



**Online Scenario Test  
Evaluation and Feedback Report**

**00033 Recorder 2020**

Test date: 4 November 2020

## **Purpose**

The purpose of this report is to provide an evaluation of the **00033 Recorder 2020** online scenario test, in addition to general feedback on candidate performance in the test.

The report describes how the Judicial Appointments Commission (JAC) developed the test and marking schedule, how the test was structured, and how the number of candidates shortlisted for progression was attained. Additionally, it provides information on the overall performance of candidates in the test, identifying areas of good and poor performance and sharing more detailed comments in relation to each of the five questions in the test.

## **Competency Framework**

The test was designed to assess the following competencies:

- Exercising Judgement (EJ)
- Assimilating and Clarifying Information (ACI)
- Working and Communicating with Others (WCO)
- Managing Work Efficiently (MWE)

The competencies were developed so that candidates could demonstrate the proficiency and capability transferable to the role from other contexts. The specific bullet points under each competency heading were designed to reflect the 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 were devised by 3 experienced Circuit Judges.

In common with all the selection tools developed for this exercise, the scenarios and 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 taking the test on the basis of their diversity characteristics 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 impacts on diverse groups.

The effectiveness of the test was assessed by means of two dry runs, with a range of volunteers from relevant candidate groups. This provided an opportunity to trial the test material, and the structure and timings of the test, and then make any necessary amendments.

## **Structure of the test**

The test was hosted on the JAC Digital Platform, which was accessible when candidates logged onto their JAC account. The test was up to 60 minutes long. Candidates were

presented with one scenario and five questions. Supporting documents were available to candidates within the JAC Digital Platform, throughout the test.

There was no requirement for any previous knowledge of rules and procedures.

Candidate instructions were sent by email, a week in advance of the test. Included in this email, candidates were also provided with the following pre-reading materials:

- Northward Park Resident's Association Rules
- Northward Park Block Committee Rules
- Northward Park Resident's Association, Appeal Committee Rules

In the scenario test, candidates were asked to act as chair of a fictional Residents' Association Appeal Committee and hear four appeals against the decisions of the Northward Park Block Committee. The situations used in the questions were based on potential real-life situations that may be encountered by a Recorder in their day to day role.

Candidates were required to provide narrative responses to five questions. Each question had a word limit and a maximum number of marks available. The word limit and marks for each question were as follows:

**Question 1: 12 marks, a maximum of 150 words**

**Question 2: 9 marks, a maximum of 150 words**

**Question 3: 1 mark, a maximum of 150 words**

**Question 4: 7 marks, a maximum of 150 words**

**Question 5: 4 marks, a maximum of 150 words**

A key component of the scenario test is being able to manage the time effectively and that was especially relevant in relation to this test, which required candidates to manage their time carefully in order to allocate enough time to the different questions and scenarios.

The JAC Digital Platform provides an on-screen timer, visible at the top of the screen throughout the test. The timer turns red during the last minute of the test to provide a warning to candidates that their time is about to expire. The test is automatically submitted after the allotted time expires. All tests, including those that have not been completed, are marked. This means that no candidate is removed from the test for going out of time. A word limit is also set for each question, preventing candidates from submitting answers that exceed the limit. This was clearly communicated to candidates in the test instructions.

On the day of the test, the following supporting documents were made available to candidates within the Digital Platform:

- All the pre-reading materials, including the Resident's Association Rules, the Block Committee Rules, and the Appeal Committee Rules.
- "The scenario", which appears at the top of each question page.
- A summary of events taking place on the day before the hearing.
- Appeals 1,2,3 and 4.
- A summary of events taking place on the day of the hearing.

All these documents were available to candidates throughout the test, via a drop-down list in the side panel.

## Marking schedule

A maximum of 33 marks were available in this test. A marking schedule was provided to the marking judges, which made it clear the number of marks available for each of the five questions, and the maximum number of words.

## Marking of the test

The candidate's test submissions were anonymised and marked by a panel of judges. JAC staff provided a full briefing to the panel at the outset of marking the papers.

**528** candidates sat the test. Following marking, a **10%** sample of the test scripts were selected for moderation, in addition to those already discussed at the calibration meetings. Those selected included the scripts identified for moderation by the marking panel; samples of the high, low and mid scoring test papers; all test papers close to the prospective cut off point for invitation to selection days; candidates who experienced particular difficulties and a further random sample.

Moderation took the form of markers cross checking each other's work. The moderation process concluded that the marking judges had been consistent and fair.

In line with JAC Policy, the Senior Selection Exercise Manager and the JAC Commissioner assigned to the selection exercise undertook separate quality assurance checks. Their independent conclusion was that marking had been consistent.

## Distribution of scores

**535** candidates were invited to take the test

**7** candidates withdrew from the process or didn't take the test

**528** candidates took the test

The scoring process was as follows: all candidates were scored on their answers to the test, based on the marking schedule. All candidates were then ranked in order of merit, from first to last, based on their average percentage score (further outlined below). This provided a merit list determining how many candidates would be invited to the next stage of the exercise.

We did not have a pre-determined pass mark for the test; however, candidates must score a minimum of 30%. 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 the selection exercise. For this exercise, the score at which the line of shortlisting fell, before considering the Equal Merit Provision, was **13 marks (39%)** and above.

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

Distribution of marks	Question 1	Question 2	Question 3	Question 4	Question 5	Total
<b>Highest score</b>	10/12 (1 candidate)	9/9 (1 candidate)	1/1 (253 candidates)	6/7 (6 candidates)	4/4 (112 candidates)	26/33 (1 candidate)
<b>Lowest score</b>	0/12 (10 candidates)	0/9 (32 candidates)	0/1 (275 candidates)	0/7 (114 candidates)	0/4 (82 candidates)	0/33 (1 candidate)

## Approach to shortlisting

When the JAC receives notification from HMCTS confirming the final number of vacancies for the requested post, calculations are made to establish how many candidates will be taken 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.

For this exercise we initially received a vacancy request to fill 70 posts. We therefore planned a selection exercise based on inviting 154 candidates to selection day. After the application period had closed, the vacancy request was subsequently increased to **over 100** posts. As a result, we increased the number invited to selection day to **275** candidates. To prevent a significant drop from the substantial number of candidates who applied to fill the much smaller number of selection day slots, we planned to have shortlisting stages as part of the selection process.

All candidates who applied for the exercise were invited to sit the first stage of shortlisting, the online qualifying test. Candidates who passed were invited to take the second stage of shortlisting, the online scenario test. **535** candidates were invited to take the online scenario test. **528** candidates completed the test.

We planned to take **275** candidates to selection days.

The percentage score for each candidate is used to rank all candidates into a merit list, with the highest percentage score as the most meritorious and the lowest score as the least meritorious.

The number of slots available in the next stage of the process is then applied onto the merit list, to create the initial cut off line.

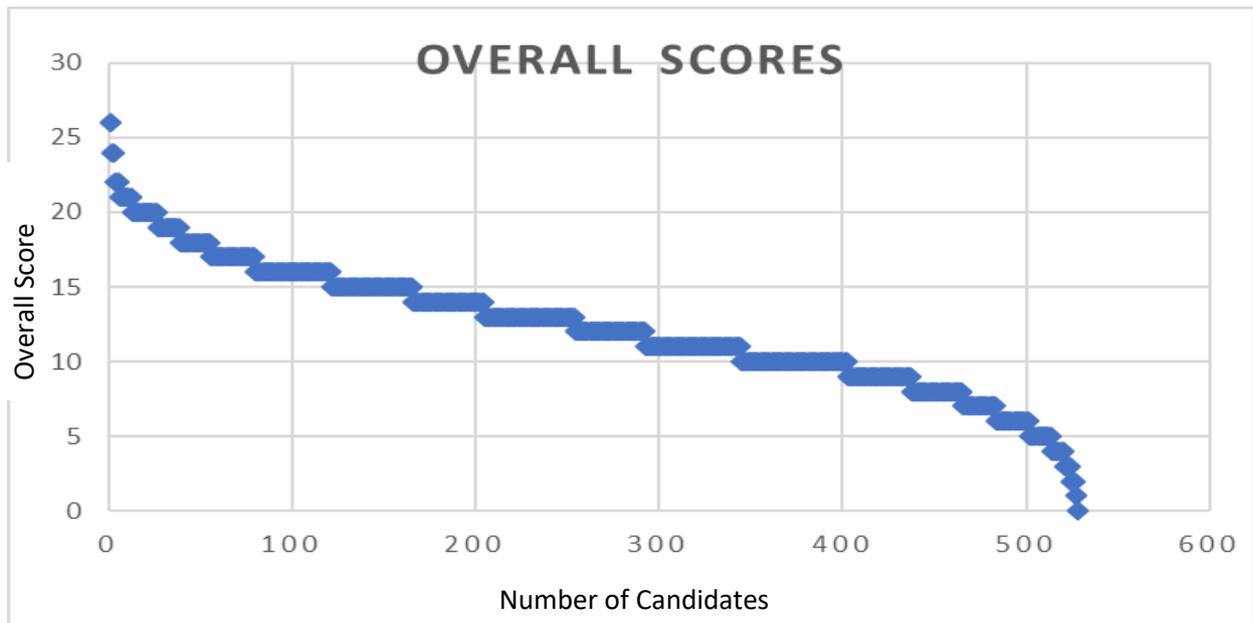
## Equal Merit Provision

Where there are candidates with the same score at the cut off line, an Equal Merit Provision (EMP) may be applied in line with the JAC's published policy, which is available [here](#). If the equal merit approach 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 either in the judiciary as a whole or at the relevant level of judiciary.
- Reliance on EMP in the shortlisting process being conducted is a proportionate means of achieving the aim of increasing judicial diversity.

An EMP was applied at this stage of the selection process to all candidates scoring 12 marks (36%).

As a result, a total of **275** candidates were invited to progress to the next stage of the selection exercise.



The average candidate scores for this test were as follows: lowest average candidate score was **0%**, highest average candidate score was **79%**. The average candidate score was **37%**.

### Feedback from the marking judges

In advance of marking the test, the marking judges were instructed to consider any common themes in the candidates' answers that could be included in the feedback report. These are summarised below:

#### Q1

Question 1 was designed to test the candidate's understanding of:

- ***The committee's power to allow evidence to be read;***
- ***The identification of the applicable rules; and***
- ***The application of the rules to the facts of this case.***

#### Candidates who scored well, included most or all the following in their answers:

- they identified the five initial procedural issues to consider;
- they considered these in relation to each appeal;
- they considered the 2 emails in "new reading" and whether there were any confidentiality issues;
- they focused on preliminary issues, not the decisions to be made;
- they picked up on the jurisdiction and email points.

#### Candidates who performed less effectively, included most or all the following in their answers:

- they were preoccupied with exploring alternative venues;
- they considered adjourning some of the appeals;
- they gave the decision for each appeal, rather than focusing on the preliminary issues;
- they wrote too much for this question and therefore ran out of time and words at the end.

#### Q2

Question 2 was designed to test the candidate's understanding of:

- ***The committee's responsibilities to deal with evidence;***

- ***The identification of the applicable rules; and***
- ***The application of the rules to the facts of this case.***

**Candidates who scored well, included most or all the following in their answers:**

- they identified the need to share Asher's email with the other Appeal Committee members;
- they distinguished between (a) the Appeal Committee composition rules and (b) the issue of bias, and dealt with each discreetly;
- they applied the fresh evidence rule in favour of Asher's witness and allowed the appeal.

**Candidates who performed less effectively, included most or all the following in their answers:**

- they determined that Asher's failure to appear at Block Committee stage meant that he and his employer could not give evidence before the Appeal Committee;
- they upheld the Block Committee decision;
- they ignored the email and the points arising, and only focused on the employer giving evidence;
- repeated the facts and spent too little time on the decision.

**Q3**

Question 3 was designed to test the candidate's understanding of:

- ***The identification of the applicable rules; and***
- ***The application of the rules to the facts of this case.***

**Candidates who scored well, included most or all the following in their answers:**

- they identified that there was no jurisdiction to hear the appeal.

**Candidates who performed less effectively, included most or all the following in their answers:**

- they acted upon Isla's absence without considering jurisdiction;

**Q4**

Question 4 was designed to test the candidate's understanding of:

- ***The committee's responsibilities to deal with evidence;***
- ***The identification of the applicable rules, and***
- ***The application of the rules to the facts of this case***

**Candidates who scored well, included most or all the following in their answers:**

- they dealt with the issues raised in Ava's email;
- they identified that she had no right of appeal;
- they also dealt with the scope and merits of a complaint by Ava to the Block Committee.

**Candidates who performed less effectively, included most or all the following in their answers:**

- they dealt with the merits of Ava's complaint without identifying that there was no jurisdiction;
- they ignored the jurisdiction point and varied the terms of the building permit;
- they repeated the facts and spent too little time on the decision.

## Q5

Question 5 was designed to test the candidate's understanding of:

- ***The identification of the applicable rules; and***
- ***The application of the rules to the facts of this case.***

### **Candidates who scored well, included most or all the following in their answers:**

- they identified the breach of Block Committee Rule 4 as determinative of the appeal, as it meant that the decision was beyond Block Committee jurisdiction and they dismissed the appeal on that basis;
- they also identified the breaches of Block Committee Rules 3 and 6.

### **Candidates who performed less effectively, included most or all the following in their answers:**

- they dealt with the merits of Arlo's appeal without identifying that the Block Committee had no jurisdiction;
- they allowed the appeal but missed the point about the complaint not being in writing.

### **Additional Comments:**

- Due to an error, the Appeal Committee Rules provided to candidates did not include rules 9,10 and 11, which were referred to in this question. This caused confusion to some candidates and required the drafting judge to revise the marking schedule for question 5. In the revised marking schedule, the four marks for this question remained, but they were re-distributed to reflect the information, as presented to candidates, on the day of the test.

### **Feedback from candidates**

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

201 candidates responded to the survey. The results of the survey are summarised below:

#### **1. When asked whether sufficient preparatory material was provided to answer the scenario test:**

- Around **72.6%** of candidates either agreed or strongly agreed;
- Around **10%** neither agreed or disagreed;
- Around **17.4%** of candidates either disagreed or strongly disagreed.

#### **2. When asked whether the scenario test provided the opportunity to show how they would deal with the type of situation that could arise with this role:**

- Around **49.3%** of candidates either agreed or strongly agreed;
- Around **17.4%** of candidates neither agreed or disagreed;
- Around **33.3%** of candidates either disagreed or strongly disagreed.

#### **3. When asked whether the scenario test was accessible in terms of format, language used, and topics covered:**

- Around **59.2%** of candidates either agreed or strongly agreed;
- Around **5.5%** of candidates neither agreed or disagreed;
- Around **35.3%** of candidates either disagreed or strongly disagreed.

#### **4. When asked whether they were confident in the scenario test as a JAC selection tool:**

- Around **40.3%** of candidates either agreed or strongly agreed;

- Around **17.4%** of candidates neither agreed or disagreed;
- Around **42.3%** of candidates either disagreed or strongly disagreed.

**5. When asked whether the scenario test was easy to complete:**

- Around **13.5%** of candidates either agreed or strongly agreed;
- Around **13.9%** of candidates neither agreed or disagreed;
- Around **72.7%** of candidates either disagreed or strongly disagreed.

**Other issues**

Some candidates experienced issues in relation to the Appeal Committee Rules, provided as part of this assessment. Questions 2 to 5 of the scenario test directed candidates to “*rules 9,10 and 11 of the Appeal Committee Rules*”. However, due to an error, rules 9,10,11 were not included in the documents provided as pre-reading or those provided on the assessment day.

Whilst candidates were still able to complete the assessment using the documents provided, the error in the numbering sequence and the missing rules caused some candidates to experience confusion and delay in completing the scenario test. A number of candidates were required to exit their assessment in order to clarify the error, which resulted in disruption and a loss of time.

All of the candidates who flagged this issue were moderated by the marking panel, and the issue was fully considered in those discussions.

Where appropriate, those candidates who suffered from a loss of time were awarded with an allocation of additional time, on the day, in order to complete the test.

A small number of candidates were identified as having been additionally impacted by this error when answering question 5. In response to this, the lead and drafting judges were made fully aware of the issue experienced by candidates and were provided with an exact copy of the pre-reading materials and those available on the day. The drafting judges were asked to assess the impact of the missing rules on the test overall and then amend (where appropriate) the marking schedule to ensure candidates were not penalised. The revised marking schedule was agreed in conjunction with the JAC and the lead judge before the marking began. All candidates were marked using the same marking schedule, to ensure that no candidate was unfairly disadvantaged. The marking judges were fully briefed as to the changes in the marking schedule, and the impact of the error on candidates taking the test.

It was additionally noted in candidate feedback that some candidates would have found it more helpful if a summary of the word limit and the available marks for each question had been provided at the start of the test.

The JAC acknowledges that this would enable candidates to better plan their available time during the assessment and would enhance the user experience for candidates. We will ensure this feature is included, where appropriate, on future assessments.

A small number of users experienced issues in relation to the accessibility of reading materials on the digital platform. As a consequence, they experienced difficulty in opening and viewing some of the scenario information. As a result of this feedback, the JAC is exploring alternative ways to present complex documents to candidates.

The JAC apologises to any candidates who were affected by the issues outlined above, and for any inconvenience caused.