

Sift Feedback Report

00934: Salaried Judge of the Upper Tribunal, Immigration and Asylum Chamber

00935: Fee-paid Deputy Judge of the Upper Tribunal, Immigration and Asylum Chamber

Purpose

The selection process is designed to be open, transparent and fair. The purpose of this feedback is to:

- provide applicants and others with a statement about how the Sift Panels (“the Panels”) went about their task during the sift for these selection exercises;
- provide some general feedback on what characterised the stronger applications by comparison to the weaker ones.

Approach

In looking at all the evidence to determine the grading of the candidate, the Panels considered (amongst other things):

- whether the picture that emerged from all the evidence was up to date and consistent;
- whether examples of substance, complexity, or particular difficulty or sensitivity were well demonstrated.

Candidates were able to apply for both positions; dual applicants were required to undertake the case study test for both posts. In respect of all applications, the Panels considered the evidence available from the self-assessment, references and case study test(s).

This evidence was considered against the agreed qualities and abilities.

Qualities and Abilities

The sift assessed the following qualities and abilities:

1. Intellectual Capacity

- High level of expertise in your chosen area.
- Ability to quickly absorb and analyse information.
- Appropriate knowledge of the law and its underlying principles, or the ability to acquire this knowledge where necessary.

2. Personal Qualities

- Integrity and independence of mind.
- Sound judgement.
- Decisiveness.
- Objectivity.
- Ability and willingness to learn and develop professionally.

3. An Ability to Understand and Deal Fairly

- An awareness of the diversity of the communities which the courts and tribunals serve and an understanding of differing needs.
- Commitment to justice, independence, public service and fair treatment.
- Willingness to listen with patience and courtesy.

4. Authority and Communication Skills

- Ability to explain the procedure and any decisions reached clearly and succinctly to all those involved.
- Ability to inspire respect and confidence.
- Ability to maintain authority when challenged.

5. Efficiency

- Ability to work at speed and under pressure.
- Ability to organise time effectively and produce clear reasoned judgments expeditiously making full use of technology.
- Ability to work constructively with others.

Progression to Selection Day

Rather than pre-determine a required grading to be invited to a selection day, the number of candidates to be interviewed was determined by reference to the number of vacancies available. This is in a manner consistent with the JAC's stated policy of usually inviting 2-3 candidates to interview per vacancy available.

The strongest candidates were therefore invited to attend a selection day.

General Comments on Candidate Performance

Overall, there was little significant difference between the applications for the salaried post and the applications for the fee-paid post. The salaried applications generally came from people who had experience of the jurisdiction; however, there was no noticeable difference in the standard of self assessments from those outside of the jurisdictions as there was still evidence of a lack of well explained examples.

The judicial members of the panel felt that applicants for the salaried role who had no Immigration law experience did not fully appreciate the breadth of the role of an Upper Tribunal judge and the amount of new law which would have to be assimilated in order to be effective.

It was noticed that in a number of the dual-applicant cases, candidates performed better in the salaried case study test than in the fee paid case study test. This was unusual in that the salaried test was more complex than the fee paid test. It was noted that applicants for salaried posts were more likely to resolve issues whereas fee-paid applicants had a tendency to highlight them for further discussion. This was thought to be because applicants for salaried posts generally had more experience of Immigration law than fee paid applicants.

Self assessments

Self assessments were often poorly written and presented. Despite the guidance provided, many of the self assessments were limited in their content. They were often too brief, contained a preponderance of assertion and gave little evidence under the qualities to demonstrate their ability to take on the role.

They were also lacking in specific examples against the qualities and abilities. This was particularly the case under Intellectual Capacity. Although some candidates provided examples these were often just a statement with no detail of what or how they did in the situation. Citing

the name of a case in which the candidate has appeared is not a good example. It left the Panel uncertain as to the candidate's role in the case and how strong an example it really was.

Good candidates provided a well structured, well presented self assessment, gave detailed examples to support each quality and did not rely on assertions.

Case Study Test(s)

The Panels found there was reluctance from candidates to make decisions. Issues were identified in a number of cases but no resolution was offered. Candidates were often side-tracked by preliminary issues. A disproportionate amount of time was spent on the question of the timeliness of the appeal.

Those from outside the jurisdiction would have benefited from focusing on the wider issues rather than specifically Immigration Law; for example recognising that they were dealing with a child when considering the credibility.

The Panels found that some candidates from within the jurisdiction provided poor answers to the test; in comparison, there were some exceptional answers provided by non-immigration candidates.

Good candidates had read the case study carefully, had taken time to consider the central issues, took a pragmatic approach and concentrated on what they could do best. For example, an experienced Immigration and Asylum Chamber practitioner covered the detailed and complex aspects of the law and quoted the relevant cases, decisions and latest legal precedents. Those from outside the jurisdiction took a more realistic and flexible approach, identifying and dealing with the more general legal issues.

References

There were a number of very strong references that contained some specific evidence under all the qualities; however, there were also many references where the referee provided only general information about the candidates. The references are there to support the evidence provided by the candidate but in a number of cases they did little to add any weight to the self assessment and overall information. It would be helpful if the referees could provide brief, meaningful examples for each quality and ability.

It would be valuable if candidates could consider the referees they nominate to provide references. Some referees had little information to provide for the candidate, particularly where their knowledge of the candidate was from a long time ago. A good referee is one who knows the candidate and their work well, particularly in a professional capacity, and is able to give specific examples to demonstrate the qualities and abilities. The Panels are looking for evidence from individuals who are able to provide an objective assessment of a candidate's abilities. There is clear guidance for referees provided by the JAC and it is the candidate's responsibility to ensure their referees are aware of this and are prepared to follow it.

Conclusion

This was a competitive exercise and those who were called for interview had read the guidance to candidates and applied themselves to their self assessment. It would be helpful if candidates could consider the position that they are applying for and ensure their application and

experience matches what is required with the qualities and abilities for the post and the job description.