

# **Qualifying Test Feedback Report**

**101 Recorder**

**19 July 2018**

## **Purpose**

The purpose of this report is to provide general feedback on candidate performance in the **101 Recorder** Part 1 and Part 2 qualifying test. The report describes how the Judicial Appointments Commission (JAC) developed the test and marking schedule, and how the test was structured.

Additionally, it provides information on the overall performance of candidates in the test, identifying areas where they performed well and where there were weaknesses.

The qualifying test for this exercise is designed to test a candidate's transferrable skills and their potential to work effectively as a fee-paid Recorder rather than to assess their jurisdictional knowledge. Irrespective of the jurisdiction(s) candidates were interested in sitting in, all candidates underwent the same selection process; qualifying test selection tools were not divided by jurisdiction at any stage throughout the process.

## 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 skills and abilities which were transferable to the role from other contexts. The specific bullet points under each competency heading were designed to reflect 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 for each element of the test were devised by a retired Senior Circuit Judge and a retired High Court Judge.

In common with all the test material developed for this exercise the test was designed to assess relevant transferable skills to minimise the extent to which candidates might be advantaged or disadvantaged by their professional background.

The JAC Advisory Group, which is composed of senior judiciary and representatives of the legal profession, offered advice and guidance during its 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 our Head of Diversity and Engagement and our Advisory Group.

The effectiveness of the test was assessed by means of a dry run with a range of volunteers from relevant candidate groups.

### **Structure of the test**

1. The test was hosted on the JAC website and was accessed by candidates using their online account. The 95 minute test presented candidates with two parts:
  - Part 1 (multiple choice): Situational Judgement (35 minutes, 19 questions)
  - Part 2 (multiple choice): Critical Analysis (60 minutes, 20 questions)

In Part 1 all of the situations were hypothetical and no prior knowledge of rules or procedures was required. Candidates were not being assessed on whether or not they knew the right answer based on knowledge or experience. They were assessed on their reading of a situation and their ability to judge the effectiveness of different responses.

In **Part 2** the questions were based on an article called 'Vive la difference — two countries two systems' published by the Anglo Australasian Lawyers' Society and written by Chief Justice Robert French AC published on 9 September 2016.

### **Marking of the test**

Both parts of the test were marked automatically.

### **Marking schedule**

In Part 1 (situational judgement) each question had four answers. Each question had a best answer which scored 2 points and a sufficient answer which scored 1 point and two answers that were wrong and scored 0 points.

In Part 2 (critical analysis) each question had four answers. The correct answer scored 1 point and three answers were wrong and scored 0 points.

### **Distribution of scores**

1,172 candidates took the test.

The scoring process was as follows:

- all candidates were scored on their answers to Part 1 and Part 2 of the test; all candidates were then ranked in order from first to last based on the combined outcome of Part 1 and Part 2
- a very small number were then **sifted out** because on either Part 1 or Part 2 they had not met the minimum score of 30% (these were the **lowest scoring** candidates of all)

- in total **733 candidates went through to the second qualifying test** in September 2018

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

<b>Part</b>	<b>Highest score</b>	<b>Lowest score</b>
1. Situational Judgement	39/40 (1 candidate)	4/40 (1 candidate)
2. Critical Analysis	20/20 (13 candidates)	0/20 (1 candidate)

The test was clearly quite challenging because:

- no candidate scored the maximum possible marks on Part 1
- only 13 candidates scored the maximum possible marks on Part 2

### **Approach to marking Part 1 and Part 2**

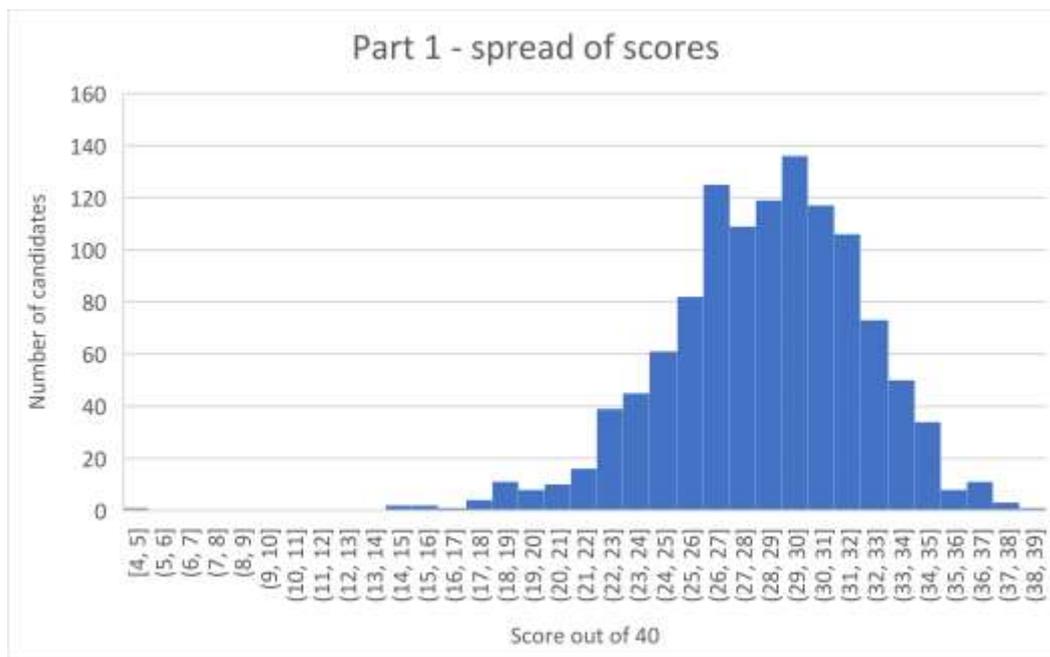
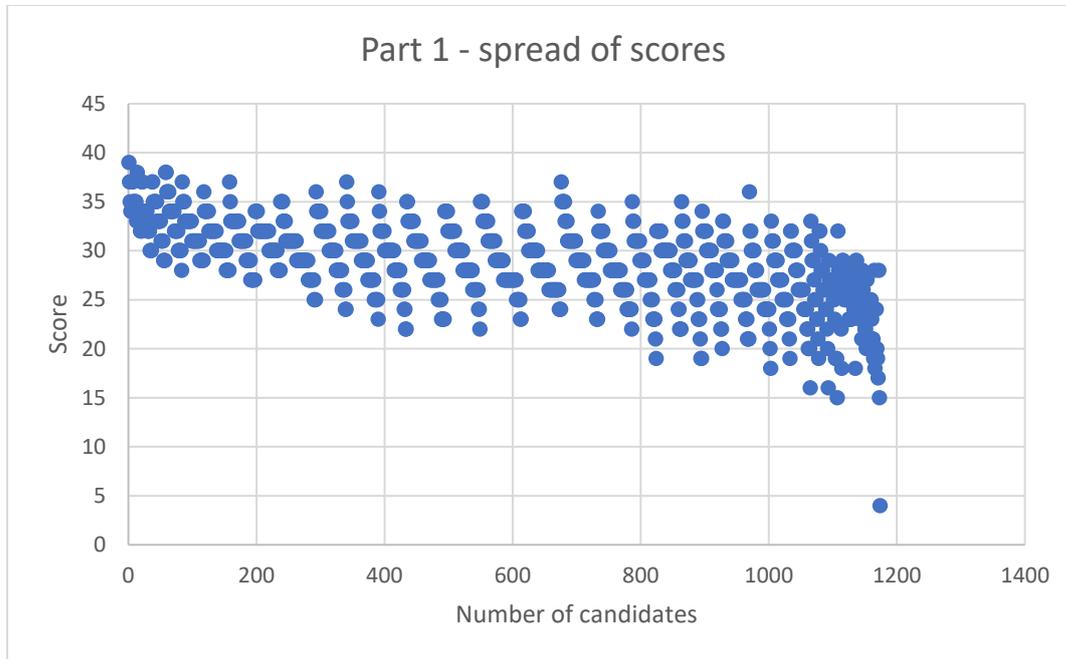
When we receive a vacancy request from HMCTS we calculate how many candidates we need to take to selection day to fill the vacancy request (usually 2 or 3 candidates for each vacancy). This allows us to estimate the number of candidates we need to progress after the qualifying tests to selection day (usually around twice the number of vacancies). If two or more candidates have the same score we will take all those candidates through, this is what we call 'bunching'. On this competition this allowed us to calculate how many candidates needed to sit the second qualifying test.

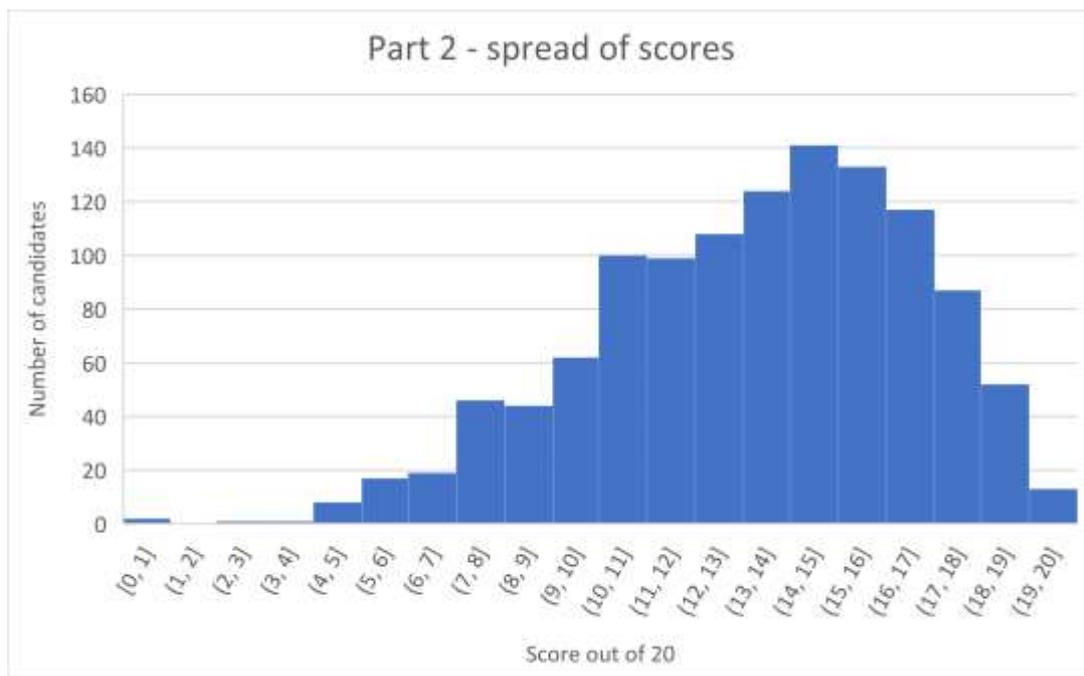
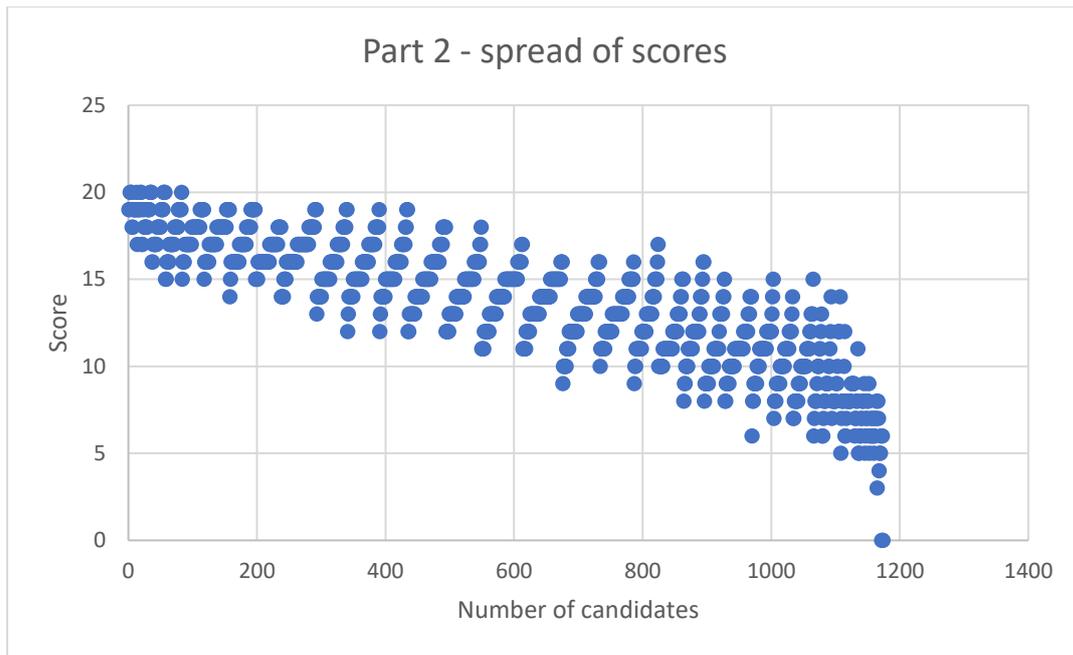
Usually on qualifying tests we do not use a simple score to rank candidates, instead we apply statistical analysis tools, such as an averaged standard deviation across both online tests for each candidate, to scores before they are ranked into a merit order for decisions to be made about progression to the next stage of the exercise. This ensures tests with more points available than others don't disproportionately affect outcomes. For example, so 30/40 (75%) in one test isn't better than 9/10 (90%) in another test just because the first test had 30 points scored compared to 9 points in the second. This also allows us to compare how far your "score" varies from the average candidate and the best candidate over both parts of the online test for example.

We also do not have a fixed pass mark as such, our line is determined by how candidates' scores bunch once that analysis is complete, for example, a score of 30 points out of a possible maximum of 40 points in both parts of the test might mean there are 2 people with higher scores above you, or 30 people above you or 600, it depends on how strong your competitors were how much bunching there is at the highest merit points, so the pass mark is relative, not fixed. Such tests routinely involve over a thousand candidates so bunching around a score can be quite considerable.

We do have a lower line below which candidates are automatically sifted out of the competition, this is usually 30% or less on any part of the test.

The charts below show the spread of scores:





The lowest candidate score averaged over Part 1 and Part 2 combined for this test was 5%, the highest was 96% and the average was 70%.

In Part 1 (situational judgement) where on each question candidates could score 2 points or 1 point and two answers that were wrong, there were ten questions where over 90% of candidates gave an incorrect answer (hard questions) and one question where 90% or more of candidates gave the best answer (easy questions).

In Part 2 (critical analysis) where the correct answer scored 1 point and three answers were wrong, there were no questions where more than 10% of candidates gave an incorrect answer (hard questions) and no questions where 90% or more of candidates gave the correct answer (easy questions).

### **Feedback from candidates**

Feedback from candidates on both this test, and the next Recorder qualifying test, will be provided in the following report on that second test.