5** answer 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 **4** answer options. It was necessary for the candidate to identify the correct answer, which scored 1 point. Therefore, candidates could score a maximum of 1 point for each question. A total of 20 points were available for this test.

Distribution of marks

1044 candidates were invited to take the test
60 candidates withdrew from the process
984 candidates took the test

The scoring process was as follows: all candidates were scored on their answers to the test based on the marking schedule above. 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.

All remaining candidates were then ranked in order of merit from first to last based on the combined average percentage score (further outlined below).

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

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

Distribution of marks	Part 1 Situational Judgement	Part 2 Critical Analysis	Overall Total	Distribution of marks
Highest score	29 /40 (3 candidates)	19/20 (1 candidate)	45/60 (2 candidates)	Highest score 45/60 2 candidates
Lowest score	6 /40 (1 candidate)	2/20 (3 candidates)	6/60 (1 candidate)	Lowest score 6/60 1 candidate

Approach to marking Part 1 and Part 2

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 over **100** posts. We therefore planned the selection exercise based on inviting around **275** candidates to selection day.

All candidates who applied for the exercise were invited to sit the online qualifying test. We originally planned to take around 500 candidates to the second stage of shortlisting, but the cut-off came at 515. It was agreed that all 515 candidates would progress to the scenario test.

To identify the top **515 number** 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. 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, 30/40 (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.

In this test, the pass mark for the Recorder exercise was 54%. However, some candidates who scored 53% were invited to proceed to the next stage of the selection exercise (please see the equal merit provision section below).

Equal Merit Approach

Where there are candidates with the same score at the shortlisting cut off line, an Equal Merit Provision (EMP) may be applied in line with the JAC's published policy for the purposes of increasing judicial diversity, 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:

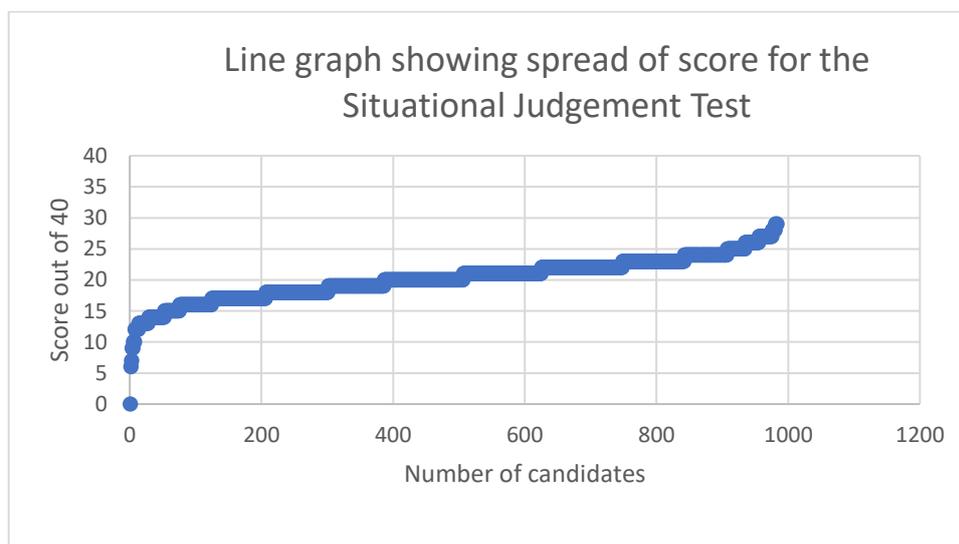
- the candidates about whom a decision is being taken are of equal merit.
- the particular protected characteristic is underrepresented either in the judiciary as a whole or at the relevant level of judiciary.
- reliance on EMP in the shortlisting process being conducted is a proportionate means of achieving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

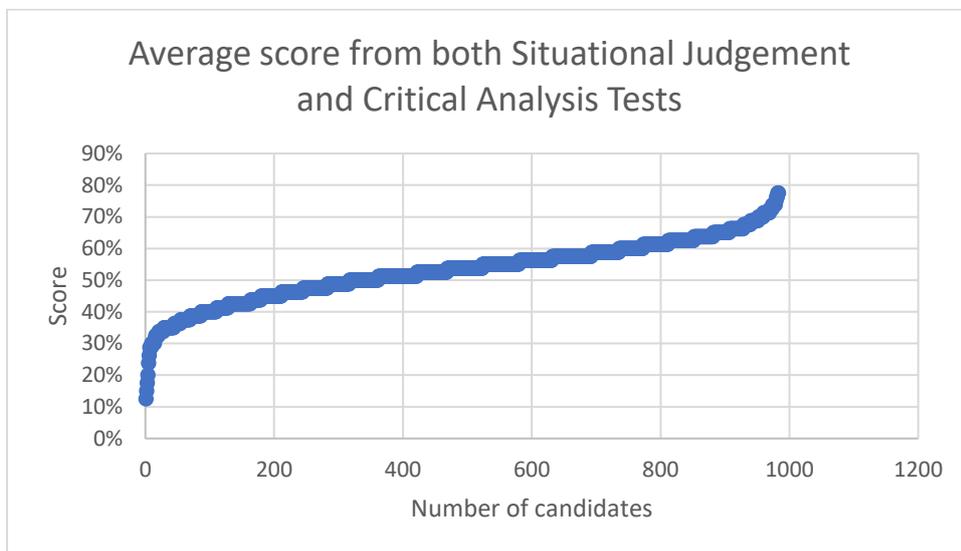
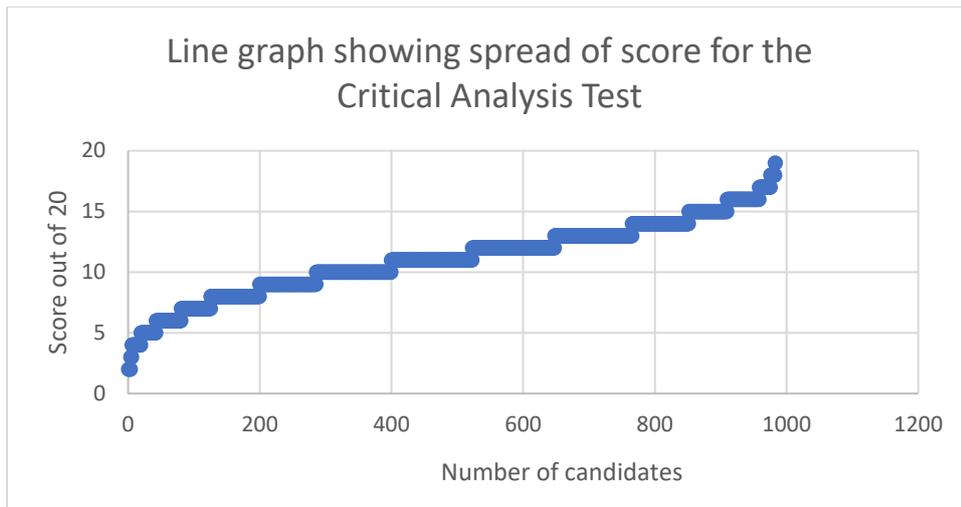
The EMP was applied at this stage of the selection process in line with the published guidance on the JAC website. This meant that an additional 20 candidates with relevant underrepresented protected characteristics who scored 53% proceeded to the next stage of the selection process. After applying the EMP, **515** candidates in total were invited to progress to the next stage of the selection exercise.

We 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 **13%**.
- Highest average candidate score was **78%**.
- The average candidate score was **54%**.





In Part 1 (Situational Judgement)

- Candidates scored best on the question in which a self-represented defendant filed no evidence and stated that he does not recognise the authority of the court (83% choosing the correct response)
- Candidates also scored best on the question where one of two unrepresented parties requests an adjournment, and then leaves court before you can explain why you refuse the adjournment (83% choosing the correct response)
- Candidates scored worst on the question where a legal representative asks to come back into court to clarify the order after the hearing has ended and the self-represented litigant has left the court (24% choosing the correct response).

In Part 2 (Critical Analysis)

- Candidates scored best on the question in which the Bank of England considered corporate action on climate change (92% choosing the correct response)
- Candidates also scored well on the question in which Australian environmental regulations are included in the Australian Stock Exchange Rules (66% choosing the correct response).

- Candidates scored worst on the question regarding current environmental law in England in relation to large companies (12% choosing the correct answer).

Feedback from candidates

After the qualifying test, candidates were invited to complete an anonymous candidate survey. **346** candidates responded to the survey. Based on the results of the candidate survey:

- 93% of candidates said that they understood from the instructions what was expected during the test.
- 63% thought that the Situational Judgement Test enabled them to demonstrate how they would tackle daily challenges working in a court.
- 47% of candidates said that they thought that the Critical Analysis Test enabled them to demonstrate how they would analyse facts to form a judgement.
- 88% of candidates thought that the Qualifying Test was accessible in terms of format, language used, and topics covered.
- 55% of candidates thought that the Qualifying Test was easy to complete.