



Post Selection Day Evaluation and Feedback Report

**Fee Paid Disability Qualified Tribunal Member of the
First-tier Tribunal, Social Entitlement Chamber
(Social Security and Child Support Appeal
Tribunals)**

August/September 2020

Purpose

The purpose of this report is to provide an evaluation of the selection days for Fee Paid Disability Qualified Tribunal Member of the First-tier Tribunal, Social Entitlement Chamber (Social Security and Child Support Appeal Tribunals) 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

At selection day, the situational questions and competency-based questions were 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 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 Fee-paid Disability Qualified Tribunal Member is expected to have. This enabled us to assess candidates in a fair and consistent way.

Performance of candidates

456 candidates applied for this exercise. Following the online qualifying test and eligibility sift, 192 candidates were invited to selection day. 11 candidates withdrew before their selection days.

The top 80 most meritorious candidates were recommended by the Judicial Appointments Commission to the Senior President of Tribunals for appointment. This includes 13 candidates who were recommended following the application of the [equal merit approach](#) to this exercise.¹

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.

73 candidates were assessed as 'not presently selectable'.

¹ *In line with the published policy these candidates were invited to undertake an online scenario tie-breaker test. The purpose of online test was to obtain new evidence to further demonstrate the candidates' competency for the role. Selection was based on the assessment of the candidates' performance at this online test and past performance in the exercise was not taken into consideration.*

28 candidates who were assessed as selectable but not recommended to the Senior President of Tribunals were offered individual feedback.

Selection day

Selection days were held remotely via MS Teams, between 24 August and 18 September 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.

Situational questions

Development

The situational questions were drafted by a Regional Judge from the Social Entitlement 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.

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.

Structure of the situational questions

There was one written scenario and 8 accompanying questions.

Candidates were asked to assume the role of a Disability Qualified Tribunal Member of the First-tier Tribunal, Social Entitlement Chamber (Social Security and Child Support Appeal Tribunals) and consider issues that are typical of those likely to arise in this post.

During their preparation time candidates were required to review the fictional scenario and prepare their answers to the situational questions.

Advance preparation

The candidates invited to selection days were asked to familiarise themselves with an information note and appeal bundle for the appellant Miss Davies. The reading materials were provided approximately one week in advance of selection days.

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 included:

- An explanation of the rules surrounding Personal Independence Payment (PIP) and Disability Living Allowance (DLA) and how these rules relate to Miss Davies
- Identifying the relevant dates of the claim and how the tribunal could deal with changes outside of these dates

- Correctly identifying the points awarded for both daily living and mobility activities and whether they are sufficient for an award of PIP; and an explanation of the requirements for a standard award and an advanced award
- Being able to identify all relevant sources of information and understanding which might be the best source
- An understanding that the tribunal is inquisitorial and is not limited to considering the activities that Miss Davies has claimed
- Identifying other sources of evidence that would be useful to the tribunal and explaining why these might assist; identifying that obtaining some of the additional evidence would result in a delay; and recognising that oral evidence from the appellant was likely to provide sufficient information
- Recognising inconsistencies within the evidence and identifying areas to be further tested
- Identifying how areas not taken into account as part of the appeal could be dealt with in the future
- Recognising the relevance of the 50% rule and identifying whether this was satisfied

Strong evidence included:

- Correctly identifying whether Miss Davies should claim PIP or DLA
- Recognising whether the dates of the claim are relevant and identifying whether the tribunal could deal with a change of circumstances outside of these dates
- Identifying why Miss Davies has been awarded points for each activity
- Identifying most of the relevant sources of information
- Identifying the points awarded and recognising that the tribunal may award a higher score if evidence justifies it
- Identifying most of the other evidence that may assist the tribunal
- Dealing sensitively with inconsistencies
- Recognising that the tribunal can only take into account circumstances to the date of the decision
- Recognising the relevance of the 50% rule and explaining when that was likely to be satisfied

Sufficient evidence included:

- Recognising that an appellant's age is relevant to the type of benefit that can be claimed and identifying the relevant dates for this case
- Identifying the number of points awarded for each activity
- Identifying some of the sources of information
- Identifying the additional areas of Miss Davies' claim
- Identifying some of the other evidence that may assist the tribunal
- Recognising that there are inconsistencies
- Recognising that dizzy spells cannot be taken into account
- Identifying the variability in Miss Davies' difficulties

Insufficient evidence included:

- Identifying the dates in the question, but failing to explain their relevance for PIP, or being confused about why a particular date is significant
- Lacking detail as to why Miss Davies has been awarded points
- Identifying only one source of information
- A misunderstanding that the tribunal can only consider what has been raised by Miss Davies
- Only identifying one or two sources of evidence or suggesting that the tribunal was not permitted to consider other evidence
- Incorrectly dealing with inconsistencies in evidence

- Suggesting that the dizzy spells should be taken into account
- A failure to appreciate the relevance of variability.

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 a Disability Qualified Tribunal Member. The competency-based interview assessed the competencies not sufficiently covered during the situational questions.

Working and Communicating with Others

Outstanding evidence included:

- Giving fluent, clear and structured responses which focused on the candidate's own actions and behaviours
- Showing sensitivity and empathy in dealing with vulnerable individuals with an attention to fairness
- Ability to adapt approach and make reasonable adjustments to address special needs of individuals
- Demonstrating awareness of diversity, recognising different cultures and showing respect and empathy to people's needs

Strong evidence included:

- Using a clear and engaging communication style to answering the interview questions
- Showing respect and sensitivity towards vulnerable people
- Ability to explain complex information to a layperson in a clear and succinct way
- Showing appreciation of diversity issues, recognising different cultures and showing insight and respect towards others
- Demonstrating excellent listening skills, considering other opinions and being objective

Sufficient evidence included:

- Most examples demonstrated effective communication style, though sometimes lacking details and requiring further probing
- Recognising the importance of diversity
- Ability to listen and to give advice in a sensitive manner
- Communicating clearly and succinctly.

Insufficient evidence included:

- Failing to provide specific examples in answer to the competency questions
- Providing examples that were considered routine and not compelling
- Lacking sufficient details even after prompting from the panel
- Failing to show focus, clarity or logical thought process

Managing Work Efficiently

Outstanding evidence included:

- Demonstrating independence and resilience in responding calmly to challenges as they occur
- Showing ability to handle competing priorities and overcome conflicts
- Giving outstanding evidence of using technology to enhance their own efficiency and the efficiency of others

Strong evidence included:

- Demonstrating determination to resolve problems
- Showing resilience and ability to adapt to changing circumstances
- Giving a clear description of using technology to enhance work

Sufficient evidence included:

- Providing examples which were considered routine and needed to be prompted to develop answers
- Demonstrating sufficient ability to enhance productivity through the use of information technology
- An ability to adapt to changing circumstances
- Demonstrating resilience and ability to resolve problems

Insufficient evidence included:

- Little evidence of resilience or adapting to change circumstances
- Inability to explain how they used technology to enhance efficiency
- Failed to effectively manage time during the situational questions
- Inability to explain examples in a clear and succinct way

Feedback from Candidates

After the selection days, candidates were invited to complete an anonymous candidate survey. 102 candidates responded to the survey. Based on the results of the survey:

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

- 78% of candidates either agreed or strongly agreed
- 8% of candidates neither agreed nor disagreed

I understood what was expected on the selection day.

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

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

- 89% of candidates either agreed or strongly agreed
- 9% of candidates neither agreed nor disagreed

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

- 76% of candidates either agreed or strongly agreed
- 21% of candidates neither agreed nor disagreed

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

- 84% of candidates either agreed or strongly agreed
- 11% of candidates neither agreed nor disagreed
- 5% of candidates disagreed

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

- 77% of candidates either agreed or strongly agreed
- 12% of candidates neither agreed nor disagreed
- 11% of candidates disagreed

The panel behaved professionally and treated me with respect.

- 97% of candidates either agreed or strongly agreed
- 3% of candidates neither agreed nor disagreed

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

- 77% of candidates either agreed or strongly agreed
- 6% of candidates disagreed