

**Online Qualifying Test
Evaluation and Feedback Report**

082 Recorder

22 February 2022

Purpose

The purpose of this report is to provide an evaluation of the 082 Recorder 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.

Competency Framework

The test was designed to assess the following competencies:

- The Situational Judgement test was designed to test Exercising Judgement, Working and Communicating with Others and Managing Work Efficiently.
- The Critical Analysis Test was designed to test Possessing and Building Knowledge and Assimilating and Clarifying Information

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 Recorder 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 Circuit Judges and 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 the JAC 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 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 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 onto their JAC accounts. Candidates were presented with two individual tests, which could be taken separately:

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

In **Part 1** of the test, candidates were presented with a range of different situations they might experience in the job as a Recorder.

No previous knowledge of rules and procedures was expected of candidates and no advance reading was required.

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. They then had to choose the most appropriate and least appropriate answer from the five options presented.

In **Part 2** of the test, the questions were based on two speeches. The first was by Lord Justice Nicholas Hamblen, Justice of the Supreme Court, titled: '*Myths of Brexit*', and the second was by Sir Geoffrey Vos, Master of the Rolls, titled '*The Effect of Brexit on Financial Services Disputes in London*'.

Candidates were provided with a link to both speeches, one week in advance of the test. They were then 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

The JAC Digital Platform marks both parts of the test automatically. It also provides an on-screen timer, visible at the top of the screen throughout the test. The timer turns red during the last minutes of the test to provide a warning to candidates that their time is about to expire. The test is automatically submitted if it has not been completed. All tests, including those that have not been completed, are marked. This means that no candidates go over the allocated time.

The pass mark is determined by the number of candidates required 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% before consideration of equal merit provisions, and all candidates scoring that percentage or higher were taken to the next selection stage.

In Part 1 of the test, each question had 5 answer options. It was necessary for the candidate to identify the most appropriate and least appropriate response, with 1 point scored for each answer. Therefore, candidates could score a maximum of 2 points for each question.

In Part 2 of the test, each question had 4 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

- **1289** candidates were invited to take the test
- **61** candidates did not take the test
- **1228** 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 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
Highest score	33/40 (1 candidate)	20/20 (1 candidate)	50/60 (1 candidate)
Lowest score	2/40 (1 candidate)	3/20 (1 candidate)	8/60 (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 each of the shortlisting stages, until we reach the selection day ratio.

For this exercise, we received a vacancy request to fill **125** posts. We therefore planned the selection exercise based on inviting approximately **275** candidates to selection day.

All candidates who applied for the exercise were invited to sit the online qualifying test. We planned to take around **500** candidates to the second stage of shortlisting. This increased to **507** candidates after application of the equal merit provision.

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

First, each candidate's score for each part of the test is converted into a percentage. Then both percentages are added, and a combined average score is calculated. The combined average score for each candidate is then used to rank all the 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 isn't 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 spaces available in the next shortlisting stage is then applied to the merit list to create the initial cut-off line.

In this test, candidates who scored 66% were invited to proceed to the next stage of the selection exercise. Following application of equal merit provisions, some candidates who scored 65% were also invited to proceed to the next stage of the selection exercise (please see the equal merit provision section below).

Equal Merit Approach

Where there are candidates with the same score at the 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.

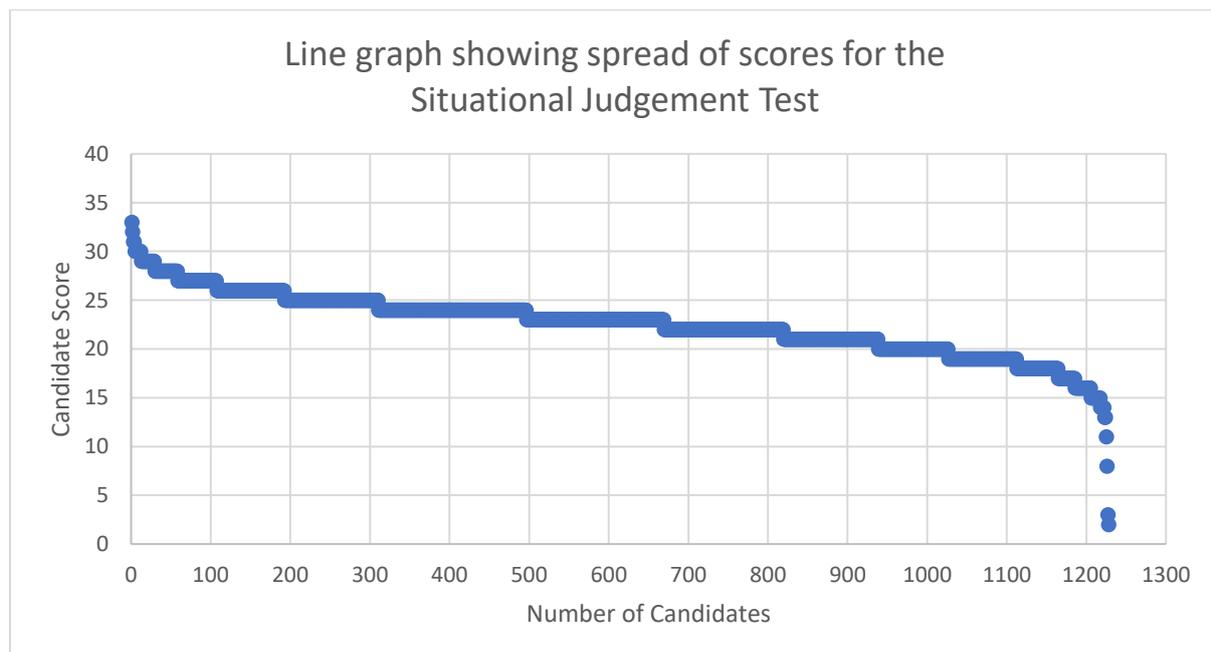
An EMP was applied at this stage of the selection process.

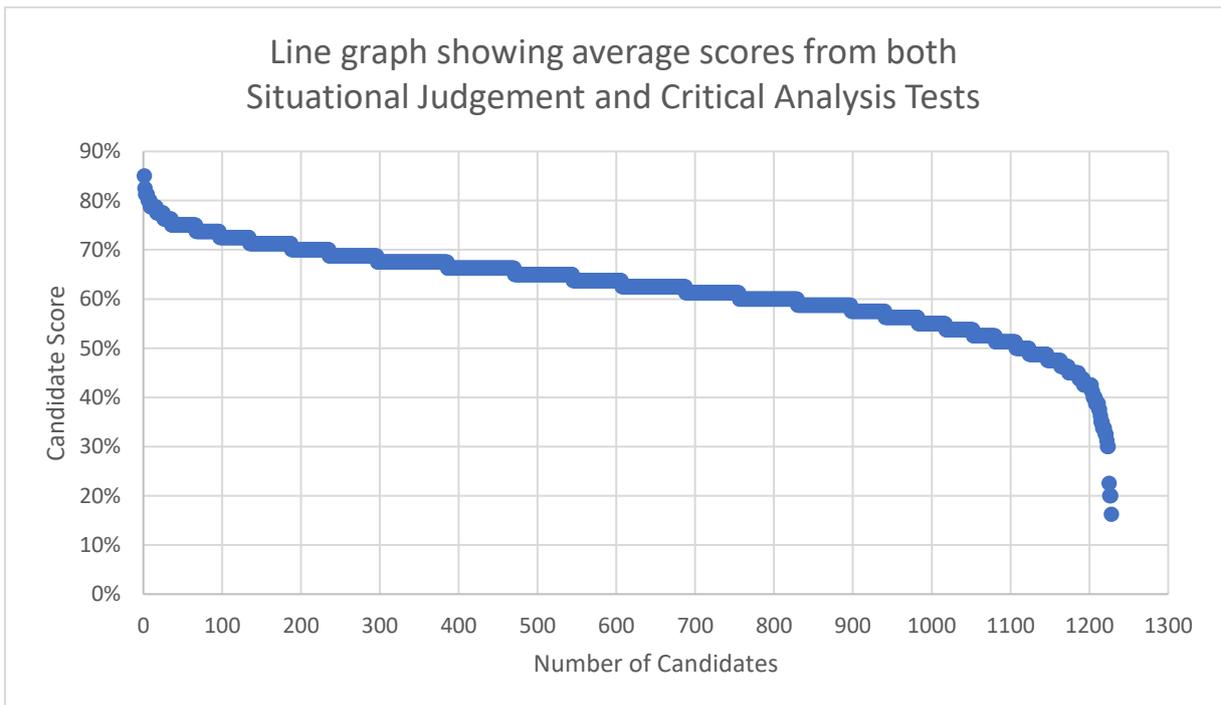
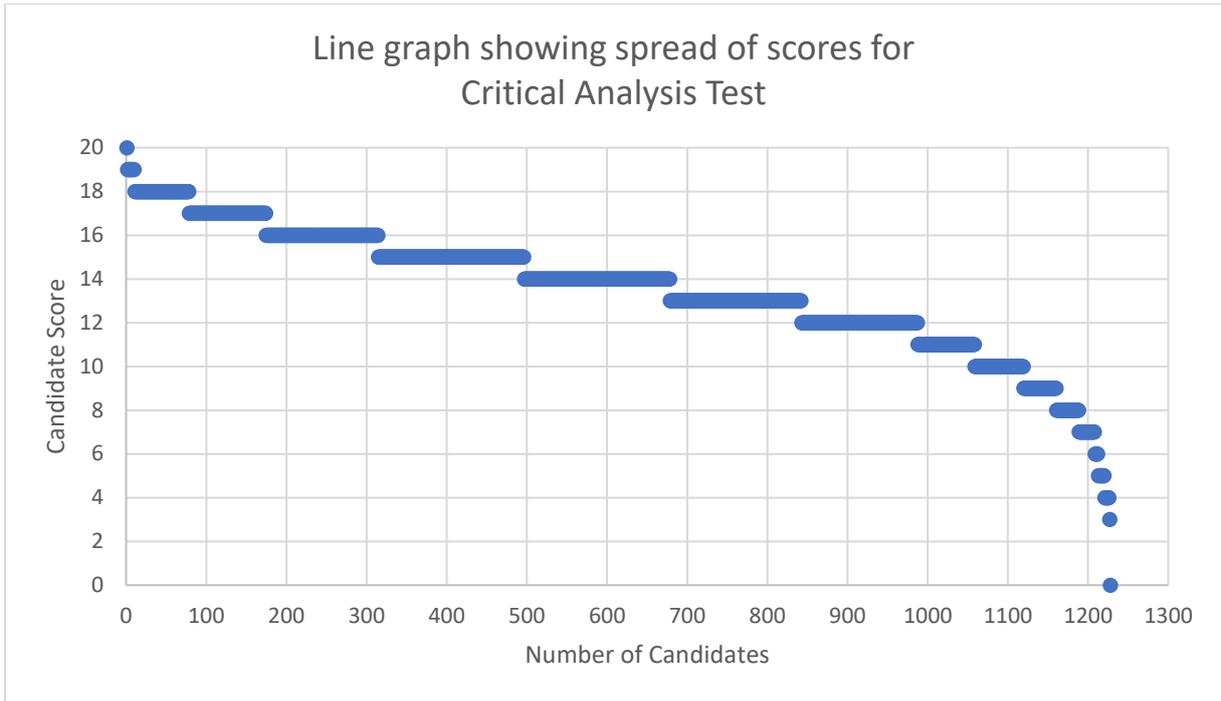
After applying the above process, **507** candidates were invited to progress to the next stage of the selection exercise.

Average Candidate Scores

The average candidate scores **over Parts 1 and 2 combined** for this test were as follows:

- Lowest average score was **16%**
- Highest average score was **85%**.
- The average score was **65%**.





In Part 1 (Situational Judgement):

- Candidates scored well on question 3, this was regarding another judge making an inappropriate comment, (with a combined average of 75%).
- Candidates also scored well on question 4, this was regarding counsel making assertions, (with a combined average of 70%)
- Candidates did less well on question 10, this was regarding parties understanding your judgment, (with a combined average of 30%)

In Part 2 (Critical Analysis):

- Candidates scored well on question 4, in which the correct statement was, “English law has been dealing with international commercial disputes since the 1800’s”, (92% of candidates choosing the correct response).
- Candidates also scored well on question 18, in which the correct statement was, “English common law provides the foundation for the resolution of private commercial disputes between businesses anywhere in the world”, (91% of candidates choosing the correct response).
- Candidates scored least well on question 11, in which the correct statement was “when estimating the effect of Brexit on Financial Services Disputes in London, there is still uncertainty,” (14% of candidates choosing the correct response).

Feedback from Candidates

After the qualifying test, candidates were invited to complete an anonymous candidate survey. **249** candidates responded to the survey. Based on the results of the candidate survey:

- 77% of candidates said that they understood from the instructions what was expected during the test.
- 82% thought that the Situational Judgement Test enabled them to demonstrate how they would tackle daily challenges working in a court.
- 70% of candidates said that they thought that the Critical Analysis Test enabled them to demonstrate how they would analyse facts to form a judgement.
- 92% of candidates thought that the Qualifying Test was accessible in terms of format, language used, and topics covered.
- 53% of candidates thought that the Qualifying Test was easy to complete.

March 2022