



**Online Qualifying Test**

**Evaluation and Feedback Report**

**051 Deputy District Judge (Magistrates' Courts)**

Test date: 30 March 2021

## **Purpose**

The purpose of this report is to provide an evaluation of the Deputy District Judge (Magistrates' Courts) 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.

This 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.

## **Additional Selection Criteria**

Although the qualifying test for this exercise was designed to test a candidate's transferrable skills and their potential to work effectively as a **Deputy District Judge (Magistrates' Courts)**, the additional selection criteria (ASC) for this selection exercise required that candidates must be able to demonstrate knowledge and experience of **criminal law and procedure**.

## **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, and Managing Work Efficiently.

The competencies were developed so that candidates could demonstrate their 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 **Deputy District Judge (Magistrates' Courts)** is expected to have. This enabled us to assess candidates in a fair and consistent way.

## **Development of the Test**

The test and marking schedules were devised by the **Deputy Senior District Judge** and a **District Judge (Magistrates' Courts)**.

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 unfairly 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 and 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 characteristics

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 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 two dry runs 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 the JAC Digital Platform, which was accessed by candidates logging onto their JAC account. Candidates were presented with two parts and the overall time allowed for the test was 1 hour and 20 minutes:

- Part 1 (multiple choice): Situational Judgement (40 minutes, 20 questions)
- Part 2 (multiple choice): Critical Analysis (40 minutes, 20 questions)

Although this exercise has an additional selection criteria requirement (of knowledge and experience of criminal law and procedure), this was not a specific factor covered by the qualifying tests.

In **Part 1** of the test, candidates were presented with a range of **20** different situations they might experience in the role of a Deputy District Judge (Magistrates' Courts). 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.

In **Part 2** of the test, candidates were presented with the judgment in [Basildon Borough Council v James](#).

Candidates were provided with a link to the speech one week in advance of the test. On the day of the test, they were then presented with **20** questions and were asked to use their critical and logical thinking skills to decide upon the correct answer from four available options for each question.

## Marking of the Test

Both parts of the test were marked automatically on the JAC Digital Platform. The pass mark was determined by the number of candidates needed at the next selection stage, which varies between different exercises. In any two-part online test, however, those candidates who score below 30% in either part of the test do not proceed.

In this exercise, all candidates scoring **69%** or higher were taken to the next selection stage. Some candidates who scored 68% were also invited to proceed to the next stage of the selection exercise after applying equal merit provisions in line with our published policy (please see the equal merit provision section below).

In Part 1 of the test, each question had **5** answer 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 **4** answer 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

**998** candidates were invited to take the test

**24** candidates withdrew from the process or didn't take the test

**974** candidates took the test

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 determining 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:

<b>Distribution of marks</b>	<b>Part 1 Situational Judgement</b>	<b>Part 2 Critical Analysis</b>	<b>Overall Total</b>
<b>Highest score</b>	28/40 (2 candidates)	20/20 (37 candidates)	47/60 (1 candidate)
<b>Lowest score</b>	6/40 (1 candidate)	0/20 (1 candidate)	6/60 (1 candidate)

### **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 for **50** posts.

All candidates who applied for the exercise were invited to sit the first stage of shortlisting - the online qualifying test. We planned to take **440** candidates to the second stage of shortlisting, the online scenario test, and then approximately **110** candidates to selection day.

To identify the top **440** candidates from the qualifying test, the following method was used.

First, each candidate had their score for each part of the test converted into a percentage. Then the 2 percentages were added to provide a combined average score. The combined average score for each candidate was then 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 that tests with more points available in one of the 2 parts do not disproportionately affect outcomes.

The number of slots available in the next stage of the process was then applied to the merit list, to create an initial cut-off line.

In this case, the line fell at 69%, which enabled the JAC to take through 406 candidates who scored 69% and above. Given the intention to take 440 candidates through to the next stage, however, it was agreed by the JAC to apply an Equal Merit Provision to the next percentage bracket. This allowed 40 additional candidates with relevant underrepresented protected characteristics, who scored 68%, to proceed. Making a total of 446 going through to the next stage.

## 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:

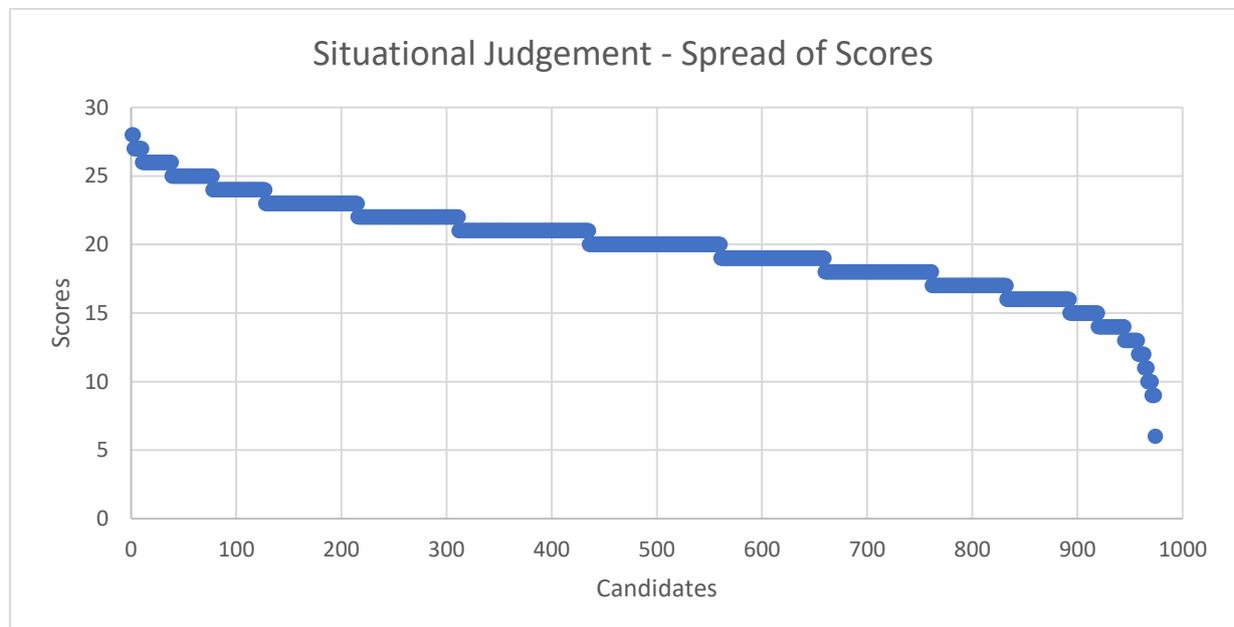
- the candidates about whom a decision is being taken are of equal merit.
- The particular protected characteristic is underrepresented either in the judiciary as a whole or at the relevant level of judiciary.
- reliance on EMP in the shortlisting process being conducted is a proportionate means of achieving the aim of increasing judicial diversity.

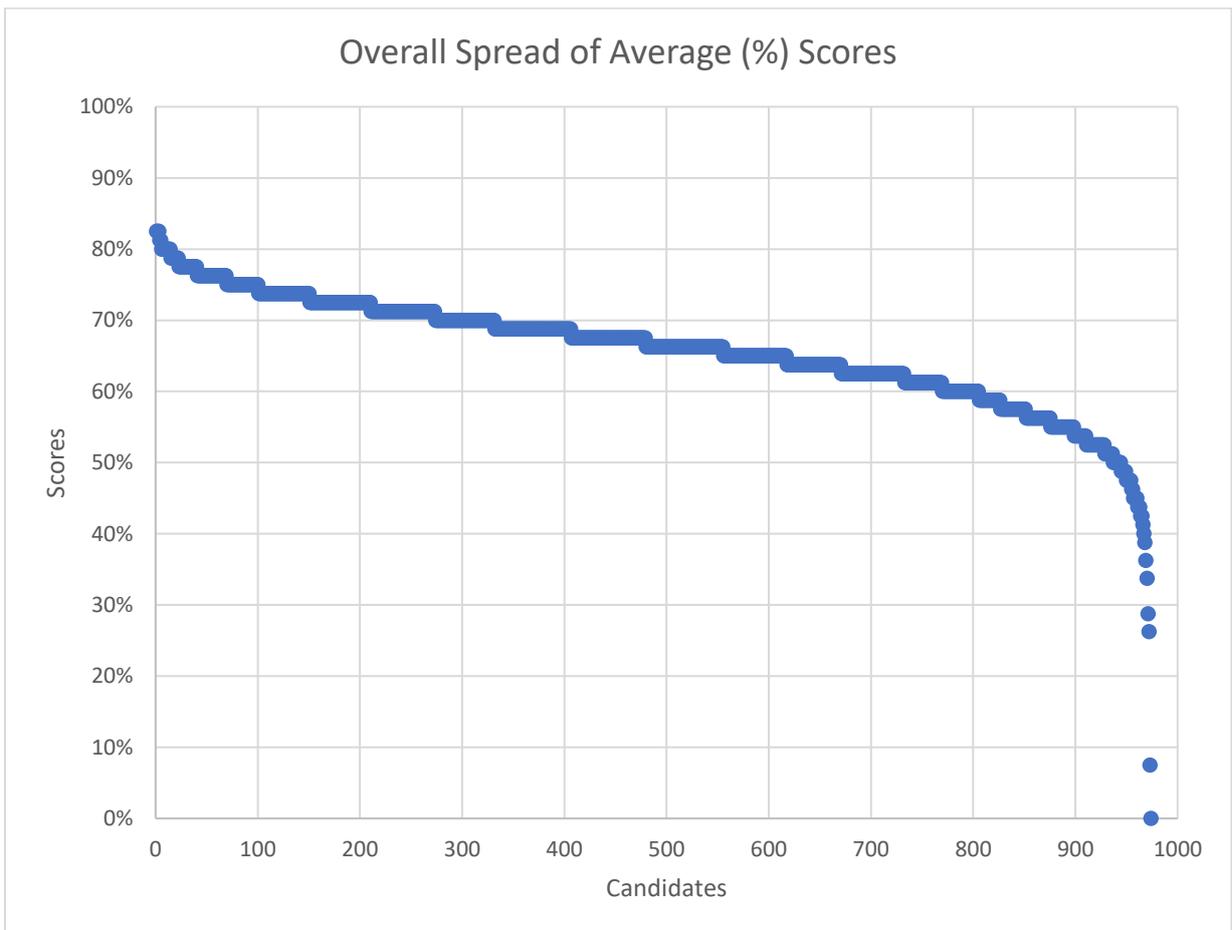
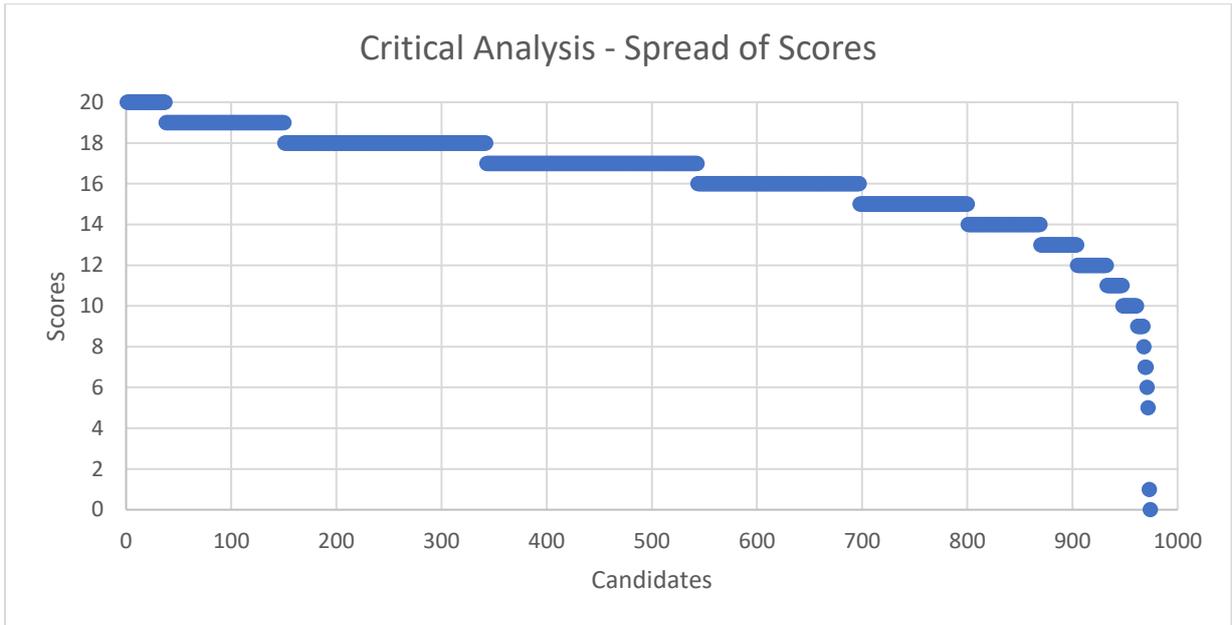
An EMP was applied at this stage of the selection process.

After applying the above process, 446 candidates were invited to progress to the next stage of the selection exercise.

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 candidate score was **8%**, highest candidate score was **83%**. The mean candidate score was **66%**.





## **Feedback from Candidates**

After the qualifying test, candidates were invited to complete an anonymous candidate survey. **378** candidates responded to the survey. Based on the results of the candidate survey:

- 87% of candidates said that they understood the instructions and what was expected of them during the test.
- 71% of candidates thought that the Situational Judgement Test enabled them to demonstrate how they would tackle the daily challenges of working in a court.
- 81% of candidates thought that the Critical Analysis Test enabled them to demonstrate how they would analyse facts to form a judgment.
- 70% of candidates thought that the Qualifying Test was easy to complete.