



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

**00292: Judge of the First-tier Tribunal, Immigration and Asylum Chamber**

**January 2026**

## **Purpose**

The purpose of this report is to provide an evaluation of the 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.

## **Judicial Skills and Abilities Framework**

The situational judgement test was designed to assess the following judicial skills and abilities:

- Communication Skills
- Personal Qualities
- Effective Working

The critical analysis test was designed to assess the following judicial skills and abilities:

- Legal Skills
- Dealing with Information

The Judicial Skills and Abilities Framework has been drafted by judges, for judges and prospective judges to enable them to evidence their experience and suitability for judicial office. The Judicial Skills and Abilities Framework 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**

For the situational judgement test, 10 questions were selected from the JAC's bank of approved questions, which were devised by judges from a range of jurisdictions. A further 10 questions were devised by two judges from the First-tier Tribunal, Immigration and Asylum Chamber, who also developed the critical analysis test questions and marking schedule.

Consistent with all the selection tools developed for this exercise, the questions were designed to assess relevant transferable skills.

The materials developed for this exercise were reviewed internally by Operations, Policy, and Diversity and Engagement teams to quality and equality assure the materials and to ensure they were effective tools for assessing candidates. The teams also ensured that the materials did not unfairly advantage or disadvantage any candidates on the basis of their diversity characteristics or professional background.

Following this internal quality assurance, the materials were then reviewed by the JAC Advisory Group. The Advisory Group comprises members of the judiciary and representatives of the legal professions and is chaired by a lay JAC Commissioner. The group provides advice and guidance on the development of selection materials, quality-assures those materials and considers – and mitigates – any negative impacts on diverse groups.

The effectiveness of the test was assessed through a mock assessment involving a range of volunteers drawn from relevant candidate groups. This provided an opportunity to trial the test materials 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

For the situational judgement test, candidates were presented with a range of different situations they might experience in the role of a Judge of the First-tier Tribunal, Immigration and Asylum Chamber. 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 nine days before the test: paragraphs 20 to 73 (part of Baroness Hale's speech) in '*In re B (Children) (FC) [2008] UKHL 35*'. 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 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 candidates 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 candidates 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 judicial skills and abilities (Communication Skills, Personal Qualities and Effective Working) and the critical analysis test assesses candidates on two judicial skills and abilities (Legal Skills and Dealing with Information).

### **Distribution of marks**

274 candidates were invited to take the test.

**22** candidates withdrew from the process or did not take the test.

**252** 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.

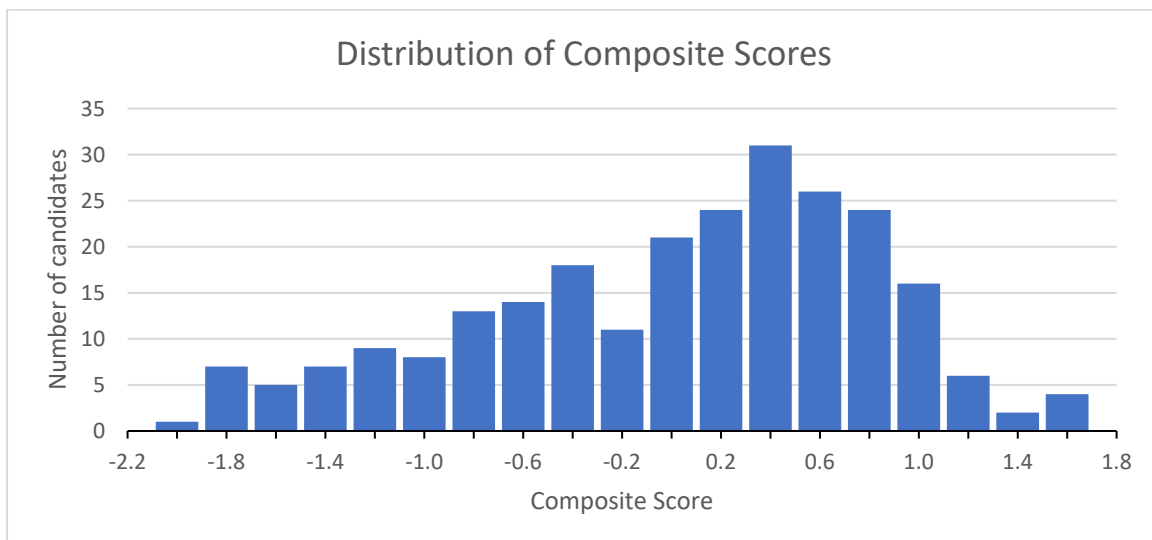
### Calculating the composite score

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 -3.03 and the highest composite score was 1.62. Candidates with a composite score of -0.03 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.



The small number of scores of less than -2.0 have been left off this graph, to aid readability.

### Approach to shortlisting

When the JAC receives notification from His Majesty's Courts and Tribunals Service (HMCTS) 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 **30** posts. We therefore planned the selection exercise based on inviting around **75** candidates to selection day.

All candidates who applied for the exercise were invited to sit the online qualifying test. We planned to take around **145** candidates to the second stage of shortlisting, the name-blind paper sift.

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.

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:

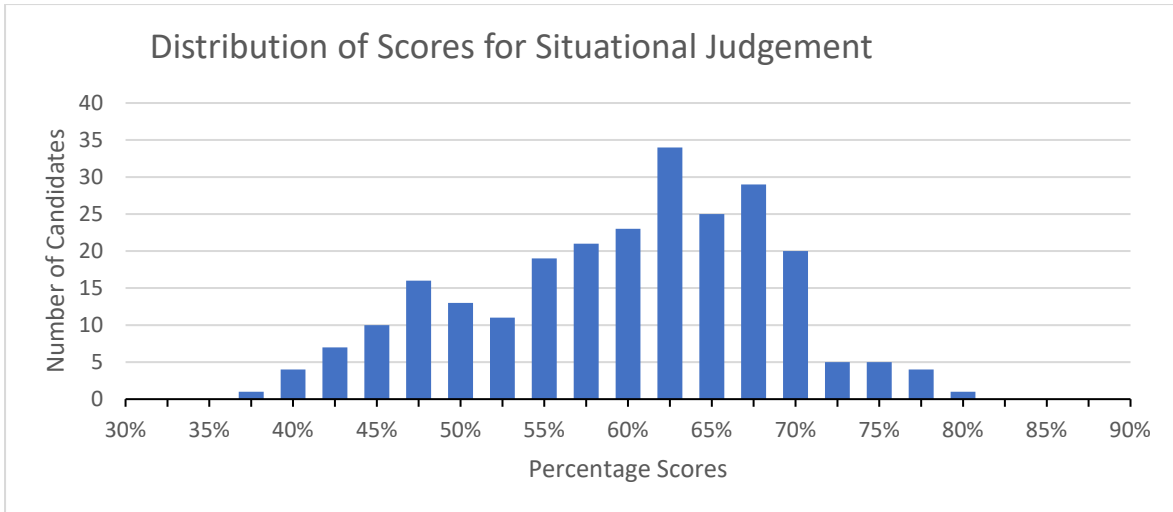
- The candidates about whom a decision is being taken are of equal merit.
- The particular protected characteristic is underrepresented either in the judiciary as a whole or at the relevant level of judiciary.
- Reliance on EMP in the shortlisting process being conducted is a proportionate means of achieving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

The EMP was not applied at this stage of the selection process. A total of **148** candidates proceeded to the next stage of the selection exercise.

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

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

- Lowest candidate score: **2.5%**
- Highest candidate score: **80%**
- Average candidate score: **59%**



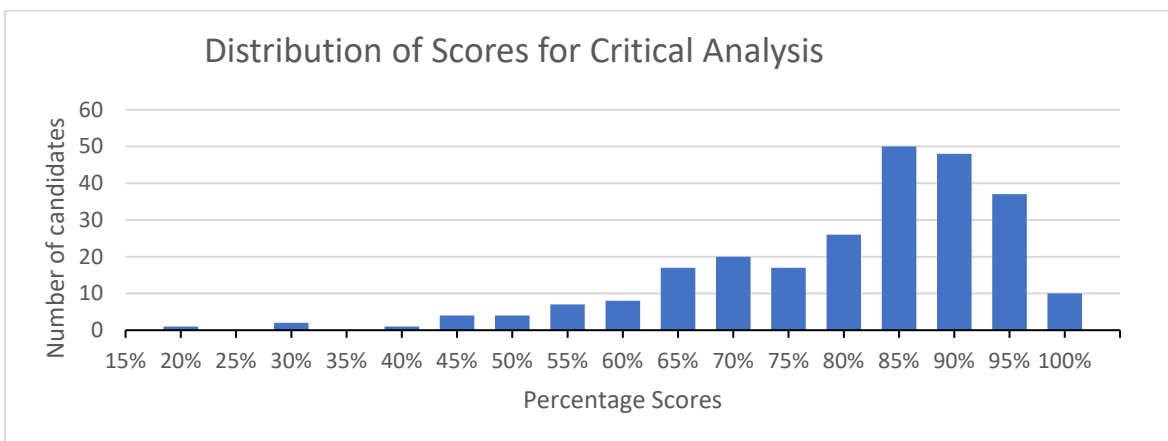
The small number of scores of less than 30% have been left off this graph, to aid readability.

In the situational judgement test, there were:

- **Three questions where 68% or more of candidates chose both parts of the question correctly (easier questions).** The first question assessed candidates' ability to work effectively with others in light of new information at the last minute; the second explored fairness in decision making when dealing with repeated applications; and the third examined the ability to communicate tribunal rules effectively to a nervous, unrepresented party.
- **Three questions where fewer than 9% of candidates selected both parts correctly (harder questions).** The first of these questions checked candidates' understanding of procedural fairness; the second tested candidates' ability to address the inappropriate behaviour of another panel member during a hearing ; and the third related to managing expectations during a hearing in which all parties could be unreasonable.

The range of candidate scores for the **critical analysis test** were as follows:

- Lowest score: **20%**
- Highest score: **100%**
- Average score: **81%**



In the critical analysis test, there were:

- **Three questions where 96% or more of candidates gave the correct answer (easier questions).** The first question required candidates to identify the specific task of the judge in a fact-finding hearing relating to alleged sexual abuse; the second required candidates to analyse the conclusions made by a judge on the veracity of claims made by a party in this hearing; and the third examined candidates' understanding of the respective roles of the court and the local authority in child protection.
- **Three questions where 47% or more of candidates gave an incorrect answer (harder questions).** The first question required candidates to assess how an unacceptable risk of harm is established; the second asked them to identify the correct judicial opinion in a Court of Appeal decision; and the third required candidates to identify the guardian's principal argument in an appeal to the House of Lords.

### **Feedback from candidates**

After the qualifying test, candidates were invited to complete an anonymous candidate survey. A total of **71** candidates responded to the survey. Please 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?**

- 53.5% of candidates rated the service as excellent
- 26.8% of candidates rated the service as good
- 4.2% of candidates rated the service as fair
- 15.5% of candidates selected not applicable

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

- 64.8% of candidates strongly agreed
- 25.4% of candidates agreed
- 7.0% of candidates neither agreed nor disagreed
- 1.4% of candidates disagreed
- 1.4% of candidates strongly disagreed

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

- 31.0% of candidates strongly agreed
- 43.7% of candidates agreed
- 14.1% of candidates neither agreed nor disagreed
- 11.3% of candidates disagreed

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

- 28.2% of candidates strongly agreed
- 40.8% of candidates agreed
- 15.5% of candidates neither agreed nor disagreed

- 14.1% of candidates disagreed
- 1.4% of candidates strongly disagreed

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

- 31.0% of candidates strongly agreed
- 46.5% of candidates agreed
- 11.3% of candidates neither agreed nor disagreed
- 11.3% of candidates disagreed

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

- 25.4% of candidates strongly agreed
- 46.5% of candidates agreed
- 21.1% of candidates neither agreed nor disagreed
- 7.0% of candidates disagreed

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

- 49.3% of candidates agreed
- 38.0% of candidates agreed
- 5.6% of candidates neither agreed nor disagreed
- 2.8% of candidates disagreed
- 1.4% of candidates strongly disagreed
- 2.8% of candidates selected not applicable

**The qualifying test was easy to complete.**

- 28.2% of candidates strongly agreed
- 32.4% of candidates agreed
- 25.4% of candidates neither agreed nor disagreed
- 11.3% of candidates disagreed
- 2.8% of candidates strongly disagreed