



Online Scenario Test Feedback Report

111 Road User Charging Adjudicator

February 2019

Purpose

The purpose of this report is to provide general feedback on candidate performance in the **111 Road User Charging Adjudicators** online scenario test. The report describes how the Judicial Appointments Commission (JAC) developed the test and marking schedule, and how the test was structured.

Additionally, it provides information on the overall performance of candidates in the test, identifying areas where they performed well and where they performed less well. In this test candidates who scored 66% or above were invited to the next stage of the selection process.

The online scenario test was designed to test a candidate's transferrable skills and their potential to work effectively as a Road User Charging Adjudicator rather than to assess their jurisdictional knowledge.

Competency Framework

The test was 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 skills and abilities which were transferable to the role from other contexts. The specific bullet points under each competency heading were designed to reflect skills and abilities that an effective Road User Charging Adjudicator is expected to have. This enabled us to assess candidates in a fair and consistent way.

Development of the test

The online scenario test and marking schedules for each element of the test were devised by the Road User Charging Chief Adjudicator and Adjudicators. In common with all the test material developed for this exercise the test was designed 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 profession, offered advice and guidance during its development.

In common with all qualifying tests used by the JAC, both the test and marking schedule were subject to an extensive quality and equality assurance process including review by the Head of Diversity and Engagement. The effectiveness of the test was assessed by means of a dry run with a range of volunteers from relevant candidate groups.

Structure of the test

The scenario test presented candidates with a scenario and 4 questions. It lasted for 60 minutes. Timing was based on an assumption that candidates would spend 10 minutes familiarising themselves with the scenario and the remaining time answering the 4 questions.

The scenario was based on one that could typically be encountered as a Road User Charging Adjudicator. Candidates were introduced to a scenario involving an appellant who had received a Penalty Charge Notice in relation to entering the congestion zone. Candidates were required to provide a narrative response to 4 questions. Each question had a word limit and a maximum amount of marks available. The word limit and marks for each question which candidates were made aware of at the time of taking the test were as follows:

- Question 1: 5 marks, a maximum of 100 words
- Question 2: 16 marks, a maximum of 200 words
- Question 3: 20 marks, a maximum of 250 words
- Question 4: 48 marks, a maximum of 600 words

Advanced reading

The candidates invited to sit the online scenario test were asked to familiarise themselves with the following one week in advance of the test:

- Judgment of LJJs Chadwick, Sedley and Keene in the case of *Walmsley v Transport for London and others* [2005] EWCA Civ1540
- Enforcement and Adjudication Regulations 2001
- Enforcement and Adjudication Regulations (Amendment) 2003

Marking of the test

The scenario test was marked by 4 panels consisting of a JAC panel member and an experienced Road User Charging Adjudicator. In any selection exercise where more than 1 panel is used we use calibration, sampling, Senior Selection Manager oversight and moderation to ensure consistency between panels. The Assigned Commissioner also oversees the process.

JAC staff provided a full briefing to the panel at the outset of the marking of papers. All test papers were anonymised but cross referenced by a unique reference number to the candidate.

Marking schedule

A marking schedule was provided to the panel. Any questions on the interpretation of the marking schedule were resolved after full discussion between the panels and the judges who produced the test. Such decisions were agreed at a calibration meeting once all markers had marked a sample of the same test papers. Individual panel

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

Moderation

A sample of reports was selected for moderation in addition to those already discussed at the calibration meetings. Those selected included the scripts identified as candidates for moderation by markers and all test papers close to the prospective cut-off point for invitation to selection days. Moderation took the form of markers cross checking each other's work.

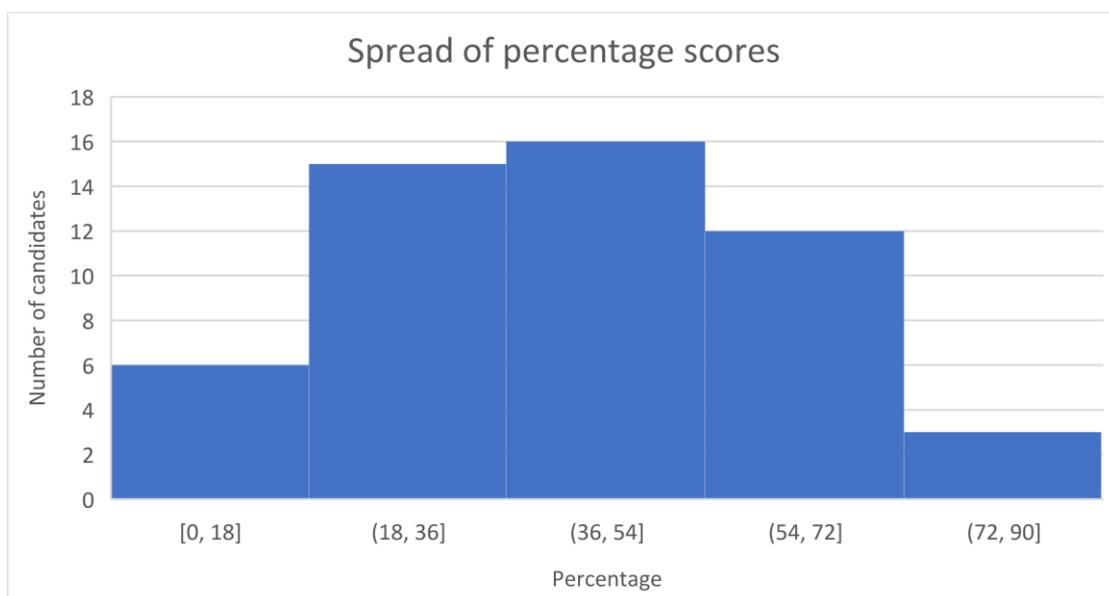
The moderation process concluded that the markers had been consistent and fair during the first round of marking, and that marking overall had been fair and robust. It is JAC policy for a Senior Selection Exercise Manager and the JAC Commissioner assigned to the selection exercise to undertake separate quality assurance checks. Their independent conclusion was that marking had been robust and consistent.

Distribution of marks

A group of 256 candidates were invited to take the scenario test, with 247 completing the test. The highest and lowest marks awarded are shown in the table below:

Highest score	Lowest score	Average score
72/89	0/89	42/89

The charts below show the spread of scores for the scenario test.



Question 1

The first question asked candidates to identify the issues they would need to make findings of fact about.

- 5 candidates scored the maximum of 5 marks
- 18 candidates failed to score any marks
- the average score for question 1 was 2 marks

Candidates who obtained high scores identified they would need to establish if the vehicle was used in the zone, if any payment was made for use of the zone, if the vehicle was exempt, if the appellant was diverted and if the signage was clear and adequate.

Question 2

The second question asked candidates to identify what additional factors they would need to consider.

- 1 candidate scored the maximum of 16 marks
- 33 candidates failed to score any marks
- the average score for question 2 was 2 marks

Candidates who obtained high scores took into account whether unclear and adequate signage and the appellant's lack of intention to drive into the congestion zone amounted to a ground of appeal. They also considered whether proportionality should be taken into account.

Question 3

The third question asked candidates whether they could decide the appeal upon the available evidence, if the Appellant requested an adjournment.

- 5 candidates scored the maximum of 20 marks
- 46 candidates failed to score any marks
- the average score for question 3 was 5 marks

Candidates who obtained high scores identified TfL had shown that the vehicle was used in the zone during charging hours and that no payment was made. They also identified that the burden of proof shifts to the appellant and the absence of independent evidence concerning the diversion and the signage does not require TfL to provide any further evidence.

Question 4

The fourth question asked candidates to write a structured decision for the appeal.

- 0 candidates scored the maximum of 48 marks

- 1 candidate failed to score any marks
- the average score for question 4 was 31 marks

Candidates who obtained high scores set out clear and concise decisions, referencing the relevant regulations and the issues/facts in the case including the following:

- a) the contravention details to set the scene
- b) the appellant's case that he was diverted into the zone
- c) TfL's case that there was a contravention of the scheme
- d) entry into the zone before the end of charging hours is irrelevant and does not provide a ground of appeal

Total scores

The total score summary for all 4 questions was as follows:

- no candidate scored the maximum 89 marks available
- the highest overall score was 75 marks
- 1 candidate scored 0 marks overall
- the average score overall was 44 marks

Overview

The panels agreed, with the approval of the assigned JAC Commissioner, that the substance of the answers would be paramount and that minor errors made by candidates would be overlooked where the meaning was clear. Spelling mistakes and formatting of answers were not considered important. It was also agreed that marks should be awarded where the correct answer, while not explicit, was clearly implicit.

Approach to shortlisting

When the JAC receives a vacancy request from Her Majesty's Courts and Tribunals Service confirming how many vacancies there are for a post, we calculate how many candidates we need to take 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 23 posts. We therefore planned the selection exercise based on inviting around 50 candidates to selection day.

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 2 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. 256 candidates were successful following the qualifying test and were invited to sit the online scenario test. The scores of the candidates were ranked into a merit list order. The highest 57 scoring candidates from the scenario test were considered for shortlisting through to selection days.

If 2 or more candidates had the same score on the merit list at the line of shortlisting, we took all those with the same score through to the next stage. When candidates have the same score on a merit list, we call this bunching. Once any bunching is taken into account, the final line of shortlisting is determined.

We therefore do not have a pre-determined pass mark for the test; the line of shortlisting on the merit list 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. For this exercise, the score at which the line of shortlisting fell was 59 out of 89 (66%).

We do however have a lower line below which candidates are automatically sifted out of the competition, this is usually 30% or less on any part of the test.

Other issues

A small group of candidates experienced screen movement during the scenario test. The JAC contacted candidates to ascertain whether any further candidates had experienced this issue and a further small group were identified. These candidates were moderated and the problems they experienced considered with respect to timing and marking.

The JAC apologises to the candidates who were affected for the distress and inconvenience these issues caused.