



Post Selection Day Evaluation and Feedback Report

Deputy District Judge 007

January – February 2021

Purpose

The purpose of this report is to provide an evaluation of the selection days for the Deputy District Judge exercise 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.

Competency Framework

The selection day was divided into two parts. Part 1 was a role play, which was designed to assess the following competencies:

Exercising Judgement

Assimilating and Clarifying Information

Working and Communicating with Others

Managing Work Efficiently

Part 2 was a competency-based interview, which 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 assessment criteria was developed so that candidates could demonstrate the proficiency and capability transferable to the role from other contexts. The specific behavioural indicators under each competency heading were designed to reflect the aptitude and faculty that an effective Deputy District Judge is expected to have. This enabled us to assess candidates in a fair and consistent way.

Performance of candidates

This exercise was part of the combined qualifying test (CQT) along with the Fee-paid Judge of the First-tier Tribunal exercise and the Fee-paid Judge of the Employment Tribunals (England and Wales) exercise. The 1010 most meritorious candidates who sat the CQT with the intention of applying for the Deputy District Judge exercise were shortlisted and invited to sit a scenario test. 314 candidates were successful following the scenario test and were invited to complete their full application. A total of 296 completed applications were received,

with 18 candidates having withdrawn. Of these, 293 candidates attended a selection day, with 3 having withdrawn. 136 candidates were recommended by the Judicial Appointments Commission to the Lord Chief Justice for appointment. In making this decision the Commission took into account all relevant character checks, statutory consultation comments and all evidence provided by the candidates at selection day as well as the candidates' independent assessments and self-assessments. 157 candidates were assessed as 'not presently selectable'.

Moderation

A sample of candidates were selected for moderation, including those highlighted for a specific reason. Those selected included candidates identified by panel members; samples of the high, low and mid scoring candidates; candidates close to the prospective cut off point for recommendation; those who experienced technical issues; and a further random sample.

Moderation took the form of panel chairs cross checking each other's work. The moderation process concluded that the panels had been consistent and fair.

Selection day

Development of the role play

The role play was devised and drafted by two District Judges. In common with all the selection tools developed for this exercise, the role play was designed to simulate a court or tribunal environment with candidates taking on the role of judicial office holders. As the selection days were to be held remotely, the role play was designed to take place via MS Teams.

The role play assesses how candidates deal with the situations they may face and decisions they would have to make if appointed. Candidates are expected to demonstrate their ability to meet the competency framework and whether they can maintain their performance under challenge and pressure.

The materials developed for this exercise were reviewed internally by Operations, Selection 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 also looks at material in terms of quality and whether it would have any negative impacts on diverse groups.

The effectiveness of the role play was assessed by means of a remote dry run with a range of volunteers from relevant candidate groups. This provided an opportunity to trial the role play material, test the remote process and implement any necessary amendments.

Following the role play dry run, it was agreed that the use of MS Teams to conduct the remote role play was effective.

Structure of role play

The role play was designed to assess how candidates deal with decisions they would be asked to make and situations they may encounter if appointed as a Deputy District Judge. The candidate was expected to hear submissions on the matter of disputed university tuition fees. The candidate was then expected to give a short judgment at the end of the exercise. The candidate was also expected to manage the hearing so that they could finish in the allotted time.

Competencies being tested

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

The script was designed to test a candidate's ability to appropriately deal with situations and the people appearing before them, as well as process information and make decisions.

Selection day preparation

On their selection day, candidates were given preparation material that gave a background to the role play and any relevant law. They were then given 40 minutes to prepare for their role play using this material. The preparation material consisted of the following:

- Candidate briefing and scenario
- Tuition Fees (Parental Apportionment) Tribunal Act 2020
- Tuition Fees (Parental Apportionment) Tribunal Regulations 2020
- Copy of an affirmation card for use in administering the remote oath
- Annex A- Application Form
- Annex B- Statement of Jonathan Llywarch with schedule of income and outgoings
- Annex C- Statement of Rita Lonescu with schedule of income and outgoings

Marking of roleplay

A checklist and marking schedule were provided to the panels to guide them in what to look for under each competency.

Assessment of candidates' responses to the role play

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 included:

- Correctly identifying and applying all the tests within the role play
- Checking parties' names and pronunciation, using 'Mr. Llywarch' and 'Ms. Simonescu' throughout the hearing
- Explaining in simple and understandable language, yet comprehensively, the procedure to be adopted
- Asking about reasonable adjustments
- Referencing the specific tribunal rules at the appropriate time throughout the role play
- Focusing on the key issues, ensuring that all questions are relevant
- Admitting the unseen gambling statement and excluding Gareth's unseen statement, with reference to the relevant tribunal rule
- Demonstrating an excellent ability to have read the brief and preparation material
- Displaying firm authority when dealing with disrespectful behaviour, without showing anger or frustration
- Providing a comprehensive and detailed judgment in clear and understandable terms and in a timely manner
- Clearly explaining the full procedure on appeal

Strong evidence included:

- Correctly identifying and applying most of the tests within the role play
- Checking names and pronunciation and uses 'Mr. Llywarch' and 'Ms. Simonescu' at the opening of the hearing and most of the time thereafter
- Explaining in simple and understandable language, and in sufficient detail, the procedure to be adopted
- Asking about reasonable adjustments
- Correctly applying the relevant tribunal rules
- Asking relevant and probing questions
- Demonstrating a strong understanding of the brief and preparation material
- Admitting the unseen gambling statement and excluding Gareth's unseen statement, with reference to the relevant tribunal rule
- Being firm and authoritative, whilst remaining polite
- Providing a comprehensive and detailed judgment in clear and understandable terms and in a timely manner
- Explaining the appeals process

Sufficient evidence included:

- Demonstrating an understanding of the key issues
- Explaining briefly in basic language, the procedure to be adopted
- Asking Rita what she would like the candidate to do to help with the hearing issue
- Asking questions of the parties for them to flesh out their answers
- Demonstrating a basic understanding of the brief and preparation material
- Admitting the unseen gambling statement and excluding Gareth's unseen statement, giving some basic reasons for decisions
- Remaining polite

- Gives their judgment in clear and understandable terms, with limited use of technical language and in a timely manner
- Signposts the right of appeal without giving details

Insufficient evidence included:

- Demonstrating very little understanding of the key issues
- Failing to introduce themselves and/or check on parties' names
- Failing to explain the procedure in a way which the parties can easily understand
- Making no adjustments for Rita's hearing issue
- Failing to intervene and allowing parties to bicker or argue
- Asking irrelevant questions e.g. as to Jonathan's pension or the parties' capital
- Failing to assimilate the briefing material correctly
- Excluding the unseen gambling statement and admitting Gareth's unseen statement
- Showing anger or frustration
- Giving their judgment with considerable use of technical language
- Giving their judgment in terms that are disjointed/difficult to follow and not in a timely manner
- Not managing the hearing in a timely manner
- Giving no information as to how to appeal

Competency based interview

Each candidate then had a competency-based interview. Here the panel were seeking further evidence and examples from the candidate of the required competencies and in the context of the role of a Deputy District Judge. The panel drew upon evidence provided in the candidate's self-assessment and career history to inform their questioning.

Exercising Judgement

Outstanding evidence included:

- Excellent decision making, professional judgement and expert knowledge
- Ensuring fairness, demonstrating integrity and acting without bias or prejudice
- Making robust, legally sound decisions in challenging environments, under pressure from competing groups
- Demonstrating independence of mind and illustrating consideration of long-term impacts
- Demonstrating a breadth of experience in complex and highly sensitive cases

Strong evidence included:

- Examples of complex and challenging decision making
- Detailed examples demonstrating fair and legally sound decision making
- The ability to show independence of mind

- Drawing on previous experiences of reaching sound, impartial and fair conclusions
- Examples of making finely balanced decisions involving outcomes which may have a negative impact on clients

Sufficient evidence included:

- Evidence demonstrating independence of mind when being challenged
- Decision making in changing circumstances which may result in unpopular outcomes
- Use of self-assessment examples providing some additional evidence
- Some demonstration of complexity and challenge
- Evidence of reaching a fair decision
- Succinct examples with evidence of fairness and integrity

Insufficient evidence included:

- Failure to tailor the answer to the question being asked
- Further probing required by the panel to elicit relevant evidence
- Limited, underdeveloped examples with little or no evidence of decision making
- Little or no evidence of challenges or complexity

Possessing and Building Knowledge

Outstanding evidence included:

- Excellent examples of sharing good practice with colleagues and other groups
- Examples of researching unfamiliar areas in laws and undertaking training
- A clear ability to research unfamiliar complicated areas of law and apply it correctly
- Staying abreast of new legislation and procedures in own field of expertise
- Reference to involvement with published articles, including books and legal journals

Strong evidence included:

- Substantial knowledge of own field including complex and challenging areas
- Evidence of participation in further learning in order to enhance legal knowledge and understanding
- Examples of self-development in unfamiliar areas of the law and processes
- Examples of imparting specialist knowledge to colleagues and peers

Sufficient evidence included:

- Examples demonstrating general but limited evidence for the competency
- Low level examples lacking complexity
- Referring to details in the self-assessment whilst providing some additional information
- Examples identifying methods used to keep up to date with the law

- Some evidence of sharing knowledge and training others

Insufficient evidence included:

- Failure to tailor the answer to the question asked
- Continued probing required by the panel to elicit examples
- Weak, underdeveloped examples with little or no evidence for the competency
- Little or no evidence of staying up to date with the law
- Failure to provide evidence of learning and development undertaken

Assimilating and Clarifying Information

Outstanding evidence included:

- A clear demonstration of assimilating and managing large volumes of information, focusing on the relevant issues
- Identifying omissions or errors under pressured conditions and taking steps to resolve matters
- Complex examples involving conflicting information from multiple sources, showing thorough analysis and applying appropriate weight
- Examples demonstrating the ability to keep an open mind, not reaching hasty conclusions
- The ability to undertake work in an area of unfamiliar law, whilst absorbing and applying new knowledge in a short period of time

Strong evidence included:

- Experience of assimilating information and requesting clarification in areas of uncertainty
- Effectively assimilating and processing large amounts of information from multiple sources in time sensitive conditions
- Having a clearly defined structure and process to identify key issues and enable a thorough analysis of information
- Identifying errors and taking appropriate steps to resolve them

Sufficient evidence included:

- Routine examples of weighing up conflicting information, showing a logical approach to the evaluation of this
- The ability to filter information, focus on key documents and ask relevant questions to identify issues
- A structured approach when dealing with large volumes of papers to assimilate the key issues

Insufficient evidence included:

- Failure to provide tailored answers to the questions
- Continued probing and reminding the candidate of the question asked
- Examples which lacked detail, depth or complexity

- Examples did not adequately explain how the information was analysed, or how key issues were identified

Working and Communicating with Others

Outstanding evidence included:

- A demonstration of awareness, understanding and sensitivity to diversity related matters, ensuring that the needs of individuals, groups and communities are met.
- Examples of building rapport through sound communication skills, knowledge and experience
- Outstanding communications skills demonstrating appropriate strategies to maintain control and defuse tension with challenging clients and court users
- Compelling and thoughtful examples of going above and beyond what may be expected in order to build trust with vulnerable people

Strong evidence included:

- Developing innovative methods to ensure individual needs are met whilst remaining impartial
- Seeking additional assistance to enhance own understanding in areas requiring new approaches to ensure sensitivity, empathy and compassion when dealing with individuals
- The ability to engage effectively showing control whilst remaining calm
- Examples which display the ability to persuade, influence and change the behaviours of hostile audiences

Sufficient evidence included:

- The ability to communicate confidently and effectively in challenging circumstances
- Adapting approach to fit the needs of the audience
- Evidence of resilience in a demanding situation
- Examples demonstrating authority in testing situations
- Demonstration of listening and responding to the needs of individuals

Insufficient evidence included:

- Continued probing and reminding the candidate of the question asked
- Unclear or muddled examples
- Examples with little or no detail
- Examples that did not adequately reflect an ability to adapt their behaviours to meet the needs of others.

Managing Work Efficiently

Outstanding evidence included:

- Specific examples from recent practice
- Consistently managing competing priorities and unexpected difficulties
- Planning, negotiating and setting goals in multifaceted cases
- Detailed descriptions of techniques and technology utilised for managing substantial workloads whilst improving efficiency
- Detailed examples of time management demonstrating flexibility and resilience

Strong evidence included:

- Use of highly effective systems enabling efficient management multiple numerous cases
- Challenging cases requiring effective processes to enable progression
- Demonstrating flexibility in ever evolving situations adapting working practices and ensuring appropriate resolutions are reached
- Proactively planning and setting priorities focusing on key issues

Sufficient evidence included:

- Examples involving management of cases and basic processes to identify key issues
- An ability to draw on additional resources ensuring a speedy resolution
- Effective use of technology
- Limited basic examples of day to day management of work

Insufficient evidence included:

- Failure to demonstrate efficient management systems
- Continued probing from the panel required with little effect
- Limited and basic examples of day to day management of work, showing lack of development and innovation
- Inability to demonstrate effective time management

Welsh Questions

Candidates for posts in Wales were required to have an understanding, or the ability to acquire the understanding, of the administration of justice in Wales, including legislation applicable to Wales and Welsh devolution arrangements. This requirement was assessed at selection day through a series of questions. Candidates were given a grade for their responses ranging from A-D and were assessed as either suitable or not suitable for posts in Wales, based on their answers to these questions.

Feedback from Candidates

After the selection days, candidates were invited to complete an anonymous candidate survey. 138 candidates completed the survey. The results are captured below:

How would you rate the quality of customer service you received from JAC staff on your selection day?

82.6% of candidates selected excellent
17.4% of candidates selected good

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

82.6% of candidates either strongly agreed or agreed
10.2% of candidates neither agreed nor disagreed
7.2% of candidates either strongly disagreed or disagreed

I was confident I knew how to use Microsoft Teams before the selection day.

98.5% of candidates either strongly agreed or agreed
1.5% of candidates neither agreed nor disagreed

I understood what was expected on the selection day.

89.9% of candidates either strongly agreed or agreed
6.5% of candidates neither agreed nor disagreed
3.6% of candidates either strongly disagreed or disagreed

The live role play, including the setting, scenario and actors, created a convincing situation.

81.2% of candidates either strongly agreed or agreed
7.2% of candidates neither agreed nor disagreed
11.6% of candidates either strongly disagreed or disagreed

The role play enabled me to demonstrate my suitability for the role.

68.2% of candidates either strongly agreed or agreed
18.1% of candidates neither agreed nor disagreed
13.7% of candidates either strongly disagreed or disagreed

I am confident in the role play as a JAC selection tool.

78.3% of candidates either strongly agreed or agreed
14.5% of candidates neither agreed nor disagreed
7.2% of candidates either strongly disagreed or disagreed

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

66.7% of candidates either strongly agreed or agreed

18.1% of candidates neither agreed nor disagreed
15.2% of candidates either strongly disagreed or disagreed

The panel behaved professionally and treated me with respect.

98.6% of candidates either strongly agreed or agreed
1.4% of candidates disagreed

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

79% of candidates either strongly agreed or agreed
11.6% of candidates neither agreed nor disagreed
9.4% of candidates either strongly disagreed or disagreed