



## **Post Selection Day Evaluation and Feedback Report**

**033 Recorder**

**April - May 2021**

## **Purpose**

The purpose of this report is to provide an evaluation of the selection days for 033 Recorder, 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. The first part included a non-jurisdictional role play, which was designed to assess the following competencies:

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

The second part 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 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 Recorder is expected to have. This enabled us to assess candidates fairly and consistently.

## **Performance of candidates**

1,044 candidates completed an application for this exercise. Following the first stage online Qualifying Test, 535 candidates were invited to take an online Scenario Test. Of those candidates, the 275 most meritorious candidates were invited to a remote Selection Day.

Following Selection Days, 164 candidates assessed as strongest on merit, 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-assessment.

## **Selection Day**

### **Development of the role play**

The role play was devised and drafted by two experienced Circuit 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 the JAC's Operations, 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 characteristics 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 the 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 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 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 Recorder.

The candidate was expected to hear submissions and 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.

The competencies being tested were:

- 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:**

The role play exercise was a fictional scenario and concerned an appeal from a decision made by the Committee of Biston Social Club, against one of its members, Mr Beresford. There were three complaints against Mr Beresford, which resulted in the suspension of his membership to the club for 6 months, without compensation for his membership fee. In this scenario, the candidate was responsible for conducting the appeal hearing.

Candidates were given information on the background of the role play and any relevant law a week in advance of their selection day. This consisted of:

- Candidate Instructions
- Biston Social Club's Constitution
- Biston Social Club's Rules for Membership

On selection day, candidates were provided with a summary of the role play being tested and were given 40 minutes to prepare for the role play, which was in the form of a hearing. Candidates were also provided with additional material during their preparation time, which included;

- Biston Social Club Committee's Hearing Decisions
- Mr Beresford's Grounds of Appeal

### **Marking of role play**

A marking schedule was 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 was assessed as either outstanding, strong, sufficient or insufficient. The panels then made 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.
- Providing comprehensive explanations to the parties for the decisions/rulings.
- Introducing themselves and dealing effectively with the application to dismiss the Club's decisions, at the beginning of the hearing.
- Addressing the email and sight of comments on the Club's website, at the beginning of the hearing.
- Demonstrating an excellent ability to assimilate the details relating to the procedure.
- Showing assimilation of the principles of hearsay and further evidence.
- Explaining the legal reasons for not introducing further evidence.
- Listening to the party's applications and showing assimilation of the principles set out in the Club's constitution and rules.
- Making the correct judgment concerning the applications.
- Displaying authority when dealing with disrespectful behaviour.
- Providing a comprehensive, detailed final judgment, identifying and detailing all the tests and providing reasons for the judgment, delivered in a succinct timely manner, within the time frame.
- Checking the parties understanding of the judgment.

### **Strong evidence included:**

- Correctly identifying and applying most of the tests within the role play.
- Providing detailed explanations to the parties concerning their decisions/rulings.
- Covering most of the points detailed in the marking schedule.
- Demonstrating a strong understanding of the preparation material and applying it to the tests.
- Explaining the process, setting out a clearly defined structure and following it.
- Checking both parties understanding throughout, particularly with the litigant in person.
- Asking probing questions to obtain further information.
- Dealing politely and firmly with interruptions.
- Showing assimilation of the principles of hearsay and further evidence.
- Correctly deciding what evidence was admissible.
- Finishing within time, providing a clear judgment covering most of the tests.

**Sufficient evidence included:**

- Demonstrating an understanding of the key issues.
- Demonstrating a basic understanding of the preparation material and applying it to the tests.
- Covering some of the points in the marking schedule.
- Providing a brief indication of the procedure for the hearing.
- Providing less detailed explanations to the parties in relation to decisions/rulings.
- Asking further questions to elicit additional information.
- Correctly identifying further admissible evidence.
- Allowing both parties sufficient opportunities to present their case.
- Providing a correct and clear final judgment, identifying some of the tests within the required time frame.

**Insufficient evidence included:**

- Candidates who did not demonstrate any or very few of the points identified in the marking schedule.
- Failure to use or realise the relevance of additional material.
- A lack of introduction to the parties.
- No explanation of the process.
- Failure to assimilate the briefing material correctly.
- Correctly identifying tests without providing reasons for the rulings made.
- Failure to check the parties understanding throughout the process.
- Failure to make a correct, clear, timely judgment.
- Possible failure to finish within the time.

**Competency-based interview**

Each candidate then had a competency-based interview. Here the panel sought further evidence and examples from the candidate of the required competencies and in the context of the role of a Recorder. The panel drew upon evidence provided in the candidate's self-assessment, independent assessments and career history to inform their questioning.

**Competencies being tested**

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

**Exercising Judgement****Outstanding evidence included:**

- Excellent decision making applying appropriate statutory requirements, 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 – setting precedents.

- Sharing more than one example demonstrating a breadth of experience in complex and highly sensitive cases.
- Evidence of decisions taken in difficult, complex, innovative or controversial situations.

**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 whilst considering the implications of any decisions being made.
- Drawing on previous experiences of reaching sound, impartial and fair conclusions.
- Providing examples that demonstrate independence of mind in areas of conflicting information whilst reaching fair outcomes.
- Examples of making finely balanced decisions involving outcomes that 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.
- Specific relevant examples demonstrating the competency.
- 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, little or no evidence provided for the competency.
- Unclear, muddled answers lacking detail.
- Little or no evidence of decision making.
- Little or no evidence of challenges or complexity.

**Possessing and Building Knowledge**

**Outstanding evidence included:**

- Numerous examples of sharing good practice with colleagues and other groups.
- Examples of researching unfamiliar areas in laws and undertaking training.
- Setting new precedents in law.
- Shadowing legal professionals and judiciary in varying roles, to develop greater knowledge and understanding as well as developing skills that are transferable for the position of Recorder.
- A clear ability to research unfamiliar complicated areas of law and apply them 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:**

- Evidence of participation in further learning 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.
- Substantial knowledge of own field including complex and challenging areas.

- Clear ability to develop and apply knowledge of the law in wide-ranging situations.
- Examples of proactively developing own personal knowledge and understanding professionally and personally.

**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.
- Attending seminars, conferences and training sessions for further development.
- Sharing knowledge and training others.

**Insufficient evidence included:**

- Failure to answer 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 and taking steps to resolve matters.
- The ability to quickly assess information identifying the key issues under the pressure of time.
- 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.
- Examples involving the analysis of large volumes of complex and conflicting information.
- Effectively assimilating and processing large amounts of information from multiple sources.
- Having a clearly defined structure and process to identify key issues and enable a thorough analysis of information.

**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 examples for the competency.
- Continued probing and reminding the candidate of the question asked.
- Unclear or muddled examples.
- Examples that lacked detail, depth or complexity.
- Little or no examples of identifying assimilation of information.
- 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, seeking to ensure measures are in place to meet the needs of individuals, groups and communities.
- Providing succinct, detailed examples of highly effective collaboration.
- Examples of building rapport through sound communication skills, knowledge and experience.
- Consistent exceptional examples demonstrating all aspects of the competency.
- 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.
- Ability to engage effectively showing control whilst remaining calm.
- Examples that display the ability to persuade, influence and change the behaviours of hostile audiences.

**Sufficient evidence included:**

- 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:**

- Failure to provide examples for the competency.
- Continued probing and reminding the candidate of the question asked.
- Unclear or muddled examples.
- Examples with little or no detail.
- Lack of examples to demonstrate effective communication with others.
- Examples did not adequately reflect an ability to adapt their behaviours to meet the needs of others.

## **Managing Work Efficiently**

### **Outstanding evidence included:**

- Finely balanced decision making in complex situations.
- Managing competing priorities and unexpected difficulties.
- Planning, negotiating and setting goals in multifaceted cases with extensive case files.
- Detailed descriptions of techniques and technology utilised for managing substantial workloads whilst improving efficiency.
- Detailed examples of time management demonstrating flexibility and resilience and responding positively to evolving situations.
- Use of comprehensive organisation and management systems in complex multifaceted cases enabling readily accessible information.

### **Strong evidence included:**

- Use of highly effective systems enabling efficient management of 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 within tight timeframes.
- Proactively planning and setting priorities focusing on key issues.

### **Sufficient evidence included:**

- Examples involving management of cases and processes identify key issues using basic systems.
- 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.
- Providing examples that did not meet the competency.
- Continued probing from the panel required with little effect.
- Limited basic examples of day to day management of work showing a 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 on selection day through a series of questions. Candidates 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. 164 candidates responded to the survey. The results of the survey were as follows:

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

- 99 % of candidates selected good – excellent
- 1 % of candidates selected fair

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

- 97 % of candidates either agreed or strongly agreed
- 1 % neither agreed nor disagreed and
- 2 % either disagreed or strongly disagreed

I understood what was expected on the selection day:

- 89 % of candidates either agreed or strongly agreed
- 8 % neither agreed nor disagreed and
- 3 % either disagreed or strongly disagreed

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

- 79 % of candidates either agreed or strongly agreed
- 8 % neither agreed nor disagreed and
- 13 % either disagreed or strongly disagreed

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

- 71 % of candidates either agreed or strongly agreed
- 13 % neither agreed nor disagreed and
- 16 % either disagreed or strongly disagreed

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

- 74 % of candidates either agreed or strongly agreed
- 8 % neither agreed nor disagreed and
- 18 % either disagreed or strongly disagreed

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

- 61 % of candidates either agreed or strongly agreed
- 23 % neither agreed nor disagreed and
- 17 % either disagreed or strongly disagreed

The panel behaved professionally and treated me with respect:

- 96 % of candidates either agreed or strongly agreed
- 3 % neither agreed nor disagreed and
- 1 % either disagreed or strongly disagreed

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

- 69 % of candidates either agreed or strongly agreed
- 19 % neither agreed nor disagreed and
- 12 % either disagreed or strongly disagreed