



## **Online Scenario Test Feedback Report**

**031: Deputy District Judge (Magistrates' Courts)**

**December 2016**

## **Purpose**

The purpose of this report is to provide general feedback to candidates regarding the second stage online scenario test for the Deputy District Judge (Magistrates' Courts) (DDJ(MC)) exercise. Candidates were eligible to take the test following successful completion of the first stage online qualifying test.

The report describes how the Judicial Appointments Commission (JAC) developed the scenario test and marking schedule and how the test was structured.

Additionally, it provides information on the overall performance of candidates in the online scenario test; identifying areas where they performed well, where they could have improved their performance, and more detailed comments in relation to each of the three questions in the test.

## **Competency Framework**

The test was designed to assess the four following competencies of the competency framework for the post of DDJ (MC), which is published on the [JAC website](#):

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

## **Development of the Test**

The test and marking schedule were devised by a team of four District Judges (Magistrates' Courts), who are experienced in all aspects of this role.

The JAC Advisory Group, which is composed of senior judiciary and representatives of the legal profession, offered advice and guidance during the test's development.

In common with all 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, using volunteer candidates. The volunteers were drawn from a mix of barristers, solicitors and Fellows of CILEx who, although were eligible to apply, were not applying for this particular exercise.

## **Structure of the Test**

The test was hosted on the JAC website on 26 July 2016 and was open from 16:00 to 22:00.

The online test presented candidates with one scenario, dealing with case management issues arising out of sexual offences involving two defendants, one of whom was a youth. The complainants were both children.

Three questions were asked regarding the scenario, all of which had to be answered within a 50 minute deadline. Narrative responses were required, which were limited

to 50 words for each of the first two questions and 400 words for the final question. Note form was considered to be acceptable.

Prior to the test candidates were advised to familiarise themselves with the preparation material listed below:

- Criminal Practice Direction, particularly parts 3D, 3E and 3F
- Sentencing Council Allocation Guideline
- Provisions of the Youth Justice and Criminal Evidence Act 1999.

### **Marking of the Test**

Test papers were anonymously marked by four two-person panels, each consisting of a lay JAC Panel Chair and a District Judge.

JAC staff provided a full briefing to the markers at the outset of the marking of papers.

Decisions on the interpretation of the marking schedule were taken only after full discussion between the panels. Such decisions were agreed at a calibration meeting once all markers had marked a sample of the same test papers. This formed a precedent for the marking of subsequent test papers.

Individual panel members marked each paper, and all marks were then discussed within the panel to achieve consensus.

### **Marking Schedule**

A marking schedule was provided to the panels, and answers to each question were marked in isolation. It allowed for answers that identified correct references, directions, statutes and section numbers to be rewarded. A maximum of 260 points was available for responses within the marking schedule and negative marks could be applied for certain answers which did not relate to the latest legislation.

### **Calibration and Moderation**

During the marking of the test papers, panels marked a small selection of each other's test papers to ensure consistency of marking. Graphs identifying the spread of marks allocated by each panel were also produced following each day's marking, to ensure consistency between the panels.

Additionally, a sample of the test scripts were selected for moderation. Those selected included samples of the high-, low- and mid-scoring test papers and all test papers close to the prospective cut-off point for invitation to the telephone assessments. Moderation took the form of markers cross checking each other's awarding of marks. The Head of the Selection Exercise Team undertook separate quality assurance checks.

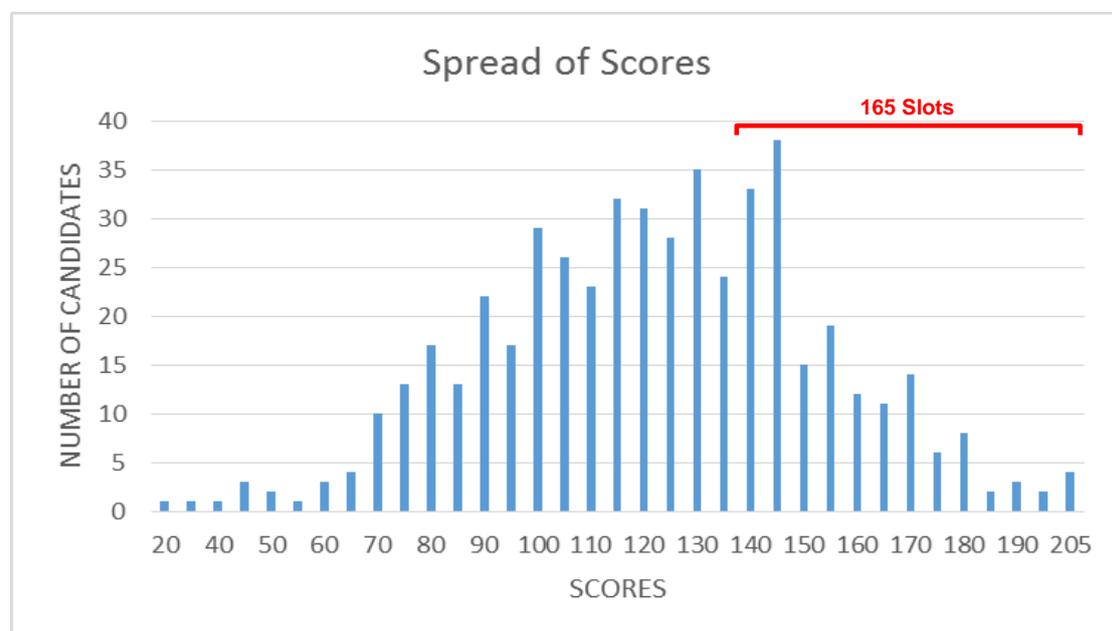
The moderation process concluded that the markers had been consistent and fair during the first round of marking, and that overall marking had been fair and robust.

### Distribution of Marks

504 candidates sat the test. The highest mark awarded was 205 out of a possible 260 marks available and the lowest was 20. There was generally an even distribution of marks, especially between 90 and 145, with the majority of candidates (68%) scoring within this range. 14% of candidates had marks below 90, while 18% scored above 145.

In line with available telephone assessment slots, the 165 highest performing candidates were invited to progress to the next stage of the selection process.

Chart 1: Histogram of scores



### General Candidate Performance

In the majority of responses there was a lack of specific information, with too many generalities. Despite being advised of the material required for preparation for the online test, responses were limited in their content.

Although there was a limit of 400 words for the third question, which provided the majority of the marks (200), many candidates did not take advantage of this and provided too little text. Alternatively, many of those who did provide a more extensive answer often included repetition or provided too much irrelevant information on proposed deadlines or dates.

There were too many general statements rather than providing specific detail of the directions candidates needed to consider. For instance, to only mention "reporting restrictions" did not provide sufficient evidence for whom or why the restrictions

should apply. Other generalisations included “ensure an effective trial” or “use of the Advocate’s Toolkit”, without further explanation of any specific considerations that may be necessary. Many candidates failed to gain marks by not referring to these practical issues.

The majority of candidates did not request removal of the names of the complainants from the charges or identify that they were entitled to automatic anonymity under section 1 of the Sexual Offence (Amendment) Act 1992. Many candidates also failed to give any direction regarding the poor quality of the Achieving Best Evidence (ABE) transcripts. There were a mix of responses regarding the type of assistance that would be required in Court for the complainants and defendants and, although many candidates referred to some measures they would put in place, few candidates identified arrangements such as; viewing the ABE interviews before the trial, use of body maps, restrictions on counsel’s right to put the defendant’s case, or that an unrepresented defendant should not be allowed to cross-examine the complainants personally.

There was often a lack of clarity regarding for whom an intermediary was to be considered and some candidates lost marks for reference to the outdated legislation that an intermediary assessment was mandatory for an 11 year old witness.

Some candidates tended to focus on the needs of the defendants at the expense of the witnesses, or the reverse. There were some incorrect references to one witness or that the defendant with Attention Deficit Hyperactivity Disorder was the younger person and it is important to read the scenario carefully, even when time limits apply.

In the second question, many candidates lost marks for an incorrect reference to the “Interests of Justice” test. Although the first two questions carried 30 marks each, some candidates failed to answer the questions correctly or gave right answers to the wrong question, thereby losing the marks.

### **Overall Conclusion**

Generally, the candidates with the highest marks had read and absorbed the scenario, making specific references to the correct issues and directions in order to evidence their understanding of the matters which needed addressing. They referenced the latest legislation and made the most effective use of their time and word limits.