

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
22 – 23 July 2025**

Virtual Hearing

Name of Appellant:	Reef Kauna Matthias
Type of case:	Registrations appeal
Panel members:	Judith Ebbrell (Chair, Registrant member) Howard Millington (Lay member) Linda Hawkins (Lay member)
Legal Assessor:	Jayne Salt
Hearings Coordinator:	Dilay Bekteshi
Nursing and Midwifery Council:	Represented by Uzma Khan, Case Presenter
Mr Matthias:	Present and represented by Victoria Thomas, 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 10 April 2024, that you did not meet the character requirements for registration to the NMC register.

Background

On 16 March 2023, Pearson VUE, the NMC's computer-based test (CBT) provider, alerted it to unusual data relating to tests taken at Yunnik Technologies Ltd test centre in Ibadan, Nigeria (Yunnik). The CBT test is in two parts, numeracy and clinical. The data raised questions about whether some or all of the CBT results at Yunnik had been obtained through fraud and called into question the validity of all tests taken at Yunnik.

Following completion of the NMC's initial investigation into this issue it concluded that there was evidence of widespread fraud at the Yunnik centre, where a large number of candidates had allegedly fraudulently obtained their CBT. The NMC asked Pearson VUE to provide it with assurance that the data concerning tests taken at Yunnik were accurate, and not the result of a system error, cyber-attack, or other technical issue. Pearson VUE confirmed that, following a detailed investigation into the testing facility at Yunnik and review of the data, Pearson VUE were satisfied that there was no evidence of system error, cyber-attack, or other technical error and that the data was indicative of one or more proxy testers operating at the centre.

The NMC next asked an independent data analytics expert of OAC Limited (OAC), Witness 5, to provide the NMC with an objective analysis of the data provided by Pearson VUE. OAC looked at the times in which CBT candidates at Yunnik took to achieve their CBT pass, compared with times taken by CBT candidates from other test centres in Nigeria and globally. Using this data, OAC then calculated the probability that each CBT candidate at Yunnik could achieve their CBT pass within the time it took them to complete

the test. OAC's analysis of the data supports Pearson VUE's conclusion that there may have been widespread fraudulent activity at Yunnik probably through a proxy tester acting on behalf of test candidates.

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

- Numeracy: 05.18 Minutes (Time allocated for test: 30 minutes).
- Clinical: 12.72 Minutes (Time allocated for test: 150 minutes).

Comparing your time to complete your tests with times taken by candidates globally, it was considered very unlikely by the NMC that you could have achieved a pass in your tests within the times it took you to complete them.

Taking into account the times in which your tests were taken, in a centre in which the NMC allege there to have been widespread fraudulent activity, it was considered by the NMC to be more likely than not that your CBT result was obtained fraudulently.

When considering your application to the register, the Assistant Registrar took into account the following documentation:

- 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
- Your letter dated 13 March 2024

In your correspondence you stated that you lived in Ekiti State and you chose to sit your CBT test at Yunnik, Ibadan because it was the nearest test centre to you. You said that you were unaware of the Yunnik centre until you searched for CBT test centres. You said you fully prepared for the CBT over a 9-month period. You said that you practised using

Pearson VUE online materials. You said you passed your re-sit CBT in the UK despite the added stress of preparing for and taking your OSCE around the same time.

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 10 April 2024, you were informed that the Assistant Registrar had refused your application onto the register. You appealed the decision on 16 May 2024.

Agreed evidence

The panel noted that you did not contest the witness statements and exhibits provided by Witness 1, Witness 2, Witness 3, Witness 4, Witness 5, Witness 6 and Witness 7.

Since there were no objections to the evidence presented by Witness 1, Witness 2, Witness 3, Witness 4, Witness 5, Witness 6 and Witness 7, the panel agreed that this evidence was admissible.

Submissions

Ms Khan outlined the background of the case and referred the panel to the relevant documentation.

Ms Thomas submitted that the NMC relies upon the majority of the evidence as generic and some very limited specific evidence in their case against you. She stated that there is no direct evidence of you engaging in any fraudulent activity. There are no witnesses who have provided evidence indicating they witnessed you engaging in any fraudulent activity,

whether that involves using a proxy or anything else, and there is no CCTV footage available either. Ms Thomas submitted that, regarding the specific evidence the NMC relies upon, it is merely the times it took you to complete your exam. She referred the panel to the evidence of Witness 4 and his witness statement, which sets out the following

“... There are a number of reasons as to why Pearson VUE concluded that it was not a technical error at this testing centre that led to this data set and that it is highly likely that human interference was involved:

- a. Booking behaviour has been checked and irregularities indicative of proxy testing were found. These irregularities were what we call ‘proximity analysis’ where candidates booked their exam at Yunnik, even though there were test centres closer to their residences. In some cases, analysis showed candidates who did so then needed to travel for several hours to reach this site when closer options were available.*
- b. The 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 etc;*
- c. The low test time taken and high passing score results suggests that an individual or small group of people who are exceptionally proficient in taking the exams completed them on the test taker’s behalf. In instances where test takers are supplied the questions/answers in advance of the exam, times are not generally as short as they are in this instance;...”*

Ms Thomas guided the panel through the relevant factors. She submitted that, in relation to paragraph a), you sat your exam at the test centre closest to your place of residence. She submitted that paragraph a) no longer applies as a relevant factor. Regarding paragraph b), she referred the panel to the evidence from Witness 5, submitting that, around the time you sat your exam, there were others who sat it at roughly the same time, some slightly faster and some just marginally slower overall. She submitted that while it might be accurate to say you are within the range of a proficient proxy tester, you are also within the range of proficient candidates who have legitimately taken the test. In relation to paragraph c), she submitted that, in respect of the numeracy test, you narrowly passed just below the 1 in 2500 threshold and achieved full marks. Regarding the clinical test, you

scored 79% and answered 21 questions incorrectly. She submitted that you just passed. She further submitted that you are a professional and quick, completing the exam swiftly. She submitted that c) is irrelevant because, although there was a fast time, it was not comparable to proxy tester fast time. She also noted that you scored 15 out of 15 for very straightforward numeracy questions.

Ms Thomas referred the panel to the evidence from Witness 5, including “Limitations of my analysis”. She submitted that the evidence is generic and limited. She submitted that the burden is on you to prove that you meet the requirements to join the register. The only basis on which the Assistant Registrar has refused your entry onto the register is the finding of fraud. She submitted that the burden of proof regarding the fraud is upon the NMC.

Your evidence

You provided the panel with a written witness statement and gave evidence under oath.

You stated that you are a qualified nurse back home. You were asked about the grades obtained during your nurse training between 1997 and 2000, and you agreed that you did not achieve 100% in any of those examinations. You said that you wanted to pursue registration with the NMC from July 2021, when you began preparing for it. You said it took approximately nine months to prepare. You explained that you did not see the UK as the only option, as you were also planning to go to the US or Jamaica, indicating you had other options. You said that you did not intend to stay in the UK permanently, as you wish to progress with your career. You explained that you chose the UK to start your career and would consider other opportunities elsewhere if they arose. You also said that there are many things to learn in the UK that you would not learn back home. You said that you regarded the CBT exam as important and crucial to your aim of coming to the UK.

Regarding revision, you said you revised every day but could not specify exact hours. You gave an example, stating that in a typical day, you might study for 4-5 hours. You said that your study time varied daily due to group discussions and online study sessions. You also said that during this period, you were working and on call duty.

You explained that Part A of the exam consisted of 15 questions to be answered in 30 minutes, and Part B had 100 questions to be answered in two hours and 30 minutes. You said that you never timed yourself but aimed to complete the questions as quickly as possible.

You said you checked your availability for the exams and the nearest test centre to you, which was Yunnik. You stated that you checked online via the website. You chose the centre based on the availability of dates and times, as well as its proximity. You said you booked directly. You also said that you were unaware of the use of proxy at Yunnik and that, if you had known, you would never have involved yourself in such an arrangement. You said it was your first time going to Yunnik, and you arrived there at 09:00, taking a cab to the centre and arriving exactly at your scheduled time. You said you met a single staff member upon arrival, showed proof of your exam, and was asked for your ID. You were instructed to position your head, and they took a biometric picture of you using the laptop. You then entered the examination room, which was empty except for a staff member. You stated that when you started the computer, there was a connection problem, the screen went blank, and the staff member tried to reconnect you. You said the staff member called and emailed Pearson VUE in your presence.

You said that, given the connection issue, you felt the need to finish the test quickly, recalling a previous experience where network problems caused you to fail a job interview.

You explained that most of the questions you encountered were on the Pearson VUE website and that you had practised with those. You said you never reviewed your answers due to the network problem. You stated that you did not review your exam and that you knew what you had read and understood. You said you just wanted to pass the exam. You said you do not know the exact time you started or finished, but you finished within a short period. You said that you have never used a proxy tester and took the exam honestly. You said that you were alone during the exam and had not seen anyone engage in proxy.

Closing submissions

Ms Khan submitted that today the panel is being invited to consider not only a question of registration but also one of public trust. The appeal revolves around the integrity of a single individual's route to professional qualification and whether that journey was marked by lawful diligence or fraudulent shortcuts. She submitted that the Assistant Registrar's decision to refuse your application was justified, proportionate, and entirely consistent with the NMC's framework, and she invited the panel to uphold that decision.

Ms Khan invited the panel to consider the statistical likelihood of your test performance and the CBT timings on 30 March 2022. She submitted that, despite the availability of multiple test centres in Ibadan, you chose Yunnik due to its availability and proximity to your address, and that you paid directly to the centre rather than using Pearson VUE's online system. She submitted that there is a reasonable inference, based on the evidence, that you deliberately selected that date and location to ensure the presence of a proxy test-taker.

Ms Khan said that you are a nurse with considerable standing, having practised for many years, and that you decided to pursue registration with the NMC in the UK around July 2021, driven by career advancement and opportunities in other countries such as the USA and Jamaica, both of which were alternative options. She noted that you claimed to have revised almost daily, participated in group discussions, and practised online questions. Yet, despite this emphasis on preparation, you chose not to review a single answer. You told the panel that on the day of the exam, you arrived at the test centre at 09:00, the scheduled start time, and began the exam promptly after completing biometrics. You mentioned experiencing network issues during the exam, which caused some delay. However, despite these issues, you completed the exam in under 20 minutes. Ms Khan submitted that this explanation does not withstand scrutiny - why would you be blamed if Pearson VUE was emailed about the issues, with a record of them? Why would that impact your results or cause you to rush or fail to check answers? She submitted that there is no plausible basis for the rapid timings. She stated that you acknowledge your exam was completed very quickly but attributed this to familiarity with the questions.

Ms Khan submitted that the NMC's registration process demands not only competence but also honesty, transparency, and good character. The standard before this panel is the balance of probabilities, and on that basis, the evidence here is compelling.

Ms Khan submitted that Witness 5's analysis is rigorous. Pearson VUE's metrics are comprehensive, and witness admissions of proxy use at Yunnik are consistent. The statistical anomalies are clear and unmistakable. She submitted that it is not necessary for this panel to establish the precise method of fraud, whether oral instructions or sitting beside a proxy is irrelevant. The core question is whether you personally completed the CBT, and the NMC submits that you did not.

Ms Khan invited the panel to dismiss this appeal, to uphold the decision of the Assistant Registrar and preserve the integrity of the NMC register. She submitted that to admit you onto the register would be to disregard documented fraud, undermine the register's role, and erode public trust.

Ms Thomas submitted that the burden is on you to prove that you meet the requirements to proceed to the register, but the burden is on the NMC to prove the alleged fraud. She submitted that the statistics, general evidence, supposition, and presumption are not sufficient to prove something as serious as fraud. It remains on the balance of probabilities for the NMC to establish their case, but if they allege fraud, they must have strong evidence to support it, not merely a general assertion that there is fraud at Yunnik.

Ms Thomas stated that the NMC faced a specific challenge when considering the 1969 candidates who took their CBT at Yunnik. The NMC had to consider which, if any, of those candidates used a proxy. Consequently, a broad-brush approach to their investigation was inevitable, leading the NMC to assume that if a test was completed within a time placing a candidate in the 1 in 2,500 percentile, they would presume the use of a proxy. She submitted that this is not sufficient to prove proxy use; it is merely a presumption. She submitted that the NMC should take all available information and evidence into account, and there must be more than just the statistics to establish that a particular candidate was involved in fraudulent activity.

Ms Thomas further submitted that the panel may agree with the NMC's case that there was fraud at Yunnik. However, this does not mean that you used a proxy or engaged in any fraudulent activity, as even the NMC contends that not all candidates at Yunnik were fraudulent.

Ms Thomas pointed out that your grades in the exams were obtained over 20 years ago, between 1997 and 2000 - over 25 years ago. These were paper-based exams, which are significantly different from the current multiple-choice tests conducted on a computer. She submitted that there is no evidence comparing the difficulty of those exams with the CBT.

Ms Thomas referred the panel to the same-day data indicating that four candidates took the exam. Your evidence was that you were scheduled to start at 09:00. Additional information provided this morning included your invoice for the booking, which confirms the exam was scheduled for 09:00, even though the test did not commence until 09:22. She noted that you answered all 15 numeracy questions correctly and correctly answered the clinical part - missing 21 out of 100 questions. She submitted that your intention on that date was to pass. Furthermore, she acknowledged that your career progression was important to you. However, she pointed out that you have three attempts to reset or sit the exam again.

Ms Thomas submitted that this is not sufficient to prove fraud. She noted your explanation, your nine months of preparation, and your over 20 years of experience as a nurse. She submitted that you only needed to pass, despite experiencing network connectivity issues, including an incident where you missed out on a job because your online interview connection was cut off.

Ms Thomas concluded that the NMC's case lacks any direct evidence linking you to fraudulent activity. She emphasised that you have provided detailed evidence, have been cross-examined at length, and have consistently maintained clear and coherent responses throughout all questioning.

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.
- Witness 7: Employed by the NMC as the Senior Nursing Education Adviser and part of the Executive Team in the Professional Practice Directorate.

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 satisfy on the balance of probabilities that there was generic evidence of proxy testing occurring at the Yunnik Centre at the time your test was taken.

The panel considered the statement from Witness 4, which outlined specific evidence of potential fraud between 15 March 2018, and 31 March 2023, indicating patterns of suspicious behaviour uniquely evident at the Yunnik Centre when compared to other testing centres in Nigeria.

Witness 4 noted several factors that suggest human interference rather than technical errors had occurred. Firstly, booking irregularities, as candidates often chose the Yunnik Centre over closer options, requiring long travel times to take their exams. Secondly, the quick completion times of exams were characteristic of a "*proficient proxy tester*" familiar with the exam content. Thirdly, the combination of low completion times and high scores implied that either a single individual or a group effectively took the exams on behalf of test-takers.

The panel also considered a report by Witness 5, an expert in data analytics. He independently evaluated Pearson VUE's CBT data at the request of the NMC and found statistically significant evidence revealing that exam completion times at Yunnik were considerably lower than those of a designated benchmark population across four out of six "Non-Legacy" test papers. This discrepancy was described as "large." Furthermore, Witness 5 reported that for "Legacy" test papers, the average exam times at Yunnik were lower compared to the benchmark, described as "medium", indicating differences between Nigerian test centres and global data.

The panel also considered that Witness 5's use of histograms further illustrated that the anomalies in test performance in the clinical CBT were unique to the Yunnik Centre when compared to other centres in Nigeria and globally.

The panel also noted the evidence of Witness 6 that so far, 16 individuals have come forward and made admissions to using a proxy tester at the Yunnik Centre. Witness 6 records the accounts given by the 14 individuals and in three admissions, the time recorded for Part B (Clinical) was inside the 1 in 2,500 percentile but the time recorded for Part A (the numerical test) was just outside the 1 in 2,500 percentile.

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.

The panel noted that there were two other candidates who took the test on the same morning as you, and both of them finished it unusually quickly (within 20 minutes). This raised concerns for the panel and was compelling evidence that a proxy tester was present that day. Given the history of fraud at the testing centre, it is very unlikely that three candidates sitting for the exam on the same day could all independently complete it so rapidly without the help of a proxy tester. Considering all this information, the panel is satisfied that the NMC has proved, on the balance of probabilities, that there is generic evidence of proxy testing occurring at the Yunnik Centre at the time you took your CBT.

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 the data regarding your CBT, which showed you achieved passing scores in the following times:

- Numeracy: 5.18 minutes (Time allocated for test: 30 minutes)
- Clinical: 12.73 minutes (Time allocated for test: 150 minutes)

In relation to numeracy, the panel noted that the odds of achieving such a quick result are approximately 1 in 3,632. The panel also considered the table showing the cumulative number of candidates who passed each examination type within specific timeframes. It noted the average time globally for this test was 20.95 minutes, compared to your 5.18 minutes, and that only 24 candidates globally completed the numeracy test in under 5.5 minutes.

Regarding the clinical component, your test time was 12.72 minutes against a maximum of 150 minutes, which equates to roughly 7.6 seconds per question. The panel noted that the odds of achieving such a rapid completion are 1 in 56,478. Additionally, the average test time globally was 96.17 minutes, and only two individuals globally achieved the test in less than 30 minutes. The panel further noted that your high scores were 100% in numeracy and 79% in clinical, and that three out of four candidates who sat the test on the same day achieved remarkably swift times. The panel also noted the 'Nigeria Centres Histogram (Clinical)' corroborates a heavily skewed distribution of results.

The panel also considered Witness 4's witness statement and the factors. Concerning your booking behaviour, your explanation was that Ibadan was the closest centre to your residence, and there is no evidence to dispute this. However, 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 two other test-takers, both sitting on the same day and each completing both tests in less than 20 minutes, achieved similarly high scores.

Furthermore, the panel considered the practice papers and noted that you had thoroughly prepared for approximately nine months. However, the panel noted that these practice papers are freely available online. The panel also noted that Witness 6 stated that the practice materials are contextually incorrect.

The panel found your explanation regarding the short test duration due to a power outage unconvincing. An internal investigation, led by Witness 4, verified that there were no power outages, connectivity issues, or system glitches during the relevant period. The panel noted that this rationale was not mentioned in the appeal letter sent to the NMC in March 2024, despite your reliance on it during the hearing. Instead, the only explanation provided in that letter was that you had thoroughly prepared for months and reviewed Pearson Vue's online practice materials.

The panel also noted that you stated that you completed the tests quickly and did not review your answers, and when asked whether your visa and employment might be at risk if you did not double-check, you claimed that the answers were verbatim to the practice material online. However, the panel was not convinced by this assertion.

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

The panel therefore concluded that the NMC proved, on the balance of probabilities, that you had used a proxy to take your CBT on 30 March 2022.

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, your lack of previous regulatory concerns, and the fact that you subsequently passed your CBT. 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 this was a single act 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 concluded that you are not of sufficient good character to be admitted to the Register and 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.