

**Nursing and Midwifery Council  
Investigating Committee**

**Registration Appeal Hearing  
Tuesday 2 December 2025 – Wednesday 3 December 2025**

Virtual Hearing

<b>Name of Appellant:</b>	<b>Chidinma Prisca Anyaogu Akpahu</b>
<b>Type of case:</b>	Registrations appeal
<b>Panel members:</b>	Katriona Crawley (Chair, Lay member) Naomi Smith (Registrant member) Eleanor Harding (Lay member)
<b>Legal Assessor:</b>	Trevor Jones
<b>Hearings Coordinator:</b>	Charis Benefo
<b>Nursing and Midwifery Council:</b>	Represented by Uzma Khan, Case Presenter
<b>Mrs Akpahu:</b>	Present and unrepresented
<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.

## **Background**

Pearson VUE have a contract with the NMC as their Computer Based Test (CBT) provider which has been in place since 2014. CBT is one part of the NMC's Test of Competence (ToC) and is used by the NMC to assess the skills and knowledge of people wanting to join the NMC's register from overseas as a nurse, midwife or nursing associate or re-join the register after a long period away from practice. The second part of the ToC is an objective structured clinical examination (OSCE) – a practical examination which takes place in the UK.

The current CBT, created on 2 August 2021, is split into two parts (Part A and Part B). Part A contains a numeracy test consisting of 15 short answer questions and lasts for 30 minutes. Part B is a clinical test consisting of 100 multiple-choice questions and lasts for two hours and 30 minutes. All questions are scored as either correct or incorrect and there is no partial credit.

Pearson VUE contracted with a third party, Yunnik Technologies Limited (Yunnik) in 2019, in relation to becoming a Pearson VUE Authorised Test Centre (PVTC) in Ibadan, Nigeria. This testing centre is where the concerns in this matter relate.

Pearson VUE has control over the technology, but the environment is owned/controlled by the test centre and personnel are test centre employees. PVTCs are contractually required to adhere to specific Pearson VUE standards for delivery and operations.

On 16 March 2023, Pearson VUE identified that Yunnik was delivering exams for multiple candidates who were completing the clinical part of the CBT in 10 minutes and under (2.5 hours is allowed for this part of the exam).

The NMC was notified, and the Pearson VUE results team ran a report for all NMC exams that were delivered at Yunnik in 20 minutes or under. This report identified a suspicious level of activity.

Pearson VUE conducted a thorough and detailed investigation into Yunnik and identified testing anomalies. They found that the data set for the period between 15 March 2019 and 31 March 2023 indicated a specific pattern of potentially fraudulent behaviour. Pearson VUE assert that this is likely to be linked to proficient proxy activity which was not present at other testing centres globally. Pearson VUE stopped accepting NMC bookings for Yunnik on 17 March 2023.

Pearson VUE's investigation also concluded that there was no technical error at Yunnik that had led to the data set and alleged that human interference was involved.

The NMC commissioned a report from Witness 5, instructed as an independent expert to analyse and report on data provided by the NMC. His conclusion was that there were a significant number of exceptionally quick test times at Yunnik, compared to global test times.

On 3 August 2023, the NMC's Registrar decided to use as a benchmark the 1 in 2,500 percentile (as per Witness 5's report), in order to identify tests which were taken at such a speed that it is likely that the results had been fraudulently obtained (information indicating the use of a proxy test taker).

Because of the evidence of widespread fraudulent activity at Yunnik, the NMC was unable to be confident in any of the CBT results obtained at the testing centre. The Registrar therefore considered all CBT results obtained there to be invalid and that the safest, fairest, and most proportionate way to deal with this was to ask everyone who sat their CBT at Yunnik, to take a new CBT.

On 1 June 2022, you completed the CBT at Yunnik. The data in relation to your CBT shows that you achieved a pass in your CBT in the following times:

- Numeracy: 4.23 minutes (Time allocated for test: 30 minutes).
- Clinical: 8.77 minutes (Time allocated for test: 150 minutes).

Comparing your time to complete the test with times taken by candidates globally, it was considered very unlikely by the NMC that you could have achieved a pass in your CBT within the time it took you to complete it, without the use of a proxy test taker.

Taking into account the times in which your tests were taken, in a centre in which the NMC alleges 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:

- 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 dated 8 December 2023; and
- Submissions from your former representative at ERRAS.

In your statement, you said that you undertook your CBT on your own without any assistance from any proxy tester and you finished in good time due to your knowledge and skills, alongside your preparation for the test. You stated that you dedicated considerable time to thoroughly prepare for the test and accessed the online revision material.

It is your case that you chose to sit your CBT at Yunnik in Ibadan as the test centre that was closer to where you lived was in the South-East region of Nigeria where travellers face security challenges and are strongly advised to avoid travel through that region.

The Assistant Registrar considered your explanation. The Assistant Registrar accepted that thorough preparation undertaken by any candidate may increase the likelihood that they would achieve a pass. However, they did not consider that even thorough preparation could explain the very quick test time seen in your tests. The Assistant Registrar noted your statement that by working without concern currently, you are capable of safe and effective practice. However, they found that it was your character and not your clinical practice that was in question, and in any event, evidence of concern-free practice did not explain how you were able to obtain your test results 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 12 January 2024, within the 28-day time limit.

In your Notice of Appeal dated 11 January 2024, your grounds of appeal, in summary, included that the Assistant Registrar's decision was not founded on direct evidence against you and was based on speculation and suspicion despite the potential for reputational damage to you. Further, it was your case that if a proxy taker could finish the tests '*in the times stipulated by the NMC*' then a candidate who had prepared extensively could do the same. You also said that the Assistant Registrar had failed to take into account that the questions were computer generated, and it was therefore not possible to anticipate the answers. You made several points about the fairness of the NMC process including that although the NMC had allowed applicants to retake the tests, the results were not taken into account. Further, that the exact computers used at Yunnik had not been subject to examination and that if the data analytics evidence had been properly considered your registration should not have been refused.

## Evidence

The panel 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 of sitting an exam at Yunnik.
- Witness 2: Band 4 Pre-registration nurse in the UK who provided her experience of sitting an exam at Yunnik.
- Witness 3: 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.
- Witness 6: Executive Director of Professional Practice at the NMC.
- Witness 7: Senior Nursing Education Adviser and member of the Executive Team in the Professional Practice Directorate at the NMC.

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

- Evidence of your flight from Owerri to Lagos on 31 May 2022; and
- A reference from the College of Nursing Sciences, Imo State, Nigeria dated 20 November 2025 pertaining to your time as a trainee nurse.

The panel also took account of your live evidence given under oath.

You told the panel that you found out about Yunnik online when you were registering for the NMC. You stated that you lived in [PRIVATE], and the nearest test centre was in Enugu, but because of security concerns and the dangers of travelling to other states, you chose to go to Ibadan, which was one of the safest states in the country at the time. You said that you travelled from [PRIVATE] to Lagos by air on 31 May 2022 and stayed overnight at [PRIVATE] before making the journey to Ibadan [PRIVATE] on the morning of 1 June 2022. You stated that you chose to travel to Lagos by air because the roads were very bad. You said that the flight to Lagos took around 45 minutes.

[PRIVATE]. You said that you came across other test centres in the country, including one in Abuja but you did not choose that one because you would not have had anywhere to stay in Abuja and travelling there would have resulted in you spending more time away from home than you would have bargained for. You stated that you chose Yunnik because you would have had the opportunity to stay [PRIVATE] in Lagos and then travel to Ibadan by road. You told the panel that when you were looking at the available test centres you looked for dates and times that would suit you and your family [PRIVATE]. You stated that the test centres in Lagos did not have availability on the dates that you required, but there was availability at Yunnik.

You told the panel that you paid for the CBT in March 2022 at a business centre that rendered different services, including making foreign transactions. You said that you booked the flight to Lagos a week before the CBT.

You stated that you [PRIVATE] left [PRIVATE] house at around 06:00/06:30 but because of heavy traffic within Lagos, you did not actually get out of Lagos until around 07:00. You

said that you got to the test centre at around 08:30/08:35 and it was difficult to locate so you had to ask around for directions.

You said that when you arrived at Yunnik, you found that the building was dilapidated and, in your opinion, did not look like an international examination centre. You said that when you went in, you were met by a man who told you that he was in charge. You said that he took your passport and biometrics, which comprised of him taking your thumbprints and a picture of you, and then asked you to sit down on a bench in the reception area because somebody was already using the computer. You said that you waited for around 30 minutes, before a lady came out of the examination room and you were asked to go in and take a seat. You stated that you sat on a chair in front of a computer and then did the test. You said that there was no one in the room with you during the test. You told the panel that you "*did not take cognisance*" of how long it took you to complete the test, but when you finished, you got up and went back to the reception area. You said that the man then asked you to wait for five minutes for him to print out your results, so you went downstairs to wait [PRIVATE] and when the man was ready, he called you from upstairs to come and take your results. You stated that you took your results and thanked the man but "*did not take cognisance*" of whether there were any other people at the test centre.

You did not dispute the times and data provided in relation to your CBT (a total of 13 minutes for both parts of the test and approximately 5.5 seconds per question for the clinical part) but maintained that you did not know how long it took you to complete it, and you were not looking at the time when you were there. In cross-examination, when taken to some of the CBT practice questions, you accepted that some of the test questions and answers took Ms Khan at least 5.5 seconds to read out loud. You stated that during the CBT, you reviewed some of the answers you were not sure of.

You told the panel that this was the first time you had been accused of something like this. You said that you went to a mission school and throughout your years of study you had never been involved in or accused of anything of this nature. You stated that you are not perfect but know that you have good qualities within yourself, so it saddened you to have been involved in something like this. You told the panel that this was a hearsay allegation because there was no footage of you committing fraud and all the evidence was based on other people's testimonies.



You stated that you worked with [PRIVATE], a notable organisation in Nigeria, for many years as a Clinic Officer and you have never been questioned in relation to your character.

You said that in Nigeria, you qualified in Nursing in 2006 and then in Midwifery in 2008. You told the panel that you were recruited from Nigeria and have since been working in the UK as a healthcare assistant awaiting registration by the NMC.

You conceded that you were “*not really*” a high achiever or academically exceptional during your studies. However, you achieved credits, that is, a grade of over 90, in two practical examinations during your nursing and midwifery studies. You stated that you would not say you are a particularly fast test taker but the questions that appeared in the CBT repeated what you saw during your practice using the Pearson VUE website, for example.

You told the panel that your decision to move to the UK was a “*long-time decision*”. You wanted to move out of your country for greener pastures and to practise in another country for learning and diversity purposes. You stated that you registered for the NMC in 2021 although you could not remember the exact month. You said that you moved to the UK [PRIVATE] in 2022.

You stated that as soon as you registered with the NMC you started practising for the CBT. You said that you downloaded practice materials and did online tutorials, using the Pearson VUE website and YouTube. You said that you did not provide any of this material to the Assistant Registrar or the panel as you were not asked to provide it and you did not think it was important to provide at this point.

You said that you revised every day, but the time you spent on revision would depend on how busy you were that day. You told the panel that you did not recall how long your practice examinations were because you would often be distracted by [PRIVATE], for example, and so you did not conduct practise tests in one timed sitting.

You stated that you were not aware of any issues with your work as a healthcare assistant in the UK.

## Submissions

In opening, Ms Khan, on behalf of the NMC, outlined the background to the case. She took the panel to the evidence of widespread fraud at Yunnik and then highlighted specific evidence relating to the tests taken on 1 June 2022, the day you took the CBT at Yunnik.

Ms Khan submitted that the CBT you took at Yunnik could not credibly be accepted as genuine when assessed in the context of:

- the forensic statistical analysis;
- the operational irregularities of the test centre;
- the corroborating data that revealed a wider malpractice;
- the admissions of candidates who took their CBTs at Yunnik; and
- the recorded completion times for your CBT when viewed alongside the clustering of six other individuals with similar completion patterns at the same location and on the same day as you.

In closing, Ms Khan submitted that the NMC's case was underpinned by three interlocking strands of evidence, each reinforcing the other to form a coherent and compelling evidential matrix. She highlighted the specific statistical and analytical data relating to your performance in the CBT, in particular that it took you 13 minutes to answer 115 questions. In addition, she highlighted the consistent witness admissions and statements which pointed to systematic proxy test taking activity at Yunnik. Ms Khan submitted that whilst these accounts were generic in nature, their consistency and volume lent significant evidential weight. Further she highlighted the analysis undertaken by Witness 5 which demonstrated that the speed and score of those results were not credibly achievable through legitimate means.

Ms Khan submitted that on the same day and at the same site, multiple candidates moved through their exams *“like a conveyor belt”*, each finishing far short of the scheduled three hours and each producing outlier results that aligned too closely to be a coincidence.

Ms Khan submitted that against the NMC's evidence was your bare denial. She submitted that you provided no independent evidence of your preparation, any structured revision, or any downloads, and there was no demonstration of any exceptional aptitude except for two credits you say you achieved during your studies. Ms Khan asked the panel to treat your account with considerable caution. She referred to your oral evidence and submitted that your narrative was very self-serving, designed to justify anomalies rather than to explain them, and relied on broad context while avoiding direct factual responses.

Ms Khan submitted that on any rational evaluation, the only conclusion open to the panel was that your CBT taken at Yunnik was obtained by proxy assistance and so was therefore entirely invalid. She submitted that this level of fraud and dishonesty from the outset, which was being maintained today, could not meet the health and character requirements of the NMC. Ms Khan therefore invited the panel to dismiss your appeal and uphold the Assistant Registrar's decision. She submitted that such a finding would preserve the integrity of the regulatory process, maintain fairness to honest candidates, safeguard the reputation of the profession and maintain public safety.

You submitted that having gone through this process, you would have to console yourself because you did not think some people would have been able to withstand being “*held*” for four years. You questioned why the NMC allowed candidates to resit the CBT in the UK and submitted that maybe the NMC believed that candidates would fail but they did not. You submitted that you are a well valued registered nurse in your country and so if you are not accepted on the NMC register you are still happy to be alive, and this would not stop you from being a nurse. You submitted that you have gone through three years of torture and so the panel should “*pass [its] judgement and let [you] take it*”.

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 Yunnik.

The panel took account of the 'generic' evidence of proxy test taking at Yunnik.

The panel had sight of the Pearson VUE data and the 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 compared to times achieved at Yunnik. It noted that this data and analysis identified patterns of quick test times which were not found at other testing centres nationally or globally.

The panel was of the view that there was compelling generic evidence of statistical anomalies, witness statements and patterns of suspicious behaviour at Yunnik. This included:

- The witness statements of Witness 1 and Witness 2 who described attending for the CBT at Yunnik and subsequently being pressured into using a proxy tester.
- The accounts of 32 candidates who made admissions to the NMC of proxy test taking and intimidation at Yunnik from April 2022.
- Witness 7's review of some of the practice CBT materials available to candidates globally and her conclusion that some of the materials were of a poor quality.
- A consistent pattern of exceptionally fast test completion times by multiple candidates who took their CBT at Yunnik, with multiple candidates taking their tests within a few minutes of each other, suggesting interference.
- Independent statistical analysis by Witness 5, confirming significant discrepancies.

Considering all this information, the panel was satisfied, on the balance of probabilities, that there was sufficient and compelling evidence to support the NMC's case that widespread fraud, by way of human proxy testing, occurred at Yunnik.

The panel had regard to the '*NMC's written submissions on registration appeal panel hearings relating to the Yunnik test centre*' dated 21 October 2024, which set out that:

*'The NMC would operate a presumption that a person had used fraud if they passed a test at Yunnik at a speed that would make them the fastest individual in an average benchmark population of 2,500 (i.e. the '1 in 2,500 percentile').'*

The panel next considered the same-day data in relation to your CBT on 1 June 2022. This data indicated that six other candidates who took the test at Yunnik on the same day as you, finished their CBTs at times that were considered suspicious by the NMC and within the threshold of 1 in 2,500. The panel noted that all seven of the CBTs taken at Yunnik that day, including yours, were taken within a period of approximately two hours. Witness 5's report provided a diagram of these fast tests taken in close succession on 1 June 2022 and stated:

*'There were many days with a high incidence of quick sittings. Below is one example day (1<sup>st</sup> June 2022) where 7 candidates sat the 2-part exams. All these examination attempts occurred within a 2 hour-10 minute window and with minimal gap in between sittings...'*

The panel then took into account the admissions made by two of the candidates who took their tests using a proxy on 1 June 2022 at 07:32 and 07:52, respectively. The panel considered that given the history of fraud at Yunnik and the analysis by Witness 5 for 1 June 2022, it was very unlikely that seven candidates sitting an exam on the same day and at the same location could complete it so rapidly without help, particularly where two of those candidates had made recent admissions to using a proxy. The panel determined that there was strong and compelling evidence that at least one proxy was available and being utilised at Yunnik on 1 June 2022.

The panel next considered whether it is more likely than not that you used a proxy test taker in obtaining a pass from Yunnik on 1 June 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: 8.77 minutes: Odds less likely than 1 in 56,478  
Evaluated Numeracy Timing: 4.23 minutes: Odds 1 in 19374.33'.*

The evidence before the panel was that it took you 13 minutes to complete a test that candidates were given three hours to complete, and in doing so, you used only 7% of the time available to you in both parts of the CBT and achieved a score of 100 in Part A, the numeracy test, and 83 in Part B, the clinical test.

The panel noted that you did not dispute the test times presented by the NMC. It had regard to your initial statement to the Assistant Registrar dated 8 December 2023, your Notice of Appeal dated 11 January 2024 and your oral evidence in this hearing. The panel considered that in your correspondence, you had attributed your fast test times to your knowledge, skills and preparation for the CBT. However, in oral evidence, you indicated that you were not looking at the time, and you had no idea whether you were fast or slow in the CBT. The panel took full account of what you had to say at various points as to why you had no recollection as to how long you were at the testing centre undertaking your tests and it considered your evidence to be vague and unconvincing in this regard. You also stated that you reviewed some of the answers you were not sure of during the test. In the panel's view, your account was not credible or plausible in relation to your fast timings for the CBT, which included taking only 5.5 seconds per question on average for the clinical part.

The panel found that your evidence in relation to your preparation and revision for the CBT was general and vague, and you did not provide any documentary evidence of the resources you used. The panel weighed your evidence that some of the questions in the actual CBT were repetitive in nature, with the evidence of Witness 7 that practice questions were not used in the actual tests. The panel found that your explanation did not account for the exceptionally fast time it took you to answer the questions.

The panel considered that the information you provided in your appeal was very limited and did not undermine the depth of the evidence provided by the NMC in this case. It did not find sufficient evidence from you demonstrating how you earned your results honestly.

The panel noted that, other than two credits you say you achieved during practical examinations during your nursing and midwifery studies, you did not claim to be a particularly high achiever in examinations. The panel was not satisfied that there was evidence that you were a particularly fast test taker in your nursing or midwifery written exams, which you yourself conceded. The panel therefore found that the speed of your CBT test was not credible.

Other than the reference provided from your nursing education, the panel was not presented with any documentary evidence supporting your honesty and integrity.

The panel considered your reasons for choosing Yunnik, instead of a test centre in Lagos or another test centre in Ibadan, for example. It determined that your account lacked credibility and Yunnik was a surprising choice given the extent of the journey and your family commitments.

The panel found that the NMC's evidence in respect of your case was compelling, in particular:

- The evidence of widespread fraud by way of proxy-testing at Yunnik;
- Your exceptionally fast CBT test times;
- The same-day test data from 1 June 2022; and
- The admissions from two candidates who took their CBTs using proxies on the same day as yourself.

The panel was not satisfied that your evidence and explanations provided a plausible or credible alternative account to rebut this compelling evidence.

The panel determined that taking account of the totality of the evidence before it, it was more likely than not that you obtained your test results fraudulently and dishonestly by using a human proxy in the completion of your CBT at Yunnik on 1 June 2022.

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 onto the register.

The panel considered the following factors from the guidance:

*'The Registrar will look at your application and the factors which will be taken into account are as follows:*

- *Your age when the conduct took place.*
- *How long ago the conduct took place.*
- *Whether it was an isolated incident.*
- *Whether the incident(s) were linked to nursing or midwifery practice or employment.*
- *Whether the use of drugs or alcohol was a factor in the conduct.*
- *Reflection and insight about the conduct and obligations as a registered nurse, midwife or nursing associate.*
- *Personal mitigation.*
- *Any explanation offered for the conduct having occurred.'*

The panel considered that at the time of the conduct, you were a mature nurse with several years' nursing experience in Nigeria. It noted that whilst this was an isolated incident, it was serious dishonest conduct relating directly to your nursing practice/employment. Further, you appeared to lack an understanding of the role of the NMC as a regulator and the reason your test times were being questioned. The panel considered that you showed no understanding of the fact that whilst you might have passed the resit CBT in the UK, it was your integrity in relation to the use of a proxy at Yunnik that was in question. You also did not demonstrate an awareness of the general obligation of nurses to be of integrity and good character.

The panel considered your evidence that you had an unblemished career as a nurse in Nigeria since 2006 and you are currently working in the UK as a healthcare assistant and are unaware of any concerns against you in that role. There was no evidence before the



panel of any issues having been raised about your practice or previous dishonesty, both in the UK and in Nigeria. It took into account the positive character reference from the Provost at the College of Nursing Sciences, Imo State, Nigeria, dated 20 November 2025, referencing your education and training between 2002 and 2006, which attested to you being '*above average academically and practically*' and to your integrity. Given that this reference dated back to 2006, the panel was only able to give it limited weight in addressing the issues before it.

In all the circumstances, the panel is not satisfied that you are of sufficiently good character to be admitted to the NMC register.

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

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.