

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Wednesday, 24 – Thursday, 25 September 2025**

Virtual Hearing

Name of Appellant:	Oluwaseun Olufisayo Kolawole
NMC PRN:	1022304076
Type of case:	Registrations appeal
Panel members:	Ingrid Lee (Chair, lay member) Godfried Attafua (Registrant member) Alison Fisher (Lay member)
Legal Assessor:	Andrew Reid
Hearings Coordinator:	Franchessca Nyame
Nursing and Midwifery Council:	Represented by Uzma Khan, Case Presenter
Mrs Kolawole:	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 ('AR') 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 AR, dated 3 October 2024, that you did not meet the character requirements for registration to the NMC register.

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

Ms Collins, on your behalf, made an application for this case be held partly in private on the basis that the documentation before the panel makes reference [PRIVATE]. The application was made pursuant to Rule 30(1) of the 'Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004' ('the Rules').

Ms Khan, on behalf of the NMC, indicated that she supported the application.

The legal assessor reminded the panel that while Rule 30(1) provides, as a starting point, that hearings shall be conducted in public, it also provides the panel with the power to conduct all or part of the hearing in private.

Having heard that there will be reference [PRIVATE], the panel decided to go into private session as and when such issues are raised.

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 3 August 2023, the NMC's Registrar decided to use, as a benchmark, 1 in 2500 probability threshold to identify tests which were taken at such speeds that it considered it unlikely that they were conducted without using fraud, most likely a proxy test taker.

The Pearson VUE raw data provided to Witness 5 had your times as follows:

- Numeracy: 5.57 minutes (Time allocated for test: 30 minutes)
- Clinical: 14.47 Minutes (Time allocated for test: 150 minutes).

Following Witness 5's analysis and removal of time taken to move between screens and consider instructions provided, he cited that the actual times taken to complete your CBT were as follows:

- Numeracy: 5.22 minutes: Odds 1 in 3419.0 (Time allocated for test: 30 minutes)
- Clinical: 13.03 Minutes: Odds 1 in 28292.5 (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 AR took into account the following documentation from the NMC:

- Your completed application
- The 'evidence bundle' consisting of:
 - Witness statements of Witness 1 and Witness 2
 - Witness statements of Witness 4, Director of Information Security and Security Services at Pearson VUE
 - Expert reports by Witness 5, Head of Data Analytics at OAC
 - Witness statements of Witness 6, Executive Director of Professional Practice at the NMC
- Other test activity at Yunnik on the date you sat your test

The AR also took into account the following documentation from you:

- Your emails dated 20 August 2024 and 13 September 2024
- Discharge summary letter from Wexham Park Hospital dated 16 April 2024
- Letter from State Hospital Sokenu dated 22 December 2022

In your correspondence you stated that *'while you were at Yunnik on 31 October 2022 to sit your CBT, [PRIVATE]. You said that you were about 2 hours away, with*

[PRIVATE]...you said that although you could have stopped the CBT, your husband encouraged you to attempt it – which you did in a hurry.'

It is your case that you chose to sit your CBT at the Yunnik test centre in Ibadan as it was the nearest available test centre when you input your address during the online booking process.

The AR considered your explanation. The AR found that, despite your claim that circumstances you faced on the day you took your test at Yunnik motivated you to complete your test quickly, this did not explain how you were able to obtain your test result in the time you did when comparing it against times taken by candidates globally. The AR 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 AR therefore determined that you did not meet the character requirements to be considered capable of safe and effective practice.

On 3 October 2024, you were informed that the AR had refused your application onto the register. You appealed the decision on 29 October 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 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.

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

- Your CV
- 9 testimonials provided by colleagues and staff from your employment in both the UK and Nigeria dated July 2024 – August 2025
- Seven academic certificates, including your IELTS results dated 17 December 2022
- A letter from UK Visas and Immigration regarding your successful visa application dated 5 July 2023
- Practice Material bundle

You also gave live oral evidence.

You accepted that your CBT test times were fast, but maintained that you did not use a proxy tester to complete your CBT.

You said that, in preparation for the CBT, you used Pearson VUE practice materials, attended WhatsApp study groups and watched YouTube videos. It was your evidence that, after regularly studying with the practice materials, you got familiar with the practice questions and were able to answer the questions with ease during the CBT because you were confident. You also said that your previous experience as a nurse in Nigeria assisted you when taking your CBT.

However, you also stated that, at the back of your mind, you knew you were rushing as you had to [PRIVATE] shortly before arriving at the Yunnik test centre. You said that, because [PRIVATE], you did not review your answers before finally submitting your CBT.

You said that you booked your CBT online and, although there were other test centre options that came up when you entered your address, Yunnik test centre was the nearest available test centre. You estimated that the distance from your home to the Yunnik test centre was roughly one hour and 40 minutes, but that it would differ depending on traffic. It was your evidence that, during your CBT, there was one other candidate in the room also taking their CBT. Your description of the exam room's layout was such that neither you nor the other candidate could see each other's computer screen. You said that the other candidate was still completing their test when you left, and that there was nobody else around when you got your CBT results back.

[PRIVATE].

Submissions

Ms Khan submitted that, based on all the evidence before it, the panel can be satisfied that the NMC has discharged its burden of proof. She invited the panel to dismiss your appeal and uphold the AR's decision.

Ms Khan submitted that the panel has seen clear and overwhelming evidence that the Yunnik test centre was at the centre of widespread proxy testing and fraud between 2019 and 2023. She also reminded the panel of your clinical (13.03) and numeracy (5.22) test times and the odds of you achieving such exceptionally fast test times. She further

submitted that this is not a case of a bright candidate rushing [PRIVATE], and the data points to one conclusion: that your CBT results could not be genuine.

Ms Khan referenced your explanation that you rushed the CBT due to [PRIVATE]. In response, she questioned whether an ordinary parent would still complete the exam and be able to produce one of the fastest results recorded worldwide in such circumstances. She submitted that this explanation is an afterthought constructed to explain away results that the objective evidence shows are not credible.

Ms Collins highlighted that you provided positive testimonials which speak to your honesty and integrity. She submitted that you are a well-respected, qualified nurse who has had an unblemished career.

Ms Collins further submitted that you were open and honest in that you said you have not passed every exam you have ever sat and you are not afraid of failure. She invited the panel to take this into account assessing the likelihood of you engaging with a proxy tester.

Ms Collins went on to submit that, despite the NMC's suspicion with regard to your selection of the Yunnik test centre for your CBT, it has never been suggested in writing that there was a closer test centre. Moreover, the high point of the NMC's evidence is that there are six test centres in Ibadan and the panel has not been told where those test centres are.

Ms Collins submitted that the evidence presented by the NMC shows that not every candidate at the Yunnik test centre engaged with or used a proxy tester. She added that you had a familiarity with the nature of the questions because of the practice materials and the discussions that were had in the WhatsApp study group.

[PRIVATE].

Ms Collins submitted that the panel should therefore uphold this appeal, and find that the NMC did not establish on the balance of probabilities that you engaged in any fraud at the Yunnik test centre.

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 considered the witness statements of Witnesses 1 and 2, who give detailed accounts of the CBT at the Yunnik test centre and the use of proxies. Additionally, the panel had before it the data from Witness 4 with regards to the times taken to complete the CBT at the Yunnik test centre. It is the evidence of Witness 4 that the data obtained is accurate and indicative of fraud, and that it could not be attributed to an electrical or IT failure. This was corroborated by the independent data analysis of Witness 5, including diagrams which evidence the distribution of the times taken to complete the CBT both globally and at all other centres in Nigeria, compared to the times achieved at the Yunnik test centre. Further, the panel took into account the witness statements of Witnesses 3 and 6 which include admissions from other candidates regarding the use of proxy testers the Yunnik test centre between April 2022 – March 2023. The panel also noted that all this information is set out in the Statement of Agreed Facts which both the NMC and RCN have accepted and signed. For these reasons, the panel was satisfied that there is evidence before it to support that widespread fraud occurred at the Yunnik test centre.

The panel next considered whether it is more likely than not that you engaged in fraud to obtain your CBT result from the Yunnik centre on 31 October 2022.

The panel accepted your oral evidence about the booking process, which it determined was clear, consistent and plausible, that you were presented with the Yunnik test centre as the test centre nearest to you when you booked your CBT online. With no evidence before it from the NMC to contradict your account, the panel was not satisfied that it has sufficient evidence that you purposefully selected the Yunnik test centre to fraudulently procure your CBT results.

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: 13.03 minutes: Odds 1 in 28292.5

'Evaluated Numeracy Timing: 5.22: Odds 1 in 3419.0'

The panel noted that there were three other candidates who attended the Yunnik test centre on the same day whose CBT times were exceptionally fast and fell within the 1 in 2500 threshold. The panel was of the view that these results, including your own, indicate that it is more likely than not that fraudulent activity was taking place at the Yunnik test centre on 31 October 2022, and more likely than not that a proxy tester was in use. The panel had regard to the practice questions for the clinical test which consisted of 100 questions with four multiple choice answers each. The panel took into account that the time you took during your clinical test would have meant that you had taken an average of eight seconds per question. The panel considered this to be implausible.

You provided the panel with information regarding your preparation for the CBT. While the panel accepted that Pearson VUE practice materials and study groups would assist a candidate in preparing for the CBT, it bore in mind that these materials were accessible worldwide. As such, the panel considered that it would expect to see similar exceptionally fast test times being produced in test centres globally, which the data indicates is not the case.

In addition, it considered that you said you had relied on your 15 years of clinical experience as a registered nurse as another reason for your exceptionally fast test times. Whilst the panel accepted that nursing experience could assist a candidate in the CBT, it was not satisfied that it would deliver such exceptionally fast test times and high scores.

Furthermore, the panel referred to the documents you provided in respect of your academic history which, although good, do not demonstrate that you were an exceptional student. The panel also noted that this was not an explanation you relied upon.

The panel noted that candidates can re-sit the CBT on three occasions before a mandatory six-month pause must be taken until they are permitted to take the CBT again.

It considered that this supports the notion that candidates have a number of opportunities to sit the exam.

[PRIVATE], and taking into account your preparedness for the CBT and your close proximity to the Yunnik test centre at the time, the panel accepted your explanation that, instead of immediately returning to your home state [PRIVATE], you decided to complete your CBT. The panel also accepted that this may have prompted you to complete the CBT in a faster time [PRIVATE]. However, the panel was not satisfied that these circumstances would lead to the exceptionally fast test times and high scores that you achieved.

The panel considered that your explanations with regard to your exceptionally fast test times did not undermine the evidence provided by the NMC that you obtained your CBT results fraudulently or through a proxy tester. It concluded that the only reasonable explanation for your fast completion of the CBT was more likely than not that you obtained your test results fraudulently. It also concluded that, in light of the evidence available regarding fraudulent activity taking place at the Yunnik test centre, that in all likelihood you obtained your result with the use of a proxy tester.

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, last updated on 5 September 2024. In particular, the panel noted:

‘When exercising our functions we have to consider our overarching objective which is the protection of the public and involves:

10.1 protecting, promoting and maintaining the health, safety and wellbeing of the public

10.2 promoting and maintaining public confidence in the professions and

10.3 promoting and maintaining proper professional standards and conduct for members of those professions...

Our Code sets the standards of health and character expected of a registered nurse, midwife and nursing associate when they are on the register. When applying to join the register or during revalidation, nurses, midwives and nursing associates must commit to uphold the Code. This commitment includes a promise to 'Uphold the reputation of your profession at all times'. To achieve this, you must:

19.1 keep to and uphold the standards and values set out in the Code (20.1)

19.2 act with honesty and integrity at all times, treating people fairly and without discrimination, bullying or harassment (20.2)

19.3 be aware at all times of how your behaviour can affect and influence the behaviour of other people (20.3)

19.4 keep to the laws of the country in which you are practising (20.4)

19.5 maintain the level of health you need to carry out your professional role (20.9).'

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

The panel was of the view that its previous finding that you obtained your exceptionally fast CBT times fraudulently inherently demonstrates dishonest conduct. This is because, not only did you fraudulently obtain CBT results and then submit them to the AR, but, given your oral evidence, you maintained this position throughout this appeal hearing demonstrating an ongoing lack of honesty and integrity. The panel determined that this indicates you do not meet the character requirements for admission to the register.

The panel therefore decided to dismiss your appeal, to uphold the decision of the AR, thereby refusing you 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.