

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

**00184 Deputy District Judge**

**May 2024**

## **Purpose**

The purpose of this report is to provide an evaluation of the Deputy District Judge online scenario test as well as general feedback on candidate performance in the 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 and sharing more detailed comments in relation to each of the four questions in the test.

## **Competency Framework**

The test was designed to assess the following competencies:

- Exercising Judgement
- Possessing and Building Knowledge
- Assimilating and Clarifying Information
- Working and Communicating with Others
- Managing Work Efficiently

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 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 Circuit Judge and District Judge.

In common with all the selection tools developed for this exercise, the scenarios and situational 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 the structure and timings of the test, and then make any necessary amendments.

### Structure of the test

The test was hosted on the JAC Digital Platform. The test was 80 minutes long. Candidates were presented with a scenario and four questions.

The scenario involved an application for an Anti-Social Behaviour Injunction (ASBI) under the 2014 Act made by a housing association. The questions focussed on a paper review in box work; a without notice (ex parte) remote hearing; and an on-notice hearing. The situations used in the questions were based on potential real-life situations that may be encountered by a Deputy District Judge.

Candidates were required to provide narrative responses to each of the four questions. Each question had a word limit and a maximum number of marks available. The word limit and marks for each question were as follows:

Question One	29 marks available	maximum word count 250
Question Two	6 marks available	maximum word count 50
Question Three	47 marks available	maximum word count 450
Question Four	59 marks available	maximum word count 500

### Marking schedule

A marking schedule was provided to the panels. A maximum of 141 marks were available.

### Marking of the test

The candidates' test submissions were anonymised and marked by a panel of judicial members. There were 10 judicial markers. JAC staff provided a full briefing to the markers at the outset of marking the papers.

A total of 791 candidates sat the test. A 10% sample of the test papers were selected for moderation in addition to those already discussed by the judicial markers. Those selected included test papers identified for moderation by markers; samples of the high, low, and mid scoring test papers; all test papers close to the prospective cut off point for invitation to selection days; and a further random sample.

Moderation took the form of markers cross checking each other's work. The moderation process concluded that the panels had been consistent and fair.

In line with JAC Policy, the Senior Selection Exercise Manager and the JAC Commissioner assigned to the selection exercise undertook separate quality assurance checks. Their independent conclusion was that marking had been robust and consistent.

### Distribution of scores

811 candidates were invited to take the test

20 candidates withdrew from the process or did not take the test

791 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. All candidates were then ranked in order of merit from first to last based on their percentage score (further outlined below).

This provided a merit list determining how many candidates would be invited to the next stage of the exercise based on the approach outlined below. The highest 317 scoring candidates from the scenario test were shortlisted through to selection days.

We did not have a pre-determined pass mark for the test; however, candidates must score a minimum of 30% to be considered for the next stage of the selection process. 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 the selection exercise. For this exercise, the score at which the line of shortlisting fell was 49% and above.

The highest and lowest marks awarded are shown in the table below:

Distribution of marks	Question One	Question Two	Question Three	Question Four	Total
<b>Highest score</b>	27/29 (1 candidate)	6/6 (31 candidates)	40/47 (3 candidates)	45/59 (1 candidate)	112/141 (1 candidate)
<b>Lowest score</b>	0/29 (8 candidates)	0/6 (44 candidates)	0/47 (8 candidates)	0/59 (12 candidates)	0/141 (5 candidates)
<b>Average score</b>	14/29 (52 candidates)	4/6 (159 candidates)	23/47 (57 candidates)	23/59 (35 candidates)	63/141 (19 candidates)

### 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). 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 125 posts. We therefore planned the selection exercise based on inviting up to 313 candidates to selection day. To prevent a significant drop from the substantial number of candidates who applied to fill the much smaller number of selection day slots, we planned to have shortlisting stages as part of the selection process.

All candidates who applied for the exercise were invited to sit the online qualifying test, which involved a situational judgement and critical analysis test. We invited 811 candidates to take the online scenario test. A total of 791 candidates completed the test.

The percentage score for each candidate was used to rank all candidates into a merit list, with the highest percentage score as the most meritorious and the lowest percentage score as the least meritorious. 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 Provision

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 judicial Commissioner, a lay Commissioner, and the

Assigned Commissioner for the exercise. The sub-committee will consider and will need to be satisfied that:

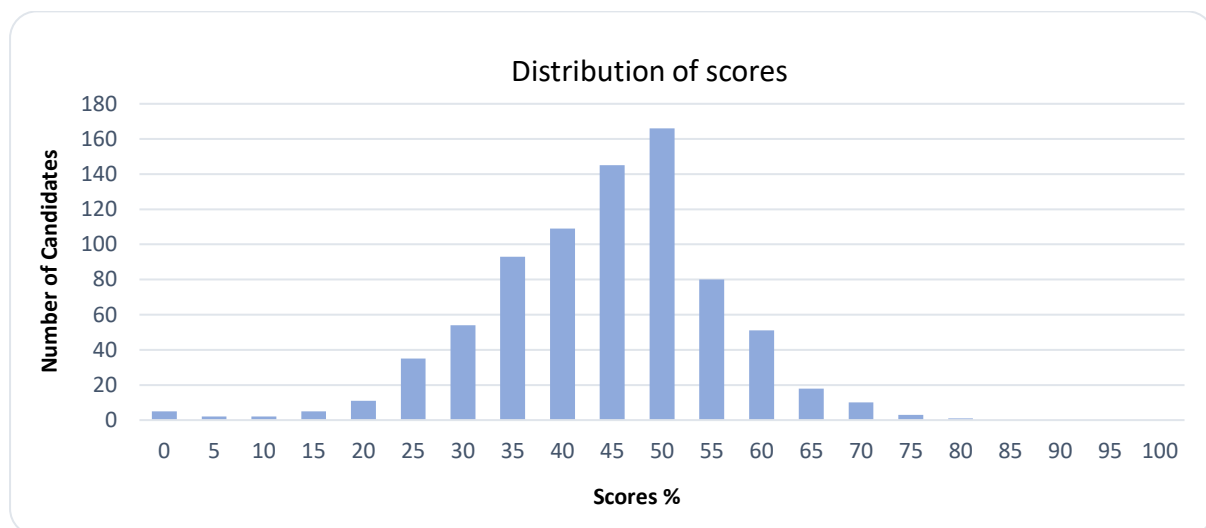
- the candidates about whom a decision is being taken are of equal merit.
- the particular protected characteristic is underrepresented either in the judiciary as a whole or at the relevant level of judiciary.
- reliance on EMP in the shortlisting process being conducted is a proportionate means of achieving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

EMP was applied at this stage of the selection process.

After applying the above process, two further candidates were invited to progress to the next stage of the selection exercise. This resulted in 319 candidates being invited to take part in the selection days.

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 the selection exercise.

The distribution of scores is shown in the graph below, with scores grouped by rounding to the nearest 5%.



The candidate scores for this test were as follows: lowest candidate score was 0%, highest candidate score was 79%. The average candidate score was 45%.

### Feedback from the marking panels

In advance of marking the test the marking panels were instructed to consider any common themes in the candidates' answers that could be included in the feedback report, which can be seen below.

### Question one

Question one was designed to assess the candidate's understanding of the identification of the applicable law, and the application of the law to the facts of the case. It was about whether the case could be heard at short notice (still without notice), whether it should be listed urgently, and what method or hearing should be used.

Candidates who scored well:

Candidates who scored well adopted a logical approach addressing, and quoting, the key elements of the legislation and applying them to the facts. Specifically, such candidates grappled with whether the application should be heard without notice and provided reasons. Those candidates who scored at the higher end included practical and procedural considerations such as service within their answers.

Candidates who performed less effectively:

Candidates who did not score well often failed to consider the specific facts and provided a more general answer, and specifically did not consider whether, based on these facts, a without notice hearing was warranted and how the application would be addressed by the candidate sitting as a judge when it was received.

**Question two**

Question two was designed to assess the candidate's understanding of the law and considering the options on how to proceed. This was about addressing the connection issues from the legal representative and to provide a solution.

Candidates who scored well:

Candidates who recognised the need to adopt a problem-solving approach by offering practical solutions – such as allowing the advocate to join by telephone or by audio only into the video platform - achieved greater marks than those candidates who did not.

Candidates who performed less effectively:

Candidates who did not perform well tended to adjourn the hearing without fully exploring the alternatives.

**Question three**

Question three was designed to assess the candidate's understanding of the identification of the applicable law, and the application of the law to the facts of the case. This was about the orders to make considering the prohibitions and requests for another hearing.

Candidates who scored well:

Candidates who scored well adopted a systematic approach through the legislation, quoting the legislation and applying it to the facts before them. Those candidates who provided reasons for either granting or not granting specific elements of the proposed injunction obtained marks higher than those who did not. Candidates who included references to practice and procedure, for example, future hearings and the method of such hearings, in addition to considering issues of service, obtained additional marks.

Candidates who performed less effectively:

Candidates who did not perform so well omitted key references to the legislation and failed to apply the legal test either at all or in the context of the facts before them.

#### **Question four**

Question four was designed to assess the candidate's understanding of the court's power to allow evidence to be read, the identification of the applicable law to the facts of the case and its provisions and powers, and the correct injunction periods and listing procedures.

#### **Candidates who scored well:**

Candidates who had a logical structure to their answers, firstly addressing the application to adjourn followed by considering the change in facts before them, tended to score higher than those who did not. Citing the legal framework obtained candidates some marks, but those who performed better applied that framework to the facts of the scenario and were able to identify specifics from those facts to provide a well-reasoned and balanced answer. Answers with the highest marks considered practice and procedure, including vulnerabilities of witnesses as well as careful case management.

#### **Candidates who performed less effectively:**

Candidates who performed less well often omitted reasons for their answers.

#### **Candidates who scored well overall**

Candidates who scored well overall included the following in their answers:

- A logical process, they quoted the law, applied the relevant tests, and fully explained their decision making.
- Referred to their supervisor when necessary and mentioned the overriding objective at the correct circumstance.
- Set out their thought processes and dealt with the law in a structured manner.

#### **Candidates who performed less effectively overall**

Candidates who scored less well, did the following:

- Did not answer the questions directly.
- Did not apply the 'Just test' in s17.
- Did not provide the detail required i.e. a logical structure addressing the application to adjourn followed by considering the change in facts and citing the legal framework required in the response to question four.
- Relied heavily on the facts provided in the candidate material, rather than critically assessing the material and its implications.
- Had a general lack of structure in their answers.
- Did not include analysis, reasoning and referencing to legislation in their answers.
- Failed to provide case management directions.

### **Feedback from candidates**

After the online scenario test, candidates were invited to complete an anonymous candidate survey.

A total of 224 candidates responded to the survey. Based on the results of the survey:

#### **Regarding the 80-minute time limit for the test:**

- around 75% of candidates thought the time allocated was too short
- around 18% of candidates thought the time allocated was just right

#### **In terms of the difficulty of the test:**

- around 22% of candidates thought the test was easy to complete
- around 45% of candidates thought the test was challenging
- around 12% of candidates thought the test was very challenging
- around 21% of candidates did not express a view

#### **When answering Question One:**

- around 61% of candidates found this question challenging
- around 18% of candidates did not find this question challenging
- around 21% of candidates did not express a view

#### **When answering Question Two:**

- around 32% of candidates found this question challenging
- around 41% of candidates did not find this question challenging
- around 27% of candidates did not express a view

#### **When answering Question Three:**

- around 62% of candidates found this question challenging
- around 12% of candidates did not find this question challenging
- around 26% of candidates did not express a view

#### **When answering Question Four:**

- around 71% of candidates found this question challenging
- around 10% of candidates did not find this question challenging
- around 19% of candidates did not express a view

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