Qualifying Test Evaluation and Feedback Report

00066 Deputy District Judge 2021

Test Date: 13 September 2021

Purpose

The purpose of this report is to provide an evaluation of the 066 Deputy District Judge 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.

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 in the test. 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.

Competency Framework

The tests 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 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 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 District Judges.

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 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 taking the test 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 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. Candidates were presented with both parts 1 & 2 of the test and the overall time for the test was 1 hour and 40 minutes:

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

In **Part 1** of the test, candidates were presented with a range of different situations they might experience in the role as a Deputy District Judge.

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, one week in advance of the test candidates were presented with: the text of the speech titled Donoghue V Stevenson Appeal to the House of Lords '*Negligence - Liability of Manufacturer to ultimate Consumer - Article of Food - Defect likely to cause Injury to Health'* given by Lord Buckmaster on the 26 May 1932. The questions and answer options were based on the content of the reference material. Candidates were required to use their critical and logical thinking skills to decide upon the correct answer from four options for each of the 20 questions.

Marking of the test

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

In this exercise the pass mark was a combined average score of **66%**, and all candidates scoring that percentage or higher were automatically taken to the next selection stage.

In Part 1 of the test each question had five answer options. It was necessary for the candidate to identify the most appropriate and least appropriate response, with 1 point scored for each correct answer. Therefore, candidates could score a maximum of 2 points for each question.

In Part 2 of the test, each question had four 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

2801	candidates registered to take the qualifying test;
535	candidates withdrew from the process or did not take part;
13	candidates took part one only and not part two of the test.
2253	candidates completed the qualifying test;
47	candidates scored less than 30% in either part of the test;
2206	candidates scored more than 30% in both parts of 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:

Distribution of marks	Part 1 Situational Judgement	Part 2 Critical Analysis	Overall Total	Distribution of marks
Highest score	35/40 (1 candidate)	20/20 (14 candidates)	55/60 (1 candidate)	**Highest score** 55/60 (1 candidate)
Lowest score	0/40 (1 candidate)	0/20 (1 candidate)	0/60 (1 candidate)	**Lowest score** 0/60 (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 to fill 150 posts. We therefore planned the selection exercise based on inviting around 375 candidates to selection day.

All candidates who registered for the exercise were invited to sit the first stage of shortlisting, the online qualifying test. We planned to take around 800 candidates to the second stage of shortlisting, the online scenario test.

To identify the top 800 candidates from the qualifying test, the following method was used.

First, each candidate has their score for each part converted into a percentage. Then the 2 percentages are added, and a combined average score is calculated. Then the combined average score for each candidate is 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 tests with more points available in one of the 2 parts does not disproportionately affect outcomes. For example, 30/40 (75%) in one part is not better than 9/10 (90%) in another part just because the first part had 30 points scored compared to 9 points in the second part. The number of slots available in the next stage of the process is then applied onto the merit list to create the initial cut off line.

Equal Merit Approach

Where there are candidates with the same score at the cut off line, the Equal Merit Provision (EMP) may be applied in line with the JAC's published policy for the purposes of increasing judicial diversity, 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
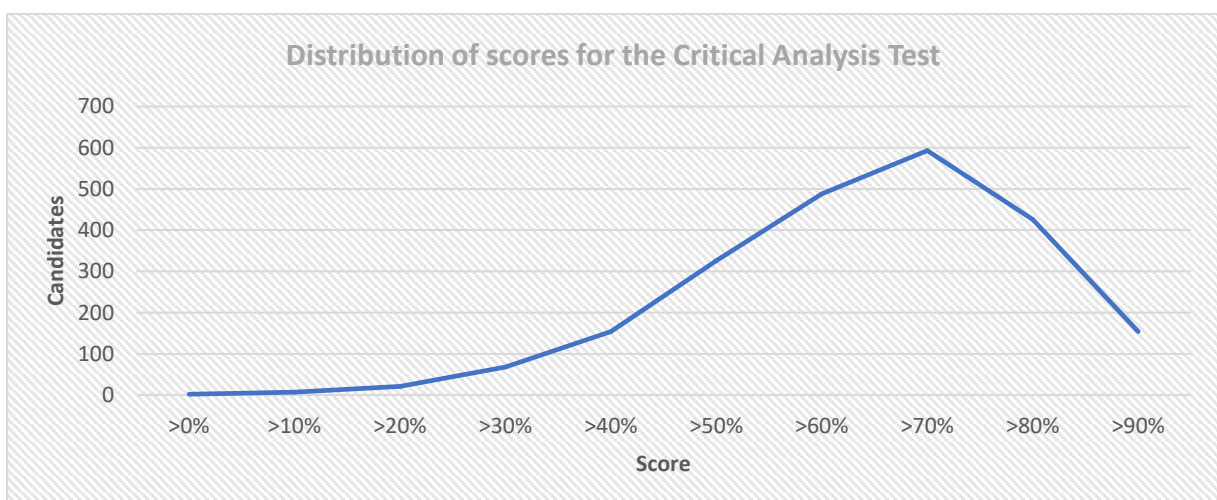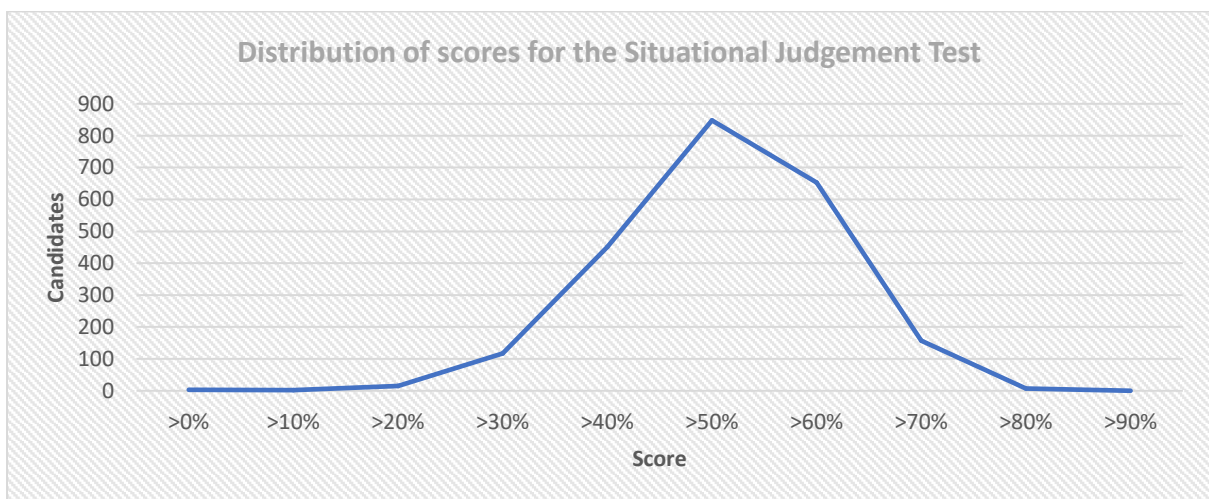
Commissioner, a lay Commissioner and the Assigned Commissioner for the exercise. The sub-committee will consider and will need to be satisfied that:
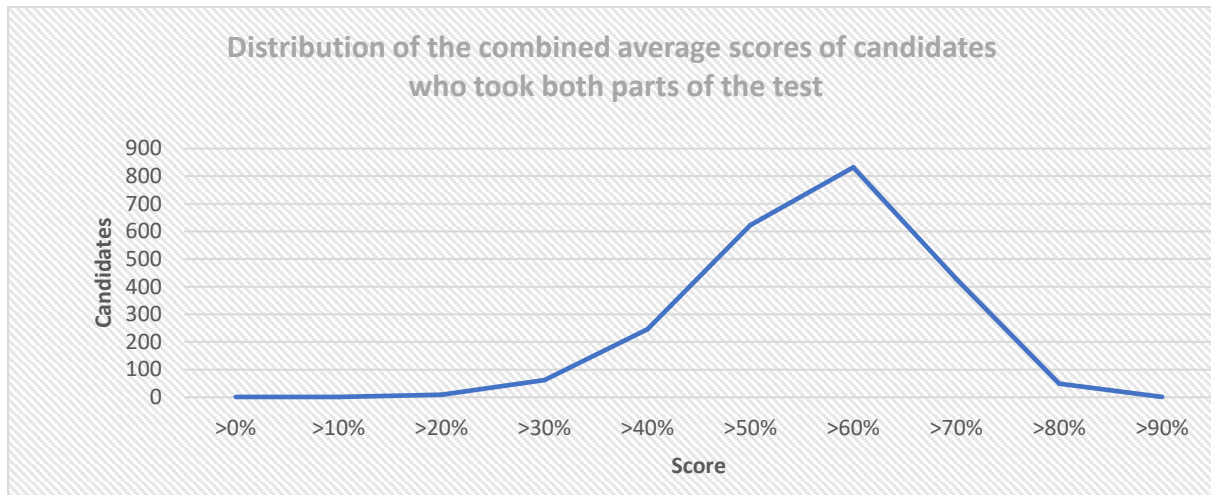
- the candidates about whom a decision is being taken are of equal merit.
- the particular protected characteristic is underrepresented either in the judiciary as a whole or at the relevant level of judiciary.
- reliance on EMP in the shortlisting process being conducted is a proportionate means of achieving the aim of increasing judicial diversity.

The Equal Merit Provision was applied at this stage of the selection process. After applying the above process, 59 candidates identified within this zone scoring 65% were invited to progress to the next stage of the selection exercise, making 844 candidates in total.

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.

A summary of candidates' scores over Parts 1 and 2 combined is as follows: lowest candidate score was **0**%, highest candidate score was **91**%. The average candidate score was **61**%.

Distribution of scores for the Situational Judgement Test

Distribution of scores for the Critical Analysis Test

Distribution of the combined average scores of candidates who took both parts of the test

In Part 1 (Situational Judgement) there were:

- 4 questions where 40% or more of candidates chose both parts of the question correctly (easier questions according to the results). These included different situations in court e.g. dealing with a stressed and anxious claimant, dealing with domestic violence issues and whether a litigant-in-person understood the proceedings.

- 2 questions where under 12% of candidates chose the most or least appropriate response correctly (harder questions according to the results). These included situations where there was an accidental inclusion in the evidence, and witnesses not being informed that they needed to give evidence.

In Part 2 (Critical Analysis) there were:

- 3 questions where 54% or more candidates gave an incorrect answer (harder questions according to the results). These were about the interpretation of what Lord Buckmaster says in the speech, what happened in Earl v Lubbock according to Lord Buckmaster and what Lord Thankerton asserted about the case in question.

- 5 questions where 79% or more of candidates gave the correct answer (easier questions according to the results). These were about what Lord Buckmaster stated, what happened in Longmeid v Holliday, how Lord Thankerton summarised the case, and what Lord Thankerton declared concerning establishing a duty.

Feedback from candidates

After the qualifying test, candidates were invited to complete an anonymous candidate survey. **657** candidates responded to the survey. Based on the results of the survey:

- around 90% of candidates understood from the instructions what was expected during the qualifying test;
- around 80% of candidates thought the qualifying test was accessible in terms of format, language used, and topics covered;
- around 60% of candidates thought the qualifying test was easy to complete.

Part 1 – Situational Judgement

When completing the test:
- 100% of candidates finished within the time available.

In terms of the purpose of the test:
- around 76% of candidates thought the situational judgement test enabled them to demonstrate how they would tackle challenges when working in a court;
- around 58% of candidates were confident in the situational judgement test as a JAC selection tool.

Part 2 – Critical Analysis

When completing the test:
- around 99% of candidates finished within the time available;
- around 1% of candidates abandoned the test.

In terms of the purpose of the test:
- around 63% of candidates thought the critical analysis test enabled them to demonstrate how they would analyse facts to form a judgement;
- around 57% of candidates were confident in the critical analysis test as a JAC selection tool.

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