

Post Selection Day Evaluation and Feedback Report

**00181 Fee-paid Disability Qualified Tribunal Member
of the First-tier Tribunal for the Social Entitlement
Chamber (Social Security and Child Support Appeal
Tribunals).**

September 2024

Purpose

The purpose of this report is to provide an evaluation of the selection days for Fee-paid Disability Qualified Tribunal Member of the First-tier Tribunal for the Social Entitlement Chamber (Social Security and Child Support Tribunal) 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

At selection day, the situational questions were designed to assess the following competencies:

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

The competency-based interview questions were 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 an effective Disability Qualified Tribunal Member of the First-tier Tribunal for the Social Entitlement Chamber is expected to have. This enabled us to assess candidates in a fair and consistent way.

Performance of candidates

A total of 658 candidates applied for this Selection Exercise. Following an online qualifying test and an eligibility sift, 242 candidates were invited to selection day. 192 candidates were recommended by the Judicial Appointments Commission (JAC) to the Senior President of Tribunals for appointment. 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.

Selection day

Selection days were held remotely via Microsoft Teams between 16 September and 18 October 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](#).

Situational questions

Development

The situational questions were drafted by a Regional Judge from the Social Entitlement Chamber. In common with all the selection tools developed for this exercise, the situational 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 JAC Advisory Group, which is composed of members of the judiciary and representatives of the legal professions and chaired by a lay JAC Commissioner, offered advice and guidance during their development.

The effectiveness of the situational questions was assessed by means of a mock assessment with a range of volunteers from the 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 comprised of one written scenario with a series of questions for candidates. They were asked to assume that they were a newly appointed Disability Qualified Tribunal Member of the Social Entitlement Chamber attending an in-person appeal hearing. The appeal concerned the Department for Work and Pensions' (DWP's) decision not to award the personal independence payment (PIP) to the appellant. The overriding object in this scenario was the need to avoid delay in dealing with the appeal of a young and vulnerable person, and to reach the correct decision on their entitlement to the daily living component of the allowance.

Advance preparation

Two weeks in advance of selection days, candidates received pre-reading material with which they were asked to familiarise themselves. Candidates were sent the following:

- 1) The appeal papers prepared by DWP.
- 2) Extracts from the Equal Treatment Bench Book:
 - Introduction
 - Chapter 2: Children, Young People and Vulnerable Adults
 - Appendix B: Disability Glossary on Autistic Spectrum Condition

At selection day, candidates were allocated 30 minutes preparation time and provided with the following:

- 1) The appeal hearing scenario.
- 2) Scenario questions.

Assessment of candidates' responses to the situational questions

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

Outstanding evidence included:

- Reaching a highly structured, clear and firm decision when considering whether to proceed with the hearing, having considered the options available and emphasising the need to ensure fairness.
- Directly referring to the Equal Treatment Bench Book (ETBB) and the Senior President of Tribunal's (SPT's) practice direction in respect of the appellant's age and vulnerability.
- Awareness of the impact of delay to the appellant and the appellant's family, as well as other appeals waiting to be heard.

- A full and thorough assimilation of the appeal papers, recognising that the Department of Work and Pensions'(DWP's) decision was a reassessment of an earlier decision.
- A detailed understanding of the activity-based point system to determine the rate of the disability benefit to be awarded.
- Demonstration of an extensive knowledge of autism spectrum disorder (ASD) with specific reference to the relevant parts of the ETBB.
- Recognition of the advice and clarification the medical tribunal panel member could provide in respect of the full breadth of the appellant's medical issues.
- A thorough and in-depth exploration of reasonable adjustments for the appellant to fully participate in the hearing, having referenced the provisions in the ETBB and having spoken with the appellant and the appellant's appointee.
- Mindful of potential communication problems with the appellant throughout the hearing and the need to keep communication clear, simple and free of jargon.
- Reaching a clear, structured and fully analysed decision on the entitlement to the daily living component of PIP. The decision was explained clearly and highly effectively.

Strong evidence included:

- A clear and structured decision when considering whether to proceed with the hearing. A full explanation of the decision, emphasising the need for fairness.
- Referencing the ETBB and the SPT's practice direction in respect of the appellant's age and vulnerability.
- Awareness of the impact of delay to the appellant and the appellant's his family.
- A full analysis and understanding of the appeal papers.
- Demonstration of a detailed knowledge of ASD with specific reference to the relevant parts of the ETBB.
- Recognition of the clarification the medical tribunal panel member could provide in respect of the appellant's medical issues, having identified most of these.
- A detailed exploration of reasonable adjustments for the appellant to fully participate in the hearing, having referenced the provisions in the ETBB and having spoken with the appellant and the appellant's appointee.
- Reaching a structured and analysed decision on the entitlement to the daily living component of PIP. The decision was explained clearly and effectively.

Sufficient evidence included:

- A clear decision when considering whether to proceed with the hearing.
- An understanding of the appeal paper, demonstrating an understanding of DWP's decision not to award PIP and the reasons for this.
- Demonstration of knowledge of ASD, referring to the ETBB.
- Recognition of the advice the medical tribunal panel member could provide, identifying questions for some of the appellant's medical issues.
- Awareness of the need for reasonable adjustments to enable the appellant to participate in the hearing.
- Reaching an analysed decision on the appeal. The decision was correct and briefly explained.

Insufficient evidence included:

- Failure to evidence knowledge on which to base their decisions in respect of adjourning or continuing with the hearing.
- Making decisions without consideration or analysis of the appeal bundle.

- Making an incorrect decision on the appeal.
- Failure to evidence knowledge or understanding of the issues in the scenario, such as the need for fairness and reasonable adjustments.

Competency-based interview

Each candidate then had a competency-based interview. Here the panel were seeking further evidence and examples from the candidate of the required competencies and in the context of the role of the Disability Qualified Tribunal Member.

Working and Communicating with Others

Outstanding evidence included:

- Explaining social security benefits to those whose first language was not English by using analogies and drawings, and by breaking down each component into smaller digestible pieces of information. Complex parts of the process were effectively explained and understanding would be checked.
- A clear description of devising a sensitive approach to safeguarding issues, working in collaboration with external stakeholders.
- Taking the lead in a community-based initiative to bring residents together, ensuring that the views of both councillors and the community association were heard.

Strong evidence included:

- Upskilling staff by devising and delivering short, focused training sessions using quizzes and practice scenarios to ensure understanding.
- Demonstrating active listening skills and sensitivity in their approach to coaching and mentoring vulnerable individuals taking into account individual cultural differences.
- Working collaboratively with stakeholders to resolve issues and enable the timely delivery of a project.

Sufficient evidence included:

- Taking a joint approach to successfully deliver a team project.
- Arranging for documents to be more user-friendly for those with dyslexia and visual impairments.
- Effective use of listening and communication skills to explain court processes and enable a litigant in person present their case.

Insufficient evidence included:

- Failure to demonstrate the effective communication of a complex concept.
- Failure to demonstrate working collaboratively to achieve a goal.
- Failure to demonstrate their ability to be sensitive towards the diverse needs of an individual or group.
- Answers which were unstructured, ineffective, circuitous, and lacked focus despite prompts from the panel.
- Examples which were underdeveloped and were lacking in detail and depth.

Managing Work Efficiently

Outstanding evidence included:

- Demonstrating exceptional resilience and flexibility and an ability to plan at pace when managing an acute workload peak.
- Developing in-house company software to simplify working processes resulting in significant financial and resource savings.
- Successful resolution of a community issue, assessing and drawing on local available resources to secure funding and input a solution.

Strong evidence included:

- Effective use of IT to deliver remote training, maximising available features such as virtual white boards and virtual break-out rooms.
- Highly effective demonstration of problem resolution and workload management when taking on the workload of an additional team in challenging circumstances.
- Demonstrating flexibility, listening and practical problem-solving skills in the delivery of a challenging project, leading to savings of time and improvements in service quality.

Sufficient evidence included:

- Achieving an unexpected and short deadline using delegation and clear instructions.
- Responding calmly and flexibly to unforeseen work challenges, raising concerns in an assertive and constructive way to ensure their voice was heard.
- Uses available software to work more effectively and efficiently to meet deadlines.

Insufficient evidence included:

- Ineffective strategies to manage workload and/or a change in circumstances.
- An unimpactful use of IT to improve ways of working and/or to create a time/resource saving.
- An example of problem solving that had potential but lacked context and explanation.
- Answers which were irrelevant or did not address the questions asked.
- Answers which included general commentary or assertion-based comments, failing to provide specific examples.

The panels then make a final overall assessment of candidates as either outstanding, strong, selectable or not presently selectable.

Feedback from Candidates

Unfortunately, due to an administrative error, a feedback survey was not issued to candidates following the selection day stage of the exercise.