

**Nursing and Midwifery Council  
Investigating Committee**

**Registration Appeal Hearing  
Thursday, 2 October 2025 – Friday, 3 October 2025**

Virtual Hearing

<b>Name of Appellant:</b>	<b>Isi Stacy Akesuyi</b>
<b>NMC PRN:</b>	1022170202
<b>Type of case:</b>	Registrations appeal
<b>Panel members:</b>	Judith Ebbrell (Chair, registrant member) Kathryn Evans (Registrant member) Darren Rice (Lay member)
<b>Legal Assessor:</b>	Gillian Hawken
<b>Hearings Coordinator:</b>	Bethany Seed
<b>Nursing and Midwifery Council:</b>	Represented by Uzma Khan, Case Presenter
<b>Mrs Akesuyi:</b>	Present and represented by Catherine Collins, instructed by the Royal College of Nursing (RCN)
<b>Decision:</b>	<b>Appeal dismissed</b>

## **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 14 December 2023, that you did not meet the character requirements for registration to the NMC register.

## **Declaration of a potential conflict of interest**

At the outset of the hearing, a panel member raised a preliminary matter that she had previously sat in some meetings with Witness 7 in these proceedings between June 2015 and February 2018. She informed the parties that she and Witness 7 worked for different organisations, that they did not work closely together and have not been in contact since this time frame, nor had she been in contact and discussed this case. She informed the panel that she did not believe herself to be conflicted in any way in relation to this case.

Ms Khan, on behalf of the NMC, indicated that she did not object to the hearing proceeding today.

Ms Collins, on your behalf, indicated that she also did not object to the hearing proceeding today.

The panel heard legal advice from the legal assessor.

The panel concluded that there was no conflict of interest and that the hearing should proceed today.

## **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, provided by Witness 5, in relation to your CBT taken on the 1 September 2022 shows that you achieved a pass in your test(s) in the following time(s):

- Numeracy: 6.22 Minutes (Time allocated for test: 30 minutes).
- Clinical: 12.68 Minutes (Time allocated for test: 150 minutes).

Comparing your time 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 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:

*“From the NMC:*

- *Your completed application*
- *The ‘evidence bundle’ consisting of:*
  - *[Witness 5]’s expert report*
  - *Witness statement of [Witness 4] from Pearson VUE*
  - *Witness statement of [Witness 6] of the NMC*

*From you:*

- *Your email dated 4 December 2023”*

The Assistant Registrar stated that in your correspondence, you said that:

*“...you prepared thoroughly for the test and that the questions that came up during the test, were of the type that you had prepared for. You say that because of your preparation and confidence, they enabled you to finish the test quickly.”*

The Assistant Registrar considered your explanation. The Assistant Registrar found that:

*“...thorough preparation undertaken by any candidate may increase the likelihood that they would achieve a pass. However, I do not consider that even thorough preparation can explain the very quick test time seen in your test.”*

In their view, 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 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 14 December 2023, you were informed that the Assistant Registrar had refused your application onto the register. You appealed the decision on 14 December 2023 at 17:39, which falls within the 28-day time limit.

## **Evidence**

Ms Khan informed the panel that the witness statements before the panel have been accepted as being admitted by both the NMC and by you. She informed the panel that none of the witnesses will be attending to give evidence, so it will be a matter for the panel in its deliberations to assign the appropriate weight to the evidence.

Ms Collins agreed with the submission of Ms Khan and indicated that you challenged the contents of all of the witness statements but that there was no objection to the statements being admitted.

The panel also took account of the written 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.
- Witness 7: Senior Nursing Education Adviser and member of the Executive Team in the Professional Practice Directorate at the NMC.

## **Submissions**

Ms Khan outlined the background to the case. She submitted that it had been demonstrated beyond doubt that the concern around fast test times was not related to any issues with the Pearson VUE software.

Ms Khan submitted that fraudulent human behaviour was responsible for the quick test times at Yunnik. She referred the panel to Pearson VUE's data, which indicated that the test completion times at Yunnik were significantly faster than global benchmarks. She outlined Witness 5's statistical analysis, which shows that there was a large, and

statistically significant, difference between test times at Yunnik and those of candidates at other centres both in Nigeria and globally. Ms Khan referred to Witness 1 and Witness 2's statements which corroborated the routine nature of proxy operations at Yunnik.

Ms Khan submitted that the NMC's evidence, including fast test times, high scores and admissions from other test takers, supported the conclusion that widespread fraud occurred at Yunnik. She submitted that the method of fraud was irrelevant, but the key issue was whether the test result was dishonestly obtained.

Ms Khan submitted that you sat the exam on 1 September 2022, and in the data provided, there are six candidates that took the test on this date. She submitted that five of these candidates had outlier results that were flagged for fraud. She submitted that the NMC has received three admissions from the candidates from 2/3 September 2022 that a proxy was used to take the test. She submitted that this generic evidence demonstrates a distinct pattern of systemic coordinated malpractice. She submitted that applicants who were identified to have unusual results from the Yunnik centre by the NMC were invited to resit their exams for the purpose of affirming their original test results. She submitted that you have not provided evidence of your resit results.

Ms Khan referred the panel to Witness 5's analysis of your test times and submitted that your times were exceptionally fast. Ms Khan drew the panel's attention to your timings which, in respect of your Clinical Timing, she submitted had a probability of 0.0017% of occurring. In addition, she submitted that you would have needed to complete each of the 100 questions at a rate of 7.6 seconds per question. She submitted that you passed with a result of 89%. She submitted that you completed the two-part test in 18 minutes and 53 seconds, with a pass rate of 93% and with 89% of your time unused. She submitted that this would not be possible without the assistance of proxy intervention.

Ms Khan submitted that there are four other instances of candidates on the same date with outlier results. She submitted that no two individuals sat the exam at the same time, despite there being two terminals for test taking on this day. She submitted that it appeared that there were a conveyor belt of applicants taking the tests in times much shorter than the expected three hours. She submitted that the applicants would not have

known to attend the test centre early unless they had expected that their test would take less time than the three hours specified.

Ms Khan submitted that it is your account that you had proactively researched this exam and had revised considerably. She submitted that you had also decided that you would like to travel to Ibadan to take the test. She submitted that you asked a friend to organise and pay Yunnik on your behalf and that you had no interaction with the test centre. She submitted that it is your explanation that you had fast test times because of the preparation you undertook. She submitted that in an email dated 16 November 2023, you explained that you failed your initial resit CBT as you had arrived at the test centre late and had incurred an additional travel cost which contributed to your stress on the day.

Ms Khan submitted that your account is not believable and does not provide an explanation as to why it is you were able to pass the CBT in Yunnik in such short times but were unable to pass the CBT in the United Kingdom (UK). She submitted that it is for the NMC to prove, on the balance of probabilities, that your CBT results were obtained fraudulently.

In respect of this appeal, Ms Khan reminded the panel that the burden is on you to show that you now meet the criteria for registration, including having a valid CBT and being of good character. However, if the panel is satisfied that you did fraudulently procure your CBT results then you cannot meet the character requirement to be on the register. This raises fundamental questions about your ability to uphold the values and standards set out in the Code and could undermine the public trust and confidence in the nursing profession. As such, she invited the panel to uphold the Assistant Registrar's decision and dismiss your appeal.

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

- An undated and unsigned witness statement that you confirmed on record that you agreed with the contents of the statement.
- A bundle of evidence, consisting of your CV, several positive testimonials and training certificates.



Ms Collins made submissions on your behalf. She submitted that the panel should consider the evidence in respect of you as a specific appellant rather than the generic issues with the CBTs taken at Yunnik test centre. She submitted that it is the NMC's case that there is no genuine test-taker that would have been able to achieve your times. She submitted that the analytics show that there was a 1 in 56478 chance of your timings being achievable, which means that there is the potential that you could have completed the test in these times.

Ms Collins further submitted that there has been no definition provided to this panel about what an "*exceptional*" candidate would be. She further submitted that Witness 5's report does not provide any information about how a candidate may achieve these results or the set up of the test centre on the day that you took your test. She submitted that it was entirely possible that you did not need to read each question word for word as you had completed practice questions previously.

Ms Collins submitted that the panel currently has no direct evidence of the events of 1 September 2022 other than your account. She submitted that the panel must be cautious in making inferences about the Yunnik test centre and how it relates to your individual case. She submitted that the corroborating evidence suggests that a proxy was available at the test centre on specific dates, and not that a proxy was used by all candidates on the specific dates. She submitted that the panel must also assess the weight of the hearsay evidence in its considerations.

Ms Collins submitted that there is evidence before the panel that you are a credible and honest individual. She submitted that you have provided numerous references in relation to your character and that you have been a nurse for 13 years in Nigeria, with no professional allegations made against you. She submitted that you have worked in the UK for several years, and there is no evidence before the panel of any allegations that you are not a kind, safe and considerate practitioner.

Ms Collins submitted that in the alternative that the panel determine that your CBT was undertaken fraudulently, you would still meet the character requirements in the NMC Code given the number of positive testimonials that reflect your good character.

You also gave evidence under oath. You accepted the prepared statement as being true to the best of your knowledge and belief.

You told the panel that you had worked as a nurse in a teaching hospital in Nigeria, which was relevant because it meant that you were always learning because there was a lot of training and activities. You stated that it was important for you to know what you were talking about because otherwise student nurses may have looked down on you.

You told the panel that you thought the results of your test were “*shocking*” because the exam was much “*cheaper*” (which you later explained meant easy to you) than you had thought it would be and because you thought the time seemed very quick but that you cannot remember much as it was three years ago. You also told the panel that you would not use a proxy because the test was “*the cheapest*.” You told the panel that one of your hobbies is travelling. You told the panel that you had decided to travel to Ibadan and thought it would be a good opportunity to take the test at the Yunnik centre. You explained that you stayed in Ibadan for two days. You told the panel that when you took the test in the UK, you travelled from Wolverhampton to Birmingham because you enjoy travelling.

You spoke to the many testimonials that you presented. You explained that you worked with Mr 1 from Monday to Friday for eight hours a day for several years and he has provided a positive testimonial regarding your work as part of an employment check. You referred to the reference from Ms 1 which was prepared for the NMC and that she was aware of the allegations made against you. You told the panel that the reference from Mr 2 was prepared as part of employment checks you needed to undertake. You told the panel that the reference from Ms 2 was prepared as a character reference when the NMC requested one after you had completed the CBT. You explained that Mr 3 is a Reverend at your church and he knows everything about the allegations against you. You told the panel that Ms 3 was a colleague of yours who you worked closely with for between eight to 10 years.

You told the panel that you completed the training as part of your continuing professional development (CPD). You explained that you have done training so that you can renew your license in Nigeria and that you have to do this every three years. You explained that since you have moved to the UK, you have not needed to renew your license in Nigeria

but that you will do this in December this year. You told the panel that you have achieved several promotions during your career. You explained that after three years in a role, the management of the establishment you are working at would invite you to take a promotion exam and an interview. If you passed, you could be promoted.

You also told the panel that you had been working as a Principal Nursing Officer in Nigeria, prior to your relocation to the UK. You explained that this would be the equivalent of a Band 7 Nurse in the UK. You said that this helped you to prepare for the CBT test because you worked in a lot of different departments and on a lot of different cases, which meant that you had to have extensive knowledge of lots of areas of nursing. You said this was important as you often had questions from other colleagues and you had to be knowledgeable in your position. You explained that this knowledge helped you to know the answers to the CBT questions and with your general problem-solving skills. You said there was nothing new to you in the CBT questions because of your previous work, and because of the studying you had done in preparation. You said this helped you fill out the questions quickly.

In cross examination, you clarified for the panel that you had made the decision to come to the UK in 2015, but because of your personal circumstances, it did not become a viable option until 2022. You confirmed that this was a big decision for you and your family. You told the panel that you were sponsored by a prospective employer to get a visa to work in the UK but that this did not cover the cost of moving your family to the UK as well.

You told the panel that you had begun revising for the CBT in 2020. You said that you would revise every day that you were on shift and after work with colleagues. You explained that you shared resources and practice questions. You told the panel that when you had been timing yourself on the tests during your revision, you had completed the numeracy test in five minutes, and the clinical test in 30 minutes. You told the panel that the time it took you to complete the clinical test had reduced to 15 minutes after practise and you had completed it in less time than your CBT results.

Ms Khan put to you that if this was the case, you would not have been shocked by the timings of your CBT result. You confirmed that you had achieved similar times, but that you had not completed previous mock tests as quickly as the CBT at Yunnik.

You confirmed that it was about a three-hour drive between Benin City, where you were working, and Ibadan, where the Yunnik test centre is. You confirmed that there were no closer test centres to you with availability for the dates you had chosen to travel. You were asked why you chose Yunnik centre rather than the five other test centres in Ibadan. You told the panel that you picked Yunnik centre because it was what you “*wanted*,” and because the date and time of the tests available were convenient and it was the first one you saw. You explained that you went with your husband to Ibadan, and during the two days that you were there, you stayed in a hotel. You explained that you travelled to Ibadan the night before your test, went to a restaurant and revised at night.

You told the panel that your test was booked for 10:00, but that you arrived at the test centre just past 09:00. You explained that you did not take the test until about 10:30 as you had to go in for biometrics and then you waited in the reception area. You recalled that there were two others in the reception area but that you did not speak to them. You confirmed that you saw these two people go into the room one after another to take the test before you. Ms Khan drew your attention to the test records for this date and during this time which showed three candidates taking the test before you, and each of the tests took around 20 minutes. You told the panel that you could not remember noticing how long it took these candidates to take the test. You informed the panel that you waited between 30 minutes to an hour for your results.

You told the panel that you did not choose Yunnik because you were aware that a proxy was used at the centre. You told the panel that you had three chances to pass the CBT, so you would not have rushed to do it. You told the panel that it took you under 13 minutes to answer 100 questions of the clinical test because these were the questions that would give you a pass or a fail. You told the panel it took you seven minutes to answer the five additional questions because you were “*done*”. You said that you did not review any of the questions because you knew all of the answers. You said that the 11 questions that you got wrong did not matter because you knew you “*were going to pass*”.

You explained that after taking the test, you returned to Benin City in the evening. You explained that during the day you went out to a recreational centre with restaurants, but you cannot remember the name of it.

In re-examination, you confirmed that you considered yourself to be exceptional in comparison to your colleagues as you were one of the first nurses to qualify from the School of Nursing at Igbinedion University Teaching Hospital. You confirmed that CBT exams in the UK are “*cheap*,” which you clarified meant being easy to pass.

In response to panel questions, you confirmed that you travelled by taxi from Benin City to Ibadan and that your baby was about 16 months old at the time. You explained that this travel was affordable. You confirmed that when you resat the CBT in Birmingham, the test was booked at 08:00 and that after the test you waited for a friend. You explained that after the CBT resit, you returned home to Wolverhampton straight away as you were upset that you had failed the numerical part of the test, but you had intended to see more of Birmingham as you had heard it was nice place to visit.

Ms Khan submitted that the panel has seen clear evidence that the Yunnik test centre was at the centre of widespread proxy testing fraud between 2019 and 2023. She submitted that the evidence of Pearson VUE’s investigation, and Witness 5’s data analysis, demonstrate that Yunnik test centre consistently generated CBT results that were completed in implausibly short periods of time. Ms Khan submitted that your test results are indicative of a proxy being used. She submitted that your test times were implausibly short, and that there is evidence of other test-takers that sat the CBT at Yunnik on the same date as you also obtaining implausibly short test times in the clinical part of the test. She submitted that your test result is inconsistent with your account of the events on 1 September 2022. She submitted that it is clear that you fraudulently obtained these CBT results.

Ms Khan submitted that the NMC requires that nurses meet the character requirements and uphold tenets of the profession such as honesty and integrity. She submitted that a failure to uphold these tenets of the profession is fundamentally incompatible with registration on the NMC register.

Ms Khan invited the panel to dismiss the appeal and uphold the refusal of the Assistant Registrar based on the credible, consistent and compelling evidence that your CBT results were obtained through fraudulent means. She submitted that your results in question are

deeply entangled with systemic malpractice at Yunnik that it cannot be safely relied upon as evidence that you are capable of safe and effective practice, or that you meet the character requirement for entry onto the register.

Ms Collins submitted that the NMC have not adduced evidence that there was a closer test centre with availability on 1 September 2022 that you could have taken the CBT at. She also submitted that the admissions of Witness 1 and Witness 2, provided by the NMC, do not address whether the Yunnik test centre was chosen by many because of the availability of a proxy to take the CBT. She submitted that there is no supporting evidence of Witness 5's statement regarding the location of other test centres in Ibadan and how they relate to Benin City. She submitted that there is no evidence that you chose the Yunnik centre to take your test because you knew that you would be able to use a proxy. Ms Collins further submitted that there is no evidence of the layout or map of the Yunnik centre, so the panel are being asked to make inferences.

Ms Collins further submitted that the differences in the timings between the candidates on 1 September 2022 are unexplained. She submitted that there is no information before this panel, other than Witness 5's statement that the tests were completed quickly, that explain the difference between the scores and the times on this date. She submitted that no information is known about the other candidates that took the test on this date, and therefore it cannot be known how all of the candidates completed the test in shorter times.

Ms Collins submitted that the analytics show that a candidate could take the CBT test in under 13 minutes. She submitted that there is no evidence of this person's qualifications, revision, or circumstances that led to them being able to take the test in such a short time. She submitted that you have provided direct evidence that you did significant preparation for these exams, and had experience from working at a teaching hospital which assisted you in your test-taking. She submitted that the NMC have not defined what an "*exceptional*" candidate may be, and therefore it cannot be said that you are not also an exceptional candidate.

Ms Collins submitted that you have a lot of experience as a nurse, and that you are confident and capable of taking what you described as a "*cheap*" (easy) test. She submitted that you have been able to give a credible account of why you took the test at

Yunnik, and how you completed the test in such a short time. She submitted that there is evidence before this panel of your good character, and that the positive testimonials demonstrate that you meet the character criteria expected of a Registered Nurse in the UK and that you can practise kindly, safely and professionally. She submitted that even if the panel determine that your CBT results were obtained fraudulently, it is a single isolated incident of dishonesty, which does not overshadow your otherwise unblemished career and good character.

### **Decision and reasons on application to admit late-stage evidence**

During closing submissions, Ms Collins received further evidence arising out of Ms Khan's cross examination of you. Ms Collins submitted that she had received evidence of two receipts from 31 August/1 September 2022 of a receipt from a hotel and from the travel to Ibadan. She submitted that in the interest of fairness, the documents should be admitted, and the panel should consider this evidence in its deliberations.

Ms Khan submitted that despite the late stage that this evidence has been received, the application to admit the evidence would not be opposed. She submitted that at the close of your case, she would address the panel on the documents very briefly.

The panel accepted the advice of the legal assessor.

The panel determined to admit the evidence and to allow both parties to address it in their submissions.

### **Further closing submissions**

Ms Collins submitted that the new documents establish you travelled to Ibadan on the specific dates and may provide further support to your account that you attended the Yunnik test centre on 1 September 2022 and did not use a proxy.

Ms Khan submitted that in your evidence, you had previously said that the evidence of your travel to and stay in Ibadan was not available due to the passage of time. She highlighted that the receipt of travel does not provide details of the time or price of the journeys, and that it suggests that you took the bus, which directly contradicted your evidence that you took a taxi. She submitted that she had no explanation for why the receipt is from your previous employer, rather than from your taxi provider. She further submitted that the hotel receipt is for two nights but shows that you arrived on 31 August 2022 and checked out on 1 September 2022. She submitted that there are inconsistencies in your evidence for the panel to consider and that she would query the genuineness of the documents.

Ms Collins submitted that the inconsistencies raised by Ms Khan should be considered in the context of your evidence. She submitted that you had given evidence that you left the hotel at around 19:00 on the 1 September 2022 which may account for why the receipt is for two nights. She further submitted that the receipt for your travel indicates that it is a refund from your previous employer and is supporting evidence that you travelled from Benin to Ibadan on the specified dates.

The panel accepted the advice of the legal assessor. This included advice in relation to hearsay evidence and in relation to the panel's remit to draw inferences from the evidence presented to it.

The panel is entitled to draw reasonable inferences from what it has heard. Inferences are merely conclusions deduced by a competent fact finder by a process of reasoning (including drawing on common experience) from primary facts; that is, matters which the fact finder accepts were observed by witnesses and proved by oral or written testimony or proved by the production of a thing itself such as an original document. (*R(Kuzmin) v GMC* [2019] EWHC 2129 (Admin)). When drawing inferences, the panel must be able to safely exclude, as less than probable, any other explanations for the incident (*Soni v General Medical Council* [2015] EWHC 364 (Admin)). In the case of *Soni*, Mr Justice Holroyde concluded that there was not sufficient evidence to demonstrate that the balance of probabilities was satisfied, and that alternative explanations of innocent oversight or administrative confusion could not be ruled out. He stated at paragraph 68: *"With all respect to the Panel, I am afraid it must have confused grounds for suspicion with*



*evidence sufficient to prove, on the balance of probabilities, a serious allegation against a professional man.”*

### **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 graphs and tables which evidence the time taken globally, including other centres in Nigeria, to complete the CBT, compared to the times achieved at the Yunnik Centre. The panel considered Witness 5’s analysis of your specific data, which provided the following odds of how achievable your test times were:

*“Evaluated Clinical Timing: 12.68 minutes: Odds 1 in 56478.0*

*...*

*Evaluated Numeracy Timing: 6.22 minutes: Odds 1 in 867.51”*

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

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 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 had sight of the Pearson VUE data and the independent expert analysis provided by Witness 5, including tables of data and graphs setting out the times taken globally and at other centres in Nigeria to complete the CBT.

The panel noted the distinctly different time distribution plots when compared to the times achieved by candidates at Yunnik. Having considered all the information before it, the panel noted the compelling generic evidence of statistical anomalies and patterns of suspicious behaviour at Yunnik. This included:

- Unusually fast test completion times, suggesting interference.
- Independent statistical analysis by Witness 5, confirming significant discrepancies.

The panel also noted the evidence provided by Witness 1 and Witness 2 alongside the further firsthand accounts summarised in the statement to Witness 3, which provided useful contextual information about the alleged use of proxy testers at Yunnik. Considering all this information, the panel was satisfied, on the balance of probabilities, that there is sufficient evidence to support the claim that widespread fraud occurred at Yunnik.

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 took into account the documents you submitted and found no plausible explanation as to how you completed the test so quickly.

The panel noted that there were five other candidates who took the test during the same morning as you, four of them finished it unusually quickly and that the tests did not take place three hours apart. 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, it is very unlikely that five candidates sitting for the exam on the same morning could complete it so rapidly without help.

The panel considered that you chose to travel a significant distance to the Yunnik centre, which you explained was because you like to travel. The panel was satisfied that you did attend the Yunnik centre, although it was not satisfied that you gave a credible reason for travelling such a distance. However, the panel also noted the absence of any NMC evidence of any closer test centres to your home in Benin City with availability to take the test on those dates.

The panel considered your evidence regarding feeling “*shocked*” when you learnt you had passed the CBT in such short times. It noted that you gave evidence you had previously completed the CBT in 30 minutes. The panel was of the view that if you had completed the test this quickly before, then you would not have been shocked by completing the test so quickly on this occasion. The panel considered that in your evidence, you stated that you did not need to check your answers before submitting them because you knew that you were going to pass. The panel also considered this in the context of the amount of money and time you would have spent on travelling to Yunnik, with a young baby and your husband. Given the amount of money and time you invested in the process, the panel was not satisfied by your evidence that you would not have checked through your answers before submitting them and you did not disclose any time pressures to complete the test in a short time. The panel also considered that you were unable to provide a credible reason for why you completed the additional five questions in seven minutes but took only 12.68 minutes to complete 100 questions. The panel considered that the only plausible reason for not checking your answers would be because you knew you were going to pass the exam because you agreed to use a proxy to take the test.

The panel noted the evidence provided by the NMC that other candidates had similar timings to yours on 1 – 3 September 2022. This panel considered that this suggests that a proxy was available on the date that you took the test. The panel also noted that there were six other candidates scheduled during a three-hour window on the 1 September 2022, and four of those candidates had similar test times to you. The panel also considered the evidence that you completed Part A of your CBT at Yunnik at 10:50:37, and that you began Part B of the CBT at 10:50:56. The panel considered that this would be unlikely behaviour, not to take even a short moment between the two parts of the test, given that you appeared to have no time pressures and three hours to complete the test. The panel considered this to be credible evidence that you used a proxy to take the exam.

The panel also considered your evidence that you are an experienced candidate, and you had done two years of preparation, which may have been the reason for your quick test scores. However, the panel also noted that you failed your resit of Part A of the CBT which did not support your evidence that you passed the test at the Yunnik centre because of how easy the test is for you. The panel noted the stress that you said you had experienced

with your Uber to the Birmingham test centre, but given your experience and alleged ability to take tests quickly the panel was not persuaded by your explanation for failing Part A of the CBT. The panel considered that it was unlikely that you would be able to pass Part A of the CBT at Yunnik, and then not be able to pass despite being late to the test in Birmingham. The panel also noted that you presented limited evidence of your preparation for the CBT, and it was therefore not satisfied that you were an “*exceptional*” candidate and that this was a reason for your quick test scores.

In view of the panel’s decision that there was widespread fraud occurring at the Yunnik test centre and that it was likely that it was taking place on the day that you sat for your CBT, the panel found that due to the very quick time in which you achieved your CBT result, it was highly unlikely that you would have achieved this without the assistance of a proxy. In coming to this decision, the panel noted that when compared against the global benchmark, the odds of you achieving a pass in your clinical test in the time that you did at Yunnik were 1:56478, and of achieving your pass in the numeracy test were 1:867.51. When looking at the odds calculation for your results, from a test centre where there was widespread fraud, the panel considered that the only plausible explanation for you achieving your passes in the times that you did, was that you either used a proxy or had the assistance of a proxy.

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 was aware that it was for you to satisfy the panel that she met the character requirements for successful admission on the register.

The panel noted several positive testimonials you have provided. It also noted that you gave evidence that these referees knew the particulars of the allegations made against you. The panel considered that there were two categories of references, some from two years ago, and some employment references from more recently. The panel considered that it was likely that the more recent reference would know of the allegations against you. The panel was satisfied that to these referees, you have been described as a person of good character.

However, the panel considered that you are an experienced nurse in Nigeria, and that this conduct took place only three years ago. Whilst the panel had no evidence before it that any allegations have been made against you previously, it also considered that you have not provided evidence of any personal mitigation. The panel did not accept Ms Collins' submission that in the event that the panel determines that you obtained the CBT result fraudulently, this was a single instance of dishonesty. The panel was of the view that any instance of dishonesty should be treated as serious.

In light of the panel's decision that you obtained your CBT test fraudulently, the panel considered whether you meet the professional standards expected for nurses in the UK. The panel considered that any type of fraud or dishonesty undermines public confidence in the profession, and that the reputation of the profession would be damaged if the NMC as its regulator did not find allegations of dishonesty extremely serious. The panel noted that there are no concerns with your clinical competence, however the panel was not satisfied that you have demonstrated the fundamental tenets of honesty and integrity in the nursing profession.

In these circumstances, the panel determined that you do not meet the character requirements for admission onto 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.