

Online Qualifying Test Evaluation and Feedback Report

**00199: Fee-paid Specialist Member of the First-tier
Tribunal, Health, Education and Social Care Chamber,
Mental Health**

June 2024

Purpose

The purpose of this report is to provide an evaluation of the Fee-paid Specialist Member of the First-tier Tribunal, Health, Education and Social Care Chamber, Mental Health online situational judgement test and general feedback on candidate performance.

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 for this exercise was designed to test a candidate's transferrable skills and their potential to work effectively as a non-legal member within the tribunal system more generally. The additional selection criteria (ASC) for this selection exercise required that candidates must be able to demonstrate knowledge and experience of the assessment, detention, discharge and aftercare of patients who suffer from mental disorder in the community. Whilst this was not assessed within the qualifying test it will be assessed later in the selection process.

Competency Framework

The test was designed to assess the following competencies:

- Exercising Judgement
- 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 Specialist Member of the Health, Education and Social Care Chamber is expected to have. This enabled us to assess candidates in a fair and consistent way.

Development of the test

The test and marking schedule were devised by three tribunal judges from different chambers who work with non-legal members. 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

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 and make any necessary amendments.

Structure of the test

The test was hosted on the JAC online platform.

Candidates were presented with a 40-minute situational judgement test which consisted of 20 multiple choice questions. No advance reading or preparation was required. Candidates were assessed on their reading of a situation and their ability to judge the effectiveness of a number of different options provided under each situation. Candidates were asked to identify both the most appropriate and least appropriate option. All situations within the test were hypothetical, and no prior knowledge of rules or procedures was required.

Marking of the test

The test was marked automatically by the JAC online platform. Candidates who did not finish their test within the allotted time had their test 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 the test do not proceed and are removed from consideration.

Each situational judgement 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.

Distribution of marks

- **458** candidates were invited to take the test.
- **18** candidates withdrew from the process or did not take the test.
- **440** candidates took the test.

The process of scoring the qualifying test was as follows:

- All candidates were scored on their answers to the test based on the marking criteria.
- Candidates were then ranked in order of merit from first to last based on their percentage score. This provided a merit list determining how many candidates would be invited to the next stage of the selection process.
- Candidates who scored less than 30% in the test were removed from consideration.

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 **50** posts. We therefore planned the selection exercise based on inviting around **115** candidates to selection day, after consideration of eligibility.

Candidates scores from the test were placed on a merit list with the highest score placed at the top and the lowest score placed at the bottom. 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. 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 shortlisting (the eligibility checks). After the moderation process, **181** candidates proceeded to the next stage.

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](#). 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, and
- reliance on EMP in the shortlisting process being conducted is a proportionate means of achieving the aim of increasing judicial diversity.

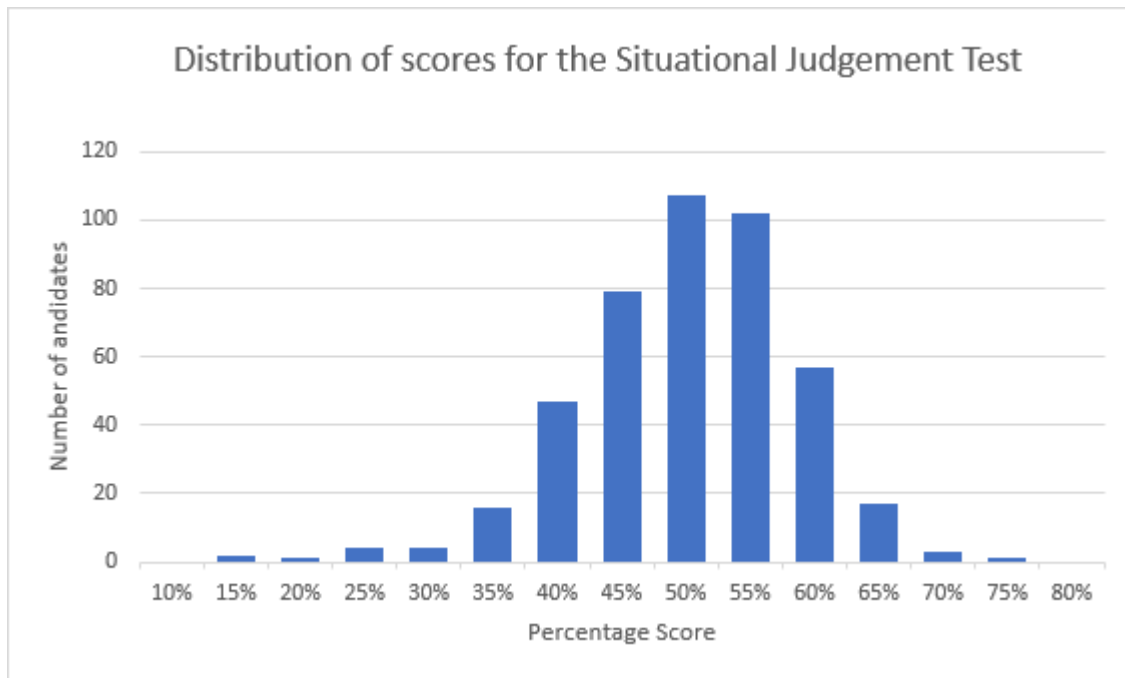
The EMP was not applied at this stage of the selection process as all candidates with the same score at the cut off line proceeded to the next stage.

Candidates' performance

The range of candidate scores for the situational judgement test were as follows:

- lowest candidate score was 15%
- highest candidate score was 75%
- the average candidate score was 55%

The chart below shows the total percentage scores:



The highest scoring question was related to a tribunal member's management of their professional and tribunal responsibilities. 62% of candidates correctly identified both the most appropriate and least appropriate answer.

The lowest scoring question was related to how a tribunal member might deal with seeing questionable behaviour by the claimant after the hearing had taken place. 31% of candidates correctly provided the most appropriate and the least appropriate answer.

Feedback from candidates

After the qualifying test, candidates were invited to complete an anonymous candidate survey. **185** candidates responded to the survey. The results of the survey are as follows:

When asked how they would rate the quality of the customer service received from JAC staff during the qualifying test process:

- 80% of candidates said it was good or excellent.
- 3% of candidates said it was fair or very poor.
- 17% of candidates responded not applicable.

When asked if they understood, from the instructions, what was expected during the qualifying test:

- 90% of candidates agreed or strongly agreed.
- 4% of candidates disagreed or strongly disagreed.
- 6% of candidates neither agreed nor disagreed.

When asked if the situational judgement test enabled them to demonstrate how they would tackle daily challenges working in a court or tribunal:

- 72% of candidates agreed or strongly agreed.
- 9% of candidates neither agreed nor disagreed.
- 19% of candidates disagreed or strongly disagreed.

When asked if they were confident in the situational judgement test as a JAC selection tool:

- 50% of candidates agreed or strongly agreed.
- 20% of candidates disagreed or strongly disagreed
- 30% of candidates neither agreed nor disagreed.