

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

Qualifying Test July 2010

Feedback Report

Purpose

The purpose of this report is to provide general feedback on candidate performance in the qualifying test for this selection exercise. The first part of the report describes how the Judicial Appointments Commission (JAC) developed the test and marking schedule, and how the test was structured. The second provides information on the overall performance of candidates in the test, identifying areas where they performed well and where they performed poorly.

Qualities and Abilities

As this appointment required specialist knowledge and expertise, the test was set to assess:

Intellectual Capacity, specifically:

- Expertise in special educational needs
- The ability to quickly absorb and analyse information

Personal Qualities, specifically:

- Sound judgement
- Decisiveness
- Objectivity

Efficiency, specifically:

- The ability to work at speed and under pressure
- The ability to organise time effectively

Part 1

Development of the Test

The test and marking schedule were devised by a Specialist Member (Special Educational Needs and Disability) nominated by the Deputy President of the First Tier Tribunal (HESC). The test designer has extensive experience of the Tribunal, together with specialist qualifications and professional experience related to special

educational needs. A further three serving Specialist Members (Special Educational Needs and Disability) of the Tribunal provided guidance at key stages in the development of the test.

The JAC Advisory Group, composed of senior judiciary and representatives of the legal profession, offered advice and guidance during its development.

In common with all qualifying tests used by the JAC, both the test and the marking schedule were subject to an extensive quality – and equality – assurance process. The effectiveness of the test was assessed by means of dry runs with a range of volunteers with experience of educational, child care, health, or social care matters.

Structure of the Test

The 90 minute test consisted of questions related to three case scenarios. Each scenario focused on a different type of appeal that might be brought by a parent against the decision of local authority in respect of provision to meet a child's special educational needs (as set out by the 1996 Education Act and the Code of Practice for SEN). Candidates were allowed a short time before the test began to familiarise themselves with the lay-out of the paperwork.

The test was divided into three parts, with each part directly related to one scenario. Two types of question were used to test each scenario:

- **Multiple-choice.** These invited candidates to identify the correct or most appropriate answer to the question posed. Generally, this entailed selecting one answer from four options or two answers from six or eight options. The evidence for all answers was contained *either* in the scenario *or* could be deduced from the preparatory information sent to candidates well in advance of the test day.
- **Specialist decision-taking.** One question required candidates to demonstrate and apply their specialist knowledge and experience of special educational needs as required by the non-statutory requirement for appointment to these posts, namely '*specialist members would normally be expected to have substantial knowledge and experience of children with special educational needs*'. Candidates had to form an opinion on the possible outcome of the appeal described in the scenario and to support this with reasons. The evidence was contained in the scenario and the framework for decision-making was available in the pre-test information (candidates were able to refer to this during the test).

Marking Schedule

The marking schedule and scheme were detailed and provided:

- In the case of each multiple-choice question, the acceptable answer(s). Rules were established to assist markers where candidates failed to follow instructions, such as selecting too many answers or not making their selection of answers clear.
- For each specialist question, the acceptable answers. Each answer was weighted in accordance with its importance. A 'fundamentally important' answer was identified for each question and this carried additional marks.

The marking scheme allowed for all answers that demonstrated the required qualities and abilities to be rewarded. The test as a whole rewarded those candidates who could work at speed and under pressure, and organise their time effectively. The multiple-choice questions enabled candidates particularly to demonstrate decisiveness and their ability to absorb and analyse information. The specialist decision-taking question in each scenario enabled candidates particularly to demonstrate their expertise in special educational needs, ability to quickly absorb and analyse information, sound judgement and objectivity.

205 marks were available for responses against the marking schedule: 121 marks for multiple-choice questions and 84 for specialist decision-taking questions. The total marks available for each scenario were (1) 62, (2) 80, and (3) 63. Candidates were advised in advance that one scenario was longer and carried more marks. Also, candidates were able to see the spread of marks across the individual test questions.

Marking of the test

The marking of the test scripts was undertaken by three current Specialist Members of the Tribunal (SEND). These members had also advised on the test development and so were very familiar with the materials. The test designer acted as moderator and provided advice to the markers at appropriate points during the marking process.

JAC staff provided a full briefing to the markers at the outset of the marking process. At the start of the marking process, the three markers and moderator each marked all sections of four scripts. Outcomes were discussed and individual answers considered as a means of providing models for marking consistency.

Each marker was responsible for marking all the questions relating to one scenario. Decisions on the interpretation of the marking schedule were taken only after full discussion with the team. Such decisions were recorded and formed a precedent for

the marking of subsequent test papers. No discretionary marks were allowed and all test papers were marked anonymously.

Moderation

Markers were invited to identify and put forward for moderation any test papers where it was felt that a strict application of the marking schedule for the *specialist decision-taking* questions had resulted in a candidate being under-marked. These queries tended to arise where candidates had not followed the expected layout of answers or had combined answers but had listed acceptable information.

In addition, approximately 20% of test papers were second-marked by the moderator. Further moderation occurred during the marking process with markers cross-checking each other's work. A final moderation occurred after the initial marking. The papers of candidates close to the prospective cut-off point (above and below) for invitation to the selection days were checked by a different marker for each scenario and by the moderator. Separate quality assurance checks were undertaken by the Commissioner and the Director assigned to the exercise.

Distribution of marks

The highest mark awarded was 151 out of a possible 205, and the lowest was 38; the average score was 48.5%. The distribution of the scores revealed that 51% of candidates scored between 90 and 129.

Part 2

General Comments on Candidate Performance

The test was designed to assess candidates' 'knowledge and experience of special educational needs' as required for these posts.

Candidates generally performed better on the multiple-choice questions, particularly those that tested information contained in the pre-test pack. Multiple-choice questions relating to the scenarios which required candidates to make judgements were answered less well. Some candidates failed to follow instructions, by ticking too many answers or by offering alternatives.

The specialist decision-taking questions were more challenging as candidates were required both to use the information available to them and to apply their own knowledge and experience. Candidates were generally more successful with their answers to the questions relating to Scenario 2. Some marks were lost because:

- Handwriting was poor and thus answers were difficult/impossible to read

- Answers lacked specificity or sufficient detail
- Answers were muddled with evidence not matching reasons for decisions
- Answers just cited paragraph numbers from the SEN Code of Practice rather than setting out clear reasons for decisions

In some cases, candidates took time to quote sections of the SEN Code of Practice word-for-word where this was not relevant. There were other examples of candidates introducing extraneous facts and adopting a 'case conference' approach rather than basing their answers on the evidence available in the scenarios.

The qualifying test was in part a test of a candidate's ability to work under pressure and at speed. Time was an issue for some candidates who did not complete all of the questions relating to Scenario 3. In many cases it was the final question - which carried 20 marks - which was not answered. A small number of those who did not finish failed to complete any of the Scenario 3 questions.