

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
26 – 27 June 2025
11 and 23 September 2025**

Virtual Hearing

Name of Appellant:	Clara Chetachi Ibekwe
PRN:	1021719484
Type of case:	Registrations appeal
Panel members:	Angela Williams QPM (Chair, Lay member) Lynn Bayes (Registrant member) Tom Manson (Lay member)
Legal Assessor:	Graeme Henderson (26-27 June 2025) and Nigel Ingram (11 and 23 September 2025)
Hearings Coordinator:	Jumu Ahmed (26-27 June 2025) and Eidvile Banionyte (11 and 23 September 2025)
Nursing and Midwifery Council:	Represented by Mousumi Chowdhury (26-27 June 2025) and Robert Benzynie (11 and 23 September 2025), Case Presenters
Ms Ibekwe:	Present and represented by Victoria Thomas (26-27 June 2025 and 11 September 2025) and Gareth Waite (23 September 2025), instructed by 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 29 December 2023, 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.

The data in relation to your CBTs (which make up of 100 multiple choice questions in the clinical paper and 15 questions in the numeracy paper) shows that you have achieved a pass in your tests in the following times:

Registered Nurse (25 August 2022):

- Numeracy: 7.23 Minutes (Time allocated for test: 30 minutes).
- Clinical: 12.57 Minutes (Time allocated for test: 150 minutes).

Registered Mental Health Nurse (27 February 2023):

- Numeracy: 2.93 Minutes (Time allocated for test: 30 minutes).
- Clinical: 7.40 Minutes (Time allocated for test: 150 minutes).

Comparing your times 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:

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

- Witness statements of Witness 1 and Witness 2
- Your email dated 4 April 2024
- Your statement;
- Submissions from your representative at ERRAS; and
- Your employer reference dated 4 December 2023.

It is your case that you chose to sit your CBT at the Yunnik test centre in Ibadan as that test centre as you did not live near a CBT exam centre. Further, Yunnik was closer to the Tuberculosis Test Centre where you had organised to have a test to validate the processing of your visa application to travel. You said that doing the test in Yunnik also allowed you to stay overnight at your relatives if required. You said that you were not assisted to take the exam, that you finished in 'good time due to your knowledge and skills alongside your preparation for the test', and that you have not previously acted fraudulently.

The Assistant Registrar considered your explanation. The Assistant Registrar found that by passing the required tests, you demonstrated that you met the standard of proficiency required for NMC registration. However, in their view, this did not explain how you were able to obtain your test result from Yunnik in the time you did when comparing it against times taken by candidates globally. The Assistant Registrar was not satisfied that they had been presented with anything that changed the conclusion that you more likely than not obtained your CBT result fraudulently. The Assistant Registrar therefore determined that you did not meet the character requirements to be considered capable of safe and effective practice.

On 14 December 2023, you were informed that the Assistant Registrar had refused your application onto the register. You appealed the decision on 29 December 2023, within the 28 day time limit.

Evidence

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

- Witness 5: An independent Data Analyst who provided the NMC with an analysis of the data provided by Pearson VUE.

The panel also 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 sitting an exam at Yunnik.
- Witness 2: Band 4 Pre-registration nurse in the UK who provided her experience 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 6: Employed by the NMC as the Executive Director of Professional Practice.

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

Submissions

Ms Chowdhury, on behalf of the Nursing and Midwifery Council (NMC), outlined the background to the case.

Ms Chowdhury submitted that you sat two CBT tests in Nigeria, first on 25 August 2022 for the registered nurse adult test and second on 27 February 2023 for the registered mental health nurse. Ms Chowdhury referred the panel to your test times.

Ms Chowdhury referred the panel to the agreed statement of facts.

Ms Chowdhury submitted that it is highly improbable that you completed your tests in such exceptionally fast times and these times can only be explained by the use of a proficient test proxy taker.

At the resumed hearing on 11 September 2025, Mr Benzynie, the new case presenter on behalf of the NMC, submitted the below as a way of closing submissions.

Mr Benzynie submitted that the NMC evidence the panel has heard shows that the very fast test times, coupled with the other factors such as high-test scores, demonstrated that your test results, in particular that of 27 February 2023 are likely to have been obtained through fraud.

Mr Benzynie referred the panel to the evidence in support of the NMC's case. He acknowledged that Witness 1's and 2's evidence is hearsay evidence and that the panel will place such weight as it determined according to the evidence.

Mr Benzynie submitted that in relation to your February 2023 CBT tests, your tests times were exceptionally fast compared to others undertaking the same test in the rest of the world. He submitted that it is very unlikely that an honest test taker would have completed the CBT test that quickly. He further submitted that an honest test taker would take their time to check the questions and review the answers before submitting it.

Mr Benzynie submitted that there was no reason for you to rush your test. You had invested time, money and efforts in preparing for the CBT test, which provided an important opportunity for you to move to the UK, better career prospects, to earn more money, more safety and security. He submitted that it was not possible that you would not review your answers in the allocated time and that an honest test taker would not approach such an important exam in such way as you did. Mr Benzynie submitted that it is more likely that a human proxy completed or assisted you conducting your test.

With regards to the five pilot questions, Mr Benzynie reminded the panel that these extra five questions took you 14 minutes and 20 seconds to complete, a time that was noted to be double the time that you took to complete the entire clinical section which consisted of 100 questions. Witness 5 confirmed that you answered three out of five pilot questions correctly, despite taking longer on them than on the full CBT test. Mr Benzynie submitted that if, as you claimed, you completed your second CBT test so quickly due to additional preparation, and if the same rationale applied to the five pilot questions, you would have also completed those quickly.

Mr Benzynie referred the panel to Witness 4's comparison of the current question bank with the current official practice materials, in which he found only one instance of a crossover item between the current practice tests and live exams. Mr Benzynie submitted that therefore, undertaking the practice test cannot explain how you completed the CBT so quickly. He submitted that whilst thorough preparation for a test makes it more likely that the individual will pass, it does not account for the incredibly quick time taken when compared with the global benchmark population.

Mr Benzynie invited the panel to find that your CBT test, particularly in relation to February 2023, was obtained through fraud and therefore to dismiss your appeal.

Ms Thomas, on your behalf, submitted whilst it is agreed that there was generally speaking some fraud happening at Yunnik centre, not every candidate was involved in that fraud.

Referring to Witness 4's evidence, Ms Thomas submitted that this suggests there is no proximity analysis cause for concern in this case and that you give a detailed explanation as to why you chose this test centre for your exam.

With regards to the speed of completion of the exams, Ms Thomas submitted, referring to the evidence of Witness 4, that your times are within the realms of a proficient proxy tester. She then referred the panel to the specific part: *"Speed of completion is within the realm of a proficient proxy tester...and someone who is very familiar with exam content, structure of the exam"*. She submitted that whilst this could be a proxy tester, it could also be somebody who, through extensive and prolonged revision, has become very familiar with exam content and structure of the exam, which is your case.

Ms Thomas provided the panel with the comparison between Witness 4's and Witness 5's evidence and outlined some issues relating assessing that data.

Ms Thomas submitted that a proxy tester is fast because they have repeatedly done the exam questions over and over to become familiar with them. She submitted that if the questions are available and you had it and have repeatedly practised them again and again, worked in study groups with colleagues, trained other people, why would you be any different to a proxy tester who was able to become that quick.

Ms Thomas referred the panel to your test times and provided a comparison with the other test takers on the day.

Ms Thomas invited the panel to take Witness 1's and 2's evidence with caution as it is hearsay evidence and has not been tested. She submitted that there was not a single admission about proxy attendance in the month of August 2022 when you sat your first CBT test. She further submitted that there are also no such admissions from 9- 27 February 2023, when you sat your second exam.

Ms Thomas submitted that there is no rationale or explanation why the NMC chose the particular threshold as there is nothing special about it that would be more or less likely to be indicative of a proxy test taker.

With regards to Witness 4's analysis of the practice question material available online, Ms Thomas submitted that this analysis did not look at all of the practice material available and did not look at all the material you or other candidates had. She submitted that it is quite possible that the actual questions that are in the CBT bank of questions were available to candidates in their preparation.

Ms Thomas reminded the panel that there was no CCTV at the Yunnik centre and that Pearson VUE did not go to the centre to examine or test the computers or other hardware as part of this investigation.

Ms Thomas submitted that the NMC falls far too short of proving fraud in your case on any balance.

With regards to the additional five pilot questions, Ms Thomas submitted that they were optional and did not count to the final result. She further submitted as these were new questions, they would not have been amongst the circulated practice questions that you would have been revising and that is why you would not have answered those as quickly as the other test questions. She further submitted that it is unlikely that a proxy tester would take time to do these voluntary pilot questions, but an honest test taker- would.

Ms Thomas invited the panel to allow the appeal.

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 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 had sight of the Pearson VUE data 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.

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 significant discrepancies.

The panel also noted the evidence provided by Witness 1 and Witness 2 alongside the further first-hand accounts summarised in the statement to Witness 3, which provided useful contextual information about the alleged use of proxy testers at Yunnik.

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 Yunnik.

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

The panel considered your evidence regarding why you had chosen to sit your CBTs on 25 August 2022 and 27 February 2023 at the Yunnik test centre. The panel accepted your reasons for attending the Yunnik test centre in that you had family members who lived close by who would help you with transport arrangements and on the second occasion, when you attended to complete your mental health nurse CBT on 27 February 2023, you would also attend your tuberculosis test and a visa application appointment.

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 4's evidence of your same day data from 25 August 2022 and 27 February 2023;

The panel noted that on 25 August 2022, five other candidates took the test at Yunnik. Of these five other candidates, two appeared to have fraudulent times yet three did not. The panel concluded the probability of three exceptional test takers in the same centre and on the same morning is improbable and a strong indication of proxy testing.

The panel noted that on 27 February 2023, two other candidates took the test at Yunnik. Of these, both candidates appear to have fraudulent test times. Of note, your test times on 27 February 2023 when "rounded up", were approximately three minutes and eight minutes respectively. The other two test takers on this morning had "rounded up times" of four minutes and eight minutes and six minutes and seven minutes respectively. The panel concluded the probability of three exceptional test takers in the same centre and on the same morning is improbable and a strong indication of proxy testing.

The panel had sight of the analysis provided by Witness 5, 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 considered Witness 5's analysis of your specific data, which provided the following odds of how achievable your test times were:

25 August 2022:

"Evaluated Clinical Timing: 12.57 minutes: Odds 1 in 56,478

Evaluated Numeracy Timing: 7.23: Odds 1 in 352.26"

27 February 2023:

"Evaluated Clinical Timing: 7.4 minutes: Odds less likely than 1 in 56,478

Evaluated Numeracy Timing: 2.93: Odds less likely than 1 in 58,123"

It is the evidence of Witness 6 that so far, 18 individuals have come forward and made admissions to using a proxy tester at the Yunnik Centre. 16 of those individuals remain anonymous. Additionally, the panel had before it the data from Pearson Vue with regards to the times taken to complete the CBT at the Yunnik Centre. Witness 6 records the

accounts given by 14 of individuals and in three admissions, the time recorded for Part B (Clinical) was inside the threshold of 1 in 2,500 but the time recorded for Part A (the numerical test) was just outside the 1 in 2,500 threshold.

The panel considered the witness statements of both Witness 1 and Witness 2, who describe attending for the CBT at the Yunnik Centre and subsequently being pressured into using a proxy tester.

Considering all this information, the panel was satisfied, on the balance of probabilities, that there is sufficient evidence to support the claim that you obtained your CBT test results at Yunnik fraudulently.

The panel next considered whether it is more likely than not that you used a proxy test taker in obtaining a satisfactory test result from the Yunnik centre in Ibadan, Nigeria.

The panel noted that the burden of proof was on the NMC.

The panel considered that there were a number of points that supported your case: It noted that there was no CCTV footage at the test centre and that this centre ran exams between 2019 and 2023. The panel was of the view that Pearson VUE did not do due diligence as the test centre was closed down quickly, there was no evidence before the panel to suggest that the test centre was visited and no evidence to explain what due-diligence steps were taken after closure.

The panel further noted that you had no previous regulatory concerns or allegations of fraud or dishonesty and that you had good references from the UK and overseas. It also noted that you had been an experienced nurse of several years.

The panel also accepted your explanation as to why you chose Yunnik as your test centre and that whilst it was not the closest one to you, your family lived close by and it was the safer test centre to attend. The panel also noted the evidence you had provided in support of this, including your flight tickets, pre-requisite medical test for the visa and the visa appointment confirmations.

Finally, the panel noted that there were no other admissions from witnesses coming forward using a proxy on the two days that you sat your CBT tests.

The panel then went on to consider the points that supported the NMC's case against you.

The panel noted that the practice material online was available globally to all and that there were numerous admissions of proxy users (including Witness 1 and Witness 2) at the test centre. The panel also noted that it was accepted that there was more than one proxy at the Yunnik test centre.

The panel further noted that there were no IT faults reported at the time, and you did not try to suggest that there were any.

In terms of your rapid completion times, the panel noted that such speed suggests the use of a proxy test taker. The panel also noted that on both occasions you sat your CBTs, other candidates were suspected of fraudulent activity and in particular, on your test taken on 27 February 2023 when both the other test takers were suspected of fraud.

With regards to your academic achievements, the panel was of the view that the evidence before it showed that you were a good, but not an exceptional student, that you received As, Bs and Cs, rather than just As*. It considered it unlikely that your results would improve so quickly in such a short time between the two tests given your past academic history.

The panel then considered the issue surrounding the five pilot questions which you completed on your first attendance at Yunnik on 25 August 2022. It noted that these pilot questions came in place on 24 August 2022, but the first full-day of the pilot questions was the day that you took your test. The panel had regard to your test times and the fact that you achieved 86% in 100 test questions in 12.57 minutes and compared it to your results in the five pilot test questions at the end of the test, achieving 60% in 14 minutes. The panel was of the view that this was indicative of you using a proxy test taker.

The panel concluded that the only reasonable explanation for your fast completion was that you had used a proxy test taker to achieve your CBT results fraudulently. Of particular

note, the panel concluded that in relation to your exceptional test times achieved on 27 February 2023, that no one outside of Yunnik across the world had achieved such a result.

In view of the panel's decision that there was widespread fraud occurring at Yunnik, the panel found that due to the exceptionally quick times in which you achieved your CBT results, 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.

The panel therefore concluded that the NMC proved, on the balance of probabilities, that you had used a proxy to take your CBTs on 25 August 2022 and 27 February 2023.

Finally, the panel went on to determine whether you meet the character requirements for admission to the NMC register. The panel had regard to the NMC guidance on health and character, in particular 'Factors that we take into account when considering character cases', last updated on 5 September 2024. The panel was aware that it was for you to satisfy the panel that you met the character requirements for successful admission on the register.

The panel acknowledged your experience as a nurse and your lack of previous regulatory concerns. The panel also considered the testimonials provided. However, the fraudulent nature of your CBT test indicates that you do not meet the requisite good character. The panel concluded that the integrity of the NMC register must be upheld by admitting only those with recognised qualifications and of good character, ensuring safe and effective practice.

Therefore, the panel determined that you do not meet the required standard of character for registration. While recognising that these were isolated acts of dishonesty, the panel determined that it is of such seriousness that admitting you to the register could impact the integrity of the profession and undermine public confidence.

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

You have the right to appeal this decision. If you appeal the decision, you must submit your appeal to the county court within 21 days of this decision.

This will be confirmed to you in writing.

That concludes this determination.