JUDICIAL APPOINTMENTS COMMISSION

Qualifying Test Evaluation and Feedback Report

00184 Deputy District Judge

April 2024

Purpose

The purpose of this report is to provide an evaluation of the Deputy District Judge 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 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 their 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 contained a mixture of questions selected from the JAC's approved bank of questions and questions which were newly devised by a Circuit Judge and a District Judge, who acted as the drafting judges for this exercise. The questions in the bank were devised by a range of judges from across a range of jurisdictions, and those selected for this exercise were reviewed and agreed by the drafting judges.

The materials 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 were reviewed internally by Operations, Policy, and Diversity and Engagement teams to quality and equality assure the materials to ensure they were an effective tool to assess candidates. The teams also ensured that the materials did not unfairly advantage or disadvantage any potential candidates taking a test on the basis of their diversity characteristic or professional background.

The materials were also 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 equality and whether it would have any negative impacts on diverse groups.

The effectiveness of the materials were assessed by means of a mock assessment with a range of volunteers from relevant candidate groups. This provided an opportunity to trial the 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: 40 minutes, 20 questions
- Critical analysis: 40 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 Deputy District Judge. Candidates were assessed on their reading of a situation and their ability to judge the effectiveness of several different responses provided under each question. Candidates needed to identify both a most appropriate and least appropriate answer from the five options presented.

For the critical analysis test, candidates were presented with the text of the speech titled '*25 YEARS OLD: THE HUMAN RIGHTS ACT 1998, A survey of some of the leading cases, looking at how the 1998 Act has operated in our courts',* given by Mr Justice Fordham on 9 November 2023, one week before the test. The questions and answer options in the test were based on the content of the reference 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 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 response, 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

2715 candidates were invited to take the test;
448 candidates withdrew from the process or did not take the test;
2267 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.
- Candidates were then ranked in order of merit from first to last based on their composite score (further outlined below).

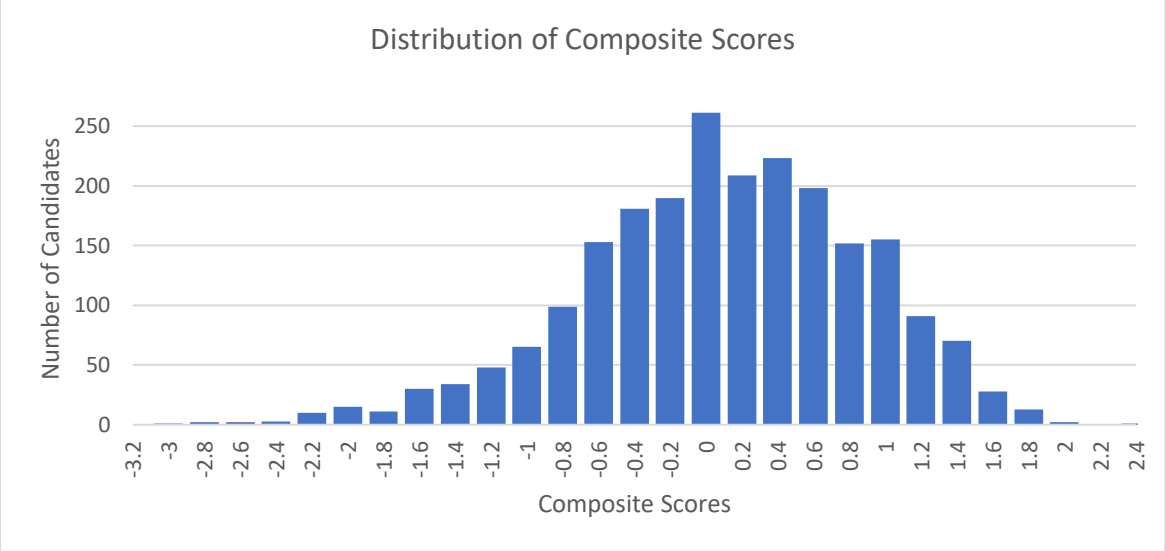
This provided a merit list to be used for determining how many candidates would be invited to the next stage of the selection process.

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 2.26 and the lowest composite score was - 3.02. Candidates with a composite score of 0.33 or higher were progressed to the next selection stage, while the Equal Merit Provision was applied to candidates, as detailed below.



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 125 posts. Vacancy requests are generated by HMCTS based upon the needs of the Courts and Tribunals. We therefore planned the selection exercise based on inviting around 313 candidates to selection day, a ratio of 2.5:1.

All candidates who applied for the exercise were invited to sit the online qualifying test. We planned to take 800 candidates to the second stage of shortlisting, the scenario test.

To identify the top 800 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 to the merit list to create the initial cut off line, after which the equal merit approach was applied as detailed below.

We therefore 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.

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

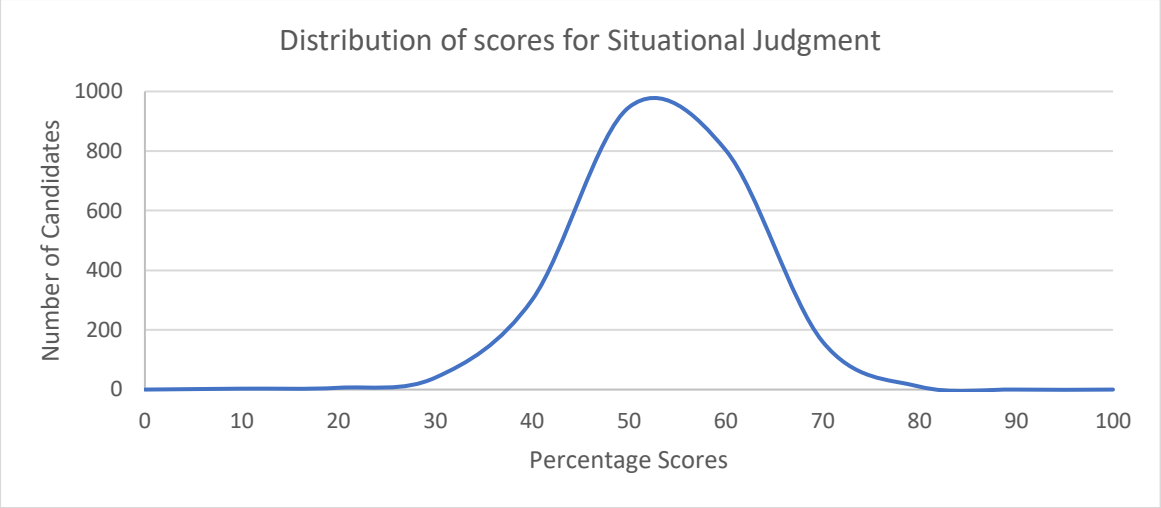
- the candidates about whom a decision is being taken are of equal merit;
- the particular protected characteristic is underrepresented either in the judiciary as a whole or at the relevant level of judiciary; and
- reliance on EMP in the shortlisting process being conducted is a proportionate means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

EMP was applied at this stage of the selection process.

After applying the above process, 15 candidates were invited to progress to the next stage of the selection exercise. This resulted in 811 candidates being invited to take part in the scenario test.

Candidates' performance in the two tests

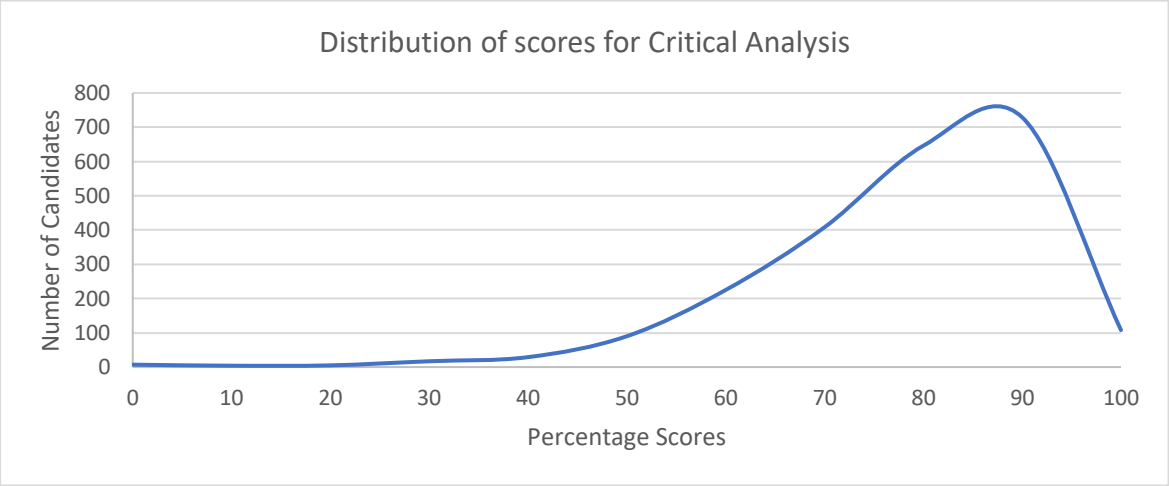
The range of candidate scores for the situational judgements test were as follows:
the lowest candidate score was **10**%, the highest candidate score was **83**%, the average candidate score was **57**%.



The highest scoring situational judgement question related to a litigant in person not putting their best legal argument forward. 67% of candidates correctly identified the most appropriate and least appropriate answers.

In comparison, the situational judgement question which related to a litigant in person taking too long with their cross-examination, was the lowest scoring, with 10% of candidates correctly identifying the most appropriate and least appropriate answers.

The range of candidate scores for the critical analysis test were as follows:
the lowest candidate score was **10**%, the highest candidate score was **100**%, the average candidate score was **81**%.



The highest scoring critical analysis question asked what Mr Justice Fordham, in his speech, stated when considering all the cases together. 98% of candidates correctly identified the answer.

The critical analysis question which appears to have been the hardest, asked what Mr Justice Fordham meant in his speech when he says that the case of Smith & Grady v MOD "failed at home." 32% of candidates correctly identified the answer.

Feedback from candidates

After the qualifying test, candidates were invited to complete an anonymous candidate survey. **841** candidates responded to the survey. Based on the results of the survey:

- 96% of candidates understood from the instructions what was expected during the qualifying test;
- 91% of candidates thought the qualifying test was accessible in terms of format, language used, and topics covered;
- 62% of candidates thought the qualifying test was easy to complete;
- 62% of candidates thought the situational judgement test enabled them to demonstrate how they would tackle challenges when working in a court;
- 47% of candidates were confident in the situational judgement test as a JAC selection tool;
- 74% of candidates thought the critical analysis test enabled them to demonstrate how they would analyse facts to form a judgement;
- 71% of candidates were confident in the critical analysis test as a JAC selection tool.

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