Post Selection Day Evaluation and Feedback Report

00209: Financially Qualified Members, First-tier Tribunal, Social Entitlement Chamber (Social Security and Child Support)

November and December 2024

Purpose

The purpose of this report is to provide an evaluation of the selection days for Fee-paid Financially Qualified Members of the First-tier Tribunal, Social Entitlement Chamber (Social Security and Child Support) 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

At selection day, the situational questions were designed to assess the following competencies:

- Exercising Judgement
- Possessing and Building Knowledge
- Assimilating and Clarifying Information

The competency-based interview questions were designed to assess the following competencies:

- 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 Fee-paid Financially Qualified Member of the First-tier Tribunal, Social Entitlement Chamber (Social Security and Child Support) is expected to have. This enabled us to assess candidates in a fair and consistent way.

Performance of candidates

A total of 57 candidates applied for this exercise. Following an eligibility sift, 40 candidates were invited to selection day. Ten candidates were recommended by the Judicial Appointments Commission (JAC) to the Senior President of Tribunals (SPT) for appointment. In making this decision, the Commission took into account all relevant character checks, all evidence provided by the candidates at selection day, as well as the candidates' independent assessments.

Selection day

Selection days were held remotely via Microsoft Teams between 25 November and 4 December 2024. Candidates were provided with technical support to get ready for their selection day as detailed on our [website](#).

<u>Situational questions</u>

Development

The situational questions were drafted by a salaried judge from the Social Entitlement Chamber. 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 JAC Advisory Group, which is composed of members of the

judiciary and representatives of the legal professions and chaired by a lay JAC Commissioner, offered advice and guidance during their development.

The effectiveness of the situational questions was assessed by means of a mock assessment 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 situational questions

The situational questions comprised of two written scenarios with a series of questions. Candidates were to assume that they were a newly appointed Fee-paid Financially Qualified Tribunal Member hearing appeals against the decisions of the Child Maintenance Service (CMS). They were asked to consider how they would deal with two appeals and what decisions they would make.

Scenario one:

This scenario was based on an ex-wife who was appealing on the grounds that their ex-husband was avoiding his responsibilities to their children as he was deliberately diverting his salary to his pension. The ex-husband asked the tribunal to take into account that the personal circumstances of the ex-wife had recently changed, as she was earning a wage from her new partner's company. Candidates were required to answer questions on how they would manage the appeal because of the sudden reluctance of the ex-wife to attend. They were also required to demonstrate knowledge of the Child Support Act 1991 and an awareness of the overriding objective of fairness under the tribunal procedural rules.

Scenario two:

This scenario was based on an appeal against the decisions of the CMS's annual review of maintenance liability on the grounds that the CMS did not rely on the appellant's latest available full tax year. Candidates were expected to demonstrate their knowledge of the Child Support Maintenance Calculations Regulations 2012 and the rules applied by His Majesty's Revenue and Customs, as well as an understanding of the appellant's employment status.

Advance preparation

One week ahead of selection days, candidates received pre-reading material with which they were asked to familiarise themselves. Candidates were sent the following:

- Section 1 - Section 28 of the Child Support Act 1991.

- The Child Support Maintenance Calculation Regulations 2012:
    - Part 1, Regulation 2 and Regulation 4
    - Part 4, Chapter 1, Section 34 – Section 42
    - Part 5, Chapter 3, Section 69- Section 71

- The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008:
    - Part 1, Rule 2
    - Part 3, Chapter 2. Rules 27- 31

At selection day, candidates were allocated 40-minutes preparation time to read the additional materials below and to prepare their answers to the situational questions:

- Scenario one and accompanying questions.
- Scenario two and accompanying questions.

Assessment of candidates' responses to the situational questions

The evidence for each competency was assessed as either outstanding, strong, sufficient or insufficient.

Outstanding evidence included:

- Demonstrated awareness of the overriding objective of fairness in considering if/how the appeal in scenario one should proceed, directly referencing rule 2 and rule 31 of the Tribunal Procedure Rules. A detailed and broad consideration of the available options should the appellant not attend.
- Demonstrated a comprehensive knowledge and understanding of child maintenance liability and potential income diversion. A structured, detailed and clear explanation of how income can be reasonably augmented under the child maintenance rules. Awareness that the Tribunal has a broad discretion to judge what is unreasonable in the circumstances.
- Reached correct decisions on the appeals. Candidates provided a highly comprehensive and well-structured explanation to underpin the decisions made, with direct reference to the relevant legislation.

Strong evidence included:

- Demonstrated awareness of the overriding objective of fairness in considering if/how the appeal in scenario one should proceed, directly referencing rule 2 and rule 31 of the Tribunal Procedure Rules. A consideration of some of the available options should the appellant not attend.
- Demonstrated a broad knowledge and understanding of child maintenance liability and potential income diversion. A clear explanation of how income can be reasonably augmented under the child maintenance rules.
- Reached correct decisions on the appeals. Candidates provided a clear and detailed explanation to underpin the decisions made, with some direct reference to the relevant rules and legislation.

Sufficient evidence included:

- Deciding to proceed with the appeal in scenario one, in the interests of justice and fairness. Awareness that the appeal could proceed if the ex-husband attended to give evidence.
- Demonstrated an understanding of child maintenance liability and potential income diversion.
- Reached correct decisions with sound reasoning on the appeals, without direct reference to the relevant rules and legislation.

Insufficient evidence included:

- Incorrectly decided to adjourn the appeal hearing or decided to proceed without explanation (scenario one).
- Incorrect decisions made on the appeals.
- Correct decisions made on the appeals, without reasoning or explanation.
- Failure to consider the relevant rules and legislation.

Competency-based interview

Each candidate then had a competency-based interview. Here the panel was seeking further evidence and examples from the candidate of the required competencies and in the context of the role of a Fee-paid Financially Qualified Tribunal Member, Social Entitlement Chamber (Social Security and Child Support).

Working and Communicating with Others

Outstanding evidence included:

- No candidate demonstrated outstanding evidence for this competency. The difference between an outstanding and strong grade would have been determined by the complexity and relevance of the examples provided, the clarity and structure of the answer and the lack of prompting or probing carried out by the panel in order to obtain evidence at a level commensurate with the role on offer.

Strong evidence included:

- Highly innovative and effective means of communicating a complex financial concept to a vulnerable person. Empathetically and sensitively checking to ensure understanding.
- A swift and effective handling of a dispute between colleagues and treating them calmly, professionally and with respect, with assurances and explanations as to how the issues would be dealt with and resolved.
- Successful collaborative working resulting in a positive outcome achieved by establishing common ground and forging relationships to build trust and knowledge-sharing.

Sufficient evidence included:

- Communicating sensitively with stakeholders when investigating an emotionally charged situation.
- Supporting a vulnerable colleague in the workplace to enhance their learning of complex legislative changes.
- Working collaboratively with teams to oversee a departmental change. Effectively communicating and explaining issues arising from the change to allay concerns.

Insufficient evidence included:

- Answers were irrelevant or did not address the questions asked.
- Underdeveloped examples which lacked detail and depth.
- Unstructured, ineffective and indirect responses.
- Failure to demonstrate an understanding of diversity and/or sensitive needs.

Managing Work Efficiently

Outstanding evidence included:

- No candidate demonstrated outstanding evidence for this competency. The difference between an outstanding and strong grade would have been determined by the complexity and relevance of the examples provided, the clarity and structure of

the answer and the lack of prompting or probing carried out by the panel in order to obtain evidence at a level commensurate with the role on offer.

Strong evidence included:

- A compelling strategy to assimilate large volumes of information in an unfamiliar area at pace.
- Maintaining own resilience and the resilience of colleagues while balancing pressurising business needs within a challenging time frame.
- Extensive use of Microsoft and project management software to improve services.

Sufficient evidence included:

- An efficient assimilation of large volumes of information by adopting software.
- Maintaining own resilience by remaining calm and obtaining support from colleagues to deal with challenging and unforeseen circumstances.
- Optimising use of available software to create time savings and avoid duplication of tasks.

Insufficient evidence included:

- Examples which failed to demonstrate the competency criteria.
- Unstructured, ineffective, indirect responses which lacked focus despite prompting by the panel.

The panels then made a final overall assessment of candidates as either outstanding, strong, selectable or not presently selectable.

Feedback from Candidates

After the selection days, candidates were invited to complete an anonymous candidate survey. A total of 18 candidates responded to the survey. Based on the results of the survey:

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

- 67% of candidates either agreed or strongly agreed.
- 11% of candidates disagreed.
- 22% of candidates neither agreed nor disagreed.

I understood what was expected on the selection day.

- 61% of candidates either agreed or strongly agreed.
- 17% of candidates disagreed.
- 22% of candidates neither agreed nor disagreed.

The situational questions were realistic and relevant to the role.

- 89% of candidates either agreed or strongly agreed.
- 11% of candidates neither agreed nor disagreed.

The situational questioning gave me a chance to display how I would react to various situations.

- 73% of candidates either agreed or strongly agreed.

- 11% of candidates disagreed.
- 16% of candidates neither agreed nor disagreed.

<u>I am confident in the situational questioning as a JAC selection tool.</u>

- 67% of candidates either agreed or strongly agreed.
- 11% of candidates disagreed.
- 22% of candidates neither agreed nor disagreed.

<u>The interview questions gave me the opportunity to demonstrate my skills, abilities and competence for this role</u>

- 72% of candidates either agreed or strongly agreed.
- 11% of candidates disagreed.
- 17% of candidates neither agreed nor disagreed.

<u>The panel behaved professionally and treated me with respect.</u>

- 100% of candidates either agreed or strongly agreed.

<u>I am confident in the interview as a JAC selection tool.</u>

- 84% of candidates either agreed or strongly agreed.
- 5% of candidates disagreed.
- 11% of candidates neither agreed nor disagreed.