

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Thursday 4 – Friday 5 December 2025**

Virtual Hearing

Name of Appellant:	Bintu Lucy Edogun
NMC PRN:	1021803905
Type of case:	Registrations appeal
Panel members:	Judith Ebbrell (Chair, registrant member) Aileen Cherry (Registrant member) Dee Rogers (Lay member)
Legal Assessor:	Ashraf Khan
Hearings Coordinator:	Rebecka Selva
Nursing and Midwifery Council:	Represented by Uzma Khan, Case Presenter
Ms Edogun:	Present and not represented at this hearing
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 16 September 2024, 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. The 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.

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 lasts for up to 30 minutes. Part B is a clinical test consisting of 100 multiple-choice questions and lasts for up to 2 hours and 30 minutes. All questions are scored as either correct or incorrect.

Pearson VUE contracted with a third party, Yunnik Technologies Ltd, in relation to a Pearson VUE Authorised Test Centre (PVTC) in Ibadan (the Yunnik centre), 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.

Pearson VUE also provide additional centres referred to as Pearson Professional Centres (PPCs) and PVTC Selects which have additional security measures including biometrics

(palm vein) and CCTV footage. As the Yunnik centre was a PVTC it was not required to have these extra security measures.

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 (2.5 hours is allowed for this part of the exam). The number of candidates was initially unknown.

The NMC was notified, and the Pearson VUE results team ran a report from January 2022, for all NMC exams that were delivered at the Yunnik centre.

Pearson VUE conducted a thorough and detailed investigation into the Yunnik centre 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 asserted that this was likely to be linked to proficient proxy testing which was not present at other testing centres globally.

Pearson VUE's investigation also concluded that there was no technical error at the Yunnik centre 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 the Yunnik centre, compared to global averages.

On 3 August 2023 the NMC's Registrar decided to use as a benchmark the 1 in 2,500 percentile, in order to identify tests which were taken at such a speed that it is likely that the results had been fraudulently obtained (most likely utilising a proxy test taker). Applying this statistical threshold meant that for those individuals who sat CBT 2021, anyone who sat their Numeracy test in 5.5 minute or under and/or Clinical test in 21.5 minute or under, the Registrar considered this raised a prima facie case that the result had been obtained fraudulently.

Because of the evidence of widespread fraudulent activity at the Yunnik centre, 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 the Yunnik centre, to take a new CBT. In the absence of a valid CBT an individual should not have been allowed entry to the NMC register.

The data in relation to your CBT shows that you achieved a pass in your test in the following time(s):

- Clinical: 14.17 Minutes (Time allocated for test: 150 minutes).

Comparing your time to complete your clinical test with times taken by candidates globally, it was considered very unlikely by the NMC that you could have achieved a pass in your test within the times it took you to complete it. Taking into account the time in which your test was 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:

- Your completed application;
- Expert reports by Witness 5 Head of Data Analytics at OAC;
- Witness statement of Witness 4, Director of Information Security and Security Services at Pearson VUE;
- Witness statement of Witness 6, Executive Director of Professional Practice at the NMC;

On 16 September 2024, you were informed that the Assistant Registrar had refused your application onto the register.

You appealed the decision on 20 September 2024, within the 28-day time limit.

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: The Deputy Director for Business Transformation and a member of the Executive Team for Professional Regulation.
- Witness 4: Director of Information Security and Security Services at Pearson VUE.
- Witness 5: An independent Data Analyst who provided the NMC with an analysis of the data provided by Pearson VUE.
- Witness 6: Employed by the NMC as the Executive Director of Professional Practice.

- Witness 7: Senior Nursing Education Adviser
and member of the Executive Team
in the Professional Practice
Directorate at the NMC.
- Witness 8: Paralegal at the NMC.

In addition, you provided live evidence on oath.

Submissions

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

Ms Khan submitted that fraudulent human behaviour was responsible for the quick test times at Yunnik. She referred the panel to Pearson VUE's data, which indicated that the test completion times at Yunnik were significantly faster than global benchmarks. She outlined Witness 5's statistical analysis, which shows that there was a large, and statistically significant, difference between test times at Yunnik and those of candidates at other centres both in Nigeria and globally.

Ms Khan referred to Witness 1 and Witness 2's statements which corroborated the routine nature of proxy operations at Yunnik. She submitted that this is consistent with Witness 6's witness statement.

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

Ms Khan referred the panel to Witness 5's analysis of your test times and submitted that your times were exceptionally fast. Ms Khan highlighted that your time for the clinical part of the test was one of the fastest achieved by any of the other candidates who sat the test globally (excluding Yunnik). She submitted that it was highly improbable that you completed the CBT without the assistance of a proficient proxy test-taker.

Ms Khan referred to the histograms within Witness 4's evidence and outlined that the statistical anomalies of the test times of Yunnik as opposed to globally, reinforce suspicions of non-standard behaviour. She submitted that this is evidence of proxies.

Ms Khan referred to Witness 8's document which outline details of your test sittings (in relation to Part A of the CBT) at Lagos and (in relation to Part B of the CBT) Yunnik.

Ms Khan drew the panel's attention to the same day evidence in that another candidate started their test '*mere minutes*' after your test sitting, and although that other candidate's test times falls outside of the suspicious threshold, it is still relatively fast.

Ms Khan invited the panel to find that the Assistant Registrar's decision was reasonable, firmly grounded in evidence, and therefore dismiss your appeal and to uphold the refusal of registration.

Ms Khan revised her submission that you sat the Part A of the CBT in Asaba, Delta state, which has the identical time zone as in Lagos – but you did not sit Part A of your test in Lagos.

Decision and reason on hearsay evidence

Ms Khan on behalf of Witness 4, exhibited a further two supplementary statements which contained your passport, signature and photo captured at Yunnik. She clarified that these supplementary statements have only been provided late in the day due to the time difference of where Witness 4 is located. She outlined that this is evidence that is already referenced in Witness 4's statement.

You said that you did not have any comments in respect of this.

The panel heard and accepted the advice of the legal assessor.

The panel determined that the evidence is relevant and as such decided to admit the further supplementary statements provided by Witness 4. The panel confirmed that Witness 4 would not be required to attend and give live evidence.

Submissions continued

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

You told the panel that you have worked for 33 years as a registered nurse and hold a master's degree in nursing.

You told the panel that in 2022 you lived and worked in Benin city.

You recalled that when you sat your test in Asaba in Delta state on 29 September 2022, you were admitted to the test centre with biometrics and were not allowed a pen or paper. However, due to civil unrest you and other test takers had to flee the test centre in a hurry having only completed Part A of the CBT and mid-way through Part B of your CBT. You remember receiving your results via email instead of at the test centre which is standard practice. You left as a passenger on a motorbike towards the local bus station. Due to the rush of people fleeing, you were in a motorbike accident and injured your knee. You still caught the bus to back to your home in Benin city, Edo state before receiving medical assistance at a local hospital where you stayed overnight.

You told the panel that when you booked your CBT you had to do so through agents due to not having a domiciliary account which can facilitate Naira to Pounds currency conversion.

On 12 October 2022, Part B of your CBT was scheduled at Yunnik test centre. From Benin city to Ibadan, it took around six to seven hours of travel via public bus service. You told the panel that your desired test centre would have been Asaba in Delta State, which was

closest to you and where you completed Part A of your CBT, but it was no longer safe to sit your exam there due to civil unrest and the injury you suffered. Hence friends advised you to sit your exam closer to you in Yunnik. The Yunnik test centre is closer to your home state than the test centre in Lagos.

You booked a hotel for your stay in Ibadan to facilitate your test. This hotel was a 15-minute taxi journey from the Yunnik test centre. On 12 October 2022, you arrived at the test centre at 7am but it was not open. You returned to the test centre again at 9am when you were processed and admitted with your ID card, passport and biometrics. You left your belongings with the receptionist and were ushered to a desktop to complete your CBT.

You told the panel that you recalled the test centre having four rooms: the reception, a secretary room, a small room and a big hall with around 10 desktops for test takers.

You remembered starting the test at 10:27am and when you had finished you had gone over the test at least four times as you had found it difficult. You were not confident in your answers for around 20 questions out of the 100. You said you finished at about an hour, 37 minutes and around 23 or 24 seconds. You remembered wearing noise cancelling headphones which were at the desktop cubicle because there were other test takers, and the room was quote noisy.

You told the panel that you recalled leaving Yunnik test centre at 14:05 as you had to go back home to Benin as you were only given two days off work. You remembered having to sign your name out at Yunnik test centre.

You told the panel that you were an examiner for the NMC in Nigeria.

In cross examination, you said that you would describe yourself as an exceptional candidate but not a fast test taker. You feel that you are exceptional due to your nursing training in Nigeria. You believe your grades obtained in your previous nursing school examinations would be deemed exceptional. You said that you provided your transcripts to the NMC registration team, but this was not before the panel today.

You clarified that in Nigeria you were nominated as an invigilator and were an NMC examiner as a clinical instructors for practical exams.

You denied any involvement in the alleged fraudulent activity concerning the CBT test undertaken at the Yunnik Test Centre.

You said that you wanted to register in the UK as far back as 2006. However, in 2006, you suffered from family bereavement and did not proceed with your application. In 2009, your '*establishment*' did not allow you to leave Nigeria. You booked your CBT in Asaba for 29 September 2022.

You said that you began preparing for the CBT in March 2022. You said that your preparation consisted of online group chats, online classes and using practice materials via Pearson VUE resources. You told the panel that you would study on weekends due to the regular power outages and your work schedule. In a week you were studying for around two to three hours. In the 12 days before your test at Yunnik you were studying for around seven hours a day.

You said that you were not aware of the test centres in Ibadan and you did not check for this.

You told the panel that you did not seek to rely on your CBT resit times.

In response to panel questions, you said that to read all the questions alone it would take a person 10 minutes. You believe there may have been a '*mix up*' with the recorded time for your test.

Application to admit late evidence

Ms Khan submitted that during cross examination, you confirmed that you did not want to rely on your resit evidence. However, prior to panel's questions you produced your result paper from your fourth sitting of the CBT exam on 16 April 2024 in the United Kingdom.

As such, Ms Khan invited the panel to admit the document containing the full timings of your resit times.

The panel heard and accepted the advice of the legal assessor.

The panel determined that the document was relevant to its decision making and therefore decided to admit it.

Submissions continued

In further cross examination, you said that you did not take issue with the timings set out in your resit CBTs.

You explained that on 29 February 2024, you failed the clinical part of the resit CBT as you had suffered a bereavement of a close family member that day and were only informed on your journey to the test centre in Brighton, UK. The staff saw that you were upset and asked if you were okay to take the exam, but they did not speak of any potential way to resit the exam at a later date.

You accepted that that the times and score of your test in Brighton on 29 February 2024 is similar to that of your time and score obtained in Asaba on 29 September 2022.

In closing, Ms Khan submitted that on 12 October 2022 you sat your CBT in Yunnik and took around eight seconds to answer each question. She submitted that the probability of this happening is less than 0.0035%.

Ms Khan submitted that you have provided the panel with no evidence of any of the claims you have made during your live evidence. She outlined that there is no study material before the panel either.

Ms Khan reminded the panel that biometric capturing is not a facility provided by Yunnik test centre.

Ms Khan submitted that the inconsistencies in your accounts are retrospective explanations to fit your narrative and as such your live evidence is inherently unreliable and uncredible.

Ms Khan invited the panel to dismiss the appeal and uphold the refusal of the Assistant Registrar based on the credible, consistent and compelling evidence that your CBT results were obtained through fraudulent means. She submitted that your results in question cannot be safely relied upon as evidence that you are capable of safe and effective practice, or that you meet the character requirement for entry onto the register.

In closing, you thanked all parties in the hearing for giving you the opportunity to present your case. You understand the importance of maintaining the integrity of the NMC register and the regulator's responsibility for protecting the public.

You submitted that when the concerns were raised you took every step requested of you by the NMC as you were already offered employment in the UK. You told the panel that you passed your OSCE and no concerns have ever been raised about your nursing practise.

You said that this situation has affected you emotionally, psychologically, culturally, spiritually and financially.

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 at the time you took your CBT.

The panel considered all the documentary and live evidence with care. It approached its task in accordance with Article 37 of the Nursing and Midwifery Order 2001, applying the civil standard of proof: whether something was more likely than not. The panel reminded itself that demeanour is not a reliable indicator of truthfulness and therefore focused on

consistency with objective evidence, inherent plausibility, and the totality of the material before it. The panel found the evidence before it to be cogent and credible.

The panel had sight of the Pearson VUE data from Witness 4 and the independent expert analysis provided by Witness 5, including tables of data and graphs setting out the times taken globally and at other centres in Nigeria to complete the CBT. The panel noted the distinctly different time distribution plots when compared to the times achieved by candidates at Yunnik.

The panel had sight of statements and analysis provided by Witness 4. It had sight of Witness 5's data analysis, including diagrams which evidence the times taken globally, including other test centres in Nigeria, to complete CBT, compared to the times achieved at the Yunnik centre. The panel considered that Witness 4's findings were corroborated by Witness 5's independent research which outlined the stark difference in the test times taken at Yunnik as opposed to globally. The panel also considered that Witness 4 confirmed that there were no cyber-attacks or software malfunctions at Yunnik test centre.

The panel took particular note of the Pearson VUE evidence prepared by Witness 4 which identified patterns that were not found at other testing centres globally and the fact that the number of fraudulent cases at the centre increased over time, both of which were indicative of the use of human proxies. The panel considered that a proxy's increased familiarity with taking the tests and absence of being discovered were more likely than not to increase their speed and use at the test centre.

Having considered all the information before it, the panel noted the compelling generic evidence of statistical anomalies and patterns of suspicious behaviour at Yunnik. This included:

- Unusually fast test completion times, suggesting interference.
- Independent statistical analysis by Witness 5, confirming statistically significant discrepancies between CBTs taken in Nigeria (excluding Yunnik) and globally.

The panel also noted the evidence of Witness 4 detailing the pattern of proxy behaviour reported on days when the NMC have received admissions of fraudulent behaviour. The panel considered that the evidence of the witness statements of both Witness 1 and Witness 2, although hearsay in nature and not speaking of the day you took your test, provide contextual evidence that proxy activity was taking place at the Yunnik test centre and during the period in question. Again, the panel considered that these do not provide direct evidence of the day you took your test at Yunnik but provide further contextual evidence to support the proposition of fraudulent activity at Yunnik. The panel also referred to Witness 6's statement that there were 14 other logged admissions of their experience of fraudulent activities and use of human proxies at the Yunnik test centre. The panel considered this material to be properly admissible and to carry significant weight because it was consistent, corroborated, and aligned with the wider objective data.

Therefore, on the balance of probabilities, the panel found that it was more likely than not that there was widespread fraudulent activity taking place at the Yunnik centre.

The panel next considered whether it is more likely than not that you obtained your CBT result at Yunnik fraudulently.

The panel considered your evidence that you chose Yunnik to sit your CBT as it was prompted to you by colleagues as opposed to taking Part B in Asaba again where there was civil unrest. The panel accepted that your explanation for attending Ibadan to take your test was plausible as Asaba was closer to you but was not deemed safe, but you provided limited evidence as to why you chose Yunnik over any other centre in the Ibadan area.

The panel considered that your live evidence was inconsistent with the numerical data provided by Witness 4. The panel had sight of the timing of the other candidate who sat their test on 12 October 2022. The panel considered that you said that you had sat your test for over 1 hour and 30 minutes at the minimum. However, according to the same day data provided, the panel noted that another candidate started their test at 10:46am which correlates with the timings provided by Witness 4 which indicate that you finished your test at around 10:42am.

The panel considered that your live evidence was also inconsistent with the accounts of other witnesses of how the test room and test centre in Yunnik was laid out. The panel referred to Witness 4's statement which stated that there were only two desktop cubicles in a small room. As such, your claim of a larger test hall with around 10 desktops is unsubstantiated.

The panel had sight of the analysis provided by Witness 5 and Witness 4's data, including diagrams which evidence the time taken globally, including other centres in Nigeria, to complete the CBT, compared to the times achieved at Yunnik. 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: 14.17 minutes: Odds 1 in 28292.5.'

The panel noted that there was another candidate who took the test at Yunnik on the same day as you and during the same time period that was in close proximity to your test. The panel noted that although this candidate's test was not flagged within the suspicious threshold, this candidate surpassed the threshold by two minutes and as such would still be deemed to be a fast completion time. The panel concluded the probability of two exceptional and fast test takers being present in the same centre and on the same day, within five minutes of each other, is highly improbable and a strong indication of fraudulent activity and in all likelihood a proxy being in use at the centre at the time and date you took your test.

The panel noted your consistent evidence that you prepared very thoroughly for your CBT for around six to seven months, with various types of practice material, courses and WhatsApp and Telegram discussions with other prospective test-takers. The panel considered that most of these resources would be available globally, and that this would suggest that other people globally or in other test centres in Nigeria who accessed similar practice material might have been able to complete the test fast enough to meet the fraudulent concerns threshold. However, the data provided does not indicate such frequent and fast times at any other test centre. Further, the panel has seen evidence of your other CBT test sittings and there was nothing to suggest that you are a student who could complete exams in exceptional times with exceptional results.

In your live evidence you accepted that the CBT was an important exam for your future to progress in becoming a nurse in the UK as you had already been offered employment. As such, it found it even more implausible that you would have completed the CBT after such a short time. The more likely explanation is that you were confident in your result because of your use of a proxy.

The panel approached your evidence with care, recognising the potential impact of stress, language difficulties and cultural factors, and the need to distinguish credibility from reliability. However, your explanation did not provide any plausible account of the extremely rapid exam times recorded. Your account did not fit with the structure and expected duration of the CBT, the contextual evidence relating to that test day, or the wider pattern found at Yunnik. Although the panel accepted that you were doing your best to assist, your evidence was not sufficient to displace the strong objective indicators pointing towards the use of a proxy.

In view of the panel's decision that there was widespread fraud occurring at Yunnik, the panel found that due to the exceptionally quick time in which you achieved your CBT result, making you one of the fastest candidates globally, it was highly unlikely that you could have achieved this without the assistance of a proxy. When looking at the comparison between your times and those of the global candidate population, from a test centre where there was widespread fraud, the panel considered that the only plausible explanation for you achieving your passes in the times that you did, was that you either used a proxy or had the assistance of a proxy. This view is further supported by another other apparently exceptionally fast test candidate within a five-minute time period when you took your exam.

The panel was satisfied that there is cogent evidence in relation to exceptionally fast completion times, and the same day evidence at the Yunnik centre on that day, that you had completed the test with the assistance of a proxy. The panel therefore determined that it was more likely than not that you obtained your CBT result fraudulently.

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. The panel noted that it was for you to satisfy it that you meet the character requirements for successful admission on the register.

The panel had sight of the positive testimonial from Sussex Partnership NHS Foundation Trust before it and your apparently previous unblemished career but having found that you fraudulently obtained your CBT result and have maintained your position throughout your engagement with the NMC and this panel, the panel could not be satisfied that you are of good character. The panel had regard to 'The Code: Professional standards of practice and behaviour for nurses and midwives (2015)', in particular paragraph 20, which sets out that registered nurses are expected to uphold the reputation of the profession. The panel therefore concluded that, in all the circumstances of your case, you were not able to demonstrate this standard.

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 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.