Post Selection Day Evaluation and Feedback Report

00176 Valuer Chairs and Valuer Members of the First-tier Tribunal, Residential Property

April 2024

Purpose

The purpose of this report is to provide an evaluation of the selection days for Valuer Chairs and Valuer Members of the First-tier Tribunal, Residential Property 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 situational questioning, which was designed to assess the following competencies:

- Exercising Judgement
- Possessing and Building Knowledge
- Assimilating and Clarifying Information

The second part was a competency-based interview, which was designed to assess the following competencies:

- 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 effective Valuer Chairs and Valuer Members of the First-tier Tribunal, Residential Property are expected to have. This enabled us to assess candidates in a fair and consistent way.

Performance of candidates

Sixty-seven candidates applied for this exercise. Due to the number of applications received, shortlisting (which would have taken the form of an online qualifying test) was waived and the 62 candidates who met the eligibility requirements for the posts were invited to selection day. Fifty-three candidates attended selection days and 17 candidates were recommended by the Judicial Appointments Commission to the Senior President of Tribunals for appointment. In making this decision the Commission took into account all evidence provided by the candidates at selection day, independent assessments, and all relevant character checks.

Selection day

Selection days were held remotely via Microsoft Teams between 15 April 2024 and 1 May 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 situational questions

The situational questions were drafted by a Tribunal Judge. The material was designed to assess relevant transferable skills and to minimise the extent to which candidates might be unfairly 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 undertaking the selection days on the basis of their diversity characteristics or professional background.

Following this internal quality assurance, the material was then reviewed by the JAC Advisory Group, which 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 situational questions 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 the situational questions

The situational questions were designed to assess how candidates would deal with scenarios that are likely to arise in the role of a Valuer Chair or Valuer Member of the First-tier Tribunal, Residential Property. There were two written scenarios with a series of questions on each scenario:

- Scenario one was a hearing about an application made by a tenant (a litigant-in-person) to determine the service charges payable on a flat. Extracts from the lease were provided together with a service charge statement and an invoice. This was followed by six questions, which were equally weighted.
- Scenario two was about an appeal by a landlord following the registration of a new rent by the Rent Officer. A maximum rent calculation proforma was included, together with an extract from the Retail Prices Index. This was followed by eight questions, which were equally weighted.

The questions were divided between Valuer Chair and Valuer Member candidates as follows:

- The first scenario had a total of six questions, split into two sections:
  - the first section had four questions and were to be answered by all candidates, and
  - the second section had two questions which were only given to candidates applying for the role of Valuer Chair.

- The second scenario has a total of eight questions, split into two sections:
  - the first section had five questions and were to be answered by all candidates, and
  - the second section had three questions which were only given to candidates applying for the role of Valuer Chair.

Advance preparation

A week in advance of selection days, candidates were provided with the following materials, with which they were asked to familiarise themselves:

- Relevant sections of the Landlord and Tenant Act 1985

- Relevant sections of the Rent Act 1977
- Upper Tribunal decision – Service Charge

Those applying for the role of Valuer Chair were also provided with the following:

- Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013

Selection day

At selection day, candidates were presented with the scenarios and the accompanying situational questions. Valuer Member candidates were allocated 30 minutes preparation time to familiarise themselves with the materials and Valuer Chair candidates were allocated 40 minutes.

Valuer Member candidates then had up to 20 minutes to respond to the situational questions and Valuer Chair candidates had up to 30 minutes, to enable them to answer the additional questions.

Assessment of candidates' responses to the situational questions

The evidence for each competency is assessed as either outstanding, strong, sufficient, or insufficient. The following evidence was gathered from the drafting judge's marking guide which helped the panels differentiate between outstanding, strong, selectable, and not presently selectable candidates:

Outstanding evidence included:

- Comprehensive responses that addressed all the key points, correctly applying and naming the law and procedure.
- Correctly outlining the consultation procedures and the other relevant sections of the Landlord and Tenant Act 1985 in relation to the service charge cost items.
- Excellent explanations of the process for determining the uncapped rent and producing an accurate uncapped rent calculation.

Strong evidence included:

- Covering all of the key points regarding conflict of interest that were expected and demonstrating a good appreciation of how to deal with the panel member who had misunderstood the evidence during a hearing.
- Demonstrating that they had a detailed knowledge of the statutory background relevant to the questions that they had been asked to consider. Identifying the relevance of section 20 consultation and its application, and the appropriate sections of the Rent Act 1977.
- Demonstrating good knowledge of the relevant procedures and legislative background by recognising that matters relating to conflicts and technical matters should be fully discussed with other panel members and also the parties.
- Awareness of the importance of diversity and taking action to bring about equality.
- Evidence of establishing authority when chairing a board and taking action to calm a situation.
- Communicating effectively in writing e.g. by producing a user manual for a new online system, obtaining feedback from colleagues before introducing it and putting themselves in the shoes of the audience.

<u>Sufficient evidence included:</u>

- Being able to judge the management charges to be high and querying the bank charges and arriving at a fair rent valuation.
- Able to cite the correct sections of the legislation when considering the items of the service charge.
- Correct in determining that the tribunal could not consider the ground rent and that it was likely that they could consider the remaining items. Refer briefly to the need for consultation in respect of the service charge.
- Aware of the basics of the Maximum Fair Rent calculation.
- Providing a reasonable response on the question of request for inspection and on dealing with the member misunderstanding in scenario one.
- Providing a structured analysis of the factors involved in the questions, applying the material in the brief effectively.

<u>Insufficient evidence included:</u>

- Focussing entirely on their own viewpoint and not consulting with other members of the panel nor checking with the parties for their view.
- When calculating rents, not providing any evidence on which items they may reduce or exclude – bar the roof repairs and door entry.
- Focussing on the requirement for the landlord to provide evidence to support the costs when the appeal is the tenants, and the onus is on them to show that the amounts are unreasonable – as set out in the case law that was sent out in advance.
- Running out of time.
- Showing a limited understanding of much of the material presented in both scenarios and having gaps and omissions in their responses.
- Hesitant to use the information presented to reach clear conclusions, confused when talking through the fair rent calculations, demonstrating a limited understanding of the purpose and necessary process.

Competency – based interview

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 either Valuer Member or Valuer Chair of the First-tier Tribunal, Residential Property. The following evidence was gathered from a range of candidates' responses which helped the panels differentiate between outstanding, strong, selectable, and presently not-selectable candidates:

Working and Communicating with Others

<u>Outstanding evidence included:</u>

- Taking the lead in a complex and sensitive shared task. Assigning roles to colleagues and remaining focused in a highly charged situation, evidencing how communication was maintained and adapted.
- Encouraging and improving diversity amongst colleagues, resulting in an increase of diverse membership of an organisation's branch, achieving this by developing confidence and providing support to colleagues from ethnic minority backgrounds.

Strong evidence included:

- Collaborating with senior stakeholders and managing directors to identify and remedy gaps in policies and procedures, and demonstrating how communication styles were adapted to achieve this.
- Demonstrating sensitivity by creating a safe environment for a vulnerable person, adapting their communication style, and collaborating with stakeholders to achieve this.
- Working with a culturally diverse range of stakeholders, demonstrating sensitivity and receptiveness to contributions, and evidencing how challenges to opinions were effectively and sensitively dealt with.

Sufficient evidence included:

- Demonstration of sensitivity, empathy, and effective communication but with answers that were not developed enough.
- Demonstrating a sound level of reasoning in the responses.
- Evidencing routine examples to demonstrate how a shared task was achieved.
- Evidencing the ability to alter their approach and style to communicate effectively, but with examples that lacked depth and complexity.
- Evidencing the ability to communicate effectively with a diverse range of staff at all grades but withs examples that lacked depth and challenge.

Insufficient evidence included:

- Answers which were irrelevant to the competency criteria.
- Answers which did not address the questions that were asked.
- Examples which were underdeveloped, unstructured and poorly explored.
- Answers which included general commentary or assertion-based comments, failing to provide specific examples.

Managing Work Efficiently

Outstanding evidence included:

- No candidate demonstrated outstanding evidence for this competency. The difference between outstanding and strong candidates would have been determined by the complexity and relevance of the examples provided, the clarity and structure of the answer and the lack of prompting or probing conducted by the panel in order to obtain evidence at a level commensurate with the role on offer.

Strong evidence included:

- Evidencing the management and introduction of a new efficiency improvement resulting in a significant financial saving.
- Demonstrating focus and resilience by calmly organising workload and delegating tasks to others in response to unforeseen, highly pressurised, and ever-changing circumstances.
- Evidencing an efficiency improvement, having made the best use of available resources to redesign and oversee the implementation of new a process and making further improvements on receipt of feedback.
- Undertaking the delivery of training to build resilience and facilitate effective inclusion in the workplace, for the benefit of teams and individuals with specific needs.

- Evidencing a positive outcome, resulting in a greater team engagement and improved performance.

Sufficient evidence included:

- Demonstrating resilience and the ability to prioritise to deal with competing workloads.
- Demonstrating resilience under pressure when undertaking a large amount of work. Available resources were assessed and managed accordingly, delegating tasks appropriately.
- Describing the methods used to manage clients and prioritise what is urgent.
- Changing office team meeting procedures to include 'in person' meetings, resulting in a reduction in the length of a project.
- Successfully dealing with an aggressive and abusive client - remained calm in the situation and drawing on their internal emotional resources to remain resilient.
- Maintaining clear boundaries so that prioritised important tasks were completed in the morning and maintaining a boundary not to work after hours.

Insufficient evidence included:

- A low-level or ineffective example, which lacked innovation in demonstrating resilience under pressure.
- An example of prioritisation of workload which lacked an organised approach, demonstrating that the candidate had not maintained control of the workload.
- Citing several routine and universally adopted IT measures to demonstrate IT-related work efficiencies.
- Answers which were irrelevant or did not address the questions which had been asked.

Feedback from Candidates

After the selection days, candidates were invited to complete an anonymous candidate survey. Twenty-five candidates responded to the survey. Based on the results of the survey:

The instructions provided beforehand enabled candidates to prepare for the selection day.
- 80% of candidates either agreed or strongly agreed.
- 16% of candidates neither agreed nor disagreed.
- 4% of candidates disagreed.

Candidates understood what was expected on the selection day.
- 64% of candidates either agreed or strongly agreed.
- 24% of candidates neither agreed nor disagreed.
- 12% of candidates disagreed.

The situational questions discussed in the situational questioning were realistic and relevant to the role.
- 80% of candidates either agreed or strongly agreed.
- 20% of candidates neither agreed nor disagreed.

The situational questioning gave candidates a chance to display how they would react to various situations.
- 60% of candidates either agreed or strongly agreed.
- 12% of candidates neither agreed nor disagreed.
- 28% of candidates disagreed.

Candidates are confident in the situational questioning as a JAC selection tool.
- 56% of candidates either agreed or strongly agreed.
- 20% of candidates neither agreed nor disagreed.
- 24% of candidates disagreed.

The interview questions gave me the opportunity to demonstrate my skills, abilities, and competence for this role.
- 64% of candidates either agreed or strongly agreed.
- 20% of candidates neither agreed nor disagreed.
- 16% of candidates disagreed.

The panel behaved professionally and treated candidates with respect.
- 100% of candidates either agreed or strongly agreed.

Candidates are confident in the interview as a JAC selection tool.
- 60% of candidates either agreed or strongly agreed.
- 20% of candidates neither agreed nor disagreed.
- 20% of candidates disagreed.

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