

Qualifying Test Feedback Report

**140 Fee-Paid (Specialist Information Rights)
Member of the Upper Tribunal assigned to the
Administrative Appeals Chamber and First-tier
tribunal General Regulatory Chamber (Information
Rights) jurisdiction**

November 2019

Purpose

The purpose of this report is to provide general feedback on candidate performance in the **Fee-Paid (Specialist Information Rights) Member of the Upper Tribunal assigned to the Administrative Appeals Chamber and First-tier Tribunal General Regulatory Chamber (Information Rights) jurisdiction** online 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 they performed less well. In this test candidates who scored 58% or above progressed to the next stage. The Commission decided that candidates scoring 55% formed a zone of equal merit and in line with the JAC's approach to diversity and equal merit, candidates with a relevant under-protected characteristic in the zone of equal merit were given priority and also progressed to the next stage.

Competency framework

The test was designed to assess the following competencies:

- Exercising Judgement
- 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 tribunal member is expected to have. This enables us to assess candidates in a fair and consistent way.

Development of the test

The test and marking schedule were devised by 3 tribunal judges from different chambers who work with non-legal members.

The JAC Advisory Group, which is composed of members of the 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. The effectiveness of the test was assessed by means of a dry run with a range of volunteers, none of whom were legally qualified.

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

Structure of the test

The qualifying test was an online multiple-choice test, comprising of 20 questions lasting for 45 minutes.

All of the situations used in the questions were hypothetical and no prior knowledge of rules or procedures was required. No advance reading 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.

Marking of the test

The test was marked automatically. Each question attracted 2 marks. One mark for the most appropriate response and 1 mark for the least appropriate response. A total of 40 marks was available for this test. During the qualifying test it was identified that there was an error in question 14 and the full text for one of the answers was not displayed. This question and associated marks were therefore disregarded from the final score and the test was marked out of a total of 38.

The shortlisting cut-off for progression to the next stage of the exercise fell between candidates who all scored 55%. Candidates who scored 58% and above progressed to the next stage. The Commission decided that the candidates scoring 55% formed a zone of equal merit. In line with the JAC's approach to diversity and [equal merit](#), candidates with a relevant under-protected characteristic in the zone of equal merit were given priority and progressed to the next stage.

Any candidate exceeding the time allocated for the test did not have their answers scored and they did not proceed to the next stage.

The pass mark is determined by the number of candidates required for the next selection stage, which varies between different exercises depending on the number of vacancies that are to be filled.

Distribution of marks

A total of 113 candidates completed the test within time. Answers were scored automatically and a merit list was developed based on candidates' scores.

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

Test	Highest score	Lowest score
Situational Judgement Test	28/38 74% (2 candidates)	10/38 26% (1 candidate)

The test was clearly quite challenging because:

- no candidate scored the maximum possible marks
- only 2 candidates managed to score the highest mark of 74%

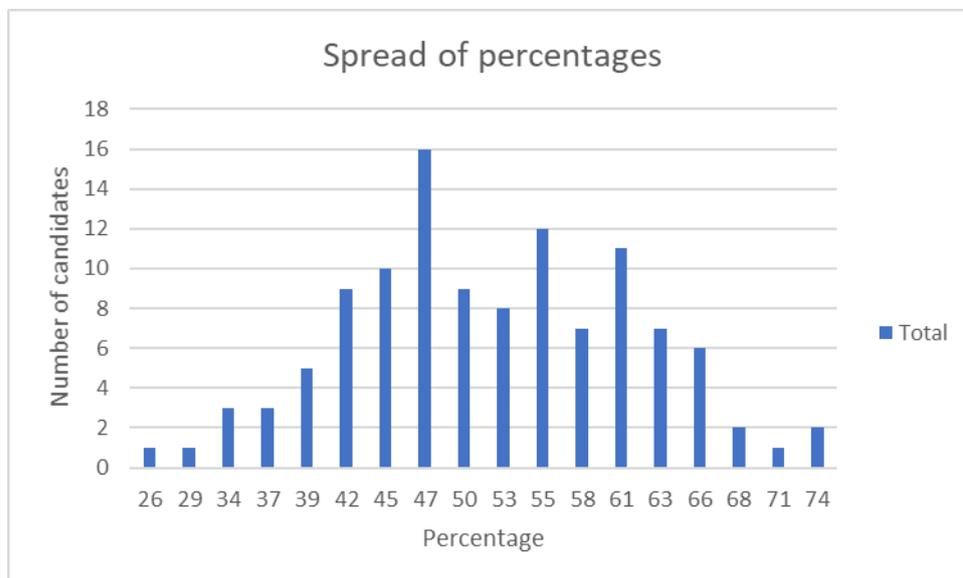
The average candidate scores were as follows:

- the lowest candidate score was equivalent to 26%
- the highest candidate score was equivalent to 74%
- the average candidate score was equivalent to 52%

Question 18 (the question about the parties reaching a compromise) appeared to be the easiest as 65% of candidates correctly identified the most appropriate answer and 93% of candidates correctly identified the least appropriate answer.

Question 16 (the question about the delay in receiving papers) appeared to be the most difficult question with only 16% of candidates correctly identifying the most appropriate answer and 15% of candidates correctly identifying the least appropriate answer.

The chart below shows the spread of total percentage scores.



Approach to shortlisting

When the JAC receives a vacancy request from Her Majesty's Courts and Tribunals Service confirming how many vacancies there are for a post, we calculate how many candidates we need to take 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. If 2 or more candidates have the same score we will take all those candidates through, this is what we call bunching.

We therefore 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.

For this exercise we received a vacancy request to fill 10 posts. We therefore planned the selection exercise based on inviting between 20 and 24 candidates to selection day.

Once we examined the bunching of scores, we considered the eligibility of 48 candidates who scored 55% or more, following this review 17 candidates were deemed not to have met the eligibility criteria by the JAC Selection and Character Committee.

Where there are candidates with the same score at the cut off line, [Equal Merit Provisions](#) (EMP) may be applied. If the EMP 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 at the relevant level of judiciary.
- Reliance on an equal merit provision is a proportionate means of achieving the aim of enabling persons with the relevant protected characteristic to join the level of the judiciary for which selection is being made.

The Commission decided that the candidates scoring 55% formed a zone of equal merit and the EMP was applied.

After applying the above process, 24 candidates were invited to take part in the selection day.

Feedback from candidates

After the qualifying test, candidates were invited to complete an anonymous candidate survey.

Nine candidates responded to the survey. Based on the results of the candidate survey, we received the below responses.

In terms of the difficulty of the test:

- 67% of the candidates found it easy to complete the test
- 11% of the candidates found it difficult to complete the test
- 22% of the candidates neither agreed or disagreed

In terms of understanding the instructions about the qualifying test:

- 77% of the candidates found the instructions easy to understand
- 11% of the candidates found the instructions difficult to understand
- 11% of the candidates neither agreed or disagreed

In terms of the qualifying test enabling candidates to demonstrate how they would tackle daily challenges working in a non-legal tribunal:

- 77% of the candidates agreed
- 11% of the candidates disagreed
- 11% of the candidates neither agreed or disagree

In terms of the qualifying test being accessible in format, language used and topics covered:

- 67% of the candidates found the test accessible
- 22% of the candidates found the test was not accessible
- 11% of the candidates neither agreed or disagreed

Other issues

As noted above, during the qualifying test it was identified that there was an error in question 14 and the full text for one of the answers was not displayed. This question and associated marks were therefore disregarded from the final score.

The JAC apologises to the candidates who were affected for any inconvenience these issues caused.