

Post Selection Day Evaluation and Feedback Report

133 Recorder

January – March 2020

Purpose

The purpose of this report is to provide an evaluation of the selection days for 133 Recorder 2019 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.

Competency Framework

The selection day was divided into two parts. Part 1 was a non-jurisdictional roleplay which was designed to assess the following competencies:

Exercising Judgement
Assimilating and Clarifying Information
Working and Communicating with Others
Managing Work Efficiently

Part 2 was a competency-based interview this 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 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 Recorder is expected to have. This enabled us to assess candidates in a fair and consistent way.

Performance of candidates

1001 candidates submitted a completed application for this exercise. Following the first stage qualifying test 693 candidates proceeded to an online scenario test. Following that test 233 candidates were invited to the selection days. One candidate withdrew before the selection days started. The 121 highest scoring candidates were recommended by the Judicial Appointments Commission to the Lord Chief Justice for appointment. In making this decision the Commission took into account all relevant character checks, statutory consultation comments and all evidence provided by the candidate at selection day as well as the candidates' independent assessments and self-assessments. 108 candidates were assessed as 'not presently selectable'. 3 candidates were assessed as selectable by the panel but not recommended for appointment. Candidates who were selectable but not recommended to the Lord Chief Justice, were offered individual feedback.

Selection day

Development of the roleplay

The roleplay was devised and drafted by a High Court Judge and a Senior Circuit Judge. In common with all the selection tools developed for this exercise, the roleplay was designed to simulate a court or tribunal environment with candidates taking on the role of judicial office holders.

The roleplay assesses how candidates deal with the situations they may face and decisions they would have to make if appointed. Candidates are expected to demonstrate their ability to meet the competency framework and whether they can maintain their performance under challenge and time pressure.

The materials developed for this exercise were reviewed internally by Operations, Selection 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 participating in the selection days on the basis of their diversity characteristic or professional background.

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 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 impact on diverse groups.

The effectiveness of the roleplay was assessed by means of a dry run with a range of volunteers from relevant candidate groups. This provided an opportunity to trial the material and implement any necessary amendments.

Structure of the roleplay

The roleplay was designed to assess how candidates deal with decisions they would be asked to make and situations they may encounter if appointed as a Recorder. The candidate was expected to hear submissions and give a short judgment at the end of the exercise. The candidate was also expected to manage the hearing so that they could finish in the allotted time.

Competencies being tested

- Exercising Judgement
- Assimilating and Clarifying Information
- Working and Communicating with Others
- Managing Work Efficiently

The script was designed to test a candidate's ability to appropriately deal with situations and the people appearing before them, as well as process information and make decisions.

Selection day preparation

On selection day the candidates were provided with a summary of the roleplay being tested and were given 45 minutes to prepare for the roleplay, which was in the form of a hearing.

The role play exercise concerned an appeal from a decision made by the director of a care home to evict an elderly resident. His family challenged the decision, but the panel upheld the care home's decision. The family appealed to an independent adjudicator. In this scenario the candidate was responsible for conducting the hearing.

Candidates were provided with supplementary material on the selection day. This consisted of the following:

1. Original letter of complaint
2. Letter detailing the Director of the care home's decision
3. Extracts from the contract
4. Witness statement
5. Decision of the panel
6. Notice of appeal

Marking of the roleplay

A checklist and marking schedule were provided to the panels to guide them in what to look for under each competency.

Assessment of candidates' responses to the roleplay

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. Some examples are provided below.

Outstanding evidence included:

- Correctly identifying and applying all the tests within the roleplay
- Providing comprehensive explanations to the parties for the decisions / rulings.
- Introducing themselves and dealing effectively with the application to dismiss the appeal at the outset of the hearing
- Demonstrating an excellent ability to assimilate the details relating to the procedure
- Showing assimilation of the principles of hearsay and further evidence
- Explaining the legal reasons on introducing further evidence
- Listening to the barrister's application for an adjournment and showing assimilation of the principles of "adjourning the proceedings"
- Making the correct judgment in relation to the adjournment referring to the correct rulings
- Displaying authority when dealing with disrespectful behaviour
- Providing a comprehensive detailed final judgment identifying and detailing all the tests and providing reasons for the judgment, delivered in a succinct timely manner within the time frame
- Checking the parties understanding of the judgment

Strong evidence included:

- Correctly identifying and applying most of the tests within the roleplay
- Providing detailed explanations to the parties in relation to their decisions / rulings
- Covering most of the points detailed in the marking schedule
- Demonstrating a strong understanding of the preparation material and applying it to the tests
- Explaining the process, setting out a clearly defined structure and following it
- Checking both parties understanding throughout, particularly with the litigant in person
- Asking probing questions to obtain further information
- Dealing politely and firmly with interruptions
- Showing assimilation of the principles of hearsay and further evidence
- Correctly deciding what evidence was admissible
- Finishing within time, providing a clear judgment covering most of the tests

Sufficient evidence included:

- Demonstrating an understanding of the key issues
- Demonstrating a basic understanding of the preparation material and applying it to the tests
- Covering some of the points in the marking schedule
- Providing a brief indication of the procedure for the hearing
- Providing less detailed explanations to the parties in relation to decisions / rulings
- Asking further questions to elicit additional information
- Correctly identifying further admissible evidence
- Allowing both parties sufficient opportunities to present their case
- Providing a correct and clear final judgment, identifying some of the tests within the required time frame

Insufficient evidence included:

- Candidates who did not demonstrate any or very few of the points identified in the marking schedule
- Failure to use or realise the relevance of additional material
- A lack of introduction to the parties
- No explanation of the process
- Failure to assimilate the briefing material correctly
- Correctly identifying tests without providing reasons for the rulings made
- Failure to check the parties understanding throughout the process
- Failure to make a correct, clear, timely judgment
- Possible failure to finish within time

Feedback from panels

In addition to the points captured above, panels also fed back about the candidates' use of additional material and the candidate's interpretation of this material.

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 a Recorder. The panel drew upon evidence provided in the candidate's self-assessment, independent assessments and career history to inform their questioning.

Competencies being tested

Exercising Judgement
Possessing and Building Knowledge
Assimilating and Clarifying Information
Working and Communicating with Others
Managing Work Efficiently

Exercising Judgement

Outstanding evidence included:

- Excellent decision making applying appropriate statutory requirements, professional judgement and expert knowledge
- Ensuring fairness, demonstrating integrity and acting without bias or prejudice
- Making robust, legally sound decisions in challenging environments, under pressure from competing groups
- Demonstrating independence of mind and illustrating consideration of long-term impacts – setting precedents
- Sharing more than one example demonstrating a breadth of experience in complex and highly sensitive cases
- Evidence of decisions taken in difficult, complex, innovative or controversial situations

Strong evidence included:

- Examples of complex and challenging decision making
- Detailed examples demonstrating fair and legally sound decision making
- The ability to show independence of mind whilst considering the implications of any decisions being made
- Drawing on previous experiences of reaching sound, impartial and fair conclusions
- Providing examples which demonstrate independence of mind in areas of conflicting information whilst reaching fair outcomes
- Examples of making finely balanced decisions involving outcomes which may have a negative impact on clients

Sufficient evidence included:

- Evidence demonstrating independence of mind when being challenged
- Decision making in changing circumstances which may result in unpopular outcomes
- Specific relevant examples demonstrating the competency

- Use of self-assessment examples providing some additional evidence
- Some demonstration of complexity and challenge
- Evidence of reaching a fair decision
- Succinct examples with evidence of fairness and integrity

Insufficient evidence included:

- Failure to tailor the answer to the question being asked
- Further probing required by the panel to elicit relevant evidence
- Limited, underdeveloped examples, little or no evidence provided for the competency
- Unclear, muddled answers lacking detail
- Little or no evidence of decision making
- Little or no evidence of challenges or complexity

Possessing and Building Knowledge

Outstanding evidence included:

- Numerous examples of sharing good practice with colleagues and other groups
- Examples of researching unfamiliar areas in laws and undertaking training
- Setting new precedents in law
- Shadowing legal professionals and judiciary in varying roles, to develop greater knowledge and understanding as well as developing skills which are transferable for the position of Recorder
- A clear ability to research unfamiliar complicated areas of law and apply it correctly
- Staying abreast of new legislation and procedures in own field of expertise
- Reference to involvement with published articles, including books and legal journals

Strong evidence included:

- Evidence of participation in further learning in order to enhance legal knowledge and understanding
- Examples of self-development in unfamiliar areas of the law and processes
- Examples of imparting specialist knowledge to colleagues and peers
- Substantial knowledge of own field including complex and challenging areas
- Clear ability to develop and apply knowledge of law in wide ranging situations
- Examples of proactively developing own personal knowledge and understanding professionally and personally

Sufficient evidence included:

- Examples demonstrating general but limited evidence for the competency
- Low level examples lacking complexity
- Referring to details in the self-assessment whilst providing some additional information

- Examples identifying methods used to keep up to date with the law
- Attending seminars, conferences and training sessions for further development
- Sharing knowledge and training others

Insufficient evidence included:

- Failure to answer the question asked
- Continued probing required by the panel to elicit examples
- Weak, underdeveloped examples with little or no evidence for the competency
- Little or no evidence of staying up to date with the law
- Failure to provide evidence of learning and development undertaken

Assimilating and Clarifying Information

Outstanding evidence included:

- A clear demonstration of assimilating and managing large volumes of information, focusing on the relevant issues
- Identifying omissions or errors and taking steps to resolve matters
- The ability to quickly assess information identifying the key issues under pressure of time
- Complex examples involving conflicting information from multiple sources, showing thorough analysis and applying appropriate weight
- Examples demonstrating the ability to keep an open mind, not reaching hasty conclusions
- The ability to undertake work in an area of unfamiliar law, whilst absorbing and applying new knowledge in a short period of time

Strong evidence included:

- Experience of assimilating information and requesting clarification in areas of uncertainty
- Examples involving the analysis of large volumes of complex and conflicting information
- Effectively assimilating and processing large amounts of information from multiple sources
- Having a clearly defined structure and process to identify key issues and enable a thorough analysis of information

Sufficient evidence included:

- Routine examples of weighing up conflicting information showing a logical approach to the evaluation of this
- The ability to filter information, focus on key documents and ask relevant questions to identify issues

- A structured approach when dealing with large volumes of papers to assimilate the key issues

Insufficient evidence included:

- Failure to provide examples for the competency
- Continued probing and reminding the candidate of the question asked
- Unclear or muddled examples
- Examples which lacked detail, depth or complexity
- Little or no examples of identifying assimilation of information
- Examples did not adequately explain how the information was analysed, or how key issues were identified

Working and Communicating with Others

Outstanding evidence included:

- A demonstration of awareness, understanding and sensitivity to diversity related matters, seeking to ensure measures are in place to meet the needs of individuals, groups and communities
- Providing succinct, detailed examples of highly effective collaboration
- Examples of building rapport through sound communication skills, knowledge and experience
- Consistent exceptional examples demonstrating all aspects of the competency
- Outstanding communications skills demonstrating appropriate strategies to maintain control and defuse tension with challenging clients and court users
- Compelling and thoughtful examples of going above and beyond what may be expected in order to build trust with vulnerable people

Strong evidence included:

- Developing innovative methods to ensure individual needs are met whilst remaining impartial
- Seeking additional assistance to enhance own understanding in areas requiring new approaches to ensure sensitivity, empathy and compassion when dealing with individuals
- Ability to engage effectively showing control whilst remaining calm
- Examples which display the ability to persuade, influence and change the behaviours of hostile audiences

Sufficient evidence included:

- Ability to communicate confidently and effectively in challenging circumstances
- Adapting approach to fit the needs of the audience
- Evidence of resilience in a demanding situation

- Examples demonstrating authority in testing situations
- Demonstration of listening and responding to the needs of individuals

Insufficient evidence included:

- Failure to provide examples for the competency
- Continued probing and reminding the candidate of the question asked
- Unclear or muddled examples
- Examples with little or no detail
- Lack of examples to demonstrate effective communication with others
- Examples did not adequately reflect an ability to adapt their behaviours to meet the needs of others.

Managing Work Efficiently

Outstanding evidence included:

- Finely balanced decision making in complex situations
- Managing competing priorities and unexpected difficulties
- Planning, negotiating and setting goals in multifaceted cases with extensive case files
- Detailed descriptions of techniques and technology utilised for managing substantial workloads whilst improving efficiency
- Detailed examples of time management demonstrating flexibility and resilience and responding positively to evolving situations
- Use of comprehensive organisation and management systems in complex multifaceted cases enabling readily accessible information

Strong evidence included:

- Use of highly effective systems enabling efficient management of numerous cases
- Challenging cases requiring effective processes to enable progression
- Demonstrating flexibility in ever evolving situations adapting working practices and ensuring appropriate resolutions are reached within tight timeframes
- Proactively planning and setting priorities focusing on key issues

Sufficient evidence included:

- Examples involving management of cases and processes identify key issues using basic systems
- Ability to draw on additional resources ensuring a speedy resolution
- Effective use of technology
- Limited basic examples of day to day management of work

Insufficient evidence included:

- Failure to demonstrate efficient management systems
- Providing examples that did not meet the competency
- Continued probing from the panel required with little effect
- Limited basic examples of day to day management of work showing lack of development and innovation
- Inability to demonstrate effective time management

Welsh Questions

Candidates for posts in Wales were required to have an understanding, or the ability to acquire the understanding, of the administration of justice in Wales, including legislation applicable to Wales and Welsh devolution arrangements. This requirement was assessed at selection day through a series of questions. Candidates were given a grade for their responses ranging from A - D and were assessed as either suitable or not suitable for posts in Wales, based on their answers to these questions.

Feedback from Candidates

After the selection days, candidates were invited to complete an anonymous candidate survey. Ninety-seven (97) candidates responded to the survey. Based on the results of the survey:

How would you rate the quality of customer service you received from JAC staff on selection day?

96 % of candidates selected good – excellent
 2 % of candidates selected fair
 1 % of candidates selected poor – very poor
 1 % NA

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

78 % of candidates either agreed or strongly agreed
 15 % neither agreed nor disagreed and
 6 % either disagreed or strongly disagreed
 1 % NA

I understood what was expected on the selection day

86 % of candidates either agreed or strongly agreed
 10 % neither agreed nor disagreed and
 4 % either disagreed or strongly disagreed

The 45 minutes role-play preparation time was sufficient

85 % of candidates either agreed or strongly agreed
 11 % neither agreed nor disagreed and
 4 % either disagreed or strongly disagreed

The roleplay, including the setting, scenario and actors, created a convincing situation

68 % of candidates either agreed or strongly agreed
20 % neither agreed nor disagreed and
12 % either disagreed or strongly disagreed

The roleplay enabled me to demonstrate my suitability for the role

64 % of candidates either agreed or strongly agreed
26 % neither agreed nor disagreed and
10 % either disagreed or strongly disagreed

I am confident in the roleplay as a JAC selection tool

76 % of candidates either agreed or strongly agreed
16 % neither agreed nor disagreed and
8 % either disagreed or strongly disagreed

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

54 % of candidates either agreed or strongly agreed
31 % neither agreed nor disagreed and
15 % either disagreed or strongly disagreed

The panel behaved professionally and treated me with respect.

94 % of candidates either agreed or strongly agreed
5 % neither agreed nor disagreed and
1 % either disagreed or strongly disagreed

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

62 % of candidates either agreed or strongly agreed
27 % neither agreed nor disagreed and
11 % either disagreed or strongly disagreed

How would you rate the overall selection process?

66 % of candidates selected good – excellent
31 % of candidates selected fair
2 % of candidates selected poor – very poor
1 % NA

I am confident that the JAC selection process is based on merit.

62 % of candidates either agreed or strongly agreed
28 % neither agreed nor disagreed and
10 % either disagreed or strongly disagreed

I am confident that the JAC's selection process is open and fair

68 % of candidates either agreed or strongly agreed

29 % neither agreed nor disagreed and

3 % either disagreed or strongly disagreed