



Online Qualifying Test Evaluation and Feedback Report

00272: Non-Legal Members of the Employment Tribunal

November 2025

Purpose

The purpose of this report is to provide an evaluation of the Non-Legal Members of the Employment Tribunal online situational judgement test and general feedback on candidate performance.

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.

Additional Selection Criteria

Although the situational judgement test for this exercise was designed to test a candidate's transferrable skills and their potential to work effectively as a Non-Legal Member of the Employment Tribunal, the Additional Selection Criteria (ASC) for this selection exercise required that candidates have at least five years' experience of dealing with employment relations issues. The experience could include disciplinary and grievance procedures/appeals, equality and diversity issues, the gender pay gap, individual and collective redundancies, business transfers, whistleblowing, employee remuneration and incentives, pay negotiations, parental rights, employee wellbeing, performance management, managing health and capability, the gig economy and migrant working or other related matters.

Competency Framework

The test was designed to assess the following competencies:

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

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 Non-Legal Member of the Employment Tribunal is expected to have. This enabled us to assess candidates in a fair and consistent way.

Development of the test

The test and marking schedule were devised by three tribunal judges from different chambers who work with non-legal members. In common with all the selection tools developed for this exercise, the questions were designed to assess relevant transferable skills and role-specific criteria.

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.

Following this internal quality assurance, the material was then reviewed by the JAC Advisory Group. The Advisory Group, chaired by a JAC lay Commissioner, is composed of members of the judiciary and representatives of the legal professions. 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, none of whom were legally qualified as the role does not require a legal qualification. 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 online platform and consisted of one part:

- Situational judgement: 50 minutes, 20 multiple choice questions

No advance reading or preparation was required.

Candidates were presented with a range of situations they might experience as a Non-Legal Member of the Employment 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 situation. Candidates needed to identify both the most appropriate and least appropriate option. All situations within the test were hypothetical, and no prior knowledge of rules or procedures was required.

Marking of the test

The test was marked automatically by the JAC online platform. Candidates who did not finish their test within the allotted time had their test 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 the test do not proceed and are removed from consideration.

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

Distribution of marks

884 candidates were invited to take the test (624 candidates for the Employer vacancy and 260 candidates for the Employee vacancy)

31 candidates withdrew from the process or did not take the test

853 candidates took the test

The process of scoring the test was as follows:

- all candidates were scored on their answers to the test based on the marking schedule
- candidates who scored less than 30% in the test were removed from consideration
- candidates were then ranked in order of merit from first to last based on their score (further outlined below)

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

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 150 posts (75 Employee posts and 75 Employer posts). We therefore planned the selection exercise based on inviting between 330 to 374 candidates to selection day. (Between 165 to 187 candidates per post: Employee and Employer).

The candidates' scores from the test were placed on the relevant merit lists (we had one merit list for the Employee posts and one merit list for the Employer posts) with the highest score placed at the top and the lowest score placed at the bottom. The number of slots available in the next stage of the process for each role was then applied onto the separate merit lists to create the initial cut-off lines.

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 (the eligibility sift). Candidates for the Employee post who scored 50% or above progressed to the eligibility sift, whilst those applying for the Employer post required a score of 63% or above to progress.

After the moderation process, and eligibility sift, **355** candidates were invited to progress to the next stage of the selection exercise. 177 candidates for the Employee post and 178 candidates for the Employer post.

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 not applied at this stage of the selection process.

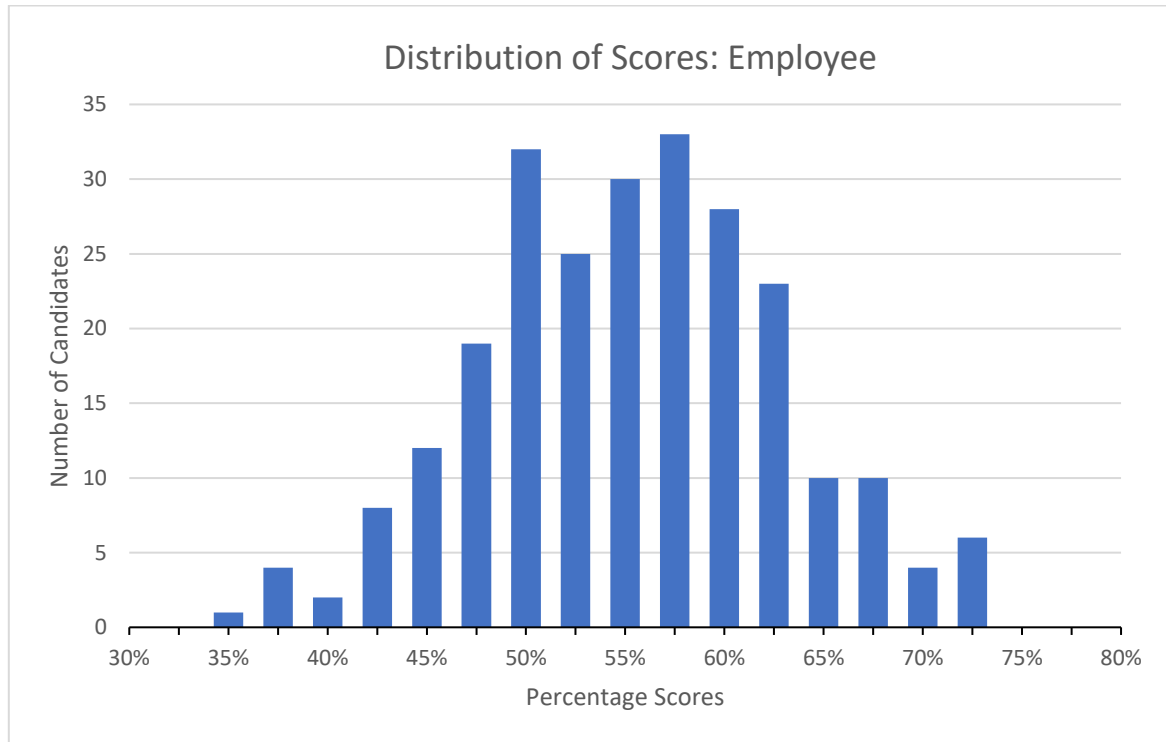
Candidates' performance

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

1. For the Employee role:

- lowest candidate score was **20%**
- highest candidate score was **72.5%**
- the average candidate score was **55.2%**

The chart below shows the total percentage scores:

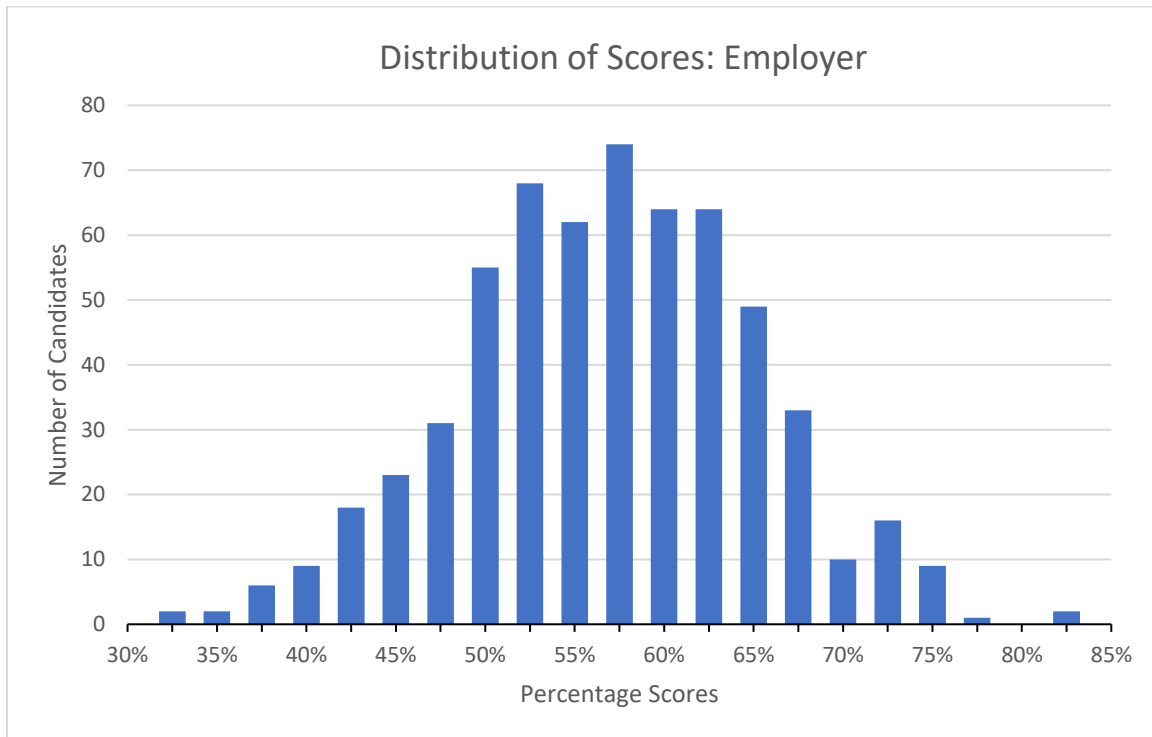


The small number of scores less than 30% have been left off this graph, to aid readability.

2. For the Employer role:

- lowest candidate score was **12.5%**
- highest candidate score was **82.5%**
- the average candidate score was **56.7%**

The chart below shows the total percentage scores:



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

The highest scoring question was about ensuring fairness between represented and unrepresented parties and maintaining impartiality and the integrity of the tribunal process. 68% of candidates correctly identified both the most appropriate and least appropriate answer.

The lowest scoring question was about dealing with exercising authority appropriately, ensuring orderly conduct of the hearing, preventing interference with the taking of evidence, and balancing patience with procedural responsibility. 0.5% of candidates correctly identified both the most appropriate and least appropriate answer.

Feedback from candidates

After the test, candidates were invited to complete an anonymous candidate survey. **446** candidates responded to the survey. The results of the survey are as follows:

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

- 73.6% of candidates chose “Excellent”, “Good”
- 2.9% of candidates chose “Fair”
- 1.1% chose “Poor” or “Very poor”
- 22.4% of candidates chose “Not applicable”

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

- 97.3% of candidates agreed or strongly agreed
- 0.9% of candidates neither agreed nor disagreed

- 1.8% of candidates strongly disagreed

The qualifying test enabled me to demonstrate how I would tackle daily challenges working in a tribunal:

- 84.1% of candidates agreed or strongly agreed
- 9.2% of candidates neither agreed nor disagreed
- 6.5% of candidates disagreed or strongly disagreed
- 0.2% of candidates chose "Not applicable"

I am confident in the qualifying test as a JAC selection tool:

- 68.4% of candidates agreed or strongly agreed
- 24.7% of candidates neither agreed nor disagreed
- 6.9% of candidates disagreed or strongly disagreed
- 0.1 of candidates chose "Not Applicable"

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

- 92.8% of candidates agreed or strongly agreed
- 3.8% of candidates neither agreed nor disagreed
- 1.6% of candidates disagreed or strongly disagreed
- 1.8% of candidates chose "Not Applicable"

The qualifying test was easy to complete:

- 76.9% of candidates agreed or strongly agreed
- 14.3% of candidates neither agreed nor disagreed
- 8.7% of candidates disagreed or strongly disagreed

Did you experience technical difficulties during the test?

- 97.3% of candidates stated "No"
- 2.7% of candidates stated "Yes"