



Online Qualifying Test Evaluation and Feedback Report

**00338 Fee-paid Specialist Member of the First-tier
Tribunal, Health, Education and Social Care
Chamber - Special Educational Needs and Disability
(SEND)**

June 2026

Purpose

The purpose of this report is to provide an evaluation of the Fee-paid Specialist Member of the First-tier Tribunal, Health, Education and Social Care Chamber, Special Educational Needs and Disability (SEND) online qualifying test and general feedback on candidate performance in the 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.

Additional Selection Criteria

Although the qualifying test for this exercise was designed to test a candidate's transferrable skills and their potential to work effectively as a Fee-paid Specialist Member of the First-tier Tribunal, Health, Education and Social Care Chamber (SEND), the additional selection criteria (ASC) for this selection exercise required that candidates must be able to demonstrate knowledge and substantial experience of special educational needs and/or disability.

Substantial experience was considered to be:

- a minimum of 5 years' experience in the past 8 years, and
- current knowledge and practical professional experience of working with children and/or young people with special educational needs and/or disabilities

Judicial Skills and Abilities Framework

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

- Communication Skills
- Personal Qualities
- Effective Working

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

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 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.

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 online platform and consisted of a 50-minute situational judgement test of 20 multiple choice questions. For the test, candidates were presented with a range of different situations they might experience in the role of a Fee-paid Specialist Member of the First-tier Tribunal, Health, Education and Social Care Chamber (SEND). 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.

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 the test was 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.

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 1 point scored for each correct answer. Therefore, candidates could score a maximum of 2 points for each question.

Distribution of marks

255 candidates were invited to take the test

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

248 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 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 2 or 3 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 **25** posts. We therefore planned the selection exercise based on inviting around **56** candidates to selection day, after consideration of eligibility.

All candidates who applied for the exercise were invited to sit the online qualifying test. To identify the top candidates from the qualifying test, the candidates' 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:

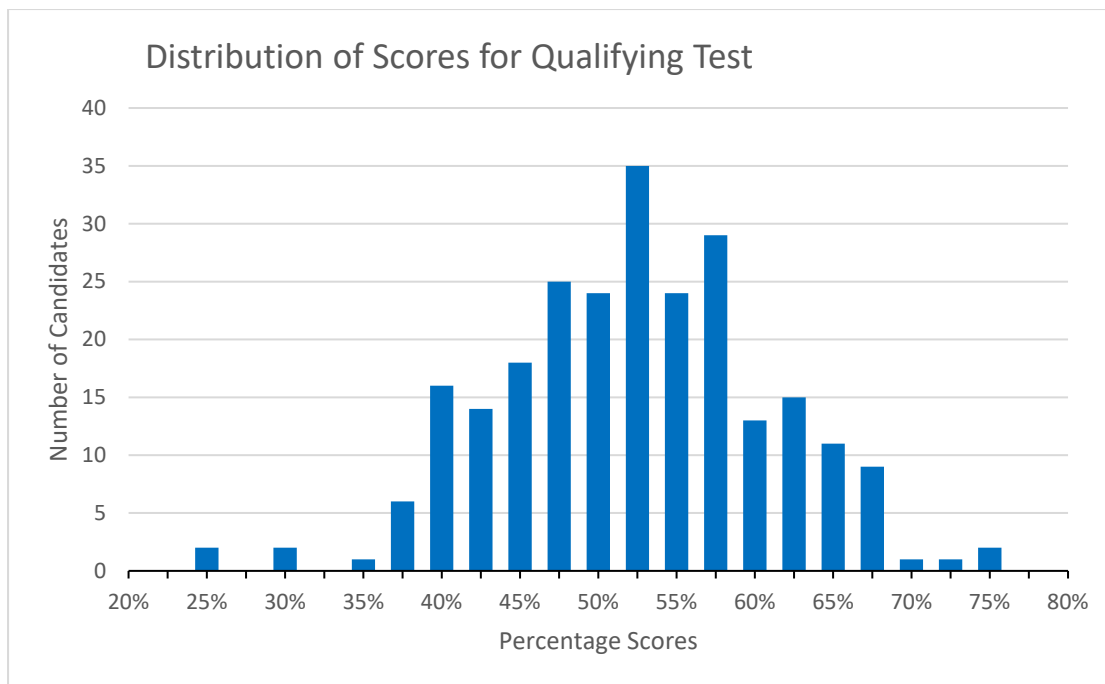
- the candidates about whom a decision is being taken are of equal merit
- the particular protected characteristic is underrepresented either in the judiciary as a whole or at the relevant level of judiciary
- reliance on EMP in the shortlisting process being conducted is a proportionate means of achieving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

The EMP was not applied at this stage of the selection process.

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

The range of candidate scores for the situational judgement test was as follows: the lowest score was 25%, the highest score was 75%. The average score was 52.3%.



In the situational judgement test, there were:

- Two questions where 55% or more of candidates chose both parts of the question correctly (easier questions). These questions related to an applicant needing to breastfeed her baby during a hearing, and a tribunal colleague suggesting they adopt the represented party's polished submissions over the unrepresented party's submissions for efficiency.
- Five questions where approximately 10% of candidates chose both parts of the question correctly (harder questions). These questions related to a clerk giving negative views of an applicant, a tribunal member arriving late for a complex hearing, children attending a hearing, a late voluminous bundle for an imminent hearing, and an applicant aggressively interrupting proceedings.

Feedback from candidates

After the qualifying test, candidates were invited to complete an anonymous candidate survey. **105** candidates responded to the survey. 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:

- 75% of candidates chose "Excellent" or "Good"
- 1% of candidates chose "Fair"
- 24% of candidates chose "Not applicable"

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

- 97% of candidates agreed or strongly agreed
- 1% of candidates neither agreed nor disagreed
- 1% of candidates strongly disagreed
- 1% of candidates chose "Not applicable"

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

- 84% of candidates agreed or strongly agreed
- 14% of candidates neither agreed nor disagreed
- 2% of candidates disagreed or strongly disagreed

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

- 71% of candidates agreed or strongly agreed
- 25% of candidates neither agreed nor disagreed
- 4% of candidates disagreed or strongly disagreed

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

- 93% of candidates agreed or strongly agreed
- 5% of candidates neither agreed nor disagreed
- 2% of candidates disagreed or strongly disagreed

The qualifying test questions were easy to understand and answer:

- 69% of candidates agreed or strongly agreed
- 25% of candidates neither agreed nor disagreed
- 6% of candidates disagreed or strongly disagreed