



## **Post Selection Day Evaluation and Feedback Report**

**00117 Fee-paid Judge of the First-tier Tribunal and  
Fee-paid Judge of the Employment Tribunals  
(England and Wales)**

**October - November 2023**

## Purpose

The purpose of this report is to provide an evaluation of the selection days for Fee-paid Judge of the First-tier Tribunal and Fee-paid Judge of the Employment Tribunals (England and Wales), 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 these roles.

## Competency Framework

The selection day was divided into two parts. The first part was a role play which assessed 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 assessed 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 Judge of the First-tier Tribunal or Judge of the Employment Tribunals (England and Wales) is expected to have. This enabled us to assess candidates in a fair and consistent way.

## Performance of candidates

2,146 candidates registered for the Fee-paid Judge of the First-tier Tribunal and Fee-paid Judge of the Employment Tribunals (England and Wales) exercise.

1,775 candidates completed the online qualifying test which consisted of a situational judgement and critical analysis test, both of which were multiple choice. The 752 most meritorious candidates from the online qualifying test were then invited to complete the written scenario test. 731 candidates completed the scenario test.

390 candidates were shortlisted to a selection day, subject to completing a full application form and meeting the eligibility requirements. 360 candidates attended a remote selection day, consisting of a role play and competency-based interview. 30 candidates withdrew from the process either by not completing the full application form, not attending their remote selection day, or contacting the JAC to advise of their wish to withdraw.

### Fee-paid Judge of the First-tier Tribunal

In March 2024, due to a change in business need, HMCTS increased the vacancy request for Fee-paid Judge of the First-tier Tribunal from 150 vacancies to 179 vacancies.

179 candidates were recommended by the Judicial Appointments Commission to the Senior President of Tribunals for appointment to the role of Fee-paid Judge of the First-tier Tribunal.

#### *Fee-paid Judge of the Employment Tribunals (England and Wales)*

In May 2024, the vacancy request for Fee-paid Judge of the Employment Tribunals increased from 50 vacancies to 52 vacancies.

52 candidates were recommended by the Judicial Appointments Commission to the Lord Chancellor for appointment for the role of Fee-paid Judge of the Employment Tribunals (England and Wales).

In making its decision on who to recommend for appointment, the Commission took into account all relevant character checks, and all evidence provided by candidates at selection day, as well as the candidates' independent assessments and self-assessment.

#### **Selection day**

Selection days were held remotely via Microsoft Teams from 23 October 2023 to 23 November 2023. Candidates who took part in remote interviews were provided with technical support to get ready for their selection day as detailed on our website [here](#).

#### **Development of the role play**

The role play was devised and drafted by a Regional Employment Judge of the Employment Tribunals (England and Wales), supported by another Regional Tribunal Judge and two other Tribunal Judges. In common with all the selection tools developed for this exercise, the role play was designed to simulate a court or tribunal environment with candidates taking on the role of the judicial office holder.

The role play 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 based on 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 role play 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 role play**

The role play was designed to assess how candidates deal with decisions they would be asked to make and situations they may encounter if appointed as a Fee-paid Judge of the First-tier Tribunal or Fee-paid Judge of the Employment Tribunals (England and Wales).

The candidates were cast in the role of a Fee-paid Tribunal Judge to conduct a remote hearing in the (fictional) Community Development and Regulatory Authority Tribunal (CDRAT). Candidates were required to make various decisions throughout the role play and give an oral summary judgment at the end of the hearing. They were given up to 30 minutes to complete the role play.

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

To prepare for the role play, candidates were given pre-reading materials prior to the selection day. This consisted of relevant sections of the Equal Treatment Bench Book, the Equality Act 2010, and rules and legislation relevant to the fictional jurisdiction.

On their selection day, candidates were given additional preparation material that provided the background to the role play. Candidates were given 30 minutes to familiarise themselves with the material. The preparation material consisted of the following:

- The scenario
- Two letters from local business owners in support of the applicant
- Three letters in support of the objector

### **Marking of role play**

A checklist was provided to the panels to guide them in what to look for under each competency.

### **Assessment of candidates' responses to the role play**

The evidence for each competency is assessed as either outstanding, strong, sufficient, or insufficient. The more comprehensively a candidate addressed these items, the higher the grade they achieved for each competency. The panels then made a final overall assessment of candidates as either outstanding, strong, selectable, or not presently selectable.

Outstanding evidence included:

- The candidate introduces themselves and the parties at the start of the hearing and ensures the parties are addressed appropriately throughout.
- Sets out the hearing's purpose and the running order and ensures proceedings are conducted promptly and efficiently.
- Maintaining control of the hearing with a firm authority created and fostered throughout the hearing.
- Allows both parties to give their submissions, whilst ensuring the focus remains on the issues under appeal.
- Correctly identifies and utilises the Rules regarding the hearing being held in public and what factors are relevant to the decision under appeal.
- Assimilates and analyses the advance material and oral submissions to reach a reasoned decision.
- Deals calmly and fairly with the parties, including delivering a fair but firm judgment incorporating an analysis of all the relevant rules and facts from the case.
- The judgment is clear, well-structured and in accessible language for both parties.

Strong evidence included:

- The candidate introduces themselves and the parties, whilst ensuring both parties are treated with respect throughout the hearing.
- Maintains control of the hearing with a sense of authority throughout the hearing, regardless of the actions of the parties.
- Ensures the proceedings are run effectively and efficiently.
- Provides an analysis of the advanced material and the oral submissions made to reach decisions.
- Identifies the relevant Rules regarding hearing the case in public and observations, whilst ensuring the focus remains on the relevant areas.
- Provides the parties with a judgment within the allocated time, with reasoning provided and supported with evidence.

Sufficient evidence included:

- Ensures that the parties are treated with respect throughout but limited in scope or scale of interjections or challenge for bad behaviour.
- Ensures the hearing proceeds but with some challenge to the candidates' authority or process applied.
- Demonstrates some level of analysis between the advanced material and the oral submissions provided by the parties.
- Ensures the judgment is given within the time allocated, but is limited in terms of scope and analysis.

Insufficient evidence included:

- Not referencing the relevant rules or legislation throughout the judgment and/or hearing.
- Does not maintain control/authority of the parties.
- Not showing empathy towards the parties.
- Getting side-tracked on exploring non-essential issues with the parties.
- Does not allow both parties to fully express their case within the hearing.

### **Competency-based interview**

Each candidate then took part in a competency-based interview. Here the panel sought further evidence and examples from the candidate of the required competencies and in the context of the role of a Fee-paid Judge of the First-tier Tribunal or a Fee-paid Judge of the Employment Tribunals (England and Wales). The panel drew upon evidence provided in the candidate's self-assessment and career history to inform their questioning.

### **Assessment of candidates' responses to the competency-based interview**

The evidence for each competency is assessed as either outstanding, strong, sufficient or insufficient.

### **Exercising Judgement**

Outstanding evidence included:

- Detailed explanation of balancing competing factors in complex decision making
- Making legally sound decisions on high profile cases in a confident manner

- Focused, relevant and recent examples of showing fairness
- Demonstrating a high level of integrity in a challenging situation
- Showing resilience and ability to withstand pressure in highly pressured situations involving a complex factual matrix and legal nuances
- Demonstrating clear, structured and considered decision making
- Demonstrating a thorough analytical process and a methodical approach in the decision making
- Delivering clear and detailed examples in a thoughtful and careful manner

Strong evidence included:

- Demonstrating independence of mind, integrity and an ability to apply the relevant law and procedure correctly
- Applying the relevant legal and procedural considerations and making a sound decision in moderately complex situations
- Demonstrating an ability to reflect and learn
- Demonstrating strong independence and fairness in listening carefully and explaining legal concepts calmly
- Showing an ability to make clear and confident decisions without prejudice and when under pressure

Sufficient evidence included:

- Showing independence of mind and ability to make the correct decision in less legally complex situations
- Demonstrating ability to apply relevant law and procedure without giving a thorough explanation of the balancing exercise
- Demonstrating integrity and fairness in standard work situations
- Providing relevant examples in a less structured and clear way

Insufficient evidence included:

- Failing to provide a convincing example of making a finely balanced decision
- Providing unclear and unfocused answers which did not address the relevant questions
- Failing to demonstrate independence of mind or integrity
- Providing examples which were not fully developed, lacked contextual information or depth
- Providing examples which are too generic, routine or simplistic

## **Possessing and Building Knowledge**

Outstanding evidence included:

- Demonstrating detailed knowledge of law and procedure in own field of expertise
- Demonstrating an ability to acquire further knowledge in complex areas efficiently at short notice
- Providing an example of a complex piece of unfamiliar legal work and explaining in detail a systematic approach of learning and reflecting
- Demonstrating an ability to keep abreast of changes in law
- Showing willingness to learn and develop and support others
- Demonstrating an ability to translate knowledge into a format that can be shared with others in a clear and accessible manner
- Showing a commitment to sharing relevant knowledge and information with others through proactive involvement in professional associations and other activities

- Providing clear and in-depth answers which were delivered carefully and thoughtfully throughout

Strong evidence included:

- Demonstrating detailed knowledge of own field of expertise
- Providing a clear example of ability to acquire further knowledge in an unfamiliar area rapidly
- Keeping abreast of changes in own field
- Demonstrating commitment to own continuous learning and development
- Showing willingness and enthusiasm to share developments and changes in the law with colleagues
- Providing examples which were wide-ranging in scope but not developed enough to constitute outstanding evidence.

Sufficient evidence included:

- Demonstrating an ability to acquire new knowledge with limited details on the complexity of the new information
- Keeping abreast of changes in law and applying that knowledge
- Developing knowledge in a new area of law within or closely within own area of specialism
- Ability to share information with others
- Providing examples which demonstrated elements of the competency but were considered too routine or straightforward

Insufficient evidence included:

- Failing to demonstrate an effective ability to learn new areas of law or retain them
- Failing to describe clearly the new knowledge that has been acquired
- Failing to show the complexity of information and research methods
- Failing to provide a clear and focused answer to the specific questions
- Providing examples which were too routine and lacking detail

## **Assimilating and Clarifying Information**

Outstanding evidence included:

- Demonstrating an ability to assimilate a large amount of information using a highly organised approach and robust methodology to identify the important aspects
- Demonstrating an ability to carefully cut through, rationalise and weigh up conflicting information to form a view in a limited timeframe
- Describing a clear, methodical and analytical approach in reaching a decision
- Demonstrating an ability to work in a fast moving and changing environment
- Providing highly complex examples rich in evidence and detail

Strong evidence included:

- Demonstrating an ability to seek out and assimilate information from a wide range of sources
- Demonstrating an ability to weigh up conflicting information to reach a decision
- Demonstrating an ability to apply a rigorous and robust process to ensure a grasp of the key issues
- Demonstrating an ability to use technology to categorise and organise information
- Providing examples of considerable complexity and varying levels of detail

Sufficient evidence included:

- Demonstrating an ability to assimilate a large amount of information in a routine example
- Demonstrating limited evidence of ability to analyse information and identify important issues
- Providing examples with limited but sufficient complexity, depth and details about strategies and processes

Insufficient evidence included:

- Failing to focus on the important points of the questions asked
- Failing to provide examples of sufficient complexity
- Failing to provide examples of detailed or extensive critical analysis
- Failing to demonstrate ability to give due weight to conflicting evidence
- Failing to provide examples in a structured and confident manner

## **Working and Communicating with Others**

Outstanding evidence included:

- Demonstrating a clear approach to simplifying complex concepts and making them accessible to different audiences in clear and simple terms
- Demonstrating an ability to adapt communication style and language and use various communication tools to check understanding of audience
- Demonstrating a high-level awareness of diversity and the requirement to take account of the needs of different individuals
- Showing a high level of empathy and sensitivity to others, coupled with an excellent ability to build rapport
- Showing an ability to inspire respect and confidence in own decisions
- Demonstrating an ability to manage a challenge to own authority
- Overall clear, succinct and well-structured approach to answering the interview questions whilst providing comprehensive examples

Strong evidence included:

- Showing an ability to defuse a challenge to own authority
- Demonstrating a strong sense of understanding and empathy in dealing with cultural differences
- Demonstrating an ability to explain difficult concepts in simple language
- Demonstrating an ability to validate understanding of other parties involved
- Demonstrating an ability to build rapport
- Strong communication throughout interview
- Providing well-structured and clear examples of varying levels of complexity

Sufficient evidence included:

- Demonstrating an ability to explain a difficult legal concept to lay people
- Demonstrating an ability to defuse tension
- Demonstrating an understanding of diversity
- Demonstrating an ability to focus on the important aspects of the questions in most cases
- Demonstrating a clear communication style throughout the interview

- Providing less complex and challenging examples with limited but sufficient levels of detail

Insufficient evidence included:

- Failing to show ability to communicate a complex legal concept
- Failing to explain the management of challenges to own authority
- Failing to demonstrate ability to adapt communication style
- Failing to show awareness of diversity
- Providing examples which were lacking detail, clarity or focus
- Lacking confidence in communicating answers throughout interview

## **Managing Work Efficiently**

Outstanding evidence included:

- Demonstrating an ability to juggle work and personal commitments by using various techniques to reallocate, reschedule and prioritise tasks
- Demonstrating resilience under pressure in particularly challenging situations and high-profile cases
- Showing flexibility and responsiveness to changing circumstances
- Demonstrating enthusiasm and creativity in utilising IT resources to improve efficiency and productivity
- Providing well-explained, detailed examples with particular focus on the complexity of the situation, the decision-making process and the reasoning behind it

Strong evidence included:

- Demonstrating a detailed method for managing commitments and ensuring timely delivery
- Showing resilience when dealing with challenging work at short notice
- Demonstrating an ability to remain calm and to adapt to changing circumstances
- Showing a capacity for self-reflection
- Demonstrating an ability to utilise technology to enhance efficiency and respond to new ways of working
- Providing multifaceted examples with varying levels of depth and detail

Sufficient evidence included:

- Demonstrating an ability to manage time effectively
- Showing resilience and calmness under pressure
- Showing competence in using IT in everyday scenarios
- Providing examples with limited but sufficient complexity, detail and depth

Insufficient evidence included:

- Failing to demonstrate resilience under pressure
- Failing to show ability to manage workload efficiently
- Failing to demonstrate awareness and utilisation of technology
- Failing to provide succinct answers throughout interview
- Providing examples lacking complexity and depth

## **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 at selection day through a series of questions. Candidates were assessed as either suitable or not suitable for posts in Wales, based on their answers to these questions.

In addition, the ability to verbally communicate fluently in Welsh was required for at least one post. This was assessed through a remote speaking assessment after selection days. Candidates who participated were assessed as either competent or not competent for these posts.

### **Feedback from Candidates**

After the selection days, all 360 candidates were invited to complete an anonymous candidate survey. 131 candidates responded to the survey as below.

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

- 86.2% of candidates either agreed or strongly agreed.
- 6.9% of candidates neither agreed nor disagreed.
- 6.9% of candidates disagreed.

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

- 99.2% of candidates either agreed or strongly agreed.
- 0.8% of candidates disagreed.

#### **I understood what was expected on the selection day.**

- 86.3% of candidates either agreed or strongly agreed.
- 6.9% of candidates neither agreed nor disagreed.
- 6.9% of candidates disagreed or strongly disagreed.

#### **The timing given for preparation was sufficient.**

- 58.8% of candidates either agreed or strongly agreed.
- 14.5% of candidates neither agreed nor disagreed.
- 26.74% of candidates disagreed or strongly disagreed.

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

- 74.8% of candidates either agreed or strongly agreed.
- 12.2% of candidates neither agreed nor disagreed.
- 13% of candidates disagreed or strongly disagreed.

#### **The role play enabled me to demonstrate my suitability for the role.**

- 60.4% of candidates either agreed or strongly agreed.
- 21.4% of candidates neither agreed nor disagreed.
- 18.3% of candidates disagreed or strongly disagreed.

#### **The timing given for the role play was sufficient.**

- 57.3% of candidates either agreed or strongly agreed.
- 9.2% of candidates neither agreed nor disagreed.
- 33.6% of candidates disagreed or strongly disagreed.

#### **I am confident in the role play as a JAC selection tool.**

- 60.3% of candidates either agreed or strongly agreed.
- 24.4% of candidates neither agreed nor disagreed.

- 15.3% of candidates either disagreed or strongly disagreed.

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

- 54.9% of candidates either agreed or strongly agreed.
- 22.1% of candidates neither agreed nor disagreed.
- 22.9% of candidates disagreed or strongly disagreed.

**The timing given for the interview was sufficient.**

- 79.4% of candidates either agreed or strongly agreed.
- 6.9% of candidates neither agreed nor disagreed.
- 13.8% of candidates either disagreed or strongly disagreed.

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

- 64.8% of candidates either agreed or strongly agreed.
- 20.6% of candidates neither agreed nor disagreed.
- 14.6% of candidates either disagreed or strongly disagreed.

**The panel behaved professionally and treated me with respect.**

- 99.2% of candidates either agreed or strongly agreed.
- 0.8% of candidates neither agreed nor disagreed.

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

- 94.6% of candidates rated the quality either Good or Excellent.
- 3.8% of candidates rated the quality Fair.
- 1.5% of candidates rated the quality Poor.