

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Friday, 4 July 2025 – Monday, 7 July 2025**

Virtual Hearing

Name of Appellant:	Queen Edogun
NMC PRN:	1021265169
Type of case:	Registrations appeal
Panel members:	John Anderson (Chair, Lay member) Kathryn Evans (Registrant member) Howard Millington (Lay member)
Legal Assessor:	Alain Gogarty
Hearings Coordinator:	Elizabeth Fagbo
Nursing and Midwifery Council:	Represented by Gemma Gillet, Case Presenter
Ms Edogun:	Present and represented by Catherine Collins, instructed by the Royal College of Nursing (RCN)
Decision:	Appeal dismissed

Decision and reasons

The panel decided to dismiss your appeal against the decision of the Assistant Registrar of the Nursing and Midwifery Council (NMC).

This appeal is made under Article 37(1)(a) of the Nursing and Midwifery Order 2001 (the Order). You appealed the decision of the Assistant Registrar, dated 5 December 2023 and 11 June 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 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 in relation to your CBT shows that you achieved a pass in your tests in the following times:

- Numeracy: 4.18 Minutes (Time allocated for test: 30 minutes).
- Clinical: 5.77 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
- Assistant Registrar's decision letter to you dated 5 December 2023
- The 'evidence bundle' consisting of:
 - Expert reports by Head of Data Analytics at OAC
 - Witness statements of Director of Information Security and Security Services at Pearson VUE 313
 - Witness statements of Executive Director of Professional Practice at the NMC

- Witness statements of Registrant A/Witness 1 and Registrant B/Witness 2
- Other test activity at Yunnik on the date you sat your test

From you:

- Your email dated 29 May 2024 with your statement
- Character reference dated 29 May 2024
- Character reference dated 28 May 2024
- Character reference dated 28 May 2024
- Character reference dated 22 May 2024
- Character reference dated 29 May 2024
- Nigerian Police Character certificate dated 1 February 2024
- Midwifery transcript 2011-2014 – dated 7 February 2024
- Nursing transcript 2018-2019 – dated 29 January 2024

You deny the allegation that you obtained your test result from Yunnik fraudulently. In your correspondence, you stated that you were not involved in, or aware of, any fraudulent activity at the Yunnik test centre and you were not aware of anyone who was involved in it either. You stated that the CBT was the most straight forward and simple exam you have done in your nursing career. You stated that you have sat three CBTs; an '*RNA*' exam in April 2022 at Asaba Delta State, the '*RNMH*' exam at Yunnik and your resit '*RNMH*' exam in the UK as a result of this fraud allegation. You said that there were no fraud concerns at Asaba and that you already held a valid CBT result prior to sitting the CBT at Yunnik.

It is your case that you chose to sit your CBT at the Yunnik test centre in Ibadan as that test centre was closest to where you were staying at the time, that you were not assisted to take the exam, and that you had not acted fraudulently. You stated that there were no test centres available where you were residing and you opted for the Yunnik test centre because you wanted to take the CBT during your annual leave and had relatives and friends living in Ibadan, who you could visit afterwards. You said that you stayed in a hotel opposite the Yunnik test centre and that Yunnik is a Pearson VUE accredited centre. You stated that you intensively prepared for the exam by joining online study groups and using

practice materials on the Pearson VUE website. You said 70% of the CBT questions were the same when compared to your 2022 exam and also that the questions in the CBT were either exactly the same, extremely similar or had very little alterations to those study materials. You stated that a person who has adequately prepared with these resources, is likely to achieve a pass flawlessly.

You maintain that you sat the CBT yourself to the best of your knowledge with accuracy, focus and precision and you passed as expected because you were adequately prepared. In your reflection you said you were shocked and surprised by the NMC claims of fraudulent activity at Yunnik by use of proxy testing. You challenge the lack of close circuit television (CCTV) evidence. You said you are not responsible for inadequacies of an accredited CBT centre. You said that you were not monitoring other candidates sitting the CBT on the same day as you. You said that NMC witnesses; Registrant A and B's confessions are not definitive evidence to assume that you obtained your Yunnik result by fraud. You also said that they represent a small number in a large Ibadan population. You stated that you sat and passed a resit CBT in October 2023 despite feeling the impact of the NMC's investigation. You also said you intentionally took your time to complete the test and check your answers.

The Assistant Registrar considered your explanation. The Assistant Registrar found that you stated that you intensely prepared for the exam back-to-back by joining online study groups and using practice materials on the Pearson VUE website. You said 70% of the CBT questions were the same when compared to your 2022 exam and also that the questions in the CBT were either exactly the same, extremely similar or had very little alterations to those study materials. You stated that, because of this, a person who has adequately prepared with these resources, is likely to achieve a pass flawlessly. However, in their view, this did not explain how you were able to obtain your test result from Yunnik in the time that 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 5 December 2023 and 11 June 2024, you were informed that the Assistant Registrar had refused your application onto the register. You (The Appellant) appealed the decision on 5 July 2024, within the 28-day time limit.

Evidence

The panel took into account the agreed facts between the NMC and the RCN.

The panel also took account of 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 Band 4 Pre-registration nurse in the UK who provided her experience sitting an exam at Yunnik.
- Witness 3: Director of Information Security and Security Services at Pearson VUE.
- Witness 4: Employed by the NMC as The Executive Nurse Director of Professional Practice at the NMC.
- Witness 5: Employed by the NMC Director of Professional Practice at the NMC.
- Witness 6: Senior Nursing Education Adviser and part of the Executive Team in

the Professional Practice
Directorate/ Registered nurse.

- Witness 7: The Head of Data Analytics who provided the NMC with an analysis of the data provided by Pearson VUE/ Independent data analytics expert

Submissions

Ms Gillet outlined the background to the case and referred to the relevant documents. She submitted that the data analysis carried out by Witness 7 shows that you were able to achieve a pass in your tests on 8 February 2023 at extremely fast times. She submitted that you completed the first portion of the CBT test (numeracy test) in 4.18 minutes and completed the second portion of the exam (clinical test) in 5.77 minutes. Ms Gillet submitted that, according to Witness 7, the odds of you achieving the reported time in the numeracy test is one in 19,374, and no individuals have been able to sit the test in that time. Ms Gillet submitted that there is direct evidence that fraud through the use of proxy testers to obtain very quick times in the CBT test was happening at the Yunnik Test Centre and you were included in the very small proportion of people with extremely fast test times.

Ms Gillet submitted that there were three other candidates who sat the test on the same day and achieved similar fast test times, and there were only two desks at the Yunnik Centre. She submitted that these tests are in a legitimate test centre and therefore, would need to be spaced three hours apart, however, you sat your test at 10:02 and there were other candidates who sat their tests at 9:46, 10:17 and 10:41. She submitted that the other candidates who took the exam on the same day, at Yunnik also achieved unusually rapid results. She submitted that the candidates would not have been listed for those times unless the test Centre knew that those tests and those candidates were not going to take three hours to complete their exams. Further, she submitted that no candidates were able

to achieve these kind of test times in the numeracy test other than at Yunnik. Therefore, a proxy test taker must have been used.

Ms Gillet highlighted that you were able to pass the test so quickly as you stated that you used practice material which was very similar to the test material, and you found the test to be straightforward. She submitted that if it is true that you used publicly available information including revision guides and practice questions which was able to assist you in sitting the test in that time, then there would be a pattern exhibited similarly around the world, not only at the Yunnik Centre.

Ms Gillet submitted that the combination of generic and specific evidence in your case is compelling and strongly indicated that you obtained your test result fraudulently. In regard to completing your clinical test in 5.77 minutes, Ms Gillet submitted that it would not be possible to answer each question in 3.462 seconds and repeat the speed 100 times for each question. She submitted that an honest test taker would not complete the test at such a rapid pace without reviewing their answers.

Ms Gillet submitted that the panel may also wish to consider your character, and she highlighted that in your previous submissions to the Assistant Registrar, you wrote that you sat your first CBT test on 20 April 2022 and achieved a pass. She submitted that this suggested that you were not being open and honest with the Assistant Registrar in the fact that that the first time you sat your CBT was on 17 March 2022, which you failed. Ms Gillet submitted that you chose not to put that information before the Assistant Registrar. She submitted that if those results had been checked, it would have made your position that you had been able to sit the test in those incredibly quick times and you achieving those very high scores even more unlikely.

Ms Gillet submitted that you stated that you were able to sit your test at Yunnik in record-breaking time due your natural ability, hard work and how easy the CBT test is. She submitted that there is a stark difference between your test times from your CBT test that you sat at Asaba, and the one you sat at the Yunnik Centre. Ms Gillet submitted that you sat your numeracy test in 25 minutes at Asaba, whilst you it took you 4 minutes at Yunnik, which is a 21-minute difference. She submitted that for your clinical test which you sat twice at Asaba, you achieved a test time of 87 minutes when you first sat and then 88

minutes on your second sitting of the CBT clinical test. She submitted, however, at Yunnik you were able to complete your clinical test in 7 minutes. Ms Gillet submitted that your test times at Asaba are in line with the average time of competent CBT test takers around the world.

Ms Gillet submitted that the burden of proof is on the NMC, and the combination of generic and specific evidence in your case strongly indicated that you obtained your test result fraudulently. She submitted that an honest test taker would not complete the test at such a rapid pace without reviewing their answers. For these reasons, Ms Gillet submitted that the evidence leads to the conclusion that it is more likely than not that your CBT test result was achieved through fraud and invited the panel to dismiss your appeal.

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

- Defence bundle
- Reflective Statement
- Character references

You also gave evidence under oath.

Ms Collins on your behalf submitted that the NMC have not proved on the balance of probabilities that your test results were obtained by fraud.

Ms Collins submitted that the NMC has not provided any evidence in relation to the average miles travelled by you to sit your CBT test at the Yunnik Centre or any concerns regarding your booking behaviours. She submitted that there is nothing to suggest that Yunnik was not an approved centre and there is no contradictory evidence to show that there was anything closer available to you. She submitted that your reasons for your travel to sit your test at the Yunnik Centre are credible. Further, she submitted that when you your first CBT test, you booked it one month in advance, however, you failed the clinical section and booked a resit one month in advance again. Ms Collins also submitted that you had family and friends living in the city where you chose to take the test and there is

nothing suspicious about the reasons you went to the Yunnik Centre to sit your CBT test, or how far you travelled.

Ms Collins submitted there is no same day data, or data as to where people came from and what passing score they had. The data is solely in relation to time. Ms Collins submitted that you have sat the numeracy test twice, once in Asaba and once in Yunnik. She submitted that in between this you have engaged in extensive preparation and have considered over 1,900 pages worth of preparation material and drug calculation worksheets. She submitted that the numeracy tests can be considered as straightforward, which can be seen from the bundle, and the practise materials are very similar to the actual exam. Therefore, on the balance of probabilities, completing those questions very quickly is very likely.

Ms Collins submitted that you had an advantage over the vast majority as you had sat the CBT test on two prior occasions. Therefore, you knew the style of the questions and the content having practised up to 400 questions per day and as you had passed the test before. She submitted that is not impossible that you were able to complete your CBT test in the time that you did. Ms Collins submitted that it is accepted that there is a significant difference in your test times at Asaba, in comparison with your test times at Yunnik, [PRIVATE]. She submitted that this impacted the time it took you to sit your CBT test at Asaba and your ability to pass at that time.

Ms Collins submitted that there is no evidence of there being a proxy tester at the Yunnik Test Centre on the day you sat your test at the Yunnik Centre. Ms Collins submitted that your evidence does not align with any of the evidence of the two Witnesses who admitted to using a proxy tester and you had no indication that there was any element of concern in relation to the Yunnik Centre. Further, she submitted that you are of good character and have previous nursing experience, therefore, she invited that panel to find that you do meet the good character requirements, and you should be admitted to the register.

The panel accepted the advice of the legal assessor.

Panel's decision

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

The panel had sight of the analysis provided by Witness 3 and Witness 7'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.

The panel determined that there is sufficient evidence to prove that there was widespread fraud at the Yunnik Centre. It found the generic evidence compelling, including statistical anomalies, witness statements and patterns of suspicious behaviour. This included:

- Witness statements and admissions by several candidates describing proxy test-taking and intimidation.
- Unusually fast test completion times, suggesting interference.
- Independent statistical analysis by Witness 4, confirming significant discrepancies.

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 the Yunnik Centre.

The panel considered Witness 7's analysis of your specific data, which provided the following odds of how achievable your test times were:

'Evaluated Clinical Timing: 5.77 minutes: Odds less likely than 1 in 56,478

Evaluated Numeracy Timing: 4.18 minutes: Odds 1 in 19374.33'

This analysis identifies that, as result of your test times, it is likely that a proficient proxy tester was involved in achieving your test result at the Yunnik Centre. This is especially the case considering your previous two tests in Nigeria, which for the clinical exam took you 88 and 87 minutes respectively, and for the numeracy 25 minutes. In regard to the

first of these two clinical tests you undertook you failed to achieve the pass mark. The panel noted that [PRIVATE].

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 explanation as to how you completed the test so quickly, other than stating you had engaged in extensive preparation and took six weeks off on annual leave to prepare. You claimed that you could perform just as well as a proxy because they are both human. The panel considered that the appeal grounds that you provided focused on challenging the Assistant Registrant's reliance on the speculative and suspicious evidence. The panel considered that the information from you was very limited and did not undermine the decision of the Assistant Registrar.

The panel also considered why you were able to achieve such unlikely test times at Yunnik. It concluded that the only reasonable explanation for her fast completion was more likely than not that you had obtained your test results fraudulently.

The panel noted that there were three other candidates who took the test on the same day as you, and you all completed the exams at similarly high speeds. 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 three other candidates, as well as yourself, sitting for the exam on the same day within minutes of each other could complete it so rapidly without the use of a proficient proxy tester. This was deemed highly implausible if the tests were taken legitimately, as it is unlikely that such a small pool of candidates could achieve such exceptional results under normal circumstances. 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 was satisfied on the evidence before it that it was more likely than not that you used a proficient proxy tester to obtain your clinical CBT result at the Yunnik Test Centre. It noted that you completed a 2.5-hour clinical test in just 5.77 minutes, a time that was extraordinarily fast. Under cross examination you said you read and answered the

questions carefully before moving to the next one. The panel was of the view that it was highly unlikely you could have achieved such times without the use of such a tester.

The panel considered 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.

Finally, the panel went on to determine whether you met 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 recognised that you are an experienced nurse with a career of 10 years in the profession. It also noted your positive testimonials and that there was no evidence to suggest that you lacked competence in clinical practice or have ever faced allegations of misconduct.

However, in light of its earlier findings, the panel determined that your actions in fraudulently obtaining your exam results were in breach of one of the core tenets of the nursing profession, honesty. Honesty is considered fundamental to nursing practice, as it ensures public trust and patient safety. The panel considered that by engaging in dishonest behaviour, you potentially put patients at risk and damaged public confidence in the profession and its regulator.

The panel determined that, due to your fraudulent conduct and your breach of professional standards, you could not be considered to be of sufficient good character for admission 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.