



Post Selection Day Evaluation and Feedback Report

**148 Fee-Paid Medical Member of the First-Tier
Tribunal Social Entitlement Chamber (Social
Security and Child Support)**

April 2021

Purpose

The purpose of this report is to provide an evaluation of the selection days for 148 Fee-Paid Medical Member of the First-Tier Tribunal Social Entitlement Chamber (Social Security and Child Support) as well as capture general feedback on candidate performance. 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.

This exercise was one of several that had to be initially paused due to the Covid-19 pandemic. The selection days were due to take place in March and April 2020. In March 2020 the Government introduced guidelines that prevented us from continuing with face to face interviews. The JAC Board took the decision at its meeting in May, to conduct the selection days remotely, using Microsoft Teams. Remote selection days took place between 5 October and 27 November 2020. All candidates were offered a one-to-one tutorial with a member of the JAC team to ensure they were comfortable with using MS Teams and knew what to expect on the day.

During the period of the remote interviews, the team offered as much flexibility as possible in arranging the selection days to accommodate the high demands on the time of the medical practitioners who were candidates for this role.

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

Competency Framework

- Assimilating and Clarifying Information
- Exercising Judgement
- Managing Work Efficiently
- Possessing and Building Knowledge
- 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 aptitude and faculty that an effective Medical Member is expected to have. This enabled us to assess candidates in a fair and consistent way.

Additional Selection Criteria

For this exercise, the Senior President of Tribunals required that candidates have unconditional registration with the General Medical Council.

Performance of candidates

402 candidates applied for this exercise. Following eligibility checks, 343 candidates were invited to selection day but due to withdrawals, only 294 attended. 202 candidates were recommended by the Judicial Appointments Commission to the Senior President of Tribunals for appointment. In making this decision the Commission took into account all

relevant character checks, and all evidence provided by the candidates at selection day as well as the candidates' independent assessments.

Selection day

Development

The situational questions were drafted by the Chief Medical Member and two District Tribunal Judges and were designed to test the following four competencies: Exercising Judgement, Possessing and Building Knowledge and Assimilating and Clarifying Information. 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 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 undertaking the selection days 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 its advice and guidance on the development of selection material and looks at material in terms of quality and whether it would have any negative impacts on diverse groups.

The effectiveness of the situational questions 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.

Situational questions

Structure of the situational questions

The situational questions were based on a case study. This case study comprised a short scenario and a letter from the appellant's mother. There was a series of questions based on this case study and the candidates were advised to assume they were the Medical Member on the tribunal. Candidates were given 25 minutes preparation time prior to their interview to read all the necessary documents.

The case study related to a 30-year-old man who was appealing against the decision not to award him Employment Support Allowance (ESA). He had submitted his claim form (ESA 50) completed by himself. On the form, he stated his medical conditions, but he did not answer the questions on the form relating to the effects these conditions had had on his day to day activities.

The claimant had attended a medical assessment carried out by a healthcare professional on his own and candidates were provided with the report from this assessment during their preparation time. The decision-maker decided that he did not qualify for ESA and this decision was upheld following a request for a mandatory reconsideration. Candidates were also told that on the day of the hearing the tribunal was given two further documents: a signed authorisation confirming that the appellant's mother is the official representative and a letter from her.

The objective was to assess the candidate's knowledge of these types of reports and how to use the information contained in them. A selectable candidate was expected to be able to identify the disabling conditions and what their combined effect would be on the claimant and his lifestyle. The candidate was expected to be able to do this concisely without using acronyms, and also to be able to explain the differences, and the relevance of those differences, between the healthcare professional's report and the mother's account.

Additionally, the panels were looking for candidates to be able to explain what actions they felt the tribunal should now take. For example, did the tribunal have enough evidence to make a decision, and if the candidate felt it should proceed, what areas should be explored further?. The panels were also interested in the decision-making process of the tribunal and what contribution the candidate felt they would be able to make to that process. Also, the panels wanted to see what decisions the candidates would make to ensure that the appellant was treated fairly and how they reacted to external factors that might have influenced their opinion of the candidate.

Advance preparation

There was no advance preparation, but candidates were given 25 minutes on selection day to read the Case Study.

General comments on situational questions:

Outstanding candidates:

- Provided a comprehensive summary of all the medical conditions and their likely functional effects
- Grasped all the key facts and also interpreted them, applying sound judgement throughout
- Analysed and applied appropriate weight to all the evidence available, including identifying inconsistencies, to ensure a fair outcome
- Explained clearly all medical issues and terminology
- Demonstrated a thorough understanding of the tribunal processes and procedures, including the need to take a practical approach, in the absence of complete information.
- Showed clear knowledge of the functional tests to be applied and their implications

Strong candidates:

- Showed a thorough grasp of the facts in the materials and gave appropriate weight to most of the evidence
- Provided confident analysis, evaluating the evidence with reasoned explanations.
- Demonstrated fairness
- Gave clear medical advice to the tribunal

Selectable candidates:

- Grasped the necessary facts in the brief and most of the issues to be addressed
- Reached mostly correct conclusions but with limited explanation of reasoning
- Showed some hesitation and deliberation of the factors before reaching a conclusion
- Demonstrated a reasonable understanding of tribunal processes and procedure
- Gave mostly correct responses but lacked sufficient detail for the information to be considered strong

Not presently selectable candidates:

- Failed to demonstrate relevant medical knowledge
- Reached wrong or inappropriate decisions, such as adjourning the hearing to request further information, conducting internet research or giving pejorative views about awarding benefits
- Showed lack of knowledge about tribunal procedures or the role of the medical member
- Did not demonstrate a knowledge of the functional tests to be applied
- Showed insufficient grasp of the relevant facts in the scenario, missing key information and issues
- Demonstrated hesitancy in debating the issues and failed to make clear recommendations

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 medical member. The panel drew upon evidence provided in the candidate's self-assessment and career history to inform their questioning. When coming to their final assessment of the candidate, the panel also considered evidence from their independent assessors. Four of the five competencies were assessed in the interview; Exercising Judgement, Possessing and Building Knowledge, Working and Communicating with Others and Managing Work Efficiently. Evidence for Assimilating and Clarifying Information was obtained from the situational questions.

Exercising Judgement

Outstanding evidence:

- Demonstrated excellent independence of mind in complex situations/medical cases
- Provided consistently excellent information demonstrating ability against the criteria
- Demonstrated outstanding decision making in complex, challenging or finely balanced situations, involving clear clinical judgement

Strong evidence:

- Gave examples involving considerable complexity in a medical context
- Resolved situations with different clinical views, conflicting issues and information
- Reached a fair decision where the outcome or risk was unclear

Sufficient evidence:

- Demonstrated objectivity and independence
- Provided evidence of reaching a fair decision
- Demonstrated some evidence of complexity and challenge, making decisions in a context relevant to the post,

Insufficient evidence:

- Provided examples which gave no clear decision
- Described situations of limited challenge or medical complexity
- Lacked evidence of confident and well-reasoned decisions

Possessing and Building Knowledge

Outstanding evidence:

- Demonstrated excellent knowledge of own field including most complex and challenging areas and areas unfamiliar to them

- Showed clear ability to develop and apply medical knowledge to the tribunal process
- Demonstrated evidence of advising and/or leading other professionals in their area of expertise
- Provided excellent evidence of acquiring and maintaining medical knowledge

Strong evidence:

- Demonstrated being proactive about extending knowledge in own field plus new and unfamiliar areas
- Demonstrated developing knowledge of a complex issue which was applied and/or was shared with others

Sufficient evidence:

- Showed sufficient medical knowledge to meet requirements of the medical member role
- Demonstrated keeping up to date with their knowledge as required
- Demonstrated the ability to develop knowledge and understanding of health issues relevant to the tribunal

Insufficient evidence:

- Made no particular reference to relevant medical issues and tribunal principles
- Demonstrated little or limited knowledge of medical issues and practical challenges in the context of the tribunal process

Working and Communicating with Others

Outstanding evidence:

- Clearly demonstrated appropriate authority, impartiality and fairness in dealing with challenging situations
- Provided consistently excellent examples, demonstrating all aspects of the competency
- Dealt with complex situations requiring insight and sensitivity
- Demonstrated a calm confident approach when dealing with challenge
- Took appropriate steps to assume control
- Gave examples from high level challenging situations, demonstrating an ability to ensure fairness

Strong evidence:

- Gave examples of situations requiring broader understanding and involving demanding situations requiring sensitivity and accommodation
- In addition, gave examples from positions of responsibility demonstrating the ability to work constructively with others and command respect in a broader context
- Provided strong evidence of dealing with challenging situations, perhaps in a panel setting

Sufficient evidence:

- Demonstrated confidence and authority - perhaps as part of a panel or team
- Gave routine examples which demonstrated sufficient understanding of how to accommodate the needs of vulnerable people, including adapting their communication style

Insufficient evidence:

- Gave limited evidence of persuasive communication
- Provided responses which were not always focused on relevant information and/or lacked clarity
- Demonstrated poor communication skills - giving excessive background and generalised information, rather than details of actions and behaviours
- Failed to respond to prompts from panel members
- Gave examples which did not demonstrate the ability to exercise authority or command respect at the level required

Managing Work Efficiently

Outstanding evidence:

- Gave examples involving devising and implementing new systems or procedures which improved own work throughput and that of others
- Demonstrated novel use of IT to improve efficiency or make more effective use of existing systems
- Provided examples of handling multiple roles effectively, demonstrating resilience in challenging situations

Strong evidence:

- Demonstrated proactive planning and setting priorities
- Provided examples often related to an extended period of pressure (not just a single day) requiring sustained management and use of various resources
- Demonstrated responsibility for and coordinating the work of others
- Provided evidence of resilience in a challenging situation

Sufficient evidence:

- Provided examples which demonstrated the ability to handle a considerable workload, proactive planning and responding swiftly to changing needs
- Demonstrated resilience and flexibility to manage workload effectively
- Demonstrated effective use of technology

Insufficient evidence:

- Provided minimal or no evidence of managing proactively
- Failed to demonstrate effective time management
- Gave minimal or no evidence of the ability to use technology effectively to optimise efficiency

General comments

The selection process was designed to assess the candidate's transferable skills to the medical member role, rather than test their clinical/medical skills or knowledge (which was already established).

Candidates who were not presently selectable tended to give generalised responses and described handling clinical situations in their current or recent roles, rather than providing evidence against the requirements of the medical member role. Some also chose examples which did not address the questions posed, despite prompting from the panel members, which limited the panel's ability to assess the evidence and thus the candidate's suitability.

Selectable candidates focussed on their actions and behaviours in specific cases, making decisions involving complex issues and challenging demands. They demonstrated the ability

to work collegiately, communicate clearly and maintain relevant medical knowledge, researching new areas if required. They also demonstrated that they had considered carefully, how their current medical skills would translate and apply to a judicial role.

Feedback from Candidates

After the selection days, candidates were invited to complete an anonymous candidate survey. 46% of candidates responded to the survey. Based on the results of the survey

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

- 88% of candidates either agreed or strongly agreed
- 5% of candidates disagreed
- 7% neither agreed nor disagreed

I understood what was expected on the selection day.

- 85% of candidates either agreed or strongly agreed
- 4% of candidates disagreed
- 11% neither agreed nor disagreed

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

- 89% of candidates either agreed or strongly agreed
- 1% of candidates strongly disagreed
- 10% of candidates neither agreed nor disagreed

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

- 82% of candidates either agreed or strongly agreed
- 5% of candidates either disagreed or strongly disagreed
- 13% of candidates neither agreed nor disagreed

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

- 74.5% of candidates either agreed or strongly agreed
- 5% of candidates disagreed or strongly disagreed
- 20.5% of candidates neither agreed nor disagreed

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

- 69% of candidates either agreed or strongly agreed
- 7% of candidates disagreed or strongly disagreed
- 24% of candidates neither agreed nor disagreed

The panel behaved professionally and treated me with respect.

- 92% of candidates either agreed or strongly agreed
- 3% of candidates disagreed
- 5% of candidates neither agreed nor disagreed

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

- 78% of candidates either agreed or strongly agreed
- 7% of candidates disagreed or strongly disagreed
- 15% of candidates neither agreed nor disagreed