



Online Qualifying Test Evaluation and Feedback Report

**Fee-paid Legal Members of the Mental Health
Review Tribunal for Wales – 014**

March 2020

Purpose

The purpose of this report is to provide an evaluation of the **Fee-paid Legal Members of the Mental Health Review Tribunal for Wales** online qualifying test and general feedback on candidate performance in the test. This test comprised two elements, a situational judgement test and a critical analysis 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.

Competency Framework

The tests 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 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 Fee-paid Legal Member of the Mental Health Review Tribunal for Wales is expected to have. This enabled us to assess candidates in a fair and consistent way.

Development of the test

The Situational Judgement test questions were drawn from a Bank of questions held by the JAC. The questions were then reviewed and revised as necessary, by a Tribunal President to ensure their suitability for this judicial role.

The text for the Critical Analysis, a speech by Lord Neuberger in 2012, was identified by the Tribunal President as providing the most suitable material to enable candidates to demonstrate the required critical analysis and logical thinking skills, alongside the questions tailored to suit the role.

In common with all the selection tools developed for this exercise, the 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 JAC 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 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 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 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 test

The test was hosted on Google Forms. Candidates were presented with two parts. The overall time for the test was **90 minutes**:

- Part 1 (multiple choice): Situational Judgement (**45 minutes, 20 questions**)
- Part 2 (multiple choice): Critical Analysis (**45 minutes, 20 questions**)

In **Part 1** of the test, candidates were presented with a range of different situations they might experience as a Fee-paid Legal Member of the Mental Health Review Tribunal for Wales.

Candidates were assessed on their reading of a situation and their ability to judge the effectiveness of a number of different responses provided under each question. Candidates needed to identify both a most appropriate and least appropriate answer from the five options presented.

For **Part 2** of the test, candidates were provided with preparation reading material one week before the test. Candidates were asked to familiarise themselves with the text **No Judgment – No Justice - Lord Neuberger, President of The Supreme Court - Extracts from the First Annual BAILII Lecture, 20 November 2012.**

The questions and answer options were based on the content of **No Judgment – No Justice**. Candidates were required to use their critical and logical thinking skills to decide upon the correct answer from **five** options for each of the **20** questions within the **45** minutes allowed.

Marking of the test

Both parts of the test were marked automatically. The pass mark is determined by the number of candidates needed at the next selection stage, which varies between different exercises. If a candidate exceeds the time allocated for the test they do not proceed to the next stage. Furthermore, in any two-part online test those candidates who score below 30% in either part of the test do not proceed.

In this exercise the overall pass mark was **64%**, and all candidates scoring that percentage or higher were taken to the next selection stage.

In **Part 1** of the test, each question had **five** options. It was necessary for the candidate to identify the most appropriate and least appropriate response, with **1** point scored for each answer. Therefore, candidates could score a maximum of **2** points for each question.

In **Part 2** of the test, each question had **five** options. It was necessary for the candidate to identify the correct answer, which scored **1** point. Therefore, candidates could score a maximum of **1** point for each question.

Distribution of marks

- **200** candidates were invited to take the test
- **5** candidates withdrew from the process or didn't take the test
- **195** candidates took the test
- **187** candidates completed the test within the allotted time
- **8** candidates were removed as they went over the allotted test time (**5** went over on the Situational Judgement Test, **2** went over on the Critical Analysis Test and **1** went over on both tests).

The scoring process was as follows: all candidates were scored on their answers to the test based on the marking schedule above. All candidates were then ranked in order of merit from first to last based on the combined average percentage score (further outlined below).

This provided a merit list and allowed us to determine how many candidates would be invited to the next stage of the selection process based on the approach outlined.

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

Distribution of marks	Part 1 Situational Judgement	Part 2 Critical Analysis	Overall Total	Distribution of marks
Highest score	33/40 (1 candidate)	20/20 (2 candidates)	52/60 (1 candidate)	Highest score
Lowest score	8/40 (1 candidate)	9/20 (2 candidates)	17/60 (1 candidate)	Lowest score

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 received a vacancy request to fill **20** posts. We therefore planned the selection exercise based on inviting around **40** candidates to selection day.

All candidates who applied for the exercise were invited to sit the first stage of shortlisting, the online qualifying test. We originally planned to take **80** candidates to the second stage of shortlisting, the paper sift. As we received a larger number of applications than expected, we increased the number of candidates being invited to the second stage of shortlisting, the paper sift. We have increased the number of candidates proceeding to the paper sift to **97**.

To identify the top **97** candidates from the qualifying test, the following method was used. First, each candidate has their score for each part converted into a percentage. Then the 2 percentages are added and a combined average score is calculated. Then the combined average score for each candidate is used to rank all candidates into a merit list, with the highest combined average score at the top of the list, and the lowest at the bottom. Using the combined average score to rank candidates in order of merit ensures tests with more points available in one of the 2 parts does not disproportionately affect outcomes. For example, 30/40 (75%) in one part isn't better than 9/10 (90%) in another part just because

the first part had 30 points scored compared to 9 points in the second part. 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 Approach

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.

After following our published process, the EMP did not need to be applied at this stage of the selection process.

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.

The average candidate scores over Parts 1 and 2 combined for this test were as follows:

- Lowest average candidate score was **33%**.
- Highest average candidate score was **89%**.
- The mean average candidate score was **63%**.

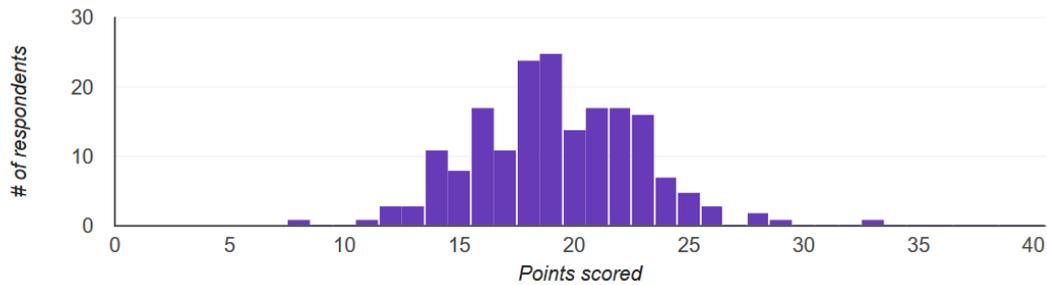
Graph showing the Total Points Distribution for the Situational Judgement Test

Average
19.26 / 40 points

Median
19 / 40 points

Range
8 - 33 points

Total points distribution



In Part 1 (Situational Judgement):

- More than 75% of candidates correctly chose the least appropriate response for only 1 question (easier question).
- More than 75% of candidates correctly chose the most appropriate response for 5 questions (easier questions).
- Less than 25% of candidates correctly chose the least appropriate response for 4 questions (harder questions).
- Less than 25% of candidates correctly chose the most appropriate response for 5 questions (harder questions).

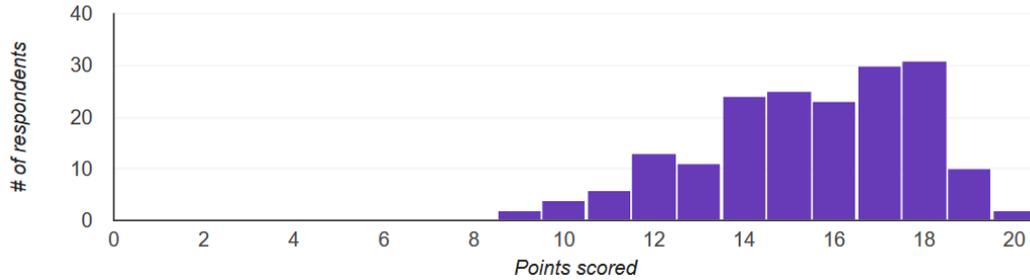
Graph showing the Total Points Distribution for the Critical Analysis Test

Average
15.47 / 20 points

Median
16 / 20 points

Range
9 - 20 points

Total points distribution



In Part 2 (Critical Analysis) there were:

- 3 questions where 40% or more candidates gave an incorrect answer (harder questions).
- 6 questions where 95% or more of candidates gave the correct answer (easier questions).

Feedback from candidates

After the qualifying test, candidates were invited to complete an anonymous candidate survey. **103** candidates responded to the survey. Based on the results of the candidate survey:

When asked how they would rate the quality of the customer service they received from JAC staff during the qualifying test process

- around 96% of candidates said it was good or excellent

When asked if they understood from the instructions what was expected during the test

- around 98% of candidates said it was good or excellent

When asked if the situational judgement test gave them the opportunity to show how they would deal with the type of situation that could arise with the role

- around 72% of candidates agreed or strongly agreed
- around 7% of candidates disagreed or strongly disagreed

When asked if the qualifying test was accessible in terms of format, language used and topics covered

- around 88% of candidates agreed or strongly agreed
- around 3% of candidates disagreed or strongly disagreed

When asked if they were confident in the qualifying test as a JAC selection tool

- around 62% of candidates agreed or strongly agreed
- around 11% of candidates disagreed or strongly disagreed

When asked if the qualifying test was easy to complete

- around 58% of candidates agreed or strongly agreed
- around 7% of candidates disagreed or strongly disagreed