Nursing and Midwifery Council
Investigating Committee

Registration Appeal Hearing
Thursday, 10 July - Friday, 11 July 2025

Virtual Hearing

Name of Appellant:	**Bose Comfort Adegbulugbe**
Type of case:	Registrations appeal
Panel members:	Christopher Taylor (Chair, Registrant member)
	Alison Fisher (Lay member)
	Amy Barron (Lay member)
Legal Assessor:	Laura McGill
	Tracy Ayling KC (11 July 2025 PM)
Hearings Coordinator:	Petra Bernard
Nursing and Midwifery Council:	Represented by Pamela Muniya (Counsel), Case Presenter
Miss Adegbulugbe:	Present and represented by Mrs Catherine Collins (Counsel), instructed by the Royal College of Nursing (RCN)
Decision:	**Appeal dismissed**

Decision and reasons on application for the hearing to be held partly in private

During Ms Collins' submissions on your behalf reference was made to [PRIVATE] matters. The panel, of its own volition, proposed that any reference to [PRIVATE] should be heard in private. The proposal was made pursuant to Rule 30(1) of the 'Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004', as amended (the Rules).

Mrs Collins, on your behalf, indicated that you agreed with the proposal.

Ms Muniya on behalf of the Nursing and Midwifery Council (NMC) indicated that she had no objection to the proposal.

The legal assessor reminded the panel that, Rule 30(1) states *'the hearing shall be held in public unless the Appeal Panel is satisfied that, in the interests of justice or for the protection of the private life of the appellant, any person giving evidence or of any patient or client, the public should be excluded from all or part of the hearing.'*

Having heard that there would be reference [PRIVATE], the panel determined to hold those parts of the hearing in private as and when such issues are raised.

Decision and reasons

The panel decided to dismiss your appeal against the decision of the Assistant Registrar (AR) of the NMC.

This appeal is made under Article 37(1)(a) of the Nursing and Midwifery Order 2001 (the Order). You appealed the decision of the AR, dated 11 March 2024, that you did not meet the character requirements for registration to the NMC register.

Background

On 16 March 2023, Pearson VUE, the NMC's computer-based test (CBT) provider, alerted it to unusual data relating to tests taken at Yunnik Technologies Ltd test centre in Ibadan, Nigeria (Yunnik). The CBT test is in two parts, numeracy and clinical. The data raised questions about whether some or all of the CBT results at Yunnik had been obtained through fraud and called into question the validity of all tests taken at Yunnik.

Following completion of the NMC's initial investigation into this issue it concluded that there was evidence of widespread fraud at the Yunnik centre, where a large number of candidates had allegedly fraudulently obtained their CBT. The NMC asked Pearson VUE to provide it with assurance that the data concerning tests taken at Yunnik were accurate, and not the result of a system error, cyber-attack, or other technical issue. Pearson VUE confirmed that, following a detailed investigation into the testing facility at Yunnik and review of the data, Pearson VUE were satisfied that there was no evidence of system error, cyber-attack, or other technical error and that the data was indicative of one or more proxy testers operating at the centre.

The NMC next asked an independent data analytics expert of OAC Limited (OAC), Witness 5, to provide the NMC with an objective analysis of the data provided by Pearson VUE. OAC looked at the times in which CBT candidates at Yunnik took to achieve their CBT pass, compared with times taken by CBT candidates from other test centres in Nigeria and globally. Using this data, OAC then calculated the probability that each CBT candidate at Yunnik could achieve their CBT pass within the time it took them to complete the test. OAC's analysis of the data supports Pearson VUE's conclusion that there may have been widespread fraudulent activity at Yunnik probably through a proxy tester acting on behalf of test candidates.

The data in relation to your CBT submitted as part of your application to join the NMC register shows that you achieved a pass in your tests taken on 11 November 2022 in the following times:

- Numeracy: 3.62 Minutes (Time allocated for test: 30 minutes).

- Clinical: 6.15 Minutes (Time allocated for test: 150 minutes).

Comparing your times to complete your tests with times taken by candidates globally, it was considered very unlikely by the NMC that you could have achieved a pass in your tests within the times it took you to complete them.

Taking into account the times in which your tests were taken, in a centre in which the NMC have found there to have been widespread fraudulent activity, it was considered by the NMC to be more likely than not that your CBT result was obtained fraudulently.

When considering your application to the register, the Assistant Registrar took into account the following documentation:

- Your completed application
- The 'evidence bundle' consisting of:
    - Expert report by Witness 5, [PRIVATE] Data Analytics at OAC
    - Witness statement of Witness 4, [PRIVATE] Information Security and Security Services at Pearson VUE
    - Witness statement of Witness 6, Executive Director [PRIVATE] at the NMC
- Your email dated 28 February 2024
- Your letter from '[PRIVATE]' dated 25 February 2024

In your correspondence to the NMC you stated:

> '...[PRIVATE] *at the time of taking the CBT, you rushed through the test...after answering Part A you began guessing the answers without 'dwelling' on the questions.'*

Further, in your Final Statement you say:

> *'I did not cheat in my exam and the pass was a result of all my own hard work. I ask the panel to allow my appeal and restore my good name.'*

In your response to the Registrar, it is your case that you chose to sit your CBT at the Yunnik test centre in Ibadan as your husband was working in Ibadan and you planned to spend time with him. You explained that at the time you [PRIVATE] and just as you started the exam you began [PRIVATE]. You quickly went through answering questions in Section A after which you began guessing and clicking answers for Section B without dwelling on the questions, so that you could [PRIVATE] as soon as possible as you could no longer [PRIVATE] at that time. You said you submitted your paper and were given the printed copy of the results. You said you ordered a ride and left immediately for the [PRIVATE].

The AR considered your explanation. The AR found that, whilst the [PRIVATE] you experienced may have led you to [PRIVATE] during the test and may have made you rush your tests, this did not explain how you were able to obtain your test result from Yunnik in the time you did when comparing it against times taken by candidates globally. The AR was not satisfied that they had been presented with anything that changed the conclusion that you more likely than not obtained your CBT result fraudulently. The AR therefore determined that you did not meet the character requirements to be considered capable of safe and effective practice.

On 11 March 2024 you were informed that the Assistant Registrar had refused your application to join the register. You appealed the decision on 8 April 2024, within the 28 days' time limit.

Evidence

The panel took account of witness statements and corresponding documentary evidence from the following witnesses on behalf of the NMC:

- Witness 1: Band 5 nurse in the UK who provided her experience sitting an exam at Yunnik.

- Witness 2: Band 4 Pre-registration nurse in the UK who provided her

experience sitting an exam at
Yunnik.

- Witness 4:   [PRIVATE] Information Security
                                and Security Services at Pearson
                                VUE.

- Witness 5:   An independent Data Analyst who
                                provided the NMC with an
                                analysis of the data provided by
                                Pearson VUE.

- Witness 6:   Employed by the NMC as the
                                Executive Director [PRIVATE]
                                (at the material time).

- Witness 7   Employed by the NMC [PRIVATE]
                                part of the Executive Team in the
                                Professional Practice Directorate.

Submissions

Ms Muniya took the panel through the details and background of the case. She referred
the panel to the relevant parts of the bundles, The Code: Professional standards of
practice and behaviour for nurses, midwives and nursing associates' (The Code), and
the NMC 'Guidance on health and character'.

Ms Muniya submitted that the NMC say that it is incredibly unlikely that any one person
would ever achieve such a quick test time as you did, and it is even more unlikely that
four of the world's fastest test takers all happened to sit their CBT at the same centre on
the same day. She submitted that the much likelier explanation is that there was a
human proxy present at Yunnik on 11 November 2022, who was fraudulently assisting
multiple test takers.

Ms Muniya referred the panel to your resit CBT results which you took on 16 December 2023. Your numeracy time on that occasion was 10.97 minutes and your clinical time was 78.50 minutes. She submitted that, using Witness 5's calculations as a comparison (for numeracy: 13 minutes and for the clinical: 80 minutes), your resit times are significantly slower than the times at Yunnik. She submitted that the resit data undermines any claim that your original test was taken genuinely or any position that you are capable of completing the CBT in such exceptionally fast times. She submitted that the recent data suggests that you are in fact not an exceptional candidate. She submitted that had you obtained these test times at Yunnik, you would not be considered to have used fraud. She submitted that recent data will be relied on as further evidence that you likely did obtain your CBT at Yunnik through fraud.

Mrs Collins on your behalf referred the panel to the relevant parts of the document bundles. She told the panel that your approach to the tests on 11 November 2022 was to look at key concepts and key words in answers and was instinctive. She submitted that you were [PRIVATE] on the day you sat the tests and that you provided a letter from [PRIVATE] to the AR. [PRIVATE].

Mrs Collins submitted that the AR deals with this matter by stating: '*Whilst I consider* [PRIVATE] *that this would cause you may lead you to* [PRIVATE] *during the test and make may make you rush the test, it doesn't explain how you achieved a pass in the very short time it took you'.* She submitted that you, in your email to the AR, did not say that you [PRIVATE]. You stated that you answered the Section A questions by guessing and clicking answers for question B without dwelling on the questions.

In relation to the preparation materials, she submitted that that those materials would enable somebody to have the knowledge that if they needed to answer questions quickly it assists them to do so.

Mrs Collins referred the panel to Witness 4's report. She submitted that it does not indicate that these materials have been viewed by anyone who is a qualified nurse, therefore, how does one assess whether a question is similar. She submitted that

comparisons were conducted by putting the information into a computer and the computer looks at similarities. In relation to Witness 7 and her team's analysis, she submitted that they are seeking to exclude information or questions without standing back and saying how would that be interpreted by somebody with your experience and knowledge as a nurse.

Mrs Collins submitted that one has to be careful when relying on the reports of Witness 5 and Witness 7 because there are significant limitations in what they say and what they don't say. She further submitted that you cannot exclude the revision materials that are relied upon as being able to assist somebody not only pass, but also to be able to identify when needed, key questions and concepts.

You gave oral evidence under oath. You set out your background, experience, including your academic education, nursing qualifications and employment history, as well as the circumstances leading to this appeal, and your response to the NMC's concerns.

You asserted that you rushed the tests as you were [PRIVATE], which is why you completed the test in a short time. You told the panel that it was not through fraudulent conduct on your part.

You provided the panel with documentation to support this appeal, including:

- Your witness statement
- Examples of study materials you used alongside screenshots of study groups you joined
- Your Curriculum Vitae (CV)
- Testimonial, Person 9, [PRIVATE]
- Testimonial, Person 1, Registered Nurse, undated
- Testimonial, Person 2, colleague, undated
- Testimonial, Person 3, Clinical Educator, [PRIVATE]
- Testimonial, Person 4, redeem Christian Church of God, undated
- Testimonial, Person 5, Deputy Provost, [PRIVATE]
- Testimonial, Person 6, B.N.Sc. Project Supervisor, [PRIVATE]

- Testimonial, Person 7, Assistant Matron, [PRIVATE]
- West African Examinations Council School Certificate, dated June 2004
- Certificate, B.N.Sc, Obafemi Awolowo University, dated 29 July 2015
- Transcript, Obafemi Awolowo University, dates September 2010
- Certificate, NMC of Nigeria, Registered Nurse, dated 11 March 2010
- Transcripts, College of Nursing Sciences, dated 4 October 2024
- [PRIVATE].
- Husband's residence confirmation, Person 8 , Church Administrator, dated 29 March 2024

The panel accepted the advice of the legal assessor.

The panel's decision

In making its decision, the panel first considered whether the NMC have discharged the burden of proof as to whether there was widespread generic fraud occurring at the Yunnik Centre.

The panel had regard to the evidence of Witness 4, including statements and reports describing the discovery of, and subsequent investigation into, the anomalous data at Yunnik. The panel considered these in the context of the longstanding commercial relationship between the NMC and Pearson Vue, but noted that the NMC had commissioned an independent analysis to test the data. The panel carefully considered the independent statements of Witness 5, including analysis of the data in the form of graphs, *'histoplots'*, and charts, which provide evidence of the time distribution curves for Yunnik, the rest of Nigeria, and the global group. This data clearly details that the data distribution curve for Nigeria (excluding Yunnik) closely mirrors that of the global population, but that the data for Yunnik is anomalous, in that times are far faster and the distribution is entirely different to any of the other presented groups. The panel noted the conclusion of Witness 4, that states *'The data set for the period between 15 March 2019 and 31 March 2023 indicates a specific pattern of probable fraudulent behaviour with proficient proxy testing, that is not present in any other test centre in Nigeria.'* The panel considered that the evidence of Witness 5 supports this conclusion.

The panel also took into account that Witness 4 confirmed that there was no evidence of hacking, malfunction or power failure that could have affected the data.

The panel also considered whether there was any potential for cultural or racial bias in the analyses, but considered that the steps taken to present the data against the data for the rest of Nigeria would eliminate this.

The panel noted the details provided by Witness 6 of the dates and details on which the NMC has received admissions of the use of a proxy. The panel noted that there is no data provided for any admissions on the date you took your test. The panel also considered that the statements of Witness 1 and Witness 2, whilst hearsay in nature and not relating to the date on which your test took place, provide further context of the use of proxy tester takers at Yunnik.

The panel is satisfied that the evidence before it is cogent and compelling. Taking all of the above into account, the panel is satisfied that it is more likely than not that a widespread generic fraud, likely to be proficient proxy test takers, was occurring at Yunnik during the reporting period.

The panel next considered whether it is more likely than not that you obtained your CBT result for the test taken on 11 November 2022 fraudulently.

The panel noted your explanation as to why you sat your test in Yunnik, and considered this to be plausible and not disputed

The panel considered Witness 5's analysis of your specific data which provided the following odds of achieving these times:

- Evaluated Clinical Test Timing: 6.15 minutes, Odds of less than 1 in 56,478
- Evaluated numeracy Test Timing: 3.62 minutes Odds 1 in 58,123.0

The panel considered these times against the data analyses provided. The panel noted that the time achieved for the clinical result was almost 6 minutes faster than the fastest time recorded globally within the reported period of the fraud. The panel also noted that

it is 10 minutes faster than the fastest time recorded for the rest of Nigeria. The panel noted that this gives you an average time of 3.73 seconds per question.

The panel also noted that there is only one person in the global group with a numeracy time faster than yours, and the time recorded for you is over 1 minute faster than any other achieved in Nigeria. The panel noted that this gives you an average on 14.72 seconds per question.

When considering the other times recorded at Yunnik on the same day, the panel noted that there were other candidates throughout the day who took the test in times faster than any others recorded globally. This raises the unlikely proposition that the four fastest candidates ever were all at the same test centre, on the same day, and took their tests within five hours of each other gaining very similar times. The panel considered that your test time and the pattern of test times on the day are consistent with others before the panel on which fraudulent tests took place.

The panel considered your account of the events on the day and carefully reviewed the documents you submitted together with your oral evidence. [PRIVATE]. The panel considered your oral evidence on this to be inconsistent, [PRIVATE]. The panel also considered your account of your experience and events of the day prior to attending [PRIVATE] to be vague, as you were unable to provide the panel with details such as your arrival time at Yunnik. When describing your test, the panel noted that, in your oral evidence you stated that you quickly skimmed through the questions and chose answers based on keywords considering them to be correct based on experience. In your email to the AR, you said that for Section B you began guessing and clicking answers without dwelling on the questions.

The panel noted that the [PRIVATE] you provided as evidence before it is credible and there is nothing to suggest that you did not require [PRIVATE] on the day.

The panel considered your account of and the evidence provided for your careful preparation prior to the test. The panel considered that the majority of the materials are open source and would be available to candidates all over the World. The panel

considered it unlikely that these materials would have such a dramatic impact on the performance of one candidate.

The panel also had regard to your resit performance on 16 December 2023 that you put into evidence, describing that your clinical test time was 78.5 minutes and your numeracy test time was 10.97, albeit achieving very similar pass marks. The panel noted that you explain the time differential as due to not being under pressure and being not as well prepared. The panel considered this explanation to be implausible given that you took over ten times as long to complete the clinical test in the United Kingdom (UK) as you did in Yunnik. The panel considered that the more likely explanation is that you used a proficient proxy test taker in Yunnik who was not available to you in the UK.

Taking all of the above into account, the panel was not persuaded that you have provided a plausible account to explain your exceptionally fast time achieved at Yunnik on 11 November 2022 and, consequently, find that it is more likely than not that you achieved your test result at Yunnik by fraudulent means.

Finally, the panel went on to determine whether you meet the character requirements for admission to the NMC register. The panel had regard to the NMC guidance on health and character, in particular 'Factors that we take into account when considering character cases', last updated on 5 September 2024. The panel is aware that it is for you to satisfy the panel that you meet the character requirements for successful admission on the register.

In view of the panel's decision that you achieved your CBT result on 11 November 2022 fraudulently, the panel considered that such conduct is dishonest. The panel had regard to your work history and testimonials but considered that these do not outweigh your attempt to mislead the NMC Registrar when applying for registration. Consequently the panel could not be satisfied that you meet the character requirements for admission 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.

You have the right to appeal this decision. If you appeal the decision, you must submit your appeal to the county court within 21 days of this decision.

This will be confirmed to you in writing.

That concludes this determination.