

Online Qualifying Test Evaluation and Feedback Report

00022 Chair of the Police Appeals Tribunal

August 2023

Purpose

The purpose of this report is to provide an evaluation of the Chair of the Police Appeals Tribunal 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 tests were designed to assess the following competencies:

Situational judgement test:

- Exercising Judgement
- Working and Communicating with Others
- Managing Work Efficiently

Critical analysis test:

- Possessing and Building Knowledge
- 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 Chair of the Police Appeals Tribunal is expected to have. This enabled us to assess candidates in a fair and consistent way.

Development of the test

The tests and marking schedules were devised by a current Chair of the Police Appeals Tribunal.

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 online platform and consisted of two parts:

- Situational judgement test – multiple choice, 40 minutes and 20 questions
- Critical analysis test – multiple choice, 40 minutes and 20 questions

The overall time for the test was 1 hour and 20 minutes.

For the situational judgement test, candidates were presented with a range of different situations they might experience in the role of a Chair of the Police Appeals Tribunal. Candidates were assessed on their reading of a situation and their ability to judge the effectiveness of a number of different options provided under each question. Candidates needed to identify both the most appropriate and least appropriate answer from the five options presented.

For the critical analysis test, candidates were presented with the following pre-reading: *The Commissioner of Police of the Metropolis v Police Appeals Tribunal - The Judgment of Mrs Justice Heather Williams*. Candidates were informed that no other research or materials should be considered and that the pre-reading provided was not a complete transcript as it had been edited for this exercise. The text was provided to candidates one week before the test. The questions and answer options in the test were based on the content of the pre-reading material. Candidates were required to use their critical and logical thinking skills to decide upon the correct answer from the four answer options presented for each of the 20 questions.

Marking of the test

The tests were marked automatically by the online platform. Candidates who did not finish their tests within the allotted time had their tests automatically submitted by the online platform, and these tests were also marked.

The pass mark is determined by the number of candidates needed at the next selection stage, which varies between different exercises. Candidates who score below 30% in either part of the test do not proceed.

For the situational judgement test each question had five answer options. It was necessary for the candidate to identify the most appropriate and least appropriate answer, with one point scored for each correct answer. Therefore, candidates could score a maximum of two points for each question.

For the critical analysis test each question had four answer options. It was necessary for the candidate to identify the correct answer, which scored one point. Therefore, candidates could score a maximum of one point for each question.

The situational judgement test contributes 60% to the candidates' overall score and the critical analysis test contributes 40%. The difference in weighting reflects the fact that the situational judgement test assesses candidates on three competencies (Exercising Judgement, Working and Communicating with Others and Managing Work Efficiently) and the critical analysis test assesses candidates on two competencies (Possessing and Building Knowledge and Assimilating and Clarifying Information).

Distribution of marks

444 candidates were invited to take the test

51 candidates withdrew from the process or didn't take the test

393 candidates took the test

The process of scoring the qualifying test was as follows:

- all candidates were scored on their answers to the tests based on the marking schedule
- candidates who scored less than 30% in one or both parts of the test were removed from consideration
- a composite score was then calculated for the remaining candidates
- candidates were then ranked in order of merit from first to last based on their composite score (further outlined below).

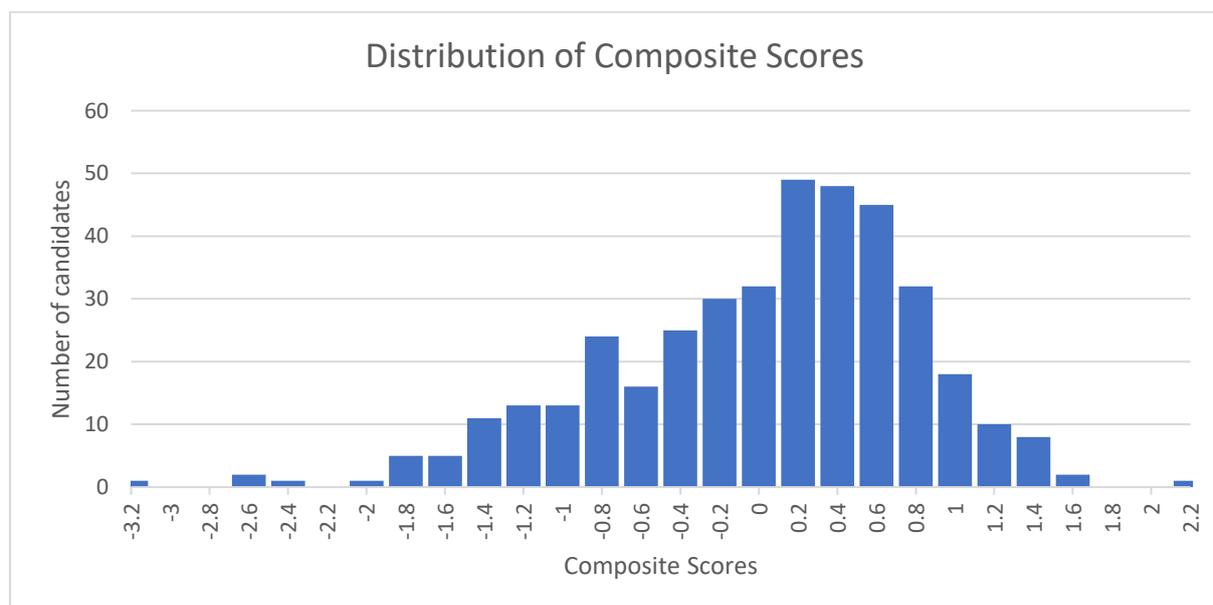
This provided a merit list determining how many candidates would be invited to the next stage of the selection process.

Calculating the composite score

The composite score was calculated in two steps. Firstly, a standard score was calculated for each part of the test. The standard score represents how high or low a candidate's score is in relation to the scores of all other candidates. For more details on standard scores please click [here](#).

Secondly, the composite score was produced by taking a weighted average of the two standard scores, with 60% of the weight in this average given to the situational judgement test and 40% to the critical analysis test.

In this exercise, the highest composite score was 2.2 and the lowest composite score was -3.2. Candidates with a composite score of 0.4 or higher were progressed to the next selection stage.



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 **10** posts. We therefore planned the selection exercise based on inviting around **30** candidates to selection day.

All candidates who applied for the exercise were invited to sit the online qualifying test. We planned to take **120** candidates to the second stage of shortlisting, the paper sift.

To identify the top **120** candidates from the qualifying test, the candidates' composite scores were placed on a merit list with the highest score placed at the top and the lowest at the bottom. The number of slots available in the next stage of the process was 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, 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:

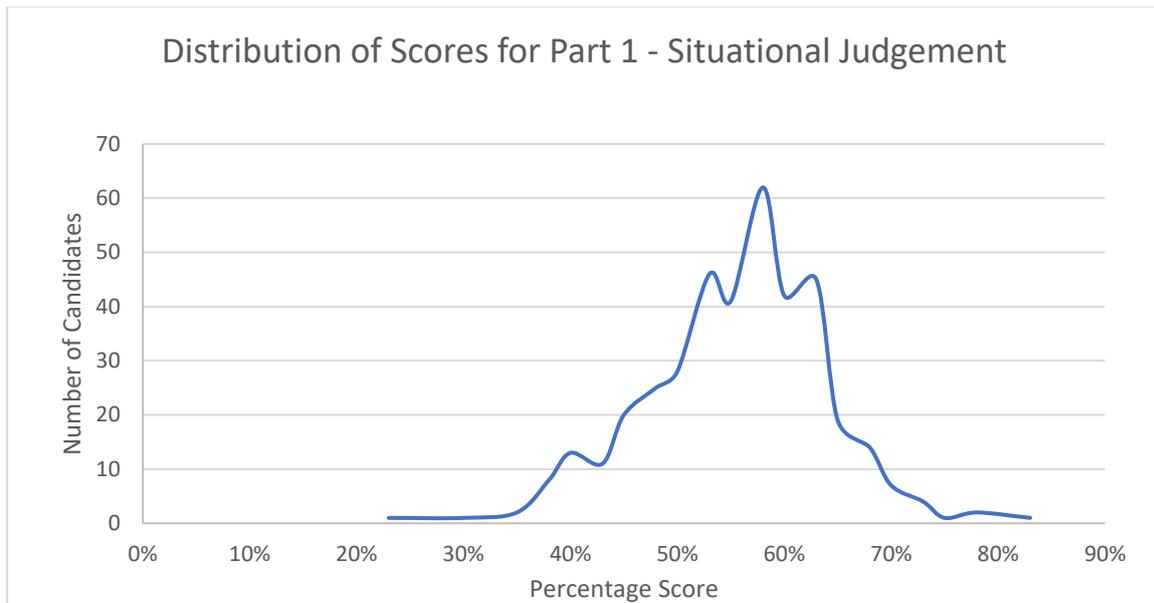
- the candidates about whom a decision is being taken are of equal merit.
- The particular protected characteristic is underrepresented either in the judiciary as a whole or at the relevant level of judiciary.
- reliance on EMP in the shortlisting process being conducted is a proportionate means of achieving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

The EMP was not applied at this stage of the selection process as the cut off line did not fall between candidates with the same score.

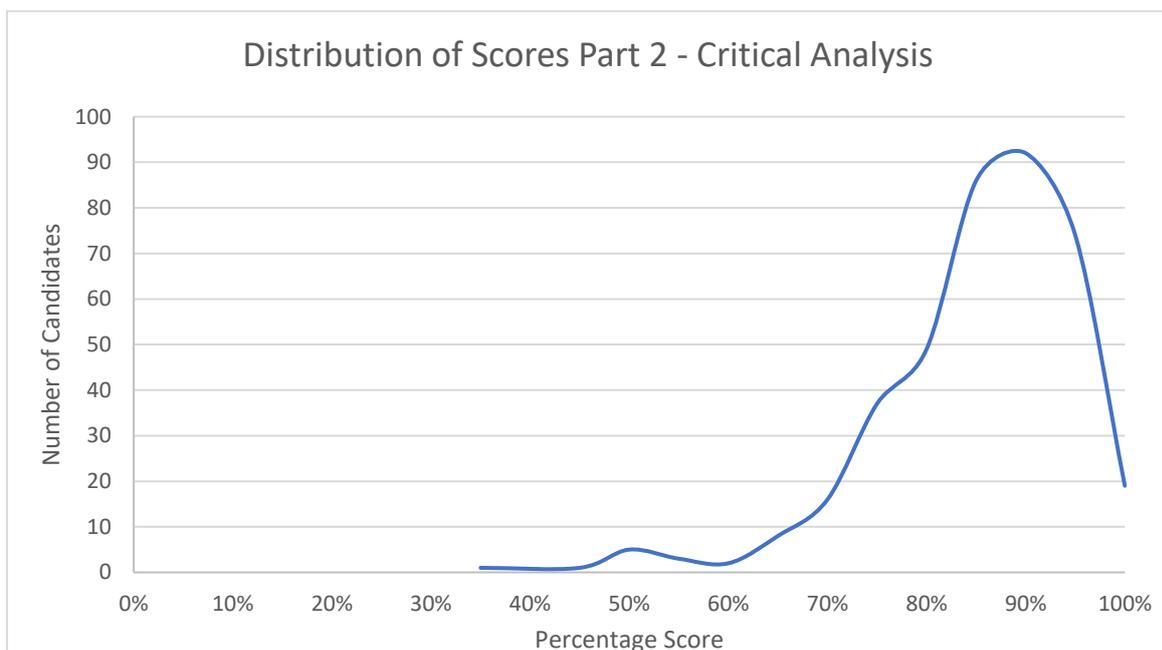
We do not have a pre-determined pass mark for the test; the line of shortlisting is determined by the relationship between the relative performance of candidates against each other in any given test, and how many slots there are for the next stage of shortlisting.

Candidates' performance in the two tests

The range of candidate scores for the situational judgement test were as follows: lowest candidate score was **23%**, highest candidate score was **83%**. The average candidate score was **52%**.



The range of candidate scores for the critical analysis test were as follows: lowest candidate score was **35%**, highest candidate score was **100%**. The average candidate score was **83%**.



In the situational judgement test, there were:

Three questions where 40% or more of candidates chose both parts of the question correctly (easier questions according to the results). These questions related to:

- The appropriate authority's application that the evidence of allegations of sexual harassment and inappropriate conduct should be read but the appellant's representative strongly challenged the application,

- A litigant in person who found a formal hearing room with a raised platform for the bench terrifying and intimidating,
- An appeal hearing where the contemporaneous recording equipment stopped working and the appellant's father had suddenly been taken seriously ill hence the appellant was keen to get the hearing over with.

Four questions where less than 20% of candidates chose both parts of the question correctly (harder questions according to the results). These questions related to:

- The failure of an appellant to attend a misconduct hearing for breach of expected standards of behaviour as to dishonesty and integrity,
- A hearing of two members where one of them kept checking their phone under the desk,
- The appeal hearing of an unrepresented appellant who refused to attend or take part remotely due to anxiety suffered as a result of the pandemic,
- A conflict between two panel members about CCTV footage evidence at a misconduct hearing.

In the critical analysis test, there were:

Six questions where 90% or more of candidates gave the correct answer (easier questions according to the results). These questions related to:

- The main reason why Mrs Justice Heather Williams decided not to interfere with the decision made by the Police Appeals Tribunal (PAT),
- If the High Court could simply overturn the PAT's decision and impose its own,
- How the 'harm factor' was considered within the judgement,
- The factor of highest importance when considering the appropriate sanction,
- The optimum way to be taken by the panel in its decision making,
- The highest level of culpability identified by HHJ Marks QC.

Two questions where 40% or more candidates gave an incorrect answer. These questions related to:

- The impact of the point of view of the officer in making the decision on outcome,
- If the decision in the case of Williams is likely to have wider applicability outside of its own fact.

Feedback from candidates

After the qualifying test, candidates were invited to complete an anonymous candidate survey. 111 candidates responded to the survey. Based on the results of the candidate survey:

- 94% of candidates understood from the instructions what was expected during the qualifying test.
- 66% of candidates agreed that the qualifying test enabled them to demonstrate how to tackle daily challenges working in a court or tribunal.
- 44% of candidates were confident in the qualifying test as a JAC selection tool.
- 91% of candidates agreed that the qualifying test was accessible in terms of format, language used, and topics covered.
- 61% of candidates agreed that the qualifying test was easy to complete.