Post Selection Day Evaluation and Feedback Report

00184: Deputy District Judge

October - November 2024

Purpose

The purpose of this report is to provide an evaluation of the selection days for **Deputy District Judge** 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

The selection day was divided into two parts. The first part was a roleplay which was designed to assess the following competencies:

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

The second part was a competency-based interview, which 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 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 Deputy District Judge is expected to have. This enabled us to assess candidates in a fair and consistent way.

Performance of candidates

A total of **2,715** candidates applied for this exercise. Shortlisting involved an online qualifying test, which all candidates were invited to complete. This comprised of two multiple-choice tests: a Situational Judgement test and a Critical Analysis test. The **811** most meritorious candidates were then invited to complete a written online scenario-based test. These tests were conducted on our Digital Platform.

Post shortlisting, the top **319** candidates were invited to selection days. The **125** highest scoring candidates were recommended by the Judicial Appointments Commission to the Lady Chief Justice for England and Wales for appointment.

A further 30 candidates were identified to be included on a s.94 list for any potential future vacancies.

In making this decision, the Commission took into account all relevant character checks and all evidence provided by the candidates at selection day as well as the candidates' independent assessments and self-assessment. Candidates who were selectable but not recommended to the Lady Chief Justice for England and Wales were offered individual feedback.

Selection day

Selection days were held remotely via Microsoft Teams between 21 October 2024 and 21 November 2024. Candidates who took part in remote interviews were provided with technical support to get ready for their selection day as detailed on our website.

Development of the roleplay

The roleplay was devised and drafted by a Circuit Judge and District Judge. In common with all the selection tools developed for this exercise, the roleplay was designed to simulate a court or tribunal environment with candidates taking on the role of judicial office holders.

The roleplay assesses how candidates deal with the situations they may face and decisions they would have to make if appointed. Candidates are expected to demonstrate their ability to meet the competency framework and whether they can maintain their performance under challenge and pressure.

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 undertaking the selection days 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 roleplay 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 roleplay

The candidates were cast in the role of a Deputy District Judge in the fictitious Higher Education Appeal Tribunal and required to consider an appeal by an applicant (Agnieszka), who is gender fluid/non-binary, against a university's decision to exclude them from an economics degree course due to alleged plagiarism. They were required to hear the arguments from the unrepresented applicant and the barrister representing the university, followed by giving an ex-tempore oral judgment at the end of the appeal. They were given up to 35 minutes to complete the roleplay, excluding any preparation time.

The script was designed to test a candidate's ability to appropriately deal with situations and the people appearing before them, as well as processing information and making decisions.

Selection day preparation

No pre-reading was required prior to selection day.

At selection day, candidates were given the following material to familiarise themselves with:

      i.   'The Plagiarism Act 2024' and 'The Higher Education Appeal Tribunal Regulations 2024.'

ii. Tribunal Appeal Form

iii. Statements from the professor, students, appellant, members of the university team and witnesses

Marking of roleplay

A checklist and marking guide were provided to the selection day panels to guide them in what to look for under each competency.

Assessment of candidates' responses to the roleplay

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

Outstanding evidence included:
- Using their judgement to act quickly and decisively and giving sound reasons for their decisions.
- Making decisions relating to all the areas raised in the submissions.
- Being fair with both parties.
- Fully absorbing the information provided in the brief and in submissions and making use of this in their approach to the hearing and in their questions to the parties.
- Listening carefully and clarifying any uncertainty.
- Demonstrating calm authority and inspiring respect and confidence.
- Communicating clearly and succinctly with the parties, especially the appellant.
- Being sensitive to issues relating to participation and defusing tension, as necessary.
- Demonstrating a firm grip on the time throughout the hearing, starting by reminding the parties of the time available and continuing by reducing distractions and ensuring that no time is wasted.
- Taking a calm and flexible approach to getting through the submissions and allowing ample time for their final judgment.

Strong evidence included:
- Making the key decisions and covering most of the main points but may have missed some smaller or more nuanced points.
- Absorbing most of the key parts of the scenario.
- Maintaining some control of the hearing and will cover most of the points but they will be slightly less clear or succinct or the candidate may not always intervene after cues from the parties.
- Maintaining some control of the time.
- Ensuring that the parties are continuously moving forward through the different parts of the hearing.

Sufficient evidence included:
- Covering the key decisions but will not be so well-reasoned and will be lacking detail.
- Absorbing some key parts of the scenario, but they will miss some of the issues in the brief and/or in what the parties tell them. In particular, they will be unclear or confused as to how the Plagiarism Act 2024 and The Higher Education Appeal Tribunal Regulations 2024 applies to the facts of the case.
- Maintaining some control of the hearing, but their authority may lapse at times, and they will not be as clear and structured in their communication.
- Struggling with some or all of the parties' interruptions.

- Maintaining some control of the time but the candidate may not manage the parties as effectively. Their failure to deal effectively with the parties' interruptions means that they may be pressed for time and may cut short parts of their judgment to finish in time.

Insufficient evidence included:
- Not taking all the necessary decisions, making decisions that are not logical or based on the evidence heard, or giving decisions without supporting reasons.
- Not grasping the basics of the hearing and missing key issues from the brief and what parties tell them.
- Not demonstrating authority or communicating clearly, and/or demonstrating impatience or insensitivity with either or both parties.
- Not keeping a close eye on the time, getting stuck in too much detail, and/or failing to manage the hearing efficiently.
- Running out of time before delivering their final judgment or missing out many of the matters that should have been covered because of lack of time.

Feedback from panels in the roleplay

Candidates that did well:

- Managed their time in the roleplay so that they were able to give a thorough judgment, which followed a logical structure.
- Demonstrated how they had arrived at their findings of fact and applied the relevant law.
- Had a clear focus on the nature of the decision required of them and asked relevant questions.
- Had not pre-formed an opinion and listened to the evidence given to them by the actors to enable them to clarify important oral submissions, which enhanced their final judgment.

Candidates that did less well:

- Did a poor introduction by not introducing themselves and not explaining to the parties the time available and the running order.
- Failed to reference any regulations by number or content.
- Were unfair to the parties and did not allow them to speak.
- Failed to properly explain the evidence they considered and what weight they gave to it, when giving their final judgment.
- Had variable pace, for example, spending too long on introductions and preliminary issues but then moving too quickly through judgment as their time was running out.

Competency-based interview

Following the roleplay, 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 Deputy District Judge. The panel drew upon evidence provided in the candidate's self-assessment and career history to inform their questioning.

Exercising Judgement

Outstanding evidence included:
- Providing complex and challenging examples that evidenced all the criteria for this competency, in particular applying the relevant law and processes, presenting decisions in a clear manner, demonstrating independence of mind, fairness, and integrity.
- Demonstrating outstanding integrity and fairness in reaching reasoned decisions.
- Demonstrating evidence of decisions taken in difficult, complex, innovative, or controversial situations.

Strong evidence included:
- Demonstrating clear integrity when they made a finely balanced decision.
- Providing examples that reflected complex situations where they clearly applied the relevant approach, law, and procedure.
- Demonstrating their ability to reach a sound decision after full consideration of the competing arguments.

Sufficient evidence included:
- Demonstrating integrity and independent decision-making.
- Providing examples that provided evidence of fairness and integrity.
- Provided examples that had great challenge but lacked the more detailed account of the candidate's own actions.

Insufficient evidence included:
- Failing to answer the question asked, sometimes because they appeared to be tied to their pre-prepared notes.
- Giving examples from their self-assessment but added little additional evidence to these, despite being informed they would need to.

Possessing and Building Knowledge

Outstanding evidence included:
- Providing examples evidencing how they keep abreast with changes in law, new processes and how they share relevant knowledge appropriately.
- Providing examples that were enlightening, innovative and clearly showing challenging and complex situations.
- Providing reference to their involvement with published articles, including books and legal journals.
- Demonstrating evidence of setting new precedents in law.

Strong evidence included:
- Demonstrating their detailed knowledge of the law and procedure in their own field, but also how they were able to acquire knowledge in an unfamiliar and complex matter.
- Demonstrating their ability to look to other jurisdictions to find answers and definitions of legal terms to then apply back in their jurisdiction.
- Demonstrating self-knowledge and insight.

Sufficient evidence included:
- Providing examples that were brief and routine.
- Providing examples with too much contextual information and not enough explanation of what they actually did.

Insufficient evidence included:
- Failing to answer the question asked.
- Giving superficial examples or very straight forward examples.
- Appearing to not listen to the actual question and giving too much background which left little time to get to the point of what they actually did.

Assimilating and Clarifying Information

Outstanding evidence included:
- Providing examples that demonstrated evidence of analysing all the different factors and weighing up the risks before reaching a decision.
- Providing examples that demonstrated considerable complexity and challenge.
- Providing examples that were rich with details of the actions they personally took.

Strong evidence included:
- Providing a clear and detailed account of keeping an open mind in a challenging situation.
- Demonstrating an ability to assimilate a large volume of information quickly.
- Providing a clear description of their comprehensive approach to order and how to evaluate new information.

Sufficient evidence included:
- Providing examples that were brief and standard.
- Providing examples that had potential, but where limited decision making, or analysis was required.

Insufficient evidence included:
- Providing examples that did not answer the question asked.
- Providing examples that lacked detail and complexity.

Working and Communicating with Others

Outstanding evidence included:
- Providing examples that had brief context and then set out what they had done, personally, in the situation they described.
- Providing examples that clearly demonstrated their professionalism in a complex and difficult situation.
- Demonstrating an effective communication style throughout their interview.

Strong evidence included:
- Demonstrating strong evidence of communication and sensitivity.
- Providing clear evidence of sensitivity, understanding, and gaining the confidence of the client in what was an initially challenging situation.
- Providing examples that demonstrated range and complexity of evidence.

Sufficient evidence included:
- Provided straightforward detailed answers but lacked a greater depth of challenge.
- Provided limited evidence that showed their communication and sensitivity.
- Demonstrated appropriate strategies to maintain control and build relationships.

Insufficient evidence included:
- Spending too long setting out the scenario and not enough time explaining their role in it or how it met the competency.
- Providing examples that lacked depth and detail.
- Providing examples that did not answer the specific question asked.

Managing Work Efficiently

Outstanding evidence included:
- Providing evidence of an awareness of court resources and wider perception of the judiciary process.
- Describing in some detail, the practical steps that they had taken to manage their workload and the matter in which they had engaged others.

Strong evidence included:
- Providing examples that demonstrated challenges that needed to be overcome and how they did this.
- Providing examples that demonstrated how they instructed their colleagues in the use of new tools.
- Providing evidence that was structured, detailed, and showed what and how they did it.

Sufficient evidence included:
- Providing evidence of taking a structured approach to work.
- Giving examples of their ability to respond flexibly to changing circumstances.

Insufficient evidence included:
- Struggling to fully articulate their example despite heavy prompting.
- Providing examples that lacked detail appearing to offer little more than evidence of delegation.
- Providing examples that were not complex.

Welsh Questions

Candidates for posts in Wales were required to have an understanding, or the ability to acquire the understanding, of the administration of justice in Wales, including legislation applicable to Wales and Welsh devolution arrangements. This requirement was assessed on a third-party platform between 7 - 14 October 2024, through a series of questions where candidates' answers were recorded.

Candidates were assessed as either suitable or not suitable for posts in Wales, based on their answers to these questions.

Feedback from Candidates

After the selection days, candidates were invited to complete an anonymous candidate survey. 87 candidates responded to the survey. The results are captured below:

How would you rate the quality of customer service you received from JAC staff on selection day?

- 95% of candidates rated it either excellent or good.
- 2% of candidates rated it as fair.
- 2.5% of candidates put not applicable.

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

- 87% of candidates either agreed or strongly agreed.
- 7% of candidates neither agreed nor disagreed.
- 5% of candidates either disagreed or strongly disagreed.
- 1% of candidates responded not applicable.

I was confident I knew how to use Microsoft Teams before selection day.

- 98% of candidates either agreed or strongly agreed.
- 2% of candidates neither agreed nor disagreed.

I understood what was expected on the selection day.

- 87% of candidates either agreed or strongly agreed.
- 5% of candidates neither agreed nor disagreed.
- 8% of candidates disagreed.

The role play, including the setting, scenario, and actors, created a convincing situation.

- 82% of candidates either agreed or strongly agreed.
- 7% of candidates neither agreed nor disagreed.
- 11% of candidates either disagreed or strongly disagreed.

The roleplay enabled me to demonstrate my suitability for the role.

- 76% of candidates either agreed or strongly agreed.
- 13% of candidates neither agreed nor disagreed.
- 11% of candidates either disagreed or strongly disagreed.

I am confident in the roleplay as a JAC selection tool.

- 82% of candidates either agreed or strongly agreed.
- 9% of candidates neither agreed nor disagreed.
- 9% of candidates either disagreed or strongly disagreed.

The interview questions gave me the opportunity to demonstrate my skills, abilities, and competence for this role.

- 52% of candidates either agreed or strongly agreed.
- 24% of candidates neither agreed nor disagreed.
- 24% of candidates either disagreed or strongly disagreed.

The panel behaved professionally and treated me with respect.

- 93% of candidates either agreed or strongly agreed.
- 6% of candidates neither agreed nor disagreed.
- 1% of candidates either disagreed or strongly disagreed.

 I am confident in the interview as a JAC selection tool.

- 62% of candidates either agreed or strongly agreed.
- 18% of candidates neither agreed nor disagreed.
- 20% of candidates either disagreed or strongly disagreed.

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