Online Qualifying Test Evaluation and Feedback Report

00287 Fee-paid Judge of the First-tier Tribunal

November 2025

Purpose

The purpose of this report is to provide an evaluation of the Fee-paid Judge of the First-tier Tribunal online qualifying test and general feedback on candidate performance in the test. This test comprised two elements, a situational judgement test and a critical analysis test.

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 reached. Additionally, it provides information on the overall performance of candidates in the test, identifying areas of good and poor performance.

Judicial Skills and Abilities Framework

The tests were designed to assess the following skills and abilities from the Judicial Skills and Abilities Framework (JSAF):

For the situational judgement test:

- Communication Skills
- Personal Qualities
- Effective Working

For the critical analysis test:

- Legal Skills
- Dealing with Information

The JSAF has been drafted by judges, for judges and prospective judges to enable them to evidence their experience and suitability for judicial office. The JSAF highlights the key skills that all judicial office holders or prospective judicial office holders should demonstrate across their application or career. This enables us to assess candidates in a fair and consistent way.

Development of the test

The tests and marking schedules were devised by two Regional Tribunal Judges and a Principal Judge from a range of chambers.

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 material and make any necessary amendments.

Structure of the test

The test was hosted on the JAC digital platform and consisted of two parts:

- Situational judgement: 50 minutes, 20 questions
- Critical analysis: 50 minutes, 20 questions

For the situational judgement test, candidates were presented with a range of different situations they might experience in the role of a Fee-paid Judge of the First-tier Tribunal. 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 question. Candidates needed to identify both the most appropriate and least appropriate answer from the five options presented.

For the critical analysis test, candidates were presented with an abridged decision by the Upper Tribunal Judge Jacobs in the Administrative Appeal Chamber from January 2024, one week before the test. The questions and answer options in the test were based on the content of the decision. Candidates were required to use their critical and logical thinking skills to decide upon the correct answer from the four answer options presented for each question.

Marking of the test

The tests were marked automatically by the JAC online platform. Candidates who did not finish their tests within the allotted time had their tests automatically submitted by the online platform, and these tests were also marked.

Question 15 of the critical analysis test was excluded from the test marking as it contained a typographical error. To uphold the integrity of the assessment, and to ensure that no candidates were placed at a disadvantage, this question was withdrawn from the marking process. Accordingly, the critical analysis test was assessed on a maximum of 19 marks rather than 20 marks.

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 either part of the test do not proceed.

For the situational judgement test, each question had five answer options. It was necessary for the candidate to identify the most appropriate and least appropriate answer, with one point scored for each correct answer. Therefore, candidates could score a maximum of two points for each question.

For the critical analysis test, each question had four answer options. It was necessary for the candidate to identify the correct answer, which scored one point. Therefore, candidates could score a maximum of one point for each question.

The situational judgement test contributes 60% to the candidates' overall score and the critical analysis test contributes 40%. The difference in weighting reflects the fact that the situational judgement test assesses candidates on three skills and abilities (Communication Skills, Personal Qualities, and Effective Working) and the critical analysis test assesses candidates on two skills and abilities (Legal Skills and Dealing with Information).

Distribution of marks

1,652 candidates were invited to take the test.
221 candidates withdrew from the process or did not take the test.
1,431 candidates took the test.

The process of scoring the qualifying test was as follows:

- all candidates were scored on their answers to the tests based on the marking schedules (with question 15 removed from the critical analysis scoring as explained above),
- candidates who scored less than 30% in one or both parts of the test were removed from consideration,
- a composite score was then calculated for the remaining candidates,
- candidates were then ranked in order of merit from first to last, based on their composite score (further outlined below).

This provided a merit list determining how many candidates would be invited to the next stage of the selection process.
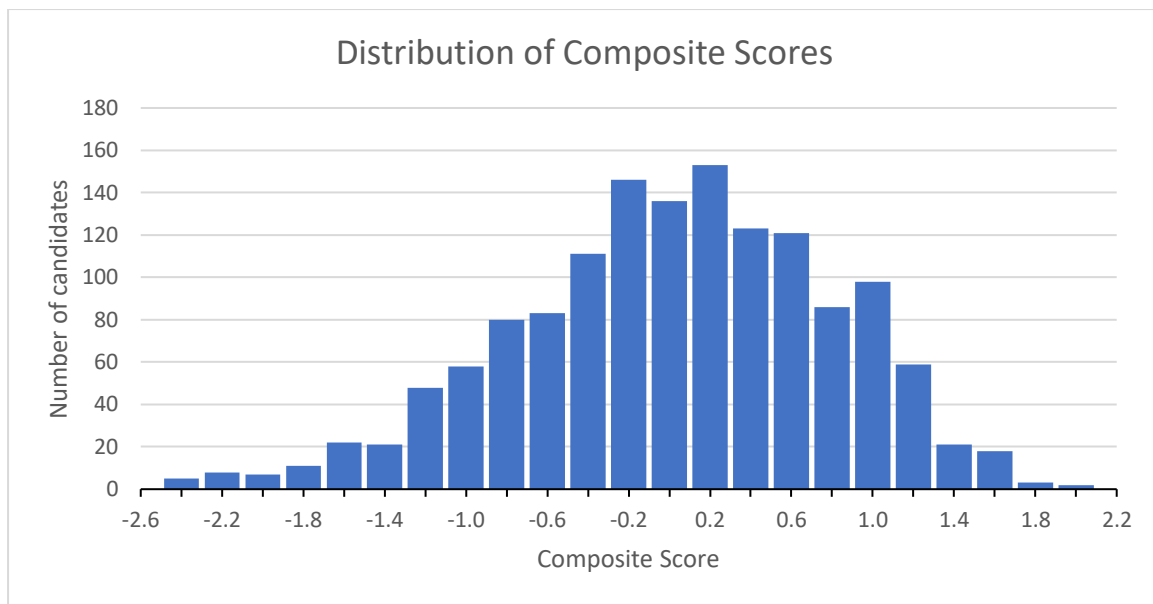
Calculating the composite score

The composite score was calculated in two steps. Firstly, a standard score was calculated for each part of the test. The standard score represents how high or low a candidate's score is in relation to the scores of all other candidates. More details on standard scores can be found on the JAC website.

Secondly, the composite score was produced by taking a weighted average of the two standard scores, with 60% of the weight in this average given to the situational judgement test and 40% to the critical analysis test.

In this exercise, the highest composite score was 2.06 and the lowest composite score was -3.94. Candidates with a composite score of 0.21 or higher were progressed to the next selection stage.

The distribution of the composite scores is shown in the graph below, with scores grouped by rounding to the nearest 0.2.

Distribution of Composite Scores

The small number of composite scores of less than -2.6 have been left off this graph, to aid readability.

Approach to shortlisting

When the JAC receives notification from HM Courts and Tribunals Service confirming the 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 150 posts. We therefore planned the selection exercise based on inviting around 370 candidates to selection day.

All candidates who applied for the exercise were invited to sit the online qualifying test. We planned to take between 545 and 600 candidates to the second stage of shortlisting, the scenario test.

To identify the highest performing candidates from the qualifying test, the candidates' composite scores were placed on a merit list, with the highest score placed at the top and the lowest 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.

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.
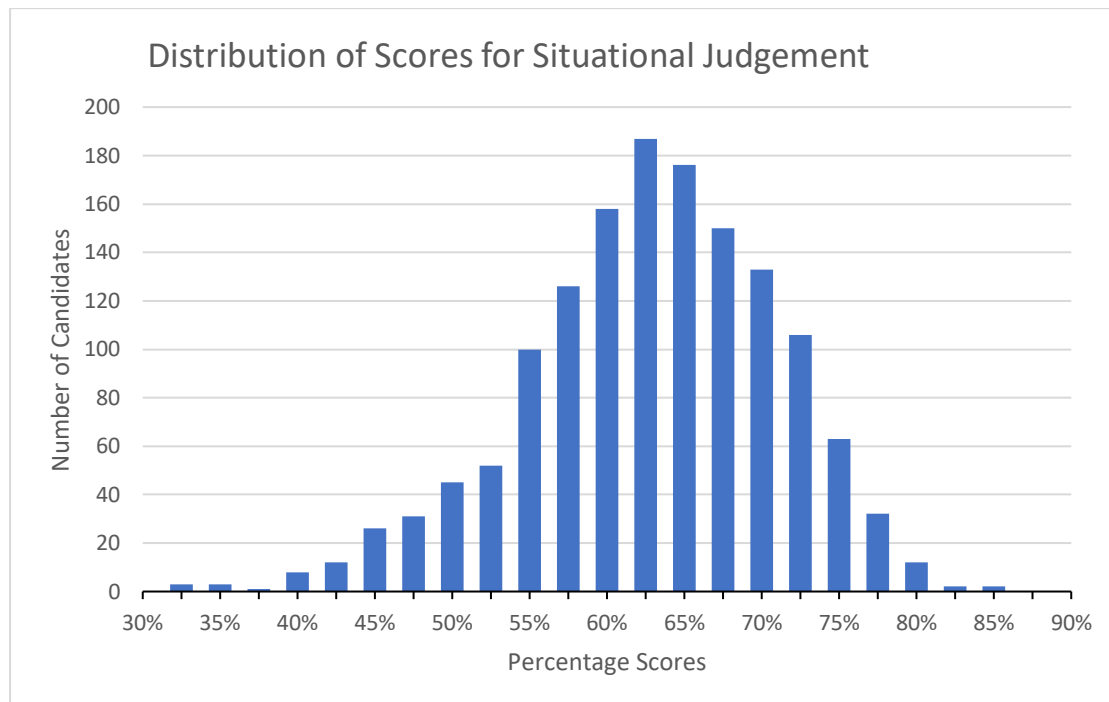
The EMP was applied at this stage of the selection process.

After applying the above process, 596 candidates were invited to progress to the next stage of the selection exercise.

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.

Candidates' performance in the two tests

The range of candidate scores for the **situational judgement test** was as follows: the lowest score was 5%, the highest score was 85%, and the average score was 62.7%.
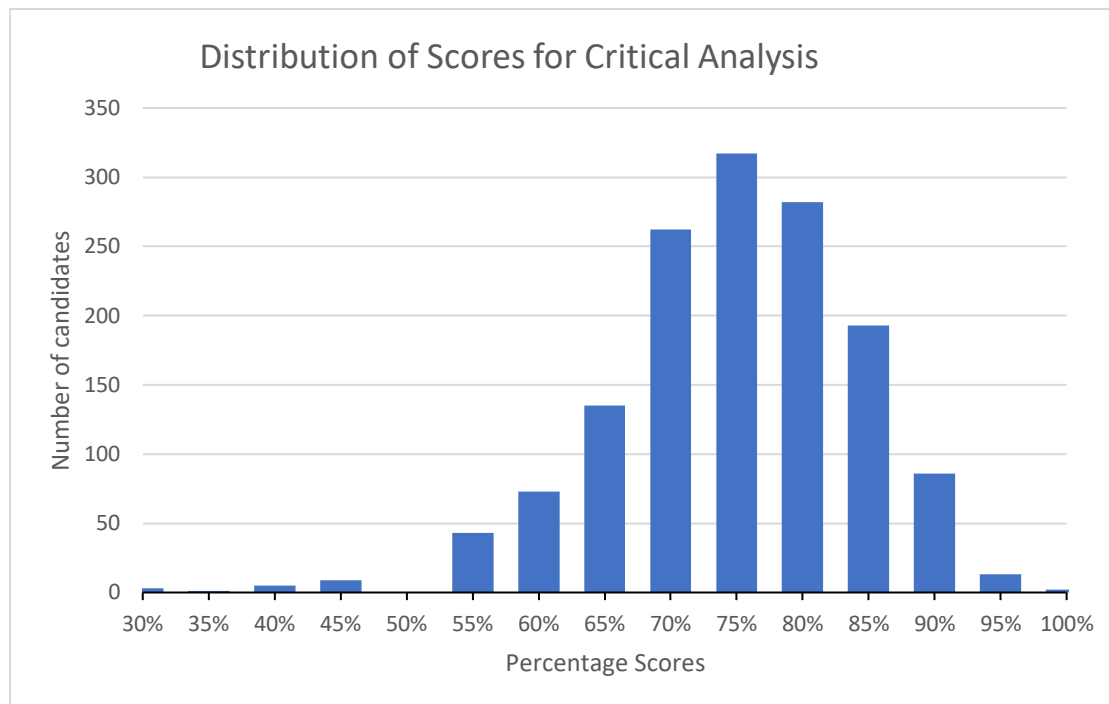

The small number of scores of less than 30% have been left off this graph, to aid readability.

In the situational judgement test, there were:

- **Two** questions where **85%** or more of candidates answered both parts of the question correctly (easier questions). These questions related to being invited to speak at a political fundraiser, and whether a judge should disclose their judicial position and legal expertise in a retail interaction.

- **Three** questions where under **17%** of candidates answered both parts of the question correctly (harder questions). These questions related to responding to unsuitable comments by a fellow panel member, addressing an appellant's attire obscuring their face whilst they give evidence, and dealing with a challenge to judicial authority by a self-represented appellant.

The range of candidate scores for the **critical analysis test** were as follows: the lowest score was 21%, the highest score was 100%, and the average score was 73.5%. The results have been rounded to the nearest 5% in the graph.

The small number of scores less than 30% have been left off this graph, to aid readability.

In the critical analysis test, there were:

- **Three** questions where **98%** or more of candidates gave the correct answer (easier questions). These questions related to the reasons for the appellant's solicitors relying on particular acts and articles, the Upper Tribunal's directions to the Criminal Injuries Compensation Authority (CICA), and standard of proof applied by the First-tier Tribunal.

- **Two** questions where under **37%** of candidates gave the correct answer (harder questions). These questions related to the basis on which the applicant had been seeking a remedy from CICA, and how the Upper Tribunal treated the eligibility criteria for the compensation schemes.

- As identified earlier in this report, to uphold the integrity of the assessment and to ensure that no candidates were placed at a disadvantage, question 15 of the critical analysis test was withdrawn following the test due to a typographical error. This question related to factors considered in assessing risk by the First-tier Tribunal.

Feedback from candidates

After the qualifying test, candidates were invited to complete an anonymous candidate survey. **403** candidates responded to the survey. The results are as follows:

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

• 73.9% of candidates rated it as excellent or good.

• 2.7% of candidates rated it as fair.
• 1.0% of candidates rated it as poor or very poor.
• 22.3% of candidates marked the question as not applicable.

Asked if they understood from the instructions what was expected during the qualifying test:

• 91.6% of candidates agreed or strongly agreed.
• 3.2% of candidates neither agreed nor disagreed.
• 4.9% of candidates disagreed or strongly disagreed.
• 0.2% of candidates marked the question as not applicable.

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

• 68.0% of candidates agreed or strongly agreed.
• 15.9% of candidates neither agreed nor disagreed.
• 15.4% of candidates disagreed or strongly disagreed.
• 0.7% of candidates marked the question as not applicable.

Asked if they are confident in the situational judgement test as a JAC selection tool:

• 52.4% of candidates agreed or strongly agreed.
• 24.1% of candidates neither agreed nor disagreed.
• 23.1% of candidates disagreed or strongly disagreed.
• 0.5% of candidates marked the question as not applicable.

Asked if the critical analysis test enabled them to demonstrate how they would analyse facts to form a judgement:

• 80.2% of candidates agreed or strongly agreed.
• 9.9% of candidates neither agreed nor disagreed.
• 9.4% of candidates disagreed or strongly disagreed.
• 0.5% of candidates marked the question as not applicable.

Asked if they are confident in the critical analysis test as a JAC selection tool:

• 73.9% of candidates agreed or strongly agreed.
• 17.1% of candidates neither agreed nor disagreed.
• 8.2% of candidates disagreed or strongly disagreed.
• 0.7% of candidates marked the question as not applicable.

Asked whether the qualifying test was accessible in terms of format, language used, and topics covered:

• 88.6% of candidates agreed or strongly agreed.
• 6.9% of candidates neither agreed nor disagreed.
• 3.7% of candidates disagreed or strongly disagreed.
• 0.7% of candidates marked the question as not applicable.

Asked whether the qualifying test was easy to complete in terms of the level of challenge from the questions:

• 45.4% of candidates agreed or strongly agreed.
• 28.0% of candidates neither agreed nor disagreed.

• 26.3% of candidates disagreed or strongly disagreed.
• 0.2% of candidates marked the question as not applicable.