



**Post Selection Day Evaluation & Feedback Report  
051 Deputy District Judge (Magistrates' Courts)  
July 2021**

## **Purpose**

The purpose of this report is to provide an evaluation of the selection days for **051 Deputy District Judge (Magistrates' Courts)** 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 for each candidate was divided into two parts comprising of a role play, set in the Magistrates' Courts, and a competency-based interview. Both parts of the test were designed to assess the following competencies:

- **Exercising Judgement**
- **Possessing & Building Knowledge**
- **Assimilating & Clarifying Information**
- **Working & 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 heading were designed to reflect the aptitude and faculty that an effective Deputy District Judge (Magistrates' Courts) is expected to have. This enabled us to assess candidates in a fair and consistent way.

## **Additional Selection Criteria**

For this exercise, the Lord Chief Justice required that candidates have current or previous substantial experience of criminal law and procedure.

## **Performance of Candidates**

A total of 1,000 candidates applied for this exercise. Following the first stage online Qualifying Test, the 446 most meritorious candidates were invited to take an online Scenario Test. Of those candidates, the 108 most meritorious candidates were invited to a remote selection day.

Three candidates withdrew their applications during the selection days, leaving 105 to attend the interview. A further three withdrew after the selection days.

Of the 102 candidates remaining, 55 candidates were assessed as strongest on merit and were recommended by the Judicial Appointments Commission to the Lord Chief Justice. This includes 11 candidates who were recommended following the application of the [equal merit approach](#) to this exercise.<sup>1</sup>

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.

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

## **Selection Day**

### **Development of the Role Play**

The role play was devised and drafted by the Deputy Senior District Judge and a District Judge. In common with all the selection tools developed for this exercise, the role play was designed to simulate a court 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 Operations, 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 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 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 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 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 (Magistrates' Courts).

The role play exercise was a fictional scenario set in the Magistrates' Courts. The candidate was expected to conduct a sentencing hearing, regarding the matter of the defendant's possession of a bladed article and criminal damage to two car tyres. 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 within the allotted time.

The competencies tested were:

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

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**

Prior to their selection day, candidates were given information on the background of the role play and any relevant law. This consisted of:

- Criminal Procedure Rule 24.10.
- Sentencing Council Guidelines.
  - General expanded explanation “Age and/or lack of maturity”.
- General guideline: overarching principles – Sentencing ([sentencingcouncil.org.uk](http://sentencingcouncil.org.uk))
  - Reduction in sentence for guilty plea.
  - Imposition of community & custodial sentences.
  - Totality.
  - Bladed articles and offensive weapons – possession.
  - Criminal Damage (<£5000).
- Section 59, Sentencing Code 2020.
- Section 152, Sentencing Code 2020.
- Equal Treatment Bench Book, chapters on litigants in person, disability, and remote hearings.

On their selection day, candidates were provided with a summary of the role play being tested and were given 30 minutes to prepare for the role play, which was in the form of a sentencing hearing. Candidates were also provided with additional material during their preparation time, which included;

- Synopsis
- Court list
- Defendant’s previous convictions
- Pre-sentence report

### **Marking of the Role Play**

A checklist 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.
- Taking charge of the proceedings with authority.
- Providing a comprehensive and detailed introduction to the hearing.
- Dealing appropriately with the defendant, who is unrepresented.
- Explaining that the bladed article offence is serious, so the defendant would benefit from representation.
- Refusing the defendant’s application to vacate his plea, with reasons.
- Dealing appropriately with the prosecutor’s attire and location.
- Noticing the defendant has not read the pre-sentence report and asking why.
- Demonstrating an excellent ability to assimilate the details relating to the procedure.
- Providing comprehensive explanations to the parties for the decisions/rulings.
- Displaying authority when dealing with disrespectful behaviour and language.

- Noticing the prosecutor is eating and drinking and politely questioning this.
- Asking the prosecutor to provide a case history.
- Providing a comprehensive, detailed final judgment, identifying and detailing all the tests and providing reasons for the judgment.
- Delivering the final judgement in a succinct timely manner, within the time frame.
- Checking the defendant's 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 decisions or rulings.
- 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 defendant.
- Asking probing questions to obtain further information.
- Dealing politely and firmly with interruptions.
- 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 introduction.
- Providing a brief indication of the procedure for the hearing.
- Providing less detailed explanations to the parties, in relation to decisions or 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.
- 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, in the context of the role of a Deputy District Judge (Magistrates' Courts). The panel drew upon evidence provided in the candidate's self-assessment, independent assessments and career history, to inform their questioning.

The competencies being tested were:

- 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 Deputy District Judge (Magistrates' Courts).
- 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 an 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 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. 52 of the 105 candidates who attended interviews 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 your selection day?**

- 90% of candidates said that the quality of customer service was excellent
- 8% of candidates said that the quality of customer service was good
- 2% of candidates said that the quality of customer service was fair

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

- 96.1% of candidates either agreed or strongly agreed
- 3.8% of candidates disagreed

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

- 96.1% of candidates either agreed or strongly agreed
- 1.9% of candidates neither agreed nor disagreed
- 1.9% of candidates disagreed

### **I understood what was expected on the selection day.**

- 94.3% of candidates either agreed or strongly agreed
- 5.7% of candidates neither agreed nor disagreed

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

- 63.5% of candidates either agreed or strongly agreed
- 15.4% of candidates neither agreed nor disagreed
- 19.2% of candidates either disagreed or strongly disagreed

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

- 78.8% of candidates either agreed or strongly agreed
- 11.5% of candidates neither agreed nor disagreed
- 9.6% of candidates either disagreed or strongly disagreed

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

- 80.7% of candidates either agreed or strongly agreed

- 15.4% of candidates neither agreed nor disagreed
- 3.8% of candidates either disagreed or strongly disagreed

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

- 63.5% of candidates either agreed or strongly agreed
- 21.2% of candidates neither agreed nor disagreed
- 17.3% of candidates either disagreed or strongly disagreed

**The panel behaved professionally and treated me with respect.**

- 94.3% of candidates either agreed or strongly agreed
- 3.8% of candidates neither agreed nor disagreed
- 1.9% of candidates strongly disagreed

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

- 69.3% of candidates either agreed or strongly agreed
- 23.1 of candidates neither agreed nor disagreed
- 7.7% of candidates either disagreed or strongly disagreed