

# **Online Qualifying Test Evaluation and Feedback Report**

**00227 Recorder**

**December 2024**

## **Purpose**

The purpose of this report is to provide an evaluation of the 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 situational judgement test was designed to assess the following competencies:

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

The critical analysis test was designed to assess the following competencies:

- 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 Recorder is expected to have. This enabled us to assess candidates in a fair and consistent way.

## **Development of the test**

The situational judgement test contained a mixture of questions selected from the JAC's bank of approved questions, which were devised by a range of judges, along with new questions which were devised by a Circuit Judge, acting as the drafting judge for this exercise. The drafting judge also devised the critical analysis test questions and marking schedule. 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 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, quality assures the material, and considers – and mitigates – any negative impacts on diverse groups.

The effectiveness of the test 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 test**

The test was hosted on the JAC digital platform and consisted of two parts:

- Situational judgement test: 50 minutes, 20 questions
- Critical analysis test: 50 minutes, 20 questions

For the situational judgement test, candidates were presented with a range of different situations they might experience in the role of a Recorder. 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 text of a speech one week before the test, titled '*The Sordid Controversies of Litigants? Why and When Facts Matter*,' given by the Right Honourable Lady Rose of Colmworth DBE, at All Souls College Library on 23 February 2024. The questions and answer options in the test were based on the content of the speech. 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 question.

### **Marking of the test**

The tests were marked automatically by the JAC 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 one 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**

**1,179** candidates were invited to take the test.

**35** candidates withdrew from the process or did not take the test.

**1,144** 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 schedules,
- 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, and
- 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.

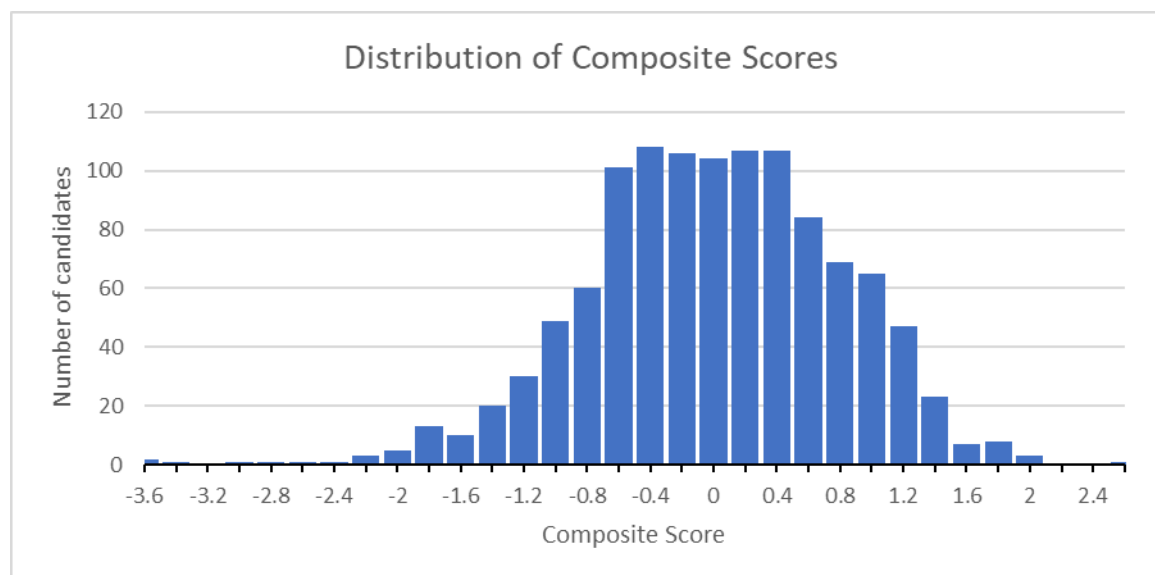
### Calculating the composite score

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. Further details on standard scores are available on the [JAC website](#).

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 2.58 and the lowest composite score was -3.61. Candidates with a composite score of 0.26 or higher were progressed to the next selection stage.

The distribution of the composite scores is shown in the graph below, with scores grouped by rounding to the nearest 0.2.



### Approach to shortlisting

When the JAC receives notification from HM Courts & Tribunals Service (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 two or

three 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 70 posts. We therefore planned the selection exercise based on inviting around 173 candidates to selection day.

All candidates who applied for the exercise were invited to sit the online qualifying test. We planned to take approximately 427 candidates to the second stage of shortlisting, the scenario test.

To identify the top 427 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, after which the equal merit approach was applied as detailed below.

### **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](#). 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 the judiciary, and
- reliance on EMP in the shortlisting process being conducted is a proportionate means of achieving the aim of increasing judicial diversity.

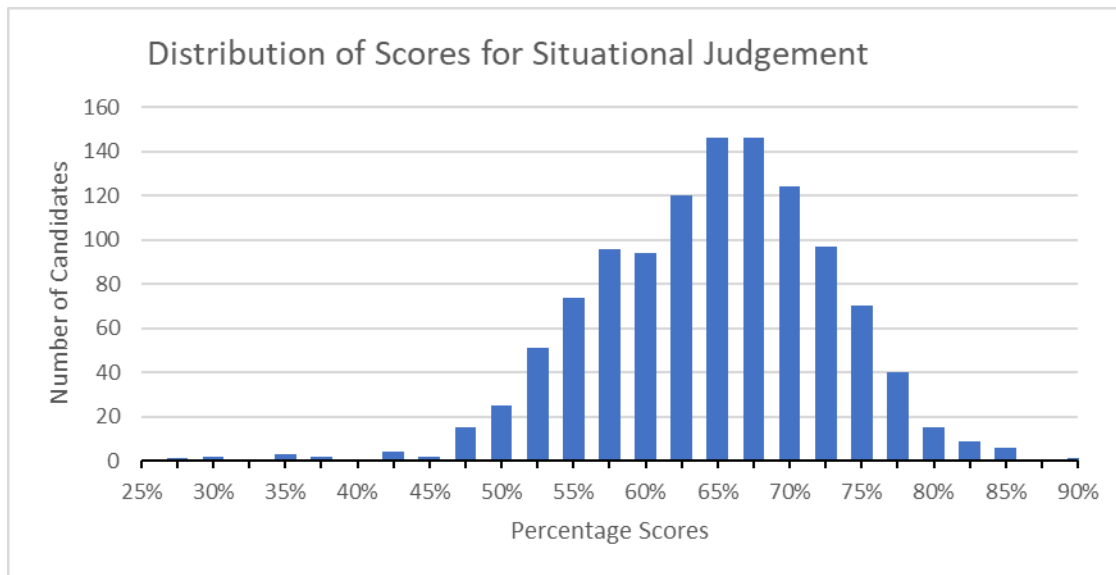
The EMP was applied at this stage of the selection process.

After applying the above process, 437 candidates were invited to progress to the next stage of the selection exercise.

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**

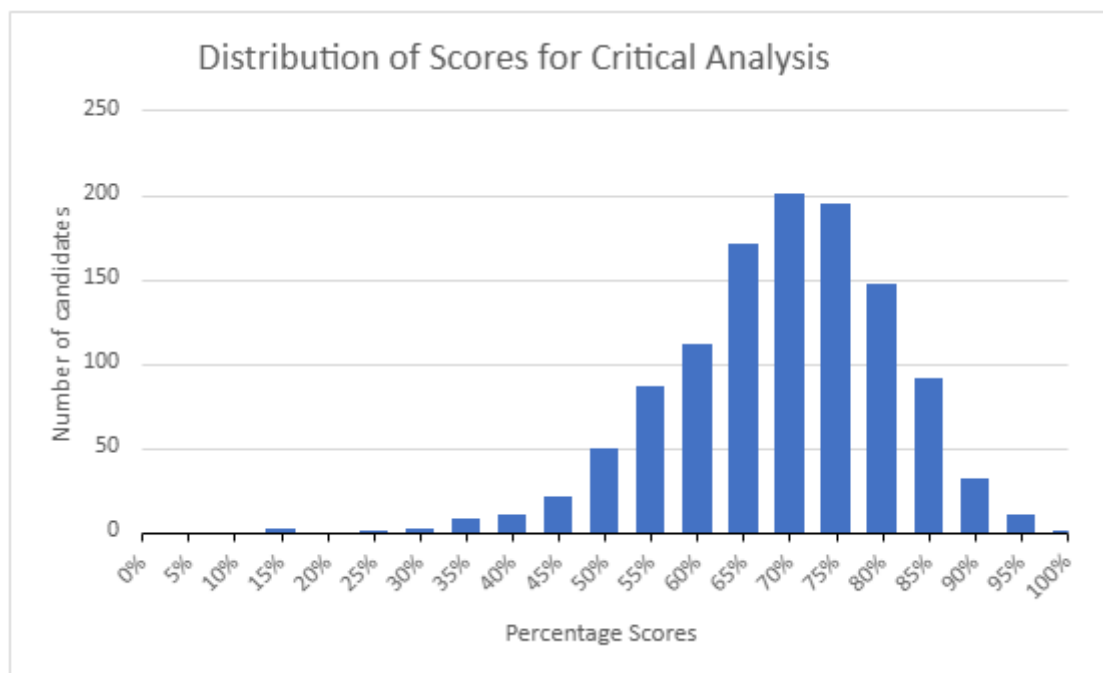
The range of candidate scores for the situational judgement test were as follows: the lowest candidate score was 27.5%, highest candidate score was 90%. The average candidate score was 65%.



In the situational judgement test, there were:

- **Six questions** where **55%** or more of candidates chose both parts of the question correctly (easier questions). These questions related to personal recording devices in a hearing room, a demand for recusal, a claimant's attire, parties bringing their new partners to a family law hearing, accommodating a victim's family's needs in the courtroom, and a same-day request for a prayer room and breaks during a hearing.
- **Three questions** where under **20%** of candidates chose both parts of the question correctly (harder questions). These questions related to a potential McKenzie friend, a vulnerable adult witness, and the availability of a British Sign Language interpreter.

The range of candidate scores for the critical analysis test were as follows: lowest candidate score was 15%, highest candidate score was 100%. The average candidate score was 69%.



In the critical analysis test, there were:

- **Three questions** where **91%** or more of candidates gave the correct answer (easier questions). These questions related to the consequences on appeal of categorising matters as fact or law, deciding factual disputes on oral testimony without documentation, and the correct test to be formulated to a jury.
- **Three questions** where **under 40%** of candidates gave a correct answer (harder questions). These questions related to making a judgment based on the likelihood of future career success, what a judicial committee had to determine, and why decisions with binding precedential value are potentially difficult.

### **Feedback from candidates**

After the qualifying test, candidates were invited to complete an anonymous candidate survey. In total, **320** candidates responded to the survey. Based on the results of the candidate survey:

#### **Asked how they would rate the quality of the customer service received from JAC staff during the qualifying test process:**

- 66.2% of candidates rated it as excellent or good.
- 5.0% of candidates rated it as fair.
- 0.9% of candidates rated it as poor or very poor.
- 27.8% of candidates marked the question as not applicable.

#### **Asked if they understood from the instructions what was expected during the qualifying test:**

- 95.9% of candidates agreed or strongly agreed.
- 2.5% of candidates neither agreed nor disagreed.
- 1.5% of candidates disagreed or strongly disagreed.

#### **Asked if the situational judgement test enabled them to demonstrate how they would tackle daily challenges working in a court:**

- 64.7% of candidates agreed or strongly agreed.
- 12.2% of candidates neither agreed nor disagreed.
- 22.8% of candidates disagreed or strongly disagreed.
- 5.3% of candidates marked the question as not applicable.

#### **Asked if they are confident in the situational judgement test as a JAC selection tool:**

- 51.3% of candidates agreed or strongly agreed.
- 15.6% of candidates neither agreed nor disagreed.
- 33.2% of candidates disagreed or strongly disagreed.

#### **Asked if the critical analysis test enabled them to demonstrate how they would analyse facts to form a judgement:**

- 59.4% of candidates agreed or strongly agreed.
- 16.3% of candidates neither agreed nor disagreed.
- 24.1% of candidates disagreed or strongly disagreed.
- 0.3% of candidates marked the question as not applicable.

**Asked if they are confident in the critical analysis test as a JAC selection tool:**

- 54.0% of candidates agreed or strongly agreed.
- 20.3% of candidates neither agreed nor disagreed.
- 25.6% of candidates disagreed or strongly disagreed.

**Asked whether the qualifying test was accessible in terms of format, language used, and topics covered:**

- 83.1% of candidates agreed or strongly agreed.
- 6.6% of candidates neither agreed nor disagreed.
- 9.7% of candidates disagreed or strongly disagreed.
- 0.6% of candidates marked the question as not applicable.

**Asked whether the qualifying test was easy to complete:**

- 55.9% of candidates agreed or strongly agreed.
- 24.1% of candidates neither agreed nor disagreed.
- 20.0% of candidates disagreed or strongly disagreed.