

**Nursing and Midwifery Council
Registrations Appeal Committee**

**Registration Appeal Hearing
Tuesday, 19 August 2025
Wednesday, 22 October 2025**

Virtual Hearing

Name of Appellant:	Sunday Acheneje Onolu
Type of case:	Registrations appeal
Panel members:	Amy Barron (Chair, Lay member) Suzie Adam (Registrant member) Richard Carnell (Lay member)
Legal Assessor:	Patricia Crossin (19 August 2025) Monica Daley (22 October 2025)
Hearings Coordinator:	Hazel Ahmet (19 August 2025) Nicola Nicolaou (22 October 2025)
Nursing and Midwifery Council:	Represented by Teri Howell, Case Presenter
Mr Onolu:	Present and represented by Amy Woolfson, instructed by the Royal College of Nursing (RCN)
Decision:	Appeal dismissed

Decision and reasons on the admissibility of Witness 3's witness statement

At the outset of the hearing, Ms Woolfson, on your behalf, submitted that Witness 3's written statement claims that there is evidence from a website which evidences that your reflection is 99% likely to be generated through artificial intelligence (AI). She noted that there is no information in this evidence as to what Chat GPT-0 is, how it works, what it does, and whether there is any human intervention.

Ms Woolfson submitted that Witness 3 is not an expert witness and has not made an expert declaration. She further submitted that Witness 3 does not have any particular skill in artificial intelligence, or artificial intelligence detection.

Ms Woolfson therefore submitted that to admit Witness 3's evidence would not be fair, and therefore, should not be admitted under Rule 31 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

Ms Howell, on behalf of the Nursing and Midwifery Council (NMC) submitted that the evidence provided by Witness 3 is not opinion material, but rather fact based. She submitted that Witness 3 merely states that he has placed your reflection into an artificial intelligence detection website, which then generated an answer to determine how likely it was that your reflection was in fact artificially generated. Ms Howell submitted that Witness 3 merely used a tool to indicate to what extent artificial intelligence had been used. She noted that Witness 3 is not an expert and is not declaring himself; he simply used a tool as an indication. She submitted that it is a matter for the panel on how much weight is placed on this.

Ms Howell reminded the panel that you admitted to having used AI, at least in part.

Ms Howell submitted that there is no real prejudice to you if the statement of Witness 3 was considered by the panel today.

The panel accepted the advice of the legal assessor.

The panel determined that it would admit the statement of Witness 3 but redact any reference to AI within this statement as the panel did not have any expert evidence on this point. The panel reminded itself to disregard this evidence in reaching its decision.

Decision and reasons

The panel decided to dismiss your appeal against the decision of the Assistant Registrar of the Nursing and Midwifery Council (NMC).

This appeal is made under Article 37(1)(a) of the Nursing and Midwifery Order 2001 (the Order). You have appealed the decision of the Assistant Registrar, dated 8 August 2024, that you did not meet the character requirements for registration to the NMC register.

In reaching its decision, the panel considered all of the evidence in this case, as well as the live evidence from Witness 1 and Witness 2 on your behalf, your submissions, and those of Ms Howell, on behalf of the NMC, and Ms Woolfson, on your behalf.

Background

On 14 August 2023, you submitted an overseas initial nursing application for registration to the NMC. In order to progress your application, you were asked to set up an account on the NMC's online portal where you would upload evidence that is required for registration.

Alongside your training, you were also required to demonstrate that you have the necessary knowledge of English for safe and effective practice, and that your character is such that you are capable of safe and effective practice. One of the ways an applicant can demonstrate that they have met the NMC's English language requirements is by taking an NMC approved English language test and meeting the required scores in reading, writing, listening and speaking. One of the NMC approved English language tests is the academic version of the International English Language Testing System (IELTS). The scores required for IELTS are 7.0 for listening, reading and speaking and 6.5 for writing. The other NMC approved English language test is the Occupational English Test (OET).

As part of your application, you submitted an IELTS Test Report Form (TRF) issued on 22 October 2022. On 5 September 2023, the International Team informed you that they were attempting to verify your TRF. On 5 September 2023, the British Council confirmed that the TRF did not match their records and was not authentic. The Assistant registrar considered your application on 29 September 2023, and you were requested to submit a new language test result.

On 14 February 2024, you uploaded an OET statement of results for a test taken on 27 January 2024. This was verified and accepted by the International Team.

On 24 March 2024, your application was referred to the Registrations Investigation Team (RIT) for investigation.

On 14 May 2024, the NMC requested further information from the British Council regarding your fraudulent IELTS test taken on 22 October 2022. A response has not yet been received.

On 1 August 2024, the Assistant Registrar considered and refused your application and you were notified of this via letter issued on 8 August 2024.

On 5 September 2024, your representative, the Royal College of Nursing (RCN) submitted a Notice of Appeal and the following documents:

- The Grounds of Appeal
- NMC decision letter dated 8 August 2024
- Your CV
- A testimonial from the Unit Manager at Coveberry dated 3 September 2024
- A testimonial from the Supervisor at Coverberry dated 3 September 2024

Submissions

Ms Howell outlined the background to the case.

The panel heard live evidence from the following witnesses called on your behalf:

- Witness 1: A friend of yours
- Witness 2: A friend of yours

The panel also heard evidence from you under affirmation.

The hearing resumed on Wednesday, 22 October 2025.

At the outset of the resuming hearing, Ms Howell submitted that Witness 3 is not available to attend this hearing due to personal circumstances. She submitted that the NMC's position is that another NMC investigator, Witness 4, can produce her own witness statement and adopt Witness 3's evidence. Ms Howell submitted that Witness 4 would be available to attend to give evidence today.

Ms Woolfson submitted that the reasons for Witness 3's non-attendance is not clear. She submitted that Witness 3's manager should be contacted to establish the reason why Witness 3 is not available to attend this hearing and give evidence. Ms Woolfson submitted that if Witness 3 is not available due to issues concerning his conduct or work situation, this is relevant information as it goes to the quality of his evidence.

Ms Howell submitted that after taking instructions, it is understood that Witness 3's non-attendance is not work related, and that Witness 4 will produce her own witness statement for this hearing.

Decision and reasons on application to admit the witness statement of Witness 4

The panel heard an application made by Ms Howell under Rule 31 to allow the written statement of Witness 4 into evidence. She submitted that Witness 4's witness statement is required for the panel's assessment, and addresses the fundamental issues in this case. She submitted that Witness 4 adopts the findings of Witness 4 in terms of documents that have been put before the panel.

Ms Woolfson submitted that she questions the extent to which Witness 4 can adopt Witness 3's witness statement as parts of Witness 3's witness statements includes his personal recollection of matters. She submitted that admitting Witness 4's witness statement into evidence is not an issue, but that she raises a question as to the weight that can be placed on Witness 4's witness statement.

The panel heard and accepted the legal assessor's advice on the issues it should take into consideration in respect of this application. This included that Rule 31 provides that, so far as it is 'fair and relevant', a panel may accept evidence in a range of forms and circumstances, whether or not it is admissible in civil proceedings.

The panel was of the view that Witness 4's witness statement is not the sole or decisive evidence in this case, and that there would be no value in admitting her witness statement as evidence.

Decision and reasons on application to admit witness statements of Witness 3 and Witness 5

The panel invited counsel to make submissions in relation to the witness statements of Witness 3 and Witness 5.

Ms Howell submitted that either statement of Witness 3 or Witness 5 should be admitted into evidence. She submitted that both witness statements cover the same broad areas and that the panel will need to consider in terms of whose evidence it will elect to admit. She submitted that given that neither Witness 3 nor Witness 5 are available today to give evidence, the NMC is neutral as to whose witness statement is admitted, but that one or both needs to be admitted into evidence in order for the panel to have the relevant details of this case.

Ms Woolfson submitted that it is a matter for the panel as to whose witness statement it chooses to admit into evidence. She did submit however, that she challenges what weight can be placed on either witness statement as neither witness is available to attend today to

give evidence. Ms Woolfson submitted that you have experienced stress as a result of these proceedings and would like the matter to be brought to a conclusion today.

The panel heard and accepted the legal assessor's advice on the issues it should take into consideration in respect of this application. This included that Rule 31 provides that it is just and reasonable to do so, a panel may accept evidence in a range of forms and circumstances, whether or not it is admissible in civil proceedings.

The panel gave the application in regard to Witness 3 and Witness 5 serious consideration. The panel noted that Witness 3 and Witness 5's statements had been prepared in anticipation of being used in these proceedings and contained the paragraphs, 'This statement ... is true to the best of my information, knowledge and belief' and signed by them.

The panel considered that Witness 3's witness statement is repetition of Witness 5's witness statement and does not include any new information. The panel therefore came to the view that it would be just and reasonable to accept into evidence the witness statement of Witness 5, and disregard Witness 3's witness statement. The panel considered that it would give what it deemed appropriate weight once the panel had heard and evaluated all the evidence before it.

Closing submissions

Ms Howell submitted that whilst you maintain that you are an innocent victim of fraud, the Assistant Registrar noted that you have not produced any evidence to be considered which would confirm that fraud had occurred or that there was any evidence to corroborate that you had been victim to this. Therefore, the Assistant Registrar found that you could not satisfy the requirement of safe and effective practice, as you had not been open and honest about the circumstances regarding the inauthentic TRF.

Ms Howell submitted that your explanation that you were a victim of fraud is implausible. She submitted that there are a number of issues with your evidence and noted that you have taken the IELTS test several times previously, and have failed each time.

Ms Howell submitted that you have not provided an explanation as to why you decided to take the IELTS test at a location that the NMC believe was 11 hours away from your home, nor did you provide an explanation as to the change in the way you booked the test, and the location of the service provider. Ms Howell submitted that you did not carry out any checks in relation to the authenticity of the test provider, and have provided little information as to whether this company existed at the time you supposedly took the test. She submitted that your explanation that there was a fake test centre for you to attend so that you could be the subject of fraud is implausible.

Ms Howell submitted that it is unlikely that you do not have access to your email accounts or past history communications with anybody regarding the booking of the test. She further submitted that you did not conduct an investigation after becoming aware on your account that the test was fraudulent. She submitted that there is no evidence before the panel or a test certificate being delivered to your property, and no receipts to suggest that you booked and paid for the test.

Ms Howell submitted that there is insufficient evidence before the panel for it to be satisfied that you were a victim of fraud, and that you meet the requirement of sufficient good character to be admitted to the register.

Ms Howell submitted that it is more likely than not that you cut corners on an important task for the purpose of securing registration to the NMC register.

Ms Howell therefore invited the panel to dismiss your appeal.

Ms Woolfson submitted that you are in good standing with the Nursing and Midwifery Council of Nigeria, and that you are highly thought of by other nurses whom you worked with. She submitted that you have taken the suggestion that your honesty and integrity is lacking in a very serious way and that you have undertaken courses and reading which you have engaged with meaningfully.

Ms Woolfson submitted that you meet the English language requirements to register as a nurse in the UK, and that you passed what you believed to be a genuine IELTS test in Lagos in October 2022. Ms Woolfson submitted that it is pertinent that the NMC have

never been able to state what specifically was wrong with your TRF, only that the British Council were not able to verify it.

Ms Woolfson submitted that you had been studying for this IELTS test for some time. She referred the panel to an email dated 13 March 2025 from your tutor when you were studying in Nigeria who attests to the hard work that you put into your studies. Further, Ms Woolfson submitted that Witness 1 and Witness 2, who attended to give evidence on your behalf, can be considered credible and honest witnesses.

Ms Woolfson submitted that it is clear that you were prepared to do the hard work and to spend the money needed in order to pass the test, and that you had no reason at the time that you took the IELTS test to think that there was anything untoward going on.

Ms Woolfson submitted that the reason why you travelled to Lagos to take the test is because Lagos is a major city in Nigeria which had a greater availability of test centres and facilities for you to utilise.

Ms Woolfson submitted that the NMC has not provided any evidence to suggest that your version of the events is untrue. She submitted that you honestly uploaded an inauthentic certificate, which, in her submission, does not fall below the standards expected for somebody to register as a nurse in the UK.

Ms Woolfson invited the panel to accept your appeal and allow your admission to the NMC register.

The panel accepted the advice of the legal assessor.

Panel's decision

The panel first considered what weight to attach to Witness 5's witness statement. It considered that Witness 5 is a credible witness, however, her evidence is hearsay evidence as she is not present at this hearing and is therefore not able to be subject to cross examination. The panel therefore attached less weight to Witness 5's witness statement.

The panel also considered the live evidence given by Witness 1 and Witness 2 and concluded that the information shared was circumstantial rather than directly relating to the matters before the panel.

The panel heard and accepted your evidence that you did not book this IELTS test in advance prior to travelling to Lagos. It noted your evidence that you were in Lagos on holiday. The panel considered that this spontaneous booking of the exam is inconsistent with the evidence you gave of detailed exam preparation in advance of booking previous exams through your tutor.

The panel was not satisfied with the evidence before it to prove that you booked the test. You explained that you booked the test at a busy café where the agency was located, and that there was sign advertising the exam booking services, however, you have not been able to substantiate or provide any details to support the identity of this location. It acknowledged your account that you were robbed after you had taken the test, however, you were unable to provide any details relating to documents held in your email account.

The panel was not satisfied of your account of the test centre, and how you boarded a bus provided by the agency to attend it as you could not provide any geographical detail. The panel was not satisfied with your account of how you came to complete the IELTS test for which the TRF was provided to the NMC on 22 October 2022.

The panel noted that you have since taken another test in Lagos on 27 January 2024 which you passed. The panel also had sight of the references provided by your colleagues both in the UK and in Nigeria who are aware of the allegations and attest to your good character. However, the panel considered that further tests and references do not address the allegations in this case.

The panel considered that you have not provided a plausible explanation as to how or why you submitted a fraudulent IELTS TRF, and accordingly, you have not demonstrated that you meet the character requirements to be admitted to the NMC register.

The panel therefore decided to dismiss your appeal, to uphold the decision of the Assistant Registrar, thereby refusing your application to the NMC register.

This will be confirmed to you in writing.

That concludes this determination.