

## **Online Qualifying Test Evaluation and Feedback Report**

**00289 Fee-paid Judge of the First-tier Tribunal,  
Immigration and Asylum Chamber**

**October 2025**

## **Purpose**

The purpose of this report is to provide an evaluation of the Fee-paid Judge of the First-tier Tribunal, Immigration and Asylum Chamber 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 attained. Additionally, it provides information on the overall performance of candidates in the test, identifying areas of good and poor performance in the test.

## **Competency Framework**

The situational judgement test was designed to assess the following competencies:

- Exercising Judgement
- Working and Communicating with Others
- Managing Work Efficiently

The critical analysis test was designed to assess the following competencies:

- Possessing and Building Knowledge
- Assimilating and Clarifying Information

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 Fee-paid Judge of the First-tier Tribunal, Immigration and Asylum Chamber is expected to have. This enabled us to assess candidates in a fair and consistent way.

## **Development of the test**

The situational judgement test questions were selected from the JAC's bank of approved questions, which were devised by judges from a range of jurisdictions. A Resident Judge from the First-tier Tribunal, Immigration and Asylum Chamber devised the critical analysis test questions and marking schedule.

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 test: 50 minutes, 20 questions
- Critical analysis test: 50 minutes, 20 questions

The situational judgement test presents candidates with a range of different situations that could occur across the judiciary. 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 the following reference material one week before the test: Maleci (Non-admission of late evidence) [2024] UKUT 00028. The questions and answer options in the test were based on the content of this reference material. 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.

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 competencies (Exercising Judgement, Working and Communicating with Others and Managing Work Efficiently) and the critical analysis test assesses candidates on two competencies (Possessing and Building Knowledge and Assimilating and Clarifying Information).

### **Distribution of marks**

**716** candidates were invited to take the test

**51** candidates withdrew from the process or did not take the test

**665** 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
- 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.

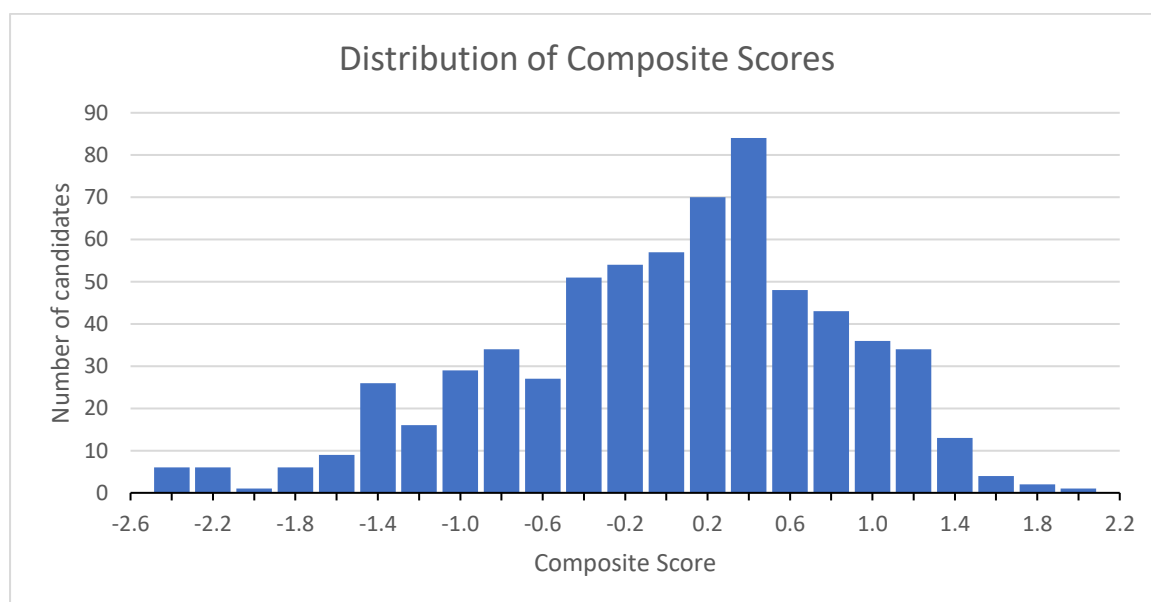
### Calculating the composite score

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. Further 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 lowest composite score was -2.47 and the highest composite score was 1.91. Candidates with a composite score of 0.19 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.



### Approach to shortlisting

When the JAC receives notification from His Majesty's Courts and Tribunals Service (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 **70** posts. We therefore planned the selection exercise based on inviting around **158** candidates to selection day.

All candidates who applied for the exercise were invited to sit the online qualifying test. We planned to take **300** candidates to the second stage of shortlisting, the scenario test.

To identify the top **300** 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.

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.

### **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:

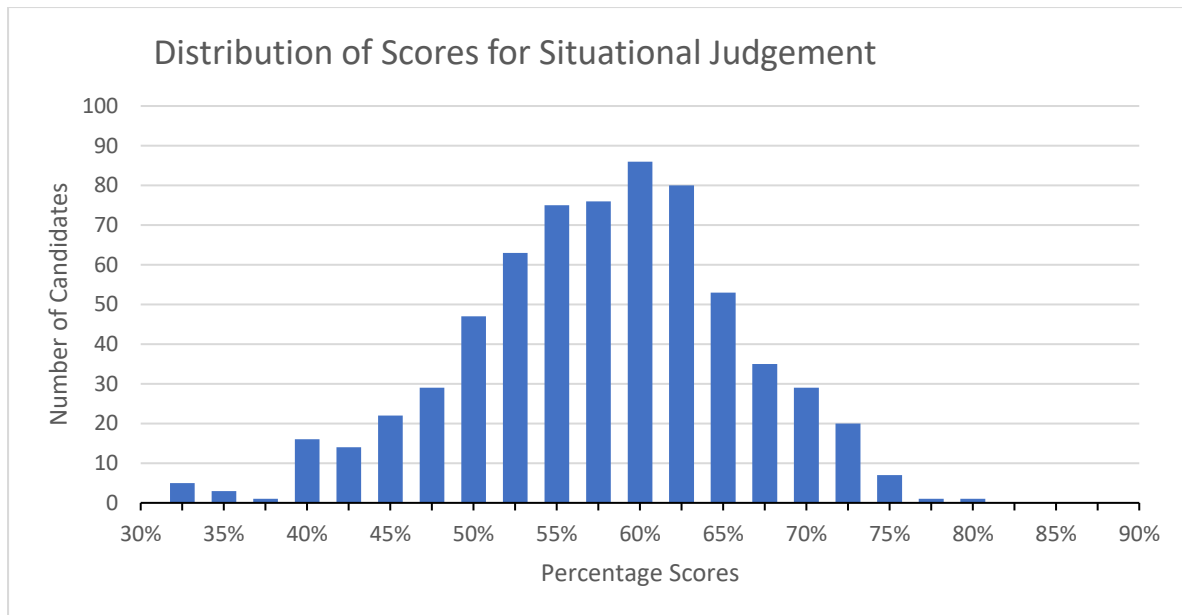
- the candidates about whom a decision is being taken are of equal merit
- the particular protected characteristic is underrepresented either in the judiciary as a whole or at the relevant level of judiciary
- reliance on EMP in the shortlisting process being conducted is a proportionate means of achieving the aim of increasing judicial diversity

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

After applying the above process, **300** candidates were invited to progress to the next stage of the selection exercise.

### **Candidates' performance in the two tests**

The range of candidate scores for the **situational judgement test** were as follows: the lowest candidate score was **5%** and the highest candidate score was **80%**. The average candidate score was **57%**.

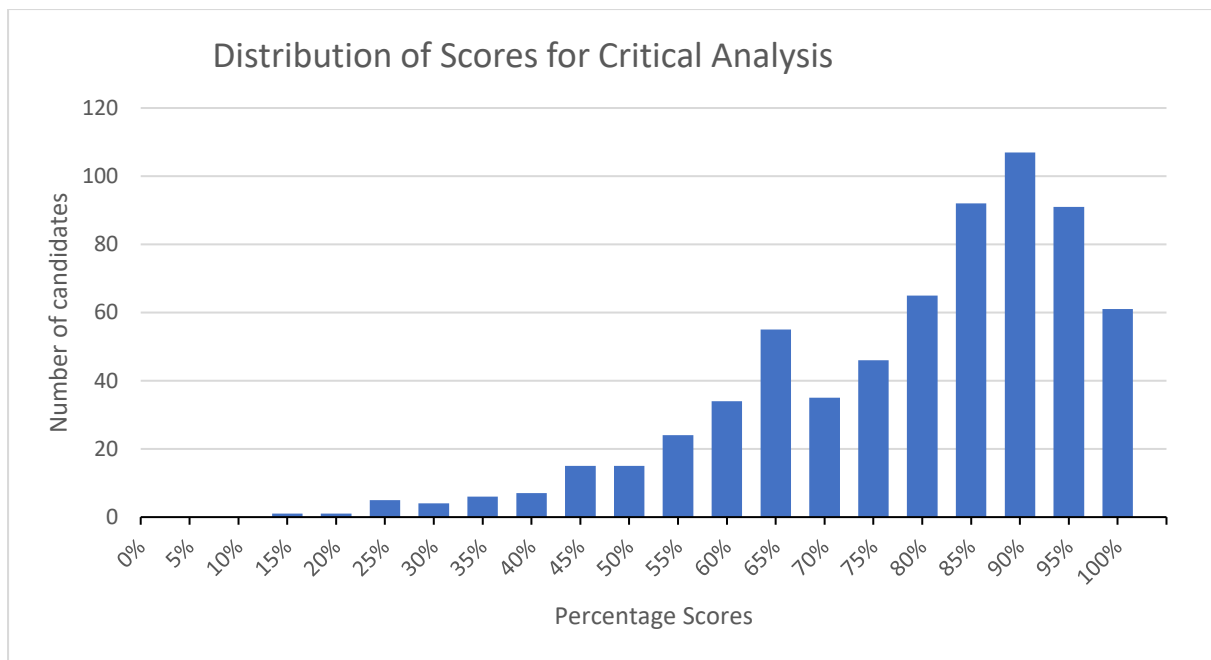


The small number of scores of less than 30% have been left off this graph, to aid readability.

In the situational judgement test, there were:

- **Two questions** where **75%** or more of candidates chose both parts of the question correctly (easier questions according to the results). The first question focused on identifying conflicts of interest and taking appropriate steps to uphold integrity and public trust in judicial independence. The second addressed professional responsibility and effective time management when faced with a stressful situation out of one's control.
- **Two questions** where under **8%** of candidates chose both parts of the question correctly (harder questions according to the results). The first of these questions tested candidates understanding of procedural fairness and rule enforcement. The other centred on courtroom decorum and how to respond when a litigant does not follow expected formalities.

The range of candidate scores for the **critical analysis test** were as follows: the lowest candidate score was **15%** and the highest candidate score was **100%**. The average candidate score was **79%**.



In the critical analysis test, there were:

- **Two questions** where **93%** or more of candidates gave the correct answer (easier questions according to the results). The first question required candidates to critically assess the appropriate response when a party fails to comply with judicial directions issued by an Assistant Resident Judge. The second question focused on the source of the First-tier Tribunal's authority to issue directions.
- **Two questions** where under **60%** of candidates gave an incorrect answer (harder questions according to the results). The first question required candidates to evaluate the principles applied when deciding whether to grant permission to appeal. The second question examined how the Upper Tribunal should respond concerning application of rule 17(2) of the Tribunal Procedure Rules.

### Feedback from candidates

After the qualifying test, candidates were invited to complete an anonymous candidate survey. **172** candidates responded to the survey. Note that in some places percentages will not add to exactly 100% due to rounding. Based on the results of the candidate survey:

#### How would you rate the quality of the customer service you received from JAC staff during the qualifying test process?

- 44.8% of candidates rated the service as excellent
- 32.0% of candidates rated the service as good
- 4.1% of candidates rated the service as fair
- 1.2% of candidates rated the service as poor
- 18.0% of candidates selected not applicable

**I understood from the instructions what was expected during the qualifying test**

- 60.5% of candidates strongly agreed
- 35.5% of candidates agreed
- 2.3% of candidates neither agreed nor disagreed
- 1.2% of candidates disagreed
- 0.6% of candidates strongly disagreed

**The situational judgement test enabled me to demonstrate how I would tackle daily challenges working in a court or tribunal**

- 26.2% of candidates strongly agreed
- 45.9% of candidates agreed
- 11.6% of candidates neither agreed nor disagreed
- 11.6% of candidates disagreed
- 4.7% of candidates strongly disagreed

**I am confident in the situational judgement test as a JAC selection tool**

- 19.8% of candidates strongly agreed
- 35.5% of candidates agreed
- 19.8% of candidates neither agreed nor disagreed
- 16.3% of candidates disagreed
- 8.7% of candidates strongly disagreed

**The critical analysis test enabled me to demonstrate how I would analyse facts to form a judgement**

- 30.2% of candidates strongly agreed
- 50.6% of candidates agreed
- 9.9% of candidates neither agreed nor disagreed
- 5.8% of candidates disagreed
- 2.3% of candidates strongly disagreed
- 1.2% of candidates selected not applicable

**I am confident in the critical analysis test as a JAC selection tool**

- 30.2% of candidates strongly agreed
- 44.2% of candidates agreed
- 15.7% of candidates neither agreed nor disagreed
- 4.1% of candidates disagreed
- 4.7% of candidates strongly disagreed
- 1.2% of candidates selected not applicable

**The qualifying test was accessible in terms of format, language used and topics covered**

- 45.9% of candidates strongly agreed
- 45.3% of candidates agreed
- 5.8% of candidates neither agreed nor disagreed
- 2.3% of candidates disagreed
- 0.6% of candidates strongly disagreed

**The qualifying test was easy to complete**



- 25.6% of candidates strongly agreed
- 36.6% of candidates agreed
- 19.8% of candidates neither agreed nor disagreed
- 14.0% of candidates disagreed
- 3.5% of candidates strongly disagreed
- 0.6% of candidates selected not applicable