



Online Scenario Test Evaluation and Feedback Report

051 Deputy District Judge (Magistrates' Courts)

Test Date: 27th April 2021

Purpose

The purpose of this report is to provide an evaluation of the **051 Deputy District Judge (Magistrates' Courts)** online scenario test and general feedback on candidate performance in the test.

The 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 and sharing more detailed comments in relation to each of the two questions in the test.

Additional Selection Criteria

The scenario test 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 was tested separately and 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 (EJ)
- Possessing and Building Knowledge (PBK)
- Assimilating and Clarifying Information (ACI)
- Working and Communicating with Others (WCO)
- Managing Work Efficiently (MWE)

The competencies were developed so that candidates could demonstrate the 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 two experienced Judges, the Deputy Chief Magistrate 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 advantaged or disadvantaged by their professional background.

The materials developed for this exercise were reviewed internally by the Operations & Digital, Selection Policy and Diversity & 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 taking the test 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 is 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 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 Test

The test was hosted on the JAC Digital Platform, which was accessible when candidates logged into their JAC account. Candidates were given 60 minutes to complete the test and were presented with two scenarios and two questions.

Candidate instructions were sent by email, a week in advance of the test. Included in this email, were the following pre-reading materials:

- Sections 51 and 51A, Crime and Disorder Act 1998
- Sentencing Council's Definitive Guideline on Sentencing Children and Young People (pp.7-12)
- Sections 249-251, The Sentencing Code, as contained in the Sentencing Act 2020
- Section 14B, Football Spectators Act 1989
- Section 14C, Football Spectators Act 1989
- Gough v Chief Constable of the Derbyshire Constabulary [2002] EWCA Civ 351; [2002] QB 1213 – Headnote
- Gough v Chief Constable of the Derbyshire Constabulary [2002] EWCA Civ 351; [2002] QB 1213 – Paragraphs 89 – 103

Candidates were allowed to have these materials open on their laptop, or printed in front of them, throughout the test.

The test was made up of two scenarios.

In the first, candidates were asked to act as Deputy District Judge (Magistrates' Courts) sitting in a remand court for a three-handed case, involving robbery and possession of an offensive weapon, in for first appearance. Candidates were asked to determine allocation for each of these defendants in relation to each of the charges.

In the second case, candidates were asked to act as a Deputy District Judge (Magistrates' Courts) in a hearings court and hear an application made by the police for a football banning order against the defendant. Candidates were asked how they would deal with the application and to provide reasons outlining their decision.

Both scenarios were based on potential real-life situations that may be encountered by a Deputy District Judge (Magistrates' Courts) in their day-to-day role.

Candidates were required to provide narrative responses to two questions in total, one for each scenario. Each question had a word limit and a maximum number of marks available. The word limit and marks for each question were as follows:

Question 1: 32 marks, a maximum of 600 words

Question 2: 28 marks, a maximum of 500 words

A key component of the scenario test is being able to manage time effectively and that was especially relevant in relation to this test, which required candidates to manage their time carefully in order to allocate enough time to the different questions and scenarios.

The JAC Digital Platform provides an on-screen timer, visible at the top of the screen throughout the test. The timer turns red during the last minute of the test to provide a warning to candidates that their time is about to expire. The test is automatically submitted after the allotted time expires. All tests, including those that have not been completed, are marked. This means that all test scripts are marked irrespective of whether the candidate runs out of time during the test. A word limit is also set for each question, preventing candidates from submitting answers that exceed the limit. This was clearly communicated to candidates in the test instructions.

Marking Schedule

A maximum of 60 marks were available in this test. A marking schedule was provided to the marking judges, which made clear the number of marks available and the word limit for the two questions.

Marking of the Test

The candidate's test submissions were anonymised and marked by a panel of judges. JAC staff provided a full briefing to the panel at the outset of marking the papers.

442 candidates sat the test. A 13% sample of the test scripts were selected for moderation in addition to two test scripts already discussed at the calibration meetings. Those selected included the scripts identified as candidates for moderation by markers; samples of the high, low and mid scoring test papers, all test papers close to the prospective cut-off point for invitation to selection days and a further random sample.

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

In line with JAC Policy, a Senior Selection Exercise Manager and the JAC Commissioner assigned to the selection exercise undertook separate quality assurance checks. Their independent conclusion was that marking had been robust and consistent.

Distribution of Scores

- **446** candidates were invited to take the test
- **4** candidates withdrew from the process or didn't take the test
- **442** 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. All candidates were then ranked in order of merit from first to last based on their combined score for questions 1 and 2. This provided a merit list determining how many candidates would be invited to the next stage of the exercise.

There was no pre-determined pass mark for the test; however, candidates had to score a minimum of 30% in each 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 the selection exercise. For this exercise, the score at which the line of shortlisting fell, before considering the Equal Merit Provision, was 35 marks (58%) and above.

The highest and lowest marks awarded are shown in the table below:

Distribution of Marks	Question 1	Question 2	Overall Total
Highest Score	26/32	23/28	46/60
Lowest Score	0/32	0/28	0/60

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 to fill 50 posts. We therefore planned the selection exercise based on inviting around 110 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 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. Candidates who passed were invited to the second stage of shortlisting, the online scenario test. 446 candidates were invited to take the online scenario test. 442 candidates completed the test.

The percentage score for each candidate is used to rank all candidates into a merit list, with the highest percentage score as the most meritorious and the lowest score as the least meritorious.

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

Equal Merit Approach

Where there are candidates with the same score at the initial 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:

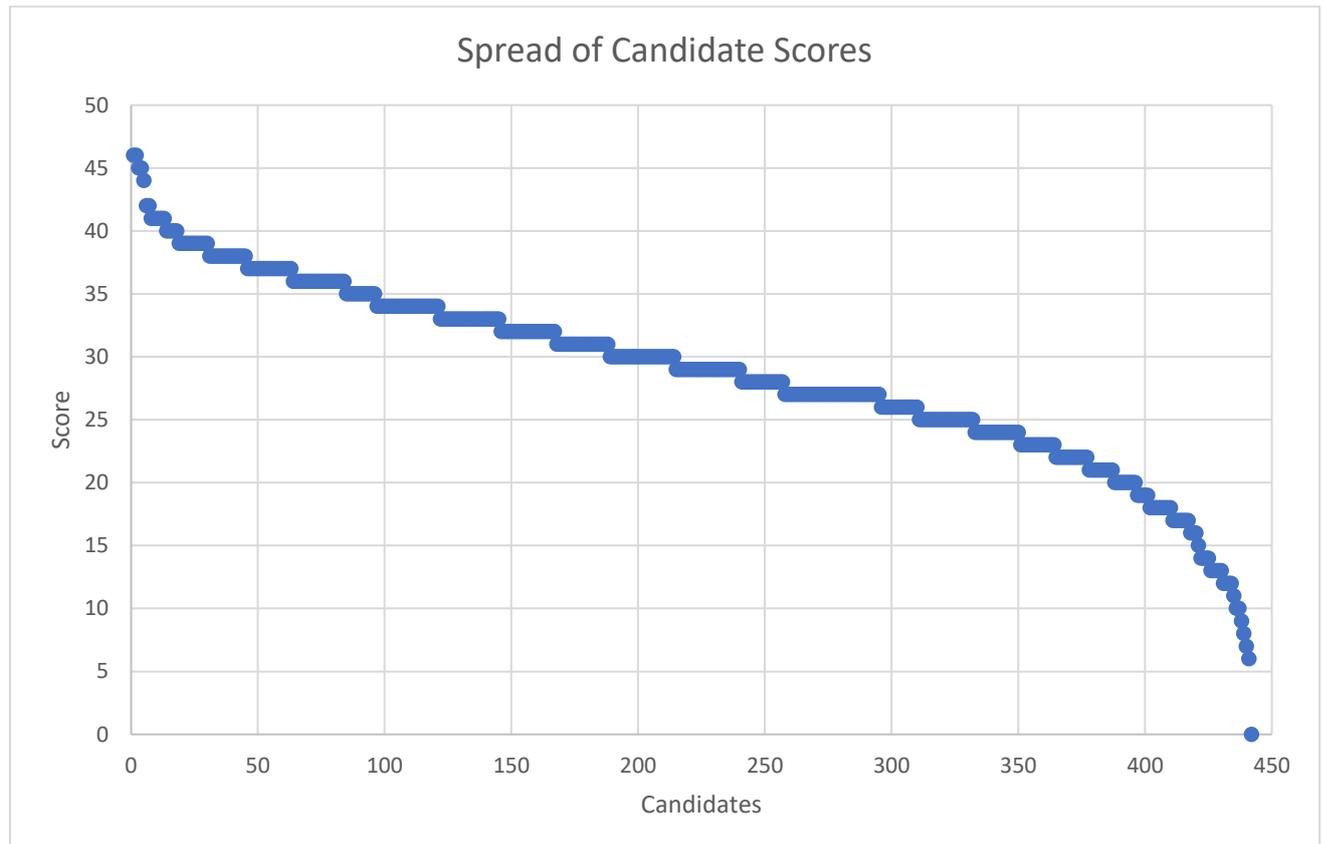
- The candidates about whom a decision is being taken are of equal merit.
- The particular protected characteristic is underrepresented either in the judiciary as a whole or at the relevant level of judiciary.
- Reliance on EMP in the shortlisting process being conducted is a proportionate means of achieving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

An EMP was applied at this stage of the selection process to all candidates scoring 34 marks (57%).

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.

After applying the above process, 108 candidates were invited to progress to the next stage of the selection exercise.

Scenario Test Results:



The average candidate scores for this test were as follows: lowest average candidate score was **0%**, highest average candidate score was **77%**. The average candidate score was **48%**.

Feedback from the Marking Judges

In advance of marking the test the marking panels were instructed to consider any common themes in the candidates' answers that could be included in the feedback report, which can be seen below.

Q1

Candidates who scored well, included most or all the following in their answers:

- Were able to deal with dangerousness for the youth defendant.
- Were able to identify that this was not a case where the youth defendant should be sent "forthwith" to the Crown Court.
- Identified that the Better Case Management form should be completed recording the pleas.
- Identified that the youth defendant, given his age and lack of previous convictions, could not receive a Detention and Training Order, as he is not a persistent offender.

- Made explicit reference to the Sentencing Council's Definitive Guideline on Sentencing Children and Young People.

Candidates who performed less effectively, included most or all the following in their answers:

- Did not recognise that robbery is an indictable only offence and the adult defendants must be sent to the Crown Court.
- Having determined that Youth Court was the most appropriate venue for the trial of the youth defendant, stopped there and failed to go on to take a plea from the youth defendant for the possession of cannabis matter, remit that to the Youth Court and case manage the robbery trial.
- Having correctly identified that the youngest defendant's situation was different from the adults, neglected to identify the dangerousness issue, or having identified it, dismissed it as relevant, stopped there and moved on to 'grave crimes'.

Q2

Candidates who scored well, included most or all the following in their answers:

- Identified that the defendant's dropped case in 2015 provides no support for the complainant's case.
- Identified the two conditions for making a banning order under s.14B(4)(a) and s.14B(4)(b) Football Spectator's Act 1989.
- Identified that violence and disorder in this application is not limited to violence or disorder in connection with football (s.14C(3)).
- Noted that, whilst the defendant's mere presence with the Eastfield Warriors provides no support for the complaint, his failure to make any effort to leave this serious violence provides support for the complainant's case.
- Considered there are reasonable grounds to believe that making a banning order would help prevent violence or disorder at or in connection with regulated football matches.

Candidates who performed less effectively, included most or all the following in their answers:

- Identified the 2015 dropped case, referred to it as being dropped and then took it into account in their final analysis.
- Failed to identify that the application was made on complaint s.14B(4), therefore civil proceedings not criminal.
- Did not consider the fact that the defendant was ejected from the Lille ground in 2009 as a relevant factor in support of the complainant's case.
- Did not consider the defendant actions in January 2018 as possibly relevant to the complainant's case, even though they do not relate to football.

Feedback from Candidates

After the online scenario test, candidates were invited to complete an anonymous candidate survey.

110 candidates responded to the survey. The results of the survey are summarised below:

- 1. When asked whether the instructions received for the scenario test clearly explained what was expected during the test:**

- Around **35.2%** of candidates strongly agreed.
 - Around **47.2%** of candidates agreed.
 - Around **4.6%** neither agreed nor disagreed.
 - Around **10.2%** strongly disagreed.
- 2. When asked whether the scenario test provided the opportunity to show how they would deal with the type of situation that could arise with this role:**
- Around **30.9%** of candidates strongly agreed.
 - Around **41.8%** of candidates agreed.
 - Around **11.8%** of candidates neither agreed nor disagreed.
 - Around **9.1%** of candidates disagreed.
- 3. When asked whether the scenario test was accessible in terms of format, language used, and topics covered:**
- Around **42.7%** of candidates strongly agreed.
 - Around **43.6%** of candidates agreed.
 - Around **5.5%** of candidates neither agreed nor disagreed.
 - Around **5.5%** of candidates disagreed.
- 4. When asked whether they were confident in the scenario test as a JAC selection tool:**
- Around **24.5%** of candidates strongly agreed.
 - Around **43.6%** of candidates agreed.
 - Around **19.1%** of candidates neither agreed nor disagreed.
 - Around **6.4%** of candidates disagreed.
- 5. When asked whether the scenario test was easy to complete:**
- Around **11.8%** of candidates strongly agreed.
 - Around **25.5%** of candidates agreed.
 - Around **17.3%** of candidates nether agreed or disagreed.
 - Around **37.3%** of candidates disagreed.
- 6. When asked whether the time allocated was sufficient to complete the test:**
- **0%** of candidates strongly agreed.
 - Around **15.5%** of candidates agreed,
 - Around **16.4%** of candidates nether agreed or disagreed.
 - Around **45.5%** of candidates disagreed.

29 July 2021