

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Thursday, 6 November 2025- Friday, 7 November 2025**

Virtual Hearing

Name of Appellant:	Osariemen Gabriel Imafidon
PRN:	1022591247
Type of case:	Registrations appeal
Panel members:	John Anderson (Chair, lay member) Louisa Hilton (Registrant member) Sally Allbeury (Lay member)
Legal Assessor:	Jeremy Barnett
Hearings Coordinator:	Eidvile Banionyte
Nursing and Midwifery Council:	Represented by Uzma Khan, Case Presenter
Mr Imafidon:	Present and unrepresented
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 May 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.

On 21 December 2022 you took the Clinical CBT at a test centre in Lagos which you failed.

On 11 January 2023, you re-took the test at the Yunnik centre. The data in relation to your CBT shows that you achieved a pass in your test in the following time:

- Clinical: 7.35 Minutes (Time allocated for test: 150 minutes).

Comparing your time to complete your test 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
- Assistant Registrar's letter to you dated 5 December 2023
- 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
- Other test activity at Yunnik on the date you sat your test
- Your email dated 24 April 2024

- Reference from Person 1 dated 23 April 2024

In your correspondence you stated that you took the test on your own and that you have never been involved in any criminal activities. You stated that the closest test centre to you was in Asaba but there were no test appointments available in January 2023, so you chose Yunnik in Ibadan which was the next closest centre to your address. You said you were unaware of any fraudulent concerns about the Ibadan centre.

You explained that you prepared for the CBT by using an application from Google Play store which had about 1500 practice questions, you also said that you also used materials from Telegram groups and the Pearson VUE page. You further stated that nothing extraordinary happened on the day of your exam and that the test administrator conducted your pre-exam checks and set up your computer. You explained that although you felt confident, you consider your CBT time of under 8 minutes to be too quick to complete 100 questions despite you believing you are a fast reader and writer. You also stated that you re-took the CBT and sat the OSCE to show that you value the profession.

The Assistant Registrar considered your explanation. In their view, you 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. The Assistant Registrar considered that by passing the new CBT you have demonstrated that you meet the standard of proficiency required for NMC registration. However, this does not demonstrate that your CBT result from Yunnik was obtained honestly, neither does it 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 therefore decided that you did not meet the character requirements for registration.

On 3 May 2024, you were informed that the Assistant Registrar had refused your application onto the register. You appealed the decision on 30 May 2024 within the 28-day time limit.

In your grounds for appeal, you maintained your position that you had not acted fraudulently and said that “...*if I was fraudulent, I would have encouraged my spouse to go there and do hers there but I did not because I did not have knowledge of what was happening there*”.

On 23 January 2025, you were provided with the evidence bundle for the Registrations Appeal Hearing and a Standard Directions Form (SDF). When you returned the SDF on 7 February 2025, it contained your admission that a man recited answers to you at the test centre.

Evidence

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 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 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.

Decision and reasons on application for hearing to be held in private

During your oral evidence, you made a request that this case be held partially in private on the basis that proper exploration of your case involves reference to [PRIVATE]. The application was made pursuant to Rule 30 (1) of the NMC (Education, Registration and Registration Appeals) Rules 2004, (the Rules).

Ms Khan, on behalf of the NMC, indicated that she did not object to this application.

The panel accepted the advice of the legal assessor.

The panel determined to go into private session in connection with [PRIVATE] as and when such issues are raised in order to protect your privacy.

Submissions

Ms Khan outlined the background to the case.

She referred the panel to your CBT test time. She also referred the panel to your appeal documents and the correspondence with the NMC.

Ms Khan provided the panel with a comprehensive review of the fraudulent activity at the Yunnik centre and told the panel about the background to your CBT exam.

She invited the panel to dismiss your appeal and to uphold the refusal of registration.

You gave evidence under oath.

You told the panel about your professional background.

You explained to the panel why you chose the Yunnik test centre and told it about your journey there.

You explained to the panel that having arrived at the test centre, you met an elderly man who you presumed to either be the owner or the person who ran the place. You further explained that after you started the exam, he came behind you and started giving you the answers to the questions, which you subsequently entered. You told the panel that now you know that you should not have listened. You explained that this man told you that your exam was close to his prayer time and that he had to go to a prayer, so he rushed you to complete it and assured you that the answers he was giving you were right. You said that he persuaded you to enter his answers so that he could leave the office on time. You told the panel that at the time, you understood that it was wrong.

In particular, you gave evidence about a number of issues which were explored in cross-examination, including your:

- Reasons for persistently denying the use of a proxy,
- Lack of awareness that there was widespread fraud in Yunnik centre,
- Evidence that other candidates were allowed to give their evidence anonymously,
- Misunderstanding of the meaning of the word proxy.

You also told the panel [PRIVATE].

You admitted that you were not completely honest but that you did not know that there was fraud going on at Yunnik and that you thought that the man was doing you a favour and that you did not know that what he was doing was part of a fraud.

You told the panel about the steps you took to prepare for your CBT.

You also told the panel that you were “*pretty sure*” that this would never happen again.

In your cross-examination you explained that you only admitted to what has happened when you found out that the NMC kept their witnesses’ identities anonymised. And that you were not honest from the start because you were concerned about the [PRIVATE] back home in Nigeria. You said that you realised this when you received the two anonymised witness statements with the communication of the Registrar’s refusal of 3 May 2024.

Closing submissions

Ms Khan submitted that your evidence in this case has been inconsistent. She submitted that the panel cannot rely upon anything that you have said today because all of the evidence that you have given has been predominantly inconsistent. Ms Khan invited the panel to dismiss your appeal.

Ms Khan submitted that the evidence before the panel demonstrates that your CBT result from Yunnik was obtained by fraudulent means and that your subsequent explanations and admissions confirm that the misconduct was deliberate and dishonest. She further submitted that you continued to be dishonest throughout these proceedings.

Ms Khan submitted that your correspondence with the NMC and your oral evidence shows that your account has shifted repeatedly. She told the panel that you initially denied having any assistance, asserting that you had sat your test alone and it is only when you had been confronted with the statistical evidence, did your story evolve to admit that another person told you the answers and that you did not realise that this was proxy test taking. Ms Khan further submitted that your later attempt to portray yourself as somewhat confused or in a hurried situation, under pressure were self-serving and did not explain

why you continued with the test. It did not explain why you relied upon that exact CBT to advance your registration application and why you failed to report this incident to Pearson Vue or the NMC.

Ms Khan submitted that you continue to demonstrate evasiveness and lack of candour. She submitted that you avoided direct answers to straightforward questions and sought to minimise your responsibility.

Ms Khan submitted that the continuing dishonesty and lack of genuine reflection are highly material to the panel's assessment of your character. She submitted that you have shown no real insight into the seriousness of your actions or their impact on public confidence in the profession. She further submitted that your expressions of regret are directed towards the personal consequences for yourself and your family, but not towards the breach of trust upon the profession.

Ms Khan submitted that your actions were premeditated, calculated to mislead and directly undermines the system designed to protect patients and maintain professional standards.

Ms Khan submitted that you have not demonstrated honesty, integrity or the insight required of a registrant to permit your registration. In these circumstances, allowing your appeal would erode public confidence in the NMC's processes and convey that integrity is negotiable. Ms Khan invited the panel to dismiss your appeal and uphold the decision of the Assistant Registrar.

In your closing submissions you told the panel that you were truthful and honest in your evidence today.

You told the panel that if faced with a similar situation again, you will not lie. You explained that in the last two years you have become a better nurse and a better person. You said you would never again be dishonest as this is not your character and that it is not who you are.

You told the panel that going along with the fraudulent scheme at Yunnik was the biggest mistake of your life. You stated that this was a single mistake in which you prioritised yourself over your patients and the NMC and that you know it was wrong.

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 noted your acceptance and admissions that you received assistance during your CBT at Yunnik. In your Standard Direction Form submitted to the NMC on 17 October 2025, you stated:

'I wish to add the reason I did not inform the AR that the person I met at the center read out the answers I inputted that aided my pass at Yunnik.

1. The understanding i had about a proxy tester is that someone else was taking the tests on a person's behalf.

2. I did not know how dangerous the owner of Yunnik is as he had my details at his disposal if he so wish to use it as my loved ones are at the address i used for registration of the examination and how the NMC was going to be discreet about the information shared.

3. I was too ashamed to inform my spouse about what happened at Yunnik because that does not reflect who i am, i have never been involved in fraud or crime in any form and will never do anything to put my patients in harm. Have informed her and my family and have made peace with them.

4. I read the code so I can pass my exam, but now I have had the opportunity to re-read and understand the NMC code, which is like my religious book serving as a guide to how I practice as a Nurse.

5. The person i met at Yunnik hurried me that it was close to his prayer time as a muslim and because i have to travel back to benin same day that was the reason i accepted. Looking back now, I should never have accepted as I also did not want to lose the money with which I registered for the exam because that was the threat made by the man.

As a professional Nurse, I ought to do better as it is my duty of candor to report every fraudulent activities no matter how little I think they are.

I did not go to Yunnik with the intention of committing a crime but to pass my exams as it was closer to Benin for me than Lagos.'

The panel was therefore satisfied, that you obtained your CBT test results at Yunnik fraudulently.

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, guidance on dishonesty DMA-8, last updated 6 May 2025, the NMC Code of Conduct 2015 (the Code) and the duty of candour. 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 reference you had provided. It noted that this reference was positive, indicating that your ward manager had no concerns with regards to your practice or your ability to develop your nursing career. However, the panel noted that this reference was written on 23 April 2024. It also noted the NMC's written submissions on registration appeal panel hearings relating to the Yunnik test centre, dated 21 October 2024, and specifically:

'If an appellant admits to using a proxy, or being involved in fraud in some other way, it is open to the appellant to attempt to reassure the RAP that they are, nonetheless, capable of safe and effective practice. This would likely require them to give a detailed account of the circumstances of their Yunnik CBT, detailed and reassuring reflections on their involvement in that fraud, reflections and reassurances about how they would avoid being involved in anything similar again and a supportive employer reference which makes reference to the admission made.'

The panel noted that this reference was from some time ago and it made no mention of your admissions that you received assistance during your CBT at Yunnik. The panel therefore could not place much weight on this reference as it was unclear whether your employer was fully aware of your admissions. You told the panel that your employer was aware of this, however, the panel had no evidence before it to confirm it.

The panel also considered your oral evidence at this hearing and that you explained that [PRIVATE]. However, the panel determined that these did not excuse the dishonest actions that you took in this case.

The panel further determined that you were driven by self-interest and that you absolutely would have known that what you were doing, relying on assistance to answer test questions, was dishonest. The panel determined that any ordinary person would also consider this behaviour to be dishonest.

The panel also determined that you were not honest in your oral evidence at this hearing and that there were a number of inconsistencies in your accounts. The panel noted in your oral and written evidence that you had not actively procured the fraud. You had been dissuaded from disclosing the fraud because you were fearful of the potential actions by the owner/manager if your identity was disclosed to him. You told the panel that you realised you could remain anonymous when you received the second decision dated 3 May 2024. However, the panel noted that in your appeal against the Assistant Registrar's decision dated 30 May 2024, you maintained that you had not seen or experienced anything unusual when taking the test. It was not until some nine months later, in your SDF dated 7 February 2025, that you first admitted using a proxy.

The panel further determined that you showed little insight into your conduct and how it affected the profession, rather focusing on how it affected [PRIVATE]. There was also no evidence before the panel to show that you had disclosed your dishonesty to your employer, and the panel could not be reassured that if faced with a similar situation again you would not resort to being dishonest.

The panel determined that the fraudulent nature of your CBT together with your continuing dishonesty indicates that you do not meet the good character requirement. The panel

concluded that the integrity of the NMC register must be upheld by admitting only those with recognised qualifications and of good character to ensure safe and effective practice.

Therefore, the panel determined that you do not meet the required standard of character for registration. The panel determined that this was not an isolated act of dishonesty but repeated instances of dishonesty over a period of two years. 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.