

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
1-2 September 2025**

Virtual Hearing

Name of Appellant:	Ajoke Amosu
NMC PRN:	1022354017
Type of case:	Registrations appeal
Panel members:	Dr Gary Tanner (Chair – Lay member) Hayley Ball (Registrant member) Niall McDermott (Lay member)
Legal Assessor:	Andrew Granville-Stafford
Hearings Coordinator:	Vicky Green
Nursing and Midwifery Council:	Represented by Mousumi Chowdhury, Case Presenter
Mrs Amosu:	Present and represented by Catherine Collins, Counsel, 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 8 January 2024, that you did not meet the character requirements for registration to the NMC register.

Agreed facts

'Introduction

1. This document sets out facts agreed between the NMC and the RCN on behalf of those they represent.

CBTs and Pearson VUE

2. The NMC operates Computer Based Tests (CBTs) in various locations around the world for individuals living outside the UK who wish to join the register. 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. Since 2014 Pearson VUE have had a contract with the NMC as their CBT provider.

3. In 2007 Yunnik Technologies Limited ("Yunnik") opened as a test centre. In 2019 Pearson VUE contracted with Yunnik to operate this test centre for NMC

tests. The Yunnik test centre appears to have consisted of two computer terminals, close to one another within one room, with a further room used as an office for the administrative staff. The Yunnik test centre is located in Ibadan, a city in Nigeria with a population of approximately 3 million. The Yunnik test centre is not the only CBT centre in Ibadan. There were five other sites based there.

The legacy CBT

4. The version of the CBT which was in use from 2014 to 2021/2022 was a 180-minute test, comprising 120 multiple choice questions which were intended to test numeracy and clinical skills. This former test has been referred to as “the legacy CBT”. After a transitional period, it ceased to be possible to take the legacy CBT. The exam developer for the CBT had a bank of 259 unique questions, known as ‘items’. These were split into three possible versions of the exam, known as ‘forms’. Each of the three forms had unique items and items that were shared with other forms. At irregular intervals, new versions of the exam were created and items removed, amended or added, to coincide with any updates to the NMC standards. For each delivery of the legacy CBT exam, one of the three forms was chosen at random and the questions/items within that form were presented in random order. Each item consisted of a ‘stem’ (i.e. the text of the question) and four options to choose from, shown in random order. If a candidate failed the test and retook it, they would be given a new ‘form’. Candidates can only attempt the CBT three times. After that, they would have to wait 6 months before they could reapply.

CBT 2021

5. The current CBT (“CBT 2021”), 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 candidates have 30 minutes to complete it. Part B is a clinical test consisting of 100 multiple-choice questions and candidates have 2 hours and 30 minutes to complete it. All questions are scored as either correct or

incorrect. There are different versions of Part B, depending on the particular field of nursing or midwifery that the candidate is applying for – e.g. adults, children or mental health. However, 90% of the questions in Part B are generic nursing questions and only 10% are specific to the particular field in question. Practice papers have been attached to the supplementary statement of [Witness 5].

6. For Part A (Numeracy) there are 10 forms, each consisting of 15 units. There are 106 unique items across the 10 forms. At irregular intervals, new versions of the exam were created and items removed and new items added. Unlike with the legacy CBT, the numeracy exam in CBT 2021 is not multiple choice. It requires a quantity and unit of measurement to be typed in.

7. For Part B (clinical) the exam developer holds a bank of 1000 items, which are split into 10 forms. Many of those 1000 items were transferred over from the legacy CBT. There are 787 unique items across the 10 forms. In each live CBT exam, a form is chosen and then the order of the units and the order of the multiple choice options are randomised. If a candidate fails an exam and retakes it, they are given a different form.

8. The NMC has provided guidance to candidates by way of documents on their website including Test of Competence Nursing Test Specification for Candidates and Nursing and Midwifery Council Test of Competence 2021: Part 1 Nursing Candidate information booklet. The former sets out the test content, the areas of field-specific content and the type of numeracy skills required. The latter sets out the rules and standards of behaviour expected for candidates and gives general advice about time management. For the legacy CBT there was a similar Specification document which contained links to the domain areas.

The investigation into Yunnik

9. On 15 March 2023, Pearson VUE identified that the Yunnik centre was delivering exams for multiple candidates who were completing the clinical part of

the CBT in 10 minutes (even though 2.5 hours was allowed for this part of the exam). The number of candidates was initially unknown.

10. On 16 March 2023, the NMC's CBT partner, Pearson VUE, informed the NMC that they had identified data indicating unusual activity (very low test times coupled with high test scores) at Yunnik. In addition to the exceptional times, other matters corroborated their assessment that proxy test takers were being used at Yunnik – e.g. the fact that some candidates were travelling several hours to take tests there when other centres were significantly closer. Power outages could not explain the extraordinary test times as a power outage would simply 'freeze' the exam. Besides, Pearson VUE would have received a notification if there had been a power outage or system error. In summary, Pearson VUE formed the view that one or more proxy test takers were being used at Yunnik. Pearson VUE informed the NMC of this. Tests at Yunnik were suspended immediately and the centre was closed.

11. By the time it closed, 1969 people had passed their test at Yunnik. Of these, 513 are or were on the NMC's register. The remaining people are at various stages of the registration application process, including some who are now residing in the UK. Of the total 1969 people, 1619 people sat the 2021 CBT, while approximately 350 people sat the legacy CBT.

12. Pearson VUE results team ran a report from January 2022, for all NMC exams that were delivered at the Yunnik centre in 20 minutes or under. This report identified a suspicious level of activity. Pearson Vue conducted an investigation and found that the data set for the period between 15 March 2019 and 31 March 2023 indicated a specific pattern of probable fraudulent behaviour, likely to be proficient proxy testing, which was not present in other test centres globally. The investigation also concluded that there was no technical error at the Yunnik centre that had led to the data set and that human interference was involved.

13. The NMC asked Pearson VUE to provide the NMC with assurance that the data provided was accurate. Pearson VUE confirmed that there had not been a technical error on the site and that they had taken steps to assure themselves of this.

14. The NMC then commissioned an independent data analyst, [Witness 4] of OAC, to provide the NMC with an objective analysis of the data provided by Pearson VUE. [Witness 4] has provided various reports which are in the papers before the panel. OAC has recently been rebranded as Broadstone.

15. In his report dated 20 July 2023 [Witness 4] reached essentially the same conclusion - that there were a significant number of exceptionally quick test times at Yunnik, compared to global averages. However, he used different analysis of what times to measure, e.g. he added in time spent reviewing answers but stripped out the initial screen, the tutorial and the exit questionnaire so as to focus on the time spent answering questions and also avoid duplication. The result was that he had different times for candidates to Pearson VUE. – see Document 18 – page 4/37. He also used different statistical techniques to compare those times with the global average – see Document 18 – page 7/37.

16. The graphs at Figure 12 and Appendix 2 of [Witness 4]’s report give a visual representation of the anomalous times at Yunnik. If one excludes Yunnik, almost no one in the entire world completed Part B of the 2021 CBT in under 20 minutes – on the graph of global tests excluding Yunnik, there is a smooth bell curve which begins to increase around 20 minutes, peaks around 60 minutes and slowly declines around 80minutes. By contrast at Yunnik, the most common times were under 20 minutes – the graph for Yunnik has a spike which peaks around 10 minutes. In other words, the most common times at Yunnik were more than twice as quick as the times anywhere else in the world.

17. On 4 May 2023 the NMC wrote to inform the 513 people on the NMC’s register, who had passed tests at Yunnik, that the NMC had opened cases to consider whether their entry to the register was fraudulently procured or

incorrectly made. The NMC also wrote to the 1469 people at different stages of the overseas registration application process informing them that their application could continue but would not be considered until the NMC had carefully considered the information provided to the NMC about Yunnik.

The NMC's regulatory action

18. On 3 August 2023 the Registrar decided, based on the evidence available to them including the report of 20 July 2023 from [Witness 4], that:

(1) Some of those who had passed their test at Yunnik obtained their result through fraud, probably a proxy tester. (2) 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 threshold'). (3) Even if a Yunnik test-taker did not fall within the 1 in 2,500 percentile threshold, their Yunnik CBT could not be relied on as valid. The security and probity of Yunnik test centre was too suspect for a Yunnik CBT to be relied on. Everyone on the register or applying to the register who had sat their CBT at Yunnik would need to take and pass a new CBT. For applicants to the register, a Yunnik CBT would not be accepted. For those already on the register, as a result of a Yunnik CBT, they would be treated as having entered the register incorrectly unless they were able to pass a new CBT. (4) Everyone in the 1 in 2,500 percentile threshold would be informed of the concern of fraud and invited to retest. For those already on the register (48 registrants), consideration would be given to whether their registration was procured by fraud. For those applying to join the register (669 applicants), a decision would be taken as to whether they met registration requirements, including the requirement as to good character.

19. The NMC wrote to everyone who had taken a CBT at Yunnik in light of this decision. The 717 individuals who had taken a test that put them in the 1 in 2,500 percentile were warned that it was considered likely they had used fraud. They were told that they could take a new CBT. They were also told that the NMC would not rely on the result of the new CBT but they could rely on it and seek to

persuade the Investigating Committee (“IC”) or a Registration Appeal Panel (“RAP”) that they had been honest in the initial test. A further letter was sent clarifying the extent of this concession/promise, making clear that if a candidate chose to rely on the CBT resit, the case presenter and panel would be entitled to point out the differences in test times.

20. The other individuals who had taken a CBT at Yunnik but who did not fall within the 1 in 2,500 percentile were told that their test was invalid, and they would need to re-take it. This is because, even if there was insufficient evidence that a proxy was used to allege fraud for those individuals, the standards of security and integrity at Yunnik were so low that no reliance could be placed on any CBT from Yunnik.

21. All Yunnik test takers, whether in the 1 in 2,500 percentile or not, were warned that they would not be able to join or remain on the register if they did not retake and pass the CBT.

22. Since then, a large number of individuals with invalid tests from Yunnik have retested and passed a new CBT. Some of these, who did not fall in the 1 in 2,500 percentile, have been permitted to join the register. For others already on the register, who did not fall in the 1 in 2,5000 percentile and who passed the CBT on the second occasion, the investigations into them have closed.

23. Most of the registrants and applicants who took tests at the Yunnik test centre have taken the opportunity to conduct resits. Candidates have been provided with the results of the resits and the time in which they completed each of the relevant tests. The NMC has made clear to people who have resat a CBT they took at Yunnik that they will not use those results against a candidate if that candidate does not wish to disclose their results to the IC or the RAP. However, if a candidate does choose to rely on their resit results, it is open to the NMC and the relevant Panel to scrutinise whether the resit times are so fast as to make it more likely than not that the candidate did not use a proxy in the Yunnik test.

Other tests taken at Yunnik on the same day

24. The NMC has also obtained information as to the other CBTs undertaken at Yunnik on the same day as the individual whose case is being heard. This information is set out in Exhibit [] to [Witness 3] supplementary statement dated 16 September 2024. The key explains the entries in the table. In the 8th column 'N/A' signifies that the particular test-taker did not fall within the 1 in 2,500 percentile threshold. The times on the table are the Pearson VUE times which for reasons already set out can be different from the [Witness 4] times.

Admissions

25. In the course of its investigation, the NMC has received numerous admissions, from Yunnik test-takers, that they did use a proxy ("the Admissions"). As at the date of [Witness 5]'s second witness statement (11 September 2024), the NMC had received 16 such admissions. Since that statement was signed, the NMC have received two further admissions. The table at []/08 has been updated to reflect 18 admissions to date. Two of the Admissions came from registered nurses who signed statements of truth: (1) Witness 1 - in a statement dated 25 February 2024 Witness 1 says that when she arrived at Yunnik, she felt pressured to agree to use a proxy test taker. She agreed to pay extra for the proxy. She watched the proxy answer so quickly she had not had time to finish reading the question. The proxy explained that this was because he had done the test many times before. There were no security checks during the test and she was not asked to hand in her phone.

(2) Witness 2 – in a statement dated 28 February 2024, Witness 2 says that a lady stood behind her and told her the answers as she took the test. She says she was hurried by the staff and pressurised and intimidated into recording the answers the lady gave her.

26. In her second statement [Witness 5] records the accounts given by the other 14 individuals who admitted using or being aware of a proxy at Yunnik. The NMC

has kept a record of the admissions received, including the date and start time that the individual took the CBT at Yunnik as well as information about how the proxies operated. In three of the admissions, the time recorded for Part B was inside the 1 in 2,500 percentile threshold but the time recorded for Part A (the numerical test) was just outside the 1 in 2,500 percentile threshold.

IC and RAP hearings

27. The concerns about professionals on the NMC register having taken their CBTs at Yunnik have been investigated as allegations, under Article 22(1)(b) of the 2001 Order, that the professional's entry to the register was "fraudulently procured or incorrectly made". In particular, there has been an investigation into whether those in the 1 in 2,500 percentile 'fraudulently procured' their entry to the register. Under Article 26 of the 2001 Order, allegations of incorrect and fraudulent entry are decided by the Investigating Committee ("IC"). The IC has the power to direct the Registrar to remove or amend a nurse/midwife's entry to the register. The IC has held a number of hearings in relation to Yunnik cases and has many more scheduled.

28. Where an individual has made an application to join the register based on a Yunnik CBT and been refused, they can appeal to a Registration Appeals Panel. The RAP has many such hearings scheduled.'

Background

You qualified as a psychiatric nurse in Nigeria in April 1999. You intended to relocate to the UK and obtain work as a registered nurse. Towards this end, you sat the CBT at the Yunnik Centre on 3 November 2022. The data in relation to your CBT showed that you achieved a pass in your test in the following times:

- Numeracy (Part A): 6.27 minutes (Time allocated for test: 30 minutes)
- Clinical (Part B): 15.03 Minutes (Time allocated for test: 150 minutes)

You scored 100% in Part A of the test and 76% in Part B of the test. 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:*
 - Expert report by [Witness 4], Head of Data Analytics at OAC
 - Witness statement of [Witness 3], Director of Information Security and Security Services at Pearson VUE
 - Witness statement of [Witness 5], Executive Director of Professional Practice at the NMC.

The Assistant Registrar also took into account the following documentation provided by you:

- Your email dated 7 December 2023
- [PRIVATE].

In your email dated 7 December 2023, you stated the following:

I hereby write to affirm that before I wrote my first CBT test, I started preparing years before my registration with NMC. I took a lot of time to prepare adequately for the CBT, burning the midnight candle in order for me to pass my test. I also familiarized myself with information from people who had the test ahead of me. This enabled me to understand the do's and don't of the test.

During the period I wrote the exam, it is also very important for me to note that I was emotionally sound and in a good frame of mind. I had adequate support from [PRIVATE]. These added to my positive outcome in the long run.

[PRIVATE].

[PRIVATE]. I would be grateful if my appeal is considered with utmost favor and kindness.'

The Assistant Registrar considered your explanation. The Assistant Registrar made the following decision:

'I considered your comments regarding the extensive preparation that you undertook for the CBT exam, and that you infer that it's because of this preparation that you achieved your pass in the time it took you.

I accept 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.

I've considered the Registrar's decision with regards to the time in which you achieved your CBT test result at Yunnik, and I'm satisfied that I've not been presented with anything that changes the conclusion that it was more likely than not that you obtained your CBT test result fraudulently.

After carefully considering all information and evidence presented to me, I decided that you didn't meet the character requirements for registration. This is because, I consider that your conduct breached one of the fundamental requirements of the code:

- *Standard 20 - Promote professionalism and trust.*

To promote professionalism and trust, you're required to display a personal commitment to the standards of practice and behaviour set out in the Code. You should be a model of integrity and leadership for others to aspire to. This should lead to trust and confidence in the professions from patients, people receiving care, other health and care professionals and the public.

I consider that obtaining a CBT fraudulently to join the NMC register, falls well below the standard expected, raises serious concerns about your trustworthiness and has the potential to undermine public confidence in the profession. For these reasons, I'm not satisfied that you meet the character requirements for registration and as such, I'm refusing your application to join the NMC register.'

On 8 January 2024, you were informed that the Assistant Registrar had refused your application onto the register. You appealed the decision on 2 February 2024, within the 28 day time limit.

Evidence

The panel also took account of the written evidence including exhibits and the witness statements from the following witnesses on behalf of the NMC:

- Witness 1: Test taker at the Yunnik Centre.
- Witness 2: Test taker at the Yunnik Centre.
- Witness 3: Director of Information Security and Security Services at Pearson VUE.
- Witness 4: An independent Data Analyst who provided the NMC with an analysis of the data provided by Pearson VUE.

- Witness 5: The Deputy Director for Business Transformation and a member of the Executive Team for Professional Regulation.

You provided the panel with a signed witness statement and gave evidence under oath. You gave evidence about your work history and career as a registered nurse in Nigeria. You qualified as psychiatric nurse in Nigeria in April 1999. Since June 2023, you have worked in the UK as Band 4 senior healthcare worker, and you told the panel about your role and responsibilities. You told the panel that your current and previous roles have required you to act with honesty and integrity which is important to you. You also told the panel that your character, honesty and integrity has never been questioned in your career spanning almost 20 years. As the president of a cooperative society with over 300 members, you were entrusted to control over 100 million Nigerian Naira every month for two years before you relocated to the UK.

In respect of the CBT exam, you said that [PRIVATE] booked it for you. [PRIVATE]. You told the panel that some of your colleagues were taking the exam in Ibadan but that you did not know the area well. [PRIVATE].

In preparation for the exam, you said that you went to a cyber café twice a day to practice on the system. You said that you have been a practising nurse since 1993 when you joined the profession. You told the panel that there were over 1,000 practice questions and answers, and as you revised so much, you were familiar with the systems and questions.

In respect of taking around 15 minutes to answer 100 questions, you said that you were focussed and that you were able to identify the answers very quickly. In taking exams, you said that you ensure that you are well prepared. You told the panel that you were able to complete the exam quickly because of your psychological status, your determination and emotional status. You said that on 3 November 2022, as the counsellor of a Cooperative Society, a meeting that you could not reschedule had been

booked for 11am at the hospital, so when you got there, you just wanted to do the exam and get back. As you were running late, you had to call from the centre to reschedule the meeting.

During cross examination, you confirmed that the meeting at the hospital was scheduled for 11am and that you had in mind that you would finish your exams before 8am as the start time was supposed to be 7am. You said that it was about a 1 hour 45 drive from the test centre to the hospital. You told the panel that you did not think you would need the entire three hours to complete the exam as you were prepared.

You said that you did not do any research into test centres [PRIVATE]. [PRIVATE]. You said that you got a taxi to the test centre and that the driver was familiar with it so they dropped you off close to it. You said that you saw a signpost, you went into the building and climbed some stairs and came to what looked like a reception. You said that you took a seat and after about ten minutes you were taken to a room with two computers where an ID check was completed. Once your ID check was complete, you were informed by a worker to start your exam once a computer became available. You said that there were three other people in the room, two people at the computers and one person sat at the back of the room.

When you were cross examined on why you did not double check your answers knowing how much it meant to you, you said that you were overconfident, and you were sure that you were not going to fail. When asked whether you realised you had completed Part B of the exam which contained 100 questions in 16 minutes, you said that you did not realise that you had completed so quickly. You were asked about whether you had anything to say about the other candidates who were at the centre at the same time as you and who also had very fast completion times. You said that you did not know them.

Ms Chowdhury took you to your grounds of appeal letter and asked whether you think that there was a mistake with the computer which resulted in the fast timings of your test. You said that you did not think this was the case. You were asked if there was a clock in the room and you said you were not sure. After being taken to your academic

history, you said that the grade you achieved in your degree were not comparable to the CBT. You said that when you took the CBT, you had over 20 years' experience in nursing. You told the panel that the CBT was the easiest exam that you have undertaken in your entire nursing career.

In response to panel questions, you said that you called the hospital before you got to the test centre to reschedule the meeting to 1pm. You said that you did not know [PRIVATE] booked the test until you saw the receipt and dates. You told the panel that you were only made aware of the fraud at the test centre when you were told by a friend after you had arrived in the UK and before the NMC informed you. You said that the test centre looked like it was a converted three bedroomed apartment. You told the panel that you think you were at the test centre for approximately an hour. You were asked if [PRIVATE], advised you to check your answers. [PRIVATE]. You said that you do not exhaust the allocated time for an exam, you just ensure that you are well prepared. When asked again about when you became aware of the exam date, you said it was two days before the exam when you received the email confirmation.

The panel noted that in your transcript of grades, 50% was equivalent of a grade C for one topic and for another topic 50% was equivalent to a B. You told the panel that this was provided by the school, and you were unable to clarify why this was the case. The panel also noted a discrepancy in one of your certificates as it was signed April 1999 and it was under the provisions of the Nurses and Midwives Act 2004. You were initially unable to provide clarification as to why the certificate is dated before the Act was in effect, but then later recalled that there was an error with the spelling of your name on the original certificate, so you asked for it to be reissued. You said that you thought that this might have been in 2005.

Submissions

Ms Chowdhury provided the panel with a background to the case and referred the panel to the generic evidence and to the specific evidence. Ms Chowdhury referred the panel to the NMC written submissions which she adopted.

Ms Chowdhury submitted that the panel must first consider whether your exam results were obtained through fraud. She submitted that if fraud is found, then it must consider whether you are of sufficient good character and capable of safe and effective practice.

Ms Chowdhury submitted that there is evidence of widespread fraud at the Yunnik Centre. She submitted that there is a significant difference in the time the exams were completed compared to the rest of the world. Ms Chowdhury submitted that fraud is the only explanation for this unique data pattern. She referred the panel to the generic evidence, as set out in the agreed facts.

Ms Chowdhury submitted that you completed the test very quickly and achieved high scores. She submitted that even if you had revised and supported extensively, it is improbable that any honest test taker would complete it so quickly and without reviewing their answers. Ms Chowdhury submitted that your academic record shows that you achieved a mixture of A, B and Cs and that it is implausible that you would have completed the CBT tests so quickly and achieved the high scores that you did.

Ms Chowdhury submitted that if the panel find that it is more likely than not that you obtained your results through fraud then it should dismiss the appeal and allow the decision of the Assistant Registrar to stand.

Ms Collins, on your behalf, submitted that this case should not be decided solely on the generic evidence and that the panel should focus on the specific evidence in this case. She submitted that not every case where a candidate completed the test in a similar time to you at the Yunnik Centre involved a proxy. She drew the panel's attention to the analysis of the global completion rates in which other candidates were able to complete the test faster than you did at other test centres.

Ms Collins submitted that you revised and practised consistently. She referred the panel to the example questions for the numeracy element of the test and submitted that for an experienced nurse, these were straightforward. Ms Collins submitted that the time that you took to complete the numeracy element of the test falls outside of the threshold where fraud is assumed and if it was just this part of the test being considered, you would have your NMC PIN.

In respect of Part B of the examination, Ms Collins submitted that other people completed it in a similar or faster time. She acknowledged Ms Chowdhury's submission that only an exceptional candidate would be able to complete the test so quickly and achieve the score you did. Ms Collins submitted that the NMC has not provided information about the academic record of the other six people in the world who achieved passes in a similar amount of time. She submitted that performance at an exam depends upon psychological make up and confidence in their abilities. Ms Collins submitted that you were clear and candid in your evidence, you said that you do not exhaust the time that is allocated in exams. She submitted that you have been consistent in your evidence about your exam techniques, you ensure that you are well prepared and are focussed for exams.

In respect of the report by Witness 3, Ms Collins submitted that they are not a registered nurse and therefore is unable to provide an accurate summary of the similarities between practice and examination questions. She also submitted that the report lacked detail and was limited as it only considered 21 sample questions when there were 130.

Ms Collins submitted that you were able to identify the correct answer and discern key words or concepts quickly. You are an experienced nurse with over 20 years of practical nursing experience. Ms Collins submitted that a nurse with your experience and extensive preparations, would not find the questions difficult.

Ms Collins submitted that the NMC has not provided any direct evidence from the three other candidates who took the test at the Yunnik Centre on the morning of 3 November 2022. She submitted that the NMC had no concerns about the use of a proxy by the candidate who started their exam about nine minutes after you did. Ms Collins submitted that there is no direct evidence about what happened on 3 November 2022 and that the witness statements of Witness 1 and Witness 2 do not assist with this.

Ms Collins submitted that the testimonials speak of your good character and that your evidence is credible. She submitted that you have no prior disciplinary or regulatory

concerns in your practice or during your academic studies. Ms Collins submitted that it is less likely that someone with your character and history would engage in the behaviour as alleged. She submitted that it is highly unlikely that someone in a trusted position as you were as the Chief Nursing Officer with the responsibility of the union would put that trust at risk by engaging in fraudulent behaviour in an exam you were well prepared for.

Ms Collins submitted that in assessing your character and whether you are fit and proper person, the panel should take into account that since relocating to the UK you have been working as a Senior Healthcare Assistant. She submitted that you have a clear understanding of the requirements of professional standards, honesty and integrity. Ms Collins submitted that you are capable of practising safely, kindly and effectively, as evidenced in the UK as well as in your extensive practice history in Nigeria.

Ms Collins submitted that you did not engage a proxy tester, the evidence presented is circumstantial and does not outweigh your clear evidence of exam technique, detailed revision and evidence of good character. She therefore submitted that taking this into account, and considering all elements, you are of sufficient good character and you should be admitted on to the register as a nurse.

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 regard to the agreed statement of facts between the NMC and the RCN in which sets out information about the investigations carried out by Pearson VUE, and an independent data analyst commissioned by the NMC (Witness 4). The panel had regard to Witness 4's report dated 20 July 2023 and noted that overall, the time taken to complete the tests at the Yunnik Centre were more than twice as fast as the time taken in all of the other test centres across the world. The panel also had regard to the admissions made by numerous other candidates who completed tests at

the Yunnik Centre in which they said that proxy test takers were being used. Having regard to all of the evidence before it, the panel considered that it was more likely than not that there was widespread fraud at the Yunnik Centre between March 2019 and March 2023.

The panel had regard to the evidence of Witness 1 and Witness 2. It noted that whilst this evidence was hearsay, the panel considered that there was no reason for them to lie about their admission that they had used proxy testers to pass the CBT at the Yunnik Centre. The panel therefore attached considerable weight to their evidence.

The panel noted that there were three other candidates who took the examination at the same time as you, and who also finished inside the 1 in 2,500 threshold which the NMC deemed to be suspicious. The panel further noted that within Witness 4's report dated 20 July 2023 in which he stated that there were many days with a high instance of multiple people passing the CBT on the same day with similar times and these became more prominent from June 2022.

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 had regard to the specific evidence and circumstances which led to the refusal of your application on to the NMC register.

The panel noted that candidates were allocated 30 minutes to complete Part A (the numeracy element) of the test and 2 hours 30 minutes to complete Part B (the clinical element) of the test.

The data in relation to your CBT showed that you achieved a pass in your test in the following times:

- Numeracy: 6.27 minutes (Time allocated for test: 30 minutes)
- Clinical: 15.03 Minutes (Time allocated for test: 150 minutes)

The panel accepted that your time on the numeracy part of the CBT falls outside of the 1 in 2,500 threshold identified by the NMC. However, it noted that there are very few people in the world who have completed the clinical part of the test as quickly as you did. The panel also noted that based on the report of Witness 4, based on an analysis of over 56,000 tests, the odds of you completing and passing the clinical test as quickly as you did was one in 18,826. Whilst the panel accepted that as an experienced registered nurse you would have been familiar with and able to answer the numerical questions with speed, the clinical part of the test should have required more consideration. The panel had sight of some examples of questions from the clinical part of the test and noted that some of the questions are long. It noted that it took you on average, approximately 9 seconds to answer each question.

The panel did not accept your explanation, that you were able to identify the answer without fully reading the question because you were familiar with the questions and answers from your practice preparation, because it appeared that this explanation was inconsistent with other evidence available to it. In the statement of Witness 3 the nature of the questions you were tested on is described as follows:

'For Part B (clinical) ExamDeveloper holds a bank of 1000 question and answers (known to us collectively as 'items'). The 1000 items are split into 10 test paper which are used for the CBT. In each live CBT exam, the test delivery driver randomises the order in which the 100 questions (the stems) appear on each of the 10 test papers and for each stem, the order in which the multiple-choice answers (the options) will appear.'

Exhibited to this statement is a report from Pearson Vue which details a comparison process which compared the content of practice test materials compiled by the NMC against the actual CBT exams themselves. The Panel noted the conclusion of this report:

'These [practice] PDF documents do not contain the same content as the NMC exams. We were unable to find any questions where the stem text exactly

matched what is in the NMC exams. Some PDF questions had a similar meaning to an equivalent exam question with similar options but, as with the example quoted above, the stem did not look like a paraphrase or abbreviation of the exam question and often some of the options were different. Based on this, it seems unlikely that anyone could have memorised this material and then recognised the 'same' items in the exam, because they just don't match.'

The panel therefore considered that it would be unlikely that you would be able to have answered questions so quickly without properly reading them based on your practice alone, because of the randomised nature of the actual questions and their content - which appears to differ markedly from available practice materials.

You told the panel that you and [PRIVATE] took this examination very seriously, to the extent that you visited an internet café twice a day and [PRIVATE] revise in the middle of the night. You told the panel that you prepared for years leading up to the exam. Whilst the panel accepted that people do have many different examination techniques, the panel found it highly improbable that you would not take time to properly read a question and review your answers in the circumstances, particularly, given the importance passing this exam was to you [PRIVATE].

You told the panel that you had a meeting at the hospital at 11am on the morning of the CBT, and that this factored into the speed in which you took the examination. The panel found that your evidence in respect of this was inconsistent, as you said you would need to leave by 10am. However, when questioned on this, you said that you had rescheduled the meeting to 1pm prior to entering the test centre.

The panel had regard to the testimonials provided by you and, although you confirmed in your oral evidence that they were aware of the grounds for refusal of your application on to the NMC register, only the testimonial from your UK line manager referenced the difficulties in obtaining your NMC registration. The other testimonials did not include any information about this. The panel therefore attached limited weight to these testimonials. The panel noted that there is no evidence of any concerns of a similar nature and that

you occupied a position of authority and trust in Nigeria. The panel also had regard to the positive testimonial about your performance as a Senior Healthcare Assistant since you relocated to the UK.

Balancing all of the above, and taking into account the panel's finding that there was widespread fraud occurring at the Yunnik Centre at the relevant time, the panel decided that it was more likely than not that you obtained your test result fraudulently through the use of a proxy test taker.

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 meet the character requirements for successful admission to the register.

Having determined that you obtained a CBT fraudulently, the panel considered that this falls well below the standards expected of a registered nurse and raises concerns about your honesty and integrity. The panel was therefore not satisfied, on the balance of probabilities, that you meet the character requirements to be considered capable of kind, safe and effective practice for admission on to the NMC register.

The panel therefore decided to dismiss your appeal and 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 this 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.