

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Wednesday, 2 July 2025 – Thursday, 3 July 2025**

Virtual Hearing

Name of Appellant:	Omolara Akingbade
NMC PRN:	1022581578
Type of case:	Registrations appeal
Panel members:	Sarah Hamilton (Chair, lay member) Sarah Hewetson-Grubb (Registrant member) Alison Fisher (Lay member)
Legal Assessor:	Nigel Ingram
Hearings Coordinator:	Samara Baboolal (2 July 2025) Shela Begum (3 July 2025)
Nursing and Midwifery Council:	Represented by Uzma Khan, Case Presenter
Ms Akingbade:	Present and represented by Gareth Waite, instructed by the Royal College of Nursing
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 3 January 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 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 the NMC 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 (Richard Steele), 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 shows that you achieved a pass in your tests in the following time(s):

- Numeracy: 3.65 Minutes (Time allocated for test: 30 minutes).
- Clinical: 8.98 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 alleged 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:

- *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*
- *Witness statements of Witness 1 and Witness 2*
- *Your email dated 6 December 2023*
- *Your employer reference, undated*

In your correspondence you stated that your exam was originally scheduled for 8 December 2022 and was postponed due to a system malfunction, and you then sat the

exam on 14 December 2022. You said that you arrived at the centre and verified your documents before sitting the exam.

The Assistant Registrar considered your explanation. The Assistant Registrar found that your explanation around why you rescheduled your test to the 14 December 2022 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 3 January 2024, you were informed that the Assistant Registrar had refused your application onto the register. You appealed the decision on 17 January 2024 within the 28-day time limit.

Evidence

The panel also took account of witness statements from the following witnesses on behalf of the NMC:

- Witness 1: A nurse who made admissions to fraudulent test taking at Yunnik.
- Witness 2: A nurse who made admissions to fraudulent test taking at Yunnik.
- Witness 3: The Deputy Director for Business Transformation and a member of the Executive Team for Professional Regulation at the NMC.

- 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.

Submissions

Ms Khan outlined the background to the case and submitted that there is evidence of widespread fraud at the Yunnik centre. She reminded the panel of the character requirements for a registered nurse.

Ms Khan invited the panel to dismiss your appeal and uphold the Assistant Registrar's decision to refuse your registration. She submitted that this decision is justified and necessary based on the weight of credible, consistent and compelling evidence.

Ms Khan submitted that your CBT results were obtained through fraudulent means and therefore you have not demonstrated that you have met the requirements of good character.

Ms Khan submitted that you provided evidence that you have revised for six-months, and that this was an important and clearly planned step in your career. She submitted that this did not align with your evidence that you were anxious on the day of the test and wanted to leave quickly and therefore did not check your answers.

Ms Khan referred the panel to the same day data from Yunnik which shows that other individuals who took the test on that day had similar, exceptionally fast test times.

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

- A witness statement
- A defence bundle

You gave evidence under oath and maintained that you took your CBT test honestly. You explained that you prepared for six months for the CBT test, and that you are a good test taker. You informed the panel that you were initially scheduled to take the exam at an earlier date in December, but there was a system malfunction, and you were rebooked for 14 December 2022. You said that you got to the test centre seven hours ahead of the time you were scheduled to take your test, and that they let you take it early. You said that you did not see any other candidates in the test centre whilst you were there.

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 between March 2019 to March 2023.

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, 18 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 those 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 contextual evidence and in particular the witness statements of both Witness 1 and Witness 2, 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 noted that there were five other candidates who took the test on the same day as you, all in the morning. The panel noted that all of them finished the test unusually quickly (i.e. within around 15 minutes even though the test was scheduled for 3 hours). This raised concerns for the panel and suggested that it is likely that a proxy tester was used that day. Given the history of fraud at the testing centre, it is very unlikely that all five candidates sitting for the exam in consecutive time slots could have completed it so rapidly without help. The panel also noted that one of the candidates who has admitted using a proxy took their test immediately after you at the Yunnik centre on 14 December 2022.

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: 8.98 minutes: odds less likely than 1 in 56478

Evaluated numeracy timing: 3.65 minutes: odds 1 in 58123.0”

This analysis identifies that, as result of your test times, it is more likely than not that you used a proxy tester at the Yunnik Centre.

The panel took into account your live evidence and your witness statement. It took into account that your times were exceptionally fast, and within the threshold of the NMC's probability of concern. The panel noted that you arrived at the test centre around 10am, while the exam was scheduled for 5pm. It did not accept your explanation as to why you arrived so early. You stated that you travelled early to avoid traffic.

The panel took into account that, according to the same day data, five people took the test at the Yunnik centre that morning and passed with extremely fast timings. The panel took into consideration your explanation regarding your fast test times, that you are a very good test taker and capable. The panel was of the view that there is no information to suggest

that you did not prepare thoroughly for the test, and there is evidence that you are capable of completing the test, but the panel was not satisfied that you have advanced a reason as to why you completed the test so quickly and did not check through your answers. This approach appears to be contradictory to the expected approach by a registrant sitting such a critical exam. The panel also took into account that the NMC guidance on test taking reinforces the need to check and double check answers and your commitment to achieving a satisfactory CBT to move to the UK.

The panel also considered that your academic record does not suggest that you are such an exceptional student that you could have completed the test in the time that you did.

The panel considered that the appeal grounds that you provided focussed on challenging the Assistant Registrant's reliance on the speculative and suspicious evidence. The panel considered that the information provided by you was very limited and did not undermine the decision of the Assistant Registrar. The panel did not accept your evidence that there were no other candidates in the test centre when you were there – this is contradicted by the same day data which shows that candidates took tests very close to your start and finish times.

The panel also considered your evidence as to why you were able to achieve such unlikely test times at Yunnik. However, the panel was not satisfied, particularly in light of the exceptionally fast completion times, the same day evidence at the Yunnik test centre on that day and the apparent lack of benefit to you from completing the test quickly, that you had completed the test without the assistance of a proxy. The panel therefore determined that it was more likely than not that you obtained your CBT result 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. 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, having found that you fraudulently obtained your CBT result and maintained your position throughout the NMC proceedings, could not be satisfied that you are of good character. The panel had regard to 'the Code: Professional standards of practice and behaviour for nurses and midwives (2015)', in particular paragraph 20, which sets out that registered nurses are expected to uphold the reputation of the profession.

The panel therefore concluded that, in all the circumstances of your case, you are not able to demonstrate this standard and therefore not able to demonstrate good character.

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.