



Post Selection Day Evaluation and Feedback Report

**150 Fee-Paid Medical Member of the First-tier
Tribunal Health Education and Social Care Chamber
January 2021**

Purpose

The purpose of this report is to provide an evaluation of the selection days for 150 Fee-Paid Medical Member of the First-tier Tribunal Health Education and Social Care Chamber (Mental Health) as well as capture general feedback on candidate performance. The report describes how selection days were undertaken by both panels and candidates; including what characterised stronger and weaker demonstrations of the competencies needed to fulfil the requirements of this role.

This exercise was one of several that had to be paused due to the Covid 19 pandemic. 13 candidates were interviewed face to face in March before the Government guidelines on working from home and travel were issued. The remainder of the interviews were conducted remotely in September 2020. In order to ensure that the process was consistent and fair for all candidates, we moderated all the candidates that were interviewed face to face and a selection of those interviewed remotely. The moderation was quality assured by the Commissioner assigned to this exercise.

Competency Framework

At selection day, the situational questions and competency based interview were 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 assessment criteria were developed so that candidates could demonstrate the proficiency and capability transferable to the role from other contexts. The specific behavioural indicators under each competency heading were designed to reflect the aptitude and faculty that an effective medical member is expected to have. This enabled us to assess candidates in a fair and consistent way.

Additional selection criteria

This was a non-legal exercise and in order to be eligible to apply, candidates' registration with the General Medical Council must be unconditional. Conditional registration is where the doctor has either been issued with a warning or has been referred to a Fitness to Practice Panel or has any restrictions imposed upon their registration with the GMC.

Applicants must have held a full-time or part-time appointment as a consultant psychiatrist for at least three years, one of which should normally be within the last five years and have membership of the Royal College of Psychiatrists at any of the following levels:

- a) Member;
- b) Fellow;
- c) Specialist associate.

Please note Speciality and Associate Specialist (SAS) doctors or Associate Specialist doctors were not eligible to apply.

Performance of Candidates

134 candidates applied for this exercise. Following eligibility checks and some withdrawals, 106 candidates were invited to selection day.

67 candidates were recommended by the Judicial Appointments Commission to the Senior President of Tribunals. In making this decision the Commission took into account all relevant character checks, and all evidence provided by the candidates at selection day as well as the candidates' independent assessments. 39 candidates were assessed as 'not presently selectable'.

Selection day

The first day of selection days in London and Manchester took place on 16 March 2020. The Government then introduced guidelines that prevented us from continuing with the face to face interviews. The JAC Board took the decision to continue the selection days for this exercise remotely using Microsoft Teams. The remote selection days took place in September 2020 and all candidates were offered a one-to-one tutorial with a member of the JAC team to ensure they were comfortable with using MS Teams and knew what to expect.

During the period of the remote interviews, the team offered as much flexibility as possible in arranging the selection days to accommodate the high demands on the time of doctors in the NHS in the current climate.

Situational questions

Development

The situational questions were drafted by the Chief Medical Officer, and were designed to test the following four competencies: Exercising Judgement, Possessing and Building Knowledge, Assimilating and Clarifying Information and Working and Communicating with Others. In common with all the selection tools developed for this exercise, the 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 undertaking the selection days on the basis of their diversity characteristics.

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, including tribunal members, 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 situational questions 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 situational questions

The situational questions were based on two medical reports; one from a Responsible Clinician and the second was a Nursing Report. There was a series of questions based on these reports.

The reports related to a patient with a current diagnosis of paranoid schizophrenia and previously he had had a diagnosis of acute and transient psychotic disorder and drug induced psychosis. The reports outlined the current circumstances surrounding the case, progress and events since his admission to hospital and any medication he was taking. The Responsible Clinician's Report also outlined his current treatment plan and how he was responding to this treatment. The Nursing Report included evidence on his interaction with relatives and what community support was available. It also had a summary of the patient's current progress and engagement with nursing staff and recommendations.

The objective was to assess the candidate's knowledge of these types of reports and how to use the information contained in them. A selectable candidate was expected to be able to explain the contents of the reports to the panel in a clear and concise way without using acronyms, and also to be able to explain the differences and the relevance of the differences between the two reports. Additionally, the panels were looking for candidates to be able to explain what actions they felt the tribunal should now take. Should it proceed without a Social Circumstances Report for example, and if the candidate felt it should what areas should be explored further by the tribunal. The panels were also interested in the decision-making process of the tribunal and what contribution the candidate felt they would be able to make to that process.

Advance preparation

There was no advance preparation, but candidates were given 20 minutes on selection day to read the Responsible Clinician's Report and the Nursing Report.

Assessment of candidates' responses to the situational questions

The evidence for each competency is assessed as either outstanding, strong, sufficient or insufficient. The panels then make a final overall assessment of candidates as either outstanding, strong, selectable or not presently selectable.

General comments on situational questions:

Outstanding candidates:

- Grasped all the facts from the reports and issues to be addressed.
- Clear knowledge of statutory criteria
- Focussed on key areas of risk and assessment
- Clear explanation of all medical issues and terminology
- Clarified the critical issues
- Thorough understanding of mental health tribunal processes and procedures
- Clear knowledge of the tests to be applied, their implication and the relevant case law

Strong candidates:

- Showed a thorough grasp of the facts in the materials and gave appropriate weight to the issues raised

- Provided confident analysis, evaluating the evidence and providing reasoned explanations having considered every aspect of the scenarios from the view of all the patient, professionals and family
- Gave clear specialist medical advice to the tribunal

Selectable candidates:

- Grasped the necessary facts in the brief and most of the issues to be addressed
- Reached correct conclusions but with limited explanation of reasoning
- Some hesitation and deliberation of the factors before reaching a conclusion
- Demonstrated a reasonable understanding of mental health tribunal processes and procedure
- Responses correct but lacked sufficient detail for the information to be considered strong

Not presently selectable candidates:

- Failed to demonstrate relevant medical knowledge
- Reached wrong or inappropriate decisions, such as adjourning the hearing with no rationale
- Showed lack of knowledge of tribunal procedures or role of the medical member
- Did not demonstrate a knowledge of the statutory criteria to be applied
- Insufficient grasp of the relevant facts in the scenario, missing key information and issues
- Hesitancy in debating the issues and failure to make clear recommendations

Competency based interview

Each candidate then had a competency based interview. Here the panel was seeking further evidence and examples from the candidate of the required competencies and in the context of the role of medical member. The panel drew upon evidence provided in the candidate's self-assessment and career history to inform their questioning. When coming to their final assessment of the candidate, the panel also took into account evidence from their independent assessors.

Exercising Judgement

Outstanding evidence:

- Clear demonstration of excellent risk assessment and decision making in complex situations/ medical cases
- Consistently excellent information demonstrating ability against the criteria
- Decision making in complex, challenging circumstance, involving clear clinical judgement

Strong evidence:

- Examples involved considerable complexity in a medical context
- Different clinical views, conflicting issues and information
- Reaching a fair decision where the outcome or risk is unclear

Sufficient evidence:

- Examples that demonstrate decision making in a context relevant to the post. For example, of similar challenge and complexity
- Demonstrates objectivity and independence
- Evidence of reaching a fair decision
- Some demonstration of complexity and challenge

Insufficient evidence:

- Example gave no clear decision
- Situation was of limited challenge or medical complexity
- Lack of evidence of confident and well-reasoned decisions

Possessing and Building Knowledge

Outstanding evidence:

- Substantial knowledge of own field including most complex and challenging areas
- Clear ability to develop and apply medical knowledge to the tribunal process
- Advises other professionals

Strong evidence:

- Proactive about extending knowledge in own field and new and unfamiliar areas
- Developing knowledge of a complex issue which was applied and/or effectively explained to others

Sufficient evidence:

- Sufficient knowledge of mental health law to meet requirements of the medical member role
- Keeps up to date as required
- Ability to develop knowledge and understanding of mental health legislation

Insufficient evidence:

- No particular reference to the mental health law and tribunal principles
- Little or limited knowledge of mental health law or its application to the Tribunal process

Working and Communicating with Others

Outstanding evidence:

- Clear demonstration of appropriate authority, impartiality and fairness in dealing with challenging situations
- Consistently excellent examples demonstrating all aspects of the competency
- Complex situations requiring insight and sensitivity
- Calm confident approach when dealing with challenge
- Taking appropriate steps to assume control
- Examples from high level challenging situations where there is demonstration of an ability to ensure fairness

Strong evidence:

- Gave examples of situations requiring broader understanding and involving more demanding situations requiring considerable sensitivity and accommodation

- In addition, examples from positions of responsibility where candidates demonstrated the ability to work constructively with others and command respect in a broader context
- Dealing with challenging situations, perhaps in a panel setting

Sufficient evidence:

- Demonstration of confidence and authority - perhaps as part of a panel or team
- Gave routine examples which demonstrated sufficient understanding of how to accommodate the needs of vulnerable people.

Insufficient evidence:

- Limited evidence of persuasive communication
- Responses not always focused on relevant information and/or lack of clarity
- Poor communication - giving excessive background and generalised information, rather than details of actions and behaviours
- Failure to respond to prompts from panel members
- Examples did not demonstrate the ability to exercise authority or command respect at the level required

Managing Work Efficiently

Outstanding evidence:

- Examples involved devising and implementing new systems or procedures which improved own work throughput and that of others
- Novel use of IT to improve efficiency or make more effective use of existing systems
- Examples of handling multiple roles

Strong evidence:

- Proactively planning and setting priorities
- Examples often related to an extended period of pressure (not just a single day) requiring sustained management and use of various resources
- Responsibility for and coordinating the work of others
- Evidence of resilience in a challenging situation

Sufficient evidence:

- Examples that demonstrated the ability to handle a considerable work load, proactive planning and responding swiftly to changing needs
- Evidence of resilience and flexibility to manage workload effectively
- Effective use of technology

Insufficient evidence:

- Little evidence of managing proactively
- Inability to demonstrate effective time management

General comments

The selection process was designed to assess the candidate's transferrable skills to the Medical Member Role, rather than test their medical skills or knowledge (which was already established). Candidates who were not presently selectable tended to generalise in responses and describe the type of situation they are required to handle in a clinical sense

rather than concentrating on providing evidence against the requirements of the medical member role. And/or they were unable to present their examples in the context of a panel or team setting when working as part of a team. This limits the evidence for the panel to assess the candidate's abilities against the competencies. They also chose examples which did not address the questions posed.

Selectable candidates focussed on their actions and behaviours in specific cases involving complex issues and challenging demands and were able to translate this to a mental health tribunal context.

Feedback from Candidates

After the selection days, candidates were invited to complete an anonymous candidate survey. 59% of candidates responded to the survey. Based on the results of the survey

The instructions provided beforehand enabled me to prepare for the selection day.

- 78% of candidates either agreed or strongly agreed
- 11% of candidates disagreed
- 11% neither agreed or disagreed

I understood what was expected on the selection day.

- 81% of candidates either agreed or strongly agreed
- 11% of candidates disagreed
- 8% neither agreed or disagreed

The situational questions discussed in the situational questioning were realistic and relevant to the role.

- 91% of candidates either agreed or strongly agreed
- 9% of candidates neither agreed nor disagreed

The situational questioning gave me a chance to display how I would react to various situations.

- 78% of candidates either agreed or strongly agreed
- 16% of candidates neither agreed nor disagreed
- 6% of candidates either disagreed or strongly disagreed

I am confident in the situational questioning as a JAC selection tool.

- 81% of candidates either agreed or strongly agreed
- 14% of candidates neither agreed nor disagreed
- 5% of candidates disagreed

The interview questions gave me the opportunity to demonstrate my skills, abilities and competence for this role.

- 76% of candidates either agreed or strongly agreed
- 18% of candidates neither agreed nor disagreed
- 6% of candidates disagreed

The panel behaved professionally and treated me with respect.

- 94% of candidates either agreed or strongly agreed
- 6% of candidates disagreed

I am confident in the interview as a JAC selection tool.

- 79% of candidates either agreed or strongly agreed
- 21% of candidates disagreed