

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Monday, 10 November 2025- Tuesday, 11 November 2025
12 December 2025**

Virtual Hearing

Name of Appellant:	Johnbosco Ahunanya
PRN:	1021785496
Type of case:	Registrations appeal
Panel members:	John Anderson (Chair, lay member) Aileen Cherry (Registrant member) Alison Fisher (Lay member)
Legal Assessor:	Trevor Jones (10-11 November 2025) Nigel Mitchell (12 December 2025)
Hearings Coordinator:	Eidvile Banionyte
Nursing and Midwifery Council:	Represented by Uzma Khan (10-11 November 2025) and Robert Benzynie (12 December 2025), Case Presenters
Mr Ahunanya:	Present and represented by Gareth Waite, counsel instructed by the Royal College of Nursing (RCN)
Decision:	Appeal dismissed

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 appealed the decision of the Assistant Registrar, dated 5 December 2023, 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 the NMC 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.

You first sat your CBT on 27 January 2022 at Enugu state, utilising 140 minutes of the 150 minutes that were allowed to you and failing the clinical exam with a 65% score. You passed the numerical part of the test on that occasion.

The data in relation to your next CBT that you sat on 7 February 2022 at Yunnik shows that you achieved a pass in your test in the following time:

- Clinical: 16.42 Minutes (Time allocated for test: 150 minutes).

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

Taking into account the time in which your test was taken, in a centre in which the NMC allege 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
- Expert reports by Witness 5 Head of Data Analytics at OAC
- Witness statements of Witness 4, Director of Information Security and Security Services at Pearson VUE
- Witness statements of Witness 6, Executive Director of Professional Practice at the NMC
- Your statement
- Submissions from your representative at ERRAS
- Letter from [PRIVATE] dated 10 November 2023

In your correspondence you stated that you were looking forward to the test and that you had prepared well for it, making use of relevant websites and materials to practise with.

You denied the allegations that you obtained your test result from Yunnik fraudulently, you explained that you sat your test on your own without any assistance from a proxy tester and that you finished at the specified time due to your knowledge and skills and your preparation for the test. You went on to explain that you were currently working without any concerns raised about your practice and that this is sufficient evidence to satisfy the Registrar that you are capable of safe and effective practice.

The Assistant Registrar considered your explanation. The Assistant Registrar found that evidence of concern free clinical practice does 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 Assistant Registrar also considered your concerns about the integrity of Pearson VUE's computer system but determined that the NMC have undertaken reasonable enquiries with Pearson VUE and that there were no issues with regards to the integrity.

The Assistant Registrar 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 Assistant Registrar therefore determined that you did not meet the character requirements to be considered capable of safe and effective practice.

On 5 December 2023 you were informed that the Assistant Registrar had refused your application onto the register. You appealed the decision on 29 December 2023, within the 28 day time limit.

Evidence

The panel took account of evidence and witness statements 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 3: The Deputy Director for Business Transformation and a member of the Executive Team for Professional Regulation.
- Witness 4: Director of 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 of Professional Practice.

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

During your oral evidence, Mr Waite made a request that this case be held partially in private on the basis that proper exploration of your case involves reference to your [PRIVATE] and private life. The application was made pursuant to Rule 30 (1) of the NMC (Education, Registration and Registration Appeals) Rules 2004, (the Rules).

Ms Khan indicated that she did not object to this application.

The panel accepted the advice of the legal assessor.

The panel determined to go into private session in connection with your [PRIVATE] and private life as and when such issues are raised in order to protect your privacy.

Submissions

Ms Khan outlined the background to the case and referred the panel to the relevant evidence in the hearing bundle.

Ms Khan submitted that on 27 January 2022 you sat your exam at a different test centre, utilising 140 minutes of the 150 minutes that were allowed to you and failed the clinical exam with a 65% score. She submitted that the numeracy exam was passed, utilising 25 of the 30 minutes available.

Ms Khan further submitted that later, on 7 February 2022, just eleven days after your first exam, you took it again, at the Yunnik centre this time, managing to complete it under 17 minutes with a score of 83%, so an increase of 18% by way of score. She submitted that you managed to reduce your time by 123 minutes in eleven days.

Ms Khan submitted that on the same day, within a four-hour time, six candidates were able to start their exam, an exam that ought to have been scheduled three hours apart. She drew the panel's attention to the fact that all the candidates were able to start and complete their exams, with three outlier results recorded. She submitted that the same day data highlighted the compressed scheduling and a cluster of implausible performances, supporting the inference that a proxy was used by you. She further submitted your achieved results cannot be explained by preparation or coincidence.

You gave evidence under affirmation.

You told the panel about your career history and referred it to your CV as well as the references and testimonials provided for this hearing.

You told the panel that you did not use a proxy and that you sat the exam yourself.

You explained that in 2020 you started thinking about coming to the UK. You told the panel that you started revising for the CBT in November 2021 but that you only discovered on 27 December 2022 that the material you were using was not enough for you to actually pass. You explained that you did not do prior research and were not able to access all the material as you had internet access issues in Enugu.

You told the panel about the accident you had on the day when you were returning home from your CBT in Enugu. You also told the panel about [PRIVATE] following this accident and provided your explanation regarding the [PRIVATE] letter submitted for this hearing and confirmed it was a genuine letter.

You explained that you did not pass your test the first time because you did not have the proper material to study.

You told the panel about your journey to Ibadan. You explained that your journey took you around 10 hours. You said that your mother was staying with your brother at the time and that is why you travelled there.

You explained to the panel how and why you booked your CBT at Yunnik. You said that your brother lived near the Yunnik centre and that you discovered it when you went to buy a card for airtime to sort your internet out. You explained that the place where you bought your airtime from was above the test centre, which is how you found out about Yunnik CBT centre.

You told the panel that having found out about this centre, you started researching the studying materials, found question banks and discovered study groups online too.

You explained to the panel how you had gone about booking the test and what you did to prepare for it. You told the panel that you were practising 20 hours a day for eight days.

You told the panel about the arrangements on the day of the exam and when you arrived at the test centre.

You explained that during the exam you were very focused and that your mind was on the questions. You said that you did not check the time.

You confirmed that by the time you did your CBT in Yunnik, you had eight years of nursing experience.

Closing submissions

Ms Khan submitted that given the totality of the evidence, which includes statistical information, testimonials and expert opinion, it is more likely than not that your CBT was obtained through a proxy.

Ms Khan submitted that it was not disputed that you sat your CBT at the Yunnik centre on 7 February 2022. She referred the panel to the statistical analysis provided by witnesses in this case. She reminded the panel that your clinical exam was completed in 16 minutes and 24 seconds, which placed you within the fastest 0.01% of all successful candidates globally. She submitted that such a result could be impossible under ordinary testing conditions and that your performance cannot be explained by aptitude or preparation alone.

Ms Khan reminded the panel that within a four-hour window, six candidates were able to start and finish their tests, three of which produced outlier results. She submitted that this compressed scheduling defies the expected three-hour allocation per candidate and raises serious questions about procedural integrity and the cluster of implausible performance.

Ms Khan submitted that for your CBT on 27 January 2022, you used 93% of the available time for the clinical section and failed it, yet eleven days later, with only eight days for revision, you manage to complete the same section eight times faster, cutting your time by 123 minutes. She submitted that there was no valid explanation as to why there was such a dramatic improvement in such a short time frame.

Ms Khan submitted that you provided no evidence of group study, structured revision or any demonstration of exceptional aptitude. She reminded the panel that you conceded that you are not an outstanding candidate.

Ms Khan outlined for the panel the inconsistencies in your account regarding your trip to Ibadan and the payment for the test. She submitted that your evolving account was inherently unreliable and undermined your credibility.

Ms Khan submitted that the only conclusion open to the panel is that your CBT was obtained with proxy assistance and is therefore invalid. She invited the panel to find that there was widespread proxy fraud taking place at Yunnik, that your results were obtained through proxy involvement and that you do not meet the [PRIVATE] and character requirements.

Mr Waite submitted that the process of giving evidence is emotional and anxiety provoking and that some four years since the events had passed and therefore it is not reasonable to expect you to remember the matters clearly.

Mr Waite submitted that you could not have been expected to have recorded your timings on the day of the test.

He submitted that it is clear that there are candidates globally who have been able to complete their clinical part of the test under 12 minutes, so therefore it is not impossible for somebody to complete the clinical part of the test under that time.

Mr Waite submitted that at the time when you did your test at Yunnik, you had been a registered nurse in Nigeria for around eight years and therefore had a significant amount of experience which would have assisted you in completing that CBT.

Mr Waite submitted that the statistical evidence provided by the NMC in this case is questionable and unreliable. He referred the panel to the various timings in relation to your clinical test in the hearing bundle and the fact that the cited timings were different and inconsistent.

Mr Waite submitted that the evidence provided shows that you experienced an accident on the day you were traveling home from your first test. He further submitted that there was nothing else to suggest otherwise or to confirm that your account was inaccurate.

Mr Waite reminded the panel that you are a man of a good character.

Referring to the admissions made by the witnesses in CBT proxy cases, Mr Waite submitted that their evidence relates to events after 19 April 2022, which is over two months after you did your test. He further submitted that this is supportive evidence of the fact that the main issues in relation to possible use of proxy testing started in around mid-2022, not early 2022.

Mr Waite provided an analysis of the same day data for the panel. He submitted that the same day data is not consistent with the assertion that a proxy tester would have been used on that date.

Mr Waite submitted that should a proxy tester be used in your case, surely your result would have been higher than 83%.

With regards to the evidence of Witness 1 and 2, Mr Waite submitted that little weight should be given to their evidence as it is hearsay and it cannot be tested. He submitted that the only direct witness for the events on the day of the test is you.

Mr Waite addressed the panel on the limitations of evidence provided by the NMC in this case, including the lack of CCTV footage and information from the employees at the centre.

Mr Waite reminded the panel that you passed the resit CBT in October 2023 when you were in the UK with no issues, so you clearly have the knowledge and ability to have passed that test.

Mr Waite submitted that you did not travel unnecessarily far to take the test, it was walking distance from your brother's property in Ibadan.

Mr Waite referred the panel to your character reference provided by your employer.

Mr Waite further referred the panel to some case law, specifically *Brent London Borough Council v Davies & Ors* [2018] EWHC 3129 (Ch), *Mohammad Jafari-Fini v Skillglass Ltd & Ors* [2007] EWCA Civ 261 and *Laura Yalda Hindle v The Nursing and Midwifery Council* [2025] EWHC 373 (Admin).

Mr Waite submitted that there is no direct witness to attest that you used a proxy tester and that you are the only direct witness as to what has happened on that day.

Mr Waite invited the panel to allow your appeal and direct the Registrar for you to be admitted to the NMC register.

The panel accepted the advice of the legal assessor.

Panel's decision

In making its decision, the panel first considered whether it had sufficient evidence before it to substantiate the NMC's case that there was widespread fraud occurring at the Yunnik Centre.

The panel had sight of the analysis provided by Witness 5 and Witness 4's data, including diagrams which evidence the time taken globally, including other centres in Nigeria, to complete the CBT, compared to the times achieved at the Yunnik Centre.

It is the evidence of Witness 6 that so far, 30 individuals have come forward and made admissions to using a proxy tester at the Yunnik Centre. 16 of those individuals remain anonymous. Additionally, the panel had before it the data from Pearson Vue with regards to the times taken to complete the CBT at the Yunnik Centre. Witness 6 records the accounts given by 14 of individuals and in three admissions, the time recorded for Part B (Clinical) was inside the threshold of 1 in 2,500 but the time recorded for Part A (the numerical test) was just outside the 1 in 2,500 threshold.

The panel considered the witness statements of both Witness 1 and Witness 2, who both sat their tests post April 2022, who describe attending for the CBT at the Yunnik Centre and subsequently being pressured into using a proxy tester.

Considering all this information, the panel was satisfied that there is enough evidence to support the claim that widespread fraud occurred at the Yunnik Centre.

The panel next considered whether it is more likely than not that you used a proxy test taker in obtaining a satisfactory test result from the Yunnik centre in Ibadan, Nigeria.

The panel considered Witness 5's analysis of your specific data, which provided the following odds of how achievable your test time was:

Evaluated Clinical Timing: 16.42 minutes: Odds 1 in 9413.0

Total time for Clinical Section: 16.52 minutes

This analysis identifies that, as result of your test time, it is likely that you used a proxy tester at the Yunnik Centre.

The panel also noted that admissions from witnesses began in April 2022 and that you took your CBT in February 2022. Whilst the data shows fast times from the end of 2021, witness testimonials appear to start in April 2022, after you took your test. The panel also noted that there is no CCTV footage, no interviews with people running the test centre and no police involvement information available.

The panel noted, however, that there were five other candidates who took the test on the same day as you, and that two of them also finished it unusually quickly. Yunnik centre had two computer stations and that there were six people scheduled to take the tests that day. The two tests if taken together should have been allocated three hours, this would mean that the two computers would have been in use for around 9 hours each. The start times for tests taken on 7 February 2022, provided in the evidence of Witness 4, would suggest scheduling that did not expect the full time allocated to be used.

This raised concerns for the panel and suggested that a proxy tester may have been used that day. Given the history of fraud at the testing centre, the panel was alert to the fact that three candidates sitting the exam on the same day completed it so rapidly.

The panel noted that you took your first CBT on 27 January 2022 at the Enugu state test centre. It noted that you passed the numeracy part and failed the clinical part of the test. It further noted that you used 140 of the 150 allocated minutes and still failed the test with a 65% score.

The panel then considered your evidence about the accident that you had been involved in on your way home from the test. It noted [PRIVATE]. It also noted the [PRIVATE] letter that you have provided to support your case and determined that the letter looked official. The panel also noted that there was some inconsistent evidence in relation [PRIVATE], however determined that it did not have particular bearing on whether or not you sat your CBT yourself although was of the view that any inconsistencies in your account could speak towards your credibility.

It is your case that you then went to Ibadan because your brother and mother were there and invited you to come. You explained in your oral evidence that you did not go there with the intention to do the test but had discovered the test centre unexpectedly, that it was walking distance from your brother's residence and that you were encouraged by your mother and brother to sit the test. The panel noted that in your written evidence in your statement dated 24 November 2023, you explained that you did your CBT in Ibadan because your family asked you not to go to Enugu to resit your CBT due to security issues.

The panel considered the improvement you made in the eleven-day window between the two tests when it was suggested that you could only have revised for eight of those days. However, you managed to complete your clinical CBT eight times faster, cutting your time by 123 minutes. Having considered all the evidence in the case, including your evidence, it determined that given the time spent traveling and the [PRIVATE], it was unlikely that even with eight days revision, your performance would have improved by such a significant degree.

You claimed that you performed well because you were an experienced nurse, however, the panel noted that you failed your clinical part of CBT eleven days previously.

The panel also considered the same day data. The panel noted that two other candidates' timings were suspicious on 7 February 2022 and that they were also flagged as of concern. The panel also took into account the scheduling of the tests on the day and the fact that the tests were not scheduled three hours apart to allow the full allocated time for each candidate. The panel noted that the test centre took more candidates than it should have been able to accommodate for three-hour allocations. The panel determined that given the same day data and the scheduling of the tests, it was likely that a proxy was operating at the test centre on that day.

The panel considered why you were able to achieve such fast test times at Yunnik. It concluded that the only reasonable explanation for your fast completion was that you obtained your test results fraudulently.

The panel was therefore satisfied, to the balance of probabilities, that you obtained your CBT test results at Yunnik fraudulently.

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, guidance on dishonesty DMA8, last updated 6 May 2025, the NMC Code of Conduct 2015 (the Code) and the duty of candour. The panel was aware that it was for you to satisfy the panel that you met the character requirements for successful admission on the register.

The panel acknowledged your experience as a nurse and your lack of previous regulatory concerns.

The panel also considered the references and testimonials you had provided. It particularly noted your manager's reference describing you as punctual, professional and hardworking, confirming that you have proved to be of a good character and that they had no issues with you gaining your NMC PIN.

The panel having determined the fraudulent nature of your CBT went on to consider whether you satisfy the good character requirement. The panel concluded that the integrity of the NMC register must be upheld by admitting only those with recognised qualifications and of good character to ensure safe and effective practice.

Therefore, having determined that you obtained your CBT fraudulently, the panel decided that you do not meet the required standard of character for registration. The panel determined that it is of such seriousness that admitting you to the register could impact the integrity of the profession and undermine public confidence.

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.