

## **Selection Day Feedback Report**

**136 Fee-paid Professional Members of the First-tier  
Tribunal (Property Chamber) Residential Property**

**November 2019**

## **Purpose**

The purpose of this report is to provide general feedback on candidate performance in the selection days for Fee-paid Professional Members of the First-tier Tribunal (Property Chamber) Residential Property. 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**

At selection day, the situational questions and the competency-based questions were designed to assess the following competencies:

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

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 were designed to reflect the skills and ability that an effective Professional Member of the First-tier Tribunal (Property Chamber) Residential Property is expected to have. This enabled us to assess candidates in a fair and consistent way.

## **Performance of candidates**

62 candidates applied for this exercise. Following the qualifying test and eligibility sift, 22 candidates were invited to selection day. One candidate withdrew prior to selection day.

The 11 highest scoring selectable candidates were recommended by the Judicial Appointments Commission to the Senior President of Tribunals for appointment, meeting the Vacancy Request for this exercise. Eight candidates were assessed as not selectable for this role. Two candidates were selectable but not recommended on this occasion.

## **Selection day**

### **Situational questions**

#### **Development**

The situational questions were drafted by a Deputy Regional Valuer in the First-tier Tribunal (Property Chamber). In common with all the selection tools developed for this exercise, the 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 JAC Advisory Group, which is composed of members of the judiciary and representatives of the legal professions and chaired by a lay JAC Commissioner, offered advice and guidance during their development.

In common with all assessment tools used by the JAC, both the situational questions and the panel guidance were subject to an extensive quality and equality assurance process including review by our Head of Diversity and Engagement and through the JAC Advisory Group.

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

### **Structure of the situational questions**

There was one written scenario with a series of questions.

The scenario was based on one that could typically be encountered as a Professional Member of the Property Chamber Tribunal. Candidates were introduced to a scenario involving an application by a tenant under Section 27A of the Landlord and Tenant Act 1985 to determine the service charges payable on a leasehold flat. The candidates were required to provide answers to 6 questions.

The scenario and questions were designed to test the competencies of Exercising Judgement, Assimilating and Clarifying Information, and Possessing and Building Knowledge.

### **Advance preparation**

The candidates invited to selection days were asked to familiarise themselves with the following materials approximately one month in advance:

- Landlord and Tenant Act 1985 (Service charges - Sections 18-30,)
- The Tribunal Procedure (First-tier tribunal) (Property Chamber) Rules 2013
- Courts and Tribunals Judiciary | Guide to Judicial Conduct – Revised March 2019

### **Assessment of candidates' responses to the situational questions**

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.

Outstanding evidence was:

- Identification of all points raised by the questions (strong candidates did not identify all points)
- Providing a structured response to questions, linking responses to relevant legislation
- An awareness (from pre-reading/preparation) of the leading case law on 'reasonableness'
- A full explanation of the need for judgement when dealing with a potential conflict of interest

Strong evidence included:

- Identifying what falls and what does not fall within the jurisdiction of the Tribunal and identifying the legislation which sets out the jurisdiction
- Applying the jurisdiction correctly to all relevant items on the service charge account
- Identifying most of the elements necessary to consider when discussing the reduction of cost of the individual items in the service charge account

- Discussing whether appropriate consultation had taken place, whether the works are reasonable in terms of cost and standard, whether process was followed in respect of estimates, and what input the tenant had
- Identifying where consultation may not be required and limits if there is no consultation; that the Tribunal may allow limited costs without consultation and that it would be prudent to review contracts.
- Identifying a potential conflict of interest that may require recusal and identifying steps that could be taken as a result
- Identifying the need to intervene in order to prevent any adverse impact of a misunderstanding by the Chair on the outcome of the case, emphasising the need for tact and to ensure that there is no loss of confidence in the Chair

Sufficient evidence included:

- Identifying what falls and what does not fall within the jurisdiction of the Tribunal
- Identifying some of the elements necessary to consider when discussing the reduction of cost of the individual items in the service charge account
- Discussing whether appropriate consultation had taken place, whether the works are reasonable in terms of cost and standard
- Identifying where consultation may not be required and limits if there is no consultation
- Identifying a potential conflict of interest that may require recusal
- Identifying the need to intervene in order to prevent any adverse impact of a misunderstanding by the Chair on the outcome of the case

Insufficient evidence included:

- Not identifying where the Tribunal has no jurisdiction
- Not discussing the requirement for consultation
- Not recognising the potential conflict of interest or the need for recusal
- Not providing an appropriate way to handle the misunderstanding of information by the Chair

### **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 Professional Member of the First-tier Tribunal (Property Chamber) Residential Property. The competency-based interview assessed the competencies not covered during the situational questioning.

### **Managing Work Efficiently**

Outstanding evidence included:

- Demonstrating an ability to handle pressurised situations by implementing effective measures and showing resilience
- Demonstrating an ability to deal with competing priorities and taking appropriate steps to prevent and overcome conflicts
- As well as capturing points under Strong and Sufficient evidence

Strong evidence included:

- Demonstrating effective time management and prioritisation skills
- Demonstrating an ability to stay calm and cope with varied demands

Sufficient evidence included:

- An ability to plan workload effectively to ensure successful performance
- Effective problem-solving skills
- An ability to adapt to changing circumstances
- Examples which were considered routine and not stretching enough to constitute strong evidence

Insufficient evidence included:

- Little evidence of significant pressure or examples which were too old to demonstrate current competency
- Inability to explain examples in a clear and succinct way
- Lack of focus and inability to efficiently direct answers to the questions asked

## **Working and Communicating with Others**

Outstanding evidence included:

- There were no candidates who provided outstanding evidence for this competency
- Outstanding evidence would have addressed all elements covered by the competency framework:
  - Being supportive of other colleagues and receptive to their contributions
  - Adopting a clear and succinct communication style, both in writing and orally
  - Ensuring understanding by others
  - Showing an awareness of the importance of diversity and sensitivity to the needs of different communities and groups
  - Challenging discrimination when encountered
  - Listening attentively and seeking clarification to ensure all parties have a fair opportunity to present their case

Strong evidence included:

- Demonstrating strong awareness of diversity, sensitivity to cultural differences and empathy to people's needs
- Using a clear and engaging communication style, and providing well-structured responses across all questions
- Ability to explain complex concepts to a layperson in a clear and succinct way
- Demonstrating excellent listening skills and willingness to provide assistance
- As well as capturing points under Sufficient evidence

Sufficient evidence included:

- Ability to maintain good working relationships with colleagues
- Most answers demonstrated a clear communication style, while a few required further probing
- Most answers demonstrated a sufficient level of focus and structure

Insufficient evidence included:

- Inability to provide a clear explanation of a complex concept
- Answers which were not full and well-structured or were considered too routine
- Overall lack of focus and conciseness

## **Feedback from Candidates**

After the selection days, candidates were invited to complete an anonymous candidate survey. 12 candidates responded to the survey. Based on the results of the survey:

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

- 92% of candidates either agreed or strongly agreed
- 8% of candidates disagreed

**I understood what was expected on the selection day.**

- 100% of candidates either agreed or strongly agreed

**The situational questions discussed in the situational questioning were realistic and relevant to the role.**

- 92% of candidates either agreed or strongly agreed
- 8% of candidates neither agreed nor disagreed

**The situational questioning gave me a chance to display how I would react to various situations.**

- 83% of candidates either agreed or strongly agreed
- 17% of candidates neither agreed nor disagreed

**I am confident in the situational questioning as a JAC selection tool.**

- 75% of candidates either agreed or strongly agreed
- 17% of candidates neither agreed nor disagreed
- 8% of candidates disagreed

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

- 75% of candidates either agreed or strongly agreed
- 8% of candidates neither agreed nor disagreed
- 17% of candidates disagreed

**The panel behaved professionally and treated me with respect.**

- 92% of candidates either agreed or strongly agreed
- 8% of candidates disagreed

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

- 92% of candidates either agreed or strongly agreed
- 8% of candidates disagreed