Online Qualifying Test Evaluation and Feedback Report

Deputy District Judge (Magistrates' Court) 00133

April 2023

Purpose

The purpose of this report is to provide an evaluation of the Deputy District Judge (Magistrates' Court) 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.

Additional Selection Criteria

Although the qualifying test was designed to test a candidate's transferrable skills and their potential to work effectively as a Deputy District Judge (Magistrates' Court), the additional selection criteria (ASC) for this selection exercise requires that candidates must be able to demonstrate substantial knowledge and experience of criminal law and procedure. It is expected that candidates' evidence of knowledge and experience will be within the last five years.

Competency Framework

The tests were designed to assess the following competencies:

The Situational Judgement Test (SJT)

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

Critical Analysis Test (CAT)

● 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 Deputy District Judge (Magistrates' Court) 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 a District Judge (Magistrates' Court)**.**

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 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. Candidates were presented with two parts and the overall time for the test was 1 hour and 20 minutes:

• Situational Judgement Test – multiple choice, 40 minutes and 20 questions
• Critical Analysis Test – multiple choice, 40 minutes and 20 questions

For the Situational Judgement Test candidates were presented with a range of different situations they might experience in their role as a Deputy District Judge (Magistrates' Court). 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. Candidates needed to identify both a most appropriate and least appropriate answer from the five options presented for each of the 20 questions.

For the Critical Analysis Test, candidates were presented with: *The speech of Lord Dyson, Master of the Rolls; Delay too often defeats justice. The Law Society, Magna Carta event, 22 April 2015.* This text was provided to candidates one week before the test. The questions and answer options on the day of 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 four options for each of the 20 questions.

Marking of the test

Both parts of the test were marked automatically by the online platform. 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.

The platform also provides an onscreen timer, visible at the top of the screen throughout the test. The timer turns red during the last minute 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.

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 response, with one point scored for each 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.

In order to ensure the Situational Judgement Test and Critical Analysis Test contributed equally to a candidate's overall score, the two sections of the test were equally weighted by way of calculating a composite score.

Distribution of marks

633 candidates were invited to take the test.
37 candidates withdrew from the process, didn't take the test or only did one part of the test.
596 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 scheme;
• 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 all remaining candidates;
• Candidates were then ranked in order of merit from first to last based on their composite score (further outlined below).

A merit list was created, which allowed us to determine how many candidates from the top portion of entries would be invited to the next stage of the selection process, based on the approach outlined.
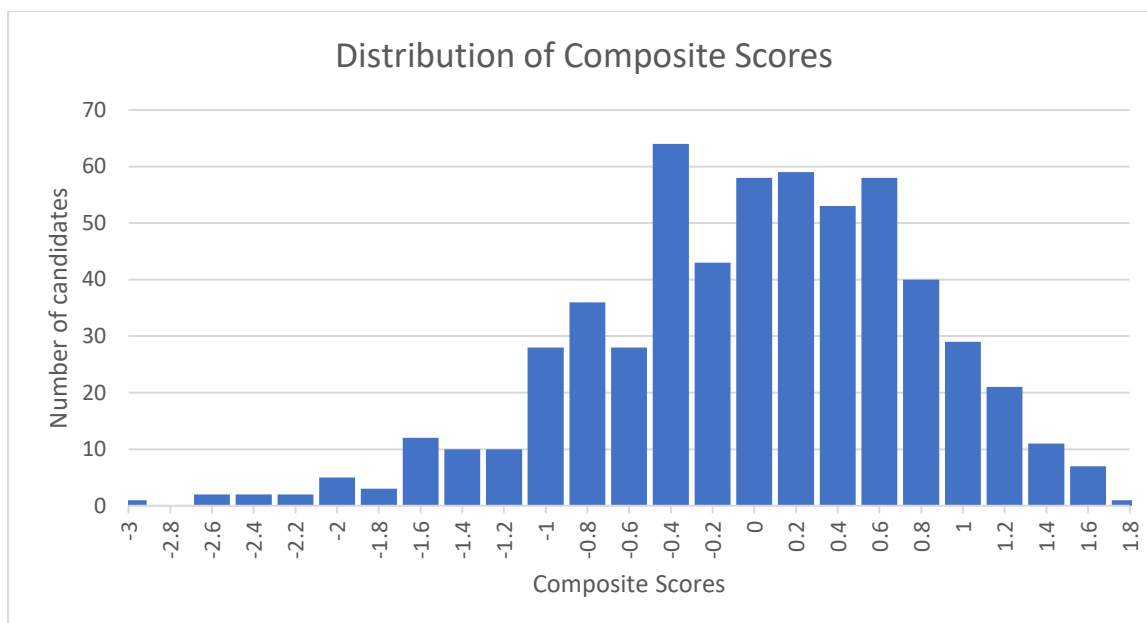
Calculating the Composite Score

The JAC have adopted this approach in order to ensure that candidates' performance on both parts of the test are weighted equally. The standard score gives a standardised measure of performance on each test and combining the two standard scores by taking an average gives the fairest reflection of each candidate's overall performance relative to the field.

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, an average was taken of the standard scores for both parts of the test to calculate the composite score. This ensured the two sections of the test were equally weighted.

The highest composite score was 1.8 The lowest composite score was -3

In this exercise candidates with a composite score of 0.5 or higher were progressed to the next selection stage.

Distribution of Composite Scores

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 two or three candidates interviewed for each vacancy, however for this exercise we chose a ratio of five candidates 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 **15** posts. We therefore planned the selection exercise based on inviting around **75** candidates to selection day.

All candidates who applied for the exercise were invited to sit the online qualifying test. We planned to take around **315** candidates to the second stage of shortlisting, the online scenario test.

To identify the top **315** candidates from the qualifying test, candidates scoring 30% or more on both parts of the test were ranked based on their composite score, as described above. **305** candidates achieved a composite score of 0.5 or higher, so this was used as the initial cut off line.

There is no pre-determined cut-off line 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.

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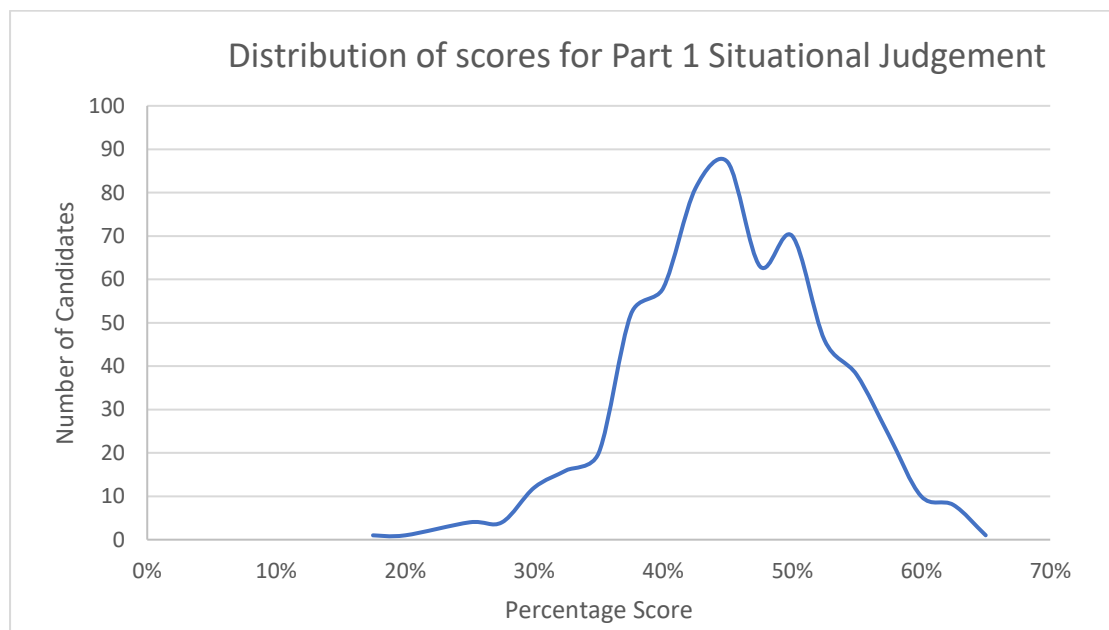
- the candidates about whom a decision is being taken are of equal merit.
- the particular protected characteristic is underrepresented either in the judiciary as a whole or at the relevant level of judiciary.
- reliance on EMP in the shortlisting process being conducted is a proportionate means of achieving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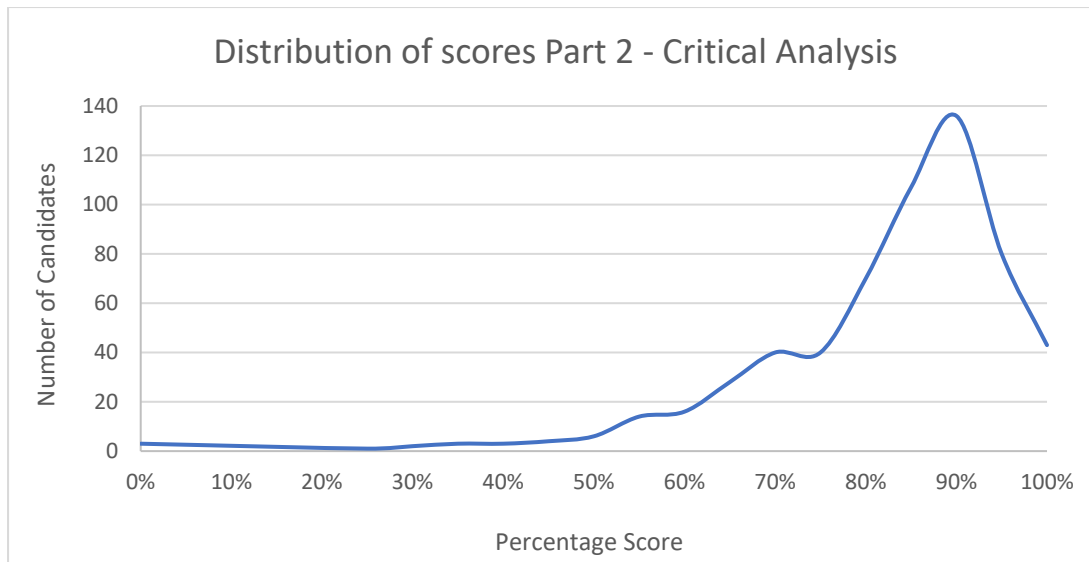
EMP was applied at this stage of the selection process.

For this exercise, the initial cut-off line was drawn at a composite score of 0.5 and the sub-committee agreed that all candidates with a score of 0.5 or higher would proceed to the next stage. However, for the purposes of increasing judicial diversity, the sub-committee also considered the next set of candidates who achieved a composite score of 0.4 and agreed that those with relevant underrepresented protected characteristics within this group would also proceed to the next stage. Therefore, an additional 8 candidates with relevant underrepresented protected characteristics with a score of 0.4 proceeded to the next stage of the selection exercise. Following the sub-committee's decision, **313** candidates in total were invited to progress to the next stage of the selection exercise.

Candidates' performance in the two tests

A summary of candidates' scores over the Situational Judgement Test is as follows: lowest candidate score was **18%**, highest candidate score was **65%**. The average candidate score was **45%**.

A summary of candidates' scores over the Critical Analysis Test is as follows: lowest candidate score was **0%**, highest candidate score was **100%**. The average candidate score was **82%**.

Distribution of scores Part 2 - Critical Analysis

In the Situational Judgement Test there was:

- One question where over 50% of candidates chose both parts of the answer correctly and two further questions where over 40% or more chose both parts of the answer correctly (easier questions according to the results). These included a range of different situations from dealing with counsels' questions that had unnecessarily complex language and legal terminologies, language barriers, and a complex case in an unfamiliar area of law.

- Five questions where under 40% of candidates chose the most or least appropriate response correctly (harder questions according to the results). These included the situation where a court interpreter was not interpreting the appellant's oral evidence accurately, cultural issues, a case about the welfare of animals at a local farm and a potentially biased hearing.

In the Critical Analysis Test there was:

- One question where 53% or more candidates gave an incorrect answer, and 2 further questions where 30% or more gave an incorrect answer (harder questions according to the results). These were regarding; why the requirement for the court to sit in Westminster was important, if the author considered Magna Carta's intention in the administration of justice, and which chapters of Magna Carta provide that only members of the judiciary should determine disputes.

- Seven questions where 90% or more of candidates gave the correct answer (easier questions according to the results). These were regarding; ambiguity about where cases were heard according to chapter 17 of Magna Carta, the first attempt to circumscribe Magna Carta, how the king ensured he had sufficient troops for battle, what century it was said that delayed judgements could impede effective enforcements, cost budgeting hearings, future reforms of procedural rules, and technological advances in the justice system.

Feedback from candidates

After the qualifying test, candidates were invited to complete an anonymous candidate survey. **136** candidates responded to the survey. Based on the results of the candidate survey:

- 88% of candidates understood from the instructions what was expected during the qualifying test.
- 60% of candidates agreed that the Situational Judgement Test enabled them to demonstrate how to tackle daily challenges working in a court or tribunal.
- 46% of candidates were confident in the Situational Judgement Test as a JAC selection tool.
- 71% of candidates agreed that the Critical Analysis Test enabled them to demonstrate how they would analyse facts to form a judgement.
- 67% of candidates were confident in the Critical Analysis Test as a JAC selection tool.
- 85% of candidates agreed that the qualifying test was accessible in terms of format, language used, and topics covered.
- 55% of candidates agreed that the qualifying test was easy to complete.